

## **Chapter 4.0 DEVELOPMENT REQUIREMENTS.**

### **Section 4.1 General.**

All subdivisions approved by the governing body must comply with the provisions of this Chapter, except where granted a variance pursuant to Section 11.1, Variances, of these Regulations. The requirements contained in this Chapter apply to subdivisions within areas of Yellowstone County as outlined in Section 1.4 of these Regulations, except when otherwise separately specified.

### **Section 4.2 Conformance with Zoning.**

In addition to the standards outlined in this Chapter, the design and development of a subdivision must conform to any applicable zoning regulations as found in the Unified Zoning Regulations (Article 27, BMCC).

### **Section 4.3 Improvement Design.**

Engineering and survey plans, specifications, and reports required in connection with public improvements and other elements of the subdivision 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 the Montana Subdivision and Platting Act (MSPA) and these regulations.

### **Section 4.4 Lots.**

- A. **Regulation of Lots:** Each lot must contain a building site that conforms to Yellowstone City-County Health Department regulations, the Unified Zoning Regulations where applicable, the regulations of this Chapter and other applicable State or local regulations.
- B. **Dimensions, Orientation and Topography:** The lot size, depth, shape and orientation shall be appropriate for the location, contemplated use of the subdivision and the zoning of the property. Flag lots shall be discouraged except in cases where they are necessary due to topography or other physical constraints on the property. 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 plats.
- C. **Frontage:** Residential lots shall have a minimum of thirty-two (32) feet of frontage on a public right of way, public road easement, private access easement, or private driveway easement. Lots in commercial and industrial districts shall have a minimum lot width frontage of forty-four (44) feet on a public right of way, public road easement, private easement, or private driveway easement, or through a reciprocal access easement.
- D. **Division by Rights-of-Way:** No single lot may be divided by a public road, alley, or access easement.

E. **Rural Lot Limitations:** Residential or commercial lots 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 a subdivision shall not be built upon, or that the proposed lot sizes must be increased to ensure protection of public health.

F. **Corner Lots:** Design of corner lots must meet the following requirements:

1. Corner lots must be of sufficient size to provide a building site while meeting the clear vision requirements specified in the most current American Association of State Highway and Transportation Officials (AASHTO) Manual guidelines.
2. Residential corner lots adjacent to a street identified as a Principal or Minor Arterial must have vehicular access only to an internal street in the subdivision identified as a Collector or Residential street, except when limited by topography or other physical constraints of the property.

G. **Double Frontage Lots:** Double frontage lots (See Figure 2.1) are allowable when they are necessary due to topography and when a one (1) foot wide no-access easement is provided for separation of residential development from railroad or major street rights-of-way.

1. Residential Areas: For any residential subdivision where an arterial street abuts or runs through any portion of the subdivision, the subdivision plan shall provide for lots to back up to the arterial street and provide a one (1) foot wide no-access easement to prevent vehicle access to the arterial street.
2. Commercial Areas: For any commercial subdivision where an arterial street abuts or runs through any portion of the subdivision, the subdivision plan shall provide for shared accesses to the arterial street or access via internal roads with a one (1) foot wide no-access easement to prevent uncontrolled vehicle access to the arterial street.

#### **Section 4.5 Blocks.**

A. **Size and Orientation:** Length, width and shape of blocks shall be determined with consideration of the following:

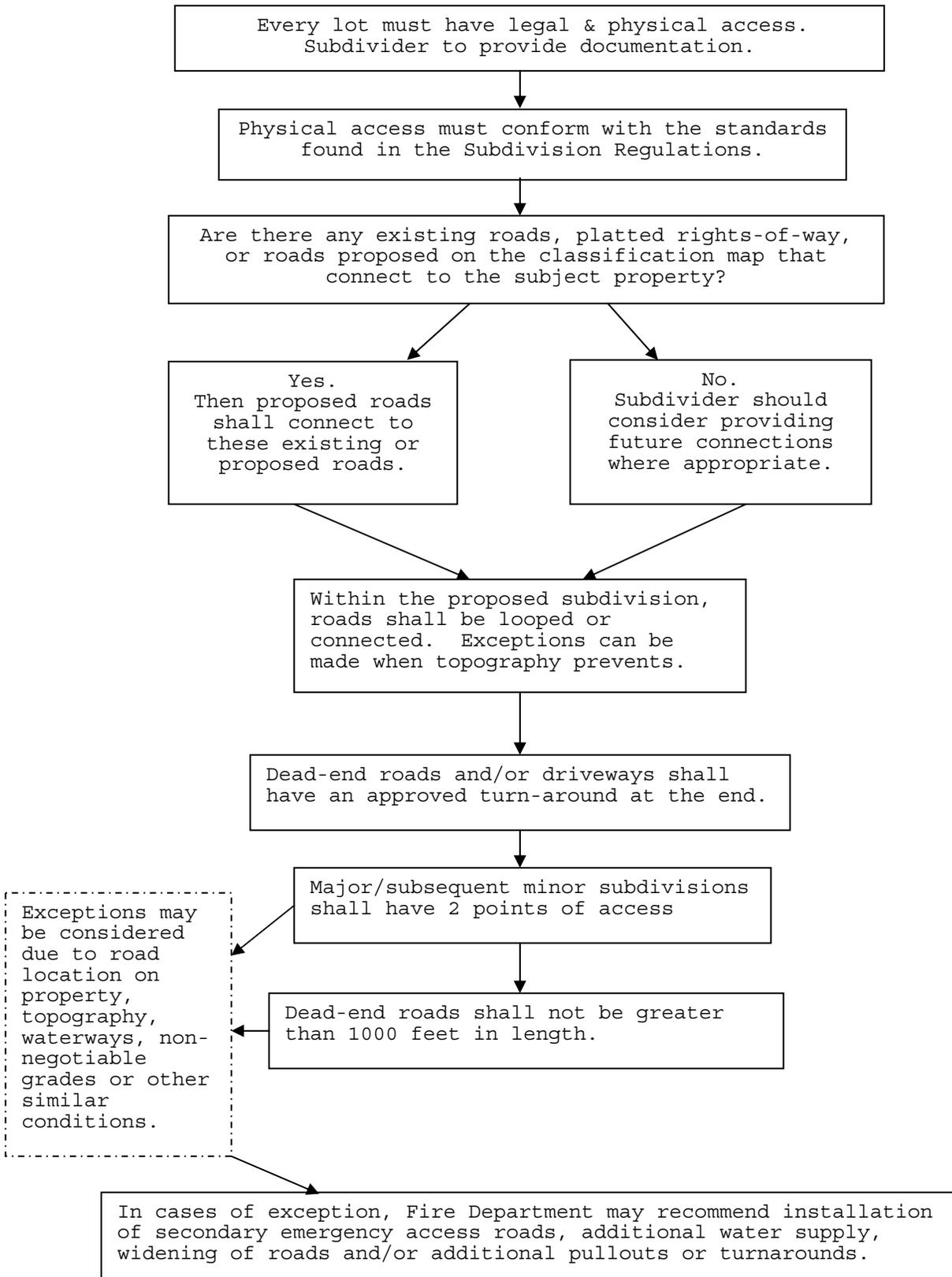
1. Provision of adequate building sites suitable to the needs of the type of use contemplated;
2. Needs for convenient and necessary access, circulation, traffic control and traffic safety, and public safety;
3. Limitations or opportunities created by the topography.

- B. Rights-Of-Way for Internal Non-motorized Connections:** Public rights-of-way for internal non-motorized connections within blocks will be required when essential to provide circulation or safe access to schools, playgrounds, shopping, transportation and other community facilities. Pathways shall also be installed at the end of cul-de-sacs where deemed appropriate by the Board of County Commissioners.
- C. Block Numbering:** All blocks shall be identified with Arabic numerals.

#### **Section 4.6 Streets and Roads.**

- A. Road Network Performance Standards:** When evaluating a subdivision's road network, subdividers and reviewing agencies shall take into consideration the following criteria. These criteria were developed to ensure that all new lots are provided access that is safe, convenient and effective for future lot owners. The proposed road network shall also enable emergency service providers to protect life and property under severe emergency situations.
1. Every lot shall have documented legal and physical access.
  2. Physical access shall be provided in conformance to the standards found in the 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.
  4. Proposed roads shall be looped or connected to other 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.
  5. Dead end roads and/or driveways greater than 150 feet in length must have an approved turn-around at their terminus.
  6. Major and subsequent minor subdivisions shall have two points of access.
  7. Dead end roads shall not be more than 1000 feet in length.
  8. When access roads cannot be installed as required above in #6 & #7 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, the installation of a secondary fire apparatus access road, additional water supply, widening of roads, and/or additional pullouts or turnarounds.

**Figure 4.6.A.1. Road Network Evaluation Flowchart**



**B. 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.

1. Relation to Undeveloped Areas: When a proposed subdivision adjoins undeveloped land, streets within the proposed subdivision shall be arranged to allow access to the adjoining undeveloped land. Street right-of-way within the proposed subdivision shall be provided to the boundary lines of the tract to be developed, unless prevented by topography or other physical conditions.
2. Relation to Developed Areas: The subdivider shall arrange the streets to provide for the continuation of streets between adjacent developed properties when such continuation is necessary for the convenient movement of traffic, effective provision of emergency services and efficient provision of utilities. Such provision may be waived where the adjacent land use is incompatible with the proposed subdivision, or when prevented by topography or other physical conditions.
3. Separation of Through and Local Traffic: Whenever a subdivision abuts or contains an existing or proposed highway, Arterial street or Collector street, the subdivider may be required to provide frontage roads, reverse frontage lots with a no-access strip preventing access along the rear property lines, planting or fencing screens, shared accesses, or other treatment as may be necessary to adequately protect residential properties and to separate through and local traffic.
4. Distance between Parallel Right-of-Way: Where a subdivision borders on or contains a railroad, limited access highway, canal, stream or ditch right-of-way, the subdivider 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.
5. Second Access: To facilitate traffic movement, the provision of emergency services, and the placement of utility easements, all major subdivisions and subsequent minor subdivisions shall provide a minimum of two access roads built to the standards of this Chapter to all lots in the subdivision. Provision of a second access may be required for first minor subdivisions when deemed necessary for the health, safety and welfare of the new lot owners. If a second access cannot be provided for reasons of topography or other physical conditions, the subdivider shall provide an emergency secondary access road, built to the standards detailed in Section 4.14 of these Regulations.
6. Dead-end Roads: Dead-end access roads in excess of one hundred fifty (150) feet shall not be permitted without an approved turn around at the terminus. Where such

roads terminate, the subdivider shall provide a “cul-de-sac” or “hammerhead-T” turnaround conforming to the design standards outlined in Figure 4.6.C.4. In cases where a dead-end road may be extended in the future, a right-of-way easement or dedication may be required to be provided.

7. Half Streets: Half streets are allowed when they are essential to the subdivision, are beneficial to the County, or when the County Public Works Department is satisfied that the other half of the street will be dedicated to the public when the adjoining property is subdivided. When an existing half street is adjacent to a tract to be subdivided, the other half of the street must be platted within the new subdivision.
8. Street Continuity: Streets that are a continuation of streets in contiguous territory 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.
9. 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.
10. 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.
11. 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 streets 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.
12. Lot Corners at intersections: Lot corners at all street intersections shall be rounded with a minimum radius of ten (10) feet.
13. 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.

14. Approach Permits: The subdivider shall obtain the applicable approach or access permits for all new accesses to County roads. For any new vehicular access onto a state controlled road or highway, the subdivider shall obtain an approach permit approved by the Montana Department of Transportation (MDT).
15. Street/Road Names and Addressing: New streets/roads aligned with existing streets/roads shall have the same name as the existing street/road. All new street/road names shall be approved by the Yellowstone County GIS Department prior to final plat approval in order to avoid duplication and confusion with names of existing roads. County lot addresses are assigned by County GIS in conjunction with issuance of an approach permit by County Public Works.
16. 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.
17. Central Mail Delivery: When required by the United States Postal Service, the developer must provide a cluster/gang mailbox for mail delivery.
18. Road Design and Improvement Standards: All streets and roads, existing or proposed, within and adjacent to a proposed County subdivision shall meet the design and improvement standards outlined in Section 4.6.C. of this Chapter, as well as the design specifications required by the County Public Works Department.

### **C. Road and Street Performance Standards for Subdivisions**

1. General: The design and improvement standards contained in this section shall apply to all construction and reconstruction of streets and roads within subdivisions in Yellowstone County.
2. 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.
3. 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 subdivider 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:

1. Compaction test results;
2. Certification that all required improvements are complete;
3. Certification that the subdivider knows of no defects from any cause in those improvements;
4. Certification that these improvements are free and clear of any encumbrance or lien;
5. The method by which the one year guarantee is to be provided;
6. A schedule of actual construction costs shall be filed with the Public Works Department.

4. Road and Traffic Studies (see Figure 4.6.C.1)

- A. Road Evaluation Study for Unpaved Roads: If existing or proposed roads leading to and/or within the proposed subdivision are unpaved, prior to preliminary plat review, a Road Evaluation Study (RES) shall be done by a licensed engineer to determine the viability of roads serving a proposed subdivision. Roads serving a subdivision are defined as the primary road or roads leading to the subdivision, and any on-site or proposed new roads serving the subdivision. Expedited plats are exempt from the RES requirement.

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

- Road surface, section thickness, base type and thickness
- Existing type of traffic and traffic loads; expected type and load from proposed subdivision
- 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 subdivision shall be mitigated and a mitigation plan shall be proposed. If there 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 B.

- B. Traffic Impact Study: A Traffic Impact Study (TIS) shall be prepared by a licensed engineer specializing in traffic applications and submitted with the preliminary plat application for any new residential, institutional, commercial or

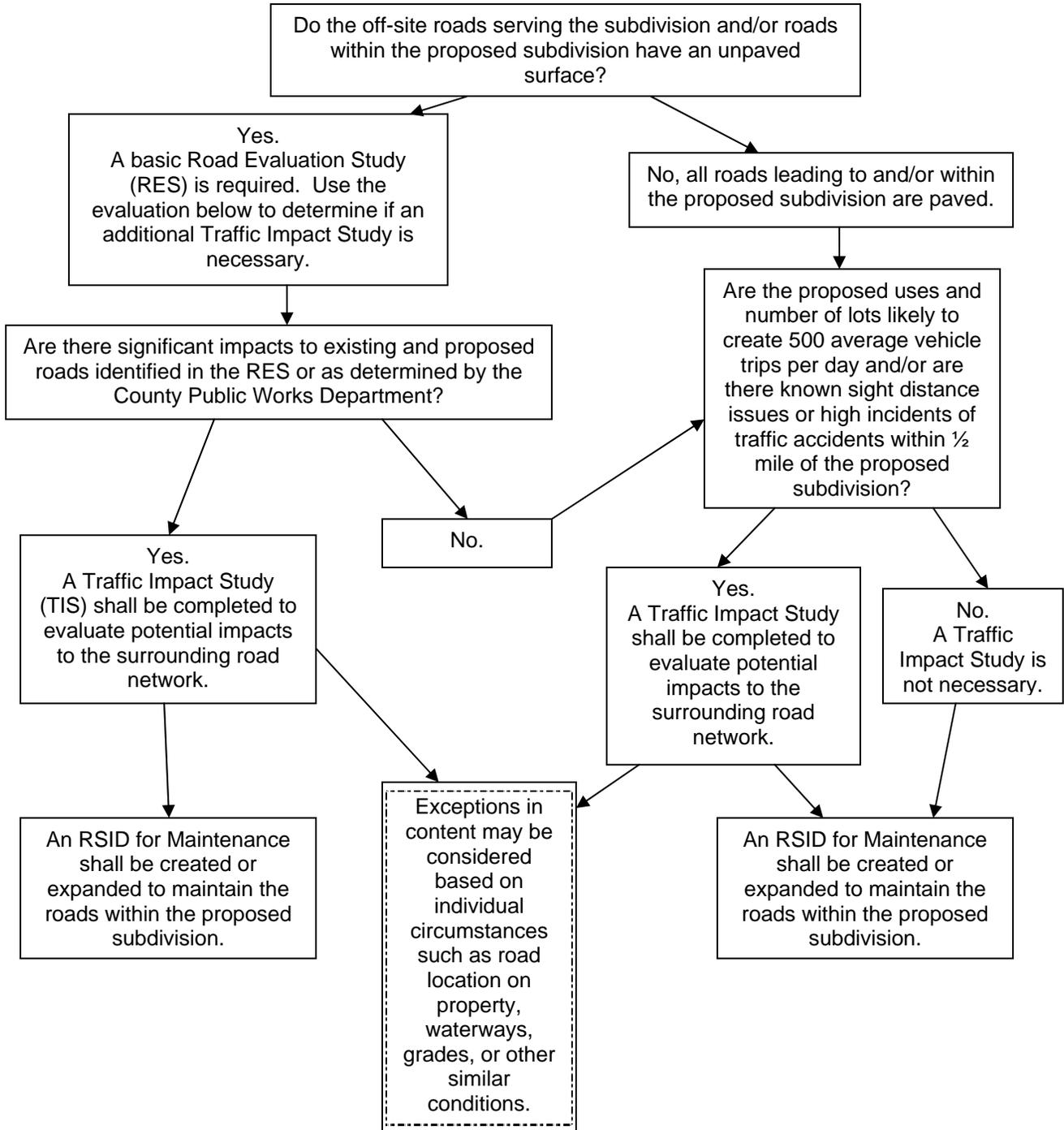
industrial development which will generate five hundred (500) or more vehicular trips per day, as referenced in the most current edition of the Trip Generation manual of the Institute of Transportation Engineers. A vehicular trip is defined as a one-way journey of a person in an automobile or a transit vehicle. A TIS may also be required when significant impacts are identified by the RES.

If the study indicates a need for road surface improvements, installation of traffic signals, intersection improvements, or other on or off-site road improvements to facilitate traffic loads or flow generated by the entire proposed development, the subdivider shall be responsible for his/her proportional share of those improvements. The study shall include, but not be limited to the following:

- a. Trip generation, using the Institute of Transportation Engineers Trip Generation Manual;
- b. Trip distribution;
- c. Traffic assignment;
- d. Capacity analysis;
- e. Evaluation; and
- f. Recommended access plan, including access points, modifications and any mitigation techniques.
- g. Land use and trip generation in the form of a table of each type of land use, the number of units or square footage, as appropriate, the trip rates used (daily and peak) and resulting trip generation.
- h. Traffic graphics, which show:
  - AM peak hour site traffic;
  - PM peak hour site traffic;
  - AM peak hour total traffic;
  - PM peak hour total traffic;
  - Total daily traffic (with site generated traffic shown separately).
- i. AM and PM capacity analysis with an AM and PM peak hour capacity analysis provided for:
  - All major drive accesses that intersect collector or arterial streets or roads; and
  - All arterial-arterial, collector-collector and arterial-collector intersections within one mile of the site.
- j. Capacity. Indicate the levels of service (before and after development) of existing and proposed streets and roads, including appropriate intersections, to safely handle any increased traffic. Describe any anticipated increased maintenance that will be necessary due to increased traffic and who will pay the cost of maintenance.
- k. Bicycle and Pedestrian Pathways, Lanes and Routes. Describe bicycle and pedestrian pathways, lanes or routes to be developed with the development.
- l. Traffic Calming. Detailed drawings of any proposed traffic calming installations, including locations and turning radius templates.

**Figure 4.6.C.1: 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 4.6.4., above.



5. Street and Road Right-of-Way Dedication: All streets or alleys within, or providing access to, the proposed subdivision shall be dedicated to the public and accepted by the County except when an approved public access easement or private road is provided in accordance with these Regulations.
6. Access easements: Where access to or within a subdivision is proposed using access easements the subdivider must obtain or provide proper easements of sufficient width to satisfy the requirements of Table 4.6.C.1. The easement shall meet the following:
  - a. 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 plat.
  - b. The location of any road easement must be shown on the plat if it is within the subdivision or on a supplemental exhibit if it is off site. The existence of easements must be noted on the face of the final plat and on any deeds or other instruments conveying lots within the subdivision.
  - c. All newly created easements shall be written so that they are easements appurtenant that run with the benefited land.
7. Private Roads: Private roads may be allowed within a subdivision if access is restricted with a permanent gate or some other acceptable means at the subdivision entrance. A private road easement shall be provided meeting the criteria listed under Section 4.6.C.6 above. A mechanism for maintenance of any private roads shall be established prior to final plat approval and referenced in the Subdivision Improvement Agreement.
8. Right-of-Way and Street Widths: Street right-of-way and surface widths for all roads, public or private, shall be provided as shown in Table 4.6.C.1., below.
9. Shoulders: Shoulders shall be required on both sides of all roads where no curb and gutter or parking lanes are required. The shoulders shall be two (2) feet wide and graveled, and must meet the specifications of County Public Works.
10. Alleys: Proposed alleys in both residential and commercial subdivision shall meet the following standards:
  - a. The width of an alley shall be a minimum of twenty (20) feet.
  - b. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be designed to permit single unit truck movement.
  - c. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the end.

**Table 4.6.C.1. Required Dedications and Street Improvements for Subdivisions**

Street Type	Right-of-Way	Road Width	Lane Width	Parking Width	Turn lane width	Median Width	Pathway Width
<b>Principal Arterial</b>							
• 6 lanes w/center turn-lane	120'	92'*	12'/14'**	---	14'	---	5'
• 4 lanes w/center turn-lane	120'	92'*	12'/14'**	---	14'	---	5'
<b>Minor Arterial</b>							
• 4 lanes w/median	100'	68'*	12'	---	---	14'	5'
• 2 lanes w/median	100'	52'*	12'	---	---	14'	5'
<b>Commercial Collector</b>							
• 2 lane	80'	44'*	14'	8'	---	---	5'
• 2 lanes w/center turn lane	80'	42'*	14'	---	14'	---	5'
<b>Residential Collector</b>							
• 2 lane	70'	40'*	12'	8'	---	---	5'
• 2 lanes w/center turn lane	80'	50'*	12'	8'	14'	---	5'
<b>Commercial Local Access</b>	60'	28'	12	n/s	---	---	5'
<b>Residential Local Access</b>	56'/60'***	28'	12	n/s	---	---	5'
<b>Cul-de-Sac 100-1000 feet</b>	56'/60'***	28'	12	n/s	---	---	5'
<b>Cul-de-Sac &lt;100 feet</b>	40'	24' min.	10	n/s	---	---	---

\* Widths to be provided if warranted by a Traffic Accessibility Study.

\*\* Interior lane(s) is 12 feet and the outside lane is 14 feet.

\*\*\* 56 feet is required for subdivisions within the zoning jurisdiction. 60 feet is required for subdivisions outside the zoning jurisdiction.

n/s No width is specified.

11. Grading/Cut and Fill: All streets and alleys within or adjacent to the subdivision shall be excavated or filled to the grade established by these Regulations.
12. 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 4.6.C.2. and 3.)
13. Street surfacing: All roads within or adjacent to the subdivision shall be paved if they connect to an existing paved road. Also pavement surface shall be required on all streets where a majority of the lots are less than 25,000 square feet in area, and standards for such surfacing shall be according to County specifications unless otherwise warranted by Engineering design. (See Figure 4.6.C.2.)

Standards for gravel surfaced roads shall be according to County specifications unless otherwise warranted by Engineering design. (See Figure 4.6.C.3.)

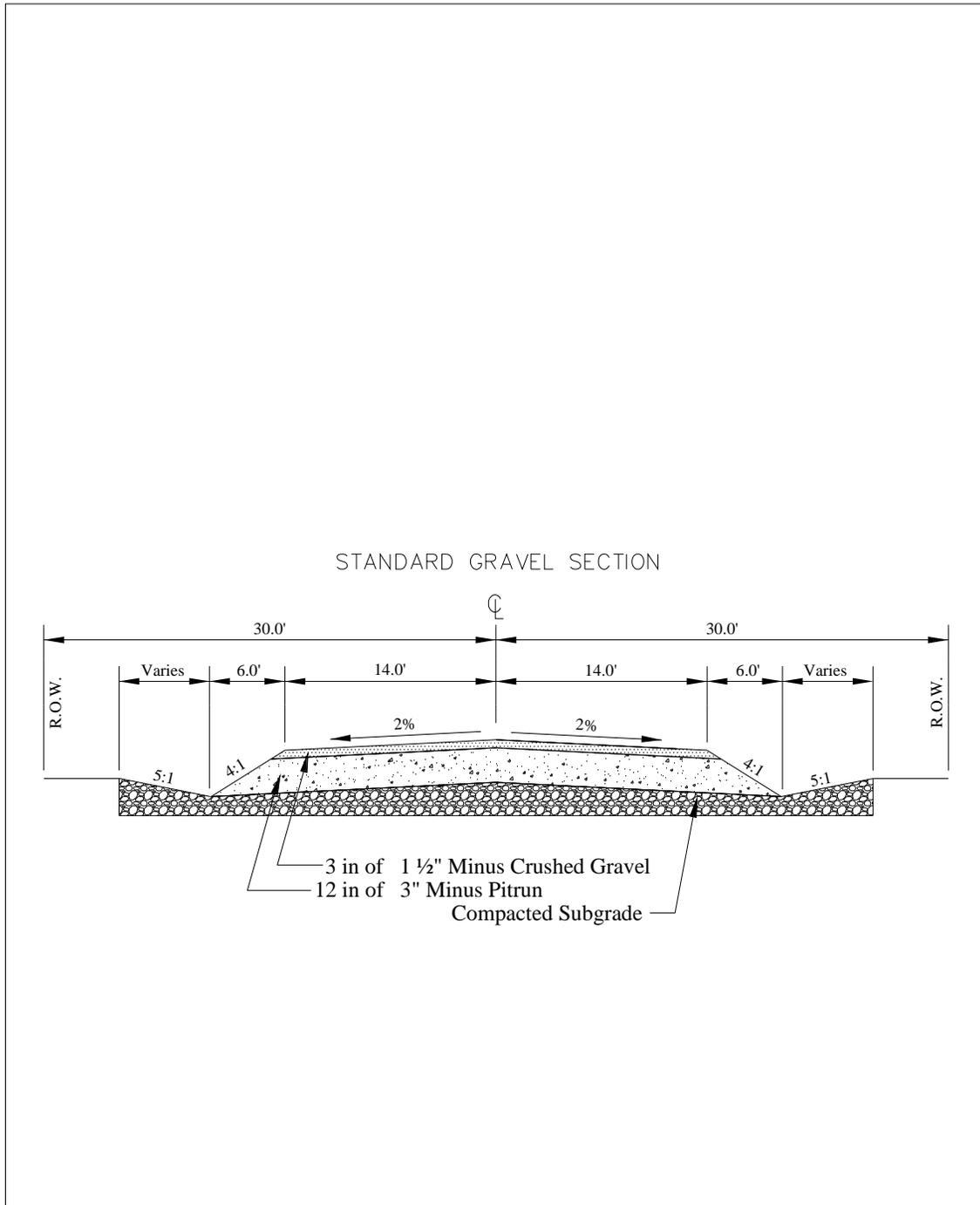
14. Street Grades: All street grades shall conform to the requirements of the County. Street grades shall not exceed the following, with due allowance for reasonable vertical curves and intersection treatment.

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

15. Pedestrian Pathways/Connections: Pedestrian pathways shall be installed with all streets where a majority of the lots are less than 25,000 square feet in area. In lieu of, or in combination with, the required pathways, the subdivider may construct an approved multi-use bicycle/pedestrian path or trail that is connected and accessible to all lots. Required pathway widths shall follow those listed in Table 4.6.C.1. It is recommended that pathway, multi-use path, or trail designs follow the standards provided in the adopted Heritage Trail Plan.

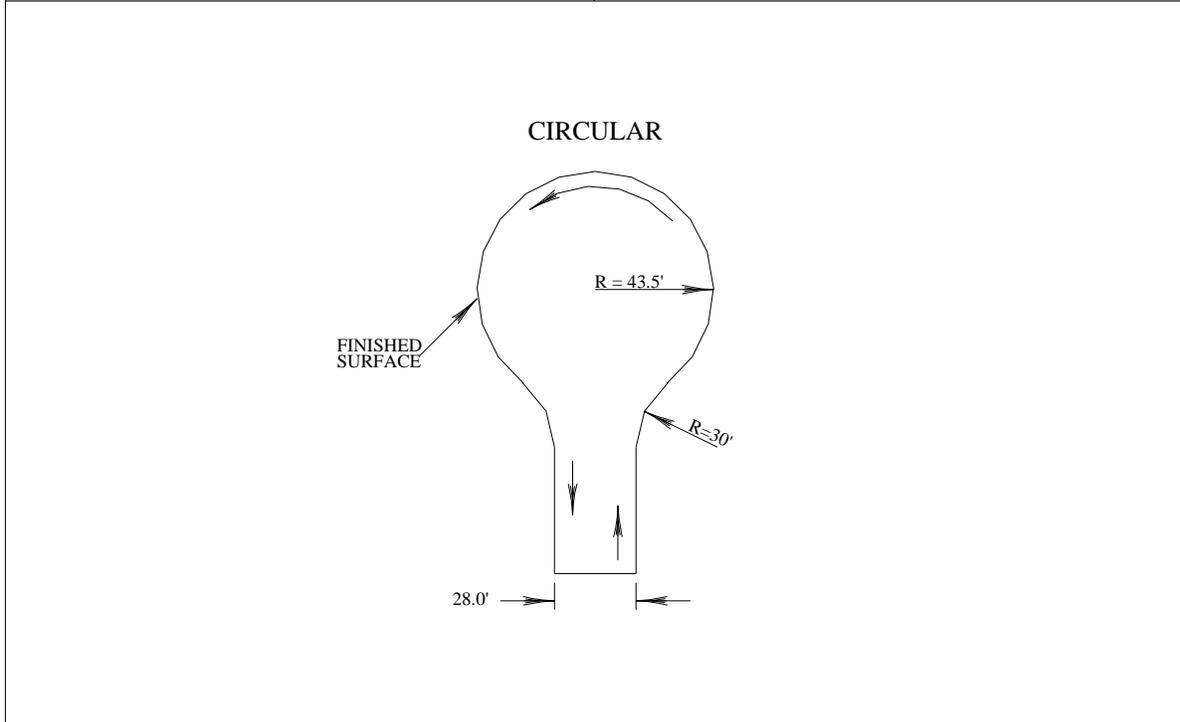
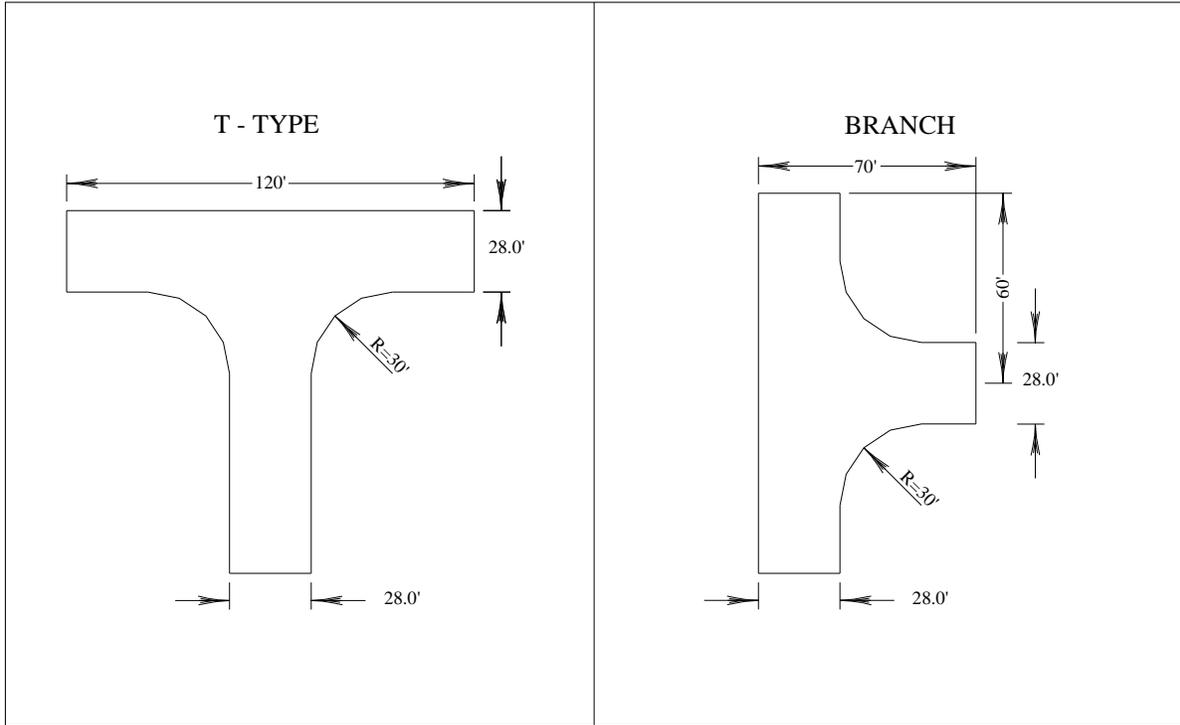


Figure 4.6.C.3.



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

**Figure 4.6.C.4. Turn-around standards for Roads**



Scale:  NONE	Approved By: BM/MB	<b>YELLOWSTONE COUNTY</b>		Standard Drawing  130
	Date: May 2006	 <b>CUL-DE-SAC &amp; TURNAROUND STANDARDS</b>		
	Filename: CDS and Turnaround			
	Drawn By: VLL			

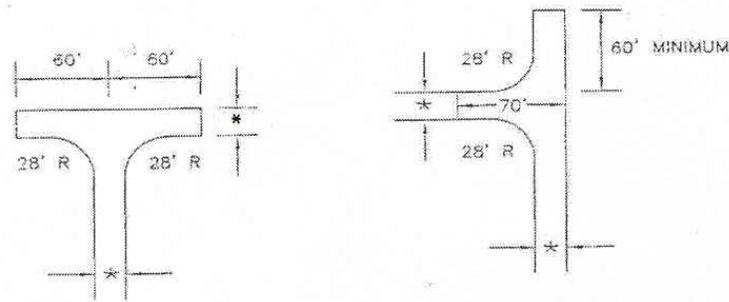
16. Access Driveways: Access driveways are defined as an access serving one or two lots and not more than five dwellings. Accesses serving more than two lots or five dwellings shall be considered a road, and shall be built to the road standards outlined in these Regulations. An approach permit is required for all new access driveways. New driveways shall meet the following standards:

- a. In residential subdivisions, the maximum driveway width shall be thirty (30) feet. The minimum distance between driveways shall be twenty-five (25) feet.
- b. In commercial and industrial subdivisions, the maximum driveway width may be up to fifty (50) feet when approved by the County. The minimum distance between driveways shall be twenty-five (25) feet.
- c. In any allowable location, no driveway width shall be less than twelve (12) feet wide.
- d. Only one driveway shall be provided to any single residential lot unless otherwise approved by the Board of County Commissioners or designee. Additionally, in cases where a lot fronts on a collector or arterial road currently carrying or projected to carry more than 500 vehicles trips per day or where site distances warrant, the County may require shared access drives among lots. The County may permit more than one driveway for commercial lots.
- e. In cases where an access driveway is in excess of 150 feet in length, it shall have a minimum unobstructed width of twenty (20) feet, and shall have an approved turn-around at its terminus (See Figure 4.6.C.5 for acceptable design standards for driveway turn-arounds).

D. **Multi-Use Trails, General:** When applicable, subdivisions shall be reviewed for consistency with the Heritage Trail Plan to provide multi-use trail routes for safe, convenient non-motorized transportation routes throughout the County.

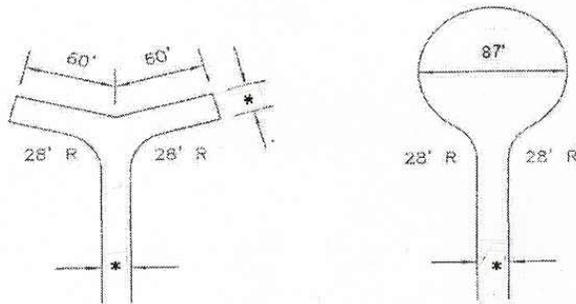
1. It is recommended that all new subdivisions provide a 20-foot-wide multi-use trail easement across the property if the Heritage Trail Plan indicates that a proposed multi-use trail route crosses the subdivision property.
2. If the Heritage Trail Plan indicates that a proposed trail route crosses the subdivision property, and a segment of the corridor has already been provided on adjacent property, then it is recommended that the subdivision provide a 20-foot wide trail easement to connect to the trail segments at the property lines to provide for a continuous trail route.
3. When parkland dedication is required and the Heritage Trail Plan indicates that a proposed trail route crosses the subdivision property, dedication of linear park land including a trail easement may be considered as all, or a portion of, the required parkland dedication (See Sections 10.2 and 10.4 of these Regulations).

**Figure 4.6.C.5. Turn-around Standards for Access Driveways**



120' HAMMERHEAD

ACCEPTABLE ALTERNATIVE TO 120' HAMMERHEAD



ACCEPTABLE ALTERNATIVE TO 120' HAMMERHEAD

87' CUL-DE-SAC

\* = Twenty (20) feet minimum unless otherwise required.

**Section 4.7 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 subdivider 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 subdivider 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:

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

2. Storm drain systems shall not discharge into agricultural water user's facilities without the written permission of the appropriate irrigation district.
  3. Stormwater detention or retention ponds may be located within public park land at the discretion of the County Park Board. Such areas shall not count toward the park land dedication requirement unless they are approved by the County Park Board, designed to serve as an amenity to the park, and fit into the planned uses and improvements to the park (See Chapter 10 of these Regulations).
- C. **Easements:** Easements may be required between lots and along public rights-of-way to manage storm drainage in subdivisions.
- D. **Location of Facilities:** If any onsite retention or detention facility is used it shall be included as part of the lots, public right-of-way or parkland. No separate parcels shall be created exclusively for such facilities.
- E. **System Maintenance:** If any onsite retention or detention facilities are utilized, unless otherwise provided, a special maintenance district shall be created prior to filing the final subdivision plat in order to provide funds for the maintenance of such facilities.
- F. **Future Improvements:** If any onsite retention or detention facility is used, a waiver of right to protest the creation of a future storm drain system special improvement district shall be executed by the subdivider and recorded and filed with the final plat.

#### **Section 4.8 Sanitary Sewer System.**

- A. If the subdivision is within the service area of a public sanitary sewer system, the subdivider 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).

The subdivider shall submit an application for extension of sanitary sewer services and plans and specifications for the proposed facilities to the sewer 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 subdivision is within 500 feet of a public sanitary sewer system, the subdivider must connect to the sewer district and install sanitary sewer system facilities.

The governing body may grant a waiver of the requirement to connect to a public system if the subdivider 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 septic systems are proposed, the systems must, at a minimum, meet the standards set forth in Montana Administrative Rules, Title 17, Chapter 36 (Subdivisions/Onsite Subsurface Wastewater Treatment), and obtain approval by the Montana Department of Environmental Quality and/or the Yellowstone County Environmental Health Department, as required below.
  - 1. For lots less than 20 acres, MDEQ approval shall be obtained prior to the submittal of the final plat application.
  - 2. For lots equal to or greater than 20 acres, Yellowstone City-County Health Department approval is required prior to the submittal of the final plat application.
- D. Where the subdivision may reasonable expect sanitary sewer service from the City of Billings public sewer system or other public sanitary sewer system at a future date, as determined by the Yellowstone County Board of Planning, a waiver of right to protest the creation of a future sanitary sewer system special improvement district shall be executed by the subdivider and filed and recorded with the final plat.

**Section 4.9 Water Supply System.**

- A. If the subdivision is within the service area of a public water supply system, the subdivider 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 subdivider 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 subdivision is within 500 feet of a public water supply system, the subdivider 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 subdivider 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 (Subdivisions/Onsite Subsurface Wastewater Treatment), and obtain approval by the Montana Department of Environmental Quality and/or the Yellowstone County Environmental Health Department, as required below.
  - 1. For lots less than 20 acres, MDEQ approval shall be obtained prior to the submittal of the final plat application.

2. For lots equal to or greater than 20 acres, Yellowstone City-County Health Department approval is required prior to the submittal of the final plat application.

D. Where the subdivision may reasonably expect water supply service from the City of Billings public water system or other public water system at a future date, as determined by the Yellowstone County Board of Planning, a waiver of right to protest the creation of a future water system special improvement district shall be executed by the subdivider and filed and recorded with the final plat.

#### **Section 4.10 Solid Waste Disposal.**

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

1. For lots less than 20 acres, MDEQ approval shall be obtained prior to the submission of the final plat application.

2. For lots equal to or greater than 20 acres, Yellowstone City-County Health Department approval is required prior to the submission of the final plat application.

B. Sufficient solid waste collection sites shall be provided for subdivisions within industrial or commercial uses. Said collection sites shall contain adequate capacity to accommodate the waste from the development. Locations shall be submitted with the preliminary plat for review and approval.

#### **Section 4.11 Utilities.**

A. All new utilities serving the subdivision including electricity, cable television, and telephone shall be placed underground, with the exception of fire hydrants, cable closures, alignment markers, etc. Easements for utilities shall be clearly indicated on the plat.

1. Easements across lots or centered on common rear or common side lot lines shall be provided for public utilities and shall be at least 16 feet wide; easements located along perimeter lot lines shall be at least 8 feet in width. The width of an easement may vary depending upon the utility company serving the subdivision.

2. Utility facilities shall be designed by utility firms in cooperation with the subdivider, subject to applicable laws and rules and regulations of any appropriate regulatory authority having jurisdiction over such facilities.

B. Where a subdivision is proposed partially or wholly within an airport influence area and noise zone, as defined in Article 5-400, Billings Montana City Code, or as identified by

the City of Laurel, a perpetual air rights easement shall be executed. Maps depicting the various zones can be found on file with the County Planning Board.

**Section 4.12 Watercourse and Irrigation Easements. (76-3-504(1)(j), (k), (l), MCA)**

A. **Easements for irrigation facilities within the subdivision:** Easements are required to be shown on the face of the preliminary and final plats for all drainage ways, irrigation canals/ditches and their laterals, and below-ground pipelines that traverse the property to be subdivided, except as noted in Section 4.12.B., below. In addition, an easement document shall be recorded with the final plat. The easements provided shall meet the following standards:

1. Easements shall be provided in locations of appropriate topography and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or below ground pipelines for the delivery of water for irrigation to persons and land legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
2. Easements of a sufficient width to allow for construction, repair, maintenance, and inspection of the ditch shall be provided. The easement width shall be based on the policy of the appropriate irrigation district; and
3. The easement document shall prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the water users.

B. **Exclusion of easement requirements for irrigation within the subdivision:** The subdivider need not establish irrigation easements as provided in Section 4.12.A. above if one of the following is met:

1. The average lot size in the proposed subdivision will be one (1) acre or less and the subdivider provides for disclosure, in a manner acceptable to the governing body, notifying potential buyers that lots within the subdivision are classified as irrigated land and may continue to be assessed for irrigation water delivery even though the water may not be deliverable to the lots; or
2. The water rights are removed from the property being subdivided or evidence is provided by the subdivider that the appropriate legal or administrative process has been initiated to remove the water rights from the land within the subdivision. Furthermore, the fact the water rights have been or will be removed from the land within the subdivision shall be denoted on the preliminary plat. If the removal of water rights has not been completed at the time the final plat is filed, the subdivider shall provide written notification to prospective buyers of the subdivider's intention to remove the water right and

shall document that intent, when applicable, in agreements and legal documents for related sales transactions.

**C. Easements through the subdivision for the benefit of downstream water users:**

Easements are required to be shown on the face of the preliminary and final plats for all drainage ways, irrigation canals/ditches and their laterals, and below-ground pipelines on the property being subdivided that are necessary to convey water through the subdivision to lands adjacent to or beyond the subdivision boundaries in quantities and in a manner that is consistent with historic and legal rights. In addition, an easement document shall be recorded with the final plat. The easements provided shall meet the following standards:

1. Easements shall be provided in locations of appropriate topography and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or below ground pipelines for the delivery of water for irrigation to persons and land legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
2. Easements of a sufficient width to allow for construction, repair, maintenance, and inspection of the ditch shall be provided. The easement width shall be based on the policy of the appropriate irrigation district; and
3. The easement document shall prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the water users.

**D. Additional Provisions:**

1. 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 subdivider's Professional Engineer shall certify prior to final plat 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.
2. New storm water generated from a subdivision shall not be discharged into an irrigation facility unless the subdivider receives written approval from the appropriate agricultural water user facility prior to final plat approval.

### **Section 4.13 Disposition of Water Rights. (76-3-504(j)(i), MCA)**

If a subdivision will create lots averaging less than five acres in size, the subdivider shall submit evidence with the final plat indicating that either A. *and* B., below, or C., below, has been provided:

- A. **Reservation and transfer of water rights:** The subdivider shall reserve all or a portion of the water rights on the land to be subdivided and transfer these water rights to a single entity for use by landowners within the subdivision who have a legal right to the water. Any remaining surface water rights from the land shall be reserved and severed; and
- B. **Establish landowner's water use agreement:** If the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide for the use of a water right on the subdivision lots, the subdivider shall establish a landowner's water use agreement administered through a single entity. This agreement must specify how the water rights will be administered and describe the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
- C. **All rights reserved and severed:** All surface water rights shall be reserved and severed from the land proposed for subdivision.

### **Section 4.14 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.**

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

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

**Residential dwellings:** Residential occupancies where the occupants are primarily permanent in nature and where buildings do not contain more than two (2) dwelling units, or child care facilities that provide accommodations for five (5) or fewer persons of any age for less than 24 hours. This shall include buildings arranged for occupancy as residential care/assisted living facilities including more than five (5) but not more than 16 occupants, excluding staff.

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

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

**B. Minor Subdivisions:** For all minor subdivisions creating three (3) to five (5) lots, the subdivider shall provide a minimum of one (1) of the following mechanisms for fire suppression:

1. A pressurized fire hydrant system meeting the flow requirements of the applicable Fire Code and National Fire Protection Association (NFPA) 1142.
2. An approved, single, minimum ten thousand (10,000) 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 subdivision. If an approved existing underground water storage tank is located within one-half (1/2) road mile from the furthest structure of the proposed subdivision, it may be used to meet this requirement. In either case, the dry hydrant shall be constructed to the standards set forth by this Section.

Alternative methods shall be reviewed by the fire department having jurisdiction with recommendations for approval made to the Board of County Commissioners.

**C. Major, Commercial, and Subsequent Minor Subdivisions.** The subdivider shall provide a minimum of one of the following mechanisms for fire suppression:

1. A pressurized fire hydrant system meeting the flow requirements of the applicable Fire Code and NFPA 1142.
2. 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 subdivision. If an approved existing underground water storage tank is located within one-half (1/2) road mile from the furthest structure of the proposed subdivision, it may be used to meet this requirement. In either case, the dry hydrant shall be constructed to the standards set forth by this Section.

Alternative methods shall be reviewed by the fire department having jurisdiction with recommendations for approval made to the Board of County Commissioners.

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

1. Proportionate Reimbursement for the joint use of a dry hydrant system: If subsequent subdivisions 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 subdivision. The reimbursement shall be in effect for a period of 15 years from the

date of approval of the original subdivision. The proportionate reimbursement shall be determined based on the ratio of the number of lots in the subsequent subdivision to the total lots served by the fill site multiplied by the total cost of the water supply improvement. When the total cost of the fill site has been reimbursed, subsequent subdivisions shall not be subject to the requirement.

2. Reimbursement qualifications: The original subdivider 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 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 organization or individuals who are funding the dry hydrant system maintenance.

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

1. 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.
2. 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.
3. Dry hydrants shall be located to be accessible under all weather conditions.
4. The water container shall be a clean fiberglass or concrete tank, approved by the Fire Department having jurisdiction.
5. 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.
6. The location of all dry hydrant systems shall be shown on the face of the final plat and be labeled to identify the size of the tank in gallons, i.e.: “30,000 gallon underground water storage tank/dry hydrant system” or “10,000 gallon underground water storage tank/dry hydrant system”. One copy of this plat shall be forwarded to the County GIS Department.

F. **Water supply maintenance.** The subdivider shall establish a Rural Special Improvement District (RSID) prior to final plat 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 subdivision and may be foreclosed in any manner allowed by law.

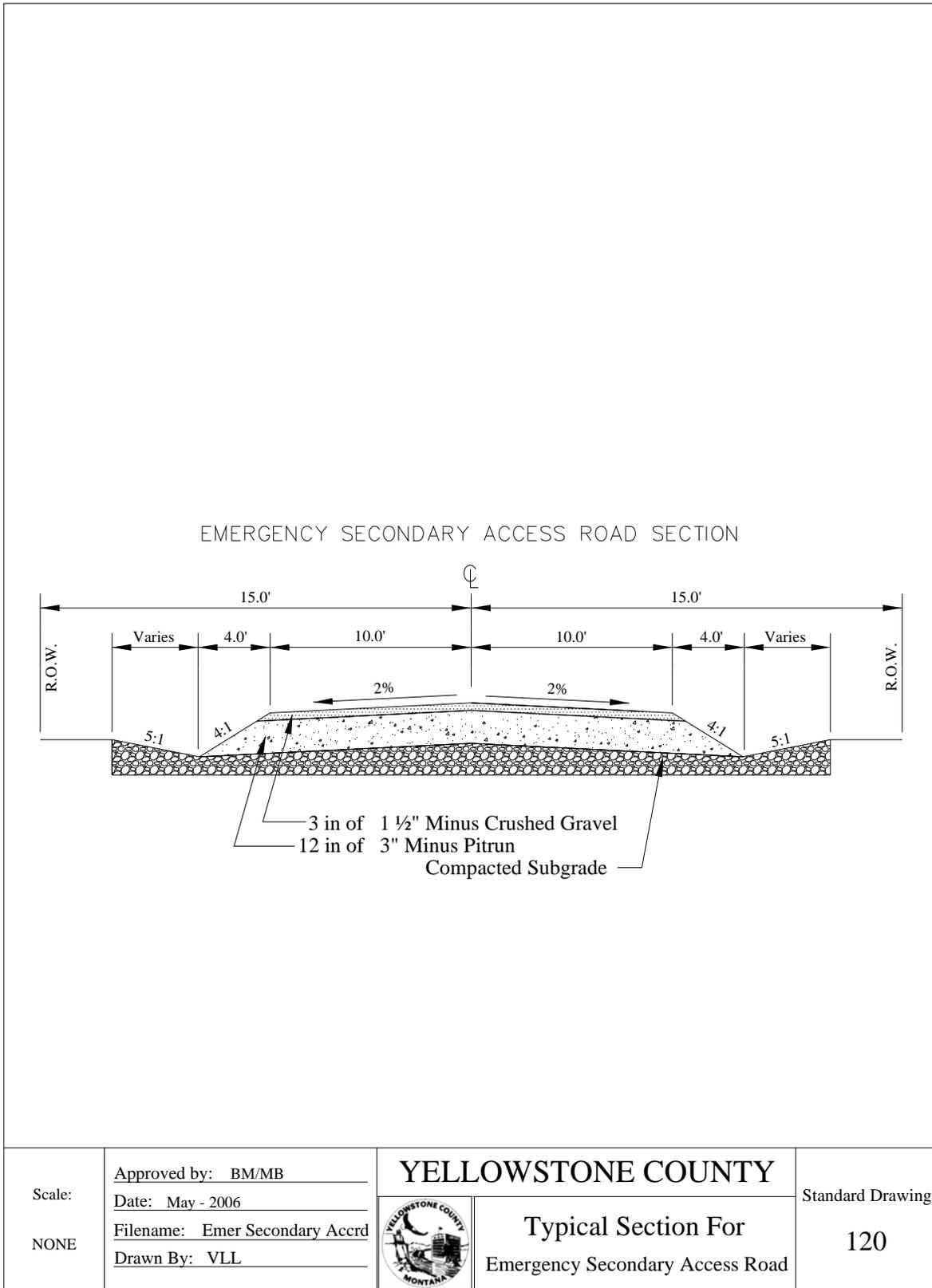
All underground water supply tanks shall be available for use by any Fire Department responding to any fire within the jurisdiction where the fire is occurring.

**G. 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 subdivision, as required by Section 4.6.B.5 of these Regulations, it shall be built to the following standards:

1. 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 4.14.F.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.
2. 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.
3. 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 plat 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 4.14.F.1**



#### **Section 4.15 Noxious Weed Control.**

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

- A. County subdivision 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 subdivision.

#### **Section 4.16 Flood Hazard Evaluation.**

If any portion of a proposed subdivision is within the floodway of a flood of one hundred (100) year frequency as defined by Title 75, Chapter 5, MCA and the Federal Emergency Management Agency (FEMA), or deemed subject to flooding by the County, or if any portion of a proposed subdivision is within two thousand (2,000) horizontal feet and less than twenty (20) vertical feet of a live stream draining an area of twenty-five (25) square miles or more, the flood hazard evaluation criteria found in Appendix N shall be applied, as appropriate.