

## 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:

- Prohibit high intensity commercial development in residential areas. Provide less intensive commercial development on arterial intersections within residential neighborhoods.  
*This zone change would only allow low density residential in an area of the county that has already seen low density housing developments.*
- Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans. (Land Use Element, page 6).  
*This zone change would allow for low density uses adjacent to existing low-density uses and neighborhoods. This is consistent with the neighborhood character.*
- 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 existing low density residential uses. This is compatible with the adjacent development.*

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 4.7 miles south and west of the subject property. The majority of the property currently does not pay a BUFSA assessment since there are minimal structures on the properties to assess. If the property is improved with a subdivision and construction of homes, then assessment will go in to effect.

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

*Transportation:* The new zoning will increase traffic on Plateau Road and Bitterroot Drive onto Highway 312. The proposed use, residential development, will require a traffic study to be done and may include requirements for road improvement to handle the additional traffic that additional homes in the area would cause.

*Water and Sewerage:* The property would have to be served by either individual septic systems or common septic systems. Any system would have to be reviewed and approved by Montana Department of Environmental Quality (MDEQ). The County Water District of Billings Heights (CWDBH) has a reservoir south of this property that serves houses to the south. Should the developer of this property choose to connect to the CWDBH system they would be required to develop the required system to get the water to their property that is north of the existing reservoir. These parcels are outside the city

limits and any wastewater disposal system will need to be approved by Environmental Health prior to any development.

*Schools and Parks:* The proposed zoning would impact three schools as it develops, Independent Elementary, Castle Rock Middle School and Skyview High School.

*Fire and Police:* The subject property is serviced by the Billings Fire Department and the Yellowstone County Sheriff's Department. Fire protection will be evaluated at the time of a development plan.

4. *Will the new zoning promote health and general welfare?*

The new zoning will allow development of property that is adjacent to residential and agricultural property in all directions. The current zoning, R-150 and A-1, allows low density single family dwellings, (A-1, 1 per 10 acres, R-150, 1 per 15,000 Square Feet) and agricultural uses. The proposed Residential 9,600 zoning will allow the owner to develop the property in a similar fashion as what is to the east and south. This will promote the health and general welfare of the area by developing in a similar manner as what is in the area.

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 generate more traffic on adjacent streets. There are no pedestrian facilities in the area but there are unmarked trails throughout the adjacent private property. Future development of the property will generate more pedestrian and motor vehicle traffic than is currently in the area. Should this development move forward, it will be required to do a traffic impact study and implement whatever requirements are identified in that study.

7. *Will the new zoning be compatible with urban growth in the vicinity?*

The proposed zoning is compatible with adjacent rural residential development. The current zoning and existing residential and agricultural development is consistent with the area and so would the proposed zoning should the zone change be granted.

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 has low density residential development and agricultural uses. The property is suitable for R-96 uses directly adjacent to these residential and agricultural uses if it can access community water and/or sewer services. There is a fairly large amount of R-96 zoning to the south of the subject properties. The character of the area will change with more density with the proposed

residential uses which follow the goals and policies of the 2008 Growth Policy for Yellowstone County.

9. *Will the new zoning conserve the value of buildings?*  
The new zoning will allow the development of new residential uses adjacent to agricultural and residential uses. The new residential uses will result in market values for adjacent residential properties to remain stable or possibly increasing with new interest in living in the area.
10. *Will the new zoning encourage the most appropriate use of land in Yellowstone County?*  
The property is suitable for the proposed residential development. This area north of Billings Heights has been zoned agricultural and residential since 1973. This is the most appropriate use of land in this area of the County and will encourage similar residential development to what is already in this part 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 very compatible adjacent to the City of Billings.

#### **ATTACHMENTS**

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