



YELLOWSTONE COUNTY BOARD OF PLANNING
CITY OF BILLINGS AND
YELLOWSTONE COUNTY, MONTANA



AGENDA

October 27, 2015 MEETING TIME: 6:00 p.m.
1st Floor Large Conference Room, Miller Building
2825 3rd Avenue North, Billings, Montana 59101

1. **CALL TO ORDER - Planning Board President:** Welcome and Introduction of new and returning Board Members.
2. **APPROVAL OF AGENDA*** - including any additions or deletions to agenda. The agenda for a regular meeting will be closed at 5:00 p.m. three (3) working days prior to the date of the meeting.
3. **MOTION. MEETING MINUTES:** SEPTEMBER 22, 2015; OCTOBER 14, 2015
4. **PUBLIC COMMENT PERIOD** – As required (3 minute maximum per person). *Any member of the public may be heard on any subject that is not on the agenda. The Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting's agenda for discussion.*
 - 4a) **Comments on items not on agenda and requests to add items to future agendas**
 - 4b) **Comments on items on the non-public hearing agenda items**
5. **DISCLOSURE OF CONFLICT OF INTEREST:**
6. **DISCLOSURE OF EX PARTE COMMUNICATION:** Ex Parte Communication Binder is available at the Sign-In and Agenda station.
7. **OLD BUSINESS** (Agenda items that were not discussed or not completed in a previous meeting or items requiring action).
 - a. **PUBLIC HEARINGS/PUBLIC HEARING PARTICIPATION GUIDELINES.** The County Planning Board welcomes public input on matters brought before the Board. To ensure a fair and effective public comment process, we ask that you consider the following guidelines when presenting your comments: Address the Planning Board directly. You must state your name and address before commenting. This is an opportunity to explain how you will be affected by the decision and why that is an important consequence. By state law, the Planning Board must consider only certain criteria when reviewing subdivisions (76-3-608(a), MCA). Please see the attached

guidelines for the criterion. Thank you for participating!

1. **Public Hearing. Motion and Recommendation to BOCC. Wyeth Friday, Planning Division Manager.**

8. **NEW BUSINESS:** (Agenda items new to this meeting).

9. **OTHER BUSINESS:**
 - a. (Standing Item) Staff update. Long Range Strategic Issues and an overview of future City and County issues and projects.

10. **ADJOURNMENT**

FUTURE AGENDA ITEMS FOR TUESDAY, NOVEMBER 10, 2015

- a. **Presentation/Discussion. Transportation Improvement Program, (TIP), Amendment II. Scott Walker, Transportation Coordinator**

- b. **Plat Review. Duck Creek Condominiums, a County Subsequent Minor** review for the creation of a condominium complex of four 3-unit buildings on Bowman Subdivision, Lot 2, Block 1. The 3.9-acre property is on the west side of Duck Creek Road, north of Kautzman Road. The property is outside of zoning, and has one existing three-unit shop on the parcel. MD Yellowstone Properties, Dan Bowman, Applicant. Dave Green, Planner II.

- c. **Plat Review. Westfield Warehouses, a County Subsequent Minor** review for a 13-unit condominium project on 1-acre on the north side of King Ave. West. Quentin Eggart, EEC, applicant. Dave Green, Planner II.

- d. **Plat Review.** Bottrell Subdivision, Lot 1 and Lot 4, Block 1, a County subsequent minor located on the north side of Trade Center Avenue and east of Shackelford Lane. Perfoamnce Engineering and Consulting, agendt. Bottrell Family Investment, LLP, owner. Dave Green, Planner II

Public Hearing Participation Guidelines

The County Planning Board welcomes public input on matters brought before the Board. To ensure a fair and effective public comment process, we ask that you consider the following guidelines when presenting your comments: **Address the Planning Board directly. You must state your name and address before commenting.** This is an opportunity to explain how you will be affected by the decision and why that is an important consequence.

1. Be informed of the process and the requirements of the Board. If you are commenting about a subdivision, please limit your comments to the review criteria.

By state law, the Planning Board must consider only certain criteria when reviewing subdivisions (76-3-608(a), MCA). These criteria include:

- Effect on agriculture and agricultural water user facilities
- Effect on local services
- Effect on the natural environment
- Effect on wildlife and wildlife habitat
- Effect on public health and safety

2. Provide specific information about why you are concerned about the pending application, how the decision will impact the review criteria listed above, and provide suggestions on how to minimize or eliminate the impact.
3. Respect the right of others to participate. Wait until the previous speaker has completed their comments before making your own comments. Do not talk over the person commenting or with other people in attendance.
4. The public hearing is not an opportunity to question or accuse the applicant or their agent. If you have questions of the Board, the applicant or the agent, ask the question directly to the Board during the public hearing portion of the meeting. The Board will respond or request the applicant or agent to respond after the public comment portion of the hearing is closed.
5. After the public comment portion of the hearing is closed, no further comments are allowed unless you are addressed directly by a Board member.
6. You should expect the Board to make a balanced recommendation in accordance with its statutory responsibilities. The Board's ability to make reasonable and thoughtful recommendations is dependent on a fair consideration of everyone's interests.

Thank you for participating.

Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 10/27/2015

Information

Subject

MOTION. MEETING MINUTES: SEPTEMBER 22, 2015; OCTOBER 14, 2015

Attachments

PlnBMinutes_2015_09_22

PlnBMinutes_2015_10_14

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

Board Attendance Roster: Please note: “E” stands for excused absence, “A” stands for un-excused absence, “1” stands for present.

BYLAWS, YELLOWSTONE COUNTY BOARD OF PLANNING, (Amended. May 25, 2004)

Section 4. Absences and Removal

- A. Each member shall inform the Planning Director at least one day before the meeting of his/her inability to attend a Board or Committee meeting. Such an absence shall be considered an excused absence.
- B. If any Board member accrues three (3) or more consecutive unexcused absences from regular meetings, notice of which has been given at his/her usual place of work or residence, or by announcement at a meeting attended by him/her, the President may call such absences to the attention of the Board which may then recommend to the appointing authority that such member be asked to resign and that another person be appointed to serve out the unexpired term. Schedule: (** denotes a Wednesday meeting)

1	Position	01/13/2015	01/27/2015	02/11/2015	02/24/2015	03/10/2015	03/24/2015	04/14/2015	04/28/2015	05/12/2015	05/26/2015	06/09/2015	06/23/2015	07/14/2015	07/28/2015	08/11/2015	08/25/2015	09/08/2015	09/22/2015	10/13/2015	10/27/2015	11/10/2015	
Dave Goodridge	Mayor/Billings Ward I	-	-	-	-	1	1	-	1	E	E	E	1	1	E	1	E	E	1				
Patrick Klugman	Mayor/Billings Ward II	1	1	1	-	1	1	-	1	1	1	1	1	1	1	E	1	1	1				
Donna Forbes	Mayor/Billings Ward III	1	1	E	-	1	1	-	1	1	1	1	E	1		1	1	1	1				
Darell Tunnicliff	Mayor/Billings Ward IV	1	1	1	-	-	1	-	1	1	1	1	1	1		1	1	1	1				
Dick Clark (President)	Mayor/Billings Ward V	1	E	1	-	1	1	-	1	1	1	1	1	1	E	E	1	1	1				
Vacant	YC District 1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-				
Dennis Cook	YC District 2	1	1	1	-	-	E	-	1	1	1	1	1	1	1	1	1	1	1				
Lisa Sukut	YC District 3	1	E	E	-	-	E	-	E	1	E	1	1	1	1	E	1	1	1				
Vacant	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-				
Don Reed	YC District 5	E	E	1	-	-	1	-	1	E	1	1	1	1	1	1	1	1	1				
Dean Clark	YC District 6	E	E	1	-	1	1	-	1	1	1	1	1	1	E	1	1	1	1	E			
Al Littler	YC District 7	1	1	1	-	1	E	-	E	E	E	E	1	E	1	1	1	1	1				
Clint McFarland	Y County Cons. District	1	1	1		1	1	-	E	1	1	1	1	E	A	1	1	E	E				
Scott Reiter	Ex-Officio S.D. 2 Facilities Director	E	E			1	1	-	1	-	E	E	1	E	1	E	E	E	1				
Supt. Terry Bouck	Ex-Officio S.D. 2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

CITY/COUNTY PLANNING BOARD

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September 22, 2015

To be approved by a motion on October 14, 2015

1. Call the Meeting to Order

President Dick Clark called the meeting to order at 6:00 p.m. on Tuesday, September 22, 2015, in the Miller Building 1st Floor conference room, 2825 3rd Avenue North, Billings, Montana.

Introduction of Planning Board Members and Planning Department Staff

President Clark called for introductions of the members of the Planning Board and staff. Attending Planning staff members are: Candi Millar, Director, Planning & Community Services Dept.; Wyeth Friday, Planning Division Manager; Tammy Deines, Planning Clerk

Attending: Darin Swenson, Yellowstone County Public Works Department, Forrest Mandeville, Engineering West; Judy Barnes, Kelsey Barnes, Brit Barnes, Travis West, Engineering West, Bill Cole, Kristi Drake, Billings Trail Net

2. Approval of the Agenda-President Clark called for approval of the September 22, 2015 meeting agenda.

3.

Motion

Dennis Cook made a motion and Donna Forbes seconded the motion to approve the September 22, 2015 meeting agenda.

The motion carried with a unanimous voice vote.

4. Meeting Minutes for September 9, 2015

Motion

David Goodrich made a motion and Don Reed seconded the motion to approve the September 9, 2015 meeting minutes as submitted.

The motion carried with a unanimous voice vote.

5. Public Comment: President Clark asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated any member of the public may be heard on any subject that is not on the agenda; the Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting agenda for discussion. There were no Public Comments given during this time.

5. Disclosure of Conflict of Interest – Board members and Planning Staff. There were no disclosures of conflict of interest.

Disclosure of Outside (Ex Parte) Communication– Board Members and Planning Staff. The Ex Parte Communication Binder is available at the Sign-In and Agenda station. There was none.

6. NEW BUSINESS

6a. Public Hearing/Motion and Recommendation. Yellowstone River Campground and RV Park Expansion. Wyeth Friday, Planning Division Manager

INTRODUCTION

On August 3, 2015, the Planning Division received an application for preliminary plan approval for the proposed Yellowstone River Campground and RV Park Expansion. The property is located at 309 Garden Avenue about a half mile south of the intersection of South 27th Street and Garden Avenue. This project is reviewed as a subdivision for rent or lease under Chapter 6 of the County Subdivision Regulations and plans for 36 new RV spaces on 2.8 acres. Since a subdivision for rent or lease does not involve a property survey, a final site plan and subdivision improvement agreement will be recorded when this project completes preliminary and final plan review. Planning Board reviewed the plan at its meeting on September 9 and will conduct a public hearing at this meeting.

RECOMMENDATION

Staff recommends that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plan of the Yellowstone River Campground and RV Park Expansion and adopt the Findings of Fact as presented in the staff report.

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. To minimize effects on local services, the natural environment, and public health and safety, prior to final plan approval the developer will receive approval from the City of Billings Public Works Department for additional connection to the municipal water system, and approval from the Montana Department of Environmental Quality for the proposed onsite wastewater treatment system.
2. To minimize the effects on public health and safety and to ensure compliance with the Yellowstone County Subdivision Regulations, prior to final plan approval the developer will receive written approval from the Billings Fire Department that the 20-foot wide emergency access road has been built, gated, and signed to proper standards.
3. To minimize effects on the natural environment, public health and safety, and to ensure compliance with the Yellowstone County Subdivision Regulations, prior to final plan approval the developer will receive approval from the Montana Department of Environmental Quality to ensure proper storm water management practices, and facility design are followed in the campground expansion.
4. To minimize the effects on local services, the developer will coordinate with private utility providers and indicate any utility locations or easements on the final plan for the campground expansion.

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5. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
6. The final plan shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, and the laws and Administrative Rules of the State of Montana.

Discussion

President Clark called for discussion. Wyeth Friday said there have been discussions about a trail area with the property owner but nothing is planned at this time. He commented on studies for bicycle and pedestrian travel and the Trail Feasibility and said this is a challenging area for expansion at this time. He said the owners have related challenges they experienced with trespass and with Mystic Park which is located to the north of this campground.

Donna Forbes commented she made a site visit and said it is well worth going to see the property as the overhead view is misleading and the area is beautiful and well kept. She asked nearby floodplain could affect the drain field. Wyeth Friday explained that the drain field is located and designed to be away from the floodplain.

Donna Forbes asked if there are County lands between this property and the river. Wyeth Friday clarified by pointing out the private property lines and the riverfront flood area.

David Goodridge asked if there will an easement or deed restriction for the access to the property to the south. Wyeth Friday said both properties are under the same ownership; and easements would have to be created and attached to the development if it is sold. David Goodridge suggested having a discussion with the owners to consider options to have this put in place. Wyeth Friday said there is language in the SIA. Don Reed requested clarification on the contours on the plat map and Wyeth Friday noted the contours to the depression for the storm water detention area.

Public Hearing

President Clark opened the public hearing and asked if there is anyone wanting to speak in favor or against the proposed Yellowstone River Campground and RV Expansion.

Forrest Mandeville, Engineering West, Billings, Montana

Mr. Mandeville is the agent for the Barnes family. He thanked staff and the Board for their time, and said the Board of County Commissioners approved the Special Review for this property last month. He said they are going through DEQ to obtain a permit for the proposed septic system. He explained that the storm water pond drains naturally and is currently dry. There will be language in the final SIA to address the access agreement

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and it will run with the land so future land owners will have to abide with it as well.

Don Reed explained that his concern was with the potential with the detention pond to become an attractive nuisance. To answer David Goodridge’s question, Mr. Mandeville said the SIA contains language to cover the emergency access to the south.

Travis West, Engineering West, Billings, Montana

Mr. West is the engineer for this project. He said the requested DEQ approval included the storm water drainage plans and drain field; and they meet the required setbacks. He said the existing storm water detention pond is large, the storm water runoff from the park will be very shallow, and the soils are fairly permeable. In response to a question by Donna Forbes, Mr. West stated the ground water is not high; they have been monitoring all summer and have not encountered ground water to affect the drain fields.

Bill Cole, 3733 Tommy Armor, Billings, Montana

Mr. Cole is head of the Billings Chamber of Commerce Trails Committee. He said he is in favor of this project. He stressed the importance of establishing trails in this area as part of the Marathon Loop. Mr. Cole stated there are planning documents in place which speak to the routing that is in place and along the river corridor. He said the preferred plan is to route pedestrian and bicycle traffic along Garden Avenue to continue the loop and to allow bicyclists and pedestrians to continue traveling through to River Front Park. He commented on the opportunity for synergy with trails in campgrounds along with the difficulty of users understanding campgrounds are private property. He stated there are specific trespass problems with the termination point going towards Mystic Trail. He said they would like to avoid the dead end and maybe build a berm to block the view and create a loop. He suggested finding funding to work towards mitigation of these issues and said the Chamber of Commerce Trails Committee has interest in helping with this task.

Kristi Drake, Billings TrailNet, P.O. Box 2416, Billings, Montana

Ms. Drake is the Executive Director of Billings Trail Net. She concurred with Mr. Cole’s comments and said they would like to help in the endeavor to keep citizens off of the private trail.

President Clark closed the public hearing and called for a motion.

Motion

Al Littler made a motion and Don Reed seconded the motion to forward a recommendation of conditional approval of the preliminary plat of the Yellowstone River Campground and RV Park Expansion and adopt the Findings of Fact as presented in the Staff Report.

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Discussion

President Clark called for discussion on the motion. There was none.

The motion carried with a unanimous voice vote. This application will come before the Board of County Commissioners on October 13, 2015.

7. OTHER BUSINESS-

a. Follow-up. Growth Policy Scenario Planning-Mapping Potential Land use in selected growth areas. Director Candi Millar explained she is introducing the Board to a Growth Scenario application that allows users to “paint” land uses on a map. The software has the ability to synthesize all of the input and come up with general agreement. She reviewed the instructions on how to use the mapping tool and followed up with the Board members on their progress. Hard copies of the maps will be provided to Donna Forbes, Clint McFarland, and others upon request.

Suggestions:

- Play the introductory video
- Go to Blue Edit Button, and then move the window to the side
- Fill one hexagon at a time. Click on hexagon, move the scroll bar on the bottom over so the land use appears
- The colors are opaque. Use the Layer List, choose the scenario, and choose the option for transparency.
- Close the browser and it will save automatically.
- Board members are asked to finish the scenarios by the next Planning Board meeting on Wednesday, October 14, 2015.**

b. Announcement: Director Millar announced that her husband Roger Millar has been awarded the position of Deputy Secretary, Washington State Transportation Department, He is moving to Olympia and starts his position on October 5, 2015. Ms. Millar stated she plans to remain in Billings and work as Planning & Community Services Director until she retires during the summer of 2016.

FUTURE AGENDA ITEMS: Tuesday, October 14, 2015

a. Public Hearing. Yellowstone River Campground Expansion, a County Subdivision for Rent or Lease. A 5.96 acre property generally located on Garden Avenue with a proposal to add 36 more sites. Douglas and Judy Barnes, owners. Travis West, Engineering West. Wyeth Friday Planning Division Manager

b. Growth Policy Scenario Planning-Mapping Potential Land use in selected growth areas. Planning Board member Scenarios Due. Candi Millar, Director, Planning & Community Services and the Planning Board.

ADJOURNMENT: 7:45 p.m.

ATTEST: DRAFT. To be approved on October 14, 2015

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Dick Clark, President, Yellowstone County Board of Planning

Candi Millar, Planning Board Executive Secretary and Planning and Community Services Department Director

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Board Attendance Roster: Please note: “E” stands for excused absence, “A” stands for un-excused absence, “1” stands for present.

BYLAWS, YELLOWSTONE COUNTY BOARD OF PLANNING, (Amended. May 25, 2004)

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1	Position	01/13/2015	01/27/2015	02/11/2015	02/24/2015	03/10/2015	03/24/2015	04/14/2015	04/28/2015	05/12/2015	05/26/2015	06/09/2015	06/23/2015	07/14/2015	07/28/2015	08/11/2015	08/25/2015	09/08/2015	09/22/2015	10/14/2015	10/27/2015	11/10/2015	
Dave Goodridge	Mayor/Billings Ward I	-	-	-	-	1	1	-	1	E	E	E	1	1	E	1	E	E	1	1			
Patrick Klugman	Mayor/Billings Ward II	1	1	1	-	1	1	-	1	1	1	1	1	1	1	E	1	1	1	1			
Donna Forbes	Mayor/Billings Ward III	1	1	E	-	1	1	-	1	1	1	1	E	1		1	1	1	1	1			
Darell Tunnicliff	Mayor/Billings Ward IV	1	1	1	-	-	1	-	1	1	1	1	1	1		1	1	1	1	E			
Dick Clark (President)	Mayor/Billings Ward V	1	E	1	-	1	1	-	1	1	1	1	1	1	E	E	1	1	1	1			
Vacant	YC District 1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-			
Dennis Cook	YC District 2	1	1	1	-	-	E	-	1	1	1	1	1	1	1	1	1	1	1	1			
Lisa Sukut	YC District 3	1	E	E	-	-	E	-	E	1	E	1	1	1	1	E	1	1	1	1	A		
Vacant	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-			
Don Reed	YC District 5	E	E	1	-	-	1	-	1	E	1	1	1	1	1	1	1	1	1	1	E		
Dean Clark	YC District 6	E	E	1	-	1	1	-	1	1	1	1	1	1	E	1	1	1	1	E	E		
Al Littler	YC District 7	1	1	1	-	1	E	-	E	E	E	E	1	E	1	1	1	1	1	1	E		
Clint McFarland	Y County Cons. District	1	1	1		1	1	-	E	1	1	1	1	E	A	1	1	E	E	1			
Scott Reiter	Ex-Officio S.D. 2 Facilities Director	E	E			1	1	-	1	-	E	E	1	E	1	E	E	E	1	1			
Supt. Terry Bouck	Ex-Officio S.D. 2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

October 14, 2015

To be approved by a motion on October 27, 2015

1. Call the Meeting to Order

President Dick Clark called the meeting to order at 6:00 p.m. on Tuesday, October 14, 2015, in the Miller Building 1st Floor conference room, 2825 3rd Avenue North, Billings, Montana.

Introduction of Planning Board Members and Planning Department Staff

President Clark called for introductions of the members of the Planning Board and staff. Attending Planning staff members are: Candi Millar, Director, Planning & Community Services Dept.; Wyeth Friday, Planning Division Manager; Tammy Deines, Planning Clerk

Attending: Forrest Mandeville, Engineering West, Rickie McCaffree, Tim Bronk, Superintendent, Laurel Public Schools

- 2. Approval of the Agenda-** The October 14, 2015 meeting agenda stands as submitted
- 3. Meeting Minutes for September 22, 2015.** Due to a lack of a quorum, the approval of the September 22, 2015 meeting minutes is delayed.
- 4. Public Comment:** President Clark asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated any member of the public may be heard on any subject that is not on the agenda; the Planning Board will not take any action on these items at this time, but could choose to add an item to the next meeting agenda for discussion. There were no Public Comments given during this time.
- 5. Disclosure of Conflict of Interest – Board members and Planning Staff.** There were no disclosures of conflict of interest.

Disclosure of Outside (Ex Parte) Communication– Board Members and Planning Staff. The Ex Parte Communication Binder is available at the Sign-In and Agenda station. There was none.

NEW BUSINESS

6a. Plat Review/Discussion. Majestic Cove Mobile Home and RV Park. Wyeth Friday, Planning Division Manager

President Clark asked Wyeth Friday to introduce this agenda item. Wyeth Friday opened with a PowerPoint presentation and gave the introduction below.

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INTRODUCTION

On September 1, 2015, the Planning Division received an application for preliminary plan approval for the Majestic Cove Mobile Home and RV Park. The property is located about 2.25 miles north of the intersection of Johnson Lane and Coulson Road in the Lockwood area. It is outside of zoning and is about 15 acres in size. This project has been in the process of being brought into compliance with State and Yellowstone County regulations for more than 8 years. It is reviewed as a subdivision for rent or lease under Chapter 6 of the County Subdivision Regulations and plans for 17 manufactured home sites and three RV sites. There are 13 existing manufactured home sites and the three RV sites on the property and the proposal is to add four new manufactured home sites and bring the entire property into compliance. Since a subdivision for rent or lease does not involve a property survey, a final site plan and subdivision improvement agreement will be recorded when this project completes preliminary and final plan review. Planning Board will review the plan at this meeting and a conduct a public hearing on October 27, 2015.

RECOMMENDATION

Staff recommends that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plan of the Majestic Cove Mobile Home and RV Park and adopt the Findings of Fact as presented in the staff report.

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. To minimize effects on local services, the natural environment, and public health and safety, prior to final plan approval the developer will receive approval from the Montana Department of Environmental Quality for the proposed onsite water (wells) and multi-user wastewater treatment system.
2. To minimize the effects on public health and safety and to meet County road standards, prior to final plan approval the developer will bring the internal private roads in the development up to County Gravel Road Standards and receive approval from the Yellowstone County Public Works Department.
3. To minimize effects on the natural environment, public health and safety, and to ensure compliance with the Yellowstone County Subdivision Regulations, prior to final plan approval the developer will receive approval from the Montana Department of Environmental Quality to ensure proper storm water management practices, and facility design are followed.
4. To minimize impacts on local services and agricultural operations, prior to final plan approval a weed management plan must be completed and approved by the Yellowstone County Weed Department.
5. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
6. The final plan shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, and the laws and Administrative Rules of the State of Montana.

Discussion

President Clark called for discussion. Clint McFarland asked if there is concern with availability of potable water concern and Wyeth Friday said they are in the testing process. David Goodridge asked what changes were made to bring this parcel into

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compliance. Wyeth Friday explained that the water system was out of compliance and there were issues with the number of units being connected to the same septic system. He said the previous owner had started this process but didn't come into compliance. Donna Forbes asked if a park plan was submitted to the Yellowstone County Park Board. Wyeth Friday said the applicant is not required to do facility improvements but the area has to be maintained for parkland open space. The existing trailers cannot be stored on the park land and will have to be removed.

Forrest Mandeville, Engineering West, forrest@engineering-west.com

Mr. Mandeville represents applicant Mr. McCaffree. He thanked Wyeth for his staff presentation and commended Mr. McCaffree for his efforts to bring this property into compliance. He pointed out a typographical error in the Findings of Fact, Page 1, Item #2, and said it will be corrected prior to final plat submittal.

2. Effect on local services

- a. **Water and Sewer** –The property will be served by a two wells for potable water. The wells are **not** being connected together to provide a public water system for the entire development.

He said DEQ had previously approved 2 wells serving as separate systems and they plan to move forward with this approval. The lots have individual septic systems. They are in agreement with the staff recommendations for conditions and the recommendation to remove the existing trailers from the park land.

Rocky McCaffree, 838 Countryman Creek, Columbus, Montana

Mr. McCaffree is the applicant. He said when he purchased this property there were 36 units which is more than what is allowed. He said there are no shared sewer systems and each well was tested and nothing was found. The water is good for drinking.

**A public hearing for the Majestic Cove Mobile Home and RV Park will be held at the next Planning Board meeting on October 27, 2015.

7. OTHER BUSINESS-

a. Growth Policy Scenario Planning-Mapping Potential Land use in selected growth areas. Director Candi Millar thanked the members of the Board for participating in this exercise. The consultants helped to create a story map to explain the process and illustrate some of the findings based on the scenarios that were done. She emphasized this is not a future land use map. They are looking at growth patterns and hope to formulate some data packed growth policies to be presented and used as a tool for elected officials to make decisions on land use applications and infrastructure. The patterns could be replicated if it is decided it is cost effective and it achieves our goals. She continued and explained that the results are based on the input received. She walked the Board through each of the scenario results. The number of residential units will be estimated and then costs will be assessed to each of these dwelling units, i.e., distance to the land fill or distance to existing water and sewer. A link will be provided on the website and this display will be continued as this project moves along.

CITY/COUNTY PLANNING BOARD

“Serving Billings, Broadview and Yellowstone County”

b. Announcement: Lynn Zanto, Director, Statewide and Urban Planning, MDT will be giving a presentation, "Roles and Responsibilities of the Policy Coordinating Committee" at the next PCC meeting on Tuesday, November 17, 2105, 12:00 p.m. in the Commissioners Board Room. All Planning Board members are encouraged to attend.

FUTURE AGENDA ITEMS: Tuesday, October 27, 2015

a. Public Hearing. Motion/Recommendation to Board of County Commissioners. Majestic Cove Mobile Home and RV Park. Wyeth Friday, Planning Division Manager

ADJOURNMENT: 7:45 p.m.

ATTEST: DRAFT. To be approved on October 27, 2015

Dick Clark, President, Yellowstone County Board of Planning

Candi Millar, Planning Board Executive Secretary and Planning and Community Services Department Director



YELLOWSTONE COUNTY BOARD OF PLANNING
CITY OF BILLINGS AND
YELLOWSTONE COUNTY, MONTANA



Planning Board Meeting 2 (4th Tuesday)

Meeting Date: 10/27/2015

Information

INTRODUCTION

On September 1, 2015, the Planning Division received an application for preliminary plan approval for the Majestic Cove Mobile Home and RV Park. The property is located about 2.25 miles north of the intersection of Johnson Lane and Coulson Road in the Lockwood area. It is outside of zoning and is about 15 acres in size. This project has been in the process of being brought into compliance with State and Yellowstone County regulations for more than 8 years. It is reviewed as a subdivision for rent or lease under Chapter 6 of the County Subdivision Regulations and plans for 17 manufactured home sites and three RV sites. There are 13 existing manufactured home sites and the three RV sites on the property and the proposal is to add four new manufactured home sites and bring the entire property into compliance. Since a subdivision for rent or lease does not involve a property survey, a final site plan and subdivision improvement agreement will be recorded when this project completes preliminary and final plan review. Planning Board conducted a plat review at its meeting on October 14 and will conduct a public hearing at this meeting.

RECOMMENDATION

Staff recommends that the Planning Board recommend that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plan of the Majestic Cove Mobile Home and RV Park and adopt the Findings of Fact as presented in the staff report.

PROPOSED CONDITIONS OF APPROVAL

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

1. To minimize effects on local services, the natural environment, and public health and safety, prior to final plan approval the developer will receive approval from the Montana Department of Environmental Quality for the proposed onsite water (wells) and multi-user wastewater treatment system.
2. To minimize the effects on public health and safety and to meet County road standards, prior to final plan approval the developer will bring the internal private roads in the development up to County Gravel Road Standards and receive approval from the Yellowstone County Public Works Department.
3. To minimize effects on the natural environment, public health and safety, and to ensure compliance with the Yellowstone County Subdivision Regulations, prior to final plan approval the developer will receive approval from the Montana Department of Environmental Quality to ensure proper storm water management practices, and facility design are followed.
4. To minimize impacts on local services and agricultural operations, prior to final plan approval a

weed management plan must be completed and approved by the Yellowstone County Weed Department.

5. To minimize impacts to local services and public health and safety, and to meet the intent of park land use, prior to final plat approval the developer will remove the trailers, boat, and other non-park related materials stored or abandoned on the proposed park land property to ensure it is used as park and open space only.
6. Minor changes may be made in the SIA and final documents, as requested by the Planning and/or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
7. The final plan shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, and the laws and Administrative Rules of the State of Montana.

VARIANCES REQUESTED

No variances have been requested from the Yellowstone County Subdivision Regulations for this proposal.

DISCUSSION/STAKEHOLDERS

The Planning Board conducted its plan review at its meeting on October 14. Planning Board President Dick Clark asked the Board members if they had any questions or comments for staff, the applicant or his agent on the proposal.

Planning Board Member Clint McFarland asked staff if the two wells to be used for the domestic water system had been tested for quality and safety. Wyeth Friday explained that the wells are being tested during the permitting process with MDEQ but that the applicant's agent might have more information to add on this issue.

Planning Board Member Donna Forbes asked if a park plan had been submitted to the County Park Board by the applicant. Wyeth said he was not aware of a park plan being submitted but that the park land would need to be maintained, irrigated, and kept free of weeds by the mobile home park so it could be used for park and open space. He said other improvements to the park were not required. Wyeth did note that during a site visit to the property it was found that several trailers, a boat, and some other non-park related materials were being stored on the park land. He said staff would propose a condition to address this issue and provide it to the Board before the public hearing meeting (Please see Condition 5 in the recommendation section of this memo).

The applicant's agent, Forrest Mandeville with Engineering West, addressed the Board. He said MDEQ had previously approved the two wells serving as separate systems for portions of the development and the applicant planned to move forward with this approval and have the wells each serve some of the units in the development. He said that language in the Findings of Fact and SIA should be changed to reflect this (Staff has updated the Findings of Fact to reflect this information and attached it to this memo). He also added that most of the units have individual septic systems and that a new drainfield at the west side of the development will be a shared system for some of the units not already served. Forrest said he and the applicant are in agreement with the staff recommendations for conditions and the recommendation to remove the existing trailers from the park land.

Property owner Rockie McCaffree addressed the Board. He said when he purchased this property there were 36 units which is more than what was allowed by MDEQ and local regulations. He said there are not going to be any shared sewer systems aside from the one new multi-user drainfield. He said that each well was tested multiple times and nothing was found.

There were no other questions or discussion on this plan by the Board.

Attachments

Findings of Fact Updated

Preliminary Plan

FINDINGS OF FACT

The City/County Planning staff has prepared the Findings of Fact for the Majestic Cove Mobile Home and RV Park. 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. Coulson Ditch is located outside the northeast boundary of the property and this development should not affect Coulson Ditch or any other agriculture or agricultural water users' facilities in the area.

2. Effect on local services

- a. **Water and Sewer** –The property will be served by two existing wells for potable water. The wells are to operate separately and will each serve a portion of the development. The water system and delivery of water was one of the past issues with the permitting of this development by the Montana Department of Environmental Quality. This review and permitting process with Montana Department of Environmental Quality should bring the entire system and operation into compliance.

The proposed project will utilize both existing individual septic systems for manufactured homes and RV units already on site and a multi-user drain field septic system for the proposed four new manufactured homes to be added to the existing project. The new multi-user drain field will be located on the southern portion of the property just south of Dvorak Lane. The water and wastewater system must be approved by the Montana Department of Environmental Quality prior to final plan approval. The applications for these systems were prepared earlier this year and are under review by MDEQ (**See Condition 1**).

- b. **Streets and roads** – The Majestic Cove Mobile Home and RV Park already has a series of existing internal private roads for access to most of the development. The roads are Dvorak Lane, Lulu Lane, and Yankee Street. An additional road will be built along the eastern edge of the development between new proposed unit 16 and 17 and existing unit 18 prior to final plat approval and the name will be approved by the County GIS Department. The private roads within the development must all be improved to the County Gravel Road Standards as per County Public Works (**See Condition 2**).

Access to the project is from Coulson Road, a County road in a road easement on the Burlington Northern and Santa Fe Railroad Right of Way along the western

side of the development. No additional easement width or road dedication for Coulson Road is being required by County Public Works for this development.

- c. **Fire and Police Services** – The property is within the Lockwood Fire Department’s jurisdiction. 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. Lockwood Fire Department staff reported that an existing dry hydrant system of 40,000 gallons is available to serve the subject property ¼ of a mile away at the Pacific Steel business also on Coulson Road. The Yellowstone County Subdivision Regulations allow for a development to meet the water supply requirement if “an approved existing underground water storage tank is located within one-half (1/2) road mile from the furthest structure of the proposed subdivision...” Since the existing 40,000 gallon tank is about ¼ mile away, it will meet this distance for service.

The Yellowstone County Sheriff’s Department will provide law enforcement services. The Sheriff’s Office did not have any specific comments regarding this development proposal.

- 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. The Manufactured home park owner is responsible for arranging for collection.
- e. **Storm water drainage** – Stormwater will be managed on the site using existing landscaping areas and storm water ditches as approved by MDEQ. The ditches are to be located in the northeast portion of the site in the northern portion of the park land area, the north central portion of the site between Yankee Street and the proposed new road on the eastern side of the property and in the central portion of the property south of Unit 17 and north of Unit 13 and Unit 18. See the proposed site plan for specific locations as described here. The stormwater facilities will satisfy storm water management requirements and specifications of MDEQ (**See Condition 3**).
- f. **School facilities** – The proposed manufactured home and RV park is located in Lockwood School District #26 and students would attend the Lockwood Elementary School, Eileen Johnson Middle School and then Senior High School or Skyview High School in Billings School District #2. These schools all are able to take additional students and it is expected that the impact may be, minimal as only four additional homes are to be added with this project since the remaining units are already in place.
- 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 park land in the form of 1.66 acres of private park

land/open space for the benefit of the residents of the development. The Yellowstone County Park Board staff has approved of this proposal.

It was noted during a site visit to the subject property that several trailers, a boat, and other non-park related materials are stored or abandoned on the proposed park property. These items do not meet the intent or use for park land and open space, and could pose a danger to park users. These items must be removed. A new condition has been proposed to address this issue (**See Condition 5**).

- h. **Historic features** – No known historical or cultural assets exist on the site, according to the State Historic Preservation Office (SHPO). However, the SHPO did state that there have been a few previously recorded sites within the area as well as some cultural resource inventories conducted. They were in the area but not on the site of this development.

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 must be completed and approved by the Yellowstone County Weed Control and a copy submitted to the Planning Division. Language will be updated in the SIA to reflect the approval and that a weed management plan is on file for this manufactured home and RV park (**See Condition 4**).

There are no apparent or known natural hazards on the property.

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 this mobile home park is being built in proximity to good deer habitat. Some subdivisions in similar habitat report considerable and on-going problems with deer damaging landscaped shrubs, flowers, and gardens. Potential homeowners should be made aware that they may have deer on their properties, and informed that unless they take steps to deter the animals (such as fencing their yards), they may have damage problems. Homeowners should be notified that Montana Fish, Wildlife & Parks (FWP) does not provide direct assistance unless there is damage to commercial agricultural crops in non-residential areas, or a threat to public health and safety such as in the case of nuisance mountain lions or bears. Language has been added to the Conditions That Run With The Land section of the SIA to inform future owners of this wildlife information.

5. Effects on public health and safety

Plans and designs for the on-site waste water systems and the well systems will be reviewed and approved by the MDEQ. Storm water management will be reviewed and approved by MDEQ. Fire and emergency services are provided for this proposed development. The proposed development is outside of a mapped floodplain. 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 development moving forward.

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.

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 development conforms to the following goals of the 2008 Growth Policy:

- **Goal: Affordable Housing for all income levels dispersed throughout the City and County. (p. 6)**

The development has been in place for many years and provides more affordable housing in the Lockwood area but in a more rural setting.

- **Goal: More housing and business choices within each neighborhood. (p. 6)**

While this development creates its own small neighborhood in a very rural area, it does provide housing in close proximity to some businesses in the Lockwood area, including gravel mining, composting/landscaping, and heavy truck and equipment businesses.

The proposed and existing development does not conform to the following goal of the 2008 Growth Policy:

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

This manufactured home and RV park has been in existence for many years. It has had trouble with compliance with local and state regulations but is outside of zoning. The development is in an area that is a mix of agricultural, residential and commercial uses. It is the only significant residential development in the area until you travel a few miles back into Lockwood. It is the kind of more dense development that might be expected where municipal water and sewer services

are available.

2. 2014 Billings Urban Area Long Range Transportation Plan

The subject property is within the study area of the Transportation Plan, but the main road in this area, Coulson Road, is not identified as a major street in the Transportation Plan. Coulson Road in this area is an easement on the Burlington Northern and Santa Fe railroad right-of-way and no additional right-of-way or easement width is being required by the County with this project and no additional improvements are planned at this time.

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

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

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 and existing development will meet the requirements of the MSPA and the YCSR. The developer 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 existing/proposed wastewater systems, storm water management plan and facilities, and water system using two existing wells. 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 outside the County's zoning jurisdiction.

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

Utilities will serve the development internally on private property and no easements are planned. Electrical power is available through Yellowstone Valley Electric Cooperative and that utility had no comment on the project. Montana-Dakota Utilities (MDU) commented that natural gas is available but would have to be extended for 2 miles from its current location. No gas service is planned at this time.

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 development from Coulson Road, a County Road in an easement, and private internal roads in the development. These internal private roads must be brought up to County Gravel Road Standards (**See Condition 2**).

CONCLUSIONS OF FINDINGS OF FACT

- The Majestic Cove Mobile Home and RV Park 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.
- This development has been out of local and state compliance with subdivision and water and sewer system requirements for more than 8 years. This review and approval process will finally bring the property into compliance and enable it to operate as a mobile home and RV park in the future.

RECOMMENDATION

Staff recommends the Planning Board recommend to the Board of County Commissioners conditional approval of the preliminary plan of the Majestic Cove Mobile Home and RV Park and adoption of the Findings of Fact as presented in the staff report.

ATTACHMENTS

A: Preliminary Plan and Associated Documents

