



## Yellowstone County Zoning Commission Minutes for the Meeting of Wednesday, June 10, 2015

**The County Zoning Commission met on Wednesday, June 10, 2015 in the Miller Building 1<sup>st</sup> floor conference room located at 2825 3<sup>rd</sup> Avenue North.**

At 4:00 p.m., Chairman Cook opened the meeting and introduced the County Zoning Commission members and staff in attendance: Nicole Cromwell, Zoning Coordinator; Dave Green, Planner I, and Tammy Deines, Planning Clerk

Commissioners and Staff		01/12/2015	02/09/2015	03/09/2015	04/13/2015	05/18/2015		06/10/2015	07/13/2015	08/10/2015	09/14/2015	10/13/2015	11/09/2015	12/14/2015
Dennis Cook	Chairman	1	-	1	-	1		1						
Al Littler	Vice Chairman	1	-	1	-	1		1						
Terri Welborn	Commissioner	1	-	1	-	1		1						
Ole Shafer/Vacant	Commissioner	1	-	1	-	-		-						

**Attending:** Carol Ritter, Dwight Ritter, Steve Henry, Marshall Phil, Blueline Engineering; Toby Liechti, Blueline Engineering; Marvin Linde, Brian Linde, Bryan West

**Announcements:** • The next County Zoning Commission meeting is scheduled for Monday July 13, 2015.

### 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.

**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 May11, 2015 Meeting Minutes:** Chairman Cook called for approval of the May 11, 2015 meeting minutes.

### Motion

**Al Littler made a motion and Teri Welborn seconded the motion to approve the May 11, 2015 meeting minutes. The motion carried with a unanimous voice vote.**



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### **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, May 26, 2015, in the Board of County Commissioners Board Room 403A in the Yellowstone County Courthouse.

**Item #1: : Zone Change #661 – 159 Garden Avenue** - A zone change from Residential 15,000 (R-150) to Community Commercial (CC) on Lots 19 & 20 Clark Subdivision, a 12.352 acre parcel of land. A pre-application neighborhood meeting was held on April 27, 2015 at the subject property. Tax IDs: D01776, D01777 and D01778.

**REQUEST** – Item #1 - Zone Change #661 – 159 Garden Avenue - A zone change from Residential 15,000 (R-150) to Community Commercial (CC) on Lots 19 & 20 Clark Subdivision, a 12.352 acre parcel of land. A pre-application neighborhood meeting was held on April 27, 2015 at the subject property. TaxIDs: D01776, D01777 and D01778

### **RECOMMENDATION**

The Planning Division is recommending approval based on the findings of the 11 criteria for Zone Change 661.

### **Discussion**

Chairman Cook called for discussion. Al Littler asked how the zoning for one strip was changed without changing the entire parcel. Nicole Cromwell explained the zoning for the south half of Lot 20 was changed in July of 1974; more than likely in order to accommodate the garden center.

### **Public Hearing**

At 4:12 p.m., Chairman Cook opened the public hearing and asked if there was anyone wishing to speak in favor of County Zone Change #661.

### **Marshall Phil, Blueline Engineering, 2110 Overland Ave., Billings, Montana**

Mr. Phil is the agent for property owners, Marvin Linde, David Linde, and Brian Linde. He said the property owners contacted him to help them deal with the zone change and the flood plain determinations. This property is located in the shallow flood fringe area and they have performed tests to determine if there is shallow flooding. Mr. Phil stated this property is unsuitable for residential development and a commercial application would have a much smaller footprint for septic.



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### **Brian Linde, 4318 Highline Drive, Billings**

Mr. Linde is a one of the property owners. He stated that without the availability of city sewer the Community Commercial zoning and uses are more appropriate than the R-9600 zoning.

### **Opposition**

Chairman Cook asked if there was anyone wishing to speak in opposition of County Zone Change #661.

### **Carol Ritter, 2022 Edgewood Drive, Billings, Montana**

Ms. Ritter voiced concern with the potential for groundwater issue and increased traffic. She stated she would like to see a low density development on this property.

Chairman Cook closed the public hearing and entertained a motion.

### **Rebuttal**

### **Marshall Phil, Blueline Engineering, 2110 Overland Ave., Billings, Montana**

Mr. Phil said there is more than adequate groundwater for irrigation uses. The sewage disposal will be overseen by DEQ and there will be no degradation to ground water allowed through their rules and regulations.

### **Motion**

**Commissioner Littler made a motion and it Commissioner Welborn seconded the motion to forward a recommendation of approval of Zone Change #661 as presented by staff.**

Chairman Cook called for discussion on the motion.

### **Discussion**

Al Littler answered Ms. Ritter's question related to density. He said there are requirements under Community Commercial zoning that restrict lot coverage so there is some control of density under this zoning classification.

**The motion carried with a unanimous voice vote, 3-0.**

## **7. OTHER BUSINESS-**

--Zoning Coordinator Nicole Cromwell stated Commissioner Welborn has decided to resign her position as a Commissioner effective June 20, 2015. She thanked her for her service in this capacity. Currently there are three advertised positions open on the Yellowstone County Zoning Commission.



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**Adjournment:** The meeting adjourned at 4:21 p.m.

**ATTEST:** DRAFT To be approved by a motion on Monday, July 13, 2015

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**Dennis Cook, Chairman, Yellowstone County Zoning Commission**

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**Tamara L. Deines, Planning Clerk**