

## **FINDINGS OF FACT**

The City/County Planning staff has prepared the Findings of Fact for the Yellowstone River Campground and RV Park Expansion. These findings are based on the preliminary plan application and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Yellowstone County Subdivision Regulations (YCSR).

### **A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health and safety (76-3-608(3)(a), MCA) (Section 3.2(H)(2), YCSR)**

#### **1. Effect on agriculture and agricultural water users' facilities**

The subject property is not currently used for agricultural purposes and does not have water rights. The Yellowstone River Campground and RV Park is in an area that is developed with a mix of residential and commercial uses with some open land along the Yellowstone River and some small agricultural operations still in the area. Expansion of the campground onto property already owned by the campground should not affect agriculture or agricultural water users' facilities in the area.

#### **2. Effect on local services**

- a. **Water and Sewer** –The property is already served by a water main in Garden Avenue from the City of Billings. Several years ago, the City and County coordinated to replace old County water lines in the Garden Avenue and the City took over the maintenance and management of the lines. While some properties like the campground are still not in the City, they pay for the City water and participate in a County RSID for Maintenance. There is an existing 2 inch water line in the existing campground that will be connected to the new water service for the expansion. The water line will be connected to loop through the new area.

The proposed campground expansion will utilize a new drainfield for wastewater for the new area of the campground. The new drainfield and system will be located on Lot 5 of the Barnes Acres Subdivision, just south of the new campground sites. The water and wastewater system must be approved by the City of Billings and Montana Department of Environmental Quality prior to final plan approval (**See Condition 1**).

- b. **Streets and roads** – The campground expansion is located just south of the existing campground and will be served by existing paved internal private drives off of Garden Avenue. The drives are about 16 feet in width. Garden Avenue in this area has a paved width of about 26 feet in width and a right-of-way width of about 60 feet. County Public Works has determined that additional right-of-way dedication on Garden Avenue will not be required at this time as this campground expansion does not involve a recorded plat and dedication of right-of-way is best executed through the platting process.

Access to the new camp sites will be done through the existing access point on Garden Avenue and via the internal private drives in the campground. An Emergency Access Road that connects the southeastern edge of the campground to Garden Avenue to the south is discussed in more detail in the Fire and Police Services section of these Findings.

- c. **Fire and Police Services** – The property is within the Billings Urban Fire Service Area (BUFSA) in the County and is served by the Billings Fire Department. It is the subdivider’s responsibility to ensure provisions of a water source and adequate access to the proposed lots for emergency service’s needs. An existing fire hydrant to serve the campground is located on the campground’s Garden Avenue frontage and a secondary emergency access is being provided from the southeast corner of the campground to Garden Avenue to the south. The emergency access will be built prior to final plan approval to a 20-foot driving width and meet Yellowstone County design standards. The access will have a gravel surface, be gated, and be signed that it is for emergency purposes only as per specifications of the Billings Fire Department (**See Condition 2**).

The Yellowstone County Sheriff’s Department will provide law enforcement services. The Sheriff’s Office noted that the roads in the campground are narrow but that there is access from two directions on Garden Avenue.

- d. **Solid Waste disposal** – The Billings Landfill has capacity for solid waste disposal. Solid waste will be collected and disposed of by a private garbage collection company. Each lot owner will be responsible for arranging for collection.
- e. **Storm water drainage** – The existing campground has stormwater facilities directly east of the campground on Lots 1, 3 and 5 of the Barnes Acres Subdivision. Additional stormwater facilities for the new portion of the campground will be designed and shall satisfy storm water management requirements and specifications of MDEQ (**See Condition 3**).
- f. **School facilities** – The proposed campground expansion is located in Billings School District #2 and students would attend Newman Elementary School, Riverside Middle School, and Senior High School. However, since this is a campground development it is expected that the impact to the schools will be very minimal.
- g. **Parks and recreation** – This campground qualifies for major subdivision review and falls under Section 10.5 of the YCSR for park land dedication. The developer has proposed to provide cash in lieu of park land since the campground has existing open space for its campers and recreational amenities for its camping customers. The Yellowstone County Park Board has approved of this proposal.

- h. **Historic features** – No known historical or cultural assets exist on the site, according to the State Historic Preservation Office.

### **3. Effects on the natural environment**

The development will use noxious weed control measures to prevent the spread of noxious weeds to adjacent developed or agricultural land. A weed management plan has been completed and approved by Yellowstone County Weed Control and a copy was submitted to the Planning Division. Language will be updated in the SIA to reflect the existing approval and that a weed management plan is on file for this campground expansion.

There are no apparent or known natural hazards on the property. However, it has been noted in the SIA that the Yellowstone River Channel Migration Study conducted by the Yellowstone Conservation District Council analyzed this area of the Yellowstone River and found that this property is within the Channel Migration Zone (CMZ). While the subject property is not directly adjacent to the River, the CMZ analysis does show that a portion of the subject property is within the analysis zone and the property may be impacted. As per the direction of the Planning Board regarding the Yellowstone River Channel Migration Study, language has been added to the SIA under the Conditions that Run with the Land Section as follows:

“Property owners should be aware that the Yellowstone River Channel Migration Study sponsored by the Yellowstone River Conservation District Council and the U.S. Army Corps of Engineers has identified areas which may be susceptible to erosion by the Yellowstone River. The study does identify areas within the Yellowstone River Campground and RV Park Expansion as susceptible to erosion and owners are encouraged to review the study to evaluate any possible risk that erosion may pose a threat to structures built in this development.”

It also should be noted that while the floodplain of the Yellowstone River does not directly affect the proposed campground expansion area, the regulated flood plain of the River does come close to the eastern boundary of the subject property in the form of the flood fringe area of the floodplain. This is depicted on the proposed site plan that will be recorded with the SIA and final documents upon final plan approval.

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

There are no known endangered or threatened species on the property. Montana Fish, Wildlife, and Parks (FWP) responded to a request for review and comment on the proposed subdivision and stated that it had not specific comments regarding this proposed campground expansion.

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

Plans and designs for connection to City water and the on-site waste water system will be reviewed and approved by the City of Billings and the MDEQ. Storm water management will be reviewed and approved by MDEQ before constructions on the site. Fire and emergency services are provided for this proposed campground expansion including an

emergency access road. The proposed development is outside of a mapped floodplain and future property owners are notified in the SIA that the property may be affected by the Yellowstone River Channel Migration Zone in this area. Given the reviews and approvals in place for these systems as well as the emergency service providers that serve this property, there should be minimal effects on public health and safety as a result of this campground expansion.

**B. Was an environmental assessment required? If yes, what, if any, significant adverse impacts were identified? (76-3-616, MCA) (Chapter 9, YCSR)**

Yes, an environmental assessment was required for this subdivision for rent or lease since it is located in an area where a long-range public works development program has not been adopted. The developer did provide an Environmental Assessment as required and provided details as to the conditions of the subject property and how it would impact the natural environment as well as local services. The Assessment did not identify any significant impacts that are not already addressed in the findings, including the nearby floodplain and the River Channel Migration Zone and analysis.

**C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy Update, the 2014 Billings Urban Area Long Range Transportation Plan, and the Billings Area Bikeway and Trail Master Plan? (Section 3.2 (H)(4), YCSR)**

**1. Yellowstone County – City of Billings 2008 Growth Policy Update**

The proposed campground expansion conforms to the following goals of the 2008 Growth Policy:

**• Goal: Predictable land use decisions that are consistent with neighborhood character and land use patterns. (p. 6)**

*This campground expansion is consistent with neighboring properties. There are two campgrounds located within the immediate area, including the existing Yellowstone River Campground and RV Park and the KOA Campground. Other development in the area includes large lot residential as well as some commercial development and this campground expansion should fit into the mix of uses already in the area.*

**• Goal: New developments that are sensitive and compatible with the character of adjacent County townsites. (p. 6)**

*The proposed expansion of the campground is consistent with the surrounding developments and consistent with the surrounding zoning.*

The proposed campground expansion does not conform to the following goal of the 2008 Growth Policy:

**• Goal: Protection of groundwater, surface water, riparian areas, air quality, and productive agricultural land. (p. 9)** *The proposed campground expansion plans to use an onsite wastewater drainfield system. Given the close proximity of*

*this development to the Yellowstone River, utilization of municipal wastewater treatment would reduce the impact to groundwater and riparian areas. Challenges to connecting to the City sewer system in this area at this time and a lack of interest by the property owners in annexing into the City mean a new drainfield system will be installed for this development.*

2. **2014 Billings Urban Area Long Range Transportation Plan**

The subject property is within the study area of the Transportation Plan. The subject property has frontage on Garden Avenue which is a Collector Street. No additional right-of-way is being required by the County with this campground expansion and no additional improvements on Garden Avenue are planned at this time.

3. **2011 Billings Area Bikeway and Trail Master Plan (BABTMP)**

The subject property is in the study area of the BABTMP.

The subject property has frontage on Garden Avenue which is identified as a Collector Street. While all users of Garden Avenue, including campers, would benefit greatly from bicycle and pedestrian facilities on Garden Avenue, the current width of the pavement and right-of-way in some places prohibits these improvements from being made. Share the Road signage has been added along Garden Avenue in this area as an initial step toward making the corridor a safer place for bicyclists and motorists, but much more is needed to support accessibility for all users in a safe manner.

An existing 10 foot wide, concrete, multi-use trail is currently located approximately 550 feet to the northeast of the proposed campground expansion in Mystic Park. The 2011 BABTMP and the 2012 Yellowstone Riverfront Trail Feasibility Study (Feasibility Study) both propose extension of, and improvements to, this existing facility to safely move non-motorized traffic through this area. The Feasibility Study offers specific alignment options for this area, which include options for facilities on Garden Avenue in front of this property and a trail corridor across private property near the River. The Feasibility Study ranks the trail alignment along the Yellowstone River, on property directly east of the subject property and under the same ownership as the most highly ranked alternative in this reach of trail due to user comfort, scenic experiences, opportunities for interpretive sites, and its proximity to the Yellowstone River.

The campground owners are not required, nor are they proposing, to provide trail extensions or improvements as part of the parkland dedication requirement for this campground expansion, but is instead proposing cash-in-lieu of parkland. Language has been added to the SIA to note the existing studies that identify this area as a future community trail corridor. Discussion between staff and the campground owners regarding existing trespass and safety concerns at the point where Mystic Park and the campground share a property line, and long term trail planning for the area during this project review have not reached any specific agreement on how to

process but have reopened communication about shared concerns and interests regarding recreation and access opportunities.

**D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [76-3-608(3)(b), MCA and Section 3.2(3)(a), YCSR]**

The proposed campground expansion meets the requirements of the MSPA and the YCSR. The subdivider and the local government have complied with the subdivision review and approval procedures that are set forth by local and state subdivision regulations.

**E. Does the subdivision conform to sanitary requirements? [Section 4.8(C) and 4.9 (C), YCSR]**

The developer will need to receive approval from MDEQ for the proposed wastewater system and proposed storm water management plan and facilities. The proposed campground expansion will connect to existing City water in Garden Avenue through existing water lines in the campground and will utilize a new on-site septic system. All of these systems must be approved by MDEQ prior to final plan approval.

**F. Does the proposed subdivision meet any applicable Zoning Requirements? [Section 3.2(H)(3)(e), YCSR]**

The subdivision is in the County's zoning jurisdiction and is zoned Agricultural Suburban. The campground expansion just completed a Special Review process as required for campgrounds under the Zoning Regulations in Agricultural Suburban zoning. The County Commission approved the Special Review on August 25.

**G. Does the subdivision provide for necessary planned utilities? [76-3-608(3)(c), MCA and Section 3.2 (H)(3)(b), YCSR]**

Utility easements shall appear on the face of the final plan as requested by utility companies providing service to the proposed subdivision. Montana-Dakota Utilities (MDU) commented that natural gas is available in the area and any easements for gas lines must be approved in coordination with MDU (See Condition 4).

**H. Does the proposed subdivision provide for legal and physical access to all lots? [76-3-608 (3)(d), MCA and Section 3.2 (H)(3)(c)(d), YCSR]**

Legal and physical access will be provided for the proposed campground from Garden Avenue and via the internal private drives in the campground.

**CONCLUSIONS OF FINDINGS OF FACT**

- The Yellowstone River Campground and RV Park Expansion does not create adverse impacts that warrant denial of the subdivision for rent or lease.

- Impacts to agriculture, agriculture water user facilities, local services, public health and safety, the natural environment, and wildlife should be minimal. Impacts identified can be mitigated by reasonable conditions of final plan approval and information provided in the SIA.
- The development conforms to some of the goals of the 2008 Growth Policy.
- The applicant has complied with the MSPA and YCSR processes and the subdivision conforms to the law requirements.

### **RECOMMENDATION**

Staff recommends the Planning Board recommend to the Board of County Commissioners conditional approval of the preliminary plan of the Yellowstone River Campground and RV Park Expansion and adoption of the Findings of Fact as presented in the staff report.

### **ATTACHMENTS**

A: Zoning and Area Maps

B: Preliminary Plan and Associated Documents