

HILLBROOK ESTATES, INC.
PROPERTY OWNERS' ASSOCIATION AND BY-LAWS
PARK CITY, MT 59063
(A Montana Non-Profit Corporation)

ARTICLE I.

NAME AND LOCATION

The name of the entity is Hillbrook Estates, Inc. located in T2S, R23E, S1/2 SW1/4 Section 28 MPM. This Hillbrook Estates Subdivision Property Owners' Association hereinafter is referred to as the "Association". This document amends and supersedes the previous Association for the Hillbrook Estates Subdivision on record with Stillwater County. The principal office of this Association shall be located at 21 Old Mill Road Park City, Montana 59063, however, the meetings of members and directors may be held at such places within the State of Montana as may be designated by the Board of Directors.

ARTICLE II.

BOARD OF DIRECTORS

Section 1, Powers and Duties of the Board of Directors.

The Board of Directors shall have the power for the Association to exercise all powers, duties and authority not specifically entrusted to the Architectural Committee under the Declaration of Restrictions, Covenants and Conditions. The Chairman Board/President and three other Directors shall be elected from the owners represented at the first annual meeting for terms of three years and then at succeeding annual meetings as needed.

ARTICLE III.

DEFINITIONS

Section 1: "Association" shall mean and refer to Property Owners' Association, its successors and assigns.

Section 2: "Property" shall mean and refer to all of the lots included within Property Owners' Association and Hillbrook Estates Major Subdivision.

Section 3: "Member" shall mean and refer to those persons entitled to membership as provided in these By-Laws.

ARTICLE IV.

MEMBERSHIP AND VOTING RIGHTS

Section 1, Membership.

Every owner of a lot, which is subject to assessment, shall be a member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any lot, which is subject to assessment.

Section 2, Voting Rights.

The Association shall have two classes of voting memberships. Every owner of a lot upon which a single-family residential house has not been constructed shall have one voting membership. Owners of a lot upon which a single-family residential house has been completely constructed shall have two voting membership. Regardless of the total number of owners per lot, only two voting memberships will exist for each improved lot and only one voting membership will exist for each unimproved lot of the Subdivision according to the official plat on file and of record in the office of the Clerk and Recorder of Stillwater County, Montana.

Section 3, Lot.

"Lot" shall mean and refer to all single-family residential lots shown upon the recorded subdivision plat of the property or amendments thereto.

Section 4, Declaration.

"Declaration" shall mean and refer to the Declaration of Restrictions, Covenants and Conditions of the Subdivision recorded in the office of the Clerk and Recorder of Stillwater County, in its original state or with any amendments also recorded.

Section 5, Owner.

"Owner" shall mean any person or entity which is the record owner or fee simple title of any lot, including buyers under contract for deed, but excluding any entity or person who holds such interest as security for the performance of an obligation other than a contract seller, mortgagee or other security holder in actual possession of a lot.

ARTICLE V.**MEETING OF MEMBERS**Section 1, Annual and Special Meetings.

The annual meeting of the members shall be held at a time and place designated by the president and chairman of the Board. Special meetings may be called at any time by the president or by the Board of Directors or upon written request of at least one-fourth of the members who are entitled to vote.

Section 2, Notice of Meetings.

Written notice of each meeting called for any purpose shall be given to all members by personal notification, by e-mailing, or mailing a copy of such a notice to each entitled voting member at least ten days prior to the date of said meeting. Mailing shall be by the president, his/her delegate or a person authorized to call the meeting. Such notice shall specify place, date, hours and purpose of the meeting.

Section 3, Quorum.

The members represented by proxy or in person at such meetings shall constitute a Quorum.

ARTICLE VI.**ASSESSMENTS**Section 1, Creation of the Lien and Personal Obligation of Assessments.

Assessments for each lot within the Hillbrook Estates Subdivision shall begin after original sub dividers have either sold a new lot(s) in each phase to new owner(s) or after original sub divider or their assignee has built a new residence upon a lot and new owners of said residence have occupied such residence.

Each owner of any lot by acceptance of a deed therefore, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association annual charges or assessments, such assessments to be established and collected as herein provided. Each such assessment together with interest, costs, and reasonable attorney's fees shall be the personal obligation of the person who was the owner of such property at the time when the assessment fell due. The personal obligation for delinquent assessments shall not pass to his successor in title unless expressly assumed by them.

Section 2, Purpose of Assessments.

The assessments levied by the Association shall be used to exclusively promote the safety and welfare of the residents of the properties and maintenance of private roadways to and adjacent to, residential lots within Subdivision. These assessments and the costs of labor, equipment, material, management and supervision required, may also be necessary and beneficial for the operation of the Association.

Section 3, Rate of Assessments.

Assessments shall be set at rates for specified services and for designated types of property owners:

A. Road and Street maintenance, including the adding of gravel, grading, snow plowing, weed management, drainage swales, parklands, culvert maintenance, and

traffic signs will be assessed at the full rate for homeowners within Subdivision. Subdivision property owners that own unimproved lots will be assessed at one-half of the full rate.

B. Property Owners wanting their private driveways snow plowed, improved or graded must make their own arrangements, including weed management.

Section 4, Date of Commencement of Annual Assessment.

The Board of Directors shall fix the amount of the annual assessment period. Written notice of the annual assessment shall be sent to every owner subject thereto. The due dates and terms shall be established by the Board of Directors. The Association shall, upon demand and for a reasonable charge, furnish a certificate signed by the officer of the Association setting forth whether the assessments on a specified lot have been paid.

Section 5, Effect of Nonpayment of Assessments.

When an assessment has not been paid within thirty days after the due date, the Association may bring action at law against the owner personally obligated to pay the same. This may include, but not be limited to, foreclosure of the lien against the property in the same manner as a mortgage on real property. The Association shall be entitled in any proceedings to recover its costs, expenses and reasonable attorney's fees. No owner may waive or otherwise escape liability for the assessments provided for herein by non-use or abandonment of his/her lot. Property owners in default have thirty days to show cause why the assessment has not been paid.

ARTICLE VII.

STORMWATER MAINTENANCE PLAN

Section 1. Description

New interior roads 24 feet wide shall serve each of the lots in Hillbrook Estates. Storm water runoff from the roads shall be collected in standard "V" shaped drainage collection ditches along each side of the road that shall drain into deeper drainage swales also located along each side of the road or in specified drainage easements off the end of the cul-de-sac. Typical sections of the storm water detention swales are included with this maintenance plan. The swales consist of a "V" shaped ditch that has an effective storage depth of one foot to the bottom with side slopes that

range from 2:1 to 3:1. The top width of the effective storage area of each swale is about 5 feet.

A drainage culvert has been placed at the intersection of Cemetery Road and Silverado Drive, which allows the continuation of drainage along Cemetery Road from west to east and other intersections where noted on the plat.

Any present or future storm water detention swales and culverts within the Hillbrook Estates Subdivision are to be owned and maintained by the Hillbrook Estates Subdivision Homeowner's Association. The individual driveway ditches to each of the lots shall be the responsibility of each owner to maintain.

Section 2. Maintenance Plan

The drainage ditches, swales and culverts should be inspected once a year to check for build up of fine soils or erosion. If the swales and culverts are "silting up" the soils that are being deposited in the swales and culvert bottoms need to be cleaned out to the original planned depth. If there are areas in the ditches or swales that are vegetated, the slopes and bottom should be raked up and new seed planted to establish growth. Any of the ditches or swales that have eroded as a result of low vegetation needs to be restored to the original side slopes.

The existing groundwater control ditch and main culvert across Cemetery Road that receives any excess overflow from the drainage swales should also be checked for blockage to insure free flow of runoff.

A record of inspections and any subsequent cleaning, reseeding, and repairs completed as a result of the annual inspection should be kept for the benefit of the Hillbrook Estates homeowners.

ARTICLE VIII.

AMENDMENTS AND BY-LAWS

Section 1. These By-Laws may be amended at a regular or special meeting of the members and shall require the assent of four-fifths of the votes of the entire membership, either present, in person or by proxy.

Section 2. In case of any conflict between By-Laws and the Declaration of Restrictions, Covenants and Conditions, the Declaration shall control.

Section 3. There shall be no change in stipulations governing common areas such as roads and signage without the review of the Planning Board and approval of the County Commissioners.

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 the following purposes:

Street lights, street light energy, street light maintenance, and the construction and/or maintenance of streets, alleys, traffic control devices, curb, gutter, sidewalks, drive approaches, survey monuments, water mains, sanitary sewer mains, and storm drain line either within or without the area to provide drainage for runoff water from real property hereinafter described, parks and park maintenance, and any other incidental improvements which Stillwater County may require.

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

The real property herein above mentioned is more particularly described as follows:

Hillbrook Estates Subdivision-Fourth Phase

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

“SUBDIVIDER”

Myron Gross

By: _____
Owner

Nancy J. Gross

By: _____
Owner

ENVIRONMENTAL ASSESSMENT & COMMUNITY IMPACT STATEMENT

PREPARED IN ACCORDANCE WITH
STILLWATER COUNTY PLANNING DEPARTMENT

FOR

Hillbrook Estates Subdivision-Fourth Phase

LOCATED IN
SECTION 28, TOWNSHIP 2 SOUTH, RANGE 23 EAST, P.M.M.
STILLWATER COUNTY, MONTANA

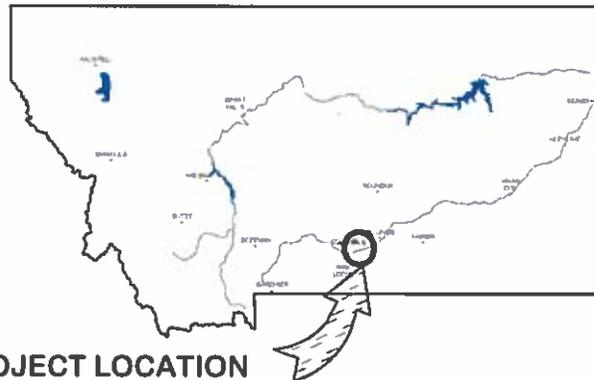
MARCH 2020

PREPARED FOR:

**MYRON GROSS
21 OLD MILL ROAD
PARK CITY, MT 59063**

PREPARED BY:

**TRAVIS WEST, P.E., RS
PO BOX 194
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PROJECT LOCATION



ENGINEERING WEST
LAND • WATER • SEWER

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ENGINEERING-WEST.COM • 406 322 1116

Introduction

Myron Gross, developer, has proposed the development of an fourteen (14) lot subdivision (single-family lots and multi-family lots) to be sited on privately owned land in Park City, Montana.

The proposed development is to be known as Hillbrook Estates Subdivision-Fourth Phase. The subdivision is located along Cemetery Road and Old Mill Road, east of Park City, Montana. The legal description is the south portion of Lot 40 of Hillbrook Estates-Phase 1, Plat No. 357758 of the South ½, Southwest 1/4 of Section 28, Township 02 South, Range 23 East, Park City, Stillwater County, Montana. The site currently consists of an single-family parcel of land approximately 41.5 acres in size.

The Environmental Assessment and Community Impact Statement provides an analysis of potential environmental impacts that may result from actions related to the construction and operation of the Project.



I. Description of Environmental Features

A. Surface Water

1. Plat Overlay or Sketch Map

a. Any natural water systems.

Natural water systems that include: impaired streams, impaired waterbodies, water bodies, sole source aquifers, watersheds, and wild and scenic rivers are not present on the site. There is a small seasonal irrigation ditch located along the north portion of the

subdivision and a drainage ditch located along the south portion of the subdivision located within a drainage easement as shown on the subdivision plat.

b. Any artificial water systems.

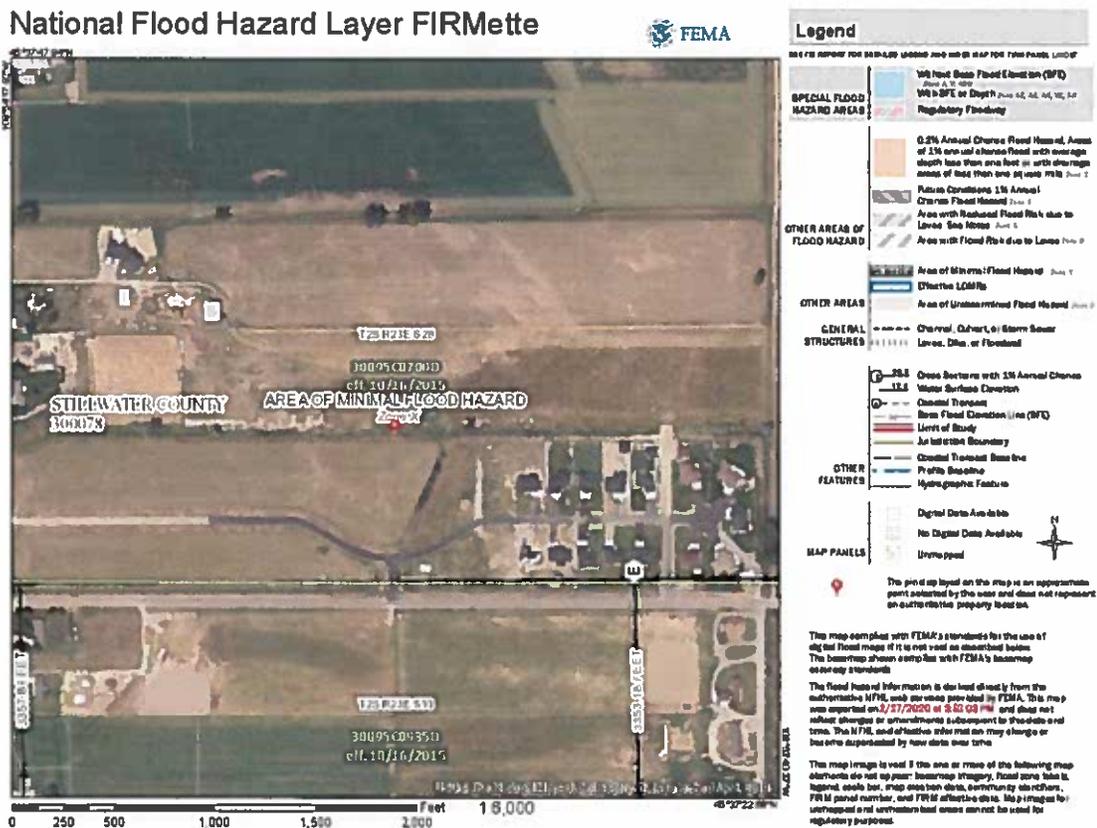
There will be no artificial water systems constructed within the subdivision.

c. Time when water is present.

Stillwater County has a milder climate with precipitation levels staying “Near Average” earlier in the year and “Slightly Dry” to “Moderately Dry” in the summer and fall months. Precipitation levels fluctuate slightly year to year, according to the Montana Official State Website, but stay fairly on trend.

d. Subject to flood hazard or in delineated 100-year floodplain.

According to FEMA’s National Flood Hazard Layer (Official), the site is in an area of Minimal Flood Hazard and is not located with a 100-year floodplain as shown on the map below.



e. Existing or proposed stream bank alteration.

No construction or modification of lake beds or stream channels is proposed.

B. Groundwater

1. Groundwater Depth.

The geologic source in the proposed subdivision area consist of a parent material of alluvium soil. According to the USDA Web Soil Survey, depth to groundwater in this area can range from 6-24 inches. Further analysis of data provided by Montana's Ground Water Information Center determined that the static water level in the area ranges from 7 feet to 12.2 feet, making the average static water level approximately 8 feet. This was determined by averaging the static water level of five (5) water wells found within Hillbrook Estates Phases 1-3. It is believed that a seasonal shallow groundwater table can be found between 2-8 feet during seasonal periods of the year.

2. Steps to avoid depletion or degradation of groundwater recharge areas.

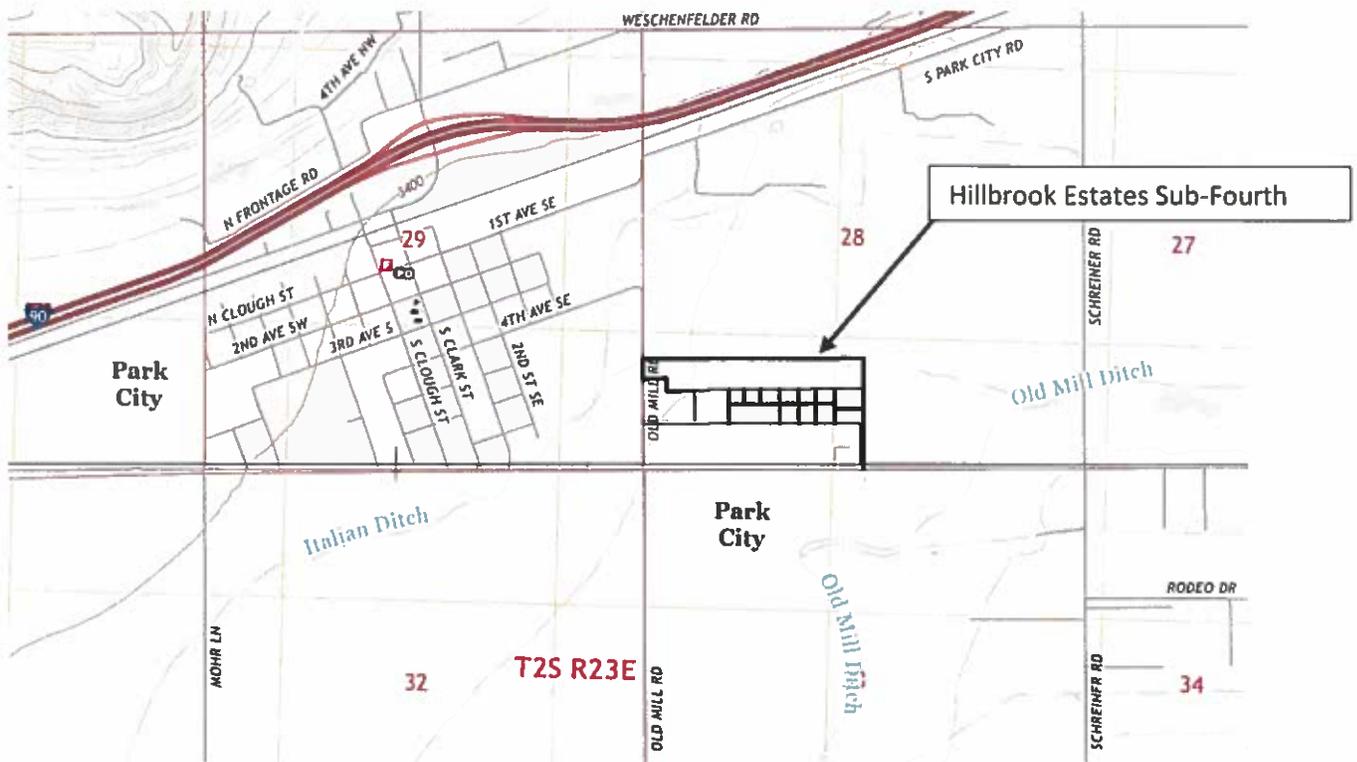
Vegetated buffers are areas of natural or established vegetation maintained to protect the water quality of neighboring areas. Buffer zones slow stormwater runoff, provide an area where runoff can permeate the soil, contribute to ground water recharge, and filter sediment. Buffer zones proposed for this subdivision include road storm water ditches and road storm water retention ponds along with individual storm water retention ponds that are proposed on each lot.

Each single-family lot will have its own individual water well and the multi-family lots shall have shared wells (each shared well serving two living units) that will be used for potable water consumption and minimum irrigation for lawns and gardens. The system and all appurtenances have been designed to meet Montana Department of Environmental Quality (MDEQ) requirements.

C. Topography, Geology, and Soils

1. Topographic Map and Suitability for the Proposed Land

The subdivision is shown on a USGS topographical map below. The subdivision is located on nearly flat topography with gently slopes of 1-2%. The subdivision terrain slopes from the northwest to the southeast direction as shown by the topographical map.



A Custom Soil Resource Report for Stillwater County Area was developed by the United States Department of Agriculture Natural Resources Conservation Service (NRCS). The Soil Report, including a Custom Soil Resource Report Soil Map, is included in this application.

NRCS Soil Survey Map



Map may not be valid at this scale.

The majority of the subdivision site consist of two soil types (as noted in above soil map). The two soils are a Glendive Fine Sandy Loam (19) and a Attewan Loam (12). There is a small portion of the subdivision site that may contain a Yamac Loam (67) soil type. These soils are located on sites with slopes of 0-4%.

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
12	Attewan loam, seeped, 0 to 4 percent slopes	21.1	52.4%
19	Glendive fine sandy loam, 0 to 4 percent slopes	16.9	42.0%
21	Grall clay loam, 0 to 4 percent slopes	0.1	0.2%
67	Yamac loam, 0 to 2 percent slopes	2.2	5.4%
Totals for Area of Interest		40.2	100.0%

The Attewan Loam (12) soil type consists of approximately 52% of the site and is described as the following:

- Alluvium parent material
- Important farmland
- Slopes 0-4%
- Elevation of Suitability of 2,000-6,500 feet
- Depth to Water Table: 6-24 inches
- Moderate poorly drainage
- Low available water storage capacity
- No frequency of flooding or ponding

The Glendive Fine Sandy Loam (19) soil type consists of approximately 42% of the site and is described as the following:

- Sandy alluvium parent material
- Prime farmland (irrigated)
- Slopes 0-4%
- Elevation of Suitability of 1,900-6,000 feet
- Depth to Water Table: greater than 80 inches
- Well drained soils
- High available water storage capacity
- Rare frequency of flooding and no frequency of ponding

The Yamac Loam (67) soil type consists of approximately 6% of the site and is described as the following:

- Loamy alluvium parent material

- Prime farmland (irrigated)
- Slopes 0-2%
- Elevation of Suitability of 1,900-6,500 feet
- Depth to Water Table: greater than 80 inches
- Well drained soils
- High available water storage capacity
- No frequency of flooding and no frequency of ponding

2. Highly Erodible Soils or Slopes

In the NRCS Soil Survey Data, the erosion hazard rating is a rating indicating the susceptibility of soil to wind erosion, or the tons per acre per year that can be expected to be lost to wind erosion. There is a close correlation between wind erosion and the texture of the surface layer, the size and durability of surface clods, rock fragments, organic matter, and a calcareous reaction. Soil moisture and frozen soil layers also influence wind erosion." Below is the soil survey table showing the erosion hazard ratings for each soil type found within this subdivision.

Tables -- Erosion Hazard (Off-Road, Off-Trail) -- Summary By Map Unit						
Summary by Map Unit -- Stillwater County Area, Montana (MT655)						
Summary by Map Unit -- Stillwater County Area, Montana (MT655)						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
12	Attewan loam, seeped, 0 to 4 percent slopes	Slight	Attewan (90%) Beaverell (5%) Larry (5%)		14.6	71.5%
19	Glendive fine sandy loam, 0 to 4 percent slopes	Slight	Glendive (90%) Havre (5%) Yamac (5%)		5.7	27.8%
21	Grail clay loam, 0 to 4 percent slopes	Slight	Grail (90%) Lolo (4%) Turner (3%) Lohler (3%)		0.1	0.7%
Totals for Area of Interest					20.4	100.0%
Table -- Erosion Hazard (Off-Road, Off-Trail) -- Summary by Rating Value						
Summary by Rating Value						
Rating	Acres in AOI		Percent of AOI			
Slight	20.4		100.0%			
Totals for Area of Interest					20.4	100.0%
Description -- Erosion Hazard (Off-Road, Off-Trail)						
<p>The ratings in this interpretation indicate the hazard of soil loss from off-road and off-trail areas after disturbance activities that expose the soil surface. The ratings are based on slope, soil erosion factor K, and an index of rainfall erosivity (R). The soil loss is caused by sheet or rill erosion in off-road or off-trail areas where 50 to 75 percent of the surface has been exposed by logging, grazing, mining, or other kinds of disturbance.</p> <p>The ratings are both verbal and numerical. The hazard is described as "slight," "moderate," "severe," or "very severe." A rating of "slight" indicates that erosion is unlikely under ordinary climatic conditions; "moderate" indicates that some erosion is likely and that erosion-control measures may be needed; "severe" indicates that erosion is very likely and that erosion-control measures, including revegetation of bare areas, are advised; and "very severe" indicates that significant erosion is expected, loss of soil productivity and off-site damage are likely, and erosion-control measures are costly and generally impractical.</p> <p>Numerical ratings indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the specified aspect of forestland management (1.00) and the point at which the soil feature is not a limitation (0.00).</p> <p>The map unit components listed for each map unit in the accompanying Summary by Map Unit table in Web Soil Survey or the Aggregation Report in Soil Data Viewer are determined by the aggregation method chosen. An aggregated rating class is shown for each map unit. The components listed for each map unit are only those that have the same rating class as listed for the map unit. The percent composition of each component in a particular map unit is presented to help the user better understand the percentage of each map unit that has the rating presented.</p> <p>Other components with different ratings may be present in each map unit. The ratings for all components, regardless of the map unit aggregated rating, can be viewed by generating the equivalent report from the Soil Reports tab in Web Soil Survey or from the Soil Data Mart site. On-site investigation may be needed to validate these interpretations and to confirm the identity of the soil on a given site.</p>						

As shown in above table the soils located within this subdivision has a slight hazard rating for erosion.

Below is the NRCS Soil Survey Data, rating the hazards associated with construction of local roads and streets in these soil types.

Summary by Map Unit — Stillwater County Area, Montana (MT655)							
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI	
12	Attewan loam, seeped, 0 to 4 percent slopes	Somewhat limited	Attewan (90%)	Depth to saturated zone (0.94)	14.6	71.5%	
				Frost action (0.50)			
				Shrink-swell (0.03)			
19	Glendive fine sandy loam, 0 to 4 percent slopes	Somewhat limited	Glendive (90%)	Frost action (0.50)	5.7	27.8%	
				Flooding (0.40)			
				Havre (5%)			Frost action (0.50)
				Flooding (0.40)			
				Yamac (5%)			Frost action (0.50)
21	Grall clay loam, 0 to 4 percent slopes	Very limited	Grall (90%)	Low strength (1.00)	0.1	0.7%	
				Shrink-swell (1.00)			
				Frost action (0.50)			
			Lolo (4%)	Flooding (1.00)			
				Frost action (0.50)			
				Depth to saturated zone (0.19)			
			Lohler (3%)	Large stones (0.06)			
				Shrink-swell (1.00)			
				Low strength (1.00)			
				Flooding (0.40)			
Totals for Area of Interest					20.4	100.0%	

Summary by Rating Value			
Rating	Acres in AOI	Percent of AOI	
Somewhat limited	20.3	99.3%	
Very limited	0.1	0.7%	
Totals for Area of Interest	20.4	100.0%	

Description — Local Roads and Streets
 Local roads and streets have an all-weather surface and carry automobile and light truck traffic all year. They have a subgrade of cut or fill soil material; a base of gravel, crushed rock, or soil material stabilized by lime or cement; and a surface of flexible material (asphalt), rigid material (concrete), or gravel with a binder. The ratings are based on the soil properties that affect the ease of excavation and grading and the traffic-supporting capacity. The properties that affect the ease of excavation and grading are depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, depth to a water table, ponding, flooding, the amount of large stones, and slope. The properties that affect the traffic-supporting capacity are soil strength (as inferred from the AASHTO group

The soil types within this subdivision indicate a “somewhat limited” rating for the construction of local roads and streets due to depth to shallow saturated zones, frost action, and shrink-swell potential of the soils. Fair performance and moderate maintenance can be expected of the proposed roads with this subdivision due to these factors.

Below is the NRCS Soil Survey Data, rating the hazards associated with construction of shallow excavations. The soil types in this subdivision have a "somewhat limited" to "very limited" rating due to depth of a shallow saturated zone. The report describes shallow excavations as trenches or holes dug to a maximum of 5 or 6 feet for purposes including open ditches, graves, and utility lines. "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Tables — Shallow Excavations — Summary By Map Unit						
Summary by Map Unit — Stillwater County Area, Montana (MT655)						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
12	Attewan loam, seeped, 0 to 4 percent slopes	Very limited	Attewan (90%)	Depth to saturated zone (1.00)	14.6	71.5%
				Dusty (0.13)		
				Unstable excavation walls (0.01)		
			Larry (5%)	Ponding (1.00)		
				Depth to saturated zone (1.00)		
				Dusty (0.09)		
19	Glendive fine sandy loam, 0 to 4 percent slopes	Somewhat limited	Glendive (90%)	Dusty (0.13)	5.7	27.8%
				Unstable excavation walls (0.01)		
			Havre (5%)	Dusty (0.06)		
				Unstable excavation walls (0.01)		
			Yamac (5%)	Dusty (0.20)		
				Unstable excavation walls (0.01)		
21	Grail clay loam, 0 to 4 percent slopes	Somewhat limited	Grail (90%)	Dusty (0.06)	0.1	0.7%
				Unstable excavation walls (0.01)		
			Turner (3%)	Dusty (0.09)		
				Unstable excavation walls (0.01)		
			Lohler (3%)	Unstable excavation walls (0.51)		
				Dusty (0.42)		
				Too clayey (0.28)		
Totals for Area of Interest					20.4	100.0%

Below is the NRCS Soil Survey Data, rating the hazards associated with construction of foundations and basements. The soil types in this subdivision have a "very limited" rating due to depth of a shallow saturated zone. According to NRCS, "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally

cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected. It is recommended that no basements be constructed due to a shallow water table and recommend that all foundation and basements (crawlspaces) be constructed above any seasonal saturated zone.

Tables – Dwellings With Basements – Summary By Map Unit

Summary by Map Unit – Stillwater County Area, Montana (MT655)						
Summary by Map Unit – Stillwater County Area, Montana (MT655)						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
12	Attewan loam, seeped, 0 to 4 percent slopes	Very limited	Attewan (90%)	Depth to saturated zone (1.00)	14.6	71.5%
			Larry (5%)	Ponding (1.00)		
				Depth to saturated zone (1.00)		
				Shrink-swell (0.50)		
19	Glendive fine sandy loam, 0 to 4 percent slopes	Very limited	Glendive (90%)	Flooding (1.00)	5.7	27.8%
			Havre (5%)	Flooding (1.00)		
21	Grall clay loam, 0 to 4 percent slopes	Somewhat limited	Grall (90%)	Shrink-swell (0.91)	0.1	0.7%
Totals for Area of Interest					20.4	100.0%

Table – Dwellings With Basements – Summary by Rating Value

Summary by Rating Value		
Rating	Acres in AOI	Percent of AOI
Very limited	20.3	99.3%
Somewhat limited	0.1	0.7%
Totals for Area of Interest	20.4	100.0%

Description – Dwellings With Basements

Dwellings are single-family houses of three stories or less. For dwellings with basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of about 7 feet.

The ratings for dwellings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility. Compressibility is inferred from the Unified classification of the soil. The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect the specified use. "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. "Somewhat limited" indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

The map unit components listed for each map unit in the accompanying Summary by Map Unit table in Web Soil Survey or the Aggregation Report in Soil Data Viewer are determined by the aggregation method chosen. An aggregated rating class is shown for each map unit. The components listed for each map unit are only those that have the same rating class as listed for the map unit. The percent composition of each component in a particular map unit is presented to help the user better understand the percentage of each map unit that has the rating presented.

Other components with different ratings may be present in each map unit. The ratings for all components, regardless of the map unit aggregated rating, can be viewed by generating the equivalent report from the Soil Reports tab in Web Soil Survey or from the Soil Data Mart site. Onsite investigation may be needed to validate these interpretations and to confirm the identity of the soil on a given site.

Challenges within the site that have the potential for affecting development and need to be taken into consideration during the design and permitting of supporting infrastructure for the subdivision. Soil and rock conditions throughout the development of the subdivision and hazards such as snow will be weather dependent. The climate in the region brings cold winters and hot summers, low humidity, and frequent sunshine. Extremes in temperatures are

characteristic of the area. Hazards such as rock outcroppings and seismic activity were considered when designing the subdivision but were determined to be minimum risk.

According to the NRCS Web Soil Survey, the site consists of the geologic unit Alluvium. Alluvium has been defined by the NRCS as “unconsolidated material, such as gravel, sand, silt, clay, and various mixtures of these, deposited on land by running water.”

3. Hazard Prevention

Safety meetings will be held throughout the construction process to make personnel aware of the potential physical (mud, rock) and seasonal hazards (snow, ice) on site. According to FEMA Flood Map, the site is in an area of Minimal Flood Hazard. The average depth to ground water, as mentioned in Section B, was determined to be approximately 2-6 feet. Groundwater cycles should be noted so that if dewatering is needed, construction crews are prepared.

4. Cut and Fill

Cut and fill of more than three feet in depth will take place in a variety of locations within the subdivision in association with installation of building foundations, water and sewer infrastructure. Utility lines, sewer main facilities, and stormwater development, etc. will be placed onsite, as seen in the proposed layout.

The Montana Department of Environmental Quality Water Protection Bureau requires a Storm Water Pollution Prevention Plan (SWPPP) for construction activity be completed prior to development and maintained at the construction activity site.

D. Vegetation

1. Vegetation Map

a. Distribution of major vegetation types.

The site primarily consists of native grass. The plant community consists of primarily tall and medium grasses. The major vegetation types that exist in this area are crops consisting of grass, hay, and alfalfa crops during the crop season.

b. Location of critical plant communities.

Critical plant communities such as shoreline vegetation, stream bank, and vegetation on steep unstable slopes are not applicable in the site.

2. Vegetation Preservation

a. Preserve trees and other natural vegetation, e.g., locating roads and lot boundaries and planning construction to avoid damaging tree cover.

The only trees or shrubs found within the subdivision area are located along the drainage ditch (located with the drainage easement, southern portion of the property). No trees or shrubs will be impacted by road or home development.

b. Protect critical plant communities, e.g., keeping structural development away from these areas or setting areas aside for open space.

There are no other critical plant communities known to exist on the site.

c. Prevent and control grass, brush or forest fires, e.g., green strips, water supply, access.

A existing 30,000-gallon water storage dry hydrant is located within the early phases of the subdivision. This dry hydrant shall be used by the local fire department for structural or grass fires in this area. Individual lot owners will be encouraged to maintain their lawns around the homes to assist in the prevention and control of grass or bush fires within the subdivision.

d. Measures to control noxious weeds.

The type and extent of noxious weeds is evaluated during an inspection conducted by the Weed Coordinator of the Stillwater County Weed District. The inspection will be conducted within the timeframe of May through October to ensure the results are conclusive. Depending on the results from the weed inspection, a noxious weed plan may be submitted. During construction, noxious weed contaminated material (if present) will not be removed from the site, nor placed in an area that has not been previously infested with noxious weeds. The developer will be responsible for weed control on lots after the development of the subdivision and prior to private purchase. Residents will be responsible for properly seeding their yards to prevent noxious weeds in the long term.

E. Wildlife

1. Species of Fish and Wildlife

There are no surface water bodies on the site, therefore, risk to species of fish is negligible. However, the Whooping Crane, along with several other species of protected birds, as well as a variety of upland game birds, deer, antelope, and nongame wildlife common on the prairies of Eastern Montana can be present in the area.

The Whooping Crane is officially listed as an endangered species with the Fish and Wildlife Service, and a standalone assessment was conducted to make an effective determination for the project. The Montana Natural Heritage-SOC Report states that the Whooping Crane may occasionally migrate through eastern Montana, although the majority of the migratory patterns take them through the Dakotas.

Certain birds are protected under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The following birds, USFWS Birds of Conservation Concern, have a potential to be affected by activities in this location: Bald Eagle, Golden Eagle, and Pinyon Jay.

2. Map identifying critical wildlife areas

According to the U.S. Fish and Wildlife Service's IPaC Information for Planning and Consultation, there are no critical habitats on the site.

3. Measures of Protection

To create and maintain biodiversity, the developer must consider all three major phases of development: design, construction, and post-construction.

The design phase will determine the placement of homes, lots, and roads while designating remaining area as natural open space. Where practicable driveways, access roads, and utility corridors will use or share existing accesses and right of ways to create an efficiency of space. Natural vegetation will be incorporated as buffers between development and adjacent properties to create a diversified, visually restored habitat and safe corridors for animals.

During the construction phase the viability of onsite and nearby natural habitat will be maintained through Best Management Practices. The placement of topsoil and routes used by heavy construction vehicles can impair survival of trees or native vegetation. Therefore, the route construction vehicles and equipment will use to access the subdivision and placement of materials will be evaluated prior to construction to minimize impact.

The post construction phase is the responsibility of the residents individually and collectively to manage their homes, yards, neighborhoods, and common areas in ways that do not compromise the original intent of the community. Recognizing ways to responsibly manage their yards and neighborhoods are critical factors to restoring and conserving biodiversity within the subdivision. Homeowners can minimize the impact of pets on wildlife by keeping cats indoors and dogs on leashes, as well as cleaning up after the pet. Light and noise pollution can be minimized by installing dark-sky lighting fixtures that direct light downward and minimize the amount of light that shines outward and upward. Limiting the height of perimeter fencing is a protection measure that can help the migration of elk and deer.

According to the Montana Department of Fish, Wildlife and Parks, "this subdivision is being built in proximity to deer, bear and mountain lion habitat. Some subdivisions in similar habitat report considerable and on-going problems with deer damaging landscaped shrubs, flowers, and gardens. Potential homeowners should be made aware that they will likely have deer on their properties, and informed that unless they take steps to deter the animals (such as fencing their yards) they may have damage problems. It is illegal to feed game animals and homeowners are strongly discouraged from any feeding of wildlife, as such activities may unnaturally concentrate animals. This may result in higher likelihood of damage to property, disease proliferation, and attracting predators such as mountain lions and bears. Homeowners

should be informed that all bear attractants must be stored indoors or in bear-proof containers. If attractants are not properly stored and bears are obtaining food rewards citations may be written and fines issued for not less than \$50 or more than \$1,000 pursuant to Montana Code Annotated 87-6-216 (Unlawful supplemental feeding). They should be notified that Montana Fish, Wildlife & Parks (FWP) does not provide direct assistance unless there is damage to commercial agricultural crops in non-residential areas, or a threat to public health and safety such as in the case of nuisance mountain lions and bears. Homeowners are encouraged to visit the Living With Wildlife section in the FWP internet website at <http://fwp.mt.gov>.”

II. Summary of Probable Impacts

A. Effect on Agriculture

1. Acres removed from the production of crops or livestock.

The site currently consists of an undeveloped parcel approximately 41.5 acres in size. Due to the proposed development, the site will have a change of use from agricultural grazing lands to residential development. There will be areas of natural vegetation that remain throughout the development but agricultural production will cease upon completion of the development.

2. Acres of prime farmland removed

The site consists of approximately 41.5 acres, with 48 of the property considered “prime farmland” according to the NRCS Custom Soil Report. The remaining 52% of the site is classified as “farmland of statewide importance.” Approximately 20.0 acres will be removed from agricultural production with this subdivision.

3. Effect on use of remainder and adjoining properties as farm or ranch land

There is no remainder; the subdivision is not anticipated to adversely affect the adjoining properties, since there are several similar developments in the area already.

4. Potential Conflicts with adjacent agricultural operations

a. Interference with movement of livestock or farm machinery, maintenance of fences, weed proliferation, vandalism or theft, harassment of livestock by pets or humans.

There are no anticipated potential conflicts with the surrounding agricultural operations due to the development of the subdivision. There are several similar developments in the area with which area agricultural operations have coexisted.

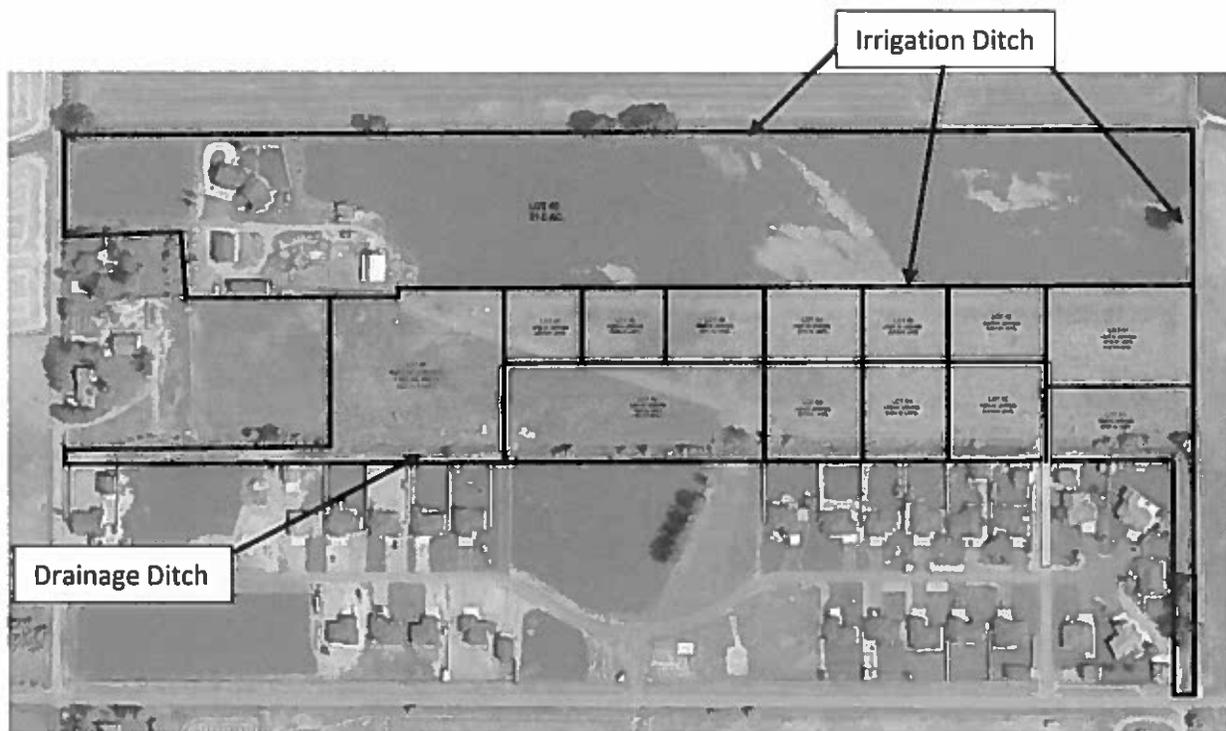
b. Effect on market value of surrounding land and the net effect on taxes resulting from additional services.

The effect on market value of the surrounding land may improve due to the expansion of residential land use within the Park City area. The additional services provided will be sewer infrastructure within the subdivision. The net effects of taxes on the surrounding land may be minimal.

B. Effect on Agricultural Water User Facilities

1. Location of or proximity to agricultural water user facilities.

There are two (2) agricultural water user facilities on or in close proximity to the proposed subdivision. There is an irrigation ditch located along the north, east and south portion of Lot 40. There is also a drainage ditch located the southern portion of Phase 4 as shown below.



2. Potential conflicts between facility users and subdivision residents including seeps, flooding, washouts; obstructions and interference, and unintended uses.

The surrounding irrigation ditch can contribute to a seasonal high ground water table which can affect shallow foundations and residential basements. The drainage ditch is located within an existing drainage easement as shown on the plat.

3. Water Rights

This property does not have any surface water rights associated with it. A searching the DNRC Water Right Query System, the only water rights associated with this property are three

groundwater water right certificates that are on file in the name of Myron and Nancy Gross. Enclosed are copies of these water right certificates.

4. Vehicular access to facility

There are no agricultural water user facilities on the site. The subdivision will be accessed via two road extension from Elm Drive and Silverado Lane and the construction of a new road (Maple Drive) as shown on the plat.

C. Effect on Local Services

1. Increased demand on services and need to expand services

Impacts due to increased demand on services should be minimal from the development of the 14-lot residential subdivision. The increased demand and impacts thereof are discussed in detail below.

2. Ability to provide services to subdivision

a. Response times

Park City Fire Department Station is located in Park City, Montana which is approximately 1.4 miles from the subdivision. The Stillwater County Sheriff's Department is located in Columbus, Montana, located approximately 22 miles away. There is ambulance services located in Park City, located approximately 1.4 miles from the subdivision. All response times to the site may vary depending on where the response teams are located at the time of the call. No additional burden or adverse effect is anticipated.

b. Conditions or roads, bridges, and railroad crossings

The primary roadways accessing the site are Cemetery Road and Old Mill Road. Both roadways are in good to fair condition. Stillwater County maintains these existing roads. No additional burden or adverse effect is anticipated.

c. Physical barriers

There are no known physical barriers to the subdivision. No additional burden or adverse effect is anticipated.

3. Provision of adequate local services and public facilities simultaneous or prior to onset of impact

Sufficient public services are available for the subdivision which include: solid waste collection, emergency medical response, fire department, and law enforcement. Private utilities such as power, gas, telephone, and cable shall be extended to each subdivision lot by the developer.

4. Any special or rural improvement districts that would obligate local government involvement fiscally or administratively

A home owner's association will be created for the maintenance of the proposed roads and fire protection services located within the subdivision. The home owner's association will be established as part of the platting process. Fees will be assessed by the home owner's association for maintenance and repairs of these facilities.

D. Effect on Natural Environment

1. Runoff reaching surface waters

The soils reported from the NRCS Web Soil Survey are primarily loams. These soils are well-drained so that water is withdrawn from the soil readily but not swiftly. These soils will allow for the storm water runoff in the ditches and retention ponds to empty quickly and recharge the ground water. After recharging the ground water, runoff reaching surface waters is unlikely, therefore, potential impacts to surface waters would be minimal. The nearest surface water to the subdivision is Old Mill Ditch. The ditch is approximately 1,450 linear feet to the south. The Old Mill Ditch receives its water supply from the Yellowstone River and empties back into the Yellowstone River.

Additionally, the Yellowstone River is located approximately 1.3 miles to the south of the subdivision. The drainage direction from the subdivision is to the southeast direction. The storm runoff from the subdivision is not likely to reach the Yellowstone River due to agricultural fields that exist between the subdivision and Yellowstone River.

2. Impacts on ground water quantity and quality

There shall be eighteen (18) water wells constructed within the subdivision. The proposed subdivision is to have each residential lot drill its own individual water well for domestic and irrigation uses. The proposed multi-user lots shall have shared wells drilled for every two living units for domestic and irrigation uses. Similarly, sewer service will be provided by the extension of sewer mains which will transport sewage to the Park City wastewater treatment system. No drainfields or groundwater discharge of wastewater will occur as a result of the development.

3. Impacts on air quality

According to the EPA, Park City, Montana is not within an area of nonattainment. The air quality in the area is good and typical for a rural community in Stillwater County, therefore, the impact of development will be minimal to air quality.

4. Impacts on scenic resources

The site is approximately 41.5 acres of land. There are no known scenic resources located within the project development area.

5. Impacts on historic, pre-historic, and cultural resources

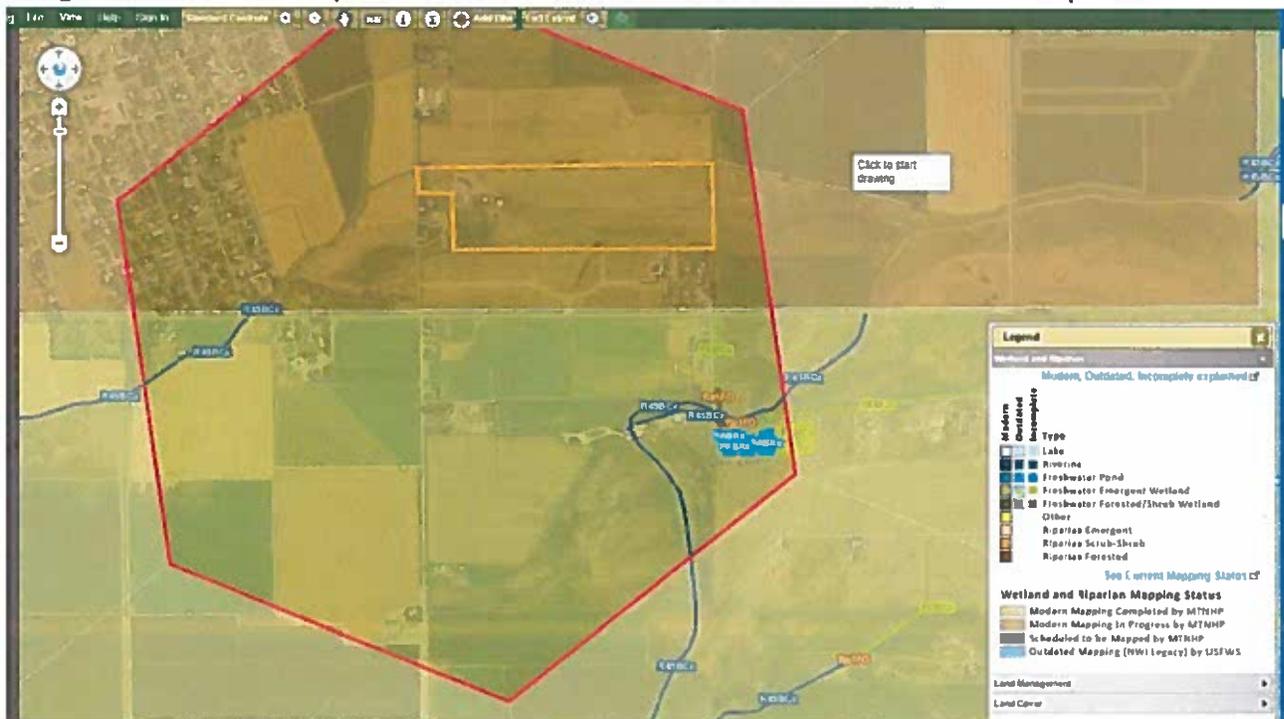
According to the Montana State Historic Preservation Office's Cultural Resource Database, the subdivision is situated in an inventoried area that has not been found to contain a historical or cultural sites. The Montana State Historic Preservation Office (SHPO) maintains that as long as there will be no disturbance or alteration to structures over fifty years of age, there is a low likelihood that cultural properties will be impacted. Therefore, since the site currently has no structures within its limits, the projected impacts to historic, pre-historic, and cultural resources is assumed to be negligible.

6. Noxious Weeds

Noxious weeds degrade habitat, crowd native plants, create fire hazards, poison and injure animals and humans. Areas with a history of disturbance are at a risk of weed encroachment. If the presence of noxious weeds are determined during the weed inspection, a Noxious Weed Control Plan may be required prior to final plat recordation, which details measures to be taken to control noxious weeds. To reduce the spread and establishment of noxious weeds and to re-establish permanent vegetation, disturbed areas will need to be seeded with desirable plant species.

7. Wetlands not covered under nationwide permits

According to the U.S. Fish and Wildlife Service's National Wetlands Inventory, there are no designated wetlands or riparian areas located within the subdivision area. See map below.



(source: <http://mtnhp.org/mapviewer>)

E. Effect on Wildlife and Wildlife Habitat

1. Loss of significant, important, and critical habitat

According to the U.S. Fish and Wildlife Service's IPaC Information for Planning and Consultation, there are no critical habitats within the subdivision. According to the Montana Sage Grouse Habitat Conservation Map, the subdivision is not within the core sage grouse habitat.

2. Impacts on significant, important, and critical habitat

According to the U.S. Fish and Wildlife Service's IPaC Information for Planning and Consultation, there are no critical habitats within the subdivision. Critical habitat for listed species is not known to be present on the site; however, changing the land use to residential could potentially impact some food supply for multiple species of birds.

The Montana Department of Fish, Wildlife and Parks reports that "this subdivision is being built in proximity to deer, bear and mountain lion habitat. Some subdivisions in similar habitat report considerable and on-going problems with deer damaging landscaped shrubs, flowers, and gardens. Potential homeowners should be made aware that they will likely have deer on their properties, and informed that unless they take steps to deter the animals (such as fencing their yards) they may have damage problems. It is illegal to feed game animals and homeowners are strongly discouraged from any feeding of wildlife, as such activities may unnaturally concentrate animals. This may result in higher likelihood of damage to property, disease proliferation, and attracting predators such as mountain lions and bears. Homeowners should be informed that all bear attractants must be stored indoors or in bear-proof containers. If attractants are not properly stored and bears are obtaining food rewards citations may be written and fines issued for not less than \$50 or more than \$1,000 pursuant to Montana Code Annotated 87-6-216 (Unlawful supplemental feeding). They should be notified that Montana Fish, Wildlife & Parks (FWP) does not provide direct assistance unless there is damage to commercial agricultural crops in non-residential areas, or a threat to public health and safety such as in the case of nuisance mountain lions and bears. Homeowners are encouraged to visit the Living With Wildlife section in the FWP internet website at <http://fwp.mt.gov>."

The subdivision will not close existing operations in the area and will not develop new points of access to public lands. The only roads to be developed are the three access roads connecting the subdivision to the existing roads of Cemetery Road and Old Mill Road.

F. Effect on Public Health and Safety

1. Creation of potential man-made hazards

No new intersections will be developed to provide access from the subdivision to Cemetery Road or Old Mill Road. Existing intersection shall be used to access this phase with the extension of Elm Drive and Silverado Lane to a new road named Maple Drive. Safety signs will be in place

at the intersections to minimize potential hazards. Due to the nature of the subdivision, the hazard potential should be minimal.



Autumn Road-Old Mill Road Intersection



Silverado Drive-Cemetery Road Intersection

2. Natural Hazards

Land instability, flooding, ponding, rock outcrops, drought, and fires are natural hazards considered in the design process of the subdivision. The development will meet the International Building Codes and any additional seismic requirements allocated to the area.

Grassland fires are a potential hazard within the area. Fire hazards will be minimized in several ways including, provision of adequate on-site water supply, limiting fire fuels within the subdivision, and community awareness.

Natural hazards such as steep slopes, wildfires (timber), high-risk floodplains were determined to be negligible within the subdivision.

3. Existing potential man-made hazards (high pressure gas lines, lack of fire protection)

Residential neighborhoods are in the general vicinity of the site. Close proximity to residential neighborhoods can increase the likelihood of a man-made hazard. However, there are no known health or safety hazards on or near the subdivision.

4. Traffic Safety

Driveways, access roads, and utility corridors will use or share existing access points and rights-of-ways where feasible. Asphalt roads will be constructed within the subdivision and will connect to existing paved roads within the subdivision and then onto Cemetery Road and Old Mill Road.

A traffic study was performed by A2Z Engineering for the potential impacts of this subdivision. The findings and recommendations of this traffic are as following..."the review of the Hillbrook Subdivision and the surrounding roadway system found that there is a robust and adequate infrastructure capable of handling the existing and proposed development. The only oddity in the area is a slight mis-alignment between the northern and southern legs of the Cemetery Road & Old Mill Road intersection. However these are both stop-controlled approaches and have a relatively small volume of traffic usage".

5. Emergency vehicle access

An emergency response to a residential site will be similar to a response to a completed and occupied residential neighborhood, and there will two (2) entrance points for the emergency vehicle to access the subdivision. In an emergency, a contractor will have someone meet emergency personnel at the entrance and direct them to the location of the emergency. The emergency vehicle will have to travel on the temporary construction road (in the early development phase) at reduced speeds since the road will be unpaved. The emergency vehicle will be sharing the roadway with construction workers (pedestrians), construction equipment, materials, and heavy trucks.

Upon completion of construction, emergency services will have full access to all residential homes from two paved roads. Emergency vehicle access to the developed subdivision will have two points of entry from Elm Drive and Silverado Lane both internal subdivision roads that have access to Cemetery Road and Old Mill Road.

6. Emergency medical response time

An emergency medical response to a residential site will be similar to a response to a completed and occupied residential neighborhood, except access may not be as easily available in a construction area, minimally effecting response time. In an emergency a contractor will have someone meet emergency personnel at the entrance and direct them to the location of

the emergency. Emergency personnel may have to carry equipment and/or the patient some distance back to the emergency vehicle. Expect noise, dust, and lighting that will often be too bright or too dim in a construction zone and additional protective equipment may be required in some situations.

Upon completion of construction, emergency vehicle access to the developed subdivision will have two points of entry from Elm Drive and Silverado Lane both internal subdivision roads that have access to Cemetery Road and Old Mill Road.

Emergency response time will vary depending on the location of the response team at the time of the call.

7. Condition of road getting to proposed subdivision

Cemetery Road, Old Mill Road, and internal subdivision roads are in good condition. The roads currently show no signs of deterioration or structural instability. The proposed traffic is negligible when compared to the capacity of the roads and will therefore have minimal impact.

8. Condition of bridges on road leading to proposed subdivision

There are currently no bridges on the access road leading to the site.

9. Other items that endanger public health and safety

Weather conditions can be unpredictable and have the potential to cause hazards on the roads.

III. Community Impact Report

A. Education and Busing

1. Available educational facilities

The subdivision falls into the Park City School District within Stillwater County. Park City School District offers pre-kindergarten through sixth grade facilities, seventh and eighth grade facilities, and ninth through twelfth grade facilities. The school facilities are approximately 1 mile from the site.

2. Affected school system

An estimated number of 13-26 students will be added by the subdivision; this was determined using information provided by the Montana Census Data. Dan Grabowska, the Park City Superintendent, stated that the school has no concerns with the subdivision and that the District can accommodate students from the subdivision. The bus route already transports students to and from the areas surrounding the subdivision, and would easily be able to transport additional students. The bus pick up location is on Old Mill Road.

B. Roads and Maintenance

1. Daily traffic

- a. Capability of existing and proposed roads to accommodate increase in traffic.

Based on the Trip Generation Manual, 9th Edition published by the Institute of Transportation Engineers, the subdivision at full build out would produce total daily traffic of 239 trips per day. The developer will construct asphalt roads within the subdivision meeting the County subdivision regulations. The proposed roads will provide asphalt-to-asphalt connections with Elm Drive and Silverado Lane (existing internal subdivision roads) and Cemetery Road and Old Mill Road ways. The roads currently show no signs of deterioration or structural instability. Elm Drive and Silverado Lane are 24 feet wide and Cemetery Road and Old Mill Road are 22 feet wide.

Providing a connection with 124 vehicular trips per day to Cemetery Road and Old Mill Road, will have a negligible impact on the transportation network due to the subdivision. Peak traffic generation during the AM and PM hours is minimal when compared to the capacity of both Cemetery Road and Old Mill Road. Refer to traffic study.

- b. **Increased maintenance problems and cost.**

The development of the site will have a relatively small footprint, which can equate to lower costs for maintaining roads. The developer will finance the construction of the roadways within the subdivision. Maintenance of the asphalt roads within the subdivision will be provided by a home owner's association.

2. Proposed new public or private access roads

- a. **Storm run-off.**

A SWPPP will be completed by the contractor/developer prior to the road construction. The SWPPP will provide information on methods such as best management practices (BMPs) to prevent water pollution due to construction activities. A home owner's association (HOA) for maintenance will be established prior to Phase the final plat, which will establish an initial maintenance schedule for the public roadways.

- b. **Road surface and provisions for dust.**

Dust shall be minimized during construction, as specified in the construction specifications. The constructed roads will have an asphalt surface, which will minimize dust.

c. Facilities for streams or drainage crossing.

There will be individual driveway approach culverts proposed to be installed beneath each private driveway and road ditch. There will also be two (2) culverts installed beneath the roadways as shown on road plans.

d. Seeding of disturbed areas.

Residents will be required to seed their properties with species of vegetation that are conducive to the native environment.

3. Closing or modification of existing roads

There is no proposed closure or modification to any existing roadway.

4. Road access within the subdivision

Access to this subdivision phase will come from the extension of two existing roadways (Elm Drive and Silverado Lane) and the development of a new roadway (Maple Drive). The new roads shall be designed to maximize pedestrian safety and circulation. Due to the location of the subdivision (rural area), the average lot size being greater than one-half an acre, and the town of Park City containing a school, foot traffic is expected to be moderate. Potential safety measures that could be taken include Pedestrian Crossing signage near the entry points of the subdivision. There will be no access to any individual lot directly from an arterial road.

5. Year-round access

The subdivision will be accessible year-round by conventional automobile over legal rights-of-way and easements.

6. Installation, maintenance, snow removal

The existing adjacent county roadways are owned and maintained by Stillwater County. It is expected that additional revenue from taxes on the subject property would offset any additional roadway maintenance costs, including snow removal. The internal subdivision roadways shall be maintained (including snow removal) by the home owner's association.

C. Water, Sewage, and Solid Waste Facilities

1. Water Supply and sewage treatment systems

The water shall be supplied by individual water wells (single-family lots) and shared water wells for two living units (multi-family lots).

The sewer shall consist of the developer installing gravity sewer mains that will connect to the existing sewer mains which will transport sewage to the Park City wastewater treatment facility. Each lot shall be responsible for connecting via a sewer service line to the installed gravity sewer main installed within the access and utility easement(s).

2. Cost and Finance

The wastewater (gravity sewer) system will be designed by Engineering West. The wastewater and water systems will be subject to review and an approval process by the Montana Department of Environmental Quality (DEQ). The property owner will finance the development the wastewater (gravity sewer main) system. The water wells will be financed and installed by each lot owner.

3. Solid waste generated, collecting and disposing

Residents of the subdivision will be responsible for hauling solid waste generated from each lot to the Park City Solid Waste Collection Site (located west of the Town of Park City). The solid waste will be transported from the collection site by the Stillwater County Solid Waste District to the Yellowstone County Landfill.

4. Disposal Company

Disposal services in the area is the Stillwater County Solid Waste District.

D. Fire Protection

1. Fire District

The subdivision will fall under jurisdiction of the Park City Fire Service Area. The subdivision will be serviced by an existing 30,000-gallon dry fire hydrant, located in Hillbrook Estates Phase 3. The furthest home site in Phase 4 will be located 0.4 miles from the existing dry fire hydrant.

2. Response Time

Due to the close proximity of the volunteer fire station located within Park City, Montana, and generally low traffic volumes in the area, changes to response time should be minimal, but may vary.

3. Source

No response to our request for comments was received. Responses are based on experience with similar subdivisions.

E. Law Enforcement Protection

1. Law enforcement personnel and response time

The Stillwater County Sheriff's Office is the chief law enforcement agency in Stillwater County, Montana. The Yellowstone County Sheriff's Department is located in Columbus, Montana approximately 22 miles west of Park City, Montana. The Department is responsible for patrolling all of Stillwater County. Response time will vary depending on the patrol schedule, who is on duty, and location of the officer at the time of the call.

Due to the subdivision being in a location that is already patrolled by the Stillwater County Sheriff's Department, it is anticipated that impacts to the efficiency of the department due to the subdivision development will be negligible.

2. Law enforcement requirements

Stillwater County Sheriff Charles "Chip" Kem responded that this subdivision is within their service area and their response time depends entirely on where an on-duty deputy is at the time of a call. Response times of 1-30 minutes can be anticipated.

3. Source

Stillwater County Sheriff Department can serve this subdivision.

F. Payment for Extension of Capital Facilities

The subdivider will pay for the cost of extending capital facilities required from expected impacts directly attributable to the subdivision with capital if deemed necessary.

SERVICE PROVIDERS REQUEST LETTERS



January 20, 2020

CenturyLink Service Provider
Attn: Tammi Baker
1925 Grand Avenue
Suite 127
Billings, MT 59102
Sent Via Email: tgude@msn.com

Re: Hillsbrook Estates Subdivision – Fourth Phase
Completion of Subdivision – Last 13 Lots
Stillwater County

Dear Ms. Baker:

Engineering West has been hired to complete a Summary of Probable Impacts for the completion of Hillbrook Estates Subdivision - Fourth Phase. The completion of this subdivision includes 13 new proposed lots. Located off of Cemetery Road in Park City, Stillwater County, legal description: Township 2 South, Range 23 East, Section 28.

The proposed completion of Hillsbrook Estates Subdivision will split the northern vacant section of land into 13 new lots. Each lot will have a proposed single-family home on it. Enclosed you will find a copy of the vicinity map and preliminary plat of this proposed subdivision.

In order to complete the portion of the Summary of Probable Impacts concerning the impact on the CenturyLink Services, we are in need of the following sheet filled out please.

A written response via mail or email of the requested information would be appreciated as soon as possible. Thank you for your time and if you have any questions please contact us at (406) 322-1116 or e-mail me at mandi@engineering-west.com

Thank you,

Mandi Beer

Date: 1/20/20

Subdivision Name: Yellowstone Trails Subdivision – Huntley, MT

INFORMATION on the AVAILABILITY of UTILITIES

Name of Entity: Centurylink

Please fill in the blanks and estimate the costs needed. This will help us assess whether the proposed subdivision will require additional services. If you have any questions, please call.

1. Does your company/agency presently provide service to the area where the lot is located?
Yes _____ No _____ Pipeline _____

If so, what service: Power _____ Natural Gas _____ Telephone _____ Other _____
1. Overhead _____ 1. Overhead _____
2. Underground _____ 2. Underground _____

2. If not, is it possible to extend utilities/services to the lot? Yes ____ No ____
Estimate of cost?

3. Will easements be necessary to extend utilities/services to the lot?
Yes ____ No ____ Width desired _____

4. Where would you prefer these easements to be located?

Comments:

Completed by: _____

Date: _____

Please return to: Engineering West
P.O. BOX 194
COLUMBUS, MT 59019
(406)322-1116
mandi@engineering-west.com



ENGINEERING WEST

LAND • WATER • SEWER

January 17, 2020

Montana Fish, Wildlife, and Parks

Attn: Catrina Hoffer

2300 Lake Elmo Drive

Billings, MT 59105

Sent Via Email: catrina.hoffer@mt.gov

Re: Hillsbrook Estates Subdivision – Fourth Phase
Completion of Subdivision – Last 13 Lots
Stillwater County

Dear Ms. Hoffer,

Engineering West has been hired to complete a Summary of Probable Impacts for the completion of Hillsbrook Estates Subdivision - Fourth Phase. The completion of this subdivision includes 13 new proposed lots. Located off of Cemetery Road in Park City, Stillwater County, legal description: Township 2 South, Range 23 East, Section 28.

The proposed completion of Hillsbrook Estates Subdivision will split the northern vacant section of land into 13 new lots. Each lot will have a proposed single-family home on it. Enclosed you will find a copy of the vicinity map and preliminary plat of this proposed subdivision.

In order to complete the portion of the Summary of Probable Impacts concerning the impact on wildlife habitat and fisheries, the following information is needed:

- Is the proposed subdivision located in an area known as a key wildlife area, such as a game range area, waterfowl nesting area, wetland, or habitat for the care of endangered species?
- Will any species of fish and wildlife using the area be affected by the proposed subdivision?
- Describe any potential measures to protect wildlife habitat or minimize degradation.

A written response via mail or email of the requested information would be appreciated as soon as possible. Thank you for your time and if you have any questions please contact us at (406) 322-1116 or e-mail me at mandi@engineering-west.com

Thank you,

Mandi Beer



January 17, 2020

NorthWestern Energy
Attn: New Subdivision Service
164 21st Avenue West
Havre, MT 59501

Re: Hillsbrook Estates Subdivision – Fourth Phase
Completion of Subdivision – Last 13 Lots
Stillwater County

To Whom It May Concern,

Engineering West has been hired to complete a Summary of Probable Impacts for the completion of Hillsbrook Estates Subdivision - Fourth Phase. The completion of this subdivision includes 13 new proposed lots. Located off of Cemetery Road in Park City, Stillwater County, legal description: Township 2 South, Range 23 East, Section 28.

The proposed completion of Hillsbrook Estates Subdivision will split the northern vacant section of land into 13 new lots. Each lot will have a proposed single-family home on it. Enclosed you will find a copy of the vicinity map and preliminary plat of this proposed subdivision.

In order to complete the portion of the Summary of Probable Impacts concerning the impact on the Northwestern Energy services, we are in need of the following sheet filled out please.

A written response via mail or email of the requested information would be appreciated as soon as possible. Thank you for your time and if you have any questions please contact us at (406) 322-1116 or e-mail me at mandi@engineering-west.com

Thank you,

Mandi Beer

Date: 1/17/20

Subdivision Name: Hillbrook Estates Subdivision – Fourth Phase

INFORMATION on the AVAILABILITY of UTILITIES

Name of Entity: NorthWestern Energy

Please fill in the blanks and estimate the costs needed. This will help us assess whether the proposed subdivision will require additional services. If you have any questions, please call.

1. Does your company/agency presently provide service to the area where the lot is located?
Yes _____ No _____ Pipeline _____

If so, what service: Power _____ Natural Gas _____ Telephone _____ Other _____
1. Overhead _____ 1. Overhead _____
2. Underground _____ 2. Underground _____

2. If not, is it possible to extend utilities/services to the lot? Yes _____ No _____
Estimate of cost?

3. Will easements be necessary to extend utilities/services to the lot?
Yes _____ No _____ Width desired _____

4. Where would you prefer these easements to be located?

Comments:

Completed by: _____

Date: _____

Please return to: Engineering West
P.O. BOX 194
COLUMBUS, MT 59019
(406)322-1116
mandi@engineering-west.com



ENGINEERING WEST

LAND • WATER • SEWER

January 20, 2020

Park City Ambulance Service
PO Box 292
Park City, MT 59063
Sent Via Email: parkcitya5@hotmail.com

Re: Hillsbrook Estates Subdivision – Fourth Phase
Completion of Subdivision – Last 13 Lots
Stillwater County

To Whom It May Concern:

Engineering West has been hired to complete a Summary of Probable Impacts for the completion of Hillsbrook Estates Subdivision - Fourth Phase. The completion of this subdivision includes 13 new proposed lots. Located off of Cemetery Road in Park City, Stillwater County, legal description: Township 2 South, Range 23 East, Section 28.

The proposed completion of Hillsbrook Estates Subdivision will split the northern vacant section of land into 13 new lots. Each lot will have a proposed single-family home on it. Enclosed you will find a copy of the vicinity map and preliminary plat of this proposed subdivision.

In order to complete the portion of the Summary of Probable Impacts concerning the impact on the Park City Ambulance Service, the following information is needed:

- Is this subdivision located within the Park City Ambulance Service area?
- How long will the response time be for the proposed subdivision?

A written response via mail or email of the requested information would be appreciated as soon as possible. Thank you for your time and if you have any questions please contact us at (406) 322-1116 or e-mail me at mandi@engineering-west.com

Thank you,

Mandi Beer



ENGINEERING WEST

LAND • WATER • SEWER

January 20, 2020

Park City Post Office
Attn: New Service
6 1st Avenue SW
Park City, MT 59063

Re: Hillsbrook Estates Subdivision – Fourth Phase
Completion of Subdivision – Last 13 Lots
Stillwater County

To Whom It May Concern:

Engineering West has been hired to complete a Summary of Probable Impacts for the completion of Hillsbrook Estates Subdivision - Fourth Phase. The completion of this subdivision includes 13 new proposed lots. Located off of Cemetery Road in Park City, Stillwater County, legal description: Township 2 South, Range 23 East, Section 28.

The proposed completion of Hillsbrook Estates Subdivision will split the northern vacant section of land into 13 new lots. Each lot will have a proposed single-family home on it. Enclosed you will find a copy of the vicinity map and preliminary plat of this proposed subdivision.

In order to complete the portion of the Summary of Probable Impacts concerning the impact on the Park City Post Office services, the following information is needed:

- Is this subdivision located within the Park City Post Office service area?
- Is there an active mail route that can serve these new lots of this subdivision or will post office boxes or a subdivision cluster box be required?

A written response via mail or email of the requested information would be appreciated as soon as possible. Thank you for your time and if you have any questions please contact us at (406) 322-1116 or e-mail me at mandi@engineering-west.com

Thank you,

Mandi Beer



January 17, 2020

Park City Public Schools
Attn: Superintendent Daniel Grabowska
PO Box 278
Park City, MT 59063
Sent Via Email: dgrabowska@pcsd5.org

Re: Hillsbrook Estates Subdivision – Fourth Phase
Completion of Subdivision – Last 13 Lots
Stillwater County

Dear Mr. Grabowska,

Engineering West has been hired to complete a Summary of Probable Impacts for the completion of Hillbrook Estates Subdivision - Fourth Phase. The completion of this subdivision includes 13 new proposed lots. Located off of Cemetery Road in Park City, Stillwater County, legal description: Township 2 South, Range 23 East, Section 28.

The proposed completion of Hillsbrook Estates Subdivision will split the northern vacant section of land into 13 new lots. Each lot will have a proposed single-family home on it. Enclosed you will find a copy of the vicinity map and preliminary plat of this proposed subdivision.

In order to complete the portion of the Summary of Probable Impacts concerning the impact on the Park City Public School District, the following information is needed:

- ❑ Can the current school and busing system accommodate the possibility of an increase of 13-26 students, (1-2 students per lot) per year that is estimated from the development of the proposed subdivision?
- ❑ What bus routes would be involved to transport students and where are the bus pick-up/delivery spots be located in this area?

A written response via mail or email of the requested information would be appreciated as soon as possible. Thank you for your time and if you have any questions please contact us at (406) 322-1116 or e-mail me at mandi@engineering-west.com

Thank you,

Mandi Beer



ENGINEERING WEST

LAND • WATER • SEWER

January 17, 2020

Park City Volunteer Fire Department
17 1st Street SW
Park City, MT 59063
Sent Via Email: parkcityfire@gmail.com

Re: Hillsbrook Estates Subdivision – Fourth Phase
Completion of Subdivision – Last 13 Lots
Stillwater County

To Whom It May Concern:

Engineering West has been hired to complete a Summary of Probable Impacts for the completion of Hillsbrook Estates Subdivision - Fourth Phase. The completion of this subdivision includes 13 new proposed lots. Located off of Cemetery Road in Park City, Stillwater County, legal description: Township 2 South, Range 23 East, Section 28.

The proposed completion of Hillsbrook Estates Subdivision will split the northern vacant section of land into 13 new lots. Each lot will have a proposed single-family home on it. Enclosed you will find a copy of the vicinity map and preliminary plat of this proposed subdivision.

In order to complete the portion of the Summary of Probable Impacts concerning the impact on the Park City Volunteer Fire Department, the following information is needed:

- Is this subdivision located within the Park City Volunteer Fire Department service area?
- How long will the response time be for the proposed subdivision?
- What fire suppression measures will be required for the proposed subdivision?

A written response via mail or email of the requested information would be appreciated as soon as possible. Thank you for your time and if you have any questions please contact us at (406) 322-1116 or e-mail me at mandi@engineering-west.com

Thank you,

Mandi Beer



January 17, 2020

State Historic Preservation Office
Attn: Damon Murdo
PO Box 201201
Helena, MT 59620-1201
Sent via email: dmurdo@mt.gov

Re: Hillsbrook Estates Subdivision – Fourth Phase
Completion of Subdivision – Last 13 Lots
Stillwater County

Dear Mr. Murdo,

Engineering West has been hired to complete a Summary of Probable Impacts for the completion of Hillbrook Estates Subdivision - Fourth Phase. The completion of this subdivision includes 13 new proposed lots. Located off of Cemetery Road in Park City, Stillwater County, legal description: Township 2 South, Range 23 East, Section 28.

The proposed completion of Hillsbrook Estates Subdivision will split the northern vacant section of land into 13 new lots. Each lot will have a proposed single-family home on it. Enclosed you will find a copy of the vicinity map and preliminary plat of this proposed subdivision.

In order to complete the portion of the Summary of Probable Impacts concerning the impact on the State Historic of this property we will require a written response via mail or email of the requested information, as soon as possible would be appreciated. Thank you for your time and if you have any questions please contact us at (406) 322-1116 or e-mail me at mandi@engineering-west.com

Thank you,

Mandi Beer



January 17, 2020

Stillwater County Sheriff's Department
Attn: Sheriff Charles Kem
PO Box 729
Columbus, MT 59019
Sent Via Email: ckem@scsomt.org

Re: Hillsbrook Estates Subdivision – Fourth Phase
Completion of Subdivision – Last 13 Lots
Stillwater County

Dear Mr. Kem:

Engineering West has been hired to complete a Summary of Probable Impacts for the completion of Hillsbrook Estates Subdivision - Fourth Phase. The completion of this subdivision includes 13 new proposed lots. Located off of Cemetery Road in Park City, Stillwater County, legal description: Township 2 South, Range 23 East, Section 28.

The proposed completion of Hillsbrook Estates Subdivision will split the northern vacant section of land into 13 new lots. Each lot will have a proposed single-family home on it. Enclosed you will find a copy of the vicinity map and preliminary plat of this proposed subdivision.

In order to complete the portion of the Summary of Probable Impacts concerning the impact on the Stillwater County Sheriff's Department, the following information is needed:

- Is this subdivision located within the Stillwater County Sheriff's Department service area?
- How long will the response time be for the proposed subdivision?
- What fire suppression measures will be required for the proposed subdivision?

A written response via mail or email of the requested information would be appreciated as soon as possible. Thank you for your time and if you have any questions please contact us at (406) 322-1116 or e-mail me at mandi@engineering-west.com

Thank you,

Mandi Beer



February 3, 2020

Yellowstone Valley Electric Co-Op
Attn: Jim Webber, P.E. – Manager of Engineering
PO Box 249
Huntley, MT 59037
Sent Via Email: jwebber@yvec.com

Re: Hillsbrook Estates Subdivision – Fourth Phase
Completion of Subdivision – Last 13 Lots
Stillwater County – Park City

Mr. Webber,

Engineering West has been hired to complete a Summary of Probable Impacts for the completion of Hillbrook Estates Subdivision - Fourth Phase. The completion of this subdivision includes 13 new proposed lots. Located off of Cemetery Road in Park City, Stillwater County, legal description: Township 2 South, Range 23 East, Section 28.

The proposed completion of Hillsbrook Estates Subdivision will split the northern vacant section of land into 13 new lots. Ten of the new lots will have a proposed single-family home on them, while the other 3 larger lots will be multi-family homes. Two of the 3 larger lots are proposed to have 3-plexes on them, while the largest lot is proposed to have a 4-plex. Enclosed you will find a copy of the vicinity map and preliminary site plan of this proposed subdivision.

In order to complete the portion of the Summary of Probable Impacts concerning the impact on the Yellowstone Valley Co-Op services, we are in need of the following sheet filled out please.

A written response via mail or email of the requested information would be appreciated as soon as possible. Thank you for your time and if you have any questions please contact us at (406) 322-1116 or e-mail me at mandi@engineering-west.com

Thank you,

Mandi Beer

Date: 2/3/20

Subdivision Name: Hillbrook Estates Subdivision – Fourth Phase

INFORMATION on the AVAILABILITY of UTILITIES

Name of Entity: Yellowstone Valley Electric Cooperative

Please fill in the blanks and estimate the costs needed. This will help us assess whether the proposed subdivision will require additional services. If you have any questions, please call.

1. Does your company/agency presently provide service to the area where the lot is located?
Yes _____ No _____ Pipeline _____

If so, what service: Power _____ Natural Gas _____ Telephone _____ Other _____
1. Overhead _____ 1. Overhead _____
2. Underground _____ 2. Underground _____

2. If not, is it possible to extend utilities/services to the lot? Yes ____ No ____
Estimate of cost?

3. Will easements be necessary to extend utilities/services to the lot?
Yes _____ No _____ Width desired _____

4. Where would you prefer these easements to be located?

Comments:

Completed by: _____

Date: _____

Please return to: Engineering West
P.O. BOX 194
COLUMBUS, MT 59019
(406)322-1116
mandi@engineering-west.com

SERVICE PROVIDERS COMMENTS



2300 Lake Elmo Drive
Billings, MT 59105

February 4, 2020

SUBJECT: Hillsbrook Estates Subdivision

Dear: Engineering-West and Ms. Beers,

Please consider this a response to your request for information on the fisheries and wildlife resources relative to your proposed project.

Based on a review of the proposed project, the Region 5 Wildlife Staff has no specific comments.

Review of the proposed project resulted in concerns about impacts to wildlife as summarized in the comment section below.

Based on a review of the proposed project, the Region 5 Fisheries Staff has no specific comments relating to the potential impacts on fisheries habitat.

Review of the proposed project resulted in concerns about impacts to fisheries habitat as summarized in the comment section below.

Based on a review of the proposed project, the Region 5 Parks Staff has no specific comments.

Review of the proposed project resulted in concerns about impacts to parks as summarized in the comment section below.

COMMENTS:

Please see attached

Sincerely,

R5 Wildlife Manger

R5 Fisheries Manager

R5 Acting Parks Manager



HILLSBROOK ESTATES SUBDIVISION

Fisheries: The type of fisheries habitat in the proposed project's vicinity is described in the Montana interagency Stream Database. Montana Fish, Wildlife & Parks reserves the right to address any impacts to any stream or its banks or tributaries by any type or form of construction when detailed plans are furnished with an application as required by the Stream Protection Act and the Natural Streambed and Land Preservation Act

Wildlife: This subdivision is being built in proximity to deer, bear and mountain lion habitat. Some subdivisions in similar habitat report considerable and on-going problems with deer damaging landscaped shrubs, flowers, and gardens. Potential homeowners should be made aware that they will likely have deer on their properties, and informed that unless they take steps to deter the animals (such as fencing their yards) they may have damage problems. It is illegal to feed game animals and homeowners are strongly discouraged from any feeding of wildlife, as such activities may unnaturally concentrate animals. This may result in higher likelihood of damage to property, disease proliferation, and attracting predators such as mountain lions and bears. Homeowners should be informed that all bear attractants must be stored indoors or in bear-proof containers. If attractants are not properly stored and bears are obtaining food rewards citations may be written and fines issued for not less than \$50 or more than \$1,000 pursuant to Montana Code Annotated 87-6-216 (Unlawful supplemental feeding). They should be notified that Montana Fish, Wildlife & Parks (FWP) does not provide direct assistance unless there is damage to commercial agricultural crops in non-residential areas, or a threat to public health and safety such as in the case of nuisance mountain lions and bears. Homeowners are encouraged to visit the Living With Wildlife section in the FWP internet website at <http://fwp.mt.gov>.

Montana Fish, Wildlife & Parks (FWP) is not the repository for federally threatened/endangered species or Montana species of concern. This type of request should be submitted to the Montana Natural Heritage Program (NHP) website at <http://nhp.nris.state.mt.us/>. Click on the "Request Information" button, and follow the instructions. The turn around time for requests is generally good, and you will get a letter confirming the presence or absence of threatened, endangered, or species of concern in the area. Should a Montana species of concern be identified in the area, please notify the FWP Wildlife Biologist at the Billings office for further review. If federal threatened or endangered species are listed for the area, contact the U.S. Fish and Wildlife Service.

Parks: Thank you for the opportunity to comment on the Hillsbrook Estates Subdivision. Montana State Parks, as recreation managers recognize the importance of open space for recreation, health of communities and a sense of identity. It is important when designing communities that planning for trails and recreational space be done in the initial phase. Beyond the health benefits, outdoor recreation provides economic benefits for a wide range of retailers and entrepreneurs in large and small communities in Montana.

Reply all Delete Junk Block

Fw: Probable Impacts - Subdivision Completion - Hillsbrook Estates Subdivision

To: mandi@engineering-west.com <mandi@engineering-west.com>

Subject: RE: Probable Impacts - Subdivision Completion - Hillsbrook Estates Subdivision

Big Sky. Big Land. Big History.
Montana
Historical Society

January 17, 2020

Mandi Beer
Engineering West
PO Box 194
Columbus MT 59019

RE: HILLSBROOK ESTATES 13 LOT SUBDIVISION, STILLWATER COUNTY. SHPO Project #: 2020011705

Dear Mandi:

I have conducted a cultural resource file search for the above-cited project located in Section 28, T2S R23E. According to our records there have been a few previously recorded sites within the designated search locale. The absence of more cultural properties in the area does not mean that they do not exist but rather may reflect the absence of any previous cultural resource inventory in the area, as our records indicated none.

It is SHPO's position that any structure over fifty years of age is considered historic and is potentially eligible for listing on the National Register of Historic Places. If any structures are to be altered and are over fifty years old, we would recommend that they be recorded, and a determination of their eligibility be made prior to any disturbance taking place.

As long as there will be no disturbance or alteration to structures over fifty years of age, we feel that there is a low likelihood cultural properties will be impacted. We, therefore, feel that a recommendation for a cultural resource inventory is unwarranted at this time. However, should structures need to be altered or if cultural materials be inadvertently discovered during this project, we would ask that our office be contacted, and the site investigated.

If you have any further questions or comments, you may contact me at (406) 444-7767 or by e-mail at dmurdo@mt.gov. I have attached an invoice for the file search. Thank you for consulting with us.

Sincerely,

Damon Murdo
Cultural Records Manager
State Historic Preservation Office

File: LOCAL/SUBDIVISIONS/2020



STATE HISTORIC PRESERVATION OFFICE Cultural Resource Information Systems

CRIS Township, Range, Section Report

Report Date 1/17/2020

Site #	Twp	Rng	Sec	Qs	Site Type 1	Site Type 2	Time Period	Owner	NR Status
24CB1584	2S	23E	28	Comb	Historic Irrigation System		Historic More Than One Decade	Combination	Unresolved
24CB1643	2S	23E	28	Comb	Historic Irrigation System		Historic Period	No Data	Unresolved
24ST0278	2S	23E	28	SE	Historic Irrigation System		Historic More Than One Decade	Combination	Eligible
24ST0295	2S	23E	28	Comb	Historic Irrigation System		Historic More Than One Decade	Private	Eligible

Reply all   Delete  Junk  Block 

Hillsbrook Estates Subdivision - Park City



Erskine, Taylor <Taylor.Erskine@northwestern.com>

>

Wed 1/22/2020 2:15 PM

mandi@engineering-west.com 



Good Afternoon Mandi,

I have looked at the location of the future subdivision you requested information on, and have found that this area is not Northwestern Energy territory. This is likely co-op territory.

If you have any other questions, please feel free to reach out.

Thank you

Taylor Erskine

NorthWestern Energy

Construction Engineer

Taylor.Erskine@NorthWestern.com

O (406) 655-2539

C (406) 200-4047

1944 Monad Rd | Billings, MT 59102

This message is for the named person's use only. It may contain confidential, proprietary or legally privileged information. No confidentiality or privilege is waived or lost by any mistransmission. If you receive this message in error, please immediately delete it and all copies of it from your system, destroy any hard copies of it and notify the sender. You must not, directly or indirectly, use, disclose, distribute, print, or copy any part of this message if you are not the intended recipient. NorthWestern Corporation and its subsidiaries each reserve the right to monitor all e-mail communications through its network.

Reply all Delete Junk Block

Re: Probable Impacts - Subdivision Completion - Hillsbrook Estates Subdivision



mandi@engineering-west.com

Wed 1/22/2020 10:26 AM

Dan Grabowska <dgrabowska@pcsd5.org>



Good Morning Dan -

Thanks so much for your response. I appreciate your time!

Mandi Beer

Engineering West

PO Box 194

Columbus, MT 59019

Office (406)322-1116

www.engineering-west.com

From: Dan Grabowska <dgrabowska@pcsd5.org>

Sent: Friday, January 17, 2020 4:40 PM

To: mandi@engineering-west.com <mandi@engineering-west.com>

Subject: Re: Probable Impacts - Subdivision Completion - Hillsbrook Estates Subdivision

Mandi Beer,

Park City Schools would be able to absorb the increased number of students from the completion of the Hillbrook Estates Subdivision. Currently the students are picked up on Old Mill Road, which would continue unless a large number of students were to move in to the subdivision. That would necessitate a change in route through the subdivision.

Sincerely,
Dan Grabowska

On Fri, Jan 17, 2020 at 12:43 PM mandi@engineering-west.com <mandi@engineering-west.com> wrote:

Ms. Grabowska -

Engineering West has been hired to complete a Summary of Probable Impacts for a proposed 13 lot completion of an existing subdivision, Hillsbrook Estates Subdivision - Phase 4 in Park City, MT. Please find attached a Letter, a Vacinity Map of where the proposed subdivision is located and a Preliminary Lot Layout of the proposed subdivision.

A response via either email back to me or mail at the below address so we can include your findings in our Probable Impacts Report.

⏪ Reply all ⏹ Delete ⏸ Junk Block ⋮

Re: Probable Impacts - Subdivision Completion - Hillsbrook Estates Subdivision

M

mandi@engineering-west.com

Wed 1/22/2020 10:29 AM

Chip Kem <ckem@scsomt.org>

👍 ⏪ ⏩ ⏴ ⏵ ⋮

Good Morning Chip -

Thank you for your response, I appreciate your time. I apologize about the fire suppression question, that was my error. A letter has been sent to the Park City Fire Department as well regarding fire and ambulance in the area.

Thanks Again,

Mandi Beer

Engineering West

PO Box 194

Columbus, MT 59019

Office (406)322-1116

www.engineering-west.com

From: Chip Kem <ckem@scsomt.org>

Sent: Friday, January 17, 2020 1:27 PM

To: mandi@engineering-west.com <mandi@engineering-west.com>

Subject: Re: Probable Impacts - Subdivision Completion - Hillsbrook Estates Subdivision

Mandi,

In response to your questions:

1. Yes, it is within our service area.
2. Response time depends entirely on where our on-duty deputies are at the time of a call. Anywhere from one to thirty minutes.
3. The question of fire suppression measures should be directed to someone at the Park City Fire Department.

Chip

Sheriff Charles "Chip" Kem

Stillwater County Sheriff's Office

400 E 3rd Ave North

Columbus, MT. 59019

(406) 322-5326

**HILLBROOK ESTATES SUBDIVISION
DECLARATION OF RESTRICTIONS,
COVENANTS AND CONDITIONS
Park City, MT 59063**

WHEREAS, the undersigned, Myron Gross and Nancy J. Gross, are the owners of the Fourth Phase of Major Subdivision, Hillbrook Estates, located in Twp 2 South, Rge 23 East, Sec 28 S1/2 SW1/4 Stillwater County, Montana; lots, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53 and

WHEREAS, the said owner desires to impose upon the Fourth Phase of Major Subdivision owned by them, the restrictions covenants and conditions hereinafter set forth, for the benefit of themselves and any other subsequent owners of all or a portion of said entire Hillbrook Estates Subdivision; and

WHEREAS, the purpose of the following restrictions, covenants and conditions is to insure the use of the real property development known as Hillbrook Estates Subdivision, for attractive and comfortable home sites and to insure its occupants a quality residential environment;

NOW THEREFORE, said owner hereby declares to and agrees with each and every person (his, hers, theirs, or its), heirs, executors, administrators, personal representatives, successors and assigns, and all persons who shall become an owner of any of the said lots, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, and 53 that said lots shall be and are hereby bound to the restrictions, covenants and conditions set forth in this Declaration of Restrictions, and

ALSO THEREFORE, said owner of lots 41, 48, 49, and 53 shall be and are hereby bound to the following conditions, in the below paragraph, apart from those described in, page 2 and page 3, III. BUILDING STRUCTURE, A, B, C, and D, as set forth in this Declaration of Restrictions.

Lots 41, 48, 49, and 53 of this fourth phase of major subdivision may have buildings or structures built, either be single family, multi family, townhome/condo, storage facility, ~~or~~ **business type**. Any buildings or structures must be built slab on grade to be at least 12" above existing grade or with crawl spaces to have a main floor height no lower than 30" from the existing grade of the land. This will allow for backfilling around home and for proper draining. Specifications with regards to placement, design, size, height, and total sq. footage of any home or structure built on above lots must be approved through the Architectural Committee. The Committee shall not approve the project unless the materials, colors, plans and specifications of the exterior result in a structure that harmonizes with the existing structures in the area and/or blends in with the surroundings and that the structure is located in such a manner as to suit the topography of the lot as well as being in an aesthetically pleasing place. Disapproval of a structure may be based on purely aesthetic values as seen by the Architectural Committee. Hillbrook Estates Subdivision and each lot shall be held and enjoyed subject to and with the benefit and advantages of the following restrictions, limitations, conditions, covenants and agreements, as follows:

I. ARCHITECTURAL COMMITTEE:

A. Purpose:

To assure through architectural control of building design, placement, and construction that said Subdivision shall remain an attractive residential community.

B. Membership:

The Architectural Committee shall consist of 3 members of which are Myron Gross and Nancy J. Gross who are the original sub-dividers and are a part of the original Committee. They shall remain members of the Architectural Committee so long as they desire. A third member was elected for a two-year term. After this term is served, a member shall be elected for a three-year term in such a manner that not more than one member is elected in any one year.

Whenever either of the original sub-dividers resigns or is unable to serve on the committee, a new member shall be elected to serve a term (not to exceed five years) ending in a year in which no other members' term ends. In the election of any member of the Architectural Committee, only those owners of lots with residences may be in the Committee and vote for members, and each such lot shall be entitled to one vote, irrespective of the number of owners or co-owners of such lot.

C. Authority:

No structure, including garden sheds, walls and fences shall be erected, converted, placed, added to or altered on any lot until the exterior construction plans and specifications, exterior material to be used, exterior color, and location have been approved by the Architectural Committee. The Committee shall not approve the project unless the materials, colors, plans and specifications of the exterior result in a structure that harmonizes with the existing structures in the area and/or blends in with the surroundings and that the structure is located in such a manner as to suit the topography of the lot as well as being in an aesthetically pleasing place. Disapproval of a structure may be based on purely aesthetic values as seen by the Architectural Committee.

D. Procedure:

All applications for approval shall be in writing and either hand delivered to a member of the Architectural Committee, or mailed to Myron Gross or Nancy J. Gross 21 Old Mill Road Park City, MT 59063. The Architectural Committee shall act upon all applications within thirty days after delivery to them of the application. The Architectural Committee shall only disapprove an application by a vote against the application by a simple majority vote. Such disapproval shall always be in writing stating the reason for disapproval. All applications, written approvals and disapprovals shall either be hand delivered and a written receipt obtained from the recipient or be mailed in such a way that a receipt of delivery is obtained from the recipient.

II. BUILDING LOCATION:

No building shall be located on said Subdivision without having first been approved for that location by the Architectural Committee. The Committee shall consider such things as nearness to property lines, visual relationship with the other lot owners' buildings and aesthetic values. The objective is to retain privacy between lots by either distance or by visual screening and to prevent obstruction of views.

III. BUILDING STRUCTURE:

A. Each above listed lot of this fourth phase of major subdivision may have one single-family residence with an attached two, three, or four-car garage. Homes built slab on grade to be at least 12" above existing grade or with crawl spaces to have a main floor height no lower than 30" from the existing grade of the land. This will allow for

backfilling around home and for proper draining. This will also assure no ground water problems with the homes.

B. To provide undiminished views for all homeowners, a maximum roof ridge height of thirty-two feet for the main residence will be allowed from existing grade. Any separate garage or out building will have a maximum ridge height of that of the house built on that lot and the maximum square foot of any out building is 1400 square feet.

C. The main floor square footage will be a minimum of 1,500 square feet excluding the garage, which will have a maximum square footage of 1200 square feet. Daylight basements will be allowed.

D. No home will be allowed within eight feet of a side property line. The front edge of residence will be no closer to front property line than the majority of existing homes, and at no time allowed closer than 30' from front property line. No building will be allowed within four feet of the rear property line. All out buildings to be at least 4 feet from side property lines. No out buildings allowed in front yards.

E. Any private water supply system including wells shall be located, installed and maintained at all times in compliance with standards established by the Montana Department of Environmental Quality and by any other governmental agency with jurisdiction.

F. All homes and garages in this subdivision shall be maintained in a clean, safe and attractive condition.

G. Plumbing, electrical and all other construction shall be done to current Montana Building Codes and Specifications

H. Any building will be completed within a twelve-month period from the date construction materials are placed onsite and/or a foundation is dug.

I. Any building or structure will be of new construction and no building or structure will be moved onto the subdivision. No mobile homes or modular construction will be allowed.

J. No metal or rolled roofing shall be allowed for residences, garages or any out buildings unless it goes before the Architectural Committee for its review. All such roofs must have the appearance of asphalt style shingles.

K. All structures to be stick built or log built and constructed on site and have an exterior surface of hard board type siding, natural wood (which may have a clear finish or stain), stone type, brick, steel, or vinyl siding. Any detached building on the lot will have the same type and color of exterior as the main residence, including the roof. Any other variation of exteriors will go before the Architectural Committee for its review. All exterior building materials shall be those intended for that purpose.

IV. TANKS:

Any propane tank for use in connection with any residence on the site, including oil, propane or other bottled gas tanks must be buried or shielded from view by either an approved fence or by planting approved trees or shrubbery. Any tanks, proposed to be used, shall go before the Architectural Committee for approval. Residential homes shall have natural gas for connection services.

V. FENCES:

The design of all rear fences and the method of construction are subject to mandatory approval of the Architectural Committee as previously set forth under paragraphs "C" and "D" of the Section entitled 1. Architectural Committee. The Committee shall only approve such fences as vinyl, brick, decorative metal, stone, or

composite. The respective owner(s) of each adjoining lot shall be responsible for one-half (50%) of the cost for maintenance and repairs to that portion of fence which is common with the adjoining side lot boundary. Definition of (50%) is as you face your neighbor, you will be responsible for the maintenance and repairs of the fence on your right side. Initial costs of installing any fences to be agreed upon by the side adjoining property owners. Any front yard fences must go before the Architectural Committee for approval, prior to installation.

VI. TEMPORARY STRUCTURES AND TEMPORARY HOUSING:

Lot owners may be granted permission for temporary structures for a period not to exceed twelve months during construction of a permanent residence on a lot by the owner thereof. Application for said structure is through the Architectural Committee.

VII. BUILDING TYPE AND OCCUPANCY:

No mobile home, modular, or trailer house may be used either as a dwelling or as an accessory building on the property, either permanently or temporarily. Lots 42, 43, 44, 45, 46, 47, 50, 51, and 52 shall be known and described as residential lots and shall be used only for single-family residences.

VIII. TIME OF CONSTRUCTION:

All residential lots in said subdivision shall be used solely for residential dwelling purposes. Once construction has begun on any permanent building, the exterior of the same must be completed within a twelve-month period. Construction shall be deemed as begun on the day that any building material is placed upon a lot or upon the date that any foundation work is begun, whichever is earlier. Failure to comply with the provisions of this paragraph shall expose the owner to liability to have any such uncompleted structure, equipment and materials removed at the owner's expense.

IX. EASEMENTS AND RIGHTS-OF-WAY:

Each lot shall be subject to all easements and right-of-ways of record, and those which the owner may grant for the installation and maintenance of water, sewage, power, telephone and other utility lines. No shrubbery, trees, plantings or buildings shall be placed or built upon any such right-of-way or easement and must not be blocked and must remain open for use for any Utility, Fire, or EMS type emergency.

X. SALE OF SURFACE AND SUBSURFACE MATERIAL:

Hillbrook Estates Subdivision owners are prohibited from selling or removing any materials from the surface or subsurface of said subdivision that would result in a change of the appearance and/or level of said lot other than as a normal incident to residential construction without the prior approval of the Architectural Committee. No mineral rights shall be transferred with any lot or property within said subdivision.

XI. UTILITIES AND SUBDIVIDERS RIGHT OF RESERVATION:

Installation for all utility lines including but not limited to water, sewer, power, cable television, telephone, and other transmission poles or lines shall be underground. Subdividers of this subdivision reserve the right to either grant permission or charge a

Fee to any person or entity that extends the sewer line from within the boundaries of this subdivision. Any such fees are to offset upfront costs paid by the owners of the subdivision to extend service from the Sewer District main lift station.

XII. SUBDIVISION OF INDIVIDUAL LOTS:

Any lot may be further subdivided as laws permit. Also the merger of any lot into another lot is permitted.

XIII. ANIMALS:

No animals, poultry, or livestock will be kept on any lot in said subdivision except lot 48, which may have a maximum of 4 animals total, 2 horses / 2 cows and/or a limited number of chickens, under 10, with no rosters. The other above listed lots may have household cats and a maximum of 3 dogs. All dogs within this subdivision will be kept in a rear-fenced yard and will not be allowed to run free or bark as to disturb the quality residential environment of said subdivision. No Pit bull or Rottweiler dogs are allowed to reside within said subdivision because of their aggressive nature towards people. No commercial kennel will be permitted.

XIV. REFUSE, RUBBISH, TRASH AND JUNK:

All waste, refuse, rubbish, trash and junk shall be kept and disposed of in a sanitary manner. All household waste, refuse, rubbish, and trash shall be kept in closed containers inside or near a residence, basement, garage or an auxiliary building. All refuse, rubbish and trash of every kind and junk shall be removed by the lot owner. Lot owners shall contract with BFI or the equivalent for removal of solid waste or haul said waste to local landfill.

XV. LANDSCAPING:

Any area on any said Subdivision land barren as a result of any construction or improvement shall be replanted by the owner of the said lot within twelve months of completed construction and all yard areas will be kept clean. Every residential lot will have a light pole with a maximum height of 8' within 3 feet of the front property boundary line and must be on during hours of darkness so as to light the street area in front of said lot. Wattage of bulbs in light posts and style of light post will be determined by the Architectural Committee.

XVI. NUISANCES:

Nothing shall be done or permitted on any said Subdivision property, which is or may become, an annoyance or nuisance to the other lot owners. Specifically labeled, but not all inclusive, as nuisances are the following:

- A. Noxious Weeds - Noxious weeds as defined by State statute will not be allowed.
- B. Lights, Sounds and/or Odors - No lights shall be emitted from any property which are unreasonably bright or cause unreasonable glare; exception is during the Christmas Season. No sound shall be emitted on any property which is unreasonably loud or annoying and no odor shall be emitted on any property which is noxious or offensive to others in said subdivision.
- C. All antennas and Television antennas shall not exceed house ridge height by 6'

and small satellite dishes shall be out of public view as much as possible.

D. No burning of leaves, branches, or shrubbery as to cause smoke to spread throughout said subdivision.

E. Business or Commercial Activity - All business or commercial activity shall be conducted and contained within the resident family dwelling. Said businesses must be those types essentially regarded as home occupations only.

F. No noxious or offensive trade or activity shall be carried on upon any lots of said Subdivision, nor shall anything be done thereon which shall constitute an annoyance or nuisance to the residential neighborhood.

G. No machinery, appliance or structure shall be placed or operated in said Subdivision, the purpose of which is to facilitate the carrying on of any trading, manufacturing or repairing business or selling of any article of commerce.

H. Exceeding posted speed limits or reckless driving. Montana traffic laws shall be obeyed.

XVII. VEHICLE PARKING:

All boats, trailers, large trucks, motor homes of any kind, whether self-propelled or not, shall be parked in the rear or the side of a residence in such a manner in which are not a nuisance either aesthetically or otherwise a detriment to the other lot owners. No permanent or extended parking of vehicles, motor homes, boats, trailers, or the like in the driveways or in the roads of said subdivision will be permitted.

XVIII. INDIVIDUAL LOT SIGNAGE:

No signs, billboards, posters or advertising devices of any kind or character shall be erected or displayed upon any of the lots or on any buildings or vehicles thereon excepting modest house signs or driveway entrance signs identifying the address or occupants of a dwelling, normal door signs on business vehicles and one realtor's sign when a lot is for sale is allowed. Exception is for the occasional yard or garage sale. The American flag may be flown at any time without restrictions. Any other variances will go before the Architectural Committee.

XIX. WATER RIGHTS:

No water rights will be transferred with any lot or property within Hillbrook Estates Subdivision. The well log will be given to each owner of drilled wells on lot. Flood irrigation of any lands within Hillbrook Estates Subdivision is prohibited. Each lot within this fourth phase shall have water restrictions placed upon each lot as determined by DNRC for the state of Montana.

XX. GENERAL PROVISIONS:

A. DURATION AND TERMS:

The restrictions, covenants and conditions herein set forth are to be construed as covenants running with the land and shall be binding on all parties and all persons claiming any part of the above-described real property. Said restrictions, covenants and conditions shall bind real property for a term of twenty years from the date this

declaration is recorded after which time they shall be automatically extended for successive periods of ten years unless otherwise amended as provided hereafter.

B. ALTERATION OF THE RESTRICTIONS, COVENANTS, AND CONDITIONS:

The Declaration of Restrictions, Covenants and Conditions may be amended or altered in whole or in part by a 4/5 vote of the owner or owners of the total lots of the entire Hillbrook Estates Subdivision. Each lot shall be entitled to only one vote, irrespective of the number of owners or co-owners of such lot. Any amendment or alteration shall be effective upon the recording date in the office of the County Clerk and Recorder.

C. SEVERABILITY:

Invalidation of any of the restrictions, covenants and conditions herein set forth by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

D. NO WAIVER:

Failure to enforce any provisions, restrictions, covenants, conditions or agreements in this declaration or in any supplemental declaration shall not operate as a waiver of any such provision, restriction, covenant, condition or agreement or of any other provision, restriction, covenant, condition or agreement contained herein.

XXI. ENFORCEMENT:

These Restrictions, Covenants and Conditions are to run with the land and are to be binding upon all parties and all persons claiming ownership under them. Enforcement shall be by proceeding at law or in equity against any person or persons violating or attempting to violate them either to restrain violation or to recover damages. The failure to enforce any right, reservation, restriction, covenant, or condition contained herein, however long continued, shall not be deemed a waiver of the right to do so thereafter as to the same breach or as to a breach occurring prior to or subsequent thereto, and shall not bar or affect its enforcement. The invalidation by any court of any restriction, covenant or condition herein contained shall not in any way affect any of the other restrictions, covenants, and conditions; they shall remain in full force and effect. If court proceedings are instituted in connection with the rights of enforcement and remedies provided in this declaration, the prevailing party shall be entitled to recover its costs and expenses in connection therewith including reasonable attorney's fees.

XXII. PERSONS BOUND BY THESE COVENANTS, CONDITIONS AND RESTRICTIONS:

The undersigned and all persons and entities that shall hereafter acquire any interest in and to the above-described real estate shall be taken and held to agree and covenant each with the other and with their heirs, devisees, trustees, and assigns, to conform to and observe the above restrictions, covenants and conditions as to the use thereof and as to the construction of dwellings and improvements thereon.

Hillbrook Estates-Fourth Filing

(14-Lot Major Subdivision)

LOCATED IN
SECTION 28, TOWNSHIP 2 SOUTH, RANGE 23 EAST, P.M.M.
STILLWATER COUNTY, MONTANA

STILLWATER COUNTY MAJOR SUBDIVISION APPLICATION

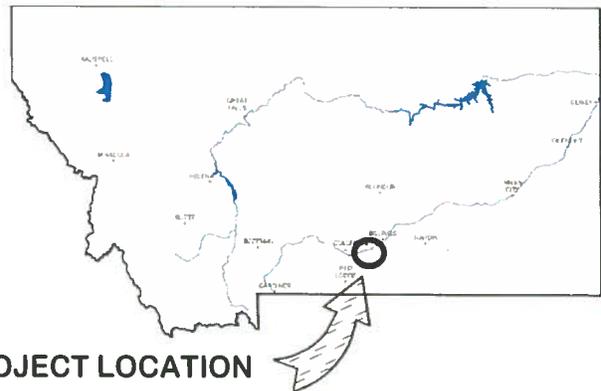
JULY 14, 2020

PREPARED FOR:

**MYRON GROSS
21 OLD MILL ROAD
PARK CITY, MT 59063**

PREPARED BY:

**TRAVIS WEST, P.E., RS
PO Box 194
COLUMBUS, MONTANA 59019
(406) 322-1116**



PROJECT LOCATION



ENGINEERING WEST

LAND • WATER • SEWER

P.O. BOX 194 • COLUMBUS, MT 59019
ENGINEERING-WEST.COM • 406 322 1116

Stillwater County, Columbus, Montana
APPLICATION AND CHECKLIST
PRELIMINARY PLAT

SUBDIVISION NAME: Hillbrook Estates-4th Filing NO. OF LOTS: 14

LEGAL DESCRIPTION (PMM Stillwater County): Lot 40, Plat No. 357758
S1/2, SW1/4, Section 28, T. 2S, R. 23E, P.M.M., Stillwater County, Montana

TAX ID #: 0001010074 (Geocode 32-0817-28-3-04-01-0000)

Application:

Pre-Application meeting held: 11/14/19
Date preliminary plat is submitted: _____
Date preliminary plat application deemed complete: _____

Preliminary plat (1 copy 24"x 36" and one copy 11 x 17") to include on face of plat:

- Name of subdivision, scale, north arrow, location, 1/4 section, section, township, range, principal meridian and county, landowner, and date.
- Adjacent tracts of record, landowners and zoning (if un-zoned so indicate)
- Section corners, lines and 1/4 section lines
- Lots and blocks designated by number with approximate dimension and size
- Approximate total net and gross acreage
- Locations of all existing fences, buildings, trees, rock out cropping, open water, wetlands, and utility lines on or within 100' of site
- Major vegetation on or within 100' of site
- Flood plain delineation, if needed
- Existing and proposed streets, alleys, roads, intersections/accesses, and public parks or other common areas
- Vicinity map to include legible road names, section number, and distance to nearest town
- Metes and bounds location (or recorded reference) and identity of existing easements on and adjacent to site
- Location and description of existing agricultural water user facilities, ditches, and easements
- Elevations with contours at five-foot intervals on tracts larger than one acre (may be interpolated from USGS data).
For one-acre tracts or less, contours at two-foot intervals for all areas of planned improvements. If flat, spot elevations at three locations across plat to show lay of land
- Approximate location of all existing and planned improvements such as water/sewer/storm drain facilities/roads
- Color aerial of site showing lot location

Preliminary Plat Supplements (one copy of each):

- Environmental Assessment
- DEQ submission information/application
- DEQ approval if available
- Public Service Commission jurisdiction letter

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), which Stillwater County may require for a period of twenty years from the date of this document's recording.

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

The real property herein above mentioned is more particularly described as follows:

Hillbrook Estates Subdivision-4th Filing

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

"SUBDIVIDER"

Myron Gross

By: _____
Owner

STATE OF MONTANA)
 : ss
County of Stillwater)

On this ____ day of _____, 20____, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be Myron Gross, 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: _____

ENVIRONMENTAL ASSESSMENT & COMMUNITY IMPACT STATEMENT

PREPARED IN ACCORDANCE WITH
STILLWATER COUNTY PLANNING DEPARTMENT

FOR

Hillbrook Estates Subdivision-4th Filing

LOCATED IN
SECTION 28, TOWNSHIP 2 SOUTH, RANGE 23 EAST, P.M.M.
STILLWATER COUNTY, MONTANA

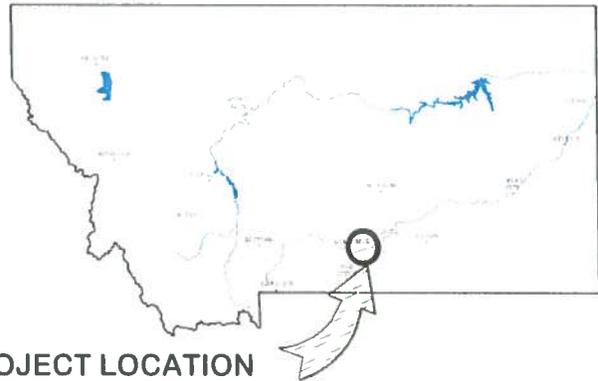
MARCH 2020

PREPARED FOR:

**MYRON GROSS
21 OLD MILL ROAD
PARK CITY, MT 59063**

PREPARED BY:

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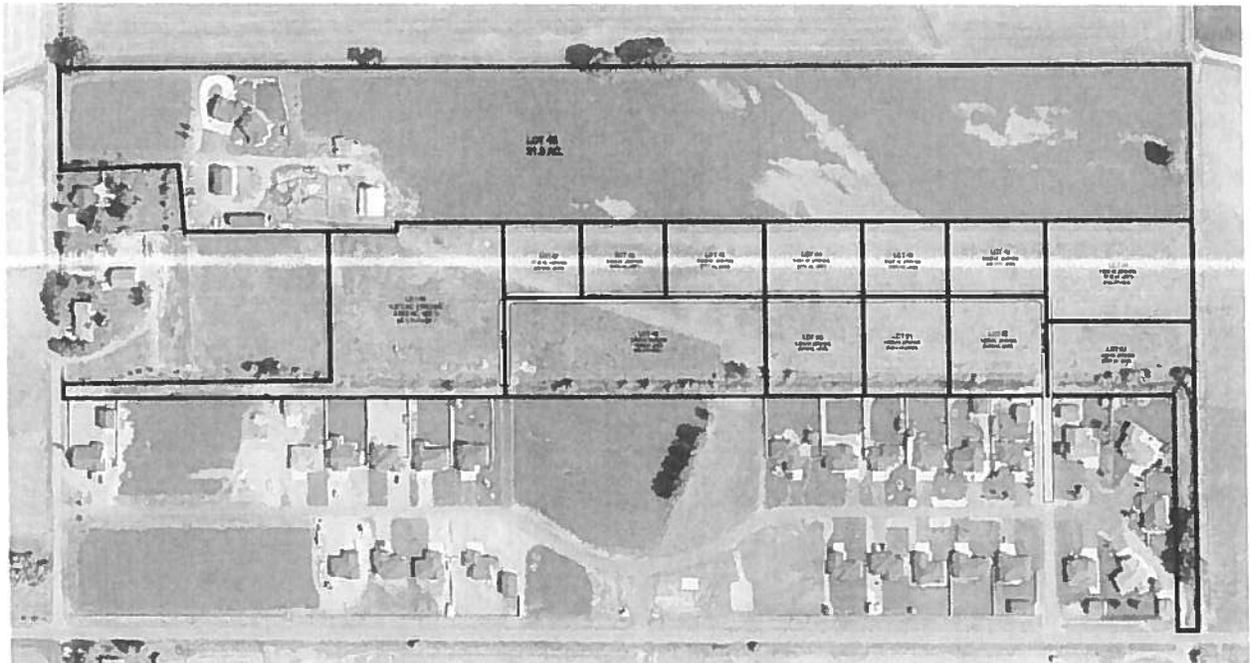
P.O. BOX 194 • COLUMBUS, MT 59019
ENGINEERING-WEST.COM • 406 322 1116

Introduction

Myron Gross, developer, has proposed the development of an fourteen (14) lot subdivision (single-family lots and multi-family lots) to be sited on privately owned land in Park City, Montana.

The proposed development is to be known as Hillbrook Estates Subdivision-4th Filing. The subdivision is located along Cemetery Road and Old Mill Road, east of Park City, Montana. The legal description is the south portion of Lot 40 of Hillbrook Estates-Phase 1, Plat No. 357758 of the South ½, Southwest 1/4 of Section 28, Township 02 South, Range 23 East, Park City, Stillwater County, Montana. The site currently consists of an single-family parcel of land approximately 41.5 acres in size.

The Environmental Assessment and Community Impact Statement provides an analysis of potential environmental impacts that may result from actions related to the construction and operation of the Project.



I. Description of Environmental Features

A. Surface Water

1. Plat Overlay or Sketch Map

a. Any natural water systems.

Natural water systems that include: impaired streams, impaired waterbodies, water bodies, sole source aquifers, watersheds, and wild and scenic rivers are not present on the site. There is a small seasonal irrigation ditch located along the north portion of the

subdivision and a drainage ditch located along the south portion of the subdivision located within a drainage easement as shown on the subdivision plat.

b. Any artificial water systems.

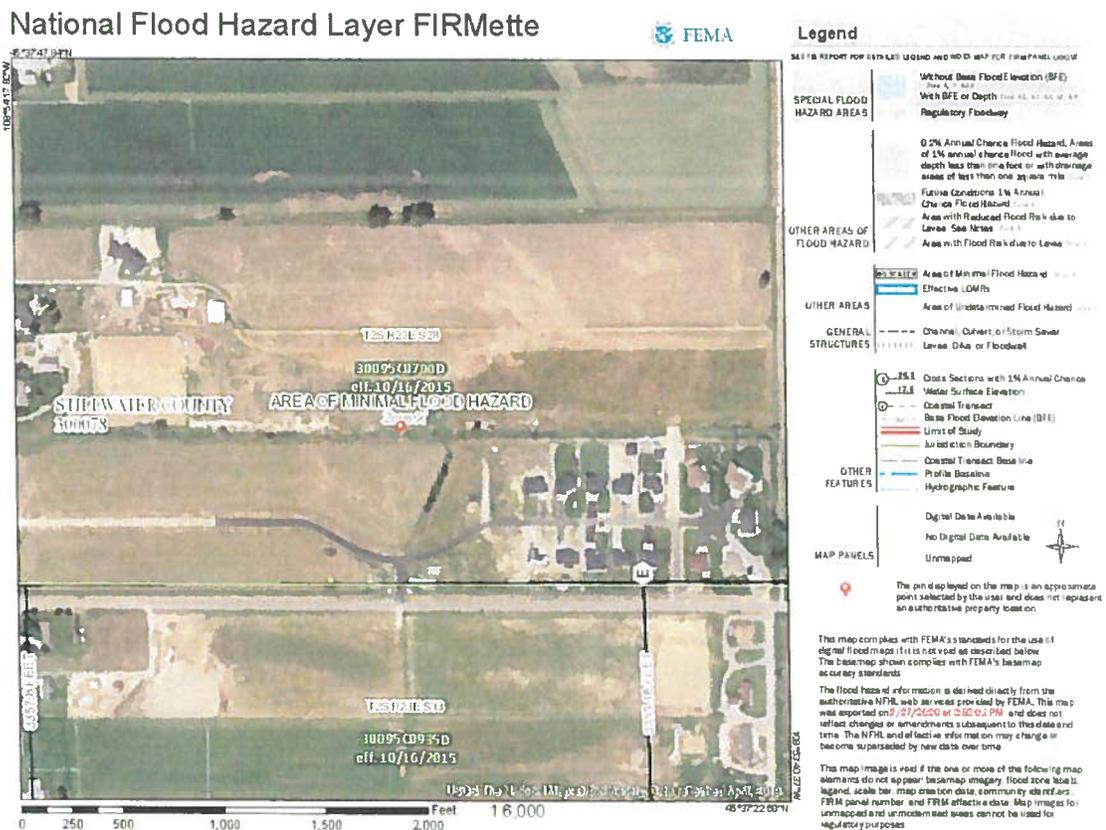
There will be no artificial water systems constructed within the subdivision.

c. Time when water is present.

Stillwater County has a milder climate with precipitation levels staying “Near Average” earlier in the year and “Slightly Dry” to “Moderately Dry” in the summer and fall months. Precipitation levels fluctuate slightly year to year, according to the Montana Official State Website, but stay fairly on trend.

d. Subject to flood hazard or in delineated 100-year floodplain.

According to FEMA’s National Flood Hazard Layer (Official), the site is in an area of Minimal Flood Hazard and is not located with a 100-year floodplain as shown on the map below.



e. Existing or proposed stream bank alteration.

No construction or modification of lake beds or stream channels is proposed.

B. Groundwater

1. Groundwater Depth.

The geologic source in the proposed subdivision area consist of a parent material of alluvium soil. According to the USDA Web Soil Survey, depth to groundwater in this area can range from 6-24 inches. Further analysis of data provided by Montana’s Ground Water Information Center determined that the static water level in the area ranges from 7 feet to 12.2 feet, making the average static water level approximately 8 feet. This was determined by averaging the static water level of five (5) water wells found within Hillbrook Estates Phases 1-3. It is believed that a seasonal shallow groundwater table can be found between 2-8 feet during seasonal periods of the year.

2. Steps to avoid depletion or degradation of groundwater recharge areas.

Vegetated buffers are areas of natural or established vegetation maintained to protect the water quality of neighboring areas. Buffer zones slow stormwater runoff, provide an area where runoff can permeate the soil, contribute to ground water recharge, and filter sediment. Buffer zones proposed for this subdivision include road storm water ditches and road storm water retention ponds along with individual storm water retention ponds that are proposed on each lot.

Each single-family lot will have its own individual water well and the multi-family lots shall have shared wells (each shared well serving two living units) that will be used for potable water consumption and minimum irrigation for lawns and gardens. The system and all appurtenances have been designed to meet Montana Department of Environmental Quality (MDEQ) requirements.

C. Topography, Geology, and Soils

1. Topographic Map and Suitability for the Proposed Land

The subdivision is shown on a USGS topographical map below. The subdivision is located on nearly flat topography with gently slopes of 1-2%. The subdivision terrain slopes from the northwest to the southeast direction as shown by the topographical map.



A Custom Soil Resource Report for Stillwater County Area was developed by the United States Department of Agriculture Natural Resources Conservation Service (NRCS). The Soil Report, including a Custom Soil Resource Report Soil Map, is included in this application.

NRCS Soil Survey Map



Map may not be valid at this scale.

The majority of the subdivision site consist of two soil types (as noted in above soil map). The two soils are a Glendive Fine Sandy Loam (19) and a Attewan Loam (12). There is a small portion of the subdivision site that may contain a Yamac Loam (67) soil type. These soils are located on sites with slopes of 0-4%.

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
12	Attewan loam, seeped, 0 to 4 percent slopes	21.1	52.4%
19	Glendive fine sandy loam, 0 to 4 percent slopes	16.9	42.0%
21	Grail clay loam, 0 to 4 percent slopes	0.1	0.2%
67	Yamac loam, 0 to 2 percent slopes	2.2	5.4%
Totals for Area of Interest		40.2	100.0%

The Attewan Loam (12) soil type consists of approximately 52% of the site and is described as the following:

- Alluvium parent material
- Important farmland
- Slopes 0-4%
- Elevation of Suitability of 2,000-6,500 feet
- Depth to Water Table: 6-24 inches
- Moderate poorly drainage
- Low available water storage capacity
- No frequency of flooding or ponding

The Glendive Fine Sandy Loam (19) soil type consists of approximately 42% of the site and is described as the following:

- Sandy alluvium parent material
- Prime farmland (irrigated)
- Slopes 0-4%
- Elevation of Suitability of 1,900-6,000 feet
- Depth to Water Table: greater than 80 inches
- Well drained soils
- High available water storage capacity
- Rare frequency of flooding and no frequency of ponding

The Yamac Loam (67) soil type consists of approximately 6% of the site and is described as the following:

- Loamy alluvium parent material

- Prime farmland (irrigated)
- Slopes 0-2%
- Elevation of Suitability of 1,900-6,500 feet
- Depth to Water Table: greater than 80 inches
- Well drained soils
- High available water storage capacity
- No frequency of flooding and no frequency of ponding

2. Highly Erodible Soils or Slopes

In the NRCS Soil Survey Data, the erosion hazard rating is a rating indicating the susceptibility of soil to wind erosion, or the tons per acre per year that can be expected to be lost to wind erosion. There is a close correlation between wind erosion and the texture of the surface layer, the size and durability of surface clods, rock fragments, organic matter, and a calcareous reaction. Soil moisture and frozen soil layers also influence wind erosion." Below is the soil survey table showing the erosion hazard ratings for each soil type found within this subdivision.

Table 1 - Erosion Hazard (Off-Road, Off-Trail) - Summary by Map Unit						
Summary by Map Unit - Stillwater County Area, Montana (MT655)						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
12	Attewan loam, seeped, 0 to 4 percent slopes	Slight	Attewan (90%) Beaverell (5%) Larry (5%)		14.6	71.5%
19	Glendive fine sandy loam, 0 to 4 percent slopes	Slight	Glendive (90%) Havre (5%) Yamac (5%)		5.7	27.8%
21	Grall clay loam, 0 to 4 percent slopes	Slight	Grall (90%) Lolo (4%) Turner (3%) Lohler (3%)		0.1	0.7%
Totals for Area of Interest					20.4	100.0%

Table 2 - Erosion Hazard (Off-Road, Off-Trail) - Summary by Rating Value			
Summary by Rating Value			
Rating	Acres in AOI	Percent of AOI	
Slight	20.4	100.0%	
Totals for Area of Interest	20.4	100.0%	

Description - Erosion Hazard (Off-Road, Off-Trail)
The ratings in this interpretation indicate the hazard of soil loss from off-road and off-trail areas after disturbance activities that expose the soil surface. The ratings are based on slope, soil erosion factor K, and an index of rainfall erosivity (R). The soil loss is caused by sheet or rill erosion in off-road or off-trail areas where 50 to 75 percent of the surface has been exposed by logging, grazing, mining, or other kinds of disturbance.
The ratings are both verbal and numerical. The hazard is described as "slight," "moderate," "severe," or "very severe." A rating of "slight" indicates that erosion is unlikely under ordinary climatic conditions; "moderate" indicates that some erosion is likely and that erosion-control measures may be needed; "severe" indicates that erosion is very likely and that erosion-control measures, including revegetation of bare areas, are advised; and "very severe" indicates that significant erosion is expected, loss of soil productivity and off-site damage are likely, and erosion-control measures are costly and generally impractical.
Numerical ratings indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the specified aspect of forestland management (1.00) and the point at which the soil feature is not a limitation (0.00).
The map unit components listed for each map unit in the accompanying Summary by Map Unit table in Web Soil Survey or the Aggregation Report in Soil Data Viewer are determined by the aggregation method chosen. An aggregated rating class is shown for each map unit. The components listed for each map unit are only those that have the same rating class as listed for the map unit. The percent composition of each component in a particular map unit is presented to help the user better understand the percentage of each map unit that has the rating presented.
Other components with different ratings may be present in each map unit. The ratings for all components, regardless of the map unit aggregated rating, can be viewed by generating the equivalent report from the Soil Reports tab in Web Soil Survey or from the Soil Data Mart site. Onsite investigation may be needed to validate these interpretations and to confirm the identity of the soil on a given site.

As shown in above table the soils located within this subdivision has a slight hazard rating for erosion.

Below is the NRCS Soil Survey Data, rating the hazards associated with construction of local roads and streets in these soil types.

Table 1 - Local Roads and Streets - Summary By Map Unit

Summary by Map Unit — Stillwater County Area, Montana (MT655)						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
12	Attewan loam, seeped, 0 to 4 percent slopes	Somewhat limited	Attewan (90%)	Depth to saturated zone (0.94)	14.6	71.5%
				Frost action (0.50)		
				Shrink-swell (0.03)		
19	Glendive fine sandy loam, 0 to 4 percent slopes	Somewhat limited	Beaverell (5%)	Frost action (0.50)	5.7	27.8%
			Glendive (90%)	Frost action (0.50)		
			Havre (5%)	Frost action (0.50)		
			Yamac (5%)	Frost action (0.50)		
21	Grall clay loam, 0 to 4 percent slopes	Very limited	Grall (90%)	Low strength (1.00)	0.1	0.7%
				Shrink-swell (1.00)		
				Frost action (0.50)		
			Lolo (4%)	Flooding (1.00)		
				Frost action (0.50)		
				Depth to saturated zone (0.19)		
			Lohler (3%)	Large stones (0.06)		
	Shrink-swell (1.00)					
	Low strength (1.00)					
	Flooding (0.40)					
Totals for Area of Interest					20.4	100.0%

Table 2 - Local Roads and Streets - Summary by Rating Value

Summary by Rating Value			
Rating	Acres in AOI	Percent of AOI	
Somewhat limited	20.3	99.3%	
Very limited	0.1	0.7%	
Totals for Area of Interest	20.4	100.0%	

Local roads and streets have an all-weather surface and carry automobile and light truck traffic all year. They have a subgrade of cut or fill soil material; a base of gravel, crushed rock, or soil material stabilized by lime or cement; and a surface of flexible material (asphalt), rigid material (concrete), or gravel with a binder. The ratings are based on the soil properties that affect the ease of excavation and grading and the traffic-supporting capacity. The properties that affect the ease of excavation and grading are depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, depth to a water table, ponding, flooding, the amount of large stones, and slope. The properties that affect the traffic-supporting capacity are soil strength (as inferred from the AASHTO group

The soil types within this subdivision indicate a “somewhat limited” rating for the construction of local roads and streets due to depth to shallow saturated zones, frost action, and shrink-swell potential of the soils. Fair performance and moderate maintenance can be expected of the proposed roads with this subdivision due to these factors.

Below is the NRCS Soil Survey Data, rating the hazards associated with construction of shallow excavations. The soil types in this subdivision have a "somewhat limited" to "very limited" rating due to depth of a shallow saturated zone. The report describes shallow excavations as trenches or holes dug to a maximum of 5 or 6 feet for purposes including open ditches, graves, and utility lines. "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Summary by Map Unit -- Stillwater County Area, Montana (MT655)						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
12	Attewan loam, seeped, 0 to 4 percent slopes	Very limited	Attewan (90%)	Depth to saturated zone (1.00) Dusty (0.13) Unstable excavation walls (0.01)	14.6	71.5%
			Larry (5%)	Ponding (1.00) Depth to saturated zone (1.00) Dusty (0.09) Unstable excavation walls (0.01)		
19	Glendive fine sandy loam, 0 to 4 percent slopes	Somewhat limited	Glendive (90%)	Dusty (0.13) Unstable excavation walls (0.01)	5.7	27.8%
			Havre (5%)	Dusty (0.06) Unstable excavation walls (0.01)		
			Yamac (5%)	Dusty (0.20) Unstable excavation walls (0.01)		
21	Grail clay loam, 0 to 4 percent slopes	Somewhat limited	Grail (90%)	Dusty (0.06) Unstable excavation walls (0.01)	0.1	0.7%
			Turner (3%)	Dusty (0.09) Unstable excavation walls (0.01)		
			Lohler (3%)	Unstable excavation walls (0.51) Dusty (0.42) Too clayey (0.28)		
Totals for Area of Interest					20.4	100.0%

Below is the NRCS Soil Survey Data, rating the hazards associated with construction of foundations and basements. The soil types in this subdivision have a "very limited" rating due to depth of a shallow saturated zone. According to NRCS, "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally

cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected. It is recommended that no basements be constructed due to a shallow water table and recommend that all foundation and basements (crawlspaces) be constructed above any seasonal saturated zone.

Table - Dwellings With Basements - Summary By Map Unit

Summary by Map Unit - Stillwater County Area, Montana (MT655)						
Summary by Map Unit - Stillwater County Area, Montana (MT655)						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
12	Attewan loam, seeped, 0 to 4 percent slopes	Very limited	Attewan (90%) Larry (5%)	Depth to saturated zone (1.00) Ponding (1.00) Depth to saturated zone (1.00) Shrink-swell (0.50)	14.6	71.5%
19	Glendive fine sandy loam, 0 to 4 percent slopes	Very limited	Glendive (90%) Havre (5%)	Flooding (1.00) Flooding (1.00)	5.7	27.8%
21	Grail clay loam, 0 to 4 percent slopes	Somewhat limited	Grail (90%)	Shrink-swell (0.91)	0.1	0.7%
Totals for Area of Interest					20.4	100.0%

Table - Dwellings With Basements - Summary By Rating Value

Summary by Rating Value			
Rating	Acres in AOI	Percent of AOI	
Very limited	20.3	99.3%	
Somewhat limited	0.1	0.7%	
Totals for Area of Interest	20.4	100.0%	

Description - Dwellings With Basements

Dwellings are single-family houses of three stories or less. For dwellings with basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of about 7 feet.

The ratings for dwellings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility. Compressibility is inferred from the Unified classification of the soil. The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect the specified use. "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. "Somewhat limited" indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

The map unit components listed for each map unit in the accompanying Summary by Map Unit table in Web Soil Survey or the Aggregation Report in Soil Data Viewer are determined by the aggregation method chosen. An aggregated rating class is shown for each map unit. The components listed for each map unit are only those that have the same rating class as listed for the map unit. The percent composition of each component in a particular map unit is presented to help the user better understand the percentage of each map unit that has the rating presented.

Other components with different ratings may be present in each map unit. The ratings for all components, regardless of the map unit aggregated rating, can be viewed by generating the equivalent report from the Soil Reports tab in Web Soil Survey or from the Soil Data Mart site. Onsite investigation may be needed to validate these interpretations and to confirm the identity of the soil on a given site.

Challenges within the site that have the potential for affecting development and need to be taken into consideration during the design and permitting of supporting infrastructure for the subdivision. Soil and rock conditions throughout the development of the subdivision and hazards such as snow will be weather dependent. The climate in the region brings cold winters and hot summers, low humidity, and frequent sunshine. Extremes in temperatures are

characteristic of the area. Hazards such as rock outcroppings and seismic activity were considered when designing the subdivision but were determined to be minimum risk.

According to the NRCS Web Soil Survey, the site consists of the geologic unit Alluvium. Alluvium has been defined by the NRCS as “unconsolidated material, such as gravel, sand, silt, clay, and various mixtures of these, deposited on land by running water.”

3. Hazard Prevention

Safety meetings will be held throughout the construction process to make personnel aware of the potential physical (mud, rock) and seasonal hazards (snow, ice) on site. According to FEMA Flood Map, the site is in an area of Minimal Flood Hazard. The average depth to ground water, as mentioned in Section B, was determined to be approximately 2-6 feet. Groundwater cycles should be noted so that if dewatering is needed, construction crews are prepared.

4. Cut and Fill

Cut and fill of more than three feet in depth will take place in a variety of locations within the subdivision in association with installation of building foundations, water and sewer infrastructure. Utility lines, sewer main facilities, and stormwater development, etc. will be placed onsite, as seen in the proposed layout.

The Montana Department of Environmental Quality Water Protection Bureau requires a Storm Water Pollution Prevention Plan (SWPPP) for construction activity be completed prior to development and maintained at the construction activity site.

D. Vegetation

1. Vegetation Map

a. Distribution of major vegetation types.

The site primarily consists of native grass. The plant community consists of primarily tall and medium grasses. The major vegetation types that exist in this area are crops consisting of grass, hay, and alfalfa crops during the crop season.

b. Location of critical plant communities.

Critical plant communities such as shoreline vegetation, stream bank, and vegetation on steep unstable slopes are not applicable in the site.

2. Vegetation Preservation

a. Preserve trees and other natural vegetation, e.g., locating roads and lot boundaries and planning construction to avoid damaging tree cover.

The only trees or shrubs found within the subdivision area are located along the drainage ditch (located with the drainage easement, southern portion of the property). No trees or shrubs will be impacted by road or home development.

b. Protect critical plant communities, e.g., keeping structural development away from these areas or setting areas aside for open space.

There are no other critical plant communities known to exist on the site.

c. Prevent and control grass, brush or forest fires, e.g., green strips, water supply, access.

A existing 30,000-gallon water storage dry hydrant is located within the early phases of the subdivision. This dry hydrant shall be used by the local fire department for structural or grass fires in this area. Individual lot owners will be encouraged to maintain their lawns around the homes to assist in the prevention and control of grass or bush fires within the subdivision.

d. Measures to control noxious weeds.

The type and extent of noxious weeds is evaluated during an inspection conducted by the Weed Coordinator of the Stillwater County Weed District. The inspection will be conducted within the timeframe of May through October to ensure the results are conclusive. Depending on the results from the weed inspection, a noxious weed plan may be submitted. During construction, noxious weed contaminated material (if present) will not be removed from the site, nor placed in an area that has not been previously infested with noxious weeds. The developer will be responsible for weed control on lots after the development of the subdivision and prior to private purchase. Residents will be responsible for properly seeding their yards to prevent noxious weeds in the long term.

E. Wildlife

1. Species of Fish and Wildlife

There are no surface water bodies on the site, therefore, risk to species of fish is negligible. However, the Whooping Crane, along with several other species of protected birds, as well as a variety of upland game birds, deer, antelope, and nongame wildlife common on the prairies of Eastern Montana can be present in the area.

The Whooping Crane is officially listed as an endangered species with the Fish and Wildlife Service, and a standalone assessment was conducted to make an effective determination for the project. The Montana Natural Heritage-SOC Report states that the Whooping Crane may occasionally migrate through eastern Montana, although the majority of the migratory patterns take them through the Dakotas.

Certain birds are protected under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The following birds, USFWS Birds of Conservation Concern, have a potential to be affected by activities in this location: Bald Eagle, Golden Eagle, and Pinyon Jay.

2. Map identifying critical wildlife areas

According to the U.S. Fish and Wildlife Service's IPaC Information for Planning and Consultation, there are no critical habitats on the site.

3. Measures of Protection

To create and maintain biodiversity, the developer must consider all three major phases of development: design, construction, and post-construction.

The design phase will determine the placement of homes, lots, and roads while designating remaining area as natural open space. Where practicable driveways, access roads, and utility corridors will use or share existing accesses and right of ways to create an efficiency of space. Natural vegetation will be incorporated as buffers between development and adjacent properties to create a diversified, visually restored habitat and safe corridors for animals.

During the construction phase the viability of onsite and nearby natural habitat will be maintained through Best Management Practices. The placement of topsoil and routes used by heavy construction vehicles can impair survival of trees or native vegetation. Therefore, the route construction vehicles and equipment will use to access the subdivision and placement of materials will be evaluated prior to construction to minimize impact.

The post construction phase is the responsibility of the residents individually and collectively to manage their homes, yards, neighborhoods, and common areas in ways that do not compromise the original intent of the community. Recognizing ways to responsibly manage their yards and neighborhoods are critical factors to restoring and conserving biodiversity within the subdivision. Homeowners can minimize the impact of pets on wildlife by keeping cats indoors and dogs on leashes, as well as cleaning up after the pet. Light and noise pollution can be minimized by installing dark-sky lighting fixtures that direct light downward and minimize the amount of light that shines outward and upward. Limiting the height of perimeter fencing is a protection measure that can help the migration of elk and deer.

According to the Montana Department of Fish, Wildlife and Parks, "this subdivision is being built in proximity to deer, bear and mountain lion habitat. Some subdivisions in similar habitat report considerable and on-going problems with deer damaging landscaped shrubs, flowers, and gardens. Potential homeowners should be made aware that they will likely have deer on their properties, and informed that unless they take steps to deter the animals (such as fencing their yards) they may have damage problems. It is illegal to feed game animals and homeowners are strongly discouraged from any feeding of wildlife, as such activities may unnaturally concentrate animals. This may result in higher likelihood of damage to property, disease proliferation, and attracting predators such as mountain lions and bears. Homeowners

should be informed that all bear attractants must be stored indoors or in bear-proof containers. If attractants are not properly stored and bears are obtaining food rewards citations may be written and fines issued for not less than \$50 or more than \$1,000 pursuant to Montana Code Annotated 87-6-216 (Unlawful supplemental feeding). They should be notified that Montana Fish, Wildlife & Parks (FWP) does not provide direct assistance unless there is damage to commercial agricultural crops in non-residential areas, or a threat to public health and safety such as in the case of nuisance mountain lions and bears. Homeowners are encouraged to visit the Living With Wildlife section in the FWP internet website at <http://fwp.mt.gov>.”

II. Summary of Probable Impacts

A. Effect on Agriculture

1. Acres removed from the production of crops or livestock.

The site currently consists of an undeveloped parcel approximately 41.5 acres in size. Due to the proposed development, the site will have a change of use from agricultural grazing lands to residential development. There will be areas of natural vegetation that remain throughout the development but agricultural production will cease upon completion of the development.

2. Acres of prime farmland removed

The site consists of approximately 41.5 acres, with 48 of the property considered “prime farmland” according to the NRCS Custom Soil Report. The remaining 52% of the site is classified as “farmland of statewide importance.” Approximately 20.0 acres will be removed from agricultural production with this subdivision.

3. Effect on use of remainder and adjoining properties as farm or ranch land

There is no remainder; the subdivision is not anticipated to adversely affect the adjoining properties, since there are several similar developments in the area already.

4. Potential Conflicts with adjacent agricultural operations

a. Interference with movement of livestock or farm machinery, maintenance of fences, weed proliferation, vandalism or theft, harassment of livestock by pets or humans.

There are no anticipated potential conflicts with the surrounding agricultural operations due to the development of the subdivision. There are several similar developments in the area with which area agricultural operations have coexisted.

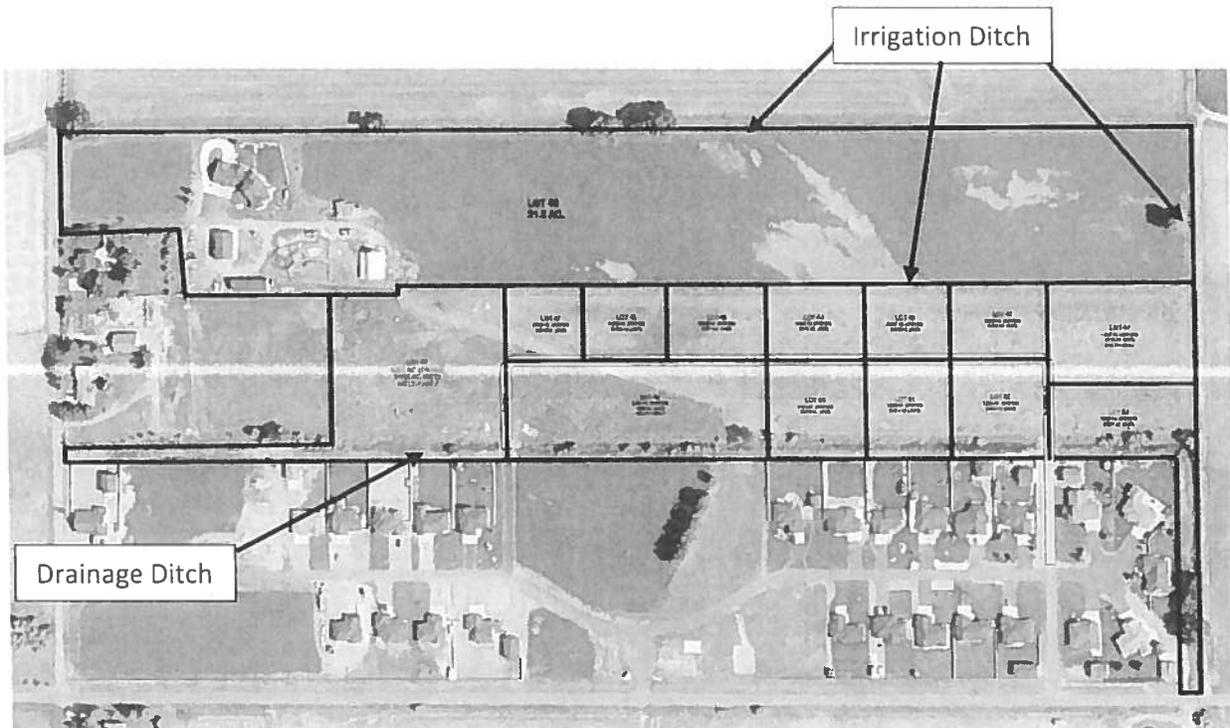
b. Effect on market value of surrounding land and the net effect on taxes resulting from additional services.

The effect on market value of the surrounding land may improve due to the expansion of residential land use within the Park City area. The additional services provided will be sewer infrastructure within the subdivision. The net effects of taxes on the surrounding land may be minimal.

B. Effect on Agricultural Water User Facilities

1. Location of or proximity to agricultural water user facilities.

There are two (2) agricultural water user facilities on or in close proximity to the proposed subdivision. There is an irrigation ditch located along the north, east and south portion of Lot 40. There is also a drainage ditch located the southern portion of Phase 4 as shown below.



2. Potential conflicts between facility users and subdivision residents including seeps, flooding, washouts; obstructions and interference, and unintended uses.

The surrounding irrigation ditch can contribute to a seasonal high ground water table which can affect shallow foundations and residential basements. The drainage ditch is located within an existing drainage easement as shown on the plat.

3. Water Rights

This property does not have any surface water rights associated with it. A searching the DNRC Water Right Query System, the only water rights associated with this property are three

groundwater water right certificates that are on file in the name of Myron and Nancy Gross. Enclosed are copies of these water right certificates.

4. Vehicular access to facility

There are no agricultural water user facilities on the site. The subdivision will be accessed via two road extension from Elm Drive and Silverado Lane and the construction of a new road (Maple Drive) as shown on the plat.

C. Effect on Local Services

1. Increased demand on services and need to expand services

Impacts due to increased demand on services should be minimal from the development of the 14-lot residential subdivision. The increased demand and impacts thereof are discussed in detail below.

2. Ability to provide services to subdivision

a. Response times

Park City Fire Department Station is located in Park City, Montana which is approximately 1.4 miles from the subdivision. The Stillwater County Sheriff's Department is located in Columbus, Montana, located approximately 22 miles away. There is ambulance services located in Park City, located approximately 1.4 miles from the subdivision. All response times to the site may vary depending on where the response teams are located at the time of the call. No additional burden or adverse effect is anticipated.

b. Conditions or roads, bridges, and railroad crossings

The primary roadways accessing the site are Cemetery Road and Old Mill Road. Both roadways are in good to fair condition. Stillwater County maintains these existing roads. No additional burden or adverse effect is anticipated.

c. Physical barriers

There are no known physical barriers to the subdivision. No additional burden or adverse effect is anticipated.

3. Provision of adequate local services and public facilities simultaneous or prior to onset of impact

Sufficient public services are available for the subdivision which include: solid waste collection, emergency medical response, fire department, and law enforcement. Private utilities such as power, gas, telephone, and cable can be extended to the subdivision at the discretion of the homeowner.

4. Any special or rural improvement districts that would obligate local government involvement fiscally or administratively

A home owner's association will be created for the maintenance of the proposed roads and fire protection services located within the subdivision. The home owner's association will be established as part of the platting process. Fees will be assessed by the home owner's association for maintenance and repairs of these facilities.

D. Effect on Natural Environment

1. Runoff reaching surface waters

The soils reported from the NRCS Web Soil Survey are primarily loams. These soils are well-drained so that water is withdrawn from the soil readily but not swiftly. These soils will allow for the storm water runoff in the ditches and retention ponds to empty quickly and recharge the ground water. After recharging the ground water, runoff reaching surface waters is unlikely, therefore, potential impacts to surface waters would be minimal. The nearest surface water to the subdivision is Old Mill Ditch. The ditch is approximately 1,450 linear feet to the south. The Old Mill Ditch receives its water supply from the Yellowstone River and empties back into the Yellowstone River.

Additionally, the Yellowstone River is located approximately 1.3 miles to the south of the subdivision. The drainage direction from the subdivision is to the southeast direction. The storm runoff from the subdivision is not likely to reach the Yellowstone River due to agricultural fields that exist between the subdivision and Yellowstone River.

2. Impacts on ground water quantity and quality

There shall be eighteen (18) water wells constructed within the subdivision. The proposed subdivision is to have each residential lot drill its own individual water well for domestic and irrigation uses. The proposed multi-user lots shall have shared wells drilled for every two living units for domestic and irrigation uses. Similarly, sewer service will be provided by the extension of sewer mains which will transport sewage to the Park City wastewater treatment system. No drainfields or groundwater discharge of wastewater will occur as a result of the development.

3. Impacts on air quality

According to the EPA, Park City, Montana is not within an area of nonattainment. The air quality in the area is good and typical for a rural community in Stillwater County, therefore, the impact of development will be minimal to air quality.

4. Impacts on scenic resources

The site is approximately 41.5 acres of land. There are no known scenic resources located within the project development area.

5. Impacts on historic, pre-historic, and cultural resources

According to the Montana State Historic Preservation Office's Cultural Resource Database, the subdivision is situated in an inventoried area that has not been found to contain a historical or cultural sites. The Montana State Historic Preservation Office (SHPO) maintains that as long as there will be no disturbance or alteration to structures over fifty years of age, there is a low likelihood that cultural properties will be impacted. Therefore, since the site currently has no structures within its limits, the projected impacts to historic, pre-historic, and cultural resources is assumed to be negligible.

6. Noxious Weeds

Noxious weeds degrade habitat, crowd native plants, create fire hazards, poison and injure animals and humans. Areas with a history of disturbance are at a risk of weed encroachment. If the presence of noxious weeds are determined during the weed inspection, a Noxious Weed Control Plan may be required prior to final plat recordation, which details measures to be taken to control noxious weeds. To reduce the spread and establishment of noxious weeds and to re-establish permanent vegetation, disturbed areas will need to be seeded with desirable plant species.

7. Wetlands not covered under nationwide permits

According to the U.S. Fish and Wildlife Service's National Wetlands Inventory, there are no designated wetlands or riparian areas located within the subdivision area. See map below.



(source: <http://mtnhp.org/mapviewer>)

E. Effect on Wildlife and Wildlife Habitat

1. Loss of significant, important, and critical habitat

According to the U.S. Fish and Wildlife Service's IPaC Information for Planning and Consultation, there are no critical habitats within the subdivision. According to the Montana Sage Grouse Habitat Conservation Map, the subdivision is not within the core sage grouse habitat.

2. Impacts on significant, important, and critical habitat

According to the U.S. Fish and Wildlife Service's IPaC Information for Planning and Consultation, there are no critical habitats within the subdivision. Critical habitat for listed species is not known to be present on the site; however, changing the land use to residential could potentially impact some food supply for multiple species of birds.

The Montana Department of Fish, Wildlife and Parks reports that "this subdivision is being built in proximity to deer, bear and mountain lion habitat. Some subdivisions in similar habitat report considerable and on-going problems with deer damaging landscaped shrubs, flowers, and gardens. Potential homeowners should be made aware that they will likely have deer on their properties, and informed that unless they take steps to deter the animals (such as fencing their yards) they may have damage problems. It is illegal to feed game animals and homeowners are strongly discouraged from any feeding of wildlife, as such activities may unnaturally concentrate animals. This may result in higher likelihood of damage to property, disease proliferation, and attracting predators such as mountain lions and bears. Homeowners should be informed that all bear attractants must be stored indoors or in bear-proof containers. If attractants are not properly stored and bears are obtaining food rewards citations may be written and fines issued for not less than \$50 or more than \$1,000 pursuant to Montana Code Annotated 87-6-216 (Unlawful supplemental feeding). They should be notified that Montana Fish, Wildlife & Parks (FWP) does not provide direct assistance unless there is damage to commercial agricultural crops in non-residential areas, or a threat to public health and safety such as in the case of nuisance mountain lions and bears. Homeowners are encouraged to visit the Living With Wildlife section in the FWP internet website at <http://fwp.mt.gov>."

The subdivision will not close existing operations in the area and will not develop new points of access to public lands. The only roads to be developed are the three access roads connecting the subdivision to the existing roads of Cemetery Road and Old Mill Road.

F. Effect on Public Health and Safety

1. Creation of potential man-made hazards

No new intersections will be developed to provide access from the subdivision to Cemetery Road or Old Mill Road. Existing intersection shall be used to access this phase with the extension of Elm Drive and Silverado Lane to a new road named Maple Drive. Safety signs will be in place

at the intersections to minimize potential hazards. Due to the nature of the subdivision, the hazard potential should be minimal.



Autumn Road-Old Mill Road Intersection



Silverado Drive-Cemetery Road Intersection

2. Natural Hazards

Land instability, flooding, ponding, rock outcrops, drought, and fires are natural hazards considered in the design process of the subdivision. The development will meet the International Building Codes and any additional seismic requirements allocated to the area.

Grassland fires are a potential hazard within the area. Fire hazards will be minimized in several ways including, provision of adequate on-site water supply, limiting fire fuels within the subdivision, and community awareness.

Natural hazards such as steep slopes, wildfires (timber), high-risk floodplains were determined to be negligible within the subdivision.

3. Existing potential man-made hazards (high pressure gas lines, lack of fire protection)

Residential neighborhoods are in the general vicinity of the site. Close proximity to residential neighborhoods can increase the likelihood of a man-made hazard. However, there are no known health or safety hazards on or near the subdivision.

4. Traffic Safety

Driveways, access roads, and utility corridors will use or share existing access points and rights-of-ways where feasible. Asphalt roads will be constructed within the subdivision and will connect to existing paved roads within the subdivision and then onto Cemetery Road and Old Mill Road.

A traffic study was performed by A2Z Engineering for the potential impacts of this subdivision. The findings and recommendations of this traffic are as following..."the review of the Hillbrook Subdivision and the surrounding roadway system found that there is a robust and adequate infrastructure capable of handling the existing and proposed development. The only oddity in the area is a slight mis-alignment between the northern and southern legs of the Cemetery Road & Old Mill Road intersection. However these are both stop-controlled approaches and have a relatively small volume of traffic usage".

5. Emergency vehicle access

An emergency response to a residential site will be similar to a response to a completed and occupied residential neighborhood, and there will two (2) entrance points for the emergency vehicle to access the subdivision. In an emergency, a contractor will have someone meet emergency personnel at the entrance and direct them to the location of the emergency. The emergency vehicle will have to travel on the temporary construction road (in the early development phase) at reduced speeds since the road will be unpaved. The emergency vehicle will be sharing the roadway with construction workers (pedestrians), construction equipment, materials, and heavy trucks.

Upon completion of construction, emergency services will have full access to all residential homes from two paved roads. Emergency vehicle access to the developed subdivision will have two points of entry from Elm Drive and Silverado Lane both internal subdivision roads that have access to Cemetery Road and Old Mill Road.

6. Emergency medical response time

An emergency medical response to a residential site will be similar to a response to a completed and occupied residential neighborhood, except access may not be as easily available in a construction area, minimally effecting response time. In an emergency a contractor will have someone meet emergency personnel at the entrance and direct them to the location of

the emergency. Emergency personnel may have to carry equipment and/or the patient some distance back to the emergency vehicle. Expect noise, dust, and lighting that will often be too bright or too dim in a construction zone and additional protective equipment may be required in some situations.

Upon completion of construction, emergency vehicle access to the developed subdivision will have two points of entry from Elm Drive and Silverado Lane both internal subdivision roads that have access to Cemetery Road and Old Mill Road.

Emergency response time will vary depending on the location of the response team at the time of the call.

7. Condition of road getting to proposed subdivision

Cemetery Road, Old Mill Road, and internal subdivision roads are in good condition. The roads currently show no signs of deterioration or structural instability. The proposed traffic is negligible when compared to the capacity of the roads and will therefore have minimal impact.

8. Condition of bridges on road leading to proposed subdivision

There are currently no bridges on the access road leading to the site.

9. Other items that endanger public health and safety

Weather conditions can be unpredictable and have the potential to cause hazards on the roads.

III. Community Impact Report

A. Education and Busing

1. Available educational facilities

The subdivision falls into the Park City School District within Stillwater County. Park City School District offers pre-kindergarten through sixth grade facilities, seventh and eighth grade facilities, and ninth through twelfth grade facilities. The school facilities are approximately 1 mile from the site.

2. Affected school system

An estimated number of 13-26 students will be added by the subdivision; this was determined using information provided by the Montana Census Data. Dan Grabowska, the Park City Superintendent, stated that the school has no concerns with the subdivision and that the District can accommodate students from the subdivision. The bus route already transports students to and from the areas surrounding the subdivision, and would easily be able to transport additional students. The bus pick up location is on Old Mill Road.

B. Roads and Maintenance

1. Daily traffic

- a. Capability of existing and proposed roads to accommodate increase in traffic.

Based on the Trip Generation Manual, 9th Edition published by the Institute of Transportation Engineers, the subdivision at full build out would produce total daily traffic of 239 trips per day. The developer will construct asphalt roads within the subdivision meeting the County subdivision regulations. The proposed roads will provide asphalt-to-asphalt connections with Elm Drive and Silverado Lane (existing internal subdivision roads) and Cemetery Road and Old Mill Road ways. The roads currently show no signs of deterioration or structural instability. Elm Drive and Silverado Lane are 24 feet wide and Cemetery Road and Old Mill Road are 22 feet wide.

Providing a connection with 124 vehicular trips per day to Cemetery Road and Old Mill Road, will have a negligible impact on the transportation network due to the subdivision. Peak traffic generation during the AM and PM hours is minimal when compared to the capacity of both Cemetery Road and Old Mill Road. Refer to traffic study.

b. Increased maintenance problems and cost.

The development of the site will have a relatively small footprint, which can equate to lower costs for maintaining roads. The developer will finance the construction of the roadways within the subdivision. Maintenance of the asphalt roads within the subdivision will be provided by a home owner's association.

2. Proposed new public or private access roads

a. Storm run-off.

A SWPPP will be completed by the contractor/developer prior to the road construction. The SWPPP will provide information on methods such as best management practices (BMPs) to prevent water pollution due to construction activities. A RSID for maintenance will be established prior to filing the final plat, which will establish an initial maintenance schedule for the public roadways.

b. Road surface and provisions for dust.

Dust shall be minimized during construction, as specified in the construction specifications. The constructed roads will have an asphalt surface, which will minimize dust.

c. Facilities for streams or drainage crossing.

There will be individual driveway approach culverts proposed to be installed beneath each private driveway and road ditch. There will also be two (2) culverts installed beneath the roadways as shown on road plans.

d. Seeding of disturbed areas.

Residents will be required to seed their properties with species of vegetation that are conducive to the native environment.

3. Closing or modification of existing roads

There is no proposed closure or modification to any existing roadway.

4. Road access within the subdivision

Access to this subdivision phase will come from the extension of two existing roadways (Elm Drive and Silverado Lane) and the development of a new roadway (Maple Drive). The new roads shall be designed to maximize pedestrian safety and circulation. Due to the location of the subdivision (rural area), the average lot size being greater than one-half an acre, and the town of Park City containing a school, foot traffic is expected to be moderate. Potential safety measures that could be taken include Pedestrian Crossing signage near the entry points of the subdivision. There will be no access to any individual lot directly from an arterial road.

5. Year-round access

The subdivision will be accessible year-round by conventional automobile over legal rights-of-way and easements.

6. Installation, maintenance, snow removal

The existing adjacent county roadways are owned and maintained by Stillwater County. It is expected that additional revenue from taxes on the subject property would offset any additional roadway maintenance costs, including snow removal. The internal subdivision roadways shall be maintained (including snow removal) by the home owner's association.

C. Water, Sewage, and Solid Waste Facilities

1. Water Supply and sewage treatment systems

The water shall be supplied by individual water wells (single-family lots) and shared water wells for two living units (multi-family lots).

The sewer shall consist of the developer installing gravity sewer mains that will connect to the existing sewer mains which will transport sewage to the Park City wastewater treatment facility. Each lot shall be responsible for connecting via a sewer service line to the installed gravity sewer main installed within the access and utility easement(s).

2. Cost and Finance

The wastewater (gravity sewer) system will be designed by Engineering West. The wastewater and water systems will be subject to review and an approval process by the Montana Department of Environmental Quality (DEQ). The property owner will finance the development the wastewater (gravity sewer main) system. The water wells will be financed and installed by each lot owner.

3. Solid waste generated, collecting and disposing

Residents of the subdivision will be responsible for hauling solid waste generated from each lot to the Park City Solid Waste Collection Site (located west of the Town of Park City). The solid waste will be transported from the collection site by the Stillwater County Solid Waste District to the Yellowstone County Landfill.

4. Disposal Company

Disposal services in the area is the Stillwater County Solid Waste District.

D. Fire Protection

1. Fire District

The subdivision will fall under jurisdiction of the Park City Fire Service Area. The subdivision will be serviced by an existing 30,000-gallon dry fire hydrant, located in Hillbrook Estates Phase 3. The furthest home site in Phase 4 will be located 0.4 miles from the existing dry fire hydrant.

2. Response Time

Due to the close proximity of the volunteer fire station located within Park City, Montana, and generally low traffic volumes in the area, changes to response time should be minimal, but may vary.

3. Source

No response to our request for comments was received. Responses are based on experience with similar subdivisions.

E. Law Enforcement Protection

1. Law enforcement personnel and response time

The Stillwater County Sheriff's Office is the chief law enforcement agency in Stillwater County, Montana. The Yellowstone County Sheriff's Department is located in Columbus, Montana approximately 22 miles west of Park City, Montana. The Department is responsible for patrolling all of Stillwater County. Response time will vary depending on the patrol schedule, who is on duty, and location of the officer at the time of the call.

Due to the subdivision being in a location that is already patrolled by the Stillwater County Sheriff's Department, it is anticipated that impacts to the efficiency of the department due to the subdivision development will be negligible.

2. Law enforcement requirements

Stillwater County Sheriff Charles "Chip" Kem responded that this subdivision is within their service area and their response time depends entirely on where an on-duty deputy is at the time of a call. Response times of 1-30 minutes can be anticipated.

3. Source

Stillwater County Sheriff Department can serve this subdivision.

F. Payment for Extension of Capital Facilities

The subdivider will pay for the cost of extending capital facilities required from expected impacts directly attributable to the subdivision with capital if deemed necessary.

SERVICE PROVIDERS REQUEST LETTERS



January 20, 2020

CenturyLink Service Provider
Attn: Tammi Baker
1925 Grand Avenue
Suite 127
Billings, MT 59102
Sent Via Email: tgude@msn.com

Re: Hillsbrook Estates Subdivision – Fourth Phase
Completion of Subdivision – Last 13 Lots
Stillwater County

Dear Ms. Baker:

Engineering West has been hired to complete a Summary of Probable Impacts for the completion of Hillsbrook Estates Subdivision - Fourth Phase. The completion of this subdivision includes 13 new proposed lots. Located off of Cemetery Road in Park City, Stillwater County, legal description: Township 2 South, Range 23 East, Section 28.

The proposed completion of Hillsbrook Estates Subdivision will split the northern vacant section of land into 13 new lots. Each lot will have a proposed single-family home on it. Enclosed you will find a copy of the vicinity map and preliminary plat of this proposed subdivision.

In order to complete the portion of the Summary of Probable Impacts concerning the impact on the CenturyLink Services, we are in need of the following sheet filled out please.

A written response via mail or email of the requested information would be appreciated as soon as possible. Thank you for your time and if you have any questions please contact us at (406) 322-1116 or e-mail me at mandi@engineering-west.com

Thank you,

Mandi Beer

Date: 1/20/20

Subdivision Name: Yellowstone Trails Subdivision – Huntley, MT

INFORMATION on the AVAILABILITY of UTILITIES

Name of Entity: Centurylink

Please fill in the blanks and estimate the costs needed. This will help us assess whether the proposed subdivision will require additional services. If you have any questions, please call.

1. Does your company/agency presently provide service to the area where the lot is located?
Yes _____ No _____ Pipeline _____

If so, what service: Power _____ Natural Gas _____ Telephone _____ Other _____
1. Overhead _____ 1. Overhead _____
2. Underground _____ 2. Underground _____

2. If not, is it possible to extend utilities/services to the lot? Yes ____ No ____
Estimate of cost?

3. Will easements be necessary to extend utilities/services to the lot?
Yes _____ No _____ Width desired _____

4. Where would you prefer these easements to be located?

Comments:

Completed by: _____

Date: _____

Please return to: Engineering West
P.O. BOX 194
COLUMBUS, MT 59019
(406)322-1116
mandi@engineering-west.com



January 17, 2020

Montana Fish, Wildlife, and Parks
Attn: Catrina Hoffer
2300 Lake Elmo Drive
Billings, MT 59105
Sent Via Email: catrina.hoffer@mt.gov

Re: Hillsbrook Estates Subdivision – Fourth Phase
Completion of Subdivision – Last 13 Lots
Stillwater County

Dear Ms. Hoffer,

Engineering West has been hired to complete a Summary of Probable Impacts for the completion of Hillsbrook Estates Subdivision - Fourth Phase. The completion of this subdivision includes 13 new proposed lots. Located off of Cemetery Road in Park City, Stillwater County, legal description: Township 2 South, Range 23 East, Section 28.

The proposed completion of Hillsbrook Estates Subdivision will split the northern vacant section of land into 13 new lots. Each lot will have a proposed single-family home on it. Enclosed you will find a copy of the vicinity map and preliminary plat of this proposed subdivision.

In order to complete the portion of the Summary of Probable Impacts concerning the impact on wildlife habitat and fisheries, the following information is needed:

- Is the proposed subdivision located in an area known as a key wildlife area, such as a game range area, waterfowl nesting area, wetland, or habitat for the care of endangered species?
- Will any species of fish and wildlife using the area be affected by the proposed subdivision?
- Describe any potential measures to protect wildlife habitat or minimize degradation.

A written response via mail or email of the requested information would be appreciated as soon as possible. Thank you for your time and if you have any questions please contact us at (406) 322-1116 or e-mail me at mandi@engineering-west.com

Thank you,

Mandi Beer



January 17, 2020

NorthWestern Energy
Attn: New Subdivision Service
164 21st Avenue West
Havre, MT 59501

Re: Hillsbrook Estates Subdivision – Fourth Phase
Completion of Subdivision – Last 13 Lots
Stillwater County

To Whom It May Concern,

Engineering West has been hired to complete a Summary of Probable Impacts for the completion of Hillsbrook Estates Subdivision - Fourth Phase. The completion of this subdivision includes 13 new proposed lots. Located off of Cemetery Road in Park City, Stillwater County, legal description: Township 2 South, Range 23 East, Section 28.

The proposed completion of Hillsbrook Estates Subdivision will split the northern vacant section of land into 13 new lots. Each lot will have a proposed single-family home on it. Enclosed you will find a copy of the vicinity map and preliminary plat of this proposed subdivision.

In order to complete the portion of the Summary of Probable Impacts concerning the impact on the Northwestern Energy services, we are in need of the following sheet filled out please.

A written response via mail or email of the requested information would be appreciated as soon as possible. Thank you for your time and if you have any questions please contact us at (406) 322-1116 or e-mail me at mandi@engineering-west.com

Thank you,

Mandi Beer

Date: 1/17/20

Subdivision Name: Hillbrook Estates Subdivision – Fourth Phase

INFORMATION on the AVAILABILITY of UTILITIES

Name of Entity: NorthWestern Energy

Please fill in the blanks and estimate the costs needed. This will help us assess whether the proposed subdivision will require additional services. If you have any questions, please call.

1. Does your company/agency presently provide service to the area where the lot is located?
Yes _____ No _____ Pipeline _____

If so, what service: Power _____ Natural Gas _____ Telephone _____ Other _____
1. Overhead _____ 1. Overhead _____
2. Underground _____ 2. Underground _____

2. If not, is it possible to extend utilities/services to the lot? Yes _____ No _____
Estimate of cost?

3. Will easements be necessary to extend utilities/services to the lot?
Yes _____ No _____ Width desired _____

4. Where would you prefer these easements to be located?

Comments:

Completed by: _____

Date: _____

Please return to: Engineering West
P.O. BOX 194
COLUMBUS, MT 59019
(406)322-1116
mandi@engineering-west.com



January 20, 2020

Park City Ambulance Service
PO Box 292
Park City, MT 59063
Sent Via Email: parkcitya5@hotmail.com

Re: Hillsbrook Estates Subdivision – Fourth Phase
Completion of Subdivision – Last 13 Lots
Stillwater County

To Whom It May Concern:

Engineering West has been hired to complete a Summary of Probable Impacts for the completion of Hillsbrook Estates Subdivision - Fourth Phase. The completion of this subdivision includes 13 new proposed lots. Located off of Cemetery Road in Park City, Stillwater County, legal description: Township 2 South, Range 23 East, Section 28.

The proposed completion of Hillsbrook Estates Subdivision will split the northern vacant section of land into 13 new lots. Each lot will have a proposed single-family home on it. Enclosed you will find a copy of the vicinity map and preliminary plat of this proposed subdivision.

In order to complete the portion of the Summary of Probable Impacts concerning the impact on the Park City Ambulance Service, the following information is needed:

- Is this subdivision located within the Park City Ambulance Service area?
- How long will the response time be for the proposed subdivision?

A written response via mail or email of the requested information would be appreciated as soon as possible. Thank you for your time and if you have any questions please contact us at (406) 322-1116 or e-mail me at mandi@engineering-west.com

Thank you,

Mandi Beer



January 20, 2020

Park City Post Office
Attn: New Service
6 1st Avenue SW
Park City, MT 59063

Re: Hillsbrook Estates Subdivision – Fourth Phase
Completion of Subdivision – Last 13 Lots
Stillwater County

To Whom It May Concern:

Engineering West has been hired to complete a Summary of Probable Impacts for the completion of Hillsbrook Estates Subdivision - Fourth Phase. The completion of this subdivision includes 13 new proposed lots. Located off of Cemetery Road in Park City, Stillwater County, legal description: Township 2 South, Range 23 East, Section 28.

The proposed completion of Hillsbrook Estates Subdivision will split the northern vacant section of land into 13 new lots. Each lot will have a proposed single-family home on it. Enclosed you will find a copy of the vicinity map and preliminary plat of this proposed subdivision.

In order to complete the portion of the Summary of Probable Impacts concerning the impact on the Park City Post Office services, the following information is needed:

- Is this subdivision located within the Park City Post Office service area?
- Is there an active mail route that can serve these new lots of this subdivision or will post office boxes or a subdivision cluster box be required?

A written response via mail or email of the requested information would be appreciated as soon as possible. Thank you for your time and if you have any questions please contact us at (406) 322-1116 or e-mail me at mandi@engineering-west.com

Thank you,

Mandi Beer



January 17, 2020

Park City Public Schools
Attn: Superintendent Daniel Grabowska
PO Box 278
Park City, MT 59063
Sent Via Email: dgrabowska@pcsd5.org

Re: Hillsbrook Estates Subdivision – Fourth Phase
Completion of Subdivision – Last 13 Lots
Stillwater County

Dear Mr. Grabowska,

Engineering West has been hired to complete a Summary of Probable Impacts for the completion of Hillsbrook Estates Subdivision - Fourth Phase. The completion of this subdivision includes 13 new proposed lots. Located off of Cemetery Road in Park City, Stillwater County, legal description: Township 2 South, Range 23 East, Section 28.

The proposed completion of Hillsbrook Estates Subdivision will split the northern vacant section of land into 13 new lots. Each lot will have a proposed single-family home on it. Enclosed you will find a copy of the vicinity map and preliminary plat of this proposed subdivision.

In order to complete the portion of the Summary of Probable Impacts concerning the impact on the Park City Public School District, the following information is needed:

- Can the current school and busing system accommodate the possibility of an increase of 13-26 students, (1-2 students per lot) per year that is estimated from the development of the proposed subdivision?
- What bus routes would be involved to transport students and where are the bus pick-up/delivery spots be located in this area?

A written response via mail or email of the requested information would be appreciated as soon as possible. Thank you for your time and if you have any questions please contact us at (406) 322-1116 or e-mail me at mandi@engineering-west.com

Thank you,

Mandi Beer



ENGINEERING WEST

LAND • WATER • SEWER

January 17, 2020

Park City Volunteer Fire Department
17 1st Street SW
Park City, MT 59063
Sent Via Email: parkcityfire@gmail.com

Re: Hillsbrook Estates Subdivision – Fourth Phase
Completion of Subdivision – Last 13 Lots
Stillwater County

To Whom It May Concern:

Engineering West has been hired to complete a Summary of Probable Impacts for the completion of Hillsbrook Estates Subdivision - Fourth Phase. The completion of this subdivision includes 13 new proposed lots. Located off of Cemetery Road in Park City, Stillwater County, legal description: Township 2 South, Range 23 East, Section 28.

The proposed completion of Hillsbrook Estates Subdivision will split the northern vacant section of land into 13 new lots. Each lot will have a proposed single-family home on it. Enclosed you will find a copy of the vicinity map and preliminary plat of this proposed subdivision.

In order to complete the portion of the Summary of Probable Impacts concerning the impact on the Park City Volunteer Fire Department, the following information is needed:

- Is this subdivision located within the Park City Volunteer Fire Department service area?
- How long will the response time be for the proposed subdivision?
- What fire suppression measures will be required for the proposed subdivision?

A written response via mail or email of the requested information would be appreciated as soon as possible. Thank you for your time and if you have any questions please contact us at (406) 322-1116 or e-mail me at mandi@engineering-west.com

Thank you,

Mandi Beer



January 17, 2020

State Historic Preservation Office
Attn: Damon Murdo
PO Box 201201
Helena, MT 59620-1201
Sent via email: dmurdo@mt.gov

Re: Hillsbrook Estates Subdivision – Fourth Phase
Completion of Subdivision – Last 13 Lots
Stillwater County

Dear Mr. Murdo,

Engineering West has been hired to complete a Summary of Probable Impacts for the completion of Hillsbrook Estates Subdivision - Fourth Phase. The completion of this subdivision includes 13 new proposed lots. Located off of Cemetery Road in Park City, Stillwater County, legal description: Township 2 South, Range 23 East, Section 28.

The proposed completion of Hillsbrook Estates Subdivision will split the northern vacant section of land into 13 new lots. Each lot will have a proposed single-family home on it. Enclosed you will find a copy of the vicinity map and preliminary plat of this proposed subdivision.

In order to complete the portion of the Summary of Probable Impacts concerning the impact on the State Historic of this property we will require a written response via mail or email of the requested information, as soon as possible would be appreciated. Thank you for your time and if you have any questions please contact us at (406) 322-1116 or e-mail me at mandi@engineering-west.com

Thank you,

Mandi Beer



January 17, 2020

Stillwater County Sheriff's Department
Attn: Sheriff Charles Kem
PO Box 729
Columbus, MT 59019
Sent Via Email: ckem@scsomt.org

Re: Hillsbrook Estates Subdivision – Fourth Phase
Completion of Subdivision – Last 13 Lots
Stillwater County

Dear Mr. Kem:

Engineering West has been hired to complete a Summary of Probable Impacts for the completion of Hillsbrook Estates Subdivision - Fourth Phase. The completion of this subdivision includes 13 new proposed lots. Located off of Cemetery Road in Park City, Stillwater County, legal description: Township 2 South, Range 23 East, Section 28.

The proposed completion of Hillsbrook Estates Subdivision will split the northern vacant section of land into 13 new lots. Each lot will have a proposed single-family home on it. Enclosed you will find a copy of the vicinity map and preliminary plat of this proposed subdivision.

In order to complete the portion of the Summary of Probable Impacts concerning the impact on the Stillwater County Sheriff's Department, the following information is needed:

- Is this subdivision located within the Stillwater County Sheriff's Department service area?
- How long will the response time be for the proposed subdivision?
- What fire suppression measures will be required for the proposed subdivision?

A written response via mail or email of the requested information would be appreciated as soon as possible. Thank you for your time and if you have any questions please contact us at (406) 322-1116 or e-mail me at mandi@engineering-west.com

Thank you,

Mandi Beer



February 3, 2020

Yellowstone Valley Electric Co-Op
Attn: Jim Webber, P.E. – Manager of Engineering
PO Box 249
Huntley, MT 59037
Sent Via Email: jwebber@yvec.com

Re: Hillsbrook Estates Subdivision – Fourth Phase
Completion of Subdivision – Last 13 Lots
Stillwater County – Park City

Mr. Webber,

Engineering West has been hired to complete a Summary of Probable Impacts for the completion of Hillsbrook Estates Subdivision - Fourth Phase. The completion of this subdivision includes 13 new proposed lots. Located off of Cemetery Road in Park City, Stillwater County, legal description: Township 2 South, Range 23 East, Section 28.

The proposed completion of Hillsbrook Estates Subdivision will split the northern vacant section of land into 13 new lots. Ten of the new lots will have a proposed single-family home on them, while the other 3 larger lots will be multi-family homes. Two of the 3 larger lots are proposed to have 3-plexes on them, while the largest lot is proposed to have a 4-plex. Enclosed you will find a copy of the vicinity map and preliminary site plan of this proposed subdivision.

In order to complete the portion of the Summary of Probable Impacts concerning the impact on the Yellowstone Valley Co-Op services, we are in need of the following sheet filled out please.

A written response via mail or email of the requested information would be appreciated as soon as possible. Thank you for your time and if you have any questions please contact us at (406) 322-1116 or e-mail me at mandi@engineering-west.com

Thank you,

Mandi Beer

Date: 2/3/20

Subdivision Name: Hillbrook Estates Subdivision – Fourth Phase

INFORMATION on the AVAILABILITY of UTILITIES

Name of Entity: Yellowstone Valley Electric Cooperative

Please fill in the blanks and estimate the costs needed. This will help us assess whether the proposed subdivision will require additional services. If you have any questions, please call.

1. Does your company/agency presently provide service to the area where the lot is located?
Yes _____ No _____ Pipeline _____

If so, what service: Power _____ Natural Gas _____ Telephone _____ Other _____
1. Overhead _____ 1. Overhead _____
2. Underground _____ 2. Underground _____

2. If not, is it possible to extend utilities/services to the lot? Yes _____ No _____
Estimate of cost?

3. Will easements be necessary to extend utilities/services to the lot?
Yes _____ No _____ Width desired _____

4. Where would you prefer these easements to be located?

Comments:

Completed by: _____ Date: _____

Please return to: Engineering West
P.O. BOX 194
COLUMBUS, MT 59019
(406)322-1116
mandi@engineering-west.com

SERVICE PROVIDERS COMMENTS



2300 Lake Elmo Drive
Billings, MT 59105

February 4, 2020

SUBJECT: Hillsbrook Estates Subdivision

Dear: Engineering-West and Ms. Beers,

Please consider this a response to your request for information on the fisheries and wildlife resources relative to your proposed project.

Based on a review of the proposed project, the Region 5 Wildlife Staff has no specific comments.

Review of the proposed project resulted in concerns about impacts to wildlife as summarized in the comment section below.

Based on a review of the proposed project, the Region 5 Fisheries Staff has no specific comments relating to the potential impacts on fisheries habitat.

Review of the proposed project resulted in concerns about impacts to fisheries habitat as summarized in the comment section below

Based on a review of the proposed project, the Region 5 Parks Staff has no specific comments.

Review of the proposed project resulted in concerns about impacts to parks as summarized in the comment section below.

COMMENTS:

Please see attached

Sincerely,

R5 Wildlife Manger

R5 Fisheries Manager

R5 Acting Parks Manager



HILLSBROOK ESTATES SUBDIVISION

Fisheries: The type of fisheries habitat in the proposed project's vicinity is described in the Montana interagency Stream Database. Montana Fish, Wildlife & Parks reserves the right to address any impacts to any stream or its banks or tributaries by any type or form of construction when detailed plans are furnished with an application as required by the Stream Protection Act and the Natural Streambed and Land Preservation Act

Wildlife: This subdivision is being built in proximity to deer, bear and mountain lion habitat. Some subdivisions in similar habitat report considerable and on-going problems with deer damaging landscaped shrubs, flowers, and gardens. Potential homeowners should be made aware that they will likely have deer on their properties, and informed that unless they take steps to deter the animals (such as fencing their yards) they may have damage problems. It is illegal to feed game animals and homeowners are strongly discouraged from any feeding of wildlife, as such activities may unnaturally concentrate animals. This may result in higher likelihood of damage to property, disease proliferation, and attracting predators such as mountain lions and bears. Homeowners should be informed that all bear attractants must be stored indoors or in bear-proof containers. If attractants are not properly stored and bears are obtaining food rewards citations may be written and fines issued for not less than \$50 or more than \$1,000 pursuant to Montana Code Annotated 87-6-216 (Unlawful supplemental feeding). They should be notified that Montana Fish, Wildlife & Parks (FWP) does not provide direct assistance unless there is damage to commercial agricultural crops in non-residential areas, or a threat to public health and safety such as in the case of nuisance mountain lions and bears. Homeowners are encouraged to visit the Living With Wildlife section in the FWP internet website at <http://fwp.mt.gov>.

Montana Fish, Wildlife & Parks (FWP) is not the repository for federally threatened/endangered species or Montana species of concern. This type of request should be submitted to the Montana Natural Heritage Program (NHP) website at <http://nhp.nris.state.mt.us/>. Click on the "Request Information" button, and follow the instructions. The turn around time for requests is generally good, and you will get a letter confirming the presence or absence of threatened, endangered, or species of concern in the area. Should a Montana species of concern be identified in the area, please notify the FWP Wildlife Biologist at the Billings office for further review. If federal threatened or endangered species are listed for the area, contact the U.S. Fish and Wildlife Service.

Parks: Thank you for the opportunity to comment on the Hillsbrook Estates Subdivision. Montana State Parks, as recreation managers recognize the importance of open space for recreation, health of communities and a sense of identity. It is important when designing communities that planning for trails and recreational space be done in the initial phase. Beyond the health benefits, outdoor recreation provides economic benefits for a wide range of retailers and entrepreneurs in large and small communities in Montana.

⏪ Reply all ⏩ 🗑 Delete 🚫 Junk 🚫 Block ⋮

Fw: Probable Impacts - Subdivision Completion - Hillsbrook Estates Subdivision

To: mandi@engineering-west.com <mandi@engineering-west.com>

Subject: RE: Probable Impacts - Subdivision Completion - Hillsbrook Estates Subdivision

Big Sky. Big Land. Big History.
Montana
Historical Society

January 17, 2020

Mandi Beer
Engineering West
PO Box 194
Columbus MT 59019

RE: HILLSBROOK ESTATES 13 LOT SUBDIVISION, STILLWATER COUNTY. SHPO Project #: 2020011705

Dear Mandi:

I have conducted a cultural resource file search for the above-cited project located in Section 28, T2S R23E. According to our records there have been a few previously recorded sites within the designated search locale. The absence of more cultural properties in the area does not mean that they do not exist but rather may reflect the absence of any previous cultural resource inventory in the area, as our records indicated none.

It is SHPO's position that any structure over fifty years of age is considered historic and is potentially eligible for listing on the National Register of Historic Places. If any structures are to be altered and are over fifty years old, we would recommend that they be recorded, and a determination of their eligibility be made prior to any disturbance taking place.

As long as there will be no disturbance or alteration to structures over fifty years of age, we feel that there is a low likelihood cultural properties will be impacted. We, therefore, feel that a recommendation for a cultural resource inventory is unwarranted at this time. However, should structures need to be altered or if cultural materials be inadvertently discovered during this project, we would ask that our office be contacted, and the site investigated.

If you have any further questions or comments, you may contact me at (406) 444-7767 or by e-mail at dmurdo@mt.gov. I have attached an invoice for the file search. Thank you for consulting with us.

Sincerely,

Damon Murdo
Cultural Records Manager
State Historic Preservation Office

File: LOCAL/SUBDIVISIONS/2020



STATE HISTORIC PRESERVATION OFFICE Cultural Resource Information Systems

CRIS Township, Range, Section Report

Report Date: 1/17/2020

Site #	Twp	Rng	Sec	Qs	Site Type 1	Site Type 2	Time Period	Owner	NR Status
24CB1584	2S	23E	28	Comb	Historic Irrigation System		Historic More Than One Decade	Combination	Unresolved
24CB1643	2S	23E	28	Comb	Historic Irrigation System		Historic Period	No Data	Unresolved
24ST0278	2S	23E	28	SE	Historic Irrigation System		Historic More Than One Decade	Combination	Eligible
24ST0295	2S	23E	28	Comb	Historic Irrigation System		Historic More Than One Decade	Private	Eligible

 Reply all   Delete  Junk  Block 

Hillsbrook Estates Subdivision - Park City

ET

Erskine, Taylor <Taylor.Erskine@northwestern.com>

>

Wed 1/22/2020 2:15 PM

mandi@engineering-west.com 

    ...

Good Afternoon Mandi,

I have looked at the location of the future subdivision you requested information on, and have found that this area is not Northwestern Energy territory. This is likely co-op territory.

If you have any other questions, please feel free to reach out.

Thank you

Taylor Erskine

NorthWestern Energy

Construction Engineer

Taylor.Erskine@NorthWestern.com

O (406) 655-2539

C (406) 200-4047

1944 Monad Rd | Billings, MT 59102

This message is for the named person's use only. It may contain confidential, proprietary or legally privileged information. No confidentiality or privilege is waived or lost by any mistransmission. If you receive this message in error, please immediately delete it and all copies of it from your system, destroy any hard copies of it and notify the sender. You must not, directly or indirectly, use, disclose, distribute, print, or copy any part of this message if you are not the intended recipient. NorthWestern Corporation and its subsidiaries each reserve the right to monitor all e-mail communications through its network.

⏪ Reply all ⏩ 🗑 Delete 🗑 Junk 🚫 Block ⋮

Re: Probable Impacts - Subdivision Completion - Hillsbrook Estates Subdivision

M mandi@engineering-west.com

Wed 1/22/2020 10:26 AM

Dan Grabowska <dgrabowska@pcsd5.org> ✉

👍 ↶ ↷ → ⋮

Good Morning Dan -

Thanks so much for your response. I appreciate your time!

Mandi Beer

Engineering West

PO Box 194

Columbus, MT 59019

Office (406)322-1116

www.engineering-west.com

From: Dan Grabowska <dgrabowska@pcsd5.org>

Sent: Friday, January 17, 2020 4:40 PM

To: mandi@engineering-west.com <mandi@engineering-west.com>

Subject: Re: Probable Impacts - Subdivision Completion - Hillsbrook Estates Subdivision

Mandi Beer,

Park City Schools would be able to absorb the increased number of students from the completion of the Hillbrook Estates Subdivision. Currently the students are picked up on Old Mill Road, which would continue unless a large number of students were to move in to the subdivision. That would necessitate a change in route through the subdivision.

Sincerely,

Dan Grabowska

On Fri, Jan 17, 2020 at 12:43 PM mandi@engineering-west.com <mandi@engineering-west.com> wrote:

Ms. Grabowska -

Engineering West has been hired to complete a Summary of Probable Impacts for a proposed 13 lot completion of an existing subdivision, Hillsbrook Estates Subdivision - Phase 4 in Park City, MT. Please find attached a Letter, a Vacinity Map of where the proposed subdivision is located and a Preliminary Lot Layout of the proposed subdivision.

A response via either email back to me or mail at the below address so we can include your findings in our Probable Impacts Report.

⏪ Reply all ⏩ Delete 🗑️ Junk Block ⋮

Re: Probable Impacts - Subdivision Completion - Hillsbrook Estates Subdivision

M mandi@engineering-west.com

Wed 1/22/2020 10:29 AM

Chip Kem <ckem@scsomt.org> ✉

👍 ⏪ ⏩ ⏪ ⏩ ⋮

Good Morning Chip -

Thank you for your response, I appreciate your time. I apologize about the fire suppression question, that was my error. A letter has been sent to the Park City Fire Department as well regarding fire and ambulance in the area.

Thanks Again,

Mandi Beer

Engineering West
PO Box 194
Columbus, MT 59019
Office (406)322-1116
www.engineering-west.com

From: Chip Kem <ckem@scsomt.org>

Sent: Friday, January 17, 2020 1:27 PM

To: mandi@engineering-west.com <mandi@engineering-west.com>

Subject: Re: Probable Impacts - Subdivision Completion - Hillsbrook Estates Subdivision

Mandi,

In response to your questions:

1. Yes, it is within our service area.
2. Response time depends entirely on where our on-duty deputies are at the time of a call. Anywhere from one to thirty minutes.
3. The question of fire suppression measures should be directed to someone at the Park City Fire Department.

Chip

Sheriff Charles "Chip" Kem
Stillwater County Sheriff's Office
400 E 3rd Ave North
Columbus, MT. 59019
(406) 322-5326



STILLWATER COUNTY GIS DEPARTMENT

PO Box 1287
Columbus, MT 59019
(406) 322-8060 Fax: (406)322-8070

Carol Arkell
GIS Coordinator
carkell@stillwater.mt.gov

Private Road Name Form

Choices of a Road Name:

1st Choice Maple Drive

2nd Choice

3rd Choice

Name, address, and phone number of individuals living off this road:

Table with 3 columns: Name, Address, Phone Number. Rows include Lots 42-47 and Lots 49-52, both at Hillbrook Estates-4th Filing.

SIGNATURES OF INDIVIDUALS AFFECTED BY ROAD NAME AND/OR LIVING OFF OF THIS ROAD:

No individuals affected by this road name as this road name is located within a proposed subdivision known as Hillbrook Estates-4th Filing

Portion below to be filled out by E-911 Committee:
E-911 Committee meeting date:

Road Name Selected:

Date individual notified by mail:

Please return this form completed to: GIS Department
PO Box 1287
Columbus, MT 59019

SUBDIVISION IMPROVEMENTS AGREEMENT
(Hillbrook Estates Subdivision – 4th Filing)
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(Stillwater County)

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SUBDIVISION IMPROVEMENTS AGREEMENT

(Hillbrook Estates Subdivision – 4th Filing)

This agreement is made and entered into this ____ day of _____, 20__, by and between Myron Gross, whose address for the purpose of this agreement is **21 Old Mill Road, Park City, MT 59063**, hereinafter referred to as “Subdivider,” and STILLWATER COUNTY, Montana, hereinafter referred to as “County.”

WITNESSETH:

WHEREAS, the plat of Hillbrook Estates Subdivision – 4th Filing, located in Stillwater County, MT, was submitted to the Stillwater County Board of Planning; and

WHEREAS, at a regular meeting conducted on _____, 2020, the Stillwater County Board of County Commissioners conditionally approved a preliminary plat of Hillbrook Estates Subdivision – 4th Filing; 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 Hillbrook Estates Subdivision – 4th Filing upon the filing of the final plat thereof in the office of the Clerk and Recorder of Stillwater County, Montana. The Subdivision shall comply with all requirements of the Stillwater County Subdivision Regulations, the rules, regulations, policies, and resolutions of Stillwater 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

No variances are requested from the subdivision regulations.

II. CONDITIONS THAT RUN WITH THE LAND

A. Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Blue Creek area also has a history of black bear conflicts. 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 and shallow groundwater within the area of this subdivision, as described in the USDA (NRCS) Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.

C. No water rights have been transferred with this subdivision.

D. There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.

E. Culverts and associated drainage swales, ponds shall not be filled in or altered by the subdivider or subsequent lot owners.

F. When required by road improvements, all fences and irrigation ditches in the public right-of-way adjacent to this subdivision shall be removed or relocated outside of the public right-of-way at no cost to the County, and any relocation outside of the public right-of-way shall be subject to securing and recording easements.

G. Future maintenance of all public (or common) improvements shall be done through one (1) or more RSID(s) created as part of the SIA for this subdivision.

III. TRANSPORTATION

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

A. Streets

- Road easement widths of 60 feet shall be granted for Elm Drive extension, Maple Drive, and Silverado Lane extension.
- Elm Drive (extension), Maple Drive, and Silverado Lane (extension) shall be constructed to County standard and with a minimum pavement width of 24 feet.
- Road drainage ditches shall be constructed adjacent to the roadways in accordance with Stillwater County Subdivision Regulations and DEQ standards.

B. Traffic Control Devices

- The Subdivider shall furnish and install road name signs for roads within and adjacent to the subdivision as required by the County. Traffic control devices shall comply with the Manual of Uniform Traffic Control Devices (MUTCD), local fire department and County standards.

C. Access

- There are two (2) subdivision access points with access to all lots within the phase of the subdivision. Elm Drive and Silverado Lane shall provide three (3) access ways to Old Mill Road (County Road) and Cemetery Road (County Road).

IV. EMERGENCY SERVICE

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and water supply (dry fire hydrants) in place to allow for fire suppression requirements. Prior to construction using combustible materials (i.e. lumber, plywood, wood trusses, etc.), fire apparatus access roads and water supply requirements shall be provided in accordance with the International Fire Code as adopted by the State of Montana.

At a minimum, the following is required:

- All single-family homes or living units must be within ½ mile of the furthest portion of a building under construction as measured along the approved route to the existing fire dry hydrant located with the subdivision.

- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of twenty-four (24) feet wide.
- A 30,000-gallon dry hydrant located at the corner of Walnut Drive and Cemetery Road will be approved prior to final plat by the fire department having jurisdiction. The maintenance for the tank and dry hydrant will require the formation of an Home Owner's Association for maintenance.

V. STORM DRAINAGE

All drainage improvements shall comply with the provisions of the Section L of the Stillwater County Subdivision Regulations 2017 edition, and a stormwater management plan shall be submitted to and approved by the Montana Department of Environmental Quality (DEQ), or its designee. Stormwater retention ponds on each lot will be created of sufficient capacity to handle storm water runoff for the respective lot.

VI. UTILITIES

A. Water

All proposed water systems must obtain approval by the MDEQ, or its designee.

- Individual wells shall be located as approved by DEQ and serve the single-family dwelling located on the single-family lots.
- Shared wells shall be located as approved by DEQ and serve two multi-family dwelling units located on the multi-family lots.

B. Sewer System

All proposed sanitary sewer systems must obtain approval by the MDEQ, or its designee.

- The subdivision shall utilize the existing Park City Water & Sewer District sanitary sewer system, composed of a sewer collection system and lagoons for management and treatment of sanitary wastewater.
- The sanitary sewer collection system shall conform to the standards set forth by the Park City Water & Sewer District and MDEQ.
- The Park City Water & Sewer District will be responsible for the operation and maintenance of the sewer collection system. There is a fee for new hookups to the sewer collection system and billing will occur monthly for sewer fees.

- A MDEQ approval letter shall be submitted with the final plat.

C. Power, Telephone, Gas, and Cable Television

Power, natural gas, telephone, and cable shall be located underground within the rights-of-way and utility easements as shown on the plat.

VII. PARKS/OPEN SPACE

Section 76-3-621 of the Montana Subdivision and Platting Act covers the park dedication requirement.

- Per Section P of the Stillwater County Subdivision Regulations the following areas dedicated as parkland are required:
 - 7.5% of the net residential land proposed for lots larger than 0.5 acre, but less than 1.0 acres.
 - Lots 43-47 & 50-53 = 7.11 net acres
 - 7.5% of Net Acreage = 0.53 acres
- Per Section P of the Stillwater County Subdivision Regulations the following areas dedicated as parkland are required:
 - 5.0% of the net residential land proposed for lots larger than 1.0 acre, but less than 3.0 acres.
 - Lots 41 & 49 = 3.67 net acres
 - 5.0% of Net Acreage = 0.18 acres
 -
- Per Section P of the Stillwater County Subdivision Regulations the following areas dedicated as parkland are required:
 - 2.5% of the net residential land proposed for lots larger than 3.0 acre, but less than 5.0 acres.
 - Lot 48 = 3.09 net acres
 - 2.5% of Net Acreage = 0.08 acres

Total required parkland dedication = 0.79 acres

VIII. IRRIGATION

There are irrigation ditches on the property along the north and south portion of Lot 40 and east portion of Lots 40, 41 & 53. There is a drainage ditch located along the southern portion of this subdivision as shown in the drainage easement. There are no water rights associated with this property.

IX. WEED MANAGEMENT

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

A weed plan will be implemented as per the Stillwater County Weed Department requirements.

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

X. SOILS/GEOTECHNICAL STUDY

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

XI. FINANCIAL GUARANTEES

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

XII. LEGAL PROVISIONS

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

Myron Gross

By: _____
Owner

STATE OF MONTANA)
 : ss

County of Stillwater)

On this _____ day of _____, 20____, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be **Myron Gross**, 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: _____

"COUNTY"
COUNTY OF STILLWATER
MONTANA

County of Stillwater

Board of County Commissioners

By:

Chairman

Commissioner

Commissioner

Attest:

County Clerk and Recorder

STATE OF MONTANA)
 : ss
County of Stillwater)

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 Stillwater 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 Stillwater County, Montana.

Notary Public in and for the State of Montana

Printed Name: _____

Residing at: _____

My commission expires: _____

**STILLWATER COUNTY
NOXIOUS WEED MANAGEMENT AGREEMENT**

The following are requirements that apply to all subdivisions in Stillwater County.

Please call the Weed District at least a week ahead of when you would like the inspection done.

There is a basic non-refundable fee payable to the Stillwater County Weed District of \$100 for the inspection and additional \$25/hour after the first hour.

A map of the proposed subdivision of at least 8.5 x 14 (legal) in size **must** be made available to the Weed district prior to an inspection.

Inspections done November through April are not conclusive, due to time of year and growth stage of noxious weeds.

Inspections are usually done by foot; however they may also be done by pick-up or four-wheeler when deemed necessary.

You are encouraged to go over the findings of the inspection with the Weed Coordinator.

The Stillwater County Weed District will forward a signed original to the planning office and a copy to the named Sub divider, a 2nd original will be kept on file at the Weed District office. If additional copies are needed, please let the Weed District know in advance.

This noxious weed management Agreement and Noxious Weed Management Plan are binding documents and the Sub divider(s)/landowner(s) must abide by the terms of this Agreement.

No untreated stockpiles of gravel or soil. No noxious weed contaminated material be removed from the site and placed in an area not infested with noxious weeds.

Any disturbed areas including adjacent right-of-ways must be revegetated in a timely manner with a certified noxious weed seed free mix as to prevent noxious weed establishment.

Sub divider/Landowner must, according to MCA 7-22-2116 (2) when property is offered for sale, notify the owner's agent and the purchaser of the existence of noxious weeds.

Sub divider/ Landowner agrees to control all noxious weeds according to the Montana County Noxious Weed Control Act, MCA 7-22-2116 and to the standards specified in the subdivision Noxious Weed Management Plan on all properties and rights-of-way. The plan is subject to future revisions of the County Noxious Weed Management plan.

If formation of a homeowners association is required, the homeowners association will be responsible for noxious weed control in common/shared areas such as roads and parks.

Upon approval, the Sub divider/Landowner understands they are responsible for control and or eradication of noxious weeds or until such a time that a homeowner’s association is formed.

If you have any questions please call the Weed District Office at 322-1106

Signed _____ Date _____
Subdivider/Landowner

Signed _____ Date _____
Stillwater Weed Coordinator

SURFACE WATER AND MINERAL RIGHT DISPOSITION

I, Myron S. Gross, state that the property known as Hillbrook Estates Subdivision 4th Filing located in a portion of S 1/2 SW ¼ of Section 28, Township 2 South, Range 23 East, P.M.M., Stillwater County, Montana does not have surface water or mineral rights, hence no surface water or mineral rights will be transferred.

Myron S. Gross

Date

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P O BOX 201601 HELENA, MONTANA 59620-1601

CERTIFICATE OF WATER RIGHT

UPON FINDING THE REQUIREMENTS OF SECTION 85-2-306, MCA, HAVE BEEN MET, THIS
CERTIFICATE OF WATER RIGHT IS GRANTED

Water Right Number: 43QJ 30106846 GROUND WATER CERTIFICATE
Version: 1 - ORIGINAL RIGHT
Version Status: ACTIVE

Owners: MYRON S GROSS
21 OLD MILL RD
PARK CITY, MT 59063

NANCY J GROSS
21 OLD MILL RD
PARK CITY, MT 59063

Priority Date: MAY 16, 2016 at 01 37 P M
Enforceable Priority Date: MAY 16, 2016 at 01 37 P M

Purpose (use): DOMESTIC
LAWN AND GARDEN

Maximum Flow Rate: 15 00 GPM

Maximum Volume: 1 63 AC-FT

Maximum Acres: 0.25

Source Name: GROUNDWATER
Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWSW	28	2S	23E	STILLWATER

Period of Diversion:
Source Name: GROUNDWATER
Diversion Means: WELL
Subdivision: HILLBROOK ESTATES SUB TRACT/LOT 40
Well Depth: 35 00 FEET
Static Water Level: 7 00 FEET
Casing Diameter: 6.00 INCHES
Pump Size: 1 00 HP
Well Location: 21 OLD MILL RD

Purpose (Use): DOMESTIC
Households: 1
Volume: 1.00 AC-FT
Period of Use: JANUARY 1 to DECEMBER 31
Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			S2SW	28	2S	23E	STILLWATER

Purpose (Use): LAWN AND GARDEN
Volume: 0 63 AC-FT
Period of Use: APRIL 1 to OCTOBER 31
Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	0 25		S2SW	28	2S	23E	STILLWATER

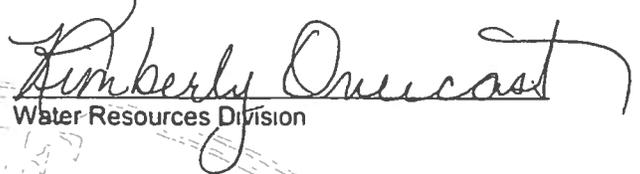
BACKFLOW PREVENTOR

PURSUANT TO SECTION 85-2-505, MCA, TO PREVENT GROUND WATER CONTAMINATION, AN OPERATIONAL BACKFLOW PREVENTOR MUST BE INSTALLED AND MAINTAINED BY THE APPROPRIATOR IF A CHEMICAL OR FERTILIZER DISTRIBUTION SYSTEM IS CONNECTED TO THE DIVERSION MEANS

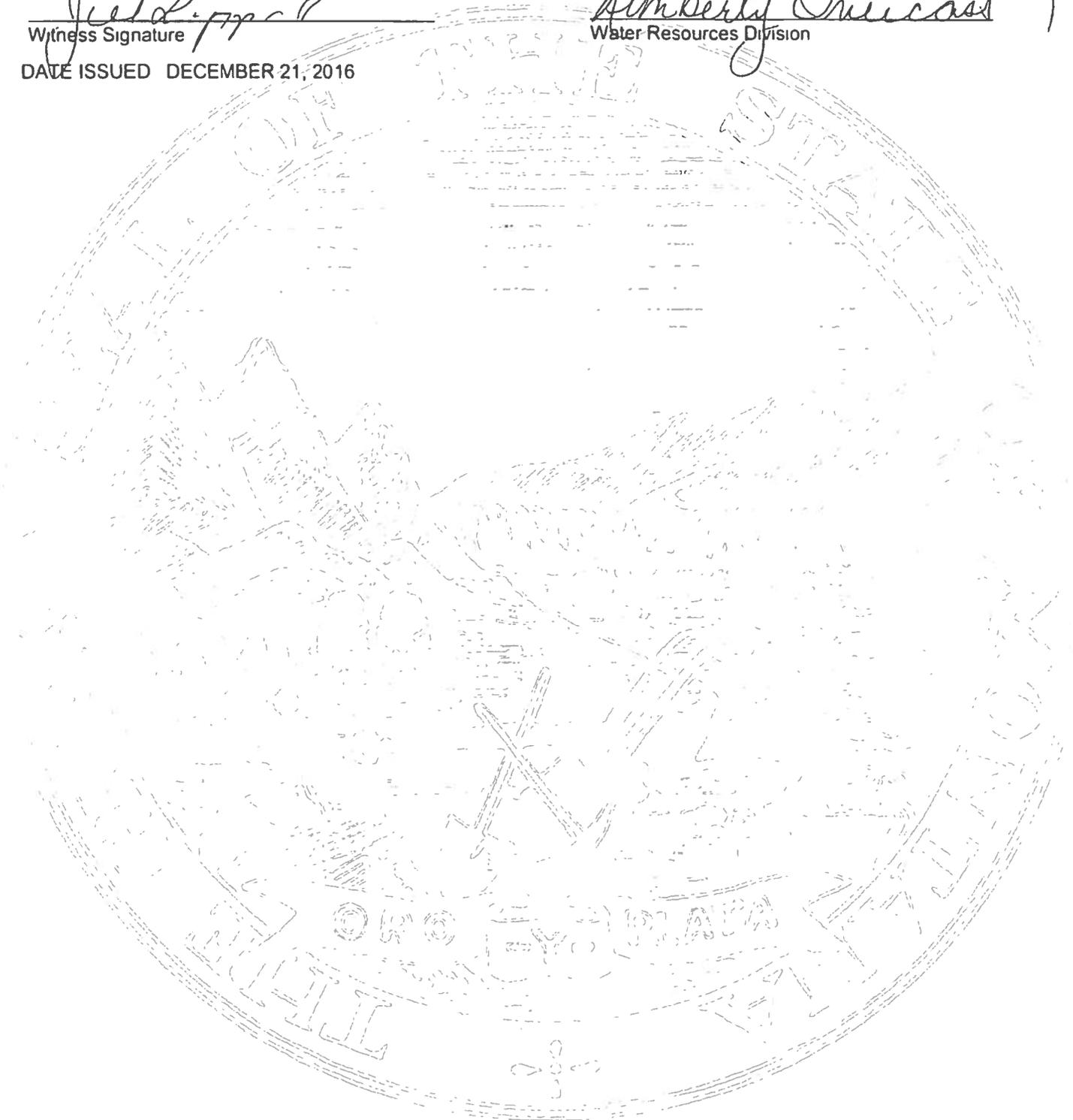
**THIS CERTIFICATE IS SUBJECT TO ALL PRIOR EXISTING WATER RIGHTS
IN THE SOURCE OF SUPPLY.**

**FAILURE TO COMPLY WITH ANY OF THESE TERMS AND CONDITIONS MAY RESULT IN THE LOSS OF THIS
CERTIFICATE OF WATER RIGHT.**


Witness Signature


Water Resources Division

DATE ISSUED DECEMBER 21, 2016



STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P O BOX 201601 HELENA, MONTANA 59620-1601

CERTIFICATE OF WATER RIGHT

UPON FINDING THE REQUIREMENTS OF SECTION 85-2-306, MCA, HAVE BEEN MET, THIS
CERTIFICATE OF WATER RIGHT IS GRANTED

Water Right Number: 43QJ 30106846 GROUND WATER CERTIFICATE
Version: 1 - ORIGINAL RIGHT
Version Status: ACTIVE

Owners: MYRON S GROSS
21 OLD MILL RD
PARK CITY, MT 59063

NANCY J GROSS
21 OLD MILL RD
PARK CITY, MT 59063

Priority Date: MAY 16, 2016 at 01 37 P M
Enforceable Priority Date: MAY 16, 2016 at 01 37 P M

Purpose (use): DOMESTIC
LAWN AND GARDEN

Maximum Flow Rate: 15 00 GPM

Maximum Volume: 1 63 AC-FT

Maximum Acres: 0.25

Source Name: GROUNDWATER
Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWSW	28	2S	23E	STILLWATER

Period of Diversion:
Source Name: GROUNDWATER
Diversion Means: WELL
Subdivision: HILLBROOK ESTATES SUB TRACT/LOT 40
Well Depth: 35 00 FEET
Static Water Level: 7 00 FEET
Casing Diameter: 6.00 INCHES
Pump Size: 1 00 HP
Well Location: 21 OLD MILL RD

Purpose (Use): DOMESTIC
Households: 1
Volume: 1.00 AC-FT
Period of Use: JANUARY 1 to DECEMBER 31
Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			S2SW	28	2S	23E	STILLWATER

Purpose (Use): LAWN AND GARDEN
Volume: 0 63 AC-FT
Period of Use: APRIL 1 to OCTOBER 31
Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	0 25		S2SW	28	2S	23E	STILLWATER

Total: 0 25

Remarks:

ASSOCIATED RIGHT

WATER RIGHTS 43QJ-110533 AND 43QJ-30106846 ARE FOR THE SAME WELL 43QJ-110533 IS FOR THE STOCK PORTION FROM THE WELL AND 43QJ-30106846 IS FOR THE DOMESTIC USE

BACKFLOW PREVENTOR

PURSUANT TO SECTION 85-2-505, MCA, TO PREVENT GROUND WATER CONTAMINATION, AN OPERATIONAL BACKFLOW PREVENTOR MUST BE INSTALLED AND MAINTAINED BY THE APPROPRIATOR IF A CHEMICAL OR FERTILIZER DISTRIBUTION SYSTEM IS CONNECTED TO THE DIVERSION MEANS

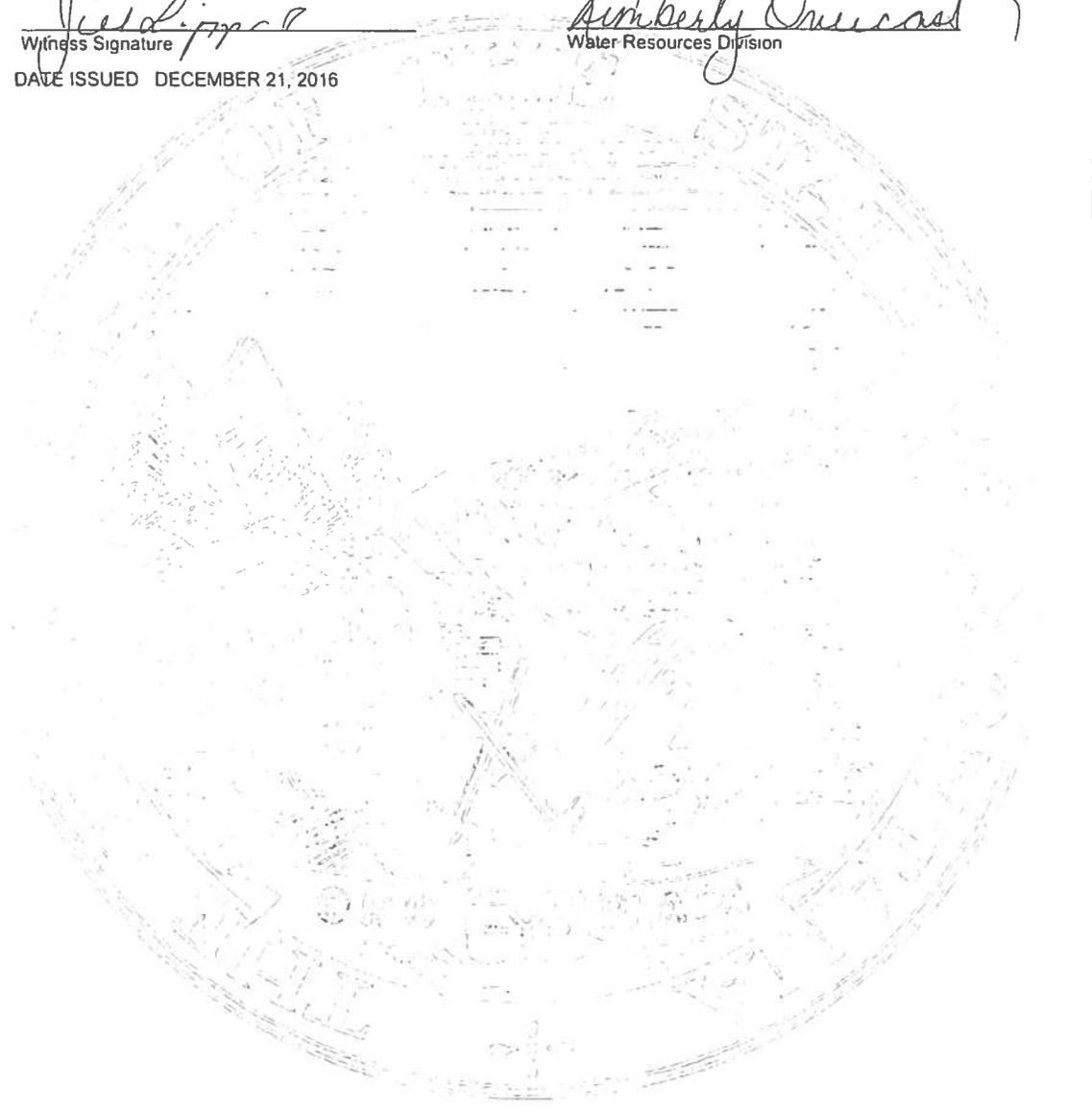
**THIS CERTIFICATE IS SUBJECT TO ALL PRIOR EXISTING WATER RIGHTS
IN THE SOURCE OF SUPPLY.**

**FAILURE TO COMPLY WITH ANY OF THESE TERMS AND CONDITIONS MAY RESULT IN THE LOSS OF THIS
CERTIFICATE OF WATER RIGHT.**

Witness Signature

Water Resources Division

DATE ISSUED DECEMBER 21, 2016



STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P O BOX 201601 HELENA MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number 43QJ 110533-00 GROUND WATER CERTIFICATE
Version 1 -- ORIGINAL RIGHT
Version Status ACTIVE

Owners MYRON S GROSS
21 OLD MILL RD
PARK CITY, MT 59063
NANCY J GROSS
21 OLD MILL RD
PARK CITY, MT 59063

*Associated
Right*

Priority Date DECEMBER 29, 1999 at 10 55 A M
Enforceable Priority Date DECEMBER 29, 1999 at 10 55 A M

Purpose (use) STOCK
Maximum Flow Rate 15 00 GPM
Maximum Volume 0 43 AC-FT

Source Name GROUNDWATER
Source Type GROUNDWATER

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWSW	28	2S	23E	STILLWATER

Period of Diversion JANUARY 1 TO DECEMBER 31
Diversion Means WELL
Well Depth 35 00 FEET
Static Water Level 7 00 FEET
Casing Diameter 6 00 INCHES
Pump Size 1 00 HP

Purpose (Use) STOCK
Volume 0 43 AC-FT
Period of Use JANUARY 1 to DECEMBER 31

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			S2SW	28	2S	23E	STILLWATER

Geocodes/Valid 32-0817-28-3-04-01-0000 - Y

Remarks

ASSOCIATED RIGHT

WATER RIGHTS 43QJ-110533 AND 43QJ-30106846 ARE FOR THE SAME WELL

REISSUED RIGHT

THE RIGHT ISSUED ON 02/29/2000 WAS REISSUED THE RIGHT WAS REISSUED BECAUSE THIS RIGHT WAS FILED FOR DOMESTIC AND STOCK PURPOSES, HOWEVER THE WELL WAS NOT USED IN 1999 FOR DOMESTIC PURPOSES THE PLACE OF USE WAS ALSO CORRECTED FROM THE SWSW TO THE S2SW OF SECTION 28, T2S, R23E

Memo

DNRC – WATER RESOURCES DIVISION
BILLINGS REGIONAL OFFICE

TO Files 110533-43QJ and 30030235-43QJ

FROM Kim Overcast, Manager - Billings

SUBJECT: File Clarification & Cancellation

DATE: January 22, 2014

Myron Gross provided the information contained in this memo in a phone conversation on January 20, 2014, with Kim Overcast. Gross and Stone Park Enterprises have a total of 5 wells currently in use; 1) 1999 stock well, 2) a well on lot 5A used for 2 duplexes; 3) a well on lot 6A used for 1 duplex; 4) a well for the Gross home at 23 Old Mill Rd, and 5) a well used at 615 2nd St SE for a home. After extensive research, the Department found the following

- 1999 Stock well is filed under 110533-43QJ
- Lot 5A well is filed under 90661-43QJ (Replacement Well is #30065488-43QJ)
- Lot 6A well is filed under 56138-43QJ (Replacement Well is #30068033-43QJ)
- 23 Old Mill Rd house is filed under 31050-43QJ (Replacement Well is #30068032-43QJ)
- 615 2nd ST SE well is not on record with DNRC

Three of the wells have had to be replaced; the one on lot 5A (2011), lot 6A (2005), and the house well at 23 Old Mill Rd (1999).

File 31050-43QJ (Belongs to Gross)

The 1980, 602 form (43QJ-31050) was filed by Richard Lenhardt for a well. This well was for domestic and stock use. In 1998 Richard Lenhardt sold all but 5 acres to Gross. There were 2 wells on the original Lenhardt property. One was for the house built in 1956 and the other is for a house built in 1984. Mr. Gross believes the 1980 filing (31050-43QJ) is for the 1956 house. A water right filed by the Branstetters in 2010 is for the house built in 1984.

The well log provided for the 1980 well shows the location for this well as Section 9, T2S, R22E, some 6 miles northwest of the actual well location. A corrected well log report has been sent to the Montana Bureau of Mines & Geology to show that the well is located in Tract 1, NWSWSW Sec 28, T2S, R23E. The 602 form shows the well location as the SENE or the S1/2SW Section 28, T2S, R22E. The Certificate was issued in the SENE Section 28, T2S, R22E. The range was incorrect, it should have been 23E. There is no house in the SENE of Section 28. Next, on 12-16-2013, a corrected water right was issued for the NWSWSW of Section 2, T2S, R23E on Gross land.

On 11-26-1998, the First Montana Title Co mistakenly filed an ownership update (OUID 117029) to transfer 31050-43QJ and 24699-43QJ to Gross. Only the 31050-43QJ right should have transferred. 24699-43QJ is for a stock well down in Section 32, a parcel not owned by Gross. An ownership correction was processed 1-20-2014, to put 24699-43QJ back into Lenhardt's name.

This well was originally located in the basement of the existing home. The Gross' removed the old home and a new well was drilled about 50' from the old well in about 1999 – 2000. A replacement well notice was filed on 11/15/2011 (30068032-43QJ).

File 110533-43QJ (Stock use only at this time)

This right was filed in 1999 for stock and domestic use on the Gross property. However, this well has only been used for stockwater. Mr. Gross plans to also use the well for domestic use, but that use has not occurred yet. I explained to Mr. Gross that we would correct the water right to reflect the stockwater use and that when the house was built and water was being put to use, he should file a Form 602 for that domestic use. Mr. Gross will file a correction form to have the right reflect only the stockwater use.

File 90661-43QJ (Lot 5A – 2 Duplex Well)

Loretta Klein originally filed this water right in 1994 and it was located on lot 5 Block 141 which is now known as lot 5A. The well was originally used for 2 households and .36 acres of lawn and garden. This well had to be abandoned and it was replaced in 2011. A replacement well notice was filed on 11/15/2011 (30065488-43QJ.)

This well now serves 2 duplexes. Mr. Gross will be filing a new Form 602 for the additional 2 households.

File 56138-43QJ (Lot 6A – 4 Plex Well)

Velma Larson originally filed this water right in 1984, and it was located in Lot 7, Block 141 which is now known as Lot 6A. The well was originally used for 1 house and 1 acre of lawn and garden. This well had to be abandoned and a new well was drilled in 2005. The GWIC ID for the new well log is 224418. The replacement well is located in the SWNWSE of Section 29, T2S, R23E and is 40' deep. A replacement well notice was filed on 11/15/2011 (30068033-43QJ.)

This well now serves a 4 plex. Mr. Gross will be filing a new Form 602 for the additional 3 households.



Parkland Requirements

Subdivision Name Hillbrook Estates-4th Filing

Lot No.	Lot Size (Net Acres) (Less than 0.5 acres) 11%	Lot Size (Net Acres) (0.5-1.0 acres) 7.5%	Lot Size (Net Acres) (1.0-3.0 acres) 5.0%	Lot Size (Net Acres) (3.0-5.0 acres) 2.5%	Parkland Requirement (acres)
41			1.71		0.09
42		0.67			0.05
43		0.67			0.05
44		0.77			0.06
45		0.77			0.06
46		0.66			0.05
47		0.61			0.05
48				3.09	0.08
49			1.96		0.10
50		0.77			0.06
51		0.67			0.05
52		0.67			0.05
53		0.85			0.06
	0	7.11	3.67	3.09	0.794

Total Parkland Required 0.79 acres



*First American Title*TM

Guarantee Face Page

ISSUED BY

First American Title Insurance Company

Guarantee

GUARANTEE NUMBER

5010500-0013068e



*First American Title*TM

First American Title Insurance Company

Dennis J. Gilmore
President

Jeffrey S. Robinson
Secretary

For Reference:

File #: SC-13861

Issued By:

**Stillwater Abstract Company dba Stillwater
Abstract & Title Co., Inc.**

12 Fourth St, P.O. Box 806
Columbus, MT 59019

This jacket was created electronically and constitutes an original document

SCHEDULE OF EXCLUSIONS FROM COVERAGE OF THIS GUARANTEE

1. Except to the extent that specific assurances are provided in Schedule A of this Guarantee, the Company assumes no liability for loss or damage by reason of the following:
 - (a) Defects, liens, encumbrances, adverse claims or other matters against the title, whether or not shown by the public records.
 - (b) (1) Taxes or assessments of any taxing authority that levies taxes or assessments on real property; or, (2) Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not the matters excluded under (1) or (2) are shown by the records of the taxing authority or by the public records.
 - (c) (1) Unpatented mining claims; (2) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (3) water rights, claims or title to water, whether or not the matters excluded under (1), (2) or (3) are shown by the public records.
2. Notwithstanding any specific assurances which are provided in Schedule A of this Guarantee, the Company assumes no liability for loss or damage by reason of the following:
 - (a) Defects, liens, encumbrances, adverse claims or other matters affecting the title to any property beyond the lines of the land expressly described in the description set forth in Schedule (A), (C) or in Part 2 of this Guarantee, or title to streets, roads, avenues, lanes, ways or waterways to which such land abuts, or the right to maintain therein vaults, tunnels, ramps or any structure or improvements; or any rights or easements therein, unless such property, rights or easements are expressly and specifically set forth in said description.
 - (b) Defects, liens, encumbrances, adverse claims or other matters, whether or not shown by the public records; (1) which are created, suffered, assumed or agreed to by one or more of the Assureds; (2) which result in no loss to the Assured; or (3) which do not result in the invalidity or potential invalidity of any judicial or non-judicial proceeding which is within the scope and purpose of the assurances provided.
 - (c) The identity of any party shown or referred to in Schedule A.
 - (d) The validity, legal effect or priority of any matter shown or referred to in this Guarantee

GUARANTEE CONDITIONS AND STIPULATIONS

1. DEFINITION OF TERMS.

The following terms when used in the Guarantee mean:

- (a) the "Assured": the party or parties named as the Assured in this Guarantee, or on a supplemental writing executed by the Company.
- (b) "land": the land described or referred to in Schedule (A)(C) or in Part 2, and improvements affixed thereto which by law constitute real property. The term "land" does not include any property beyond the lines of the area described or referred to in Schedule (A)(C) or in Part 2, nor any right, title, interest, estate or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
- (c) "mortgage": mortgage, deed of trust, trust deed, or other security instrument.
- (d) "public records": records established under state statutes at Date of Guarantee for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge.
- (e) "date": the effective date.

2. NOTICE OF CLAIM TO BE GIVEN BY ASSURED CLAIMANT.

An Assured shall notify the Company promptly in writing in case knowledge shall come to an Assured hereunder of any claim of title or interest which is adverse to the title to the estate or interest, as stated herein, and which might cause loss or damage for which the Company may be liable by virtue of this Guarantee. If prompt notice shall not be given to the Company, then all liability of the Company shall terminate with regard to the matter or matters for which prompt notice is required; provided, however, that failure to notify the Company shall in no case prejudice the rights of any Assured unless the Company shall be prejudiced by the failure and then only to the extent of the prejudice.

3. NO DUTY TO DEFEND OR PROSECUTE.

The Company shall have no duty to defend or prosecute any action or proceeding to which the Assured is a party, notwithstanding the nature of any allegation in such action or proceeding.

4. COMPANY'S OPTION TO DEFEND OR PROSECUTE ACTIONS; DUTY OF ASSURED CLAIMANT TO COOPERATE.

Even though the Company has no duty to defend or prosecute as set forth in Paragraph 3 above:

- (a) The Company shall have the right, at its sole option and cost, to institute and prosecute any action or proceeding, interpose a defense, as limited in (b), or to do any other act which in its opinion may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured, or to prevent or reduce loss or damage to the Assured. The Company may take any appropriate action under the terms of this Guarantee, whether or not it shall be liable hereunder, and shall not thereby concede liability or waive any provision of this Guarantee. If the Company shall exercise its rights under this paragraph, it shall do so diligently.
- (b) If the Company elects to exercise its options as stated in Paragraph 4(a) the Company shall have the right to select counsel of its choice (subject to the right of such Assured to object for reasonable cause) to represent the Assured and shall not be liable for and will not pay the fees of any other counsel, nor will the Company pay any fees, costs or expenses incurred by an Assured in the defense of those causes of action which allege matters not covered by this Guarantee.
- (c) Whenever the Company shall have brought an action or interposed a defense as permitted by the provisions of this Guarantee, the Company may pursue any litigation to final

determination by a court of competent jurisdiction and expressly reserves the right, in its sole discretion, to appeal from an adverse judgment or order.

- (d) In all cases where this Guarantee permits the Company to prosecute or provide for the defense of any action or proceeding, an Assured shall secure to the Company the right to so prosecute or provide for the defense of any action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of such Assured for this purpose. Whenever requested by the Company, an Assured, at the Company's expense, shall give the Company all reasonable aid in any action or proceeding, securing evidence, obtaining witnesses, prosecuting or defending the action or lawful act which in the opinion of the Company may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured. If the Company is prejudiced by the failure of the Assured to furnish the required cooperation, the Company's obligations to the Assured under the Guarantee shall terminate.

5. PROOF OF LOSS OR DAMAGE.

In addition to and after the notices required under Section 2 of these Conditions and Stipulations have been provided to the Company, a proof of loss or damage signed and sworn to by the Assured shall be furnished to the Company within ninety (90) days after the Assured shall ascertain the facts giving rise to the loss or damage. The proof of loss or damage shall describe the matters covered by this Guarantee which constitute the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage. If the Company is prejudiced by the failure of the Assured to provide the required proof of loss or damage, the Company's obligation to such Assured under the Guarantee shall terminate. In addition, the Assured may reasonably be required to submit to examination under oath by any authorized representative of the Company and shall produce for examination, inspection and copying, at such reasonable times and places as may be designated by any authorized representative of the Company, all records, books, ledgers, checks, correspondence and memoranda, whether bearing a date before or after Date of Guarantee, which reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Assured shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect and copy all records, books, ledgers, checks, correspondence and memoranda in the custody or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by the Assured provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Assured to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonably necessary information from third parties as required in the above paragraph, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this Guarantee to the Assured for that claim.

6. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS: TERMINATION OF LIABILITY.

In case of a claim under this Guarantee, the Company shall have the following additional options:

- (a) To Pay or Tender Payment of the Amount of Liability or to Purchase the Indebtedness.

The Company shall have the option to pay or settle or compromise for or in the name of the Assured any claim which could result in loss to the Assured within the coverage of this Guarantee, or to pay the full amount of this Guarantee or, if this Guarantee is issued for the benefit of a holder of a mortgage or a lienholder, the Company shall have the option to purchase the indebtedness secured by said mortgage or said lien for the amount owing thereon, together with any costs, reasonable attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of purchase.

Such purchase, payment or tender of payment of the full amount of the Guarantee shall terminate all liability of the Company hereunder. In the event after notice of claim has been given to the Company by the Assured the Company offers to purchase said indebtedness, the owner of such indebtedness shall transfer and assign said indebtedness, together with any collateral security, to the Company upon payment of the purchase price.

Upon the exercise by the Company of the option provided for in Paragraph (a) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its options under Paragraph 4, and the Guarantee shall be surrendered to the Company for cancellation.

- (b) To Pay or Otherwise Settle With Parties Other Than the Assured or With the Assured Claimant.

To pay or otherwise settle with other parties for or in the name of an Assured claimant any claim assured against under this Guarantee, together with any costs, attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay.

Upon the exercise by the Company of the option provided for in Paragraph (b) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its options under Paragraph 4.

7. DETERMINATION AND EXTENT OF LIABILITY.

This Guarantee is a contract of Indemnity against actual monetary loss or damage sustained or incurred by the Assured claimant who has suffered loss or damage by reason of reliance upon the assurances set forth in this Guarantee and only to the extent herein described, and subject to the Exclusions From Coverage of This Guarantee.

The liability of the Company under this Guarantee to the Assured shall not exceed the least of:

- (a) the amount of liability stated in Schedule A or in Part 2;

- (b) the amount of the unpaid principal indebtedness secured by the mortgage of an Assured mortgagee, as limited or provided under Section 6 of these Conditions and Stipulations or as reduced under Section 9 of these Conditions and Stipulations, at the time the loss or damage assured against by this Guarantee occurs, together with interest thereon; or
- (c) the difference between the value of the estate or interest covered hereby as stated herein and the value of the estate or interest subject to any defect, lien or encumbrance assured against by this Guarantee.

8. LIMITATION OF LIABILITY.

- (a) If the Company establishes the title, or removes the alleged defect, lien or encumbrance, or cures any other matter assured against by this Guarantee in a reasonably diligent manner by any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.
- (b) In the event of any litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title, as stated herein.
- (c) The Company shall not be liable for loss or damage to any Assured for liability voluntarily assumed by the Assured in settling any claim or suit without the prior written consent of the Company.

9. REDUCTION OF LIABILITY OR TERMINATION OF LIABILITY.

All payments under this Guarantee, except payments made for costs, attorneys' fees and expenses pursuant to Paragraph 4 shall reduce the amount of liability pro tanto.

10. PAYMENT OF LOSS.

- (a) No payment shall be made without producing this Guarantee for endorsement of the payment unless the Guarantee has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.
- (b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Stipulations, the loss or damage shall be payable within thirty (30) days thereafter.

11. SUBROGATION UPON PAYMENT OR SETTLEMENT.

Whenever the Company shall have settled and paid a claim under this Guarantee, all right of subrogation shall vest in the Company unaffected by any act of the Assured claimant.

The Company shall be subrogated to and be entitled to all rights and remedies which the Assured would have had against any person or property in respect to the claim had this Guarantee not been issued. If requested by the Company, the Assured shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect this right of subrogation. The Assured shall permit the Company to sue,

GUARANTEE CONDITIONS AND STIPULATIONS (Continued)

compromise or settle in the name of the Assured and to use the name of the Assured in any transaction or litigation involving these rights or remedies.

If a payment on account of a claim does not fully cover the loss of the Assured the Company shall be subrogated to all rights and remedies of the Assured after the Assured shall have recovered its principal, interest, and costs of collection.

12. ARBITRATION.

Unless prohibited by applicable law, either the Company or the Assured may demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Assured arising out of or relating to this Guarantee, any service of the Company in connection with its issuance or the breach of a Guarantee provision or other obligation. All arbitrable matters when the Amount of Liability is \$1,000,000 or less shall be arbitrated at the option of either the Company or the Assured. All arbitrable matters when the amount of liability is in excess of \$1,000,000 shall be arbitrated only when agreed to by both the Company and the Assured. The Rules in effect at Date of Guarantee shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the land is located permits a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

The law of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules.

A copy of the Rules may be obtained from the Company upon request.

13. LIABILITY LIMITED TO THIS GUARANTEE; GUARANTEE ENTIRE CONTRACT.

- (a) This Guarantee together with all endorsements, if any, attached hereto by the Company is the entire Guarantee and contract between the Assured and the Company. In interpreting any provision of this Guarantee, this Guarantee shall be construed as a whole.
- (b) Any claim of loss or damage, whether or not based on negligence, or any action asserting such claim, shall be restricted to this Guarantee.
- (c) No amendment of or endorsement to this Guarantee can be made except by a writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.

14. NOTICES, WHERE SENT.

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this Guarantee and shall be addressed to the Company at **First American Title Insurance Company, Attn: Claims National Intake Center, 1 First American Way, Santa Ana, California 92707. Phone: 888-632-1642.**

GUARANTEE

**SUBDIVISION OR
PROPOSED SUBDIVISION**

**Fee: \$150.00
Policy No. 5010500-0013068e
File No. SC-13861**

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE LIMITS OF LIABILITY, AND OTHER PROVISIONS OF THE CONDITIONS AND STIPULATIONS HERETO ANNEXED AND MADE A PART OF THIS GUARANTEE, FIRST AMERICAN TITLE INSURANCE COMPANY, A CORPORATION HEREIN CALLED THE COMPANY, GUARANTEES:

FOR THE PURPOSES OF AIDING ITS COMPLIANCE WITH STILLWATER COUNTY SUBDIVISION REGULATIONS,

in a sum not exceeding \$5,000.00.

THAT according to those public records which, under the recording laws of the State of Montana, impart constructive notice of matters affecting the title to the lands described on the attached legal description;

Stillwater County, Montana
Hillbrook Estates Major Subdivison - First Phase
Lot 40 as described on Plat No. 357758

- 1. Parties having record title interest in said lands whose signatures are necessary under the requirements of Stillwater County Subdivision Regulations on the certificates consenting to the recordation of Plats and offering for dedication of streets, roads, avenue, and other easements offered for dedication by said Plat are:**

- 2. Parties holding liens or encumbrances on the title to said lands are:**
 - a. A Mortgage dated October 27, 2015, to secure an indebtedness in the principal sum of \$218,000.00 and any other amounts and/or obligations secured thereby.
Recorded: November 2, 2015 under Document No. 363790
Mortgagor: Myron S. Gross and Nancy J. Gross, as Joint Tenants
Mortgagee: Western Security Bank, a Division of Glacier Bank
 - b. A Mortgage dated December 7, 2015, to secure an indebtedness in the principal sum of \$300,000.00, and any other amounts and/or obligations secured thereby.
Recorded: December 15, 2015 under Document No. 364142
Mortgagor: Myron S. Gross and Nancy J. Gross
Mortgagee: Western Security Bank, a Division of Glacier Bank

- 3. Easements, claims of easements and restriction agreements of record are:**
 - a. Right-of-Way for Vandenberg Drain granted to School District No. 5, recorded March 16, 1950 in Misc. Book 33, Page 354.
 - b. Electric Easement granted to Yellowstone Valley Electrification Association, recorded March 13, 1939 in Deed Book 35, Page 261.
 - c. Notice of Buried Cable filed September 17, 1976 under Document No. 216426.
 - d. Notice of Buried Cable filed September 23, 1977 under Document No. 219741.

- e. Water System easement recorded March 31, 1995 in Deed Book 113, Page 688.
- f. Sewer Line easement and terms and conditions contained therein, recorded March 31, 1995 in Deed Book 113, Page 690.
- g. Terms and conditions contained in Certification of Ordinances Approved for Addition of Land to District, filed September 14, 2005 under Document No. 323748.
- h. Montana-Dakota Utilities Co. Pipeline Easement by owner, recorded March 19, 2007, under Document No. 330600.
- i. Subject to easements as shown on Certificate of Survey No. 277127 filed March 23, 1995.
- j. Subject to easements as shown on Certificate of Survey No. 332200 filed July 11, 2007.
- k. Subject to easements as shown on Certificate of Survey No. 355318 filed May 15, 2013.
- l. All matters, covenants, conditions, restrictions, easements and any rights, interests or claims which may exist by reason thereof, disclosed by the recorded plat of said subdivision, filed February 6, 2014 under Plat No. 357758, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
- m. Hillbrook Estates Subdivision Declaration of Restrictions, Covenants and Conditions, recorded February 22, 2016 under Document No. 364746, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
- n. Amendment to Hillbrook Estates Subdivision, Declaration of Restrictions, Covenants, and Conditions, recorded November 21, 2017 under Document No. 370768, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
- o. County road rights-of-way not recorded and indexed as a conveyance in the office of the clerk and recorder pursuant to title 70, chapter 21, M.C.A.

4. Taxes:

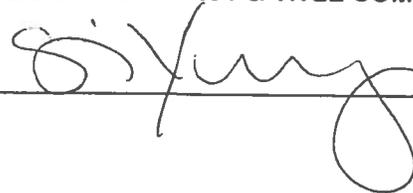
2019 taxes in the original amount of \$4,482.95, Tax Receipt No. 1010074. The first half in the original amount of \$2,241.49, has been PAID. The second half in the original amount of \$2,241.46 is due and payable, but not delinquent until after June 1, 2020.

2020 taxes are an accruing lien, not yet due or payable. Tax Receipt No. 1010074.

Dated: 03/20/2020 at 5:00 PM

STILLWATER ABSTRACT & TITLE COMPANY, INC.

By: _____





Stillwater County

Stillwater County Detail

- [Home](#)
- [Tax Search](#)
- [Tax Payments](#)

04/04/20
13:28:01

STILLWATER COUNTY
STILLWATER COUNTY TREASURER
JERRY FRIEND
PO BOX 629 COLUMBUS, MT 59019

Tax ID: 1010074
Type:

Name & Address

GROSS MYRON S & NANCY J
21 OLD MILL RD
PARK CITY MT 59063-8032

Property Tax Query
TW Rang SC Description

Sub/Blk/Lot / / 40
25 /23E /28
Geo 0817-28-3-04-01-0000
HILLBROOK ESTATES SUB, T2S,
R23E, 1ST PHASE COS 357758

	YR	Int Date	Due date	Tax Amount	Penalty	Interest	Total Year
Paid	19	11/14/19	12/02/19	2,241.49			4,482.95
Tax Due	19	04/04/20	06/01/20	2,241.46			
Paid	18	11/02/18	11/30/18	2,268.94			4,537.86
Paid	18	05/15/19	05/31/19	2,268.92			
Paid	17	11/30/17	11/30/17	2,220.64			4,441.25
Paid	17	05/23/18	05/31/18	2,220.61			
Paid	16	11/28/16	11/30/16	1,876.19			3,752.36
Paid	16	05/09/17	05/31/17	1,876.17			
Paid	15	11/03/15	11/30/15	144.58			289.16
Paid	15	11/03/15	05/30/16	144.58			
Paid	14	12/01/14	12/01/14	206.25			412.46
Paid	14	05/20/15	06/01/15	206.21			
Paid	13	11/27/13	12/02/13	856.03			1,712.02
Paid	13	11/27/13	06/02/14	855.99			
Paid	12	11/29/12	11/30/12	867.86			1,750.89
Paid	12	05/14/13	05/31/13	883.03			
Paid	11	11/29/11	11/30/11	927.35			1,854.68
Paid	11	05/23/12	05/31/12	927.33			
Paid	10	11/30/10	11/30/10	977.31			1,954.59
Paid	10	05/27/11	05/31/11	977.28			
Paid	9	12/01/09	12/04/09	1,055.68			2,111.34
Paid	9	05/25/10	05/31/10	1,055.66			

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Hillbrook Estates, Phase 4

Traffic Analysis Report

Date of report:

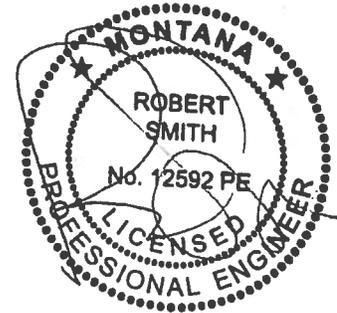
February 2020

For submission to:

Stillwater County Planning Department

Report prepared by:

A2Z Engineering, PLLC.
138 East Center Street, Suite A, Kalispell, MT 59901
Phone: (406) 755-7888, Website: A2Z-Engineering.com



2-7-2020

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- Section 1 – Existing Area Analysis
- Section 2 – Existing System Traffic Analysis
- Section 3 – Site Development Characteristics
- Section 4 – Project Trip Generation & Assignment
- Section 5 – Transportation Analysis
- Section 6 – Improvement Analysis
- Section 7 – Findings and Recommendations
- Section 8 – Report Methodology, Authorship and Common Abbreviations
- Section 9 - Appendix

Section 1 – Existing Area Analysis

The proposed Hillbrook Estates, Phase 4, is a new subdivision proposed to be developed near Park City, Montana. Park City is a small community located adjacent to US Interstate 90 a few miles west of Billings and Laurel, MT. It had a 2010 census population of over 800 persons. There are services in Park City including a school, post office, gas stations, etc. The road infrastructure in the area is primarily county roads for local use and Interstate 90 for reaching other more populous destinations.

The new subdivision is proposed in a location just southeast of Park City. The busiest adjacent street is chip sealed east-west running Cemetery Road. The less busy chip sealed Old Mill Road is found just west of the new project running north-south.

The new subdivision is generally set in an area of mixed agricultural fields and single-family residential structures. Pressures from population growth in the Billings metropolitan area are encouraging development of surrounding small communities. However Stillwater County itself has historically had very steady to slow growth, with the 2018 Growth Policy stating a 0.5% rate over the last decade.

Traffic flows in the area follow a regular pattern. In the AM peak hour most local traffic (about 65%) flows toward Park City for access to the schools and the interstate on-ramps. In the PM peak hours that is reversed and the majority flows away from Park City and the access points to the interstate highway.

Section 2 – Existing System Traffic Analysis

Surrounding Roadways

The proposed subdivision will be an addition to previous phases of Hillbrook Estates. The development is located on open fields set to the northeast of the intersection of Cemetery Road and Old Mill Road.

- Cemetery Road is a 22-foot wide chip sealed county road. It generally runs straight, flat and level in the east-west direction and has no striping. Drainage is provided by shallow roadside ditching. There are a number of approaches from adjacent residences and fields. The speed limit is 45 MPH.
- Old Mill Road is a 22-foot wide county road running north-south. It is chip sealed north of Cemetery Road and unpaved to the south. The road is generally straight, flat and level. Drainage is provided by shallow roadside ditching. There are a number of approaches from adjacent residences and fields. The speed limit is 35 MPH.
- Autumn Road is a newer paved road running east-west through the first several phases of Hillbrook Estates. It terminates on the west end at an intersection with Old Mill Road. The east end is a cul-de-sac. The road has a curving alignment but is fairly flat and level.
- Walnut Drive is a short paved connector road running north-south between Cemetery Road and Autumn Road. It provides a central entrance to the Hillbrook Estates subdivision.
- Silverado Drive is a north-south access road into the subdivision starting at Cemetery Road. It is paved and intersects with Autumn Road.

Surrounding Intersections

- Cemetery Road & Old Mill Road - This is a 4-legged intersection with stop signs for the north and south approaches. Cemetery Road traffic runs through the intersection east-west at 45 MPH. There are no pavement markings or any separated right or left turn lanes on any approach. Corner site visibility is acceptable for the north and south bound vehicles when they come to a stop. There is a slight misalignment between the north and south approaches.
- Autumn Road & Old Mill Road - This is a 3-legged intersection with a yield sign on the Autumn Road approach. There are no pavement markings or any separated right or left turn lanes on any approach. Corner site visibility is acceptable.
- Cemetery Road & Walnut Drive - This is a 3-legged intersection with a yield sign on the southbound approach. Cemetery Road traffic runs through the intersection east-west at 45 MPH. There are no pavement markings or any separated right or left turn lanes on any approach. Corner site visibility is acceptable.
- Cemetery Road & Silverado Drive - This is a 3-legged intersection with a yield sign on the southbound approach. Cemetery Road traffic runs through the intersection east-west at 45 MPH. There are no pavement markings or any separated right or left turn lanes on any approach. Corner site visibility is acceptable.
- Autumn Road & Walnut Drive - This is a 3-legged intersection. Autumn Road traffic runs through the intersection east-west. There are no pavement markings or any separated right or left turn lanes on any approach. Corner site visibility is acceptable.

- Autumn Road & Silverado Drive - This is a 4-legged intersection. Autumn Road traffic runs through the intersection east-west. There are no pavement markings or any separated right or left turn lanes on any approach. Corner site visibility is acceptable.

Existing Background Traffic Volumes

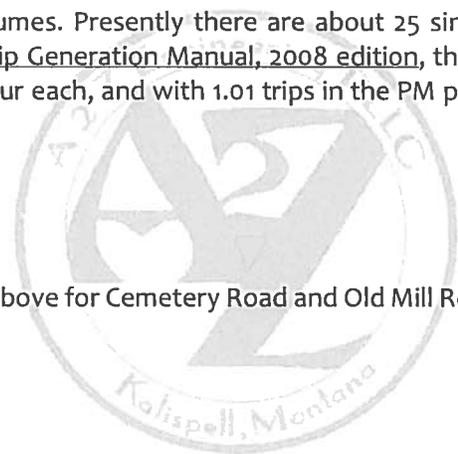
A traffic survey was performed on February 5, 2020 from 7 to 9 am at the intersection of Cemetery Road & Old Mill Road. This traffic count is available in the appendix. From the data it can be generalized that the daily traffic usage of the roads in the area are:

- Cemetery Road
 - Average daily traffic = 740 vehicles per day
 - AM traffic is 64% westbound and 36% eastbound
 - AM peak hour volume = 74 vehicles per hour
 - PM traffic is 36% westbound and 64% eastbound
 - PM peak hour volume = 74 vehicles per hour
- Old Mill Road, South of Cemetery Road (graveled)
 - Average daily traffic = 100 vehicles per day
 - AM traffic is 75% northbound and 25% southbound
 - AM peak hour volume = 10 vehicles per hour
 - PM traffic is 25% northbound and 75% southbound
 - PM peak hour volume = 10 vehicles per hour
- Old Mill Road, North of Cemetery Road (chip sealed)
 - Average daily traffic = 100 vehicles per day
 - AM traffic is 50% northbound and 50% southbound
 - AM peak hour volume = 10 vehicles per hour
 - PM traffic is 50% northbound and 50% southbound
 - PM peak hour volume = 10 vehicles per hour
- Intersection of Cemetery Road & Old Mill Road
 - Average daily traffic = 940 vehicles per day
 - East-west through traffic is 80% of the daily volume
 - Most traffic on the north and south approaches are making a turning movement

The existing Hillbrook Subdivision itself contributes to these volumes. Presently there are about 25 single family residences occupied. According to Section 210 in the ITE Trip Generation Manual, 2008 edition, those produce 9.57 trips per day each, with 0.75 trips in the AM peak hour each, and with 1.01 trips in the PM peak hour each. That comes to

- 239 trips per day
- 19 in the AM peak hour
- 25 in the PM peak hour

All of these trips are already included within the numbers quoted above for Cemetery Road and Old Mill Road north.



Projected Background Traffic Volumes

As cited above, the growth rate for Stillwater County has recently been about 0.5% per year. However it is not unreasonable to assume that given the close proximity to the Billings metro area and the nearby interstate highway access, the area around Park City may see more than average growth. Therefore a much more conservative 2% growth rate will be applied to this report.

The developer of this project has expectations that the existing phases of the subdivision will be built out within the next two years. And they likewise hope to see the full buildout of the new Phase 4 within the next 5 years. Therefore projected background traffic volumes will be set for the year 2025. The growth rate to apply will be a multiplier calculated at $(1.02 \wedge 5 \text{ years}) = 1.1041$.

Traffic volumes shall be:

- 2020 (present day)
 - Cemetery Road
 - 740 vehicles/day, 74 vehicles/hour in the AM and PM peak hours
 - Old Mill Road, south of Cemetery Road
 - 100 vehicles/day, 10 vehicles/hour in the AM and PM peak hours
 - Old Mill Road, north of Cemetery Road
 - 100 vehicles/day, 10 vehicles/hour in the AM and PM peak hours
- 2025 (full build-out year)
 - Cemetery Road
 - 817 vehicles/day, 82 vehicles/hour in the AM and PM peak hours
 - Old Mill Road, south of Cemetery Road
 - 110 vehicles/day, 11 vehicles/hour in the AM and PM peak hours
 - Old Mill Road, north of Cemetery Road
 - 110 vehicles/day, 11 vehicles/hour in the AM and PM peak hours

The existing Hillbrook Subdivision at full build-out will have 42 single family residences occupied. Once again using the ITE manual values, those produce 9.57 trips per day each, with 0.75 trips in the AM peak hour each, and with 1.01 trips in the PM peak hour each. That comes to

- 2020 (present day)
 - 239 trips/day; of these 120 trips/day entering and 120 trips/day exiting
 - 19 in the AM peak hour; of these 5 entering and 14 exiting
 - 25 in the PM peak hour; of these 16 entering and 9 exiting
- 2025 (full build-out)
 - 402 trips/day; of these 201 trips/day entering and 201 trips/day exiting
 - 32 in the AM peak hour; of these 8 entering and 24 exiting
 - 42 in the PM peak hour; of these 26 entering and 16 exiting

All of these trips are already included within the numbers quoted above for Cemetery Road and Old Mill Road north.

Section 3 – Site Development Characteristics

Hillbrook Subdivision Phase 4 proposes a mixture of 10 single family residential lots and three multi-family lots. The three multi-family lots will host a grand total of 16 dwelling units. These lots are located north of the existing subdivision and served by a loop of paved roadway connecting into the existing subdivision's internal streets. Ultimately the new lots will have access out to Cemetery Road and Old Mill Road on the same access points as the existing subdivision.

See the appendix for a copy of the proposed development plat.

The developers expect this new phase to be fully built-out within 5 years, or by the year 2025.

Section 4 – Project Trip Generation & Assignment

The ITE Trip Generation Manual, 2008 edition, gives values for the trips generated by homes and apartments. These are:

- Section 210, Single Family Detached Housing
 - 9.57 trips/day, 50% entering, 50% exiting
 - 0.75 trips/hour in the AM peak hour, 25% entering, 75% exiting
 - 1.01 trips/hour in the PM peak hour, 63% entering, 37% exiting
- Section 220, Apartment
 - 6.65 trips/day, 50% entering, 50% exiting
 - 0.51 trips/hour in the AM peak hour, 20% entering, 80% exiting
 - 0.62 trips/hour in the PM peak hour, 65% entering, 35% exiting

Applying these values to the proposed Hillbrook Subdivision Phase 4 finds that at full build-out there will be:

- 10 residential lots
 - 96 trips/day; of these 48 trips/day entering and 48 trips/day exiting
 - AM peak is 8 trips/hour; of these 2 entering and 6 exiting
 - PM peak is 10 trips/hour; of these 6 entering and 4 exiting
- 16 multi-family units
 - 106 trips per day; of these 53 trips/day entering and 53 trips/day exiting
 - AM peak is 8 trips/hour; of these 2 entering and 6 exiting
 - PM peak is 10 trips/hour; of these 7 entering and 3 exiting
- Total Trips For Phase 4
 - 202 trips/day; of these 101 trips/day entering and 101 trips/day exiting
 - AM peak is 8 trips/hour; of these 2 entering and 6 exiting
 - PM peak is 10 trips/hour; of these 6 entering and 4 exiting

Trips that are leaving the subdivision will be assumed to be going to Park City; while trips entering the subdivision will be assumed to have come from Park City.

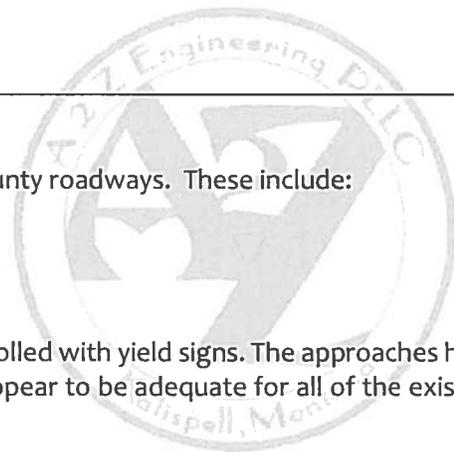
Section 5 – Transportation Analysis

Site Access

The Hillbrook Subdivision has three access points onto existing county roadways. These include:

- The Autumn Drive approach onto Old Mill Road
- The Walnut Drive approach onto Cemetery Road
- The Silverado Drive approach onto Cemetery Road

These approaches are already constructed and are presently controlled with yield signs. The approaches have good sight distance at the corners, have sufficient spacing, and appear to be adequate for all of the existing and proposed vehicle trips generated in the subdivision.



Site Circulation & Parking

The subdivision's phases all include access provided to the lots with 24 ft wide paved internal roadways. The roadways (after construction of Phase 4) will loop internally and provide good internal circulation. Parking is generally provided in the driveways and garages of each individual lot, but some street parking is available as well.

Horizon Years

As stated in the sections above, the developer expects the current phases of Hillbrook to be fully built-out in the next couple years; and for Phase 4 to be built-out within 3 years after that. So the horizon year for full build-out of the project is projected to be the year 2025.

Level of Service Analysis

A level of service (LOS) analysis attempts to assign "grades", from A through F for the respective amount of time spent waiting stopped at a traffic signal / stop sign, or the amount of time spent following a leading vehicle on a highway segment. The road portions that this project will impact are too limited to apply a corridor or highway type LOS analysis. Therefore this report will concentrate on intersections which tend to be the "choke" points in the street system.

One note on evaluating LOS at controlled intersections. The methodology evaluates two specific vehicle movements, (1) the time delay to the vehicle waiting at the stop sign / yield sign on the minor road approach, and (2) the time delay to the vehicle waiting on the major road approach to turn left onto the minor road. The methodology does not address the major road's through traffic. The reason for this is that the through traffic does not stop, so there is no delay to measure.

Evaluation of Each Intersection

A2Z Engineering uses the methodology established in the 2010 Highway Capacity Method (HCM) to analyze intersections for deficiencies arising from configuration and/or increasing usage. In the appendix are printouts of the analysis that was applied to the four intersections adjacent to the project site.

Please note that the analysis assumes the use of stop signs rather than yield signs; but that is necessary since the mathematical model is designed for stop sign behavior and no equivalent is available for yield sign control.

Cemetery Road & Old Mill Road

This intersection has greatest volume of existing and proposed traffic. If any intersection in this area will be negatively impacted to the point of needing remediation, this is the one. This intersection was evaluated in four scenarios:

1. AM peak hour use in year 2020 (present day, present conditions)
2. PM peak hour use in year 2020 (present day, present conditions)
3. AM peak hour use in year 2025 (fully built-out development and increased background traffic volumes)
4. PM peak hour use in year 2025 (fully built-out development and increased background traffic volumes)

The findings of the analysis were as follows:

1. Year 2020 AM peak hour
 - a. Every approach and movement is at level of service "A", the best rating
 - b. Delay on the north and south approaches is 9.0 and 9.0 seconds, respectively
2. Year 2020 PM peak hour
 - a. Every approach and movement is at level of service "A", the best rating
 - b. Delay on the north and south approaches is 9.0 and 9.0 seconds, respectively

3. Year 2025 AM peak hour (FULL BUILDOUT)
 - a. Every approach and movement is at level of service “A”, the best rating
 - b. Delay on the north and south approaches is 9.2 and 8.9 seconds, respectively
4. Year 2025 PM peak hour (FULL BUILDOUT)
 - a. Every approach and movement is at level of service “A”, the best rating
 - b. Delay on the north and south approaches is 9.2 and 8.9 seconds, respectively

So the results of the increase in traffic volume at the intersection are essentially non-significant.

Autumn Drive & Old Mill Road

To reduce the volume of calculations and attachments to this report, this intersection was analyzed just for the full buildout year 2025 AM and PM peak hour movements. The results found were:

1. Year 2025 AM peak hour (FULL BUILDOUT)
 - a. Every approach and movement is at level of service “A”, the best rating
2. Year 2025 PM peak hour (FULL BUILDOUT)
 - a. Every approach and movement is at level of service “A”, the best rating

Cemetery Road & Walnut Drive

To reduce the volume of calculations and attachments to this report, this intersection was analyzed just for the full buildout year 2025 AM and PM peak hour movements. The results found were:

1. Year 2025 AM peak hour (FULL BUILDOUT)
 - a. Every approach and movement is at level of service “A”, the best rating
2. Year 2025 PM peak hour (FULL BUILDOUT)
 - a. Every approach and movement is at level of service “A”, the best rating

Cemetery Road & Silverado Drive

To reduce the volume of calculations and attachments to this report, this intersection was analyzed just for the full buildout year 2025 AM and PM peak hour movements. The results found were:

1. Year 2025 AM peak hour (FULL BUILDOUT)
 - a. Every approach and movement is at level of service “A”, the best rating
2. Year 2025 PM peak hour (FULL BUILDOUT)
 - a. Every approach and movement is at level of service “A”, the best rating

Section 6 – Improvement Analysis

A thorough review was made of the existing and proposed roadways and intersections surrounding the Hillbrook Estates Subdivision. This report was unable to identify any significant deficiencies to the system as proposed. Therefore an improvement analysis is not going to highlight any needed changes.

Section 7 – Findings & Recommendations

This review of the Hillbrook Subdivision and the surrounding roadway system found that there is a robust and adequate infrastructure capable of handling the existing and proposed development. The only oddity in the area is a slight mis-alignment between the northern and southern legs of the Cemetery Road & Old Mill Road intersection. However these are both stop-controlled approaches and have a relatively small volume of traffic usage.

Considering the project and area road system overall, we recommend no changes to the proposed development plan.

Section 8 – Report Methodology, Authorship and Common Abbreviations

This report was developed using the guidance, process and procedure presented in the Transportation Impact Analyses for Site Development document, which is a 2010 edition recommended practice of the Institute of Transportation Engineers (ITE). This booklet is available under ISBN-13: 978-1-933452-56-2.

This study was authored by Robert Smith, a State of Montana licensed professional engineer (# 12592 PE). Mr. Smith is also a certified Professional Traffic Operations Engineer (PTOE) as administered by the Transportation Professional Certification Board Inc., www.tpcb.org. Mr. Smith has worked in professional engineering with an emphases on traffic issues since 2001 as both a governmental and private consulting engineer.

Research materials and guidelines for this report were obtained from various sources including the Montana Department of Transportation (MDT), ITE, Transportation Research Board (TRB), Federal Highway Administration (FHWA), Manual on Uniform Traffic Control Devices (MUTCD) and others.

Finally, this report makes use of abbreviations in many places, the first use of which are generally followed by the corresponding abbreviation in parentheses. Below is a general list for quicker reference.

- ADT or adt Average Daily Traffic
- AADT Average Annual Daily Traffic
- AASHTO..... American Association of State Highway Traffic Officials
- FHWA Federal Highway Administration
- HCM..... Highway Capacity Manual
- ITE..... Institute of Transportation Engineers
- LOS Level of Service
- MDT Montana Department of Transportation
- MT Montana
- MUTCD..... Manual on Uniform Traffic Control Devices
- PE..... Professional Engineer
- PTOE..... Professional Traffic Operations Engineer
- TA Traffic Analysis
- TIS..... Traffic Impact Study
- TRB Transportation Research Board
- VPH..... Vehicles Per Hour

Section 9 - Appendix

Field Count at Cemetery Road & Old Mill Road
Proposed Project Plat
Traffic Movement Distribution Maps
HCM Intersection Analysis Print-outs



VEHICLE TURNING MOVEMENT COUNT

FOUR-APPROACH FIELD SHEET

Time 7:00 AM 9:00 AM

N/S Street Old Mill Road

Date 2/5/20 Day Wednesday

E/W Street Cemetery Rd

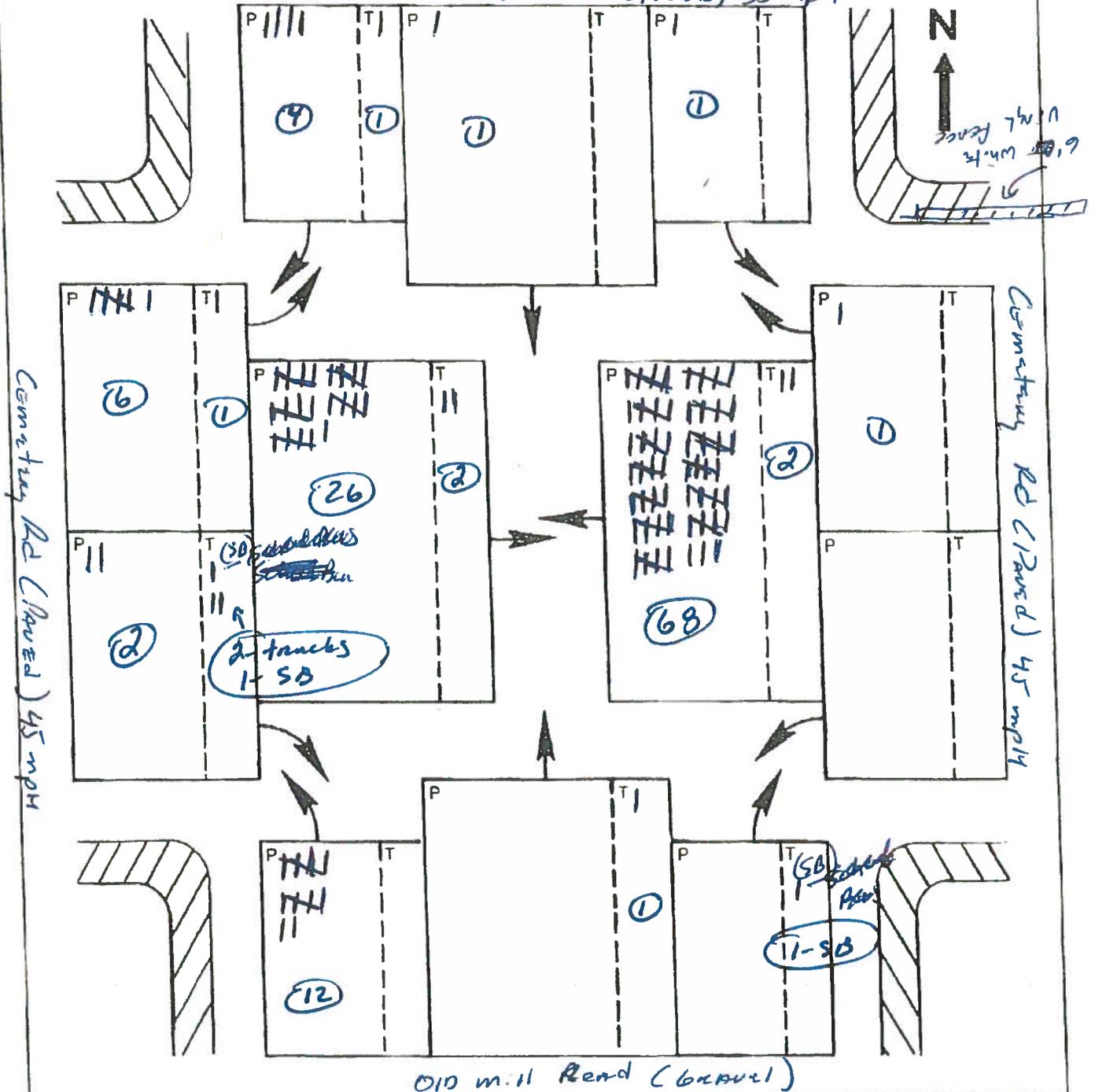
Weather 18° F Partly Cloudy

P = passenger cars, station wagons, motorcycles, pick-up trucks.

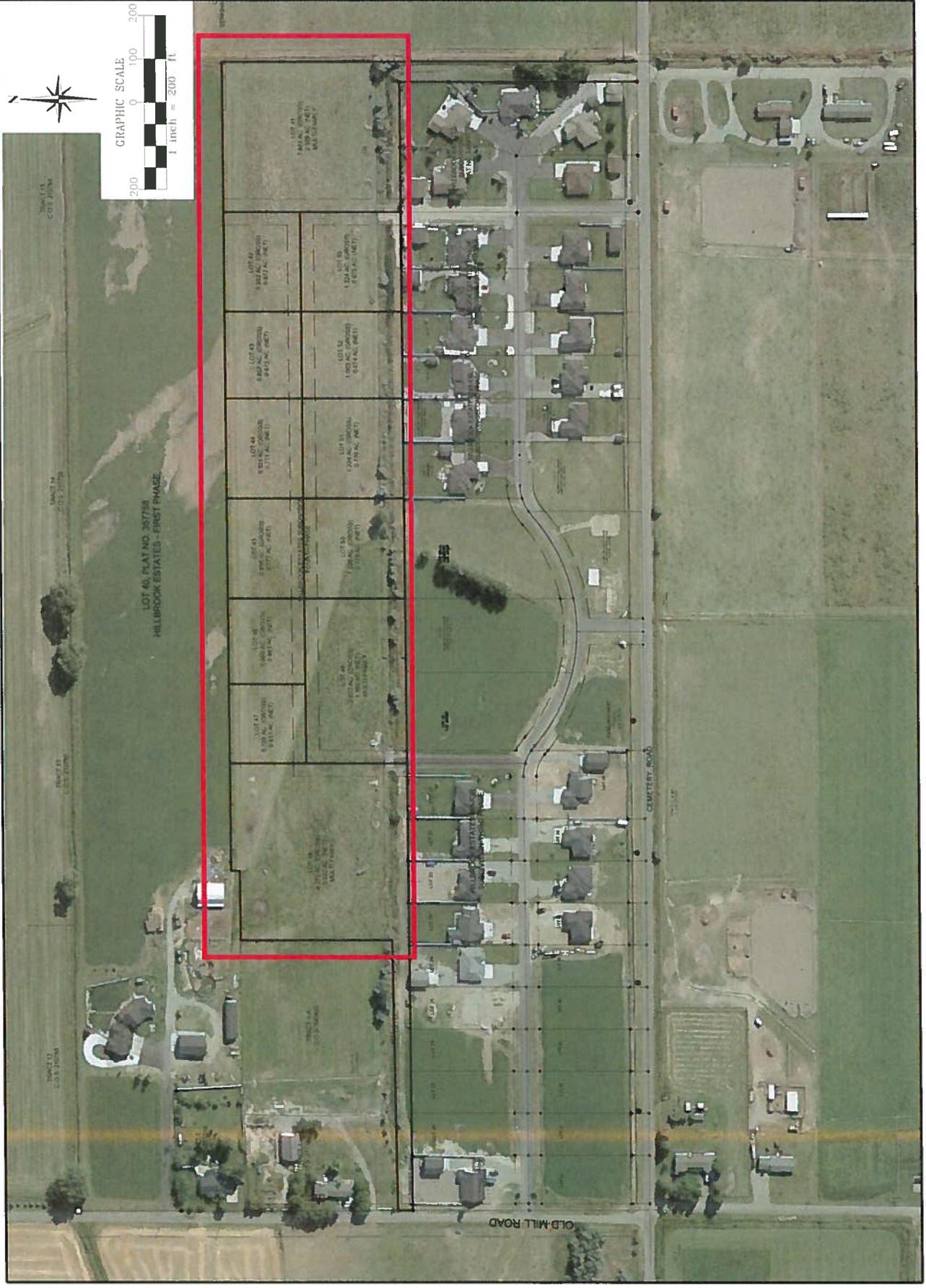
Observer T. WEST

T = other trucks. (Record any school bus as SB, other buses as B)

Old Mill Rd (Paved) 35 mph



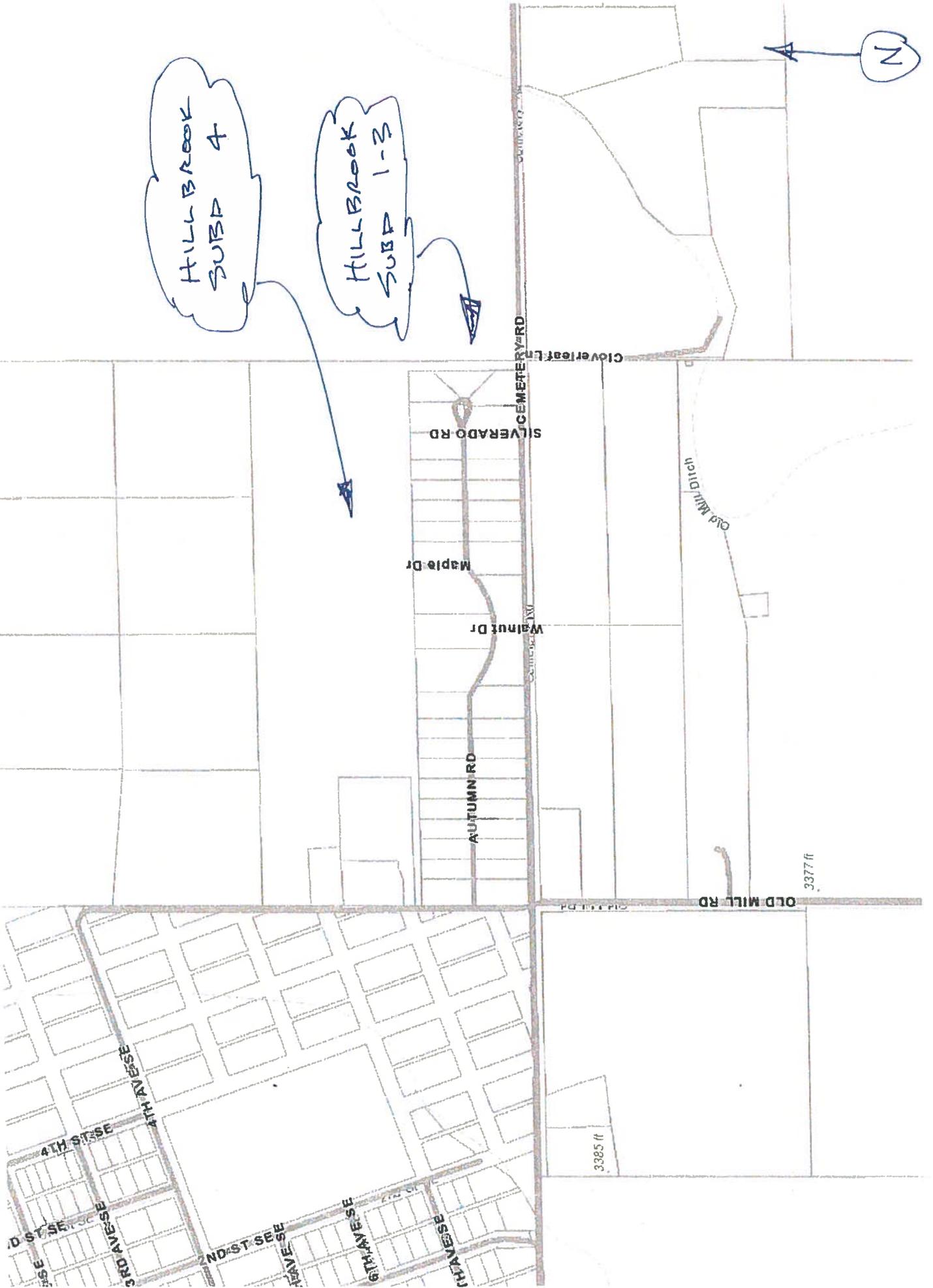
DRAWN BY: TW	CHECKED BY: -	SCALE: 1" = 200'
DATE: 11/29	REV. DATE: 11/29	REVISION: -
8TH TOWNSHIP 29S RANGE 21E SECTION 23		



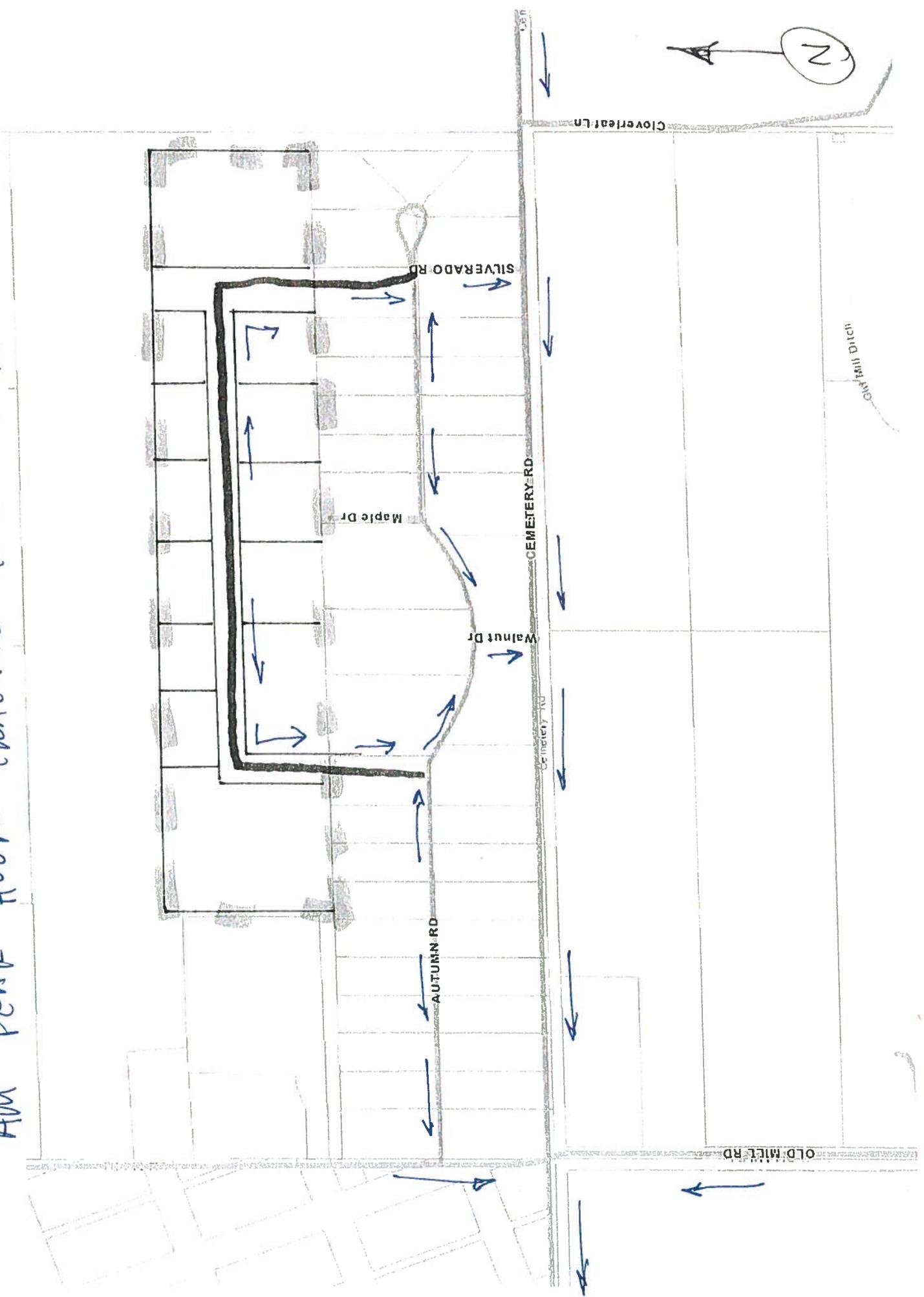
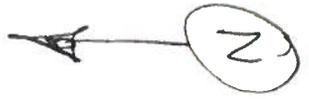
PROJECT LOCATION MAP



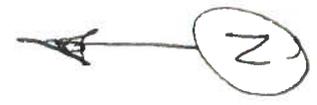
SUBDIVISION PHASE LOCATION MAP



AM PEAK HOUR TRAFFIC FLOW MAP



PM PEAK HOUR TRAFFIC FLOW MAP



Cloverleaf Ditch

OLD MILL RD

CEMETERY RD

SILVERADO RD

Maple Dr

Walnut Dr

AUTUMN RD

TWO-WAY STOP CONTROL SUMMARY								
General Information				Site Information				
Analyst	R Smith			Intersection	Cemetery & Old Mill			
Agency/Co.	A2Z Engineering			Jurisdiction	Stillwater Co			
Date Performed	2/6/2020			Analysis Year	2020			
Analysis Time Period	AM Pk Hr							
Project Description								
East/West Street: Cemetery Road				North/South Street: Old Mill Road				
Intersection Orientation: East-West				Study Period (hrs): 0.25				
Vehicle Volumes and Adjustments								
Major Street	Eastbound			Westbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume (veh/h)	5	20	5	0	48	2		
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	5	20	5	0	48	2		
Percent Heavy Vehicles	0	--	--	0	--	--		
Median Type	Undivided							
RT Channelized			0			0		
Lanes	0	1	0	0	1	0		
Configuration	LTR			LTR				
Upstream Signal		0			0			
Minor Street	Northbound			Southbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume (veh/h)	8	2	2	4	2	2		
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	8	2	2	4	2	2		
Percent Heavy Vehicles	0	0	0	0	0	0		
Percent Grade (%)	0			0				
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	0	1	0	0	1	0		
Configuration		LTR			LTR			
Delay, Queue Length, and Level of Service								
Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	LTR	LTR	LTR			LTR		
v (veh/h)	5	0	12			8		
C (m) (veh/h)	1570	1603	908			903		
v/c	0.00	0.00	0.01			0.01		
95% queue length	0.01	0.00	0.04			0.03		
Control Delay (s/veh)	7.3	7.2	9.0			9.0		
LOS	A	A	A			A		
Approach Delay (s/veh)	--	--	9.0			9.0		
Approach LOS	--	--	A			A		

TWO-WAY STOP CONTROL SUMMARY								
General Information					Site Information			
Analyst	R Smith				Intersection	Cemetery & Old Mill		
Agency/Co.	A2Z Engineering				Jurisdiction	Stillwater Co		
Date Performed	2/6/2020				Analysis Year	2025		
Analysis Time Period	AM Pk Hr							
Project Description								
East/West Street: Cemetery Road					North/South Street: Old Mill Road			
Intersection Orientation: East-West					Study Period (hrs): 0.25			
Vehicle Volumes and Adjustments								
Major Street	Eastbound			Westbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume (veh/h)	7	24	6	0	61	2		
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	7	24	6	0	61	2		
Percent Heavy Vehicles	0	--	--	0	--	--		
Median Type	Undivided							
RT Channelized			0				0	
Lanes	0	1	0	0	1	0		
Configuration	LTR			LTR				
Upstream Signal		0			0			
Minor Street	Northbound			Southbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume (veh/h)	9	2	2	2	2	6		
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	9	2	2	2	2	6		
Percent Heavy Vehicles	0	0	0	0	0	0		
Percent Grade (%)	0			0				
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	0	1	0	0	1	0		
Configuration		LTR			LTR			
Delay, Queue Length, and Level of Service								
Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	LTR	LTR	LTR			LTR		
v (veh/h)	7	0	13			10		
C (m) (veh/h)	1553	1596	877			927		
v/c	0.00	0.00	0.01			0.01		
95% queue length	0.01	0.00	0.05			0.03		
Control Delay (s/veh)	7.3	7.3	9.2			8.9		
LOS	A	A	A			A		
Approach Delay (s/veh)	--	--	9.2			8.9		
Approach LOS	--	--	A			A		

TWO-WAY STOP CONTROL SUMMARY								
General Information				Site Information				
Analyst	R Smith			Intersection	Cemetery & Old Mill			
Agency/Co.	A2Z Engineering			Jurisdiction	Stillwater Co			
Date Performed	2/6/2020			Analysis Year	2020			
Analysis Time Period	PM Pk Hr							
Project Description								
East/West Street: Cemetery Road				North/South Street: Old Mill Road				
Intersection Orientation: East-West				Study Period (hrs): 0.25				
Vehicle Volumes and Adjustments								
Major Street	Eastbound			Westbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume (veh/h)	5	48	8	0	20	2		
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	5	48	8	0	20	2		
Percent Heavy Vehicles	0	--	--	0	--	--		
Median Type	Undivided							
RT Channelized			0				0	
Lanes	0	1	0	0	1	0		
Configuration	LTR			LTR				
Upstream Signal		0			0			
Minor Street	Northbound			Southbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume (veh/h)	5	2	2	4	2	2		
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	5	2	2	4	2	2		
Percent Heavy Vehicles	0	0	0	0	0	0		
Percent Grade (%)	0			0				
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	0	1	0	0	1	0		
Configuration		LTR			LTR			
Delay, Queue Length, and Level of Service								
Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	LTR	LTR	LTR			LTR		
v (veh/h)	5	0	9			8		
C (m) (veh/h)	1607	1562	901			908		
v/c	0.00	0.00	0.01			0.01		
95% queue length	0.01	0.00	0.03			0.03		
Control Delay (s/veh)	7.2	7.3	9.0			9.0		
LOS	A	A	A			A		
Approach Delay (s/veh)	--	--	9.0			9.0		
Approach LOS	--	--	A			A		

TWO-WAY STOP CONTROL SUMMARY								
General Information				Site Information				
Analyst	R Smith			Intersection	Cemetery & Old Mill			
Agency/Co.	A2Z Engineering			Jurisdiction	Stillwater Co			
Date Performed	2/6/2020			Analysis Year	2025			
Analysis Time Period	PM Pk Hr							
Project Description								
East/West Street: Cemetery Road				North/South Street: Old Mill Road				
Intersection Orientation: East-West				Study Period (hrs): 0.25				
Vehicle Volumes and Adjustments								
Major Street	Eastbound			Westbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume (veh/h)	8	61	9	0	27	2		
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	8	61	9	0	27	2		
Percent Heavy Vehicles	0	--	--	0	--	--		
Median Type	Undivided							
RT Channelized			0			0		
Lanes	0	1	0	0	1	0		
Configuration	LTR			LTR				
Upstream Signal		0			0			
Minor Street	Northbound			Southbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume (veh/h)	6	2	2	2	2	6		
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	6	2	2	2	2	6		
Percent Heavy Vehicles	0	0	0	0	0	0		
Percent Grade (%)	0			0				
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	0	1	0	0	1	0		
Configuration		LTR			LTR			
Delay, Queue Length, and Level of Service								
Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	LTR	LTR	LTR			LTR		
v (veh/h)	8	0	10			10		
C (m) (veh/h)	1597	1544	865			944		
v/c	0.01	0.00	0.01			0.01		
95% queue length	0.02	0.00	0.04			0.03		
Control Delay (s/veh)	7.3	7.3	9.2			8.9		
LOS	A	A	A			A		
Approach Delay (s/veh)	--	--	9.2			8.9		
Approach LOS	--	--	A			A		

TWO-WAY STOP CONTROL SUMMARY								
General Information				Site Information				
Analyst	R Smith			Intersection	Autumn & Old Mill			
Agency/Co.	A2Z Engineering			Jurisdiction	Stillwater Co			
Date Performed	2/6/2020			Analysis Year	2025			
Analysis Time Period	AM Pk Hr							
Project Description								
East/West Street: Autumn Drive				North/South Street: Old Mill Road				
Intersection Orientation: North-South				Study Period (hrs): 0.25				
Vehicle Volumes and Adjustments								
Major Street		Northbound			Southbound			
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume (veh/h)		5	1	1	5			
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	0	5	1	1	5	0		
Percent Heavy Vehicles	0	--	--	0	--	--		
Median Type	Undivided							
RT Channelized			0					0
Lanes	0	1	0	0	1	0		
Configuration			TR	LT				
Upstream Signal		0			0			
Minor Street		Eastbound			Westbound			
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume (veh/h)				8		1		
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	0	0	0	8	0	1		
Percent Heavy Vehicles	0	0	0	0	0	0		
Percent Grade (%)		0			0			
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	0	0	0	0	0	0		
Configuration					LR			
Delay, Queue Length, and Level of Service								
Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		LT		LR				
v (veh/h)		1		9				
C (m) (veh/h)		1628		1018				
v/c		0.00		0.01				
95% queue length		0.00		0.03				
Control Delay (s/veh)		7.2		8.6				
LOS		A		A				
Approach Delay (s/veh)	--	--	8.6					
Approach LOS	--	--	A					

TWO-WAY STOP CONTROL SUMMARY							
General Information				Site Information			
Analyst	R Smith			Intersection	Autumn & Old Mill		
Agency/Co.	A2Z Engineering			Jurisdiction	Stillwater Co		
Date Performed	2/6/2020			Analysis Year	2025		
Analysis Time Period	PM Pk Hr						
Project Description							
East/West Street: Autumn Drive				North/South Street: Old Mill Road			
Intersection Orientation: North-South				Study Period (hrs): 0.25			
Vehicle Volumes and Adjustments							
Major Street	Northbound			Southbound			
Movement	1	2	3	4	5	6	
	L	T	R	L	T	R	
Volume (veh/h)		5	6	3	5		
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00	
Hourly Flow Rate, HFR (veh/h)	0	5	6	3	5	0	
Percent Heavy Vehicles	0	--	--	0	--	--	
Median Type	Undivided						
RT Channelized			0			0	
Lanes	0	1	0	0	1	0	
Configuration			TR	LT			
Upstream Signal		0			0		
Minor Street	Eastbound			Westbound			
Movement	7	8	9	10	11	12	
	L	T	R	L	T	R	
Volume (veh/h)				4		1	
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00	
Hourly Flow Rate, HFR (veh/h)	0	0	0	4	0	1	
Percent Heavy Vehicles	0	0	0	0	0	0	
Percent Grade (%)	0			0			
Flared Approach		N			N		
Storage		0			0		
RT Channelized			0			0	
Lanes	0	0	0	0	0	0	
Configuration					LR		
Delay, Queue Length, and Level of Service							
Approach	Northbound	Southbound	Westbound			Eastbound	
Movement	1	4	7	8	9	10	11 12
Lane Configuration		LT		LR			
v (veh/h)		3		5			
C (m) (veh/h)		1621		1017			
v/c		0.00		0.00			
95% queue length		0.01		0.01			
Control Delay (s/veh)		7.2		8.6			
LOS		A		A			
Approach Delay (s/veh)	--	--	8.6				
Approach LOS	--	--	A				

TWO-WAY STOP CONTROL SUMMARY								
General Information				Site Information				
Analyst	R Smith			Intersection	Cemetery & Walnut			
Agency/Co.	A2Z Engineering			Jurisdiction	Stillwater Co			
Date Performed	2/6/2020			Analysis Year	2025			
Analysis Time Period	AM Pk Hr							
Project Description								
East/West Street: Cemetery Rd				North/South Street: Walnut Dr				
Intersection Orientation: East-West				Study Period (hrs): 0.25				
Vehicle Volumes and Adjustments								
Major Street	Eastbound			Westbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume (veh/h)	5	26			48	0		
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	5	26	0	0	48	0		
Percent Heavy Vehicles	0	--	--	0	--	--		
Median Type	Undivided							
RT Channelized			0			0		
Lanes	0	1	0	0	1	0		
Configuration	LT					TR		
Upstream Signal		0			0			
Minor Street	Northbound			Southbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume (veh/h)				0		17		
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	0	0	0	0	0	17		
Percent Heavy Vehicles	0	0	0	0	0	0		
Percent Grade (%)	0			0				
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	0	0	0	0	0	0		
Configuration					LR			
Delay, Queue Length, and Level of Service								
Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	LT						LR	
v (veh/h)	5						17	
C (m) (veh/h)	1572						1027	
v/c	0.00						0.02	
95% queue length	0.01						0.05	
Control Delay (s/veh)	7.3						8.6	
LOS	A						A	
Approach Delay (s/veh)	--	--					8.6	
Approach LOS	--	--					A	

TWO-WAY STOP CONTROL SUMMARY								
General Information				Site Information				
Analyst	R Smith			Intersection	Cemetery & Walnut			
Agency/Co.	A2Z Engineering			Jurisdiction	Stillwater Co			
Date Performed	2/6/2020			Analysis Year	2025			
Analysis Time Period	PM Pk Hr							
Project Description								
East/West Street: Cemetery Rd				North/South Street: Walnut Dr				
Intersection Orientation: East-West				Study Period (hrs): 0.25				
Vehicle Volumes and Adjustments								
Major Street		Eastbound			Westbound			
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume (veh/h)	17	48			26	0		
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	17	48	0	0	26	0		
Percent Heavy Vehicles	0	--	--	0	--	--		
Median Type	Undivided							
RT Channelized			0			0		
Lanes	0	1	0	0	1	0		
Configuration	LT					TR		
Upstream Signal		0			0			
Minor Street		Northbound			Southbound			
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume (veh/h)				0		10		
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	0	0	0	0	0	10		
Percent Heavy Vehicles	0	0	0	0	0	0		
Percent Grade (%)		0			0			
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	0	0	0	0	0	0		
Configuration					LR			
Delay, Queue Length, and Level of Service								
Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	LT						LR	
v (veh/h)	17						10	
C (m) (veh/h)	1601						1056	
v/c	0.01						0.01	
95% queue length	0.03						0.03	
Control Delay (s/veh)	7.3						8.4	
LOS	A						A	
Approach Delay (s/veh)	--	--					8.4	
Approach LOS	--	--					A	

TWO-WAY STOP CONTROL SUMMARY								
General Information				Site Information				
Analyst	R Smith			Intersection	Cemetery & Silverado			
Agency/Co.	A2Z Engineering			Jurisdiction	Stillwater Co			
Date Performed	2/6/2020			Analysis Year	2025			
Analysis Time Period	AM Pk Hr							
Project Description								
East/West Street: Cemetery Rd				North/South Street: Silverado Dr				
Intersection Orientation: East-West				Study Period (hrs): 0.25				
Vehicle Volumes and Adjustments								
Major Street	Eastbound			Westbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume (veh/h)	3	26			48	0		
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	3	26	0	0	48	0		
Percent Heavy Vehicles	0	--	--	0	--	--		
Median Type	Undivided							
RT Channelized			0			0		
Lanes	0	1	0	0	1	0		
Configuration	LT					TR		
Upstream Signal		0			0			
Minor Street	Northbound			Southbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume (veh/h)				0		12		
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	0	0	0	0	0	12		
Percent Heavy Vehicles	0	0	0	0	0	0		
Percent Grade (%)	0			0				
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	0	0	0	0	0	0		
Configuration					LR			
Delay, Queue Length, and Level of Service								
Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	LT						LR	
v (veh/h)	3						12	
C (m) (veh/h)	1572						1027	
v/c	0.00						0.01	
95% queue length	0.01						0.04	
Control Delay (s/veh)	7.3						8.5	
LOS	A						A	
Approach Delay (s/veh)	--	--					8.5	
Approach LOS	--	--					A	

TWO-WAY STOP CONTROL SUMMARY								
General Information				Site Information				
Analyst	R Smith			Intersection	Cemetery & Silverado			
Agency/Co.	A2Z Engineering			Jurisdiction	Stillwater Co			
Date Performed	2/6/2020			Analysis Year	2025			
Analysis Time Period	PM Pk Hr							
Project Description								
East/West Street: Cemetery Rd				North/South Street: Silverado Dr				
Intersection Orientation: East-West				Study Period (hrs): 0.25				
Vehicle Volumes and Adjustments								
Major Street	Eastbound			Westbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume (veh/h)	13	48			26	0		
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	13	48	0	0	26	0		
Percent Heavy Vehicles	0	--	--	0	--	--		
Median Type	Undivided							
RT Channelized			0			0		
Lanes	0	1	0	0	1	0		
Configuration	LT					TR		
Upstream Signal		0			0			
Minor Street	Northbound			Southbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume (veh/h)				0		7		
Peak-Hour Factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	0	0	0	0	0	7		
Percent Heavy Vehicles	0	0	0	0	0	0		
Percent Grade (%)	0			0				
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	0	0	0	0	0	0		
Configuration					LR			
Delay, Queue Length, and Level of Service								
Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	LT						LR	
v (veh/h)	13						7	
C (m) (veh/h)	1601						1056	
v/c	0.01						0.01	
95% queue length	0.02						0.02	
Control Delay (s/veh)	7.3						8.4	
LOS	A						A	
Approach Delay (s/veh)	--	--					8.4	
Approach LOS	--	--					A	



August 20, 2020

Forrest Mandeville
Stillwater County Planning
17 N. 4th Street
PO Box 881
Columbus, MT 59019

Re: Hillbrook Estates Subdivision-Fourth Phase

Dear Mr. Mandeville:

The following addresses your comments per your August 14th email.

1. In speaking with the Mr. Gross, subdivider, it is his intention that owners within the subdivision that utilize the walking trail located along the south portion of Lot 50 to turn around and not have legal access through Lot 18-A or Lot 49 for connectivity.
2. Enclosed is an revised covenants with showing that business to be allowed to be removed from covenants. Prior to final plat the covenants shall be revised and reprinted removing the wording that allows business on these lots.
3. Enclosed is a revised preliminary plat showing the correct land owner for Tract 1 of Certificate of Survey No. 355318.
4. Enclosed is an updated Waiver of Right to Protest with Nancy Gross on document.
5. Enclosed is an revised SIA document, correcting MDEQ.

Sincerely;

Travis West, P.E., RS
Professional Civil Engineer
Registered Sanitarian

SUBDIVISION IMPROVEMENTS AGREEMENT
(Hillbrook Estates Subdivision – Fourth Phase)
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(Stillwater County)

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SUBDIVISION IMPROVEMENTS AGREEMENT

(Hillbrook Estates *Subdivision – Fourth Phase*)

This agreement is made and entered into this ____ day of _____, 20____, by and between Myron Gross, whose address for the purpose of this agreement is **21 Old Mill Road, Park City, MT 59063**, hereinafter referred to as “Subdivider,” and STILLWATER COUNTY, Montana, hereinafter referred to as “County.”

WITNESSETH:

WHEREAS, the plat of Hillbrook Estates Subdivision – Fourth Phase, located in Stillwater County, MT, was submitted to the Stillwater County Board of Planning; and

WHEREAS, at a regular meeting conducted on _____, 2020, the Stillwater County Board of County Commissioners conditionally approved a preliminary plat of Hillbrook Estates Subdivision – Fourth Phase; 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 Hillbrook Estates Subdivision – Fourth Phase upon the Phase of the final plat thereof in the office of the Clerk and Recorder of Stillwater County, Montana. The Subdivision shall comply with all requirements of the Stillwater County Subdivision Regulations, the rules, regulations, policies, and resolutions of Stillwater 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

No variances are requested from the subdivision regulations.

II. CONDITIONS THAT RUN WITH THE LAND

A. Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Blue Creek area also has a history of black bear conflicts. 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 and shallow groundwater within the area of this subdivision, as described in the USDA (NRCS) Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.

C. No water rights have been transferred with this subdivision.

D. There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon Phase and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.

E. Culverts and associated drainage swales, ponds shall not be filled in or altered by the subdivider or subsequent lot owners.

F. When required by road improvements, all fences and irrigation ditches in the public right-of-way adjacent to this subdivision shall be removed or relocated outside of the public right-of-way at no cost to the County, and any relocation outside of the public right-of-way shall be subject to securing and recording easements.

G. Future maintenance of all public (or common) improvements shall be done through the home owner's association (HOA) created as part of the SIA for this subdivision.

H. Acquisition of road signs and replacement of old road signs are the responsibility of the subdivider or subsequent lot owner's/home owner's association.

III. TRANSPORTATION

The subdivider agrees to guarantee all improvements for a period of two (2) years from the date of final acceptance by Stillwater County.

A. Streets

- Road easement widths of 60 feet shall be granted for Elm Drive extension, Maple Drive, and Silverado Lane extension.
- Elm Drive (extension), Maple Drive, and Silverado Lane (extension) shall be constructed to County standard and with a minimum pavement width of 24 feet.
- Road drainage ditches shall be constructed adjacent to the roadways in accordance with Stillwater County Subdivision Regulations and MDEQ standards.

B. Traffic Control Devices

- The Subdivider shall furnish and install road name signs for roads within and adjacent to the subdivision as required by the County. Traffic control devices shall comply with the Manual of Uniform Traffic Control Devices (MUTCD), local fire department and County standards.

C. Access

- There are two (2) subdivision access points with access to all lots within the phase of the subdivision. Elm Drive and Silverado Lane shall provide three (3) access ways to Old Mill Road (County Road) and Cemetery Road (County Road).

IV. EMERGENCY SERVICE

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and water supply (dry fire hydrants) in place to allow for fire suppression requirements. Prior to construction using combustible materials (i.e. lumber, plywood, wood trusses, etc.), fire apparatus access roads and water supply requirements shall be provided in accordance with the International Fire Code as adopted by the State of Montana.

At a minimum, the following is required:

- All single-family homes or living units must be within ½ mile of the furthest portion of a building under construction as measured along the approved route to the existing fire dry hydrant located with the subdivision.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of twenty-four (24) feet wide.
- A 30,000-gallon dry hydrant located at the corner of Walnut Drive and Cemetery Road will be approved prior to final plat by the fire department having jurisdiction. The maintenance for the tank and dry hydrant will require the formation of an Home Owner's Association for maintenance.

V. STORM DRAINAGE

All drainage improvements shall comply with the provisions of the Section IV (L) of the Stillwater County Subdivision Regulations 2017 edition, and a stormwater management plan shall be submitted to and approved by the MDEQ (Montana Department of Environmental Quality), or its designee. Stormwater retention ponds on each lot will be created of sufficient capacity to handle storm water runoff for the respective lot.

VI. UTILITIES

A. Water

All proposed water systems must obtain approval by the MDEQ, or its designee.

- Individual wells shall be located as approved by MDEQ and serve the single-family dwelling located on the single-family lots.
- Shared wells shall be located as approved by MDEQ and serve two multi-family dwelling units located on the multi-family lots.

B. Sewer System

All proposed sanitary sewer systems must obtain approval by the MDEQ, or its designee.

- The subdivision shall utilize the existing Park City Water & Sewer District sanitary sewer system, composed of a sewer collection system and lagoons for management and treatment of sanitary wastewater.
- The sanitary sewer collection system shall conform to the standards set forth by the Park City Water & Sewer District and MDEQ.

- The Park City Water & Sewer District will be responsible for the operation and maintenance of the sewer collection system. There is a fee for new hookups to the sewer collection system and billing will occur monthly for sewer fees.
- A MDEQ approval letter shall be submitted with the final plat.

C. Power, Telephone, Gas, and Cable Television

Power, natural gas, telephone, and cable shall be located underground within the rights-of-way and utility easements as shown on the plat.

VII. PARKS/OPEN SPACE

Section 76-3-621 of the Montana Subdivision and Platting Act covers the park dedication requirement.

- Per Section IV (P) of the Stillwater County Subdivision Regulations the following areas dedicated as parkland are required:
 - 7.5% of the net residential land proposed for lots larger than 0.5 acre, but less than 1.0 acres.
 - Lots 43-47 & 50-53 = 7.11 net acres
 - 7.5% of Net Acreage = 0.53 acres
- Per Section IV (P) of the Stillwater County Subdivision Regulations the following areas dedicated as parkland are required:
 - 5.0% of the net residential land proposed for lots larger than 1.0 acre, but less than 3.0 acres.
 - Lots 41 & 49 = 3.67 net acres
 - 5.0% of Net Acreage = 0.18 acres
 -
- Per Section IV (P) of the Stillwater County Subdivision Regulations the following areas dedicated as parkland are required:
 - 2.5% of the net residential land proposed for lots larger than 3.0 acre, but less than 5.0 acres.
 - Lot 48 = 3.09 net acres
 - 2.5% of Net Acreage = 0.08 acres

Total required parkland dedication = 0.79 acres

VIII. IRRIGATION

There are irrigation ditches on the property along the north and south portion of Lot 40 and east portion of Lots 40, 41 & 53. There is a drainage ditch located along the southern portion of this subdivision as shown in the drainage easement. There are no water rights associated with this property.

IX. WEED MANAGEMENT

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

A weed plan will be implemented as per the Stillwater County Weed Department requirements.

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

X. SOILS/GEOTECHNICAL STUDY

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

XI. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required improvements by private contracts secured by bonds, irrevocable letters of credit, sequential development, or any other method that may be acceptable to the Planning Board and Board of County Commissioners. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said private contract, and the improvements shall be designed by and constructed under the supervision of a professional engineer competent in civil engineering,

licensed in the state of Montana. Upon completion of the improvements, the consulting Engineer shall file with the Public Works Department, a statement certifying that the improvements have been completed in accordance with approved, seal stamped, record drawings, along with all required post-construction certification per the Stillwater County Subdivision Regulations.

XII. LEGAL PROVISIONS

A. Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by Stillwater 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 a home owner's association (HOA) 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”

Myron Gross

By: _____
Owner

Nancy J. Gross

By: _____
Owner

STATE OF MONTANA)
 : ss
County of Stillwater)

On this _____ day of _____, 20____, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be **Myron Gross** and _____, known to me to be **Nancy J. Gross**, 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: _____

“COUNTY”
COUNTY OF STILLWATER
MONTANA

County of Stillwater

Board of County Commissioners

By:

Chairman

Commissioner

Commissioner

Attest:

County Clerk and Recorder

STATE OF MONTANA)
 : ss
County of Stillwater)

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 Stillwater 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 Stillwater County, Montana.

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