

**RESOLUTION NO. R16-35**

**A RESOLUTION APPROVING THE PRELIMINARY PLAT OF LOT 1, BLOCK 1  
AMENDED ENTERTAINMENT PARK SUBDIVISION, LAUREL, MONTANA.**

WHEREAS, in February, 2016, Stephen Diefenderfer applied for preliminary plat approval for Lot 1, Block 1, Amended Entertainment Park Subdivision; and

WHEREAS, The City Planner prepared a staff report, proposed Findings of Fact, and proposed conditions of approval regarding the preliminary plat approval and recommends the Council's adoption of the same; and

WHEREAS, the Laurel City-County Planning Board considered the requests at their April 7, 2016, meeting and unanimously recommended approval of the staff report with recommended conditions and findings of fact; and

WHEREAS, the City Council held a public hearing on May 17, 2016 to gather evidence from the public regarding the approval of the preliminary plat. No objections were noted or received into the record; and

WHEREAS, the City Council reviewed the planning board minutes, the City Planner's reports and Findings of Fact, evidence in the City's file and has considered the recommendations of the Laurel City-County Planning Board in accordance with the attached Staff reports and Findings of Fact; and

WHEREAS, the City Council of the City of Laurel has determined that it is in the best interests of the City and the inhabitants thereof, and of the owner that the Preliminary Plat be conditionally approved as recommended by the Laurel City-County Planning Board in accordance with the attached Staff report and Findings of Fact; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, that the City Council hereby conditionally approves the preliminary plat of Lot 1, Block 1, Amended Entertainment Park Subdivision subject to and in accordance with all the terms and conditions contained in the attached staff report and Findings of Fact; and

BE IT FURTHER RESOLVED, the City Council hereby adopts the attached Findings of Fact and Staff report as its own.

Introduced at a regular meeting of the City Council on May 17, 2016, by Council Member  
McGee.

PASSED and APPROVED by the City Council of the City of Laurel this 17<sup>th</sup> day of May, 2016.

APPROVED by the Mayor this 17<sup>th</sup> day of May, 2016.

CITY OF LAUREL

Mark A. Mace  
Mark A. Mace, Mayor

ATTEST:

Shirley Ewan for  
Shirley Ewan, Clerk/Treasurer

Approved as to form:

Sam S. Painter  
Sam S. Painter, Civil City Attorney



## LAUREL CITY-COUNTY PLANNING DEPARTMENT

### STAFF REPORT

TO: Laurel City Council  
FROM: Noel Eaton, City Planner  
RE: Lot 1, Block 1 Amended Entertainment Park Subdivision  
HEARING  
DATE: May 17, 2016

#### INTRODUCTION:

Stephen Diefenderfer applied for preliminary plat approval for Lot 1, Block 1 Amended Entertainment Park Subdivision which contains 2 lots on approximately 6.202 acres of land for highway commercial development. The subject property is located southwest of the intersection of East Railroad St. and Juniper Ave. The property is located within the city limits of Laurel.

#### RECOMMENDATION:

- The Laurel City County Planning Board has recommended approval of the preliminary plat with staff recommended conditions of approval, findings of fact and associated staff report.

#### VARIANCES REQUESTED:

No variances were requested.

#### PROPOSED CONDITIONS OF APPROVAL:

Pursuant to Section 76-3-608(4), MCA, the following conditions are recommended to reasonably minimize potential adverse impacts identified within the Findings of Fact:

1. All public improvements shall be built to Montana Public Work Standards and to the specifications made in the Subdivision Improvements Agreement provided with the application for preliminary plat.
2. To minimize effects on local services, utility easements shall be provided on the final plat.

3. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Department to clarify the documents and bring them into the standard acceptable format.
4. To minimize the effects on the natural environment, a weed management plan and property inspection shall be approved by the County Weed Department, prior to final plat approval.
5. The final plat shall comply with all requirements of the Laurel-Yellowstone City-County Planning Area Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Laurel, and the law and Administrative Rules of the State of Montana.

#### **PROCEDURAL HISTORY:**

- A pre-application meeting was conducted with Planning Staff for the proposed subdivision on January 25, 2016
- The preliminary plat pre-application sufficiency and completeness review was done and submitted to the owners agent
- The City County Planning Board had a public hearing on April 7, 2016 at their regularly scheduled meeting.

#### **PLAT INFORMATION:**

General location:	Southwest of the intersection of East Railroad St. and Juniper Ave
Legal Description:	Lot 1, Block 1, Entertainment Park Subdivision ¼ Section NW 15, Township 2S, Range 24E.
Subdivider and Owner:	Stephen Diefenderfer
Engineering and Surveyor:	Bryan Alexander, Sanderson Stewart
Existing Zoning:	Highway Commercial
Existing Land Use:	Vacant Land Urban
Proposed Land Use:	Highway Commercial
Gross Area:	6.202
Proposed # of Lots:	2

Lot Sizes: 3.2 and 3.0 acres

Parkland Requirements: Parkland requirement was satisfied with initial subdivision.

## **PROPOSED FINDINGS OF FACT:**

The Findings of Fact for the preliminary plat of Lot 1, Block 1 Amended Entertainment Park Subdivision have been prepared by the Laurel City-County Planning Department staff for review by the City/County Planning Board. These findings are based on the preliminary plat application and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Laurel-Yellowstone City-County Planning Area Subdivision Regulations.

**A. What are the effects on agriculture and agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat and public health and safety? (76-3-608(3)(a), MCA) (Section 3 (C)(3)(a), LYCCPASR)**

**1. Effect on agriculture and agricultural water user facilities.**

The proposed subdivision will have no impact on agriculture. The 6.202 acre subdivision site is currently vacant land. It is surrounded by highway commercial zoning to the west, interstate 90 to the south and light industrial to the north and east of the property.

**2. Effect on local services**

a. The subdivision improvements agreement has provided detailed information regarding:

- Water
- Sanitary sewer
- Storm drainage
- Streets

**3. Effects on the natural environment**

The proposed subdivision is proposed as a 2 lot amended subdivision with no current plans for development. The site is zoned Highway Commercial and surrounded by commercial and industrial zoning.

**4. Effects on wildlife and wildlife habitat**

There are no known endangered species or critical game ranges on site. Due to close proximity to Interstate 90 and adjacent industrial zoning, it provides little wildlife habitat. Little cover and shelter is available for wildlife species in the area.

**5. Effects on public health and safety**

There are no adverse effects on public health and safety. A geotechnical was provided with the application. There were no significant findings.

**B. Was an Environmental Assessment Required? (76-3-603, MCA)(Section 16.9 LYCCPASR)**

An environmental assessment was not required with the application.

**C. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? (76-3-608 (3)(b), MCA)**

The subdivision, with proposed conditions, satisfies the requirements of the Montana Subdivision and Platting Act and conforms to the design standards specified in the LYCCPASR. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local and state subdivision regulations.

**D. Does the subdivision conform to sanitary requirements? (Section 3(C)(3)(e), LYCCPASR)**

The existing subdivision is already connected to city services.

**E. Does the proposed plat provide easements for the location and installation of any utilities? (76-3-608(3)(C), MCA)**

Utility easements shall be provided on the face of the final plat.

**F. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? (76-3-608 (3)(d), MCA)**

Legal and Physical access to all lots has been provided and is shown on the preliminary plat. If future subdivision of proposed lots 1A and 1B occur, a 67ft wide access and utility easement is provided for the purpose of allowing access to lots 1A, 1B, and subsequent subdivision lots thereof.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Lot 1, Block 1 Amended Entertainment Park Subdivision does not create any adverse impacts that warrant denial of the subdivision.
- With the proposed conditions, Lot 1, Block 1 Amended Entertainment Park Subdivision is in compliance with the Montana Subdivision and Platting Act, LYCCPASR and the City of Laurel Growth Management Plan.

**ATTACHMENTS**

A: Preliminary Plat and Associated Documents

PRELIMINARY PLAT APPLICATION

Subdivision Name: Lot 1, Block 1, Amended Entertainment Park Subdivision

Date of Preapplication Meeting: 1/25/16

Type: Major \_\_\_\_\_ First Minor \_\_\_\_\_ Subsequent Minor x

Tax Code: B03036

Location:

Legal Description: Lot 1, Block 1, Entertainment Park Subdivision

1/4 Section: NW 15, Township: 2 S, Range: 24 E

General Location: Southwest of intersection of East Railroad Street and Juniper Avenue

Subdivider Information:

Name (Include a list of officers if corporation): Stephen Diefenderfer

Address: 3619 Flagstone Drive, Billings, MT 59102

Telephone: (406) 861-7070 Email: srdiefs@gmail.com

Owner Information:

Name: Same

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Plat Data:

Gross Area: 6.202 acres

Net Area: 6.202 acres

Number of Lots: 2

Maximum Lot Size: 3.2 acres

Minimum Lot Size: 3.0 acres

Linear Feet of Streets: 0 feet

Existing Zoning: Highway Commercial

Surrounding Zoning:

North: Light Industrial

South: Interstate 90

East: Light Industrial

West: Highway Commercial

Existing Land Use: Vacant Land Urban

Proposed Land Use: Highway Commercial



**Parkland Requirement:**

Land: n/a

Acres: \_\_\_\_\_

Cash: n/a

Cash: \$ \_\_\_\_\_

**Variations Requested (list and attach Variance Request):**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**Service Providers for Proposed Subdivision**

Gas: Montana Dakota Utilities

Electric: North Western Energy

Telephone: CenturyLink

School (Elementary, Middle, High): n/a

Irrigation District: Big Ditch Company

Cable Television: Charter

**List of Materials Submitted with Application**

1. SIA/Waiver
2. Geotechnical Analysis
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_


**Agent Information**

Name: Sanderson Stewart

Address: 1300 N. Transtech Way, Billings, MT 59102

Telephone: (406) 656-5255 Email: balexander@sandersonstewart.com

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

  
Owner of Record

2/29/16  
Date

\_\_\_\_\_  
Owner Under Contract

\_\_\_\_\_  
Date

*The submission of a preliminary plat application constitutes a grant of permission by the Subdivider to enter the subject property (Sec. 23-109).*

Return to:  
Sanderson Stewart  
1300 North Transtech Way  
Billings, MT 59102

**SUBDIVISION IMPROVEMENTS AGREEMENT**  
**LOT 1, BLOCK 1, AMENDED ENTERTAINMENT PARK**  
**SUBDIVISION**  
**CITY OF LAUREL**  
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Return to:  
Sanderson Stewart  
1300 North Transtech Way  
Billings, MT 59102

**SUBDIVISION IMPROVEMENTS AGREEMENT  
LOT 1, BLOCK 1, AMENDED ENTERTAINMENT PARK  
SUBDIVISION**

**THIS AGREEMENT** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between **STEPHEN DIEFENDERFER**, whose address for the purpose of this agreement is 3619 Flagstone Drive, Billings, MT 59102, hereinafter referred to as "Subdivider," and **CITY OF LAUREL**, Montana, hereinafter referred to as "City."

**WITNESSETH:**

**WHEREAS**, at a regular meeting conducted on \_\_\_\_ day of \_\_\_\_\_, 2016, the Board of Planning recommended conditional approval of a preliminary plat of Lot 1, Block 1, Amended Entertainment Park Subdivision; and

**WHEREAS**, at a regular meeting conducted on \_\_\_\_ day of \_\_\_\_\_, 2016, the City Council conditionally approved a preliminary plat of Lot 1, Block 1, Amended Entertainment Park Subdivision; and

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

**WHEREAS**, the provisions of this agreement shall be effective and applicable to Lot 1, Block 1, Amended Entertainment Park Subdivision upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the City of Laurel Subdivision Regulations, the rules, regulations, policies, and resolutions of City of Laurel, Yellowstone County, and the laws and administrative rules of the State of Montana.

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

**I. VARIANCES**

- A. Subdivider has requested, and the City hereby grants, the following variances from the strict interpretation of the Subdivision Regulations:
1. No Variances Requested.

**II. CONDITIONS THAT RUN WITH THE LAND**

- A. Lot owners will be required to construct that segment of the required sidewalk that fronts their property at the time of lot development.
- B. 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.
- C. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.
- C. No water rights have been transferred to the lot owners. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners.
- 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 shall not be filled in or altered by the subdivider or subsequent lot owners.

- F. Lot owners should be aware that an active 12-inch oil pipeline maintained by the ExxonMobil Pipeline Company is located on the property. ExxonMobil shall be contacted prior to encroachments into or on pipeline easements. ExxonMobil requires a representative to be on site during construction activities within the vicinity of the pipeline.

### **III. TRANSPORTATION**

#### **A. Streets**

The subdivision fronts the existing East Railroad Street and Juniper Avenue. East Railroad Street has an existing 70-foot to 80-foot wide right-of-way dedication along the subdivision frontage and is constructed to a paved width of 24 feet with borrow ditches. Juniper Avenue has an existing 25-foot wide half right-of-way dedication that is partially constructed to a graveled width of approximately 12 feet.

In the event of further subdivision of Lots 1A and/or 1B, a 67-foot wide access and utility easement is provided for the purpose of allowing reciprocal access to Lots 1A, 1B, and subsequent subdivision lots thereof.

No street improvements are required with this subdivision, but are included in the Waiver.

#### **B. Sidewalks**

No sidewalk improvements are required with this subdivision, but are included in the Waiver. Sidewalks will be required at the time of lot development in accordance with the public works standards.

#### **C. Street Lighting**

No street lighting improvements are required with this subdivision, but are included in the Waiver.

#### **D. Traffic Control Devices**

No traffic control devices are required with this subdivision, but are included in the Waiver.

#### **E. Access**

Access to the Subdivision is from East Railroad Street and Juniper Avenue. A 1-foot wide no-access strip along East Railroad Street with a 67-foot wide

break centered at the common lot lines of Lots 1A and 1B will restrict access to one approach location on East Railroad Street. The 1-foot wide no-access strip also extends from the intersection of East Railroad Street and Juniper Avenue south 50 feet along Juniper Avenue.

In the event of further subdivision of Lots 1A and/or 1B, a 67-foot wide access and utility easement is provided for the purpose of allowing reciprocal access to Lots 1A, 1B, and subsequent subdivision lots thereof.

**F. Bike or Pedestrian Trail Plans**

No bike or pedestrian trail corridors are planned or improvements proposed within the subdivision.

**G. Public Transit**

No improvements to public transit service are proposed for the subdivision.

**IV. EMERGENCY SERVICE**

Emergency Access to the subdivision is provided by East Railroad Street and Juniper Avenue.

No improvements to emergency access are proposed for this subdivision.

**V. STORM DRAINAGE**

All drainage improvements shall comply with the provisions of the Storm Water Management Manual, and a stormwater management plan shall be submitted to and approved by the City Public Works Department.

Stormwater from East Railroad Street is currently managed with borrow ditches alongside the roadway. Roadside borrow ditches shall be maintained and not altered by the subdivider or future owners unless approved by the City Public Works Department. There is no public storm drain piping or detention basins adjacent to the subdivision. Storm water shall be managed on the property upon lot development in accordance with City requirements.

The developer and subsequent contractors/builders acknowledge that there shall be a Stormwater Pollution Prevention Plan (SWPPP) filed with the State Department of Environmental Quality (DEQ). This SWPPP shall be adhered to during all phases of construction and shall be updated as required by DEQ under the General Permit for Stormwater discharges Associated with Construction Activity.

## **VI. UTILITIES**

The SIA does not constitute an approval for extension of or connection to water mains and sanitary sewers. The property owners shall make application for extension/connection of water mains and sanitary sewers to the Public Works Department. The extension/connection of/to water mains and sanitary sewers is subject to the approval of the applications and the conditions of approval. Applications shall be submitted for processing prior to the start of any construction and prior to review and approval of any project plans and specifications. The appropriate water and wastewater hookup fees in effect shall be submitted with the applications.

Fees shall be paid for the lots in each phase as applied for in the extension application and as per the first paragraph above. The Developer/Owner acknowledges that the subdivision shall be subject to the applicable System Development Fees in effect at the time new water and/or sanitary sewer service connections are made. The design/installation of sanitary sewers and appurtenances, and water mains and appurtenances (fire hydrants, etc.) shall be in accordance with design standards, specifications, rules, regulations of and as approved by the City of Laurel Public Works Department, Fire Department, and the Montana Department of Environmental Quality.

### **A. Water**

The subdivision is currently served by public water mains located in East Railroad Street and Juniper Avenue. The existing main in East Railroad Street is an 8-inch diameter and the main in Juniper Avenue is a 10-inch diameter main.

In the event of further subdivision of Lots 1A and/or 1B, a 67-foot wide access and utility easement is provided for the purpose of extension of a future water main.

No improvements to the existing water mains are proposed at this time but are included in the Waiver.

### **B. Sewer**

The subdivision is currently is served by a sanitary sewer mains located in Juniper Avenue and along the south property line in an existing 20-foot wide storm and sewer easement. The existing main in Juniper Avenue is a 30-inch diameter and the main in the easement is 8 inches in diameter.

Lot 1A has an existing 6-inch sewer service connected to the existing 8-inch main and a new sanitary sewer service shall be installed on Lot 1A at the time of lot development.

In the event of further subdivision of Lots 1A and/or 1B, a 67-foot wide access and utility easement is provided for the purpose of extension of a future sewer main.

No improvements to the existing sewer mains are proposed at this time but are included in the Waiver.

**C. Power, Telephone, Gas, and Cable Television**

Power, telephone, gas, and cable television service currently exists to the subdivision. Appropriate utility easements will be provided across the subdivision lots for service to the proposed development.

**VII. PARKS/OPEN SPACE**

Pursuant to Section 76-3-621(3)(b), M.C.A. and the City of Laurel subdivision regulations, there is no parkland requirement for this non-residential subdivision.

**VIII. IRRIGATION**

A portion of an irrigation lateral from the Big Ditch is located along the north boundary of the subdivision. The ditch shall remain in place and shall not be altered by the Subdivider or subsequent owners

**IX. SOILS/GEOTECHNICAL STUDY**

A geotechnical analysis and report was prepared by Rimrock Engineering, Inc. dated February 25, 2016 for the subdivision. The report identifies that the subsurface profile generally consists of about 3 to 5.5 feet of medium stiff sandy silt soils overlying dense to very dense gravels. Groundwater was encountered at approximate depths of 7.5 to 10.5 feet during drilling.

Excavations for the project will generally encounter medium stiff silt soils and dense gravels throughout the lots. Groundwater was encountered at approximate depths ranging from 7.5 to 10.5 feet during the field exploration. Fluctuating groundwater levels should be taken into consideration during design and construction of new structures.

Silt soils can be problematic, especially in the presence of increased moisture. Based on field and laboratory testing, the silt soils are anticipated to be highly



compressible. Due to variable depths of silt soils encountered, there is potential for differential movements if structures are founded on variable soil types and conditions.

A common foundation alternative for commercial structures, based on the conditions described above, is to utilize shallow spread footing foundations bearing on prepared gravel soils or on a zone of structural fill extending to the native gravel stratum.

#### **X. FINANCIAL GUARANTEES**

Except as otherwise provided, Subdivider shall install and construct said required improvements with cash or by utilizing the mechanics of a special improvement district or private contracts secured by letters of credit or a letter of commitment to lend funds from a commercial lender. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said special improvement district or private contract, and the improvements shall be installed as approved by the Public Works and Public Utilities Department.

#### **XI. LEGAL PROVISIONS**

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

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

"SUBDIVIDER"

STEPHEN DIEFENDERFER

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MONTANA      )  
  : ss  
County of Yellowstone    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_, known to me to be STEPHEN DIEFENDERFER, who executed the foregoing instrument and acknowledged to me that he/she executed the same.

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

This agreement is hereby approved and accepted by the City of Laurel, this \_\_\_\_ day of \_\_\_\_\_, 2016.

“CITY”

CITY OF LAUREL, MONTANA

By: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

STATE OF MONTANA     )  
  : ss  
County of Yellowstone     )

On this \_\_\_\_ day of \_\_\_\_\_, 2016, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_, Mayor for the City of Laurel, and \_\_\_\_\_, City Clerk for the City of Laurel, known to me to be the persons who signed the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Laurel, Montana.

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

## WAIVER OF RIGHT TO PROTEST

FOR VALUABLE CONSIDERATION, the undersigned, being the Subdivider and all of the owners of the hereinafter-described real property, do hereby waive the right to protest the formation of one or more special improvement district(s) for street light maintenance and energy, and for the construction of streets, street widening, sidewalks, survey monuments, street name signs, curb and gutter, street lights, driveways, traffic signals, and traffic control devices, parks and park maintenance, trails, sanitary sewer lines, water lines, storm drains (either within or outside the area), and other improvements incident to the above which the City of Laurel or Yellowstone 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 Yellowstone County, Montana.

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

Lot 1, Block 1, Amended Entertainment Park Subdivision

Signed and dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Subdivider/Owner

By: \_\_\_\_\_

STATE OF MONTANA        )  
  : ss  
County of Yellowstone    )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_, known to me to be the Stephan Diefenderfer, the person who executed the foregoing instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove written.

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

March 9, 2016  
Project No. 98020.15

UTILITY NARRATIVE  
LOT 1, BLOCK 1 OF AMENDED ENTERTAINMENT PARK SUBDIVISION  
LAUREL, MONTANA

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The subdivision is excluded from review under MCA 76-4-125(2)(d) and thus water and sanitation information listed in number 5 of Appendix F of the City of Laurel Subdivision Regulations is not required; however, a brief narrative description of the water and sewer facilities is provided herein.

**5.b. Utility Description**

Water and sewer are to be provided to the subdivision by existing public mains owned and operated by the City of Laurel. A 6-inch existing sewer service is present for Lot 1A in the southeast corner of the lot. A new service shall be installed on the existing 8-inch sewer main for Lot 1B at the time of lot development.

An 8-inch water main is present in East Railroad Street and a 10-inch water main is present in Juniper Avenue and there are no known existing water services to either lot in the subdivision. Water services are to be installed at the time of lot development and sized as required for domestic and fire flow demands if water is required for fire suppression.

A 67-foot-wide access and utility easement has been placed on the common lot line such that future public water and sewer mains can be extended in the event of future subdivision of the parcels.



To Plan and Design  
Enduring Communities...

March 1, 2016  
Project No. 98020.15

SUMMARY OF PROBABLE IMPACTS  
LOT 1, BLOCK 1 OF AMENDED ENTERTAINMENT PARK SUBDIVISION  
LAUREL, MONTANA

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A. Definitions

1. **Agriculture:** The use of the land for grazing and cropping to produce food, feed, and fiber commodities. Examples may include: cultivation and tillage of the soil; dairying; growing and harvesting of agricultural or horticultural commodities; and the raising of livestock, bees, fur-bearing animals, or poultry. This definition does not include concentrated animal feeding operations.
2. **Agricultural Water User Facilities:** Facilities that provide water for the production of agricultural products on agricultural land including, but not limited to ditches, canals, pipes, head gates, sprinkler systems, tanks, reservoirs, ponds, or developed springs.
3. **Local Services:** Any and all services or facilities that local government is authorized to provide, such as water supply, sewage disposal, law enforcement, fire protection, transportation system, and educational system; as well as services not provided by local government, such as electricity, gas, telephone, and solid waste disposal.
4. **Natural Environment:** Existing physical conditions relating to land, water, air, plant and animal life of an area and the interrelationship of those elements such as soils, geology, topography, vegetation, surface water, ground water, aquifers, drainage patterns, recharge areas, climate, floodplains, noise, scenic resources, and objects of historic, prehistoric, cultural, or aesthetic significance.
5. **Wildlife**
  - a. **Wildlife:** Animals (e.g., mammals, birds, reptiles, fish) that are neither human nor domesticated, existing in their natural environment.



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Enduring Communities...

- b. **Wildlife Habitat:** Geographic areas containing physical or biological features essential to wildlife for breeding, rearing, nesting, and/or winter feeding and forage; and/or essential to the conservation of listed endangered and threatened species under the Endangered Species Act.
- 6. **Public Health and Safety:** A condition of optimal well-being, free from danger, risk, or injury for a community at large, or for all people, as well as for the welfare of a specific individual or a small class of persons.

## B. Evaluation

The evaluation of the effect of the proposed subdivision on these six criteria determines if there are significant unmitigated adverse impacts. Unmitigated adverse impacts are potential grounds for denial of a proposed subdivision. Below are examples of items considered in evaluating the impact of the proposed subdivision on the six primary criteria. These examples do not necessarily reflect all potential items.

## C. Summary of Probable Impacts

### 1. Effects on Agriculture

The proposed project site is zoned as highway commercial and is not being used for agriculture. As a result, the project will have no new effects on agricultural usage.

### 2. Effects on Agricultural Water User Facilities

The proposed project area has a ditch lateral that transverse along the north boundary of the site; the irrigation lateral is not to be altered by the subdivider or subsequent owners. The subdivision will have no effect on any agricultural water facilities.

### 3. Effect on Local Services

- a. Impacts due to increased demand on services should be minimal from the splitting of the proposed lot. The proposed lots lie within the current Laurel Growth Management Plan city limits.
- b. Ability to provide services to the subdivision: The location of the proposed subdivision should allow reasonable response times for emergency vehicles and law enforcement. The site is currently surrounded by development and should not present a strain on the above services.

- 1) The primary roadway to access the site is off East Railroad Street to the north. East Railroad Street is an existing paved road and is maintained by the City of Laurel Public Works Department. The

roadway is in good condition and the subdivision of the proposed lot will not have any adverse effects on its serviceability.

- 2) There are no known physical barriers to the site. The site is relatively flat and has good access off existing roadways.
- c. Sufficient local and public services are available for the proposed minor subdivision. There is adequate school capacity, busing, solid waste collection, emergency medical response, fire, and law enforcement. The above services are currently available in the area.

#### 4. Effect on Natural Environment

- a. At the time of lot development, stormwater management must be addressed in the design in accordance with the City of Laurel requirements. Revegetation of disturbed areas shall also be implemented to reduce the amount of sedimentation runoff from the site.
- b. The creation of the subdivision should not significantly affect air quality in the area. The proposed two-lot subdivision is zoned as Highway Commercial. The list of approved uses can be found in Chapter 17.20 of the Laurel Zoning Code. The code limits the potential for adverse uses being implemented on the lots.
- c. No specific land types exist within the natural surroundings of the area that would require specific measures to blend the site within its surroundings. Commercial buildings and other structures built on either of the two lots will be required to comply with covenants and restrictions established in the Entertainment Park Subdivision.

#### 5. Effect on Wildlife and Wildlife Habitat

- a. Critical habitat is defined by the United States Fish and Wildlife Service as specific geographic areas, whether occupied by listed species (threatened or endangered) or not, that are determined to be essential for the conservation and management of listed species and that have been formally described in the Federal Register.
- b. Based on information provided by the Montana Natural Heritage Program, seven species were identified in the search locale (entire section with a one-mile buffer). The species include the great blue heron, bald eagle, yellow-billed cuckoo, bobolink, sauger, spiny softshell, and bat roost. Due to the fact that the proposed project site is located adjacent to an interstate highway and not considered prime habitat for any of the identified species, it is unlikely that the subdivision would disturb the population.



- c. Humans can potentially disrupt wildlife in the area. Humans can disrupt wildlife with increased traffic on roads; however, this should impact wildlife as a result of the two lot minor subdivision due to the nearby areas being developed and the proximity of the site to a major interstate.

**6. Effect on Public Health and Safety**

- a. Potential manmade hazards associated with the proposed subdivision include a traffic increase due to the splitting of the lot. This increase should be very minimal.
- b. Approaches from the subdivision will be designed for safety, with adequate clear vision zones.
- c. An existing ExxonMobil oil pipeline must be crossed for access to the subdivision. The plat proposes restricting access to one shared location and therefore decreases the risk of damage as compared to the unrestricted access of the existing parcel.
- d. No other items that endanger public health and safety are know to be present.



P.O. Box 201800 • 1515 East Sixth Avenue • Helena, MT 59620-1800 • fax 406.444.0266 • tel 406.444.5354 • <http://mtnhp.org>

February 12, 2016

Bryan Alexander  
Sanderson Stewart  
1300 N. Transtech Way  
Billings, Montana 59102

Dear Bryan,

I am writing in response to your recent request regarding Montana Species of Concern in the vicinity of Lot 1, Block 1 Entertainment Park Subdivision, in Section 15, T02S, R24E. I checked our databases for information in this general area and have enclosed 15 species occurrence reports for 7 animal species of concern, a map depicting species of concern and wetland locations, and explanatory material, including agency contacts that may have additional information about the area. Note that the maps are in Adobe GeoPDF format. With the appropriate Adobe Reader, it provides a convenient way to query and understand the information presented on the map. Documentation is included.

Please keep in mind the following when using and interpreting the enclosed information and maps:

- (1) These materials are the result of a search of our database for species of concern that occur in an area defined by the requested township, range and section(s) with an additional one-mile buffer surrounding the requested area. This is done to provide a more inclusive set of records and to capture records that may be immediately adjacent to the requested area. Please let us know if a buffer greater than 1 mile would be of use to your efforts. Reports are provided for the species of concern that are located in your requested area with a one-mile buffer. Species of concern outside of this buffered area may be depicted on the map due to the map extent, but are not selected for the SOC report.
- (2) On the map, polygons represent one or more source features as well as the locational uncertainty associated with the source features. A source feature is a point, line, or polygon that is the basic mapping unit of a Species Occurrence (SO) representation. The recorded location of the occurrence may vary from its true location due to many factors, including the level of expertise of the data collector, differences in survey techniques and equipment used, and the amount and type of information obtained. Therefore, this inaccuracy is characterized as locational uncertainty, and is now incorporated in the representation of an SO. If you have a question concerning a specific SO, please do not hesitate to contact us.

Visit the Montana Natural Heritage Program at <http://mtnhp.org>

- (3) This report may include sensitive data, and is not intended for general distribution, publication, or for use outside of your organization. In particular, public release of specific location information may jeopardize the welfare of threatened, endangered, or sensitive species or biological communities.
- (4) The accompanying map(s) display land management status, which may differ from ownership. Features shown on this map do not imply public access to any lands.
- (5) Additional biological data for the search area(s) may be available from other sources. We suggest you contact the U.S. Fish and Wildlife Service for any additional information on threatened and endangered species (406-449-5225). For additional fisheries information in your area of interest, you may wish to contact Montana Fish, Wildlife, and Park's Montana Fisheries Information System (phone: 406-444-3373, or web site: <http://fwp.mt.gov/fishing/mFish/>).
- (6) Additional information on species habitat, ecology and management is available on our web site in the Plant, Animal, and ecological Systems Field Guides, which we encourage you to consult for valuable information. You can access these guides at <http://mtnhp.org>. General information on any species can be found by accessing the link to NatureServe Explorer.**

The results of a data search by the Montana Natural Heritage Program reflect the current status of our data collection efforts. These results are not intended as a final statement on sensitive species within a given area, or as a substitute for on-site surveys, which may be required for environmental assessments. The information is intended for project screening only with respect to species of concern, and not as a determination of environmental impacts, which should be gained in consultation with appropriate agencies and authorities.

In order to help us improve our services to you, we invite you to take a simple survey. The survey is intended to gather some basic information on the value and quality of the information and services you recently received from the Montana Natural Heritage Program. The survey is short and should not take more than a few minutes to complete. All information will be kept confidential and will be used internally to improve the delivery of services and to help document the value of our services. Use this link to go to the survey: <http://www.surveymonkey.com/s/RYN8Y8L>.

I hope the enclosed information is helpful to you. Please feel free to contact me at (406) 444-3290 or via my e-mail address, below, should you have any questions or require additional information.

Sincerely,



Martin P. Miller  
Montana Natural Heritage Program  
[martinm@mt.gov](mailto:martinm@mt.gov)



MONTANA  
Natural  
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Program

Natural Resources Information System  
Montana State Library  
PO Box 201800  
Helena, MT 59620-1800  
(406)444-3000 mtnhp@mt.gov

# Species of Concern Data Report

Visit <http://mtnhp.org> for additional information.

Report Date:  
Friday, February 12, 2016

## Ardea herodias

[View Species in MT Field Guide](#)

**Common Name:** Great Blue Heron

**General Habitat:** Riparian forest

**Description:** Birds

**Mapping Delineation:**

Confirmed nesting area buffered by a minimum distance of 6,500 meters in order to be conservative about encompassing the areas commonly used for foraging near the breeding colony and otherwise buffered by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters.

**Species Status**

[Click Status for Explanations](#)

**Natural Heritage Ranks:**

**State:** S3  
**Global:** G5

**Federal Agency Status:**

**U.S. Fish & Wildlife Service:**

**U.S. Forest Service:**

**U.S. Bureau of Land Management:**

**FWP SWAP Status:** SGCN3

**MT PIF Code:**

**Species Occurrences**

**Species Occurrence Map Label:** 10118811

**First Observation Date:** 04/28/1988  
**Last Observation Date:** 07/28/1988

**SO Number:**  
**Acreage:** 32,799

**Species Occurrence Map Label:** 10118813

**First Observation Date:** 04/28/1988  
**Last Observation Date:** 07/28/1988

**SO Number:**  
**Acreage:** 32,799

**Species Occurrence Map Label:** 10118809

**First Observation Date:** 05/23/2011  
**Last Observation Date:** 05/23/2011

**SO Number:**  
**Acreage:** 32,799

**Species Occurrence Map Label:** 10118812

**First Observation Date:** 05/23/2011  
**Last Observation Date:** 05/23/2011

**SO Number:**  
**Acreage:** 32,799

**Species Occurrence Map Label:** 10118820

**First Observation Date:** 05/23/2011  
**Last Observation Date:** 05/23/2011

**SO Number:**  
**Acreage:** 32,799



# Species of Concern Data Report

Visit <http://mtnhp.org> for additional information.

Report Date:  
Friday, February 12, 2016

## Haliaeetus leucocephalus

[View Species in MT Field Guide :](#)

**Common Name:** Bald Eagle

**General Habitat:** Riparian forest

**Description:** Birds

**Mapping Delineation:**

Confirmed nesting area buffered by a minimum distance of 2,000 meters in order to be conservative about encompassing the breeding territory and area commonly used for reneesting and otherwise buffered by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters.

### Species Status

[Click Status for Explanations](#)

**Natural Heritage Ranks:**

**State:** S4  
**Global:** G5

**Federal Agency Status:**

**U.S. Fish & Wildlife Service:** DM; BGEPA; MBTA; BCC

**U.S. Forest Service:** SENSITIVE

**U.S. Bureau of Land Management:** SENSITIVE

**FWP SWAP Status:**

**MT PIF Code:** 2

### Species Occurrences

**Species Occurrence Map Label:** 10135540

**First Observation Date:** 03/01/2001

**SO Number:**

**Last Observation Date:** 09/01/2001

**Acreage:** 3,105

**Species Occurrence Map Label:** 10135412

**First Observation Date:** 03/01/2003

**SO Number:**

**Last Observation Date:** 09/01/2003

**Acreage:** 3,105

## Coccyzus americanus

[View Species in MT Field Guide](#)

**Common Name:** Yellow-billed Cuckoo

**General Habitat:** Prairie riparian forest

**Description:** Birds

**Mapping Delineation:**

Observations with evidence of breeding activity buffered by a minimum distance of 300 meters in order to encompass the maximum foraging area size reported for the species and otherwise is buffered by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters.

### Species Status

[Click Status for Explanations](#)

**Natural Heritage Ranks:**

**State:** S3B  
**Global:** G5

**Federal Agency Status:**

**U.S. Fish & Wildlife Service:** PS: LT

**U.S. Forest Service:** THREATENED

**U.S. Bureau of Land Management:** SPECIAL STATUS

**FWP SWAP Status:** SGCN3, SG

**MT PIF Code:** 2



Natural Resource Information System  
 Montana State Library  
 PO Box 201888  
 Helena, MT 59620-1888  
 (406)444-3009 mtnhp@mt.gov

# Species of Concern Data Report

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Report Date:  
 Friday, February 12, 2016

## Species Occurrences

Species Occurrence Map Label: 10046889  
 First Observation Date: 07/03/1984 SO Number:  
 Last Observation Date: 07/03/1984 Acreage: 43,667

### Dolichonyx oryzivorus

[View Species in MT Field Guide](#)

Common Name: Bobolink **General Habitat:** Moist grasslands

Description: Birds

**Mapping Delineation:**

Confirmed breeding area based on the presence of a nest, chicks, or territorial adults during the breeding season. Point observation location is buffered by a minimum distance of 150 meters in order to conservatively encompass male territory size reported for the species and otherwise is buffered by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters.

### Species Status

[Click Status for Explanations](#)

**Natural Heritage Ranks:**

State: S3B  
 Global: G5

**Federal Agency Status:**

U.S. Fish & Wildlife Service:  
 U.S. Forest Service:

FWP SWAP Status: SGCN3

U.S. Bureau of Land Management: SENSITIVE

MT PIF Code: 3

## Species Occurrences

Species Occurrence Map Label: 10146221  
 First Observation Date: 06/25/2013 SO Number:  
 Last Observation Date: 06/25/2013 Acreage: 17

Species Occurrence Map Label: 10146222  
 First Observation Date: 06/28/2009 SO Number:  
 Last Observation Date: 06/28/2009 Acreage: 17

### Sander canadensis

[View Species in MT Field Guide](#)

Common Name: Sauger **General Habitat:** Large prairie rivers

Description: Fish

**Mapping Delineation:**

Stream reaches and standing water bodies where the species presence has been confirmed through direct capture or where they are believed to be present based on the professional judgement of a fisheries biologist due to confirmed presence in adjacent areas. In order to reflect the importance of adjacent terrestrial habitats to survival, stream reaches are buffered 100 meters, standing water bodies greater than 1 acre are buffered 50 meters, and standing water bodies less than 1 acre are buffered 30 meters into the terrestrial habitat based on PACFISH/INFISH Riparian Conservation Area standards.



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# Species of Concern Data Report

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Report Date:  
 Friday, February 12, 2016

## Species Status

[Click Status for Explanations](#)

### Natural Heritage Ranks:

State: S2  
Global: G5

FWP SWAP Status: SGCN2

MT PIF Code:

### Federal Agency Status:

U.S. Fish & Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management: SENSITIVE

## Species Occurrences

Species Occurrence Map Label: 10102208

First Observation Date:

SO Number:

Last Observation Date:

Acreage: 10,672

## Apalone spinifera

[View Species in MT Field Guide](#)

Common Name: Spiny Softshell

General Habitat: Prairie rivers and larger streams

Description: Reptiles

Mapping Delineation:

Stream reaches where the species presence has been confirmed through direct capture or where they are believed to be present based on the professional judgement of a biologist due to confirmed presence in adjacent areas. In order to reflect the importance of adjacent terrestrial habitats to survival, stream reaches are buffered 100 meters into the terrestrial habitat based on PACFISH/INFISH Riparian Conservation Area standards.

## Species Status

[Click Status for Explanations](#)

### Natural Heritage Ranks:

State: S3  
Global: G5

FWP SWAP Status: SGCN3

MT PIF Code:

### Federal Agency Status:

U.S. Fish & Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management: SENSITIVE

## Species Occurrences

Species Occurrence Map Label: 10033204

First Observation Date: 03/20/2000

SO Number:

Last Observation Date: 05/22/2005

Acreage: 3,330

## Bat Roost

[View Species in MT Field Guide](#)

Common Name: Bat Roost

General Habitat:

Description: Other

Mapping Delineation:



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# Species of Concern Data Report

Visit <http://mtnhp.org> for additional information.

Report Date:  
Friday, February 12, 2016

Confirmed area of occupancy based on the documented presence of adults or juveniles of any bat species at natural roost sites (e.g. caves, rock outcrops, trees), below ground human created roost sites (e.g. mines), and above ground human created roost sites on public lands (e.g., bridges, buildings). Point observations locations are buffered by a distance of 4,200 meters in order to encompass the 95% confidence interval for nightly foraging distance reported for Townsend's Big-eared Bats (a resident Montana bat Species of Concern) and otherwise by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters.

## Species Status

[Click Status for Explanations](#)

### Natural Heritage Ranks:

State: SNR  
Global: GNR

### FWP SWAP Status:

MT PIF Code:

### Federal Agency Status:

U.S. Fish & Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management:

## Species Occurrences

Species Occurrence Map Label: 10163869

First Observation Date: 07/16/2003

Last Observation Date: 07/16/2003

SO Number:

Acreage: 13,694

Species Occurrence Map Label: 10163870

First Observation Date: 07/16/2003

Last Observation Date: 07/16/2003

SO Number:

Acreage: 13,694

Species Occurrence Map Label: 10163871

First Observation Date: 07/16/2003

Last Observation Date: 07/16/2003

SO Number:

Acreage: 13,694





MONTANA  
**Natural Heritage  
Program**

## Montana Natural Heritage Program

1515 East Sixth Ave., Helena, Montana 59620-1800

(406) 444-5354

<http://mtnhp.org>

### Explanation of Species of Concern Reports

Since 1985, the Montana Natural Heritage Program (MTNHP) has been compiling and maintaining an inventory of elements of biological diversity in Montana. This inventory includes plant species, animal species, plant communities, and other biological features that are rare, endemic, disjunct, threatened, or endangered throughout their range in Montana, vulnerable to extirpation from Montana, or in need of further research.

**Species Occurrences:** (formerly called 'Element Occurrences') A "Species Occurrence" (SO) is an area depicting only what is known from direct observation with a defined level of certainty regarding the spatial location of the feature. If an observation can be associated with a map feature that can be tracked (e.g., a wetland) then this polygon feature is used to represent the SO. Areas that can be inferred as probable occupied habitat based on direct observation of a species location and what is known about the foraging area or home range size of the species may be incorporated into the Species Occurrence. A "Species Occurrence" generally falls into one of the following three categories:

**Plants:** A documented location of a specimen collection or observed plant population. In some instances, adjacent, spatially separated clusters are considered subpopulations and are grouped as one occurrence (e.g., the subpopulations occur in ecologically similar habitats, and are within approximately one air mile of one another).

**Animals:** The location of a specimen collection or of a verified sighting; known or assumed to represent a breeding population. Additional collections or sightings are often appended to the original record.

**Other:** Significant biological features not included in the above categories, such as bird rookeries, peatlands, or state champion trees.

**Ecological Information:** Areas for which we have ecological information are represented on the map as either shaded polygons (where small and/or well defined) or simply as map labels (where they are large generally-defined landscapes). Descriptive information about these areas is contained in the associated report. Such information can be useful in assessing biological values and interpreting Species of Concern data.

The quantity and quality of data contained in MTNHP reports is dependent on the research and observations of the many individuals and organizations that contribute information to the program. Please keep in mind that the absence of information for an area does not mean the absence of significant biological features, since no surveys may have been conducted there. Reports produced by the Montana Natural Heritage Program summarize information documented in our databases at the time of a request. These reports are not intended as a final statement on the species or areas being considered, nor are they a substitute for on-site surveys, which may be required for environmental assessments.

As a user of MTNHP, your contributions of data are essential to maintaining the accuracy of our databases. New or updated location information for all species of concern is always welcome.

We encourage you to visit our website at <http://mtnhp.org>. On-line tools include a species observation viewer: the Natural Heritage TRACKER and *The Montana Field Guide* which contains photos, illustrations, and supporting information on Montana's animals and plant species of concern. Additional data are available on most species and ecological areas identified in our reports.

If you have questions or need further assistance, please contact us either by phone at (406/444-5354), e-mail ([mtnhp@mt.gov](mailto:mtnhp@mt.gov)) or

## Data Descriptions

The section below lists the names and definitions for descriptions of the data fields used in the reports. Certain codes and abbreviations are used in Species Occurrence reports. Although many of these are very straightforward, the following explanations should answer most questions.

**Map Label:** The label for the species occurrence as it appears on the map.

**Element Subnational ID:** The unique code used by the state or province to identify a specific element (species).

**SO Number:** Number that identifies the particular occurrence of the element (species).

**Scientific Name:** Latin (scientific) name.

**Common Name:** Commonly recognized name.

**Species of Concern/Potential Concern:** This value indicates whether the species is a "Species of Concern" (Y) or of "Potential Concern" (W).

**Last Observation Date:** The date the Species Occurrence was last observed extant at the site (not necessarily the date the site was last visited).

**First Observation Date:** The date the Species Occurrence was first reported at the site.

**EO Rank:** indicates the relative value of the Species Occurrence (SO) with respect to other occurrences of the Species, based on an assessment of estimated viability (species).

### Values:

- A - Excellent estimated viability/ecological integrity
- A? - Possibly excellent estimated viability/ecological integrity
- AB - Excellent or good estimated viability/ecological integrity
- AC - Excellent, good, or fair estimated viability/ecological integrity
- B - Good estimated viability/ecological integrity
- B? - Possibly good estimated viability/ecological integrity
- BC - Good or fair estimated viability/ecological integrity
- BD - Good, fair, or poor estimated viability/ecological integrity
- C - Fair estimated viability/ecological integrity
- C? - Possibly fair estimated viability/ecological integrity
- CD - Fair or poor estimated viability/ecological integrity
- D - Poor estimated viability/ecological integrity
- D? - Possibly poor estimated viability/ecological integrity
- E - Verified extant (viability/ecological integrity not assessed)
- F - Failed to find
- F? - Possibly failed to find
- H - Historical
- H? - Possibly historical
- X - Extirpated
- X? - Possibly extirpated
- U - Unrankable
- NR - Not ranked

**SO Data:** Data collected on the biology of this Species Occurrence. Specific information may include number of individuals, vigor, habitat, soils, associated species, and other characteristics.

# Species Status Codes

Provided below are definitions for species conservation status ranks, categories and other codes designated by MTNHP, Federal and State Agencies and non-governmental organizations.

- Montana Species of Concern
- Montana Potential Species of Concern
- Status Under Review
- Exotic Species
- Montana Species Ranking Codes
- U.S. Fish and Wildlife Service
- Forest Service
- Bureau of Land Management
- FWP Conservation Need
- Partners In Flight (PIF)
- MNPS Threat Category

## Species of Concern

Species of Concern are native taxa that are at-risk due to declining population trends, threats to their habitats, restricted distribution, and/or other factors. Designation as a Montana Species of Concern or Potential Species of Concern is based on the Montana Status Rank, and is not a statutory or regulatory classification. Rather, these designations provide information that helps resource managers make proactive decisions regarding species conservation and data collection priorities. See the latest Species of Concern Reports for more detailed explanations and assessment criteria.

## Potential Species of Concern

Potential Species of Concern are native taxa for which current, often limited, information suggests potential vulnerability. Also included are animal species which additional data are needed before an accurate status assessment can be made.

## Status Under Review

Species designated "Status Under Review" are plant species that require additional information and currently do not have a status rank but may warrant future consideration as Species of Concern. This category also includes plant species whose status rank is questionable due to the availability of new information or the availability of conflicting or ambiguous information or data. Species listed in this category will be reviewed periodically or as new information becomes available.

## Exotic Species

Exotic species are not native to Montana, but have either been reported in Montana or have established populations in Montana outside of their native range.

## Montana Species Ranking Codes

Montana employs a standardized ranking system to denote global (G) and state (S) status (NatureServe 2003). Species are assigned numeric ranks ranging from 1 (critically imperiled) to 5 (demonstrably secure), reflecting the relative degree to which they are "at-risk". Rank definitions are given below. A number of factors are considered in assigning ranks - the number, size and distribution of known "occurrences" or populations, population trends (if known), habitat sensitivity, life history traits and threats.

For example, Clustered lady's slipper (*Cypripedium fasciculatum*) is ranked G4 S2. Globally the species is uncommon but not vulnerable, while in Montana it is at risk because of limited and potentially declining numbers, extent and/or habitat.

### G1 S1

At high risk because of extremely limited and potentially declining numbers, extent and/or habitat, making it highly vulnerable to global extinction or extirpation in the state.

### G2 S2

At risk because of very limited and potentially declining numbers, extent and/or habitat, making it vulnerable to global extinction or extirpation in the state.

### G3 S3

Potentially at risk because of limited and potentially declining numbers, extent and/or habitat, even though it may be abundant in some areas.

### G4 S4

Uncommon but not rare (although it may be rare in parts of its range), and usually widespread. Apparently not vulnerable in most of its range, but possibly cause for long-term concern.

### G5 S5

Common, widespread, and abundant (although it may be rare in parts of its range). Not vulnerable in most of its range.

### GX SX

Presumed Extinct or Extirpated - Species is believed to be extinct throughout its range or extirpated in Montana. Not located despite intensive searches of historical sites and other appropriate habitat, and small likelihood that it will ever be rediscovered.

### GH SH

Possibly Extinct or Extirpated - Species is known only from historical records, but may nevertheless still be extant; additional surveys are needed.

**GNR SNR**

Not yet ranked.

**GU SU**

Unrankable - Species currently unrankable due to lack of information or due to substantially conflicting information about status or trends.

**GNA SNA**

A conservation status rank is not applicable for one of the following reasons:

The taxa is of Hybrid Origin; is Exotic or Introduced; is Accidental or is Not Confidently Present in the state. (see other codes below)

**Other Codes and Modifiers**

**HYB**

Hybrid-Entity not ranked because it represents an interspecific hybrid and not a species.

**T**

**Intraspecific Taxon (trinomial)** - The status of intraspecific taxa (subspecies or varieties) are indicated by a "T-rank" following the species' global rank.

**?**

**Inexact Numeric Rank** - Denotes inexact numeric rank.

**Q**

**Questionable taxonomy** that may reduce conservation priority-Distinctiveness of this entity as a taxon at the current level is questionable; resolution of this uncertainty may result in change from a species to a subspecies or hybrid, or inclusion of this taxon in another taxon, with the resulting taxon having a lower-priority (numerically higher) conservation status rank.

**C**

**Captive or Cultivated Only** - Species at present is extant only in captivity or cultivation, or as a reintroduced population not yet established.

**A**

**Accidental** - Species is accidental or casual in Montana, in other words, infrequent and outside usual range. Includes species (usually birds or butterflies) recorded once or only a few times at a location. A few of these species may have bred on the one or two occasions they were recorded.

**SYN**

**Synonym** - Species reported as occurring in Montana, but the Montana Natural Heritage Program does not recognize the taxon; therefore the species is not assigned a rank.

**B**

**Breeding** - Rank refers to the breeding population of the species in Montana.

**N**

**Nonbreeding** - Rank refers to the non-breeding population of the species in Montana.

**M**

**Migratory** - Species occurs in Montana on during migration.

**U.S. Fish and Wildlife Service**

**LE**

**Listed endangered** - Any species in danger of extinction throughout all or a significant portion of its range (16 U.S.C. 1532(6)).

**PE**

**Proposed endangered** - Any species for which a proposed rule has been published in the Federal Register to list the species as endangered.

**LT**

**Listed threatened** - Any species likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range (16 U.S.C. 1532(20)).

**PT**

**Proposed threatened** - Any species for which a proposed rule has been published in the Federal Register to list the species as threatened.

**E(S/A) or T(S/A)**

Any species listed endangered or threatened because of similarity of appearance.

**C**

**Candidate** - Those taxa for which sufficient information on biological status and threats exists to propose to list them as threatened or endangered. We encourage their consideration in environmental planning and partnerships; however, none of the substantive or procedural provisions of the Act apply to candidate species.

**PDL**

**Proposed for delisting** - Any species for which a final rule has been published in the Federal Register to delist the species.

**DM**

**Recovered, delisted, and being monitored** - Any previously listed species that is now recovered, has been delisted, and is being monitored.

**NL**

**Not listed** - No designation.

**XE**

**Essential experimental population** - An experimental population whose loss would be likely to appreciably reduce the likelihood of the survival of the species in the wild.

**XN**

**Nonessential experimental population** - An experimental population of a listed species reintroduced into a specific area that receives more flexible management under the Act.

**CH**

**Critical Habitat** - The specific areas (i) within the geographic area occupied by a species, at the time it is listed, on which are found those physical or biological features (I) essential to conserve the species and (II) that may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by the species at the time it is listed upon determination that such areas are essential to conserve the species.

**PS**

**Partial status** - status in only a portion of the species' range. Typically indicated in a "full" species record where an infraspecific taxon or population, that has a record in the database has USESA status, but the entire species does not.

**PS:value**

**Partial status** - status in only a portion of the species' range. The value of that status appears in parentheses because the entity with status is not recognized as a valid taxon by Central Sciences (usually a population defined by geopolitical boundaries or defined administratively, such as experimental populations).

## Forest Service

The status of species on Forest Service lands as defined by the U.S. Forest Service manual (2670.22). These taxa are listed as such by the Regional Forester (Northern Region). The Forest Service lists animal species as:

### Endangered

Listed as Endangered (LE) by the USFWS.

### Threatened

Listed as Threatened (LT) by the USFWS.

### Sensitive

Any species for which the Regional Forester has determined there is a concern for population viability within the state, as evidenced by a significant current or predicted downward trend in populations or habitat.

### Species of Concern

USFS Species-of-Concern (FSH 1909.12, 43.22b) are species for which the Responsible Official determines management actions may be necessary to prevent listing under the Endangered Species Act (ESA). The Responsible Official, as appropriate, may identify the following plant and animal species, including macro-lichens, as species-of-concern:

1. Species identified as proposed and candidate species under the ESA.
2. Species with ranks of G-1 through G-3 on the NatureServe ranking system.
3. Intraspecific (subspecific) taxa with ranks of T-1 through T-3 on the NatureServe ranking system.
4. Species that have been petitioned for federal listing and for which a positive "90-day finding" has been made (a 90-day finding is a preliminary finding that substantive information was provided indicating that the petition listing may be warranted and a full status review will be conducted).
5. Species that have been recently delisted (these include species delisted within the past five years and other delisted species for which regulatory agency monitoring is still considered necessary).

### Species of Interest

USFS Species-of-Interest (FSH 1909.12, 43.22c) are species for which the Responsible Official determines that management actions may be necessary or desirable to achieve ecological or other multiple-use objectives. The Responsible Official may review the following sources for potential species-of-interest:

1. Species with ranks of S-1, S-2, N1, or N2 on the NatureServe ranking system.
2. State listed threatened and endangered species that do not meet the criteria as species-of-concern.
3. Species identified as species of conservation concern in State Comprehensive Wildlife Strategies.
4. Bird species on the U.S. Fish and Wildlife Service Birds of Conservation Concern National Priority list (for the U.S. portion of the northern Rockies that occur on National Forest system lands).
5. Additional species that valid existing information indicates are of regional or local conservation concern (this includes all Forest Service Northern Region sensitive species) due to factors that may include:
  - a. Significant threats to populations or habitat.
  - b. Declining trends in populations or habitat.
  - c. Rarity.
  - d. Restricted ranges (for example, narrow endemics, disjunct populations, or species at the edge of their range).
6. Species that are hunted or fished and other species of public interest. Invasive species may also be considered.

## Bureau of Land Management

BLM Sensitive Species are defined by the BLM 6840 Manual as those that normally occur on Bureau administered lands for which BLM has the capability to significantly affect the conservation status of the species through management. The State Director may designate additional categories of special status species as appropriate and applicable to his or her state's needs. The sensitive species designation, for species other than federally listed, proposed, or candidate species, may include such native species as those that:

1. could become endangered in or extirpated from a state, or within a significant portion of its distribution in the foreseeable future,
2. are under status review by FWS and/or NMFS,
3. are undergoing significant current or predicted downward trends in habitat capability that would reduce a species' existing distribution,

4. are undergoing significant current or predicted downward trends in population or density such that federally listed, proposed, candidate, or State listed status may become necessary,
5. have typically small and widely dispersed populations,
6. are inhabiting ecological refugia, specialized or unique habitats, or
7. are State listed but which may be better conserved through application of BLM sensitive species status. Such species should be managed to the level of protection required by State laws or under the BLM policy for candidate species, whichever would provide better opportunity for its conservation.

### **MFWP Conservation Need**

In recent years states have received federal funding to develop Comprehensive Fish and Wildlife Conservation Strategies. Montana Fish, Wildlife, and Parks completed Montana's Comprehensive Fish and Wildlife Conservation Strategy in 2005. Under this conservation strategy individual animal species were assigned levels of conservation need as follows:

**Tier I:**

**Tier I:** Greatest conservation need. Montana Fish, Wildlife & Parks has a clear obligation to use its resources to implement conservation actions that provide direct benefit to these species, communities, and focus areas.

**Tier II:**

**Tier II:** Moderate conservation need. Montana Fish, Wildlife & Parks could use its resources to implement conservation actions that provide direct benefit to these species, communities, and focus areas.

**Tier III:**

**Tier III:** Lower conservation need. Although important to Montana's wildlife diversity, these species, communities, and focus areas are either abundant and widespread or are believed to have adequate conservation already in place.

**Tier IV:**

**Tier IV:** Species that are non-native, incidental, or on the periphery of their range and are either expanding or very common in adjacent states.

### **Partners In Flight (PIF)**

Partners In Flight (PIF) is a partnership of federal and state agencies, industry, non-governmental organizations, and many others, with the goal of conserving North American birds. In 1991, PIF began developing a formal species assessment process that could provide consistent, scientific evaluations of conservation status across all bird species in North America, and identify areas most important to the conservation of each species. This process applies quantitative rule sets to complex biological data on the population size, distribution, population trend, threats, and regional abundance of individual bird species to generate simple numerical scores that rank each species in terms of its biological vulnerability and regional status. The process results in global and regional conservation assessments of each bird species that, among other uses, can be used to objectively assign regional and continental conservation priorities among birds. The species assessment scores and process has recently been updated! Check out the new scores and make sure to download and read the updated Handbook on Species Assessment, which contains important information on the how scores are derived and used in the assessment process. Note that currently only breeding-season regional scores are available for BCRs. We hope to have non-breeding scores available soon. For those needing access to the previous versions of the PIF Species Assessment Database, including past regional scores for physiographic areas, click here.

### **Montana Native Plant Society (MNPS) Threat Category**

The MNPS Threat Category process was initiated in 2006 at the Montana Plant Conservation Conference with the formation of a committee represented by federal, state and private botanists, ecologists and biologists. The objectives were to: 1) Evaluate threats impacting Montana's Plant Species of Concern and to classify species according to their level of imperilment/risk as a result of these threats. 2) Develop a ranking system based on the impacts of the identified threats to the species' viability in the state. The result of this process is a 4-tier threat ranking system for Plant Species of Concern in Montana. The threat categories are:

**Category 1:**

The viability of the species in the state is Highly Threatened by one or more activities. Associated threats have caused or are likely to cause a major reduction of the state population or its habitat that will require 50 years or more for recovery, 20% or more of the state population has been or will be affected, and the negative impact is occurring or is likely to occur within the next 5 years.

**Category 2:**

The viability of the species or a portion of the species habitat in the state is Threatened by one or more activities, though impacts to the species are expected to be less severe than those in Category 1. Associated threats exist but are not as severe, wide-ranging or immediate as for Category 1, though negative impacts are occurring or are likely to occur.

**Category 3:**

The viability of the species in the state is Not Threatened or the Threats are Insignificant. Associated threats are either not known to exist, are not likely to occur in the near future or are not known to be having adverse impacts that will severely affect the species' viability in the state.

**Category 4:**

Assessment not possible due to insufficient and/or conflicting information on potential threats to the species.

Please visit the MNPS website at <http://www.mtnativeplants.org> for additional information on MNPS Threat Categories or for MNPS contact information.

**A GUIDE TO WETLAND AND DEEPWATER HABITATS CLASSIFICATION USED  
IN THE NATIONAL WETLAND INVENTORY (NWI) MAPPING  
IN MONTANA**



**Purpose:**

The Montana Wetland and Riparian Mapping Center uses the Cowardin classification system (Cowardin et al. 1979) adopted by the National Wetland Inventory (NWI) for wetlands (FGDC Wetlands Subcommittee, 2009). The riparian system follows the U.S. Fish and Wildlife Service (USFWS) standard (U.S. Fish and Wildlife Services, 2009). NWI is the standard classification system for wetland mapping across the United States. For ease of display and interpretation the NWI attributes have been grouped into major wetland and riparian types.

**Wetlands**

In Montana, there are three NWI wetland systems: Palustrine, Lacustrine, and Riverine.

**PALUSTRINE:**

- In Montana, this system includes all wetlands dominated by trees, shrubs, and emergent, herbaceous vegetation.
- Wetlands lacking vegetation are included if they are less than 8 hectares (20 acres) in size and are less than 2 meters (6.6 feet) deep in the deepest portion of the wetland.

***Freshwater pond:***

- Wetlands with vegetation growing on or below the water surface for most of the growing season.

***Freshwater Emergent Wetland:***

- Wetlands with erect, rooted herbaceous vegetation present during most of the growing season.

***Freshwater Shrub Wetland:***

- Wetlands dominated by woody vegetation less than 6 meters (20 feet) tall. Woody vegetation includes tree saplings and trees that are stunted due to environmental conditions.

***Freshwater Forested Wetland:***

- Wetlands dominated by woody vegetation greater than 6 meters (20 feet) tall.

**LACUSTRINE (Lakes):**

- This system includes any large body of water that is greater than 8 hectares (20 acres) in size OR is more than 2 meters (6.6 feet) deep.
- This system is usually found in a topographic depression. It may also be formed by damming of a river channel.

**RIVERINE (Rivers and streams and shore):**

- This system includes all wetlands and deepwater habitats that are within natural and artificial channels.
- These systems contain either continuous (perennial) or intermittently flowing water.

**RIPARIAN:**

The Wetland and Riparian Mapping Center uses the riparian classification system developed by the U.S. Fish and Wildlife Service to map riparian areas in Montana. The riparian classification types listed below are followed by the coding convention used for mapping purposes.

- Plant communities (trees, shrubs and/or herbaceous plants) contiguous to rivers, streams, lakes, or drainage ways.
- Riparian areas are influenced by both surface and below surface hydrology.
- The plant species present in riparian areas are distinctly different from plant species found in adjacent areas.
- Plants in riparian areas demonstrate more vigorous or robust growth forms than in adjacent areas.

**Riparian Classes:*****Scrub-Shrub (SS):***

- This type of riparian area is dominated by woody vegetation that is less than 6 meters (20 feet) tall.
- Woody vegetation includes tree saplings and trees that are stunted due to environmental conditions.

***Forested (FO):***

- This riparian class has woody vegetation that is greater than 6 meters (20 feet) tall.

***Emergent (EM):***

- Riparian areas that have erect, rooted herbaceous vegetation during most of the growing season.



## References

- Cowardin, L. M., V. Carter, F. C. Golet, and E. T. LaRoe. 1979. Classification of wetlands and deepwater habitats of the United States. U.S. Fish and Wildlife Service, Washington, D.C. FWS/OBS-79/31.
- FGDC Wetlands Subcommittee. 2009. Wetlands Mapping Standard. U.S. Geological Survey, Reston, Virginia.
- U.S. Fish and Wildlife Services. 2009. A system for mapping riparian areas in the western United States. Division of Habitat and Resource Conservation, Branch of Resource and Mapping Support, Arlington, Virginia.

# PRELIMINARY PLAT OF LOT 1, BLOCK 1, AMENDED ENTERTAINMENT PARK SUBDIVISION

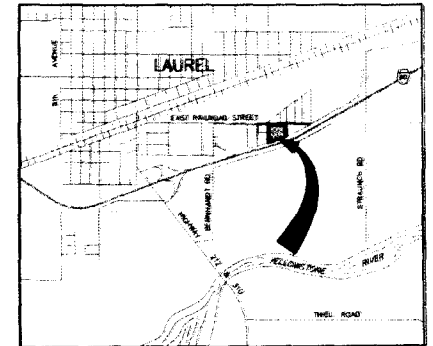
AN ADDITION TO THE CITY OF LAUREL  
LOCATED IN THE N1/2 NW1/4 SECTION 15, T. 2 S., R. 24 E., P.M.M.  
YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : STEPHEN DIEFENDERFER

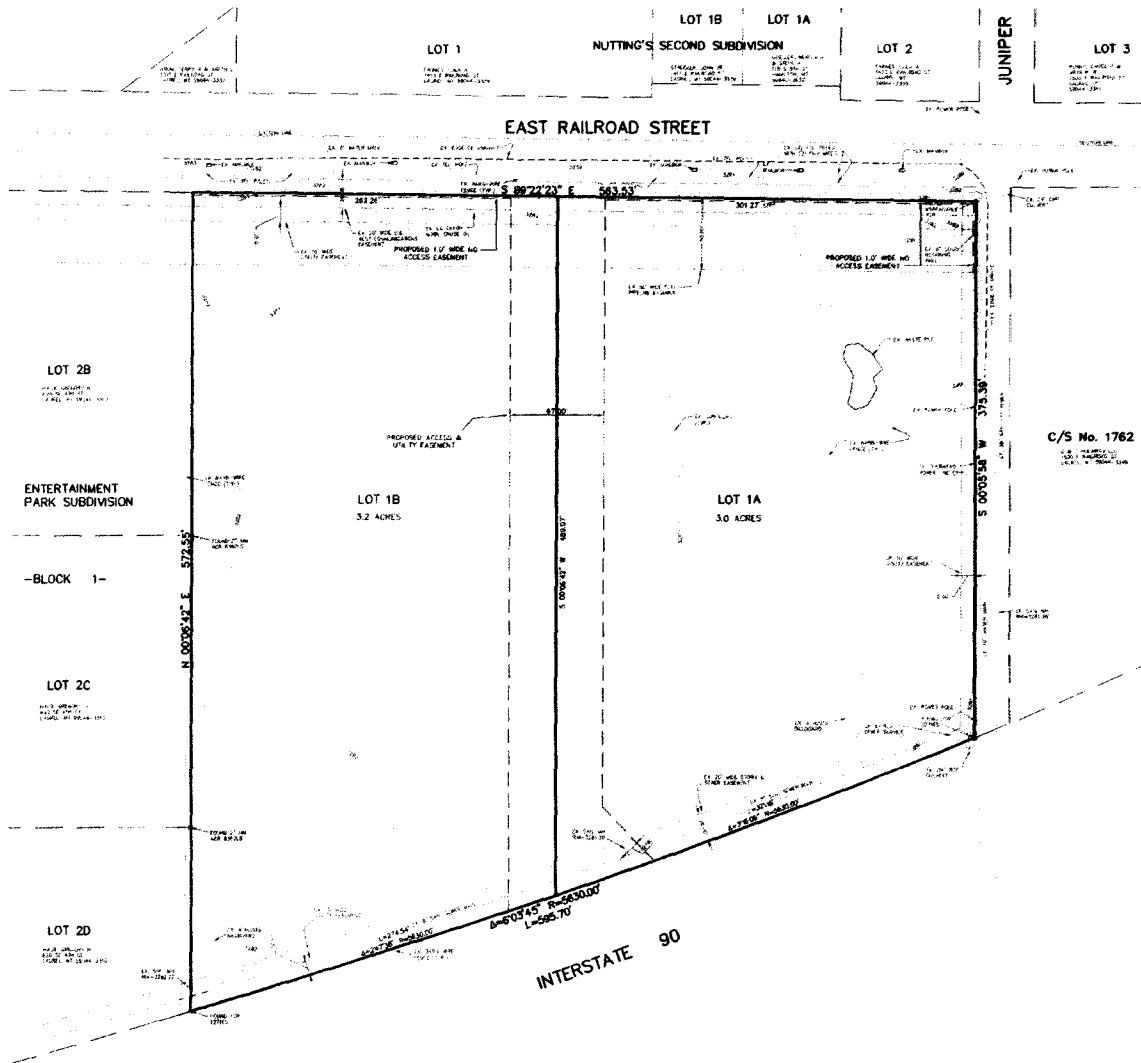
MARCH, 2016

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA



VICINITY MAP  
NOT TO SCALE



### PLAT DATA

GROSS AREA	=	6.202 ACRES
NET AREA	=	6.202 ACRES
NUMBER OF LOTS	=	2
MINIMUM LOT SIZE	=	3.0 ACRES
MAXIMUM LOT SIZE	=	3.2 ACRES
LINEAL FEET OF STREETS	=	0 FEET
PARKLAND REQUIREMENT	=	N/A
PARKLAND DEDICATION	=	N/A
EXISTING ZONING	=	HIGHWAY COMMERCIAL ENTRYWAY ZONING
SURROUNDING ZONING:		
NORTH	=	LIGHT INDUSTRIAL
SOUTH	=	INTERSTATE 90
EAST	=	LIGHT INDUSTRIAL
WEST	=	HIGHWAY COMMERCIAL
EXISTING LAND USE	=	VU - VACANT LAND URBAN
PROPOSED LAND USE	=	HIGHWAY COMMERCIAL