

DRAFT



COUNTY OF YELLOWSTONE ZONING COMMISSION

AGENDA-Monday, April 8, 2019 4:00 PM
Miller Building, 1st Floor Conference Room
2825 3rd Avenue North, Billings, Montana

NOTICE TO THE PUBLIC

Public Comment:

There will be a Public Comment Section as noted on the agenda. This is the time members of the public may comment on any item not appearing on the agenda. Under State law, matters presented under this section cannot be discussed or acted upon by the Zoning Commission during this time. For items appearing on the agenda, the public will be invited to make comments at the appropriate time. It is very important to speak clearly, and state your name and address for the record. Please limit your comments to three (3) minutes or less.

Call the meeting to order.

Introduction of the Yellowstone County Zoning Commission Members and Planning Department Staff.

Public Comment

Approval of Minutes: February 11, 2019. (The March 11, 2019 meeting was canceled).

Disclosure of any Conflict of Interest-Members of the Commission and Staff

Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff
a.The Exparté Communication Binder is available at the Sign-In and Agenda Station.

Regular Business:

- A. Opening of public hearings.
- B. Reading of rules for the procedure by which the public hearings will be conducted.

C. Reading of notices of the public hearings on the following items:

Public Hearings:

- a. **County Special Review #331** –SW Corner of Shiloh Rd. & Central Avenue. A special review request to allow an electrical substation on a property located in a Residential Multi-Family (RMF) Zone, on Certificate of Survey 862, Parcel 1 & Amended Parcel 4, a 2-acre parcel of land generally located on the SW Corner of Shiloh Rd. & Central Ave. Tax ID: D00506A. Presented by Karen Husman, Planner I.

- b. **County Zone Change #693** - This is a zone change to amend several sections of the Yellowstone County Zoning Regulations regarding provision for landscaping with new development or redevelopment of land within the 4.5-mile zoning jurisdiction. These amendments have been developed through the Project Re:Code planning process, have been vetted by the Landscaping Working Group, and the amendment was initiated by the Yellowstone County Board of Planning on February 26, 2019. These amendments are preceding the larger amendments to the overall zoning code, so new or pending County developments can proceed under new and more effective landscape regulations.

Other Business/Announcements

Adjournment

The **Board of County Commissioners** public hearing for **Special Review 331**, will be held **on Tuesday, April 23, 2019, at 9:30 a.m. at 316 N 26th Street – 3rd Floor, Commissioner’s Hearing Room**. The Board of County Commissioners will hear all persons wishing to speak relative to the proposed **special review**.

The **Board of County Commissioners** public hearing for **Zone Change 693**, will be held **on Tuesday, April 23, 2019, at 9:30 a.m. at 316 N 26th Street – 3rd Floor, Commissioner’s Hearing Room**. The Board of County Commissioners will hear all persons wishing to speak relative to the proposed **zone change**.

Information on the preceding item may be obtained at the Yellowstone County Planning Department, 2825 3rd Avenue North, 4th Floor or phone 657-8246. Anyone wishing to be heard on this matter may appear at this hearing. Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Tammy Deines, Planning Clerk, at 247-8610 or e-mail at deinest@ci.billings.mt.us

County Zoning Commission

Meeting Date: 04/08/2019

Information

Subject

Approval of Minutes: February 11, 2019. (The March 11, 2019 meeting was canceled).

Attachments

YZC_2019_02_11_DRAFT



**Yellowstone County Zoning Commission
Minutes for the Meeting of
Monday, February 12, 2019**

The County Zoning Commission met on Monday, February 12, 2019 in the Miller Building 1st Floor Conference Room, 2825 3rd Ave North, Billings, MT at 4:00 p.m. Following the public hearing, the County Zoning Commission will make a recommendation to the Yellowstone County Commissioners.

The Board of County Commissioners public hearing for **Zone Change #692**, will be held on Tuesday, February 26, 2019, at 9:30 a.m. at 316 N 26th Street – 3rd Floor, Commissioner’s Hearing Room. The Board of County Commissioners will hear all persons wishing to speak relative to the proposed zone change.

Vice Chairman Bush opened the meeting and introduced the County Zoning Commission members and staff in attendance: Nicole Cromwell, Zoning Coordinator; Karen Husman, Planner I; Tammy Deines, Planning Clerk

Commissioners and Staff		01/14/2019	02/11/2019	03/11/2019									
Jerry T. Ray	Commissioner	1	1	-									
Troy Boucher	Commissioner Chairman	1	E	-									
Ryan Wittman	Commissioner	1	1	-									
Tyler Bush	Commissioner Chairman	E	1	-									
Todd Hewett	Commissioner	1	1	-									

Attending: See attached attendance sheets.

Public Comment

Vice Chairman Bush asked if there was anyone wishing to speak during the public comment portion of the meeting. He stated any member of the public can be heard on any subject is not on the agenda; the Yellowstone County Zoning Commission will not take any action on these items at this time, but could choose to add an item to the next meeting agenda for discussion. There was none.

Disclosure of Ex Parte Communication: YC Zone Change #692: There was none.

The Commissioners reported no Ex Parte Communications. Staff received the following outside communications: 02/11/19 e-mail in opposition to County Zone Change #692 from Toni Keehner, mattandtoni3@icloud.com; and a 02/05/19 letter in opposition to County Zone Change #692 from Loretta Sump, 3401 Wasco Ave, Billings, Montana. 02/11/19 letter in opposition to County Zone Change #692 Stefani Siegle, Lockwood Resident/Property Owner.



Yellowstone County Zoning Commission Minutes for the Meeting of Monday, February 12, 2019

Motion. Approval of Minutes: January 14, 2019

Commissioner Wittman made a motion and it was seconded by Commissioner Hewitt to approve the January 14, 2019 meeting minutes as submitted. The motion carried with a unanimous voice vote.

Item #1: REQUEST

Zoning Coordinator Nicole Cromwell read the legal notice for County Zone Change #692 into the record.

County Zone Change #692 – 3404 Old Hardin Road - A zone change from Residential 9,600 (R-96) to Residential Manufactured Home (RMH) on the westerly 9.5 acres of the W ½ W ½ SE NW ¼ Section 20, Township 1 North, Range 27 East, generally located at 3404 Old Hardin Road. A pre-application neighborhood meeting was held on September 13, 2018, at the Lockwood School, 1932 US Highway 87 East. Tax ID: D06413

PROPOSED ZONING COMMISSION DETERMINATIONS – Zone Change #692

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 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 neighborhoods. The existing R-96 zoning district is intended to allow low-density residential land uses

This zone change would allow for development of a vacant parcel to the same site standards as surrounding parcels. The proposed use is not an allowed use in the R-96 zone but is allowed in the RMH zone. The parcel could be used for other residential purposes but would be compatible with similar surrounding land uses including the adjacent mobile home park to the east, and RMH Zoning to the North. The requested zone is consistent with the 2016 Lockwood Growth Policy.

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

This property is adjacent to agricultural land to the west, existing RMH zoning to the north and an existing manufactured home park to the east. The proposed use will be compatible with adjacent land uses.

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

The subject property is currently served by the Lockwood Fire Department with mutual aid from the Billings Fire Department. The property will have access from Old Hardin Road, a minor arterial street. There should be adequate ingress and egress to the property for emergency vehicles. The property is served by the Lockwood Water District that has fire hydrants throughout the Lockwood community. The existing and proposed zoning requires building separations, setbacks, and height limits that should provide security from fire or other public safety emergencies.



Yellowstone County Zoning Commission Minutes for the Meeting of Monday, February 12, 2019

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

Transportation: The property is located on a high traffic corridor that carries approximately 4700 vehicles a day.

Water and Sewerage: The property will be served by public water and sewer systems through permission of Lockwood Water and Sewer District. The proposed use does not intend to use either public utility at this time.

Schools and Parks: The proposed zoning should not have a larger impact on the student population. Once developed, families with school age children may live here.

Fire and Police: The subject property is serviced by the Lockwood Fire Department and the Yellowstone County Sheriff's Department.

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 to the west, and manufactured home park to the east.

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 streets. Pedestrian traffic in the area is limited due to the lack of sidewalks and trails. Residential development is generally located south of the property. The 2016 Bikeway and Trail Master Plan indicate Old Hardin Road as a potential long-range, on-street bike lane. The additional traffic generated if the property is developed may affect transportation on the adjacent streets. Lockwood recently passed a bond measure to begin construction of sidewalks and trails in selected areas to increase pedestrian safety. Old Hardin Road will likely be on the list of streets where pedestrian facilities will be constructed.

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 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 urban neighborhoods. It is expected that agricultural uses will continue on for the immediately adjacent parcel for some time but will eventually be converted to urban developments. The property is suitable for the particular uses allowed within the proposed RMH zoning district.

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

There are no existing buildings on the property.



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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 RMH zone. The property has direct access to an arterial street.

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 suburban zoning districts including A-1, RMH and R-96. These zoning districts are compatible.

Discussion

Vice Chairman Bush called for questions from the Board. Per Commissioner Ray's request, Ms. Husman pointed out the parcel location on the posted map and explained the surrounding zoning. She clarified the allowable number of units per the development criterion, being 43 single-family homes for R-9600 zoning and 68 single-family homes for the proposed RMH zoning. She said that should this zone change be approved, it would open the potential for an additional 25 single-family homes. Per Vice Chairman's request, Ms. Husman read aloud the proposed Zoning Commission determinations.

Applicant

Vice Chairman Bush called for the petitioners.

Josh Bauer, 3235 Rose Street, Houser Engineering, Bozeman, Montana

Mr. Bauer represents the applicant, Jack Sprague. Mr. Bauer stated he submitted the application at the request of the owner. He deferred a question on the possible use of the property to the property owner.

Jack Sprague, 110 Sunlight Circle, Billings, Montana

Mr. Sprague stated his reasoning for this request is to stay consistent with the surrounding neighborhood development and allow for placement of manufactured homes rather than modular homes. He said this type of more development would be more cost efficient for construction.

Discussion

Vice Chairman Bush called for questions from the Commission.

Public Hearing

At 4:15 p.m., Vice Chairman Bush opened the public hearing and asked for those in favor or in opposition of this application.

D. Tillery, 800 Emerald Hills Drive, Billings, Montana

Mr. Tillery stated this application is in conflict with the plans for the growth of Lockwood and the need for encouragement of developmental assets that grow in value.



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Kathleen Smith, 3445 Driftwood Lane, Billings, Montana

Ms. Smith stated she did not receive notification of this application, as the envelope that was mailed was empty. She stated she was unsuccessful contacting the Planning office by phone but did receive information upon an office visit. Ms. Smith submitted a petition to the Commission with several signatures in opposition to this request. She asked for clarification on the intent for a manufactured home park. Ms. Smith voiced concern with the unavailability of sewer services for the next five to ten years. She said traffic from this parcel would create a direct impact, as it will feed to Old Hardin Road and the Johnson Lane Interchange. She pointed out it is dangerous for pedestrians as there are no sidewalks. She said approval of this application would affect the student population in Lockwood Schools and the Yellowstone County Sheriff's Department. Ms. Smith feels this will lower the property values for the existing surrounding R-9600 homes. She stated the R-9600 zoning will bring invested homeowners. If approved, the development may limit potential homebuyers for this area.

Matt Olheiser, 1144 Palomino Place, Billings, Montana

Mr. Olheiser stated he also received an empty envelope in the mail and contacted the Code Enforcement Division who gave him the paperwork. He said everyone he has discussed this application with is in opposition. Mr. Olheiser said the only limitation to multiple units is the septic systems. Ms. Cromwell interjected and explained the zoning requirement is a minimum of 6,000 square feet per unit in RMR zoning. Mr. Olheiser said property values drop and crime rates go up with this type of housing. He commented he has seen the Sheriff's Department at the park next door.

Xzimar Anderson, 3304 Wasco, Billings, Montana

Mr. Anderson stated he is opposed to this application, especially if a septic system is planned for the development. He said the water table is high and it affects his sewer system. He pointed out the need for an ingress and egress from the subdivision to meet fire code. Mr. Anderson's largest concern is the sewer system as his system is saturated. He said extension of the sewer system is projected to a 5-year period.

Robert Murfett, 3416 Wasco, Billings, Montana

Mr. Murfett lives on the north side of this property. He has had difficulties with his drain fields and fears saturation, which will affect area foundations and wells. He stated he is 100% against this proposal until the sewer system is installed. Mr. Murfett commented the Emerald Hills Mobile Home Park to the east is struggling with drainage issues. He stated if this were approved, property values would go to zero. He said the alleyway has been evacuated and everything has to go through his front yard, and a buffer is needed between his property and the mobile home park. Mr. Murfett feels homeowners respect the property more if the mobile homes are permanent.



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Melissa Hallenbeck-Wilson, 3455 Old Hardin Road, Billings, Montana

Ms. Wilson stated she agrees the sewer system needs to be finished. She is in favor of the proposal as it will provide affordable housing and there is plenty of capacity for additional students in the Lockwood school district. She is a resident of the adjacent mobile home park. She explained that ninety percent of the residents in the mobile home park are elderly and the police patrol the area regularly to maintain safety.

Anthony Beesley, 1128 Kristin Drive, Billings, Montana

Mr. Beesley just purchased his home as did not want to reside next to trailer courts. He stated he is opposed in entirety to this proposal and will sell his property if this development happens.

Brenda Robison, 3315 Old Hardin Road, Billings, Montana

Ms. Robison is a former member of the Lockwood Sewer Board. She said it would be five to ten years for an extension to this area. Ms. Robison said she was notified on Facebook but did not receive a letter. She stated she is "Not impressed".

Emily Clark, 1325 Maxer Circle, Billings, Montana

Ms. Clark asked if there is still time to submit a letter of concern as she believes this will affect the school and teachers in a negative way. Vice Chairman Bush explained the Zoning Commission will forward a recommendation this evening. This application will be heard by the BOCC on February 26, 2019.

Robert Murfett, 3416 Wasco, Billings, Montana

Mr. Murfett is a contractor. He commented construction of this many houses will create impacts to the area. He voiced concern with maintaining safety as there are only four or five sheriffs assigned to the Lockwood area and the additional houses will create more crime. He said improvements are needed on Old Hardin Road, and more traffic will bring more transportation related headaches. He commented on potential effects on existing sewers and wells.

Rebuttal

Vice Chairman Bush called for rebuttal from the applicant.

Josh Bauer, 3235 Rose Street, Houser Engineering, Bozeman, Montana

Mr. Bauer stated this application is a request for is a zone change and the majority of these issues will be addressed through the development process. DEQ will deal with the water and sewer issues. Public sewer and water services will be required for the propped 53 homes. To his knowledge, only one tap will be needed for water and sewer from the main lines. Services will have to be extended before homes can be constructed. Mr. Bauer stated he understands the neighbors' concerns. If this application is approved, the road access points will be considered and will have to go through the permitting and subdivision review process. He reiterated that most of the concerns are out of the bounds of the purpose for this meeting.



**Yellowstone County Zoning Commission
Minutes for the Meeting of
Monday, February 12, 2019**

Vice Chairman Bush asked if there is anyone else wishing to speak in favor or against County Zone Change #692. There was none. Vice Chairman Bush closed the hearing at 4:44 p.m. and called for a motion.

Discussion.

Per Commissioner Ray’s request, staff pointed out the surrounding zoning for this parcel and clarified the request is for a zone change from R-9600 to RMH zoning. Commissioner Hewitt pointed out that no development of the parcel can take place until sewer services are extended, and construction would have to meet requirements. Staff reiterated this is a consideration of zoning only. DEQ, Fire, and the subdivision review process will consider development. Commissioner Ray stated he feels this application will bring the property to its highest and best use.

Motion

Commissioner Jerry Ray made a motion to forward a recommendation to the BOCC to approve YC Zone Change #692 and approval and adoption of the findings of the 11 review criteria.

The motion died for a lack of a second.

Motion

Commissioner Wittman made a motion and it was seconded by Commissioner Hewitt to forward a recommendation to the BOCC of denial of YC Zone Change #692 based on criterion:

- #3. Will the new zoning facilitate the provision of transportation, water, sewerage, schools, parks and other public requirements?
- 4. Will the new zoning promote health and general welfare?
- #6. Will the new zoning effect motorized and non-motorized transportation?
- #9. Will the new zoning conserve the value of buildings?

Name	Favor	Against	Abstain	Absent
Vice Chairman Bush	X			
Commissioner Boucher				X
Commissioner Ray		X		
Commissioner Bush	X			
Commissioner Hewett	X			

Discussion: There was no further discussion on the motion.

The motion carried 3-1 with Commissioner Ray in opposition.

***This application will be heard by the BOCC on Tuesday, February 26, 2019, at 9:30 a.m. at 316 N 26th Street – 3rd Floor, Commissioner’s Hearing Room.** The Board of County Commissioners will hear all persons wishing to speak relative to the proposed zone change.



**Yellowstone County Zoning Commission
Minutes for the Meeting of
Monday, February 12, 2019**

OTHER BUSINESS

a. Cancellation Notice: The Yellowstone County Zoning Commission meeting scheduled for Monday, March 11, 2019, 4:00 p.m. in the Miller Building 1st Floor Conference Room, 2825 3rd Avenue North is cancelled. The next meeting will be held on Monday, April 9, 2019 as legally announced and advertised.

Adjournment: The meeting adjourned 4:58 p.m.

Draft. To be approved by a motion April 9, 2019.
Tamara L Deines, Planning Clerk

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City-County Planning Division
Tuesday, February 11, 2019
Yellowstone County Zoning Commission

Printed Name	Address/email
Katrina Sprankel	1128 Kristin Dr 59101 ksprankel@live.com
Anthony L. Beesley	1128 Kristin Dr 59101 mcdog3289@gmail.com
Robert J. Murfitt	3416 Wasco Ave
Marcella Murfitt	3416 Wasco Ave Billings MT
Joshua Bauer	3235 Rose St Bozeman, MT 59718
Matt Olheiser	1144 Palomino Pl, Billings MT 59101
Lois Geertz	1129 Palomino Pl Blg 59101
Emily Clark	1325 Maxer Cir Billings 59101
Jack Sprague	110 Sunlight Cir Blg Mt. 59101
D. TULLERY	800 EMERALD HILLS DR. 59101 mrcustomsteel@yahoo.com
KATHIE SMITH	3445 DRIFTWOOD LN
LARRY SMITH	BILLINGS, MT
Melissa Hallenbeck-Wilson	3455 Old Hardin Rd Lot 27
John Wilson	hollendrio@gmail.com
Brenda Robison	3315 Old Hardin Rd. robison-brenda@yahoo.com
Mark Freitag	1020 KRISTIN DR Billings MT 59101



**City-County Planning Division
 Tuesday, February 11, 2019
 Yellowstone County Zoning Commission**

<i>Printed Name</i>	<i>Address</i>
DAVID LORANG	3155 DRIFTWOOD CIRCLE
Daniel Hawkey	3150 Driftwood Circle
Charlotte Hawkey	3150 Driftwood Cir. Bigs, MT
Brenda Olheiser	609 Bench Blvd
Kyrie Schraugh	3432 Driftwood Lane

County Zone Change - 692

My name is Loretta Sump and I live at 3401 Wases Ave in Lockwood. As to the zone change request, I am strongly opposed to it. I have counted 15 trailer courts already and we do need any more.

My subdivision is a quiet rest area, with many retirees and widows. We feel very safe + secure and have for years and now you want to throw in what kind of people. What are their kids going to be like. We don't have any here. How safe are homes and belongs going to be.

They keep talking about water & sewer. We do not have sewer and the best of my knowledge it may not happen for a long time. They keep saying "not at this time!!" What are they not saying? Sounds like they are being secretive.

Loretta Sump
3401 Wases Ave

February 11, 2018

Re: Zone Change 692

To Whom It May Concern,

I became aware of this proposed project on Sunday, February 10, 2018. I am unable to attend the public hearing scheduled for Monday, February 11th at 4:00pm because I work fulltime; however, I would like my voice to be heard.

I am writing this letter as we oppose this change for many reasons. Below are just a few:

A great amount of people who reside in a small area tend to have increased tension with their neighbors which then leads to problems among the parties. This results in a neighborhood that lacks safety, care, and concern for others, and will frequently have involvement with law enforcement due to disputes. There are also safety hazards and fire concerns for structures in close proximity.

This would also increase the traffic at the interchanges and on Old Hardin Road. These are already busy roads. Old Hardin Road is a main road. It has safety concerns already as there are no sidewalks and no street lighting which are safety concerns for all commuters.

Our schools will also see an increase in students.

I do not want this to decrease our property value. We strive to care for our home and our yard. We like to keep our property clean and well kept. It is not fair that our property will devalue at no fault to us.

Lockwood has mobile home parks like Billings has casinos. We do not need another. I oppose this project.



Stefani Siegle
Lockwood Resident/Property Owner

Deines, Tammy

From: Cromwell, Nicole
Sent: Monday, February 11, 2019 2:20 PM
To: Husman, Karen; Deines, Tammy; Ray, Jerry; 'rkjrwittman@gmail.com'; Todd Hewett (toddzilla16@gmail.com); Troy Boucher (ycbocc1@gmail.com); Tyler Bush (tylerb@mckinstry.com)
Subject: County zone change 692

For your information.

From: toni keehner [mailto:mattandtoni3@icloud.com]
Sent: Monday, February 11, 2019 1:42 PM
To: Cromwell, Nicole <CromwellN@ci.billings.mt.us>
Subject: Fwd: Zone change 692

Toni Keehner

Begin forwarded message:

From: toni keehner <mattandtoni3@icloud.com>
Date: February 11, 2019 at 1:30:41 PM MST
To: vielj@ci.billings.mt.us
Subject: **Zone change 692**

I am writing in opposition of Zone Change 692, 3404 Old Hardin Road. Lockwood does not need a huge number of trailer houses as proposed. Our traffic is already extremely heavy in that area and to and from Lockwood School. Our infrastructure cannot support an additional 350-500 residents multiplied by 2 or 3 drivers.

Our schools cannot support that massive increase either. Allowing this trailer park to be built in Lockwood would negatively impact our housing values as well.

I encourage the Zoning Commission to DENY this zone change.

Toni Keehner



County Zoning Commission

Meeting Date: 04/08/2019

SUBJECT: Special Review #331- YVEC Substation

THROUGH: Monica Plecker

PRESENTED BY: Karen Husman

Information

REQUEST

County Special Review #331 – SW Corner of Shiloh Rd. & Central Avenue. A special review request to allow an electrical substation on a property located in a Residential Multi-Family (RMF) Zone, on Certificate of Survey 862, Parcel 1 & Amended Parcel 4, a 2-acre parcel of land generally located on the SW Corner of Shiloh Rd. & Central Ave. Tax ID: D00506A. Presented by Karen Husman, Planner I.

RECOMMENDATION

Planning Staff is recommending conditional approval based on the findings of the 3 review criteria for Special Review 331.

APPLICATION DATA

OWNERS: Yellowstone Valley Electric Coop.

AGENT: Aura Lindstrand, Electrical Consultants, Inc.

LEGAL DESCRIPTION: Certificate of Survey 862, Parcel 1 & Amended Parcel 4

ADDRESS: generally located on the SW Corner of Shiloh Rd. & Central Ave

CURRENT ZONING: RMF

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Electrical Substation

SIZE OF PARCEL: 2 acres

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

None

SURROUNDING LAND USE & ZONING

NORTH: Zoning: NC
Land Use: Commercial
SOUTH: Zoning: R-96
Land Use: Residential
EAST: Zoning: PD
Land Use: Residential & Commercial
WEST: Zoning: R-70
Land Use: Residential

BACKGROUND

The applicant is requesting a special review request to allow an electrical substation on a property located in a Residential Multi-Family (RMF) Zone, on Certificate of Survey 862, Parcel 1 & Amended Parcel 4, a 2-acre parcel of land generally located on the SW Corner of Shiloh Rd. & Central Ave. The proposed substation will provide an upgrade in infrastructure for the YVEC service area and increase power reliability for customers, specifically those on the Billings west end to Laurel.

The applicant is proposing a maximum height of 50-feet (potentially less) for the dead-end static mast on the site. All other site elevations will be significantly less than 50-feet. Access to the substation will be from Central Avenue and constructed to City standards. Stormwater controls will include an infiltration trench along the northern boundary that will drain to a swale and retention pond located on site. An additional retention pond for the station yard will be located on the east side of the substation on the Shiloh Road frontage.

There is existing landscaping on the property, and conditions will be recommended to mitigate and buffer the neighboring properties. There are existing trees on the western portion of the site that will remain. The applicant is proposing low maintenance arborvitae shrubs and evergreen trees dispersed around the substation within the proposed station rock. Low maintenance vegetation is required for safety and maintenance, since the substation is unmanned and overgrown vegetation can cause a safety hazard. The majority of trees and shrubs will be located along the eastern, southern, and western property lines adjacent to Shiloh Road and the pedestrian pathway, and the residential property on the southern and western boundaries. Specific conditions have been requested to specifically address buffering.

The applicant contacted the Zoning Coordinator and requested to include a condition of approval that the onsite landscaping comply with the proposed Yellowstone County landscape ordinance. Landscaping requirements will be reviewed when the Zoning Compliance Permit is submitted, therefore a condition requesting landscaping on regulations that have not been created or approved could create problems in the future. To mitigate the long term impacts of this facility on the residential and commercial development surrounding it, staff proposes a solid wall be built around the station to screen the residences to the south and west, the neighborhood commercial property to the north, and the Shiloh Corridor with the multi-use pathway to the east. This is the same buffering approach that was used for the substation at the southeast corner of the intersection of Grand Avenue and 24th Street West, where a concrete wall and landscaping buffers the station on all sides where there is a mix of public streets, commercial and residential development.

The proposed substation is being constructed on a property adjacent to an existing transmission line corridor located on the west side of Shiloh Road. The substation will tie into the existing transmission line and provide power reliability to customers in the YVEC Service Area. YVEC has been in the process over the last several years of upgrading area substations and identifying properties where additional substations could be located.

SUMMARY

Before a recommendation of approval or conditional approval can be made, each special review request must demonstrate conformance with three primary criteria: 1) The application complies with all parts of the Zoning Regulations, 2) The application is consistent with the objectives and purposes of the Zoning Regulations and the 2008 Growth Policy, and 3) the application is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts.

This application conforms to the first criteria in so far that it is within a zoning district where an electrical substation can be allowed by special review approval. The application also conforms to the second criteria. The zoning regulations adopted by the Board of County Commissioners have designated all zoning districts as locations where electrical substations may be allowed by special review approval.

The 2008 Growth Policy encourages new development that provide essential service to neighborhoods. The new substations would provide an essential service to the properties in the surrounding neighborhoods. The application also meets the third criteria in that it can be made somewhat compatible with surrounding land uses in the area through conditions that mitigate the impacts to the surrounding uses. This site is in an area of Yellowstone County that has the City almost entirely surrounding it, with residential zoning and residential uses to the south and west, future commercial development to the north, and a major transportation corridor (Shiloh Road) to the east. There are impacts from the proposed use that need to be mitigated. The conditions recommended with the special review should mitigate impacts from the site on the surrounding properties.

RECOMMENDATION

The Planning Division recommends conditional approval

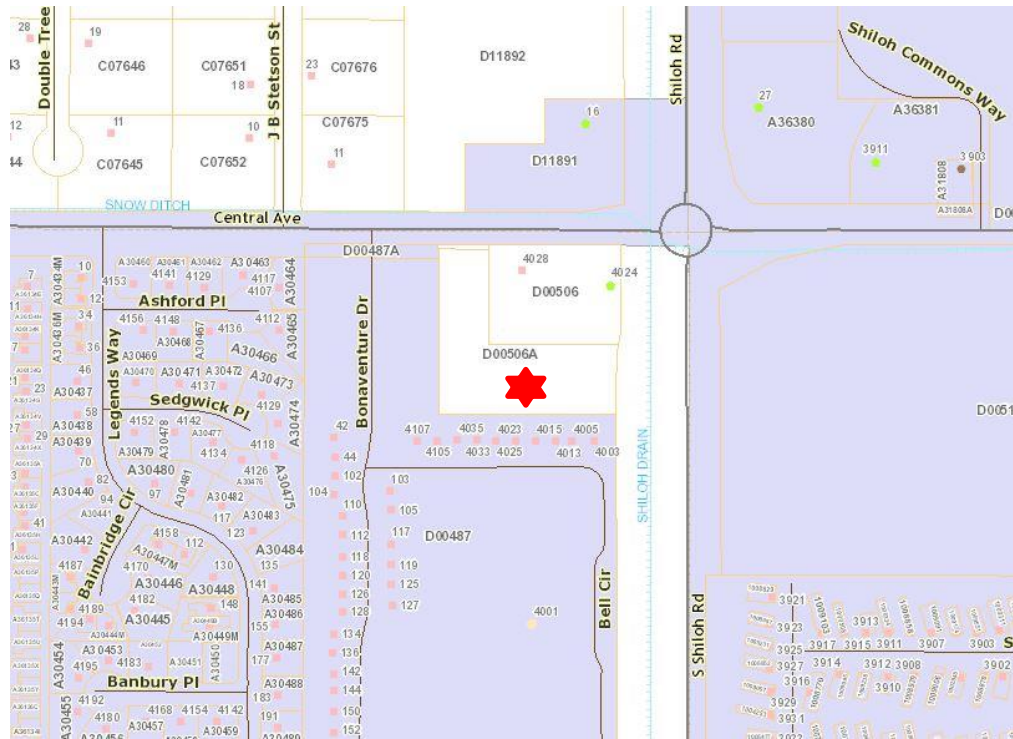
Planning Division is recommending the following conditions:

1. The approval shall be limited to Certificate of Survey 862, Parcel 1 & Amended Parcel 4, and generally located SW Corner of Shiloh Rd. & Central Ave, tax ID #D00506A.
2. This special review approval is for an electrical substation as requested. No other special review use is intended or implied by this approval.
3. The site will be developed in substantial conformance to the site plan submitted; the onsite landscaping shall comply with the regulations adopted and in effect at the time of the Zoning Compliance Permit application submittal, with the majority of trees and shrubs located along the eastern, southern, and western property lines adjacent to Shiloh Road and the pedestrian pathway, and the residential property on the southern and western boundaries.
4. The existing trees on the south side of the property shall be kept and maintained and the existing tree stumps on the sw corner shall be removed and replaced with trees creating a continuous buffer from the residential properties.
5. To mitigate the long term impacts of this facility on the residential and commercial development surrounding it, a solid wall will be built around the station to screen the residences to the south and west, the neighborhood commercial property to the north, and the Shiloh Corridor with the multi-use pathway to the east.
6. A Zoning Compliance Permit must be submitted and obtained within one year of Special Review (SR) approval, and construction must be completed within three years of SR approval.
7. There will be no construction activities, including site preparation such as grading or digging prior to 7 a.m. or after 8 p.m. daily.
8. Failure to comply with these conditions of approval of the special review use shall be deemed a violation of the zoning regulations. Enforcement of the regulations and conditions shall be as set forth in Section 27-1600 et seq. of the Yellowstone County Zoning Regulations.
9. These conditions of Special Review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

****NOTE**** Approval of this Special Review does not constitute approval of a building permit, zoning compliance permit, sign permit, or fence permit. Compliance with all applicable local codes will be reviewed at the zoning compliance permit level.

Attachments

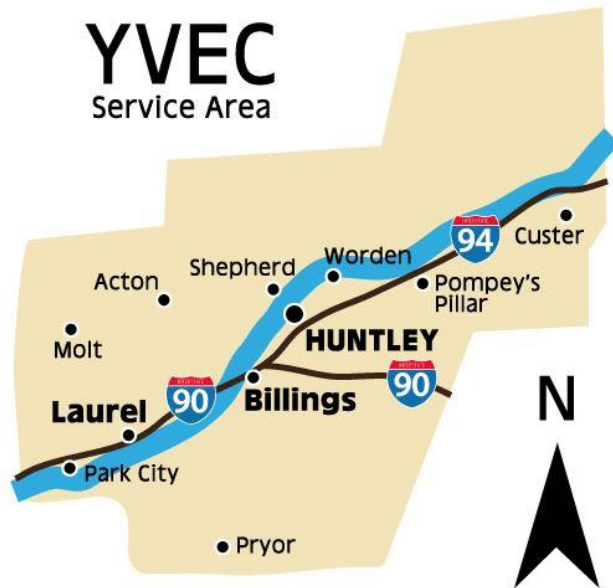
Zoning Map & Site Photos
Application, Applicant letter
Site Plan & Rendering



City Limits

SERVICE AREA MAP

Yellowstone Valley Electric Cooperative's service territory covers almost 3,500 square miles in Yellowstone, Carbon, Big Horn, Musselshell, Stillwater, and Treasure counties, serving over 14,500 meters with 2300 miles of energized line.





Subject Property





Application & Applicant Letter

APPLICATION FORM

COUNTY Special Review

COUNTY Special Review # 331 - Project # P2-19-00033

The undersigned as owner(s) of the following described property hereby request a Special Review as outlined in the Yellowstone County Unified Zoning Regulations.

Present Zoning: RMF

Special Review Requested: An SR to permit an electrical substation on a property located in the RMF zoning district.

TAX ID# D00506A COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: Parcel 1 and Amd. Parcel 4, COS 862

Address or General Location (If unknown, contact County Public Works): No address issued yet, the subject property is located south of the southwest corner of the Shiloh Road & Central Avenue intersection

Size of Parcel (Area & Dimensions): 2 acres

Present Land-Use: vacant

Covenants or Deed Restrictions on Property: Yes No

If yes, please attach to application

*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Yellowstone Valley Electric Cooperative (Brandon Wittman, CEO/General Manager)

(Recorded Owner)
150 Cooperative Way, Huntley, MT 59037
(Address)
406-348-3411 bwittman@yvec.com
(Phone Number) (email)

Agent(s): Electrical Consultants, Inc. (Aura Lindstrand, Project Supervisor)

(Name)
3521 Gabel Road, Billings, MT 59102
(Address)
406-869-4785 aura.lindstrand@eciusa.com
(Phone Number) (Email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Special Review. Also, I attest that all the information presented herein is factual and correct.

Signature: [Signature] Date: 2/28/19
(Recorded Owner)

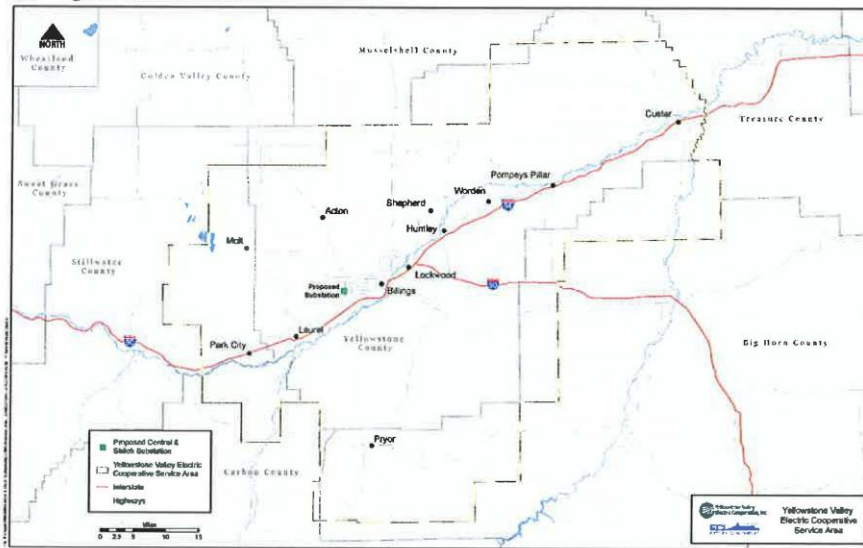


County Special Review 2018-2019 updated Oct 8, 2018

Yellowstone Valley Electric Cooperative (YVEC) – Central Substation

Yellowstone Valley Electric Company is proposing to construct a 115-12.47 kV substation on a 2-acre parcel located just south of the southwest intersection of Shiloh Road and Central Avenue. The subject property is zoned Residential Multi-Family (RMF) and requires a Special Review for a public utility installation (station only) per Section 27-305 of the Yellowstone County Zoning Regulations. *Figure 1* below shows the YVEC Service Area and the location of the proposed substation. A General Arrangement and isometric view for the proposed substation has been included in Attachment A. There may be revisions to the General Arrangement within the confines of the substation walls/fences, but these changes will not be substantive and will not affect the overall site plan or structure height.

Figure 1 YVEC Service Area



Height

A maximum height of 50-feet (potentially less) will be required for the dead-end static mast on the site. All other site elevations will be significantly less than 50-feet.

Access

Access to the substation will be from Central Avenue and constructed to City standards with pavement extending approximately 25-feet from the Central Avenue ROW south on the northernmost portion of the property. The proposed access will be approximately 30-feet wide excluding the driveway aprons. See site plan in Attachment A.

Stormwater

Yellowstone County does not have an adopted stormwater ordinance. However, the site will be designed to a 25-year, 24 hour storm and will maintain an approximate 1% slope to the north to avoid stormwater pooling and/or sheet flow to the residences located south of the property. To obtain a baseline for soils on the subject property, Electrical Consultants Inc. obtained the geotechnical report for the construction of Shiloh Commons (northeast corner of the Central/Shiloh intersection) to determine groundwater depths and infiltration rates for the area. Prior to construction, a geotechnical study will be performed on the property to confirm site infiltration rates, soil types and groundwater depths.

Onsite permanent stormwater controls will include an infiltration trench along the northern boundary that will drain to swale and retention pond located on the east side of the proposed driveway. An additional retention pond for the station yard will be located on the east side of the substation on the Shiloh Road frontage (Attachment A).

Fencing and Landscaping

There are existing trees on the western portion of the site that will remain. Landscaping is proposed in the form of low maintenance arborvitae shrubs and evergreen trees dispersed around the substation within the proposed station rock. Low maintenance vegetation is required for safety and maintenance, since the substation is unmanned and overgrown vegetation can cause a safety hazard. The majority of trees and shrubs will be located along the southern (residential) and eastern boundaries (Shiloh Road). In conversations with the Yellowstone County Zoning Coordinator, an updated county landscape ordinance is in the process of review and approval by the Zoning Commission and Board of County Commissioners. **With this Special Review YVEC requests that a condition be placed on the Special Review approval that the onsite landscaping comply with the proposed Yellowstone County landscape ordinance.** The site plan shows approximate locations for the proposed arborvitae shrubs and evergreens and the landscape rendering (street view) shows how the landscaping will look from Shiloh Road (Attachment A).

Pursuant to Section 27-1006(e) of the Yellowstone County Zoning Regulations, commercial uses abutting residential uses require a solid fence or wall. To screen the residences to the south and create a more aesthetic appearance on Shiloh Road a 12-foot tall painted CMU block wall is proposed for the west and south sides of the substation. This block wall will be similar to the walls around the substation near the intersection of Grand Avenue and 24th Street West. The wall will be treated with an anti-graffiti coating. Since the substation will abut commercial on the north and will be setback approximately 110 feet from the west property line, a standard 7-foot chain-link fence with 3-feet of barbed wire will be located on these boundaries. Site obscuring slats will be installed in the chain-link to shield the substation from public view. See photos in Attachment B.

Supplemental Questions

In what ways is the proposal consistent with the goals and policies of the adopted Growth Policy?

Chapter 4.5 of the 2008 Yellowstone County Growth Policy specifies that investor owned facilities providing services to the public are essential for economic growth. Annexation, subdivisions and zoning actions rely on the availability of water, sewer, stormwater and electricity. The County Zoning Regulations have further recognized the need for public services in most zoning districts by allowing them with a Special Review to determine compatibility with surrounding uses.

Why is there a need for the intended use of the property at this location?

The proposed substation is being constructed on a property adjacent to an existing transmission line corridor located on the west side of Shiloh Road. The substation will tie into the existing transmission line and provide power reliability to customers in the YVEC Service Area (Figure 2). YVEC has been in the process

over the last several years of upgrading area substations and identifying properties where additional substations could be located.

How will the public be served if this application is approved?

The proposed substation will provide an upgrade in infrastructure for the YVEC service area and increase power reliability for customers, specifically those on the Billings west end to Laurel.



Northwestern Energy Substation on 24th Street West looking northeast.



Existing Northwestern Energy Substation near Grand and 24th intersection. This view is from the south side of the station looking north from Alderson Avenue.

Issues in Electricity

Electric and magnetic fields are created by electric lines needed to power our society. YVEC is obligated to meet its customers' needs by providing service that is reliable and economical and as safe as possible. We must design and operate our electric system in a manner consistent with all these obligations.

YVEC has followed scientific studies and developments related to EMF for decades. We have participated in EMF research through membership in trade associations and have communicated with customers and employees on the issue.

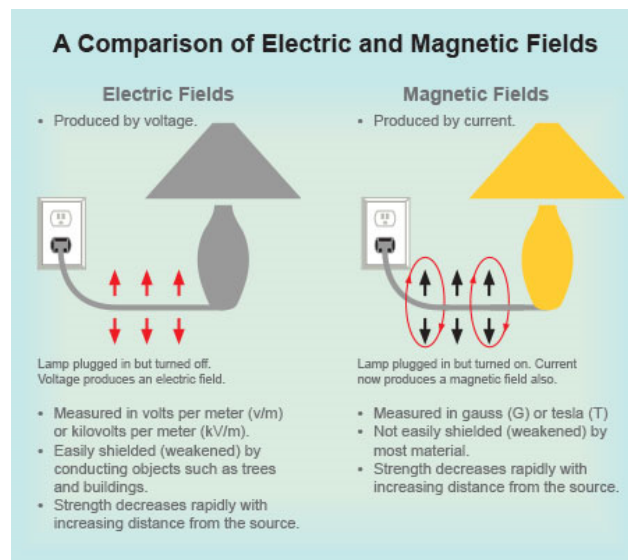
Electric and magnetic fields

Electric and magnetic fields are everywhere. Virtually all human beings in industrialized countries are exposed to them most of the time. Electric and magnetic fields (EMF) occur in nature and wherever electricity flows.

Electric fields are produced by the presence of voltage or an electrical charge: the higher the voltage, the greater the electric field.

The earth's magnetic field is the force that causes a compass to always point north. Magnetic fields also result from current or the flow of electricity in a wire; field strength increases as the current increases and decreases as distance from the wire increases.

Objects such as trees, shrubs and buildings can block electric fields. Magnetic fields, however, are not easily blocked and can pass through most objects. The strength of both fields declines rapidly as the distance from the wire increases.



Source: www.niehs.nih.gov

3.0 Lighting Requirements

There are two different illumination levels for station yard lighting systems. NESC Section 11, Table 111-1 recommends a 2 foot-candle (fc) illumination level in stations for general service lighting. The IES Lighting Handbook, Fig. 2-1, recommends a 0.5 foot-candle horizontal illumination level for general security lighting.

In some cases local ordinances recommend or require all lighting sources to be directed and shielded so as not to interfere with the vision of person(s) on adjacent roadways or properties, in this case full cutoff lens may meet their requirements. The lighting fixture(s) with full cutoff lens are listed in the Lighting Fixture Schedule ([refer to Section 12.0](#)).

It is not necessary to illuminate the station gates, logo, address signs and the path to the control house. The first responder will use his vehicle lights and/or flashlight to locate the AC supply panel and turn on the service lights.

3.1 Security Lighting

Security lighting is intended to illuminate the areas inside the station yard that might attract vandalism or theft. Such areas would be equipment control cabinets, switching devices, transformers and other major equipment. Security lighting shall be switched by a photoelectric control installed on each fixture designated for Security Lighting. Security lighting shall typically use high-pressure sodium (HPS), open-bottom fixtures with either a 100 or 150 watt lamp. Because of the low wattage requirement for Security Lighting, the supply voltage of these circuits shall be 120 volts AC. The preferred mounting height is 20-30 feet above grade.

An alternative to using the open-bottom fixtures for security lighting is to use some of the floodlight fixtures as security lighting. The floodlight fixtures used for both security and service lighting must be on a separate circuit from the other service lights, and shall be switched by a photoelectric control installed on each of these fixtures.

In some areas, security lighting may attract vandalism rather than deter it. An example would be in a rural area where someone might shoot at station equipment at night with the lights on, but would be unable to pick out a target with the light(s) off. In these areas, local management may elect to turn the circuit off by manually tripping (turning off) the branch circuit breaker in the AC supply panel. Therefore, 120 volt AC convenience receptacles shall not be installed on the same circuit as the security lights.

3.2 Service Lighting

Service lighting is intended to provide additional lighting for unscheduled callouts to the station. An example would be someone who is sent to the station after dark to perform unscheduled switching operation or to inspect equipment after the Dispatch Center receives a trouble alarm. Service lighting shall illuminate all equipment that would need to be operated while performing a switching order. It must also illuminate equipment that might have to be inspected during abnormal conditions. Service lighting shall not be switched with a photoelectric control. The branch circuit breaker in the AC panel shall be used to switch the lights. Maintenance crews performing scheduled work must bring their own work lights with them to the stations.

Service lighting shall typically use high-pressure sodium (HPS) flood light type lamps and fixtures. The lamps shall be either 400 watt or 1000 watt. Because of the higher wattage lamps used for floodlight fixtures, the supply voltage for these circuits shall be 240 volts AC. Floodlight fixtures located on or near equipment structures will typically have an aiming angle of 45° from vertical. Floodlight fixtures located around the perimeter of the station will typically have an aiming angle of 60° from vertical. The open-type fixtures typically used for Security Lighting may provide enough light to achieve Service Lighting levels as well (typical for very small areas).



County Zoning Commission

Meeting Date: 04/08/2019

SUBJECT: Zone Change 693 - Text Amendment - Landscaping Regulations

THROUGH: Nicole Cromwell

PRESENTED BY: Nicole Cromwell

Information

REQUEST

County Zone Change #693 - This is a zone change to amend several sections of the Yellowstone County Zoning Regulations regarding provision for landscaping with new development or redevelopment of land within the 4.5-mile zoning jurisdiction. These amendments have been developed through the Project Re:Code planning process, have been vetted by the Landscaping Working Group, and the amendment was initiated by the Yellowstone County Board of Planning on February 26, 2019. These amendments are preceding the larger amendments to the overall zoning code, so new or pending County developments can proceed under new and more effective landscape regulations.

RECOMMENDATION

The Planning Division is recommending approval.

APPLICATION DATA

Not Applicable

CONCURRENT APPLICATIONS

Not Applicable

APPLICABLE ZONING HISTORY

In the original 1973 County zoning regulations, there were minimal provisions for site development requirements such as landscaping. The only section that required any natural vegetation screening was where parking lots would be adjacent to residential property. In the mid-1980s, the County adopted additional landscaping requirements for new developments that required sites of 5 acres or less to provide 10% of the area in landscaping, sites from 5 acres to 10 acres would provide 8%, and sites over 10 acres would provide 7% of the total site in landscaping. There were no other landscaping requirements in the code until September 1993, when the City and County adopted the Entryway/Interchange zone district (Sec. 27-1000). The provisions for landscaping in this 1993 Entryway code have remained unchanged for the last 26 years. The Entryway code is specific on types of plant material required

and the amount of each kind of plant for street frontages and buffer yards. In 1997, the City and County unified the zoning code and adopted a new code section to cover landscaping requirements for all other zone districts (Sec. 27-1100) except for the Entryway/Interchange districts that remained the same.

SURROUNDING LAND USE & ZONING

Not Applicable

BACKGROUND

The Yellowstone County zoning regulations had its last major modification and update in 1973. In 1997, the County and City merged the zoning regulations into one document called the Unified Zoning Regulations. Over the past 45+ years, the City and County have adopted numerous and progressive community growth policies and goals but the zoning regulations have remained largely unchanged.

In 2016, the year Lockwood and Billings adopted new growth policies, it was clear the existing zoning regulations and development tools could no longer serve to implement these policies and meet the changing development demands in the City and County. The Yellowstone County Board of Planning initiated Project Re:Code in 2017 to amend, revise and modernize the zoning regulations. A steering committee was appointed by the Planning Board and 4 working groups were created from this steering committee. One of those working groups is focused on landscaping requirements for City and County developments. The proposed amendments to the County landscaping requirements have been prepared with the assistance of the Project Re:Code consultant team (SafeBuilt, Codametrics and High Plains Architects) and reviewed and vetted through the Landscaping Working Group.

The Board of County Commissioners are concerned with new or pending developments subject to the outdated landscaping requirements in the County zoning regulations. For example, in the Entryway/Interchange zone districts (Sec. 27-1000), buffer yards are required to have a pre-set number of trees and shrubs per 100 lineal feet. The buffer yard can vary in width, but the regulations require more plants for narrow buffer yards and fewer plants for wider buffer yards. It is known through the experience of Planning staff, professional landscape designers and landscape architects, this is not a viable scheme to create enduring and durable landscaped areas. In fact, most of these buffer yard plants will die back within a few years to what is sustainable. Another key example of issues with the current landscape regulations is the disparate treatment between zone districts and land uses. Under the current regulations for other commercial districts (Sec. 27-1100) a site of less than 130,000 square feet does not need to provide any landscaping between the subject property and adjacent land uses unless it is a commercial use adjacent to a residential use. The requirement in this case is to provide a 6-foot sight-obscuring fence, but no living plants or trees.

Zone changes over the years have also helped to create a patchwork of site development requirements in the County. For example, a Heavy Industrial zone requiring no landscaping under current code (Sec. 27-1100) may be directly across the street or near an Entryway zone that requires heavy street frontage and buffer yard plantings (Sec. 27-1000).

In September 2017, the City and County agreed to separate the zoning regulations in order to ease the process of modification and with the understanding some areas of the zoning regulations must be different for the two jurisdictions. One of these areas is concerning site development requirements outside the City limits where access to public utilities and other infrastructure may be limited.

In January 2018, the Project Re:Code Steering Committee adopted 9 guiding principles to help the working groups and the consultant team as zoning code drafts are considered. These guiding principles are:

- **CLARIFY AND SIMPLIFY** - All new regulations will be written in Plain English to maximize readers' ability to find what they need, understand what they find, and use what they find to meet their needs.
- **REGULATE WHAT MATTERS** - The regulations will have a clear alignment with community goals today while allowing for changing goals in the future..

- **PRESERVE AND PROTECT THE RIGHTS OF OWNERS AND RESIDENTS** - The regulations will recognize and incorporate clear and well defined processes that uphold property rights and access to housing choices.
- **PREVENT CONFLICTS** - The regulations will be internally consistent and will not create direct or un-reconcilable conflicts.
- **OPTIONS AND CONTEXT** - The regulations will provide a range of site development options with clear criteria and guidelines for allowing alternatives to future development as well as changes to existing neighborhoods as the community's goals change.
- **MAINTAIN WHAT WE CARE ABOUT** - The regulations will encourage stability of existing neighborhoods while allowing for changes over time.
- **FILL THE VOID** – The regulations will consider and include land uses and combinations of land uses that have been overlooked or not considered in the current code and methods for accommodating new use options.
- **PROSPERITY** – The regulations will serve to support the community's need and desire to remain regionally competitive in the recruitment of businesses, expansion of existing business, and private investment in the economy, all to promote job creation.

The Landscaping Working Group has applied these guiding principles to the proposed draft regulations for the County. The Planning staff has helped guide and review these regulations as well. Planning staff believes the proposed regulations conforms to the Steering Committee's guiding principles as well as helps the County meet its stated growth policy goals and objectives including the Lockwood Growth Policy (2016).

All zone changes must be reviewed in accordance with the 11 criteria for County zone changes, including text amendments. Some of the 11 criteria may not be directly applicable to text amendments such as criteria four - *Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements*.

The proposed text amendments meets the 11 criteria for county zone changes including the goals of the 2008 County Growth Policy and the 2016 Lockwood Growth Policy. The proposed findings for each criteria are included as an attachment. The findings for the primary review criteria - *"Whether the new zoning is designed in accordance with the growth policy"* - are summarized below.

2008 County Growth Policy:

GOALS:

- 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 regulations will make new developments more compatible and will reduce conflicts between proposed and existing or intended new developments regardless of the zoning 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 and unpredictable 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 servicing residents needs, but should provide transition areas between those uses to help buffer as well as provide access. 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 land owner 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 can be 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 and encourage developers to look 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 while also providing a welcoming corridor into the community. 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 are 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.

The Planning staff recommends approval of the proposed text amendment based on the proposed findings of the 11 review criteria which are attached to this staff report. The proposed regulations support the goals and policies of the county and will result in a more sustainable development pattern in the zoned area of the county.

SUMMARY

The Planning staff has reviewed the proposed amendments to the County Zoning regulations regarding the provision of landscaping. The proposed amendments are supported by the findings of the 11 review criteria, follows the guiding principles adopted by the Project Re:Code Steering Committee and has the support of the Landscaping Working Group.

RECOMMENDATION

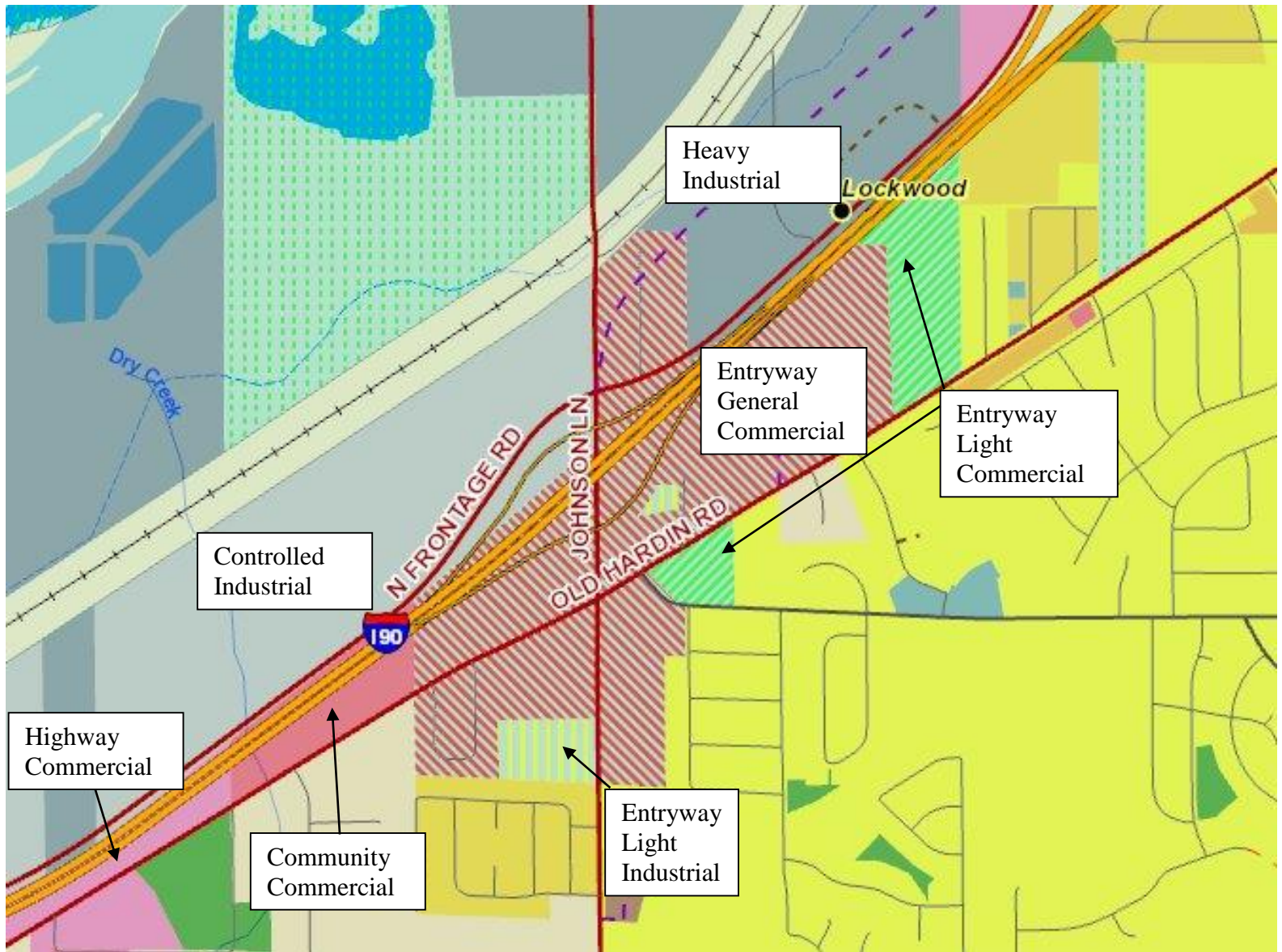
Staff recommends approval of Zone Change 693.

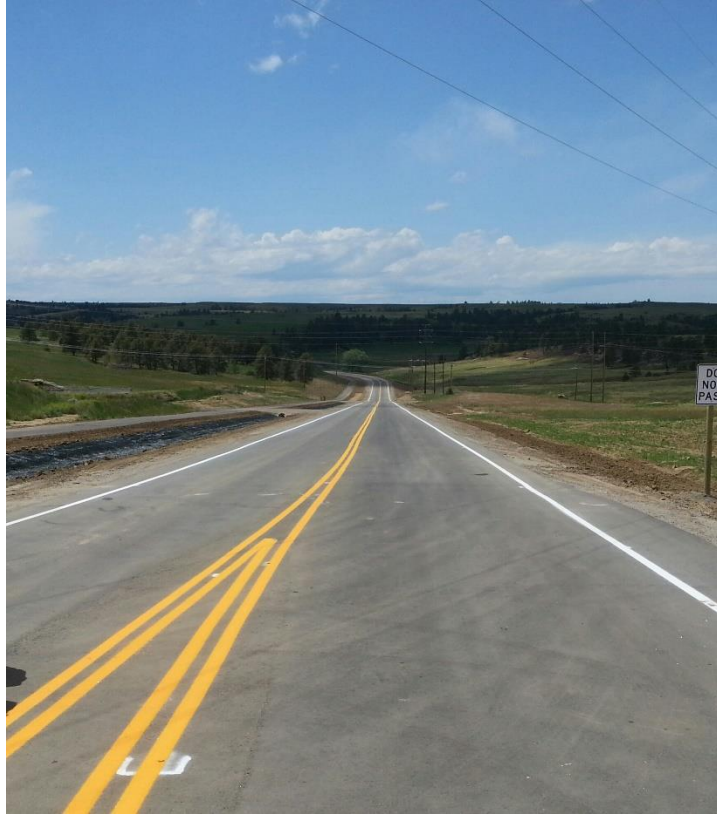
Attachments

County zoning map areas
Draft Landscape Code Amendments
Example Site for LS for Commercial zone
Example Site for LS for Entryway zone
Winco Foods Redevelopment
Review Criteria for ZC 693

County Zoning Map areas and example photos







Skyway Drive – Future Development Corridor

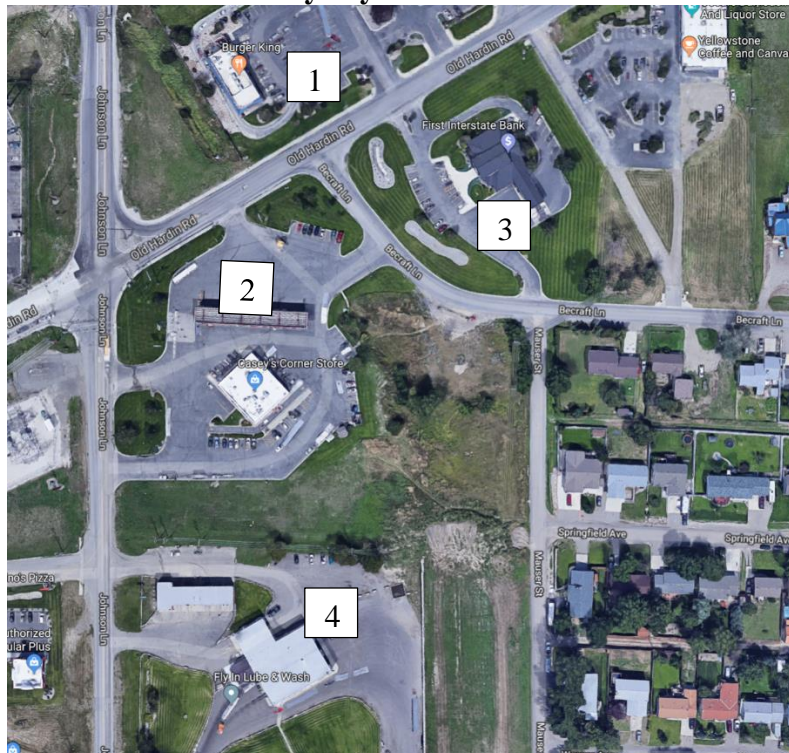


Future Development Area – Lockwood

Lockwood Johnson Lane Interchange Area – Developments without street trees 1993 - 2018



430 Cole St – Lockwood - **Entryway General Commercial** – Developed 2001



1 - Burger King – built 1995

2 - Casey's Corner Gas Station – built 1998

3 - First Interstate Bank – built 1997

4 – Fly In Lube and Wash – built 1993

Entryway General Commercial



Pilot Truck Stop – Lockwood – built 2008
Controlled Industrial



Warehouses & Trucking – built 1993 through 2018
Heavy Industrial

Project Re:Code Landscape Working Group

Draft Yellowstone County Landscape Regulations
PUBLIC REVIEW DRAFT: March 4, 2019



ARTICLE 27-1100 LANDSCAPING (YELLOWSTONE COUNTY ONLY)

Yellowstone County Landscape Regulations

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Draft Section Summaries

[for informational purposes; this section will not be included in the adopted regulations]

Landscape Definitions (to be relocated to 27-200, Definitions)

These definitions are applicable to the terms in the landscape standards. The definitions have been revised to ensure that they do not include any measurements or specific standards, most of which were relocated into the main text of the section. The definitions have been updated and include definitions of all of the terms that infrequent code users would find useful.

27-1101: General Provisions

This section identifies the purposes of landscaping and gives an overview of how these standards are applicable to different development types in the County. The goal of Table 27-1100.1 is to give code users an overview of the types of landscaping that are required on a lot and a reference to each section. In this draft, landscaping is not required for Ag Open, Ag-Suburban, or residential one and two-family development.

This draft also includes new standards for proportionate compliance. These standards allow an applicant to request an adjustment to the landscaping standards as applied to existing development. The goal is to encourage the redevelopment of existing structures and uses by creating a sliding scale for the application of new landscaping standards. Currently, when a development changes by 25% or more in gross floor area, the property owner has to bring the development into full compliance with the regulations that have changed since the property was developed. For example, imagine a property owner with a restaurant that has 10 parking spaces but would require 20 parking spaces under the current code. Right now, if the restaurant is expanded by 30%, the site also needs to accommodate all of the extra parking spaces – 10 new spaces. The proportionate compliance standards proposed in this section adjust that approach by requiring the redevelopment to comply proportionately with any changed standards. In the restaurant example, if the restaurant building is expanded by 30%, the parking will also need to be adjusted by 30%.

27-1102: Landscape Plan

To ensure that proposed landscaping for a site complies with the County's regulations, applicants are required to prepare a landscape plan that is submitted with the zoning compliance permit application. This section describes the contents of the plan and review process. This draft also includes updates to the process that the County uses to make sure that the landscaping is installed and maintained, located in Subsection E.

27-1103 Street Frontage

To make these requirements easier to understand, required landscaping around the edges ("perimeter") of a property has been reorganized into: (1) Street Frontage (this section), and (2) Bufferyards (next section). Street frontage landscaping is located at the perimeter of the lot where it abuts a public street and this is where the required street trees, identified in this section, are planted.

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27-1104 Bufferyards

Bufferyards are located in between lots where different zone districts or uses abut each other. This section establishes the different types of buffer yards, identifies the required plantings for each, and includes a plant material bonus system that encourage the use of native and naturalized plants.

27-1105 Off-Street Parking Lot Landscaping

This section clarifies and updates the County's current off-street parking lot landscaping requirements. Depending on location, parking lots may also be required to have street yard and bufferyard landscaping at their perimeter. This section includes a slight change from the current regulations that moves from requiring a specific amount of landscape area per stall to an approach that requires landscaping that is incorporated into the parking lot design. The goal of this change is to make it easier for applicants and landscape professionals to calculate and design parking lot landscaping. New regulations have also been included for optional water conservation measures and snow storage.

27-1106 Tree Preservation During Construction

This new section basic standards for optional tree protection during construction. The landscape regulations are proposed to allow an owner to receive credit for trees preserved on the site.

27-1107 Landscaping Material Standards

This revised and updated section specifies the requirements for plant selection. The goal is to ensure healthy, long-lived plants that will thrive in Yellowstone County.

27-1109 Fences, Walls, and Hedges

The fence standards have been incorporated into the landscaping standards to ensure consistency between the landscaping and fencing standards. These standards have been updated to address some clarified materials requirements.

27-1110 Administrative Relief

This current section has been carried forward and amended slightly. It provides a procedure to adjust some of the landscape requirements based on site-specific limitations. The goal of administrative relief is to provide a way for an applicant to "fix" the standards for the lot; it is not intended to waive the landscaping requirements or provide a variance.

Landscape Definitions

[will be moved to County Zoning Code Section 27-200 at adoption]¹

Berm: An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise levels.

Billings and Yellowstone County Plant List ("Plant List")

Bufferyard: A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen uses from one another.

Caliper: A standard for trunk measurement of nursery stock .

Canopy tree: A species of tree which normally bears crown foliage no lower than six feet above ground level upon maturity.

Coniferous: A plant with foliage that persists and remains green year-round.

Deciduous: A plant with foliage that is shed annually.

Dripline: A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Drought avoidance: The ability of a plant, once established, to withstand drought without showing signs of stress.

Drought tolerance: The ability of a plant, once established, to withstand drought without dying.

Fence: A barrier constructed of materials erected for the purpose of protection, confinement, enclosure, or privacy. This term also includes a masonry wall.

Invasive Species: An alien (non-naturalized) species whose introduction does or is likely to cause economic or environmental harm or harm to human health and which tends to disrupt natural ecosystems by displacing naturalized species.

Irrigation system: An artificial watering system designed to transport and distribute water to plants.

Landscape architect: A person who holds a license to practice landscape architecture in the State of Montana.

Landscaping: To change the natural features of a plot of ground by combination of organic and inorganic elements, as further described in sections 27-1101, et seq.

Landscaping material, inorganic: Material such as rock, stone, flower tubs, fountains, outdoor plazas or other amenities.

Landscaping material, organic: Any material that is or is derived from living plants, such as trees, shrubs, vines, turf, and flowerbeds, bark chips, or mulch.

¹ Current Sections 27-1104, 27-1006, and 27-200. These definitions will be placed in the existing County zoning regulations at Section 27-200. The definition section may ultimately be renumbered as part of Project ReCode.

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Micro-irrigation: The frequent application of small quantities of water directly on or beneath the soil surface, usually as discrete drops, tiny streams, or miniature sprays through emitters placed along the lateral water delivery pipes. Micro-irrigation includes drip, subsurface, bubbler, and spray irrigation and may also be referred to as trickle irrigation, low volume, or low flow irrigation.

Native plant: Plant species occurring naturally and native to a given ecosystem or plant community that is suited to the soil, topography, hydrology, and wildfire risk of a particular site.

Naturalized plant: A plant species that has become established in an area where it is not native.

Permanent tree protection devices: Structural measures, such as retaining walls or aeration devices that are designed to protect the tree and its root system throughout its lifetime.

Runoff: Water or liquid that is not absorbed by the soil or landscape to which it is applied and flows from the area.

Shrub: A woody plant that usually remains low and produces shoots or stems from the base and is not usually tree-like or single stemmed.

Street Front Landscaping: Required landscaping that is placed along the edge of a yard adjacent to a public street or right-of-way.

Swale: A shallow channel with gently sloping sides that can be used to manage water runoff, filter pollutants, and increase storm water infiltration.

Temporary irrigation: An irrigation system that is used to establish plants and is removed after the establishment period.

Turf grass: Continuous plant coverage consisting of grass species suited to growth in Billings and Yellowstone County.

Vegetation: Organic plants, including trees, shrubs, vines, and flowers.

Vehicular use area: The area of a site devoted to vehicular parking and driving aisles.

Vine: A woody plant whose stem requires support and climbs by tendrils or twining or creeps along the ground.

Watercourse: Any natural stream, river, creek or drainage in which water flows either continuously or intermittently and has a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow. This term shall not include any facility created exclusively for the conveyance of irrigation water.

Xeriscape: Landscape methods which conserve water through the use of drought-tolerant plants and planting techniques.

SECTION 27-1101 PURPOSE²

The purpose of this section is to provide landscaping and performance standards that:

- A. Enhance and promote a unique image for the Yellowstone County urbanizing area.
- B. Protect the public health, safety and welfare by:
 - 1. Increasing parking lot traffic safety by guiding the circulation of cars and people and lowering traffic speeds;
 - 2. Minimizing noise, air, water and visual pollution;
 - 3. Screening and buffering incompatible land uses;
 - 4. Reducing the amount of reflected glare and heat absorbed in and around developments;
 - 5. Breaking up large expanses of parking lots;
 - 6. Preserving property values and neighborhood characteristics by lessening the impacts of potentially incompatible uses; and
 - 7. Providing screening from wind.
- C. Conserve water resources by:
 - 1. Promoting the use of xeriscaping and drought-tolerant naturalized plantings; and
 - 2. Promoting the utilization of storm water detention as an irrigation source.
- D. Ensure that landscaping is an integral part of the site design and development process.

² Current Sec. 27-1101

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SECTION 27-1102 APPLICABILITY³

A. GENERAL APPLICABILITY

- The provisions of this article are applicable to all new development as follows:

Table 27-1101.1: Landscaping Applicability

Landscape Type	Section	A-1	A-S	1 & 2 Family zones	MF in R zone	RMF & RMF-R	Non Res Use in R zone	P	RP NC ELC EMU	CC EGC	HC CI ELI	HI
Key: ✓ = Applicable, ✗ = Not Applicable												
Street Frontage	27-1103	✗	✗	✓ All districts and uses located on a public street								
Bufferyards	27-1104	✗	✗	✗	✓	✓	✓	✓	✓	✓	✓	✓
Parking Lot Landscaping	27-1105	✗	✗	✗	✓ Any parking lot with 10 or more spaces							
Tree Preservation Options	27-1106	✗	✗	✗	✓	✓	✓	✓	✓	✓	✓	✓

³ Current Sec. 27-1102, reorganized for ease of understanding

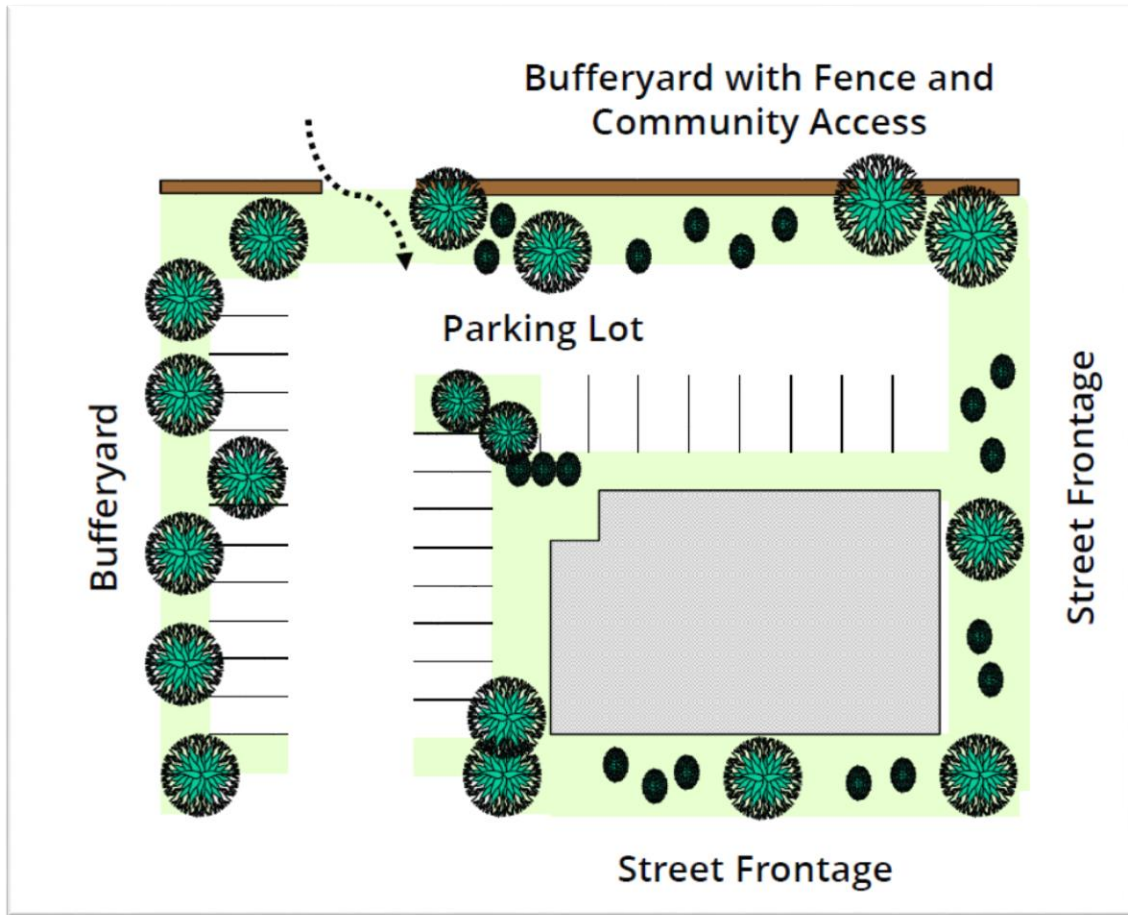


Fig. 27-1102.A: Sample locations of landscape areas

B. PROPORTIONATE COMPLIANCE

1. APPLICABILITY TO REDEVELOPMENT AND INFILL: PROPORTIONATE COMPLIANCE

To encourage redevelopment, continuing property investment, and infill development, it may be necessary to determine site appropriate adjustments to applicable development standards that will allow the development to take place while applying proportional development standards. This section identifies the process for determining specific site compliance with a proportionate standard.

2. LIMITED TO SPECIFIC SECTIONS

A request for proportionate compliance is limited to development standards in the following sections.

- (a) Section 27-1103, Street Frontage Standards
- (b) Section 27-1104, Bufferyard Standards
- (c) Section 27-1105, Off-Street Parking Lot Standards

3. ELIGIBILITY FOR PROPORTIONATE COMPLIANCE

Proportionate compliance for landscape standards applicable to a specific development or structure type may be requested for development types in Table 27-1101.2 according to the calculation described in Section 4, below.

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Table 27-1101.2: Applicability of Development Standards				
Structure Type	Res. Multi-Unit	Mixed-Use	Comm.	Ind.
New Development				
Percent compliance with development standards				
New Development	100	100	100	100
Infill, Conforming Lot	90	90	90	90
Infill, Nonconforming Lot	70	70	70	70
Existing Development				
GFA or off-street parking space change less than 10 %	n/a	n/a	n/a	n/a
GFA or off-street parking space change between 10% and 75%	See Sec. 4(b), below.			
GFA or off-street parking space change greater than 75%	100	100	100	100
Interior Redevelopment Only	Parking lot landscaping may be applicable, see Sec. 27-1200 and Sec. 4(a), below			
Nonconformities				
<i>See Section 27-400 for applicability of nonconformity standards</i>				

4. MEASURING REQUIRED COMPLIANCE

- (a) Interior Changes: Where development changes are wholly internal to the existing structure, only the parking landscaping requirements of this Code may be applicable. This requirement may be waived by the planning director where the applicant can show there is sufficient existing parking to service the intended new use(s). Increases in required off-street parking greater than 10% of the existing required off-street parking may require proportional compliance with the parking lot landscaping requirements.
- (b) Gross Floor Area (GFA) Changes and Off-Street Parking Space Changes: The landscape standards shall apply to all increases in GFA or required off-street parking space changes as follows:
 - (1) Minimal Change. Square footage or required off-street parking changes that increase the total gross floor area of a structure or the number of required off-street parking spaces by less than 10 percent, as determined by the zoning compliance permit application, shall not be required to comply with these development standards.
 - (2) Proportionate Change. Square footage or required off-street parking changes that increase the total gross floor area of a structure or the number of required off-street parking spaces by more than 10 percent but less than 75 percent, as determined by the zoning compliance permit application, shall require a corresponding percent increase in compliance with these development standards or until the site reaches compliance, whichever is less.
 - (3) Full Compliance. Square footage or required off-street parking changes that increase total gross floor area of a structure or the number of required off-street parking spaces by 75 percent or greater, as determined by the zoning compliance permit application, shall be required to fully comply with these standards.
- (c) Measurement is based on changes to an individual structure that is subject to improvements, regardless of the total number of structures on the site.

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5. TEN-YEAR TIMEFRAME

Any application by property owners to expand or replace part of an existing structure shall remain on record for 10 years from the date of work completion. Any subsequent application by the same property owner(s) to expand or replace part of an existing structure shall be cumulative to any requests made within the previous 10 years. The total shall be used by the county to determine the property owner's necessary level of compliance.

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SECTION 27-1103 LANDSCAPE PLAN**A. APPLICABILITY**

1. Landscaping in compliance with this article shall be required for any new construction, and expansion of existing structures. All plans submitted in support of a zoning compliance permit shall include a landscape plan where appropriate.
2. A landscaping plan must be approved by the planning director before the issuance of a zoning compliance permit.

B. LANDSCAPE PLAN PREPARATION

1. Landscape plans shall be prepared with materials that meet the requirements of Section 27-1107 and that:
 - (a) Are appropriate to the conditions in which they are planted;
 - (b) Have noninvasive growth habits;
 - (c) Encourage low maintenance, high quality design; and
 - (d) Are otherwise consistent with the intent of this article.
2. Landscape plans shall be prepared as follows:
 - (a) Lots of 1 acre or larger: the plan shall be prepared by a licensed landscape architect.
 - (b) Lots smaller than 1 acre: the applicant is encouraged to work with a nurseryman or landscape design professional to meet the requirements of this article.

A list of appropriate plant species for Billings and Yellowstone County can be obtained from the Planning Department.

C. INFORMATION REQUIRED⁴

The landscaping plan shall contain the following elements:

- (a) Scale: no smaller scale than 1"=40'
- (b) Property lines, easements, and public rights-of-way, including clear vision triangles.
- (c) Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection.
- (d) Buildings or structures - both new and existing.
- (e) An estimated count and approximate location of all existing trees, four inches in diameter or larger, measured at four and a half feet above grade, and identification of all trees within that group that are identified for removal and the required characteristics of all trees for tree preservation credit. A tree count is not required for areas of the site that will not be disturbed during construction.
- (f) Drive approaches, parking spaces, light standards, circulation and pedestrian walkways.
- (g) Landscaping materials:
 - (1) Location and spacing of proposed plant materials.
 - (2) Location of existing trees or landscaping to be preserved or eliminated.

⁴ Current Sec. 27-1108, revised per Landscape Working Group edits.

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- (3) Types and location of new vegetation identified by botanical and common names and listed on a plant schedule.
- (4) Size of materials, in diameter and height at installation and maturity.
- (5) Quantity of each planting materials to be used.
- (6) Types and location of inorganic landscaping material.
- (h) Location of walls, fences, screening, and refuse storage areas.
- (i) Location of any proposed retaining walls, indicating size and material to be used in the construction of the wall.
- (j) Methods of protecting the landscaped areas.
- (k) Proposed treatment of all ground surfaces (concrete or asphalt paving, pavers, turf or gravel).

D. PROCEDURE FOR LANDSCAPE PLAN REVIEW

1. LANDSCAPE PLAN REVIEW

The planning director⁵ shall consider the approval criteria in Section 27-1103.D.2 below when reviewing the landscape plan.

2. APPROVAL CRITERIA

The planning director may approve a landscape plan upon a finding that the application meets all of the following criteria, as applicable:

- (a) The landscape plan conforms to all requirements of this article and is consistent with the currently adopted growth policies and any other applicable plans.
- (b) The plant materials or landscape features are designed and situated in a manner that makes the project visually compatible with its surroundings to the greatest extent possible.
- (c) The landscape design includes the installation of a diversity of species and sizes of vegetation with preference given to locally naturalized vegetation.
- (d) If required, preservation of existing, locally naturalized vegetation is incorporated into the landscape design.
- (e) No plant materials or landscape features are situated in such a manner so as to inhibit vehicle sight distances established in Section 27-615 or otherwise create a traffic hazard.
- (f) No woody plant materials are situated within any utility easement unless shrubs or other limited height materials are of a size that has been approved by the utility provider.
- (g) The facilities for watering and drainage are adequate to ensure the landscape area is maintained and that no soil, bark, mulch, gravel, stone, or similar materials are allowed to wash off the landscape area into parking areas, driveways, public streets, sidewalks, gutters, or storm drainage facilities.
- (h) The design, selection, and layout of such landscaping is such so as to minimize maintenance requirements.

⁵ Drafting note: This is defined as planning director or director's designee.

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E. POST APPROVAL

1. SITE SPECIFIC AND BINDING

Approved landscape plans shall be binding upon the applicants and their successors and assigns. No zoning compliance permit shall be issued for any building or structure where landscaping has not been provided in accordance with the required and approved landscape plan, or any approved modifications thereto.

2. EXPIRATION OF UNBUILT LANDSCAPE PLANS

Approved landscape plans shall expire one year after approval if a zoning compliance permit has not been issued, or the approved use has not been established. In the event that the landscape plan expires due to the passage of this time period, a new landscape plan application must be submitted for approval in the same manner as an original application. An extension not to exceed one year may be granted by the planning director prior to expiration.

3. MODIFICATIONS TO LANDSCAPE PLANS

The holder of an approved landscape plan may request a modification to the document, or the conditions of approval, by submitting amended documents to either the planning director or the original approving body.

F. PERMIT AND SECURITY

1. LANDSCAPING INSTALLED WITHIN ONE YEAR OF ISSUANCE OF ZONING COMPLIANCE PERMIT

(a) All landscaping and screening material, organic and inorganic, shall meet the standards of Section 27-1106 and be in place within one year of the issuance of a zoning compliance permit. If installed, irrigation systems shall be fully functional at the same time as the completion of the landscape planting. This requirement shall be verified by the submission of a final as-installed landscaping plan by the party responsible for the creation of the landscape plan that is submitted with the zoning compliance permit application.

(b) If the timing of the project and seasonal limitations prevent planting within the one-year period, security as described in this section may be provided and the planting period may be extended accordingly.

2. SECURITY REQUIRED

(a) When the timing of a project delays the installation of the landscaping beyond the 1-year time period, a performance bond or letter of credit for 150 percent of the landscaping materials and labor costs shall be posted with the planning department to ensure the placement of the required landscaping.

(b) The property shall be inspected by the planning director to make sure that the required landscaping has been planted before release of the security bond or letter of credit.

(c) The installation of the required landscaping may be delayed until the next suitable planting season with written approval from the planning director.

3. MAINTENANCE AND INSPECTION

(a) Trees, shrubs, fences, walls, irrigation improvements, and other landscape features depicted on plans approved by the county shall be considered elements of the project in the same manner as parking, building materials, and other details are elements of the plan. The landowner, successors in interest or agent, if any, shall be jointly and severally responsible for the following:

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- (1) Regular maintenance of all landscaping and irrigation improvements in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds, and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, as needed and in accordance with acceptable horticultural practices.
 - (2) The repair or replacement of required landscape structures (e.g., walls and fences) to a structurally sound condition.
 - (3) The regular maintenance, repair or replacement, where necessary, of any landscaping required by this section.
- (b) Landscaped areas shall be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans shall be submitted with development plans and shall contain all construction details for an automatic system.
 - (c) All landscaping and irrigation may be subject to periodic inspection for compliance to approved plans.

SECTION 27-1104 STREET FRONTAGE LANDSCAPING⁶**A. REQUIRED STREET FRONTAGE LANDSCAPING**

1. The area along any property line that abuts a public street right-of-way shall be provided a landscaped area at least five feet wide that is planted with street trees.
2. The required total number of street trees shall be calculated at one tree per 50 lineal feet of frontage. Fractions shall be rounded up to the next whole number.
3. Street trees do not need to be spaced at 50-foot intervals; the placement and landscaping design shall be at the discretion of the property developer in consultation with their landscape designer or landscape architect.



Fig. 27-1104.A: Sample illustration of new street trees installed on a commercial site.

B. LOCATION AND CALCULATIONS

1. Measurement
 - (a) Generally: The street frontage landscape area depth is measured from the property line inward.
 - (b) Boulevard: Street frontage yards located along a boulevard shall be measured from the leading edge of the sidewalk. Where there is a drainage swale between the road edge and the sidewalk, the street frontage yard shall be measured from the property line inward.
2. Up to 30 percent of required street frontage landscaping may be permitted within a County right-of-way with the issuance of an encroachment permit.
3. Street frontage landscape areas may overlap required yards and be located within required setbacks.

⁶ Current Sec. 27-1105

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4. Access driveways shall not be subtracted from the linear frontage in calculations of the amount of landscaping required. If there are driveways along the frontage or property line, required landscaping shall be condensed into the remaining landscaping area.

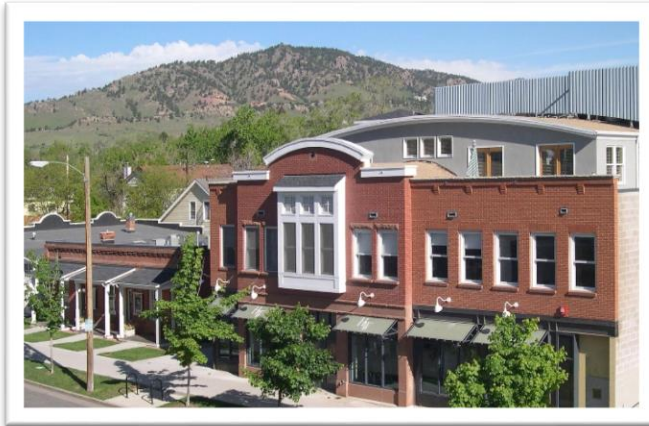


Fig. 27-1104.B (left) Street trees planted along a mixed-use redevelopment; C (right) street

C. PLANT MATERIALS

1. Street tree species shall be chosen from the Billings and Yellowstone County Plant List.
2. The street front landscape yard shall be planted in 75 percent organic materials, excluding turf grass or other material that requires regular mowing. The remaining 25 percent may be covered in inorganic materials.
3. Generally applicable plant materials standards are located in Section 27-1107.
4. The use of coniferous trees is not permitted in street frontage yards.

SECTION 27-1105 BUFFERYARDS

A. REQUIRED BUFFERYARDS⁷

1. APPLICABILITY

- (a) The exterior boundary of a lot that adjoins a different zone district, structure, or use, and does not adjoin a public street right-of-way, shall meet the bufferyard requirements shown in Table 27-1105.1 below.
- (b) A lot may require a combination of street frontage yards and bufferyards depending upon the types of surrounding streets and development.

2. TYPES OF BUFFERYARDS

- (a) There are three types of landscaping bufferyards defined in this section that are intended to accomplish the following:
 - (1) B1: Visual Enhancement is intended to create a partial visual separation between uses or districts.
 - (2) B2: Filtered Screen is intended to create a semi-opaque visual separation between uses or districts.
 - (3) B3: Screened Separation is intended to provide both space and a partial visual separation between uses or districts. This bufferyard is intended for use where a new development is located adjacent to a district or use that is significantly different in intensity, such as a residential district next to an industrial district.
- (b) The dimensions and planting requirements for each type of bufferyard is specified in Table 27-1105.2.

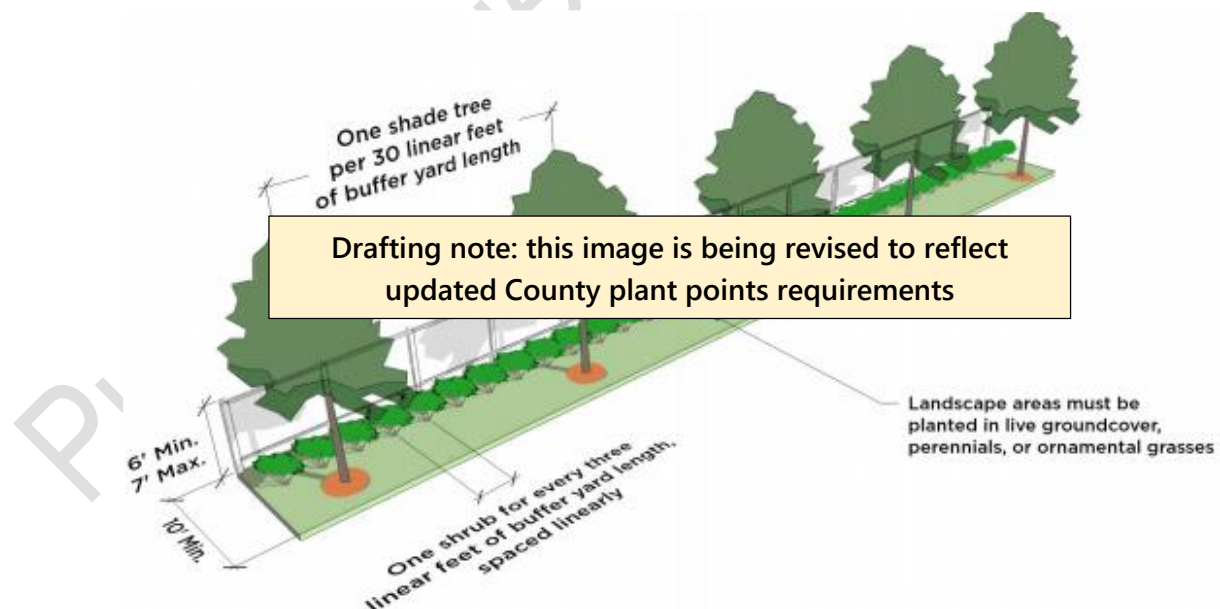


Fig. 27-1105.A: Sample illustration of a B2 bufferyard

⁷ Current Sec. 27-1105

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3. ADDITIONAL STANDARDS AND INSTRUCTION

- (a) If a use or district does not conform with the categories identified in Table 27-1105.1, the planning director shall determine which category best matches the use.
- (b) A six-foot high sight-obscuring fence or wall shall be provided on the property line where a commercial or industrial use or structure is adjacent or across an alley from residential uses.
 - (1) A continuous hedge may be substituted for the required fence or wall, as long as it has a minimum height at installation of three feet and reaches six feet or more at maturity.
 - (2) Chain link fencing is allowed within a bufferyard where a sight obscuring fence is required so long as the chain link fence has sight-obscuring slats installed.⁸

⁸ Current Sec. 27-1107

Table 27-1105.1 Required Bufferyards

Key: B1, B2, or B3 = required bufferyard (see Table 27-1105.2 for requirements), F = Fence required per 27-1105.A.3, X = no bufferyard required

		Proposed Development																				
		Agriculture (A-1 & A-S)				Residential – All Types				General Commercial: RP, NC, CC , and P				Entryway				Heavy Comm/Industrial: HC, CI, and HI				
		Structure / Use	Ag	SFR	MFR	Non-Res	SFR	MFR	Mixed Use	Non-Res	SFR	MFR	Mixed Use	Non-Res	ELC	EGC	EMU	ELI	HC	CI	HI	
Existing Development	Agriculture	AG	X	X	X	X	X	X	B1	B1	X	X	B1	B1	X	X	X	X	X	X	X	
		Single Family	X	X	B1	B2	X	B1	B2	B2	X	B1	B2	B2	B2	B3	B2	B3	B3	B3	B3	B3
		Multi Family	X	B1	X	B2	X	X	B2	B2	X	X	B2	B2	B2	B3	B2	B3	B3	B3	B3	B3
		Non-Res	X	B2	B2	X	B2	B2	B1	X	B2	X	B1	X	B1	B2	B2	B2	B2	B2	B2	B2
	Residential	Single Family	X	X	B1	B2	X	B1	B2	B2	X	B1	B2	B2	B2	B3	B2	B3	B3	B3	B3	B3
		Multi Family	X	B1	X	B2	B1	X	B2	B2	X	X	B2	B2	B2	B3	B2	B3	B3	B3	B3	B3
		Mixed Use	X	B2	B1	B1	B2	B1	X	B1	B2	B2	X	B1	X	X	X	B2	B2	B2	B2	B3
		Non-Res	X	B2	B1	X	B2	B1	B1	X	X	B1	B1	X	X	X	X	B2	B1	B1	B1	B1
	General Commercial	Single Family	X	X	B1	B2	X	B1	B2	B2	X	B1	B2	B2	B2	B3	B2	B3	B3	B3	B3	B3
		Multi Family	X	B1	X	B2	B1	X	B1	B2	B1	X	B2	B2	B2	B3	B2	B3	B3	B3	B3	B3
		Mixed Use	X	B2	B1	B1	B2	B1	X	B1	B2	B2	X	B2	X	X	X	B2	B1	B1	B1	B1
		Non-Res	X	B2	B1	X	B2	B1	B1	X	B2	B1	B1	X	B1	B2	B1	B2	B2	B2	B2	B2
	Entryway	ELC	X	B2	B2	B1	B2	B2	X	B1	B2	B2	X	B1	X	B1	X	B1	B2	B2	B2	B2
		EGC	X	B3	B3	B2	B3	B3	X	B2	B3	B3	X	B2	B1	X	B1	B1	X	X	X	B2
		EMU	X	B2	B2	B1	B2	B2	X	B2	B2	B2	X	B1	X	B1	X	B1	B1	B1	B1	B3
		ELI	X	B3	B3	B2	B3	B3	B2	B2	B3	B3	B2	B2	B2	B1	B2	X	X	X	X	B1
Heavy Comm/Industrial	Hwy Comm.	X	B3	B3	B2	B3	B3	B2	B2	B3	B3	B2	B2	B2	X	B1	X	X	B1	B1	B1	
	CI	X	B3	B3	B2	B3	B3	B2	B2	B3	B3	B2	B2	B2	X	B1	X	B1	X	B1	B1	
	HI	X	B3	B3	B2	B3	B3	B3	B2	B3	B3	B3	B2	B2	B2	B3	B1	B1	B1	B1	X	

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B. STANDARD BUFFERYARD TYPES

The bufferyard dimensional and planting requirements are established in Table 27-1105.2, and a menu of landscape points is established in Table 27-1105.3. Landscape point allocations may be enhanced through the use or conservation of bonus materials as identified in Table 27-1105.4.

1. STANDARD TYPES OF BUFFERYARDS

Different buffer widths and planting requirements may be specified in this section according to the following standard landscape buffering types:

Requirement	B1	B2	B3
Planting Area Width (min. avg., ft)	6	10	10
Total Points Required [2] (per linear foot of property line)	0.30 points per lin. Ft.	0.50 points per lin. Ft.	1.1 points per lin. Ft.
Min. Tree Points	none	0.35 points per linear ft.	0.60 points per linear ft.
Min. Shrubs/Plant Points	0.10 points per linear ft.	0.05 points per linear ft.	0.05 points per linear ft.
Max. % Non-organic Landscape Materials	25	25	25
Max. Organic Groundcover in Turf Grass	Not permitted	N/A	N/A
Opaque Screen Fence	Optional	Optional	Required
Open Fence	Optional	Optional	N/A

2. DESIGN⁹

Placement and landscaping design shall be at the discretion of the developer, including the placement of the required trees within the required bufferyard.

3. LOCATION AND CALCULATIONS¹⁰

- Bufferyard depth is measured from the property line inward. Where a buffer area overlaps another buffer area, the area of overlap of one bufferyard shall be subtracted from the total required landscape point calculation to avoid double counting.
- Bufferyards may be located within required yards and setbacks.
- Access driveways shall not be subtracted from the linear frontage in calculations of the amount of landscaping required. If there are driveways along the frontage or property line, required landscaping shall be condensed into the remaining site perimeter landscaping area.

⁹ Current Sec. 27-1105

¹⁰ Current Sec. 27-1105

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4. LANDSCAPE POINTS

(a) Required bufferyard landscaping is calculated in landscape points. The following table identifies the landscape points awarded for various planted or preserved landscape materials. Plant material standards are provided in Section 27-1107.

(b)

Table 27-1105.3: Landscape Points			
Landscape Material	Landscape Points		
	Newly Installed (caliper)	Newly Installed Naturalized (caliper)	Existing Retained (diameter)
Deciduous Trees:			
Greater than 8"	n/a	n/a	27
From 4" to 8"	n/a	n/a	17
From 2.5" to 4"	21	27	n/a
From 1.5" to 2.5" or multi-stem	13	17	n/a
Coniferous Trees, Height:			
Greater than 10'	21	25	27
From 8' to 10'	13	15	17
From 6' to 8'	9	9	12
Shrubs, Plants & Ground Cover:	Points per square foot	Points per square foot: naturalized	
Perennials/ground cover	17 per 500	27 per 500	
Annual flower bed	17 per 500	22 per 500	
Lawn grass	13 per 1000	n/a	
Hardscape Materials:	Points		
Split rail fence	0.20 per lineal foot		
Screening fence (opaque)	0.40 per lineal foot		
Organic mulch	13 per 500 sq. ft.		
Ornamental pavers, decorative rock mulch	6 per 250 sq. ft.		
Landscape boulders, 3 feet or greater in height	10 per boulder		
Seating	0.40 per linear foot		
Public amenities (See Sec. B.4(b))	10 per amenity		

(c) Public amenities may be included in a bufferyard that is generally accessible by the public or by adjacent residential development. Public amenities shall meet the following standards:

- (1) Outdoor seating plaza or sheltering structure with a minimum useable area of 180 square feet;
- (2) Public art, including but not limited to sculptures, fountains, clocks, or murals with an installed value equal to or greater than ½ of one percent of the construction value of the structure.
- (3) Sidewalk planters between the sidewalk and the building.

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- (4) Pedestrian paths that connect residential development to the adjacent development or to an existing or proposed public walkway system.

5. BONUS CALCULATION

- (a) Bonus landscape points may be awarded for landscaping that meets the following standards:

Table 27-1105.4 Bonus Landscape Points	
Retained Existing Trees and Plant Materials	Bonus Landscape Points (% increase)
Trees of exceptional quality ¹ due to size, large canopy cover, trunk diameter, rareness, age, or species	25
300+ square feet with a minimum of 1 tree of 4" caliper or greater or 10 feet in height or greater	15
500+ square feet with a minimum of 2 trees 4" caliper or greater or 15 feet in height or greater	20
800+ square feet with a minimum of 3 trees 4" caliper or greater or 18 feet in height or greater	25
Use of Local, Naturalized Vegetation in New Planting	
Use of 50 – 75% local, naturalized plant materials	10
Use of 75 – 99% local, naturalized plant materials	15
Use of 100% local, naturalized plant materials	20
Notes:	
1 – Cottonwood, Elm and Ash species do not qualify for this bonus	

(b) Landscape and Bonus Point Standards

- (1) Points awarded for retained vegetation in perimeter buffers may only be applied in the buffer area along the same lot line where the vegetation is found.
- (2) Any trees preserved on a site in required landscaping areas that meet the specifications in this section and are not identified on the Billings and Yellowstone County Plant List may, at the discretion of the planning director, be credited toward meeting the tree requirements of any landscaping provision of this article.
- (3) Any tree for which landscape points or bonus points are given shall be in a condition that encourages long-term survival and in a location that conforms to the intent and standards of this section.
- (4) Existing trees that are preserved and receive landscape points or bonus points shall be marked on the landscape plan and the amount of bonus points shall be indicated. Any trees which receive points and are later removed shall be replaced with the number of trees for which landscape points was received.

SECTION 27-1106 OFF-STREET PARKING LOT LANDSCAPING¹¹

A. APPLICABILITY

The following requirements shall be applicable to all new off-street surface parking lots with 10 or more spaces.

B. REQUIRED LANDSCAPE AREA

1. All surface parking lots shall incorporate the following interior landscaping:
 - (a) All parking stalls shall be within 132 lineal feet of a required parking lot landscape area. For purposes of determining tree spacing, parking spaces may be counted in any rational sequence.
 - (b) Landscape terminal islands that are a minimum of nine feet wide and four feet shorter, at the entry end, than the adjacent parking stalls in the parking row shall be provided at the ends of each parking row.
 - (c) Parking lots with 100 or more spaces shall also be divided into subsections of no more than 50 spaces with landscape divider strips shall be placed between the sections.

Fig. 27-1106.A
Sample
parking lot
landscape

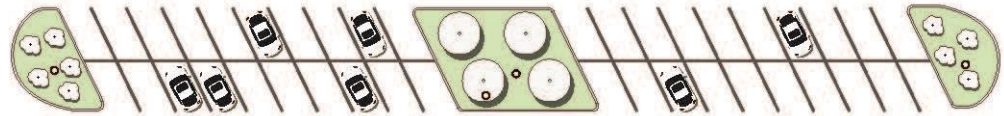


Fig. 27-1106.B Left: Landscape islands with storm water infiltration;
Fig. 27-1106.C Right: Landscape divider with bio-swale

¹¹ Current Sec. 27-1106

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C. LANDSCAPE AREA DESIGN

1. A landscape divider strip that separates either parking rows or parking lots shall be allowed to count a sidewalk located within this divider strip toward a part of the required off-street parking lot landscaping. The intent of this sidewalk is to help facilitate safe pedestrian movement. This sidewalk must meet the following criteria if it is to be counted toward the required landscaping:
 - (a) The sidewalk has a five-foot wide walking path and shall add two feet for vehicle overhang, if the sidewalk abuts a parking stall.
 - (b) The sidewalk extends the entire length of the divider strip. The ends of the sidewalk shall be ADA compliant.
 - (c) The sidewalk is bordered on at least one side by landscaping, of which the sidewalk cannot account for more than 50 percent of the area of the divider strip.
2. Landscaped areas within parking lots or the along perimeter of the property must be protected from vehicular traffic through the use of concrete curbs, extruded asphalt or other approved permanent barriers.
3. No paving shall be permitted within four feet of the center of a tree.

D. PLANT MATERIALS

1. All of the required parking lot landscaped areas must contain a minimum of 75 percent organic landscaping material, with a maximum of 25 percent inorganic landscaping material. Approved sidewalks are not counted toward the percentage of inorganic material unless specifically provided for in this section.
 - (a) A landscape divider strip shall be planted with one tree every forty feet.
 - (b) Islands shall be planted with one tree and at least 75 percent of the ground plane shall be covered with organic material that will remain in place on the island through typical local weather. Turf grass is prohibited in or on parking lot landscape islands. Deciduous trees are encouraged within the parking lot.

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2. Clear vision areas where the parking lot access drive enters from a public right-of-way must be maintained as required in Section 27 -615 and as illustrated in Section 27-618. Plant materials within these clear vision areas must be trimmed down to no more than 30 inches above grade, or in the case of trees, the lowest branch height trimmed up to 8 feet above grade.
3. Landscaping for civic and commercial uses must reach 50 percent coverage within two years of the approval of a zoning compliance permit.

E. WATER CONSERVATION DESIGN

1. Where appropriate, the use of porous pavement and/or specially designed brick or block should be considered to increase on-site water retention for plant material, replenishment of groundwater supplies and to reduce problems associated with runoff.
2. Parking lots shall be designed so as not to drain into or across public sidewalks, adjacent property, or directly into natural watercourses. Curbs used to protect landscape islands should have 18 to 24-inch-wide curb cuts at frequent intervals to allow storm water infiltration. The surface of landscape islands and divider strips shall be concave to help channel surface water runoff. The following drainage structures are permitted within parking lot landscape areas:
 - (a) Rain gardens,
 - (b) Bio-swales,
 - (c) Drainage easements, and
 - (d) Drainage inlets.

F. SNOW STORAGE

1. A portion of the site equal to five percent of the surface areas to be plowed shall be provided as one or more snow storage areas that:
 - (a) Are adjacent to and within 20 feet of the edge of the pavement to be plowed;
 - (b) Are located so as not to interfere with the safe movement of pedestrians and traffic, including outside of any required clear vision areas;
 - (c) Are provided with appropriate drainage and where refreezing of any sheet drainage will not pose safety issues; and
 - (d) Remain accessible, useable, and clear of obstructions.
2. Plowed snow may be placed in a required bufferyard or parking lot interior landscape area that has been designed as follows:



Fig. 27-1106.D: Curb cut to allow

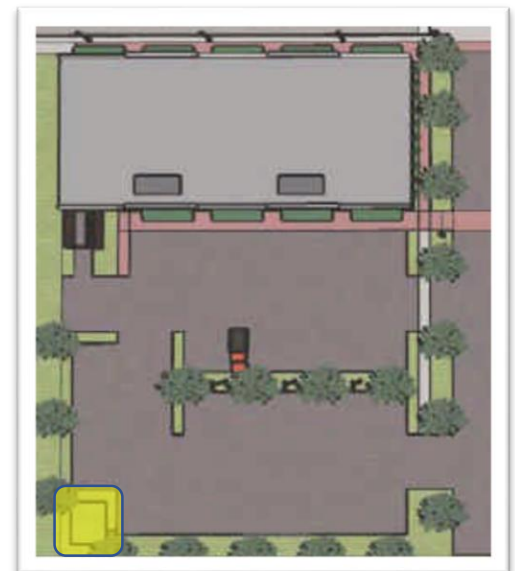


Fig. 27-1106.E Snow storage area

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- (a) Snow storage areas shall be planted with plant materials that are salt-tolerant and that can withstand the weight and compaction of the snow. Mulch shall cover less than 30 percent of the landscape area within three years of installation.
- (b) Trees, shrubs and other woody plants shall be protected from adjacent snow storage areas by separation by a minimum at grade separation from tree trunks or shrubs of four horizontal feet, or planters, elevated landscaping elements, walls or other approved mechanisms.

Public Review Draft 030419

SECTION 27-1107 TREE PROTECTION DURING CONSTRUCTION**A. GENERAL REQUIREMENTS**

If the developer and designer intend to acquire landscape or bonus points for retained trees and landscaping, then tree protection during construction shall conform to the requirements of this section and the requirements relevant to construction in the American National Standards Institute (ANSI) publication A300 standards.

B. PROTECTIVE FENCING REQUIRED

Tree protection requirements shall apply to existing trees that are to receive credit for preservation. Such trees shall be surrounded by a temporary fluorescent colored fence that shall be constructed around the drip line of each tree, or group of trees to be preserved, prior to any grading or construction on the property.

1. The fencing shall be rigidly supported and maintained during all construction periods at a minimum height of four feet above grade.
2. All trees required to be fenced shall be clearly marked in a method approved by the planning director to notify inspectors the subject tree, or trees, are to be fenced at all times during construction.
3. Fencing may only be removed with the planning director's written permission, or upon approval of the final landscaping inspection.

C. OWNER'S RESPONSIBILITY

The owner or developer shall be responsible for the erection of any and all fences necessary to protect any existing or installed trees from damage both during, and after construction.

D. SHOWN ON SITE OR LANDSCAPING PLAN

The tree protection fencing shall be clearly shown on the site plan or landscape plan.

E. INSPECTION PRIOR TO LAND DISTURBANCE

All tree protection measures shall be inspected and approved by the applicant or landscape design professional responsible for the final landscape plan prior to start of any land disturbing activities.

F. PROHIBITED ACTIVITIES

The following activities are restricted or prohibited within the area contained by the tree protection fence:

1. Storage is prohibited within the fenced areas, including storage of heavy equipment, building materials, or soil.
2. Installation of underground utilities should be avoided within the area enclosed by the temporary fence. If installation of underground utilities is necessary, tunneling shall be used under the entire tree protection area. Tunneling must occur below the main lateral level of roots, or at least two feet below the surface, whichever is greater. Tunneling shall be done from both directions. Soil shall be backfilled in the tunnels.
3. Road and grade cuts (for basements and foundations) shall be outside the area enclosed by the temporary fence.
4. Minimal grading within 20 feet of the tree protection area may be allowed provided it does not impound water during wet periods or increase the drainage rate so that water tables are lowered.

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G. TIME LIMIT FOR COMMENCING CONSTRUCTION AFTER CLEARING LAND

Where land is cleared and construction does not begin within 9 months from the date of the zoning compliance permit issuance, the owner shall be required to replant or re-seed the cleared property to its original vegetative cover based on tree counts and other information originally submitted to the county. A six-month extension of this limit may be issued at the discretion of the planning director.

Public Review Draft 030419

SECTION 27-1108 LANDSCAPING MATERIAL STANDARDS¹²

A. COMPLIANCE WITH LANDSCAPE PLAN

1. Plants shall conform to the measurements specified in the plant schedule submitted with the landscaping plan.
2. Homeowner associations and other similar organizations may not establish landscaping standards that conflict with the naturalized plant or water conservation provisions of this article as approved in an individual zoning compliance permit landscape plan.
3. It is recommended that a professional horticulturist, nurseryman or design professional be consulted to determine the proper time to move and install all plant materials, so that stress to the plants will be minimized.

B. PLANT SELECTION

1. Tree and plant materials shall be selected for: energy efficiency and water efficiency; adaptability and relationship to the native environment; color, form and pattern; ability to provide shade; soil retention; and resistance to fire. The overall landscape plan shall be integrated with all elements of the project, such as buildings, parking lots, and streets, and to achieve a desirable microclimate and minimize energy demand.
2. The Billings and Yellowstone County Plant List shall identify appropriate naturalized plant species for use in required landscaping areas. Applicants may suggest species that are not included on the list and shall provide documentation from a reputable source, such as a state agency or university, of the naturalized status of the species in the Billings and Yellowstone County region.
3. Naturalized vegetation within sensitive land and resource areas shall be preserved unless the county approves an alternative naturalized landscaping plan that preserves significant desirable naturalized vegetation.
4. If turf areas are included in landscaping, they must use a sod or seed mix specifically cultivated to thrive in the conditions present at the particular site.
 - (a) The use of non-naturalized, high water consumptive turf or other monoculture seeding such as Kentucky Blue Grass is discouraged.
 - (b) The applicant must provide information regarding the composition of a sod or seed mix as part of the detailed plant list as required.
 - (c) No person or organization shall impose private covenants, conditions, deed clauses, or other agreements that require the installation of turf or prevent the utilization of water efficient landscaping, provided such landscaping receives appropriate approval. No person shall prohibit landscaping materials and designs solely on the basis that they make use of water-efficient landscaping.

C. MEASUREMENT¹³**1. CALIPER**

- (a) Caliper measurement shall be taken six inches above the ground level for field grown stock and from the soil line for container grown stock, which should be at or near the top of the root flare, and six inches above the root flare for bare root plants, up to and including the

¹² Current Sec. 27-1109

¹³ These standards were taken from ANSI Z60.1, American Standards for Nursery Stock.

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four-inch caliper size interval (i.e., from four inches up to, but not including, 4½ inches). If the caliper measured at six inches is four and one-half inches or more, the caliper shall be measured at 12 inches above the ground level, soil line, or root flare, as appropriate.

Note: Seldom are tree trunks perfectly round. The most accurate measurement will result from the use of a diameter tape. Caliper measurements taken with manual or electronic "slot" or "pincer" type caliper tools should be the average of the smallest and largest measurements.

- (b) Trees with multiple stems: When a caliper measurement is included in the specifications, the specifications shall also include the method used to determine the caliper measurement, shown below:
 - (1) The number of required trunks and the minimum caliper of each required trunk.
 - (2) The caliper of only the largest trunk, with all other required trunks within a certain caliper range of the largest trunk (e.g., by percent or within two smaller caliper sizes).
 - (3) The caliper specified is one-half (1/2) of the caliper of the three largest required trunks.
 - (4) The caliper specified is the average of all required trunks.
2. HEIGHT AND SPREAD (COVERAGE)
- (a) Height measurement shall be taken from ground level for field grown stock and from the soil line for container grown stock, which should be at or near the top of the root flare, and from the root flare for bare root plants.
 - (b) Spread measurement shall be the average spread of the branches of the plant, without leaves for deciduous shrubs, including leaves for evergreens.
 - (c) For deciduous shrubs, height measurement shall extend to the top of all canes meeting the height specification, as appropriate to the plant type.
 - (d) For evergreens, height measurement shall not be taken at the tip of the leader, but should be taken at the midpoint between the uppermost whorl(s) and the tip of the leader.

D. GENERAL STANDARDS

The following criteria and standards shall apply to landscape materials and installation:

1. PLANT MATERIALS LIST

The planning department shall maintain a suggested and prohibited plant list as necessary to identify plant material requirements or prohibitions within the county. Where a species is chosen for a landscape plan that is not identified on a county plant list, the applicant shall provide information about growth and spacing characteristics on the landscape plan. Plant information shall be taken from objective sources, including professional landscape organization websites or nursery cut sheets. Plant materials identified in any prohibited plant list may not be used in landscaping.

2. QUALITY

All trees and shrubs used for landscaping shall have well-developed leaders, tops, and roots characteristic of the species, cultivar, or variety per American National Standards Institute (ANSI) Z60.1, a copy of which is on file in the planning office, and shall show evidence of proper nursery pruning per the same standard. All plant materials must be free of insects, diseases, mechanical injuries, and other objectionable features at the time of planting.

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3. COVERAGE

- (a) Grass, ground cover, shrubs, organic mulch, and other organic landscape materials shall be used to cover at least 75 percent of open ground.
 - (1) Open ground includes all fill slopes and hillsides, regardless of the angle of the slope.
 - (2) Open ground also includes all fill rock and shot rock slopes that must be covered with an appropriate depth of soil to allow for the healthy growth of the coverage.
 - (3) "Top dressing" landscaping materials such as mulch, bark, etc., can be incorporated into a landscape plan where appropriate, and can be used to cover up to 25 percent of open ground.
- (b) No area required to be landscaped shall include any artificial trees, plants, or turf; impervious surfacing other than sidewalks, decorative pathways or other public amenities as described in Section 27-1105; or any carpeting designed as a visual substitute for lawn or other groundcover.
- (c) Areas devoted to pasture, farm crops, or undeveloped areas of a parcel shall not be considered landscaped for the purpose of fulfilling any landscape requirements.

4. TREES

Trees used for landscaping shall be a species common to, or adapted to this area of the state, and not identified as prohibited on any county plant list. Trees shall have the following characteristics:

- (a) Size
 - (1) Canopy trees shall be deciduous trees that have a minimum height of 30 feet at maturity. All canopy trees shall have a caliper width of at least one and one-half (1.5) inches at time of planting.
 - (2) Understory trees shall be deciduous trees that have a maximum height of less than 30 feet at maturity. All understory trees shall have a caliper width of at least one (1) inch at time of planting.
 - (3) Coniferous trees shall have a minimum height of 20 feet at maturity. All coniferous trees shall be at least four (4) feet in height at time of planting.
 - (4) Street trees shall be canopy trees and shall have a minimum caliper of one and a half (1.5) inches.
- (b) All trees shall conform to the American National Standards Institute (ANSI) Z60.1, a copy of which is on file in the planning office.

5. SHRUBS, HEDGES, AND ORNAMENTAL GRASSES

- (a) Shrubs shall have the following characteristics:
 - (1) Small or dwarf deciduous shrubs that typically do not grow to a mature height or spread exceeding three feet shall have a minimum height of twelve inches with a minimum of four canes.
 - (2) Intermediate deciduous shrubs with a mature height or spread of three to seven feet shall have a minimum height of 18 inches with a minimum of four canes.

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- (3) Large or tall deciduous shrubs with a mature height exceeding seven feet shall have a minimum height of 24 inches and a minimum of five canes. Where these shrubs have a narrow habit the minimum number of canes may be reduced to one.
 - (b) Ornamental grasses shall be a minimum of 18 inches in height at time of planting.
 - (c) Hedges, where installed as a bufferyard screen, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen which will be at least three (3) feet in height at the time of planting and achieve a minimum height of six (6) feet within five (5).
6. GROUND COVER, PERENNIALS, AND ANNUAL PLANTING AREAS
Ground covers, perennials, and annual planting areas used in lieu of grass in whole, and in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one year after time of planting.
7. LAWN GRASS
Grass areas may be sodded, plugged, sprigged, or seeded, except that sod or other erosion control products shall be used in swales, berms, or other areas subject to erosion.
8. FRACTIONS IN THE CALCULATION OF NUMBER OF TREES AND SHRUBS.
In the calculation of trees and shrubs for any required landscaping, all fractions shall be rounded to the nearest whole number.
- E. INTERFERENCE AND VISIBILITY
1. All landscaping shall be sized and located so that it does not interfere with utilities, easements or fire hydrants.
 2. All landscaped areas must comply with the clear vision standards for intersections as established in Section 27-615 and as illustrated in Section 27-618.
- F. IRRIGATION SYSTEMS
1. GENERAL STANDARDS
Where a property owner or tenant opts to install an in-ground permanent irrigation system, the following standards shall apply:
 - (a) The landscape plan shall identify the area of approximate installation of an automatic irrigation system, its maintenance, and intended uses. The landscape plan must note and delineate all irrigated and sod areas.
 - (b) Irrigation systems must be installed prior to plant materials.
 - (c) Irrigation systems with a precipitation rate exceeding 0.75 inches per hour shall be prohibited on areas exceeding 1,000 square feet with a slope greater than 30 percent unless:
 - (1) Infiltration trenches, vegetated swales, bio detention areas, and similar facilities as approved by the county are employed to reduce runoff, or
 - (2) The landscape designer specifies an alternative design or technology that clearly demonstrates to the county's satisfaction no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the final landscape inspection.
 2. LOW-FLOW IRRIGATION SYSTEMS
Low-flow irrigation devices shall be used in all narrow or irregularly shaped landscape areas less than eight feet wide in any direction to avoid overspray and runoff.

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- (a) System design shall be: surface drip system, subterranean drip system, micro-spray, or a combination of these systems.
 - (b) A hose bib system may be used for irrigation when a landscape area is less than 1,000 square feet in size and when all portions of the area are within 100 feet of a hose attachment.
3. AUTOMATIC OPERATION
- (a) All systems shall be equipped with timers and scheduled to operate during evening or early morning hours to minimize evaporation rates.
 - (b) All automatic underground sprinkler systems shall be equipped with rain and freeze sensors.

SECTION 27-1109 FENCES, WALLS AND HEDGES¹⁴**A. APPLICABILITY**

1. Fences, walls, and hedges may be erected or maintained in any zoning district provided the height, setback, and material provisions outlined below are followed and a permit is secured.
2. "Fence" for the purposes of this section means any fence, wall or hedge.
3. No fence shall be erected or maintained in a public right-of-way.
4. Any fence greater than a height of three (3) feet shall require a permit from the planning department.

B. HEIGHT

Height, for the purposes of this section, shall be defined as the vertical distance from the top rail, board or wire to the ground directly below.

C. SETBACKS REQUIRED**1. FRONT YARD**

The maximum height for fences, walls, or hedges in a required front yard setback is four feet. Front yard setbacks are defined in sections 27-308 or 27-309.

2. SIDE AND REAR YARDS

- (a) Fences, walls, or hedges between a height of four and six feet may be erected or maintained in any side or rear yard setback. Fences may not block a clear vision area pursuant to subsection D, below.
- (b) Any fence, wall, or hedge in excess of six feet shall meet all of the yard setback requirements for structures as defined in sections 27-308 or 27-309.

3. EXCEPTIONS

None of the above setback requirements shall apply to lands located in the agricultural-open space (A-1), controlled industrial (CI), or heavy industrial (HI) zones.

D. SETBACKS FOR CLEAR VISION AREAS

No fence, wall or hedge greater than 30 inches in height may be erected or maintained in any zoning district within a clear vision zone pursuant to Section 27-615 and as illustrated in Section 27-618.

E. MATERIALS**1. RESIDENTIAL AND COMMERCIAL ZONES**

- (a) Generally: All fences in residential, agricultural, and commercial zoning districts shall be constructed from materials which are commonly used for fencing and shall not be constructed from railroad ties, wood pallets, tires, rubble, or salvaged material.
 - (1) Commonly used fence materials include wood, brick, stone, split railing, chain-link, wire, vinyl, ornamental iron work.
 - (2) Materials not listed are subject to special review.
- (b) Bufferyard Fencing: Required bufferyard fencing may be constructed of any of the materials identified in Section E.1(a) along with powder-coated or vinyl coated chain link fence.

¹⁴ Current Sec. 27-604.

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- (1) Where an opaque screening fence is required between uses – such as residential next to heavy commercial or industrial – solid vinyl, wood or similar solid fencing, or powder-coated or vinyl-coated chain link fence with opaque (solid) inserts shall be installed.
- (2) An existing fence of the proper height and materials that is located on the property line where a bufferyard fence is required may be retained. Where an existing fence is not compliant with this section, the property owner who is required to install the bufferyard fence shall replace the existing fence with a compliant fence.

2. INDUSTRIAL ZONES

All fences in industrial zoning districts shall be constructed from materials commonly used for fencing and shall not be constructed from railroad ties, wood pallets, rubble, or salvaged material.

- (a) Commonly used fence materials include wood, brick, stone, split railing, chain-link, wire, vinyl, ornamental iron work, finished or coated steel or aluminum building panels.
- (b) Materials not listed are subject to special review.

3. MATERIAL EXCEPTION—BARBED WIRE OR ELECTRIC FENCE

- (a) Barbed wire and electrically charged fencing is allowed in the A-1 and A-S districts within Yellowstone County. When electrically charged fences are used in an A-1 or A-S district, such fences shall be posted with warning signs or fluorescent markings at intervals not to exceed 150 feet, where such fences are adjacent to public rights-of-way.
- (b) Electrically charged fencing is allowed in commercial or industrial districts within Yellowstone County provided that such fences shall be posted with warning signs or fluorescent markings at intervals not to exceed 150 feet, where such fences are adjacent to public rights-of-way. Barbed wire fencing is allowed in commercial or industrial zoning districts when such material is located not less than eight feet above grade.

SECTION 27-1110 ADMINISTRATIVE RELIEF¹⁵**A. PURPOSE**

Administrative relief is provided to add flexibility in the application of a specific landscaping regulation when a standard is inapplicable or inappropriate to a specific use or design proposal. Administrative relief may be applied to up to a total of 10 individual landscape standards for any site.

B. POLICIES

1. The planning department recognizes that the specific landscape requirements in this section cannot and do not anticipate all possible landscape situations. In addition, the planning department recognizes that there may be landscape proposals which conform to the purpose, intent and objectives of the landscape regulations, but were not anticipated in the specific regulations. Therefore, the planning department may grant administrative relief in the event of these situations and proposals.
2. The reasonable development of a site may require the granting of administrative relief to some of the requirements. Although all of the categories of landscape requirements are considered important, the planning department generally assigns the following priorities for compliance with the landscape requirements:
 - (a) First, adjacent residential uses should be buffered,
 - (b) Second, an attractive appearance of the project should be provided along adjacent streets by landscaped setbacks and trees,
 - (c) Third, the parking areas and building elevations which form major public views of the project should be visually softened and enhanced by trees and other plantings.
3. Compliance with the requirements, such as the third priority above, should not be "forced" into a site design. For both visual effect and ease of maintenance, relatively few, but larger landscaped areas, which are integrated with the other elements of the site design, are generally encouraged. In addition, relatively numerous and smaller landscaped areas, which are not integrated with the other elements of the site design, are generally discouraged.
4. However, the granting of administrative relief should not always mean that a requirement is reduced without compensation. For example, the granting of a reduced bufferyard depth should be compensated by the planting of additional trees, shrubs or other plants.

C. APPLICATION

1. A written request for administrative relief shall be submitted to the planning director or his/her designee either before or in conjunction with the zoning compliance permit review process. The written request shall include a justification in terms of the findings necessary to grant administrative relief. The written request shall close with a section for the planning department's use which will include a block for the decision of approval/denial, the planning director or his/her designee's signature, and decision date. The written request with decision shall be attached to the plan or retained in the applicable file, as appropriate.
2. The planning director must make all of the following findings in order to grant administrative relief:
 - (a) The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary

¹⁵ Current Sec. 27-1103, carried over and updated to reflect current practice.

ARTICLE 27-1100 LANDSCAPING (YELLOWSTONE COUNTY ONLY)

or exceptional physical conditions that do not generally exist in nearby properties in the same general area and such conditions will not allow a reasonable use of the property in its current zone in absence of relief;

- (b) The intent of the landscaping section and the specific regulation in question is preserved; and
 - (c) The granting of the administrative relief will not result in an adverse impact upon surrounding properties.
 - (d) Proportional compliance as outlined in this section is not appropriate for the location and development planned.
3. The planning director shall render a decision on the request within 15 working days of receipt of the request and all required information. An appeal of the planning director's decision may be made to the board of adjustment with jurisdiction over the property, within 30 days after the decision. At this time, the appeal will be put on the agenda for the next board of adjustment meeting which allows for the required public notice.

SECTION 27-1111 ADMINISTRATION AND ENFORCEMENT¹⁶

The administration and enforcement of this section shall reside with the planning director as stated in sections 27-1602 and 27-1603.

Public Review Draft 030419

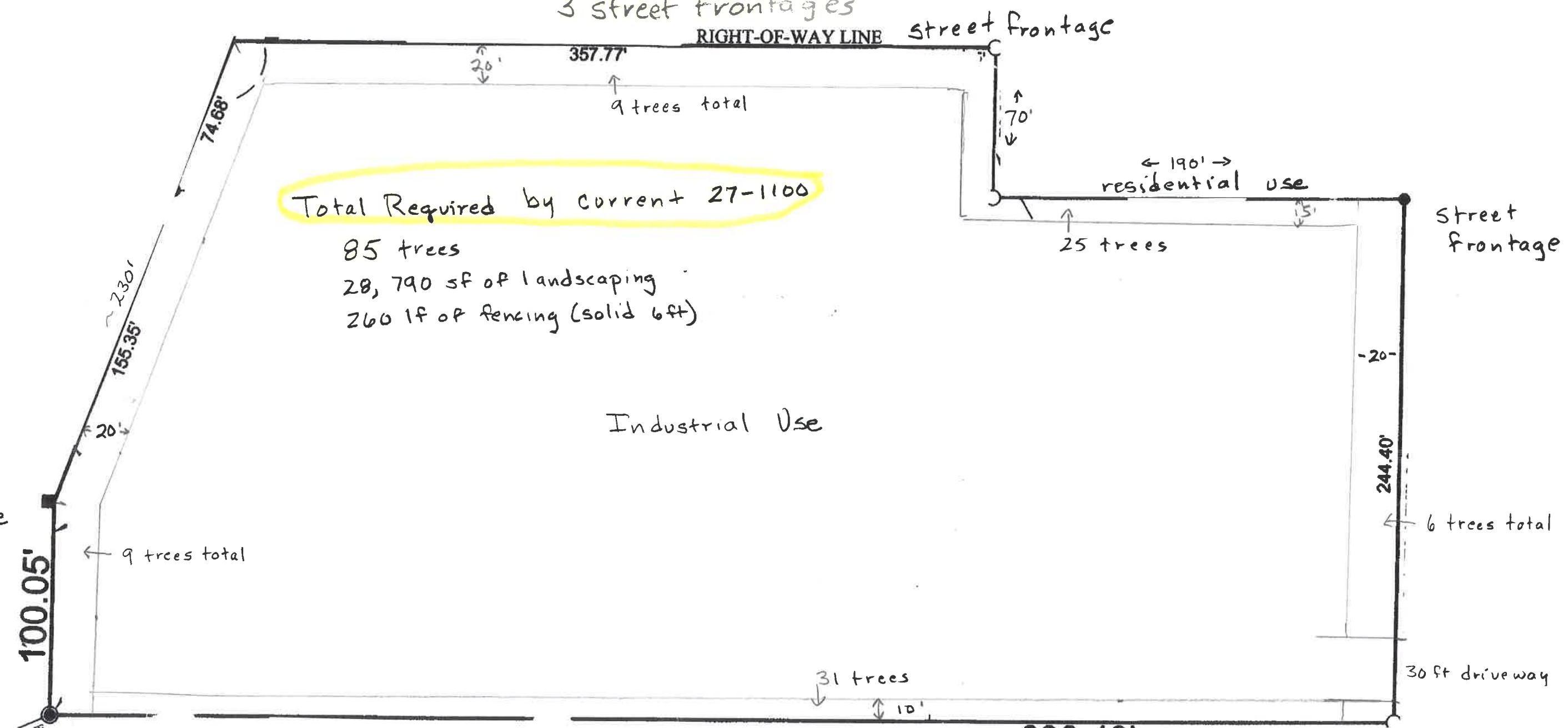
¹⁶ Current Sec. 27-1111

Industrial / Commercial Use
 Example: 4 acre site

Residential Adjacent
 Commercial Adjacent

Community Commercial zone

3 street frontages



Total Required by current 27-1100

- 85 trees
- 28,790 SF of landscaping
- 260 LF of fencing (solid 6ft)

Industrial Use

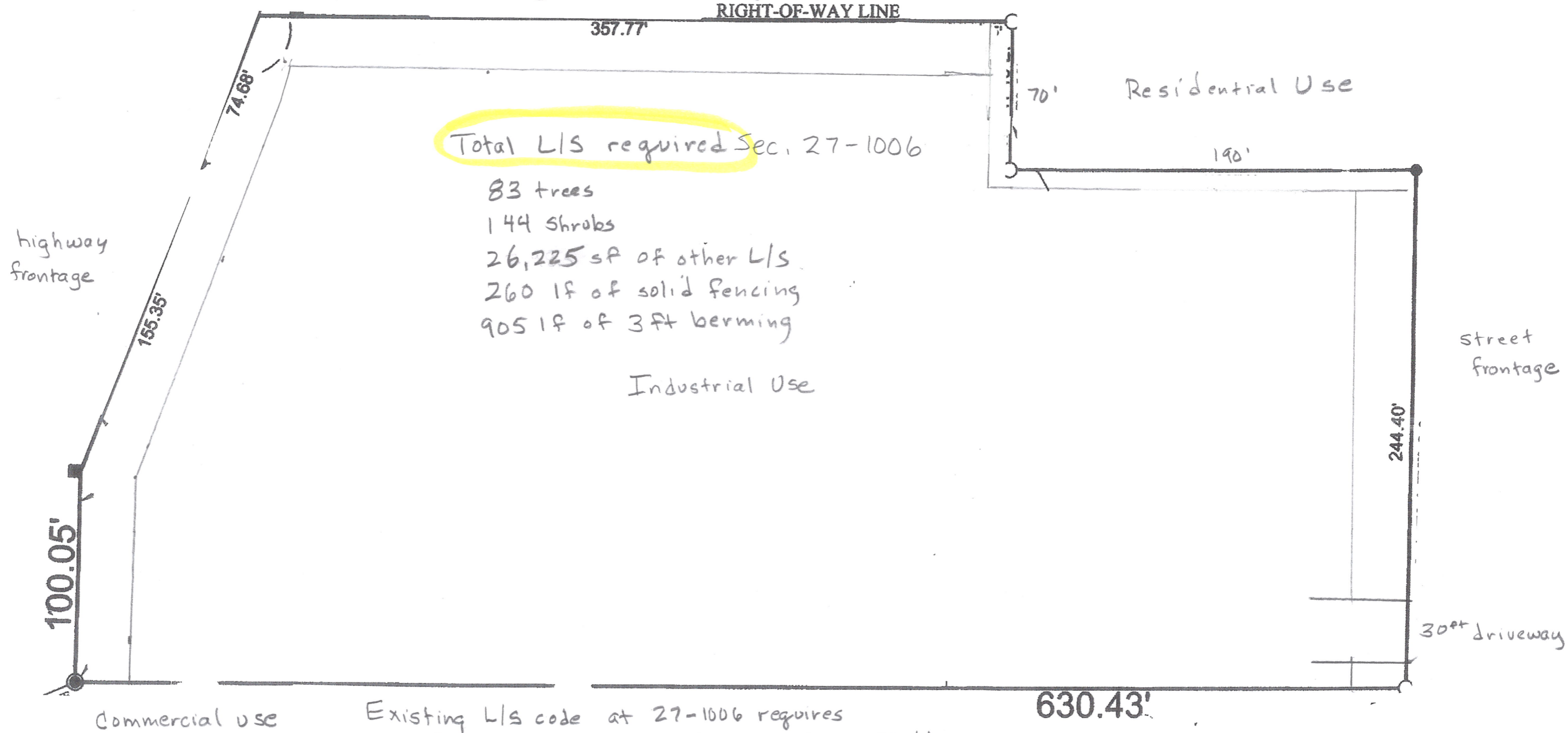
- Existing LIS code at 27-1100 requires:
- On each street frontage: (Option 1 - 27-1105.b.1)
 - 20 ft wide buffer yard with 1 tree per 40 ft. (excluding driveways)
 - 24 trees + ~18,100 SF of frontage landscaping
 - At property line with Residential Use: (D-Industrial to(R) 27-1105.b.2)
 - D - 15 ft wide with 4 trees every 40 ft.
 - 6ft sight obscuring fence - no chainlink allowed
 - 25 trees + ~3,900 SF of perimeter landscaping + 260 linear feet of solid fencing (@ \$35/ft)
 - At property line with Commercial Use: (B-Industrial to(Comm) 27-1105.b.2)
 - B - 10 ft wide with 2 trees every 40 ft
 - 31 trees + ~6,100 SF of perimeter landscaping

Zoning = Community Commercial

Area = 4.05 acres
 176,418 SF

Parking Lot = 50 spaces
 27-1106 requires
 5 trees + 690 SF of landscaping

Industrial/Commercial Use
 Example: 4 acre site
 Entryway zone
 3 Street Frontages
 Residential Adjacent
 Commercial Adjacent



Total L/S required Sec. 27-1006

- 83 trees
- 144 shrubs
- 26,225 sf of other L/S
- 260 lf of solid fencing
- 905 lf of 3ft berming

Industrial Use

Commercial use

Existing L/S code at 27-1006 requires
 Street Frontage landscaping Option 1 (27-1006.b)
 25ft wide + 5 trees/100lf + 10 shrubs/100 lf
 a contoured berm at least 3ft high
 45 trees + 22,625 sf + 90 shrubs
 Abutting R uses 27-1006.e
 10 ft wide + 10 trees/100lf + 10 shrubs/100lf + 6ft high sight obscuring fence
 26 trees + 26 shrubs + 260lf of fencing 2600 sf of landscaping

630.43'

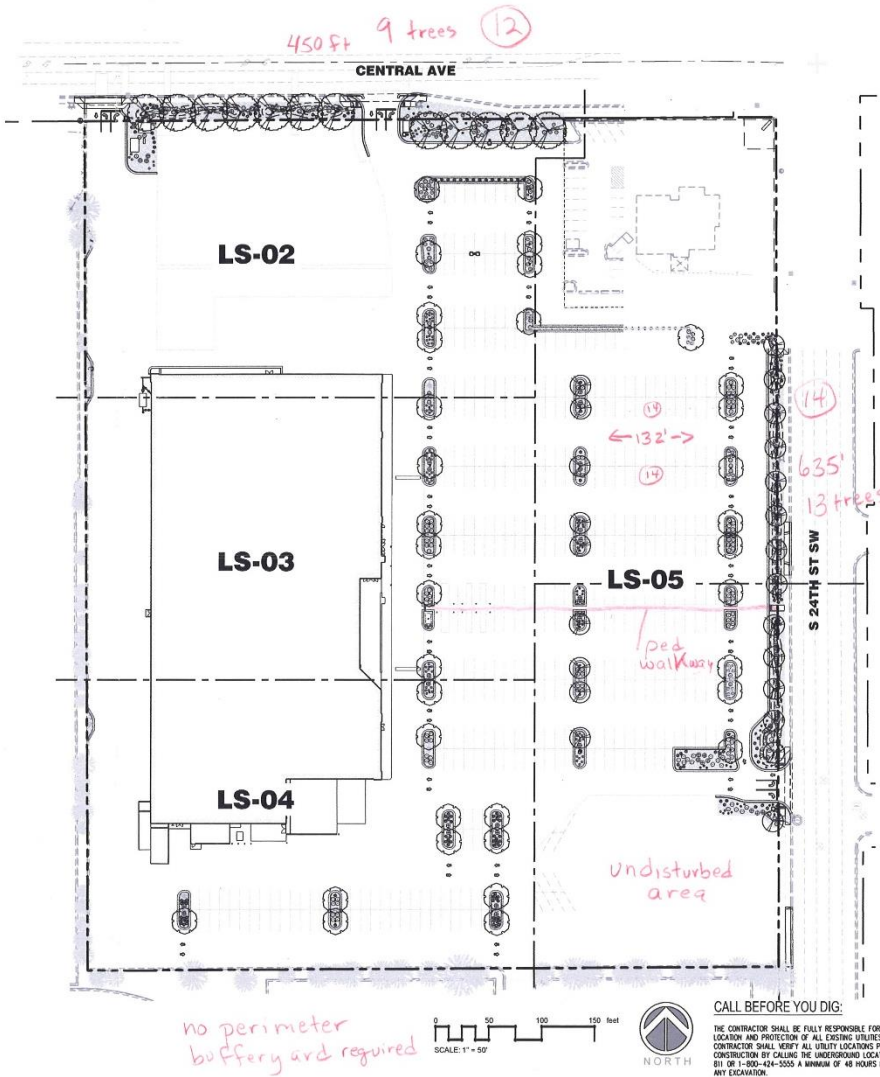
Zoning = Entryway Light Industrial
 Area = 4.05 acres
 176,418 sf
 Parking Lot = 50 spaces
 1000 sf of landscaping
 12 trees
 28 shrubs

PLANT SCHEDULE (ALL SHEETS)

TREES	QTY	BOTANICAL NAME	CAL.	DESC.
	12	ACER X FREEMANI 'SIENNA' SIENNA GLEN MAPLE	2.5' GAL.	10-12' HT. B4B
	95	GLEDITSIA TRIACANTHOS 'IMPERIAL' 'IMPERIAL' HONEYLOCUST	2.5' GAL.	10-12' HT. B4B
	23	TILIA AMERICANA 'REDMOND' 'REDMOND' LINDEN	2.5' GAL.	10-12' HT. B4B
SHRUBS	QTY	BOTANICAL NAME	SIZE	SPACING
	86	CARAGANA ARBORESCENS 'GLOBOSA' 'GLOBE' PEASHRUB	1 GAL	AS SHOWN
	163	HELICOTRICHON SEMPERVIRENS BLUE OAT GRASS	1 GAL	AS SHOWN
	62	JUNIPERUS SABINA 'CALGARY CARPET' 'CALGARY CARPET' JUNIPER	1 GAL	AS SHOWN
	156	PHYSCARRUS OPULIFOLIUS 'LITTLE DEVIL' 'LITTLE DEVIL' NINEBARK	5 GAL	AS SHOWN
	85	PINUS MISO 'SLOMOUND' MISO FINE	5 GAL	AS SHOWN
	150	POTENTILLA FRUTICOSA 'PINK BEAUTY' 'PINK BEAUTY' CINQUEFOIL	1 GAL	AS SHOWN
	80	RIBES ALPINUM 'GREEN MOUND' 'GREEN MOUND' CURRANT	5 GAL	AS SHOWN

LANDSCAPE SHEET NOTES

- THE LANDSCAPE ARCHITECTURAL SITE PLAN IS TO BE USED IN CONJUNCTION WITH THE CIVIL, IRRIGATION, MECHANICAL, ELECTRICAL, AND ARCHITECTURAL SITE PLANS TO FORM COMPLETE INFORMATION REGARDING THE SITE.
- THE INFORMATION ON THIS SHEET IS INCOMPLETE UNLESS ACCOMPANIED BY THE CORRESPONDING SPECIFICATION SECTIONS DEVELOPED FOR THIS PROJECT. REFER TO SPECIFICATIONS FOR ADDITIONAL INFORMATION.
- LANDSCAPE CONSTRUCTION SHALL CONFORM TO ALL APPLICABLE STATE AND LOCAL CODES AND SPECIFICATIONS.
- ALL MATERIAL AND WORKMANSHIP SHALL BE MAINTAINED AND GUARANTEED FOR A PERIOD OF 12 MONTHS FOLLOWING THE SUBSTANTIAL COMPLETION DATE.
- LANDSCAPE CONTRACTOR SHALL EXAMINE THE SITE CONDITIONS UNDER WHICH THE WORK IS TO BE PERFORMED, NOTIFY THE GENERAL CONTRACTOR IN WRITING OF UNSATISFACTORY CONDITIONS. DO NOT PROCEED UNTIL CONDITIONS HAVE BEEN CORRECTED.
- BEFORE COMMENCING WORK, LANDSCAPE CONTRACTOR SHALL CONTACT APPROPRIATE UTILITY COMPANIES FOR UTILITY LOCATIONS, AND COORDINATE WITH GENERAL CONTRACTOR IN REGARD TO LOCATION OF PROPOSED UTILITIES, INSULATION SLEEVES, CONDUITS, ETC.
- VERIFY THAT SUBGRADE PREPARATION HAS BEEN COMPLETED TO ACCEPTABLE TOLERANCES PRIOR TO BEGINNING ANY WORK.
- ALL TREE AND SHRUB LOCATIONS ARE TO BE STAKED ON SITE FOR APPROVAL BY OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION.
- 2" MIN. DEPTH ROOT BARRIER SHALL BE INSTALLED ON ALL TREES WITHIN 6" OF A CURB OR SIDEWALK.
- ALL B4B PLANT MATERIAL SHALL HAVE ALL WIRE, TYNE, OR OTHER CONTAINMENT MATERIAL EXCEPT FOR 100% HEMP BURLAP REMOVED FROM THE TRUNK AND ROOT BALL OF THE PLANT PRIOR TO PLANTING. REMOVE THE TOP 2/3 OF THE HEMP BURLAP AFTER PLACING PLANT IN THE PIT.
- DISTRIBUTE IMPORTED SANDY LOAM TOPSOIL (APPROVED BY THE LANDSCAPE ARCHITECT) IN AREAS SHOWN AND AT DEPTHS INDICATED FOR CROWNS AND BERMS OF LANDSCAPE AREAS. DOTTED LINES INDICATE 1' SPACING INTERVALS.
- PLANTING SOIL:
 - SPREADING OF PLANTING SOIL SHALL BE COMPLETED BY THE LANDSCAPE CONTRACTOR AND SUPERVISED BY THE GENERAL CONTRACTOR SO THAT GRADES ARE MET AS NOTED ON THE GRADING PLANS.
 - TOPSOIL SHALL BE PLACED IN ALL LANDSCAPE PLANTERS TO A DEPTH OF TWO (2) FEET. PLACE FINAL TOPSOIL GRADE TO WITHIN SIX (6) INCHES OF TOP OF ADJACENT CURBS TO ACHIEVE REQUIRED ROCK MULCH FINISH LEVEL.
 - PREPARATION OF BACKFILL FOR TREES, SHRUBS AND GROUNDCOVERS SHALL CONSIST OF 25% HIGH QUALITY COMPOST AND 75% PLANTING SOIL (OR IMPORTED SOIL AS ABOVE).
 - ALL CONSTRUCTION DEBRIS, ASPHALT, GRAVEL, AND OTHER DELETERIOUS MATERIALS SHALL BE REMOVED IN PARKING ISLANDS AND PLANTERS DOWN TO NATIVE SUBGRADE, AND BACKFILLED WITH APPROVED NATIVE OR IMPORTED TOPSOIL. IF SITE IS CONSTRUCTED OF IMPORTED PIT RUN OR FREE DRAINING SIMILAR NON-NATIVE MATERIAL, SPECIFY THREE FEET MINIMUM DEPTH OF IMPORT SOIL IN PARKING ISLANDS AND TWO (2) FEET MINIMUM DEPTH IN SHRUB BEDS.
- ALL PLANTING AREAS SHOWN ON PLANS SHALL BE MULCHED WITH A 4" DEPTH OF 1-1/2" NORTH HILLS GOLD LANDSCAPE ROCK OR APPROVED EQUAL. PLACE ROCK MULCH THROUGHOUT ENTIRE LANDSCAPE AREA TO A DEPTH OF 4 INCHES.
- PLANT SYMBOLS SHALL DICTATE COUNT.
- REFER TO PROJECT SPECIFICATIONS FOR MORE DETAILED INSTRUCTIONS.



CALL BEFORE YOU DIG:

THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR THE LOCATION AND PROTECTION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS PRIOR TO CONSTRUCTION BY CALLING THE UNDERGROUND LOCATE LINE 811 OR 1-800-424-5555 A MINIMUM OF 48 HOURS PRIOR TO ANY EXCAVATION.

REVISIONS	
NO. 1	DATE
NO. 2	DATE
NO. 3	DATE
NO. 4	DATE
NO. 5	DATE
NO. 6	DATE
NO. 7	DATE
NO. 8	DATE
NO. 9	DATE
NO. 10	DATE
 SCJ ALLIANCE COMMERCIAL SERVICES 875 N. PARKWAY, SUITE 100 BILLINGS, MONTANA 59102-1000 PHONE: (406) 251-1111 FAX: (406) 251-1112	
 5-10-2018	
WINCO FOODS STORE NO. 155 2424 CENTRAL AVENUE BILLINGS, MONTANA	
SHEET TITLE OVERALL LANDSCAPE PLAN	
SHEET LS-01	

Winco Foods 2424 Central – Redevelopment Landscape Plan – Meets or exceeds proposed new County LS code

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.