

Zone Change 673 – Cherry Creek Estates

The County Zoning Commission, prior to making a recommendation to the County Commissioners, 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 is mostly consistent with the following goals of the Yellowstone County and City of Billings 2008 Growth Policy:

- 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).

The proposed use of this property for manufactured home development is consistent with the adjacent existing development to the east and less consistent with the adjacent existing development to the west. The proposal is for manufactured home development similar to, but possibly even higher density, than what exists in the Cherry Creek/Danube Court manufactured home development to the east. The proposed zoning and use is less consistent with the character of the large lot single family development to the west. While both proposed and existing zoning adjacent to this property allows single-family units, the RMH density of 6,000 square feet per unit is 3,600 square feet less than the R-96 density of 9,600 square feet per unit.

- Goal: Affordable housing for all income levels dispersed throughout the City and County. (Land Use Element, page 6).

RMH zoning can provide an opportunity for development of one kind of affordable housing for residents of Yellowstone County. However, the Growth Policy under this Goal lists an objective of improving the quality of life of low income people and the existing manufactured home development adjacent to the subject property does not meet this objective. While development in RMH zoning may meet the affordable housing goal, it is how it is executed that really addresses this goal and its objectives.

The proposed zoning does not comply with the following goals of the Yellowstone County and City of Billings 2008 Growth Policy and area plans:

- 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 RMH zoning on the east and R-96 zoning on the west. The objectives under this goal in the Growth Policy include maintaining a high quality of life for new and existing residents and reducing conflicts between neighbors. The management of the existing Cherry Creek/Danube Court manufactured home park adjacent to this property to the east does not achieve either of these objectives. Research by staff of Code Enforcement complaints in the Cherry Creek/Danube Court manufactured home park, reveals that there have been 107 complaints filed from 2007 to the present, 55 of them for junk vehicles and 12 of them for open storage. Others include lack of fencing or protection for swimming pools, nuisance weeds,

sleeping/living in an RV for more than 5 days, failure to apply for a building permit, and other violations. During the same 9 year period, the two other comparable manufactured home parks in Billings, Golden Meadows and Casa Village, had one Code Enforcement complaint between the two of them.

- Goal: Visually appealing communities. (Aesthetics Element, page 8).

The property directly adjacent to the subject property that is zoned RMH does not provide a high quality of life for its residents and does not instill pride in the community, both objectives outlined in the Growth Policy under this goal. Research by staff of Code Enforcement complaints in the Cherry Creek/Danube Court manufactured home park, reveals that there have been 107 complaints filed from 2007 to the present, 55 of them for junk vehicles and 12 of them for open storage.

- Goal: Healthy, safe neighborhoods and communities with sense of pride. (Community Health Element, page 15).

Research by staff of Code Enforcement complaints in the Cherry Creek/Danube Court manufactured home park, reveals that there have been 107 complaints filed from 2007 to the present, 55 of them for junk vehicles and 12 of them for open storage. Others include lack of fencing or protection for swimming pools, nuisance weeds, sleeping/living in an RV for more than 5 days, failure to apply for a building permit, and other violations. Examining City Police Department calls for service over this same period, reveals 2,552 calls for service at the Cherry Creek/Danube Court manufactured home park. This compares to 765 calls at Casa Village and 1,396 calls at Golden Meadows during the same period.

- Goal: Active, safe neighborhoods with a high quality of life. (Community Health Element, page 16).

Research by staff of Code Enforcement complaints in the Cherry Creek/Danube Court manufactured home park, reveals that there have been 107 complaints filed from 2007 to the present, 55 of them for junk vehicles and 12 of them for open storage. Others include lack of fencing or protection for swimming pools, nuisance weeds, sleeping/living in an RV for more than 5 days, failure to apply for a building permit, and other violations. Examining City Police Department calls for service over this same period, reveals 2,552 calls for service at the Cherry Creek/Danube Court manufactured home park, with 765 calls at Casa Village and 1,396 calls at Golden Meadows during the same period. These statistics of regarding the RMH zoned property directly adjacent to the east of the subject property do not support the goal of a safe neighborhood with a high quality of life.

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 will be served by the Billings Fire Department if it is annexed to the City and developed under RMH zoning. The nearest fire station is located on 1601 St. Andrews about 2.4 road miles to the northwest. The Fire Department or BUFSA may require special construction or site protection measures depending on the specific uses in any development. If this property were to develop as proposed, it would have to be annexed to the City and be

reviewed as a subdivision for rent or lease. The Fire Department would ensure the property was developed to meet fire codes and subdivision requirements for fire protection during these processes. 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: Development under the proposed zoning will generate more traffic on the adjacent streets. Development of the property under the current zoning also would generate traffic. The maximum number of units under the current R-96 zoning is 76 (not accounting for access and site requirements). The maximum number of units under the proposed RMH zoning is 123 (not accounting for access and site requirements). Based on national trip generation rates, a manufactured home unit is estimated to generate less daily traffic than a single-family home. However, visual observation of the number of vehicles in the existing Cherry Creek/Danube Court Manufactured Home Park shows a significant number of vehicles. The City Traffic Engineer will require a traffic impact study to determine the appropriate mitigation or street development to accommodate the increased units. Bitterroot Drive is classified as a Principal Arterial Street and is expected to be able to handle heavy traffic volumes, although improvements may be needed over time. The subject property is served by two ingress and egress points using Cherry Creek Loop North and South. These roads currently serve the approximately 360 units in the Cherry Creek/Danube Court Manufactured Home Park adjacent to the east.

Water and Sewerage: The property is expected to be annexed for development in the City and would be served by public water and sewer systems at that time. Given its proximity to the City Limits and City services, it is unlikely existing regulations would allow development of the property under either zoning to occur in the County.

Schools and Parks: Under the RMH zoning, more than 100 units could be built based on the zoning requirements. It is likely to be less if access and site development requirements are considered. The proposed zoning will impact the student population of the schools in the area, and park and open space requirements would be addressed at the time of development. While no comments were received from the Billings School District, the District is completing construction of a new Middle School in the Billings Heights and is in the process of moving 6th grade students from elementary schools to middle schools to better address school capacities.

Fire and Police: The subject property is currently vacant and serviced by BUFSA and the Yellowstone County Sheriff's Department. Fire protection will be evaluated at the time of any subdivision and development in the City or County, or at time of annexation to the City. If the property is annexed to the City, public safety services will be provided by the City Police Department and Fire Department and evaluated at that time. The Police Department currently provides service to the existing Cherry Creek/Danube Court Manufactured Home Park. There were 2,552 City Police Department calls for service from 2007 to 2015 at the Cherry Creek/Danube Court manufactured home park. For

comparison, there were 765 calls at the Casa Village manufactured home park and 1,396 calls at the Golden Meadows manufactured home park during the same period. The potential for significant demand on public safety services from the subject property if it is rezoned RMH and developed is very high given the current activity on the adjacent RMH property.

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

Given that the same zoning is developed adjacent to the subject property to the east and the same developer has applied for this zone change, it does not appear that the proposed zoning in this area of the County will promote the health and general welfare of the community and neighborhood. The volume of Code Enforcement complaints and Police calls for service identified in the criteria above in the same zoning to the east indicate that in this particular area of the County the new zoning will not promote the health and general welfare.

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. In addition, development regulations for manufactured home parks also address parking and unit separations for access and public safety.

6. *Will the new zoning effect motorized and non-motorized transportation?*

Development under the proposed zoning will generate more traffic on the adjacent streets. Development of the property under the current zoning also would generate traffic. Based on national trip generation rates, a manufactured home unit is estimated to generate less daily traffic than a single-family home. However, visual observation of the number of vehicles in the existing Cherry Creek/Danube Court Manufactured Home Park shows a significant number of vehicles and a detailed analysis of the traffic generation and circulation would be required at time of development, and any traffic impacts mitigated during the development review process.

Pedestrian traffic in the area has a mix of sidewalk and non-sidewalk areas to navigate. There is a sidewalk built along Cherry Creek Loop North and South on the north sides as you enter the existing development east of the subject property. Within the existing Cherry Creek/Danube Court Manufactured Home Park, there is a concrete ribbon along the lot frontages to act as a pedestrian walkway area. No sidewalk is currently constructed on the east side of Bitterroot Drive west of the subject property. At the time of development of the property, internal pedestrian facilities and connections of facilities to existing sidewalks and walkways will be reviewed.

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

The proposed zoning does not appear to be compatible with the adjacent zoning and existing urban growth in the vicinity. Part of achieving cohesive urban residential development is to provide for transitional areas between different zoning districts as well as strive to encourage a balance of densities, limit neighborhood conflict, and promote

public health and safety for all residents. Given the current RMH zoning in the area and the other residential zonings nearby, the impact to public health and safety the RMH zoning has had, as well its demand on local law enforcement and community services, additional RMH zoning in this area of the County is not compatible with the 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 property in the City and County. It is also a mix of residential use types ranging from large lot single-family homes in the County, to medium density homes in the City, to higher density manufactured homes in the City. Given that there are already about 360 manufactured home units developed in this area of the City and County, and the surrounding zoning of R-96 and R-70 is for single family and two-family development, rezoning additional property in this area to RMH zoning may not be the best match for the character of the area or be a suitable zoning for the subject property in this location. The RMH zoning allows manufactured homes of all classes as well as modular homes. RMH zoning does not allow duplex or multi-family dwellings. The R-96 zoning allows only single family, site-built or modular homes. The R-70 zoning allows single family or duplex homes that are either site built or modular. A zoning of R-70 on the subject property might be more suitable in density and lot size per unit to transition from the RMH zoning on the east to the R-96 zoning to the west, as well as fit with the existing R-70 zoning in the area.

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

Given that the same zoning is developed adjacent to the subject property to the east and the same developer has applied for this zone change, it does not appear that the proposed zoning will conserve the value of buildings in this area of the County. The volume of Code Enforcement complaints and Police calls for service in the same zoning to the east indicate that in this particular area of the County the new zoning may have a negative effect on the value of buildings and property under the proposed development pattern.

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

Given that the same zoning is developed adjacent to the subject property to the east and impacts to public health and safety are significant in that development, it does not appear that the proposed zoning encourages the most appropriate uses of land in this area of the County. This property is expected to develop in the City since it is adjacent to the City Limits and the proposed uses of the land under the existing or proposed zoning would use City services. The demand on public health and safety services currently on the property already zoned RMH to the east far exceeds the same demands on services for other similar RMH developments in other parts of the community. Changing the subject property to a zoning that would add to the already high public health and safety resource demands occurring on property already zoned this way in this area of the County is not appropriate.

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 present in the City of Billings and exists adjacent to the subject property to the east. Property to the north and west of the subject property in the City is zoned for single family and two-family residential development and much of it is already built out. While the proposed zoning would match the existing zoning to the east, there is less compatibility of the new zoning with property in the City to the north and west. The density of the proposed zoning is higher than the R-70 and R-96 zoning in the area and the allowed uses for residential development between the proposed zoning differs. The RMH zoning allows manufactured homes of all classes as well as modular homes. RMH zoning does not allow duplex or multi-family dwellings. The R-96 zoning allows only single family, site-built or modular homes. The R-70 zoning allows single family or duplex homes that are either site built or modular.