

PROPOSED ZONING COMMISSION DETERMINATIONS
County Zone Change #684

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 with the following goals of the Yellowstone County 2008 Growth Policy and area plans:

- Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans.
This zone change would allow for additional area for commercial uses at the intersection of two principal arterial streets. This is consistent with the West Billings Neighborhood Plan and the neighborhood character.
- Goal: New developments that sensitive to and compatible with the character of adjacent development.
This property is adjacent (across 48th Street West) to commercial uses. The intended uses are compatible with some of the surrounding uses.

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 at 54th Street West and Grand Avenue (Station #7) about 3.7 miles north and west of the subject property. In addition to the 30,000-gallon dry hydrant required during subdivision review, depending on the specific uses, the Fire Marshal may require additional on-site water supply for fire protection.

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

Transportation: Development under the new zoning will increase traffic on 48th Street West and Hesper Road. The level of traffic increase will be dependent on the development of the proposed CC zoned parcel.

Water and Sewerage: The property will be served by septic systems and on-site water (cisterns or wells) City of Billings' public utilities are not available and are not intended to be extended to this area for more than 5 years.

Schools and Parks: The proposed zoning would impact two schools as it develops, Elder Grove Elementary and Middle school and West High School.

Fire and Police: The subject property is serviced by the Billings Fire Department and the Yellowstone County Sheriff's Department. Fire protection will be evaluated at the time of a development plan.

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

The new zoning will allow development of property that is adjacent to an existing commercial use and at the intersection of two arterial streets in the County. There is planned to be commercial and residential development on the property, which is not expected to have a negative impact on the surrounding uses. The zoning is not expected to have a negative effect on the health and general welfare of the area.

5. Will the new zoning provide adequate light and air?
The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. Maximum height in the CC zoning district is 45 feet. 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 high speed arterials, no pedestrian facilities, and large-lot residential development. The 2017 Bikeway and Trail Master Plan Update indicates 48th Street West and Hesper Road should provide separated shared use paths and/or on-street bike lanes when they are reconstructed or modified in the future.
7. Will the new zoning be compatible with urban growth in the vicinity?
The proposed zoning is compatible with nearby urban zoning and development. However, lack of water and sewer infrastructure is likely to limit the types of development that may be supported on the property in the CC zoning district. The proposed zoning and development is consistent with the area.
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 agricultural with a few small residential subdivisions and a mini-storage on the adjacent property. The property is suitable for CC uses at the intersection of two arterial streets. It is likely the character of the area will change to commercial uses at this node, which follow the goals and policies of the Growth Policy for Yellowstone County.
9. Will the new zoning conserve the value of buildings?
The new zoning will allow the development of new commercial and residential uses adjacent to agricultural, residential and commercial uses. The new residential and commercial uses should have a limited effect on the surrounding properties.
9. Will the new zoning encourage the most appropriate use of land in Yellowstone County?
The property is suitable for some of the uses allowed in the CC zoning district. Without access to public utilities, many of the higher intensity uses could not be developed including multi-family apartments and restaurants. The CC zoning at the corner of the two arterials is an appropriate use for the land. Certain uses that generate high traffic such as restaurants and retail uses are not possible at this location without annexation and the provision of public water and sewer. The property is suitable for the proposed residential development. This area has been zoned agricultural and residential since 1973. This is an appropriate use of land in this area of the County and will encourage similar development to what is already in this part of the County.
11. Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?
The proposed zoning is close to the City of Billings and is compatible with the typical urban development at arterial intersection.