



COUNTY OF YELLOWSTONE ZONING COMMISSION AGENDA

Monday, July 11, 2022

4:00 PM

**Miller Building, 1st Floor Conference Room
2825 3rd 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
- 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: June 13, 2022

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

Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff

a. The Exparte Communication Binder is available at the Sign-In and Agenda Station.

Regular Business:

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

Public Hearings:

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

Other Business/Announcements

Adjournment

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

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

The Board of County Commissioners public hearing for these applications will be held on **Tuesday, July 26, 2022, at 9:30 a.m. at 316 N 26th Street -- 3rd Floor, Commissioner's Hearing Room.** The Board of County Commissioners will hear all persons wishing to speak relative to the proposed **Zone Change**

The Board of County Commissioners public hearing for these applications will be held on **Tuesday, July 26, 2022, at 9:30 a.m. at 316 N 26th Street -- 3rd 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

County Zoning Commission

Meeting Date: 07/11/2022

Information

Subject

Motion. Approval of Minutes: June 13, 2022

Attachments

YZC_2022_06_13_MIN_DRAFT.pdf



**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



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Disclosure of an Outside (Ex Parte Communication)-Members of the Commission and Staff
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- 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**

County Zoning Commission

Meeting Date: 07/11/2022

SUBJECT: County Zone Change 710 - 1837 Hawthorne Lane - from N2 to P2

THROUGH: Nicole Cromwell

PRESENTED BY: Nicole Cromwell

Information

REQUEST

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

RECOMMENDATION

Planning staff is recommending approval of the zone change request and adoption of the findings of the 11 review criteria.

APPLICATION DATA

OWNER: Wayne and Karen Underwood

AGENT: Shane Vigus - Upper Deck Baseball

LEGAL DESCRIPTION: 4 acres within C/S 1666 Parcel 1 - a 7.5-acre parcel of land

ADDRESS: 1837 Hawthorne Lane

CURRENT ZONING: N2 - Mid-Century Neighborhood

EXISTING LAND USE: Shop and Garage Buildings with Baseball Field under construction

PROPOSED USE: Same with completed Baseball Field with fencing

SIZE OF PARCEL: 7.5 acres total - 4 acres proposed for re-zoning

CONCURRENT APPLICATIONS

Pending fence permit application - PLNX-22-01383

APPLICABLE ZONING HISTORY

See attached chart

SURROUNDING LAND USE & ZONING

NORTH:	Zoning: RR3 Land Use: Rural Residential development
SOUTH:	Zoning: N2 Land Use: Single family homes on large lots
EAST:	Zoning: P2 Land Use: Beartooth Elementary School
WEST:	Zoning: N2/N3 Land Use: City residential subdivision

BACKGROUND

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

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

Road, Hawthorne Lane is discontinuous but eventually connects to Mary Street and then the Bitterroot Heights Subdivision north of Mary Street. Average daily traffic on Hawthorne Lane at this location is approximately 1,260 vehicle trips per day. Hawthorne Lane is a designated collector street and is intended to connect local neighborhoods to arterial streets such as Wicks Lane, Bench Boulevard and Main Street. The collector street status does not extend north of Barrett Road. Hawthorne Lane has capacity to handle additional traffic without requiring improvements. The current volume of traffic is low compared to its capacity.

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

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

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

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 as an outdoor active recreation facility adjacent to an elementary school and in proximity to neighborhood residents. Active recreation sites in Billings Heights are few compared to the population of the Heights. The zoning is consistent and compatible with the area. The existing zoning district is intended to low to medium density residential development. The proposed 4 acres of P2 zoning will be compatible with this existing zoning and development. The 2006 Billings Heights Neighborhood Plan noted a lack of active recreational facilities including playing fields for organized sports such as baseball, soccer, football and field hockey. The development of public and private facilities was encouraged.

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 Hawthorne Lane, a collector street. There should be adequate ingress and egress to the property for emergency vehicles. The property is partially inside the Billings Heights Water District but is not known whether the existing garage and shop building have water service from the district. The closest fire hydrant is 500 feet south at the intersection of Kyhl and Hawthorne. There is no public sewer service to the existing buildings. Access to public sewer would require annexation of the property to the city. 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 an intermittent basis on Hawthorne Lane. The level of traffic increase will be dependent on the number of games and practices that happen on the playing field. There is no parking on the east edge of Hawthorne Lane except on an unimproved shoulder of the road. There is some paved area for parking at the existing garage and shop on the property (See photo attachments). Development standards for outdoor recreation facilities normally requires 1 off-street parking space for each 4 occupants of the field at maximum capacity. It is not known what the capacity of this field might be or whether the agent has secured a parking agreement with the adjacent elementary school or if additional parking on the site will be provided.

Water and Sewerage: The property will need to provide water for the fields, for players and fans as well as a method for handling sanitary waste during games or practices. Some seasonal playing fields provide portable "potties" during the season but have no year-round permanent facilities.

Schools and Parks: The proposed should have no effect on the number of children attending school in the area or have an increased demand for park space in the Heights. In fact, the development of a baseball playing field may relieve some pressure on existing public park playing fields.

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. The playing field is in an area with a high level of natural surveillance from surrounding property owners and users. Trespassing and vandalism are concerns but should not increase beyond the existing condition.

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

The new zoning will allow development of active recreation that is directly adjacent to low and medium density residential uses to the west, south and north. There are several new City subdivisions to the west and north of the subject property. The area is within the limits of annexation for Billings and future development for medium density residential uses is possible. 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 the baseball field will add traffic to Hawthorne Lane. The estimated increase in traffic would depend on the number of game days and practice days scheduled for the field. The agent states there are 10 teams now associated with Upper Deck Baseball and the agent states five of those teams would use this new playing field. Each team could have up to 25 or 30 members including players and coaches. It is difficult to estimate the volume of traffic this amount of activity would generate and which road would handle the traffic. There is only one playing field and only one game can be played at one time. An older trip generation manual indicates up to 50 trips per acre of playing field could be expected during a game or practice event. This would result in about 200 vehicle trips per game/practice event at this location however, this could be too general based on the type of activity at his location.

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

The proposed zoning is across the street from urban zoning and development in the City of Billings. The proposed zoning is compatible with this development.

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 medium density residential. The property is suitable for the P2 uses and will fit into this neighborhood on the edge of the city and county.

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

The new zoning will allow the development of the playing field without effecting the existing buildings that will remain in the N2 zone district. The proposed zoning will conserve the value of the playing field and amenities for the field.

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 P2 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 and is compatible with the typical suburban and rural development in this area of Billings Heights.

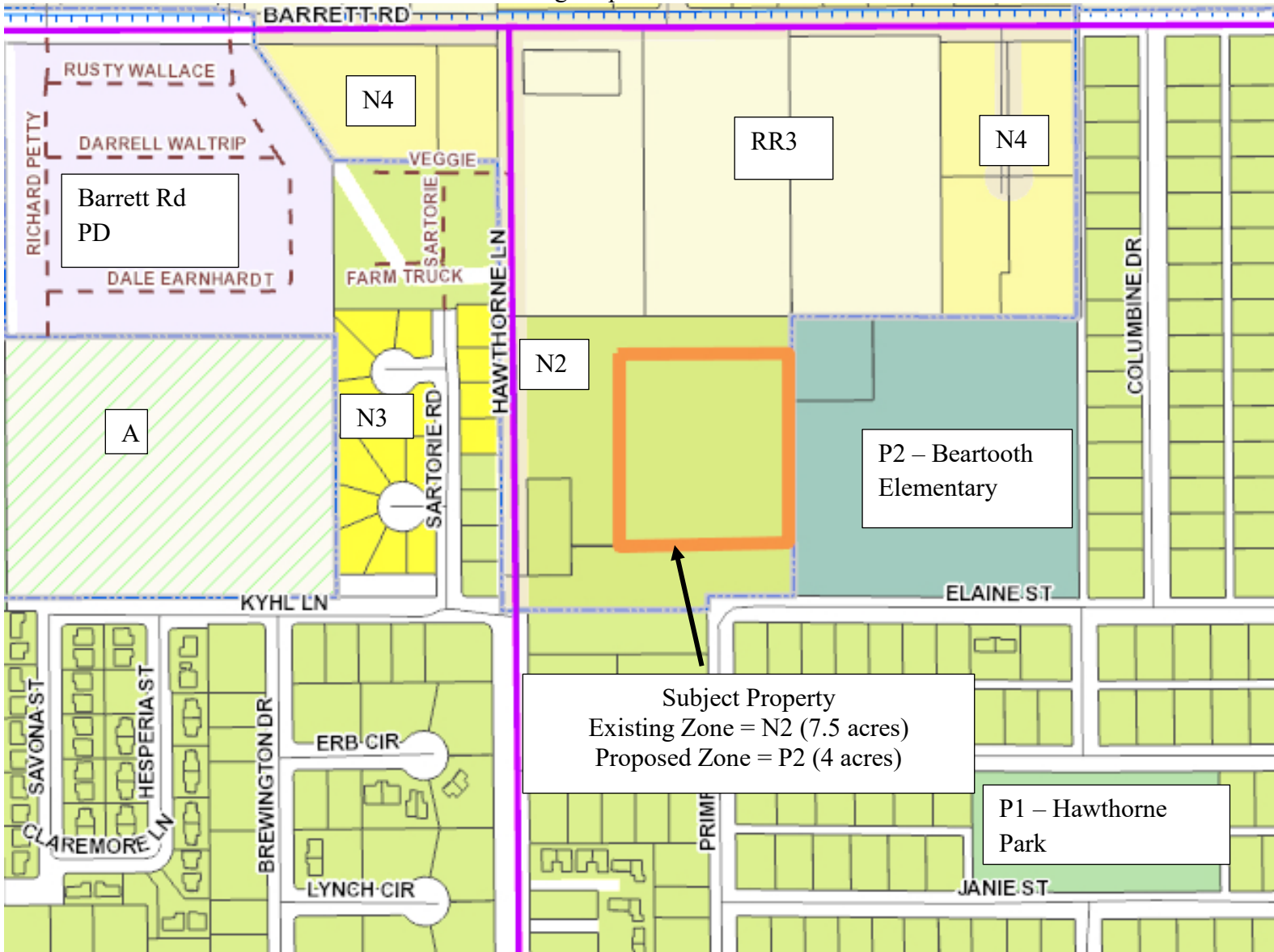
RECOMMENDATION

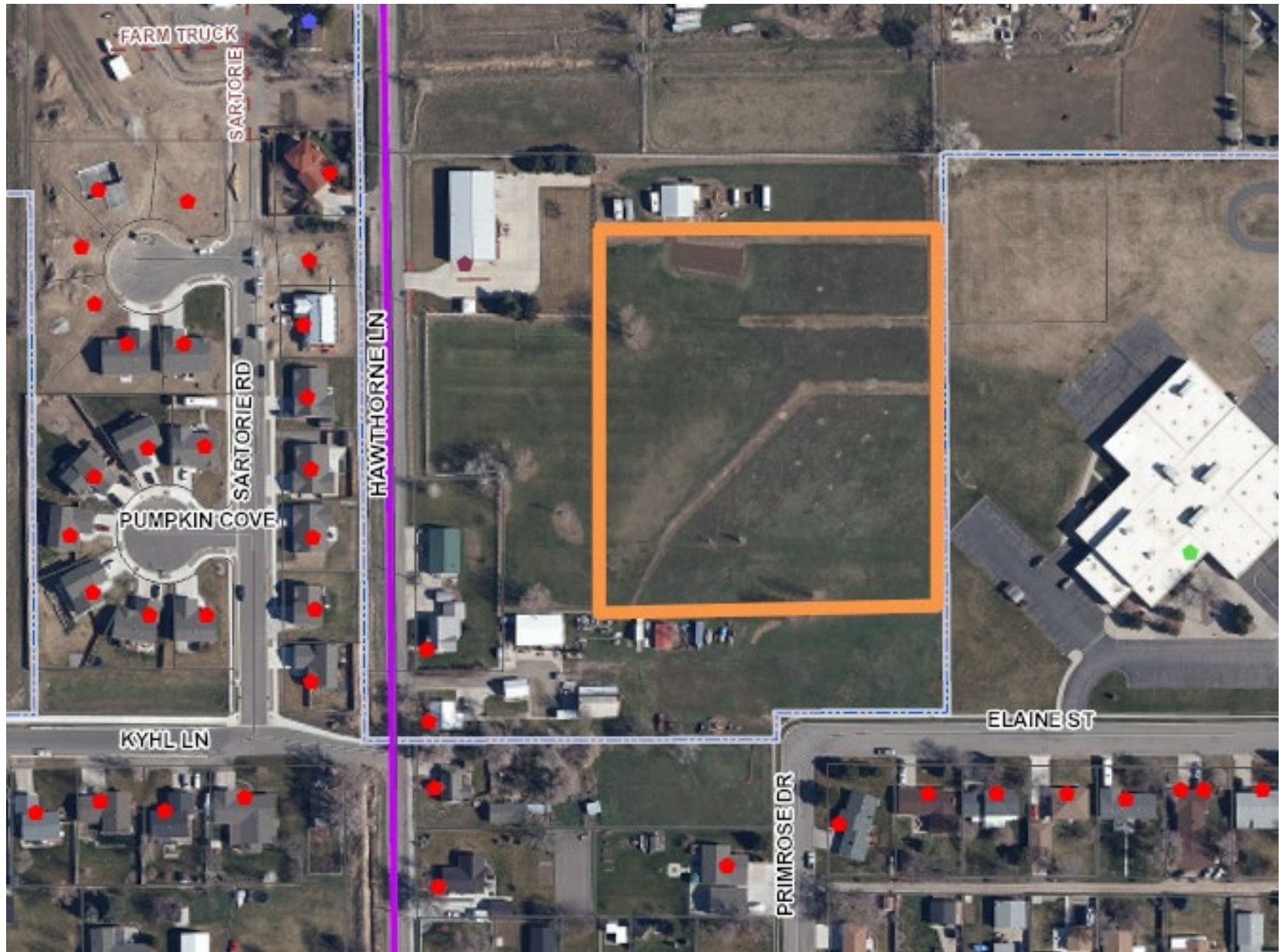
Staff recommends approval and adoption of the findings of the 11 review criteria for Zone Change 710.

Attachments

Zoning Map and Site Photos
Chart of Zoning History
Application and Letter

Zone Change 710 – 1837 Hawthorne Lane
Zoning Map and Site Photos





Subject Property



Subject Property view east from Hawthorne Lane



View south along Hawthorne Lane



View south and west across Hawthorne Lane



View west across Hawthorne Lane



View north along Hawthorne Lane



View of field from Elaine Street

APPLICABLE ZONING HISTORY
County Zone Change 710

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
1837 Hawthorne Lane	NA	Nov. 1973 Dec. 2020			Previous zone was R-70 New zone is N2
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
1345 Elaine St – Beartooth Elementary School (City)	NA	Feb. 2021			Previous zone was R-70 New zone is Public 2 (P2)
Sartorie Subdivision (City)	NA	Feb. 2021			Previous zone was R-70 New zone is N2 and N3
Property on Barrett Rd east of Hawthorne Lane (County)	NA	Dec 2020			Previous zone was R-70 New zone is RR1 and RR3
Carroll Heights Sub (County)	NA	Dec 2021			Previous zone was R-70 New zone is N4
Whitetail Subdivision (County)	ZC 510	3/2/1999	A to A-S	Yes	10 acre min to 1 acre min New zone is RR1
Quarter Horse Acres and CS 1655 (County)	ZC 145 ZC 395 ZC 442	9/28/1977 7/28/1986 7/27/1993	A-1 to R-150 A-1 to R-150 A-1 to A-S	Yes Yes Yes	Previous zone was R-150 New zone is RR1, RR3 and A
Bar 11 Subdivision	ZC 668 ZC 681	12/29/2015 7/5/2017	A-1 & R-150 to R-96	Yes Yes	Previous zone was R-96 New zone is N4 and RR1

APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # 710 - Project # PZX-22-00134

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: Residential

Proposed Zoning: Public

Property Tax ID # D05167 COUNTY COMMISSIONER DISTRICT # 2

Legal Description of Property: COS 1666 Parcel 1

Address or General Location (If unknown, contact County Public Works): 1837 Hawthorne

Size of Parcel (Area & Dimensions): 7.5 acres total 4 acres (zone change partial) 65,000 sq ft

Present Land-Use: Empty field

Proposed Land-Use: Upper Deck Baseball Field

Covenants or Deed Restrictions on Property: Yes No

If yes, please attach to application

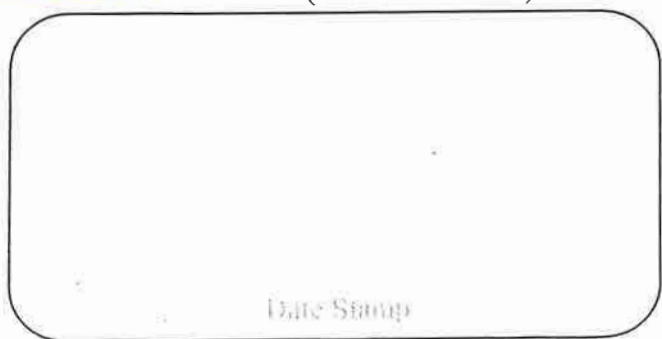
*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Wayne + Karen Underwood (Recorded Owner) P.O. Box 1559 (Address) Billings, MT 59103- (Phone Number) (email)

Agent(s): Shane Vigues - Upper Deck Baseball (Name) 421 N 24th St Billings, MT 59101 (Address) (406) 670-4264 (429 Freedom Ave 59105) (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: On File in Planning Office Date: (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:** Residential
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: Inside Perimeter of Field Area
3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:** COS 1666 Parcel 1
Section 14 Township 1 North Range 26 East
5. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form
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 24th day of MAY, 2022
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): Wayne & Karen Underwood Telephone: _____
Address: P.O. Box 1559 Email: _____
Billings MT 59103

Agent (s): Shane Vigus Upper Deck Telephone: (406) 670-4264
Address: 421 N. 24th St, Baseball Email: shane@upperdeckbaseball.org
Billings MT 59101

5/13/2022



Dear Property Owner,

Upper Deck Baseball is a nonprofit organization in Billings, MT. Upper Deck Baseball is a youth baseball organization aimed at player development for our younger ages and college placement for our older players. We have around 150 kids in our organization ages 8-18. We are in our 6th year of our program and have made huge strides helping the youth in our town. We started with one team and have now grown into 10 teams this season. The main goal of our organization though truly is college placement after high school. In our first 5 seasons (between our fall program and regular season program) we have been able to help over 25 kids in our community and around the state move on to college to further their education while having an opportunity to play baseball! We are very proud and excited to say this. So far this year, we have been able to help three more of our high school seniors sign with colleges to continue their education while having an opportunity to continue playing baseball.

The reason of this notice however is to inform you of a zoning request. The property in subject is 1837 Hawthorn Ln. Upper Deck Baseball is in the process of constructing a new baseball field that will be used by our organization and many others. This field will be home to 5 of our club teams as well as host games for other organizations in town. The current property is zoned residential and in order to put in our taller fencing for the field we must re-zone the portion of the property that the field sits on as commercial. Summit Fence LLC has partnered with us and has been a huge supporter of our organization. Summit Fence will be the ones constructing the fence for this new baseball field.

Per the Planning Division rules surrounding property owners must be notified by mail of our neighborhood meeting. In this meeting we will discuss more about what is planned with the re-zoning and building of our new baseball field. The date of the meeting will be May 24th, 2022. It will be held at 6PM at the faculty/side parking lot of Beartooth Elementary. It is the parking lot that is right next to the new baseball field.

The current property owners are Wayne and Karen Underwood. The agent that you can contact with questions though is myself, Shane Vigus. My number is 406-670-4264 or you can reach me at shane@upperdeckbaseball.org.

Thank you for taking the time to read this letter and look forward to answering questions at our meeting May 24th, 2022 @ 6PM.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shane Vigus'. The signature is fluid and cursive, with the first name 'Shane' being more prominent.

Director of Upper Deck Baseball
Head Coach Billings Expos AA
(406) 670-4264
shane@upperdeckbaseball.org



City of Billings and Yellowstone County Zoning Jurisdiction Fence Permit

2825 3rd Ave. North, 4th Floor, Billings, MT 59101
406-247-8676



Easements and property lines are the responsibility of the property owner.
BEFORE YOU DIG – CALL 811

Property Address:

Applicant Name: Summit Fence Mailing Address: 3005 Tampiee
 Phone: 406 203 0627 E-mail: Jamesyoung.fenceco@gmail
 Agent Name: James Young Mailing Address: 3005 Tampiee
 Phone: _____ E-mail: _____

Property Information:

Replacement? _____ **Replacement fences must meet current codes.
 Fence Material: Chainlink Retaining Wall? Yes No
 Zoning: _____ Height 8' 3 1/2'
 Front Setback: _____ (feet) **Fences over 4 feet are required to be behind the front setback in most zoning districts.

Clear Vision:

Corner lot? Yes/No If "Yes", is it a controlled intersection? Circle what applies:
 Traffic Signal Yield Stop sign
 Clear Vision? Yes/No If "Yes", see the attached examples and circle those that apply:
 (1a) Driveway & Alley (1b) Central Business District Driveway & Alley (1c) Minor Street Stop (2b) All-Way Stop (2c) Minor Street Yield
 (2d) Traffic Signal (2e) Central Business District Stop Sign or Traffic Signal (3a) "Uncontrolled" Intersection (3b) 2-Leg Uncontrolled Intersection (3c) Uncontrolled Permanent "T" Intersection

OFFICE USE ONLY

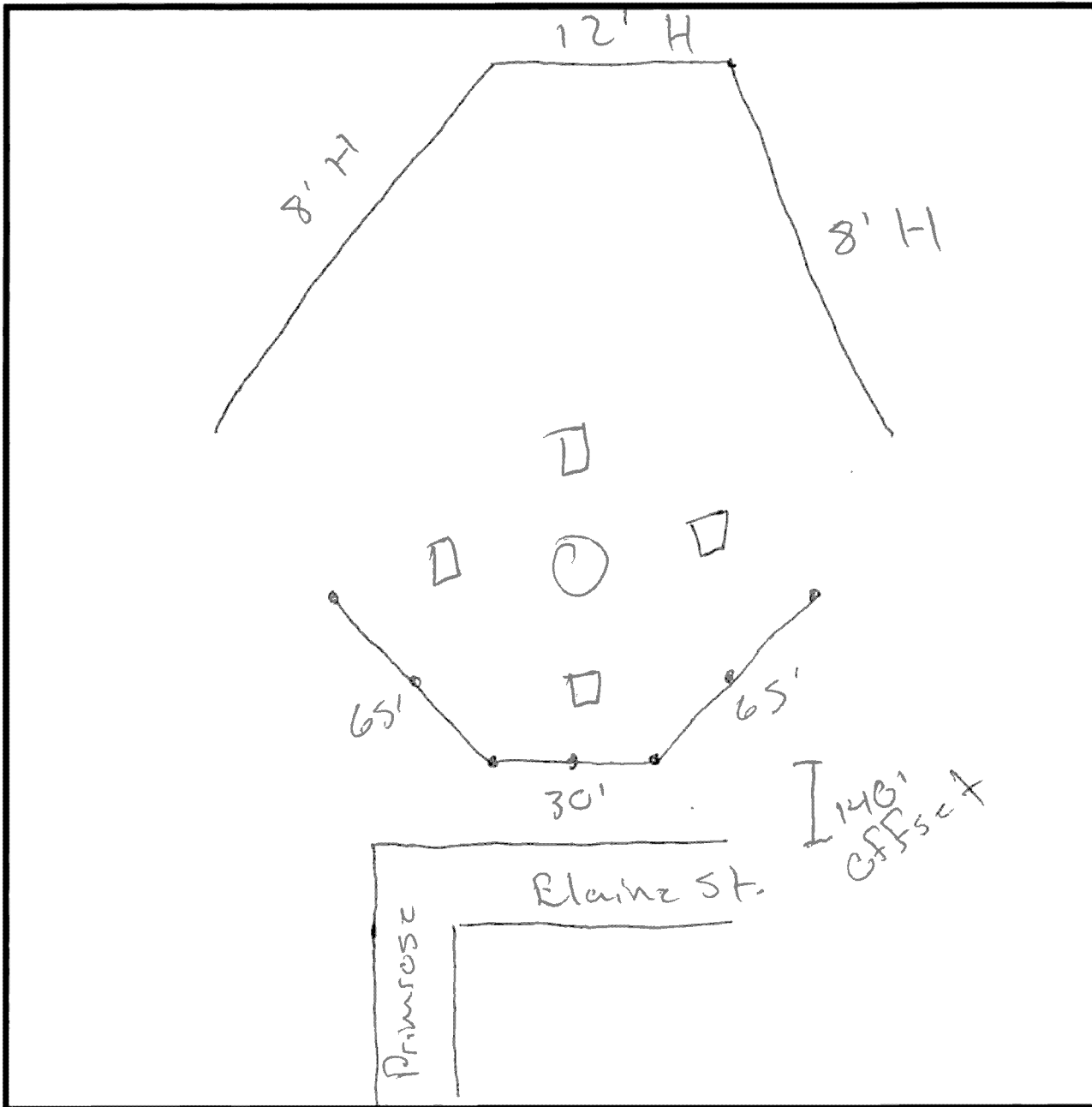
Fee: \$30.00 CITY/\$30.00 COUNTY Receipt #: _____ Permit # PLNX-22-01383

Site Visit Required? Yes/No No Notify Code Enforcement? Yes/No No





Use the space provided below to show existing lot lines, structures, all drive approaches (including neighboring drive approaches), streets, alleys, proposed fence location, and height.



This permit will allow a property owner to place a fence on their property. Except in Agricultural-Open Space (A-1), Controlled Industrial (CI) and Heavy Industrial (HI) zones or planned developments, **NO** fence may exceed 48 inches within the required front yard setback. Maximum fence height outside the front setback shall not exceed 6 feet in height. Applicable clear vision triangles shall remain free of any object over 30 inches in height. The property owner should act on this permit within one (1) year of approval.

By signing this permit, I agree to follow all applicable regulations governing location and size of fences on my property.

APPLICANT SIGNATURE:

DATE:

PLANNING APPROVAL:

DATE:

[Handwritten signatures and dates]
 DATE: 04/25/22
 DATE: _____