

PROPOSED ZONING COMMISSION DETERMINATIONS – Zone Change 672

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:

- Goal: 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 lots smaller than 10 acres in an area of the county where lots vary from 1 acre to 10 acres. The existing zoning of A-1 only allows 10 acre parcels for a single home. The proposed A-S zoning is the same zoning as some of the tracts to the north and east. This zoning will allow the new owner to divide the Lot 1 time to create two 4.69 acre lots and keep the agriculture use as the primary use of the property.

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

This property is directly south of properties zoned R-150 and developed as county residential development. Development of this property for large-lot single family uses under the new zoning will be compatible with the character of 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 on 54th Street West, Station number 7, about 1.68 driving miles to the south and east. If the property is divided and residences constructed, the BUFSA will assess fees according to the type of structure. 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 could minimally increase traffic on Colton Blvd after a division of the lot and homes are constructed. Current traffic consists of residents and caretakers of agricultural land and horses.

Water and Sewerage: The subject property is not served by any domestic water well or septic system, and no public services for water or sewer are provided in this county subdivision. Should future development take place, the Montana Department of

Environmental Quality (MDEQ) would require permits for wells and septic systems at the time development is proposed.

Schools and Parks: The proposed zoning may impact the student population should the property be developed with additional homes. Arrowhead Elementary, Will James Middle School, and West High School have the capacity to accommodate the possibility of additional students from 2 residential homes.

Fire and Police: The subject property is serviced by BUFSA and the Yellowstone County Sheriff's Department. Fire protection will be accommodated with any requirements that may result from any future development.

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, east and northeast. New residential development similar in nature to existing development tends to increase property value for surrounding owners.
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. More dense residential development is generally located south and east of the property. Should the property develop in the future, Colton Blvd provides the primary route to schools and other services in the area. Colton Blvd is maintained as a County gravel road.
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 the proposed zoning is an agricultural zoning and the subject property is adjacent to agricultural and residential zoning.
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 A-S uses and any future site development will be in character with adjacent uses.
9. *Will the new zoning conserve the value of buildings?*
The new zoning will allow the subdivision of the lot into two 4.69 acre lots. Although the A-S zoning allows lots as small as 1 acre, the CCR's for Sunny Cove Fruit Farms only

allows the division of each original lot 1 time. The proposed A-S zone will conserve the value of the existing agricultural buildings on the property.

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 A-S zoning district. It is next to existing agricultural and residential uses 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 near the City of Billings and is surrounded by other agricultural and residentially zoned property. The request to rezone from A-1 to A-S will be compatible with its surrounding zoning and uses. This zoning would allow for smaller lots than what is currently allowed by zoning. The A-S zoning is as compatible as possible with the nearby zoning in the city limits.