

PROPOSED ZONING COMMISSION DETERMINATIONS

The Yellowstone County Zoning Commission, prior to any recommendation, shall consider the following:

1. *Is the new zoning designed in accordance with the Yellowstone County and City of Billings 2008 Growth Policy?*

The proposed zoning does comply with the following goals of the Yellowstone County and City of Billings 2008 Growth Policy and area plans:

- Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in the growth policy. (Land Use Element, page 6).

This zone change would allow for residential development in an area of the county that is experiencing more residential development on the fringe of the existing City of Billings edge. The existing zoning of A-1 only allows 10 acre parcels for a single home and would not develop under this zoning. The proposed R-150 zoning is the same zoning as much of the development south of the proposed new subdivision. This zoning will allow a more efficient development of this parcel.

Goal: New developments that sensitive to and compatible with the character of adjacent development. (Land Use Element Goal, page 6).

This property is directly north to a county residential development and an adjacent development is planned to the west, Western Sky Subdivision, that will be a mixture of uses including higher density residential and services. Careful design will be required by the developer to minimize any incompatibility between these existing uses.

2. *Is the new zoning designed to secure from fire and other danger?*

The subject property is currently served by the Billings Urban Fire Service. The nearest fire station is located on 54th Street West about 3 ¼ miles to the north and west. The Fire Department or BUFGSA will require special construction or site protection measures for this development. The developer will be required to install a 30,000 gallon water tank at the entrance of this subdivision for fire suppression. The existing and proposed zoning requires building separations, setbacks and height limits that should provide security from fire or other public safety emergencies.

3. *Will the new zoning facilitate the provision of transportation, water, sewerage, schools, parks and other public requirements?*

Transportation: The new zoning and the existing zoning will increase traffic on South 48th Street West and on Austrian Pine Drive. The County will require any new development that adds 500 new vehicle trips per day to analyze the impact of the additional traffic. The size of this development will require it to provide a traffic study.

Water and Sewerage: The property will be served by individual water wells and septic sewer systems, no public services for water or sewer are provided in this area. Until very recently, Montana Department of Environmental Quality (MDEQ) required a minimum lot size of 1 acre to have individual wells and septic systems. The new regulations now allow for smaller lots if the engineer can show that they can meet the required separations and the soil types and subsurface water levels back up what the engineer is proposing. Also, now with multiple wells in a subdivision, over 13 wells, the developer is now required to get water rights from the Department of Natural Resources. That process also takes some time and additional information from the engineer to show how much water is being proposed to be used by the subdivision using average water use in a household. Because of these changes, county subdivisions can now have lots that are smaller than one acre with wells and septic if they can show it will meet MDEQ requirements.

Schools and Parks: The proposed zoning may impact the student population. Elder Grove School has the capacity now to accommodate the possibility of additional student from the proposed development. School impacts will be reviewed during the subdivision process for this property as well.

Fire and Police: The subject property is serviced by BUFSA and the Yellowstone County Sheriff's Department. Fire protection will be accommodated with the requirement of a 30,000 gallon water tank to be installed before final plat of the proposed subdivision.

4. *Will the new zoning promote health and general welfare?*
The new zoning will allow development of property that is adjacent to existing residential uses to the south and planned residential uses and mixed uses to the west in the Western Sky Subdivision.
5. *Will the new zoning provide adequate light and air?*
The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. These requirements should allow adequate light and air to reach the subject property and adjacent properties.
6. *Will the new zoning effect motorized and non-motorized transportation?*
The proposed zoning itself will not generate more traffic on any of the adjacent streets. Pedestrian traffic in the area is limited due to the lack of sidewalks and trails. Residential development is generally located south of the property. South 48th Street West provides the primary route to schools and other services in the area. There are no shoulders on the pavement of South 48th Street West so the travel way for pedestrians, bicycles, and vehicles is shared. Careful planning by a developer as well as participation in a street improvement project will be necessary to accommodate new uses.
7. *Will the new zoning be compatible with urban growth in the vicinity?*

The proposed zoning is compatible with the adjacent zoning and developments. As this development is proposed to be residential it is compatible with existing development to the south.

8. Does the new zoning consider the character of the district and the suitability of the property for particular uses?

The subject property is in an area that is a mix of farming and residential uses. The property is suitable for R-150 uses and the site development will be in character with the adjacent uses.

9. Will the new zoning conserve the value of buildings?

The new zoning will allow the development of lots that are 15,000 square and larger. The proposed subdivision that has been proposed for this parcel shows the majority of the lots at just over one half acre with some approaching three quarter of an acre. The proposed zoning will allow large lots that are similar to the ones that exist to the south although the proposed lots are not as large as those to the south.

10. Will the new zoning encourage the most appropriate use of land in Yellowstone County?

The property is suitable for the uses allowed in the Residential 15,000 zoning district. It is next to existing residential and will not introduce conflicting zoning with other uses in the area.

11. Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?

The proposed zoning is close to the City of Billings and is near other residentially zoned property. The request to rezone from A-1 to R-150 will be compatible with its surrounding zoning and uses.

- Attachment A: Zoning Map
- Attachment B: Applicant Letter & Pre-application neighborhood meeting minutes
- Attachment C: Site Photographs