

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. 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)

	Position	01/09/2018	01/23/2018	02/13/2018	02/27/2018	03/13/2018	03/27/2018	04/10/2018	04/24/2018	05/08/2018	05/22/2018	06/12/2018	06/26/1208	07/10/2018	07/24/2018	08/14/2018	08/28/2018	09/11/2018	09/25/2018					
Dave Goodridge	Mayor/Billings Ward I	1	1	1	1	E	E	-	E	E	E	1	E	1	1	1	-	E	1					
Matt Macrow	Mayor/Billings Ward II	E	1	1	1	1	1	-	E	1	1	1	1	1	1	E	-	1	1					
LaVerne Bass	Mayor/Billings Ward III	1	1	1	E	E	E	-	1	E	E	E	A	A	E	1	-	1	E					
Darell Tunnickliff	Mayor/Billings Ward IV	1	1	1	E	1	E	-	1	1	1	1	1	1	1	1	-	1	1					
John Thompson	Mayor/Billings Ward V	-	-	-	-	-	-	-	1	1	1	1	1	1	E	1	-	E	1					
Troy Boucher	YC District 1	1	1	1	1	1		-	E	E	1	1	-	E	A	E	-		1					
Dennis Cook	YC District 2	1	1	1	1	1	1	-	1	1	1	1	1	1	1	1	-	1	1					
Vacant	YC District 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-					
Vacant	YC District 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-					
Woody Woods	YC District 5	1	E	1	1	1	1	-	1	1	1	1	1	1	1	1	-	1	1					
Vacant	YC District 6	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-					
Vacant	YC District 7	-	1	-	-																			
Jerry Williams	Y County Cons. District	-	1	-	1	1	1	-	1	E	1	1	1	E	E	E	-	1	1					
Scott Reiter	Ex-Officio SD2	E	A	A	E	A		-	E	E		E	E	A	A	-	-		A					

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SEPTEMBER 25, 2018

Draft-To be approved by a motion on October 10, 2018

Call the Meeting to Order

President Tunnicliff called the meeting to order at 6:00 p.m. on Tuesday, September 25, 2018, in the Miller Building 1st Floor Conference Room, 2825 3rd Avenue North, Billings, Montana.

Introduction of Planning Board Members and Planning Department Staff

President Tunnicliff called for introductions of the members of the Planning Board and staff.

Attending Planning staff members: Monica Plecker, Planning Division Manager; Dave Green, Planner II; Tammy Deines, Planning Clerk; Darin Swenson, YC Public Works Department

Others in Attendance: Debra Morris; Walt Morris; Kevin Nelson, John Robinson, Dianne Lehm, BSEDA; Thom Maclean, BSEDA; Lauren Waterton, Sanderson Stewart; Gary Oakland, Gary Owen, Sanderson Stewart; Levi Britton, Kolten Knatterud, Territorial Landworks; Karen & Walter Palin; Lori & Jim Tuell; Tobin Novasio; Pamela Ask; Paul Miron, Lockwood Farms; Becky J Weekes

Approval of the September 25, 2018 Agenda

Motion:

Board member Woods made a motion and it was seconded by Board member Cook to approve the September 25, 2018 meeting agenda as submitted. The motion was approved with a unanimous voice vote.

Approval of Minutes: September 11, 2018

Motion

Motion was made by Board member Macrow and seconded by Board member Goodridge to approve the September 11, 2018 meeting minutes as submitted. The motion carried with a unanimous voice vote.

Public Comment: President Tunnicliff 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

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Kevin Nelson, geos59101@gmail.com

Mr. Nelson asked if the Board will receive public comment on the Lockwood TEDD Development Plan. President Tunncliff thanked Mr. Nelson for his attendance. He stated this item is a presentation and board discussion only. A public hearing for this agenda item will be held on Wednesday, October 10, 2018 and public comment will be heard at that time.

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.

7. NEW BUSINESS

7a. Presentation. Discussion. Lockwood TEDD Comprehensive Development Plan. Dianne Lehm, BSEDA, Lauren Waterton, Sanderson Stewart, presenting.

Dianne Lehm Introduced Lauren Waterton, Sanderson Stewart preparation Comprehensive Plan Amendment. Ms. Waterton opened with background on the original Lockwood TEDD project and the Comprehensive Plan. This process is to amend the boundary area. The same process and criterion will be followed with this amendment to forward a recommendation to the BOCC. The following points were presented:

- **Lockwood TEDD Amendment:** The District was created in 2016 with the intent of promoting development of infrastructure to support value in adding economic development.
- **Project location:** Lockwood, north of I-90
- **TEDD Boundary:** 570 acres. Proposed are: 624 acres. Total 1,194 acres
Properties: 33 with 18 property owners
- **Criteria that must be evaluated:**
 - Continuous area; zoned for uses in accordance with the growth policy;
 - May not comprise any property included in an existing TIF
 - Must prior to its creation be found to be deficient in infrastructure improvements;
 - Must have in place a comprehensive development plan adopted by the local governing bodies

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- **Project Activities:** Amendment Request; Zoning; Infrastructure Analysis; Comprehensive Development Plan analysis of amendment area and compliance with TEDD goals; Public Hearing: Planning Board and BOCC.
- **Plan Elements:** Boundary; Compliance with the Growth Policy; Compliance with Zoning; Goals of the District; Infrastructure Analysis; Targeted industries; Financing
- **2016 Lockwood Growth Policy:** contemplated development of the TEDD area
- **Zoning:** with the TEDD complies with the Growth Policy statement and the future land use map.
- **Goals:** This amendment continues the original goals written within the original plan. This includes goals to facilitate the provision and development of planned, ready to go industrial space; and providing a locally driven funding tool with the private sector for construction on key infrastructure.
- **Targeted Industries:** manufacturing; processing, technology based; upstream and midstream oil and gas; agri-business; food processing, distribution
- **Financing of Improvements:** Developer Interest; Grants and Loans and Tax Increment Financing as the project grows and builds.
- **Program Administration:** TEDD Advisory Board; Board of County Commissioners
- **Why?** Identified as a need to have planned industrial space; Tool to stay relevant;
- **Benefit:** ability to plan for Lockwood's future
- **Outcome:** Spur additional development within Lockwood

Discussion

President Tunnicliff called for questions and discussion. In response to a question by Board member Boucher, Ms. Waterton explained that the “Town & Country” properties are located within the existing TEDD; and the property to the north will be a new acquisition. She commented the first year TEDD was created the assessed value went down. August 2018 shows the base value has risen. The increment for this area will be roughly \$80,000. Board member Thompson asked if the property owners have requested to be included in the district and Ms. Waterton stated this is a property owner driven

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process. President Tunnicliff about future landowners who may want to be included in the district, and Ms. Waterton stated the process will be the same. Board member Goodridge asked what will happen should the BOCC deny the amended plan. Ms. Waterton stated the existing plan will remain in place.

**The formal public hearing for this agenda item will be held during the Planning Board meeting on Wednesday, October 10, 2018 6:00 p.m. As a point of order President Tunnicliff reviewed the procedures for a public hearing.

8. OLD BUSINESS

8a. Public Hearing. Motion/Recommendation to City Council. Copper Ridge Subdivision, 8th Filing. Dave Green, Planner II, presenting.

Dave Green opened this agenda item with a staff presentation.

INTRODUCTION

On August 1, 2018, Sanderson Stewart, agent for Gary Oakland, applied for preliminary major plat approval for Copper Ridge Subdivision, 8th Filing. The proposed subdivision creates 76 new lots for residential development. The subject property is generally located on the north side of Rimrock Road, east of 70th Street West, and west of the existing Copper Ridge Subdivision. The property is zoned Residential-5000 (R-50). The

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of Copper Ridge Subdivision, 8th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

VARIANCES REQUESTED No variances from the City Subdivision Regulations have been requested.

PROPOSED CONDITIONS OF APPROVAL

Planning staff recommends the following conditions of approval:

1. To minimize the effects on local services and protect health and safety of future residents prior to final plat approval the applicant will submit to City Engineering for review and approval of the proposed water, sewer and storm water infrastructure to be used in Copper Ridge 8th Filing.
2. To minimize effects on local services and to provide for sidewalks throughout the proposed subdivision prior to final plat approval, the applicant will include a language in the SIA that they will be installing sidewalk along the road along the frontage of Lot 9, Block 3 in the subdivision.

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3. To ensure correct procedure for providing a cash in lieu contribution prior to final plat approval, the applicant will follow the Billings Subdivision Regulations Section 23-1006 to determine the correct procedure and amount of the contribution to the City for park land cash contribution.
4. To minimize the effects on local service prior to final plat approval, the applicant will coordinate with the USPS to determine what type of deliver system is preferred and to locate and provide the correct amount of space for safely delivering the mail to the residents.
5. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
6. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

Discussion:

President Tunnicliff asked the members of the Board for questions or discussion. In response to question Board member Goodridge Dave Green stated the properties outside of this parcel is unzoned. Board member Thompson noted the private parkland and commented that generally the Parks Department does not accept detention areas as parkland.

Public Hearing President Tunnicliff opened the public hearing and asked if there is anyone wishing to speak in favor or against Copper Ridge Subdivision, 8th Filing.

Gary Oakland, 175 N 27th Street, Suite 900, Billings, Montana

Mr. Oakland is the applicant and developer. He thanked Dave Green for his presentation and make himself available to the Board for questions. He said the policy of the City Parks Department has changed regarding detention areas. The Homeowners' Association for Sections 7 and 8 will maintain the detention area. He respectfully requested recommendation of approval of this request.

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

Motion

Board member Boucher made a motion and it was seconded by Board member Goodridge to forward a recommendation of conditional approval of the preliminary plat of Copper Ridge Subdivision, 8th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

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The motion carried with a unanimous voice vote.

7b. Public Hearing. Motion/Recommendation to City Council. High Sierra Subdivision, 12th Filing. Dave Green, Planner II, presenting.

Dave Green opened this agenda item with a staff presentation.

INTRODUCTION

On August 1, 20108, Sanderson Stewart, agent for High Sierra II, Inc., applied for preliminary major plat approval for High Sierra Subdivision, 12th Filing. The proposed subdivision creates 66 lots for residential development on a 12.74-acre parcel of land. This proposal is part of a larger approved master plan of High Sierra Subdivision which includes a total of approximately 1,375 lots platted from 400 acres in multiple filings. The subject property is generally located North of Topanga Avenue in the 11th Filing and east of High Sierra Boulevard in the northwest Billings Heights. The property is zoned Residential-7,000-Restricted (R-70-R).

RECOMMENDATION

Staff recommends that the Planning Board recommend conditional approval of the preliminary plat of High Sierra Subdivision, 12th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

VARIANCES REQUESTED

No variances from the City Subdivision Regulations have been requested.

PROPOSED CONDITIONS OF APPROVAL

Planning staff recommends the following conditions of approval:

1. To protect the public health and safety prior to final plat approval the applicant will provide drawings to be reviewed and approved by engineering for the water, septic and storm water systems associated with the subdivision.
2. To provide for the installation of utilities, utility easements shall be shown on the final plat as requested by the affected public and private utility companies.
3. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
4. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

Discussion:

President Tunnicliff called for questions and discussion. There was no discussion.

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Public Hearing

President Tunnicliff opened the public hearing and asked if there is anyone wishing to speak in favor or against High Sierra Subdivision, 12th Filing.

Gary Oakland, 175 N 27th Street, Suite 900, Billings, Montana

Mr. Oakland is the applicant and developer for this subdivision. He stated this parcel is part of an approved Master Plan of 400 acres. Mr. Oakland made himself available to the Board for questions. In response to question by Board member Thompson, he stated this subdivision has the same street design with separated sidewalk and boulevard.

At 6:44 p.m., President Tunnicliff closed the public hearing and called for a motion.

Motion

Board member Woods made a motion and Board member Thompson seconded the motion to forward a recommendation to City Council of conditional approval of the preliminary plat of High Sierra Subdivision, 12th Filing to the City Council, and adopt the Findings of Fact as presented in the staff report.

The motion carried with a unanimous voice vote.

7c. Public Hearing. Motion/Recommendation to BOCC. Shop World 1 Subdivision. Dave Green, Planner II, presenting.

Dave Green opened this agenda item with a staff presentation. The Board of County Commissioners are scheduled to review and vote on the preliminary plat on October 16, 2018. A letter from surrounding neighbor expressing concerns with the proposed subdivision was e-mailed to the Board members prior to this meeting.

INTRODUCTION

On August 1, 2018, the Planning Division received an application for major plat approval for the proposed Shop World Subdivision, 1st Filing. The property is generally located on the south west corner of the intersection of King Avenue West and South 80th Street West. This subdivision would create 189 lots from a 61.03-acre parcel for private storage garage development and 2 residential lots. The land is currently used for farming and is outside of zoning.

RECOMMENDATION

Staff recommends that the Yellowstone County Board of County Commissioners conditionally approve the preliminary plat of Shop World Subdivision, 1st Filing and adopt the Findings of Fact as presented in the staff report.

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VARIANCES REQUESTED

No variances are requested for this subdivision.

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.

2. To protect public health and safety prior to final plat approval the applicant will receive approval from the MDEQ for the proposed cisterns, septic systems and the proposed storm water management.
2. To provide for future maintenance of all private roads within Shop World Subdivision, 1st Filing prior to final plat approval the applicant will create an HOA for the private road maintenance, define how fees will be assessed and collected.
3. To provide for the correct documentation of the road easements within the proposed subdivision prior to final plat approval the applicant will provide easement documents with language that states fire, police, emergency vehicles, and maintenance personnel for the dry hydrant system will be allowed access on the roads. Also that the roads can have additional burden placed on them by connecting to the south should the land to the south develop.
4. To protect public health and safety and to ensure a usable dry hydrant system prior to final plat approval the applicant will provide construction drawings to the Laurel Fire Department for the dry hydrant system and receive approval before construction begins. The system must be tested and approved by the Laurel Fire Department after installation, with a letter to show the approval from the Laurel Fire Department. The applicant will also create an RSID-M for the maintenance of the dry hydrant system.
5. To protect public health and safety and to ensure a usable dry hydrant system is available prior to final plat approval the applicant will provide a letter from the Laurel Fire Department stating that there is a dry hydrant system, or approved alternate water source, for fire suppression for proposed Lots 188 and 189.
6. To ensure the maintenance of existing fire suppression systems and full participation from all benefitted parties prior to final plat approval the applicant will expand an existing RSID for fire suppression for Lots 188 and 189 from Tanglewood Estates, or any RSID that provides maintenance for fire suppression which these two lots benefit.
7. To minimize the effects on local service prior to final plat approval, the applicant will coordinate with the USPS for locating and providing the correct amount of space for safely delivering the mail to the residents.
8. To minimize effects on the natural environment, prior to final plat approval a weed management plan and property inspection shall be completed by the County Weed Department.

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9. To ensure the placement of easements for private utility providers prior to final plat approval, the applicant will coordinate with private utility companies to provide needed easements within the proposed subdivision.

10. 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.

11. The final plat shall comply with all requirements of the County Subdivision Regulations, rules, regulations, policies, and resolutions of the Yellowstone County, including laws regarding moving houses onto or off the property, and the laws and Administrative Rules of the State of Montana.

Discussion

President Tunncliff called for questions and discussion. Dave Goodge on the importance of conditions. Staff stated the Conditions of Approval are placed to mitigate impacts and ensure maintenance of systems within the subdivisions. The infrastructure has to be in place and the conditions of approval have to be met prior to final plat approval and creation of the lots. Board member Woods asked regarding the fire suppression system for lots 188 and 189. Dave Green said the fire suppression systems are public domain and Tanglewood's fire suppression system is a lake. There will be an assessment through the RSID. The private roads will be open but signage must be in place. Board member Thompson asked if the barrow pits will serve as detention areas. Dave Green said there are two detention areas in place but the majority will be handled through the barrow pits and natural runoff. In response to question by Board member Thompson, Dave Green stated the Covenants and Restrictions will define the construction and aesthetics of the buildings. Board member Williams asked if the 10' utility easement is sufficient. Dave Green said this depends on the requirements of the private utility companies, generally easements are 8-10 feet.

Public Hearing

President Tunncliff opened the public hearing and asked if there is anyone wishing to speak in favor or against Shop World 1 Subdivision.

Levi Britton, 7623 N Leopard Avenue, Billings, Montana

Mr. Britton is the applicant and developer. He distributed hard copies of the Covenants and Restrictions and photos of the proposed subdivision, and introduced Colton Knatterud, Territorial Land Works. He stated this property is outside of zoning. He explained that the original proposal was for 55+ residences but DEQ reduced the number of allowable residents due to water availability. He expects ninety-five percent of the use

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will be for "toy storage", i.e. boats, recreational vehicles, All Terrain Vehicles, etc. He reviewed the highlights of the proposed Covenants and Restrictions. Permissible Building will be new construction with less than 24-ft sidewalks, normal shapes and designs, colored metal with brick and block accents. Exterior colors will be earth toned beige and green consistent throughout the subdivision. Bridger Steel Company will provide the steel to construct the buildings. "Restrictions on use": no marijuana or drug related activities, commercial auto body or salvage, no junk vehicles, dumping, no unlicensed non-roadworthy vehicles or equipment. Pets and animals must be with owners at all times.

Fire prevention: no accumulation of combustible materials and fire extinguishers are required with each shop. The perimeter fencing will be chain link. The landowners are required to keep weeds down around shop area. Lots are approximate 8,000 square feet. No living quarters are allowed in the shops. He is proposing paved roads for dust control. He stressed he will not make another "Homewood Park Subdivision" and feels this development will be a step in the right direction. He said that if commercial storage is done right, property values will not change. One of the advantages of this development is bringing forward the availability of natural gas and inside storage of vehicles. Mr. Britton stated he will give easements for utilities. The traffic will flow from King Avenue entrance and exit through 80th street West.

Discussion

Board member Goodridge asked regarding the bathroom facilities. Mr. Britton said the DEQ review allowed 35 residences. There will be limited use of public restroom facilities. Board member Goodridge voiced concern with lack of language for handoff of the Homeowners 'Association when Mr. Britton is no longer the primary landholder. Mr. Britton replied the Covenants and Restrictions are enforced by every lot owner. Board member Woods asked Mr. Britton if he has used this language for covenants on personal projects. Mr. Britton said he has used portions of this language extensively in other projects. Board member Thompson asked about vegetation and weed control. Mr. Britton stated the entire development will be void of vegetation. He has considered screen plantings around the permit meter. He pointed out this property borders streets on two sides with existing trees on the west side. There are no proposed designated areas for screen plantings with this application. Board members voiced concerned with Mr. Britton's proposal for 61 acres of asphalt, gravel, and buildings. Suggestion was made for Mr. Britton consider working with the Yellowstone County Weed Department to obtain a list of allowable plantings and they. Board member Boucher asked regarding traffic

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generation. Darin Swenson, Yellowstone County Public Works, stated the traffic generated should be substantially less than a residential development.

Kolten Knatterud, Territorial Land Works, 3333 2nd Ave N Billings, Montana

Kolton Knatterud represents Mr. Britton. He commented on a Marvin and Associates traffic study, and stated there will be less impact than the residential proposal with an average of nine trips per day.

Walter Palin, 948 S 84th Street West, Billings, Montana

Mr. Palin lives on the west side of this development. He is concerned with the lack of landscaping. He commented on the tendency of landowners in the surrounding area who fail to keep the Covenants and Restrictions. He asked for clarification on the term “commercial uses” and who will police the number of “toys” allowed?

Lynette Clinton, 8243 King Avenue West, Billings, Montana

Ms. Clinton asked for clarification on the location of Canyon creek. She commented the streets in King Avenue Estates are, developer. Streets in disrepair.

Jim and Lori Tuell, 8445 Sailfish Drive, Billings, Montana.

The Tuells have question regarding fire suppression, SIDS, and how will it affect the residents in Tanglewood Subdivision. Kolten Knatterud said the taxes should go down when the two additional houses are added to the district.

Walt Morris, 8547 King Avenue West, Billings, Montana

Mr. Morris voiced concern with the traffic at the King Avenue intersection and traffic safety during the winter. He suggested the storage units be constructed on a dryland parcel instead of at the proposed location. He said Canyon Creek floods annually and water flows downstream and washes out property. Mr. Morris said it would be nice to have trees to buffer the lights from the storage units. He said storage units invite criminal activity and he is unsure of the safety of his property as vehicles use his driveway as a turnaround.

President Tunncliff asked if there is anyone else wishing to speak in favor or against Shop World 1. There were none. President Tunncliff closed the public hearing at 7:40 p.m. and called for a motion.

Discussion

President Tunncliff reiterated the concern with the need for architectural control and asked for clarification on the transition language. Levi Britton responded he will consider adding verbiage to address this. President Tunncliff noted the concerns voiced

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with the need for the intent for landscaping the property in the long term and said mitigation may be appreciated. Board member Williams asked if there is a “night sky” requirement on the lighting. Board member Thompson said he is concerned with the natural environment and spraying and commented certain sprays may have negative environmental impacts.

Motion

Board member Boucher made a motion and Board member Goodridge seconded the motion to forward a recommendation to the Board of County Commissioners to conditionally approve the preliminary plat of Shop World Subdivision, 1st Filing and adopt the Findings of Fact as presented in the staff report.

The motion passes with a 7-1 roll call vote, with Board member Thompson voting against the motion.

9. OTHER BUSINESS

The Planning & Community Service Department will be closed Monday, October 8, 2018 in observance of the Columbus Day Holiday. The next Planning Board meeting will be held on **Wednesday, October 10, 2018.**

ADJOURNMENT 7:47 pm

DRAFT. TO BE APPROVED BY AMOTION ON OCTOBER 10, 2018