

PROPOSED ZONING COMMISSION DETERMINATIONS – Zone Change 690

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 somewhat consistent and should remain consistent with growing West Billings neighborhoods. The existing A-1 zoning district is intended to preserve agricultural land uses and allow low density residential land uses. The areas surrounding this property are still in agricultural zones and use. But county low density subdivisions exist to the south and east. To the north and west are developing urban residential subdivisions. Neighborhood service businesses are lacking west of Shiloh Road. The subject property has been in active agricultural land use since irrigation water was provided in the early 1900s. The established pattern in this area is for new urban growth in areas designated for annexation.

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 slightly beyond this preferred maximum distance but the proposed zoning of NC does not allow "intense" commercial uses such as retail uses over 10,000 square feet. Additional neighborhood services from this zone change could include restaurants, specialty shops, medical & dental offices, day care, schools and assisted living. The proposed R-70 zoning for the southern 11.5 acres is a compatible zone for 1 and 2-family dwellings.

- Goal: New developments that sensitive to and compatible with the character of adjacent development. (Land Use Element Goal, page 6).
This property is surrounding by adjoining agricultural land owned in common by the applicant. This area of West Billings has seen a lot of urban conversion of agricultural land to neighborhoods, schools and places of worship over the past 15 years. In 2001, the Ironwood Subdivision off Molt Road was the opening of new Billings West End development beyond Shiloh Road. In the intervening years, the number and size of new city neighborhoods west of Shiloh Road has grown steadily. These new urban neighborhoods include Falcon Ridge, Copper Ridge

(now out beyond 70th St West), Augusta Ranch, Foxtail, Trails West, Daybreak, Cottonwood Grove, Mont Vista, Vintage Estates, Grand Peaks, Legends West, Silver Creek, River Rock Estates, and Twin Pines. The proposed zoning may have some conflict with the continuing agriculture uses of the adjacent property but should be compatible in the long term as West Billings continues to grow as an urban area of the city.

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 property currently only pays the base fee since there are no structures. The intent is to annex and develop the property within the city. The nearest fire station is located on 54th St West, Fire Station #7 about ½-mile north and west of the subject property. 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: Any new development will increase traffic on the adjacent city and county roads. It is not known at this point the level of increase. The West End Multi-Modal Transportation Study completed in 2016 indicated there 2 intersections and 2 corridors near the subject property in need of improvements in the next 5 to 10 years. The intersections – 48th St West and 56th St West – on Grand Avenue will need traffic signals or round-a-bouts. The 2 corridors – from Shiloh Road to 52nd St West and from Wilderness Drive to 62nd St West – need reconstruction to a 3-lane road section to bring Grand Avenue to a reasonable arterial street section. Street improvements at this level require not only the participation of adjacent land owners and developers, but city financing from the arterial street construction fund and bonding. The further challenge along Grand Avenue is the checkerboard nature of governing responsibility between the city and county.

Water and Sewerage: The subject property is served by irrigation water. No on-site waste water system is required since there are no occupied buildings. Riverstone Health and the Montana DEQ will determine what new water or wastewater facilities may be required for new developments in the county. If the property is annexed, the city has water and waste water capacity and systems in place to serve this development.

Schools and Parks: The proposed zoning may have an impact on area schools when the urban residential neighborhood develops. Capacity of elementary schools and middle schools may be a short term concern as current class sizes are increasing.

Fire and Police: The subject property is serviced by BUFSA and the Yellowstone County Sheriff's Department. If the property is annexed and developed in the city, the police and fire department can serve this area.

4. *Will the new zoning promote health and general welfare?*
The new zoning will allow development of property that is adjacent to existing agricultural uses. New development tends to increase property value for adjacent property. The expansion of a new city neighborhood in this area will increase the likelihood of city service improvements in the area. New neighborhood commercial development will reduce the travel needed to get everyday necessities or services. Residents in the area now must travel many miles to buy groceries, go to work or get children to activities. This should promote 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. 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 city or county roads. Development of the property for a new neighborhood services center and for new dwellings will increase traffic on Grand Avenue and the adjacent street network. Any new development will “trigger” a traffic analysis before any new construction and will be based on the actual uses. For example, single family and 2-family dwellings typically generate between 10 and 13 vehicle trips per day per dwelling unit. This includes not just the resident’s travel, but deliveries and service provider trips for these dwellings. The “trigger” for any new development is 500 or more new trips per day. A 50-home subdivision requires a traffic study to assess its impact on the surrounding street network and helps determine the best location or locations for access to the neighborhood.
7. *Will the new zoning be compatible with urban growth in the vicinity?*
The proposed zoning is compatible with the adjacent urban zoning and developments. The proposed zoning is compatible with the urban zoning to the north and west, and 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 has a mixture of rural and agricultural land uses and new urban neighborhoods. It is expected that agricultural uses will continue on for the immediately adjacent parcels for some time but will eventually be converted to urban developments. The property is suitable for the particular uses allowed within the proposed NC and R-70 zoning districts.
9. *Will the new zoning conserve the value of buildings?*
There are no existing buildings on the property.
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 NC and R-70 zones. The

property has direct access to an arterial street between 2 major intersections. This is in an area the city has designated for petitioned annexations within the next 5 to 10 years.

11. *Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?*

The property is not directly adjacent to any City zoning districts. To the north and west are a variety of urban zoning districts including NC and R-70. These zoning districts are compatible.