



COUNTY OF YELLOWSTONE ZONING COMMISSION

AGENDA-Monday, March 9, 2015

**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: January 12, 2015. (The February 9, 2015 meeting was canceled due to a lack of agenda items).

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 Zone Change #656:** This is a zone change from Residential 15,000 (R-150) to Community Commercial (CC) on the west 470 feet of the south 230 feet of Lot 18, Clark Subdivision, a 2.84 acre parcel of land, generally located at 1102 Garden Avenue. A pre-application neighborhood meeting was held on January 26, 2015 at Jim & Tracy's Alignment at 2203 1st Avenue South.

- b. **County Zone Change #657:** The applicant is requesting a zone change from Agriculture Open Space (A-1) to Residential 15,000 (R-150) on an un-platted portion of the S1/2NE/14 of Section 16, T1S, R25E, a 65.134 acre parcel of land. The property is generally located between South 48th Street West and South 52nd Street West on the north side of Austrian Pine Drive. The property is currently used as farm land. The applicant conducted a pre-application neighborhood meeting on January 26, 2015 at Elder Grove School located at 1532 South 64th Street West. Tax ID D00621.

- c. **County Zone Change #658:** This is a City Council initiated amendment to the Unified Zoning Regulations Section 27-601(a) and 27-606 to allow the off-street parking and storage of Class A or Class D tow trucks in all residential zones. The City Council initiated this zone change on February 9, 2015 at the request of the Yellowstone Valley Tow Truck Association. There is a companion ordinance amendment to 24-406, a City Traffic Code, that regulates on-street parking of similar vehicles. This is not part of the Unified Zoning Regulations. The County Zoning Commission may take comment on this item but will only forward a recommendation on the proposed amendments to the Zoning Regulations 27-601(a) and 27-606.

Other Business/Announcements

Adjournment

Following the public hearing, the County Zoning Commission will make a recommendation to the Yellowstone County Commissioners. The Board of County Commissioners public hearing will be held on **Tuesday, March 24, 2015, at 9:45 a.m.** in Room 403A, 4th Floor of the Yellowstone County Courthouse. 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: 03/09/2015

Information

Subject

Approval of Minutes: January 12, 2015. (The February 9, 2015 meeting was canceled due to a lack of agenda items).

Attachments

YCZ Minutes 2015 01 12



Yellowstone County Zoning Commission Minutes for the Meeting of Monday, January 12, 2015

The County Zoning Commission met on Monday, January 12, 2015 in the Miller Building 1st floor conference room located at 2825 3rd Avenue North. Chairman Dennis Cook called the meeting to order at 4:00 p.m.

Commissioners and Staff		01/12/2015	02/09/2015	03/09/2015	04/13/2015	05/11/2015	06/08/2015	07/13/2015	08/10/2015	09/14/2015	10/13/2015	11/09/2015	12/14/2015		
Dennis Cook	Chairman	1													
Al Littler	Vice Chairman	1													
Terri Welborn	Commissioner	1													
Ole Shafer	Commissioner	1													
Nicole Cromwell	Planner II/ Zoning Coordinator	1													
Wyeth Friday	Planner II	-													
Juliet Spalding	Planner II	-													
Lora Mattox	Planner II	-													
Tamara Deines	Planning Clerk	1													
Karen Husman	Planning Assistant	-													

At 4:05 p.m., Chairman Cook opened the meeting and introduced the County Zoning Commission members and staff in attendance: Nicole Cromwell, Zoning Coordinator; and Tammy Deines, Planning Clerk

Announcements:

- The next County Zoning Commission meeting on Monday, February 9, 2015 will be cancelled due to a lack of agenda items.
- Nicole Cromwell announced there is one opening for a Commissioner on the Yellowstone County Zoning Commission.

Disclosure of Conflict of Interest: There was no disclosures of conflict of interest.

Disclosure of Outside Communication

There was no one on the Commission wishing to disclose any outside communication.

Approval of the December 8, 2014 Meeting Minutes

Chairman Cook called for approval of the December 8, 2014 meeting minutes.

Motion

Ole Shafer made a motion and Al Littler seconded the motion to approve the December 8, 2015 meeting minutes.

The motion carried with a unanimous voice vote.

Public Comment

Chairman Cook 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 that 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 were no public comments at this time.

Public Hearings:

Chairman Cook reviewed the rules for the procedure by which the public hearings will be conducted. He said the applications heard at this meeting would be forwarded to the Board of County Commissioners on **Tuesday, January 27, 2015**, in the Board of County Commissioners Board Room 403A in the Yellowstone County Courthouse.

Item #1: ; Zone Change #655 – Council Initiated text amendment – Dog Grooming in NC zones – A zone change to Section 27-306 – Commercial and Industrial Uses – to allow dog grooming with no outdoor kennels or exercise yards in all Neighborhood Commercial (NC) zones. The City Council initiated the amendment on November 24, 2014.

REQUEST

PROBLEM/ISSUE STATEMENT: The existing Zoning Regulations at Section 27-306 defines where certain uses are allowed, conditionally allowed or prohibited. In 1997, when the City and County unified the zoning regulations, dog grooming was designated as an allowed use in only 4 zoning districts – Community Commercial (CC), Highway Commercial (HC), Controlled Industrial (CI) and Heavy Industrial (HI). Prior to 1997, the City Zoning Regulations did not allow dog grooming or other Animal Services (SIC 075) in the CC zone.

Ed Jorden, DVM and Gerry Neumann, are partners in a new development project currently under construction on the north east corner of 32nd Street West and Central Avenue. Several years ago, the City Council changed the zoning of this land from Residential 9,600 (R-96) to Neighborhood Commercial (NC) to facilitate the redevelopment and infill of this corner property. Mr. Neumann did not chose the CC zoning for the property because of the directly adjacent neighborhood and the possibility of high intensity uses allowed in the CC zone, such as bars, casinos, warehousing and other high traffic uses. Mr. Jorden currently has a veterinary practice located on Shiloh Road. Part of his business is provision of dog grooming services. Mr. Jorden would like to relocate the dog grooming services to this new location. Mr. Jorden and Mr. Neumann were not aware of the prohibition on dog grooming in the NC zone. Mr. Jorden was advised the issue could be resolved by either changing the zoning of the property from NC to CC or requesting an amendment to the text of Zoning Regulations to allow this use in the NC zone.

Amendments to the Zoning Regulations may be initiated by the Board of County Commissioners, the City Council, the Planning Board, the County Zoning Commission, or the City Zoning Commission. The proposed amendment will affect City property and County property. Planning staff has had preliminary discussion on the proposed amendment and it appears this use is appropriate in the NC zoning districts.

The City Council initiated the zoning text amendment on November 24, 2014.
Proposed Amendment Section 27-306

Sec. 27-306. District Regulations: Commercial and Industrial Uses.

TITLES AND DESCRIPTION OF INDUSTRIES	Residential Professional	Neighborhood Commercial	Community Commercial	Highway Commercial	Central Business District	Controlled Industrial	Heavy Industrial	Public	South 27th Street Corridor
SR - SPECIAL REVIEW A - ALLOWED									

07 AGRICULTURAL SERVICES (EXCEPT BELOW):				A		A	A		
– Offices only	A	A	A	A	A	A	A		A
0741 Veterinary services for livestock:									
– Boarding						A	A		
– Outpatient only				SR		A	A		
0742 Veterinary services for animal specialties:									
– Boarding			SR	A		A	A		SR
– Outpatient only		SR	A	A		A	A		A
075 Animal services, except veterinary (except below):									
– Dog grooming*		A*	A	A		A	A		
– Public animal shelters								A	
* In NC zones no outdoor exercise areas or kennels allowed									

RECOMMENDATION

The Planning Division is recommending approval.

Zoning Coordinator stated the City Zoning Commission has forwarded a recommendation of approval. She pointed out that Planning Staff feels this is a good amendment and she pointed out the clause, “in Neighborhood Commercial zones no outdoor exercise areas or kennels allowed”.

Discussion

Chairman Cook called for discussion. Al Littler asked about the allowances in Section 0742/ for Boarding, and Nicole Cromwell explained the differences between Neighborhood Commercial and Community Commercial zones. She said dog grooming and services to pets is a growing

industry and this proposal is more akin to a human salon. She said notices were sent to all Neighborhood Commercial property owners and staff received no comments.

At 4:10 p.m., Chairman Cook opened the public hearing and asked if there was anyone wishing to speak in favor of County Zone Change #655. There was none. Chairman Cook closed the public hearing and entertained a motion.

Commissioner Shafer made a motion and it Commissioner Littler seconded the motion to forward a recommendation of approval of Zone Change #655 as presented by staff.

Chairman Cook called for discussion on the motion. There was none.

The motion carried with a unanimous voice vote, 4-0.

7. OTHER BUSINESS

7a. Election of Officers for the 2015 term

Commissioner Welborn and Commissioner Shafer recommended Dennis Cook to serve as Chairman and Al Littler to serve as Vice Chairman of the Yellowstone County Zoning Commission for the 2015 term.

Motion

Commissioner Welborn made a motion and it was seconded by Commissioner Shafer nominated Commissioner Dennis Cook to serve as Chairman and Commissioner Al Littler to serve as Vice Chairman of the Yellowstone County Zoning Commission for the 2015 term.

The motion carried with a unanimous voice vote.

Adjournment: The meeting adjourned at 4:39 p.m.

ATTEST: DRAFT. To be approved by a motion on Monday, March 9, 2015

Dennis Cook, Chairman, Yellowstone County Zoning Commission

Nicole M. Cromwell, Zoning Coordinator



County Zoning Commission

Meeting Date: 03/09/2015

SUBJECT: County ZC 656 - 1102 Garden Avenue

THROUGH: Candi Millar, Planning & Community Services Department Director

PRESENTED BY: Nicole Cromwell

Information

REQUEST

County Zone Change #656: This is a zone change from Residential 15,000 (R-150) to Community Commercial (CC) on the west 470 feet of the south 230 feet of Lot 18, Clark Subdivision, a 2.84 acre parcel of land, generally located at 1102 Garden Avenue. A pre-application neighborhood meeting was held on January 26, 2015 at Jim & Tracy's Alignment at 2203 1st Avenue South.

RECOMMENDATION

The Planning Division is recommending approval of the proposed zone change.

APPLICATION DATA

OWNER: Marvin Linde

AGENT: Eggart Engineering, Adam Schlegel; Jim Johnson, prospective buyer

LEGAL DESCRIPTION: West 470 feet of the south 230 feet of Lot 18, Clark Subdivision

ADDRESS: 1102 Garden Avenue

CURRENT ZONING: R-150

EXISTING LAND USE: Vacant

PROPOSED USE: Auto, truck and tire sales and service facility

SIZE OF PARCEL: 2.84 acres

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

SURROUNDING LAND USE & ZONING

NORTH: Zoning: R-150 and CC
Land Use: Vacant land and single family residence

SOUTH: Zoning: R-150 and CC
Land Use: Agricultural and single family residences

EAST: Zoning: CC and R-150
 Land Use: Agricultural and single family residences

WEST: Zoning: R-150
 Land Use: I-90

BACKGROUND

This is a zone change request to allow the development of an auto, truck tire sales and service facility on the vacant land. The west portion of this property is currently zoned CC as are many other properties along this section of Garden Avenue south of the intersection with S 27th Street. In 1981, this property and several others were re-zoned to CC and annexed to the City of Billings in anticipation of the development of the Billings Mall. The development would have covered 72 acres on the west side of Garden Avenue. Several issues contributed to the demise of the planned mall development. The lots were subsequently de-annexed except for the west 150 feet of the lots with frontage on Garden Avenue. This area remained within the city limits and the CC zoning stayed in place. The other lots, or portions of the lots, subject to the de-annexation were returned to the R-150 County zoning. The owner now has a willing buyer for the property if the zoning can be changed to CC for the development of the proposed tire sales and service facility.

The property has an address of 1102 Garden Avenue on the County property records. The legally described property also includes 140 and 150 Garden Avenue located within the city limits and zoned CC. The property records indicate 1 single family residence as well as another dwelling although this is not visible from the street. There are several garages and sheds north of the dwellings that are located on the 1102 Garden Avenue property. The Grey Eagle Ditch bisects 1102 Garden Avenue from north to south. Kimble Drive borders the property to the south. This is a platted County right of way (Clark Subdivision) but has only a 20 foot wide gravel surface. Kimble Drive provides access to a small number of residential properties to the south. It appears some commercial buildings have been constructed to the south off Kimble Drive, but the zoning is still R-150.

Garden Avenue is not an annexed city right of way for most of its length. There are small sections that have been annexed as petitions for annexation have been approved. It has been lightly maintained south of the intersection with S 27th Street. The paved portion of Garden Avenue is on average 20 feet with gravel shoulders that vary in width from 18 inches to 3 or more feet. The right of way is 60 feet wide but most of this right of way is in the front yards of the adjacent properties. The property may be suitable for R-150 residential uses but most of the adjacent land is used for transportation - S 27th Street, the overpass and I-90. Noise generated from these uses would make residential uses incompatible. There is high groundwater in the area so on-site waste water disposal is not likely. Connection to public water and sewer would be required for any residential or commercial use of the property. The home at 150 Garden Avenue has water service but no sewer service. There is no sewer service line available in this area. The property may need to be annexed to extend another water service line to a new commercial business on the west 2.84 acres unless Environmental Health and MT DEQ approve the water and waste water systems for this lot without public systems. Given that the property is adjacent to property within the City Limits, it is very unlikely the property will be able to be developed in the County with water and wastewater systems.

Garden Avenue is not monitored for traffic volume on a regular basis. The last traffic count showed about 1,500 vehicle trips per day at this location. This traffic count was done in 2003 as a one-time snap shot. Re-development of the property for a commercial use would increase the nature and volume of traffic using a short section of Garden Avenue south of the intersection with S 27th Street. The County Public Works Department did not relay any concerns with this potential increase in traffic. If structures are located on the 1102 Garden Avenue parcel, Billings Urban Fire Service Area (BUFSA) will assess those

lots for structure protection based on the use of those structures.

There are several single family dwellings in the area. The property at 126 Garden Avenue, directly north of this property, will experience the most change from any new commercial development of the property. Screening and buffering of this adjacent residential property will be required at the time of property re-development. The applicant has stated the main access to the parcel will be through the Garden Avenue frontage and not off Kimble Drive. The property could have an access off Kimble Drive, but the road as currently constructed would not support additional traffic and especially commercial traffic.

The Planning Division has reviewed the application and is recommending approval based on the findings of the 11 review criteria. The 2008 Growth Policy supports new zoning that is compatible with adjacent uses and zoning districts. The property is not likely to develop for low density housing because of its unique location bordered by the interstate and S 27th Street. Agricultural uses of the property could continue but the lot is small for production of any significant amount of hay. The zoning will not be detrimental to the adjacent traffic patterns and new fire protection services will be assessed at the time new buildings are constructed in the county. The new zoning is compatible with urban growth in the vicinity including the commercial greenhouses, and campgrounds to the south.

RECOMMENDATION

The Planning Division recommends approval and adoption of the findings of the 11 criteria for Zone Change 656.

Attachments

Review Criteria

Zoning Map

City Limits Exhibit

Site photos

Preapplication meeting notes and applicant letter

REVIEW CRITERIA – ZC 656 – 1102 GARDEN AVENUE

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 and City of Billings 2008 Growth Policy?*

The proposed zoning does comply with the following goals of the Yellowstone County and City of Billings 2008 Growth Policy and area plans:

- 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 commercial development on the entire legally described property. The east 150 feet of the lots are zoned CC and in the city limits. The remaining 2.84 acres was de-annexed in 1983 and returned to R-150 zoning. The property has access from Garden Avenue. The prospective buyer intends to re-develop the site for auto and truck sales and service. The property is bordered by high volume transportation facilities and is not entirely suitable for low density residential uses. The proposed CC zone will allow more efficient development of a vacant parcel.

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

This property is directly adjacent to commercial zoning in the city to the east. It appears commercial development has occurred south of this location on Kimble Drive although the zoning remains R-150. Careful design will be required by the developer to minimize any incompatibility between the existing residential homes on Garden Avenue to the north and south.

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

The subject property is currently served by the Billings Urban Fire Service and will be served by the Billings Fire Department if it is annexed to the city. The nearest fire station is located on S 28th Street about 1 mile to the north and west. The Fire Department or BUFSA may require special construction or site protection measures depending on the specific uses in any development. The existing and proposed zoning requires building separations, setbacks and height limits that should provide security from fire or other public safety emergencies.

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

Transportation: The new zoning and the existing zoning may increase traffic on Garden Avenue and the adjacent streets. The County will require any new development that adds 500 new vehicle trips per day to analyze the impact of the additional traffic. If the property is annexed and developed, the City Traffic Engineer may require a traffic impact analysis to determine the appropriate mitigation or street development to accommodate the new uses.

Water and Sewerage: The property will not be served by public water and sewer systems unless it is annexed to the city. Public sewer is currently not available or near this location. The closest public sewer line is west of the interstate on Nall Avenue. If it is developed in the county, no public services for water or sewer will be provided.

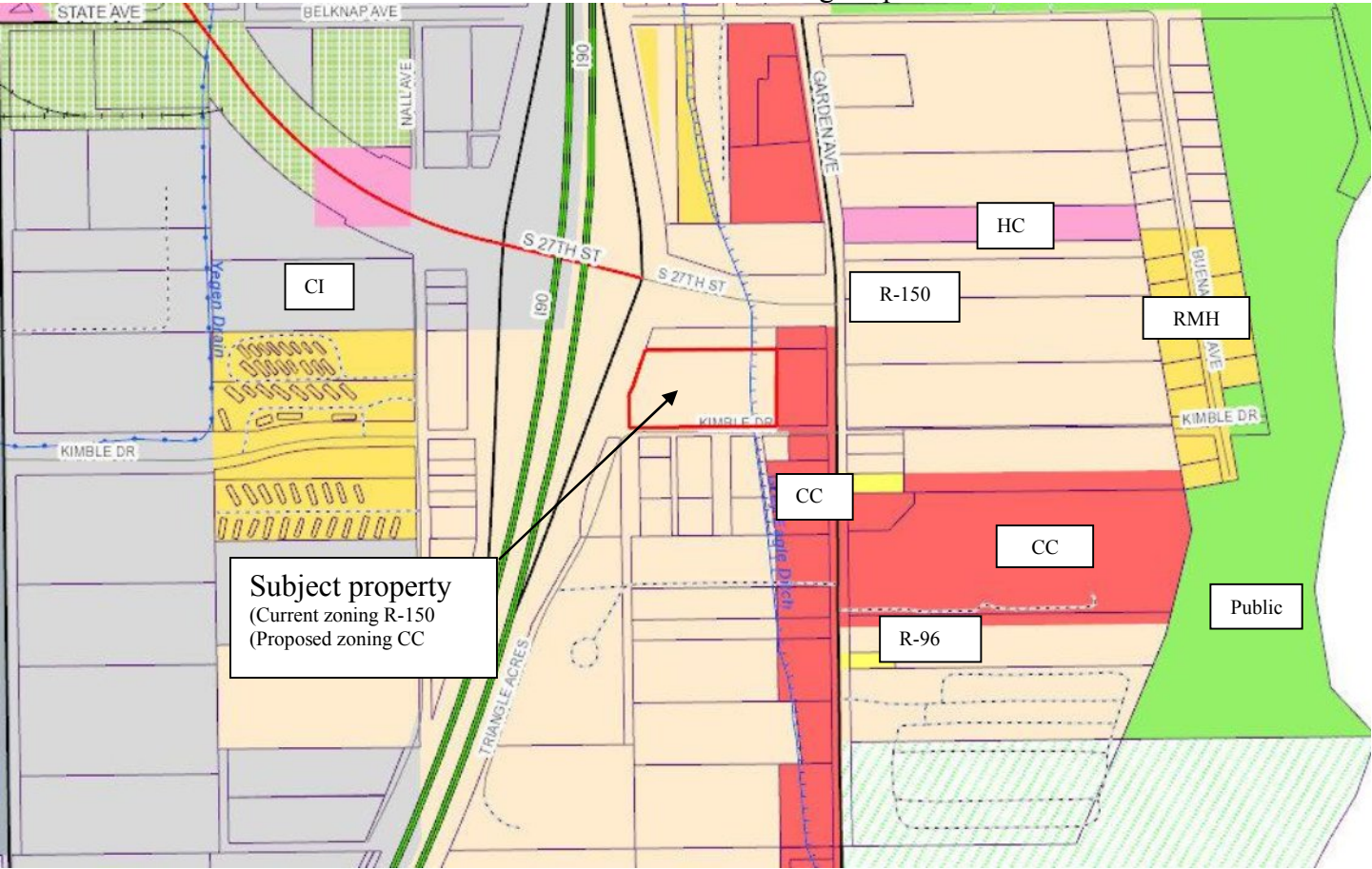
Schools and Parks: The proposed zoning should not impact the student population. No additional residential uses are planned.

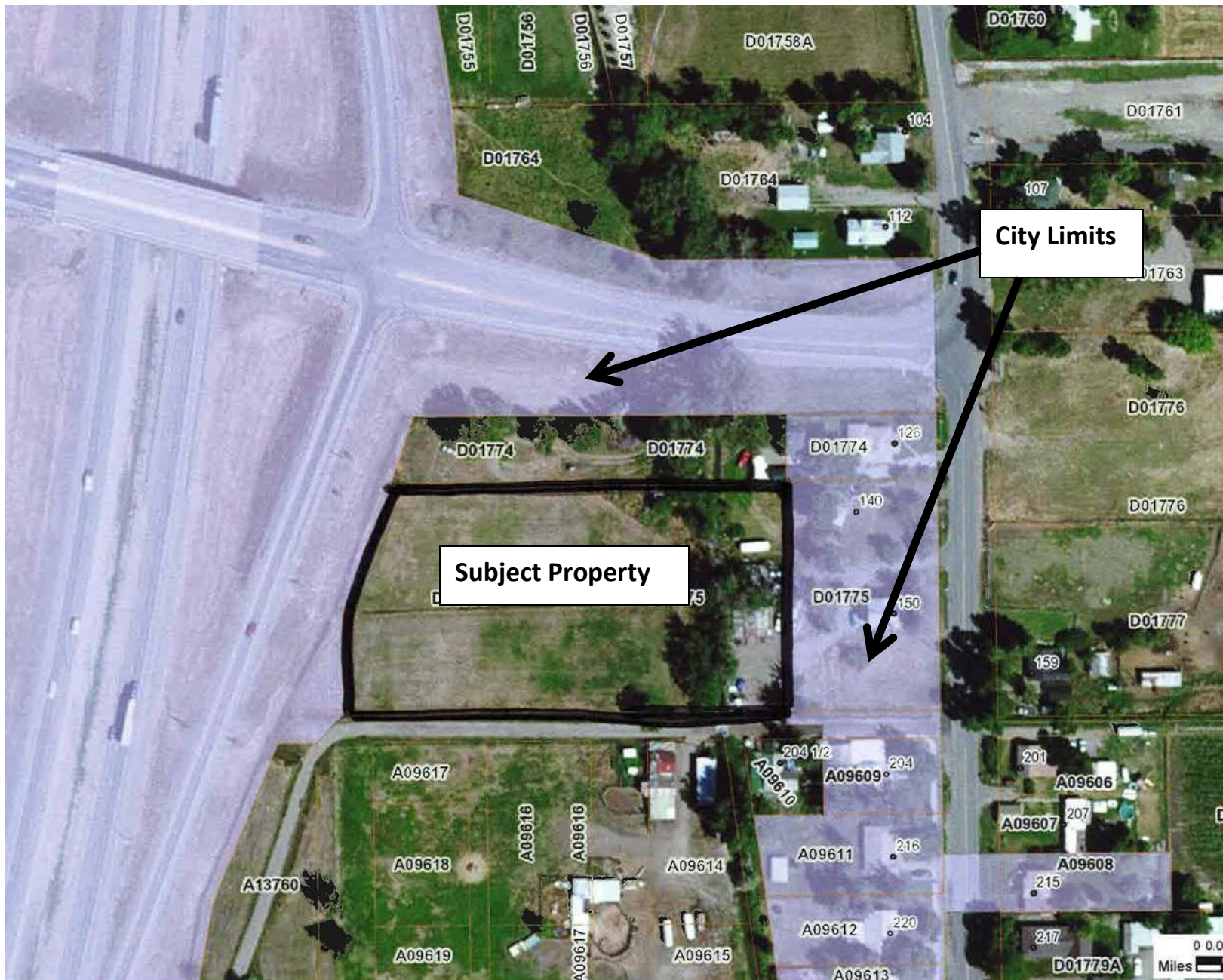
Fire and Police: The subject property is serviced by BUFSA and the Yellowstone County Sheriff's Department. Fire protection will be evaluated at the time of a development plan. If the property is annexed city, public safety services will be provided by the City Police Department.

4. *Will the new zoning promote health and general welfare?*
The new zoning will allow development of property that is adjacent to existing CC zoning east of the subject property. Commercial development will need to be carefully planned to ensure adjacent residential uses are protected from noise and other commercial site impacts.
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 east of the property. There are other commercial businesses on Garden Avenue including a greenhouse, the KOA and Yellowstone River campgrounds and the Bamboo Hut Spa at 105 Garden Avenue. There are gravel shoulders on the edge of pavement of Garden Avenue so the travel way for pedestrians, bicycles, and vehicles are shared. Commercial traffic loads to this street could have a detrimental effect on pedestrian, bicycle, and vehicular use of these travel ways. Careful planning by a developer will be needed to ensure non-motorized travel is not made hazardous.
7. *Will the new zoning be compatible with urban growth in the vicinity?*
The proposed zoning is compatible with the adjacent zoning and developments. Residential development to the north and south may require this property to minimize any impacts from noise, lighting or commercial activity.
8. *Does the new zoning consider the character of the district and the suitability of the property for particular uses?*
The subject property is in an area that is a mix of county commercial and residential uses. The property is suitable for CC uses and the site development will be in character with the adjacent uses.

9. Will the new zoning conserve the value of buildings?
The new zoning will allow the development of new commercial uses adjacent to similarly zoned property. There are several existing shop, garages and sheds on the site. The proposed zoning allows these uses. The zoning regulations will conserve the value of adjacent buildings by employing enhanced development standards for building design, lighting and landscaping.
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 CC zoning district.
11. Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?
The proposed zoning is a zoning that is also present in the City of Billings and is in the area of the subject property. The property is adjacent to City Limits and within the limits of annexation area where annexation to the City is expected. CC zoning adjacent to high-volume streets or the interstate corridor is compatible with other urban development in the area. The proposed zoning will require the developer to provide on-site screening and buffering to county residential development to the south.

Zone Change #656
Zoning Map





Zone Change #656
Site Photographs



Subject property – view from Kimble Drive



View east along Kimble Drive to Garden Avenue

Zone Change #656, continued
Site Photographs



View south across Kimble Drive



View west down Kimble Drive

Zone Change #656, continued
Site Photographs



View north east from intersection of Garden Ave and Kimble Drive



View south from intersection of Garden Ave and S 27th Street

Zone Change #656, continued
Site Photographs



Aerial



View of intersection of Garden Ave and Kimble Drive

Zone Change #656

Applicant Letter & Pre-application neighborhood meeting minutes

APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # 656 - Project # P2-15-66012

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings-Yellowstone County Unified Zoning Regulations.

Present Zoning: Residential 15000

Proposed Zoning: Community Commercial

Tax ID # D01775 COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: Clark Subdivision, Section 11, Township 01 S, Range 26 E, Lot 18, S 230' East of Highway

Address or General Location (If unknown, contact County Public Works): Per Yellowstone County GIS, 3 addresses are assigned to this property (140,150, & 1102 Garden Avenue). Only 1102 Garden Ave is requested zone change.

Size of Parcel (Area & Dimensions): The parcel in which a zone change is requested is 2.84 acres. Approximate dimensions are 256' x 470'

Present Land-Use: Presently the portion of the property requesting zone change is a fenced space that is mostly vacant and contains storage sheds/garages. The east portion contains a house (140 Garden Ave) which is already Community Commercial

Proposed Land-Use: The intent of the property is to develop an auto/truck/tire sales & service facility.

Covenants or Deed Restrictions on Property: Yes No

If yes, please attach to application

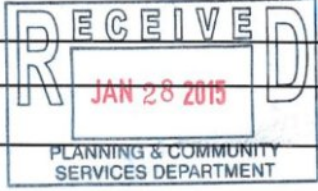
*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Marvin Linde
(Recorded Owner) 547 Garden Avenue, Billings, MT 59101

(Address) (406) 855-5424
(Phone Number) (email)

Agent(s): Eggart Engineering Company
(Name) 720 Lohwest Lane, Billings, MT 59106

(Address) (406) 839-9151 quentin@eggartengineering.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 Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: Marvin Linde Date: 1/27/15
(Recorded Owner)

Date: 2/2/2015

**YELLOWSTONE COUNTY ZONE CHANGE
PRE-APPLICATION MEETING SYNOPSIS**



Date of Pre-Application Meeting: 1/26/2015

Legal Description: Lot 18, S 230' East of Highway, Clark Subdivision, Section 11, Township 01S, Range 26E, Yellowstone County Montana.

A Pre-Application meeting for a Yellowstone County Zone Change took place on 1/26/2015 at 5:00 pm for the property described above. The known physical address for the property is 1102 Garden Avenue. This meeting was held at Jim and Tracy's Alignment located at 2203 1st Avenue South, Billings, MT 59101. The meeting was held at this location since the owner of this business, Jim Johnson, is proposing the zone change before purchasing the land. A copy of the Pre-Application meeting notice has been included. Of the landowners located within a 300' of the property lines of the property in question, 5 attendees were present at the pre-application meeting. The Pre-Application Meeting Sign-in Sheet is also attached.

The meeting began with explaining which property was proposing to have the zoning classification changed. Each attendee was familiar with the property. Jim explained to the attendees the nature of the business that he intends to place on this property as well as the hours and days the business would plan to be operational. Concerns that were mentioned during the meeting included the increase in noise and traffic, particularly from heavy trucks. It was explained that with the location of the property, not many other homes will be affected by an increase in traffic since the property is within close proximity of the corner of Garden and 27th. Since this site is adjacent to the interstate, the noise level will likely not exceed the noise from traffic on the interstate. Also, traffic from the KOA further south on Garden Avenue is not a lot different.

Another concern mentioned in the meeting was that of the adequacy of Kimble Drive. Kimble Drive is a very narrow road with a bridge that crosses a ditch. This bridge would likely not withstand heavy vehicular traffic. It was explained that this property will be accessed off of Garden Avenue and will have its own ditch crossing away from this bridge. No access to the west side of this property from Kimble Drive is anticipated. It was mentioned that the ditch company may not approve of an additional culvert.

The last potential issue that was discussed was the fact that this property is now located within the FEMA Flood Fringe and that this may affect the ability to build a building as well as a septic system.

CONCLUSION:

A majority of the attendees left the meeting with the notion that they don't foresee conflict with the proposed zone change. One attendee said that they will have to give it some thought. The meeting commenced at 5:10 pm and ended at 6:05 pm.

Date: 2/2/2015

ZONE CHANGE APPLICATION –YELLOWSTONE COUNTY



Legal Description: Lot 18, S 230' East of Highway, Clark Subdivision, Section 11, Township 01S, Range 26E, Yellowstone County Montana.

QUESTIONS:

- A. *In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?*
- B. *Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.*

ANSWERS:

- A. *In what way is your proposal consistent with the goals and policies of the adopted Growth Policy?*

Land Use Element – Issue 4:

Urban sprawl threatens the rural character of land surrounding Billings, increases the cost of providing public services, and threatens the vitality of the city core and downtown area.

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

Objectives

- *Ensure the continued functionality of natural systems.*
- *Use City and County resources in a cost effective manner.*
- *Create attractive communities.*

Response The zone change from for this property will allow for commercial infill development which will otherwise remain vacant. This property provides interstate frontage and convenient access.

Economic Development Element – Issue 3:

Entryways to our communities should be attractive and not present physical barriers discouraging economic development.

Goal -Attractive and accessible communities.

Objectives -Encourage new businesses to locate in Billings and gateway areas.
-Reduce travel time through town
-Convey a business-friendly attitude.
-increase the visual appeal of our highway and railroad corridor.

Response With the zone change on this property, a currently vacant parcel will be turned into a commercial property with great visibility from the interstate. Travelers will then see a thriving business instead of a vacant field of weeds. Truck traffic through town will be reduced due to this location off of the interstate which will cause less congestion. With this development on this lot, there is also plan for two other leasable spaces in the building which would be made available to two other businesses with similar trade (tires, mechanic, etc).

Aesthetics Element – Issue 1:

There are areas in the city and county that are unattractive and present a poor image of the community.

Goal -Visually appealing community.

Objectives -Improve the image of the community.
-Instill pride in the community.
-Improve quality of life for residents.
-Preserve the community assets such as the Rimrocks, the Yellowstone River, the downtown and the major street thoroughfares.

Response With the development of this property, it would conform to the Yellowstone County zoning regulations which would require landscaping along the street frontages. This alone would increase the visual appeal of this property and would be a better image for those traveling along the interstate.

Natural Resources Element – Not Applicable

Open Space and Recreation Element – Not Applicable

Transportation Element – Issue 2:

Safe and efficient traffic circulation around and through the City.

Goal *Efficient cross-town and in-town traffic.*

Objectives • *Reduce travel times.*
 • *Create convenient traffic connections*
 • *Employ adaptable design options.*
 • *Provide multiple intercity travel options.*

Response With the location of this proposed development, travel time through town will be absolutely minimal. This will help to reduce semi truck traffic making travel time safer and more efficient for all travelers.

Public Facilities and Services Element – Not Applicable

Cultural and Historic Resources Element – Not Applicable

Community Health Element – Issue 7:

Poor housing and lack of living wage jobs puts the health of residents at risk.

Goal - *Adequate affordable housing and living wage job options for all citizens.*

Objectives • *Reduce poverty related health issues.*
 • *Provide service workers more options for housing and basic needs.*

Response The development of this property will provide a business location for two additional businesses which will help create living wage jobs in this area of town.

- B. *Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.*

There is a need for a zone change in this location as the proposed business is not allowed in the current zoning of R1500. This location is a lot more suitable for a commercial property given its location. The portion of the same property which fronts Garden Avenue is already zoned community commercial and same goes with the adjacent property. Across the interstate, there are numerous controlled industrial properties so an additional community commercial property on the east side would be suitable.



County Zoning Commission

Meeting Date: 03/09/2015

SUBJECT: Zone Change #657 - Diamond Falls Subdivision

THROUGH: Candi Millar, Planning & Community Services Department Director

PRESENTED BY: David Green

Information

REQUEST

County Zone Change #657: The applicant is requesting a zone change from Agriculture Open Space (A-1) to Residential 15,000 (R-150) on an un-platted portion of the S1/2NE/14 of Section 16, T1S, R25E, a 65.134 acre parcel of land. The property is generally located between South 48th Street West and South 52nd Street West on the north side of Austrian Pine Drive. The property is currently used as farm land. The applicant conducted a pre-application neighborhood meeting on January 26, 2015 at Elder Grove School located at 1532 South 64th Street West. Tax ID D00621.

RECOMMENDATION

The Planning staff is forwarding a recommendation of approval based on the 11 criteria for zone changes.

APPLICATION DATA

OWNER: Diamond Falls, LLC

AGENT: Blueline Engineering, LLC

LEGAL DESCRIPTION: S1/2 of NE1/4 of Section 16, T1S, R25E (Less C/S 2458, 2892)

ADDRESS: Between South 48th Street West and South 52nd Street West on the north side of Austrian Pine Drive

CURRENT ZONING: A-1

EXISTING LAND USE: Agricultural

PROPOSED USE: New subdivision with single family dwellings.

SIZE OF PARCEL: 65.134 acres

CONCURRENT APPLICATIONS

Preliminary plat approval for the Proposed Diamond Falls Subdivision is to go before the Board of County Commissioners on April 14, 2015.

APPLICABLE ZONING HISTORY

Subject Property:

None

Surrounding Properties:

Zone Change #539 – A zone change from Agriculture-Open Space (A-1) to Agriculture Suburban on Amended Lot 1A of Amended Lot 1 Amended, C/S 2084, now Bridle Creek Estates Subdivision, was approved on January 24, 2001.

Zone Change # 463 – A zone change from Agriculture-Open Space (A-1) to Residential 15,000 (R-150) on Lots 1B1 and 1B2 of C/S 2084, now Mountain View Subdivision, was approved on November 2, 1995.

Zone Change #452 – A zone change from Agriculture-Open Space (A-1) to Agriculture Suburban on Tract 1, C/S 2452, generally located at 1030 South 48th Street West, was approved July 19, 1994.

There have been another 5 similar zone change requests in the area south of this proposed subdivision in Yellowstone County since 1982. One of these applications was denied and the other 4 were approved for a total of 7 approved zone changes south of this property.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: A-1

Land Use: Agriculture

SOUTH: Zoning: Agriculture Suburban (A-S) and R-150

Land Use: Residential

EAST: Zoning: Western Sky Subdivision/Multiple zonings / In the Billings City limits

Land Use: Agricultural

WEST: Zoning: A-1

Land Use: Agricultural

BACKGROUND

The subject property is located between South 48th Street West and South 52nd Street West on the north side of Austrian Pine Drive. The applicant is requesting a zone change from Agriculture Open Space (A-1) to Residential 15,000 (R-150) on an un-platted portion of the S1/2NE/14 of Section 16, T1S, R25E, a 65.134 acre parcel of land. The property is currently used for agriculture and there are no existing buildings on the subject property.

The proposed zoning, R-150, matches the zoning on a little more than half the lots to the south of the proposed site for the zone change. With the large lots that are proposed and the parkland dedication along the Hogan Slough to the north, this proposal will provide a large amount of open space and the opportunity for public access to the Hogan’s Slough.

The developer will be creating a Home Owner Association for the subdivision and will also be developing Covenants Codes and Restrictions for the development. These restrictions will dictate minimum size of house with design standards, fences, landscaping and also restrict activities within the proposed subdivision. These restrictions are designed to ensure that the development is a well maintained and aesthetically pleasing place to live and also maintain the highest possible property values.

The proposed zoning requires appropriate setbacks, limits building heights and lot coverage. The property is adjacent to existing residential uses and farm land. The zoning regulations for the county will require that each proposed building obtain a zoning compliance permit before construction on the lots.

The applicant conducted a pre-application meeting on January 26, 2015 and several interested surrounding owners attended the meeting. Concern was expressed about compatibility of adjacent property, lots in the subdivision to the south are 1 acre or larger and concern was expressed of possible effects this may have on existing property values. Interest in the appearance of what is going to be built on the new subdivision was expressed. Concern over new wells and how it will affect existing wells in the area was raised. There was also concern over Austrian Pine Drive and that the possible increase in traffic on a narrow road would be detrimental.

Planning staff has reviewed this application and is forwarding a recommendation of approval for the proposed zone change based on the 11 criteria for zone changes. The proposed R-150 zoning district is adjacent to other R-150 and A-S zoning to the south, with A-1 zoning to the east and north and a mix of zoning to the west. This property is in an area that at this point is or will be predominantly residential. With the Hogan's Slough to the north providing the opportunity for open space for this residential development and others around it.

RECOMMENDATION

Staff recommends approval of Zone Change #657 and adoption of the 11 criteria for this zone change.

Attachments

Determinations

Attachments

PROPOSED ZONING COMMISSION DETERMINATIONS

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 and City of Billings 2008 Growth Policy?*

The proposed zoning does comply with the following goals of the Yellowstone County and City of Billings 2008 Growth Policy and area plans:

- 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 residential development in an area of the county that is experiencing more residential development on the fringe of the existing City of Billings edge. The existing zoning of A-1 only allows 10 acre parcels for a single home and would not develop under this zoning. The proposed R-150 zoning is the same zoning as much of the development south of the proposed new subdivision. This zoning will allow a more efficient development of this parcel.

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

This property is directly north to a county residential development and an adjacent development is planned to the west, Western Sky Subdivision, that will be a mixture of uses including higher density residential and services. Careful design will be required by the developer to minimize any incompatibility between these existing uses.

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

The subject property is currently served by the Billings Urban Fire Service. The nearest fire station is located on 54th Street West about 3 ¼ miles to the north and west. The Fire Department or BUFGSA will require special construction or site protection measures for this development. The developer will be required to install a 30,000 gallon water tank at the entrance of this subdivision for fire suppression. The existing and proposed zoning requires building separations, setbacks and height limits that should provide security from fire or other public safety emergencies.

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

Transportation: The new zoning and the existing zoning will increase traffic on South 48th Street West and on Austrian Pine Drive. The County will require any new development that adds 500 new vehicle trips per day to analyze the impact of the additional traffic. The size of this development will require it to provide a traffic study.

Water and Sewerage: The property will be served by individual water wells and septic sewer systems, no public services for water or sewer are provided in this area. Until very recently, Montana Department of Environmental Quality (MDEQ) required a minimum lot size of 1 acre to have individual wells and septic systems. The new regulations now allow for smaller lots if the engineer can show that they can meet the required separations and the soil types and subsurface water levels back up what the engineer is proposing. Also, now with multiple wells in a subdivision, over 13 wells, the developer is now required to get water rights from the Department of Natural Resources. That process also takes some time and additional information from the engineer to show how much water is being proposed to be used by the subdivision using average water use in a household. Because of these changes, county subdivisions can now have lots that are smaller than one acre with wells and septic if they can show it will meet MDEQ requirements.

Schools and Parks: The proposed zoning may impact the student population. Elder Grove School has the capacity now to accommodate the possibility of additional student from the proposed development. School impacts will be reviewed during the subdivision process for this property as well.

Fire and Police: The subject property is serviced by BUFSA and the Yellowstone County Sheriff's Department. Fire protection will be accommodated with the requirement of a 30,000 gallon water tank to be installed before final plat of the proposed subdivision.

4. *Will the new zoning promote health and general welfare?*
The new zoning will allow development of property that is adjacent to existing residential uses to the south and planned residential uses and mixed uses to the west in the Western Sky Subdivision.
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. South 48th Street West provides the primary route to schools and other services in the area. There are no shoulders on the pavement of South 48th Street West so the travel way for pedestrians, bicycles, and vehicles is shared. Careful planning by a developer as well as participation in a street improvement project will be necessary to accommodate new uses.
7. *Will the new zoning be compatible with urban growth in the vicinity?*

The proposed zoning is compatible with the adjacent zoning and developments. As this development is proposed to be residential it is compatible with existing development to the south.

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

The subject property is in an area that is a mix of farming and residential uses. The property is suitable for R-150 uses and the site development will be in character with the adjacent uses.

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

The new zoning will allow the development of lots that are 15,000 square and larger. The proposed subdivision that has been proposed for this parcel shows the majority of the lots at just over one half acre with some approaching three quarter of an acre. The proposed zoning will allow large lots that are similar to the ones that exist to the south although the proposed lots are not as large as those to the south.

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

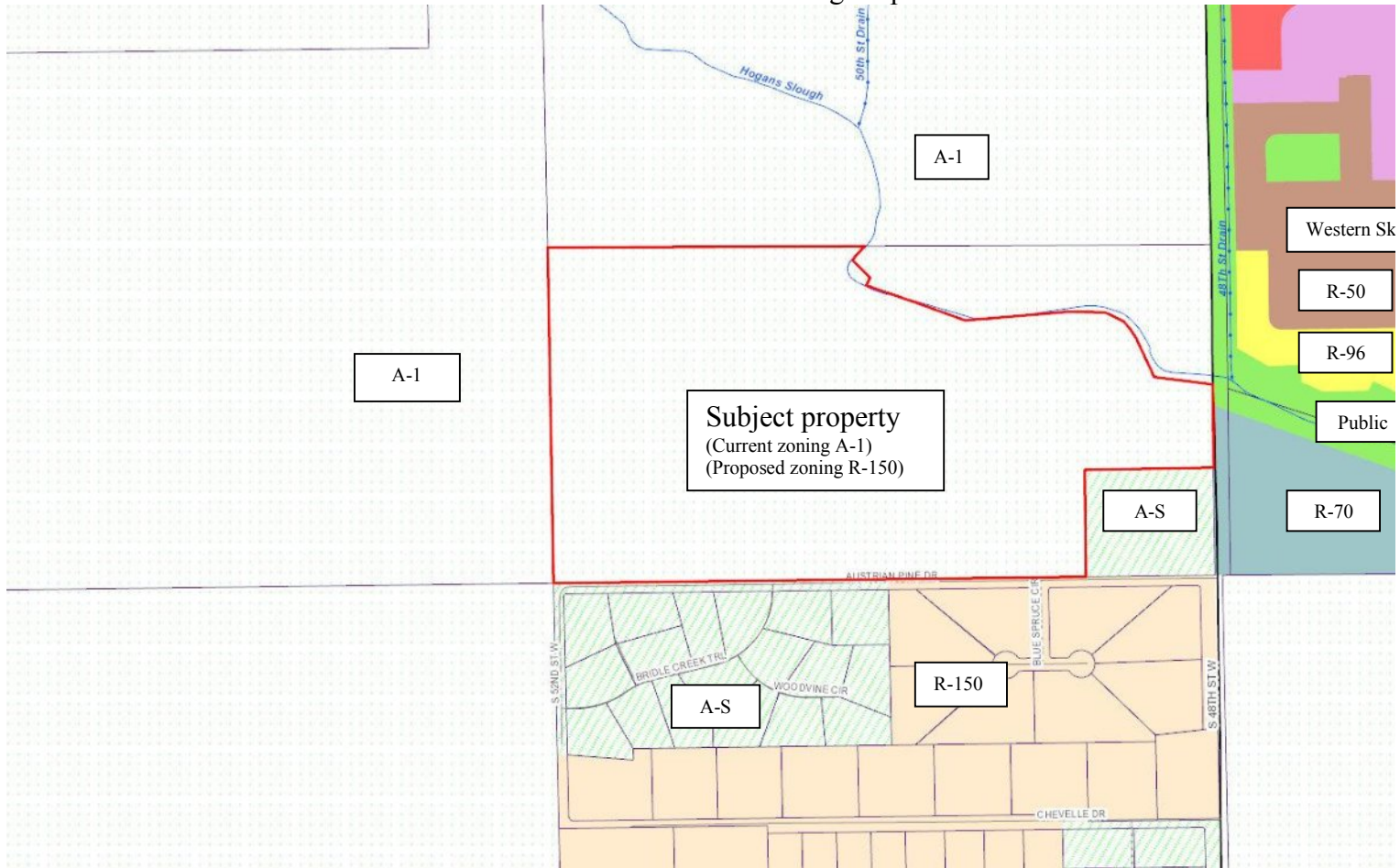
The property is suitable for the uses allowed in the Residential 15,000 zoning district. It is next to existing residential and will not introduce conflicting zoning with other uses in the area.

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

The proposed zoning is close to the City of Billings and is near other residentially zoned property. The request to rezone from A-1 to R-150 will be compatible with its surrounding zoning and uses.

- Attachment A: Zoning Map
- Attachment B: Applicant Letter & Pre-application neighborhood meeting minutes
- Attachment C: Site Photographs

Attachment A
Zoning Map



Attachment B

Applicant Letter & Pre-application neighborhood meeting minutes

APPLICATION FORM

P2-15-00022

COUNTY ZONE CHANGE ID: County Zone Change # 657 - Project # _____

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings-Yellowstone County Unified Zoning Regulations.

Present Zoning: Agricultural-Open

Proposed Zoning: Residential 15,000

Tax ID # D00621 COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: S 1/2 of NE 1/4 of Section 16, T1S, R25E (Less C/S 2452, 2892)

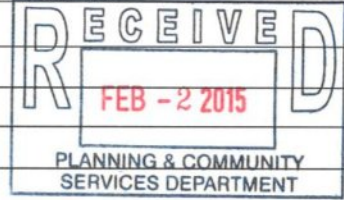
Address or General Location (If unknown, contact County Public Works): _____

North of Austrian Pine Drive between 52nd St. W. & S. 48th St. W.

Size of Parcel (Area & Dimensions): 65.134 Acres

Present Land-Use: Agricultural

Proposed Land-Use: Residential



Covenants or Deed Restrictions on Property: Yes _____ No X

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): Diamond Falls LLC
(Recorded Owner) 3472 Stone Mountain Circle Billings, MT 59106
(Address)
406-591-1042 kbhertz@hotmail.com
(Phone Number) (email)

Agent(s): Blueline Engineering, LLC
(Name)
2110 Overland Avenue, Suite 119B Billings, MT 59102
(Address)
406-294-2294 mphil@blueline-eng.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 Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: [Signature] Diamond Falls LLC Date: 1-29-15
(Recorded Owner)

County Zone Change 2013-2014 updated 9/13/13

January 20, 2015

Greetings neighbor,

We are writing to invite you to attend a public meeting to be held on Monday, January 26th at 6:00 pm. The meeting will be held at Elder Grove School which is located at 1532 South 64th Street West in West Billings. We will meet in the Small Gym on the South side of the Main Office.

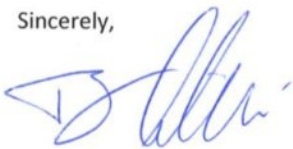
The purpose of this meeting is to solicit neighborhood input and feedback relative to our plans for the rezoning of the parcel located between 52nd Street West and South 48th Street West and on the North side of Austin Pine Drive (S ½ of NE ¼ of S16, T1S, R25E), in accordance with the Billings Montana City Code Sec. 276-1502(b)(3). Current ownership of the property is as follows:

Gladys E. Besel
21 N. Crestwood Drive
Billings, MT 59102-4928

Currently, the zoning of the property is classified as Agricultural-Open (A-1) and the developers would like to petition for the zoning to be changed to Residential 15,000 (R-150). The 65.134 acre property is in the preliminary stages of being potentially subdivided into single family home lots with a community park running along the south side of Hogan's Slough.

Attached to this letter is a plat map of the properties for your review. If you have any questions, please feel free to contact either Jason Hertz at 591-1042 or myself, Tobias Liechti at 294-2294. Your help is greatly appreciated.

Sincerely,



Tobias Liechti, E.I.

Attendee Sign-In Sheet

Diamond Falls Subdivision Pre-Application Neighborhood Meeting

January 26, 2015 at Elder Grove School

Print Name

Signature

Ryann Flury
Alycia Flury
Harborview Towne LP
Roy + Ronda Obse
Lenny & Lisa Lyaa
Melissa Lyon
Gary + Jan Tabbert
Jason + Kristin Barrie
Chris + Brian Reverautes
Jim Rowson
Tim Compton
Mike Hollenbeck
Eva Hollenbeck
Jim + Kathy Karls
Bret + Teresa Thormaehlen
Rich + Jeanne Pope
Keith Phillips

Ryann Flury
Alycia Flury
Harborview Towne LP
Roy + Ronda Obse
Lenny & Lisa Lyaa
Melissa Lyon
Jan Tabbert
Kristin Barrie
Chris
Jim Rowson
Tim Compton
Mike Hollenbeck
Eva Hollenbeck
Jim + Kathy Karls
Bret + Teresa Thormaehlen
Rich + Jeanne Pope
Keith Phillips

Duke Cherpeski
EDWARD HEIN
Jana Pope
BILL ENDY

Dobby —
Ed Hein
Jana Pope
William R. Ed.

Synopsis of Meeting

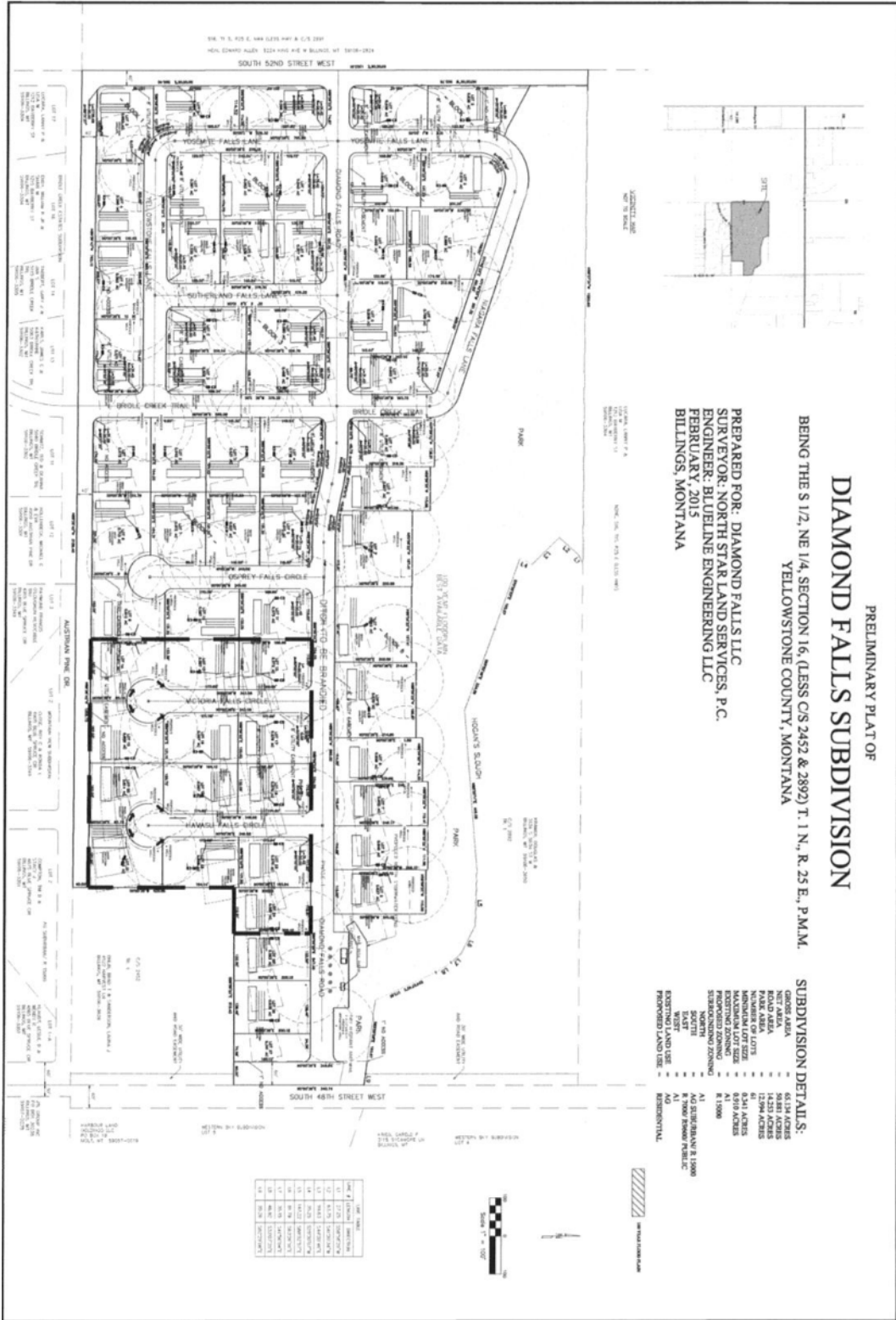
The meeting started with Marshall Phil, President of Blueline Engineering and Project Engineer, giving a broad overview of the project. He went through the information contained in the meeting notice letter, explained the need for the zone change, and the site work that has already been done on the project. Marshall then described the process of water right acquisition through the DNRC, the individual septic systems for each lot and the traffic study currently being conducted. He then opened up the meeting for questions.

The main concerns from the adjacent landowners were:

- The smaller lot sizes compared to the surrounding subdivisions could impact homeowners' lot values.
- The appearance of the lots and houses (fencing, building materials). The homeowners want the new development to complement the existing subdivision.
- The amount of new wells to be drilled and the effect it will have on their wells.
- That Austrian Pine Drive is already seen as too narrow, and that increased traffic could lead to more accidents.



Site plan



Attachment C
Site Photographs



Subject property – view from Austrian Pine Drive



View north east to looking toward South 48th Street West



View west along Austrian Pine Drive



View south to existing development



View south along future South 52nd Street West



View north along future South 52nd Street West



County Zoning Commission

Meeting Date: 03/09/2015

SUBJECT: County ZC 658 - Text Amendment to Allow Tow Trucks in Residential Zones

THROUGH: Candi Millar, Planning & Community Services Department Director

PRESENTED BY: Nicole Cromwell

Information

REQUEST

County Zone Change #658: This is a City Council initiated amendment to the Unified Zoning Regulations Section 27-601(a) and 27-606 to allow the off-street parking and storage of Class A or Class D tow trucks in all residential zones. The City Council initiated this zone change on February 9, 2015 at the request of the Yellowstone Valley Tow Truck Association. There is a companion ordinance amendment to 24-406, a City Traffic Code, that regulates on-street parking of similar vehicles. This is not part of the Unified Zoning Regulations. The County Zoning Commission may take comment on this item but will only forward a recommendation on the proposed amendments to the Zoning Regulations 27-601(a) and 27-606.

RECOMMENDATION

The Planning Division is recommending denial of the amendments to allow tow trucks to park off-street in residential zones.

APPLICATION DATA

OWNER:

AGENT:

LEGAL DESCRIPTION:

ADDRESS:

CURRENT ZONING:

EXISTING LAND USE:

PROPOSED USE:

SIZE OF PARCEL:

CONCURRENT APPLICATIONS

APPLICABLE ZONING HISTORY

Section 27-601(a) of the Zoning Regulations has been amended several times by the City and County since 1997, the year the City and County zoning regulations were unified. This section of the code regulates how items including motor vehicles may be stored on property within residential zones and on property used for residential purposes. Residential zones are primarily intended for all types and choices of housing without the intrusion of intensive commercial, retail, and industrial uses. Section 27-606 of the Zoning Regulations allows and limits home occupations or home-based businesses within residential zones in the City and County. The code allows all types of office-based businesses and certain types of services within residential zones. Home-based businesses must comply with the limitations in the code including no employees except occupants of the residence, no signage, and no traffic to or from the residence between 6 pm and 7:30 am. The regulations are intended to preserve the nature of residential neighborhoods as places of quiet enjoyment for families.

SURROUNDING LAND USE & ZONING

NORTH:	Zoning: Land Use:
SOUTH:	Zoning: Land Use:
EAST:	Zoning: Land Use:
WEST:	Zoning: Land Use:

BACKGROUND

In October 2014, the Yellowstone Valley Tow Truck Association presented the City Council proposed city code amendments to allow certain types of tow trucks to parked on-street and off-street within residence districts. The City Council held a work session on the proposed code amendment on October 20, 2014, to discuss the draft amendment. The City Council asked legal staff to re-draft the proposed ordinance and the revised ordinance was initiated by the City Council on February 9, 2015. The initiative includes amendments to the Zoning Regulations and the Traffic Regulations of the city code. The Zoning Regulations only pertain to private property and the Traffic Regulations only pertain to public property - the City's public street. Private streets and right-of ways will not be affected by the changes to the Traffic Regulations. The Zoning Regulation amendments do not override or nullify private covenants and restrictions for subdivisions that are more restrictive for off-street parking and storage.

The intent of the regulations for off-street parking and storage of vehicles and other personal property in residence districts {Section 27-601(a)} is to maintain these areas for residential enjoyment with allowances for storage of recreational vehicles on driveways or in back yards. The collection and open storage of salvaged items, trash, debris, discarded household items and appliances as well as inoperable, wrecked, or junk vehicles has long been an issue in many residential areas of Billings and Yellowstone County. In the past 5 years, the City Code Enforcement Division has responded to more than 3,600 complaints of open storage and inoperable vehicles in Billings' neighborhoods. In same time period, Code Enforcement has received more than 950 complaints about RV parking on driveways or yards in residential areas. From 2010 to the end of 2014, the division received less than 75 complaints about commercial vehicles parked on driveways in residential zones but nearly 3,800 complaints about trailers or commercial vehicles parked on residential streets. Several complaints during the summer of 2014 pertained to tow trucks parked in residential zones.

The Yellowstone Valley Tow Truck Association (the Association) is concerned that towing businesses may not be able to respond to calls for service - particularly during overnight periods - if owners and

employees cannot continue to park their wreckers at home on the driveway or on the street. The State of Montana maintains a "rotation call list" for all eligible towing and wrecking companies in Yellowstone County. Companies can be called to respond to traffic accidents or other emergencies to remove or recover vehicles. If a company cannot respond within a certain time period - 30 minutes or less - law enforcement at the scene will call the next company in line to respond. Companies do not know in advance when they might receive a call to respond and calls may come at any hour on any day of the week. Not all towing and wrecking companies are on the rotation call list. These companies may also have calls for service from private parties at any time on any day of the week. The State of Montana categorizes tow trucks by "class" that roughly corresponds to weight and towing capacity. See Attachment Tow Truck Classifications. The Association has requested that Class A, a lower weight rated boom truck, and the Class D, a higher weight rated car carrier or roll back, be allowed in residential zones and residential use areas. The Association has submitted additional comment after the City Council initiated the amendment too further restrict the Class D tow truck to a "Class 5 truck or less". This proposed restriction would not allow all Class D car carrier type towing vehicles ,just the single vehicle flat-bed type. In addition, the Association and Hanser's Towing and Recovery are asking to amend the proposal to include Class B tow trucks. Class B tow trucks are boom type tow trucks with a higher weight rating and towing capacity. Hanser's Towing and Recovery also commented that towing and recovery businesses should not be allowed as a home occupation in residential areas but was in favor of the proposal to allow employees and business owners to park a tow truck at home for on-call purposes.

The Planning Division has considered the proposed amendment and is recommending denial to the Zoning Commission based on the findings of the 10 criteria. This proposed zone change is not designed in accordance with the 2008 Growth Policy goals of predictable land use decisions that are compatible with existing neighborhoods and protects neighborhood integrity. Parking of tow trucks on driveways in residential zones to answer overnight calls for wrecker services would not protect the adjacent residents from noise or fumes since most tow trucks will need to be started and warmed up prior to leaving for a call. Most residential driveways are not designed or constructed to handle the weight class of the Class A, Class B, or Class D tow trucks on a regular basis. Most residential streets are also not designed to handle this weight class of vehicles on a regular bases. Tow trucks parked in residential driveways or on residential streets on a regular basis will increase street maintenance costs for the City and may also for the County, as well as driveway maintenance costs for the property owner. The proposed amendment does not maintain the high quality of life in existing neighborhoods, serve to reduce conflict between neighbors, or create more attractive neighborhoods. The proposed amendment may also be difficult to enforce since tow trucks are restricted by classification and weight rating. If tow trucks are parked on residential driveways, the Code Enforcement Officers may not be able to see the Class rating sticker or weight rating on the vehicle from the public right of way. Code Enforcement Officers do not have an automatic right of entry on to private property. The proposed zoning is not designed to secure property from fire and other dangers or promote the public health, safety and general welfare. A tow truck parked on a residential driveway may hamper response to an emergency in the residence. Public health may be negatively effected by idling tow trucks (fumes and noise). In addition, parking a tow truck on a regular basis on a residential driveway may negatively effect the quality of the housing market in a neighborhood. The proposed amendment does not promote compatible urban development by potentially placing tow trucks in all residential neighborhoods on a regular basis. The proposed zoning will not encourage the most appropriate use of land throughout the City and County.

RECOMMENDATION

The Planning Division recommends denial based on the findings of the 11 criteria for Zone Change 658

Review Criteria Determinations

Tow Truck Classifications

Typical Tow Truck Types Photos

Letters of Comment

Draft Amendment

Attachment B

Zoning Commission Determinations

Zone Change #658 – Text Amendment to allow Tow Trucks in Residential Zones

Prior to any recommendation to the Board of County Commissioners, the Zoning Commission shall consider the following:

1. *Is the new zoning designed in accordance with the Growth Policy?*

The proposed zone change is not consistent with the following goals of the Growth Policy:

- *Predictable land use decisions that are consistent with neighborhood character and land use patterns. (Land Use Element Goal, page 6)*

The proposed zoning would permit commercial tow trucks weighing as much as 19,500 pounds to be parked on any residential driveway throughout the city. This is not a predictable land use decision based on the intent of residential zones – to provide an area for the quiet enjoyment of residential living.

- *New development that is sensitive to and compatible with existing neighborhoods (Land Use Element Goal, page 6)*

The proposed text amendment does not meet the objectives of maintaining a high quality of life for existing residents and reducing conflicts between neighbors. Starting, running and warming up tow trucks on a residential neighborhood during overnight hours would tend to increase conflicts between neighbors and reduce the quality of life in those neighborhoods.

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

The new zoning would allow commercial tow trucks to park on residential driveways. Parking this type of equipment on a residential driveway may impede access to the dwelling unit depending on the layout of the site.

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

Transportation: The proposed zoning should have no impact on transportation.

Water and Sewer: The proposed zoning should have no impact on provision of water and sewer service.

Schools and Parks: The proposed zoning should have no impact on schools or parks.

Fire and Police: The proposed zoning should have no impact on the provision of adequate public safety services. The Association has pointed to a decrease in response times for towing vehicles to accident or emergency scenes as the motivation for the change in the zoning code. The call rotation service requires the business to be able to respond in 30 minutes or less. If the business cannot respond in that time frame, the next company on the list is called. This standard and procedure will not change. Accident and emergency clearance services will not be enhanced or diminished. The ability of tow truck businesses to provide timely response will not be enhanced or diminished by this change to the zoning regulations. Commercial tow truck businesses are required to have an office and a storage yard for vehicles that are towed. These locations are in commercial zones. Tow trucks are stored

here as well. Most residential zones are within 1-mile of a commercial zoning district.

4. *Whether the new zoning will promote health and general welfare?*
Public health, safety and general welfare will not be promoted in residential neighborhoods by allowing commercial tow trucks to park on driveways. Regular use of a residential street by higher weight vehicles will increase street maintenance costs. Regularly parking a commercial tow truck in a residential neighborhood will tend to depress the marketability of residential homes. Starting, running, and warming up commercial tow trucks adjacent to residential sleeping rooms and living areas would not promote the public health.
5. *Will the new zoning provide adequate light and air?*
The proposed zoning may have a negative effect on air quality for at least brief periods of time in residential neighborhoods.
6. *Will the new zoning effect motorized and non-motorized transportation?*
The transportation system in existing and new residential neighborhoods may be negatively affected by regular use of heavy tow truck traffic. Residential streets are not designed for regular use by commercial trucks.
7. *Will the new zoning be compatible with urban growth in the vicinity?*
The new zoning does not promote compatibility with urban growth. The parking of tow trucks in residential neighborhoods would diminish the quality of life in these residence zones.
8. *Does the new zoning consider the character of the district and the suitability of the property for particular uses?*
The new zoning does not consider the character of residential neighborhoods that are designed and intended for the quiet enjoyment of residential property.
9. *Will the new zoning conserve the value of buildings?*
The new zoning will not conserve the value of existing homes in residential neighborhoods. Parking 1 or more commercial tow trucks in a residential neighborhood would diminish the marketability of the adjacent homes.
10. *Will the new zoning encourage the most appropriate use of land in Yellowstone County?*
The proposed zoning does not encourage the most appropriate use of residential land throughout the County in the Zoning Jurisdiction.
11. *Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?*
The proposed amendment, if adopted, will not be compatible with the adjacent residential zoning districts in the City of Billings.

Attachment B – Zone Change 658
Tow Truck Classifications

Montana Code Annotated (MCA)

61-8-905. Classification standards. (1) Commercial tow trucks are divided into the following five classes based on the manufacturer's rating:

(a) Class A tow truck equipment must have a minimum manufacturer's boom or combined boom rating of 4 tons and must be mounted on a truck chassis with a minimum manufacturer's rating of 10,000 pounds gross vehicle weight.

(b) Class B tow truck equipment must have a minimum manufacturer's boom or combined boom rating of 8 tons and must be mounted on a truck chassis with a minimum manufacturer's rating of 18,000 pounds gross vehicle weight.

(c) Class C tow truck equipment must have a minimum manufacturer's boom or combined boom rating of 16 tons and must be mounted on a chassis that has a minimum manufacturer's rating of 32,000 pounds gross vehicle weight.

(d) Class D tow truck equipment includes manufactured rollbacks and car carriers with manufacturer's gross vehicle ratings of 10,000 pounds and over. The rollbacks and car carriers must be mounted on a truck-trailer chassis that, at a minimum, is equal to the minimum gross weight of the rollback or car carrier. Class D also includes any piece of towing equipment without a boom.

(e) Class E includes two or more tow trucks working together with a combined manufacturer's rating of a minimum of 80,000 pounds with access to supportive equipment, such as forklifts, banders, and air bags, for the recovery of rollovers and wrecked, disabled, and abandoned vehicles whose cargo requires special handling. Class E refers to tow truck companies and not to tow truck equipment.

(2) An operator of noncommercially manufactured or modified tow truck equipment in use on October 1, 1995, that wishes to participate in the law enforcement rotation system must have its equipment classified by the department within a time period set by the department. Once the equipment is classified, further modifications may not be made.

(3) An operator of new noncommercially manufactured or modified tow truck equipment must have its equipment independently certified before participating in the law enforcement rotation system. Once the equipment is classified, further modifications to the equipment must be recertified.

History: En. Sec. 5, Ch. 283, L. 1995; amd. Sec. 3, Ch. 88, L. 2003.




Vehicle Identification Guide

Accurate communications between on-scene responders, dispatch, and towing and recovery operators describing an incident and the vehicles involved helps with the quick and efficient clearing of the incident scene.


Use the guide below to describe to dispatch the type of vehicle that is disabled and the nature of the problem to enable the wrecker company to determine what type of tow/recovery vehicle that should respond.⁴

LAW ENFORCEMENT VEHICLE IDENTIFICATION GUIDE

CLASS 1 - LIGHT-DUTY
(5,000 lbs. or less GVWR - 4 tires)*



CLASS 2 - LIGHT-DUTY
(5,001 - 10,000 lbs. GVWR - 4 tires)*



Class 1 through 2 include passenger cars, light trucks and minivans, full size pickups, sport utility vehicles, full size vans.

CLASS 1 AND 2 - LIGHT-DUTY TOW
Gross Vehicle Weight Rating (5,000 to 10,000 lbs.)
Passenger cars, small SUVs and pickup trucks

<input type="checkbox"/> Year, make and model?	<input type="checkbox"/> 4x4 or AWD?
<input type="checkbox"/> Number of occupants?	<input type="checkbox"/> Keys?
<input type="checkbox"/> Full size pickup or van?	<input type="checkbox"/> Trailer?
<input type="checkbox"/> Is it loaded?	<input type="checkbox"/> What is the load?

VEHICLES IN THESE CLASSES USUALLY HAVE FOUR TIRES.

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CLASS 3 - MEDIUM-DUTY
(10,001 - 14,000 lbs. GVWR - 6 tires or more)*



CLASS 4 - MEDIUM-DUTY
(14,001 - 16,000 lbs. GVWR - 6 tires or more)*



CLASS 5 - MEDIUM-DUTY
(16,001 - 19,500 lbs. GVWR - 6 tires or more)*



CLASS 6 - MEDIUM-DUTY
(19,501 - 26,000 lbs. GVWR - 6 tires or more)*



Class 3 through 6 include a range of mid-sized to larger vehicle utility vehicles, motor homes, package parcel trucks, ambulances, landscape vehicles, small flatbed and stake-type trucks, refueling, small and medium-duty buses (school and local).

CLASS 3, 4, 5 & 6 - LIGHT- OR MEDIUM-DUTY TOW
Gross Vehicle Weight Rating (10,001 up to 26,000 lbs.)

<input type="checkbox"/> Year, make and model?	
<input type="checkbox"/> Body type - pickup truck, box truck, flatbed, etc.	
<input type="checkbox"/> What is the load and is it damaged?	
<input type="checkbox"/> Pickup, van, shuttle bus or motor home?	
<input type="checkbox"/> Number of occupants?	<input type="checkbox"/> Keys?
<input type="checkbox"/> Vehicle description is critical to determine the type of tow/recovery vehicle that should respond.	

VEHICLES IN THESE CLASSES USUALLY HAVE SIX TIRES.

Attachment C – Zone Change 658
Typical Photos of Class type Tow Trucks



Class D Type – Car Carrier – Class 5 weight rating or less



Class A Type – Boom Truck Class 5 weight rating or less

Attachment C – Zone Change 658, continued
Typical Photos of Class type Tow Trucks



Class C



Class C

Attachment C – Zone Change 658, continued
Typical Photos of Class type Tow Trucks



Class D



Class D



Range of Classes A, B, and C

Attachment D – Zone Change 658
Comments

Comment from Hanser's Towing and Recovery – February 10, 2015

From: Ralph Hanser [mailto:ralph@hansers.com]

Sent: Tuesday, February 10, 2015 2:17 PM

To: Volek, Christina

Cc: Scott Hanser; Spencer Hanser; Shawn Hanser; Joanne; MRTSTOWING

Subject: Code Change for Section 24-406

Dear Tina:

We would like to express our view point on the ordinance change. In order to stay within the scope of the Montana Tow Truck Act in dealing with quick clearance, traffic incident management, and officer safety, we think by allowing A and B wreckers to be parked overnight by drivers that are on call would be a positive. We feel that Class D needs to be eliminated because car carriers are not allowed to respond to accidents by Montana Law. They can only respond as a secondary unit to an accident.

We do feel that the ordinance should be strong in stating that only one wrecker with a driver on call to respond at night would be allowed. Not multiple wreckers at someone's home. We are very much against anything that could be misinterpreted to allow any home based business.

If you wish to discuss this with myself or any of my sons, it would be our honor to meet with you. Please feel free to forward this e-mail as you see fit.

Ralph E. Hanser

President

Hanser's Towing and Recovery Network

Hanser's Environmental and Remediation

Billings, MT 59101

406-248-7795 ext. 2030

406-208-9210 cell

Comment from Montana Tow Truck Association – February 11, 2015

Re: Code Change for Section 24-406 (Parking, Stopping and Standing on Public Streets)

Dear Tina,

The Montana Tow Truck Association would like to commend you and the commission for the work on the writing of this ordinance to allow the parking of commercial tow trucks in residential zoned locations in your community. This will facilitate faster response times for all types of emergencies, not just law enforcement or rotation calls that necessitate the need for commercial towers to respond in a timely manner.

The MTTA participated in the initial work session of the commission earlier in January and has monitored correspondence of the various concerned parties involved in the effort to solidify a workable solution to this issue.

First and foremost the MTTA does not encourage or promote commercial tow truck operations being located and operated in areas not zoned for that use. We do however encourage allowances in the law that will facilitate quicker response times for off duty drivers in the interest of public safety as relates to many types of emergencies that require a timely response.

The adoption of the use of the window sticker issued by the Montana Highway Patrol is very effective and seamless means for your code enforcement officers to recognize the size and type of tow truck being parked in the residential area. The parking of only one truck by a driver in front of his residence is a valuable tool to discourage a non-conforming business in a residential zone.

I would like to address some of the concerns and offer some solutions brought to my attention by the interested parties involved.

In an Email addressed to councilmen Denis Pitman dated Feb. 8th 2015. A citizen identifying himself as Roy brought up that the class D tow truck could be larger than what the council had envisioned, being more than just a flat bed or carrier type tow truck. That is true. This could be remedied by restricting the size of the class D truck to **“Class 5 truck or less”**. This designation is listed on TRAA VEHICLE IDENTIFICATION GUIDE. And is a size designation adopted by the National Transportation and Safety Administration and the DOT. Or you can just look it up on Wikipedia. The carrier or flatbed tow truck is becoming to be the most commonly used piece of equipment in the towing industry because of increased number of all-wheel drive cars and light duty pickups that necessitate the use of a carrier. The Montana Professional Tow Truck Act. 61-8-901 through 61-8-920. Specifically 61-8-920 (2) (h) requires a company to have a Class A, B or C truck in there fleet to be on rotation. Arm 23.6.101 (3) allows for a Class D tow truck to respond to an emergency or rotation call.

"Class 'D' towing" means, for purposes for the state law enforcement rotation system, that a class "A" or "B" tow truck has been called from the rotation system, **but the operator finds that the call involves only retrieving an inoperable vehicle from a roadway or its immediate vicinity, so that the use of a rollback or car carrier would be more appropriate.**

Referencing the concerns of a local tower whose fleet includes a number of class B tow trucks. The Ford F-450's and F550's and the Dodge 4500's and 5500's. And this tower is not alone in that concern. The solution would be to include the Class B trucks in the ordinance and apply the same class 5 or less restriction to the B trucks as the Class D trucks.

There for in conclusion the ordinance could possibly be amended to read like...

DRAFT

*“No person shall stand or park any truck, truck-tractor, trailer, semitrailer or bus on any street in a residential district for any purpose or period of time other than for the expeditious loading or unloading of such vehicles, except that the provisions of this section shall not apply to the driver of a truck, truck-tractor, trailer or semitrailer while such vehicle is being used in connection with the construction or repair of buildings, service calls or the moving of household goods and shall not be applicable to the driver of a bus while such vehicle is parked in a designated bus stop. This section shall also not apply to commercial tow trucks classified as either **Class A, B and D (class 5 trucks or less)** by the State of Montana if the tow truck is parked along the frontage of the tow truck driver's property in the parking lane directly in front of the driver's house. The parking of the tow truck must comply with all other state and local parking restrictions, including but not limited to, distance from curb, direction of traffic, distance from driveways, and width of street.”*

Thank you for taking the time to review the input from the Montana Tow Truck Association.

The results of this endeavor will be looked at copied and administered in other communities around the state. This has the potential to be a model ordinance around the state.

Sincerely,

Terry Morrison, President
Montana Tow Truck Association

From: keith kolstad

To: .Mayor & Council

Subject: Tow Truck issue

Date: Wednesday, October 22, 2014 7:56:14 PM

I read that the city council is considering allowing tow trucks to be parked in residential neighborhoods. Although one council person was quoted in the paper as "this is a no brainer", I would respectfully ask that you take time to consider all the impacts of your proposed variance.

As the Code Enforcement Officer for the City of Laurel I have found that parking any diesel vehicle, whether a tow truck or semi in a residential neighborhood has the potential to create problems, especially in the winter. These trucks have been observed to be run at all times of the night, emitting diesel fumes into the air and neighborhood much less to say noise disturbance. The dispatch of these tow vehicles at any hour have a tendency to increase the traffic and noise volume, in whatever season. This presents a fine line between having a business based in a zone where it is permitted and one that may indeed be a home based business in a residential zone, which is entirely a different entity.

I would ask that all the council consider the ramifications of this proposal, and I would dare to say it is not "a no brainer".

Thank you for your time and efforts to be fair to both businesses and those residents affected by this decision.

Keith Kolstad

Sent from Windows Mail

February 16, 2015

Dave Green and Billings Zoning Commission:

The Yellowstone Valley Tow Truck Association held an emergency meeting to discuss the ordinance change regarding tow truck parking on residential streets.

The Association members want to thank you, the City Attorney, City Council, City Administrator, and the folks at Code Enforcement for their time spent on understanding this issue of public safety and welfare.

The Association is also in receipt of the communication from Ralph Hanser regarding the addition of the "B" classification and information shared by the Montana Tow Truck Association President Terry Morrison.

We, as the local Association accept the changes as written. We do not support nor promote "home" based towing businesses or heavy wreckers being parked in residential areas. We also agree that the changes offered by the Montana Tow Truck Association President, Terry Morrison are workable (adding class "A", "B", and "D" (class 5 trucks or less)).

We are grateful for the efforts of all involved. Thanking you in advance for your consideration.

Joanne G. Blyton
President Yellowstone Valley Tow Truck Association

Attachment A – Draft Resolution Zone Change #658

Final Resolution 15-_____

A RESOLUTION TO AMEND THE UNIFIED ZONING REGULATIONS FOR THE CITY OF BILLINGS AND YELLOWSTONE COUNTY JURISDICTIONAL AREA BY REVISING SECTION 27-601(a) – PARKING AND STORAGE AND 27-606 – HOME OCCUPATIONS - TO ADD LANGUAGE TO COMMERCIAL TOW TRUCKS OF A CERTAIN SIZE AND CLASSIFICATIONS IN RESIDENTIAL ZONING DISTRICTS AND ADOPT THE REVISION AS AN AMENDMENT TO THE ZONING REGULATIONS

WHEREAS, pursuant to Title 76, Chapter 2, Montana Code Annotated, the Board of County Commissioners of Yellowstone County, Montana, held a public hearing and adopted a resolution of intent on the 24th day of March, 2015, on the following proposed amendments and additions to the City of Billings – Yellowstone County Unified Zoning Regulations.

Section 1. That the Unified Zoning Regulations for the City of Billings and Yellowstone County Jurisdictional Area be amended by revising Section 27-601(a) as follows:

Sec. 27-601. - Parking and storage restrictions.

(a) *Residential.* The following standards for off-street parking and storage shall apply in all residential zoning districts and on property that is developed for residential use.

- (1) Open storage and off-street parking of licensed and operable motor vehicles is an allowed accessory use as defined in section 27-201.
- (2) Open storage and off-street parking of inoperable motor vehicles for more than five (5) consecutive days is a prohibited use.
- (3) Within the city limits open storage and off-street parking of licensed and operable motor vehicles in any front or side yard shall be on a surface prepared with asphalt or concrete. Open storage and off-street parking of licensed and operable motor vehicles in any rear yard may be on any type of surface. (See also sections 6-1203, 24-401 and 27-1201.)
- (4) Open storage and off-street parking of one (1) licensed and operable motor vehicle used for commercial or business purposes, including a commercial tow truck classified as either Class A or Class D by the State of Montana, is an allowed accessory use. All such motor vehicles, except the commercial tow trucks noted above, shall provided it does not exceed twelve thousand (12,000) pounds in G.V.W. (gross vehicle weight). Outside the city limits on property zoned agriculture open space or agriculture suburban this motor vehicle weight limitation shall not apply.

. . . *(the rest of this subsection is unchanged)*

Section 2. That Section 27-606 of the Billings, Montana City Code be amended so that such section shall read as follows:

Sec. 27-606. - Home occupations.

A *home occupation* is defined as an occupation carried on by an occupant of a dwelling, which is located in a residential zoning district, as an accessory and incidental activity to the main residential use of the building.

The *planning department* recognizes that the restrictions set forth in this section do not anticipate all possible types of home occupations. Therefore, to guide the planning

department in the enforcement of this section, the department has adopted the following policies:

(1)The home occupation should not generate traffic before 7:30 a.m. or after 6:00 p.m.

(2)The occupation should not generate, on average, more than four (4) vehicle trips to the residence during any hour.

The home occupation shall comply with all of the following restrictions:

(a)The occupation to be performed must be a use which is allowed outright in the Residential Professional (RP) zoning district. In addition, the following uses, listed by Standard Industrial Classification (S.I.C.), may also be allowed:

S.I.C. Number	Description
7231	Beauty shops
7241	Barber shops
7251	Shoe repair shops
7291	Tax return preparation services
7631	Watch, clock and jewelry repair
76—	Office only for miscellaneous repair services
7911	Dance studios, schools and halls

Uses not listed above may be allowed with written approval from the zoning coordinator, if they meet the spirit and intent of this section and will conform to all of the restrictions of this section.

(b)No person shall be employed other than the residents of the dwelling.

(c)The occupation shall be conducted entirely within the dwelling or an accessory building.

(d)The floor area devoted to the occupation shall not exceed five hundred (500) square feet or twenty-five (25) percent of the total ground area occupied by the buildings, whichever is less.

(e)The occupation shall not produce light, noise, vibration, glare, fumes, odors, electrical interference, etc., which is inconsistent with the character of the residential area.

(f)There shall be no sign advertising or calling attention to the home occupation on the premises.

(g) There shall be no display, evidence or activity apparent from the exterior of the lot which would indicate that the premises are being used for any purpose other than that of a dwelling.

(h) There shall be no group instruction, assembly or activity for greater than five (5) persons.

(i) One (1) business vehicle that is associated with the home occupation and which does not exceed ~~eight thousand (8,000)~~ twelve thousand (12,000) pounds gross vehicle weight (G.V.W.), may be parked or stored on the premises. This weight limitation shall not apply to commercial tow trucks classified as either Class A or Class D by the State of Montana. In addition, there shall be no outside storage of materials or equipment related to the home occupation, except the one (1) allowed business vehicle.

WHEREAS, the Board of County Commissioner received and considered the recommendations of the City/County Planning staff and the Yellowstone County Zoning Commission on the proposed amendment and additions.

NOW, THEREFORE, BE IT RESOLVED that it is the intent of the Board of County Commissioners that the above-described amendment to the Unified Zoning Regulations for the City of Billings and Yellowstone County Jurisdictional Area be adopted.

PASSED AND ADOPTED by the Board of County Commissioners of Yellowstone County, Montana, this 28th day of April, 2015.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

John Ostlund

James E. Reno

Bill Kennedy

(SEAL)
ATTEST:

Jeff Martin
Clerk and Recorder