

B.O.C.C Monday Discussion

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Meeting Date: 04/24/2017

Title: Unified Zoning Regulation Revisions

Submitted For: Wyeth Friday

Submitted By: Wyeth Friday

TOPIC:

The current zoning regulations adopted for Yellowstone County date from May of 1972 – 45 years ago. Over the past several decades, the code has been amended, added to, and merged with the City’s zoning regulations. The document now spans more than 450 pages. Over the decades, the policies and goals of the County and City have changed considerably but the essential tools the County uses to implement new goals and policies have remained essentially un-changed. It is time to address revising the zoning code to reflect where Yellowstone County and Billings is now and where it is going. Staff believes this entire code update process will take between 1.5 years and 2.5 years to be completed.

BACKGROUND:

There are many challenges that residents, developers, boards and commissions, and staff encounter applying the current zoning code in 2017. These range from lack of consistency with signage regulations across County and City areas that may both be commercially developed; inconsistent landscaping requirements across commercial districts that leads to uneven landscaping in commercial areas, along major transportation corridors, and claims of unequal treatment of development in these various areas; numerous residential districts that are very similar in unit and lot size allowances that could be consolidated and also able to address areas like Lockwood that have water and sewer services available.

The 2016 Lockwood Growth Policy has goals, and guidelines on how the Lockwood area of the County wants and needs to grow over the next 20 years. Further, the County will be updating its 2008 Growth Policy for the remaining areas of the County starting this year and the City of Billings 2016 Growth Policy has goals and guidelines on how the City wants and needs to grow in the next few decades. The main tools communities use to implement growth and development goals and objectives are zoning, subdivision rules, and other land use development regulations. A revised zoning code would be a significant step for the County and City in these efforts.

RECOMMENDED ACTION:

FIRST STEPS

Code Separation: After preliminary review and discussion, staff recommends the first step in this multi-year project is for the City and County to seriously consider separating the City zoning code from the County zoning code. Twenty years ago (1997), the City and County merged the codes to ease implementation. Even 20 years ago, this was a year-long effort to ensure the code was properly drafted and revisions were acceptable to

both governing bodies. Changes to the code over the last 20 years have fractured this “unified” code so now it is difficult to determine what code does or does not apply inside or outside the City limits. The County and City also have some areas where they have diverged in their approach to land use regulations and it may be time to separate portions of these codes again. This is not intended to create a disparity in the quality of new development but to recognize the real differences in development challenges between the City and County. It is also not to say that there may be areas of code overlap that the City and County may establish as the revised codes are developed. The City Council has already expressed an interest in working more closely with the County in this effort, and others, going forward to ensure the overall urban area of Yellowstone County enjoys coordinated development and land use planning in the future.

Establishing Process Oversight: The Yellowstone County Board of Planning is a willing and logical partner for the City and County in assisting in the oversight of the zoning code rewrite process. The Board has already expressed an interest in facilitating appointment of a steering committee to help guide the community through the code revisions. Staff also expects that it will be necessary to engage the services of a consultant to help in these revisions. The consultant would also provide support for community outreach and education during the revision process, work through the steering committee, and keep the Commissioners and Council advised as progress is made. It is expected that several specialized sub-committees may be needed as well to address specific code areas like landscaping, signage, or design elements.

Funding Approach: A dashboard review of recent RFPs for zoning code updates for communities of varying sizes across the country shows a wide range of costs depending on the complexity of requested code revisions. For example, Albuquerque, NM (population 500K) engaged a consultant to revise its land use development code for \$900K, while the city of Sebastopol, CA (population 7K) engaged a consultant for \$108K for the same sort of revisions.

Staff recommends starting with an RFQ process based on a scope of the code revisions developed through the steering committee. It is anticipated that the entire code revision process might be accomplished in several stages, with consultant support at key points, resulting in a reasonable total cost to the community. The Planning Division has identified an initial \$35K of its own reserves for this project but anticipates a total of \$60K per year for Fiscal Year 2018 and Fiscal Year 2019 (\$120K total) may be needed to cover potential consultant costs. The City Council will be considering making a contribution to this funding effort during its FY18 Budget process in May/June.

COMMISSION DIRECTION

Staff is seeking Commissioner direction at this time on the following items:

- Proceed with concept of separating the City and County zoning codes
 - Support Yellowstone County Board of Planning formation of a Steering Committee
 - Consider contributing some County funds beyond the Planning Mill Levy toward the code revision process in FY18 and FY19
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