

## **PROPOSED ZONING COMMISSION DETERMINATIONS – Zone Change 693**

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 is consistent with the following goals of the Yellowstone County 2008 Growth Policy and 2016 Lockwood Growth Policy:

- Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans.

The proposed regulations will provide more consistent site developments in the county by using a point-based system for determining appropriate buffer yards between uses, and by always requiring street frontage landscaping for new uses.

- New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County town-sites.

The proposed regulation will make new developments more compatible and will reduce conflicts between proposed and existing or intended new developments regardless of the zone district designations.

- Contiguous development focused in and around existing population centers separated by open space.

The working group, steering committee and County Commissioners have heard from many developers and stakeholders during the code drafting process. A primary concern is the number of new commercial developments that are happening just beyond the zoning jurisdiction, in part because of the inconsistent, unpredictable and burdensome site development regulations. This pushes development further from population centers and further from available county services.

- More housing and business choices within each neighborhood.

A similar concern with the current code is the lack of consistent buffering between businesses and neighborhoods. New businesses adjacent to neighborhoods should not only be services residents need, but should provide a good delineation between those uses. The proposed regulations will help achieve this goal.

- Attractive and accessible communities.

The current code does not always require street frontage landscaping. Street frontage landscaping adds to the community appeal, and creates "curb appeal" to any property. The proposed code will require street frontage landscaping on a consistent basis.

- Preserve neighborhood character and quality of life.

The current code has some provisions to help buffer incompatible uses; however, it is not finely tuned. For example, a new development occurs and there is adjacent vacant land zoned for commercial use. The adjacent landowner then develops the commercially zoned land for residences. The current code does not require either owner to place a buffer yard between the uses. The proposed buffer yard requirements in the point system will resolve this flaw.

- Visually appealing communities.

A visually appealing community is created by requiring street frontage landscaping for new developments and by creating regulations that are easy to read, understand, and require the most appropriate level of landscaping for each specific site development. Regulations that are not finely tuned do not make sense or are not consistent encourage developers to disregard these requirements or to develop outside of the county's zoning jurisdiction.

- An inviting and attractive urban interstate corridor through the County.

The existing landscape regulations require some areas to treat I-90 as a "street" but other zones do not consider I-90 a street for landscaping. As development occurs, it is important for businesses in the corridor to maintain a clear view if they are selling merchandise to the traveling public. Some businesses or neighborhoods may want more visual and sound buffering from the interstate. The proposed new code allows and encourages new developments to combine and design street frontage landscaping that makes sense for those sites.

- A sustainable supply of clean water.

The Lockwood Water and Sewer District as well as the Billings Heights Water Districts supply a significant number of residents in the zoned areas of the county with drinking water. Some county residents use irrigation water (ditch companies) or irrigation wells to water their landscaping during the growing season. Many businesses and residents do rely on a consistent supply of water from the drinking water supply to keep their landscaping alive. This puts a big strain on these water suppliers during the summer. In Billings, the average daily drinking water demand almost doubles during the growing season to keep up with outdoor water use. The proposed regulations apply a point system that rewards low water, drought tolerant or drought avoiding plant choices. The proposed system does allow points for turf grass, a water hogging plant, but at a lower rate than other plants choices. Reducing the use of drinking water to keep landscaping alive will allow the water supply to be more sustainable over time.

- Safe traffic speeds consistent with the surrounding uses.

Safe travel speeds not only a posted on each right of way, but ease of compliance is based on the driver's perception of what a safe travel speed is for each segment of a road. For example, a wide, straight road with no roadside distractions will encourage a faster travel speed in most drivers, regardless of the posted speed limit. Roads that are not straight, have more buildings or driveways, more lanes of traffic, signage, and on street parking can encourage slower speeds. An attractive street landscaping can have similar effect and encourage safer driving speeds especially on local roads where most speed limits are 25 mph. The proposed regulations will consistently require street frontage landscaping.

- Visually appealing rights-of-way that serve the needs of all modes of travel.

The proposed requirement for street frontage landscaping will make county roads and business areas more appealing and will make for a more pleasant walking experience. Trees in the street frontage landscaping will provide shade and dust will be reduced by other plantings.

- Vehicles, pedestrians and bicyclists safely and courteously sharing facilities.

The proposed code will require street frontage landscaping. This landscaping not only provides an attractive community appearance it serves as a visual line between the traveled road and the private property. This is the area where pedestrians and bicyclists travel and this visual cue to drivers will make sharing the road an easier task.

- Predictable and timely development review procedures.

The current fractured landscaping code requirements makes the review of new county developments challenging for staff and for professionals that assist developers with site planning. A more consistent set of regulations will make these reviews more predictable and timely.

- Healthy, safe neighborhoods and communities with sense of pride.

The proposed regulations will require better buffer yards between new businesses and existing or potential new neighborhoods. Requiring and recommending tree types that are native and are drought tolerant will add to the tree canopy in county neighborhoods. Communities with resilient and sustainable landscaping experience safer and healthier neighborhoods.

### **2016 Lockwood Growth Policy**

- Consider constructing private and public improvements to higher design standards in the more densely developed area

The proposed regulations will improve site designs in and around Lockwood by requiring the right types and amount of landscaping based on site-specific considerations. This will result in better designs overall and will maximize the livability of the Lockwood area.

#### *2. Is the new zoning designed to secure from fire and other danger?*

The proposed amendments to the landscape code should improve the ability for property owners to keep the installed landscaping in good order, prevent die back of over-planted areas. Over-planted areas can result in standing dead plant material (a fire hazard), collect trash and debris and can become unofficial camping areas.

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

*Transportation:* The proposed text amendment should have no measurable effect on transportation other what is noted under criteria one - a more attractive streetscape and pedestrian environment.

*Water and Sewerage:* The proposed text amendment will reduce future demand for public water to be used on outdoor landscaping.

*Schools and Parks:* The proposed amendment should have no effect on schools or parks.

*Fire and Police:* The proposed amendment should have no effect on the provision of fire or police services.

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

The proposed amendments will normalize the site development requirements for landscaping across all zone districts, require street frontage landscaping with trees for all but a few zone districts or development types, and require the right size and type of buffer yard between incompatible uses. The proposed revision will promote the health and general welfare for Yellowstone County.

5. Will the new zoning provide adequate light and air?

The proposed amendments will not have an effect on light and air.

6. Will the new zoning effect motorized and non-motorized transportation?

The proposed amendments should not have an effect on transportation other than what is in the first criteria.

7. Will the new zoning be compatible with urban growth in the vicinity?

The proposed text amendment is compatible with urban growth in the area. It is likely the City of Billings code amendments for site design and landscaping will be similar to the proposed county requirements.

8. Does the new zoning consider the character of the district and the suitability of the property for particular uses?

The proposed text amendment is not specific to a singular property. The amendments will apply throughout the zoned areas of Yellowstone County within 4.5 miles of the Billings' city limits.

9. Will the new zoning conserve the value of buildings?

The proposed text amendment will ensure the long-term value of buildings and developments in Yellowstone County. The amendments will ensure landscaping that is effective, durable and sustainable over time.

10. Will the new zoning encourage the most appropriate use of land in Yellowstone County?

The proposed landscaping regulations will ensure the most appropriate level of landscaping, screening and buffering based on site-specific considerations. Water conservation and drought tolerant plantings are encouraged.

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

The proposed amendments in Yellowstone County will serve a foundation for building the new landscaping requirements with the city limits. The two codes will be compatible and very similar although there may be areas within the city that require additional landscape treatment.