Yellowstone County
Buildings for Lease or Rent
Application & Review Process

1 CHAPTER 1: GENERAL PROVISIONS

1.1 Purpose

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

1.2 Authority & Administration

A. These regulations are adopted under the authority of Sections 76-8-101, et seq., MCA

B. The City-County Planning Division having jurisdiction is designated by the Board of County Commissioners of Yellowstone County to administer these regulations, including the review of any applications submitted, preparation of a recommendation of approval, conditional approval, or denial of the application to the Board for its consideration.

C. The Board of County Commissioners has authority to approve, conditionally approve, or deny the application for the creation of buildings for lease or rent pursuant to these regulations.

1.3 Applicability

A. These regulations apply to all lands within unincorporated areas of Yellowstone County.

B. In their interpretation and application, the provisions of this chapter may be regarded as the minimum requirements for the protection of the public's health, safety, and welfare.

C. This resolution is not intended to abrogate or annul any building permit, certificate of occupancy, variance, or other lawful permit issued before the effective date of this resolution.

D. These regulations apply to all Buildings for Lease or Rent (BLR) including Recreational Vehicle Parks (RV) and Mobile Home Parks.

1.4 Definitions

A. *Administrator* – The individual designated by the governing body to carry out the terms of these regulations.

B. *Applicant* – The owner, or designated representative, of land for which an application for the creation of a building for lease or rent has been submitted.

C. *Building* – As defined in Section 76-8-101(1), MCA, a structure or a unit of a structure with a roof supported by columns or walls for the permanent or temporary housing or enclosure of persons or property or for the operation of a business. The term includes cell tower or multiple spaces for lease or rent under single ownership on which recreational vehicles as defined in 61-1-101, MCA or mobile homes as defined in 15-24-201, MCA will be placed. The term does not include a condominium or townhome.

D. *Department* – As defined in Section 76-8-101(2), MCA, the department of environmental quality provided for in 2-15-3501.

E. *Driveways* – Access driveways are defined as an access serving one or two lots and not more than five dwellings.

F. *Expansions* – Major expansions would be 6 or more new spaces. Subsequent minor expansion would be 5 or fewer new spaces.

G. *Governing body* – As defined in Section 76-8-101(3), MCA, the legislative authority for a city, town, county, or consolidated city-county government.

H. *Landowner* – As defined in Section 76-8-101(4), MCA, an owner of a legal or equitable interest in real property. The term includes an heir, successor, or assignee of the ownership interest.

I. *Local reviewing authority* – As defined in Section 76-8-101(5), MCA, a local department or board of health that is approved to conduct reviews under Title 76, chapter 4.

J. *Roads* – Accesses serving more than two lots, or five dwellings shall be considered a road and built to road standards.

K. *Supermajority* – As defined in Section 76-8-101(6), MCA, a unanimous affirmative vote of the present and voting county commissioners in counties with three county commissioners.

L. *Tract* – As defined in Section 76-8-101(7), MCA, an individual parcel of land that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office.

1.5 Exemptions

A. A building created for lease or rent on a single tract is exempt from the provisions of these regulations if, when Yellowstone County Zoning Regulations are not in effect:

   i. The building is one of three or fewer buildings for lease or rent that were in existence or under construction before September 1, 2013;

   ii. The building is a facility as defined in 15-65-101 that is subject to the lodging facility use tax under Title 15, Chapter 65, except for spaces created for recreational camping vehicles or mobile home parks; or

   iii. The building is for farming or agricultural purposes; or

   iv. The building is not served by water and wastewater and will not be leased or rented;

   v. The building is served by water and wastewater and the landowner records a notarized declaration with the Yellowstone County Clerk and Recorder stating that the proposed building will not be leased or rented. The declaration runs with the land and is binding on the landowner and all subsequent landowners and successors in interest to the property, and can only be revoked by review and approval by the governing body under these Regulations. The declaration must include:

      a. The name and address of the landowner;

      b. A legal description of the tract upon which the proposed building will be located; and

      c. A specific description of the building on the tract of record.

B. Any building that is exempt under Section 1.5.A. and that is or will be served by water or wastewater must be in compliance with Section 1.6.

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

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

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

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

A. Application Submittal Requirements

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

B. Review Process

i. Upon receipt of an application along with all applicable fees, the administrator shall, within ten (10) working days, determine whether the application is complete and notify the applicant in writing.

ii. If the application is incomplete, the administrator shall identify, in writing, any missing materials or insufficient information necessary to conduct the required review.

iii. If the application is complete, the administrator shall complete review of the application, and the governing body shall approve, conditionally approve, or deny the application within sixty (60) working days. The timeframe may be extended upon mutual agreement, in writing, by the applicant and the governing body. Review and approval, conditional approval, or denial of an application for the creation of buildings for lease or rent pursuant to this section must be based upon the regulations in effect at the time an application is determined to be complete.

iv. The governing body may approve or conditionally approve the proposed buildings for lease or rent upon finding:

a. The proposed buildings for lease or rent, as submitted or conditioned, comply with these regulations and avoid or minimize potential significant impacts on the physical environment and human population in the area affected by the buildings for lease or rent;

b. Adequate water, wastewater, and solid waste facilities are available to serve the buildings for rent or lease, if applicable;

c. Adequate access to the site is provided to serve the buildings for lease or rent;

d. Adequate emergency medical, fire protection, and law enforcement services are available to serve the buildings for rent or lease; and

e. The buildings for lease or rent comply with any applicable flood plain regulations.

v. The governing body shall provide written notification to the landowner of the approval, conditional approval, or denial of the application within 60 working days after determining the application was complete.

C. Appeal

i. An applicant who is aggrieved by a final decision of the department or the local reviewing authority may request a hearing as provided in Section 76-4-126(1), MCA. For purposes of this subsection, the contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, apply to the proceeding.

ii. An applicant or landowner with a property boundary contiguous to the tract on which buildings for lease or rent are proposed to be located who is aggrieved by a decision of the governing body may, within 30 days of the date of the final decision of the governing body, appeal to the district court in the county in which the property involved is located.

iii. For purposes of this section, "aggrieved" has the meaning provided in Section 76-3-625, MCA.

D. Enforcement and Penalties

i. The administrator shall notify the landowner or any other responsible party of a violation of these regulations by certified mail and/or posting on the subject property. The notice shall describe the violation, cite the section of these regulations being violated, and request the responsible party to voluntarily comply within 30 days.

ii. Any person who receives a notice of violation may, within the 30 days allowed, request inspection by the administrator to show that compliance has been attained or appeal the notice of violation to the governing body.

iii. If, after the 30 days for voluntary compliance has lapsed, compliance has not been attained or an appeal has not been filed, the administrator shall request the County Attorney begin legal action against the landowner or any other responsible party.

iv. Upon request by the administrator, the County Attorney may request that the governing body grant the County Attorney the authority to commence any actions and proceedings available in law or equity to prevent the creation of a building for lease or rent in violation of these regulations; restrain, correct, or abate a building for lease or rent in violation of these regulations; or prevent the occupancy of a building for lease or rent in violation of these regulations.

2 CHAPTER 2: BUILDINGS FOR LEASE OR RENT DEVELOPMENT REQUIREMENTS

2.1 Submittal requirements.

A. BLR required submittal of items listed below. This list is not all inclusive, some developments may require less or additional items.

i. Property lines of the lot, with topography.

ii. A layout of all spaces, buildings, or structures proposed for rent or lease.

iii. Setback/Build-to requirements, structure separations.

iv. Location of common areas and facilities.

v. Open Space and/or recreation areas are required as outlined in these regulations.

vi. A Road Evaluation Study or Traffic Impact Study, if required by Section 2.5.E. of these regulations.

vii. Easements, existing and proposed.

viii. North Arrow, Scale, with a scale bar.

ix. Civil Drawings showing all site grading, drainage, accessible parking and routes.

x. Comprehensive Drainage Plan.

xi. Dumpster enclosures, (if applicable)

2.2 Improvement Design.

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

2.3 Buildings

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

i. Mobile home spaces:

a. The number of allowed spaces is limited to what is approved on the final approved plan.

b. Mobile home spaces must be arranged to permit the safe and practical placement and removal of mobile homes.

c. All mobile homes outside Yellowstone County Zoning Jurisdiction must be located a minimum of twenty (20) feet from all perimeter boundary lines.

d. Location of space limits on the ground must be approximately the same as those shown on the approved plans. Precise surveying of space limits is not required either on the plans or on the ground.

e. The size of the mobile home pad must be suitable for the general market to be served and must fit the dimensions of mobile homes anticipated. At a minimum the pad should measure fourteen (14) feet wide and seventy (70) feet long. All pads shall be constructed of at least six (6) inches of gravel over a stabilized sub-base.

f. A minimum of two (2) off-street parking spaces (each space an area minimum of 10x20 feet in size) must be provided on or adjacent to each mobile home space. The driveway must be located to allow for convenient access to the mobile home, and be a minimum of ten (10) feet wide.

g. One guest parking space must be provided for each ten (10) mobile home spaces. Group parking may be provided.

ii. Recreational Vehicle Spaces:

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

movement of traffic and access to spaces.

b. Recreational vehicles must be separated from each other and from other structures by at least fifteen (15) feet. Any accessory structures such as attached awnings must, for purposes of this separation requirement, be considered part of the recreational vehicle.

c. No recreational vehicle space may be located less than twenty (20) feet from any public street or highway right-of-way.

d. The density of a recreational vehicle park may not exceed twenty-five (25) recreational vehicle spaces per acre of gross site area.

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

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

2.4 Blocks

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

Table 2.4.1 Required Block Design

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

i. Block Length means the measurement along the property lines of all spaces that share the same street frontage until another street intersects. A block length continues until the street frontage changes from one cardinal direction to another (see Figure 2.4.1).

ii. Block Section measures the greatest straight-line distance between any two points around the perimeter of an area enclosed by streets (see Figure 2.4.2).

iii. Block Length preferred measurements are not minimums. Less than the preferred measurement is also acceptable if the design enhances the connectivity of the BLR.

iv. Breaks in Block Length or Block Section may also be provided by the intersection with a dedicated pedestrian right of way of at least 30 feet in width, or an open space area with at least 30 feet of street frontage (see Figure 2.4.3.).

Figure 2.4.1 Block Length

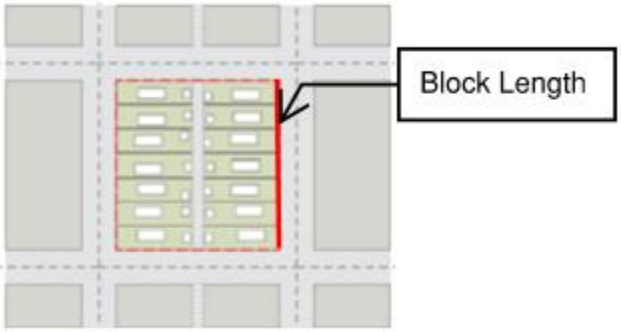


Figure 2.4.3 Block Section

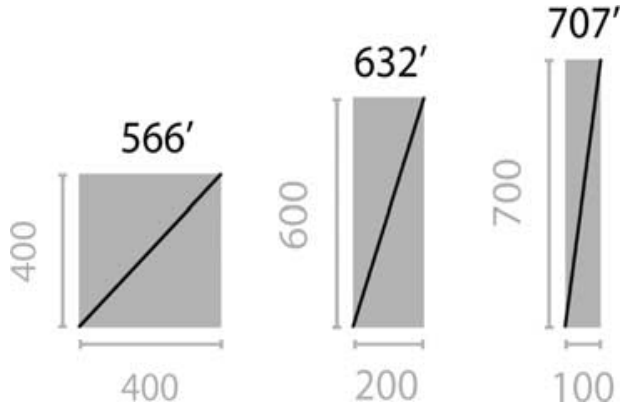


Figure 2.4.2 Breaks in Block Length

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

2.5 Streets and Roads

A. **Street and Road Standards:**

i. All internal streets shall be private, unless approved by Yellowstone County Public Works.

ii. Private streets shall be designed to provide access to all sites. No site shall have vehicular access to a public street. The streets shall be laid out to discourage through traffic and intersections with public streets shall be kept to a minimum.

iii. Streets shall be designed and built to meet current County standards following the requirements as found in these regulations and in conformance with County Public Works requirements.

iv. Curvilinear streets shall have no centerline curve with less than a one hundred (100) foot radius. At intersections the inside edge of the paved street shall have a minimum of a twenty (20) foot radius.

v. All streets shall intersect at an angle of ninety (90) degrees except where the developer can show just cause not to and with the approval of the Board of County Commissioners.

vi. The layout near street intersections shall be such that a clear vision area is maintained. Stopping sight distance on curves shall be as required on development streets.

vii. All traffic control devices used shall comply with the current edition of the Manual of Uniform Traffic Control Devices (MUTCD). All roads serving the mobile or manufactured home park shall have road signs installed at intersections meeting MUTCD standards.

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

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

ii. Proposed roads within the BLR shall be looped or connected to each other internal roads whenever possible. Exceptions can be made when there are topographic features that prevent connections or when the legal status of the road prevents connection.

iii. Driveways greater than 150 feet in length must have an approved turn-around at their terminus.

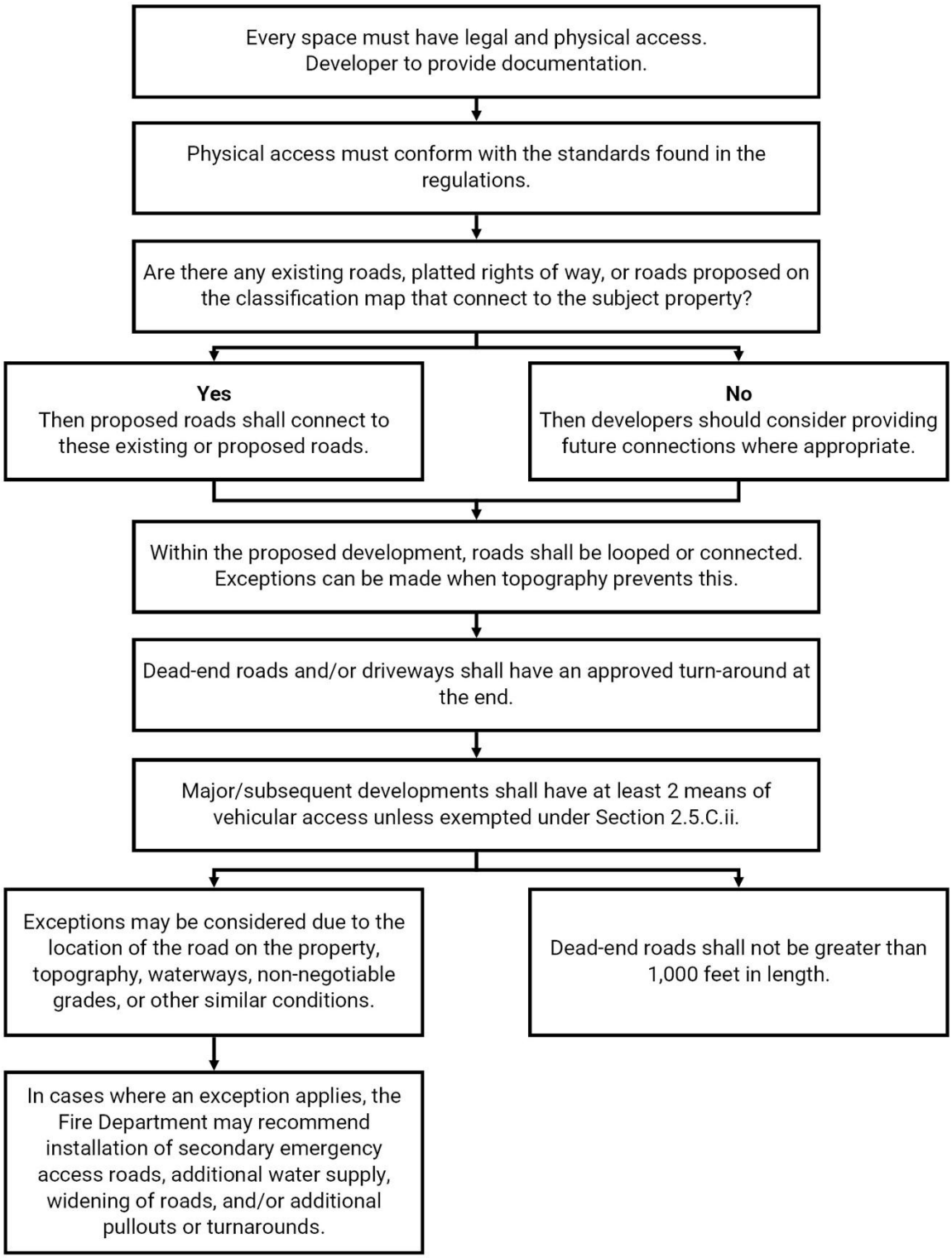
iv. Major and subsequent minor expansion to developments shall have at least two means of vehicular access unless granted by a variance.

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

vi. No encroachments in the Right of Way are allowed without approval from the Yellowstone County Public Works Department. Encroachment Permits are required.

vii. When access roads cannot be installed as required due to location on property, topography, waterways, nonnegotiable grades or other similar conditions, the fire department having authority may recommend additional fire protection measures, including, but not limited to, additional water supply, widening of roads, and/or additional pullouts or turnarounds.

Figure 2.5.1 Road Network Evaluation Flowchart



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

i. Distance between Parallel Right-of-Way: Where a BLR borders on or contains a railroad, limited access highway, canal, stream or ditch right-of-way, the applicant may be required to provide a street or easement approximately parallel to and on each side of the right-of-way at a distance sufficient to allow for the operations and maintenance of the intervening land. Such distances shall also be determined with regard for the requirements of approach grades and future grade separation.

ii. Second Access: To facilitate traffic movement, the provision of emergency services, and the placement of utility easements, all major subsequent minor additions to a BLR shall provide at least two means of vehicular access built to the standards of this Chapter and designed to ensure public health and safety.

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

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

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

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

v. Tangent for Reverse Curves: A tangent shall be introduced where necessary between reverse curves on Arterial and Collector streets as determined by a Professional Engineer licensed in the State of Montana.

vi. Deflected Street Lines to be Curved: When continuing street lines deflect from each other at any one point by more than five (5) degrees, they shall be connected by a curve with a radius adequate to ensure stopping sight distance at the center line of a street in accordance with the most current American Association of State Highway and Transportation Officials (AASHTO) Manual guidelines.

vii. Intersections: Local streets shall be laid out so as to intersect as nearly as possible at right angles and no local street shall intersect any other local street at less than eight (80) degrees. Such angle of 80 degrees or greater shall be retained for at least fifty (50) feet back from the intersection. Any street intersection involving an arterial and/or collector street shall intersect at ninety (90) degrees, shall be retained for at least one hundred (100) feet back from the intersection. Not more than two (2) streets shall intersect at any one point unless warranted by design by a Professional Engineer licensed in the State of Montana and reviewed by the County Public Works Department.

viii. Corners at intersections: Corners at all street intersections shall be rounded with a minimum radius of ten (10) feet.

ix. Sight distance: The alignment of all streets and roads must provide adequate sight distances in accordance with the most current American Association of State Highway and Transportation Officials (AASHTO) Manual guidelines. Intersections must be designed to provide adequate visibility for traffic safety based on the designed operating speeds of the intersecting roadways.

x. Approach Permits: The developer shall obtain the applicable approach or access permits for all new accesses to County controlled roads and provide a site plan showing the proposed approach onto existing roads or to new proposed roads. For any new vehicular access onto a state-controlled road or highway, the developer shall obtain an approach permit approved by the Montana Department of Transportation (MDT).

xi. Street/Road Names and Addressing: All new street/road names shall be approved by the Yellowstone County GIS Department prior to final plan approval in order to avoid duplication and confusion with names of existing roads. Addresses are assigned by County GIS.

xii. Street/Road Signs and Traffic Control Devices: Street or road signs and traffic control devices of the size, shape, and height in conformance with the standards contained in the Manual on Uniform Traffic Control Devices must be placed at all intersections. Private roads shall have blue street name signs, which include, under the street name, ‘Private Road’, public roads shall have green street name

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

xiii. Central Mail Delivery: When required by the United States Postal Service, the developer must provide a cluster mailbox for mail delivery.

xiv. Road Design and Improvement Standards: All streets and roads, existing or proposed, within and a proposed BLR shall meet the design and improvement standards outlined in these regulations, as well as the design specifications required by the County Public Works Department.

xv. Street/Road Maintenance: The developer may be required to participate in an existing adjacent RSID for ongoing maintenance for external public improvements. These improvements may include, but not be limited to, new public roads, and bridges. culverts, street signs, sidewalks, pathways, and any other public improvements.

D. **Road and Street Performance Standards for Developments**

i. General: The design and improvement standards contained in this section shall apply to all construction and reconstruction of streets and roads within a BLR in Yellowstone County.

ii. Improvement Design: All street improvements shall be designed by and constructed under the supervision of a professional engineer, competent in civil engineering, licensed in the State of Montana. All improvements shall meet or exceed the right-of- way and construction standards for the type of street to be constructed, found within these Regulations, the adopted transportation plan, and adopted policies of the County Public Works Department.

iii. Plans and Specifications: Plans and specifications for all public or private streets shall be prepared by a professional engineer, competent in civil engineering, licensed in the State of Montana. A complete set of plans and specifications certified with the responsible Professional Engineer's embossed seal shall be provided to the County Public Works Department prior to initiation of any street improvement construction. The applicant shall provide professional engineering services for construction inspections, and post-construction certifications. Record drawings shall be submitted to the County Public Works Department upon completion of construction.

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

a. Compaction test results;

b. Certification that all required improvements are complete;

c. Certification that the applicant knows of no defects from any cause in those improvements;

d. Certification that these improvements are free and clear of any encumbrance or lien;

e. The method by which the one-year guarantee is to be provided;

f. A schedule of actual construction costs shall be filed with the Public Works Department;

g. If the developer seeks approval of the final plan prior to the installation and completion of all required improvements, the developer shall enter into a written agreement with the Board of County Commissioners guaranteeing the construction and installation of all required improvements. This agreement shall specify which type of security arrangements the developer elects to use and the time schedule proposed for accomplishing the required improvements.

E. **Road and Traffic Studies**

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

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

- Road surface, section thickness, base type and thickness

- Existing type of traffic and traffic loads; expected type and load from proposed development

- Topography

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

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

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

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

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

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

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

a. Traffic Data Collection, as follows:

    1. Turning movement counts at all required study area intersections for a minimum of two (2) continuous hours each in the AM and the PM to establish peak hour volumes for those periods. Counts shall be performed on a Tuesday, Wednesday, or Thursday (except when a weekend analysis is applicable based on the land use) to avoid weekend traffic pattern bias, avoiding holidays, inclement weather days, or periods of time where construction or emergency roadway closures are impacting traffic patterns. If the subject site development or any of the required study area intersections are within one mile of a school, it may be necessary to evaluate two PM peak periods – an after-school peak and a traditional evening rush hour peak. Vehicle classifications for all counts shall identify the number of trucks, buses, motorcycles, bicycles, and pedestrians.

    2. Turning movement or average daily traffic (ADT) counts for a minimum of twenty-four (24) continuous hours on all intersection approaches for any intersection where an all-way stop control or traffic signal warrants analysis is deemed necessary. Vehicle classifications for all counts shall identify the number of trucks, buses, motorcycles, bicycles, and pedestrians.

    3. Directional speed data (for a minimum of 24 consecutive hours) may be required if speed-related safety concerns are to be addressed or where an evaluation of speed limits has been requested by Yellowstone County

4. Traffic data shall be considered valid for use on a traffic impact study until it becomes more than one (1) year old at the time of analysis OR if the data is deemed as inaccurate or invalid based on roadway closures, construction activity, severe weather, or other factors that could contaminate the data.

b. A historical crash history analysis shall be required for all existing study area intersections unless historical crash data is not available. Crash data requests are to be submitted to the Montana Department of Transportation (MDT) Safety Section but should also be supplemented with data provided by Yellowstone County and/or the City of Billings if MDT is unable to provide data for all study area roadways and intersections. The minimum analysis period shall be the most recent 5-year period for which crash data is available. In certain cases, a longer analysis period may be necessary to identify crash trends. The following specific metrics or data should be analyzed and reported (in text and/or table format) as part of a basic traffic impact study:

    1. Total reported crashes, injuries, and fatalities

    2. Crash frequency and severity rates measured in crashes/million vehicles

    3. Crash frequency entering (MVE)

    4. Collision types

c. Trip generation analysis, using data and equations from the most current version of the Institute of Transportation Engineers (ITE) Trip Generation Manual or the ITE TripGen web-based application, except in cases where local, empirical data is available that may better approximate trip generation characteristics of a site development or specific land use. Approval from Yellowstone County is required prior to the use of local empirical data in place of the ITE data. Trip generation calculation assumptions and results should be summarized in text and/or table format to include the following information:

    1. Gross trip generation projections for each individual land use category (as required based on judgment of the author) and for the average weekday and peak hour analysis period(s) that are deemed applicable for the site development being analyzed.

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

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

2. Adjustments to gross trip generation calculations for internal capture, pass-by traffic, or any other adjustments should be summarized as well with supportive calculations provided in the study appendices. ITE Trip Generation procedures for calculating internal capture and pass-by trips should be followed unless an alternate method for adjusting gross trips is deemed more appropriate, in which case that method should be explained clearly in the body of the report and supportive calculations provided in the appendices.

d. Trip distribution and traffic assignment calculations shall be performed and presented in the report based on industry standard practices. Trip distribution schemes will be developed based on travel demand model results, travel time calculations, and/or existing traffic patterns unless another method is determined to be adequate through discussions with the County, or its designee. If there are one-way streets adjacent to the development site or there are proposed access restrictions (right-in/right-out or ¾ access) for certain approaches, separate distribution schemes may be required for certain street segments. The proposed trip distribution scheme(s) should be presented graphically on an exhibit that is included in the report body or appendices.

e. Future traffic projections for any analysis horizon beyond existing conditions shall account for existing traffic demand and site-generated traffic assignments, as well as for any applicable traffic assignment projections at study area intersections from other traffic impact studies (build-up method) and/or an annualized background traffic growth rate. Background traffic growth rates should be projected based on historical traffic volume data when available. If applicable data is not available, an assumed rate should be utilized that approximates overall population growth in the general vicinity of the study and the basis for those assumptions should be explained in the TIS report.

f. Intersection capacity/level of service (LOS) analysis using software that applies methodologies consistent with the most current edition of the Highway Capacity Manual (HCM). Note that Yellowstone County reserves the right to reject capacity analysis results from software programs for which the analysis relies solely on microsimulation. Capacity analyses shall be performed for all study area intersections (as previously defined) for the AM and PM peak hours (typically morning and evening rush hours), as well as for any additional key peak periods that may be unique to a study area or subject facility (e.g., near to a school).

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

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

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

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

g. Additional elements of traffic operations/safety analysis that may be required for a TIS are listed below. Note that intersection capacity is considered to be deficient and require potential mitigation any time a minimum LOS C cannot be achieved during one or more peak analysis periods for an intersection OR an individual approach to an intersection.

    1. Auxiliary Right-Turn Lane Analysis: For all external public roadways within the study area, an analysis of justification for auxiliary right-turn lanes shall be performed at all intersections (off-site or site access) where there are 40 or more existing or projected future right-turn movements during the design hour (or peak hour). The analysis should follow the procedures outlined in Section 28.4.1.1 of the MDT Traffic Engineering Manual (November 2007 or the most current edition of the manual that provides auxiliary turn lane analysis guidance).

    2. Auxiliary Left-Turn Lane Analysis: For all external public roadways within the study area, an analysis of justification for auxiliary left-turn lanes shall be performed at all intersections (off-site or site access) where there are 20 or more existing or projected

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

3. All-Way Stop Warrants Analysis: For unsignalized intersections where capacity is found to be deficient and if traffic volume demands are reasonably balanced on 3 or more intersection approaches, an analysis of need for all-way stop control shall be performed (in addition to a traffic signal warrants analysis) using the criteria outlined in the most current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD). All assumptions made as part of the analysis shall be described clearly in the report text.

4. Traffic Signal Warrants Analysis: For unsignalized intersections where capacity is found to be deficient and the addition of auxiliary turn lanes would not correct the deficiency, an analysis of traffic signal warrants shall be performed using the criteria outlined in the most current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD).

5. Parking: For any site where on-site parking is required to meet zoning requirements, a traffic impact study shall comment on compliance with the applicable regulations, as well as with respect to Americans with Disabilities Act (ADA) requirements for parking.

6. Queuing Analysis: For site developments that have drive-thru facilities, a queuing analysis shall be performed to evaluate queue storage and associated impacts to site circulation and site access conditions. At this time, there is not a standardized or universally accepted approach to estimating queuing conditions for drive-through facilities. As such, the analysis may need to be qualitative in nature or rely on empirical data from similar facilities to properly evaluate queuing and potential impacts to site circulation and access. It should also be noted that the trip generation projections used in the queuing analysis shall be based on the peak hour of generator, and not the peak hour of adjacent street traffic.

7. Pedestrian, Bicycle, and Transit Considerations: Where applicable, a traffic impact study should comment on the availability and planned connectivity of pedestrian and bicycle facilities both within and external to the development site. If transit routes are in operation in the vicinity of the site development, there should also

be discussion of accessibility to transit services.

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

h. Impact Mitigation Financial Contributions Analysis

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

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

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

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

F. **Access easements:** Where access to or within a development is proposed using access easements the applicant must obtain or provide proper easements of sufficient width to satisfy the requirements of Figure 2.5.4. The easement shall meet the following:

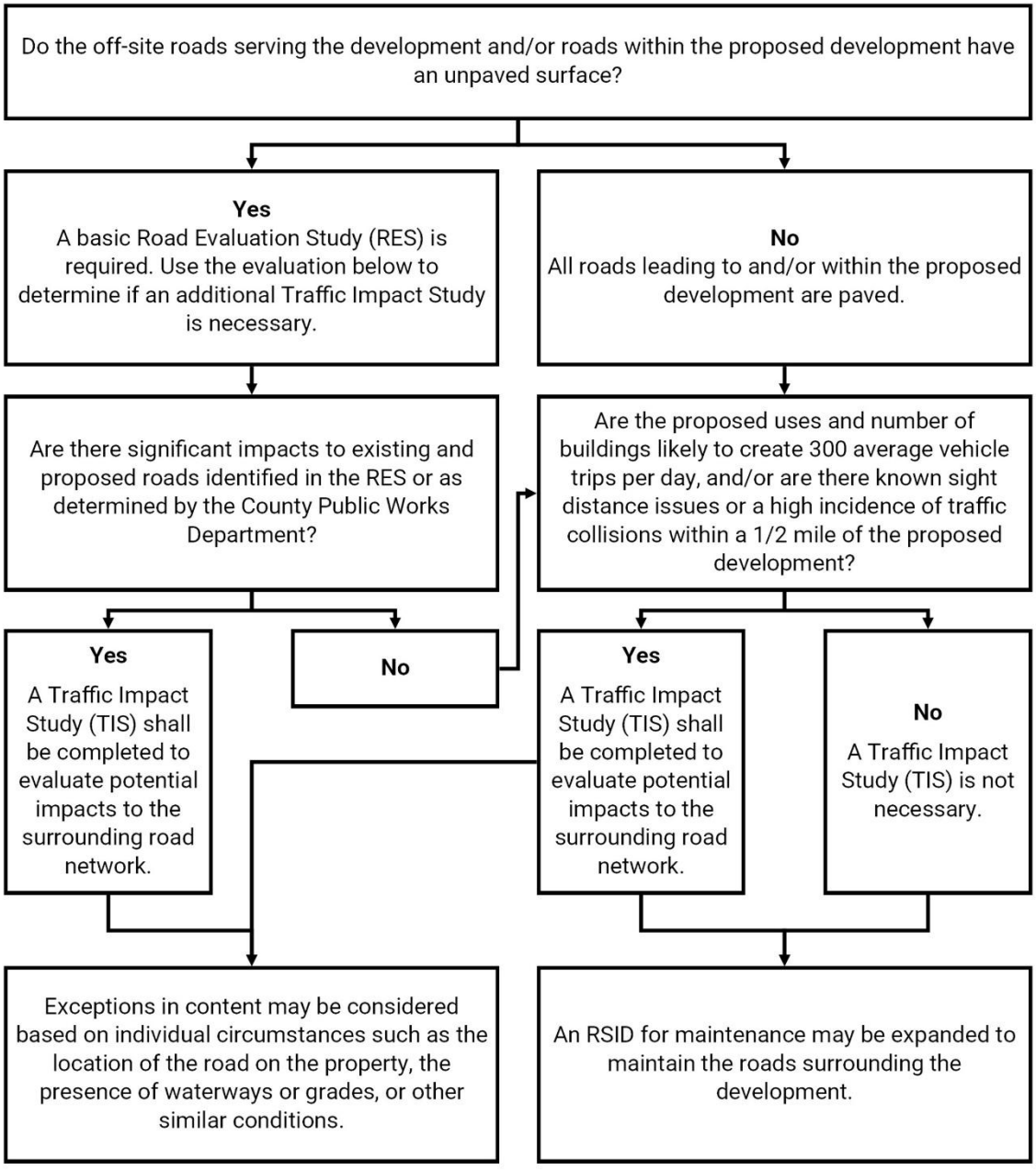
i. Easements must be granted by all property owners whose land the easement(s) cross in a signed and notarized document to be recorded with the final plan.

ii. The location of any road easement must be shown on the plan if it is within the development or on a supplemental exhibit if it is off site. The existence of easements must be noted on the face of the final plan and on any deeds or other instruments conveying lots within the development.

iii. All newly created easements shall be written so that they are easements appurtenant that run with the benefited land.

Figure 2.5.2 Road Evaluation and Traffic Impact Study Flowchart

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



G. **Right-of-Way and Street Widths**: Street right-of-way and surface widths for all private roads, within Yellowstone County shall be provided as shown in Figures 2.5.3 and 2.5.4.

H. **Shoulders**: Shoulders shall be required on both sides of all roads where no curb and gutter are required. Shoulders shall be a minimum two feet wide as per the applicable storm water requirements, and graveled, and must meet the specifications of County Public Works. Refer to cross sections in Figure 2.5.3, Figure 2.5.4 and Figure 2.5.5 as applicable for shoulder requirements.

I. **Grading/Cut and Fill**: All streets within or adjacent to the BLR shall be excavated or filled to the grade established by these Regulations.

J. **Base Construction**: The type of base required will vary depending on the nature of the existing material and with the particular type of traffic to be accommodated and shall be reviewed by County Public Works according to County specifications unless otherwise warranted by Engineering design. (See Figures 2.5.4 and 2.5.5)

K. **Street surfacing**: All roads within or adjacent to the BLR shall be paved if they connect to an existing paved road (See Figure 2.5.4). Standards for such paved surfacing shall be according to County specifications unless otherwise warranted by Engineering design.

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

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

Street Type	Percent Grade
Arterial	4
Collector	7
Local Access	12

M. **Sidewalks**: Sidewalks are not required as an improvement, a developer may choose to place sidewalks in the development. In such case, these sidewalks will be located in an easement along the sides of the private roads.

N. **Access Driveways**: An approach permit is required for all new access driveways. New driveways shall meet the following standards:

   i. Property frontages of two hundred twenty-five (225) feet or less shall have only one (1) approach. In cases where parcels have more than one (1) road frontage, each frontage will not be treated separately when determining the number of approaches.

   ii. Additionally, Property frontages greater than two hundred twenty- five (225) feet

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

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

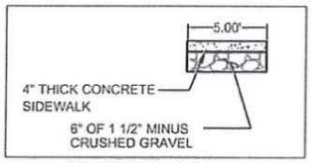
O. **Multi-Use Trails, General**: When applicable, BLR's shall be reviewed for consistency with the adopted Active Transportation Plan (ATP) to provide multi-use trail routes for safe, convenient non-motorized transportation routes throughout the County. The developer will be responsible for the construction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

i. It is required that all new developments provide a 30-foot-wide multi-use trail easement across the property if the ATP indicates that a proposed multi-use trail route crosses the development property.

ii. If the ATP indicates that a proposed trail route crosses the developments property, and a segment of the corridor has already been provided on adjacent property, then it is required that the development provide a 30-foot wide trail easement to connect to the trail segments at the property lines to provide for a continuous trail route.

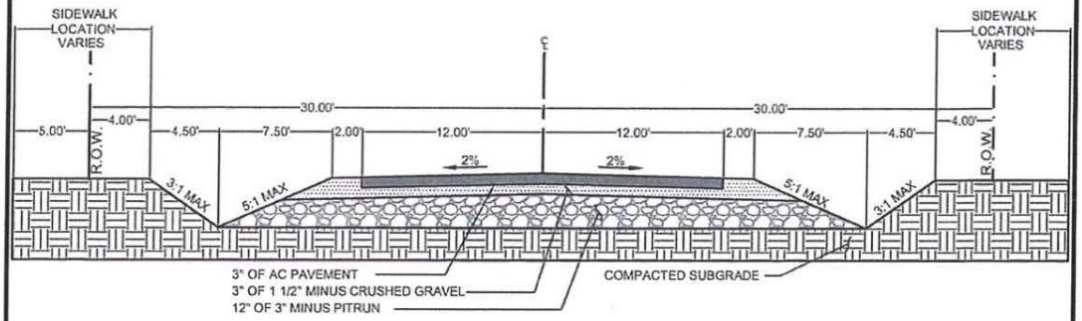
iii. When open space dedication is opted for, and the ATP indicates that a proposed trail route crosses the development property, linear open space including a trail easement may be considered as all, or a portion of, the required open space (See Section 2.16 of these Regulations)

Figure 2.5.3



SIDEWALK DETAIL

STANDARD SUBDIVSION STREET WITH SIDEWALK



NOTES:

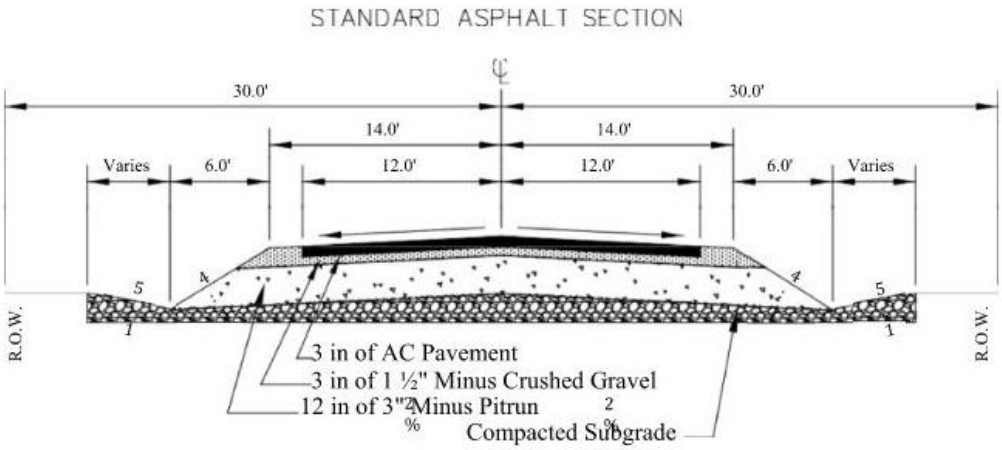
1. IF NECESSARY, SIDEWALKS MAY BE BUILT IN ADDITIONAL ROAD DEDICATION BEYOND THE 60' STANDARD WIDTH, OR WITHIN A PUBLIC EASEMENT ADJACENT TO THE RIGHT-OF-WAY.

2. TO MEET STORM WATER REQUIREMENTS IN DESIGNING THE SWALES, AFTER 2' OF SHOULDER AT 2% SLOPE, THE REMAINING SHOULDER MAY BE SLOPED NO STEEPER THAN 5 TO 1 TO THE SWALE BOTTOM TO HELP INCREASE STORM WATER STORAGE IN THE SWALES WHILE MAINTAINING PUBLIC SAFETY.

3. SIDEWALK CROSSINGS AT ROADWAYS ARE THE RESPONSIBILITY OF THE DESIGN ENGINEER PER PUBLIC RIGHT OF WAY ACCESSIBILITY GUIDELILNES (PROWAG, CURRENT EDITION)

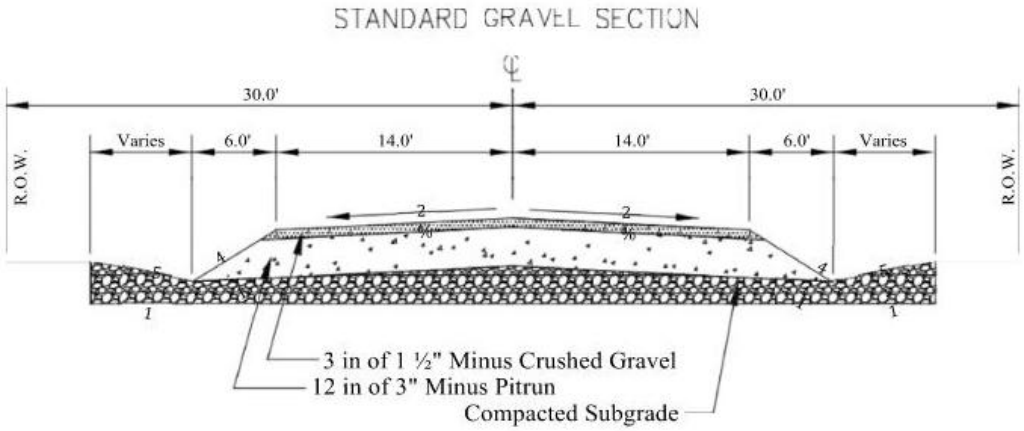
SCALE		YELLOWSTONE COUNTY	SHEET
NO SCALE	DRAWN BY: D SWENSON DESIGNED BY: M BLACK CHECKED BY: M BLACK FILE NAME: RESIDENTIAL PAVING 70ft ROW 2	TITLE TYPICAL SECTION FOR PAVED ROAD IN SUBDIVISIONS ZONING R-15000 OR LESS AND COMMERCIALLY ZONED PROPERTY	1 OF 1

Figure 2.5.4



Scale: NONE	Approved by: BM/MB Date: Jan - 2005 Filename: Asphalt-sec. Drawn By: VLL	YELLOWSTONE COUNTY Typical Section for Paved Road	Standard Drawing 100

Figure 2.5.5



Scale: NONE	Approved by: BM/MB Date: Jan - 2005 Filename: Gravel-sec. Drawn By: VLL	YELLOWSTONE COUNTY Typical Section For Gravel Road	Standard Drawing 110

Figure 2.5.6 Turn-Around Standards for Roads

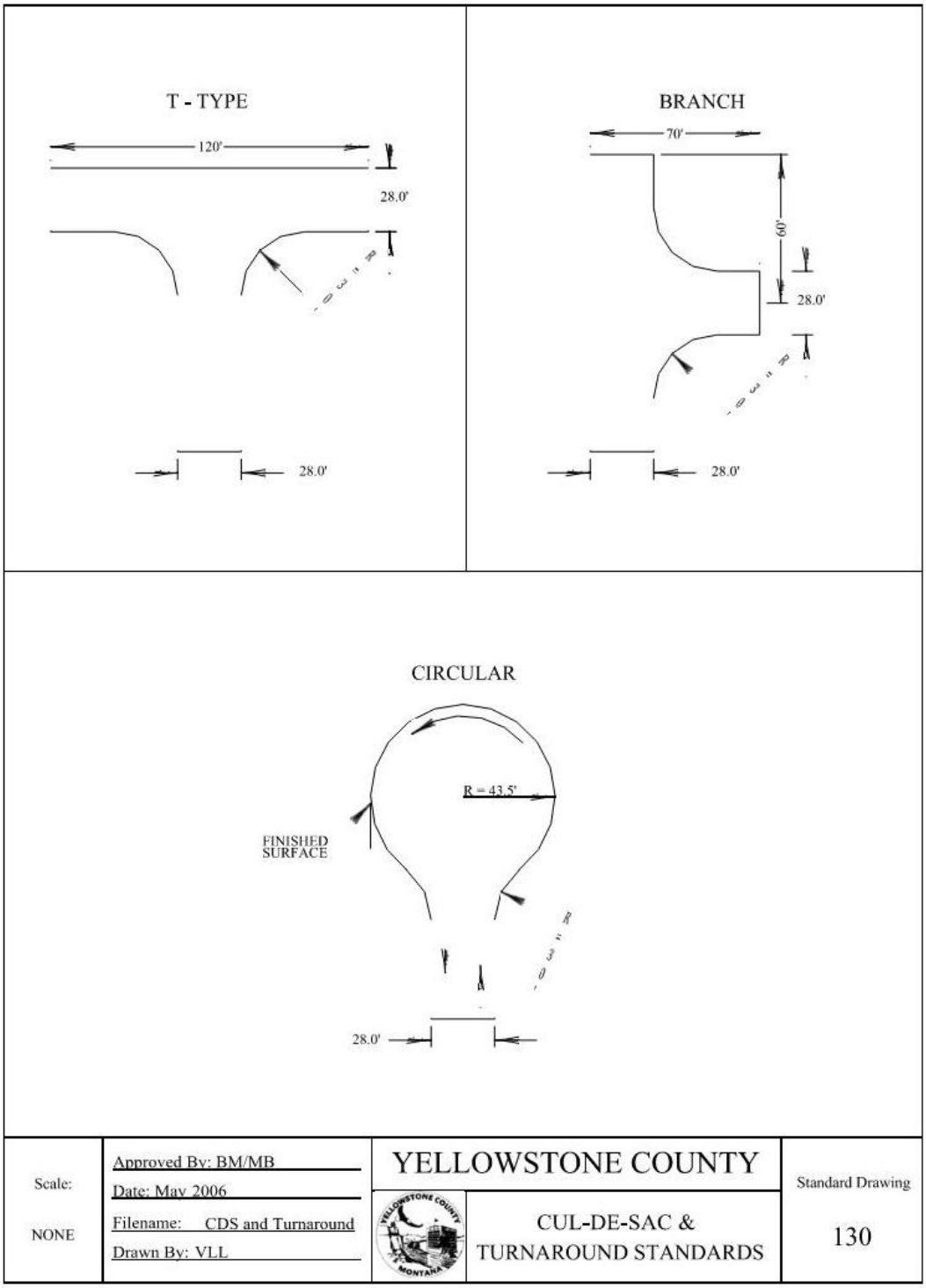
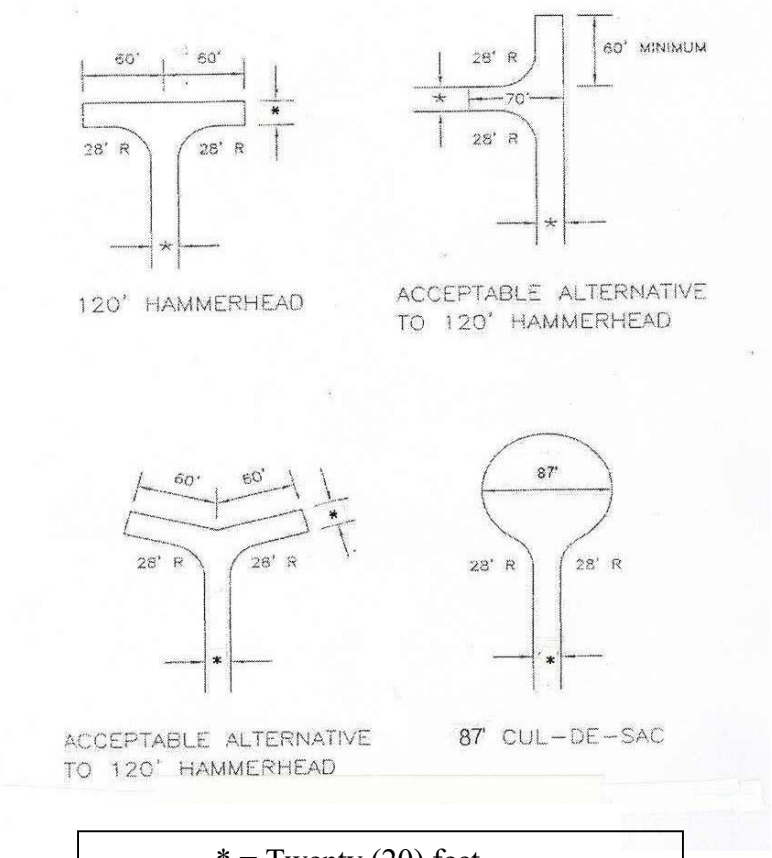


Figure 2.5.7 Turn-Around Standards for Access Driveways



* = Twenty (20) feet minimum unless

2.6 Storm Drainage Facilities

A. **General:** Facilities and design for storm water drainage shall be provided in accordance with standards set by the Montana Department of Environmental Quality (MDEQ). The developer shall provide a storm water collection and conveyance system which is designed and constructed in accordance with MDEQ standards and which may be connected to an existing storm drainage system. If there is no existing storm drainage system in the area or if the existing system has insufficient capacity to carry the additional discharge, the developer shall provide an onsite area for retention or detention with controlled outlet capacity, if needed. Such on-site retention or detention and controlled outlet shall be utilized only if specifically approved by the MDEQ.

B. **Drainage Discharge:** Discharge of storm drainage is subject to the following:

i. Storm drain systems shall not discharge into sanitary sewer facilities.

ii. Storm drain systems shall not discharge into agricultural water user's facilities without the written permission of the appropriate irrigation district.

C. **Easements:** Easements may be required between lots and along rights-of-way to manage storm drainage in developments.

D. **Location of Facilities:** If any onsite retention or detention facility is used it shall be included as part of the lot used for the BLR.

E. **System Maintenance:** If any onsite retention or detention facilities are utilized, a maintenance plan shall be created prior to filing the final approved development plan in order to provide funds for the maintenance of such facilities.

F. **Municipal Separate Storm Sewer System (MS4):** Yellowstone County is part of a program to reduce pollutants in storm water runoff from construction activities that result in a land disturbance of greater than or equal to one (1) acre, within the MS4 boundary and outside the city limits in Billings. A map of the MS4 boundary is available in the County Public Works Department. Development inside the MS4 boundary may be required to follow the procedures described below:

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

2.7 Sanitary Sewer System

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

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

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

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

C. Where individual septic systems are proposed, the systems must, at a minimum, meet the standards set forth in Montana Administrative Rules, Title 17, Chapter 36 (Onsite Subsurface Wastewater Treatment), and obtain approval by the Montana Department of Environmental Quality and/or the Yellowstone County Environmental Health Department.

D. Community Wastewater Systems are allowable if permitted by the MDEQ. Maintenance of these systems and land necessary for the systems will require the creation of a Home Owners Association or other means outlined by the development owner prior to final plan approval.

2.8 Water Supply System.

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

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

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

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

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

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

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

2.9 Solid Waste Disposal

A. The development shall satisfy the solid waste disposal standards set forth in Montana Administrative Rules, Title 17, Chapter 36 (Onsite Subsurface Wastewater Treatment). Approval of the final plan will be contingent on receiving solid waste disposal approval either from MDEQ or the City-County Environmental Health Department, as required below.

B. Sufficient solid waste collection sites shall be provided for the entire development. Or arrangements with a solid waste company to have curb side pick-up.

2.10 Utilities

A. All new utilities serving the development including electricity, cable television, and telephone shall be placed underground, with the exception of fire hydrants, cable closures, alignment markers, etc. Easements for utilities and any irrigation ditches that exist on the land shall be clearly shown on the final approved plan.

B. **Additional Provisions:**

i. The realignment or relocation of active irrigation ditches or pipelines is discouraged when said facilities are located outside of public right-of-way. If an irrigation facility is proposed to be realigned or relocated, the developer shall receive written permission of the appropriate irrigation district and/or water user and the developers. A Professional Engineer shall certify prior to final plan approval that the water entering and exiting the realigned or relocated irrigation facility is the same quality and quantity that entered or exited the facility prior to realignment or relocation.

ii. New storm water generated from a development shall not be discharged into an irrigation facility unless the developer receives written approval from the appropriate agricultural water user facility prior to final plan approval.

2.11 Fire Protection Requirements.

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

A. **Definitions:**

i. **Exposure:** Any structure more than 200 square feet in size.

ii. **Dry Hydrant System:** A permanent piping system with an underground static water supply, tank, and approved structure which provides year-round frost-free access to a water source other than a pressurized municipal water source.

iii. **Approved:** Acceptable to the fire department having jurisdiction.

iv. **Fire Department having jurisdiction**: Fire Department or Fire District serving the area in which the development is located.

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

i. A pressurized fire hydrant system meeting the flow requirements of the applicable Fire Code and NFPA 1142.

ii. An approved, single, minimum thirty thousand (30,000) gallon underground water storage tank with approved dry hydrant type fittings located not more than one-half (1/2) road mile from the furthest structure in the development. If an approved existing underground water storage tank is located within one-half (1/2) road mile from the furthest structure of the proposed development, it may be used to meet this requirement. In either case, the dry hydrant shall be constructed to the specification and standard provided by the Fire Department having jurisdiction, or

iii. When a County development is within one half (1/2) road mile of a pressurized municipal hydrant the developer shall pay a fee in lieu of hydrant installation to the Fire Department serving the proposed development. The fee shall be established by a Resolution of the Board of County Commissioners.

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

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

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

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

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

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

i. All dry hydrant systems shall be designed and constructed to provide a minimum flow of one thousand (1,000) gallons per minute (gpm) (3780 L/min) at draft.

ii. Dry hydrants shall have a minimum clearance of twenty (20) feet (6.6 m) on each side and be located a minimum of one hundred (100) feet (30 m) from any structure. Approved pullouts or other design features shall be constructed to ensure that highway or road traffic shall not be impaired during use of the dry hydrant.

i. Dry hydrants shall be centrally located to be accessible under all weather conditions. Dry hydrants shall be located in a public easement. Dry hydrants located on private streets shall provide easement document(s) granting maintenance and public access. Easement documents shall be recorded with the final plan. No tank will be located on a street classified as an arterial street or collector. Dry hydrants located on private streets shall provide easement document(s) granting maintenance and public access.

ii. The water container shall be a clean fiberglass or concrete tank, approved by the Fire Department having jurisdiction. Contact the Fire Department having jurisdiction for specifications on materials and construction of the dry hydrant tank. Fittings for the tank shall be specific to the fire department having jurisdiction.

iii. To ensure safety of design, functionality, installation, maintenance, and proper appropriation of financial resources, the Fire Department having jurisdiction shall approve all aspects of tank location, construction design, type of materials, pipe, and system fittings.

iv. The location of all dry hydrant systems shall be shown on the face of the final

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

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

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

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

   i. Emergency access roads shall be designed to a minimum unobstructed surface width of not less than 20 feet and shall be constructed to adequately support a 40-ton vehicle with a surface so as to provide all weather driving capabilities. The road shall be constructed to County standards (see Figure 2.11.1). Where requested by the Fire Department having jurisdiction, gates or other approved barricades shall be required at either end of the road to restrict through traffic. A sign shall be fixed to each gate in a conspicuous manner. The sign shall read "EMERGENCY ACCESS ONLY" using black letters not less than 2 inches wide and 6 inches high on a white retro reflective background.

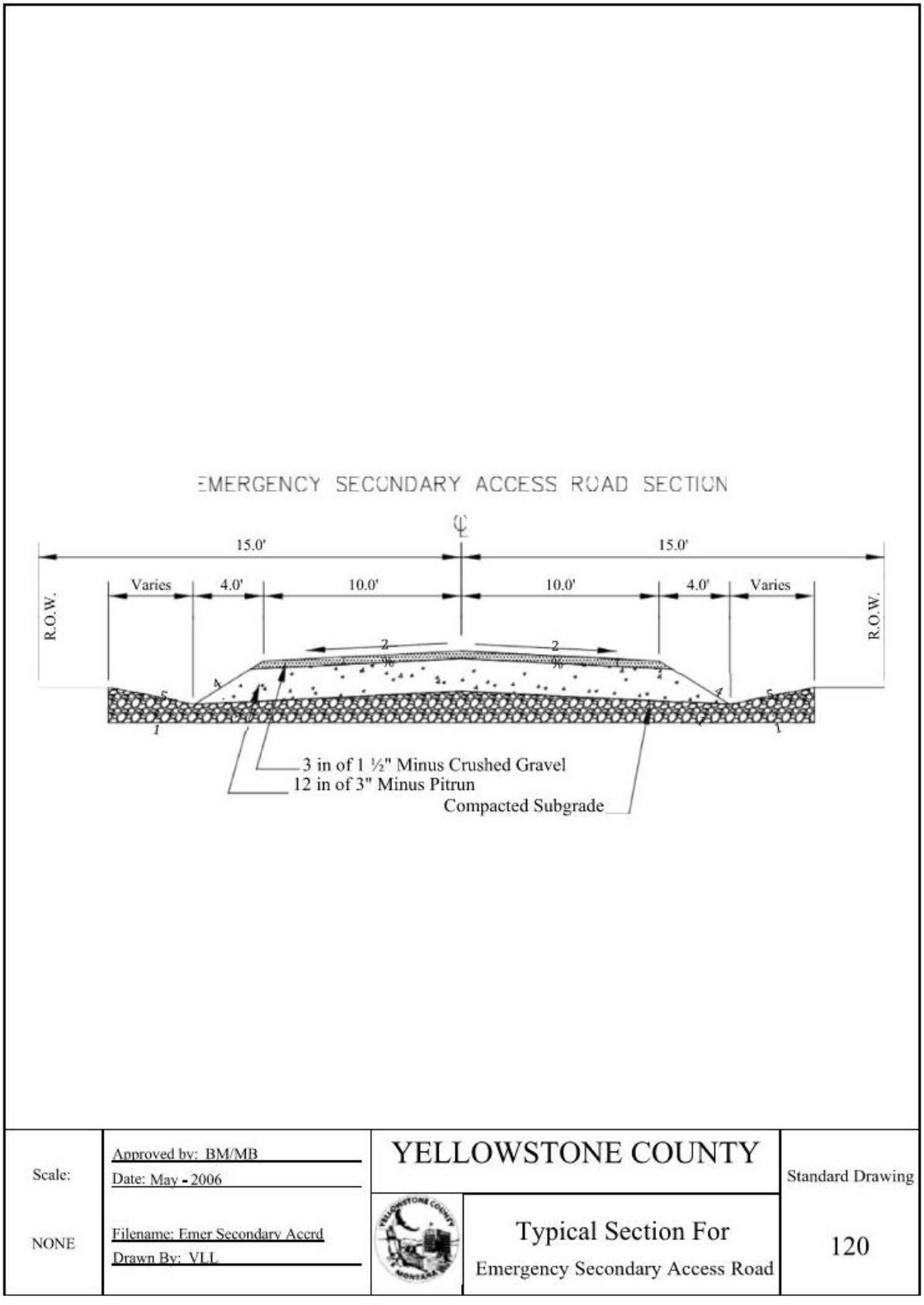
   ii. Prior to construction, a cross-sectional design of the road including location, section, surfacing, and drainage, and design of gates or barriers shall be submitted to and approved by the Fire Department having jurisdiction and an Engineer licensed in the State of Montana. The storm drain design shall accommodate runoff during a 10-year storm event to ensure that there is no blockage of the roadway in the event of an emergency. The drainage shall not encroach into the travel way.

   iii. Emergency access roads will be assigned a name by the Fire Department having jurisdiction. In order to ensure the roads are entered into and reflected on the County GIS mapping system, the road shall be shown on the plan along with the name assigned to the road. Emergency access roads will not have conventional street signs identifying them by the assigned name.

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

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

Figure 2.11.1



2.12 Noxious Weed Control

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

A. County weed management plans require completion of application forms obtained from the Yellowstone County Weed Control Department, a site map that will allow for inspection of the proposed development, and payment of the inspection fee prior to performance of the required inspection.

B. Mitigation of any identified existing noxious weed species will be required as well as planned re-vegetation of any and all disturbed areas within the proposed development.

2.13 Flood Hazard Evaluation.

A. Land located within the floodway of a flood of 100-year frequency as defined by Title 76, Chapter 5, MCA, may not be developed for building purposes, or other uses that may be prohibited by state or local floodplain regulations.

B. Where the 100-year floodway has been delineated by a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), or a City- or County-approved study on land in a subdivision, the 100-year floodway boundary and 100-year floodplain boundary shall be shown on the plat of the subdivision and the area within the 100-year floodway shall be labeled as a "No-Build Zone."

C. Any development of land that is in the flood fringe, a Zone A as shown on a FIRM, or an identified flood prone area is subject to the requirements of the Yellowstone County Floodplain Regulations.

2.14 Additional provisions

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

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

2.15 Timing of Improvements

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

A development agreement will be recorded with the final plan outlining all infrastructure requirements for the proposed development. These requirements are outlined in Chapter 2.

2.16 Open Space and Trail Requirements for Residential BLR Development

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

A. 11% of the area of the net land proposed to be developed at a density of one dwelling unit per half acre or less;

B. 7.5% of the area of the net land proposed to be developed at a density of between one dwelling unit per half acre and one dwelling unit per one acre;

C. 5% of the area of the net land proposed to be developed at a density of between one dwelling unit per one acre and one dwelling unit per 3 acres; and

D. 2.5% of the area of the net land proposed to be developed at a density of between one dwelling unit per 3 acres and one dwelling unit per 5 acres.