

## REVIEW CRITERIA

### Zone Change 669 – 2300 Block Highway 3 – Billings Flying Service

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 decisions that are consistent with neighborhood character and preferred land use patterns identified in the growth policy. (Land Use Element, page 6).  
*Zoning this property to Public (18.5 acres) and CI (20 acres) zoning would be consistent with the neighborhood character and land use patterns in the area. This area of the County west of the airport is primarily grazing and ranch land with some low density residential uses. The airport influence zone will preclude any taller structures that would otherwise be allowed in the proposed zoning districts. The Airport Influence and Noise Overlay zone also discourages incompatible uses such as residential homes and other living spaces. The proposed Public zone is a predictable zone given the adjacent Billings Airport zoning. The Public zone is the only zone is the only district where heliports are allowed. The proposed CI zone directly south of the proposed Public zone is intended to accommodate ancillary businesses that would support the Billings Flying Service heliport. The remaining 20 acres adjacent to Highway 3 will stay A-1 zoning. South of the subject property are residential subdivisions within the city limits. The proposed Public zoning on the north 600 feet of the subject parcels is consistent with the adjacent airport Public zoning district. The proposed CI zoning for 20 acres and not along the frontage of Highway 3 is consistent with the adjacent uses. CI zoning allows more intense uses but those uses will be limited by the lack of public services and the Airport Overlay zone. There is little potential for conflict between existing uses and future uses.*
- 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 airport property and state Highway 3. The development of a heliport is compatible with the adjacent airport to the east and not out of character in this area. Residential zones south of the rims are also included within the Airport Influence zone and already experience some noise impacts from airport operations. The proposed Public zone for the heliport development is more than ¼ mile north of the closest residential home south of Highway 3. The proposed CI zone for 20 acres just south of the Public zone may have some negative effect on the adjacent grazing land. The proposed CI zoning will not be along the Highway 3 frontage. Buildings in this zoning will be height limited due to the Airport Influence zone but will be visible from the highway. Any development in this CI zone will require landscaping installed at the time of*

*development. The Airport Influence zone combined with the lack of public services will limit the types of development in this proposed CI zone.*

- Goal: Coordinated economic development efforts (Economic Development Element, page 7)

*The proposed use of the property in the Public zone is to locate a private heliport for the Billings Flying Service. Billings Flying Service is currently located at 6309 Jellison Road, south of the Yellowstone River and west of the Billings Regional Landfill. 6309 Jellison Road is in an Agriculture-Open Space (A-1) zone. The existing uses at this location are legal nonconforming uses. The existing site cannot expand due to the zoning restrictions on nonconforming uses. The applicant could locate on a leased space at the Billings Airport. A leased space on airport property is a generally a preferred option for this type of business but this may not fit with the applicant's long-term business plan. The proximity to the existing airport and limited development potential of this property for uses other than the proposed uses allows expansion of this economic sector in a coordinated manner.*

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 and pays a small assessment based on the structure (a livestock shelter) currently on the property. Any new structures would trigger additional fees to the fire service district but would not guarantee the availability of specialized fire suppression equipment for aircraft or aviation fuel accidents or fires. The Billings Airport Aircraft Rescue and Firefighting division is a specialized suppression and response unit that is not part of the BUFSA district services. The closest fire station is Fire Station 1 in North Park about 3.5 miles south and east of this location. The Fire Department or BUFSA may require special construction or site protection measures depending on the specific uses in any development. The existing and proposed zoning requires building separations, setbacks and height limits that should provide security from fire or other public safety emergencies except for aircraft rescue and firefighting activities. The fire department may call on the Airport Aircraft Rescue and Firefighting services for these specialized services.

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

*Transportation:* The proposed zoning will have a measurable effect on traffic generation. The property currently has 2 access points. The primary access is a shared access along the east property line of Tract 14. There is a subsequent access easement granted along the south and westerly property lines to benefit Tracts 9, 10 and 12 to the north and west. There is a gated access from Highway 3 onto to Tract 14 that appears to be little used. A new or improved state-approved access will be needed to provide safe access to the proposed development for Billings Flying Service. The current use of the property – occasional grazing of livestock – generates little or no traffic on a daily basis.

The City and County recently completed a Highway 3 Corridor transportation study in partnership with the Montana Department of Transportation (MDT). The study has several recommendations for improving traffic safety, pedestrian access and storm water

management. The study included traffic volume projections out to 2035. It appears Highway 3, with a few minor improvements, may handle any additional traffic. The study recommended upgrades to the intersections with Rod & Gun Club Road and to Zimmerman Trail. The types of traffic generated from Public and CI zoning are different than current traffic patterns in the area. MDT may require some traffic analysis depending on the type and volume of traffic generated from specific developments on the property. If the property is annexed and developed, the City Traffic Engineer may require a traffic impact analysis to determine the appropriate mitigation or street development to accommodate the new uses.

*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 yet within the limits of annexation for the City for annexation in the next five years.

*Schools and Parks:* The proposed zoning should not impact the student population. The proposed zoning does not allow residential uses by right.

*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 and the Fire Department. As noted in criteria #2, specialized fire suppression services may be necessary.

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

Noise generation from a heliport is not predicted by the applicant to have any substantial or sustained impact on the adjacent residential uses south of Highway 3. The Airport Influence and Noise Overlay zone includes an area around the existing runways to the east that estimates noise levels based on aircraft take-offs and landings. The subject property is not within these noise overlay zones but is within the influence area for limitations on building height. The applicant proposes to place the Public zone on the north 18.5 acres where noise generation will have the least amount of impact on nearby residential neighbors. Noise from airport or heliport operations does have an impact on the general health and welfare of nearby residents. It is not known what decibel level the helicopters will generate off-site or on-site without a specific noise level study. The applicant has presented some generalized statements on how frequently helicopters will take off or land at the facility and the type of helicopters to be used. Other uses allowed in the CI zone may have more of a noise impact than the heliport depending on the type of use. Manufacturing uses may generate more noise than retail or service businesses. Uses allowed in the CI zone are also more likely to generate noise outside of normal business hours and have more impact on the health and general welfare of the residential neighborhoods south of Highway 3. The closest residential home to the proposed CI zone is over 700 feet so noise from any of these uses would not be likely to impact these residences.

5. *Will the new zoning provide adequate light and air?*  
The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. The Airport Influence and Noise Overlay zone will also limit some uses and building heights. 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 or highways. Pedestrian traffic in the area is limited due to the lack of sidewalks and trails. The Highway 3 Corridor Study identified the need for a multi-use trail on the north side of Highway 3 at this location and tunnel connections to the south side of Highway 3 to access the public park area along the rims. Residential development is generally located south of the property and the main motorized access to the rim top parks are along the south side of Highway 3.
7. *Will the new zoning be compatible with urban growth in the vicinity?*  
The proposed zoning may be compatible with the adjacent zoning to the south and west and is compatible with the zoning to the east. Property west of the subject parcels is zoned A-1 and used for occasional grazing and very low density residential purposes. Property to the south is zoned for higher density residential neighborhoods within the city limits. The zone change is limited to the north 38.5 acres of the total 58.66 acres of the subject property. There is no current plan for urban growth to the north and west. This area is within the Long Range Urban Planning Area of the City's Limits of Annexation Map but outside the short term limits of annexation area for immediate annexation. The property to the north may be acquired by the airport for runway improvements and the property to the east is already owned by the airport for security purposes and general aviation businesses.
8. *Does the new zoning consider the character of the district and the suitability of the property for particular uses?*  
The proposed Public zoning is within the character of the adjacent airport property and the proposed 20 acres of CI zoning is in character with the adjacent Public zoning. The allowed uses within the CI zone range from small warehouses and mini storage to manufacturing. It is likely the development on the property without public services for the proposed 20 acres of CI zoning will become repair shops, contractor storage, and service businesses for Billings Flying Service, small offices and personal storage warehouses. This would be similar to recent developments on the east side of Sugar Avenue or on Cerise Road in Lockwood. The proposed zoning may be suitable for the proposed uses and compatible with the adjacent airport development.
9. *Will the new zoning conserve the value of buildings?*  
The new zoning is not expected to alter the value of the existing agricultural buildings in the area. It is not known if its proximity to residential property in the area may 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. The property is directly west of the Billings Airport and east of dryland grazing property. The south 20 acres of the property will remain A-1 zoning.

11. Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?  
The 2 proposed zoning districts – Public and CI are zoning districts that are also present in the City of Billings. The Public zoning is adjacent to Public zoning in the City and the proposed CI is not adjacent to the city limits. CI zoning could allow more intense uses than currently allowed in adjacent A-1 zoning districts but should be compatible with existing and future uses on these lands.