



**Yellowstone County Zoning Commission
Minutes for the Meeting of
Monday, August 26, 2020
Project ReCode**

The County Zoning Commission met on Monday, August 26, 2020 at 4:00 p.m. Due to the COVID-19 health concerns; the format of the County Zoning Commission meeting will be held in a virtual videoconferencing environment and live at the Billings Senior Center at 360 North 23rd Street.

The **Board of County Commissioners** public hearing will be held **on Tuesday, August 25, 2020 at 9:30 a.m.** The County Commissioners may, by majority vote, accept or reject the Zoning Commission’s recommendation. The Board of County Commissioners will hear all persons wishing to speak relative to the zone change.

Chairman Bush opened the meeting at 4:18pm and introduced the County Zoning Commission members and Planning Division staff: Wyeth Friday, Director, Planning & Community Services Department; Monica Plecker, Planning Division Manager, Jeannette Vieg, Planning Assistant, Tammy Deines, Planning Clerk

Commissioners and Staff		01/13/2020	02/10/2020	03/09/2020	04/13/2020	05/11/2020	06/08/2020	07/13/2020	08/10/2020	09/14/2020	10/12/2020	11/09/2020	12/14/2020
Jerry T. Ray	Commissioner	1	-	-	-	1	-	-	1	1			
Troy Boucher	Commissioner Chairman	1	-	-	-	1	-	-	1	1			
Ryan Wittman	Commissioner	1	-	-	-	E	-	-	A	E			
Tyler Bush	Commissioner Chairman	E	-	-	-	1	-	--	1	1			
Todd Hewett	Commissioner	1	-	-	-	1	-		A	A			

Other Participants: Elizabeth Garvin, Consultant, Safe Built; Greg McCall, Jeff Bollman, Mike Boyett

Public Comment

Chairman Bush asked if there was anyone wishing to speak during the public comment portion of the meeting. The Public may call in during specific Public Comment periods at (406-237-6120). All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to 3 minutes of testimony as is customary.



**Yellowstone County Zoning Commission
Minutes for the Meeting of
Monday, August 26, 2020
Project ReCode**

Item #1: Text Amendment – Project ReCode – Proposed Draft Sections 27-300, 27-900 & 27-1000 - New Rural Residential, Neighborhood and Agricultural Zone Districts: Site Standards and General Uses

Zoning Coordinator Nicole Cromwell read the legal notice for the text amendment.

REQUEST

Text Amendment – Project ReCode – Proposed Draft Sections 27-300, 27-900 & 27-1000 - New Rural Residential, Neighborhood and Agricultural Zone Districts: Site Standards and General Uses

This is the first in a series of Public Hearings on the Public Review Draft of the County Zoning Regulations. This first hearing will focus on the new rural residential, neighborhood and agricultural districts - Section 27-300, 27-900 - and the uses allowed in these districts - Section 27-1000.

RECOMMENDATION

Planning staff recommends the Zoning Commission conduct the public hearing and receive public comment on the Public Review Draft of the new zoning code. No action is required at this time.

Zoning Coordinator Nicole Cromwell opened gave the applicable zoning history:

The current zoning regulations for the County were adopted on November 6, 1973, and unified with the City zoning regulations in December 1997. Since 1973, the County has amended the text of the regulations and added several zoning districts. The County has amended the 1973 zoning code 40 times in the past 47 years since its adoption. Of those 40 amendments, only a few were major changes, including the addition of the entryway and interchange zone districts in 1992. The County sign code was not part of the unification of the city and county codes in 1997 and was a separate code section until 2017. In 2017, in anticipation of a comprehensive code update, the City and County agreed to formally separate the zoning codes to aid in the process of the comprehensive update known as Project Re: Code.

She continued with a PowerPoint presentation and the following staff report:

In 2016, after Billings adopted a new growth policy, the City/County Planning Board realized the existing zoning regulations, intended to implement the new Billings Growth Policy and the existing 2008 Yellowstone County Growth Policies, were no longer effective tools for advancing community growth goals. The existing code was primarily based on a set of growth goals adopted before 1970 with some new code sections added to try to achieve smaller area goals. The Planning Board initiated this major code update in June 2017 and appointed an ad hoc Steering Committee to help guide the process of the code update. The City Council and Board of County Commissioners were in complete agreement with the need for a major code update.



**Yellowstone County Zoning Commission
Minutes for the Meeting of
Monday, August 26, 2020
Project ReCode**

The Steering Committee set to work and met monthly from August 2017 until December 2017. In December 2017, the Steering Committee finalized a set of Guiding Principles for the code update and appointed four Working Groups to handle the intensive, hands-on work of updating the code. Those groups included some Steering Committee members as well as interested residents. The four groups consisted of the County Issues Working Group, the Urban Issues Working Group, Sign Code Working Group and Landscaping Code Working Group. The groups met monthly from January 2018 until January of 2020 to review, draft, and accept public comment on the draft code sections.

The City and County also agreed to fund the services of a consultant team to help the Steering Committee and Working Groups evaluate the code deficiencies, analyze the character of Billings and County neighborhoods, and help draft a new set of regulations. The consultant team was hired in April 2018 and consists of Elizabeth Garvin, of Community ReCode (CO), Leslie Olberholtzer of Codametrics (IL) and Randy Hafer of High Plains Architects (MT). This team met with each Working Group through the project development and helped the local residents create a code that is uniquely crafted for our local community goals. Best practices were brought to the table from around the Rocky Mountain region as well as similar communities throughout the country. A Code Assessment was presented to the community in October 2018 that helped the Steering Committee and Working Groups create a path forward to building the new code.

The information in the following paragraph is city centric but is important to understanding Project Re: Code as a whole. The Planning Division requested and was awarded VISTA members to assist with the code analysis in particular as it related to creating new attainable housing choices in Billings. The VISTA members created a Billings Pattern Guide - an on line publication and guide to the core neighborhoods of Billings. The VISTA members analyzed Home Mortgage Data to find out if there were neighborhoods in Billings where home loans might be skewed or denied due to race or ethnicity. Some Billings neighborhoods had much lower mortgage origination rates than others but there was no clear distinction based on the applicants' race or ethnicity. The VISTA members completed special research to analyze the existing housing choices in Billings and identify gaps in market demand and housing supply. Their findings indicated a mis-match between the household size (1 & 2 person households >60% of Billings) and the housing choices available (3+ bedroom housing >60% of housing stock). We have a deficit of one and two-bedroom housing stock. A detailed research project was completed about the re-emerging housing choice of an Accessory Dwelling Unit (ADU) in the country. ADUs became very popular throughout the US in the post-WWII building boom and over 900 of these units still exist in Billings, although the 1972 zoning code made most of them non-conforming to code. All of this information and public education helped inform the work of the Urban Issues Working Group while they considered new neighborhood zone districts.

This is the first in a series of public hearings on the Public Review Draft of the new county zoning regulations and will focus on the new Rural Residential and Neighborhood zone districts



**Yellowstone County Zoning Commission
Minutes for the Meeting of
Monday, August 26, 2020
Project ReCode**

(Section 27-300) and the uses specified for these districts (Section 27-1000). In addition, the new County code has a section for the one Agricultural zone district (Section 27-900). The current code structure is similar - districts are described in Section 27-304, site requirements are set in Section 27-308 and uses are specified in Section 27-305. In this proposed code, each group of zone districts - Residential, Commercial/Mixed Use, Industrial, Public and Agricultural - will have a code section where the district is described and the site requirements are specified. The current code section for Uses only contains a matrix table but none of the Use standards. All of the Use standards are in current code Section 27-600 and range from storage requirements, manufactured homes, alcohol service, churches, fences, home occupations to hazardous waste facilities. In the proposed code structure, Uses and Use Standards are all in one code section - Section 27-1000. This makes it easier to find any specific requirements for a particular use. The Use Table has a Use Standard reference in the right-most column of the table.

Current Agricultural and Residential Districts and General Site Requirements - Section 27-300

The current zone districts where residential uses are allowed include the following 21 zones:

- Agricultural Open-Space - A-1
- Agricultural Suburban - A-S
- Residential 15,000 - R-150
- R-96 - Residential 9,600
- R-80 - Residential 8,000
- R-70R - Residential 7,000 Restricted
- R-70 - Residential 7,000
- R-60R - Residential 6,000 Restricted
- R-60 - Residential 6,000
- R-50 - Residential 5,000
- RMF - Residential Multi-Family
- RMF-R - Residential Multi-Family - Restricted
- RMH - Residential Manufactured Home
- RP - Residential Professional (single dwelling units only)
- NC - Neighborhood Commercial
- CC - Community Commercial
- HC - Highway Commercial
- CI - Controlled Industrial (Special Review - single dwelling units only)
- ELC - Entryway Light Commercial (Special Review in Mixed Use development)
- EGC - Entryway General Commercial (Special Review in Mixed Use development)
- EMU - Entryway Mixed Use

The **proposed** zone districts where residential uses will be primary uses will replace the above mentioned with the five following districts:



**Yellowstone County Zoning Commission
Minutes for the Meeting of
Monday, August 26, 2020
Project ReCode**

‡	Large Lot Suburban Neighborhood Residential
RR1	Rural Residential 1
RR3	Rural Residential 3
R-RMH	Rural Residential Manufactured Home
A	Agriculture

Where a water and sewer district (municipal type - Lockwood, Broadview) serves property, the seven following districts will be available:

N1	First Neighborhood Residential
N2	Mid-Century Neighborhood Residential
N3	Suburban Neighborhood Residential
NX1	Mixed Residential 1
NX2	Mixed Residential 2
NX3	Mixed Residential 3
RMH	Residential Manufactured Home

The two proposed commercial zone districts in the county will not allow residential uses. The Mixed Use zone districts available where district water and sewer serves property will allow residential uses as part of a mixed-use building but not stand-alone residential developments. This structure allows more predictability in zone district designations. For example, a CC zone now could have a lumberyard and hardware store - or it could be an apartment complex - or it could be both just on different parts of the parcel. Reconfiguring the zone districts to better match the intended uses adds to the stability of rural residential areas and more urban places in the County such as Lockwood.

N4 - Large Lot Suburban Neighborhood Residential

The N4 zone district - Large Lot Suburban Neighborhood - is a zone district intended for the rural neighborhoods close to the city limits where lot sizes range from 15,000 square feet and up. Here is the zone district description:

The N4 district is intended for large lot residential neighborhoods primarily with single-family homes. Characteristics include wide, large lots and attached garages often located on the front building façade. Regulations include basic setback and height parameters.

The zone district site requirements follow in Section 27-304 in a table and illustration format. The table describes the site requirement and the number in the left-most column of the table is matched to the opposite page illustration. See the attached Code Section 27-300.

The proposed County code is different than current code requirements for suburban districts. The proposed N4 district will have minimum lot area per principal building and a maximum area



Yellowstone County Zoning Commission
Minutes for the Meeting of
Monday, August 26, 2020
Project ReCode

(just shy of one acre). The maximum area is intended to give more predictability to rural neighborhoods where few families engage in small-scale agricultural pursuits. The Rural Residential zones and Agricultural zone districts allow larger lots where these activities can fit in well without intruding on adjacent owners.

RR-1 & RR-3 - Rural Residential

The RR-1 and RR-3 zone districts are intended to allow flexibility in lot sizes and to provide for residential uses with or without agricultural uses. Here is the zone district description:

The RR districts are intended for single-family homes, with or without agricultural uses. In addition to residential homes, small-scale agricultural uses may be allowed including stables, livestock and agricultural crops raised for personal use. Basic setback and height parameters apply with a range of allowed lot areas defined by “-1” and “-3”, meaning RR-1 has a minimum lot size of 1 up to 3 acres, and RR-3 has a minimum lot size of 3 up to 10 acres. Accessory barns are allowed.

The RR zone districts will allow up to three accessory buildings on a parcel to accommodate storage and agricultural activities. The RR zones will replace some of the A-S zoned areas and some of the R-150 zoned areas and will match up with the lot area ranges. The RR zones have basic setbacks and building heights similar to the A-S and R-150 zone districts but will be more likely to accommodate small-scale agricultural activity.

R-RMH - Rural Residential Manufactured Home

The proposed R-RMH zone district is intended to recognize the large lot manufactured home neighborhoods that exist in the county where county water and sewer services are not available. Here is the zone district description:

The R-RMH district is intended to provide stable environments for individual manufactured homes and compatible accessory uses.

The R-RMH zone designation will provide accurate and predictable land use for these rural manufactured home neighborhoods. The A, RR-1 and RR-3 will also allow some manufactured home types but the R-RMH will allow both the Type 1 (newer than 1989) and Type 2 manufactured home. The current code of designation of manufactured homes is not consistent with state law requirements. The proposed code will update these definitions but will keep the same sort of use allowance in the new zone districts. For example, the N4 zone district will not allow either type of manufactured home similar to the current R-96 zone district. The R-150 zone district allow a "Class A" manufactured home by right and all others by special review approval. The proposed RR-1 and RR-3 will allow Type 1 (aka Class A) manufactured homes and require special review for all others. The R-RMH district has a minimum lot area and basic setbacks and building requirements.



**Yellowstone County Zoning Commission
Minutes for the Meeting of
Monday, August 26, 2020
Project ReCode**

A - Agriculture

This zone district is intended to preserve land for agricultural pursuits as a primary use. Residential uses will be allowed and the existing minimum lot area for the A-1 zone of 10 acres is carried forward.

The Agricultural (A) district is intended to protect and preserve agricultural lands for the performance of a wide range of agricultural functions. The intent is to limit the scattered intrusion of uses not compatible with an agricultural environment, encourage agricultural pursuits, and protect environmental concerns.

The new (A) zone district is intended to be very similar to the existing A-1 zone district and the uses in the Use Table in Section 27-1002 reflect this continuity.

Urban Zone Districts - Lockwood and Limits of Annexation Areas

The "urban" zone districts will only be allowed or mapped in the County where county water and sewer is available to the property or where the development character matches these zone districts more closely than the new County rural residential zone districts. Some of the neighborhoods in the Southwest Corridor area between State Avenue and King Ave East for example will have an urban zone district designation and not a rural zone district. For new developments in the County, a rural zone district will be required unless the property has access to a county water and sewer district. The only existing water and sewer district in the county is the Lockwood District and Town of Broadview. The Billings Heights Water district does not include sewer service, and the urban zone districts will not be allowed in this water district except inside the city limits where sewer service is available.

Here is a brief summary of these "urban" zone districts that may be allowed in the County.

N1 - First Neighborhood Residential

The N1 zone district - First Neighborhood Residential - is a zone district intended to create and preserve the development style of Billings' first neighborhoods built around the turn of the last century. Here is the zone district description:

The N1 district is intended to continue the existing character of single-and two-family homes in the first residential neighborhoods developed in the early part of the twentieth century in the city. This district may also be used for new neighborhoods designed with similar characteristics of the first neighborhoods. These characteristics include parking/garages located in the rear of the lot, pitched roofs, and doors and windows on the front facades. Building and garage location are specified in the regulations, with basic parameters for front doors and windows.

The proposed code is different than current code requirements for residential districts. The proposed districts no longer have a minimum lot area requirement. Minimum lot area requirements lead to housing cost escalation (supply of land is limited), increases cost to provide city level services (area/length of road greater than required to accommodate lot area minimums), and makes it more difficult to fund and develop necessary neighborhood amenities



Yellowstone County Zoning Commission Minutes for the Meeting of Monday, August 26, 2020 Project ReCode

such as parks, trails, and transportation options. Minimum lot area is also a vestige of outdated exclusionary zoning policies intended to make certain neighborhoods off limits to minorities and people from lower socio-economic classes. The N1 zone district will replace the various zone designations in Billings core neighborhoods except where there are multi-family developments or zoning and where there are neighborhood service businesses (e.g. Harper Madison, Kionona Laundry, Poet Street Market, Green leaf Jewelry etc.).

N2 - Mid-Century Neighborhood Residential

The N2 zone district is intended to preserve and create the character of neighborhoods built around the middle of the last century. These neighborhoods feature wider lots and ranch-style homes with 1 or 2-car attached garages. Also, two family duplex buildings were frequently interspersed in these neighborhoods. The N2 zone requires a different set of site development characteristics but does not rely on minimum lot area requirements. The lot width is greater than the N1 zone district, but building heights are less and the build-to range at the street frontage is a little narrower. Also, the garage doors on the front building facade is an important feature. The district is described as:

The N2 district is intended to continue the existing character of the residential neighborhoods with single-and two-family homes developed during the middle of the twentieth century. This district may also be used for new neighborhoods designed with similar characteristics of the mid-century neighborhoods. These characteristics include homes wide on the lot, single garages located in the front facade though less than 35% of the facade, low pitched roofs, and doors and windows on the front facades. Building and garage location are specified in the regulations, with basic parameters for front doors and windows.

The district requirements are in the same format as the N1 district with a Table and Illustrations page.

The N2 zone district also allow one and two family dwellings by right and applies the lot width minimum per principal building in the same way as the N1 zone district. The Maximum Front Building Width refers to the width of the structure within the build-to area at the street front. Buildings can be wider than the maximum - but the longer portion of the building has to be further setback than the build-to area. The proposed code also dials up the allowed amount of lot coverage for every residential zone district. The current code requirement of 30% maximum lot coverage in almost all residential zone districts hampers the ability to make efficient use of land. Thirty percent of a 1/4-acre lot is only a little over 3,000 square feet. There is increasing demand for single-level living space along with increasing storage demand (garage space). The N1 zone is proposed to have a 60% lot coverage allowance and the N2 and N3 zones a 40% lot coverage. The 60% lot coverage in the N1 will accommodate the smaller lots that are common in the zone district and the 40% lot coverage will allow a reasonable amount of living space on the larger lots found in the N2 and N3 zone districts.

The N2 zone district replaces a variety of existing zone districts but mostly R-70, and R-80 zone districts.



**Yellowstone County Zoning Commission
Minutes for the Meeting of
Monday, August 26, 2020
Project ReCode**

N3 - Suburban Neighborhood Residential

The proposed N3 zone is written to describe most of the single-family only zone districts developed since the mid to late 1960s. Here is the zone district description:

The N3 district is intended for residential neighborhoods primarily with single-family homes. Characteristics include wide lots and attached garages typically located on the front building façade, often greater than 35% of the façade. Basic setback and height parameters apply.

The proposed zone district requirements closely resemble the existing R-96, R-70-R and R-60-R zone districts. There are some site requirements added to ensure walkability in neighborhoods such as limiting the percentage of a front facade with garage openings to 50% or less of the total building frontage and setting the minimum lot width at 65 feet - except for cul-de-sac lots or flag lots.

The N3 zone also has a table and illustration page for basic site requirements. The proposed N3 zone will be limited to single-family detached buildings as a primary use.

The Mixed Residential zone districts - NX1, NX2, NX3

These districts are intended to put finer detail in place for our existing and proposed multi-family developments. As part of our Code Assessment and character analysis, there are three basic types of multi-family developments - a one to four-family small apartment house style (NX1) throughout many of the neighborhoods, a two to eight-family apartment building or group of buildings (NX2) in some newer neighborhoods, and the larger multi-family buildings (five or more units/building) or groups of apartment buildings (NX3) built as a standalone neighborhood. Here are the district descriptions:

The NX1 district is intended to continue the character of the first neighborhoods with single family, two-family, and small-scale multiple-family homes with 3 to 4 units. Multiple-family homes are intended to match the scale of the neighborhood single-family homes with characteristics such as building width, parking and garages location, roof design, and doors and windows on the front facades.

The NX2 district is intended for small- and mid-scale multiple-family homes with 2 to 8 units, in small neighborhood nodes. The buildings are oriented to the streets in walkable blocks with doors and windows on front facades and parking/garages located behind the buildings.

The NX3 district is intended for large-scale multiple-family homes in larger neighborhood nodes. The buildings may include larger apartment buildings with more than eight units per structure. The development may have an internal private street system for access throughout the larger node with walkable blocks. Buildings are oriented to the street with doors and windows on front facades and parking/garages located behind the buildings. Covered parking may include rows of canopies or enclosed garages. Common open space, shared recreational facilities, or central gathering spaces are generally provided for residents.



Yellowstone County Zoning Commission Minutes for the Meeting of Monday, August 26, 2020 Project ReCode

Each one of these zone districts is similar in the site requirements but the NX3 allows more building stories than the NX1. Each district is allowed 60% lot coverage. The NX2 and NX3 zone districts do require a minimum lot area of 7,000 square feet when a principal building has three or more dwelling units. In order to increase walkability in these multi-family developments, the code is proposing to that all garage parking be accessed from the rear of the building.

RMH - Residential Manufactured Home

The RMH zone district is remaining a zone district specifically for manufactured homes and manufactured home parks. As part of this update, we surveyed all the existing manufactured home parks and site designs. The quality of a manufactured home park is primarily based on the quality of its local management team but certain amenities and site requirements increase the quality from the start. These include open space for a neighborhood playground, sidewalks, community storage spaces and landscaping. The RMH zone district description is as follows:

The RMH district is intended to provide stable environments for individual manufactured homes, manufactured home parks, and compatible accessory uses.

The proposed site development requirements for the RMH district allow one dwelling unit per 3,000 square feet of lot area, allows up to 50% lot coverage, requires a 20 foot front setback, eight feet from the side and rear lot lines, and re-aligns the definition of a manufactured home with the state law definition in Municipal Zoning (MCA 76-2-304) and County Zoning (MCA 76-2-202). The site requirements also include setting aside and area for a neighborhood park for manufactured home developments of three or more acres.

County Zone Districts - Uses and Use Standards - Section 27-1000

The existing uses allowed in County residential zones will continue forward in the proposed Rural Residential and Neighborhood zones. The County residential districts will allow single-family dwellings only. Customary accessory uses such as garages, barns and storage sheds will also be allowed as accessory structures. The "urban" zone districts will allow more housing choices, but will only be available in Lockwood and will be mapped to match existing land uses outside the city limits where applicable.

Home occupations currently allowed in the residential zones will continue to be allowed in the new zone districts. These occupations are typically office based businesses or on line businesses. There are a few additional stipulations on home occupations in Section 27-1008.M including prohibited businesses such as engine repair or maintenance, businesses that have employees reporting to the residence and similar "non-residential" activities.

Churches and day care centers can be proposed in the rural residential zone districts but will still require special review approval by the County Commissioners. The Primary Use Table starts on page -9- and the Accessory Use Table starts on page -65- of the attached draft Section 27-1000.



Yellowstone County Zoning Commission Minutes for the Meeting of Monday, August 26, 2020 Project ReCode

The maximum floor area of residential accessory garages will be regulated based on the underlying zone district. In the N4 and R-RMH zone district, the maximum floor area of a detached accessory building is proposed to be 2,000 square feet or the floor area of the residence whichever is less. The total maximum floor area of detached accessory structures in the N4 and R-RMH is 3,000 square feet. In the RR-1 & RR-3 zone districts the single structure maximum is 3,000 square feet and the total maximum floor area is 5,000 square feet. There is no limitation in the A zone district.

Accessory Dwelling Units - Section 27-1009.G

Accessory Dwelling Units (abbreviated as ADU's) are small dwellings that are built attached to, within, or on the same property as existing residential structures. With concerns surrounding housing affordability circulating in many US cities, municipalities are considering the allowance of ADU's to encourage non-intrusive and small-scale housing development. It is not considered a full second primary residence due to its small size and sharing of common utilities and space with the primary residence. In the City of Billings, ADUs were a popular and prevalent housing choice right after WWII and up until the early 1960s. Most if not all of these ADUs were "outlawed" by the adoption of the 1972 City Zoning Code. City staff and VISTA members Jacob Cote, Claire Yang and Dave Drennan, researched and analyzed local property data to discover where these ADUs still exist in the community. the analysis focused on the City of Billings. We found over 900 remaining ADUs in the City of Billings. Every neighborhood had at least a few but they are more common in the mid-century neighborhoods closer to downtown.

Jacob Cote authored a briefing white paper on ADUs for consideration by the Steering Committee and Working Groups. "Our housing needs are changing. Industry professionals have begun to notice a gap forming between the housing currently available in our cities and the wants and needs of people looking for a home. The housing inventory in Billings, as in many other Western US cities, provides a lot of choice at the upper end of the market; not so many choices are available at the lower end." (Jacob Cote, ADU White Paper, 2018)

First and foremost, the proposed code for ADUs is not intended to make all existing ADUs "legal" but it does provide an avenue for those units to become recognized as legal in zoning. This is important for financing and insuring these properties. A re-build letter is a necessary asset in today's real estate market. The proposed regulations are also a way for new builders to allow this option for their clients - either as an addition or as new build. There is increasing demand in the housing market to accommodate multi-generational families. An ADU allows flexibility to accommodate aging parents, adult children just starting out, and provides a possible source of income to allow elders to "age in place". AARP officially endorses ADUs as a housing choice for senior citizens and their families.

The Urban Issues Working Group decided to initiate a Task Group on the issue to define and come to consensus on a draft set of regulations for the city and county. This task group had representation from the County Issues Working Group to add perspective and insight on behalf



Yellowstone County Zoning Commission
Minutes for the Meeting of
Monday, August 26, 2020
Project ReCode

of the County. The ADU Task Group met for 6 weeks to discuss and clarify the issues and agreed to a final set of ADU regulations by mid-June 2019. These regulations are embedded in the Use Standards section of the draft code at 27-1009.G. The proposed code limits the size of a detached ADU, requires one additional off-street parking space in the N4 zone, has to be registered with the Planning Division, the property owner must live in one of the units, and requires the filing of a protective covenant that runs with the land stating the ADU restrictions.

ADUs are proposed to be allowed in the A zone and by special review approval in the N4, RR1 and RR3 zone districts. An accessory unit cannot be a "third" unit on a parcel - it may only be a second unit. The allowance in the A zone district is to accommodate the traditional farm tenant home or extended family dwelling on large working farms and ranches.

Short Term Rentals - Section 27-1005.O

Air BnB, VRBO and other short term rental platforms have made this home owner small business viable throughout the country. Our code was written during a time when little tourism was evident in Billings or Yellowstone County. Communities closer to major tourist destinations such as Yellowstone and Glacier National Parks, or the scenic forests of western Montana have always regulated "vacation homes" through their local land use regulations. The Billings area now draws in more types and varieties of "tourists" than typical gateway communities. Billings has a strong medical services sector, retail draw of at least a 400-mile radius, regional major events (sports and entertainment), and an important financial sector business, oil & gas and agriculture.

Short-term rentals are available in the County's neighborhoods although the current zoning code does not legally allow this use of residential homes. Any rental of property for less than 30 days is considered either a "hotel, bed & breakfast, boarding house or lodging house". These uses require special review under current code. Most of the homes offered for short-term rental in Billings are not causing issues or impacts in neighborhoods. Most neighbors are unaware the home down the street is a short-term rental.

This was identified as a gap in our existing code. The consultant team proposed a set of "starter" regulations for short-term rentals in Yellowstone County. These are basic regulations meant to prevent some of the issues experienced in larger communities such as the "party house" problems in Las Vegas, corporate buy-outs of popular short-term rental neighborhoods, rentals of tents, RVs and non-permanent structures, and similar actions that make a significant impact on neighbors and neighborhoods.

The proposed County regulations would allow Guest Homes - owner occupied for at least 180 days per year - in the Residential districts and in most of the Commercial districts as long as the property is registered with the Planning Division and provides for a local contact manager or person available 24-hours a day to respond to any complaints such as - noise, parking, disturbances, vandalism and similar problems. There would be a nominal charge for the



Yellowstone County Zoning Commission
Minutes for the Meeting of
Monday, August 26, 2020
Project ReCode

registration and the STRs would need to ensure the rental met basic life safety for occupancy such as smoke and carbon monoxide detectors.

Tourist homes - non-owner occupied dwellings - would only be allowed by special review approval in certain commercial zone districts.

Planning staff met with a group of STRs owners and the proposed regulations are acceptable to the owners. The proposed regulations - as do all zoning regulations - cannot override or allow a use that is not allowed by a private subdivision covenant or restriction. Property owners will need to know whether their use is allowed by their covenants or restrictions. The Planning staff will not enforce those restrictions.

Public Hearing: Chairman Bush opened the public hearing and announced the public phone number (406-237-6120) asked if there is anyone wishing to comment on this text amendment.

Trina White, Billings & Beyond Real Estate, 1211 Grand Ave #4, Billings, MT 59102

Ms. White asked for clarification on the location of existing Accessory Dwelling Units, (ADU). Zoning Coordinator Nicole Cromwell stated the majority of ADUs are located within the City limits, and the minimum lot size is 3,000 square feet.

Blaine Poppler, 5403 King Ave West, Billings, Montana

Mr. Poppler asked if allowed uses such as boarding facilities, veterinary facilities and dog facilities in the current AG-Suburban zoning classification would fit in the AG classification. Nicole Cromwell referred to table 27-100-Primary uses and explained they tried to maintain two zones to allow agricultural uses. Elizabeth Garvin provided further clarification and pointed out the placement of commercial kennels in the code. Mr. Poppler asked if an ADU in the County could be a mobile home. Nicole Cromwell said the regulations require mobile homes to be permanent structures.

Zoning Commissioner Troy Boucher, 3149 Conestoga Way, Billings, Montana 59105

Commissioner Boucher asked about square footage limitations for detached structures. Staff explained lot coverage was not raised in the N4 classification due to the size of the lots. Generally, the lot coverage is still at 30% or less depending on the district. Detached accessory structure in N4 and Rural Residential Home zoning will not exceed the first story footage or a maximum of 2,000 square feet. The maximum in RRH will not exceed 3,000 square feet total. None of the size limitations are allowed in the agricultural zones. N4 detached structures limited to the first floor of the primary structure or no more than 2,000 square feet. A variance will be needed to go beyond 2,000 square feet. Nicole Cromwell point out that the attached garage area is included.



**Yellowstone County Zoning Commission
Minutes for the Meeting of
Monday, August 26, 2020
Project ReCode**

Zoning Commissioner Jerry Ray, 2245 54TH Street West, Billings, Montana

Commissioner Ray asked how difficult it would be to amend the regulations. Nicole Cromwell said there be zoning variances to consider. This code is new and there may be language-needing amendment. Staff will bring forward language housekeeping amendments as needed.

City Board of Adjustment Board member Jeff Bollman, 619 Lewis Ave., Billings, MT

Board member Jeff Bollman asked regarding electric substations. He said the Uses table on page 15 appears to require a special review in the AG zone. Division Manager Monica Plecker said she would check the County Issues Working Group meeting notes and review them for oversights. Troy Boucher said he does not recall the substation conversation and asked if a special review is needed. Monica Plecker agreed and said the conversation never went beyond typical substation guidelines. Jeff Bollman said he feels this should stay the same.

OTHER BUSINESS

a. **Announcement:** Zoning Commission Public Hearings for Project RE:Code will convene 4:30 PM at the Billings Parks and Recreation Community Center

Adjournment 4:30 PM

Approved by a motion October 12, 2020