

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 20, 2025

8:45 Calendar

9:00 COMMISSIONERS DISCUSSION

PLEDGE

DEPARTMENTS

1. **Public Works** - Approach Variance - 2523 Jessica Street (Driveway Width and Fill)
2. **County Attorney** - Yellowstone County Public Safety Jail Bond
3. **Finance** - Ostlund Building Update - 11/20/2025

COMMISSIONERS

1. Commissioner Board Reports

PUBLIC COMMENTS ON COUNTY BUSINESS

Public comment is an opportunity for individuals to address the Board, however, the Board cannot engage in discussion or take action on items not properly noticed on the agenda.

Meeting Date: 11/20/2025

Title: Approach Variance - 2523 Jessica Street (Driveway Width and Fill)

Submitted For: Monica Plecker, Public Works Director

Submitted By: Monica Plecker, Public Works Director

TOPIC:

Public Works - Approach Variance - 2523 Jessica Street (Driveway Width and Fill)

BACKGROUND:

Steven Taylor owns a residential property at 2523 Jessica Street in the Mackenzie Meadows Subdivision. A 57' concrete approach has been constructed and the roadside ditch was filled in to accommodate landscaping. In accordance with the Yellowstone County Road Policy, the approach is too wide and the fill violates the county's approved cross section. Logan McIsaac discovered the violation while checking approaches. He informed Mr. Taylor of the violation in person and subsequently notified him in writing on September 9, 2025. Mr. Taylor has remained in contact with the public works office since being notified of the violation. He formally requested a variance accommodate the approach and fill as constructed by a letter dated September 30, 2025, the request was reiterated via a letter dated October 22, 2025 (both letters are attached to this report).

The applicant's request notes several points, some of which are summarized below. Please review the letters in full for additional information:

- Applicant relied upon his builder, Hill Builders, to abide by local codes and regulations.
- Applicant notes the permit does not include a specific approved width.
- Applicant was told by multiple parties the streets were not maintained by Yellowstone County, so it assumed no involvement by the County.
- Applicant notes there are other subdivisions and even properties within Mackenzie Meadows subdivision that have driveways exceeding 50' and those where street-side ditches have been filled in.

Staff reviewed the variance request and researched the property in detail. Staff determined a 50' approach would be acceptable, but the 7' of overage and fill would need to be removed. This decision was made based on the following factors (See letter attached for additional details):

- Since May, 2025, The Yellowstone County Road Policy allows properties with greater than 150' of frontage to have a 50' approach. Although the approach was applied for prior to the regulation change, staff is agreeable based on current regulations to allow a maximum of 50' to remain for the approach.
- The approach was not constructed as permitted and even with the new 50' maximum the approach is still out of conformance with regulations by 7'. Although the permit does not explicitly state the approach was limited to 30', the permit does state the approach has to be in compliance with the regulations. Further, the approach process includes a physical inspection of the proposed approach. The physical inspection was shown and therefore approved at 30'. Further uniform approaches have a direct relationship to safety.
- The fill is prohibited via Addendum #2 14.7.15 which states "Existing drainage in the public road right of way shall not be altered or impeded without specific written approval from the Montana Department of Environmental Quality. In cases outside of subdivisions or in subdivisions with no storm water management plan, specific written approval from YCPW will be required.
- The fill has a direct relationship to stormwater maintenance. Allowing the fill to remain as is will have an adverse impact on both available flow and storage capacity of the existing roadside ditches.

Maintaining the integrity of these ditches is critical. The stormwater plan, as approved by the Montana Department of Environmental Quality, requires that all storm drainage systems be located as shown on the approved plans. The Plans specifically note "All public roads within this subdivision will be built to county roads standards with roadside ditches unless noted otherwise."

- The Subdivision Improvement Agreement states in Section II. E. "Culverts and associated drainage swales shall not be filled in or altered by the subdivider or subsequent lot owners."
- The Subdivision Improvement Agreement states in Section V. "All drainage improvements shall comply with the provisions of the Section 4.7, Yellowstone County Subdivision Regulations, and a stormwater management plan shall be submitted to and approved by the DEQ, or its designee."

As a result of the above staff remains that 7 feet of concrete must be removed to reduce the total approach width to 50 feet, consistent with the current Road Policy. Staff will provide Mr. Taylor with an updated permit to reflect the 50' authorization because there is lot frontage greater than 150'. However, prior to granting the updated permit, a plan to remove the excess fill and approach width must be in place. The corrective work must occur from the edge of pavement to the property line. Improvements located beyond the property line are not part of the variance request and are not regulated under the County Road Policy.

The Board will discuss this item on November 20th and will take action on November 25th.

RECOMMENDED ACTION:

The BOCC will consider the item at its regular board meeting on November 25, 2025.

The Board should consider all the materials provided in making its determination, and further, on November 25th, the Board should provide justification for its decision to either approve or deny the variance.

Attachments

(Letter 1) Initial Violation Letter from PW to Steven Taylor

(Letters 2 and 3) Variance Request Letters from Steven Taylor

Variance Denial Letter

Supporting Documents

Yellowstone County



Public Works Department

Po Box 35024
Billings, MT 59107

Phone (256-2735)

Fax (254-7946)

September 9, 2025

Re: 2523 Jessica Street, Unpermitted Encroachment in County Right of Way

Mr. Steven D. Taylor,

This letter is to inform you that the unpermitted right-of-way encroachment that appears to be adding on to the approach providing ingress/egress to the property addressed 2523 Jessica Street is unauthorized and represents an unpermitted encroachment in County right of way. Furthermore, there appears to be an unpermitted expansion to your drive approach in place, which was previously permitted to be thirty (30) feet wide. The County has previously informed you of your violation through conversation August 29, 2025. Your response to this conversation warrants a formal notice of your violation.

If you do not respond by October 7, 2025, County Public Works will remove the right-of-way encroachment that does not conform to Yellowstone County's Road Policy and may bill the costs of the work to you. My contact information is provided below – please contact me as soon as possible.

Regards,

Logan McIsaac

Public Works Project Manager
Yellowstone County
(406) 256-6996
lmcisaac@yellowstonecountymt.gov

Steven Dean Taylor

2523 Jessica St., Billings, MT 59106 • Phone: (812) 907-1413
Email: sdean_taylor@hotmail.com

September 30, 2025

Monica Plecker
Public Works Director
Yellowstone County
P O Box 35024
Billings, MT 59107

RE: Variance Application, 2523 Jessica Street

Ms. Plecker:

By way of introduction, my name is Steven D. Taylor, and I own the property at 2523 Jessica Street in Mackenzie Meadows subdivision. Before relocating to Billings from out of the area, and being unfamiliar with the statutes, regulations, and ordinances governing property ownership in Yellowstone County, I dealt with a local real estate broker when purchasing my lot in Mackenzie Meadows and hired a reputable local builder to build my house at 2325 Jessica Street. As is customary, I relied upon my builder to abide with relevant law during the building process.

On August 29, 2025, I was visited by Logan McIsaac of the Yellowstone County Public Works Department and informed that work done by my builder, Hill Builders, was not in compliance with Yellowstone County Road Policies. Specifically, it appears that Hill Builders applied for a thirty-foot approach permit to Jessica Street, rather than an appropriate fifty-foot permit. Mr. McIsaac also informed me that the ditch near Jessica Street was on a county right-of-way, and that fill-in of the ditch with topsoil to facilitate installation of a needed sprinkler system and routine mowing was also non-compliant, despite inclusion of a culvert of identical size as other driveway culverts in the development so as to not impede drainage in any way.

After informing me of such non-compliant work, Mr. McIsaac, asked me if I was familiar with the relevant county law governing public roads, and offered to send me copies of such documents after I informed him that I had not researched such. Subsequently, he asked me to contact him after I had received and read these documents. I agreed to do so.

On or about September, 11, 2025, I received a certified letter from Mr. McIsaac, dated and postmarked September 09. This letter formally informed me of an "unpermitted encroachment in County right of way" and what "appears to be an unpermitted expansion to your drive approach, which was previously permitted to be thirty (30) feet wide." Mr. McIsaac's letter also stated "If you do not respond by October 7, County Public Works will remove the right-of-way encroachment that does not conform to Yellowstone County's Road Policy and may bill the costs of the work to you." Be advised that, at this time, I had not received copies of county laws governing public roads as promised by Mr. McIsaac during our face-to-face meeting on August 09, 2025. Accordingly, I had not responded as I was awaiting these documents.

Steven Dean Taylor

2523 Jessica St., Billings, MT 59106 • Phone: (812) 907-1413
Email: sdean_taylor@hotmail.com

On or about September 12, 2025, I called Mr. McIsaac and informed him that I had not contacted him as promised during our face-to-face discussion of August 29, 2025 because I had not yet received the copies of the controlling county law as promised on August 29 and it was not possible for me to speak knowledgeably about such issues having not informed myself of relevant law. Mr. McIsaac again promised me that he would send such to me, and I subsequently received copies of The Yellowstone County Road Policies and Yellowstone County Board of County Commissioners Resolutions Nos. 09-53, 17-63, 15-45, 12-38, 18-106, and Ordinance No. 07-109.

After familiarizing myself with these documents, I again called Mr. McIsaac on September 19, 2005 to discuss potential remedies. During this discussion, Mr. McIsaac, informed me that the concrete driveway connecting my house with Jessica Street, as finished, measures fifty-seven feet, but that this expansion would be overlooked providing that I or my representative, Hill Builders, returned to the Public Works Department and applied for a fifty-foot permit. Mr. McIsaac further informed me that the fill and culverts in the ditch must be removed. Having been so informed, I asked if I could apply for a variance for this fait accompli and I was told that I could do so by writing to you but that my request would assuredly be denied, whereupon I could appeal to the County Commissioners.

Please consider this letter my application for a variance regarding the alleged non-conforming right of way encroachment on my property at 2523 Jessica St.

Be advised that my builder, Hill Builders, has applied for the appropriate fifty-foot approach permit, or will prior to October 07, 2025.

Please acknowledge receipt of this letter via USPS mail and add this document to the minutes of this proceeding and record the minutes into the county records.

Please also respond to my application as soon as possible so that I may proceed with landscaping or appeal.

Thank you for your time and consideration.

Respectfully,



Steven D. Taylor

Copies: Hill Builders, File

Steven Dean Taylor

2523 Jessica St., Billings, MT 59106 • Phone: (812) 907-1413
Email: sdean_taylor@hotmail.com

October 22, 2025

Monica Plecker
Public Works Director
Yellowstone County
P O Box 35024
Billings, MT 59107

RE: Variance Application, 2523 Jessica Street

Ms. Plecker:

In response to a certified letter from Logan Mcisaac, dated September 09, 2025, I mailed two certified letters to the Public Works Department on September 30, 2025. One of these letters was addressed to you, the other to Mr. Mcisaac. Copies of both are enclosed. Both letters were mailed by Certified US Postal Mail and both requested acknowledgement of receipt by US Mail. As of the date of this writing, I have received no response either from you or Mr. Mcisaac, despite confirmations of delivery to your office on October 01, 2025 by USPS Tracking. This letter is being sent to again request confirmation of receipt of my September 09, 2025 letters and to provide additional information relating to the above referenced Variance Application that I feel compelled to provide due to activities occurring subsequent to September 09.

As previously stated in earlier correspondence, I relied upon my builder, Hill Builders, to abide by local codes, regulations and ordinances during the construction of my house at 2523 Jessica St. On June 28, 2025 Jeff Hill of Hill Builders applied for an approach permit and Permit Number 22002 was issued. It should be noted that nowhere on this permit is there any mention of permissible driveway width. Though I was subsequently verbally informed by Mr. Mcisaac on August 29, 2025, that my permit permitted only a 30-foot-wide driveway but that a so-called 50-foot permit was available and would have been appropriate in my case, neither Mr. Hill nor I knew at the time that a 50-foot permit was available. Indeed, in my case, having been told by multiple parties that the streets in Mackenzie Meadows subdivision were not maintained by Yellowstone County, I assumed no involvement by Yellowstone County, and most certainly no purported rights-of-ways.

Construction of my house at 2523 Jessica St. began in August of 2024. The concrete driveway was poured in two stages on April 14, 2025 and April 25, 2025. Prior to pouring the driveway, Mr. Hill and I observed other properties in MacKenzie Meadows that had concrete driveways of similar or greater width.

Later, in order to facilitate mowing and installation of a proper sprinkler system, I decided to extend the 18" driveway culvert to my property lines at both north and south limits, and level the ditch with topsoil. This work was completed on August 20, 2025.

Steven Dean Taylor

2523 Jessica St., Billings, MT 59106 • Phone: (812) 907-1413
Email: sdean_taylor@hotmail.com

Again, this was done only after inspecting other properties in Mackenzie Meadows where similar modifications had been performed previously.

I was visited by Mr. Mcisaac on August 29, 2025, after all alleged non-conforming work had been completed and substantially after all concrete work had been completed. This visit was when I first learned that “non-conforming” work may have been done at my build site and also the first time that I became aware that Yellowstone County had any authority over the non-county-maintained streets in MacKenzie Meadows, much less any county rights-of-ways. Accordingly, it is inconceivable that my acts at 2523 Jessica St., could have in any way been the result of disrespect of authority.

Having read the Yellowstone County Road Policies and other materials provided to me by Mr. Mcisaac, I am now aware of the driveway approach standards. Nevertheless, I remain unaware of any controlling authority granting Yellowstone County jurisdiction over streets and roads that are not maintained by the county. If such jurisdiction does not exist one must question how Yellowstone County can have rights-of-ways aside such streets and roads. Accordingly, I must question what authority grants Yellowstone County such jurisdiction.

Furthermore, I must question the rationale for categorically limiting driveway width to 50-feet so long as such driveways have adequate set-back from property lines and intersections. Indeed, wider driveways enhance safety by enabling vehicles, especially construction and delivery vehicles, to park thereon rather than on the traveled surface when performing construction or maintenance work or making deliveries. Mackenzie Meadows streets are narrow and there are no sidewalks. Providing driveway space for visitors, delivery vehicles and construction vehicles to park minimizes the need for such vehicles to park on the traveled surface, facilitating traffic, both vehicular and pedestrian, thereby enhancing safety. One must also question why the county objects to filling and leveling the ditches aside non-county-maintained streets, providing that culverts of the same size as those used beneath driveways are installed so as to not impede drainage in any way. I have installed such culverts on my property at 2523 Jessica St.

Finally, properties with driveways exceeding 50 feet and those where the street-side ditches have been filled in to approximately street level after first installing appropriately-sized culverts, are numerous, both in Mackenzie Meadows and elsewhere in the county. Most of this work was completed prior to the work done at 2523 Jessica St., often substantially beforehand. Nevertheless, I am aware of only one property owner, aside from myself, who has been informed that similar work is in violation and must be remedied. Selective enforcement is illegal and will subject the county to numerous law suits for abuse of authority. Accordingly, such regulations must be enforced against all non-conforming property owners or none.

In conclusion, though it is understandable why Yellowstone County needs to establish and maintain uniform standards and practices for developers and builders, the current situation is perilous for unsuspecting property owners who can easily find themselves

Steven Dean Taylor

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ensnared in a bureaucratic trap through no fault of their own. This is evidenced by the number of property owners in McKenzie Meadows alone who now find themselves in alleged violation of arcane county rules and regulations that may make little sense to them, especially those having observed other established residences having previously performed similar work. Those from out of the area and those who have not previously navigated the building process multiple times are especially vulnerable. In my case, having been told by multiple parties that Jessica St. is not maintained by Yellowstone County, it was reasonable for me to understand that the county had neither easement nor right-of-way aside Jessica St. Accordingly, I realized no obligation to consult with the county before building a suitably wide driveway for my house or to extend the driveway culvert and fill in the ditch aside Jessica St. to facilitate mowing and installation of an effective sprinkler system. Nor did my builder.

If Yellowstone County perceives a problem with property owners building driveways wider than some not-readily-apparent width limitation, and/or filling in ditches aside roads and streets not maintained by the county, remedying the faults in the current system that make the building process so perilous to unsuspecting property owners is a much more appropriate solution to any such problem than the practice of damaging unsuspecting property owners after the fact in order to set examples. For example, Approach Permits should clearly display the permissible driveway width specific to each permit and consequences of exceeding such width should be boldly stated. If optional permits are available for driveways of extended widths, such should be clearly displayed. Additionally, county authority regarding streets and roads not maintained by the county should be clearly documented and readily apparent to unsuspecting property owners. The current system is far too perilous to both property owners and builders.

The purpose of a variance is to accommodate a property owner in an out-of-the-ordinary situation. As evidenced by the discussion herein and my previous letter dated September 30, 2025, my case is clearly out-of-the-ordinary and obviously worthy of a variance. As such, I ask that my variance request be promptly granted so that I may finish my building project and move on to other urgent matters.

Please be advised that Jeff Hill of Hill Builders visited the Public Works Department to apply for the appropriate 50-foot approach permit on October 07, 2025, as advised by Mr. Mcisaac on September 19. For reasons unknown to both Mr. Hill and myself, he was informed that no such permit would be issued at that time.

Please read this document into the minutes of this proceeding and record the minutes into the county records.

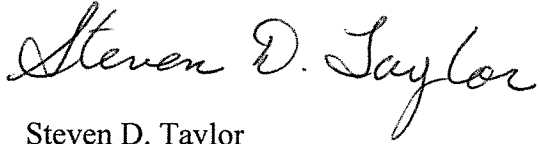
Please also respond to my variance request as soon as possible so that I may proceed with landscaping or appeal to the County Commissioners.

Steven Dean Taylor

2523 Jessica St., Billings, MT 59106 • Phone: (812) 907-1413
Email: sdean_taylor@hotmail.com

Thank you for your time and consideration.

Respectfully,

A handwritten signature in cursive script that reads "Steven D. Taylor". The signature is written in black ink and is positioned above the printed name.

Steven D. Taylor

Copies: Hill Builders, File

Steven Dean Taylor

2523 Jessica St., Billings, MT 59106 • Phone: (812) 907-1413
Email: sdean_taylor@hotmail.com

September 30, 2025

COPY

Logan McIssac
Public Works Manager
Yellowstone County
P O Box 35024
Billings, MT 59107

RE: Your Letter Dated September 09, 2025

Mr. McIsaac:

This letter is a response to your letter dated September 09, 2025, our face-to-face conversation of August 29, 2025 and our telephone conversation of September 19, 2025.

I have applied for a variance regarding the alleged right of way encroachment at 2523 Jessica St with the Public Works Department.

Additionally, my builder, Jeff Hill of Hill Builders has applied for a 50-foot approach permit for the established concrete driveway.

Please acknowledge receipt of this letter via United States postal mail.

Thank you for your time and consideration.

Respectfully,

Steven D. Taylor

Copies: Jeff Hill, File

Steven Dean Taylor

2523 Jessica St., Billings, MT 59106 • Phone: (812) 907-1413
Email: sdean_taylor@hotmail.com

September 30, 2025

Monica Plecker
Public Works Director
Yellowstone County
P O Box 35024
Billings, MT 59107

COPY

RE: Variance Application, 2523 Jessica Street

Ms. Plecker:

By way of introduction, my name is Steven D. Taylor, and I own the property at 2523 Jessica Street in Mackenzie Meadows subdivision. Before relocating to Billings from out of the area, and being unfamiliar with the statutes, regulations, and ordinances governing property ownership in Yellowstone County, I dealt with a local real estate broker when purchasing my lot in Mackenzie Meadows and hired a reputable local builder to build my house at 2325 Jessica Street. As is customary, I relied upon my builder to abide with relevant law during the building process.

On August 29, 2025, I was visited by Logan McIsaac of the Yellowstone County Public Works Department and informed that work done by my builder, Hill Builders, was not in compliance with Yellowstone County Road Policies. Specifically, it appears that Hill Builders applied for a thirty-foot approach permit to Jessica Street, rather than an appropriate fifty-foot permit. Mr. McIsaac also informed me that the ditch near Jessica Street was on a county right-of-way, and that fill-in of the ditch with topsoil to facilitate installation of a needed sprinkler system and routine mowing was also non-compliant, despite inclusion of a culvert of identical size as other driveway culverts in the development so as to not impede drainage in any way.

After informing me of such non-compliant work, Mr. McIsaac, asked me if I was familiar with the relevant county law governing public roads, and offered to send me copies of such documents after I informed him that I had not researched such. Subsequently, he asked me to contact him after I had received and read these documents. I agreed to do so.

On or about September, 11, 2025, I received a certified letter from Mr. McIsaac, dated and postmarked September 09. This letter formally informed me of an “unpermitted encroachment in County right of way” and what “appears to be an unpermitted expansion to your drive approach, which was previously permitted to be thirty (30) feet wide.” Mr. McIsaac’s letter also stated “If you do not respond by October 7, County Public Works will remove the right-of-way encroachment that does not conform to Yellowstone County’s Road Policy and may bill the costs of the work to you.” Be advised that, at this time, I had not received copies of county laws governing public roads as promised by Mr. McIsaac during our face-to-face meeting on August 09, 2025. Accordingly, I had not responded as I was awaiting these documents.

Steven Dean Taylor

2523 Jessica St., Billings, MT 59106 • Phone: (812) 907-1413
Email: sdean_taylor@hotmail.com

On or about September 12, 2025, I called Mr. McIsaac and informed him that I had not contacted him as promised during our face-to-face discussion of August 29, 2025 because I had not yet received the copies of the controlling county law as promised on August 29 and it was not possible for me to speak knowledgeably about such issues having not informed myself of relevant law. Mr. McIsaac again promised me that he would send such to me, and I subsequently received copies of The Yellowstone County Road Policies and Yellowstone County Board of County Commissioners Resolutions Nos. 09-53, 17-63, 15-45, 12-38, 18-106, and Ordinance No. 07-109.

After familiarizing myself with these documents, I again called Mr. McIsaac on September 19, 2005 to discuss potential remedies. During this discussion, Mr. McIsaac, informed me that the concrete driveway connecting my house with Jessica Street, as finished, measures fifty-seven feet, but that this expansion would be overlooked providing that I or my representative, Hill Builders, returned to the Public Works Department and applied for a fifty-foot permit. Mr. McIsaac further informed me that the fill and culverts in the ditch must be removed. Having been so informed, I asked if I could apply for a variance for this fait accompli and I was told that I could do so by writing to you but that my request would assuredly be denied, whereupon I could appeal to the County Commissioners.

Please consider this letter my application for a variance regarding the alleged non-conforming right of way encroachment on my property at 2523 Jessica St.

Be advised that my builder, Hill Builders, has applied for the appropriate fifty-foot approach permit, or will prior to October 07, 2025.

Please acknowledge receipt of this letter via USPS mail and add this document to the minutes of this proceeding and record the minutes into the county records.

Please also respond to my application as soon as possible so that I may proceed with landscaping or appeal.

Thank you for your time and consideration.

Respectfully,

COPY

Steven D. Taylor

Copies: Hill Builders, File

November 10, 2025

Mr. Steven D. Taylor
2523 Jessica Street
Billings, MT 59106

Re: Variance Request 2523 Jessica Street (Driveway Width and Fill)

Dear Mr. Taylor,

This letter is in response to your request for a variance regarding the 57-foot driveway serving your property within the Makenzie Meadows Subdivision and additional fill placed in the right of way. Your request for this correspondence to be made part of the official County record is acknowledged. Should you wish to pursue an appeal, this letter will be included as an attachment to the staff report and will become part of the formal record.

The roads within Makenzie Meadows Subdivision, 2nd filing are public roads maintained by Yellowstone County through a Rural Special Improvement District (RSID). In June 2021, the plat of Mackenzie Meadows Subdivision 2nd Filing was filed with the Yellowstone County Clerk and Recorder. (Plat Attached). The developer dedicated the roads in the subdivision to the public. As dedicated public roads, Yellowstone County manages the roads in the subdivision. All internal roads were formally dedicated as right of way to the public and Jessica Street is expressly mentioned per the language shown on the Final Plat in the owner's certification. Accordingly, all drive approaches connecting to public right of way are subject to County approach permitting and inspection per the County's Road Policy (Attached).

The subdivision had a stormwater plan that conveyed stormwater to retention ponds through swales on the side of the roads and culverts under driveways. (DEQ Approval/Stormwater Plan/SIA Attached). In May 2024, you purchased 2523 Jessica Street, Lot 13, Block 8 of the subdivision. (Deed Attached).

In June 2024, at your request the Yellowstone County Public Works Department issued you an approach permit to build a 30-foot-wide driveway over the right-of-way of Jessica Street. Approach Permit No. 22002 (Attached) was issued on June 28, 2024, and expired on December 28, 2024. At the time the permit was issued, the maximum allowable approach width was 30 feet. Per your letter, home construction began in August 2024, while the driveway work was not completed until April 2025. In May 2025, the County Road Policy was amended to allow 50-foot residential driveways for lots with frontage exceeding 150 feet. However, this policy update occurred after the permit was issued and after installation of your approach, which exceeds the previously approved 30-foot limit. Even with the newly allowable 50' approaches, your driveway exceeds the maximum width allowable by 7'

Additionally, in August 2025, fill material was brought into the County right of way without a permit to facilitate a sprinkler system installation. This fill work occurred within the public right-of-way and required prior County authorization. No permit was applied for. In September 2025, the Department advised you that the driveway was too wide and the stormwater swale had been filled in and requested you rectify the issues. (Letter 1 Attached). In September and October 2025, you provided the Department with letters on the issues and requested variances for the issues. (Letter 2; Letter 3 Attached).

Staff has reviewed all the information provided by you (Letter dated September 30 and letter dated October 22, 2025). After thorough review, staff could not find unique circumstances to justify approval of a variance allowing the existing 57-foot approach and the excess fill within the right-of-way. The reasons for denial of the variance include:

- The approach was not constructed as permitted and is not in compliance with county policy. Uncontrolled access points have a direct relation to safety.
- Allowing the fill material to remain as is will have an adverse impact on both available flow and storage capacity of roadside ditches. It is critical to retain the integrity of these roadside ditches as they help mitigate flooding in larger runoff events.
- Long-term maintenance issues of the culvert could arise, as the longer the culvert the more difficult to maintain.
- The fill was placed to facilitate irrigation. The County would prohibit private water lines and sprinklers in its right of way. These private lines and systems when placed in the right of way create a maintenance burden and hardship for maintaining the right of way.

As a result, 7 feet of concrete must be removed to reduce the total approach width to 50 feet, consistent with the current Road Policy. Staff will provide to the you an updated permit to reflect the 50' authorization because you have lot frontage greater than 150'. However, prior to granting the updated permit, a plan to remove the excess fill and approach width must be in place. To be clear, this corrective work must occur from the edge of pavement to the property line. Improvements located beyond the property line are not part of the variance request and are not regulated under the County Road Policy.

Please contact our office to coordinate the corrective work and permit reissuance. Based on recent telephone conversations, it is my understanding you wish to appeal the decision within this letter to the Board of County Commissioners. As such, I have scheduled this item for discussion November 20, 2025, no action occurs at this meeting. The item is subsequently scheduled for a regular business meeting on November 25, 2025. If these dates need to be rescheduled to accommodate your schedule, please reach me directly at mplecker@gmail.com or 406-256-2730.

Sincerely,

A handwritten signature in black ink, appearing to read 'MPlecker', written in a cursive style.

Monica Plecker
Director
Yellowstone County Public Works

Attachments

Plat
DEQ Approval/Stormwater Plan
Deed.
Permit
Road Regulations
Subdivision Improvement Agreement
Letter 1
Letter 2
Letter 3



Mackenzie
Meadows Plat.pdf



DEQ and
Stormwater Approva



SIA.pdf



Deed.pdf



Permit.pdf



Yellowstone County
Road Policy.pdf



Letter 1.pdf



Letters 2 and 3.pdf



Page 8

Mackenzie Meadows Subdivision, 2nd Filing

Yellowstone County

E.Q. #21-1131

STORMWATER

THAT the storm drainage plan for the Mackenzie Meadows Subdivision, 2nd Filing was reviewed and approved under EQ#21-1205, dated the 28th day of April, 2021, and,

THAT operation and maintenance of the storm drainage facilities shall be conducted by the Yellowstone County Road RSID and individual lot owners, and,

THAT water supply systems, sewage treatment systems and storm drainage systems will be located as shown on the approved plans, and,

THAT all sanitary facilities must be located as shown on the attached lot layout, and,

THAT the developer and/or owner of record shall provide each purchaser of property with a copy of the Plat, approved location of water supply and sewage treatment system as shown on the attached lot layout, and a copy of this document, and,

THAT instruments of transfer for this property shall contain reference to these conditions, and,

THAT plans and specifications for any proposed sewage treatment systems will be reviewed and approved by the county health department and will comply with local regulations and ARM, Title 17, Chapter 36, Subchapters 3 and 9, before construction is started.

THAT departure from any criteria set forth in the approved plans and specifications and Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM when erecting a structure and appurtenant facilities in said subdivision without Department approval, is grounds for injunction by the Department of Environmental Quality.

THAT pursuant to Section 76-4-122 (2)(a), MCA, a person must obtain the approval of both the reviewing authority under Title 76, Chapter 4, MCA, and local board of health officer having jurisdiction, before filing a subdivision plat with the county clerk and recorder.

YOU ARE REQUESTED to record this certificate by attaching it to the Plat filed in your office as required by law.

DATED this 30th day of April, 2021.

CHRIS DORRINGTON
DIRECTOR

By:

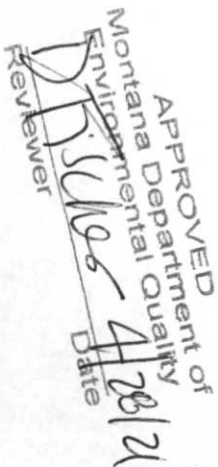
Kevin Smith, PE, Bureau Chief

Engineering Bureau

Water Quality Division

Department of Environmental Quality

Owner's Name: Sam Sparks/Samm LLC



0 150 300
SCALE: 1" = 300'

RECEIVED

APR 27

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85

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WITHOUT OUR EXPRESS WRITTEN
AUTHORIZATION.

550 S. 24TH STREET W., STE 201
BILLINGS, MT 59102
(406) 894-2210

SAMM LLC
2225 SOUTH 54TH ST W
BILLINGS, MT 59106

PLOT STYLE: WWC_v2-0.stb
26/04/2021 FILE PATH: K:\Billings\SPARKS\2019311 Mackenzie Meadows Subdivision 2nd Filing COSA\05CAD\Sheets\Overall\LOT LAYOUT STORM.dwg

DSGN	DATE	CKD
GVP	7/2020	GTR
REV	DATE	CKD
JOB # 2019-311		

MACKENZIE MEADOWS SUBDIVISION

2ND FILING

SITE LAYOUT

SHEET NO.
14
OF 15



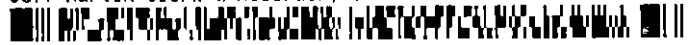
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DEPT. OF PUBLIC WORKS
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SHEET NO.
15
OF 15

**SUBDIVISION IMPROVEMENTS AGREEMENT***Mackenzie Meadows Subdivision, 2nd Filing*

This agreement is made and entered into this 29th day of June, 2021, by and between *SAMM, LLC*, whose address for the purpose of this agreement is **2225 S 54TH ST W, BILLINGS, MT 59106**, hereinafter referred to as "Subdivider," and **YELLOWSTONE COUNTY, Montana**, hereinafter referred to as "County."

WITNESSETH:

WHEREAS, at a regular meeting conducted on 19th day of June, 2019, the Board of Planning recommended conditional approval of a preliminary plat of *Mackenzie Meadows Subdivision, 2nd Filing*; and

WHEREAS, at a regular meeting conducted on 29th day of June, 2021, the Yellowstone County Board of County Commissioners conditionally approved a preliminary plat of *Mackenzie Meadows Subdivision, 2nd Filing*; and

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

WHEREAS, the provisions of this agreement shall be effective and applicable to *Mackenzie Meadows Subdivision, 2nd Filing* upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the Yellowstone County Subdivision Regulations, the rules, regulations, policies, and resolutions of Yellowstone County, and the laws and administrative rules of the State of Montana.

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

I. VARIANCES

- Subdivider has requested no variances.

II. CONDITIONS THAT RUN WITH THE LAND

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



- B. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.
- C. No water rights have been transferred to the lot owners. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners.
- D. There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.
- E. Culverts and associated drainage swales shall not be filled in or altered by the subdivider or subsequent lot owners.
- F. When required by road improvements, all fences and irrigation ditches in the public right-of-way adjacent to this subdivision shall be removed or relocated outside of the public right-of-way and any relocation outside of the public right-of-way shall be subject to securing and recording easements.
- G. Future maintenance of all public (or common) improvements shall be done through one (1) or more RSID(s) created as part of the SIA for this subdivision.
- H. A 50' wide pipeline easement crosses through Lots 19 through 50 inclusive, Block 2; Lots 2 through 9 inclusive, Block 9. No fences, buildings, sheds, or other permanent structures can be built within this easement.

III. TRANSPORTATION

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

**D. Heritage Trail Plan**

- Neibauer Road and South 56th Street West are identified as Arterial Bike Routes in the Billings Area Bikeway and Trails Master Plan (BABTMP). A 15' trail easement is dedicated along Neibauer Road that will have a paved trail.
- Abby Road is identified as a primary bikeway. No improvements are planned.
- Along the length of the BBWA, is a dedicated 10' trail easement that will be maintain as a natural trail.

IV. EMERGENCY SERVICE

- Abby Road will serve as main access to the subdivision with connections to both South 56th Street West and Neibauer Road. Both these roads are 60' arterial roads. No improvements are planned at this time.
- Both accesses will be built to Yellowstone County Paved Road specifications. It will include 24' of 3" pavement over 3" of 1 ½ in minus crushed gravel over 12" of 3 in minus pitrun over a compacted subgrade. The roadway will also include 2' graveled shoulders with barrow ditches.
- A 30,000-gallon water storage tank/dry hydrant has been installed in the easement area on Lots 5 and 6 of Block 6 on the north side of Abby Road. It will service the entire subdivision minus Lot 9 of Block 9, and Lot 8 of Block 10. The Subdivider submitted the dry hydrant system plans and specifications to the Billings Fire Department for review and approval prior to construction. The dry hydrant system has been installed by the Subdivider and inspected and approved by the Billings Fire Department. RSID 853 will be responsible for future maintenance of all public (or common) constructed improvements.
- Lot 9 of Block 9, and Lot 8 of Block 10 will be serviced from the dry-hydrant tank located in Conrad Park Subdivision to the north.
- All lots in the subdivision that benefit from the Mackenzie Meadows dry hydrant located in Block 6 will participate in the maintenance RSID.
- All lots in the subdivision that benefit from the Conrad Park Subdivision dry-hydrant will participate in the Conrad Park Subdivision maintenance RSID.

V. STORM DRAINAGE

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

- An RSID shall be created for care and maintenance of the storm facilities.
- The first, second, and third phase stormwater improvements of the Subdivision shall consist of any conveyance, storage, or discharge facility which is an integral part of each phase's drainage system as describe in the

Return to:
Steven D. Taylor
12617 Taylor Lane
Aurora, IN 47001

ST 2315316

Stewart Title Company

WARRANTY DEED

FOR A VALUABLE CONSIDERATION, receipt of which is acknowledged, the undersigned Grantors,

CURTIS E. ARNEY and MARLENE H. ARNEY, Trustees under the CURTIS AND MARLENE ARNEY LIVING TRUST dated December 29, 2020, and any amendments thereto, of 1834 N. Mariposa Lane, Billings, Montana 59102,

do hereby grant, bargain, sell, convey, warrant and confirm unto the Grantee,

STEVEN D. TAYLOR, of 12617 Taylor Lane, Aurora, Indiana 47001,

all of the Grantor Trust's interest in and to the following-described real property located in Yellowstone County, Montana:

Lot 13, Block 8, of Mackenzie Meadows Subdivision, 2nd Filing, in the City of Billings, according to the official plat on file in the office of the Clerk and Recorder of Yellowstone County, Montana, under Document No. 3978389.

TOGETHER WITH all improvements, tenements, hereditaments, easements, rights of way, and appurtenances thereon or thereto appertaining.

TO HAVE AND HOLD unto the Grantee, and Grantee's heirs and assigns, forever, SUBJECT, HOWEVER, to:

- (a) All reservations, easements, rights-of-way, and restrictions of record pertaining to said lands, or any thereof;
- (b) All existing building and use restrictions and zoning ordinances pertaining to said property;
- (c) All taxes, charges, and assessments imposed on said lands, or any thereof, for the current year and all subsequent years; and
- (d) All prior conveyances, leases, or transfers of any interest in minerals, including oil, gas, and other hydrocarbons.

EXCEPT with reference to the items referred to in Paragraphs (a) to (d), inclusive, this Deed is given with the usual covenants expressed in § 30-11-110, M.C.A.



316 North 26th, Room 3201 ♦ PO Box 35024
Billings, Montana ♦ 59107-5024
(406) 256-2735

Number: 22002

Paid Using: _____

Worksite Address: 2523 JESSICA ST

Township: 1S Range: 25E Section: 28

New Residential Approach

Date: 6/28/2024

This Permit Must be Kept at the Work Site. Should work commence before the permit is issued, the permit fee shall be doubled.

All attached maps and drawings are considered part of this permit and must also be available when requested.

1. Permittee agrees to perform all work in compliance with Yellowstone County Public Works Department Specifications and specifications set forth in this permit. Any modifications to this project must be approved by the Public Works Department.
2. Public Works may require the applicant to be bonded and applicant will be held responsible to Yellowstone County for any and all damages to any other installation already in place as a result of work covered by this permit.
3. Any costs incurred by the County for repairs to the public right-of-way, that are a direct result of work performed under this permit, will be billed to the permittee.
4. The permittee agrees to indemnify and save harmless Yellowstone County, its officers and employees, from responsibility, damage, or liability arising from the exercise of the privileges granted in this permit.
5. Permittee shall provide traffic control for work performed in the public right-of-way in accordance with "Manual Uniform Traffic Control Devices."
6. Upon completion of work, all installations, structures, equipment, and debris shall be removed and the public right-of-way will be restored to the condition prior to performing work stated in this permit.
7. An inspection will be performed upon completion of work by the Public Works Inspector or his representative. If the work does not comply with the requirements outlined in this permit, the permittee shall be required to correct the work as set forth by the Public Works Inspector.
8. Applicant shall warranty all work, outlined in this permit, for a period of one year after completion.
9. Whenever, during the work phase or the warranty period, a defect in the work creates an emergency situation affecting the public health, welfare or safety, and the Applicant, upon notification by the Yellowstone County Public Works Director or his representatives, refuses to immediately correct the problem (within a 24 hour period), the Yellowstone County Director of Public Works may make or authorize repairs as are necessary and charge all costs incurred against the Applicant or his bond.

By signing this permit, the permittee accepts the terms stated above.

Print Name: _____ Telephone: _____

Signature: _____ Date: _____

3. Sight distance must be provided as required by AASHTO.
4. The approach grade shall conform to the slope of the roadway shoulder where practical and if possible be equal to or less than three (3) percent slope for a distance of twenty (20) feet back from the public road surface unless otherwise approved by the County.
5. The approach shall intersect the public road at an angle of ninety (90) degrees (plus or minus ten (10) degrees) to the roadway.
6. The residential approach width shall be between twelve (12) feet and thirty (30) feet, not inclusive of any radius between the approach and the public road. Lots with frontages of more than 150' may have up to a 50' approach.
7. Approaches for driveways and roadways shall be constructed from the edge of the traveled way the approach accesses to the boundary of the road right of way.
8. When an approach accesses a hard-surfaced arterial, collector, or minor collector, the approach must be built with hard surfacing. Hard surfacing can be accomplished with either concrete or asphalt. For gravel public roads and hard surfaced low traffic volume (less than 400 ADT), low speed (30 mph or lower) roads within subdivisions, hard surfacing of the approach is not required.
9. The radius for an approach serving a single-family residence or two-family residence shall be ten (10) feet. The radius for an approach serving a multi-family residential project, a commercial or institutional development, and a road shall be twenty (20) feet.
10. Commercial approaches connecting to hard surfaced public roads are required to provide hard surfacing for the length and width of the approach within the right-of-way. Hard surfacing shall be an engineered design to meet necessary loading and site-specific requirements, but at a minimum shall be constructed within the right-of-way as follows:
 - a. Concrete of sufficient thickness to provide adequate support for the largest AASHTO design vehicle anticipated to regularly access the facility over an approved base material; or
 - b. Asphalt of sufficient thickness to provide adequate support for the largest AASHTO design vehicle anticipated to regularly access the facility and over an approved base material.
11. Commercial approaches to a graveled public road shall be an engineered design.
12. All approaches shall meet sight distances as required by AASHTO.

13. The minimum spacing between the near edge of an approach and a road intersection centerline must be at least one hundred (100) feet plus the appropriate approach radius. On local streets with speed limits of 25 mph or less a distance less than 100' may be approved by Public Works.
14. The minimum spacing from the near edges of an approach on either an adjacent property or the same property shall be fifty (50) feet.
15. Existing drainage in the public road right-of-way shall not be altered or impeded without specific written approval from the Montana Department of Environmental Quality. In cases outside of subdivisions or in subdivisions with no storm water management plan, specific written approval from YCPW will be required.
16. Drainage from an adjacent approach, private road, or structure is not allowed to discharge onto the public road. When an approved grading and drainage plan/DEQ approval exists, approaches shall be installed in conformance with the approved plan.
17. All culverts used in the construction of an approach in a public road right-of-way must have a minimum diameter of fifteen (15) inches as specified in Standard Drawing 140 - APPROACH STANDARDS (<http://www.co.yellowstone.mt.gov/publicworks/geninfo.asp>) unless a smaller diameter culvert is specified on an engineered drainage plan and/or is approved by the Public Works Department and must be either double-wall smooth interior high-density polyethylene (HDPE), corrugated metal pipe (CMP) or reinforced concrete pipe (RCP) or other approved similar material. The minimum amount of cover material over the culvert shall be that recommended by the culvert manufacturer.

14.8 Design and Geometric Requirements

Approaches shall meet the dimensional standards contained in Standard Drawing 140 – APPROACH STANDARDS.

14.9 Penalty/Enforcement

If Yellowstone County determines an approach is not in substantial compliance with these standards, the County will notify the property owner with the approach of the deficiency and request the property owner correct the deficiency. If property owner does not address the deficiency within 30 days of notice from the County, either by corrective action or by notifying the County of a proposal for corrective action and then get approval for said corrective action with an agreed upon timeline, the County will treat the approach as encroachment and take appropriate action to remedy the situation in accordance with Sections 7-14-2134 through 7-14-2138, MCA.

Meeting Date: 11/20/2025

Title: Yellowstone County Public Safety Jail Bond

Submitted For: Melissa Williams, Deputy County Attorney

Submitted By: Melissa Williams, Deputy County Attorney

TOPIC:

County Attorney - Yellowstone County Public Safety Jail Bond

BACKGROUND:

Yellowstone County continues to address ongoing capacity challenges at the Yellowstone County Detention Facility (YCDF). To identify effective, long-term solutions, the County engaged HDR, A&E, and Justice Planners to conduct a comprehensive jail needs assessment. Completed in 2025, the assessment provides recommendations to improve case processing efficiencies and includes a proposal for facility expansion to meet future capacity demands. The County is currently implementing measures to enhance case processing operations. In alignment with the recommendations outlined in the assessment, it is necessary to determine an appropriate date to present the Yellowstone County Public Safety Jail Bond to voters. This discussion will focus on reviewing potential election dates and selecting a timeline that supports both planning and public information efforts.

RECOMMENDED ACTION:

Agenda Item

B.O.C.C Thursday Discussion

3.

Meeting Date: 11/20/2025

Title: Ostlund Building Update - 11/20/2025

Submitted For: Matt Kessler, Purchasing Agent

Submitted By: Matt Kessler, Purchasing Agent

TOPIC:

Finance - Ostlund Building Update - 11/20/2025

BACKGROUND:

Update on the Ostlund Building construction project and timeline.

RECOMMENDED ACTION:

Discuss
