



City of Billings and Yellowstone County

Zoning Commission

Special Joint Meeting Minutes

July 17, 2017, 4:00 p.m.

Large Conference Room, 1st Floor, Miller Building, 2825 3rd Avenue North

ATTENDEES: **City:** Oscar Heinrich, Mike Boyett, James Mariska, Dennis Ulvestad, and Mike Larson. **County:** Tyler Bush, Ryan Wittman, Jerry Ray, Troy Boucher. **Staff:** Wyeth Friday, Nicole Cromwell, Robbin Bartley

City Zoning Commissioner Mike Boyett was nominated Chairman. He called the meeting to order at 4pm.

Introductions were made of all attending.

There was no Public Comment.

Regular Business included the Reading of rules for the procedure by the public hearings will be conducted and the Reading of notices of the public hearings on the following item:

The Yellowstone County Board of Planning initiated this separation of the City and County Unified Zoning Regulations on June 13, 2017. This separation of the Unified Zoning Regulations will facilitate the future update, revisions and alignment of the regulations to goals and policies set by the City Council and the Board of County Commissioners. There are no additions, deletions, or modifications to the existing Unified Zoning Regulations except to the extent to remove combined references and modify sections apply either only in the City or only in the County.

Staff explained why this separation is necessary. The current Unified Code makes it very difficult to understand the effect of the change in the Code, whether it applies to the City, the County or both. Also we have seven different Sign Codes, four different Landscaping Codes, and of those some apply in the City, some in the County, some apply in both. Separating the Codes is a matter of making it easier to understand any potential amendment to the zoning for the City and potential amendments for the County. We may reunify the Code at the end of the two-year process, we do not know as we are not there yet. Twenty-five years before 1997 we had two separate Codes. They were administered by the Planning office and will continue to be. There are no substantive changes to the rules and regulations apply now in the City or County. That is the purpose and we are in the first portion or step is Code separation. Next is the process oversight with a steering committee. There will possibly be quarterly updates from the steering committee. There may be a hiring of outside consultant help to assist with very specific areas

and areas of drafting such as legal reviews and design graphics. A picture is worth a thousand words.

Staff then asked for questions from the Board members.

Tyler Bush – Why would we not do this?

Staff – Some worry it may be difficult to reunify the Code if the City and County adopt wildly different Codes. We have just one steering committee. Everyone should keep in mind, going forward, if we reunify, we need to make this work together.

Mike Boyett – Are you seeing any problems the way it is being handled currently?

Staff – Has read the Code for seventeen years, therefore I know it well. The persons needing to use the Code, attorneys and real estate persons, for example, call me for clarification. Is not a good Code. A good Code should be accessible, readable and understandable to anybody who picks it up. It should not be so obscure or entangled you need a professional to understand what it says.

Mike Boyett – The hope is by doing this it will make the Code easier to understand?

Staff – I believe so. This is the number one goal.

James Mariska – Have there been rubs between the City and County and do you have an example of something is not working right?

Staff – A good example is in 1995 an Entryway Zoning District was adopted and it applies in both City and County. It has one set of standards for Landscaping, a list of uses, different setbacks, and sign codes. The Code is not written to be adjustable for County or City differences. This often requires Zoning Variances and such to meet the requirements.

James Mariska – Who enforces the Codes?

Staff – The Planning Division enforces the Zoning Code thru County and City Code Enforcement Officers.

James Mariska – Does this include everything such as Landscaping, parking, setbacks, etc.?

Staff – Yes, except parking was stripped out of the Zoning Code in 1985 and currently is in the Building and Site Development Code. It has not been changed since it was originally written in 1972. This is another consideration for the Steering committee, is it appropriate for there to be a separate set of parking Codes for the City and the County.

In the City there is no parking requirements in the Zoning Code.

Tyler Bush – Please confirm my understanding, we are entangled now and the intent is to break the unification and have County and City clean house and align things so when things come back together there is an understandable sequence of who has authority.

Staff – Absolutely correct.

Mike Boyett – Who is the driving force?

Staff – It is the City and the County. When the City updated the Growth Policy in 2016, Lockwood adopted a new Growth Policy in 2016 and the County will be adopting an update to their Growth Policy this year. It was obvious, based on those goals, our current zoning is not going to get us to those goals.

James Mariska – I have seen a steady creeping of the City of Billings towards Laurel. Is there an eventual problem with zoning when our borders meet?

Staff – The County in 1973, it was 4.5 hours to any boundary, now the zoning has extended. The County has never extended their zoning boundary until last year when by resident petition it did. The City does not have a growth boundary per se, other than its Capital Improvement Program is water and sewer. The future water and sewer is projected to go much beyond 52nd. A water plant was considered at 48th but has not been included in the CIP yet. The annexation maps show the areas could be annexed in the next five years and is basically filling in between the islands. Additionally, there are long range planning areas in the Heights and in the southwest area.

Jerry Ray – What kind of information do you have on the Calamity Jane Reservoir?

Staff – I don't have any. Water issues are not what is being considered here today.

Mike Larson – What elements need to be considered in the motion here and now?

Staff – A motion to recommend separation of the Unified Code is first.

Jerry Ray – Why is the separation necessary, if you want to change something why don't you just do it? You control both City and County Codes.

Staff – The way it is written; it has become very fragmented. It is confusing to readers. The goal is to clarify, if it is written in the City Code, it applies in the City. If it is written in the County Code, it applies in the County. This may be a temporary separation just to clean and clarify and in the end the deciding parties may well reunify.

Staff – No other city in Montana has a unified City and County Code. It is difficult to make the development intense and land use standards identical for a city and a county.

The Public hearing was opened. No comments.

Mike Larson of the City Zoning Commission motioned to make the recommendation to the City Council to separate the Unified Zoning Code. James Mariska seconded and all Commissioners were in favor.

Tyler Bush of the County Zoning Commission motioned to make the recommendation to the County Commissioners to separate the Unified Zoning Code. Ryan Wittman seconded and all Commissioners were in favor.

The meeting adjourned at 4:34 PM.

The **Board of County Commissioners** public hearing will be held **on Tuesday, August 15, 2017, at 9:45 a.m. in Room 403A, 4th Floor of the Yellowstone County Courthouse.** The Board of County Commissioners will hear all wishing to speak relative to the proposed Text Amendment. **The City Council** has designated **Monday, August 14, 2017, at 6:30 p.m. in the City Council Chambers** as the time and place to hear testimony for or against the Text Amendment.

Minutes – Joint City/County Zoning Commission Public Hearing on City and County Zoning Code Separation July 17, 2017

The Board of County Commissioners and the City Council will hear all persons wishing to speak relative to the proposed Text Amendment. Testimony regarding the above mentioned item may also be submitted in writing to the Planning Division, 2825 3rd Avenue North, 4th Floor, Miller Building, Billings, MT 59101 (247-8676), to the Board of County Commissioners at P.O. Box 35000, Billings, MT 59107 or to the Mayor and City Council, P.O. Box 1178, Billings, MT 59103.

Additional information and copies of the draft amendments are available in the Planning and Community Services Office, the County Clerk and Recorder, the County Commissioners' Office, the City Clerk's Office, and online at <http://ci.billings.mt.us/755/Zoning-Information> or <http://www.co.yellowstone.mt.gov/planning/>. 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 Robbin Bartley, Administrative Assistant, at 247-8676 or e-mail to bartleyr@ci.billings.mt.us