

COMMISSIONER MEETINGS

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

THURSDAY - NOVEMBER 13, 2025

8:45 Calendar

9:00 COMMISSIONERS DISCUSSION

PLEDGE

DEPARTMENTS

1. **Planning** - Updated Buildings for Lease or Rent Regulations
2. **Public Works** -
 - a. Speed Study - Laurel Airport Road and Yard Office
 - b. Boundary Expansion for RSID 733M (Red & King Gulch)
 - c. Continued - Community Water and Wastewater RSID Requirement

COMMISSIONERS

1. MetraPark Advisory Board Bylaws Update
2. Commissioner Board Reports

PUBLIC COMMENTS ON COUNTY BUSINESS

Meeting Date: 11/13/2025

TITLE: Updated Buildings for Lease or Rent regulations (BLR)

PRESENTED Dave Green

BY:

DEPARTMENT: Planning Department

TOPIC:

Planning - Updated Buildings for Lease or Rent Regulations

INTRODUCTION:

The Planning Division is bringing forward the proposed updated Buildings for Lease or Rent (BLR) regulations for Yellowstone County.

The Planning Division has worked with County Public Works and County Legal staff on updating the BLR regulations to incorporate recent State legislative amendments required by SB 174. This bill removes RV parks and Mobile Home parks from the subdivision regulations review and moves them into BLR requirements in the un-zoned areas of Yellowstone County. Any RV park or Mobile Home park within the zoned area of Yellowstone County will go through the Master Site Plan review for compliance with existing county road regulations, fire suppression regulations and zoning regulations.

Planning updated the BLR regulations, consulting with County Public Works, and County Legal. The updated BLR regulations were written by taking the RV and Mobile Home parks section from the Yellowstone County Subdivision Regulations and modifying them for the BLR regulations. Chapter 6 was Subdivisions for Rent or Lease. This included RV and Mobile Home Parks. Chapter 4 of the Yellowstone County subdivision regulations are Development Requirements. This chapter was used as a template for the requirements of developing RV and Mobile Home park sites.

The only significant change in these regulations is the removal of the requirement to install a gate on private roads within Building for Lease or Rent developments. The Planning, Public Works, and Legal Departments discussed the implications of gates in connection with private roads. The regulations continue to designate internal roads within RV parks and mobile home parks as private; however, the installation of a gate will no longer be required. Because mobile home and RV parks are more susceptible to fire hazards, eliminating gates helps reduce potential delays in emergency response times. Maintaining private roads within these developments also relieves the County of maintenance responsibilities. To help mitigate fire risks, the regulations require a centrally located dry hydrant and the dedication of an easement for access and maintenance of the dry hydrant.

Planning staff placed the proposed regulations on the Planning Division website and also sent them to consultants/engineering firms for input. The proposed regulations will also be discussed at a meeting with the Homebuilders Association on November 12 at 1pm. Due to the timing of that meeting, any input received will be shared with the Commissioners at the discussion meeting.

ALTERNATIVES ANALYZED:

The purpose of the County's BLR review process is to identify potential negative effects on the public and County services when property is being developed. When negative effects are identified, it is the developers' responsibility to mitigate those effects. Various County departments and private service/utility providers will review proposed developments and provide input on effects and mitigation.

FINANCIAL IMPACT:

This update to BLR regulations will not have any financial impacts on the Planning Division.

RECOMMENDATION

Staff is recommending approval of the proposed Buildings for Rent or Lease Regulations Resolution of Intent at the November 18, 2025 meeting of the Board of County Commissioners to move the adoption process forward.

Attachments

Resolution Intent

SB 174

Proposed BLR regulations

Original BLR

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 25-128

Resolution of Intent to Adopt Amended Yellowstone County Buildings for Rent or Lease Regulations

WHEREAS, pursuant to Sections 76-8-107(1) of the Montana Code Annotated, a board of county commissioners has the authority to enact buildings for rent or lease regulations. Pursuant to Section 76-8-107(3) of the Montana Code Annotated for a board to enact the regulations it has to pass a resolution of intent, set a public hearing, provide notice of the public hearing, hold a public hearing, receive public comment, consider the public comment and pass a resolution.

WHEREAS, in 2025, the Montana Legislature passed Senate Bill No. 174. The Bill required local governments to review the creation of recreational vehicle and manufactured home parks under the standards for the creation of buildings for rent or lease. Prior to the Bill, local governments reviewed the creation of the recreational vehicle and manufactured home parks under the standards for the creation of a subdivision. To effectuate the change, Yellowstone County needs to move its regulations on the creation of recreational vehicle and manufactured home parks from its subdivision regulations to its buildings for rent or lease regulations. The County needs to eliminate its recreational vehicle and manufactured home parks regulations from its subdivision regulations and add them to its buildings for rent or lease regulations. The County needs to amend both its subdivision and buildings for rent or lease regulations. This resolution only addresses the buildings for rent or lease regulations. The County will pass a separate resolution related to its subdivision regulations. Attached are the Bill, the Current Buildings for Lease or Rent Regulations and the Proposed Buildings for Lease or Rent Regulations.

NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners intends to adopt amended Yellowstone County Buildings for Rent or Lease Regulations to include recreational vehicle and manufactured home parks.

On December 23, 2025, the Board will hold a public hearing on the adoption of the amended regulations. At the hearing, the Board will receive comments on the regulations. The Board orders the Yellowstone County Clerk and Recorder to provide notice of the hearing, make copies of the regulations available to the public, receive written comments on the regulations and provide the comments to the Board before the hearing.

After the hearing, if the Board believes that it is in the best interest of the public to adopt the regulations, it will pass a resolution to adopt the regulations. If the Board believes that it is not in the best interest of the public to adopt the regulations, it will pass a resolution not to adopt the regulations.

Passed and Adopted on the 18th day of November 2025.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

Mark Morse, Chair

Michael J. Watters, Member

Chris White, Member

ATTEST:

Jeff Martin, Clerk and Recorder

Attachments

- Bill
- Current Regulations
- Proposed Regulations

Chronology

- Discussion Meeting – November 13, 2025
- Resolution of Intent – November 18, 2025
- Notice of Public Hearing Publication – November 21, 2025
- Notice of Public Hearing Posting – November 21, 2025 – December 21, 2025 (30 days)
- Notice of Public Hearing Publication – November 28, 2025
- Public Hearing / Resolution – December 23, 2025

Documents

- Report on Modification of Buildings for Rent or Lease Regulations
- Current Regulations
- Proposed Regulations
- Resolution of Intent
 - Minutes of Meeting
 - Recording of Meeting
- Notice of Public Hearing Publication and Posting
- Affidavit of Public Notice
- Resolution
 - Minutes of Meeting
 - Recording of Meeting
 - Written Public Comments



AN ACT REVISING LAWS RELATED TO THE REVIEW OF BUILDINGS FOR LEASE OR RENT; REQUIRING RECREATIONAL VEHICLES AND MOBILE HOMES TO BE CONSIDERED BUILDINGS FOR LEASE OR RENT FOR THE PURPOSES OF SUBDIVISION REVIEW; AND AMENDING SECTIONS 76-3-103, 76-3-504, 76-3-621, AND 76-8-101, 76-8-103, AND 76-8-107, MCA.”

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-3-103, MCA, is amended to read:

"76-3-103. Definitions. As used in this chapter, unless the context or subject matter clearly requires otherwise, the following definitions apply:

- (1) "Certificate of survey" means a drawing of a field survey prepared by a registered surveyor for the purpose of disclosing facts pertaining to boundary locations.
- (2) "Cluster development" means a subdivision with lots clustered in a group of five or more lots that is designed to concentrate building sites on smaller lots in order to reduce capital and maintenance costs for infrastructure through the use of concentrated public services and utilities, while allowing other lands to remain undeveloped.
- (3) "Dedication" means the deliberate appropriation of land by an owner for any general and public use, reserving to the landowner no rights that are incompatible with the full exercise and enjoyment of the public use to which the property has been devoted.
- (4) "Division of land" means the segregation of one or more parcels of land from a larger tract held in single or undivided ownership by transferring or contracting to transfer title to a portion of the tract or properly filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to this chapter. The conveyance of a tract of record or an entire parcel of land that was created by a previous division of land is not a division of land.

(5) "Examining land surveyor" means a registered land surveyor appointed by the governing body to review surveys and plats submitted for filing.

(6) "Final plat" means the final drawing of the subdivision and dedication required by this chapter to be prepared for filing for record with the county clerk and recorder and containing all elements and requirements set forth in this chapter and in regulations adopted pursuant to this chapter.

(7) "Governing body" means a board of county commissioners or the governing authority of a city or town organized pursuant to law.

(8) "Immediate family" means a spouse, children by blood or adoption, and parents.

(9) "Minor subdivision" means a subdivision that creates five or fewer lots from a tract of record.

(10) "Phased development" means a subdivision application and preliminary plat that at the time of submission consists of independently platted development phases that are scheduled for review on a schedule proposed by the subdivider.

(11) "Planned unit development" means a land development project consisting of residential clusters, industrial parks, shopping centers, or office building parks that compose a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in common ownership or use.

(12) "Plat" means a graphical representation of a subdivision showing the division of land into lots, parcels, blocks, streets, alleys, and other divisions and dedications.

(13) "Preliminary plat" means a neat and scaled drawing of a proposed subdivision showing the layout of streets, alleys, lots, blocks, and other elements of a subdivision that furnish a basis for review by a governing body.

(14) "Public utility" has the meaning provided in 69-3-101, except that for the purposes of this chapter, the term includes county or consolidated city and county water or sewer districts as provided for in Title 7, chapter 13, parts 22 and 23, and municipal sewer or water systems and municipal water supply systems established by the governing body of a municipality pursuant to Title 7, chapter 13, parts 42, 43, and 44.

(15) "Subdivider" means a person who causes land to be subdivided or who proposes a subdivision of land.

(16) "Subdivision" means a division of land or land so divided that it creates one or more parcels

containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title to the parcels may be sold or otherwise transferred and includes any resubdivision and a condominium. ~~The term also means an area, regardless of its size, that provides or will provide multiple spaces for rent or lease on which recreational camping vehicles or mobile homes will be placed.~~

(17) (a) "Tract of record" means an individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office.

(b) Each individual tract of record continues to be an individual parcel of land unless the owner of the parcel has joined it with other contiguous parcels by filing with the county clerk and recorder:

(i) an instrument of conveyance in which the aggregated parcels have been assigned a legal description that describes the resulting single parcel and in which the owner expressly declares the owner's intention that the tracts be merged; or

(ii) a certificate of survey or subdivision plat that shows that the boundaries of the original parcels have been expunged and depicts the boundaries of the larger aggregate parcel.

(c) An instrument of conveyance does not merge parcels of land under subsection (17)(b)(i) unless the instrument states, "This instrument is intended to merge individual parcels of land to form the aggregate parcel(s) described in this instrument" or a similar statement, in addition to the legal description of the aggregate parcels, clearly expressing the owner's intent to effect a merger of parcels."

Section 2. Section 76-3-504, MCA, is amended to read:

"76-3-504. Subdivision regulations -- contents. (1) The subdivision regulations adopted under this chapter must comply with the requirements provided for in 76-3-501 and, at a minimum:

(a) list the materials that must be included in a subdivision application in order for the application to be determined to contain the required elements for the purposes of the review required in 76-3-604(1);

(b) except as provided in 76-3-509, 76-3-609, or 76-3-616, require the subdivider to submit to the governing body an environmental assessment as prescribed in 76-3-603;

(c) establish procedures consistent with this chapter for the submission and review of subdivision

applications and amended applications;

(d) prescribe the form and contents of preliminary plats and the documents to accompany final plats;

(e) provide for the identification of areas that, because of natural or human-caused hazards, are unsuitable for subdivision development. The regulations must prohibit subdivisions in these areas unless the hazards can be eliminated or overcome by approved construction techniques or other mitigation measures authorized under 76-3-608(4) and (5). Approved construction techniques or other mitigation measures may not include building regulations as defined in 50-60-101 other than those identified by the department of labor and industry as provided in 50-60-901.

(f) prohibit subdivisions for building purposes in areas located within the floodway of a flood of 100-year frequency, as defined by Title 76, chapter 5, or determined to be subject to flooding by the governing body;

(g) prescribe standards for:

(i) the design and arrangement of lots, streets, and roads;

(ii) grading and drainage;

(iii) subject to the provisions of 76-3-511, water supply and sewage and solid waste disposal that meet the:

(A) regulations adopted by the department of environmental quality under 76-4-104 for subdivisions that will create one or more parcels containing less than 20 acres; and

(B) standards provided in 76-3-604 and 76-3-622 for subdivisions that will create one or more parcels containing 20 acres or more and less than 160 acres; and

(iv) the location and installation of public utilities;

(h) provide procedures for the administration of the park and open-space requirements of this chapter;

(i) provide for the review of subdivision applications by affected public utilities and those agencies of local, state, and federal government identified during the preapplication consultation conducted pursuant to subsection (1)(q) or those having a substantial interest in a proposed subdivision. A public utility or agency review may not delay the governing body's action on the application beyond the time limits specified in this

chapter, and the failure of any agency to complete a review of an application may not be a basis for rejection of the application by the governing body.

(j) when a subdivision creates parcels with lot sizes averaging less than 5 acres, require the subdivider to:

(i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;

(ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or

(iii) reserve and sever all surface water rights from the land;

(k) (i) except as provided in subsection (1)(k)(ii), require the subdivider to establish ditch easements in the subdivision that:

(A) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;

(B) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and

(C) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.

(ii) Establishment of easements pursuant to this subsection (1)(k) is not required if:

(A) the average lot size is 1 acre or less and the subdivider provides for disclosure, in a manner acceptable to the governing body, that adequately notifies potential buyers of lots that are classified as irrigated land and may continue to be assessed for irrigation water delivery even though the water may not be deliverable; or

(B) the water rights are removed or the process has been initiated to remove the water rights from the subdivided land through an appropriate legal or administrative process and if the removal or intended removal is denoted on the preliminary plat. If removal of water rights is not complete upon filing of the final plat, the subdivider shall provide written notification to prospective buyers of the intent to remove the water right and shall document that intent, when applicable, in agreements and legal documents for related sales transactions.

(l) require the subdivider, unless otherwise provided for under separate written agreement or filed easement, to file and record ditch easements for unobstructed use and maintenance of existing water delivery ditches, pipelines, and facilities in the subdivision that are necessary to convey water through the subdivision to lands adjacent to or beyond the subdivision boundaries in quantities and in a manner that are consistent with historic and legal rights;

(m) require the subdivider to describe, dimension, and show public utility easements in the subdivision on the final plat in their true and correct location. The public utility easements must be of sufficient width to allow the physical placement and unobstructed maintenance of public utility facilities for the provision of public utility services within the subdivision.

(n) establish whether the governing body, its authorized agent or agency, or both will hold public hearings;

(o) establish procedures describing how the governing body or its agent or agency will address information presented at the hearing or hearings held pursuant to 76-3-605 and 76-3-615;

(p) establish criteria that the governing body or reviewing authority will use to determine whether a proposed method of disposition using the exemptions provided in 76-3-201 or 76-3-207 is an attempt to evade the requirements of this chapter. The regulations must provide for an appeals process to the governing body if the reviewing authority is not the governing body.

(q) establish a preapplication process that:

(i) requires a subdivider to meet with the authorized agent or agency, other than the governing body, that is designated by the governing body to review subdivision applications prior to the subdivider submitting the application;

(ii) requires, for informational purposes only, identification of the state laws, local regulations, and growth policy provisions, if a growth policy has been adopted, that may apply to the subdivision review process;

(iii) requires a list to be made available to the subdivider of the public utilities, those agencies of local, state, and federal government, and any other entities that may be contacted for comment on the subdivision application and the timeframes that the public utilities, agencies, and other entities are given to respond. If, during the review of the application, the agent or agency designated by the governing body contacts a public utility, agency, or other entity that was not included on the list originally made available to the subdivider, the agent or agency shall notify the subdivider of the contact and the timeframe for response.

(iv) requires that a preapplication meeting take place no more than 30 days from the date that the authorized agent or agency receives a written request for a preapplication meeting from the subdivider; and

(v) establishes a time limit after a preapplication meeting by which an application must be submitted;

(r) require that the written decision required by 76-3-620 must be provided to the applicant within 30 working days following a decision by the governing body to approve, conditionally approve, or deny a subdivision;

~~(s) establish criteria for reviewing an area, regardless of its size, that provides or will provide multiple spaces for recreational camping vehicles or mobile homes.~~

(2) In order to accomplish the purposes described in 76-3-501, the subdivision regulations adopted under 76-3-509 and this section may include provisions that are consistent with this section that promote cluster development."

Section 3. Section 76-3-621, MCA, is amended to read:

"76-3-621. Park dedication requirement. (1) Except as provided in 76-3-509 or subsections (2), (3), and (6) through (9) of this section, a subdivider shall dedicate to the governing body a cash or land donation equal to:

- (a) 11% of the area of the land proposed to be subdivided into parcels of one-half acre or smaller;
- (b) 7.5% of the area of the land proposed to be subdivided into parcels larger than one-half acre and not larger than 1 acre;
- (c) 5% of the area of the land proposed to be subdivided into parcels larger than 1 acre and not larger than 3 acres; and

(d) 2.5% of the area of the land proposed to be subdivided into parcels larger than 3 acres and not larger than 5 acres.

(2) When a subdivision is located totally within an area for which density requirements have been adopted pursuant to a growth policy under chapter 1 or pursuant to zoning regulations under chapter 2, the governing body may establish park dedication requirements based on the community need for parks and the development densities identified in the growth policy or regulations. Park dedication requirements established under this subsection are in lieu of those provided in subsection (1) and may not exceed 0.03 acres per dwelling unit.

(3) A park dedication may not be required for:

- (a) land proposed for subdivision into parcels larger than 5 acres;
- (b) subdivision into parcels that are all nonresidential;
- (c) a subdivision in which parcels are not created, except when that subdivision provides ~~permanent multiple spaces for recreational camping vehicles, mobile homes, or for~~ condominiums;
- (d) a subdivision in which only one additional parcel is created; or
- (e) except as provided in subsection (8), a first minor subdivision from a tract of record as described in 76-3-609(2).

(4) The governing body, in consultation with the subdivider and the planning board or park board that has jurisdiction, may determine suitable locations for parks and playgrounds and, giving due weight and consideration to the expressed preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. When a combination of land donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation.

(5) (a) In accordance with the provisions of subsections (5)(b) and (5)(c), the governing body shall use the dedicated money or land for development, acquisition, or maintenance of parks to serve the subdivision.

(b) The governing body may use the dedicated money to acquire, develop, or maintain, within its jurisdiction, parks or recreational areas or for the purchase of public open space or conservation easements only if:

- (i) the park, recreational area, open space, or conservation easement is within a reasonably close proximity to the proposed subdivision; and
- (ii) the governing body has formally adopted a park plan that establishes the needs and procedures for use of the money.
- (c) The governing body may not use more than 50% of the dedicated money for park maintenance.
- (6) The local governing body shall waive the park dedication requirement if:
 - (a) (i) the preliminary plat provides for a planned unit development or other development with land permanently set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the development; and
 - (ii) the area of the land and any improvements set aside for park and recreational purposes equals or exceeds the area of the dedication required under subsection (1);
 - (b) (i) the preliminary plat provides long-term protection of critical wildlife habitat; cultural, historical, or natural resources; agricultural interests; or aesthetic values; and
 - (ii) the area of the land proposed to be subdivided, by virtue of providing long-term protection provided for in subsection (6)(b)(i), is reduced by an amount equal to or exceeding the area of the dedication required under subsection (1);
 - (c) the area of the land proposed to be subdivided, by virtue of a combination of the provisions of subsections (6)(a) and (6)(b), is reduced by an amount equal to or exceeding the area of the dedication required under subsection (1); or
 - (d) (i) the subdivider provides for land outside of the subdivision to be set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the subdivision; and
 - (ii) the area of the land and any improvements set aside for park and recreational uses equals or exceeds the area of dedication required under subsection (1).
- (7) The local governing body may waive the park dedication requirement if:
 - (a) the subdivider provides land outside the subdivision that affords long-term protection of critical wildlife habitat, cultural, historical, or natural resources, agricultural interests, or aesthetic values; and
 - (b) the area of the land to be subject to long-term protection, as provided in subsection (7)(a),

equals or exceeds the area of the dedication required under subsection (1).

- (8) (a) A local governing body may, at its discretion, require a park dedication for:
 - (i) a subsequent minor subdivision as described in 76-3-609(3); or
 - (ii) a first minor subdivision from a tract of record as described in 76-3-609(2) if:
 - (A) the subdivision plat indicates development of condominiums or other multifamily housing;
 - (B) zoning regulations permit condominiums or other multifamily housing; or
 - (C) any of the lots are located within the boundaries of a municipality.
- (b) A local governing body that chooses to require a park dedication shall specify in regulations the

circumstances under which a park dedication will be required.

(9) Subject to the approval of the local governing body and acceptance by the school district trustees, a subdivider may dedicate a land donation provided in subsection (1) to a school district, adequate to be used for school facilities or buildings.

- (10) For the purposes of this section:
 - (a) "cash donation" is the fair market value of the unsubdivided, unimproved land; and
 - (b) "dwelling unit" means a residential structure in which a person or persons reside.
- (11) A land donation under this section may be inside or outside of the subdivision."

Section 4. Section 76-8-101, MCA, is amended to read:

"76-8-101. Definitions. As used in this part, the following definitions apply:

- (1) "Building" means a structure or a unit of a structure with a roof supported by columns or walls for the permanent or temporary housing or enclosure of persons or property or for the operation of a business. ~~Except as provided in 76-3-103 (16) the~~ The term includes a recreational camping vehicle, mobile home, or cell tower or multiple spaces for lease or rent under single ownership on which recreational vehicles as defined in 61-1-101 or mobile homes as defined in 15-24-201 will be placed. The term does not include a condominium or townhome.
- (2) "Department" means the department of environmental quality provided for in 2-15-3501.
- (3) "Governing body" means the legislative authority for a city, town, county, or consolidated city-county government.

(4) "Landowner" means an owner of a legal or equitable interest in real property. The term includes an heir, successor, or assignee of the ownership interest.

(5) "Local reviewing authority" means a local department or board of health that is approved to conduct reviews under Title 76, chapter 4.

(6) "Supermajority" means:

(a) an affirmative vote of at least two-thirds of the present and voting members of a city or town council;

(b) a unanimous affirmative vote of the present and voting county commissioners in counties with three county commissioners;

(c) an affirmative vote of at least four-fifths of the present and voting county commissioners in counties with five commissioners;

(d) an affirmative vote of at least two-thirds of the present and voting county commissioners in counties with more than five commissioners; or

(e) an affirmative vote of at least two-thirds of the present and voting members of the governing body of a consolidated city-county government.

(7) "Tract" means an individual parcel of land that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office."

Section 5. Section 76-8-103, MCA, is amended to read:

"76-8-103. Buildings for lease or rent -- exemptions. (1) A building created for lease or rent on a single tract is exempt from the provisions of this part if:

(a) the building is in conformance with applicable zoning regulations adopted pursuant to Title 76, chapter 2, parts 1 through 3, provided that the zoning contains the elements of 76-8-107; or

(b) when applicable zoning regulations are not in effect:

(i) the building was in existence or under construction before September 1, 2013;

(ii) the building provides accommodations as defined in 15-68-101 that are subject to the lodging facility use tax under Title 15, chapter 65, except for spaces created for recreational camping vehicles or mobile

home parks;

- (iii) the building is created for lease or rent for farming or agricultural purposes;
- (iv) the building is not served by water and wastewater and will not be leased or rented;
- (v) the building is served by water and wastewater and the landowner records a notarized

declaration with the clerk and recorder of the county in which the property is located stating that the proposed building will not be leased or rented. The declaration recorded pursuant to this subsection (1)(b)(v) runs with the land and is binding on the landowner and all subsequent landowners and successors in interest to the property.

The declaration must include but is not limited to:

- (A) the name and address of the landowner;
- (B) a legal description of the tract upon which the proposed building will be located; and
- (C) a specific description of the building on the tract of record.

(2) Any building that is exempt under subsection (1) from the provisions of this part and that is or will be served by water or wastewater must be in compliance with the provisions of 76-8-106.

(3) The exemption provided in subsection (1)(b)(i) is limited to the first three buildings created for lease or rent on a single tract."

Section 6. Section 76-8-107, MCA, is amended to read:

"76-8-107. Buildings for lease or rent -- four or more buildings -- regulations. (1) A governing body shall adopt regulations for the administration and enforcement of the creation of four or more buildings for lease or rent on a single tract.

(2) The regulations adopted pursuant to this section must, at a minimum:

(a) list the materials that must be included in an application for the creation of four or more buildings for lease or rent;

(b) require a description of:

- (i) property boundaries;
- (ii) onsite and adjacent offsite streets, roads, and easements;
- (iii) geographic features;
- (iv) existing septic tanks and drainfields;

- (v) existing wells; and
 - (vi) existing and proposed buildings;
 - (c) require adequate water supply and sewage and solid waste disposal facilities;
 - (d) require an assessment of potential significant impacts on the surrounding physical environment and human population in the area to be affected, including conditions, if any, that may be imposed on the proposal to avoid or minimize potential significant impacts identified;
 - (e) require adequate emergency medical, fire protection, and law enforcement services;
 - (f) require access to the site; ~~and~~
 - (g) comply with applicable flood plain requirements; and
 - (h) comply with an adopted growth policy.
- (3) Prior to adopting regulations pursuant to this section, the governing body shall provide an opportunity for public hearing and comment on the proposed regulations. Notice of the public hearing must be published as provided in 7-1-2121 if the governing body is a county commission or as provided in 7-1-4127 if the governing body is a city commission or a town council and must be posted not less than 30 days before the public hearing in at least five public places, including but not limited to public buildings. Public comment must be addressed before the regulations are adopted."

Section 7. Coordination instruction. If either House Bill No. 233 or House Bill No. 534, or both, and [this act] are passed and approved and if either or both and [this act] contain a section that amends 76-8-101, then the sections amending 76-8-101 in House Bill No. 233 and House Bill No. 534 are void.

Section 8. Applicability. [This act] applies to recreational camping vehicles and mobile home spaces created on or after [the effective date of this act].

- END -

I hereby certify that the within bill,
SB 174, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2025.

Speaker of the House

Signed this _____ day
of _____, 2025.

SENATE BILL NO. 174

INTRODUCED BY F. MANDEVILLE

AN ACT REVISING LAWS RELATED TO THE REVIEW OF BUILDINGS FOR LEASE OR RENT; REQUIRING RECREATIONAL VEHICLES AND MOBILE HOMES TO BE CONSIDERED BUILDINGS FOR LEASE OR RENT FOR THE PURPOSES OF SUBDIVISION REVIEW; AND AMENDING SECTIONS 76-3-103, 76-3-504, 76-3-621, AND 76-8-101, 76-8-103, AND 76-8-107, MCA.”

**Yellowstone County
Buildings for Lease or Rent
Application & Review Process**

1 CHAPTER 1: GENERAL PROVISIONS

1.1 Purpose

The following regulations are intended to provide a process for the acceptance and review of applications for the creation of buildings for lease or rent in the unincorporated areas of Yellowstone County, Montana. The lease or rent of buildings on a tract of record may directly impact the property and its surroundings with regard to vehicular access, public health, safety, and general welfare, the provision of public services and utilities, and the physical environment. These regulations are adopted for the purpose of considering and mitigating potential impacts resulting from buildings proposed for rent or lease on a single tract of record, ensuring protection of the public's health, safety and general welfare.

1.2 Authority & Administration

- A. These regulations are adopted under the authority of Sections 76-8-101, et seq., MCA
- B. The City-County Planning Division having jurisdiction is designated by the Board of County Commissioners of Yellowstone County to administer these regulations, including the review of any applications submitted, preparation of a recommendation of approval, conditional approval, or denial of the application to the Board for its consideration.
- C. The Board of County Commissioners has authority to approve, conditionally approve, or deny the application for the creation of buildings for lease or rent pursuant to these regulations.

1.3 Applicability

- A. These regulations apply to all lands within unincorporated areas of Yellowstone County.
- B. In their interpretation and application, the provisions of this chapter may be regarded as the minimum requirements for the protection of the public's health, safety, and welfare.
- C. This resolution is not intended to abrogate or annul any building permit, certificate of occupancy, variance, or other lawful permit issued before the effective date of this resolution.
- D. These regulations apply to all Buildings for Lease or Rent (BLR) including Recreational Vehicle Parks (RV) and Mobile Home Parks.

1.4 Definitions

- A. *Administrator* – The individual designated by the governing body to carry out the terms of these regulations.
- B. *Applicant* – The owner, or designated representative, of land for which an application for the creation of a building for lease or rent has been submitted.
- C. *Building* – As defined in Section 76-8-101(1), MCA, a structure or a unit of a structure with a roof supported by columns or walls for the permanent or temporary housing or enclosure of persons or property or for the operation of a business. The term includes cell tower or multiple spaces for lease or rent under single ownership on which recreational vehicles as defined in 61-1-101, MCA or mobile homes as defined in 15-24-201, MCA will be placed. The term does not include a condominium or townhome.
- D. *Department* – As defined in Section 76-8-101(2), MCA, the department of environmental quality provided for in 2-15-3501.
- E. *Driveways* – Access driveways are defined as an access serving one or two lots and not more than five dwellings.
- F. *Expansions* – Major expansions would be 6 or more new spaces. Subsequent minor expansion would be 5 or fewer new spaces.
- G. *Governing body* – As defined in Section 76-8-101(3), MCA, the legislative authority for a city, town, county, or consolidated city-county government.
- H. *Landowner* – As defined in Section 76-8-101(4), MCA, an owner of a legal or equitable interest in real property. The term includes an heir, successor, or assignee of the ownership interest.
- I. *Local reviewing authority* – As defined in Section 76-8-101(5), MCA, a local department or board of health that is approved to conduct reviews under Title 76, chapter 4.
- J. *Roads* – Accesses serving more than two lots, or five dwellings shall be considered a road and built to road standards.
- K. *Supermajority* – As defined in Section 76-8-101(6), MCA, a unanimous affirmative vote of the present and voting county commissioners in counties with three county commissioners.
- L. *Tract* – As defined in Section 76-8-101(7), MCA, an individual parcel of land that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office.

1.5 Exemptions

- A. A building created for lease or rent on a single tract is exempt from the provisions of these regulations if, when Yellowstone County Zoning Regulations are not in effect:
- i. The building is one of three or fewer buildings for lease or rent that were in existence or under construction before September 1, 2013;
 - ii. The building is a facility as defined in 15-65-101 that is subject to the lodging facility use tax under Title 15, Chapter 65, except for spaces created for recreational camping vehicles or mobile home parks; or
 - iii. The building is for farming or agricultural purposes; or
 - iv. The building is not served by water and wastewater and will not be leased or rented;
 - v. The building is served by water and wastewater and the landowner records a notarized declaration with the Yellowstone County Clerk and Recorder stating that the proposed building will not be leased or rented. The declaration runs with the land and is binding on the landowner and all subsequent landowners and successors in interest to the property, and can only be revoked by review and approval by the governing body under these Regulations. The declaration must include:
 - a. The name and address of the landowner;
 - b. A legal description of the tract upon which the proposed building will be located; and
 - c. A specific description of the building on the tract of record.
- B. Any building that is exempt under Section 1.5.A. and that is or will be served by water or wastewater must be in compliance with Section 1.6.

1.6 Buildings for Lease or Rent – three or fewer buildings – application review procedures

- A. The first three (3) or fewer buildings for lease or rent proposed on a single tract of record to the department or local reviewing authority for sanitation review if required by Title 76, Chapter 4, MCA, or to the local board or department of health if review is required by Title 50, MCA. If the department, local reviewing authority, or local board or department of health approves the application for sanitation review, the landowner shall record the certificate of approval and any conditions associated with the approval of the application with the Yellowstone County Clerk and Recorder.

- B. If a building for lease or rent is created on a single tract on or after September 1, 2013, and the tract is later subdivided or an exemption from subdivision review is used pursuant to Title 76, chapter 3, any building for lease or rent on the new tract is subject to these regulations.

1.7 Buildings for Lease or Rent – four or more buildings – application review procedures

A. Application Submittal Requirements

- i. An application for the creation of buildings for rent or lease shall be submitted to the administrator designated by the governing body, and accompanied by the payment of any fees established for the review of same.

B. Review Process

- i. Upon receipt of an application along with all applicable fees, the administrator shall, within ten (10) working days, determine whether the application is complete and notify the applicant in writing.
- ii. If the application is incomplete, the administrator shall identify, in writing, any missing materials or insufficient information necessary to conduct the required review.
- iii. If the application is complete, the administrator shall complete review of the application, and the governing body shall approve, conditionally approve, or deny the application within sixty (60) working days. The timeframe may be extended upon mutual agreement, in writing, by the applicant and the governing body. Review and approval, conditional approval, or denial of an application for the creation of buildings for lease or rent pursuant to this section must be based upon the regulations in effect at the time an application is determined to be complete.
- iv. The governing body may approve or conditionally approve the proposed buildings for lease or rent upon finding:
 - a. The proposed buildings for lease or rent, as submitted or conditioned, comply with these regulations and avoid or minimize potential significant impacts on the physical environment and human population in the area affected by the buildings for lease or rent;
 - b. Adequate water, wastewater, and solid waste facilities are available to serve the buildings for rent or lease, if applicable;

- c. Adequate access to the site is provided to serve the buildings for lease or rent;
 - d. Adequate emergency medical, fire protection, and law enforcement services are available to serve the buildings for rent or lease; and
 - e. The buildings for lease or rent comply with any applicable flood plain regulations.
- v. The governing body shall provide written notification to the landowner of the approval, conditional approval, or denial of the application within 60 working days after determining the application was complete.

C. Appeal

- i. An applicant who is aggrieved by a final decision of the department or the local reviewing authority may request a hearing as provided in Section 76-4-126(1), MCA. For purposes of this subsection, the contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, apply to the proceeding.
- ii. An applicant or landowner with a property boundary contiguous to the tract on which buildings for lease or rent are proposed to be located who is aggrieved by a decision of the governing body may, within 30 days of the date of the final decision of the governing body, appeal to the district court in the county in which the property involved is located.
- iii. For purposes of this section, "aggrieved" has the meaning provided in Section 76-3-625, MCA.

D. Enforcement and Penalties

- i. The administrator shall notify the landowner or any other responsible party of a violation of these regulations by certified mail and/or posting on the subject property. The notice shall describe the violation, cite the section of these regulations being violated, and request the responsible party to voluntarily comply within 30 days.
- ii. Any person who receives a notice of violation may, within the 30 days allowed, request inspection by the administrator to show that compliance has been attained or appeal the notice of violation to the governing body.

- iii. If, after the 30 days for voluntary compliance has lapsed, compliance has not been attained or an appeal has not been filed, the administrator shall request the County Attorney begin legal action against the landowner or any other responsible party.
- iv. Upon request by the administrator, the County Attorney may request that the governing body grant the County Attorney the authority to commence any actions and proceedings available in law or equity to prevent the creation of a building for lease or rent in violation of these regulations; restrain, correct, or abate a building for lease or rent in violation of these regulations; or prevent the occupancy of a building for lease or rent in violation of these regulations.

2 CHAPTER 2: BUILDINGS FOR LEASE OR RENT DEVELOPMENT REQUIREMENTS

2.1 Submittal requirements.

- A. BLR required submittal of items listed below. This list is not all inclusive, some developments may require less or additional items.
 - i. Property lines of the lot, with topography.
 - ii. A layout of all spaces, buildings, or structures proposed for rent or lease.
 - iii. Setback/Build-to requirements, structure separations.
 - iv. Location of common areas and facilities.
 - v. Open Space and/or recreation areas are required as outlined in these regulations.
 - vi. A Road Evaluation Study or Traffic Impact Study, if required by Section 2.5.E. of these regulations.
 - vii. Easements, existing and proposed.
 - viii. North Arrow, Scale, with a scale bar.
 - ix. Civil Drawings showing all site grading, drainage, accessible parking and routes.
 - x. Comprehensive Drainage Plan.
 - xi. Dumpster enclosures, (if applicable)

2.2 Improvement Design.

Engineering and survey plans, specifications, and reports required in connection with public improvements and other elements of the BLR required by the governing body must be prepared by a professional engineer or professional land surveyor as their respective licensing laws allow in accordance with these regulations.

2.3 Buildings

A. **Regulation of spaces:** Each space must contain a building site that conforms to Yellowstone City-County Health Department regulations, the Zoning Regulations where applicable, these regulations and other applicable State or local regulations.

i. Mobile home spaces:

- a. The number of allowed spaces is limited to what is approved on the final approved plan.
- b. Mobile home spaces must be arranged to permit the safe and practical placement and removal of mobile homes.
- c. All mobile homes outside Yellowstone County Zoning Jurisdiction must be located a minimum of twenty (20) feet from all perimeter boundary lines.
- d. Location of space limits on the ground must be approximately the same as those shown on the approved plans. Precise surveying of space limits is not required either on the plans or on the ground.
- e. The size of the mobile home pad must be suitable for the general market to be served and must fit the dimensions of mobile homes anticipated. At a minimum the pad should measure fourteen (14) feet wide and seventy (70) feet long. All pads shall be constructed of at least six (6) inches of gravel over a stabilized sub-base.
- f. A minimum of two (2) off-street parking spaces (each space an area minimum of 10x20 feet in size) must be provided on or adjacent to each mobile home space. The driveway must be located to allow for convenient access to the mobile home, and be a minimum of ten (10) feet wide.
- g. One guest parking space must be provided for each ten (10) mobile home spaces. Group parking may be provided.

ii. Recreational Vehicle Spaces:

- a. Recreational vehicle spaces must be arranged to allow for the safe

movement of traffic and access to spaces.

- b. Recreational vehicles must be separated from each other and from other structures by at least fifteen (15) feet. Any accessory structures such as attached awnings must, for purposes of this separation requirement, be considered part of the recreational vehicle.
- c. No recreational vehicle space may be located less than twenty (20) feet from any public street or highway right-of-way.
- d. The density of a recreational vehicle park may not exceed twenty-five (25) recreational vehicle spaces per acre of gross site area.

B. Dimensions, Orientation and Topography: The space size, depth, shape and orientation shall be appropriate for the location. Areas with a slope of 25% or greater shall be identified on the face of the preliminary and final plans. Areas of lots with more than 25% grade for building sites shall be subject to a geotechnical analysis. Areas within the subdivision with a slope of 25% or greater shall be identified on the face of the preliminary and final plans.

C. Rural Lot Limitations: RV parks not served by public sewer or public water systems shall not be less in area than what is required by Montana Department of Environmental Quality regulations. There is nothing contained in this Chapter that shall be construed as preventing the MDEQ or the County environmental health regulatory agency from requiring that all or any portion of an RV park, shall not be built upon, or in a floodway or flood plain.

2.4 Blocks

A. Size and Orientation: Block Length and Section shall be provided in accordance with Table 2.4.1. 'Required Block Design.'

Table 2.4.1 Required Block Design

| Zone District | Block Length | | | Block Section | |
|---------------|--------------|------|-----------|---------------|-----------|
| | Max. | Min. | Preferred | Max. | Preferred |
| RMH | 750' | 200' | 570' | 777' | 605' |

- i. Block Length means the measurement along the property lines of all spaces that share the same street frontage until another street intersects. A block length continues until the street frontage changes from one cardinal direction to another (see Figure 2.4.1).
- ii. Block Section measures the greatest straight-line distance between any two points around the perimeter of an area enclosed by streets (see Figure 2.4.2).

- iii. Block Length preferred measurements are not minimums. Less than the preferred measurement is also acceptable if the design enhances the connectivity of the BLR.
- iv. Breaks in Block Length or Block Section may also be provided by the intersection with a dedicated pedestrian right of way of at least 30 feet in width, or an open space area with at least 30 feet of street frontage (see Figure 2.4.3.).

Figure 2.4.1 Block Length

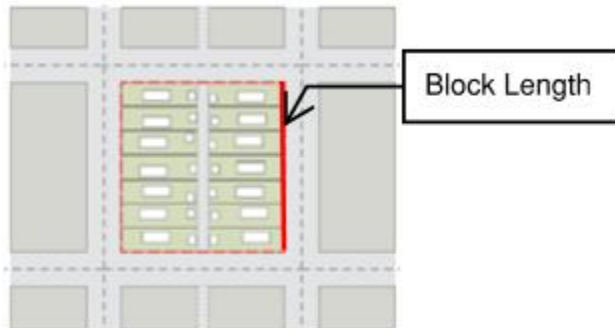


Figure 2.4.3 Block Section

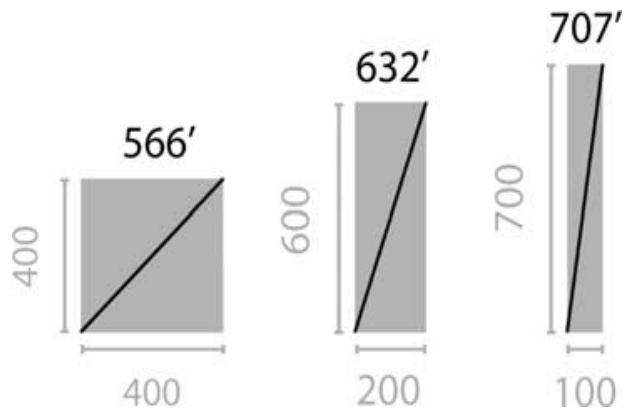


Figure 2.4.2 Breaks in Block Length



- B. Rights-Of-Way for Internal Non-motorized Connections:** Private rights-of-way for internal non-motorized connections within blocks will be required to provide circulation and safe access to schools, parks, playgrounds, shopping, transportation and other community facilities. Pathways or sidewalks shall also be installed from the end of cul-de-sacs or dead ends to the property boundary of the development to make connections to other cul-de-sacs or streets in adjacent neighborhoods.

2.5 Streets and Roads

A. Street and Road Standards:

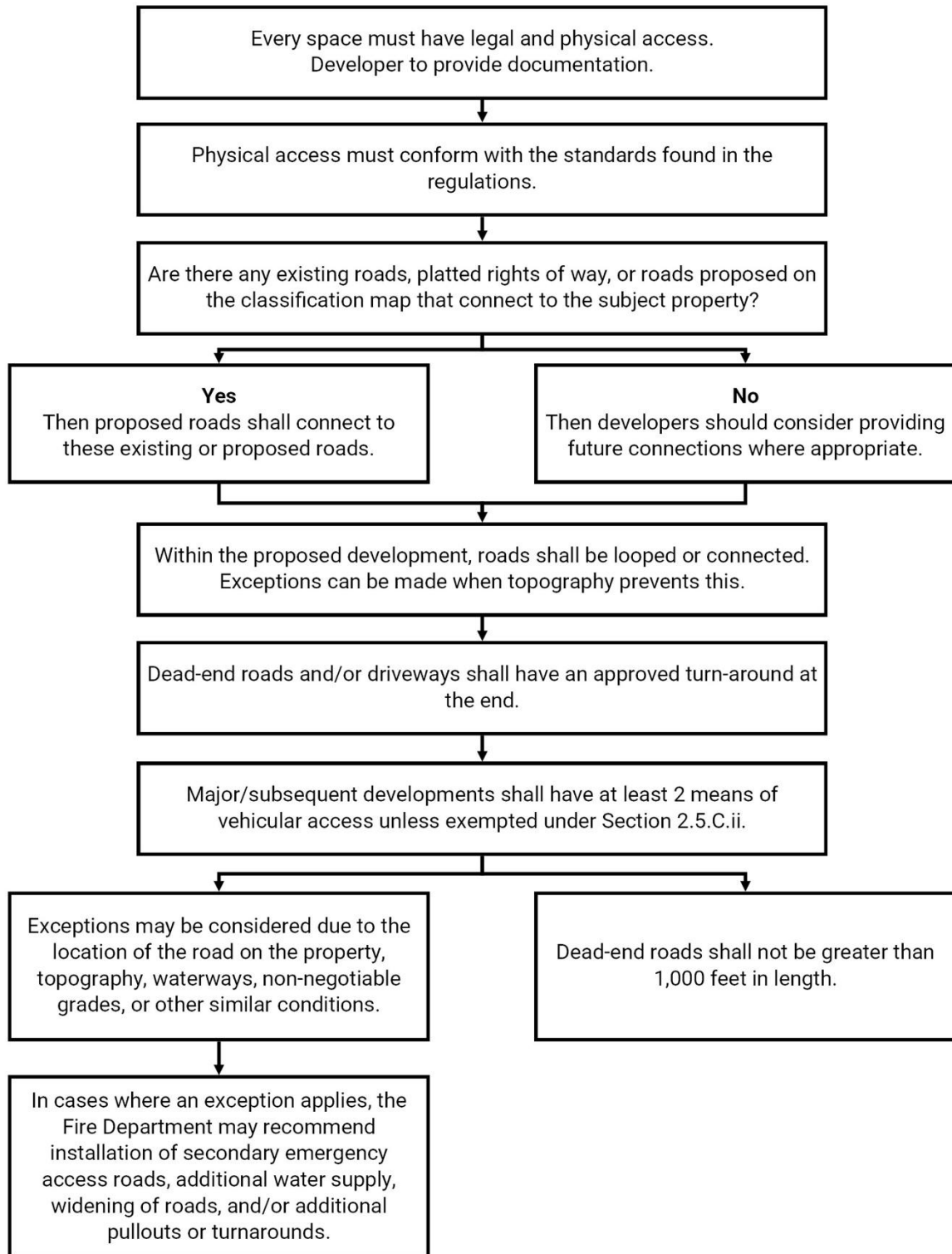
- i. All internal streets shall be private, unless approved by Yellowstone County Public Works.
- ii. Private streets shall be designed to provide access to all sites. No site shall have vehicular access to a public street. The streets shall be laid out to discourage through traffic and intersections with public streets shall be kept to a minimum.
- iii. Streets shall be designed and built to meet current County standards following the requirements as found in these regulations and in conformance with County Public Works requirements.
- iv. Curvilinear streets shall have no centerline curve with less than a one hundred (100) foot radius. At intersections the inside edge of the paved street shall have a minimum of a twenty (20) foot radius.
- v. All streets shall intersect at an angle of ninety (90) degrees except where the developer can show just cause not to and with the approval of the Board of County Commissioners.
- vi. The layout near street intersections shall be such that a clear vision area is maintained. Stopping sight distance on curves shall be as required on development streets.
- vii. All traffic control devices used shall comply with the current edition of the Manual of Uniform Traffic Control Devices (MUTCD). All roads serving the mobile or manufactured home park shall have road signs installed at intersections meeting MUTCD standards.

- B. Road Network Performance Standards:** When evaluating a road network, developers and reviewing agencies shall take into consideration the following criteria. These criteria were developed to ensure that all new spaces are provided access that is safe, convenient and effective. The proposed road network shall also enable emergency service providers to protect life and property under severe emergency situations.

- i. The lot for the BLR shall have documented legal and physical access.

- ii. Proposed roads within the BLR shall be looped or connected to each other internal roads whenever possible. Exceptions can be made when there are topographic features that prevent connections or when the legal status of the road prevents connection.
- iii. Driveways greater than 150 feet in length must have an approved turn-around at their terminus.
- iv. Major and subsequent minor expansion to developments shall have at least two means of vehicular access unless granted by a variance.
- v. Dead end roads shall not be more than 1000 feet in length.
- vi. No encroachments in the Right of Way are allowed without approval from the Yellowstone County Public Works Department. Encroachment Permits are required.
- vii. When access roads cannot be installed as required due to location on property, topography, waterways, nonnegotiable grades or other similar conditions, the fire department having authority may recommend additional fire protection measures, including, but not limited to, additional water supply, widening of roads, and/or additional pullouts or turnarounds.

Figure 2.5.1 Road Network Evaluation Flowchart



C. **Streets and Roads, General:** The arrangement, type, extent, width, grade, and location of all streets shall be designed with consideration to any adopted area plans including, but not limited to, the Growth Policy and Transportation Plan, and must be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed uses of the land to be served by them.

- i. Distance between Parallel Right-of-Way: Where a BLR borders on or contains a railroad, limited access highway, canal, stream or ditch right-of-way, the applicant may be required to provide a street or easement approximately parallel to and on each side of the right-of-way at a distance sufficient to allow for the operations and maintenance of the intervening land. Such distances shall also be determined with regard for the requirements of approach grades and future grade separation.
- ii. Second Access: To facilitate traffic movement, the provision of emergency services, and the placement of utility easements, all major subsequent minor additions to a BLR shall provide at least two means of vehicular access built to the standards of this Chapter and designed to ensure public health and safety.

Provision of a second means of vehicular access may be required for any BLR when deemed necessary for public health, safety and welfare. When not otherwise exempt, if a second means of vehicular access built to County Road standards cannot be provided for reasons of topography or other physical conditions, the applicant shall provide an emergency secondary access road, built to the standards detailed in Section 2.11.E of these Regulations.

- iii. Right-of-Way and Street Development: A minimum 60-foot right-of-way or road easement must always be provided when developing. If the property is being developed on only one side of an existing or proposed road corridor and dedicated right-of-way or a road easement is required, the property owner developing must secure the additional 30-foot half right-of-way or easement from the adjacent property owner. If the additional 30-foot half right-of-way or easement is not able to be secured, the property owner developing shall provide a full 60-foot right-of-way on the subject property.

The property developing must build the sidewalk, swale, and portion of the shoulder and roadway as determined by the County Public Works Department to meet the applicable road design standards. The additional improvements on the remaining portion of the right-of-way or road easement will be constructed at the time the adjacent property develops.

- iv. Street Continuity: Streets that are a continuation of streets from a subdivision or development across a road shall be so aligned as to assure that their centerlines shall coincide and shall have matching names. In cases where straight continuations are not physically possible, such centerline shall be continued by a centerline offset of not less than one hundred twenty-five (125) feet.

- v. Tangent for Reverse Curves: A tangent shall be introduced where necessary between reverse curves on Arterial and Collector streets as determined by a Professional Engineer licensed in the State of Montana.
- vi. Deflected Street Lines to be Curved: When continuing street lines deflect from each other at any one point by more than five (5) degrees, they shall be connected by a curve with a radius adequate to ensure stopping sight distance at the center line of a street in accordance with the most current American Association of State Highway and Transportation Officials (AASHTO) Manual guidelines.
- vii. Intersections: Local streets shall be laid out so as to intersect as nearly as possible at right angles and no local street shall intersect any other local street at less than eight (80) degrees. Such angle of 80 degrees or greater shall be retained for at least fifty (50) feet back from the intersection. Any street intersection involving an arterial and/or collector street shall intersect at ninety (90) degrees, shall be retained for at least one hundred (100) feet back from the intersection. Not more than two (2) streets shall intersect at any one point unless warranted by design by a Professional Engineer licensed in the State of Montana and reviewed by the County Public Works Department.
- viii. Corners at intersections: Corners at all street intersections shall be rounded with a minimum radius of ten (10) feet.
- ix. Sight distance: The alignment of all streets and roads must provide adequate sight distances in accordance with the most current American Association of State Highway and Transportation Officials (AASHTO) Manual guidelines. Intersections must be designed to provide adequate visibility for traffic safety based on the designed operating speeds of the intersecting roadways.
- x. Approach Permits: The developer shall obtain the applicable approach or access permits for all new accesses to County controlled roads and provide a site plan showing the proposed approach onto existing roads or to new proposed roads. For any new vehicular access onto a state-controlled road or highway, the developer shall obtain an approach permit approved by the Montana Department of Transportation (MDT).
- xi. Street/Road Names and Addressing: All new street/road names shall be approved by the Yellowstone County GIS Department prior to final plan approval in order to avoid duplication and confusion with names of existing roads. Addresses are assigned by County GIS.
- xii. Street/Road Signs and Traffic Control Devices: Street or road signs and traffic control devices of the size, shape, and height in conformance with the standards contained in the Manual on Uniform Traffic Control Devices must be placed at all intersections. Private roads shall have blue street name signs, which include, under the street name, 'Private Road', public roads shall have green street name

signs. A mechanism for maintenance of any private roads shall be established prior to final plan approval. All private roads shall be gated with electronic opening gates if the BLR is stick built/Modular residential or for commercial uses. If a gate is locked, it must be equipped with a KNOX box that is approved by the Fire Department having jurisdiction and the Fire Department shall be provided a key for access. Gates shall not be required for RV parks or Mobile Home Parks.

- xiii. Central Mail Delivery: When required by the United States Postal Service, the developer must provide a cluster mailbox for mail delivery.
- xiv. Road Design and Improvement Standards: All streets and roads, existing or proposed, within and a proposed BLR shall meet the design and improvement standards outlined in these regulations, as well as the design specifications required by the County Public Works Department.
- xv. Street/Road Maintenance: The developer may be required to participate in an existing adjacent RSID for ongoing maintenance for external public improvements. These improvements may include, but not be limited to, new public roads, and bridges. culverts, street signs, sidewalks, pathways, and any other public improvements.

D. Road and Street Performance Standards for Developments

- i. General: The design and improvement standards contained in this section shall apply to all construction and reconstruction of streets and roads within a BLR in Yellowstone County.
- ii. Improvement Design: All street improvements shall be designed by and constructed under the supervision of a professional engineer, competent in civil engineering, licensed in the State of Montana. All improvements shall meet or exceed the right-of- way and construction standards for the type of street to be constructed, found within these Regulations, the adopted transportation plan, and adopted policies of the County Public Works Department.
- iii. Plans and Specifications: Plans and specifications for all public or private streets shall be prepared by a professional engineer, competent in civil engineering, licensed in the State of Montana. A complete set of plans and specifications certified with the responsible Professional Engineer's embossed seal shall be provided to the County Public Works Department prior to initiation of any street improvement construction. The applicant shall provide professional engineering services for construction inspections, and post-construction certifications. Record drawings shall be submitted to the County Public Works Department upon completion of construction.

Post Construction Certifications shall include, but not be limited to, the following:

- a. Compaction test results;
- b. Certification that all required improvements are complete;
- c. Certification that the applicant knows of no defects from any cause in those improvements;
- d. Certification that these improvements are free and clear of any encumbrance or lien;
- e. The method by which the one-year guarantee is to be provided;
- f. A schedule of actual construction costs shall be filed with the Public Works Department;
- g. If the developer seeks approval of the final plan prior to the installation and completion of all required improvements, the developer shall enter into a written agreement with the Board of County Commissioners guaranteeing the construction and installation of all required improvements. This agreement shall specify which type of security arrangements the developer elects to use and the time schedule proposed for accomplishing the required improvements.

E. Road and Traffic Studies

- i. Road Evaluation Study for Unpaved Roads and all Commercial/Industrial Developments: Road Evaluation Studies (RES) shall be done by a licensed engineer to determine the viability of roads serving a proposed development. Roads serving a development are defined as the primary road or roads leading to the development, and any on-site or proposed new roads serving the development.

The RES should determine the probable impact the proposed development will have on the existing and proposed road network by describing the following characteristics of the existing roads leading to the BLR and any on site or proposed new roads serving the development:

- Road surface, section thickness, base type and thickness
- Existing type of traffic and traffic loads; expected type and load from proposed development
- Topography

- Stormwater provisions—existing and possible impacts to roads
- Maintenance records for existing roads – grading, dust control, etc.
- Accident data for existing roads
- Sight distances for existing and proposed roads
- Grades of existing and proposed roads

Probable impacts from the BLR shall be mitigated and a mitigation plan shall be proposed. If there are significant impacts to existing and proposed roads identified in the RES or as determined by County Public Works Department, a more detailed Traffic Impact Study shall be completed as described below in Section 2.5.E.ii.

- ii. Traffic Impact Study: A Traffic Impact Study (TIS) shall be prepared by or under the supervision of an engineer with a Professional Engineer (PE) license AND a Professional Traffic Operations Engineer (PTOE) certification, unless prior written authorization has been provided by Yellowstone County for an individual who is not a certified PTOE to oversee development of the TIS. In either case, the TIS report must be stamped by a licensed PE.

A TIS will be required for any site development project, BLR plan, or other land development project that is projected to generate 300 or more one-way vehicular (personal vehicle or transit), bicycle, and pedestrian trips for a typical weekday (or weekend day if applicable) or 50 or more one-way vehicular trips during a typical weekday (or weekend if applicable) AM or PM peak hour (60-minute) period based on calculations made using rates or equations from the most applicable land use category or categories in the most current edition of the Institute of Transportation Engineers (ITE) Trip Generation manual. These criteria shall apply regardless of whether adjacent or internal roadways are paved or unpaved. If adjacent or internal roadways are unpaved, a Road Evaluation Study (RES) must be completed regardless of whether or not a TIS is required.

At the discretion of Yellowstone County or its designee, a TIS may still be required for development projects where trip generation projections do not meet the trip generation-based threshold described above. The determination of whether a TIS is required for a project will be made by Yellowstone County upon submittal of a BLR or site plan application package unless a developer or its designee formally requests (in writing) that the County make that determination prior to any such submittals. The developer and/or developer's designee will be notified accordingly of the County's decision in writing.

It is recommended that the developer (or its designee) schedules a meeting with Yellowstone County to discuss the required scope of work for any TIS and confirm the study area. As a general guideline, the study area for a TIS shall include all site access intersections, any internal development intersections with projected daily total entering volumes greater than 1,000 vehicles/day, and all off-site intersections for which both intersecting streets are a collectors or arterials that are located within one (1) mile of any part of the property boundary for the proposed development project. Additional intersections outside the base study area may be added at the discretion of Yellowstone County and/or intersections that meet the study area criteria may be omitted from the study area, also at the discretion of Yellowstone County.

In general, a standard scope of work for a TIS shall (at a minimum) include the following data collection, analysis, and reporting elements:

a. Traffic Data Collection, as follows:

1. Turning movement counts at all required study area intersections for a minimum of two (2) continuous hours each in the AM and the PM to establish peak hour volumes for those periods. Counts shall be performed on a Tuesday, Wednesday, or Thursday (except when a weekend analysis is applicable based on the land use) to avoid weekend traffic pattern bias, avoiding holidays, inclement weather days, or periods of time where construction or emergency roadway closures are impacting traffic patterns. If the subject site development or any of the required study area intersections are within one mile of a school, it may be necessary to evaluate two PM peak periods – an after-school peak and a traditional evening rush hour peak. Vehicle classifications for all counts shall identify the number of trucks, buses, motorcycles, bicycles, and pedestrians.
2. Turning movement or average daily traffic (ADT) counts for a minimum of twenty-four (24) continuous hours on all intersection approaches for any intersection where an all-way stop control or traffic signal warrants analysis is deemed necessary. Vehicle classifications for all counts shall identify the number of trucks, buses, motorcycles, bicycles, and pedestrians.
3. Directional speed data (for a minimum of 24 consecutive hours) may be required if speed-related safety concerns are to be addressed or where an evaluation of speed limits has been requested by Yellowstone County

4. Traffic data shall be considered valid for use on a traffic impact study until it becomes more than one (1) year old at the time of analysis OR if the data is deemed as inaccurate or invalid based on roadway closures, construction activity, severe weather, or other factors that could contaminate the data.
- b. A historical crash history analysis shall be required for all existing study area intersections unless historical crash data is not available. Crash data requests are to be submitted to the Montana Department of Transportation (MDT) Safety Section but should also be supplemented with data provided by Yellowstone County and/or the City of Billings if MDT is unable to provide data for all study area roadways and intersections. The minimum analysis period shall be the most recent 5-year period for which crash data is available. In certain cases, a longer analysis period may be necessary to identify crash trends. The following specific metrics or data should be analyzed and reported (in text and/or table format) as part of a basic traffic impact study:
1. Total reported crashes, injuries, and fatalities
 2. Crash frequency and severity rates measured in crashes/million vehicles
 3. Crash frequency entering (MVE)
 4. Collision types
- c. Trip generation analysis, using data and equations from the most current version of the Institute of Transportation Engineers (ITE) Trip Generation Manual or the ITE TripGen web-based application, except in cases where local, empirical data is available that may better approximate trip generation characteristics of a site development or specific land use. Approval from Yellowstone County is required prior to the use of local empirical data in place of the ITE data. Trip generation calculation assumptions and results should be summarized in text and/or table format to include the following information:
1. Gross trip generation projections for each individual land use category (as required based on judgment of the author) and for the average weekday and peak hour analysis period(s) that are deemed applicable for the site development being analyzed.

If the subject site development is likely to generate substantial traffic on weekend days or during non-typical peak periods, projections for those time periods should be provided along with those for the typical weekday, AM peak, and PM peak periods.

All such projections should be presented as total trip ends and with assumed entering/exiting splits.

2. Adjustments to gross trip generation calculations for internal capture, pass-by traffic, or any other adjustments should be summarized as well with supportive calculations provided in the study appendices. ITE Trip Generation procedures for calculating internal capture and pass-by trips should be followed unless an alternate method for adjusting gross trips is deemed more appropriate, in which case that method should be explained clearly in the body of the report and supportive calculations provided in the appendices.
- d. Trip distribution and traffic assignment calculations shall be performed and presented in the report based on industry standard practices. Trip distribution schemes will be developed based on travel demand model results, travel time calculations, and/or existing traffic patterns unless another method is determined to be adequate through discussions with the County, or its designee. If there are one-way streets adjacent to the development site or there are proposed access restrictions (right-in/right-out or $\frac{3}{4}$ access) for certain approaches, separate distribution schemes may be required for certain street segments. The proposed trip distribution scheme(s) should be presented graphically on an exhibit that is included in the report body or appendices.
- e. Future traffic projections for any analysis horizon beyond existing conditions shall account for existing traffic demand and site-generated traffic assignments, as well as for any applicable traffic assignment projections at study area intersections from other traffic impact studies (build-up method) and/or an annualized background traffic growth rate. Background traffic growth rates should be projected based on historical traffic volume data when available. If applicable data is not available, an assumed rate should be utilized that approximates overall population growth in the general vicinity of the study and the basis for those assumptions should be explained in the TIS report.
- f. Intersection capacity/level of service (LOS) analysis using software that applies methodologies consistent with the most current edition of the Highway Capacity Manual (HCM). Note that Yellowstone County reserves the right to reject capacity analysis results from software programs for which the analysis relies solely on microsimulation. Capacity analyses shall be performed for all study area intersections (as previously defined) for the AM and PM peak hours (typically morning and evening rush hours), as well as for any additional key peak periods that may be unique to a study area or subject facility (e.g., near to a school).

Intersection capacity analysis results shall be reported in terms of LOS, average (control) delay, and maximum (95th percentile) queue projections for each intersection approach and for the intersection as a whole.

Intersection capacity analyses shall be performed with results reported for the following land development milestone scenarios:

- Existing Conditions (the analysis year being defined as no earlier than the calendar year prior to the date of submittal of the traffic impact study)
- Full Buildout/Occupancy (required for development projects that will reach full traffic generation potential one or more years after the opening date/year of the development)
- Additional analysis scenarios will also be required for development projects that are to be phased, with an analysis scenario that corresponds to each planned phase of development

Note that in any analysis case where a traffic signal is determined to be warranted and is being considered as a mitigation solution for an intersection, a roundabout shall also be analyzed using software that applies methodologies consistent with the most current edition of the HCM. When a more complex roundabout analysis is required (e.g., when determining if a single-lane, hybrid, or multi-lane roundabout is needed) a sensitivity analysis using software packages such as SIDRA, RODEL, or ARCADY may be required.

- g. Additional elements of traffic operations/safety analysis that may be required for a TIS are listed below. Note that intersection capacity is considered to be deficient and require potential mitigation any time a minimum LOS C cannot be achieved during one or more peak analysis periods for an intersection OR an individual approach to an intersection.
1. Auxiliary Right-Turn Lane Analysis: For all external public roadways within the study area, an analysis of justification for auxiliary right-turn lanes shall be performed at all intersections (off-site or site access) where there are 40 or more existing or projected future right-turn movements during the design hour (or peak hour). The analysis should follow the procedures outlined in Section 28.4.1.1 of the MDT Traffic Engineering Manual (November 2007 or the most current edition of the manual that provides auxiliary turn lane analysis guidance).
 2. Auxiliary Left-Turn Lane Analysis: For all external public roadways within the study area, an analysis of justification for auxiliary left-turn lanes shall be performed at all intersections (off-site or site access) where there are 20 or more existing or projected

future left-turn movements during the design hour (or peak hour). The analysis should follow the procedures outlined in Section 28.4.1.2 of the MDT Traffic Engineering Manual (November 2007 or the most current edition of the manual that provides auxiliary turn lane analysis guidance).

3. All-Way Stop Warrants Analysis: For unsignalized intersections where capacity is found to be deficient and if traffic volume demands are reasonably balanced on 3 or more intersection approaches, an analysis of need for all-way stop control shall be performed (in addition to a traffic signal warrants analysis) using the criteria outlined in the most current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD). All assumptions made as part of the analysis shall be described clearly in the report text.
4. Traffic Signal Warrants Analysis: For unsignalized intersections where capacity is found to be deficient and the addition of auxiliary turn lanes would not correct the deficiency, an analysis of traffic signal warrants shall be performed using the criteria outlined in the most current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD).
5. Parking: For any site where on-site parking is required to meet zoning requirements, a traffic impact study shall comment on compliance with the applicable regulations, as well as with respect to Americans with Disabilities Act (ADA) requirements for parking.
6. Queuing Analysis: For site developments that have drive-thru facilities, a queuing analysis shall be performed to evaluate queue storage and associated impacts to site circulation and site access conditions. At this time, there is not a standardized or universally accepted approach to estimating queuing conditions for drive-through facilities. As such, the analysis may need to be qualitative in nature or rely on empirical data from similar facilities to properly evaluate queuing and potential impacts to site circulation and access. It should also be noted that the trip generation projections used in the queuing analysis shall be based on the peak hour of generator, and not the peak hour of adjacent street traffic.
7. Pedestrian, Bicycle, and Transit Considerations: Where applicable, a traffic impact study should comment on the availability and planned connectivity of pedestrian and bicycle facilities both within and external to the development site. If transit routes are in operation in the vicinity of the site development, there should also

be discussion of accessibility to transit services.

The purpose of a traffic impact study is to assess the effects that a development will have on the surrounding transportation network, determine what provisions are needed for safe and effective site access for all modes, and address other related issues. The study report should document the purpose, procedures, assumptions, findings, conclusions, and recommendations of the analysis. The report should be prepared as a stand-alone document that can be objectively reviewed independent of reference materials, with adequate substantiation of all conclusions and recommendations, and that holds paramount the safety, health, and welfare of the public over and above any private interest.

h. Impact Mitigation Financial Contributions Analysis

The final section of a TIS report shall provide a written summary of an impact mitigation financial contributions analysis, the requirements for which are outlined as follows. Developer financial contributions will be required for all study area intersections for which the subject development project is projected to increase traffic by 2.0% or more using the “Vegas Method” calculation approach whereby only the per-lane sum total of left-turn and thru movements are compared to established critical lane volume thresholds of 1200 vehicles/hour for a four-legged intersection or 1140 vehicles/hour for a three-legged intersection. The Vegas Method calculations shall be made for each peak hour period at all study area intersections. Upon request, Yellowstone County will provide a developer or its designee with a spreadsheet template and an example calculation to assist with this part of the analysis.

If the critical lane volume percentage increase during one or more peak hour periods is 2.0% or greater for any study area intersection, a financial contribution will be required for that intersection. Where the critical lane volume percentage increases for all peak hour periods at an intersection are less than 2.0%, the traffic volume-based impacts to that intersection will be considered as negligible and no financial contribution will be required for that intersection. The amount of a required financial contribution for an intersection shall be calculated as the highest peak period critical lane volume increase (percentage) multiplied by the current, adopted “Average Intersection Improvement Cost,” which shall initially be set at \$500,000 (approximate, typical cost for a new traffic signal or an intersection widening/turn lane project).

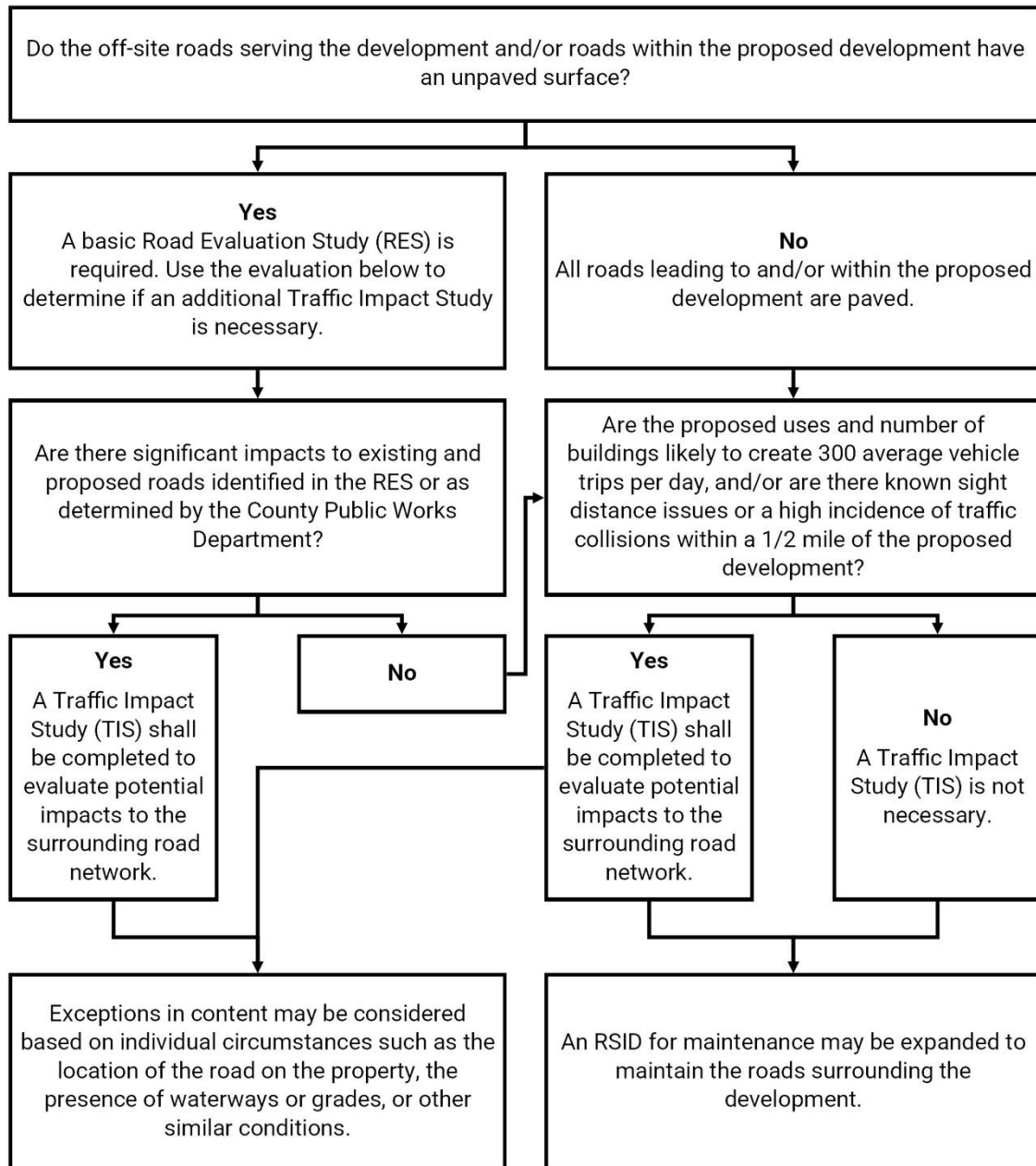
Based on the above calculation procedure, the calculations for and results of which must be reviewed and approved by the County or its designee, a project owner(s) will be required to make financial contributions associated with one or more study area intersections if critical lane volume

percentage increases meet or exceed 2.0%. The contractual terms of how and when those financial contributions are made will be addressed separately through the BLR site development approval processes. The funds accumulated from contributions associated with specific intersections will not necessarily be utilized to administer projects at those locations. The County reserves the right to utilize the impact mitigation funds for part or the entirety of any analysis, design, and/or construction of projects at any locations within Yellowstone County based on current traffic operations, safety, or maintenance-based priority concerns.

- F. **Access easements:** Where access to or within a development is proposed using access easements the applicant must obtain or provide proper easements of sufficient width to satisfy the requirements of Figure 2.5.4. The easement shall meet the following:
- i. Easements must be granted by all property owners whose land the easement(s) cross in a signed and notarized document to be recorded with the final plan.
 - ii. The location of any road easement must be shown on the plan if it is within the development or on a supplemental exhibit if it is off site. The existence of easements must be noted on the face of the final plan and on any deeds or other instruments conveying lots within the development.
 - iii. All newly created easements shall be written so that they are easements appurtenant that run with the benefited land.

Figure 2.5.2 Road Evaluation and Traffic Impact Study Flowchart

This flowchart is to be used as a guide. Specific guidelines for the road evaluation and traffic impact studies shall be followed as detailed in Section 2.5.E, above.



- G. **Right-of-Way and Street Widths:** Street right-of-way and surface widths for all private roads, within Yellowstone County shall be provided as shown in Figures 2.5.3 and 2.5.4.
- H. **Shoulders:** Shoulders shall be required on both sides of all roads where no curb and gutter are required. Shoulders shall be a minimum two feet wide as per the applicable storm water requirements, and graveled, and must meet the specifications of County Public Works. Refer to cross sections in Figure 2.5.3, Figure 2.5.4 and Figure 2.5.5 as applicable for shoulder requirements.
- I. **Grading/Cut and Fill:** All streets within or adjacent to the BLR shall be excavated or filled to the grade established by these Regulations.
- J. **Base Construction:** The type of base required will vary depending on the nature of the existing material and with the particular type of traffic to be accommodated and shall be reviewed by County Public Works according to County specifications unless otherwise warranted by Engineering design. (See Figures 2.5.4 and 2.5.5)
- K. **Street surfacing:** All roads within or adjacent to the BLR shall be paved if they connect to an existing paved road (See Figure 2.5.4). Standards for such paved surfacing shall be according to County specifications unless otherwise warranted by Engineering design.

Standards for gravel surfaced roads shall be according to County specifications unless otherwise warranted by Engineering design. (See Figure 2.5.5)

- L. **Street Grades:** All street grades shall conform to the requirements of the County. Street grades shall not exceed the following, with due allowance for reasonable vertical curves and intersection treatment.

| <u>Street Type</u> | <u>Percent Grade</u> |
|--------------------|----------------------|
| Arterial | 4 |
| Collector | 7 |
| Local Access | 12 |

- M. **Sidewalks:** Sidewalks are not required as an improvement, a developer may choose to place sidewalks in the development. In such case, these sidewalks will be located in an easement along the sides of the private roads.
- N. **Access Driveways:** An approach permit is required for all new access driveways. New driveways shall meet the following standards:
- i. Property frontages of two hundred twenty-five (225) feet or less shall have only one (1) approach. In cases where parcels have more than one (1) road frontage, each frontage will not be treated separately when determining the number of approaches.
 - ii. Additionally, Property frontages greater than two hundred twenty- five (225) feet

and less than six hundred (600) feet will be allowed up to two approaches. Each parcel or business shall have no more than two (2) approaches. Exceptions will be made for lot frontages of greater than six hundred (600) feet. In these instances, there can be one (1) additional approach for every three hundred (300) feet of frontage over six hundred (600) feet.

- iii. Additionally, in cases where a lot fronts on a collector or arterial road currently carrying or projected to carry more than 300 vehicles trips per day or where site distances warrant, the County may permit more than one driveway for commercial lots.

O. **Multi-Use Trails, General:** When applicable, BLR's shall be reviewed for consistency with the adopted Active Transportation Plan (ATP) to provide multi-use trail routes for safe, convenient non-motorized transportation routes throughout the County. The developer will be responsible for the construction of trails identified with the (ATP). The trail may also be located within a private easement if there is not enough right-of-way width to accommodate the trail.

- i. It is required that all new developments provide a 30-foot-wide multi-use trail easement across the property if the ATP indicates that a proposed multi-use trail route crosses the development property.
- ii. If the ATP indicates that a proposed trail route crosses the developments property, and a segment of the corridor has already been provided on adjacent property, then it is required that the development provide a 30-foot wide trail easement to connect to the trail segments at the property lines to provide for a continuous trail route.
- iii. When open space dedication is opted for, and the ATP indicates that a proposed trail route crosses the development property, linear open space including a trail easement may be considered as all, or a portion of, the required open space (See Section 2.16 of these Regulations)

Figure 2.5.3

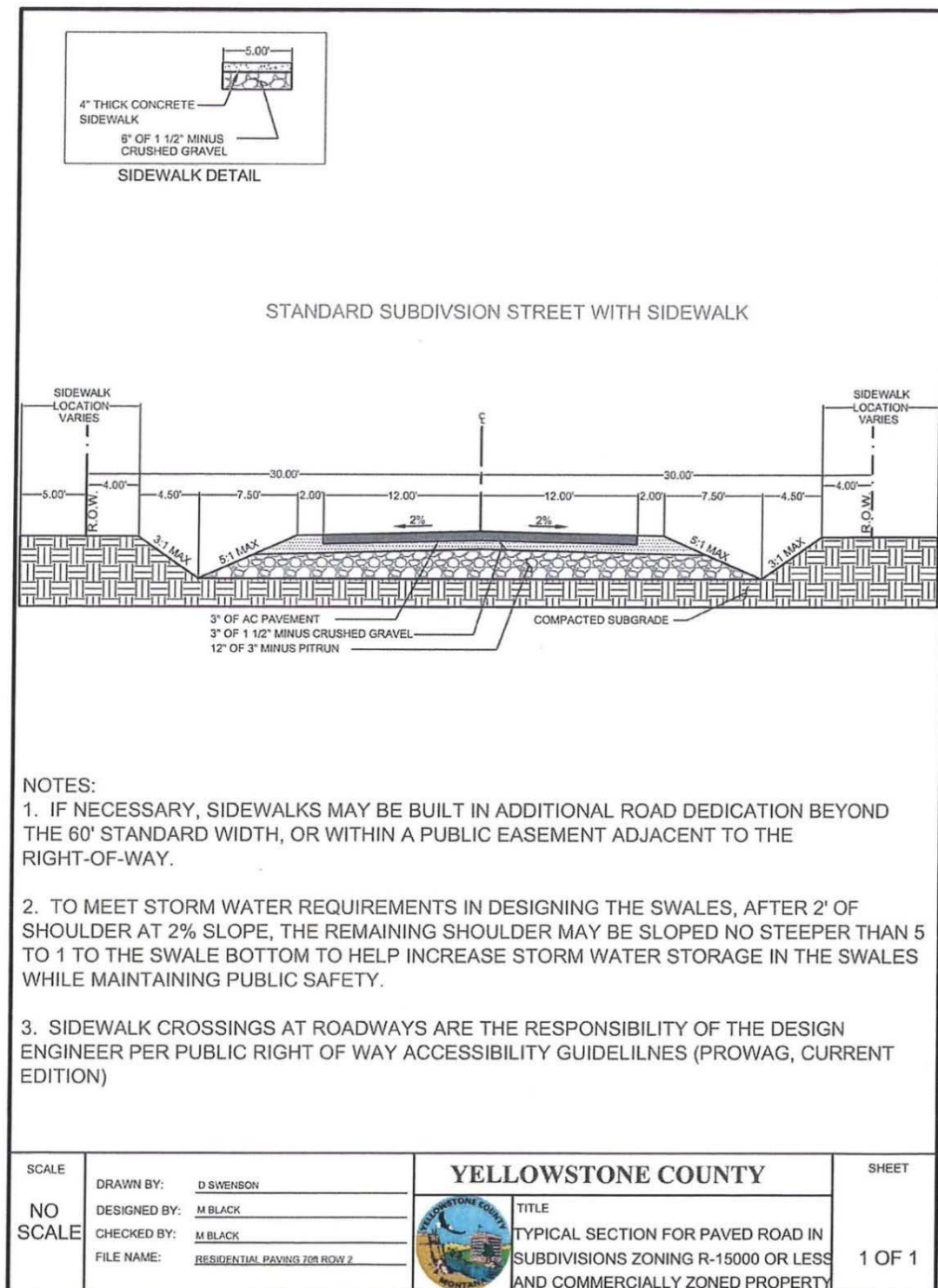


Figure 2.5.4

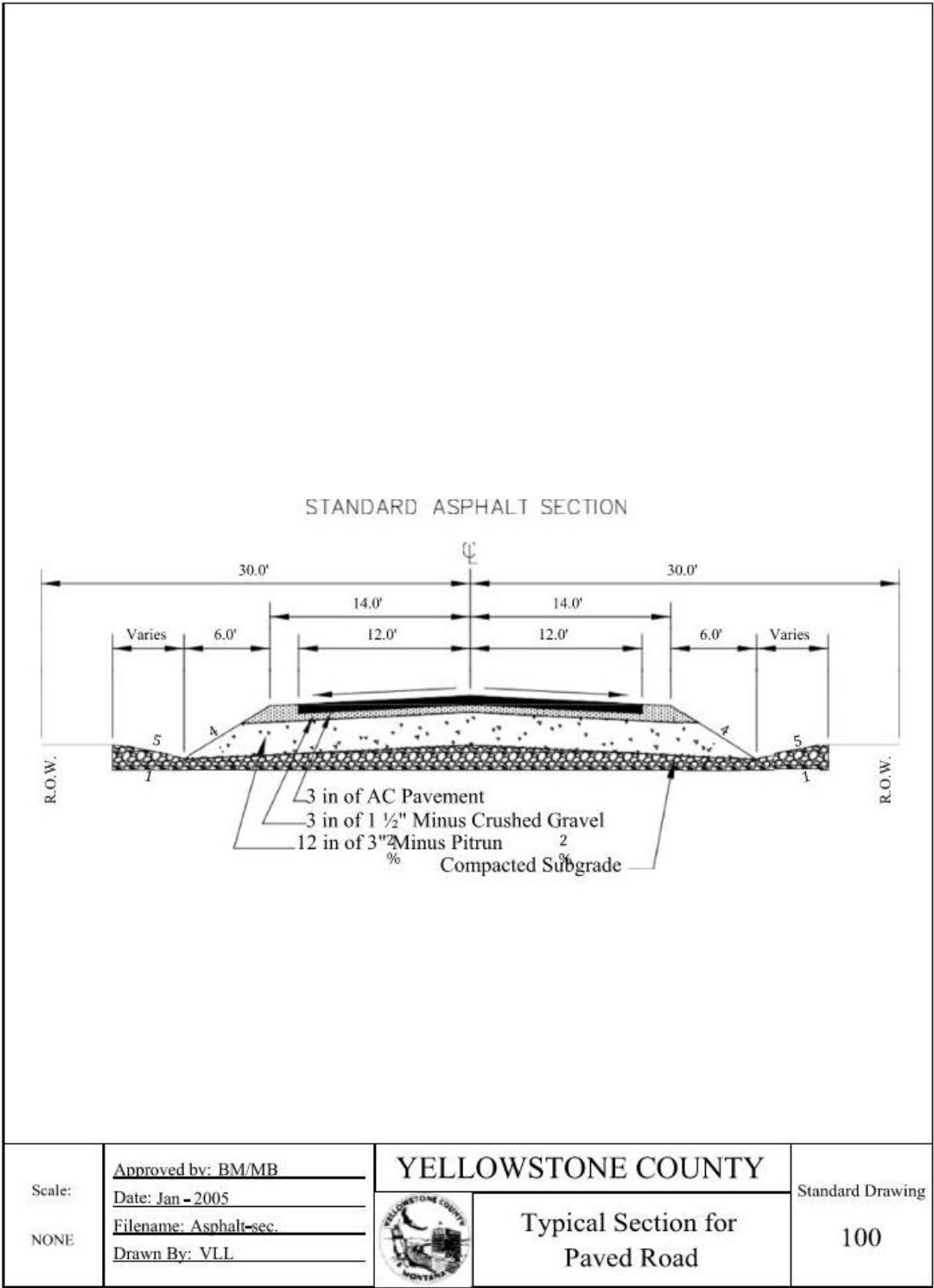


Figure 2.5.5

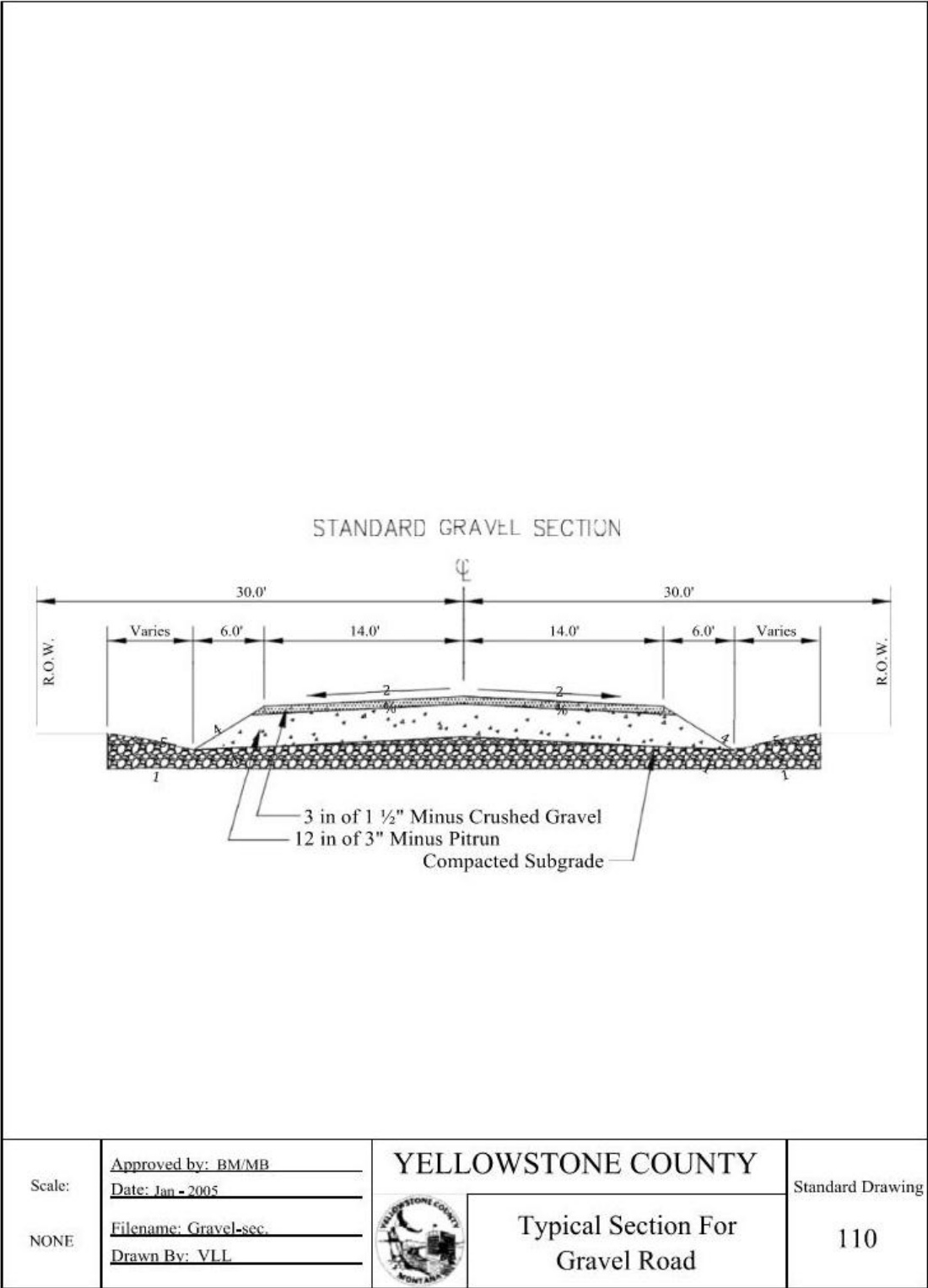


Figure 2.5.6 Turn-Around Standards for Roads

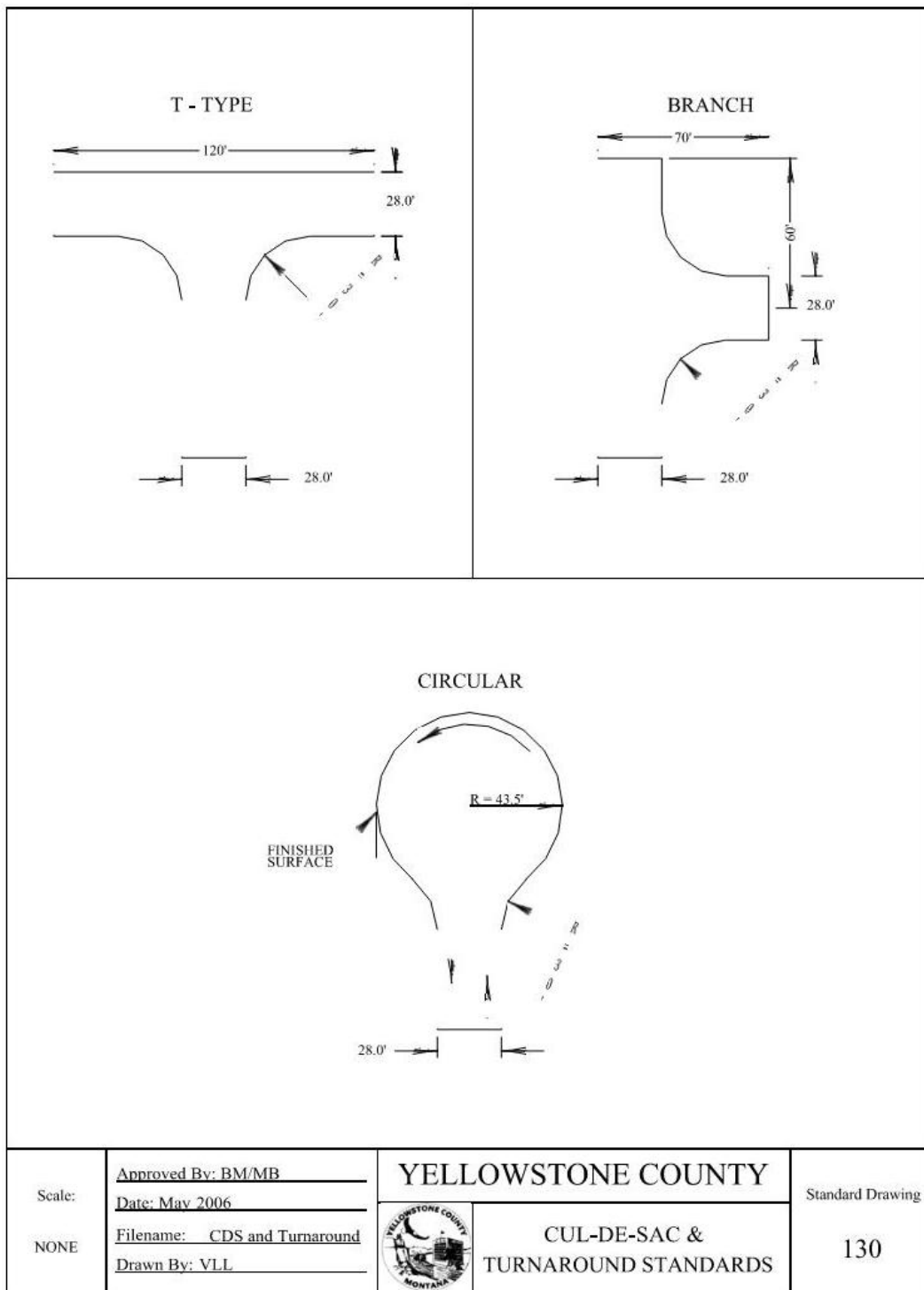
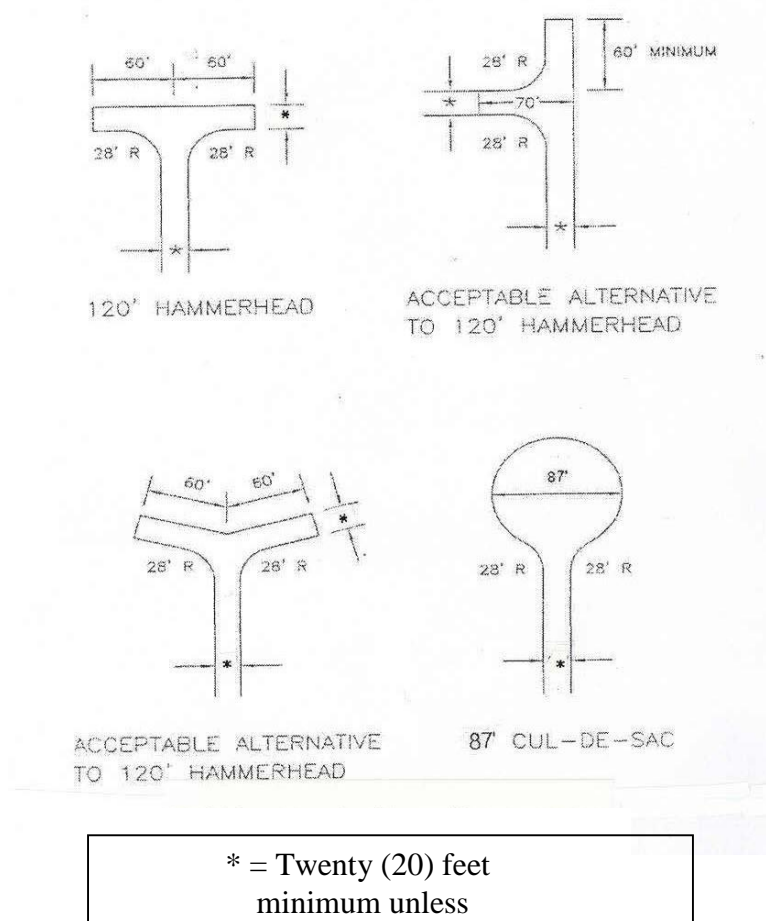


Figure 2.5.7 Turn-Around Standards for Access Driveways



2.6 Storm Drainage Facilities

- A. **General:** Facilities and design for storm water drainage shall be provided in accordance with standards set by the Montana Department of Environmental Quality (MDEQ). The developer shall provide a storm water collection and conveyance system which is designed and constructed in accordance with MDEQ standards and which may be connected to an existing storm drainage system. If there is no existing storm drainage system in the area or if the existing system has insufficient capacity to carry the additional discharge, the developer shall provide an onsite area for retention or detention with controlled outlet capacity, if needed. Such on-site retention or detention and controlled outlet shall be utilized only if specifically approved by the MDEQ.
- B. **Drainage Discharge:** Discharge of storm drainage is subject to the following:
 - i. Storm drain systems shall not discharge into sanitary sewer facilities.
 - ii. Storm drain systems shall not discharge into agricultural water user's facilities without the written permission of the appropriate irrigation district.

- C. **Easements:** Easements may be required between lots and along rights-of-way to manage storm drainage in developments.
- D. **Location of Facilities:** If any onsite retention or detention facility is used it shall be included as part of the lot used for the BLR.
- E. **System Maintenance:** If any onsite retention or detention facilities are utilized, a maintenance plan shall be created prior to filing the final approved development plan in order to provide funds for the maintenance of such facilities.
- F. **Municipal Separate Storm Sewer System (MS4):** Yellowstone County is part of a program to reduce pollutants in storm water runoff from construction activities that result in a land disturbance of greater than or equal to one (1) acre, within the MS4 boundary and outside the city limits in Billings. A map of the MS4 boundary is available in the County Public Works Department. Development inside the MS4 boundary may be required to follow the procedures described below:

Any person or person that perform(s) construction activities within the MS4 boundary that result in a land disturbance of greater than or equal to one (1) acre, shall obtain a permit or permission from MDEQ and abide by all of their rules, requirements, and conditions. This shall include construction plan submittal to MDEQ. A copy of the submittal, along with any responses or replies from MDDEQ shall also be submitted to the Yellowstone County Public Works Department. The final DEQ approved storm water management plan for all developments shall be provided with the final plan and recorded as part of the final DEQ documents when the final approved plan is recorded.

2.7 Sanitary Sewer System

- A. If the development is within the service area of a public sanitary sewer system, and sanitary sewer services are within 500 feet of the boundary of the development, the developer shall install complete sanitary sewer system facilities in accordance with the requirements of the sewer district involved and the Montana Department of Environmental Quality (MDEQ).
- B. If any boundary of the development is within 500 feet of a public sanitary sewer system, the developer must connect to the sewer district and install sanitary sewer system facilities.

The DEQ may grant a waiver of the requirement to connect to a public system if the developer demonstrates that connection to the public system is physically or economically impractical, or if the district or utility refuses to provide service. For purposes of this Section, a connection is economically practical if the cost is less than or equal to three times the cost of installation of an approvable system on the site.

Developments that are developing in the County but are within the City of Billings Annexation Petition Area or Long-Range Urban Planning Area on its Limits of Annexation Map, or in close proximity to a public water or sewer system, shall consider in designing sewer systems the future connection to the public systems. Designing the system to connect to a public system is not a requirement but may better facilitate future annexation of existing development or extension of services to a development from a public system. The preliminary plan application shall require a narrative explaining how the proposed system is compatible with future integration to municipal wastewater systems.

- C. Where individual septic systems are proposed, the systems must, at a minimum, meet the standards set forth in Montana Administrative Rules, Title 17, Chapter 36 (Onsite Subsurface Wastewater Treatment), and obtain approval by the Montana Department of Environmental Quality and/or the Yellowstone County Environmental Health Department.
- D. Community Wastewater Systems are allowable if permitted by the MDEQ. Maintenance of these systems and land necessary for the systems will require the creation of a Home Owners Association or other means outlined by the development owner prior to final plan approval.

2.8 Water Supply System.

- A. If the development is within the service area of a public water supply system, the developer shall install complete water system facilities in accordance with the requirements of the water district involved and the Montana Department of Environmental Quality (MDEQ).

The developer shall submit an application for extension of water services and plans and specifications for the proposed facilities to the water district involved and to the Montana Department of Environmental Quality (MDEQ) and shall obtain necessary approvals prior to final plat approval.

- B. If any boundary of the development is within 500 feet of a public water supply system, the developer must connect to the water district and install water supply system facilities.

The governing body may grant a variance from the requirement to connect to a public system if the developer demonstrates that connection to the public system is physically or economically impractical, or if the district or utility refuses to provide service. For purposes of this Section, a connection is economically practical if the cost is less than or equal to three times the cost of installation of an approvable system on the site.

- C. Where individual water supply systems are proposed, the systems must, at a minimum, meet the standards set forth in Montana Administrative Rules, Title 17, Chapter 36 (Onsite Subsurface Wastewater Treatment), and obtain approval by the Montana

Department of Environmental Quality and/or the Yellowstone County Environmental Health Department.

- D. Community Water Systems are allowable if permitted by the DEQ. Maintenance of these systems and land necessary for the systems will require the creation of an HOA or other means determined by the developer, that shall be created prior to final plat approval.

2.9 Solid Waste Disposal

- A. The development shall satisfy the solid waste disposal standards set forth in Montana Administrative Rules, Title 17, Chapter 36 (Onsite Subsurface Wastewater Treatment). Approval of the final plan will be contingent on receiving solid waste disposal approval either from MDEQ or the City-County Environmental Health Department, as required below.
- B. Sufficient solid waste collection sites shall be provided for the entire development. Or arrangements with a solid waste company to have curb side pick-up.

2.10 Utilities

- A. All new utilities serving the development including electricity, cable television, and telephone shall be placed underground, with the exception of fire hydrants, cable closures, alignment markers, etc. Easements for utilities and any irrigation ditches that exist on the land shall be clearly shown on the final approved plan.
- B. **Additional Provisions:**
 - i. The realignment or relocation of active irrigation ditches or pipelines is discouraged when said facilities are located outside of public right-of-way. If an irrigation facility is proposed to be realigned or relocated, the developer shall receive written permission of the appropriate irrigation district and/or water user and the developers. A Professional Engineer shall certify prior to final plan approval that the water entering and exiting the realigned or relocated irrigation facility is the same quality and quantity that entered or exited the facility prior to realignment or relocation.
 - ii. New storm water generated from a development shall not be discharged into an irrigation facility unless the developer receives written approval from the appropriate agricultural water user facility prior to final plan approval.

2.11 Fire Protection Requirements.

To ensure a reasonable level of fire protection and life-safety for the public and firefighters, an approved water supply capable of the required water flow for fire protection shall be provided in accordance with this Section and the applicable fire code to all premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into the jurisdiction.

A. Definitions:

- i. **Exposure:** Any structure more than 200 square feet in size.
- ii. **Dry Hydrant System:** A permanent piping system with an underground static water supply, tank, and approved structure which provides year-round frost-free access to a water source other than a pressurized municipal water source.
- iii. **Approved:** Acceptable to the fire department having jurisdiction.
- iv. **Fire Department having jurisdiction:** Fire Department or Fire District serving the area in which the development is located.

B. The developer shall provide a minimum of one of the following mechanisms for fire suppression when developing 4 or more spaces/buildings:

- i. A pressurized fire hydrant system meeting the flow requirements of the applicable Fire Code and NFPA 1142.
- ii. An approved, single, minimum thirty thousand (30,000) gallon underground water storage tank with approved dry hydrant type fittings located not more than one-half (1/2) road mile from the furthest structure in the development. If an approved existing underground water storage tank is located within one-half (1/2) road mile from the furthest structure of the proposed development, it may be used to meet this requirement. In either case, the dry hydrant shall be constructed to the specification and standard provided by the Fire Department having jurisdiction, or
- iii. When a County development is within one half (1/2) road mile of a pressurized municipal hydrant the developer shall pay a fee in lieu of hydrant installation to the Fire Department serving the proposed development. The fee shall be established by a Resolution of the Board of County Commissioners.

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

C. Proportionate Reimbursement for the Joint Use of a Dry Hydrant System:

- i. Proportionate Reimbursement for the joint use of a dry hydrant system: If subsequent development will be served by an existing water supply site, the Board of County Commissioner shall include reimbursement of the original water supply site improvement costs as a condition of preliminary approval of the subsequent development. The reimbursement shall be in effect for a period of 10 years from the date of approval of the original subdivision/development. The proportionate reimbursement shall be determine based on the number of subdivisions/developments utilizing the hydrant to fulfill the Fire Protection

Requirements as outlined in Section 2.11. The reimbursement amount shall be determined by dividing the total cost of the hydrant (X) by the number of subdivisions/developments (Y) using the hydrant. If, $(X/Y) = Z$ then $(Z/(Y-1)) = \text{Amount to be reimbursed to the RSID that maintains the dry hydrant system the new subdivision/development is going to be using.}$

- ii. Reimbursement qualifications: The original developer shall forward documentation of the total costs of the water supply improvement to the County Finance Department within 60 days of completion of the improvement. Subsequent subdividers/developers shall make their payment to the Finance Department, with notification to the Planning Department. The Finance Department shall then forward the funds within 120 days to the RSID that is funding the dry hydrant system maintenance.

D. Dry Hydrant Specifications. If the dry hydrant option for fire suppression is utilized, the hydrant shall be constructed to the following standards:

- i. All dry hydrant systems shall be designed and constructed to provide a minimum flow of one thousand (1,000) gallons per minute (gpm) (3780 L/min) at draft.
- ii. Dry hydrants shall have a minimum clearance of twenty (20) feet (6.6 m) on each side and be located a minimum of one hundred (100) feet (30 m) from any structure. Approved pullouts or other design features shall be constructed to ensure that highway or road traffic shall not be impaired during use of the dry hydrant.
- i. Dry hydrants shall be centrally located to be accessible under all weather conditions. Dry hydrants shall be located in a public easement. Dry hydrants located on private streets shall provide easement document(s) granting maintenance and public access. Easement documents shall be recorded with the final plan. No tank will be located on a street classified as an arterial street or collector. Dry hydrants located on private streets shall provide easement document(s) granting maintenance and public access.
- ii. The water container shall be a clean fiberglass or concrete tank, approved by the Fire Department having jurisdiction. Contact the Fire Department having jurisdiction for specifications on materials and construction of the dry hydrant tank. Fittings for the tank shall be specific to the fire department having jurisdiction.
- iii. To ensure safety of design, functionality, installation, maintenance, and proper appropriation of financial resources, the Fire Department having jurisdiction shall approve all aspects of tank location, construction design, type of materials, pipe, and system fittings.
- iv. The location of all dry hydrant systems shall be shown on the face of the final

plan and be labeled 30,000-gallon underground water storage tank/dry hydrant system. One copy of this plan shall be forwarded to the County GIS Department.

- E. **Water Supply Maintenance.** The developer shall establish a Rural Special Improvement District (RSID) prior to final plan approval that ensures the continual operation and maintenance of the water supply system. If the Fire Department having jurisdiction determines that the water supply system is not being adequately maintained, the Fire Department may maintain or repair the system. The cost of such maintenance may be levied against the real property within the development and may be foreclosed in any manner allowed by law.

All underground water supply tanks shall be available for use by any Fire Department responding to any fire within the jurisdiction where the fire is occurring.

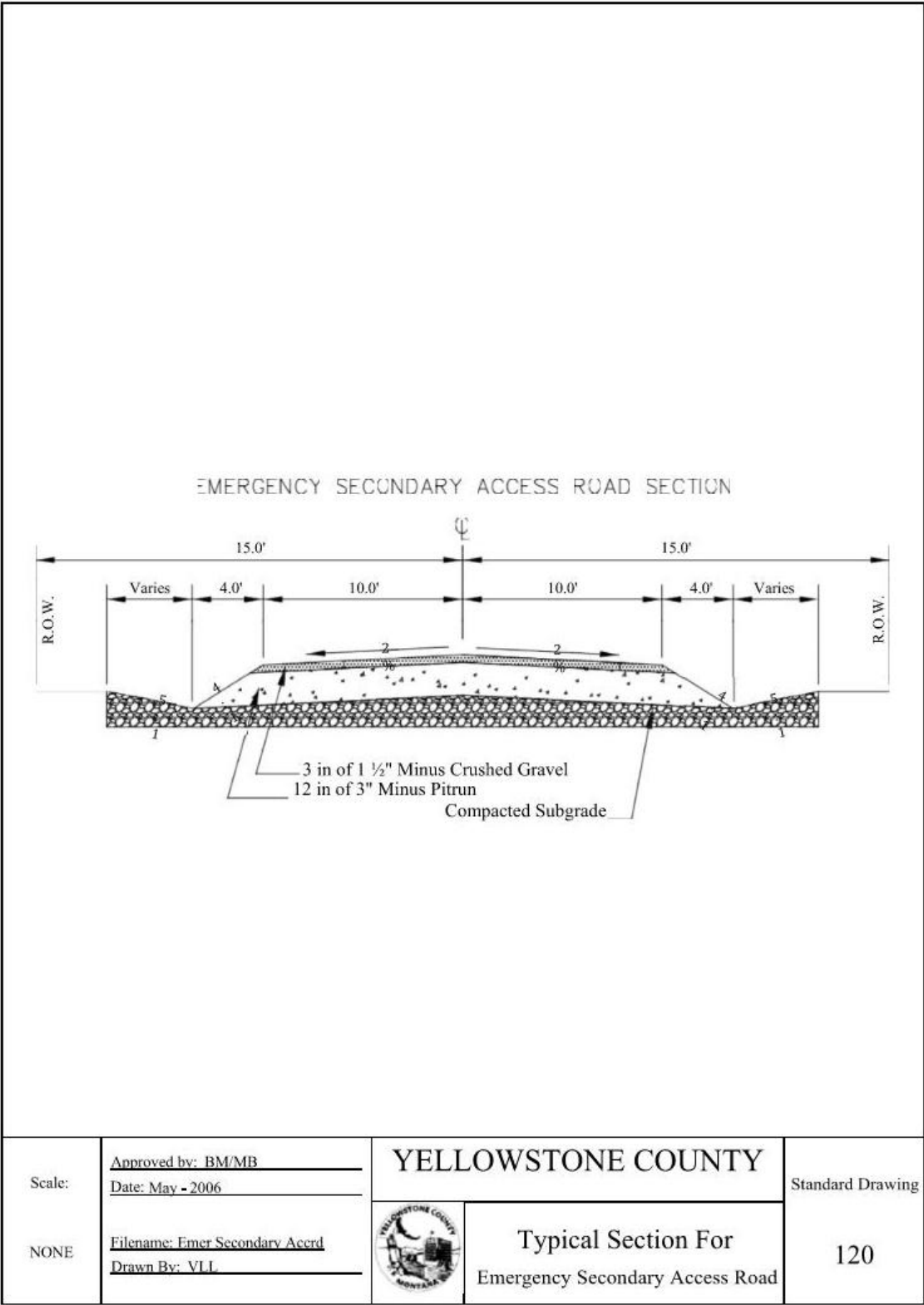
- F. **Emergency Secondary Access Roads:** In the event that an emergency secondary access road is approved as a means of providing a second access to a development, as required by Section 2.5.C.iii of these Regulations, it shall be built to the following standards:

- i. Emergency access roads shall be designed to a minimum unobstructed surface width of not less than 20 feet and shall be constructed to adequately support a 40-ton vehicle with a surface so as to provide all weather driving capabilities. The road shall be constructed to County standards (see Figure 2.11.1). Where requested by the Fire Department having jurisdiction, gates or other approved barricades shall be required at either end of the road to restrict through traffic. A sign shall be fixed to each gate in a conspicuous manner. The sign shall read “EMERGENCY ACCESS ONLY” using black letters not less than 2 inches wide and 6 inches high on a white retro reflective background.
- ii. Prior to construction, a cross-sectional design of the road including location, section, surfacing, and drainage, and design of gates or barriers shall be submitted to and approved by the Fire Department having jurisdiction and an Engineer licensed in the State of Montana. The storm drain design shall accommodate runoff during a 10-year storm event to ensure that there is no blockage of the roadway in the event of an emergency. The drainage shall not encroach into the travel way.
- iii. Emergency access roads will be assigned a name by the Fire Department having jurisdiction. In order to ensure the roads are entered into and reflected on the County GIS mapping system, the road shall be shown on the plan along with the name assigned to the road. Emergency access roads will not have conventional street signs identifying them by the assigned name.

One set of final plans showing corrections/revisions after review and approval shall be submitted to the Fire Department and one set of final plans shall be

provided to County GIS to ensure that the emergency access road and road name are entered into the GIS mapping system.

Figure 2.11.1



2.12 Noxious Weed Control

In order to comply with the Montana County Weed Control Act, Title 7, Chapter 22, Part 21, MCA, all proposed County developers must enter into a weed management plan agreement with the Yellowstone County Weed Board. Approval of the final plan will be contingent on an approved weed management plan on file with the Yellowstone County Weed Control Department.

- A. County weed management plans require completion of application forms obtained from the Yellowstone County Weed Control Department, a site map that will allow for inspection of the proposed development, and payment of the inspection fee prior to performance of the required inspection.
- B. Mitigation of any identified existing noxious weed species will be required as well as planned re-vegetation of any and all disturbed areas within the proposed development.

2.13 Flood Hazard Evaluation.

- A. Land located within the floodway of a flood of 100-year frequency as defined by Title 76, Chapter 5, MCA, may not be developed for building purposes, or other uses that may be prohibited by state or local floodplain regulations.
- B. Where the 100-year floodway has been delineated by a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), or a City- or County-approved study on land in a subdivision, the 100-year floodway boundary and 100-year floodplain boundary shall be shown on the plat of the subdivision and the area within the 100-year floodway shall be labeled as a “No-Build Zone.”
- C. Any development of land that is in the flood fringe, a Zone A as shown on a FIRM, or an identified flood prone area is subject to the requirements of the Yellowstone County Floodplain Regulations.

2.14 Additional provisions

Health standards/license requirement: In addition to the criteria of this Section, mobile or manufactured home parks must also meet the minimum standards of the Montana Department of Public Health and Human Services (MDPHHS) under Title 50, Chapter 52, MCA and the requirements of the Montana Department of Environmental Quality (MDEQ). The Board of County Commissioners shall not grant final approval of a mobile or manufactured home and/or recreational vehicle park until the developer first obtains the applicable licenses and approvals for the facility from MDPHHS and MDEQ.

It shall be unlawful to operate a mobile or manufactured home park without holding a valid license issued by the Montana State Department of Environmental Quality, to be renewed annually.

2.15 Timing of Improvements

The developer shall install all required improvements before renting or leasing any portion of the BLR. All street improvements shall be designed by and constructed under the supervision of a professional engineer, competent in civil engineering, licensed in the State of Montana. All improvements shall meet or exceed the right-of-way and construction standards for the type of street to be constructed found within these Regulations, the adopted transportation plan, and adopted policies of the County Public Works Department.

2.16 Open Space and Trail Requirements for Residential BLR Development

Open Space percentages for developments that provide permanent, multiple spaces for the BLR are as follows:

- A. 11% of the area of the net land proposed to be developed at a density of one dwelling unit per half acre or less;
- B. 7.5% of the area of the net land proposed to be developed at a density of between one dwelling unit per half acre and one dwelling unit per one acre;
- C. 5% of the area of the net land proposed to be developed at a density of between one dwelling unit per one acre and one dwelling unit per 3 acres; and
- D. 2.5% of the area of the net land proposed to be developed at a density of between one dwelling unit per 3 acres and one dwelling unit per 5 acres.

**Yellowstone County
Buildings for Lease or Rent
Application & Review Process**

1. Purpose

The following regulations are intended to provide a process for the acceptance and review of applications for the creation of buildings for lease or rent in the unincorporated areas of Yellowstone County, Montana. The lease or rent of buildings on a tract of record may directly impact the property and its surroundings with regard to vehicular access, public health, safety, and general welfare, the provision of public services and utilities, and the physical environment. These regulations are adopted for the purpose of considering and mitigating potential impacts resulting from buildings proposed for rent or lease on a single tract of record, ensuring protection of the public's health, safety and general welfare.

2. Authority & Administration

- A. These regulations are adopted under the authority of Sections 76-8-101, et seq., MCA.
- B. The Planning Department having jurisdiction is designated by the Board of County Commission of Yellowstone County to administer these regulations, including the review of any applications submitted, preparation of a recommendation of approval, conditional approval, or denial of the application to the Board for its consideration.
- C. The Board of County Commission has authority to approve, conditionally approve, or deny the application for the creation of buildings for lease or rent pursuant to these regulations.

3. Applicability

- A. These regulations apply to all lands within unincorporated areas of Yellowstone County.
- B. In their interpretation and application, the provisions of this chapter may be regarded as the minimum requirements for the protection of the public health, safety, and welfare.
- C. This resolution is not intended to abrogate or annul any building permit, certificate of occupancy, variance, or other lawful permit issued before the effective date of this resolution.

4. Definitions

- A. *Administrator* – The individual designated by the governing body to carry out the terms of these regulations.
- B. *Applicant* – The owner, or designated representative, of land for which an application for the creation of a building for lease or rent has been submitted.
- C. *Building* – As defined in Section 76-8-101(1), MCA, a structure *or a unit of a structure* with a roof supported by columns or walls for the permanent or temporary housing or enclosure of persons or property or for the operation of a business. Except as provided in 76-3-103(15) the term includes a recreational camping vehicle, mobile home, or cell tower. The term does not include a condominium or townhome.
- D. *Department* – As defined in Section 76-8-101(2), MCA, the department of environmental quality provided for in 2-15-3501.
- E. *Governing body* – As defined in Section 76-8-101(3), MCA, the legislative authority for a city, town, county, or consolidated city-county government.

- F. *Landowner* – As defined in Section 76-8-101(4), MCA, an owner of a legal or equitable interest in real property. The term includes an heir, successor, or assignee of the ownership interest.
- G. *Local reviewing authority* – As defined in Section 76-8-101(5), MCA, a local department or board of health that is approved to conduct reviews under Title 76, chapter 4.
- H. *Supermajority* – As defined in Section 76-8-101(6), MCA, a unanimous affirmative vote of the present and voting county commissioners in counties with three county commissioners.
- I. *Tract* – As defined in Section 76-8-101(7), MCA, an individual parcel of land that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office.

5. Review Requirements for Buildings for Lease or Rent

- A. The following buildings created for lease or rent that are not or will not be served by water or wastewater are exempt from the provisions of these regulations when:
 - i. The building is in conformance with applicable zoning regulations;
 - ii. The building is one of three or fewer buildings for lease or rent that were in existence or under construction on the tract of record before September 1, 2013;
 - iii. The building is a facility as defined in 15-65-101 that is subject to the lodging facility use tax under Title 15, Chapter 65, except for recreational camping vehicles or mobile home parks; or
 - iv. The building is for farming or agricultural purposes.
- B. The following buildings created for lease or rent, that are or will be served by water and wastewater facilities, must comply with the provisions of subsection (C) but are exempt from all other provisions of these regulations when:
 - i. The building is in conformance with applicable zoning regulations;
 - ii. The building is one of three or fewer buildings for lease or rent that were in existence or under construction on the tract of record before September 1, 2013;
 - iii. The building is a facility as defined in 15-65-101 that is subject to the lodging facility use tax under Title 15, Chapter 65, except for recreational camping vehicles or mobile home parks;
 - iv. The building is for farming or agricultural purposes; or
 - v. The landowner records a notarized declaration with the Yellowstone County Clerk and Recorder stating that the proposed building will not be leased or rented. The declaration runs with the land and is binding on the landowner and all subsequent landowners and successors in interest to the property, *and can only be revoked by review and approval by the governing body under these Regulations*. The declaration must include:
 - a. The name and address of the landowner;
 - b. A legal description of the tract upon which the proposed building will be located; and
 - c. A specific description of the building on the tract of record.
- C. The first three (3) or fewer buildings for lease or rent proposed on a single tract of record and not otherwise exempt under subsections (A) or (B), require review and approval by the department or local reviewing authority for sanitation review if required by Title 76,

Chapter 4, MCA, or to the local board or department of health if review is required by Title 50, MCA. If the department, local reviewing authority, or local board or department of health approves the application for sanitation review, the landowner shall record the certificate of approval and any conditions associated with the approval of the application with the Yellowstone County Clerk and Recorder.

- D. All other buildings for lease or rent on a single tract of record require review and approval by the governing body, pursuant to the provisions of Section 6.

6. Application for Creation of Buildings for Lease or Rent

A. Application Submittal Requirements

- i. An application for the creation of buildings for rent or lease shall be submitted to the administrator designated by the governing body, and accompanied by the payment of any fees established for the review of same.
- ii. The application shall include:
 - a. A copy of the deed or other legal description of the real property;
 - b. Signature of the landowner of the land for which the application is being made;
 - c. Evidence of legal access to the subject property;
 - d. A site plan showing:
 - I. North arrow and scale bar;
 - II. Property boundaries;
 - III. Existing and proposed onsite and adjacent offsite streets, roads and easements that will serve the proposal;
 - IV. Existing and proposed access to the subject property;
 - V. Pertinent geographic features of the subject property, such as significant topographical features, areas with slopes greater than 25%, and designated floodplain;
 - VI. Location of existing and proposed private or public utilities serving the subject property;
 - VII. The location of existing and proposed buildings or structures on the subject property.
 - e. A description of existing and proposed buildings and their location on the subject property, including the uses proposed for each and the approximate floor area and ground coverage of each building;
 - f. A description of the proposed water, wastewater, stormwater, and solid waste disposal facilities intended to serve the buildings for lease or rent;
 - g. A description of the emergency medical, fire, and law enforcement services proposed to serve the buildings for lease or rent.
 - h. A description of any existing or proposed on-site land uses that may create a nuisance to human population in the area such as unpleasant odors, unusual or loud noises, dust or smoke.

B. Review Standards for Buildings for Lease or Rent

- i. Buildings for lease or rent that are not or will not be served by water or wastewater, and that are not exempt under the provisions of Sections 5.A. or 5.C, above, shall provide the following:
 - a. Physical access to all proposed or existing buildings for lease or rent of a minimum unobstructed width of not less than 20 feet, constructed to adequately support a 40-ton vehicle with an all-weather driving surface;
 - b. A traffic impact study (TIS) prepared by a licensed engineer specializing in traffic applications for any buildings for lease or rent on a tract of record that will generate five hundred (500) or more vehicular trips per day, as referenced in the most current edition of the Trip Generation manual of the Institute of Transportation Engineers. The TIS shall contain the information specified in Section 4.6.C.4.B of the Yellowstone County Subdivision Regulations.
 - ii. Buildings for lease or rent that are or will be served by water or wastewater, and that are not exempt under the provisions of Sections 5.B. or 5.C, above, shall provide the following:
 - a. Physical access to all proposed or existing buildings for lease or rent of a minimum unobstructed width of not less than 20 feet, constructed to adequately support a 40-ton vehicle with an all-weather driving surface;
 - b. A traffic impact study (TIS) prepared by a licensed engineer specializing in traffic applications for any buildings for lease or rent on a tract of record that will generate five hundred or more vehicular trips per day, as referenced in the most current edition of the Trip Generation manual of the Institute of Transportation Engineers. The TIS shall contain the information specified in Section 4.6.C.4.B of the Yellowstone County Subdivision Regulations;
 - c. A reliable water source for fire-fighting needs;
 - d. Evidence of availability of structure-rated fire protection services.
- C. Review Process
- i. Upon receipt of an application along with all applicable fees, the administrator shall, within ten (10) working days, determine whether the application is complete and notify the applicant in writing.
 - ii. If the application is incomplete, the administrator shall identify, in writing, any missing materials or insufficient information necessary to conduct the required review.
 - iii. If the application is complete, the administrator shall complete review of the application, and the governing body shall approve, conditionally approve, or deny the application within sixty (60) working days. The timeframe may be extended upon mutual agreement, in writing, by the applicant and the governing body. Review and approval, conditional approval, or denial of an application for the creation of buildings for lease or rent pursuant to this section must be based upon the regulations in effect at the time an application is determined to be complete.
 - iv. The governing body may approve or conditionally approve the proposed buildings for lease or rent upon finding:
 - a. The proposed buildings for lease or rent, as submitted or conditioned, comply with these regulations and avoid or minimize potential significant impacts on the physical environment and human population in the area affected by the buildings for lease or rent;

- b. Adequate water, wastewater, and solid waste facilities are available to serve the buildings for rent or lease;
- c. Adequate access to the site is provided to serve the buildings for lease or rent;
- d. Adequate emergency medical, fire protection, and law enforcement services are available to serve the buildings for rent or lease; and
- e. The buildings for lease or rent comply with any applicable flood plain regulations.
- v. The governing body shall provide written notification to the landowner of the approval, conditional approval, or denial of the application within 60 working days after determining the application was complete.

D. Appeal

- i. An applicant who is aggrieved by a final decision of the department or the local reviewing authority may request a hearing as provided in Section 76-4-126(1), MCA. For purposes of this subsection, the contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, apply to the proceeding.
- ii. An applicant or landowner with a property boundary contiguous to the tract on which buildings for lease or rent are proposed to be located who is aggrieved by a decision of the governing body may, within 30 days of the date of the final decision of the governing body, appeal to the district court in the county in which the property involved is located.
- iii. For purposes of this section, "aggrieved" has the meaning provided in Section 76-3-625, MCA.

7. Enforcement and Penalties

- A. The administrator shall notify the landowner or any other responsible party of a violation of these regulations by certified mail and/or posting on the subject property. The notice shall describe the violation, cite the section of these regulations being violated, and request the responsible party to voluntarily comply within 30 days.
- B. Any person who receives a notice of violation may, within the 30 days allowed, request inspection by the administrator to show that compliance has been attained or appeal the notice of violation to the governing body.
- C. If, after the 30 days for voluntary compliance has lapsed, compliance has not been attained or an appeal has not been filed, the administrator shall request the County Attorney begin legal action against the landowner or any other responsible party.
- D. Upon request by the administrator, the County Attorney may request that the governing body grant the County Attorney the authority to commence any actions and proceedings available in law or equity to prevent the creation of a building for lease or rent in violation of these regulations; restrain, correct, or abate a building for lease or rent in violation of these regulations; or prevent the occupancy of a building for lease or rent in violation of these regulations.

B.O.C.C Thursday Discussion

2. a.

Meeting Date: 11/13/2025

Title: Speed Study - Laurel Airport Road and Yard Office

Submitted For: Monica Plecker, Public Works Director

Submitted By: Monica Plecker, Public Works Director

TOPIC:

Speed Study - Laurel Airport Road and Yard Office

BACKGROUND:

See attached summary.

RECOMMENDED ACTION:

Discuss.

Attachments

Summary

Study Location: Yard Office and Laurel Airport

Counter Location: 400' from intersection on Laurel Airport Road, 150' from intersection on Yard Office Road.

Study Timeframe: September 30 – October 7, 2025

Speed data was collected over a 7-day period at the intersection of Yard Office Road and Laurel Airport Road.

A summary of study data is shown on the next page. Generally speaking, the data doesn't suggest there are speeding issues near the intersection that could be the root cause of safety concerns near the intersection.

The posted speed limit on Laurel Airport Road is 60 mph. At both the east and west collection point the 85th percentile of traffic is traveling at 62.1mph/60.8 mph. Our measure of success is for the 85th percentile to be within 5 miles an hour of the posted limit. For Yard Office, the speed limit is 50. At both the north and south data collection points the speeds were reducing significantly with Yard Office North of Airport Road 85th percentile slowing to 32.8 mph and the and Yard Office South of Airport Road slowing to 37.3 mph.

The data does not indicate visibility issues or unsafe travel behavior approaching the intersection but more so suggests poor decision making or driver behavior once decision points are made at the intersection. Based on these findings, a 4-way stop does not appear to be warranted at this time.

Recommendations:

- Contact the landowner at the SW corner of the intersection to get permission to remove tree to increase sight distance.
- Consider other vegetation controls.
- Consider signage improvements such as larger stop signs and cross traffic does not stop signs.
- Provide information to Yellowstone County Sheriff's Office.
- Forward data to PTOE for additional review.
- Conduct additional study in 2026 to monitor and look for changes in patterns.

| Laurel Airport West of Yard Office | | Posted Speed Limit | | 60 | | | | | | | | | |
|-------------------------------------|-----------|--------------------|-------|-------|-------|-------|-----------|-------|-------|-------|-------|-----|---|
| | 0-39 | 40-44 | 45-49 | 50-54 | 55-59 | 60-64 | 65-69 | 70-74 | 75-79 | 80-84 | 85-89 | 90+ | |
| West Bound | 2032 | 195 | 153 | 243 | 405 | 591 | 338 | 86 | 14 | 4 | 1 | 1 | 1 |
| East Bound | 1947 | 119 | 141 | 289 | 344 | 556 | 369 | 105 | 20 | 4 | 0 | 0 | 0 |
| Combined | 3979 | 314 | 294 | 532 | 749 | 1147 | 707 | 191 | 34 | 8 | 1 | 1 | 1 |
| Percentile | 10% | 15% | 50% | 85% | 90% | | | | | | | | |
| (mph) | 41.4 | 44.5 | 55.2 | 62.1 | 63.4 | | | | | | | | |
| Pace Range (mph) | 52.3-62.3 | 52.3% of vehicles | | | | | 7 Day ADT | 562 | | | | | |
| Average (mph) | 53.8 | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| Laurel Airport East of Yard Office | | Posted Speed Limit | | 60 | | | | | | | | | |
| | 0-39 | 40-44 | 45-49 | 50-54 | 55-59 | 60-64 | 65-69 | 70-74 | 75-79 | 80-84 | 85-89 | 90+ | |
| West Bound | 9455 | 483 | 970 | 1933 | 2078 | 2431 | 1221 | 245 | 74 | 13 | 5 | 0 | 2 |
| East Bound | 9003 | 705 | 1134 | 1268 | 1330 | 2461 | 1562 | 402 | 107 | 19 | 5 | 7 | 3 |
| Combined | 18458 | 1188 | 2104 | 3201 | 3408 | 4892 | 2783 | 647 | 181 | 32 | 10 | 7 | 5 |
| Percentile | 10% | 15% | 50% | 85% | 90% | | | | | | | | |
| (mph) | 42 | 43.8 | 54.2 | 60.8 | 63.4 | | | | | | | | |
| Pace Range (mph) | 49.7-59.7 | 47.9% of vehicles | | | | | 7 Day ADT | 2635 | | | | | |
| Average (mph) | 53 | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| Yard Office South of Laurel Airport | | Posted Speed Limit | | 50 | | | | | | | | | |
| | 0-39 | 40-44 | 45-49 | 50-54 | 55-59 | 60-64 | 65-69 | 70-74 | 75-79 | 80-84 | 85-89 | 90+ | |
| North Bound | 3166 | 2940 | 202 | 20 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| South Bound | 4103 | 3976 | 116 | 10 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Combined | 7269 | 6916 | 318 | 30 | 3 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Percentile | 10% | 15% | 50% | 85% | 90% | | | | | | | | |
| (mph) | 27.1 | 28.4 | 32.8 | 37.3 | 38.2 | | | | | | | | |
| Pace Range (mph) | 27.9-37.9 | 77.1% of vehicles | | | | | 7 Day ADT | 1024 | | | | | |
| Average (mph) | 32.6 | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| Yard Office North of Laurel Airport | | Posted Speed Limit | | 50 | | | | | | | | | |
| | 0-39 | 40-44 | 45-49 | 50-54 | 55-59 | 60-64 | 65-69 | 70-74 | 75-79 | 80-84 | 85-89 | 90+ | |
| North Bound | 1689 | 1661 | 22 | 5 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| South Bound | 1920 | 1911 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Combined | 3609 | 3572 | 31 | 5 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Percentile | 10% | 15% | 50% | 85% | 90% | | | | | | | | |
| (mph) | 22.8 | 24 | 28.4 | 32.8 | 33.9 | | | | | | | | |
| Pace Range (mph) | 23.1-33.1 | 76.3% of vehicles | | | | | 7 Day ADT | 509 | | | | | |
| Average (mph) | 28.4 | | | | | | | | | | | | |

apparent

B.O.C.C Thursday Discussion

2. b.

Meeting Date: 11/13/2025

Title: Boundary Expansion for RSID 733M (Red & King Gulch)

Submitted For: Russell Burton, Comptroller

Submitted By: Russell Burton, Comptroller

TOPIC:

Boundary Expansion for RSID 733M (Red & King Gulch)

BACKGROUND:

Public Works received outreach from property owners regarding the maintenance and use of RSID 733M (Red & King Gulch). Public Works reviewed District boundaries regarding benefited parcels. That review identified several parcels that receive benefit from the maintenance of roads within RSID 733M but were not originally included in The District. In accordance with § 7-12-2161(4), MCA, the Public Works requests the Board consider initiating an expansion of The District boundary to include the clearly benefited parcels.

RECOMMENDED ACTION:

Approve

Attachments

RSID 733 Expansion Request Letter

Yellowstone County



Public Works Department

Po Box 35024
Billings, MT 59107

Phone (256-2735)

Fax (254-7946)

November 5, 2025

Re: RISD Expansion

Dear Board of County Commissioners and Finance Department:

Public Works has received outreach from property owners regarding the maintenance of Red and King Gulch Roads in C/S 2307 (The District). In response, the Department reviewed District boundaries for consistency with current benefited parcels. That review identified several parcels that receive benefit from the maintenance of roads within Rural Special Improvement District No. 733M but were not originally included in The District.

In accordance with § 7-12-2161(4), MCA, the Department respectfully requests that the Board consider initiating an expansion of The District boundary to include these clearly benefited parcels.

Attached is a report that includes:

- A list of the parcels proposed for inclusion
- A map illustrating the current and proposed boundaries

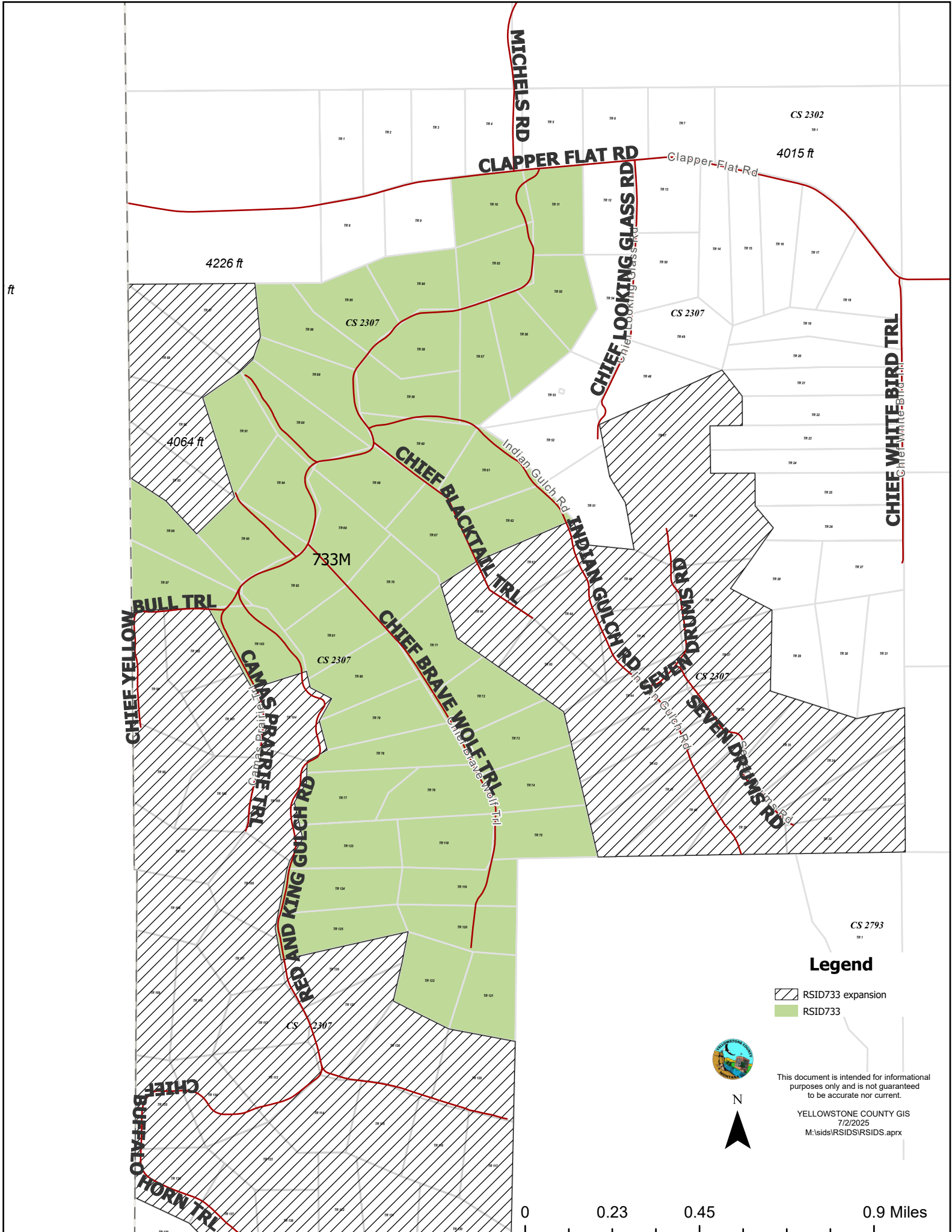
We request that the Board review this report and schedule the matter for discussion at a future work session. If the Board concurs with the proposed expansion, Public Works will assist with preparation of the resolution of intent, public notices, and other required documentation.

Please let us know if any further information is needed.

Sincerely,

A handwritten signature in black ink that reads "Monica Plecker".

Monica Plecker
Public Works Director
Yellowstone County Public Works Department



ft

CS 2302

4015 ft

4226 ft

4064 ft

CS 2307

CS 2307

733M

CS 2307

CS 2307

CS 2793

Legend

- RSID733 expansion
- RSID733



This document is intended for informational purposes only and is not guaranteed to be accurate nor current.

YELLOWSTONE COUNTY
7/2/2025
M:\sids\RSIDS\RSIDS.aprx

0 0.23 0.45 0.9 Miles

| GEOCODE | TAX_ID | OWNER | MAILING ADDRESS | MAILING CITY | MAILING STATE | MAILING ZIP | TAXYEAR | SHORT LEGAL DESCRIPTION | ADDRESS |
|------------------|---------|--|-----------------------------|---------------|---------------|-------------|---------|--|-----------------------------|
| 3081904101010000 | D11387 | MCNIVEN, SHAWN & | 1661 RED AND KING GULCH RD | LAUREL | MT | 59044-9568 | 2025 | S04, T02 S, R23 E, C.O.S. 2307, PARCEL 127 | 1661 RED AND KING GULCH RD |
| 3081904103010000 | D11387A | SULLIVAN, JARED | 1525 RED AND KING GULCH RD | LAUREL | MT | 59044-9455 | 2025 | REAL **DETILED** S04, T02 S, R23 E, C.O.S. 2307, PARCEL 128, MAKE FRIENDSHIP - FRMT, 1999 28X45 TITLE: E433350 SN: MY9920176AB ATTACHED TO | 1525 RED AND KING GULCH RD |
| 3081904111010000 | D11386A | MCNIVEN, CHUCODY LEE | 1775 RED AND KING GULCH RD | LAUREL | MT | 59044-9484 | 2025 | S04, T02 S, R23 E, C.O.S. 2307, PARCEL 126 | 1775 RED AND KING GULCH RD |
| 3081904205010000 | D11380 | RENNER, NATHAN | 1840 RED AND KING GULCH RD | LAUREL | MT | 59044-9462 | 2025 | S04, T02 S, R23 E, C.O.S. 2307, PARCEL 113 | |
| 3081904206010000 | D11376 | MIKAN, PHILIP E | PO BOX 22 | EAST HARTLAND | CT | 06027-0022 | 2025 | S04, T02 S, R23 E, C.O.S. 2307, PARCEL 109 | |
| 3081904208010000 | D11377 | BREISCH FAMILY TRUST | 5735 CHIEF BUFFALO HORN TRL | LAUREL | MT | 59044-9478 | 2025 | S04, T02 S, R23 E, C.O.S. 2307, PARCEL 110 | 5735 CHIEF BUFFALO HORN TRL |
| 3081904210010000 | D11379 | RENNER, NATHAN C | 1840 RED & KING GULCH ROAD | LAUREL | MT | 59044 | 2025 | S04, T02 S, R23 E, C.O.S. 2307, PARCEL 112 | |
| 3081904213010000 | D11378 | RENNER, NATHAN | 1840 RED AND KING GULCH RD | LAUREL | MT | 59044-9462 | 2025 | S04, T02 S, R23 E, C.O.S. 2307, PARCEL 111 | 1840 RED AND KING GULCH RD |
| 3081904217010000 | D11375 | HAWKINS, LARRY DALE & SUSAN ANN | 10 SNAKEBITE TRL | ROUNDUP | MT | 59072-6539 | 2025 | S04, T02 S, R23 E, C.O.S. 2307, PARCEL 108 | 1850 RED AND KING GULCH RD |
| 3081904220010000 | D11373 | BROWN, MARVIN | PO BOX 80661 | BILLINGS | MT | 59108-0661 | 2025 | S04, T02 S, R23 E, C.O.S. 2307, PARCEL 106 | 5900 CAMAS PRAIRIE TRL |
| 3081904303010000 | D11396 | VANCE, CHRISTOPHER L | 5920 CHIEF BUFFALO HORN TRL | LAUREL | MT | 59044-9461 | 2025 | S04, T02 S, R23 E, C.O.S. 2307, PARCEL 137 | 5920 CHIEF BUFFALO HORN TRL |
| 3081904305010000 | D11397 | ESTKOWSKI, JAMES C & EMILY M | 5930 CHIEF BUFFALO HORN TRL | LAUREL | MT | 59044-9461 | 2025 | S04, T02 S, R23 E, C.O.S. 2307, PARCEL 138 | 5930 CHIEF BUFFALO HORN TRL |
| 3081904309010000 | D11395 | HOVLAND, KATHERIN DANELLE & MITCHELL RAYMOND | 5310 CABERNET LN | BILLINGS | MT | 59106-2671 | 2025 | S04, T02 S, R23 E, C.O.S. 2307, PARCEL 136 | |
| 3081904311010000 | D11392 | BRODIE, MICHAEL | 5950 CHIEF BUFFALO HORN TRL | LAUREL | MT | 59044-9461 | 2025 | S04, T02 S, R23 E, C.O.S. 2307, PARCEL 133 | 5950 CHIEF BUFFALO HORN TRL |
| 3081904313010000 | D11380A | FONDREN, TINA | 8501 N HIGHWAY 52 | EMMETT | ID | 83617-5008 | 2025 | S04, T02 S, R23 E, C.O.S. 2307, PARCEL 114 | 1550 RED AND KING GULCH RD |
| 3081904315010000 | D11394 | SCOTT, KYLE & | 208 FORREST AVE | LAUREL | MT | 59044-3217 | 2025 | S04, T02 S, R23 E, C.O.S. 2307, PARCEL 135 | 5815 CHIEF BUFFALO HORN TRL |
| 3081904317010000 | D11393 | ELLIS MD, ROBERT FRED & | PO BOX 141 | LAUREL | MT | 59044-0141 | 2025 | S04, T02 S, R23 E, C.O.S. 2307, PARCEL 134 | 5715 CHIEF BUFFALO HORN TRL |
| 3081904401010000 | D11391 | WEBSTER, MARC A & NANCY J | 6401 POWHATAN AVE | NORFOLK | VA | 23508-1019 | 2025 | S04, T02 S, R23 E, C.O.S. 2307, PARCEL 132 | |
| 3081904403010000 | D11390 | TRUSTY, JOYCE L & RICHARD A | 5960 CHIEF BUFFALO HORN TRL | LAUREL | MT | 59044-9461 | 2025 | S04, T02 S, R23 E, C.O.S. 2307, PARCEL 131 | 5960 CHIEF BUFFALO HORN TRL |
| 3081904406010000 | D11389 | ABELIA, CANDIDO R JR | PO BOX 81071 | BAKERSFIELD | CA | 93380-1071 | 2025 | S04, T02 S, R23 E, C.O.S. 2307, PARCEL 130 | CHIEF BUFFALO HORN TRL |
| 3081904408010000 | D11382 | LARKINS, BRETT & HEATHER | 1400 RED AND KING GULCH RD | LAUREL | MT | 59044-9479 | 2025 | S04, T02 S, R23 E, C.O.S. 2307, PARCEL 117, MAKE FRIENDSHIP - FRMT, 2011 FRIENDSHIP TITLE: AA0777440 SN: MY1132864ABV ATTACHED TO REAL **ACTIVE** | 1400 RED AND KING GULCH RD |
| 3081904411010000 | D11381A | MYERS, PAUL | 1450 RED AND KING GULCH RD | LAUREL | MT | 59044-9479 | 2025 | S04, T02 S, R23 E, C.O.S. 2307, PARCEL 116, MAKE FOUR SEASONS, 1999 FOUR SEASONS TITLE: E531725 TAX W/RE | 1450 RED AND KING GULCH RD |
| 3081904415010000 | D11381 | DUGAS, ROBERT H & MICHAEL P | 34 HOPKINTON RD | UPTON | MA | 01568-1014 | 2025 | S04, T02 S, R23 E, C.O.S. 2307, PARCEL 115 | RED AND KING GULCH RD |
| 3081904419010000 | D11388 | WEBSTER, MASON & | 1425 RED AND KING GULCH RD | LAUREL | MT | 59044-9479 | 2025 | S04, T02 S, R23 E, C.O.S. 2307, PARCEL 129 | 1425 RED AND KING GULCH RD |
| 3092427304010000 | D11315 | AGNES JUNE OTJEN REVOCABLE TRUST | 2600 SEVEN DRUMS RD | LAUREL | MT | 59044-9491 | 2025 | S27, T01 S, R23 E, C.O.S. 2307, PARCEL 47 | 2600 SEVEN DRUMS RD |
| 3092428302010000 | D11359 | POTTER, KENT W & STEPHANIE | PO BOX 26 | LAUREL | MT | 59044-0026 | 2025 | S28, T01 S, R23 E, C.O.S. 2307, PARCEL 92 | CHIEF BRAVE WOLF TRL |
| 3092428313010000 | D11356 | OEDEKOVEN, TYLER & NICOLE | 5675 CHIEF YELLOW WOLF TRL | LAUREL | MT | 59044-8514 | 2025 | S28, T01 S, R23 E, C.O.S. 2307, PARCEL 88 | |
| 3092428316010000 | D11355 | OEDEKOVEN, TYLER M & NICOLE R | 5675 CHIEF YELLOW WOLF TRL | LAUREL | MT | 59044-8514 | 2025 | S28, T01 S, R23 E, C.O.S. 2307, PARCEL 87 | 5675 CHIEF YELLOW WOLF TRL |
| 3092433105010000 | D11334 | GAST, LINDA K | 810 3RD AVE NE | BUFFALO | MN | 55313-1810 | 2025 | S33, T01 S, R23 E, C.O.S. 2307, PARCEL 66 | |
| 3092433203010000 | D11369 | JORGENSEN, CODY W & KARRIE D | 5735 CAMAS PRAIRIE TRL | LAUREL | MT | 59044-9413 | 2025 | S33, T01 S, R23 E, C.O.S. 2307, PARCEL 102 | 5735 CAMAS PRAIRIE TRL |
| 3092433219010000 | D11360 | STERN, MARY | 5750 CHIEF BRAVE WOLF TRL | LAUREL | MT | 59044-9356 | 2025 | S33, T01 S, R23 E, C.O.S. 2307, PARCEL 93 | 5750 CHIEF BRAVE WOLF TRL |
| 3092433301010000 | D11374 | FISH, PETER J | 5925 CAMAS PRAIRIE TRL | LAUREL | MT | 59044-9415 | 2025 | S33, T01 S, R23 E, C.O.S. 2307, PARCEL 107 | 5925 CAMAS PRAIRIE TRL |
| 3092433304010000 | D11372 | HANSEN, BRIAN J & TANYA O | 5800 CAMAS PRAIRIE TRL | LAUREL | MT | 59044-9517 | 2025 | S33, T01 S, R23 E, C.O.S. 2307, PARCEL 105 | 5800 CAMAS PRAIRIE TRL |
| 3092433307010000 | D11366 | BELL, ADAM ASHLEY & ASHLEY | 5870 CHIEF YELLOWBULL TRL | LAUREL | MT | 59044-9591 | 2025 | S33, T01 S, R23 E, C.O.S. 2307, PARCEL 99 | 5870 CHIEF YELLOW BULL TRL |
| 3092433309010000 | D11367 | GROVER, CLINT | 345 UINTA PARK DR | BILLINGS | MT | 59105-4473 | 2025 | S33, T01 S, R23 E, C.O.S. 2307, PARCEL 100 | 5825 CAMAS PRAIRIE TRL |
| 3092433313010000 | D11365 | SIMLEY, MICHAEL D | 5498 S GOODRICH | MARLOW | OK | 73055-1552 | 2025 | S33, T01 S, R23 E, C.O.S. 2307, PARCEL 98 | |
| 3092433317010000 | D11368 | GROVER, DON ROBERT & KAYLEEN | 5765 CAMAS PRAIRIE TRL | LAUREL | MT | 59044-9413 | 2025 | S33, T01 S, R23 E, C.O.S. 2307, PARCEL 101 | 5765 CAMAS PRAIRIE TRL |
| 3092433320010000 | D11371 | HOLLO, KIRK N | 5700 CAMAS PRAIRIE TRL | LAUREL | MT | 59044-9416 | 2025 | S33, T01 S, R23 E, C.O.S. 2307, PARCEL 104 | 5700 CAMAS PRAIRIE TRL |
| 3092434101010000 | D11305 | FOX, TONI A | 888 E CLINTON ST APT 2059 | PHOENIX | AZ | 85020-5848 | 2025 | S34, T01 S, R23 E, C.O.S. 2307, PARCEL 37 | |
| 3092434109010000 | D11306 | O'HARA, DANIELLE FAITH & | 1237 RIVER PLANTATION PL NE | TOWNSEND | GA | 31331-3675 | 2025 | S34, T01 S, R23 E, C.O.S. 2307, PARCEL 38 | |
| 3092434203010000 | D11332 | HOWELL, BRAD A & SONYA K | 101 RAINBOW DR #16236 | LVINGSTON | TX | 59072 | 2025 | S34, T01 S, R23 E, C.O.S. 2307, PARCEL 64 | 5077 CHIEF BLACKTAIL TRL |
| 3092434205010000 | D11313 | CHATWOOD, JOHN M & SARAH | 3042 S 67TH ST W | BILLINGS | MT | 59106-4216 | 2025 | S34, T01 S, R23 E, C.O.S. 2307, PARCEL 45, TR 45 COS 2307 IN SECS 27-28 & 33-34 & SEC 4 IN 2S 23E | 2520 SEVEN DRUMS RD |
| 3092434209010000 | D11314 | JENSEN, BERNADETE A | 2570 SEVEN DRUMS RD | LAUREL | MT | 59044-9472 | 2025 | S34, T01 S, R23 E, C.O.S. 2307, PARCEL 46 | 2570 SEVEN DRUMS RD |
| 3092434212010000 | D11331 | KINGSBURY, ALEXANDER SCOT & ALISON | 124 WOLF BAY CIR | KINGSLAND | GA | 31548-3226 | 2025 | S34, T01 S, R23 E, C.O.S. 2307, PARCEL 63 | 2626 INDIAN GULCH RD |
| 3092434303010000 | D11309 | WOLFE, LAUREL J | 2300 INDIAN GULCH RD | LAUREL | MT | 59044-9460 | 2025 | S34, T01 S, R23 E, C.O.S. 2307, PARCEL 41 | 2300 INDIAN GULCH RD |
| 3092434305010000 | D11308 | SEGOVIANO, FRANCISCO X & MARGARET T | 5010 US HIGHWAY 10 W | LAUREL | MT | 59044 | 2025 | S34, T01 S, R23 E, C.O.S. 2307, PARCEL 40 | 2155 INDIAN GULCH RD |
| 3092434309010000 | D11310 | WOLFE, LAUREL J | 2300 INDIAN GULCH RD | LAUREL | MT | 59044-9460 | 2025 | S34, T01 S, R23 E, C.O.S. 2307, PARCEL 42 | INDIAN GULCH RD |
| 3092434314010000 | D11311 | VOORHIS, JEANIE J & RICHARD R | 2340 INDIAN GULCH RD | LAUREL | MT | 59044-9460 | 2025 | S34, T01 S, R23 E, C.O.S. 2307, PARCEL 43 | 2340 INDIAN GULCH RD |
| 3092434317010000 | D11312 | ANDERSON, BLAINE & | 5203 BLACK STONE CIR | BILLINGS | MT | 59106-2303 | 2025 | S34, T01 S, R23 E, C.O.S. 2307, PARCEL 44 | 2504 INDIAN GULCH RD |
| 3092434320010000 | D11333 | RIMROCK VISTA INC | 11990 E GARFIELD RD | ASHLEY | MI | 48806-9414 | 2025 | S34, T01 S, R23 E, C.O.S. 2307, PARCEL 65 | CHIEF BLACKTAIL TRL |
| 3092434401010000 | D11307 | LEGER, KYLE A & PAIGE | 2050 INDIAN GULCH RD | LAUREL | MT | 59044-9451 | 2025 | S34, T01 S, R23 E, C.O.S. 2307, PARCEL 39 | 2050 INDIAN GULCH RD |
| 3092434404010000 | D11300 | DENZ, TIMOTHY W & SUNNY C | PO BOX 1181 | LAUREL | MT | 59044-1181 | 2025 | S34, T01 S, R23 E, C.O.S. 2307, PARCEL 32 | 1975 SEVEN DRUMS RD |
| 3092434407010000 | D11301 | SIMON, FRANK J & BETTY A | 2025 7 DRUMS RD | LAUREL | MT | 59044 | 2025 | S34, T01 S, R23 E, C.O.S. 2307, PARCEL 33 | 2025 SEVEN DRUMS RD |
| 3092434410010000 | D11302 | SIMON, MITCHELL R & | 710 FIR AVE | LAUREL | MT | 59044-2529 | 2025 | S34, T01 S, R23 E, C.O.S. 2307, PARCEL 34 | |
| 3092434413010000 | D11303 | RYAN MICHAEL BROVOLD REVOCABLE TRUST | 2150 SEVEN DRUMS RD | LAUREL | MT | 59044-8400 | 2025 | S34, T01 S, R23 E, C.O.S. 2307, PARCEL 35 | SEVEN DRUMS RD |

Meeting Date: 11/13/2025

Title: Continued - Community Water and Wastewater RSID Requirement

Submitted For: Monica Plecker, Public Works Director

Submitted By: Monica Plecker, Public Works Director

TOPIC:

Continued - Community Water and Wastewater RSID Requirement

BACKGROUND:

RSIDs - A Mechanism for Maintenance of Public Improvements

Rural Special Improvement Districts (RSIDs) are a mechanism available to the County to fund the operation and maintenance of public infrastructure. Most commonly we see these are for Roads, Dry Hydrants and Parkland. Recently, these have grown to include community water and wastewater systems. A community water or wastewater system does not include individual wells, individual septic or private service lines.

RSID's function through annual assessments on the properties that directly benefit from the improvements. The assessment is applied to each parcel within the district and collected through property taxes. The purpose of the RSID assessment is to ensure adequate funds are collected to provide for maintenance of the infrastructure. Funds collected through the assessment are used exclusively for maintenance related activities like repairs, replacement of worn components, inspection, and other upkeep necessary to ensure proper function and regulatory compliance of the systems. The maintenance funds cannot be used for construction. A construction RSID would be needed in that case.

Specific to community water and wastewater systems, it is important to note that the RSID assessment is not tied to individual water or wastewater usage rates. There are no consumption-based charges or user fees, there's no monthly billings or otherwise. The RSID assessment instead ensures that the physical infrastructure that serves all landowners within the district is properly maintained, thereby protecting public health, safeguarding property values, and extending the life of the system.

Example Costs Associated with RSID for Community Wastewater Systems

1. Onyx Subdivision, Community Wastewater (Drainfield) System installed 2024. Serves 18 lots. Annually \$11,630.62 (\$646.14 per lot) is being collected. \$10,630.62 is collected for future replacement cost and \$1,000.00 for annual inspections. Annual costs was based on an assumed replacement horizon of 20 years and a cost of \$127,000 plus an escalator for inflation.
2. Linlee Lakes Subdivision, Community Wastewater located subsurface of a public park. Serves 92 lots. Consists of pumping system for 92 lots, low pressure sewer force mains in the streets, two 15,000 gallon collection tanks with 6 pumps, six 8,000 gallon dosing tanks with pumps, six recirculating sand filters, 6 Evapotranspiration systems. Per Morrison and Maierle, in 2024, estimated replacement cost is \$900,000 with annual maintenance an estimated \$30,000-\$50,000 dependent upon upgrades and replacements needed over the next 10 years. Replacement is required of things like sand filters, pumps, valves and other components as well as potential upgrades required by DEQ to meet current discharge permit.

Why RSID's are a Potential Solution for these Systems?

November 2021, Two BOCC Discussions regarding maintenance related issues of a community waste water plant in the Linlee Lake Estates Subdivision. These audio files were provided to the BOCC. The crux of the issue is that there is an SIA with every development. the SIA is a binding contract between the

developer and County. In the case of Linlee Lake the developer decided he no longer wanted to be responsible for maintenance of the system. Concerned residents reached out to the County. As such the issue was discussed with the BOCC. Planning, Public Works and County Legal staff coordinated on the issue. It was the opinion of legal staff that the County has interest in the subdivision, insofar that, the system in question was located in a public park. Failure of the system could provide seepage in the park and create both safety and sanitary issues. Per the Subdivision Improvement Agreement, maintenance must be provided for the system. SIA is binding contract between County and Developer. While the developer obligated maintenance through a company, the county did not think about orderly transition of maintenance in the event the company could no longer provide the maintenance. At the time, the County believed it had interest in ensuring orderly transition of maintenance to make sure the system remained uninterrupted.

Eventually, County Public Works evaluated the Linlee Lakes system with Morrison and Maierle which revealed the substantial costs associated with replacement and maintenance (see above). In meetings with the neighborhood, they were concerned about the feasibility of being about to handle a maintenance of the system in the absence of an HOA. At that time, Public Works Staff worked with County Legal to evaluate if an RSID could be used as a mechanism to maintain the infrastructure. It was determined it was possible so long as the infrastructure was publicly owned and maintained in the same manner as other public infrastructure. It is my understanding that Public Works made the BOCC was made aware of the option and that staff would pursue a subdivision regulation change. As such, Public Works staff worked with Planning Staff to formulate regulation changes to allow for the use of RSID's to prevent future Linlee Lakes and provide developments and developers with an option that would provide for adequate funding for maintenance and replacement of systems. In addition, the regulation changes occurred to prevent these systems from being constructed in the park. The regulation changes occurred in 2024.

During the BOCC discussion of this item on September 30th, the BOCC asked PW staff and legal to research whether a bond (similar to reclamation bonds) could be feasible. Staff will report its findings to the board at this discussion meeting on November 13.

RECOMMENDED ACTION:

the Board should discuss and provide direction to Public Works and Planning Staff.

- The Board could choose to leave the regulation as is;
- The Board could choose to remove the regulation as written, and require developments to be responsible for maintenance like it was prior to the regulation change;
- The Board could choose to revise the regulation to not require RSID's for maintenance of system, but still prevent system from being located in a public park;
- The Board could choose any alternative it sees fit.

The Subdivision Regulations can be amended. The process to amend, requires a public hearing with the Planning Board and Board of County Commissioners.

B.O.C.C Thursday Discussion

1.

Meeting Date: 11/13/2025

Title: MetraPark Advisory Board Bylaws Update

Submitted By: Erika Guy

TOPIC:

MetraPark Advisory Board Bylaws Update

BACKGROUND:

See Attached

RECOMMENDED ACTION:

Discuss

Attachments

Bylaws

GM Comments

11.07.2025 PROPOSED

BYLAWS
FOR
METRAPARK ADVISORY BOARD

Article I

Appointment and Purpose

The Members of the MetraPark Advisory Board (Advisory Board) are appointed by and serve at the pleasure of the Yellowstone County Board of County Commissioners (BOCC). The powers, business and property of this organization shall be exercised, conducted and controlled by the BOCC. **The MetraPark Board is intended to be advisory. It has no operations authority.**

The purpose of the Advisory Board is to provide for the advocatory representation to the community at large with respect to facility usage and events, to present recommendations to the BOCC based on that representation, and to embody the mission and vision of the facility as an entertainment center and economic contributor to such users. To that end, Members of the Advisory Board will work with, beside, and for MetraPark Staff with the permission of the General Manager. Members of the Advisory Board do not have authority to direct the actions of MetraPark staff.

Objectives

The Advisory Board will, through the lawful creation and maintenance of the committees and regulations identified herein, pursue the following objectives by assisting the BOCC and MetraPark management in:

- Identifying opportunities and developing strategies and creating vision consistent with MetraPark's mission.
- Identifying, connecting, developing and maintaining relationships with stakeholders, partners, and users of the facility. Including the recruitment and retention of sponsors annually, and for MontanaFair.
- Establishing, through the attendance at events and informal communal community discussion, representing, and evaluating the quality of the customer and user experience.
- Creating a process of reporting community feedback and event-based input to both the BOCC and MetraPark ~~General Manager~~ staff.

Article II

Members

1. Members of the Advisory Board are by appointment by the BOCC as vacancies occur, either through term limits, by resignation of Board Member ~~or reorganization by BOCC.~~
2. The Board shall consist ~~of three (3) to five (5)~~ voting Members, all three non-voting County Commissioners ~~and one non-voting position assigned by the Billings Chamber of Commerce.~~
 - 2.1. All Members shall be residents of Yellowstone County at the time of their appointment and during their tenure.

- 2.2. The Members of the Advisory Board, except those appointed to fill vacancies, shall hold office for the term of **one year. Members may reapply at the end of their one-year term for consideration of reappointment by the Board of County Commissioners. Reappointed members may** apply to serve up to **three (3)** consecutive terms. Upon the fulfillment of **three (3)** consecutive terms by which the Member has been appointed, without regard to the fulfillment of partial terms, the Member is not eligible for reappointment.
3. Any duly appointed Member and / or Officer during his/her term may be removed from the Advisory Board on the grounds that his/her conduct is detrimental to the Advisory Board and its objectives. Expulsion on these grounds shall be by two- thirds vote of the Advisory Board after the Member has had the opportunity to be heard by the Advisory Board. The Advisory Board recommendations shall be presented to the BOCC for approval. BOCC action shall be final.
4. It is mandatory that Members attend meetings regularly. If a member misses more than ~~three~~ **(3) two (2)** consecutive meetings with notice, with the exception of illness or emergencies, the Advisory Board may request that the County Commissioners replace that Member after being given an opportunity to be heard by the Advisory Board.
5. **Members primary function is to present their interactions with the community in their promotion of MetraPark. Additionally, members are required to assist in sponsorship acquisition and/or provide qualified leads for MontanaFair, as well as annual sponsors.**
6. CONFLICT OF INTEREST STATEMENT: Each Board Member shall be required to submit annually a prescribed conflict of interest statement; making of record any known conflicts of interest. In such cases as conflicts exist, Board Members shall abstain from voting, or otherwise affecting the outcome of, recommendations to the BOCC.

Article III

Officers

1. The Advisory Board shall elect a President and Vice-President. Officers for the calendar year are to be elected at the January meeting of the current year. A Secretary will be appointed at this time from the Advisory Board.
2. Term of office - shall be from January of the current year to January of the succeeding year.
The President shall be for one (1) year with no consecutive terms.
3. Termination - shall be upon the successful annual election of new officers or upon resignation/termination of the officers' board position.

Article IV

Meetings

1. Regular Advisory Board meetings can be held monthly in a room designated by MetraPark management at MetraPark unless otherwise notified. All meetings will be conducted in accordance with open meeting requirements: **posted agendas and minutes are required to be recorded. All meetings held at MetraPark will be held in the morning.**
2. The minutes of the previous meeting of the Advisory Board will be provided to Members no later than five (5) days prior to the regular meeting and accepted by the Advisory Board at its regular meeting. Electronic transmission will be the preferred means of communication.
3. QUORUM: A quorum shall be required for any recommendation submitted to the BOCC. A quorum is defined as attendance exceeding 51% of the voting Members of the Advisory Board. A proxy assigning voting authority for a stated meeting or a particular vote to a

specific person or the presiding officer will count towards a quorum. Call-in participation is recognized if needed to make a quorum.

- ~~4. SPECIAL ADVISORY BOARD MEETINGS: Special Advisory Board meetings may, from time to time, be called by the President of the Advisory Board. Notice to the Advisory Board shall be required for all special meeting whereby such notice shall be given no later than five (5) days prior to the scheduled special meeting.~~
- ~~5. FAIR WEEK: Special Advisory Board meetings will ~~may~~ be held during fair week beginning with the first full day of the Fair and concluding the last full day of the Fair, in conjunction with the standard daily Fair meeting. Provisions for notification for Fair meetings shall not be required as defined in the bylaws.~~
6. FAIR REVIEW MEETING: After the Fair, at the next regularly scheduled Advisory Board meeting, a review of results of the MontanaFair will be conducted, along with the drafting of any recommendations for staff and BOCC consideration.
7. STANDING COMMITTEE MEETINGS: Standing Committees, as defined by Article VI of the bylaws, may conduct regular monthly meetings. Regular meetings will be conducted at a time and place as defined by the Committee Chairperson. Notification for regular Standing Committee meetings is required no later than five (5) days prior to the scheduled regular meeting.
- ~~8. REPRESENTATION: Unless otherwise appointed by the President, no single Board Member or group of Board Members assembled without proper notification as defined by the Special Advisory Board meeting section in the bylaws shall be construed, or otherwise defined as, a committee meeting. Further, no single Board Member or group of Board Members assembled~~

~~without proper notification as defined by the Special Advisory Board meeting section in the bylaws shall be permitted to represent the authority of the Advisory Board.~~

Article V

Conduct of Business

1. It shall be the duty of the Executive Committee to prepare an Agenda for all regular and special meetings. The agenda will be mailed and/or electronically transmitted to all Advisory Board Members, the BOCC, and others as required by open meeting laws, not later than five (5) days before the regular and/or special scheduled meeting.
2. The following is the prescribed order of business:
 - Reading and approval of minutes
 - Invited presenters from outside of MetraPark Advisory Board Members
 - ~~Reports of General Manager, Officers, and Standing Committees.~~ Submitted reports from the MetraPark General Manager, Assistant General Manager and Marketing Director.
 - Submitted reports of designated MetraPark staff. Each monthly report to Members shall include summaries of results of previous events, confirmed upcoming events, progress reports relating to any major capital projects approved by the BOCC. ~~and commenced on campus, any material changes in operations and a financial/budget report. These reports will be developed by MetraPark staff and will be subject to input and suggestions by Board members as to possible changes in any and all reports so as to keep them clear,~~ concise and relevant for the Board's purpose of being kept abreast of operational changes that may impact or report on community engagement and customer experiences.

- Special orders
- Unfinished business and general orders
- New business
- Public input

Article VI

Below is a listing of committees which the Advisory Board President may appoint. The committees may be standalone or combined and will meet outside of MetraPark facilities. These committees shall present reports to the Executive Committee and / or the full Advisory Board at a regularly scheduled meeting.

Committees

1. Committee and chair appointments will be made by the President during January of each year. The President shall establish how any and all committees listed will be utilized for the year, allowing for combinations, and for not setting some of the committees below to be standalone functions. Committees shall be required to be chaired by a Board Member. The President, at his/her election, may include as committee members; Board Members, facility stakeholders, or other at large members as deemed necessary to complete the effective representation of the committee. Each Advisory Board Member will be given a complete list of same. The President, MetraPark staff, and BOCC members shall be considered an integral, non-voting Member of all committees.
2. Standing Committees shall be established by the Advisory Board through a unanimous vote and created for a period of one year. ~~Standing Committees shall conduct themselves in accordance with the mission and vision of the committee as provide for within the bylaws and shall be created for a period of one year. Standing Committees are defined as:~~

3. Executive Committee - populated by the President, Vice President, and Secretary. The Committee will assemble to discuss emerging issues as identified by the MetraPark staff, BOCC, or the President. The Committee shall be chaired by the Vice President. ~~Officers are empowered to represent the board in the event a special meeting cannot be organized in a timely matter, with all decisions then affirmed at the next regularly scheduled meeting by the Advisory Board.~~ **Posted agendas and meeting minutes are required.**
4. ~~A single monthly "All Committees meeting" will be held with MetraPark Management. All meetings of committees, as defined by the bylaws, shall record and maintain minutes of regular and special meetings. Such minutes shall be presented to MetraPark staff, as identified by the President, within a reasonable time after the meeting, but not later than a date sufficient to be presented at the next regular Board meeting.~~
5. ~~Recommendations developed by committees shall be drafted and presented to the Board and MetraPark Management for consideration. In no case shall a committee draft and present recommendations directly to the BOCC without MetraPark Management consideration and approval.~~
6. ~~Unless otherwise appointed by the President, no single Board Member or group of Board Members assembled without proper notification as defined by the committee meeting section in the bylaws shall be construed, or otherwise defined as, a committee meeting. Further, no single board member or group of board members assembled without proper notification as defined by the committee meeting section in the bylaws, shall be permitted to represent the authority of the committee.~~

Article VII

Parliamentary Law

Robert's Rules of Order shall be the governing parliamentary law of the Advisory Board in all cases not definitely provided for by the bylaws.

Article VIII

Amendments

Proposed amendments to these Standing Committee Rules and/or Bylaws are at the sole discretion of the BOCC after consideration from the Advisory Board.

Passed and Adopted on this ____ day of _____, 2025.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

Mark Morse, Chair

Michael J. Waters, Member

Chris White, Member

ATTEST:

Jeff Martin, Clerk and Recorder

Erika Guy

From: Mark Morse
Sent: Wednesday, November 12, 2025 1:54 PM
To: Erika Guy
Subject: FW: Advisory Board

From: Stoney Field <SField@metrapark.com>
Sent: Wednesday, November 12, 2025 11:18 AM
To: Mark Morse <mmorse@yellowstonecountymt.gov>; Mike Waters <mwaters@yellowstonecountymt.gov>; Chris White <cwhite@yellowstonecountymt.gov>
Cc: Tim Goodridge <tgoodridge@metrapark.com>
Subject: Advisory Board

A basic overview of what we feel would be best for the Advisory Board:

METRAPARK ADVISORY BOARD RESPONSIBILITIES

The primary responsibility of the Advisory Board is to act as public ambassadors for MetraPark. What this means is that members of the Advisory Board are expected to be engaged with the community in activities, organizations and groups, and to carry accurate information about events and opportunities at MetraPark to these engagements. They are then expected to bring responses and opportunities back to MetraPark as a result of their community interactions.

These community interactions can be broken down into three parts:

1. **Informative** - Advisory Board members will be provided with all relevant information required to accurately describe how MetraPark operates, the events that occur on its' campus and the impact on the citizens of Yellowstone County. In addition to educating the community about MetraPark, Advisory Board members will bring concerns, comments and criticisms back to MetraPark.
2. **Opportunities** - Advisory Board members will direct groups or individuals that have interest in holding events on the MetraPark campus to the appropriate person to review viability.
3. **Sponsorships** - Advisory Board members will recommend sponsorship opportunities (primarily for MontanaFair) to groups and individuals and provide qualified contacts to the Marketing & Sales department for follow up.

Advisory Board meetings will be focused on members monthly engagement with boards, civic groups, individuals and businesses. Each member will report on their past months' activities relating to MetraPark and any questions or follow ups required as a result. MetraPark management will report on relevant updates needed to keep board members informed.

Thanks,
Stoney

**STONEY FIELD
GENERAL MANAGER
METRAPARK
406-256-2444 OFFICE
406-670-1979 CELL**