



**Yellowstone County Zoning Commission
DRAFT Minutes for the Meeting of
Monday, June 13, 2022**

The County Zoning Commission met on Monday, June 13, 2022 at 4:00 p.m. in the Miller Building 1st Floor Conference Room, 2825 3rd Ave. North.

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

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

Commissioner Bush and Commissioner Hewitt is participating virtually.

Zoning Coordinator Nicole Cromwell, Tammy Deines, Planning Clerk

Other Participants: Taylor Kasperick, Performance Engineering

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: April 11, 2022 (Due to a lack of agenda items, this Commission had no meeting in May 2022).

Motion

It was moved by Commissioner Poppler and seconded by Commissioner Hewitt to approve the April 11, 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, June 13, 2022

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

Item #1: 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, a 7.953 acre parcel of land. A pre-application neighborhood meeting was held on ZOOM on April 25, 2022. Tax ID: D00465B

REQUEST

Planning Division recommends approval of Zone Change 708 as presented by staff with the Findings of Fact and the 11 review criterion.

Discussion

Commissioner Poppler asked the Commissioners for questions and comments. In response to questions by Commissioners Bush and Gentry, staff responded that the School District #2 property is located southeast of this parcel. This is a County development with on-site water. Staff deferred to Taylor Kasperick, Performance Engineering, for further clarification...

Public Hearing

Commissioner Poppler opened the public hearing and asked if there is anyone wishing to speak regarding County Zone Change #708.

Taylor Kasperick, Performance Engineering, (no address given), Billings, MT

Mr. Kasperick is the applicant's agent. He said pending testing and DEQ approval, this parcel is moving through subdivision review with septic systems and a private public water supply system feeding off of groundwater wells. This is consistent with the nearby subdivisions. Black Hawk subdivision has a 30,000 gallon dry hydrant fire suppression tank within ½ mile of this parcel. The subdivision will be served by Ben Steele Middle School, and West High School. In response to question by Commissioner Poppler, Mr. Kasperick clarified the term "public water supply system" with the explanation that DEQ considers any system serving 25 or more units served as public. Commissioner Bush asked regarding the potential cost of annexation and notification of impacts. Zoning Coordinator Cromwell said the Suburban Development Standards for Yellowstone County will be applied through the City/County Planning Board review. Improvements required would be stated within a Development Agreement. Potentially a Special Improvement District would be initiated with a Waiver of Protest to enable the City or County to assess for the improvements. In response to question by Commissioner Poppler, staff said due to the number of units it will serve, being less than 30 units in this case, here will be a single access from Central Avenue with a terminus.

Commissioner Poppler asked if there is anyone else wishing to speak in favor or against county Zone Change #708. There was none. Commissioner Poppler closed the public hearing and called for a motion.



**Yellowstone County Zoning Commission
DRAFT Minutes for the Meeting of
Monday, June 13, 2022**

Motion

Commissioner Poppler made a motion and it was seconded by Commissioner Gentry to forward a recommendation to the Board of County Commissioners of approval of Zone Change #708 as recommended. This application will be heard by the BOCC on June 21, 2022, 8:30 a.m.

Discussion

There was no discussion on the motion. Commissioner Poppler said the proposed N4 zoning is consistent with the surrounding neighborhood and Commissioner Hewitt concurred.

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

Item #2 - County Zone Change 709 – 70th St West and Rimrock Road – A to RR1 – A zone change request from Agriculture (A), to Rural Residential 1 (RR1), on a 5.501 acre portion of an unplatted parcel in the NWNW of Section 36, Township 1 North, Range 26 East, less Amended Lot 47A of Sunny Cove Fruit Farms. A pre-application neighborhood meeting was held on April 21, 2022 at the Ben Steele Middle School at 5640 Grand Avenue. Tax ID: D04428

REQUEST

This is a zone change request for a 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 of 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).

The **Board of County Commissioners** public hearing for these application will be held **on Tuesday, June 21, 2022, at 9:30 a.m. at 316 N 26th Street – 3rd Floor, Commissioner’s Hearing Room.**

RECOMMENDATION

Planning staff is recommending approval of the requested withdrawal zone change.

Zoning Coordinator Nicole Cromwell received an email dated June 13, 2022 from Shawn Thorson, IMEG, stating clients would like to withdraw the rezone request for County Zone Change #708. The applicant is not pursuing the purchase of this property as there is a Phillip 66 pipeline that runs through this property.

Motion

Commissioner Gentry made a motion and it was seconded by Commissioner Poppler to



**Yellowstone County Zoning Commission
DRAFT Minutes for the Meeting of
Monday, June 13, 2022**

remove Zone Change #709 and accept the withdrawal as requested by the applicant.

Discussion

There was no discussion on the motion.

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

OTHER BUSINESS

a. Announcements:

- There is one vacancy on the County Zoning Commission.
- The next County Zoning Commission meeting will be held on July 11 2022 4:00 PM to hear one application

Adjournment 4:26 PM

DRAFT-To be approved by a motion at the next scheduled meeting July 11, 2022

--Tamara L. Deines, Planning Clerk



COUNTY OF YELLOWSTONE ZONING COMMISSION AGENDA

Monday, June 13, 2022

4:00 PM

Miller Building, 1st Floor Conference Room
2825 3rd 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
- 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 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**

