

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