



**Yellowstone County Zoning  
Commission Approved Minutes for the  
Meeting of Monday, July 11, 2022**

**The County Zoning Commission met on Monday, July 11, 2022 at 4:00 p.m. in the Miller Building 1<sup>st</sup> Floor Conference Room, 2825 3<sup>rd</sup> Ave. North.**

		01/10/2022	04/11/2022	06/13/2022	07/11/2022									
Blaine Poppler	Commissioner	1	1	1	1									
Melissa Ray Gentry	Commissioner	1	1	1	1									
Tyler Bush	Commissioner Chairman	1	1	1	1									
Todd Hewitt	Commissioner	1	1	1	1									
Open	Commissioner													

Commissioner Bush opened the meeting and introduced the County Zoning Commission members and Planning Division staff.

Zoning Coordinator Nicole Cromwell, Tammy Deines, Planning Clerk

**Other Participants:** Jim Brewington, James Young

**Public Comment**

Commissioner 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) 237-6165. 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 three minutes of testimony as is customary. There were no public comments.

**Motion. Approval of Minutes: June 13, 2022**

**Motion**

**It was moved by Commissioner Hewitt and seconded by Commissioner Gentry to approve the June 13, 2022 meeting minutes as submitted. The motion carried with a unanimous voice vote.**

No exparte communications or conflicts of interest were announced by the Commissioners.

Zoning Coordinator Nicole Cromwell read aloud the procedures for a public hearing.



**Yellowstone County Zoning  
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**Item #1: County Zone Change 710-1837 Hawthorne** – County Zone Change 710 – 1837 Hawthorne Lane – from N2 to P2 - A zone change request from Mid-Century Neighborhood (N2) to Public 2 (P2), on a 4-acre portion of Parcel 1 of C/S 1666, a 7.5-acre parcel of land, generally located at 1837 Hawthorne Lane. A pre-application neighborhood meeting was held on May 24, 2002 at Beartooth Elementary School. Tax ID: D01567

**REQUEST**

County Zone Change 710 - 1837 Hawthorne Lane - from N2 to P2. This is a zone change request from Mid-Century Neighborhood (N2) to Public 2 (P2), on a 4-acre portion of Parcel 1 of C/S 1666, a 7.5-acre parcel of land, generally located at 1837 Hawthorne Lane. A pre-application neighborhood meeting was held on May 24, 2022 at Beartooth Elementary School.

**RECOMMENDATION**

Planning Division recommends approval of Zone Change 710 as presented by staff with the Findings of Fact and the 11 review criterion.

**BACKGROUND**

This is a zone change to allow a baseball playing field to be completed on property currently zoned N2 (Mid-Century Neighborhood) located on the east side of Hawthorne Lane in Billings Heights. The application is the result of the agent, Shane Vigus of Upper Deck Baseball, submitting a request to construct the backstop and outfield fences for the nearly complete baseball field. The fence permit application informed Mr. Vigus and the property owner of the need to obtain a zone change to allow the playing field and proposed fencing to be in compliance with zoning. An outdoor recreation assembly use is not an allowed use in the N2 zone district. Mr. Vigus' organization, Upper Deck Baseball, is a program that encourages development of young baseball players with assistance in continuing their education beyond high school at institutions that also offer college-level baseball.

Mr. Shane Vigus is representing the property owners Karen & Wayne Underwood. Approximately 4 acres of the 7.5 acre parcel is proposed to zoned Public 2. The property is just east of the city limits at 1837 Hawthorne Lane. The surrounding zoning is primarily residential except for the Beartooth Elementary School, which is zoned Public 2. The Beartooth Elementary school is situated on an 8.5-acre property located at 1345 Elaine Street. Zoning to the north, south and west is primarily N2 with some N3 zoning within the city limits. Hawthorne Lane is a north/south street parallel to Bench Boulevard and Bitterroot Drive. Hawthorne Lane runs from Yellowstone River Road to Barrett Road continuously. North of Barrett Road, Hawthorne Lane is discontinuous but eventually connects to Mary Street and then the Bitterroot Heights Subdivision north of Mary Street. Average daily traffic on Hawthorne Lane at this location is approximately 1,260 vehicle



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trips per day. Hawthorne Lane is a designated collector street and is intended to connect local neighborhoods to arterial streets such as Wicks Lane, Bench Boulevard and Main Street. The collector street status does not extend north of Barrett Road. Hawthorne Lane has capacity to handle additional traffic without requiring improvements. The current volume of traffic is low compared to its capacity.

The applicant conducted a pre-application meeting on May 24, 2022, at the subject property. Several surrounding property owners attended the meeting. The pre-application materials are included as an attachment. The Planning Division received no inquiries or comments from the notified surrounding owners within 1/4-mile of the subject property. The notification area is required due to the proximity to the city limits.

The proposed zoning of P2 for 4 acres of this parcel is compatible with and adjacent to existing P2 zoning. The P2 zone district was created for application to civic and institutional uses that are not completely similar to Public 1 (P1) zones used for parks and open space areas. P2 has been applied to churches, schools, public agency offices and similar uses. Most of these uses are compatible within a neighborhood setting. The Public zone district site and structure standards do require the development of structures within 150 feet of a neighborhood zone to be designed to complement those adjacent zones. For example, a public school building within 150 feet of a neighborhood zone cannot exceed the building height in the adjacent zone, observe the same setbacks and build-to areas, lot coverage maximums and similar zone requirements.

The proposed field will be used by five of the ten different teams supported by Upper Deck Baseball. The field is directly adjacent to the Beartooth Elementary school parking lot. The county development in the area is low density residential and the city development west of Hawthorne is a medium density residential area of 4 to 7 dwelling units per acres.

**Discussion**

Commissioner Bush asked the Commissioners for questions and comments. There were none.

**Public Hearing**

Commissioner Bush opened the public hearing and asked if there is anyone wishing to speak regarding County Zone Change #710.

**Shane Vigus, 492 Freedom Avenue, Billings, MT**

Commissioner Poppler asked why only a portion of the parcel is under a zone change request.



## **Yellowstone County Zoning Commission Minutes for the Meeting of Monday, July 11, 2022**

Mr. Vigus stated the zone change request is for only what is needed. There will not be a parking lot on the property. They are in discussion with the adjacent property owner regarding the possibility of parking, and they plan to use some of the parking at the elementary school. Commissioner Poppler asked if surface parking is allowed in the N2 zoning classification. In response to question by Commissioner Bush, Mr. Vigus said most events will take place when the school is closed. An after-hours agreement with the school may be considered. Practices would take place after school hours. They have not had discussions with the school district as of yet. Commissioner Poppler pointed out that the remainder of the N2 property will continue to be vacant, and voiced concern that this piece may be unusable. Mr. Vigus clarified and said only one field will be placed on this location and the intent is for junior high and high school players. Temporary portable bathrooms will be brought in. Concessions are not planned at this time but may be considered in the future. They are planning for practices, games, and tournaments. Per request of Commissioner Bush, Mr. Vigus gave an overview of "Upper Deck", which helps high school seniors move on to upper level college baseball. Currently they have ten teams and are continuing to grow and expand. He stated they are trying to make an impact on the community and having this field will help open possibilities for players. Mr. Vigus' grandparents have owned this property since 1990. The plans for the fence line is installation of an 8-foot outfield fence. The back stop fencing will be a 30' backstop to keep foul balls in place. No lighting is planned at this time. There is an existing well for irrigation.

### **Jim Brewington, 1720 Brewington Drive**

Mr. Brewington asked if this will increase property taxes and if the additional traffic will be a trigger to widen Hawthorne Lane. There is only one entrance and exit for vehicles. He asked if additional fields will require rezoning. Commissioner Bush stated that this is private land and costs would be attributed to the landowner and not tax payers. Nicole Cromwell pointed out that Hawthorne Lane is a collector street at this location. Any improvements to Hawthorne Lane would have to be agreed to by the City and the County.

### **Rebuttal**

Mr. Vigus stated this project is privately funded. Should parking become an issue they may consider rezoning the property. He feels there is ample parking space at this time as generally it is only parents in attendance. Future expansions would require a zone change.

### **James Young, 3005 Tampico, Billings, MT**

Mr. Young is the fence contractor. He is whole heartedly in favor of this project and commended Mr. Vigus for his investment in the community.

Commissioner Bush asked if there is anyone else wishing to speak in favor or against county Zone Change #710.

### **Discussion**

Commissioner Hewitt spoke to the loss of a senior league baseball field and a void of playing fields in the Heights. Commissioner Bush concurred and said having a private field would be at or



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above Little League standards. He said he is in concert with the proposal and it meets the Growth Plan. Commissioner Poppler voiced concern with the parking and the lack of a discussion with the school district. He said this is a great program but he is uncomfortable with the parcels with separate zoning classifications. Commissioner Gentry feels this will be a great addition to the Heights but also concurs with Commissioner Poppler regarding the parking. Commissioner Bush asked Zoning Coordinator Cromwell to research the surface parking use in the N2 district.

Commissioner Bush asked if there is anyone else wishing to speak in favor or against County Zone Change #710. There was none. Commissioner Bush closed the public hearing and called for a motion.

**Motion**

**Commissioner Hewett made a motion and it was seconded by Commissioner Gentry to forward a recommendation to the Board of County Commissioners of approval of Zone Change #710 as recommended by staff.**

**Discussion**

There was no discussion on the motion.

**The motion carried with a unanimous voice vote, 4-0.**

The **Board of County Commissioners** public hearing for these applications will be held on **Tuesday, July 26, 2022, at 9:30 a.m. at 316 N 26<sup>th</sup> Street – 3<sup>rd</sup> Floor, Commissioner’s Hearing Room.**

**OTHER BUSINESS**

**a. Announcements:**

- There is one vacancy on the County Zoning Commission.
- The next County Zoning Commission meeting will be held on August 8, 2022 4:00 PM to hear three applications.

**Adjournment 4:42 PM**

**APPROVED by a motion August 8, 2022**

*--Robbin Bartley, Administrative Assistant*





## COUNTY OF YELLOWSTONE ZONING COMMISSION AGENDA

Monday, July 11, 2022  
4:00 PM

Miller Building, 1<sup>st</sup> Floor Conference Room  
2825 3<sup>rd</sup> Avenue North, Billings, Montana

### NOTICE TO THE PUBLIC

Citizens are invited to:

- Review the Agenda Packet on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>
- View the meeting live online at Facebook: <https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260>

Public comment will be taken only during the Public Comment periods as indicated on the agenda and during the Public Hearings, if any are scheduled, under the Regular agenda. Comments may be sent to Board via email before 10:00 AM on the meeting date. All emails received prior to this time will be read into the record for the public hearing. Comments may be submitted by:

- Mail: City/County Planning Division, 2825 3rd Ave N 4th Floor, Billings, MT 59101
  - Email: [deinest@billingsmt.gov](mailto:deinest@billingsmt.gov)
- Call in during the Public Comment periods as indicated on the agenda:
  - Citizens may call in during specific Public Comment periods at 406.237.6165.All callers will be placed 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 limited to 3 minutes of testimony as is customary. Future delivery methods may be explored as best practice is learned.

Please direct questions to Planning Clerk Tammy Deines at [deinest@billingsmt.gov](mailto:deinest@billingsmt.gov) or 406-247-8610. Thank you!

Call the meeting to order.

Introduction of the Yellowstone County Zoning Commission Members and Planning Department Staff.

Public Comment

Motion. Approval of Minutes: June 13, 2022

Disclosure of any Conflict of Interest-Members of the Commission and Staff

Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff  
a. The Exparte Communication Binder is available at the Sign-In and Agenda Station.

Regular Business:

- Opening of public hearings.
- Reading of rules for the procedure by which the public hearings will be conducted.
- Reading of notices of the public hearings on the following items:

Public Hearings:

- County Zone Change 710 - 1837 Hawthorne Lane - from N2 to P2** This is a zone change request from Mid-Century Neighborhood (N2) to Public 2 (P2), on a 4-acre portion of Parcel 1 of C/S 1666, a 7.5-acre parcel of land, generally located at 1837 Hawthorne Lane. A pre-application neighborhood meeting was held on May 24, 2022 at Beartooth Elementary School.

Other Business/Announcements

Adjournment

Following the public hearing, the County Zoning Commission will make a recommendation to the Yellowstone County Commissioners. The County Zoning Commission will hold its public hearing on Monday, July 11, 2022, starting at 4:00 pm in the 1<sup>st</sup>

Floor Conference Room at 2825 3<sup>rd</sup> Avenue North (Miller Building). All interested persons are invited to attend in person or view the meeting on-line on the Billings-Planning & Community Services Facebook Page here; <https://www.facebook.com/Billings-Planning-Community-Services-Department-1738982159659260/?ref=bookmarks>

The Board of County Commissioners public hearing for these applications will be held on **Tuesday, July 26, 2022, 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**

The Board of County Commissioners public hearing for these applications will be held on **Tuesday, July 26, 2022, 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**.

Information on the preceding item may be obtained at the Yellowstone County Planning Department, 2825 3rd Avenue North, 4th Floor or phone 657-8246. Anyone wishing to be heard on this matter may appear at this hearing. Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Tammy Deines, Planning Clerk, at 247-8610 or e-mail at [deinest@billingsmt.gov](mailto:deinest@billingsmt.gov)



# Billings City-County Planning Division

Monday August 8, 2022

## Yellowstone County Zoning Commission Exparte & Conflict of Interest Disclosures



### DISCLOSURE OF EXPARTE COMMUNICATION: Circle Yes or No.

If "Yes", Please announce the details of your exparte communication to the Board and Clerk for the record.

SR or ZC	Poppler	Bush	Gentry	Hewitt	
ZC 711	YES/ <input checked="" type="radio"/> NO	YES/ <input checked="" type="radio"/> NO	YES/ <input checked="" type="radio"/> NO	YES/NO	YES/NO
ZC 712	YES/ <input checked="" type="radio"/> NO	YES/ <input checked="" type="radio"/> NO	YES/ <input checked="" type="radio"/> NO	YES/NO	YES/NO
ZC 713	YES/ <input checked="" type="radio"/> NO	YES/ <input checked="" type="radio"/> NO	YES/ <input checked="" type="radio"/> NO	YES/NO	YES/NO
	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO
	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO
	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO
	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO

### DISCLOSURE OF SITE VISITS: Circle Yes or No.

If "Yes", Please announce the locations you visited to the Board and Clerk for the record

SR or ZC	Poppler	Bush	Gentry	Hewitt	
ZC 711	YES/ <input checked="" type="radio"/> NO	YES/ <input checked="" type="radio"/> NO	<input checked="" type="radio"/> YES/NO	YES/NO	YES/NO
Zc 712	YES/ <input checked="" type="radio"/> NO	YES/ <input checked="" type="radio"/> NO	<input checked="" type="radio"/> YES/NO	YES/NO	YES/NO
Zc 713	YES/ <input checked="" type="radio"/> NO	YES/ <input checked="" type="radio"/> NO	<input checked="" type="radio"/> YES/NO	YES/NO	YES/NO
	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO
	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO
	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO
	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO

### DISCLOSURE OF CONFLICT OF INTEREST: Circle Yes or No.

If "Yes", Please announce your statement of conflict of interest to the Board and Clerk for the record. Board members with Conflicts of Interest must abstain from any participation on the agenda item.

SR or ZC	Poppler	Bush	Gentry	Hewitt	
ZC 711	YES/ <input checked="" type="radio"/> NO	YES/ <input checked="" type="radio"/> NO	YES/ <input checked="" type="radio"/> NO	YES/NO	YES/NO
Zc 712	YES/ <input checked="" type="radio"/> NO	YES/ <input checked="" type="radio"/> NO	YES/ <input checked="" type="radio"/> NO	YES/NO	YES/NO
Zc 713	YES/ <input checked="" type="radio"/> NO	YES/ <input checked="" type="radio"/> NO	YES/ <input checked="" type="radio"/> NO	YES/NO	YES/NO
	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO
	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO
	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO
	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO

County 2c

Sign In 8/8/2022

MARK GAUGHAN

49 Vista Dr.  
Dellings, MT

LOUI RUBASH

1500 OKLAHOMA STR TRL WEST

Rica & Mike Dombrowski 1520 Oklahoma  
Star Trl W 59105

Susan & Steven Vold 1420 Oklahoma Star Trl W  
Blgs  
59105

Nicky Wolf 1410 Oklahoma Star Tr W Blgs 59105

Jim & Peggy 1615 Old Sorrel 8464 59105

Jane Wallace 1210 Caroline Street Blg 59105

Adri Ryberg #2585 Bitterroot dr

Peter & Marie Light 2904 Bitterroot dr 59105

Jack Dillon 2819 Dairy Lane 59105

Joy Dille 1621 Old Sorrel Trail

Mike Healand 1852 Three Bars Trail

Nancy & Dave Stockman 1704 Three Bars Tr

NANCY AUREA 3003 Bitterroot Dr

Robert S. Wagenaar

2903 Legacy Lane





# City-County Planning Division

## Monday, August 8, 2022

### Yellowstone County Zoning Commission

Printed Name	Address/email
KRAIG & DENISE KOSENA	PO BOX 16653 MSO MT 59808 KRAIGR@KEMONTANA.COM
Michael & Denise Kolk	1634 Quarterhorse LN Billings, MT 59105
HARRY & BEV RUKSTAD	1637 CED SPRUCE TRAIL BILLINGS MT, 59105
Régine Allard Linda Floyd + Gayle Brucher	2645 Meadow Creek Loop Billings, MT 59105 2642 meadow Creek Loop Billings, mt 59105
Kristine Ostermyer Barb Shelley	1985 Mary St Big MT 59105 1925 Legacy Ln Billings 59105
Robert & Victoria Wogenaar	2903 Legacy Ln Billings 59105
Perry Rockman	2647 meadow Creek Loop, Billings 59105
Terry & JoAnn Dukart	2735 Bitterroot Billings MT 59105
Ricardo & Jennifer Murga	1651 Oklahoma Star Trl 59105
Jim Reno	1549 Redwin Circle (3160 B Hunt)
Elizabeth Lockwood	1520 Mustang Valley Dr.
Tracy & Don Thoreson	1835 Mary St. 59105



***City-County Planning Division***  
***Monday, August 8, 2022***  
**Yellowstone County Zoning Commission**

***Printed Name***

***Address***

## Bartley, Robbin

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**From:** Husman, Karen  
**Sent:** Monday, August 8, 2022 8:03 AM  
**To:** 'rkjrwittman@gmail.com'; Todd Hewett (toddzilla16@gmail.com); Troy Boucher (ycbocc1@gmail.com); Tyler Bush (tylerb@mckinstry.com)  
**Cc:** Bartley, Robbin; Cromwell, Nicole  
**Subject:** FW: Zone Change 712

Commission Members,

Below is an email request to delay the Zone Change 712. We have advertised the item as a public hearing, so we will still have it on the agenda, and Staff will recommend delay of the item to the meeting on September 12, 2022.

Regards,  
Karen



**Billings**

**Karen Husman**  
Planner I

*khusman@billingsmt.gov*

2825 3rd Ave N, 4<sup>th</sup> Floor  
Billings, MT 59101  
406.247.8684

City of Billings email messages and attachments are subject to the Right to Know provisions of Montana's Constitution (Art. II, Sec. 9) and may be considered a "public record" pursuant to Title 2, Chapter 6, Montana Code Annotated. As such, this email, its sender and receiver, and the contents may be available for public disclosure and will be retained pursuant to the City's record retention policies. Emails that contain confidential information such as information related to individual privacy may be protected from disclosure under law. This message is intended for the use of the individual or entity named above. If you are not the intended recipient of this transmission, please notify the sender immediately, do not forward the message to anyone, and delete all copies. Thank you.

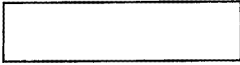
**From:** Shawn M. Thorson <Shawn.M.Thorson@imegcorp.com>  
**Sent:** Thursday, August 4, 2022 9:19 AM  
**To:** Husman, Karen <husmank@billingsmt.gov>  
**Cc:** Cromwell, Nicole <CromwellN@billingsmt.gov>; Mike Vinton <mikev@vintonlog.com>; Kolten L. Knatterud <Kolten.L.Knatterud@imegcorp.com>; Anna M. Vickers <Anna.M.Vickers@imegcorp.com>  
**Subject:** [EXTERNAL] RE: Zone Change 712

Hello Karen

We are requesting a 30-day delay for Zone Change 712 in order to change the requested zoning. We will be getting you an updated zone map to distribute for notifications.

Thank you,

**Shawn Thorson, P.E.**  
Civil Project Engineer



**IMEG Corp.**  
175 N 27th Street Suite 1312 Billings, MT 59101

(406) 414-7768 single reach  
(307) 620-0130 mobile

Shawn.M.Thorson@imegcorp.com

website | vCard | map | regional news 

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*This email may contain confidential and/or private information. If you received this email in error please delete and notify sender.*

**From:** Husman, Karen <husmank@billingsmt.gov>  
**Sent:** Wednesday, August 3, 2022 11:33 AM  
**To:** Shawn M. Thorson <Shawn.M.Thorson@imegcorp.com>  
**Cc:** Cromwell, Nicole <CromwellN@billingsmt.gov>  
**Subject:** Zone Change 712

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**External Email:** Treat links and attachments with caution.

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Shawn,

Attached is the staff report and meeting notice for Zone change 712. As soon as I receive an email stating you are requesting a delay for this application I will forward that to the commission, and then it will be asked of them during the first part of the meeting.

If approved the recommendation will be to have the applicant provide the new requested zone change information, and it will be heard on the September 12, 2022 agenda.

Regards,  
Karen



**Karen Husman**  
Planner I  
*City of Billings*

2825 3rd Ave N, 4<sup>th</sup> Floor  
Billings, MT 59101  
406.247.8684

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## **Bartley, Robbin**

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**From:** Cromwell, Nicole  
**Sent:** Friday, August 5, 2022 4:05 PM  
**To:** Bartley, Robbin; blaine@cbcmontana.com; Melissa Gentry; Todd Hewett (toddzilla16@gmail.com); Tyler Bush (tylerb@mckinstry.com)  
**Cc:** Megan E Kosena; Kraig P Kosena  
**Subject:** FW: Updated Applicant statement ZC 711  
**Attachments:** Bitterroot Drive Zoning Statement.pdf

Good afternoon Commissioners,  
Attached please find an updated statement from the applicant of Zone Change 711.  
Thanks,  
Nicole Cromwell

**From:** Megan E Kosena <megank@kkmontana.com>  
**Sent:** Friday, August 5, 2022 3:53 PM  
**To:** Cromwell, Nicole <CromwellN@billingsmt.gov>  
**Subject:** [EXTERNAL] final

Hi, Nicole ~

I hate to get this to you at the 11<sup>th</sup> hour but this updated statement includes some statistics and exhibits we'd like the Zoning Commission to have.

See you Monday.

Have a great weekend!

Megan E. Kosena, Office Manager  
*Kembel, Kosena & Company, Inc.*  
P.O. Box 16653  
Missoula, MT 59808-6653

(406) 549-6151 office  
(406) 239-6151 cellular

[megank@kkmontana.com](mailto:megank@kkmontana.com)

## **ZONING STATEMENT**

### **2847 Bitterroot Drive Billings, MT**

The property addressed as 2847 Bitterroot Drive is just under 30 acres and currently zoned A – Agriculture 10+ Acres. As such, some of the permitted uses include Livestock and Crop Production, Commercial Feeding Yard, Milling (subject to Special Review), Minor Utility Substations and operation of Commercial and Private Stables.

We are proposing a change in zoning to Planned Development (PD) to allow Outdoor Storage and Personal Self-Service Storage (for sale or rent) and/or R-1 Residential 1 Neighborhood and/or Agriculture. We believe our proposed zone change is consistent with the adopted Yellowstone County Growth Policy primarily because of our vision of the completed project and the continuing residential development(s) in the vicinity. The following comments address how we feel our zoning proposal addresses/complies with several criteria within the policy.

With regard to the *Land Use, Aesthetics and Open Space and Recreation Elements* within the policy, if approved, our PD will complement the adjacent residential land uses by providing storage options for nearby existing and future dense housing developments. This availability could limit the collection of personal property on the streets, ideally avoiding neighbor conflict and/or injury as a result of unsecured property. This development will also satisfy some of the desire for mixed-use neighborhoods as articulated within the plan. Additionally, we have initiated contact with the Director of Yellowstone County Parks, Mr. Cal Cumin, regarding the feasibility of the creation of a public park bordered on one side by Five Mile Creek. This portion of the development would be available to the public for recreation while also providing a visual buffer between local area traffic and the development itself. We feel the presence of this park also addresses points within the *Cultural and Historic Resources and Community Health Elements*. The park could be an ideal venue in which to display public art as well as provide a natural environment to promote physical activity. At nearly three acres in size, the site could accommodate court surfaces, playground equipment and improved parking.

The existing permitted uses within the current Agriculture zoning include some which we feel are less than considerate of the *Natural Resources Element* of the plan. Livestock and Crop Production, Commercial Feeding Yard, Milling, Minor Utility Substations and operation of Commercial and Private Stables would likely have an adverse effect on the water resource, the local wildlife/riparian population and the air quality. In conjunction with our proposed PD, water usage will be very minimal, perimeter fencing will be installed and site maintenance will be a priority.

Regarding the *Economic Development Element*, the construction of the facilities described in the PD will certainly provide living-wage jobs, although temporary. The development will also produce a “clean” product, located in the Heights, thereby reducing dependence on travel to other areas of Billings. In response to neighbor-expressed doubt about the demand for self-storage in the area, we have contacted five nearby facilities. The first four had no availability, nor did the fifth; however, the fifth did at least offer to put us on a waitlist. Another facility in the general area will certainly be addressing an existing need.

In addition to the benefits presented here, the increase in tax revenue to Yellowstone County should be acknowledged. We have researched the county tax records of 10 local self-storage facilities. On average, these properties are taxed annually at nearly \$9,500/acre. The current tax annual liability for the property being considered is less than \$73/acre. While not expressed within the *Economic Development Element*, this additional tax revenue will certainly bring with it a positive impact.

Addressing the *Transportation Element*, we do not believe the proposed PD will have an adverse effect on traffic count in the vicinity. Our outreach to owner/operators of storage facilities has told us that daily traffic amounts to fewer than six gate openings per day per 100 units. For example, a development of 200 units would average fewer than 12 entries per day, which we submit would be less traffic than was associated with the Ostermiller gravel operation. It was even suggested in the County Zoning Staff Review Meeting that this use may not even require a traffic impact study. Given the neighbor comments regarding the high speed of traffic on Bitterroot Drive, we would suggest that a gated entry will actually *slow* traffic as well as reduce travel to other areas of town for storage facilities. (The photos in Attachments A and B clearly show the visibility of the intersection from both northbound and southbound lanes of traffic and the photos in Attachments C and D clearly show the lack of daily visitations/traffic at the facilities shown.)

Finally, we can address the *Public Facilities and Services Element*. The proposed development will replace the existing dilapidated structures with new, clean, attractive and secure improvements and we are requesting no public funding.

Since the Neighborhood Meeting, our approach has changed a bit. At the meeting, the neighbors expressed their preference for residential development of the site. We are aware that a secondary access point to the site will be required, and we are researching those details. There has also been interest expressed by three neighbors in potentially purchasing portions of the property to maintain as open space. This interest has prompted us to integrate the existing Agriculture zoning as an option within our PD parameters. Given this interest, should an acceptable agreement be negotiated, the Ag zoning will come with a more favorable tax rate to them.

As of the final writing of this statement (August 5), the Zoning Coordinator has received 12 letters in opposition to this zoning request. The primary concerns noted include increased traffic, lighting pollution and the attracting of crime and/or homelessness. This zoning statement has already addressed the traffic concern. Regarding lighting, we will have downcast lighting and limited hours of operation. (The photos in Attachments E and F illustrate the amount of lighting that can be anticipated with the storage portion of this development.) Given the security concerns, our due diligence has resulted in one owner who has called law enforcement twice in eight years, one owner who has called law enforcement three times in four years and one owner who has never had cause to call law enforcement in 16 years. We will also request proposals from local security companies and intend to contract for services in an effort to mitigate the presence of undesirable activities. Access to the facility will be monitored by an electronic gate system (which will record all ingress/egress activity as well as associated storage unit number) and access will be limited to certain hours of operation. ***We are no more interested in owning an unsightly and unsafe development than the current residents are in interested in living near one.***

Aside from the governing elements of the Growth Policy, which we feel we have successfully addressed within this statement, it is important to mention the effect the vocal minority neighborhood opposition

has had on the former property owner and ownership. Now that certain residents have secured their spots in the neighborhood, they oppose any other progress. Mrs. Ostermiller was the ideal neighbor but there was no hesitation to oppose any change to the property that would facilitate her selling. The neighbors have and will continue to resist any change proposed to the site, which they claim to value. *However*, they apparently do not value it enough to make any effort to *purchase* the property for their own enjoyment.

In closing, we feel the points presented here address most, if not all of the County Zone Change Criteria. We appreciate and look forward to your consideration of this proposal.



**Attachment A**  
**Bitterroot Drive facing northerly**



**Attachment B**  
**Bitterroot Drive facing southerly**



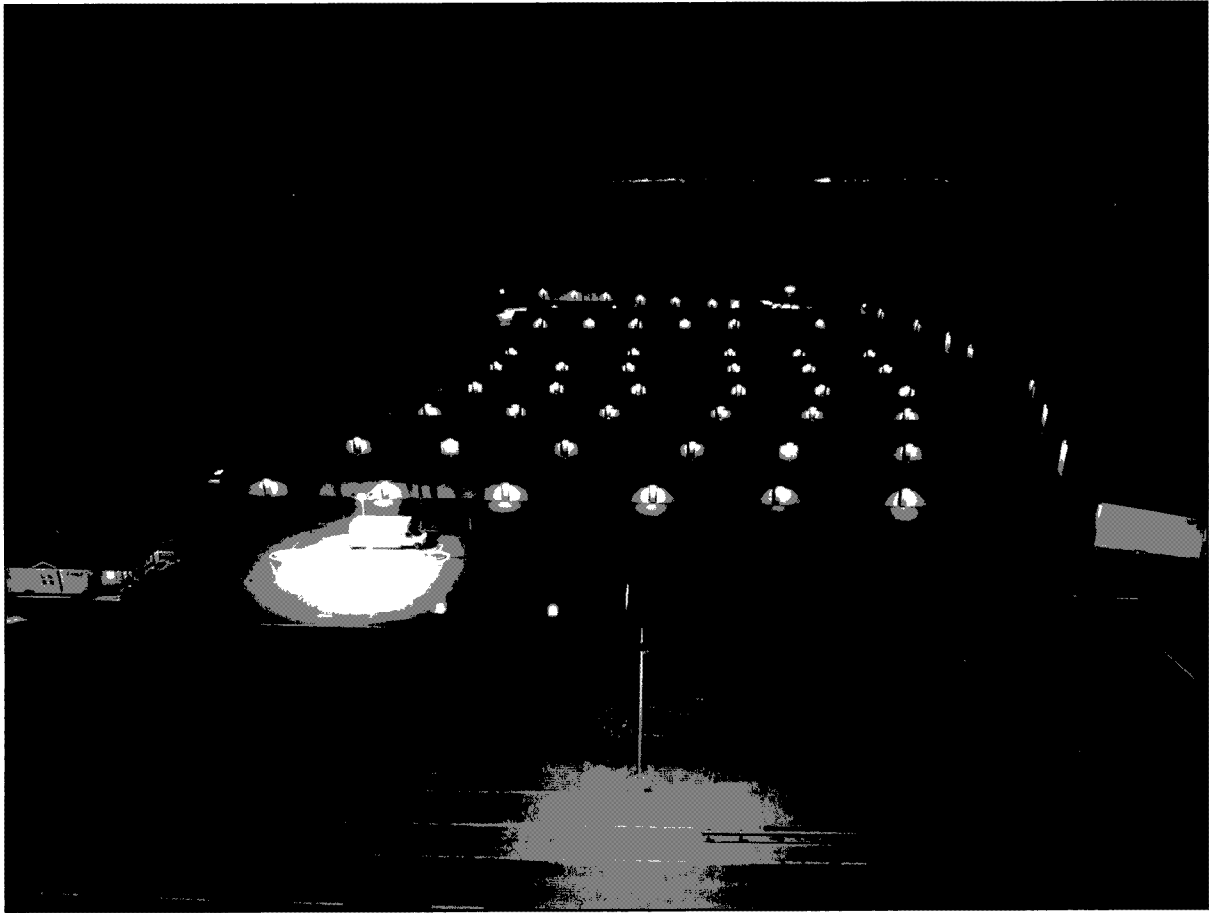
**Attachment C**  
**Hellgate Canyon Storage**



**Attachment D**  
**Eagle Storage**



**Attachment E**  
**Hellgate Canyon Storage**



**Attachment F**  
**Eagle Storage**





# PUBLIC COMMENT

**From:** [lrockvam@bresnan.net](mailto:lrockvam@bresnan.net)  
**To:** [Cromwell, Nicole](#)  
**Subject:** [EXTERNAL] Rezoning Proposal for 2847 Bitterroot Drive  
**Date:** Monday, May 16, 2022 5:42:03 PM  
**Importance:** High

ZC 711

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Nicole -

We received a notice in the mail regarding a rezoning proposal for 2847 Bitterroot Drive, Section 12, T01N, R26E, COS 1655, Parcel 3A122 & TR 3B-2-2-3 AMND (09) and a neighborhood meeting on Sunday, May 15 at 10:00.

We were unable to make this meeting but wanted to advise you that we are strongly OPPOSED to rezoning this property from "Agriculture (10+ acres)" to "Planned Development".

Perry and Lynnette Rockvam  
2647 Meadow Creek Loop  
Billings, MT 59105  
406-534-3251

## Bartley, Robbin

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**From:** Cromwell, Nicole  
**Sent:** Wednesday, August 3, 2022 2:15 PM  
**To:** blaine@cbcmontana.com; Melissa Gentry; Todd Hewett (toddzilla16@gmail.com); Tyler Bush (tylerb@mckinstry.com)  
**Cc:** Bartley, Robbin; Husman, Karen  
**Subject:** FW: 2847 Bitterroot Drive, Billings, MT 59105

Good afternoon Commissioners,  
Please see the email below as another comment on Zone Change 711 for public hearing on Monday August 8.  
Sincerely yours,



**Nicole Cromwell**  
Zoning Coordinator

2825 3rd Ave N, 4<sup>th</sup> Floor  
Billings, MT 59101  
406.247.8662 (Desk)  
406.247-8676 (Dept)

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**From:** Chris Emter <Emterc@outlook.com>  
**Sent:** Wednesday, August 3, 2022 12:22 PM  
**To:** Cromwell, Nicole <CromwellN@billingsmt.gov>  
**Subject:** [EXTERNAL] 2847 Bitterroot Drive, Billings, MT 59105

Hi Nicole,

I am emailing in support of Kraig and Megan Kosena developing 2847 Bitterroot Drive in Billings Montana into a storage facility. In my experience living in Billings there is a lack of quality storage option in the Heights area. Building a new storage facility with both garage units and rv/boat/trailer storage is always a need in areas that are extensively developed with family housing like the Heights in Billings.

On top of the need for more storage facilities in this populated area, the land is currently a gravel pit with few older buildings on it. A storage facility would be a far improvement to the land as it sits today.

I urge you to approve the rezoning of this parcel of land to allow Kraig and Megan to develop it into a quality storage facility for the residents of Billings to utilize.

7/12/2022

City of Billings – Planning Division  
2825 3<sup>rd</sup> Ave. North, 4<sup>th</sup> Floor  
Billings, MT 59101

**RE: Rezoning of Ostermiller Construction Gravel Pit – 2847 Bitterroot Dr.**

Dear Nicole Cromwell and Zoning Commission,

I own (and reside at) a residence located at 1435 Oklahoma Star Trail West, Billings, MT 59105. I am writing to express my concerns and ideas for the property located at 2847 Bitterroot Dr., Billings, MT 59105 (Formerly Ostermiller Construction Gravel Pit) that was recently purchased by Kraig Kosena. I understand that Mr. Kosena has submitted a zoning change application to change the property from its current zoning to a zoning that would allow for storage units and/or residential housing development. I certainly understand that the property cannot remain in its current condition forever, nor should it; however, I believe the property location is not ideal for storage units due to the following reasons.

- Its proximity to the 5 Mile Creek drainage would present storm water runoff challenges common with large areas of compacted gravel base, concrete paving or asphalt paving.
- The area is all residential – no commercial/multi-family units common to area's that currently have stage unit operations.
- The residual from the extensive lighting required for a 24-hour storage facility would not be appropriate for a residential area.
- Bitterroot Dr. is a narrow road/street currently and the entrance to the facility is on a bit of a blind hill. I believe the increased traffic – boats, RV's, hauls, etc. - would present challenges and safety concerns in its current condition.
- I personally believe that a facility like that would attract homeless camps to the 5-mile drainage since those types of larger facilities are not often monitored and maintained along their perimeter.

Although I do not support a zoning change to allow for storage units, I do support a zoning change that would allow for construction of residential development. I believe that residential development would benefit future infrastructure in the area and promote growth on the east end of Billings. It would lead to things like development of the park land located on Oklahoma Star Trail as well as the sidewalk system extension currently ending at Mary's Street.

I respect the investment Mr. Kosena has made by purchasing the property so I can appreciate his desire to develop the property to realize a return on his investment. I **support** a change in zoning to allow for development of single-family residential housing. I **do not support** a zoning change that would allow for storage unit construction.

Respectfully,



Tom Prill  
1435 Oklahoma Star Trail West  
Billings, MT 59105  
406-696-2552

**From:** [Kathryn M](#)  
**To:** [Cromwell, Nicole](#)  
**Subject:** [EXTERNAL] Opposition to rezoning of Ostermiller Construction gravel pit - 2847 Bitterroot Drive  
**Date:** Tuesday, July 12, 2022 7:43:08 PM

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Ms. Cromwell, Zoning Committee, and Yellowstone County Commissioners:

I am writing in **opposition** of the proposed rezoning of 2847 Bitterroot Drive, now owned by Kraig Kosena and formerly owned by Ostermiller Construction/Gravel Pit.

My home is located in the adjoining subdivision and my front yard and view from my living room window directly faces this property.

The proposed storage facility would completely ruin our neighborhood. This type of facility will decrease the value of the homes in our subdivision. The bright lights will illuminate the neighborhood and distort the view from my home. No more would we be able to walk out our front door and view the country night sky. The quiet neighborhood that my children grew up in will be destroyed with increased traffic, increased crime, security issues, and increased traffic on both Bitterroot Road and Dover Road. Additionally, I currently live alone and would be much more fearful living here with the potential of increased crime and homeless in the area.

Please do NOT accept the proposal for rezoning this property. Keep our beautiful, quiet, and peaceful residential neighborhood as just that RESIDENTIAL!

Thank you,  
Kathryn Manfull  
1807 Three Bars Trail  
Billings, MT 59105  
[kathrynmanfull@gmail.com](mailto:kathrynmanfull@gmail.com)

**From:** [britney Hales](#)  
**To:** [Cromwell, Nicole](#)  
**Subject:** [EXTERNAL] 2847 bitterroot dr rezoning opposition  
**Date:** Thursday, July 14, 2022 9:45:34 AM

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Hi, I live in Meadow Creek Loop, just below this property and wanted to express my opposition to the rezoning for planned development. We bought this property because there are open spaces, quietness and a reprieve from the hustle and bustle of town or the west end. I'm most concerned about the 24/7 storage units being planned for. They aren't attractive, will bring down home values and bring an increase in people coming and going all night (bright lights at night), and potential for crime. I have neighbors with the same issues and concerns. I hope you will hear the voices of those who already reside here.

Thank you,  
Britney Hales

Sent from my iPhone

**From:** [Rebecca Van Hook](#)  
**To:** [Cromwell, Nicole](#)  
**Subject:** [EXTERNAL] 2847 Bitterroot Dr Rezoning Concerns  
**Date:** Thursday, July 14, 2022 1:30:38 PM

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Good afternoon Nicole-

I am writing in regards to the possible rezoning of 2847 Bitterroot Dr in the Billings Heights. I currently live in the Bitterroot subdivision down the road from this location off Empire Drive. Quite frankly, the potential rezoning has me worried. If storage units are to be built, they are located in the middle of a residential and agricultural area. All three subdivisions surrounding the property have minimal traffic. My subdivision off Empire Drive, in particular, is home to a lot of children. Currently, it is a quiet, safe area to raise a family. It worries me that a potential set of storage units would bring increased and unknown traffic at all hours of the day and night that would cause disturbances and potential safety concerns for the children and families in this area. Additionally, the lights and mechanics needed to secure such a facility would also disrupt the residents of this area, especially at night. Furthermore, rezoning to allow condos and apartment complexes to be built on this land causes similar potential risks with the increased traffic and possible lighting and mechanics to secure the area.

Please take into consideration the safety and well-being of the children and families living in the area when making your decision.

Thank you for your time,  
Rebecca Van Hook

**From:** [Megan Tenney](#)  
**To:** [Cromwell, Nicole](#)  
**Subject:** [EXTERNAL] Opposition to storage facility on Bitterroot  
**Date:** Tuesday, July 19, 2022 10:21:25 PM

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Hello, I'd like to take this opportunity to cast my opinion of opposition to the zone change at 2847 Bitterroot Drive. We in no way want a storage facility built here as it would bring havoc to our neighborhood. The area is frequented by wildlife who deserve access and we, the neighbors, deserve peace. We pay our taxes, and bought houses where we did for a reason—not to be encroached on because someone wants to make a buck. This storage facility would bring traffic, bright lights and 24/hr ability for crime. Please consider our neighborhood's plea when making your decision. It would be much appreciated. In my humble opinion, the new owner should have asked or gotten the zoning approved before he made the decision to buy the land. There are many of us who do not want this!! Thank you!!

Megan and Richard Tenney  
Three Bars Trail

Sent from my iPhone

**From:** [Doc Vet](#)  
**To:** [Cromwell, Nicole](#)  
**Subject:** [EXTERNAL] 2847 Bitterroot Dr re-zone  
**Date:** Thursday, July 21, 2022 7:58:04 AM

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Nicole,

We live in the neighborhood surrounding the property located at 2847 Bitterroot Dr.

We wanted to voice a couple of concerns with the re-zoning of this property.

We have no problem with the development of new residential homes on the property.

However, we do not want the commercialization of the area. The closest business on Bitterroot is when the road changes to Yellowstone River Road. We would prefer to keep the area residential.

The problems we have with storage units at this property are as follows:

- 1) No human presence. With no human presence, we worry about vagrants and other non preferred gatherings. Maybe a better way to say this is a concern for security of existing neighborhood homes.
- 2) 24 hr coming and goings of people (noise pollution).
- 3) Light pollution

In summary, we would strongly prefer to keep the area residential. A zoning request to build new homes is fine. But we do NOT want commercialized storage units in our neighborhood.

Thank you,  
Mike Haaland

**From:** [Jo Ann Dukart](#)  
**To:** [Cromwell, Nicole](#)  
**Subject:** [EXTERNAL] County zone change 711 – from A to Planned Development – 2847 Bitterroot Drive Project Number PZX – 22-00130  
**Date:** Thursday, July 21, 2022 9:33:31 AM

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>> Nicole Cromwell.

>> We are emailing you to object to the proposed zone change. We reside at 2735 Bitterroot Drive. Our home and land butts up against the property in question. We have lived in this area for over 30 years. While we are not opposed to the development of the area, we do oppose changing it to a commercial property. This would not fit in the middle of the beautiful residential neighborhood that currently exist. The potential for increased traffic that 500 storage units would bring, with the closest access to Bitterroot Drive being the unlit corner of US Old Highway 312 and Dover Road. There have been numerous accidents at this corner, which includes a fatality. A well-planned residential neighborhood would be more of a tax benefit to the county and less of a disruption to the quality of life in our area. Knowing that the city of Billings is growing, it is important to preserve the integrity of our rural setting. We feel that Mr. Kosena's proposed change and planned commercialization of our rural/residential neighborhood would be an unwanted change and would bring complete disruption of our quality of life. There are far better uses of this property which would work in harmony with our current peaceful rural/residential area.

>>

>> Thank you for your consideration.

>>

>> Terry & Jo Ann Dukart

>> 2735 Bitterroot Drive

>>

**From:** [Don & Sue Seyffarth](#)  
**To:** [Cromwell, Nicole](#)  
**Subject:** [EXTERNAL] Rezoning of Ostermiller Construction/Gravel Pit - 2847 Bitterroot  
**Date:** Thursday, July 21, 2022 2:01:09 PM

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To: Nicole Cromwell, Zoning Coordinator, Code Enforcement Supervisor

From: Donald C. Seyffarth and Sue Seyffarth Owners, 1805 Mary Street

Dear Ms. Cromwell,

We are the owners of the property at 1805 Mary Street. The North boundary of our property abuts the south side of the subject property.

We oppose the proposed zoning change for the following reasons.

1. The new owner's proposed use of the property is inconsistent with the current nature of the neighborhood. The physical character of the facility, the presence of bright commercial lighting, and the increased traffic night and day with random access 24 hours a day with little to no supervision or even awareness on the part of the management will detract from the character and quality of the neighborhood.
2. The nature of the business, along with the 24-hour unsupervised access would be attractive to criminal activities and other undesirable activities. These could include illegal drug trafficking, smuggling, breaking and entering, robbery and burglary, transporting and exchanging stolen property, trespassing, vandalism, vagrancy, loitering, littering, unauthorized parties, underage drinking, -- and the list goes on. These problems would almost surely spread to nearby properties. One problem that could affect us specifically, along with a number of our neighbors, is damage or destruction of fences, resulting in escape of livestock. These problems would make the area less desirable and lead to lowered property values.
3. We also feel the the proposed rezoning as "Planned Development" gives too much leeway for future developments that may be unsuitable for our neighborhood.

Donald C. Seyffarth

Sue Seyffarth

**From:** Lee Wells <leewellswyo@yahoo.com>  
**Sent:** Friday, July 22, 2022 10:50 AM  
**To:** Husman, Karen <husmank@billingsmt.gov>  
**Subject:** [REVIEW] Zoning request

I am a resident in Three Bars trail and highly object to a Change in zoning for 2748 Bitterroot Dr. by then new owner, Kraig Kosena, Changing from A zoning to plan development  
This zoning does not fit into area All resident around this area is A zoning either single housing of a acre or more Doing this for the sake of one person which will impact residents all around the area. We have no interest in being forced by a zoning planning committee to change our single A zoning that we have now This will change the neighborhood in which we live causing building of housing close together with even low income housing apartments there are plenty of other places for development of this kind we do not want our property values to go down !  
we do not want our views of the countryside to be ruined!  
We do not want extra traffic and crime in our neighborhood! Mr Kosena plans to build a storage facility.  
This facility would have 24 hr access, BRIGHT lights, and automated self check in.  
This would be a huge detriment to our neighborhood - the bright lights, the increased traffic, and potential for increased crime.  
This is the perfect place for drug dealing to take place!  
Bitterroot Dr will be affected by the increase in traffic having potential for more accidents  
Mr. Kosena bought this property with A zoning  
He knew what the zoning it would be  
This the 2nd time the county commission has tried to push their rezoning on our neighborhood .  
We are in the county that is why we moved here!  
what happened to the county zoning commission actually working for the people and instead of the government agenda to increase their Interest Please have the consideration to realize the affect of the majority of people in this area .

Thank you for your time  
Frank and Lee Wells  
1743 Three Bars Trail  
Billings Montana

**From:** [Erin Hein](#)  
**To:** [Cromwell, Nicole](#)  
**Subject:** [EXTERNAL] Storage facility on 2847 bitterroot dr  
**Date:** Monday, July 25, 2022 12:03:39 PM

---

To whomever this concerns.

We were notified of a proposed storage facility off of Bitterroot. We live in Bitterroot heights neighborhood not too far from this address on Meadow creek drive.

We ask that you would reconsider this proposition as many in our neighborhood, including us, are against storage facilities in this location, especially when we found out how many units would be here. Our single lane road is already a busy one and having so many more people wanting to access it for storage there would present problems such as more accidents (including with deer), more traffic, more noise for all the residential areas around it, and more crime.

A storage unit proposition such as this one would be better off a highway such as the nearby highway 312. In fact, there are already multiple storage facilities within a 1-2 radius that negate the need for this one. In addition, most of the residential neighborhoods surrounding this address have larger lots or spaces to park their extra trailers, etc. and do not even need storage facilities in this location.

We would like to keep this area residential - many people enjoy the west end but for the vast majority of us living on this far end of the heights, we choose to live here because it is quiet, peaceful, and without much traffic or crime.

Thanks for your consideration.

Erin Hein  
406-998-8474

Sent from my iPhone

Jon & Barb Sholley  
1925 Legacy Ln  
Billings, MT 59105

August 2, 2022

Dear County Zoning Commission & County Commissioners:

We are writing in regards to the proposed rezoning of the property located at 2847 Bitterroot Drive (the "Property"). While the application for rezoning of the Property demonstrates good faith and effort, there are concerns that we have as an adjacent landowner. There appear to be several instances where the proposed rezoning violates the goals and objectives of the City/County Growth Policy (GP).

First of all, we believe that the Planned Development of storage units, is not consistent with the adjacent zoning (a criteria to be used for review of zone changes). All of the neighboring parcels are residential and agricultural, there are not any other planned development or commercial zoning in the area. In addition, the proposed rezoning does not preserve the integrity of the neighborhood (GP – Land Use Element Objective and Economic Development Element Goal). Nor does it maintain a high quality of life for the neighbors (GP – Land Use Element Objective). There are several reasons that we believe this to be true, as follows:

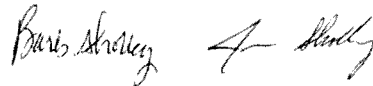
1. Mr. Kosena communicated to us that he intends to run the business 24 hours a day which means people coming and going/traffic, car noise, metal storage doors slamming, etc. at all times of the day and night.
2. It was also communicated that the storage units would be automated with minimal human presence which creates opportunity for homeless people to live in their units without detection, drug activity, and being an attractant for other troublesome activity. Access will only increase once the Five Mile bridge and connection to Johnson Lane is complete. Combine this with the hours of operation and it provides a breeding ground for trouble.
3. Light pollution. In order to have any security whatsoever, there would be bright lights throughout the night. Bright lights that shine into our windows and light up the night sky.
4. Aesthetics – not visually appealing for the neighborhood (GP - Aesthetics Goal).
5. Transportation. Bitterroot Drive is a busy road and a storage facility will only serve to further add to the traffic. The access to the Bitterroot Heights Subdivision, the large subdivision to the southwest of the Property, is at the crest of the hill on Bitterroot Drive. It has limited visibility and adding more traffic to the road only increases the probability of accidents (GP – Transportation objective).

Furthermore, the Area B as proposed states that the residential uses are limited to single family residences. However, this appears to be a broad and undefined term. Specifically, do manufactured and modular homes constitute a single family residence? We would sincerely request a more restrictive definition of single family residences.

The proposal includes donation of land for a park and there are potential issues with this also. According to GP – Open Space and Recreation, an objective is to “create neighborhood parks to meet the needs of the neighborhood”. The majority of the surrounding landowners have large lots negating the need for a park. Furthermore, the Bitterroot Heights subdivision, referred to in the application as the “nearby dense housing development”, has its own plans to have a park built at a certain point of development of that subdivision. We do not believe that it would be utilized and would create other problems, including accessibility and lack of parking. Bitterroot Drive was not designed to accommodate pedestrians and therefore a park could create unsafe conditions with an increase in foot traffic (GP - Transportation Goal and Community Health Goal). Parks are hard to police, hard to lock up, and there is usually only a police response when problems in a park have gotten so bad or there is a crisis which forces a policing priority. (Hilborn, 2009) If a park is “publically” owned then they are at the same time everyone’s and no one’s. As public resources they have little intrinsic guardianship and thus are susceptible to being taken over for undesirable activities (that is, living spaces for the homeless, markets for drug dealers and delinquent behavior magnets for juveniles). (Groff, 2011)

It is our hope that the County Zoning Commission and County Commissioners will take the above-mentioned matters into consideration when reaching a decision regarding the proposed rezoning.

Thank you for your time and consideration,



Barb & Jon Sholley

Hilborn, Jim. (2009). Dealing with Crime and Disorder in Urban Parks. *U.S. Department of Justice - Office of Community Oriented Policing Services - Problem-Oriented Guides for Police Response Guide No. 9.*

Groff, Elizabeth & McCord, Eric S. (2011). The role of neighborhood parks as crime generators. *Security Journal.*

**From:** [Chris Emter](#)  
**To:** [Cromwell, Nicole](#)  
**Subject:** [EXTERNAL] 2847 Bitterroot Drive, Billings, MT 59105  
**Date:** Wednesday, August 3, 2022 12:22:31 PM

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Hi Nicole,

I am emailing in support of Kraig and Megan Kosena developing 2847 Bitterroot Drive in Billings Montana into a storage facility. In my experience living in Billings there is a lack of quality storage options in the Heights area. Building a new storage facility with both garage units and rv/boat/trailer storage is always a need in areas that are extensively developed with family housing like the Heights in Billings.

On top of the need for more storage facilities in this populated area, the land is currently a gravel pit with few older buildings on it. A storage facility would be a far improvement to the land as it sits today.

I urge you to approve the rezoning of this parcel of land to allow Kraig and Megan to develop it into a quality storage facility for the residents of Billings to utilize.

Best,  
Chris Emter

**From:** [Breshia Hardy](#)  
**To:** [Cromwell, Nicole](#)  
**Subject:** [EXTERNAL] Support: Zoning change 2847 Bitterroot Drive  
**Date:** Friday, August 5, 2022 1:51:53 PM

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Hello,

I'm writing this letter to voice my support of the proposed zoning change at 2847 Bitterroot Drive. I am in support as the site development will be clean, secure and attractive where it has otherwise been unsecure with vacant buildings on site for some time.

Additionally, with the direction of growth in the Heights, it will be a welcome amenity to homeowners in the area. Currently supply does not meet demand for storage facilities in the area.

Thank you!

Breshia Hardy

**From:** [Tucker Johnson](#)  
**To:** [Cromwell, Nicole](#)  
**Subject:** [EXTERNAL] Zoning  
**Date:** Friday, August 5, 2022 9:10:28 AM

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To Whom It May Concern:

I am writing to support the proposed zoning for storage units in the Heights on Bitterroot Drive. I have been looking for a unit and haven't been able to find one. This area could certainly use more.

Thank you,  
Tucker Johnson

Sent from my iPhone

**From:** [heather\\_soelter](#)  
**To:** [Cromwell, Nicole](#)  
**Subject:** [EXTERNAL] Rezone of 2847 Bitterroot Dr.  
**Date:** Sunday, August 7, 2022 2:27:34 PM

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Nicole Cromwell  
Zoning Coordinator  
Code Enforcement Supervisor

Dear Nicole,

I live at 1440 Oklahoma Star Tr. W. which is slightly south-west across Bitterroot from 2847 Bitterroot Dr. I am writing in opposition to the proposed rezoning plan for the property mentioned.

Rezoning to residential would be appropriate, but putting storage units on this property is not in the best interest of the neighborhood or residents who live around here. Having storage units in this location would change our quiet, safe, peaceful neighborhood. We would have more traffic on Bitterroot Drive, and it could be coming and going at any time of the day or night as it would not only be neighborhood people who would be using these storage units. Having more traffic brings with it security concerns. It is known that storage units often bring with them unlawful activity, especially when they are self-accessible and nobody is patrolling them which is the case for these ones. I would also hate to see a large development where large lights are shining all night long. We live in a great area, outside of town so that we can enjoy the peacefulness and not deal with the light pollution. Having a storage development like this would hurt our property values as well.

To reiterate my stance, myself and my husband are **OPPOSED** to the proposed zoning and plan for 2847 Bitterroot Dr.

Thank you,  
Heather Soelter

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Robert Wagenaar  
Victoria Wagenaar  
2903 Legacy Lane,  
Billings MT 59105

City of Billings – Planning Division  
Nicole Cromwell  
Zoning Coordinator, Code Enforcement Supervisor  
Karen Husman  
Erin Keith

8/8/2022

Planning Division,

As residents who have lived adjacent to the subject property for 11 years, we have become well acquainted with the area and this particular property. We oppose the proposed zoning change from the existing zoning of agriculture to the proposed planned development (PPD). We believe that the planned development is not consistent with Yellowstone Growth Policy.

With regards to the *Land Use Element*, the land use decision is not consistent with the neighborhood character and preferred land use patterns and does not preserve neighborhood integrity, nor empower neighborhood groups. In fact, it is proposing the use over half the property be zoned for commercial use which is contrast with the existing neighboring residential communities and parcels of land that surround the subject property. The land use would be much better suited for housing development to bring more affordable housing to the area. The new land owner suggest that the development will complement adjacent residential land by limiting the collection of personal property on the street, however this is not an issue. In fact the presence of a storage unit of this size has the potential to be very unsightly and unattractive. It is evident that the owner acknowledges this as a real possibility by his suggestion that a park will be needed along 5 mile creek to provide a “visual barrier between local area traffic and the development is self.” This border represents only a small portion of the property and leaves a significant amount of the property visible to the surrounding residents. The owner does propose that it will have “exterior landscaping to visually obscure the storage facility from adjacent property and from resident uses.” This consideration appears only to pertain to the Heavy Commercial area of the property which is only 20% of the planned development. This new developments is not sensitive to and/or compatible with the character of adjacent neighborhoods. This development encourages urban sprawl and threatens the rural characteristic of the land surrounding the PPD . It does not contribute the functionality of the natural systems or contribute to the attractiveness of the community. The proposed plan suggest that a park will be “possibly include” in the development also leaves the possibility that this will not occur. If the park is developed it will require maintenance and additional security, which I presume with be the responsibility of the county.

The new owner suggests that the planned development will provide temporary living-wage jobs, which I presume is for the construction of the project, but from our initial discussion with the owner he indicated that a goal of the

storage unit was to be automated with 24 hour access, therefore not significantly adding to the economic development to our community. With a minimally supervised facility, this opens the potential for increased urban problems such as theft, storage and trafficking of illegal products such as drugs, occupation of the development by the homeless, the storage of dangerous chemicals, and residential property damage. The elements do not preserve neighborhood character and quality of life. The owner reports that he conducted research by contacting 5 nearby storage facilities that reported no availability but was put on a waiting list for one facility. Although limited in the extent of his research this suggests that there is a demand for a storage facility, however our research indicates that most facilities are located within the city limits and if they are in the county they have easy access to main city roads or highways, unlike the current proposed site.

The proposed development will have a significant negative impact by increased traffic counts and congestion in the vicinity. The development will only add the current traffic by attracting customers from outside of the neighborhood, causing increased congestion and danger to pedestrian and bicyclist who currently use Bitterroot Drive. This road is currently used by pedestrians for walking, running, riding bikes, kids are riding bicycles and walking pets, couples and families use this road routinely. Bitterroot does not have an established bike path or side walk system. The increased traffic is presumed to be from recreational vehicles, boats and trailers may actually increase the possibility of pedestrian injury and motor vehicle accidents due to the variation in speeds turning into the facility and no established turning lane.

Lastly with regard to *Public and Service Element*, the proposed development will increase the need for public services. Safety is a concern for our neighborhood as outlined above. The proposed development, although unintentionally, affects our neighborhood with the stated urban problems, increased traffic and danger to pedestrian and bicyclist. The proposed planned development poses an increase in fire hazard due to the proposed uses and lack of adequate access the property. This is in stark contrast with Yellowstone County's stated goal to protect public lives and property.

Although this may be a good investment opportunity for the new owner, as current home owners that are located directly next to the PPD it is our opinion that he use of this land would better suited and benefit the neighborhood by being zoned for residential housing only that is compatible with the surrounding residential developments.

Land use element:

- 1) 1. ISSUE: Neighborhoods are experiencing pressures from new development and land use changes. GOAL: Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans. OBJECTIVES: • Preserve neighborhood integrity. • Empower neighborhood groups.
- 2) 2. ISSUE: The current zoning ordinances and subdivision regulations do not always prevent incompatible uses in and adjacent to existing City neighborhoods and County townsites. GOAL: New developments that

are sensitive to and compatible with the character of adjacent City neighborhoods and County townsites.<sup>2</sup>  
OBJECTIVES: • Maintain a high quality of life for new and existing residents. • Reduce conflicts between neighbors.

- 3) 3. ISSUE: Rural townsites are not prepared to handle increased growth. GOAL: Growth management tools available to rural townsites. OBJECTIVES: • Empower communities to direct growth. • Use County resources and services more efficiently. • Create a sense of community.
- 4) 4. ISSUE: Urban sprawl threatens the rural character of land surrounding Billings, increases the cost of providing public services, and threatens the vitality of the city core and downtown area. GOAL: Contiguous development focused in and around existing population centers separated by open space. OBJECTIVES: • Ensure the continued functionality of natural systems. • Use City and County resources in a cost effective manner. • Create attractive communities

#### Economic Development:

- 1) 9. ISSUE: Neighborhoods provide the character and strength of the community and the quality of neighborhoods should be preserved. GOAL: Preserve neighborhood character and quality of life. OBJECTIVES: • Empower neighborhoods.

#### Aesthetics Element:

- 1) 1. ISSUE: There are areas in the City and County that are unattractive and present a poor image of the community. GOAL: Visually appealing communities. OBJECTIVES: • Improve the image of the community. • Instill pride in the community. • Improve the quality of life for residents. • Preserve the community assets such as the Rimrocks, the Yellowstone River, the downtown and the major street thoroughfares.
- 2) 2. ISSUE: New development and signs, cell towers, power lines and other structures could reduce the visual quality of the rims. GOAL: Unobstructed views of the rimrocks surrounding the City of Billings.

#### Natural Resource Element:

- 1) 1. ISSUE: The quality of the Yellowstone River and the associated riparian habitat is threatened. GOAL: A healthy river ecosystem system that supports multiple uses. OBJECTIVES: • Ensure high water quality. • Ensure continued recreational access. • Protect wildlife and wildlife habitat.

#### Transportation Element:

- 1) 3. ISSUE: Lack of adequate traffic control. GOAL: Improved traffic flow and reduced congestion. OBJECTIVES: • Reduce potential harm to people and property. • Maintain safe and efficient traffic flow.
- 2) 6. ISSUE: Deteriorated conditions of City streets and County roads. GOAL: City streets and County roads maintained at safe standards. OBJECTIVES: • Equitably share the cost of maintaining roadways. • Timely response to public needs.

#### Public Facilities and Services Element:

- 1) 3. ISSUE: Safety is a concern in neighborhoods and outlying County townsites. GOAL: Protect public lives and property. OBJECTIVES: • Ensure adequate public service to all residents. • Utilize scarce resources wisely and employ cost effective techniques. • Maintain acceptable levels of service in existing City neighborhoods when expanding service to new areas.

Community Health Element:

- 1) 1. ISSUE: Existing neighborhood plans lack sufficient detail to address emergency preparedness. GOAL: Neighborhoods and communities prepared to react to natural disasters and other emergencies. OBJECTIVES: • Identify and acknowledge emergency risks in the community. • Educate neighborhoods and communities of risks and how to prepare and prevent them. • Prepare emergency plans so that all responders and citizens know what to do.
- 2) 6. ISSUE: Some neighborhoods are not safe. GOAL: Active, safe neighborhoods with a high quality of life. OBJECTIVES: • Address neighborhood nuisances to promote safety. • Adequate resources for public safety and crime prevention.

Sincerely,

Robert Wagenaar  
Victoria Wagenaar