



COUNTY OF YELLOWSTONE ZONING COMMISSION

AGENDA-Monday, November 13, 2017, 4:00 PM

**Miller Building, 1st Floor Conference Room
2825 3rd Avenue North, Billings, Montana**

NOTICE TO THE PUBLIC

Public Comment:

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

Call the meeting to order.

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

Public Comment

Motion. Approval of Minutes: September 11, 2017

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:

1. **Item #1:** The applicant is requesting a zone change from Agriculture-Open Space (A-1) to Agriculture Suburban (A-S – 58.48 acres) and Community Commercial (CC – 11.75 acres) on Parcel 2 of C/S 3641, a 70.23 acre parcel of land. A pre-application neighborhood meeting was held on September 22, 2017, at 7100 Commercial Avenue – Performance Engineering offices. Tax ID: D00624A. Presented by Karen Husman, Planner I

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, November 28, 2017, 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: 11/13/2017

Information

Subject

Motion. Approval of Minutes: September 11, 2017

Attachments

YZC_2017_09_11_DRAFT



Yellowstone County Zoning Commission Minutes for the Meeting of Monday, September 11, 2017

The County Zoning Commission met on Monday, September 11, 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, September 26, 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; Karen Husman, 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	09-11-2017	10-10-2017	11-13-2017
Jerry T. Ray	Commissioner	-	1	1	-	1	1	E	1	-	1	-	E	1	1	-	
Troy Boucher	Commissioner Vice Chairman	-	1	1	-	1	1	1	1	-	1	-	1	1	1	-	
Ryan Wittman	Commissioner Chairman		1	1	-	1	1	1	1	-	1	-	1	1	1	-	
Tyler Bush	Commissioner	-	-	-	-	-	-	-	-	-	1	-	1	1	1	-	
Vacancy										-		-			-	-	

Attending: Patricia Wilson

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: June 12, 2017

Motion

Commissioner Boucher made a motion and it was seconded by Commissioner Ray to approve the June 12, 2017 meeting minutes as submitted. The motion carried with a unanimous voice vote.



Yellowstone County Zoning Commission Minutes for the Meeting of Monday, September 11, 2017

Public Hearings:

Item #1: County Zone Change #683 – 2230 S 44th St West – A zone change request from Agriculture-Open Space (A-1) to Residential 15,000 (R-150) on Parcel 1A of C/S 1149, a 10.65-acre parcel of land. A pre-application neighborhood meeting was held on July 18, 2017, April 24, 2017, at the subject property. Tax ID: D00804

RECOMMENDATION

The Planning Division recommends approval of Zone Change #683 based on the proposed findings of the 11 criteria.

Karen Husman opened this agenda item with a staff report and PowerPoint presentation.

Discussion

Chairman Wittman called for questions and discussion from the Zoning Commission. Per Commissioner Ray's request, clarification was provided on the access to the adjacent property. Discussion followed by the Commission members on allowed uses for properties with R-15,000 zoning.

Public Hearing

At 4:02 p.m., Chairman Wittman opened the public hearing at and called for proponents or opponents of Yellowstone County Zone Change #683.

Proponents

Patricia Wilson, (no address given), Billings, Montana

Ms. Wilson is the agent for the applicant, Raymond George Olson. She spoke in favor of the proposed zone change. Commissioner Ray asked about potential buyers for the property and Ms. Wilson stated she has a potential buyer.

Opponents: There were no opponents.

At 4:08 p.m., Chairman Wittman asked if there was anyone else wanting to speak in favor or against Yellowstone County Zone Change #683. There was none. At 4:10 p.m., Chairman Wittman closed the public hearing and called for a motion.

Motion

Commissioner Boucher made a motion and it was seconded by Commissioner Ray to forward a recommendation to the Board of County Commissioners of approval of County Zone Change #683 with the Findings of the 11 review criteria.



**Yellowstone County Zoning Commission
Minutes for the Meeting of
Monday, September 11, 2017**

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, September 26, 2017, at 9:45 a.m. in Room 403A, 4th Floor of the Yellowstone County Courthouse.

Other Business/Announcements

- A. The October 10, 2017 meeting is cancelled due to a lack of applications.

- B. “Project Re-Code”: Commissioners Boucher and Bush will be members of the Ad Hoc Steering Committee.

- C. **Special Meeting. Ethics Training for Boards and Commissions. Wednesday, October 18, 2017, 4:00-6:00 pm Billings Community Center** This is a training session for members of City and County Board and Commission members. City Council members and the YC Commissioners will be invited to attend. The Local Government Center will be presenting along with City and County Legal staff.

Adjournment: The meeting adjourned at 4:15 p.m.

DRAFT-TO APPROVED BY A MOTION NOVEMBER 13, 2017



County Zoning Commission

Meeting Date: 11/13/2017

SUBJECT: Zone Change #684

THROUGH: Monica Plecker

PRESENTED BY: Karen Husman

Information

REQUEST

Item #1: The applicant is requesting a zone change from Agriculture-Open Space (A-1) to Agriculture Suburban (A-S – 58.48 acres) and Community Commercial (CC – 11.75 acres) on Parcel 2 of C/S 3641, a 70.23 acre parcel of land. A pre-application neighborhood meeting was held on September 22, 2017, at 7100 Commercial Avenue – Performance Engineering offices. Tax ID: D00624A. Presented by Karen Husman, Planner I

RECOMMENDATION

Grant the requested 30-day extension.

APPLICATION DATA

OWNER: Nexco, LLC
AGENT: Scott Aspenlieder
LEGAL DESCRIPTION: C/S 3641
ADDRESS: NW Corner of Hesper Rd. & 48th St. W
SIZE OF PARCEL: 70.23 acres
EXISTING LAND USE: Agricultural
PROPOSED LAND USE: Residential and Commercial
EXISTING ZONING: A-1
PROPOSED ZONING: A-S and CC

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

None

SURROUNDING LAND USE & ZONING

NORTH: Zoning: R-150/Ag-Suburban
Land Use: Residential
SOUTH: Zoning: Ag-Open/Ag-Suburban
Land Use: Residential
EAST: Zoning: Ag-Open/CC
Land Use: Residential/Agricultural/Commercial

WEST: Zoning: Ag-Open
Land Use: Residential/Agricultural

BACKGROUND

The subject property is located at Hesper Road and 48th Street West. The current zoning, A-1, was in effect since 1973 when the County adopted jurisdictional zoning around the City of Billings. The property has been recently subdivided as the Whitehorse Subdivision.

A neighborhood meeting was conducted by the applicant on September 22, 2017 at 7100 Commercial Ave., Ste. 4, Billings, MT. There were three residents in attendance at the meeting. Concerns were voiced about increase in traffic, height restrictions in the CC zone, and how light pollution would be addressed.

The applicant submitted a request on October 19, 2017, to delay this application's public hearing in order to amend the application. The property was recorded as the Whitehorse Subdivision on October 17, 2017, (after the application submittal deadline for zoning applications) and one of the parcels is currently under contract for sale. The applicant would like to amend the application to update this information and exclude Lot 3 of the Whitehorse Subdivision from the zone change application.

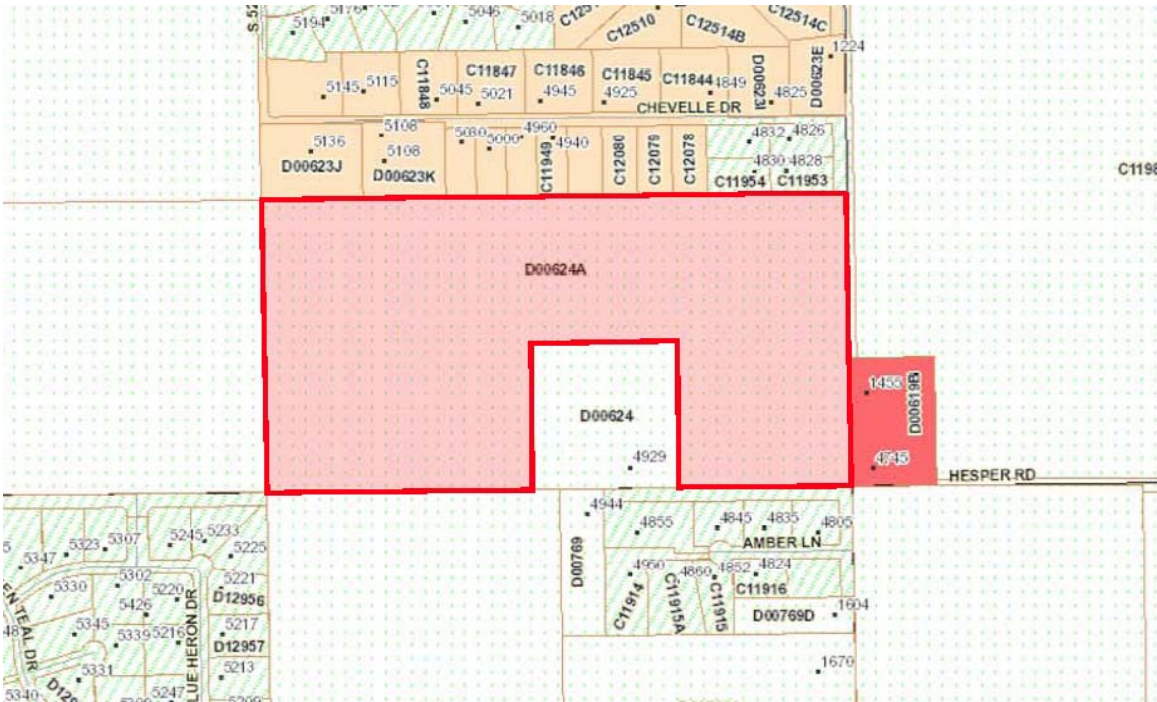
RECOMMENDATION

Planning staff has reviewed the request and is recommending the Zoning Commission grant the applicant a 30-day extension based on the information that was received. The application would be revised and brought to the Zoning Commission at its December meeting.

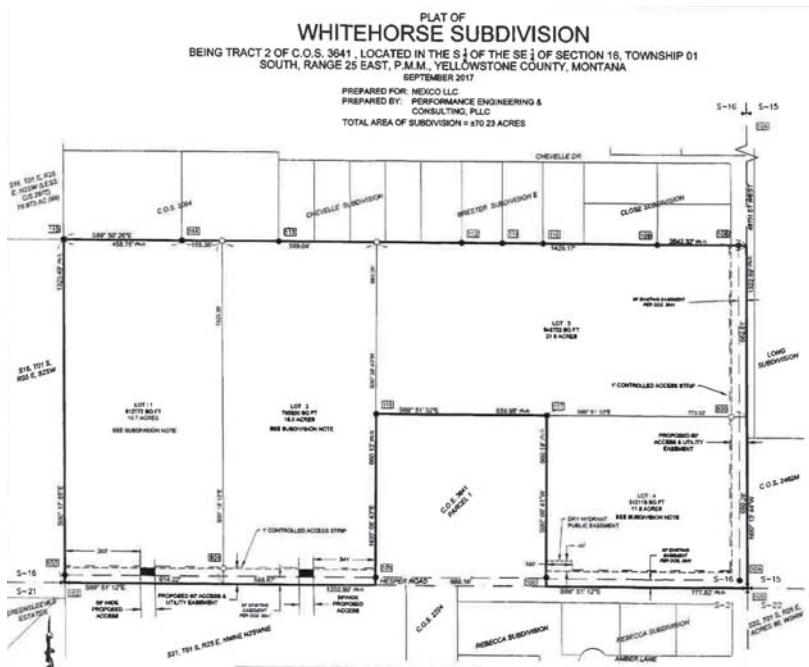
Attachments

Zoning Map & Site Plan
Delay Request

Zoning Map



Site Plan



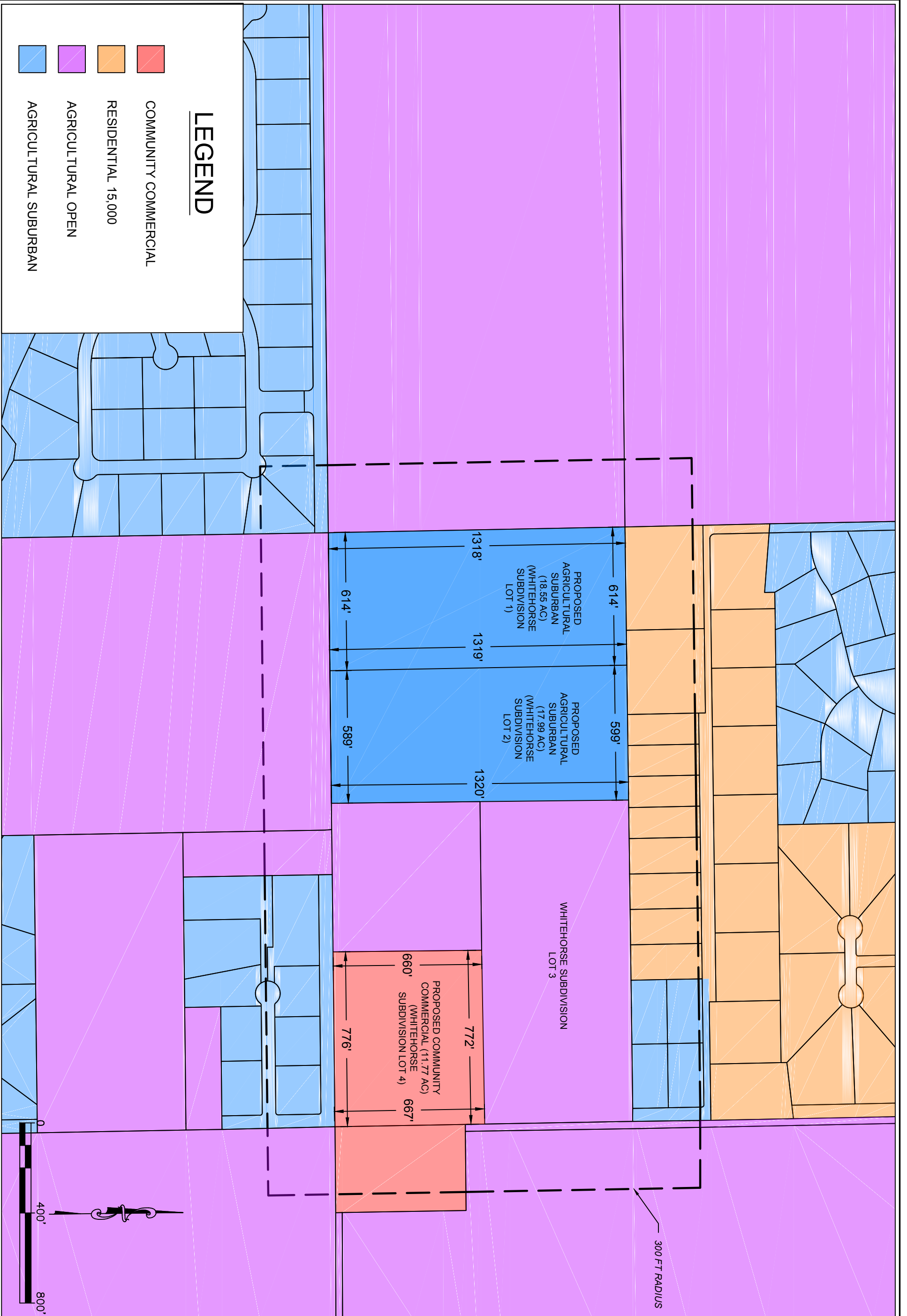


7100 Commercial Ave., Suite 4 • Billings, MT 59101 • 406-384-0080

To: Karen Husman, Planner I
From: Robert Neihart P.E., Project Manager
Date: October 19, 2017
Subject: County Zone Change 684

On behalf of NEXCO, LLC (Owner), Performance Engineering & Consulting, PLLC (PEC), is respectfully requesting a 30-day delay of County Zone Change 684. This request is due to the owner needing to revise the zone change map. Lots 1 and 2 of the Whitehorse Subdivision are proposed to be Agricultural Suburban, Lot 4 of the Whitehorse Subdivision is proposed to be Community Commercial, and Lot 3 of the Whitehorse Subdivision will remain as Agricultural Open. Attached to this memo is the revised zone change map and Final Plat of the Whitehorse Subdivision that was filed on October 17th, 2017.

Feel free to contact PEC Project Manager Robert Neihart with any questions or concerns at (406) 384-0080 or rob@performance-ec.com. Thank you for your consideration and coordination in our project.



CLIENT
NEXCO, LLC
 2680 OVERLAND, AVE., STE. F
 BILLINGS, MT 59102
 (406) 697-5900

PROJECT TITLE
**WHITEHORSE
 MINOR SUBDIVISION**

RDN DESIGNED BY	9/17	DATE
RDN DRAWN BY	9/17	DATE
SAA CHECKED BY	2016-065	PROJECT NO.
REV BY	DATE	CHKD BY

SHEET TITLE
AREA ZONING MAP
 PLAN

SHEET
EX 1