



# COUNTY OF YELLOWSTONE ZONING COMMISSION AGENDA

**Monday, April 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. 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: January 10, 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:**

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

**Public Hearings:**

- a. County Zone Change 707 -- 1321 Alkali Creek Road - A zone change request from Large Lot Suburban Neighborhood (N4) and Parks and Open Space (P1) to Agriculture (A), Rural Residential 1 (RR1), Rural Residential 3 (RR3) and Parks and Open Space, on Terrace Estates Sub, 3rd Filing, Lts 1-27 Block 1; Lts 1-16 Block 2, Lts 4A-53, 60, 72-76 Block 3, a 47.527 acre parcel of land. A pre-application neighborhood meeting was held on February 17, 2022, Via Zoom, and February 25, 2022, in a virtual Zoom meeting. Presented by: Karen Husman, Planner I.

**Other Business/Announcements**

**Adjournment**

Following the public hearing, the County Zoning Commission will make a recommendation to the Yellowstone County Commissioners. The Board of County Commissioners public hearing for these applications will be held on Tuesday, April 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)

**County Zoning Commission**

**Meeting Date:** 04/11/2022

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**Information**

**Subject**

**Motion. Approval of Minutes: January 10, 2022**

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**Attachments**

2022\_01\_10\_YCZC\_DRAFT.pdf

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**Yellowstone County Zoning Commission  
DRAFT Minutes for the Meeting of  
Monday, January 10, 2022**

**The County Zoning Commission met on Monday, January 10, 2022 at 4:00 p.m. in the Miller Building 1<sup>st</sup> Floor Conference Room, 2825 3<sup>rd</sup> Ave. North.**

		01/10/202													
Blaine Poppler	Commissioner	1													
Melissa Ray Gentry	Commissioner	1													
Tyler Bush	Commissioner Chairman	1													
Todd Hewett	Commissioner	1													
Open	Commissioner														

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

Commissioner Bush, and Commissioner Ray are participating virtually.

Zoning Coordinator Nicole Cromwell, Karen Husman, Planner I; Erin Keith, Planner I; Tammy Deines, Planning Clerk; Robbin Bartley, Administrative Assistant.

Welcome! To Commissioner Melissa Ray Gentry.

**Other Participants:** Ryan Welsch, KLJ; Jason Fitzgerald, Collaborative Design; Keith Myhre, Cathi Colp, Jennifer Reinhardt

**Public Comment**

Commissioner Poppler 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.

**Motion. Approval of Minutes: November 8, 2021** (Due to a lack of agenda items, this Commission had no meetings in December 2021).

**Motion**

**It was moved by Commissioner Poppler and seconded by Commissioner Hewitt to approve**



**Yellowstone County Zoning Commission  
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**the November 8, 2021 meeting minutes as submitted. The motion carried with a unanimous voice vote.**

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

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

**Item #1: Special Review #334**

Zoning Coordinator Nicole Cromwell read the legal notice for the record and followed with presentation of the staff report beginning with the surrounding zoning on this property.

**REQUEST**

**County Special Review 334 – 2551 (aka 2526) Wise Lane – for All Beverage Liquor license with gaming – A special review request to allow an all beverage liquor license with gaming in a Heavy Commercial (CX) zone for an 8,700 square foot building, on Tract 3, Certificate of Survey 1964, a 2-acre parcel of land. The purpose is to allow an all beverage liquor license to be located at 2551 Wise Lane, with an updated facility including upgraded petroleum pumps, new gas station with convenience store, and bar/casino. The location meets all required separation distances and no waiver is required. Tax ID: D00900.**

**Presented by; Karen Husman, Planner I**

The applicant is Josh Starr, COO, Town & Country Supply, and the agent, Ryan Welsh, KLJ. Nicole Cromwell explained this request is to allow an expansion of this parcel which is adjacent to property currently owned by Bretz RV and Marine. Several photos were provided within the staff report and presentation.

This is a special review request to allow an all beverage liquor license with gaming at an existing location with an updated facility including upgraded petroleum pumps, new gas station with convenience store, and bar/casino. The location meets all required separation distances and no waiver is required. Town & Country Supply Association is proposing to build a Casino along with a new convenience store and gas station at the site of an existing Market Basket store on Wise Lane. The pre application neighborhood meeting was held via Zoom on Thursday, November 11, 2021 at 5:30 pm. One member of the public attended the meeting and her concerns were about the traffic at the intersection of South Frontage road and Wise Lane, and the alcoholic beverages served becoming a safety issue with the design of the intersection and the narrow lanes on both intersecting streets. The proposed facility will include removing the existing convenience store building and constructing a new larger building located towards the rear of the property. Development will include new pump stations additional parking and landscaping as well as curb and gutter that will restrict the ingress and egress. The applicants are proposing improvements that will enhance the property promoting beautification of the site.



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**RECOMMENDATION**

The Planning Division recommends conditional approval, based on the nine review criteria detailed in the summary section of the staff memo.

Staff recommends the following conditions of approval based on the above findings and the applicant's stated intent to bring the property into compliance with current regulations. These conditions will be related to the listed categories above, but may include other issues specific to the use for a bar and casino.

1. This special review approval is for the proposed 8,700 square foot building to allow a bar and casino along with the new station amenities located on Tract 3 of COS 1964, generally located at 2551 (aka 2526) Wise Lane.
2. The site improvements will be as shown on the submitted site plans and architectural drawings as prepared by KLJ and Land Design and attached to these conditions of approval.
3. The site design will be developed in significant conformance to the site plans submitted with this application. The site shall be improved with the landscaping as proposed with the exception of the clear vision areas. All clear vision areas shall be in accordance to the Zoning requirements for visibility at intersections.
4. All landscaping shall be installed and maintained free of debris and trash on a regular basis. Dead plant material will be replaced with like materials as expeditiously as possible.
5. There shall be no internally illuminated fascia on the building.
6. The applicant will submit sign permits for any sign face changes and for any new signage on the property. The new signage will comply with the sign standards for CX zone districts.
7. The applicant will submit for a Zoning Compliance Permit within one year of conditional approval and will complete the construction and site development within two years of the issuance of a Zoning Compliance Permit. Failure to submit or complete the approved project within this time frame will void the conditional approval.
8. Modification of the approved special review use is allowed with the following limitations: 10% or less expansion of the gross floor area, 10% or less increase in the number of potential building occupants, and 10% or less new parking stalls. Expansions also require conformance with all other requirements of the Zoning Regulations and other code requirements.
9. The cessation of the special review use for more than 6 consecutive months, shall extinguish this conditional approval and the use may not be re-established except through a new special review approval of the Yellowstone Board of County Commissioners (BOCC).



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10. The BOCC reserves the right to re-open the conditional approval of this use at this location based on one or more of the following conditions: 1) failure to respond to a notice of noncompliance with the specific conditions of approval; or 2) high levels of calls for public safety services verified by the County Sheriff. The BOCC will notify the owner of its intent to re-open the Special Review at least 60 calendar days ahead of any public hearing on the matter.

11. These conditions run with the land use and are binding upon and must be adhered to by the property owner and any successors, transferees or assigns, with the exception of these conditions.

12. The right of building and occupancy permits are contingent upon the fulfillment of all conditions imposed by this approval.

**Discussion**

Commissioner Hewett 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 in favor or against Special Review #334.

**Favor**

**Ryan Welsch, KLJ, Jason Fitzgerald, Collaborative Design, Billings, MT**

Mr. Welsch is the representative for is Josh Starr, COO, Town & Country Supply. He offered to answer questions. Commissioner Poppler asked about the difference in the estimated County taxes that will be paid with the new building, and what percentage will be used for the bar and convenience store. Mr. Welsch said about 2,700 square feet will be occupied with the bar and casino with the remainder for the convenience store. Commissioner Poppler asked if this is a City or County liquor license application. Nicole Cromwell stated this property is within five miles of the current City limits and this will be a City liquor license transferred from the former "Pug Mahons". In response to further question by Commissioner Poppler, Jason Fitzgerald, Collaborative Design, explained that some of the infrastructure will be replaced. He referred to the rendering that was provided with this application to explain the location of the convenience store and the liquor license. Commissioner Poppler asked if there is an anticipation of a significant increase in traffic. Jason Fitzgerald and Ryan Welsch explained that the new building will be pulled back from the intersection and undergrowth will be removed to increase visibility. A traffic impact study was not required for this project. Curb and gutter will be installed in parts of the parking lot. There were no further questions from the Commissioners.

Commissioner Hewett asked if there is anyone wishing to speak in against Yellowstone Special Review #334. There was none. No phone calls were received from the public.



**Yellowstone County Zoning Commission  
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Commissioner Hewett closed the public hearing and called for discussion and a motion.

**Motion**

**Commissioner Poppler made a motion and it was seconded by Commissioner Hewitt to forward a recommendation to the Board of County Commissioners of Conditional approval of Special Review #334 and adoption of the Conditions of Approval based on the Findings and the applicant's stated intent to bring the property into compliance with current regulations.**

**Discussion**

Commissioner Poppler said he feels this is an opportunity to replace an old facility with a new state of the art C-Store. Commissioner Hewett agreed that this will be a nice facility. Commissioner Poppler said the location is distanced from other gaming and will be a benefit as far as the traffic mileage. Commissioner Bush concurred.

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

**\*The Board of County Commissioners will hold a hearing on this application on Tuesday, January 25, 2022 at 9:30 am.**

**OTHER BUSINESS**

**a. Announcements:**

- There is one vacancy on the County Zoning Commission.
- The February 14, 2022 meeting will be canceled as there are no applications.

**Adjournment 4:22 PM**

**DRAFT-To be approved by a motion at the next scheduled meeting**

***--Tamara L. Deines, Planning Clerk***

□

**County Zoning Commission**

**Meeting Date:** 04/11/2022

**SUBJECT:** County Zone Change 707-1321 Alkali Creek Road

**THROUGH:** Karen Husman

**PRESENTED BY:** Karen Husman

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**Information**

**REQUEST**

County Zone Change 707 -- 1321 Alkali Creek Road - A zone change request from Large Lot Suburban Neighborhood (N4) and Parks and Open Space (P1) to Agriculture (A), Rural Residential 1 (RR1), Rural Residential 3 (RR3) and Parks and Open Space, on Terrace Estates Sub, 3rd Filing, Lts 1-27 Block 1; Lts 1-16 Block 2, Lts 4A-53, 60, 72-76 Block 3, a 47.527 acre parcel of land. A pre-application neighborhood meeting was held on February 17, 2022, Via Zoom, and February 25, 2022, in a virtual Zoom meeting. Presented by: Karen Husman, Planner I.

**RECOMMENDATION**

Planning Division recommends approval of Zone Change 707 and adoption of the 11 criteria detailed in the summary section of this memo.

**APPLICATION DATA**

OWNER: James & JoAnn Boyer, and Laura Boyer

AGENT: Pinpoint Land Surveys, Clay Schwartz

LEGAL DESCRIPTION: Terrace Estates Sub 3rd Filing, Lts 1-27 Block 1; Lts 1-16 Block 2, Lts 4A-53, 60, 72-76 Block 3

ADDRESS: 1321 Alkali Creek Road

SIZE OF PARCEL: 47.527 acres

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Rural Residential and some Agriculture

EXISTING ZONING: N4 & P1

PROPOSED ZONING: A, RR1, RR3 & P1

**CONCURRENT APPLICATIONS**

None

**APPLICABLE ZONING HISTORY**

See Attachments.

**SURROUNDING LAND USE & ZONING**

NORTH: Zoning: N3

Land Use: Residential

SOUTH: Zoning: N4 & RR1

Land Use: Residential

EAST: Zoning: N3

Land Use: Residential

WEST: Zoning: A & N4

Land Use: Agricultural

**BACKGROUND**

The subject property is located north of Alkali Creek Road and west of the intersection of Sandstone Trail. The 47 + acre parcel is currently undeveloped and was de-annexed from the city in 2017. The de-annexation was intended to help with a re-platting of the property into larger more rural residential lots and an agricultural parcel. The property owners believe changing the zoning and re-platting the lots in the subdivision would minimize the impact on Alkali Creek and surrounding area by reducing the development potential of the land. Alkali Creek and its associated floodplain is a significant challenge to development on this entire parcel.

After Project Re-Code was approved, the P became P-1 and the R-96 became N4 allowing large lot residential. The proposed RR1 and RR3 zones will allow larger residential lots and reduce the number of lots in the subdivision. The applicants have received preliminary plat approval from the Yellowstone County Board of County Commissioners for the reduction in lots and re-platting. In order to be able to file a final plat, the zone change is required. Subdivisions cannot be platted if they are not in conformance with zoning. The new plat will reduce the number of lots from 78 to 5 lots with 3 rural residential lots, one agricultural parcel and the parkland. The rural residential and agricultural zones are based on lots size minimums and maximums. The proposed development will reduce the impact on the land by reducing the density of development

potential.

## SUMMARY

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

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

The proposed zoning complies with the following goals of the Yellowstone County 2008 Growth Policy:

- Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans.

This zone change would allow the property owners to re plat the subdivision from 78 lots to 4 development lots and parkland along Alkali Creek.

- Goal: New developments that are sensitive to and compatible with the character of adjacent development.

This property is adjacent to agricultural and residential uses. The intended uses are compatible with surrounding uses. The proposed project would reduce the density potential with this subdivision. There are similar developed lots to the south in the county area, the proposed Agriculture parcel will be south of the city limits and would not negatively impact the City parcels to the north.

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

The subject property is currently served by the Billings Urban Fire Service Area (BUFSA). The proposed reduction of the number of lots would significantly reduce the potential fire danger, specifically structure fire.

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

Transportation: Development under the new zoning will decrease potential traffic by reducing the potential density.

Water and Sewerage: The property will be served by septic systems and on-site water (cisterns or wells).

Schools and Parks: The proposed zone will have minimal impact on schools in the district.

Fire and Police: The subject property is serviced by the Billings Fire Department (BFD) and the Yellowstone County Sheriff's Department (YCSO). Since the related plat has received preliminary plat approval the BFD and YCSO have been active in the review of the preliminary plat and also must approve the final plat prior to the Board of County Commissioners. Ingress and egress to the parcels will meet development requirements and there is a nearby fire hydrant which will be used for fire protection. Any required mitigation measures were included as part of the BOCC's conditional approval.

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

The new zoning will allow development of property that is adjacent to an existing similar development to the south. The zoning is not expected to have a negative effect on the health and general welfare of the area.

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

The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. The development under the new zoning would reduce the potential 78 lots to 4 lots for development. The reduction of lots and new zoning would allow the large lot development and provide increased separation areas for adequate light and air.

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

The proposed zoning itself will not generate more traffic on any of the adjacent streets. This development (Terrace Estates, 3rd filing) was originally platted in 1986 and largely remained undeveloped, no roads were constructed, so it is considered a "ghost" subdivision. This land area has not been generating any vehicular trips for quite some time but if built out in accordance with current zoning the property has the potential to generate more than 800 trips per day. The new zoning will reduce the number of allowed lots from 78 lots to 4 lots and public parkland which will equate to a significant reduction in the traffic potential. Reduction of the number of allowed lots will reduce the potential impacts from motorized as well as non-motorized transportation.

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

The new zoning is not necessarily compatible with urban growth. The growth in the vicinity is suburban type growth as opposed to urban. The suburban nature of the surrounding development is very compatible with the newly proposed zones, specifically the proposed rural residential and agricultural zoning is compatible with the existing single family homes in the area. There are existing N3 single family lots to the north and large lot residential N4 and RR1 zoned property to the south. The proposed RR1, RR3 and Ag zoning will be compatible to this area of suburban development because these zones are all primarily single-family only zones.

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

The subject property is in an area that is residential subdivisions with larger lot city development to the north and rural large lot county development to the south which creates compatibility and character between the proposed uses and the existing uses. With large lot residential development primarily surrounding the subject property, the proposed zoning would allow development of the property with similar large rural residential lots. Compatibility does not mean identical zones, but rather means the zones can co-exist in a cohesive manner in the area. The proposed zoning does consider the character of the district and suitability of the property for the proposed zoning by continuing the development pattern of large lot single family development.

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

The new zoning itself would not affect the value of buildings. The new zoning will allow the development of residential uses adjacent to agricultural and residential uses. The new residential parcels should have a limited effect on the surrounding properties. It is not known how new development would affect the surrounding property building values.

10. Will the new zoning encourage the most appropriate use of land in Yellowstone County?

The property is suitable for the proposed residential development. This is an appropriate use of land in this area of the County and will encourage similar development to what is already on this edge of the City limits.

11. Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?

The proposed zoning is close to the City of Billings and is compatible with the typical suburban development in the outlying edges of the City limits.

#### **RECOMMENDATION**

Planning Division recommends approval of Zone Change 707 and adoption of the 11 criteria.

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#### **Attachments**

Zoning Map & Site Photos

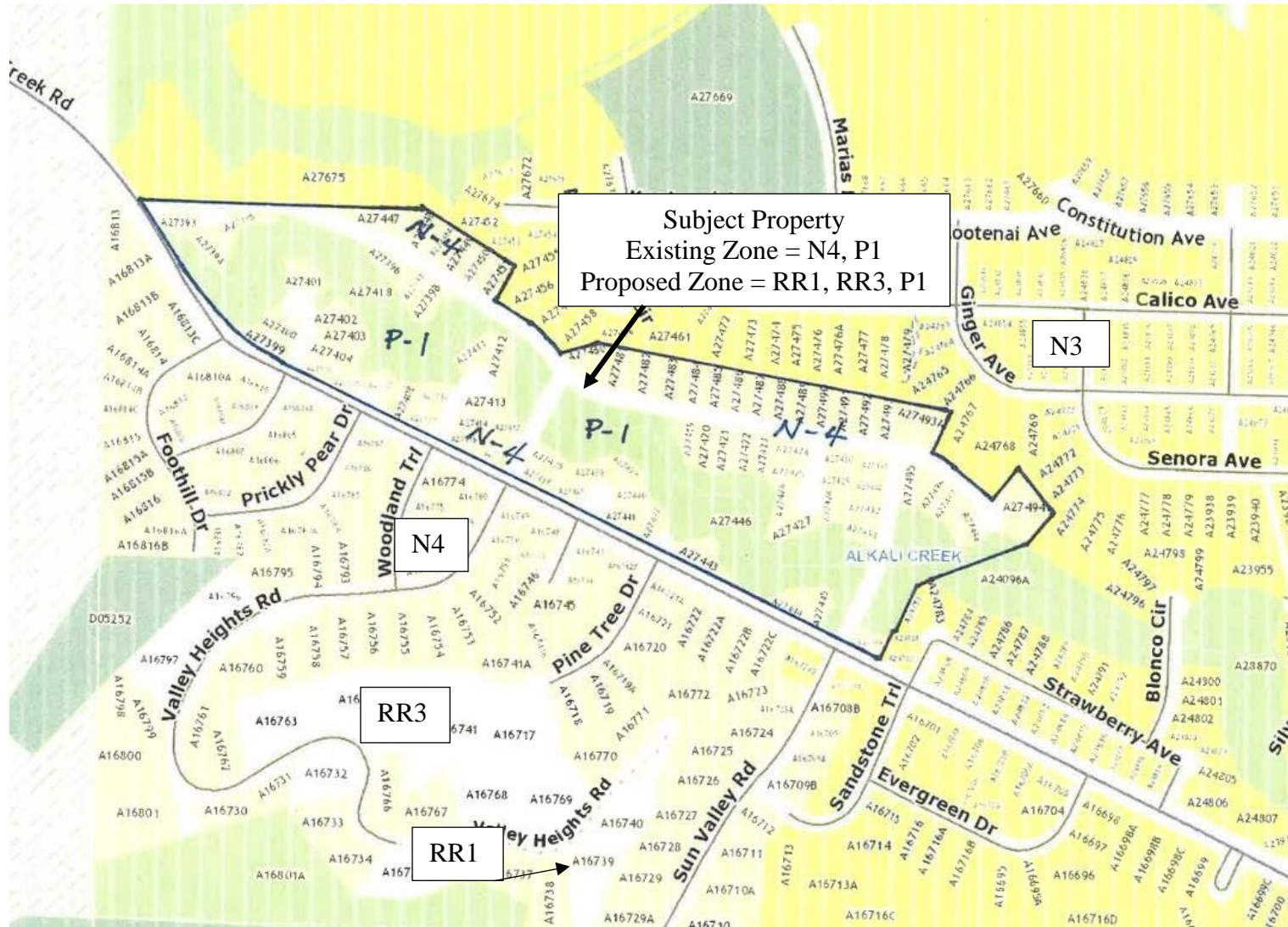
Application & Applicant Letter

Neighborhood meeting information

Zoning History

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# County Zone Change 707 Zoning Map and Site Photos

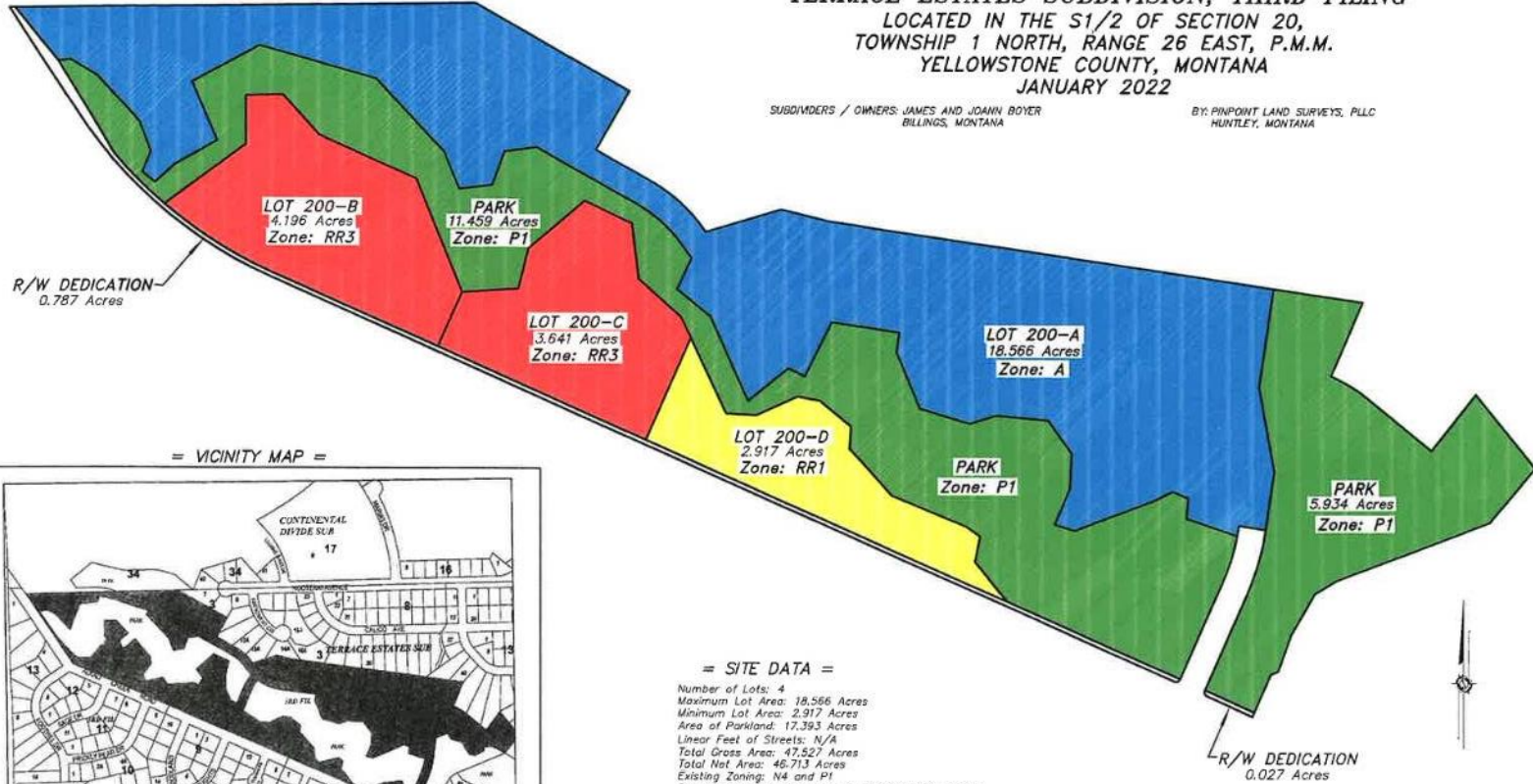


**Subject Property**  
**Existing Zone = N4, P1**  
**Proposed Zone = RR1, RR3, P1**

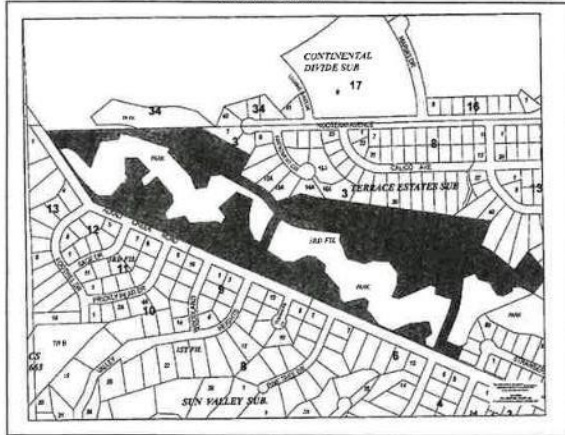
PROPOSED ZONING FOR  
 AMENDED PLAT OF LOT 200 AND ADJACENT PARKLAND  
 OF THE  
 AMENDED PLAT OF BLOCK 1, BLOCK 2 AND PORTION OF BLOCK 3,  
 TERRACE ESTATES SUBDIVISION, THIRD FILING  
 LOCATED IN THE S1/2 OF SECTION 20,  
 TOWNSHIP 1 NORTH, RANGE 26 EAST, P.M.M.  
 YELLOWSTONE COUNTY, MONTANA  
 JANUARY 2022

SUBDIVIDERS / OWNERS: JAMES AND JOANN BOYER  
 BILLINGS, MONTANA

BY: PINPOINT LAND SURVEYS, PLLC  
 HUNTLEY, MONTANA



= VICINITY MAP =



= SITE DATA =

Number of Lots: 4  
 Maximum Lot Area: 18,566 Acres  
 Minimum Lot Area: 2,917 Acres  
 Area of Parkland: 17.393 Acres  
 Linear Feet of Streets: N/A  
 Total Gross Area: 47,527 Acres  
 Total Net Area: 46,713 Acres  
 Existing Zoning: N4 and P1  
 Proposed Zoning: RR-1, RR-3, AGRICULTURAL and P1  
 Existing Land Use: Agriculture  
 Proposed Land Use: Residential

1/4 SEC.	SECTION	TOWNSHIP	RANGE	SHEET NO.
20	20	1 NORTH	26 EAST	1 of 1

JAMES AND JOANN BOYER  
 PINPOINT LAND SURVEYS, PLLC  
 1318 FLORIAN AVENUE  
 HUNTLEY, MONTANA 59037  
 (406) 378-9068



Subject Property



North



South East



North West

County

APPLICATION FORM

CITY ZONE CHANGE

Billings-Zone Change # 1707 - Project # PZX-21-00250

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the City of Billings Zoning Regulations.

Present Zoning N-4 & P-1

Proposed Zoning: A, RR-1, RR-3 & P-1

TAX ID# A27440 et al. CITY ELECTION WARD

Legal Description of Property: Block 1, Block 2 & portion of Block 3, Terrace Estate Subd, 3rd Flly

Address or General Location (If unknown, contact City Engineering): 1321 Allied Creek Road

Size of Parcel (Area & Dimensions): 47.527 Acres

Present Land-Use: Agriculture

Proposed Land-Use: Single Family Residential

Covenants or Deed Restrictions on Property: Yes No [checked]

If yes, please attach to application

\*\*\* Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s):

(Recorded Owner)

(Address)

(Phone Number)

(email)

Agent(s): Pinpoint Land Surveys, PLLC Clay Schwartz, PLS

(Name) 1318 Florian Ave.; Huntley, MT 59037

(Address) 406-373-9856

pinpointlandsurveys@gmail.com

(Phone Number)

(email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: [Signature]

(Recorded Owner)

Date: 2-25-22





**ZONE CHANGE REQUEST**



The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the Yellowstone County Regulations.

Check one:  City of Billings Zone Change  Yellowstone County Zone Change

Address 1321 Alkali Creek

Legal Description A27440

**STATEMENT: Answer the following questions on a separate document and upload to the online project attachments.**

1. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?  
Explain your need for the intended zone change and why the property cannot be used under the existing zoning.
2. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.

**REQUIRED UPLOADS Online Applications: <https://services.billingsmt.gov/citizenaccess/>**

--Pre-Application Statement of Owner(s) or Agent(s) affirming pre-application meeting was held, and include the following: 1) the pre-application neighborhood meeting was held, and 2) the zone change application is based on materials presented at the meeting. Include a copy of the meeting notice, written materials mailed or provided at the meeting, the sign-in sheet of attendees, and a brief synopsis of the meeting results.

--Signed Application and Zone Change Statement (Zone Change questions)

--Site Plan

--Typed Mailing Labels Certified Surrounding Property Owners

--Radius Map & Certified List of Property Owners

*I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. I attest that all the information presented herein is factual and correct.*

Recorded Owner(s) James & JoAnn Boyer

Owner's Address 2810 Central Ave unit C, Billings, MT 59102

Owner's Phone Number 406-698-5455 E-mail laura@boyerproperties.com

Applicant/Agent Laura Boyer

Applicant/Agent's Address 2810 Central Ave unit C, Billings, MT 59102

Applicant/Agent's Phone Number 406-698-5455 E-mail laura@boyerproperties.com

Signature of Recorded Owner(s)

Date 2-25-22

**AUTHORITIES: Procedures and Review Criteria for Zone Change requests Billings Montana City Code (BMCC) Section 27-1502 et seq. SEC. 27-1502. AMENDMENTS TO CHAPTER. (a) General.** This chapter, including the official zoning map, may be amended only by the city council but no amendment shall be finally approved by the city council unless it has been submitted to the city zoning commission for review and recommendation. Proposals to amend this chapter, including the official zoning map, may be initiated by the city council or by the board of planning. Proposals to amend this chapter, except for the official zoning map, may also be initiated by the city zoning commission. Before enacting an amendment to this chapter, the city council shall give public notice and hold a public hearing thereon. Before enacting on its own motion an amendment to the official zoning map, the city council shall provide written notification by mail of such amendment to each property owner whose name appears on the last tax record of the property subject to the amendment. The notification shall include what the proposed amendment is, the time, date and place of the public hearing on the proposed amendment. Such notification shall be made no less than fifteen (15) days nor more than thirty (30) days in advance of the date of public hearing.

**AUTHORITIES: Procedures and Review Criteria for Zone Change requests Unified Zoning Regulations Section 27-1508 et seq. SEC. 27-1508. AMENDMENTS TO CHAPTER. (a) General.** Although each zoning district is primarily intended for a predominant type of use, there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, the character of the surrounding development, traffic capacities of adjacent streets and potential environmental effects, all may indicate that the circumstances of the development should be individually reviewed. It is the intent of this chapter to provide a system of review of such uses so that the community is assured that the uses are compatible with their locations and with surrounding land uses, and will further the purpose of this chapter and the objectives of the comprehensive plan. **\*\*Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.**

### STATEMENT REGARDING ZONE CHANGE

The land owners, James and JoAnn Boyer, are proposing to amend Terrace Estates Subdivision, 3<sup>rd</sup> Filing by aggregating 78 existing lots into 4 larger lots. The proposed new lots do not meet the area requirements for the current N4 zoning designation. In order to conform with the lot area requirements, the owners wish to change the zoning to A, RR-3 and RR-1 based on the area of each lot.

This zone change meets the statutory criteria as follows:

- (1) *Whether the new zoning is designed in accordance with the growth policy.*  
This proposal will significantly reduce the potential traffic impact as the density is reduced from 78 lots to 4 lots. It will add area to the existing city park while maintaining the wildlife corridor and provide a larger usable area that will take in the city's storm and sewer lines. This proposal will protect the natural landscape of the area.
- (2) *Whether the new zoning is designed to secure from fire and other dangers.*  
This proposal will greatly reduce the potential for structure fires as the density will decrease from 78 lots to 4 lots.
- (3) *Whether the new zoning will promote public health, public safety and general welfare.*  
Due to the decrease in density, the impact to the environment and the need for police services will be reduced.
- (4) *Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.*  
Due to the decrease in density, the impact to all of these will be reduced.
- (5) *Whether the new zoning will provide adequate light and air.*  
Due to the decrease in density, the impact to light and air will be reduced.
- (6) *Whether the new zoning will effect motorized and nonmotorized transportation.*  
Due to the decrease in density, this development will greatly reduce the potential traffic volume in the area.
- (7) *Whether the new zoning will promote compatible urban growth.*  
This development borders the City of Billings. These larger lots will provide a transition to the agricultural properties further out from the city limits.
- (8) *Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses.*  
These larger lots will be single family residences which fit in with the residential character of the neighborhood.
- (9) *Whether the new zoning will conserve the value of buildings.*  
This proposal will not devalue existing homes in the neighborhood as the density will be decreased providing more open space.
- (10) *Whether the new zoning will encourage the most appropriate use of the land throughout Yellowstone County.*  
As this development borders a residential neighborhood in the City of Billings, the larger lots will provide a transition to agricultural lands further out from the city.



**ZONE CHANGE PRE-APPLICATION MEETING AFFIRMATION**

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a zone change application.



Check one:  City of Billings Zone Change

Yellowstone County Zone Change

Property Address 1321 Alkali Creek

Legal Description A27440

City Present Zoning Choose One

City Proposed Zoning? Choose One

County Present Zoning N4 - Large Lot Suburban Neighborhc County Proposed Zoning A Agriculture

Neighborhood Task Force Area? Heights Task Force

Task Force Chairperson

**Required Uploads to Online Project Attachments:**

- o Zone Change Pre-application Meeting Affirmation Form
- o **Statement:** Written description of the Zone Change Plan including square footage or acres of proposed new zoning.
- o **Subject Property Map**
- o **Roster of persons who attended the pre-application neighborhood meeting**
- o **Meeting Notice and a brief synopsis of the meeting results**

**Affirmation:**

1) *The pre-application neighborhood meeting was held on:* 2/17/22 & 2/25/22

2) *The zone change application is based on materials presented at the meeting.*

Recorded Owner(s) James & JoAnn Boyer

Owner's Address 2810 Central Ave Unit C, Billings, MT 59102

Owner's Phone Number 406-698-5455 E-mail laura@boyerproperties.com

Applicant/Agent Laura Boyer

Applicant/Agent's Address 2810 Central Ave unit C, Billings, MT 59102

Applicant/Agent's Phone Number 406-698-5455 E-mail laura@boyerproperties.com

Signature of Recorded Owner(s)

Date 2-25-22

\*\*Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

### Terrace Estate Meeting

Date & Time: 2/17 at 7pm via zoom

Attendance: Laura Boyer, Myles Egan, Clay Schwartz, Rochelle & Justin Davies, Frank Zavala, Jerry Copp, Judd Stark, Bruce Raw

Went over slides included.

- Original layout
- New layout
- Difference in zone change what is allowed

What is city and county:

- Park city, lots county

Could people subdivide the lots in the future due to fear of multifamily?

- They would need to have to have another zone change meeting

Improvements on Alkali Creek

- No curb and gutter
- Sewer and water tho going in
- We are dedicating 10' right away

Multi-Family units:

- Big discussion on rumors of city putting in low-income housing on this
- Discussion on rumors of multi family

New Subdivision past us:

- City services for it & time line on it
- The Timbers

Traffic:

- We are reducing with less lots

Will it be city services

- DEQ: cisterns & septic and well for watering

Access Points:

- Blue area past bridge

Drainage:

- Concern about where drainage from above will be going
- How will we deal with the wash out area and stopping it? Will be in the park area

Restrictions:

- Not putting restrictions on what can be built on it
- Putting a restriction on that there could not be another zone change, we suggested then they oppose that zone cahnge

1<sup>st</sup> meeting Attendance

19:05:23 From Rochelle : Rochelle and Justin Davies  
19:05:31 From Frank Zavala on Sandstone : Frank Zavala  
19:05:52 From Jerry C : Jerry Copp  
19:06:05 From iPad : Clay Schwartz  
19:14:12 From Judd Stark to Laura(Direct Message) : Judd Stark  
19:27:37 From Frank Zavala on Sandstone : here is the link for the new  
subdivision <https://timbersmt.com/coming-soon/>  
19:35:03 From Laura to Judd Stark(Direct Message) : Myles 855-0008  
19:35:25 From Laura : Myles Egan 855-0008  
19:50:01 From Laura : laura@boyerproperties.com

### Terrace Estate Meeting

Date & Time: 2/25 at 7pm via zoom

Attendance: Laura Boyer, Myles Egan, Clay Schwartz, Simon & Charlot Loimer, Kyle & Sarah Leikam, Kyle Rickhoff, Anthony & Tina Wall, Celeste Dimon, Richard Malia

Went over slides included.

- Original layout
- New layout
- Difference in zone change what is allowed
- Animals

Agricultural land Discussion:

- Where would the home be placed and setbacks? Went over the setbacks in recode.

Park:

- Change in layout
- Is city land
- Lots of positive about parks layout
- Discussion of the park swap
- Will the creek flow in the park again and we said to call park

Location:

- Went over exact location of the property

Plan:

- What is our plan with this? We are subdividing and then selling to individuals

Zoning:

- Can people buy this and rezone? Yes, but they could speak up then if don't like

Opposition/ Support

- There was quite a discussion as to why anyone would oppose
- All on liked it

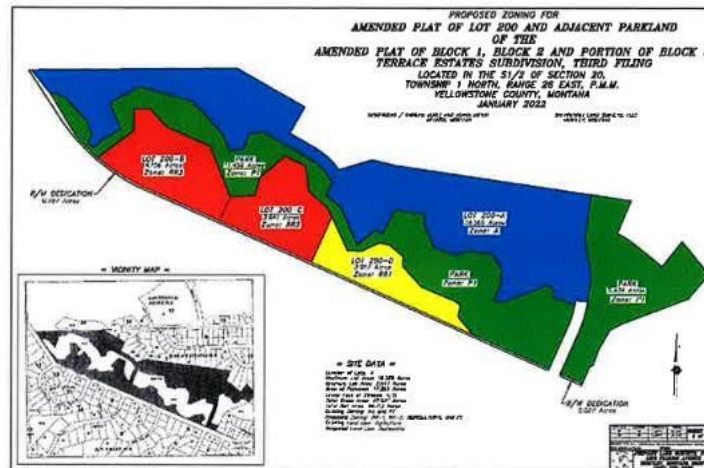
Water/Sewer

- Concern that there not be too many wells that would take away from theirs but then ok once learned that there would be cisterns and septic.
- Myles was going to give them information about priority well rights.

County road:

- The area in pink we are giving for the water and sewer expansion
- Orange is the bridge that is already installed on our property

All positive and supportive



**Red & Yellow Areas: RR: RURAL RESIDENTIAL**

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

**Blue Area: A: AGRICULTURAL DISTRICT DESCRIPTION (Blue are)**

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

**Green Area: Park Land**

White strip between two green: Unconstructed County Road right of way for access to their storm drain

**Clarifications:**

- This property is in the county and will stay in the county
- Properties are proposed to have septic and cisterns
- Current zoning is N-4 allowing for a denser use
- Current Lot layout is for close to 80 lots we are changing the lot layout to 4 lots.
- Alkali Creek Road is classified as a "Principal Arterial". We will be dedicating an additional 10' in order to meet the right-of-way width requirements in accordance with the Yellowstone County Subdivision Regulations.

2nd meeting attendance

18:56:58 From Charlotte : Simon and Charlotte Loumer 1400 Kootenai Ave  
19:00:49 From Galaxy Tab S2 : Kyle and Sarah Leikam 1415 Woodland Trail  
19:02:00 From Kyle R : Kyle Rickhoff  
1122 Ginger Avenue  
19:02:13 From Tony : Anthony & Tina Wall 1356 Valley Heights Rd  
19:03:01 From Celeste's iPad : Celeste Dimon  
1210 Calico Avenue  
19:03:13 From Rich Malia : Rich Malia 530 Tumbleweed (1270. Calico ave)  
19:32:59 From Tony to Laura(Direct Message) : Laura, can you get me the  
terminology of the water rights that we need to have to have priority? I'd like to  
check that we have that in place. Thanks!  
19:33:34 From Tony to Laura(Direct Message) : You can email me at  
tonywall@gmail.com  
19:40:59 From Dawn : "Charlotte" you could also type a comment....  
19:43:32 From Charlotte : we have pictures of the flooding that occurred on  
the creek if they help  
19:44:32 From Charlotte : they will support the change, as we do  
19:44:59 From Charlotte : will do

APPLICABLE ZONING HISTORY

<b>SUBJECT PROPERTY</b>	<b>Zone Change</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
City	786	8/1/2006	R-96 to R-60	N	Withdrawn by owner
<b>COUNTY DISTRICTS</b>	<b>Zone Change</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
4745 Hesper	406	9/11/89	A-1 to A-S	Y	
4745 Hesper	436	3/19/93	A-S to A-1	Y	
4745 Hesper	484	11/4/97	A-1 to CC	N	
4745 Hesper	645	9/9/13	A-1 to CC	Y	
48 <sup>th</sup> & Hesper	684	2/5/18	A-1 to CC & A-S	Y	
Sunny Cove Fruit Farm (SCFF) Lot 59	487	2/3/98	R-150 to A-1	Y	NE corner of Colton & 60th
2530 66 <sup>th</sup> St. W	499	7/7/98	R-150 to A-1	Y	
SCFF Lot 103	542	5/29/01	A-1 to R-150	Y	
SCFF Lot 124	709	1/27/03	Ag to R-150	Annexation Denied by CC	No action taken on ZC
Grummon Sub.lt6	297	11/5/80	Chg to HC	N	
2602 Rockwood	60	9/30/75	R150 to RMO	Y	
610 Mauser	568	12/23/03	R96 to EGC	N	
2816 Old Hardin	152	10/25/77	R96 & NC to CC	Y	
2813 Old Hardin	359	5/29/84	CC to HC	N	
2748 Old Hardin	457	9/28/95	R150 to EGC	Y	
420 Cole	649	7/29/14	EGC to ELI	Y	