



# COUNTY OF YELLOWSTONE ZONING COMMISSION AGENDA

**Monday, June 13, 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

### **\*\*ATTENTION\*\***

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: April 11, 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 708 -- 5110 Central Ave -- A to N4 - A zone change request from Agriculture (A), to Large Lot Suburban Neighborhood Residential (N4) on Tract 1B of Amended C/S 2713, an 7.953 acre parcel of land. A pre-application neighborhood meeting was held on ZOOM on April 25, 2022. Tax ID: D00465B. This is a zone change request for property located at 5110 Central Avenue currently zoned Agriculture (A). The property is legally described as Tract 1B of C/S 2713 and is approximately 7.9 acres in area. The proposed zoning is Large Lot Suburban Neighborhood (N4). This zoning would allow the subdivision of the property into lots between 15,001 square feet and 43,559 square feet. The current zoning only allows lots of at least 10 acres in area. The previous zoning of the property under the 1973 County zoning regulations was Agriculture Suburban (AS).**
- b. **County Zone Change 709 -- 70th St West and Rimrock Road -- A to RR1 -- This is a zone change request**

for property located near the intersection of 70th St West and Rimrock Road and is currently zoned Agriculture (A). The property is legally described as a parcel in the NWNW of Section 36, Township 1 North, Range 24 East (less Sunny Cove Fruit Farms Amended Lot 47A) and has a total acreage of 28.953 acres. The proposed zoning of RR1 will only apply to a 5.51 section of the parcel south fo Rimrock Road. This zoning would allow the subdivision of this section of the property into lots between 1 acre and 2.99 acres. The current zoning only allows lots of at least 10 acres in area. The previous zoning of the property under the 1973 County zoning regulations was Residential 15,000 (R-150).

## **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, June 21, 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 Changes**.

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:** 06/13/2022

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**Information**

**Subject**  
**Motion. Approval of Minutes: April 11, 2022**

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**Attachments**

YZC\_2022\_04\_11\_DRAFT.pdf

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**Yellowstone County Zoning Commission  
DRAFT Minutes for the Meeting of  
Monday, April 11, 2022**

**The County Zoning Commission met on Monday, April 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												
Blaine Poppler	Commissioner	1	1												
Melissa Ray Gentry	Commissioner	1	1												
Tyler Bush	Commissioner Chairman	1	1												
Todd Hewett	Commissioner	1	1												
Open	Commissioner														

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

Commissioner Bush is participating virtually.

Zoning Coordinator Nicole Cromwell, Karen Husman, Tammy Deines, Planning Clerk

**Other Participants:** John Turcotte, Charles Swarm, Myles M. Egan, Laura Boyer

**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. There were no public comments.

**Motion. Approval of Minutes: January 10, 2022** (Due to a lack of agenda items, this Commission had no meetings in February or March 2022).

**Motion**

**It was moved by Commissioner Hewett and seconded by Commissioner Gentry to approve the January 10, 2022 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.



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

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

### **Item #1: County Zone Change #707-1321 Alkali Creek Road**

Zoning Coordinator Nicole Cromwell read the legal notice for the record. Planner Karen Husman opened this agenda item with presentation of the staff report beginning with the surrounding zoning on this property.

### **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, Lots 1-27 Block 1; Lots 1-16 Block 2, Lots 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.

### **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.

### **Discussion**

Commissioner Poppler asked the Commissioners for questions and comments.



**Yellowstone County Zoning Commission  
DRAFT Minutes for the Meeting of  
Monday, April 11, 2022**

**Public Hearing**

Commissioner Poppler opened the public hearing and asked if there is anyone wishing to speak in favor or against County Zone Change #707.

**Favor**

**Myles M. Egan, 1550 Poly Drive, Billings, Montana**

Mr. Egan is the broker representative for applicants James, JoAnn, and Lora Boyer. The property has been on the market since 2016. It is currently listed at \$780,000 due to the cost of development of improvements. The decision was made not to use the City services that will be available. Due to the area topography this ground will be developed into four parcels. DNRC has recommended installation of cisterns and septic systems with drain fields. The new zoning will allow livestock on the parcels. A neighborhood meeting was held and positive input was received on the reduction of lots in the development.

Commissioner Poppler asked if there is anyone wishing to speak in favor or against Yellowstone County Zone Change #707. No phone calls were received from the public.

**John Turcotte, 1503 Sage Drive, Billings, Montana**

Mr. Turcotte is speaking in favor of this development as it will be similar to the existing surrounding developments with larger lots. Mr. Egan answered a question by Mr. Turcotte stating wells will be allowed for livestock purposes and watering yards; and no well water is approved for domestic use.

**Dawn Kern, 1132 Alkali Creek Road, Billings, MT**

Ms. Kern stated she is emphatically in favor of this zone change request.

Commissioner Poppler said he has tracked the property over the years and he recounted the parcel's development history. There were no further comments from the Commissioners.

Commissioner Poppler closed the public hearing and called for a motion.

**Motion**

**Commissioner Bush made a motion and it was seconded by Commissioner Hewett to forward a recommendation to the Board of County Commissioners of approval of approval of Zone Change #707 and adoption of the 11 criteria.**

**Discussion**

There was no discussion on the motion.

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



**Yellowstone County Zoning Commission  
DRAFT Minutes for the Meeting of  
Monday, April 11, 2022**

**\*The Board of County Commissioners will hold a hearing on this application on Tuesday, April 26, 2022 at 9:30 am.**

**OTHER BUSINESS**

**a. Announcements:**

- There is one vacancy on the County Zoning Commission.

**Adjournment 4:20 PM**

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

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

County Zoning Commission

Meeting Date: 06/13/2022

SUBJECT: County Zone Change 708 - 5110 Central Ave - A to N4

THROUGH: Nicole Cromwell

PRESENTED BY: Nicole Cromwell

Information

REQUEST

County Zone Change 708 -- 5110 Central Ave -- A to N4 - A zone change request from Agriculture (A), to Large Lot Suburban Neighborhood Residential (N4) on Tract 1B of Amended C/S 2713, an 7.953 acre parcel of land. A pre-application neighborhood meeting was held on ZOOM on April 25, 2022. Tax ID: D00465B. This is a zone change request for property located at 5110 Central Avenue currently zoned Agriculture (A). The property is legally described as Tract 1B of C/S 2713 and is approximately 7.9 acres in area. The proposed zoning is Large Lot Suburban Neighborhood (N4). This zoning would allow the subdivision of the property into lots between 15,001 square feet and 43,559 square feet. The current zoning only allows lots of at least 10 acres in area. The previous zoning of the property under the 1973 County zoning regulations was Agriculture Suburban (AS).

RECOMMENDATION

Planning staff is recommending approval of the requested zone change and adoption of the findings of the 11 criteria for Zone Change 708.

APPLICATION DATA

OWNER: Mason and Jami Shanks  
AGENT: Performance Engineering, Taylor Kasperick  
LEGAL DESCRIPTION: Tract 1B of C/S 2713 Amended  
ADDRESS: 5110 Central Avenue  
CURRENT ZONING: Agriculture (A)  
EXISTING LAND USE: Agriculture  
PROPOSED USE: Large lot residential subdivision  
SIZE OF PARCEL: 7.953 acres

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

SURROUNDING LAND USE & ZONING

NORTH: Zoning: N4 - Large Lot Suburban Neighborhood Residential  
Land Use: Wells Garden Estates Subdivision (county)  
SOUTH: Zoning: A - Agriculture  
Land Use: Single family home - Pasture  
EAST: Zoning: A - Agriculture  
Land Use: Irrigated Agriculture  
WEST: Zoning: A - Agriculture & N4  
Land Use: Irrigated Agriculture & Granite Park Subdivision (county)

BACKGROUND

This is a zone change request for a 7.9-acre parcel of land on Central Avenue approximately one mile west of the city limits. The applicant would like to change the zoning to provide future residential lots on the property that will match the existing county subdivisions to the north and west. At the time of subdivision, impacts from the development will be quantified and mitigated as required by County subdivision regulations. This is in an area identified for rural and large lot residential development in the West Billings Neighborhood Plan adopted by the city and county in 2001.

Three major large lot county residential subdivisions have been developed in this area in the last ten years - Black Rock Estates (91 lots), Granite Park (118 lots) and most recently Sundance Subdivision (124 lots) at 48th St W and Central Avenue. There are also similar but older subdivisions in the area including Oakridge Estates, Wells Garden Estates and Shiloh Estates. Most of these residential lots range from one-half acre to 1+ acres. Most of the residential subdivision rely on small community water or wastewater systems or both. A west end groundwater study completed in the last decade has

indicated the local shallow aquifer in this area will be depleted (quantity) and water quality will be lower in the next 20 to 25 years. This is primarily due to less irrigation as well as more on-site waste water disposal. The irrigated farm land in West Billings has helped to replenish the aquifer while the additional discharge of waste water from septic systems has contributed excess nutrients (nitrogen) to the groundwater. It is expected alternate drinking water supplies, other than groundwater wells, will be required for many county subdivisions as development continues. While this information is important, how developments propose to handle water or wastewater is ultimately the authority of the Montana Department of Environmental Quality. The necessary approvals of how water and wastewater are handled require approval from this agency as part of subdivision review. If the property were to not develop through subdivision, sanitation approval would still be required.

Central Avenue has a low level of traffic volume for a principal arterial street. The posted speed limit for this section of Central Avenue is higher than speed limits further east within the city limits. The posted speed limit on this section of Central Avenue is 50 mph. Traffic volume is between 2,500 and 3,000 vehicle trips per day. Arterial streets are expected to carry 10 to 20 times this traffic volume depending on the number of lanes built. The West End Multimodal Traffic Study completed in 2015 studied the traffic safety and capacity of major street and road intersections in the area (Executive Summary attached). No improvements from current conditions on this section of Central Avenue were recommended for the short term or long term. There will be a need in the long term to install traffic management at the 48th St West intersection with Central Avenue - either a traffic signal or a round-a-bout.

The County's 2008 Growth Policy supports new developments that are compatible with existing development and neighborhoods. The N4 zoning is a large lot residential zone that is compatible with a variety other land uses including the surrounding agricultural and rural residential uses.

## SUMMARY

Prior to making a recommendation to the Board of County Commissioners, the Zoning Commission shall consider the findings of the 11 review criteria:

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

The proposed zoning does comply with the following goals of the County Growth Policy and area plans:

- Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans.
- New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County town sites.
- Contiguous development focused in and around existing population centers separated by open space.
- Preserve neighborhood character and quality of life.

This zone change would allow this parcel to develop in the same way to adjacent County subdivisions. The zoning is consistent and compatible with the area. The existing zoning district is intended to allow agricultural land uses with rural homes. The N4 is meant to accommodate residential home sites between 15,001 sf and 43,559 sf. There is a demand for single family homes in the County with larger lots.

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 property will have access from Central Avenue, a principal arterial street. There should be adequate ingress and egress to the property for emergency vehicles. The property is not served by public water and may need to ensure fire protection water supply through the subdivision process. This may include installation of a dry hydrant cistern or gaining access to an existing nearby dry hydrant system. The existing and proposed zoning requires building separations, setbacks, and height limits that should provide security from fire or other public safety emergencies.

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 increase traffic slightly on Central Avenue, a principal arterial street. The level of traffic increase will be dependent on the number of residential dwelling units constructed. The property is located on a high-speed traffic corridor that carries approximately 2600 vehicles a day. Any development will require careful placement and construction of the access to Central Avenue. The posted speed limit on Central Avenue at this location is 50 mph.

**Water and Sewerage:** The property will need to provide water for domestic use and waste water disposal on site. Water can be provided by individual wells, a communal well or by individual cisterns on the lots. Waste water can be handled by individual septic systems or by a community system. The type and manner of these services will be determined at the time of subdivision review and ultimately approved through the Montana Department of Environmental Quality. The County's zoning regulations do not mandate a certain type of infrastructure for water or wastewater.

**Schools and Parks:** The proposed zoning would likely increase the number of school children attending the School District 2 schools of Meadowlark, Ben Steele and West High School. The number of dwelling units will determine the possible impact on schools. The School District had no comments on the application.

**Fire and Police:** The subject property is serviced by the Billings Urban Fire Service Area (BUFSA). Fire service will continue through the BUFSA with or without a zone change. Fire suppression requirements will be evaluated at the time of a development plan.

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

The new zoning will allow development of property that is directly adjacent to low density residential uses to the south and active agricultural uses to the east and west. There are several newer low density County subdivisions further west, northwest and northeast of the subject property. The area is outside the limits of annexation for Billings but is within the long range planning area for future annexations. There is planned to be residential development on the property, which is not expected to have a negative impact on the surrounding uses. The new zoning and development of a vacant parcel would provide a predictable use of the property and promote the health and general welfare of the adjacent 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. These requirements should allow adequate light and air to reach the subject property and adjacent properties.

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

The proposed zoning itself will not generate more traffic, but the development of the property for residential uses will add traffic volume to Central Avenue, a principal arterial street. The estimated increase in traffic would depend on the number of units approved with this development. Each single family dwelling creates 10 to 13 new traffic trips per day on average. This includes trips generated by the residents as well as deliveries and services for the new home. Pedestrian traffic in the area is limited due to the lack of any pedestrian facilities on this section of Central Avenue. The newer County subdivision in the area do have sidewalks and it is likely any development on this parcel will also provide sidewalks.

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

The proposed zoning is about 1 mile from the nearest urban zoning and development in the City of Billings. The proposed zoning is too low density for urban development. The proposed zoning is compatible with the low density County residential zoning and the adjacent agriculture zoning in the area.

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 a mix of low density residential and agricultural uses on the adjacent property. The property is suitable for the N4 uses for lower density residential development.

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

The new zoning will allow the development of new residential uses adjacent to agricultural and residential uses. The new residential uses should have a limited effect on existing structures on surrounding properties. There are currently no buildings on the property.

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

The property is suitable for the uses allowed in the N4 zoning district. This is an appropriate use of land in this area of the County and will encourage similar development to what is already in this part of the County.

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

The proposed zoning is not close to the city limits of Billings and is compatible with the typical suburban and rural development in this area of West Billings.

## **RECOMMENDATION**

Staff recommends the Zoning Commission recommend approval of the zone change and adoption of the findings of the 11 review criteria for Zone Change 708.

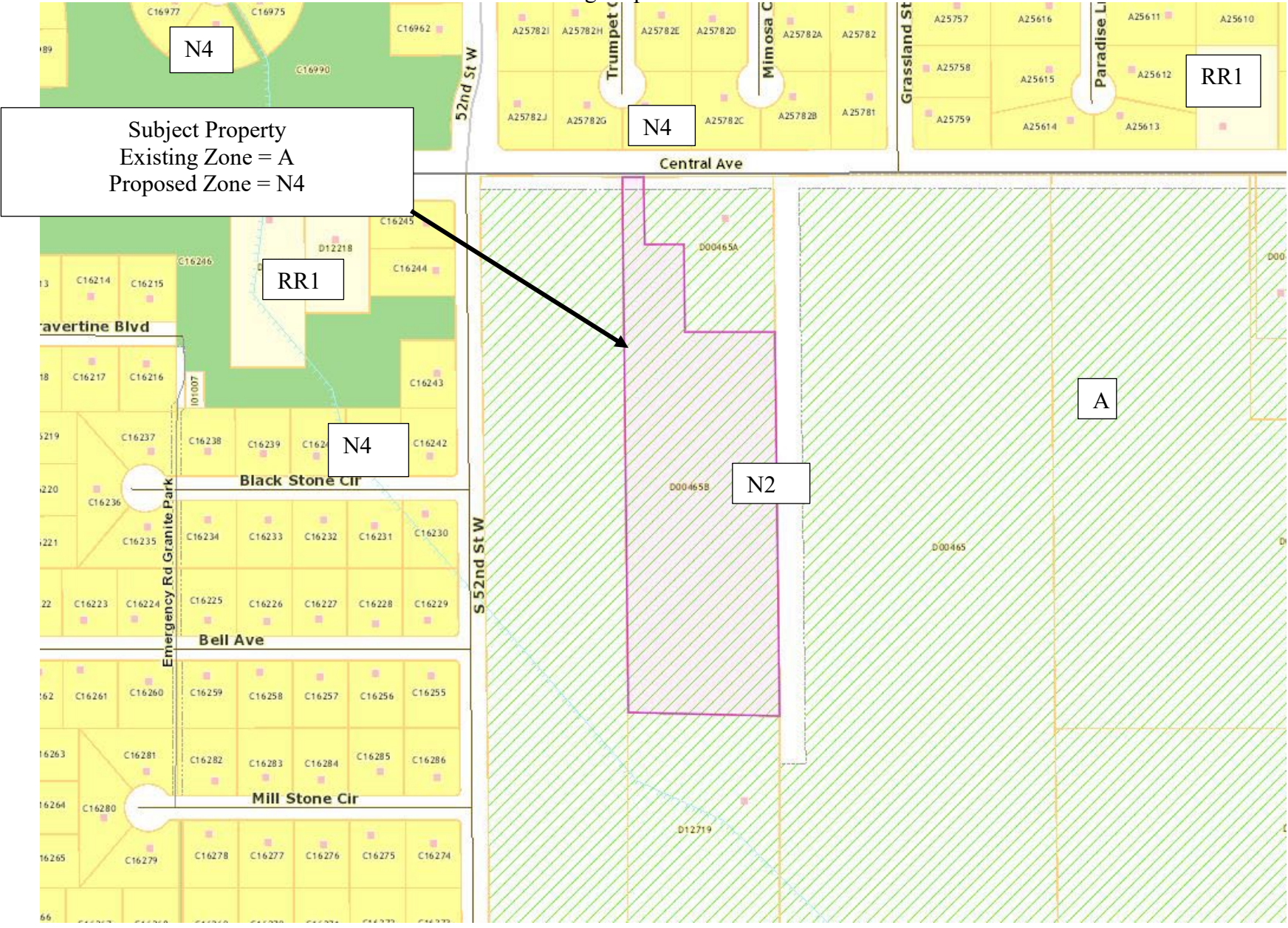
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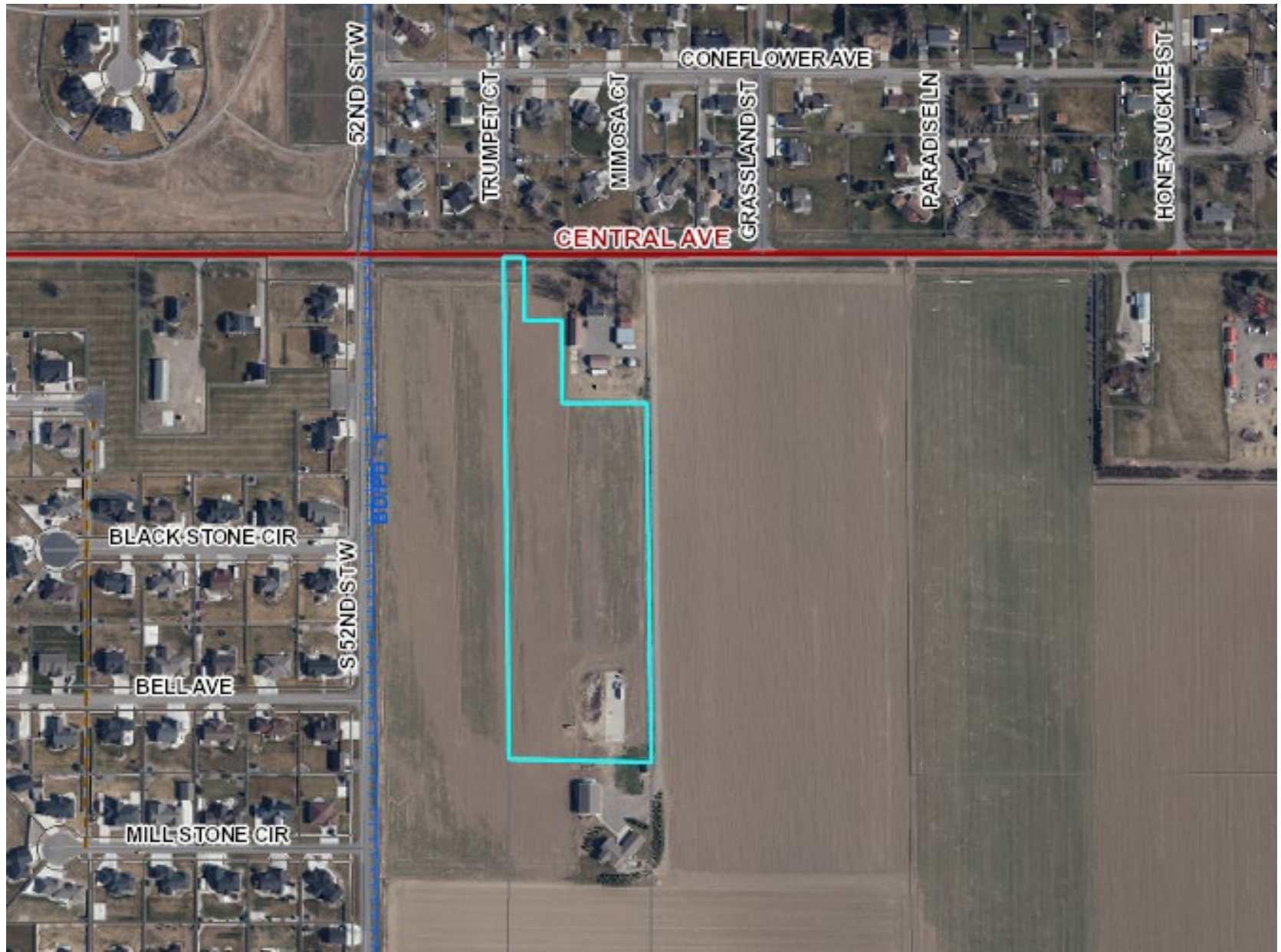
## **Attachments**

Zoning Map and Site Photos  
Chart of Zoning History  
Application and Pre app meeting  
Westend Multimodal study

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Zone Change 708 – 5110 Central Ave  
Zoning Map and Site Photos





Subject Property



Subject Property view south from Central Avenue



View south and west from Central Avenue

View north west across Lake Elmo Dr



Residence east of subject property



View west along Central Avenue



Wells Garden Estates Subdivision

View north west across Central Avenue



View north across Central Avenue



View north and east across Central Avenue



View west on Central Avenue

APPLICABLE ZONING HISTORY  
Zone Change 708

<b>SUBJECT PROPERTY</b>	<b>Zone Change</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
5110 Central	580	8/2/2005	A-1 to A-S	Yes	Current Zone is A Previous zone of Agriculture Suburban
<b>COUNTY DISTRICTS</b>	<b>Zone Change</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
SW of 52 <sup>nd</sup> St W & Central (Granite Park Sub)	585	10/25/2005	A-1 to R-150	Y	Current Zone N4
NW of 52 <sup>nd</sup> St W & Central (Black Rock Estates Sub)	646	12/3/2013	A-1 to R-150	Y	Current Zone N4
NE of 52 <sup>nd</sup> St W & Central (Wells Garden Sub)	250	8/28/79	A-1 to R-150	Y	Current Zone N4
1800 43 <sup>rd</sup> St W	659	5/11/2015	A-1 to A-S	Y	Current Zone RR1

# APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # \_\_\_\_\_ - Project # \_\_\_\_\_

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

Present Zoning: Agriculture (A)

Proposed Zoning: Large Lot Suburban Neighborhood Residential (N4)

Property Tax ID # 000D00465B COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: Tract 1B of the Amended Plat of Tract 1 of Certificate of Survey 2713.

Address or General Location (If unknown, contact County Public Works): 5110 Central Avenue

South of Central Avenue between 52nd Street West and Grassland Street.

Size of Parcel (Area & Dimensions): 7.953 acres

Present Land-Use: Agricultural

Proposed Land-Use: Large lot residential

Covenants or Deed Restrictions on Property: Yes \_\_\_\_\_ No X

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): Mason and Jami Shanks

(Recorded Owner) 5110 Central Avenue, Billings, MT 59106

(Address) 406-321-4318 mjshankslc@gmail.com

(Phone Number) (email)

Agent(s): Taylor Kasperick - Performance Engineering

(Name) 608 N. 29th Street, Billings, MT 59101

(Address) 406-384-0080 taylor@performance-ec.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: *Mason Shanks* Date: 4-30-2022

(Recorded Owner)



**Pre-Application Statement of Owner(s) or Agent(s)**

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form and any attachments along with a completed zone change application packet, including any required fees, for a zone change to be processed by the Planning Division.

1. **Present Zoning:** Agriculture
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: Change 7.953 acres property currently zoned as Agriculture (A) to Large Lot Suburban Residential (N4).
3. **Subject Property Map:** please attach to this form Attached with this submittal.
4. **Legal Description of Property:** Tract 1B of the Amended Plat of Tract 1 of Certificate of Survey 2713.
5. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form Included with the submittal documents.
6. **A copy of the meeting notice.** please attach to this form
7. **A brief synopsis of the meeting results.** please attach to this form
8. **The undersigned affirm the following:**
  - 1) The pre-application neighborhood meeting was held on the 25, day of April, 2022
  - 2) The zone change application is based on materials presented at the meeting.

Owner (s): Mason Shanks Telephone: 406-321-4318  
Address: 5110 Central Ave, Billings, MT 59106 Email: M'S Shanks LLC d2 gmail.com

Agent (s): Taylor Kasperick Telephone: 406-384-0080  
Address: 608 N. 29th Street, Billings, MT 59101 Email: taylor@performance-ec.com

April 18, 2022

Dear Interested Neighbor,

On behalf of Mason and Jami Shanks, *Performance Engineering, LLC* is writing to inform you of a zone change pre-application neighborhood meeting being held on **Monday, April 25<sup>th</sup>**, at **6:00 p.m.** Due to the space necessitated for the number of interested parties and potential for inclement weather at the location, **the pre-application neighborhood meeting will be held online via Zoom.**

**Please see the following information below for access the Zoom meeting:**

Go to the following Website: **zoom.us/join**  
Meeting ID: **894-7907-0112**  
Password (Case Sensitive): **186409**

The owner is requesting that the property shown on the attached exhibit (Exhibit A) and described below be re-zoned from Agriculture (A) to Large Lot Subdivision Neighborhood (N4) to accommodate future development.

**Tract 1B of the Amended Plat of Tract 1 of Certificate of Survey No. 2713, located in Yellowstone County, Montana. The parcel is a total of 7.953 Acres, more or less, located just south of Central Avenue between Grassland Drive and South 52<sup>nd</sup> Street West.**

The intent of the meeting is to make neighboring property owners aware of the proposed zoning change for the subject property, discuss any concerns with the proposed use, and to answer questions about the project. As stated above, the property is currently zoned as A – Agriculture and is proposed to be changed to N4 – Large Lot Subdivision Neighborhood similar to surrounding developments.

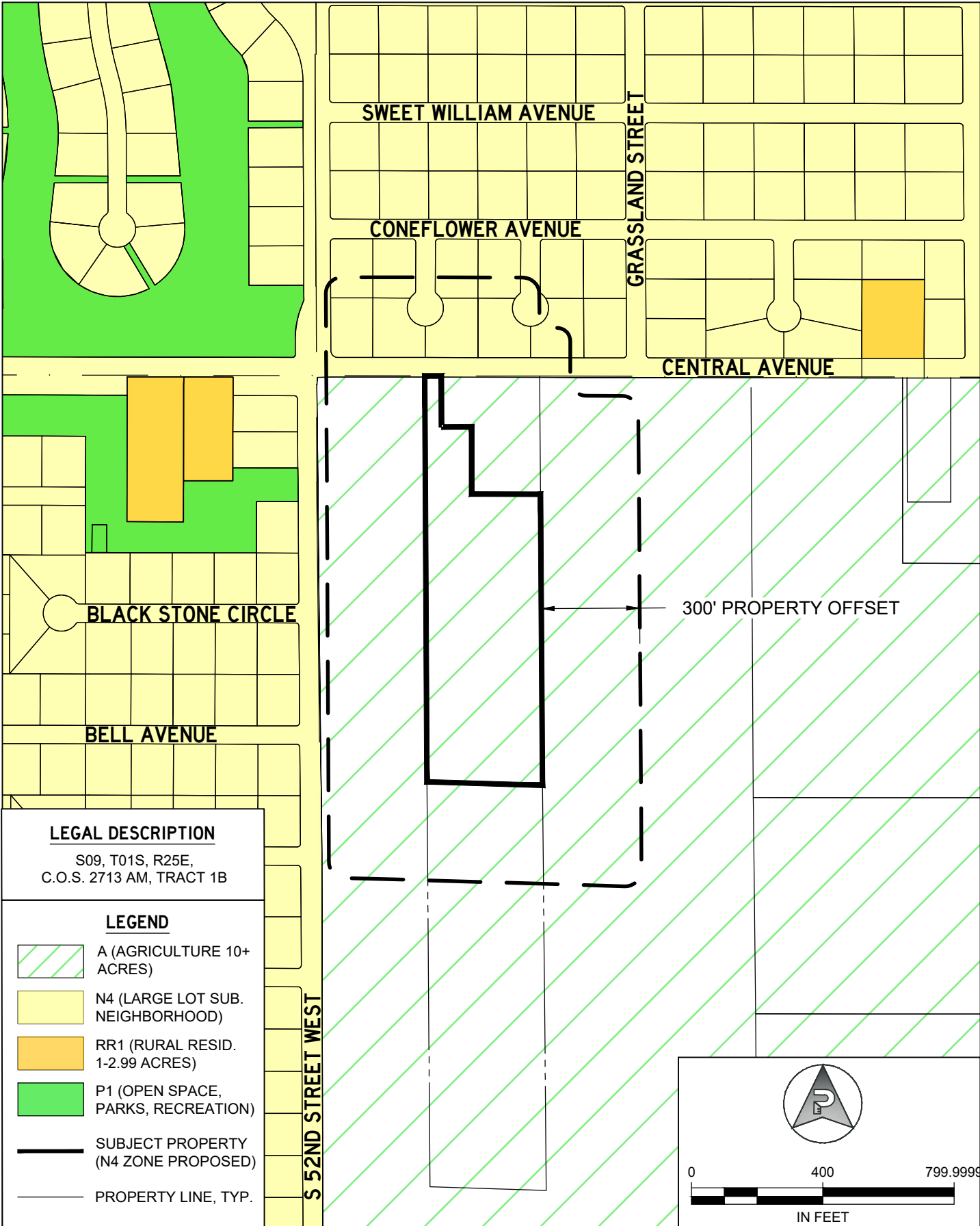
Representatives for *Performance Engineering, LLC* will be on the Zoom meeting to answer questions from those who attend. For those unable to attend the Zoom meeting, written letters can be directed to Performance Engineering at **608 North 29<sup>th</sup> Street, Billings, MT 59101**, attention Scott Aspenlieder, PE, or emails may be sent to [scott@performance-ec.com](mailto:scott@performance-ec.com). We look forward to discussing the proposed special review with you and hope to see you on **April 25<sup>th</sup>**.

Sincerely,



Taylor Kasperick, PE  
Project Manager

C:\Users\jpk\OneDrive\Documents\Performance\Bills\2022\Central Avenue Zoning\CAD\Drawings\2022\Special Review Zoning Exhibit.dwg  
 2/14/2022 2:41 PM  
 COLOR TBL: PE Color.cpl



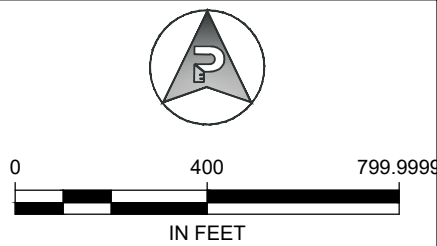
**LEGAL DESCRIPTION**

S09, T01S, R25E,  
C.O.S. 2713 AM, TRACT 1B

**LEGEND**

- A (AGRICULTURE 10+ ACRES)
- N4 (LARGE LOT SUB. NEIGHBORHOOD)
- RR1 (RURAL RESID. 1-2.99 ACRES)
- P1 (OPEN SPACE, PARKS, RECREATION)
- SUBJECT PROPERTY (N4 ZONE PROPOSED)
- PROPERTY LINE, TYP.

**S 52ND STREET WEST**



PROJECT TITLE  
**5110 CENTAL AVENUE  
ZONE CHANGE**

SHEET TITLE  
**ZONING MAP**

DRAWN BY  
APN \_\_\_\_\_

DATE  
2/2022

CHECKED BY  
TJK \_\_\_\_\_

CLIENT  
**MJ SHANKS, LLC**

5110 CENTRAL AVENUE  
BILLINGS, MONTANA 59106

**PERFORMANCE  
ENGINEERING**

608 NORTH 29TH STREET  
BILLINGS, MT 59101

(406) 384-0080  
www.performance-ec.com

EXHIBIT  
**EX A**

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**Pre-Application Neighborhood Meeting Minutes and Roster – Zone Change Application**

Property: Tract 1B of the Amended Plat of Tract 1 of Certificate of Survey 2713

**Attendees:**

Jeff Brent	Valerie Maier and Luke Lackman
8 Mimosa Court	5100 Central Avenue
Billings, MT 59106	Billings, MT 59106

Rachel and Mike Peel	Tom Converse
310 South 52 <sup>nd</sup> Street W	115 Moonstone Lane
Billings, MT 59106	Billings, MT 59106

Loren and Karen Graf	Taylor Kasperick
5130 Coneflower Avenue,	Performance Engineering
Billings, MT 59106	

Owners: Mason and Jami Shanks

**Meeting Notes:**

- Valerie Maier requested information on the timeline of development. It was expressed that this is the first step in the process, which would be followed by subdivision and permitting of the public improvements, so the time horizon is likely 6 months.
- Rachel Peel inquired about the planned lot sizes. It was indicated that at this point the exact lot sizes have not been finalized, but that the lots would need to fall within the minimum and maximums listed in the County Zoning Code for N4. Rachel also asked if these would be rental properties or be owned. It was indicated that it would be similar to other properties in N4 zone as single family, but the eventual lot owner would have the opportunity to rent the property so long as it fell in line with zoning requirements.
- Luke Lackman asked about how the property would be planned to be irrigated. At this time, the owners would plan to utilize irrigation wells, however this would need to be submitted and approved of by DNRC.
- Tom Converse expressed that he would like to see the development mimic those around it in lot size and building type. It was indicated the size of the lot would need to fall in line with the proposed zoning N4.
- Additional comments and discussion are included in the video recording of the meeting submitted with this package.

## **Zone Change Criteria Synopsis – Zone Change Application**

Property: Tract 1B of the Amended Plat of Tract 1 of Certificate of Survey 2713

### **Criteria:**

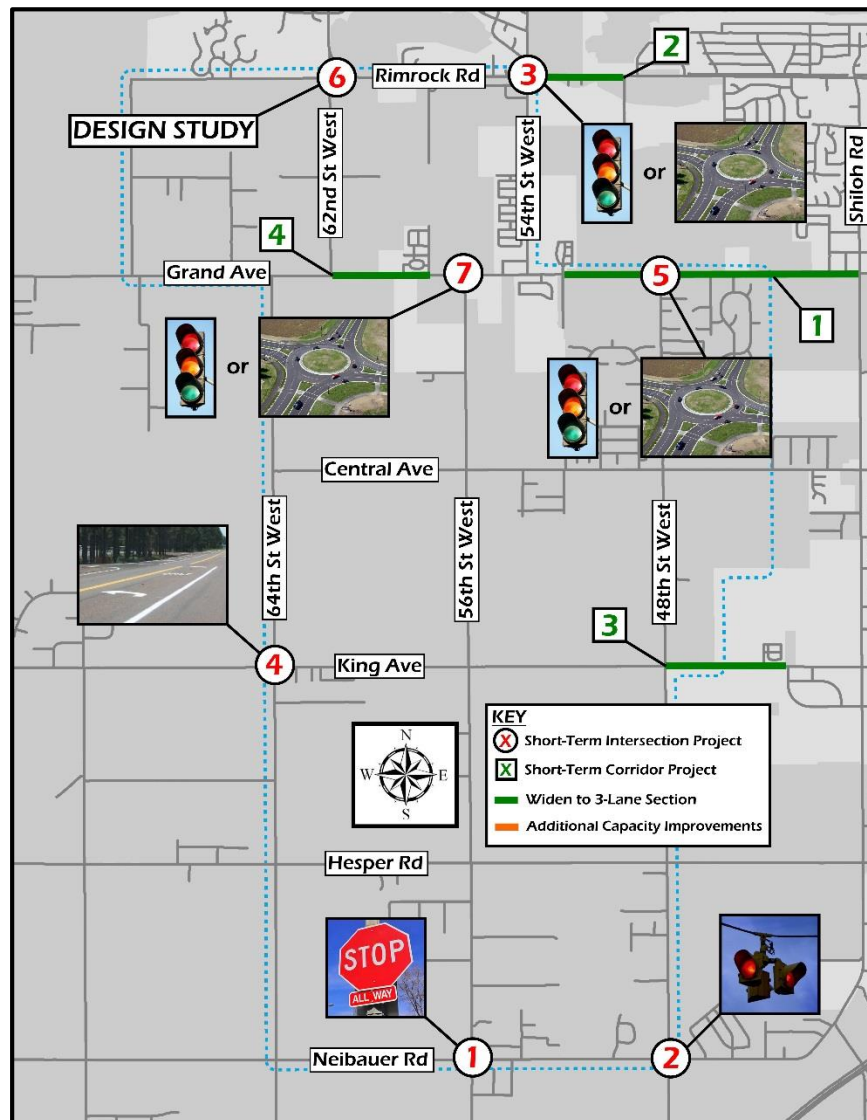
- 1. Is the new zoning is designed in accordance with the growth policy?**
  - a. The proposed zoning falls in line with the planned residential growth in the 1-5 year timeframe as indicated in the growth policy.
- 2. Is the new zoning is designed to secure from fire and other dangers?**
  - a. The proposed zoning and residential development is within ½ road mile of an existing 30,000 gallon dry fire hydrant tank.
- 3. Will the new zoning promote public health, public safety, and general welfare?**
  - a. The new zoning promotes the public health, public safety, and general welfare.
- 4. Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools parks, and other public improvements?**
  - a. As part of the development process, the land will be further subdivided at which point in time park dedication, public improvements, roads, water and sewerage will be provided for and permitted. The subject property is within current zoning and as such has been accounted for in planning of schools.
- 5. Will the new zoning provide adequate light and air?**
  - a. The proposed zoning will have minimal to no impact on adequate light and air.
- 6. How will the new zoning effect motorized and non-motorized transportation?**
  - a. The proposed zoning will likely increase motorized traffic along Central Avenue; however this increase is projected to be less than the requisite 500 trips per day based on trips per large residential lot and is considered to be minimal.
- 7. Will the new zoning be compatible with urban growth in the vicinity of cities or towns?**
  - a. The proposed zoning is compatible with urban growth.
- 8. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?**
  - a. The new zoning is similar to those surrounding developments and is suitable for the property per the growth policy.
- 9. Will the new zoning conserve the value of buildings?**
  - a. The new zoning is of the same district of those adjacent developments and will conserve the value of such buildings based on market comparisons.
- 10. Does the new zoning encourage the most appropriate use of land throughout Yellowstone County?**
  - a. The new zoning encourages appropriate use of land and falls in line with the growth policy.
- 11. Will the new zoning, as nearly as possible, be compatible with the zoning of nearby cities and town?**
  - a. The new zoning is based on Yellowstone County Zoning policy which has been developed to be compatible with the City of Billing's.

**TABLE ES1. SHORT-TERM INTERSECTION PROJECT RECOMMENDATIONS**

Priority Ranking	Project Location	Project Type	Estimated Cost
1	Neibauer Rd. & 56th St. West	All-Way Stop Control/OH Flashing Beacons/Transverse Rumble Strips	\$120,000-\$200,000
2	Neibauer Rd. & 48th St. West	OH Flashing Beacons/Transverse Rumble Strips	\$120,000-\$200,000
3	Rimrock Rd. & 54th St. West	Traffic Signal or Roundabout	\$400,000-\$1,500,000
4	King Ave. West & 64th St. West	Auxiliary Turn Lanes	\$400,000-\$600,000
5	Grand Ave. & 48th St. West	Traffic Signal or Roundabout	\$400,000-\$1,500,000
6	Molt Rd./Rimrock Rd./62nd St. West	Design Study	\$20,000-\$30,000
7	Grand Ave. & 56th St. West	Traffic Signal or Roundabout	\$400,000-\$1,500,000

**TABLE ES2. SHORT-TERM CORRIDOR PROJECT RECOMMENDATIONS**

Priority Ranking	Project Location	Project Type	Estimated Cost
1	Grand Ave. - Shiloh Rd. to 52nd St. West	Widening/Reconstruction (3-lane section)	\$2,800,000-\$4,500,000
2	Rimrock Rd. - 50th St. West to 54th St. West	Widening/Reconstruction (3-lane section)	\$1,000,000-\$1,600,000
3	King Ave. West - MT Sapphire Dr. to 48th St. West	Widening/Reconstruction (3-lane section)	\$1,300,000-\$2,000,000
4	Grand Ave. - Wilderness Dr. to 62nd St. West	Widening/Reconstruction (3-lane section)	\$900,000-\$1,400,000



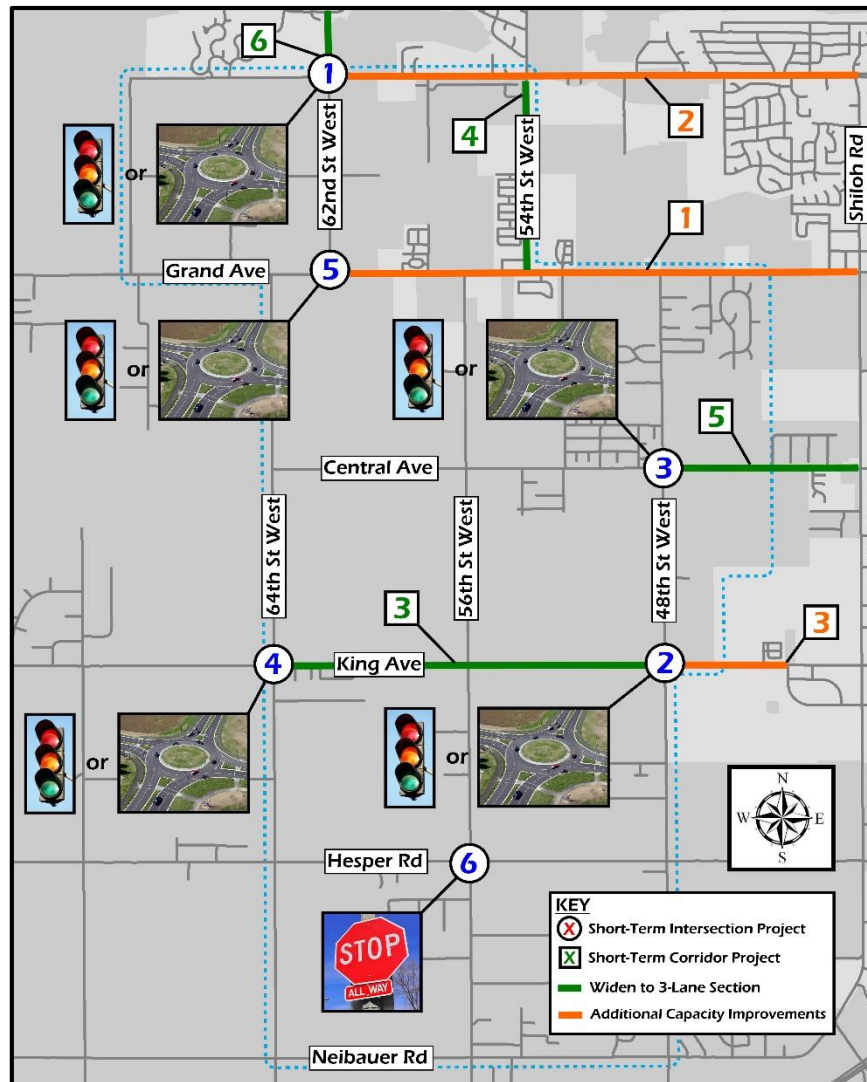
**FIGURE ES5. SHORT-TERM INTERSECTION & CORRIDOR PROJECT RECOMMENDATIONS**

**TABLE ES3. LONG-TERM INTERSECTION PROJECT RECOMMENDATIONS**

Priority Ranking	Project Location	Project Type	Estimated Cost
1	Molt Rd./Rimrock Rd./62nd St. West	Traffic Signal or Roundabout	\$400,000-\$1,500,000
2	King Ave. West & 48th St. West	Traffic Signal or Roundabout	\$400,000-\$1,500,000
3	Central Ave. & 48th St. West	Traffic Signal or Roundabout	\$400,000-\$1,500,000
4	King Ave. West & 64th St. West	Traffic Signal or Roundabout	\$400,000-\$1,500,000
5	Grand Ave. & 62nd St. West	Traffic Signal or Roundabout	\$400,000-\$1,500,000
6	Hesper Rd. & 56th St. West	All-Way Stop	\$4,000-\$200,000

**TABLE ES4. LONG-TERM CORRIDOR PROJECT RECOMMENDATIONS**

Priority Ranking	Project Location	Project Type	Estimated Cost
1	Grand Ave. - Shiloh Rd. to 62nd St. West	Widening/Reconstruction (5-lane section)	\$7,500,000-\$11,000,000
2	Rimrock Rd. - Shiloh Rd. to 62nd St. West	Widening/Reconstruction (5-lane section/3-lane section)	\$6,900,000-\$10,300,000
3	King Ave. West - MT Sapphire Dr. to 64th St. West	Widening/Reconstruction (5-lane section/3-lane section)	\$6,100,000-\$9,300,000
4	54th St. West - Grand Ave. to Rimrock Rd.	Widening/Reconstruction (3-lane section)	\$2,100,000-\$3,300,000
5	Central Ave. - Shiloh Rd. to 48th St. West	Widening/Reconstruction (3-lane section)	\$2,000,000-\$3,100,000
6	62nd St. West - Rimrock Rd. to Western Bluffs Dr.	Widening/Reconstruction (3-lane section)	\$700,000-\$1,100,000



**FIGURE ES6. LONG-TERM INTERSECTION & CORRIDOR PROJECT RECOMMENDATIONS**

□

**County Zoning Commission**

**Meeting Date:** 06/13/2022

**SUBJECT:** County Zone Change 709 - 70th St W and Rimrock Rd - A to RR1

**THROUGH:** Nicole Cromwell

**PRESENTED BY:** Nicole Cromwell

---

**Information**

**REQUEST**

**County Zone Change 709 -- 70th St West and Rimrock Road -- A to RR1** -- This is a zone change request for property located near the intersection of 70th St West and Rimrock Road and is currently zoned Agriculture (A). The property is legally described as a parcel in the NWNW of Section 36, Township 1 North, Range 24 East (less Sunny Cove Fruit Farms Amended Lot 47A) and has a total acreage of 28.953 acres. The proposed zoning of RR1 will only apply to a 5.51 section of the parcel south fo Rimrock Road. This zoning would allow the subdivision of this section of the property into lots between 1 acre and 2.99 acres. The current zoning only allows lots of at least 10 acres in area. The previous zoning of the property under the 1973 County zoning regulations was Residential 15,000 (R-150).

**RECOMMENDATION**

Planning staff is recommending approval of the requested zone change and adoption of the findings of the 11 criteria for Zone Change 709.

**APPLICATION DATA**

**OWNER:** Hageman Farms

**AGENT:** Shawn Thorson, P.E. of IMEG Corp.

**LEGAL DESCRIPTION:** NWNW of Section 36, Township 1 North Range 24 East (less Sunny Cove Fruit Farms Amended Lot 47A)

**ADDRESS:** 70th St West and Rimrock Road

**CURRENT ZONING:** A - Agriculture

**EXISTING LAND USE:** Agriculture

**PROPOSED USE:** 5.51 acres of single family residences

**SIZE OF PARCEL:** 28.953 acres

**CONCURRENT APPLICATIONS**

None.

**APPLICABLE ZONING HISTORY**

See Attachments

**SURROUNDING LAND USE & ZONING**

**NORTH:** Zoning: N3 and Public 1 (P1)

Land Use: City Residential Subdivision - Copper Ridge - and public parkland

**SOUTH:** Zoning: RR3

Land Use: Low Density Residential and Agriculture

**EAST:** Zoning: A and RR3

Land Use: Low Density Residential and Agriculture

**WEST:** Zoning: Un-zoned

Land Use: Agriculture

**BACKGROUND**

This is a zone change request for a 5.501-acre section of a 28.953 acre parcel of land at 70th St West and Rimrock Road south of the city limits. The Limits of Annexation area south of Rimrock Road currently ends at 62nd Street West. There are city utilities in Rimrock Road west of 62nd Street W, but the city does not intend to extend those utilities to the south at this time. A landowner may request an amendment to the annexation map however this would require an Urban Planning Study to determine whether extension of utilities and other city services is feasible, practicable, and economically sustainable. The applicant would like to change the zoning for a small portion of the property to allow a few low density residential lots on the property that will match the existing county subdivisions to the south and east. At the time of subdivision, impacts from the development will be quantified and mitigated as required by County subdivision regulations. This is in an area

identified for rural and large lot residential development in the West Billings Neighborhood Plan adopted by the city and county in 2001.

Five minor large lot county residential subdivisions have been developed in this area in the last 15 years - Cold Stone Estates, Hardy Boys, Lamm Subdivision, CC Subdivision and Golden Willow. These are generally located south and east of this location with primary access off Grand Avenue. There are also similar but older subdivisions in the area including Sunny Cove Fruit Farms (est. 1910), a subdivision of Section 31 (640 acres) and most of Section 36 (600 acres) except for the northwest 40 acres of land where the subject property is located. The original subdivision provided for 128 parcels of land of about 9.5 acres each with dedication of the section line roads of Rimrock, Grand Ave, 54th St West, 62nd St West and 70th St West. Six north to south subsection roads were also platted including 68th St W, 66th St W, 64th St W, 60th St W, 58th St W and 56th St W. The midsection road of Colton Boulevard was also platted with Sunny Cove Fruit Farms. Newer subdivisions including several city subdivisions of the original Sunny Cove Fruit Farms lots have occurred over the last 20 years.

The existing county minor subdivisions have lots that range from one acre to 7+ acres. Most of the residential subdivisions rely on either on-site water and wastewater or small community water or wastewater systems or both. A west end groundwater study completed in the last decade has indicated the local shallow aquifer in this area will be depleted (quantity) and water quality will be lower in the next 20 to 25 years. This is primarily due to less irrigation as well as more on-site waste water disposal. The irrigated farm land in West Billings has helped to replenish the aquifer while the additional discharge of waste water from septic systems has contributed excess nutrients (nitrogen) to the groundwater. It is expected alternate drinking water supplies, other than groundwater wells, will be required for many county subdivisions as development continues. While this information is important, how developments propose to handle water or wastewater is ultimately the authority of the Montana Department of Environmental Quality. The necessary approvals of how water and wastewater are handled require approval from this agency as part of subdivision review. If the property were to not develop through subdivision, sanitation approval would still be required.

Rimrock Road west of 62nd St West has a lower level of traffic volume at about 2,400 vehicle trips per day. East of 62nd St W, Rimrock Road is considered a principal arterial street at carries many times the volume of the section west of 62nd St W. There is no posted speed limit for this section of Rimrock Road. The West End Multimodal Traffic Study completed in 2015 studied the traffic safety and capacity of major street and road intersections in the area (Executive Summary attached). No improvements from current conditions on this section of Rimrock Road were recommended. A design study for 62nd St W and Rimrock Road was recommended in the short term with a long term solution of either a round-about or a traffic signal. MDT is currently moving forward to construct a round-about at 62nd St. W and Rimrock Road in the next few years.

The County's 2008 Growth Policy supports new developments that are compatible with existing development and neighborhoods. The RR1 zoning is a large lot rural zone that is compatible with a variety other land uses including the surrounding agricultural and rural residential uses.

## **SUMMARY**

Prior to making a recommendation to the Board of county Commissioners, the Zoning Commission shall consider the findings of the 11 review criteria:

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

The proposed zoning does comply with the following goals of the County Growth Policy and area plans:

- Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans.
- New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County town sites.
- Contiguous development focused in and around existing population centers separated by open space. Preserve neighborhood character and quality of life.

This zone change would allow this parcel to develop in the same way to adjacent County subdivisions. The zoning is consistent and compatible with the area. The existing zoning district is intended to allow agricultural land uses with rural homes. The RR1 zone is meant to accommodate residential home sites between 1 and 2.99 acres. There is a demand for single family homes in the County with larger lots.

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 property will have access from 70th St West, a county road. There should be adequate ingress and egress to the property for emergency vehicles. The property is not served by public water and may need to ensure fire protection water supply through the subdivision process. This may include installation of a dry hydrant cistern or gaining access to an existing nearby dry hydrant system. The

existing and proposed zoning requires building separations, setbacks, and height limits that should provide security from fire or other public safety emergencies.

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 increase traffic slightly on 70th St W and Rimrock Road. Both are considered local streets and have low traffic volumes. The level of traffic increase will be dependent on the number of residential dwelling units constructed. Any development will require careful placement and construction of the access to 70th St W. The posted speed limit on 70th St W at this location is up to 55 mph.

**Water and Sewerage:** The property will need to provide water for domestic use and waste water disposal on site. Water can be provided by individual wells, a communal well or by individual cisterns on the lots. Waste water can be handled by individual septic systems or by a community system. The type and manner of these services will be determined at the time of subdivision review.

**Schools and Parks:** The proposed zoning would likely increase the number of school children attending the School District 2 schools of Meadowlark, Ben Steele and West High School. The number of dwelling units will determine the possible impact on schools. The School District had no comments on the application.

**Fire and Police:** The subject property is serviced by the Billings Urban Fire Service Area (BUFSA). Fire suppression requirements will be evaluated at the time of a development plan. The Billings Fire Department will continue to provide fire protection services for this property with or without a zone change.

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

The new zoning will allow development of property that is directly adjacent to low density residential uses to the south and active agricultural uses to the south, east and west. There are few newer County subdivisions near the subject property. The area is outside the limits of annexation for Billings and is not within the long range planning area for future annexations. There is planned to be residential development on the property, which is not expected to have a negative impact on the surrounding uses. The new zoning and development of 5.5 acres of a vacant parcel would provide a predictable use of the property and promote the health and general welfare of the adjacent 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. These requirements should allow adequate light and air to reach the subject property and adjacent properties.

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

The proposed zoning itself will not generate more traffic, but the development of the property for residential uses will add a little traffic volume to the surrounding street network. The estimated increase in traffic would depend on the number of units approved with this development. Each single family dwelling creates 10 to 13 new traffic trips per day on average. This includes trips generated by the residents as well as deliveries and services for the new home. Pedestrian traffic in the area is limited due to the lack of any pedestrian facilities on the County roads. The County will not require sidewalks in a subdivision with lots of this size.

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

The proposed zoning is compatible with nearby urban zoning and development. The proposed zoning is compatible with the low density County residential zoning and the adjacent agriculture zoning.

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 a mix of low density residential and agricultural uses on the adjacent property. The property is suitable for the RR1 uses for lower density rural residential development.

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

The new zoning will allow the development of new residential uses adjacent to agricultural and residential uses. The new residential uses should have a limited effect on existing structures on surrounding properties. There are currently no buildings on the property.

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

The property is suitable for the uses allowed in the RR1 zoning district. This is an appropriate use of land in this area of the County and will encourage similar development to what is already in this part of the County.

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 limits of Billings, is compatible as possible with the urban zoning of N3 and is compatible with the typical rural development in this area of West Billings.

## RECOMMENDATION

Staff recommends the Zoning Commission recommend approval of the zone change and adoption of the findings of the 11 review criteria for Zone Change 709.

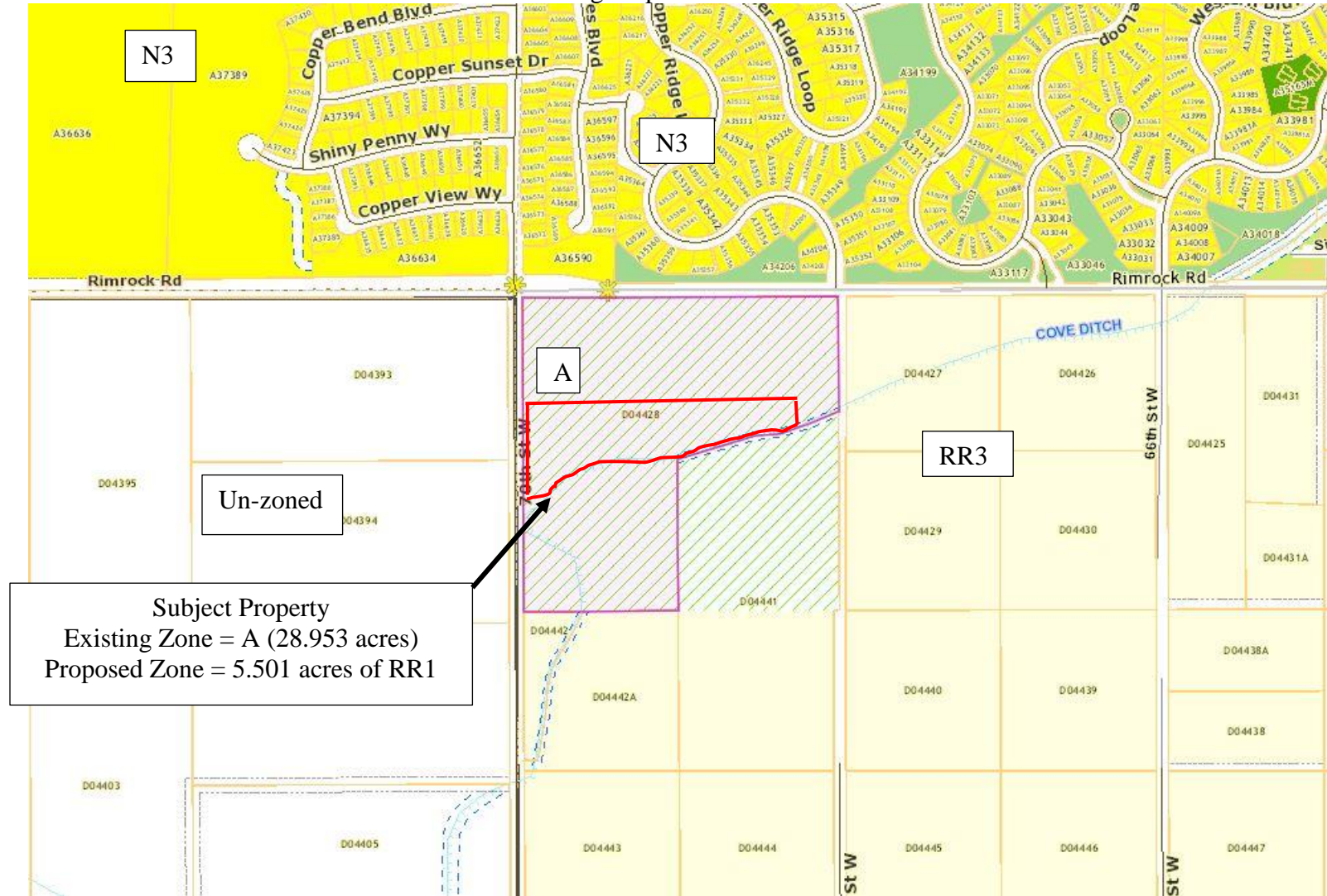
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**Attachments**

Zoning Map and Site Photos  
Chart of Zoning History  
Application and Letter  
Westend Multimodal study

---

Zone Change 709 – 70<sup>th</sup> St W and Rimrock Rd  
Zoning Map and Site Photos





Subject Property



Subject Property view south from Rimrock Rd



View south and east from Rimrock Road



View south and west from Rimrock Road



View west on Rimrock Road



View north across Rimrock Road



View east on Rimrock Road

APPLICABLE ZONING HISTORY  
Zone Change 709 – Rimrock Road and 70<sup>th</sup> St W

<b>SUBJECT PROPERTY</b>	<b>Zone Change</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
					Original zoning – A-1 now A
<b>COUNTY DISTRICTS</b>	<b>Zone Change</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
Hesper/King Ave W and 48 <sup>th</sup> St W	406	9/11/89	A-1 to A-S	Y	City Lakes project – Current Zone is A
Hesper/King Ave W and 48 <sup>th</sup> St W	436	3/19/93	A-S to A-1	Y	City Lakes project – Current Zone is A
4745 Hesper Road	484	11/4/1997	A-1 to CC	N	Current zone is Heavy Commercial (CX)
4745 Hesper Road	645	9/27/2013	A-1 to CC	Yes	Current zone is Heavy Commercial (CX)
1700/1720 60 <sup>th</sup> ST W	542	5/29/2001	A-1 to R-150	Y	Current zone is RR3
6635 Grand Ave	589	01/09/2006	R-150 to A-1	N	Current zone is RR1
1908 60 <sup>th</sup> St W and Colton Blvd	672	2/24/2016	A-1 to A-S	Y	Current zone is RR3
Foxtail Subdivision	City 709	1/27/2003	A-1 to R-150	N	Current zone is N2 and N3
Foxtail Subdivision	City 729	5/10/2004	A-1 to R-96 & R-70	Y	Current zone is N2 and N3
Cottonwood Grove Subdivision	734	7/12/2004	A-1 to R-70	Y	Current zone is N2
Copper-Falcon Subdivision	768	11/14/2005	R96 to R70 and RMF	Y	Current zone is N3, NX2 and NX1
Sunny Cove Fruit Farm (SCFF) Lot 104 A	705	7/27/2021	RR1 to C3 & N4	N	Current zone is RR1

### APPLICATION FORM

**COUNTY ZONE CHANGE** County Zone Change # \_\_\_\_\_ - Project # PZX-22-00119

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

Present Zoning: A - Agriculture

Proposed Zoning: R1 - Rural Residential

Property Tax ID # D04428 COUNTY COMMISSIONER DISTRICT # 3

Legal Description of Property: S36, T01N, R24E, NWNW (LESS SUNNY COVER FRUIT FARMS AMD LT 47A)(22)

Address or General Location (If unknown, contact County Public Works): SE corner of Rimrock Rd. and 7th St. W.

Size of Parcel (Area & Dimensions): 28.953 acres

Present Land-Use: Agriculture

Proposed Land-Use: Agriculture with Residential family living

Covenants or Deed Restrictions on Property: Yes \_\_\_\_\_ No x

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): Hageman Farms

(Recorded Owner) 7 Goodwill Ct

(Address) Newport Beach, CA 92663-2346 farus@qafinvestments.com

(Phone Number) \_\_\_\_\_ (email)

Agent(s): IMEG Corp. - Shawn Thorson, P.E.

(Name) 175 N. 27th St., Ste 1312, Billings, MT 59101

(Address) (406) 414-7768 shawn.m.thorson@imegcorp.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: Patrick E Farley Date: 5/3/2022 | 2:46 PM MDT

D15C3EBD6FF1422...  
(Recorded Owner)



Date Stamp



RIMROCK RD

UNPLATTED PARCEL  
S36, T01N, R24E NWNW (LESS  
SUNNY COVER FRUIT FARMS AMD LT  
47A)(22)

28.953 ACRES

PROPOSED RR1 ZONING  
APPROXIMATELY 5.501 ACRES

70TH ST



1817 SOUTH AVE. W. STE. A PH: 406.721.0142  
MISSOULA, MT FAX: 406.721.5224  
59801 www.imegcorp.com

PROPOSED ZONE CHANGE  
RIMROCK REZONE  
SECTION 36 OF T 01N, R24 E, NWNW  
LESS SUNNY COVE FRUIT FARMS AMD LT 47A  
YELLOWSTONE COUNTY

PROJECT#: 22001997  
TAB: ZONE CHANGE  
DRAFTER: DF  
DATE: APRIL 2022  
SHEET 1 OF 1



May 4, 2022

Planning & Community Services  
2825 3<sup>rd</sup> Avenue North, 4<sup>th</sup> Floor  
Billings, MT 59101

RE: County Zone Change Application – PZX-22-00119 Yellowstone County, Montana.

To Whom it May Concern:

Enclosed are the required documents to request a zone change on the property located in Yellowstone County. The property is currently zoned with Agricultural (A) zoning and 5.5 acres is proposed to be rezoned to Residential Rural (R1) zoning. Please see our explanations below (in ***bold italics***) in response to the items identified as required in the Zone Change Application Information Packet.

- a. A legal description of the tract proposed to be rezoned;  
***The legal description of the tract proposed to be rezoned is S36, T01 N, R24 E, NWNW (LESS Sunny Cove Fruit Farms AMD LT 47A) (22) and is shown on the attached Application Form.***
- b. A map showing the dimensions, acreage, and location of the tract and adjacent land uses;  
***A map has been included with this submittal that shows the dimensions, acreage and location of the tract and adjacent land uses.***
- c. The present and proposed classification for the tract;  
***The present and proposed zoning classification for the tract has been noted on the Application Form included with this letter.***
- d. A certified list of the names, addresses and legal descriptions of the owners of property within a radius of three hundred (300) or more feet, as determined by the zoning coordinator, of the exterior boundaries of the tract;  
***A certified list as noted above has been included with this letter.***
- e. Gummed mailing labels with the names and mailing addresses typed or printed neatly of all of the property owners indicated on the certified list;  
***Gummed mailing labels as noted above have been included with this letter.***
- f. The names and addresses of the owner of the land and their agents, if any, along with the recorded property owner's signature; and  
***The names and addresses of the landowner and their agent, along with the property owner's signature have been included on the Application Form.***
- g. Payment of all applicable fees.  
***The payment of all applicable fees has been paid through the county website.***
- h. A signed statement affirming the pre-application neighborhood meeting was conducted in conformance with the requirements of Section 27-1508 (b) 3, and the zone change application is based on material presented at the meeting. The signed statement shall include a copy of the

meeting notice, any written materials provided to the surrounding property owners, a brief synopsis of the meeting results, a roster of the persons attending the meeting and audio or written minutes of the meeting.

***The Pre-Application Statement of Owner or Agent along with all supporting documents, have been included with this submittal to address the above-mentioned items.***

- A. In what ways is your proposal consistent with the goals and policies of the adopted Growth Policy?

***The proposed development is west of Billings within a mixed area of agriculture and residential developments. This development would allow rural residential development in the area.***

- B. Explain your need for the intended zone change and why the property cannot be used under the existing zoning. Explain how the new zoning will fit in with the existing zoning and land uses of the immediate area.

***The current zoning of Ag does not allow for residential development. Changing the zoning on this parcel will allow for low density rural development in the area.***

Please feel free to contact me with any questions by email at [shawn.m.thorson@imegcorp.com](mailto:shawn.m.thorson@imegcorp.com) or by phone at (406) 414-7768.

Sincerely,  
**IMEG, Corp.**



Shawn Thorson, P.E.

Enclosures:     Application Form  
                    Vicinity Map  
                    Layout with Dimensions and Acreages of Properties  
                    Pre-Application Statement of Owner or Agent  
                    Pre-Application Meeting Notification Letter  
                    Subject Property Map  
                    Pre-Application Meeting Minutes  
                    Pre-Application Meeting Sign in Sheet  
                    Map Provided by City of Properties within 300' of the Zone Change  
                    Certified List of Names and Addresses of Property Owners  
                    Mailing Labels based on Certified List  
                    Review Fee (uploaded to portal)

- C. File & Scan (with attachments)

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# SIGN TO SHEET

<u>NAME</u>	<u>PHONE</u>	<u>EMAIL OR ADDRESS</u>
Jill Hagestad	406-670-0100	jhagestad@msn.com
Wayne & Lianne Swigart	406-489-3489	wayneswigartwls@outlook.com
LAPIW		7045 Skiny Pennyway
G. LAPIW		" "
Doug Wildt	406-670-2242	4712 Audubon Way
Chad Northing	406-647-4770	cnorthing@syversatile.com
Bob Norwood	906-561-3252	2998 W Copper Ridge Loop
Martha McDowell	406-698-0983	2223 70 <sup>th</sup> St. W
Jeff Romans	406-794-8460	romansjeff@gmail.com
CHRISTINE ROMANS	406-697-9328	ROMANSchristine@gmail.com
Gordon Schmidt	704-488-7535	3039 Forbes Blvd
Heather McDowell	509-978-1122	heathermcdowell@gmail.com
Martha Burroughs	503-553-9894	mbemburn@gmail.com
Matthew	503-726-8519	mmburroughs@junior.com
Bob Morgan & Dianne Morgan	406-698-2589	2901 WEST COPPER RIDGE BILLINGS MT 59106 Loop

~~Sign~~ QAF 70<sup>TH</sup> + RIMROCK REZONE

6 PM - BEN STEELE MIDDLE SCHOOL

ATTENDEES ON SIGN IN SHEET

### MINUTES

BOB NORWOOD - What type of storage? Enclosed is anticipated. Possible multi-family adds more traffic. Not in favor of storage units.

Lapin - Does not want commercial development

Gordon Schmit - Does not want commercial. Moved here for a reason.

Are there proposed apartments? If annexation occurs in future.

Heather McDaniel - Appressed due to Agg land. has farm + wants it to last.

Wayne Surrger - Mixed City is moving west.

A Lapman - Only lose when we lose. Against. Not for multi-family or general commercial.

?  
- what does it do to value of neighboring residence?  
would bring people that don't live here to the area. Safety for neighborhood.

Lapin - Can a green space buffer  
be allowed?  
would like low impact & buffer along  
Rimrock's developed.

Doug Wild - City annexation will happen eventually.  
City requires Commercial / multi-family  
along Rimrock.

Group does not want multi ~~store~~  
buildings. will show up @ meetings.

Likes the views & greenspace.

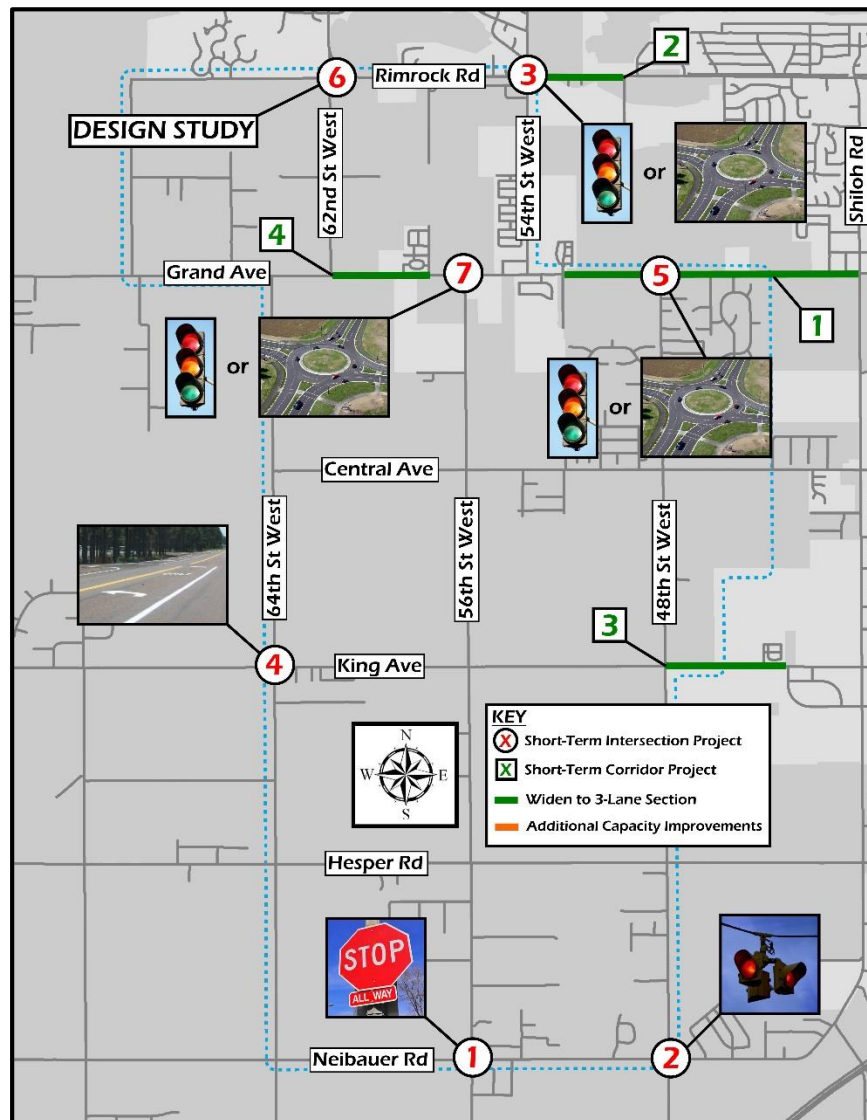
Request that the owner steps away.

**TABLE ES1. SHORT-TERM INTERSECTION PROJECT RECOMMENDATIONS**

Priority Ranking	Project Location	Project Type	Estimated Cost
1	Neibauer Rd. & 56th St. West	All-Way Stop Control/OH Flashing Beacons/Transverse Rumble Strips	\$120,000-\$200,000
2	Neibauer Rd. & 48th St. West	OH Flashing Beacons/Transverse Rumble Strips	\$120,000-\$200,000
3	Rimrock Rd. & 54th St. West	Traffic Signal or Roundabout	\$400,000-\$1,500,000
4	King Ave. West & 64th St. West	Auxiliary Turn Lanes	\$400,000-\$600,000
5	Grand Ave. & 48th St. West	Traffic Signal or Roundabout	\$400,000-\$1,500,000
6	Molt Rd./Rimrock Rd./62nd St. West	Design Study	\$20,000-\$30,000
7	Grand Ave. & 56th St. West	Traffic Signal or Roundabout	\$400,000-\$1,500,000

**TABLE ES2. SHORT-TERM CORRIDOR PROJECT RECOMMENDATIONS**

Priority Ranking	Project Location	Project Type	Estimated Cost
1	Grand Ave. - Shiloh Rd. to 52nd St. West	Widening/Reconstruction (3-lane section)	\$2,800,000-\$4,500,000
2	Rimrock Rd. - 50th St. West to 54th St. West	Widening/Reconstruction (3-lane section)	\$1,000,000-\$1,600,000
3	King Ave. West - MT Sapphire Dr. to 48th St. West	Widening/Reconstruction (3-lane section)	\$1,300,000-\$2,000,000
4	Grand Ave. - Wilderness Dr. to 62nd St. West	Widening/Reconstruction (3-lane section)	\$900,000-\$1,400,000



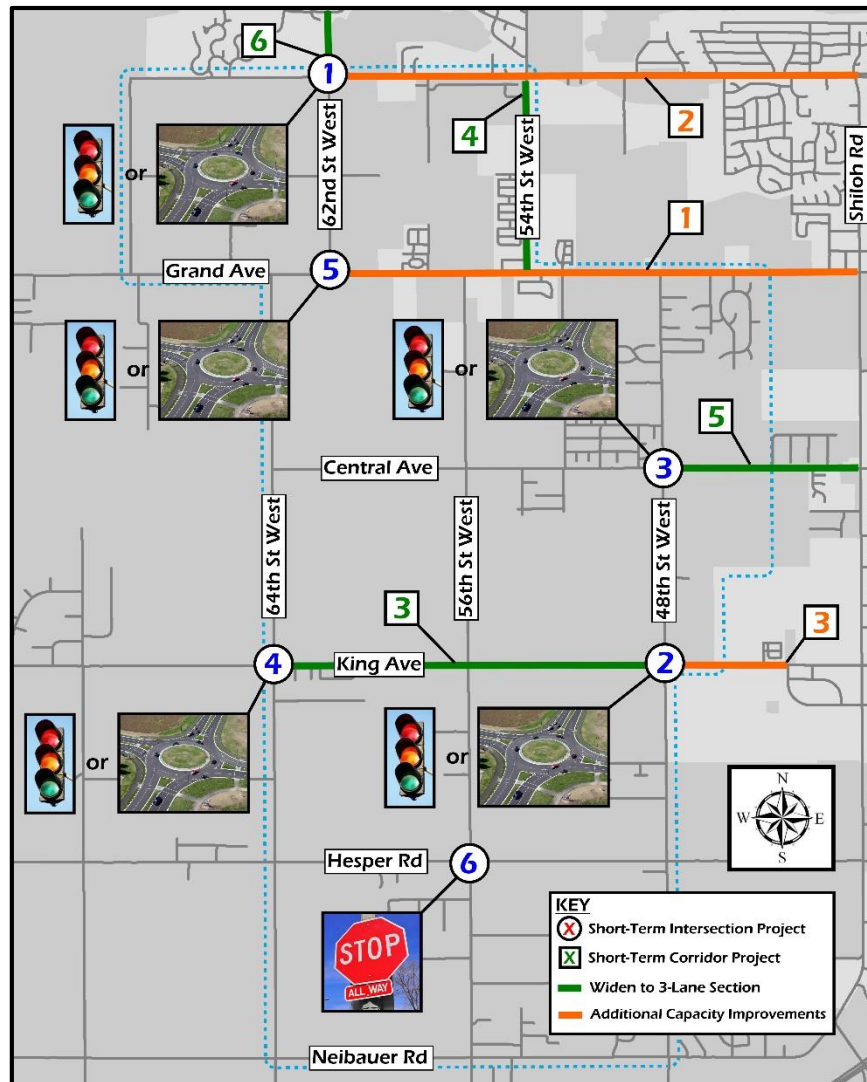
**FIGURE ES5. SHORT-TERM INTERSECTION & CORRIDOR PROJECT RECOMMENDATIONS**

**TABLE ES3. LONG-TERM INTERSECTION PROJECT RECOMMENDATIONS**

Priority Ranking	Project Location	Project Type	Estimated Cost
1	Molt Rd./Rimrock Rd./62nd St. West	Traffic Signal or Roundabout	\$400,000-\$1,500,000
2	King Ave. West & 48th St. West	Traffic Signal or Roundabout	\$400,000-\$1,500,000
3	Central Ave. & 48th St. West	Traffic Signal or Roundabout	\$400,000-\$1,500,000
4	King Ave. West & 64th St. West	Traffic Signal or Roundabout	\$400,000-\$1,500,000
5	Grand Ave. & 62nd St. West	Traffic Signal or Roundabout	\$400,000-\$1,500,000
6	Hesper Rd. & 56th St. West	All-Way Stop	\$4,000-\$200,000

**TABLE ES4. LONG-TERM CORRIDOR PROJECT RECOMMENDATIONS**

Priority Ranking	Project Location	Project Type	Estimated Cost
1	Grand Ave. - Shiloh Rd. to 62nd St. West	Widening/Reconstruction (5-lane section)	\$7,500,000-\$11,000,000
2	Rimrock Rd. - Shiloh Rd. to 62nd St. West	Widening/Reconstruction (5-lane section/3-lane section)	\$6,900,000-\$10,300,000
3	King Ave. West - MT Sapphire Dr. to 64th St. West	Widening/Reconstruction (5-lane section/3-lane section)	\$6,100,000-\$9,300,000
4	54th St. West - Grand Ave. to Rimrock Rd.	Widening/Reconstruction (3-lane section)	\$2,100,000-\$3,300,000
5	Central Ave. - Shiloh Rd. to 48th St. West	Widening/Reconstruction (3-lane section)	\$2,000,000-\$3,100,000
6	62nd St. West - Rimrock Rd. to Western Bluffs Dr.	Widening/Reconstruction (3-lane section)	\$700,000-\$1,100,000



**FIGURE ES6. LONG-TERM INTERSECTION & CORRIDOR PROJECT RECOMMENDATIONS**