



**AGENDA
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
WEDNESDAY, JUNE 15, 2022
5:30 PM
COUNCIL CHAMBERS**

Public Input: *Citizens may address the committee regarding any item of business that is not on the agenda. The duration for an individual speaking under Public Input is limited to three minutes. While all comments are welcome, the committee will not take action on any item not on the agenda.*

General Items

1. Approve City/County Planning Board Minutes of May 18, 2022.

New Business

2. On Target Outdoors Sign Permit
3. Bee Hive Minor Subdivision - Lift Agricultural Restrictions
4. Public Hearing: Lance Hull Annexation Petition and Initial Zoning Request.

Old Business

Other Items

5. Next Meeting: July 20, 2022

Announcements

The City makes reasonable accommodations for any known disability that may interfere with a person's ability to participate in this meeting. Persons needing accommodation must notify the City Clerk's Office to make needed arrangements. To make your request known, please call 406-628-7431, Ext. 2, or write to City Clerk, PO Box 10, Laurel, MT 59044, or present your request at City Hall, 115 West First Street, Laurel, Montana.

DATES TO REMEMBER

File Attachments for Item:

1. Approve City/County Planning Board Minutes of May 18, 2022.



**AGENDA
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
WEDNESDAY, MAY 18, 2022
5:35 PM
CITY COUNCIL CHAMBERS**

Meeting called to order at 5:35 PM.

Roll Call:

Present:

Evan Bruce	Jon Klasna	Judy Goldsby (Chair)	Karen Courtney (Advisory)
Dan Koch	Gavin Williams	Roger Giese	

Absent:

Ron Benner

General Items

1. Approval of April 20, 2022, minutes.
Correction of Evan Bruce's name on page 3 of minutes.
Jon motioned to approve; Dan seconded
Judy stated the corrections needing to be made. Karen stated that she will make those changes.
Judy accepted motion to approve pending required changes.
Motion passes 6-0.

New Business

2. Beartooth Tax Sign Permit Application - 319 1st Avenue

Karen stated this is a nonilluminated building letters only. Sign does meet sign code requirements and Building Department recommends approval of sign permit.

Gavin motioned to approve; Evan seconded
Jon stated that he believed their sign was already up. Karen stated that this was a sign rebranding/refresh.
Motion passes 6-0

3. Chen's Express Sign Permit Application - 415 S. 1st Avenue Suite A

Karen presented the sign application, has been reviewed for compliance with sign code. Building department recommends approval of sign permit.

Jon asked if some were lighted and others not. Evan stated that it states that all signs will be illuminated.
Jon motioned to approve; Evan seconded
Motion passes 6-0

4. Chase Bank ATM Sign Permit Application - 415 S. 1st Avenue

Karen presented the sign application. Signing does meet the sign code requirements. Building Department recommends approval of sign permit.

Evan stated that it does not state whether it is illuminated or not. Karen stated that she believes just

the chase bank logo on top will be illuminated. Jon stated that he would assume they will have lighting over the kiosk for security. Karen stated that he is correct.

Gavin motioned to approve; Dan seconded
Motion passes 6-0

5. Public Hearing: Cassie Page Variance Request - 319 3rd Avenue

Judy stated that what was listed on the application and what was listed on Montana Cadastral was not matching. Asked Cassie for clarification. Cassie stated it is approximately 1900 Sq. ft on 2 levels. Judy asked what sq footage the main level was and if it had a full basement. Cassie did not have exact footage for main level and stated that the basement is only a partial basement She believed main floor is approximately 1000 sq ft. She stated that the upstairs has 3 bedrooms. Judy thanked her for the clarification.

Karen presented the history behind the variance request. Building department was contacted about the desire to do an addition onto the back portion of house. The house was built prior to the current setbacks that adopted, the addition that they were wanting would be in line with the existing house. This would be a 6' setback from side adjacent to street rather than the now required 20'. Therefore, Cassie came in and requested a variance from the required 20' setback. Building and planning departments have no issue with the addition as it is not affecting neighboring property, clear vision triangles or sight obstructions. Planning Department does recommend approval of this variance request. Karen did go over the 7 items outlined in LMC 17.60.020 – Land Use variances issuance and denial (attached to these minutes).

Judy called for Proponents.

Cassie Page – Would just like to add onto existing house, if required to meet the setbacks it would be in the middle of the yard, and they would be unable to add onto their home. Therefore, they are asking for approval of their request.

Judy called for any more proponents, second call for proponents. None heard.

Judy called for Opponents, second call for opponents, third call for opponents. None heard, public hearing closed.

Board discussion. Roger asked about the addition being 17' x 11' will this be a conventional 8' tall addition? Cassie stated that it will only be one story. Just wanting to add a closet and bathroom. Jon asked when they planned on starting. Cassie stated as soon as they are allowed.

Jon motioned to approve; Evan seconded.
Motion passes 6-0. Variance will move on to City Council.

6. Public Hearing: Your Pie Special Review - 102 S. 1st Avenue

Karen explained the correction of the address of the property, therefore explaining the difference on application and staff report. Karen presented the staff report concerning the Special review application.

Judy stated that there did not appear to be any representatives of Your Pie present to speak to. She does have a question about what appears to be a drive thru as part of their building plan? Karen stated that she had not seen any plans for how they plan on renovating the building. If the drive thru is kept it would not be a point to pick up alcohol. Karen's understanding is that the alcohol served is strictly on premises sale and consumption. Karen stated that if the drive thru

window was kept it would be for pizza order pick up.

Gavin stated that it does not appear that they will have that much seating space. Karen stated it did appear that they were planning on putting an awning on the front of the building, this may be for some additional outdoor seating. Again, there have been no building plans submitted at this time. At time of plan review it would be determined if the extension would be allowed or not. Judy asked if that would make a difference in the availability of alcohol, and would it be addressed then? Karen stated that it would not change anything as to the serving of alcohol. Dan stated that he believed that there was a code that determined the amount of parking spaces you would need based on the occupant load/capacity. How is this going to be addressed. It was discussed that there is a lot more parking in the back, plus the 10 spots up front. Karen did state that Kurt Markegard had been the person on contact with the owners, however he was unable to attend the meeting tonight. The parking would need to be addressed when building plans were submitted. Roger asked if any plans had been received yet? Karen stated that she has not seen any. Roger stated that with having no plans submitted and nobody present to speak on their behalf that it be denied at this time until more information is given.

Judy called for any proponents three times. None heard.

Judy called for any opponents three times. None Heard. Public hearing closed.

Judy asked for clarification that the special review that was before the board was only for the sell and consumption of alcohol on premises. Karen stated that yes it was only for the sell and consumption of alcohol on premises. Judy asked for any other discussion.

Gavin motioned to approve; Jon seconded.

Motion carries 5-1, Roger Giese opposed.

Old Business

Judy announced that Karen Courtney would be leaving the City's employ. Karen stated that it has been wonderful working with the Planning Board. Karen will be going to work for the State of Montana as a multi-discipline building inspector. Last day with the city will be May 27th.

Other Items

7. Next Meeting: June 15, 2022

Karen stated that Forrest had requested that she announce that there are two items on the agenda for the June 15th meeting. There will be an annexation and a 1 lot minor subdivision. Gavin stated he would not be able to attend the June meeting due to other commitment. Board asked about the subdivision and annexation. Karen stated the Beehive subdivision out past the T/A and old meat processing plant will be like what was proposed to lift ag restriction like Miller Minor. Annexation she believes is the Hull annexation which is over by where they are building across from library. Forrest is reviewing these items at this time but will be on next meeting agenda.

Question asked if any more applicants for planner position. Karen stated not that she is aware of at this time.

Announcements

8. Motion to adjourn

Gavin motioned to adjourn; Dan seconded. Meeting adjourned 6:10 PM.



File Attachments for Item:

2. On Target Outdoors Sign Permit

CONSTRUCTION PERMIT AND APPLICATION

CITY OF LAUREL, MONTANA

PERMIT No. **538**

Job Address <u>620 SE 4th St Laurel, MT 59044</u>	
Owner <u>Scott Hooper</u>	Telephone <u>360 270-7101</u>
Contractor <u>Scott Hooper</u>	Subdivision _____
Address <u>PO Box 669</u>	Lot _____ Block _____ Tract _____ Zoning _____
Telephone <u>360 270-7101</u>	Valuation of Project \$ <u>\$2,400 included in original permit total</u>
City License _____	Description of Work: _____
Special Conditions <u>Signs are 4' tall x 8' Wide</u>	<u>Installing Signs on outside of retail business</u>
<u>Attached photos show approximate size and location</u>	<u>Photos attached</u>
	<u>Signs will have exterior illumination</u>
Occupancy _____	Type of Construction _____
Number of Units _____	Total Square Feet _____
Rated Walls _____	

BUILDING Approved To Issue By

Karen CourtneyDate 5/26/2022

Application is hereby made to the City of Laurel Building Code Official for a permit subject to the conditions and restrictions set forth. All provisions of laws and ordinances governing this work will be complied with whether specified herein or not. Each person upon whose behalf this application pertains, at whose request and for whose benefit work is performed under or pursuant to any permit issued as a result of this application agrees to, and shall indemnify and hold harmless the City of Laurel, it's officers, agents and employees.

The granting of this permit does not give authority to cancel or violate the provisions of any state or local law regulating construction or the performance of construction.

"Compliance with the requirements of the state building code for physical accessibility to persons with disabilities does not necessarily guarantee compliance with Americans With Disabilities Act of 1990, the Rehabilitation Act of 1978, the Fair Housing Amendments Act of 1988, Title 49, chapter 2, commonly known as the Montana Human Rights Act, or other similar federal, state, or local laws that mandate accessibility to commercial construction or multifamily housing."

Any permit issued as a result of this application becomes null and void if work is not commenced within 180 days of issuance of such permit, unless a written request to extend this time is submitted to the City of Laurel Building Department and approved.

The applicant is responsible for calling to obtain underground line locations 1-800-424-5555 two days before digging.

All general contractors shall have a current City of Laurel business license.

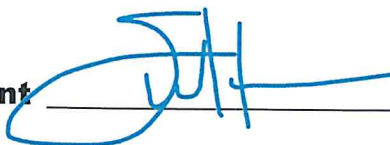
The permit holder is responsible for giving 24 hour notice for required inspections.

I hereby certify I have read this application and the information provided is true and correct to the best of my knowledge.

FEES AND CHARGES

1000-323011 building	\$ _____
1000-323014 plan review pd chk1002	\$ <u>53.63</u>
1000-323011 fence	\$ _____
1000-323011 roof	\$ _____
1000-323053 sign	\$ <u>82..50</u>
1000-323011 mh install	\$ _____
1000-323011 investigation	\$ _____
1000-323011 re-inspection	\$ _____
1000-322022 utility hook up	\$ _____
5210-343033 SDF water	\$ _____
5310-343033 SDF sewer	\$ _____
other	\$ _____
Total Amount due	\$ <u>136.13</u>
Amount Paid	\$ _____

Signature of Applicant

Date 5/25/2022

From: [Scott hooper](#)
To: [Karen Courtney](#)
Subject: Sign Permit for On Target Outdoors LLC 620 SE 4th st Laurel
Date: Wednesday, May 25, 2022 2:20:01 PM
Attachments: [Sign building permits.pdf](#)

Karen,
Please see attached sign permit, I have also attached photos of the sign and approximate locations. These signs are not lighted and will have exterior lighting that shines back onto the signs from above. The signs on the east side of the building will be three each 4x8 signs together. The sign on the front of the building and side will be mounted directly to the building, the sign on the rear will be mounted to the existing steel frame. Let me know if you have any questions.

Thank you,
Scott Hooper
On Target Outdoors LLC







File Attachments for Item:

3. Bee Hive Minor Subdivision - Lift Agricultural Restrictions

CITY HALL
115 W. 1ST ST.
PUB. WORKS: 628-4796
WATER OFC.: 628-7431
COURT: 628-1964
FAX 628-2241

City Of Laurel

P.O. Box 10
Laurel, Montana 59044



Office of the Director of Public
Works

INTRODUCTION

On May June 11, 2022, Performance Engineering for Bee Hive Storage LLC applied for preliminary minor subdivision approval for the Bee Hive Minor Subdivision. The proposed subdivision would remove the agricultural restriction, expand the lot boundary to create one new developable tract. The property is located to the south and east of the East Laurel Interchange at Allendale Road. The property is not zoned and is currently being developed as a mini storage complex. The project is being reviewed as a First Minor Subdivision because the Agricultural Restriction on the property should have been lifted prior to the start of development of the Storage Complex. The project will be presented to the Laurel – Yellowstone City County Planning Board on June 15, 2022 with the decision being made by the County Commission.

RECOMMENDATION

Staff recommends that the County Commissioners grant conditional approval of the preliminary plat of Bee Hive Subdivision and adopt the Findings of Fact as presented in the staff report.

PROPOSED CONDITIONS OF APPROVAL

1. To provide for the installation of private utilities, prior to final plat approval the applicant will coordinate with private utility providers for any needed easements and show them on the final plat as requested by the private utility companies.
2. To provide for proper addressing, prior to final plat approval the applicant will secure and address for each lot in the subdivision.
3. That the provision of water and sewer for Lot-1 be reviewed and approved by the Montana Department of Environmental Quality and/or that Riverstone Health approves the proposed exemptions to DEQ review and approval for Lot-1.
4. Minor changes may be made in the SIA final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
5. The final plat shall comply with all requirements of the Laurel – Yellowstone County Subdivision Regulations, the changes recommended by the various City and County Departments, and the laws and Administrative Rules of the State of Montana.

VARIANCES REQUESTED

N/A. None Requested.

PROCEEDURAL HISTORY

- On May 10, 2022 a pre-application meeting was held to discuss the proposal.
- The project qualified for review on May 27, 2022.
- The preliminary plat application was submitted May 11, 2022.
- The preliminary plat review time line expires on July 18, 2022.

PLAT INFORMATION

General Location:	Intersection of Old Highway 10 and Allendale Road approximately 2 miles east of the City of Laurel.
Legal Description:	COS 679, S½ Section 6, Township 2 South, Range 25 East, P.M.M.
Engineer and Surveyor:	Performance Engineering
Existing Zoning:	None
Existing Land Use:	Industrial/Mini Storage – Agricultural Covenant In Place
Proposed Land Use:	Industrial/Mini Storage
Gross and Net Area:	6.754 / 6.754
Proposed Number of Lots:	(1 New Lot) Agricultural Restrictions Lifted
Lot Size:	6.754
Parkland Requirements:	N/A Exempt to Parkland Dedication.

Attachments

Findings of Fact
Proposed Plat
Draft SIA
Draft Waiver of Protest

FINDINGS OF FACT

The Planning staff has prepared the following Findings of Fact for the preliminary plat of Bee Hive Subdivision. These findings are based on the preliminary plat application and supplemental documents and addresses the review criteria required by the Montana Subdivision and Platting Act (76-3-608 M.C.A.) and the Laurel – Yellowstone Subdivision Regulations.

A. Primary Review Criteria 76-3-608 MCA.

1. Effect on Agriculture and Agricultural Water Users Facilities

- a. The parent tract was created via the Agricultural Exemption with the associated restrictions on use of the property. The owner has developed the property with an industrial use which has facilitated the subdivision review request. Should the subdivision NOT be approved, the industrial buildings and uses of the property would have to be discontinued.
- b. The parent tract consists of approximately 6.754 acres and has no real Agricultural value.
- c. None of the irrigated acres are involved in the subdivision.
- d. The water rights for the irrigated property will continue to run with the property.
- e. The irrigation systems will not be altered by this subdivision.

There are not any anticipated adverse effects on agriculture or agricultural water users facilities.

2. Effect on Local Services

- a. The parcel being created is currently served by existing facilities. As such, the extension of public utilities is not necessary.
- b. Where the parcel being created already exists, there will be no change with respect to storm water, solid waste streets, emergency services, schools, or mail delivery.
- c. The subdivision is exempt to the provision of park land as it is the first minor subdivision from a tract of record.

The effect on local services is minimal.

3. Effect on the Natural Environment

- a. The lot addition of one new tract will not have a measurable impact on the natural environment.
- b. The property is located in a growth area between the Cities of Laurel and Billings.
- c. The property surrounding the parcel being created has and continues to be used for active agriculture.

The effect on the Natural Environment is insignificant.

4. Effect on Wildlife and Wildlife Habitat

- a. There are no known endangered or threatened species on the property.
- b. The property is frequented by deer, upland game birds, and geese. A Sage Grouse consult has been submitted and sanitary facilities are not proposed. As such. The project will not require a review or approval by DEQ.

- c. The SIA should be updated to reflect the presence of wildlife on the property and the associated cautions related to potential for damage to landscaping.

This subdivision should have a minimal effect on wildlife and wildlife habitat.

5. Effect on the Public Health, Safety, and Welfare

- a. There are no known natural or man-made hazards on the property.
- b. There will not be any structures that require water and waste water systems on the property.
- c. The property is located in the Laurel Rural Fire District and is served by the Yellowstone County Sheriff's Department.

The effect on the public health, safety and welfare is insignificant.

B. Was an Environmental Assessment Required?

First Minor Subdivisions are exempt to the requirements of preparing an Environmental Assessment. 76-3-609(2)(d)(i) M.C.A.

C. Does the subdivision conform to the City of Laurel Growth Policy?

- a. **Preservation of prime agricultural lands.** The lot being created is not located on the irrigated agricultural lands.
- b. **Housing relationship to Economy.** With the rapid expansion of Multi-Family housing with limited onsite storage the need for storage facilities is in high demand. This is an example of housing construction driving other sectors of the economy.
- c. **Land Use Plan relationship to Housing.** Housing should be connected to jobs, schools, parks and services and should meeting needs of people and families.

D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations?

The proposed subdivision is in conformance with the Laurel – Yellowstone Subdivision Regulations. The developer and the local government have complied with the subdivision review and approval processes prescribed in the local regulations and the MSPA.

E. Does the proposed subdivision conform to all requirements of the zoning in effect?

The subject property is not part of an established zoning district and is not zoned.

F. Does the proposed plat provide easements for the location and installation of any utilities?

The necessary public and private easements exist.

G. Does the proposed plat provide legal and physical access to each parcel within the subdivision and the notation of that access on the plat?

Each lot in the subdivision has an existing approach to Old Highway 10 West or Allendale Road.

CONCLUSIONS OF FINDINGS OF FACT

- The preliminary plat of Bee Hive Minor Subdivision does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and objectives of the City of Laurel Growth Management Plan.
- The proposed subdivision complies with state and local subdivision regulations, sanitary requirements, has legal and physical access, and is not zoned.
- Any potential adverse impacts of the subdivision can be adequately mitigated by the imposition of conditions of approval.

RECOMMENDATION

Staff recommends that the Laurel – Yellowstone City County Planning Board recommend that the Yellowstone County Board of County Commissioners grant conditional approval of the preliminary plat of Bee Hive Minor Subdivision and adopt the Findings of Fact presented in the staff report.

SUBDIVISION IMPROVEMENTS AGREEMENT
Beehive Subdivision
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(Yellowstone County)

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SUBDIVISION IMPROVEMENTS AGREEMENT

Beehive Subdivision

This agreement is made and entered this _____ day of _____, 20____, by and between *Beehive Storage, LLC*, whose address for the purpose of this agreement is **PO Box 20853, Billings MT 59101**, hereinafter referred to as “Subdivider,” and **YELLOWSTONE COUNTY, Montana**, hereinafter referred to as “County.”

WITNESSETH:

WHEREAS, the plat of Beehive Subdivision, located in Yellowstone County, Montana, was submitted to the Laurel Board of Planning as an expedited plat which was deemed to not require preliminary review; and

WHEREAS, at a regular meeting conducted on _____ day of _____, 20____, the Yellowstone County Board of County Commissioners conditionally approved a preliminary plat of *Beehive Subdivision*; and

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

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

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

I. VARIANCES

Subdivider has requested, and the County hereby grants, the following variances by the Board of County Commissioners from the strict interpretation of the County’s Subdivision Regulations (Chapter 11, Yellowstone County Subdivision Regulations):

1. No variances requested.

II. CONDITIONS THAT RUN WITH THE LAND

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

- B. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.
- C. There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned by the completion of the conditions set forth in the Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.
- D. Culverts and associated drainage swales shall not be filled in or altered by the Subdivider or subsequent lot owners.
- E. When required by road improvements, all fences and irrigation ditches in the public right-of-way adjacent to this subdivision shall be removed or relocated outside of the public right-of-way and any relocation outside of the public right-of-way shall be subject to securing and recording easements.
- F. Future maintenance of all public (or common) improvements shall be done through one (1) or more RSID(s) created as part of the SIA for this subdivision.
- G. Lot owners or their agent will obtain an Access Permit from County Public Works prior to any construction on any lot within the subdivision. The application will include a site plan showing the desired location of the access and show that it meets the requirements outlined by the DEQ storm water requirements for the subdivision. Failure to do so will result in the lot owner or their agent removing what has been installed and locating the access in an approved location at the lot owner's expense.
- H. The subdivider and subsequent contractors/builders acknowledge that there is a Stormwater Pollution and Prevention Plan (SWPPP) filed with the city and the Montana Department of Environmental Quality (MDEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by MDEQ under the General Permit for Stormwater Discharges Associated with Construction Activity, Chapter 28, BMCC and the Billings Stormwater Management Manual.
- I. Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for new construction on lots. Best Management Practices are defined within Section 28-201, BMCC and detailed in the Billings Stormwater Management Manual.

III. TRANSPORTATION

A. Access

Access to the Subdivision shall be from Allendale Road (Easement Document #3878273 and South Frontage Road.

IV. EMERGENCY SERVICE

The Laurel Fire District currently provides fire protection services for the subdivision.

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150 feet of the furthest portion of a building under construction as measured along the approved route.

V. STORM DRAINAGE

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

VI. UTILITIES

A. Water

In accordance with Section 4.9 of the Yellowstone County Subdivision Regulations, all proposed water systems must obtain Approval by Montana Department of Environmental Quality, or its designee.

Municipal public water service is not available in the subdivision at this time. The subdivision will be served by individual wells as approved by the Montana Department of Environmental Quality. These systems will be located and installed as shown on the site layout approved by the Montana Department of Environmental Quality submitted with the final plat.

Individual wells will be the responsibility of the future lot owners at the time of lot development.

B. Septic System

In accordance with Section 4.8 of the Yellowstone County Subdivision Regulations, all sanitary sewer systems must obtain approval by the Montana Department of Environmental Quality, or its designee.

Municipal public sanitary sewer service is not available in the subdivision at this time. The subdivision will be served by individual wastewater disposal systems as approved by Montana Department of Environmental Quality. These systems shall be located and installed as shown on the site layout approved by Montana Department of Environmental Quality submitted with the final plat.

Individual septic tanks, dosing tanks, and drainfields will be the responsibility of the future lot owner at the time of lot development.

C. Power, Telephone, Gas, and Cable Television

Power, natural gas, telephone, and cable services will be extended into the lots by the individual lot owners at time of development.

VII. PARKS/OPEN SPACE

Section 76-3-621 (3)(a) of the Montana Subdivision and Platting Act covers the park dedication requirement and due to the proposed lots being greater than 5 acres in size; no parkland dedication is required.

VIII. IRRIGATION

Subdivider agrees there will be not irrigation water available to this Subdivision. No irrigation water shares shall be transferred to individual lot owners.

IX. SOILS/GEOTECHNICAL STUDY

A geotechnical study is not required by the Yellowstone County Subdivision Regulations as part of this plat. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitation for proposed construction on the lots, which may require a geotechnical survey prior to construction.

X. PHASING OF IMPROVEMENTS

There are no intended phasing improvements.

XI. FINANCIAL GUARANTEES

No financial guarantees are required for the Subdivision as no public improvements are required or proposed.

XII. LEGAL PROVISIONS

A. Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by Yellowstone County.

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

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

“SUBDIVIDER”

Beehive Storage, LLC

By: _____

Its: _____

STATE OF MONTANA)
 : ss
County of Yellowstone)

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

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

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

“COUNTY”
COUNTY OF YELLOWSTONE
MONTANA

County of Yellowstone
Board of County Commissioners

By: _____
Chairman

Commissioner

Commissioner

Attest: _____
County Clerk and Recorder

STATE OF MONTANA)
 : ss
County of Yellowstone)

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

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

Waiver of Right to Protest

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

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

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

Beehive Subdivision

Signed and dated this ____ day of _____, 20__

Beehive Storage, LLC

By: _____

Its: _____

STATE OF MONTANA)
 : ss
County of Yellowstone)

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

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

Billings District Office
424 Morey Street
PO Box 20437
Billings, MT 59104-0437

October 5, 2021

Beehive Storage, LLC
PO Box 20853
Billings, MT 59104

Subject: Approach Construction Authorization
X-56683 / S. Frontage Rd
I-90 RP 438 South

This letter is your authorization to proceed with the construction of your requested approach(es) at the subject location(s). The approach(es) should be completed within four (4) months of the date of this letter. Failure to complete the approach(es) within this timeframe may result in the District revoking this authorization to construct. Time extensions may be granted by the District for reasonable delays. Time extensions must be requested prior to the end of the 4-month period. See addendum on the following page for additional conditions and/or remarks.

Note that this is not the finalized and accepted permit. Upon completion of construction, please notify the Department. After receiving notification, a representative of the Department will inspect the approach(es) to determine if they meet Department standards as specified in this letter or as an attachment. Any deficiencies concerning the construction must be corrected before the Department will approve the approach permits. Once the Department approves the approach(es), it will complete and sign the approach permit forms and provide the permittee with a completed copy. Also, please note & comply with item **6) Protection of Traffic** in the terms & conditions of the approach permit, concerning construction warning signing. See the 2009 Manual on Uniform Traffic Control Devices (MUTCD) Chapter 6 (https://mutcd.fhwa.dot.gov/kno_2009r1r2.htm) and Section 618 of the MDT Detailed Drawings for additional information (https://www.mdt.mt.gov/business/contracting/detailed_drawings.shtml).

If you have any questions, please contact me at (406) 657-0240 or at zkirkemo@mt.gov.

Respectfully,

Zach Kirkemo
MDT Billings District Traffic Engineer

cc: Traffic File

Enclosures

**State of Montana – Department of Transportation
Driveway Approach Application
Addendum**

16)d. Other Conditions and/or Remarks:

- 1) Approaches shall be constructed to comply with the following standards:
 - a) MDT standards included in the MDT Approach Manual for Landowners and Developers published December 2013.
https://www.mdt.mt.gov/publications/docs/manuals/approach_manual.pdf.
These requirements include, but are not limited to:
 - i) Approach side slopes shall be no steeper than 6H:1V.
 - ii) Surfacing shall be a minimum 0.67-foot thickness of 1 ½”-minus crushed base gravel. If desired, the applicant has the option to pave the approach with a minimum 0.2-foot thickness asphalt pavement.
 - iii) Approach running slope shall be no steeper than 3% for the first 25 feet from the highway followed by a running slope no steeper than 10% within MDT right-of-way.
 - iv) The design approved by the Department. Any deviations from the approved design must be approved by the Department prior to construction.
- 2) The existing approach must be completely removed including removal of the asphalt and gravel. The disturbed area must be reclaimed with topsoil and re-seeded following the enclosed special provision as well as Sections 610 and 713 of the current version of the MDT Standard Specifications for Road and Bridge Construction
https://www.mdt.mt.gov/business/contracting/standard_specs.shtml.
- 3) This authorization assumes all Yellowstone County development requirements are met. This authorization is considered null and void if all County permits/authorizations are not obtained. Additionally, construction shall comply with all local, state, and federal environmental regulations.
- 4) No material from State Right-of-Way shall be used without prior District permission.
- 5) The approach should be completed within 4 months of the date of this letter. Notify the Billings District Traffic Engineer when the approach is complete, for final inspection or any questions; at (406) 657-0240 or zkirkemo@mt.gov.

Preliminary Plat Application

Subdivision Name: Beehive SubdivisionDate of Preapplication Meeting: 5/6/2022Type: Major _____ First Minor X Subsequent Minor _____Tax Code: D03081ALocation: Just south of South Frontage Road east of Allendale Road and north of BBWA canal.Legal Description: Tract A1 of the Amended Plat of Tract A of Certificate of Survey No. 679 $\frac{1}{4}$ Section: 6, Township: 02S, Range: 25EGeneral Location: Just south of South Frontage Road east of Allendale Road and north of BBWA canal.

Subdivider Information:

Name (Include a list of officers if corporation): _____

Beehive Storage, LLC (Rob Morehead, Larry Larsen as Officers)Address: PO Box 20853, Billings, MT 59104

406-208-7691

Telephone: _____ E-mail: rmorehead@bigskyed.com

Owner Information:

Name: Beehive Storage, LLCAddress: PO Box 20853, Billings, MT 59104

406-208-7691

Telephone: _____ Email: rmorehead@bigskyed.com

Plat Data:

Gross Area: 6.754 acresNet Area: 6.754 acresNumber of Lots: 1 lotMaximum Lot Size: 6.754 acres

Minimum Lot Size: 6.754 acres

Linear Feet of Streets: n/a

Existing Zoning: Unzoned

Surrounding Zoning: Unzoned - all directions

North:

South:

East:

West:

Existing Land Use: Agriculture

Proposed Land Use: Self Storage

Parkland Requirement: None

Land: Acres:

Cash: Cash: \$

Variances Requested (list and attach Variance Request):

1.

2.

3.

Service Providers for Proposed Subdivision

Gas: MDU

Electric: Northwestern Energy

Telephone: CenturyLink

School (Elementary, Middle, High): Laurel

Irrigation District: n/a

Cable Television: Spectrum

List of Materials Submitted with Application

1. _____ Preliminary Plat
2. _____ Draft Subdivision Improvement Agreement
3. _____ Draft Revocation and Termination of Agricultural Covenants
4. _____ Finding of Facts
5. _____ MDT Approach Permit
6. _____

Agent Information

Name: Taylor Kasperick, Performance Engineering

Address: 608 N. 29th Street, Billings, MT 59101

Telephone: 406-384-0080

I declare that I am the owner of record of the above-described property, and have examined all statements and information contained herein, and all attached exhibits, and to the best of my knowledge and belief, is true and correct.

 ROBERT MOREHEAD

Owner of Record Date

Owner Under Contract Date

The submission of a preliminary plat application constitutes a grant of permission by the subdivider to enter the subject property.

(Ord. 07-01 (part), 2007)



MEMO

To: City of Laurel Planning Board

From: Taylor Kasperick, PE

Date: 5/6/2022

Re: Findings of Fact – Beehive Subdivision

This memorandum has been prepared in accordance with the requirements for application for a first minor subdivision from a tract of record as detailed in Section 16.03.090 of the Laurel Municipal Code and Montana Code Annotated (MCA)

76-3-609 (2)(c). The requisite findings of fact are based on the criteria outlined in MCA 76-3-608 (3). Per MCA 76-3-608 (3) the subdivision must review “the specific, documentable, and clearly defined impact on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety, excluding any consideration of whether the proposed subdivision will result in a loss of agricultural soils.” The criteria is presented below along with a narrative of how the proposed Beehive Subdivision addresses those criteria provided in *italicized text*.

76-3-608 (3) (a): Except when the governing body has established an exemption pursuant to subsection (6) or except as provided in 76-3-509, 76-3-609 (2) or (4), or 76-3-616, the specific, documentable, and clearly defined impact on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety, excluding any consideration of whether the proposed subdivision will result in a loss of agricultural soils;

Impact on Agriculture: The proposed subdivision is being submitted to remove the agriculture exemption covenants and restrictions associated with Tract A1 of the Amended Plat of Tract A of Certificate of Survey No. 679. In doing so, the Developer plans to utilize the property as a self-storage complex having a use similar to commercial/industrial. The subject parcel will no longer be utilized for agricultural purposes; however, the proposed subdivision will have negligible to no impact on the agricultural use of adjacent properties.

Impact of Agricultural Water User Facilities: The proposed subdivision does not convey or use agricultural water on or through the subject property. There is an existing ditch near the property's approach off South Frontage Road, which has been piped under the property's approach to provide continuous use of said ditch. As such, the anticipated impact on agricultural water user facilities is negligible.

Impact of Local Services: As the proposed subdivision is outside the extents of the City of Laurel water and wastewater service areas, there are no anticipated impacts to those departments and the subject property will be provided sanitation via a drainfield and well. Other local services potentially impacted by the proposed subdivision include the Yellowstone County Public Works Department; however, as the majority of, if not all, traffic entering the property will come from South Frontage Road (an MDT roadway), it is not anticipated measurable impacts will be imparted. In addition, trips to the proposed use of self-storage will be minimal. As the proposed use of the subject property is commercial/industrial, there are no anticipated impacts to the local school districts. Additional local services that could be impacted by the proposed subdivision include the Yellowstone County Sheriff's Office and the Laurel Volunteer Fire Department. The proposed subdivision is already included within both department's service areas, and it is not anticipated there would be a measurable impact to either.

Natural Environment, Wildlife, and Wildlife Habitat: The proposed subdivision is located outside any sage grouse habitat areas or floodplain boundaries as designated by the Montana Department of Natural Resources and Conservation (DNRC) and Yellowstone County Floodplain Manager. Within the draft SIA for the subdivision, it is noted this area of Yellowstone County is prone to wildlife including deer and antelope and that lot owners should be aware this may cause damage to shrubs, flowers, and gardens, and that the Montana Fish, Wildlife and Parks Department does not provide damage assistance unless there is a threat to public health and safety. Provided this information, it is not anticipated there will be negative impacts to the natural environment, wildlife, or wildlife habitat.

Public Health and Safety: The proposed subdivision is not anticipated to pose a risk or impact to public health and safety. As the proposed use of the subject property following subdivision includes self-storage facilities, it is not anticipated there will be continuous occupation of dwelling units. The proposed approach to the subject property has been reviewed and approved by MDT. Sanitation for the proposed lot will be and is being reviewed by the Montana Department of Environmental Quality to ensure the proposed systems protect human health and safety. As such, there are no significant impacts to public health or safety that will not be reviewed and approved by appropriate authorities.

76-3-608 (3) (b): Compliance with:

- i) Survey requirements provided for in Part 4 of MCA 76

Return to:
Performance Engineering, LLC
608 N. 29th Street
Billings, MT 59101

EASE

3878273

03/20/2019 08:33 AM Pages: 1 of 3 Fees: 21.00
Jeff Martin Clerk & Recorder, Yellowstone MT



**DECLARATION OF ACCESS EASEMENT
FOR TRACT A1 OF AMENDED C.O.S. 679,
IN YELLOWSTONE COUNTY, MT**

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, the undersigned owner does, on this 8 day of March, 2019, hereby create, as written below, a 40-foot wide access easement across, over and through certain real property located in the SW ¼ of Section 06, T02S, R25E, Yellowstone County, Montana, more particularly described as follows, to-wit:

A 40-foot wide access easement from the southwest property corner of Tract A1 running west perpendicularly to the west side of Tract A2, according to the Amended Certificate of Survey No. 679 on file in the Office of the Clerk and Recorder of Yellowstone County, Montana, under Document No. 3878270.

The Owner does hereby create this easement for the purpose of pedestrian and vehicular access, maintaining, operating, repairing, improving, replacing and using underground utilities, and any necessary fixtures and appurtenances through, over, and across said real property.

This easement is created for the exclusive use of the owners of Tract A1 of Amended Certificate of Survey No. 679 and shall run with the real property and is binding on all parties having any right, title, or interest in the described property or any part thereof, their heirs, executors, successors, administrators and assignees, and shall bind each owner thereof.

- A. *The proposed plat of Beehive Subdivision has been prepared in accordance with Part 4 of MCA 76, thus meeting the listed criteria.*
- ii) The local subdivision regulations are met by the proposed subdivision
 - A. *The proposed Beehive Subdivision is being prepared and submitted to the Laurel Planning Board and Yellowstone County Commissioners to comply with state and local regulations necessitating removal of agricultural covenants on the property to allow for development of the land as something other than agricultural purposes. As the subject property is a tract of record and has not been subdivided since 1973, this is being reviewed as a First Minor Subdivision from a Tract of Record in compliance with the Laurel Planning Municipal Code Section 16.03.090.*
- iii) The local subdivision review procedure provided for in this part.
 - A. *The proposed Beehive Subdivision will follow the local subdivision review procedure of a First Minor Subdivision from a Tract of Record, having a pre-application meeting, completeness and sufficiency submittal, presentation and review by the Laurel Planning Board, and eventual review and decision by the Yellowstone County Commissioners.*

76-3-608 (3) (c): The provision of easements within and to the proposed subdivision for the location and installation of any planned utilities

There are no new planned public utilities on or within the proposed subdivision necessitating provision of easements. Existing public utilities are located within the public road right-of-way of South Frontage Road or have already been provided with such easement (e.g. 6' overhead power easement filed and recorded under Document No. 4014575), with services from those public utilities serving the proposed subdivision.

76-3-608 (3) (d): The provision of legal and physical access to each parcel within the proposed subdivision and the required notation of that access on the applicable plat and any instrument of transfer concerning the parcel.

The proposed subdivision has legal and physical access from two locations on the proposed property, South Frontage Road and through Tract A2 of the Amended Plat of Tract A of Certificate of Survey No. 679. Said access through Tract A2 is provided for by the filed access easement between the properties filed with the Yellowstone County Clerk and Records Office under Document# 3878273 which has been included as an attachment to this document. Additionally, the property's approach off South Frontage Road has been approved by the Montana Department of Transportation, evidence of which is also included with this document as an attachment.

Attachments:

1. *Access easement between Tract A1 and Tract A2 (subject property).*
2. *MDT Approach Approval*



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

Larsen & Larsen, LLC

By:

Larry W. Larsen

Title:

Partner

STATE OF MONTANA)

: ss

County of Yellowstone)

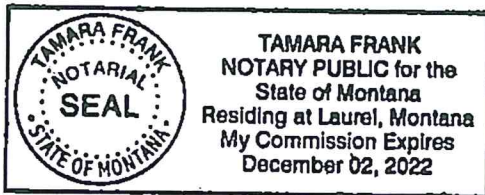
On this 8 day of March, 20 19, before me, a Notary Public in and for the State of Montana, personally appeared Larry W. Larsen known to me to be a Partner of Larsen & Larsen, LLC, who executed the foregoing instrument and acknowledged to me that he executed the same.

Tamara Frank
Notary Public in and for the State of Montana

Printed Name: _____

Residing at: _____

My commission expires: _____





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

Propriedad, LLC

By: RBW Att

Title: MEMBER

STATE OF MONTANA)
 : SS
County of Yellowstone)

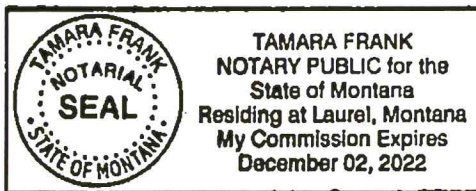
On this 8 day of March, 2019, before me, a Notary Public in and for the State of Montana, personally appeared Robert Morehead known to me to be a Member of Propriedad, LLC, who executed the foregoing instrument and acknowledged to me that he executed the same.

Tamara Frank
Notary Public in and for the State of Montana

Printed Name: _____

Residing at: _____

My commission expires: _____



C:\Users\TaylorKasperick\Dropbox (PEC Billings)\PEC Billings Team Folder\Proprietary\2018-070 Allendale Rd Commercial\CADD\DWG\Plats\18-070 Allendale Minor Plat.dwg
5/6/2022 2:21:27 PM
PEC STANDARD BW/C/LB

LEGAL DESCRIPTION AND OWNER CERTIFICATION

The undersigned owner(s) hereby certify that the purpose of this survey is to terminate and revoke the Agricultural Exemption and Covenants running with the land as described on the Amended Plat of Tract A of Certificate of Survey 679 (Document # 3878270) and in the Acceptance of Certificate of Survey-Agricultural Exemption (Document # 3878271). Per MCA 76-3-211, the Agricultural Exemption may be revoked following subdivision review. Furthermore, they have cause to be surveyed the following tract of land to-wit:

Being Tract A1 of the Amended Plat of Tract A of Certificate of Survey No. 679, (Document #3878270).

Said tracts contains 6.754 acres, more or less, in net and gross.

Subject to all right-of-ways and/or easements of record apparent on the ground or reserved on the survey. The undersigned hereby certifies that the sum of the text and/or graphics shown on this plat represent requirements by the governing body for final plat approval and that all conditions of the subdivision application for this subdivision have been satisfied, and the information shown is current as of the date of the certification required in ARM 24.183.1107(4)(b), and that changes to any land use restrictions or encumbrances may be made by amendments to covenants, zoning regulations, easements, or other documents as allowed by law or local regulation.

BEEHIVE STORAGE LLC

Printed Name _____
Title _____

STATE OF MONTANA)
)ss
County of)

On this _____ day of _____, 20____, before me, a Notary Public in and for the State of Montana, personally appeared _____ of _____ known to me to be the _____ of BEEHIVE STORAGE LLC, known to me to be the persons who signed the forgoing instrument and who acknowledged to me that they executed the same. Witness my hand and seal the day and year herein above written.

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

CERTIFICATE OF COUNTY ATTORNEY

This document has been reviewed by the Yellowstone County Attorney and it is acceptable as to form:

Dated this _____ day of _____, 20____.

Reviewed by _____

CERTIFICATE OF COUNTY TREASURER

I hereby certify, pursuant to Section 76-3-207(1)(d) MCA, that the accompanying plat has been duly examined and that all real property taxes and special assessments assessed and levied on the land have been paid.

Dated this _____ day of _____, 20____.

Yellowstone County Treasurer

CERTIFICATE OF CITY-COUNTY HEALTH DEPARTMENT

This Certificate of Survey has been reviewed and approved by the Yellowstone County Health Department.

Dated this _____ day of _____, 20____.

Yellowstone County Health Dept. (DBA Riverstone Health)

CERTIFICATE OF SURVEYOR

I, the undersigned Mark W. Kadrmas, Registered Land Surveyor, do hereby certify that this survey was done under my direct supervision of a tract of land located in the SW $\frac{1}{4}$ of Section 6, Township 02S, Range 25E, P.M.M., Yellowstone County, Montana, said property being Tract A1 of the Amended Plat of Tract A of Certificate of Survey 679.

Said tracts contain a gross and net area of 6.754 acres, more or less.

Said tracts subject to all easements and right-of-ways of record or apparent on the ground.

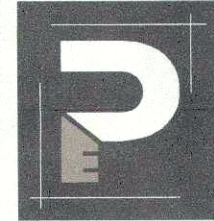
This survey was conducted in accordance with the provisions of the Montana Subdivision and Platting Act, Sections 76-3-101 thru 76-3-625, M.C.A.

Dated this _____ day of _____, 20____.

Mark W. Kadrmas, PLS 51414LS

PRELIMINARY PLAT OF
BEEHIVE SUBDIVISION
BEING LOCATED ON TRACT A1 OF THE AMENDED PLAT OF TRACT A OF CERTIFICATE OF SURVEY 679 IN THE SOUTH 1/2 OF SECTION 6, TOWNSHIP 2S, RANGE 25E, P.M.M., YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : PROPRIEDAD, LLC



PREPARED BY : PERFORMANCE ENGINEERING, LLC

AREA OF SUBDIVISION : 6.754 ACRES
APRIL 2022



0 100 200
IN FEET

CERTIFICATE OF APPROVAL

STATE OF MONTANA)
)ss
County of Yellowstone)

We hereby certify that we have examined the plat of BEEHIVE SUBDIVISION and find that said plat conforms with the requirements of the law of the State of Montana and the Yellowstone County Subdivision Regulations. It is therefore approved and the dedication to public use of any and all lands shown on this plat as being dedicated to such use are accepted. Furthermore, the Acceptance of Certificate of Survey-Agricultural Exemption previously filed under Document No. 3878271 for Tract A1 of the Amended Plat of Tract A of Certificate of Survey No. 679 is hereby revoked and terminated.

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

BOARD OF COUNTY COMMISSIONERS

By: _____
Commissioner

YELLOWSTONE COUNTY MONTANA

By: _____
Commissioner

Attest: _____
Clerk and Recorder

By: _____
Chairman

NOTICE OF APPROVAL

STATE OF MONTANA)
)ss
County of Yellowstone)

This plat has been approved for filing by the Laurel Board of Planning and conforms to the recommendations of this board.

Date _____ President _____

Executive Secretary _____

BASIS OF BEARING

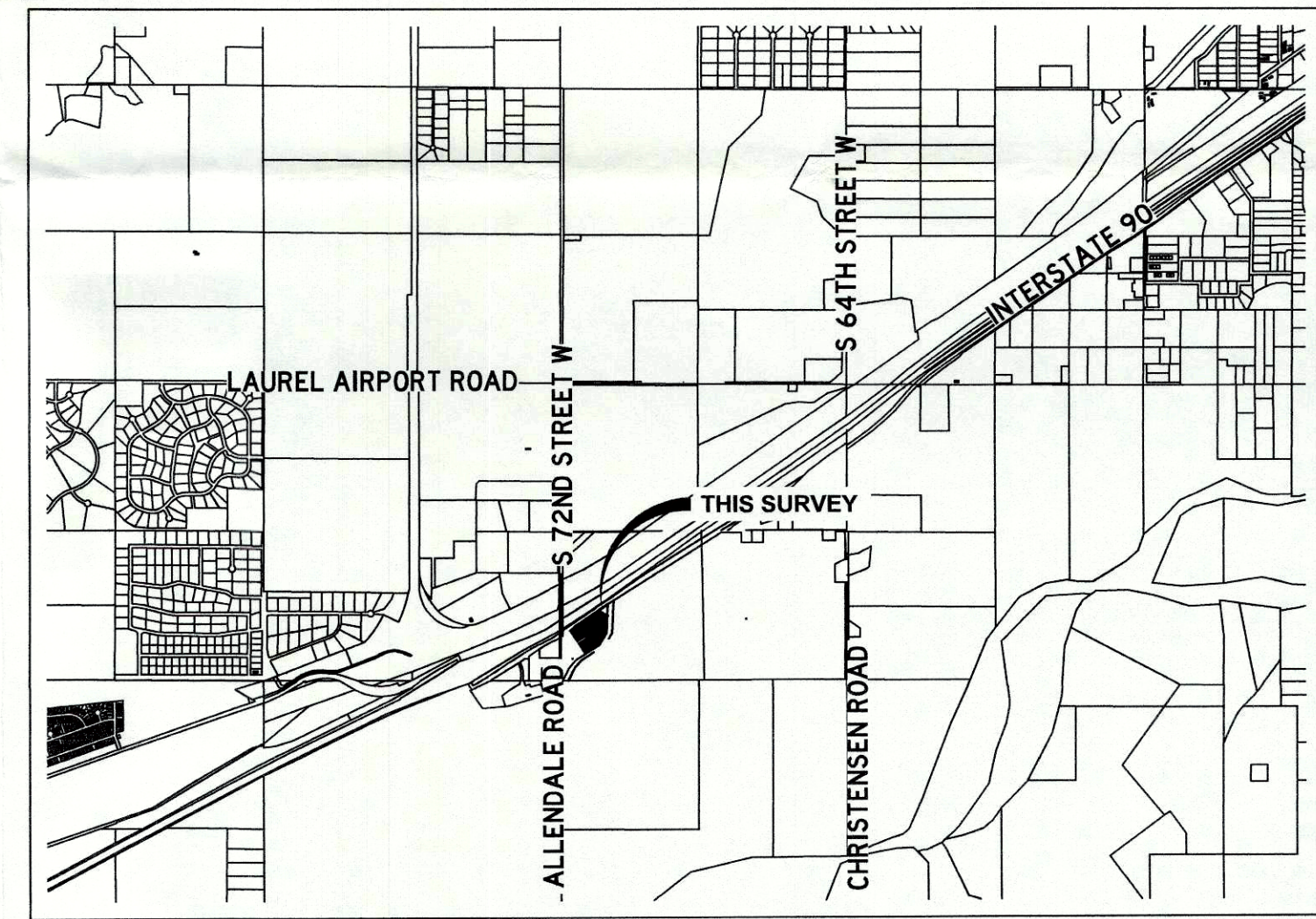
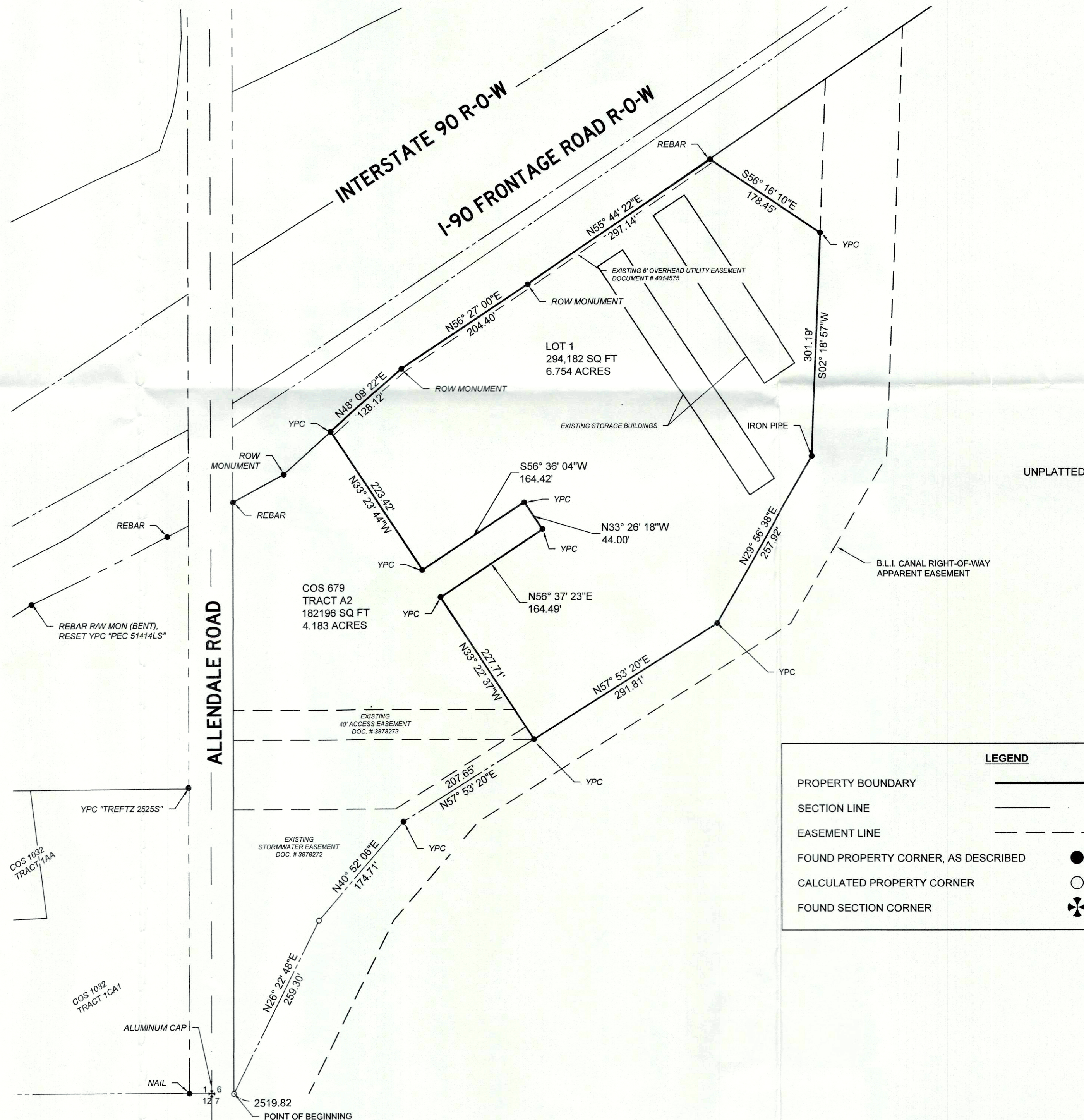
Bearings shown are derived from a low distortion Lambert Conformal Conic single parallel projection with parameters as follows:

Latitude of Origin: 45° 47' 00" N
Longitude of Origin: 108° 25' 00" W
Mapping Scale Factor: 1.0001518

Distances are ground.

SURVEYOR'S NOTE

Unless otherwise noted, record distances between found monuments shown hereon are within local accepted practice.



VICINITY MAP

LEGEND	
PROPERTY BOUNDARY	—————
SECTION LINE	—————
EASEMENT LINE	- - - - -
FOUND PROPERTY CORNER, AS DESCRIBED	●
CALCULATED PROPERTY CORNER	○
FOUND SECTION CORNER	⊕

SUBDIVISION

Issued By:



CHICAGO TITLE
INSURANCE COMPANY

Guarantee/Certificate Number:

3523220401

CHICAGO TITLE INSURANCE COMPANY

a corporation, herein called the Company

GUARANTEES

herein called the Assured, against actual loss not exceeding the liability amount stated in Schedule A which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.

LIABILITY EXCLUSIONS AND LIMITATIONS

1. No guarantee is given nor liability assumed with respect to the identity of any party named or referred to in Schedule A or with respect to the validity, legal effect or priority of any matter shown therein.
2. The Company's liability hereunder shall be limited to the amount of actual loss sustained by the Assured because of reliance upon the assurance herein set forth, but in no event shall the Company's liability exceed the liability amount set forth in Schedule A.

Please note carefully the liability exclusions and limitations and the specific assurances afforded by this guarantee. If you wish additional liability, or assurances other than as contained herein, please contact the Company for further information as to the availability and cost.

Chicago Title Company, LLC
1575 Shiloh Rd, Suite J
Billings, MT 59106

Countersigned By:

Joyce Bondurant
Authorized Officer or Agent



Chicago Title Insurance Company

By:

Michael J. Nolan, President

Attest:

Marjorie Nemzura, Secretary

ISSUING OFFICE:

Title Officer: Trevor Styles
Chicago Title Company, LLC
1575 Shiloh Rd, Suite J
Billings, MT 59106
Phone: 406-869-3747 Fax: 406-245-5094
Main Phone: (406)245-3064
Email: Trevor.Styles@CTT.com

SCHEDULE A

Liability	Premium	Tax
\$10,000.00	\$150.00	\$0.00

Effective Date: April 29, 2022 at 06:00 AM

The assurances referred to on the face page are:

That, according to those public records which, under the recording laws, impart constructive notice of matter relative to the following described property:

That part of the Southwest quarter of Section 6, Township 2 South, Range 25 East, of the Principal Meridian, Yellowstone County, Montana, described as Tract A1 of Amended Tract A of Certificate of Survey No. 679 on file in the office of the Clerk and Recorder of said County, under Document No. [3878270](#).

EXCEPTING therefrom that portion taken by the State of Montana, acting by and through the State Highway Commission of the State of Montana by:

- (a) Final Order of Condemnation recorded in Book 781, Page 238, under Document No. 726401; and
- (b) Final Order of Condemnation recorded in Book 841, Page 17, under Document No. 779374.

Title to said real property is vested in:

[Beehive Storage, LLC, a Montana limited liability company](#)

subject to the matters shown below under Exceptions, which Exceptions are not necessarily shown in the order of their priority.

END OF SCHEDULE A

SCHEDULE B

SPECIAL EXCEPTIONS:

1. General County Taxes for the year 2022 and subsequent years, which are a lien but not yet due or payable.

General Taxes for the year 2021

1st Half: \$1,419.59 PAID

2nd Half: \$1,419.58 PAID

[Tax ID No.: D03081A](#)

2. Easement, if any, for ditches, and any secondary easement rights and incidental purposes, in conjunction therewith.
3. Reservations, exceptions and provisions contained in the patent from the United States of America, and in the acts authorizing the issuance thereof.
4. Right of Way Easement(s) and rights incidental thereto as set forth in a document:

In favor of: John McFadyen

Recording Date: March 16, 1922

Recording No.: 157764; Book 80, Page 612

AND

(a) Assignment of Right-Of-Way dated December 24, 1921, executed by John McFadyen to Gallatin Natural Gas Company, a Delaware corporation, recorded April 20, 1922, under Document No. 159049; Book 81, Page 147.

(b) Assignment of Right-Of Way dated July 1, 1933, executed by Gallatin Natural Gas Company, a Delaware corporation, to Billings Gas Company, recorded October 5, 1936, under Document No. 313227, Book 188, Page 582.

5. Easement(s) and rights incidental thereto, as granted in a document::

Granted to: Nutting Drain Ditch of Laurel, Montana

Recording Date: March 31, 1926

Recording No.: [202451; Book 123, Page 287](#)

6. Easement(s) and rights incidental thereto as set forth in a document:

In favor of: The Mountain States Telephone and Telegraph Company

Recording Date: November 19, 1927

Recording No.: 219800; Book 133, Page 622

SCHEDULE B

(continued)

7. Easement(s) and rights incidental thereto as set forth in a document:
- In favor of: Yellowstone Valley Electrification Association
Recording Date: March 3, 1939
Recording No.: 335989; Book 210, Page 16
8. Easement(s) and rights incidental thereto as set forth in a document:
- In favor of: Montana-Dakota Utilities Co. a Delaware Corporation
Recording Date: June 4, 1958
Recording No.: [602291; Book 636, Page 190](#)
9. The effect of the Agreement dated May 1, 1962, executed by Billings Bench Water Association, to the State of Montana, acting by and through the Highway Commission.
- Recording Date: June 24, 1963
Recording No.: [709402; Book 768, Page 38](#)
10. A Negative Easement(s) and Surrender of access rights by virtue of Judgement and Final Order of Condemnation Civil Case No. 39722, and rights incidental thereto as set forth in a document:
- In favor of: The State of Montana
Recording Date: March 5, 1964
Recording No.: [726401; Book 781, Page 238](#)
11. A Negative Easement (s) and Surrender of access rights buy virtue of Judgement and Final Order of Condemnation Civil Case No. 39749, and rights incidental thereto as set forth in a document:
- In favor of: The State of Montana
Recording Date: June 1, 1966
Recording No.: 779374; Book 841; Page 17
12. Recitals, notes, sanitary restrictions, ordinances, resolutions, easements, dedications and covenants as contained or referred to on Certificate of Survey No. 679. Reference is hereby made to the survey for more particulars.
- Recording No.: 536145
13. Recitals, notes, sanitary restrictions, ordinances, resolutions, easements, dedications and covenants as contained or referred to on Amended Tract A of Certificate of Survey No. 679. Reference is hereby made to the survey for more particulars.
14. Terms and Provision in Declaration of Easement (Appurtenant)
- Recording Date: March 20, 2019
Recording No.: [3878272](#)

SCHEDULE B

(continued)

15. Declaration of Access Easement for Tract A1 of Amended C.O.S. 679, in Yellowstone County, MT (Appurtenant)
- Recording Date: March 20, 2019
Recording No.: [3878273](#)
16. Acceptance of Certificate of Survey-Agricultural Exemption and Agreement that land will be used exclusively of agricultural purposes
- Recording Date: March 20, 2019
Recording No.: [3878271](#)
17. Covenants, conditions and restrictions but omitting any covenants or restrictions in Acceptance of Certificate of Survey-Agricultural Exemption and Agreement that land will be used exclusively of agricultural purposes
- Recording Date: March 20, 2019
Recording No.: [3878271](#)
18. Easement(s) and rights incidental thereto, as granted in a document::
- Granted to: Northwestern Corporation dba Northwestern Energy
Recording Date: April 20, 2022
Recording No.: [4014575](#)
19. An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document
- Entitled: [Tax Sheets](#)
Lessee: RJ Holdings LLC
20. A deed of trust to secure an indebtedness as shown below,
- Amount: \$1,806,298.25
Dated: May 18, 2021
Trustor/Grantor: BeeHive Storage, LLC
Trustee: Ann E. Davey
Beneficiary: Yellowstone Bank
Recording Date: June 2, 2021
Recording No.: [3974674](#)

Note: The Company has searched the records of the Clerk and Recorder and the Clerk of Court for Yellowstone County, Montana and find no judgments or liens affecting the Land, other than as excepted in Schedule B.

SCHEDULE B

(continued)

Note: The only conveyance(s) affecting said Land, which recorded within 24 months of the date of this report, are as follows:

Grantor: Propriedad LLC
Grantee: Beehive Storage LLC
Recording Date: June 2, 2021
Recording No: 3974673 and re-recorded June 4, 2021 Under Document No. [3975014](#)

END OF SCHEDULE B

FIDELITY NATIONAL FINANCIAL PRIVACY NOTICE

Effective January 1, 2021

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary's website and this Privacy Notice does not apply.

Collection of Personal Information

FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

Collection of Browsing Information

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

Other Online Specifics

Cookies. When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

Use of Personal Information

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and others' products and services, jointly or independently.

When Information Is Disclosed

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law. We may share your Personal Information with affiliates (other companies owned by FNF) to directly market to you. Please see "Choices with Your Information" to learn how to restrict that sharing.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Security of Your Information

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

Choices With Your Information

If you do not want FNF to share your information among our affiliates to directly market to you, you may send an "opt out" request as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you without your consent.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (<https://fnf.com/pages/californiaprivacy.aspx>) or call (888) 413-1748.

For Nevada Residents: You may be placed on our internal Do Not Call List by calling (888) 934-3354 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

Information From Children

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

International Users

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

FNF Website Services for Mortgage Loans

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

Your Consent To This Privacy Notice; Notice Changes; Use of Comments or Feedback

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice.

Accessing and Correcting Information; Contact Us

If you have questions, would like to correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, visit FNF's [Opt Out Page](#) or contact us by phone at (888) 934-3354 or by mail to:

Fidelity National Financial, Inc.
601 Riverside Avenue,
Jacksonville, Florida 32204
Attn: Chief Privacy Officer

AMENDED TRACT A OF
CERTIFICATE OF SURVEY NO. 679

LOCATED IN THE SW 1/4 OF SECTION 6, TOWNSHIP 02 SOUTH, RANGE 25 EAST, P.M.M., YELLOWSTONE COUNTY, MONTANA

PREPARED FOR: PROPRIEDAD, LLC AND LARSEN & LARSEN, LLC
PREPARED BY: PERFORMANCE ENGINEERING, LLC

PURPOSE: CREATE TRACTS FOR AGRICULTURAL PURPOSES
DECEMBER 2018

LEGAL DESCRIPTION

Beginning at the SW Quarter Corner of Section 6, the Point of Beginning, Thence North 89° 45' 58" East a distance of 33.13 Feet along the section line between Sections 06 and 07, Township 02 S, Range 25 E; to a point being the True Point of Beginning; Thence North 00° 04' 57" East a distance of 812.73 Feet; Thence North 50° 35' 03" East 90.46 Feet along the southern apparent right-of-way of Interstate 80; Thence continuing along the southern apparent right-of-way of Interstate 80 to the following course: North 53° 02' 47" East a distance of 254.44 Feet, North 50° 52' 04" East a distance of 188.48 Feet and North 53° 23' 11" East a distance of 290.23 Feet; Thence South 56° 14' 45" East a distance of 180.55 Feet, Thence South 02° 18' 40" West a distance of 201.19 Feet; Thence South 29° 54' 54" West a distance of 257.34 Feet, Thence South 57° 53' 20" West a distance of 499.45 Feet, Thence South 40° 52' 05" East a distance of 174.71 Feet; Thence South 05° 21' 52" West a distance of 252.59 Feet to the True Point of Beginning.

Said tracts containing an area of 11.036 acres, more or less.

Said tract subject to all easements and right-of-ways of record or apparent on the ground.

CERTIFICATE OF EXEMPTION

We hereby certify that the purpose of this division of land is to create Tracts A1, as shown on this certificate of survey, which are to be used for agricultural purposes only, and that the exemption complies with all conditions imposed on its use. Therefore, this survey is exempt from review as a subdivision pursuant to 76-3-207(1)(g) MCA and the Yellowstone County Subdivision Regulations. We also hereby enter a covenant, to run with the land, that Tracts A1, as shown hereon, will be used exclusively for agricultural purposes only. No building or structure requiring water or sewer facilities shall be utilized on Tracts A1. This covenant is revocable only by the mutual consent of the governing body and the property owner.

We hereby certify that Tracts A1 is exempt from review by the Department of Environmental Quality under 76-4-125(c) as the Tracts are being created for purposes other than the construction of water supply or sewage and solid waste disposal facilities as the department specifies by rule. Furthermore, we certify the remainder tract, Tract A2, is exempt from review by the Department of Environmental Quality under 76-4-125(1)(a)(ii) MCA as the remainder is 1 acre or larger and has an individual sewage system serving a discharge source that was in existence prior to April 29, 1993, and, if required when installed, the system was approved pursuant to local regulations or this chapter.

Signature: Robert Morehead, Managing Member, Proprietad, LLC
Date: 3/6/19

STATE OF MONTANA
COUNTY of Yellowstone

On the 8 day of March, 2019, before me, a Notary Public in and for the State of Montana, personally appeared Robert Morehead, known to me to be a Managing Member of Proprietad, LLC, known to me to be the person who signed the foregoing instrument and who acknowledged to me that they executed the same. Witness my hand and the seal the day and year herein above written.

Signature: Larry Larsen, Managing Member, Larsen & Larsen, LLC
Date: 3/8/2019

STATE OF MONTANA
COUNTY of Yellowstone

On the 8 day of March, 2019, before me, a Notary Public in and for the State of Montana, personally appeared Larry Larsen, known to me to be a Managing Member of Larsen & Larsen, LLC, known to me to be the person who signed the foregoing instrument and who acknowledged to me that they executed the same. Witness my hand and the seal the day and year herein above written.

Signature: Larry Larsen, Managing Member, Larsen & Larsen, LLC
Date: 3/8/2019

STATE OF MONTANA
COUNTY of Yellowstone

On the 8 day of March, 2019, before me, a Notary Public in and for the State of Montana, personally appeared Larry Larsen, known to me to be a Managing Member of Larsen & Larsen, LLC, known to me to be the person who signed the foregoing instrument and who acknowledged to me that they executed the same. Witness my hand and the seal the day and year herein above written.

Signature: Larry Larsen, Managing Member, Larsen & Larsen, LLC
Date: 3/8/2019

STATE OF MONTANA
COUNTY of Yellowstone

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Signature: Larry Larsen, Managing Member, Larsen & Larsen, LLC
Date: 3/8/2019

STATE OF MONTANA
COUNTY of Yellowstone

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Date: 3/8/2019

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COUNTY of Yellowstone

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COUNTY of Yellowstone

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Signature: Larry Larsen, Managing Member, Larsen & Larsen, LLC
Date: 3/8/2019

STATE OF MONTANA
COUNTY of Yellowstone

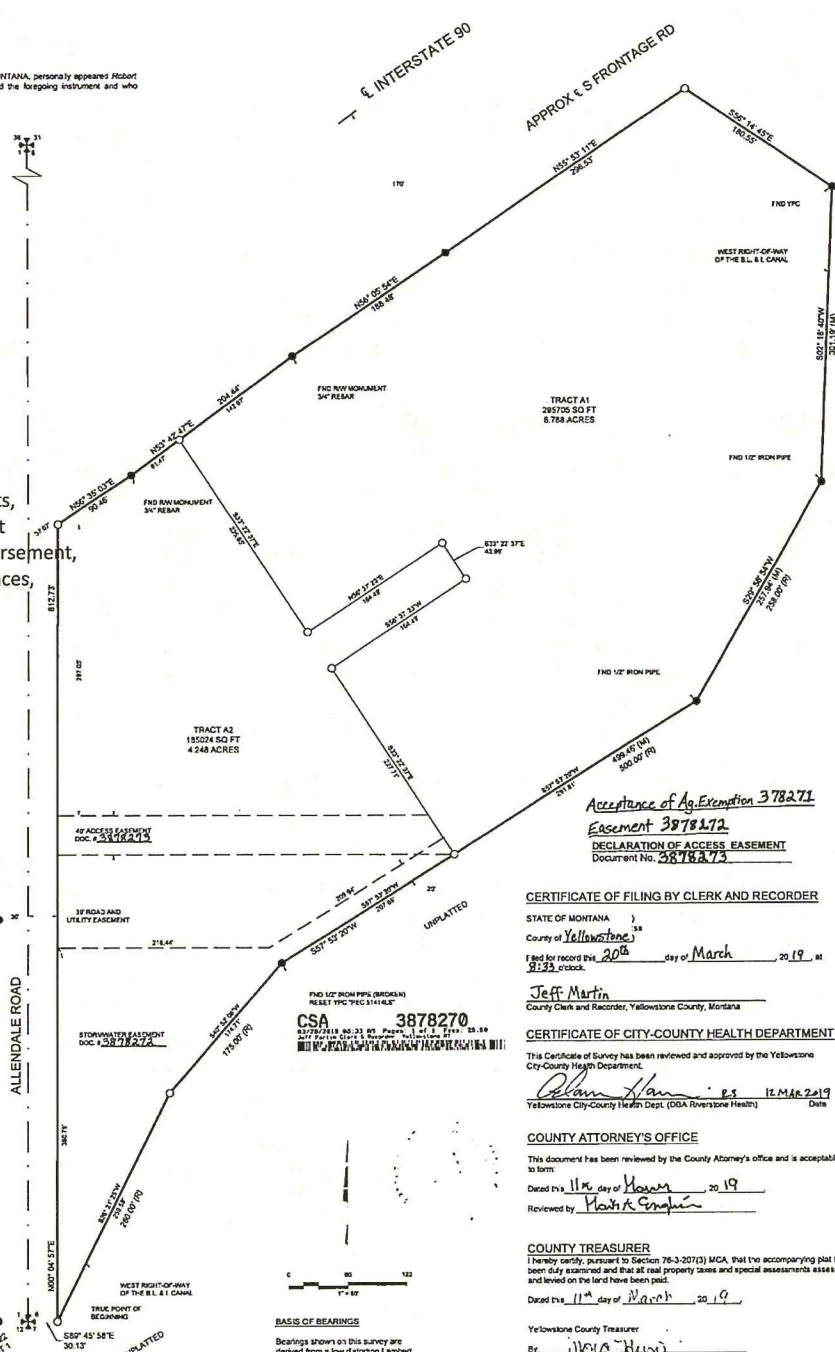
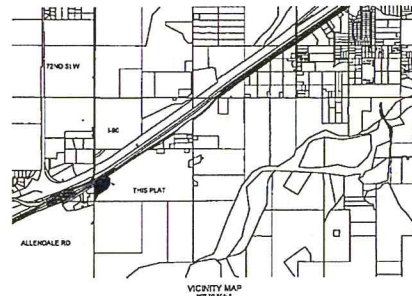
On the 8 day of March, 2019, before me, a Notary Public in and for the State of Montana, personally appeared Larry Larsen, known to me to be a Managing Member of Larsen & Larsen, LLC, known to me to be the person who signed the foregoing instrument and who acknowledged to me that they executed the same. Witness my hand and the seal the day and year herein above written.

Signature: Larry Larsen, Managing Member, Larsen & Larsen, LLC
Date: 3/8/2019

STATE OF MONTANA
COUNTY of Yellowstone

On the 8 day of March, 2019, before me, a Notary Public in and for the State of Montana, personally appeared Larry Larsen, known to me to be a Managing Member of Larsen & Larsen, LLC, known to me to be the person who signed the foregoing instrument and who acknowledged to me that they executed the same. Witness my hand and the seal the day and year herein above written.

Signature: Larry Larsen, Managing Member, Larsen & Larsen, LLC
Date: 3/8/2019



LEGEND

- Found Section Corner
- Found Monument, as described
- Set 1/2" x 1/2" RRR W YPC Marked
- Yellow Plastic Cap
- RRR
- Found
- Property Boundary
- New Access Easement

CERTIFICATE OF SURVEYOR

I, the undersigned Mark W. Kadmas, Registered Land Surveyor, do hereby certify that this survey was done under my direct supervision and the accompanying Certificate of Survey was prepared in accordance with the provisions of the Montana Subdivision and Planning Act, Sections 76-3-101 through 76-3-125 MCA.

Dated this 8th day of March, 2019

Mark W. Kadmas, PLS 51414LS

MARK W. KADMAS
PLS 51414LS
REGISTERED LAND SURVEYOR

Acceptance of Ag. Exemption 378271
Easement 378272
DECLARATION OF ACCESS EASEMENT
Document No. 378273

CERTIFICATE OF FILING BY CLERK AND RECORDER

STATE OF MONTANA
County of Yellowstone

Filed for record this 20th day of March, 2019, at 8:23, clock.

Jeff Martin
County Clerk and Recorder, Yellowstone County, Montana

CERTIFICATE OF CITY-COUNTY HEALTH DEPARTMENT

This Certificate of Survey has been reviewed and approved by the Yellowstone City-County Health Department.

Colan Han
Yellowstone City-County Health Dept. (DGA Florence Health)

COUNTY ATTORNEY'S OFFICE

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

Dated this 11th day of March, 2019

Reviewed by: Mark A. Graham

COUNTY TREASURER

This survey was reviewed pursuant to Section 76-3-207(3) MCA, that the accompanying plat has been duly examined and that all real property taxes and special assessments assessed and levied on the land have been paid.

Dated this 11th day of March, 2019

Yellowstone County Treasurer
By: Kelly A. Huns

7100 COMMERCIAL AVE., SUITE 4
BILLINGS, MT 59101

OFFICE - 406-344-0000
www.performance-ec.com

SHEET 1 OF 1

PERFORMANCE ENGINEERING, LLC

COPYRIGHT 2019

Return to:
Performance Engineering
608 N. 29th Street
Billings, MT 59101

MC

3878271

03/20/2019 08:33 AM Pages: 1 of 2 Fees: 14.00
Jeff Martin Clerk & Recorder, Yellowstone MT



Acceptance of Certificate of Survey-Agricultural Exemption

A Certificate of Survey of the following described lands is being submitted for recordation in the office of the Yellowstone County Clerk & Recorder where by the landowners, *Larsen & Larsen, LLC* and *Propriedad, LLC* wish to enter into a covenant running with the land and revocable only by mutual consent of the governing body of Yellowstone County and the property owner, or their successor in interest, that the land will be used exclusively for agricultural purposes

Legal Description: Tracts A1, Amended Certificate of Survey No. 679

Recorded as Document Number 3878270

Whereas the landowners have signed on the face of the Certificate of Survey their intent and desire to enter into said covenant, the Board of County Commissioners of Yellowstone County do hereby accept and agree to the covenant being placed upon the above described land. A change in use of the land for anything other than agricultural purposes subjects the land to the provision of Parts 5 & 6 of the Montana Subdivision and Platting MSPA in the Montana Code Annotated.

Dated this 19th day of March 2019.

Yellowstone County Commissioners

Chairperson

Commissioner

Commissioner

Attest:

Jeff Martin, Clerk & Recorder

MC

3878271

03/20/2019 08:33 AM Pages: 2 of 2 Fees: 14.00
Jeff Martin Clerk & Recorder, Yellowstone MT



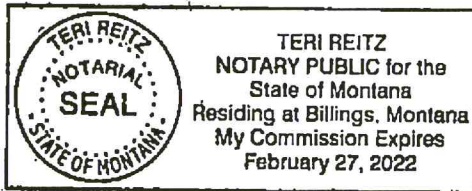
State of Montana)

County of Yellowstone)

On this 19 day of March, 2019, before me, a Notary Public for the State of Montana, personally appeared, Dennis Pitman, Donald W. Jones, and John Ostlund, Jeff Martin members of the Board of County Commissioners, and Jeff Martin, County Clerk & Recorder, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed my notary seal the day and year first above written.

(seal)



Teri Reitz
Print Name: _____
Notary Public for the State of Montana
Residing at Billings, Montana
My commission expires _____

3974673 QCD

06/02/2021 12:47 PM Page 1 of 3 Fees: \$21.00
eRecorded For Yellowstone County, MT
Jeff Martin, Clerk & Recorder

RETURN RECORDED DOCUMENT TO:

Shane N. Reely, Esq.
Goodrich & Reely, PLLC
2315 McDonald Avenue, Suite 200
Missoula, MT 59801

3975014 QCD

06/04/2021 10:01 AM Page 1 of 4 Fees: \$28.00
eRecorded For Yellowstone County, MT
Jeff Martin, Clerk & Recorder

*This deed is being re-recorded to correct the
document number of the plat.*

QUITCLAIM DEED

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

PROPIEDAD LLC, a ^{Wyoming} ~~Montana~~ limited liability company, of 612 Charles
Street, Billings, Montana 59101, and **LARSEN AND LARSEN LLC**, a Montana limited
liability company, of 2720 Selvig Lane, Billings, Montana 59102, as Grantors,

do hereby remise, release and quitclaim unto

BEEHIVE STORAGE, LLC, a Montana limited liability company, of P.O. Box
20853, Billings, Montana 59104, as Grantee, real property located in Yellowstone
County, Montana, and more particularly described as follows:

That part of the Southwest quarter of Section 6, Township 2 South, Range
25 East, of the Principal Meridian, Yellowstone County, Montana, described
as Tract A1 of Amended Tract A of Certificate of Survey No. 679 on file in
the office of the Clerk and Recorder of said County, under Document No.
387~~8~~270.

TOGETHER WITH an access easement more particularly described in the
Declaration of Access Easement for Tract A1 of Amended C.O.S. 679, in
Yellowstone County, MT recorded on March 20, 2019 in the office of the
Clark and Recorder of said County, under Document No. ~~387273~~.

3878273

TOGETHER WITH all buildings, thereon; and all rights-of-ways, tenements,
hereditaments, privileges and appurtenances thereto; all water, water rights and ditch
rights, appurtenant to or used on the property not otherwise reserved by Grantors'
predecessors in interest, which water rights are subject to adjudication, re-adjudication,

and/or determination in accordance with Montana law; and all mineral, gas, oil and other hydrocarbon rights not reserved or conveyed by Grantors' predecessors in title.

TO HAVE AND TO HOLD unto Grantee, its heirs and assigns, forever.

DATED May 18, 2021.

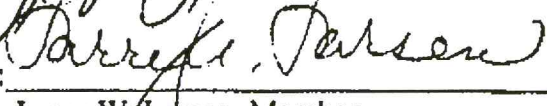
PROPIEDAD, LLC, a ^{Wyoming}~~Montana~~ limited liability company

By: 
Robert B. Morehead, III, Member

By: 
Mark Morehead, Member

LARSEN AND LARSEN, LLC, a Montana limited liability company,

By: 
Larry V. Larsen, Member

By: 
Larry W. Larsen, Member

STATE OF MONTANA)
 :SS.
County of Yellowstone)


This instrument was acknowledged before me on the 18 day of May, 2021, by **ROBERT B. MOREHEAD, III**, as a Member of **PROPIEDAD LLC**.


NOTARY PUBLIC FOR THE STATE OF MONTANA

ZACHARY J. DUNN
NOTARIAL
SEAL
STATE OF MONTANA

ZACHARY J. DUNN
NOTARY PUBLIC for the
State of Montana
 Residing at Billings, Montana
 My Commission Expires
 March 22, 2024

NOTARY PUBLIC FOR THE STATE OF MONTANA

 ZACHARY J. DUNN
NOTARY PUBLIC for the
State of Montana
Residing at Billings, Montana
My Commission Expires
March 22, 2024

NOTARY PUBLIC FOR THE STATE OF MONTANA

ZACHARY J. DUNN
NOTARY PUBLIC for the
State of Montana
Residing at Billings, Montana
My Commission Expires
March 22, 2024

NOTARY PUBLIC FOR THE STATE OF MONTANA

64

CERTIFICATE

STATE OF MONTANA }
County of Yellowstone } SS

I hereby certify that this sheet, and all
sheets identified by impression of my
Official Seal, are each and all true and correct
copies of originals filed in my office on

6-2-2021at 12:47 o'clock PM, under DocumentNumber 3974673

IN TESTIMONY WHEREOF, I have here

set my hand and affixed my seal of

JUN 04 2021

JEFF MARTIN

County Clerk & Recorder


Deputy



Yellowstone County, Montana

[Commissioners](#) [Departments](#) [Contacts](#) [Site Map](#) [Home](#)

Disclaimer: Not all fields are currently maintained. The [accuracy of the data is not guaranteed](#). Please notify the Appraisal/Assessment Office of any inaccuracies.

[Back to Search Form](#)

[Full Orion Detail](#)

Owner Information

***Please Note:** Owner information is supplied by the **Montana Department of Revenue**. To request updates to addresses or other ownership information, please **contact the DOR office at 896-4000**. Records for the current year will **not** be updated after tax bills have been sent out, so changes requested after you receive your bill will appear only on next year's records.

Tax Code: D03081A

Primary Party

Primary Owner Name: BEEHIVE STORAGE LLC [Ownership History](#)

2022 Mailing Address: BEEHIVE STORAGE LLC
PO BOX 20853
BILLINGS, MT 59104-0853

Property Address: 11030 S FRONTAGE RD

Township: 02 S Range: 25 E Section: 06

Certificate of Survey: 679 Parcel: A1

Full Legal: S06, T02 S, R25 E, C.O.S. 679, PARCEL A1, AMD (20)

GeoCode: 03-0822-06-3-01-51-0000

[Show on Map](#) (May not work for some newer properties.)

Property Assessment Information

Levy District: 7DL LAUREL OUTSIDE (478.17 Mills)

2021 Assessed Value Summary

Assessed Land Value = \$ 271,484.00

Assessed Building(s) Value = \$ 31,340.00

Total Assessed Value = \$ 302,824.00

Assessed Value Detail Tax Year: 2021

Class Code	Amount
2107 - Commercial Tract Land (1.89% Tax Rate) =	\$ 271,484.00
3307 - Improvements on Commercial Tract Land (1.89% Tax Rate) =	\$ 31,340.00
Total =	\$ 302,824.00

The values shown for the given tax year are for taxation purposes only. They are supplied by the Department of Revenue. For questions about these values, please contact the Montana Department of Revenue, Appraisal/Assessment Office at [406-896-4000](#).

Rural SID Payoff Information

NONE

Property Tax Billing History

Year	1st Half	2nd Half	Total
2020	1,482.76 P	1,482.74 P	2,965.50
2021	1,419.59 P	1,419.58 P	2,839.17

(P) indicates paid taxes.

Click on year for detail. [Pay Taxes Online](#)

Jurisdictional Information

Commissioner Dist: 1 - [John Ostlund \(R\)](#)
Senate: 28 - [Brad Molnar \(R\)](#)
House: 55 - Vince Ricci (R)
Ward: Outside City Limits
Precinct: 55.3

School Attendance Areas

High: LAUREL
Middle: LAUREL
Elem: LAUREL

[School District Trustee Links](#)

Any comments or questions regarding the web site may be directed to the [Web Developer](#).



Yellowstone County, Montana

[Commissioners](#) [Departments](#) [Contacts](#) [Site Map](#) [Home](#)

Detail Property Tax Information

Disclaimer: The tax information was updated on 5/11/2022. Please notify the Treasurer's Office of any inaccuracies. Online Tax Billing History is available from Tax Year 2000 forward. If you wish information for prior tax years contact the Treasurer's Office. [Pay Taxes Online](#)

Tax ID: D03081A Tax Year: 2021

LAUREL OUTSIDE

Code	District	1st Half	2nd Half	Total
	LAUREL OUTSIDE (Levy District)	1,368.29 P	1,368.28 P	2,736.57
CRED	CRED COUNTY REFUSE DISTRICT	12.50 P	12.50 P	25.00
LFD7	LFD7 LAUREL FIRE DISTRICT #7	37.57 P	37.57 P	75.14
SOIL	SOIL SOIL CONSERVATION	1.23 P	1.23 P	2.46
Totals		1,419.59	1,419.58	2,839.17

Date Paid 11/16/2021 05/10/2022

Close Window



Yellowstone County, Montana

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Orion Detail

Disclaimer: Not all fields are currently maintained. The accuracy of the data is not guaranteed. Please notify the Appraisal/Assessment Office (406-896-4000) of any inaccuracies.

[Back to Search Form](#)

[Property Tax Detail](#)

Owner Information

Primary Owner: BEEHIVE STORAGE LLC [Ownership History](#)
Tax Code: D03081A
Geo Code: 03-0822-06-3-01-51-0000
Property Address: 11030 S FRONTAGE RD LAUREL 59044
Legal Description: S06, T02 S, R25 E, C.O.S. 679, PARCEL A1, AMD (20)
Property Type : VAC_R - Vacant Land - Rural

[Clerk &
Recorder
Documents](#)

Site Data [View Codes](#)

Neighborhood Code:	03-5970-7DL	Location:	
Parking type:	203.006.C	Fronting	%
Utilities:		Parking Prox	%
Lot Size:	6.788 Acres	Access:	
		Topography:	

Any comments or questions regarding the web site may be directed to the [Web Developer](#).

Taylor Kasperick

From: Steinmetz, Amy <ASteinmetz@mt.gov>
Sent: Wednesday, June 1, 2022 1:52 PM
To: Scott Aspenlieder
Cc: Fehr, James; Dorrington, Christopher; Taylor Kasperick
Subject: RE: EQ 22-1869 Touch Base

Hi Scott,

I received word from Margarite and Josh that this is ready to go. Josh just needs to finish the COSA and send it out.

Thanks,

Amy Steinmetz | *Water Quality Division Administrator*
Montana Department of Environmental Quality
Office: 406-444-4632





608 North 29th Street • Billings, MT 59101

www.performance-ec.com [performance-ec.com]

From: Taylor Kasperick <taylor@performance-ec.com>
Sent: Wednesday, May 25, 2022 10:19 AM
To: Scott Aspenlieder <scott@performance-ec.com>
Subject: FW: EQ 22-1869 Touch Base

Taylor Kasperick, PE
Project Manager
taylor@performance-ec.com
Office: 406.384.0080
Mobile: 801.657.0372



608 North 29th Street • Billings, MT 59101

www.performance-ec.com [performance-ec.com]

From: Steinmetz, Amy <ASteinmetz@mt.gov>
Sent: Monday, May 23, 2022 3:05 PM
To: Taylor Kasperick <taylor@performance-ec.com>
Subject: FW: EQ 22-1869 Touch Base

Hi Taylor,

Please see Margarite's comments below. I'll make sure that Josh addresses this right away when he returns.

Amy Steinmetz | *Water Quality Division Administrator*
Montana Department of Environmental Quality
Office: 406-444-4632



[facebook.com]



[instagram.com]



[twitter.com]



[youtube.com]

How did we do? >>

[arcg.is]

From: Juarez Thomas, Margarite <MJuarezThomas@mt.gov>
Sent: Monday, May 23, 2022 11:21 AM
To: Steinmetz, Amy <ASteinmetz@mt.gov>
Subject: RE: EQ 22-1869 Touch Base

Hi Amy,

Josh has not issued an approval for this project yet. He is out this week, so I really don't have any other information. I will ask him about it when he gets back.

Margarite Juarez Thomas | *PWS & SUB Review Section Supervisor*
Montana Department of Environmental Quality
Office: 406-755-8956

From: Steinmetz, Amy <ASteinmetz@mt.gov>
Sent: Sunday, May 22, 2022 6:52 PM
To: Juarez Thomas, Margarite <MJuarezThomas@mt.gov>
Subject: Fw: EQ 22-1869 Touch Base

Hi Margarite,

Josh had thought he'd be able to complete this review by May 15 so we wouldn't need to take another extension. Can you please give me a status update on this one?

Thanks,
Amy

From: Taylor Kasperick <taylor@performance-ec.com>
Sent: Saturday, May 21, 2022 10:30 PM
To: Steinmetz, Amy <ASteinmetz@mt.gov>
Subject: [EXTERNAL] Re: EQ 22-1869 Touch Base

Hey Amy,

Thanks for checking in. I have not received word from either Josh or Margarite regarding the status of this project. I would assume another extension is being issued as we haven't received approval/comments, but have not received that word formally either.

When able, if we could get an update on what the status or plan is for this project it would be appreciated. It was initially submitted January 18th, so we are now over four months in.

Thank you,

Taylor

Taylor Kasperick, P.E.
Performance Engineering

This message was sent from my cell phone. Please forgive grammar and brevity.

On May 21, 2022, at 9:39 PM, Steinmetz, Amy <ASteinmetz@mt.gov> wrote:

Hi Taylor, I just wanted to check in case they didn't do a reply-all, did you hear back from Josh or Margarite?

Thanks,
Amy

Get [Outlook for iOS \[aka.ms\]](#)

From: Taylor Kasperick <taylor@performance-ec.com>
Sent: Monday, May 16, 2022 4:11:08 PM
To: Juarez, Josh <Josh.Juarez@mt.gov>; Juarez Thomas, Margarite <MJuarezThomas@mt.gov>
Cc: Scott Aspenlieder <scott@performance-ec.com>; Steinmetz, Amy <ASteinmetz@mt.gov>
Subject: [EXTERNAL] EQ 22-1869 Touch Base

Josh and Margarite,

I wanted to touch base on the above referenced project and see if there is an update on the review of the project? When able, please let me know.

Thank you,

Taylor

Taylor Kasperick, PE
Project Manager
taylor@performance-ec.com
Office: 406.384.0080
Mobile: 801.657.0372



608 North 29th Street • Billings, MT 59101
www.performance-ec.com [performance-ec.com]

Return Address:
Performance Engineering
608 N. 29th Street
Billings, MT 59101

Termination and Revocation of Certificate of Survey-Agricultural Exemption

THIS AGREEMENT is made and entered into by **BEEHIVE STORAGE, LLC**, as owners of Tract A1 of the Amended Plat of Tract of Certificate of Survey No. 679 in Yellowstone County, Montana, and **YELLOWSTONE COUNTY, MONTANA**, as the governing body.

WHEREAS, Tract A1 of the Amended Plat of Tract A of Certificate of Survey No. 679 (Document No. 3878270), situated in the SW ¼ of Section 6, Township 02 South, Range 25 East, P.M.M., Yellowstone County, Montana, was subject to an Agricultural Restriction Covenant (Document No. 3878271); and

WHEREAS, said tract was surveyed and platted as Beehive Subdivision which complied with all requirements, rules, regulations, plicies, and resolutions of Yellowstone County, and the laws and administrative rules of the State of Montana; and,

WHEREAS, the Plat of Beehive Subdivision was filed under Document No. _____, records of Yellowstone County, Montana; and

WHEREAS, Beehive Subdivision consists of 1 lot and the owners desire to lift the agricultural covenant on said tract;

THEREFORE, the parties to this agreement do hereby agree that the provisions of the Agricultural Restriction Covenant imposed on Tract A1 of the Amended Plat of Tract of Certificate of Survey No. 679 is hereby terminated and revoked.

Dated this _____ day of _____ 20__.

Signatures are provided on following pages.

BEEHIVE STORAGE, LLC

Title:

Date

State of Montana)
 :
County of Yellowstone)

On this _____ day of _____, 20____, before me, a Notary Public for the State of Montana, personally appeared, _____, being the _____ of Beehive Storage, LLC known to me to be the persons whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed my notary seal the day and year first above written.

(seal)

Print Name: _____
Notary Public for the State of Montana
Residing at Billings, Montana
My commission expires _____

Yellowstone County Commissioners

Chairperson

Commissioner

Commissioner

Attest:

Jeff Martin, Clerk & Recorder

State of Montana)
:
County of Yellowstone)

On this _____ day of _____, 20____, before me, a Notary Public for the State of Montana, personally appeared, _____, _____, and _____, members of the Board of County Commissioners, and Jeff Martin, County Clerk & Recorder, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed my notary seal the day and year first above written.

(seal) _____

Print Name: _____
Notary Public for the State of Montana
Residing at Billings, Montana
My commission expires _____

From: travis.engineering-west.com
To: [Taylor Kasperick](#)
Subject: Allendale Project
Date: Monday, June 6, 2022 2:18:36 PM

Taylor

I received DEQ approval today. Do you want me to mail it to you to get filed?

Travis West, P.E., RS
Engineering West
Civil Engineer/Owner
Office: (406) 322-1116



June 3, 2022

Travis West, P.E., RS
Engineering West
P.O. Box 194
Columbus, MT 59019

RE: EQ#22-1869
Amended Tract A COS No 679
Yellowstone County

Dear Travis:

The plans and supplemental information relating to the water supply, sewage, solid waste disposal, and storm drainage (if any) for the above referenced division of land have been reviewed as required by ARM Title 17 Chapter 36(101-805) and have been found to be in compliance with those rules.

Two copies of the Certificate of Subdivision Plat Approval are enclosed. The original is to be filed at the office of the county clerk and recorder. The duplicate is for your personal records.

Development of the approved subdivision may require coverage under the Department's General Permit for Storm Water Discharges Associated with Construction Activity, if your development has construction-related disturbance of one or more acre. If so, please contact the Storm Water Program at (406) 444-3080 for more information or visit the Department's storm water construction website at <https://deq.mt.gov/water/assistance>. Failure to obtain this permit (if required) prior to development can result in significant penalties.

In addition, your project may be subject to Federal regulations relating to Class V injection wells. Please contact the United States Environmental Protection Agency regarding specific rules that may apply.

Your copy is to inform you of the conditions of the approval. Please note that you have specific responsibilities according to the plat approval statement primarily with regard to informing any new owner as to any conditions that have been imposed.

If you have any questions, please contact this office.

Sincerely,

 RS 6/3/22

Margarite Juarez Thomas, Section Supervisor
Public Water and Subdivision Review Section

cc: County Sanitarian
County Planning Board (e-mail)
Owner

STATE OF MONTANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
CERTIFICATE OF SUBDIVISION PLAT APPROVAL
(Section 76-4-101 et seq.)

TO: County Clerk and Recorder
Yellowstone County
Billings, Montana

E.Q.#22-1869

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as **Amended Tract A COS No 679**

Located in SW1/4, Section 6, T2S, R25E, P.M.M., Yellowstone County, Montana
containing 11.036 acres

Consisting of two (2) tracts has been reviewed by personnel of the Permitting and Compliance Division, and,

THAT the documents and data required by ARM Chapter 17 Section 36 have been submitted and found to be in compliance therewith, and,

THAT the approval of the Certificate of Survey (COS) is made with the understanding that the following conditions shall be met:

THAT the lot size as indicated on the COS to be filed with the county clerk and recorder will not be further altered without approval, and,

THAT Tract A2 shall be used for an existing commercial building with a maximum of 19 employees, and,

THAT Tract A1 shall be used for a locally approved storage facility and an office with a maximum of 4 employees, and,

THAT when the existing water supply system for Tract A2 is in need of extensive repairs or replacement it shall be replaced by a well drilled to a minimum depth of 25 feet constructed in accordance with the criteria established in Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM and the most current standards of the Department of Environmental Quality, and,

THAT the individual water supply system for Tract A1 will consist of a well drilled to a minimum depth of 25 feet constructed in accordance with the criteria established in Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM and the most current standards of the Department of Environmental Quality, and,

THAT the shared wastewater treatment system for Tract A1 and Tract A2 will consist of connection to an existing Elevated Sand Mound wastewater treatment system located on Tract A2, and,

THAT when the existing wastewater system is in need of repairs or replacement it shall be replaced by a septic tank, effluent filter and a dose tank followed by a pressure-dosed Elevated Sand Mound, of such size and descriptions as will comply with Title 17, Chapter 36, Sub-Chapters 1, 3 & 6 ARM and the most current standards of the Department of Environmental Quality, and,

THAT the bottom of the drainfield shall be at least four feet above the water table, and,

THAT no sewage treatment system shall be constructed within 100 feet of the maximum highwater level of a 100-year flood of any stream, lake, watercourse, or irrigation ditch, nor within 100 feet of any domestic water supply source, and,

THAT the storm drainage approval requires a stormwater retention pond with a minimum volume of 30,415 cubic feet and a stormwater sub-basin with inlets and conveyance to be constructed and located on the lot in accordance with the approved plans, and,

THAT the operation and maintenance of the water supply, sewage treatment system, and stormwater facilities shall be the responsibility of the lot owner, and,

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

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

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

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

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

Pursuant to Section 76-4-122 (2)(a), MCA, a person must obtain the approval of both the State under Title 76, Chapter 4, MCA, and local board of health under section 50-2-116(1)(i), before filing a subdivision plat with the county clerk and recorder.

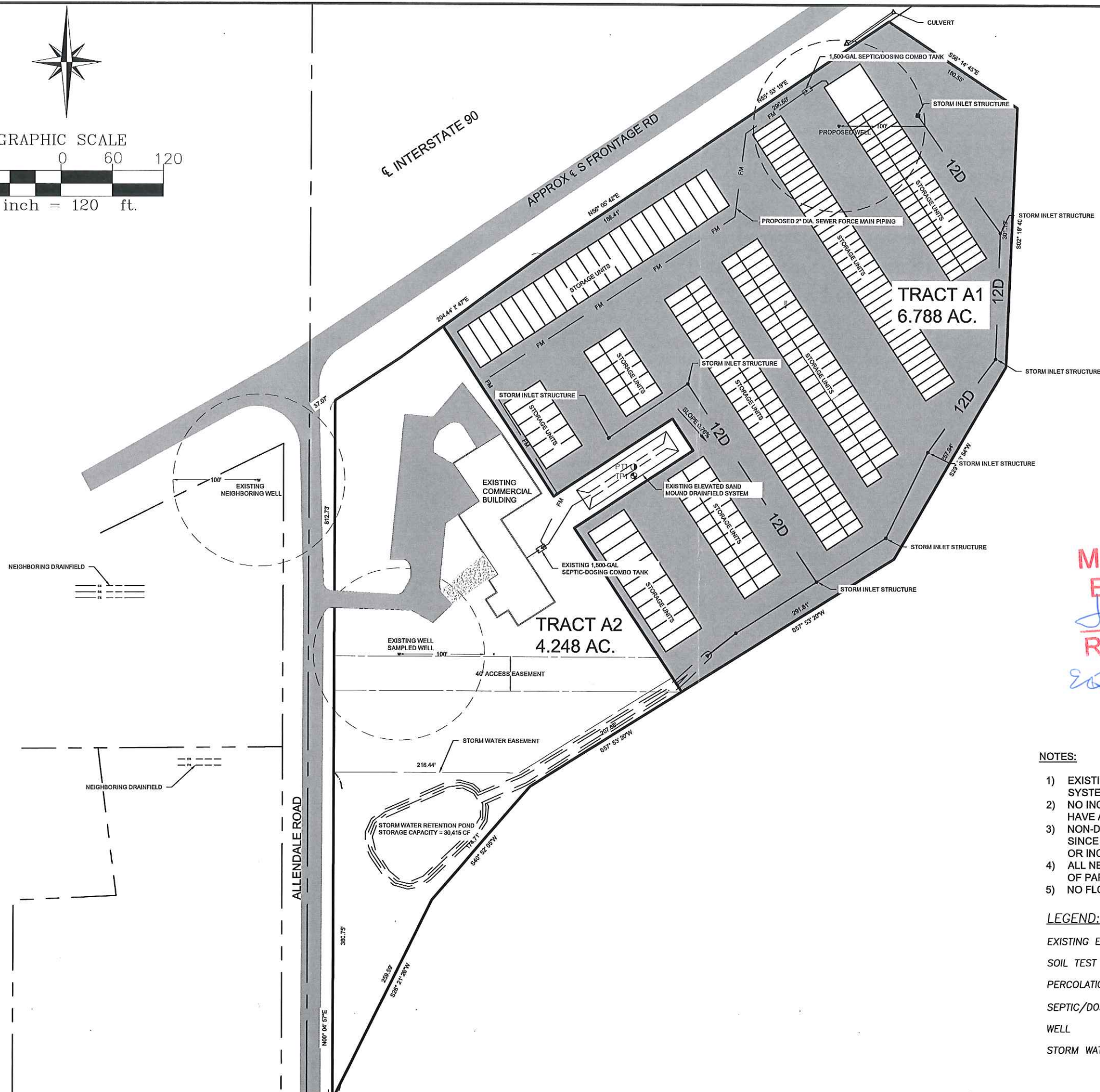
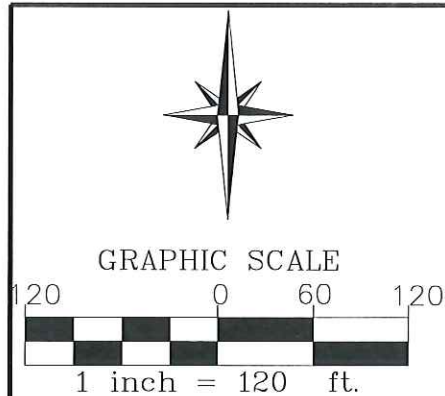
YOU ARE REQUESTED to record this certificate by attaching it to the Plat filed in your office as required by law.

DATED this 3rd day of June, 2022.

Christopher Dorrington, Director

for *dm* *125*
Margarite Juarez Thomas
Public Water & Subdivision Section
Engineering Bureau
Water Quality Division
Department of Environmental Quality

Owner's Name: Robert Morehead & Don Jacobs



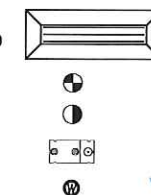
APPROVED
Montana Department of
Environmental Quality
John R. S. 6/3/22
Reviewer **Date**
EQ # 22-1869

NOTES:

- 1) EXISTING ELEVATED SAND MOUND SYSTEM IS PROPOSED TO BE A SHARED SYSTEM FOR LOTS A1 & A2.
- 2) NO INCREASE WASTEWATER SOURCE IS PROPOSED. LOTS A1 & A2 SHALL HAVE A MAXIMUM WASTEWATER USAGE OF 300 GPD.
- 3) NON-DEGRADATION CALCULATIONS & MIXING ZONE ARE NOT APPLICABLE SINCE THIS WASTEWATER TREATMENT SYSTEM IS EXISTING WITH NO NEW OR INCREASED SOURCE.
- 4) ALL NEIGHBORING WATER AND SEWER FACILITIES WITHIN 100 LINEAR FEET OF PARCEL ARE SHOWN.
- 5) NO FLOODPLAIN IN AREA OF SUBDIVISION.

LEGEND:

EXISTING ELEVATED SAND MOUND DRAINFIELD
SOIL TEST PIT
PERCOLATION TEST
SEPTIC/DOSING TANK
WELL
STORM WATER POND



RECEIVED

JAN 25 2022

MT DEQ PUBLIC WATER & SUBDIVISIONS

P.O. BOX 194
COLUMBUS, MT 59019
PHONE 322-1116
WWW.ENGINEERING-WEST.COM



DRAWN BY: TW	CHECKED BY: -	SCALE: 1"=120'
DATE: 10/26/21	REV. DATE: -	REVISION: -
YELLOWSTONE COUNTY		
TOWNSHIP: 2S	RANGE: 25E	SECTION: 6

AMENDED TRACT A OF C.O.S. NO. 679

LOT LAYOUT

~SHEET~

File Attachments for Item:

4. Public Hearing: Lance Hull Annexation Petition and Initial Zoning Request.

STAFF REPORT
LANCE HULL
Annexation and Initial Zoning

Applicant:

Lance Hull
1009 Davis Circle
Laurel MT 59044

The Mr. Hull represents 100% of the land ownership. Annexation pursuant to §7-2-4601 et. seq. MCA. (Annexation by Petition).

Request:

Mr. Hull, representing 100% of the ownership of lands involved, has Petitioned the City of Laurel for Annexation of approximately 1.0 acres of property adjacent to the City of Laurel with an initial Zoning Designation of Laurel Multi-Family (RMF) for concurrent review.

The subject property is generally described as that portion of Section 8, Township 2 South, Range 24 East, P.M.M., Yellowstone County, Montana, on Certificate of Survey No. 1642 amended Parcel A1, Less Herman Addition. An annexation Exhibit, which is incorporated into this report by reference, has been submitted in support of the Petition and Requested Initial Zoning.

Process:

The annexation petition and requested initial zoning has been scheduled for consideration and a public hearing by the Laurel – Yellowstone City County Planning Board and Zoning Commission for 5:35 p.m. on Wednesday, June 15, 2022. Though not yet scheduled the matter could be considered by the Laurel City Council at a Work Session on July 5 and taken up as an action item on July 12, 2022.

Analysis of the Request

- The Mr. Hull represents 100% of the land ownership involved in the petition.
- The Laurel Growth Policy designates the property as a ‘growth area’ of the city.
- The current use of the property is vacant.
- The requested zone City Laurel Multi-Family (RMF) provides for a variety of uses and is consistent with the requirements of R-08-22 that lands embraced by the city be assigned R-7500 or greater.
- The subject property currently is presumed to be zoned County Residential Tracts or is un-zoned Yellowstone County.
- Part 46 annexation requires that the land use designation be ‘consistent with the prevailing use of the property, consistent with the prevailing County Zoning Assignment, and/or consistent with the current growth policy’.

- In addition to the extension of urban scale services the City Zoning provides options for development that are not available to rural properties. These options include but are not limited to Planned Unit Developments
- The initial zoning must be considered under City Resolution R-08-22 (Annexation), the Laurel Municipal Code Title 17 (Zoning).
- The question of annexation and initial zoning must be heard by the Laurel – Yellowstone City County Planning Board and Zoning Commission.
- Is the requested annexation and initial zoning in the best interest of the City and Citizens of the City of Laurel.
- The property is situated such that street rights-of-way will need to be dedicated to the City on the northern and southern property lines. The dedication of the northern segment will need to be coordinated with the developer of that tract.

Findings:

- ✓ The subject property is adjacent to the City of Laurel.
- ✓ The City Council is not required to submit the question of annexation to the qualified electors of the area to be annexed as the petition is signed by 100% of the owners.
- ✓ The city may annex the property as 100% of the ownership of same has petitioned the city for annexation.
- ✓ The driver for the annexation request is the desire of Mr. Hull to construct a Residential a Multi-Family complex on the property. The only way the development plan works is to extend the City water and sewer systems to the proposed development.
- ✓ The subject property was included as ‘future growth area’ in the Growth Policy adopted by the City of Laurel. Additionally, the property has been identified on the Laurel Future Land Use Map portion of the Growth Policy as Multi-Family. As such, the requested zoning is consistent with the Laurel Growth Policy.
- ✓ The proposed assignment of RMF meets all the statutory requirements of Part 46 annexation and zoning assignment.
- ✓ The Laurel RMF Zone is listed along with other Residential land use assignments and is therefore determined to be a “greater than” R-7500 classification.
- ✓ The extension of city services will be at the owner’s expense (R-08-22) and in accordance with the Annexation Agreement as approved by the City Council. .
- ✓ The City Zoning provides options for development that are not available to rural properties. These options include but are not limited to Planned Unit Developments. These options and the exactions of infrastructure are most beneficial to the Owner, the City of Laurel, and all surrounding properties in conjunction with the proposed development of the property in the future.
- ✓ The city has the ability to provide services to the property both existing and proposed.

12 Point Test for Zoning:

- I. Is the zoning in accordance with the growth policy;
- The proposed zoning is consistent with the prevailing County zoning on the property.
 - The Growth Policy identifies all of the property proposed for annexation as Multi-Family.
 - Resolution R-08-22 requires zoning assignment at annexation at R-7500 or greater.
 - The Residential Multi-Family Zone meets the definition as 'greater than' R-7500.

Finding:

The requested zoning is in accordance with the Growth Policy.

- II. Is the zoning designed to lessen congestion in the streets;
- The proposed zoning is consistent with the prevailing County zoning on the property.
 - The proposed zoning along with the annexation agreement will allow development of the property consistent with surrounding uses of property.
 - Proposed development that would potentially impact roads and streets would require a traffic impact analysis and associated improvements.

Finding:

The requested zoning will not have a material impact on congestion in the streets.

- III. Is the zoning designed to secure safety from fire, panic, and other dangers;
- The proposed zoning is consistent with the prevailing County zoning on the property.
 - The Growth Policy identifies the property as Multi-Family.
 - Multi-Family development must be constructed in accordance with the prevailing International Code Council standards.
 - Adequate public infrastructure exists or can be readily extended/expanded to serve the development at RMF densities.

Finding:

The requested zoning will not have an adverse impact on safety from fire, panic, or other dangers.

- IV. Is the zoning designed to promote health and the general welfare;
- The proposed zoning is consistent with the prevailing County zoning on the property.
 - The Growth Policy identifies the property as Multi-Family as a future land use.
 - The connection of the facilities and properties at the time of development to the Laurel municipal water and wastewater systems will have positive impacts to public health and general welfare.

Finding:

The requested zoning will promote the public health and the general welfare.

- V. Is the zoning designed to provide adequate light and air;
- The existing zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.
 - The proposed RMF, provides restrictions on structure height, setbacks, lot coverage. These standards exist to provide open spaces and adequate light and air.
 - The existing development has more than adequate separation from surrounding uses.

Finding

The requested zoning will provide adequate light and air.

- VI. Is the zoning designed to prevent the overcrowding of land;
- The existing zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.
 - The RMF proposal, has density and development controls that are designed to prevent the overcrowding of land.

Finding:

The proposed zoning will prevent the overcrowding of land.

- VII. Is the zoning designed to avoid undue concentration of population;
- The existing zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.
 - The RMF proposal, has density and development controls that are designed to prevent the overcrowding of land.
 - The subject property is large enough to provide adequate separation from surrounding uses.

Finding:

The proposed zoning will prevent the undue concentration of population.

- VIII. Is the zoning designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- The requested zoning, without some overlay or modification, will not necessitate the installation of new or additional infrastructure.
 - It is anticipated that a significant portion of the property being annexed will be further developed. It is at that point the additional infrastructure as well as capacities will be evaluated.
 - Some of the public duties, such as police, will shift from Yellowstone County to the City of Laurel but the net effect is minimal.

Finding:

The requested zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Additionally, as the uses of the property change and the intensity of development changes, the city will be able to plan for and be prepared for the anticipated increased demands on their public systems.

- IX. Does the zoning give reasonable consideration to the character of the district and its peculiar suitability for particular uses;
- The requested zoning is consistent with the Growth Policy.
 - The property is compatible with surrounding development which is, for the most part, multi-family or commercial.
 - The water and sewer infrastructure proposed with the annexation is adequate for the intended use of the property.

Finding:

The requested zoning is consistent with surrounding uses, the Growth Policy and provides for opportunities for additional development with suitable uses.

- X. Does the zoning give reasonable consideration to the peculiar suitability of the property for its particular uses;
- The requested zoning is consistent with the Growth Policy.
 - The property is compatible with surrounding development which is, for the most part, multi-family or commercial.

- The water and sewer infrastructure proposed with the annexation is adequate for development of the property that is consistent with the requested RMF zoning.

Finding:

The requested zoning is in keeping with the character of the development in the area. It also provides for opportunities for additional development with suitable uses.

XI. Will the zoning conserve the value of buildings;

- The extension and availability of public water and sewer resultant from annexation and initial zoning will add value to buildings as the proposed use is substantially similar to or complementary to surrounding buildings and uses.
- The requested zoning is consistent with the Growth Policy.
- The proposed zoning is a logical transition/replacement of County for City, it is not anticipated that there would be any adverse effect on the value of surrounding buildings or lands.

Finding:

The value of existing buildings both on and adjacent to the requested zone will either be enhanced or not effected by the proposed zoning.

XII. Will the zoning encourage the most appropriate use of land throughout the municipality?

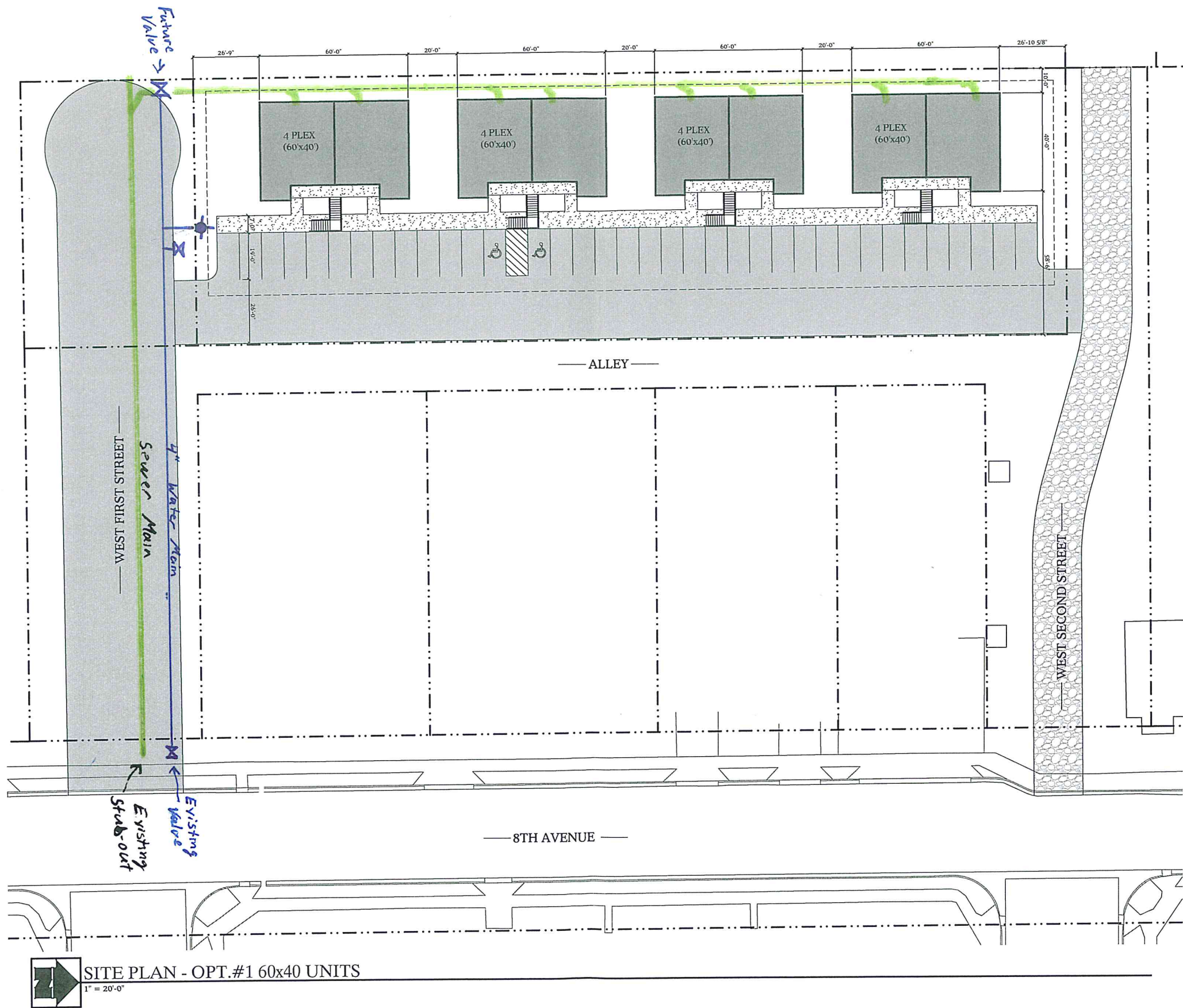
- The requested zoning is consistent with the Growth Policy.
- The requested zoning is consistent with the prevailing land uses and zoning surrounding the property.
- A healthy mix of land uses encourages growth and development in the community as a whole. The addition of RMF at this location will benefit not only the housing in Laurel but the need for support and other essential services.

Finding:

The requested zoning provides for the most appropriate use of land in the municipality. It also provides for a significant amount of flexibility for a mixture of uses as contemplated by the District Regulations.

Conclusion:

The petition for annexation into the City of Laurel with the initial zoning assignment of Laurel Multi-Family (RMF) appears to be consistent with the requirements of Part 46 Annexation and City Council Resolution R-08-22. Additionally, the annexation, extension of services, and initial zoning assignment in the best interest of both the City of Laurel and the Mr. Hull.



SITE PLAN - OPT.#1 60x40 UNITS

1" = 20'-0"

HULL APARTMENTS

LAUREL, MONTANA

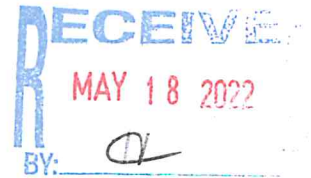


406 - 697- 2173
travis@bluewaterdesignmt.com

DATE: APRIL 21, 2022
DRAWN BY: TMM

PROJECT # A-O

CITY OF LAUREL, MONTANA
REQUEST FOR ANNEXATION
AND PLAN OF ANNEXATION



Applicant is required to meet with the City Planner prior to filling out this application. All blanks of this application are to be filled in with explanation by the applicant. Incomplete applications will not be accepted.

1. Only parcels of land adjacent to the City of Laurel municipal limits will be considered for annexation. "Adjacent to" also includes being across a public right of way. If the parcel to be annexed is smaller than one city block in size (2.06 acres), the city council must approve consideration of the request; the applicant must make a separate written request to the city council stating their wish to annex a parcel of land less than one city block in. Once the council approves the request, the applicant can apply for annexation.
2. Applicant landowner's name: Lance Hull
Address: 1009 Davis Circle Laurel, MT 59044
Phone: 406-208-5920
3. Parcel to be annexed: (If it is not surveyed or of public record, it must be of public record PRIOR to applying for annexation.)
Legal description: S08, T02, R24E, C.O.S. 1642 AMD, Parcel A1 AMD LESS HERMAN ADD
Lot size: 1 Acre
Present use: Vacant
Planned use: Multi Family Housing
Present zoning: R7500 Requesting RMF
(Land which is being annexed automatically becomes zoned R-7500 when it is officially annexed [City ordinance 17.12.220])
4. City services: The extension of needed city services shall be at the cost of the applicant after annexation by the city has been approved. As part of the application process, each of the following city services must be addressed with an explanation:

Water Service:

Location of existing main: NW Corner of 8th Ave + 1st ST W
Cost of extension of approved service: \$20,000
How cost determined: Rough Estimate from G+T Plumbing
Timeframe for installation: 3 Weeks

Sewer Service:

Location of existing main: NW Corner of 8th Ave + 1st ST W
Cost of extension of approved service: \$11,500
How cost determined: Rough Estimate from G+T Plumbing

Timeframe for installation: 3 weeks
How financed: Construction Loan

Streets:

Is there any adjoining County ROW to the proposed

annexation: No

Location of existing paved access: 8th Ave + 1st ST W

Cost of paving: \$104,000

How cost determined: \$400 / linear foot

Timeframe for construction: 18 Months

Other required improvements: Provide above information on attached pages.

5. A map suitable for review of this application of the proposed area to be annexed must be submitted with this application.
6. A written Waive of Protest must accompany this application, suitable for recording and containing a covenant to run with the land to be annexed, waiving all right of protest to the creation by the city of any needed improvement district for construction or maintenance of municipal services. This Waiver of Protest must be signed by the applicant **prior** to annexation by the city.
7. Requests for annexations are referred to the City-County Planning Board for recommendation to the City Council. Within 30 days after receiving the properly filled out application with all required accompaniments and after conducting a duly advertised public hearing, the City-County Planning Board shall make recommendation to the City Council as to this Request for Annexation. If more information is needed from the applicant during the review of the application, such application shall be deemed incomplete and the timeframe for reporting to the City Council extended accordingly, in needed.
8. A **non-refundable** application fee of \$300 + \$25.00 per acre (80 acres or less); \$300 + \$35.00 per acres (81 acres or more) must accompany the submission of this application.

The City Council of the City of Laurel, Montana, after review and consideration of this Application for Annexation, found such to be in the best interest of the City, that it complied with state code, and approved this request at its City Council meeting of _____.

AFFIDAVIT OF WAIVER OF PROTEST
BEFORE THE CITY COUNCIL
OF THE CITY OF LAUREL, MONTANA

FOR THE ANNEXATION OF THE HEREIN DESCRIBED PROPERTY AND CREATION OF
ANY FUTURE SPECIAL IMPROVEMENT DISTRICT

The undersigned hereby waives protest to the annexation of the property described below by the City of Laurel. Undersigned also waives their right to seek judicial review under M.C.A. § 7-2-4741 (2007), subsequent to the City's annexation of the below described property.

The undersigned hereby additionally waives protest to the creation of future Special Improvement District(s) created and/or formed for future street improvements including, but not limited to, paving, curb, gutter, sidewalk and storm drainage or any other lawful purpose.

This Affidavit is submitted pursuant to and as a part of the Annexation Agreement and future contemplated Subdivision Improvement Agreement (SIA) with the City of Laurel.

This Affidavit of Waiver shall run with the land and shall forever be binding upon the Grantee, their transferees, successors and assigns.

LEGAL DESCRIPTION OF THE PROPERTY:

"S08, T02, R24E, C.O.S. 1642 AMD, Parcel A1, AMND"

DATED this 3 day of May, 2022.

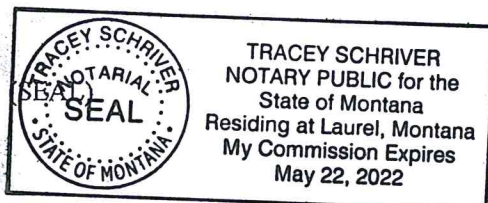
[Signature]

Grantee Name
(Company..)

STATE OF Montana)
County of Yellowstone) ss.

On this 3 day of May, 2022, personally appeared before me,
Lance Hull proved to me on the basis of satisfactory evidence to be
the person(s) whose name(s) are subscribed to this instrument, and acknowledged the he/she/they executed
the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal on the day
and year in this certificate first above written.



[Signature]
Notary Public for the State of Montana
Residing at: Laurel MT
My Commission Expires: 5-22-2022