



COUNTY OF YELLOWSTONE ZONING COMMISSION

AGENDA-Monday, April 9, 2018, 4:00 P.M.

Billings Library Community Room

510 North Broadway

5 Billings, Montana 59101

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: Special Joint Meeting Minutes: July 17, 2017; and YC Zoning Commission Minutes: March 12, 2019

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. **Item #1:County Zone Change 688 – Planned Development – Kramer Property – Grand Avenue & 50th St West** – A zone change request from Agriculture Open-Space (A-1) to Planned Development with underlying zoning of Residential Multi-family-Restricted (PD-RMF-R) on the southern 11.69 acres and Neighborhood Commercial (PD-NC) on the northern 6.11 acres of C/S 2990, Parcel 1B, a 17.553 acre parcel of land generally located on the south side of Grand Avenue, between 48^h St West and 52nd St West. A pre-application neighborhood meeting was conducted on December 26, 2017, and on January 29, 2018, at the Grace Montessori School, located at 4809 Grand Avenue. A Preliminary Review meeting was held on Monday, March 5, 2018 at the Billings Public Library.
The applicant requested to withdraw the application on March 19, 2018.

Other Business/Announcements

- a. **Motion. Board Application/Nomination. Todd Hewett.** YC Zoning Commission members.
- b. **Informational. City-County Planning Division Monthly Activity Report, February 2018.**

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, April 24, 2018, 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: 04/09/2018

Information

Subject

Motion. Approval of Minutes: Special Joint Meeting Minutes: July 17, 2017; and YC Zoning Commission Minutes: March 12, 2019

Attachments

YZC_2018_03_12_DRAFT

Joint City County Meeting Minutes 7_17_17



**Yellowstone County Zoning Commission
Minutes for the Meeting of
Monday, March 12, 2018**

The County Zoning Commission met on Monday, March 12, 2018 at 4:00 p.m. in the Community Meeting Room, Billings Library, 1st Floor, 510 N Broadway, Billings, MT **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, March 27, 2018, 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; Tammy Deines, Planning Clerk; and Robbin Bartley, Admin I. Commissioner Ray is not in attendance for this introduction.

Commissioners and Staff		01/08/2018	02/12/2018	03/12/2018	04/09/2018	05/14/2018	06/11/2018	07/09/2018	08/13/2018	09/10/2018	10/08/2018	11/12/2018	12/10/2018
Jerry T. Ray	Commissioner	-	-	1									
Troy Boucher	Commissioner Vice Chairman	-	-	1									
Ryan Wittman	Commissioner Chairman		-	1									
Tyler Bush	Commissioner	-	-	1									
Vacancy	-----								-		-		

Attending: See attached attendance sheets.

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: YC Zone Change #687: There was none.

Disclosure of ExParte Communication: YC Zone Change #687: There was none.

Disclosure of ExParte Communication: YC Zone Change #687: There was none.

The Commissioners reported no ExParte Communications. Zoning Coordinator Cromwell reported staff received additional public comment between the time the packets were mailed and the meeting. It is included in the public comment folder and was forwarded to the Board of County Commissioners via email prior to this meeting. Note: letters in favor or against YC Zone



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Change #687 received by the staff report deadline were included as a part of the staff report which was included in the Commissioners' meeting packets and posted on the City of Billings' website here:

http://agenda.ci.billings.mt.us/agenda_publish.cfm?id=&mt=ALL&get_month=3&get_year=2018&dsp=agm&seq=5606&rev=0&ag=632&ln=19188&nseq=&nrev=&pseq=&prev=#ReturnTo19188

Motion Approval of Minutes: December 11, 2017

Commissioner Bush made a motion and it was seconded by Commissioner Boucher to approve the December 11, 2017 meeting minutes as submitted. The motion carried with a unanimous voice vote.

Public Hearings:

Ms. Cromwell read the legal notice for County Zone Change #687 into the record.

Item #1: REQUEST

A change request from Residential 7,000 (R-70) to Planned Development with underlying zoning of RMF-R (PD-RMF-R) on the northern 10.77 acres of C/S 840, Parcel 1, a 20.77 acre parcel of land generally located east of the Kiwanis Trail bike path and south of Barrett Road. The PD specifies height limitations, buffer yard requirements, provisions for amenities and limits the total number of dwelling units to one hundred (100). A pre-application neighborhood meeting was conducted on December 26, 2017, at the Country Inn and Suites, 231 Main Street. A Preliminary Review meeting was held on Monday, February 5, 2018 at the Billings Library. Presented by Nicole Cromwell, Zoning Coordinator

RECOMMENDATION

Planning staff is recommending approval based on the proposed findings of the 11 review criteria for Zone Change 687.

Staff Presentation

Nicole Cromwell opened this agenda item with the staff report for County Zone Change #687. This zone change will only apply to the northern 10.77 acres of C/S 840 Parcel 1. She pointed out the need for a traffic safety and discontinuity of street development is the largest public concern. The current level of street construction is well below city standards for a collector street. She briefly reviewed City Standards for roadways. A letter was provided by Debi Meling, City Engineer, Public Works Engineering Division, in consultation with Tim Miller, YC County PW Director, regarding possible solutions to traffic and pedestrian safety concerns. Solutions for traffic and pedestrian safety requires collaboration of all agencies, neighbor's, and adjacent developers. A Traffic Improvement Study, (TIS), is required before the first Building



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Permit or Zoning Compliance Permit can be issued or a Subdivision or Master Plan is approved. She gave a basic overview of the zone change review and approval process.

Discussion

Chairman Wittman called for questions and discussion from the Commissioners. Commissioner Bush asked if the County proposed solutions in regard to the traffic patterns? Nicole Cromwell reported Yellowstone County Public Works Director Miller offered to create a Rural Safety District to build sidewalks outside the city limits. If annexed there will be an additional area of off-street sidewalk along Barrett Road where none exists now. She responded to Commissioner Bush and said the developer has the option to develop under the current zoning but has selected the Planned Development instead. This developer and builder concentrates on attached multi-family unit products. She explained other development options and pointed out under the current zoning, 96 dwelling units could be developed. This developer plans to develop 100 units based upon the user agreement. Commissioner Boucher asked if the BOCC approves this agreement, the developer is bound to the agreement as recorded in the Clerk & Recorder's office? Ms. Cromwell stated the maximum unit count is based on a raw 10 acres, and it may be significantly less if the property were subdivided.

Public Hearing

Chairman Wittman opened the public hearing and asked for anyone wishing to speak in favor or against YC Zone Change #687.

Scott Aspenlieder, Performance Engineering, 7100 Commercial Ave, Ste 4, Billings, Montana

Mr. Aspenlieder is the agent for the property owners William Schultz, Trustee; and CK Land LLC. He stated it is worth noting substantial changes have been made to this proposal based on comments received from the Heights Force and public comment during the preliminary meetings. He concurred that addressing the traffic is a difficult issue. The plan is to annex this parcel into the City, and the developer will work with City Engineering to widen Barrett Road. Boulevard sidewalks will be constructed for pedestrian use and a buffer will be provided. A Traffic Impact Study. (TIS), will be required with the submittal of a Master Site Plan application. This developer will participate in the intersection improvements as development takes place. Mr. Aspenlieder stated they are committed to addressing traffic and pedestrian safety. Initially, this was intended to be a 10-acre development but the developer added .77-acre to be used for open space and a common area. In an effort to meet public concerns half-way, some architectural changes will be made to the product including Hardy board siding, color changes, and dormers to break up roof lines. The reasoning for the request for RMFR underlying zoning is this developer is being 100% transparent with his intent for what they plan to construct. Mr. Aspenlieder stated due to economics, trends of construction are moving towards higher density developments. He feels this is a reasonable project and the concerns have been addressed to the best of their ability through the meeting process.



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Discussion

Chairman Wittman called for questions from the Board. Commissioner Bush commented on student populations at Medicine Crow Middle School and Bitterroot School which are at or reaching capacity. Mr. Aspenlieder stated these are generally starter homes filled with young professionals instead of families.

Arian Whitman, 1024 Claremore Lane, Billings, Montana

Ms. Whitman stated they did not anticipate the proposed density due to the surrounding zoning. She voiced concern with apartments with occupants who tend to be more transient, which may not increase buying potential and be a deterrent to the neighborhood. She stated there is a need to address sidewalks as children are currently walking in the road.

David Whitmore, 2106 West Echo Drive, Billings, Montana

Mr. Whitmore stated his parents have lived in the area since 1972 so he is concerned with a major character change by adding apartments to this property. He noted there is already a contingent of "young professionals" who rent places in the area that are not good neighbors and the proposed development will just attract similar residents. He stated none of the surrounding county roads are set up for pedestrians so kids and others have to walk in the road. He testified the weeds on the north side of Barrett Road are so tall in the summer they block the view around the corners of intersections. He noted the appropriate zoning for the property is the existing zoning of R-70. Mr. Whitmore is against this proposal and he stated he feels it would be better served with construction of some nice homes.

Travis McDowell, 2029 Forrest Park Drive, Billings, Montana

Mr. McDowell testified in favor of the application. He stated he has worked with this developer for many years and they are constantly looking for ways to improve the product. He stated over the years the developer has added single story units to accommodate accessible units.

Chris Nielson, 1125 Barrett Road, Billings, Montana

Mr. Nielson testified in opposition. He has been a resident in this area for 29 years and the school has contributed to the changes. Mr. Nielson has submitted photographs provided of students walking. He stated he received the letter from the City Engineer. He feels this is a "rush job". He testified a normal housing subdivision would develop over a few years and would not have the immediate impact this development will have on the area. He said his biggest concern is the traffic and pedestrian safety. He noted this section of Barrett Road is not set up to safely handle the existing kids walking to school, or the parents who are picking up and dropping off kids from the middle school. He testified many of the kids walking to school come from neighborhoods north and east of this location. He said the new residents in the development will have a hard time getting into and out of the development during normal commute times because of the school traffic. He stated he understands how the developer will build out the frontage on Barrett but if most of the traffic is going to the east to Hawthorne Lane this just puts all the traffic pressure on under-built county roads.



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**At 4:45 p.m. Commissioner Ray joined the meeting.

Tiffani Wardell of 1309 Daybreak, Billings, Montana

Ms. Wardell testified in opposition. She stated she was here to speak against this application although she is not an immediate neighbor. She testified this developer has also proposed a similar zone change on the west end of Billings. She stated the traffic situation at both locations must be fixed before any of these zoning proposals are considered. She stated this development style is out of character for this area and for the west end of Billings.

Dee Martinson, 832 Kale Drive, Billings, Montana

Ms. Martinson testified in opposition. is not against developing this area and appreciates the changes. Her concern is the traffic. The concern is the addition traffic created from the units. She read aloud a portion of a letter submitted to the Commissioners. Traffic is affected on those living north of Barrett Road, and the traffic on main. the Developer is only planning to construct curb, gutter, sidewalk along the 500 feet of his property. She asked that the City and County work together to pave Barrett road at the time of development.

Tom Zurbuchen, 1747 Wicks Lane, Billings, Montana

Mr. Zurbuchen testified in favor of the zone change. He stated the county should be commending this developer for stepping up and building a road the County and City will not improve. He stated the entire area is zoned R-70 but the developers proposed density is the same as many existing surrounding developments. He stated as soon as the new middle school opened it was apparent there was a big pedestrian safety problem, but no one is willing to deal with the issue. He testified pedestrian safety could be improved if the neighbors agreed to an RSID but no one wants to step up and do that. He stated the area has a mixture of City and County development and this new development would not be out of place. He testified this development is a win for the area and the county should approve the zoning.

William Schultz, (no address given), Billings, Montana

Mr. Schultz is the property owner. owner of the property, testified in favor. He stated he has owned the land for decades and at the age of 92 he is ready to move on. He noted when Mike Sartorie told him a couple of years ago he was retiring from agriculture and would no longer be leasing his 20 acres of ground, he knew it was time to sell. He stated he advertised for a new farmer to lease up the property, but he had no takers. He testified he then advertised the land for sale and Cal Kunkel's was the only offer. He stated he never really made any money on the land but it was a good farm. He testified he has worked with Cal Kunkel's father and so he knows and trusts Cal to do a good job on the development. He would like the county approve the zone change so he can retire.



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Mike Sartorie, 1880 Hawthorne, Billings Montana

Mr. Sartorie testified in opposition to the zone change. He stated his biggest concern is the lack of a buffer and fencing along the east property line. He noted his biggest concern is the lack of a buffer and fencing along the east property line. He stated he was the only property owner to actually share a property boundary with the proposed development. He was also concerned about what plans there might be for the southern 10 acres. He pointed out this 10 acres of ground will only have frontage on Kyhl Lane. He testified Kyhl Lane will be a mess to develop as he discovered when he platted the first few lots in his subdivision off Hawthorne Lane. He stated the proposed zoning is a radical change from the existing zoning in the area. He commented the staff's presentation of the existing zoning density and the proposed zoning density is not an "apples to apples" comparison. He testified It is not likely a developer could get 96 dwelling units on the existing R-70 zoned 10.77 acres even with a master site plan approval.

Terry Odegard, 2101 Lake Hills, Billings, Montana

Mr. Odegard testified in favor of the zone change. He stated he has been in the real estate business for over 20 years and has seen many multi-family developments built and bring needed housing choices to the market. He stated some of these projects turned out very well and some not so well but we should not characterize people who live in apartments as not invested in living in a good area. He stated many of the people who choose an apartment do not have the \$50,000 on hand to make a first time home purchase. He stated young families especially struggle to find decent affordable places to live in Billings Heights. He stated this proposal will fit with the neighborhood and provide a good housing choice.

Ron Kaminski, 1205 Barrett Road, Billings, Montana

Mr. Kaminski testified in opposition. He stated the area does not need high density apartments and does not need transitory housing. He stated there is a big difference between apartments and single family homes. He testified the traffic situation on Barrett Road needs to be fixed before any development happens on the land. He urged the Commission to keep the current R-70 zoning in place.

Rebuttal

Chairman Wittman called for rebuttal.

Scott Aspenlieder, Performance Engineering, 7100 Commercial Ave, Ste 4, Billings, Montana

Mr. Aspenlieder stated he appreciated the comments; and from their perspective, they feel the pain and do not wish to build a development with exit difficulties. Scott Aspenlieder provide rebuttal testimony. He stated the traffic issue on Barrett Road is a big problem and will require more than this developer to shoulder the solution. He stated the proposed development will help ease the pedestrian safety issue by building over 500 feet of road and sidewalk that does not exist now. He testified that unless the residents want to do an RSID, he cannot see another path forward on the larger Barrett Road issue. He stated it was not fair to place the entire burden of



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this under-built county road on this developer, and they are committed to doing a good job on this project for the community.

Chairman Wittman asked if there is anyone wanting to speak in favor or against YC Zone Change #687. There was none. Chairman Wittman closed the Public Hearing 5:11 p.m. and called for a motion.

Discussion

Commissioner Ray asked if a buffer zone can be required. Nicole Cromwell explained the landscaping code does not require a buffer zone between residential uses; whereas a Planned Development includes specific requirements by the developer. When submitted, the Master Plan could include buffering. The Commission could amend the Planned Development to buffer the eastern property line. Commissioner Ray asked about fencing around the parcel, and what the City will do to address the traffic. Ms. Cromwell said if the parcel is annexed, the City will require a Traffic Impact Study, (TIS). The findings of the TIS will be addressed prior to issuance of a building permit. Ms. Cromwell continued and gave some scenarios depending on the study which identifies improvements needed to the existing road system. These findings are addressed by the City Engineering Division. Commissioner Bush voiced concern with number of units that could be built with current zoning. Ms. Cromwell clarified and stated this is based on the gross area of the land. Staff gauges what is the maximum allowable density under the current and proposed zoning. Commissioner Bush acknowledged the disparity between the City and the County for improvements. Nicole Cromwell said this development will generate a calculation which will trigger needed improvements.

Motion

Commissioner Ray made a motion to amend the Planned Development to require property line fencing on the east and south property lines. He stated this requirement would be added to Article IV.B and C. The motion was seconded by Commissioner Wittman.

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

The motion passes 3-1 roll call vote.

Chairman Wittman called for a main motion on the zone change request.



**Yellowstone County Zoning Commission
Minutes for the Meeting of
Monday, March 12, 2018**

Motion

Commissioner Boucher made a motion to recommend denial of the Zone Change #based on negative findings for Criteria #10 and #11. Mr. Boucher noted this proposed zoning would not encourage the most appropriate use of land in Yellowstone County. He said this type of development density and apartment style building cannot be built outside the City limits and is not appropriate in Yellowstone County. He stated the proposed zoning is not designed to be as compatible as possible with the adjacent city zoning. He noted all of the surrounding city subdivisions and neighborhoods are zoned and developed in the the surrounding city subdivisions and neighborhoods are zoned and developed in the R-70 zoning district. The motion was seconded by Commission member Tyler Bush.

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

The motion carried 3-1 roll call vote.

Other Business/Announcements

The next meeting will be held as legally advertised on April 9, 2018.

Adjournment: The meeting adjourned at 6:15 p.m.

DRAFT-TO BE APPROVED BY A MOTION APRIL 9, 2018



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



County Zoning Commission

Meeting Date: 04/09/2018

SUBJECT: Zone Change 688 - Planned Development – Kramer Property – Grand Avenue & 50th St West

THROUGH: Nicole Cromwell

PRESENTED BY: Nicole Cromwell

Information

REQUEST

Item #1: County Zone Change 688 – Planned Development – Kramer Property – Grand Avenue & 50th St West – A zone change request from Agriculture Open-Space (A-1) to Planned Development with underlying zoning of Residential Multi-family-Restricted (PD-RMF-R) on the southern 11.69 acres and Neighborhood Commercial (PD-NC) on the northern 6.11 acres of C/S 2990, Parcel 1B, a 17.553 acre parcel of land generally located on the south side of Grand Avenue, between 48th St West and 52nd St West. A pre-application neighborhood meeting was conducted on December 26, 2017, and on January 29, 2018, at the Grace Montessori School, located at 4809 Grand Avenue. A Preliminary Review meeting was held on Monday, March 5, 2018 at the Billings Public Library.

The applicant requested to withdraw the application on March 19, 2018.

RECOMMENDATION

The Planning Staff recommends the Zoning Commission grant the applicant's request to withdraw. If granted, the property owner could submit a new application for a zone change at some time in the future without respect to the 12 month waiting period.

APPLICATION DATA

- OWNER:
- AGENT:
- LEGAL DESCRIPTION:
- ADDRESS:
- CURRENT ZONING:
- EXISTING LAND USE:
- PROPOSED USE:
- SIZE OF PARCEL:

CONCURRENT APPLICATIONS

APPLICABLE ZONING HISTORY

SURROUNDING LAND USE & ZONING

- | | |
|--------|-----------|
| NORTH: | Zoning: |
| | Land Use: |
| SOUTH: | Zoning: |
| | Land Use: |
| EAST: | Zoning: |
| | Land Use: |

WEST:

Zoning:
Land Use:

BACKGROUND

RECOMMENDATION

Staff recommends

Attachments

Request to withdraw

Cromwell, Nicole

From: Scott Aspenlieder <scott@performance-ec.com>
Sent: Monday, March 19, 2018 4:33 PM
To: Cromwell, Nicole
Cc: Cal KUNKEL; travis@bluewaterdesignmt.com
Subject: Kramer PD Agreement

Follow Up Flag: Follow up
Flag Status: Flagged

Nicole

The owner/applicant for the Kramer PD zone change would like to formally remove the application from consideration by the Yellowstone County Zoning Commission and County Commissioners. Please let me know if you need anything further from me to close the process up. Thank you for your help and work as part of this process, I appreciate it.

Thanks,

Scott Aspenlieder, P.E.
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County Zoning Commission

Meeting Date: 04/09/2018

Information

Subject

Motion. Board Application/Nomination. Todd Hewett. YC Zoning Commission members.

Attachments

Membership_Todd Hewett



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 bartlevr@ci.billings.mt.us