

## COMMISSIONER MEETINGS

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

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WEDNESDAY - JULY 16, 2025

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8:45 Calendar

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9:00 COMMISSIONERS DISCUSSION

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### PLEDGE

### DEPARTMENTS

1. **Planning Department -**

- a. Banlee Subdivision, Preliminary Minor Subdivision
- b. Peterson Road Estates Subdivision - Preliminary Minor Plat
- c. Maplewood Subdivision - Preliminary County Major Plat
- d. County Zone Change 728 – 4449 and 4511 Central Ave – A to N4 - A zone change request from Agriculture (A) to Large Lot Suburban Neighborhood Residential (N4) on two proposed 1-acre parcels of land to be known as Lots 1 and 2 of Barber Farm Subdivision, in Tract 1A of C/S 2007 Amended, a 57.064-acre parcel of land. A pre-application neighborhood meeting was held on April 24, 2025, at the Emmanuel Baptist Church at 328 S Shiloh Road. Tax ID: D00349
- e. County Zone Change 729 – 2602 Rockwood St. – RR-3 to N2 - A zone change request from Rural Residential 3 (RR-3) to Mid Century Neighborhood Residential (N2) on Lot 2, Certificate of Survey 540, S30, T1N, R27E, a 9.48 Acre parcel of land. A pre-application neighborhood meeting was held on May 21, 2025, at the subject property, 2602 Rockwood Street. Tax ID: D06596

2. **Rusty Logan -** MET Transit Governance/Funding Study

3. **Downtown Billings Alliance -** MAAP Program Request for Mental Health Mill Levy Funds

4. **I.T. -** Time Clocks for CAB

5. **DES -** Rural Fire Cooperative Suppression Agreements

6. **Public Works -** Traffic Signal Equipment Procurement, Central Ave & S 48th St W

7. **County Attorney -** Naming of the County Administrative Building

8. **Finance -**

- a. Resolution 25-86 Solid Waste Disposal District - Amending
- b. CAB Moving RFP

### COMMISSIONERS

1. Commissioner Board Reports

### PUBLIC COMMENTS ON COUNTY BUSINESS

Meeting Date: 07/16/2025

Title: Banlee Subdivision, Preliminary minor subdivision

Submitted For: Anna Vickers

Submitted By: Dave Green

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**TOPIC:**

Banlee Subdivision, Preliminary Minor Subdivision

**BACKGROUND:**

On June 16, 2025, Blueline Engineering applied for preliminary minor plat approval of Banlee Subdivision. The subject property is generally located on the north side of Highway 312 and east of Stanhope Road. This parcel of land is outside County zoning. The land currently has two residences on it and a horse arena.

**VARIANCES REQUESTED**

No variance has been requested from the County Subdivision Regulations.

**PROPOSED CONDITIONS OF APPROVAL**

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

1. To protect public health and safety, prior to final plat approval, the applicant will receive an updated COSA from the MDEQ. They will be getting an updated COSA for the new proposed individual lot layout with the existing water systems and septic systems.
2. To protect public health and safety, prior to final plat approval, the applicant will provide construction drawings for the dry hydrant tank to Shepherd Fire Department for approval prior to construction. After installation is complete, the developer will have the tank tested by the Shepherd Fire Department. The developer will obtain a letter from the Shepherd Fire Department that says the dry hydrant is accepted as usable by them. This letter will be submitted with the final plat.
3. To minimize effects on the natural environment, prior to final plat approval a weed management plan and property inspection shall be completed by the County Weed Department.
4. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
5. The final plat shall comply with all requirements of the Yellowstone County Subdivision Regulations, rules, policies, and resolutions of Yellowstone County, and the laws and Administrative Rules of the State of Montana.

**PLAT INFORMATION**

General location: North side of Highway 312 and east of Stanhope Road

Legal Description: C.O.S. 1170, PARCEL 2A, AMD

Owner/Subdivider: Five Heirs Real Estate LLC

Engineer and Surveyor: Blueline Engineering

Existing Zoning: Outside zoning

Existing land use: The land currently has two residences on it and a horse arena.



Proposed land use:	Residential / Commercial
Gross and Net area:	8.816 acres
Proposed number of lots:	3
Lot size:	Max: 6.39 acres Min.: 0.87 acres
Parkland requirements:	Parkland dedication is not required as this is a minor subdivision.

**RECOMMENDED ACTION:**

Staff recommends the Board of County Commissioners hear an overview of this subdivision at its Discussion Session. The plat will be brought back to the Board of County Commissioners with a recommendation of conditional approval for the preliminary plat of Banlee Subdivision at a future regular business meeting.

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Attachments  
Findings of Fact  
Draft SIA  
Proposed Plat

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## **FINDINGS OF FACT**

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

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

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

The subject property is not used for farming purposes. There are no irrigation systems located within this subdivision. There will be no effect on water user facilities with this subdivision.

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

a. **Water** – The proposed subdivision is not located within any public water district. Each lot will use a well for domestic water use. Lots 2-A1 and 2-A2 have a shared well located on Lot 2-A2 for water service. Lot 2-A3 has an individual water well located on Lot 2-A3 for water service. Wells for this subdivision already exist and will continue in use. The operation and maintenance of the water system will be the responsibility of individual lot owners. The applicant's agent has a current copy of the Certificate of Subdivision Approval (COSA) from MDEQ that approved the existing wells and septic. They will be getting an updated COSA for the site with the new proposed individual lot layout. The agent will be submitting that document with the final plat. **(Condition #1)**

b. **Septic** - The proposed subdivision is not located within any public sewer district. All lots in the subdivision have a system of one septic tank and gravelless chambered pressure dosed subsurface drainfield sized to service the use on the proposed lots. The operation and maintenance of the septic system will be the responsibility of the individual lot owner. **(Condition #1)**

All private utilities, power, telephone, gas and cable television will be installed in the public right of way or easements identified on the plat.

c. **Streets and roads** – There will be no new roads built within the subdivision. The proposed lots all have frontage on Stanhope Road, it is a 60' wide private road easement.

d. **Fire and Police services** – The property is in the Shephard Volunteer Fire Department jurisdiction. With this minor subdivision that creates five lots they will be installing a 30,000-gallon dry hydrant tank. The applicant will submit specifications for the dry hydrant tank to the Shepherd fire department for approval before installation. After the tank is installed the applicant will have the Shepherd fire department test it to ensure it functions correctly. **(Condition #2)**

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

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

f. **Storm water drainage** – All drainage improvements shall comply with the provisions of Section 4.7, Yellowstone County Subdivision Regulations, and a stormwater management plan shall be submitted to and approved by the County Public Works Department.

g. **School facilities** – The proposed subdivision is located within School District #37 Shepherd Schools. Shepherd school district provides school for K-12.

h. **Parks and recreation** – This proposed subdivision is not required to provide parkland as it is a minor subdivision.

i. **Postal Service** – Postal service is already taking place at this subdivision to the existing homes and arena built on the land. Postal delivery will continue as it is currently set up.

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

k. **Phasing of Development** - The applicant is not proposing to develop this subdivision in phases.

### **3. Effects on the natural environment**

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed or agricultural land. As required by County Subdivision Regulations Section 4.15 all county subdivisions are required to apply for and obtain a weed management plan with the County Weed Department. Any subdivision that has an existing Weed Management Plan are required to get an updated Weed Management Plan. That plan will be submitted with final plat approval. **(Condition #3)**

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

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

There are no known endangered or threatened species on the property. A paragraph in the 'Conditions that Run with the Land' section of the SIA warns future lot owners of the likely presence of wildlife in the area and their potential to damage residential landscaping.

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

The water and septic systems are in place at this time for the two houses and horse arena.

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

An environmental assessment was not required for this subdivision. Section 9.2 C Exemptions 1. A first minor subdivision from a tract of record. This property is a COS and has not been subdivided at this point. The impacts to the environment which include, agricultural, water user facilities, natural environment wildlife and habitat, will be minimal. The land is already developed with two houses and a horse arena. Any environmental impacts to the land have already taken place. There are no known endangered species on the land.

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

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

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

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

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

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

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

**2. 2023 Billings Urban Area Long Range Transportation Plan**

The subject property is outside of the 2023 Urban Area Long Range Transportation Plan. As proposed, there are no new streets.

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

This subdivision is outside the BABTMP boundaries for trails.

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

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

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

The subdivision already has septic systems in place. Any new systems must receive approval from MDEQ.

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

The proposed subdivision is outside County Zoning Jurisdiction. There are no Yellowstone County zoning regulations on the subject property.

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

The applicant will coordinate with private utility companies to provide the required easements.

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

Legal and physical access will be provided for Stanhope Road. There are no new roads proposed to be built.

**CONCLUSIONS OF FINDINGS OF FACT**

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

**RECOMMENDATION**

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

## **SUBDIVISION IMPROVEMENTS AGREEMENT**

### **Banlee Subdivision**

**This agreement** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2025, by and between Five Airs Real estate LLC. , whose address for the purpose of this agreement is 2093 N. 8<sup>th</sup> Road, Huntley 59037, hereinafter referred to as “Subdivider,” and **YELLOWSTONE COUNTY**, Montana, hereinafter referred to as “County.”

#### **WITNESSETH:**

**WHEREAS**, the plat of Amended Banlee, located in Yellowstone County, Montana, was submitted to the Yellowstone County Board of Planning; and

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

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

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

#### **I. VARIANCES**

- A. Subdivider has requested, and the County hereby grants, the following variances by the Board of County Commissioners from the strict interpretation of the County’s Subdivision Regulations (Section 14.A.1, Yellowstone County Subdivision Regulations):

No variances requested.

#### **II. CONDITIONS THAT RUN WITH THE LAND**

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

- B. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.
- C. No water rights have been transferred to the lot owners. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners.
- D. There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.
- E. Culverts and associated drainage swales shall not be filled in or altered by the subdivider or subsequent lot owners.
- F. When required by future road improvements, all fences and irrigation ditches in the public right-of-way adjacent to this subdivision shall be removed or relocated outside of the public right-of-way and any relocation outside of the public right-of-way shall be subject to securing easements.

### **III. TRANSPORTATION**

The subdivider agrees to guarantee all improvements for a period of one (1) year from the date of final acceptance by the County Public Works Department per Section 4.6(C)(3) of the Yellowstone County Subdivision Regulations.

#### **A. Streets**

- Stanhope Road is a private gravel road in a 60' wide road tract.

#### **B. Traffic Control Devices**

- The access is a driveway off of Stanhope Road. No new street signs are required.

#### **C. Access**

- Lot 2-A1 shall have a 20' gravel driveway access off Stanhope Road.
- Lot 2-A2 shall have a 20' gravel driveway access off Stanhope Road.
- Lot 2-A3 shall have a 20' gravel driveway access off Stanhope Road.

**D. Heritage Trail Plan**

- Subdivision is not within the Heritage Trail Plan.

**IV. EMERGENCY SERVICE**

- Stanhope Road will provide emergency access to the subdivision.

**V. STORM DRAINAGE**

All drainage improvements shall comply with the provisions of Section 4.7, Yellowstone County Subdivision Regulations, and a stormwater management plan shall be submitted to and approved by the County Public Works Department.

**VI. UTILITIES**

**A. Water**

- Lot 2-A1 and 2-A2 shall have a shared drinking well located on lot 2-A2 for water service.
- Lot 2-A3 shall have an individual drinking water well located on lot 2-A3 for water service.

**B. Septic System**

- Lot 2-A1 has a system of a septic tank and gravelless chambered pressure dosed subsurface drainfield sized to service the arena building.
- Lot 2-A2 has a system of one septic tank and gravelless chambered pressure dosed subsurface drainfield sized to service the single family home.
- Lot 2-A3 shall have a system of one septic tank and gravelless chambered pressure dosed subsurface drainfield sized to service the single family home.
- State Department of Environmental Quality approval (letter submitted with final plat)

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

- Services to be provided within the public right-of-way, existing or to be installed

**VII. PARKS/OPEN SPACE**



There is no parkland requirement for the proposed Plat of Banlee Subdivision, as this is a minor subdivision [MCA 76-3-617(3) (a)].

**VIII. IRRIGATION**

- No irrigation passes through this development.

**IX. WEED MANAGEMENT**

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

The weed plan shall include the following and shall be referenced in this SIA:

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

**X. SOILS/GEOTECHNICAL STUDY**

- No geotechnical study was required for this development.

**XI. FINANCIAL GUARANTEES**

Except as otherwise provided, Subdivider shall install and construct said required improvements by private contracts secured by letters of credit or a letter of commitment to lend funds from a commercial lender. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said special improvement district or private contract. Upon completion of the improvements, the consulting Engineer shall file with the Public Works Department, a statement certifying that the improvements have been completed in accordance with approved as-built plans.

The subdivider agrees to guarantee all improvements for a period of one (1) year from the date of final acceptance by the County Public Works Department per Chapter 5 of the Yellowstone County Subdivision Regulations.

**XII. LEGAL PROVISIONS**

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

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

“SUBDIVIDER”

*Zeth Ban*

By: \_\_\_\_\_

STATE OF MONTANA       )  
                                      : ss  
County of Yellowstone    )

On this \_\_\_\_ day of \_\_\_\_\_, 2025, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_ and

\_\_\_\_\_, known to me to be the persons who executed the foregoing instrument and acknowledged to me that he/she executed the same.

\_\_\_\_\_  
Notary Public in and for the State of Montana  
Printed Name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

This agreement is hereby approved and accepted by Yellowstone County, this \_\_\_\_ day of \_\_\_\_\_, 2025.

“COUNTY”  
COUNTY OF YELLOWSTONE  
MONTANA

County of Yellowstone  
Board of County Commissioners

By: \_\_\_\_\_  
Chairman

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

Attest: \_\_\_\_\_

County Clerk and Recorder

STATE OF MONTANA     )  
  : ss  
County of Yellowstone     )

On this \_\_\_\_ day of \_\_\_\_\_, 2025, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, known to me to be the Board of County Commissioners and the County Clerk and Recorder, respectively, of Yellowstone County, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of Yellowstone County, Montana.

\_\_\_\_\_  
Notary Public in and for the State of Montana  
Printed Name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

## Waiver of Right to Protest

FOR VALUABLE CONSIDERATION, the undersigned, being the Subdivider and all of the owners of the hereinafter described real property, do hereby waive the right to protest the formation of one or more Rural Special Improvement Districts (RSID's), which Yellowstone County may require.

This Waiver and Agreement is independent from all other agreements and is supported by sufficient independent consideration to which the undersigned are parties, and shall run with the land and shall be binding upon the undersigned, their successors and assigns, and the same shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows:

Banlee Subdivision,

Signed and dated this \_\_\_\_ day of \_\_\_\_\_, 2025.

Subdivider/Owner

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MONTANA     )  
                                      : ss  
County of Yellowstone    )

On this \_\_\_\_ day of \_\_\_\_\_, 2025, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_ and \_\_\_\_\_, known to me to be the persons who executed the forgoing instrument and acknowledged to me that he/she executed the same.

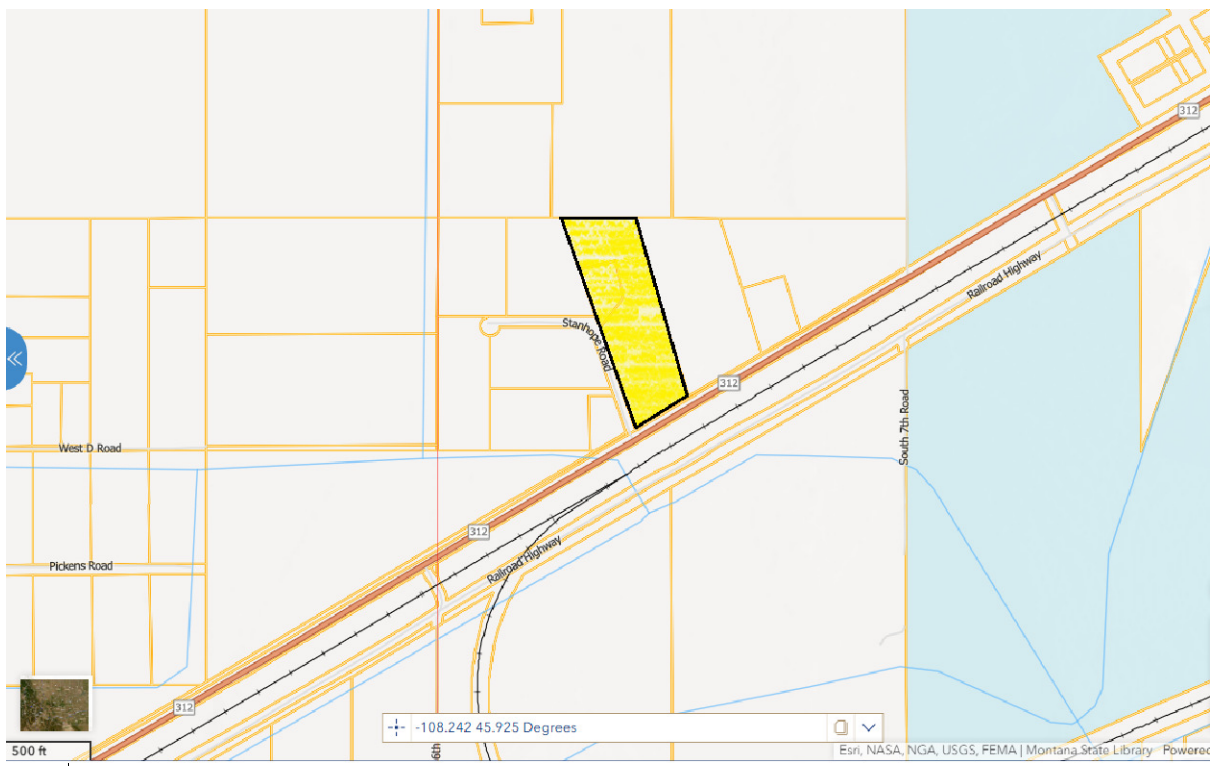
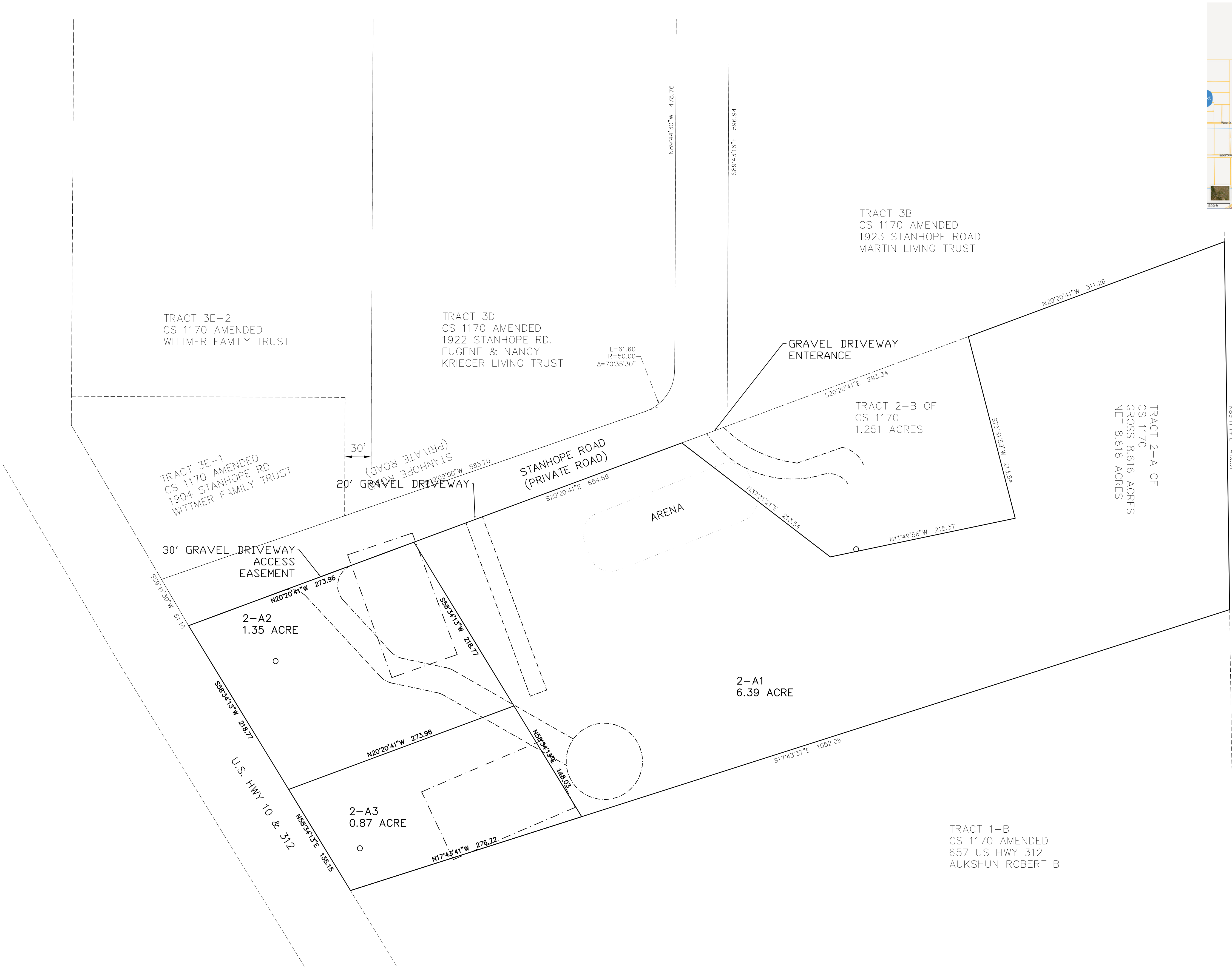
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove written.

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\_\_\_\_\_  
Notary Public in and for the State of Montana  
Printed name: \_\_\_\_\_  
Residing in Billings, Montana  
My commission expires: \_\_\_\_\_



PRELIMINARY PLAT OF BANLEE SUBDIVISION BEING OF TRACT SA C.O.S 1170  
SECTION 16, TOWNSHIP 2 NORTH, RANGE 28 EAST



OWNER: FIVE HEIRS  
REAL ESTATE LLC.

ENGINEER: BLUELINE CONSULTING

SURVEYOR:

NO. OF LOTS: 3

AREA MAX: 6.39 ACRES

AREA MIN.: 0.87 ACRES

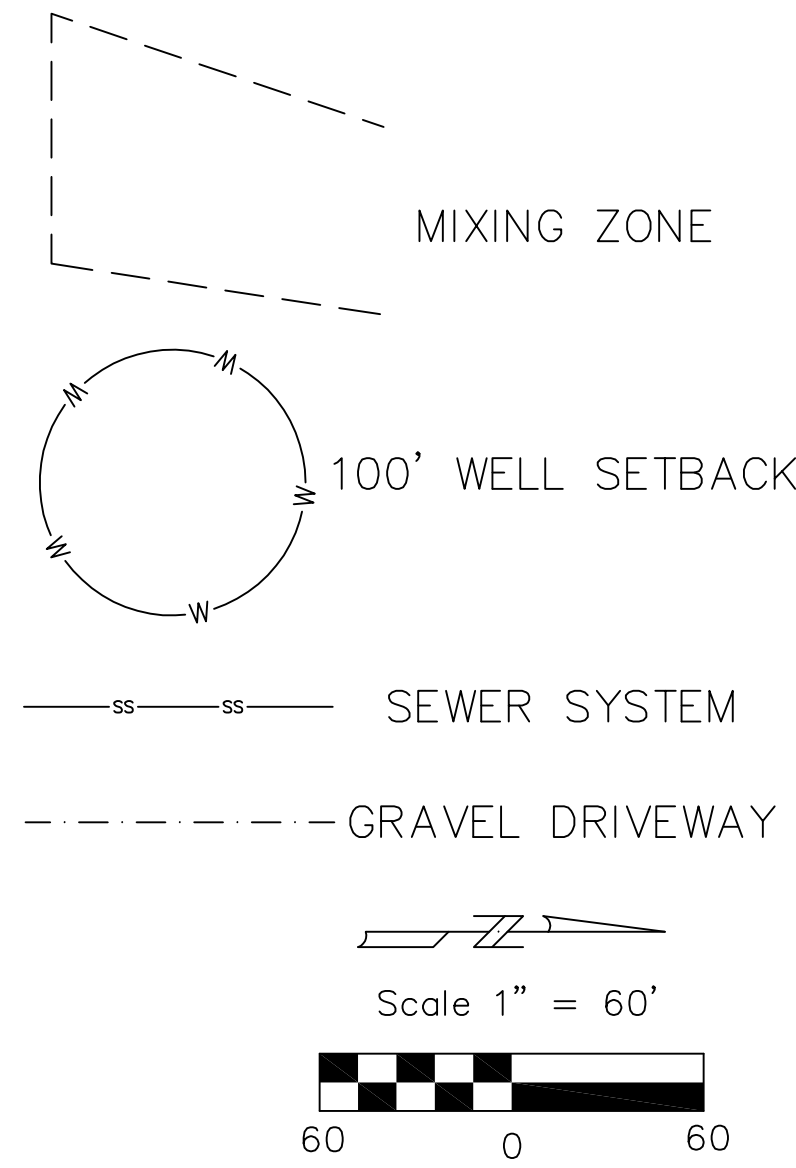
PARKLAND: NONE

AREA NET: 8.616

GROSS AREA: 8.616

EX ZONING: OUTSIDE ZONING

EX USE: 2A-2, 2A-3 RESIDENTIAL  
2A-1 COMMERCIAL



3 1/2 NORTH 35TH ST.  
BILLINGS, MT 59101  
BY PHONE / 406.660.4641

**blue**line

REVISION

NO.	
JOB:	
DATE:	4/16/2025
DRAWN BY:	
CHECKED BY:	
SCALE:	
DRAWING:	25

BANLEE ESTATES SUBDIVISION  
AMENDING TRACT 2-A  
CERTIFICATE OF SURVEY NO. 1170

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Meeting Date: 07/16/2025

Title: Peterson Road Estates Subdivision - Preliminary minor plat

Submitted For: Anna Vickers

Submitted By: Dave Green

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**TOPIC:**

Peterson Road Estates Subdivision - Preliminary Minor Plat

**BACKGROUND:**

On June 16, 2025, WWC Engineering, agent for Crown Acres Limited Partnership, applied for preliminary minor plat approval of Peterson Road Estates Subdivision. The subject property is generally located on the south side of Peterson Road and west of Montana State Highway 87. This parcel of land is outside County zoning. The land is currently dryland grass and shrub land.

**VARIANCES REQUESTED**

No variance has been requested from the County Subdivision Regulations.

**PROPOSED CONDITIONS OF APPROVAL**

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

1. To protect public health and safety, prior to final plat approval, the applicant will include information in the SIA covering the proposed sanitary restrictions on the lots. When those are lifted the applicant will receive approval from the Yellowstone City-County Health Department for the proposed water systems and septic systems.
2. To protect public health and safety, prior to final plat approval, the applicant will provide construction drawings for the dry hydrant tank to Shepherd Fire Department for approval prior to construction. After installation is complete, the developer will have the tank tested by the Shepherd Fire Department. The developer will obtain a letter from the Shepherd Fire Department that says the dry hydrant is accepted as usable by them. This letter will be submitted with the final plat.
3. To minimize the effects on local service, prior to final plat approval, the applicant will coordinate with the USPS how the mail service will be provided for the new lots. Either a post office box or for locating and providing the correct amount of space for safely delivering the mail to the residents.
4. To minimize effects on the natural environment, prior to final plat approval a weed management plan and property inspection shall be completed by the County Weed Department.
5. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
6. The final plat shall comply with all requirements of the Yellowstone County Subdivision Regulations, rules, policies, and resolutions of Yellowstone County, and the laws and Administrative Rules of the State of Montana.

**PLAT INFORMATION**

General location: South side of Peterson Road and west of Montana State Highway 87

Legal Description: S27, T03 N, R26 E, NE4 (LESS HWY PROJ #1 & 2) (154.01 AC)

Owner/Subdivider: Crown Acres Limited Partnership

Engineer and Surveyor:	WWC Engineering
Existing Zoning:	Outside zoning
Existing land use:	Vacant native grassland
Proposed land use:	Residential
Gross and Net area:	154.01 acres
Proposed number of lots:	5
Lot size:	Max: 39.77 acres Min.: 20.23 acres
Parkland requirements:	Parkland dedication is not required as this is a minor subdivision.

#### RECOMMENDED ACTION:

Staff recommends the Board of County Commissioners review the proposed plat at the Discussion Session.

Staff is recommending conditional approval of the preliminary plat of Peterson Road Estates Subdivision and adopt the Findings of Fact as presented in the staff report. Formal action will come at a future BOCC Board meeting.

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#### Attachments

Findings of Fact

Draft SIA

Proposed Plat

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## **FINDINGS OF FACT**

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

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

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

The subject property is not used for farming purposes. There are no irrigation systems located within this subdivision. There will be no effect on water user facilities with this subdivision.

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

a. **Water** – The proposed subdivision is not located within any public water district. Based on the acreage size of the lots within this subdivision along with the unknown use, size, and location of building(s) to be constructed, the subdivision lots will have sanitary restrictions place on them. The lots will have water supply permitting completed at a future date. Water systems will be installed meeting the requirements outlined in Section 4.9 of the Yellowstone County Subdivision Regulations. For lots equal to or greater than 20 acres, Yellowstone City-County Health Department approval is required. The subdivider will work with the future lot owners on completion of permitting through Yellowstone County Sanitarian, Riverstone Health Department, when use, size, and location on the lot have been determined. **(Condition #1)** The operation and maintenance of the water system will be the responsibility of individual lot owners.

b. **Septic** - The proposed subdivision is not located within any public sewer district. Based on the acreage size of the lots within this subdivision along with the unknown use, size, and location of building(s) to be constructed, the subdivision lots will have sanitary restrictions place on them. The lots will have sanitary permitting completed at a future date. Septic systems will be installed meeting the requirements outlined in Section 4.8 of the Yellowstone County Subdivision Regulations. For lots equal to or greater than 20 acres, Yellowstone City-County Health Department approval is required. The subdivider will work with the future lot owners on completion of permitting through Yellowstone County Sanitarian, Riverstone Health Department, when use, size, and location on the lot have been determined. **(Condition #1)** The operation and maintenance of the septic system will be the responsibility of the individual lot owner.

All private utilities, power, telephone, gas and cable television will be installed in the public right of way or easements identified on the plat.

c. **Streets and roads** – There will be no roads built within the subdivision. The

proposed lots all have frontage on Peterson Road. Peterson Road is a 60' wide road easement.

d. **Fire and Police services** – The property is in the Shephard Volunteer Fire Department jurisdiction. With this minor subdivision that creates five lots they will be installing a 30,000-gallon dry hydrant tank. The applicant will submit specifications for the dry hydrant tank to the Shepherd fire department for approval before installation. After the tank is installed the applicant will have the Shepherd fire department test it to ensure it functions correctly. **(Condition #2)**

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

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

f. **Storm water drainage** – The storm water will drain as it has historically done. The lots are large enough that storm water will absorb into the ground and drain off as it has always done.

g. **School facilities** – The proposed subdivision is located within School District #37 Shepherd Schools. Shepherd school district provides school for K-12.

h. **Parks and recreation** – This proposed subdivision is not required to provide parkland as it is a minor subdivision and the lots are all over 5 acres.

i. **Postal Service** – The applicant will be required to coordinate with the USPS to ensure they are providing a safe location for the postal worker to deliver the mail and the residents to retrieve their mail. **(Condition #3)**

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

k. **Phasing of Development** - The applicant is not proposing to develop this subdivision in phases.

### **3. Effects on the natural environment**

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed or agricultural land. As required by County Subdivision Regulations Section 4.15 all county subdivisions are required to apply for and obtain a weed management plan with the County Weed Department. Any subdivision that has an existing Weed Management Plan are required to get an updated Weed Management Plan. That plan will be submitted with final plat approval. **(Condition #4)**

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

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

There are no known endangered or threatened species on the property. A paragraph in the 'Conditions that Run with the Land' section of the SIA warns future lot owners of the likely presence of wildlife in the area and their potential to damage residential landscaping.

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

Plans and designs for the water and septic system will be reviewed and approved by Yellowstone City-County Health Department prior home construction on each lot to ensure public health and safety.

Fire and emergency services are provided for this proposed subdivision from Billings Fire Department and the Yellowstone County Sheriff's department.

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

An environmental assessment was not required for this subdivision. Section 9.2 C Exemptions 1. A first minor subdivision from a tract of record. This property is a certificate of survey and has not been subdivided at this point. There are no known endangered species on the land.

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

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

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

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

*The subdivision is consistent with the type of rural large lot development in the surrounding area.*

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

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

##### **2. 2023 Billings Urban Area Long Range Transportation Plan**

The subject property is outside of the 2023 Urban Area Long Range Transportation Plan. As proposed, there are no internal streets.

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

This subdivision is outside the BABTMP boundaries for trails.

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

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

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

The subdivision must receive approval from Yellowstone City-County Health Department.

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

The proposed subdivision is outside County Zoning Jurisdiction. There are no Yellowstone County zoning regulations on the subject property.

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

The applicant will coordinate with private utility companies to provide the required easements.

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

Legal and physical access will be provided for Peterson Road. There are no new roads proposed to be built.

**CONCLUSIONS OF FINDINGS OF FACT**

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

**RECOMMENDATION**

Staff recommends to the Board of County Commissioners conditional approval for the preliminary plat of Peterson Road Estates Subdivision and adopt the Findings of Fact as presented in the staff report.

**SUBDIVISION IMPROVEMENTS AGREEMENT**  
***PETERSON ROAD ESTATES SUBDIVISION***

**Table of Contents**  
**(Yellowstone County)**

I.	VARIANCES .....	2
II.	CONDITIONS THAT RUN WITH THE LAND .....	2
III.	TRANSPORTATION .....	3
A.	Streets .....	3
B.	Traffic Control Devices .....	3
C.	Access.....	4
D.	Billings Area Bikeways and Trail Master Plan (BABTMP) .....	4
IV.	EMERGENCY SERVICE .....	4
V.	STORM DRAINAGE .....	4
VI.	UTILITIES.....	4
B.	Septic System .....	4
C.	Power, Telephone, Gas, and Cable Television.....	5
VII.	PARKS/OPEN SPACE .....	5
VIII.	IRRIGATION .....	5
IX.	WEED MANAGEMENT .....	5
X.	SOILS/GEOTECHNICAL STUDY .....	5
XI.	FINANCIAL GUARANTEES .....	5
XII.	LEGAL PROVISIONS .....	6

## **PETERSON ROAD ESTATES SUBDIVISION**

**This agreement** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between *Crown Acres Limited Partnership*, whose address for the purpose of this agreement is **1883 W. Royal Hunte Drive, Ste 200A, Cedar City, UT 84720**, hereinafter referred to as “Subdivider,” and YELLOWSTONE COUNTY, Montana, hereinafter referred to as “County.”

### **WITNESSETH:**

**WHEREAS**, the plat of *PETERSON ROAD ESTATES SUBDIVISION*, located in Yellowstone County, Montana, was submitted to the Yellowstone County Board of Planning; and

**WHEREAS**, at a regular meeting conducted on \_\_\_\_ day of \_\_\_\_\_, 20\_\_, the Yellowstone County Board of County Commissioners conditionally approved a preliminary plat of *PETERSON ROAD ESTATES SUBDIVISION*; and

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

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

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

### **I. VARIANCES**

There are no variances being requested with this subdivision.

### **II. CONDITIONS THAT RUN WITH THE LAND**

- A. Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat, and it is likely that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.
- B. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a

geotechnical survey prior to construction.

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

### **III. TRANSPORTATION**

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

#### **A. Streets**

- There are no new roads required for this subdivision.

#### **B. Traffic Control Devices**

- There are no road improvements required with this subdivision. Therefore, no

traffic control devices will be installed. A street and stop sign is located at the intersection of Peterson Road and Highway 87.

**C. Access**

- The access to this subdivision shall be from Highway 87 to Peterson Road. Highway 87 is a Montana State highway which is maintained by the Montana Department of Transportation. Peterson Road is a graveled county easement road under Road Petition No. 385.

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

- This subdivision is not located within the BABTMP.

**IV. EMERGENCY SERVICE**

A 30,000-gallon water storage tank/dry hydrant will be installed on the southern side of Peterson Road within Lots \_\_ and \_\_. The dry hydrant will be located within a dry hydrant easement and will be maintained and serviced by an RSID. The Subdivider shall submit the dry hydrant system plans and specifications to the \_\_\_\_\_ Fire Department for review and approval prior to construction. The dry hydrant system will be installed by the Subdivider and inspected and approved by the \_\_\_\_\_ Fire Department prior to Final Plat approval.

**V. STORM DRAINAGE**

All drainage improvements shall comply with the provisions of the Section 4.7, Yellowstone County Subdivision Regulations, and a stormwater management plan shall be submitted to and approved by MDEQ, or its designee.

Stormwater improvements for future construction will be completed when the use and site layout on the lot have been determined by a future lot owner.

**VI. UTILITIES**

**A. Water**

Based on the acreage size of the lots within this subdivision along with the unknown use, size, and location of building(s) to be constructed, these lots will have water supply permitting completed at a future date. Since the lots are over 20 acres, the Subdivider will work with the future lot owners on completion of permitting through Yellowstone County Sanitarian, Riverstone Health Department, when use, size, and location on the lot have been determined.

**B. Septic System**

Based on the acreage size of the lots within this subdivision along with the unknown use, size, and location of building(s) to be constructed, these lots will have sanitary permitting completed at a future date. Since the lots are over 20 acres, the Subdivider will work with the future lot owners on completion of permitting through Yellowstone County



Sanitarian, Riverstone Health Department, when use, size, and location on the lot have been determined.

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

The private utilities shall be installed within easements that are dedicated on the plat for Peterson Road Estates Subdivision.

**VII. PARKS/OPEN SPACE**

There is no parkland requirement for proposed Peterson Road Estates Subdivision, as this is a minor subdivision [MCA 76-3-617(3) (a)].

**VIII. IRRIGATION**

There are no irrigation systems located within this subdivision.

**IX. WEED MANAGEMENT**

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

The weed plan shall include the following and shall be referenced in this SIA:

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

**X. SOILS/GEOTECHNICAL STUDY**

A geotechnical study is not required with this subdivision.

**XI. FINANCIAL GUARANTEES**

Except as otherwise provided, Subdivider shall install and construct said required improvements by private contracts secured by bonds, irrevocable letters of credit, sequential development, or any other method that may be acceptable to the Planning Board and Board of County Commissioners. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said special improvement district or private contract, and the improvements shall be designed by and constructed under the supervision of a professional engineer competent in civil

engineering, licensed in the state of Montana. Upon completion of the improvements, the consulting Engineer shall file with the Public Works Department, a statement certifying that the improvements have been completed in accordance with approved, seal stamped, record drawings, along with all required post-construction certification per Section 4.6.C. of the Yellowstone County Subdivision Regulations.

## **XII. LEGAL PROVISIONS**

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

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

“SUBDIVIDER”

*Crown Acres Limited Partnership*

\_\_\_\_\_  
Johnny Forgione, Managing Member

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, a Notary Public in and for the State of \_\_\_\_\_, personally appeared Johnny Forgione, known to me to be the Managing Member of *Crown Acres Limited Partnership*, who executed the foregoing instrument and acknowledged to me that he/she executed the same.

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

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

“COUNTY”  
COUNTY OF YELLOWSTONE  
MONTANA

County of Yellowstone  
Board of County Commissioners

By: \_\_\_\_\_  
Chairman

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

Attest: \_\_\_\_\_  
County Clerk and Recorder

STATE OF MONTANA                    )  
  : ss  
County of Yellowstone                )

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

Notary Public in and for the State of Montana  
Printed Name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

## Waiver of Right to Protest

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

This Waiver and Agreement is independent from all other agreements and is supported by sufficient independent consideration to which the undersigned are parties, and shall run with the land and shall be binding upon the undersigned, their successors and assigns, and the same shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows:

*Peterson Road Estates Subdivision*

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

Crown Acres Limited Partnership

\_\_\_\_\_  
Johnny Forgione, Managing Member

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, a Notary Public in and for the State of \_\_\_\_\_, personally appeared Johnny Forgione, known to me to be Managing Member of *Crown Acres Limited Partnership*, the person who executed the forgoing instrument and acknowledged to me that he/she executed the same.

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

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_  
Printed name: \_\_\_\_\_  
Residing in: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

# PETERSON ROAD ESTATES MINOR SUBDIVISION

TRACT LOCATED IN THE NE1/4, OF SECTION 27, TOWNSHIP 3 NORTH, RANGE 26 EAST, P.M.M.,  
YELLOWSTONE COUNTY, MONTANA

## LEGAL DESCRIPTION AND PROPERTY OWNER CERTIFICATE OF DEDICATION

STATE OF MONTANA )  
 ) ss  
County of YELLOWSTONE )

KNOW ALL MEN BY THESE PRESENTS: That, Crown Acres Limited Partnership, the owner of the following described tract of land, does hereby certify that it has caused to be surveyed and subdivided as shown on the plat, said tract being situated in Section 27, T.3N., R.26E., P.M.M., Yellowstone County, Montana, said tract being more particularly described as follows:

A tract of land described in Warranty Deed Document No. 4091124, recorded in the office of the Yellowstone County Clerk and Recorder, being that portion of Section 27, T.3N., R.26E., P.M.M., Yellowstone County, Montana, and being more particularly described as follows:

Beginning at the north quarter-corner of said Section 27, being the northwest corner of said tract, thence along the north line of said Section 27, N.89°57'32"E. for 2536.39 feet to a point on the west right-of-way of Montana State Highway 87; thence along said right-of-way the following five (5) courses: S.00°04'55"E. for 1479.18 feet; thence S.13°57'15"W. for 41.23 feet; thence S.00°04'55"E. for 800.00 feet; thence S.14°07'06"E. for 41.23 feet; thence S.00°04'55"E. for 290.34 feet to a point on the east-west mid-section line of said Section 27; thence along said mid-section line N.89°52'55"W. for 2539.66 feet to the center-quarter corner of said Section 27; thence along the north-south mid-section line of said Section 27, N.00°00'41"W. for 2642.46 feet to the Point of Beginning.

Said tract contains 153.975 acres along with and subject to any easements of record or implied.

The park requirement is not required for this subdivision pursuant to Section 76-3-621(3)(e), M.C.A.

The undersigned hereby certifies that all Lots are exempt from D.E.Q. review in accordance with 76-4-103, M.C.A. "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."

Said tract shall be known and designated as "PETERSON ROAD ESTATES MINOR SUBDIVISION".

Johnny Forgione, Managing Member  
Crown Acres Limited Partnership

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned a notary public for the State of \_\_\_\_\_, personally appeared Johnny Forgione, Managing Member of Crown Acres Limited Partnership, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

Notary Public for the State of \_\_\_\_\_

## CERTIFICATE OF APPROVAL

STATE OF MONTANA )  
 ) ss  
County of Yellowstone )

We do hereby certify that we have examined the plat of PETERSON ROAD ESTATES MINOR SUBDIVISION and find that said plat conforms with the requirements of the laws of the State of Montana and that the requirements for park donation have been met to the satisfaction of the Yellowstone County Board of Planning. It is therefore approved and the dedication to the public use of any and all lands shown on this plat as being dedicated to such use are accepted.

IN WITNESS WHEREOF, we have set our hands and the seal of Yellowstone County, Montana, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Commissioner

Commissioner

Chairman

Attest:  
Clerk and Recorder

## CERTIFICATE OF CITY/COUNTY HEALTH DEPARTMENT

This Certificate of Subdivision Plat has been reviewed and approved by the Yellowstone City/County Health Department and the State Department of Environmental Quality.

Health Officer or Authorized Representative  
Yellowstone City/County Health Department

## CERTIFICATE OF COUNTY ATTORNEY

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

County Attorney or Authorized Representative  
Yellowstone County Attorney's Office

Date

## CERTIFICATE OF SURVEYOR

I, Jake K. Ziska, a Montana Registered Land Surveyor being first duly sworn, deposes and says that during the month of March 2025 AND April 2025, a survey was performed under my supervision of a tract of land to be known as PETERSON ROAD ESTATES MINOR SUBDIVISION, in accordance with the request of the owner thereof and in conformance with Montana Subdivision and Platting Act, said subdivision being in accordance with the Landowner's Certificate and as shown on the plat; that the monuments found and set are of the character and occupy the positions hereon.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Jake K. Ziska

## 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.

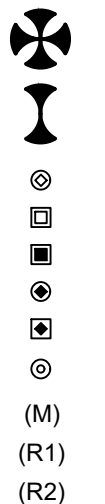
County Treasurer or Authorized Representative  
Yellowstone County Treasurer's Office

Date



SURVEY IS NOT VALID UNLESS SEAL  
CONTAINS THE SIGNATURE OF THE  
PROFESSIONAL LAND SURVEYOR

## LEGEND



FOUND SECTION CORNER AS NOTED

FOUND QUARTER CORNER AS NOTED

SET 5/8" X 18" REBAR W/ YELLOW PLASTIC CAP (ZISKA 18636LS)

SET ALUMINUM CAP AS NOTED

FOUND ALUMINUM CAP AS NOTED

FOUND YELLOW PLASTIC CAP (N.A. BRATTON 9519LS) OR AS NOTED

FOUND 5/8" REBAR WITH NO CAP OR AS NOTED

CALCULATED POSITION, NOTHING FOUND OR SET

MEASURED DISTANCE

C.O.S. 2490

STATE OF MTDOH R.O.W. PLAN, PROJECT NO. F16-1(20)12

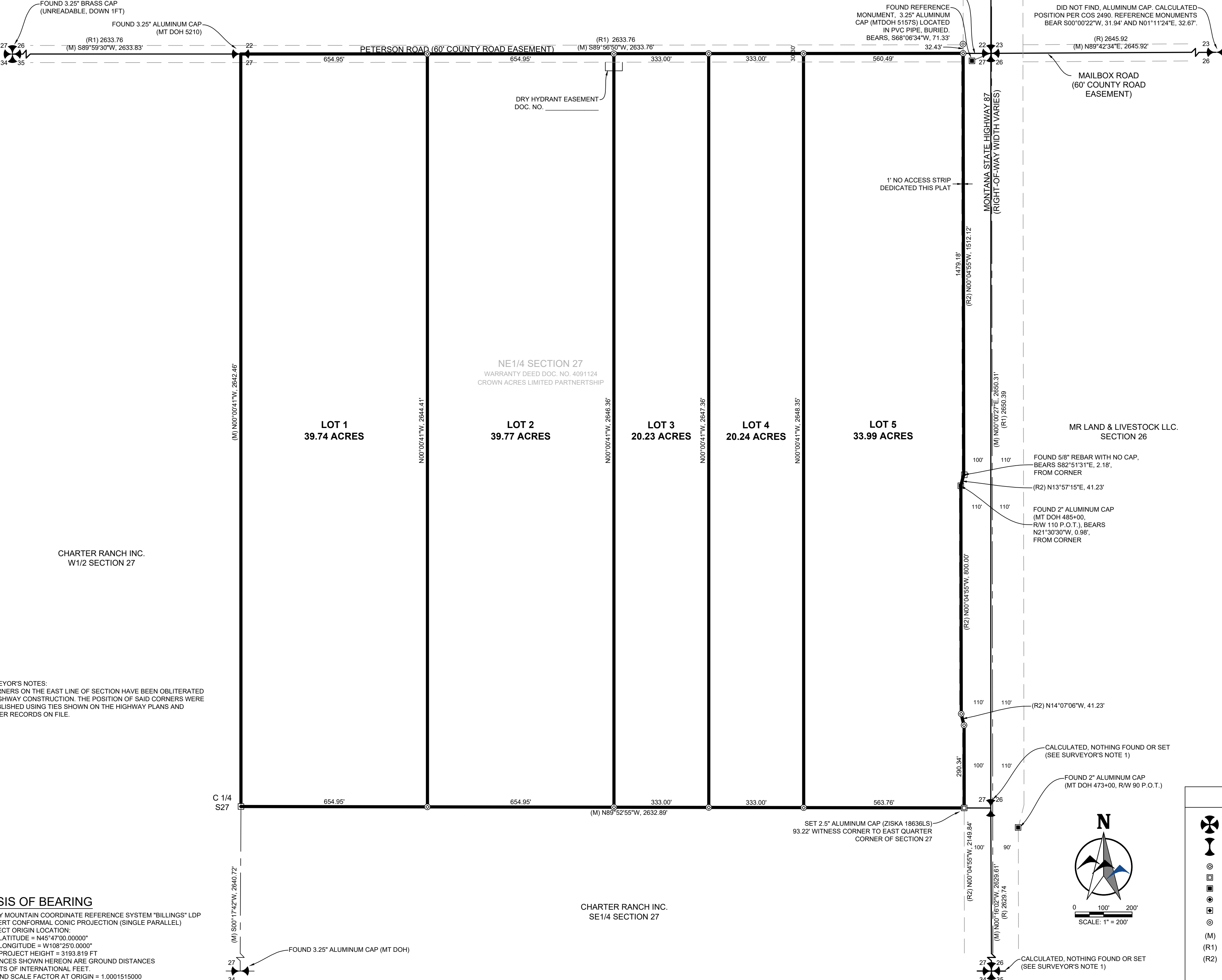
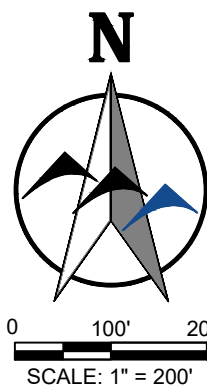
ADJACENT BOUNDARY  
SUBDIVISION BOUNDARY  
SECTION LINE  
QUARTER SECTION LINE  
EXISTING RIGHT OF WAY  
HIGHWAY R.O.W. CENTER LINE

SURVEYOR'S NOTES:  
1. CORNERS ON THE EAST LINE OF SECTION HAVE BEEN OBLITERATED BY HIGHWAY CONSTRUCTION. THE POSITION OF SAID CORNERS WERE ESTABLISHED USING TIES SHOWN ON THE HIGHWAY PLANS AND CORNER RECORDS ON FILE.

## BASIS OF BEARING

ROCKY MOUNTAIN COORDINATE REFERENCE SYSTEM "BILLINGS" LDP  
LAMBERT CONFORMAL CONIC PROJECTION (SINGLE PARALLEL)  
PROJECT ORIGIN LOCATION:  
LATITUDE = N45°47'00.00000"  
LONGITUDE = W108°25'00.00000"  
PROJECT HEIGHT = 3193.819 FT  
DISTANCES SHOWN HEREON ARE GROUND DISTANCES  
IN UNITS OF INTERNATIONAL FEET.  
GROUND SCALE FACTOR AT ORIGIN = 1.0001515000

CHARTER RANCH INC.  
SE1/4 SECTION 27



Meeting Date: 07/16/2025

Title: Maplewood Subdivision - Preliminary County Major Plat

Submitted For: Anna Vickers

Submitted By: Dave Green

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**TOPIC:**

Maplewood Subdivision - Preliminary County Major Plat

**BACKGROUND:**

On May 1, 2025, In Sight Engineering, for Regal Land Development, applied for preliminary major plat approval of Maplewood Subdivision. The subdivision will create 78 lots for residential development. The subject property is generally located south of O'Donnell Lane and east of South 72nd Street West. This parcel of land is outside county zoning. The land has been used for farming.

**VARIANCES REQUESTED**

The applicant has requested a variance from Section 4.6.B.1, of the Yellowstone County Subdivision Regulations, which outlines connections to undeveloped land surrounding the proposed subdivisions. The maximum distance between those connections is 600 feet.

Staff is recommending approval of the variance request. Further explanation and analysis can be found in Attachment A.

**PROPOSED CONDITIONS OF APPROVAL**

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact.

1. To protect public health and safety, prior to final plat approval, the applicant will receive approval from the MDEQ for the proposed water systems, septic systems, and the proposed storm water management.
2. To protect public health and safety and provide maintenance for a shared water system, prior to final plat approval, the applicant shall submit to be recorded with the final plat a maintenance agreement and easement for the shared water system.
3. To provide a maintenance mechanism for the new public roads within the subdivision and to protect public health and safety, prior to final plat approval, the applicant will petition to create an RSID for the future maintenance of the roads.
4. To protect public health and safety with proper fire suppression, prior to final plat approval, the applicant will submit construction drawings of the dry hydrant system to Billings Fire Department for review and approval. Once installed, the applicant will request Billings Fire Department test the system to ensure it works correctly and get a sign off from Billings Fire Department. The applicant will also create an RSID for the dry hydrant system.
5. To protect public health and safety with access to the parkland over a lateral irrigation ditch from The Big Ditch, prior to final plat approval, the applicant will provide a 200-foot access by putting the lateral ditch in a pipe. Or the applicant will provide two pedestrian accesses across the lateral ditch from O'Donnell Lane to the park. The accesses will be a minimum of 10 feet wide.
6. To minimize the effects on local service, prior to final plat approval, the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail lot owners.
7. Restrictions on Conveyances documents associated with the phases in the subdivision shall be filed with the final plat. The subdivision improvement agreement (SIA) shall be updated to reflect the date associated with the opening of each phase of the subdivision.
8. To minimize the effects on the natural environment, prior to final plat, a copy of the approved weed management plan shall be submitted.
9. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal, or

Public Works Departments, to clarify the documents and bring them into the standard acceptable format.  
10. The final plat shall comply with all requirements of the Yellowstone County Subdivision Regulations, rules, policies, and resolutions of Yellowstone County, and the laws and Administrative Rules of the State of Montana.

**PLAT INFORMATION**

General location:	South of O'Donnell Lane and east of South 72nd Street West
Legal Description:	SW ¼, SECTION 18, TOWNSHIP 1 SOUTH, RANGE 25 EAST
Owner/Subdivider:	Regal Land Development Inc.
Engineer and Surveyor:	In Site Engineering
Existing Zoning:	No zoning
Existing land use:	Agricultural
Proposed land use:	Residential
Gross and Net area:	128.7 acres / 49.956 acres
Proposed number of lots:	78
Lot size:	Max: 61.793 acres Min: 0.45 acres
Parkland requirements:	Parkland dedication required is 3.988 acres. The applicant is proposing to provide 3.193 acres with a cash-in-lieu contribution for the remaining amount.

**RECOMMENDED ACTION:**

Staff recommends the Board of County Commissioners review the preliminary plat at this Discussion Session. The Planning Board is forwarding a recommendation to the Board of County Commissioners to conditionally approve the plat of Maplewood Subdivision, adopt the Findings of Fact as presented in the staff report, and approve the variance request. Formal action on the preliminary plat will take place at a future BOCC meeting.

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Attachments
Findings of Fact
Draft SIA
Proposed Plat
Variance request
Attachment A - Staff variance review

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## **FINDINGS OF FACT**

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

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

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

The subject property has been used for farming purposes. No water rights or shares will be transferred to individual lot owners. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners. There will be no effect on the water users downstream from this property.

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

a. **Water** – The proposed subdivision is not located within any public water district. The subdivision will be served by shared wells as approved by the Montana Department of Environmental Quality, or its designee. These wells will be owned and maintained by Aquanet. Aquanet will install wells, pumps, and service lines and then bill monthly for water usage. Usually a flat fee plus usage-based rate. They are also the entity that will hold the water right. Water systems will be installed meeting the requirements outlined in Section 4.9 of the Yellowstone County Subdivision Regulations and the MDEQ.

**(Condition #1)** The operation and maintenance of approved water system will be the responsibility of Aquanet. The applicant shall record a maintenance agreement for the shared wells with the final plat. **(Condition #2)**

b. **Septic** - The proposed subdivision is not located within any public sewer district. The subdivision will be served by wastewater disposal systems as submitted to and approved by Montana Department of Environmental Quality. These systems shall be located and installed as approved by Montana Department of Environmental Quality, or its designee.

The Subdivision is proposed to be served by individual septic systems on each lot. Septic systems will be installed meeting the requirements outlined in Section 4.8 of the Yellowstone County Subdivision Regulations and the MDEQ. **(Condition #1)** The operation and maintenance of the septic system will be the responsibility of individual lot owners.

All private utilities, power, telephone, gas and cable television will be installed in the public right of way or easements identified on the plat.

c. **Streets and roads** – Access to the Subdivision shall be from proposed approaches on

the public portion of O'Donnell Lane, South 72nd Street West, South 71<sup>st</sup> West and South 68<sup>th</sup> Street West as approved by the Yellowstone County Public Works Department. Roads within the subdivision, will be built to the County standard paved surface road. They be in a 60-foot-wide rights of way and be built with a 24-foot paved surface. An RSID will be created to maintain the roads within the subdivision.  
**(Condition #3)**

A TIS has been submitted for this proposed subdivision. The traffic study showed the impacts would be minimal to the studied intersections and do not meet the threshold for contributions to the County for intersection improvements. In the future should there be more development, then this subdivision can be assessed proportional cost through the Waiver of Right to Protest.

d. **Fire and Police services** – The property is within the BUFSA boundary. This subdivision will be provided fire service from the Billings Fire Department. The subdivision will have a dry hydrant tank installed alongside the road Maple Leaf Trail on the edge of the park land, as shown on the plat. The applicant will submit drawings for the tank to the Billings Fire Department for review and approval. When the tank is installed the applicant will have the system tested and signed off by the Billings Fire Department. **(Condition #4)**

Fire Marshal Fender explained that the current ISO rating regulations are based on distance from fire station. Anywhere within 5 road miles, with a water source would be a 2 rating. Anything over 5 road miles from a fire station, even with a water source, is a 10 rating.

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

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

f. **Storm water drainage** – The storm water drainage will be collected onsite using a combination of swales and the natural slope of the land. Proposed storm water drainage shall be submitted to the MDEQ for review and approval prior to final plat. All proposed stormwater systems shall meet the requirements of Section 4.7 of Yellowstone County Subdivision Regulation's and the requirements of MDEQ. **(Condition #1)**

g. **School facilities** – The proposed subdivision is located within Elder Grove School District for K through 8. Elder Grove School recently built a new building to accommodate the additional students moving into the area. They have the ability to accommodate more students. West High School will provide school for grades 9 through 12. West High School is currently over capacity.

h. **Parks and recreation** – Parkland dedication required for this subdivision is 3.988 acres. The applicant is proposing to provide 3.193 acres with a cash in lieu contribution

for the remaining amount. There is an existing 3.84-acre park in the subdivision to the north of this proposed subdivision. It is off Skycrest Drive approximately ½ road mile away.

The proposed park meets the requirement for street frontage for parkland but, the majority of that frontage has a ditch, a lateral from The Big Ditch, along the edge of the road, O'Donnell Lane. To improve the access to the park the applicant will provide a 200-foot access by putting the lateral in a pipe or provide two pedestrian accesses across the lateral ditch from O'Donnell Lane to the park. The accesses will be a minimum of 10 feet wide. **(Condition #5)**

i. **Postal Service** – The applicant will be required to coordinate with the USPS to ensure they are providing a safe location for the postal worker to deliver the mail and the residents to retrieve their mail. **(Condition #6)**

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

k. **Phasing of Development** - The applicant is proposing to develop this subdivision in phases. Phase 1 and Phase 2. The applicant will provide the correct paperwork to be recorded with the final plat, restriction on conveyances. The subdivision improvement agreement shall be updated to reflect the date associated with the opening of each phase of the subdivision. **(Condition #7)**

- Phase 1 consists of Lots 1-19, Block 1; Lots 1-5, Block 2; Lot 1 and Lots 6-13, Block 3; and Lots 1-11, Block 4.
- Phase 2 consists of Lots 2-5 and Lots 14-21, Block 3; Lots 12-28, Block 4; and Lots 1-4, Block 5.
- Public improvements will be constructed by way of a private contract with each phase.

### **3. Effects on the natural environment**

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed or agricultural land. As required by County Subdivision Regulations Section 4.15 all county subdivisions are required to apply for and obtain a weed management plan with the County Weed Department. Any subdivision that has an existing Weed Management Plan is required to get an updated Weed Management Plan. A weed management plan will be completed and a copy will be submitted with final plat. **(Condition #8)**

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

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

Impacts on Significant, Important, and Critical Habitat:

Because this land has been cultivated for farming for so long, there is very little wildlife inhabiting the area with the exception of some rodents and racoons. An occasional deer may wander through the area, but it provides no cover or natural food sources for them. No other wildlife has been observed nesting or frequenting the subdivision site,

and this site is not in sage grouse habitat. There are no threatened or endangered species known to inhabit the area.

This site is well-suited for development of a residential neighborhood. The development will be done in a responsible, orderly manner, and in accordance with Yellowstone County Subdivision Regulations, Administrative Rules of Montana, and DEQ, DNRC, and all other state and local development standards. By so doing, this subdivision will create no significant negative impact to the environment or community but will, instead, be an asset to the area.

There are no known endangered or threatened species on the property. A paragraph in the 'Conditions that Run with the Land' section of the SIA warns future lot owners of the likely presence of wildlife in the area and their potential to damage residential landscaping.

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

Plans and designs for the water and septic system will be reviewed and approved by MDEQ prior building construction on each lot to ensure public health and safety.

Fire and emergency services are provided for this proposed subdivision from Billings Fire Department and the Yellowstone County Sheriff's department.

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

A summary of impacts was required for this subdivision pursuant Section 9.2 of the County Subdivision Regulations.

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

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

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

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

*The subdivision is consistent with the type of residential development in the surrounding area. There is residential development to the north and to the south.*

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

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

##### **2. 2023 Billings Urban Area Long Range Transportation Plan**

The subject property maintains the road study area of the Transportation Plan. As proposed, the internal streets are neighborhood streets associated with this subdivision.

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

This subdivision is inside the BABTMP boundaries for trails. There is future trail shown on South 72<sup>nd</sup> Street. At a future time when this road is widened the trails will be installed. This subdivision will not be required to install any trails at this time.

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

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

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

The subdivision must receive approval from the MDEQ prior to any building construction on each lot. The new parcels will be connected to the subdivision community septic system. This system will be approved by MDEQ before final plat.

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

The proposed subdivision is outside the County Zoning Jurisdiction.

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

The applicant will coordinate with private utility companies to provide the required easements.

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

Legal and physical access will be provided from South 72<sup>nd</sup> Street, South 71<sup>st</sup> Street West and Maplewood Lane. Access to each lot will be from the internal roads of the subdivision.

### **CONCLUSIONS OF FINDINGS OF FACT**

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

**RECOMMENDATION**

Staff recommends to the Planning Board that they forward a recommendation of conditional approval to the Board of County Commissioners for the preliminary plat of Maplewood Subdivision, approve the variance request and adopt the Findings of Fact as presented in the staff report.

**SUBDIVISION IMPROVEMENTS AGREEMENT**  
***Maplewood Estates***  
**Table of Contents**  
**(Yellowstone County)**

I.	Variances	(page #)
II.	Conditions that Run with the Land	
III.	Transportation	
	A. Streets	
	B. Traffic Control Devices	
	C. Access	
	D. Billings Area Bikeway and Trail Master Plan	
	E. Sidewalks	
IV.	Emergency Services	
V.	Storm Drainage	
VI.	Utilities	
	A. Water	
	B. Sanitary Sewer	
	C. Power, Telephone, Gas, and Cable Television	
VII.	Parks/Open Space	
VIII.	Irrigation	
IX.	Weed Management	
X.	Soils/Geotechnical Study	
XI.	Phasing of Improvements	
XII.	Financial Guarantees	
XIII.	Legal Provisions	

# SUBDIVISION IMPROVEMENTS AGREEMENT

## Maplewood Estates

**This agreement** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between (*Regal Land Development, Inc.*), whose address for the purpose of this agreement is P.O. Box 80445, Billings, Mt 59108, hereinafter referred to as “Subdivider,” and YELLOWSTONE COUNTY, Montana, hereinafter referred to as “County.”

### WITNESSETH:

**WHEREAS**, the plat of *Maplewood Estates*, located in Yellowstone County, Montana, was submitted to the Yellowstone County Board of Planning; and

**WHEREAS**, at a regular meeting conducted on \_\_\_\_ day of \_\_\_\_\_, 20\_\_, the Board of Planning recommended conditional approval of a preliminary plat of *Maplewood Estates*; and

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

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

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

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

### **I. VARIANCES**

**A.** Subdivider has requested, and the County hereby grants, the following variance by the Board of County Commissioners from the strict interpretation of the County’s Subdivision Regulations (Chapter 11, Yellowstone County Subdivision Regulations):

1. A variance from Section 4.6.B.1 is requested to allow 2 accesses to the undeveloped Lot 78 instead of the 3 that would be required. See Variance Request.



## **II. CONDITIONS THAT RUN WITH THE LAND**

- A.** Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.
- B.** Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.
- C.** No water rights have been transferred to the lot owners; Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners.
- D.** There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.
- E.** Culverts and associated drainage swales shall not be filled in or altered by the subdivider or subsequent lot owners.
- F.** When required by road improvements, all fences and irrigation ditches in the public right-of-way adjacent to this subdivision shall be removed or relocated outside of the public right-of-way at no cost to the County and any relocation outside of the public right-of-way shall be subject to securing and recording easements.
- G.** Future maintenance of all public (or common) improvements shall be done through RSID(s) created as part of the SIA for this subdivision.
- H.** Lot 5, Block 5 (61.793 acres) shall have sanitary restrictions that shall be lifted by application to the MDEQ with future development review (subdivision, site plan, or condominium).

- I. Lot owners or their agent will obtain an Access Permit from County Public Works prior to any construction on any lot within the subdivision. The application will include a site plan showing the desired location of the access and show that it meets the requirements outlined by the DEQ storm water requirements for the subdivision. Failure to do so will result in the lot owner or their agent removing what has been installed and locating the access in an approved location at the owner's expense.

### **III. TRANSPORTATION**

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

#### **A. Streets**

- Streets shall be public and have Right-of-way widths of 60 feet.
- Streets shall be paved with 24 feet of asphalt with a 2-foot gravel shoulder along each edge of asphalt
- A Rural Special Improvements District (RSID) for maintenance of the public streets will be established with the Final Plat.

#### **B. Traffic Control Devices**

- Stop signs shall be installed at the 2 places of egress from the subdivision onto South 72<sup>nd</sup> Street West and onto South 68<sup>th</sup> Street West.
- Stop signs shall be installed at Maple Crest Lane's approaches to S. 71<sup>st</sup> Street West.
- A stop sign shall be installed at Maple Crest Lane's approach to Maple Leaf Trail
- Stop signs shall be installed at Maplewood Lane's approaches to S. 71<sup>st</sup> Street West.
- Stop signs shall be installed at Red Maple Lane's approaches to Maple Leaf Trail
- A Stop sign shall be installed at Silver Maple Court's approach to Red Maple Lane

#### **C. Access**

- A minimum of 2 accesses shall be provided for this subdivision.
- One access shall be by way of a connection to South 72<sup>nd</sup> Street West, a public street.
- One access shall be by way of a connection to South 68<sup>th</sup> Street West, a public street.

#### **D. Billings Area Bikeway and Trail Master Plan**

- The Billings Area Bikeway and Trail Masterplan show no elements within the property being subdivided.
- No improvements are required or proposed at this time.

#### **E. Sidewalks**

- Sidewalks are not required since this property is located outside of the Yellowstone County zoning boundaries; however,
- Sidewalks 5' in width shall be installed by homeowners at the time of lot development and shall be maintained by homeowners.
- Sidewalks shall be installed within a 14' wide sidewalk and utility easement along all street frontages, aligned specifically so that the front of the 5-foot wide sidewalk is setback 1 foot behind the front property line/street right-of-way-line.

### **IV. EMERGENCY SERVICE**

- Fire protection facilities shall be provided via a dry hydrant system installed in the first phase of development with a capable 30,000 gallon underground water storage tank. The system shall be capable of providing a minimum of 1,000 gallons per minute at draft.
- The Subdivider shall submit plans and specifications of the dry hydrant system to the Billings Fire Department for review and approval prior to installation of the system. The tank shall be installed within a dry hydrant easement with access from the adjacent public street. The dry hydrant system shall be inspected, acceptance tested, and approved by the Billings Fire Department prior to construction of any buildings in the subdivision. An RSID will be created for maintenance of the dry hydrant with the final plat.
- Internal streets will be paved to county standards and provide emergency access.
- This subdivision is not located within an Urban Wildland Interface Area.

### **V. STORM DRAINAGE**

All drainage improvements shall comply with the provisions of Section 4.7, Yellowstone County Subdivision Regulations, and a stormwater management plan shall be submitted to and approved by the Montana Department of Environmental Quality (MDEQ), or its designee.

- Storm water runoff shall be conveyed by roadside drainage swales to a retention pond

### **VI. UTILITIES**

#### **A. Water**

In accordance with Section 4.9 Yellowstone County Subdivision Regulations, all proposed water systems must obtain approval by the MDEQ, or its designee.

- Water will be supplied by shared wells, owned and maintained by Aquanet, a public utility company.
- MDEQ approval of the shared wells shall be submitted with the final plat.

## **B. Septic System**

In accordance with Section 4.8 Yellowstone County Subdivision Regulations, all proposed sanitary sewer systems must obtain approval by the MDEQ, or its designee.

- Wastewater will be handled with individual septic systems.
- MDEQ approval letter shall be submitted with the final plat.

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

- Power, telephone, gas, and cable television utility service will be provided to all lots within an 8' wide utility easement along all street frontages and behind the sidewalks of all internal public roads.

## **VII. PARKS/OPEN SPACE**

- The parkland requirement for this subdivision is 3.967 Acres.
- The parkland requirement is met by a dedication of 3.231 Acres of public parkland with the remainder to be met by cash-in-lieu of parkland.
- A Park Maintenance District will be established with the final plat to maintain the public parkland (Park 1 and Park 2).
- Park 3 shall be owned and maintained by HOA for the purpose of storm water retention. For this reason, Park 3 does not count toward fulfillment of the parkland requirement for this subdivision.

## **VIII. IRRIGATION**

- The Big Ditch Irrigation District provides water to the ditch along the westerly and northerly boundaries of this subdivision. No water rights or ditch shares will be used by this residential development.

## **IX. WEED MANAGEMENT**

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

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

**X. SOILS/GEOTECHNICAL STUDY**

- No geotechnical study is required.
- Lot owners shall obtain their own geotechnical study for recommendations pertinent to their lot.

**XI. PHASING OF IMPROVEMENTS**

- Subdivision will be completed in 2 phases.
- Phase 1 consists of Lots 1-19, Block 1; Lots 1-5, Block 2; Lot 1 and Lots 6-13, Block 3; and Lots 1-11, Block 4.
- Phase 2 consists of Lots 2-5 and Lots 14-21, Block 3; Lots 12-28, Block 4; and Lots 1-4, Block 5.
- Public improvements will be constructed by way of a private contract with each phase.

**XII. FINANCIAL GUARANTEES**

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

**XIII. LEGAL PROVISIONS**

- A. Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by Yellowstone County.
- B. The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.
- C. The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.
- D. In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to

give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.

- E. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.
- F. Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.
- G. Subdivider agrees to create any required (or expansion of existing) RSID(s) for future maintenance of all public (or common) constructed improvements prior to final plat approval.

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

“SUBDIVIDER” *Dan Wells as President of Regal Land Development, Inc.*  
\_\_\_\_\_

STATE OF MONTANA       )  
  : ss  
County of Yellowstone       )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_, (*Subdivider*), who executed the foregoing instrument and acknowledged to me that he/she executed the same.

\_\_\_\_\_  
Notary Public in and for the State of Montana  
Printed Name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

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

“COUNTY”  
COUNTY OF YELLOWSTONE  
MONTANA

County of Yellowstone  
Board of County Commissioners

By: \_\_\_\_\_  
Chairman

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

Attest: \_\_\_\_\_  
County Clerk and Recorder

STATE OF MONTANA     )  
  : ss  
County of Yellowstone     )

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

\_\_\_\_\_  
Notary Public in and for the State of Montana  
Printed Name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

## Waiver of Right to Protest

FOR VALUABLE CONSIDERATION, the undersigned, being the Subdivider and all of the owners of the hereinafter described real property, do hereby waive the right to protest the formation of one or more Rural Special Improvement Districts (RSID's), which Yellowstone County may require for a period of twenty years from the date of this document's recording.

This Waiver and Agreement is independent from all other agreements and is supported by sufficient independent consideration to which the undersigned are parties, and shall run with the land and shall be binding upon the undersigned, their successors and assigns, and the same shall be recorded in the office of the County Clerk and Recorder of Yellowstone County, Montana.

The real property hereinabove mentioned is more particularly described as follows:

*Maplewood Estates*

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

Subdivider/Owner: *Dan Wells as President of Regal Land Development, Inc.*

STATE OF MONTANA       )  
  : ss  
County of Yellowstone       )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_, the person who executed the forgoing instrument and acknowledged to me that he/she executed the same.

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

\_\_\_\_\_  
Notary Public in and for the State of Montana

Printed name: \_\_\_\_\_  
Residing in Billings, Montana  
My commission expires: \_\_\_\_\_



PRELIMINARY PLAT OF MAPLEWOOD ESTATES - A RESIDENTIAL SUBDIVISION

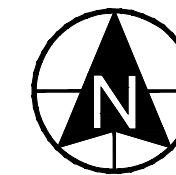
LOCATED IN SECTION 18, T01 S, R25 E, P.M.M. YELLOWSTONE COUNTY, MONTANA  
PREPARED FOR: REGAL LAND DEVELOPMENT, INC.  
PREPARED BY: IN SITE ENGINEERING  
APRIL 2025

Maplewood  
Estates  
Residential  
Subdivision

DEVELOPER  
REGAL LAND DEVELOPMENT, INC.  
P.O. BOX 80205  
BILLINGS, MT 59108



CIVIL ENGINEER  
IN SITE ENGINEERING, P.C.  
4231 CREEKWOOD DR  
BILLINGS, MT 59106  
IN SITE  
ENGINEERING



NO.	DATE	DESCRIPTION
1	4/1/2025	Submit for C&S Rev.
2	4/19/2025	Shared Wells Rev.
3	5/1/2025	Submit Prelim. Plat
4	5/21/2025	Resubmit Prelim. Plat
5		
6		
7		

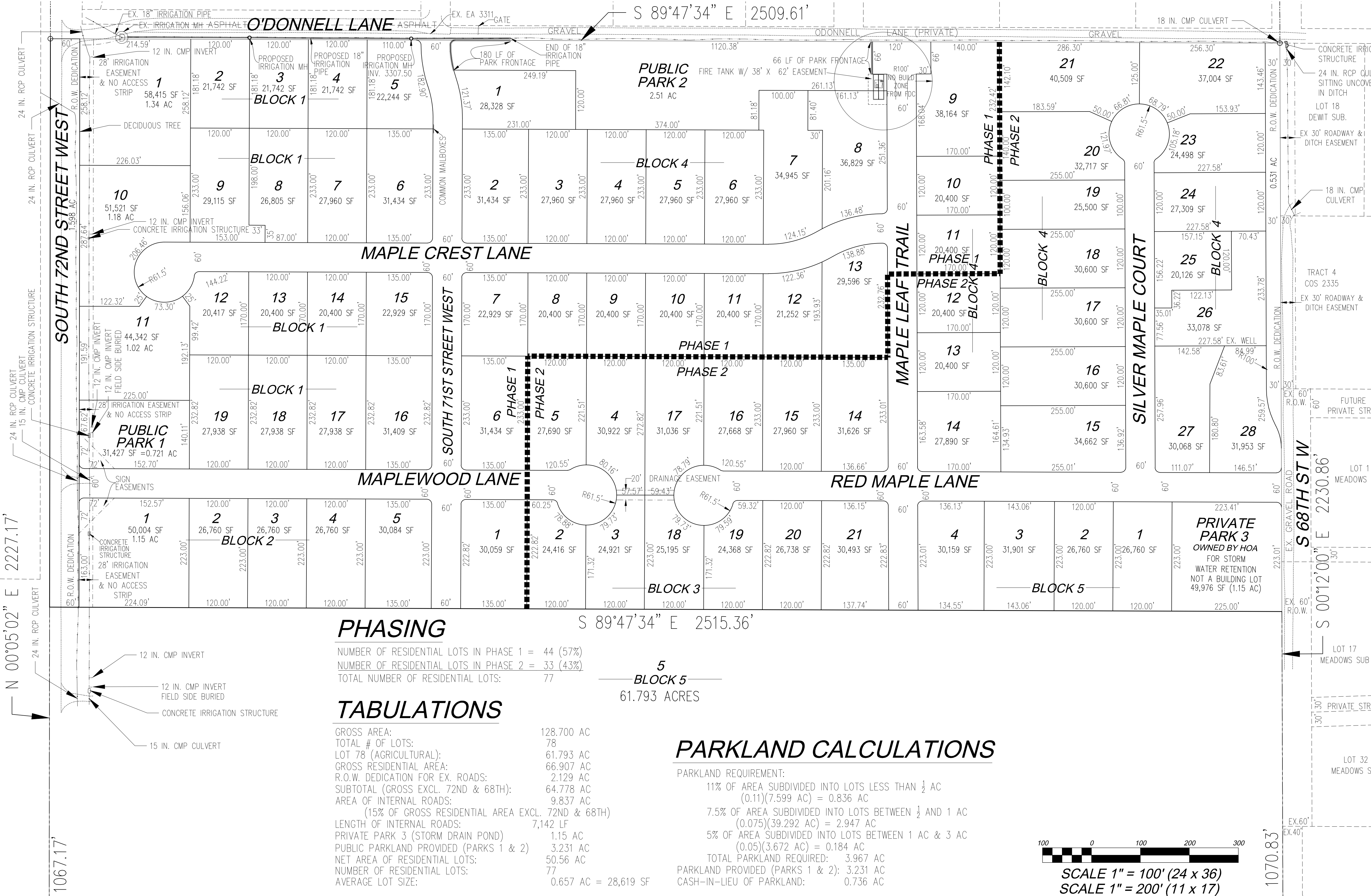
DATE  
5/21/2025

PROJECT  
Maplewood  
Estates

DESCRIPTION  
PRELIMINARY PLAT

SHEET NAME  
SHEET NUMBER

Prelim. 2



PHASING

NUMBER OF RESIDENTIAL LOTS IN PHASE 1 = 44 (57%)  
NUMBER OF RESIDENTIAL LOTS IN PHASE 2 = 33 (43%)  
TOTAL NUMBER OF RESIDENTIAL LOTS: 77

TABULATIONS

GROSS AREA: 128.700 AC  
TOTAL # OF LOTS: 78  
LOT 78 (AGRICULTURAL): 61.793 AC  
GROSS RESIDENTIAL AREA: 66.907 AC  
R.O.W. DEDICATION FOR EX. ROADS: 2.129 AC  
SUBTOTAL (GROSS EXCL. 72ND & 68TH): 64.778 AC  
AREA OF INTERNAL ROADS: 9.837 AC  
(15% OF GROSS RESIDENTIAL AREA EXCL. 72ND & 68TH)  
LENGTH OF INTERNAL ROADS: 7,142 LF  
PRIVATE PARK 3 (STORM DRAIN POND): 1.15 AC  
PUBLIC PARKLAND PROVIDED (PARKS 1 & 2): 3.231 AC  
NET AREA OF RESIDENTIAL LOTS: 50.56 AC  
NUMBER OF RESIDENTIAL LOTS: 77  
AVERAGE LOT SIZE: 0.657 AC = 28,619 SF

PARKLAND CALCULATIONS

PARKLAND REQUIREMENT:  
11% OF AREA SUBDIVIDED INTO LOTS LESS THAN 1/2 AC  
(0.11)(75.99 AC) = 0.836 AC  
7.5% OF AREA SUBDIVIDED INTO LOTS BETWEEN 1/2 AND 1 AC  
(0.075)(39.292 AC) = 2.947 AC  
5% OF AREA SUBDIVIDED INTO LOTS BETWEEN 1 AC & 3 AC  
(0.05)(3.672 AC) = 0.184 AC  
TOTAL PARKLAND REQUIRED: 3.967 AC  
PARKLAND PROVIDED (PARKS 1 & 2): 3.231 AC  
CASH-IN-LIEU OF PARKLAND: 0.736 AC

SCALE 1" = 100' (24 x 36)  
SCALE 1" = 200' (11 x 17)





**Application for Variance from the Yellowstone County Subdivision Regulations'  
Requirement to Provide an Additional Stub Street to the Adjacent Undeveloped Land  
South of the Residential Area at Maplewood Estates (Section 4.6.B.1)**

A. A variance is requested to allow two stub street accesses to the undeveloped Lot 5, Block 5 (61.793 acres) on the Preliminary Plat of Maplewood Estates instead of the three that would be required by the Yellowstone County Subdivision Regulations. The section of the regulations from which a variance is requested is 4.6.B.1, which reads: "The maximum distance between connections to undeveloped lands shall not exceed 600 feet." The length of the northern boundary of the undeveloped parcel, Lot 5, Block 5, that is adjacent to the residential lot area within Maplewood Estates is 2443 feet. If 3 stub streets were provided to Lot 5, Block 5, each being 60 feet in right-of-way width, 4 blocks would be created with an average of 565.75 feet between connections. This variance is to request that two stub streets be allowed instead of three, which creates the following distances between connections to Lot 5, Block 5: 707 feet between 72<sup>nd</sup> Street West and 71<sup>st</sup> Street West, 874 feet from 71<sup>st</sup> Street West to Maple Leaf Trail, and 743 feet from Maple Leaf Trail to S. 68<sup>th</sup> Street West. Providing two accesses as proposed accomplishes the intended purpose of the cited section of the Subdivision Regulations, which is to encourage grid connectivity, and the resultant block lengths are not unreasonably long. Because Lot 5, Block 5 is within and a part of Maplewood Estates, and because it will be able to access South 72<sup>nd</sup> Street West along its entire frontage, and because it will also be able to access South 68<sup>th</sup> Street West along its entire frontage, another stub street is not deemed necessary besides the two proposed on the preliminary plat (S. 71<sup>st</sup> Street West & Maple Leaf Trail).

1. The granting of this variance will not be detrimental to public health, safety, or general welfare or injurious to other adjoining properties. The undeveloped parcel has more than adequate access and grid connectivity as described above and will provide adequate traffic circulation in the future.
2. A unique condition to this specific site that presents an undue hardship to the owner if the strict interpretation of the cited section of the Subdivision Regulations were followed to the letter is the topography of the site. The land slopes downward to the southeast. Since storm runoff is not allowed to be stored within the public road right-of-way, a retention pond is needed in the southeast corner of the proposed residential area. This retention pond takes 225 feet of the frontage adjacent to the undeveloped land on Lot 5, Block 5, which otherwise could be developed into 2 buildable lots. At the same time, the retention pond provides open space connectivity, which is a mitigating factor in that it reduces the effective block length between Maple Leaf Trail and S. 68<sup>th</sup> Street West to 517.6 feet. Another hardship is having a principal arterial street, South

72<sup>nd</sup> Street West, running along the entire west boundary of the subdivision. This requires greater right-of-way dedication than a local street would require while at the same time restricting access to all lots along the west boundary of the subdivision. This results in a much greater cost, due to both the additional land given up for the dedication itself and the cost of constructing an additional parallel internal road necessitated by the access restriction. If another stub street were required to the south above the 2 proposed, it would either cause the loss of a buildable lot or a narrowing of the lots along the south boundary to accommodate the additional stub. For these reasons, along with those stated in the first paragraph above, another stub street to the south is not warranted. The two proposed stub street accesses provide adequate grid connectivity to the adjacent undeveloped land in this case.

3. This variance will not result in any increase in taxpayer burden.
4. This variance will not place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy. This subdivision is outside the MPO zoning area.
5. Because the objective of neighborhood connectivity is still satisfied by the two proposed stub street accesses provided to the undeveloped adjacent land (Lot 5, Block 5), and because the resulting three block lengths are not unreasonably long, the design of the preliminary plat as shown is equally effective.

Thank you for your consideration of this variance.



Scott Worthington  
In Site Engineering

## Attachment A

Maplewood Subdivision is a proposed major subdivision in Yellowstone County. The applicant is requesting a variance from Section 4.6.B.1 which requires a connection to undeveloped land from this subdivision every 600 feet.

*1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.*

The applicant is proposing to provide two (2) future connections to the vacant land to the south. The Yellowstone County Subdivision Regulations requires one (1) connection every 600 feet maximum. With this requirement the applicant would be required to have three (3) connections but none of them would be 600 feet apart. As outlined in the variance request the proposed two connections are 707 feet from 72<sup>nd</sup> Street to 71<sup>st</sup> Street. From 68<sup>th</sup> Street to Maple Leaf Trail is 743 feet. With 874 feet between Maple Leaf Trail and 71<sup>st</sup> Street. One less connection than what is required will not have a negative impact of future movements between this subdivision and development to the south.

*2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced.*

There are no topographical conditions that would impact the ability to make connections to the south. The land has been used as a farm field and this development only uses half of the land for this project.

*3. The variance will not result in an increase in taxpayer burden.*

The variance will not result in an increase in taxpayer burden. There will be one less section of road to maintain.

*4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy.*

The proposed development is outside of the Yellowstone County zoning jurisdiction and so will not create any non-conformance with zoning.

*5. The subdivider must prove that the alternative design is equally effective, and the objectives of the improvements are satisfied.*

The proposed connections to the south will meet the intent of the regulations, to have connections for future development and not create subdivision islands.

Meeting Date: 07/16/2025

Title: County Zone Change 728 - 4449 and 4511 Central Ave - A to N4

Submitted For: Tate Johnson

Submitted By: Tate Johnson

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TOPIC:

County Zone Change 728 – 4449 and 4511 Central Ave – A to N4 - A zone change request from Agriculture (A) to Large Lot Suburban Neighborhood Residential (N4) on two proposed 1-acre parcels of land to be known as Lots 1 and 2 of Barber Farm Subdivision, in Tract 1A of C/S 2007 Amended, a 57.064-acre parcel of land. A pre-application neighborhood meeting was held on April 24, 2025, at the Emmanuel Baptist Church at 328 S Shiloh Road. Tax ID: D00349

BACKGROUND:

The subject property is located on Tract 1A of COS 2007 Amended and is currently zoned Agriculture 10+ acres (A). It is developed with two separate single-family residential homes. One constructed in 1952 and the other in 1959, and has historically been used for both residential and agricultural purposes. Originally, the property was platted in 1980 and included two tracts: Tract 1A (60.64 acres) and Tract 2A (20.21 acres). In 1983, the boundary lines between the two tracts were adjusted, and in 1984, Tract 2A was further amended to create two parcels: Tract 2A-1 (15.21 acres) and Tract 2A-2 (5 acres). Tract 1A remained intact and is now the subject parcel for this application.

The current Agriculture (A) zoning district is intended to preserve agricultural lands for a wide range of agricultural uses, limit incompatible development, and protect environmental resources. The subject property is already developed with residential uses. More than one principal dwelling is allowed in Agriculture zoning. The Agriculture zone district requires a minimum 10-acre lot size. There is a desire to subdivide the homes away from the remaining parcel of land into two, one-acre lots requiring a zone change. The applicant is proposing a zone change from Agriculture to N4 - Large Lot Suburban Neighborhood Residential for only the portion of the property that includes the two existing homes. This is in order to allow for the creation of two one-acre residential lots. The remainder of the parcel, approximately 55 acres, will remain zoned Agricultural (A). The N4 district is intended for low-density, large-lot residential neighborhoods and is consistent with surrounding zoning and development patterns. The proposed change will bring the residential portion of the property into compliance.

A pre-application neighborhood meeting was held on April 24, 2025, at the Emmanuel Baptist Church. The meeting was hosted by the applicant's representative, Taylor Kasperick of Performance Engineering. Attendees asked why the zone change was being pursued at this time; the applicant explained that the change is necessary to bring the two existing homes into compliance with current zoning standards in order to legally subdivide them onto their own lots. Another question was whether the larger remainder of the parcel would also be rezoned; the applicant clarified that the remainder will remain zoned Agricultural (A) and is not part of the current request. When asked if there is water service to the site, the applicant confirmed that there is an existing well and cistern system. Kasperick also noted that the City of Billings is reviewing plans to extend a 16-inch water main along Central Avenue. A question was also raised about whether Performance Engineering would retain a stake in the property; the applicant confirmed they would not. Lastly, an attendee asked if Broadwater Avenue would be extended through the site, and the applicant responded that there are no plans to extend Broadwater at this time, but eventually this could happen.

This item was originally scheduled for the June 9, 2025, County Zoning Commission meeting. The County Zoning Commission convened its regular meeting on June 9, 2025, with Commissioners Bush, Gentry, and Poppler present. During the disclosure of conflicts of interest, Commissioner Poppler

indicated that he represented the buyer of the larger parcel surrounding the subject property. As the two proposed lots for rezoning had not yet been legally subdivided from the parent parcel, this was determined to be a conflict of interest. Commissioner Poppler recused himself from participation, leaving only two eligible voting members. Planning staff clarified that, under state law, three affirmative votes are required to forward a recommendation on a zone change. With only two eligible voting members, the Commission could not take formal action due to lack of an official quorum. The applicant's agent, Taylor Kasperick, expressed concern over the delay, noting that the postponement could affect contractual timelines and result in financial hardship for the applicant. He suggested that in the future, applicants in similar situations might be forced to pursue variances instead of rezoning due to timing uncertainties. Despite these concerns, staff reiterated that a recommendation could not be forwarded without a voting quorum. The Commission concluded that the only option was to continue the hearing. As a result, Zone Change 728 was continued to the next County Zoning Commission meeting on July 14, 2025.

#### RECOMMENDED ACTION:

Planning staff has reviewed the application and the zoning history of the surrounding area for this area and recommended approval to the Zoning Commission. The County Zoning Commission meeting is scheduled for 4pm on July 14th. As of writing this report, the meeting has not been held. Staff will update the Board of County Commissioners of the Zoning Commission's recommendation and findings at the Discussion Meeting held on July 16, 2025.

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#### Attachments

Zoning Map & Site Photos

Zoning Exhibit

Application & Applicant Letter

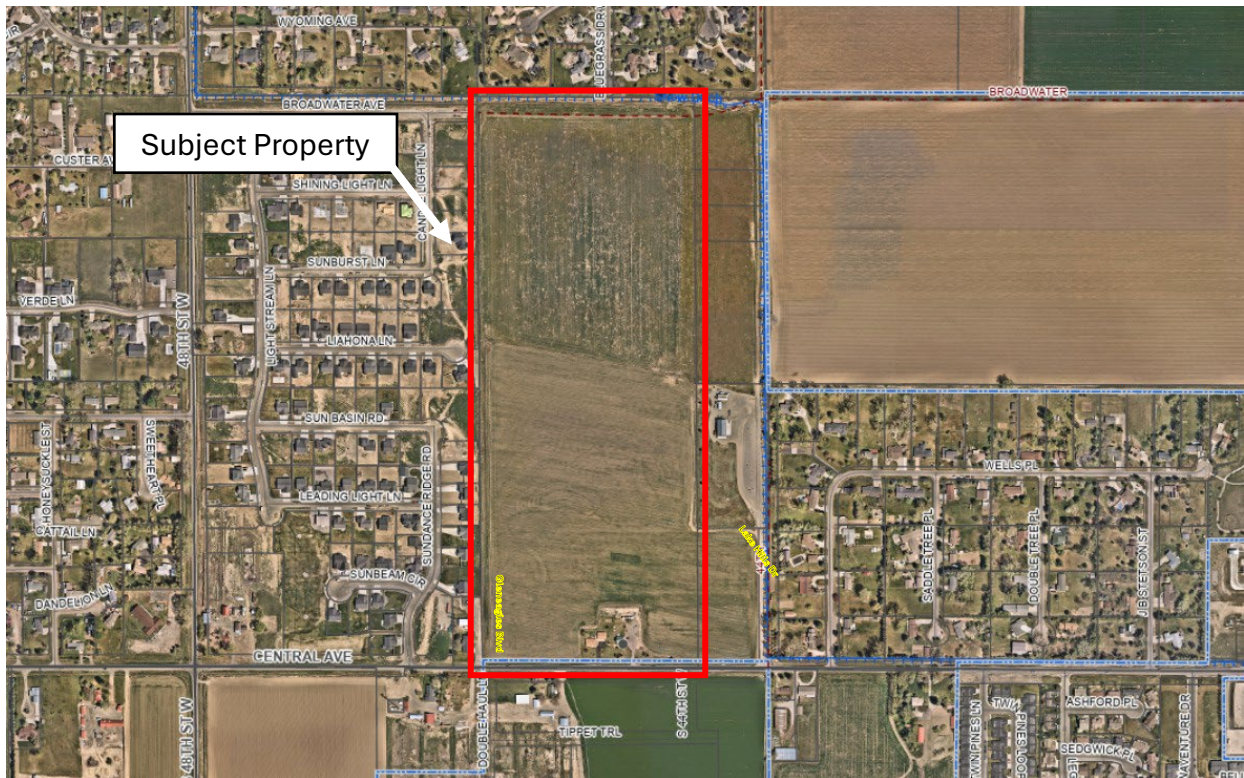
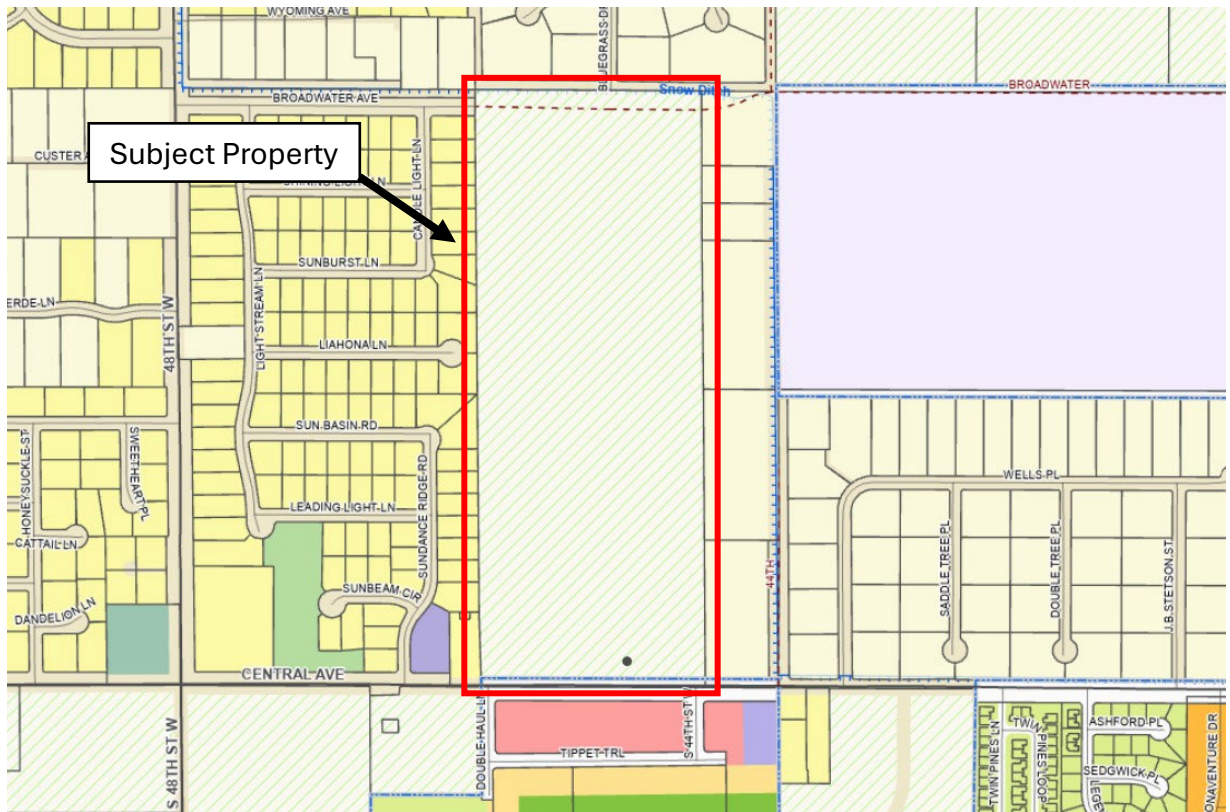
Pre-Application Neighborhood Meeting Information

Proposed Plat

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## Zoning Map and Site Photos







Subject Property



View to the west down Central Avenue





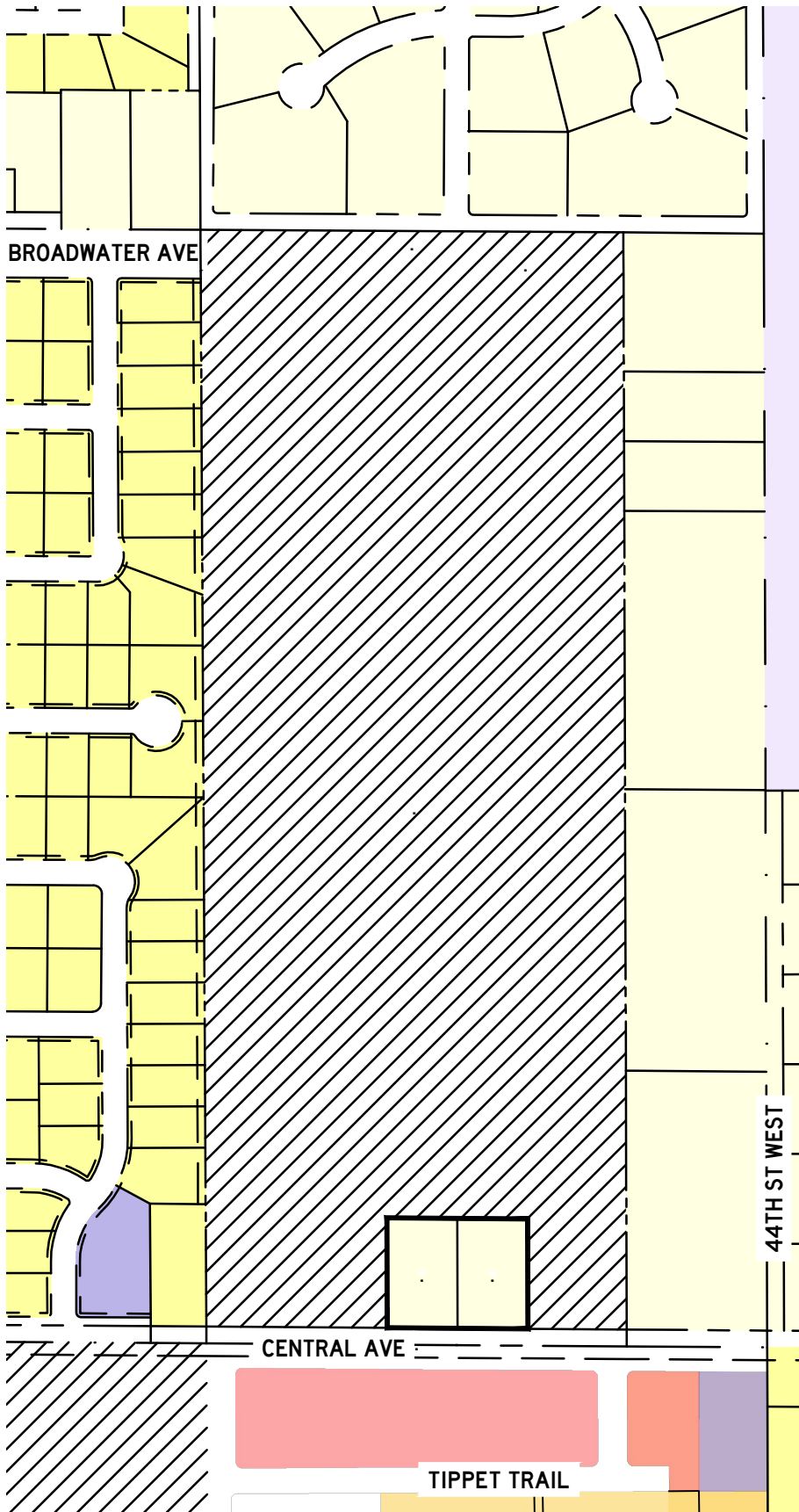
View to the south from Central Avenue



View to the east from Central Avenue









View to the southwest from Central Avenue



**LEGAL DESCRIPTION**

TRACT 1A OF CERTIFICATE OF SURVEY  
NO. 2007, AMENDED, S03, T01S, R25E,  
P.M.M.

**ZONING LEGEND**

-  A - Agricultural (10+ acres)
-  CMU1 - Corridor Mixed- Use
-  N4 - Large Lot Suburban Neighborhood
-  NMU - Neighborhood Mixed-Use
-  PD - Planned Development
-  RR1 - Rural Residential (1 to 2.99 acres)

PROPOSED ZONE  
CHANGE BOUNDARY

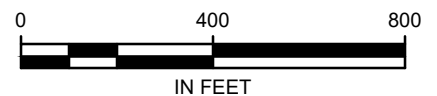
**SITE & STRUCTURE REGULATIONS**

YELLOWSTONE COUNTY ZONING CODE,  
ARTICLE 27-300, SECTION 27-304

**TABLE 27-300-3**

**A. BUILDING SITING**

MIN. LOT WIDTH	120 FT
MIN. LOT SIZE	1 AC
MAX. LOT SIZE (SF)	2.99 AC
FRONT SETBACK	25 FT
STREET-SIDE SETBACK	25 FT
SIDE SETBACK	10 FT
REAR SETBACK	25 FT
ACCESSORY BUILDING YARD LOCATION	REAR AND SIDE
ACCESSORY BUILDING REAR SETBACK	20 FT
MAX. BUILDING COVERAGE	25%



PROJECT TITLE

B & S SUBDIVISION

SHEET TITLE

PROPOSED ZONING MAP

DRAWN BY

KOT

DATE

Apr-25

CHECKED BY

TJK

CLIENT

BARBER FAMILY



3412 COLTON BLVD, SUITE 202  
BILLINGS, MT 59102

**PERFORMANCE**  
ENGINEERING

(406) 384-0080  
www.performance-ec.com

EXHIBIT

A

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## COUNTY APPLICATION FORM

**COUNTY ZONE CHANGE** County Zone Change # \_\_\_\_\_ - Project # \_\_\_\_\_

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the Yellowstone County Unified Zoning Regulations.

Present Zoning: A - Agriculture 10+ Acres

Proposed Zoning: N4

Property Tax ID # D00349 COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: Currently Tract 1-A of COS 2007, Amended. The land is being subdivided concurrently with this zone change application. If approved the zone change will apply to Lots 1 & 2 of Barber Farm Subdivision.

Address or General Location (If unknown, contact County Public Works): \_\_\_\_\_

4511 Central Avenue and 4449 Central Avenue, Billings, MT 59106

Size of Parcel (Area & Dimensions): Lot 1: 34,852 sf (260.74' x 133.67') Lot 2: 34,852 (260.74' x 133.67')

Present Land-Use: Residential House

Proposed Land-Use: Residential House

\*\*\* Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s) Diana Browne

(Record Owner)

(Address)

406-399-5971

(Phone Number)

dbrowne16@aol.com

(email)

Agent(s): Taylor Kasperick (Performance Engineering)

(Name)

3412 Colton Blvd., Suite 202, Billings, MT 59102

(Address)

(406) 384-0080

(Phone Number)

taylor@performance-ec.com

(Email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: Diana Browne Date: 5-2-25

(Record Owner – Digital Signature Allowed)



3412 Colton Boulevard, Suite 202 • Billings, MT 59102 • 406-384-0080

---

## **Tract 1-A of COS 2007, Amended**

### **Zone Change Questions**

- 1. Explain how the proposed project is consistent with the adopted Growth Policy, Neighborhood Plans, and other applicable city development policies.**

The proposed zone change is being applied for concurrently with a subdivision application for the subject property. With the subdivision of this tract of land, two, one acre lots will be created. The current zoning of the subject property is A – Agriculture 10+ acres. After the subdivision of the property, the two lots created that will contain the residential houses will not meet the criteria set out in the Yellowstone County Zoning code for properties zoned A – Agriculture 10+ acres.

- 2. Explain how the proposed zone change meets the 10 statutory criteria for a zone change.**

- a. Whether the new zoning is designed in accordance with the growth policy.**

The new zoning and concurrent subdivision will facilitate the sale of the large portion of land which will remain A – Agriculture 10+ acres for the time being. The proposed zoning for the two, one acre lots is consistent with other residential properties in the area.

- b. Whether the new zoning is designed to secure from fire and other dangers.**

There are plans under review by the City of Billings to extend 16" Ø water main in the Central Avenue right-of-way. The extension of this water main will include the installation of fire hydrants as required by the City of Billings Water and Wastewater regulations. These hydrants will be in close enough proximity to the subject property to provide fire protection.

- c. Whether the new zoning will promote public health, public safety and general welfare.**

The new zoning will not affect public health, public safety or general welfare. The proposed zoning will change the land currently zoned A – Agriculture 10+ acres to RR1. The lot already contains residential homes, the zone change is proposed to adhere to the requirements of the Yellowstone County Zoning Code, more specifically, the lot size requirements for A zones and RR1 zones.

**d. Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.**

The new zoning will facilitate the provision of water, sewerage, and parks by allowing the tract to be subdivided. Once subdivided, the large portion will have the ability to be sold and developed which will require water, sewerage and roads to be expanded and will introduce the development of parks on the land.

**e. Whether the new zoning will provide adequate light and air.**

The new zoning will not affect light and air quality in the area. The proposed zoning will change the land currently zoned A – Agriculture 10+ acres to RR1. The lot already contains residential homes, the zone change is proposed to ensure the properties adhere to the requirements of the Yellowstone County Zoning Code, more specifically, the lot size requirements for A zones and RR1 zones.

**f. Whether the new zoning will affect motorized and nonmotorized transportation.**

The new zoning will not affect motorized and nonmotorized transportation. The proposed zoning will change the land currently zoned A – Agriculture 10+ acres to RR1. The lot already contains residential homes, the zone change is proposed to adhere to the requirements of the Yellowstone County Zoning Code, more specifically, the lot size requirements for A zones and RR1 zones.

**g. Whether the new zoning will promote compatible urban growth in the vicinity of cities or towns.**

The new zoning will facilitate the growth of the city by allowing the tract to be subdivided. Once subdivided, the large portion will have the ability to be sold and developed in accordance with the growth policy.

**h. Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses.**

The proposed zoning will change the land currently zoned A – Agriculture 10+ acres to RR1. The lot already contains residential homes, the zone change is proposed to adhere to the requirements of the Yellowstone County Zoning Code, more specifically, the lot size requirements for A zones and RR1 zones. Therefore, the character of the district will not change based on this zone change.

**i. Whether the new zoning will conserve the value of buildings.**

The new zoning will conserve the value of buildings, as mentioned, the residential homes are already on the lot. The zone change is being proposed to better match the use of the lots.

**j. Whether the new zoning will encourage the most appropriate use of land throughout Yellowstone County.**

As stated previously, the land use of the subject properties will not change with the zone change. The zone change is being proposed to more appropriately match the existing land use of the subject area.

**k. Whether the new zoning will, as nearly as possible, be compatible with the zoning of nearby cities and towns.**

The proposed zoning is consistent with other zones in the area. The subdivision to the east of the subject property is identical to that of the proposed zoning, RR1. The subdivision to the west is zoned N4, another residential county zone.

**3. Explain how the proposed zone change fits in with the existing or planned developments within the area.**

As mentioned previously, the zone change is proposed to more appropriately fit the land use of the subject property. The surrounding area is made up primarily with lots zoned RR1 and N4, both of which are county residential zone districts. It also helps facilitate the development of the large tract of land that will remain agricultural for the time being. This tract will more than likely be primarily residential zones as well.

## **YELLOWSTONE COUNTY**

### **Pre-Application Statement of Owner(s) or Agent(s)**

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form on-line and any attachments along with a completed zone change application form, including any required fees, for a zone change to be processed by the Planning Division.

1. **Present Zoning:** \_\_\_\_\_
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning:  
\_\_\_\_\_  
\_\_\_\_\_
3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:** \_\_\_\_\_  
\_\_\_\_\_
5. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form
6. **A copy of the meeting notice.** please attach to this form
7. **A brief synopsis of the meeting results.** please attach to this form
8. **The undersigned affirm the following:**
  - a) The pre-application neighborhood meeting was held on the \_\_\_\_, day of \_\_\_\_\_, 20\_\_.
  - b) The zone change application is based on materials presented at the meeting.

**Owner (s):** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Email:** \_\_\_\_\_  
\_\_\_\_\_

**Agent (s):** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Email:** \_\_\_\_\_  
\_\_\_\_\_





3412 Colton Blvd, Suite 202 • Billings, MT 59102 • (406) 384-0080

April 17, 2025

Dear Interested Neighbor,

On behalf of Donna, Diana, and Karin Barber, Performance Engineering, LLC, is writing to inform you of a zoning pre-application neighborhood meeting scheduled to be held on **Thursday, April 24<sup>th</sup>** at **Emmanuel Baptist Church**. Interested parties can attend the meeting held from 5:30 – 6:30 PM.

The meeting is being held to discuss a proposed zone change regarding the existing property located west of the intersection of Central Avenue and 44<sup>th</sup> Street West. The owner is requesting the properties shown in the attached exhibits, and described below, be re-zoned as part of a subdivision of the lot:

A portion of Tract 1A of Certificate of Survey No. 2007, Amended located in S03, T01S, R25E, Yellowstone County, Montana except the northern 2,600-feet (58.61 ac remaining A). Having a total area of approximately 2.00 acres.

The intent of the meeting is to make neighboring property owners aware of the proposed zoning change for the subject properties, discuss the potential for redevelopment, and to answer questions about the project. Below is a summary of the existing zoning and the proposed zone changes:

Existing Zone District	Existing Area (acres)	Proposed Zone District	Proposed Area (acres)
A	60.61	A	58.61
		RR1	2.00

Yellowstone County generally describes the zoning districts included in this application as:

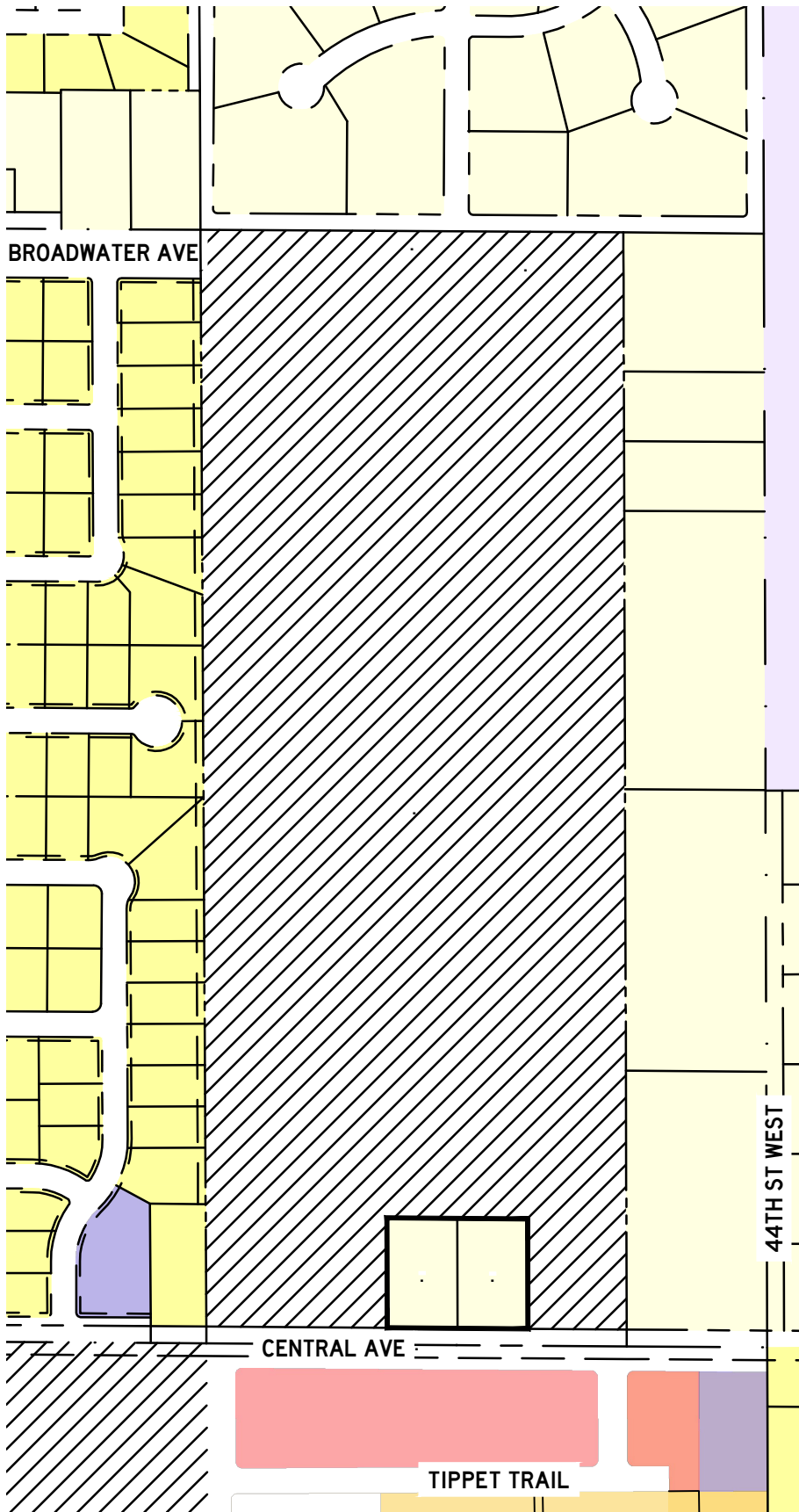
- A : Agriculture
- RR1 : Rural Residential 1
- A total of 2.00 acres is included in the proposed zone change.

Representatives for Performance Engineering, LLC and the Developer will be present at the meeting to answer questions from those who attend. For those unable to attend the meeting, written letters can be directed to Performance Engineering at 3412 Colton Boulevard, Suite 202, Billings, MT 59102, attention Taylor Kasperick, or emails may be sent to [taylor@performance-ec.com](mailto:taylor@performance-ec.com). We look forward to discussing the proposed zone change with you and hope to see you at 5:30 PM on April 24<sup>th</sup> at Emmanuel Baptist Church.

Sincerely,

A handwritten signature in blue ink that reads 'Taylor Jay Kasperick'.







Taylor Kasperick, PE  
Project Manager



**LEGAL DESCRIPTION**

TRACT 1A OF CERTIFICATE OF SURVEY  
NO. 2007, AMENDED, S03, T01S, R25E,  
P.M.M.

**ZONING LEGEND**

-  A - Agricultural (10+ acres)
-  CMU1 - Corridor Mixed- Use
-  N4 - Large Lot Suburban Neighborhood
-  NMU - Neighborhood Mixed-Use
-  PD - Planned Development
-  RR1 - Rural Residential (1 to 2.99 acres)

PROPOSED ZONE  
CHANGE BOUNDARY

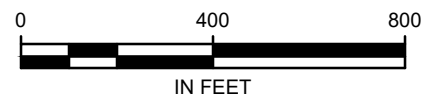
**SITE & STRUCTURE REGULATIONS**

YELLOWSTONE COUNTY ZONING CODE,  
ARTICLE 27-300, SECTION 27-304

**TABLE 27-300-3**

**A. BUILDING SITING**

MIN. LOT WIDTH	120 FT
MIN. LOT SIZE	1 AC
MAX. LOT SIZE (SF)	2.99 AC
FRONT SETBACK	25 FT
STREET-SIDE SETBACK	25 FT
SIDE SETBACK	10 FT
REAR SETBACK	25 FT
ACCESSORY BUILDING YARD LOCATION	REAR AND SIDE
ACCESSORY BUILDING REAR SETBACK	20 FT
MAX. BUILDING COVERAGE	25%



PROJECT TITLE

B & S SUBDIVISION

SHEET TITLE

PROPOSED ZONING MAP

DRAWN BY

KOT

DATE

Apr-25

CHECKED BY

TJK

CLIENT

BARBER FAMILY



3412 COLTON BLVD, SUITE 202  
BILLINGS, MT 59102

**PERFORMANCE**  
ENGINEERING

(406) 384-0080  
www.performance-ec.com

EXHIBIT

A

COPYRIGHT 2025 ©



## 4/24/2025

[illegible]

## Tract 1-A of COS 2007, Amended

Being located in the SW 1/4 of Section 3, T01S, R25E, Yellowstone County, Montana

### Zone Change Neighborhood Meeting Notes

The meeting was conducted from 5:30-6:15 PM on April 24<sup>th</sup>, 2025 at the Emmanuel Baptist Church. The meeting was hosted by Taylor Kasperick of Performance Engineering (agent).

There were four public participants for the meeting, the roster sign-in sheet is attached to this application.

The meeting began with Taylor Kasperick giving an overview of the property and the current zoning.

Taylor informed the participants why it was necessary for the developer to apply for a zone change to the property. Stating Tract 1-A of COS 2007, Amended is currently going through the county subdivision process. As part of the process, two, one acre lots will be created that will contain the existing residential homes on the parcel of land. The current zoning does not allow parcels of land to have an area less than 10 acres,

After discussing the proposed zone change and giving an overview of the property, the floor was opened to questions from the attending individuals. The general questions asked by the attendees and responses are listed below:

- Why the zone change now?
  - The process of the zone change has started now because it is necessitated by the concurrent subdivision application being considered. The subdivision application is being made to allow for the houses to be retained by the current owners and the remaining land to be sold.
- Will the future large tract be zoned RR1?
  - No, the large tract of land will more than likely be annexed into the City of Billings, which does not recognize RR1 as a zoning district. It was noted that the City requires properties larger than 10 acres to follow the Planned Neighborhood Development process which emphasizes mixed zone districts.
- Is there water serving the property?
  - There is no water currently available to the property. However, there are plans that are currently being reviewed by the city to pull water to the western side of the development located directly south on the other side of Central Avenue. The western side of said development aligns with the western side of the subject property, meaning water will be readily available to the property in the near future.
- Will Performance Engineering have stakes in the rest of the parcel?

- Performance Engineering does not have any financial stakes in the rest of the parcel; however, Performance Engineering is contracted by a potential buyer of the land to assist with annexation, zoning, and further subdivision.
- Will Broadwater Avenue be pulled through the property?
  - Yes, Broadwater Avenue will eventually be pulled through the subject property. Eventually, Broadwater Avenue will connect to Shiloh Road at the roundabout; however, plans for this to occur are not known presently provided there are multiple properties east of the subject property that have not dedicated right of way.



PE STANDARD C.T.B.  
4/30/2025 3:24:01 PM

LEGEND	
●	FOUND PROPERTY CORNER, AS DESCRIBED
○	SET PROPERTY CORNER, 5/8" REBAR W/ PEC CAP
⊗	CALCULATED CORNER, NOT FOUND NOT SET
—	SURVEY BOUNDARY
- - -	EXISTING PROPERTY LINE
- - -	PROPOSED PROPERTY LINE
- - -	RIGHT-OF-WAY LINE
- - -	EASEMENT LINE
- - -	SECTION LINE

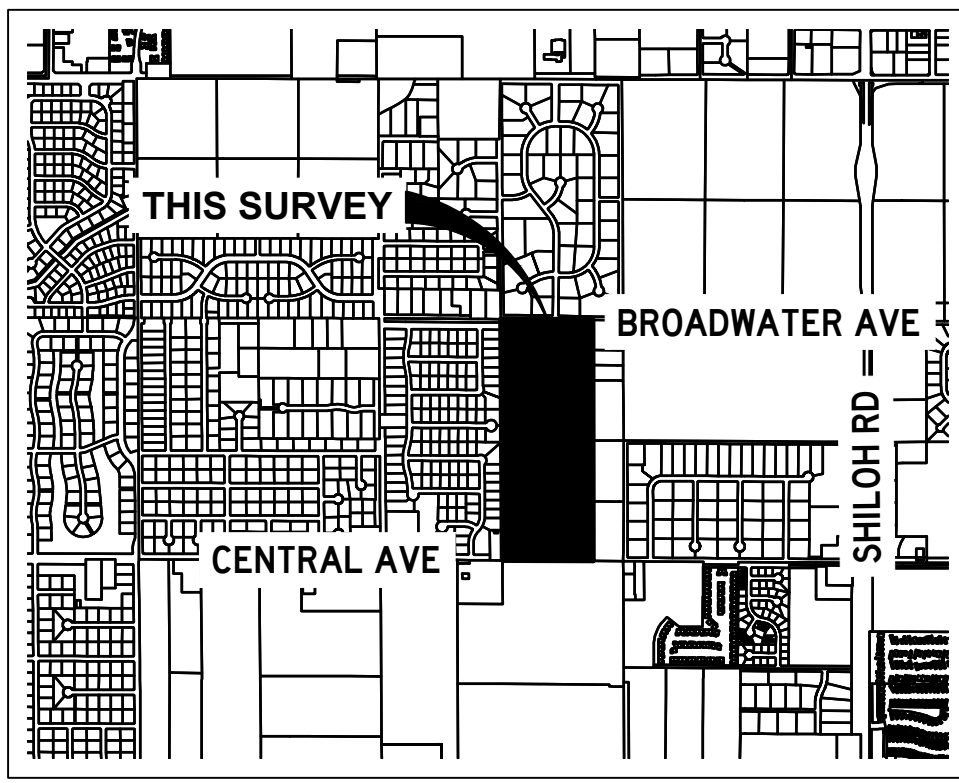
PRELIMINARY PLAT OF  
**BARBER FARM SUBDIVISION**  
BEING TRACT 1A OF CERTIFICATE OF SURVEY NO. 2007, AMENDED  
LOCATED IN THE SW 1/4 OF SECTION 3, TOWNSHIP 01 SOUTH, RANGE 25 EAST, P.M.M.,  
YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : KARIN ELLEN, DONNA MARIE,  
AND DIANA LYNNE BARBER

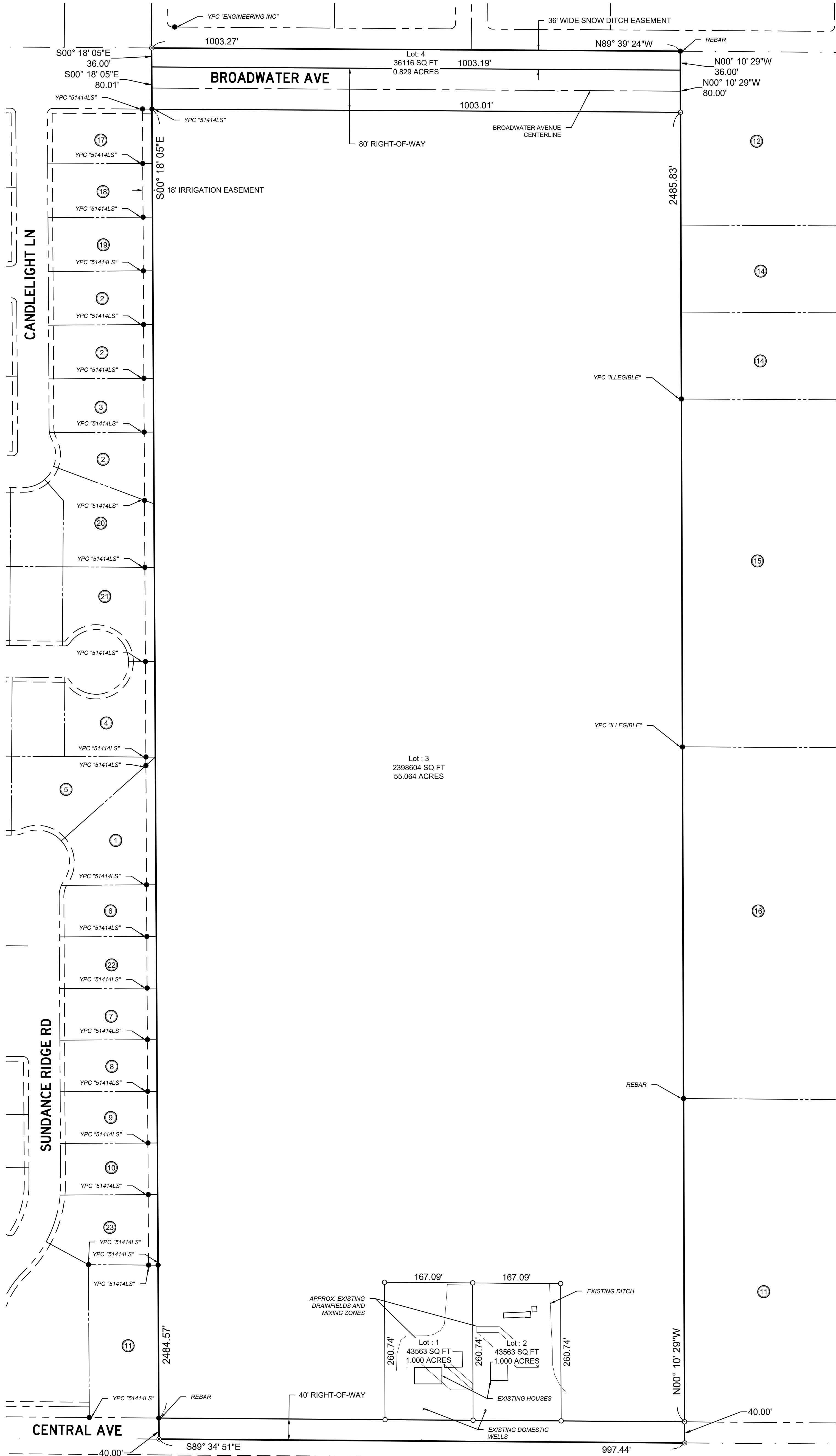


PREPARED BY : PERFORMANCE ENGINEERING, LLC

TOTAL GROSS AREA OF SUBDIVISION : ± 60.651  
TOTAL NET AREA OF SUBDIVISION : ± 57.064  
MARCH 2025



VICINITY MAP  
NOT TO SCALE



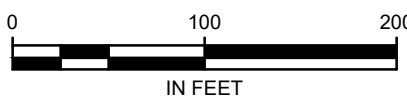
SITE DATA	
NO. OF LOTS	4
MAXIMUM LOT AREA	± 2,398,604 SF
MINIMUM LOT AREA	± 36,116 SF
PARKLAND AREA REQUIRED	0 SF
PARKLAND AREA PROVIDED	0 SF
GROSS ACREAGE	± 60.651 AC
EXISTING ZONING	NONE
EXISTING LAND USE	AGRICULTURAL
PROPOSED LAND USE	AGRICULTURAL / N4
SANITARY SEWER	INDIVIDUAL SEPTIC
WATER	PRIVATE WELL
FIRE SERVICE AREA	BILLINGS URBAN FSA

PROPERTY OWNER INFORMATION	
1	REGAL LAND SUNDANCE, LLC PO BOX 80445 BILLINGS, MT 59108
2	LC CUSTOM HOMES, INC. 2044 BROADWATER AVE, SUITE A BILLINGS, MT 59102
3	MATTHEW W & CHELSEA THOMPSON 5234 BLACK STONE CIR BILLINGS, MT 59106
4	CALEB & KATHARINE EBERLY 4602 LIAHONA LN BILLINGS, MT 59106
5	BENJAMIN & SAGE HAMMER 4227 AUDUBON WAY BILLINGS, MT 59106
6	MARSICH INVESTMENTS, INC. 4804 VERDE LN BILLINGS, MT 59106
7	JAMES J MCDONALD 205 SUNDANCE RIDGE RD BILLINGS, MT 59106
8	PATRICK PETER MCDONALD & MARGARET ANN CARROLL 189 SUNDANCE RIDGE RD BILLINGS, MT 59106
9	JOHN & LISA RITTENHOUSE 165 SUNDANCE RIDGE RD BILLINGS, MT 59106
10	JAMILYN WELLS & CURTIS HARRIS 139 SUNDANCE RIDGE RD BILLINGS, MT 59106
11	BRADLEY W HARDT 4620 CENTRAL AVE BILLINGS, MT 59106
12	THOMAS & MONA THAYER 4825 DIAMOND FALLS RD BILLINGS, MT 59106
14	BIEGEL PROPERTIES LLC 4221 WELLS PL BILLINGS, MT 59106
15	STEVE & CANDACE WELLS PO BOX 80445 BILLINGS, MT 59108
16	JOHN L THIEL REVOCABLE TRUST C/O JOHN L THIEL, TRUSTEE PO BOX 81530 BILLINGS, MT 59108
17	JARDEE RANCH INC 1441 MILL IRON CAMP CROOK RD EKALAKA, 59324
18	RICHARD & SUSAN REPUCCI 643 CANDLE LIGHT LN BILLINGS, MT 59106
19	ROBERT & STACEY LOUCKS 613 CANDLE LIGHT LN BILLINGS, MT 59106
20	CODY KEGEL 501 CANDLE LIGHT LN BILLINGS, MT 59106
21	FREDRICK & PEGGY SCHNEIDER 4231 JULAURA LN BILLINGS, MT 59106
22	JAMES & CATHERINE MCDONALD PO BOX 7454 FORT WORTH, TX 76111
23	KENNETH AUGUST SCHAEFBAUER 117 SUNDANCE RIDGE RD BILLINGS, MT 59106

BASIS OF BEARINGS

Bearings shown on this survey are derived from a low distortion Lambert Conformal Conic single parallel projection with parameters as follows:

Latitude of Origin: 45° 47' 00" N  
Longitude of Origin: 108° 25' 00" W  
Mapping Scale Factor: 1.0001515  
Datum : NAD83 (2011)  
Distances are ground.



Meeting Date: 07/16/2025

Title: County Zone Change 729 - 2602 Rockwood St - RR-3 to N2

Submitted For: Tate Johnson

Submitted By: Tate Johnson

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TOPIC:

County Zone Change 729 – 2602 Rockwood St. – RR-3 to N2 - A zone change request from Rural Residential 3 (RR-3) to Mid Century Neighborhood Residential (N2) on Lot 2, Certificate of Survey 540, S30, T1N, R27E, a 9.48 Acre parcel of land. A pre-application neighborhood meeting was held on May 21, 2025, at the subject property, 2602 Rockwood Street. Tax ID: D06596

BACKGROUND:

The applicant is requesting a zone change from RR-3 (Rural Residential 3-acre minimum) to N2 (Mid-Century Neighborhood Residential) for a parcel located in Lockwood, identified as Certificate of Survey No. 540, generally located at 2602 Rockwood Street. It is currently developed with a mobile home that was placed on the lot in 1974 and has historically been used for residential purposes. This lot is situated within a growing residential area, surrounded by a mix of residential zoning districts, including RMH, N4, and N3. The certificate of survey was originally recorded in June 1950 and has not been amended since. In September 1975, the property was approved for a zone change from Residential 15,000 (R-150) to Residential Manufactured Home (RMH). During the Recode process, it was subsequently reclassified to RR3. The RR-3 zoning districts are intended for single-family homes, with or without agricultural uses. In addition to residential homes, small-scale agricultural uses may be allowed, including stables, livestock and agricultural crops raised for personal use. Basic setback and height parameters apply with a range of allowed lot areas defined by “-1” and “-3”, meaning RR-1 has a minimum lot size of 1 up to 3 acres, and RR-3 has a minimum lot size of 3 up to 10 acres. The proposed N2 zoning district in the county is intended to be similar in character of single-and two-family homes developed during the middle of the twentieth century. These characteristics include homes wide on the lot, garages located on less than a third of the front facade, low-pitched roofs, and doors and windows on the front facades. Building and garage location are specified in the regulations, with basic parameters for front doors and windows. According to Article 27-800, the use of the N2 district in the county requires either connection to county water and sewer services or submission of a Planned Neighborhood Development (PND) application. Currently, water and sewer mains from the Lockwood Water and Sewer District are located adjacent to the property and can be extended to serve future lots. Given the availability of these utility connections, the proposed N2 zoning is permitted. A pre-application neighborhood meeting was held on May 21, 2025, to present the proposed zone change and gather public feedback. The meeting was hosted by the applicant’s agent, WWC Engineering. At the meeting, the agent clarified that the original notification included incorrect zoning descriptions and provided accurate information regarding the request to rezone the property from RR-3 to N2. Due to the confusion caused by the initial letter, attendees requested that a corrected notice be sent and that a second meeting potentially be held. The agent responded that they would contact the Yellowstone County Planning Department for guidance on how to provide clarification to nearby residents. A new letter detailing the correct zoning information was sent out following the meeting. Attendees raised additional questions regarding the proposed layout of the subdivision. The agent explained that a final layout had not been determined, which prompted concerns from residents who felt a zone change should not be approved without a specific development plan. The agent responded that zone changes and subdivisions are separate processes, and that any layout provided at this stage would only be conceptual and subject to change as the process advances. Residents inquired whether duplexes would be permitted on the lots south of Clayton Street. The applicant’s representative clarified that covenants, conditions, and restrictions (CCRs) would be implemented to prohibit duplex development on those lots, allowing only single-family homes. A property owner on Silverton Street raised concerns about the possibility of

extending Silverton Street through the proposed subdivision and requested clarification regarding access points. The agent explained that, since a subdivision plat had not yet been submitted, a definitive layout could not be provided at this time. However, they noted that Yellowstone County Subdivision Regulations require a minimum of two points of access. Potential access routes may include three connections to the west, Sherwood Avenue to the northeast, and a possible southern connection via the unconstructed portion of Clayton Street, offering flexibility for future access planning. Another resident requested a copy of the list of residents who had been notified by mail of the pre-application meeting. The agent stated that this information could be provided via email upon request. Questions were also raised regarding the approximate number of lots that could be created. The agent estimated between 20 to 30 lots, but emphasized that the final number could vary based on factors such as parkland dedication, irrigation easements, roadway dedications, and stormwater requirements. Finally, traffic impacts on the adjacent roadways were discussed. The agent outlined the overall zone change and subdivision process and clarified that a Traffic Impact Study (TIS) would be required as part of the subdivision review, with the number of units driving the scope of that study.

#### RECOMMENDED ACTION:

Planning staff has reviewed the application, the zoning history of the surrounding area, the Lockwood Growth Policy for this area and recommended approval to the Zoning Commission on July 14, 2025. The Commission held a public hearing and reviewed the application and the review criteria findings submitted by staff, and is forwarding a recommendation of \_\_\_\_\_ to the Board of County Commissioners based on those findings. The Zoning Commission is recommending \_\_\_\_\_ of the requested zone change and adoption of the findings of the 11 criteria.

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#### Attachments

Zoning Map & Site Photos

Chart of Zoning History

Application & Applicant Letter

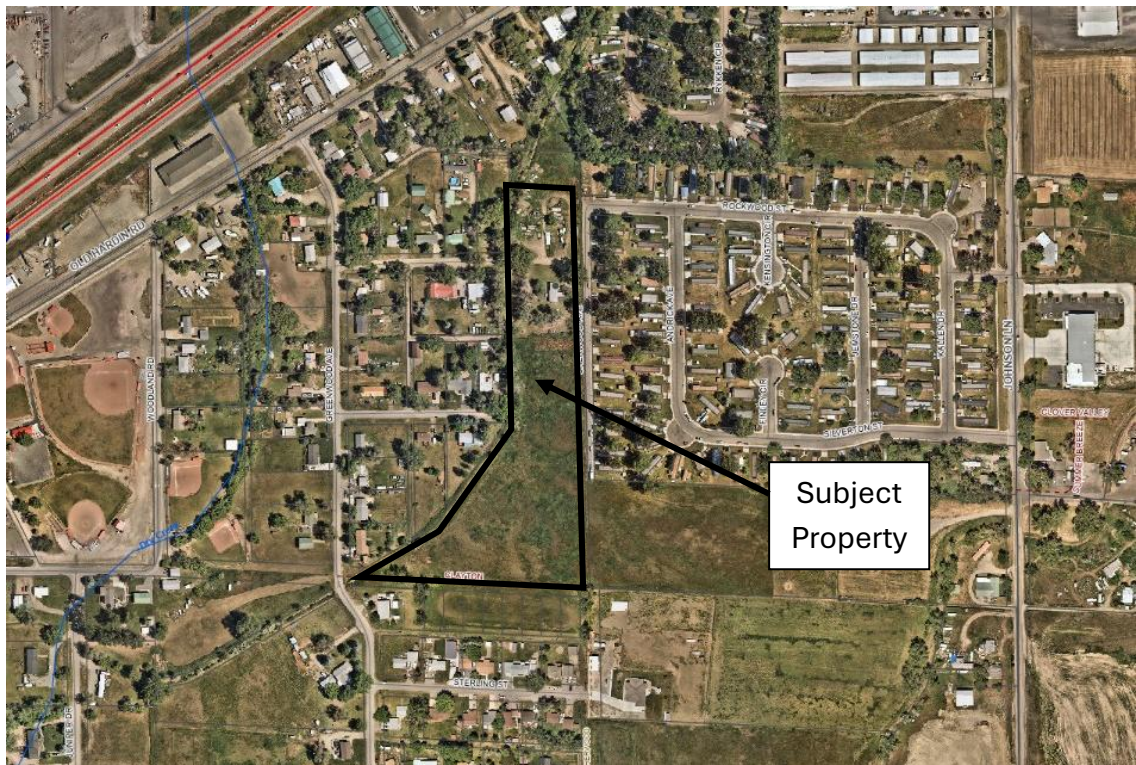
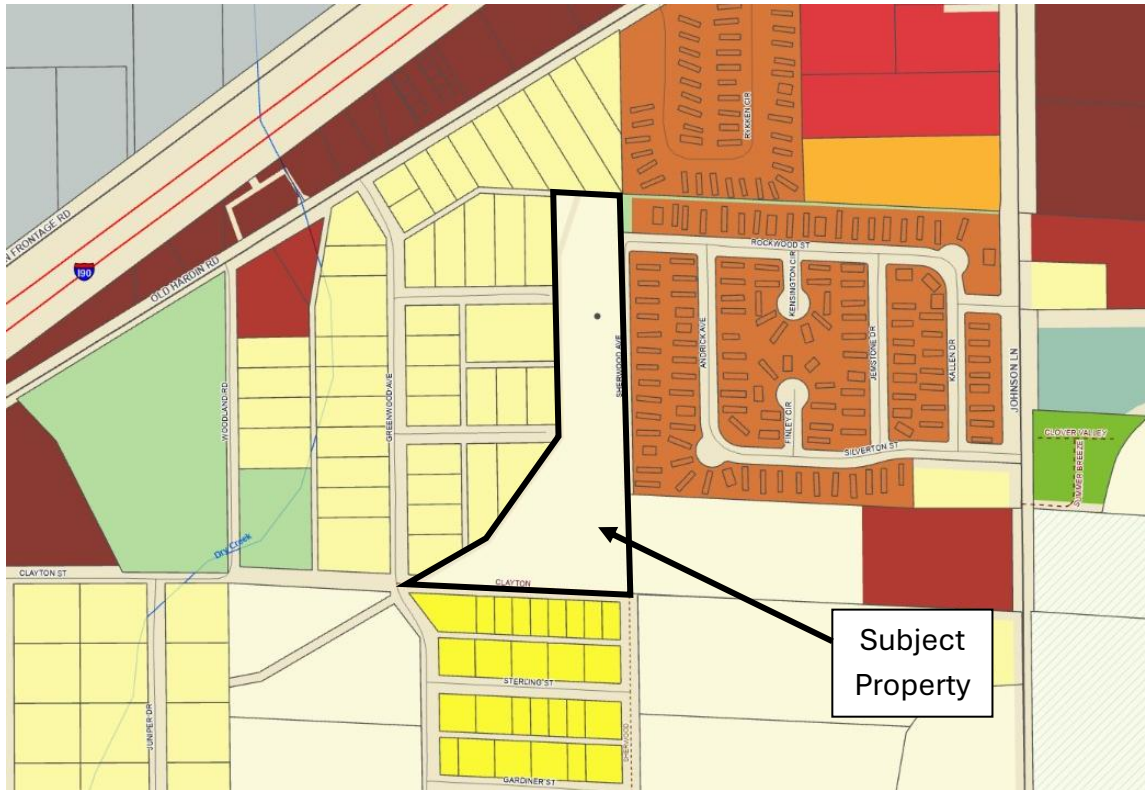
Pre-Application Neighborhood Meeting Information

Zoning Exhibit

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## County Zone Change 729 - Zoning Map & Site Photos







Subject Property



Looking south from subject property





Looking east from the subject property



Looking west from the subject property





Looking north from the subject property

**APPLICABLE ZONING HISTORY – Zone Change 729 – 2602 Rockwood Street**

<b>SUBJECT PROPERTY</b>	<b>ZONE CHANGE</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
C.O.S 540	60	9/30/1975	R-150 to RMO	Y	
C.O.S 540	N/A	2021	Updated to RR3		Updated during Recode
<b>SURROUNDING PROPERTY</b>	<b>ZONE CHANGE</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
S 44 <sup>th</sup> St W	713	10/4/2022	RR3 to RR1	Y	
2433 Highway 87 E	712	10/4/2022	RR3 to NX1	Y	
626 Johnson Ln	704	8/31/2021	CMU2 to NX3	Y	
Cherry Creek Lt 2	703	10/6/2020	R-96 to R-80	N	
133 Eagle Cliff Meadows	702	8/25/2020	A-S to R-150	Y	
2404 & 2422 Old Hardin Rd	701	5/26/2020	R-150 to RMFR	Y	
Grand and 50 <sup>th</sup> St W	690	8/31/2019	A-1 to NC and R-70	N	



## COUNTY APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # \_\_\_\_\_ - Project # \_\_\_\_\_

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the Yellowstone County Unified Zoning Regulations.

Present Zoning: RR-3

Proposed Zoning: N2, Mid-Century Neighborhood Residential

Property Tax ID # D06596 COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: S30, T01 N, R27 E, C.O.S. 540

Address or General Location (If unknown, contact County Public Works): \_\_\_\_\_

2602 ROCKWOOD ST, BILLINGS, MT 59101

Size of Parcel (Area & Dimensions): 9.48

Present Land-Use: rural residential with a single family home

Proposed Land-Use: to develop the property for single- and two-family homes

\*\*\* Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s) Dianne K & Arron E King

(Record Owner)

238 Johnson Lane, Billings, MT 59101

(Address)

(Phone Number)

(email)

Agent(s): WWC Engineering - Greg Reid

(Name)

220 S. 24th Street W, Ste 201, Billings, MT 59102

(Address)

406-894-2210

greid@wwcengineering.com

(Phone Number)

(Email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: Dianne K King Arron E King

(Record Owner's Digital Signature Allowed)

Date: 6-3-25



Owner Under Contract: Copper Forge Ventures, LLC – Lance Story

Phone Number: 406-561-7911

Email Address: [lance.story23@gmail.com](mailto:lance.story23@gmail.com)

A handwritten signature in black ink, appearing to read "Lance Story", written over a horizontal line.

Signature



## YELLOWSTONE COUNTY

### Pre-Application Statement of Owner(s) or Agent(s)

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form on-line and any attachments along with a completed zone change application form, including any required fees, for a zone change to be processed by the Planning Division.

1. Present Zoning: RR-3
2. Written description of the Zone Change Plan including square footage or acres of proposed new zoning:  
N2 - Mid-Century Neighborhood Residential
3. Subject Property Map: please attach to this form
4. Legal Description of Property: COS 540; Section 30, T01N, R27E
5. Roster of persons who attended the pre-application neighborhood meeting: please attach to this form
6. A copy of the meeting notice. please attach to this form
7. A brief synopsis of the meeting results. please attach to this form
8. The undersigned affirm the following:
  - a) The pre-application neighborhood meeting was held on the 21, day of May, 2025.
  - b) The zone change application is based on materials presented at the meeting.

Owner (s): Dianne K & Arron E King Telephone: \_\_\_\_\_

Address: 238 Johnson Lane, Billings, MT 59101 Email: \_\_\_\_\_

Agent (s): WWC Engineering - Greg Reid Telephone: 406-894-2210

Address: 220 S. 24th Street W, Ste 201 Email: aredland@wwcengineering.com  
Billings, MT 59102



**(1) Whether the new zoning is designed in accordance with the growth policy;**

The 2016 Lockwood Growth Policy envisions the community as a self-sustaining area with a defined town center, a vibrant business and industrial corridor, and sufficient housing to support a local workforce. The proposed zoning change from RR-3 to N2 aligns with this vision by allowing the development of additional housing options, thereby supporting residential growth and community sustainability.

**(2) Whether the new zoning is designed to secure from fire and other dangers;**

The proposed zone change will not increase fire or other safety risks in the area. The property is currently served by existing fire hydrants located at the intersections of Greenwood Avenue with Rockwood Street and Silverton Street. As required by Yellowstone County Subdivision Regulations and the Lockwood Water and Sewer District's standards, additional fire hydrants will be installed during subdivision, ensuring adequate fire protection for future residents.

**(3) Whether the new zoning will promote public health, public safety and general welfare;**

The proposed zoning from RR-3 to N2 will promote the general welfare by supporting continued residential development in an area already served by essential infrastructure. Water and sewer mains are located adjacent to the property and can be extended to serve future lots. Stormwater management plans will be required at the time of subdivision, ensuring compliance with Montana Department of Environmental Quality (MDEQ) standards and maintaining environmental and public health safeguards.

**(4) Whether the new zoning will facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements;**

This zoning change has the potential to improve transportation connectivity by extending dead-end streets and adding sidewalks. The Lockwood Water and Sewer District will provide water and sewer service, with infrastructure extensions eliminating existing dead-end mains and improving system flow. While an increase in population may impact local schools and parks, such impacts will depend on the demographics of future residents and will be assessed during the subdivision process.

**(5) Whether the new zoning will provide adequate light and air;**

The N2 zoning district allows for single- and two-family homes and requires that developments include open space for stormwater retention. These open spaces will contribute to the maintenance of light and air circulation within the neighborhood, even with increased housing density.

**(6) Whether the new zoning will effect motorized and nonmotorized transportation;**

The proposed zoning will enhance both motorized and nonmotorized transportation networks. The development will require two points of access, prompting improvements or extensions to adjacent roads to meet county standards. Additionally, as the property lies within the Lockwood Pedestrian Safety District, sidewalks will be required for any new subdivisions, thereby promoting pedestrian safety and accessibility.

**(7) Whether the new zoning will promote compatible urban growth in the vicinity of cities and towns;**

The proposed change supports compact and compatible urban growth in Lockwood by allowing further subdivision into single- and two-family residential lots. Immediate access to water and sewer infrastructure enables efficient development that aligns with the surrounding urban fabric and contributes to the orderly expansion of the community.

**(8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;**

The subject property is surrounded by various residential zoning districts, including RMH, N4, and N3. Rezoning to N2 provides a logical transition between these zones and reflects the area's evolving residential character. The property is well-suited for residential development, and the proposed change offers appropriate land use consistent with the surrounding neighborhood.

**(9) Whether the new zoning will conserve the value of buildings;**

The proposed zoning change is expected to maintain or enhance property values in the area by introducing compatible housing types. Although the development will differ from some existing homes, the addition of well-planned single- and two-family residences will contribute positively to the neighborhood's character and support continued investment in the area.

**(10) Whether the new zoning will encourage the most appropriate use of land throughout Yellowstone County;**

With increasing demand for residential housing across Yellowstone County, rezoning the subject property to N2 supports an appropriate and efficient use of land. The new zoning provides a thoughtful transition between existing residential zones and promotes a balanced mix of housing types, helping to meet current and future housing needs in the Lockwood area.

**(11) Whether the new zoning, as nearly as possible, be compatible with the zoning of nearby cities and towns;**

The proposed zoning is compatible with nearby development patterns and supports the broader goals of regional urban planning. By leveraging existing infrastructure and aligning with the demand for workforce housing, the N2 zoning designation fosters logical growth and development. As Lockwood continues to evolve, this property may also support future commercial uses that benefit from its strategic location and improved accessibility.



## YELLOWSTONE COUNTY

### Pre-Application Statement of Owner(s) or Agent(s)

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form on-line and any attachments along with a completed zone change application form, including any required fees, for a zone change to be processed by the Planning Division.

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8. The undersigned affirm the following:
  - a) The pre-application neighborhood meeting was held on the 21, day of May, 2025.
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Owner (s): Dianne K & Arron E King Telephone: \_\_\_\_\_

Address: 238 Johnson Lane, Billings, MT 59101 Email: \_\_\_\_\_

Agent (s): WWC Engineering - Greg Reid Telephone: 406-894-2210

Address: 220 S. 24th Street W, Ste 201 Email: aredland@wwcengineering.com  
Billings, MT 59102



## **Copper Forge Ventures Zone Change Pre-Application Neighborhood Meeting Minutes**

May 21, 2025 at 6:30 pm

Attendance:

Aaron Redland and Greg Reid – WWC Engineering

See attached sign-in sheet and emails received

The meeting was opened by WWC Engineering (WWC) and an explanation of the zone change process along with the Zoning and County Commissioners meetings that are required for the zone change to be completed was provided. WWC also explained that the descriptions of the current and proposed zoning identified in the letter were incorrect and explained what the correct zoning was.

The attendees were then asked to provide comments or concerns regarding the zone change. The following list summarizes the comments received. Additional comments unrelated to zoning of the property were made and those were not included within the list below, such as asking how traffic would be provided to the future lots. The consensus of the attendees was against the zone change allowing further development of the parcel contributing to increased impacts to the area.

- The discrepancy between the identified zonings in the letter caused less individuals to show up. A new letter was requested to be sent and reschedule the neighborhood meeting so that all potentially interested parties would come.
  - WWC would contact the Yellowstone County Zoning Department for guidance on providing clarification to the nearby residents or if the meeting needed to be rescheduled.
- What is the proposed layout of the subdivision?
  - A layout is not determined at this time. This question was discussed around with some residents stating that a zone change should not be allowed without a layout of exactly what is to be constructed. It was noted to the residents that a zone change and a subdivision are separate actions that are completed and further to that, a sketch of the site would only be a concept rendering and that the layout would be subject to change as the process continues.
- Are duplexes being constructed on the lots south of Clayton Street?
  - No, the CCRs will not allow duplexes to be constructed on those lots, only single-family homes.
- A property owner on Silverton Street expressed that it is not desired for Silverton Street to be extended through. He asked how will access be provided to the future subdivision?
  - Since a subdivision plat is not in review, WWC was not able to answer with certainty how access would be provided for the future subdivision. However, it was explained that per county subdivision regulations, two points of access will be required and that potentially four are available (three to the west and Sherwood Ave to the northeast). It was also noted that the southern potential connection on the unconstructed Clayton Street may provide the most flexibility of connection by being included.
- Can we get a copy of the residents contacted by the mailers?

- Yes, WWC will email a copy of the list provided by Zoning Department to those that requested it.
- How many acres is the subject parcel?
  - WWC did not have that information on hand; the parcel is approx. 6-8 acres
- What is the approximate number of lots that could be created?
  - Maybe 20-30 lots but that is highly variable with parkland dedication, irrigation easement area, roadway dedication, and stormwater requirements that would be necessary in the future.
- Traffic issues through the adjacent roadways was raised as a concern.
  - An explanation of the process of the zone change and then a major subdivision application was given to outline that a Traffic Impact Study (TIS) would be part of the subdivision process as the number of units for the impacts is based upon the subdivision.

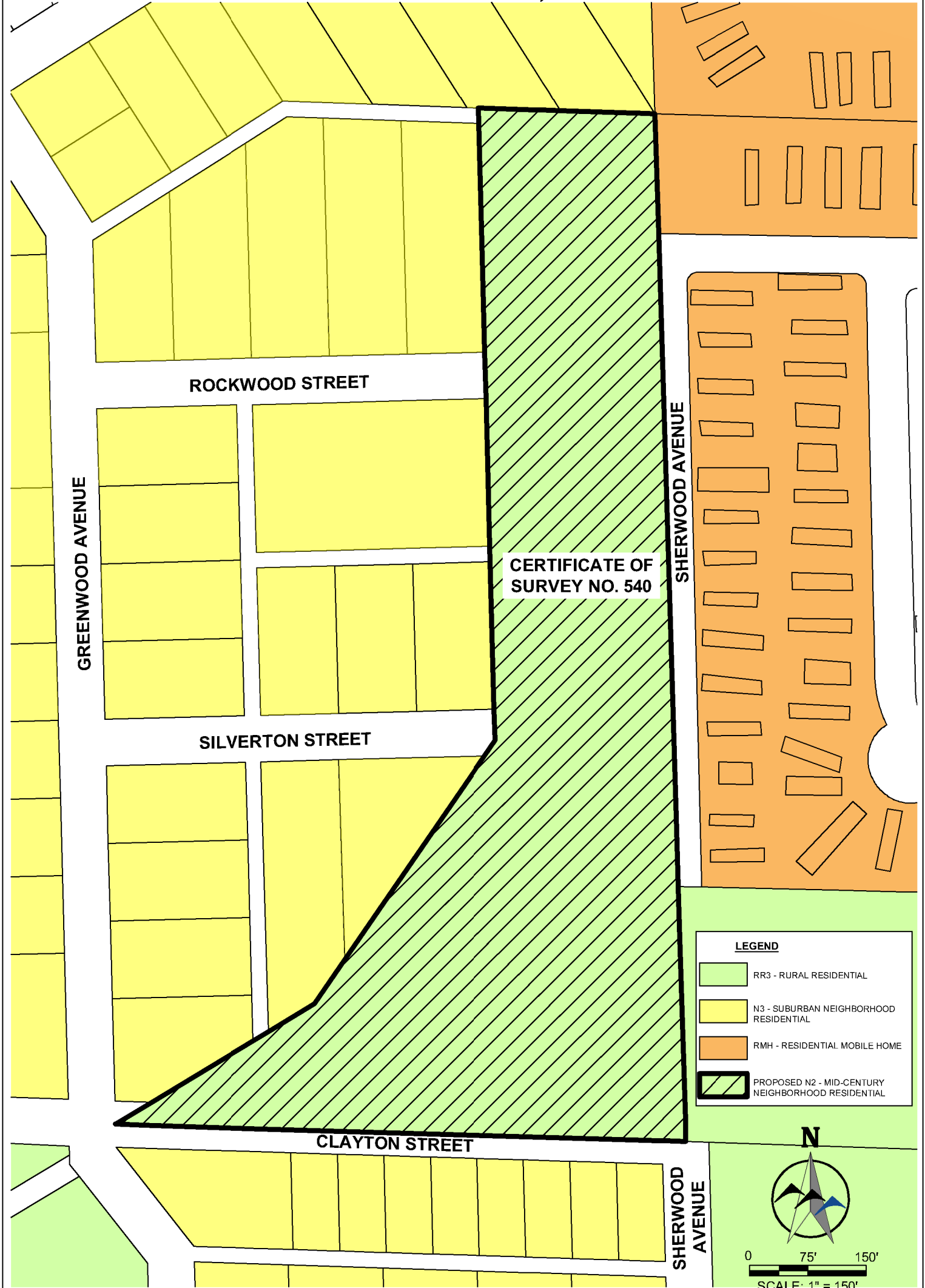
Pre-Application Neighborhood Zone Change Meeting - Copper Forge Ventures LLC

May 21, 2025 at 6:30pm

	<u>Name</u>	<u>Address</u>	<u>Phone no.</u>
1	Danny + Marilyn Smith	2533 Sterling St	406-671-6096
2	Ken Hagel	2537 Silverdon	406-670-5914
3	Jason Fick	2535 Rockwood	406-591-1518
4	Leonard & Cathy Condon	2545 Sterling St	406-248-7061
5	Christos Nakos	832 Granite Estate Lane	406-672-3661
6	Jay Erickson	2517 Sterling St	406-697-6941
7	CHARLES RIDDLE	406 JOHNSON LANE	509-496-1146
8			
9			
10			
11			
12			
13			
14			
15			

# EXHIBIT DRAWING

CERTIFICATE OF SURVEY NO. 540  
YELLOWSTONE COUNTY, MONTANA



CERTIFICATE OF SURVEY NO. 540  
ZONE CHANGE  
**EXHIBIT DRAWING**  
YELLOWSTONE COUNTY, MONTANA

PREPARED FOR  
**COPPER FORGE VENTURES, LLC**

PREPARED BY  
 **WWC** ENGINEERING

DESIGNED BY: AMR  
DRAWN BY: AMR  
CHECKED BY: AMR  
DATE: MAY 2025

SHEET  
**A**

B.O.C.C Wednesday Discussion

2.

Meeting Date: 07/16/2025

Title: Rusty Logan - MET Transit Governance/Funding Study

Submitted By: Erika Guy

---

TOPIC:

**Rusty Logan** - MET Transit Governance/Funding Study

BACKGROUND:

MET Transit Funding and Governance Study

Presented by Rusty Logan, Assistant Transit Director – City of Billings

Billings MET Transit has kicked off the Transit Funding Sustainability and Governance Study and is asking for representation from the County to serve on a Study Review Committee. The study will help guide transit development in Billings and the surrounding areas. MET will provide information and discuss the details of the project.

RECOMMENDED ACTION:

Discuss

---



B.O.C.C Wednesday Discussion

3.

Meeting Date: 07/16/2025

Title: Downtown Billings Alliance - MAAP Program Request for Mental Health Mill Levy Funds

Submitted By: Erika Guy

---

TOPIC:

**Downtown Billings Alliance** - MAAP Program Request for Mental Health Mill Levy Funds

BACKGROUND:

NA

RECOMMENDED ACTION:

Discuss

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Attachments

DBA Presentation FY26

---

downtown  
your spot  
*Billings*

## The Downtown Billings Organization





# Strategic Priorities



1

Promote Public Safety

2

Market Downtown Billings as  
the Best Place to Live, Work, and  
Play

3

Facilitate Thoughtful Downtown  
Development





Kody Christensen

## Downtown Billings Cooperative Safety Team

- Community Resource Director
  - M.A.A.P. Coordination
  - Director of Downtown Outreach Team

### **Partnerships with:**

- Continuum of Care
- Gratitude In Action
- Rimrock Foundation
- Community Crisis Center
- Healthcare for the Homeless/Riverstone
- Mental Health Center



## Downtown Billings Cooperative Safety Team

- Up to THREE Full-Time Billings Police Officers
- 5,000+ calls annually
- Publication of Annual Community Impact Statement
- 50+ Individuals through M.A.A.P.
- 300+ Individuals working with Downtown Outreach Team

# Yellowstone County Public Safety Mental Health Mill Levy

## What the DBA Team Does:

- Engage individuals in Downtown core who:
  - Habitually come in contact with law enforcement
  - Are currently or will be Incarcerated at YCDF
  - Need mental health services

## How the DBA Team Does this:

- Identify habitual offenders
- Provide intervention for law enforcement, detention facility, and healthcare services
- Facilitate handoff to appropriate services
- Track identified utilizers of county services

# Yellowstone County Public Safety Mental Health Mill Levy

## Downtown Billings Cooperative Safety Numbers

- MAAP Clients 7/1/24 - 7/01/25
  - 56 clients
- Downtown Outreach Team Clients 7/1/24 - 7/1/25
  - Over 375 individuals
  - 900+ engagements

Includes before, during and after treatment, accompanying them to court and helping them with navigating sober living and meetings.



# Motivated Addiction Alternative Program (MAAP) Partners

- **Service Partners**

- Community Crisis Center
- Gratitude in Action
- Rimrock
- Mental Health Center
- Adult Teen Challenge
- Recovery Centers of Montana
- Billings Urban Indian Health and Wellness Center

- **Other Partners**

- Yellowstone County Detention Facility
- City of Billings Municipal Court
- Billings Police Department

# Motivated Addiction Alternative Program (MAAP)

- Law Enforcement Contact
  - Clients with quality of life violations will receive qualifying citations/warrants for MAAP
- Jail Diversion
  - Once the client is referred to MAAP, a chemical dependency evaluation is completed to determine proper level of treatment
- Treatment
  - Clients are then exited from YCDF and transported to 30 days in-patient treatment, followed by 60 days out-patient
- Stability
  - While clients are in treatment, intensive case management is completed to set up sober living post treatment
  - Clients are followed up with after exiting MAAP for 1 year to guarantee success

## Motivated Addiction Alternative Program (MAAP) - Looking Forward

- Client transported to YCDF- Misdemeanor Holding Center
  - Client will be engaged with MAAP to complete chemical dependency evaluation
  - Fastest bed date will be offered to client

This will ensure clients are immediately engaged with and diverted out of the justice system and entered into programming.

Team will consist of Licensed Addiction Counselor, Case Manager, Peer Support Specialists, Law Enforcement, and Program Director and will be able to support county wide efforts.

# Yellowstone County Public Safety Mental Health Mill Levy

## Downtown Billings Funding Request

- Community Resource Director - \$75,000 annually
- Cooperative Safety Program - \$67,230 annually

Annual Request: \$162,230

Billed Quarterly: \$ 40,557

Deliverables:

- Quarterly Report and Presentation
  - MAAP Client reports
  - Contact Data
  - YCDF Partnership Report
- Annual Community Impact Statement for MAAP Program

downtown

your spot

*Billings*

for *Questions*

B.O.C.C Wednesday Discussion

4.

Meeting Date: 07/16/2025

Title: Time Clocks for CAB

Submitted By: Erika Guy

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TOPIC:

**I.T. - Time Clocks for CAB**

BACKGROUND:

NA

RECOMMENDED ACTION:

Discuss

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B.O.C.C Wednesday Discussion

5.

Meeting Date: 07/16/2025

Title: Rural Fire Suppression Agreements

Submitted By: Derek Yeager

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TOPIC:

**DES** - Rural Fire Cooperative Suppression Agreements

BACKGROUND:

Attached is the 2025 Cooperative Fire Suppression Agreements, formerly known as "grass fire contracts", that represent agreement with all rural fire departments in Yellowstone County to respond to and suppress wildland fires on behalf of Yellowstone County.

RECOMMENDED ACTION:

Discuss and approve for regular meeting.

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Attachments

25' Fire Suppression Agreements

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# ***YELLOWSTONE COUNTY***

## **COOPERATIVE WILDLAND FIRE SUPPRESSION AGREEMENT**

# ***2025***

This agreement is made and entered into this \_\_\_\_\_ day of July, 2025,

by and between

**YELLOWSTONE COUNTY, MONTANA;** hereinafter referred to as "*The County*",

and the

**BLUE CREEK VOLUNTEER FIRE COMPANY, the HALEY BENCH VOLUNTEER FIRE COMPANY, the MOLT VOLUNTEER FIRE COMPANY, the CUSTER VOLUNTEER FIRE COMPANY, the CITY OF LAUREL FIRE DEPARTMENT, the CITY OF BILLINGS FIRE DEPARTMENT, the SHEPHERD VOLUNTEER FIRE COMPANY, the FUEGO VOLUNTEER FIRE COMPANY, LOCKWOOD RURAL FIRE DISTRICT #8, the WORDEN VOLUNTEER FIRE COMPANY, and BROADVIEW RURAL FIRE DISTRICT #3;** hereinafter collectively referred to as the "*The Fire Agencies*",

The purpose and intent of this Agreement is to reconcile Yellowstone County Wildland Fire Policy (BOCC Resolution 25-42), in satisfaction of the requirements of MCA, to fulfill the terms of obligation upon the Yellowstone County Board of County Commissioners ("*BOCC*") found within the Montana State Cooperative Fire Control Agreement ("*County Co-Op*"), and to establish a wildland fire control cooperative together with The Fire Agencies as noted above, so as to directly protect from wildland fire all private and publicly owned lands outside of the municipal boundaries of Billings and Laurel, and within the geographical boundary of Yellowstone County, and for the purposes of the protection and conservation of range, farm, and forested lands as authority and jurisdiction is found and expressed within Montana Code Annotated 76-13-105(3), and 7-33-2202.

## **RECITALS, REFERENCES, and CITATIONS**

The following are offered as reference to specific enabling legislation and charging statutes and authorities for establishment of jurisdiction, recitals of previously issued and applicable state and county documents, and citations of various other interrelated documents for this purpose:

A. Yellowstone County Wildland Fire Policy and Program Management-Resolution 25-42  
(Attachment A)

B. Montana Code Annotated:

- 76-13-105(3): County to directly protect all other lands where DNRC may not.
- 7-33-2202: County to directly protect private lands outside of municipalities.
- 7-33-4201: City Council Powers over Municipal Fire Service.
- 7-33-2001: Fire Chief's Powers and Duties.
- 7-33-2105: Rural Fire District Trustee's Powers and Duties.
- 7-33-2402: Fire Service Area-Services Offered.
- 7-33-2312: Organization of Volunteer Fire Companies.
- 7-32-2121: Duties of the Sheriff for SAR in the County.
- 10-3-1208: HazMat Local Emergency Response Authority
- 10-4-119: Mandatory Minimum Disposition of Emergency Call Handling.
- ~~7-33-2215: Duties of a County Fire Warden~~
- 50-63-202: Fire Chief or Sheriff to Conduct Cause and Origin Fire Investigation
- 50-63-103: Authority to Collect Costs and Liability of Offender for Damages and Costs.
- 7-33-2205(3): Cost Recovery on Illegal Burning.

C. Resolution 14-22: Workers Compensation Policy for Volunteer Fire Companies

D. Montana State/County Cooperative Fire Protection Agreement: 3/25 (Attachment B)

E. Yellowstone County Annual Operating Plan ("DNRC AOP") (Attachment C)

F. 2025 Automatic Staffed Station Automatic Response Plan

G. Yellowstone County All-Hazard Mutual Aid Agreement

**\*\*This document supersedes and makes null and void all previous Grass Fire Contracts, the Yellowstone County Rural Fire Standard Operating Procedures, and all previous County Cooperative Fire Control documents. \*\***

## AUTHORITIES and DELGATIONS to ACT

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1. It is understood and agreed mutually between The Fire Agencies and The County, that this Agreement form a cooperative fire control relationship for organizing services and practices mutually beneficial and that this document be a "living document" with purpose(s) to guide in structure and inform all manner of cooperative fire control activities and decisions herein occurring regularly and routinely between parties to this Agreement.
2. The Fire Chiefs of The Fire Agencies and including their delegates, respectively, find authority under appointment from the BOCC pursuant to Yellowstone County BOCC Resolution 25-42 (see attached), to exercise the commensurate levels of command and control and undertake cooperative wildland fire suppression operations within both their assigned initial attack areas and also throughout the remainder the county, on behalf of the BOCC, to satisfy the requirements present upon The County and to fulfill The County's policy intent upon any and all private and publicly owned lands and for the purposes of wildland fire protection both within Yellowstone County's geographical boundary and therein as such may occur *outside* of the municipal limits of the Cities of Billings, and Laurel. Wildland fire suppression occurring inside of municipal boundaries is the sole responsibility of the governing bodies of those political subdivisions ([7-33-4201-City Council Powers over Municipal Fire Service](#)) and not a part of this agreement.
3. It is understood and intended that under such an appointment (25-42), the Fire Chiefs of the Fire Department(s) may exercise those powers and duties of the County Rural Fire Chief as  
*A)* such are prescribed within resolution 25-42, and [7-33-2001 Fire Chief's Powers and Duties](#),  
*B)* are applicable to the intent of this Agreement, and *C)* as such are made in good faith and within the course and scope of the duties noted and as applicable for this policy purpose.
4. "Line Authority", as such refers to the founding of authority and jurisdiction discovered in law and the organization and succession of decision-making authority for the purposes of acting upon this jurisdictions obligations with powers, include *A)* the BOCC as the Governing Body of the jurisdiction and the County Fire Warden as their agent, *B)* The County Rural Fire Chief, and *C)* The Fire Chiefs of The Fire Agencies, and their delegates in the Fire Chiefs absence, and respectively. It is mutually understood and agreed that the Agreement formed herein does not include the ceding, abdication, or full delegation of the Fire Chiefs of The Fire Agencies, nor The County's, jurisdictional purview including governance and oversight, or operational control of personnel and equipment, by the entities party to agreement.



## STRUCTURE and ORGANIZATION

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5. County Wildland Fire Initial Attack Areas ("IAA"), depicting geographic boundaries, will be established by the County and mutually agreed upon to be set for the purposes of facilitating computer-aided-dispatching of the appropriate fire departments and other jurisdictions to wildland fires, or the threat thereof, in these respective areas. The intent of such boundaries is to *A)* articulate who receives the first calls of fire or the threat thereof there, and *B)* who is assigned the responsibility to take the lead role in initiating the necessary response required to fulfill the County's fire policy and intent. The purpose of such geographic area assignments is not to establish sole jurisdiction or otherwise to limit such.
6. Once established, fire departments will be dispatched to all incidents which pose threat of wildland fire within their specific initial attack areas and according to various response plans, and at times, also in assistance to other areas upon request of other fire departments or The County.
7. Should one Initial Attack Area (geographically) include the existence of more than one fire department and/or other over-lapping city, county, state, or federal, jurisdiction(s) by function of government service and/or land ownership, it is intended and expected that all entities involved will plan, coordinate immediately, and cooperatively, with all other authorities having jurisdiction ([7-33-2001 \(5\) Fire Chief Expectations to Coordinate with All Authorities Having Jurisdiction](#)) and through use of the Incident Command System ("ICS").
8. The Fire Agencies agree to always keep wildland firefighting personnel and equipment on-call and available for these purposes throughout the effective performance period of this agreement. This is understood as The Fire Agencies being sufficiently available for the performance of this agreement's intent, twenty-four (24) hours a day/7 days each week, all 365 days of the calendar year.
9. Incidents of any other type or nature which do not represent a concern of wildland fire, or the threat thereof (i.e. medical, alarms, etc.) are not a part of this agreement. Such other incidents are a responsibility of a Board of Trustees of Rural Fire Districts ([7-33-2105. Rural Fire District Trustee's Powers and Duties](#)) and Fire Service Areas ([7-33-2402. Fire Service Area-Services Offered](#)), and the Boards of Volunteer Fire Companies ([7-33-2312. Organization of Volunteer Fire Companies](#)), or the Yellowstone County Sheriff ([7-32-2121-Duties of Sheriff for SAR](#)), or the Billings Fire Department ([10-3-1208. HazMat Local Emergency Response Authority](#)), respectively.

10. Pursuant to the requirements upon the County's Public Safety Answering Point (PSAP or "911"), as articulated in MCA 10-4-119, The Fire Agencies and/or any/all other "appropriate jurisdictions" (as related to the reported circumstances) within these Areas will be transmitted all requests for service made by the public and/or other agencies. It is at the sole discretion of the Fire Chief of the Fire Department(s), as to what services, if any, outside of wildland fire protection responses organized by this Agreement, may also be rendered because of and during such requests.
11. The County may engage at any time and in all places, within the extent of its jurisdiction and authority, and to the level and manner necessary to further its own policy and/or fulfill the State's requirements of program supervision, and will engage upon request or as otherwise planned and previously agreed, in assisting The Fire Agencies with any means of assistance necessary to implement the intent and the terms of this Agreement as such are reasonable and practical in an effort to further this County's wildland fire policy achievement together with The Fire Agencies. This includes, but is not limited to, typical assistance such as those activities associated with administration and supervision of the County Co-Op operations within the geographical areas of the applied geographic and functional jurisdiction, and the consistent and direct performance of all manners of coordination between all local, state, and federal agencies as such relate to providing for The Fire Agencies such interagency or multi-agency wildland fire planning and organization, training, prevention, detection, response, suppression, investigation, and mitigation as is required.
12. This and all other manners such as this herein and after, will normally be a duty and responsibility of the Yellowstone County Fire Warden's Office (MCA 7-33-2215 and Resolution 25-42 ) and/or his/her deputy(s), and in cooperation with all local, state, and federal agencies involved in such matters, and under the direction of and as an agent to the BOCC, and subject to the policy of the jurisdictions governing body.
13. Conflict, complaint, issues, ideas, clarifications, proposal, questions, or other such manners of these wildland fire cooperative activities should be documented in writing and addressed to the Yellowstone County Fire Warden who will hold responsibility for reasonable and practical resolution and addressal of issues as such relate to the performance of this policy's intended purposes. As such are particular to the general audience of The Fire Agencies collectively, such will be addressed with the Yellowstone County Fire Council. All other matters will be addressed directly with and between all the parties involved.

## **INDEMNIFICATION, INSURANCE, LIABILITY**

- 14.** It is understood and agreed that the County will not be held liable for any damage to equipment, nor shall it be liable for any accidents to personnel, or equipment, or for any damage caused in fighting such fires as stipulated above. This especially includes all such incidents that occur outside of The County unless approval from The County is obtained *PRIOR TO* the activity occurring elsewhere. It is further understood and agreed by both parties that the Fire Department assumes no liability to the County for loss due to fire or damage by fire, smoke, water, or chemicals used in the fighting of a fire or for any other damages necessary to save life and property or to the delay in answering fire calls which are due to causes or reasons beyond The Fire Department or The County's reasonable control.
- 15.** The Fire Agencies will provide, or otherwise ensure, that all personnel undertaking wildland firefighting activities pursuant to this policy, and only within Yellowstone County, are provided workers compensation insurance. The County may provide this insurance if the local governing body (if there is one) does not possess the authority. The Fire Agencies covered under The County's insurance should provide and regularly maintain a current roster of membership to The County prior to September 30<sup>th</sup> of each year (Resolution 14-22).

## **AGREEMENT TERM, REVIEW, MAINTENANCE and RENEWAL**

- 16.** Any party to this Agreement may terminate their obligation and benefit to said Agreement by rendering in writing their intention of termination at least thirty (60) days in advance of such termination. Such notice from a fire department must be provided in writing to the Yellowstone County Board of County Commissioners. Notice by the County must be provided to the Fire Chief and governing body of The Fire Department. The termination of a party's duties under the contract will take place thirty (60) days after the notice is received by the parties. Such termination will only be in effect regarding the party that provides proper notice. The termination of the agreement regarding one or more fire departments and the County will not terminate the contract between the remaining fire departments and the County.
- 17.** The agreement will be reviewed and renewed annually. If a party does not submit a written intent to renew the contract by the renewal date, the contract shall lapse regarding that party. If the parties that choose not to renew the contract are limited to the agreement between the County and one or more fire departments, the contract shall stay in effect between the County and the remaining fire departments.



## **COMPENSATION, REIMBURSEMENTS, other PAYMENTS**

18. It is agreed and understood that the public's funding allocated by The County to The Fire Department(s) under this agreement is for the sole purpose of implementing this policy's intent and within the geographic boundaries of Yellowstone County. Such funding is not to be used for the purchase and use of gear, equipment, or other expenses, outside of the policy's intent nor outside of Yellowstone County except in previously approved mutual aid scenarios and with the approval of The County PRIOR TO the activity occurring elsewhere.
19. Provided that the requirements of fire investigations is accomplished as notated in [MCA 50-63-202](#), The Fire Agencies and/or The County may cooperate, or independently pursue, legal recovery of costs for certain fires as such are notated within [MCA 7-33-2205](#) and/or that which may occur and apply under [MCA 50-63-103](#).
20. Reimbursements and/or payments, resultant from other activities associated with mobilizations and response of The Fire Agencies equipment and personnel outside the intent and scope of this Agreement, or outside of Yellowstone County, except as such are previously approved by The County, are a responsibility of the mobilizing entity and the responding entity. Such concerns are not a cost or consequence attributable to or agreed by The County unless such is pre-approved in writing by The County.
21. Direct costs not associated with this wildland fire preparedness funding but subsequently consequential to this policy's implementation as intended, may be cause to approach the governing body of the jurisdiction for supplemental funding consideration. Such proposals and/or requests should be pre-emptive so as to receive the governing bodies' approval *PRIOR TO* incurring the expense as The County may not consider such requests without the prior approval of the jurisdictions governing body.
22. It is understood and agreed that all public funding and its use, disposition, and recourse is discoverable through public procedure upon request of The County, The Fire Department(s), or a member of the public and/or their representative agent, and that meetings and documents regarding the use, disposition, and recourse of all these public funds are public meetings and publicly discoverable documents and subject to notification, documentation, and disclosure, under Montana Code Annotated.

**-CONTINUED ON NEXT PAGE-**

**23.COMPENSATION:** The Fire Agencies will be compensated with the amounts outlined below for the fiscal year beginning on July 1, 2025, and ending June 30, 2026.

a. Each Fire Department shall be paid a flat fee of \$13,000 as intended for:

**Flat Fee:**

**2025 PAY SCHEDULE**

Maintenance and Availability Fee	\$13,000/each
Total:	\$13,000 x 10= \$130,000

b. Each Fire Department will be paid an annual acreage fee of \$0.10 per acre as described below:

**Response and Suppression Fee: 2025 PAY SCHEDULE**

Fire Department	Protection Zones	Acreage	\$/Acre	Total	Total Allocation
Broadview RFD 3	RFD 3 & Town of Broadview	113,176	\$0.10	\$11,318	\$24,926
Blue Creek VFC	Blue Creek FSA & Blue Creek IAA**	181,519	\$0.10	\$18,152	\$31,931
Custer VFC	Custer IAA	272,506	\$0.10	\$27,251	\$41,257
Fuego VFC	Fuego FSA	26,961	\$0.10	\$2,696	\$16,088
Haley Bench VFC	Haley Bench IAA	52,740	\$0.10	\$5,274	\$18,731
City of Laurel FD*	Laurel FSA, Laurel IAA	57,189	\$0.10	\$7,473	\$19,187
City of Billings FD*	Billings Urban Fire Service Area	0	Handled by Separate Agreement		
Lockwood RFD 8***	Sage Hills IAA**	8,126	\$0.10	\$813	\$14,158
Molt VFC	Molt IAA	81,639	\$0.10	\$8,164	\$21,693
Shepherd VFC	Shepherd FSA & Shepherd IAA	299,008	\$0.10	\$29,901	\$43,974
Worden VFC	Huntley FSA, Worden IAA	361,838	\$0.10	\$36,183	\$50,402
SUB Totals:		1,472,242		\$145,461	

GRAND TOTALS: (FLAT FEE+ACREAGE FEE Divided by SUB ACREAGE):

**AVE:**

**\$0.19**

**\$282,348**

\*Acreage fee **does not** include acreage inside of Cities of Billings or Laurel, as noted in ITEM 3.

\*\*Acreage fees also **do not** include Crow Tribal Trust Lands, or BIA administered lands as those lands have no reciprocal protection arrangements and fire protection on those lands is provided by the BIA-Rocky Mountain Region.

\*\*\* Acreage within the boundary of Lockwood RFD #8, and Laurel FD 5 and 7, is addressed in charter by Lockwood Rural Fire District #8, and Districts 4,5, and 7.

**County-Covered Expenses not in Shared Allocation**

The County will cover the costs of 911 Dispatching, county wide radio network, supplemental alerting software, burn permitting, workers compensation for The Fire Agencies except Billings, Broadview, Laurel, Molt, and Lockwood Fire Departments, vehicle insurance for "white iron", overtime for afterhours call outs of The County's heavy equipment and operators and support personnel, The County's Fire Warden Office, and fire investigation/traffic control/evacuation support. These costs represent an additional annual expense to The County of **\$586,748** for a total of **\$863,973** or roughly **\$0.59/per county jurisdictional protected acre**.

## SIGNATURE PAGE

The Fire Chiefs of The Fire Agencies, or their presiding officer, as delegates of and as independent contractors to and on behalf of Yellowstone County, and the Yellowstone County Board of County Commissioners, in consideration of the policy and terms contained both herein and aforementioned, do hereby agree as follows:

### THE FIRE AGENCIES:

Blue Creek VFC	<u>rick Cortez</u> Print Name	<u>[Signature]</u> Signature	<u>7-8-25</u> Date
Haley Bench VFC	<u>Rance Gerdes</u> Print Name	<u>[Signature]</u> Signature	<u>7-8-25</u> Date
Molt VFC	<u>STEVE VUCUREVICH</u> Print Name	<u>[Signature]</u> Signature	<u>7-8-25</u> Date
Custer VFC	<u>Levi Hein</u> Print Name	<u>[Signature]</u> Signature	<u>7-8-25</u> Date
City of Laurel	<u>SW HOPPER</u> Print Name	<u>[Signature]</u> Signature	<u>7-8-2025</u> Date
Shepherd VFC	<u>PHILIP EHLERS</u> Print Name	<u>[Signature]</u> Signature	<u>7-8-25</u> Date
Fuego VFC	<u>SIMON HARRIS</u> Print Name	<u>[Signature]</u> Signature	<u>7/8/25</u> Date
Lockwood RFD8	<u>Branden Stevens</u> Print Name	<u>[Signature]</u> Signature	<u>7/8/25</u> Date
Worden VFC	<u>Lance Taylor</u> Print Name	<u>[Signature]</u> Signature	<u>7-8-25</u> Date
Broadview RFD3	<u>Travis Jones</u> Print Name	<u>[Signature]</u> Signature	<u>7-8-25</u> Date

**BOARD OF COUNTY COMMISSIONERS, YELLOWSTONE COUNTY, MONTANA**

\_\_\_\_\_  
Mark Morse, Chairman and Yellowstone County Rural Fire Chief

\_\_\_\_\_  
Michael J. Waters, Member

\_\_\_\_\_  
John Ostlund, Member

\_\_\_\_\_  
Jeff Martin, Clerk & Recorder in ATTEST

*[Faint signature]*

\_\_\_\_\_

**-END-**

# **“Attachment A”**

## **YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS**

Resolution No. 25-42

### **Resolution Establishing County-Wide Wildland Fire Policy and Program Management**

**WHEREAS**, the Yellowstone County Board of County Commissioners has the proper authorities, jurisdiction, and expectation, to undertake and perform the duties associated with wildland fire suppression for the protection and conservation of range, farm, and forest resources upon all private and publicly owned land within the boundary of Yellowstone County, and outside of the City limits of Billings, and Laurel; pursuant to MCA 76-13-105(3) and 7-33-2202, and,

**WHEREAS**, the safety of the public and first responders is paramount in all wildland fire suppression activities occurring within the County's area(s) of operations and legal jurisdiction as defined in 76-13-105(3) and 7-33-2202, and that all private property owners and federal and state land management agencies have an inherent responsibility to manage resources, mitigate fire hazards, and otherwise prevent such fires from occurring on their properties to the extent reasonable and practical and;

**WHEREAS**, when such fires do occur, it shall be a priority to minimize the threat caused by such fires to the first responders, and to the public and their properties to the extent both reasonable and practical and;

**WHEREAS**, it has been this county's experience that such is generally best accomplished by virtue of a well-prepared, fully integrated, and systematically coordinated approach that produces a rapid and aggressive initial fire attack response as such fires are detected and reported to the County and as required by MCA 76-13-105(3), 7-33-2202, and 76-13-115;

### **NOW THEREFORE, BE IT RESOLVED,**

1. It shall be this County's policy that all such wildland fires within the County's area of operations and legal jurisdiction, or other incidents which pose threat upon and thereof, receive a well prepared, fully integrated, and systematically coordinated response that produces a rapid and aggressive initial attack effort and by all those who hold a duty, responsibility, jurisdiction, or are otherwise involved.

2. Inter/multi-agency cooperation and collaboration among all personnel, departments and agencies of the various cities, county, state, and federal agencies is fully intended and expected to occur without exception.

3. Pursuant to Montana Code Annotated Section 7-33-2202(3), the Yellowstone County Board of County Commissioners appoints the Board Chairman as the Yellowstone County Rural Fire Chief.

4. The Board of County Commissioners hereby appoints and delegates, without abdication, those customary and ongoing responsibilities of wildland fire protection within county initial attack areas

and jurisdictions to the Fire Chiefs, or presiding officers as nominated by each agency, of the City of Billings Fire Department, Broadview Rural Fire District #3, Blue Creek Volunteer Fire Company, Custer Volunteer Fire Company, Fuego Volunteer Fire Company, Haley Bench Volunteer Fire Company, City of Laurel Fire Department, Lockwood Rural Fire District #8, Molt Volunteer Fire Company, Shepherd Volunteer Fire Company, and the Worden Volunteer Fire Company.


5. The Board of County Commissioners hereby appoints the County's Director of Emergency Services as the Yellowstone County Fire Warden pursuant to and with the duties included within 7-33-2215 to include acting as liaison between local, state, and federal agencies to coordinate training and wildland and grassland fire prevention, detection, suppression, investigation and mitigation and establishes that the County Fire Warden of Yellowstone County is responsible for implementation of this policy's intent and shall superintend the county wildland fire management program.

6. The County may, in its sole discretion, engage at any time and in all places within and the extent of its jurisdictional and lawful authorities, and to the level and manner it determines necessary, to further its own policy and may engage, upon request or as otherwise planned and previously agreed, in assisting the various local, state, and federal agencies with any means of assistance available and reasonably necessary to implement the intent of this policy. This includes, but is not limited to, typical assistance such as those activities associated with administration and supervision and coordination of the Montana State-County Cooperative Fire Control operations within the geographical areas of the applied geographic and functional authority and jurisdiction, and the consistent and direct performance of all manners of coordination between all local, state, and federal agencies as such relate to providing for such inter/multi-agency wildland fire planning and organization, training, prevention, detection, response, suppression, investigation, and mitigation as may be required to effect this policies intent.

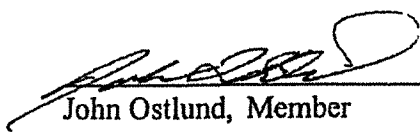
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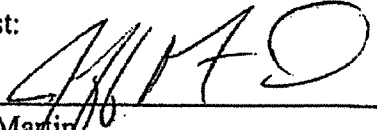
**Passed and Adopted on the 25th day of March, 2025.**

**BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA**

  
\_\_\_\_\_  
Mark Morse, Chairman  
Yellowstone County Commissioner

  
\_\_\_\_\_  
Michael J. Waters, Member  
Yellowstone County Commissioner

  
\_\_\_\_\_  
John Ostlund, Member  
Yellowstone County Commissioner

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

Resolution 25-42: Establishing Yellowstone County Wildland Fire Policy and Program Management



Meeting Date: 07/16/2025

Title: Traffic Signal Equipment Procurement, Central Ave & S 48th St W

Submitted For: Monica Plecker, Public Works Director

Submitted By: Jay Anderson, Deputy Public Works Director

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TOPIC:

**Public Works** - Traffic Signal Equipment Procurement, Central Ave & S 48th St W

BACKGROUND:

Traffic signal equipment has long lead times. Public Works would like to procure this equipment via the informal procurement method (3 bids) to address the long lead time issue.

RECOMMENDED ACTION:

Discuss the long lead times associated with traffic signal equipment and the potential to address the long lead time using an informal procurement method.

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B.O.C.C Wednesday Discussion

7.

Meeting Date: 07/16/2025

Title: Naming of the County Administrative Building

Submitted By: Steve Williams

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TOPIC:

**County Attorney** - Naming of the County Administrative Building

BACKGROUND:

Former Commissioner John Ostlund recently passed away. There has been outreach from the community about naming a building or other item after John. This includes the prospect of naming the County Administrative Building after Commissioner Ostlund.

RECOMMENDED ACTION:

Discuss

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B.O.C.C Wednesday Discussion

8. a.

Meeting Date: 07/16/2025

Title: Resolution 25-86 Solid Waste Disposal District

Submitted By: Anna Ullom, Senior Accountant

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TOPIC:

Resolution 25-86 Solid Waste Disposal District - Amending

BACKGROUND:

Resolution 25-86 Solid Waste Disposal District

RECOMMENDED ACTION:

Discuss.

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Attachments

CRED (Solid Waste Disposal) Resolution #25-86

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**Resolution for Yellowstone County Solid Waste Disposal District**  
**Resolution No. 25-86**

WHEREAS a Resolution creating the Yellowstone County Solid Waste Disposal District was passed on June 1, 1982 under Section 7-13-204, Montana Code Annotated 1981 (Repealed), which allowed the county commissioners to create a solid waste disposal district for the purpose of collection and/or disposal of refuse. The boundaries of said district consist of all land in Yellowstone County, except that land included within the incorporated cities of Billings, Broadview, and Laurel, Montana.

WHEREAS, properties exempt from assessment are the following:

1. All commercial property
2. All vacant property
3. Exempt and partially exempt properties, including tribal lands, state school trust land, city, county or state land, and land included within the incorporated cities of Billings, Broadview, and Laurel, Montana.

WHEREAS, the fee assessed for this district is applied to all units in the district (except as detailed above) that are receiving a service, for the purpose of maintenance and operation of said district. The fees shall be based upon a family residential unit (which means the residence of a single family). The Department of Revenue and/or the Treasurer's Office shall insure that a designated fee for this service is placed on the tax notices, to be collected with the tax. If a property owner fails to pay said fee, it shall become a lien upon the property. The cost to each family residential unit in said district is \$25.00, pursuant to Resolution 21-75.

WHEREAS, the Yellowstone County Commission manages the District, pursuant to Sections 7-11-1021 Montana Code Annotated 2023. The powers and duties of the County Commissioners shall consist of those set forth by Montana Statute, specifically Sections 7-11-1021 Montana Code Annotated 2023.

WHEREAS, the County Attorney is hereby designated the legal adviser of the solid waste disposal district and shall prosecute and defend all suits to which the district may be a party. A district or board may employ special legal counsel to defend any such suits in the event a conflict of interest would prohibit such defense by the County Attorney.

WHEREAS, this resolution shall supersede all prior resolutions regarding the Yellowstone County Solid Waste Disposal District.

NOW THEREFORE, be it resolved, by the Board of County Commissioners of Yellowstone County, Montana:

Passed and Adopted on the 22<sup>nd</sup> day of July, 2025.

Attest:

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Mark Morse, Chairman

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Michael J. Waters, Member

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Jeff Martin  
Clerk & Recorder

B.O.C.C Wednesday Discussion

8. b.

Meeting Date: 07/16/2025

Title: CAB Moving RFP

Submitted For: Matt Kessler, Purchasing Agent

Submitted By: Erika Guy

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TOPIC:

CAB Moving RFP

BACKGROUND:

NA

RECOMMENDED ACTION:

Discuss

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