

COMMISSIONER MEETINGS

All meetings take place in the Commissioners Conference Room (308)
located in the Ostlund Building @ 2825 3rd Ave N (3rd Floor)
and are open to the public unless otherwise noted

THURSDAY - JANUARY 15, 2026

8:45 Calendar

9:00 COMMISSIONERS DISCUSSION

PLEDGE

DEPARTMENTS

1. **Western Heritage Center** - WHC Update/Letter of Support for 2026 History Grant
2. **Planning Department** -
 - a. County Zone Change 733– 2535 Rockwood St.– Lot Suburban Neighborhood (N4) to Rural Residential Manufactured Home (R-RMH)
 - b. Lone Eagle North Subdivision - Preliminary Major Subdivision
3. **Elections** - December 2025 Monthly Update
4. **Treasurer** -
 - a. Motor Vehicle Renewal Reminder Postcards
 - b. Closure Dates for Treasurer's & Superintendent of Schools Offices
 - c. New Treasurer's Office Policies for Bank Errors and Wire Reporting

COMMISSIONERS

1. Ostlund Building Public Parking
2. 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.*

Closed: Personnel Matter

B.O.C.C Thursday Discussion

1.

Meeting Date: 01/15/2026

Title: Western Heritage Center - Update

Submitted By: Erika Guy

TOPIC:

Western Heritage Center - WHC Update/Letter of Support for 2026 History Grant

BACKGROUND:

Update

RECOMMENDED ACTION:

Discuss

B.O.C.C Thursday Discussion

2. a.

Meeting Date: 01/15/2026

Title: County Zone Change 733-2535 Rockwood- From N4 to R-RMH

Submitted For: Karen Husman

Submitted By: Karen Husman

TOPIC:

County Zone Change 733– 2535 Rockwood St.– Lot Suburban Neighborhood (N4) to Rural Residential Manufactured Home (R-RMH)

BACKGROUND:

This application is a request to change the zoning designation from Large Lot Suburban Neighborhood (N4) to Rural Residential Manufactured Home (R-RMH), which allows a parcel size of 15,001 square feet for each principal building on Lot 26, Meadowbrook Sub., S30, T01 N, R27 E, a 30,056.4 Sq. Ft. parcel of land. There are two Residential Manufacture Home districts within the Yellowstone County Zoning Regulations. The R-RMH differs from the "Residential Manufactured Home (RMH)" in that it allows manufactured homes of all types as well as single-family homes on a minimum lot per dwelling of 15,001 square feet, while the RMH allows a minimum of 3,000 square feet for each principal building.

The property is located within an established neighborhood consisting of similarly sized and developed parcels. The adjacent property to the west has both a single-family home and a manufactured home, and the property to the east also contains an existing manufactured home.

The requested zone change was also evaluated in consultation with Yellowstone County Legal Department to determine if it is considered spot zoning. Spot zoning generally comprises "the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property to the detriment of the other owners. Spot zoning is determined using three criteria. All three criteria must usually receive a yes in order to be considered spot zoning.

1. Whether the "requested use is significantly different from the prevailing use in the area;"
The use of the property with the requested zone change will be residential. Surrounding properties are used as residential with some containing manufactured homes. The use will not be significantly different than the use in the prevailing area.

2. Whether "the area in which the requested use is to apply is rather small;"
The area of the zone change is small, applying only to the associated lot, making the requested use area small. The use of residential does exist on adjacent properties and the zone change will continue to residential use.

3. Whether "the requested change is more in the nature of special legislation."
Courts have determined this to mean, is the zoning designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public? The zone change request does benefit only one landowner.

APPLICATION DATA

OWNER: Justin Fields

LEGAL DESCRIPTION: Lot 26, Meadowlark Subd. S30, T1 N, R27 E

ADDRESS: 2535 Rockwood St.

CURRENT ZONING: N4

EXISTING LAND USE: Residential

PROPOSED USE: Residential

SIZE OF PARCEL: approximately 30,056.4 square feet

CONCURRENT APPLICATIONS

N/A

SURROUNDING LAND USE AND ZONING

NORTH: Zoning: Large Lot Suburban Neighborhood Residential (N4)

Land Use: Residential single-family

SOUTH: Zoning: Large Lot Suburban Neighborhood Residential (N4)

Land Use: Residential single-family

EAST: Zoning: Mid-Century Neighborhood Residential (N2)

Land Use: Large Lot Residential

WEST: Zoning: Large Lot Suburban Neighborhood Residential (N4)

Land Use: Residential single-family

STAKEHOLDERS

Planning staff provided public notice of the application in accordance with zoning regulations, including notification to surrounding property owners, publication of a legal advertisement, and posting of the subject property. Public comment was received at the Zoning Commission Hearing on this application. The comment was against the zone change and is outlined below in this section of the memo.

The applicant held a pre-application neighborhood meeting on November 22, 2025, at the subject property, attended by seven members of the public.

Neighborhood concerns included:

- Potential decrease in surrounding property values.
- The zone change's impact on neighboring properties.
- Whether the zoning would change the entire block.
- The status of the mobile home.

Details of the neighborhood meeting can be found within the attachments of this report.

Planning staff has reviewed the application, the zoning history of the surrounding area and the Lockwood Growth Policy for this area and recommended approval of the zone change.

Yellowstone County Consolidated Zoning Commission Meeting

The Yellowstone County Consolidated Zoning Commission (YCCZC) conducted a public hearing on January 8, 2026. Chairperson Bush opened the hearing, after which staff provided a brief presentation outlining the findings and determinations supporting a recommendation of approval. The applicant, Justin Fields, concurred with staff's recommendation and requested approval of the zone change to allow the existing mobile home to remain on the property. Four (4) surrounding property owners spoke in opposition to the request, citing concerns that manufactured home zoning would negatively impact neighborhood character and potentially decrease surrounding property values. Commission member Ellis made a motion to recommend denial of the zone change, specifying the determinations she believed were not met. The motion was seconded by Commission member Hecker and approved by a 3–0 voice vote.

YCCZC is forwarding a recommendation of denial. Their determination contradicts staff's recommendation and findings. The Commission found that the proposal:

- Did not meet Growth Policy guidelines to preserve neighborhood character and quality of life. (Determination 1).
- The proposed zone would not support compatible urban development (Determination 7).
- Would not support the character of the district, and is not compatible with all the properties in the district (Determination 9).
- Would not conserve the value of existing buildings in the area (Determination 9).
- It is not encouraging the most appropriate use of the land. Determination 10)

ALTERNATIVES

The Yellowstone County Board of County Commissioners may:

- Deny and adopt the findings of the eleven review criteria determined by the YCCZC for Zone Change 733; or,
- Approval and adopt different findings of the eleven review criteria for Zone Change 733; or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the zone change request. The applicant has not requested the Commission consider withdrawal of the application.

FISCAL EFFECTS

Approval or denial of the proposed zone change will have no fiscal effects on the Planning Division budget.

SUMMARY

The Yellowstone County Board of County Commissions, prior to any decision, shall consider the following:

1. Is the new zoning designed in accordance with the Growth Policy?

Yellowstone County Growth Policy Goal: Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans.

- **Staff Determination:** This area of the county includes a mix of low-density residential neighborhoods. Adjacent parcels to the east and west contain existing manufactured homes, and an established mobile home park is located approximately 200 feet east of the subject property. The proposed zoning is consistent with the Growth Policy's goal of supporting predictable land-use decisions that reflect existing neighborhood character and align with the preferred land-use patterns identified in adopted neighborhood plans.
- **Zoning Commission Determination:** The proposed zoning would permit manufactured homes on the subject property which is not consistent with urban growth patterns or the existing neighborhood character. The presence of a limited number of existing mobile homes in the surrounding area does not, by itself, demonstrate conformity with the prevailing neighborhood pattern or support a finding that the proposed zoning would be compatible with planned growth in the area.

Yellowstone County Growth Policy Goal: Preserve neighborhood character and quality of life.

- **Staff Determination:** The proposed zone change to R-RMH is designed to preserve neighborhood character and quality of life by facilitating residential development that reflects the scale and form of surrounding neighborhoods. The proposed zone change will allow for compatible development while ensuring that housing types and lot configurations remain consistent with adjacent residential areas.
- **Zoning Commission Determination:** The proposed zoning would permit manufactured homes on the subject property, which is not consistent with preserving the established neighborhood character. The presence of a limited number of existing mobile homes in the surrounding area does not, by itself, demonstrate conformity with the prevailing neighborhood pattern or support a finding that the proposed zoning would preserve neighborhood character or quality of life.

The 2016 Lockwood Growth Policy designates this property as Residential 7-10du/acre on the Preferred Future Land Use Map. The property is .69 acres and will have two dwelling units with a density of 2.89 dwelling units/acre.

2. Is the new zoning designed to secure from fire and other danger?

This property is currently served by Lockwood Fire Department. There are existing hydrants located at the intersections of Greenwood Avenue with Rockwood Street and Silverton Street. The existing and proposed zoning requires building separations, setbacks, and height limits that should provide security from fire or other public safety emergencies.

3. Will the new zoning facilitate the provision of transportation, water, sewerage, schools, parks and other public requirements?

Transportation: The proposed zoning will not, on its own, generate a significant increase in traffic. The property is already developed, and the zoning change would allow for only one additional dwelling unit. This may result in a minor increase of approximately ten vehicle trips per day. Water and Sewerage: The property is located within the Lockwood Water and Sewer District and is currently served by the district. No changes to service are anticipated as a result of the proposed zoning.

Fire and Police: The subject property is served by the Lockwood Fire District and the Yellowstone County Sheriff's Department. Both agencies were notified of the proposal, and no comments were received at the time this report was prepared.

Schools and Parks: The proposed zoning is expected to have minimal impact on local schools, as it would add only one additional dwelling unit. The Lockwood School District was notified of the proposal and provided no comments.

4. Will the new zoning promote health and general welfare?

The zoning itself is not expected to have a negative effect on the health and general welfare of the area. County zoning regulations require minimum setbacks from property lines, separation of buildings, and restrict uses. The proposed zoning allows manufactured homes as a residential use, thereby maintaining compatibility with surrounding and adjacent properties.

5. Will the new zoning provide adequate light and air?

The proposed zoning will require minimum setbacks, maximum building heights, separation between buildings, and maximum lot coverage. These requirements, found in Table 27-300-5, allow adequate light and air to reach the subject property and adjacent properties.

6. Will the new zoning affect motorized and non-motorized transportation?

Consistent with Criteria 3, the proposed zoning change itself will not directly increase traffic on adjacent county roads. Rockwood Street is a county maintained, dead end, gravel road that connects to the county road, Greenwood Street. Neither Rockwood nor Greenwood Street have sidewalks. The addition of approximately 10 vehicle trips per day is anticipated to have minimal impact on the road and non-motorized transportation.

7. Will the new zoning be compatible with urban growth in the vicinity?

- Staff Determination:** The R-RMH zoning district supports compact residential development that is compatible with the urban character of the surrounding area, which includes a mix of residential zoning districts such as RMH, N2, and N4. Under both the current and proposed zoning, the maximum number of principal buildings permitted on the property is two.

- Zoning Commission Determination:** The proposed zoning would permit manufactured homes on the subject property, which is inconsistent with established urban growth patterns and the existing neighborhood character. The existence of a limited number of mobile homes in the surrounding area does not establish conformity with the prevailing neighborhood pattern and does not support a finding that the proposed zoning would be compatible with planned growth or appropriate land use in the area.

8. Does the new zoning consider the character of the district and the suitability of the property for particular uses?

- Staff Determination:** The surrounding area consists of similar residential zoning districts, including RMH, N2, and N4, which support a range of housing types. Adjacent parcels to the east and west contain existing manufactured homes, and an established mobile home park is located approximately 200 feet east of the subject property. Rezoning to R-RMH allows for the existing single family and an additional manufactured home that matches the scale and style of surrounding development.

- Zoning Commission Determination:** Similar to Determination 7 above, the proposed zoning would permit manufactured homes on the subject property and fails to consider the established character of the district. The presence of a limited number of existing mobile homes in the surrounding area does not establish conformity with the prevailing neighborhood pattern and does not support a

finding that the proposed zoning is consistent with, or suitable for, the district.

9. Will the new zoning conserve the value of buildings?

- **Staff Determination:** Similar to Criteria 8 above, the new zoning itself is not expected to alter the value of any buildings in the area. Valuations are typically based on improvements to the individual properties themselves. Adjacent parcels to the east and west contain existing manufactured homes, and an established mobile home park is located approximately 200 feet east of the subject property. The new zoning will allow the addition of one manufactured home. The residential uses should have no impact on surrounding properties. Any development of the property will need to meet the site development requirements in the zoning code, including building heights, setbacks, and separations.
- **Zoning Commission Determination:** Similar to Determinations 7 and 8 above, the proposed zoning would permit manufactured homes on the subject property, which is inconsistent with the established character of the district. The installation of an older mobile home on the property would not conserve surrounding property values, and the proposed zoning would not contribute to the economic stability of the neighborhood.

10. Will the new zoning encourage the most appropriate use of land in Yellowstone County?

- **Staff Determination:** Similar to Criteria 8 and 9, the proposed zoning supports appropriate residential land uses. Surrounding parcels include manufactured homes and a nearby mobile home park. This confirms the zone change promotes compatible consistent growth. The property immediately to the west of the requested zone change added a manufactured home between September 2009 and June 2011, based on available aerial imagery. The property to the east has contained a manufactured home since at least 1974, according to Department of Revenue records.
- **Zoning Commission Determination:** The presence of a limited number of existing mobile homes in the surrounding area does not support the most appropriate use of the land.

11. Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?

The proposed zoning is not adjacent to, nor in proximity to, the City of Billings city limits or areas subject to City of Billings zoning.

RECOMMENDED ACTION:

The Zoning Commission is recommending denial of the requested zone change and adoption of the findings of the 11 criteria for Zone Change 733.

Attachments

[Zoning Map & Site Photos](#)

[Application & Applicant Letter](#)

[History](#)

Attachments for Zone Change 733

Subject Property



Attachments for Zone Change 733

COUNTY APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # 733 - Project # 25-00219

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

Present Zoning: N4

Proposed Zoning: R-RM H

Property Tax ID # C04827 COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: LOT 26 MEADOWBROOK SUB.

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

2535 Rockwood St.

Size of Parcel (Area & Dimensions): 29,309 SF.

Present Land-Use: RESIDENTIAL

Proposed Land-Use: SAME

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

Owner(s) Justin Fields
(Record Owner)
2539 Rockwood St., Billings, MT 59101
(Address)
406-591-1518 grampyjake1@gmail.com
(Phone Number) (Email)

Agent(s): _____
(Name)

(Address)

_____ (Phone Number) _____ (Email)

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

Signature: Justin Fields Date: 12/11/25
(Record Owner – Digital Signature Allowed)

Attachments for Zone Change 733

Zoning Map Amendment Support Statement

Applicant: Justin Fields

Property Address: 2535 Rockwood Street, Lockwood (County Portion of Billings, Montana)

Request: Zone change to allow placement of a mobile home on the same parcel as an existing stick-built home

Submitted To: Yellowstone County Zoning Commission

Introduction

This statement is submitted in support of a zoning map amendment for the property located at **2535 Rockwood Street** in Lockwood, a neighborhood located in Yellowstone County, owned by **Justin Fields**. The applicant seeks approval to place a mobile home on the same parcel as the existing stick-built residence. This request promotes responsible housing expansion, aligns with both the **2016 City of Billings Growth Policy** and the **2016 Lockwood Growth Policy**, satisfies all ten statutory zoning criteria under **MCA 76-2-304**, and is compatible with the existing development pattern of the neighborhood, which already includes multiple manufactured homes—including long-standing mobile homes on each property directly adjacent to the subject parcel to the east and the west and two mobile home parks within the 300 foot radius map area as identified by the City County Planning Office of Billings, MT in regard to the subject property.

Finding 1 – Consistency with the 2016 Growth Policy & Lockwood Growth Policy

A. Consistency with the 2016 City of Billings Growth Policy

The proposed zoning map amendment supports multiple Growth Guidelines:

1. **Home Base 1 & 2 – Housing Diversity and Affordability**
The Growth Policy encourages a mix of housing types and supports housing that meets varying income levels. Allowing a mobile home in addition to the primary residence directly aligns with this guideline by creating safe, affordable housing within an already serviced area.
2. **Strong Neighborhoods – Compatible Infill**
The Policy supports infill development where infrastructure already exists. This request uses existing utilities, road access, and emergency services without creating sprawl or extending service boundaries.
3. **Community Fabric – Reinvestment in Existing Neighborhoods**
Adding an additional housing option to an established parcel enhances the neighborhood's stability and supports flexible, multigenerational housing options.
4. **Essential Investments – Efficient Use of Existing Services**
The Policy prioritizes development that makes full use of existing public investments. No new infrastructure is required for the proposed use.

B. Consistency with the 2016 Lockwood Growth Policy

The Lockwood Growth Policy envisions a community supported by a range of housing options. Key elements include:

1. **A Variety of Housing Types as Core to Lockwood's Identity**
The Policy documents that **over 34% of existing Lockwood housing units are manufactured homes**, demonstrating the established and ongoing role of manufactured housing within the community.

Attachments for Zone Change 733

2. **Support for Higher Residential Densities Where Infrastructure Exists**

The subject property is located in a well-serviced area with existing road access, utilities, and emergency response capability. The proposal aligns with the Policy's support for modest increases in residential density without subdivision.

3. **Housing That Supports Family Stability and Community Needs**

The additional residence supports multigenerational living or long-term rental housing, consistent with Lockwood's need for flexible and affordable options.

Conclusion for Finding 1:

The proposed zoning change directly implements the goals of both Growth Policies by supporting affordable, flexible housing and making efficient use of existing resources.

Finding 2 – Compliance with MCA 76-2-304 Statutory Criteria

The proposed zone change meets all ten statutory criteria as follows:

1. **Public Health, Safety, and General Welfare**

The parcel is appropriately sized and already served by public safety, utilities, and road infrastructure. The addition of a mobile home introduces no safety or health risks.

2. **Consistency with the Growth Policy**

As shown above, the request aligns with both the Billings and Lockwood Growth Policies.

3. **Compatibility with Existing Neighborhood Character**

Lockwood is a mixed-housing community containing stick-built homes, manufactured homes, mobile homes, and mobile home communities. This request is entirely consistent with the neighborhood's established pattern.

4. **No Adverse Impacts on Adjacent Properties**

The proposal respects all setbacks and placement standards. The mobile home will not create noise, traffic, or visual impacts beyond normal residential use.

5. **Adequacy of Public Services**

Existing road access, utilities, fire protection, and emergency services are sufficient for the proposed use. No expansions or upgrades are required.

6. **Promotion of Orderly Development**

This modest increase in density supports compact, efficient development without requiring additional subdivision or sprawl.

7. **Minimization of Public Infrastructure Costs**

Because all necessary services already exist, the county incurs no additional expense.

8. **Consideration of Environmental Constraints**

The parcel is not within a floodplain, wetland, or environmentally sensitive area.

9. **Balancing Property Rights with Community Interests**

The proposal allows the applicant to make reasonable residential use of their property while remaining fully compatible with the area and Growth Policy.

10. **Contribution to Economic Stability**

Manufactured housing contributes to affordable living opportunities in Lockwood, supporting local workforce needs and housing stability.

Conclusion for Finding 2:

The request satisfies all statutory criteria and is consistent with responsible planning and public welfare.

Attachments for Zone Change 733

Finding 3 – Compatibility with Existing and Planned Development

1. Existing Compatibility

The immediate neighborhood already contains multiple mobile and manufactured homes. Notably, a long-standing mobile home exists **directly adjacent** to the subject property to the west and a long-standing mobile home exists **directly adjacent** to the subject property to the east.

2. Neighborhood Housing Composition

The surrounding streets and blocks feature a mix of site-built homes, manufactured homes, and multifamily housing. **Mobile home courts also exist within 300 feet of the subject property**, including along Old Hardin Road and along Johnson Lane.

3. Planned Development Patterns

Lockwood's Growth Policy anticipates continued residential growth with diverse housing options. Allowing a second residence in the form of a mobile home fits within this long-range vision.

Conclusion for Finding 3:

The zoning change reinforces the established mixed-housing character of the neighborhood and is entirely compatible with both current and anticipated future development patterns.

Final Conclusion

The proposed zoning map amendment for **2535 Rockwood Street**:

- Fully complies with the **2016 City of Billings Growth Policy** and **2016 Lockwood Growth Policy**
- Meets all statutory requirements under **MCA 76-2-304**
- Is compatible with and supported by surrounding development
- Makes efficient use of existing public infrastructure
- Provides stable, affordable housing consistent with neighborhood expectations

Approval of this request is recommended, as it advances community goals while allowing the property owner, Justin Fields, to responsibly and beneficially use his land.

APPLICABLE ZONING HISTORY – Zone Change 733 -2535 Rockwood Street

SUBJECT PROPERTY	ZONE CHANGE	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
None.					
SURROUNDING PROPERTY	ZONE CHANGE	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
C.O.S 540	60	9/30/1975	R-150 to RM	Y	
C.O.S 540	N/A	2021	Updated to RR3		Updated during Recode
Grand and 50 th St W	690	8/31/2019	A-1 to NC and R-70	N	
2404 & 2422 Old Hardin Rd	701	5/26/2020	R-150 to RMFR	Y	
133 Eagle Cliff Meadows	702	8/25/2020	A-S to R-150	Y	
Cherry Creek Lt 2	703	10/6/2020	R-96 to R-80	N	
626 Johnson Ln	704	8/31/2021	CMU2 to NX3	Y	
2433 Highway 87 E	712	10/4/2022	RR3 to NX1	Y	
2602 Rockwood	729	7/22/2025	RR-3 to N2	Y	
406 Johnson Ln.	730	8/30/2025	RR-3 to RMH	N	Staff Recommended approval

B.O.C.C Thursday Discussion

2. b.

Meeting Date: 01/15/2026

SUBJECT: Lone Eagle North Subdivision - Preliminary Major Subdivision

THROUGH: Anna Vickers

FROM: Dave Green

TOPIC

Lone Eagle North Subdivision - Preliminary Major Subdivision

INTRODUCTION

On November 3, 2025, WWC Engineering applied for preliminary major plat approval of Lone Eagle North Subdivision. The subdivision will create 37 lots for residential development. The subject property is generally located south of Alkali Creek Road and east of Highway 3. This parcel of land is currently zoned Agriculture. The applicant has submitted for a zone change to Rural Residential 3 zoning. Some of the land has been used for farming. Other areas are native grassland and scrub. There are trees around the Alkali Creek stream.

RECOMMENDATION

The Planning Board is forwarding a recommendation of conditional approval to the Board of County Commissioners for the preliminary plat of Lone Eagle North Subdivision, adoption of the Findings of Fact as presented in the staff report. The Planning Board is forwarding a recommendation of approval of the requested variance from Section 4.6.A.3 associated with providing connection to existing roads and denial of the variance associated with Section 4.6.A.7 associated with a dead end road exceeding 1,000 feet in length.

VARIANCE REQUESTED

The applicant has requested two variances from the Yellowstone County Subdivision Regulations. One variance from Section 4.6.A.7. Streets and Roads, Road Network Performance Standards associated with a dead end road exceeding 1,000 feet in length. The other from Section 4.6.A.3 associated with providing connection to existing roads.

"Section 4.6.A.7. Dead end roads shall not be more than 1,000 feet in length."

"Section 4.6.A.3. There shall be right-of-way and road connections made when existing roads or platted roads outside the subdivision connect to the subject parcel."

The Planning Board is recommending denial of the Variance from Section 4.6.A.7 associated with allowing a dead end road to exceed 1,000 feet and approval of the variance associated with Section 4.6.A.3 which would require connection to the existing road in the neighboring subdivision.

Staff recommended denial of both variances. County Public Works stated in reviewing the variance requests that, "Public Works has reviewed the variances, and we will not support them." Further explanation and analysis can be found in the attachments, "Variance A Staff Input", "Variance B Staff Input" and Variance B Planning Board Input."

PROPOSED CONDITIONS OF APPROVAL

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

1. To protect public health and safety, prior to final plat approval, the applicant will receive approval from the MDEQ for the proposed water systems, septic systems and the proposed stormwater management.
2. To provide a maintenance mechanism for the new public roads within the subdivision and to protect public health and safety, prior to final plat approval, the applicant will petition to create an RSID for the future maintenance of the public roads.
3. To protect public health and safety and to follow the requirements of Yellowstone County Subdivision Regulations, prior to final plat, should both variances requested by the applicant be denied, the applicant shall ensure all dead end roads within the subdivision do not exceed a maximum of 1,000 feet and provide for an approved road turnaround, and the applicant shall provide connection to the existing Lone Eagle Rd. Should one variance be approved but not the other, the applicant will apply the part of the condition that applies to the BOCC decision. Should both variances be approved, condition number three does not apply.
4. To protect public health and safety with proper fire suppression, prior to final plat approval, the applicant will submit construction drawings of the dry hydrant system to Fuego Volunteer Fire Department for review and approval. Once installed, the applicant will request Fuego Volunteer Fire Department test the system to ensure it works correctly and get a sign off from Fuego Volunteer Fire Department. The applicant will also create an RSID for the dry hydrant system.
5. To minimize the effects on local service, prior to final plat approval, the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents.
6. To complete the requirements of a Phased Subdivision, prior to final plat, the applicant will provide the correct paperwork to be recorded with the final plat, restrictions on conveyances.
7. To minimize effects on the natural environment, prior to final plat approval a weed management plan and property inspection shall be completed by the County Weed Department.
8. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
9. The final plat shall comply with all requirements of the Yellowstone County Subdivision Regulations, rules, policies, and resolutions of Yellowstone County, and the laws and Administrative Rules of the State of Montana.

PROCEDURAL HISTORY

- Pre-application meeting September 4, 2025
- Preliminary plat application submitted to Planning Division on November 3, 2025
- Departmental Review Meeting November 13, 2025
- Re-submittal of proposed plat November 20, 2025
- Planning Board plat review meeting December 9, 2025
- Planning Board public hearing meeting December 23, 2025
- Preliminary plat to Board of County Commissioners, January 20, 2026
- 60 working-day preliminary plat review period ends February 4, 2026

PLAT INFORMATION

General location: South of Alkali Creek Road and east of Highway 3

Legal Description: SECTION 9, TOWNSHIP 1 NORTH, RANGE 25 EAST, COS 3420

Owner/Subdivider: Yellowstone Farm LLC

Surveyor/Engineer: WWC Engineering

Existing Zoning: Rural Residential 3 (RR3)

Existing Land Use: Some Active Farmland

Proposed Land Use: Residential

Gross area: 327.28

Net area: 327.28

Proposed number of lots: 37

Max.: 9.97 acres

Min.: 5.61 acres

Parkland requirements: Parkland dedication is not required as all lots are over 5 acres in size.

PLANNING BOARD PUBLIC HEARING DISCUSSION

Staff gave a presentation to the planning board about the proposed subdivision. This included the requested variances - no connection to the existing subdivision and a dead end road over 1,000 feet. There were a couple of questions asked by planning board members about the variances being requested, needing clarification. The board also asked staff to point out where the two proposed dry hydrants would be located.

The applicant agent stood to speak about the proposed subdivision and the variance requests. Mr. Greg Reid, WWC Engineering, stated that the request for the road dead end length to be over 1,000 feet is due to the size of the lots. They are also trying to make certain they do not create a land-locked lot farther to the east. Mr. Reid addressed the connection to the subdivision to the south, Lone Eagle Subdivision. The grades where the original subdivision proposed a connection is in an area where the grades are 20% and up. For reference, the paved section of the Zimmerman Road (also known as Zimmerman Trail or Airport Road) has an average grade of approximately 4%, with some sections reaching a maximum grade of up to 8% or 9% (Web search information). Mr. Reid stated alternatives have been evaluated to try and meet the 12 percent grade requirement, including potential roadway realignment. The problem is the site has steep slopes, rock outcroppings, and the removal of a substantial number of trees limited the feasible options. It would also be north-east facing and, with the steep slopes in winter times when there is snow and ice, it would not melt because of lack of afternoon sun.

The public hearing was opened and there were several surrounding neighbors there wishing to voice their concerns. Concerns for the new subdivision from the neighbors included an increase in traffic on the existing road, Lone Eagle Drive, through the existing subdivision should there be a connection. Neighbors also do not want more people using their roads because they are private roads that the residents maintain. There are no speed limits posted in the subdivision. The fear is, without speed limits posted, people will drive excessively fast and there will be a decrease in safety resulting in more car wrecks. People use the roads for walking, horseback riding and bike riding, and they do not want that taken away by more traffic. The existing property owners would not like to have a connection required to their subdivision because they don't want an increase in traffic, a decrease in safety and higher maintenance costs for the existing roads in Lone Eagle Subdivision. There were four property owners that spoke on this topic.

A question from the planning board was asked about fire protection for the existing subdivision. One neighbor stood to address that issue, identifying himself as the former fire chief for the Fuego Fire Department. He stated there is an existing 30,000 gallon tank already in place in the existing Lone Eagle Subdivision. With the proposed two new tanks in the proposed Lone Eagle North Subdivision, there will be plenty of water for both subdivisions in a fire, the neighbor asserted.

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS FINDINGS OF FACT

See attachment Findings of Fact.

CONCLUSIONS OF FINDINGS OF FACT

See attachment Findings of Fact.

RECOMMENDATION

The Planning Board is forwarding a recommendation of conditional approval to the Board of County Commissioners for the preliminary plat of Lone Eagle North Subdivision, adoption of the Findings of Fact as presented in the staff report. The Planning Board is forwarding a recommendation of approval of the requested variance from Section 4.6.A.3 associated with providing connection to existing roads and denial of the variance associated with Section 4.6.A.7 associated with a dead end road exceeding 1,000 feet in length.

Attachments

Findings of Fact

Proposed Plat

Draft SIA

Neighbor letter of concern

Property Owner in Favor of not connecting

Variance A request

Variance A Staff Input

Variance B request

Variance B Staff input

Variance B Planning Board Input

Contour Map with legend

FINDINGS OF FACT

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

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

1. Effect on agriculture and agricultural water users' facilities

The subject property open grass and scrub with some trees along Alkali Creek. No water rights or shares are available to this subdivision so there will be none transferred to individual lot owners. There are no irrigation ditches that exist on the perimeter of this development. Perimeter drains shall remain in place and shall not be altered by the subdivider or subsequent owners. There will be no effect on the water users downstream from this property.

2. Effect on local services

a. **Water** – The proposed subdivision is not located within any public water district. In accordance with Section 4.4.E. Yellowstone County Subdivision Regulations, all proposed water systems must obtain approval by MDEQ, or its designee.

Individual wells or cisterns will be permitted. An approval letter from MDEQ will be submitted with the final plat. The maintenance and operation of the individual systems will be facilitated by the individual lot owner.

Water systems will be installed meeting the requirements outlined in Section 4.9 of the Yellowstone County Subdivision Regulations and the MDEQ. **(Condition #1)**

b. **Septic** - The proposed subdivision is not located within any public sewer district. In accordance with Section 4.4.E. Yellowstone County Subdivision Regulations, all proposed sanitary sewer systems must obtain approval by MDEQ, or its designee.

Individual septic systems will be permitted. An approval letter from MDEQ will be submitted with the final plat. The maintenance and operation of the individual systems will be facilitated by the individual lot owner.

Septic systems will be installed meeting the requirements outlined in Section 4.8 of the Yellowstone County Subdivision Regulations and the MDEQ. **(Condition #1)**

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

c. **Streets and roads** – Access to the subdivision shall be from proposed approaches on Alkali Creek Road. The roads will be built to the County standard paved surface roads. They will be in a 60-foot-wide rights of way and be built with a 24-foot paved surface. An RSID will be created to maintain the public roads within the subdivision. (**Condition #2**)

1. Variance Requests - The applicant has requested a variance from Section 4.6, Streets and Roads. 7. of the Yellowstone County Subdivision Regulations.

7. Dead end roads shall not be more than 1000 feet in length.

Section 4.6, Streets and Roads. 3.

3. There shall be right-of-way and road connections made when existing roads or platted roads outside of the subdivision connect to the subject parcel. (**Condition #3**)

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

INTERSECTION COST PARTICIPATION from TIS

The net new trips identified in this report are subject to examination under Yellowstone County's cost participation program to the extent that they would travel through studied intersections. Cost participation has been estimated for the three public-street intersections in this study under the assumptions that (a) the peak with the highest percentage of trips added to the intersection's critical volume pairs governs cost contribution and (b) site traffic must result in an increase of 2% in total critical-movement volume, after project trips are considered, to be subject to cost participation. The project trips used in this calculation are those shown previously in Exhibit 10. Once it is demonstrated that an intersection is eligible, the applicant pays the entire percentage, not just the marginal part above 2%, unless another arrangement is made with the County. Exhibit 14 shows the intersection cost participation summary for project trips.

Exhibit 14. Intersection Cost Participation

Intersection	AM	PM	2% or Greater
1. MT 3 at Alkali Creek Road	0.7%	0.6%	n/a
2. MT 3 at Lone Eagle Drive	0.7%	0.8%	n/a
3. Skyway Drive at Alkali Creek Road	0.7%	0.9%	n/a
Total Participation %:			0%
x \$500,000			\$0

None of the intersections studied would experience a high enough critical-movement volume increase to require participation in the cost of future intersection improvements.

d. **Fire and Police services** – The property is within the Fuego Volunteer Fire boundary. The subdivision will have a dry hydrant tank installed alongside the road Stagecoach Trail within Lot 6, Block 1. There will be a second dry hydrant tank along Swift Hawk Road within Lot 2, block 4 of the proposed subdivision. The applicant will submit drawings for the tank to the Fuego Volunteer Fire for review and approval. When the tank is installed the applicant will have the system tested and signed off by the Fuego Volunteer Fire. **(Condition #4)**

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

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

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

g. **School facilities** – The proposed subdivision schools are located in the Heights. Eagle Cliff Elementary, currently under maximum capacity. Castle Rock Middle School, currently under maximum capacity. Skyview High School currently under maximum capacity.

h. **Parks and recreation** – There is no Parkland dedication required for this subdivision as all lots are over 5 acres. The applicant is proposing to provide a private park area with this filing. They are proposing to have 20.57 acres of private parkland around Alkali Creek.

i. **Postal Service** – The applicant will be required to coordinate with the USPS to ensure they are providing a safe location for the postal worker to deliver the mail and the residents to retrieve their mail. **(Condition #5)**

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

k. **Phasing of Development** - The applicant is proposing to develop this subdivision in phases. Phase 1 and Phase 2. The applicant will provide the correct paperwork to be recorded with the final plat, restriction on conveyances. The subdivision improvement agreement shall be updated to reflect the date associated with the opening of each phase of the subdivision. **(Condition #6)**

- Phase I

Swift Hawk Road will be constructed in its entirety along and a temporary cul-de-sac at the terminus of the roadway will be constructed. A dry hydrant will be constructed on Lot 2 of Block 4 in this phase. A private gate will be installed at the end of the public dedicated portion of Swift Hawk Road.

- Phase 2
Stagecoach Trail will be constructed to the intersection with Painted Horse Road and Painted Horse Road will be constructed in its entirety. A dry hydrant will be installed on Lot 5 of Block 1.
- Phase 3
All of Whiskey Jack Road will be constructed between Swift Hawk Road and Stagecoach Trail. Stagecoach Trail will be constructed from the end of Phase II to its terminus at the intersection with Consuela Creek Road. A temporary cul-de-sac will be constructed at the end of Stagecoach Trail.
- Phase 4
Consuela Creek Road will be extended to the east edge of Lot 5 of Block 5 with construction of a temporary cul-de-sac.

3. Effects on the natural environment

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed or agricultural land. As required by County Subdivision Regulations Section 4.15 all county subdivisions are required to apply for and obtain a weed management plan with the County Weed Department. Any subdivision that has an existing Weed Management Plan is required to get an updated Weed Management Plan. A weed management plan will be completed and a copy will be submitted with final plat. (**Condition #7**)

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

4. Effects on wildlife and wildlife habitat

Impacts on Significant, Important, and Critical Habitat: Because part of this land has been cultivated for farming the native habitat has been disturbed and limited to smaller animals. The property has been historically used for livestock rangeland. There are no known protected species or special status habitats within the proposed subdivision. This site is not in sage grouse habitat. There are no threatened or endangered species known to inhabit the area.

A paragraph in the ‘Conditions that Run with the Land’ section of the SIA warns future lot owners of the likely presence of wildlife in the area and their potential to damage residential landscaping.

5. Effects on public health and safety

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

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

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

A summary of impacts was required for this subdivision pursuant Section 9.2 of the County Subdivision Regulations. There were no significant impacts identified in the environmental assessment submitted with the proposed subdivision.

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

1. Yellowstone County - 2008 Growth Policy

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

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

The subdivision is consistent with the type of residential development in the surrounding area. There is residential development to the south. Large acreage lots.

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

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

2. 2023 Billings Urban Area Long Range Transportation Plan

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

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

This subdivision is outside the BABTMP boundaries for trails. This subdivision will not be required to install any trails at this time.

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

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

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

The subdivision must receive approval from the MDEQ prior to any building construction on each lot. Each lot will have its own septic and well system. These new systems will be approved by MDEQ before final plat.

F. Does the proposed subdivision meet any applicable Zoning Requirements?

[Section 3.2 (H) (3) (e), YCSR]

The proposed subdivision is within the County Zoning Jurisdiction. The lots are currently zoned Agriculture, they are requesting a zone change to Rural Residential 3.

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

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

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

Legal and physical access will be provided from Alkali Creek Road. Access to each lot will be from the internal roads of the subdivision.

CONCLUSIONS OF FINDINGS OF FACT

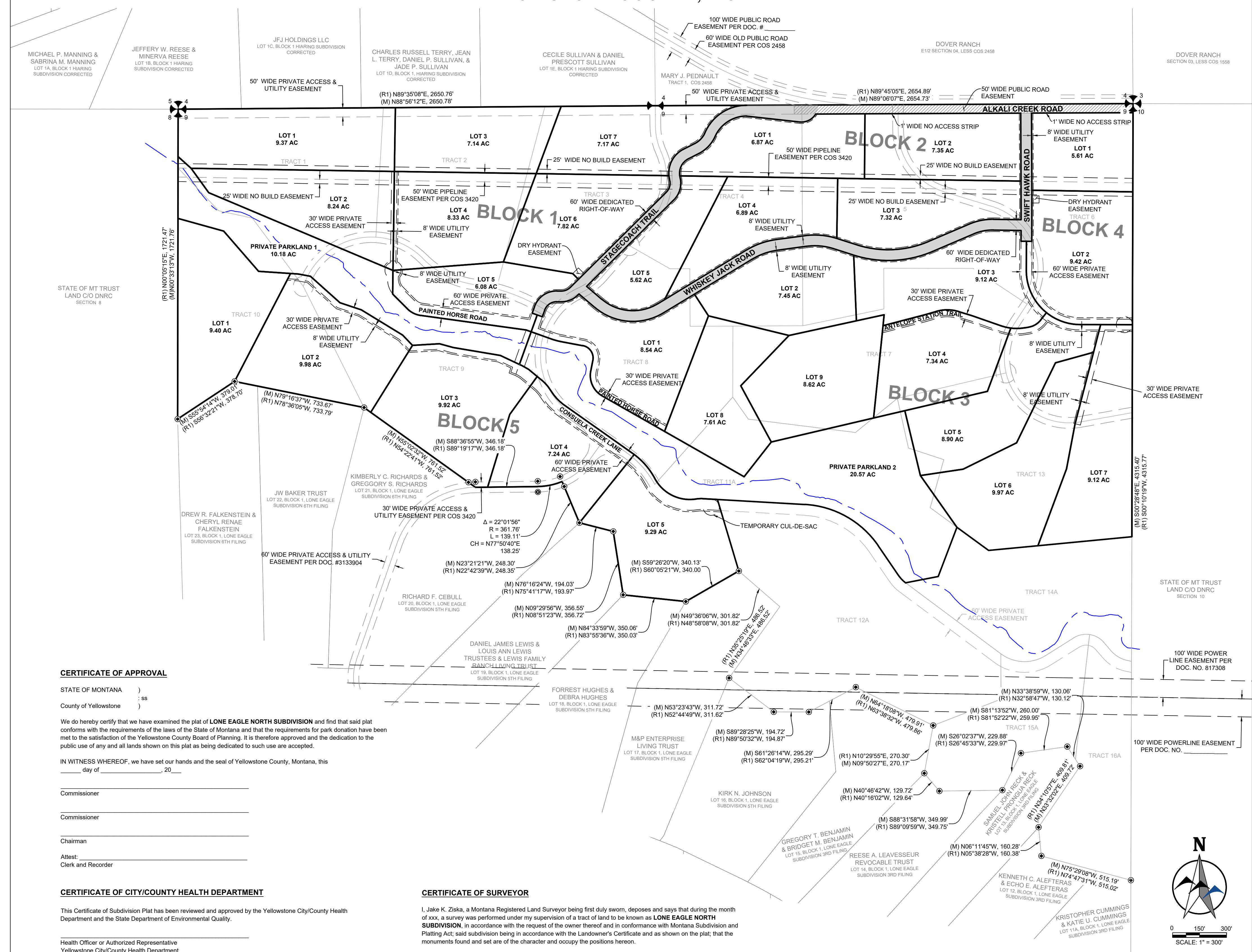
- This subdivision does not create adverse impacts that warrant denial of the subdivision.
- Impacts to agriculture, agriculture water user facilities, local services, public health and safety, the natural environment, and wildlife should be minimal, and can be mitigated by reasonable conditions of final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

RECOMMENDATION

The Planning Board is forwarding a recommendation of conditional approval to the Board of County Commissioners for the preliminary plat of Lone Eagle North Subdivision, and adoption of the Findings of Fact as presented in the staff report. The Planning Board is forwarding a recommendation of approval of the variance to not connect to the existing road and denial of the variance request to go over 1,000 feet for a dead end road.

LONE EAGLE NORTH SUBDIVISION

TRACT LOCATED IN SECTION 9, TOWNSHIP 1 NORTH, RANGE 25 EAST, P.M.M.,
YELLOWSTONE COUNTY, MONTANA



CERTIFICATE OF APPROVAL

STATE OF MONTANA)
County of Yellowstone)
We hereby certify that we have examined the plat of **LONE EAGLE NORTH SUBDIVISION** and find that said plat
conforms with the requirements of the laws of the State of Montana and that the requirements for park donation have been
met to the satisfaction of the Yellowstone County Board of Planning. It is therefore approved and the dedication to the
public use of any and all lands shown on this plat as being dedicated to such use are accepted.

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

Commissioner _____

Commissioner _____

Chairman _____

Attest:
Clerk and Recorder _____

CERTIFICATE OF CITY/COUNTY HEALTH DEPARTMENT

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

Health Officer or Authorized Representative
Yellowstone City/County Health Department

CERTIFICATE OF COUNTY ATTORNEY

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

County Attorney or Authorized Representative
Yellowstone County Attorney's Office

Date _____

CERTIFICATE OF COUNTY TREASURER

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

County Treasurer or Authorized Representative
Yellowstone County Treasurer's Office

Date _____

LEGAL DESCRIPTION AND PROPERTY OWNER CERTIFICATE OF DEDICATION

STATE OF MONTANA)
County of YELLOWSTONE)
KNOW ALL MEN BY THESE PRESENTS: That, **YELLOWSTONE FARMS LLC**, the owner of
the following described tract of land, does hereby certify that it has caused to be surveyed,
subdivided and platted into lots, blocks and streets as shown on the plat, said tract being
situated in Section 9, T.01N, R.25E., P.M.M. Yellowstone County, Montana, said tract being
more particularly described as follows:

Take to Enter Legal description: 325.22 ACRES MORE OR LESS

The park requirement for this subdivision has been met by land donation pursuant to Section
76-3-621(3)(a), M.C.A.

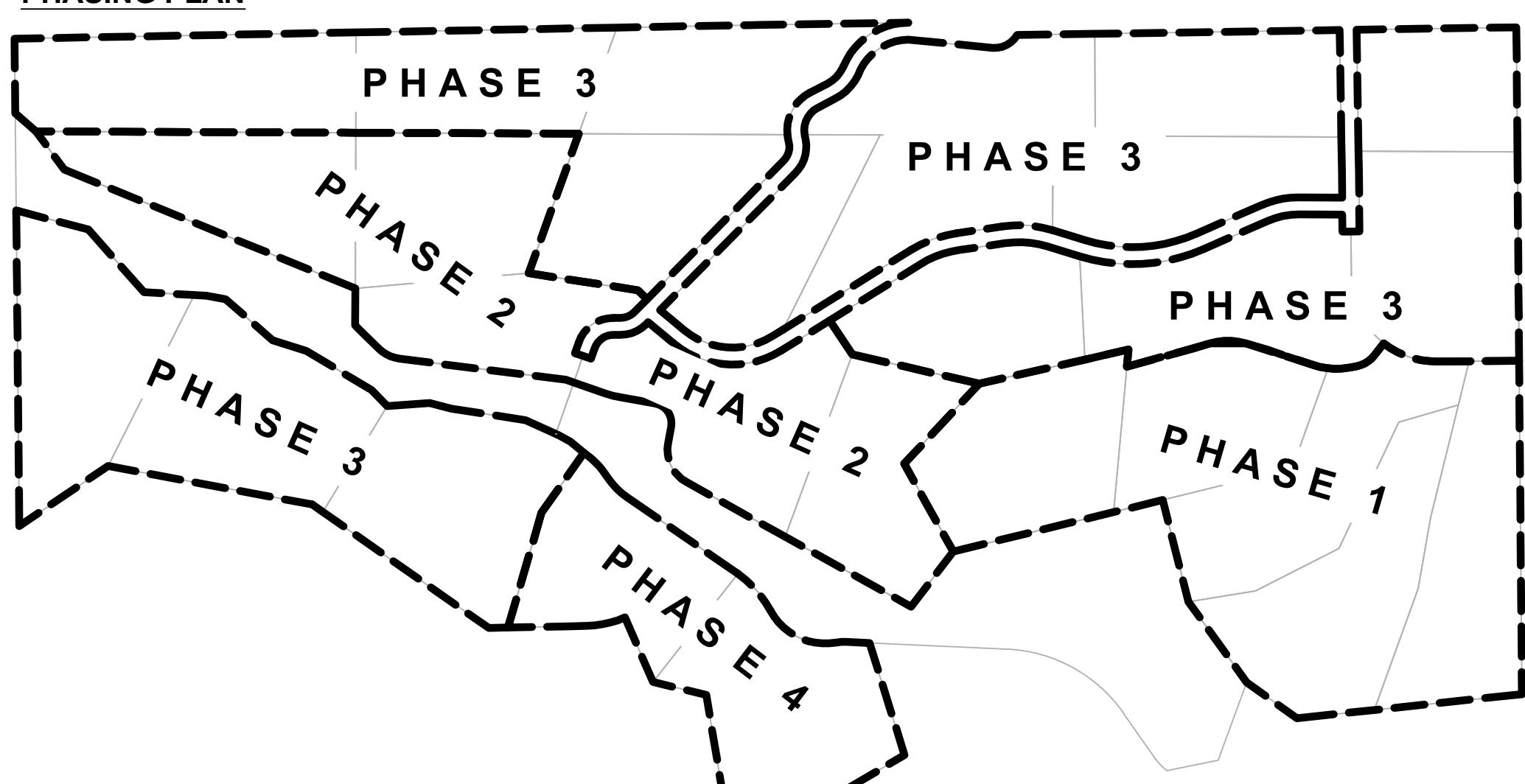
The undersigned hereby grants unto all utility companies, as such are defined and established
by Montana Law, and cable television companies an easement for the location, maintenance,
repair and removal of their lines and other facilities, in, over, under and across the areas
designated on this plat as "UTILITY EASEMENT" to have and to hold forever. Said tract shall
be known and designated as "LOAN EAGLE NORTH SUBDIVISION", and the lands
designated as public right-of-way are hereby granted and dedicated to the use of the public
forever.

Robert Arenberg, Member
Yellowstone Farms LLC

STATE OF MONTANA)
County of YELLOWSTONE)
On this _____ day of _____, 202_____, before me, the
undersigned a notary public for the State of _____, personally appeared Robert
Arenberg, as Member of the Yellowstone Farms LLC, known to me to be the person whose
name is subscribed to the within instrument and acknowledged to me that he executed the same.

Notary Public for the State of _____

PHASING PLAN



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

1/4	SEC.	TWP.	RGE.
<input checked="" type="checkbox"/>	9	1N.	25E.
LONE EAGLE NORTH SUBDIVISION			
YELLOWSTONE COUNTY, MT			
PREPARED FOR: YELLOWSTONE FARMS LLC, 3880 VICKERY DR BILLINGS, MONTANA 59102-8006			
PREPARED BY: WWC ENGINEERING 550 S. 24TH ST. W., SUITE 201 BILLINGS, MT 59102 (406) 242-2110 www.wwcengineering.com			
DESIGNED BY: GTR DRAWN BY: JRT CHECKED BY: JKZ DATE: 11/20/23			
PROJECT NO. 2023-401			
NO.	REVISION	BY	DATE
SHEET 1 OF 2			

LONE EAGLE NORTH SUBDIVISION

Table of Contents

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

LONE EAGLE NORTH SUBDIVISION

This agreement is made and entered into this _____ day of _____, 20 __, by and between Robert Arensberg, Yellowstone Farms LLC, whose address for the purpose of this agreement is **3680 Vickery Drive, Billings, Montana 59102**, hereinafter referred to as "Subdivider," and YELLOWSTONE COUNTY, Montana, hereinafter referred to as "County."

WITNESSETH:

WHEREAS, at a regular meeting conducted on _____ day of _____, 20 __, the Yellowstone County Board of Planning recommended conditional approval of a preliminary plat of *LONE EAGLE NORTH SUBDIVISION*; and

WHEREAS, at a regular meeting conducted on _____ day of _____, 20 __, the Yellowstone County Board of County Commissioners conditionally approved a preliminary plat of *LONE EAGLE NORTH SUBDIVISION*; and

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

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

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

I. VARIANCES

Subdivider has requested, and the County hereby grants, the following variances by the County Commissioners from the strict interpretation of the County's Subdivision Regulations (Section 11.1 Yellowstone County Subdivision Regulations):

1. Dead End Length Variance for Section 4.6 part 7 of the Yellowstone County Subdivision Regulations.
2. Connectivity to adjacent Lone Eagle Subdivision, 5th Filing development variance for Section 4.6 part 3 of the Yellowstone County Subdivision Regulations.

II. CONDITIONS THAT RUN WITH THE LAND

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

and/or a threat to public health and safety.

- B. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.
- C. No water rights have been transferred to the lot owners. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners.
- D. There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner, or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.
- E. Culverts and associated drainage swales shall not be filled in or altered by the subdivider or subsequent lot owners.
- F. When required by road improvements, all fences and irrigation ditches in the public right-of-way adjacent to this subdivision shall be removed or relocated outside of the public right-of-way and any relocation outside of the public right-of-way shall be subject to securing and recording easements.
- G. Future maintenance of all public (or common) improvements shall be done through one (1) or more RSID(s) created as part of the SIA for this subdivision.
- H. Lot owners or their agent will obtain an Access Permit from County Public Works prior to any construction on any lot within the subdivision. The application will include a site plan showing the desired location of the access and show that it meets the requirements outlined by the DEQ storm water requirements for the subdivision. Failure to do so will result in the lot owner or their agent removing what has been installed and locating the access in an approved location at the lot owners' expense.
- I. Lot owners will comply with Yellowstone County Subdivision Regulations for driveways. Driveways greater than 150 feet in length must have an approved turn-around at their terminus per Yellowstone County Subdivision Regulations.

III. TRANSPORTATION

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

A. Streets

Swift Hawk Road, Stagecoach Trail, Whiskey Jack Road, Consuela Creek Lane, and Painted Horse Road within areas of 60 foot dedicated right-of-way or private access easements shall be built to county paved road standards with a satisfactory subbase, base course, and asphalt surface. Swift Hawk Road, Stagecoach Trail, Whiskey Jack Road, Consuela Creek Lane, and Painted Horse Road shall have either a dedicated 60' right-of-way or 60' private road easement as shown on the Plat. Swift Hawk Road will be public dedicated right-of-way to 90 feet south of the intersection with Whiskey Jack Road, at which point it will transition to private roadway. Stagecoach Trail will be public dedicated right-of-way to 70 feet north of the intersection with Painted Horse Road, at which point it will transition to private roadway.

Roads will be paved to the end of the lots being developed as identified in the phasing section herein. The design cross-section shall be a 24-foot asphalt width street with 2-foot-wide gravel shoulders and shoulder drainage swales. The dedicated portions of Stagecoach Trail, Whiskey Jack Road, and Swift Hawk Road, will be maintained by creation of a new county road RSID. Private access easement sections of the roadways will be maintained by creation of an HOA made up of the lots within the Lone Eagle North Subdivision. A gate will be installed at the end of the public dedicated portion of the roadways for Stagecoach Trail and Swift Hawk Road and the gate will be operated and maintained by an HOA created by the Subdivider. Gates must automatically open when a vehicle is leaving the property, to allow future traffic from adjacent connected subdivisions to exit through Lone Eagle North Subdivision roadways.

B. Traffic Control Devices

Street name and stop signs for streets within the subdivision, or located immediately adjacent thereto, shall be furnished and installed in accordance with the specifications of the Yellowstone County Public Works Departments.

C. Access

Primary and secondary access to the subdivision will be from Alkali Creek Road.

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

There is no proposed trail identified near this subdivision. The applicant is not responsible for any additional road development for bike lanes.

IV. EMERGENCY SERVICE

Two 30,000-gallon water storage tank/dry hydrants will be installed on the western side of Stagecoach Trail within Lot 6, Block 1 and on the eastern side of Swift Hawk Road within Lot 2, Block 4 of Lone Eagle North Subdivision. The dry hydrants will be located within dry hydrant easements and will be maintained and serviced by a new dry hydrant RSID made up of the lots within the Lone Eagle North Subdivision. The dry hydrant system will be installed by the Subdivider and inspected and approved by the Fuego Volunteer Fire Company.

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 the Montana Department of Environmental Quality (MDEQ), or its designee.

Stormwater will be collected onsite using a combination of swales, culverts, and the natural slope of the land and delivered to onsite storm detention facilities.

VI. UTILITIES

A. Water

Public water service is not available in the subdivision at this time. In accordance with Section 4.4.E. Yellowstone County Subdivision Regulations, all proposed water systems must obtain approval by MDEQ, or its designee.

Individual wells or cisterns will be permitted. An approval letter from MDEQ will be submitted with the final plat. The maintenance and operation of the individual systems will be facilitated by the individual lot owner.

B. Septic System

Municipal public sewer service is not available in the subdivision at this time. In accordance with Section 4.4.E. Yellowstone County Subdivision Regulations, all proposed sanitary sewer systems must obtain approval by MDEQ, or its designee.

Individual septic systems will be permitted. An approval letter from MDEQ will be submitted with the final plat. The maintenance and operation of the individual systems will be facilitated by the individual lot owner.

C. Power, Telephone, Gas, and Cable Television

The private utilities shall be installed within the provided easements. 8-foot-wide utility easements have been shown on the plat adjacent to all streets within the subdivision per the request of the utility companies.

VII. PARKS/OPEN SPACE

No public parkland dedication is required for this Subdivision. Private parkland will be dedicated for the Subdivision and maintained privately by creation of an HOA made up of the lots within the Subdivision.

VIII. IRRIGATION

No internal irrigation facilities border the subdivision. There are no water shares to be transferred to the lot owners.

IX. WEED MANAGEMENT

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

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

X. SOILS/GEOTECHNICAL STUDY

A geotechnical investigation Phase I of the Subdivision was completed by Rimrock Engineering in July of 2025. The following is the executive summary of this report:

- Based on materials encountered in our recent borings, underlying about a foot of gravel surfacing, the subsurface profile generally consists of about 3 feet of loose to medium dense clayey sand soils overlying weathered sandstone bedrock. Groundwater was not encountered while drilling or for the short duration the borings were allowed to remain open.
- Clayey sand soils were encountered throughout the new road alignment. Sand soils are typically fair materials for supporting road sections for vehicle use. Subgrade remediation in the form of scarification, moisture conditioning, and recompaction should create a stable base for road construction. Good positive drainage will be important for longevity of pavement sections.
- Weathered sandstone bedrock was encountered within the borings drilled throughout the site. The bedrock is weathered, moderately hard near the surface and generally becomes more competent with depth. During drilling operations, we were able to advance solid stem, carbide tipped-augers through the native bedrock. Typically, this is indicative that contractors will be able to excavate the weathered bedrock using heavy-duty excavation equipment potentially combined with ripping or rock-hammering.

XI. PHASING OF IMPROVEMENTS

Included herein is a description of lots included within each phase and associated improvements

to be completed with each phase. Phases are listed on the face of the plat.

A. Phase I

- Phase I includes Lots 4, 5, 6, 7, and 9 of Block 3.
- Swift Hawk Road will be constructed in its entirety along and a temporary cul-de-sac at the terminus of the roadway will be constructed. A dry hydrant will be constructed on Lot 2 of Block 4 in this phase. A private gate will be installed at the end of the public dedicated portion of Swift Hawk Road. Phase I will be opened at the time of final plat.

B. Phase II

- Phase II includes Lots 2, 4, and 5 of Block 1 and Lots 1 and 8 of Block 3.
- Stagecoach Trail will be constructed to the intersection with Painted Horse Road and Painted Horse Road will be constructed in its entirety. A dry hydrant will be installed on Lot 5 of Block 1. Phase II is anticipated to be opened in 2029.

C. Phase III

- Phase III includes Lots 1, 3, 6, and 7 of Block 1; Lots 2 and 3 of Block 3; all Lots of Blocks 2 and 4; and Lots 1, 2, and 3 of Block 5.
- All of Whiskey Jack Road will be constructed between Swift Hawk Road and Stagecoach Trail. Stagecoach Trail will be constructed from the end of Phase II to its terminus at the intersection with Consuela Creek Road. A temporary cul-de-sac will be constructed at the end of Stagecoach Trail. Phase III is anticipated to be opened in 2032.

D. Phase IV

- Phase IV includes Lots 4 and 5 of Block 5.
- Consuela Creek Road will be extended to the east edge of Lot 5 of Block 5 with construction of a temporary cul-de-sac. Phase IV is anticipated to be opened in 2036.

XII. FINANCIAL GUARANTEES

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

XIII. LEGAL PROVISIONS

- A. Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by Yellowstone County.
- B. The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.

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

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

“SUBDIVIDER”

Yellowstone Farms LLC

By: _____

Its: _____

STATE OF MONTANA)
: ss
County of Yellowstone)

On this ____ day of _____, 20____, before me, a Notary Public in and for the State of Montana, personally appeared Robert Arensberg, known to me to be member of *Yellowstone Farms LLC*, who executed the foregoing instrument and acknowledged to me that he/she executed the same.

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

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

“COUNTY”

COUNTY OF YELLOWSTONE MONTANA

County of Yellowstone
Board of County Commissioners

By: _____
Chairman

Commissioner

Commissioner

Attest: _____
County Clerk and Recorder

STATE OF MONTANA)
: ss
County of Yellowstone)

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

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

Waiver of Right to Protest

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

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

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

LONE EAGLE NORTH SUBDIVISION

Signed and dated this ____ day of _____, 20____.

Yellowstone Farms LLC

By: _____

Its:

STATE OF MONTANA)
: ss
County of Yellowstone)

On this ____ day of _____, 20____, before me, a Notary Public in and for the State of Montana, personally appeared Robert Arensberg, known to me to be a member of *Yellowstone Farms LLC*, the person who executed the forgoing instrument and acknowledged to me that he/she executed the same.

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

Notary Public in and for the State of Montana
Printed name: _____
Residing in: _____
My commission expires: _____

From: Richard Cebull <citizenceb@live.com>
Sent: Monday, December 8, 2025 12:05 PM
To: Husman, Karen <husmank@billingsmt.gov>
Subject: [EXTERNAL] Zoning Change & Requests for Variances for Lone Eagle North Subdivision

Karen, thank you for your excellent service last Friday when I was in your Department.

My wife Linda & I own Lot 20, Lone Eagle Subdivision, 5th Filing. The 60 foot wide PRIVATE ACCESS EASEMENT depicted as Lone Eagle Dr. runs along the entire western length of our lot/tract 20. Each landowner in the existing subdivision owns to the centerline of the 60 foot wide PRIVATE ACCESS EASEMENT. Therefore Lone Eagle Dr. is a private road marked as such by signage after exit from Highway 3.

I have surveyed via email all of the landowners in our subdivision concerning issues raised by the zoning change request & the two(2) variance requests. I received responses from 23 of 27 owners and UNANIMOUS agreement was expressed SUPPORTING the request for a variance from Section 4.6.A.3 of the Yellowstone County Subdivision Regulations: "3. There shall be right-of-way and road connections made when existing roads or platted roads outside of the subdivision connect to the subject parcel."

We landowners in the existing subdivision agree with the developers of the North subdivision that Variance Request B should be granted due to critical safety, operational, and liability risks.

1. Safety Hazards: the steep slope risks vehicular run-offs for users and first responders, creating greater dangers than those prevented. The location of the road would be on the steep north slope making travel very hazardous every winter.

2. Liability Exposure: this could invite significant legal and financial risks from accidents or failures.

3. Firefighting Adequacy: Existing and planned dry hydrants at Lone Eagle & Lone Eagle North provide ample water supply for both communities.

We disagree with the staff input that this road would increase the safety of those of us living here. It will potentially increase the amount of traffic through our subdivision. We do not require nor need a second way in and out of this subdivision. We respectfully do not visualize any benefits the extension of this road would provide to our existing subdivision.

A zoning variance offers property owners a mechanism to seek flexibility from strict land use regulations. A variance provides a solution, allowing for a deviation from standard requirements when rigid adherence would create an unreasonable burden.

We respectfully urge the planning board to recommend granting Variance Request B as rigid adherence to the regulation in this instance would create an unreasonable burden.

I will appear at the Public Hearing on Thursday, Dec. 11 @ 4PM .

I will prepare a separate email to you listing property owners in our subdivision who expressed agreement with the position stated herein.

I don't know whether or not any staff person has physically observed the proposed area for the road at issue; if not I would urge them to do so. I am willing to personally escort someone from your staff on a tour of the area; just give me a call to schedule it.

Thanks again, Karen

Richard F. Cebull

4269 Lone Eagle Dr.

Billings, Mt 59106

406-671-9771

Sent from my iPad

From: Richard Cebull <citizenceb@live.com>
Sent: Monday, December 8, 2025 3:55 PM
To: Husman, Karen <husmank@billingsmt.gov>
Subject: [EXTERNAL] List of homeowners in Lone Eagle Subdivision supporting Variance Request
B

Alefteras, Ken/Echo 3995 Nighthawk Rd. Billings 59106	LeaVesseur, Reese/Janet 4045 Nighthawk Rd Billings 59106
Baker, Jim/Linda 4285 Lone Eagle Dr Billings 59106	MacNeil, David 4250 Nighthawk Rd Billings 59106
Blankenship, Mark/Aimee 4410 Lone Eagle Dr Billings 59106	McCotter, Trevor/Carli 4370 Lone Eagle Dr Billings 59106
Brown, Scott/Debbie 4650 Kestrel Billings 59106	Morganthaler, Fred/Eva 4200 Nighthawk Rd Billings 59106
Cebull, Richard/Linda 4269 Lone Eagle Dr Billings 59106	Ninichuck, Mike/Patty 4205 Nighthawk Rd Billings 59106
Cummings, Kris/Katie 3960 Nighthawk Rd Billings 59106	Osborn, Mark/Camille 4150 Nighthawk Rd Billings 59106
Drew Falkenstein 4925 Lone Eagle Dr Billings 59106	Reck, Samuel/Kristell 4010 Nighthawk Rd Billings 59106
Faw, Tamie J 4545 Lone Eagle Dr Billings 59106	Richards, Shane/Kim 4250 Lone Eagle Dr Billings 59106

Finn, Brad/Sheri Rolf
4050 Nighthawk Rd
Billings 59106

Skender, Jeremiah/Mary Ann
4315 Lone Eagle Dr
Billings 59106

Fischer, Mike/Kristi
4300 Nighthawk Rd
Billings 59106

Urbaska, Maile
3960 Nighthawk Rd
Billings 59106

Holley, Paul/Dee
4490 & 4701 Lone Eagle Dr
Billings 59106

Vanderloos, Bill/Darlene
4700 Lone Eagle Dr
Billings 59106

Hughes, Forrest/Debbie
4275 Nighthawk Rd
Billings 59106

Thank you again, Karen

Richard Cebull
Sent from my iPad

Variance Request A
Lone Eagle North Subdivision

Lone Eagle North Subdivision is a proposed major subdivision in Yellowstone County. The applicant has requested a variance from Section 4.6, Streets and Roads. 7. of the Yellowstone County Subdivision Regulations.

7. Dead end roads shall not be more than 1000 feet in length.

The proposed subdivision are large lots, 5 to nearly 10 acres in size. With lots of that size the roads tend to be longer to reach each lot. The reason for not allowing roads over 1000 feet has to do with fire safety. The fire departments that provide services to the subdivision are concerned with safety. They do not want to go down a long dead-end road and become trapped by hazardous conditions due to fire. Beyond 1000 feet a second way out is preferred as it is safer and is more likely to provide a clear route out of what could be a bad situation. It also provides for more emergency vehicles to circulate rather than all getting tangled in a traffic jam on a dead-end road.

- 1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.* Staff believes a long dead-end road could present a dangerous situation for fire fighters and other emergency vehicles not being able to maneuver safely in an emergency situation. Granting the variance could be detrimental to the public health, safety, or general welfare of the public.
- 2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced.* There are some logistical issues that would make it difficult for emergency vehicles to move around if trying to get past each other. The slopes in the area are steep in some areas, especially going down to the creek area.
- 3. The variance will not result in an increase in taxpayer burden.* The variance will not increase a tax burden on taxpayers.
- 4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy.* Granting the variance would not place the subdivision in nonconformance with any adopted zoning regulations or the growth policy.
- 5. The subdivider must prove that the alternative design is equally effective, and the objectives of the improvements are satisfied.* An alternative to the variance was not provided by the applicant.

Variance Request A
Lone Eagle North Subdivision

Lone Eagle North Subdivision is a proposed major subdivision in Yellowstone County. The applicant has requested a variance from Section 4.6.A.7 of the Yellowstone County Subdivision Regulations.

Section 4.6.A.7. Dead end roads shall not be more than 1000 feet in length.

The proposed subdivision contains large lots, 5 to nearly 10 acres in size. With lots of that size the roads tend to be longer to reach each lot. The reason for not allowing roads over 1000 feet has to do with fire safety. The fire departments that provide services to the subdivision are concerned with safety. Fire departments have previously expressed concerns about going down a long dead-end road and becoming trapped by hazardous conditions due to fire. Connectivity through the provision of an additional ingress/egress is preferred as it can help address public safety concerns and alleviate emergency response circulation throughout both the proposed and existing subdivisions.

County Public Works stated in reviewing the variance requests that, “Public Works has reviewed the variances, and we will not support them”.

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

Staff believes a long dead-end road could present a dangerous situation for fire fighters and other emergency vehicles not being able to maneuver safely in an emergency situation. Granting the variance could be detrimental to the public health, safety, or general welfare of the public.

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

Dead end roads can create some logistical issues that would make it difficult for emergency vehicles to move around when trying to get past each other. The slopes in the area are steep in some areas, especially going down to the creek area.

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

The variance will not increase a tax burden on taxpayers.

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

Granting the variance would not place the subdivision in nonconformance with any adopted zoning regulations or the growth policy.

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

An alternative to the variance was not provided by the applicant.

Variance Request B
Lone Eagle North Subdivision

Lone Eagle North Subdivision is a proposed major subdivision in Yellowstone County. The applicant has requested a variance from Section 4.6.A.3. of the Yellowstone County Subdivision Regulations.

3. There shall be right-of-way and road connections made when existing roads or platted roads outside of the subdivision connect to the subject parcel.

Part of the proposed subdivision is north of the existing Lone Eagle Subdivision, 5th Filing. On the existing 5th Filing of Lone Eagle Subdivision, Lone Eagle Drive is depicted on the plat as a 60-foot-wide Private Access Easement. This easement for Lone Eagle Drive runs the entire western length of Lot 20, Lone Eagle Subdivision 5th Filing and the southern boundary of proposed Lot 3 and Lot 4, Block 5 of the proposed subdivision, Lone Eagle North Subdivision. It appears that the developer of the 5th Filing intended to continue connection to the north as the subdivision became larger with future filings.

The proposed Lone Eagle North Subdivision proposes a private road on the northern side of Lots 3 and 4, Block 5 proposed to be called Consuela Creek Lane. Lone Eagle Road is the only way in or out of the existing Lone Eagle Subdivision, 5th Filing. A connection to the north would provide a second way in and out of the existing subdivision, as well as an emergency access route to the proposed subdivision.

1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties. Staff believes a connection to the south would provide another way out of the proposed subdivision increasing the safety of those living in the subdivision. It will also provide a second way in and out of the existing Lone Eagle Subdivision to the south. Granting the variance could be detrimental to the public health, safety, or general welfare of the public.

2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced. There are some logistical issues, topography, that would make it difficult to build the road. But it would benefit all residents already out there and the new ones proposed with the new subdivision.

3. The variance will not result in an increase in taxpayer burden. The variance will not increase a tax burden on taxpayers.

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

5. The subdivider must prove that the alternative design is equally effective, and the objectives of the improvements are satisfied. An alternative is to build the subdivision with the proposed layout. This filing does provide two ways in and out with both going to Alkali Creek Road.

Variance Request B
Lone Eagle North Subdivision

Lone Eagle North Subdivision is a proposed major subdivision in Yellowstone County. The applicant has requested a variance from Section 4.6.A.3. of the Yellowstone County Subdivision Regulations.

3. There shall be right-of-way and road connections made when existing roads or platted roads outside of the subdivision connect to the subject parcel.

Part of the proposed subdivision is north of the existing Lone Eagle Subdivision, 5th Filing. On the existing 5th Filing of Lone Eagle Subdivision, Lone Eagle Drive is depicted on the plat as a 60-foot-wide Private Access Easement. This easement for Lone Eagle Drive runs the entire western length of Lot 20, Lone Eagle Subdivision 5th Filing and the southern boundary of proposed Lot 3 and Lot 4, Block 5 of the proposed subdivision, Lone Eagle North Subdivision. It appears that the developer of the 5th Filing intended to continue connection to the north as the subdivision became larger with future filings.

The proposed Lone Eagle North Subdivision shows a private road on the northern side of Lots 3 and 4, Block 5 to be called Consuela Creek Lane. Lone Eagle Road is the only way in or out of the existing Lone Eagle Subdivision. A connection with Lone Eagle North Subdivision would provide a second way in and out of the existing Lone Eagle Subdivision, as well as an emergency access route to the proposed subdivision.

County Public Works stated in reviewing the variance requests that, “Public Works has reviewed the variances, and we will not support them”.

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

Staff believes a connection to the south would provide another way out of the proposed subdivision increasing the safety of those living in the subdivision. It will also provide a second way in and out of the existing Lone Eagle Subdivision to the south. Granting the variance could be detrimental to the public health, safety, or general welfare of the public.

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

There are some logistical issues, topography, that would make it difficult to build the road. But it would benefit all residents already out there and the new ones proposed with the new subdivision.

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

The variance will not increase a tax burden on taxpayers.

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

Granting the variance would not place the subdivision in nonconformance with any adopted zoning regulations or the growth policy.

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

An alternative is to build the subdivision with the proposed layout. This filing does provide two ways in and out with both going to Alkali Creek Road.

Variance Request B
Planning Board Review
Lone Eagle North Subdivision

Lone Eagle North Subdivision is a proposed major subdivision in Yellowstone County. The applicant has requested a variance from Section 4.6, Streets and Roads. 3. of the Yellowstone County Subdivision Regulations.

3. There shall be right-of-way and road connections made when existing roads or platted roads outside of the subdivision connect to the subject parcel.

Part of the proposed subdivision is north of the Lone Eagle Subdivision, 5th Filing. When the 5th Filing was done, Lone Eagle Drive is depicted on the plat as a 60-foot-wide Private Access Easement. This easement runs the entire western length of Lot 20, Lone Eagle Subdivision 5th Filing. It seems that the developer of the 5th Filings intended to connect to the north as this subdivision became larger with future filings. The proposed road from the north is also a private road that will be gated from the north. Lone Eagle Drive would continue as a private road. Lone Eagle road is the only way in or out of the existing Lone Eagle Subdivision in place. A connection to the north would provide a second way in and out of the existing subdivision.

1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties. The Planning Board believes a connection to the south would increase traffic, cause maintenance increases on the private road, Lone Eagle. There would be safety issues with the increase in traffic. Current use of roads in the Lone Eagle Subdivision are cars, pedestrians, horses and bike riders. Adding traffic would cause the extra use, besides cars, to be less safe for current residents. Building the road to meet the requirement of Yellowstone County Subdivision Regulations, maximum of 12% grade, would require a great deal of earth work and length to attain 12% grade. It would also be in the shade most of the time causing slick road conditions in cold snowy conditions. Current grades in the area of connection are 20% and up. Granting the variance would eliminate all the concerns mentioned and make it better for public health, safety, or general welfare of the public.

2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced. There are some logistical issues, topography, rock outcroppings and destruction of existing trees to build the road.

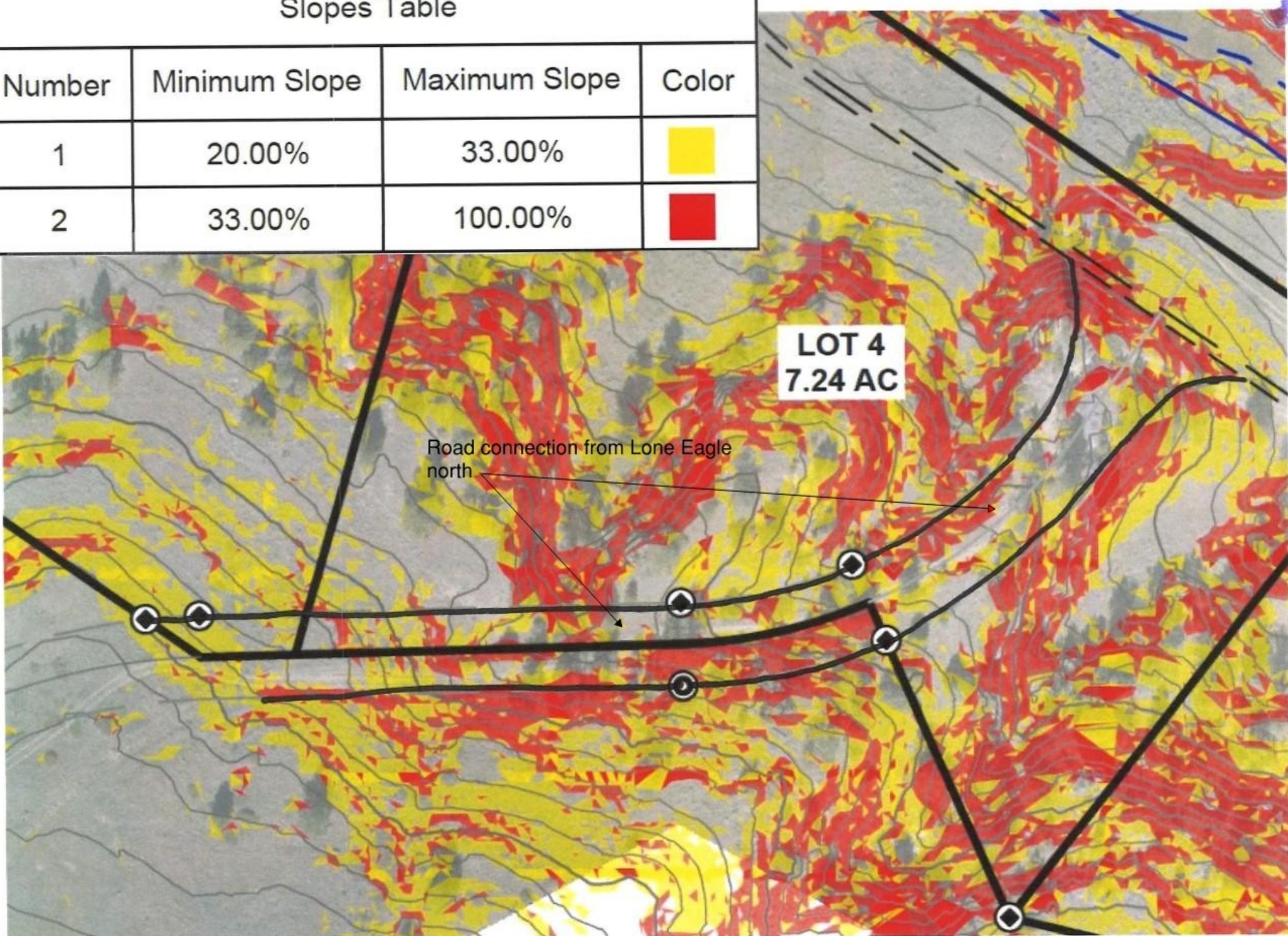
3. The variance will not result in an increase in taxpayer burden. The variance will not increase a tax burden on taxpayers. It is a private road.

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

5. The subdivider must prove that the alternative design is equally effective, and the objectives of the improvements are satisfied. An alternative is to build the subdivision with the proposed layout. This filing does provide two ways in and out. Both going to Alkali Creek Road.

Slopes Table

Number	Minimum Slope	Maximum Slope	Color
1	20.00%	33.00%	
2	33.00%	100.00%	



B.O.C.C Thursday Discussion

3.

Meeting Date: 01/15/2026

Title: December 2025 Monthly Update

Submitted By: Dayna Causby, Election Administrator

TOPIC:

Elections - December 2025 Monthly Update

BACKGROUND:

Provide monthly updates to Commissioners regarding the Election Administration office.

RECOMMENDED ACTION:

for review

Attachments

YC School District Election Contract 2026

Dec 2025 Election Admin Update

ELECTION CONTRACT – SCHOOL DISTRICT ELECTIONS

February 15, 2026 thru May 31, 2026

BE IT HEREBY AGREED BETWEEN _____ SCHOOL DISTRICT AND
YELLOWSTONE COUNTY, MONTANA

ELECTION CONDUCTED BY: **MAIL BALLOT**

1. The Yellowstone County Election Administrator, hereinafter called "County" on behalf of School District No. _____, hereinafter called "School" and upon their request (20-20-401, MCA) shall conduct and be responsible for aspects of the elections that come under the responsibility of School, excluding:
 - Accepting filings of candidate Petitions of Nomination/Oaths of Candidacy and any necessary Campaign Finance Forms.
 - Posting of Notice of Election in 3 public places in the district and on the district website as required by 20-20-204, MCA, and Publication of Results as required by 20-20-416, MCA. School shall provide the County with the appropriate affidavits of each.
 - Preparing ballot certification listing all candidates and propositions to be voted upon.
 - Providing appropriate space and setting up of a place of deposit, if a place of deposit is mutually agreed upon, including transporting election signage, voting supplies, and ballots to and from the election administrator's office and securely storing election voting supplies and ballots.
2. School shall reimburse the County for actual costs of all elections conducted for School, including but not limited to the cost of:
 - Cost of election judge wages and mileage
 - Printing the ballots and absentee/mail ballot envelopes
 - Programming the voting machines
 - Any necessary publications regarding notification of the use of voting machines
 - Postage for absentee/mail ballots
 - Supplies purchased for use in school elections
 - Any additional costs incurred by designating additional places of deposit for a school election
 - Reasonable estimated costs for retention, storage, and disposal unless School accepts custody of the files for retention purposes

3. School shall be responsible for completing all necessary legal procedures in a timely manner to meet the time requirements as determined by the election office. Ballot MUST be certified to the County no later than MARCH 24, 2026, including exact levy amounts. Failure to meet established time requirements will release the County from the obligation of conducting the School's election.
4. A place of deposit located on school grounds for a school election may only be established for a mail ballot election for a school election upon mutual agreement in writing between the County and the School.
5. School shall be responsible for opening and closing a place of deposit located on school grounds for a school election. School will provide a location with adequate room, lighting, and voter parking.
6. School Clerk shall be responsible for the secure transport, storage, and setup of election supplies and signage prior to election for a place of deposit located on school grounds for a school election in accordance with directions given by the County. Likewise, School Clerk shall be responsible for the secure transport of election supplies, signage, ballot boxes, and ballots from the place of deposit located on school grounds for a school election to the County Election Administrator's office in accordance with directions given by the County. School Clerk shall maintain the necessary chain of custody logs for election supplies and ballots received pursuant to this provision.
7. School will notify the County in writing of proposed dates of any special election 100 days in advance. The County will notify School within 5 days of notice; whether or not the County can conduct the election on the date selected.

IN WITNESS THEREOF, the aforementioned parties have hereunto entered into this agreement on this _____ day of _____, 2026. This agreement will be in effect until May 31, 2026.

Dayna Causby, Yellowstone County Election Administrator



ELECTION ADMINISTRATIONS

(406) 256-2744 (OFFICE)

(406) 254-7940 (FAX)

elections@yellowstonecountymt.gov

P.O. Box 35002

Billings, MT 59107-5002

Commissioners,

As part of our ongoing communication, I will be providing a monthly update from the Elections Office on the first week of each month. Please find the December 2025 update below.

December Highlights

School District Elections

- All school districts have requested that the Yellowstone County Elections Office conduct their upcoming elections. School Districts are required to reimburse the county for this administration of their election (as copy of the contract is included).
- The candidate filing period runs from **December 15, 2025, through February 9, 2026**. Candidates must file with their respective school clerk.
- No candidate filings were received in December.
- Several districts have indicated they may pursue mill levy or bond elections.
-

NCOA (National Change of Address) Mailing

- Preparations began for the NCOA process, which is essential for maintaining accurate voter rolls. Yellowstone County's voter roll will be compared to Melissa Data through our Voter Registration system.
- This process must be initiated manually and becomes available on **January 1, 2026**. The duration is uncertain (estimated anywhere from 5 to 24 hours).
- My plan is to begin the process between **4:00–5:00 AM on January 1**.
- Mailing Technical Services (MTS) will send voter notices this year. Notices must be mailed by **January 3, 2026**, with a second mailing scheduled for **February 2, 2026** (30 days after the initial mailing).

Documents Processed



ELECTION ADMINISTRATIONS

(406) 256-2744 (OFFICE)

(406) 254-7940 (FAX)

elections@yellowstonecountymt.gov

P.O. Box 35002

Billings, MT 59107-5002

- **776 voter registrations** were processed in December, including updates, county-to-county transfers, new registrations, absentee information updates, and motor vehicle updates.

Cedar Hall Project Update

- Met with Yellowstone Basin Construction on **December 22**. We have established a weekly meeting and project update schedule.
- Daily progress notes and photos will be available through the project management platform provided by Yellowstone Basin Construction.
- We will evaluate progress on **January 15, 2026**, and assess the likelihood of completion by **March 27, 2026**, when mail ballot preparation begins for school elections.

**Additional concerns may be addressed during meeting as this is an ongoing project.

Primary Election Preparation

- Election calendars have been updated.
- Candidate filing for the Primary Election will run from **February 17 to March 4, 2026**.

Please let me know if you have any questions or need additional details.

B.O.C.C Thursday Discussion

4. a.

Meeting Date: 01/15/2026

Title: Motor Vehicle Renewal Reminder Postcards

Submitted For: Hank Peters

Submitted By: Hank Peters

TOPIC:

Motor Vehicle Renewal Reminder Postcards

BACKGROUND:

The State of Montana produces the blue renewal reminder postcards that remind citizens that their vehicle registration is due for renewal. Since the system migration to CARS, three of the nine months have had significant errors.

RECOMMENDED ACTION:

Discuss

B.O.C.C Thursday Discussion

4. b.

Meeting Date: 01/15/2026

Title: Closure Dates for Treasurer's & Superintendent of Schools Offices

Submitted For: Hank Peters

Submitted By: Hank Peters

TOPIC:

Closure Dates for Treasurer's & Superintendent of Schools Offices

BACKGROUND:

The Treasurer's Office and Superintendent of Schools Offices are moving to the Ostlund Building the first week of February. The Property Tax Department and the Superintendent of Schools office can function with most items packed up and will not need to close. The Motor Vehicle Department cannot function with license plates, yearly stickers, and titles packed up. The Motor Vehicle Department will need to be closed three days in advance in preparation for the move and will also need three days to unpack in the new office.

RECOMMENDED ACTION:

Discuss

B.O.C.C Thursday Discussion

4. c.

Meeting Date: 01/15/2026

Title: New Treasurer's Office Policies for Bank Errors and Wire Reporting

Submitted For: Hank Peters

Submitted By: Hank Peters

TOPIC:

New Treasurer's Office Policies for Bank Errors and Wire Reporting

BACKGROUND:

These policies have been designed to ensure full communication of bank errors and wire requests occurs. The policies have been reviewed by Human Resources and Finance.

RECOMMENDED ACTION:

Discuss

Attachments

Wire Communication Policy

Bank Error Reporting Policy

YELLOWSTONE COUNTY TREASURER'S OFFICE

Wire Transfer Reporting Policy

Policy # 26-01

Purpose

The purpose of this policy is to ensure timely communication for wire transfer activity. This policy and policy procedures applies to all Treasurer Office employees involved with office wire transfers.

Policy

All wire transfer requests received must be **communicated as soon as possible** to ensure prompt awareness and oversight. Staff are required to **CC the Finance Director and the Treasurer on all communications related to wire transfers**, beginning with the first response to the wire request and continuing through final confirmation.

This policy applies to **all** wire transfers.

Procedures

1. Upon receipt of a wire transfer request, staff must include the Finance Director and the Treasurer on all written communications related to the wire transfer request.
2. If the amount of the wire transfer is \$50,000 or more, staff must get approval from the Finance Director or the Finance Director's designee by email before wiring.
3. The Finance Director and the Treasurer shall remain copied on all subsequent correspondence, including follow-up communications and the final wire transfer confirmation.
4. All wire-related communications and confirmations shall be retained in accordance with applicable record retention requirements.

Compliance

Failure to follow the directives of this policy, and policy procedures contained herein will result in discipline up to and including termination of employment with Yellowstone County.

Effective Date

This policy is effective immediately and applies to all wire transfer activity handled by the Yellowstone County Treasurer's Office.

Signatures

Mona Hunt, Cash Management Supervisor

Christine Nichols, Head Cashier

Brenda McKinnon, Accounting Assistant/School Clerk

Approved this _____ day of January 2026. The Board of County Commissioners and County Treasurer reserve the right to modify, amend or alter this policy.

ATTEST

Board of County Commissioners

Yellowstone County

Jeff Martin

Mark Morse, Chairman

Yellowstone County Clerk and Recorder

Michael J. Waters, Member

Chris White, Member

YELLOWSTONE COUNTY TREASURER'S OFFICE

Bank Error Reporting and Escalation Policy

Policy # 26-02

Purpose

The purpose of this policy is to ensure timely communication, appropriate oversight, and effective resolution of significant bank account errors.

Policy

When an error in the amount of **\$50,000 or greater** is identified on any bank account, the error must be **communicated as soon as possible** to ensure prompt awareness and response. Staff are required to **CC the Finance Director and Treasurer on all communications with the bank related to the identified error**, beginning with the initial notification and continuing through final resolution.

Procedures

1. Upon identifying a bank error of \$50,000 or greater, staff shall notify the bank as soon as possible. The Finance Director and Treasurer should be copied on the notification sent to the bank. If the bank is notified in person or by phone call, the Finance Director and Treasurer should be notified immediately after.
2. The Finance Director and Treasurer must be copied on all written communications with the bank regarding the error.
3. The Finance Director and Treasurer shall remain copied on all subsequent correspondence until the error has been fully resolved and documented.

Compliance

Failure to follow the directives of this policy, and policy procedures contained herein will result in discipline up to and including termination of employment with Yellowstone County.

Effective Date

This policy is effective immediately and applies to all applicable bank accounts and payment platforms.

Signatures

Mona Hunt, Cash Management Supervisor

Christine Nichols, Head Cashier

Brenda McKinnon, Accounting Assistant/School Clerk

Approved this ____ day of January 2026. The Board of County Commissioners, or the County Treasurer reserves the right to modify, amend or alter this policy.

ATTEST:

Board of County Commissioners

Yellowstone County

Jeff Martin

Mark Morse, Chairman

Yellowstone County Clerk and Recorder

Michael J. Waters, Member

Chris White, Member

B.O.C.C Thursday Discussion

1.

Meeting Date: 01/15/2026

Title: Ostlund Building Public Parking

Submitted By: Erika Guy

TOPIC:

Ostlund Building Public Parking

BACKGROUND:

Public Parking

RECOMMENDED ACTION:

Discuss

B.O.C.C Thursday Discussion

Meeting Date: 01/15/2026

Title: Closed: Personnel Matter

Submitted By: Teri Reitz, Board Clerk

TOPIC:

Closed: Personnel Matter

BACKGROUND:

Closed

RECOMMENDED ACTION:

Closed
