



**Yellowstone County Zoning Commission
DRAFT Minutes for the Meeting of
Monday, August 27, 2020
Project ReCode**

The County Zoning Commission met on Monday, August 27, 2020 at 4:30 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 in person at the Billings Senior Center at 360 North 23rd Street, Billings, Montana.

The Zoning Commission will hear all persons wishing to speak relative to the proposed Text Amendments. 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) or via email to cromwelln@billingsmt.gov or Plnonline@billingsmt.gov

The Zoning Commission is conducting multiple topic-focused hearings on the draft zoning codes. The Zoning Commission will meet after all hearings are completed to make formal recommendations to the Board of County Commissioners. Additional public hearing notices will be published for future dates, times & locations.

The public hearing will be broadcast on the Planning Community Services Department Facebook page <https://www.facebook.com/Billings-Planning-Community-Services-Department> and a call-in phone number will be published and broadcast so members of the public can call in during the public hearing. Community 7 Television will also broadcast the public hearing live on their Facebook page: <https://www.facebook.com/comm7tv> .

The hearings will be recorded and available for viewing at any time on both Facebook pages above. 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 <https://project-recode.com/code-outline> (Draft Sections 27-300, 27-400, 27-500, 27-600, 27-800, 27-900 and 27-1000).

Chairman Bush opened the meeting and introduced the County Zoning Commission members and Planning Division staff: Nicole Cromwell, Zoning Coordinator, Monica Plecker, Planning Division Manager, Tammy Deines, Planning Clerk, Jeannette Vieg, and Planning Assistant.



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Commissioners and Staff		01/13/20	02/10/20	03/09/20	04/13/20	05/11/20	06/08/20	07/13/20	08/10/20	08/26/20	08/27/20		
Jerry T. Ray	Commissioner	1	-	-	-	1	-	-	1	1	1		
Troy Boucher	Commissioner Chairman	1	-	-	-	1	-	-	1	1	1		
Ryan Wittman	Commissioner	1	-	-	-	E	-	-	A	E	E		
Tyler Bush	Commissioner Chairman	E	-	-	-	1	-	--	1	1	1		
Todd Hewett	Commissioner	1	-	-	-	1	-		A	A	A		

Other Participants: Elizabeth Graving, Consultant, SAFEbuilt; Leslie Oberholtzer, Consultant, SAFEbuilt; Planning Board President Woody Woods, Randy Hafer, Project ReCode Consultant Team; Bob Riehl, Conrad Stroebe, Blaine Poppler, Mayor Bill Cole

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.

Item #1: Text Amendment – Project ReCode – Proposed Draft Sections 27-400, 27-500, 27-600, 27-800 & 27-1000: New Commercial, Public, Industrial and Planned Neighborhood Developments – Site Standards and General Uses.

Zoning Coordinator Nicole Cromwell read the legal notice for the record.

REQUEST

Text Amendment – Project ReCode – Proposed Draft Sections 27-400, 27-500, 27-600, 27-800 & 27-1000: New Commercial, Public, Industrial and Planned Neighborhood Developments – Site Standards and General Uses. This is the second in a series of Public Hearings on the Public Review Draft of the County Zoning Regulations. This second hearing will focus on new Commercial (27-400), Public (27-500), Industrial (27-600), Planned Neighborhood Developments (Section 27-800) and Uses for those Districts (Section 27-1000).



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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.

Zoning Coordinator Nicole Cromwell presented the staff report:

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 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.

Background

In 2016, after Billings adopted a new growth policy, and the County Commissioners adopted the Lockwood Growth Policy, the City/County Planning Board realized the existing zoning regulations, intended to implement the new Billings Growth Policy, the new Lockwood Growth Policy and the existing 2008 Yellowstone County Growth Policy, 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 and 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.

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



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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.

This second in a series of public hearings on the Public Review Draft will focus on the new Commercial districts (27-400), Industrial districts (27-500), Public districts (27-600), Planned Neighborhood Developments (27-800) and the Use Table and Use Standards for those districts (27-1000). The current code for commercial, industrial and public zone districts has a Use Table at 27-306, site requirements at 27-309, and many use standards scattered throughout the existing code including 27-600 (Supplemental Provisions), and 27-1000 (Entryway/Interchange). The Entryway districts will not continue as distinct zone districts.

Commercial Districts - Section 27-400

The current zone districts (27-304) where commercial activity and some mixed uses are allowed include the following 10 districts:

- RP - Residential Professional
- NC - Neighborhood Commercial
- CC - Community Commercial
- HC - Highway Commercial
- CI - Controlled Industrial
- HI - Heavy Industrial
- ELC - Entryway Light Commercial
- EGC - Entryway General Commercial
- EMU - Entryway Mixed Use
- ELI - Entryway Light Industrial

The two industrial zone districts are included in this list since these two districts allow all of the same commercial uses as our highest intensity commercial district - Highway Commercial (HC). The proposed code will dissolve the Entryway Districts, and create two commercial zone districts as base districts in the County - C3 and CX. The proposed code has standardized site development requirements for each use type and zone district so there is no longer the disparity between zone districts for landscaping, signage and parking. The new Mixed Use districts will be available only where County water and sewer is available similar to the urban residential districts.

Older zoning codes tend to take the pyramid approach to uses. A low intensity district such as RP has a limited number of uses. The next level allows the same uses as the lower district and then



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adds a new set of uses and so on until you reach the highest intensity use district. The proposed code still includes allowed uses, uses allowed with location restrictions; uses allowed by special review approval and prohibited uses. The C3 and CX zone districts will replace the eight commercial zones and consolidate uses to allow offices, retail, services and commercial uses in most areas with some more intense commercial uses reserved for the CX zone district. The proposed I1 and I2 will replace the CI and HI zones and keep most of the same uses except for general retail as a primary use.

The proposed district line up for Commercial and Industrial zones is:

27-400 Commercial districts	
Symbol	District Name
C3	General Commercial
CX	Heavy Commercial
27-600 Industrial Districts	
I1	Light Industrial
I2	Heavy Industrial

The following table of zone districts will only be allowed where County Water and Sewer is available or where the development patterns more closely follow one of these districts. For the County areas, this will primarily be in Lockwood or within the limits of annexation. These districts will also be available for Planned Neighborhood Developments (Sec. 27-800)

CMU1	Corridor Mixed-Use 1
CMU2	Corridor Mixed-Use 2
NMU	Neighborhood Mixed-Use
NO	Neighborhood Office-Residential

C3 - General Commercial

The proposed General Commercial zone district is derived by consolidating three of the entryway districts (ELC, EMU & EGC), and the RP, NC and CC zone district. There is limited universe of uses allowed within areas that do not have public water or sewer. In the County districts, this includes warehousing, smaller scale retail, equipment and supply service businesses, auto repair and sales. A more diverse group of commercial uses in the County is found primarily in Lockwood or areas where city water has been supplied through the County or the Heights Water District. Here is a description of the new C3 zone district:

The C3 district is intended for a wide mix of commercial uses directed to the consumer and located along transportation corridors. Basic setback and height parameters apply.



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The C3 and CX zone districts will have the same site requirements for building height, setbacks and lot coverage (Sec. 27-404)

CX - Heavy Commercial

The proposed district is intended for many of the existing HC zone districts as well as the CC and ELI zones that have more intense uses such as contractor yards, lumber yards, cabinet makers, printers, warehousing and industrial business services. This zone along with the C3 zone will not allow residential uses. The HC and CC zone districts currently allow residential uses. The mix of proposed intense commercial uses is not conducive to residential use. Campgrounds and RV parks will be allowed and these uses are allowed in the current HC and CC zone districts.

The CX district is intended for heavy commercial, wholesale, warehouse-distribution facilities, and contractor commercial uses. This district allows outdoor storage and accommodates truck traffic. This district is intended to be located along corridors where proximity to residential and walkable mixed-use development is limited. Basic setback and height parameters apply.

Industrial Zone Districts - Section 27-600

The Industrial zone districts will also mirror the current CI and HI zones as Light Industrial (I1) and Heavy Industrial (I2). Almost all of the CI district parcels will be mapped as I1 and all of the HI districts parcels will be mapped as I2. The districts did not require much updating except to take out most of the retail uses and residential uses currently allowed. Large format retail, agricultural retail and commercial greenhouses will all be allowed in the I1 zone district along with restaurants and food services.

Section 27-601.A - The light industrial zone is intended to accommodate a variety of business, warehouse, and light industrial uses related to wholesale plus other business and light industries. Low intensity light industrial development can be compatible with adjacent commercial zones. I1 zoning should provide locations directly accessible to arterial and other transportation systems that can conveniently serve the County's business and industrial centers.

Section 27-601.B - This district accommodates larger or more intensive manufacturing and distribution facilities and related support services. Heavy industrial sites will have ready access to necessary utilities and at least two or more major transportation routes. Characteristics of the uses in this district may include outdoor storage areas, truck traffic, production of goods from raw materials, and multiple worker shifts. Some may involve large structures on large parcels.

Mixed Use Zones - Lockwood and Planned Neighborhood Developments

Lockwood has its own water and sewer district so the proposed urban level commercial zone districts that allow mixing residential uses with retail, offices and services can be allowed in the



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water and sewer district. This is a preferred and efficient use of land along transportation corridors and at neighborhood nodes. The zone districts will be mapped in Lockwood where these uses and development pattern already exist and then available for new districts in Lockwood through the Planned Neighborhood Development tool kit in Section 27-800.

Here is a short description of each of the Mixed Use Zones:

The CMU1 district in the county is intended for use only where City of Billings' public services, including but not limited to water and sewer services or a County water and sewer district is available. This district is intended to accommodate commercial and other uses along transportation corridors to promote development that is comfortably accessible via all modes of transportation, including motor vehicles, bicycles, and walking. Commercial uses in the CMU1 district may be somewhat larger in scale and more flexible than the neighborhood mixed-use district, including more auto-oriented uses such as gas stations. While ground stories along streets are intended for commercial uses, the upper stories could accommodate residential and/or office uses.

CMU2 differs from CMU1 as it is meant to accommodate larger-scale commercial, warehouse-style buildings, and other uses in multiple buildings on larger, deeper parcels along corridors. While ground stories along streets are intended for commercial uses, the upper stories could accommodate residential and/or office uses.

The proposed Neighborhood Mixed-Use (NMU) and Neighborhood Office (NO) are mirror districts of the Neighborhood Commercial (NC) and Residential Professional (RP). The uses have been refined to take some of the more intense uses out of the districts and reduce the types of uses allowed by special review approval. Churches and other civic assembly uses are now allowed uses in the RP zone district although they may have a significant impact on the area around an RP zone. In the new NO district, these uses will require special review approval. General retail will still not be an allowed use in the NO zone. The NMU zone is intended to be a scaled-back NC zone intended to allow neighborhood services to be back in residential neighborhoods without the unpredictability of the current allowed uses in the NC zone. A carwash will not be a use allowed by special review in the NMU zone. Churches and civic assembly uses would be allowed in the NMU districts along with health care services except for surgery centers. Bed and breakfast inns would be allowed but a hotel or motel would require special review. All drive through services would require special review approval.

The NMU district is intended to accommodate a mix of uses, primarily located along neighborhood corridors that are highly walkable and accessible to pedestrians. Includes ground story uses focused on daily needs primarily for adjacent neighborhood residents, such as corner stores, personal services, and small restaurants. Upper stories accommodate residential and/or office uses.



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The NO district is intended to accommodate office and office/residential uses on neighborhood corridors and internal neighborhood locations where other commercial uses are inappropriate. This district is meant to be highly walkable and accessible to pedestrians and to fit well with the context of adjacent neighborhood residential buildings, when located on corners or block ends.

Public Zone Districts - Section 27-500

The Public zone district have been created to reflect the three basic land uses that provide community-wide service. The P1 zone districts is intended for parks, open space and activity outdoor recreation sites such as golf courses. The P2 zone district is intend for small civic or institutional uses throughout the community including schools, government offices (outside of the CBD), and churches. The proposed P3 - Campus is for large civic or institutional campuses focused on either medical services, education services or civic services. The Medical Corridor zone district will be updated to a P3- Medical Campus zone district. The three main college campuses will be updated to the P3-Education Campus zone and Metra Park will be updated to the P3-Civic Campus zone. The creation of three main Public zone districts creates more predictable land uses for neighbors and surrounding uses. It is not good planning practice to have one zone for your public parks that also applies to your jail and landfill. It is too much uncertainty. Schools and churches will still be allowed as special review uses in other zone districts, but an alternative to a special review would be to re-zone the property to P2. The landscaping, sign code and off-street parking requirements have also been adjusted to better reflect the new line up of Public zone districts.

The P1 district is intended to protect and preserve open spaces that are held in either public or private ownership. P1 districts may include parks, open spaces, trails, wetlands, floodplains, environmentally sensitive areas, and unique habitats and landscapes. To preserve access to clean air, pure water, natural recreation areas, and scenic natural beauty, the subdivision and development of land is restricted in P1 districts.

The P2 district is intended to be used for small-scale civic and community service structures and uses, such as religious assembly, public safety facilities, and schools, within either a neighborhood or commercial setting. A maximum of two principal buildings are permitted in a P2 district.

The P3 district is intended to be used for multi-structure and use institutions that are developed in a campus-like environment. P3 zoning is available for medical campuses, educational campuses, and civic campuses with three or more principal buildings.



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Planned Neighborhood Developments - Section 27-800

The existing zoning code for the city and county allows urban level residential and commercial zone districts outside the city limits even though development of the property would have to occur after annexation for the provision of city services. Some of these districts exist in Lockwood and on scattered sites in West Billings and north of the Heights. Because the current code allows all districts both in the city and the county (except agriculture), this has contributed to many urban development zoning decision made by the County Commissioners rather than the City Council. Developers are interested in keeping carrying costs of raw land as low as possible by not annexing land before they are just ready to develop. The City Council cannot make zoning decisions for land outside the city limits, so any participation in zoning has to be paired with a concurrent request for annexation. Lockwood developed a 2016 growth policy plan for their neighborhoods with a critical focus on creating a town center and more efficient use of land in the water and sewer district. The city and county have agreed there needs to be a better approach to making these critical growth decisions.

In 2016, the Board of County Commissioners adopted this plan with the following guiding statement:

"Lockwood is a community that will evolve with a Main Street-style TOWN CENTER surrounded by a range of housing options that support and sustain, both fiscally and socially, the community investments in schools, public water and sewer, transportation, recreation, and public safety while providing economic opportunities in general commercial and light and heavy industry businesses in areas shown on the preferred land use map."

The preferred Land Use Map is attached to this report. The existing zoning regulations are not useful to create a new town center for Lockwood and the existing residential districts may not have the finer detail the community is requesting for new developments.

The consultant team proposed a new tool called the Planned Neighborhood Development (PND) that consists of a "kit of zoning and land use parts" to help sketch out a new neighborhood before it is completely annexed to the city limits or created in the Lockwood water and sewer district. The PND "kits" are proposed to range from the Town Center - PND, the Mixed Use-PND where a variety of zone districts is required including commercial, neighborhood services, and residential to the Neighborhood PND where a gentle mixture of zone types is preferred. Each PND would be required to have some open space shown in the master plan and a basic street grid laid out. The PND would be adopted through the County Commissioners but is expected to have a lot of front-loaded staff and neighborhood involvement. Illustrations of how the different PND could be master planned are included with the draft code. Below is the table of the PND types showing the required and optional zone districts for each type.



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Table 27-800-1. Types of Planned Neighborhood Districts															
Required Min. Acres	Types of PND	Zoning Districts													
		CMU1	CMU2	NMU	NO	NX1	NX2	NX3	N1	N2	N3	<u>RMH</u>	P1	P2	<u>P3</u>
10	Town Center TC PND (County only)	R	L	R	P	R	P	P	P	P	-	-	R	P	P
	Min. % of gross acres	20		5		25							10		3 buildings
	Max. % of gross acres	35	10	15											10
3	Mixed-Use MU PND (City or County)	R	L	P	P	P	P	L	P	P	-	P	R	P	P
	Min. % of gross acres	10											5		3 buildings
	Max. % of gross acres	30		15	15			8							
3	Mixed Residential MR PND (City or County)	-	-	L	P	R	P	P	P	L	-	P	R	P	P
	Min. % of gross acres					25							10		
	Max. % of gross acres			10						20					
3	Neighborhood N PND (City or County)	-	-	L	L	L	L	-	R (mix of all 3 districts)			P	R	P	P
	Min. % of gross acres								5	20			10		
	Max. % of gross acres			10	10	20	20				50				



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R = *Required*. Refer to specific development type regulations in section 27-802.

P = Allowed or *permitted*. Refer to specific development type regulations in section 27-802.

L = Allowed but *limited* per Table 27-800-1 or specific development type regulations in section 27-802.

- = Not allowed or permitted per specific development type regulations in section 27-802.

Table Notes: All numeric values are percentages of the actual gross parcel area.

The Lockwood community has already started to formulate a town center plan with multiple owners based on the proposed draft code. The PND regulations will allow the City to make zoning decisions for new neighborhoods to be annexed in a phased approach that will not burden owners with carrying costs, but adds predictability and good urban design. The use of PND's will be required in the limits of annexation area for developments of more than three acres; however, the PND is optional in the Lockwood Water and Sewer District.

Public Hearing: Chairman Bush opened the public hearing and announced the Public Comment phone number 237-6120 and asked if there is anyone wishing to speak in regard to this text amendment. There were no calls from the public.

Zoning Commissioner Jerry Ray, 2245 54th St West, Billings, MT

Commissioner Ray asked regarding Accessory Dwelling Units, (ADU). Zoning Coordinator Nicole Cromwell said ADUs are allowed in agricultural zones in agricultural zones and by special review in other County zoning districts. Buildings for Lease or Rent applies for multiple units on a parcel.

Mayor Bill Cole, (no address given)

Mayor Cole asked for clarification on Sec. 27-501. Public uses and asked if religious uses need to be added in the category examples. Nicole Cromwell explained the intent was the P3 zone could apply to civic and religious uses.

Conrad Stroebe, (no address given)

Mr. Stroebe commented on a thesis by John Halverson, "School Zone", presenting a new model suburban development in Montana. It speaks to the value of walkable schools, neighborhoods, and communities.

County Board of Adjustment, Blaine Poppler, 5403 King Ave. West, Billings, MT

Mr. Poppler said he disagrees with the parking requirements laid out in the new zoning and feels it is a burden to development. He said zoning rules should not dictate how many windows, doors, roof pitch or entries. Instead, these items should be addressed in the Covenants and Restrictions for developments. Commissioner Ray agreed and asked if this requirement can be removed. Nicole Cromwell said the Zoning Commission could make a recommendation to remove the section of the code. She pointed out that the only part of the County wherein the form based zoning is allowed is in Lockwood. The Corridor Mixed Zone would require new



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developments to conform to the form developments for the zone. She discussed proportionate compliance-how to comply with existing standards for projects for additions.

Jeff Bollman, 619 Lewis, Billings, MT

Jeff Bollman works for the Department of Natural Resources and Conservation. He asked for review of the placement of wind and solar uses. Refineries are allowed in I2. He suggested that this was unintentional to allow refineries in Heavy Industrial uses. The table addresses utility generation. Energy production should be treated the same and the tables should match.

OTHER BUSINESS

a. **Announcement:** The next Yellowstone County Zoning Commission meeting is scheduled for Monday, September 14, 2020.

Adjournment 5:30 PM

DRAFT. To be approved by a motion at the next scheduled meeting.
Tamara L. Deines, Planning Clerk