



**Yellowstone County Zoning Commission
Minutes for the Meeting of
Monday, June 12, 2017**

The County Zoning Commission met on Monday, June 12, 2017 in the Miller Building 1st Floor Conference Room, 2825 3rd Avenue North at 4:00 p.m. 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, June 27, 2017, at 9:45 a.m. in Room 403A, 4th Floor of the Yellowstone County Courthouse.**

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

Commissioners and Staff		01-11-2016	02-08-2016	02-12-2016	03-14-2016	04-11-2016	05-09-2016	06-13-2016	09-12-2016	01-09-2016	02-13-2017	03-13-2017	05-08-2017	06-12-2017
Jerry T. Ray	Commissioner	-	1	1	-	1	1	E	1	-	1	-	E	1
Troy Boucher	Commissioner Vice Chairman	-	1	1	-	1	1	1	1	-	1	-	1	1
Ryan Wittman	Commissioner Chairman		1	1	-	1	1	1	1	-	1	-	1	1
Tyler Bush	Commissioner	-	-	-	-	-	-	-	-	-	1	-	1	1
Vacancy										-		-		

Attending: Larry Smith; Robert & Lisa Hendershot; Walt Williams; Dan A Jellison; Tim Hudson; Susan and Ron Arneson

Public Comment

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

Disclosure of Conflict of Interest or Exparte Communication: There was none.

Disclosure of Outside Communication. There was none.

Approval of Minutes: May 8, 2017

Motion

Commissioner Boucher made a motion and it was seconded by Commissioner Ray to approve the May 8, 2017 meeting minutes as submitted. The motion carried with a unanimous voice vote.



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Public Hearings:

County Zone Change #682 – Kimble Subdivision 3rd Filing – A zone change request from Residential 15,000 (R-150) to Agriculture-Open Space (A-1) on Lots 6-10, Block 1 and Lots 1-10 of Block 2, Kimble Subdivision 3rd Filing, and the soon to be abandoned rights of way within the subdivision, a 3.03-acre parcel of land. A pre-application neighborhood meeting was held on April 24, 2017, at the subject property. Tax IDs: A09614, A09615, A09616, A09617, A09618 & A09619.

Dave Green opened this agenda item with a staff report and PowerPoint presentation.

RECOMMENDATION

The Planning Division recommends conditional approval of Special Review #285. Planning Division is recommending the following conditions:

1. The approval shall be limited to C/S 108, Tract 1; C/S 593, Tract 1 and Tract 2D generally located at 720 and 748 Washington St and 3719 King Avenue East.
2. This special review approval is to modify and expand the location of the existing special review approval (SR #285 April 22, 2003) to operate a commercial recreational facility and associated parking lot and expand hours of operation from 8 am to 10 pm. No other special review use is intended or implied by this approval.
3. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.
4. Failure to comply with these conditions of approval of the special review use shall be deemed a violation of the zoning regulations. Enforcement of the regulations and conditions shall be as set forth in Section 27-1601 et seq. of the Unified Zoning Regulations.

Discussion

Chairman Wittman called for questions and discussion from the Zoning Commission.

Public Hearing

At 4:13 p.m., Chairman Wittman opened the public hearing at and called for proponents or opponents of Yellowstone County Zone Change #682.

Proponents

Dan Jellison, Walt Williams, Billings, Montana 59106

Mr. Jellison and Walt Williams are the property owners. Mr. Jellison stated they are trying to maintain the integrity of the neighborhood and continue the gardens. He explained that a potential problem was eliminated when 3719 King Ave E was acquired and as a result they are doing events and weddings. “Dan Walt Gardens” gets daily visitors from the Billings Community and from all over the United States.

2-APPROVED



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Susan Arneson, 675 Jackson Street, Billings, Montana

Ms. Arneson asked if the functions will continue as before Mr. Jellison replied they will and they wish to keep the integrity of the neighborhood and the Southside Community. Commissioner Ray commended Mr. Jellison for their work.

Opponents: There were no opponents.

At 4:18 p.m., Chairman Wittman asked if there was anyone else wanting to speak in favor or against Yellowstone County Special Review #329. There was none. At 4:33 p.m., Chairman Wittman closed the public hearing and called for a motion.

Motion

Commissioner Ray made a motion and it was seconded by Commissioner Boucher to forward a recommendation to the Board of County Commissioners of conditional approval of County Special Review #329 with the conditions and adoption of the Findings of the 11 review criteria.

Chairman Wittman called for a vote on the motion.

Name	Favor	Against	Abstain	Absent
Chairman Wittman	X			
Commissioner Boucher	X			
Commissioner Ray	X			
Commissioner Bush	X			

The motion carries, 4-0. The Board of County Commissioners public hearing will be held on Tuesday, June 27, 2017, at 9:45 a.m. in Room 403A, 4th Floor of the Yellowstone County Courthouse.

Item #2: County Zone Change #682 – Kimble Subdivision 3rd Filing – A zone change request from Residential 15,000 (R-150) to Agriculture-Open Space (A-1) on Lots 6-10, Block 1 and Lots 1-10 of Block 2, Kimble Subdivision 3rd Filing, and the soon to be abandoned rights of way within the subdivision, a 3.03-acre parcel of land. A pre-application neighborhood meeting was held on April 24, 2017, at the subject property. Tax IDs: A09614, A09615, A09616, A09617, A09618 & A09619.

Dave Green opened this agenda item with a staff report overview and PowerPoint Presentation. He explained to the Commission that the Agricultural-Open, (AG-O), zoning allows equestrian veterinary uses without a special review as does Controlled Industrial, (CI), and Heavy Industrial, (HI), zoning. Staff feels the AG-O zoning is the best option even though it doesn't meet the 10-acre minimum requirement as it fits the uses in the neighborhood. The applicant intends to construct a building on the site for equestrian medical care and provide pasture area.



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RECOMMENDATION

Approval of Zone Change #682 and adoption of the 11 criteria for this zone change.

Discussion

Chairman Wittman asked the Commission members for questions and discussion. In response to a question by Commissioner Ray, Dave Green stated that Community Commercial zoning does not allow equestrian uses for large animal care; and the staff recommendation is based on the applicant's request.

Public Hearing

Chairman Wittman opened the public hearing and asked if there is anyone wishing to speak in favor or against County Zone Change # 682.

Larry Smith, 331 N Silvertip Road, Bridger, Montana

Mr. Smith stated Pete Heidman is his son-in-law and he is attending today in his absence. He reported that Mr. Heidman currently owns "Montana Equine". Mr. Heidman is purchasing this parcel from the Kimble family. He said Mr. Heidman's intent is for this property is to have a presence in Billings to address horses with minor conditions. He pointed out there are other businesses in the area and stated this will be a good location for this business. Commissioner Ray commented he would like to see an industrial use in this area in the future. Commissioner Boucher asked staff regarding the need for a variance. Dave Green explained this is not an allowed use in R-15000 zoning, and a zone change may be submitted in the future if a different use is desired. Mr. Heidman submitted a "Summary of Potential Concerns" related to the proposed zoning change from R-15,000 to Ag-Open. Zoning Coordinator Nicole Cromwell stated this has been done before, and there are several lots in the west end of Billings and in Lockwood that never met the 10-acre minimum zoning criterion.

Chairman Wittman asked if there is anyone else wanting to speak in favor or against County Zone Change #682. There was none. Chairman Wittman closed the public hearing and called for a motion.

Motion

Commissioner Boucher made a motion and Commissioner Bush seconded the motion to forward a recommendation of approval to the Board of County Commissioners for Zone Change #682 and adoption of the 11 criteria for this zone change.

Chairman Wittman called for a vote on the motion.



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Name	Favor	Against	Abstain	Absent
Chairman Wittman	X			
Commissioner Boucher	X			
Commissioner Ray	X			
Commissioner Bush	X			

The motion carries, 4-0. The Board of County Commissioners public hearing will be held on Tuesday, June 27, 2017, at 9:45 a.m. in Room 403A, 4th Floor of the Yellowstone County Courthouse.

Other Business/Announcements

- A. The July 10, 2017 meeting is cancelled due to a lack of applications.
- B. City/County separation of the zoning code: Zoning Coordinator Nicole Cromwell stated staff is working on scheduling a joint meeting for the City and County Zoning Commissions, tentatively July 17, 2017, 4:00 p.m. She will notify the Commission when this date and time is confirmed.

Adjournment: The meeting adjourned at 4:40 p.m.

APPROVED BY A MOTION SEPTEMBER 11, 2017

