

OFFICIAL AGENDA
TUESDAY July 9, 2024
Meeting Start Time: 9:30 a.m.
Board of County Commissioners
Yellowstone County, Montana
Stillwater Building
316 N. 26th Street, Room 3108
Billings, MT
9:15 a.m. Agenda Setting

Pledge to the Flag: Moment of Silence: Minutes

REGULAR AGENDA

9:30 a.m. SHERIFF'S OFFICE PROMOTIONS

Detective Johnson Promoted to Sergeant
Deputy Sandquist Promoted to Detective
Lieutenant Smart Promoted to Captain
Sergeant Shafer Promoted to Lieutenant
Corporal Turner Promoted to Sergeant

9:30 a.m. BID OPENING

Open and Acknowledge RFQ/RFP General Contractor/Construction Manager Services for Alternative Project Delivery for Yellowstone County Administration Building Remodel

9:30 a.m. PUBLIC HEARING

- a. Resolution 24-112 of Intent to Abandon a Portion of Rosebud Lane
- b. Resolution 24-113 to Dissolve Yellowstone County Parks Board
- c. Resolution 24-114 to Adopt Park Inventory and Enact Park Plan and Park Regulations

9:30 a.m. ZONE CHANGE PUBLIC HEARINGS

Resolution 24-116 to Enact Yellowstone County Jurisdictional Zoning Around the City of Laurel

PUBLIC COMMENTS ON REGULAR, CONSENT AND FILED AGENDA ITEMS

1. **GEOGRAPHIC INFORMATION SYSTEMS**

Resolution 24-115 of Intent to Name an Unnamed Road in Amended Certificate of Survey No. 3793 Corrected and Setting a Public Hearing for Tuesday July 23rd, 2024 at 9:30 a.m. in Room 3108

CONSENT AGENDA

CLAIMS

1. **COMMISSIONERS**

Board Openings - Updated List

2. **COUNTY ATTORNEY**

- a. Contract with Pine Technologies for JW Support
- b. NDA- A&E/Justice Planners for Jail Needs Assessment

3. **FINANCE**

- a. Public Works Request to Expend for Belly Dump Trailers
- b. Sylvestri Customization Agreement with DUI Task Force
- c. Opioid Settlement Participation Letter - Kroger Settlement

4. **METRA PARK**

Metra Trust Check Log for June 2024

5. **PUBLIC WORKS**

Speed Study Request on King Avenue West

6. **SHERIFF**

- a. Agreement with Turn Key Health Clinics, LLC for Medical, Mental Health & Psychiatric Services at YCDF
- b. Updated Agreement for TraX Software Subscription

7. **HUMAN RESOURCES**

- a. Agreement with SCL Physicians for Occupational Medicine Services
- b. Nationwide Life Insurance Company - Stop Loss Insurance Coverage
- c. Benefit Program Application
- d. **PERSONNEL ACTION REPORTS - Youth Services Center - 3 Appointments; Sheriff's Office - 1 Termination; Clerk of Court - 1 Termination**

FILE ITEMS

1. **CLERK AND RECORDER**

Sworn Statement of Circulation - Yellowstone County News

2. **COMMISSIONERS**

Public Comment - YAM Funding

3. **FINANCE**

Send Unclaimed Property to the Department of Revenue

PUBLIC COMMENTS ON COUNTY BUSINESS

B.O.C.C. Regular

Meeting Date: 07/09/2024

Title: Sheriff's Promotion Recognitions

Submitted By: Teri Reitz, Board Clerk

TOPIC:

Detective Johnson Promoted to Sergeant
Deputy Sandquist Promoted to Detective
Lieutenant Smart Promoted to Captain
Sergeant Shafer Promoted to Lieutenant
Corporal Turner Promoted to Sergeant

BACKGROUND:

N/A

RECOMMENDED ACTION:

N/A

B.O.C.C. Regular

Meeting Date: 07/09/2024

Title: RFQ RFP General Contractor Construction Manager Svcs for Alt Project Delivery for Admin Bldg Remodel

Submitted By: Teri Reitz, Board Clerk

TOPIC:

Open and Acknowledge RFQ/RFP General Contractor/Construction Manager Services for Alternative Project Delivery for Yellowstone County Administration Building Remodel

BACKGROUND:

N/A

RECOMMENDED ACTION:

Refer the bids to staff.

B.O.C.C. Regular

a.

Meeting Date: 07/09/2024

Title: Public Hearing Resolution of Intent to Abandon a Portion of Rosebud Lane

Submitted For: Monica Plecker

Submitted By: Monica Plecker

TOPIC:

Resolution 24-112 of Intent to Abandon a Portion of Rosebud Lane

BACKGROUND:

See attached.

RECOMMENDED ACTION:

Approved.

Attachments

Exhibit 1

Exhibit 2

Exhibit 3

Exhibit 4

Resolution

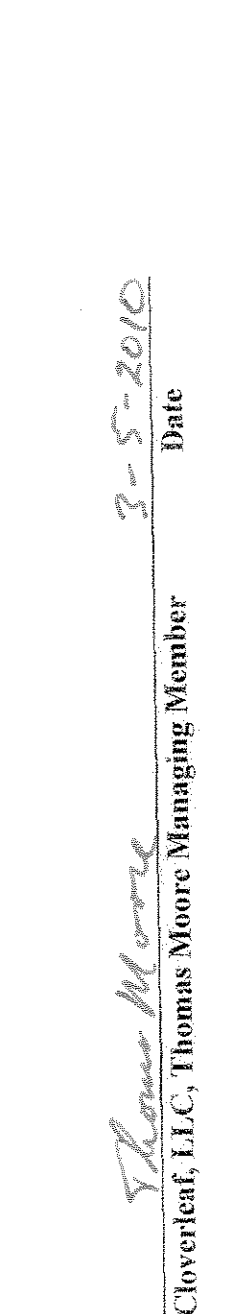
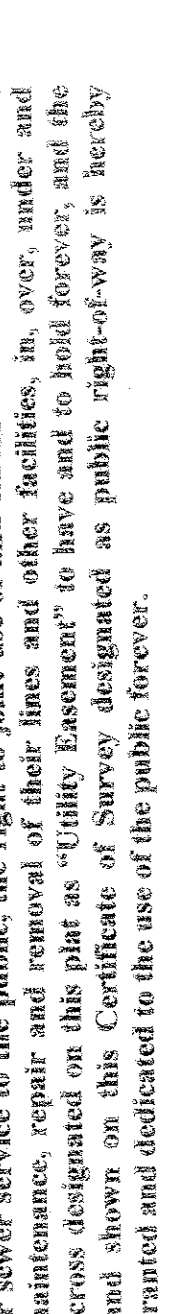
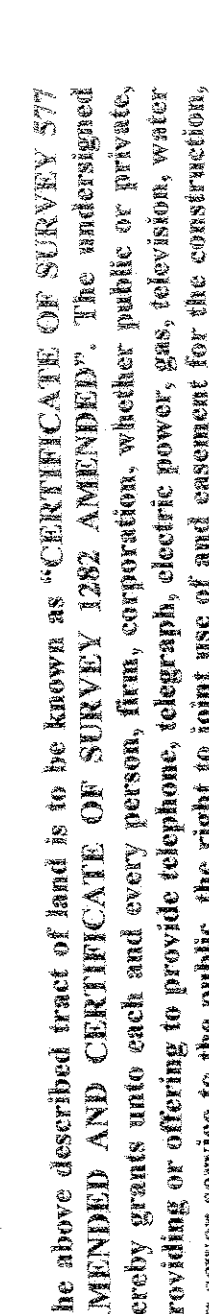
CERTIFICATE OF SURVEY NO. 3431

BEING TRACT 5 OF CERTIFICATE OF SURVEY NO. 577,
2ND AMENDED AND TRACTS A1 AND A2 OF
CERTIFICATE OF SURVEY NO. 1282 AMENDED

All being located in the NW 1/4 of Section 35, T1N, R26E, PMM,
Yellowstone County, Montana.

Relocation of common boundary lines
Cloverleaf, LLC
North Star Land Services, P.C.

October 2009



- NOTES OF SURVEY
Due to advanced measuring technology bearings and distances from found survey markers differ from survey of record. Found survey markers on the perimeter of this survey stand as found and represent the true boundary of the survey.
- | Line | Radius | Delta | Length | Chord | Ch. Bearing |
|------|---------|------------|---------|---------|-------------|
| C1 | 615.70' | 16°29'10" | 177.16' | 176.55' | S87°09'13"W |
| C2 | 10.00' | 90°00'00" | 15.71' | 14.14' | S38°47'00"W |
| C3 | 55.00' | 103°40'38" | 99.52' | 86.49' | S43°29'28"W |
| C4 | 55.00' | 65°57'02" | 63.21' | 59.79' | N51°44'51"W |

STATE OF MONTANA
County of Yellowstone

Thomas G. Kelly, a Registered Land Surveyor in the State of Montana, do hereby certify that I have performed the survey shown on this Plat/Certificate of Survey and that such survey was made in October 2009; that said survey is true and complete as shown and the monuments found and set are of the character and occupy the positions shown thereon.

Dated this 5th day of March, 2010

Thomas G. Kelly
Registration Number: H1289 LS
33 Centennial Road
Columbia, MT 59019

STATE OF MONTANA
County of Yellowstone

On this 5th day of March, 2010 before me a Notary Public for the State of Montana, personally appeared Thomas G. Kelly person whose name is subscribed to the within instrument and acknowledges to me that he executed the same.

Print: Marshall Phil
Sign: Marshall Phil

Notary Public in and for the State of Montana
Residing at Billings, MT
My commission expires 9-6-2010

CERTIFICATION OF COUNTY TREASURER
I hereby certify, pursuant to Section 76-3-207(3) MCA, that all real property taxes and special assessments assessed and levied on the land described below and encompassed by this survey have been paid.

DEPARTMENT OF ENVIRONMENTAL QUALITY
This Certificate of Survey is exempt from review under 17-36-605(2)(a) ARM parcels that have no existing facilities or water supply, wastewater disposal and solid waste disposal, if no new facilities will be constructed on the parcels.

ACCEPTANCE OF DEDICATION OF PUBLIC RIGHT-OF-WAY
The County Commissioners of Yellowstone County hereby accept the Dedication of Public Right-of-Way as shown on this Certificate of Survey.
Dated this 30th day of March, 2010.

LEGAL DESCRIPTION AND PROPERTY OWNERS CERTIFICATIONS
We, the undersigned property owners, hereby certify that we have caused to be surveyed a tract of land, amending Tract 5 as shown on Certificate of Survey No. 577 and Tracts A1 and Tract A2 as shown on Certificate of Survey No. 1282 being located in the NW 1/4 of Section 35, T1N, R26E, PMM Yellowstone County, Montana, more particularly described as follows:

Beginning at the southeast corner of Tract A2, Certificate of Survey No. 1282 Am. 1 Phase, N89°14'56"W, 1218.32 feet, thence S01°47'20"E, 418.35 feet, thence S87°36'28"W, 115.12 feet, thence N75°51'02"W, 182.11 feet, thence N88°23'05"W, 44.17 feet, thence S76°14'36"W, 62.34 feet, thence S47°11'02"W, 24.81 feet, thence S00°41'32"E, 24.67 feet, thence S49°24'08"W, 98.96 feet, thence S87°35'47"W, 852.26 feet, thence N00°18'33"W, 183.88 feet, to a point on the southerly right-of-way of Interstate Highway 90, thence along said southerly right-of-way N71°10'30"E, 1105.09 feet, thence N68°21'13"E, 200.48 feet, thence N82°36'35"E, 477.18 feet, thence N78°37'13"E, 500.05 feet, thence N76°03'01"E, 266.49 feet, thence N62°56'55"E, 207.56 feet, thence S58°07'55"E, 80.84 feet, thence S67°01'30"E, 76.47 feet, thence leaving said southerly right-of-way and along the westerly right-of-way of Coburn Road and on to the left with a radius of 615.70 feet with length of 177.16 feet, thence S01°06'13"E, 93.47 feet to the point of beginning and containing 13.86 acres. Subject to all existing easements and/or right-of-ways of record, apparent on the ground or reserved on this survey.

The above described tract of land is to be known as "CERTIFICATE OF SURVEY 577 AMENDED AND CERTIFICATE OF SURVEY 1282 AMENDED". The undersigned hereby grants unto each and every person, firm, corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, television, water or sewer service to the public, the right to joint use of and easements for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under, and across designated on this plat as "Utility Easement" to have and to hold forever, and the land shown on this Certificate of Survey designated as public right-of-way is hereby granted and dedicated to the use of the public forever.

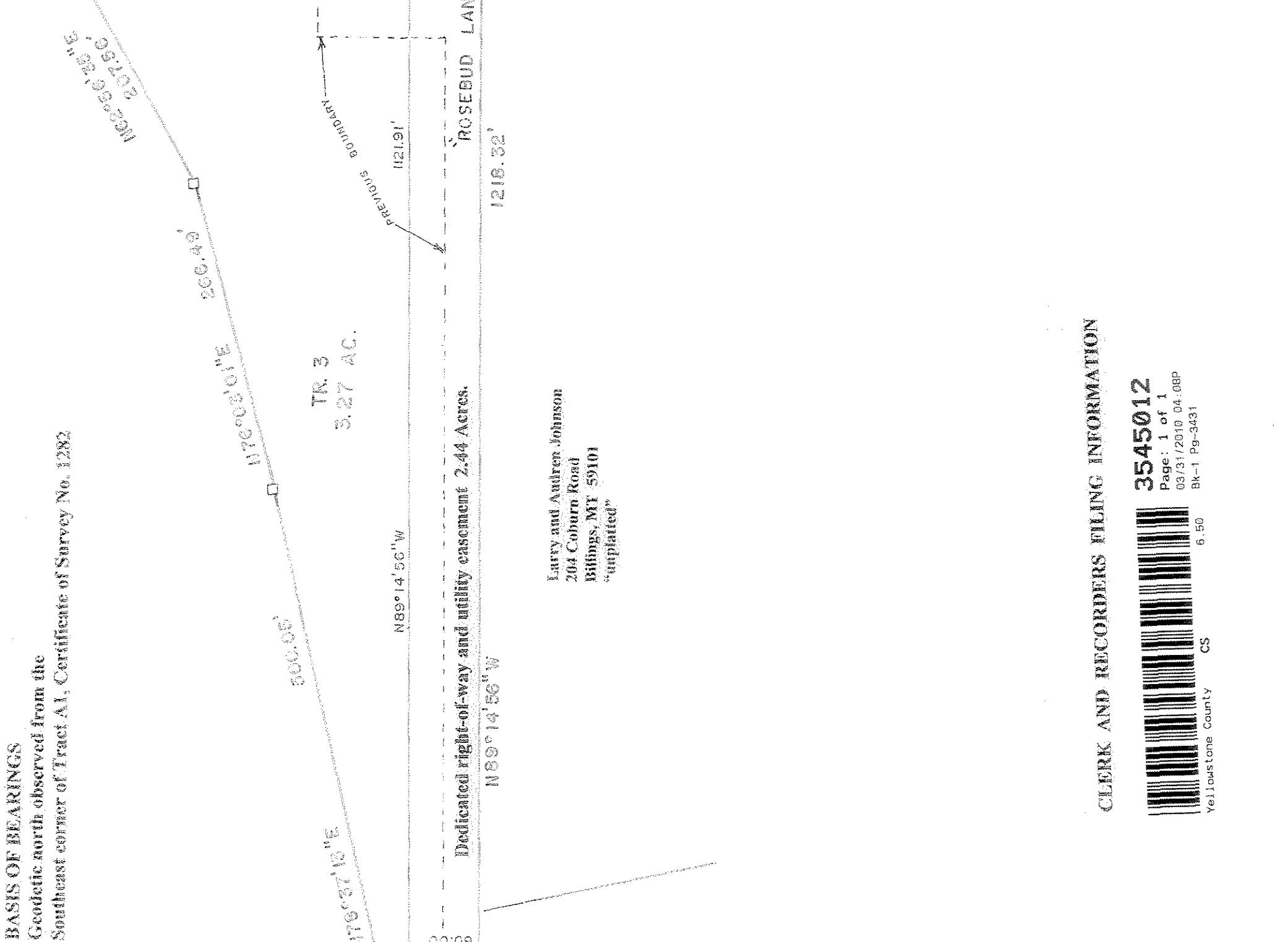
Cloverleaf, LLC, Thomas Moore Managing Member } Date 3-5-2010
STATE OF MONTANA } JSS
County of Yellowstone }

On this 5th day of March, 2010, before me a Notary Public for the State of Montana, personally appeared Thomas Moore, Cloverleaf, LLC Managing Member whose name is subscribed to the within instrument and acknowledges to me that he executed the same.

Print: Marshall Phil
Sign: Marshall Phil

Notary Public in and for the State of Montana
Residing at Billings, MT
My commission expires 9-6-2010

CERTIFICATE OF EXEMPTION
(RELOCATION OF COMMON BOUNDARY)
We certify that the purpose of this survey is to relocate common boundaries between adjoining properties existing outside of a platted subdivision. Therefore this survey is exempt from review as subdivision pursuant to Section 76-3-207(1)(a) MCA



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STATE OF MONTANA
County of Yellowstone

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Dated this 5th day of March, 2010

Thomas G. Kelly
Registration Number: H1289 LS
33 Centennial Road
Columbia, MT 59019

STATE OF MONTANA
County of Yellowstone

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Sign: Marshall Phil

Notary Public in and for the State of Montana
Residing at Billings, MT
My commission expires 9-6-2010

CERTIFICATION OF COUNTY TREASURER
I hereby certify, pursuant to Section 76-3-207(3) MCA, that all real property taxes and special assessments assessed and levied on the land described below and encompassed by this survey have been paid.

DEPARTMENT OF ENVIRONMENTAL QUALITY
This Certificate of Survey is exempt from review under 17-36-605(2)(a) ARM parcels that have no existing facilities or water supply, wastewater disposal and solid waste disposal, if no new facilities will be constructed on the parcels.

ACCEPTANCE OF DEDICATION OF PUBLIC RIGHT-OF-WAY
The County Commissioners of Yellowstone County hereby accept the Dedication of Public Right-of-Way as shown on this Certificate of Survey.
Dated this 30th day of March, 2010.

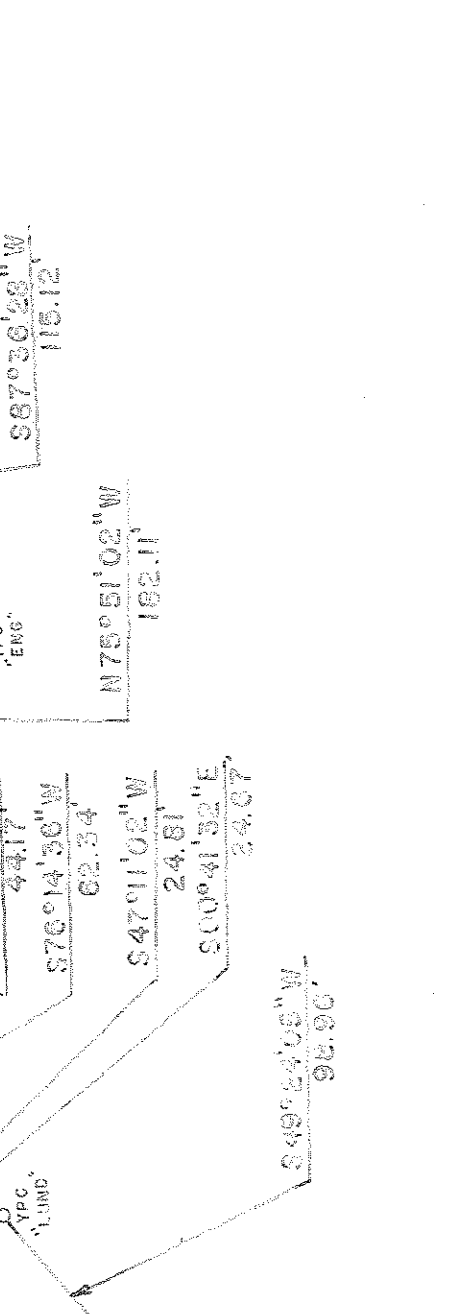
STATE OF MONTANA
County of Yellowstone

On this 30th day of March, 2010 before me a Notary Public for the State of Montana, personally appeared Charles G. Ireys, Cloverleaf, LLC Managing Member whose name is subscribed to the within instrument and acknowledges to me that he executed the same.

Print: Charles G. Ireys
Sign: Charles G. Ireys

Notary Public in and for the State of Montana
Residing at Billings, MT
My commission expires 12-16-11

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(RELOCATION OF COMMON BOUNDARY)
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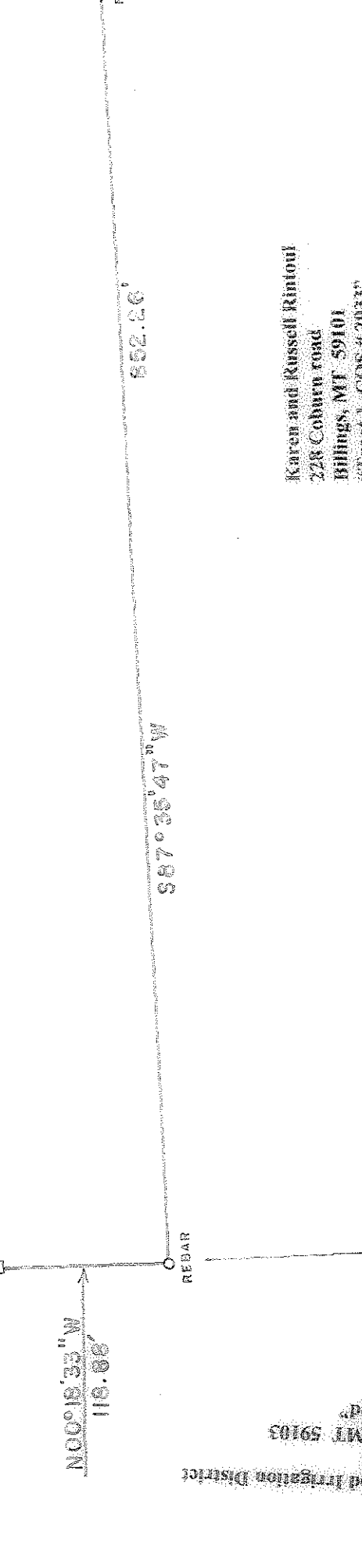
STATE OF MONTANA
County of Yellowstone

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Residing at Billings, MT
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County of Yellowstone

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My commission expires 9-6-2010

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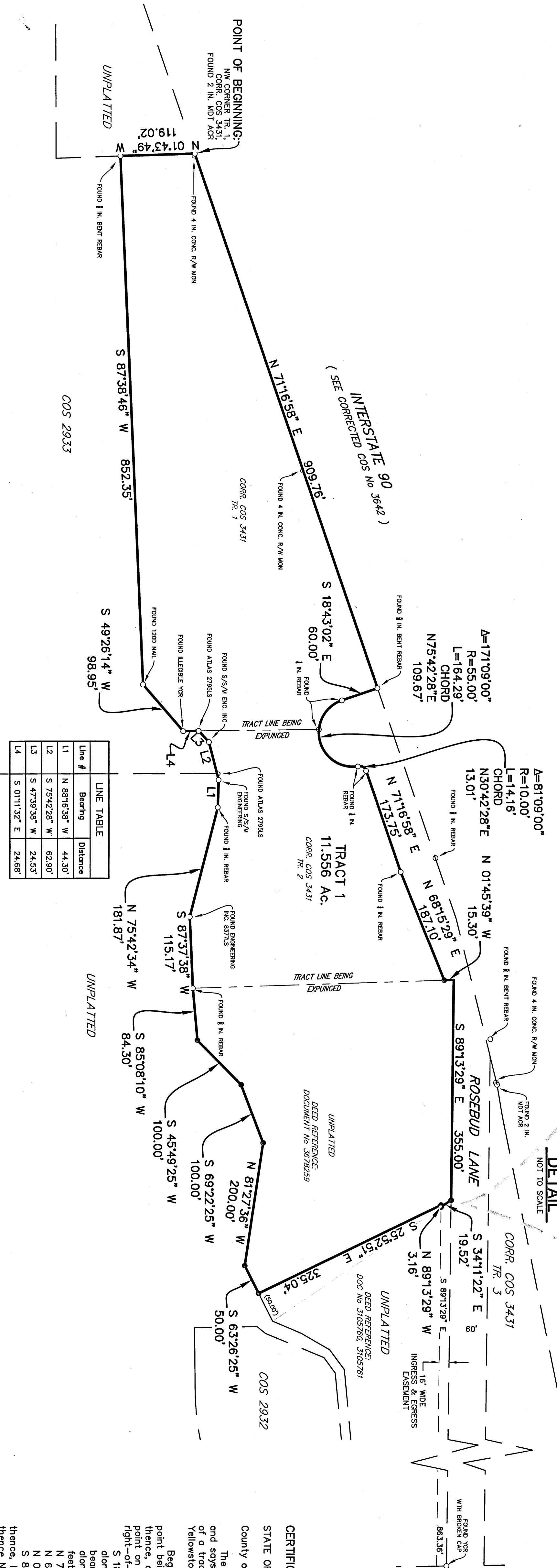
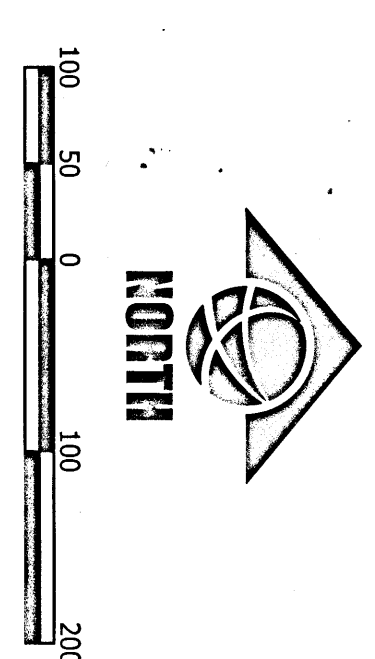
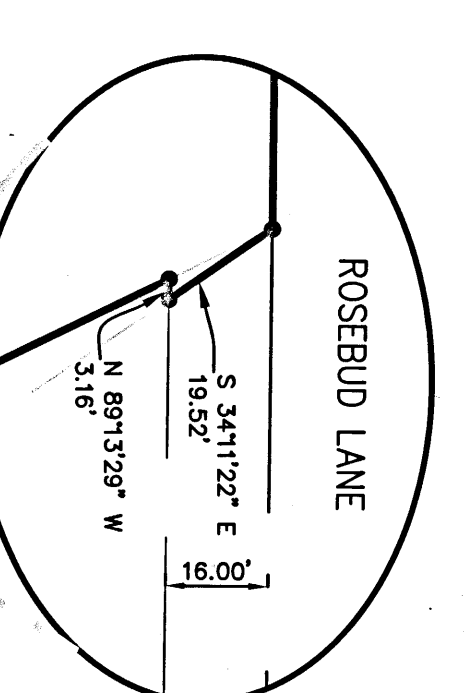
STATE OF MONTANA
County of Yellowstone

CERTIFICATE OF SURVEY No. 3192

BEING TRACTS 1 & 2 OF CORRECTED CERTIFICATE OF SURVEY No. 3431 AND UNPLATTED LAND SITUATED IN THE NW1/4 OF SECTION 35, T. 1 N., R. 26 E., P.M.M. YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : CLOVERLEAF, LLC
 PREPARED BY : SANDERSON STEWART

MAY 2021
 BILLINGS, MONTANA



Line #	Bearing	Distance
L1	N 89°16'38" W	44.30'
L2	S 75°42'28" W	62.90'
L3	S 47°33'38" W	24.53'
L4	S 01°11'32" E	24.68'

PURPOSE OF SURVEY - AGGREGATE EXISTING PARCELS

The undersigned hereby certify that the purpose of this survey is to aggregate and forever merge Tracts 1 and 2 of Corrected Certificate of Survey No. 3431 and an adjacent unplattd parcel described in a Warranty Deed recorded under Document No. 3678259 to form Tract 1 as shown hereon.

Therefore, this Certificate of Survey is not subject to review as a subdivision pursuant to Section 76-3-207(1)(D) M.C.A. which requires a subdivision of parcels or lots whose certificates of survey or subdivision plat shows that the boundaries of the original parcels have been eliminated, and the boundaries of a larger aggregate parcel are established. A restriction or requirement on the original plattd lot or original unplattd parcel continues to apply to those areas.

This Certificate of Survey is not subject to review by the Department of Environmental Quality pursuant to ARM 17.36.605(3). Aggregations of parcels are not subdivisions subject to review, except that an aggregation is subject to review under 76-4-130, M.C.A. if any parcel included in the aggregation has a previous approval issued under Title 76, chapter 4, part 1, M.C.A.

CLOVERLEAF LLC
 By: Melissa Moore
 Title: Managing Partner
 STATE OF MONTANA)
 County of Yellowstone) ss



On this 23 day of June, 2021, before me, the undersigned Notary Public for the State of Montana, personally appeared Melissa Moore known to me to be the person who signed the foregoing instrument as Managing Partner of CLOVERLEAF LLC, and acknowledged to me that said corporation executed the said instrument my hand and seal the day and year herein above written.

Heather Blund
 Notary Public in and for the State of Montana

THE BASIS OF BEARINGS FOR THIS SURVEY HAS BEEN DERIVED FROM GPS OBSERVATIONS AND IS BASED ON A NAD 83, LAMBERT CONFORMAL CONIC, SINGLE PARALLEL, LOW DISTORTION PROJECTION FOR THE CITY OF BILLINGS, HAVING A POINT OF ORIGIN AT 45°47'00"N LATITUDE AND 108°25'00"W LONGITUDE WITH A SCALE FACTOR OF 1.0001515.

THE CONVERGENCE ANGLE AT THE POINT OF BEGINNING OF THIS SURVEY IS -0°02'07". DISTANCES ARE GRID INTERNAL FEET. GRID TO GROUND SCALE FACTOR IS 1.0000015868. FOR THIS SURVEY, GRID DISTANCE IS ESSENTIALLY EQUAL TO GROUND DISTANCE.

CERTIFICATE OF SURVEYOR

STATE OF MONTANA)
 County of Yellowstone) ss

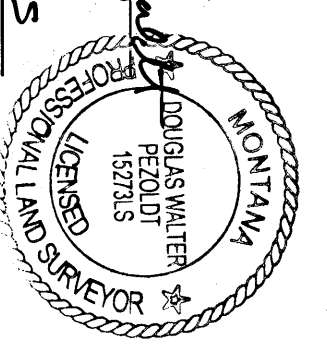
The undersigned, a Montana Registered Land Surveyor, being first duly sworn, deposes and says that during the month of May 2021, a survey was performed under his supervision of the tract of land situated in the NW1/4 of Section 35, T. 1 N., R. 26 E., P.M.M., Yellowstone County, Montana, said tract being more particularly described as follows, to wit:

Beginning at a point on the south right-of-way line of Interstate Highway No. 90, said point being the northwest corner of Tract 1 of Corrected Certificate of Survey No. 3431; thence, along the southerly right-of-way line, N 71°16'58" E a distance of 909.76 feet to a point on the southerly right-of-way line of Rosebud Lane, thence, along the southerly right-of-way line of Rosebud Lane the following courses and distances:
 S 18°43'02" E a distance of 60.00 feet,
 along a curve to the left with a radius of 55.00 feet a distance of 164.29 feet (Chord bearing N 74°42'28" E, chord length 109.67 feet,
 along a reversing curve to the right with a radius of 10.00 feet a distance of 14.16 feet (Chord bearing N 30°42'28" E, chord length 13.01 feet),
 N 71°16'58" E a distance of 173.75 feet,
 N 68°15'29" E a distance of 187.10 feet,
 N 01°49'39" W a distance of 19.30 feet, and
 S 89°13'29" E a distance of 385.00 feet;
 thence, leaving said southerly right-of-way line, S 34°11'22" E a distance of 19.52 feet;
 thence N 89°13'29" E a distance of 3.16 feet;
 thence S 23°52'51" E a distance of 325.04 feet;
 thence S 63°26'25" W a distance of 50.00 feet;
 thence N 81°27'36" W a distance of 200.00 feet;
 thence S 69°22'25" W a distance of 100.00 feet;
 thence S 45°49'25" W a distance of 100.00 feet;
 thence N 85°08'10" W a distance of 84.30 feet;
 thence S 87°37'38" W a distance of 115.17 feet;
 thence N 75°42'34" W a distance of 181.87 feet;
 thence S 87°37'38" W a distance of 84.30 feet;
 thence N 01°45'13" W a distance of 15.30 feet;
 thence N 9°18'56" E a distance of 173.75 feet;
 thence N 30°42'28" E a distance of 164.29 feet (Chord bearing N 71°16'58" E, chord length 909.76 feet);

thence S 47°33'38" W a distance of 24.53 feet;
 thence S 75°42'28" W a distance of 62.90 feet;
 thence N 89°16'38" W a distance of 44.30 feet;
 thence S 01°11'32" E a distance of 24.68 feet;
 thence S 49°26'14" W a distance of 98.95 feet;
 thence S 87°38'46" W a distance of 852.35 feet;
 thence N 01°43'49" W a distance of 119.02 feet to the Point of Beginning;
 said described tract containing a gross area and a net area of 11.557 acres, more or less, subject to all easements of record or apparent on the ground.

SANDERSON STEWART

By: David W. Boyd
 Montana Registration No. 15273 LS
 Date: June 23, 2021



Montana Registration No. 3980284
 Date: June 23, 2021

CERTIFICATE OF COUNTY TREASURER

I hereby certify that all real property taxes and special assessments have been paid per 76-3-611(1)(b)(76-3-207(3)), M.C.A.

Yellowstone County, Treasurer
 By: Alan Hill
 Deputy

CERTIFICATE OF COUNTY ATTORNEY

This document has been reviewed by the County Attorney's office and is acceptable as to form.

Date: 7-8-21

Reviewed by: [Signature]

CERTIFICATE OF RIVERSTONE HEALTH

This Certificate of Survey has been reviewed and approved by the Riverstone Health.

Michael Miller
 Health Officer or Authorized Representative
 Yellowstone City/County Health Department
 dba Riverstone Health

**PETITION PROCEDURE TO ESTABLISH, ALTER, OR ABANDON
A COUNTY ROAD UNDER SECTION 7-14-2601 MCA**

1. Obtain a petition from the Yellowstone County Public Works Department located in Room 312 of the County Courthouse. Read the petition procedure carefully. If you have any questions or need clarification about the petition procedures, please contact the Public Works Department at (406) 256-2735. Incomplete or inaccurate petitions will cause delays in the petition process.
2. Type the complete and correct legal description for the roadway being petitioned in Section A of the petition. Petitions with incorrect or incomplete legal descriptions will be returned to the petitioner.
3. Attach a photocopy of the affected plat, Certificate of Survey, or Assessor Map to the petition. Mark and / or color the area described in the legal description. These copies do not have to be full plats but must detail the petitioned roadway and adjoining property. Copies of plats can be obtained from the Clerk and Recorder's Office in Room 401 of the County Courthouse.
4. Provide the reason for the petition in Section B of the petition.
5. Obtain at least **TEN (10)** signatures including addresses of landowners who wish to establish, alter, or abandon a county road (refer to Section C). It is recommended that more than ten signatures be on the petition so that the petition will not be voided if any signatures are invalid.
6. Consult the Public Works Department to review the plat and area affected by the petitioned roadway. This will be needed to complete steps 7 and 8 of the procedure.
7. Attach an Ownership Report from a Title Company, paid for by the petitioner, to verify current ownership of property affected by the petitioned roadway.
8. Obtain signatures and consent for the petition from all property owners affected by the roadway being petitioned in Section D.
9. Submit the petition along with a non-refundable \$25.00 fee and any necessary attachments (ownership report, warranty deeds, quit claim deeds, etc.) to the Yellowstone County Public Works Department.
10. Typically, within thirty (30) days of filing a correct and complete petition to establish, alter, or abandon a county road, the Commissioners will appoint a Board of Viewers to investigate the request.

11. The Board of Viewers will issue a report of its findings and recommendations to the Board of County Commissioners who will then schedule a public hearing. This hearing will be advertised in the newspaper and will be open to the public for comments from any persons who may speak in favor of, or in opposition to the petition.
12. Within ten (10) days after the public hearing, the Board of County Commissioners will issue a notice of decision by certified mail to all owners of land affected by the petitioned roadway. Notified owners will be those parties listed on the last county assessment roll.
13. If the petition is to abandon a subdivision or certificate of survey road, the following will be required if abandonment is granted by the County Commissioners:
 - The petitioner and / or benefiting property owners will be required to file an amended plat with the Clerk and Recorder.
 - The amended plat will reflect the adjusted lot lines affected by this abandonment.
 - This amended plat will need to be completed and filed with the Clerk and Recorder within a year of the approved petition.
 - Comply with any (and all) other specific conditions that are established by the Board of County Commissioners.

PETITION TO ESTABLISH, ALTER, OR ABANDON A COUNTY ROAD

TO: YELLOWSTONE COUNTY BOARD OF COMMISSIONERS

This petition is respectfully submitted this 9th day of November, 2023.

Petitioner/Initiator (and/or) Contact Person:

NAME: ~~Freedom Roads, LLC.~~ FRHP Lincolnshire, LLC

ADDRESS: 250 Parkway Drive, Suite 270

Lincolnshire, IL 60069

PHONE NO: 847-808-3000

I swear that all of the above information is true and correct, and all the landowner's signatures are the original true and consenting landowners.

Lindsay A. Clenden
Petitioner's Signature

November 16, 2023

Date

List all attachments:

- Sections A, B, C, and D of the Petition
- Map of petitioned roadway and affected property
- Affected property Ownership Report
- Check for \$25.00 made payable to Yellowstone County Public Works Department

PETITION TO ESTABLISH, ALTER, OR ABANDON A COUNTY ROAD

SECTION A

Legal description of the petitioned roadway (attach additional sheets if needed)

See attached Legal Description

PETITION TO ESTABLISH, ALTER, OR ABANDON A COUNTY ROAD

SECTION B
Reason for Petition

The portion of Rosebud Lane we are requesting to be abandoned would not be used
to provide access to any other property but Camping World.
Camping World purchased and aggregated the properties along Rosebud Lane.
Hencefore; the portion of Rosebud Lane and its Culdesac we are requesting to be
abandoned became useless to the public and provide a place for people to congregate
and loiter.
Camping World would grant appropriate easements for the utilities and fire hydrant as
well as maintain the property. This would result in a reduction on the County's
maintenance budget.

PETITION TO ESTABLISH, ALTER, OR ABANDON A COUNTY ROAD

SECTION C

Signatures and addresses of landowners in Yellowstone County
 who wish to establish, alter, or abandon a county road
 (minimum TEN (10) landowners)

PRINTED NAME	SIGNATURE	ADDRESS
Rob Pedigo	<i>Rob Pedigo</i>	1035 Rosebud
HARRY JOHNSON	<i>Larry Johnson</i>	204 Cobbortz RD.
Cody Vojovich	<i>Cody Vojovich</i>	1326 Rosebud Ln
Karina Serrano	<i>Karina Serrano</i>	1332 Rosebud Ln
George Niles	<i>George Niles</i>	1326 Rosebud Ln
Darcy McCarthy	<i>Darcy McCarthy</i>	1429 Rosebud Ln.
Ron Kuhlfitz	<i>Ron Kuhlfitz</i>	1509 Boulder Lane
LORENA FEM	<i>LORENA FEM</i>	1521 Rosebud Ln
PAT McGRAY	<i>Pat McGray</i>	1510 Rosebud Ln
CARL PETERS	<i>Carl Peters</i>	1548 Rosebud Ln
TRISH Anderson	<i>Trish Anderson</i>	135 Maier Rd.

PETITION TO ESTABLISH, ALTER, OR ABANDON A COUNTY ROAD

SECTION D

**Consent or non-consent of land owners in Yellowstone County
abutting and / or affected by the petitioned roadway**

PRINTED NAME	SIGNATURE	ADDRESS	CONSENT	
			YES	NO
Rob. Pedra	<i>[Signature]</i>	1035 Rosebud	X	
Larry Johnson	<i>[Signature]</i>	204 Coburn RD	X	
Cody Udopich	<i>[Signature]</i>	1326 Rosebud LN	X	
Karina Servano	<i>[Signature]</i>	1332 Rosebud Ln	X	
George N. / or	<i>[Signature]</i>	1320 Rosebud Ln	X	
Darcy McCarthy	<i>[Signature]</i>	1429 Rosebud Ln	X	
Bron Kindschick	<i>[Signature]</i>	1529 Central	X	
LORNA BETH	<i>[Signature]</i>	1521 Rosebud	X	
Pat McGrail	<i>[Signature]</i>	1510 Rosebud	X	
Carl Peters	<i>[Signature]</i>	1548 Rosebud	✓	
TRISH Anderson	<i>[Signature]</i>	135 Mpier	✓	

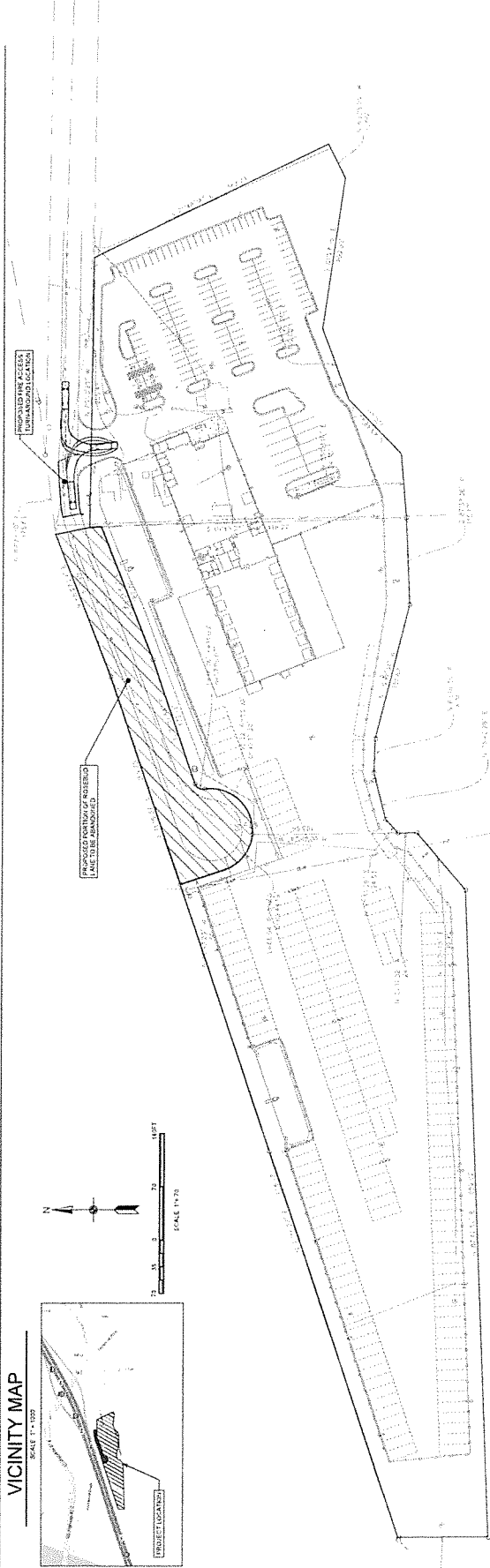
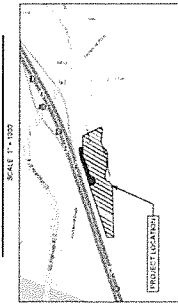
ROSEBUD LANE ABANDONMENT LEGAL DESCRIPTION

BEGINNING AT A FOUND 5/8" REBAR, BEING THE NORTH CORNER OF PARCEL A (DESCRIBED BELOW); THENCE N71°16'37"E 289.75 FEET ALONG THE NORTH RIGHT OF WAY OF ROSEBUD LANE; THENCE N68°27'29"E 200.26 FEET; THENCE S11°48'49"E 45.60 FEET; THENCE S01°45'39"E 16.05 FEET; THENCE S68°31'56"W 187.70' FEET ALONG THE SOUTH RIGHT OF WAY OF ROSEBUD LANE; THENCE S71°11'54"W 172.11 FEET; THENCE WITH A CURVE TO THE LEFT, HAVING A CHORD BEARING OF S28° 28'20"W 14.99 FEET, WITH AN ARC LENGTH OF 16.76 FEET, AND A RADIUS OF 11.03 FEET; THENCE WITH A CURVE TO THE RIGHT, HAVING A CHORD BEARING OF S43°35'41"W 86.44 FEET, WITH AN ARC LENGTH OF 95.32 FEET, AND A RADIUS OF 55.00 FEET; THENCE WITH A CURVE TO THE RIGHT, HAVING A CHORD BEARING OF N51°30'29"W 59.75 FEET, HAVING A ARC LENGTH OF 66.94 FEET, AND A RADIUS OF 55.00 FEET; THENCE N18°43'23"W 60.00 FEET, TO THE POINT OF BEGINNING, BEING 0.78 ACRES, MORE OR LESS.

PARCEL A:

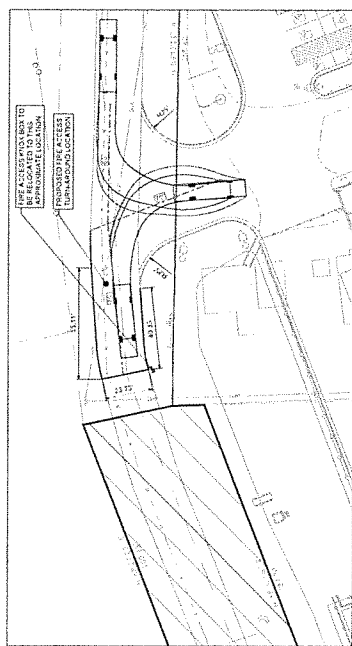
THAT PART OF NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 26 EAST, OF THE PRINCIPAL MONTANA MERIDIAN, IN YELLOWSTONE COUNTY, MONTANA, DESCRIBED AS TRACTS 1 AND 2, OF CORRECTED CERTIFICATE OF SURVEY NO. 3431 ON FILE IN THE OFFICE OF THE CLERK AND RECORDER OF SAID COUNTY, UNDER DOCUMENT #3583467.

VICINITY MAP



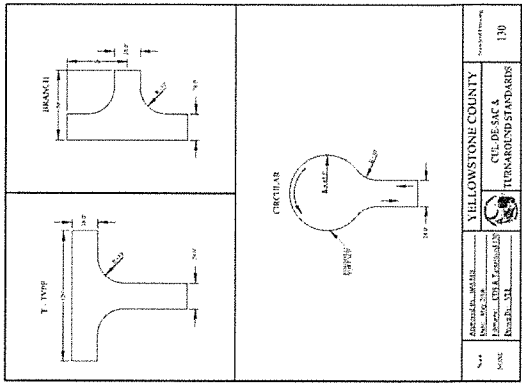
TURN AROUND OPTION

SCALE 1" = 1/2"



TURN AROUND OPTION (ENLARGED VIEW)

SCALE 1" = 1/2"



PROJECT NO.	21105
DATE	27 JULY 2023
REVISIONS	
PROJECT NAME	ROAD ABANDONMENT & FIRE ACCESS
CITY	BILLINGS, MONTANA
CLIENT	YELLOWSTONE COUNTY
DESIGNER	CUL-DE-SAC & TURNAROUND STUDIOS
SCALE	1/8"



To: Yellowstone County Board of County Commissioners

From: Board of Viewers

Date: May 15, 2024

Subject: Board of Viewers Report - Request for Abandonment of Rosebud Ln

Board of Viewers Inspection:

A field inspection to view this petition was conducted on different dates in May 2024 by the Board of Viewers listed below. The following people were appointed by Resolution to the Board of Viewers for this petition:

John Ostlund	Yellowstone County Commissioners
Jeff Martin	Yellowstone County Clerk and Recorder
Lora Mattox	Transportation Planning Coordinator (City/County Planning)
Monica Plecker	Yellowstone County Deputy Public Works Director

Background:

FRHP Lincolnshire, LLC submitted a petition on November 9, 2023 for the abandonment of a portion of Rosebud Lane. The metes and bounds description of the area to be abandoned can be found with the petition documents. The road is approximately 1,755 feet in length. There are two fire hydrants located within the Rosebud right of way. The portion of Rosebud Lane that is subject to this petition is located East of Coburn Road and only serves the business known as Camping World. Camping World owns the aggregated parcels along Rosebud and the road terminates with a cul-de-sac. No other properties or facilities are served by this portion of Rosebud Ln.

Findings:

1. **Observations of Rosebud Ln:** The inspection revealed that Rosebud Ln is a paved, dead-end road and terminates with a cul-de-sac that was recently paved. The road is approximately 1,755 feet long. The road does not serve any additional properties. The Lockwood Irrigation District canal is adjacent to the parcel served by Rosebud Lane, but no direct access to the ditch is provided by the road itself, so there are no anticipated issues. There are two hydrants located in the right of way.
2. **Usage and Necessity:** This portion of Rosebud Lane does not serve any other landowners, create thru connections, or appear to provide opportunity for future connections. The continuation of Rosebud Lane is constrained by the ditch. Continuation of this road is not planned as it is not shown on the functional classification map.

Recommendations and Conditions of Approval:

After thorough review and consideration, the Board of Viewers recommends proceeding with the abandonment of Rosebud Ln, subject to the below conditions. This action is appropriate and takes into account the condition of the road, usage, and input from affected stakeholders.

1. Submit and record an amended Certificate of Survey aggregating the desired abandonment into the adjacent lots (parcels). The Certificate of Survey shall depict all easements for any public and private utilities, etc.
2. If the fire hydrants, require relocation, this shall occur prior to the filing of the amended plat so the easement can be shown correctly.
3. Petitioner has one year to complete all conditions for the abandonment to be finalized.

Respectfully Submitted,

Board of Viewers

John Ostlund

Yellowstone County Commissioners

 5/28/24
Date

Jeff Martin

Yellowstone County Clerk and Recorder

 5/29/24
Date

Lora Mattox

Transportation Planning Coordinator (City/County)

 5/22/24
Date

Monica Plecker

Yellowstone County Deputy Public Works Director

 5/16/24
Date

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 24-112

Resolution of Intent to Abandon a Portion of Rosebud Lane

WHEREAS, pursuant to Sections 7-14-2101, 7-14-2102 and 7-14-2103 of the Montana Code Annotated, a board of county commissioners has the authority to manage county roads within the county. Pursuant to Section 7-14-2615 of the Montana Code Annotated, a board of county commissioners has the authority to abandon a county road after a public hearing.

WHEREAS, the portion of Rosebud Lane in Yellowstone County west of Coulson Road is a dedicated public road. **Exhibit 1 – Survey.** Certificate of Survey No. 3431, Doc. No. 3545012. It is constructed. It is a dead end. It does not lead to anywhere. There is a fire hydrant at the end of the road. The Yellowstone County Board of County Commissioners has the authority to manage the road, including the authority to abandon the road.

WHEREAS, on November 16, 2023, the Yellowstone County Board of County Commissioners received a petition to abandon a portion of Rosebud Lane from FRH Lincolnshire LLC, who owns Tract 1 of Certificate of Survey No. 3792, Doc. No. 3980284, **Exhibit 2 - Survey**, that abuts the portion of the road at the end of the road. **Exhibit 3 – Petition.** FRH Lincolnshire would like the Board to abandon the portion of Rosebud Lane that abuts its land near the end of the road. It would like the Board to abandon the road because it does not serve any purpose. The road provides access to nothing. FRH Lincolnshire is the only landowner affected by the abandonment. On April 30, 2024, the Board reviewed the petition and appointed a Board of Viewers to investigate the proposed abandonment. On May 15, 2024 the Board of Viewers submitted a report on the proposed abandonment. **Exhibit 4 – Report.** The Board of Viewers’ Report recommended that the Board abandon road with conditions. On June 19th, 2024 the Board set a public hearing on the proposed abandonment for July 9, 2024 On June 21st and June 28th, 2024, the Yellowstone County Clerk and Recorder published notice of the public hearing in the *Yellowstone County News*. The Board also sent notice of the hearing to the landowners that abut the proposed abandonment.

WHEREAS, on July 9th the Board held a public hearing on the proposed abandonment. The Board heard comments on the proposed abandonment and considered the Board of Viewer’s recommendation. The Board determined that it would be in the best interest of the public to abandon the road. The road serves no purpose it does not provide access to anything.

NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners intends to abandon the portion of Rosebud Lane indicated on the attached petition on the conditions FRH Lincolnshire (1) submit and record an amended Certificate of Survey aggregating the desired abandonment into the adjacent parcels. (2) If the fire hydrants require relocation, tis shall occur prior to the filing of the amended plat so the easements can be shown correctly. (3) Petitioner has one year to complete all conditions of approval. Once FRH Lincolnshire complies with the conditions, the Board will pass a resolution that abandons the road.

Passed and Adopted on the 9 day of July 2024.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

John Ostlund, Chair

Mark Morse, Member

Donald W. Jones, Member

ATTEST:

Jeff Martin, Clerk and Recorder

- Attachments**
Exhibit 1 – Survey.
Exhibit 2 – Survey.
Exhibit 3 – Petition.
Exhibit 4 – Report.

B.O.C.C. Regular

b.

Meeting Date: 07/09/2024

Title: Public Hearing and Resolution to Dissolve Yellowstone County Parks Board

Submitted By: Monica Plecker

TOPIC:

Resolution 24-113 to Dissolve Yellowstone County Parks Board

BACKGROUND:

Pursuant to 7-16-2301 of the Montana Code Annotated, a Board of County Commissioners (BOCC) may create a parks board to manage the parks under the control of the county. A board is not required to create or have a parks board. The existence of a parks board is discretionary with the BOCC. In March 2024, the BOCC assigned responsibility of parks to the Public Works department. Since Parks are now being managed by staff, the role of the Park Board has changed. This resolution sets a public hearing to allow for public comment prior to formal action.

RECOMMENDED ACTION:

Approve.

Attachments

Resolution

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 24- 113

Resolution to Dissolve Yellowstone County Parks Board

WHEREAS, pursuant to 7-16-2301 of the Montana Code Annotated, a board of county commissioners may create a parks board to manage the parks under the control of the county. A board is not required to create or have a parks board. The existence of a parks board is discretionary with the board. If a board does not create or dissolves a park board, the board should directly manage the parks under the control of the county. There is no statutory process as to how a board is supposed to create or dissolve a parks board. The public is allowed to know what a county is doing and to express opinions on what a county is doing. The public has a right of public participation. To allow public participation with the management of a county, when a board decides to create or dissolve a parks board, it should hold a public hearing and allow public comment on the creation or dissolution.

WHEREAS, in 1983 the Yellowstone County Board of County Commissioners created the Yellowstone County Parks Board to manage the parks under the control of Yellowstone County. The Board believes it may be more efficient for the Board to manage the parks.

WHEREAS, on June 19, 2024, the Yellowstone County Board of County Commissioners passed a resolution of intent to dissolve the Yellowstone County Parks Board and set a public hearing on the dissolution for July 9, 2024. On June 21, 2024 and June 28, 2024, the Yellowstone County Clerk and Recorder published notice of the hearing in the *Yellowstone County News*. From June 19, 2024 until July 9, 2024, the Clerk and Recorder receive comments on the dissolution. Prior to the hearing, the Clerk and Recorder provided the comments to the Board. On July 9, 2024, the Board held a public hearing on the dissolution. The Board considered the comments and discussed the dissolution. The Board decided it would be in the best interest of the public to dissolve the Parks Board. It would be more efficient for the Board to manage the parks under the control of the County.

NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners dissolves the Yellowstone County Parks Board and assumes the responsibilities of the Parks Board. The Board shall send a letter to the Parks Board to advise it of its dissolution. Until otherwise delegated by the Board, on behalf of the Board, the Yellowstone County Public Works Department shall manage the daily operation of the parks under the control of the County.

Passed and Adopted on the 9th day of July 2024.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

John Ostlund, Chair

Mark Morse, Member

Donald W. Jones, Member

ATTEST:

Jeff Martin, Clerk and Recorder

Attachments

Resolution

B.O.C.C. Regular

c.

Meeting Date: 07/09/2024

Title: Public Hearing - Adopt Park Inventory and Enact Park Plan and Park Regulations

Submitted By: Monica Plecker

TOPIC:

Resolution 24-114 to Adopt Park Inventory and Enact Park Plan and Park Regulations

BACKGROUND:

On June 25th, 2024, the BOCC adopted a Resolution of Intent and set a public hearing to enact new park regulations. This is the first of two public hearings.

Pursuant to Section 7-5-2101(1) of the Montana Code Annotated, a board of county commissioners has the authority to do what is necessary to manage a county when no other elected county official is designated to perform the task. Pursuant to Section 7-16-2301 of the Montana Code Annotated, a board may create a county parks board to manage the parks controlled by a county. If a board does not create a parks board, the board should manage the parks. No other elected official is designated to perform the task.

The Yellowstone County Board of County Commissioners is in the process of dissolving the Yellowstone County Parks Board and assumed the responsibilities of the Parks Board to manage the parks controlled by the County. To manage the parks, the Board intends to adopt a park inventory and enact a park plan and park regulations for the parks. Attached is an inventory, a plan and regulations.

RECOMMENDED ACTION:

No action is required beyond holding the hearing. Board action will occur at the 2nd hearing scheduled for July 23, 2024.

Attachments

Resolution

Park Policy, Inventory, Plan, Regulations and Procedures

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 24- (NUMBER)

Resolution to Adopt Park Inventory and Enact Park Plan and Park Regulations

WHEREAS, pursuant to Section 7-5-2101(1) of the Montana Code Annotated, a board of county commissioners has the authority to do what is necessary to manage a county when no other elected county official is designated to perform the task. Pursuant to Section 7-16-2301 of the Montana Code Annotated, a board may create a county parks board to manage the parks controlled by a county. If a board does not create a parks board, the board should manage the parks. No other elected official is designated to perform the task.

WHEREAS, the Yellowstone County Board of County Commissioners dissolved the Yellowstone County Parks Board and assumed the responsibilities of the Parks Board to manage the parks controlled by the County. To manage the parks, the Board intended to adopt a park inventory and enact a park plan and park regulations for the parks. Attached is an inventory, a plan and regulations.

WHEREAS, on June 25, 2024, the Yellowstone County Board of County Commissioners passed a resolution of intent to adopt a park inventory and enact a park plan and park regulations and set public hearings on the adoption and enactments for July 9, 2023 and July 23, 2024. On June 28, 2024, the Yellowstone County Clerk and Recorder posted the inventory, plan and regulations and made copies of them available to the public. On June 28, 2024 and July 5, 2024, the Yellowstone County Clerk and Recorder published notice of the hearings in the *Yellowstone County News*. On July 9, 2024, the Board held a public hearing. The Board heard comments. The Board determined that it would be in the best interest of the public to adopt the inventory and enact the plan and regulations. The Board voted to adopt the inventory and enact the plan and regulations. On July 23, 2024, the Board held a public hearing. The Board heard comments. The Board determined that it would be in the best interest of the public to adopt the inventory and enact the plan and regulations. The Board voted to adopt the inventory and enact the plan and regulations.

NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners adopts a park inventory and enacts a park plan and park regulations for the parks controlled by the County. The inventory and plan are effective immediately. The regulations are effective 30 days from the date of this resolution. The regulations shall be effective as of August 22, 2024. The prior regulations shall remain in effect until August 22, 2024. The inventory, plan and regulations shall continue until otherwise amended or repealed. The Board orders the Yellowstone County Clerk and Recorder to place the regulations in the book of ordinances for the County. Some of the regulations are ordinances that have possible criminal penalties.

Passed and Adopted on the 23rd day of July 2024.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

John Ostlund, Chair

Donald W. Jones, Member

Mark Morse, Member

ATTEST:

Jeff Martin, Clerk and Recorder

Attachments

Inventory
Plan
Regulations

Yellowstone County Park Policy

Purpose

The Yellowstone County Parks Policy establishes who manages the parks within Yellowstone County owned by the County and how those parks are managed.

Management

The Yellowstone County Public Works Department shall manage the parks within Yellowstone County owned by the County on behalf of the Yellowstone County Board of County Commissioners. The Board of County Commissioners shall have the final authority as to the management of the parks. The Department shall perform the duties once performed by the Yellowstone County Parks Board. In 2024, the Board of County Commissioners dissolved the Parks Board. Yellowstone County Board of County Commissioners Resolution No. 24 -

Management Tasks

The Yellowstone County Public Works Department shall inventory the parks; prepare a plan on the creation, development, maintenance and use of parks and implement the plan on the creation, development, maintenance and use of the parks. The Department shall make the inventory of the parks; the plan to create, develop, maintain and use the parks; annually report on the parks available to the public.

Inventory – Location, Size, Access

Procedures - Creation of Parks Standards, Maintenance of Parks Standards, Use of Parks Standards
Annual Report on Parks

Management Funding

The Yellowstone County Public Works Department shall prepare and submit a budget to the Yellowstone County Board of County Commissioners for the inventory, plan and implementation of the plan. The money once allotted to the Yellowstone County Park Board from the Park Fund and the General Fund for the parks shall be allotted to the Department for the parks. The money is supplemented by the assessments of rural special improvement district to maintain some parks. The Department does not have staff to perform work in the parks. The Department will have to contract with others to perform the work needed in the parks.

Park Regulations

The change of management of the parks from the Yellowstone County Parks Board to the Yellowstone County Public Works Department does not repeal any the Yellowstone County Parks Regulations previously adopted by the Parks Board or the Yellowstone County Board of County Commissioners. The Public Works Department shall enforce the regulations with the assistance of the Yellowstone County Sheriff's Office and the Yellowstone County Attorney's Office. Below is a list of the regulations. Attached is a copy of the regulations.

- a. CO 04390-010 – Motorized Vehicles
- b. CO 04390-011 – Refuse
- c. CO 04390-012 – Fires
- d. CO 04390-013 – Fireworks
- e. CO 04390-014 – Tree Cutting

- f. CO 04390-015 – Alcoholic Beverages
- g. CO 04390-016 – Hunting and Trapping
- h. CO 04390-017 – Dogs
- i. CO 04390-018 – Park Access
- j. CO 04390-019 – Specific Park Regulations
- k. CO 04390-020 – Hazardous fire park area, criminal trespass to hazardous park area, tampering with signs, barricades or locks
- l. CO 04390-021 – Special Use Permit
- m. CO 04390-025 Violations

Park Procedures

The Public Works Department will prepare procedures for the management of park and administer these regulations.

Management Review

Annually, the Yellowstone County Public Works Department shall submit a report to the Yellowstone County Board of County Commissioners on the parks and make recommendations to the Board of County Commissioners as to any proposed changes as to the management of the parks. Annual review of the parks should help keep the management of the parks up to date.

Management Documents

Below is a list of documents necessary for the management of the parks:

- Inventory of Parks
- Comprehensive Park Plan
- Park Regulations
- Park Procedures

Inventory of County Parks

Acres	TAX_ID	NAME
3.09	C16714	ANTELOPE HILLS SUB PARK
24.02	C08539 A	ARROW ISLAND SUB 2ND PARK
15.45	C08427 A	ARROW ISLAND SUB PARK
1.56	C17468	BAR 11 SUB PARK
0.64	C17469	BAR 11 SUB PARK
33.68	C17579	BAR 11 SUB PARK
7.82	C17580	BAR 11 SUB PARK
1.10	B01815 B	BEARTOOTH VIEW PARK
1.19	C04213 A	BEL AIRE PARK
4.45	D11755	BLUEGRASS PARK
11.80	C15901	BREY PARK
1.82	C04840 A	BROOKDALE PARK
2.82	C16095	BROOKWOOD SUB PARK A
0.92	C16059	BROOKWOOD SUB PARK B
1.00	C16115	BROOKWOOD SUB PARK C
2.75	C16140	BROOKWOOD SUB PARK D
0.77	C16145	BROOKWOOD SUB PARK E
0.14	C16093	BROOKWOOD SUB PARK F
5.58	D00060	CENTURY PARK
3.62	C04553	CHARLES RUSSELL PARK
2.14	C11880	CLOVERLEAF MEADOWS PARK
2.57	C11880 A	CLOVERLEAF MEADOWS PARK
2.57	C11880 B	CLOVERLEAF MEADOWS PARK
6.33	C07679	CLYDESDALE PARK
0.93	A00382	COUNTY COURTHOUSE PARK
0.16	C03052	COUNTY PARK - CUSTER
1.69	C10249	COVE CREEK SUB PARK
1.65	C12269	CRYSTAL SPRINGS PARK
2.44	D04336	CS 1261 PARK
8.84	D02682	CS 975 AM
0.32	C03053	CUSTER VOL. FIRE-CNTY PARK
0.64	B01946	DE CARLO PARK

1.80	C16212	DRIFTWOODS SUB PARK
0.84	C16186	DRIFTWOODS SUB PARK
1.87	C14720	DRY CREEK PARK
1.37	C16727	EAGLE BEND OF THE YELLOWSTONE
0.03	C16727	EAGLE BEND OF THE YELLOWSTONE
7.85	D05597	EARL GUSS PARK
10.92	D05612 B	EARL GUSS PARK
2.90	D05611	EARL GUSS PARK
15.67	C06344 A	ECHO CANYON SUB PARK
4.58	C14652	EGGEBRECHT PARK
0.18	C15129	EMERALD EAGLE ESTATES SUB PARK
0.23	C15128	EMERALD EAGLE ESTATES SUB PARK
14.79	C08654 A	EMERALD HILLS PARK
9.96	C09418	FALCON HEIGHTS PARK
4.35	C15356	FARNUM PARK
4.39	C16246	GRANITE PARK SUB PARK
0.06	C16287	GRANITE PARK SUB PARK
0.55	C16336	GRANITE PARK SUB PARK
0.97	B00428 B	GROSHELLE HEIGHTS SUB PARK
0.91	B00428 A	GRUHLKE SUB PARK
0.76	C05895 C	HAKERT PARK
2.34	C05233 A	HARRIS PARK
3.31	B02017	HAWKINSON PARK
4.63	C10627	HIDDEN LAKE SUB PARK
2.39	C10646	HIDDEN LAKE SUB PARK
2.32	C10556	HIDDEN LAKE SUB PARK
5.60	C10574	HIDDEN LAKE SUB PARK
1.79	C10586	HIDDEN LAKE SUB PARK
9.45	B01836 C	HIGH POINT PARK
0.47	C05384 A	HIGHLAND PARK ADDN SHEPHERD
7.21	C04663	HILLNER PARK

2.57	C07607 B	HOMESTEAD PARK
0.23	C07607 A	HOMESTEAD PARK
7.51	C02747 A	HOMEWOOD PARK
2.17	C06482 A	INDEPENDENCE PARK
3.34	C06672	INDIAN CLIFFS SUB 1ST PARK
20.76	C06712	INDIAN CLIFFS SUB 2ND PARK
0.02	C06770 C	INDIAN CLIFFS SUB 2ND PARK
0.01	C06770 B	INDIAN CLIFFS SUB 2ND PARK
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1039.78		

CUPPIN



Comprehensive
Parks Plan

NOVEMBER 1984

COMPREHENSIVE PARKS PLAN
YELLOWSTONE COUNTY, MONTANA

for

Yellowstone County Board of Park Commissioners

by

Cumin Associates
in Association with
Fischer Associates and Norman Schoenthal
Billings, Montana
August 1984

Adopted by Park Bd 2/18/85

4 Colo

Members

YELLOWSTONE COUNTY BOARD OF PARKS COMMISSIONERS

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PARKS ARE:

- a safe PLACE FOR CHILDREN TO PLAY.
- convenient and attractive places to congregate and RECREATE WITH FRIENDS AND NEIGHBORS.
- a mechanism to PRESERVE NATURAL FEATURES, both potentially hazardous areas such as flood plains and resources such as stands of trees and historical sites.
- a system of County BEAUTIFICATION and resulting COMMUNITY PRIDE.
- an opportunity for EXERCISE, especially when the parks are linked to an integrated County community system such as schools, river fronts, highways, and scenic vistas.
- ways of avoiding congestion in communities when used in conjunction with zoning and subdivision regulations to CONTROL DENSITY.
- BUFFERS between different, often incompatible land uses.
- compatible and useful environments when located next to and used to COMPLEMENT SCHOOL SITES.
- an opportunity to be CREATIVE. People are most creative in their leisure time. Whether the park user is taking a quiet, thoughtful walk or is participating in the design and construction of a park near home, he or she is being creative. Children playing on well designed playgrounds have no limits to their imaginations.

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Don Puller
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* PART BELOW REAMS

INTRODUCTION

Setting

Yellowstone County is located in southcentral Montana in the middle latitudes of the country, an area characterized by prevailing westerly winds. Elevations vary from 4,744 feet mean sea level on Dunn Mountain in the north to 2,680 feet where the Yellowstone River exits the County; the area is situated between the Rocky Mountains and the Great Plains. Reflecting the climatic characteristics of each of these regions, the area is semiarid with abundant sunshine, low relative humidity, light rainfall, moderate wind movement, large diurnal temperature changes, and pronounced temperature extremes. The average annual precipitation is slightly more than 14 inches with June the wettest month. The heaviest snows occur during the fall and spring months, but deep accumulations of snowfall are rare. One reason for the latter is the Foehn, or chinook, winds which occur randomly in the winter months bringing warm coastal winds across the winter landscape.

Yellowstone County was organized on February 20, 1883 from part of Custer County; later parts of Sweet Grass, Carbon, Musselshell, and Big Horn Counties were created from Yellowstone County. Prior to the advent of the white man, the area was the domain of the Bannock, Shoshone, Assiniboine, Blackfoot, and then later the Crow Indians. Pictograph Cave (a recreational historic site southeast of Billings administered by the State Fish, Wildlife, and Parks Department) and the Chief Joseph Battlefield

Site in the valley west of Billings are significant historical resource reminders of this early period of the County. The first white men to venture into the Yellowstone County area may have been those with the French expedition led by the Chevalier de la Verendrye looking for the Western Sea as early as 1742-43. The Lewis and Clark Expedition traveled through the County in 1806.¹ In 1882, Billings--the County seat--was platted by the Minnesota and Montana Land Improvement Company, and, in May of that year, a four week period saw 5,000 lots sold for cash.²

Today Yellowstone County contains approximately 114,900 people, 81 percent of them (93,594) living in the Billings urban area, the growth and marketing center for the large region generally bounded by Minneapolis to the east, Portland to the west, and Calgary and Denver to the north and south respectively. The local economy reflects a multi-state area market for diverse wholesale and retail goods and services (including a large medical treatment industry), agriculture, transportation, and energy development. The Yellowstone River extends southwest to northeast through the County providing numerous recreation opportunities and stabilizing and supporting a large agricultural base. Interstate Highway 94 parallels the river and Interstate 90 branches from Billings southeast into Wyoming. Burlington Northern provides rail service to the County and an international airport with full aviation services is located at Billings; a secondary airport facility is located at Laurel, 12 miles west of Billings. Approximately 15 percent of the southeastern part of the County is federal lands of the Crow Indian Reservation. All of the communities of the County are located in the Yellowstone River Valley with the exception of Broadview which sits on the high plains 32 miles northwest of Billings. (Acton, located

between Billings and Broadview, is a locally used, geographic reference point but is no longer a town.)

Parks Planning-General

Park planning is a process that relates the leisure time of people to space. It is an art and science that uses the concepts and methods of many disciplines to provide public and private leisure opportunities. The emerging emphasis of recreation planning is a blend of environmental design and management, social science, and public administration to provide leisure opportunities as part of a human service and environmental management system. Comprehensive park planning deals with the present and the future and develops an information base for rational decisions by the Board of Park Commissioners and the public they represent. Such planning needs to be cognizant of the existing and potential park resources, representative of what people want, imaginative in projecting what might be, and realistic in recognizing what is possible. Change, complexity, and compromise are the characteristics of Yellowstone County's dynamic growth, and planning is a means of trying to anticipate or react to such characteristics.

There are two major types of park and recreation plans: (1) single purpose, or project plans, which have a specific objective such as the development of a neighborhood park, and (2) policy, or system plans, which have many objectives in a given planning area such as Yellowstone County. System or policy plans involve the acquisition and development of facilities in all County parks and provide a framework for decision making, while the project plan is often a specific vehicle for implementing all or a part of a policy plan.

Traditionally, too much effort has been placed on standardizing all parts of the system in time and space when greater diversity is necessary to serve most populations. For example, there is no reason why all

neighborhood parks must be public, flat, square, and contain a conventional mix of facilities. Likewise, there is no reason why parks and the planning information base should not be constantly reviewed and renewed to reflect changing population, technology, or environmental conditions. The concept of standardizing public parks to simplify management or be consistent within the system is arbitrary because it will not accommodate the desires of diverse and changing populations. Even within Yellowstone County, it was found that the same park standards could not be uniformly applied, and different standards were utilized for parks in and around Billings than were used in Custer, for example.

Traditionally, the park planning process attempts to reduce the inherent complexity with arbitrary guidelines or standards to produce uniform spaces or services, and the resulting product is a two-dimensional physical plan that is inflexible, uniform, and unrepresentative of many of the values, needs, or unique characteristics found in the planning area. A newer view of park and recreation planning sees the process as dynamic and incremental. The outcome of the process is not as predictable and the sequence of events may not flow smoothly; the components determine the system instead of the system determining the components. It is also less difficult to change any individual component, rather than the entire system, to respond to rapid or unexpected changes in financing or life-style. The impact of a taxpayer revolt, energy crisis, and aging population suggests this strategy is where the emphasis will be in the future with long range County park planning.

Regardless of orientation, park planning is a continuous process of change in response to new social values, lifestyle patterns, technology, legislation, and the availability of resources.

Most plans conform to the political jurisdiction of the planning unit (such as Yellowstone County), are comprehensive, and are oriented to serve the needs of the entire community area. However, the County community should be considered as a series of social groups or geographic areas with different values and needs. Planning for the mythical "average" person can be a serious mistake. Components of the plan can be devoted to special populations, such as the County's schools, or to special areas such as the extensive and unique high sandstone cliffs adjacent to Billings. This park planning study will combine aspects of user and resource-oriented park recreation planning because the County contains both a large urban user population and extensive, unique, natural open space opportunities.

Goals and Objectives

The overall goal of the Yellowstone County Park Plan is to improve the quality and opportunity of the public park experience commensurate with the resources of the County and its people. Specific objectives and concepts are as follows:

1. Develop an information base on County parkland resources and recreational needs that will be useful to decision makers now and in the future for making decisions on park management, acquisition, development, deposition, and administration.
2. Develop a park classification and standards system that will serve as a basis for future comprehensive and detailed planning efforts.
3. Preserve for present and future generations unique resources and natural park areas in the County.
4. Provide all people with access to diverse opportunities for recreation and park resources regardless of age, sex, income, cultural background, housing environment, or handicap.
5. Provide recreation facilities/experiences compatible with the resources and environments of particular parks.
6. As the opportunities arise, coordinate County park planning with other community, state, and federal recreation opportunities, areas, and programs to avoid duplication, encourage innovation, expand recreational opportunities, and save taxpayer dollars.
7. Integrate, where possible, County park planning with other public services such as education and mass transportation.
8. Provide park facilities adaptable to future requirements.
9. Provide objective, current, and relevant information to County decision makers about quantity and quality of existing or potential park recreation opportunities.
10. Promote communication, cooperation, and coordination between all concerned with community development.
11. Provide overall and long range park recreation perspective in current park planning decisions.
12. Serve the intent of federal, state, and local laws governing the acquisition, use, and development of parks.

13. Promote public understanding and support for more effective recreation planning.

14. Encourage innovation, demonstration, and research to improve the County's park system.

The Yellowstone County Park Planning Program

On April 12, 1983, the Yellowstone County Board of County Commissioners established by resolution the County Board of Park Commissioners. This resolution and the State enabling legislation allowing the creation of such a board, its membership, authority, jurisdiction, funding, and so forth are provided in the Appendix to this Plan. (The statutory provision for giving cash in lieu of park land during the land subdivision process is also included in this Appendix as is a State Attorney General's opinion interpreting some of the park-related statutes.)

The newly created Park Board faced the issue of determining the scope of the task that confronted them; even the number of County parks was unknown at that time, much less the sizes, locations, uses, and general disposition. The first step toward resolving this situation was the hiring of a earth sciences student from Eastern Montana College on a part-time basis to compile a preliminary inventory of all park lands in the County area. A two volume preliminary inventory was prepared consisting of approximately 110 pieces of parkland with photographs, copies of the survey or platting documents and other general information. This initial inventory contains very useful, basic information and should be considered a specific supplement to this Plan; it is located in the Park Board's Office in the County Courthouse.

Following the completion of the basic park land inventory, the Board of Park Commissioners decided, as the next step in their County-wide park planning program, to prepare a park plan that would comply with Section 7-16-2524 of the State codes (see Appendix 2) and further assist in their required decisions making process. To that end this Plan has been prepared.

Besides the initial inventory study, related area park planning studies were limited to general, state-wide recreation plans and related portions of the Billings Comprehensive Plan; in about 1970, Theodore J. Wirth & Associates had also prepared a good Park, Recreation, and Open Space Study for the Billings urban area which is still being used by the city today and which was utilized as a well established, time-tested reference for this Plan.³ Mountain West Research-North, Inc. of Billings also provided invaluable, state of the art, population data for the park planning districts into which the County was divided.⁴ (See Table 1.)

This study does not inventory or attempt to assess the recreation potential of existing private parks, homeowner association facilities, golf courses, tennis clubs, and other similar facilities. A sound, statistically valid sampling of a necessary cross section of the park user public in the County was also not undertaken, and the brief survey taken was designed to receive input from user groups and civic and conservation organizations which have expressed interests in area parks. (See Appendix 6 for survey format and results.) This limited survey was supplemented with public hearings and meetings with major influencers of area park policies such as Laurel and Billings' park and planning agencies; school districts; State Fish, Wildlife, and Parks Department; and the federal Bureau of Land Management.

Because of the lack of an established park planning program and the early stage of development of the Board of Park Commissioners administrative efforts, the organization and thrust of this Plan quickly evolved to that of addressing the mass of diverse, unassimilated park information, the immediate park lands problems already evident, and expressed wishes

of the public already manifested; the major focus is, therefore, on park *man D - not
about planning
to get down
know on how
get from
then connected
back from*
lands--existing and future. This Plan does not get into the more advanced levels of overall "recreation" planning whereby, for example, linkage constraints are analyzed, manifest demand determined, and so forth. At this early stage of what will hopefully be a long term County park planning program, it was felt that just getting a sound basis from which to start such a program was most critical. This objective, then, coupled with recommendations for generalized future directions and policies provides the major basis of this Plan.

Finally it should be noted that most local government's park and recreation plans are elements of and integrated into overall county or city planning programs through coordination with the comprehensive or general plan. Yellowstone County as yet does not have an overall general planning program, and the useful and familiar planning tools such as a land use plan, with its reflections of anticipated growth areas, projected roadway and utility service areas, etc., was not available. This lack of published, adopted, planning base information was compensated for by discussions with area planners, County Commissioners, experience with relevant studies (such as Billings annexation studies and Billings South Hills Urban Planning Study), existing plans such as those of Billings and Laurel, and area-wide planning of the type affiliated with agricultural programs; substantial input was provided by Mountain West Research-North with its County population data.

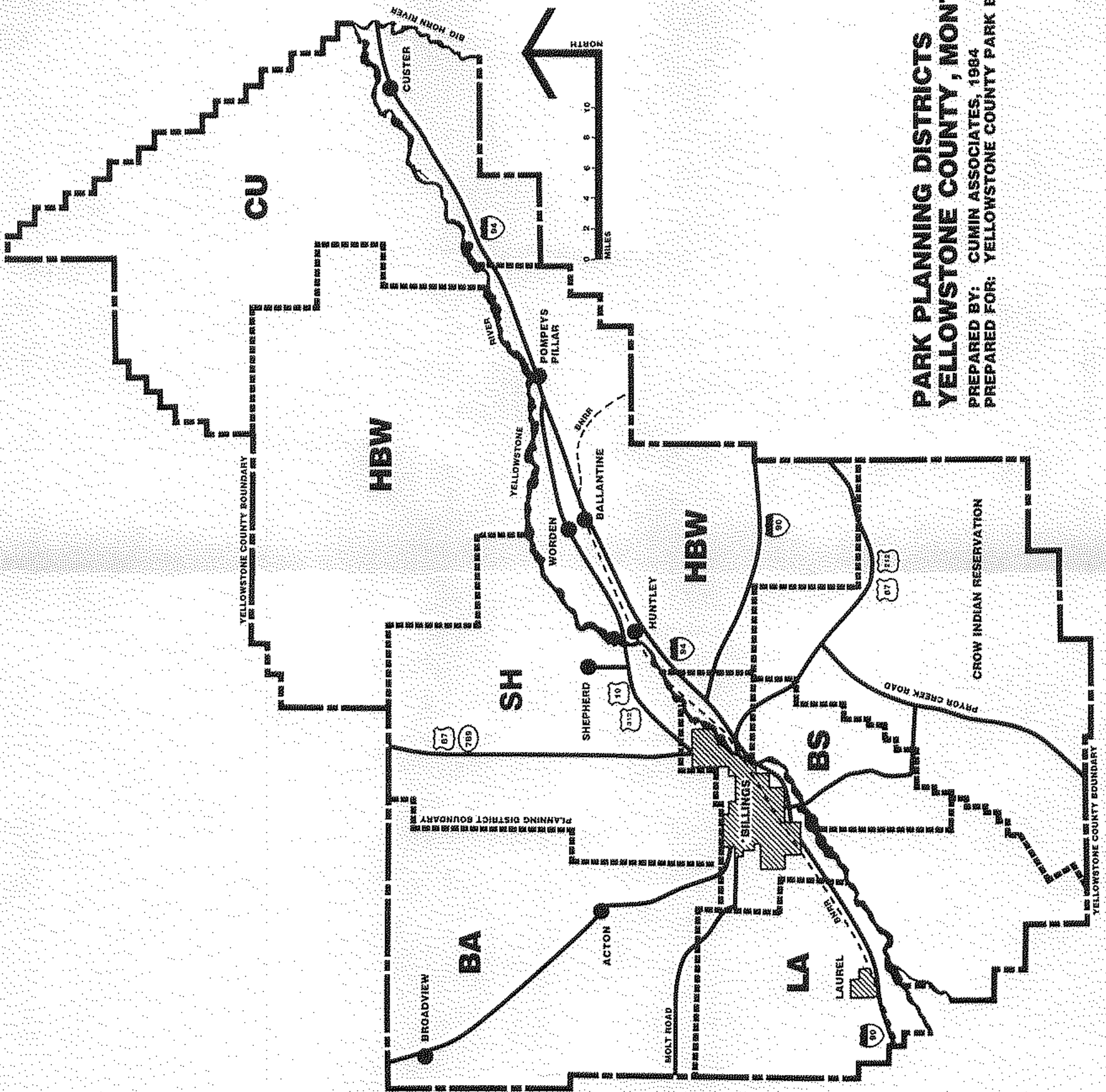
Because of the large geographic area involved and the large and diverse number of parks, the largest part of the time spent preparing this Plan was spent further inventorying the parks and sorting each out as to

Table 1

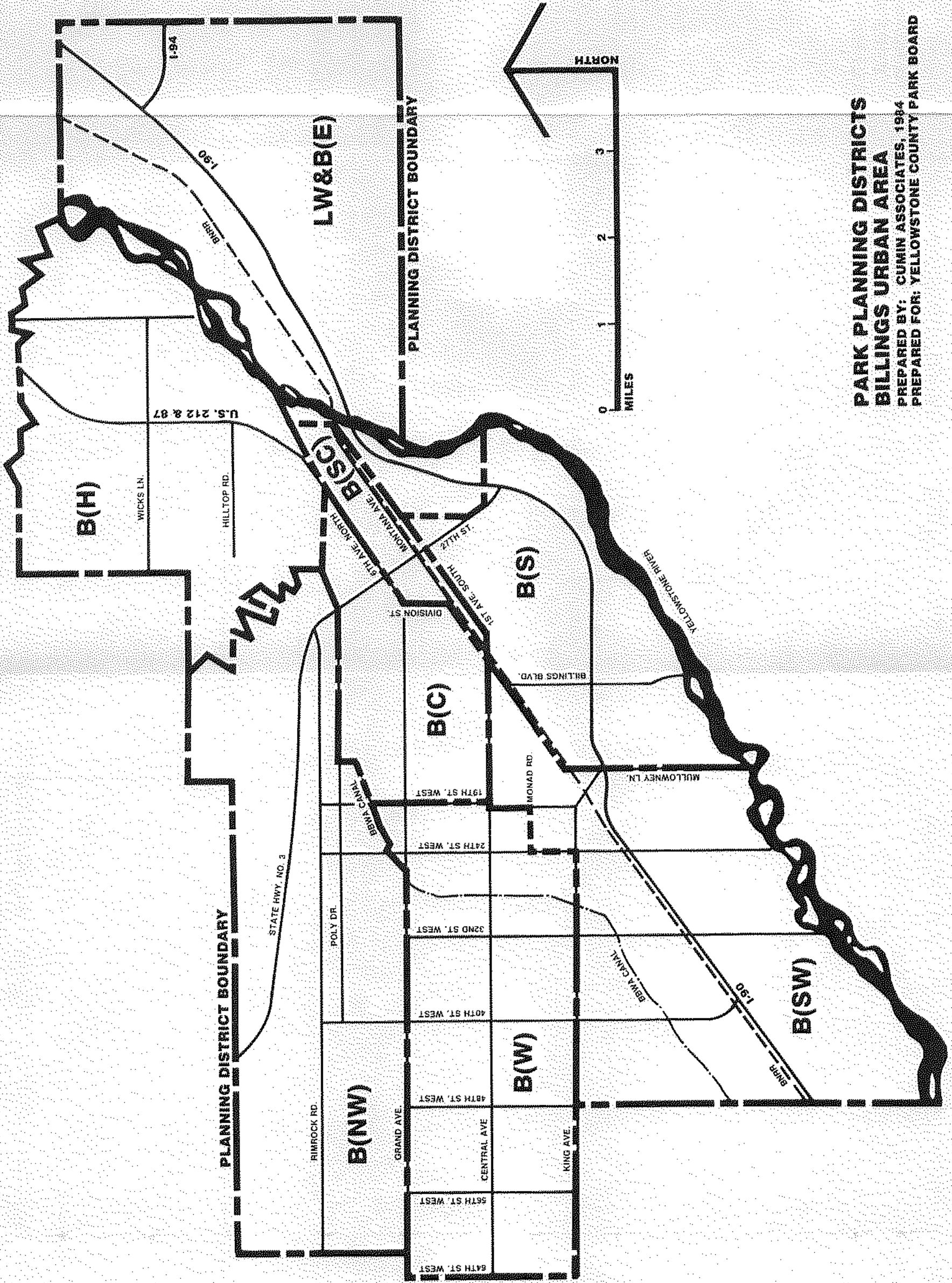
YELLOWSTONE COUNTY PARK PLANNING DISTRICTS

<u>PARK DISTRICT</u>	<u>LOCATION</u>
BNW	Billings Northwest
BW	Billings West
BSW	Billings Southwest
BC	Billings Central
BSC	Billings South Central
BS	Billings South
BH	Billings Heights
LW & BE	Lockwood & Billings East
SB	South of Billings
HBW	Huntley, Ballentine, Worden
SH	Shepherd
LA	Laurel & Area West of Billings
BA	Broadview Acton
CU	Custer

Source: Cumin Associates, Billings, Montana



**PARK PLANNING DISTRICTS
YELLOWSTONE COUNTY, MONTANA**
 PREPARED BY: CUMIN ASSOCIATES, 1984
 PREPARED FOR: YELLOWSTONE COUNTY PARK BOARD



**PARK PLANNING DISTRICTS
BILLINGS URBAN AREA**
 PREPARED BY: CUMIN ASSOCIATES, 1994
 PREPARED FOR: YELLOWSTONE COUNTY PARK BOARD

type, classification, and demand therefore. The parks ranged in size from over 155 acres to 0.1 acre; from islands in the Yellowstone River to isolated buttes; and from man-made bogs to well developed ball field complexes.

To simplify the planning process, the County has been divided into 14 planning districts based on population density and neighborhood or community characteristics. Each district can be described as being urban, suburban, or rural in nature, and each park is coded with the planning district abbreviation it is located within (see Table 1). The urban areas, located near Billings, have the highest population density, greatest projected growth, and the most immediate park needs. These districts are smaller units and are defined by major traffic roadways and natural features; each contain several neighborhoods. The district boundaries generally correspond to the super zones established in Yellowstone County's recently completed Employment, Population, and Housing Forecast For the Billings Urban Area (Mountain West Research-North, Billings, Montana, February 1984).⁵ Suburban areas include Huntley, Ballantine, Worden, and Shepherd and are contained in two districts which generally follow school district boundaries. The out-lying rural areas include the communities of Broadview, Acton, and Custer. These areas are described by two districts which also follow school district boundaries. The Indian Reservation lands are not included in the districts or addressed in this study. The planning districts are delineated on the maps included herein and summarized on Table 1.

Park Classifications and Standards

This Plan establishes standards that will be useful for the assessment, development, acquisition, and disposition of park land within Yellowstone County. Because of the diversity in community composition and geography, it is not feasible to use one park standard for all of the County and still adequately address urban needs and those of the suburban and rural areas. Therefore, three sets of standards were developed using the collective experience of several sources. Standards developed and currently being used by national planning and recreation associations were reviewed, including American Planning Association (APA), Urban Land Institute (ULI), National Recreation and Park Association (NRPA), and Heritage Conservation Resource Fund (HCRS). Standards were also discussed with state and other community planners in the region and their existing park planning programs and plans were reviewed for specific information. Local input was obtained through interviews, informal surveys, and dialogue with school district officials, citizens, local planners, and special interest groups. Review of the City of Billings' Park, Recreation, and Public Lands Department's recreational surveys standards and current park land status was also helpful. From this eclectic background, standards felt to be the most useful to Yellowstone County were established. Table 2 presents the proposed standards for urban and suburban Yellowstone County. The first column lists the various classes of proposed parks recommended to satisfy the County residents' recreational needs. The purpose, characteristics, and administration of each is described in more detail later in this Plan. The types of parks are divided into two categories: those that serve local needs and those that serve area wide needs. Local land

Table 2

PARKLAND STANDARDS FOR YELLOWSTONE COUNTY
(Urban and Suburban Areas)*

<u>Parks</u>	<u>Code</u>	<u>Minimum Standard (Acres/1000 Pop.)</u>	<u>Size (Acres)</u>	<u>Service Radius</u>	<u>User Group</u>	<u>Location</u>
<u>LOCAL OPEN SPACE-PLAN BY DISTRICT</u>						
Neighborhood Mini Park	NMP	None (.5-1.0 rec'd)	2.0	1/8 Mo.	Children	-Higher density sub- divisions -Serve subdivision neighborhoods
Neighborhood Open Space	NOS	None (1.0 Rec'd.)	Varies	Varies	All ages	-Localized natural features -Land use buffers
Neighborhood Park/Playground	HPP	U**2.5 S***3.0	2-8	1/2-1 Mi. 1/2-1 Mi.	All ages	-Central to neighbor- hood
Community Playfields	CPF	U 2.5 S 2.5	10+	1 Mi. 2 Mi.	Younger	-In multi-use parks, adjacent to schools or independent
Community Park (Multiple-use)	CMU	U 1.5 S 4.5	15+ 10+	2 Mi. 4 Mi.	All ages	-Land required for passive community recreation. May be associated with play fields, Natural areas, or independent
Community Natural Area/ Open Space	CNA	U 1.0 S no std.	10+	2-4 Mi.	All ages	-Ideally within 2 mile radius -Varies with available resource -Close to schools desirable

Table 2

PARKLAND STANDARDS FOR YELLOWSTONE COUNTY (CONT.)

Parks	Code	Minimum Standard (Acres/1000 Pop.)	Size (Acres)	Service Radius	User Group	Location	AREA WIDE OPEN SPACE	
							Minimum Standard (Acres/1000 Pop.)	Size (Acres)
Major Park	MJR	U 2.5 S 0	50+	30-60 Mi.	All ages	-Resource based river, rims, historical sites		
Regional Park	R	None (15+ rec'd.)	300+	County wide	All ages	-Series of parks and public lands.		
Recreation Corridor	RC	None	Varies	Urban area	All ages	-Located along signif- icant linear resource: river, canals, rims; may use right-of-ways and easements to link to parks and other community facilities		
Special Use	SU	None	Varies	Varies	Varies	-Located in other community, regional, or major parks; could also be independent		

*Does not include Custer, Broadview, and Acton areas.

**Urban

***Suburban

- NMP-Mini Park
- NOS-Neighborhood Open Space
- NPP-Neighborhood Park/Playground
- CNA-Community Natural Area/Open space
- CPF-Community Playfields
- CNU-Community Multiple Use
- MJR-Major Park
- R-Regional Park
- SU-Special Use
- RC-Recreation Corridor
- EX-Excess Lands

needs should be planned for and projected by district to assure an even distribution of needed community and neighborhood park facilities. On the other hand, major parks, regional parks, recreation corridors, and special use parks can serve the entire County population (although use would be primarily from the major population center area) and should be located based on needs and resources. In some instances, no standard has been established for a particular park use, and development of these facilities should be based on need and opportunity.

Standards for suburban and urban areas vary slightly. People living in suburban areas tend to be more active in their recreational pursuits. Generally, the suburbanite can be expected to take advantage of varied indoor and outdoor programs at the neighborhood and community level, hence the location of parks near other community buildings such as schools. Residential subdivisions with large lot sizes tend to decrease the need for small parks which often merely duplicate facilities provided at home. The larger Neighborhood Park/Playground located within walking distance of user residents will provide active and passive recreation for the entire family. Community Multiple-Use Parks will best accommodate the community-wide recreational needs, and additional playfields on school sites will provide further areas for organized sports. Suburban areas in Yellowstone County are not of sufficient population to warrant consideration of a Major Park in the usually accepted sense.

The urban dweller tends to be less active and takes advantage of facilities closer at hand than does his suburban neighbor. In areas of high density and low income, the need for more smaller-sized recreation spaces increases; this includes development of more small neighborhood parks.

Neighborhood Open Space will also become more important in urban areas, and, properly located and landscaped, such Neighborhood Open Space will enhance the overall living environment of a city. Community Natural Area/Open Space also becomes more important to the people and the living-working environment in higher density areas as shown by the high interest expressed in such areas in the limited user group survey prepared as a part of this Plan (see Appendix 6).

The park needs of rural areas cannot be adequately expressed in the usual standards ratio of land to population. While the ten acres per 1000 population is a good starting point, it is also important that the space requirements of various needed facilities be considered to assure that adequate land is acquired. The State's Comprehensive Outdoor Recreation Plan proposes that each community is entitled to one of each type of facility. Rural residents tend to be the least active of the three population categories considered here, and their interests generally involve fishing, hiking, hunting, and similar activities. Rural residents also seem to prefer longer outings and tend to utilize regional, state, and national recreational opportunities. The need for playgrounds and neighborhood parks is less evident in rural areas, if it exists at all. Automobile-oriented parks--particularly community parks--are the type of areas most used by this group. Long-term recommendations for park planning in these outlying areas of the County are based on expressed need, adequate facilities, and knowledge of the community rather than an applied set of standards.

It is important that the County have a number of different types of parks. A common planning mistake is to "meet the standard" in terms of acreage but through the provision of one large park or a series of undersized

parcels. The end result is a failure to provide the desired variety of recreational experiences. The classification system presented in this section uses the terminology most common to the park and recreation profession.⁶ The described system consists of ten recreational or conservation oriented classifications and one administrative classification (Excess Lands).

Most of the lands in the County are acquired through the subdivision land dedication laws. Historically, it has been difficult for City/County Planning to acquire large parcels of land. As a result of the land acquisition difficulties, facilities commonly and ideally found in a larger community multiple use park of 25 acres plus have been developed in smaller, independent community parks. To respond to this reality, three community park classifications are included in the outlined system. These being Community Natural Areas, Community Park Multiple Use, and Community Playfields. Ideally, the County should strive to develop larger multiple purpose parks incorporating a variety of uses. However, if large parcels of contiguous land cannot be acquired, the community facilities should be developed to avoid conflicts between active and passive uses and to provide a variety of experiences. Too often the focus is on developing active facilities with natural quiet areas provided as a secondary use. The community natural area classification is included, because many of the parks in Yellowstone County are too small to accommodate both active and passive uses on the same site without conflict. The informal survey of County residents described earlier indicated a need for more natural areas.

Another unconventional classification included in this Plan is the non-recreation oriented category, Excess Lands. This classification was developed to identify lands with little recreation or conservation value.

Too often these lands fall into an open space classification and are held by park departments indefinitely. Retaining these lands is costly, and sales or leasing of excess land will provide revenue for future land acquisition or park development.

All of the park lands in Yellowstone County have been classified according to the described system. These classifications are based on present physical characteristics, site suitabilities, and use potentials. This information is used in the Parkland Standards Table (see page 17) of this document to project future park land needs.

CLASS OF PARKLAND: NEIGHBORHOOD PARK/PLAYGROUND (NPP)

SIZE: 2-8 acres

PURPOSE: Day use parks of limited size providing close to home opportunities for a variety of unstructured active and passive recreation activities. Parks will serve all ages with an emphasis on ages 5-18.

LOCATION: Adjacent to elementary school sites or central to residential neighborhoods of medium to high density.

ACCESS: Bicycles and pedestrians off public streets or utility R.O.W.'s.

ENVIRONMENTAL QUALITY: Low to moderate. Ecological sensitivity, moderate to high scenic value.

SITE SUITABILITY: Picnicking, informal playfields, multiple recreation uses. Irrigation potential.

LEVEL OF DEVELOPMENT: Moderate with an emphasis on retaining landscaped open space for picnicking and informal fields sports. Improvements may include play equipment, multi-use paved areas for court games, limited off street parking and picnic shelters.

CLASS OF PARKLAND: Neighborhood Mini-Park (NMP)

SIZE: .25-2.0 acres

PURPOSE: Small day use parks retained to accommodate various activities desired and developed by neighborhood or special interest groups. These parks are most viable in urban areas or in the context of small lot, multiple family or mobile home residential developments.

LOCATION: Varies, usually in residential neighborhoods. If accepted as part of subdivision land dedication requirement, should be located with potential to add land or locate with residential street frontage for future sale as residential lot.

ACCESS: Pedestrian required, vehicular recommended

ENVIRONMENTAL QUALITY: Varies, no significant detriments to development.

SITE SUITABILITY: Suitable for expansion or sale for alternate land use.

LEVEL OF DEVELOPMENT: Varies from low to intense depending on the facility. These small parks will accommodate a broad range of activities or facilities including play apparatus, court games, memorials, and gardens. Any use or development must be compatible with adjacent land uses and must comply with County Park Board management policies.

CLASS OF PARKLAND: NEIGHBORHOOD OPEN SPACE (NOS)

SIZE: Variable

PURPOSE: To preserve or enhance the environmental quality of the neighborhood. Parks may preserve natural features, act as buffers and provide limited recreational opportunities.

LOCATION: In or adjacent to medium to high density residential neighborhoods.

ACCESS: Primary accessibility is visual. Trails or walks are accessible to the public off traffic or utility corridors.

ENVIRONMENTAL QUALITY: Varies, areas of high ecological sensitivity or scenic significance will be maintained in present state. Areas of low diversity or scenic significance should be developed to enhance the neighborhood environment.

SITE SUITABILITY: Land should be capable of enhancing the neighborhood environment through development of recreation resources, development of land use buffers, or preservation of a natural feature.

LEVEL OF DEVELOPMENT: Low to moderate. Parks may be landscaped or left in a natural state. Improvements may include sidewalks, bikepaths, hiking or nature trails.

CLASS OF PARKLAND: COMMUNITY NATURAL AREAS/OPEN SPACE (CNA)

SIZE: Variable-no standard

PURPOSE: Parks preserve areas of high natural resource value or special natural or environmental features. They provide opportunities for passive recreation and study of the natural environment or conserve features of community significance (i.e., rims, river)

ACCESS: Visual access to enhance open space value. Pedestrian and non-motorized vehicle trails as well as limited/controlled vehicle access may be permitted within the environmental limitations of each site.

ENVIRONMENTAL
QUALITY: Sites containing significant scenic or natural resources, or ecological diversity.

SITE SUITABILITY: Community resource and environmental conservation value.

LEVEL OF
DEVELOPMENT: None to moderate. Emphasis is on preservation of community environmental resources. Passive recreation and environmental education opportunities may be incorporated if the site can support them without adverse impact. Improvements might include nature trails, rustic picnic areas, interpretive displays, controlled parking areas, nature center, and bike paths.

CLASS OF PARKLAND: COMMUNITY PLAYFIELDS (CPF)

SIZE: 10-20 acres

PURPOSE: A large outdoor recreation area developed primarily to serve the active recreational needs of the junior and senior high school ages and adults of the community. Playfields provide specialized facilities for daytime and evening programmed activities.

LOCATION: Central to community. In rural and suburban areas it is desirable to locate playfields adjacent to high school sites. Community Playfields may be part of a Major or Multiple Use Community Park.

ACCESS: Pedestrian and bicycle access. Vehicular access of non-residential street.

ENVIRONMENTAL QUALITY: Low ecological diversity and sensitivity.

SITE SUITABILITY: Ability to develop adequate on site parking, properly oriented sports fields, sanitary facilities, and lighting. Potential for drinking water and irrigation water supply is desirable.

LEVEL OF DEVELOPMENT: Intense development of specialized athletic facilities for organized competition. The athletic complex may include baseball, soccer and football fields, tennis courts, swimming pool, and track improvements. May include lighting, spectator seating, concession, rest-room, and storage buildings. Picnic and playground facilities may be provided as a secondary use.

CLASS OF PARKLAND: COMMUNITY PARK-MULTIPLE USE (CMU)

SIZE: 20+ acres

PURPOSE: Multiple use community parks are designed to provide a wide variety of recreational opportunities. Parks provide for day and evening use by all segments of the population. Ideally, these parks incorporate elements of community natural areas and playfields as well as less structured activities within an ornamental landscape setting. The larger size community park allows for a variety of non-conflicting uses.

LOCATION: Located central to several neighborhoods, may often be located in close proximity to a high school or junior high school site.

ACCESS: Pedestrian access and vehicular access off non-residential street.

ENVIRONMENTAL

 QUALITY: Environmental diversity is desirable. Ideally, site will provide areas of ecological diversity to remain as natural areas and less sensitive areas to be developed into multiple use playfields and landscaped picnic areas.

SITE SUITABILITY: The site should have access to utilities and be capable of providing parking, sanitary facilities, and water for irrigation and drinking.

LEVEL OF

 DEVELOPMENT: Moderate to high; park will be developed to provide as many non-conflicting uses as possible facilities. May include elements of Community Natural Areas and Playfields with additional emphasis placed on unstructured, open space for group picnicking and informal lawn games, walks, and bikeways. Structures may include shelters, community center, storage facilities, concession building, comfort station, and amphitheatre. Playfields should be developed to provide for a variety of uses.

CLASS OF PARKLAND: MAJOR PARK (MJR)

SIZE: 50-100 acres

PURPOSE: A large resource based park, designed to provide large numbers of people with a wide variety of recreational day and evening uses. Major Parks provide for both intensive uses and passive pursuits within a natural setting or landscape setting. Facilities are provided to serve all segments of the population.

LOCATION: Generally located within a 45-minute drive of major population center. Billings is the only city in Yellowstone County that has the population base to support a park of this type.

ACCESS: Vehicular access off major arterial street. Pedestrian and vehicular access off of recreation corridors is desirable.

ENVIRONMENTAL

QUALITY: Site diversity is desirable. Parks often contain areas of high natural resource or scenic value.

SITE SUITABILITY: On site parking, sanitary facilities, year round access, ability to develop a variety of facilities.

LEVEL OF

DEVELOPMENT: Moderate to high. Park will be developed with regard for the resource and environment. Park will be developed to provide high quality recreation experience while preserving areas of outstanding resource value. Facilities include swimming, boating, picnicking, court games, gardens, and natural areas, ice skating, trail systems. Structures may include pavilion, amphitheatre, concession, storage, community center, and restrooms. The park may also contain special use facilities such as golf courses or historic sites.

- CLASS OF PARKLAND: REGIONAL PARK (R)
- SIZE: Varies, minimum 500 acres
- PURPOSE: Regional parks serve multi-governmental units and are usually administered by a regional body. Parks provide a wide range of day and overnight uses. Regional parks are usually natural resource based and are developed to serve the entire population. Often large portions of the land area remain undeveloped for the purpose of preserving significant areas of the natural landscape or to provide extensive open space or green belt areas.
- LOCATION: Generally associated with areas of significant natural, cultural, or historical resource value.
- ACCESS: Good access off arterial road system. Service area within a one hour drive. Parkway system is often part of a Regional Park.
- ENVIRONMENTAL QUALITY: Areas of high scenic and natural resource value; ecological diversity desirable; often preserves areas of unique geologic, historic, archeologic, or cultural significance.
- SITE SUITABILITY: Varies. Will be determined by the level of development intended. This should only be developed to an extent which will not compromise the existing resource.
- LEVEL OF DEVELOPMENT: Varies. Will be based on the resource carrying capacity. May include roads, parking areas, sanitary facilities, as well as elements of Community Natural Areas, Multiple Use and Major Parks. Regional Park land often serves as an integral part of a trail system or green belt linking several community facilities and parks.
- There are currently no developed or undeveloped parks in Yellowstone County conforming to the conceptual model of a Regional Park. However, a number of park sites centered around a single resource such as the Yellowstone River could be viewed as a Regional Park complex. This concept is proposed by Wirth Associates in Park, Recreation and Open Space Study for the Billings, Montana Urban Area and in the Bicentennial Study.
- Implementation of this concept should be pursued as a cooperative effort between the City, County and state and federal public agencies. Riverfront Park, as developed, is more appropriately defined as a Major Community Park.

CLASS OF PARKLAND: SINGLE/SPECIAL USE FACILITY (SU)

SIZE: Varies.

PURPOSE: Parks provides unique recreational opportunities to a variety of age groups. Central feature may be a golf course, zoo, historic site, festivals, amphitheatre or ski areas. Special facilities often serve the entire region or state and may attract population from a larger base.

LOCATION: Usually located near urban areas or significant resource which is basis for development.

ACCESS: Generally accessible to entire population off of major arterial street.

ENVIRONMENTAL
QUALITY: Varies, generally of significant historical, natural or scenic value.

SITE SUITABILITY: On site parking, sanitary facilities.

LEVEL OF
DEVELOPMENT: Varies with facility.

CLASS OF PARKLAND: RECREATION CORRIDOR (RC)

SIZE:

PURPOSE: Linear parks establish extensive and continuous strips of land and water dedicated to recreational travel including hiking, biking, horseback riding, cross country skiing and canoeing. Parks serve the entire community population.

LOCATION: Corridors may be located adjacent to or independent of vehicular routes and may utilize utility easements, ditch and railroad right-of-ways, and easements through private and public lanes.

ACCESS: Parks should connect and be accessible from community parks and recreation centers.

ENVIRONMENTAL
QUALITY: High scenic value, lands should be adequately buffered from traffic and congestion to provide a pleasureable travel experience.

SITE SUITABILITY: Topography and soils suitable for developing trails and pathways.

LEVEL OF
DEVELOPMENT: Low to moderate.

CLASS OF PARKLAND: EXCESS LANDS (EX)

SIZE: Varies, often small parcels may include larger parcels with limited recreational conservation value.

PURPOSE: Excess land classification qualifies lands with limited or no recreational potential for disposition or sale. Revenues generated will be used to maintain and develop existing County parks or to acquire additional, needed parklands.

LOCATION: Varies, often land is located in areas not accessible to the public or in subdivisions where the lot size precludes the need for a park. Extremely small parcels, located with no possibility for expansion, are classified as excess lands unless there has been expressed interest for neighborhood groups to develop or manage the property.

ACCESS: Lands often inaccessible to the public.

ENVIRONMENTAL QUALITY: Varies.

SITE SUITABILITY: Recreational potential is limited due to location, size, or detrimental off or on-site characteristics.

LEVEL OF DEVELOPMENT: None. If interest in managing or developing the parklands is expressed, and plan submitted, the Park Board will consider reclassification.

should list districts

PARK PLANNING DISTRICTS

Introduction

As described earlier herein, the County has been divided into 14 park planning districts which represent geographical areas of the County; each district has present and projected population estimates to the year 2010.

Prior to recommendations and decisions being made regarding County parks, a review of the parks status in the relevant districts should be made. For example, if a land subdivision is proposed in the northwest Billings area (BNW), a review of that district in this Plan will provide information as to amount of park land in the district, anticipated population, type of parks available or needed, etc. Although recommendations are made elsewhere in this Plan, the breakdown in this section by geographic areas is the parks planning management approach felt to be most efficacious given the areas and amount of data being analyzed.

Standards may be used as a general guide for estimating future needs and demands, however, they should not be rigorously applied. Each planning district must be considered in its own context, taking into consideration unique resources, geographic relationships, existing facilities, future growth potential, etc. Tables for each of the planning districts following describe the projected municipal parkland requirements for Yellowstone County urban and suburban areas, and acreage requirements are projected by planning districts for the years 1985 and 2010 using a ratio of 10 acres per 1000 population and the delineated parklands standards discussed earlier

Table 1

PARKS WITH REGIONAL PARK SYSTEM POTENTIAL

<u>Park</u>	<u>Map #</u>	<u>Size</u>
1. Rims Regional Park:		
Echo Canyon	128	15.5
Holfeld	99	0.3
Hypark Subdivision	162	26.0
Indian Cliffs	125	24.2
Western Skies	124	2.4
Zimmerman	11	71.9
2. Riverfront Regional Park		
RIVERFRONT		340.0
Agricenter	116	2.2
JOSEPHINE & BLUE SKY ISLANDS	12	60.0
Carla Island	117	25.0
Kimble	167	0.7
C/S 1152 (part of Riverfront)	118	54.0
Riverside Estates	120	6.8
Two Moon	29	150.6
Coulson	48	60.0
3. BBWA Regional Recreation Corridor		
Madsen	33	1.4

Source: Cumin Associates, Billings, Montana

in this Plan. As can be noted, the distribution of acreage in urban and suburban areas varies based on the described standards and the rationale therefore. Parklands can accommodate several specific functions including recreation, open space preservation, and resource conservation. The projected needs tables for each district describe the minimum lands needed to accommodate community active and passive recreation needs. For rural parks guidelines--although 10 acres per 1000 population is a good reference standard--better local park planning may be accomplished by reflecting the specific needs and desires of the people who live in such areas. This type of specific user survey is easy to obtain because of the small populations involved and by the area sense of community inherent in small rural towns--a community sense that can be determined by representatives of the local citizen group or civic organization which is the political and social focal point of the community.

An additional 15 acres per 1000 population is recommended for regional parkland. It is not realistic to assume that the County can acquire or manage this amount of land with its limited and traditional taxing resources. Regional Park needs are best met through the cooperative efforts of federal, state, and local governments. The County park program can contribute, through appropriate land areas, to a Regional Park system such as with Riverfront, Two Moon, and Coulson Parks. The projected Regional Park need for Yellowstone County in 1985 is 1,717 acres. This will increase to 2,803 by 2010 (based on 15 acres per/1000 population, the minimum recommended by such usual standards as those of the National Recreation and Parks Association. This figure should be adjusted upwards if existing, significant natural resources, such as Yellowstone River frontage, the Billings rims, etc., are not protected and integrated into the area's parks resource.

Table 2

PARKS/POPULATION STANDARD

Acres of Park/1000 Population

<u>Class of Park</u>	<u>Urban Standard</u>	<u>Suburban Standard</u>
Neighborhood Park/Playground (NPP)	2.5	3.0
Community Playfield (CPF)	2.5	2.5
Community Multi-Use (CMU)	1.5	4.5
Community Natural Area (CNA)	1.0	*
Major (MJR)	2.5	*

*No Standard determined; emphasize specific characteristics and needs of the local community.

Source: Cumin Associates, Billings, Montana

At the end of each Planning District section is a Park Recommendation Table which outlines specific recommendations relating to the management of parks in that district. The first three columns list the individual park, map number and size. The fourth column indicates the present park classification and column five indicates a future classification--a classification based on park potential, anticipated land use characteristics, and future park needs as described in the Parklands Standards section of this Plan. Generally a classification change will require additional land, or will be the result of a lack of interest in developing the park; it may also indicate alternative uses based on user input from the public. The sixth column, "Action", outlines immediate recommendations to be taken by the County. The recommendations fall into one of three categories: excess, retain, or lease. The following column (seven) comments on more specific issues and objectives of the recommended action. The final column briefly discusses criteria for the proposed action. The terms "excess", "retain", or "lease", when used as recommendations are defined as follows:

Excess Lands:

Parks recommended for classification as excess lands are lands that currently provide no recreation opportunities and whose future park value is questionable; ultimately the County should sell all excess lands. In some instances there is no immediate market and an interim solution would be to lease the lands for any use that will not impair future sales. A few of the parks have undesirable physiographic or use characteristics which will make them unmarketable. For example, marshlands and lands with no access or lands with extreme slopes or severe soils limitation problems have limited value for recreation or any other land use, for that matter. The County will probably be burdened with the management of these land indefinitely. Parks recommended for the excess lands classification have one or more of the following characteristics:

1. Parks are located in a developed neighborhood where there has been no interest expressed by residents in developing or maintaining the park. (These parks are indicated with a N--for potential neighborhood development--following "excess".) The County will need to verify that these lands are excess prior to disposing of them. A procedure for neighborhood and special interest groups to follow in developing parks is included in Appendix 5 of this Plan.
2. Parks are of limited recreation or conservation value. The recreation and conservation value of each park has been assessed by evaluating several factors including ecological sensitivity and diversity, recreational facility, suitability, access and parking, current and projected land use characteristics, and the availability of other recreation opportunities in the vicinity.
3. Parkland that is currently undeveloped and in a deteriorating condition as a result of dumping, misuse, or other abuse.
4. Parklands that are located or developed in a manner that they would be better administered by another agency or group such as homeowners, schools, or special interest groups.
5. Lands located in areas of the County where current and projected park needs indicate an excess of that particular type of park. This recommendation is most common to small parks that are less than two acres in size.

Leasable Lands:

Leasing of County parkland is a management technique with the advantages of preserving lands for future development, generating revenues allocable to the County Park Board fund, and minimizing maintenance problems and costs associated with vacant land. In order for land leasing to be an effective management technique, the County will need to establish a program to actively pursue acquiring leases of fair market value on all leasable lands. Perhaps other County departments or communities would be interested in participating in a land leasing program as a means of managing all unused government lands. This concept needs to be explored further to analyze the costs and benefits, and ideally the cost of implementing the program would be covered by the revenues generated and the cost savings resulting from reduced maintenance.

Parks recommended for leasing have one or more of the following characteristics.

1. Excess lands with no immediate market value.
2. Parks currently used for non-recreational purposes.
3. Parks held as kind of landbanks (undeveloped park lands being retained by the County in anticipation of future needs).
4. Lands suitable for grazing or agriculture and located in growing areas where the land and park values are expected to increase with time.
5. Park land in as yet unoccupied subdivisions where neighborhood interest cannot be established.

Retained Lands:

The previously discussed management recommendations of leasing or classifying as excess are presented with the goal of reducing the County Park Board's administrative responsibilities. However, there are several

parks whose present condition and use suggests that they be retained and that the County take an active role in administering the maintenance, use, and development. It will be possible for the County to reduce the amount of neighborhood park land that they are responsible for maintaining by placing stricter requirements on subdividers as part of the subdivision improvement agreements.

Parks recommended to be retained by the County have one or more of the following characteristics:

1. Parks with current or future potential for providing community recreation opportunities.
2. Neighborhood parks that are currently developed and are being maintained by the County (i.e., Harris Park).
3. Developed parks being maintained by agreements with special interest groups (i.e., Poly Vista, Hillner, Dokken).
4. Neighborhood parks where the residents have expressed interest in developing the park and abuse or deterioration is not currently a problem.
5. Park land located in areas where future need for a neighborhood park is projected but the level of subdivision occupancy makes it difficult to determine the neighborhood residents' interest.
6. Significant natural areas and areas that may be part of a Regional Park system.

Billings Northwest (BNW) Parks Planning District

The area bounded generally by 64th Street West, Grand Avenue on the south, just east of the airport on the east, and north to include Indian Cliffs and land atop the rims is delineated in this Plan as the Billings Northwest Park Planning District. As with most of the districts discussed herein it is coterminous with a population and housing district from a recent Billings study. In 1985 it is expected that 15,784 people will live in this area, a figure increasing to 23,588 by 2010. Table 3 shows the parks in this district at the present time by map reference number (keyed to large County maps in the County Park Board Office), park name, class of park, and the amount of developed or undeveloped acres therein. As with the rest of the park planning district herein, both County and city administered parks are included on this list because of the inability to determine park needs by population increment without considering total park opportunity available--both in city and out. As can be seen, there is a total of 54.9 acres developed and 213.7 acres undeveloped in the BNW District.

Table 4 shows the existing park lands and the amount of park land needs by type or class of park facility for urban and suburban park lands based on the standards of population previously discussed (which will apply for all of the similar park status tables that follow). Each of the planning district tables herein provide for the potential demand for a Major Park. This has been separated out because the standard service area of such a park is larger than the planning districts used herein (having a service radius of one hour and serving a population of 80 to 100,000). The Major Park, therefore, overlaps all of the planning districts,

Table 3

PARKS-BILLINGS NORTHWEST PARK PLANNING DISTRICT

Map #'s	County Parks	Class	Acres Developed	Acres Undeveloped	Total Acres
61	Byron Nelson	NPP		4.0	4.0
82	C/S 986	NOS		0.2	0.2
43	Cynthia	NPP		2.0	2.0
59	Dokken	NMP	0.8		0.8
162	Hypark Sub. Un-named	CNA(R)*		26.0	26.0
125	Indian Cliffs	CNA(R)		24.2	24.2
62	Palisades	NPP		4.0	4.0
35	Poly Vista	CPF	24.5		24.5
52	Rim Point	NPP		7.5	7.5
103	Rimrock West	NMP		1.5	1.5
71	Robert Trent Jones	NOS		4.0	4.0
106	Rosetta	NMP		0.8	0.8
124	Western Skies	CNA(R)		2.4	2.4
86	Yellowstone Meadows	NMP		1.6	1.6
81	Zimmerman Acreage Tr.	NMP		1.0	1.0
11	Zimmerman Public	MJR(R)		71.9	71.9
	Subtotal		25.1	150.9	176.0
	<u>City Parks</u>				
8	Alphabet Parks	NOS	1.3		1.3
70	Boulder	NPP	5.0		5.0
22	Cameron	CNA(R)		5.0	5.0
178	Country Club Hts.	CNA		5.0	5.0
4	Grandview	NOS	5.0		5.0
88	Heffner	CNA(R)		0.4	0.4
42	Kiwanis Durland	NPP	3.0		3.0
21	Mariposa	NMP		1.6	1.6
13	Panoramic Heights	CNA		5.5	5.5
80	Pineview-Silverwood	NOS		1.1	1.1
186	Ramada	NMP		1	1
93	Rib's Ridge	CNA(R)		1.5	1.5
104	Rocky Elementary	NMP		0.1	0.1
105	Rocky Village	NMP	1.5		1.5
122	Sand Cliffs	CNA(R)		4.5	4.5
83	Skyline	CNA		25.0	25.0
20	Smith Sub.	NMP		.3	.3
108	Smoky Subdivision	CNA(R)		.1	.1
25	Valleyview	CNA(R)		3.7	3.7
30	Veterans	CMU	11.0		11.0
46	Westwood	NPP	3.0		3.0
122	Wilshire	CNA(R)		8.0	8.0
	Subtotal		29.8	62.8	92.6
	Total		54.9	213.7	268.6

*(R) Potential Regional Parks

Source: Cumin Associates, Billings, Montana

but the potential demand from each district is included in each of the tables. In each of the tables, also, is a total existing acreage for Neighborhood Mini-Parks and Neighborhood Open Space for each district; these two park types do not have useful, established standards of demand but do contribute to an area's park opportunities and experience.

Table 4

BILLINGS NORTHWEST-PARK AVAILABILITY AND NEEDS PROJECTION

Class of Park	1985 (Population: 15,784)		2010 (Population: 23,588)
	Existing Acreage	Needed Acreage	Needed Acreage
Neighborhood Park/Playground (NPP)	26.4	39.5	59.0
Community Playfields (CPF)	24.3	39.5	59.0
Community Multi-Use (CMU)	11.0	23.7	35.4
Community Natural Area (CNA)	112.2	15.8	23.6
Total Local Parks	173.9	118.5	177.0
Major Park (MJR)	71.9	39.5	59.0
Total	245.8	158.0	236.0
Total when Mini-Parks and Open Space included	267.6	-----	-----

Source: Cumin Associates, Billings, Montana

Parklands in this, the Billings Northwest District are abundant and well distributed; however, the lack of development, limited size, and natural characteristics of many of the parks fail to provide present residents in this district a full range of recreation opportunities. A large percentage of the lands in this district are Community Natural Areas/Open Space. The major natural resource-based park lands comprising

the Eagle Sandstone rimrock formations should be protected and maintained as part of a Regional Park system.

Opportunities for active recreational pursuits in a Community Park and Playground setting (see earlier Parkland Standards Table) are limited, although there are private recreation facilities such as the Yellowstone Country Club with its golf, tennis, and swimming facilities and the Yellowstone Racquet Club with its indoor and outdoor courts and facilities which will mitigate, somewhat, the lack of active, public recreational opportunities. Acquisition of more level 10-acre pieces of land adjacent to the rims would allow the County to develop a Community Multiple Use Park in a spectacular setting. Development of additional community facilities should be part of the master plan of continued improvements for Poly Vista Park. The Arrowhead School's proximity to Poly Vista provides opportunities for use as community center.

Neighborhood park land is abundant in northwest Billings, however, the development potential is hindered by the limited size of many parcels. The County should pursue disposition of Rosetta, Rush, and Robert T. Jones Parks, as these lands offer limited recreational opportunities. Future Neighborhood Park/Playground needs will best be met by acquiring additional land adjacent to Cynthia, Zimmerman Acreage Tract, Yellowstone Meadows, and Rimrock West Parks. These existing parks are all located in growth areas, less than two acres in size, and can be added to through future subdivision land dedication. Byron Nelson and Palisades Parks should be the first priorities for Neighborhood Park/Playground.

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*extraneous
park
page*

Table 5

BNW PARK RECOMMENDATIONS AND COMMENTS

Park/Map #	Acres	Present Class	Future Class	Recommended Action	Comment	Criteria For Recommendation
Byron Nelson (61)	4.1	NPP	NPP or Excess	Retain	Homeowner's Plan pending	Good park potential, located in developed residential subdivision, no sign of deterioration, expressed interest by home owners. (EUYCC 88888)
C/S 986(82) (EUYCC 88888)	17	MOS	Excess	Excess	Lease or sell	Very limited recreational value, agricultural potential
Cynthia (45)	2.0	NPP	NPP	Lease	Lease until park need is identified	Located in undeveloped small lot subdivision with potential to add additional park land, agricultural suitability, minimal development in area.
Bokken (59)	.8	NMP	NMP	Retain	Homeowners are maintaining	Park is located in a developed subdivision. The park is landscaped and well maintained.
46 HYPark Sub. Un-named (162)	26	CNA(R)*	CNA(R)	Retain	Monitor use & budget for maintenance.	Part of Rims Regional Park
Indian Cliffs (125)	24.16	CNA(R)	CNA(R)	Retain	Monitor use & budget for maintenance	Part of Rims Regional Park
Pallades (62)	4.02	NPP	NPP or Excess	Excess(N)**	Sell unless neighborhood assumes responsibility	Located in well developed neighborhood, is presently used as a dump site.
Poly Vista (35)	24.33	CPF	CPF	Retain	Continue to work with ball leagues on management	Heavily used playfield, current development and management is by ball leagues.
Rim Point (52)	7.33	NPP	NPP or Excess	Excess(N)	Sell unless neighborhood assumes responsibility	Located in well developed residential neighborhood. Park shows some kind of use by children.
Rimrock West (103)	1.54	NMP	NPP or Excess	Lease	Monitor development and park needs of area.	Currently farmed; future residential lot potential. Located in large lot subdivision with some development.

Table 5, BNW PARK RECOMMENDATIONS AND COMMENTS (CONT.)

Property Name	Acres	Map	Recommendation	Comments
Robert Trent Jones (71)	4.02	NOS	Excess	Check with con- Park is marsh with limited recreation potential. Park is servation groups located in well developed subdivision.
Rosutta (106)	.76	NHP	NPP or Excess	Monitor growth & park needs of area. Currently farmed. Future residential lot potential. Ability to add land with future subdivision.
Western Shies (124)	2.42	CNA(R)	Retain	Monitor use & management needs. Part of Rims Regional Park.
Yellowstone Meadows (86)	1.64	NMP	Lease or sell	Monitor devel- ment & park needs of area. Currently farmed. Located off 50th Street West adjacent to unplatted land.
Zimmerman Acreage Tr. (81)	1.01	NMP	Lease	Monitor growth and park needs of area. Small parcel in undeveloped area, currently farmed.
Zimmerman Public (11)	71.85	MUR(R)	Retain	Monitor use & management needs. Part of Rims Regional Park.

*(R) Potential Regional Park

***(N) Possible development by neighborhood residents if there is any interest

Source: Lumin Associates, Billings, Montana

Billings West (BW) Parks Planning District

Billings West is a park planning district bounded by about 64th Street West on the west, Grand and King Avenues on the north and south respectively, and approximately 19th Street West on the east; the whole area is generally flat topographically. The 1985 population is projected to be 15,738, growing to 25,587 by the year 2010, a 63 percent increase. Table 6 shows the present number of parks in this district--both City of Billings and Yellowstone County parks--and the amount developed and undeveloped. As indicated, of the 243.9 total acres of parks in this district, 185.1 acres are developed and the rest, 60.8 acres, are undeveloped. City parks take up 88 percent of the total park land area.

Parklands in this Billings West District are abundant but unevenly distributed, and the location and development potential of future parklands should be given primary consideration in planning for this district.

The majority of lands in this district are smaller parcels suitable for neighborhood facilities which will be valuable in accommodating future Neighborhood Park/Playground needs in this high growth area. (There are actually no excess neighborhood park lands in the County's jurisdictional area.) The County should continue to add Neighborhood Park/Playground lands as part of the subdivision land dedication process. As discussed elsewhere in this Plan, however, all park requirements in new subdivisions cannot be as land for neighborhood parks and playgrounds. Larger park land areas accommodating other types of parks are needed and can usually not be gotten through land dedication requirements (except through large subdivisions). Consequently, the cash in lieu of land provision in park dedication requirements allows land to be improved elsewhere than just in

Table 6

PARKS-BILLINGS WEST PARK PLANNING DISTRICT

<u>Map #'s</u>	<u>County Parks</u>	<u>Class</u>	<u>Acres Developed</u>	<u>Acres Undeveloped</u>	<u>Total Acres</u>
45	Canal	NOS(R)*		3.4	3.4
96	Clydesdale	NPP		6.3	6.3
56	Grand Acres	NMP		0.3	0.3
44	Lampman	NPP		9.5	9.5
155	Un-named C/S 2189-2175 (Wells Garden Estates)	NPP		3.0	3.0
	Subtotal		0.0	22.5	22.5
	<u>City Parks</u>				
55	Burlington	NPP	5.0		5.0
27	Gorham	NPP	7.0		7.0
136	Harvest	NOS & NPP SERIES**	23.8		23.8
89	Heritage	NPP		7.0	7.0
47	Homestead	CPF		28.9	28.9
38	Lillis	NOS(R)	26.0		26.0
69	Millice	NPP	4.4		4.4
187	Olympic	NOS & NMP SERIES**	21.0		21.0
31	Rose	CMU	25.9		25.9
37	Sacajawea	CPF	10.0		10.0
92	Stewart	MJR	60.0		60.0
110	Vo Tech	NOS		2.4	2.4
	Subtotal		183.1	38.3	221.4
	Total		183.1	60.8	243.9

*Potential Regional Park

**Series of small linear parks

Source: Cumin Associates, Billings, Montana

the land area being subdivided. Land should be added to Wells Garden Estates and Grand Acres as surrounding lands are platted. Clydesdale Park is a good-sized Neighborhood Park/Playground with future community park potential if additional lands can be acquired; it presently has good arterial roadway access and adjacent land can be added to it via land subdivision dedication as the area develops.

At the present time, the County does not own or control any lands of adequate size to develop community parks or playfields in this district. Consequently, high priority should be to acquire land in or development rights to a 10-20 acre parcel on the west end of this district for future development as the urban area extends westward.

Table 7

BILLINGS WEST-PARK AVAILABILITY AND NEEDS PROJECTION

<u>Class of Park</u>	1985 (Population: 15,738)		2010 (Population: 25,587)
	<u>Existing Acreage</u>	<u>Needed Acreage</u>	<u>Needed Acreage</u>
Neighborhood Park/Playground (NPP)	67.8	39.4	64.0
Community Playfields (CPF)	30.0	39.4	64.0
Community Multi-Use (CMU)	25.9	23.6	38.4
Community Natural Area (CNA)	0.0	15.7	25.6
Total Local Parks	123.7	118.1	192.0
Major Park (MJR)	16.0	39.4	64.0
Total	263.4	157.5	256.0
Total when Mini-Parks and Open Space included	186.1		

Source: Cumin Associates, Billings, Montana

Table 8

BW PARK RECOMMENDATIONS AND COMMENTS

Park/Map #	Acres	Present Class	Future Class	Recommended Action	Comment	Criteria for Recommendation
Clydsdale (96)	6.33	NPP	CPF	Lease	Landbank, add lands.	Located in undeveloped area. Platted for small lots. Good excess and ability to add lands through platting.
Grand Acres (56)	.29	NMP	NPP or Excess	Lease	Consider future sale or expansion	Too small for recreational use, located in undeveloped area, currently farmed, access off Broadwater.
Lampman (41)	9.5	NPP	NPP	Excess	Transfer to City	Land is located within city limits and would be best administered by city. Located in new developed residential neighborhood.
Wells Gardens Estate C/S 2189-2175 (155)	3.0	NPP	NPP or Excess	Lease	Verify access to park	Located in undeveloped subdivision, land could be added through future plats, currently farmed.
William Johnston (79)	1.08	NMP	NMP or Excess	Excess (N)*	Sell if no neighborhood interest.	Located in large lot subdivision, no possibility of adding land. Residential lot potential.

LOCKWOOD PS

* (N) Possible development by neighborhood residents if interest expressed
Source: Camin Associates, Billings, Montana

Billings Southwest (BSW) Parks Planning District

The southwest area of Billings from the Yellowstone River to King Avenue--including the interstate highway area--and extending generally from the central part of Billings southwestward to 40th Street West is the Billings Southwest Park Planning District. A notable characteristic of this district is that it contains large commercial and industrial development parks and general light industrial land uses that like the interstate highway exposure; this non-residential land use can be seen reflected in the low resident population figures for the district. The 1985 population is projected at 2,740, growing 181 percent to 7,708 people by 2010. The only park in this area is a city park, Comanche Park (Map number 49) a developed Neighborhood Park/Playfield of three acres.

Table 9

BILLINGS SOUTHWEST-PARK AVAILABILITY AND NEEDS PROJECTION

Class of Park	1985 (Population: 2,740)		2010 (Population: 7,708)
	Existing Acreage	Needed Acreage	Needed Acreage
Neighborhood Park/Playground (NPP)	3.0	6.8	19.3
Community Playfields (CPF)	0.0	6.8	19.3
Community Multi-Use (CMU)	0.0	4.0	11.6
Community Natural Area (CNA)	0.0	2.7	7.7
Total Local Parks	3.0	20.3	57.9
Major Park (MJR)	0.0	6.8	19.3
Total	<u>3.0</u>	<u>27.1</u>	<u>77.2</u>
Total when Mini-Parks and Open Space included	3.0	-----	-----

Source: Cumin Associates, Billings, Montana

As with other districts in west Billings, this southwest area is a prime growth area, although--because of the intermix of commercial and industrial land uses which will logically continue here--the resident population is not expected to increase to the density found in the Billings West and Northwest Planning Districts. State enabling legislation does not provide for the public donation of land in non-residential subdivisions, however, the provision of open space is an important design factor in well planned commercial/industrial parks, such as The Homestead which is located in this district. Most developers of such business parks are aware of the need for quality design with open space and well landscaped parkways, but future subdivision development proposals need continued encouragement by local government during the review and approval process.

Park planning and provision for this district--with only one three-acre park in existence--are in their initial stages, and new residential subdivisions park proposals can be reviewed not only as each relates to the park experience of the proposed development but also as it contributes to the larger park facility needs of this district. A portion of Canyon Creek runs through this area and the entire district is bounded on the south by the Yellowstone River--both features which can contribute to exciting future park development.

Billings South (BS) Parks Planning District

This Planning District is also bounded on its south side by the Yellowstone River and has Interstate Highway 94 looping through it; most of the area in the district south of the interstate is County and most of the land north thereof is in Billings. The district's west boundary is Mallowney Lane, the north boundary extending southwest-northeast is, generally, the Montana Avenue-Burlington Northern Railroad line, and the east (more specifically northeast) is the present city limits line along the area of 27th Street. The Billings South District contains some large tracts of prime development land and is the area containing Riverfront and Josephine Parks. As shown in Table 10, this district contains 216.8 acres of Billings and County parks, 180.6 acres of which are administered by Billings. As discussed earlier, the major parks which are included in this planning district provide a park opportunity far beyond the limits of the district. The 1985 projected population is 11,372 which is anticipated to grow to 21,164 people by 2010. Table 11 shows park land needs by type of park for both 1985 and 2010.

A large amount of the County park land in this district, which contains more park land than any other district in the County, is potentially part of the Yellowstone River Regional Park system concept. As such, further and continued cooperation, planning and administration between the County, Billings, federal agencies, and the State Fish, Wildlife, and Parks Department needs to be maintained and encouraged. Billings presently administers Carla Island and Riverside Estates Parks as well as Riverfront Park while the County administers Agricenter and Kimble parks and the park in C/S 1152. Attention needs to be given to

*MO C/S 1152
in Park
Riverfront*

Table 10

PARKS-BILLINGS SOUTH PARK PLANNING DISTRICT

Map #'s	County Parks	Class	Acres Developed	Acres Undeveloped	Total Acres
116	Agricenter	CNA		2.2	2.2
77	Byrnes Stephens	NOS		0.5	0.5
117	Carla Island	MJR(R) *		25.0	25.0
167	Kimble Park	CNA(R)		0.7	0.7
101	Peterson	NMP		1.0	1.0
120	Riverside Estates	CNA(R)		6.8	6.8
	Subtotal		0.0	56.2	56.2
	<u>City Parks</u>				
12	Big Sky Islands + Josephine	MJR(R)		60.0	60.0
64	Highland	NPP	5.0		5.0
185	Kings Green	NPP		4.0	4.0
36	Optimist	CMU	20.0		20.0
26	Ponderosa	NPP	5.0		5.0
119	Riverfront	MJR(R)	30.0	51.6	51.6
2	South	CMU	17.0	295	325
18	Streeter	NPP	3.0		3.0
114	Wilson	CPF		15.0	15.0
	Subtotal		50.0	374.0	454.0
	Total		50.0	412.2	492.2

*Correction: Mike
Hick 7-27-87*

*(R) Potential Regional Park

Source: Cumin Associates, Billings, Montana

developing some parks in the future in this area--or planning therefore-- as none of the County park land in this district is developed. For example, Peterson Park is the only piece of County park land south of the overpass (and not part of the riverside park environment), and consideration should be given to adding land to this parcel and developing a Neighborhood Park/Playground facility. There are no developed sports-fields in this district, and Billings should be encouraged to develop Wilson Park. Byrnes-Stephens Park has very limited recreation potential and should be disposed of. Further development of Riverfront Park will meet most of the needs for a community park in this district. The 1985 Neighborhood Park/Playground shortage noted in Table 11 is about ten acres; this can be easily obtained through future land subdivision park dedication requirements.

Table 11

BILLINGS SOUTH-PARKS AVAILABILITY AND NEEDS PROJECTION

Class of Park	1985 (Population: 11,572)		2010 (Population: 21,164)
	Existing Acreage	Needed Acreage	Needed Acreage
Neighborhood Park/Playground (NPP)	17.0	28.5	53.0
Community Playfields (CPF)	15.0	28.5	53.0
Community Multi-Use (CMU)	37.0	17.1	31.8
Community Natural Area (CNA)	9.6	11.4	21.2
Total Local Parks	78.6	85.5	159.0
Major Parks (MJR)	415.0	28.5	53.0
Total	493.6	114.0	212.0
Total when Mini-Parks and Open Space included	573.7	142.5	

Source: Cumin Associates, Billings, Montana

Table 12
BILLINGS SOUTH (BS) PARK RECOMMENDATIONS AND COMMENTS

	<u>Park/Map #</u>	<u>Acres</u>	<u>Present Class</u>	<u>Future Class</u>	<u>Recommended Action</u>	<u>Comment</u>	<u>Criteria for Recommendation</u>
57	Agricenter (116)	2.19	CNA(R)*	CNA(R)	Retain	Consider joint administration with City	Part of Riverfront Regional Park
	Byrnes Stephens (77)	.52	NOS	Excess	Excess	Sell	Located in undeveloped platted subdivision, park needs maintenance and is currently used for vehicle storage.
	Peterson (101)	.98	MWP	MWP or Excess	Excess(N)	Lease potential	located in small lot residential neighborhood, current use is pasture

*(R) Potential Regional Park
Source: Cumin Associates, Billings, Montana

Billings Central (BC) Parks Planning District

This Park Planning District is wholly within the City of Billings municipal limits. It is included here in this County Plan to provide the relevant park lands per population information to complete the overall County needs analysis and projection. To this end Tables 13 and 14 are here included.

Table 13

PARKS-BILLINGS CENTRAL PARK PLANNING DISTRICT

Map #'s	City Parks	Class	Acres Developed	Acres Undeveloped	Total Acres
7	6th & Division Triangle	NOS	.25		.25
28	Athletic	MJR	10		10
23	Burg	NPP	1		1
174	Burlington Circle	NOS	.20		.20
175	Burnstead	CNA		6	6
65	Central	CMU	12		12
179	Delphinium Circle	NOS	.25		.25
19	Evergreen	NPP	6		6
182	Hedge	NOS	1		1
1	North	CMU	16.5		16.5
6	Pioneer	CMU	54		54
188	Poly Triangle	NOS	.55		.55
189	Rock Island	NOS	.75		.75
190	Rosebud	NPP		3	3
66	Spring Creek	NPP	2.3		2.3
9	Terry	NPP	3.8		3.8
192	Triangle	NOS	.5		.5
	Total		91.68	9	100.68

Source: Cumin Associates, Billings, Montana

Table 14

BILLINGS CENTRAL-PARK AVAILABILITY AND NEEDS PROJECTION

Class of Park	1985	2010
	(Population: 23,935)	(Population: 30,286)
	Needed Acreage	Needed Acreage
Neighborhood Park/Playground (NPP)	59.8	75.8
Community Playfields (CPF)	59.8	75.8
Community Multi-Use (CMU)	35.9	45.5
Community Natural Area (CNA)	23.9	30.3
Total Local Parks	179.4	227.4
Total when Mini-Parks and Open Space included		

Source: Cumin Associates, Billings, Montana

Billings Southcentral (BSC) Parks Planning District

As with Billings Central, this Park Planning District is also wholly within the municipal limits of Billings. The discussion, again, is therefore limited to Tables 15 and 16 here included.

Table 15

PARKS-BILLINGS SOUTHCENTRAL PARK PLANNING DISTRICT
(CITY)

Map #'s	City Parks	Class	Acres Developed	Acres Undeveloped	Total Acres
121	Amend.	CMU		60.0	60.0
171	Baptist Church	NMP	0.25		0.25
3	Community	NOS	2.0		2.0
192	MacIntyre Triangle	NOS	0.3		0.3
193	S.I.D.'s 2nd & Division	NMP	1.0		1.0
	Total		3.55	60.0	63.55

Source: Cumin Associates, Billings, Montana

Table 16

BILLINGS SOUTHCENTRAL-PARK AVAILABILITY AND NEEDS PROJECTION

Class of Park	1985	2010
	(Population: 1,766)	(Population: 1,353)
	Needed Acreage	Needed Acreage
Neighborhood Park/Playground (NPP)	4.5	3.5
Community Playfields (CPF)	4.5	3.5
Community Multi-Use (CMU)	2.7	2.1
Community Natural Area (CNA)	1.8	1.4
Total Local Parks	13.5	10.5
Major Parks (MJR)	4.5	3.5
Total	18.0	14.0
Total when Mini-Parks and Open Space included	----	----

Source: Cumin Associates, Billings, Montana

Lockwood and Billings East (LW & BE) Parks Planning District

Lockwood and Billings East Park Planning Districts are two separate geographic areas connected by the East Bridge of the interstate highway over the Yellowstone River; both are characterized by mixed land uses adjacent to both sides of an interstate highway. Such land uses extend from pleasant and expensive homes on large wooded tracts in Emerald Hills to large oil refineries and agricultural stockyards; a dominant influence of the sprawling Lockwood area is the lack of a central sewage treatment system. A new interstate interchange access to be built in this area (at the Johnson Lane site) will spur further land development of all types as will a roadway link from Billings Heights spanning the Yellowstone River (still in the long range plans at this time). All of this district is out of the municipal limits of Billings.

The area has a population estimated to be 4,996 by 1985, increasing 34 percent to 6,702 by 2010. The inventory of park lands is shown in Table 17 ; twenty-four of the 139.3 acres of parks in the district are developed. Table 18 shows the parks by type and projected need for 1985 and 2010.

There is a good balance of lands, parks, and park uses relative to the present population in this planning district. Although there are several developed or partially developed parks, many of the developed parks suffer from a lack of maintenance. Developed parks include Harris, Hillner, Brooksdale, and Lockwood.

Long range park planning should focus on developing more community-class recreation facilities; playfields are a high priority. The County should discourage building permanent ballfields in small neighborhood

Table 17

PARKS-LOCKWOOD & BILLINGS EAST PARK PLANNING DISTRICT

Map #'s	County Parks	Class	Acres Developed	Acres Undeveloped	Total Acres
73	Bel Aire	NMP		1.3	1.3
24	Brookdale	NPP	1.8		1.8
<i>SOLD</i> 68	C/S 1310	NOS		1.9	1.9
34	Charles Russel	NOS		3.8	3.8
48	Coulson	MJR		60.0	60.0
75	Dry Creek	NPP		1.9	1.9
84	Harris	NPP	2.5		2.5
14	Hillner	NPP	7.1		7.1
51	Lockwood	CPF	10		10
115	Lockwood Jr. High	CMU		16.3	16.3
74	McKenzie	NOS		10.0	10.0
17	Pinehill	NOS		8.9	8.9
168	Sannon	NPP	2.6		2.6
97	Sled	NOS		8.7	8.7
<i>SOLD</i> 87	Shawnee	NMP		1.4	1.4
<i>SOLD</i> 79	William Johnston	NMP		1.1	1.1
	Total		24.0	115.5	139.5

*at Special Zoning
of Billings*

Source: Cumin Associates, Billings, Montana

parks as excessive fencing in these small parks limits their desirable multiple use potential. Consideration should be given to developing the junior high school site as a multiple use community park and/or expanding Lockwood Park for this purpose. Future, less structured, and passive community park needs will be accommodated by developing Coulson Park. Yellowstone County should carefully evaluate the recreation suitability of any lands proposed as dedications for parks in future subdivisions, as large-lot subdivisions often dedicate open space land with very limited recreational potential. A cash donation may be more appropriate.

Further consideration include:

- Bel Aire Park: Lands could be added; pasture potential (for lease)
- C/S 1310 Park: Only 1.9 acres in large-lot subdivision; pasture potential but no access; sell to adjacent land owner.
- McKenzie Park: Open space, good for cross-country skiing and trails; try to acquire access in future plat (it has none now).
- Charles Russell Park: Retain as open space and neighborhood natural area.

Table 18

LOCKWOOD AND BILLINGS EAST-PARK AVAILABILITY AND NEEDS PROJECTION

Class of Park	1985 (Population: 4,996)		2010 (Population: 6,702)
	Existing Acreage	Needed Acreage	Needed Acreage
Neighborhood Park/Playground (NPP)	14.0	12.5	16.8
Community Playfield (CPF)	10.0	12.5	16.8
Community Multi-Use (CMU)	16.3	7.5	10.1
Community Natural Area (CNA)		5.0	6.7
Total Local Parks	40.3	37.5	50.4
Major Park (MJR)		12.5	16.8
Total	40.3	50.0	67.2
Total when Mini-Parks and Open Space included	126.6	-----	-----

Source: Cumlin Associates, Billings, Montana

Table 19

LW PARK RECOMMENDATIONS AND COMMENTS

Park/Map #	Acres	Present Class	Future Class	Recommended Action	Comment	Criteria for Recommendation
Bel Aire (75)	1.25	NPP	NPP or Excess	Excess(N)*	Sell if no interest by neighborhood	located in developed small lot residential subdivision, add land to south if kept.
Brookdale (24)	1.82	NPP	NPP	Retain	Needs maintenance	Currently used for sports fields.
G/S 1310 (68)	1.9	NOS	NOS	Excess	Sell, verify size & location	located in undeveloped large lot subdivision, no platted access
Charles Rassel (34)	3.83	NOS	NOS	Retain	County administered, Monitor use & needs	Aesthetically pleasing, natural area, located in area with limited development.
Two Mile Garrison (68)	60	MUR(R)**	MUR(R)	Retain	County administered, Monitor use & needs.	Part of Riverfront Regional Park. <i>already limited</i> <i>for 700 acres</i>
Dry Creek (75)	1.88	NPP	NPP or Excess	Excess(N)	Sell if no interest by neighborhood	Park is small relative to lots and is of limited recreational value.
Harris (81)	2.48	NPP	NPP	Retain	Acquire, add land	Existing partially developed park, acquire additional land in future subdivision.
Hilmer (11)	7.12	NPP	NPP	Retain/county administered	Budget for maintenance	Existing partially developed park.
Lockwood (51)	10	CPF	CPF	Retain	Budget for maintenance	located in well developed residential neighborhood, land grant to County for park.
Lockwood Jr. High (115)	16.25	CMU	CMU or Excess	Excess	Negotiate with school district	Land would be better administered and developed by school district.

SOLD

Two Mile Garrison (68)

WAS CFP

Table 19 IN PARK RECOMMENDATIONS AND COMMENTS (CONT.)

	NOS	NOS or Excess	Excess(N)	Sell if no interest by neighborhood	
Pinehill (17)	8.92				Land is deteriorating, located in partially developed residential neighborhood.
Sannon (168)	2.61	NPP	Retain	Budget for maintenance	Land is being used as dump and ORV trails, located in partially developed residential neighborhood, existing ball fields.
Sied (97)	8.74	NOS	Lease	Landbank	Located in developing residential neighborhood, all land with future plans.
Shawnee (87)	.34	NPP	Excess	Sell	Too small and of limited recreational value, dry, close to highway.
McKenzie (74)	9.99	NOS	Retain	Landbank acquire access	located in partially developed subdivision, good potential for natural area.

*(N) Possible development by neighborhood residents if interest expressed
 **(R) Potential Regional Park
 Source: Cumin Associates, Billings, Montana

SOLD BY WILLIAM JOHNSON

Billings Heights (BH) Parks Planning District

This Park Planning District extends northeast of the airport and north of the Yellowstone River and is bounded, generally, on the north by Five Mile Creek; this area experienced the highest residential growth rate of any part of Yellowstone County in the 1970's, and its primary traffic thoroughfare, Main Street, is one of the busiest streets in the State. The south end of Main Street, where it enters central Billings, is also a major traffic bottleneck as it is the only access for this whole area into Billings proper. With current expansion, extension, and creation of Billings municipal sewer collection and treatment service into large areas of the Heights which previously had no such service, the area will continue to be a high growth area for residential subdivisions.

In 1985, the Heights is projected to have a population of 16,060, expanding to 24,661 people by the year 2010--a 54 percent increase. The district is the location of one of the first natural area park lands in Yellowstone County, Two Moon Park. This park, along with Billings Swords Park (184.2 acres) contributes to the large amount of park land in this district and both parks are prime components of Major/Regional Park systems--Two Moon along the Yellowstone River and Swords along the Billings rimrocks. As shown on Table 20, the Heights district contains 559.2 acres of parkland, 90 percent of which is undeveloped; 32 percent of the park lands are County of which all but 0.8 acres at Beartooth School are undeveloped.

Park lands in this district are abundant but are, for the most part, undeveloped, of limited size, and located in developed areas. Most of the excess lands are within the Billings city limits. The County's focus in

Table 20

PARKS-BILLINGS HEIGHTS PARK PLANNING DISTRICT

Map #'s	County Parks	Class	Acres Developed	Acres Undeveloped	Total Acres
166	Alkali Creek (CAVE? 2,22,12)	NMP		0.7	0.7
126	Beartooth School	NPP	0.8		0.8
99	Holfeld	NOS(R)*		.34	.34
33	Madsen	NMP		1.4	1.4
135	Oxbow	NOS		10.3	10.3
153	Quarterhorse	NPP		4.7	4.7
40	Sun Valley	NPP		8.9	8.9
29	Two Moons	MJR(R)		150.6	150.6
	Subtotal		0.8	176.94	177.74
	<u>City Parks</u>				
58	Afflerbaugh	CNA		3.0	3.0
210	Alkali Creek	CNA		26.0	26.0
15	Arrowhead	NPP	2.9		2.9
133	Brewington	NOS		1.7	1.7
41	Bridle Moon	MJR(R)		23.0	23.0
112	Castle Rock	CMU	8.0	20.0	28.0
154	Daniels <i>STILL CO</i>	NPP		6.1	6.1
67	Dickie <i>2 PARCELS</i>	NPP		4.0	4.0
50	Dick Logan <i>TX. CANTON</i>	NOS		6.2	6.2
91	Edgerton	NPP	6.0		6.0
181	Golden View <i>1) A 26224</i>	NOS		2.5	2.5
32	Hawthorne <i>398 AC</i>	NPP	3.7		3.7
183	Hultgren <i>2) A 24654A</i>	NMP		2.0	2.0
115	Independence <i>2.25 AC</i>	NPP		2.1	2.1
76	Lutheran	NMP	1.0		1.0
16	Meadowlark	NPP	13.7		13.7
39	Pow Wow	NPP		16.0	16.0
102	Primrose	NMP		0.9	0.9
78	Rolling Hills	NMP		1.1	1.1
107	Sahara Sands	NPP		17.0	17.0
72	Sally Anne	NPP		2.9	2.9
60	Sheri Cleavenger	NPP	11.6		11.6
134	Summerhill	NPP	2.6		2.6
5	Swords	MJR(R)		184.2	184.2
138	Terrace Estates	NOS(R)		5.6	5.6
90	Walsh	NPP	6.0		6.0
111	Windsor Circle Imperial	NPP		2.0	2.0
	Subtotal		55.5	326.3	381.8
	Total		56.3	502.9	559.2

*(R) Potential Regional Park

Source: Cumin Associates, Billings, Montana

this high growth area should be to acquire lands for specific, as indicated, future needs. Lands acquired through future subdivision land dedication should be carefully evaluated based on physical park development potential, as many of the parcels the County has accepted to date have limited park value.

There are presently no community parks or lands suitable for community parks in the County's jurisdiction in this district, and the future focus should be on acquiring lands for community parks in the north and northwest areas of the district. Throughout the area, there is a shortage of developed parks. Development of Lake Elmo State Park would provide area residents with active and passive community facilities. Sun Valley Park has the potential to be developed as a community park if additional lands can be acquired to the north. Brewington, Oxbow, and Alkali Creek Parks are small parks with limited recreational potential because of size, location, or physical character. Beartooth School Park is a small parcel located next to a school and an attempt to transfer administration of this park to the school district should be made. Madsen Park is a small neighborhood park located adjacent to the BBWA Canal.

The access and parking area for Two Moon Park should be improved for more picnicking and fishing access opportunities; there should be no infringement, however, of the protected and pedestrian-only, natural area of this park. Consideration should be given installing drain tile along the uphill side of the access road to channel some of the hillside seepage away from the roadway which, because of the constant seepage, is in constant need of repair. The much larger issue of hillside seepage and its cumulative effect along the entire length of the park will also need

attention soon. The County should also consider raising the lease fee on the mobile home park at the entrance to the park. Because Two Moon does contain a small amount of protected vegetative wilderness, it will be a sort of haven for wildlife including white tail and mule deer, ducks, foxes, etc. very close to the city, and such wildlife will orient to the area. At the same time, the mere presence of such animals will attract that very small element of the population who just wants to kill some game animals irregardless of the park sanctuary. This same type of mentality can be seen in those who operate off road vehicles (ORV) in the park; both the animal killing and the ORV use occur now. This unfortunate situation is also not limited to just Two Moon but occurs wherever opportunity and a certain amount of seclusion combine. Although the County Sheriffs' Department and State Department of Fish, Wildlife, and Parks are concerned with such wildlife and park abuse, they need assistance of a caring and watchful park user public who can provide usable descriptions of vandals and their license numbers.

Table 21

BH PARK RECOMMENDATIONS AND COMMENTS

Park/Map #	Acres	Present Class	Future Class	Recommended Action	Comment	Criteria for Recommendation
Alkali Creek (166)	.69	NMP	Excess	Excess		Sell as resident limited recreational value, located in developing sub-lot division, close to large city open space/natural area.
BEAR TOOTH SCHOOL (126)	.78	NPP	NPP or Excess	Excess		Negotiate school Currently used by adjacent school for recreation too district, admin- small to be of value to county parks system. istration
Madsen (33)	1.37	NMP	NPP or Excess	Excess(N)*		Sell unless neighborhood assumes responsibility
Oxbow (155)	10.286	NOS	NOS or Excess	Excess(N)		Hills covenants provide agreement to use/improve. Located in partially developed small lot residential subdivision.
Quarterhorse (153)	4.67	NOS	NOS or Excess	Excess(N)		Sell if no interest by neighborhood
Sun Valley (40)	8.924	NOS	CMU	Lease	Landbank, add land	Limited recreation potential, no ability to add land by platting, potential for residential lot sales adjacent to railroad tracks. Park contains quality natural area, additional land could be used to develop facilities and create pleasant multiple use community park.
Two Moons (29)	150.55	MUR(R)	MUR(R)	Retain	Monitor use & maintenance needs	Part of Riverfront Regional Park System.

*(N) Possible development by neighborhood residents if interest expressed
Source: Cumin Associates, Billings, Montana

Table 22

BILLINGS HEIGHTS-PARK AVAILABILITY AND NEEDS PROJECTION

Class of Park	1985	2010	
	(Population: 16,060)	(Population: 24,661)	(Population: 24,661)
	Existing Acreage	Needed Acreage	Needed Acreage
Neighborhood Park/Playground (NPP)	117.0	40.3	61.8
Community Playfields (CPF)	0.0	40.3	61.8
Community Multi-Use (CMU)	28.0	24.2	57.1
Community Natural Area (CNA)	29.0	16.1	24.7
Total Local Parks	174.0	120.9	185.4
Major Parks (MJR)	357.7	40.3	61.8
Total	531.7	161.2	247.2
Total when Mini-Parks and Open Space included	558.8		

Source: Cumin Associates, Billings, Montana

South Billings (SB) Parks Planning District

The South Billings Park Planning District is located in the area generally south of the Yellowstone River and north of the Crow Indian Reservation. The area also includes the area of the high cliffs east of Billings, where the television towers are located, and the adjacent Horse-shoe Hills residential tracts. The chief characteristics of the district are that it is sparsely populated (14,173 people estimated for 1985), and the terrain is mostly high, dry hills and juniper covered gullies; there are some exceptionally beautiful natural areas to be found near the high cliffs. (Cedar Park, just across the south Yellowstone River Bridge, is a prime and very attractive example of the latter.) The large (950 acres) Briarwood Planned Unit Development which contains an 18-hole golf course and planned park area as well as about 1,500 housing units is located in this district. Unlike the rest of this South Billings area, Briarwood has both a central water and central sewer system. Long range development, which is expected to grow to 14,173 residents by 2010, is also affected by the limited access of only one bridge to the area across the Yellowstone River. The parks in the area are shown in Table 23; all of the 33.5 acres of park land are County and all are undeveloped. Park planning in this district needs to concentrate on actual development of some parks. As most of the area is still in large tracts, future land subdivision (probably mostly residential) can contribute both land and money to such needed development, and the County Parks Board needs to be a part of the subdivision plat review process. This is a prime area where the County Commissioners can perhaps encourage actual development of some new subdivision parks through reduced land area requirements (for parks), allowing higher densities, etc.

Table 25

PARKS-SOUTH BILLINGS PARK PLANNING DISTRICT

<u>Map #'s</u>	<u>County Parks</u>	<u>Class</u>	<u>Total Acres*</u>
147	Briarwood 1st	NOS	1.9
208	Briarwood 2nd	NOS	8.5
57	Cedar Park	NOS	3.8
137	Falcon Heights	CMU	10.0
85	Hakert	NOS	0.8
94	Quonta	NOS	2.1
53	Sharon	NOS	4.0
54	Valley	NOS	2.4
	Total		55.5

*All undeveloped at the present time
 Source: Cumin Associates, Billings, Montana

Table 24

SOUTH BILLINGS-PARK AVAILABILITY AND NEEDS PROJECTION

Class of Park	1985 (Population: 2,689)		2010 (Population: 14,175)
	Existing Acreage	Needed Acreage	Needed Acreage
Neighborhood Park/Playground (NPP)		6.8	35.5
Community Playfields (CPF)		6.8	35.5
Community Multi-Use (CMU)	10.0	4.1	21.3
Community Natural Area (CNA)		2.7	14.2
Total Local Parks	10.0	20.4	106.5
Major Park (MJR)		6.8	35.5
Total	10.0	27.2	142.0
Total when Mini-Parks and Open Space included	33.5	-----	-----

Source: Cumin Associates, Billings, Montana

(See Subdivision Development Parks section of Future Parks Acquisition Chapter of this Plan.) The South Billings District also contains the south side of the Yellowstone River and the potential Major/Regional Park implications thereof need to be kept in mind. In addition, this area also contains extensive federal lands administered by the Bureau of Land Management (BLM) which suggests continued coordination and cooperation with that agency in addressing the park and long range recreation needs of this area. BLM has been involved in providing off road vehicle use areas and, recently, in the coordination of the creation of a park buffer natural area adjacent to the large Billings landfill operation. Further exploration of possible local-federal coordination which will help fulfill the park and recreation needs of the area populace needs to be undertaken and promoted.

Table 25

SB PARK RECOMMENDATIONS AND COMMENTS

Park/Map #	Acres	Present Class	Future Class	Recommended Action	Comment	Criteria for Recommendation
Briarwood Park 1st Filing (147)	1.86	NOS	NOS	Retain	Part of subdi- vision open space plan	Located in developing master planned community
Briarwood Park 2nd Filing (208)	8.54	NOS	NOS	Retain	Part of subdi- vision open space plan	Located in developing master planned community
Cedar Park (57)	3.8	NOS	NOS	Retain	Monitor use & management needs.	Located in small lot residential, partially developed subdivision, good neighborhood, natural area, drainage.
Falcon Heights (137)	9.96	CMU	CMU	Lease	Landbank, add land	Current use as trailer park, adjacent to school, some develop in area, site diversity
Hakert (85)	.77	NOS	NOS or Excess	Excess(N)*	Needs main- tenance	Land is surrounded by undeveloped large lots, site is currently used for dumping. Blue Creek runs through lots, good large lot potential.
Quanta (94)	2.12	NOS	NOS or CNA	Retain	Needs main- tenance, add land	Some dumping occurring, part of flood plain, limited development potential, conservation value to neighborhood.
Sharon (53)	3.99	NOS	NOS or Excess	Excess	Sell, trade or lease	Hillside with limited recreation or conservation value, no access.
Valley (54)	2.43	NOS	NOS or Excess	Retain Excess(N)	Parcel 3 Parcel 1 & 2	Three pieces of land, two of which could be sold as residential lots, a portion is in flood plain, third provides good buffer from highway and lots.

* (N) Possible development by neighborhood residents if interest expressed
Source: Cumin Associates, Billings, Montana

Laurel Area (LA) Parks Planning District

The Laurel Area Park Planning District takes up the southwestern part of Yellowstone County and includes the City of Laurel. The Laurel area is unique in that it has a City-County Parks Board which not only administers the parks within that city but also in a 4.5-mile jurisdictional planning area around the city. This Park Planning District includes sandstone hills and flat sugar beet farmland, considerable frontage of the Yellowstone River including the confluence therewith of the Clarks Fork of the Yellowstone, a reliever airport (to Billings), a large oil refinery and railroad complex, and the myriad other land uses of small dynamic communities. The 1985 population is estimated to be at 11,554 growing to 19,600 people by the year 2010. The inventory of the district's parks is shown in Table 26. Those parks indicated as "County Parks" are those County park lands outside of the jurisdiction of the Laurel 4.5-mile planning area. The City of Laurel has prepared and adopted a Laurel Parks Plan.

Table 26 shows the 55.7 acres of County jurisdictional area parks are all undeveloped. Of the total of 215.4 acres of parks in this district, 60.7 acres are developed. Table 27 shows the projection of park land needs by type of park. Of interest to this Plan are the seven parks shown as "County Parks" and the future park developments in this district outside of the Laurel 4.5-mile planning area. Most of the parks are under utilized now due to the large-lot, low density character of the residential development; consideration should be given to leasing such parks until more residential growth occurs. This County area is not a high growth district (except for its northeastern most corner), and proposed subdivisions will probably be large acreage tracts for at least another ten years. As with many of the

...one, my taxes - and the count
of the property - had been reduced. The appraisal value
is very close to what I (we - she) should be able to get on the market.
Oh yes, no need to ask for a refund of the excess taxes you've been
paying all these years if you do find errors. These will be very accom-
modating people you'll meet in the appraiser's office, but you're still
dealing with the U.S. Government.

For those of you who have questioned our ability to correctly spell
the name of the city's largest park, read on.

**THERE IS NO "P" IN THE WORD "THOMSON" - AS IN THOM-
SON PARK. NEVER HAS BEEN. NEVER WILL BE. MAPS HANGING**

all over this town are wrong. It is not "Thompson" Park!
The late Peter D. Thomson, long-time mayor of Laurel, is our final
authority on the matter.

McGills

Laurel Volunteer Fire Department
Darrell L. McGillen, fire chief
Special aid to Park City Volunteer Fire Depart-
ment

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Table 26

PARKS-LAUREL AREA PARK PLANNING DISTRICT

Map #'s	County Parks	Class	Acres Developed	Acres Undeveloped	Total Acres
157	✓ Century	NPP		5.6	5.6
128	Echo	CNA		15.5	15.5
129	✓ Eggebrecht	NPP		4.5	4.5
127	✓ Homewood	NPP		7.7	7.7
132	✓ O'Donnell (C/S 1233)	NPP		3.8	3.8
130	✓ Pike	NPP		5.3	5.3
131	✓ Plenty Coup	NPP		13.3	13.3
	Subtotal		0.0	55.7	55.7
	<u>City Parks</u>				
150	Beartooth View	NMP		1.0	1.0
206	Birch & E. Fourth	NMP		0.2	0.2
164	Cove Creek (L)	NMP		1.6	1.6
196	Cove Lane Park	NOS		1.8	1.8
161	DeCarlo	NMP		1.5	1.5
158	High Point	CMP		9.5	9.5
198	Kiwanis	NMP	1.0		1.0
160	Laurel Softball Complex	CPF	10.0		10.0
173	LP #4 Interstate	CMU		19.6	19.6
177	LP #6 Interstate	CMU		20.0	20.0
200	Memorial	NMP	1.0		1.0
165	Montana Meadows North	CMU		3.5	3.5
63	Montana Meadows South			7.5	7.5
195	Murray Sub Park	NPP	1.0		1.0
151	Nutting Bros. 3rd	NPP		3.3	3.3
205	Nutting	NPP	2.1		2.1
152	"Q" Park	NMP		1.5	1.5
207	Riverside	CMU	20.0		20.0
201	Russel	NPP		2.1	2.1
169	Schaur	NMP		1.9	1.9
194	Sportsman Park	CMU	10.1		10.1
199	Thompson	CPF	8.0		8.0
203	Traffic Island (17)	NMP		0.2	0.2
197	12th Street and First	NMP	0.8		0.8
95	Un-named part of High Point	NMP		0.5	0.5
204	Washington Ave.	NMP		0.7	0.7
159	West Park	NPP	6.7		6.7
109	Naomi	CNA		16.7	16.7
149	Village Subdivision	NPP		3.9	3.9
	Subtotal		60.7	97.0	157.7
	Total		60.7	152.7	213.4

*Should be BNU
The park dist
(used by other
maps this)*

*"BIRCH PARK"
(KLOTZ 1.23.02)*

*TRANS to
SUN 10/1/2008*

Source: Cumin Associates, Billings, Montana

other Park Planning Districts, the area needs to concentrate on providing and developing more community scale parks.

Table 27

LAUREL AREA-PARK AVAILABILITY AND NEEDS PROJECTION

<u>Class of Park</u>	1985 (Population: 11,554)		2010 (Population: 19,600)
	<u>Existing Acreage</u>	<u>Needed Acreage</u>	<u>Needed Acreage</u>
Neighborhood Park/Playground (NPP)	53.3	29.0	49.3
Community Playfields (CPF)	18.0	29.0	49.3
Community Multi-Use (CMU)	73.2	17.4	29.6
Community Natural Area (CNA)	15.5	11.6	19.7
Total Local Parks	160.0	87.0	147.9
Major Parks (MJR)	0.0	29.0	49.3
 Total	 160.0	 116.0	 197.2
Total when Mini-Parks and Open Space included	191.8		

Source: Cumin Associates, Billings, Montana

Table 28

LA PARK RECOMMENDATIONS AND COMMENTS

<u>Park/Map #</u>	<u>Acres</u>	<u>Present Class</u>	<u>Future Class</u>	<u>Recommended Action</u>	<u>Comment</u>	<u>Criteria for Recommendation</u>
Century (157)	5.58	NPP	Excess	Excess	Lease	Located in large lot residential subdivision, off both street west. Parcel is small and land cannot be added by platting.
Echo Canyon (128)	15.51	CNA	CNA	Retain	Protect, monitor use and management needs	Part of Rims Regional Park
Eggbrecht (129)	4.49	NPP	NPP or Excess	Excess	Sell as residential lots.	located in partially developed subdivision adjacent to Plenty Coup, Park is of limited recreation or scenic value.
Honewood (127)	7.65	NPP	NPP or Excess	Lease	Future sale or development	located adjacent to platted, undeveloped small lot subdivision access on Grand, adjacent to commercial, currently is a horse pasture.
O'Donnell (152)	5.77	NPP	NPP or Excess	Lease	future sale unless neighborhood expresses interest.	Located in partially developed large lot subdivision.
Pike (130)	5.31	NPP	NPP or Excess	lease	lease until development need is established	Located in undeveloped subdivision platted for small lots.
Plenty Coup (131)	13.26	NPP	CPF	Lease	Landbank	Located in partly developed large lot subdivision, currently used for grazing.

Source: Cumin Associates, Billings, Montana

Shepherd (SH) Parks Planning District

The Shepherd Park Planning District is the mid-northern area of Yellowstone County and includes, in addition to the community of Shepherd, School Districts 37, 52, and 41. The topography varies from low lying hills to the flat valley land of the Yellowstone River. The area does not have central water or sewer systems and will probably continue to grow in large acreage tracts subdivisions. The estimated 1985 population is 3,371, and the 2010 population is projected at 5,520. Table 29 shows the 91.7 acres of parks by type in the Shepherd District; all are undeveloped.

Table 29

PARKS-SHEPHERD PLANNING DISTRICT

<u>Map #'s</u>	<u>County Parks</u>	<u>Class</u>	<u>Acres*</u>
156	Arrow Island 1st Filing	CNA	15.3
209	Arrow Island 2nd Filing	CMU	24.2
140	Hidden Lake Sub. Park	NMP & NPP	16.0
163	Mustang Un-named	NPP	3.4
180	Prairie	NPP	7.0
145	River Vista	NPP	13.6
146	Shepherd Lions	CPF	0.5
170	Un-named Whitney Sub.	NOS	8.5
144	Winchester	NPP	3.2
	Total		91.7

*All undeveloped

Source: Cumin Associates, Billings, Montana

Park lands in this district are more than adequate to meet recreational needs of the resident population. Park planning focus should be on developing and managing existing lands.

The park referred to as Arrow Island 2nd Filing is located on the Yellowstone River and has good potential for developing a multiple use community park based on resources and access. Hidden Lakes Park is currently used for dryland farming. This park is made up of several small parcels which limit the recreation potential. Some of the Hidden Lakes parcels may be able to be sold as future residential lots, but the market does not exist presently; the County should lease this land for the time being and consider selling it in the future.

Table 30

SHEPHERD-PARK AVAILABILITY AND NEEDS PROJECTION

Class of Park	1985 (Population: 3,371)		2010 (Population: 5,520)
	Existing Acreage	Needed Acreage	Needed Acreage
Neighborhood Park/Playground (NPP)	27.3	10.2	16.5
Community Playfields (CPF)	0.5	8.5	13.8
Community Multi-Use (CMU)	24.2	15.3	24.8
Community Natural Area (CNA)	0.0	0.0	0.0
Total Local Parks	52.0	34.0	55.1
Major Park (MJR)	0.0	0.0	0.0
Total	52.0	34.0	55.1
Total when Mini-Parks and Open Space included	91.7	---	---

Source: Cumin Associates, Billings, Montana

A portion of River Vista Park is currently being used as a horse pasture as a continuation of a former lease. The neighbors have expressed

Table 3:

SH PARK RECOMMENDATIONS AND COMMENTS

Park/Map #	Acres	Present Class	Future Class	Recommended Action	Comment	Criteria for Recommendation
Arrow Island 1st Filing (156)	15.27	CNA	CNA	Retain	Budget for administration monitor use & management needs.	Flood plain, surrounded by large lots, ecological diversity, sensitivity, some signs of use for hiking.
Arrow Island 2nd Filing (209)	21.22	CMU	CMU	Retain		Located on Yellowstone River, diversity of landscape, good access, signs of use.
Hidden Lake Sub. Park (140)	16	NPP or NPP	NPP & NPP or excess	Lease	Evaluate future sales as lots if no neighborhood development.	Used for dry land farming, several patches located in undeveloped subdivision.
Mustang Un-named (163)	5.41	NPP	NPP or Excess	Lease	Landbank, add land	Located in partially developed small lot subdivision. some signs of use, pasture potential.
Prairie (180)	7.01	NPP	NPP or Excess	Lease		Lease until need located in small lot residential subdivision, with some development, good potential for traditional park.
River Vista (145)	13.62	NPP	NPP or CMU	Lease	Landbank	Located in partially developed large lot subdivision, currently leased.
Shepherd Lions (116)	.47	CPF	CPF or Excess	Excess	Consolidate with Shepherd Lions	Part of large non county park sports field complex
Un-named Whitney Sub (170)	8.5	NOS	CMU	Lease	Monitor growth enforce development agreement	Master plan is for 26 acres, acquire additional lands in future
Winchester (144)	3.22	NPP	NPP or Excess	Lease	Lease until future need established	Located in undeveloped small lot subdivision, future access limited by drainage district easement, formerly a pasture, no access at present.

Source: Cumin Associates, Billings, Montana

an interest in developing the park, and it appears that both uses can be accommodated at the present time as the parcel is larger than what is needed by neighborhood residents for a neighborhood park. Small neighborhood parks like Winchester and Prairie should be held for future development but leased until development plans initiated by interested neighborhood groups are a reality.

Whitney Park may be excess, however, the County will need to hold the land until terms of the subdivision improvements agreement are met. Mustang Park shows some signs of being used. The small area of County park land adjacent to the Shepherd Lions Park should be donated to the latter.

In summary, 1985 required NPP acreage is 10.2 with existing amounts at 27.3 acres. 1985 required park land is 34.0 acres; existing community park land amounts to 52.0 acres. All of the park land in these two categories is undeveloped.

Huntley, Ballentine, and Worden (HBW) Parks Planning District

This district can be described as middle-eastern Yellowstone County, extending east from Huntley Project to the Pompey's Pillar area and including School District 24. Central to the district is the Yellowstone River with its broad fertile valley reaching up into the adjacent hills to the County's edge both north and south. The Planning District is all unincorporated, largely agriculturally oriented, and mainly affected by the growth dynamics of Billings. The 1985 projected population is estimated at 2,875, increasing to 4,170 by the year 2010. The only piece of parkland in the district is the undeveloped park in Pryor Creek Subdivision (map number 142), classed as Neighborhood Open Space, and containing 1.8 acres. Although

Table 32

HUNTLEY, BALLENTINE, AND WORDEN-PARK AVAILABILITY AND NEEDS PROJECTION

<u>Class of Park</u>	1985 (Population: 2,875)		2010 (Population: 4,170)
	<u>Existing Acreage</u>	<u>Needed Acreage</u>	<u>Needed Acreage</u>
Neighborhood Park/Playground (NPP)		8.7	12.6
Community Playfields (CPF)		8.7	10.5
Community Multi-Use (CMU)		7.3	18.9
Community Natural Area (CNA)		13.1	
Total Local Parks		29.0	42.0
Total		29.0	42.0
Total when Mini-Parks and Open Space included	1.8	----	----

Source: Cumin Associates, Billings, Montana

Table 33

HW PARK RECOMMENDATIONS AND COMMENTS

Park/Map #	Acres	Present Class	Future Recommended Action		Criteria for Recommendation
			NOS or Excess	Sell or Trade	
Pryor Creek Subdivision (112)	1.79	NOS	Excess	Sell or Trade	Located in developing large lot subdivision. Size and physiography limit park and recreation value.

Table 34

BA PARK RECOMMENDATIONS AND COMMENTS

Park/Map #	Acres	Present Class	Future Recommended Action		Criteria for Recommendation
			NOS or Excess	Sell or Trade	
Acton Townsite (113)	1.5	NOS	Excess	Sell or Trade	Alkali bog with no recreational, scenic or conservation value.

Table 35

CU PARK RECOMMENDATIONS AND COMMENTS

Park/Map #	Acres	Present Class	Future Recommended Action		Criteria for Recommendation
			NMP or Excess	Lease	
Custer Jaycee (141)	4	NPP	CMU	Retain	Neighborhood development expressed interest in developing or expansion has been expressed by community.
Custer Un-named (139)	.51	NMP	NMP or Excess	Lease	Currently used by fire department.

Source: Lumin Associates, Billings, Montana

TX LINE CO 3053
LOTS 214 24 812

OTHER SUBEE PKS IN HUMBLEE (adjacent)

standards can be used to determine acceptable park land types and needs, it is--as stated elsewhere in this Plan--probably more useful to plan with the populace of these small, rural areas, thereby more exactly representing specific needs for park and recreation programs. Support should also be maintained for cooperation and coordination with the State Fish, Wildlife, and Parks Department for optimum recreational utilization of the Yellowstone River. This is also the district in which the U.S. Bureau of Reclamation's Anita Reservoir is located. This reservoir contains 32 surface acres of water on 148 acres of land, all undeveloped. The Bureau of Reclamation has queried Yellowstone County as to its interest in taking over responsibility for Anita, but the County needs to further study the program while leaving the door open to future cooperation with the Bureau.

Broadview Acton (BA) Parks Planning District

This Park Planning District covers the large open spaces of the northwestern part of Yellowstone County and includes the community of Broadview, School Districts 21 and 12, and what used to be the townsite of Acton; the main transportation route through the area is State Highway 3 which parallels a branch line of the Burlington Northern Railroad. The district is largely flat with large, shallow alkali lakes in its northwestern areas. The population, estimated at 1,200 for 1985, is projected to reach 1,740 by 2010. The only County park land in the district is that of the now abandoned Acton Townsite--what would constitute a Neighborhood Mini-Park (NMP) comprising 1.5 undeveloped acres. The County should try and dispose of this site. Broadview is the only area of the district where a park might be useful and utilized, and, as with other small rural areas, such a park should reflect the specific needs of the local populace when the latter determines such needs exist. The Park Board should also cooperate with the Fish, Wildlife, and Parks Department in any recreation development of the shallow lakes in the area which are heavily used by waterfowl.

Custer (CU) Parks Planning District

The far eastern end of Yellowstone County is used in this Plan to represent the Custer Park Planning District. This district, which is the same general area as School District 15, is geographically similar to adjacent Huntley, Ballentine, and Worden District--the Yellowstone River Valley bounded by hills on either side. Growth in this Custer District will probably be limited to natural population increase. The 1985 population is estimated at 450 and the 2010 population is projected at 580.

The district contains two parks--both in the Town of Custer; the Custer J.C. Park (map reference 141) is a Neighborhood Park/Playground containing four developed acres, and an un-named Mini-Park which contains a half acre and is undeveloped. The latter is leased to the Custer Volunteer Fire Department, and their building sits on a small part of park land. New parks in the area should reflect specific, expressed park and recreation needs of the local population who have the interest and ability to develop and care for a facility. Coordination of park land development opportunities with the Fish, Wildlife, and Parks Department should also be encouraged.

FUTURE PARKS ACQUISITION AND FUNDING

The concept of park lands as discussed in this section of the County Parks Study is not limited to just specific parcels of land dedicated to and used by the public for recreational enjoyment. Rather this section addresses the broader context of those land areas of Yellowstone County which have values to the public ranging from active recreational lands to beautiful scenery as viewed from public roadways--included is the idea of the conservation of natural resource areas.

Today's park and recreation administrator must not only have expertise as a recreation resource manager he must also have considerable resources as a financial entrepreneur. As the cost of providing the utilitarian necessities of water, sewer, fire, and police services continue to escalate, the amount of the tax dollar available for acquisition, development, and operation of recreation facilities will decrease--concomitant with increasing costs of what economists refer to as the factors of production (property, labor, and physical materials, facilities, and equipment). The park administrator is faced with not only reducing costs but also increasing revenues. To do this he must adopt the dynamic financial management tactics of the private businessman. More and more, the successful park agency is the one that is vigorous and financially innovative, and seen by the public as such. The era of being provided a parks budget and operating within such budget is gone. Today park administration programs must look at the budgeted park fund as merely seed money from which total expenditures must be created. Consequently the contemporary park manager must consider such opportunities as obtaining desired park lands at the very least public cost and the financing of needed improvement through such programs as having a local service group "adopt a park".

This section of the County Parks Plan discusses some of the alternatives the Park Board should be aware of in the acquisition and development of its park lands program. It should be kept in mind that one of the best tools the County has is what might be called "the power to deal". The County often finds itself with the opportunity to bargain with individuals and negotiate variations in plans or proposals as a condition for necessary approval. Except when no other recourse is available, most developers will avoid litigation over such matters as plan approvals, zoning changes, etc. with the attendant delays in construction. As long as the conditions imposed upon them are not unreasonable, arbitrary, or capricious, most developers will accede to requests for modifications in proposals that will make them more environmentally sound. In some instances the County may be able to bargain because development is contingent upon the extension or use of some governmentally controlled service or services, where such extension by the County is not clearly obligatory. The right to "bargain" is clearly implied by statute, as for example when the Planning Board must review and determine whether a proposed development has satisfied environmental criteria. The County Park Board needs to capitalize on such opportunities as much as possible.

Zoning and Preferential Taxation

Zoning is an exercise of the County's police power, the power used to protect the public health, safety, and welfare. In a far-reaching decision the U.S. Supreme Court in Berman vs. Parker (348 U.S. 26 (1954)) broadened the definition of the public welfare (purpose). In that decision Justice Douglas wrote:

"The concept of the public welfare is broad and inclusive. The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled."

Zoning for park lands has the advantage of no acquisition costs and the disadvantage of inherent instability; in other words, zoning can and is changed as areas grow and develop. Especially in Montana and Yellowstone County, zoning for open space or agriculture is seen as more of a holding zone--until more intense uses are economically feasible--than as an end in themselves. The greatest weakness in such zoning is related to its tax aspects. Where land is assessed at fair market value, owners of open, developable land on the urban fringe are subjected to increasing tax burdens. Typically, such land is in agricultural holding zone categories. Requests for rezoning to more intensive uses are inevitable and zoning boards have no other course but to grant them or face court action on the basis of inverse condemnation proceedings, i.e., the taking of private property by strict regulation without just compensation. Once it becomes uneconomical for a landowner to realize a return on his investment when subject to low intensity zoning and urban tax rates, the zoning must fall.

The most commonly used tax device for preserving land in open space is the preferential assessment. Land given a preferential status, such as in Montana's greenbelt legislation, is taxed at its use value--agricultural, horticultural, silviculture, etc.--rather than at the fair market value at which other property is taxed. Presumably such use valuation of land affords the landowner on the urban fringe an opportunity to escape inexorable pressure to sell when he is caught between a low return on the productivity of his land and a high property tax based on its development potential.

Easements

Deserving of a bigger role in the provision of County park lands is the acquisition of rights to desired lands at less than full fee simple. Ownership of property involves ownership of a bundle of property rights, and, for park purposes, it can serve the park and recreation interest of the County area to only purchase some of the rights to property. The most common method of such partial purchase of rights is through easements. Essentially an easement is a right (deed) purchased by or given to the holder by the landowner to prevent certain uses of the land or to use the land for specified purposes, without conveying the title or right of possession thereto. The landowner retains all the incidents of ownership not transferred by the easement, and he may use, enjoy, sell, lease, or otherwise convey the land, subject--of course--to the terms of the easement.

For example, the County could purchase the right to develop or build on a piece of property, thereby preventing its development by the present and future land owner while still allowing its owner to farm or graze the land. Another example is the purchase of scenic easements placing in public ownership the right to view across property, and thereby ensuring that a view from a public way of the mountains, river valley, or other scenic vista is preserved.

The acquisition or granting of such a nonfreehold estate can also be for a set period of time, or estate for years. Such acquisition allows control for the set period of years and can be used in preserving natural areas, such as the rimrocks at Billings, through a period of stress of demand for use; the protection is not, however, perpetual.

There are two types of easements that are of interest here--positive (or affirmative) and negative. A positive or affirmative easement gives the owner of the easement certain rights to do something on the land covered by the easement. A public agency may buy easements to establish hiking or bicycling trails; it may buy public access rights to permit fishing, hunting, picnicking, and drainage and flood easements. A negative easement, on the other hand, purchases the landowner's right to do certain things with his land. With conservation and scenic easements the public can acquire the owner's right to erect billboards, remove vegetation, do major construction or excavation, or dike and fill marshland, etc. One of the purposes of a negative easement is to ensure that the owner continues to use the land exactly as he has been.

The easement tool is an extension of the power of eminent domain, and, as such, statutes governing this power also apply to the purchase of lesser interests in land. In general, a governing body with the authority to purchase or condemn the full rights in land also has the authority to purchase or condemn less than full rights in land, i.e., an easement.

It is important to note that easements can be both purchased by the County or given by a private property owner--or a combination of both. (In fact, combinations of purchase, gift, devise, bequest, or grant can be used.) Montana's Open-Space Land and Conservation Act of 1972 (Title 76, Chapter 6, MCA) enables Montana landowners to voluntarily enter into conservation easements with public bodies, and this has been done throughout the state for purposes of protection from subdivision, provision of public access for hiking and fishing, or just providing a scenic view. The landowner retains his land and his use of the land, gets a monetary

benefit (through taxes and purchase values), and the public benefits through acquired expanded park, recreation, or open space opportunity. Montana law stipulates that non-perpetual term conservation easements must be for at least 15 years. The easements run with the land but are assignable by the easement holder unless expressly prohibited in the agreement (for example, a scenic easement acquired by the County could be assigned to the City of Billings). Local easements are subordinate to the eminent domain powers of the state--not, however, if the local easement has been made to the federal government (which suggests supporting continued cooperation with federal land agencies such as BLM). The fair market value of an easement is determined as the difference between the appraised fair market value of the property before and after the granting/obtaining of an easement.

The tax consequences of a private landowner donating easements for park-related activities are both positive and quite numerous, affecting his adjusted gross income, estate taxes, federal capital gains taxes, property taxes, etc.--both state and federal as applicable. The higher the income bracket of the landowner, the more attractive the donation of an easement. A parcel of land on which there exists a binding conservation easement is not available for subdivision and, therefore, cannot be taxed as such. It must be taxed according to the ad valorem principle on its fair market value, which in this case is its open space value. Thus the landowner, by giving an easement, protects himself from rapidly rising tax assessments based on the development potential of his land. Furthermore, the value of the interest held by the easement holder (not grantor) is exempt from property taxes. In dealing with the acquisition of open space easements, the land needs to be examined on a parcel by parcel basis as broad generalizations regarding

easement values are not valid. The Miscellaneous Revenue Act of 1980 (Public Law 96-541) specifies four categories for which a conservation easement may be granted: significant open space, public recreation, natural ecosystems, and areas of historical significance; to be eligible, the landowner need have only one of these values. Whole ranches in Montana, containing such areas as prime feeding habitat for wildlife, have given easements--greatly benefiting both the public and the landowner. It should be noted that the preparation and adoption of county land use plans (of which Park Plans are an element) specifying lands with important public values, i.e., river frontage and the rimrocks, has greatly supported the further qualification of such lands in the eyes of the Internal Revenue Service as lands which meet the requisite tax requirements for conservation easements.

In pursuing the concept of park lands acquisition at less than fee simple, the probable types of land the County Park Board will be considering will be those with a definite recreation or open space value, natural resource or ecological value, and historic value--all areas with defined compatibilities delineated in federal and state tax laws such as the Montana Tax Treatment Extension Act of 1980 and other related statutes already referenced herein. In order to appropriately qualify for beneficial tax treatment through easements, private lands must yield significant public benefit as demonstrated by:

1. the scenic or other unique quality of the property that makes it unusual or important;
2. the intensity of present and projected land development activity in the area of the property; and,
3. the consistency of the proposed open space/park use with on-going public conservation program in the County (such as for Soil Conservation District programs and approved comprehensive plans).

Public access to open space lands can be visual only; federal law considers scenic open space to be those areas which can be appreciated from a public roadway, water body, park, nature preserve, historic site, etc. and which also may provide a visual buffer around an important existing open space area. This concept is especially applicable in Yellowstone County in the long range development of its regional park system such as that along the river; the latter provides myriad opportunities for open space appreciation from existing public access points, highways, bridges, and the river itself. This concept may also have potential applicability for other areas such as the lake at Broadview and Anita Reservoir in the Huntley, Ballentine, and Worden Park Planning District--especially when the concept of compatibility with on-going conservation-related programs is considered, such as waterfowl nesting area protection, flood plain management, and cropland improvement (irrigation).

The virtues of a conservation easement program may be enumerated as follows:

1. The land remains in private ownership and thus on the tax rolls, albeit at a lower rate.
2. Maintenance of the open land is provided by the owner without further public expense.
3. The land may remain in productive use if such use is compatible with the easement.
4. Open space is obtained at a cost generally less than that for fee simple acquisition.
5. Surrounding property values are often increased, offsetting the tax loss on the restricted property.
6. Open space funds can be spread further and protect much more open land than with outright acquisition.

7. Land use options are provided for the future. Projection techniques, not matter how sophisticated, are still unable to fully predict growth patterns. By conserving key open spaces through easements now, the County is assured of having land use options in the future.

Finally, conservation easements can be given to or obtained by private, nonprofit organizations which appropriately qualify under Internal Revenue Service guidelines, and the benefits of such a private group are the same as a unit of government. From the standpoint of obtaining park lands, there are advantages to using private groups because the latter are often better funded for such activity and able to move and make decisions much more quickly than governmental units inhibited by--for one thing--the established budgetary process. An open space easement could be dedicated by the homeowners' association in a Planned Unit Development to the local government with maintenance responsibilities still vested in the homeowners' association. This provides neighborhood park and open space land at virtually no cost to the community at large. Use of the open space, however, can be restricted to the residents only, since they paid for the land in the purchase price of their homes and continue to pay for its upkeep. Easements obtained by or given to qualified private groups can contain "gift-over" clauses that automatically transfers the easement to another group or unit of government in case the original organization ceases to exist. Three of the most well known private organizations involved in acquiring or preserving park lands are The Nature Conservancy, The Trust for Public Lands, and--in Montana--The Montana Land Reliance.⁷ (A sample easement format is shown in Appendix 4.)⁸

The terms, conditions, and implications of conservation easements are relatively complicated and the expertise of an attorney is advised--especially during the first uses of such instruments by the County Park Board. Also, the existing tax laws regarding easements are currently being reviewed,

and the administrators of the County park lands program need to be aware of any changes therein and the reasons therefore. The purpose of the discussions here of easements and related tax consequences is to initiate the concept into the County's arsenal of tools used to more fully provide for the present and future park and recreation needs of area residents.

Design Solution

Sometimes, where a landowner can not or will not provide an easement on lands with high park-related value potential, the possibility of using what one Montana county conservation plan refers to as a "design solution" may occur.⁹ For example in areas of the County where a single piece of property may contain important park land values, the Park Board--with the consent of the landowner--may prepare or have prepared a land development plan similar in nature to a larger area comprehensive plan; the intent is to prepare analysis of the resource and development potential of the site which will clearly define the specific park land areas, how they can be preserved, and how the landowner could pursue other options--such as limited development--in a manner compatible to the preservation of the park land's attractive characteristics. The concept is to determine a plan for the specific property which will both protect the potential park lands area as well as provide for real estate development. The design process is similar to what a real estate developer goes through in master planning a development; however, the emphasis in "design solution" planning is on enhancing the potential park land features rather than optimum number of housing units or commercial square footage. Successfully accomplished, a design solution will provide the basis for an agreement between the County and a private landowner whereby desired

park lands are preserved while the landowner receives tax benefits as well as the right to develop an appropriate amount of real estate.

This same concept can be expanded to cover a larger area of the County rather than just one landowner.¹⁰ Again, a detailed land planning analysis would be made of the area with emphasis on enhancing or preserving potential park lands. Additionally, all landowners in the district must agree to the program, and all landowners would be partners in or have an interest in the corporation developing that portion of the area being actually developed. Often landowners in such a situation are reluctant to grant easements because they have no guarantee the rest of the landowners in the district will also grant easements. A solution to this problem is to place the easements in escrow--not to be activated until all landowners have similarly placed easements on their property. The whole area is developed according to the master land use plan, the approval of which would form the basis of the agreement between the County and the landowners. As can be seen, the fewer landowners involved, the easier the implementation of the program. The combination of land development in a limited area combined with the donated easement-related tax deductions would, hopefully, combine to maximize return to the landowners, minimize the area of development, and enhance the County park lands program.

In addition to the economic advantages of design solutions, their use over a larger area enables the participating landowners to influence the land use development pattern of their area as well as the actual quality thereof. Also, in the case of a largely agricultural area, the landowners can minimize land use conflicts between new development and established farming operations--reducing potential litigation and making life easier for all residents of the area.

Setting up a program for procuring, promoting, and coordinating various aspects of a park easement program in Yellowstone County will require the development of procedures and guidelines for landowner application, staff investigation of proposals, recommendations, easement design, monitoring, enforcement and so on. Assistance for this kind of a program may be able to be obtained during coordination meetings with interested state and federal agencies. Probably the best resource, initially, is the Yellowstone County Conservation District which has access to the expertise in land conservation issues of the U.S. Department of Agriculture. An on-going County-wide land evaluation and planning program will also contribute to the process by enabling individual land parcel proposals to be evaluated in light of the total County land status.

Foundations

A trust or foundation is a non-governmental, non-profit organization managed by its own trustees, which does not solicit funds from the general public, and which has been established to maintain or aid activities which are of benefit to the general public; basically such organizations are a medium through which private wealth is channelled to public purpose. One study listed five attributes which emphasize and establish the role of trusts and foundations in the acquisition of park and recreational resources.¹¹

First, many people who do not like to donate to a government agency will donate to a trust because it is independent and free of political pressures. Trusts and foundations rely on endowments and are not required to raise money, so they do not have to satisfy the demands of voters, customers, or advertisers. In cases where landowners may be persuaded to sell their land often at bargain sale rather than fair market values, they sometimes prefer to deal with a private foundation. The foundations can on occasions provide immediate cash if this is needed, confidentiality or publicity when desired, timing advantages, and solutions to various technical and legal problems.

Second, they can become involved in controversial issues more readily than government agencies. Foundations may be prepared to provide funds to start the project and if it is successful, it is possible that public funds may then be forthcoming.

Third, a trust or foundation can act quickly. It is able to cut through red tape which hampers public agencies, to acquire resources which might otherwise be lost pending government action. Flexibility in timing of a purchase, method of payment, and terms can be offered. The cumbersome operation of government at all levels puts it at a competitive disadvantage, particularly in the real estate market where flexibility and speed are often essential to success. Governmental agencies usually have to await appropriations and public input before purchasing land. Even if delays do not lead to lost opportunities, they are likely to translate into substantial increases in cost because of inflation. In addition, the advance notice and publicity provide ample opportunity for speculators to step in, purchase part or all of the land in question and realize a profit at the taxpayer's expense. Frequently, a resource becomes available which a public agency would like to purchase, but the funds are not available for it to do so. In these circumstances, a trust or foundation is able to take the initiative and act with speed to acquire the desirable resource, sometimes with advance governmental cooperation and sometimes entirely on its own. Subsequently, it may resell it to the public agency when time-consuming government procedures have been completed and public funds become available.

Fourth, the foundation sometimes fulfills a valuable function in aiding the synchronization of budgets. For example, a public agency can acquire a matching grant from the Land and Water Conservation Fund equal to the value of any land donation which it may secure. However, the agency is eligible for matching funds only during the remaining portion of the fiscal year in which the donation is made, and one additional financial year. If the land is donated to a foundation, the foundation can hold it until the public agency is assured of matching funds, and at that time it is able to pass it along to the agency.

Finally, trusts and foundations are more willing and legally able to accept donations with "strings attached". This attribute has two dimensions. First, they are able to offer more protection to a potential donor than a public agency. If land is transferred to a trust the donor of the land is able to specify the manner in which it is to be managed and preserved. The trust provides control which an outright transfer or donation to a public agency may not be able to enforce. Land holdings by public bodies are subject to the vagaries of the political process. Over the years public agencies have sometimes been ineffective guardians even over areas entrusted by legislation to their protection. Donation

to a trust or foundation guarantees against such use changes occurring. At the same time, if it is impossible to carry out the original charitable intent of the donor, the trust often has the power to modify the terms of the donation, providing it is in accordance with the general charitable purposes for which the trust was formed.

The second advantage of being able to accept donations with "strings attached" relates to the greater freedom of the foundation to manipulate its resources. The trust or foundation can exchange and sell land or property in pursuit of its goals, provided it is in accordance with the terms of the donation. For example, it can accept small parcels of land and hold them until the opportunity arises when it can trade them for a tract worthy of preservation. A good example is The Nature Conservancy's "Trade Lands" program. They will accept gifts of property which are not environmentally significant, sell the land on the open market, and apply the proceeds toward their general land preservation program. However, a foundation or trust can only do this to a limited extent. If it engages in significant development activities or otherwise acts as a "real estate dealer", it will lose its tax exempt status.*

A recent example of this type of non-profit organization in Yellowstone County was the foundation formed by landowners adjacent to the Billings landfill. This group formed The Hillcrest Natural Area Foundation and worked with the Bureau of Land Management and the City of Billings which resulted in the coordination of the desires of all three parties involved and the creation of a 90-acre public natural area adjacent to Billings.

Most trusts and foundations are formed with a much broader purpose than the Hillcrest Foundation, however, it is a provocative example of what can be accomplished. The County Park Board may want to encourage the formation of an organization akin to a Yellowstone County Park Lands Foundation with which it can work on a continual basis. Assistance in forming such an organization can be obtained from groups like The Trust for Public Lands and The Nature Conservancy mentioned earlier.

*From Howard, Dennis R. and John L. Crompton, FINANCING, MANAGING AND MARKETING RECREATION & PARK SERVICES. (c) 1980 Wm. C. Brown Publishers, Dubuque, Iowa. All Rights Reserved. Reprinted by special permission.

Cooperation and Coordination With State and Federal Park and Recreation Programs

Both the state and federal governments have extensive interests in park and recreation-related programs, and each has an established and funded agency or department specifically for park and recreation management.

Cooperation around the common interest of parks and recreation helps all three levels of government accomplish their goals and benefit the recreating public.

The potential availability of funds from federal and state levels, such as revenue sharing and the Montana Coal Board, are relatively familiar programs. These programs do change, however, and the Park Board needs to be always aware of new funds, programs, and qualifying criteria.

There are also programs, such as that authorized by the Federal Recreation and Public Purposes Act, whereby certain public lands can be conveyed to the County or other qualifying organization to be used for public purpose. The Hillcrest Natural Area Foundation, for example, utilized this program. Under this act, also, the BLM can acquire less than fee interests in real property which, once acquired, can be transferred to the County or other qualifying organization.

Under the Federal Land Policy and Management Act, the County can acquire certain public lands if such transfers "will serve important public objectives". Once acquired, such lands could be used as part of a parks program or could be used for the acquisition (by sale or exchange) of fee interests, less than fee interests, or conservation easements in other lands.

Subdivision Development Parks

The Montana Subdivision and Platting Act of 1973 requires that all residential subdivision of land into tracts of less than five acres in size have at least one ninth of the net area in park land. This has become a common and accepted practice in area subdivision development. Recently, the City of Billings has been attempting to not only require the one ninth land area but also to require the land developer actually build the improvements in the park, and provide for their continued maintenance; this triple load on the private sector will probably not withstand a court test. However, an alternative would be to require less total area of land with partial cash-in-lieu payment--the latter which could then be applied to park improvements. The requirement of complete maintenance of a park facility by the subdivision neighborhood can raise the issue of whether the park is really a public park or whether the local residents actually paying for the park's maintenance can exclude the general public from using the park. A twist to the idea could occur in areas like Byron Nelson Park where the residents of the Yellowstone Club neighborhood may be willing to pay for, develop, and maintain this park if they can have some say in excluding potentially undesirable elements--motorcycle gangs, trailer caravans, etc. The County may be able to support such a proposal by written agreement whereby the neighborhood develops the park and leases it from the County for 20 years for a dollar.

The County can also enter into an agreement with a subdivision's homeowners association whereby the latter develops and maintains a subdivision's park land--which can be either public or private, although the access to the park must be open to the public to meet the statutory intent. Another

variation is where park land, especially natural area, is accepted through the subdivision process by the County but actually administered by a conservation organization; this arrangement was recently made between the County and the local Audubon Society with Naomi Park in the Laurel planning area. All of these alternatives--and more--fall under the County's "power to deal" discussed earlier herein.

Neighborhood Development

One of the more pressing issues in the management of the County's park lands is the desire of some residential neighborhoods in the County to have their local park developed; the key issue in this expressed need by the local residents is their interest and willingness to support such development through time, organization, and money. This kind of interest has also been expressed from certain recreational groups--most notably the supporters of bicycle motocross racing. In the past, the main request from such neighborhoods and groups has been for guidance and direction.

Because the County does not want to get into budgeting a large park development fund, it needs to cultivate neighborhood-initiated park development programs as much as possible. The County does have funds for assisting in developing County park lands, but, to get the maximum benefit from the limited budget, the County Park Board will be looking to supporting those park development programs which are best organized and publically expressed.

Appendix 5 to this Plan contains an outline to assist local neighborhoods and special interest groups in getting a park or recreation project developed with the support of the County Park Board. Because County park lands are public areas, the improvements that the Park Board allows in the

parks have to meet acceptable standards for materials and construction for reasons of safety. The second major influencing factor regarding privately initiated park improvements is not only the original costs but the long term maintenance. These two factors--safety and costs--are primary motivators behind the criteria for development shown in Appendix 5. Very often, a neighborhood will get excited about developing their local park when many of the families have kids of a certain age; after the kids get older, interest in the park diminishes and the maintenance thereof deteriorates. One of the most difficult issues facing the County is long term maintenance of park improvements. Although the developers of new subdivisions can be persuaded to provide for park maintenance in some instances, parks in older, established neighborhoods are a different situation. The problem suggests requiring interested neighborhood or recreation groups to prepare a maintenance improvement district which the County could escrow and activate only if the promised maintenance eventually failed. (This concept requires further study.)

Grants

One of the traditional methods of park and recreation facility acquisition and development is through various grants--both governmental as well as private individuals, groups, and foundations. The process of being aware of grants, proper preparation therefore, and the appropriate administration and follow through of such aid is a profession in itself. The Park Board should consider negotiating with a private firm or consultant experienced with such programs or work with a centralized County Grantsman.

Potential assistance programs that are worth investigating at the present time are those administered by the Montana Historic Preservation Office; various land conservation and improvement programs overseen by the State Department of Natural Resources and Conservation such as Conservation District Revenue Funds and Water Development and Renewable Resources Grants; and Land and Water Conservation Funds administered by the State Department of Fish, Wildlife, and Parks. Traditional sources of funds, such as from the Land and Water Conservation Fund, the National Park Service, and the Federal Highway Administration (bikeways), have largely dried up.

Alternative Methods of Fee Ownership

Fee simple ownership of park lands is the final alternative in trying to obtain open space and all other methods of such acquisition fail. The amount of monies the County has for outright purchase, however, will always be minimal. This situation requires that more funds for such purposes be obtained and that all existing monies be maximized.

Conservation Bonds and Districts:

Local governments in Montana have the authority to initiate bond issues to raise capital for purchasing conservation (park) lands, the bond can be approved, however, only by a majority vote of the County public. The County can also create park and open space districts of which the specific purpose would be to define park and recreation needs within each district and then provide therefore. Such districts are similar to the larger design solution planning areas discussed earlier but are initiated by the County. Each district would be planned to show the needed and appropriate park areas, and subdivision development occurring in such districts would have to reflect such park lands designation in the donation of park lands.

Subdivision developers may also be required to purchase land in the designated park areas as a substitute for land donations in their particular development. The County could also support such district park planning by exchanging, trading, consolidating County lands to locate, as much as possible, the County land inventory in the appropriately designated areas. Lands unable to be traded, used, or consolidated may be able to be sold and the monies therefrom deposited in a conservation acquisition trust fund. Combining a bond issue with each district could establish an initial trust fund from which monies could be provided and then eventually reimbursed by such activities as cash in lieu of land donations. The park districts also provide a vehicle for coordination with state and federal park-related programs.

Installment Purchase:

In order to eliminate the interest payments on debt service, land could be purchased on an installment basis. The County government places itself in an improved bargaining position by acquiring land in this fashion because certain benefits accrue to landowners who agree to sell their property under such an arrangement. First, the tax on capital gains is spread over several years instead of one; and second, since the community takes title to the land immediately, the landowner does not have to pay property taxes on the parcel even though he is permitted to farm or otherwise use the land until the final payment is made.

Options:

Another potential method for securing land for open space purposes is the negotiated option. With this method the County would negotiate a purchase option with an owner of property needed for future open space

purposes. The property owner can only sell his land to the holder of the option during a certain time period, with the owner being compensated for this privilege. In the interim between the execution of the agreement and the exercise of the option, the owner of the land may use it as he sees fit. Since the final purchase price of the land was established when the option was purchased, it is unlikely that the land will be developed to any extent because such development would not be subject to compensation and therefore the loss of any additional improvements would be at the owner's expense. The major advantage of this method is that the land remains on the tax rolls and continues in a more productive use than if the parcel was purchased outright years in advance of its need. The option device also holds the final purchase price constant regardless of speculative pressures on surrounding land that may develop in the future.

Purchase-Leaseback:

The purchase and leaseback technique is a method of securing open space whereby the County acquires sites that will be needed for future open space uses and then leases them back to either the original owners or new owners to continue the pre-existing use until they are needed for public parkland. This technique is useful in urban fringe areas where the next title exchange of any large landholding will probably be with a developer or a real estate speculator. Even though the County may not presently need a park in a particular area, it may anticipate that the need will exist in the foreseeable future. The purchase and leaseback technique can also preserve natural resource areas not needed for intensive public use. In these cases the land remains in its present use and some of the cost of the land can be regained through lease payments. In addition, the County may save

considerable money if the land can be purchased before land prices started to soar. Leasing land also applies to presently unused park lands the County already owns, as shown in the Park Recommendations and Comments Tables for each Park Planning District in this Plan.

Life Tenancy:

A life tenancy agreement is a variant of fee simple acquisition. Using this method the County obtains a person's land with the provision that he continue to live in his house with use of a reasonable area surrounding the residence as long as he lives. The remaining land would be available for recreation or conservation purposes. The principal advantage to this approach is that the land becomes available before the death of an owner who would not be willing to sell due to his desire to remain in his long-time residence. From the landowner's standpoint, it also avoids the problems of estate settlement and negotiations with heirs.¹²

Other Park Funding and Assistance Ideas

In keeping with the concept of park administration requiring a dynamic economic aptitude approach, the following suggestions are provided to stimulate ideas and are not meant to be all inclusive. For example, to pay for its new Pioneer Courthouse Square, the City of Portland "sold" the bricks that would be used to pave the floor to private citizens at \$50 apiece; the bricks were then inscribed with the purchaser's name and put in place.

In furthering any of its programs, the Park Board should keep in mind the Federal Communications Commission requirement that local television and radio stations provide free public service air time.

User Fees:

User fees, as the name implies, is a fee charged to users of a particular recreation facility. The recent controversy surrounding the user fees at Riverfront Park emphasises the political sensitivity of such fees; however, the failure of the City to finally adopt such fees does not mean the concept is not viable. User fees are common sources of income at active recreation sites such as the County Fairgrounds and Metra facilities and are now accepted practice for passive recreation facilities such as national park campgrounds.

The idea supporting user fees is based on the estimated value of a visit to a recreation facility; such visits are valued at from \$0.75 to \$2.25 of primary economic benefit per visitor day on a nationwide scale. User fee financing usually only accounts for a small percent of a park and recreation budget, but, as discussed earlier, all financing possibilities help.

Negative characteristics often attributed to user fees, such as discriminating against lower income groups, can be overcome by administrative procedures providing for reduced fees, free passes, special programs, etc.

Concessions:

Concession programs in park facilities can range from canoe rentals to food establishments. Such facilities need to be operated by private sector concessionaires, but the County can charge a percentage of the gross revenues for the right to operate on public lands. The County Park Board needs to establish advertising, application, and bidding procedures for concession rights to make such a program easily administered, competitive, and beneficial to the public.

Adopt-a-Park:

Adopt-a-park programs involve the promoting of individual parks by local clubs, civic organizations, and even youth groups like the Girl Scouts. The development of lands and facilities in a particular park through the proprietary sponsorship of such groups serves both the public recreation program and the publicity and public service needs of the various organizations. Examples of such adopt-a-park concepts can be seen in parks with service organization names such as "Optimists Park" and "Lions Park", and, recently, the Yellowstone Valley Audubon Society adopted the C.M. Russell Wildlife Refuge in an adopt-a-refuge program.

Gift Catalogues:

Park programs can utilize gift catalogues as a method of describing and distributing a wish list of needed facilities for parks; such facilities could range from the simple, like seating benches, to the more complex, such as a meeting or dance hall. An attractive brochure or catalogue is prepared describing the program, the various items, and the tax and publicity advantages of the program to potential donors. The latter could range from neighborhood groups to large corporations like Burlington Northern. The wish list could resemble a mail order catalogue or could be as simple as a flyer inserted and distributed with the County tax statement.

Volunteer Program:

The use of volunteers in improving and maintaining park lands has been utilized as an excellent supplement to area park and recreation administration programs. The concept is self explanatory, however, to be successful there are definite guidelines. Volunteer programs cannot be just a drop-in-anytime program; to work well, such voluntarism must be carefully structured:

1. Generally volunteers must meet same standards (except for education) that apply to seasonal employees.
2. Volunteers may not replace fulltime permanent, seasonal, or part time employees.
3. Volunteers can't work in maintenance or law enforcement capacities.
4. Each volunteer is considered a County employee only for purposes of accidental death, dismemberment, and liability.
5. Each volunteer has a personnel file with time card, medical records, parental consent, etc.

Scrounging Warehouse:

Some park and recreation programs have been able to take advantage of an excess public land area or warehouse to use as a collection, sorting, and storage facility for used or surplus materials that could be utilized in park lands improvements. Such materials usually are related--but not limited--to building supplies such as lumber, timbers, pipe, and so forth. Private businesses which are the most likely to have materials of potential park value include utility companies, building and construction contractors, industrial hardware dealers, nurseries, sand-gravel-cement suppliers, etc. Scrounging involves locating and soliciting such materials and storing them for long or short term use or trade.

GENERAL RECOMMENDATIONS

Specific recommendations affecting each park are contained in the Park Planning Districts section of this Plan. The following recommendations are made to supplement the Goals and Objectives of this Plan and to help create and administer Park Board policy as the County park planning program becomes more mature.

1. Support cooperation and coordination with park, recreation, and open space programs of the Billings and Laurel Park Boards; the State Department of Fish, Wildlife, and Parks; the Yellowstone County Conservation District; the Department of State Lands; the U.S. Bureau of Land Management; and other similar agencies. Such coordination and cooperation could include mutual exchange of board/agency meeting minutes, once a year joint meetings, mutual exchange of membership, or the formation of a advisory board made up of a representative of each group.

2. Establish standard forms for park lands lease, use by private and non-profit groups, development by private groups, and so forth. Such forms can be prepared from information in this Plan, City of Billings' format, or other accepted standards. Copies should then be made and filed with the Park Board Office for ready and easy dispersion to interested parties.

3. Support the ownership, development, and administration of park and recreation facilities for public use by private and private non-profit organizations.

4. Support the concept of treating the County provision of public park and recreation opportunity as a business operation; this involves supporting, nurturing, and creating sources of income for park and recreation programs and the application of professional business standards to

the operation of the parks program.

5. The County should require that a copy of all proposed subdivision plats be sent to the Park Board for review and comments. All new park land-related proposals should conform to the Comprehensive Park Plan.

6. All new subdivision development parks in excess of two acres should have a preliminary park plan submitted by the developer showing planned improvements drawn to scale.

7. Provide for access and use by handicapped persons in all park facilities.

8. Support the development of park and recreation opportunities in river front, rims, powerline, abandoned railroad, and canal corridors. Interest needs to be expressed and supported for seeing public use of potential recreation corridors for pedestrian, bicycle, and equestrian use. Planning and design opportunities exist along Canyon Creek west of Billings; along the numerous ditch and canal right-of-ways throughout the County; along the rims east, west, and north of Billings proper; and along existing rail lines and abandoned rail lines such as in Billings Heights and the railroad to Red Lodge. There also exists the possibility of a unified park corridor system in the south hills area of Billings with parks extending up from the Yellowstone River across public lands, nature preserves, landfill (eventual park?), and subdivision parks in the scenic canyons that interlace the area; such parks could eventually lead back to Billings via Bitter Creek which provides a further corridor opportunity itself.

9. Support the identification, development for public benefit, and protection of historic and archeologic sites in the County.

10. Support multiple use of existing and future County park and

recreation facilities such as the Fairgrounds, Metra, Youth Soccer Facility, etc.

11. Support the identification and protection of unique natural resource areas of the County such as areas for rare or endangered wildlife and vegetative species.

12. Develop a usable system of County-wide parks mapping by Parks Planning District, township and range, or other manageable system.

13. Retain a staff member or consultant on a part-time basis to provide professional advice and program coordination and continuity. Such position should be partially self-funding through better management of County lands (improved leases, sales, etc.) and grants-in-aid.

SOURCE DATA

1. South Hills Urban Planning Study, Billings, Montana, August 1979; prepared by Cumin Associates, RSWA-Denver, and Sanderson/Stewart/Gaston Engineering, Inc., in cooperation with Billings-Yellowstone City-County Planning Staff; Technical Appendix B by William B. Vincent.
2. The Montana Almanac, 1959-60 Edition, Montana State University Press, Missoula, Montana; p. 421.
3. A Park, Recreation, and Open Space Study for the Billings, Montana, Urban Area, prepared by Theodore J. Wirth & Associates, Billings, Montana, 1970.
4. Employment, Population, and Housing Forecast for Billings Urban Area, 1980 through 2010, Mountain West Research-North, Inc., Billings, Montana, February 1984, prepared for Billings-Yellowstone County City-County Planning Board; and Memorandum Letter Regarding Yellowstone County Population Forecasts, Mountain West Research-North, Inc., Billings, Montana, June 18, 1984.
5. Ibid.
6. Recreation, Park, and Open Space Standards and Guidelines, Edited by Roger A. Lancaster (Director of Research), National Recreation and Parks Association, Alexandria, Virginia, 1983; p. 56; and Recreation Planning and Design, Seymour M. Gold, McGraw-Hill Book Company, San Francisco, 1980; pg. 179-186.
7. The Trust for Public Land, 82 Second Street, San Francisco, California 94105, (415) 495-4014; The Nature Conservancy, P.O.B. 259, Helena, Montana 59624; and Montana Land Reliance, P.O.B. 355, Helena, Montana 59624.
8. Conservation Easements in Montana, Montana Department of Fish and Game, and the U.S. Department of Interior, Helena, Montana.
9. Lewis and Clark County Voluntary Agricultural Land Conservation Program, 1984, prepared for Lewis and Clark County Board of County Commissioners by Lisa Bay Consulting and Bruce A. Bugbee and Associates under the Renewable Resource Development Program of the Montana Department of Natural Resources and Conservation.
10. Conservation Easements Discussed by Montana Planners/Landowners, Western Planner, Huntley, Montana, December 1985, p.1.
11. Financing, Managing, and Marketing Recreation and Park Resources, Dennis R. Howard and John L. Crompton (Co-senior Authors), Wm. C. Brown Company Publishers, Dubuque, Iowa, 1980; pg. 52-3.
12. Open Space Controls for the Protection of Water Resources in the Christina River Basin, Discussion Paper No. 11, by H. Benjamin Coston and Joachim Tourbier, Wilmington Metropolitan Area Planning Coordinating Council, November 1972, pg. 29-34.

APPENDICES

- 1-Resolution Creating Park Board and Park Fund
- 2-Park Board Enabling Legislation (State)
- 3-Cash in Lieu of Land
Pertinent Attorney General's Opinions
- 4-Deed of Conservation Easement (Sample)
- 5-Criteria for Park Development by Local Neighborhood or Special
Interest Groups
- 6-Limited Survey Form and Results
- 7-Park Information Matrix
- 8-Park Design and Construction Standards

Commissioner Max Key introduced the following and moved for its adoption, Commissioner Straw seconded the motion, and it was unanimously adopted:

RESOLUTION CREATING PARK BOARD AND
PARK FUND

WHEREAS Yellowstone County may create a Board of Park Commissioners pursuant to Section 7-16-2301, Montana Code Annotated 1981, and

WHEREAS such Board shall constitute a department of the County government with the powers set forth in Title 7, Chapter 16, Part 23 of the Montana Code Annotated 1981, and

WHEREAS any revenue realized by the County from the sale, exchange, or disposal of lands dedicated to public use for park or playground purposes shall be paid into a "park fund", and

WHEREAS all money raised by tax for park purposes or received by the Board of Park Commissioners from the sale of hay, trees, or plants or from the use of or leasing of lands and facilities shall be paid into the County Treasury and kept in a separate fund to be known as a "park fund", and

WHEREAS the County Commissioners intend to create a "Board of Park Commissioners" and a "park fund",

NOW THEREFORE, BE IT RESOLVED:

1. That Yellowstone County, Montana, by Resolution of its Board of County Commissioners hereby creates a "Board of Park Commissioners" pursuant to Title 7, Chapter 16, Part 23 of the Montana Code Annotated 1981.

STATE PARK BOARD ENABLING LEGISLATION

Part 23

County Board of Park Commissioners

7-16-2301. Authorization for county board of park commissioners. (1) There may be created in all counties a board of park commissioners.

(2) Such board shall constitute a department of the county government with the powers provided in this part.

History: En. Sec. 1, Ch. 306, L. 1967; amd. Sec. 1, Ch. 290, L. 1971; R.C.M. 1947, 16-480(part).

7-16-2302. Composition of park board. The board of park commissioners shall be composed of the county commissioners and six other persons appointed by the county commissioners.

History: En. Sec. 1, Ch. 306, L. 1967; amd. Sec. 1, Ch. 290, L. 1971; R.C.M. 1947, 16-480(part).

7-16-2303. Qualifications of park commissioners. The six persons to be so appointed shall have the same qualifications for the office of park commissioner as are required by 7-4-2201, for the office of county commissioner.

History: En. Sec. 1, Ch. 306, L. 1967; amd. Sec. 1, Ch. 290, L. 1971; R.C.M. 1947, 16-480(part).

7-16-2304. Term of office. (1) Except as provided in subsection (2), the term of office of each park commissioner shall be 3 years with and after the first Monday of May of the year in which he is appointed and until his successor is appointed and qualified.

(2) Two of the commissioners first appointed shall hold office for the period of 1 year, two for 2 years, and two for 3 years with and after the first Monday of May and until their successors are appointed and qualified.

History: En. Sec. 1, Ch. 306, L. 1967; amd. Sec. 1, Ch. 290, L. 1971; R.C.M. 1947, 16-480(part).

7-16-2305. Automatic vacation of office. Any park commissioner who shall refuse or neglect for a period of 3 consecutive months to attend the meetings of said board without leave of absence from said board or who shall fail for a period of 20 days from and after his appointment to qualify as provided in this part shall be deemed to have vacated his office, and thereupon, his successor may be appointed.

History: En. Sec. 3, Ch. 306, L. 1967; amd. Sec. 3, Ch. 290, L. 1971; R.C.M. 1947, 16-480(part).

7-16-2306. Compensation of park commissioners. No park commissioner shall receive compensation for his services rendered under the provisions of this part, but the actual and necessary expense incurred by any member of the board while acting under the orders of the board in the transaction of any business in its behalf may be paid upon being allowed and audited by the board.

History: En. Sec. 3, Ch. 306, L. 1967; amd. Sec. 3, Ch. 290, L. 1971; R.C.M. 1947, 16-480(part).

7-16-2307. Oath of office. Before entering upon the discharge of his duties, each park commissioner shall take and subscribe to the oath provided by 2-16-211. The oath shall be filed in the office of the county clerk and recorder.

History: En. Sec. 1, Ch. 306, L. 1967; amd. Sec. 1, Ch. 290, L. 1971; R.C.M. 1947, 16-480(part).

7-16-2308. Organization of park board. On the first Monday of May in each year, said board of park commissioners shall meet and organize by electing one of their number president and one of their number vice-president, who shall hold their offices, respectively, for the term of 1 year.

History: En. Sec. 1, Ch. 306, L. 1967; amd. Sec. 1, Ch. 290, L. 1971; R.C.M. 1947, 16-480(part).

*repealed
1991*

7-16-2309. Duties of board officers. The president and, in his absence, the vice-president shall preside at all meetings of the board and shall countersign all warrants issued by the board.

History: En. Sec. 1, Ch. 306, L. 1967; amd. Sec. 1, Ch. 290, L. 1971; R.C.M. 1947, 16-4801(part).

7-16-2310. Clerk of board of park commissioners. (1) The board of park commissioners shall have the power to employ a secretary, not a member of the board, who shall be the clerk of the board of park commissioners and attend all meetings of said board and keep correct minutes of all proceedings of said board in a book to be provided by it for that purpose, to be called proceedings of the board of park commissioners of (entitled) county.

(2) It shall be the duty of the secretary to keep an accurate account of all transactions of said board and to make and submit in writing to said board at its first meeting in May in each year a report under oath showing in detail all the receipts and disbursements made by the board during the previous calendar year. The report shall be in duplicate, and after being approved by said board, one of said duplicates shall be filed in the office of the county clerk and recorder and one in the office of the county treasurer. The secretary shall perform such other services as the board from time to time shall require.

(3) In the absence of the secretary at any meeting held by the board, it shall designate one of its members as clerk pro tem to keep the minutes of said meeting, which minutes shall be delivered to the secretary to be transcribed into the record book of said board.

History: En. Sec. 5, Ch. 290, L. 1971; R.C.M. 1947, 16-4801(part).

7-16-2311. Evidentiary effect of park board minutes. The minutes of said meeting in said record book, when approved by the board, shall be prima facie evidence of the matters and things there recited in any court in this state.

History: En. Sec. 5, Ch. 290, L. 1971; R.C.M. 1947, 16-4801(part).

7-16-2312. County park superintendent. The board of park commissioners shall have the power to employ a park superintendent, who may also be the secretary of the park board and who shall attend each regular meeting of the said board and report, either in writing or orally as the board may require, as to the activities, functions, and progress of whatever nature pertaining to the park lands and facilities over which he has supervision. The duties of the park superintendent shall be of a managerial capacity.

History: En. Sec. 5, Ch. 290, L. 1971; R.C.M. 1947, 16-4801(part).

7-16-2313. Conduct of park board business. (1) The board of park commissioners shall hold an annual meeting on the first Monday of May and a meeting at least once in each month in each year at such times as the board shall by rule prescribe. Special meetings may also be held at the call of the president or, in his absence, the vice-president, upon giving to each member of said board at least 24 hours' notice in writing of the time and place of holding such meeting. A member of the board by his appearance at a special meeting shall waive the requirement of written notice.

(2) A majority of the entire board shall be necessary to constitute a quorum for the transaction of the business of said board.

History: Ap. p. Sec. 4, Ch. 306, L. 1967; amd. Sec. 3, Ch. 290, L. 1971; Sec. 16-4804, R.C.M. 1947; Ap. p. Sec. 2, Ch. 306, L. 1967; Sec. 16-4802, R.C.M. 1947; R.C.M. 1947, 16-4802(part), 16-4804(part).

7-16-2314. Control of conflict of interest and nepotism. (1) No park commissioner, directly or indirectly, shall be interested in or benefit by any contract made by the board or by its authority or in the furnishing of any supplies for the use of the board.

County of Yellowstone

BILLINGS, MONTANA 59101

COUNTY ATTORNEY'S OFFICE, YELLOWSTONE COUNTY COURTHOUSE, ROOM 508
HAROLD F. HANSEN, COUNTY ATTORNEY
(406) 256-4780 2870



- Criminal Division
- Civil Division
- Deferred Prosecution

- Victim/Witness Assistance
- Child Support Enforcement

A

YELLOWSTONE COUNTY
COMMISSIONERS
RECEIVED

January 20, 1986

Board of County Commissioners
Yellowstone County Courthouse
Billings, MT

Jan 21 1986
[Signature]
[Signature]

Re: Use of RSID for Park Improvements

Dear Sirs:

The 1985 legislature amended Section 7-12-2102 of the Montana Code Annotated. Pursuant to that statute, a county may now use an R.S.I.D. for any purpose that a city uses S.I.D.'s for. One of those purposes is to construct swimming pools and other recreation facilities.

Therefore, in my opinion, Rural Special Improvement Districts may be used for the purpose of improving public parks within the county.

I am also enclosing a copy of Porch v. Powder River Board of County Commissioners, 43 State Reporter 1936, in which the Montana Supreme Court stated that the Board of County Commissioners could create an R.S.I.D. for the purpose of building a swimming pool.

Sincerely,

[Signature]
David W. Hoesfer,
Deputy County Attorney

DWH/cr
Encl.

7-8-2709. Grazing and agricultural uses of county lands. (1) The board may cooperate with boards of county commissioners in establishing grazing districts or entering into agreements with other landowners for the establishment of grazing districts whereby county lands may be leased either on a per-head or per-acre basis.

(2) The board may act in an advisory capacity in fixing the fees, terms, and conditions of grazing and agricultural leases.

History: (1)En. Sec. 7, Ch. 67, L. 1933; re-en. Sec. 4573.7, R.C.M. 1935; Sec. 16-1507, R.C.M. 1947; (2)En. Sec. 8, Ch. 67, L. 1933; re-en. Sec. 4573.8, R.C.M. 1947; Sec. 16-1508, R.C.M. 1947; R.C.M. 1947, 16-1507, 16-1508.

Parts 28 through 40 reserved

Part 41

Municipal Buildings

7-8-4101. Construction, lease, and management of municipal buildings. The city or town council has power to build or hire all necessary buildings for the use of the city or town and to heat and light the same.

History: En. Subd. 5, Sec. 5039, R.C.M. 1921; amd. Sec. 1, Ch. 115, L. 1925; amd. Sec. 1, Ch. 20, L. 1927; re-en. Sec. 5039.4, R.C.M. 1935; R.C.M. 1947, 11-905.

Part 42

Disposal and Lease of Municipal Property

7-8-4201. Disposal or lease of municipal property. (1) Subject to the provisions of subsection (2), the city or town council has power to sell, dispose of, or lease any property belonging to a city or town.

(2) (a) Such lease or transfer shall be made by ordinance or resolution passed by a two-thirds vote of all the members of the council.

(b) If such property is held in trust for a specific purpose, such sale or lease thereof must be approved by a majority vote of taxpayers of such municipality voting at an election called for that purpose.

(3) Nothing contained herein shall be construed to abrogate the power of the board of park commissioners to lease all lands owned by the city heretofore acquired for parks within the limitations prescribed by 7-16-4223.

History: En. Subd. 62, Sec. 5039, R.C.M. 1921; amd. Sec. 1, Ch. 115, L. 1925; amd. Sec. 1, Ch. 20, L. 1927; re-en. Sec. 5039.61, R.C.M. 1935; amd. Sec. 1, Ch. 35, L. 1937; R.C.M. 1947, 11-964.

CHAPTERS 9 AND 10

RESERVED

7-1-2121. Publication and content of notice. Unless otherwise specifically provided, whenever a local government unit other than a municipality is required to give notice by publication, the following applies:

(1) Publication must be in a newspaper meeting the qualifications of subsections (2) and (3), except that in a county where no newspaper meets these qualifications, publication must be made in a qualified newspaper in an adjacent county. If there is no qualified newspaper in an adjacent county, publication must be made by posting the notice in three public places in the county, designated by resolution of the governing body.

(2) The newspaper must be:

(a) of general paid circulation with a second-class mailing permit;

(b) published at least once a week; and

(c) published in the county where the hearing or other action will take place.

(3) In the case of a contract award, the newspaper must have been published continuously in the county for the 12 months preceding the awarding of the contract.

(4) If a person is required by law or ordinance to pay for publication, the payment must be received before the publication may be made.

(5) The notice must be published twice, with at least 6 days separating publication. The first publication must be no more than 21 days prior to the action and the last no less than 3 days prior to the action.

(6) The published notice must contain:

(a) the date, time, and place of the hearing or other action;

(b) a brief statement of the action to be taken;

(c) the address and telephone number of the person who may be contacted for further information on the action to be taken; and

(d) any other information required by the specific section requiring notice by publication.

(7) A published notice required by law may be supplemented by a radio or television broadcast of the notice in the manner prescribed in 2-3-105.

History: En. Sec. 1, Ch. 349, L. 1985.

7-1-2122. Mail notice. (1) Unless otherwise specifically provided, whenever a local government unit other than a municipality is required to give notice of a hearing or other official act by mail, the requirement may be met by:

(a) deposit of the notice, properly addressed, in the United States mail with postage paid at the first-class rate;

(b) sending the notice by certified mail rather than first class; or

(c) mailing the notice at the bulk rate instead of first class if notice is to be given by mail to all electors or residents of the affected local government unit.

(2) The notice shall contain:

(a) the date, time, and place of the hearing or other action;

(b) a brief statement of the action to be taken;

(c) the address and telephone number of the person who may be contacted for further information on the action to be taken; and

(d) any other information required by the specific section requiring mail notice.

(3) When notice by mail is required, the requirement applies only to persons whose addresses are known.

History: En. Sec. 2, Ch. 349, L. 1985.

(2) The laws of nepotism shall apply to employment under this part.
History: (1) En. Sec. 4, Ch. 306, L. 1967; and Sec. 3, Ch. 290, L. 1971; Sec. 16-4804, R.C.M. 1947; (2) En. Sec. 2, Ch. 306, L. 1967; Sec. 16-4802, R.C.M. 1947; R.C.M. 1947, 16-4802(part), 16-4804(part).

7-16-2315 through 7-16-2320 reserved.

7-16-2321. Powers and duties of park board. A county park board, in addition to powers and duties now given under law, shall have the following powers and duties:

(1) to acquire by gift, grant, purchase, lease, or condemnation lands or facilities within or without the limits of corporate municipalities for parks, playgrounds, recreation areas, swimming pools, athletic fields, skating rinks, museums, zoos, golf courses, camps, multipurpose buildings for civic centers, fieldhouses, gymnasiums, youth centers, libraries, reading and meeting rooms, or combinations thereof;

(2) to furnish and equip and manage and control the same, including establishment by resolution of reasonable and uniform charges for the privilege of using the same;

(3) to lay out, establish, improve, and maintain grounds, parkways, drives, and walks in the parks and recreation areas of the county, make plats thereof and file the same in the office of the county clerk, and determine when and what parks and recreation areas shall be opened to the public;

(4) to pay all obligations authorized to be incurred by the provisions of this part;

(5) to exercise all other powers incident to the duties enjoined by the provisions of this part.

History: En. Sec. 2, Ch. 306, L. 1967; R.C.M. 1947, 16-4802(part).

7-16-2322. Rules to implement part. (1) A county park board, in addition to powers and duties now given under law, shall have the following powers and duties:

(a) to make all rules necessary or convenient to protect and promote the improvement of land and facilities under the care and control of said board and for the protection of birds and animals inhabiting or frequenting land and facilities in parks and public places;

(b) to make all rules for the use of land and facilities by the public; and

(c) to provide penalties for the violation of such rules.

(2) The rules authorized by this section shall have the force of resolutions of the county commissioners.

History: En. Sec. 2, Ch. 306, L. 1967; R.C.M. 1947, 16-4802(part).

7-16-2323. Leasing of county land for nonpark purposes. A county park board, in addition to powers and duties now given under law, shall have the power and duty to lease lands owned by the county, heretofore acquired for parks, which, in the judgment of the board, it shall not be advisable to improve as parks, upon such terms and conditions as the board shall deem to be for the best interests of the county. Such lands shall not be leased for a longer time than 5 years and not for a longer time than 1 year without the concurrence of two-thirds of the entire board of park commissioners.

History: En. Sec. 2, Ch. 306, L. 1967; R.C.M. 1947, 16-4802(part).

7-16-2324. Sale, lease, or exchange of dedicated park lands. (1) For the purposes of this section and part 25 of chapter 8, lands dedicated to the public use for park or playground purposes under 76-3-606 and 76-3-607 or a similar statute or pursuant to any instrument not specifically conveying land to a governmental unit other than a county are considered county lands.

(2) A county may not sell, lease, or exchange lands dedicated for park or playground purposes except as provided under this section and part 25 of chapter 8.

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Park

(3) Prior to selling, leasing, or exchanging any county land dedicated to public use for park or playground purposes, a county shall:

(a) compile an inventory of all public parks and playgrounds within the county;

(b) prepare a comprehensive plan for the provision of outdoor recreation and open space within the county;

(c) determine that the proposed sale, lease, or exchange furthers or is consistent with the county's outdoor recreation and open space comprehensive plan;

(d) publish notice of intention to sell, lease, or dispose of such lands, giving the people of the county opportunity to be heard regarding such action;

(e) if the land is within an incorporated city or town, secure the approval of the governing body thereof for the action; and

(f) comply with any other applicable requirements under part 25 of chapter 8.

(4) Any revenue realized by a county from the sale, exchange, or disposal of lands dedicated to public use for park or playground purposes shall be paid into the park fund and used in the manner prescribed in 76-3-606 and 76-3-607 for cash received in lieu of dedication.

History: En. 16-4808 by Sec. 5, Ch. 540, L. 1975; R.C.M. 1947, 16-4808; amd. Sec. 25, Ch. 253, L. 1979.

7-16-2325. Power of park board to employ persons and to make contracts. (1) A county park board, in addition to powers and duties now given under law, shall have the following powers and duties:

(a) to employ and discharge workmen, laborers, engineers, foresters, and others and to fix their compensation;

(b) to make all contracts necessary or convenient for carrying out any and all of the powers conferred and duties enjoined upon said board by this part.

(2) All contracts made by said board shall be in the name of the county and shall be signed by the president or, in his absence, by the vice-president of said board, or upon approval by a majority of the members of the board of park commissioners at a regular meeting of the board at which a quorum is in attendance and voting and with due notice and report being made to the board of county commissioners, such contracts may be signed by the chairman of the board of county commissioners and attested by the county clerk and recorder.

(3) No order or resolution authorizing the making of any contract shall be passed or adopted except by a yea and nay vote, which vote shall be recorded in full in the minutes of the secretary.

History: (1)En. Sec. 2, Ch. 306, L. 1967; Sec. 16-4802, R.C.M. 1947; (2)En. Sec. 4, Ch. 306, L. 1967; amd. Sec. 3, Ch. 290, L. 1971; Sec. 16-4804, R.C.M. 1947; (3)En. Sec. 5, Ch. 306, L. 1967; amd. Sec. 4, Ch. 290, L. 1971; Sec. 16-4805, R.C.M. 1947; R.C.M. 1947, 16-4802(part), 16-4804(part), 16-4805(part).

7-16-2326. Discrimination in employment prohibited. No contract of employment may be entered into except in compliance with federal and state statutes, orders, and rules providing that there may be no discrimination in employment.

History: En. Sec. 6, Ch. 306, L. 1967; amd. Sec. 3, Ch. 38, L. 1977; R.C.M. 1947, 16-4806; amd. Sec. 26, Ch. 253, L. 1979.

7-16-2327. Indebtedness for park purposes. (1) Subject to the provisions of subsection (2), a county park board, in addition to powers and duties now given under law, shall have the power and duty to contract an indebtedness in behalf of a county, upon the credit thereof, for the purposes of 7-16-2321(1) and (2).

(2) (a) The total amount of indebtedness authorized to be contracted in any form, including the then-existing indebtedness, must not at any time exceed 3% of the value of the taxable property of the county ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness.

(b) No money must be borrowed on bonds issued for the purchase of lands and improving same for any such purpose until the proposition has been submitted to the vote of those qualified under the provisions of the state constitution to vote at such election in the county affected thereby and a majority vote is cast in favor thereof.

History: En. Sec. 2, Ch. 306, L. 1967; R.C.M. 1947, 16-4802(part).

7-16-2328. Park fund to be maintained. All money raised by tax for park purposes or received by the board of park commissioners from the sale of hay, trees, or plants or from the use of or leasing of lands and facilities shall be paid into the county treasury. The county treasurer shall keep all such money in a separate fund to be known as the park fund.

History: En. Sec. 3, Ch. 306, L. 1967; amd. Sec. 2, Ch. 290, L. 1971; R.C.M. 1947, 16-4803(part).

7-16-2329. Limitation on incurred liability. The board of park commissioners shall have no power to incur liability on behalf of the county in excess of money on hand in or taxes actually levied for said park fund.

History: En. Sec. 3, Ch. 306, L. 1967; amd. Sec. 2, Ch. 290, L. 1971; R.C.M. 1947, 16-4803(part).

7-16-2330. Allowance of claims. (1) Subject to the provisions of subsection (2), the board of park commissioners shall, at its first regular meeting in each month, audit and allow all just claims against the county, liability for which shall have been incurred by said board.

(2) No claim shall be audited or paid until an itemized account of such claim, in writing and signed by the claimant or his or its authorized agent, shall have been filed in the office of the secretary of said board.

(3) No order or resolution providing for the payment or expenditure of money or creating an obligation in excess of the sum of \$25 shall be passed or adopted except by a ye and nay vote, which vote shall be recorded in full in the minutes of the secretary.

History: En. Sec. 5, Ch. 306, L. 1967; amd. Sec. 4, Ch. 290, L. 1971; R.C.M. 1947, 16-4805(part).

7-16-2331. Disbursement of money. All money paid out by the park commissioners under the provisions of this part shall be by warrant drawn upon the county treasury, which may be signed by the secretary and countersigned by the president or, in his absence, by the vice-president of the board of park commissioners. Upon approval by a majority of the members of the board of park commissioners at a regular meeting of the board at which a quorum is in attendance and voting and with due notice and report being made to the board of county commissioners, payments so authorized may be made by warrant drawn upon the county treasury, signed by the chairman of the board of county commissioners and countersigned by the county clerk and recorder.

History: En. Sec. 3, Ch. 306, L. 1967; amd. Sec. 2, Ch. 290, L. 1971; R.C.M. 1947, 16-4803(part); amd. Sec. 27, Ch. 253, L. 1979.

7-16-2332. Acceptance of federal aid authorized. The park commissioners shall have authority to accept grants or loans from the United States government, subject to agreements in conformance to federal laws and regulations relating thereto, notwithstanding any provision of this part or other state statutes to the contrary.

History: En. Sec. 7, Ch. 306, L. 1967; R.C.M. 1947, 16-4807.

76-3-607. Waiver of land dedication and cash donation requirements. (1) If the proposed plat provides for a planned unit development with land permanently set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside therein, the governing body may issue an order waiving land dedication and cash donation requirements.

(2) If a tract of land is being developed under single ownership as a part of an overall plan and part of the tract has been subdivided and sufficient park lands have been dedicated to the public from the area that has been subdivided to meet the requirements of 76-3-606 for the entire tract being developed, the governing body shall issue an order waiving the land dedication and cash donation requirements for the subsequently platted area.

(3) The local governing body may waive dedication and cash donation requirements

(a) where all of the parcels in a subdivision are 5 acres or more in size and where the subdivider enters a covenant to run with the land and enforceable only by mutual consent of the governing body and the property owners that the parcels in the subdivision will never be subdivided into parcels less than 5 acres and that all parcels in the subdivision will be used for single family dwellings;

(b) when the subdivider agrees to create a property owners' association for the proposed subdivision and to deed to the association land to be held in perpetuity for use as parks or playgrounds, and the area of land so deeded to the association shall equal the amount that would otherwise have been dedicated to public use;

(c) for subdivision to be created by rent or lease where the subdivider agrees to develop parks or playgrounds within the subdivision for the common use of the residents of the subdivision, and the area of land so reserved for this purpose shall equal the amount that would otherwise have been dedicated to the public.

History: En. Sec. 6, Ch. 500, L. 1973; amd. Sec. 4, Ch. 334, L. 1974; R.C.M. 1947, 11-1-1 thru (7).

CASH IN LIEU OF LAND AND PERTINENT ATTORNEY GENERAL'S OPINIONS

The provision for the donating of cash in lieu of park land:

76-3-606. Dedication of land to public -- cash donations. (1) A plat of a residential subdivision shall show that one-ninth of the combined area of lots 5 acres or less in size and one-twelfth of the combined area of lots greater than 5 acres in size, exclusive of all other dedications, is forever dedicated to the public for parks or playgrounds. No dedication may be required for the combined area of those lots in the subdivision which are larger than 10 acres exclusive of all other dedications. The governing body, in consultation with the planning board having jurisdiction, may determine suitable locations for such parks and playgrounds.

(2) Where the dedication of land for parks or playgrounds is undesirable because of size, topography, shape, location, or other circumstances, the governing body may, for good cause shown, make an order to be endorsed and certified on the plat accepting a cash donation in lieu of the dedication of land and equal to the fair market value of the amount of land that would have been dedicated. For the purpose of this section, the fair market value is the value of the unsubdivided, unimproved land. Such cash donation shall be paid into the park fund to be used for the purchase of additional lands or for the initial development of parks and playgrounds.

(3) The park dedication and cash in lieu requirements of subsections (1) and (2) do not apply to any division that creates only one additional lot.

History: En. Sec. 6, Ch. 500, L. 1973; amd. Sec. 4, Ch. 334, L. 1974; R.C.M. 1947, 11-38641, (2); amd. Sec. 1, Ch. 703, L. 1979.

*606 & 607
replaced.*

76-3-607

An April 25, 1984, State Attorney General's opinion provided clarification and reiteration of parts of the statutes. A summary of this opinion held the following:

1. A county park board does not have the authority to levy a special tax for park purposes.
2. The funding for the county park board's obligations is derived from the county general fund as well as from other specific sources as enumerated by sections 7-16-2328, 7-16-2324 and 76-3-606, MCA.
3. Revenues from sale of lands and cash donations are unrestricted revenues within the park fund through acceptable accounting procedures.
4. Interest earned from the deposit or investment of the park fund must be credited to the county general fund.

DEED OF CONSERVATION EASEMENT
(Sample)

This DEED OF EASEMENT, made this _____ day of _____
198____, under the laws of the State of Montana, by and between _____
_____, hereinafter called the Grantor and
_____, hereinafter called the Grantee.

WITNESSETH:

WHEREAS, Grantor is the owner in fee simple of the real property hereinafter described, situated in the County of Yellowstone, State of Montana.

WHEREAS, said property has aesthetic, scientific, and ecological value in its present state as a natural area which has not been subject to development or exploitation;

WHEREAS, the Grantor is willing to grant a Conservation Easement over said property, thereby restricting and limiting the use of the water and land areas of said property, on the terms and conditions and for the purposes hereinafter set forth, and the Grantee is willing to accept such easement.

WHEREAS, the Grantor and Grantee recognize the aesthetic, scientific and ecological value of the property in its present natural state, and have, by the conveyance of a Conservation Easement to the Grantee, the common purpose of conserving the natural value of the said property preserving the natural character of the property, and preventing the use or development of said property for any purpose or in any manner which would conflict with the maintenance of the said property in its scenic and natural condition.

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) to the Grantor is hand paid, the receipt of which is hereby acknowledged, and in further consideration of the mutual covenants, terms, conditions, and restrictions hereinafter set forth, Grantor hereby grants and conveys unto the Grantee and its successors forever and in perpetuity an interest and Conservation Easement of the nature and character and to the extent hereinafter set forth in respect to the lands of the Grantor situated in the County of Yellowstone, State of Montana, more particularly described as follows:

(Legal Description of Land)

The terms, conditions, and restrictions of the Conservation Easement are as hereinafter set forth:

1. There shall be no erection of buildings, billboards, fences, or any other structures, excepting maintenance and repairs of the existing irrigation facilities and except as may be otherwise provided herein.

2. There shall be no mining, drilling, filling, excavating, dredging, removing of top soil, sand, gravel, rocks, or minerals above a plane 200 feet below the existing land surface, building of roads, placement of pilings, or pile-supported structures or changing the topography of the land in any manner except as provided herein.

3. There shall be no dumping of trash, rubbish, or waste materials of any type.

4. There shall be no pollution of surface or subsurface waters or springs with biocides, pesticides, or insecticides or disturbing or changing the existing natural habitat in any manner without the express written consent of the Grantee.

5. There shall be no activities or uses which result in erosion of which have a detrimental effect upon fish or wildlife, their natural habitat or on the natural ecosystems and their processes.

6. The Grantee reserves the right to enter the property at all reasonable times for the purpose of inspecting said property to determine if the Grantor is complying with the requirements hereunder.

7. In the event a violation of these restrictions is found to exist, the Grantee, or its successor or assign, may, after a 30 day notice to the Grantor, or his successor or assign, institute a suit to enjoin by ex parte, temporary and/or permanent injunction such violation, to require the restoration of the premises to their prior condition, or for damages for breach of covenant.

8. The Grantor reserves for himself, his successors and assigns, the right to continue the use of the property for all purposes not inconsistent with this Conservation Easement.

(Additional terms and conditions, including specific rights reserved to the Grantor, will, of course, be mandated by the individual characteristics and needs of the subject land.)

TO HAVE AND TO HOLD the easement hereby granted unto the Grantee, its successors and assigns forever. This grant shall be binding upon the heirs, successors and assigns of Grantor and shall constitute a servitude upon the easement area.

IN WITNESS WHEREOF, Grantor and Grantee have hereunto set their hands on the day and year above written.

(Signatures and notarization)

CRITERIA FOR PARK DEVELOPMENT BY LOCAL NEIGHBORHOODS OR SPECIAL INTEREST GROUPS

The Yellowstone County Park Board will consider applications for development of or in County Parks at their regularly scheduled public meetings; an application must be placed on the Park Board Agenda at least one week in advance of the meeting.

The Park Board will accept an application for park development only if all of the following items are addressed:

1. REQUIREMENTS FOR PARK BOARD APPROVAL

A. Site Development Plan:

1. Provide a legible layout of the park development proposal plan with name, size, and location and with dimensions drawn to scale.
2. Show surrounding land use and on-site topography, vegetation, irrigation ditches, etc.
3. Show existing and planned facilities such as buildings; playground equipment; water, sewer, and electrical services; trails and sidewalks; pedestrian and vehicular access and planned parking; grading plan; landscaping; and other appropriate plans.
4. Improvements must meet Park Board construction standards and specifications which are available for review from the Park Board Office. Inspection of on-going construction of approved facilities will be made by a representative of the Park Board.

B. Project Construction Timeframe, Funding, and Maintenance:

1. Provide a yearly timeframe of planned improvements for one to five years.
2. Show estimated cost of planned facilities by item and the source of the estimate.
3. Provide an estimate of operation and maintenance costs for the planned improvements and a plan for funding of same.
4. Provide the name, address, and phone number for the person representing the neighborhood organization proposing the park development.

C. Neighborhood Involvement:

1. Provide the name, address, telephone number, and indication of support (yes/no/no opinion) of the proposed park development plan of all neighborhood families within two blocks (approximately 600 feet) surrounding the park.
2. Provide an estimate of the number of expected users.

II. CRITERIA FOR PARK BOARD APPROVAL

- A. The Park Board's decision shall be based upon whether the proposed park plan is in the public interest. To determine public interest, the Park Board shall evaluate:
 1. Basis of need for the proposed facility.
 2. Expressed public opinion.
 3. Effects on the natural environment.
 4. Effects on public health and safety.
 5. Effects on wildlife and agriculture.
 6. The relationship of the proposal to other County parks as described in the County's Comprehensive Park Plan.
- B. The Park Board shall also evaluate the proposed park plan construction, operation, and maintenance financing, the feasibility and soundness thereof, and the availability of County or other funds to assist the project.
- C. The County Park Board shall then make a recommendation for approval, conditional approval, or denial of the proposed park development plan to the County Commissioners within the month following submittal of the plan to the Park Board.
- D. Applicants are encouraged to meet with the Park Board or its representatives prior to submitting a park development proposal to insure a proper awareness of Park Board procedures, desires, and requirements.
- E. The Park Board encourages the proper development of County parks by local neighborhood groups and will assist and support such activities as much as possible.

LIMITED USER SURVEY

At the beginning of the Yellowstone County Comprehensive Parks Plan project a survey form was prepared and sent out to 80 groups, organizations, and clubs in the County with a perceived interest in parks and recreation. The list included all of the organized sports groups, such as youth soccer and softball organizations; civic clubs, such as Junior League and Rotary; all of the school districts; conservation organizations such as the Yellowstone Valley Audubon Society; and representatives from real estate and land development. Of the 80 forms sent out, 25 were returned, a response rate of 31 percent.

The survey form is here enclosed with the results for each question shown in prioritized order. The findings of the survey are not conclusive nor does it represent a statistically sound sampling of County residents. The return was informative, however, and was used to stimulate ideas and support concepts in the Park Plan. At some future time the Park Board may want to undertake a statistically valid opinion survey of Yellowstone County residents to ascertain park and recreation use preferences or similar information. At the present time, however, there are higher priorities for the park budget.

County of Yellowstone



COMMISSIONERS

PARK BOARD

4/27/84

BILLINGS, MONTANA

POB 35000, Billings, MT 59107

Dear Yellowstone County Organization:

The Board of Park Commissioners of Yellowstone County is in the process of preparing a Comprehensive Park Plan for the County. The purpose of this Plan is to establish an administration, management, and development system for the existing 110-plus County parks as well as future parks.

The taxpayers of Yellowstone County cannot afford to pay for the development and long-term continuous maintenance of improvements in all of its many parks. Which parks to develop and which to possibly dispose of; what facilities are needed by the people who use the parks; and how can parks that are to be improved and maintained be done so in a cost effective manner; all are questions the Park Commissioners are currently trying to address.

As an organization with an interest in County park and recreation programs, we would like your assistance in preparing the County Park Plan. In the five lines below, list in order of priority the kinds of park experience you feel are most important, i.e., picnicking, nature enjoyment, organized team sports, open air gatherings, etc.

1. Nature enjoyment
2. Organized team sports
3. Unorganized open air park lands
4. Picnicking
5. Clean and safe play area for children with equipment

As explained earlier, the County cannot afford to build and maintain improvements in all its parks. Do you have any suggestions for handling the construction of County park facilities where needed and their long-term maintenance?

1. Volunteer labor
2. Use of non-profit organizations, service, and civic clubs
3. Tax levy
4. User fees
5. Sell unused land and apply proceeds

Do you feel there is a need for more parks such as small, close-by parks for children; large central community parks such as Pioneer Park in Billings; large regional parks such as Riverfront park south of Billings; or other types? Please list below in order of priority:

1. Regional park
2. Large central park
3. Neighborhood multiple use park
4. Close-by parks for children
5. Nature parks

As an important organization in Yellowstone County interested in participating in the County Park program, do you have any resources which you would be willing to contribute to building and maintaining a park program in which you are involved and benefit from? Such resources could include expertise, money, labor, materials, etc. Please indicate:

1. Labor
2. Expertise
3. Money
4. Materials
5. Other

Organization: _____

Number of Members in Yellowstone County: _____

Contact Person: _____ Telephone: _____

Address: _____

Additional comments: _____

Please return your response to the address shown below within 30 days. Thank you very much for your time and concern.

Park Plan
Board of Park Commissioners
Yellowstone County Courthouse
POB 35000
Billings, MT 59107

A draft of the County Park Plan is due for completion in September of this year, and advertised public hearings will be held concerning its findings and proposals.

PARK INFORMATION MATRIX

PARK	CODE	ACRE SIZE	SCENIC RESOURCES	NATURAL RESOURCES	ECOLOGICAL DIVERSITY	ECOLOGICAL SENSITIVITY	SEPTIC SUITABILITY	IRRIGATION	DRINKING WATER AVAILABILITY	ACCESS	PARKING	SPORTS FIELD SUITABILITY	PICNIC AREA SUITABILITY	SURROUNDING LAND USE	SURROUNDING DEVELOPMENT	ABILITY TO ADD LAND DEVELOPMENT	PRESSURE
Acton Townsite	145-BA	1.5	5	4	4	4	N	N	4	1	5	5	5	1	2	3	
Agricenter	116-BS	2.39	1	1	1	2	N	D	4	1	4	4	4	4	4	4	
Arrow Island 1st	156-SH	15+	3	1	1	2	N	D	4	1	4	4	4	5-P	4	4	
Arrow Island 2nd	209-SH	24.22	1	1	1	2	N	D	4	1	2	2	2	2	4	4	3
Beartooth School	126-BH	.78												5-S	1	1	
Bcl Aire	73-LW & BE	1.25	5	5	1	1	Y	Y	2	1	3	4	4	1	1	1	
Briarwood 1st	147-SB	1.86	1	2	2	2	Y	Y				5	2	1	1	1	
Briarwood 2nd	208-SB	8.54	1	2	2	2	Y	Y				4	2	1	1	1	
Brooksdale	24-CN	1.82	5	5	5	5	Y	D	2	1	1	2	2	1	1	1	
Byrnes Stephens	77-BS	.52	5	5	5	5	Y	Y	2	1	2	2	2	1	1	1	
Byron Neilson	61-BNW	4.01	3	3	4	4	Y	Y	2	1	2	4	2	1	1	1	
Cedar Park	57-SB	3.8	5	1	1	1	Y	N	5	2	3	5	2	1	1	1	
Century	157-LA	5.58	5	5	5	5	Y	D	3	3	2	2	2	1	1	1	
C/S 986	82-BNW	.17	5	5	5	5	Y	D	3	3	2	2	2	3	3	3	
C/S 1152	149-BS	50+	1	1	1	2	N	D	1	1	1	3	3	5-P	1	1	
C/S 1310	66-LW & BE	24.75	5	5	5	2	Y	D	3	3	3	2	2	4	4	4	
Charles Russell	54-LW & BE	3.83	2	3	3	1	Y	N	5	1	3	3	3	1	1	1	
Clydesdale	96-BW	6.33	542	5	5	5	Y	D	2	1	2	2	2	1	1	1	
Custer J.C.	141-CU	41	5	5	5	5	Y	D	1	1	1	1	1	1	1	1	
Custer Un-named	139-CU	.51	5	5	5	5	Y	D	1	1	2	2	2	1	1	1	
Cynthia	43-BNW	2.0	3	4	5	2	Y	N	4	3	2	2	2	4	4	4	
Dokken	59-BNW	.8	3	D	D	2	Y	Y	1	1	2	2	2	1	1	1	
Dry Creek	75-LW & BE	1.88	5	3	2	2	Y	Y	2	1	2	2	2	1	1	1	
Echo	128-LA	4.49	2	2	2	1	Y	N	5	1	3	2	2	4	4	4	
Eggebrecht	129-LA	4.49	5	5	5	5	N	D	5	1	2	2	2	4	4	4	
Falcon Heights	137-SB	9.76	1	3	4	2	Y	Y	1	1	1	4	4	1	1	1	
Grand Acres	56-BW	.29	3	5	5	5	Y	D	2	2	2	2	2	5S	3	3	
Hakert	85-SB	.77	1	1	4	2	N	D	2	1	2	2	2	4	4	4	
Harris	84-LW & BE	2.48	5	3	5	3	Y	Y	2	1	1	1	1	1	1	1	
Hidden Lake Sub. Park	140-SH	161	5	5	5	5	Y	Y	5	1	2	2	2	42	2	2	
Hillner	14-LW & BE	7.12	5	4	4	5	Y	D	1	1	1	1	1	1	1	1	
Homeood	127-LA	7.65	5				Y	N	5	1	3	3	3	2	2	2	
Hypark Sub-Un-named	162-BNW	26+	3	2	2	1	N	K	5	1	5	5	5	1	1	1	
Indian Cliffs	125-BNW	24.16	3	2	2	1	Y	K	5	1	2	2	2	2	2	2	

PARK (CONT)	CODE	ACRES	SR	NR	ED	ES	SS	I	DWA	A	P	SFS	PAS	SLU	SD	AFAL	DP
Lampman	44-BW	9.5	5	5	5	5	Y	B	2	1	2	2	3	1	1	3	
Lockwood	51-LW & BE	10.0	5	5	5	5	Y	B	1	1	1	1	3	1	1	1	
Lockwood Jr. High	115-LW & BE	16.25	2	4	3	5	Y	D	2	1	2	2	2	2	2	3	
Lutheran	76-BH	.95	5	4	5	5	Y	Y	1	1	1	5	1	1	1	3	
Nadsen	53-BH	1.37	5	5	3	5	Y	B	2	1	2	5	2	3	3	4	
McKenzie	74-LW & BE	9.99	2	1	4	1	Y	Y	2	3	2	5	2	3	3	3	
Mustang	165-SH	3.41	4	4	4	5	Y	N	5	2	2	3	3	1	1	4	
O'Donnell C/S 1233	152-LA	3.77	5	5	5	5	Y	B	2	2	2	2	5	3	4	3	
Oxbow	135-BH	10.29	3	5	5	1	Y	N	5	2	2	5	5	3	4	1	
Falissades	62-BNW	4.02	4	3	4	1	Y	Y	2	1	2	5	5	1	2	2	
Peterson	101-BE	0.98	5	5	5	5	Y	B	3	1	2	5	3	1	1	2	
Pike	130-LA		5	4	4	4	Y	B	3	1	2	2	3	1	1	4	
Pinehill	17-LW & BE	8.92	462	4	2	1	Y	B	5	1	2	5	2	1	5	1	
Plenty Coup	131-LA	13.26	5	4	4	3	Y	B	5	1	3	5	2	1	2	4	
Poly Vista	35-BNW	24.33	3	4	4	4	Y	B	1	1	1	1	2	2	1	1	
Prairie	180-SH	7.01	5	5	5	5	Y	B	3	1	2	5	5	1	1	1	
Pryer Creek Sub Park	142-HBW	1.79	5	4	4	5	Y	B	3	1	2	5	5	1	5	1	
Quanta	94-SB	2.13	1	3	1	2	Y	D	3	1	2	5	2	4	5	3	
Quarterhorse	153-BH	4.67	3	4	4	5	Y	D	3	1	2	2	2	1	2	1	
Rim Point	52-BNW	7.33	3	5	4	2	Y	D	3	1	2	2	2	1	3	2	
Rimrock West	103-BNW	1.54	5	5	4	2	Y	Y	2	1	2	3	2	1	2	2	
River Vista	145-SH	13.62	4	1	3	2	Y	Y	3	1	2	2	2	2	3	3	
Robert T. Jones	71-BNW	4.02	3	4	4	4	N	Partial	5	1	3	4	3	1	2	2	
Rosetta	106-BNW	0.76	3	5	5	5	Y	Swamp	5	1	2	5	3	2	2	2	
Sannon	168LW & BE	2.61	5	5	5	5	Y	D	5	5	2	5	3	3	4	1	
Sharon	53-SB	3.99	5	5	5	5	Y	Y	2	1	1	1	3	1	1	1	
Shawnee	87-LW & BE	.34	5	4	4	4	Y	N	5	5	5	5	3	1	2	2	
Shepherd Lions	146-SH	.47	5	5	5	5	Y	N	5	5	2	5	3	1	1	1	
Sled	97-LW & BE	8.75	4	2	4	1	Y	D	3	1	2	2	2	4	4	1	
Sun Valley	40-BH	8.92	1	4	3	3	Y	Y	5	1	3	5	2	1	3	1	
Two Moon	29-BH	150.55	1	1	1	2	Y	Y	2	2	2	2	2	1	4	3	
Valley	54-SB	2.43	1	1	4	2	N	D	3	1	1	2	2	1	3	2	
Un-named Wells Garder							N	D	5	1	2	2	2	1	4	3	
C/S 2189-2175 Sub	155-BW	3.0	5	5	5	5	Y	D	3	1	2	2	3	5	5	1	
West Park	159-LA	6.74	5	4	4	4	Y	Y	2	1	2	2	3	2	1	3	
Western Skies	124-BNW	2.42	2	2	2	1	N	N	5	1	5	5	5	1	2	4	
Whitney Sub.	170-SH	8.5	5														
Winchester	144-SH	3.22	5	5	5	4	Y	D	3	1	2	2	3	1	5	1	
W.M. Johnston	79-LW & BE	1.08	5	4	4	4	Y	D	2	1	2	5	3	2	3	3	
Yellowstone Meadows	86-BNW	1.64	5	5	5	5	N	D	3	3	2	5	5	3	3	3	
Zimmerman Acreage Tr.	81-BNW	1.01	3	3	5	4	Y	D	3	3	2	5	5	3	5	1	
Zimmerman Public Park	11-BNW	71.85	3	2	2	1	Y	N	5	1	2	2	3	1	3	4	

INDEX TO PARK INFORMATION MATRIX

DRINKING WATER AVAILABILITY

1. Available on site
2. Water line adjacent to property
3. Uncertain
4. Potential for well
5. No potential

IRRIGATION

- D. Yes, on site irrigation ditch or ditch adjacent to site
- Y. Yes, water line adjacent to site or well potential
- N. No known water source

NATURAL RESOURCES

1. Rims or riparian setting, good views, diversity
2. Rims or sloping site with good views and diversity
3. Flat site with good views and moderate diversity
4. Flat site with no view and low diversity
5. Flat site with no view and soils limitations.

ECOLOGICAL DIVERSITY

1. High (birds 30+ species)
2. (birds 10-20 species)
3. Moderate (birds 5-10 species)
4. (birds below 5 species)
5. Low (birds below 5 species, agriculture)

ACCESS

1. Exists off major street
2. Existing street R.O.W.
3. Future access possible through presently unplatted land
4. Access not possible

PARKING

1. Existing, on site
2. Good potential
3. Moderate potential
4. Limited potential
5. No potential

PICNIC AREA SUITABILITY

1. Existing facilities
2. Good potential-space and trees available
3. Moderate potential-space but no shade
4. Potential limited by slopes
5. No potential

SPORTS FIELD SUITABILITY

1. Existing facility
2. Existing potential
3. Minor earthwork required
4. Major earthwork required
5. No potential

ECOLOGICAL SENSITIVITY

1. High-35% slope, erodible soils
2. 7-35% slopes, riparian
3. Moderate, less than 7% slope and silt
4. silt, flat
5. Low, clay, flat

SURROUNDING LAND USE (PLATS)

1. Small lot residential
2. Large lot residential
3. Agriculture or pasture
4. Vacant
5. Other, school (S), park or corridor (P)

DEVELOPMENT PRESSURES

1. Existing recreational development
2. Expressed interest by neighborhood residents
3. Signs of recreational use
4. Current non-recreational use
5. Signs of deterioration

ABILITY TO ADD LAND TO EXISTING PARCEL

1. Yes, through platting
2. Yes, through purchase
3. No
4. Park is adjacent to rims, ditch, creek, railroad or river

SEPTIC SUITABILITY

- N-no
Y=yes
U-uncertain

SURROUNDING DEVELOPMENT

1. Significant development -small lots
2. Moderate development (more)
3. Moderate development (less)
4. Rural-large lots and scattered
5. No development

SCENIC RESOURCES

1. Flood plain
2. Rimrock formation
3. Exceptional view
4. Deed vegetative draw
5. No significant resources

YELLOWSTONE COUNTY PARKLAND ORDINANCE

The following parks in the Yellowstone County Area are governed by the ordinances described herein. Other park lands may be governed by portions hereof and such applicability will be reflected in appropriate signage posted at the specific park, the required County Resolution making such provision, or included in Section CO 04390-010 through 04390-025 herein .

Parks and park land covered by this entire ordinance:

Two Moon
Zimmerman
Earl Guss Park
Arrow Island II Park

CO (County Ordinance) 04390-010:

All motorized vehicles are restricted as follows:

- a. to designated roadways and prohibited from leaving such roadways;
- b. prohibited from entering fenced or blocked areas designed to prevent vehicular access; or
- c. prohibited from entering areas posted with signs indicating no vehicular access or limiting such access to specified hours noted on the signs.

CO 04390-011:

No refuse of any kind shall be left in the parks. Refuse is here defined as anything of any size not occurring naturally in or is native to the parks. Any articles carried by park visitors into the parks must be taken out with the user when he or she leaves the park area.

CO04390-012:

Fires are allowed only in areas provided as firepits. No fires whatsoever are allowed in the interior of Two Moon Park outside of the entrance/parking areas.

CO 04390-013:

No fireworks (as defined by MCA Section 50-37-101) of any kind are allowed anywhere in the park areas to include carrying, transporting, discharging, or other use of any fireworks at any time of year.

CO 04390-014:

No tree cutting or removal of vegetation of any kind, whether alive or dead, is allowed anywhere in the park areas. Exceptions to this may from time to time be allowed by the

County Board of Park Commissioners, and written notice of such allowance will be provided such action.

CO 04390-015:

Alcoholic beverages involving visiting groups larger than five people over 21 years of age are allowed only with written permission obtained from the County Board of Park Commissioners.

CO 04390-016:

The hunting or trapping by any means of any animals or birds, and the shooting of any firearm, bow and arrow, BB gun, pellet gun, paintball, slingshot, or other similar device are prohibited.

CO 04390-017:

No dogs are allowed in the park areas without their owners in attendance, and the owners shall exercise supervision of their dogs in the park areas to include preventing dogs from chasing or harassing park wildlife or other users of the park areas. All dog owners or walkers with dogs in the parks must pick up any excrement deposited by their dogs on pedestrian and bicycle pathways while in the parks, and the dog owners shall have with them at all times, while in the parks, plastic bags for picking up, carrying, and proper disposal of such excrement. Enforcement of this provision is by the Animal Control Division of the County Sheriff's Department.

CO 04390-018:

The park areas are closed to public access and use at one-half hour after sunset nightly and opened at one-half hour before sunrise daily. In addition, no overnight camping shall be allowed in any County parkland. Exceptions to this may be made by the County Board of Park Commissioners as appropriate by written permission. No County park lands shall be used for habitation or any extended camping activity.

CO 04390-019:

Specific County Park Regulations (regulations specific to and limited to the following listed parks):

Barkemeyer Park:

No skateboarding

Hours of operation are one-half hour before sunrise to one-half hour after sunset.

Pine Hill Park:

Motorized vehicle use restricted to 10:00 AM to 6:00 PM Monday through Saturday with no motorized use on Sunday.

CO 04390-020:

Hazardous Fire Areas (as per 2009 International Wildland-Urban Interface Code (IWUIC):

The Billings Fire Chief or his designee is authorized to determine and publicly announce when hazardous fire park areas shall be closed to entry and when such park areas shall again be opened to use.

Posting of Hazardous Fire Park Areas:

The Fire Chief or his designee shall post signs prohibiting entry into closed hazardous fire park areas. Post shall be accomplished by placing orange signs of not less than fifty square inches at each normal point of access to the hazardous fire park areas and at regular intervals of not less than every one-fourth mile along roadways with points of access to the closed park areas.

Criminal Trespass to Hazard Fire Areas:

A person commits the offense of criminal trespass to hazardous fire park areas if the person enters or remains unlawfully in a properly posted hazardous fire park area. Exceptions are official County, State, and Federal representatives and their authorized agents acting in the course of duty; and persons engaged in the operation and maintenance of necessary utilities such as electrical power, telephone, gas, water, and sewer.

Tampering with Signs, Barricades, or locks:

No person shall tamper with, mutilate, destroy, or remove locks, barricades, or signs posting or closing hazardous fire park areas.

CO 04390-21:

County Park Special Use Permit:

Persons desiring to use the parks listed at the beginning of this Ordinance for special uses, such as weddings, parties with alcohol, etc., shall complete an application for such use in the format hereto attached.

CO 04390-25:

Violation of any of these rules, as provided under MCA Section 7-16-2322 and developed by the Board of Park Commissioners, adopted by the Yellowstone County Board of

County Commissioners on 4/16/94; amended on 6/7/94, 12/19/96, 10/0/03; 12/16/2008; 1/13/09; and enforced by the County Sheriff's Department after due consideration and public hearing, is deemed a misdemeanor and punishable by a fine not to exceed five hundred (500) dollars, imprisonment not to exceed six (6) months, or both fine and imprisonment.

Yellowstone County
Proposed Procedures and Use Standards for Development, Maintenance and Use of Parks
Draft: June 2024

1. Purpose

The purpose of these Parks Procedures is to establish guidelines and responsibilities for the oversight, use and management of parks within Yellowstone County. These procedures aim to ensure the effective utilization, maintenance, and development of subdivision or neighborhood parks, as well as larger community or regional parks, for the benefit of residents and visitors alike.

2. Definitions

- a. Neighborhood Parks: Small-scale parks primarily intended to serve the recreational needs of residents within a specific neighborhood or subdivision. These parks typically feature playgrounds, green spaces, and basic recreational amenities. These parks serve an isolated area and are typically maintained through the use of Maintenance RSID's where the costs are solely those of the neighborhood.
- b. Community Parks: Larger parks designed to accommodate the recreational needs of a broader population base, often featuring expansive green spaces, sports facilities, walking trails, and other recreational amenities that draw visitors from across the County. Maintenance and improvement of these parks is supported by the County's Park Fund as these parks benefit the public at large. Zimmerman Park, Two Moon Park and Earl Guss Parks are considered Yellowstone County Regional or Community Parks. These parks are not supported by RSID's.

3. Park Oversight Responsibilities

- a. Yellowstone County Public Works: Yellowstone County Public Works shall be responsible for overseeing the planning, development, maintenance, and management of parks within Yellowstone County. Staff can administratively oversee all neighborhood and subdivision parks.
- b. Board of County Commissioners (BOCC): The BOCC shall provide oversight of the Public Works Department administration of parks.

4. Revision of Park Districts

As part of these procedures, park districts as identified in the 1984 Parks Plan will be revised to include three districts. District 1, 2 and 3, see Exhibit A. District 1 designates Zimmerman Park as the park where cash-in-lieu funds ((MCA 76-3-621) are eligible to be spent. District 2 designates Two Moon and Earl Guss Park as the park where cash-in-lieu funds are eligible to be spent and District 3 are Worden Park, Custer Park and Riverside Park Huntley . Establishing these districts does not preclude the allocation of funds for other county parks. However, it does restrict the utilization of cash-in-lieu funds for parks beyond those designated in the districts.

5. Park Funding

Annually the Public Works shall prepare a budget for BOCC approval.

6. Existing Park Ordinances

These procedures are not intended to replace or impede existing County Ordinances as it relates to parks. Enforcement of these ordinances will be the responsibility of the Public Works Department.

- a. CO 04390-010 – Motorized Vehicles
- b. CO 04390-011 – Refuse
- c. CO 04390-012 – Fires
- d. CO 04390-013 – Fireworks
- e. CO 04390-014 – Tree Cutting
- f. CO 04390-015 – Alcoholic Beverages
- g. CO 04390-016 – Hunting and Trapping
- h. CO 04390-017 – Dogs
- i. CO 04390-018 – Park Access
- j. CO 04390-019 – Specific Park Regulations
- k. CO 04390-020 – Hazardous fire park area, criminal trespass to hazardous park area, tampering with signs, barricades or locks
- l. CO 04390-021 – Special Use Permit
- m. CO 04390-025 Violations

7. Park Maintenance

Yellowstone County does not provide park maintenance staff. Maintenance activity for public parks may be carried out by citizen volunteers, volunteer groups or contractors. Public Works does not provide park maintenance staff.

- a. The Yellowstone County Public Works does not provide routine maintenance for public parks. Maintenance activities should be supported by an RSID but not all parks are located within an RSID. In the absence of an RSID, a request to expend park funds can be submitted for consideration. Volunteer groups such as neighborhood groups, sports groups or others may take on maintenance activities of public parks. (See attached Work Authorization Form)
- b. The Public Works Department will work collaboratively with RSIDs to support their maintenance efforts:
 - i. RSIDs will be primarily responsible for the maintenance and upkeep of parks within their boundary, including routine maintenance tasks such as utilities, trash removal, facility repairs, etc. Request for maintenance activities that are not currently funded by the RSID may be requested. (See Maintenance Request Form)
 - ii. RSIDs may recommend maintenance schedules and budget when in its scope of work request.
 - iii. Public Works will provide assistance to RSID's by finalizing scope of works, soliciting quotes, bidding projects, and completing contracts for work. (See Scope of Work Amendment Form)

8. RSID Funded Improvements

RSID funds can be used to fund park improvements within the district boundaries. These improvements may include things such as installing irrigation systems, playground equipment, ball courts or fields, walking paths, etc.

- a. Prior to making a formal request to public works to create a scope of work and solicit bids for a proposed RSID funded improvement, the RSID committee should be able to provide evidence there is support for the proposed project throughout the community. The community is defined as the landowners within the boundary of the RSID.
- b. The RSID committee shall make a formal request using the form labeled Request for Park Maintenance or Improvement.
- c. Upon receipt of the request, Public Works staff will prepare a scope of work and solicit bids for the project in accordance with the county's purchasing policy and any state laws governing procurement processes.
- d. Once a bid has been accepted staff will move forward with a contract to complete the work.

9. Request for General Park Funds

From time to time, citizen groups may request funding for special projects from general park funds. Special projects may include signage, equipment replacement, material requests, etc. Park funding will be allocated based on available budget. Yellowstone County reserves the right to allocate funding based on the merit of the project, its alignment with departmental priorities, and available resources. Funding requests for \$5,000 or less, when there is budget authority can be approved by staff. Requests exceeding \$5,000 will require approval by the Board of County Commissioners.

A form to request these funds is attached to this document. When requesting funds please include quotes or cost estimates and the amount of money requested and other funding sources that may be supplementing the project. In order to comply with any applicable procurement laws, the County may solicit its own quotes. When determining whether funding will be awarded the following criteria will be used:

- a. The applicant must be a citizen or represent a special group within Yellowstone County.
- b. Projects must demonstrate a clear need for improvement or enhancement in an existing public park within Yellowstone County.
- c. Projects must comply with all applicable laws, regulations, and permitting requirements.

10. Completing Work Within a Public Park

It is common for citizens and special groups to complete work in a park as part of a special project, volunteer effort, or donation. Work in a public park must be authorized in advance. Failure to receive authorization to complete work could create a trespass situation. A Work Authorization form is attached to this document. Once the application is submitted, Yellowstone County Public Works will make a decision regarding authorization for the park improvement project. If the project is approved, the applicant will receive authorization to proceed with the work. Authorization may be subject to conditions. Depending on the project, the County may require insurance.

11. Special Use Permits Required

Individuals desiring to use the Zimmerman Park, Earl Guss Park or Two Moon Park for special uses, such as weddings, parties with alcohol, etc., shall complete a Special Use Permit application that may be subject to conditions of approval.

12. Long-Term Leasing of Parkland

Exclusive use of public parks may only be permitted through formal lease agreements between Yellowstone County and an individual or group. Leases are intended to be long-term (More than 6 months, not to exceed 24 months).

Individuals or groups interested in entering into a formal lease agreement for exclusive use of a public park must submit a written proposal to Yellowstone County Public Works Department. The proposal should include detailed information about the intended use of the park, proposed duration of the lease, specific park facilities or areas to be leased, and any additional terms or conditions. Yellowstone County will review lease proposals to assess its impact to the park. If the lease proposal is deemed suitable, Yellowstone County may initiate negotiations with the applicant to finalize the terms and conditions of the lease agreement. Terms and conditions may cover aspects such as lease duration, rental fees, insurance requirements, maintenance responsibilities, permitted activities, and termination clauses. Lease agreements will be tailored to the specific needs and circumstances of each lease arrangement, with input from both parties to ensure mutual understanding and compliance.

13. Implementation

These procedures shall be implemented immediately upon approval by the Board of County Commissioners.

14. Review and Amendments

This Parks Policy shall be subject to periodic review and may be amended as necessary to address evolving needs, priorities, and circumstances related to park management and development within Yellowstone County.

Amendments to this policy shall require approval by the Board of County Commissioners.

Exhibit A
Park District Map

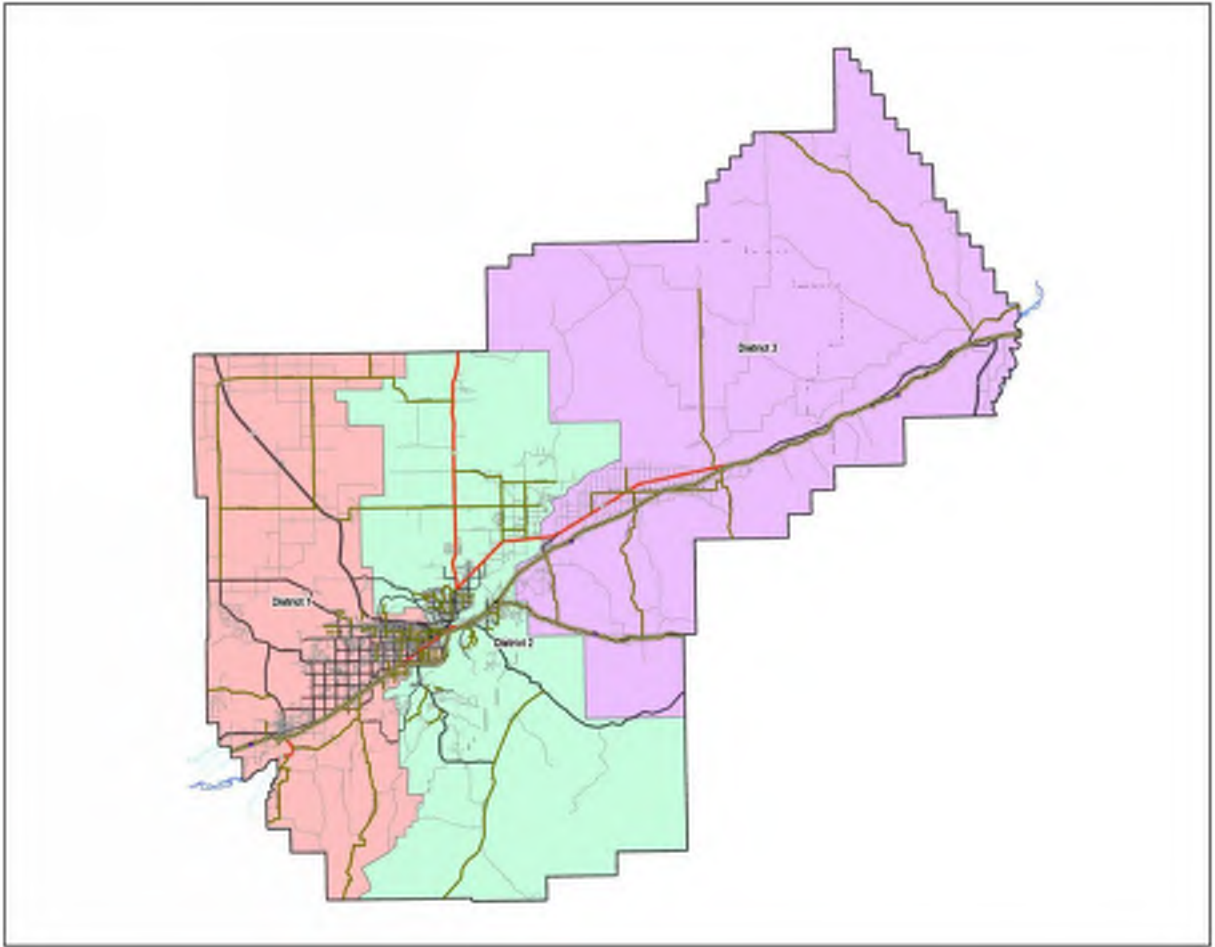


Exhibit B

Criteria for Park Development by Local Neighborhoods or Special Interest Group

Yellowstone County will consider applications for development of or in County Parks. Staff will review the applications. Expenditures in the amount of \$5,000 or less shall be administratively approved by staff so long as there is budget authority. Expenditure request exceeding budget authority in the amount of \$2,500 or in excess of \$5,000 will require BOCC approval.

I. Application Requirements

Applications for park development will be accepted only if all of the following items are addressed:

1. Site Development Plan:
 - a. Provide a legible layout of the park development proposal plan with name, size and location and with dimensions drawn to scale.
 - b. Provide an aerial of the surrounding land uses.
 - c. Show existing and planned facilities including all equipment and buildings.
2. Project Construction Timeframe, Funding and Maintenance:
 - a. Provide a yearly timeframe of planned improvements for one to five years.
 - b. Show estimated cost of planned facilities by item and the source of the estimate.
 - c. Provide an estimate of operation and maintenance costs for the planned improvements and a plan for funding to support maintenance.
3. Neighborhood Involvement:
 - a. Provide the name, address and indication of support of the proposed park development plan of all neighborhood families within 600' of the park.
 - b. Provide an estimated number of users expected.

II. Reviewing Criteria

1. Decisions shall be based on whether the proposed park improvement is within the public interest. To determine the Public Interest the following criteria should be evaluated.
 - a. Basis of need for the proposed facility
 - b. Expressed public opinion.
 - c. Effects on the natural environment
 - d. Effects on public health and safety
 - e. Effects on agriculture.
 - f. The relationship of the proposal to other county parks
2. Evaluate the proposed park improvement construction, operation and maintenance financing, the feasibility and soundness thereof, and availability of other funds to assist the project.

YELLOWSTONE COUNTY PUBLIC WORKS
APPLICATION TO AUTHORIZE WORK WITHIN A PUBLIC PARK

[Insert Park Name]

[Insert Park Address]

[Date: _____]

[Insert Applicant/Contractor Information]

Name of Applicant/Contractor: _____

Company Name (if applicable): _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Email: _____

Description of Work to be Authorized:

[Describe in detail the work to be conducted in the public park, including the specific location(s) within the park.]

Duration of Work: [Insert Start Date] to [Insert End Date]

Authorization Terms and Conditions:

1. The applicant/contractor agrees to abide by all rules, regulations, and policies established by Yellowstone County
2. The applicant/contractor is responsible for obtaining all necessary permits and permissions required for the proposed work.
3. The applicant/contractor is liable for any damages caused to the park property during the authorized work.
4. The applicant/contractor must provide proof of insurance coverage for the duration of the work period.
5. The applicant/contractor shall be responsible for the cleanup and removal of any debris resulting from the authorized work.

6. The park authorities reserve the right to revoke this authorization if the applicant/contractor fails to comply with any of the requirements or conditions as granted by the approval.

7. If work is approved, the approval may be subject to conditions.

By signing below, the applicant/contractor acknowledges that they have read and understood the terms and conditions outlined in this authorization form and agree to comply with them.

Applicant/Contractor Signature: _____

Date: _____

Please return the signed form to Yellowstone County Public Works at the address provided above or via email to the email address specified. Upon approval, a copy of the signed authorization will be provided to the applicant/contractor for their records.

FOR OFFICE USE ONLY

Work Authorized: Yes _____ No _____

Conditions of Approval:

Duration of approval:

[Signature of Park Authority Representative]

Name: _____

Title: _____

Date: _____

YELLOWSTONE COUNTY PUBLIC WORKS
REQUEST FOR PARK FUNDING

[Insert Park Name]

[Insert Park Address]

[Date: _____]

[Insert Applicant Information]

Name of Applicant/Organization: _____

Organization Type: [Non-profit/Community Group/Government Agency/Other]

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Email: _____

Project Details:

1. Project Title: _____

2. Project Description:

[Provide a detailed description of the project for which funding is being requested. Include the purpose, goals, target audience, and any relevant information about the project's impact on the community and the park. Please attach any maps, sketches, photos, letters of support, or endorsements from community stakeholders]

3. Proposed Budget (please attach any quotes substantiating project budget):

- Total Project Cost: \$ _____

- Amount Requested from Park Funding: \$ _____

- Other Funding Sources (if any): \$ _____

4. Timeline:

- Start Date: _____

- End Date: _____

5. Project Impact and Benefits:

[Describe how the project will benefit the park and the community. Include anticipated outcomes, benefits to park visitors, and any potential long-term impacts.]

6. Additional Information:

[Provide any additional information that may be relevant to the funding request, such as partnerships, previous experience with similar projects, or community support.]

Applicant Signature: _____

Date: _____

Please submit the completed application form along with any supporting documents to Yellowstone County Public Works.

Yellowstone County Public Works
Park Maintenance or Improvement Request

[Insert Park Name]

[Insert Park Address]

[Insert RSID Number]

[Date: _____]

[Insert Requester Information]

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Email: _____

Details of Maintenance Request:

1. Description of Maintenance Needed:

[Describe the issue or maintenance required in detail. Include information such as the type of repair needed, damage observed, or specific maintenance task requested.]

2. Urgency Level:

- Low

- Medium

- High

3. Additional Comments or Instructions:

[Provide any additional information or specific instructions related to the maintenance request.]

Requester Signature: _____

Date: _____

YELLOWSTONE COUNTY PUBLIC WORKS

REQUEST TO AMEND MAINTENANCE CONTRACT SCOPE OF WORK OR TO PROPOSE A SCOPE OF WORK FOR NEW IMPROVEMENTS THROUGH USE OF AN RSID

[Insert Park Name]

[Insert Park Address]

[Date: _____]

[Insert RSID Information]

Name: _____

RSID NUMBER: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Email: _____

Details of Proposed Scope of Work:

1. Type of Proposal:

- [] Amendment to Existing Maintenance Services
- [] Construction of New Park Improvements

2. Description of Proposed Scope of Work:

[Provide a detailed description of the proposed scope of work. Include the purpose, goals, and specific tasks or improvements involved. If amending existing maintenance services, describe the changes proposed. If constructing new park improvements, specify the type of improvement (e.g., playground equipment, walking trail, picnic area) and its location within the park.]

3. Justification:

[Explain the rationale behind the proposed scope of work. Discuss why the proposed changes or improvements are necessary or beneficial for the park and its visitors.]

4. Budget Estimate:

- Total Estimated Cost: \$_____
- Funding Source(s) (if known): _____

5. Timeline:

- Proposed Start Date: _____
- Proposed Completion Date: _____

6. Impact Assessment:

[Describe the anticipated impact of the proposed scope of work on the park and its visitors. Include any potential benefits, challenges, or considerations related to the proposed changes or improvements.]

7. Additional Comments or Instructions:

[Provide any additional information, comments, or instructions related to the proposed scope of work.]

By submitting this proposed scope of work form, the RSID acknowledges that they have prepared and reviewed the proposed scope of work in accordance with applicable guidelines and regulations.

RSID Representative Signature: _____

Date: _____

B.O.C.C. Regular

Meeting Date: 07/09/2024

Title: Resolution to Enact Yellowstone County Jurisdictional Zoning Around the City of Laurel

Submitted By: Steve Williams

TOPIC:

Resolution 24-116 to Enact Yellowstone County Jurisdictional Zoning Around the City of Laurel

BACKGROUND:

The area around Laurel does not currently have zoning. To resolve the issue, the County intends to enact County Jurisdictional Zoning in the area. The County has already enacted a growth policy for the area. The County intends to use the boundaries and regulations the County and landowners believed existed around the City. A recommendation to this effect has been provided by the City/County Planning Board. A public hearing on the adoption of the City County/Planning Board's recommendation occurred on May 21, 2024. The second public hearing on will occur on July 9, 2024.

RECOMMENDED ACTION:

Take public comment. After doing so, vote on the resolution to enact jurisdictional zoning around the city of Laurel.

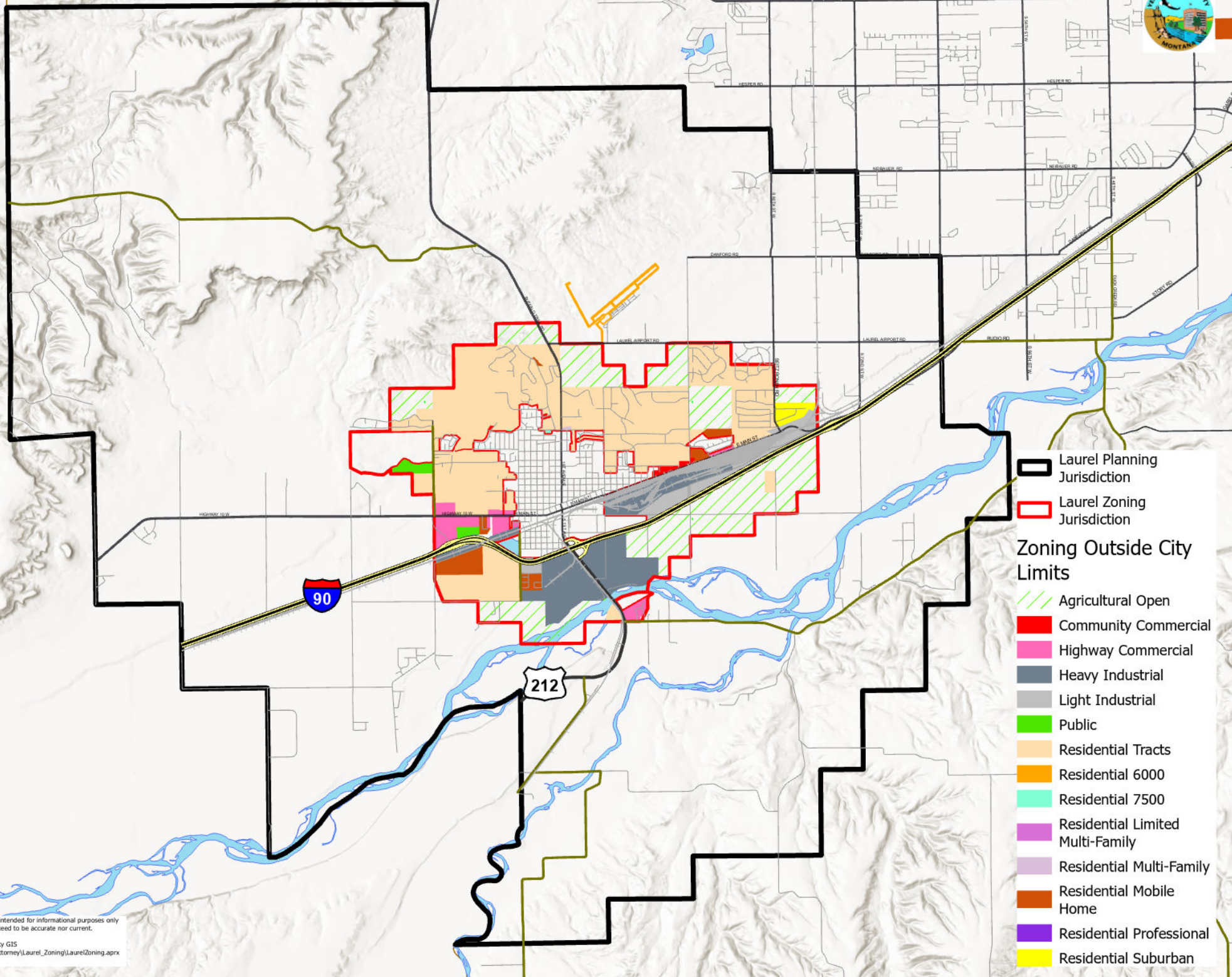
Attachments

Zoning Map

Zoning Regulations

Laurel Zoning Map 2

Resolution



- Laurel Planning Jurisdiction
- Laurel Zoning Jurisdiction

Zoning Outside City Limits

- Agricultural Open
- Community Commercial
- Highway Commercial
- Heavy Industrial
- Light Industrial
- Public
- Residential Tracts
- Residential 6000
- Residential 7500
- Residential Limited Multi-Family
- Residential Multi-Family
- Residential Mobile Home
- Residential Professional
- Residential Suburban

This document is intended for informational purposes only and is not guaranteed to be accurate nor current.
 Date 11/17/2023
 Yellowstone County GIS
 \\yco-gs\jdpdk\Attorney\Laurel_Zoning\LaurelZoning.aprx

The Subdivision Regulations come from the City of Laurel's Municipal Code that can be found online.

Changes have been made to the Regulations.

The Regulations contemplated the City exercising jurisdiction in and outside of the City and the County exercising no jurisdiction

The changes to the Regulations indicate the City will exercise zoning jurisdiction in the City and the County will exercise zoning jurisdiction in the zoning jurisdiction around the City

The Regulations are still phrased as if the City only exercises jurisdiction. The reference to the City should only include the County

Title 17

ZONING

Chapters:

Chapter 17.04 TITLE, PURPOSE AND SCOPE

Sections:

17.04.010 Title cite.

This title and herein referred to maps shall be known and cited as the "Laurel Zoning Ordinance" for the incorporated limits of the city and any additional territory authorized by either state statute or county commissioners.

(Prior code § 17.16.010)

The City of Laurel through its council shall handle the zoning issues within the City. Yellowstone County through its Board of Commissioners shall handle the zoning issues outside of the City in the zoning jurisdictional area of the Laurel-Yellowstone County Planning Board. The zoning jurisdictional area is an area around the City that extends approximately one mile beyond the City limits. Attached as Appendix A is a map that indicates the zoning jurisdictional zoning area.

17.04.020 Purpose of provisions.

- A. The zoning regulations, classifications and districts as herein set forth are in accordance with Sections 76-2-301 to 76-2-328, 76-1-101 to 76-1-606, and 76-2-201 to 76-2-228, MCA, 1979.
- B. They have been made in accordance with the comprehensive planning process, and have been deemed necessary and developed with consideration among other things, to the character of each zoning district and its peculiar suitability for particular uses, to conserve the value of buildings, to stabilize property values, to preserve recreation and agricultural lands from conflict with urban development, to promote the interest of health, safety, and general welfare, to secure safety from fire, and to provide adequate open space for light and air, and to facilitate the economic provision of adequate transportation, water, sewer, schools, parks, and other public requirements.
- C. The Laurel city council further declares the zoning plan is adopted for the following specific purposes:

-
1. To promote and guide development consistent with the goals and objectives of the comprehensive planning process;
 2. To prevent waste and inefficiency in land use;
 3. To encourage innovations in residential development and renewal so that the needs of the community for housing may be met by greater variety in type and design of dwellings and by conservation of open space; to preserve and enhance housing values and maintain residential neighborhood aesthetics; and
 4. To provide adequate land and space for the development of commercial and industrial uses and to encourage such development in locations calculated to benefit the community at large and in a manner consistent with the goals and objectives of the city's comprehensive planning process.

(Ord. 96-5 (part), 1996; prior code § 17.16.020)

17.04.030 Scope.

- A. This title applies to all lands in the incorporated limits of the city; and any additional territory authorized by either state statutes or the county commissioners.
- B. In their interpretation and application, the provisions of this title may be regarded as the minimum requirements for the protection of the public health, safety, comfort, prosperity and welfare;
- C. This title is not intended to abrogate or annul any building permit, certificate of occupancy, variance or other lawful permit issued prior to the effective date of the ordinances codified in this title.

(Prior code § 17.16.030)

Chapter 17.08 DEFINITIONS

Sections:

17.08.010 Purpose of provisions.

For the purpose of this title, certain words and terms used herein are defined in this chapter.

(Prior code § 17.20.001)

17.08.020 Rules of construction.

All words used in the present tense include the future tense. All words used in the plural number include the singular number, and all words used in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word "building" includes the word "structure." The word "shall" is mandatory and not directory. The word "used" shall be deemed to include "designed, intended or arranged to be used."

Unless otherwise specified, all distances shall be measured horizontally. The word "city" means the city of Laurel, Montana; the term "city council" means the city council of the city; the term "board of adjustment" means the board of adjustment of the city; the term "city zoning commission" means the zoning commission of the city.

(Prior code § 17.20.010)

17.08.030 Accessory living quarters.

"Accessory living quarters" means living quarters within an accessory building for the sole use of the family or of persons employed on the premises, or for the temporary use of guests of the occupants of the premises. Such quarters have no kitchen facilities and are not rented, leased, or otherwise used as a separate dwelling unit. The term "accessory living quarters" includes "guest house."

(Prior code § 17.20.015)

17.08.040 Airport or aircraft landing field.

"Airport" or "aircraft landing field" means any runway, landing area or facility whether publicly or privately owned and operated, and which is designed, used or intended to be used either by public carriers or by private aircraft for landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down, etc., hangars and other necessary buildings and open spaces.

(Prior code § 17.20.020)

17.08.050 Airport zone.

"Airport zone" means a separate and distinct portion of this title governing those lands affected by the Laurel airport, see Chapter 17.28.

(Prior code § 17.20.025)

17.08.060 Agricultural district.

"Agricultural district" means any A district.

(Prior code § 17.20.030)

17.08.070 Agricultural use.

A use of land for agricultural purposes including farming, dairying, pasturage, grazing land, animal and poultry husbandry, silviculture, floriculture, horticulture and other similar agricultural uses; agricultural use does not include farm equipment sales or display areas.

(Prior code § 17.20.035)

17.08.080 Alley.

"Alley" means a public way which affords only secondary access to abutting property.

(Prior code § 17.20.040)

17.08.090 Apartment.

"Apartment" means a room or suite of two or more rooms in a multiple dwelling or in any other building not a single-family dwelling or a two-family dwelling, occupied or suitable for occupancy as a dwelling unit for one family. A bachelor apartment or efficiency unit shall qualify under this definition.

(Prior code § 17.20.045)

17.08.100 Auto wrecking.

See "junkyard."

(Prior code § 17.20.050)

17.08.110 Basement.

"Basement" means that portion of a building below the first floor joists, the floor of which is more than one-half clear ceiling height below the adjacent ground.

(Prior code § 17.20.055)

17.08.120 Billboard.

See "Sign — Outdoor advertising."

(Prior code § 17.20.060)

17.08.130 Block.

"Block" means the property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

(Prior code § 17.20.065)

17.08.131 Bed and breakfast inn.

"Bed and breakfast inn" means a house or portion thereof that contains short-term guest rooms where lodging with or without meals is provided for compensation. The operator of the inn shall live on the same property upon which the term is located.

(Ord. 01-4 (part), 2001)

17.08.132 Boarding or lodging house.

"Boarding or lodging house" means a house where meals (with or without lodging) are provided for compensation and by pre-arrangement for a definite period for three or more persons. "Boarding or lodging house" shall not be construed to mean rest or convalescent homes nor "Bed and breakfast inns".

(Ord. 01-4 (part), 2001)

17.08.140 Building.

"Building" means a structure having a roof supported by walls or columns for the shelter, support, or enclosure of persons, animals or chattels. When, in a building all of which is used for nonresidential purposes, any portion of the building is completely separated from all other portions by a masonry division wall from the ground up to the roof, and no door or other opening directly communicating between the two portions of the building, such portions so separated shall be deemed separate buildings.

(Prior code § 17.20.070)

17.08.150 Building, accessory.

"Accessory building" means a subordinate building, the use of which is customarily incidental to that of a principal building on the same lot.

(Prior code § 17.20.075)

17.08.160 Building codes.

"Building codes" means the current building code adopted by the city.

(Prior code § 17.20.080)

17.08.170 Building inspector.

"Building inspector" means the official designated by the mayor to enforce this title and building codes.

(Prior code § 17.20.085)

17.08.180 Building line.

"Building line" means a line established in general, parallel to the front street line between which and the front street line no part of a building shall project, except as otherwise provided by this title.

(Prior code § 17.20.090)

17.08.190 Building—Principal.

"Principal building" means a building in which is conducted the principal use of the lot on which it is situated.

(Prior code § 17.20.095)

17.08.200 Business or commerce.

"Business" or "commerce" means the purchase, sale, offering for sale, or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit; or the management or occupancy of the office buildings, offices, recreational or amusement enterprises; or the maintenance and use of buildings, offices, structures or premises by professions and trades or persons rendering services.

(Prior code § 17.20.100)

17.08.210 Camp, public.

"Public camp" means any area or tract or land used or designed to accommodate two or more camping parties, including cabins, tents, camping trailers or other camping outfits.

(Prior code § 17.20.105)

17.08.220 Carport.

"Carport" means a structure to house or to protect motor vehicles owned or operated by the occupants of the main building which is open to the weather for at least fifty percent of the total area of its sides; when attached to another building it shall comply with the yard requirements of that building.

(Prior code § 17.20.110)

17.08.230 Child care facilities.

"Family day care home" means a private residence in which supplemental parental care is provided for up to six children, including the operator's children, from separate families on a regular basis. Such day care home shall be licensed by the Montana Department of Social and Rehabilitative Services under MCA, Title 53, Chapter 4, Part 5.

"Group day care home" means a private residence in which supplemental parental care is provided for seven to twelve children, including the operator's children, on a regular basis and which is licensed by the Montana Department of Social and Rehabilitative Services under MCA, Title 53, Chapter 4, Part 5.

"Day care center" means a place in which supplemental parental care and/or adult supervision is provided to thirteen or more children, including the operator's children, on a regular basis, and which may include nursery schools, private kindergartens, or after school care and supervision. Such day care center shall be license as required by the state, city, or county and conducted in accordance with applicable state and local requirements.

(Ord. 01-4 (part), 2001: Prior code § 17.20.115)

17.08.240 City.

"City" means the city of Laurel, Montana.

(Prior code § 17.20.120)

17.08.250 Clinic.

"Clinic" means a building designed and used for the medical, dental, and surgical diagnosis and treatment of patients under the care of doctors and nurses.

(Prior code § 17.20.125)

17.08.260 Clinic, animal.

"Animal clinic" means a building or premises for the medical treatment of pets or customary household animals, including but not limited to cats and dogs, provided no overnight boarding occurs on the premises.

(Prior code § 17.20.130)

17.08.270 Club.

"Club" means an incorporated or unincorporated association of persons organized for a social, educational, literary or charitable purpose. Property occupied by a club shall be deemed to be semiprivate in character and shall be subject to the city regulations governing public building and places, excluding groups organized primarily to render a service which is normally considered a business.

(Prior code § 17.20.135)

17.08.280 Cluster.

"Cluster" means a pattern of residential development where dwelling units are grouped, with the remainder of the yard left in landscaped open space.

(Prior code § 17.20.140)

17.08.285 College or university.

"College or university" means a post-secondary school as defined in this chapter.

(Ord. 04-1 (part), 2004)

17.08.290 Commercial district.

"Commercial district" means any NCL, NC, CBD, CC or HC district.

(Prior code § 17.20.145)

17.08.291 Community residential facilities.

"Adult foster family care home" means a private home licensed by the Montana Department of Family Services owned by one or more persons eighteen years of age or older which offers light personal care or custodial care to disabled adults who are not related to the owner by blood or marriage or which offers light personal care or custodial care to aged persons. The number of aged persons or disabled adults in an adult foster family care home may total no more than four.

"Community group home" means a family oriented residence or home licensed by the appropriate state agency designed to provide residential services and facilities for developmentally, severely disabled or mentally disabled persons, but does not provide skilled or intermediate nursing care.

"Halfway house" means a place operated in accordance with the regulations of the Montana Department of Health and Environmental Sciences for the rehabilitation of alcohol or drug dependent persons.

"Nursing homes, convalescent homes, orphanages, and charitable institutions" means a home operated similarly to a boarding house but not restricted to any number of guest or guest rooms, and the operator of which is licensed by the state, city, or county to give special care and supervision to his/her patients. In such homes, nursing, dietary, and other personal services are furnished to convalescent, invalids, and aged persons, but within which homes are kept no persons suffering from a contagious or communicable disease, and within which are performed no surgery, maternity, or other primary treatments such as are customarily provided in sanitariums or

hospitals, and within which no persons are kept to be served who normally would be admitted to a mental hospital. Adult foster care homes are not included in this definition.

"Youth foster home" means a youth care facility licensed by the Montana Department of Family Services in which substitute care is provided to one to six foster children or youths, other than the foster parent's own children, stepchildren, or wards.

"Youth group home" means a youth care facility licensed by the Montana Department of Family Services in which individual care is provided to seven to twelve children or youth.

(Ord. 01-4 (part), 2001)

17.08.300 Condominium.

"Condominium" means ownership in common with others of a parcel of land and certain parts of a building, together with individual ownership in fee of a particular unit or apartment in such building. Each individual has an absolute title to his apartment which he may sell, mortgage or devise as he could with a single-family dwelling that he owned.

(Prior code § 17.20.150)

17.08.310 Dairy.

"Dairy" means any premises where three or more cows, three or more goats, or any combination thereof are kept, milked or maintained.

(Prior code § 17.20.155)

17.08.330 Density.

"Density" means the number of families residing on, or dwelling units developed on, an acre of land. As used in this title, all densities are stated in families per net acre, that is, per acre of land devoted to residential use, exclusive of land in streets, alleys, parks, playgrounds, schoolyards, or other public lands and open spaces.

(Prior code § 17.20.160)

17.08.340 Drive-in restaurant.

"Drive-in restaurant" means a use whose retail character is dependent on a driveway approach and parking space for motor vehicles so as to either serve customers while in the vehicle or permit consumption of food or beverages obtained on the premises, in a vehicle.

(Prior code § 17.20.165)

17.08.350 Dwelling.

"Dwelling" means a building or portion thereof arranged or designed to provide living facilities for one or more families. The term "dwelling" shall not be deemed to include a motel, hotel or travel trailer. All dwellings except manufactured homes must conform to the Uniform Building Code.

(Ord. 96-5 (part), 1996; prior code § 17.20.170)

17.08.360 Dwelling, group.

In general, "group dwelling" means a building in which several unrelated individuals or families permanently reside, but in which individual cooking facilities are not provided for the individual persons or families. Specifically, "group dwelling" shall include a roominghouse, fraternity house, sorority house and private club in which one or more members have a permanent residence. "Group dwelling" shall not be deemed to include a hotel, motel, tourist home, mobile park, or any use included in the "health-medical group."

(Prior code § 17.20.175)

17.08.370 Dwelling, multifamily.

"Multifamily dwelling" means a building containing three or more dwelling units.

(Prior code § 17.20.180)

17.08.380 Dwelling, multifamily high rise.

"Multifamily high rise dwelling" means a building containing over three dwelling units with a height not over six stories or sixty feet.

(Prior code § 17.20.185)

17.08.390 Dwelling, single-family.

"Single-family dwelling" means a building containing only one dwelling unit.

(Ord. 96-5 (part), 1996; prior code § 17.20.190)

17.08.400 Dwelling, two family.

"Two family dwelling" means a building containing only two dwelling units.

(Prior code § 17.20.195)

17.08.410 Dwelling unit.

"Dwelling unit" means a building or portion thereof providing complete housekeeping facilities for one family.

(Prior code § 17.20.200)

17.08.420 Easement.

"Easement" means a grant by the property owner of the use of a strip of land by the public, or by one or more persons or corporations for a specific purpose or purposes.

(Prior code § 17.20.205)

17.08.430 Elderly housing.

"Elderly housing" means housing designed specifically for elderly occupancy with at least one resident domiciled in each living unit therein with an age of sixty-two years or older.

(Prior code § 17.20.210)

17.08.440 Fallout shelters.

"Fallout shelters" means a structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fallout, air raids, storms or other emergencies.

(Prior code § 17.20.215)

17.08.450 Family.

"Family" means one or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit.

(Prior code § 17.20.220)

17.08.460 Fence.

"Fence" means a barrier of posts connected by boards, rails, panels or wire constructed for purposes of enclosing space, for separating parcels of land or for landscaping and including masonry walls, ornamental structures, privacy screens and shrubs.

(Ord. 891, 1986; prior code § 17.20.225)

17.08.470 Filling station.

"Filling station" means a building or lot having pumps and storage tanks where fuels, oils, or accessories for motor vehicles are dispensed, sold or offered for sale at retail only; repair service is incidental; and no storage or parking space is offered for rent.

(Prior code § 17.20.230)

17.08.480 Floodplain or floodway.

"Floodplain" or "floodway" means in all cases of interpretation the regulations of the Montana Water Resources Board as provided in Sections 76-5-103 and 76-5-104, MCA, 1979.

(Prior code § 17.20.235)

17.08.490 Floodplain zone.

"Floodplain zone" means a separate and distinct portion of the Laurel Zoning Ordinance governing those lands affected by a one hundred year floodplain classification.

(Prior code § 17.20.240)

17.08.500 Fraternity, sorority, or student cooperative.

"Fraternity," "sorority," or "student cooperative" means a building occupied by and maintained exclusively by students.

(Prior code § 17.20.245)

17.08.510 Frontage.

"Frontage" means all of the property on one side of the street or highway between two intersecting streets or highways (crossing or terminating) measured along the line of the street or highway, or if the street or highway is dead ended, then all of the property abutting on one side between an intersecting street or highway and the dead end of the street or highway.

(Prior code § 17.20.250)

17.08.520 Garage, private.

"Private garage" means an accessory building or part of principal building used only for the storage of motor vehicles as an accessory use, when the storage space does not exceed that for the following number of vehicles:

- A. For any single-family dwelling — three passenger vehicles;
- B. For any two-family dwelling — four passenger vehicles;
- C. For any multifamily dwelling — passenger vehicles equal in number to two hundred fifty percent of the number of dwelling units in the principal building;
- D. For any other use — no limitation.

(Prior code § 17.20.255)

17.08.530 Garage, public.

"Public garage" means a building or premises which is operated for commercial purposes and used for the storage, care or repair of motor vehicles, but a "public garage" shall not be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

(Prior code § 17.20.260)

17.08.540 Group dwelling.

See "Dwelling group."

(Prior code § 17.20.265)

17.08.550 Height of building.

"Height of building" means the vertical distance measured from the highest of the following three levels:

- A. The street curb level;
- B. The established or mean street grade in case the curb has not been constructed; or

-
- C. The average finished ground level adjoining the building if it sets back from the street line to the level of the highest point at the roof beams to flat roofs, or roofs inclining not more than one inch to the foot, and to the mean height level of the top of the main plate and highest ridge for other roofs.

(Prior code § 17.20.270)

17.08.560 Hospital.

"Hospital" means an institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and licensed by state law to provide facilities and services in surgery, obstetrics and general medical practice, as distinguished from treatment of mental and nervous disorders, but not excluding surgical and post-surgical treatment of mental cases. Nursing homes and convalescent homes are not included.

(Prior code § 17.20.275)

17.08.570 Hospital, animal.

"Animal hospital" means a place where livestock or pets are given medical or surgical treatment. Use as a kennel shall be limited to short time boarding and shall only be incidental to such hospital use.

(Prior code § 17.20.280)

17.08.580 Hospital, mental.

"Mental hospital" means an institution licensed by state agencies under the provisions of law to offer facilities, care and treatment of cases of mental and nervous disorders.

(Prior code § 17.20.285)

17.08.590 Hotel.

"Hotel" means a building in which lodging, with or without meals, is provided and offered to the public for compensation, and which is open to transient guests. Hotels include motels and automobile courts, but do not include group dwellings as defined herein.

(Prior code § 17.20.290)

17.08.600 Industrial district.

"Industrial district" means any LI or HI district.

(Prior code § 17.20.295)

17.08.610 Junkyard.

"Junkyard" means the use of any premises whether inside or outside of a building for the storage, keeping or abandonment of junk, including scrap metals, rags, paper, or other scrap material and equipment for dismantling, demolition or storage of unlicensed or abandoned automobiles or other vehicles, or machinery or parts thereof.

(Prior code § 17.20.300)

17.08.620 Jurisdictional area.

"Jurisdictional area" means the area included within the unincorporated areas, a distance of four and one-half miles, in all directions, from the city's limits. Such jurisdictional area may be changed by joint resolution of the city council and board of county commissioners in accordance with Sections 76-1-501 to 76-1-508, MCA, 1979.

(Prior code § 17.20.305)

17.08.630 Kennel, commercial.

"Commercial kennel" means a place where dogs or cats other than those owned by the kennel owner are kept and boarded for any period in excess of twenty-four hours. Female dogs or cats bred for the sole purpose of the sale of puppies or kittens for profit and female dogs or cats numbering more than two constitute a commercial kennel.

(Prior code § 17.20.310)

17.08.640 Kennel, noncommercial.

"Noncommercial kennel" means a kennel at, in or adjoining a private residence where hunting dogs or other dogs or cats are kept for the hobby of the householder in using them in shows or field or obedience trials or for the guarding or protecting the householder's property. The occasional raising of a litter of puppies or kittens at the kennel should not change the character of residential property (no more than one litter of puppies or kittens shall be allowed in a calendar). In residential districts each household shall not possess more than two adult dogs or cats (an adult dog or cat is herein defined as any dog or cat over the age of twelve months).

(Prior code § 17.20.315)

17.08.650 Livestock.

"Livestock" means horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules, llamas, etc.

(Prior code § 17.20.320)

17.08.651 Livestock units.

"Livestock units," for the purposes of this title, shall be defined as follows:

Livestock Class	Livestock Units
Cow, mature	1.00
Cow with calf	1.00
Bull, mature	1.25
Bull, yearling	.67
Calf, weaned	.60
Calf, under six months	.25
Steer, one-year old	.70
Steer, two-year old	.90
Steer, three-year old	1.00
Heifer, one-year old	.67

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Heifer, two-year old	.85
Heifer, three-year old	1.00
Horse, mature	1.00
Horse with colt	1.50
Colt, weaned	.75
Ewe, mature	.20
Ewe, with lamb	.20
Lamb, weaned	.10
Lamb, under six months	.20
Ram, mature	.50
Goat, mature	.20
Goat with kid	.20
Kid, weaned	.05
Kid, under six months	.10
Hog, mature	.50
Hog, weaned	.20
Fowl: hens, roosters, or ducks or similar	.10
Fowl: turkeys or geese or similar	.25

Livestock units for animals not listed herein shall be determined by the planning director.

(Ord. 04-5 (part), 2004; Ord. 96-5 (part), 1996)

17.08.670 Lot.

"Lot" when used alone, means, unless the context clearly indicates otherwise, "zoning lot" as defined in this title.

(Prior code § 17.20.330)

17.08.680 Lot, corner.

"Corner lot" means a zoning lot at the junction of and abutting on two or more intersecting streets when the interior angle of intersection does not exceed one hundred thirty-five degrees. Any zoning lot adjoining a curved street at a point where the street boundary described an arc subtended by an angle of one hundred thirty-five degrees or less, shall be considered a "corner lot."

(Prior code § 17.20.335)

17.08.690 Lot depth.

"Lot depth" means the mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

(Prior code § 17.20.340)

17.08.700 Lot, interior.

"Interior lot" means a zoning lot other than a corner lot.

(Prior code § 17.20.345)

17.08.710 Lot line, rear.

"Rear lot line" means the lot line generally opposite or parallel to the front street line. If a rear lot line is less than ten feet long, or the lot comes to a point at the rear, the rear lot line is assumed to be a line at least ten feet long, lying wholly within the lot, parallel to the front street line or, if the front street line is curbed, parallel to the chord of the arc of the front street line.

(Prior code § 17.20.350)

17.08.720 Lot, record.

"Record lot" means land designated as a separate and distinct parcel on a legally recorded subdivision plat or in a legally recorded deed filed in the records of Yellowstone County, Montana.

(Prior code § 17.20.355)

17.08.730 Lot width.

"Lot width" means the average width of the lot.

(Prior code § 17.20.360)

17.08.740 Lot, zoning.

"Zoning lot" means a tract of land occupied or to be occupied by a principal building and its accessory buildings, together with such open spaces and yards as are required under the provisions of this title, having not less than the minimum area required by this title for a zoning lot in the district in which such land is situated and having its principal frontage on a street or a permanent, exclusive, nonobstructed easement of access or right-of-way to a street, not less than twenty feet wide. A "zoning lot" need not necessarily coincide with a "record lot" as herein defined.

(Prior code § 17.20.365)

17.08.750 Marquee.

"Marquee" means a fixed shelter used only as a roof and extending beyond a building line and which is entirely supported by the building to which it is attached.

(Prior code § 17.20.370)

17.08.760 Medical marijuana cultivation facility or cultivation facility.

"Medical marijuana cultivation facility" or "cultivation facility" shall mean a building, structure or premises used for the cultivation or storage of medical marijuana that is physically separate and off site from any medical marijuana dispensary and that is designated as part of the premises of a medical marijuana dispensary licensed pursuant to Title 5, Chapter 5.70 of the Laurel Municipal Code. The city shall not license a medical marijuana cultivation facility or cultivation facility within one thousand feet of any private or public preschool, elementary,

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secondary, vocational or trade school, any child care center, place of worship or religious assembly, any public or private park, pool, playground or recreational facility, any juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation or treatment center as provided in Title 5, Chapter 5.70.050.

(Ord. No. O11-01, 2-15-2011)

17.08.761 Medical marijuana dispensary or dispensary.

"Medical marijuana dispensary" or "dispensary" shall mean a property or structure used to sell, distribute, transmit, give, dispense or otherwise provide marijuana in any manner to patients or primary caregivers pursuant to the authority contained in MCA § 50-46-101 et. seq. and the implementing administrative regulations promulgated thereto. The city shall not license a medical marijuana dispensary facility or dispensary facility within one thousand feet of any private or public preschool, elementary, secondary, vocational or trade school, any child care center, place of worship or religious assembly, any public or private park, pool, playground or recreational facility, any juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation or treatment center as provided in Title 5, Chapter 5.70.050.

(Ord. No. O11-01, 2-15-2011; Ord. No. O11-03, 3-1-2011)

17.08.762 Mobile home.

See "Manufactured home parks, travel trailer parks and individual manufactured homes.

(Ord. 96-5 (part), 1996: prior code § 17.20.375)

(Ord. No. O11-01, 2-15-2011)

17.08.763 Manufactured home parks, travel trailer parks and individual manufactured homes.

The following definitions shall be utilized in determining the appropriate classification of manufactured homes, modular homes and travel trailers:

1. "Manufactured home" means a dwelling unit that: (a) is not constructed in accordance with the standards set forth in the Uniform Building Code, applicable to site-built homes; and (b) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; and (c) exceeds forty feet in length and eight feet in width.
2. Manufactured Home, Class A. "Class A manufactured home" means a manufactured home constructed after January 1, 1990, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:
 - a. The home has a length not exceeding four times its width;
 - b. The pitch of the unit's roof has a minimum vertical rise of one foot for each five feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;

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- c. The standard siding consists of wood, hardboard or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
 - d. A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home; and
 - e. The tongue, axles, transporting lights and removable towing apparatus are removed after placement on the lot and before occupancy.
3. Manufactured Home, Class B. "Class B manufactured home" means a manufactured home constructed after January 1, 1990, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A manufactured home.
 4. Manufactured Home, Class C. "Class C manufactured home" means any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.
 5. "Manufactured home park" means a residential use in which more than one manufactured home is located on a single lot.
 6. "Modular home" means a dwelling unit constructed in accordance with the standards set forth in the Uniform Building Code, applicable to site-built homes, and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the Uniform Building Code Standards applicable to site-built homes), or a series of panels or room sections transported on a truck and erected or joined together on the site.

(Ord. 96-5 (part), 1996)

(Ord. No. O11-01, 2-15-2011)

17.08.770 Motel.

"Motel" means a group of attached or detached buildings containing individual sleeping units where a majority of such units open individually and directly to the outside, and where a garage is attached to or a parking space is conveniently located at each unit, all for the temporary use by automobile tourist or transient, and such word shall include tourist courts, motor courts, automobile courts and motor lodges.

(Prior code § 17.20.380)

17.08.780 Motor vehicle parts salvage yard.

"Motor vehicle parts salvage yard" means the use of not more than fifty percent of the premises of a motor vehicle repair garage or motor vehicle body repair shop for the storage of motor vehicles for dismantling and sale of used parts thereof.

(Prior code § 17.20.385)

17.08.790 Nonconforming use.

The use of a building or other structure or of a tract of land which does not conform to the use or regulations of this title for the district in which it is located, either at the effective date of the ordinance codified in this title, or as a result of subsequent amendments which may be incorporated into this title.

(Prior code § 17.20.390)

17.08.800 Off-street parking space.

"Off-street parking space" means an off-street area for parking of one motor vehicle having an all-weather surface, shall have a width of not less than twelve feet when directly connected to a driveway approach; in all other instances the width shall be not less than ten feet; in both instances the length shall be not less than twenty feet. Easy access to a street shall be provided by a driveway having an all-weather surface.

(Prior code § 17.20.395)

17.08.810 Parking lot.

"Parking lot" means any land legally used for the parking of motor vehicles.

(Prior code § 17.20.400)

17.08.820 Residential district.

"Residential district" means any RE, R-7500, R-6000, RLMF, PUD, RMH, or RP district.

(Prior code § 17.20.405)

17.08.830 Outdoor advertising display.

"Outdoor advertising display" means card, cloth, paper and metal painted signs, wooden, plaster, stone or other sign of any kind or character whatsoever placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever. The term "placed" as used in the definition of "outdoor advertising sign" and "outdoor advertising structure" shall include erecting, construction, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner whatsoever. See also definition for "sign."

(Prior code § 17.20.410)

17.08.840 Pasture.

"Pasture" means an area confined within a fence or other physical barrier and which area is used for grazing or roaming of livestock.

(Prior code § 17.20.415)

17.08.850 Planning board.

"Planning board" means the Laurel-Yellowstone city-county planning board as authorized under the provisions of 76-1-101 to 76-1-606, MCA 1979.

(Prior code § 17.20.425)

17.08.860 Planning director.

"Planning director" means the individual appointed by the chief executive in accordance with 76-1-306(1)(3), MCA, 1979, and whose duties and responsibilities shall include, directing the planning and administrative activities of the planning department serving as the technical adviser to the planning board, zoning commission, board of adjustment and city council.

(Prior code § 17.20.420)

17.08.870 Planned unit development.

"Planned unit development" means a land development project consisting of residential clusters, industrial parks, shopping centers, office building parks, or any combination thereof which compromises a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in common ownership or use.

(Prior code § 17.20.430)

17.08.875 Post-secondary school.

"Post-secondary school" means a community college, a unit of the Montana University System, or a private university or college.

(Ord. 04-1 (part), 2004)

17.08.877 Preschool.

"Preschool" means a place or facility that provides, on a regular basis and as its primary purpose, educational instruction designed for children five years of age or younger and that: (a) serves no child under five years of age for more than three hours a day; and (b) serves no child five years of age for more than six hours a day. See also "Child care facilities" of this chapter.

(Ord. 04-1 (part), 2004)

17.08.880 Principal use.

"Principal use" means the primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

(Prior code § 17.20.435)

17.08.890 Public use zone.

"Public use zone" means a separate zone intended to reserve land for public and semipublic uses.

(Prior code § 17.20.443)

17.08.900 Public utility.

"Public utility" means a private business, performing a public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either or which are paid for directly by the recipients thereof. Such services shall include but are not limited to, water supply, electric power, gas and transportation for persons and freight.

(Prior code § 17.20.445)

17.08.910 Recreational area, commercial.

"Commercial recreational area" means an area operated for profit and devoted to facilities and equipment for recreational purposes, including swimming pools, tennis courts, skiing, horseback riding, playgrounds and other similar uses, whether the use of such area is limited to private membership or whether open to the public upon the payment of a fee or service charge.

(Prior code § 17.20.450)

17.08.920 Recreational area, noncommercial.

"Noncommercial recreational area" means an area devoted to facilities and equipment for recreational purposes, swimming pools, tennis courts, playgrounds, community club houses and other similar uses maintained and operated by a nonprofit club, homeowner's association or other corporate structure and whose membership is limited to the residents within the area.

(Prior code § 17.20.455)

17.08.950 Row housing.

"Row housing" means a building which has not less than three one-family dwelling units erected in a row as a single building on adjoining lots, each being separated from the adjoining unit or units by an approved masonry party wall or walls extended from the basement or cellar floor to the roof along the dividing lot line; and each such building being separated from any other building by space on all sides.

(Prior code § 17.20.470)

17.08.960 Salvage yards.

See "motor vehicle parts salvage yards."

(Prior code § 17.20.475)

17.08.970 Sanitarium.

"Sanitarium" means a facility where resident patients are kept, and which specializes in giving clinical, temporary and emergency services of medical or surgical nature to human patients, and licensed by the state to provide facilities and services in surgery, obstetrics and general medical practice.

(Prior code § 17.20.480)

17.08.980 School.

"School" means a place or institution for the teaching of individuals, the curriculum of which is composed of the work of any combination of kindergarten through grade twelve, a post-secondary school or a preschool.

(Ord. 04-1 (part), 2004: prior code § 17.20.485)

17.08.990 School, commercial.

"Commercial school" means a building where instruction is given to pupils in arts, crafts or trades, and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation.

(Ord. 04-1 (part), 2004: prior code § 17.20.490)

17.08.1010 Secondhand store.

"Secondhand store" means a retail establishment in which the principal portion of the articles, commodities, or merchandise handled, offered for sale, or sold on the premises is used or not new. Antique stores are exempted.

(Prior code § 17.20.500)

17.08.1020 Service station, automobile gasoline and motor fuels.

"Service station, automobile gasoline and motor fuels" means a use which provides for drive-in type business in which service can be provided without a customer leaving the vehicle. It may also include the following:

- A. The servicing of motor vehicles and operations incidental thereto but not necessarily limited to the retail sale of petroleum products and automotive accessories, automobile waxing and polishing, tire changing and repairing (excluding recapping), battery service, charging and replacement, excluding repair and rebuilding, radiator cleaning and flushing, excluding steam cleaning and repair, and installation of accessories;
- B. The following operation, if conducted within a building: Lubrication of motor vehicles, brake servicing limited to servicing and replacement of brake cylinders, lines and brake shoes, wheel balancing, the testing, adjustment, and replacement or servicing of carburetors, coils, condensers, distributor caps, fan belts, filters, generators, points, rotors, spark plugs, voltage regulators, water and fuel pumps, water hoses and wiring, replacing mufflers and shock absorbers.

(Prior code § 17.20.505)

17.08.1030 Sign.

"Sign" means any device intended for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public; provided, however, that the following shall not be included in the application of the regulations herein:

- A. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
- B. Flags and insignias of any government except where displayed in connection with commercial promotion;
- C. Legal notices, identification, information, or directional signs erected or required by governmental bodies;
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter;
- F. Real estate "For Sale" signs ten sq. feet or less in size;
- G. Package containers, designed for the purpose of holding letters, parcel post, packages and delivery service orders;
- H. Temporary political campaign signs.

(Prior code § 17.20.510)

17.08.1040 Stable, private.

"Private stable" means a detached accessory building in which animals are kept entirely for the use of the owner or members of the immediate family.

(Prior code § 17.20.515)

17.08.1050 Stable, nonprofit or commercial.

"Nonprofit or commercial stable" means a structure and customary accessory buildings owned and operated by a nonprofit association or club conducted for the exclusive use of its members or guests; or a structure and customary accessory buildings operated for the boarding, rental, or sale of horses and other animals, and otherwise used by the general public.

(Prior code § 17.20.520)

17.08.1060 Story.

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if its ceiling is more than five feet above the level from which the height of the building is measured.

(Prior code § 17.20.525)

17.08.1070 Story, half.

"Half story" means a story with at least two opposite exterior sides meeting at a sloping roof not more than two feet above the floor of such story.

(Prior code § 17.20.530)

17.08.1080 Street.

"Street" means a public thoroughfare which affords principal means of access to abutting property.

(Prior code § 17.20.535)

17.08.1090 Structural alteration.

"Structural alteration" means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any structural change in the roof, or dimension of the rooms therein.

(Prior code § 17.20.540)

17.08.1100 Structure.

"Structure" means anything constructed or erected, which requires location on the ground or is attached to something having a location on the ground; including but not limited to buildings, advertising signs, billboards, and poster panels; but not including customary fences or boundary or retaining walls.

(Prior code § 17.20.545)

17.08.1110 Theater, drive-in.

"Drive-in theater" means an establishment to provide entertainment through projection of motion pictures on an outdoor screen for audiences whose seating accommodations are provided by their own motor vehicles parked in car spaces provided on the same site with the outdoor screen.

(Prior code § 17.20.550)

17.08.1120 Trailer or mobile home.

See "Manufactured home parks, travel trailer parks and individual manufactured homes."

(Ord. 96-5 (part), 1996: prior code § 17.20.555)

17.08.1130 Travel trailer.

"Travel trailer" means a portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation use. When factory- equipped for the road, it shall have a maximum dimension of eight by thirty-two feet.

(Prior code § 17.20.560)

17.08.1160 Uniform building codes.

"Uniform building codes" means the currently adopted set of regulations in effect concerning building in the city, as defined in Section 17.08.160 of this chapter, and as utilized in the zoning jurisdiction of the city and in that area around Laurel in which Laurel enforces the building code.

(Ord. 96-5 (part), 1996: prior code § 17.20.575)

17.08.1170 Use.

"Use" means the term referring to:

- A. Any purpose for which buildings, other structures or land may be arranged, designed, intended, maintained or occupied; and
- B. Any occupation, business, activity or operation carried on (or intended to be carried on) in a building or other structure or on land; or
- C. A name of a building, other structure or tract of land which indicates the purpose for which it is arranged, designed, intended, maintained or occupied.

(Prior code § 17.20.580)

17.08.1180 Usable open space.

"Usable open space" means space on the same lot and contiguous to the principal building or buildings and which is either landscaped or developed and maintained for recreational purposes and excludes that portion of the lot which is utilized for off-street parking or loading space or for front yard setback requirements.

(Prior code § 17.20.585)

17.08.1190 Uses permitted.

"Uses permitted" means any use permitted by the regulations of this title. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

(Prior code § 17.20.590)

17.08.1200 Variance.

"Variance" means an adjustment in the application of the specific regulations of this title to a particular piece of property which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity or zone.

(Prior code § 17.20.595)

17.08.1210 Yard, front.

"Front yard" means a yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.

(Prior code § 17.20.600)

17.08.1220 Yard, rear.

"Rear yard" means a yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

(Prior code § 17.20.605)

17.08.1230 Yard, side.

"Side yard" means a yard between the sideline of the lot and the nearest line of the principal building and extending from the front yard to the rear yard, or, in the absence of either side yards, is a front or rear lot line, respectively, no case being closer than four feet. The first two feet of the overhang shall not be subtracted from the allowable side yard spacing; provided, that the overhang is not closer than four feet to the property line.

(Prior code § 17.20.610)

17.08.1240 Yard.

"Yard" means an open space of uniform width or depth on the same zoning lot with a building or group of buildings, which open space lies between the buildings or group of buildings and the nearest lot line and is unoccupied and unobstructed, from the ground upward except as may be specifically provided in this title. In measuring a yard, the line of a building shall be deemed to mean a line parallel to the nearest lot line drawn through the point of a building or group of buildings nearest to such lot line, exclusive of such features specified as not to be considered in measuring yard dimensions or as being permitted to extend into a yard, and the measurements shall be taken at right angles from the line to the building to the nearest lot line.

(Prior code § 17.20.615)

Chapter 17.12 ZONING DISTRICTS ESTABLISHED

Sections:

17.12.010 Intent.

It is the intent of this chapter to establish zones wherein compatible uses of land may be located to create, protect, and maintain a desirable living environment, to stabilize and protect residential harmony and to conduct a profitable business. It is also the intent of this chapter to make it possible to efficiently and economically design and install public facilities in terms of size and capacity to adequately meet the needs resulting from a defined intensity of land use.

(Prior code § 17.24.010)

17.12.020 Districts designated.

In order to carry out the provisions of this title, the city and other areas so authorized by the county commissioners or state statute, is divided into the following zoning districts in which the erection, construction, alteration, reconstruction, repair or use of buildings, structures, and land shall be regulated and restricted. The regulations in each district shall be uniform throughout each district but may differ from those in other districts. The districts are designated as follows:

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- A. AO — Agricultural-Open Space;
 - B. R-7500 — Residential-7500;
 - C. R-6000 — Residential-6000;
 - D. RLMF — Residential Light Multifamily;
 - E. RMF — Residential Multifamily;
 - F. RMH — Residential Manufactured Home;
 - G. PUD — Planned Unit Development;
 - H. RP — Residential Professional;
 - I. NC — Neighborhood Commercial;
 - J. CBD — Central Business District;
 - K. CC — Community Commercial;
 - L. HC — Highway Commercial;
 - M. LI — Light Industrial;
 - N. HI — Heavy Industrial;
 - O. AP — Airport;
 - P. FP — Floodplain;
 - Q. P — Public;
 - R. SR — Suburban Residential Zone;
 - S. RT — Residential Tracts Zone;
 - T. RE-22,000 — Residential Estates 22,000.

(Ord. 01-4 (part), 2001; amended during 4-97 supplement; prior code § 17.24.020)

17.12.030 Agricultural-open space (AO) zone.

The agricultural-open space zone is intended to preserve land for agricultural and related use. Land within this zone is usually unsubdivided and with a minimum of roads, streets, and other utilities. It may be cultivated acreage or land less suitable for cultivation, yet suitable for various agricultural enterprises using the broadest scope of the agricultural definition. Land within this zone may be located adjacent to highways and arterial streets. The AO zone is further intended to discourage the scattered intrusion of uses not compatible with an agricultural rural environment.

(Prior code § 17.24.020(A))

17.12.031 Suburban residential (SR) zone.

This zone is limited to single-family residential tracts on a minimum of five acres of land and on which agricultural uses may be conducted with the exception that animal units shall not exceed ten per five acres (see "Livestock units" in Section 17.08.651).

(Ord. 04-5 (part), 2004; Ord. 96-5 (part), 1996)

17.12.034 Residential tracts (RT) zone.

This residential zone is designed for single-family residential homes on a minimum of one acre of land. Livestock is limited to two livestock units per acre with additional units allowed per additional half-acre increments in conformance with Section 17.08.651 of this code. No livestock is allowed in the city limits, and all livestock must be removed when annexation occurs.

(Ord. 04-5 (part), 2004; Ord. 96-5 (part), 1996)

17.12.040 Residential estates-22,000 (RE-22,000) zone.

This zone is intended to provide of low-density, single-family, residential development in areas near or adjacent to the city that are served by either central water or sewer systems.

(Ord. 01-4 (part), 2001)

17.12.050 Residential-7500 (R-7500) zone.

The residential-7500 zone is intended to provide an area for medium, urban-density, single-family, residential environment on lots that are served by a public sewer and sewer system.

(Prior code § 17.24.020(C))

17.12.060 Residential-6000 (R-6000) zone.

The residential-6000 zone is intended to promote an area for a high, urban-density, duplex residential environment on lots that are usually served by a public water and sewer system.

(Prior code § 17.24.020(D))

17.12.070 Residential light multifamily (RLMF) zone.

The residential light multifamily zone is intended to provide a suitable residential environment for medium density (up to a fourplex) residential dwellings. The area is usually served by a public water and sewer system.

(Prior code § 17.24.020(E))

17.12.080 Residential multifamily (RMF) zone.

The residential multifamily zone is intended to provide a suitable residential environment for medium to high density residential dwellings; and to establish, where possible, a buffer between residential and commercial zones.

(Prior code § 17.24.020(F))

17.12.090 Residential manufactured home (RMH) zone.

The residential manufactured home zone is intended to provide a suitable residential environment for individual manufactured homes, manufactured home parks, and competitive accessory uses.

(Ord. 96-5 (part), 1996; prior code § 17.24.020(G))

17.12.100 Planned unit development (PUD) zone.

The planned unit development zone is intended to provide a district in which the use of the land is for the development of residential and commercial purposes, as an integrated unit.

(Prior code § 17.24.020(H))

17.12.110 Residential professional (RP) zone.

The residential professional zone is intended to permit professional and semiprofessional uses compatible with surrounding residential development.

(Prior code § 17.24.020(I))

17.12.120 Neighborhood commercial (NC) zone.

The neighborhood commercial zone is intended to accommodate shopping facilities consisting of convenience retail and personal service establishments which secure their principal trade by supplying the daily needs of the population residing within a one-half mile radius of such neighborhood facilities. The location and quantity of land within the NC zone should be a business island not more than four acres in size and that no business frontage should extend more than six hundred feet along any street.

(Prior code § 17.24.020(J))

17.12.130 Central business district (CBD) classification.

The central business district classification is intended to primarily accommodate stores, hotels, governmental and cultural centers and service establishments at the central focal point of the city's transportation system.

(Prior code § 17.24.020(K))

17.12.140 Community commercial (CC) classification.

The community commercial classification is primarily to accommodate community retail, service and office facilities offering a greater variety than would normally be found in a neighborhood or convenience retail development. Facilities within the classification will generally serve an area within a one and one-half mile radius, and is commensurate with the purchasing power and needs of the present and potential population within the trade area. It is intended that these business facilities be provided in business corridors or islands rather than a strip development along arterials.

(Prior code § 17.24.020(L))

17.12.150 Highway commercial (HC) district.

The purpose of the highway commercial district is to provide areas for commercial and service enterprises which are intended primarily to serve the needs of the tourist, traveler, recreationist, or the general traveling public. Areas designated as highway commercial should be located in the vicinity of, and accessible from freeway interchanges, intersections in limited access highways, or adjacent to primary or secondary highways. The manner in which the services and commercial activities are offered should be carefully planned in order to minimize the

hazard to the safety of the surrounding community and those who use such services; and to prevent long strips of commercially zoned property.

(Prior code § 17.24.020(M))

17.12.160 Light industrial (LI) classification.

A light industrial classification is intended primarily to accommodate a variety of business warehouse and light industrial uses related to wholesale plus other business and light industries not compatible with other commercial zones, but which need not be restricted in industrial or general commercial zones, and to provide locations directly accessible to arterial and other transportation systems where they can conveniently serve the business and industrial center of the city and surrounding area.

(Prior code § 17.24.020(N))

17.12.170 Heavy industrial (HI) district.

A district intended to accommodate manufacturing, processing, fabrication, and assembly of materials and products. Areas designated as heavy industry should have access to two or more major transportation routes, and such sites should have adjacent space for parking and loading facilities.

(Prior code § 17.24.020(O))

17.12.180 Airport (AP) zone.

The airport zone is designated to preserve existing and establish new compatible land uses around the Laurel airport.

(Prior code § 17.24.020(P))

17.12.190 Floodplain (FP) zone.

The floodplain zone is designed to restrict the types of uses allowed within the areas designated as the floodplain and floodways as officially adopted by the Montana Board of Natural Resources and Conservation, Helena, Montana.

(Prior code § 17.24.020(Q))

17.12.200 Public (P) zone.

The public zone is intended to reserve land exclusively for public and semipublic uses in order to preserve and provide adequate land for a variety of community facilities which serve the public health, safety and general welfare.

(Prior code § 17.24.020(R))

17.12.210 District boundaries and zoning map.

The location and boundaries of districts established in the city are shown on the official zoning map of the city. This map is entitled "Zoning Map of the City of Laurel, Montana," and is on file in the office of the city clerk-

treasurer. This map is hereby made a part of this chapter. This map shall reflect the ordinances adopted prior to this date and all ordinances adopted after this date relating to the boundaries of zoning districts. The city engineer shall show changes upon the official zoning map of the city in accordance with such ordinances as they are from time to time enacted.

(Ord. 97-2 § 4 (part), 1997; prior code § 17.24.030)

(Ord. No. 008-03, 3-18-08)

17.12.220 Interpretation of district boundaries.

Where uncertainties exist as to the boundaries of the various districts as shown on the zoning map accompanying and made a part of this title, the following rules shall apply:

- A. District boundary lines are intended to follow street, alley or lot lines, or lines parallel to or perpendicular thereto, unless such district boundary lines are fixed by dimensions as shown on the zoning map;
- B. Where district boundaries are indicated as approximately following street or alley lines or proposed street or alley lines, such lines shall be construed to be such boundaries;
- C. Where district boundaries are so indicated that they approximately follow lot lines and are not more than ten feet distant therefrom, such lot lines shall be such boundaries;
- D. Where land within the city limits is not subdivided into lots and blocks or where district boundary lines are not approximately street, alley, or lot lines, the district boundary lines on the zoning map shall be determined by the scale shown on such map, and where uncertainty exists, the district boundary line shall be determined by the zoning commission by written decision. If land within the city limits has been or is subsequently subdivided into lots and blocks by a duly recorded subdivision map and the lot and block arrangement does not conform to that anticipated when the district boundaries were established, or property is resubdivided by a duly recorded subdivision map into a different arrangement of lots and blocks than shown on the zoning map, the zoning commission, after notice to the property affected thereby and a public hearing, may interpret the zoning map and make minor readjustments in the district boundaries in such a way as to carry out the intent and purpose of these regulations and conform to the street and lot layout of the ground. Such interpretations or adjustments shall be by written decision, and thereafter the copies of the zoning map in the office of the city building inspector shall be changed to conform thereto;
- E. Any street, alley or railroad right-of-way, watercourse, channel or body of water, included in the zoning map shall, unless otherwise indicated, be included in the zoning district of adjoining property on either side thereof. Where such a street, alley, right-of-way, watercourse, channel or body of water serves as a boundary between two or more different zoning districts, a line midway in such street, alley, right-of-way, watercourse, channel or body of water, and extending in the general direction of the long dimension thereof shall be considered the boundary between zones. If a dedicated street or alley shown on the zoning map is vacated by ordinance, the property formerly in the street or alley shall be included within the zone of the adjoining property on either side of the vacated street or alley. In the event the street or alley was a zone boundary between two or more different zones, the new zone boundary shall be the former center line of the vacated street or alley;
- F. All land or territory annexed to the city after the date of adoption of this section shall immediately become classified as an R-7500 residential district and the zoning map shall thereupon be amended to indicate such land or territory in the R-7500 residential district without additional procedure.
- G. The hearing for annexation and zone change may be held at the same time.

(Ord. 01-4 (part), 2001; prior code § 17.24.040)

Chapter 17.16 RESIDENTIAL DISTRICTS

Sections:

17.16.010 List of uses.

Table 17.16.010 designates the special review (SR) and allowed uses (A) in residential districts.

(Ord. 04-1 (part), 2004; Ord. 01-4 (part), 2001; Ord. 99-22, 1999; Ord. 96-5 (part), 1996; Ord. 1049, 1992; Ord. 1026, 1992; Ord. 997, 1991; prior code § 17.28.010)

17.16.020 Zoning classified in districts.

Zoning for residential districts is classified in and subject to the requirements of Table 17.16.020.

(Ord. 06-12 (part), 2006; Ord. 06-06 (part), 2006; Ord. 05-13, 2005; Ord. 99-23, 1999; Ord. 96-5 (part), 1996; Ord. 94-5, 1994; Ord. 1068, 1993; Ord. 1065, 1993; Ord. 820, 1985; prior code § 17.28.020)

Table 17.16.010

	RE 22,000	R 7,500	R 6,000	RLMF	RMF	RMH	PUD	SR	RT
Accessory building or use incidental to any permitted residential use customarily in connection with the principal building and located on the same land parcel as the permitted use		A	A	A	A	A	A	A	A
Animals (see zoning district description for specifics)								A	
Automobile parking in connection with a permitted residential use		A	A	A	A	A	A	A	A
Bed and breakfast inn		SR	SR	SR	SR	SR	SR	SR	SR
Boarding and lodging houses		SR	SR	SR	SR	SR	SR	SR	SR
Cell towers (see Sections 17.21.020—17.21.040)									
Cemetery		SR	SR	SR	SR	SR	SR	SR	
Child care facilities									
Family day care home		A	A	A	A	A	A	A	A
Group day care home		A	A	A	A	A	A	A	A
Day care center		SR	SR	SR	SR	SR	SR	SR	SR
Churches and other places of worship including parish house and Sunday school buildings		SR	SR	SR	SR	SR	SR	A	SR
Communication towers (see Sections 17.21.020—17.21.040)									

Community residential facilities serving eight or fewer persons		A	A	A	A	A	A	A	A
Community residential facilities serving nine or more persons		SR	SR	SR	SR	SR	SR	SR	SR
Orphanages and charitable institutions		SR	SR	SR	SR	SR	SR	A	SR
Convents and rectories		SR	SR	SR	SR	SR	SR	A	SR
Crop and tree farming, greenhouses and truck gardening									
Day care facilities		SR	SR	SR	SR	SR	SR	SR	SR
Kennels (noncommercial)		A	A	A	A	A	A	A	A
Dwellings Single-family		A	A	A	A	A	A	A	A
Two-family			A	A	A		A		
Multifamily				A	A		A		
Manufactured homes									
Class A						A			
Class B						A			
Class C						A			
Row Housing				SR	SR		A		
Family day care homes		A	A	A	A	A	A	A	A
Greenhouses for domestic uses		A	A	A	A	A	A	A	A
Group day care homes		A	A	A	A	A	A	A	A
Home occupations		A	A	A	A	A	A	A	A
Parking, public		SR	SR	SR	SR	SR	SR	SR	SR
Parks, playgrounds, playfields, and golf courses community center buildings—operated by public agency, neighborhood or homeowners' associations		A	A	A	A	A	A	A	A
Planned developments							A		
Post-secondary school		A	A	A	A	A	A	A	A
Preschool		SR	SR	SR	SR	SR	SR	SR	SR
Public service installations		SR	SR	SR	SR	SR	SR	SR	SR
Schools, commercial		SR	SR	SR	SR	SR	SR	SR	SR
Schools, public elementary, junior and senior high schools		A	A	A	A	A	A	A	A
Towers (see Sections 17.21.020—17.21.040)									

Table 17.16.020

Zoning Requirements	R 7,500	R 6,000	RLMF	RMF	RMH	PUD	SR	RT
Minimum lot area per dwelling unit in square feet								

One unit	7,500	6,000	6,000 ¹	6,000 ¹	6,000 ³	See	5 acres	1 acre
Two units		7,500	7,500	7,750		Chapter		
Three units		8,500	8,500	9,500		17.32		
Four units			10,000	11,250				
Five units				13,000				
Six units and more				Add 2,500 each additional unit				
Minimum yard—setback requirements (expressed in feet) and measured from public right-of-way								
Front	20	20	20	20	10		25 ⁵	25
Side	5	5 ⁴	5 ⁴	5 ⁴	5		5 ⁵	5
Side adjacent to street	20	20	20	20	20		10 ⁵	10
Rear	5	5	5	5	5		25 ⁵	25
Maximum height for all buildings	30	35	35	40	30		30	30
Maximum lot coverage (percentage)	30	30	40	45	40		15	30
Minimum district size (expressed in acres)	2.07	2.07	2.07	2.07	2.07		20	5

¹ Row housing may be permitted to be constructed on 3,000 square foot lots if approved through the special review process.

² NA means not applicable.

³ The requirements for the mobile homes contained herein relate only to a mobile home subdivision; see Chapter 17.44 of this code for the requirements for a mobile home park.

⁴ Zero side setbacks may be permitted if approved through the special review process.

⁵ All pens, coops, barns, stables, or permanent corrals shall be set back not less than 50 feet from any residence, public road, or water course, and any property line.

(Ord. No. O-15-05, 7-21-2015)

Chapter 17.20 COMMERCIAL—INDUSTRIAL USE REGULATIONS

Sections:

17.20.010 List of uses.

Table 17.20.010 designates the special review (SR) and allowed (A) uses as governed by commercial — industrial use regulations.

(Ord. 04-1 (part), 2004; Ord. 01-4 (part), 2001; Ord. 96-5 (part), 1996; Ord. 998, 1991; Ord. 923, 1987; Ord. 922, 1987; Ord. 917, 1987; prior code § 17.32.010)

17.20.020 Zoning classified in districts.

Zoning for commercial — industrial use is classified in and subject to the requirements of Table 17.20.020.

(Prior code § 17.32.020)

Table 17.20.010									
	AG	RP	NC	CBD	CC	HC	LI	HI	P
Accessory buildings or uses incidental and customary to a permitted residential use and located on the same parcel as the permitted residential use	A	A	A	A	A	A	A	A	A
Airports	A								A
Alcoholic beverages manufacturing and bottling (except below):							A	A	
1,500 to 5,000 31-gallon barrels per year				SR	SR	SR	A	A	
Less than 1,500 gallon barrels per year				A	A	A	A	A	
Ambulance service			A	A	A	A	A	A	
Antique store				A	A	A	A		
Appliance - (household) sales and service			A	A	A	A	A		
Assembly halls and stadium					SR	SR	SR		SR
Assembly of machines and appliances from previously prepared parts					SR	SR	SR		SR
Auction house, excluding livestock				SR	SR	A	A	A	
Auction, livestock	SR								
Automobile sales (new and used)				A	A	A	A		
Automobile - commercial parking enterprise				A	A	A	A	A	
Automobile and truck repair garage				A	A	A	A	A	
Automobile service station			A	A	A	A	A	A	
Automobile wrecking yard								SR	
Bakery products manufacturing					SR	A	A	A	
Bakery shops and confectioneries			A	A	A	A	A		
Banks, savings and loan, commercial credit unions			A	A	A	A	A		

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Barber and beauty shops			A	A	A	A	A		
Bed and breakfast inns	A		A		A	A			
Bicycle sales and repair			A	A	A	A	A		
Blueprinting and photostating			A	A	A	A	A		
Boarding and lodging houses	A		A		A	A			
Boat building and repair						A	A	A	
Boat sales new and used					A	A	A	A	
Boiler works (manufacturing servicing)								A	
Boiler works (repair and servicing)							A	A	
Book and stationery store			A	A	A	A	A		
Bottling works							A	A	
Bowling alleys				A	A	A	A		
Brick, tile or terra cotta manufacture								A	
Bus passenger terminal buildings local and cross country				A	A	A	A		
Bus repair and storage terminals						A	A	A	
Camera supply stores			A	A	A	A	A		
Camps, public					SR	A			A
Car washing and waxing					A	A	A		
Car wash - coin operated			A	A	A	A	A		
Cement, lime and plastic manufacture								A	
Ceramics shop		SR	A	A	A	A	A		
Chemical and allied products manufacture								A	
Child care facilities	A		A		A	A			
Churches and other places of worship including parish houses and Sunday school building	A	SR	A	A	A	A	A	A	
Clinic, animal	A		A	A	A	A	A		
Clinics, medical and dental		SR	A	A	A	A	A		
Clothing and apparel stores			A	A	A	A	A		
Coal or coke yard								A	
Cold storage					A	A	A		
Colleges or universities			A	A	A	A			A
Commercial recreation areas			SR	A	A				A
Commercial food products, storage and packaging						SR	A	A	
Communication towers (commercial)	A	A	A	A	A	A	A	A	SR
Concrete mixing plants and manufacturing of concrete products							A	A	
Construction contractors:									
Office			A	A	A	A	A	A	
Open storage of construction materials or equipment						SR	A	A	
Community residential facilities:									
Adult foster family care home	A		A		A	A			
Community group home	A		A		A	A			
Halfway house	A		A		A	A			
Youth foster home	A		A		A	A			

Youth group home	A		A		A	A			
Nursing, homes, convalescent homes, orphanages, and charitable institutions	A		A		A	A			
Crematorium						SR	A	A	SR
Creameries, dairy products manufacturing							A	A	
Creosote manufacturing or treatment plants								A	
Department stores				A	A	A	A		
Drug stores			A	A	A	A	A		
Dry kiln								A	
Dwellings: single-family Manufactured home Class A, Class B, Class C	A	A	A	A	A				
two family			A	A	A				
multiple family			A	A	A				
row housing			SR	SR	SR				
Eating and drinking establishments:									
Cocktail lounge, restaurants, bars and taverns				SR	SR	SR	SR		
Restaurants (without the sale of alcoholic beverages)				A	A	A	AA		
Drive-in restaurants					SR	SR	SR		
Extractive industries - excavations of sand and gravel		SR					SR		
Farm implements, sales and service						A	A	A	
Fat rendering or production of fats and oils								SR	
Feedlots - livestock	A							SR	
Feed and seed processing and cleaning for retail purposes									
Feed and seed - farm and garden retail sales					A	A	A		
Fertilizer manufacturing								SR	
Fertilizer wholesale sales						SR	SR	A	
Fertilizer - retail sales					A	A	A		
Florist, wholesale sales	SR				A	A	A		
Florist, retail sales			A	A	A	A	A		
Flour mills							SR	SR	
Food products manufacturing, storage and processing						SR	SR	A	
Food stores (retail only)				A	A	A	A		
Food stores (retail only) - 3000 sq. ft.			A	A	A	A	A		
Foundry								A	
Frozen food lockers					A	A	A		
Fuel oil, gasoline and petroleum products bulk storage or sale						A	A	A	
Furnace repair and cleaning					A	A	A	A	
Furniture and home furnishings, retail sales			A	A	A	A	A		
Furriers, retail sales and storage			A	A	A	A	A		
Gambling establishments				A	A	A	A		
Garbage, offal and animal reduction or processing							SR		

Garbage and waste incineration								SR	
Gas storage								SR	
Gases or liquified petroleum gases in approved portable metal containers for storage or sale						A	A	A	
Grain elevators	A					SR	SR	A	
Greenhouses	A				A	A	A	A	
Hardware, appliance and electrical supplies, retail sales				A	A	A	A		
Hatcheries	A						SR	SR	
Heliports				SR		SR	SR	SR	SR
Hobby and toy stores			A	A	A	A	A		
Hospitals (for the care of human patients)			A	A	A	A		A	
Hospital, animal		A		SR	SR	A	A	A	
Hotels				A	A	A			
Industrial chemical manufacture except highly corrosive, flammable or toxic materials								SR	
Irrigation equipment sales and service					A	A	A	A	
Jails and penal institutes									A
Janitor service				A	A	A	A		
Jewelry and watch sales			A	A	A	A	A		
Kennels - commercial	A				SR	A	A		
Laboratories for research and testing						SR	A	A	
Landfills - reclamation or sanitary									A
Laundries, steam and drycleaning plants							A	A	
Laundries, steam pressing, drycleaning and dyeing establishments in conjunction with a retail service counter under 2500 sq. ft. in size			A	A	A	A	A		
Laundries, pick up stations			A	A	A	A	A		
Laundries, self-service coin operated			A	A	A	A	A		
Libraries, museums, and art galleries			A	A	A	A	A		A
Lock and gunsmiths			A	A	A	A	A		
Lodges, clubs, fraternal and social organizations provided that any such club establishment shall not be conducted primarily for gain				A	A	A			
Lumber yards, building materials, storage and sales						A	A	A	
Machine shops						SR	A	A	
Manufacturing - light manufacturing not otherwise mentioned in which no excessive fumes, odors, smoke, noise or dust is created						SR	A	A	
Heavy manufacturing not otherwise mentioned or blending or mixing plants						SR	SR		
Meat processing - excluding slaughter plants						SR	A		
Meat processing, packing and slaughter								SR	
Medical marijuana cultivation facility or cultivation facility							A	A	
Medical marijuana dispensary or dispensary							A		

Metal fabrication						SR	SR	A	
Motorcycle sales and repair				A	A	A	A		
Mortuary			A	A	A	A	A		
Motels and motor courts				A	A	A			
Music stores			A	A	A	A	A		
Office building, professional government and private office buildings in which no activity is carried on catering to retail trade and no stock of goods is maintained for sale	SR	SR	A	A	A	A	A	A	SR
Office equipment, supplies and service			A	A	A	A	A		
Optician and optical supplies and sales			A	A	A	A	A		
Oxygen manufacturing and/or storage								A	
Paint and body shops				A	A	A	A	A	
Paint and retail sales			A	A	A	A	A		
Parking, public		SR	A	A	A	A	A	A	A
Parks, playgrounds, playfields and golf courses, community center buildings - operated by public agency, neighborhood or homeowner's association	A	SR							A
Pawn shops				A	A	A	A		
Pet shops			A	A	A	A	A		
Photographic studios		SR	A	A	A	A	A		
Planing or saw mills								A	
Post-secondary school	A	A	A	A	A	A			A
Prefabricated building materials assembly and manufactures						SR	A	A	
Preschool	A	SR	SR	SR					
Printing, publishing, reproduction and lithography				A	A	A	A	A	
Processing of previously slaughtered meats, including cutting, wrapping, and freezing by freezer and locker provisioners					A	A	A	A	
Public utilities service installations	SR	SR	SR	A	A	A	A	A	SR
Public utilities storage yard						A	A	A	SR
Radio and TV broadcasting stations				A	A	A	A	A	
Radio and TV tower						A	A	A	SR
Railroad yard							A	A	
Real estate office			A	A	A	A	A		
Rental service store and yard					A	A	A		
Repair and servicing of industrial equipment and machinery						A	A	A	
School, commercial			A	A	A	A			A
Scrap yards - storage and processing								A	
Secondhand stores and/or antique store				A	A	A	A		
Sheet metal shops and processing							A	A	
Shoe repair				A	A	A	A	A	
Sign manufacturing, painting and maintenance						A	A	A	

Sign									
Billboards	SR					SR	SR	SR	
On premises	A	SR	A	A	A	A	A	A	
Off premises	SR			SR	SR	SR	SR	SR	
Slaughterhouse	SR							SR	
Sporting goods sales				A	A	A	A		
Storage, compartmentalized storage for commercial rent							SR	SR	
Storage and warehouse and yards							SR	A	
Stone cutting, monuments manufacturing and sales							SR	A	
Sugar and sugar beet refining								SR	
Swimming pools or beaches, public									A
Taxi stands				A	A	A	A		
Theaters, cinema, opera houses				A	A	A			
Drive-in theaters						SR			
Tire recapping and retreading						A	A	A	
Trailer and recreational vehicle sales area					A	A	A		
Travel trailer park (transient)						SR			
Truck terminals, repair shops, hauling and storage yards						A	A	A	
Water and sewage treatment plant	A								A
Wholesale and jobbing establishments						SR	A	A	
Woodworking shops, millwork						SR	A	A	
Zoo, arboretum	SR								A

(Ord. No. 009-01, 3-17-09; Ord. No. 009-07, 7-7-09; Ord. No. 011-01, 2-15-2011; Ord. No. 0-14-03, 8-5-2014)

Table 17.20.020									
Zoning Requirements	A	RP*	NC*	CBD*	CC*	HC	LI	HI	P
Lot area requirements in square feet, except as noted, 20 acres	20 acres	NA	NA	NA	NA	NA	NA	NA	NA
Minimum yard requirements:									
Front ^(a)	NA	20	20	NA	20	20	20	20	20
Side ^(b)		0	0		0	0	0	0	0
Side adjacent to street		10	10		10	10	10	10	10
Rear ^(b)		0	0		0	0	0	0	0
Maximum height for all buildings ^(c)	NA	25	25	NA	25	45	70	NA	NA
Maximum lot coverage in percent	NA	50	50	NA	50	75	75	75	50
Minimum district size (expressed in acres)	20 acres	2.07	2.07	2.07	2.07	2.07	2.07	2.07	NA
(NA means not applicable)									
*The lot area, yard and lot coverage requirements for 1 and 2 single family dwellings in commercial zoning districts shall be the same as those in the RLMF residential zoning district.									
(a) Arterial setbacks									
(b) Side and rear yards									
(c) Except as provided in the airport zone									

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(Ord. No. O-14-03,8-5-2014)

Chapter 17.21 TELECOMMUNICATIONS TOWERS AND ANTENNAE*

Sections:

17.21.010 Intent.

This chapter is established to regulate the placement of telecommunications towers and antennae within the Laurel zoning jurisdictional area (one mile outside the municipal limits).

(Ord. 01-2 (part), 2001)

17.21.020 Standards for amateur radio antenna support structures.

A. Definitions. For the purposes of this chapter, the terms used shall be defined as follows:

"Amateur Radio Antenna" means a ground, building or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, 49 CFR § 97 and as designed by the Federal Communications Commission (FCC).

"Amateur Radio Antenna Support Structure" means any structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing amateur radio antennae. The term includes the structure and any support thereto.

"Antenna Support Structure Height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including any attached antennae. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

B. General Provisions. All amateur radio towers shall comply with the following requirements:

1. Amateur radio antenna support structures and antennae shall be located only within the rear yard and shall not be placed within any required setback and shall be located so as to minimize their impact on adjacent residential properties and adjacent rights-of-way while maintaining acceptable signal quality.
2. Amateur radio antenna structures and antennae exceeding six feet in height above grade (if ground-mounted) or above the roof or ridge of the building on which they are located (if building-mounted), shall require a building permit if located within the municipal limits of Laurel. If located within one mile of such municipal limits, applicants must provide evidence to the Laurel Code Enforcement Office that the device is adequately anchored, designed, and/or constructed so as to safeguard the general public and/or adjacent property from damaged in the event of failure of the device.
3. It is recommended that amateur radio antenna support structures be designed, installed, and maintained so as to blend into the surrounding environment through the use of color and alternative designs, except in instances where the color is dictated by the Federal Aviation Administration (FAA).
4. In accordance with the FCC's preemptive ruling PRB1, 101 FCC 2d 952 (1985), antenna support structures erected for the primary purpose of supporting amateur radio antennae may exceed height limitations of the underlying zoning.

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5. Attachments to amateur radio antenna support structures, such as guy wires, shall not cross any property line or any existing or proposed easement.
 6. No lighting shall be permitted on any amateur radio antenna support structures except as mandated by the FAA.
 7. No signage (other than required warning signs) or displays of any type shall be permitted on any amateur radio antenna support structure.
- C. Applicability. All amateur radio support structures and antennae located within the City of Laurel or its surrounding zoning jurisdictional area whether upon private or public lands shall be subject to this chapter. This chapter shall apply to amateur radio antenna support structures and antennae upon state and federal lands to the extent of the city's jurisdiction by way of law, pursuant to any memoranda of understanding or otherwise. Only the following facilities shall be exempted from the application of this chapter: Pre-existing amateur radio antenna support structures or antennae. Pre-existing amateur radio antenna support structures and pre-existing amateur radio antennae shall not be required to meet the requirements of this chapter, so long as said pre-existing antenna support structures and antennae have received all required approvals, permits, and exceptions prior to adoption of this chapter.

(Ord. 01-2 (part), 2001)

17.21.030 Standards for wireless communications facilities.

- A. Purpose. The purpose of this chapter is to establish regulations for the siting of antenna support structures and antennae on public and private property. The goals of this section are to:
1. Encourage the location of antenna support structures in non-residential areas and minimize the total number of antenna support structures throughout the community;
 2. Strongly encourage the joint use of new and existing antenna support structures;
 3. Require wireless communication facilities to be located, to the extent possible, in areas where the adverse impact on the community is minimal;
 4. Require wireless communication facilities to be configured in a way that minimizes the adverse visual impact of the towers and antennae; and
 5. Enhance the ability of the providers of wireless communication services to provide such services to the community, as quickly, effectively, and efficiently as possible.
- B. Definitions.

"Abandoned antenna support structures" means any antennae or antenna support structures that are not utilized for the provision of wireless communications services for a continuous period of six months shall be considered abandoned.

"Alternative antennae support structure" means an antenna support structure designed to shield, conceal, or disguise the presence of antennae or towers and blend with the surrounding setting. Alternative structures may include, but are not limited to, unobtrusive architectural features on new or existing structures, utility poles, clock towers, flagpoles, and church steeples.

"Antenna" means any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennae, such as panels, microwaves dishes, and satellite dishes, and omni-directional antennae, such as whip antennae but not including satellite earth stations.

"Antenna support structure" means any structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting, or otherwise affixing antennae. Antenna support structures may include,

but are not limited to, self-supporting lattice towers, guyed towers, or monopole towers. The term also includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative antenna support structures, and the like. The term includes the structure and any support thereto. Land mobile radio and radio and television antenna support structures are regulated under Section 17.21.040 of this chapter.

"Antenna support structure height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including any attached antennae. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height. The height of roof-mounted antenna support structure height of building on which they are mounted.

"Antenna or Tower farm" means an antenna or tower farm is a tract of land that contains no more than three antenna support structures within seven hundred fifty linear feet of each other. No antenna support structures located in tower farms shall exceed one hundred ninety-nine feet in height. Legal tracts must be adjacent to each other to be included in this definition.

"Co-location" means the use of a wireless communications facility by more than one wireless communications provider.

"Commercial wireless communication services" means licensed commercial wireless telecommunication services including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

"Equipment enclosure" means a structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning, backup power supplies, and emergency generators.

"Wireless communication facility" means an unstaffed facility for the transmission and/or reception of radio frequency (RF), microwave or other signals for commercial communications purposes, typically consisting of an equipment enclosure, an antenna support structure and one or more antennae. Amateur radio, land mobile radio, and commercial radio and television facilities are excluded from this definition.

"FAA" means the Federal Aviation Administration.

"FCC" means the Federal Communication Commission.

C. Applicability. All wireless communication facilities located within the City of Laurel and its one-mile zoning jurisdictional area whether upon private or public lands shall be subject to this chapter. This chapter shall apply to wireless communication facilities upon state and federal lands to the extent of the city's jurisdiction by way of law, pursuant to any memoranda of understanding or otherwise. Only the following facilities shall be exempted from the application of this chapter.

1. Amateur radio stations and antenna support structures;
2. Antennae and antenna support structures for land mobile radio and radio and television;
3. Pre-existing antenna support structures or antennae. Pre-existing antenna support structures and pre-existing antennae shall not be required to meet the requirements of this chapter, so long as said pre-existing antenna support structures have received all required approvals, permits, exceptions prior to adoption of this chapter.

D. Commercial Antenna Support Structures and Antennae Located in Residential Zoning Districts.

1. Antenna support structures and antennae shall be permitted as an allowed use in all residential zoning districts provided they meet all of the following criteria:

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- a. Alternative antenna support structures conforming to all applicable provisions of this chapter and roof-mounted antennae that do not add more than twenty feet to the total height of the building on which they are mounted shall be permitted as an allowed use only when located on school, government-owned utility, and other government sites.

Proposed antennae or antenna support structures that are contrary to this section are subject to the special review requirements of these zoning regulations. After the special review hearing and reaching its decision, the city-county planning board shall forward its recommendations to the city council for its decision.

- b. Antennae co-located on existing or approved alternative antenna support structures or existing or approved antenna support structures that have previously received all required approvals and permits shall be permitted as an allowed use.
2. Antenna support structures and antennae shall be permitted in the Agricultural-Open Space (AO) zoning district provided the following conditions and all applicable setback, lot coverage, and building (commercial equipment enclosures) height requirements are met:
 - a. Antenna support structures conforming to all applicable provisions of this ordinance shall be permitted when:
 - (1) Located on school, government-owned utility, and government sites and alternative antenna support structures for roof-mounted antenna are used. Proposed antennae or antenna support structures that are contrary to this section are subject to the special review requirements of Laurel's Zoning Ordinance. After the special review hearing and reaching its decision, the city-county planning board shall forward its recommendations to the city council for its decision.
 - (2) Antenna support structures fifty feet or less in height.
 - b. Antenna support structures that are greater than fifty feet in height shall be required to obtain special review approval.
 - c. Antennae co-located on existing or approved alternative antenna support structures or existing or approved antenna support structures that have previously received all required approvals and permits shall be permitted as an allowed use.
 - d. Antennae or tower farms for antennae support structures fifty feet or less in height are permitted by special review.
- E. Commercial Antenna Support Structures and Antennae Located in Commercial Zoning Districts.
1. Alternative antenna support structures shall be permitted as an allowed use in all commercial zoning districts.
 2. Antenna support structures shall be permitted as an allowed use in all commercial zoning districts when located on school, government-owned utility, and other government sites. Proposed antennae or antenna support structures that are contrary to this section are subject to the special review requirements of Laurel's Zoning Ordinance. After the special review hearing and reaching its decision, city-county planning board shall forward its recommendations to the city council for its decision.
 3. Antennae co-located on existing alternative antenna support structures or existing antenna support structures which have previously received all required approvals and permits shall be permitted as an allowed use in all commercial zones.
 4. Antenna support structures and antennae located in Residential Professional (RP) that do not meet the requirements of preceding subsection E1, E2, and E3 shall be required to obtain special review approval.

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5. New antenna support structures shall not be erected in the Community Entryway Zone. Antennae may be placed on existing antenna support structures and alternative antenna support structures that have previously received all required approvals and permits and meet the provision and requirements of this ordinance without obtaining permit zoning approval.
 6. Antenna support structures and antennae located Neighborhood Commercial (NC), Highway Commercial (HC), Light Industrial (LI), Central Business District (CBD), Heavy Industrial (HI), and Public (P) zoning districts shall be permitted as an allowed use provided that the towers meet the requirements subsections E1, E2, and E3, or:
 - a. Roof-mounted antenna that do not add more than twenty feet to the total height of the building on which it is mounted shall be permitted as an allowed use. (See additional requirements for roof-mounted antenna in subsection (G)(10) of this section).
 - b. Antenna support structures fifty feet in height or less shall be permitted as an allowed use. Antennae or tower farms for antennae support structures fifty feet or less in height are permitted by special review.
 - c. Antenna support structures that are greater than fifty feet in height shall not be allowed in the CBD or HC Zones.
- F. Antenna Support Structures Located in Parks. The presence of certain wireless communication facilities may conflict with the purpose of some city and county-owned parks. Wireless communication facilities will be considered only following a recommendation by the city-county planning board, the city parks committee, or the county board of park commissioners and approved by the city council. Factors that will be considered include:
1. Public parks of a sufficient scale and character that are adjacent to an existing commercial or industrial use;
 2. Commercial recreation areas and major playfields; and,
 3. Park maintenance facilities.
- G. General Requirements. The requirements set forth in this section shall govern the location and construction of all wireless communications facilities governed by this ordinance.
1. Building Codes and Safety Standards. To ensure the structural integrity of wireless communication facilities, the owner of a facility shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for such wireless communication facilities, as amended from time to time.
 2. Regulatory Compliance. All wireless communication facilities must meet or exceed current standards and regulations of the FAA, the FCC, and other local, state or federal agencies with the authority to regulate facilities governed by this chapter. All wireless communication facilities must comply with all revised standards and regulations within the date established by the agency promulgating the standards or regulations.
 3. Setbacks:
 - a. Antenna support structures adjacent to residential uses or zoning. Antenna support structures must be set back from all property lines a distance equal to one-half the height of the structure from any off-site residential structure or residentially-zoned lot. Accessory structures must maintain a minimum of a fifteen foot setback from any lot line adjacent to a residential structure or residentially-zoned lot, or the required setback of the zoning district where the antenna support structure is located, whichever is greater.

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- b. Commercial and Industrial Zoning Setbacks. Antenna support structures and accessory facilities must meet the minimum yard setback requirements, including arterial setbacks, for the commercial or industrial zoning district in which they are located.
 4. Lot Coverage and Height. Antenna support structures and accessory structures shall not exceed lot coverage requirements for the zoning district in which they are located. Accessory structures shall not exceed the height restrictions for the zoning district in which they are located.
 5. Fencing and buffering.
 - a. Fencing. A chain link or solid wood fence, or masonry wall at least six feet in height (eight feet if razor or barbed wire is to be used) shall be constructed and maintained around the perimeter of the antenna support structure site. Climb-proof shields can be substituted for a fence or wall around the structure. Solid fences, at least six feet in height, are required adjacent to residential uses and residentially-zoned property.
 - b. Landscaping. For all facilities the following will be required: a continuous evergreen hedge at least four feet in height when planted, shall be planted and maintained around the perimeter of the antenna support structure outside of the required fencing and spaced close together to provide a continuous visual screen. Shrubs shall also be planted and maintained around the guy anchors for visual screening purposes. A performance bond or letter of credit for one hundred fifty percent of the landscaping and fencing materials and labor costs shall be posted with the Laurel Code Enforcement Office, prior to zoning approval or issuance of building permit, to ensure the placement of required landscaping and fencing.
 - c. Commercial Landscaping. Landscaping requirements shall not apply to antenna support structures located in the Heavy Industrial (HI) zoning district.
 - d. Exceptions for Laurel Airport. If federal safety and security standards at the airport prevent an antenna support structure from being fenced or landscaped, preceding items (5)(a) and (5)(b) will not apply. Documentation of these standards must be submitted with the application.
 6. Lighting. Antenna support structures shall not be artificially lighted unless required by the FAA or other local, state, or federal agency. If the FAA requires safety lighting, the use of red beacons is preferred to flashing strobe lights.

Security lighting on site may be mounted up to twenty feet high on the tower, and shall be directed towards the ground to reduce light pollution, prevent off-site light spillage, and avoid illuminating the tower. Cut-off security lighting must be used adjacent to residential uses or residentially zoned lots. When incorporated into the approved design of the facility, light fixtures used to illuminate sports fields, parking lots, or similar areas may be included in the facility.

7. Signage. Signage shall be limited to non-illuminated warning and equipment identification signs.
8. Co-location.
 - a. Antenna support structures should be designed in all respects to accommodate both the applicant's antennae and antennae for at least two additional comparable antennae if the antenna support structure is over one hundred feet in height or for at least one additional comparable antennae if the tower is between fifty feet and one hundred feet in height.
 - b. All new antennae must co-locate on existing or approved antenna support structures or alternative antenna support structures unless it can be demonstrated co-location is not feasible as provided for in subsection (K)(7) of this section.
9. Maintenance.

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- a. Equipment at a wireless communication facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector or local street, access for maintenance vehicles shall be exclusively by means of the collector or local street.
 - b. All property used for the siting of an antenna support structure or antenna shall be maintained, without expense to the city so as to be safe, orderly, attractive, and in conformity with city codes including those regarding the removal of weeds, trash, and landscape maintenance.
10. Visual impact/aesthetics.
- a. Wireless communication facilities shall either maintain a galvanized steel finish or (subject to any applicable standards of the FAA or other applicable local, state, or federal agency) be painted a neutral color or painted and/or textured to match the existing structure so as to reduce visual obtrusiveness.
 - b. If an antenna is installed on a structure other than a tower, the antenna and associated electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible. Antennae and antenna support structures may be mounted on existing buildings that are thirty feet or more in height above the street grade.
 - c. Roof-mounted antennae and antenna support structures shall not add more than twenty feet to the total height of the building on which they are mounted. Roof-mounted equipment shall be made visually unobtrusive to match existing air conditioning units, stair, elevator towers, or other architectural elements. Only monopole antennae support structures with omni-directional (whip) or low profile single-directional (panel) shall be installed on building roofs. Crow's nest antennae arrays are prohibited on rooftop structures.
 - d. Wireless communication facilities attached to new or existing structures shall be designed to blend with the structure's architecture and should be placed directly above, below, or incorporated with vertical design elements of a structure.
 - e. Wireless communication facilities shall be located as to minimize their visibility and not be placed within historic or scenic view corridors as designated by the Laurel city council or by any state or federal law or agency.
11. Antenna support structure separation. All antenna support structures over fifty feet in height, regardless of the zoning district in which the structure is located, shall be located at least one mile from any other antenna support structure that is over fifty feet. Up to three antenna support structures located within an approved wireless communication facility tower farm shall be located at least one mile from any other tower farm.

Exceptions to the terms of subsection (G)(11) of this section may be granted by the City of Laurel during the special review process when it is found that no existing or approved antenna support structure within the required separation distance of the proposed site can accommodate the applicant's proposed antenna; or a critical need exists for the proposed location, and it is technically infeasible to locate or co-locate structures at or beyond the required separation distance.

- H. Nonconforming Wireless Communication Facilities. Antenna support structures and/or facilities in existence on the date of the adoption of these regulations, that do not comply with the requirements of these regulations, (nonconforming antenna support structures) are subject to the following provisions:
1. Nonconforming antenna support structures may continue their present use, but may not be expanded or increased in height without complying with these regulations, except as further provided in this section.

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2. Nonconforming antenna support structures which are hereafter damaged and destroyed, by less than fifty percent of its replacement value, due to any reason or cause may be repaired and restored to their former use, location, and physical dimensions subject to obtaining a building permit and other necessary approvals thereof, but without otherwise complying with these regulations. If an antenna support structure is destroyed or damaged by more than fifty percent of its replacement, the antenna support structure must be brought into compliance with these regulations.
 3. The owner of any nonconforming antenna support structure may make minor modifications in order to improve the structural integrity of the facility, to allow the facility to accommodate co-located antennae or facilities, or to upgrade the facilities to current engineering, technological, or communications standards without having to conform to the provisions of these regulations.
- I. Modifications of Existing Wireless Communication Facilities That Meet the Requirements of These Regulations.
1. Minor Modifications. Minor modifications to facilities permitted under these regulations shall be approved by the city-county planning board so long as they comply with the original approved design. Minor modifications are as follows: the addition of more antenna arrays to any existing antenna support structure, so long as the addition of the antenna arrays add no more than twenty feet in height to the facility and the increase in height of the support structure is no greater than ten percent. Placement of additional antennae, up to the number the antenna support structure was originally designed to accommodate, shall be considered a minor modification.
 2. Major Modifications. Major modifications to antenna support structures permitted under these regulations shall be approved through a special review. Major modifications are any that exceed the definition of minor modifications.
- J. Abandonment. Wireless communications facilities will be considered abandoned if they are unused by all providers at the facility for a period of six months. Determination of abandonment shall be made by the city-county planning board which shall have the right to request documentation from the facility owner regarding support or antenna usage. Upon abandonment, the facility owner shall have ninety days to:
1. Re-use the facility or transfer it to another owner who will re-use it; or
 2. Dismantle the Facility. If the facility is not removed within ninety days of abandonment, the city may remove the facility at the facility and/or property owner's expense. If the facility is removed, city approval of the facility will expire.
- If the facility owner is unable to remove the facility within the ninety days due to unusual circumstances, the city-county planning board may grant the facility owner an additional ninety days in which to comply with the requirements of this section.
- K. Special Review Submittal Requirements. The applicant of new wireless communication facilities shall provide the following documentation for review by the city-county planning board:
1. A map to scale showing the service area of the proposed wireless communication facility and an explanation of the need for that facility;
 2. A site/landscaping plan showing the following items;
 - a. North arrow.
 - b. The location and dimensions of all vehicular points of ingress and egress, drives, alleys and streets.
 - c. Property boundaries and lot line dimensions.

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- d. The locations and dimensions of all existing and proposed buildings, structures, and improvements including those that will be removed. All information must be labeled.
 - e. Setbacks from all property boundaries for existing and proposed structures and buildings.
 - f. Centerline and names of major and minor arterial streets relevant to the application.
 - g. Elevation drawing of proposed wireless communication facility including the antenna support structure, antenna platforms and associated equipment enclosures. Also indicate the maximum number of antenna platforms that can be supported.
 - h. Detailed landscaping plan of the site.
 - i. Location of artificial light sources and the areas of illumination.
 - j. Applications for tower farms shall include subsections (a) through (i) of this section and an overall development plan showing the location of future structures and equipment enclosures.
 - k. Latitude, longitude, and height of proposed antenna support structures.
1. Other pertinent features as determined by the planning board or the city.
 3. Area map showing the property boundaries of adjacent property and the location of existing buildings.
 4. Inventory of existing and approved sites. Each applicant for one or more antenna support structure shall provide to the city-county planning board a map showing the locations and service area of existing and approved antenna support structures operated or utilized by the applicant, including specific information on the location, height, and design of each antenna support structure. The city-county planning board shall maintain an inventory of existing and approved antenna support structures, including specific information about the location, height, and design of each antenna support structure. The city may share such information with other persons, organizations, or governmental authorities.
 5. Documentation of minimum light requirements from the FAA or other local, state or federal agency for the antenna support structure and/or antennae. Where applicable, applicant will provide documentation of the FAA airspace review and a copy of comments from the FAA.
 6. When the applicant is a wireless service provider, proof that the applicant is licensed by the FCC to provide the wireless communication services that the proposed facility is designed to support.
 7. Availability of suitable existing or approved antenna support structures. No new antenna support structure shall be permitted unless the applicant clearly demonstrates, in writing, to the reasonable satisfaction of the city that no existing or approved antenna support structure within the required separation distance of the proposed site can accommodate the applicant's proposed antenna. Closer separation distances may be approved if the applicant clearly demonstrates a critical need for the alternative location and the infeasibility of locating or co-locating wireless communication facility at or beyond the required separation distance. Evidence submitted to demonstrate that no existing or approved structure can accommodate the applicant's proposed antenna must include a discussion of the following items, if relevant:
 - a. No existing or approved antenna support structures are located within the geographic area required to meet the applicant's engineering requirements;
 - b. Existing or approved antenna support structures are not of sufficient height to meet the applicant's engineering requirements;
 - c. Existing or approved antenna support structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment and cannot be reinforced to provide sufficient structural strength;

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- d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing or approved antenna support structures, or the antenna on the existing or approved antenna support structures would cause interference with the applicant's proposed antenna;
 - e. The fees or costs required to share an existing or approved antenna support structure or to adapt an existing or approved antenna support structures for sharing are unreasonable. Costs below new tower development are presumed reasonable;
 - f. Property owners or owners of existing or approved antenna support structures are unwilling to accommodate the applicant's needs;
 - g. The applicant demonstrates that there are other limiting factors that render existing or approved antenna support structures unsuitable;
8. Co-location Agreement. If co-location is feasible, the owner of the antenna support structure shall certify, prior to permit approval, that the owner will accept for co-location any FCC licensed wireless communication provider using compatible technology on commercially reasonable terms up to the antenna support structure's capacity to accommodate additional antennae. The applicant shall also include a statement on how requests for co-locators will be processed.
 9. Effect of surrounding property values. The applicant must submit information that substantiates there will be no adverse effects on surrounding property values resulting from the proposed facility.
- L. Special Review Uses.
1. A request for a special review shall be initiated by application to the city-county planning board and handled in accordance with the special review procedure provided in Section 17.68 of this code. The Laurel city council may issue special review approval under these sections provided it has determined that the requirements of this ordinance has been satisfied and, further, that the benefits of and need for the proposed wireless communication facilities are greater than possible depreciating effects and damage to neighboring properties.
 2. In granting special review approval, the city council may impose additional conditions to the extent determined necessary to buffer or otherwise minimize adverse effects of the proposed wireless communication facilities on surrounding properties.
 3. Expiration of Special Review Approval.
 - a. If located within the one-mile zoning jurisdictional area of Laurel, construction of the facility must be completed within one year of special review approval. If located within the city of Laurel, a building permit must be applied for within six months of special review approval and the project shall be completed within one year from the date the special review is granted by the city council. For the purpose of these regulations, the term standard of construction shall be defined as the installation of a permanent foundation for the antenna support structure. The city council may grant one six month extension of the period to start construction upon written request by the applicant.
 - b. The city council shall not approve an extension unless the development plan is brought into conformance with any relevant zoning regulations that have been amended subsequent to the original approval and unless the applicant provides adequate evidence that construction is able to begin within the time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing, the city council may as a condition of approval of a special review establish the period of time such special review may remain in effect.

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- M. Appeals. Appeals from any decision of the city-county planning department, not requiring city council approval, may be taken by any person aggrieved by the decision to board of adjustment or to the city council pursuant to Section 17.64 of this code.
 - N. Nuisances. Wireless communication facilities, including without limitation, power source, ventilation, and cooling, shall not be maintained or operated in such a manner as to be a nuisance. (01-2 (part), 2001)

17.21.040 Standards for land mobile radio and radio and television broadcast antennae and antennae support structures.

- A. Purpose. The purpose of this section is to establish regulations for the siting of broadcast facilities, including land mobile radio services and radio and television broadcast antennae, antenna support structures, and associated equipment and buildings on public and private property. The goals of this section are to:
 - 1. Encourage the location of broadcast facilities in non-residential areas and minimize the total number of antenna support structures throughout the community;
 - 2. Strongly encourage the joint use of new and existing broadcast antenna support structures;
 - 3. Require broadcast facilities to be located, to the extent possible, in areas where the adverse impact on the community is minimal;
 - 4. Require broadcast facilities to be configured in a way that minimizes the adverse visual impact of antenna support structures and antennae; and
 - 5. Enhance the ability of the providers of land mobile radio services and radio and television broadcast services to provide such services to the community as quickly, effectively, and efficiently as possible.

- B. Definitions. For the purposes of this section, the terms used shall be defined as follows:

"AM" means amplitude-modulated broadcasting in the frequency band 535-1,705 kilohertz.

"Antenna/antenna support structure height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including any attached antennae. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

"Broadcast antenna" means a ground, building or tower-mounted antenna operated as a land mobile radio service or as a broadcast radio and/or television service as defined by the Federal Communications Commission (FCC) under Code of Federal Regulations and subsequent title amendments:

- (a) Title 47, Part 90 (47 CFR § 90) - Private Land Mobile Radio Services,
- (b) Title 47, Part 73 (47 CFR § 73) - Radio Broadcast Services, which includes AM, FM, and Television Services, and
- (c) Title 47, part 74 (47 CFR § 74) - Experimental Radio, Auxiliary, and Special Broadcast and Other Program Distributional Services;

"Broadcast antenna support structure" means any structure or device specifically designed, constructed, and/or erected for the purpose of attaching, mounting, or otherwise affixing antennae. Antenna support structures may include, but are not limited to, self-supporting lattice towers, guyed towers, or monopole towers. In this section, the term applies to land mobile radio service and broadcast radio and television transmission antenna support structures. The term includes the structure and any support thereto.

"Broadcast antenna or tower farm" means a tract of land that contains three or more broadcast or land mobile radio service antenna support structures, any two are spaced no more than seven hundred fifty linear feet

of each other. Legal tracts must be adjacent to each other to be included in this definition. The term is inclusive of all antenna support structures, equipment enclosures, buildings, and any additions thereto.

"Broadcast facilities" means an unstaffed facility for the transmission and/or reception of radio signals for communications purposes, typically consisting of an equipment building or enclosure, an antenna support structure, and one or more antennae. This definition applies exclusively to land mobile radio fixed systems, and radio and television broadcast transmission facilities.

"FAA" means the Federal Aviation Administration.

"FCC" means the Federal Communications Commission.

"Land Mobile Radio Service (LMRS)" means a mobile service between base stations and land mobile stations or between land mobile stations as defined in Title 47, PART 90 (47 CFR § 90) - Private Land Mobile Radio Services.

C. Applicability. All land mobile radio service and radio and television broadcast antenna and antenna support structures located within the City of Laurel zoning jurisdiction whether upon private or public lands shall be subject to this chapter. This chapter shall apply to broadcast antenna and antenna support structures upon state and federal lands to the extent of the city's jurisdiction by way of law, pursuant to any memoranda of understanding or otherwise.

Pre-existing land mobile radio and radio and television broadcast antenna support structures and antennae shall not be required to meet the requirements of this chapter except as provided under Section 17.56 of this code, "Nonconforming broadcast facilities".

D. Broadcast antenna support structures and antennae located in residential zoning districts.

1. Land mobile radio and radio and television broadcast antenna support structures and antennae shall be permitted as an allowed use in all residential zoning districts provided they meet all of the following criteria:

- a. Alternative broadcast antenna support structures conforming to all applicable provisions of this ordinance and roof-mounted antennae that do not add more than twenty feet to the total height of the building on which it is mounted shall be permitted as an allowed use only when located on school, government-owned utility, and other government sites. Proposed antennae or antenna support structures that are contrary to this section are subject to the special review requirements of Laurel's Zoning Ordinance. After the special review hearing and reaching its decision, the city-county planning board shall forward its recommendations to the city council for its decision.
- b. Antennae co-located on existing or approved alternative broadcast antenna support structures or existing or approved broadcast antenna support structures, which have previously received all required approvals and permits shall be permitted as an allowed use.

2. Broadcast antenna support structures and antennae shall be permitted in the agricultural-open space (AO) zoning district provided the following conditions and all applicable setback, lot coverage, and building (commercial equipment enclosures) height requirements are met:

- a. Broadcast antenna support structures conforming to all applicable provisions of this ordinance shall be permitted when:
 - (1) Located on school, government-owned utility, and government sites and alternative antenna support structures or roof-mounted antenna are used. Proposed antennae or antenna support structures that are contrary to this section are subject to the special review requirements of Laurel's Zoning Ordinance. After the special review hearing and reaching its decision, the city-county planning board shall forward its recommendations to the city council for its decision.
 - (2) Broadcast antenna support structures fifty feet or less in height.

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- b. Broadcast antenna support structures that are greater than fifty feet in height shall be required to obtain special review approval.
 - c. Broadcast antennae co-located on existing or approved alternative broadcast antenna support structures or existing or approved broadcast antenna support structures that have previously received all required approvals and permits shall be permitted as an allowed use.
 - d. Broadcast antenna or tower farms are permitted by special review.
- E. Broadcast Antenna Support Structures and Antennae Located in Commercial Zoning Districts.
- 1. Broadcast antenna support structures fifty feet in height or less shall be permitted as an allowed use.
 - 2. Broadcast antenna support structures that exceed fifty feet in height or the maximum height limitations in the underlying commercial and industrial zoning districts (whichever is greater) are permitted by special review.
 - 3. Broadcast antenna or tower farms are permitted by special review, except in Entryway Zone and the CBD and HC zoning districts.
 - 4. All broadcast antenna support structures located in heavy industrial (HI) shall be permitted as an allowed use, including broadcast antenna or tower farms.
 - 5. All broadcast facilities located within the boundaries of an approved or pre-existing broadcast antenna or tower farm shall be permitted as an allowed use.
- F. General requirements. The requirements set forth in this section shall govern the location and construction of all land mobile radio service and radio and television transmission facilities governed by this chapter.
- 1. Building Codes and Safety Standards. To ensure the structural integrity of broadcast facilities, the owner of a facility shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for such facilities.
 - 2. Regulatory Compliance. All broadcast facilities must meet current standards and regulations of the FAA, the FCC, and other local, state or federal agencies with the authority to regulate facilities governed by this chapter.
 - 3. Setbacks.
 - a. Broadcast antenna support structures adjacent to residential uses or zoning. Broadcast antenna support structures must be set back, from all property lines, a distance equal to one-half the height of the structure from any off-site residential structure or residentially zoned lot. Accessory structures, such as equipment enclosures or transmitter buildings, must maintain a minimum of a fifteen foot setback from any lot line adjacent to a residential structure or residentially zoned lot, or the required setback of the zoning district where the antenna support structure is located, whichever is greater.
 - b. Commercial and Industrial Zoning Setbacks. Broadcast antenna support structures and accessory facilities must meet the minimum yard setback requirements, including arterial setbacks, for the zoning district in which they are located.
 - c. Broadcast Facilities in Broadcast Antenna or Tower Farms. Antenna support structures and accessory facilities located in antenna or tower farms must meet the minimum yard setback requirements, including arterial setbacks, for the zoning district in which they are located.
 - 4. Lot Coverage and Height. Broadcast antenna support structures and accessory structures shall not exceed lot coverage requirements for the zoning district in which they are located. Building and equipment enclosures shall not exceed the height restrictions for the zoning district in which they are located.

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5. Fencing and Buffering.
 - a. Fencing. A chain link or solid wood fence, or masonry wall at least six feet in height (eight feet if razor or barbed wire is to be used) shall be constructed and maintained around the perimeter of the broadcast antenna support structure site. Climb-proof shields can be substituted for a fence or wall around the structure. Solid fences, at least six feet in height are required adjacent to residences and residentially zoned property. All AM broadcast antenna support structures must be surrounded by a suitable fence as required by FCC regulations.
 - b. Landscaping adjacent to residential uses and/or residential zoning. For broadcast facilities located in a residential zoning district, adjacent to a residential use, or adjacent to a residentially zoned parcel, the following will be required: a continuous evergreen hedge at least four feet in height when planted, shall be planted and maintained around the perimeter of the antenna support structure outside of the required fencing and spaced close together to provide a continuous visual screen. Shrubs shall also be planted and maintained around the guy anchors for visual screening purposes. AM Broadcast stations are exempt from this requirement due to overriding FCC regulations regarding vegetation in ground radial systems.

A performance bond or letter of credit for one hundred fifty percent of the landscaping and fencing materials and labor costs shall be posted with the city to ensure the placement of required landscaping and fencing.
 - c. Commercial Landscaping. Landscaping requirements shall not apply to broadcast antenna support structures located in Agricultural-Open Space or approved broadcast antenna or tower farms.
 - d. Exceptions for Laurel Airport. If federal safety and security standards prevent a broadcast antenna support structure from being fenced or landscaped, items (5)(a) and (5)(b) of this subsection will not apply. Documentation of these standards must be submitted with the special review applications.
 6. Lighting. Broadcast antenna support structures shall not be artificially lighted unless required by the FAA or other local, state, or federal agency. Security lighting may be placed on a support structure no higher than twenty feet above ground. Cut-off security lights must be used in or adjacent to residential areas to prevent light spillage onto adjacent property.
 7. Signage. Signage shall be limited to non-illuminated warning and equipment identification signs unless otherwise required by the FAA and/or FCC.
 8. Maintenance.
 - a. Equipment at a broadcast facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector or local street, access for maintenance vehicles shall be exclusively by means of the collector or local street.
 - b. All property used for the siting of a broadcast antenna support structure or antenna shall be maintained, without expense to the city and/or county, so as to be safe, orderly, attractive, and in conformity with city and/or county codes including those regarding the removal of weeds, trash and landscape maintenance.
 9. Visual impact/aesthetics.
 - a. Broadcast antenna support structures shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or other applicable local, state, or federal agency, be painted a neutral color or painted and/or textured to match the existing structure so as to reduce visual obtrusiveness.

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- b. If a broadcast antenna is installed on a structure other than a tower, the associated electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the related equipment as visually unobtrusive as possible. Broadcast antennae and antenna support structures may be mounted on existing buildings that are thirty feet or more in height above the street grade.
 - c. Roof-mounted antennae and antenna support structures shall not add more than twenty feet to the total height of the building on which they are mounted. Roof-mounted equipment shall be made visually unobtrusive to match existing air conditioning units, stair, elevator towers or other background. Crow's nest antennae arrays are prohibited on rooftop structures.
 - d. Broadcast antenna or antenna support structures attached to new or existing structures shall be designed to blend with the structure's architecture and should be placed directly above, below or incorporated with vertical design elements of a structure.

G. Nonconforming broadcast facilities.

Broadcast facilities in existence on the date of the adoption of this chapter, that do not comply with the requirements of this chapter, are subject to the following provisions:

- 1. Nonconforming broadcast facilities may continue their present use, but may not be expanded without complying with these regulations, except as further provided in this section.
- 2. Nonconforming broadcast antenna support structures which are hereafter damaged and destroyed, by less than fifty percent of its replacement value, due to any reason or cause may be repaired and restored to their former use, location, and physical dimensions subject to obtaining a building permit and other necessary approvals thereof, but without otherwise complying with these regulations. If a broadcast antenna support structure is destroyed or damaged by fifty percent or more of its replacement the broadcast antenna support structure must be brought into compliance with these regulations.
- 3. The owner of any nonconforming broadcast antenna support structure may make minor modifications in order to improve the structural integrity of the structure, to allow the structure to accommodate co-located antennae, or to upgrade the facilities to current engineering, technological or communications standards, without having to conform to the provisions of these regulations.

H. Modifications of Existing or Broadcast Facilities That Meet the Requirements of These Regulations.

- 1. Minor Modifications. Minor modifications to facilities permitted under these regulations shall be approved by the city-county planning board so long as they comply with the original approved design. Minor modifications are as follows:
 - a. The addition of one or more antenna arrays to any existing antenna support structure, so long as the addition of the antenna arrays add no more than twenty feet in height to the facility and the increase in height of the support structure is no greater than ten percent.
 - b. Placement of additional antennae, up to the number the antenna support structure was originally designed to accommodate, shall be considered a minor modification.
 - c. Repairs to or replacement of existing antennae or feedlines or support members (such as guy wires) are not considered modifications under this part.
- 2. Major Modifications. Major modifications to antenna support structures permitted under these regulations shall be approved through a special review. Major modifications are any that exceed the definition of minor modifications.

- I. Abandonment. Broadcast facilities will be considered abandoned if they are unused by all providers at the facility for a period of six months. Determination of abandonment shall be made by the city-county planning

board which shall have the right to request documentation from the facility owner regarding support or antenna usage. Upon abandonment, the facility owner shall have ninety days to:

1. Re-use the facility or transfer it to another owner who will re-use it; or
2. Dismantle the facility. If the facility is not removed within ninety days of abandonment, the city and/or county may remove the facility at the facility and/or property owner's expense. If the facility is removed, city and/or county approval of the facility will expire. If the facility owner is unable to remove the facility within the ninety days due to unusual circumstances, the city-county planning board may grant the facility owner an additional ninety days in which to comply with the requirements of this section.

J. Special Review Submittal requirements. The applicant of new broadcast facilities shall provide the following documentation for review by the city-county planning board:

1. A map to scale showing the service area of the proposed broadcast facility;
2. A site/landscaping plan showing the following items:
 - a. North arrow.
 - b. The location and dimensions of all vehicular points of ingress and egress, drives, alleys and streets.
 - c. Property boundaries and lot line dimensions.
 - d. The locations and dimensions of all existing and proposed buildings, structures, and improvements including those that will be removed. All information must be labeled.
 - e. Setbacks from all property boundaries for existing and proposed structures and buildings.
 - f. Centerline and names of major and minor arterial streets relevant to the application.
 - g. Elevation drawing of proposed broadcast facility including the antenna support structure, antenna platforms and associated equipment enclosures.
 - h. Latitude, longitude and height of proposed antenna support structures.
 - i. Location of artificial light sources and the areas of illumination.
 - j. Applications for tower farms shall include items a through h and a general overall development plan showing the location of future structures and equipment enclosures.
 - k. Detailed landscaping plan of the site when applicable.
1. Other pertinent features as determined by the city.
3. Area map showing adjoining property boundaries and the location of existing buildings within a distance equal to the required setbacks as set forth in subsection (F)(3) of this section.
4. Documentation of minimum light requirements from the FAA or other local state or federal agency for the antenna support structure and/or antennae. Where applicable, applicant will provide documentation of the FAA airspace review and a copy of the comments provided by the FAA. Where an application has been filed with the FAA for the services proposed and decision on minimum light requirements by the FAA is still pending, submittal of a copy of the proposed application shall be sufficient to meet the requirements of the is paragraph.
5. When the applicant is a land mobile radio service provider, or a radio or television broadcaster, proof must be provided that the applicant is licensed by the FCC to provide the services that the proposed facility is designed to support or the applicant must prove the necessary application have been filed with the FCC and/or FAA for the services proposed, together with proof all filing fees have been paid.

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- K. Special review uses.
1. A request for a special review shall be initiated by application to the city-county planning board and handled in accordance with the special review procedure provided in Section 17.68 of this code. The city of Laurel may issue special review approval under these sections provided they have determined that the requirements of these regulations have been satisfied.
 2. In granting special review approval, the city council may impose additional conditions to the extent determined necessary to buffer or otherwise minimize adverse effects of the proposed broadcast facilities on surrounding properties.
 3. Expiration of Special Review Approval.
 - a. If located within the one-mile zoning jurisdictional area of Laurel, construction of the facility must be completed within one year of special review approval. Within the city limits, a building permit must be applied for within six months of a special review approval and the project shall be completed within one year from the date the special review is granted by the city council. For the purpose of these regulations, the term standard of construction shall be defined as the installation of a permanent foundation for the antenna support structure. The city council may grant one six month extensions of the period to start construction upon written request by the applicant.
 - b. The city council shall not approve an extension unless the development plan is brought into conformance with any relevant zoning regulations that have been amended subsequent to the original approval and unless the applicant provides adequate evidence that construction is able to begin within the time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing, the city council may as a condition of approval of a special review establish the period of time such special review may remain in effect.
 - c. Small increases in the height of existing antenna support structures approved by special review may be approved by the city-county planning board on an administrative basis provided that the increase in the height of the antenna support structure is ten percent or less.
 - d. Special review approvals for broadcast antenna or tower farms shall not expire until such time as all facilities within the boundaries of the antenna or tower farm have been abandoned.
- L. Appeals. Appeals from any decision of the city-county planning department, not requiring city council approval, may be taken by any person aggrieved by the decision to board of adjustment or to the city council pursuant to Section 17.64 of this code.
- M. Nuisances. Wireless communication facilities, including without limitation, power source, ventilation, and cooling, shall not be maintained or operated in such a manner as to be a nuisance. (01-2 (part), 2001)

Chapter 17.24 RESIDENTIAL MOBILE HOME DISTRICTS

Sections:

17.24.010 Intent.

The RMH residential district is established as a district in which the principal use of land is for single-family mobile home dwellings. For the RMH residential district the specific intent of this section is:

- A. To encourage the placement of, and the continued use of the land for single-family mobile home dwellings located within mobile home parks or mobile home subdivisions;

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- B. To prohibit commercial and industrial uses of the land;
 - C. To encourage suitable and proper development of mobile home parks or mobile home subdivisions.

(Prior code § 17.52.010)

17.24.020 Definitions.

For the purposes of this section:

"Mobile home park" also means "mobile home court."

"Mobile home subdivision" means a surveyed, approved, and filled subdivision where the lots are primarily for sale rather than individual spaces for rent.

(Prior code § 17.52.020)

17.24.030 Permitted uses.

The following use is permitted:

Single-family mobile home dwellings when located within mobile home parks or on individual lots within a mobile home subdivision.

(Prior code § 17.52.030)

17.24.040 Allowable density.

The maximum allowable density for all mobile home parks shall be nine mobile homes per net acre.

(Prior code § 17.52.040)

17.24.050 Lot dimensions.

- A. For single-wide mobile home dwelling units, minimum site dimensions shall be forty feet wide and one hundred feet deep with a minimum site area of four thousand square feet.
- B. For double-wide mobile home dwelling units, minimum site dimension shall be fifty feet wide and one hundred feet deep with a minimum of five thousand square feet.

(Prior code § 17.52.050)

17.24.060 Lot coverage.

- A. The ground area occupied by a mobile home, attached storm shed, patio, storage building and off-street parking spaces shall not exceed fifty percent of the total area of the site. In computing the ground coverage, four hundred square feet shall be added to actual area of the mobile home and the accessory buildings for the two required off-street parking spaces. This provision limits to one storm shed, not over ten feet by twelve feet or one hundred twenty square feet in area per site and the utility building shall be placed on a proper foundation.
- B. No mobile home, storm shed or other legal attachments to the mobile home shall be located less than seven feet six inches from the side site line. Detached tool sheds shall be located not less than five feet from the

side or rear site lines. The ends of the mobile homes shall be at least ten feet apart when opposing rear walls are staggered, otherwise fifteen feet apart. No portion of a mobile home, or attachment thereto, or tool shed, or any other structure shall be located less than fifteen feet away from any site or property line adjacent to a public right-of-way.

(Prior code § 17.52.060)

17.24.070 Mobile home park requirements.

- A. The minimum total area of a mobile home park shall be at least ninety thousand square feet, including alleys and/or roadways.
- B. The minimum street roadway shall conform to the requirements found in the city-county subdivision regulations.
- C. All entrances, exits, lanes and driveways between rows of mobile homes shall be lighted to provide an intensity of five footcandles. Mobile home parks shall be provided with, at minimum, two walkways at least three and one-half feet wide between the mobile home sites and each service building; roadways and sidewalks within the parks shall be hard-surfaced, either concrete or bituminized; and shall conform to the requirements found in the city-county subdivision regulations.
- D. All provisions of water supply, laundry, sewage and fire protection to be provided in any mobile home park shall have been approved by the appropriate city department.
- E. Off-street parking areas shall be provided in all mobile home parks at a ratio of at least two car spaces per mobile home site. At least two car spaces shall be provided on each mobile home site. The area per one car space shall be at least ten feet wide and twenty feet deep, plus ingress and egress.
- F. There shall be provided, unless previously provided by a park dedication as required by the subdivision regulations, within each mobile home park an adequate site or sites for recreation for the exclusive uses of the park occupants. Such recreation site or sites shall have a minimum area in aggregate of four thousand square feet plus one hundred square feet for each mobile home site in the park. The recreation sites shall be of appropriate design and provided with adequate equipment; and may be used to meet the one-ninth minimum area requirement of the subdivision regulations.
- G. All mobile home parks must provide a completely and permanently landscaped setback area of at least fifteen feet in width around those portions of the park perimeter which border public right-of-way. Such areas may contain trees, shrubbery, grass, benches, fences, landscaped water resources and the like. Setback areas not bordering public rights-of-way may be used to fulfill the recreation area requirements of the subsection F.
- H. All mobile home parks shall have near their main entrance, a marquee or sign on which there shall be an up-to-date list of the addresses and a diagram of the park layout.
- I. All mobile home parks shall provide one additional parking space for every five sites as a main parking area to be used by visitors or in the storage of recreational vehicles.

(Prior code § 17.52.070)

17.24.080 Mobile home park restrictions.

Existing mobile home parks shall not be enlarged or extensively altered unless such alteration complies with the provisions of this chapter.

(Prior code § 17.52.080)

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17.24.090 Mobile home subdivision requirements.

- A. All lots in a mobile home subdivision shall conform to the requirements set forth in Section 17.16.020.
- B. All lots shall be served by the city's water and sewer systems.
- C. All lots shall be provided with direct access to a public street unless a home owner's association has been set up to maintain a private street.
- D. All mobile home subdivisions shall be designed in accordance with the criteria established in Title 16 of this code.

(Prior code § 17.52.090)

17.24.100 Mobile home requirements.

- A. All mobile homes, whether located in a mobile home park or a mobile home subdivision, shall be set up and skirted in one of the following ways:
 - 1. Individual concrete pads with cinder blocks used for supports, coupled with coordinate skirting;
 - 2. Permanent concrete foundation;
 - 3. A dug-out style area with cinder blocks for support, designed to lower the unit to ground level:
 - a. The owner of a mobile home park shall be required to establish one of these methods for exclusive use throughout the park,
 - b. Individual lot owners in a mobile home subdivision will be required to indicate which of the three methods they will use prior to receiving a permit to move a mobile home onto the lot.
- B. Each mobile home, whether located in a mobile home park or a mobile home subdivision, shall be anchored to the ground for purposes of withstanding wind pressures specified for such mobile home by the city building inspection department prior to occupancy of the unit.

(Prior code § 17.52.100)

Chapter 17.25 DOWNTOWN OVERLAY DISTRICT

17.25.010 Intent.

The city of Laurel hereinafter ("city"), in collaboration with the Laurel Urban Renewal Agency, prepared the following set of regulations to preserve and protect the unique nature of the Downtown core of the city of Laurel. These regulations are intended to promote, preserve, and enhance the character of the built environment while encouraging a cohesive identity.

In addition to building construction, further elements include, but are not limited to parking and pedestrian connectivity requirements, landscaping, and signage.

This district's requirements are in addition to the existing zoning ordinances found in Title 17 of the Laurel Municipal Code (LMC). Single-family and two-family residential uses in the district are exempt from the provisions herein.

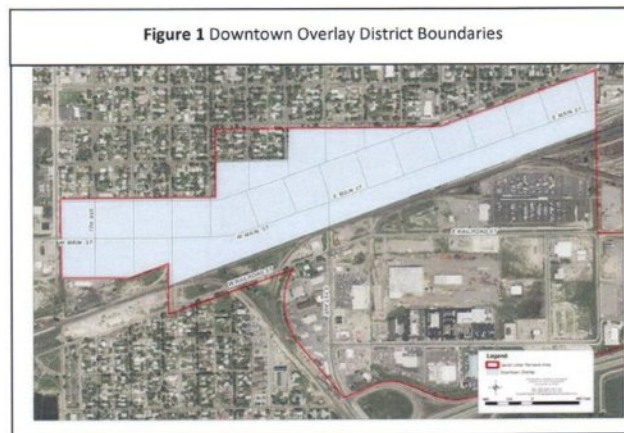
The intent of this section is to:

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- A. Promote a physical landscape to make the District an attractive place to live and work;
 - B. Encourage creativity in design and quality site planning;
 - C. Promote development patterns in coordination with the goals and objectives of the city's growth management plan;
 - D. Provide consistency to land uses and design that will protect the investment of property owners in the district.

(Ord. No. O15-01, 3-17-2015)

17.25.020 District boundaries.

The boundaries of the district are identified in Figure 1.



(Ord. No. O15-01, 3-17-2015)

17.25.030 Application and Approval Process

- A. All building permit applications shall be submitted to the city's building official. All permit applications must be submitted and signed by the property owner or the authorized agent of the property owner. An approved building permit is required prior to any construction activity.
- B. Each building permit application must include, but not be limited to, the following information:
 - 1. The name and address of the property owner;
 - 2. The name and address of the applicant;
 - 3. The legal description of the parcel;
 - 4. A map drawn to scale showing the dimensions, acreage, location of the parcel, north arrow, streets and adjacent land uses;
 - 5. A complete site plan drawn to a scale of no less than 1"=40' showing the dimensions and height of the structure;
 - 6. A complete elevation drawings drawn to the scale 1"=40' including the dimensions and height of the structure;
 - 7. If applicable, signage plan specifications, location and ground lighting pattern; and

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8. Payment of application review fee.
- C. Within fifteen working days following the submittal of a complete application, the planning director, designee, or the public works department (in the case of signs) shall issue approval for development or a denial of the application, unless the applicant consents in writing to an extension of the review period. Should the application be denied, the applicant shall be notified in writing specifying the reasons for the denial. (Ord. No. 002-31, 2002)
- (Ord. No. O15-01, 3-17-2015)

17.25.040 Nonconformance.

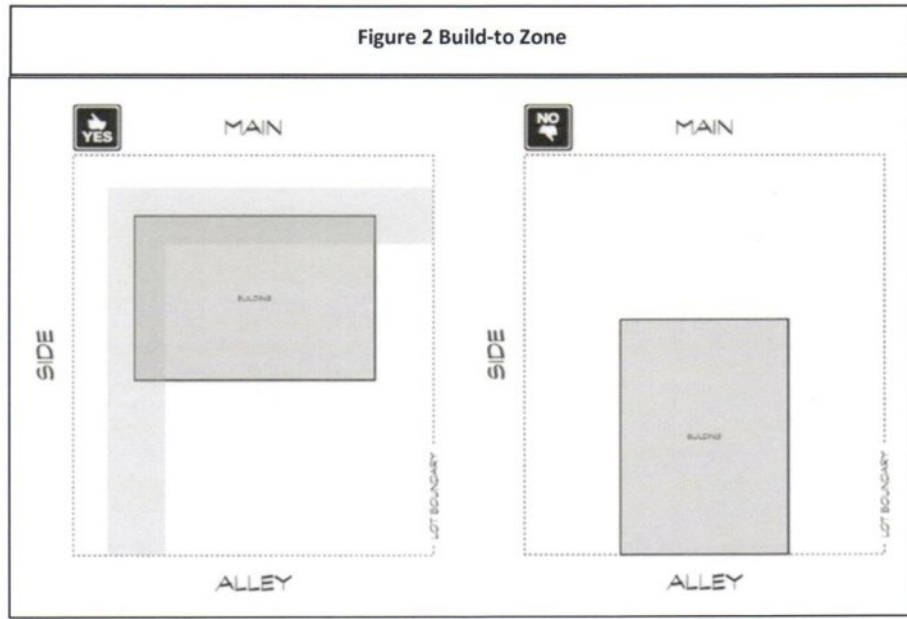
- A. Any lawful characteristic of the properties existing prior to the effective date of the ordinance that would not be a permitted characteristic under these regulations is declared to constitute a nonconforming characteristic.
- B. Nonconforming structures shall not be enlarged, extended, reconstructed, or structurally altered in an amount greater than fifty percent of its assessed valuation, unless the characteristics of the building are changed to comply with the appropriate regulations.
- C. If any nonconforming structure is damaged by an event including, but not limited to, fire, flood, explosion, wind, or war, in an amount equal to or greater than fifty percent of its assessed valuation, reconstruction must comply with the appropriate regulations. In addition, repair and maintenance may be carried out each year in an amount not to exceed twenty-five percent of the assessed valuation of the structure for that year.
- D. A nonconforming structure may continue pursuant to these regulations, but it shall not be changed in any way except to conform to the regulations herein.

(Ord. No. O15-01, 3-17-2015)

17.25.050 Definitions.

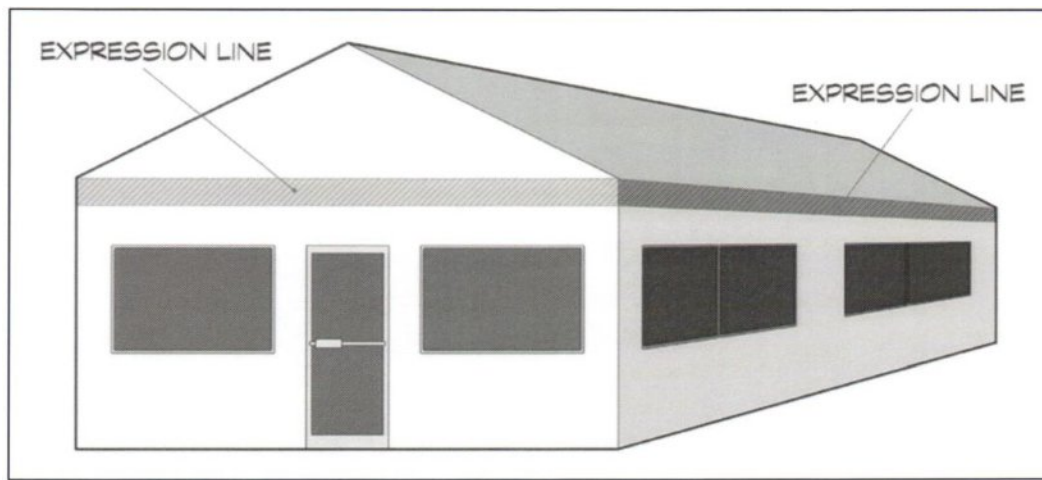
All terms shall have the same meanings as defined elsewhere in the city zoning ordinance or city signage regulations. For purposes of this title, certain words and terms used herein are defined in this chapter.

- A. "Architectural design elements" means an architectural feature consisting of a decorative, three dimensional element, horizontal or vertical, protruding or indented at least two inches from the exterior façade of a building typically utilized to provide additional aesthetic relief to a façade.
- B. "Build-to zone means" an area of a lot designated for placement of a building façade along a street, located parallel to a front property line or a front and side property line in the case of a corner lot. The build-to zone defines an area in which the locations of building fronts can vary within a specified range. See Figure 2.



- C. "Expression line" means an architectural feature consisting of a decorative, three dimensional, linear element, horizontal or vertical, protruding or indented at least two inches from the exterior façade of a building typically utilized to delineate the top or bottom of floors or stories of a building or provide additional aesthetic relief to a façade. See Figure 3.

Figure 2 Expression Line





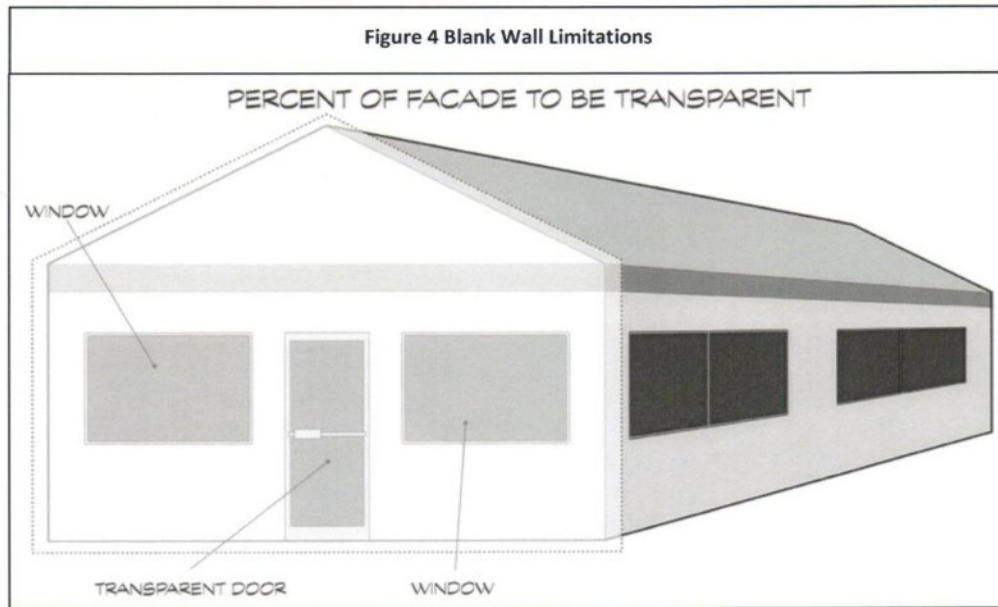
- D. "Façade" means the exterior face of a building, including but not limited to the wall, windows, windowsills, doorways, and design elements such as expression lines.
- E. "Front façade" means any building face adjacent to the street. In the case of a corner lot, the front façade is the face that the building is addressed.
- F. "Lot line, front" means the boundary abutting a right-of-way, other than an alley, from which the required setback or build-to zone is measured. The front lot line shall be to the street to which the building is addressed.
- G. "Lot line, side" means the boundary line adjacent to the front lot line and may or may not abut a right-of-way depending on lot location from which the required setback or build-to zone is measured.

(Ord. No. O15-01, 3-17-2015)

17.25.060 Building design requirements.

- A. Exterior materials shall be sufficiently durable to ensure stability, maintainability, and long life. The use of natural and natural looking materials indigenous to the area signifying permanence, such as stone, stucco and masonry are encouraged.
 - 1. Buildings shall be finished with one or more of the following materials. Brick, fluted block, colored textured block, glass, stucco, or stone. Exposed seam metal buildings are prohibited unless covered with an acceptable finishing material.
 - 2. All front façades and sides adjacent to streets shall have a minimum of twenty-five percent masonry composed of natural materials such as stone, brick, brick veneer, or cast stone.
 - 3. Exterior cladding materials shall be of colors that compliment neighboring structures.
- B. Roof top mechanical equipment shall be screened from view with parapet walls, articulated roof designs or other architectural components.
- C. Expression lines are required on the front façade of all buildings.
- D. Blank walls on front facades or façades adjacent to street are not permitted. The amount of windowless or non-transparent area allowed on a front façade is measured per façade. No rectangular area greater than

fifty percent of a front façade may be windowless. All other façades are encouraged to have transparent elements. See Figure 4.

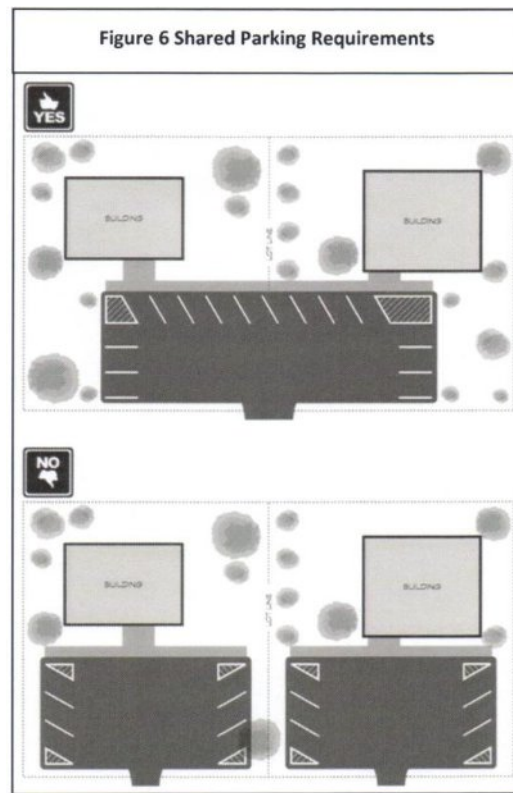
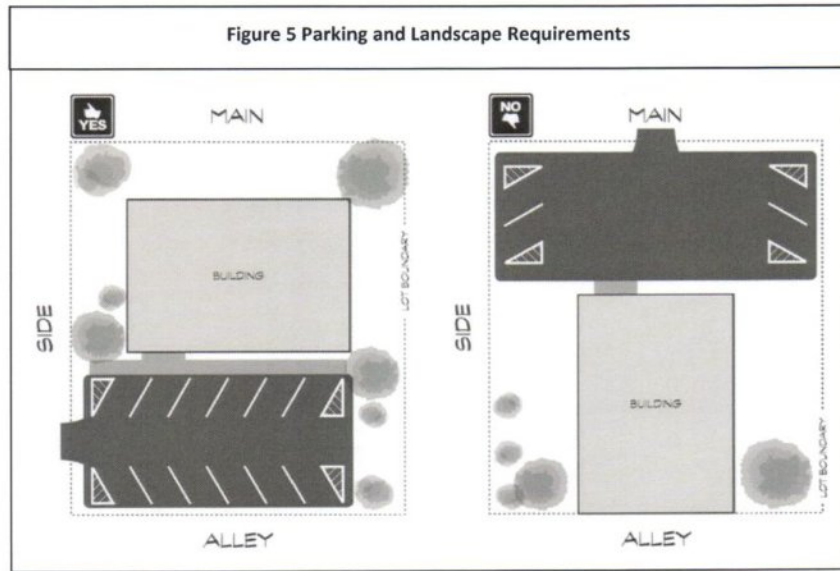


E. All front façades shall have a minimum of one entry door.

(Ord. No. O15-01, 3-17-2015)

17.25.070 Site design requirements.

- A. When a building does not have one hundred percent lot coverage a build-to zone of at least five feet is required at the front lot line or a side adjacent to street. Exceptions to this include properties in the district that are zoned light industrial, heavy industrial, and highway commercial.
- B. If off-street parking is proposed it shall be located at the rear of the building. When parking cannot be located in the rear, the planning board shall make a recommendation. See Figure 5. Shared parking is encouraged when property owners have a written agreement. This agreement is not subject to approval by the city but should be presented if it is applicable to meeting off-street parking requirements. See Figure 6.
- C. Landscape islands are required at the terminal ends of all parking rows.
- D. If a property is located in this district and the entry way zoning district, parking and landscape requirements of the downtown overlay district shall apply.



(Ord. No. O15-01, 3-17-2015; Ord. No. O-15-06, 11-3-2015)

17.25.080 Landscape requirements.

Landscaping in the form of trees, shrubs and groundcover serve several purposes: The softening of harsh building forms and paved areas, the absorption of groundwater, the reflection of seasonal color change, the

provision of sound barriers, and urban wildlife habitat. If a property is located in this district and the entryway zoning district, parking and landscape requirements of the downtown overlay district shall apply.

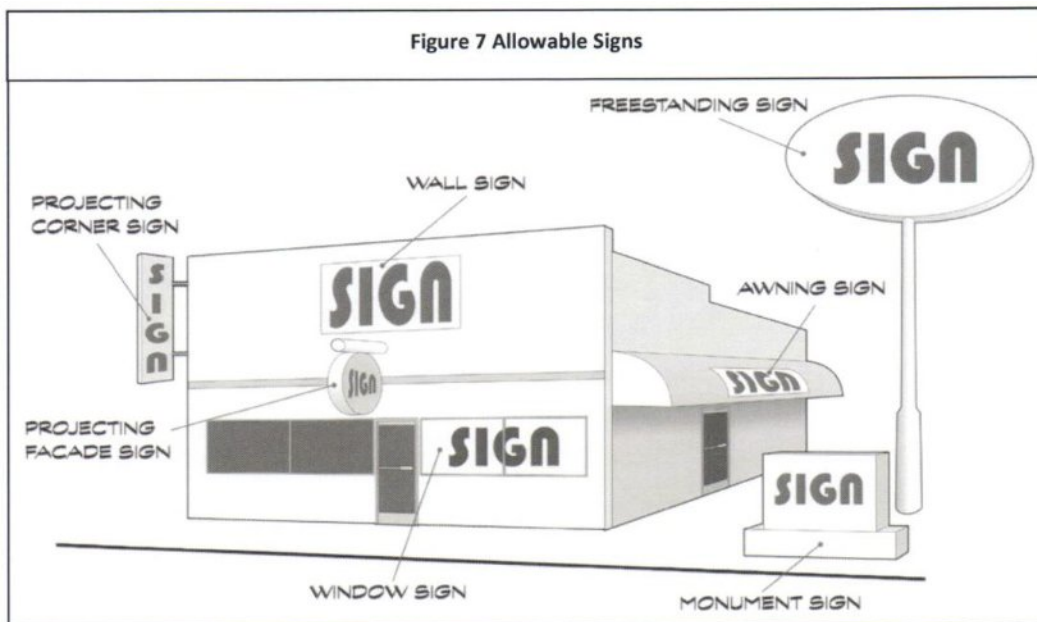
- A. Any site development where the building and parking area does not occupy one hundred percent of the parcel, the remaining property must be landscaped.
- B. Landscaping should be of an indigenous species or species that are acclimated to the city's climate.
- C. Landscaping shall include a mix of plants, shrubs, sod and trees. A minimum of fifty percent of the trees shall be at least 2.5 inch in caliper size.
- D. Landscaping shall not interfere with clear vision requirements.

(Ord. No. O15-01, 3-17-2015)

17.25.090 Signage requirements.

Laurel Municipal Code Chapter 17.42 governs signage within the city of Laurel. Exceptions to LMC 17.42 occur only when a property is located in a special zoning district. If a property is located in this district and the entryway zoning district, signage requirements of the entryway zoning district shall apply.

- A. Allowable sign types include wall signs, window signs, awning signs, corner projecting signs, and projecting signs. See Figure 7.



- B. Illumination is encouraged to be internal. When external illumination is used, it must be focused only upon the sign face and must have cut off shields to prevent light spillage.
- C. Any projecting or corner projecting sign shall not extend above the roofline of the attached building.
- D. Any wall sign shall not exceed 30 percent of the area of any building façade.
- E. Electronic message boards are not permitted in this district.



(Ord. No. O15-01, 3-17-2015)

Chapter 17.26 COMMUNITY ENTRYWAY ZONING DISTRICT

Sections:

17.26.010 Intent.

The purpose of the Laurel Entryway Zoning District is to regulate outdoor advertising, outdoor advertising signs, and outdoor signs of all types, to provide fair and comprehensive regulations that will foster a good visual environment for Laurel, enhancing the area in which we live, and creating an aesthetic and enjoyable appearance for our visitors and our residents.

The natural landscape in the Yellowstone Valley is a major influence on the form and character of Laurel. Residents appreciate being able to see the Beartooth Range, the river's corridor of trees, and the large expanse of sky. The intent of the Community Entryway Zoning District (EZD) is to promote attractive, high quality development and to provide an appealing image of the city of Laurel to the traveling public and the people of the community and region. Further, it is the intent of this district to maintain a sensitivity toward existing development while preserving scenic vistas and the pastoral ambience and protecting environmentally sensitive areas. Creativity in meeting these requirements is encouraged with the overall intent of all development representing the image and economy of the Laurel area—and not just a reflection of the same commercial buildings, signage, and parking lots that are seen alongside the interstate across the nation.

Projects in the vicinity of large natural areas/corridors shall be designed to compliment the visual context of the natural area. Techniques include architectural design, site design, use of native landscaping, and choices of colors and building materials shall be utilized in such manner that scenic views across or through the site are protected and man-made facilities are screened from off-site observers and blend with the natural visual character of the area.

This overlay district provides requirements that are in addition to the existing, underlying zoning districts in the jurisdictional area of the city of Laurel and are in addition to the signage standards of the city of Laurel Municipal Sign Code. Except for signage applications, residential uses in the Entryway Zoning District are exempt from the provisions herein.

The intent of this section is to:

- A. Promote a physical landscape that will assist in making Laurel an attractive place to live and work and be inviting to new industries;
- B. Encourage creativity in design and quality in site planning and development;

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- C. Reduce the level of adverse impacts from the transportation system on adjoining lands;
 - D. Promote development patterns in harmony with the goals and objectives of Laurel's Growth Management Plan;
 - H. Promote compatible land use transitions with a sensitivity toward existing residential uses.

Non-commercial/industrial uses falling within the EZD are exempt from the requirements of the EZD except as such requirements pertain to signage.

(Ord. 02-31, 2002)

17.26.030 Location of district.

The Community Entryway Zoning District (EZD) shall extend three hundred feet on either side of Interstate 90 right-of way as it extends through the Laurel Zoning Jurisdiction Area, an area that extends outside the city municipal limits one mile. Specifically, along the interstate the EZD shall extend as described from the east limit of the extra-territorial zoning boundary west to the limit of the west extra-territorial boundary. The district shall also include that area three hundred feet on either side of the north extra-territorial boundary on Buffalo Trail Road south through Laurel on First Avenue to where First Avenue turns into US Highway 212-310

(Ord. 02-31, 2002)

(Ord. No. O15-03, 5-5-2015)

17.26.040 Application and approval process.

- A. All plans and applications for development shall be submitted to the city-county planning board. All applications involving signs shall be submitted to the public works department which shall provide a copy thereof to the planning board. All applications must be submitted and signed by the property owner, lessee, the contract purchaser, or the authorized agent of the property owner. Approval is required prior to any construction activity.
- B. Each application shall include, but not be limited to, the following information:
 - 1. The name and address of the property owner;
 - 2. The name and address of the applicant;
 - 3. The legal description of the parcel;
 - 4. A map drawn to scale showing the dimensions, acreage, location of the parcel, north arrow, streets and adjacent land uses;
 - 5. A complete site plan drawn to a scale of no less than 1" = 40' showing the dimensions and locations of all structures, streets, paving, parking, landscaping, signage, waterways or other significant features of the development;
 - 6. Complete elevation drawings drawn to scale including the dimensions and height of the structure;
 - 7. Signage Plan specifications, location, and ground lighting pattern (applications for signs only—see Section 17.26.050); and
 - 8. Application review fee.
- C. Within fifteen working days following the submittal of a complete application, the planning director, other city designee, or the public works department (in the case of signs) shall issue approval for development or

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sign or a denial of the application, unless the applicant consents in writing to an extension of the review period. Should the application be denied, the applicant shall be notified in writing specifying the reasons for the denial.

(Ord. 02-31, 2002)

17.26.050 Definitions.

All terms shall have the same meanings as defined elsewhere in the city zoning ordinance or city signage regulations. The standard dictionary meaning shall be applied to terms not otherwise defined.

(Ord. 02-31, 2002)

17.26.052 Development standards.

A. Signage.

1. Review Consideration. Signage in the EZD needs to recognize the relationship between adjacent land uses and the natural features of the location such as existing views and proximity to residences. Although signs perform a function in providing information concerning services, products, and business, a profusion of signs produces a cumulative effect that cancels out individual effectiveness and detracts from the appearance of the community as a whole. All signage shall be reviewed with the following considerations and criteria:
 - a. Use of subdued, low-key colors;
 - b. Location, size, and height that do not obstruct views of the community, the river corridor, traditional open spaces, or the mountains;
 - c. Sign is built of permanent, durable materials;
 - d. Size and location avoids or minimizes the sense of clutter with nearby signs;
 - e. The sign is professionally prepared and finished on both sides;
 - f. The location and placement of the sign will not endanger motorists or pedestrians and does not interfere with the clear vision triangle at street, railroad, or street driveway intersections;
 - g. The sign will not cover or blanket any prominent view of a structure or façade of historical or architectural significance;
 - h. The sign will not obstruct views of users of adjacent buildings to side yards, yards or to nearby open space;
 - i. The sign will not negatively impact the visual quality of a public open space such as a recreation facilities, square, plaza, court yard and the like;
 - j. The sign cannot be seen from the Yellowstone River or any city, county or state park or—if it can be seen—it must be located one thousand feet from the boundaries of such spaces.
2. Only one sign is allowed per parcel of record and there shall be at least one thousand feet between signs.
3. A construction permit is required whenever the sign copy is changed and any alterations to the sign are made.
4. Signs shall be limited to one hundred sixty square feet in copy area.

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5. Non-conforming signs are required to be brought into compliance with this section within six years from the date of adoption of this ordinance or upon the earliest occurrence of the following events.
 - a. The sign is relocated or replaced;
 - b. The structure or size of the sign is altered in any way;
 - c. The sign suffers more than fifty percent appraised damage or deterioration or the sign is taken out of service for any reason, such as being knocked down by weather or other means;
 - d. If any non-conforming sign is abandoned or voluntarily discontinued for a period of one hundred eighty days, any subsequent use must be in conformity with this ordinance. An abandoned sign is a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found. An abandoned sign is to be removed by the owner within fifteen days of notice from the public works department.
 6. No portable signs as described in the city signage ordinance are allowed in the EZD.
 7. Transit Bus Benches. Transit bus benches, with or without advertising, may be placed within the city right-of-way upon application and approval of the ADA coordinator, the transit administrator and in consultation with the public work director. All benches must comply with any applicable city, state, and or/federal standards or regulations. The city may approve a bench provider, with or without advertising, pursuant to its procurement policy, as amended.
 8. Lighting. All sign lighting must incorporate cut-off shields to direct light downward. Luminaries shall not be visible from adjacent streets or properties. A sign's lighting will not cause hazardous or unsafe driving conditions for motorists and will not glare, reflect, or spill onto adjacent business or residential areas.
- B. Building Design Standards.
1. All buildings shall be completed on all sides with one of the following finishing material: brick, fluted block, colored textured block, glass, stucco, architectural concealed fastener metal panels, exterior insulation and finishing systems (i.e., Dryvit, etc.), stone or wood. Exposed seam metal buildings shall be prohibited unless covered with an acceptable finishing material.
 2. Roofs shall be finished with a material that is architecturally compatible in color and design with the construction of the building. Metal roofs, fascia, and mansards shall be limited to the following: standing seam, metal shakes or shingles and architectural metal treatments. All mechanical equipment placed on top of any roof shall be screened by a parapet or other similar architectural apparatus being at least the height of the mechanical equipment. Pitched roofs are encouraged whenever possible.
 3. Long, flat facades that front on the interstate highway, First Avenue North or First Avenue South having more than one hundred lineal feet are prohibited. Buildings over one hundred feet in length shall incorporate one of the following: recesses, off-sets, angular forms, landscaping features or other architectural features such as bell towers, clock towers, to provide a visually interesting shape. The break in the facade shall be minimum of eight feet in length. A single uninterrupted length of a facade shall not exceed one hundred lineal feet. It is encouraged that each offset area contains landscaping or other similar amenities which will complement the offset area.
- C. Additional Provisions for Commercial Uses.
1. Storage of Merchandise. Any permitted storage of merchandise outside an approved building shall be within an area enclosed with a sight obscuring fence at least six feet in height that is architecturally compatible in color and design with the building. However, promotional displays, vehicle sales lots and plant materials may be displayed outside of an approved building or enclosed area so long as they are placed appurtenant to a building wherein the business displays the bulk of its goods for sale. In

addition, retail nurseries shall be exempt from the enclosure of plant materials, and displayed merchandise shall not include any used equipment. Bufferyards or required landscaping shall not be used for the displaying of merchandise.

2. Site Lighting. All outdoor lighting shall be designed, located and mounted at heights no greater than eighteen feet above grade for non-cutoff lights and thirty-five feet above grade for cutoff lights. All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed three-tenths foot-candle for non-cutoff lights and three foot-candles for cutoff lights.
3. Storage of Junk. No person shall store junk, partially or completely dismantled vehicles, or salvaged materials in any commercial zone outside a building. In the case of automobile repair shops, such materials must be enclosed within a building or an area having a sight-obscuring fence at least six feet in height.
4. Solid Waste Area. All solid waste storage facilities shall be located within an area enclosed with a sight-obscuring fence or wall that is architecturally compatible in color and design with the building.

D. Cell Towers.

No wireless communication facilities are allowed in the entryway zone.

(Ord. 02-31, 2002)

(Ord. No. O11-07, 6-7-2011; Ord. No. O16-02, 2-2-2016)

17.26.054 Landscaping standards.

Landscaping in the form of trees, shrubs, and groundcover serve several purposes: The softening of harsh building forms and paved areas, the absorption of ground water, the reflection of seasonal color change, the provision of sound barriers (such as around utility substations or industrial yards), and urban wildlife habitat.

A. Landscaping Definitions.

Canopy Tree. A species of tree which normally bears crown foliage no lower than six feet above ground level upon maturity. Minimum size of canopy trees shall be two and one half inches in caliper.

Evergreen Tree or Shrub. A tree or shrub of a species which normally retains leaves / needles throughout the year. Minimum size of evergreen trees shall be five feet in height.

B. Landscaping.

1. Bufferyard Requirements. All commercial/Industrial land uses are required to place a bufferyard (landscaping strip) adjacent to and along the length of I-90, First Avenue North, or First Avenue South on which the use fronts. Such landscaping buffer shall extend from the edge of the public right-of-way. Placement and landscaping design shall be at the discretion of the developer, and the required trees and shrubs may be clustered to enhance the view of the property from the public right-of-way as long as such uses conform with Section 17.26.052(C) of this code. A local design professional or local nursery must be consulted for assistance with the development of the landscape design. The use of native, drought-tolerant plant material is strongly encouraged. Evergreen trees are encouraged for bufferyards, and canopy trees are encouraged for parking areas. The planting of trees should be done in such a manner as to provide maximum solar efficiency throughout the site.
 - a. The developer shall have the option of one of the following three bufferyards. Bufferyard depth is measured from the property line adjacent to the public right-of-way inward. Any buffer area

which overlaps another buffer area shall be subtracted from the total to avoid double counting. The number of trees and shrubs required is per one hundred feet of frontage:

- (1) Twenty-five foot wide bufferyard: five Canopy or evergreen trees, ten Shrubs
 - (2) Twenty foot wide bufferyard: ten Canopy or evergreen trees, fifteen Shrubs
 - (3) Fifteen foot wide bufferyard: fifteen Canopy or evergreen trees, twenty Shrubs
- b. The following criteria shall also apply to the bufferyards.
- i. The landscape strip may be contoured. Berming shall be one foot of rise to four feet of run with a minimum of three feet in height. Depressions shall be no lower than the existing grade of the site.
 - ii. All landscaped areas shall contain ground cover such as sod, shrubs, flowerbeds, or organic materials. No more than ten percent of the landscaped area shall contain rock, bark chips, stepping stones, or similar material.
 - iii. All landscaped areas shall be sub-irrigated, maintained, and kept free of weeds, debris, and litter. Failure to do so constitutes a zoning violation. Existing mature trees and shrubs should be preserved and will be credited toward landscaping requirements.
 - iv. Depth of bufferyard shall depend on density of vegetation.
 - v. All new utility lines shall be placed underground.
 - vi. New tree plantings shall not be constructed so as to grow into existing overhead utility lines.

C. Off-Street Parking Lot Landscaping.

Landscaping shall be provided within all parking areas as follows:

Parking lots containing more than ten spaces shall contain internal areas of landscaping totaling at least ten percent of the parking area. Each planting area shall contain at least three hundred square feet and at least one major tree and groundcover with irrigation. There must be a clearly designated pedestrian route from the parking lot to the street or main entrance.

1. A minimum of twenty square feet of landscaped area shall be provided for each parking space on parking lots containing more than ten spaces.
2. Two canopy and/or evergreen trees and five shrubs shall be required for every ten parking spaces or component thereof over ten parking spaces.
3. All landscaped areas shall contain ground cover such as sod, shrubs, flowerbeds or organic materials. No more than twenty-five percent of the landscaped area shall contain rock, bark chips, stepping stones or similar material.
4. The minimum width and/or length of any parking lot landscaped area shall be five feet.
5. Internal parking lot landscaping provided shall be proportionately dispersed, at the developer's discretion, in order to define aisles and limit unbroken rows of parking. The maximum horizontal or vertical unbroken length shall be limited to one hundred feet. Landscaped areas provided shall be in a scale proportionate to parking lot.
6. Any development that has parking abutting a required bufferyard, may extend the width of parking landscaping plant material. The minimum bufferyard width and that bufferyard a minimum of five feet and include the additional required landscaping material is required in addition to the parking landscaping.

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7. Protection of Landscaped Areas. Landscaped areas within parking lots or the along perimeter of the property must be protected from vehicular traffic through the use of continuous concrete curbs, extruded asphalt or other approved permanent barriers.
 8. All new utility lines shall be placed underground.

D. Commercial Uses Abutting Residential Uses.

All commercial uses abutting residential uses shall install a bufferyard. The bufferyard shall be ten feet wide and shall contain ten evergreen and/or canopy trees and ten shrubs per one hundred lineal feet. A solid fence or wall that is architecturally compatible in color and design with the building shall be required on the property line. The fence height shall be a minimum of six feet. Chain link or other wire fencing material is prohibited.

E. Fractions in the Calculation of Number of Trees and Shrubs.

In the calculation of trees and shrubs for bufferyards or parking landscaping, all fractions shall be rounded to the nearest, highest whole number.

(Ord. 02-31, 2002)

Chapter 17.27 SE 4TH STREET OVERLAY DISTRICT

Sections:

17.27.010 Intent.

The city of Laurel hereinafter ("city"), in collaboration with the Laurel Urban Renewal Agency, prepared the following set of regulations to preserve and protect the unique nature of the SE 4th Street corridor of the city of Laurel. These regulations are intended to promote, preserve, and enhance the character of the built environment while encouraging a cohesive identity.

In addition to building construction, further elements include, but are not limited to parking and pedestrian connectivity requirements, landscaping, and signage.

This district's requirements are in addition to the existing zoning ordinances found in Title 17 of the Laurel Municipal Code (LMC). Single-family and two-family residential uses in the district are exempt from the provisions herein.

The intent of this section is to:

- A. Promote a physical landscape to make the district an attractive place to live and work;
- B. Encourage creativity in design and quality site planning;
- C. Promote development patterns in coordination with the goals and objectives of the city's growth management plan;
- D. Provide consistency to land uses and design that will protect the investment of property owners in the district.

(Ord. No. O15-04, 5-5-2015)

17.27.020 District boundaries.

The boundaries of the District are identified in Figure 1.

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(Ord. No. O15-04, 5-5-2015)

17.27.030 Application and approval process.

- A. All building permit applications shall be submitted to the city's building official. All permit applications must be submitted and signed by the property owner or the authorized agent of the property owner. An approved building permit is required prior to any construction activity.
- B. Each building permit application must include, but not be limited to, the following information:
 - 1. The name and address of the property owner;
 - 2. The name and address of the applicant;
 - 3. The legal description of the parcel;
 - 4. A map drawn to scale showing the dimensions, acreage, location of the parcel, north arrow, streets and adjacent land uses;
 - 5. A complete site plan drawn to a scale of no less than 1"=40' showing the dimensions and height of the structure;
 - 6. A Complete elevation drawing drawn to the scale 1"=40' including the dimensions and height of the structure;
 - 7. If applicable, signage plan specifications, location and ground lighting pattern; and
 - 8. Payment of application review fee.
- C. Within fifteen working days following the submittal of a complete application, the planning director, designee, or the public works department (in the case of signs) shall issue approval for development or a denial of the application, unless the applicant consents in writing to an extension of the review period. Should the application be denied, the applicant shall be notified in writing specifying the reasons for the denial. (Ord. No. 002-31,2002)

(Ord. No. O15-04, 5-5-2015)

17.27.040 Nonconformance.

- A. Any lawful characteristic of the properties existing prior to the effective date of the ordinance that would not be a permitted characteristic under these regulations is declared to constitute a nonconforming characteristic.
- B. Nonconforming structures shall not be enlarged, extended, reconstructed, or structurally altered in an amount greater than fifty percent of its assessed valuation, unless the characteristics of the building are changed to comply with the appropriate regulations.
- C. If any nonconforming structure is damaged by an event including, but not limited to, fire, flood, explosion, wind, or war, in an amount equal to or greater than fifty percent of its assessed valuation, reconstruction must comply with the appropriate regulations. In addition, repair and maintenance may be carried out each year in an amount not to exceed twenty-five percent of the assessed valuation of the structure for that year.
- D. A nonconforming structure may continue pursuant to these regulations, but it shall not be changed in any way except to conform to the regulations herein.

(Ord. No. O15-04, 5-5-2015)

17.27.050 Definitions.

All terms shall have the same meanings as defined elsewhere in the city zoning ordinance or city signage regulations. For purposes of this title, certain words and terms used herein are defined in this chapter.

- A. "Architectural design elements" means an architectural feature consisting of a decorative, three dimensional element, horizontal or vertical, protruding or indented at least two inches from the exterior façade of a building typically utilized to provide additional aesthetic relief to a façade.
- B. "Façade" means the exterior face of a building, including but not limited to the wall, windows, windowsills, doorways, and design elements such as expression lines.
- C. "Front façade" means any building face adjacent to the street. In the case of a corner lot, the front façade is the face that the building is addressed.
- D. "Lot line, front" means the boundary abutting a right-of-way, other than an alley, from which the required setback or build-to zone is measured. The front lot line shall be to the street to which the building is addressed.
- E. "Lot line, side" means the boundary line adjacent to the front lot line and may or may not abut a right-of-way depending on lot location from which the required setback or build-to zone is measured.

(Ord. No. O15-04, 5-5-2015)

17.27.060 Building design requirements.

- A. Exterior materials shall be sufficiently durable to ensure stability, maintainability, and long life. The materials to achieve a rustic western appearance are required. Buildings shall be finished with a minimum 40 percent half log and/or rock accents on the front façade.
- B. Structures not located along SE 4th street are excluded from the forty percent threshold.
- C. Architectural design elements are required on the front façade. Permitted design element materials include any finish of wood, wood timbers or wooden logs.

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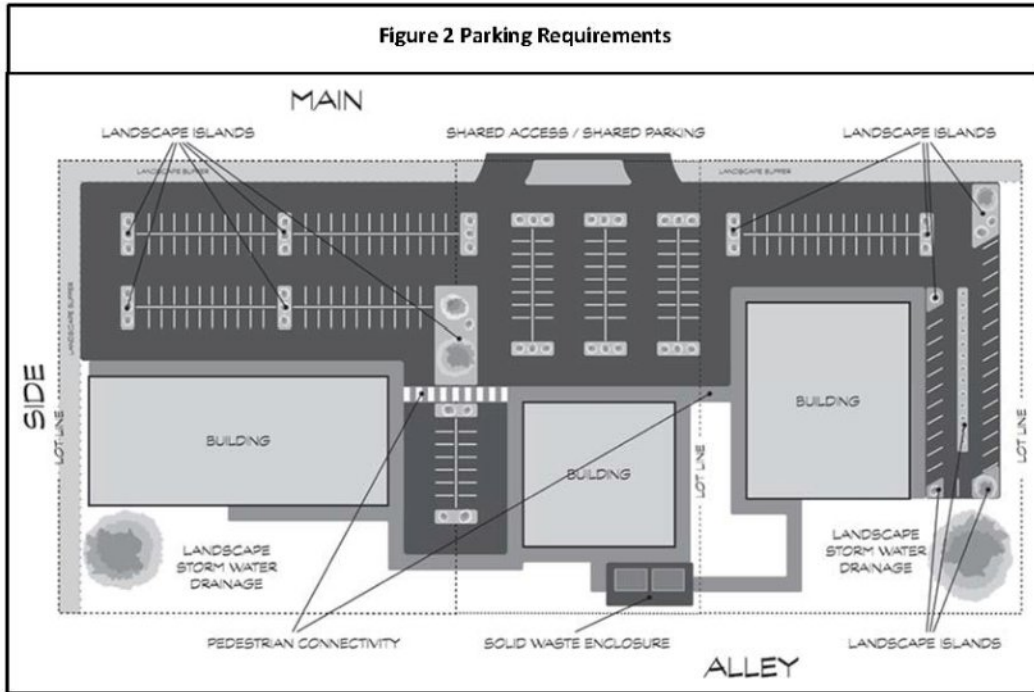


Architectural Design Element: The wooden timbers in front of the buildings are a prime example of the required design element.

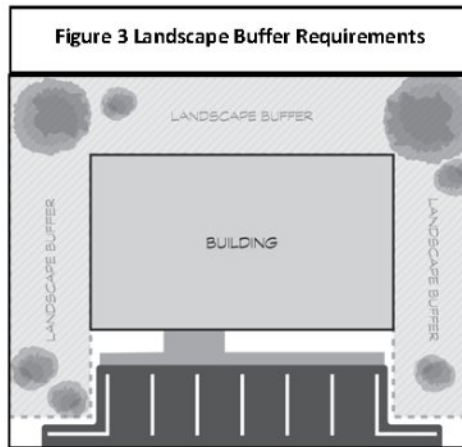
(Ord. No. O15-04, 5-5-2015)

17.27.070 Site design requirements.

- A. Inter-site circulation is required to provide for orderly and appropriate vehicular traffic between adjacent properties. This will also limit the number of necessary approaches on busy roadways.
- B. Parking exceeding the minimum requirement is discouraged.
- C. Landscape islands are required at the terminal ends of all parking rows.
- D. Pedestrian connectivity from parking areas to buildings shall be provided by interior sidewalks or designated, striped pedestrian crossings.
- E. Shared parking is encouraged when property owners have a written agreement as to the terms of the shared parking. The written agreement is not subject to approval by the city but should be presented if it is applicable to meeting off-street parking requirements. See Figure 2.



- F. Landscaping must be an integral part of the site design. A landscape buffer is required as part of any site development. The buffer shall be designed to provide both screening and aesthetic effect. See Figure 3.



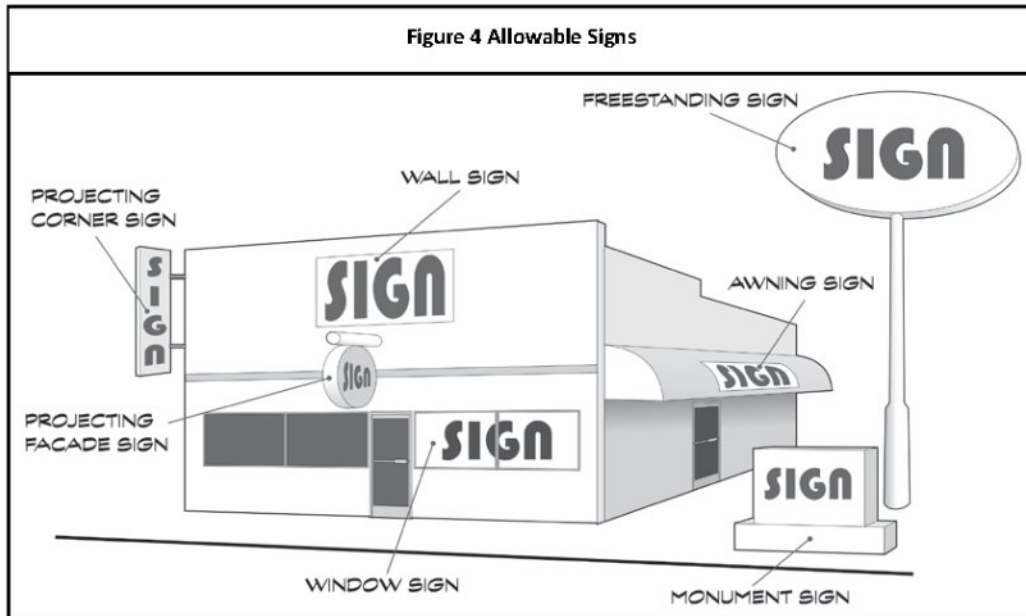
- G. Landscaping should be of an indigenous species or one that is acclimated to the city's climate.
- H. Landscaping shall include a mix of plants, shrubs, sod and trees. A minimum of fifty percent of the trees shall be at least 2.5 inch in caliper size.
- I. Landscaping shall not interfere with clear vision requirements.
- J. If a property is located in this district and the entryway zoning district, parking and landscape requirements of the entryway zoning district shall apply.

(Ord. No. O15-04, 5-5-2015)

17.27.080 Signage requirements.

Laurel Municipal Code Chapter 17.42 governs signage within the city of Laurel. Exceptions to LMC 17.42 occur only when a property is located in a special zoning district. If a property is located in this District and the Entryway Zoning District, signage requirements of the Entryway Zoning District shall apply.

- A. Allowable sign types include wall signs, window signs, awning signs, corner projecting signs, and projecting signs. See Figure 7.



- B. Illumination is encouraged to be internal. When external illumination is used, it must be focused only upon the sign face and must have cut off shields to prevent light spillage.
- C. Any projecting or corner projecting sign shall not extend above the roofline of the attached building.
- D. Any wall sign shall not exceed 30 percent of the area of any building façade.
- E. Electronic message boards are not permitted in this district.

(Ord. No. O15-04, 5-5-2015)

Chapter 17.28 AIRPORT ZONING

Sections:

17.28.010 Intent.

Specifically, these criteria and guidelines are designed to preserve existing and establish new compatible land uses around airports, to allow land use not associated with high population concentration, to minimize exposure of residential uses to critical aircraft noise areas, to avoid danger from aircraft crashes, and to regulate the area around the airport to minimize danger to public health, safety, or property from the operation of the airport; to prevent obstruction to air navigation, and to aid in realizing the goals and policies of the city's growth management plan and the Laurel airport master plan. These guidelines will consider among other things:

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- A. The safety of the airport users and persons and property in the vicinity of the airport;
 - B. The character of the flying operations conducted or expected to be conducted at the airport;
 - C. The magnitude and duration of noise produced by aircraft and the number of aircraft flying;
 - D. The nature of the terrain;
 - E. The future development of the airport; and
 - F. The views and mandates of the federal agency charged with the fostering of civil aeronautics as to the aerial surfaces necessary for safe flying operations.

(Ord. 02-30 (part), 2002)

17.28.020 Definitions.

For the purpose of this chapter certain words and terms used herein are defined in this chapter.

Airport area of influence means an area encompassing the flight pattern of the Laurel Airport.

Airport elevation is recorded and accepted as three thousand five hundred fifteen feet above mean sea level (MSL).

Airport property boundary means the area presently owned or leased by the city for use in the daily operation of the airport. "Proposed airport property boundary" means the area presently owned or leased by the city for use in the daily operation of the airport. "Proposed airport property boundary" refers to any areas to be acquired by the city for future development and protection of the city for future development and protection of the facility.

Federal Aviation Regulation (FAR) 77 means those regulations which delineate imaginary surfaces as designated by the Federal Aviation Administration (FAA) to control the height of objects, both natural and manmade, which may affect navigable airspace around the airport.

Flight Pattern/Airport Hazard Area means an area extending out from the end of Runway 4/22 a distance of ten thousand feet and also an area parallel and extending out from both sides Runway 4/22 a distance of one mile as shown on the Laurel airport zoning map.

Primary surface and primary surface control zone means a surface located longitudinally on a runway and extending two hundred feet beyond each end of the runway. The primary surface control zone extends two hundred fifty feet southeast of the centerline of Runway 4/22; one thousand feet northwest of the centerline of Runway 4/22; two hundred fifty feet on each side of Runway 14/32 southeast of the intersection with Runway 4/22; and one thousand feet on either side of Runway 14/32 northwest of the intersection with Runway 4/22. The primary surface control zone includes the primary surface, a surface longitudinally centered on each runway and extending two hundred feet beyond each end of a runway. The primary surface is five hundred feet wide for Runway 4/22 and two hundred fifty feet for Runway 14/32. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Runway layout means the orientation of the runways based on magnetic north. Proposed runway layout includes future extensions on existing runways and new runways not yet constructed.

Structure means an object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

Tree means any object of natural growth.

(Ord. 02-30 (part), 2002)

17.28.030 Zoning commission—Duties.

The Laurel-Yellowstone city-county planning board shall act as the airport zoning commission whose duty it shall be to recommend the boundaries of the various original districts, propose appropriate regulations to be enforced therein, and to propose or review amendments or changes in either the boundaries or regulations as applicable.

(Ord. 02-30 (part), 2002)

17.28.040 Administration.

The regulations shall be administered by the city-county planning board, which shall have the authority, after consultation with the airport authority, to approve or disapprove proposed uses within the flight pattern/airport hazard area.

(Ord. 02-30 (part), 2002)

17.28.050 Applicability.

These regulations will affect the property which lies outside of the airport boundary but inside of the airport area of influence.

(Ord. 02-30 (part), 2002)

17.28.060 District created.

In order to carry out the intent of these regulations, the Laurel airport area of influence is hereby described as flight pattern/airport hazard area.

(Ord. 02-30 (part), 2002)

17.28.070 Airport zoning map.

The boundaries of the airport zones are shown on the Laurel airport zoning map which is filed with the city clerk-treasurer and county clerk and recorder. That map, along with all official amendments thereto, is hereby made a part of these regulations.

(Ord. 02-30 (part), 2002)

17.28.080 Use restrictions.

Notwithstanding any other provisions of these regulations, no use may be made of land or water within any district established by this regulation in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between the airport lights and other lights, result in glare in the eyes of the pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intended to use the airport.

(Ord. 02-30 (part), 2002)

17.28.090 Height limitations.

In order to carry out the intent of these regulations, there are established imaginary surfaces for the purpose of limiting height. An area located in more than one of the following zones is limited by the more restrictive zone. No structure or tree shall be erected, altered, allowed to grow, or be maintained above the following imaginary surfaces:

- A. Utility Runway Visual Approach Zone: slopes upward twenty feet horizontally for each foot vertically, beginning at the end of and at the same elevation and width as the primary surface and extending to a horizontal distance of five thousand feet along the extended runway centerline, with a lateral width of one thousand two hundred fifty feet.
- B. Utility Runway Nonprecision Instrument Approach Zone: slopes upward twenty feet horizontally for each foot vertically beginning at the end of and at the same elevation and width as the primary surface and extending to a horizontal distance of five thousand feet along the extended runway centerline, with a lateral width of two thousand feet.
- C. Transitional Zone: slopes upward seven feet horizontally for each foot vertically beginning at the sides of and at the same elevation and width as the primary surface and the approach zones, and extending to a height of one hundred and fifty feet above the airport elevation. In addition to the foregoing, there are established height limits sloping upward and outward seven feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to where they intersect with the conical surface.
- D. Horizontal Zone: a horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of five thousand feet from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs.
- E. Conical Zone: slopes upward and outward twenty feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and extending to a height of three hundred fifty feet above the airport elevation.

(Ord. 02-30 (part), 2002)

17.28.100 Permit required.

- A. As shown on Table 17.28.190, new residential and any other non-agricultural land uses within the flight pattern/airport hazard area require a flight pattern/airport hazard use permit. No new, non-agricultural land use shall be created or erected without such permit. All existing land uses and structures in the flight pattern area at the time of adoption of the ordinance codified in this section shall be considered as grandfathered, nonconforming uses until such uses have been found in compliance with this section.
- B. Three copies of an application along with the required review fee shall be filed with the city and shall consist, at a minimum, of the following information:
 - 1. A legal and general description of the tract or tracts upon which the permit is sought.
 - 2. A map showing the dimensions, acreage and sites of the tract(s) and adjacent land uses;
 - 3. The names, addresses and telephone numbers of the owner(s) of the tract(s) and their agents, if any;
 - 4. A site plan showing major details of the proposed non-agricultural use including but not limited to: proposed and existing buildings and structures; heights of structures; means of ingress and egress; landscaping; and proposed construction materials;

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5. A time schedule for development;
 6. An executed perpetual air rights easement, in a form satisfactory to the city, granting to the city, for the benefit of the public, perpetual air rights-of-way for the free and unobstructed navigation and passage of all types of aircraft in and through the air space above the real property involved; and
 7. Any other information the applicant believes will support the request or that the city may require.
- C. Review of the Flight Pattern/Airport Hazard Area Use Permit by the Planning Director.
1. The application for flight pattern/airport hazard area use permit shall be reviewed by the planning director or other representative authorized by the city for appropriateness and effect on the ordinance codified in this section, existing and proposed airport plans, compatibility of surrounding land uses and relationship to the Laurel growth management plan and FAR Part 150, noise compatibility program.
 2. The planning director shall provide one copy of the application to the Laurel airport authority for review.
 3. If the application is properly prepared and complete as specified in subsection B of this section, the planning director shall have ten working days to review the application and, if in compliance with the intent of the ordinance codified in this section, issue a flight pattern/airport hazard area use permit which shall consist of returning a copy of the permit application signed by the city representative to the applicant.

(Ord. 02-30 (part), 2002)

17.28.110 Variances.

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with these regulations may apply to the board of adjustment (hereby designated—when reviewing issues concerning the airport—the board of airport hazard adjustment). Such variance shall be allowed where a literal application or enforcement of these regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary the public interest but do substantial justice and be in accordance with the spirit of these regulations and of the enabling statute.

(Ord. 02-30 (part), 2002)

17.28.120 Nonconforming uses.

- A. **Regulations Not Retroactive.** These regulations shall not be construed to require the removal, lowering or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of the ordinance codified in this chapter. Nothing herein contained shall require any change in construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of these regulations, and is diligently prosecuted to completion.
- B. **Nonconforming Uses Abandoned or Destroyed.** Whenever the city determines that a nonconforming structure or tree has been abandoned or more than eighty percent torn down, destroyed, deteriorated or decayed, no approval shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from these regulations.
- C. **Hazard Marking and Lighting.** Notwithstanding subsection "A" above, the owner of any nonconforming structure or tree is required to permit the city; at its own expense, to install, operate, and maintain thereon such markers and lights as the Airport Authority may deem necessary to indicate to airmen the presence of

airport hazards; provided, that the city does not by taking such action waive any right to exercise eminent domain or abate as a nuisance any such nonconforming structure.

(Ord. 02-30 (part), 2002)

Table 17.28.190	
Land Use Category Within Flight Pattern / Airport Hazard Area	Condition
Residential uses inside the municipal boundaries of the City of Laurel	Permit Required
Residential uses outside the municipal boundaries of the City of Laurel	Permit Required
Commercial uses inside the Laurel Airport property boundary	Allowed
Commercial uses outside the Laurel Airport property boundary	Special Review
Public uses	Allowed
Agricultural uses	Allowed
Note: A location covered by more than one zoning district shall be limited to the more restrictive zone.	

Chapter 17.32 PLANNED UNIT DEVELOPMENTS

Sections:

17.32.010 Intent.

It is the intent of this chapter to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character, and quality of new development; to allow densities not otherwise possible under the prevailing zone regulations; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space.

(Prior code § 17.48.010)

17.32.020 Review and approval.

Planned unit development (PUD) review and approval shall be as follows:

- A. A minimum of thirty days prior to the date of formal submittal of a PUD the applicant shall meet with planning director to review the procedure, documentation and requirements necessary for full and complete processing. The procedure schedule is as follows:
 - 1. Submittal of a PUD zone change request;
 - 2. Public hearing and recommendation of city zoning commission;
 - 3. Public hearing before and decision to grant or deny PUD zone change request by city council.
- B. On the date established for submittal of preliminary plats, in accordance with Laurel's subdividing procedures, the applicant shall submit twenty copies of the PUD site plan and twenty copies of written statement, together with all fees to the planning office.

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- C. Within ten working days after the date of formal submittal, the planning director shall convene a design conference between the applicant and representatives from local governmental units having a substantial interest in the location, land use or other features of the proposed PUD. Within the same thirty days after the design conference and after receiving the recommendation of the city-county planning board the zoning commission shall hold a public hearing on the PUD and make recommendations to the city council.
 - D. Within thirty days after the design conference, the application shall be reviewed by the city-county planning board and recommendations based on the comments from the design conference and the criteria contained in the subdivision regulations shall be forwarded to the zoning commission. The comments from the design conference shall be forwarded to the planning board, zoning commission and developer within five working days after the conference.
 - E. The planning director shall prepare a written report on the conclusions, findings and recommendations of the zoning commission and planning board, and submit the same together with site plans, required documentation, and comments received from other governmental agencies or the public hearing before the planning board.

(Prior code § 17.48.020)

17.32.030 Site plan requirements.

A complete site plan showing the major details of the proposed planned unit development prepared at a scale of not less than 1"= 100' shall be submitted in sufficient detail to evaluate the proposed land utilization, building design, and other features of the planned unit development. The site plan must contain insofar as is possible as is applicable, the following minimum information:

- A. Names of the Proposed Development. Names and addresses of the owners and the designers of the site plan, his seal; and
- B. Vicinity Sketch Map. A vicinity sketch map showing names and locations of property lines, adjacent streets and roads and the approximate location of adjacent property within five hundred feet of the planned unit site; and
- C. Areas which are to be conveyed, dedicated or reserved as common park areas, including public parks and recreational areas, and as sites for schools and other public buildings; and
- D. The location and dimension of all vehicular points of ingress and egress, drives, channelizations and traffic circulation; and
- E. The location of pedestrian entrances, exits, walks and walkways; and
- F. A general landscape plan showing the spacing, sizes and specific types of landscaping material; and
- G. Utility and Drainage Plans. Utility and drainage plans shall be provided including all information required to determine that water, sewer, sanitary disposal and storm drainage improvements will be made and located in accordance with the city's requirements; and
- H. Contour intervals of five feet; and
- I. The location and size of all existing and proposed buildings, structures and improvements; and
- J. The maximum heights of all buildings, density or dwellings, and proposed land uses; and
- K. Any areas subject to over a one hundred year flood cycle; and
- L. Location of solid waste collection facilities.

(Prior code § 17.48.030)

17.32.040 Written statement required.

A written statement, ten copies of which must be submitted with the preliminary site plan, must contain the following information:

- A. Copies of any special agreement, conveyances, restrictions or covenants, which will govern the use, maintenance and continued protection of the planned unit and any of its common parks or open spaces; and
- B. A statement of the present ownership and legal description of all the land included in the planned unit; and
- C. An explanation of the objectives to be achieved by the planned unit, including building descriptions, sketches, or elevations as may be required to describe the objectives; and
- D. A development schedule indicating the approximate date when construction of the planned unit or stages of the planned unit can be expected to begin and be completed.

(Prior code § 17.48.040)

17.32.050 Standards and requirements.

All PUD applications shall implement the purposes of this chapter and in addition meet the following standards and requirements:

- A. In cases of conflict between standards of any other provisions of this title and standards of this chapter, the standards of this chapter shall apply;
- B. Demonstrate that the PUD is consistent with the purposes and objectives of the city comprehensive plan and any other officially adopted plan;
- C. The PUD's relationship to its surroundings shall be considered in order to avoid adverse effects caused by traffic circulation building bulk, insufficient screening, noise, dust or other common nuisances;
- D. If a PUD is proposed to be constructed or developed in phases, it must be demonstrated that each phase is independent of the other phases and contains sufficient parking, open space and other facilities to provide for the needs of the projected population of that phase;
- E. The minimum acreage for a PUD shall be five acres.

(Prior code § 17.48.050)

17.32.060 Residential use requirements.

The maximum allowable density in each planned unit development shall be as approved by the city council.

(Prior code § 17.48.060)

17.32.070 Minimum usable open space and common park areas defined—Required.

- A. Minimum useable open space and common park areas are lands used for scenic, recreational, landscaping or conservation purposes, and shall not include road easements, dedicated or private road right-of-ways,

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driveways, parking areas, or required screening or other buffering between residential and nonresidential land uses.

- B. Not less than twenty percent of the net land area shall be developed and maintained as common open space and shall be evenly distributed throughout the development.

(Prior code § 17.48.070)

17.32.080 Nonresidential land uses—Terms and conditions.

- A. Nonresidential land uses may be permitted in a PUD district but such land must be for the express service and convenience of the residents of the PUD. Commercial uses allowed in a PUD shall be limited to the uses permitted as a matter of right in the neighborhood commercial limited (NCL) zone.
- B. No building permit for a PUD district may be issued for any nonresidential uses except those permitted as a matter of right in a NCL zone, until at least twenty-five percent of the total number of approved dwelling units have been constructed. A minimum of twenty-five gross acres must be reserved for residential land uses before any commercial uses allowed outright in a NCL zone may be incorporated into a PUD.
- C. The planning board and zoning commission must be satisfied that the site plan for a PUD has met each of the following criteria or can demonstrate that one or more of them is not applicable, and that a practical solution consistent with the public interest has been achieved for each of these elements:
 1. That there is an appropriate relationship to the surrounding area. The buffer zone must be kept free of buildings, obstructions, and must be landscaped, screened or protected by natural features, so that adverse effects on surrounding areas are minimized;
 2. Circulation, in terms of an internal street circulation system designed for the type of traffic generated, is safely separated from living areas. Private internal streets may be permitted if they can be used by police, fire department vehicles for emergency purposes, and by other city and county departments to provide basic services. Bicycle traffic shall be considered and provided for when the site is used for an area for living purposes. Proper circulation in parking areas in terms of safety, convenience, separation and screening;
 3. Usable open space in terms of: preservation of natural features including trees, drainage areas, recreation, views, density, relief, convenience and function;
 4. Variety in terms of: housing type, densities, facilities, and open spaces;
 5. Privacy in terms of the needs of: individuals, families, and adjacent properties;
 6. Pedestrian traffic in terms of: safety, separation, convenience, access to points of destination and attractiveness;
 7. Building types in terms of: appropriateness of density, site relationship and bulk; and
 8. Building design in terms of: orientation, spacing, materials, color and texture, storage, signs and lighting.

(Prior code § 17.48.080)

17.32.090 Application approval or denial—Authority and procedure.

- A. The city council shall approve or deny all PUD applications referred to it by the planning board and zoning commission. The council may approve the application in whole or in part, with or without modifications and conditions, or deny the application.

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- B. All approved site plans, special agreements, restrictions, covenants, including any modifications, or conditions shall be endorsed by the city clerk-treasurer. The applicant shall file the approved PUD site plan and such other agreements with the county clerk and recorder. Thereafter, no building or structure shall be erected, and no land shall be used for any purpose other than shown on the officially recorded PUD site plan or in accordance with any conditions required thereon.
 - C. Once approved the planning director shall indicate on the official map that an amendment for a PUD has been granted for the tracts included in the site plan.

(Ord. 97-2 § 4 (part), 1997; prior code § 17.48.090)

17.32.100 Changes in development—Procedure.

- A. Major changes in the plan of development or other documents similarly approved and recorded shall be considered the same as a new petition and reapplication shall be made in accordance with the procedures for a new application.
- B. Minor changes in the development may be approved by the planning director; provided, that such changes: do not increase densities, heights of buildings, structural materials, other boundaries, land uses, or the location and/or amount of land devoted to open space, parks or other common facilities.

(Prior code § 17.48.100)

17.32.110 Development schedule—Requirements.

A PUD shall be started within twelve months following approval of the development of the city council, and must be substantially complete within five years from the starting date. A PUD shall be reviewed annually by the planning director and an oral report made to the city council.

(Prior code § 17.48.110)

Chapter 17.36 SOIL EROSION CONTROL

Sections:

17.36.010 Applicability of provisions.

In all zoning districts, the regulations set out in Sections 17.36.020 through 17.36.050 shall apply.

(Prior code § 17.72.010 (part))

17.36.020 Plan and permit prior to subdivision required.

Before any developer or other firm, person or agency changes or alters the contour of any land proposed to be subdivided, developed or changed in use by grading, excavating or the removal of the natural topsoil, trees, or other vegetative covering thereon for the purpose of development, construction or other purposes, he or his agent shall submit to the city engineer a plan to control erosion and sedimentation which can be expected to occur if appropriate precautions are not taken to arrest such waste and soil depletion. No such grading, excavating or removal of trees and related vegetation shall be undertaken until after a permit for such work shall have been issued by the city engineer, or his designated assistant.

(Prior code § 17.72.010 (A))

17.36.030 Approval and compliance required.

The city engineer, or his designated assistant shall review the erosion control plans as submitted, make suggestions and changes necessary to reasonably control soil erosion, and shall take the necessary steps to ensure compliance by the developer or other responsible person with the erosion control plans as finally approved. Erosion and sedimentation control shall be exercised throughout the time of excavation, landfill and/or construction. No such work shall be finally approved until after appropriate seeding, sodding, plantings, mulching or other appropriate erosion control measures have been taken. Approval of plans by the city engineer shall in no way make the city liable.

(Prior code § 17.72.010 (B))

17.36.040 City engineer authority.

The city engineer is hereby granted authority to require the posting of a performance bond by any such persons who desire to change the contour of the land. Such bond shall be in the amount he reasonably expects the cost would be to the city to enter upon the property for the purpose of taking corrective action where such developer or other person has failed to satisfactorily control either erosion or sedimentation.

(Prior code § 17.72.010 (C))

17.36.050 Control measures to be observed during development—Designated.

The following control measures shall be observed during the development of property or when changing the contour of the land:

- A. The smallest practical area of land will be exposed at any time during development;
- B. When land is exposed during development, the exposure will be kept to the shortest practical period of time;
- C. Where necessary, temporary vegetation and/or mulching will be used to protect areas exposed during development;
- D. Sediment basins will be installed and maintained to remove sediment from runoff waters from land undergoing development or substantial change of grade;
- E. Provisions are to be made to effectively accommodate the increased runoff caused by changes of soil and surface conditions during and after development;
- F. Permanent final vegetation and structural development are to be installed as soon as practical in the development;
- G. The development plan is to be adapted to the topography and soils so as to create the least erosion potential;
- H. Wherever feasible, trees, shrubs and natural vegetation are to be retained and protected to control erosion.

(Prior code § 17.72.010 (D))

Chapter 17.40 OFF-STREET PARKING REQUIREMENTS

Sections:

17.40.010 Applicability of provisions.

There shall be provided at the time of erection of any building or structure minimum off-street parking accommodations meeting the provisions of this chapter.

(Ord. 800 (part), 1985; prior code § 17.76.010 (part))

17.40.020 Location specified.

Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be in walking distance measured from the nearest point of parking facility to the nearest point of the lot that such facility is required to serve. All such off-street parking shall be improved as required by Sections 17.40.080 and 17.40.140.

- A. For one- and two-family dwellings, off-street parking is required on the same building site with the building it is required to serve.
- B. For multiple dwellings, retirement homes, lodging and boardinghouses, etc., off-street parking is required within the walking distance of one hundred feet.
- C. For hospitals, sanitariums, convalescent homes, nursing homes, rest homes, homes for the aged and asylums, off-street parking is required within six hundred feet for employees and three hundred feet for visitors.
- D. That portion of the city zoned central business district (CBD) shall not have any off-street parking requirements; provided, however, that the owners of expanded or new structures must consider the off-street parking needs of their projects.
- E. For uses other than those specified above, off-street parking within four hundred feet is required.

(Ord. 05-11, 2005; Ord. 927, 1987; Ord. 800 (part), 1985; prior code § 17.76.010(A))

17.40.030 Expansion and enlargement to be provided for.

Whenever any building is enlarged in height or in ground coverage, off-street parking shall be provided for the expansion or enlargement in accordance with the requirements of this chapter; provided, however, that no parking space be provided in the case of enlargement or expansion, where the number of parking spaces required for such expansion or enlargement is less than ten percent of the parking spaces required for the enlarged facility as specified in this chapter. Nothing in this provision shall be construed to require off-street parking spaces for the portion of such building existing at the time of passage of the ordinance codified in this chapter.

(Prior code § 17.76.010(B))

17.40.040 Nonconforming uses allowed.

Nothing in this chapter shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings even though nonconforming; provided, that all regulations herein governing the location, design, and operation of such facilities are adhered to.

(Prior code § 17.76.010(C))

17.40.050 Mixed occupancy requirements computed separately.

In the case of mixed uses, the total requirements for the various uses shall be computed separately. The total requirements to be the sum of the area computed. Off-street parking facilities for one use shall not be considered as a substitute for joint use.

(Prior code § 17.76.010(D))

17.40.060 Use not specified—Determination dependent on requirements.

In the case of a use not specifically mentioned in the Table of Minimum Standards, the requirements for off-street parking facilities shall be determined by the building official. Such determination shall be based upon the requirements for the most comparable use listed.

(Prior code § 17.76.010(E))

17.40.070 Joint use authorized when.

The building official may authorize the joint use of parking facilities for the following uses or activities under conditions specified.

- A. Up to fifty percent of the parking facilities required by this chapter for primarily nighttime uses such as theaters, bowling alleys, bars, restaurants, and related uses herein referred to as daytime uses such as banks, offices, retail, personal service shops, clothing, food, furniture, manufacturing or wholesale and related uses.
- B. Up to one hundred percent of the parking facilities required by this section for a church or for an auditorium incidental to a public or parochial school, may be supplied by the off-street parking facilities provided by uses primarily of a daytime nature.

(Prior code § 17.76.010(F))

17.40.080 Conditions required for joint use.

The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use, shall be located within five hundred feet of such parking facilities, in addition to which:

- A. The applicant shall show that there is no substantial conflict in the principal operating hours at the two buildings or uses for which joint use of off-street parking facilities is proposed;
- B. The applicant shall present to the building official a legal agreement executed by the parties concerned for joint use of off-street parking facilities.

(Prior code § 17.76.010(G))

17.40.090 Off-street parking requirements—Procedure—Specifications.

Except as provided elsewhere in this chapter, no application for a building permit or certificate of occupancy in any zone shall be approved unless there is included with the plan for such building, improvement or use, a site plan showing the required open space designated as being reserved for off-street parking incident to such building, improvement, or use, in accordance with this section. No certificate of occupancy shall be issued until the required off-street parking spaces have been provided. Each required off-street parking space should be of an area at least ten feet wide and twenty feet long, not including the required ingress and egress approaches and driveways also required by this code. However, at a minimum, each off-street parking space shall conform to the size and layout standards set forth in the Table of Parking Dimensions in Feet, attached to the ordinance codified in this chapter and on file in the office of the city clerk-treasurer and incorporated by reference as though set out in full. Off-street parking on the street side of properties shall be paved with an all-weatherproof surface of concrete or asphalt. Off-street parking on the alley side of properties shall also be paved with an all-weatherproof surface material unless the city street and alley committee and the building official gives approval in writing of a different surfacing material. The number of off-street parking spaces shall be provided according to the following minimum requirements:

- A. Dwellings.
 - 1. Single-family and two-family dwellings — Two spaces for each dwelling unit,
 - 2. Multiple-family dwellings — One and one-half spaces for each dwelling unit,
 - 3. Reserved.
- B. Roominghouses. One space for each two sleeping rooms rented, plus one additional space for the owner or operator of the roominghouse;
- C. Hotels, Including Clubs. One space for each two guest rooms; if, in addition to sleeping rooms, patrons or residents are provided with assembly halls, bars, restaurants, nightclubs, retail shops, service establishments or other businesses, additional off-street parking spaces will be required for such other uses in accordance with the regulations of this section for such uses;
- D. Tourist Homes, Motel. One space for each guest room or cabin; off-street parking for auxiliary uses in the same building or on the same lot shall be provided in accordance with the regulations set forth in this section for such uses. For tourist homes there must be provided in addition to off-street parking space for guests, one additional space for each family permanently residing in the building;
- E. Hospitals. One space for each two patient beds; plus one additional space for each two regular employees, including nurses;
- F. Restaurants, etc. Restaurants, including bars, taverns, nightclubs, lunch counters, diners and all other similar dining and drinking establishments — One space for each four seats provided for patron use, or one space for each one hundred square feet of floor area used for patron use whichever requirement is greater;
- G. Theaters. One space for each five seats provided for patron use;
- H. Places of Public Assembly. Places of public assembly, including private clubs, lodges and fraternal buildings not providing overnight accommodations, assembly halls, exhibition halls, convention halls, auditoriums, skating rinks, dancehalls, bowling alleys, sport arenas, stadiums, gymnasiums, amusement parks, racetracks, fairgrounds, circus grounds, churches, funeral homes, and mortuaries, community centers, libraries, museums, and all other similar places of relatively infrequent public assembly — One space for each ten seats provided for patron use, or one space for four hundred square feet of gross

floor area used or intended to be used for service to the public as customers, patrons or clients, whichever requires the greater number of parking spaces;

- I. Medical Facilities. Medical clinics, including the offices of doctors, dentists and drugless physicians — Three spaces for each doctor using the office or clinic, plus one additional space for each two regular employees, including nurses;
- J. Retail Establishments. Retail establishments including personal service shops, equipment or repair shops:
 - 1. In a NC, CBD and HC commercial district — One space for each two hundred square feet of floor area on the ground floor, plus one space for each four hundred square feet of floor area in the basement or any story above the ground floor,
 - 2. In a CC commercial district: One space for each two hundred square feet of floor area;
- K. Office Buildings. Office building, including commercial, governmental and professional building, except as otherwise provided for in this section: One space for each four hundred square feet of floor area;
- L. Wholesale, Manufacturing and Industrial Plants. Wholesale, manufacturing and industrial plants, including warehouses and storage buildings and yards, public utility buildings, contractor equipment and lumber yards, research laboratories, business service establishments such as blueprinting, printing and engraving, soft drink bottling establishments, fabricating plants and all other structures devoted to similar mercantile or industrial pursuits — One space for each employee plus sufficient space to park all company-owned or leased vehicles including passenger cars, trucks, tractors, trailers, and similar motor vehicles, but in no case less than one off-street parking space for each one thousand square feet of gross floor area;
- M. Terminal Facilities. Terminal facilities including airports, railroad, passenger and freight stations, bus depots, truck terminals and all other similar personal or material terminal facilities — Off-street parking space in an amount determined by the board of adjustment to be adequate to serve the public as customers, patrons and visitors, plus space to provide one off-street parking space for each two regular employees, plus space to provide off-street parking for all owned, leased or operated commercial vehicles, buses and similar motor vehicles;
- N. Schools. Schools, including colleges, elementary schools, junior and senior high schools, including public, private and parochial schools — One space for each two staff members or employees, plus one space for each classroom, plus additional space for any place of public assembly in accordance with the requirements set forth in this section for such use;
- O. Miscellaneous Institutions. Sanitariums, asylums, orphanages, convalescent homes, homes for the aged and infirm, and similar institutions — One space for each four patient beds, plus one additional space for each staff doctor, plus one additional space for each two regular employees including nurses.

(Ord. 06-12 (part), 2006; Ord. 06-06 (part), 2006; Ord. 97-2 § 4 (part), 1997; Ord. 96-5 (part), 1996; Ord. 918, 1987; prior code § 17.76.010(H))

(Ord. No. 009-02, 3-17-09)

17.40.100 Retail and commercial off-street loading.

In any district, any building or part thereof having a gross floor area of ten thousand square feet or more which is to be occupied by a use requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one off-street loading space, plus one additional loading space for each twenty thousand feet or major fraction thereof of gross floor area. Each loading

space shall be not less than twenty feet in width, twenty-five feet in length, and fourteen feet in height. The loading space shall be located so as to preclude backing maneuvers on the public right-of-way.

(Prior code § 17.76.010(I))

17.40.110 Warehouse and wholesale off-street loading.

Off-street loading space for warehouse, wholesale shipping and similar facilities will be determined by the city engineer. The loading space shall be located so as to preclude backing maneuvers on the public right-of-way.

(Prior code § 17.76.010(J))

17.40.120 Screening around parking facility required when.

Screening in the form of walls, architectural fences or dense coniferous hedges shall be required where any parking facility has a common boundary with any residentially zoned property.

(Prior code § 17.76.010(K))

17.40.130 Landscaping requirements.

In the neighborhood commercial limited (NCL), neighborhood commercial (NC), community commercial (CC), and highway commercial (HC) zoning districts, landscaping shall be provided according to the following schedules:

A. New Site Development:

Percentage of Landscaping Required:

Up to 22,000 sq. ft.	10% minimum
22,000 sq. ft. to 5 acres	8% minimum
5 acres to 10 acres	6% minimum
over 10 acres	4% minimum

B. Existing Site Development: Building additions in excess of fifty percent — Percentage of landscaping required one-half of new site development. Building additions less than twenty-five percent — No landscaping required.

The building official shall determine that existing site development does not substantially alter the use of the property before approving reduced landscaping requirements.

C. Landscaping area shall be based on the square footage of the lot or lots less the square footage of the building or buildings on the site and may consist of outdoor plazas, deciduous plantings, aesthetic bufferings, benches, kiosks, public transit shelters, fountains, flower tubs or other environmental amenities approved by the building official.

(Prior code § 17.76.010(L))

17.40.140 Construction permit—Requirements—Procedure.

A. Construction. Plans for parking lots shall be submitted to the building official. After approval by the city engineer, the building official may issue a construction permit. A permit shall be obtained before construction of any parking facility is started.

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- B. Surfacing. Surfacing is required for all off-street parking, loading, storage, sales, rental or service areas for vehicles including service stations and used car lots. Surfacing shall be designed by accepted engineering methods and subject to the approval of the city engineer.
 - C. Drainage. Drainage is required for all surfaced areas as approved by the city engineer. Surface water shall not be drained across public sidewalks or alleys.
 - D. Walkway. Walkways four feet in width shall be provided between any building and an adjacent parking lot.
 - E. Lighting. Lighting shall be directed away from residential areas and public streets.
 - F. Bumper Curb. A raised bumper curb of concrete six inches high is required for all parking stalls adjacent to the property line and where necessary to ensure pedestrian access.
 - G. Traffic Control Devices. Parking stalls shall be designated by pavement markings:
 - 1. All traffic control devices such as pavement markings, signs, rails, curbs, and other developments shall be installed and completed as shown on the approved plans.
 - H. Maintenance. Maintenance of all areas provided for off-street parking shall include removal and replacement of dead and dying trees, grass and shrubs, removal of dirt, trash, and weeds, repair and maintenance of drain and repair of traffic control devices, signs, lights, standards, fences, walls, surfacing materials, curbs, sidewalks and railings.

(Prior code § 17.76.010(M))

17.40.150 Cash in lieu of required parking spaces.

If property subject to the off-street parking requirements of this section is not large enough to include the number of required spaces specified hereunder, or if the proposed location of the parking spaces, whether on-site or off-site, is undesirable in the opinion of the governing body, the city may accept a cash payment in lieu of some or all of the required number of parking spaces. Such payment shall be set by the city council by annual resolution after a public hearing for each required space not being provided. The payment shall be made at the time of application for the building permit to construct the building or improvement, and shall be deposited to the Laurel parking fund, to be used by the city for future acquisition, construction, maintenance and improvement of city-owned parking spaces.

(Ord. 06-04 (part), 2006: Ord. 928, 1988: Ord. 893, 1986: prior code § 17.76.010(N))

Chapter 17.42 SIGN CODE

17.42.010 Adoption.

The Uniform Sign Code, 1997 Edition, published by the International Conference of Building Officials, together with any appendix or subsequent amendments or additions thereto, adopted or as may be adopted in the future by the city of Laurel, is [by this Section] 17.42.010 adopted by and declared to be the sign code of the City.

One full printed copy of the code shall be available in the offices of the city. The aforesaid, Uniform Sign Code is adopted by reference and made a part of this chapter as fully, and for all intents and purposes, as though set forth herein at length. It shall be known and designated as the "Uniform Sign Code" of the city.

(Ord. 99-10 (part), 1999; Ord. 96-11, 1996: Ord. 859, 1986: prior code § 15.52.010)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

(Supp. No. 20)

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17.42.020 Updated references.

The sign code described in Section 17.42.010 may be amended by resolution or administrative order of the mayor.

(Ord. 99-10 (part), 1999; Ord. 860, 1986; prior code § 15.52.020)

17.42.030 Intent.

This code shall not regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government or fraternal organization; gravestones; barber poles; religious symbols; or any display or construction not defined in this chapter as a sign.

(Ord.02-32 (part), 2003)

17.42.040 Definitions.

"Animated sign." A sign depicting action, motion, light, or color change, or that change the sign displayed through electrical or mechanical means. Animated also includes signs that use blinking, flashing or scrolling or other special effects to depict motion.

"Area of sign" means the entire area of a sign including the area within a perimeter, which forms the outside shape including the frame, forming an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. The frame of a sign may be excluded from the area where such frame conveys no message and is constructed or affixed for aesthetic reasons beyond the necessary supports.

For computing the areas of any wall or canopy sign, which consists of letters mounted or painted on a wall or canopy, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters. (See below section calculation of sign area.)

"Bandit sign" means an illegal commercial sign posted on a utility pole, street sign, or other street furniture; or any other sign placed within a public right of way or public property or on private property. A bandit sign generally has less than six square feet or less of advertising area and are made of vinyl, paper, cloth or fabric, polyboard, corrugated plastic, poster board, plastic core, cardboard, wood, or plywood, including signs with wood or wire framing, posts or stakes.

"Banner sign" means any sign (other than an official flag) made of cloth, paper or fabric of any kind, which is used to attract attention, whether or not imprinted with words or characters.

"Beacon" means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

"Billboard, on-premises" is a sign intended to capture the attention of motorists along interstate highways and other roads located in the entryway zoning district, that also promotes an activity, product, commodity, service, entertainment or communication which is sold or offered at the premises on which the sign is located.

"Billboard, off-premises" is a sign intended to capture the attention of motorists along interstate highways and other roads located in the entryway zoning district, that also promotes an activity, product, commodity, service, entertainment or communication which is not sold or offered at the premises on which the sign is located.

"Building marker" means any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

"Canopy sign" means any sign that is a part of or attached to any awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area, and which does not extend horizontally beyond the limits of the canopy.

"Changeable copy sign" means a sign whose alphabetic and numeric content can be changed or altered by manual or electric, electromechanical or electronic means. Changeable copy signs are limited to time and temperature displays. For changeable copy signs displaying informational and other pictographic content see "pictographic changeable copy sign."

- a. Fixed Message Electronic Signs. Signs whose basic informational content has been preprogrammed to include only certain types of information projections, such as time and temperature.
- b. Computer Controlled Variable Message Electronic Signs. Signs whose alphabetic or numeric content can be changed or altered by means of computer-driven electronic impulses.

"Copy" means the content of a sign surface in either permanent or removable letter, alphabetic or numeric form.

"Directional/informational sign" means an on-premises sign giving directions, instructions or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs. The sign may contain a logo provided that the logo may not comprise more than twenty percent of the total sign.

"Director" means the director of planning of the city of Laurel or his or her designee.

"Flag" means any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity.

"Freestanding sign" means any sign supported by uprights or braces permanently placed upon the ground, and not attached to any building.

"Government sign" means any temporary or permanent sign erected and maintained by the city, county, state or federal government for traffic direction or for designation of or direction to any school, hospital, historical site or public service, property or facility.

"Height of sign" means the vertical distance measured from the highest point of the sign to the crown of the adjacent street, not including the interstate highway.

"Lot" means any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record that is recognized and intended as a unit for the purpose of transfer or ownership.

"Maintenance" means for the purposes of this code, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the structure of the sign.

"Monument sign" means a sign mounted directly to the ground with maximum height not to exceed ten feet.

"Nonconforming sign" means a sign, which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

"On-premises sign" means a sign that advertises solely for the property on which it is located.

"Pictographic changeable copy sign" means a sign whose still framed pictographic or symbolic content can be changed or altered by manual or electric, electromechanical or electronic means. Still frame pictures may change but not sooner than every sixty seconds. No pictographic changeable copy sign can depict movement or motion, flashing, blinking or other special effects including scrolling text.

"Portable sign" means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of

wheels; signs converted to A or T frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

"Principal building" means a structure accommodating the principal use to which the property is devoted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages and other clearly accessory uses shall not be considered principal buildings.

"Projecting sign" means a sign, other than a wall sign, which is attached to and projects from a building no more than twelve inches. Supports shall be covered in a neat and orderly fashion. Guy wire support is prohibited.

"Roof sign, above-peak" means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

"Roof sign, integral" means any sign erected or constructed as an integral or essentially integral pan of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

"Setback" means the distance from the property line to the nearest part of the applicable building, structure or sign, measured perpendicularly to the property line.

"Sign" means any identification, descriptions, illustration or device illuminated or nonilluminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, with the exception of window displays and national flags. For the purpose of removal, signs shall also include all sign structures.

"Snipe sign" means a sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, fences or other objects and the advertising matter appearing thereon is not applicable to the present use of the premises upon which such sign is located.

"Street" means a public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated which has been dedicated to or acquired for public use, and which extends the full width between right-of-way lines.

"Street frontage" means the length of the property line of any one premises along each public right-of-way it borders excluding alleys, government easement accesses, and the interstate highway.

"Suspended sign" means a sign that is suspended from the underside of a horizontal place surface and is supported by such surface.

"Temporary sign" means a nonpermanent sign erected and maintained for a specific limited period of time.

"Wall sign" means any sign attached parallel to, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. Wall signs shall not exceed twelve inches in depth measured from the face on the wall on which the sign is mounted.

"Wind-driven sign, allowable" means any sign consisting of one or two banners, flags, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

"Wind-driven sign, conditional" means any ribbons, spinners, streamers, pennants, balloons, inflatable or other wind driven signs subjected to pressure by wind, fan, or breeze.

"Window sign" means any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

(Ord. 02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.050 Signs prohibited.

All signs not expressly permitted under this section or exempt from regulation hereunder in accordance with the following section are prohibited. Such signs include, but are not limited to:

- A. Beacons;
- B. Strings of lights not permanently mounted to a rigid background, except those exempt under the following section;
- C. Animated signs;
- D. Above-peak roof signs;
- E. Abandoned signs;
- F. Pictographic changeable copy signs which depict motion of any kind, including flashing, blinking and scrolling text or other special effects;
- G. Snipe signs or bandit signs;
- H. Signs placed on vehicles or trailers, which are parked or located for the primary purpose of displaying, said signs (this does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business).

(Ord. 02-32 (part), 2003)

Table - Signs by Zoning District

Type of Sign	AG	RP	NC	CBD	CC	HC	LI	HI	P	EZD	Overlay District	All Residential Districts
Animated Sign (Including Flashing, Blinking, Scrolling)												
Bandit Sign												
Banner Sign		A	A	A	A	A	A	A	A	A	A	
Beacon												
Billboard - On Premise	SR					SR						
Billboard - Off Premise	SR					SR						
Building Marker	A	A	A	A	A	A	A	A	A	A	A	
Canopy Sign		A	A	A	A	A	A	A		A	A	
Fixed Message Electronic Variable Message Sign				SR	SR	SR	SR	SR		SR	SR	
Computer Controlled Variable Message Sign				SR	SR	SR	SR	SR		SR	SR	
Pictographic Changeable Copy Signs which depict						SR	SR	SR				

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only still frames and change not less than 60 seconds												
Pictographic Changeable Copy Signs which depict motion, flashing and blinking of any kind												
Direction/Information Sign	A	A	A	A	A	A	A	A	A	A	A	
Flag	A	A	A	A	A	A	A	A	A	A	A	A
Freestanding Sign				A	A	A	A	A		A	A	
Government Sign	A	A	A	A	A	A	A	A	A	A	A	A
Monument Sign		A	A	A	A	A	A	A	A	A	A	*
On Premise Sign	A	A	A	A	A	A	A	A	A	A	A	
Off Premise Sign												
Portable Sign												
Projecting Sign		A	A	A	A	A	A	A	A	A	A	
Roof Sign, Integral	A	A	A	A	A	A	A	A		A	A	
Roof Sign - Above Peak												
Snipe Sign												
Temporary Sign	A	A	A	A	A	A	A	A	A	A	A	
Wall Sign	A			A		A	A	A		A	A	
Wind-driven Sign, allowable						A	A	A		A	A	
Wind-driven Sign, conditional						SR	SR	SR		SR	SR	
Window Sign				A	A	A	A	A		A	A	

*As allowable by subdivision regulations

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.060 Portable and banner signs.

Permits required. It shall be unlawful for any owner or person entitled to possession of any property or business, or their authorized representatives, to erect, construct, move, or display a temporary sign or cause the same to be done, without first obtaining a temporary sign permit from the sign administrator. A temporary sign permit may be issued.

- A. To new businesses or to existing businesses which are relocating and shall be limited in use to one time for no longer than sixty days; or

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- B. To existing businesses for the purpose of advertising and shall be limited to a maximum of thirty consecutive days per calendar year. Such thirty-day period may be split into no more than two separate periods of fifteen consecutive days each.

(Ord.02-32 (part), 2003) (Laurel Supp. No. 3, 12-04)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.070 Signs not requiring permits.

The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this section:

- A. Construction signs of sixteen square feet or less;
- B. Special event or holiday lights or decorations;
- C. Nameplates of two square feet or less;
- D. Public signs or notices, or any sign relating to an emergency;
- E. Real estate signs; (see signs permitted, Section 17.42.130(B));
- F. Political signs; (see signs permitted, Section 17.42.130(D));
- G. Interior signs not visible from the exterior of the building;
- H. Directional signs not to exceed twelve square feet in area or six feet in height.

(Ord. 02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.080 Overlay zoning districts.

The provisions of the Entryway Zoning district, SE 4th Overlay District, or Downtown Overlay District pertaining to signs shall apply to all signs in that district and are in addition to the provisions of this section.

(Ord. 02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.090 Calculation of sign area.

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure, the sign area shall be computed by the measurement of one of the faces.

(Ord. 02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.100 Maintenance.

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be re placed.

(Ord. 02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.110 Lighting.

Unless otherwise prohibited by this code, all signs may be illuminated provided they do not cause or contribute to a public nuisance. Lighting restricted to the sign face.

(Ord.02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.120 Changeable copy.

Unless otherwise specified by this section, any sign in this chapter allowed may use manual or fixed message electronic sign.

Computer controlled variable message electronic signs shall be permitted provided that the bottom of the reader board is ten feet above the crown of the adjacent road.

(Ord. 02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.130 Signs permitted (exceptions to this section are noted in the overlay zoning district).

- A. One non-illuminated sign for each street frontage of a construction project, not to exceed forty-eight square feet in sign area. Such signs may be erected thirty days prior to beginning of construction and shall be removed thirty days following completion of construction.
- B. One non-illuminated real estate sign per lot or premises not to exceed sixteen square feet in sign area for residential properties and thirty-two square feet for commercial properties. Such signs must be removed fifteen days following sale, rental, or lease of the real estate involved.
- C. One non-illuminated attached building nameplate per occupancy, not to exceed two square feet in sign area.
- D. Non-illuminated political signs not to exceed sixteen square feet in sign area each. Such signs shall not be erected more than forty-five days prior to the election or referendum concerned and shall be removed ten days following such election or referendum. Political signs may be placed only on private property and only with the permission of the property owner.
- E. One subdivision sign per street frontage not to exceed forty-eight square feet in sign area in each location.
- F. One identification sign per entrance to an apartment or condominium complex, not to exceed thirty-six square feet in sign area.

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- G. The total square footage of all signs located on the property, including, but not limited to freestanding, wall, projecting, integrated roof, canopy, and directional signs, shall not exceed two square feet in sign area for each lineal foot of property frontage. This frontage shall be calculated using local streets (not the interstate highway).
 - H. One on-premise, freestanding sign may be installed to a height of forty feet and may be a maximum of three hundred fifty square feet if the principal purpose of such signs is to address interstate traffic as determined by the director. The sign must be oriented perpendicularly to the interstate so the sign is visible to the interstate traveler.
 - I. Freestanding signs which are not on-premise and which do not address interstate traffic as determined by the director may be installed to a maximum height of twenty-four feet and may have a maximum size of one hundred fifty square feet. Exceptions to this are noted in the entryway zoning district.
 - J. The setback for the leading edge of freestanding signs shall be a minimum of ten feet.
 - K. No sign may be placed or designed so as to simulate or interfere with traffic control devices or official highway directional/informational signs.
 - L. Wall signs shall not exceed twenty percent of the square footage of the wall area upon which they are installed. Electric awning and canopy signs shall not exceed twenty percent of the square footage of the wall area upon which they are installed. The combination of wall signs, electric awning, canopy signs and projecting signs shall not exceed twenty percent of the allowed wall sign area.
 - M. Integrated roof signs may be used instead of wall signs. The integrated roof sign size shall not exceed the allowable size for a wall sign. Integrated roof signs shall be constructed so as to conceal all structures and fastenings. The height of the sign shall not exceed the roof to which it is attached.
 - N. Projecting signs may be used instead of any wall or freestanding signs provided they do not project beyond the property line and maintain a clearance of ten feet over the sidewalk and fourteen feet over any parking lot, driveway or crown of the street, whichever is higher. Where zoning allows for one hundred percent lot coverage or zero setbacks, projecting signs shall never extend beyond the sidewalk and must be ten feet over the sidewalk. Projecting sign size shall not exceed the allowable size for a wall sign.
 - O. Window signs shall not cover more than thirty percent of the window area.
 - P. On-site directional signs as required.

(Ord. 02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.140 Shopping center signs (exceptions to this section may be noted in the Entryway Zoning, SE 4th Street or Downtown Overlay District).

- A. Shopping centers shall be allowed one freestanding sign directory sign per frontage. The sign shall not exceed one hundred fifty square feet plus five percent of the one hundred fifty square feet per tenant. Maximum sign size shall not exceed three hundred fifty square feet.
- B. Shopping centers signs shall not exceed the maximum allowable freestanding signage.
- C. Shopping center signs cannot be used if the common signage plan is used.

(Ord. 02-32 (part), 2003)

Table - Sign Requirements

Type of Sign	Requires Permit**	Illumination	Maximum Height	Maximum Sign Area	Setbacks	Maximum Number of Signs*	Maximum Permitted Sign Use
Banner Sign	Y						60 days/30 days see 17.42.060
Billboard - On Premises	Y						
Billboard - Off Premises	Y						
Building Marker	Y						
Building Nameplate				2 sq. ft			
Canopy Sign	Y			20% of wall area			
Changeable Copy Sign	Y						
Construction sign		N		48 sq. ft.			30 days before and after construction
Fixed Message Electronic Variable Message Sign	Y						
Computer Controlled Variable Message Sign	Y						
Pictographic Changeable Copy Sign	Y						
Directional/ Informational Sign	As required per Ordinance 02-32						
Flag							
Freestanding Sign	Y		40'/24' See LMC. 17.42.130.H, I.		10'		
Government Sign							
Monument Sign	Y						

On Premises Sign	Y						
Political Signs		N		16 sq. ft.	Prohibited in ROW		No more than 45 days prior to election and removed immediately following
Portable Sign	Y				In CBD may extend over sidewalk with 10' clearance. Prohibited encroachment into right of way in all other zoning districts		60 days/30 days see 17.42.060
Real Estate Sign		N		32 sq.ft.	Prohibited in ROW	1 per lot	15 days after the sale, rental or lease
Projecting Sign	Y						
Roof Sign, Integral	Y		Cannot exceed roofline	20% of wall area			
Shopping Center Signs (cannot be used if common signage plan is used.)	Y			150 sq.ft. plus 5% per tenant. Maximum sign not to exceed 350 sq.ft.		1 Freestanding Pole per frontage	
Temporary Sign	Y						
Wall Sign	Y			20% of wall area			
Window Sign	Y			Up to 30% of window area			
*The total square footage of all signs located on the property shall not exceed 2 square feet in sign area for each lineal foot of local street frontage (Does not include interstates).							
**See 17.42.040							

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.150 Common signage plan.

- A. If the owners of two or more contiguous or adjacent (disregarding intervening streets and alleys) lots or the owner of a single lot with more than one building (excluding accessory buildings) or multiple use buildings file with the director for such lot(s) a common signage plan conforming with the provisions of this section, a twenty-five percent increase in the maximum total sign area shall be allowed for each included lot. This bonus shall be allocated within each lot as the owner(s) elects.
- B. Provisions of Common Signage Plan. The common signage plan shall contain all of the following information:
1. An accurate plot plan of the lot, at such scale as the director may reasonably require;
 2. Location of buildings, parking lots, driveways, clear vision triangles and landscaped areas on such lot;
 3. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot(s) included in the plan under this chapter;
 4. An accurate indication on the plot plans of the proposed location of each present and future sign of any type, whether requiring a permit or not;
 5. Window signs may simply indicate the areas of the windows to be covered by window signs and the general type of the window signs (e.g., paper affixed to window, painted, etched on glass, or some other material hung inside the window) and need not specify the exact dimension or nature of every window sign.

The common signage plan shall also specify standards of consistency among all signs on the lots affected by the plan with regard to:

1. Color scheme;
 2. Letter or graphic style;
 3. Lighting;
 4. Location of each sign on the building(s);
 5. Material; and
 6. Sign proportions.
- C. Limit on Number of Freestanding Signs Under Common Signage Plan. The common signage plan, for all lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one for each street on which the lots included in the plan have frontage and shall provide for shared or common usage of such signs. Where street frontage exceeds five hundred feet, one additional freestanding sign may be allowed per five hundred-foot increment.
- D. Other Provisions of the Common Signage Plan. The common signage plan may contain other restrictions as the owners of the lots may reasonably determine.
- E. Consent. Common signage plan shall be signed by all owners or their authorized agents in such form as the director shall require.

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- F. Procedures. Common signage plan shall be included in any development plan, site plan, planned development or other official plan required by the city for the proposed development and shall be processed simultaneously with such other plan.
 - G. Amendment. Common signage plan may be amended by filing a new common signage plan that conforms with all requirements of the code in effect.
 - H. Existing Signs Not Conforming to Common Signage Plan. If any new or amended common signage plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, all signs not conforming to the proposed amended plan or to the requirements of this section effective on the date of submission.
 - I. Binding Effect. After approval of a common signage plan, no sign shall be erected, placed, painted or maintained, except in conformance with such plan, and such may be enforced in the same way as any provision of this chapter. In case of any conflict between the provisions of this section and common signage plan, the section shall control.
 - J. Dissolution of Common Signage Plan. If the signatories of a common signage plan wish to dissolve the common signage plan, written notice must be submitted to the director. All signs on the property for which the common signage plan was dissolved must bring all signs into conformance with this section within thirty days of the date written notice was submitted to the director.

(Ord.02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.160 Nonconforming signs.

- A. Existing signs which do not conform to the specific provisions of this section may be eligible for the designation "legal nonconforming" provided that:
 - 1. The director determines such signs are properly maintained and do not in any way endanger the public;
 - 2. The sign was installed in conformance with a valid permit or variance or complied with all applicable laws on the date of adoption of this section.
- B. A legal nonconforming sign may lose this designation if:
 - 1. The sign is relocated or replaced; or
 - 2. The structure or size of this sign is altered in any way except toward compliance with this section. This does not refer to change of copy or normal maintenance.
- C. The legal nonconforming sign is subject to all requirements of this section regarding, safety, maintenance, and repair. However, if the sign suffers more than fifty percent damage or deterioration, as based on appraisal, it must be brought into conformance with this section or removed.

(Ord.02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.170 Construction specifications.

- A. Plans and specifications and the required review fee for all signs, including those in the entryway zoning district, must be submitted to the city of Laurel building department prior to the start of construction. The building department must grant a construction permit prior to any construction activity.
- B. All signs shall be installed in compliance with the International Building Code (IBC) and applicable electrical codes required, permitted and enforced by the State of Montana.
- C. All signs shall be inspected by the city of Laurel building department for compliance with all applicable codes. (including, but not limited to structure, wind load, and electrical hook-up).
- D. All electrical freestanding signs must have underground electrical service to such signs.
- E. Any change in sign construction or face, excluding changeable copy as defined in this chapter, shall require a new construction permit and fee.

(Ord. 02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.180 City fees and/or charges for signs.

The city council shall establish reasonable fees and/or charges for all signage within the jurisdiction of the city by annual resolution after a public hearing.

(Ord. 07-06 (part), 2007)

(Ord. No. O16-01, 2-2-2016)

Chapter 17.44 GENERAL REGULATIONS

Sections:

17.44.010 Authority of provisions.

In interpreting and applying the provisions contained in this chapter, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purposes of this title. The provisions of this chapter shall not be deemed to interfere with, abrogate, annul or otherwise affect in any manner whatsoever any easements, covenants or other agreements between parties so long as those agreements are not contrary to any laws or ordinances of the United States, the state of Montana, and the city of Laurel; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other articles, rules, regulations, or permits, or by easements, covenants or agreements, the provisions of this chapter shall prevail. Except as provided elsewhere in this title, the general regulations set out in Sections 17.44.020 through 17.44.050 shall apply.

(Prior code § 17.36.010 (part))

17.44.020 Permitted uses.

No building or structure shall be erected, and no existing building or structure shall be moved, altered, added to or enlarged; nor shall any land, building or structure be used, designed or arranged for use for any purpose or in any manner not included among the uses listed elsewhere in this title as permitted in the district in which such building, structure or land be located.

(Prior code § 17.36.010 (A))

17.44.030 Zoning lot.

Every building hereafter erected shall be located on a zoning lot as defined in this title; and, except as provided elsewhere in this title, there shall be no more than one principal building on one lot.

(Prior code § 17.36.010 (B))

17.44.040 Height limitations.

No building or structure shall be erected, reconstructed or structurally altered to exceed in height the limit designated in this title for the district in which such building or structure is located.

(Prior code § 17.36.010 (C))

17.44.050 Area and yards.

- A. No building or structure shall be erected; nor shall any existing building or structure be altered, enlarged or rebuilt; nor shall any open space surrounding any building be encroached upon or reduced in any manner except in conformity with the yard, lot, area, and building location regulations designated in this title for the district in which such building or open space is located.
- B. No yard or other open space provided about any building, for the purpose of complying with the provisions of these regulations, shall be considered as a yard or open space for any other building; and no yard or other open space on one lot shall be considered as a yard or open space for a building on any other lot.
- C. All other yards required by these regulations shall be open and unobstructed to the sky, except as provided in this title.

(Prior code § 17.36.010 (D))

Chapter 17.48 SUPPLEMENTARY REGULATIONS

Sections:

Article I. In General

17.48.010 Applicability.

The regulations specified in this title shall be subject to the supplementary provisions and regulations set out in Sections 17.48.020 through 17.48.080.

(Prior code § 17.40.010 (part))

17.48.020 Structures exempt from height limits.

A building height limit set forth in this title shall not apply to belfries, chimneys, cupolas, domes, flagpoles, flues, monuments, radio towers, spires, tanks, water towers, or similar structures; nor to bulkheads, elevators, water tanks or similar roof structures and mechanical appurtenances. No such structure shall have a total area of greater than twenty-five percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building. Nothing in this section nor in this chapter shall be interpreted to permit the erection of any structure in violation of any applicable provisions of Chapter 17.28 of this code.

(Prior code § 17.40.010(A))

17.48.030 Allowed projection into yards.

Steps, terraces and uncovered porches may extend into the minimum front setback, but such feature shall not be less than five feet distant from any lot line; provided, the floor thereof is no higher than that of the first floor entrance to the building; and such feature on corner lots shall not impede the line of sight vision of traffic in the street. Fire escapes and outside open stairways may project not more than two feet into any minimum required yard. Chimneys may extend into any minimum yard not more than two feet. Civil defense shelters may extend into any required side yard to within two feet of the lot line; they may extend into a required front or rear yard not more than twelve feet. The roof of the shelter that extends into any required yard shall not extend over eight inches above outside grade or above existing basement height, whichever is the lesser.

(Ord. 06-12 (part), 2006: Ord. 06-06 (part), 2006: prior code § 17.40.010(B))

17.48.040 Front yard depths.

When the majority of lots in a block have been lawfully occupied with the buildings having different front yard depth than required by regulations, no building hereafter erected or altered shall have a less front yard depth than the average depth of the existing front yards. This regulation shall apply also to side yards, adjacent to a street, of a corner lot, but shall not be construed as to reduce the buildable width of a corner lot to less than twenty-four feet. No portion of any alley shall be considered a part of any yard.

(Ord. 1083, 1993: prior code § 17.40.010(C))

17.48.050 Fence heights.

- A. Fences, walls and hedges may be erected or maintained in any zoning district provided the height, setback, and material provisions outlined below are followed and a permit is secured as per Laurel Municipal Code Chapter 15.20. "Fence" for the purposes of this section means any fence, wall or hedge. No fence shall be erected or maintained in the public right-of-way, closer than one foot from a sidewalk. Fences shall be constructed on private property.
- B. Height. Height for the purposes of this section shall be defined as the vertical distance from the top rail, board or wire to the ground directly below.
- C. Setbacks Required. Fences, walls and hedges of up to four feet may be erected or maintained in the required front yard and side yard adjacent to street setback. Fences, walls and hedges up to six feet may be erected or

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maintained in rear yard and side yard not adjacent to street, except as noted in section D. None of the above setback requirements shall apply to lands located in AG, CBD, CC, HC, LI, and HI zones.

- D. Side Yard Adjacent to Street Fences. If the property abuts an alley, a fence may be erected along the side yard adjacent to the street and maintained up to six feet from the rear of the dwelling to the alley as well as along the alley. Clear vision at alley shall apply.
- E. Setbacks for Clear Vision Areas. No fence, wall or hedge greater than thirty inches may be erected or maintained in any zoning district within a clear vision zone as defined by City of Laurel Resolution No. R03-63. Fences of chain link, woven wire or other similar type fence which provide no more than ten percent obstruction to visibility through the fence when constructed can extend to four feet in height may be constructed in this area.
- F. Material Permitted. All fences in residential, agricultural and commercial zoning districts shall be constructed from materials which are commonly used for fencing. Commonly used fence materials include wood, brick, stone, split railing, wire, vinyl, chain link and ornamental iron work. In HI and LI zones fences may be constructed of finished or coated steel or aluminum building panels. Fences shall not be constructed from railroad ties, wooden pallets, tires, rubble or salvaged material. Materials not listed are subject to special review by the city planning group.
- G. Material Exception—Barbed Wire and Electric fence. In the city limits no barbed wire or electrical fencing shall be permitted in residential zoning districts. Barbed wire and electrical fencing shall be allowed in AG and RT zoning districts. Electrically charged fencing along any public way shall be posted with warning signs or fluorescent marking at intervals not to exceed one hundred fifty feet.
- H. Security Fences. In AG, CBD, CC, HC, LI, and HI zones security fences may maintain a barbed wire fence on top of a non-barbed wire fence as long as the lowest strand of barbed wire is eight feet above grade.
- I. Miscellaneous Exceptions. These provisions shall not apply to fences required to surround and enclose existing junk yards and public utility installations or to enclose school ground and public playgrounds.
- J. Penalties. Any person violating a provision of this chapter may, upon conviction thereof, be punished as set forth in Section 1.36.010 of this code.

(Ord. 892, 1986: prior code § 17.40.010(D))

(O14-01, 5-6-2014)

17.48.060 Accessory buildings.

- A. In any residential district all accessory buildings shall be located in the rear yard and shall be not less than two feet from the rear or side lot line nor less than two feet from the alley line. In the case of a corner lot in a residential district, with a side lot line parallel to a side street and a rear lot line abutting the side lot line of a lot having frontage on such side street, an accessory building shall be located in the rear yard of such corner lot maintaining a setback of not less than twenty feet from the side street. The side yard of the accessory building shall be the same minimum width required for the principal building located on the lot fronting the side street. If such accessory building is set back at least ten feet behind the rear of the principal building on the lot fronting such side street, such accessory building may be located not less than two feet from the rear and side lot lines of the corner lot.
- B. In a residential district a detached garage on an inside lot may be located with the same setback from the street as required for the principal building; providing, that such detached garage does not violate the side yard requirements for a principal building for the district in which it is located. If such detached garage is located at least ten feet behind the rear wall of the principal building on the adjacent lots, having the greater

setback from the front property line, such garage may be located not less than two feet from the side lot line. In all instances, the measurements shall be made from the eaves.

- C. An accessory building, or any enclosure, group or run, or any part thereof used for the housing, shelter, or sale of animals or fowl shall be located at least five feet from any rear or side lot line, and at least twenty feet from any building used for dwelling purposes on an adjoining lot.

(Prior code § 17.40.010(E))

17.48.070 Through lots.

Any building constructed on any interior lot having a frontage on two streets shall be located so as to comply with the regulations governing front yards on both streets.

(Prior code § 17.40.010(F))

17.48.080 Mixed uses.

Any building containing two or more dwelling units and space designed or used for commercial purposes shall comply with all requirements for multifamily dwellings in the district in which it is located. Provided, also, that no such building designed or used for mixed residential and other uses shall be permitted in any district in which a multifamily dwelling is not permitted.

(Prior code § 17.40.010(G))

Article II Specific Uses

17.48.090 Bars and taverns.

- A. Any person desiring to use any premises or to erect, construct or alter any new or existing building or structure for use as a bar, tavern, or any commercial establishment which serves alcoholic beverages as a primary or accessory use shall first make application for special review as regulated.
- B. No building, structure or premises shall be used for retail alcoholic beverage sales unless:
 - 1. The lot or parcel of land so to be used has a street frontage of at least one hundred feet and an average depth of at least one hundred feet;
 - 2. A distance of six hundred feet between property lines measured in a straight line is maintained from any building that is primarily used as a church or school, or from a public park that contains a children's playground or playfield.
 - a. Properties or establishments which are located in the Central Business District zoning district are exempt from [sub]section 2.
 - b. Properties may be granted a waiver from the six-hundred-foot separation required in subsection 2. if the governing body finds that a physical barrier exists between the proposed use requiring the 600-foot separation. These barriers include, but are not limited to, the following:
 - i. An arterial street with no existing or proposed signalized pedestrian crossing;
 - ii. A building or buildings that entirely obstruct the view between the separated uses; and
 - iii. No direct physical access exists between the separated uses.

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3. The applicant must provide the governing body with proof that the proposed property or establishment meets one of the above described physical barriers or that other types of physical barriers exist that warrant the waiving of the six-hundred-foot separation.
- C. Exceptions to the terms of this section may be granted by the city council when upon recommendation by the zoning commission it is found that the strict application of the provisions of this section may result in undue hardship, and that granting of such exception shall be in the public interest.

(Prior code § 17.80.010)

(Ord. No. 009-06, 6-2-09)

17.48.100 Automobile service stations.

- A. Any person desiring to use any premises or to erect, construct or alter any new or existing building or structure for use as a service station shall first make application for special review as regulated in this chapter.
- B. No building, structure or premises shall be used for a service station unless:
1. The lot or parcel of land so to be used has a street frontage of at least one hundred feet and an average depth of at least one hundred feet;
 2. The walls of every building or structure are set back at least five feet from every adjoining property line and at least twenty-five feet from any street right-of-way line;
 3. There are adequate restroom facilities available in the premises;
 4. No portion of any new service station or any portion of the premises upon which the same is situated or any driveway entrance to or exit from the same, shall be located within twelve hundred feet in a straight line of any lot upon which there is located any other service station;
 5. On any premises upon which there is located a service station, all repairs to or for motor vehicles shall be conducted within the confines of a building. There is excepted from this provision the sale and supply of oil and gasoline, the inspection and filling of tires and batteries, and other services customarily incidental to the sale of gasoline, oil and automobile supplies and accessories, which do not include repairs, installations and replacements;
 6. Exceptions to the terms of this section may be granted by the city council when upon recommendation by the zoning commission it is found that the strict application of the provisions of this section may result in undue hardship, and that the granting of such exception shall be in the public interest.

(Prior code § 17.80.020)

Chapter 17.49 TEMPORARY USES AND STRUCTURES

Sections:

17.49.010 Intent.

The definitions found in this chapter for temporary uses and structures shall be used to regulate same, and all uses contained in temporary structures shall be considered temporary uses and must comply with this section. All temporary uses or structures must also comply with the Uniform Fire Code, Laurel requirements for ingress and

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egress, and other applicable codes in existence at the time of the adoption of this chapter. This chapter shall not apply to sidewalk vendors.

(Ord. 96-5 (part), 1996)

17.49.020 Temporary uses in nonresidential zoning districts.

- A. Group 1 Temporary Uses. This group consists of temporary uses of property continuing for less than forty-eight hours. Such uses are exempt from this chapter.
- B. Group 2 Temporary Uses. This group consists of temporary uses of property continuing for longer than forty-eight hours but less than thirty days.
 - 1. The following are examples of Group 2 temporary uses: carnivals, circuses, Christmas tree sales, etc.
 - 2. Supplemental Standards.
 - a. Two signs not to exceed thirty-two square feet in area and eight feet in height shall be allowed, excluding A-frame signs, and be removed along with the temporary use/structure when the approved time limit or temporary use/structure permit has expired.
 - b. Clear sight vision for ingress and egress shall be provided as approved by the public works department.
 - c. Access to any public right-of-way must be approved by the public works department.
 - d. Application for a temporary use/structure permit shall be made at the city public works department to the planning board at least one month ahead of the planning board's regularly scheduled meeting.
- C. Group 3 Temporary Uses. This group consists of temporary uses of property continuing for longer than thirty days but less than one year.
 - 1. The following temporary uses may be allowed in this group:
 - a. Uses, such as carryout espresso stands, less than one hundred twenty square feet in floor area and bearing a certification of a factory built building from the state of Montana as allowed in the appropriate zoning districts.
 - 2. Location and Time Restrictions.
 - a. Any Group 3 temporary use/structure existing upon adoption of this chapter shall be deemed a legal nonconforming use. All existing legal Group 3 nonconforming temporary uses/structures, as of the effective date of this chapter or any amendment hereto, shall be removed or become a permanent use by complying with the currently adopted Commercial Building Code, site development standards, and any other federal, state or local requirements within two years from the date of the enactment of this chapter or any amendment hereto.
 - b. All Group 3 temporary use/structures shall be removed no later than one year unless reapplied for and approved.
 - 3. Supplemental Standards.
 - a. Two signs not to exceed thirty-two square feet in area and eight feet in height shall be allowed, excluding A-frame signs, and shall be removed along with the temporary use when the approved time limit or temporary use/structure permit has expired.

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- b. The temporary use must provide sufficient space to accommodate the structure and off-street parking for customer and use-related vehicles. The parking area, driving lanes, and egress/ingress shall be paved, drained and the site shall be approved by the public works department.
 - c. Clear sight vision for site ingress and egress shall be provided as per currently adopted applicable codes and as approved by the public works department.
 - d. Access to public right-of-way shall be approved by the public works department.
 - e. Application for a temporary use/structure permit shall be made at the city public works department to the planning board at least one month ahead of the planning board's regularly scheduled meeting.

(Ord. 07-10 (part), 2007; Ord. 03-1 (part), 2003; Ord. 96-5 (part), 1996)

17.49.030 Christmas tree sales in residential and agricultural districts.

In any residential district and in the agricultural district, the temporary use of land for Christmas tree sales may be allowed for a period not to exceed thirty days when all of the following restrictions are met:

- A. The sale must be conducted on property owned by a nonprofit organization unless otherwise approved by city staff. The lot must provide sufficient space to accommodate the Christmas trees and off-street parking for customer and other sale-related vehicles.
- B. One sign not to exceed thirty-two square feet in area shall be allowed for this temporary use, and such sign shall be removed along with the temporary use and structure when the approved time limit or temporary use/structure permit has expired.
- C. A business license must be obtained by the operator if located within the Laurel city limits.

(Ord. 07-10 (part), 2007; Ord. 96-5 (part), 1996)

17.49.040 Roadside stands.

The sale of flowers or produce at temporary stands shall be allowed when all of the following restrictions are met:

- A. Only items produced on the premises may be sold on the premises;
- B. Any structure used must be portable and removed after the temporary use/structure ceases to operate;
- C. One sign not to exceed thirty-two square feet in area shall be allowed, and such sign shall be removed when the use ceases;
- D. The use must provide sufficient space to accommodate the stand and off-street parking for customer and other sale-related vehicles off the public right-of-way; and
- E. Clear vision ingress and egress to the area must be provided.

(Ord. 07-10 (part), 2007; Ord. 96-5 (part), 1996)

17.49.050 Fireworks stands.

The erection of temporary fireworks stands may be permitted if such meet the following standards:

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- A. Located outside the city limits of Laurel and in nonresidential zones;
 - B. Two signs not to exceed thirty-two square feet in area each are allowed, and such signs must be removed along with the temporary use and structure when the approved time limit expires;
 - C. The stand must provide sufficient space to accommodate the stand and off-street parking for customer and sale-related vehicles off the public right-of-way; and
 - D. The appropriate permits are secured from and fees are paid to county departments and the local jurisdictional fire department.

(Ord. 07-10 (part), 2007; Ord. 96-5 (part), 1996)

17.49.060 Construction or construction equipment sheds.

The temporary use of buildings or modular offices or equipment sheds during construction projects may be permitted in any zoning district. A temporary use/structure permit is not required if the structure is part of an approved construction project and used exclusively for the approved construction project it serves. Any such structure cannot be used for sleeping or living purposes and must be removed upon completion of the construction project.

(Ord. 07-10 (part), 2007; Ord. 96-5 (part), 1996)

17.49.070 Temporary use/structure permit required.

All Group 2 and Group 3 temporary uses must conform to the currently adopted Sign Code. Before any Group 2 or Group 3 temporary use or structure is established, the property owner shall obtain a temporary use/structure permit, as delineated in this chapter. In addition, the property owner shall post a three thousand dollar money order or cashier's check or an equivalent bond with the city to ensure timely removal of the use and/or structure.

(Ord. 07-10 (part), 2007; Ord. 03-1 (part), 2003; Ord. 96-5 (part), 1996)

17.49.080 Action by Laurel city council.

After the planning board has reviewed an application for temporary use, it shall make a recommendation to the city council to approve, deny or approve with conditions. The city council shall approve, deny or approve with conditions the application. If approved or if approved with conditions, the application shall then obtain a city business license prior to operating the business.

(Ord. 03-1 (part), 2003)

Chapter 17.52 INCIDENTAL USES

Sections:

17.52.010 Intent and purpose of provisions.

The uses of land and buildings permitted in the several districts established by this title are designated by listing the principal uses permitted. In addition to such principal uses, it is the intent of this title and this section to permit in each district those uses customarily incidental to any principal use permitted in the district. Such

permitted incidental uses are specifically listed as set out in Section 17.52.020, and any listed use is permitted on the same lot with the principal use to which it is incidental.

(Prior code § 17.44.010 (part))

17.52.020 Accessory uses.

A. Accessory uses for dwelling premises are as follows:

1. Private garages or off-street parking spaces incidental to a dwelling located in a residential district may not exceed the following capacity:
 - a. Single-family dwelling: Spaces or garages for four passenger vehicles,
 - b. Two-family dwelling: Spaces or garages for four passenger vehicles,
 - c. Multiple-family dwelling: Spaces or garages for three passenger vehicles per dwelling unit,
 - d. Group dwelling: Spaces or garages for one and one-half passenger vehicles per sleeping room;
2. Private greenhouse, vegetable, fruit, or flower garden from which no products are sold or offered for sale;
3. Children's playhouse, and playground equipment;
4. Shed, tool room for storage of equipment used in grounds or building maintenance but not including stable, chickenhouse, or other buildings to house agricultural livestock;
5. No more than two dogs or cats four months of age or older;
6. Private kennel;
7. Customary domestic use, but not including horses, poultry or agricultural livestock;
8. Private swimming pool and bathhouse;
9. Statuary, trellises, barbecue stove or similar ornamental or landscaping features;
10. Passenger vehicles as used herein shall mean and include automobiles, motorized campers, or pickup trucks licensed for a gross vehicle weight not to exceed ten thousand pounds;
11. Church:
 - a. Parish house, together with any use accessory to a dwelling as herein listed,
 - b. Religious education building,
 - c. Bulletin board not to exceed twenty square feet in area,
 - d. Off-street parking lot for the use without charge of members and visitors to the church.

(Prior code § 17.44.010(A))

17.52.030 Home occupation.

A. Home occupation is permitted in a dwelling customarily incidental to the principal use as a dwelling subject to the following limitations:

1. No person other than a member of the immediate family occupying a dwelling is employed, except domestic help;

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2. No stock in trade is displayed or sold upon the premises;17.52.030
 3. No alteration of the dwelling unit or accessory buildings that change the character thereof as residential. If the activity for which a home occupation is requested is conducted at the residence, it shall be conducted wholly within the dwelling or an accessory building.
 4. No illuminated sign is used, and no sign other than one giving the name and occupation, and not more than one square foot in area, is displayed;
 5. No more than twenty-five percent of the area of one story of the building is devoted to the home occupation;
 6. No equipment shall be used in such a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises;
 7. The home occupation shall be deemed to be both site specific and owner specific; thus, the use of a portion of a structure as a home occupation will not permit a subsequent owner an automatic home occupation designation. The new owner will be required to meet all of the criteria contained in this section.
- B. The following activities are prohibited from home occupation under this section:
1. Motor and motorized vehicle or boat repair of any kind, to include body and engine work, upholstery and glass repair, and audio system work;
 2. Prefabrication of building construction components such as, but not limited to, cabinets and heating and cooling systems;
 3. Furniture, electronics, and appliance sales, repair, renovation, and storage;
- C. An applicant may apply for a home occupation permit by filling out the application available at the city's public works department at city hall. If the applicant's home is within the city limits, the applicant must additionally apply for a city business license. The city's planning department shall approve/disapprove the applications within seven business days or receipt of the application(s) and payment of the required fee(s). An applicant may appeal an adverse decision or denial of his/her application(s) to the city council by delivering a written appeal to the city clerk within ten business days of the adverse decision. The city council's decision on the appeal is final.
- D. The city council shall establish or set the application fees for this section by resolution.
- E. Violation of the conditions and terms of the City's permit or approval for the home occupation by the applicant shall be grounds for cancellation or revocation of the permit or approval and, if within the city limits, revocation or non-renewal of the previously issued business license. An applicant may appeal the cancellation or revocation decision of the planning department to the city council. The city council's decision is final.

(Ord. 00-2, 2000; Ord. 1064, 1993; Ord. 886, 1986; prior code § 17.44.010(B))

(Ord. No. O12-06, 11-6-12)

Chapter 17.56 NONCONFORMING USES

Sections:

17.56.010 Nonconforming use designated.

Any lawful use of the land or buildings existing at the date of passage of the ordinance codified in this chapter, and located in a district in which it would not be permitted as a new use under the regulations of this chapter, is declared to be a nonconforming use, and not in violation of this title at the date of adoption of the ordinance codified in this chapter; provided, however, a nonconforming use shall be subject to, and the owner shall comply with the regulations set out in Sections 17.56.020 through 17.56.070.

(Prior code § 17.64.010 (part))

17.56.020 Extension of.

The nonconforming use of a building may be extended throughout any part of a building clearly designated for such use but not so used at the date of the adoption of this chapter. No nonconforming use may be extended to occupy any land outside the building nor any additional building not used for such nonconforming use at the date of adoption of the ordinance codified in this chapter. The nonconforming use of land shall not be extended to any additional land not so used at the date of adoption of the ordinances codified in this title.

(Prior code § 17.64.010(A))

17.56.030 Additions, repairs and alteration allowed when.

- A. No building used for a nonconforming use shall be enlarged, extended, reconstructed, or structurally altered, unless the use is changed to one which complies with the provisions of this chapter; provided, however, permits may be issued for the reconstruction of an existing building to be continued as a nonconforming use if the following conditions are complied with:
1. If a single- or two-family dwelling is presently a nonconforming use, and is located in a residential area, and is destroyed, the dwelling may be rebuilt. However, qualifying dwelling units located on arterial streets or roads must conform to the applicable setback standard;
 2. New use would decrease the automobile parking congestion in the area;
 3. New use would not increase the cubical contents of the structure, floor area ratio, if such would violate provisions of this chapter;
 4. Such reconstruction would be one in accordance with the city building, plumbing, electrical codes and fire prevention code;
 5. The issuance of such permit would not violate the provisions of Section 17.56.040 of this chapter.

(Prior code § 17.64.010(B)(part))

(Ord. No. 008-05, 6-17-08)

17.56.040 Applicability when building damaged or destroyed.

- A. If any building in which there is a nonconforming use is damaged by fire, flood, explosion, wind, war or other catastrophe, in an amount equal to or greater than fifty percent of its assessed valuation, it shall not be again used or reconstructed to be used for any use except one complying with the provisions of this title in which it is located. This subsection specifically does not apply to nonconforming, one and two-family dwelling units.

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- B. In addition, repairs and maintenance work may be carried out each year in an amount not to exceed twenty-five percent of the assessed value of the building for that year. Such repairs and maintenance work shall not increase the cubical content of the building, nor the floor area devoted to the nonconforming use. Nor shall it increase the number of dwelling units provided in a building.
 - C. Nothing in this chapter shall be deemed to prevent the strengthening nor repair of a building which may be necessary to restore the building to a safe condition or to improve the sanitary conditions of the building; provided, that such strengthening and repair may not be used to restore a building to the provisions of Section 17.56.040 of this chapter.

(Ord. 06-12 (part), 2006; Ord. 06-06 (part), 2006; prior code § 17.64.010(B) (part), (C))

17.56.050 Restrictions on moving building.

Any building in which there is a nonconforming use shall not be moved unless it is moved to a district in which the use for which the building was designed is permitted by this title. If any building in which there is a nonconforming use is moved any distance whatsoever, the building shall thereafter be used only in compliance with the provisions of this title for the district in which it is located.

(Prior code § 17.64.010(D))

17.56.060 Continuance and change.

A nonconforming use may be continued in accordance with the provisions of this chapter, but it shall not be changed to any other use except the one which would be permitted as a new use in the district in which the building is located.

(Prior code § 17.64.010(E))

17.56.070 Discontinuance.

If for any reason a nonconforming use ceases for a period of six months any new use must conform to the provisions of this title for the district in which the use occurs, and the nonconforming use no longer allowed.

(Ord. 04-5 (part), 2004; prior code § 17.64.010(F))

Chapter 17.60 ZONING COMMISSION

Sections:

17.60.010 Powers and duties.

The city-county planning board shall act as a zoning commission whose duty it shall be to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein.

(Prior code § 17.08.010)

17.60.020 Land use variances issuance and denial—Determination procedure.

- A. It shall be the duty of the zoning commission to authorize, upon appeal in specific cases, such land use variances from the terms of the zoning ordinances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinances or regulations will result in unnecessary hardship, and so that the spirit of the ordinances shall be observed and substantial justice done. The zoning commission shall, after a public hearing, make a recommendation to the mayor and council concerning the land use variance application.
- B. The zoning commission shall not recommend that land use variances be granted:
 - 1. Unless the denial would constitute an unnecessary and unjust invasion of the right of property;
 - 2. Unless the grant relates to a condition or situation special and peculiar to the applicant;
 - 3. Unless the basis is something more than a mere financial loss to the owner;
 - 4. Unless the hardship was created by someone other than the owner;
 - 5. Unless the variance would be within the spirit, intent, purpose and general plan of this title;
 - 6. Unless the variance would not affect adversely or injure or result in injustice to others; and
 - 7. Ordinarily unless the applicant owned the property prior to the enactment of this title or amendment.

(Prior code § 17.08.015)

Chapter 17.62 CONDITIONAL LAND USES

Sections:

17.62.010 Purpose.

The purpose of conditional land uses is to provide for specific uses, other than those already allowed in each zoning district, which may be compatible uses in the district under certain safeguards or conditions. The conditional land use permitting process is intended to provide a detailed and comprehensive review of such proposed, compatible developments and to insure the interest of the public, the community, and the larger neighborhood area are protected. Conditional uses, once granted by the city, are sight specific and run with the land. Land use changes not specifically included in the approval of a conditional use are a violation of the city zoning ordinance.

(Ord. 03-4 (part), 2003)

17.62.020 Requirements.

No structure or land use may be used for any purpose other than those allowed within a zoning district as specified in the zoning ordinance unless either a variance has been granted (under Chapter 17.60 or 17.64 of this code) or a conditional land use permit therefor has been provided. The zoning commission may recommend and the city can require any information that will allow the decision makers to comprehensively evaluate and decide on applications for conditional uses brought before them. The zoning commission may recommend and the city can require, after consideration of the application for conditional use, those conditions under which such land use may be allowed to include but not be necessarily limited to the following:

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- A. Adequate ingress and egress with concern for vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access as reviewed and approved by the city public works director;
 - B. Adequate off-street parking and loading with attention to vehicular and pedestrian safety and traffic flow;
 - C. Conditions that control, specify, or plan for the generation of odors, noise, hours of operation, signage, or impact on the neighborhood of natural systems;
 - D. Adequate landscaping, screening, mitigation of impact on adjacent property and buffering; and
 - E. Compatibility with adjacent and neighborhood land uses and Laurel's GMP.

(Ord. 03-4 (part), 2003)

17.62.030 Application process.

Twelve copies of the conditional use application form and required review fee shall be submitted to the planning board secretary thirty working days prior to the regularly scheduled zoning commission/planning board meeting at which the application will be considered. The planning board secretary shall note the time of receipt, keep one copy, send one copy to the city planner, and forward the remainder to the members of the zoning commission.

- A. The zoning commission shall publish notice of public hearing in the local newspaper at least fifteen days prior to the zoning commission meeting at which the application will be considered; adjacent property owners of record within one hundred fifty feet of the application property shall also be notified by mail by the zoning commission. The applicant or the authorized agent must attend the public hearings before both the zoning commission and the city council.
- B. The conditional use application shall include twelve copies of:
 - 1. Conditional use application form;
 - 2. Legal description of the property;
 - 3. Address or general location of property;
 - 4. Existing zoning;
 - 5. Specific land use being requested;
 - 6. Reason for request;
 - 7. Scaled drawings of the subject property, proposed use, existing buildings and improvements, adjacent land use, fences, etc.;
 - 8. Other information as may be needed by the zoning commission;
 - 9. Name, address and telephone number of owner of record;
 - 10. Name, address and telephone number of agent of owner of record;
 - 11. List of current property owners adjacent to and within one hundred fifty feet of the parcel for which a conditional use permit is sought;
 - 12. Review fee.
- C. After the public hearing for the conditional use, the zoning commission shall delay its recommendation to city council no longer than thirty working days. The city council shall publish notice of and conduct a

second public hearing before the council, consider the recommendation of the zoning commission and make its decision.

(Ord. 03-4 (part), 2003)

Chapter 17.66 HISTORIC PRESERVATION

Sections:

17.66.010 Intent of chapter.

The intent of this is to promote the educational, cultural, economic and general welfare of the community by:

- A. Providing a mechanism to identify and preserve the distinctive historic architectural characteristics of the city that represent elements of the city's cultural, social, economic, political, military and architectural history;
- B. Fostering civic pride in the beauty and noble accomplishments of the past as represented in the city's prehistoric and historic sites and historic districts;
- C. Conserving and improving the value of property designated as historic sites or within historic districts;
- D. Protecting and enhancing the attractiveness of the city to home buyers, tourists, visitors and shoppers, and thereby supporting and promoting business, commerce and industry and providing economic benefit to they city;
- E. Fostering and encouraging preservation, restoration and rehabilitation of structures, areas and neighborhoods and thereby preventing future urban blight.

(Ord. 1071 (part), 1993)

17.66.020 Definitions.

As used in this chapter:

"Alteration" means any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction or removal of any structure.

"Area" means a specific geographic division of the city.

"Construction" means the act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

"Council" means the city council of the city.

"Demolition" means any act or process that destroys in part or in whole a historic site or a structure within a historic district.

"Exterior architectural appearance" means the architectural character and general composition of the exterior of a structure, including but not limited to the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs and appurtenant elements.

"Historic district" means an area designated as a historic district by ordinance of the city council which may contain within definable geographic boundaries one or more historic sites and which may have within its boundaries other properties or structures that, while are not of such historic and/or architectural significance to be

designated as historic sites, nevertheless contribute to the overall visual characteristics of the historic site or historic sites located within the historic district.

"Historic site" means a property or structure designated as a historic site by ordinance of the city council pursuant to procedures prescribed herein, that is worthy of rehabilitation, restoration, and preservation because of its historic and/or architectural significance to the city.

"National Register" means National Register of Historic Places. A list, maintained by the U.S. Department of Interior, of sites, properties, objects and districts having local, state or national historical, architectural or cultural significance.

"Preservation board" means The Yellowstone historic preservation board.

"Removal" means any relocation of a structure on its site or to another site.

"Repair" means any change not otherwise construed as an alteration, as herein defined, that constitutes replacing broken, worn or damaged materials with like, not necessarily identical, materials and is insignificant to the size and condition of the structure or property. Repainting and reroofing shall be included under this definition of repair.

"Structure" means anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting, the generality of the foregoing, building, fences, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennae, including supporting towers, and swimming pools.

(Ord. 1071 (part), 1993)

17.66.030 Historic preservation board—Membership and authority.

A. Members.

1. The Yellowstone historic preservation board shall consist of nine members with a demonstrated interest, competence, and knowledge in historic preservation. The following five members shall be selected jointly by all signatories. In this selection process the simple majority vote will prevail. The board shall include at least three members with professional expertise in the disciplines of history, planning, archaeology, architecture, architectural history or other historic preservation-related disciplines such as cultural geography or cultural anthropology. The board shall also include two additional members from the following:
 - a. One member of the Yellowstone County board of planning;
 - b. One member of the Laurel board of planning;
 - c. Property owner either residing or owning a business in a historic district or who owns property listed on the National Register of Historic Places;
 - d. One member of a city/county preservation society.
2. The four remaining board members shall be considered at-large and shall consist of:
 - a. City of Billings resident appointed by the Billings city council;
 - b. County resident appointed by the Yellowstone County commissioners;
 - c. City of Laurel resident appointed by the Laurel city council;
 - d. Crow Tribal member who lives within the Yellowstone County portion of the Crow Reservation or elsewhere within Yellowstone County appointed by the Crow tribal council.

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- B. Appointment and Terms. Terms of office for the historic preservation board members shall be for two-year terms and shall be staggered. Upon enactment of the ordinance codified in this chapter, three members shall be appointed to one-year terms. The following year, all terms shall be for two years.
- C. Absences and Removal.
1. Each member shall inform the preservation officer at least one day before the meeting of the inability to attend a board or committee meeting. Such an absence shall be considered an excused absence.
 2. If any member accrues three or more consecutive unexcused absences from regular meetings, notice of which has been given at his/her usual place of work or residences, 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 then another person be appointed to serve out the unexpired term.
- D. Vacancies. Vacancies occurring on the board shall be filled within sixty days by the governing body having appointed them for the unexpired term.
- E. Meetings. The historic preservation board shall conduct a minimum of one regularly scheduled meeting each month, except that the chairperson may cancel any meeting or schedule special meetings when such meetings are necessary to carry out the provisions of this chapter.
2. Special meetings of the board may be called by the chairperson or by two members, upon request to the preservation officer. The preservation officer shall notify all members at least two days in advance of the special meeting.
 3. Meetings shall be open to the public in accordance with the state of Montana Open Meeting Use Law, and all written or taped minutes, reports and case decisions shall be available to the public.
 4. The historic preservation board shall establish by-laws conforming to the guidelines set forth in the "Certified Local Government Program in Montana."
- F. Powers and Duties. Yellowstone historic preservation board shall:
1. Maintain a system for the survey and inventory of historic and prehistoric properties. The information shall be available to the public;
 2. Review and participate in all proposed National Register nominations within the city of Laurel, the city of Billings, the Crow Reservation and/or Yellowstone County;
 3. Encourage public participation while assisting with the enforcement of appropriate and local legislation concerning historic preservation;
 4. Submit an annual report to the State Historic Preservation Office describing projects, activities, recommendations and decisions made, projects reviewed, recommendations to the National Register of Historic Places, revised resumes historic preservation board members and member attendance records, and indexed copies of typewritten or tape recorded minutes of all historic preservation board meetings. Copies of the following will be attached to the annual report: inventory forms, survey reports, maps, photographs and other survey materials or planning documents generated during the preceding year;
 5. At least one member shall attend at least one training session each year and review any orientation materials provided by the State Historic Preservation Office;
 6. Review and comment on land use proposals and planning programs related to historic resources, such as municipal improvements, housing and other public programs;
 7. Consult with city, county, tribal, state, and federal agencies on all applications, environmental assessment, environmental impact statements, and other similar documents pertaining to historic

districts, historic sites and landmarks or neighboring properties within the city of Billings, the city of Laurel and/or Yellowstone County. Comments and recommendations by the historic preservation board will be sent to the Laurel city council and the Yellowstone commissioners;

8. Review the local zoning regulations for their applicability to the characteristics of the proposed historic districts, and make appropriate recommendations to the zoning commissions and the boards of adjustment concerning any changes or modifications to the zoning regulations, zoning boundaries, zone change applications, special review application or variance applications;
9. Make recommendations to the boards of adjustments regarding variance change applications within any historic district;
10. Assist with the preparation and adoption of a comprehensive historic preservation plan and assist with the annual updates of such plan;
11. Provide information, advice and guidance, upon request by property owners, as to the restoration, rehabilitation, landscaping or maintenance of potentially historic buildings or structures. The historic preservation board may recommend voluntary design guidelines which will be made available to the public for assistance in preservation projects;
12. Participate in, promote and conduct public information, education and interpretive programs pertaining to historic preservation, including potential tax incentives and federal and/or state grants that might be available;
13. The historic preservation board may provide quarterly reports to all governing bodies to discuss their activity for the past quarter. Minutes of board meetings and any other information deemed necessary may be appended to the quarterly reports. A copy of the annual report to the State Historic Preservation Office shall be provided to each of the governing bodies;
14. Undertake any actions necessary to assure compliance of the preservation board with certified local government requirements.

(Ord. 1071 (part), 1993)

17.66.040 Historic preservation officer—Duties.

Duties.

- A. The historic preservation officer shall serve as staff to the historic preservation board.
- B. The historic preservation officer must have demonstrated interest, competence or knowledge in historic preservation.
- C. The historic preservation officer will assist with coordinating the local historic preservation programs, help in the development of local surveys, projects and historic preservation planning documents, advise and provide assistance to the historic preservation board, government agencies and the public, and ensure, to the extent practicable, that the duties and responsibilities delegated by this chapter are carried out.
- D. The historic preservation officer shall be appointed by mutual agreement of the Laurel city council, the Billings city council, the Crow Tribal council and the Yellowstone County commissioners.

(Ord. 1071 (part), 1993)

17.66.050 Surveys and research of sites and districts.

- A. The preservation board shall assist in developing an ongoing survey and research effort in the city to identify neighborhoods, areas, sites, structures and objects that have historic, community, architectural or aesthetic importance, interest or value. As part of the survey, the historic preservation board shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts, and photographs. Before the preservation board shall on its own initiative nominate any landmark for historic designation, it shall first develop a plan and schedule for completion of a survey of the city to identify potential landmarks. The preservation board shall then systematically identify potential landmarks and adopt procedures to nominate based upon the following criteria.
- B. To qualify as a historic site or historic district, the individual properties, structures, sites or buildings or groups of properties, structures, sites or buildings must have significant character, interest or value as part of the historical, cultural, aesthetic and architectural heritage of the city, county, state or nation. To qualify as a historic site or district, the property or properties must fulfill one or more of the criteria set forth in subsection (B)(1) below and meet the criteria set forth in subsections (B)(2)(a) and (B)(2)(d) below.
 - 1. A building, structure, site, interior or district will be deemed to have historical or cultural significance if it meets one or more of the following criteria:
 - a. Is associated in a significant way with the life or activities of a major person important in city, county, state or national history (for example, the homestead of a local founding family);
 - b. Is the site of a historic event with significant effect upon the city, county, state or nation;
- C. Is associated in a significant way with a major historic event, whether cultural, economic, social, military or political;
 - d. Exemplifies the historical, political, cultural, economic or social trends of the community in history; or
 - e. Is associated in a significant way with a past or a continuing institution which has contributed substantially to the life of the city and/or county.
- 2. A building, structure, site or district is deemed to have architectural or aesthetic significance if it fulfills one or more of the following criteria; except that to qualify as a historic interior, the interior must meet the criteria contained within subsections (B)(2)(b) and (B)(2)(d):
 - a. Portrays the environment in an era of history characterized by one or more distinctive architectural styles;
 - b. Embodies those distinguishing characteristics of an architectural style, period or method of construction;
 - c. Is a historic or outstanding work of a prominent architect, designer, landscape architect or builder; or
 - d. Contains elements of design, detail, material, or craftsmanship of outstanding quality or which represented, in its time, a significant innovation or adoption to the environment.
- 3. A building, structure, site, interior or district will be deemed to have historic significance if, in addition to or in the place of the previously mentioned criteria, the building, structure, site or zone meets historic development standards as defined by and listed in the regulations of and criteria for the National Register of Historic Places as prepared by the United States Department of the Interior under the Historic Preservation Act of 1966, as amended. Said regulations, as amended from time to time, are made part of this chapter as if fully set forth herein.

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4. Classifications of Structures and Buildings. All historic buildings, structures, archaeological sites, districts, neighborhoods and the like, will be classified and designated on the city historic preservation survey, which will be approved by the city council and be made an overlay to the city and county zoning maps and land use plans. Such buildings, structures, districts, neighborhoods, and the like will be divided into two classes:
 - a. Contributing. Those buildings, structures, archaeological sites or districts classified as historic shall possess identified historical and architectural merit of a degree warranting their preservation. All buildings, structures, archaeological sites and the like, listed in the city historic survey, as adopted and approved by the city council and county commission, will be considered worthy of preservation and may be designated as a historic site or a historic district.
 - b. Noncontributing. Those buildings and structures within a historic district not listed in the city historic preservation survey, and those buildings and structures determined by the preservation board to be of no contributing value.

(Ord. 1071 (part), 1993)

17.66.060 National Register of Historic Places—Nomination review standards.

- A. The preservation board shall review proposed nominations to the National Register of Historic Places submitted by the State Historic Preservation Officer or other sponsor qualified pursuant to United States Department of the Interior regulations. The preservation board will develop or receive the documentation necessary to nominate properties to the National Register of Historic Places. The preservation board shall evaluate, in a timely manner, nomination proposals received for completeness. Should a nomination proposal not be technically complete, the preservation board shall notify the proposal's sponsor, identifying the technical deficiencies in writing, within thirty days of receipt of the nomination proposal. If the nomination proposal is technically complete, the preservation board shall place the item on its agenda for the earliest possible regular meeting after notification procedures are complete.
- B. The preservation board shall notify the following of its intention to consider a nomination proposal. In all cases, such notification shall occur at least thirty days but not more than seventy-five days prior to the preservation meeting at which the nomination proposal will be considered:
 1. Owner(s) of Record of the Property. The list of owners shall be obtained from official tax records and provided with the nomination application. Where there is more than one owner on the list, each separate owner shall be notified;
 2. The Mayor of the City of Laurel. Such officials shall have thirty days from receipt of notice within which to submit the preservation board a written recommendation supporting or opposing the nomination;
 3. The State Historic Preservation Officer.
- C. When the preservation board considers a nomination proposal that will impact properties which are normally evaluated by a professional in a specific discipline, and that discipline is not represented on the preservation board, the preservation board shall seek professional expertise in this area before rendering a decision, but failure to obtain such advice shall not invalidate its determination on the proposal.
- D. Nomination proposals shall be considered by the preservation board at a public meeting, and all votes on nomination proposals shall be recorded and made a part of the permanent record of the preservation board meeting. All nomination proposals shall be forwarded, with a record of official action taken by the preservation board and the recommendation of the appropriate local official(s), to the State Historic Preservation Officer within thirty days of the preservation board meeting at which they were consider.

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- E. Any person or organization supporting or opposing the nomination of a property to the national register shall be afforded the opportunity to make its views known in writing. Such comments shall be notarized where they contain factual assertions. All such correspondence regarding a nomination proposal shall become part of the permanent record concerning that proposal and shall be forwarded with approved proposals to the state historic preservation officer. In the case of disapproved nomination proposals, letters of support or comment shall be made a part of the permanent record concerning that proposal, and a list of such letters shall accompany the official copy of the disapproved nomination proposal when it is forwarded to the state historic preservation officer.
- F. Nomination proposals to be considered by the preservation board shall be on file at the Yellowstone County offices for at least thirty days but not more than seventy-five, prior to the meeting at which they will be considered. A copy shall be made available by mail when requested by the public and shall be made available at a location of reasonable local access, such as a local library, courthouse or other public place.
- G. Any person may appeal the decision of the preservation board regarding a proposed nomination to the state historic preservation officer in writing within thirty days of the preservation board decision.
- H. In reviewing national register of historic places nomination proposals, the preservation board shall follow the regulations found in 36 C.F.R. Part 60, and as amended from time to time, promulgated by the National Park Service, Department of the Interior under the Historic Preservation Act of 1966, as amended.
- I. Standards for Review: In considering an application for a building or demolition permit, the preservation board shall be guided by the following general standards:
1. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.
 2. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible.
 3. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.
 4. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
 5. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site shall be treated with sensitivity.
 6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features substantiated by historic, physical or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
 7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
 8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
 9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material,

and such design is compatible with the size, scale, color, material and character of the property, neighborhood, or environment.

(Ord. 1071 (part), 1993)

17.66.070 Demolitions—Allowed when.

- A. The preservation board, upon a request for demolition by a property owner, shall consider the following guidelines in evaluating applications for demolition of designated historic sites, or buildings, structures, or appurtenances within designated historic districts:
 - 1. Whether the structure is of such interest or quality that it would reasonably fulfill criteria for designation for listing on the national register;
 - 2. Whether the structure is of such design, craftsmanship or material that it could be reproduced only with great difficulty or economically nonviable expense;
 - 3. Whether the structure is one of the last remaining examples of its kind in the designated historic district within the city;
 - 4. Whether retaining the structure would promote the general welfare of the city by providing an opportunity to study local history, architecture and design, or by developing an understanding of the importance and value of a particular culture and heritage;
 - 5. Whether there are definite plans for immediate reuse of the property if the proposed demolition is carried out, and what effect those plans will have on the character of the surrounding area.
- B. Photographs by the City of Laurel Public Works Department prior to demolition.
 - 1. Upon application to the Public Works Department of the City of Laurel by any person, entity, business, corporation or property owner for a permit to demolish any building located within the City limits of the City of Laurel, the City of Laurel Public Works Department has three business days to photograph the building(s) prior to demolition. The public works department shall forward, via email or by United States Mail, a copy of the photographs to a representative of the Yellowstone Historic Preservation Board.
 - 2. Nothing herein shall preclude, hinder or delay the issuance of a demolition permit in accordance with its regulations and/or policies after the three-business-day waiting period has expired.

(Ord. 1071 (part), 1993)

(Ord. No. 008-04, 6-17-08)

Chapter 17.68 SPECIAL REVIEW PROCEDURE

Sections:

17.68.010 Purpose of provisions.

Although each zoning district is primarily intended for a predominant type of use, there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, the character of the surrounding development, traffic capacities of adjacent streets, and potential environmental effects, all may indicate that the circumstances of the development should be individually reviewed. It is the intent of this section to provide a system of review of such

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uses so that the community is assured that the uses are compatible with their locations and with surrounding land uses, and will further the purpose of this title and the objectives of the Laurel comprehensive planning process.

(Prior code § 17.88.010)

17.68.020 Application requirements.

An application for a special review may be filed by the property owner, contract purchaser, or his authorized agent. The application shall be filed with the zoning commission secretary and shall be submitted under the following conditions:

- A. The application shall include, but not be limited to the following information:
 - 1. A legal and general description of the tract(s) upon the special review use is sought;
 - 2. A map showing the dimensions, acreage and location of the tract(s);
 - 3. The name and addresses of the owner(s) of the tract(s) and their agents, if any and the names and addresses of property owners of record within three hundred feet of the property for which a special review has been requested; such list of property owners shall be so certified by the county clerk and recorder's office;
 - 4. A site plan showing major details of the proposed development including but not limited to, the location of proposed and existing buildings and structures; off-street parking and loading; service and refuse areas; means of ingress and egress; landscaping; screening; signs and open space areas;
 - 5. A time schedule for development;
 - 6. Any other information the applicant believes will support his request.
- B. An application for a special review shall be made on or before five p.m. of the first day of the month preceding the date of the public hearing before the zoning commission. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following day before five p.m.

(Ord. 94-15, 1994; prior code § 17.88.020)

17.68.030 Evaluation responsibility—Consultation—Notification.

The planning director, upon receiving an application for a special review of an area or a particular place of property shall do the following:

- A. Consult with other departments of the city or county to fully evaluate the impact of any special review upon public facilities and services including, but not limited to schools, drainage, traffic and related facilities;
- B. Study each application with reference to its appropriateness and effect on existing and proposed land use, and references to the comprehensive plan;
- C. Advertise twice in a newspaper of general circulation in the jurisdictional of the Laurel-Yellowstone city-county planning board at least fifteen days in advance of the time and place of the public hearing;
- D. Notify, by mail, the applicant or his authorized agent at least five days prior to the date of the public hearing of the time and place of such hearing;
- E. Notify, by mail, all property owners within three hundred feet of the exterior boundaries of the property subject to the special review of the time, date, place of the public hearing and the existing

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and proposed classification. Further, he may notify property owners within a radius of more than three hundred feet if he determines that the proposed use of the property would have a substantial environmental impact on surrounding land uses;

- F. After the public hearing and as part of the public record, the planning director shall report his findings, conclusions and recommendations to the zoning commission.

(Ord. 94-16, 1994; prior code § 17.88.030)

17.68.040 Zoning commission action.

- A. After presentation to the zoning commission of the request for special review by the applicant, the zoning commission shall make a recommendation to the city council to:
1. Grant the application for special review;
 2. Deny the application;
 3. Delay action on the application for a period not to exceed thirty days; or
 4. Grant the application subject to conditions and recommendations and give the reasons therefor.
- B. Before approving a special review use, the zoning commission shall find that the contemplated use(s):
1. Complies with all requirements of this section;
 2. Is consistent with the objectives and purposes of this title and the Laurel comprehensive planning process;
 3. Is compatible with surrounding land use or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects;
 4. Further the zoning commission shall consider and may impose modifications or conditions concerning, but not limited to the following:
 - a. Street and road capacity,
 - b. Ingress and egress to adjoining streets,
 - c. Off-street parking,
 - d. Fencing, screening and landscaping,
 - e. Building bulk and location,
 - f. Usable open space,
 - g. Signs and lighting,
 - h. Noise, vibration, air pollution and similar environmental influences.

(Ord. 94-17, 1994; Ord. 953, 1989; prior code § 17.88.040)

17.68.050 City council action.

- A. Before taking action on an application for special review, and after presentation of the zoning commission's report, the city council may hold a public hearing on the application.
- B. The zoning commission may recommend to the council whether to hold a public hearing or not. In the event the city council holds its own public hearing on the application, then the recommendations of the zoning

commission and the notice of public hearing before the city council shall both be published twice in the newspaper of general circulation in the jurisdictional area of the Laurel-Yellowstone city-county planning board with the first publication being at least fifteen days prior to the hearing.

(Ord. 94-18, 1994; prior code § 17.88.050)

Chapter 17.72 AMENDMENTS

Sections:

17.72.010 Purpose of provisions.

Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the city council may amend, supplement, or change the regulations in this title, or the zoning boundaries or classification of property on the zoning map, as set forth in this chapter.

(Prior code § 17.84.010)

17.72.020 Amendment procedure.

Amendments to the text of the title and/or changes in the zoning boundaries or classification of properties shown on the zoning map may be initiated by the city council on their own motion, or upon recommendation of the planning board but no amendment shall become effective unless it shall have been submitted to the zoning commission for review and recommendation. Before enacting an amendment to this title, the city council shall give public notice and hold a public hearing thereon.

(Ord. 96-5 (part), 1996; prior code § 17.84.020 (part))

17.72.025 Amendment by private property owner.

Amendments to the zoning boundaries or classification of property shown on the zoning map may be initiated by property owners of the land proposed to be rezoned, by the filing with the zoning commission secretary of a zoning change application, which application shall be provided by the zoning commission secretary, and accompanied by all other materials and data required in the application.

(Ord. 01-4 (part), 2001; Ord 96-5 (part), 1996; prior code § 17.84.020 (part))

17.72.030 Preapplication conference required.

Persons or parties interested in submitting an application for a zoning change shall consult with the planning director and the building inspector, at a joint meeting, if possible, concerning a proposed zoning change, its relation to and effect upon the comprehensive plan, any applicable specific plans or any plans being prepared by the planning department, and whether the proposed change is in conformance with public necessity, convenience, general welfare and good zoning practice.

(Prior code § 17.84.030)

17.72.040 Application requirements.

- A. Unless initiated by the city council or planning board, all applications for official map amendments must be submitted by the owner of such property, the contract purchaser, or the authorized agent of the owner. An application for an amendment affecting the same property shall not be submitted more often than once every twelve months. The zoning change application shall contain the following information:
1. Name of applicant;
 2. Mailing address;
 3. Telephone number;
 4. Accurate legal description of location;
 5. Nature of zoning change requested;
 6. Description of present land uses;
 7. Description of adjacent land uses;
 8. Statement of intended land use;
 9. Statement concerning any expected effect upon the adjacent neighborhood;
 10. Date of preapplication conference;
 11. Names and addresses of adjacent property owners, within three hundred feet;
 12. Signature of applicant;
 13. Payment of all applicable fees.
- B. An application for amendment to the official map shall be made on or before five p.m. of the first day of the month preceding the date of the public hearing before the zoning commission. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following day before five p.m.
- C. An application for a zone change may not be withdrawn or amended after the legal advertising, as required by this section, has appeared for final public hearing before the city council. An applicant may be allowed to withdraw at the time of the zoning commission hearing by a majority vote of the members present without requiring council approval of the withdrawal and without prejudice with respect to the twelve month waiting period providing, however, that no application be allowed to be withdrawn more than once within the twelve month period after application shall have first been submitted.

(Prior code § 17.84.040)

17.72.050 Planning department evaluation responsibility.

The planning director, upon receiving an application for rezoning of an area or a particular place of property shall do the following:

- A. Consult with other departments of the city or county to fully evaluate the impact of any zoning change upon public facilities and services including, but not limited to schools, drainage, traffic and related facilities;
- B. Study each application with reference to its appropriateness and effect on existing and proposed land use, and references to the comprehensive plan;

(Supp. No. 20)

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- C. In the case of a protest petition filed in the matter of any application for rezoning determine the validity of such petition;
 - D. Advertise twice in a newspaper of general circulation in the jurisdictional area of the Laurel-Yellowstone city-county planning board at least fifteen days in advance of the time and place of the public hearing;
 - E. Notify, by mail, the applicant or his authorized agent five days prior to the date of the public hearing of the time and place of such hearing;
 - F. Notify, by mail, all property owners within three hundred feet of the exterior boundaries of the property subject to the rezoning; of the time, date, place of the public hearing and the existing and proposed classification. Further, he may notify property owners within a radius of more than three hundred feet if he determines that the proposed use of the property would have substantial environmental impact on surrounding land uses;
 - G. The planning director shall report his findings and conclusions in writing to the zoning commission, which report shall be a matter of public record.

(Ord. 01-4 (part), 2001; prior code § 17.84.050)

17.72.060 Zoning commission action.

- A. The zoning commission shall review and take action upon each application in accordance with the provisions of this chapter, and after a public hearing at which the application shall be presented to the zoning commission by the planning director together with his findings and conclusions on the matter. A report of the commission's recommendation and the planning director's findings and conclusions shall be submitted to the city council.
- B. The zoning commission shall make a recommendation to the city council to:
 - 1. Deny the application for amendment to the official map;
 - 2. Grant action on the application for a period not to exceed thirty days;
 - 3. Delay action on the application for a period not to exceed thirty days;
 - 4. Give reasons for the recommendation.
- C. The zoning commission shall adopt such rules and regulations for the conduct of public hearings and meetings, which shall be published and available to the public, as well as conflict of interest rules, to ensure that no member is entitled to vote on a matter in which he has an interest directly or indirectly.

(Prior code § 17.84.060)

17.72.070 Public hearing—Notice required.

- A. Before taking action on an application for an amendment to the official map, and after presentation of the zoning commission's recommendation, the city council shall hold a public hearing on the application.
- B. The recommendations of the zoning commission shall be published twice in a newspaper of general circulation in the jurisdictional area of the Laurel-Yellowstone city-county planning board, and not less than fifteen days after the first publication of such notice, a final hearing shall be held at the next regular meeting of the city council.

(Supp. No. 20)

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-
- C. When such proposed amendment has been denied by the city council neither it nor one involving the same tract(s) shall be offered for adoption within one year after such denial.
 - D. In case, however, of a valid protest petition against such change signed by the owners of twenty per centum or more either of the lot included in such proposed change, or of those immediately adjacent in the rear of extending one hundred fifty feet therefrom or of those adjacent on either side thereof within the same block, or of those directly opposite thereof extending one hundred fifty feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the city council.

(Ord. 01-4 (part), 2001; prior code § 17.84.070)

Chapter 17.76 ENFORCEMENT

Sections:

17.76.010 Purpose of provisions.

The provisions of this title shall be enforced by the building inspector, subject to such variations or interpretations as may be made by the board of adjustment.

(Prior code § 17.92.010)

17.76.020 Building official—Powers and duties.

The building official shall:

- A. Issue building permits for all construction, alteration or movement of buildings or structures after first determining that all applicable provisions of this title are complied with.
- B. Conduct inspections as are necessary to ensure compliance with the provisions of this chapter.
- C. Institute appropriate action or proceedings to prevent or correct unlawful construction, alteration, or movement of buildings or structures or unlawful occupancy of buildings, structures or land.

(Prior code § 17.92.020)

17.76.030 Planning director—Powers and duties.

- A. The planning director shall supervise and facilitate the processing of applications for amendments to the official zoning map, special review applications, and requests for variances. Further, it shall be his responsibility to present any applications or requests to the appropriate board or commission.
- B. It shall further be the responsibility of the planning director to aid the various boards, commissions and departments in transmitting recommendations, records and reports to the city council and to otherwise promote procedural regularity in the administration of this title.
- C. The planning director shall not have authority to act in any final reviewing capacity and any question as to interpretation or enforcement shall be determined by the appropriate board, commission or department.

(Prior code § 17.92.030)

17.76.040 Abatement procedure.

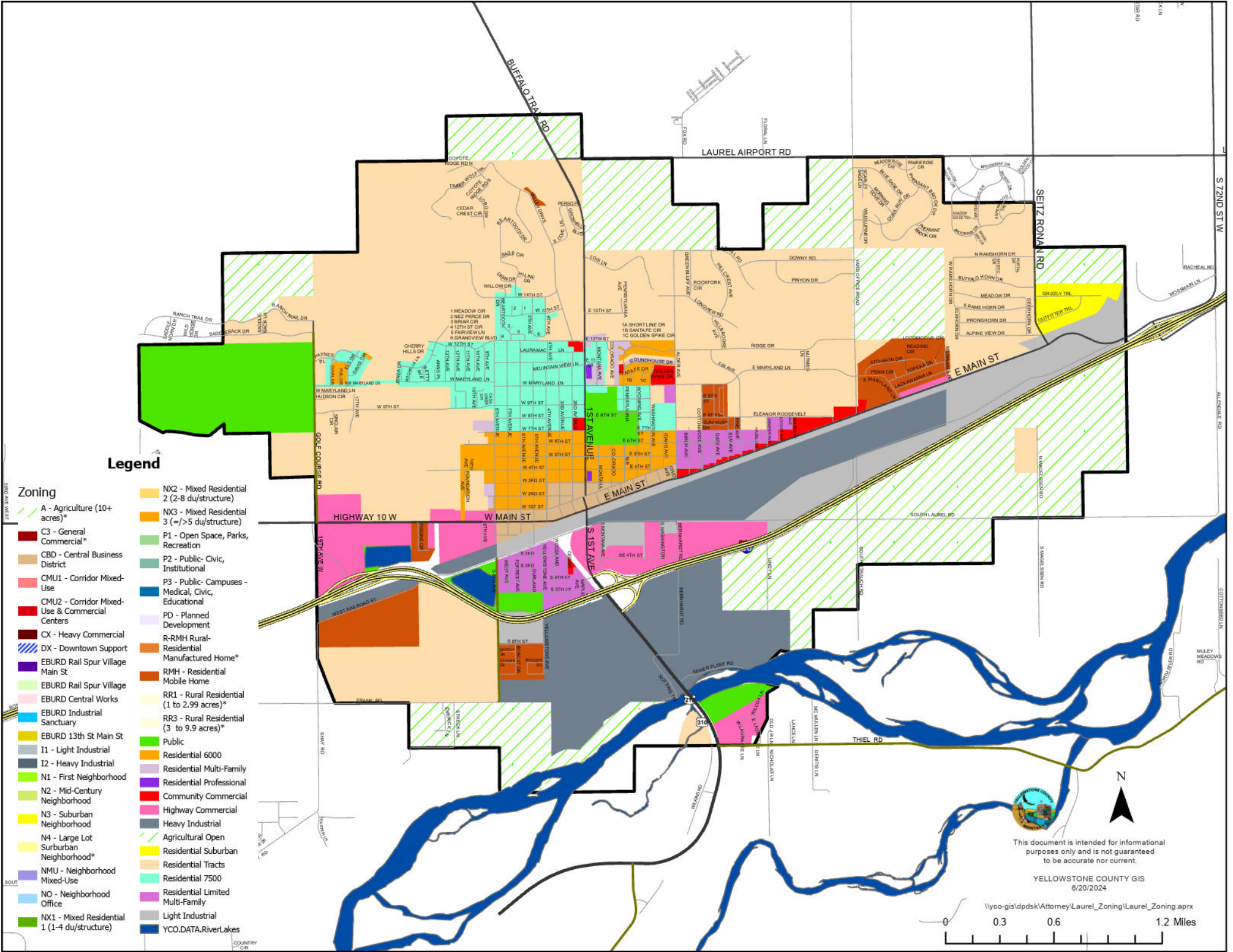
If on any inspection the condition of a building or premises, or its use or occupancy is found not to conform to the provisions of this title, the building inspector shall issue written notice to the owner or tenant, specifying the manner in which the building or premises, or its use or occupancy fails to conform, and the owner or tenant shall take steps and make it conform as directed by the building inspector.

(Ord. 01-4 (part), 2001; prior code § 17.92.040)

17.76.050 Violation—Penalty.

- A. Any person violating a provision of this chapter for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in Section 1.36.010 of this code.
- B. The owner or tenant of any building, structure, premises, or part thereof, and any architect, building, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- C. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation or to bring an action to enjoin any violation of this title.

(Prior code § 17.92.050)



Legend

Zoning

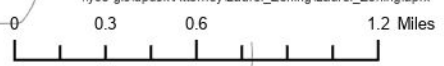
- A - Agriculture (10+ acres)*
- C3 - General Commercial*
- CBD - Central Business District
- CMU1 - Corridor Mixed-Use
- CMU2 - Corridor Mixed-Use & Commercial Centers
- CX - Heavy Commercial
- DX - Downtown Support
- EBURD Rail Spur Village Main St
- EBURD Rail Spur Village
- EBURD Central Works
- EBURD Industrial Sanctuary
- EBURD 13th St Main St
- I1 - Light Industrial
- I2 - Heavy Industrial
- N1 - First Neighborhood
- N2 - Mid-Century Neighborhood
- N3 - Suburban Neighborhood
- N4 - Large Lot Suburban Neighborhood*
- NMU - Neighborhood Mixed-Use
- NO - Neighborhood Office
- NX1 - Mixed Residential 1 (1-4 du/structure)
- NX2 - Mixed Residential 2 (2-8 du/structure)
- NX3 - Mixed Residential 3 (= >5 du/structure)
- P1 - Open Space, Parks, Recreation
- P2 - Public-Civic, Institutional
- P3 - Public-Campuses - Medical, Civic, Educational
- PD - Planned Development
- R-RMH Rural-Residential Manufactured Home*
- RMH - Residential Mobile Home
- RR1 - Rural Residential (1 to 2.99 acres)*
- RR3 - Rural Residential (3 to 9.9 acres)*
- Public
- Residential 6000
- Residential Multi-Family
- Residential Professional
- Community Commercial
- Highway Commercial
- Heavy Industrial
- Agricultural Open
- Residential Suburban
- Residential Tracts
- Residential 7500
- Residential Limited Multi-Family
- Light Industrial
- YCO.DATA.RiverLakes



This document is intended for informational purposes only and is not guaranteed to be accurate nor current.

YELLOWSTONE COUNTY GIS
8/20/2024

\\yco-gis\dpdsk\Attorney\Laurel_Zoning\Laurel_Zoning.aprx
0 0.3 0.6 1.2 Miles



YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 24- 116

Resolution to Enact Yellowstone County Jurisdictional Zoning Around the City of Laurel

WHEREAS, pursuant to Section 76-2-201 of the Montana Code Annotated, a board of county commissioners has the authority to enact county jurisdictional zoning. Pursuant to Section 76-2-205 of the Montana Code Annotated, to enact county jurisdictional zoning a board has to pass a resolution to hold a public hearing, receive a recommendation from the planning board, hold a public hearing, pass a resolution of intent, accept comments, consider the comments and pass a resolution to enact the zoning. A board has to have adopted a growth policy on the land it intends to enact zoning on.

WHEREAS, an issue has arisen over whether there is zoning in the area around the City of Laurel. The County believes zoning in the area would be in the best interest of the public. The landowners in the area believe the area is zoned and have made decisions based on the existence of zoning in the area. To resolve the issue, the County intends to enact County Jurisdictional Zoning in the area. The County has already enacted a growth policy for the area. The County intends to use the boundaries and regulations the County and landowners believed existed around the City. After the Board enacts zoning regulations around the City, in the future, the Board may change the boundaries and regulations. The priority is to enact the regulations the County and the residents believe existed.

WHEREAS, on November 28, 2023, the Yellowstone County Board of County Commissioners requested the City of Laurel / Yellowstone County Planning Board provide it with a recommendation on the adoption of the existing zoning regulations for the area around the City of Laurel. The Planning Board provided the County with a recommendation to adopt the regulations. On April 2, 2024, the Board passed a resolution that set a public hearing on the adoption of the regulations for May 21, 2024. On April 5, 2024, the Yellowstone County Clerk and Recorder posted notice of the hearing in four locations in the County. On April 5, 2024 and April 12, 2024, the Clerk and Recorder published notice of the hearing in the *Yellowstone County News*. From April 5, 2024 until May 21, 2024, the Clerk and Recorder made copies of the regulations available in his office. From April 5, 2024 until May 21, 2024, the Clerk and Recorder received written comments and provided them to the Board prior to the hearing. On May 21, 2024, 2024, the Board held a public hearing on the zoning and passed a resolution of intent to enact the zoning and set another public hearing for July 9, 2024.

WHEREAS, on May 24, 2024, the Yellowstone County Clerk and Recorder posted notice of the resolution of intent and the public hearing in four locations in the County. On May 24, 2024 and May 31, 2024, the Clerk and Recorder published notice of the resolution of intent and the public hearing in the *Yellowstone County News*. From May 24, 2024 until July 9, 2024, the Clerk and Recorder made copies of the boundaries and regulations for the zoning available to the public at his office. From May 24, 2024 until July 9, 2024, the Clerk and Recorder received comments on the zoning. The Clerk and Recorder provided the comments to the Board before the July 9, 2024 meeting. On July 9, 2024, the Board held a public hearing on the zoning. It considered the comments it had received. It decided it would be in the best interest of the public to enact the zoning.

NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners enacts Yellowstone County Jurisdictional Zoning around the City of Laurel. The Board enacts the boundary and regulations the County believed existed around the City. Attached is a copy of the map and regulations. The boundary and regulations are effective immediately and shall continue until modified or eliminated. In 2025, after the Montana Legislative session, the administrator of the zoning regulations in the area shall review the changes to the zoning statutes and the regulations and make a recommendation to the Board as to any changes to the regulations required by the changes to the statutes.

Passed and Adopted on the 9th day of July 2024.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

John Ostlund, Chair

Mark Morse, Member

Donald W. Jones, Member

ATTEST:

Jeff Martin, Clerk and Recorder

Attachments

Map
Regulations

B.O.C.C. Regular

Meeting Date: 07/09/2024

Title: Setting a Public Hearing to Name a Private Access Easement

Submitted By: Alyssa Quiroz

TOPIC:

Resolution 24-115 of Intent to Name an Unnamed Road in Amended Certificate of Survey No. 3793 Corrected and Setting a Public Hearing for Tuesday July 23rd, 2024 at 9:30 a.m. in Room 3108

BACKGROUND:

A road name petition was submitted to the GIS department to name an unnamed private access easement on CS 3793 Corr Amd TR 2 across tracts 2A and 2B. The proposed name that was accepted by GIS is Leisure Ln.

RECOMMENDED ACTION:

Establish the public hearing date to name the unnamed private access easement.

Attachments

Map

Road Petition

Plat

Resolution of Intent

STATE HIGHWAY 47

D10325B

D10325C

D10325D

C18811

C18812

C18813

C18814

C18815

PETITION PROCEDURE FOR A ROAD NAME CHANGE AND NAMING UN-NAMED ROADS

Road naming standards are essential in order to protect the health, safety and welfare of the public. The Board of County Commissioners is authorized to assign and change road names. Such naming is at the discretion of the Board.

In Yellowstone County, the GIS Department is responsible for maintaining a digital inventory of physical addresses and road names, and has adopted addressing standards developed at the national and state level to improve the ability of emergency responders to locate citizens who call **9-1-1**. Road naming standards may be reviewed at www.co.yellowstone.mt.gov/mapping/downloads/roadnames/standards.pdf or obtained from the GIS Dept. in Room 305 of the Yellowstone County Court House.

- A road is defined as “any highway, street, avenue, lane, way or similar paved, gravel or dirt thoroughfare.” This petition process applies to roads that have been *legally defined as a right-of-way per a recorded easement document, site plan or plat map.*
- Residents may consider petitioning to name an unnamed road when it provides access to two or more permanent dwellings/businesses. If documentation indicates access to multiple parcels, roads may be named when the first residence/business is under construction.
- Private driveways are not under the purview of the Board of County Commissioners
- Consideration may be given to changing a road name via the petition process if the name duplicates or is too similar-sounding to another road in the County. However, changing a road name is normally difficult as most residents prefer to keep an address once established with the Post Office.
- Naming un-named roads or changing road names to meet recommended addressing standards does not constitute responsibility for road maintenance by local government nor guarantee delivery of emergency services.

County residents may initiate a Petition for Road Naming or Name Changing, as allowed under Section 7-14-2601 M.C.A., by utilizing the following process:

- 1.) Read the attached Petition documents carefully. A Petition spokesperson should contact the Address Coordinator in the County GIS Department, 869-3553 and provide a copy of an access easement document or plat map depicting the right-of-way. The GIS Dept. will produce a list of landowners whose property is adjacent to or exclusively accessed by the portion of the road in question as well as a map depicting property boundaries.
- 2.) Signatures from at least 60% of affected landowners must accompany the petition to represent their consent. Landowners should sign their name in the same form as on file in County records (as listed on the landowners list provided by the County GIS Dept.)
- 3.) Assemble all documentation and submit the Petition to the Yellowstone County GIS Dept. (Room 305 of the County Court House at 217 N. 27th St.); or mail to Yellowstone County GIS Dept., P.O. Box 35043, Billings, MT 59107. The Petition will be internally reviewed by several departments prior to presenting to the Board of County Commissioners.
- 4.) The Commissioners will review the petition and set a date for a Public Hearing on the matter. Notice of the Public Hearing will be published in the local newspaper once a week for the two weeks prior to the date of the public meeting. Additionally, notices will be mailed to affected owners on the date of first publication of Notice of Hearing. Dissent opinions may be mailed to the GIS Dept., and/or presented in person at the public meeting. Affected owners will be notified of the results within seven working days of the final decision.
- 5.) Please feel free to contact GIS at any time to check on the status of your application. To assist you in selecting a road name, a current list of Yellowstone County road names is available on the county’s website at www.co.yellowstone.mt.gov/mapping/Roadnames/roadnames.asp .

PETITION FOR A ROAD NAME CHANGE/ NAMING AN UN-NAMED ROAD

To: Yellowstone County Board of Commissioners

The Landowners whose signatures accompany this Petition request that the road currently

known as _____

be henceforth named _____

(Alternate road names are listed on page 2, Sec B.) This petition is respectfully submitted this

_____ day of _____, 20_____.

Petition-Initiator (and/or) Contact Person:

Name: John Nisley

Mailing Address: 7474 Beet Dump Rd

City, State, Zip Custer, MT 59024

Phone Number: 406-679-2027 Alternate Phone 406-679-2028

Email address ~~big_horns~~ bighornsg@gmail.com

I swear that all the above information is true and correct, and all the landowners' signatures are original.

 Date 6-11-24
Contact Person Signature

Submit the following list of items to the GIS Department:

- Section A and B of the Petition

- A copy of a recorded plat map, Certificate of Survey, or site plan showing the road right-of-way and adjacent/accessed property boundaries. If the right-of-way for the petitioned road is not depicted on such a map, a copy of a recorded access easement will be required. (Copies of plat maps can be obtained from YC GIS Dept. or the Clerk and Recorder's Office.)

- Signatures representing consent of at least 60% of affected landowners.

PETITION FOR A ROAD NAME CHANGE/ NAMING AN UN-NAMED ROAD

Section A

The reason for the Petition:



The existing road is unnamed and provides serves two or more permanent residences and/or businesses. If documentation indicates an unnamed road provides access to multiple parcels, the road may be eligible for naming when the first residence/business is under construction.

■ The existing road name duplicates or is similar sounding to an existing road name and therefore deemed confusing for emergency responders.

Name conflicts with _____

located at _____

■ Other

Section B

Proposed Road Name: Victory Lane *to let/let* in use

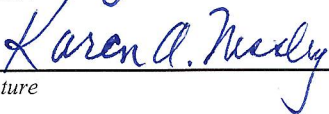
Alternate Road Name: Victory Drive in use

Second Alternate: Leisure Lane acceptable

LANDOWNER AND CO-OWNER SIGNATURES IN SUPPORT OF NEW ROAD NAME

(It is important to sign the same as names are recorded on the owners list provided by the GIS Dept. Petitioners, don't forget to add your signatures on this list!)

Signature  *Printed Name* John S Nissley *Physical Address* 7474 Beet Dump Rd. 59024

Signature  *Printed Name* Karen A. Nissley *Physical Address* 7474 Beet Dump Rd. 59024

Signature _____ *Printed Name* _____ *Physical Address* _____

Signature _____ *Printed Name* _____ *Physical Address* _____

Signature _____ *Printed Name* _____ *Physical Address* _____

Signature _____ *Printed Name* _____ *Physical Address* _____

Signature _____ *Printed Name* _____ *Physical Address* _____

Signature _____ *Printed Name* _____ *Physical Address* _____

Signature _____ *Printed Name* _____ *Physical Address* _____

Signature _____ *Printed Name* _____ *Physical Address* _____

Signature _____ *Printed Name* _____ *Physical Address* _____

Signature _____ *Printed Name* _____ *Physical Address* _____

Signature _____ *Printed Name* _____ *Physical Address* _____

Signature _____ *Printed Name* _____ *Physical Address* _____

Signature _____ *Printed Name* _____ *Physical Address* _____

Signature _____ *Printed Name* _____ *Physical Address* _____

**YELLOWSTONE COUNTY
DOCUMENT ROUTING SLIP & AGENDA REQUEST**

For Internal Use Only

PURPOSE OF DOCUMENT: Yellowstone County residents are petitioning to name an un-named road or to change the name of an existing road, as stated in the Petition documents attached.

DATE NEEDED / AGENDA DATE: _____ / _____

DEPARTMENTS THAT NEED TO REVIEW DOCUMENT:

GIS DEPARTMENT: Executed Copy Requested:

Receipt date: _____ Date out: _____ Next routed to: _____

Comments: _____

Reviewed by: _____

COUNTY ATTORNEY: Executed Copy Requested:

Receipt date: _____ Date out: _____ Next routed to: _____

Comments: _____

Reviewed by: _____

CITY/COUNTY PLANNING DEPARTMENT: Executed Copy Requested:

Receipt date: _____ Date out: _____ Next routed to: _____

Comments: _____

Reviewed by: _____

PUBLIC WORKS DEPARTMENT: Executed Copy Requested:

Receipt date: _____ Date out: _____ Next routed to: _____

Comments: _____

Reviewed by: _____

LAUREL PLANNING DEPT. OR OTHER TOWN COUNCIL: (optional) Executed Copy Requested:

Receipt date: _____ Date out: _____ Next routed to: _____

Comments: _____

Reviewed by: _____

CLERK AND RECORDER: Executed Copy Requested:

Receipt date: _____ Date out: _____ Next routed to: _____

Comments: _____

Reviewed by: _____

AMENDED TRACT 2 OF CERTIFICATE OF SURVEY NO. 3793 CORRECTED LOCATED IN A PORTION SECTION 19, TOWNSHIP 4 NORTH, RANGE 34 EAST, P.M.M. YELLOWSTONE COUNTY, MONTANA

LEGAL DESCRIPTION

Being a portion of Section 19, T.4N., R.34E., P.M.M., Yellowstone County, Montana, being more particularly described as follows:

Considering the Basis of Bearing to be Geodetic North observed at the southeast corner of Section 19. As shown on this survey, and with all other bearings contained herein relative thereto;

Being Tract 2 of Corrected Certificate of Survey No. 3793, Containing 79.369 acres more or less, and all according to the attached Certificate of Survey. Subject to all easements and/or rights-of-way of record, apparent on the ground or reserved per this survey

COUNTY ATTORNEY APPROVAL

This Document has been reviewed by the city attorney's office and is acceptable to form.

County Attorney _____ Date _____

CERTIFICATE OF RIVERSTONE HEALTH

This document has been reviewed by the County Health Department and is acceptable as to form.

Dated this _____ day of _____, 2021.

Reviewed by: _____

OWNER'S CERTIFICATE

I, John Nissley, do hereby certify, that the purpose of this survey is for the gift of Tract 2A to Karen A Nissley, my wife, and this is the first family transfer to this person; and the gift of Tract 2B to Mark D. Nissley, my son, and this is the first family transfer to this person; therefore, this division of land is exempt from review as a subdivision pursuant to sections 78-3-207(1)(b) M.C.A.; "divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family." And, Tract 2A, 2B, and 2C are exempt from review per 78-4-103, M.C.A.; "The plat for a subdivision must show all parcels, whether contiguous or not. A parcel that is 20 acres or more in size, exclusive of public roadways, is not subject to review under this part unless the parcel provides two or more permanent spaces for recreational camping vehicles or other recreation. The rental or lease of one or more parts of a single building, structure, or other improvement, whether existing or proposed, is not a subdivision, as that term is defined in this part, and is not subject to the requirements of this part."

STATE OF MONTANA)
County of Yellowstone)
JOHN NISSLEY)

John Nissley

STATE OF MONTANA)
County of Yellowstone)

Notary Public for the State of Montana

On this _____ day of _____, 2023, before me, the undersigned, a Notary Public for the State of Montana, Personally appeared John Nissley known to me to be the individual who signed the foregoing instrument, and who acknowledged to me that he executed the same.

CERTIFICATE OF SURVEYOR

The undersigned, a Professional Land Surveyor licensed in the State of Montana, states that during the month of April, 2023, a survey was performed by me of a tract of land in accordance with the request of the owner thereof and in conformance with the Montana Subdivision and Platting Act; said Tract, description of boundaries and dimensions being in accordance with the annexed Certificate of Survey; that the monuments found and set are of the character and occupy the positions shown hereon.

Essex Surveying, LLC.

By: ZAMIAN Z.
ESSEX
No. 40989 IS

Date: _____

COUNTY TREASURER'S CERTIFICATION OF TAX PAYMENT

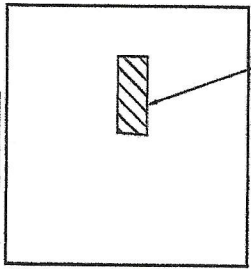
I hereby certify pursuant to 78-3-207(3)(b) M.C.A., that all real property taxes and special assessments levied on the land described above have been paid.

Yellowstone County Treasurer
Date _____

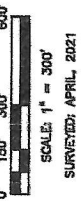
SURVEYORS NOTE:
1. THERE ARE MULTIPLE DISCREPANCIES IN THE SUBSEQUENT RECORDS WITH REGARDS TO THE CENTER 1/4 CORNER AND THE NORTH 1/4. THAT THE CENTER 1/4 CORNER WAS MONUMENTED IN ERROR BASED OFF OF THE WRONG RIGHT-OF-WAY MONUMENT.

CLERK AND RECORDER FILING INFORMATION

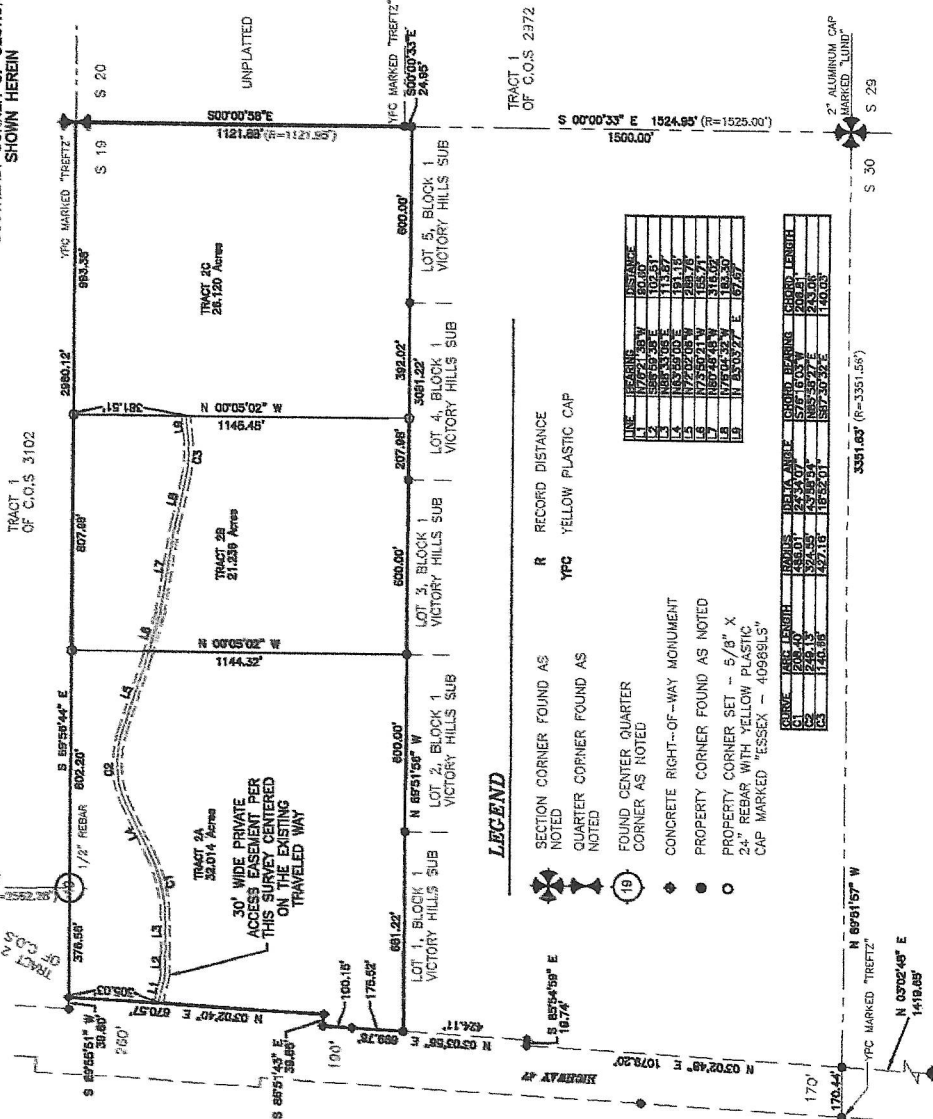
VICINITY MAP



THIS SURVEY



BASIS OF BEARING
GEODETIC NORTH OBSERVED AT THE
SOUTHEAST CORNER OF SECTION 19
SHOWN HEREIN



AMENDED TRACT 2 OF CERTIFICATE OF SURVEY NO. 3793 CORRECTED

LOCATED IN A PORTION SECTION 19, TOWNSHIP 4 NORTH, RANGE 34 EAST, P.M.M. YELLOWSTONE COUNTY, MONTANA

PURPOSE OF SURVEY: FAMILY TRANSFER
SURVEYED FOR: JOHN S. NISSELY
SURVEYED BY: ESSEX SURVEYING, LLC
39 LIGHTNING LANE
RED LODGE, MT 59068
(406) 860-6043

OWNER'S CERTIFICATE

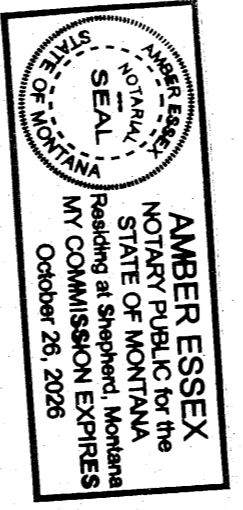
I, John S. Nissley, do hereby certify, that the purpose of this survey is for the gift of Tract 2A to Karen A. Nissley, my wife, and this is the first family transfer to this person, and the gift of Tract 2B to Mark D. Nissley, my son, and this is the first family transfer to this person; therefore, this division of land is exempt from review as a subdivision pursuant to section 76-3-207(1)(b) M.C.A.; "divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family." And, Tract 2A, 2B, and 2C are exempt from review per 76-4-103, M.C.A.; "The plat for a subdivision must show all parcels, whether contiguous or not. A parcel that is 20 acres or more in size, exclusive of public roadways, is not subject to review under this part unless the parcel provides two or more permanent spaces for recreational camping vehicles or mobile homes. The rental or lease of one or more parts of a single building, structure, or other improvement, whether existing or proposed, is not a subdivision, as that term is defined in this part, and is not subject to the requirements of this part."

John S. Nissley
John S. Nissley

STATE OF MONTANA)
County of Yellowstone)

On this 13th day of October, 2023, before me, the undersigned, a Notary Public for the state of Montana, Personally appeared John S. Nissley known to me to be the individual who signed the foregoing instrument, and who acknowledged to me that he executed the same.

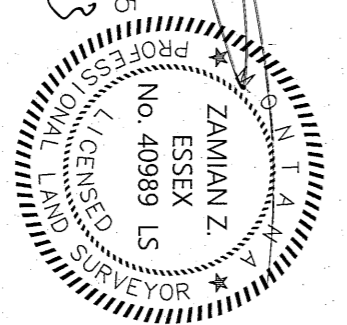
Amber Essex
Notary Public for the State of Montana



CERTIFICATE OF SURVEYOR

The undersigned, a Professional Land Surveyor licensed in the State of Montana, states that during the month of May, 2023, a survey was performed by me of a tract of land in accordance with the request of the owner thereof and in conformance with the Montana Subdivision and Plating Act; said Tract, description of boundaries and dimensions being in accordance with the annexed Certificate of Survey; that the monuments found and set are of the character and occupy the positions shown hereon.

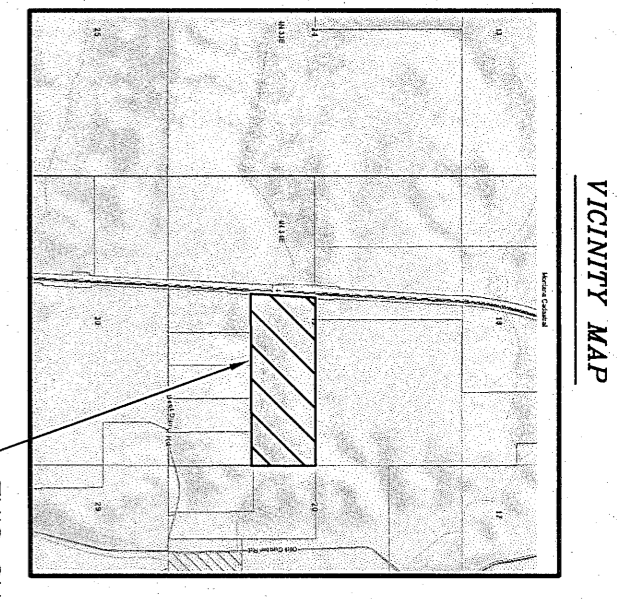
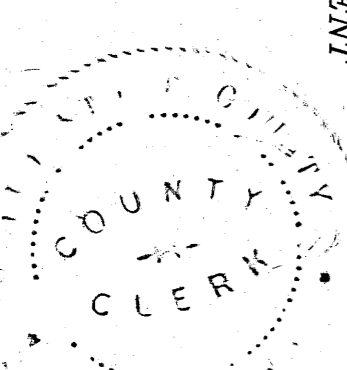
Essex Surveying, LLC
By: ZAMIAN Z. ESSEX
Montana License No. 40989LS
Certified Federal Surveyor No. 1755
Date: 7/7/2023



COUNTY TREASURER'S CERTIFICATION OF TAX PAYMENT

I hereby certify pursuant to 76-3-207(3)(b) M.C.A., that all real property taxes and special assessments levied on the land described above have been paid.

Yellowstone County Treasurer, Deputy
Date: 11/13/2023

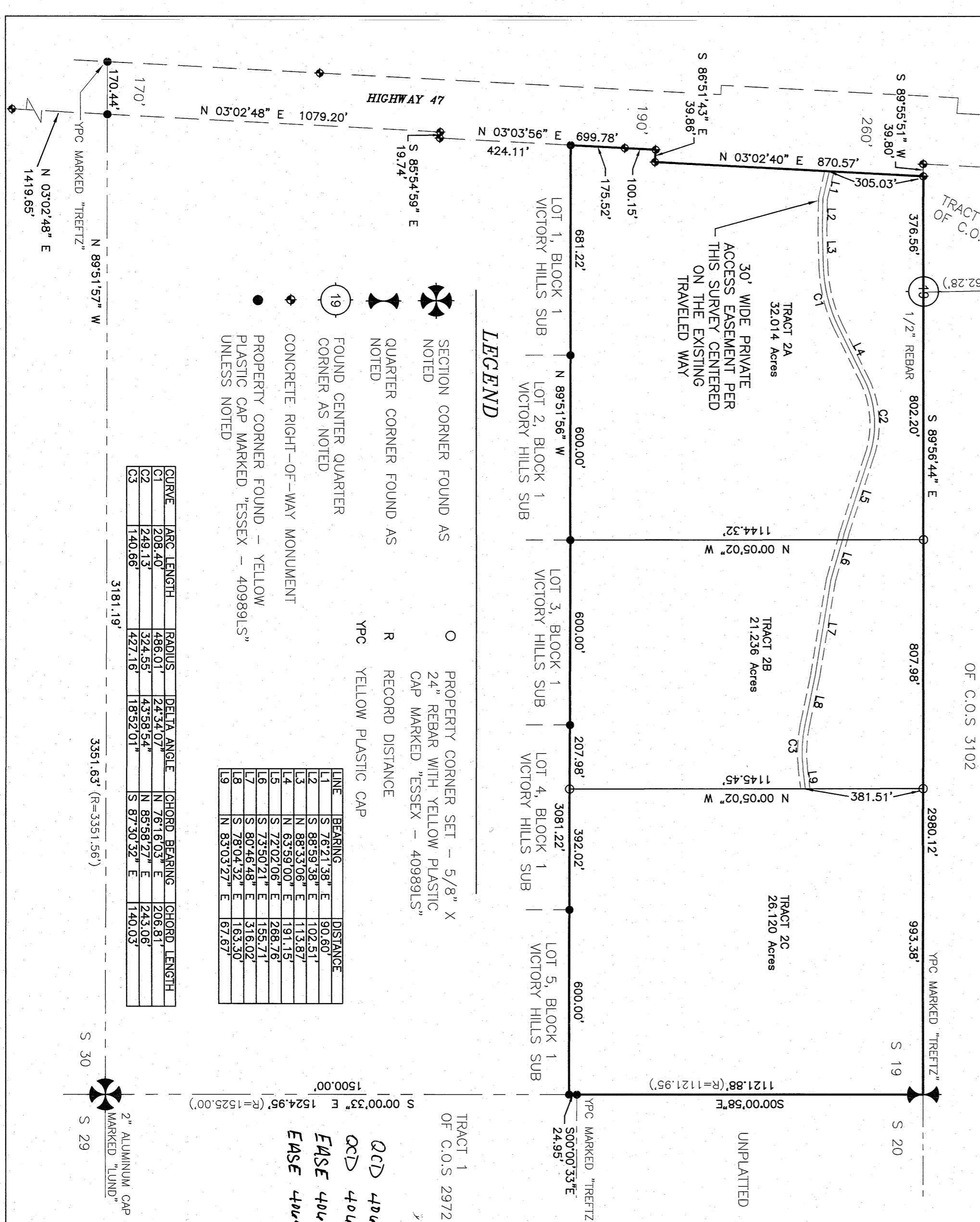
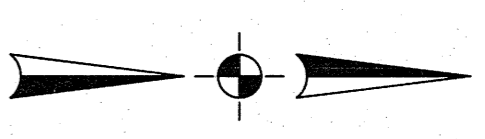
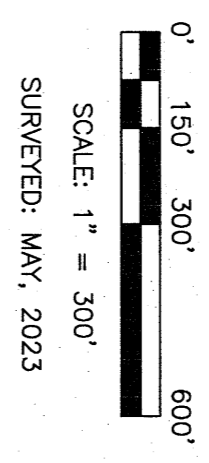


LEGAL DESCRIPTION
Being a portion of Section 19, T.4N., R.34E., P.M.M., Yellowstone County, Montana, being more particularly described as follows:
Considering the Basis of Bearing to be Geodetic North observed at the southeast Corner of Section 19. As shown on this survey, and with all other bearings contained herein relative thereto:
Being Tract 2 of Corrected Certificate of Survey No. 3793 filed under Document No. 3989179 in the office of the Clerk and Recorder of said county, Containing 79.370 acres more or less, and all according to the attached Certificate of Survey. Subject to all easements and/or rights-of-way of record, apparent on the ground or reserved per this survey

COUNTY ATTORNEY APPROVAL
This Document has been reviewed by the county attorney's office and is acceptable to form.
County Attorney: [Signature]
Date: 1-14-23

CERTIFICATE OF RIVERSTONE HEALTH
This document has been reviewed by the County Health Department and is acceptable as to form.
Dated this 13th day of Nov., 2023.
Reviewed by: [Signature]

BASIS OF BEARING
GEODETIC NORTH OBSERVED AT THE SOUTHEAST CORNER OF SECTION 19 SHOWN HEREIN



- SECTION CORNER FOUND AS NOTED
- QUARTER CORNER FOUND AS NOTED
- FOUND CENTER QUARTER CORNER AS NOTED
- CONCRETE RIGHT-OF-WAY MONUMENT
- PROPERTY CORNER FOUND - YELLOW PLASTIC CAP MARKED "ESSEX - 40989LS"
- UNLESS NOTED

LINE	BEARING	DISTANCE
L1	S 76°21'38" E	90.50'
L2	S 88°59'38" E	102.51'
L3	N 88°33'08" E	113.87'
L4	N 63°59'00" E	191.15'
L5	S 72°02'08" E	288.78'
L6	S 73°50'21" E	158.71'
L7	S 90°46'48" E	318.02'
L8	S 78°04'32" E	163.30'
L9	N 83°03'27" E	67.67'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	208.40'	486.01'	24°34'07"	N 76°16'03" E	206.81'
C2	249.13'	324.55'	43°58'54"	N 85°58'27" E	243.06'
C3	140.66'	427.16'	18°52'01"	S 87°30'32" E	140.03'

CLERK AND RECORDER FILING INFORMATION
CSA 4064535
12/15/2023 11:49 AM
Jeff Martin, Clerk & Recorder, Yellowstone County, MT

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 24- 115

Resolution of Intent to Name Unnamed Road in Amended Certificate of Survey No. 3793 Corrected

WHEREAS, pursuant to Sections 7-14-2101, 7-14-2102 and 7-14-2103 of the Montana Code Annotated, a board of county commissioners has the authority to manage county roads within the county. Pursuant to its authority to manage county roads within the county, a board of county commissioners may adopt road naming regulations. The naming of roads serves an important public purpose. The naming of roads helps emergency services respond to incidents. It helps commerce with the delivery of goods and services. Yellowstone County has adopted road naming regulations.

WHEREAS, Amended Certificate of Survey No. 3793 Corrected, filed with the Yellowstone County Clerk and Recorder as document 4064535, shows a road across Tract 2A and Tract 2B to Tract 2C. Attached is a copy of the survey. The road is unnamed. The Nissley-Link Trust owns Tracts 2A and 2B. John Nissley owns Tract 2C. Nissley is a trustee of the Nissley-Link Trust. Nissley would like the Yellowstone County Board of County Commissioners to name the road. Nissley submitted a petition to the Yellowstone County Geographical Information Systems Department to name the road. Nissley submitted three names for the road. The Department determined two of the three names were already in use in the County and Leisure Lane could be use as the name of the road. Attached is the petition from Nissley.

NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners intends to name the road shown on Amended Certificate of Survey No. 3793 Corrected Leisure Lane. Attached is a map that indicates the location of the road.

On July 23, 2024, the Board will hold a public hearing to name the road. At the hearing, the Board will receive comments to name the road. The Board orders the Yellowstone County Clerk and Recorder to provide notice of the hearing, accept comments on the naming and provide the comments to the Board prior to the hearing. After the hearing, if the Board believes that it is in the best interest of the public to name the road, it will pass a resolution to name the road. Typically, the Board would also order the Clerk and Recorder to mail notice of the hearing to owners of land that abuts the road. Because Nissely directly or indirectly owns all the land that abuts the road, the notice does not have to be mailed. Nissely is aware of the situation. He filed the petition.

The Board will only change the name of the road. The Board will not make the road a public road. The road will continue to be a private road. The County will not be responsible for the maintenance of the road.

Passed and Adopted on the 9th day of July 2024.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

John Ostlund, Chair

Mark Morse, Member

Donald W. Jones, Member

ATTEST:

Jeff Martin, Clerk and Recorder

Chronology

Agenda – July 8, 2024

Resolution of Intent – July 9, 2024

Mail Notice of Hearing – July 12, 2024

Publication of Hearing – July 12, 2024 & July 19, 2024

Public Hearing / Resolution – July 23, 2024

B.O.C.C. Regular

Meeting Date: 07/09/2024

Title: Board Openings

Submitted By: Erika Guy

TOPIC:

Board Openings - Updated List

BACKGROUND:

See Attachment

RECOMMENDED ACTION:

Post

Attachments

Board Openings

YELLOWSTONE COUNTY BOARD OPENINGS

July 9, 2024

AREA II AGENCY ON AGING	1 year	1 full to 6/30/25
LAUREL FIRE DISTRICT #7	3 year	2 full to 5/4/27
WORDEN FIRE DISTRICT #4	3 year	2 full to 5/4/27
LAUREL FIRE DISTRICT #5	3 year	1 full to 5/4/27
LOCKWOOD URBAN TRANSPORTATION DISTRICT	4 year	2 full to 5/2/28

✚ NOTE: To be eligible for the above special district boards, applicants must live **OR** own property within the boundaries of the district.

APPLICATIONS FOR THE ABOVE POSITIONS WILL BE ACCEPTED
UNTIL 5:00PM ON THURSDAY, August 8, 2024

June 25, 2024

CITY/COUNTY PLANNING: DIST 3	2 year	1 partial to 12/31/24
CITY/COUNTY PLANNING: DIST 4	2 year	1 partial to 12/31/24

✚ NOTE: To be eligible for the above special district boards, applicants must live **AND** own property within the boundaries of the district. To find which planning district you live in, please contact the City/County Planning Division at 247-8676.

LAUREL URBAN FIRE SERVICE AREA	3 year	1 partial to 6/30/25 1 partial to 6/30/26 1 full to 6/30/27
BROADVIEW CEMETERY	3 year	1 partial to 6/30/26

✚ NOTE: To be eligible for the above special district boards, applicants must live **OR** own property within the boundaries of the district.

FUEGO FIRE SERVICE AREA	3 year	1 partial to 12/31/25
BLUE CREEK FIRE SERVICE AREA	3 year	2 full to 5/8/27

✚ NOTE: To be eligible for the above special district boards, applicants must live **OR** own property within the boundaries of the district.

HISTORIC PRESERVATION BOARD	2 year	1 full to 12/31/25
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✚ NOTE: Eligible applicants for the above board must have professional expertise in history, planning, archaeology, architecture, or historic preservation-related disciplines.

LOCKWOOD PEDESTRIAN SAFETY DISTRICT ADV.	3 year	2 full to 12/31/26 1 partial to 12/31/24 1 partial to 12/31/25
YOUTH SERVICES CENTER	2 year	3 full to 12/31/25

APPLICATIONS FOR THE ABOVE POSITIONS WILL BE ACCEPTED
UNTIL 5:00PM ON THURSDAY, July 25, 2024

B.O.C.C. Regular

2. a.

Meeting Date: 07/09/2024

Title: Contract w/ Pine Technologies for JW Support

Submitted By: Amy Tolzien

TOPIC:

Contract with Pine Technologies for JW Support

BACKGROUND:

Yearly support for JustWare case management software for July 1, 2024 to June 30, 2025.

RECOMMENDED ACTION:

Approve.

Attachments

Pine Technologies Contract

Pine Technologies, LLC.



PROFESSIONAL SERVICES AGREEMENT

This PROFESSIONAL SERVICES AGREEMENT (this “**Agreement**”), by and between Pine Technologies, LLC., a Wyoming based company (hereinafter “**Vendor**”), and YELLOWSTONE COUNTY ATTORNEY’S OFFICE (hereinafter “**County**”), is made as of the date executed by both Vendor and County (the “**Effective Date**”).

In consideration for the representations and agreements contained herein, the parties hereby covenant and agree as follows:

1. DEFINITIONS

1.1 **Administrator:** is a designated employee or contractor of County responsible for managing/requesting tickets from Vendor.

1.2 **Business Intelligence:** any ticket that includes:

1.2.1 SSRS Reports

Formatted reports that pull stats/data from Case Management Software’s (CMS) database

1.2.2 JDA Documents

Documents that are automatically generated from CMS and fill in information from the case/name record

1.2.3 Screens (JWXML)

How data is displayed to the end user while using CMS

1.2.4 Business Rules

Automated workflows, i.e. when an event is marked as “no show” a bench warrant is issued

1.2.5 SQL Scripts

Scripts that are written against the CMS database to alter/pull information

1.3 **Ticket:** a service that is requested from the Vendor by the County

1.4 **Service Fees:** the fees to be paid by County for Services, as set forth in the Pricing Proposal attached hereto as Exhibit A for the Services

15 **Services:** those services provided by Vendor to County under Section 4 (“Services”) of this Agreement.

2. SERVICE TERM

2.1 July 1, 2024 - June 30, 2025

2.2 Service Term. The Service Term shall commence on July 1, 2024. If Service Fees have not been received within 30 days after Contract Signing, Vendor will postpone service until payment is received. The Service Term shall be month to month after the completion of the initial twelve-month period.

3. SERVICE FEES

31 Service Fees: County shall make payment of the Service Fees to Vendor based on the number calculated in accordance with Exhibit A, upon receipt of invoice.

4. SERVICES

41 Services: are defined as technical assistance with the County’s CMS Software, including but not limited to, questions about the functionality of the CMS Software, assistance with the resolution of error messages and consulting with process questions. Services include troubleshooting the CMS Software as needed to resolve issues.

42 Tickets: Vendor agrees to provide Services to County, as such may be determined from time to time in accordance with the provisions of this Section 4 (“Services”). All Services will be rendered in accordance with the provisions of this Agreement, the applicable Tickets and any other guidelines agreed upon in writing by Vendor and County.

43 Ticket Requests: If County requests Services, County shall submit, via email, phone, or chat, a reasonably detailed Ticket request to Vendor. Vendor shall have the right to request additional details about the proposed Ticket described in the Ticket request. If additional details are deemed necessary, the Administrator will be contacted by Vendor’s service department to complete the Ticket Request. Tickets that require new or extreme modifications to business intelligence, and new workflow requests will require a Sales Order to complete the work. County will be notified if work will require a sales order and will be able to decide if they want to move forward with the work.

44 Vendor’s Employees and Subcontractors; Indemnification Generally. Vendor shall require all employees and subcontractors to comply with the terms of this Agreement and any reasonable and lawful employment and security policies and procedures adopted from time to time by County. Vendor shall procure all business permits necessary to perform under this Agreement and pay all related fees. Vendor and County shall each indemnify, defend and hold harmless the other and their respective affiliates, officers, directors, employees and agents, from and against any and all losses, liabilities, damages, causes of action, claims, demands, and expenses (including reasonable legal fees and expenses) incurred by the indemnified party, arising out of or resulting from (i) the violation by the indemnifying party or its employees, agents, or contractors of any applicable law, order, ordinance, regulation or code or (ii) the gross negligence or intentional misconduct of the indemnifying party or its employees, agents or contractors.

5. WARRANTIES

51 Services Warranties. Vendor warrants that the Services rendered to County pursuant to this Agreement shall be performed in a competent and professional manner, and that each of Vendor’s employees, contractors and agents assigned to perform Services pursuant to this Agreement shall have training, background and skills commensurate with the level of performance reasonably expected for the tasks to which he or she is assigned.

52 Warranty of Law. Vendor warrants and represents that to the best of its knowledge: (i) Vendor has full authority to enter into this Agreement and to consummate the transactions contemplated hereby and (ii) this Agreement is not prohibited by any other agreement to which Vendor is a party or by which it may be bound (the “**Legal Warranty**”). In the event of a breach of the Legal Warranty, Vendor shall indemnify and hold harmless County from and against any and all losses, liabilities, damages, causes of action, claims, demands, and expenses (including reasonable legal fees and expenses) incurred by County, arising out of or resulting from said breach.

53 No Other Warranties. THE WARRANTIES AND REPRESENTATIONS STATED WITHIN THIS AGREEMENT ARE EXCLUSIVE, AND IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. WARRANTIES WITH RESPECT TO THE OPERATION OF ANY DELIVERABLE SHALL BE AS SET FORTH IN THE APPLICABLE WORK ORDER.

6. PAYMENT

6.1 Service Fee shall be payable in respect of Services provided by Vendor (including its agents and contractors) to, for, or at the request of County or those acting on its behalf under this Agreement. If such Services are provided pursuant to a Sales Order, all work and all Deliverables related to such Services, and the payment therefore, shall be completed as provided in the Sales Order. Payment for a Sales Order shall become due and payable upon delivery, net thirty (30) days. All sales and similar taxes levied on account of payments to Vendor are the responsibility of the County.

7. LIMITATIONS ON LIABILITY

7.1 NEITHER PARTY SHALL BE LIABLE TO THE OTHER FOR ANY INDIRECT, SPECIAL OR CONSEQUENTIAL DAMAGES OR LOSS OF ANTICIPATED PROFITS OR REVENUES IN CONNECTION WITH OR ARISING OUT OF THE SUBJECT MATTER OF THIS AGREEMENT. FURTHERMORE, County’s TOTAL LIABILITY WITH RESPECT TO CLAIMS ARISING OUT OF THE SUBJECT MATTER OF THIS AGREEMENT SHALL NOT EXCEED, IN THE AGGREGATE, THE TOTAL AMOUNT OF FEES PAYABLE HEREUNDER TO Vendor. IN NO EVENT SHALL Vendor’s TOTAL LIABILITY WITH RESPECT TO CLAIMS ARISING OUT OF THE SUBJECT MATTER OF THIS AGREEMENT EXCEED, IN THE AGGREGATE, THE TOTAL AMOUNT OF FEES PAID HEREUNDER TO Vendor.

8. CONFIDENTIALITY

8.1 County’s Responsibilities. County hereby agrees that (i) all materials received from Vendor under this Agreement are the confidential and proprietary information of Vendor, (ii) County shall take all necessary steps to protect and ensure the confidentiality of such confidential information, and (iii) except as permitted by a written agreement, none of such materials shall be in any way disclosed by County to any third party, in whole or in part, without the prior written consent of Vendor, which may be granted or withheld in its sole discretion. If County becomes aware of the unauthorized possession of such materials, it shall promptly notify Vendor.

8.2 Vendor’s Responsibilities. Vendor hereby agrees that (i) any information related to the official business of County that Vendor obtains from County in the course of the performance of this Agreement is the confidential and proprietary information of County, (ii) Vendor shall take all necessary steps to protect and ensure the confidentiality of such information, and (iii) such information shall not be in any way disclosed by Vendor to any third party, in whole or in part, without the prior written consent of County, which may be granted or withheld in its sole discretion. If Vendor becomes aware of the unauthorized possession of such information, it shall promptly notify County. Vendor shall also assist County with preventing the recurrence of such unauthorized

possession and with any litigation against the third parties deemed necessary by County to protect its proprietary rights.

83 Confidentiality Breach. In the event a party breaches any of its obligations under this Section 8 (“Confidentiality”), the breaching party shall indemnify, defend and hold harmless the non-breaching party from and against any and all losses, liabilities, damages, causes of action, claims, demands, and expenses (including reasonable legal fees and expenses) incurred by the non-breaching party arising out of such breach. In addition, the non-breaching party will be entitled to obtain injunctive relief against the breaching party.

84 Exclusions. The provisions of this Section 8 (“Confidentiality”) shall not apply to any information (i) that is in the public domain prior to the disclosure or that becomes part of the public domain other than by way of a breach of this Agreement, (ii) that was in the lawful possession of Vendor or County, as the case may be, prior to the disclosure without a confidentiality obligation to any person, (iii) that was disclosed to Vendor or County, as the case may be, by a third party who was in lawful possession of the information without a confidentiality obligation to any person, (iv) that was independently developed by Vendor or County, as the case may be, outside the scope of this Agreement or (v) that Vendor or County, as the case may be, is required to disclose by law or legal process.

9. TERM AND TERMINATION

91 Term. The term of this Agreement shall commence on July 01, 2024 and shall continue until terminated in accordance with the terms of this Section 9 (“Term and Termination”).

92 Payment Default. Vendor shall have the right to terminate this Agreement (but reserving cumulatively all other rights and remedies under this Agreement, in law and/or in equity), for any failure of County to make payments of moneys due when the same are due, and such failure continues for a period of thirty (30) days after written notice thereof by Vendor to County.

93 Other County Defaults. Vendor may terminate this Agreement (but reserving cumulatively all other rights and remedies under this Agreement, in law and/or in equity), for any other material breach by County which violation or breach continues for a period of thirty (30) days after written notice thereof by Vendor to County.

94 Termination by County. County shall have the right to terminate this Agreement (reserving cumulatively all other rights and remedies under this Agreement, in law and/or in equity) without further obligation or liability to Vendor (except as specified in Subsection 9.6 below) if Vendor commits any material breach of this Agreement and fails to remedy such breach within thirty (30) days after written notice by County to Vendor of such breach. County shall have the right to terminate this Agreement effective immediately and without prior notice if Vendor goes into liquidation or files for bankruptcy.

95 Effect of Termination. Termination of this Agreement shall not affect any rights and/or obligations of the parties which arose prior to any such termination and such rights and/or obligations shall survive any such termination. Within thirty (30) days after the effective date of any such termination, County shall pay Vendor’s fees and expenses for this Agreement up to the effective date of termination, including, without limitation, all work in process. The confidentiality obligations of the parties in Section 8 (“Confidentiality”) shall survive the termination of this Agreement.

10. GENERAL

10.1 Waiver, Amendment or Modification. The waiver, amendment or modification of any provision of this Agreement or any right, power or remedy hereunder shall not be effective unless made in writing and signed by both parties. No failure or delay by either party in exercising any right, power or remedy with respect to any of its rights hereunder shall operate as a waiver thereof.

10.2 Notice. All notices under this Agreement shall be in writing and shall be deemed to have been duly given if delivered in person, by commercial overnight courier or by registered or certified mail, postage prepaid, return receipt requested, and addressed as follows:

To Vendor: PINE TECHNOLOGIES, LLC.
PO Box 778
Millville, UT 84326
Attention: CEO

To County: YELLOWSTONE COUNTY ATTORNEY'S OFFICE
PO Box 35025
Billings, MT 59107
Attention: Scott Twito

10.3 No Third-Party Beneficiaries. This Agreement is not intended to create any right in or for the public, or any member of the public, any subcontractor, supplier or any other third party, or to authorize anyone not a party to this Agreement to maintain a suit to enforce or take advantage of its terms.

10.4 Successors and Assigns. Neither party may assign this Agreement in whole or part without the prior written consent of the other party. Any attempt to assign this Agreement without the prior written consent of the other party is void and without legal effect, and such an attempt constitutes a material breach and grounds for termination by the other party. Subject to the foregoing, all of the terms, conditions, covenants and agreements contained herein shall insure to the benefit of, and be binding upon, any successor and any permitted assignees of the respective parties hereto. It is further understood and agreed that consent by either party to such assignment in one instance shall not constitute consent by the party to any other assignment. A transfer of corporate control, merger, sale of substantially all of a party's assets and the like, even though including this Agreement as an assigned asset or contract, shall not be considered an assignment for these purposes.

11. DISPUTE RESOLUTION

11.1 Dispute Resolution. Any dispute arising under or related to this Agreement shall be resolved exclusively as follows:

11.2 Initial Resolution by Meeting. The parties shall first attempt to resolve amicably the dispute by meeting with each other, by telephone or in person at a mutually convenient time and location, within thirty (30) days after written notice of a dispute is delivered from one party to the other. Subsequent meetings may be held upon mutual agreement of the parties.

11.3 Mediation. If the dispute is not resolved within sixty (60) days of the first meeting, the parties shall submit the dispute to mediation by an organization or company specializing in providing neutral, third-party mediators. County shall be entitled to select either (i) the location of the mediation or (ii) the organization or company, and Vendor shall select the other. The mediation shall be conducted within sixty (60) days of the date the dispute is submitted to mediation, unless the parties mutually agree on a later date.

11.4 Arbitration. Any dispute that is not otherwise resolved by meeting or mediation shall be exclusively resolved by arbitration between the parties in accordance with the Comprehensive Arbitration Rules & Procedures of JAMS, with the arbitration to be conducted in Logan, Utah, or another location mutually agreed by the parties. The results of such arbitration shall be binding on the parties, and judgment may be entered in any court having jurisdiction. Notwithstanding the foregoing, either party may seek interim injunctive relief from any court of competent jurisdiction.

11.5 Control of Defense. All indemnification obligations under this Agreement are conditioned upon (i) written notice by the indemnified party to the indemnifying party within thirty (30) days of the indemnified party's receipt of any claim for which indemnification is sought, (ii) tender of control over the defense and settlement to the indemnifying party and (iii) such reasonable cooperation by the indemnified party in the defense as the indemnifying party may request; provided, however, the indemnifying party shall not, without the prior written consent of the indemnified party, settle, compromise or consent to the entry of any judgment with respect to any pending or threatened claim unless the settlement, compromise or consent provides for and includes an express, unconditional release of such claim against the indemnified party.

11.6 Governing Law. The validity, construction and performance of this Agreement and the legal relations among the parties to this Agreement shall be governed by and construed in accordance with the laws of the State of Utah without giving effect to its conflict of law principles.

11.7 Independent Contractor. Vendor, in performance of this Agreement, is acting as an independent contractor. Personnel supplied by Vendor (including personnel supplied by subcontractors) hereunder are not County's personnel or agents, and Vendor assumes full responsibility for their acts. Vendor shall be solely responsible for the payment of compensation of Vendor employees and contractors assigned to perform services hereunder, and such employees and contractors shall be informed that they are not entitled to the provision of any County employee benefits. County shall not be responsible for payment of worker's compensation, disability or other similar benefits, unemployment or other similar insurance or for withholding income or other similar taxes or social security for any Vendor employee, and such responsibility shall solely be that of Vendor.

11.8 Severability. In the event any one or more of the provisions of the Agreement shall for any reason be held to be invalid, illegal or unenforceable, the remaining provisions of this Agreement shall be unimpaired, and the invalid, illegal or unenforceable provision shall be replaced by a provision, which, being valid, legal and enforceable, comes closest to the intention of the parties underlying the invalid, illegal or unenforceable provision.

11.9 Counterparts. This Agreement may be executed in counterparts and by the exchange of signatures by facsimile or PDF.

IN WITNESS WHEREOF, the parties have caused this instrument to be duly executed as of the date last written below.

PINE TECHNOLOGIES, LLC.:

By: Ben Stocks

Date: 6/28/2024

Printed Name and Title: Ben Stocks, CEO

YELLOWSTONE COUNTY ATTORNEY'S OFFICE:

By: Scott Twito

Date: 7-1-24

Printed Name and Title: Scott Twito, Yellowstone County Attorney

Exhibit A
Cost Proposal

Service Term	Service Fees
July 1, 2024 – June 30, 2025	40,000
Total	\$40,000

Notes

The Service Term shall commence on July 1, 2024. Invoice for the first year of the Service Term will be sent upon contract signing, payment is due upon receipt.

To provide the best service Vendor may require VPN/remote access to the County's database server, SSRS server, and Web Server.

The service fees include an unlimited amount of ticket submission. Vendor will work on tickets until they are accepted as complete by County. If County requests a new workflow, new business intelligence items, or extreme modifications to existing business intelligence items, Vendor will review the request to determine if a Sales order will be needed. If a Sales Order is required, Vendor's service department will reach out to the County and communicate a Sales Order is required. The County will determine if the Sales Order is needed and let Vendor know how they want to proceed.

B.O.C.C. Regular

2. b.

Meeting Date: 07/09/2024

Title: NDA- A&E/Justice Planners for jail needs assessment

Submitted For: Melissa Williams, Deputy County Attorney

Submitted By: Melissa Williams, Deputy County Attorney

TOPIC:

NDA- A&E/Justice Planners for Jail Needs Assessment

BACKGROUND:

Non-disclosure agreement for YCDF data to be provided to A&E/Justice Planners

RECOMMENDED ACTION:

Agenda Item

Attachments

NDA

NON-DISCLOSURE AGREEMENT

This Non-Disclosure Agreement (“Agreement”) is made the 27th day of June, 2024 (“Effective Date”) by and between Yellowstone County (“Yellowstone County”), and A&E with Justice Planners. (“A&E”).

RECITAL

Pursuant to the Master Agreement between Yellowstone County and A&E for Services provided under multiple Service Orders between A&E and Yellowstone County dated June 17, 2024, Yellowstone County has engaged A&E/Justice Planners for a comprehensive jail needs assessment for both the Yellowstone County Detention Facility and the Ted Lechner Youth Facility. To complete A&E’s scope of work, Yellowstone County may be discussing matters and providing records and data with A&E that are confidential and which should not be disclosed to others. The parties agree to keep confidential such disclosures in accordance with the terms set forth in this Agreement.

NOW, THEREFORE, for good and valuable consideration, Yellowstone County and A&E agree as follows:

- 1.0 **Incorporation of Recital.** The above Recital is hereby incorporated into this Agreement
- 2.0 **Confidential Information.** As used herein and subject to Article 4 below, “Confidential Information” means confidential information that has been designated in writing to be “confidential information” or that by the nature of the circumstances surrounding the disclosure, ought to, in good faith, be treated as confidential information, including confidential criminal justice information and medical information. The Confidential Information includes all such information and documents, whether oral, written, or electronic, that refers, reflects or relates to records, information or data from the Yellowstone County Detention Facility.
- 3.0 **Confidentiality Obligation.** A&E shall hold the Confidential Information in trust and strict confidence and shall protect the confidentiality of the Confidential Information no less than a reasonable degree of care. All A&E’s personnel and agents to whom Confidential Information is disclosed shall have a need to know and shall be informed of the confidentiality obligations set forth herein. Except for such permitted uses and disclosures, or as otherwise authorized by Yellowstone County, in writing, A&E shall not: (i) transcribe, print otherwise duplicate any Confidential Information; or (ii) disclose any Confidential Information to any other person or party. A&E shall promptly advise Yellowstone County in writing if it learns of any unauthorized use or disclosure of Confidential Information. These obligations to maintain the confidentiality of the Confidential Information shall remain in effect after the date of last disclosure, unless an exclusion in Section 4 below earlier applies.
- 4.0 **Exclusions.** The obligations of confidentiality set out in Section 2.0 above do not apply to information that: (i) is published or has otherwise entered the public domain without a breach of this Agreement; (ii) is obtained by A&E from a third party who has no obligation of confidentiality to Yellowstone County and is not otherwise prohibited from communicating information by a contractual, legal or fiduciary duty; (iii) is independently developed or obtained without breach of this Agreement and such independent acquisition can be established; or (iv) is ordered disclosed by a court of competent jurisdiction (or required of Yellowstone County pursuant to any law, rule, or regulation or any order, decree, subpoena or ruling or other similar process of any governmental agency or regulatory authority).
- 5.0 **Miscellaneous.** The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other portion of this Agreement which shall continue in effect. If any provision of this Agreement is found by a court of law to be unreasonable in scope, duration or otherwise, it shall be construed by way of limitation or reduction so as to be enforceable under applicable law. The failure to enforce at any time or for any period the provisions of this Agreement shall not be construed as a waiver of such provisions or the right thereafter to enforce each such provision. This Agreement is the complete, final and exclusive agreement with respect to the subject matter hereof.

This Non-Disclosure Agreement is hereby executed by Yellowstone County and A&E as of the Effective Date above:

Yellowstone County:

Chairman, John Ostlund Date

JAIL NEEDS ASSESSMENT: 

A&E

Adam Brunigartner 7-1-2024
Title: Date

NON-DISCLOSURE AGREEMENT

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Pursuant to the Master Agreement between Yellowstone County and A&E for Services provided under multiple Service Orders between A&E and Yellowstone County dated June 17, 2024, Yellowstone County has engaged A&E/Justice Planners for a comprehensive jail needs assessment for both the Yellowstone County Detention Facility and the Ted Lechner Youth Facility. To complete A&E’s scope of work, Yellowstone County may be discussing matters and providing records and data with A&E that are confidential and which should not be disclosed to others. The parties agree to keep confidential such disclosures in accordance with the terms set forth in this Agreement.

NOW, THEREFORE, for good and valuable consideration, Yellowstone County and A&E agree as follows:

- 1.0 **Incorporation of Recital.** The above Recital is hereby incorporated into this Agreement
- 2.0 **Confidential Information.** As used herein and subject to Article 4 below, “Confidential Information” means confidential information that has been designated in writing to be “confidential information” or that by the nature of the circumstances surrounding the disclosure, ought to, in good faith, be treated as confidential information, including confidential criminal justice information and medical information. The Confidential Information includes all such information and documents, whether oral, written, or electronic, that refers, reflects or relates to records, information or data from the Yellowstone County Detention Facility.
- 3.0 **Confidentiality Obligation.** A&E shall hold the Confidential Information in trust and strict confidence and shall protect the confidentiality of the Confidential Information no less than a reasonable degree of care. All A&E’s personnel and agents to whom Confidential Information is disclosed shall have a need to know and shall be informed of the confidentiality obligations set forth herein. Except for such permitted uses and disclosures, or as otherwise authorized by Yellowstone County, in writing, A&E shall not: (i) transcribe, print otherwise duplicate any Confidential Information; or (ii) disclose any Confidential Information to any other person or party. A&E shall promptly advise Yellowstone County in writing if it learns of any unauthorized use or disclosure of Confidential Information. These obligations to maintain the confidentiality of the Confidential Information shall remain in effect after the date of last disclosure, unless an exclusion in Section 4 below earlier applies.
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- 5.0 **Miscellaneous.** The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other portion of this Agreement which shall continue in effect. If any provision of this Agreement is found by a court of law to be unreasonable in scope, duration or otherwise, it shall be construed by way of limitation or reduction so as to be enforceable under applicable law. The failure to enforce at any time or for any period the provisions of this Agreement shall not be construed as a waiver of such provisions or the right thereafter to enforce each such provision. This Agreement is the complete, final and exclusive agreement with respect to the subject matter hereof.

This Non-Disclosure Agreement is hereby executed by Yellowstone County and A&E as of the Effective Date above:

Yellowstone County:

Chairman, John Ostlund Date

JAIL NEEDS ASSESSMENT: 

A&E

CEO 7/1/24
Title: Date

B.O.C.C. Regular

3. a.

Meeting Date: 07/09/2024

Title: Public Works Request to Expend - Belly Dump Trailers

Submitted For: James Matteson, Purchasing Agent

Submitted By: James Matteson, Purchasing Agent

TOPIC:

Public Works Request to Expend for Belly Dump Trailers

BACKGROUND:

An Invitation to Bid for Two (2) Belly Dump Trailers was released on December 5th, 2023. With bids due on December 22nd, 2024. There were three bids submitted with RDO Equipment submitting the lowest bid or \$146,000.00 less \$60,000.00 trade for 2 older belly dumps for a total cost of \$86,000.00. The purchase was anticipated and included on the FY 24 approved budget.

RECOMMENDED ACTION:

Approve the Request and return a copy to Finance

Attachments

P.W. RTE Belly Dump Trailers



Yellowstone County

Request to Expend

07/01/2021

This form is to be completed for all Capital outlay requests (a single item costing \$2,500.00 or more or a useful life of at least one year). Please attach all pertinent paperwork with price quotes, if available, and forward to the Purchasing Department with a completed Requisition. The Account Code numbers and budget balance lines must be completed by the requesting Department. Please use the most recent budget report to obtain this information. This date will be verified by the Finance Department. If the item(s) to be purchased are over the budgeted amount or were not budgeted, Commissioner approval is required prior to placing the order.

Item(s) Requested:

2 NEW CROSS COUNTRY 420BCL BELLY DUMPS SN 2C9CGT3W0SM183510 & SN 2C9CGT3W4SM183509 LESS TRADE IN SN 2C9CST3W7JW183064 & 2C9CST3W7XHM183523

Cost: \$146,000

Other Costs: _____

Less Trade-in / Discount \$60,000

Net Cost of Request \$86,000

Explanation of Purchase

2 NEW CROSS COUNTRY 420BCL BELLY DUMPS LESS TRADE IN TO UPDATE FLEET

PUBLIC WORKS

Department

Budget Information

Account Numbers: 4050.000.599.430210.940

Budget Balance: \$231,204.00

Is this a budgeted item? YES

Finance Note: _____

James Matteson _____

Purchasing Agent

6/30/2024

Date

Clay Moore

Elected Official or Department Manager

COMMISSIONER ACTION

Approved: YES ___ NO ___

Tabled: _____

Date: _____

Votes: YES NO

Chairperson _____

Member _____

Member _____

YELLOWSTONE COUNTY - CIP FUND

FINAL FY24 BUDGET

	GENERAL FUND	PARKING	PUBLIC SAFETY	YOUTH SERVICES	ROAD - HEAVY EQUIPMENT	BUNNY BRIDGE	BRIDGE	JUNK VEHICLE	EXTENSION	WEED	RECORDS PRESERV.	TOTAL
Est. Net Cash 7/01/23	28,381,206	431,617	5,772,535	419,238	3,940,696	150,387	2,558,541	206,566	244,379	516,909	267,540	42,889,614
Expenditures	(4,773,000)	(400,000)	(1,599,000)	(141,000)	(2,270,000)	-	-	-	(140,000)	(3,000)	-	(9,326,000)
Interest Earned	459,011	6,944	92,867	6,745	63,397	-	41,161	3,323	3,932	8,316	4,304	690,000
Transfers-In	6,000,000	-	-	-	250,000	-	-	-	-	-	-	6,250,000
Parking fees	-	30,000	-	-	-	-	-	-	-	-	-	30,000
Property rent	-	-	15,000	-	-	-	-	-	-	-	-	15,000
EST. CASH 6/30/24	30,067,217	68,561	4,281,402	284,983	1,984,093	150,387	2,599,702	209,889	108,311	522,225	271,844	40,548,614
ROAD:												
Two Sanders - carryover from FY23 (940)					(620,000)							(620,000)
Worden Property (930)					(260,000)							(260,000)
Two Belly Dumps (940)					(100,000)							(100,000)
Hesper/56th Intersection Improvement (930)					(1,200,000)							(1,200,000)
Small Roller (940)					(90,000)							(90,000)
BRIDGE:												
WEED:												
New Rate Controller (940)										(3,000)		(3,000)
CASH OUTFLOWS	(4,773,000)	(400,000)	(1,599,000)	(141,000)	(2,270,000)	-	-	-	(140,000)	(3,000)	-	(9,326,000)

B.O.C.C. Regular

3. b.

Meeting Date: 07/09/2024

Title: Sylvestri Customization Agreement with DUI Task Force

Submitted By: Anna Ullom, Senior Accountant

TOPIC:

Sylvestri Customization Agreement with DUI Task Force

BACKGROUND:

Sylvestri Customization Agreement with DUI Task Force

RECOMMENDED ACTION:

Approve

Attachments

Sylvestri Customization Contract with DUI Task Force

Yellowstone County Impaired Driving Education Campaign

THIS AGREEMENT is made and entered into on this date of _____, between the Yellowstone County DUI Task Force, hereinafter called the “County,” and Sylvestri Customization, hereinafter called “Sylvestri.”

The parties to this agreement, in consideration of the mutual covenants and stipulations set out herein, mutually agree as follows:

Section 1. Purpose. The purpose of this agreement is for Sylvestri to provide the County with the services listed in Section 2, below.

Section 2. Services. Sylvestri shall perform the following services for the Yellowstone County DUI Task Force:

- a. Social Media Development including but not limited to Facebook, Instagram, Snapchat, Youtube, Display ads
- b. Education Development for General Public
- c. Education Development for Task Force and Stakeholders
- d. Additional tool/resource development (e.g. website landing page)
- e. Facebook ad spend
- f. Continuous Monitoring and response
- g. Monthly Reporting
- h. Comprehensive completion report
- i. Big Sky Drug and Alcohol Symposium Promotion
- j. Big Sky Drug and Alcohol Symposium Registration, Attendee Management, and Support
- k. Community and event displays and productions (e.g banners)
- l. Graphic Design and IT work as needed and requested by Task Force

Section 3. Compensation. The County agrees to pay Sylvestri the sum of \$12,000.00 in total as reimbursement for the Services listed in Section 2, above. This amount shall constitute the total compensation to be paid for the services rendered and for the Time of Performance stated in Section 4, below. Sylvestri shall submit quarterly claims to the County. In the event any Services or performance required under this agreement are deemed by the County to be undone or incomplete, the County may require completion of performance, or the County shall not be liable for the payment of claims arising from the lack of such Service or performance.

Section 4. Time of Performance. Services are to commence on August 1, 2024, and shall terminate on July 31, 2025.

Section 5. Liaison. Sylvestri shall report in writing to the Yellowstone County DUI Task Force regarding activity.

Section 6. Assistance. The County will provide Sylvestri with the following assistance in completing this agreement:

- a. Assistance in coordinating social media activity with other law enforcement agencies within the County.

Section 7. Work Product. All products of Sylvestri resulting from the performance of Services under this agreement shall be the exclusive property of the County. Only the County is authorized to release, or to order the release of information concerning any work in progress under this agreement.

Section 8. Independent Agency. It is understood by the parties to the agreement that Sylvestri is an Independent Agency and as such is not an employee of the County.

Section 9. Records. Sylvestri shall maintain adequate records of performance of the Services, and allow access by the County at all times. Additionally, pursuant to 18-1-118, MCA, the County shall provide the Legislative Auditor with access to any records necessary to determine contract compliance.

Section 10. Venue. In the event litigation affecting this agreement arises, venue shall be in the District Court of the 1st Judicial District in the County of Lewis and Clark, State of Montana. In any litigation, this agreement shall be interpreted according to the laws of the State of Montana.

Section 11. Assignment, Transfer, and Subcontracts. No assignment or transfer of the performance of Services may be made without the express, written permission of all parties to this agreement.

Section 12. Hold Harmless Clause. The parties stipulate that the County has no direct or indirect participation or supervision of Sylvestri in the performance of its services under the terms of the agreement. The parties agree that the only role the County has in this agreement is one of funding any and all services as outlined in this agreement. Sylvestri shall defend, indemnify, and hold harmless the County for any loss resulting from Sylvestri in the performance of any services as provided in this agreement.

Section 13. Entire Agreement. This written document contains the Entire Agreement between the parties, and no statements, promises, or inducements made by either party or agents of either party, who are not contained in this Written Agreement, shall be valid or binding. This written agreement shall not be enlarged, modified, or altered except by a written agreement signed by all parties to the Entire Agreement and attached hereto.

IN WITNESS WHEREOF, Yellowstone County DUI Task Force and Sylvestri execute this agreement on the first date written in Section 4

County Signatures:
Board of County Commissioners
Yellowstone County, MT

John Ostlund, Commissioner

Mark Morse, Commissioner

Donald W. Jones, Commissioner

Attest:

Yellowstone County Clerk and Recorder

Address for Billing:

Yellowstone County DUI Task Force
Finance Office
PO Box 35003
Billings, MT 59107
PH. 406-256-2813

Sylvestri Customization

Travis Sylvest

For: Travis Sylvester, Director of Operations
Sylvestri Customization
info@sylvestricustomization.com
(602) 859-6505

B.O.C.C. Regular

3. c.

Meeting Date: 07/09/2024

Title: Opioid Settlement Participation Letter

Submitted By: Anna Ullom, Senior Accountant

TOPIC:

Opioid Settlement Participation Letter - Kroger Settlement

BACKGROUND:

Approve participation in the settlement, and a form to approve continuing the administrative structure for distribution of settlement funds created by the Memoranda of Understanding of Nov 26, 2021 and the Amendment of Jan 27, 2022 which you approved for each of the prior 8 settlements.

RECOMMENDED ACTION:

Approve

Attachments

Settlement Participation Form - Kroger

AUSTIN KNUDSEN



STATE OF MONTANA

June 27, 2024

Greetings City and County Officials

I am pleased to announce that the continuing dedicated work by State Attorneys General and their staffs has resulted in an opioid settlement with Kroger, a national grocery and drug store business with subsidiaries in Montana. This settlement will provide more than 3.85 million dollars to the State and its local governments, with approximately 80% allocated to county and city governments for your local use.

With this letter is a longer explanation of the settlement, a form for your government to approve participation in the settlement and a form to approve continuing the administrative structure for distribution of settlement funds created by the Memoranda of Understanding of November 26, 2021 and the Amendment of January 27, 2022 which you approved for each of the prior 8 settlements.

I urge you to review the materials and approve your continued participation in these settlements to allow the State and all local governments to obtain the maximum amount of settlement funds. In the 8 prior settlements we have had 100% participation and that has resulted in the State obtaining the maximum settlement value because of the incentive bonuses for full participation of all local governments.

The deadline for approving your participation is August 12 so I hope you will all promptly read these materials and agree to your participation.

Thank you for your consideration. If you have any questions, please contact me in the Office of Consumer Protection at brent.mead2@mt.gov or (406)-444-4500.

Sincerely,

Brent Mead

DEPARTMENT OF JUSTICE

215 North Sanders
PO Box 201401
Helena, MT 59620-1401

(406) 444-2026
Contactdoj@mt.gov
mtdoj.gov

New National Opioids Settlement: Kroger
Opioids Implementation Administrator
opioidsparticipation@rubris.com

Yellowstone County, MT
Reference Number: CL-794150

TO LOCAL POLITICAL SUBDIVISIONS:

THIS PACKAGE CONTAINS DOCUMENTATION TO PARTICIPATE IN THE NEW NATIONAL OPIOIDS SETTLEMENT. YOU MUST TAKE ACTION IN ORDER TO PARTICIPATE.

Deadline: August 12, 2024

As Attorney General Knudsen has described in his cover letter, Montana has agreed to participate in a new proposed national opioids settlement ("*New National Opioids Settlement*") with Kroger ("*Settling Defendant*") based on activities of Kroger owned pharmacies. This *Participation Package* is a follow-up communication to the *Notice of National Opioids Settlement* recently received electronically by your subdivision.

You are receiving this *Participation Package* because MONTANA is participating in the Kroger settlement.

This electronic envelope contains:

- The *Participation Form* for the Kroger settlement, including a release of any claims.
- The form approving the use of the November 26, 2021 Memorandum of Understanding and January 27, 2022 amendment for the allocation, administration, and disbursement of settlement funds from the Kroger settlement.

The *Participation Form* must be executed, without alteration, and submitted on or before August 12, 2024, in order for your subdivision to be considered for initial participation calculations and payment eligibility.

Based upon subdivision participation forms received on or before August 12, 2024, the subdivision participation rate will be used to determine whether participation is sufficient for the settlement to move forward and whether Montana earns its maximum potential payment under the settlement. If the settlement moves forward, your release will become effective. If a settlement does not move forward, that release will not become effective.

Any subdivision that does not participate cannot directly share in the settlement funds, even though Montana is settling, and other participating subdivisions will share in settlement funds.

Like the Distributors and Pharmacy settlements there are substantial incentives to states to obtain maximum participation of all local subdivisions. In the previous

settlements we were able to obtain 100% participation and the maximum amount of funds allocated and available to Montana. Any subdivision that does not participate may reduce the amount of money for programs that would otherwise come to remediate the opioid crisis in Montana.

WE STRONGLY URGE YOUR AGREEMENT TO PARTICPATE IN ORDER TO MAXIMIZE THE FUNDS THE STATE AND LOCAL GOVERNMENTS WILL RECEIVE.

Montana will manage and distribute funds utilizing the existing abatement regions and trust structure created by the Memorandum of Understanding of November 26, 2021, and the Amendment of January 27, 2022, which all local subdivisions approved at the time. To facilitate this as part of your participation in this settlement and receiving your allocation of the settlement funds you will need to approve the continued use of the existing allocation and distribution structure set up and approved by all Montana local governments in the Memorandum of Understanding of November 26, 2021, and the Amendment of January 27, 2022. There is a short separate form included for that. PLEASE SIGN AND SEND THAT IN ALSO.

You are encouraged to discuss the terms and benefits of the *New National Opioids Settlement* with your counsel or representatives from the Attorney General's Office

Information and documents regarding the *New National Opioids Settlement* and how it is being implemented and how funds will be allocated can be found on the national settlement website at <https://nationalopioidsettlement.com/>. This website will be supplemented as additional documents are created.

How to return signed forms:

There are three methods for returning the executed *Participation Form* and any supporting documentation to the Implementation Administrator:

- (1) *Electronic Signature via DocuSign*: Executing the *Participation Form* electronically through DocuSign will return the signed form to the Implementation Administrator and associate your form with your subdivision's records. Electronic signature is the most efficient method for returning the *Participation Form*, allowing for more timely participation and the potential to meet higher settlement payment thresholds, and is therefore strongly encouraged.
- (2) *Manual Signature returned via DocuSign*: DocuSign allows forms to be downloaded, signed manually, then uploaded to DocuSign and returned automatically to the Implementation Administrator. Please be sure to complete all fields. As with electronic signature, returning a manually signed *Participation Form* via DocuSign will associate your signed forms with your subdivision's records.
- (3) *Manual Signature returned via electronic mail*: If your subdivision is unable to return an executed *Participation Form* using DocuSign, the signed *Participation Form* may be returned via electronic mail to

opioidsparticipation@rubris.com. Please include the name, state, and reference ID of your subdivision in the body of the email and use the subject line Settlement Participation Form - [Subdivision Name, Subdivision State] - [Reference ID].

Detailed instructions on how to sign and return the *Participation Form*, including changing the authorized signer, can be found at <https://nationalopioidsettlement.com>. You may also contact opioidsparticipation@rubris.com.

The sign-on period for subdivisions ends on August 12, 2024.

If you have any questions about executing the *Participation Form*, please contact your counsel, the Implementation Administrator at opioidsparticipation@rubris.com, or Brent Mead at brent.mead2@mt.gov or 406-444-4500.

Thank you,

New National Opioids Settlement Implementation Administrator

The Implementation Administrator is retained to provide the settlement notice required by the New National Opioids Settlement and to manage the collection of the Participation Form.

Subdivision Participation and Release Form

Governmental Entity: Yellowstone County	State: MT
Authorized Signatory: John Ostlund	
Address 1: 217 N 26th Street	
Address 2: PO Box 35003	
City, State, Zip: Billings	Montana 59107
Phone: 406-256-2816	
Email: jjones@yellowstonecountymt.gov	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated March 22, 2024 (“*Kroger Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Kroger Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Kroger Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the Kroger Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopioidsettlement.com/>.
3. The Governmental Entity agrees to the terms of the Kroger Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the Kroger Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Kroger Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Kroger Settlement. The Governmental Entity likewise agrees to arbitrate before the National



Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Kroger Settlement.

7. The Governmental Entity has the right to enforce the Kroger Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Kroger Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Kroger Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Kroger Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Kroger Settlement.
10. In connection with the releases provided for in the Kroger Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Kroger Settlement.



11. Nothing herein is intended to modify in any way the terms of the Kroger Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Kroger Settlement in any respect, the Kroger Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



APPROVAL OF USE OF NOVEMBER 26, 2021 MEMORANDUM OF UNDERSTANDING
AND JANUARY 27, 2022 AMENDMENT TO THE MEMORANDUM FOR THE
ALLOCATION, ADMINISTRATION, AND DISBURSEMENT OF SETTLEMENT FUNDS
FROM THE KROGER SETTLEMENT

I, _____, on behalf of Yellowstone County do hereby
approve the use of the November 26, 2021 Memorandum of Understanding
and the January 27, 2022 Amendment to the Memorandum of
Understanding for the allocation, administration, and disbursement of
settlement funds from the KROGER settlement.

Signature: _____

Name: _____

Title: _____

Date: _____



B.O.C.C. Regular

Meeting Date: 07/09/2024

Title: Metra Trust Checking Account Disbursement Log

Submitted For: Charis Krank, Accounting Assistant

Submitted By: Charis Krank, Accounting Assistant

TOPIC:

Metra Trust Check Log for June 2024

BACKGROUND:

Metra Trust Check Log for June 2024

RECOMMENDED ACTION:

Consent item for MetraPark Trust check register.

Attachments

Metra Trust Check Log June 2024

Metra Trust Checking Account Disbursement Log

For the Month of: JUNE 2024

Dated: July 2, 2024

Approved by Metra General Manager


The undersigned members of the Board of County Commissioners do hereby approve the listed check detail as obligations of the Metra Trust account.

John Ostlund, Chair: _____

Mark Morse, Member: _____

Donald W. Jones, Member: _____

Amounts disbursed by the Trust were initiated by a check request generated by accounting staff, signed by the requesting authorized staff member, with processing by a staff member not involved with the requesting of the payment. The request and back up documentation is verified and signed off as to accuracy by the person generating the check for payment. The check is then signed by two managers authorized by signature card at the bank to do so. Copies are retained in event files, and for daily reconciliations and A101s.

Submitted by: 

7:57 AM
07/02/24

COUNTY OF YELLOWSTONE
Check Detail
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Type	Num	Date	Name	Memo	Account	Paid Amount	Original Amount
Check		06/03/2024	US BANK	CC FEES - MAY 2024 - CONC	METRAPARK EVENTS		-1,199.33
				CC FEES - MAY 2024 - CONC	CREDIT CARD FEES / TICKET FEES	-1,199.33	1,199.33
TOTAL						-1,199.33	1,199.33
Check		06/03/2024	US BANK	CC FEES - MAY 2024 - BOX OFFICE	METRAPARK EVENTS		-845.55
				CC FEES - MAY 2024 - BOX OFFICE	CREDIT CARD FEES / TICKET FEES	-845.55	845.55
TOTAL						-845.55	845.55
Check		06/03/2024	US BANK	CC FEES - MAY 2024 - SKYBOX (ADMIN)	METRAPARK EVENTS		-418.97
				CC FEES - MAY 2024 - SKYBOX (ADMIN)	CREDIT CARD FEES / TICKET FEES	-418.97	418.97
TOTAL						-418.97	418.97
Check		06/18/2024	LARA AMUNDSEN	NSF CK #4319 - LARA'S BST FRND MP64-...	METRAPARK EVENTS		-875.00
				NSF CK #4319 - LARA'S BST FRND MP64-6...	METRAPARK MKT VENDORS	-875.00	875.00
TOTAL						-875.00	875.00
Check	23694	06/04/2024	Starplex Corporat...	INV#608253 SPECIAL OLYMPICS 5/15/24	METRAPARK EVENTS		-356.00
				INV#608253 SPECIAL OLYMPICS 5/15/24	STARPLEX SECURITY/USHERS	-356.00	356.00
TOTAL						-356.00	356.00
Check	23695	06/04/2024	RIMROCK STAGE...	INV#202880 SPECIAL OLYMPICS 5/15/24	METRAPARK EVENTS		-1,306.50
				INV#202880 SPECIAL OLYMPICS 5/15/24	STAGEHANDS - IATSE LOCAL 140	-1,306.50	1,306.50
TOTAL						-1,306.50	1,306.50
Check	23696	06/04/2024	DIA EVENTS	INV#7498 SPECIAL OLYMPICS 5/15/24	METRAPARK EVENTS		-13,050.00
				INV#7498 SPECIAL OLYMPICS 5/15/24	SOUND COSTS	-13,050.00	13,050.00
TOTAL						-13,050.00	13,050.00
Check	23697	06/04/2024	THE METRA	MOTHERS OF MULTI GARAGE SALE 5/10-...	METRAPARK EVENTS		-934.25
				CIP - MOTHERS OF MULTI GARAGE SALE ...	CIP FEES	-70.00	70.00
				RENT PAV - MOTHERS OF MULTI GARAG...	PAVILION	-350.00	350.00
				USER SRV - MOTHERS OF MULTI GARAG...	USER SV FEES	-514.25	514.25
TOTAL						-934.25	934.25

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Type	Num	Date	Name	Memo	Account	Paid Amount	Original Amount
Check	23698	06/04/2024	THE METRA	HALTER FUNDRAISER 5/18/24	METRAPARK EVENTS		-4,491.38
				CATERING - HALTER FUNDRAISER 5/18/24	CATERING	-950.00	950.00
				CIP - HALTER FUNDRAISER 5/18/24	CIP FEES	-400.00	400.00
				RENT PAV - HALTER FUNDRAISER 5/18/24	PAVILION	-2,600.00	2,600.00
				USER SRV - HALTER FUNDRAISER 5/18/24	USER SV FEES	-541.38	541.38
TOTAL						-4,491.38	4,491.38
Check	23699	06/06/2024	DiA EVENTS	INV#7504 SESAME STREET 5/22/24	METRAPARK EVENTS		-55.00
				INV#7504 SESAME STREET 5/22/24	SOUND COSTS	-55.00	55.00
TOTAL						-55.00	55.00
Check	23700	06/06/2024	Starplex Corporat...	INV#608261 SESAME STREET 5/22/24	METRAPARK EVENTS		-4,667.75
				INV#608261 SESAME STREET 5/22/24	STARPLEX SECURITY/USHERS	-4,667.75	4,667.75
TOTAL						-4,667.75	4,667.75
Check	23701	06/06/2024	RIMROCK STAGE...	INV#202882 SESAME STREET 5/22/24	METRAPARK EVENTS		-6,852.70
				INV#202882 SESAME STREET 5/22/24	STAGEHANDS - IATSE LOCAL 140	-6,852.70	6,852.70
TOTAL						-6,852.70	6,852.70
Check	23702	06/06/2024	AA&A Auto Rental	INV#4825 SESAME STREET 5/22/24	METRAPARK EVENTS		-260.00
				INV#4825 SESAME STREET 5/22/24	OTHER	-260.00	260.00
TOTAL						-260.00	260.00
Check	23703	06/06/2024	American Medical...	INV#308312 SESAME STREET 5/22/24	METRAPARK EVENTS		-206.25
				INV#308312 SESAME STREET 5/22/24	AMBULANCE SERVICES	-206.25	206.25
TOTAL						-206.25	206.25
Check	23704	06/07/2024	AXS GROUP LLC	INV#832417 AXS FEES MAY 2024	METRAPARK EVENTS		-111.30
				INV#832417 AXS FEES MAY 2024	AXS FEES	-111.30	111.30
TOTAL						-111.30	111.30
Check	23705	06/07/2024	American Medical...	INV#308422 HIGH SCHOOL GRAD 5/26/24	METRAPARK EVENTS		-843.75
				INV#308422 HIGH SCHOOL GRAD 5/26/24	AMBULANCE SERVICES	-843.75	843.75
TOTAL						-843.75	843.75

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Type	Num	Date	Name	Memo	Account	Paid Amount	Original Amount
Check	23706	06/07/2024	RIMROCK STAGE...	INV#202883 HIGH SCHOOL GRAD 5/26/24	METRAPARK EVENTS		-936.00
				INV#202883 HIGH SCHOOL GRAD 5/26/24	STAGEHANDS - IATSE LOCAL 140	-936.00	936.00
TOTAL						-936.00	936.00
Check	23707	06/07/2024	Starplex Corporat...	INV#608265 / 608264 / 608263 HIGH SCHO...	METRAPARK EVENTS		-7,442.00
				INV#608265 - HIGH SCHOOL GRAD 5/26/24	STARPLEX SECURITY/USHERS	-2,579.75	2,579.75
				INV#608264 HIGH SCHOOL GRAD 5/26/24	STARPLEX SECURITY/USHERS	-2,428.00	2,428.00
				INV#608263 HIGH SCHOOL GRAD 5/26/24	STARPLEX SECURITY/USHERS	-2,434.25	2,434.25
TOTAL						-7,442.00	7,442.00
Check	23708	06/07/2024	DIA EVENTS	INV#7508 / 7507 - HIGH SCHOOL GRAD 5/...	METRAPARK EVENTS		-2,210.00
				INV#7508 - HIGH SCHOOL GRAD 5/26/24	SOUND COSTS	-2,100.00	2,100.00
				INV#7507 - HIGH SCHOOL GRAD 5/26/24	SOUND COSTS	-110.00	110.00
TOTAL						-2,210.00	2,210.00
Check	23709	06/07/2024	THE METRA	SPECIAL OLYMPICS 5/15/24	METRAPARK EVENTS		-16,349.81
				CIP - SPECIAL OLYMPICS 5/15/24	CIP FEES	-1,590.00	1,590.00
				RENT ARENA - SPECIAL OLYMPICS 5/15/24	ARENA	-2,150.00	2,150.00
				RENT GRNDS - SPECIAL OLYMPICS 5/15/24	GRANDSTAND/SUPERBARN/GRNDS	-1,825.00	1,825.00
				USER SRV - SPECIAL OLYMPICS 5/15/24	USER SV FEES	-7,960.31	7,960.31
				CATERING - SPECIAL OLYMPICS 5/15/24	CATERING	-1,500.00	1,500.00
				CONC SALES - SPECIAL OLYMPICS 5/15/24	Concession Stands	-1,324.50	1,324.50
TOTAL						-16,349.81	16,349.81
Check	23710	06/07/2024	THE METRA	MT COUNTRY CREATIONS 5/18/24	METRAPARK EVENTS		-1,935.50
				CIP - MT COUNTRY CREATIONS 5/18/24	CIP FEES	-210.00	210.00
				RENT EXPO - MT COUNTRY CREATIONS 5/...	EXPO	-1,050.00	1,050.00
				USER SRV - MT COUNTRY CREATIONS 5/...	USER SV FEES	-675.50	675.50
TOTAL						-1,935.50	1,935.50
Check	23711	06/07/2024	THE METRA	HIGH SCHOOL GRADUATIONS 5/26/24	METRAPARK EVENTS		-24,281.05
				CIP - HIGH SCHOOL GRADUATIONS 5/26/24	CIP FEES	-860.00	860.00
				RENT ARENA - HIGH SCHOOL GRADUATI...	ARENA	-4,300.00	4,300.00
				USER SRV - HIGH SCHOOL GRADUATION...	USER SV FEES	-4,939.30	4,939.30
				CONC SALES - HIGH SCHOOL GRADUATI...	Concession Stands	-14,181.75	14,181.75
TOTAL						-24,281.05	24,281.05
Check	23712	06/07/2024	THE METRA	SQUARE DANCING 2023/24 SEASON	METRAPARK EVENTS		-3,660.00
				CIP - SQUARE DANCING 2023/24 SEASON	CIP FEES	-600.00	600.00

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Type	Num	Date	Name	Memo	Account	Paid Amount	Original Amount
				RENT GRNDS - SQUARE DANCING 2023/2...	GRANDSTAND/SUPERBARN/GRNDS	-3,060.00	3,060.00
TOTAL						-3,660.00	3,660.00
Check	23713	06/11/2024	TITUS ENTERTAI...	OUTLAWS GAME #4 6/8/24	METRAPARK EVENTS		-1,059.38
				OUTLAWS GAME #4 6/8/24	ARENA FOOTBALL	-1,059.38	1,059.38
TOTAL						-1,059.38	1,059.38
Check	23714	06/11/2024	THE METRA	ELECTIONS 6/4/24	METRAPARK EVENTS		-255.00
				CONC - ELECTIONS 6/4/24	Concession Stands	-255.00	255.00
TOTAL						-255.00	255.00
Check	23715	06/11/2024	THE METRA	THUNDERSTRUCK DANCE 5/4-5/24	METRAPARK EVENTS		-11,335.00
				CIP - THUNDERSTRUCK DANCE 5/4-5/24	CIP FEES	-880.00	880.00
				PAV RENT - THUNDERSTRUCK DANCE 5/...	PAVILION	-4,400.00	4,400.00
				USER SVCS - THUNDERSTRUCK DANCE ...	USER SV FEES	-1,646.00	1,646.00
				NOVELTY - THUNDERSTRUCK DANCE 5/4...	NOVELTY SALES	-750.00	750.00
				EQUIP - THUNDERSTRUCK DANCE 5/4-5/24	EQUIPMENT	-480.00	480.00
				CONC - THUNDERSTRUCK DANCE 5/4-5/24	Concession Stands	-3,179.00	3,179.00
TOTAL						-11,335.00	11,335.00
Check	23716	06/11/2024	Yellowstone Cou...	SESAME STREET 5/22/24 WIRE TRANSFER	METRAPARK EVENTS		-16,973.74
				SESAME STREET 5/22/24 WIRE TRANSFER	SESAME STREET LIVE	-16,973.74	16,973.74
TOTAL						-16,973.74	16,973.74
Check	23717	06/11/2024	THE METRA	SESAME STREET 5/22/24	METRAPARK EVENTS		-8,729.96
				CIP - SESAME STREET 5/22/24 WIRE TRA...	CIP FEES	-2,102.00	2,102.00
				EQUIP - SESAME STREET 5/22/24 WIRE T...	EQUIPMENT	-400.00	400.00
				USER SVC - SESAME STREET 5/22/24 WIR...	USER SV FEES	-3,810.00	3,810.00
				CONC - SESAME STREET 5/22/24 WIRE T...	Concession Stands	-2,781.25	2,781.25
				NOVELTY - SESAME STREET 5/22/24 WIR...	NOVELTY SALES	-807.56	807.56
				PARKING - SESAME STREET 5/22/24 WIRE...	Paid Parking	-252.30	252.30
				SKYBOX F&B - SESAME STREET 5/22/24 ...	SKYBOX F & B	-121.00	121.00
				SKYBOX - SESAME STREET 5/22/24 WIRE ...	Skybox Rent	-330.00	330.00
				PROMO REB SHRTG - SESAME STREET 5/...	PROMOTER REBATE SHORTAGE	1,874.15	-1,874.15
TOTAL						-8,729.96	8,729.96
Check	23718	06/13/2024	THE METRA	SEYMOUR GRAD PARTY 5/1/24 & BLESSI...	METRAPARK EVENTS		-185.00
				USER SVCS - SEYMOUR GRAD PARTY 5/1...	USER SV FEES	-105.00	105.00
				USER SVCS - BLESSING OF THE BIKES 5/...	USER SV FEES	-80.00	80.00

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TOTAL						-185.00	185.00
Check	23719	06/13/2024	Starplex Corporat...	I#608269 - JURASSIC QUEST 6/1/24	METRAPARK EVENTS		-1,063.75
				SECURITY I#608269 - JURASSIC QUEST 6/...	STARPLEX SECURITY/USHERS	-1,063.75	1,063.75
TOTAL						-1,063.75	1,063.75
Check	23720	06/13/2024	American Medical...	I#309169 - OUTLAWS #4 6/8/24	METRAPARK EVENTS		-318.75
				AMR i#309169 - OUTLAWS #4 6/8/24	AMBULANCE SERVICES	-318.75	318.75
TOTAL						-318.75	318.75
Check	23721	06/13/2024	DiA EVENTS	I#7517 - OUTLAWS #4 6/8/24	METRAPARK EVENTS		-885.00
				SOUND I#7517 - OUTLAWS #4 6/8/24	SOUND COSTS	-885.00	885.00
TOTAL						-885.00	885.00
Check	23722	06/13/2024	RIMROCK STAGE...	I#202884 - OUTLAWS #4 6/8/24	METRAPARK EVENTS		-670.80
				IATSE I#202884 - OUTLAWS #4 6/8/24	STAGEHANDS - IATSE LOCAL 140	-670.80	670.80
TOTAL						-670.80	670.80
Check	23723	06/13/2024	Starplex Corporat...	I#608270 - OUTLAWS #4 6/8/24	METRAPARK EVENTS		-4,059.69
				SECURITY I#608270 - OUTLAWS #4 6/8/24	STARPLEX SECURITY/USHERS	-4,059.69	4,059.69
TOTAL						-4,059.69	4,059.69
Check	23724	06/13/2024	Breakfast Exchan...	OTHER - OUTLAWS #4 6/8/24	METRAPARK EVENTS		-1,051.50
				OTHER - OUTLAWS #4 6/8/24	OTHER	-1,051.50	1,051.50
TOTAL						-1,051.50	1,051.50
Check	23725	06/13/2024	WBL Beverage LLC	OTHER I#AR000209 - OUTLAWS #4 6/8/24	METRAPARK EVENTS		-1,815.00
				OTHER I#AR000209 - OUTLAWS #4 6/8/24	OTHER	-1,815.00	1,815.00
TOTAL						-1,815.00	1,815.00
Check	23726	06/14/2024	AXS GROUP LLC	AXS FEES DEC 23 I#814225 & APRIL 24	METRAPARK EVENTS		-1,172.50
				AXS FEES I#814225 DEC 23	AXS FEES	-823.50	823.50
				AXS FEES APRIL 24	AXS FEES	-349.00	349.00
TOTAL						-1,172.50	1,172.50

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Type	Num	Date	Name	Memo	Account	Paid Amount	Original Amount
Check	23727	06/20/2024	TITUS ENTERTAI...	OUTLAWS FOOTBALL 6/15/24	METRAPARK EVENTS		-2,952.38
				OUTLAWS FOOTBALL 6/15/24	ARENA FOOTBALL	-2,952.38	2,952.38
TOTAL						-2,952.38	2,952.38
Check	23728	06/20/2024	American Medical...	INV#309496 OUTLAWS FOOTBALL 6/15/24	METRAPARK EVENTS		-375.00
				INV#309496 OUTLAWS FOOTBALL 6/15/24	AMBULANCE SERVICES	-375.00	375.00
TOTAL						-375.00	375.00
Check	23729	06/20/2024	Starplex Corporat...	INV#608277 OUTLAWS FOOTBALL 6/15/24	METRAPARK EVENTS		-3,169.69
				INV#608277 OUTLAWS FOOTBALL 6/15/24	STARPLEX SECURITY/USHERS	-3,169.69	3,169.69
TOTAL						-3,169.69	3,169.69
Check	23730	06/20/2024	DiA EVENTS	INV#7522 OUTLAWS FOOTBALL 6/15/24	METRAPARK EVENTS		-885.00
				INV#7522 OUTLAWS FOOTBALL 6/15/24	SOUND COSTS	-885.00	885.00
TOTAL						-885.00	885.00
Check	23731	06/20/2024	BILLINGS BAR	INV#AR000216 OUTLAWS FOOTBALL 6/1...	METRAPARK EVENTS		-1,066.00
				INV#AR000216 OUTLAWS FOOTBALL 6/15...	OTHER	-1,066.00	1,066.00
TOTAL						-1,066.00	1,066.00
Check	23732	06/20/2024	Breakfast Exchan...	OUTLAWS FOOTBALL 6/15/24	METRAPARK EVENTS		-1,058.40
				OUTLAWS FOOTBALL 6/15/24	OTHER	-1,058.40	1,058.40
TOTAL						-1,058.40	1,058.40
Check	23733	06/20/2024	THE METRA	OUTLAWS FOOTBALL 6/15/24	METRAPARK EVENTS		-14,012.74
				CIP - OUTLAWS FOOTBALL 6/15/24	CIP FEES	-3,972.50	3,972.50
				RENT ARENA - OUTLAWS FOOTBALL 6/15...	ARENA	-3,000.00	3,000.00
				USER SRV - OUTLAWS FOOTBALL 6/15/24	USER SV FEES	-2,735.44	2,735.44
				CONC SALES - OUTLAWS FOOTBALL 6/15...	Concession Stands	-4,156.00	4,156.00
				PARKING - OUTLAWS FOOTBALL 6/15/24	Paid Parking	-121.80	121.80
				SKYBOX TIX - OUTLAWS FOOTBALL 6/15/24	Skybox Rent	-27.00	27.00
TOTAL						-14,012.74	14,012.74
Check	23734	06/20/2024	THE METRA	BLM HORSE SALE 6/8-9/24	METRAPARK EVENTS		-2,220.00
				CIP - BLM HORSE SALE 6/8-9/24	CIP FEES	-250.00	250.00
				RENT GRNDS - BLM HORSE SALE 6/8-9/24	GRANDSTAND/SUPERBARN/GRNDS	-1,250.00	1,250.00

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Type	Num	Date	Name	Memo	Account	Paid Amount	Original Amount
				USER SRV - BLM HORSE SALE 6/8-9/24	USER SV FEES	-720.00	720.00
TOTAL						-2,220.00	2,220.00
Check	23735	06/20/2024	THE METRA	OUTLAWS 6/8/24	METRAPARK EVENTS		-15,138.24
				CIP - OUTLAWS 6/8/24	CIP FEES	-4,573.00	4,573.00
				RENT ARENA - OUTLAWS 6/8/24	ARENA	-3,000.00	3,000.00
				USER SRV - OUTLAWS 6/8/24	USER SV FEES	-2,520.29	2,520.29
				CONC SALES - OUTLAWS 6/8/24	Concession Stands	-5,014.25	5,014.25
				PARKING - OUTLAWS 6/8/24	Paid Parking	-17.40	17.40
				SKYBOX TIX - OUTLAWS 6/8/24	Skybox Rent	-27.00	27.00
				TICKET SHORTAGE - OUTLAWS 6/8/24	TICKET SHORTAGE	13.70	-13.70
TOTAL						-15,138.24	15,138.24
Check	23736	06/25/2024	TITUS ENTERTAI...	OUTLAW GAME #6 6/22/24	METRAPARK EVENTS		-6,163.66
				OUTLAW GAME #6 6/22/24	ARENA FOOTBALL	-6,163.66	6,163.66
TOTAL						-6,163.66	6,163.66
Check	23737	06/27/2024	Yellowstone Valle...	CONC OVER PAYMENT - YVKC DOG SHO...	METRAPARK EVENTS		-59.50
				CONC OVER PAYMENT - YVKC DOG SHO...	Deposit Cashier Shorts/Overage	-59.50	59.50
TOTAL						-59.50	59.50
Check	23738	06/27/2024	American Medical...	INV#309689 - OUTLAWS 6/22/24	METRAPARK EVENTS		-356.25
				INV#309689 - OUTLAWS 6/22/24	AMBULANCE SERVICES	-356.25	356.25
TOTAL						-356.25	356.25
Check	23739	06/27/2024	WBL Beverage LLC	INV#AR000217 - OUTLAWS 6/22/24	METRAPARK EVENTS		-2,190.00
				INV#AR000217 - OUTLAWS 6/22/24	OTHER	-2,190.00	2,190.00
TOTAL						-2,190.00	2,190.00
Check	23740	06/27/2024	Breakfast Exchan...	BEER TICKETS - OUTLAWS 6/22/24	METRAPARK EVENTS		-1,102.00
				BEER TICKETS - OUTLAWS 6/22/24	OTHER	-1,102.00	1,102.00
TOTAL						-1,102.00	1,102.00
Check	23741	06/27/2024	DiA EVENTS	INV#7531 - OUTLAWS 6/22/24	METRAPARK EVENTS		-885.00
				INV#7531 - OUTLAWS 6/22/24	SOUND COSTS	-885.00	885.00
TOTAL						-885.00	885.00

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Type	Num	Date	Name	Memo	Account	Paid Amount	Original Amount
Check	23742	06/27/2024	Starplex Corporat...	INV#608288 - OUTLAWS 6/22/24	METRAPARK EVENTS		-3,698.13
				INV#608288 - OUTLAWS 6/22/24	STARPLEX SECURITY/USHERS	-3,698.13	3,698.13
TOTAL						-3,698.13	3,698.13
Check	23743	06/27/2024	THE METRA	COMIC CON 6/14-16/24	METRAPARK EVENTS		-20,035.75
				CIP - COMIC CON 6/14-16/24	CIP FEES	-1,470.00	1,470.00
				RENT PAV - COMIC CON 6/14-16/24	PAVILION	-6,600.00	6,600.00
				RENT GRNDS - COMIC CON 6/14-16/24	GRANDSTAND/SUPERBARN/GRNDS	-750.00	750.00
				USER SRV - COMIC CON 6/14-16/24	USER SV FEES	-4,610.00	4,610.00
				FOOD VNDR - COMIC CON 6/14-16/24	CONCESSIONS	-1,950.00	1,950.00
				CONC SALES - COMIC CON 6/14-16/24	Concession Stands	-4,655.75	4,655.75
TOTAL						-20,035.75	20,035.75
Check	23744	06/27/2024	THE METRA	JEHOVAHS WITNESS 5/31-6/2/24	METRAPARK EVENTS		-13,200.00
				CIP - JEHOVAHS WITNESS 5/31-6/2/24	CIP FEES	-3,200.00	3,200.00
				RENT ARENA - JEHOVAHS WITNESS 5/31-...	ARENA	-10,000.00	10,000.00
TOTAL						-13,200.00	13,200.00
Check	23745	06/27/2024	THE METRA	YVKC DOG SHOW 6/20-23/24	METRAPARK EVENTS		-17,917.50
				CIP - YVKC DOG SHOW 6/20-23/24	CIP FEES	-1,760.00	1,760.00
				RENT PAV - YVKC DOG SHOW 6/20-23/24	PAVILION	-8,800.00	8,800.00
				USER SRV - YVKC DOG SHOW 6/20-23/24	USER SV FEES	-3,170.00	3,170.00
				CONC SALES - YVKC DOG SHOW 6/20-23/24	Concession Stands	-4,187.50	4,187.50
TOTAL						-17,917.50	17,917.50
Check	23746	06/27/2024	THE METRA	CONC OUTSIDE % / CAMPING APR-JUN	METRAPARK EVENTS		-26,294.40
				SNOWIES CONC SALES %	Concession - Outside %	-714.40	714.40
				CAMPING - JORDAN CIRCUS 4/25-28/24	Metra Grounds - Camping	-1,200.00	1,200.00
				CAMPING - JEHOVAH'S WITNESS 5/30-6/2/...	Metra Grounds - Camping	-20,880.00	20,880.00
				CAMPING - YVKC DOG SHOW 6/20-23/24	Metra Grounds - Camping	-3,500.00	3,500.00
TOTAL						-26,294.40	26,294.40
Check	23747	06/27/2024	THE METRA	OUTLAWS 6/22/24	METRAPARK EVENTS		-14,658.22
				CIP - OUTLAWS 6/22/24	CIP FEES	-5,660.00	5,660.00
				USER SRV - OUTLAWS 6/22/24	USER SV FEES	-2,768.87	2,768.87
				CONC SALES - OUTLAWS 6/22/24	Concession Stands	-5,885.25	5,885.25
				PARKING - OUTLAWS 6/22/24	Paid Parking	-330.60	330.60
				SKYBOX TIX - OUTLAWS 6/22/24	Skybox Rent	-13.50	13.50
TOTAL						-14,658.22	14,658.22

COUNTY OF YELLOWSTONE

Check Detail

June 2024

Type	Num	Date	Name	Memo	Account	Paid Amount	Original Amount
Check	23748	06/27/2024	THE METRA	AUX FEES - 4TH QTR FY24	METRAPARK EVENTS		-170,088.17
				AUX FEES - 4TH QTR FY24	AUXILLIARY FEES - CLOSED EVENTS	-170,538.17	170,538.17
				SETL ERROR - AAU WRESTLING 3/15-17/24	AUXILLIARY FEES - CLOSED EVENTS	450.00	-450.00
TOTAL						-170,088.17	170,088.17
Check	23749	06/27/2024	DOUBLE M VENT...	INVOICE(S) OVER PAYMENT - TEXAS TWI...	METRAPARK EVENTS		-3.49
				INVOICE(S) OVER PAYMENT - TEXAS TWI...	Deposit Cashier Shorts/Overage	-3.49	3.49
TOTAL						-3.49	3.49
Check	23750	06/27/2024	THE METRA	JURASSIC / CANNIBIS SHOW CONC SALE...	METRAPARK EVENTS		-5,362.50
				CONC SALES - JURASSIC QUEST 6/7-9/24	Concession Stands	-2,535.50	2,535.50
				CONC SALES - MT CANNIBIS 6/15-16/24	Concession Stands	-1,699.50	1,699.50
				TEXAS TWISTER OUTSIDE CONC %	Concession - Outside %	-1,127.50	1,127.50
TOTAL						-5,362.50	5,362.50

B.O.C.C. Regular

Meeting Date: 07/09/2024

Title: Request for Speed Study on King Ave. W.

Submitted For: Tim Miller, Public Works Director

Submitted By: Tim Miller, Public Works Director

TOPIC:

Speed Study Request on King Avenue West

BACKGROUND:

MDT is installing an all-way stop at the intersection of 64th St W and King Ave W with the installation of the all-way stop MDT asks if the Yellowstone County Commissioners would like an updated speed study on King Ave. W from 44th St W to 72nd St W. The commissioners agreed the study would be beneficial for the motoring public and are making that request.

RECOMMENDED ACTION:

Approve the speed study request.

Attachments

Saftey

July 9th, 2024

Mr. Zach Kirkemo P.E.
Traffic Engineer
Montana Department of Transportation
424 Morey St.
Billings, MT 59104

**Re: Request for Speed Zone Study in Yellowstone County on HWY 532 (King Ave W) from
44th St W to 72nd St W.**

Dear Mr. Kirkemo,

The Board of Yellowstone County Commissioners is requesting the Montana Department of Transportation conduct a speed zone study on HWY 532 (King Ave W.) from 44th St to 72nd St W. We have had calls and concerns regarding safety relating to posted speed limits from the public (residents and users of this road).

Please continue that process of collecting data as traffic volumes increase in this area. Further, we ask that you please expedite all data collection and analysis and present your findings and recommendations to the Board of Yellowstone County Commissioners.

It is also our understanding that Yellowstone County officials will have 60 days after receiving the recommendations and findings to transmit comments to you. The comments by Yellowstone County, as well as the Montana Department of Transportation's recommendations, will be presented to the Montana Transportation Commission for action.

All speed zone changes as approved by the Montana Transportation Commission, on area roads, will be implemented as soon as possible after receiving notification of approval. We trust that any resultant speed zone changes on MDT roads will also be implemented also as soon as possible.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

John Ostlund, Chair

Mark Mores, Member

Donald W. Jones, Member

BOCC/mb

cc: Mike Taylor, MDT District Administrator, PO Box 20437, Billings, MT 59104
Tim Miller, Road and Bridge Director, Yellowstone County

@BCL@EC187323

B.O.C.C. Regular

6. a.

Meeting Date: 07/09/2024

Title: Turn Key Health Clinics Agreement

Submitted By: Carol Redler

TOPIC:

Agreement with Turn Key Health Clinics, LLC for Medical, Mental Health & Psychiatric Services at YCDF

BACKGROUND:

Revision, renewal and consolidation of existing agreement.

RECOMMENDED ACTION:

Consent & sign.

Attachments

Turn Key 2024-2025

**YELLOWSTONE COUNTY SHERIFF'S OFFICE
INDEPENDENT CONTRACTOR / PROFESSIONAL SERVICES AGREEMENT
AMENDMENT, RENEWAL, AND CONSOLIDATION OF COMBINED SERVICES**

This Amendment shall serve as a revision, renewal, and consolidation of combined services regarding the **INDEPENDENT CONTRACTOR / PROFESSIONAL SERVICES AGREEMENT** (the "Medical Services Agreement") between County of Yellowstone Montana, by its Board of County Commissioners ("Agency" or "Yellowstone") and **Turn Key Health Clinics, LLC**. ("Contractor" or "Turn Key") which initiated on November 1, 2016, and was assigned to Turn Key on June 30, 2022, and the amendments thereto as stated below.

In consideration to the mutual covenants contained herein, the receipt and sufficiency of which are hereby acknowledged, it is agreed upon as follows:

1. On November 1, 2016, The County of Yellowstone, Montana, by its Board of County Commissioners, and Correctional Health Partners, LLC, a limited liability company ("Correctional"), entered into an Independent Contractor/Professional Services Agreement ("**Medical Services Agreement**").
2. On August 30, 2021, Yellowstone and Correctional entered into an Independent Contractor / Professional Services Agreement for the Provision of Inmate Mental Health Services ("**Mental Health Services Agreement**").
3. On June 30, 2022, the Medical Services Agreement, including all its subsequent amendments, and the Mental Health Services Agreement, were assigned to Turn Key.
4. On July 1, 2023, Yellowstone and Turn Key executed an amendment that added certain psychiatric services ("**Psychiatric Addendum**") to the Medical Services Agreement.
5. The Parties hereby agree to consolidate the Medical Services Agreement, including all its amendments, the Mental Health Services Agreement, and the Psychiatric Addendum ("**Main Agreement**"), and renew and revise the Main Agreement as follows.
6. The terms and conditions of this Amendment, as set forth below, shall be effective July 1, 2024.
7. Pursuant to Section 4 of the Medical Services Agreement, and pursuant to Section 4 of the Mental Health Services Agreement, the Parties hereby agree to renew the Main Agreement for a one (1) year period.
8. The Medical Services Agreement, Section 5. Compensation, Subsection 1 shall be deleted in its entirety and replaced with the following:

5.1 Beginning July 1st, 2024, the Agency agrees to pay Contractor for the complete and satisfactory performance of Services under this Agreement per this Section 5 and in accordance with the payment schedule attached hereto as Attachment B, but in no event more than the following maximum amount per year:

Two million eight hundred fifty-eight thousand, nine hundred thirty-nine dollars and four cents (\$2,858,939.04)

9. The Medical Services Agreement, Attachment B payment schedule table shall be deleted in its entirety and replaced with the following:

Effective Date	Annual	Monthly
July 1 st , 2024	\$2,858,939.04	\$238,244.92

10. The Mental Health Services Agreement, Section 5. Compensation, Subsection 1 shall be deleted in its entirety and replaced with the following:

5.1 Beginning July 1st, 2024, the Agency agrees to pay Contractor for the complete and satisfactory performance of Services under this Agreement per this Section 5 and in accordance with the payment schedule attached hereto as Attachment B, but in no event more than the following maximum amount per year:

One hundred ninety-nine thousand dollars, five hundred and ninety dollars and eighty-four cents. (\$199,590.84)

11. The Mental Health Services Agreement, Attachment B payment schedule table shall be deleted in its entirety and replaced with the following:

Effective Date	Annual	Monthly
July 1 st , 2024	\$199,590.84	\$16,632.57

12. The parties hereby acknowledge that that Psychiatric Addendum, Section 4, shall be revised as follows:

The reimbursement from Agency to Contractor for psychiatric services is to be made on a monthly basis in the amount of Seventeen Thousand, Six Hundred and Eighty-Nine Dollars and Ten cents (**\$17,689.10**). The reimbursement shall be pro-rated for any partial months and subject to any reconciliation as applicable. The first payment for the month of July 2024 shall be paid to the Contractor by the 1st day of August 2024 for the services administered in the month of July. All subsequent payments shall be paid in the full amount by the Agency to the Contractor by the 1st day of each month for services rendered the previous month.

5. In all other respects, the terms and conditions of the Main Agreement shall continue unchanged and remain in full force and effect.

Turn Key Health Clinics, LLC

County of Yellowstone, Montana, by its Board of
County Commissioners

By:  6/28/2024
Flint Junod, Chief Operating Officer

By: _____

B.O.C.C. Regular

6. b.

Meeting Date: 07/09/2024

Title: YCSO-LexisNexis/TRaX agreement

Submitted By: Carol Redler

TOPIC:

Updated Agreement for TraX Software Subscription

BACKGROUND:

See attached document.

RECOMMENDED ACTION:

Consent.

Attachments

YCSO-TraX agreement

SCHEDULE A
Accurint TraX
Online (Subscription)

Customer Name: Yellowstone County Sheriff
 Billgroup #: ACC-6954473
 LN Account Manager: Brian Burson

This Schedule A sets forth additional or amended terms and conditions for the use of the Accurint TraX services ("LN Services"), as set forth in the services agreement for the LN Services between Customer and the LexisNexis Risk Solutions entity as further defined therein ("Agreement"), to which this Schedule A is incorporated by reference. For purposes of the Agreement and this Schedule A, all applicable LexisNexis Risk Solutions entities shall be individually and collectively referred to as "LN". Customer acknowledges that the services provided under this Schedule A are non-FCRA services.

1. SCHEDULE A TERM

The term of this Schedule A will be 24 months beginning July 1, 2024 (the "Initial Term"). Following the Initial Term, this Schedule A shall automatically renew for additional periods of twelve (12) months (each one, a "Renewal Term"), unless written notice of termination is provided to either party at least sixty (60) days prior to the expiration of the Initial Term or any Renewal Term. If an account is activated after the first day of a calendar month, charges will not be pro-rated.

2. ACCURINT TRAX FEES

2.1 Annual Subscription Fee: Beginning on the effective date hereof, Customer shall pay to LN each 12-month period ("Year") an annual subscription fee as detailed in the below Accurint TraX Price Table ("Annual Subscription Fee") in exchange for access to and use of the Accurint TraX service.

"Accurint TraX Price Table"	
Year	Accurint TraX Annual Subscription Fee
July 1, 2024 – June 30, 2025	\$2,778.30
July 1, 2025 – June 30, 2026 and continuing each Renewal Term thereafter*	\$5,100.00

* Renewal Terms are subject to the fee increase detailed in Section 2.2

2.2 Fee Increases: At the end of the Initial Term and each Renewal Term, the fees herein will be increased 3.00%.

2.3 Accurint TraX Amounts Payable: Customer agrees to pay LN in accordance with any invoice for the fees set forth above.

3. EXPIRATION

Unless otherwise accepted by LN, the terms herein are valid if the Schedule A is signed by the Customer and received by LN on or before **July 15, 2024**.


4. CLOUD SERVICES

LN is executing a multi-year plan to move certain LexisNexis Risk Solutions products and services to a cloud environment. Should you have questions regarding this plan, please direct them to your Account Manager.

5. CONFIDENTIAL INFORMATION

This Schedule A contains the confidential pricing information of LN. Customer acknowledges that the disclosure of such pricing information could cause competitive harm to LN, and as such, Customer agrees to maintain this Schedule A in trust and confidence and take reasonable precautions against disclosure to any third party to the extent permitted by local and state law.

AGREED TO AND ACCEPTED BY: Yellowstone County Sheriff

Signed: 
Name: Mike Linder
Title: Sheriff
Date: 7-2-24

B.O.C.C. Regular

7. a.

Meeting Date: 07/09/2024

Title: Agreement with SCL for Occupational Medicine Services

Submitted By: Teri Reitz, Board Clerk

TOPIC:

Agreement with SCL Physicians for Occupational Medicine Services

BACKGROUND:

See attached.

RECOMMENDED ACTION:

Approve.

Attachments

SCL Physicians Agreement



6/28/2024

Yellowstone County
PO Box 35041
Billings, MT 59107

Re: Occupational Medicine Services

This Letter Agreement and the attached Exhibit (collectively, the "Agreement") reflect the terms and conditions agreed to by Yellowstone County, a ("CLIENT") and SCL Health Medical, Billings, LLC d/b/a SCL Occupational Medicine ("Clinic") pursuant to which Clinic will provide occupational medicine services as an independent contractor to CLIENT during the Term (as defined below) to be effective as of 7/1/2024 (the "Effective Date").

1. Occupational Medicine Services. Clinic shall provide those occupational medicine services set forth in the Schedule of Services, **Exhibit A**, attached hereto and incorporated herein by reference to CLIENT's employees and contractors (collectively, the "Services").
2. Payment. CLIENT shall pay Clinic for Services, in the amounts as set forth in **Exhibit A**. The fees to be paid hereunder are intended solely to reflect the fair market value for the services rendered. Nothing in this Agreement shall be intended or implied to require the referral of any patient to Clinic or any of its affiliates.
3. Invoices. The Clinic shall invoice the CLIENT for Services monthly, and CLIENT shall pay Clinic within thirty (30) days of receipt of Clinic's invoice. In the event CLIENT fails to make payment within the above time frame, CLIENT shall be responsible for any late fees or interest charged by Clinic in connection with outstanding amounts, as well as any attorneys' fees or other expenses incurred by Clinic in the event such outstanding amounts are referred to a collection agency.
4. No Requirement to Refer. No party is entering into this Agreement with an expectation or obligation that unlawful patient referrals will occur, or other business will be generated between CLIENT and Clinic. Nothing in this Agreement shall be construed to require CLIENT to request Services from or refer or recommend patients, items or services to Clinic or any affiliate of Clinic or to utilize Clinic or any of its affiliates to provide inpatient, outpatient or other services to CLIENT employees or otherwise generate business for Clinic or any of its affiliates. Notwithstanding the unanticipated effect of any of the provisions herein, the parties intend to comply with the Anti-Kickback Statute, 42 USC § 1320a-7b(b), the Stark Law, 42 USC § 1395nn et seq., and any other federal or state law provision governing fraud and abuse or self-referrals, as such provisions may be amended from time to time.
5. Compliance with Laws. With respect to this Agreement, Clinic and CLIENT, respectively, each covenants and agrees that it is bound by and will observe and comply with all applicable local, state and federal laws, ordinances, rules and regulations, including the Employee Retirement Income Security Act of 1974, the Health Insurance Portability and

2019 Broadwater Ave Billings, MT 59102

Accountability Act of 1996, the Consolidated Omnibus Budget Reconciliation Act, the United States Fair Labor Standards Act and the Immigration Reform and Control Act, each as may be amended from time to time.

6. Term and Termination. This Agreement shall commence on the Effective Date and shall continue for a term of one year (the "Initial Term"), unless earlier terminated pursuant to the terms of this Agreement. Thereafter, this Agreement shall automatically renew for additional one-year terms (each a "Renewal Term" and, together with the Initial Term, the "Term"), unless and until terminated by either CLIENT or Clinic upon sixty (60) days written notice to the other. Notwithstanding the foregoing, this Agreement may be terminated by either party at any time and without liability and for whatever reason, upon prior written notice to the other party. CLIENT agrees to reimburse Clinic for any Services provided or expenses incurred as of the date of termination, even if payment is not due until after termination. If this Agreement is terminated by either party for any reason prior to the one (1) year anniversary of the Effective Date, the parties agree not to enter into a new agreement covering the performance of Services as set forth hereunder until after the date of such one (1) year anniversary.

7. Records. It is the party's intent to comply with all applicable state and federal privacy laws, including, without limitation, the Federal Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH Act"), the Administrative Simplification Provisions of the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), and any current and future regulations promulgated under either the HITECH Act or HIPAA. If required by HIPAA, Clinic and CLIENT will enter into a Business Associate Agreement as such term is defined in HIPAA. The parties acknowledge that certain records and documents created by Clinic may constitute employment records not subject to HIPAA and others may include protected health information ("PHI") as that term is defined by HIPAA. As required by such laws, each party shall preserve the privacy and confidentiality of PHI in accordance with HIPAA and other applicable state and federal laws and the privacy and confidentiality of employment records in accordance with applicable state and federal laws. CLIENT will ensure that Clinic is provided with appropriate authorization from its employees and contractors to disclose employment information and PHI to CLIENT in accordance with applicable state and federal laws and regulations.

8. Insurance. Clinic and CLIENT shall each maintain insurance sufficient to cover their respective obligations under this Agreement. Such obligations may be met through a combination of primary and umbrella coverage. A party shall furnish to the other party a certificate of insurance from the insurer upon reasonable request and shall furnish a written notice to the other party ten (10) days prior to the effective date of any reduction, cancellation, termination of or other material change in the coverages under this Section 8. CLIENT shall furnish to Clinic a written notice of each claim filed against CLIENT and/or its employees related to Services rendered hereunder within ten (10) days of the filing of said claim.

9. Required Documentation. Each party agree to complete and execute any additional documentation required to carry out its respective obligations under this Agreement.

10. CLIENT Physician Relationships. CLIENT represents and warrants that (a) CLIENT (i) is not owned in whole or in part by any physician or an "Immediate Family Member" (as such terms is defined below) of a physician and (ii) does not have a direct or indirect compensation arrangement with a physician, or an Immediate Family Member of a physician, who makes referrals to Clinic or another affiliate of the Sisters of Charity of Leavenworth Health System, Inc., (b) unless the identity of such physician or Immediate Family Member has been disclosed in writing to Clinic. For purposes of this Section 10, "Immediate Family Member" shall mean a physician's husband or wife; birth or adoptive parent, child or sibling; stepparent, stepchild, stepbrother or stepsister; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law or sister-in-law; grandparent or grandchild; and spouse of a grandparent or grandchild. If either of these situations change during the term of this Agreement, CLIENT will immediately notify Clinic.

11. Entire Agreement. This Agreement (along with all Exhibits hereto) sets forth the entire agreement between and among Clinic and CLIENT and supersedes all previous oral and written agreements, understandings, statements, and representations between and among them relating to its subject matter. This Agreement may be amended only by a written agreement that is signed by both parties and expressly refers to this Agreement.

If you are in agreement with the foregoing, please countersign below and return a .pdf or original copy for your files at your earliest opportunity.

Very truly yours,
Stephanie Bond
Practice Administrator, Occ health
Intermountain Health Peaks Region, MT|WY

The undersigned hereby represents and warrants that he or she is duly authorized to sign and execute this Agreement on behalf of CLIENT.

AGREED TO AND ACCEPTED:

CLIENT: Yellowstone County

Signature: *Dwight Vigness*
Printed Name: Dwight Vigness
Title: H.R. Director
Date: June 28, 2024

SCL Health Medical Group – Billings, LLC:

Signature: *Stephanie Bond*
Printed Name: Stephanie Bond
Title: Practice Administrator, Occ Health
Intermountain Health Peaks Region

Date: 6-28-2024

EXHIBIT A

Occupational Medicine Services

Service Code	Service Description	Charge (\$)	
PHY	Non-DOT Physical	\$105.00	
DOT	DOT Physical	\$105.00	
DSMRO	Drug Screen with MRO Services	\$65.00	
BAT	Breath Alcohol Testing	\$30.00	
BATC	Breath Alcohol Confirmation Testing	\$35.00	
DS	Drug Collection Only	\$30.00	Company Provides Chain of Custody Forms
S&F	Strength and Flex Testing	\$80.00	
FCE	Functional Capacity Exams	\$159.50	Each 15 min. Unit w/max of 8 units
MED	Medical Record Review by Physician	\$113.00 for 1 st hour, \$55.00 for each additional half hour	
PHYV	Physician Visit with Recommendations	<u>\$278.00</u>	
AUD	Audiogram	\$20.00	
PFT	Pulmonary Function Testing	\$30.00	
MFT	Respirator Fit Testing	\$20.00	
RMQ	Respirator Medical Questionnaire Review	\$20.00	
HEPB	Hepatitis B Vaccinations	\$88.00/shot	2 shot series
HEPTITER	Hepatitis B Titer	\$55.00	

B.O.C.C. Regular

7. b.

Meeting Date: 07/09/2024

Title: Stop Loss Insurance Agreement

Submitted By: Teri Reitz, Board Clerk

TOPIC:

Nationwide Life Insurance Company - Stop Loss Insurance Coverage

BACKGROUND:

See attached.

RECOMMENDED ACTION:

Approve.

Attachments

Nationwide Life Insurance Company Stop Loss Coverage



Nationwide®

Nationwide Life Insurance Company

Home Office: Columbus, Ohio

APPLICATION FOR STOP LOSS INSURANCE COVERAGE ("APPLICATION")

New Renewal

Application is hereby made to **Nationwide Life Insurance Company** ("Company") for Aggregate and/or Specific Stop Loss Insurance. This Application must be accepted and approved by the Company prior to the Contract being in effect.

Note: All capitalized terms are defined in the Contract.

1. Full Legal name of Policyholder Yellowstone County

2. Main contact at Policyholder Dwight Vigness & LynnDee Schmidt

3. Address 217 North 27th St., Rm 106 – P.O. Box 35041

4. City, State, ZIP Code Billings, MT 59107

5. Subsidiary or affiliated companies (companies under common control through stock ownership, contract or otherwise with access to the Plan) that are to be included. List legal names and addresses of such companies.

6. Other locations. Include city, state and ZIP code.

7. Nature of Policyholder's Business

General Government, NEC

Corporation Partnership Proprietorship Other _____

8. Has the Policyholder ever voluntarily applied for relief in the Bankruptcy Court?

Yes No If yes, explain

9. Enter the full name of the Policyholder's Plan

Yellowstone County Health Benefit Plan

10. Name and address of Policyholder's Third Party Administrator
BCBS of Montana
P.O. Box 4309, Helena, MT 59604
11. Name of Utilization Review Provider and/or Preferred Provider Organization(s).
UR: BCBS
PPO: BCBS
12. Effective Date 07/01/2024
13. Total eligible Covered Persons 875 Estimated initial enrollment 875
14. Are retirees covered? Yes No
15. Deposit premium \$ _____
16. Policyholder's writing agent or broker Stealth Partner Group (general agent)
 Social Security No. or Tax ID 27-0290866
 Address 18700 N. Hayden Rd., Suite 405, Scottsdale, AZ 85255
17. Where is the Stop Loss Contract and other correspondence to be mailed (name and address, if other than listed above)?

Persons to be covered under the Stop Loss Contract: Covered Units who meet the eligibility requirements as set forth under the Policyholder's underlying Plan, except an individual or dependent who is listed in the Special Conditions and/or Limitations section of this Application or who is required to be disclosed in the Stop Loss disclosure statement - unless the individual is named on the Stop Loss disclosure statement and approved by the Company.

SCHEDULE OF STOP LOSS

Coverage under the Stop Loss Contract is applicable only during the Contract Period from 07/01/2024 to 06/30/2025, and is further subject to all terms and conditions of the Contract, unless specified below.

A. Aggregate Stop Loss Yes No

B. Specific Stop Loss Yes No

Benefit Period: Eligible Plan Losses
 Incurred from 07/01/2019 through 06/30/2025, and
 Paid from 07/01/2024 through 06/30/2025.

Coverage applying to Specific Stop Loss include: (check all that apply):
 Medical Prescription Drug Card Program

Specific Deductible per person \$ 350,000.00

Aggregating Specific Deductible amount \$ 150,000.00

Specific Percentage Reimbursable (in excess of Deductible) 100 %

Lifetime Maximum Specific Benefit \$ Unlimited
(per person in excess of the Specific Deductible)

Specific Premium per month:

Covered Person Only	<u>\$ 19.42</u>
Covered Person & Family	<u>\$ 58.44</u>

Minimum Annual Specific Premium \$ 313,478.00

C. SPECIAL CONDITIONS AND/OR LIMITATIONS:

Scott Mueller: For this Covered Person, It is assumed that Medicare is the primary payer for all claims as of 12/01/2023. If, for any reason, Medicare does not pay primary on such Covered Persons (thereby making the Plan primary), We have the right to (1) set a Specific Deductible on such Covered Person(s), and/or (2) re-rate from the Covered Person's effective date of coverage; and/or (3) effect another underwriting correction retroactively.

Melissa Henderson: The Stop Loss Insurance Contract assumes the continuation of the Quantify cost containment program. If Quantify cost containment does not remain in place, SL Management Partners, LLC reserves the right to re-underwrite. Additionally, this Covered Person is subject to a \$675,000.00 Specific Deductible in the event Soliris/Eculizumab exceed 10 doses. Any amount in excess of the group Specific Deductible of \$350,000.00 will not be covered under the Aggregate coverage.

1. No additional Covered Person, excluding Melissa Henderson, will be subject to an Alternate Specific Deductible in the subsequent Contract Period. A Covered Person subject to an Alternate Specific Deductible in the current Contract Period shall continue to be subject to that same Specific Deductible in the subsequent Contract Period, unless the Company decides to reduce or eliminate a Specific Deductible.

2. The Specific premium will not increase by more than 50% in (Rate Cap) the subsequent Contract Period provided that:

- The Plan contains no change that materially alters the risk from the current Contract.
- The subsequent Contract contains no change in any terms or conditions from the Current Contract.
- There is no change between the demographic distribution of the group covered under the current Contract and the group covered under the subsequent Contract.
- There has been no adding or divesting of subsidiaries or affiliated companies or divisions to this Contract.
- There is no change in any assessment or tax levied against the Company by the state in which this Contract is delivered.

The Company shall determine, at its discretion, if a change described in clauses a. through e. constitutes a change and will adjust the Rate Cap accordingly.

The provisions, set forth above, shall only apply to the subsequent Contract Period immediately following this Contract. This option may be extended for another Contract Period at the Company's discretion.

D. RIDERS ATTACHED TO AND MADE PART OF THE CONTRACT AT EFFECTIVE DATE OR AS OTHERWISE SPECIFIED:

Advanced Funding Rider	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Effective Date: 07/01/2024	Premium: N/A
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GENERAL CONDITIONS

It is understood and agreed that the following conditions must be satisfied prior to the approval of this Application:

- The Policyholder is financially sound, with sufficient capital and cash flow to accept the risks inherent in sponsoring the Plan;
- The Third Party Administrator, if any, retained by the Policyholder will be considered the Policyholder’s agent and not the Company’s agent;
- All documentation requested by the Company must be submitted prior to any approval of this Application and must be received by the Company within thirty (30) of the Effective Date;
- The Company will evaluate the Policyholder’s risk, and may require adjustments of rates, factors and or special limitations to accommodate for abnormal risks;
- Premiums are not considered paid until the premium check is received by the Company at the rates set forth in the Schedule of Stop Loss.
- If the Policyholder has more than one business location, a representative of the Policyholder knowledgeable of the Covered Person at each location has reviewed and completed the Stop Loss disclosure statement.

In making this Application, the Policyholder represents that such information accurately reflects the true facts and that the undersigned has authority to bind the Policyholder to the Contract. Accordingly, this Application, including the disclosure statement, will be a part of the Stop Loss Contract if accepted by the Company.

Any person who, with intent to defraud or knowing that he is facilitating a fraud against an insurer, submits application or files a claim containing a false or deceptive statement is guilty of insurance fraud.

Dated at _____ this ____ day of _____, 2024

Policyholder _____

Authorized Officer/Partner _____
Type or Print

Title _____

Signature _____

Tax ID # _____

Witness Signature: _____

NATIONWIDE LIFE INSURANCE COMPANY

One Nationwide Plaza
Columbus, Ohio 43215

This Rider revises and becomes a part of the Contract to which it is attached. This Rider is subject to all the provisions, limitations and exclusions of the Contract except as they are specifically modified herein. In the event any provision of the Contract and this Rider conflict, the terms of this Rider shall govern. Please read this Rider carefully.

Policyholder: Yellowstone County

Contract Number: SL-0004-24

Rider Effective Date: 07/01/2024

It is understood and agreed by the Company that the above Contract is amended by the addition of the following provision.

ADVANCED FUNDING RIDER

On the condition that all the provisions of the Contract and conditions set forth herein have been followed, the Company agrees to provide the Policyholder with Advanced Funding. Before a claim will be approved for Advanced Funding, the Company must receive satisfactory Proof of Loss, including all information requested in the claim submission forms provided by the Company and any other information requested by the Company to determine the Company's liability for the claim. Any claims approved for Advanced Funding by the Company will be considered reimbursed by the Company and will not be further eligible for reimbursement at time of payment under the Contract.

The Definition section of the Contract will be revised as follows:

Loss, Losses means Eligible Claims Payments determined to be payable by the Policyholder for eligible benefits under the Plan.

Definitions Applicable to this Advanced Funding Rider:

Advanced Funding: The process by which the Company issues funds to the Policyholder equal to the Eligible Claims Payments for a Covered Unit during a Contract Period after:

- 1) the Policyholder has Paid an equal amount to the Specific Deductible for an individual during a Contract Period (including any Aggregating Specific Deductible or other additional Policyholder's liability under the Contract), and
- 2) the Policyholder has Losses greater than \$1,000 over the Specific Deductible which have not been Paid.

Limitations Applicable to this Advanced Funding Rider:

Advanced Funding is only available while the Contract is in force.

Advanced Funding is not available during the last 30 days of the Benefit Period. The Company must receive the request for Advanced Funding and satisfactory Proof of Loss, including all information requested in the claim submission forms provided by the Company and any other information as might be necessary to determine liability for the claim, no later than the 30th day prior to the end of the Benefit Period.

The claim must be fully processed by the Third Party Administrator and must be ready for payment under the Plan within the Benefit Period during which the claim was incurred. Policyholder must fund, via mail or electronic funds transfer, the claim for which Advanced Funding is requested within 10 business days of receipt of Advanced Funding from the Company. If such payment is not made by the Policyholder within 10 days, the Policyholder shall immediately refund to the Company the advanced funds and the Company may revoke Advanced Funding privileges.

It is the Policyholder's sole responsibility to request and apply Advanced Funding in a manner that will secure appropriate provider discounts. In the event the Policyholder cannot fund a claim in time to secure appropriate provider discounts, the Company will not be liable for the amount that the discounts would have been if the provider had been timely paid.

It is the Policyholder's sole responsibility to request and apply Advanced Funding in a manner consistent with all current Plan and Contract provisions and applicable state and federal laws. No provision herein shall be deemed to alter the requirements contained in the Contract that Eligible Claims Payments be Paid by the Policyholder within the Contract and Benefit Periods.

Nothing contained in this Rider will be held to affect any of the terms of the Contract other than as stated herein.

Signed for Nationwide Life Insurance Company

The image shows two handwritten signatures in black ink. The signature on the left is more fluid and cursive, while the signature on the right is more structured and legible.

Secretary

President

B.O.C.C. Regular

7. c.

Meeting Date: 07/09/2024

Title: Benefit Program Application

Submitted By: Teri Reitz, Board Clerk

TOPIC:

Benefit Program Application

BACKGROUND:

Application to Administrative Services only.

RECOMMENDED ACTION:

Approve.

Attachments

Benefit Program Application

Benefit Program Application ("ASO BPA")

Application to Administrative Services Only (ASO) Group Accounts

administered by Blue Cross and Blue Shield of Montana, a Division of Health Care Service Corporation,
a Mutual Legal Reserve Company, an Independent Licensee of the Blue Cross and Blue Shield Association, hereinafter referred to as the "Claim
Administrator" or "BCBSMT"

Group Status: Renewing ASO Account

Employer Account Number (6-digits): 252390

Group Number(s): 252391, 252392

Section Number(s): 0001-0018, 9901-9909

Legal Employer Name: Yellowstone County

(Specify the Employer or the employee trust applying for coverage. Names of subsidiary or affiliated companies to be covered must also be named below. AN EMPLOYEE BENEFIT PLAN MAY NOT BE NAMED.)

ERISA Regulated Group Health* Plan: Yes No

Is your ERISA Plan Year* a period of 12 months beginning on the Effective Date of Coverage specified below? Yes
If not, specify your ERISA Plan Year*: Beginning Date / / End Date / / (month/day/year)

ERISA Plan Administrator*:

Plan Administrator's Address:

If you maintain that ERISA is not applicable to your group health plan, give legal reason for exemption:

Non-Federal - County; if applicable, specify other:

Is your Non-ERISA Plan Year* a period of 12 months beginning on the Anniversary Date specified below? Yes

If not, please specify your Non-ERISA Plan Year*: Beginning Date / / End Date / / (month/day/year)

For more information regarding ERISA, contact your Legal Advisor.

*All as defined by ERISA and/or other applicable law/regulations

Effective Date of Coverage: (Month/day/Year) 07 / 01 / 2024

Anniversary Date: (Month/Day/Year) 07 / 01 / 2025

Retiree-Only Plan(s) Identification:

For more information regarding Retiree-only plans, contact your Legal Advisor.

Do you have one or more Retiree-only plan(s)? Yes No

If yes, please provide Benefit Agreement number, or group and section numbers of the Retiree-only plan(s):

Account Information	<input checked="" type="checkbox"/> NO CHANGES	<input checked="" type="checkbox"/> SEE ADDITIONAL PROVISIONS
Standard Industry Code (SIC): 9920	Employer Identification Number (EIN): 81-6001449	
Address: 217 North 27 th Street Room 106		
City: Billings	State: MT	ZIP: 59101
Administrative Contact: LynnDee Schmidt	Title: Benefits and Safety Manager	
Email Address: Ischmidt@yellowstonecountymt.gov	Phone Number: 406-256-2737	Fax Number: 406-254-7908
<input checked="" type="checkbox"/> Mailing address is different from primary address		
Mailing Address: PO BOX 35041		
City: Billings	State: MT	ZIP: 59107-5041
Mailing Contact: LynnDee Schmidt	Title: Benefits and Safety Manager	
Email Address: Ischmidt@yellowstonecountymt.gov	Phone Number: 406-256-2737	Fax Number: 406-254-7908
<input type="checkbox"/> Billing address is different from primary address		
Billing Address:		
City:	State:	ZIP:
Billing Contact: LynnDee Schmidt	Title: Benefits and Safety Manager	
Email Address: Ischmidt@yellowstonecountymt.gov	Phone Number: 406-256-2737	Fax Number: 406-254-7908

Proprietary and Confidential Information of Claim Administrator

Not for use or disclosure outside Claim Administrator, Employer, their respective affiliated companies and third-party representatives, except with written permission of Claim Administrator.

MT GEN ASO BPA (Rev. 06.23) Blue Cross and Blue Shield of Montana, a Division of Health Care Service Corporation, a Mutual Legal Reserve Company, an Independent Licensee of the Blue Cross and Blue Shield Association

Wholly Owned Subsidiaries to be covered:

Affiliated Companies to be covered:

Employer Identification Number (EIN):

(Affiliated Companies must be required or permitted to be aggregated per IRS Guidelines. Employer hereby confirms that Employer, Subsidiaries and Affiliates are treated as a single employer under Internal Revenue Code Section 414(b), or (c), or (m) or (o), or under applicable law.)

Blue Access for EmployersSM ("BAESM") Contact: LynnDee Schmidt

Title:

Benefits and Safety Manager

(The BAE Contact is the Employee authorized by the Employer to access and maintain the Employer's account in BAE.)

Email Address: lschmidt@yellowstonecountymt.gov

Phone Number: 406-256-2737

Fax Number: 406-254-7908

The Employer or other company listed in this BPA is a public entity or governmental agency/contractor

Producer of Record Information

NO CHANGES SEE ADDITIONAL PROVISIONS

Effective: 01/01/2020

If applicable, the below-named producer(s) or agency(ies) is/are recognized as the Employer's Producer of Record (POR) to act as a representative in negotiations with and to receive commissions from BCBSMT, or Claim Administrator's corporate subsidiaries, as applicable, for procuring Claim Administrator's claims administration services for Employer's employee benefit program(s). This statement rescinds any and all previous POR appointments for the Employer. The POR is authorized to perform membership transactions on behalf of the Employer. This appointment will remain in effect until withdrawn or superseded in writing by Employer.

Producer or Agency to whom commissions are to be paid*: Alliant Insurance Services, Inc.

Montana Producer #: 010017891

Address: 1420 5th Ave STE 1500

City: Seattle

State: WA

ZIP: 98101

Phone: 206-962-2000

Fax:

Email: MaryKay.Puckett@alliant.com

Is Producer/Agency appointed with BCBSMT in Montana? Yes No

Secondary Producer or Agency to whom commissions are to be paid*: Mary Kay Puckett, 0%

Montana Producer #: 107829564

Address: 1420 5th Ave STE 1500

City: Seattle

State: WA

ZIP: 98101

Phone: 406-438-5615

Fax:

Email: MaryKay.Puckett@alliant.com

Is Producer/Agency appointed with BCBSMT of Montana? Yes No

Commissions:

PCPM \$ Does a Monthly Cap Apply Yes No \$ (If cap is annual, divide by twelve)

Flat \$ Does a Monthly Cap Apply Yes No \$ (If cap is annual, divide by twelve)

Percentage of Stop Loss: %

ADDITIONAL COMMISSIONS: Producer 1 = 100%, Producer 2 = 0%

*The Producer or agency name(s) above to whom commissions are to be paid must exactly match the name(s) on the appointment application(s).

Schedule of Eligibility

NO CHANGES

SEE ADDITIONAL PROVISIONS

Employer has made the following eligibility decisions:

1. **Eligible Person means:**

A full-time employee of the Employer.

A full-time employee of the Employer who is a member of: (name of union)

A part-time employee of the Employer.

A retiree of the Employer. Define criteria:

Other: Cobra

All Elected Officials

Proprietary and Confidential Information of Claim Administrator

Not for use or disclosure outside Claim Administrator, Employer, their respective affiliated companies and third-party representatives, except with written permission of Claim Administrator.

The following Participants are eligible for participation in the Plan:

1. Employees who have completed the Eligibility Waiting Period and who are actively working at least 40 hours per week for full-time Employees and 20-39 hours per week for part-time. Employees in the employ of entities eligible to participate in this health plan, or
2. Employees retiring from entities eligible to participate in this health plan and are under age of 65, and within 31 days of retirement have:
 - a. Elected coverage, are at least age 50 (hired prior to July 1, 2011) or at least age 55 (hired July 1, 2011 or after), or on disability retirement and are receiving a monthly pension benefit from Montana Public Employee Retirement Board; and
 - b. Completed and filed with Yellowstone County, the Authorization for Deduction for Health Insurance Premium form.
3. Officials, who have been elected to office and completed at least one term of office, who are terminating employment, under age 65, and within 31 days of leaving office have:
 - a. Elected coverage; and
 - b. Are at least age 50 (elected prior to July 1, 2011) or at least age 55 (elected July 1, 2011 or after).

Retirees satisfying the above criteria, but receiving a pension payment less the amount of the health insurance premium, may continue coverage by submitting full payment by personal check to Yellowstone County. Premiums are requested by the 20th of each month for the following month's coverage. According to the terms of this contract, if a payment is not received by the due date (the first of the month) a 15-day grace period is allowed, but if full payment is not received within the grace period, the policy will be canceled. Check should be made payable to Yellowstone County. Mail payments to:

Yellowstone County
Human Resources
P.O. Box 35041
Billings, MT 59107

Are any classes of employees to be excluded from coverage? Yes No
If yes, please identify the classes and describe the exclusion:

2. Employee definition:

Full-Time Employee means:

- A person who is regularly scheduled to work a minimum of 40 hours per week and who is on the permanent payroll of the Employer.
- Other: See Comments under Question 1

Part-Time Employee means:

- A person who is regularly scheduled to work a minimum of 20 hours per week and who is on the permanent payroll of the Employer.
- Other: See Comments under Question 1

3. The Effective Date of termination for a person who ceases to meet the definition of Eligible Person:

- The date such person ceases to meet the definition of Eligible Person.
- The last day of the calendar month in which such person ceases to meet the definition of an Eligible Person.
- Other:

An individual's insurance will end automatically on the earliest of the following dates:

*Note: "Period" is defined as the following:

1st of the month through the 15th of the month;

16th of the month through the last day of the month:

1. The date this Plan ends;

Proprietary and Confidential Information of Claim Administrator

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2. The end of the last period for which any required contribution agreed to in writing has been made (1st – 15th; or 16th – last day of month);
3. The last day of the period in which he or she is no longer eligible for insurance;
4. The last day of the period in which Employee's employment with the Employer ends. Except that: The Employer may, at its option, continue insurance as shown below for individuals whose employment has ended, if it does so without individual selection between Employees and if it continues making premium payments for those individuals.

Insurance may be continued for all Benefits for:

- An Employee on an approved leave of absence; or
- An Employee temporarily laid off; or
- An Employee unable to work because of disability.

Employee should refer to the Employee Handbook and/or Collective Bargaining Agreement for more specific information.

The Employer may, at its option, continue Employee's insurance for up to 12 months if the Employee's insurance would otherwise end due to his or her work schedule reducing to less than the minimum time required to qualify for coverage, provided the Employer does so without individual selection among Employees and provided that premium payments are continued for those individuals.

No Benefits are payable for charges incurred after an individual's insurance ends.

4. Select an effective date rule for a person who becomes an Eligible Person after the Effective Date of the Employer's health care plan (the effective date must not be later than the 91st calendar day after the date that a newly eligible person becomes eligible for coverage, unless otherwise permitted by applicable law).

- The date of employment.
- The day of employment.
- The day of the month following month(s) of employment.
- The day of the month following days of employment.
- The day of the month following the date of employment.
- Other: 1. Employees

If Employee coverage is noncontributory, an Employee's coverage will be effective on the day he or she becomes eligible.

If Employee coverage is contributory, each Employee who both applies for coverage on a form approved by BCBSMT and agrees in writing to pay the required contributions, will become covered as follows:

If the Employee applies within 31 days of the date he or she first becomes eligible, he or she will be covered on the later of:

- a. The date he or she applies; or
- b. The date he or she becomes eligible.

2. Dependents

If dependent coverage is noncontributory, a dependent's coverage will be effective on the date he or she becomes eligible. The Employee must be covered in order for his or her dependents to be covered.

If the dependent coverage is contributory, the Employee who both applies for dependent coverage on a form approved by BCBSMT and agrees in writing to pay the required contributions for dependents will become covered for his or her dependents as follows:

If the Employee applies within 31 days after the date he or she became eligible for dependents' coverage, his or her dependents will be covered on the later of:

- a. The date the Employee applies for dependents' coverage; or
- b. The date the Employee becomes covered.

3. Employees and Dependents

- a. If an Employee and spouse are both Employees of the group, any children shall be considered dependents of only one of the Employees, not both.

Proprietary and Confidential Information of Claim Administrator

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b. If an individual is not eligible because:

- 1) The Employee is not actively working for the Employer; and/or
- 2) The dependent is confined in a Hospital or Skilled Nursing Facility;

The Employee will not become covered until the day he or she returns to full - time or qualified part - time active work and the dependent will not become covered if the Employee is not covered or if the dependent is confined in a Hospital or Skilled Nursing Facility.

Special Enrollment Period

A Special Enrollment Period is allowed with substantiating documentation for eligible Employees and/or dependents who are not currently enrolled and who originally declined coverage because they had other coverage, and:

- Whose other coverage was as a COBRA covered person and that coverage was exhausted, or
- Who lost eligibility for the prior coverage, or
- Who were covered on a group plan whose employer terminated contributions to that plan, and
- Who apply for coverage and submit required documentation under the current employer's plan within 31 days of the termination of such coverage.
- Who lost eligibility under either the Children's Health Insurance Program or the Medicaid Program, or the Employee or Family Participant becomes eligible for financial assistance for group health coverage, under either the Children's Health Insurance Program or the Medicaid Program.

A Special Enrollment Period also occurs when there is a change in family status: a birth, adoption, marriage, divorce, death or loss of eligible coverage.

*Note: "Period" is defined as the following:

1st of the month through the 15th of the month;

16th of the month through the last day of the month:

- In the event of birth or adoption, the Employee and the Employee's dependents may enroll within 31 days of the birth or adoption. The effective date of the child will be the date of birth or adoption providing the new dependent was properly enrolled. The effective date of the dependents will be the first day of the period following birth or adoption.
- In the event of a marriage, an Employee previously eligible, but not enrolled, may enroll within 31 days after the marriage. The Employee's new spouse and/or children under the age of 26 may enroll within 31 days after the marriage. The effective date will be no later than the first day of the period beginning after the date the completed request for enrollment is received by the Plan.
- In the event of losing eligibility under either the Children's Health Insurance Program or the Medicaid Program, or the Employee must request enrollment for the Employee or Family Participant not later than 60 days after the date of termination of coverage. The effective date will be no later than the first day of the period beginning after the date the completed request for enrollment is received by the Plan.

Note: Required documentation may be, but not limited to, one or more of the following:

- a. Certified marriage certificate;
- b. Declaration of marriage without solemnization certificate;
- c. Court adoption papers;
- d. Certified birth certificate;
- e. Employment paperwork showing separation of employment (i.e., reduction in force, termination letter, etc.);
- f. Certificate of Eligible Coverage.

Is the waiting period requirement to be waived on initial group enrollment? Yes No

Are there multiple new hire waiting periods? Yes No

If yes, please attach eligibility and contribution details for each section.

5. Domestic partners covered: Yes No

If yes, a domestic partner is eligible to enroll for coverage.

If yes, are domestic partners eligible for continuation of coverage?

Yes No

If yes, are dependents of domestic partners eligible to enroll for coverage?

Yes No

If yes, are dependents of domestic partners eligible for continuation of coverage?

Yes No

The Employer is responsible for providing notice of possible tax implications to those Covered Employees with coverage for domestic partners.

Proprietary and Confidential Information of Claim Administrator

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6. **Limiting Age for covered children:** Twenty-six (26) years, regardless of presence or absence of a child's financial dependency, residency, student status, employment status, marital status, eligibility for other coverage, or any combination of those factors. Other:

7. **Termination of coverage upon reaching the Limiting Age:**

- The last day of coverage is the day prior to the birthday.
- The last day of coverage is the last day of the month in which the limiting age is reached.
- The last day of coverage is the last day of the billing month.
- The last day of coverage is the last day of the year (12/31) in which the limiting age is reached.
- The last day of coverage is the day prior to the Employer's Anniversary Date.

Will coverage for a child who is medically certified as disabled and dependent on the employee terminate upon reaching the Limiting Age even if the child continues to be both disabled and dependent on the employee? Yes No
However, such coverage shall be extended in accordance with any applicable federal or state law and the Disabled Dependent provisions of this BPA. The Employer will notify BCBSMT of such requirements.

8. **Disabled dependent:** A disabled dependent means a dependent child who is medically certified as disabled and dependent upon the Employee or his/her spouse. A child is a disabled child when the child is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months, per Internal Revenue Code Section 22(e)(3).

To administer medical certification of disabled dependents, you may select option (a) Standard Rules or (b) Custom Rules. BCBSMT will administer its standard process for administration of disabled dependent coverage if (a) below is selected by Employer, or at the Employer's direction memorialized below, BCBSMT will follow a customized process if Employer selects (b). If (b) is selected there are additional selections regarding age, proof of prior coverage, certification review, forms, and previous medical certification approvals.

(a) Disabled dependent administration will follow **Standard Rules**.

A disabled dependent is eligible to **continue** coverage beyond the limiting age, provided the disability began before the child attained the age of 26. A disabled dependent is eligible to **add** coverage beyond the limiting age, provided the disability began before the child attained the age of 26, and proof of coverage as a disabled dependent is provided. Administration of certification review is administered by BCBSMT; a disabled dependent certification form must be submitted to BCBSMT.

(b) Disabled dependent Administration will follow **Custom Rules**. Please make the following sections:

Age: *Please select one option regarding age of when the disability began.*

- The disability must have begun before the child attained the age of 26.
- All disabled dependents are covered regardless of when the disability began.

Proof of prior coverage: *Please select required or not required below:*

When **adding** coverage, proof of prior coverage as a disabled dependent is required not required.

Certification review: *Please select one option regarding the administration of certification review.*

- Certification review is administered by BCBSMT; a disabled dependent certification form must be submitted to BCBSMT.
- Certification review is administered by the Employer; there are no disabled dependent certification form requirements.

If certification review is administered by BCBSMT, please select one option regarding forms:

- Utilize BCBSMT disabled dependent certification forms.
- Utilize custom/other disabled dependent certification forms.

If Certification Review administered by BCBSMT, please select allowed or not allowed below:

A disabled dependent approved certification from a prior insurance carrier is allowed not allowed.
A disabled dependent approved certification from a prior BCBS policy is allowed not allowed.

Proprietary and Confidential Information of Claim Administrator

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9. Will extension of benefits due to temporary layoff, disability or leave of absence apply?
 Yes (specify number of days below) No
 Temporary Layoff: TBD by Yellowstone County days Disability: TBD by Yellowstone County days
 Leave of Absence: TBD by Yellowstone County days
However, benefits shall be extended for the duration of an Eligible Person's leave in accordance with any applicable federal or state law. The Employer will notify BCBSMT of such requirements.

10. Enrollment:

Special Enrollment: An Eligible Person may apply for coverage, family coverage or add dependents within thirty-one (31) days of a Special Enrollment qualifying event if he/she did not previously apply prior to his/her Eligibility Date or when otherwise eligible to do so. Such person's Coverage Date, family Coverage Date, and/or dependent's Coverage Date will be the effective date of the qualifying event or, in the event of Special Enrollment due to marriage or termination of previous coverage, then no later than the first day of the Plan Month following the date of receipt of the person's application of coverage.

An Eligible Person may apply for coverage within sixty (60) days of a Special Enrollment qualifying event in the case either of a loss of coverage under Medicaid or a state Children's Health Insurance program, or eligibility for group coverage where the Eligible Person is deemed qualified for group coverage assistance under a state Medicaid or CHIP premium assistance program.

Open Enrollment: An Eligible Person may apply for coverage, family coverage or add dependents if he/she did not apply prior to his/her Eligibility Date or did not apply when otherwise eligible to do so, during the Employer's annual Open Enrollment Period. Such person's Coverage Date, family Coverage Date, and/or dependent's Coverage Date will be a date mutually agreed to by the Claim Administrator and the Employer. Such date shall be subsequent to the Open Enrollment Period. Specify Open Enrollment Period: TBD

Late Enrollment: An Eligible Person may apply for coverage, family coverage or add dependents if he/she did not apply prior to his/her Eligibility Date or did not apply when otherwise eligible to do so. Such person's Coverage Date, family Coverage Date, and/or dependent's Coverage Date will be a date mutually agreed to by the Claim Administrator and the Employer.

Select one of the provisions below:

- Open Enrollment – Late applicants may only apply during Open Enrollment.
- Late Entrant – Late applicants may apply at any time – coverage effective date is determined by the receipt date and the rules governing off-cycle enrollments.

11. * Does COBRA Auto Cancel apply? Yes No
*Member's COBRA/Continuation of coverage will be automatically cancelled at the end of the member's eligibility period.
 Not recommended for accounts with automated eligibility

CURRENT EMPLOYEE ELIGIBILITY INFORMATION

- NO CHANGES** **Current number of Employees enrolled** **SEE ADDITIONAL PROVISIONS**

Current Employee Eligibility Information only applies to new accounts. If your account is renewing, please just indicate the current number of enrolled employees (above).

Total number of Employees:

1. on payroll :
2. presently eligible for coverage:
3. serving new hire probationary period:
4. with other coverage (i.e., other group coverage, Medicare, Medicaid, TRICARE/Champus):
5. total number of individuals currently covered under COBRA:
6. with retiree coverage (if applicable) :

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Lines of Business (Check all applicable services)

NO CHANGES **See Additional Provisions**

Medical Plan Services:

- PPO
- POS
- Traditional

Consumer Driven Health Plan:

- Blue EdgeSM HSA (PPO) (Preferred Vendor: HealthEquity, Inc.)* If HealthEquity, Inc. is selected, BCBSMT to send HSA enrollment to HealthEquity, Inc.
 - Yes No

Non-Preferred Vendor:

- Blue EdgeSM (HCA) Administrative Services (if purchased, complete separate HCA BPA)
- FSA (Preferred Vendor: Other)*
 - Non-Preferred Vendor:
- HRA (Preferred Vendor: Select Vendor)*
 - Non-Preferred Vendor:

Additional Services:

- Wellbeing Management
- Wellness Incentives
- Health Advocacy Solutions
- Mercer Health Advantage
- Custom Care Management Unit
- Total Health Management (THM) (additional fee applies)
- Employee Assistance Program (EAP)
- Blue DirectionsSM (Private Exchange) (If selected, the Blue Directions Addendum is attached and made a part of the parties' Administrative Services Agreement.)

- Limited Fiduciary Services for Claims and Appeals

- Other Select Product
- Other Select Product
- Other
- Other

Ancillary Services:

- Dental Plan Services
- Vision Insurance (if selected, complete a separate application)
- Stop Loss (if selected, complete separate Exhibit to the Stop Loss Coverage Policy)
- Life, Disability, Critical Illness, Accident or Hospital Indemnity Insurance (if selected, complete a separate application for those coverages)
- COBRA Administrative Services (if selected, complete separate COBRA Administrative Services Addendum to the BPA)

Benefit Period

- Plan Year
- Contract Period to

Prescription Drugs:

- Covered under a pharmacy benefit (If selected, the PBM Fee Schedule Addendum must be attached and is part of this BPA.)
- Covered under the medical benefit

Pharmacy Network (Select one):

- Traditional Select Network
- Advantage Network
- Value Network
- Elite Network
- Network on PBM Fee Schedule Addendum

DRUG LIST: Balanced Drug List

Other (please specify): Benefit Period is Calendar

Year

PPO/HSA Preventive Drug List:

Please specify: HSA

Other Rx programs:

Please specify: Select Program

*A HSA must be paired with a qualified high deductible health plan (HDHP) and follow strict requirements set forth by the Internal Revenue Service (IRS). Employer Groups should seek advice from their independent tax advisor, legal counsel, or other professional counselor, to ensure their proposed benefit strategy with respect to HSAs, FSAs, HRAs, or other benefit arrangements does not conflict with current IRS requirements.

Mercer Health Advantage is offered by Mercer, an independent company, and is administered by Blue Cross and Blue Shield of Montana.

Custom Care Management Unit is offered by Willis Towers Watson, an independent company, and is administered by Blue Cross and Blue Shield of Montana.

Medical and Dental benefits and services are administered by Blue Cross and Blue Shield of Montana, a Division of Health Care Service Corporation, a Mutual Legal Reserve Company, an Independent Licensee of the Blue Cross and Blue Shield Association.

Life, Disability, Critical Illness, Accident, Hospital Indemnity and Vision products are issued by Dearborn Life Insurance Company, 701 E. 22nd St. Suite 300, Lombard, IL 60148. Blue Cross and Blue Shield of Montana is the trade name of Dearborn Life Insurance Company, an independent licensee of the Blue Cross and Blue Shield Association. BLUE CROSS®, BLUE SHIELD® and the Cross and Shield Symbols are registered service marks of the Blue Cross and Blue Shield Association, an association of independent Blue Cross and Blue Shield Plans.

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FEE SCHEDULE

Employer shall pay amounts Claim Administrator bills Employer for benefit claims Claim Administrator processes on Employer's behalf as well as administrative fees as set forth in this Fee Schedule.

Payment Specifications	<input checked="" type="checkbox"/> NO CHANGES	<input checked="" type="checkbox"/> SEE ADDITIONAL PROVISIONS
Employer Payment Method: <input type="checkbox"/> Online Bill Pay <input checked="" type="checkbox"/> Electronic <input type="checkbox"/> Auto Debit <input type="checkbox"/> Check		
Employer Payment Period: <input checked="" type="checkbox"/> Weekly (cannot be selected if Check is selected as payment method above) <input type="checkbox"/> Semi Monthly (cannot be selected if Check is selected as payment method above) <input type="checkbox"/> Monthly		
Claim Settlement Period: <input type="checkbox"/> Weekly <input checked="" type="checkbox"/> Monthly		
Run-Off Period: Employer payments are to be made for 12 months following end of Fee Schedule Period. <i>Standard is twelve (12) months.</i>		
Fee Schedule Period: To begin on Effective Date of Coverage and continue for 12 months. If other than 12 months, please specify: _____ months.		

Administrative Per Employee Per Month (PEPM) Charges	<input type="checkbox"/> NO CHANGES	<input checked="" type="checkbox"/> SEE ADDITIONAL PROVISIONS
---	--	--

	2024			
Administrative Fee	\$27.53	\$ _____	\$ _____	\$ _____
Dental	\$3.40	\$ _____	\$ _____	\$ _____
Claims Fiduciary	\$ _____	\$ _____	\$ _____	\$ _____
Advanced Payment Review	_____% \$ _____	_____% \$ _____	_____% \$ _____	_____% \$ _____
*Medical Drug Rebate Credit	\$(2.50)	\$(_____)	\$(_____)	\$(_____)
*Rebate Credit for the Prescription Drug Program	\$(100.61)	\$(_____)	\$(_____)	\$(_____)
Telehealth (Virtual Visits)	\$ _____	\$ _____	\$ _____	\$ _____
Wellbeing Management	\$Included in Admin	\$ _____	\$ _____	\$ _____
Health Advocacy Solutions	\$ _____	\$ _____	\$ _____	\$ _____
Commissions: _____	\$ _____	\$ _____	\$ _____	\$ _____
Commissions: _____	\$ _____	\$ _____	\$ _____	\$ _____
Commissions: _____	\$ _____	\$ _____	\$ _____	\$ _____
Other: Stop Loss Accommodation Fee List Service: _____	\$2.00	\$ _____	\$ _____	\$ _____
Other: Other Services List Service: <u>Prescription Drug Administrative Fee</u>	\$3.63	\$ _____	\$ _____	\$ _____
Other: Other Services List Service: _____	\$ _____	\$ _____	\$ _____	\$ _____
Other: Select Service Category List Service: _____	\$ _____	\$ _____	\$ _____	\$ _____
Miscellaneous: _____	\$ _____	\$ _____	\$ _____	\$ _____
Miscellaneous: _____	\$ _____	\$ _____	\$ _____	\$ _____

Proprietary and Confidential Information of Claim Administrator

Not for use or disclosure outside Claim Administrator, Employer, their respective affiliated companies and third-party representatives, except with written permission of Claim Administrator.

Total	\$(66.55)	\$ _____	\$ _____	\$ _____
--------------	------------------	-----------------	-----------------	-----------------

*The Rebate Credit is a per Covered Employee per month credit applied to the monthly billing statement. The Employer and Claim Administrator have agreed to the Rebate Credit and Employer agrees that it and its group health plan have no right to, or legal interest in, any portion of the rebates, either under the pharmacy benefit or the medical benefit, actually provided by the Pharmacy Benefit Manager ("PBM") or a pharmaceutical manufacturer to Claim Administrator and consents to Claim Administrator's retention of all such rebates. The Rebate Credit will be provided from Claim Administrator's own assets and may or may not equal the entire amount of rebates actually provided to Claim Administrator by the PBM or expected to be provided. Rebate Credits shall not continue after termination of the Prescription Drug Program. Employer agrees that any Rebate Credit provision in the governing Administrative Services Agreement to the contrary is hereby superseded.

Administrative Line Item Charges	Frequency	Amount
Other: Data Exchange List Service: <u>Claims Extract</u>	Annual If applicable, describe other: _____	<u>\$400</u>
Other: Data Exchange List Service: <u>Reverse Eligibility</u>	Annual If applicable, describe other: _____	<u>\$2,000</u>
Other: Select Service Category List Service: _____	Select Billing Frequency If applicable, describe other: _____	\$ _____
Other: Select Service Category List Service: _____	Select Billing Frequency If applicable, describe other: _____	\$ _____
Miscellaneous: _____	Select Billing Frequency If applicable, describe other: _____	\$ _____
Miscellaneous: _____	Select Billing Frequency If applicable, describe other: _____	\$ _____
Miscellaneous: _____	Select Billing Frequency If applicable, describe other: _____	_____ %
Total:		\$ _____

Other Service and/or Program Fee(s) <input checked="" type="checkbox"/> NO CHANGES <input type="checkbox"/> SEE ADDITIONAL PROVISIONS
<p>NSA Fees</p> <p>In connection with the claims, items, and services that are subject to the No Surprises Act ("NSA") and disputed by a Provider, Employer agrees to pay Claim Administrator the following fees:</p> <ul style="list-style-type: none"> • Fifty dollars (\$50) for each claim that is the subject of informal negotiation with a Provider (this fee will be charged in the event the Provider, in its sole discretion, determines that it will not accept the initial payment amount); and • An additional seventy-five dollars (\$75) per claim for each independent dispute resolution process ("IDR") where Claim Administrator represents Plan (this fee will be charged in the event the Provider, in its sole discretion, determines that it will initiate IDR after the informal negotiation period); and <p>All costs imposed by the IDR entity or any state, federal or local government entity in connection with an IDR.</p>

Not applicable to Grandfathered Plans

External Review Coordination: Yes No

If yes, coordination fee: \$700 for each external review requested by a Covered Person that the Claim Administrator coordinates for the Employer in relation to the Employer's Plan. Employer elects for external reviews to be performed under the Affordable Care Act external review process.

Advanced Payment Review (APR): Yes No

APR is a suite of payment integrity offerings. Refer to the Matrix. If Employer elects APR, indicate APR Savings Program or PEPM below:

APR Savings Program

PEPM

For APR capabilities other than Reimbursement Services: If Employer elects APR Savings Program, Claim Administrator will invoice the percentage indicated in the Fee Schedule of any savings amounts identified by Claim Administrator or third-party.

Reimbursement Services: Yes No If yes, Claim Administrator will retain twenty-five percent (25%) of any recovered amounts made on third-party liability claims other than recovery amounts received as a result of or associated with any Workers' Compensation Law.

FlexAccess™: Yes No

As part of its plan design, Employer has directed Claim Administrator to administer claims, copay and coinsurance requirements for Covered Persons enrolled in the FlexAccess program, including (i) adjusting Covered Persons' copayment amounts to the amount of the manufacturer copay assistance, (ii) applying such manufacturer assistance to reduce Covered Persons' out of pocket costs, and (3) not applying the manufacturer assistance to Covered Persons' deductibles and out of pocket maximum accumulators. Employer agrees that FlexAccess is a plan design decision of Employer and is consistent with Employer's plan design and supported by plan documents. Employer further agrees it is solely responsible for, and will hold Claim Administrator harmless for, the legal and regulatory compliance of the Plan and its plan design.

Claim Administrator will assess a program fee equal to 20% of the total shared savings. Total shared savings is calculated as follows:

The difference between Employer responsibility without the FlexAccess Program and Employer responsibility with the FlexAccess Program. The Employer responsibility with the FlexAccess Program is cost of the drug minus: (1) the manufacturer copay assistance dollars that are allocated to the cost of the drug and (2) the member's cost share for the member enrolled in the program. The Employer responsibility without the FlexAccess Program is the cost of the drug minus the member cost share if the member was not enrolled in the program.

FLEXACCESS™ QUALIFIED HDHP: Yes No

Claim Administrator will assess a fee equal to 20% of program savings for administrative fees. Program savings (shared savings) will be calculated based on the manufacturer copay assistance dollars that are allocated to the cost of the drug minus the member's estimated cost share (copay or coinsurance) that would have been paid if they were not enrolled in the program.

The difference between Employer Responsibility for claims utilizing FlexAccess Qualified HDHP and not utilizing FlexAccess Qualified HDHP includes as follows:

WITH FLEXACCESS QUALIFIED HDHP: Cost of drug – amount manufacturer copay assistance used – Member out-of-pocket cost (if any) up to Deductible... Copay assistance reversed from deductible. Plan pays no portion.

WITHOUT FLEXACCESS QUALIFIED HDHP: Cost of drug – member out-of-pocket cost - Non-FlexAccess Qualified HDHP coupon... Copay assistance applied to Deductible. Plan may pay portion of claim after deductible met

Third-Party Law Firms Provisions (other than Reimbursement Services):

Employer will pay no more than 35% of any recovered amount made by Claim Administrator's third-party law firm or up to 35% of any recovered amount will be deducted from the amount distributed according to established allocation processes.

Proprietary and Confidential Information of Claim Administrator

Not for use or disclosure outside Claim Administrator, Employer, their respective affiliated companies and third-party representatives, except with written permission of Claim Administrator.

Alternative Compensation Arrangements: Employer acknowledges and agrees that Claim Administrator has Alternative Compensation Arrangements with contracted Providers, including but not limited to Accountable Care Organizations and other Value Based Programs. Further information concerning Employer's payment for Covered Services under such Arrangements is described in the Administrative Services Agreement between the Claim Administrator and the Employer.

Virtual Visits Program: Yes No If yes, Covered Persons would be able to obtain certain Covered Services remotely via interactive video and/or interactive audio/video (where available outside the state of Montana) capability from Virtual Visits powered by MDLIVE.

MDLIVE® is a separate company that operates and administers Virtual Visits for persons with coverage through Blue Cross and Blue Shield of Montana. MDLIVE is solely responsible for its operations and for those of its contracted providers. MDLIVE® and the MDLIVE logo are registered trademarks of MDLIVE, Inc., and may not be used without permission.

Termination Administrative Charges

The Termination Administrative Charge applicable to the Run-Off Period shall be equal to the sum of the amounts obtained by multiplying the total number of Covered Employees by category (*per Covered Employee per individual or family composite*) during the three (3) months immediately preceding the date of termination by the appropriate factors shown below. In the event of a partial termination, the Termination Administrative Charge shall be the sum of the amount obtained by multiplying three (3) times the total number of terminated Covered Employees by the appropriate factors shown below.

Service	Composite			
Medical Run-off Administration Charge	\$18.08	\$_____	\$_____	\$_____
Dental Run-off Administration Charge	\$_____	\$_____	\$_____	\$_____
Miscellaneous	\$_____	\$_____	\$_____	\$_____
Miscellaneous	\$_____	\$_____	\$_____	\$_____
Total:	\$18.08	\$_____	\$_____	\$_____

Other Provisions

NO CHANGES

SEE ADDITIONAL PROVISIONS

1. Summary of Benefits & Coverage:

a. Will Claim Administrator create Summary of Benefits and Coverage (SBC)?

Yes. (Please answer question b. The SBC Addendum is attached.)

No. (If No, then skip question b and refer to the Administrative Services Agreement for further information.)

b. Will Claim Administrator distribute the (SBC) to Covered Persons?

No. Claim Administrator will create SBC (only for benefits Claim Administrator administers under the Administrative Services Agreement) and provide SBC to Employer in electronic format. Employer will then distribute SBC to Covered Persons (or hire a third party to distribute) as required by law.

Yes. Claim Administrator will create SBC (only for benefits Claim Administrator administers under the Administrative Services Agreement) and distribute SBC plan to participants and beneficiaries via regular hardcopy mail or electronically. Distribution Fee for hardcopy mail is one dollar and fifty cents (\$1.50) per package.

2. Massachusetts Health Care Reform Act:

Does the Employer direct Claim Administrator to provide written statements of creditable coverage to its Covered Employees who reside, or have enrolled dependents who reside, in Massachusetts and file electronic reports to the Massachusetts Department of Revenue in a manner consistent with the requirements under the Massachusetts Health Care Reform Act? Yes No

If no: The Employer acknowledges it will provide written statements and electronic reporting to the Massachusetts Department of Revenue if required by the Massachusetts Health Care Reform Act.

Proprietary and Confidential Information of Claim Administrator

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3. **Prior Authorization** (applicable to the purchased medical management program): Employer acknowledges and agrees to utilize Claim Administrator's standard list of services and supplies for which Prior Authorization (also called pre-notification or preauthorization) is required.

4. **Essential Health Benefits ("EHB") Election:**

Employer elects EHBs based on the following:

1. EHBs based on a Claim Administrator state benchmark:
 Illinois Montana New Mexico Oklahoma Texas
2. EHBs based on benchmark of a state other than IL, MT, NM, OK and TX
If so, indicate the state's benchmark that Employer elects: ____
3. Other EHB, as determined by Employer

In the absence of an affirmative selection by Employer of its EHBs, then Employer is deemed to have elected the EHBs based on the Montana benchmark plan.

5. **Alternative Care Management Program** (applicable to the purchased medical management program):

Yes No

The undersigned representative authorizes provision of alternative benefits for services rendered to Covered Persons for Utilization Management, Case Management, including but not limited to Behavioral Health, and other health care management programs.

6. This ASO BPA is binding on both parties and is incorporated into and made a part of the Administrative Services Agreement between the parties with both such documents to be referred to collectively as the "Administrative Services Agreement" unless specified otherwise.

7. **Producer/Consultant Compensation:**

The Employer acknowledges that if its POR acts on its behalf for purposes of purchasing services in connection with the Employer's Plan under the Administrative Services Agreement to which this ASO BPA is attached, the Claim Administrator may pay the Employer's POR a commission and/or other compensation in connection with such services under the Administrative Services Agreement. If the Employer desires additional information regarding commissions and/or other compensation paid to the POR by the Claim Administrator in connection with services under the Administrative Services Agreement, the Employer should contact its POR.

8. **Independent Dispute Resolution Process:**

Employer authorizes and directs Claim Administrator to offer an amount not to exceed the greater of the Qualifying Payment Amount (QPA) or the amount allowed on the initial notice of payment or denial of a claim on behalf of the Employer during negotiations under the federal IDR process.

Additional Provisions:

BCBSMT will provide a one-time wellness credit of \$30,000 for the twelve-month period beginning on the 07/01/2024, to be used to cover costs and expenses associated with implementation and/or operation of a wellness program. If Employer cancels coverage before expiration of the policy period, Employer will be required to refund BCBSMT the full amount of the wellness credit.

Group is a 7-1 Plan Year. Plan Document should list the plan as a 7-1 Plan year
- Spouse is defined as, The opposite sex or the same sex person to whom the Employee cohabitates and is legally married, based upon the law in effect at the time of and in the state or other appropriate jurisdiction in which the marriage was performed, recognized, or declared.

Each Employee must fill out and sign an enrollment card.

For the purposes of the SPD, special enrollment period should be noted as: 1st through the 14th and then 15th through the last day of the month. The paperwork says 1st through the 15th and then 16th through the last day of the month for

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our system requirement, but the book need to say through the 14th and then 15th until the last day of the month. This clarification in our SPD is needed so it matches the county's other handbooks and documentation.

- Yellowstone County Human Resources is the Plan Administrator, Plan Sponsor, and Plan Fudiciary
- Dwight Vigness, HR Director, is the Plan Contact, Plan Leader and has access to PHI through the portal.
- LynnDee Schmidt, Benefits and Safety Manager, is a Plan Contact, Appeals/Exception Contact, Claims and Admin Fee Billing Contact, Privacy Contact, and has Access to PHI through the portal
- Yellowstone County Civil Attorney, Attn: Plan Sponsor, is the Agent for Service of Legal process

BCBSMT creates the plan documents and these include the Plan Logo. BCBSMT will provide Yellowstone County electronic copies for distribution. - BCBSMT will provide 25 hard copies of each SPD to Yellowstone County

- ID Cards include the Plan Logo and is a combined medical/rx/dental card

- All eligibility is provided by Yellowstone County

- BCBSMT can accept address and demographic changes directly from participants

- Group does not offer free coverage for 31 day babies/grand children. Permanent addition only via Plan notification. Grandchildren are only allowed via legal adoption and notification is from Plan only

Appeals Determinations and Extra Contractual Benefits

The Plan Administrator or Plan Contact identified above is authorized to render a final determination as to whether to uphold Claim Administrator's determination on appeal to deny benefits to a Covered Person. The individual(s), if any, identified on Claim Administrator's Letter of Acknowledgment and Indemnification for Extra-Contractual Payments is(are) authorized to request extra-contractual benefits on behalf of Covered Persons. A Letter of Acknowledgment need only be executed annually.

7/1/2024 is year 3 of a three year rate guarantee.

Employer has directed Claim Administrator to administer claims, copay and co-insurance requirements for members enrolled in FlexAccess™ Qualified HDHP with dates of services on or after 07/01/2024. Additionally, pursuant to Employer's direction, Claim Administrator will process any manufacturer copay assistance for which member is eligible and receives and will not apply the value of the manufacturer copay assistance for covered drugs to the members' deductibles and Out of Pocket Maximum accumulators. The member's Out of Pocket costs would apply to the deductibles and Out of Pocket Maximum. For avoid-ance of doubt, Employer agrees that the FlexAccess™ Qualified HDHP program is a plan design decision of Employer in its role as plan sponsor and Employer hereby acknowledges that this benefit is consistent with their plan design and supported by the Employer's plan documents. Employer is solely responsible for the design and operation of any Plan it offers to Covered Persons, including the legal and regulatory compliance of those benefit plan designs. Employer hereby acknowledges and agrees to be solely responsible for its plan design and the directions provided here, including compliance with ERISA, the Affordable Care Act, Internal Revenue Code and related IRS regulations, and any other applica-ble State or Federal laws, and agrees to indemnify and hold harmless Claim Administrator for any costs, losses, lawsuit or other liabilities related to this plan de-sign and these directions regarding FlexAccess™ Qualified HDHP."

Renalogic for outpatient dialysis. Claims denied by BCBSMT for facility and independent lab claims. Dialysis services are carved out to Renalogic for outpatient services only. For any section in the SPD that refers to the Outpatient Dialysis benefit state: "Please see the separate dialysis booklet."

FOR COMMISSIONS - Please use the below address.

Lockbox # & Address
AIS DB EB Op Account
PO Box 745977
Los Angeles CA 90074-5977

Fedex Delivery Address only
Bank of America Lockbox Services

Proprietary and Confidential Information of Claim Administrator

Not for use or disclosure outside Claim Administrator, Employer, their respective affiliated companies and third-party representatives, except with written permission of Claim Administrator.

MT GEN ASO BPA (Rev. 06.23) *Blue Cross and Blue Shield of Montana, a Division of Health Care Service Corporation, a Mutual Legal Reserve Company, an Independent Licensee of the Blue Cross and Blue Shield Association*

Lockbox 745977
2706 Media Center Drive
Los Angeles CA 90065-1733

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MT GEN ASO BPA (Rev. 06.23) *Blue Cross and Blue Shield of Montana, a Division of Health Care Service Corporation, a Mutual Legal Reserve Company, an Independent Licensee of the Blue Cross and Blue Shield Association*

Signature

Erin Huffman

Erin M. Huffman

Sales Representative

600 406-437-6336

District Phone & FAX Numbers

Mary Kay Puckett

Producer Representative

Alliant Insurance Services, Inc.

Producer Firm

1420 5th Ave Ste 1500, Seattle WA 98101

Producer Address

406-438-5615

Producer Phone & FAX Numbers

MaryKay.Puckett@aliant.com

Producer Email Address

107829564

Tax I.D. No.

Signature of Authorized Purchaser

Print Name

Title

Date

Proprietary and Confidential Information of Claim Administrator

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B.O.C.C. Regular

7. d.

Meeting Date: 07/09/2024

Title: PARS

Submitted By: Teri Reitz, Board Clerk

TOPIC:

PERSONNEL ACTION REPORTS - Youth Services Center - 3 Appointments; Sheriff's Office - 1 Termination; Clerk of Court - 1 Termination

BACKGROUND:

See attached.

RECOMMENDED ACTION:

Approve.

Attachments

PARS



Yellowstone County Commissioners
RECEIVED

JUL 01 2024

Hire/Personnel Action Form

Employee Information

Employee
Michael Atkinson

Hire Information

Position Details	Hire Req#	Job Type
Juvenile Care Supervisor (G) (5120)	202300206	Promotional
Person ID	Job Class	Pay Rate
55705505	Juvenile Care Supervisor (G)	\$28.30
Department	Job Class#	HireDate
Youth Service Center	5120	7/1/24
Division		
N/A		

Comments

Promotion from JCW to JCW Supervisor
Replacing Michael Lechner
2399.235.420250.111 100%

Approvals

HUMAN RESOURCES	DWIGHT VIGNESS	6/28/24 3:39 PM
FINANCE	JENNIIFER JONES	6/29/24 7:06 PM

Commissioners Action
Approve Disapprove

Chair

Member

Member

JUL 01 2024



Hire/Personnel Action Form

Employee Information

Employee
Laila Ketchum

Hire Information

Position Details	Hire Req#	Job Type
Juvenile Care Worker (F) (5115)	202300172	Full-Time Regular
Person ID	Job Class	Pay Rate
58198722	Juvenile Care Worker (F)	\$23.87
Department	Job Class#	HireDate
Youth Service Center	5115	7/2/24
Division		
N/A		

Comments

Replacing Adam Johnson
2399.235.420250:111 100%

Approvals

HUMAN RESOURCES	DWIGHT VIGNESS	7/1/24 8:06 AM
FINANCE	JENNIFER JONES	7/1/24 8:23 AM

Commissioners Action
Approve Disapprove

Chair

Member

Member



JUL 01 2024

Hire/Personnel Action Form

Employee Information

Employee
Kaitlin O'Neil

Hire Information

Position Details	Hire Req#	Job Type
Juvenile Care Worker (F) (5115)	202300172	Full-Time Regular
Person ID	Job Class	Pay Rate
57966320	Juvenile Care Worker (F)	\$23.87
Department	Job Class#	HireDate
Youth Service Center	5115	7/1/24
Division		
N/A		

Comments

Replacing Lawson Cox
2399.235.420250.111 100%

Approvals

HUMAN RESOURCES	DWIGHT VIGNESS	7/1/24 8:06 AM
FINANCE	JENNIFER JONES	7/1/24 8:23 AM

Commissioners Action
Approve Disapprove

Chair

Member

Member

YELLOWSTONE COUNTY
PERSONNEL ACTION REPORT

Section 1

Section 1 is to be completed by the initiating department for recommended personnel changes

Name: Kelsie Peterson Effective Date: 7/9/24
Current Title: Deputy Clerk Gr. C Salary \$ 1793
Title Change: _____ Gr. _____ Salary \$ _____

Check as Applicable:

Regular Full Time: _____ New Hire: _____
Regular Part Time: _____ Rehire: _____
Temp Full Time: _____ Termination:
Temp Part Time: _____ Promotion: _____
Seasonal Hire: _____ Transfer: _____
Replaces position _____ Demotion: _____
Name _____
New Budgeted Position _____

Other: _____ Reclassification: _____

Funding: 1000 - 221 - 410330 - 111 Percent 100 New Account _____
Percent _____ Split Account _____

[Signature]
Elected Official/Department Head

Section 2

Human Resources:

Finance:

Note: _____
[Signature] 7-1-24
Director Date

Note: _____
[Signature] 7-1-24
Director Date

H.R. Comments: _____

Commissioner's Action
Approve _____
Disapprove _____

Chair _____
Member [Signature] _____
Member [Signature] _____

Date entered in payroll _____
Clerk & Recorder - original _____
Human Resources - canary _____
Auditor - pink _____
Department - goldenrod _____

B.O.C.C. Regular

Meeting Date: 07/09/2024

Title: Sworn Statement of Circulation Yellowstone County News

Submitted By: Teri Reitz, Board Clerk

TOPIC:

Sworn Statement of Circulation - Yellowstone County News

BACKGROUND:

See attached.

RECOMMENDED ACTION:

Place to file.

Attachments

Sworn Statement of Circulation Yellowstone County News

RECEIVED

JUN 28 2024

YELLOWSTONE COUNTY
CLERK AND RECORDER

COUNTY

Sworn Statement of Circulation

(To be filed with the County Clerk and Recorder
in the county of publication prior to July 1 of each year)

To: Clerk and Recorder:

Yellowstone County

In accordance with the provisions of MCA 7-1-2121 and MCA 7-5-2411, the following information needs to be filed with the County Clerk and Recorder in the county of publication prior to July 1 of each year in order to be considered as a publication which is qualified to publish legal advertising wherever local governments, other than a municipality, are required by law to give notice by publication; and to be eligible to contract with the County Commissions for all advertising required by law.

Name of Publication: Yellowstone County News

Mailing Address: P.O. Box 130

City: Huntley State: MT Zip: 59037 Tel: 406-348-2650

Publisher's Name: Jonathan & TANA McNIver

Date Publication Established: 1976

Is the Publication of General Circulation? Yes No

Has the Publication been published continuously at least once a week for the prior 12 months in the county? Yes

Number of Days per Week Publication is published: 1

Is the Publication required to publish a United States Postal Service Periodical Statement of Ownership, Management and Circulation?

Yes No

If "Yes", please include a copy of the Statement of Ownership for the prior year.

CIRCULATION INFORMATION: For the 12 months prior to July 1 of the filing year.

	Within County	Outside of County
Average Net Circulation Paid:		
By Mail or Carrier	1,661	46
By Rack or Newsstand	392	0
Average Net Circulation Free:		
By Mail or Carrier	383	51
By Rack or Newsstand	61	0
Total Average Net Circulation Per Issue:*	2,497	97

* All figures are to be net, subtracting circulation not actually delivered.

Total online subscriptions = 271 Courtesy subscriptions = 46

I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form, or who omits material or information requested on the form may be subject to criminal and/or civil sanctions as provided by law.

Jonathan D. McNeil Date 6/28/24
 Signature and Title of Editor, Publisher, Business Manager, or Owner

B.O.C.C. Regular

Meeting Date: 07/09/2024

Title: Public Comment - YAM Funding

Submitted By: Erika Guy

TOPIC:

Public Comment - YAM Funding

BACKGROUND:

See Attachment

RECOMMENDED ACTION:

File

Attachments

Public Comment

Erika Guy

From: John Ostlund
Sent: Monday, July 1, 2024 2:58 PM
To: Erika Guy
Subject: FW: Don't fund YAM

Our Email Addresses Are Changing! Please begin using jostlund@yellowstonecountymt.gov as my new email address.

From: Barbara Garrett <garrettimpressionart@gmail.com>
Sent: Monday, July 1, 2024 2:50 PM
To: John Ostlund <jostlund@yellowstonecountymt.gov>; Donald Jones <djones@yellowstonecountymt.gov>; Mark Morse <mmorse@yellowstonecountymt.gov>
Subject: Don't fund YAM

Have you seen who Jessica Ruhle dumped Kevin Harris for?? This is beyond appalling.

What is at issue here is the fact Ms. Ruhle wants the public's money but doesn't want an artist-in residence who is a very talented, popular local artist (who many in the public loved and were taking classes from) and who didn't fit her narrow envelope of acceptable art. Mr. Harris is a realistic artist and YAM is purging itself of realistic (gasp) art. His tenure was cut short by Ruhle.

And now she wants the public's money. Please say no to this travesty that is not in the public's interest. If YAM is to take the public's money it needs to carry realistic contemporary art and artists along with all other kinds of art.

Barbara Garrett
garrettimpressionart@gmail.com

1660 Country Manor Blvd., #223B
Billings, Mt 59102

--



B.O.C.C. Regular

Meeting Date: 07/09/2024

Title: UCH-1 - Unclaimed Property to State

Submitted By: Anna Ullom, Senior Accountant

TOPIC:

Send Unclaimed Property to the Department of Revenue

BACKGROUND:

Extensive research has been done on the outstanding balance in the Clerk of District Court Trust account, and no owners have been located. Yellowstone County will remit the balance to the State as Unclaimed Property.

RECOMMENDED ACTION:

File item.

Attachments

UCH-1 Report - District Court Trust to State



Report of Property Presumed Unclaimed

Name of Holder YELLOWSTONE COUNTY

1. FEIN 81 - 6001449 Ext.

Address 217 N 27TH STREET

2. Acct ID 4006294 - 005 - UCH

Address

3. Report Year 2024

City BILLINGS

4. Report Number 2 See Instructions.
The original report is considered report number 1.

State MT Zip 59102

5. If you are no longer in business and want your account
closed, enter your final date.

Check this box if your address has changed.

Final date input boxes

Section I:

Non Life Insurance Company Holder Report
(Report Year July 1 through June 30)

Life Insurance Company Holder Report
(Report Year January 1 through December 31)

\$ 184469.93

Total amount remitted from Section II, page 2. Remit one payment for the total amount.
The amount remitted is for all items held and owing that have remained unclaimed, unpaid
and are presumed abandoned/unclaimed. See instructions for payment options.

8 Total number of properties reported on Section II, page 2.

0 Total number of shares reported on Section III, page 3.
For information related to the transfer of securities, see instructions on page 8.

Name of Contact Anna Ullom

Address PO Box 35003

Phone 406-256-2783

Address

Email aullom@yellowstonecountymt.gov

City Billings

State MT Zip 59107

I, the undersigned, declare under penalty of perjury, that to the best of my knowledge and belief, the following is a
true and complete report of unclaimed property now in possession or under control of the holder, which is presumed
unclaimed in accordance with Montana law, 70-9-801 through 70-9-829, MCA. Written notice has been sent to the
apparent owner as prescribed under Montana law, 70-9-808(5), MCA.

Name of Officer or Holder Authorized to Sign Report (please print) Jennifer Jones

Signature [Signature] Date 7.1.24

Title Finance Director Phone (406) 256-2816 Fax

Filing this Form:

Mail the completed form to:



E-File options available at
revenue.mt.gov

Montana Department of Revenue
PO Box 5805
Helena MT 59604-5805

