



City of Sidney, MT  
Water and Sewer Committee Meeting 5-7-25  
May 07, 2025 5:30 PM  
115 2nd Street SE | Sidney, MT 59270

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The City Council meetings are open to the public attending in person, with masks encouraged when social distancing cannot be accomplished. If the public does not wish to participate in person, they are also invited to participate via a Zoom meeting. You can participate via phone:

Meeting ID: 713 080 5898      Passcode: 4332809      Call: 1-346-248-7799

1.      New Business

[a.](#) Homestead Sewer Extension and Expedited Subdivision Application

# FINAL PLAT OF PHASE I THE HOMESTEAD SUBDIVISION

PART OF TRACT 1B AND 1C OF C.O.S. 27-869  
WITHIN SE 1/4  
SECTION 29, T23N, R59E, P.M.M.  
SIDNEY, RICHLAND COUNTY, MONTANA

## CERTIFICATE OF DEDICATION

We the undersigned property owner(s), do hereby certify that (we) have caused to be surveyed, subdivided and platted into lots, blocks, streets and alleys, as shown by the plat hereto annexed, the following described land in Sidney, Richland County, Montana, to-wit:

## OLD DESCRIPTION

Tract 1B and 1C of C.O.S. 27-869

## NEW DESCRIPTION

Lots 1-3 of Block 1 & Lots 1-2 of Block 2 of Phase 1 of the Homestead Subdivision

The above described land contains 16.95 acres, more or less, and is subject to all existing easements and rights-of-way.

The above described tract of land is to be known and designated as PHASE I THE HOMESTEAD SUBDIVISION, SIDNEY, RICHLAND COUNTY, and the lands included in all streets, avenues, alleys, and parks or public squares shown on said plat are hereby granted and donated to the use of the public forever.

The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water, or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever.

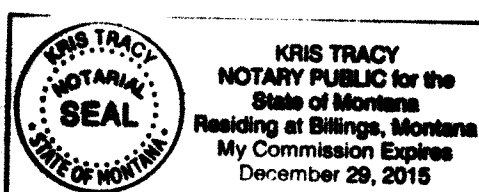
*Donald J. Stuber*  
MPEG LAND DEVELOPMENT, LLC.

Dated this 21<sup>st</sup> day of July, 2015

State of Montana ss:  
County of Richland

This instrument was signed or acknowledged before me on July 21, 2015 by Donald J. Stuber acting in the capacity of Managing Member on behalf of MPEG Land Development, LLC.

(seal)



*Kris Tracy*  
Notary Public for the State of Montana  
Residing at Billings  
My Commission Expires 12/29/2015

## CERTIFICATE OF FINAL PLAT APPROVAL - CITY

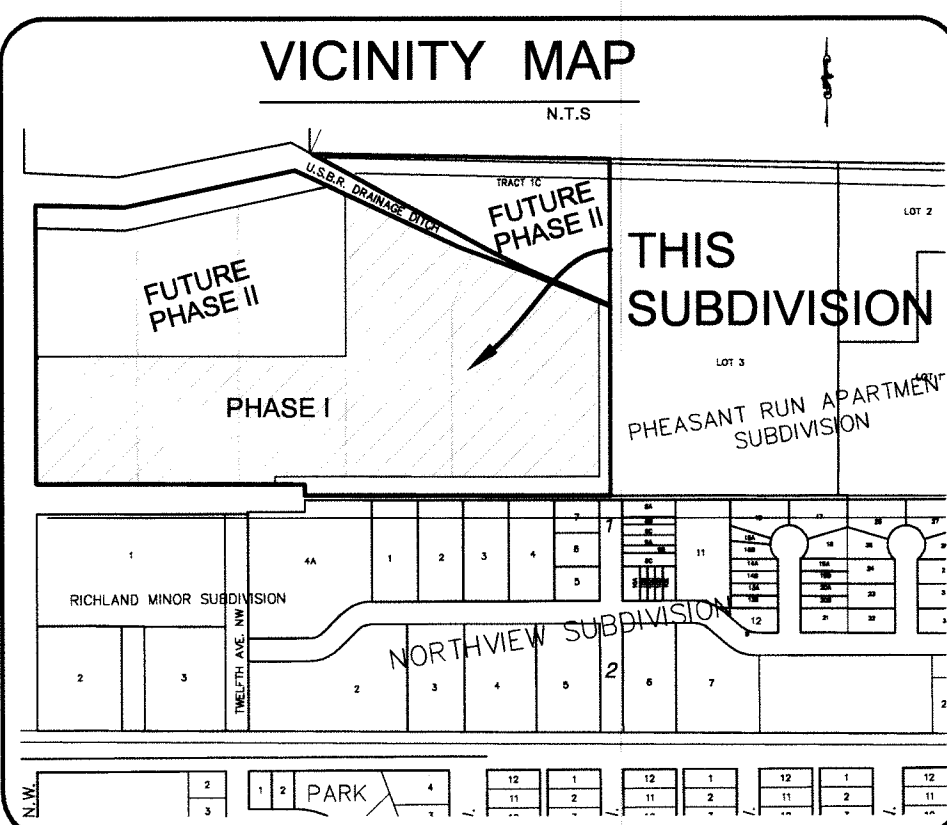
The Council of the City of Sidney, Montana, does hereby certify that it has examined this subdivision plat and, having found the same to conform to law, approves it, and hereby accepts the dedication to public use of any and all lands shown on this plat as being dedicated to such use this 9<sup>th</sup> day of July, 2015.

*Jessica Radford*  
City Clerk

*Paul Harty*  
Mayor

## AGRICULTURAL WATER USER FACILITIES DECLARATION:

These lots are in the Lower Yellowstone Irrigation Project and have been classified as irrigable lands by the Bureau of Reclamation. As such these lots are subject to annual irrigation assessments. Irrigation easements may cross these lots for the purpose of maintaining or delivering irrigation water.



## SURVEYOR'S CERTIFICATE

I, Daryl D. Kaseman, a Professional Land Surveyor, licensed in the State of Montana, do hereby certify that the survey shown on the attached Phase I The Homestead Subdivision was performed by me, under my supervision or by or under the supervision of other professional land surveyors employed by Interstate Engineering. The field survey was performed in December 2012 at the request of MPEG Land Development, LLC, and the monuments found and set are of the character shown thereon. This plat does not represent a complete title search.

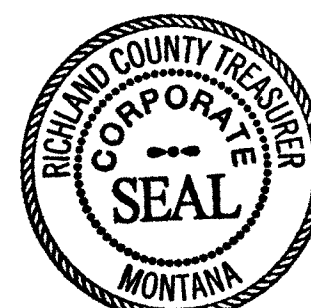
Dated this 15<sup>th</sup> day of SEPTEMBER, 2015.

*Daryl D. Kaseman*  
Daryl D. Kaseman, Montana Registration No. 12669LS

## CITY OF SIDNEY PLANNER

Dated this 1 day of July, 2015.

*John How*



## CERTIFICATE OF COUNTY TREASURER

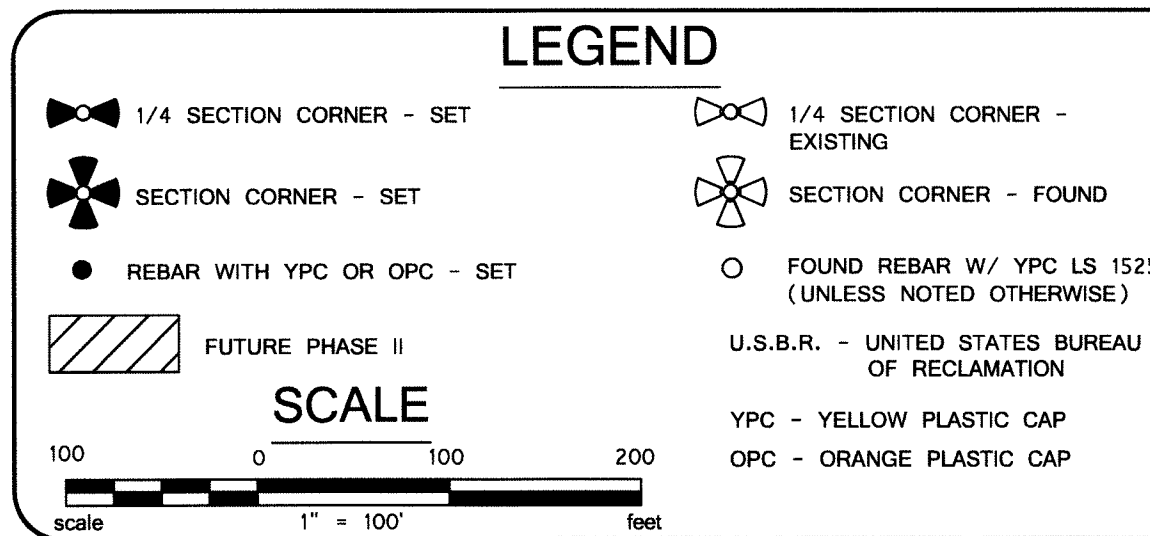
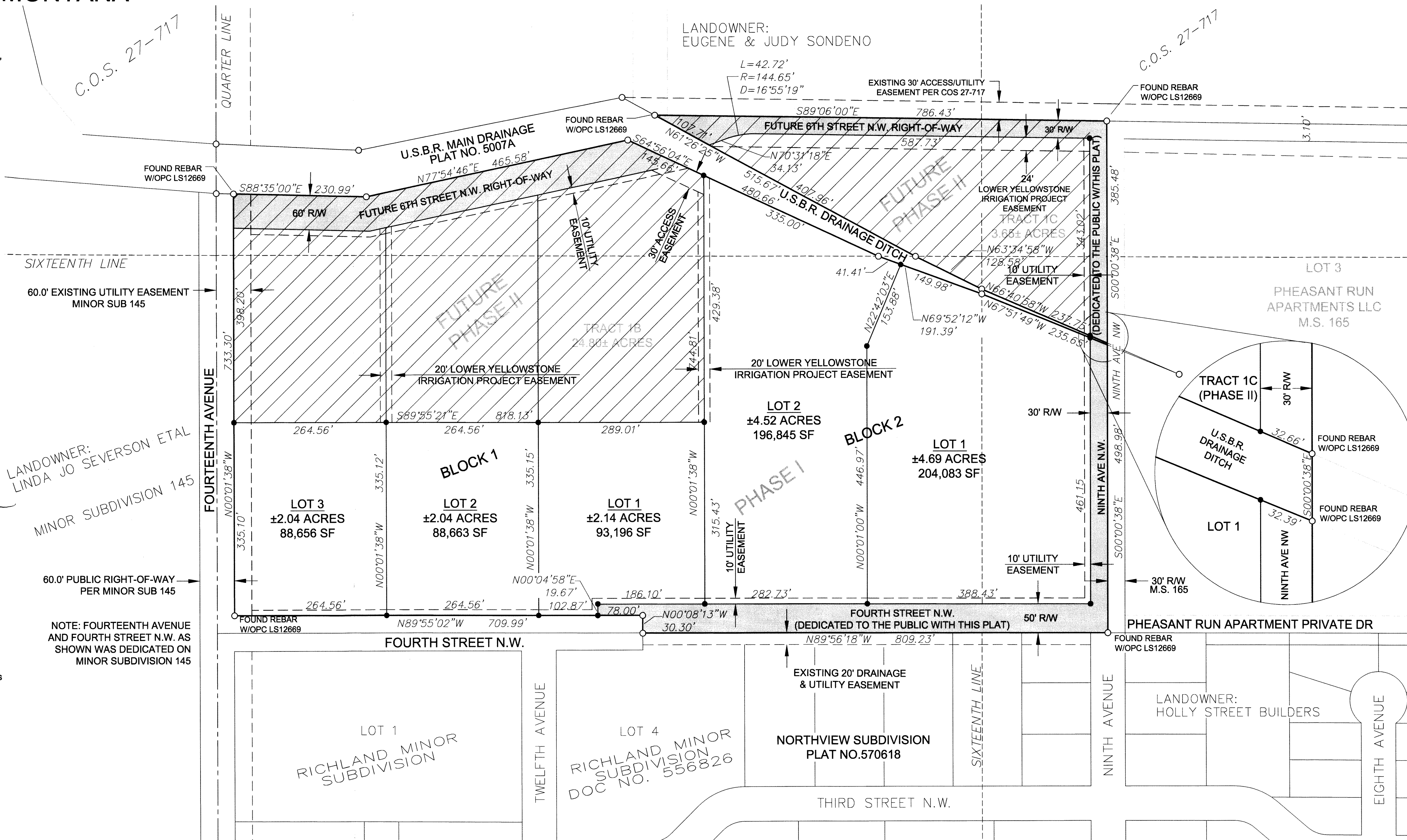
I hereby certify, pursuant to Section 76-3-611(1)(b), MCA, that all real property taxes assessed and levied on the land described hereon and encompassed by the proposed Phase I The Homestead Subdivision have been paid.

Dated this 20 day of July, 2015.

Tax Statement No. 8187

*Sandra L. Christensen by Amy M. Murphy*  
Richland County Treasurer

TOTAL AREA (PHASE I & II) = ±28.45 ACRES  
TOTAL # OF LOTS (PHASE 1) = 5 LOTS  
TOTAL AREA OF LOTS (PHASE 1) = ±15.43 ACRES  
TOTAL AREA OF STREET DEDICATION (PHASE 1) = ±1.52 ACRES  
TOTAL AREA OF PARK DEDICATION (PHASE 1) = 0 ACRES



SEC.			T.	R.
29	23N	59E		
ENV 770A				

591288 MISC FILE Pages: 93  
STATE OF MONTANA RICHLAND COUNTY  
RECORDED: 10/14/2015 2:12 KOI: MAP  
STEPHANIE VERHASSELT CLERK AND RECORDER  
FEE: \$104.00 BY: FILE  
TO: FILE

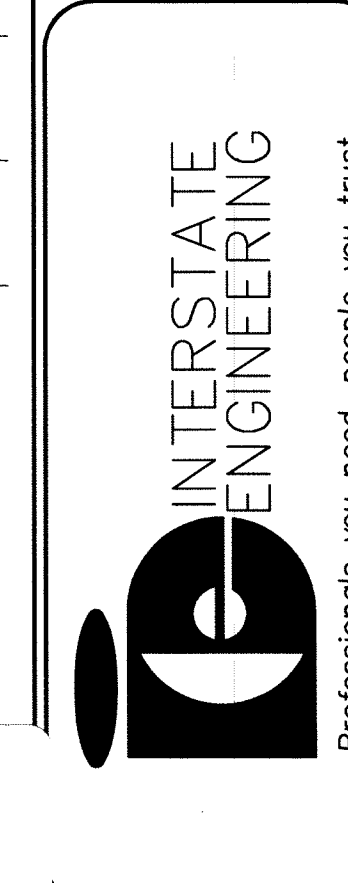
© 2014, INTERSTATE ENGINEERING, INC.

Revision No.	Date	By	Description

PHASE I THE HOMESTEAD SUBDIVISION MAJOR SUBDIVISION SE 1/4 SEC 29, T23N, R59E RICHLAND COUNTY, MONTANA	Project No.: S14-00-085 Date: JULY 2014
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Interstate Engineering, Inc. P.O. Box 648 425 East Main Street Sidney, Montana 59270 Ph (406) 433-5617 Fax (406) 433-5618 www.interstateeng.com Other offices in Minnesota, North Dakota and South Dakota
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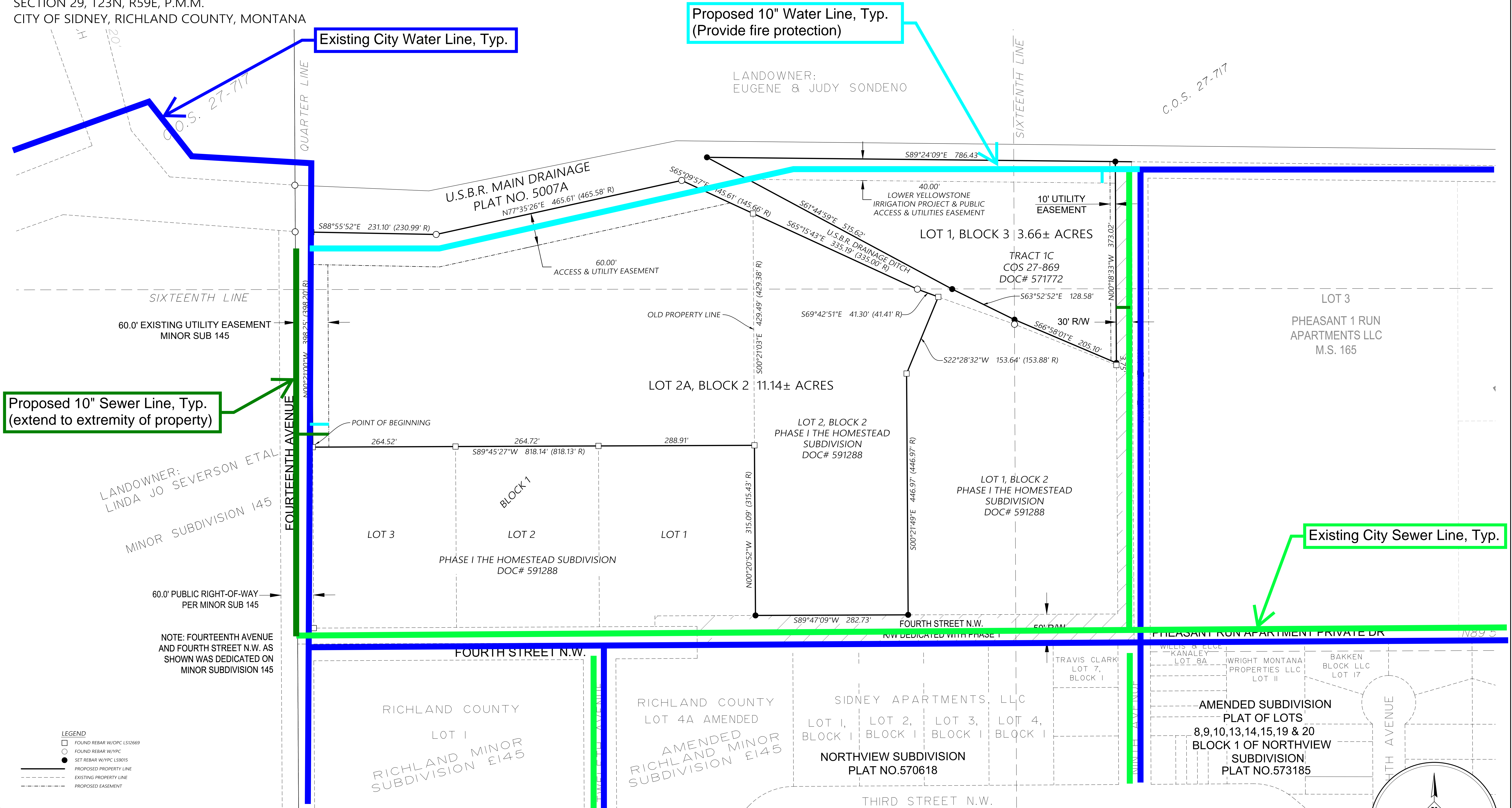
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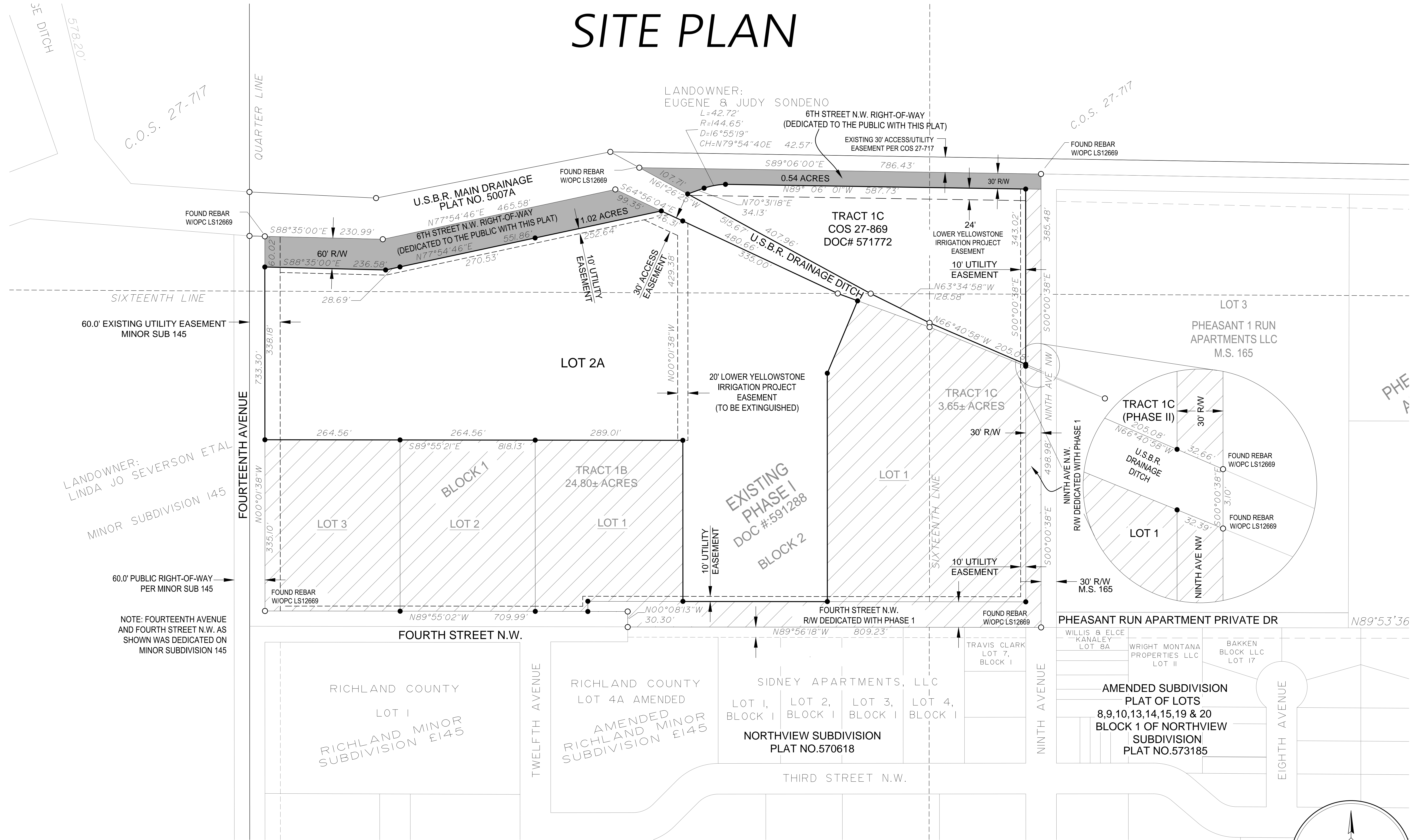
SHEET NO.







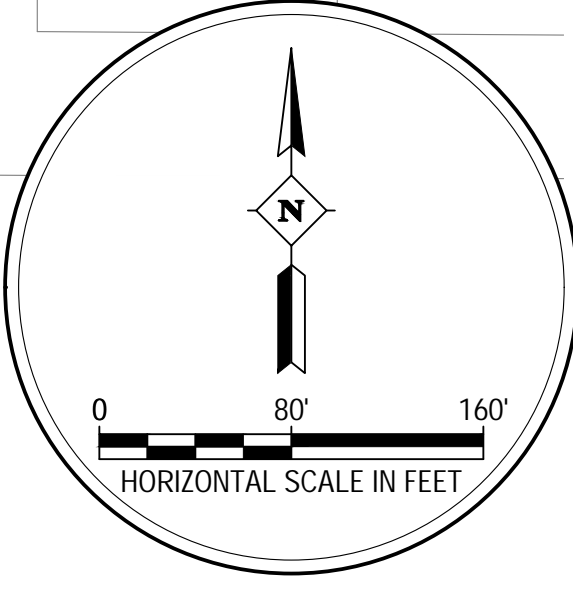
# SITE PLAN



Interstate Engineering  
2177 Lincoln Ave SE  
PO Box 648  
Sidney, MT 59270  
(406) 433.5617  
www.interstateeng.com

PHASE I THE HOMESTEAD SUBDIVISION - DISSOLUTION			
OWNER(S):	MPEG Land Development, LLC.		
FOR:	*****		
PURPOSE:	DISSOLUTION OF BLOCK 2 LOT 2		
DRAWN BY:	MDR	SURVEYED BY:	DDK
CHECKED BY:	AK	DESIGNED BY:	###
PROJECT NO:	WR22-04-365		
DATE:	7/15/2024		

1 OF 1  
SHEET NO.





**STAFF REPORT #MNR-25-01-Revised  
Homestead Subdivision Phase 2 - Minor Subdivision  
March 26, 2025**

**Owner**

MPEG Land Development LLC  
Donald Sterhan  
2201 Overland Avenue  
Billings MT 59102

**Agent**

Interstate Engineering  
Brent Moore, AICP  
606 S Grant Ave  
Red Lodge, MT 59068

**Existing Zoning:** B-1 Community Business District.

**Legal Description:** Amended Plat of Lot 2, Block 2 of Phase 1 The Homestead Subdivision and portions of the SE¼, located in the SE¼ Section 29, Township 23 North, Range 59 East P.M.M., City of Sidney, Richland County, Montana. To be known as Phase 2 of The Homestead Subdivision.

**REGULATORY REQUIREMENTS**

**Sidney Subdivision Regulations  
Chapter 5A**

**1. Information to be Considered**

The governing body's decision to approve, conditionally approve, or deny a proposed preliminary plat application shall be based on review of the application, preliminary plat, applicable environmental assessment, public hearing and comment, planning board recommendation, staff report, and other information submitted or prepared in the review of the application. As per [76-3- 608\(10\), MCA](#), findings of fact by the governing body concerning whether the development of the proposed subdivision meets the requirements of these regulations and the MSPA must be based on the record as a whole.

The necessary and required information for the City Council to approve, conditionally approve, or deny the preliminary plat application has been submitted for public review.

- ✓ The application was submitted for public review on February 19, 2025.
- ✓ Element Review identified deficiency which was corrected on February 26, 2025
- ✓ Sufficiency Review was completed on February 27, 2025.
- ✓ The review timeline for Minor Subdivisions is 35 working days. The review timeline for this project expires on April 17, 2025.
- ✓ The project has been scheduled for consideration and public comments at the March 17, 2025 City Council meeting.
- ✓ The developer requested time to consider the proposed mitigations related to water and sewer main extensions. The project was Tabled to the April 7, 2025 meeting and could be Tabled further if the developer does not respond to the Staff recommended modifications to the conditions.



As an Expedited Subsequent Minor Subdivision of a Tract of Record, the city may require parkland dedication if the intended use is residential, the preparation of a Summary of Probable Impacts, and hold a formal public hearing, with comment limited to compliance with Zoning, and the availability of public utilities. The application includes a summary of probable impacts addressing the review criteria found in §76-3-608 MCA.

**Proposed Mitigations:**

- None

## 2. Review Criteria

The basis for the governing body's decision to approve, conditionally approve, or deny the proposed subdivision shall be whether the subdivision meets the requirements of the MSPA and these regulations. The findings of fact shall include an evaluation of the following criteria.

a) **Compliance with These Regulations**

The review is based on the subdivision regulations in place at the time the application is determined to contain sufficient information for review. Subdivisions that do not comply with the following standards shall be denied, unless the requirement is made a condition of approval, or a variance is granted.

- i. Design Standards – Compliance with provisions of the design standards in Chapter VII is required.
- ii. Special Provisions for Condominiums, Townhouses, Townhomes, and RV and Mobile Home Parks - Condominiums, townhouses, townhomes, and RV and mobile home parks shall meet the additional design standards and requirements in Chapter III and as referenced in other chapters for these types of subdivisions.
- iii. Compliance with Zoning – All subdivisions must demonstrate they are designed to comply with applicable zoning.
- iv. Compliance with Other Regulations – All subdivisions shall demonstrate compliance with other applicable regulations including ARMs for sanitation and water supply, floodplain regulations, etc.
- v. Conformance with Adopted Plans – Subdivisions must substantially comply with adopted plans such as a growth policy, transportation plan, or community wildfire protection plan. Because plans are not regulatory, no variance for non-conformance is required, nor can denial or a condition of approval be based solely on plan conformance.

b) **Compliance with the Subdivision Review Procedure ([76-3-608\(3\)\(b\)\(iii\), MCA](#))**

All preliminary plat applications shall be reviewed in compliance with the procedures established in these regulations and the MSPA. The record shall demonstrate the review processes and timeframes in Chapter IV were followed. All conditional approvals shall include a timeframe for final plat filing.

c) **Compliance with Survey Requirements ([76-3-608\(3\)\(b\)\(i\), MCA](#))**

The preliminary plat shall comply with the survey requirements in Part 4 of the MSPA.

d) **Provision of Legal and Physical Access ([76-3-608\(3\)\(d\), MCA](#))**

All preliminary plat applications shall demonstrate how legal and physical access is to be provided 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.

e) **Provision of Utility Easements ([76-3-608\(c\), MCA](#))**



The preliminary plat application shall provide easements within and to the proposed subdivision for the location and installation of any planned utilities.

- f) Impacts to Agriculture, Agriculture Water User Facilities, Local Services, the Natural Environment, Wildlife, Wildlife Habitat, and Public Health and Safety ([76-3-608\(3\)\(a\), MCA](#)) The governing body shall identify any impacts it determines to be potentially significant and adverse to agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety. The criteria for determining significant adverse impacts are the criteria adopted in the City of Sidney Growth Policy as required by [76-1-601\(3\)\(h\), MCA](#).
- ✓ The proposed subdivision is consistent with the Sidney Zoning Regulations.
- ✓ The proposed subdivision is consistent with the B-2 Zoning assigned to the property.
- ✓ The proposed uses of each lot in the subdivision is consistent with the B-2 Zoning assigned to the property.
  - Proposed Mitigation: If the uses of the property are residential, a parkland dedication or cash-in-lieu payment equal to 0.03 acres per dwelling unit. Commercial uses are exempt from the dedication of parkland.
- ✓ No additional public infrastructure is proposed to develop the proposed subdivision.
- ✓ The proposed subdivision does not require any variance to the adopted subdivision regulations.
- ✓ The proposed subdivision is consistent with the Sidney Growth Policy.
- ✓ The proposed subdivision is served by City water and sewer. With main extensions being advised to the northern most portion of the property. The developer has objected to the requirement to extend the water mains on 14<sup>th</sup> Ave. This will limit the location of structures on Lot 2A to comply with the requirements that buildings be located within the prescribed distance to an existing fire hydrant.
  - Proposed Mitigation: The provision of water and sewer for the lots in the subdivision including required main extensions shall be reviewed and approved by the Montana Department of Environmental Quality.
- ✓ The Sidney Public Works Department has submitted a 'Will Serve Letter' for the provision of water, sewer, and solid waste services. If each lot in the subdivision is connected to City Services an MFE could be approved.
- ✓ Lot 2A has access to the water main in 4<sup>th</sup> Street NW. However a water main does not exist on 14<sup>th</sup> Ave and potential development on Lot 2A may be limited due to separation distance limitations from fire hydrants. requirements
  - Proposed Mitigation: The developer shall comply with all City of Sidney Department of Public Works requirements with provision of water, sewer, or solid waste services to the lots in the subdivision.
- ✓ The subdivision is subject to review as the Expedited Subsequent Minor Subdivision of a tract of record within the City of Sidney. All of the rights and exceptions associated with a Expedited Subdivision have been applied to the project.
- ✓ The preliminary plat appears to comply with the survey requirements of State Law and the Sidney Subdivision Regulations.
- ✓ Each lot has both legal and physical access to the public road infrastructure.
- ✓ All taxes due and levied must be paid in full prior to filing the Final Plat.
- ✓ Any liens and encumbrances against the property must be paid or a consent to platting certificate will need to accompany the Final Plat application.
  - Proposed Mitigation: An updated Title Commitment, not less than 30-days old, at the time of Final Plat application shall be submitted along with the Final Plat. Consent to Plats for each lien holder or owner, who is not a signatory on the Plat, must be submitted with the Final Plat.
- ✓ The preliminary plat shows the necessary public and private utility easements.
- ✓ The subdivision application includes a summary of probable impacts to the subdivision review criteria found in 76-3-608. The summary report does not include any adverse or unacceptable impacts, and is by reference incorporated into this report.



- ✓ The subdivision is exempt from the preparation of an Environmental Assessment as an Expedited Subdivision.

- Proposed Mitigations:

- The sewer main on 4th Street & 14th Avenue shall be required to be extended north to the furthest extents of the Homestead Subdivision alongside 14th Ave. NW.
- Water/fire service will be extended to lot 2A and may restrict future building permits within this area depending on the type of building(s) installed. See City Code 3-1-20 paragraph C.  
Parkland dedication will need to be addressed at the time of building permit applications if Lot 2A is developed with residential structures. 76-3-621 spells out the parkland requirements.

### 3. Limitations

- a) Prohibition on Requiring Capital Facilities for Education ([76-3-510, MCA](#))

Although the governing body may require the subdivider to pay or guarantee payments for part or all of the costs of extending capital facilities related to public health and safety, the costs of constructing or extending capital facilities related to education may not be imposed on the subdivider.

- b) Restrictions on Conditional Approval or Denial for Water and Sanitation ([76-3-608\(6\), MCA](#))

The governing body may conditionally approve or deny a proposed subdivision as a result of the water and sanitation information provided in the preliminary plat application or on public comment related to the provided sanitation information only if the conditional approval or denial is based on existing subdivision, zoning, or other regulations that the governing body has the authority to enforce.

- c) Limitation on Waivers of the Right to Protest Improvement Districts ([76-3-608\(7\), MCA](#))

The governing body may not require as a condition of subdivision approval that a property owner waive a right to protest the creation of a special improvement district or a rural improvement district for capital improvement projects that does not identify the specific capital improvements for which protest is being waived. A waiver of a right to protest may not be valid for a time period longer than 20 years after the date the final subdivision plat is filed with the county clerk and recorder.

- d) Restriction on Encroachment onto Adjoining Private Property ([76-3-608\(8\), MCA](#))

The governing body may not approve a proposed subdivision if any of the features and improvements of the subdivision encroach onto adjoining private property in a manner that is not otherwise provided for under the Montana Sanitation in Subdivisions Act or these regulations or if the well isolation zone of any proposed well to be drilled for the proposed subdivision encroaches onto adjoining private property unless the owner of the private property authorizes the encroachment. For the purposes of this section, "well isolation zone" has the meaning provided in 76-4-102, MCA.

- e) No Denial Solely for Education or Wildland Urban Interface ([76-3-608\(1\), MCA](#))

The governing body may not deny a proposed subdivision solely for impacts to educational services or designation or based solely on parcels within the subdivision having been designated as urban-wildland interface parcels under 76-13-145, MCA.

- f) No Delay or Denial Based on Failure of Public Utility or Agency to Comment (76-3-504(1)(i), MCA)

The governing body may not delay a decision on the preliminary plat application past the review



period time limits provided in these regulations and may not deny a preliminary plat application due to failure of any public utility or agency to provide comments on the application.

None of the proposed mitigations or proposed conditions of approval violate the limitations on the review and approval, conditional or otherwise imposed by State Law or the Sidney Subdivision Regulations.

#### **CONCLUSION:**

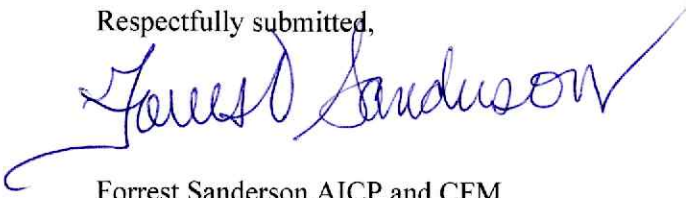
As discussed in this Report and the Findings of Fact, the Division is consistent with the City of Sidney Subdivision and Zoning Regulations. The necessary public infrastructure exists and is available to the resulting lot. As such, the project, subject to the imposition of conditions is approvable by the Sidney City Council.

#### **RECOMMENDATION:**

The Subdivision Administrator recommends that the City Council Adopt this report (#MNR-25-01) as their Findings of Fact and Conclusions of Law. Further, the Subdivision Administrator recommends that the Amended Plat of Lot 2, Block 2 of Phase 1 The Homestead Subdivision and portions of the SE¼, located in the SE¼ Section 29, Township 23 North, Range 59 East P.M.M., City of Sidney, Richland County, Montana. To be known as Phase 2 of The Homestead Subdivision, be APPROVED subject to the following conditions:

1. That the Final Plat substantially comply with the documents, commitments, design and layout of the preliminary plat.
2. That a Subdivision Guarantee for the properties involved in the aggregation submitted for examination by the Subdivision Administrator. Said Subdivision Guarantee shall be less than 30 days old at the time of submittal.
3. That any lien holders' and owners sign the Final Amended Plat or provide a Consent to Plat to the filing of the Amended Plat.
4. That all taxes or assessments that are due and levied on the lots to be aggregated be paid prior to filing the Amended Plat.
5. If the uses of the property are residential, a parkland dedication or cash-in-lieu payment equal to 0.03 acres per dwelling unit. Commercial uses are exempt from the dedication of parkland.
6. The provision of water and sewer for the lots in the subdivision, including any required main extensions shall be reviewed and approved by the Montana Department of Environmental Quality.
7. Water/fire services being extended to serve all of lot 2A may result in restrictions on future building permits within this area depending on the type of building(s) installed. See City Code 3-1-20 paragraph C. This requirement/limitation shall be stated on the face of the Final Plat or in a supporting document recorded with the Final Plat.
8. Parkland dedication will need to be addressed at the time of building permit applications if Lot 2A is developed with residential structures. 76-3-621 spells out the parkland requirements. This requirement/limitation shall be stated on the face of the Final Plat or in a supporting document recorded with the Final Plat.
9. The developer shall comply with all City of Sidney Department of Public Works requirements with provision of water, sewer, or solid waste services to the lots in the subdivision.
  - a. The sewer main on 4th Street & 14<sup>th</sup> Avenue shall be required to be extended north to the furthest extents of the Homestead Subdivision alongside 14<sup>th</sup> Ave. NW.
10. That the Final Amended Plat is approved for filing within three (3) calendar years from the date of this approval.

Respectfully submitted,

A handwritten signature in blue ink, reading "Forrest Sanderson". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Forrest Sanderson AICP and CFM  
Contracted Planner  
City of Sidney