



**Yellowstone County Zoning Commission  
Minutes for the Meeting of  
Monday, February 11, 2019**

The County Zoning Commission met on Monday, February 11, 2019 in the Miller Building 1<sup>st</sup> Floor Conference Room, 2825 3<sup>rd</sup> Ave North, Billings, MT at 4:00 p.m. Following the public hearing, the County Zoning Commission will make a recommendation to the Yellowstone County Commissioners.

The Board of County Commissioners public hearing for **Zone Change #692**, will be held on Tuesday, February 26, 2019, at 9:30 a.m. at 316 N 26<sup>th</sup> Street – 3<sup>rd</sup> Floor, Commissioner’s Hearing Room. The Board of County Commissioners will hear all persons wishing to speak relative to the proposed zone change.

Vice Chairman Bush opened the meeting and introduced the County Zoning Commission members and staff in attendance: Nicole Cromwell, Zoning Coordinator; Karen Husman, Planner I; Tammy Deines, Planning Clerk

Commissioners and Staff		01/14/2019	02/11/2019	03/11/2019									
Jerry T. Ray	Commissioner	1	1										
Troy Boucher	Commissioner Chairman	1	E										
Ryan Wittman	Commissioner	1	1										
Tyler Bush	Commissioner Chairman	E	1										
Todd Hewett	Commissioner	1	1										

**Attending:** See attached attendance sheets.

**Public Comment**

Vice Chairman Bush 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 Ex Parte Communication: YC Zone Change #692:** There was none. The Commissioners reported no Ex Parte Communications. Staff received the following outside communications: 02/11/19 e-mail in opposition to County Zone Change #692 from Toni Keehner, mattandtoni3@icloud.com; and a 02/05/19 letter in opposition to County Zone Change #692 from Loretta Sump, 3401 Wasco Ave, Billings, Montana. 02/11/19 letter in opposition to County Zone Change #692 Stefani Siegle, Lockwood Resident/Property Owner.



## Yellowstone County Zoning Commission Minutes for the Meeting of Monday, February 11, 2019

### Motion. Approval of Minutes: January 14, 2019

Commissioner Wittman made a motion and it was seconded by Commissioner Hewitt to approve the January 14, 2019 meeting minutes as submitted. The motion carried with a unanimous voice vote.

### Item #1: REQUEST

Zoning Coordinator Nicole Cromwell read the legal notice for County Zone Change #692 into the record.

**County Zone Change #692 – 3404 Old Hardin Road** - A zone change from Residential 9,600 (R-96) to Residential Manufactured Home (RMH) on the westerly 9.5 acres of the W ½ W ½ SE NW ¼ Section 20, Township 1 North, Range 27 East, generally located at 3404 Old Hardin Road. A pre-application neighborhood meeting was held on September 13, 2018, at the Lockwood School, 1932 US Highway 87 East. Tax ID: D06413

### **PROPOSED ZONING COMMISSION DETERMINATIONS – Zone Change #692**

The Yellowstone County Zoning Commission, prior to any recommendation, shall consider the following:

1. *Is the new zoning designed in accordance with the Yellowstone County 2008 Growth Policy?*

The proposed zoning does comply in part with the following goals of the Yellowstone County Growth Policy and area plans:

Goal: Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in the growth policy. (Land Use Element, page 6).

*This zone change would allow for an overall zoning plan that is somewhat consistent and should remain consistent with growing neighborhoods. The existing R-96 zoning district is intended to allow low-density residential land uses*

*This zone change would allow for development of a vacant parcel to the same site standards as surrounding parcels. The proposed use is not an allowed use in the R-96 zone but is allowed in the RMH zone. The parcel could be used for other residential purposes but would be compatible with similar surrounding land uses including the adjacent mobile home park to the east, and RMH Zoning to the North. The requested zone is consistent with the 2016 Lockwood Growth Policy.*

Goal: New developments that are sensitive to and compatible with the character of adjacent development. (Land Use Element Goal, page 6).

*This property is adjacent to agricultural land to the west, existing RMH zoning to the north and an existing manufactured home park to the east. The proposed use will be compatible with adjacent land uses.*

2. *Is the new zoning designed to secure from fire and other danger?*

The subject property is currently served by the Lockwood Fire Department with mutual aid from the Billings Fire Department. The property will have access from Old Hardin Road, a minor arterial street. There should be adequate ingress and egress to the property for emergency vehicles. The property is served by the Lockwood Water District that has fire hydrants throughout the Lockwood community. The existing and proposed zoning requires building separations, setbacks, and height limits that should provide security from fire or other public safety emergencies.



## Yellowstone County Zoning Commission Minutes for the Meeting of Monday, February 11, 2019

3. *Will the new zoning facilitate the provision of transportation, water, sewerage, schools, parks and other public requirements?*

*Transportation:* The property is located on a high traffic corridor that carries approximately 4700 vehicles a day.

*Water and Sewerage:* The property will be served by public water and sewer systems through permission of Lockwood Water and Sewer District. The proposed use does not intend to use either public utility at this time.

*Schools and Parks:* The proposed zoning should not have a larger impact on the student population. Once developed, families with school age children may live here.

*Fire and Police:* The subject property is serviced by the Lockwood Fire Department and the Yellowstone County Sheriff's Department.

4. *Will the new zoning promote health and general welfare?*

The new zoning will allow development of property that is adjacent to existing agricultural uses to the west, and manufactured home park to the east.

5. *Will the new zoning provide adequate light and air?*

The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. These requirements should allow adequate light and air to reach the subject property and adjacent properties.

6. *Will the new zoning effect motorized and non-motorized transportation?*

The proposed zoning itself will not generate more traffic on any of the adjacent streets. Pedestrian traffic in the area is limited due to the lack of sidewalks and trails. Residential development is generally located south of the property. The 2016 Bikeway and Trail Master Plan indicate Old Hardin Road as a potential long-range, on-street bike lane. The additional traffic generated if the property is developed may affect transportation on the adjacent streets. Lockwood recently passed a bond measure to begin construction of sidewalks and trails in selected areas to increase pedestrian safety. Old Hardin Road will likely be on the list of streets where pedestrian facilities will be constructed.

7. *Will the new zoning be compatible with urban growth in the vicinity?*

The proposed zoning is compatible with the adjacent urban zoning and developments. The proposed zoning is compatible with the urban zoning to the west, and should be compatible with urban development.

8. *Does the new zoning consider the character of the district and the suitability of the property for particular uses?*

The subject property is in an area that has a mixture of rural and agricultural land uses and urban neighborhoods. It is expected that agricultural uses will continue on for the immediately adjacent parcel for some time but will eventually be converted to urban developments. The property is suitable for the particular uses allowed within the proposed RMH zoning district.

9. *Will the new zoning conserve the value of buildings?*

There are no existing buildings on the property.



## Yellowstone County Zoning Commission Minutes for the Meeting of Monday, February 11, 2019

10. *Will the new zoning encourage the most appropriate use of land in Yellowstone County?* The property is suitable for the uses allowed in the proposed RMH zone. The property has direct access to an arterial street.

11. *Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?* The property is not directly adjacent to any City zoning districts. To the north and west are a variety of suburban zoning districts including A-1, RMH and R-96. These zoning districts are compatible.

### **Discussion**

Vice Chairman Bush called for questions from the Board. Per Commissioner Ray's request, Ms. Husman pointed out the parcel location on the posted map and explained the surrounding zoning. She clarified the allowable number of units per the development criterion, being 43 single-family homes for R-9600 zoning and 68 single-family homes for the proposed RMH zoning. She said that should this zone change be approved, it would open the potential for an additional 25 single-family homes. Per Vice Chairman's request, Ms. Husman read aloud the proposed Zoning Commission determinations.

### **Applicant**

Vice Chairman Bush called for the petitioners.

### **Josh Bauer, 3235 Rose Street, Houser Engineering, Bozeman, Montana**

Mr. Bauer represents the applicant, Jack Sprague. Mr. Bauer stated he submitted the application at the request of the owner. He deferred a question on the possible use of the property to the property owner.

### **Jack Sprague, 110 Sunlight Circle, Billings, Montana**

Mr. Sprague stated his reasoning for this request is to stay consistent with the surrounding neighborhood development and allow for placement of manufactured homes rather than modular homes. He said this type of more development would be more cost efficient for construction.

### **Discussion**

Vice Chairman Bush called for questions from the Commission.

### **Public Hearing**

At 4:15 p.m., Vice Chairman Bush opened the public hearing and asked for those in favor or in opposition of this application.

### **D. Tillery, 800 Emerald Hills Drive, Billings, Montana**

Mr. Tillery stated this application is in conflict with the plans for the growth of Lockwood and the need for encouragement of developmental assets that grow in value.



## **Yellowstone County Zoning Commission Minutes for the Meeting of Monday, February 11, 2019**

### **Kathleen Smith, 3445 Driftwood Lane, Billings, Montana**

Ms. Smith stated she did not receive notification of this application, as the envelope that was mailed was empty. She stated she was unsuccessful contacting the Planning office by phone but did receive information upon an office visit. Ms. Smith submitted a petition to the Commission with several signatures in opposition to this request. She asked for clarification on the intent for a manufactured home park. Ms. Smith voiced concern with the unavailability of sewer services for the next five to ten years. She said traffic from this parcel would create a direct impact, as it will feed to Old Hardin Road and the Johnson Lane Interchange. She pointed out it is dangerous for pedestrians as there are no sidewalks. She said approval of this application would affect the student population in Lockwood Schools and the Yellowstone County Sheriff's Department. Ms. Smith feels this will lower the property values for the existing surrounding R-9600 homes. She stated the R-9600 zoning will bring invested homeowners. If approved, the development may limit potential homebuyers for this area.

### **Matt Olheiser, 1144 Palomino Place, Billings, Montana**

Mr. Olheiser stated he also received an empty envelope in the mail and contacted the Code Enforcement Division who gave him the paperwork. He said everyone he has discussed this application with is in opposition. Mr. Olheiser said the only limitation to multiple units is the septic systems. Ms. Cromwell interjected and explained the zoning requirement is a minimum of 6,000 square feet per unit in RMR zoning. Mr. Olheiser said property values drop and crime rates go up with this type of housing. He commented he has seen the Sheriff's Department at the park next door.

### **Xzimar Anderson, 3304 Wasco, Billings, Montana**

Mr. Anderson stated he is opposed to this application, especially if a septic system is planned for the development. He said the water table is high and it affects his sewer system. He pointed out the need for an ingress and egress from the subdivision to meet fire code. Mr. Anderson's largest concern is the sewer system as his system is saturated. He said extension of the sewer system is projected to a 5-year period.

### **Robert Murfett, 3416 Wasco, Billings, Montana**

Mr. Murfett lives on the north side of this property. He has had difficulties with his drain fields and fears saturation, which will affect area foundations and wells. He stated he is 100% against this proposal until the sewer system is installed. Mr. Murfett commented the Emerald Hills Mobile Home Park to the east is struggling with drainage issues. He stated if this were approved, property values would go to zero. He said the alleyway has been evacuated and everything has to go through his front yard, and a buffer is needed between his property and the mobile home park. Mr. Murfett feels homeowners respect the property more if the mobile homes are permanent.



## **Yellowstone County Zoning Commission Minutes for the Meeting of Monday, February 11, 2019**

### **Melissa Hallenbeck-Wilson, 3455 Old Hardin Road, Billings, Montana**

Ms. Wilson stated she agrees the sewer system needs to be finished. She is in favor of the proposal as it will provide affordable housing and there is plenty of capacity for additional students in the Lockwood school district. She is a resident of the adjacent mobile home park. She explained that ninety percent of the residents in the mobile home park are elderly and the police patrol the area regularly to maintain safety.

### **Anthony Beesley, 1128 Kristin Drive, Billings, Montana**

Mr. Beesley just purchased his home as did not want to reside next to trailer courts. He stated he is opposed in entirety to this proposal and will sell his property if this development happens.

### **Brenda Robison, 3315 Old Hardin Road, Billings, Montana**

Ms. Robison is a former member of the Lockwood Sewer Board. She said it would be five to ten years for an extension to this area. Ms. Robison said she was notified on Facebook but did not receive a letter. She stated she is "Not impressed".

### **Emily Clark, 1325 Maxer Circle, Billings, Montana**

Ms. Clark asked if there is still time to submit a letter of concern as she believes this will affect the school and teachers in a negative way. Vice Chairman Bush explained the Zoning Commission will forward a recommendation this evening. This application will be heard by the BOCC on February 26, 2019.

### **Robert Murfett, 3416 Wasco, Billings, Montana**

Mr. Murfett is a contractor. He commented construction of this many houses will create impacts to the area. He voiced concern with maintaining safety as there are only four or five sheriffs assigned to the Lockwood area and the additional houses will create more crime. He said improvements are needed on Old Hardin Road, and more traffic will bring more transportation related headaches. He commented on potential effects on existing sewers and wells.

### **Rebuttal**

Vice Chairman Bush called for rebuttal from the applicant.

### **Josh Bauer, 3235 Rose Street, Houser Engineering, Bozeman, Montana**

Mr. Bauer stated this application is a request for is a zone change and the majority of these issues will be addressed through the development process. DEQ will deal with the water and sewer issues. Public sewer and water services will be required for the propped 53 homes. To his knowledge, only one tap will be needed for water and sewer from the main lines. Services will have to be extended before homes can be constructed. Mr. Bauer stated he understands the neighbors' concerns. If this application is approved, the road access points will be considered and will have to go through the permitting and subdivision review process. He reiterated that most of the concerns are out of the bounds of the purpose for this meeting.



**Yellowstone County Zoning Commission  
Minutes for the Meeting of  
Monday, February 11, 2019**

Vice Chairman Bush asked if there is anyone else wishing to speak in favor or against County Zone Change #692. There was none. Vice Chairman Bush closed the hearing at 4:44 p.m. and called for a motion.

**Discussion.**

Per Commissioner Ray’s request, staff pointed out the surrounding zoning for this parcel and clarified the request is for a zone change from R-9600 to RMH zoning. Commissioner Hewitt pointed out that no development of the parcel can take place until sewer services are extended, and construction would have to meet requirements. Staff reiterated this is a consideration of zoning only. DEQ, Fire, and the subdivision review process will consider development. Commissioner Ray stated he feels this application will bring the property to its highest and best use.

**Motion**

**Commissioner Jerry Ray made a motion to forward a recommendation to the BOCC to approve YC Zone Change #692 and approval and adoption of the findings of the 11 review criteria.**

The motion died for a lack of a second.

**Motion**

**Commissioner Wittman made a motion and it was seconded by Commissioner Hewitt to forward a recommendation to the BOCC of denial of YC Zone Change #692 based on criterion:**

- #3. Will the new zoning facilitate the provision of transportation, water, sewerage, schools, parks and other public requirements?
- 4. Will the new zoning promote health and general welfare?
- #6. Will the new zoning effect motorized and non-motorized transportation?
- #9. Will the new zoning conserve the value of buildings?

<b>Name</b>	<b>Favor</b>	<b>Against</b>	<b>Abstain</b>	<b>Absent</b>
Vice Chairman Bush	X			
Commissioner Boucher				X
Commissioner Ray		X		
Commissioner Bush	X			
Commissioner Hewett	X			

**Discussion:** There was no further discussion on the motion.

**The motion carried 3-1 with Commissioner Ray in opposition.**

**\*This application will be heard by the BOCC on Tuesday, February 26, 2019, at 9:30 a.m. at 316 N 26<sup>th</sup> Street – 3<sup>rd</sup> Floor, Commissioner’s Hearing Room.** The Board of County Commissioners will hear all persons wishing to speak relative to the proposed zone change.



**Yellowstone County Zoning Commission  
Minutes for the Meeting of  
Monday, February 11, 2019**

**OTHER BUSINESS**

**a. Cancellation Notice:** The Yellowstone County Zoning Commission meeting scheduled for Monday, March 11, 2019, 4:00 p.m. in the Miller Building 1<sup>st</sup> Floor Conference Room, 2825 3<sup>rd</sup> Avenue North is cancelled. The next meeting will be held on Monday, April 8, 2019 as legally announced and advertised.

**Adjournment:** The meeting adjourned 4:58 p.m.

**APPROVED BY A MOTION: April 8, 2019.**

*Robbin Bartley, Admin Asst., for Tamara Deines, Planning Clerk*

