



**Yellowstone County Zoning Commission  
Approved Minutes for the Meeting of  
Monday, September 9, 2019**

The County Zoning Commission met on Monday, September 9, 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 County Zone Change #695 will be held on **FRIDAY, September 27, 2019, at 9:30 a.m., 3<sup>rd</sup> Floor of the Stillwater Building at 316 N 26<sup>th</sup> St, Commissioner’s Hearing Room.** The Board of County Commissioners will hear all persons wishing to speak relative to the proposed zone change.

Chairman Tyler Bush opened the meeting and introduced the County Zoning Commission members and staff in attendance: Nicole Cromwell, Zoning Coordinator; and Tamara Deines, Planning Clerk.

Commissioners and Staff		01/14/2019	02/11/2019	03/11/2019	04/08/2019	05/10/2019	06/25/2019	07/28/2019	09/09/2019	10/15/2019			
Jerry T. Ray	Commissioner	1	1	-	1	1	1	1	1				
Troy Boucher	Commissioner Chairman	1	E	-	1	1	1	1	1				
Ryan Wittman	Commissioner	1	1	-	1	1	E	E	E				
Tyler Bush	Commissioner Chairman	E	1	-	1	E	E	A	1				
Todd Hewett	Commissioner	1	1	-	1	E	1	1	1				

**Attending:** Dennis Ulvestad; Darryl & Dana Love, Scott Worthington, In Site Engineering; Bruce Lackman, Shelly Eggebrecht

**Public Comment**

Chairman Boucher 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: County Zone Change #694:** There was none. The Commissioners reported no Ex Parte Communications. Staff received the following outside



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communications: Ms. Cromwell announced that Applicant Dan Wells is going to be delayed for this meeting but he is represented by his agent, Scott Worthington.

**Disclosure of Conflict of Interest: County Zone Change #694:** There was none.

**Motion. Approval of Minutes: April 8, 2019; June 10, 2019, July 28, 2019.** (The August 12, 2019, 4:00 p.m. meeting was cancelled).

### **Motion**

**Commissioner Hewitt made a motion and Commissioner Ray seconded the motion to approve the April 8, 2019, June 10, 2019, and July 28, 2019 meeting minutes as submitted. The motion carried with a unanimous voice vote.**

### **Item 1:**

Zoning Coordinator Nicole Cromwell read the legal notice for County Zone Change #696 into the record.

**County Zone Change 696 - 4601 Central Ave** - A zone change request from Agricultural Open Space (A-1) to Residential-15,000 (R-150), and Neighborhood Commercial (NC), on S2SWSW-S3, T1S, R25E (less C/S 2221), N2SWSW-S3, T1S, R25E, S2NWNW-S3, T1S, R25E (less C/S3035) & N2NWSW-S3, T1S, R25E, an 78.81-acre parcel of land.

### **REQUEST**

County Zone Change 696 - 4601 Central Ave - A zone change request from Agricultural Open Space (A-1) to Residential-15,000 (R-150), and Neighborhood Commercial (NC), on S2SWSW-S3, T1S, R25E (less C/S 2221), N2SWSW-S3, T1S, R25E, S2NWNW-S3, T1S, R25E (less C/S3035) & N2NWSW-S3, T1S, R25E, an 78.81-acre parcel of land. A pre-application neighborhood meeting was held on July 25, 2019, at the Pavilion at 3595 Monad Road. Presented by Nicole Cromwell, Zoning Coordinator.

### **BACKGROUND**

This is a zone change request from A-1 to R-150, and NC zoning for 78.81 acres of agricultural land on the northeast corner of Central Avenue and 48th St West. A previous zone change - Zone Change 695 - was submitted in June 2019. This application was withdrawn after the July 8, 2019 County Zoning Commission hearing. The County Commissioners accepted the request to withdraw on July 23, 2019. The prior zone change was proposed for Residential 5,000 (R-50), Public (P) and NC zoning on a 73.8 portion of this property. The prior application did not include the five-acre parcel at the intersection of 48th St West and Central Avenue. This parcel is included in the new application and is proposed to be zoned R-1500.

Planning staff has reviewed the development plan, the zoning requested and the adopted



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County growth policy and guidance. Based on staff's findings of the 11 review criteria, a recommendation of approval is forwarded to the Zoning Commission. The proposed zoning of R-150 is a zone district that is appropriate for a residential subdivision without municipal services for water, wastewater, police, fire and similar urban level services. The proposed R-150 zone is compatible with the surrounding county neighborhood zoning and developments. The applicant has proposed a community drinking water system with individual drain fields on each proposed lot. The Department of Environmental Quality and state law deems a water supply that serves 15 or more people year round or 25 people or more for 60 consecutive days in a calendar year a "public" water supply. These small water systems are typically managed and financed privately by a Homeowner's Association or private operator. Oak Ridge Subdivision to the northwest has a similar drinking water system as does Wells Garden Estates to the west of the subject property.

### **RECOMMENDATION**

Planning staff is recommending approval based on the findings of the 11 review criteria for Zone Change #696.

### **Discussion**

Chairman Bush called for questions from the Board. Clarification was provided by Ms. Cromwell to Commissioner Bush regarding the corner lot, which is included in this application.

Chairman Bush called for presentation by the applicant.

### **Scott Worthington, 4118 Woodcreek Drive, In Site Engineering, Billings, Montana**

Mr. Worthington is representing Mr. Wells as his agent and engineer. He stated this request is compatible and consistent with the surrounding neighborhoods. He pointed out that the platting of this parcel is a separate review process. Regal Land Development has been developing land in this area for the last 25 years and they intend to submit to the County Zoning and Subdivision Regulations.

### **Public Hearing: 5:00 PM**

Chairman Bush opened the public hearing and called for anyone wishing to speak in favor or against County Zone Change #696. There were none. Chairman Bush closed the public hearing and called for a motion.

### **Motion**

**Commissioner Ray made a motion and it was seconded by Commissioner Hewitt to forward recommendation of approval of County Zone Change #696 as presented by staff and based on the eleven criterion and the Findings of Fact for this zone change.**



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**Discussion**

Commissioner Ray said this is a well-planned out subdivision but he wished that smaller lots are proposed. Commissioner Hewitt concurred.

<b>Name</b>	<b>Favor</b>	<b>Against</b>	<b>Abstain</b>	<b>Absent</b>
Chairman Boucher	1			
Commissioner Wittman				1
Commissioner Ray	1			
Commissioner Bush	1			
Commissioner Hewett	1			

**The motion carries, 4-0.**

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**OTHER BUSINESS**

**a. Announcement: The Planning & Community Services Department offices will be closed on Monday, October 14, 2019 in observance of Columbus Day. The Yellowstone County Zoning Commission will meet as legally announced and advertised on Tuesday, October 15, 2019.**

**Adjournment:** The meeting adjourned 5:49 p.m.

**Approved by a motion at the next scheduled meeting.**

