

PROPOSED COUNTY ZONING COMMISSION DETERMINATIONS

Prior to making a decision the Board of County Commissioners shall consider the following:

1. *Is the new zoning designed in accordance with the Yellowstone County 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 currently limited for this property due to its location. It is likely businesses that require large storage sites and use little water will develop on this site if the property is not placed within the City Annexation Petition Area from the Long Range Urban Planning Area, where it is located now. The proposed zoning is consistent with the character of the area and the preferred land use patterns along high speed highway corridors. 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 CI and Public zoning on the northern 40 acres of the site. A Heliport is under construction on the north 10 acres. No development has occurred on the remaining acres. The 2008 Growth Policy did not specifically identify this area for future commercial development or expansion, but the adjacent highway and uses support this type of zoning and development.

- 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, CI,, HC, Public and across Highway 3 from City residential zoning of R-96 and R-70. There are a wide variety of aviation and highway related commercial developments along Highway 3, including an MDT Maintenance facility, service buildings for Billings Logan Airport, water reservoirs and wireless communication towers.

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 Billings 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 may have a measurable effect on traffic generation in the future if the property develops. A new or improved state-approved access will be needed to provide safe access to any future development. 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 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 HC zoning are different than current traffic patterns in the area. MDT may require some traffic analysis and improvements 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 currently not within the City Annexation Petition Area and would need to be placed in that area from the Long Range Urban Planning Area, where it is located now.

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 ensure future development is not intrusive to property across Highway 3 while still allowing compatible uses adjacent to the CI zoning to the north.

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. Pedestrian traffic in the area is limited due to the lack of sidewalks and trails on a high-speed state highway. The Highway 3 Corridor Study identified the need for a multi-use trail on the north side of Highway 3 at this location and pedestrian 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 is compatible with the adjacent zoning and existing urban growth in the vicinity. 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 highway commercial uses. Property south of Highway 3 is zoned for medium density residential uses within the city limits. 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 City Annexation Petition Area for immediate annexation.
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 adjacent to a high-speed highway entry corridor to the City and County. The property is on the border of the Billings Logan Airport property and there are several aviation and highway oriented land uses to the east. The current and proposed zoning is compatible with the character of the highway and aviation uses to the east. There are no developments plans for this 7.61 acre parcel but future uses will be limited due to the lack of public utility services.
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. The value of the residential homes on the south side of Highway 3 are based on their location with the valley view as opposed to frontage along a highway corridor. Any development of the property will need to meet the site development requirements in the zoning code, including landscaping, screening, building heights and setbacks.
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 given it is adjacent to the Billings Airport and allows the same uses as are permitted on the Airport property. It is also in an area where aircraft are arriving and departing regularly.

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 currently limited due to the lack of access to public facilities including water and sewer services.