

PROPOSED ZONING COMMISSION DETERMINATIONS – Zone Change 685

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 2008 Growth Policy?*

The proposed zoning does comply in part with the following goals of the Yellowstone County 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 an overall zoning plan that is consistent and should remain consistent with the adjacent neighborhood character. The existing A-1 and A-S zoning districts are intended to preserve agricultural land uses and allow low density residential land uses. The areas directly north and south are low-density residential subdivisions in A-S zoning districts. The subject property has been an active agricultural land use since at 1984 when A-1 Landscaping and Nursery was established. The current owner purchased the business and property in late 2015 with the intent to continue and expand the landscaping and nursery business to include design services. These are allowed uses in the A-1 zone. The proposed zoning will allow additional uses on the property that take advantage of the existing development and its connection to agricultural uses.

In 2001, and then again in 2006, the City and County engaged in area planning for Billings West End. Both plans, the West Billings Neighborhood Plan and the Northwest Shiloh Area Plan, emphasize the need to contain intense commercial development around existing and proposed arterial street intersections or "nodes". The 2001 West Billings Plan preferred a maximum distance of 1,500 feet from an arterial intersection for commercial uses. The proposed zone change is within 800 feet of the arterial street intersection. Additional services from this zone change include special event rentals for weddings, family celebrations and similar, as well as the addition of 1 microbrewery in the existing building. An outdoor patio will be constructed on the north east corner of the existing greenhouse/office building. The proposed PD is explicit in the types of uses that will be prohibited, making this zoning predictable. .

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

This property is directly west of about 268 acres of A-1 zoning. This large acreage is owned in part by the Knife River Corporation and until recently had an active gravel mining operation. The property is undergoing reclamation. To the north is a neighborhood of single family dwellings (A-S) with lots ranging from 1 to 3 acres. To the south is also a neighborhood of single family dwellings (A-S)

with lots ranging from 1.5 to 4.5 acres. To the west is about 71 acres of A-1 zoning and agricultural uses. The proposed 8.78 acres for the Planned Development zone encompasses the eastern 575 feet of the 20-acre parcel. The proposed land use restrictions, operational requirements and development will be sensitive to and compatible with the character of the adjacent developments.

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 service charges are based on the square footage on buildings on the property plus a base fee. The nearest fire station is located at 24th St West, Station #5, about 4.4 driving miles to the east. The existing and proposed zoning requires building separations, setbacks, and height limits that should provide security from fire or other public safety emergencies. All commercial buildings outside the city limits require review and approval by the State of Montana Building Code Bureau as well as compliance with State-adopted fire codes.

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

Transportation: The new zoning may increase traffic on the adjacent county road. It is not known at this point the level of increase. The existing business has delivery trucks loading and unloading every day during the growing season. Landscaping installation crews leave and return to the site on a daily basis. Design service customers as well as retail plant purchasers are a daily traffic feature already at this location. The proposed zoning will not modify the existing traffic unless new development occurs. There is a provision in the PD agreement to trigger a traffic review if the arterial street level of service at the intersection drops below a "C". This is a measure of good traffic flow at the intersection. A rating of less than "C" is below average.

Water and Sewerage: The subject property is served by domestic & irrigation water wells and septic systems. Riverstone Health and the Montana DEQ will determine what new water or wastewater facilities may be required for new developments such as a microbrewery or event center.

Schools and Parks: The proposed zoning should have no impact on area schools. The proposed zoning does not eliminate residential uses but it is not a likely use of the property in the near future.

Fire and Police: The subject property is serviced by BUFSA and the Yellowstone County Sheriff's Department. This property can be served by these agencies now and in the future.

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

The new zoning will allow development of property that is adjacent to existing low-density residential uses, and agricultural uses. New development tends to increase

property value for adjacent property. For example, the new 2-story building with attached greenhouses added in 2016, increase the annual taxes on this property by 50%. Adjacent properties to the south and north also experienced value increases from 2016 to 2017, although the properties closest to Canyon Creek Nursery had higher increases than properties further away. The intended expansion of related agricultural uses and a limited number and type of commercial uses may 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.
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 County roads. Development of the property for micro-brewery and event rental space should allow the surrounding road network to absorb the additional vehicle traffic. The proposed PD requirements include a “trigger” that will require additional traffic analysis.
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 compatible with the urban zoning to the north and east and it should be compatible with urban development.
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 primarily rural and agricultural land uses. It is expected that agricultural uses will continue on the west 11.22 acres of the subject property. The property is suitable for the particular uses allowed within the proposed PD zoning district. Uses normally allowed in a NC zone are specifically not allowed in this PD. For example, no multi-family dwellings, automobile services of any kind, or convenience store would be allowed.
9. *Will the new zoning conserve the value of buildings?*
The existing buildings on the property will be preserved in value. The existing buildings meet the required setbacks, heights and other limitations in the proposed zoning.
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 proposed PD-NC zone. The property is near an arterial street intersection and has direct access to a busy arterial street, S 48th St West.
11. *Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?*
The property is not adjacent to any City zoning districts.