

PROPOSED COUNTY ZONING COMMISSION DETERMINATIONS

Prior to making a recommendation to the Board of County Commissioners, the Zoning Commission 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).

The potential uses with a HC zone are limited for this property due to its location far from public utility services and the city limits. The proposed zoning and use is consistent with character of the area and the preferred land use patterns. This area of the County includes zoning for agriculture including commercial greenhouses, commercial horse stables, riding arenas, veterinaries, commercial dog kennels as well as low density residential uses. The property has a previous approval for commercial recreation use on the portion of the property subject to the zone change. Non-agricultural or residential uses exist in the area.

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

This property is adjacent to A-1 and R-150. There are a wide variety of commercial developments throughout the area including service businesses such as Yellowstone Perk and Pioneer Water, cold storage warehousing, and Zentz Lumber. The potential use of a small portion of the 65-acre tract for the heavy equipment service and repairs should be compatible with the surrounding 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 Area (BUFSA). The nearest fire station is located at St. Andrew's Drive and Wicks Lane, approximately 3 miles south and west of the subject property. The property currently does not pay a BUFSA assessment since there are no structures on the property to assess. If the property is improved with a structure or structures, then assessment will go in to effect. 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 will slightly increase traffic on Highway 87 North. The proposed use, a heavy equipment parts, service and sales shop, will have occasional deliveries and employee traffic on a daily basis. This amount of traffic may not cause traffic congestion. The applicant's agent has confirmed with MDT the drive approach is safe for the intended use of the property.

Water and Sewerage: The property will not be served by public water and sewer systems unless it is annexed to the city. The property is not within the limits of annexation at this time.

Schools and Parks: The proposed zoning should not impact the student population. Residential uses are not planned for the property.

Fire and Police: The subject property is serviced by BUFSA and the Yellowstone County Sheriff's Department. Fire protection will be evaluated at the time of any development of the site. If the property is annexed to the city, public safety services will be provided by the City Police Department.

4. *Will the new zoning promote health and general welfare?*
The proposed zoning may promote the health and general welfare. The proposed HC zoning will allow the owner to develop the proposed heavy equipment service business on highway frontage in an area previously used for commercial recreation. The remaining area of the property will continue to be zoned for low density residential uses and agricultural uses.
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 on a high-speed state highway. MDT has stated there are no concerns with the proposed use, the existing drive approach or traffic conflicts.
7. *Will the new zoning be compatible with urban growth in the vicinity?*
The proposed zoning is compatible with the adjacent zoning and existing urban growth in the vicinity.
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 county commercial and residential uses, either existing or planned. The property, due to its unusual shape, the adjacent topography and lack of access to public facilities makes it suitable for the proposed zoning and use.
9. *Will the new zoning conserve the value of buildings?*
The new zoning is not expected to alter the value of any buildings in the area. It is not known if its proximity to residential property in the area will affect the value of residential buildings.

10. Will the new zoning encourage the most appropriate use of land in Yellowstone County?
The proposed zoning does encourage the most appropriate use of land in this area of the County.

11. Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?
The proposed zoning is a zoning that is also present in the City of Billings but not in the immediate area of the property. HC zoning could allow more intense uses than currently allowed in adjacent zoning districts but the potential universe of intense uses is limited due to the lack of access to public facilities including water and sewer services.