



COUNTY OF YELLOWSTONE ZONING COMMISSION AGENDA

Monday, August 8, 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://tinyurl.com/yckr478k>
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

Approval of Minutes:

The minutes of the Board meeting of July 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 711 -- 2847 Bitterroot Drive -- From A to PD- A zone change request from Agriculture 10 acres and over to Planned Development, on C.O.S. 1655, PARCEL 3A122, & TR 3B-2-2-3 AMND a 30.226 acre parcel of land. The intended underlying zones and uses include low-density residential, public parks and open space, outdoor and personal self storage and agricultural uses. A pre-application neighborhood meeting was held on May 15, 2022, at 2847 Bitterroot Drive.
- b. County Zone Change 712 -- 2433 Highway 87 E -- From RR3 to NX1 - A zone change request from Rural Residential 3 (RR3) to Mixed Residential (NX1) on C.O.S. 929, PARCEL 4, AMD and S31, T01 N, R27 E, SENWNW4, an 14.45 acre parcel of land. A pre-application neighborhood meeting was held on June 15, 2022, at Lockwood School.
- c. County Zone Change 713 -- S 44th Street West - From RR3 to RR1 - A zone change request from Rural Residential 3

(RR3) to Rural Residential 1 (RR1), on C.O.S. 3639, PARCEL 2A2A1, a 5.052 acre parcel of land. A pre-application neighborhood meeting was held on May 25, 2022, at the subject property. Tax ID: D00350C

Other Business/Announcements

Adjournment

The County Zoning Commission will hold its public hearing on Monday, August 8, 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://tinyurl.com/yckr478k>
A public comment phone line is available for on-line viewers to provide testimony during the Public Hearing at periods announced by the Chairman during the hearings. **The call in phone number is (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 3 minutes of testimony as is customary.

Written comments may also be sent to Board via email before 1:00 PM on Monday, August 8, 2022. All written correspondence and emails (husmank@billingsmt.gov, cromwelln@billingsmt.gov or deinest@billingsmt.gov) received prior to this time will become part of the record for the public hearings.

The Board of County Commissioners public hearing for these applications will be held on Tuesday, August 23, 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 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

County Zoning Commission
Meeting Date: 08/08/2022

Information

Subject
Approval of Minutes:

Attachments

YZC_2022_07_11_MIN_DRAFT.pdf



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

The County Zoning Commission met on Monday, July 11, 2022 at 4:00 p.m. in the Miller Building 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	1									
Melissa Ray Gentry	Commissioner	1	1	1	1									
Tyler Bush	Commissioner Chairman	1	1	1	1									
Todd Hewitt	Commissioner	1	1	1	1									
Open	Commissioner													

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

Zoning Coordinator Nicole Cromwell, Tammy Deines, Planning Clerk

Other Participants: Jim Brewington, James Young

Public Comment

Commissioner Bush asked if there was anyone wishing to speak during the public comment portion of the meeting. The Public may call in during specific Public Comment periods at (406) 237-6165. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to three minutes of testimony as is customary. There were no public comments.

Motion. Approval of Minutes: June 13, 2022

Motion

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

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

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



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

REQUEST

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

RECOMMENDATION

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

BACKGROUND

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

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



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

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

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

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

Discussion

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

Public Hearing

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

Shane Vigus, 492 Freedom Avenue, Billings, MT

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



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

Jim Brewington, 1720 Brewington Drive

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

Rebuttal

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

James Young, 3005 Tampico, Billings, MT

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

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

Discussion

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



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

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

Motion

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

Discussion

There was no discussion on the motion.

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

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

OTHER BUSINESS

a. Announcements:

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

Adjournment 4:42 PM

DRAFT-To be approved by a motion at the next scheduled meeting August 2022

--Tamara L. Deines, Planning Clerk

County Zoning Commission

Meeting Date: 08/08/2022

SUBJECT: County Zone Change 711 - 2847 Bitterroot Drive - A to Planned Development

THROUGH: Nicole Cromwell PRESENTED BY: Nicole Cromwell

Information

REQUEST

County Zone Change 711 -- 2847 Bitterroot Drive -- From A to PD- A zone change request from Agriculture 10 acres and over to Planned Development, on C.O.S. 1655, PARCEL 3A122, & TR 3B-2-2-3 AMND a 30.226 acre parcel of land. The intended underlying zones and uses include low-density residential, public parks and open space, outdoor and personal self storage and agricultural uses. A pre-application neighborhood meeting was held on May 15, 2022, at 2847 Bitterroot Drive.

RECOMMENDATION

Planning staff is recommending approval of the Planned Development zone for County Zone Change 711 and adoption of the proposed findings of the 11 review criteria.

APPLICATION DATA

OWNER: Kraig P. Kosena

AGENT: Megan Kosena

LEGAL DESCRIPTION: Parcel 3A122 and Tract 3B-2-2-3 Amended of C/S 1655

ADDRESS: 2847 Bitterroot Drive

CURRENT ZONING: A - Agriculture

EXISTING LAND USE: Former gravel mine equipment storage and maintenance buildings and vacant land

PROPOSED USE: Mixed uses of agriculture, low-density residential, outdoor and personal self storage, public parks and open space

SIZE OF PARCEL: 30.226 acres

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

The subject property has no zoning history and has been zoned Agriculture since at least 1973 when the County adopted jurisdictional zoning for this area north of Billings Heights. This property has hosted a gravel mine, asphalt plant and heavy equipment storage for a period of at least 40 years if not longer. H.L. Ostermiller operated these facilities and a heavy construction business off this property until about 2017/2018 when operations from this location began to wind down. H.L. Ostermiller Construction is still in operation from another location. The Kembel Mine - 240 acres directly east of the subject property and has a shared access through the Ostermiller property. However, most of the traffic was north on Five Mile Road to Dover Road. The Kembel Mine ceased operations and has been reclaimed by the owners. A portion of the new Billings Bypass highway will pass through the southeast corner of the Kembel property, south and east of the subject property. Other relevant zoning history is included in the attachments.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: RR3
Land Use: Low density residential with some agricultural uses

SOUTH: Zoning: A
Land Use: Low density residential with some agricultural uses

EAST: Zoning: RR3 and A
Land Use: Closed Kembel gravel mine - low density residential (northeast)

WEST: Zoning: A and N3 (city)
Land Use: Low density residential (county) - suburban density residential (city)

BACKGROUND

This is a zone change request to allow a Planned Development (PD) zone district to be established on land formerly used for gravel mining, asphalt mixing, and a heavy construction contractor yard. The site is about 30 acres in area and includes a short section of Five Mile Creek and its flood plain, and is bordered by rural residential zoning and agricultural zoning to the north, west, south and east. The city limits are diagonally south and west across Bitterroot Drive. About 60 to 70 percent of the site has been disturbed through the activity of the gravel mine, asphalt plant and heavy construction equipment

activity on the property for over 40 years. The southwest corner of the property has been untouched as it was south of Five Mile Creek and is in the flood plain. The proposed Planned Development, a customized zone district specific to this parcel of land, is intended to allow some low density residential uses, mixed uses including outdoor and personal storage warehouses as well as agricultural uses and dedication of the public park area south of Five Mile Creek.

Planned Development zoning is only allowed on parcels currently zoned Agriculture and must meet the criteria and guidelines in Section 27-702 (Objectives of PD) of the Yellowstone County zoning regulations:

- A. To permit the development of planned industrial, commercial, or mixed-use development zones, while protecting the character and quality of adjacent uses.
- B. To permit flexibility in design and use of an individually owned property or a group of separately owned properties to allow for economy, convenience and amenity in development.
- C. Preserve, enhance, and retain the existing natural environmental qualities in the landscape such as topographic variation, views, water areas and native vegetation.

Planned Development zoning is not intended to allow a single type of use or address an issue better dealt with through another administrative process. The County zoning code for PDs states the following: "*PD zoning may not be used to provide a site-specific solution to a single issue that can be resolved through a more appropriate administrative means.*" The Planned Development zones considered and approved by the county and city are diverse and include both residential, commercial, industrial and mixed uses. The PD zones range in area from less than 1 acre to over 400 acres. Many of the PD zones approved in the early 1970s were adopted to include golf courses, school sites, customized housing choices and large park parcels. More recent PDs approved include the Walmart development on Main Street, the Barrett Road multi-family development, Rehberg Ranch west of the airport and Annafeld, a new neighborhood south of the interstate.

Many PD zone districts are developed to allow specific designs for buildings, or to provide more restrictions on uses than allowed by a standard zone district. This parcel represents a challenge due to its location at the edge of the city limits, with medium to low density residential uses in the area, a natural stream and flood plain and with decades of use for semi-industrial purposes. The aerial maps (attached) show a parcel that is significantly different from surrounding rural residential or agricultural uses. The previous uses of the property were not conforming to the current or previous zone district regulations but were allowed to continue until the uses were abandoned. The previous uses cannot be re-established because the uses have been abandoned for more than 1 year. For example, if the Ostermiller family had sold or leased the property to another heavy or general contractor then a zone change or other land use permit would not have been required within the one year period. The nonconforming uses would have continued without interference.

The proposed PD envisions a mixture of uses on the property including dedication of a public park parcel (south of Five Mile Creek), a small low density residential development, outdoor storage and personal warehouse storage as well as continuation of more uses allowed by the current Agriculture zoning. The PD zoning exhibit indicates where each of these development types (Areas A, B, C & D) will be located.

Area A, about 4.5 acres in the southwest corner of the property, is intended for parkland and open space, with an underlying zone district of Public 1 (P1). Uses will be restricted based on preserving the riparian conditions for Five Mile Creek. This includes restrictions on active recreational playing fields for adults, campgrounds, civic buildings or solar/wind energy facilities that would otherwise be allowed in the underlying Public 1 zone district.

Area B, about 11 acres extending east from the entrance road on Bitterroot Drive and encompassing some of the least disturbed area on the property, is intended for mixed uses (similar to Corridor Mixed Use zones) with low density residential and commercial uses. The draft PD only allows one commercial use: personal storage warehousing. The draft PD requires compliance with the use standards for personal storage developments as written in the County zoning regulations and includes the following:

27-1006.A.1

- (a) No business activity other than rental of storage units shall be conducted within a self-service storage unit.*
- (b) Security fencing or gates shall be located behind any required landscaping area.*
- (c) Security gates shall be located so that two vehicles awaiting entry do not stack into the public right of way or any pedestrian path. This may be reduced to one vehicle for facilities with fewer than 25 units or where security gates are only locked outside of normal business hours.*

The PD specifically excludes the use of shipping containers for storage facilities in Area B and no outdoor storage (RVs, boats, trailers etc.) is allowed in this area. The draft PD limits the type of dwellings allowed - single family only - and the total number of dwelling units in Area B to 15. Dwellings and personal storage warehouses could exist on the same parcel of land.

Area C, about 6.5 acres directly east of Area B and containing most of the area used for the previous semi-industrial uses, is intended to be used only for outdoor storage and personal storage warehousing. The proposed underlying zoning is Heavy Commercial (CX) and the only commercial use allowed being outdoor storage and personal warehouse storage. The use

standards for Area B apply as well as additional standards for outdoor storage as stated in Section 27-1006.B. The draft PD agreement does not allow storage of business or commercial equipment. The draft PD only allows outdoor storage for "boats, RVs, trailers, or other personal vehicles that cannot be normally stored on residential or personal property. All vehicles or personal property stored outdoors shall be licensed and operable (if required) and shall not meet the definition of junk, salvage or trash as outlined in the Yellowstone County Zoning Regulations." Area C also has specific requirements for the perimeter fence, landscaping and for maintenance of these facilities. In addition, no power outlets or water will be supplied of any of the storage units. No residential uses of this area is allowed with the exception of a manager's office/residence.

Area D, the remaining 8+ acres of the site and east of Area C, will remain as an area for agricultural uses with an underlying zoning of "A". Uses in the zone area restricted including the prohibition on residential use, animal sales or services, sand or gravel mining, assembly uses, auction yards and similar uses. The area may serve as pasture land or land for hay and grazing of livestock. Area D could also allow personal self storage or outdoor storage with the limitations and uses standards outlined for Area C.

The proposed PD agreement also comes with a "reversion" clause so if the development as proposed is not completed within a short time (five years from approval) the zoning would revert to the current zoning of Agriculture. This clause has been used in a few other PD districts to ensure predictable and timely development should the developer gain approval for the zoning.

SUMMARY

Planning staff has carefully reviewed the draft Planned Development agreement, met with the applicant and representative from County agencies and reviewed the comments and concerns from the surrounding property owners.

Planning staff received 11 letters of comment on the proposed PD agreement (attached). Most of the surrounding owner concerns centered on traffic generation (volume and type), noise, lighting and neighborhood character. While it is not known with certainty at this time, general traffic generation for personal self storage facilities on a daily basis is low, and it varies by season and location. Trip generation would be evaluated based on an actual development and would be required to be reviewed by County Public Works. Bitterroot Drive is a principal arterial street and can handle most additional traffic from the proposed development.

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
- 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 primarily a personal storage facility with some enclosed storage and some outdoor storage for RVs, boats and similar personal property. The current zoning of Agriculture is not a zone that indicates the prior use as a gravel mine, asphalt plant and heavy contractor yard. These uses existed on the site up until 2017 when the business activity was relocated. Some commercial structures still exist on the property.

The Planned Development zone is unique in that it allows property zoned agriculture to propose a specialized zoning to accommodate future uses and development of property that is more predictable than "standard" zone districts. For example, if the proposed zoning was simply general or heavy commercial, other commercial uses could be developed on the site in addition to the proposed personal storage facilities. While some of these uses, such as a hotel, restaurants, or retail businesses would not be likely given the current lack of public water and wastewater facilities, the standard zone district could allow these uses in the future when public services become available. Other commercial activities that are not dependent on public facilities could develop and be a source of unpredictability and conflict with existing neighborhoods. The proposed Planned Development prohibits certain uses from the underlying zone districts including some incompatible uses such as casinos, animal boarding facilities, animal sales, veterinary clinics, consumer maintenance and repair businesses, breweries, bars and taverns.

The 2006 Billings Heights Neighborhood Plan noted this parcel as an active rural commercial property. The adopted plan included a future land use map that preferred most of this area (east of Main Street) become residential with a few locations for retail businesses including the northeast corner of Mary Street and Bitterroot Drive. A future land use map is not regulatory but indicates only a generally preferred development type. There are several existing personal storage facilities

in Billings Heights. However, few provide the outdoor storage in demand for RV and boat storage. Larger, and more rural, storage business do provide this type of outdoor storage but are further from the population center of Billings Heights. Heights Keep-It-Safe storage at 2215 Main Street has a small area for RV storage. Further east, A All Purpose Storage at Drury Lane and Highway 312 has RV and boat storage. There are a few others in this area but are true "field" storage with little security other than a gate at the street entrance. The proposed special restrictions in the PD along with the proposed underlying zones of Public 1 (P1 - Open Space), Corridor Mixed Use 1 (CMU1), Heavy Commercial (CX) and Agriculture (A) provides a high level of predictability for future development. In addition, if the development is not completed as proposed within 5 years, the zoning will revert back to the original Agriculture zoning district.

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 Bitterroot Drive, an arterial street. There should be adequate ingress and egress to the property for emergency vehicles. A full development plan will require a second means of access to the property to allow protection from fire. The property is not within the Billings Heights Water District. The Billings city limits are south and west of the property (Bitterroot Heights Subdivision). The closest fire hydrant is about 600 feet south at the northeast corner of the Bitterroot Heights neighborhood. There is no public sewer service to the property. Access to public sewer would require annexation of the property to the city but the property is not within the Limits of Annexation at this time. 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 from current levels on Bitterroot Drive. The level of traffic increase will be dependent on the number of personal storage units of parking spots for RVs and boats. County Public Works will evaluate plans at the time of development to ensure additional traffic can be accommodated. Prior to the closing of the business on this property, Bitterroot Drive handled about 1,400 vehicle trips per day (south of Mary St intersection). A 2019 traffic count indicated a 41% decline in daily traffic at this location but this may have been a function of nearby temporary construction.

Water and Sewerage: The property will need to provide water for any human occupied structures, and for landscaping. There are likely older on-site facilities for water and wastewater handling for the offices and warehouses on the property. Any new structures requiring these facilities will need approval from RiverStone Health.

Schools and Parks: The proposal should have little effect on the number of children attending school with the maximum of 15 residential units proposed or have an increased demand for park space in the Heights. The property is within the Independent School District.

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. Trespassing, vandalism and theft are concerns but the applicant intends to have full security system in place for the storage facility and intends to not allow any access overnight.

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

The new zoning will allow re-development of a previously active rural commercial site for personal storage warehousing, outdoor storage of personal property, reservation of a flood plain for open space, allow some agricultural uses and possibly low density residential development. Maintenance of the existing vacant commercial buildings and property is difficult without a development plan to put in place. It does not promote health of general welfare to leave buildings and property vacant and disused. A predictable development plan and an enforceable zoning plan will better promote the health and general welfare of the area. 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 storage, low density residential or agricultural uses will add traffic to Bitterroot Drive. The estimated increase in traffic would depend on the number of storage units, dwelling units or use of the property. Each dwelling contributes about 10 to 12 vehicle trips per day to the surrounding streets. Personal storage warehousing is a variable that is site and market specific. An analysis that predicts more than 500 new trips per day will require the developer to submit a traffic impact study with County Public Works. Any recommended traffic management approved by the County would have to be installed by the developer.

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

The proposed zoning is north and east from urban zoning and development in the City of Billings. The proposed zoning is compatible with this development. The southwest corner of the PD zoning plan is Public 1 (P1 - Open Space) and this zoning

is compatible with the N3 zoning in Bitterroot Heights

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 urban residential and low density rural residential as well as agriculture uses. Open space, low density rural residential, personal self storage and agricultural use as proposed are compatible with the district and are suitable uses for this property.

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

The new zoning will allow the existing buildings on the site within the proposed CMU1 and CX underlying zone districts to be conforming to the zoning. This will preserve the value of these buildings.

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

The property is suitable for the uses as designated in the Planned Development agreement. Re-zoning and re-development of land that has been previously used for heavy commercial purposes is a difficult task. Some gravel mines in Billings have been converted to commercial uses (West Park Plaza, King Ave West & 24th St W) and some have been re-claimed for agricultural uses. The length of use for commercial purposes and gravel mining is a determining factor as well as location and geography. This is an appropriate use of land in this area 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 of the Planned Development zone change and adoption of the findings of the 11 review criteria for ZC 711.

Attachments

Zoning Map and Site Photos

2016 Aerial Map of Subject Property

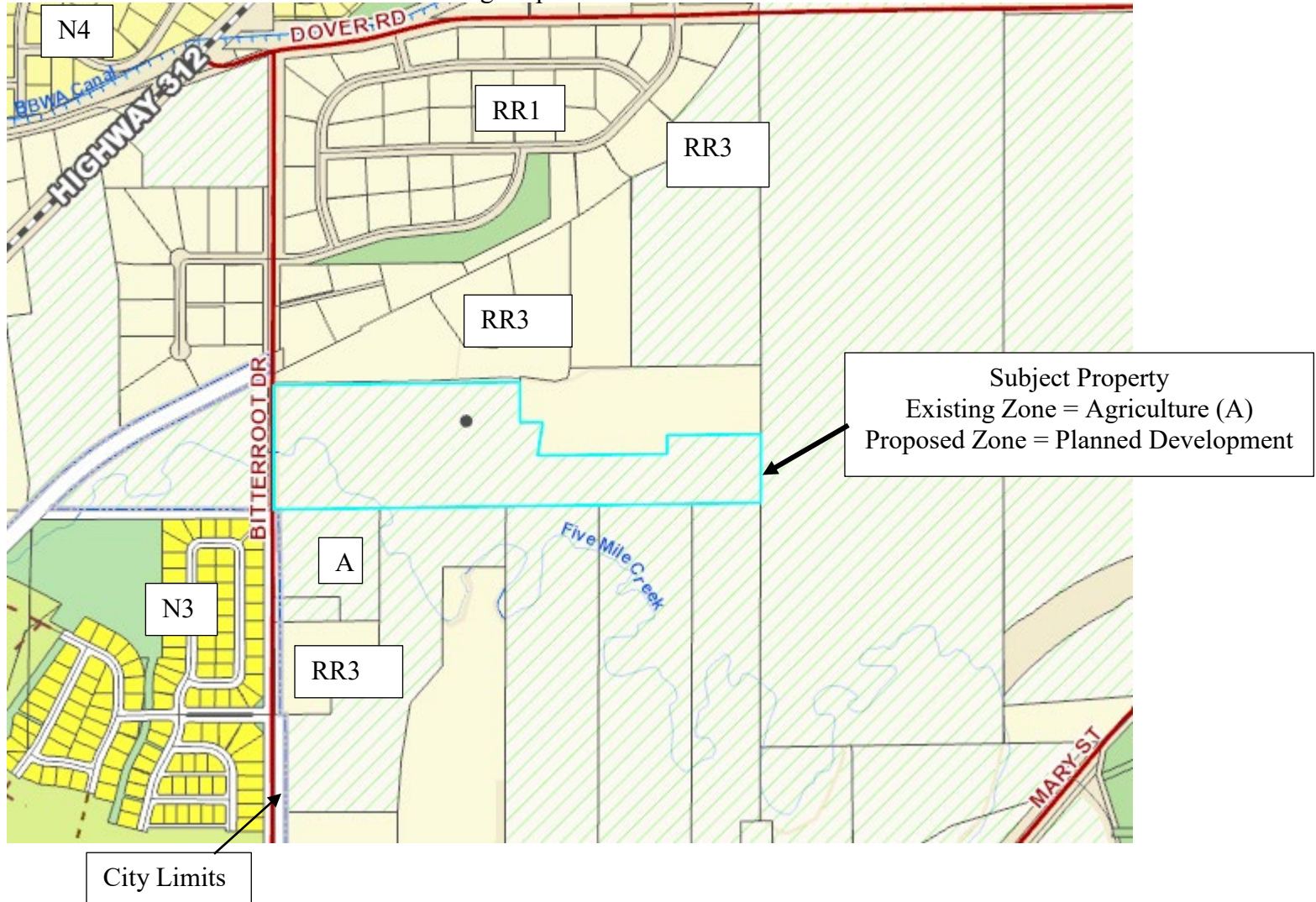
Chart of Zoning History

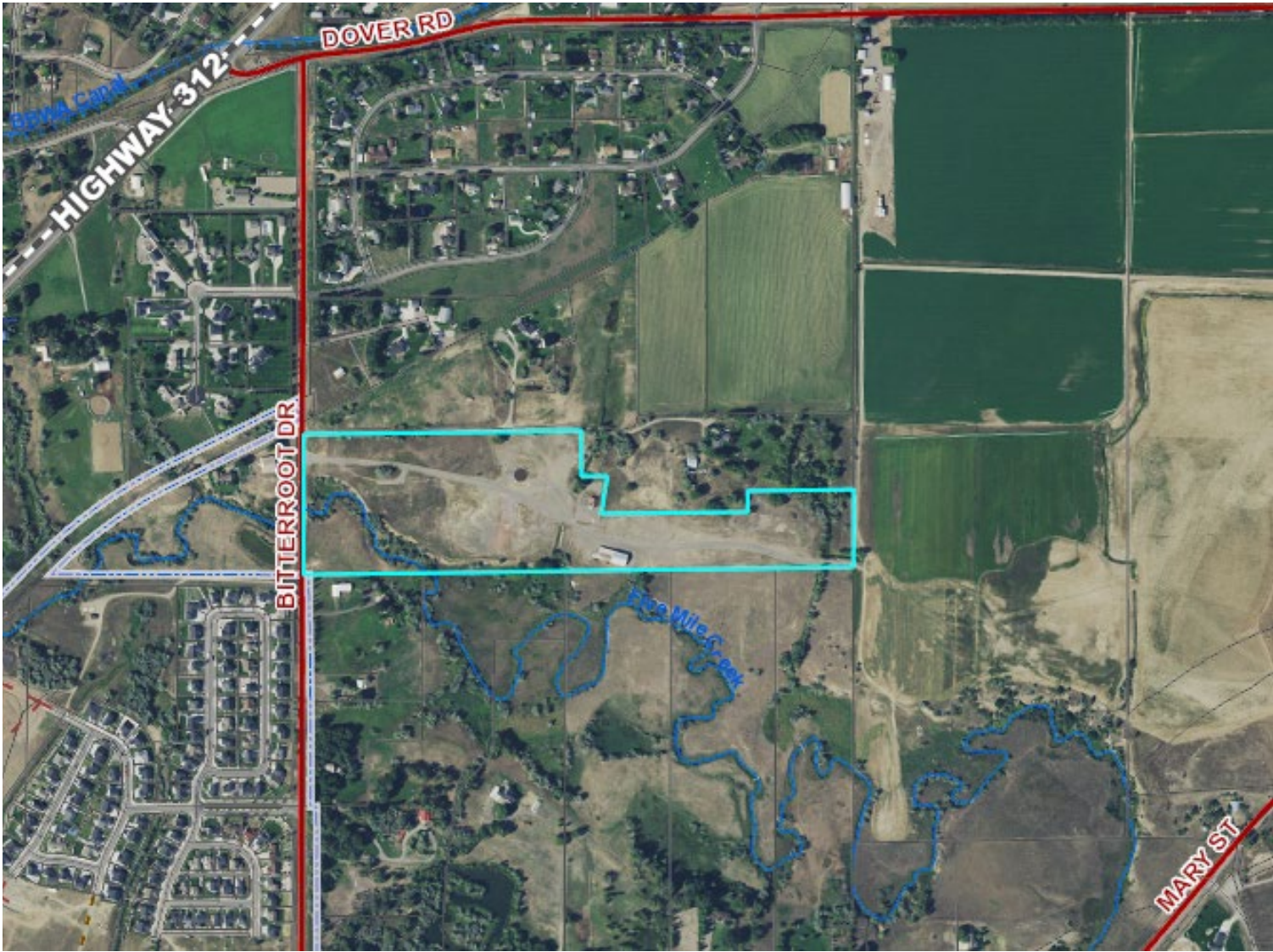
Application Letter and Draft PD agreement

Public Comment as of July 27 2022

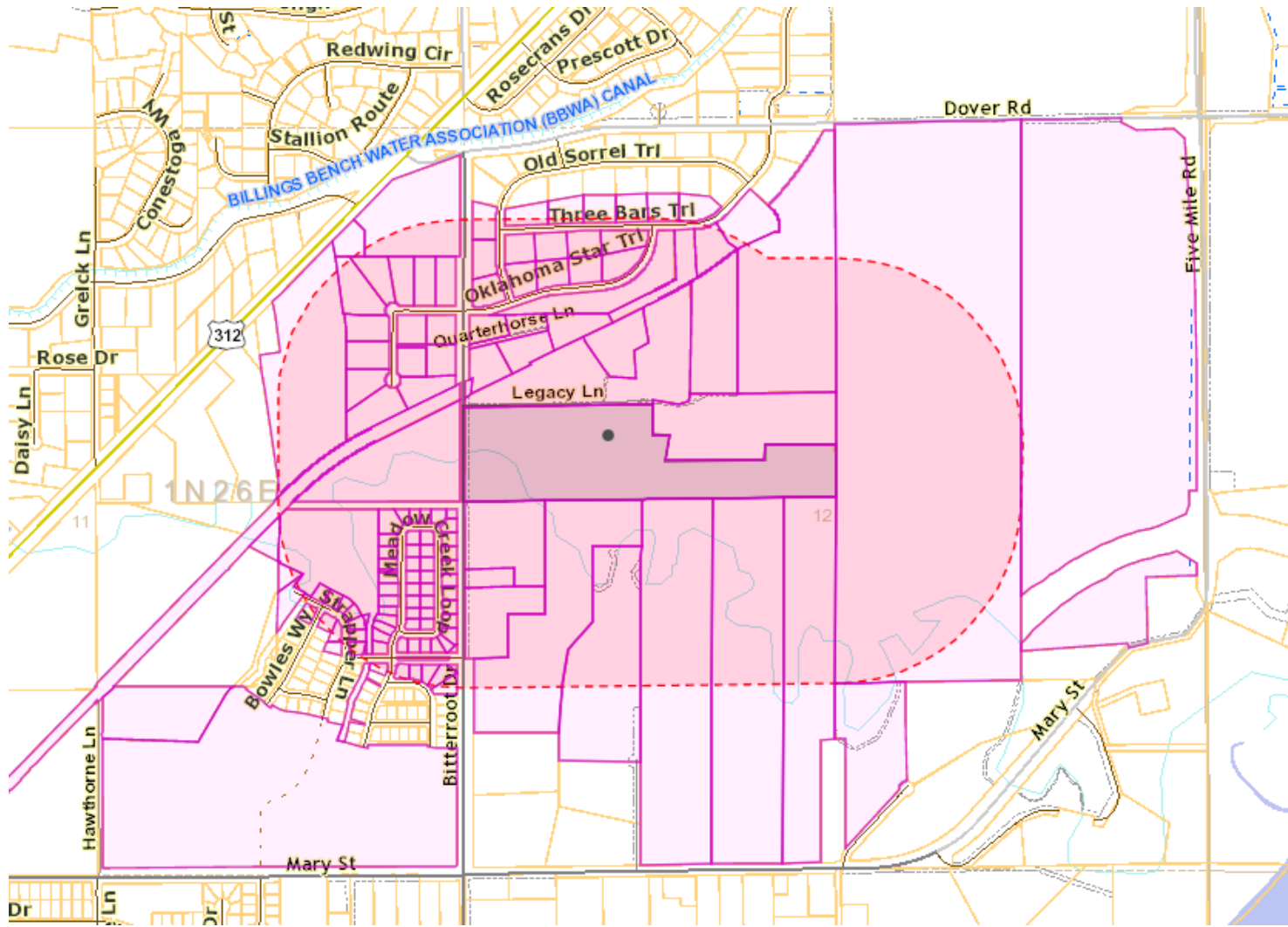
Map of Public Comments received

Zone Change 711 – 2847 Bitterroot Drive
Zoning Map and Site Photos





Subject Property



1/4-mile notification area for PD zone change within 600 feet of city limits



Subject Property view from entrance on Bitterroot Drive



View north on Bitterroot Drive to Legacy Lane



View north and west across Bitterroot Drive



View west across Bitterroot Drive



View south on Bitterroot Drive



View south and east on Bitterroot Dr



2016 aerial view

APPLICABLE ZONING HISTORY
County Zone Change 711

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
2847 Bitterroot Drive	NA	Nov. 1973 Dec. 2020			Previous zone was Agriculture Open Space (A-1) New zone is Agriculture (A)
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
2910 Legacy Lane	442	7/27/1993	A to AS	Yes	Previous zone was Agriculture Suburban New zone is RR-3
Kembel Gravel Mine Five Mile Rd	Special Review 33	10/8/1976	Gravel Mine Asphalt Plant	Yes	Previous zone was Agriculture Open Space (A-1) New zone is Agriculture (A)
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
Barrett Rd Planned Development – East of Medicine Crow Middle School	ZC 687	5/8/2018	A-1 to PD- RMF-R	Yes	Limited multi-unit development
Walmart Planned Development 1649 Main Street	City ZC 653	1/24/2000	HC & R60 to PD-CC	Yes	Site Development requirements, landscaping, signage, building colors

JUNE 2, 1993

Zoning Commission
County of Yellowstone
510 North 28th
Billings, Montana 59101

RE: #442 ZONE CHANGE

To Whom It May Concern:

Although I do not appose the proposed zone change I would like to note the following for the record.

The two adjoining tracts of land to the South (Tract 3A-1-2 and 3B-2-2) are owned by me personally and leased to H.L. Ostermiller Const., Inc., of which I am President.

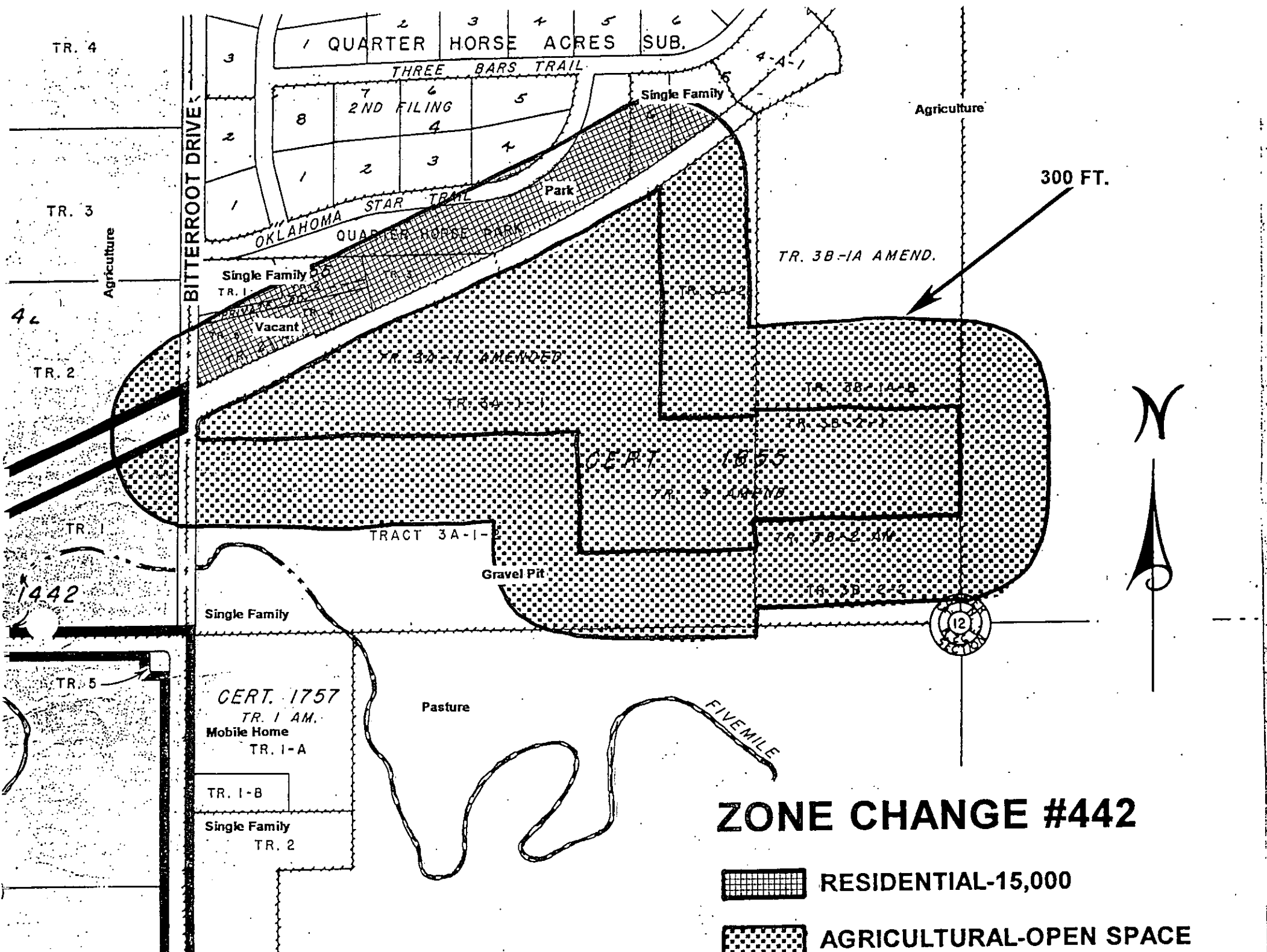
H.L. Ostermiller Const., Inc. has been on the property for several years operating a sand and gravel pit and the companys permanent yard, shop and office. We also have an Asphalt Hot Plant which operates on the property periodically. We have no plans to relocate our operations and they may be annoying to future residents due to the volume of trucks and equipment which operate on this site.

I appreciate your consideration.

Sincerely,



HARVEY L. OSTERMILLER
LANDOWNER & PRESIDENT OF H.L. OSTERMILLER CONST., INC.



ZONE CHANGE #442

-  RESIDENTIAL-15,000
-  AGRICULTURAL-OPEN SPACE

APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # _____ - Project # PZX-22-00130

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 10+ Acres

Proposed Zoning: Planned Development (PD)

Property Tax ID # 000D05052B COUNTY COMMISSIONER DISTRICT # _____

Legal Description of Property: Parcel 3A122 & Tract 3B-2-5-3 Amended, Certificate of Survey No. 1655, Yellowstone County, Montana

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

2847 Bitterroot Drive

Size of Parcel (Area & Dimensions): ± 30.226 acres

Present Land-Use: former gravel pit

Proposed Land-Use: storage for sale or rent and/or agriculture

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): Kraig P. Kosena

(Recorded Owner)
P.O. Box 16653; Missoula, MT 59808-6653

(Address)
(406) 240-6151 kraigk@kkmontana.com

(Phone Number) (email)

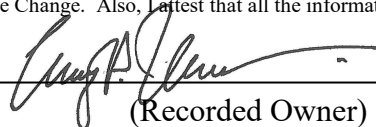
Agent(s): Kraig P. Kosena

(Name)
P.O. Box 16653; Missoula, MT 59808-6653

(Address)
(406) 240-6151 kraigk@kkmontana.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:  Date: 6/29/22

(Recorded Owner)



Date Stamp

ZONING STATEMENT

2847 Bitterroot Drive

Billings, MT

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

We are proposing a change in zoning to Planned Development (PD) to allow Outdoor Storage and Personal Self-Service Storage and/or R-1 Residential 1 Neighborhood and/or Agriculture. We believe our proposed zone change is consistent with the adopted Growth Policy primarily because of our vision of the completed project and the current residential property development in the vicinity.

With regard to the *Land Use, Aesthetics and Open Space and Recreation Elements* within the policy, our PD would complement the adjacent residential land uses by providing storage options for nearby dense housing developments. This availability could limit the collection of personal property on the streets, ideally avoiding neighbor conflict and/or injury as a result of unsecured property. This development would also satisfy some of the desire for mixed-use neighborhoods as articulated within the plan. Additionally, the proposed PD would possibly include the creation of a public park bordered on one side by Five Mile Creek. This portion of the development would be available to the public for recreation while also providing a visual buffer between local area traffic and the development itself. We feel the presence of this park also addresses concerns within the *Cultural and Historic Resources and Community Health Elements*. The park could be an ideal venue in which to display public art as well as provide a natural environment to promote physical activity.

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

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

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

Addressing the *Transportation Element*, we believe the proposed PD will not have an adverse effect on traffic count in the vicinity. In fact, given the neighbor comments regarding the high speed of traffic on Bitterroot Drive, we would suggest that a gated entry would actually slow traffic associated with the proposed storage development. It would also reduce travel to other areas of town for storage facilities.

Since the Neighborhood Meeting, our approach has changed a bit. The neighbors expressed their preference for residential development of the site. We have confirmed that a secondary access point to the site would be required and we are researching those details. There has also been interest expressed by two neighbors in potentially buying portions of the property to maintain as open space. Given this development, we would like the ability to integrate the existing Agriculture zoning on the site until development is underway with self-service storage. Given this interest, should an acceptable agreement be negotiated, the Ag zoning would come with a more favorable tax rate to them.

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

Aside from the governing elements of the Growth Policy, which we feel we have successfully addressed within this statement, it is important to mention the effect the minority opposition has had on the property owner and ownership. The neighbors have and will continue to resist any change proposed to the Ostermiller site, which they seem to value. However, they apparently do not value it enough to make any effort to *purchase* the property for their own enjoyment.

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

PLANNED DEVELOPMENT AGREEMENT

For

Bitterroot Acres Development

PARCELS 3A-1-2-2 & TRACT 3B-2-2-3,
AMENDED CERTIFICATE OF SURVEY
1655

THIS AGREEMENT, made and entered into this ____ day of _____, 2022, by and between Kraig P. Kosena, hereinafter referred to as "Owner", and Yellowstone County, hereinafter referred to as "County".

WITNESSETH:

WHEREAS, the undersigned is the Owner of PARCELS 3A-1-2-2 & TRACT 3B-2-2-3, AMENDED CERTIFICATE OF SURVEY 1655, according to the plat thereof on file and of record in the office of the Clerk and Recorder of Yellowstone County, Montana under document No. 3017067; and

WHEREAS, the Owner intends to place a Planned Development Zone District as outlined in this Agreement, and as provided within the Yellowstone County Zoning Regulations; and

WHEREAS, the aforesaid Owner and the County desire to place building and use restrictions on the above-described Premises, as provided in this Agreement;

NOW, THEREFORE, in consideration of the premises, the undersigned hereby establish and declare the following building and use restrictions which shall be applicable to all of the above-described real property.

I. PERSONS BOUND BY THE PLANNED DEVELOPMENT AGREEMENT

All persons, corporations, or other entities, who shall hereafter acquire any interest in and to the above-described Premises shall be taken and held to agree, to conform to, and observe the following building and use restrictions, for the construction of improvements thereon.

II. BUILDING AND USE RESTRICTIONS.

Unless expressly designated below, all other standards or requirements of the Yellowstone County Zoning Regulations shall be followed for the type of use within each of the areas listed and as shown on the Zoning Master Plan shown on Exhibit A:

1. Area A – Public 1 (P1) – Open Space and Recreation – 4.9 acres
2. Area B – Commercial Mixed Use (CMU1) – Personal Self-Storage for Sale or Rent and/or Low-Density Single Family Residential – 10 acres
3. Area C – Heavy Commercial (CX) – Personal Self-Storage and/or Outdoor Storage for Sale or Rent - 6.4 acres
4. Area D – Agriculture (A) – Agricultural Uses or Personal Self-Storage or Outdoor Storage for Sale or Rent – 8.9 acres

Area A – Public 1 (P1) – This zone district shall follow all uses allowed, allowed by Special Review or prohibited within the standard Public 1 district as outlined in the Yellowstone County Zoning Regulations. Such uses shall not include active recreational uses that are incompatible with the riparian values and flood plain restrictions of Five Mile Creek. Uses in the P1 zone district that are specifically prohibited include:

- Campgrounds (all types)
- Civic Assembly
- Government and Public Safety Buildings and Uses
- Indoor Amusement and Recreation Buildings and Uses
- Outdoor Amusement and Recreation Uses for Adults
- Assembly Uses for Entertainment and Trade
- Wireless Communication Facilities
- Day Care Centers (accessory to a primary use)
- Solar or Wind Energy Production Facilities

Area B - Commercial Mixed Use (CMU) – This zone district shall follow the rules for Mixed Uses as outline in the Yellowstone County Zoning Regulations for Corridor Mixed Use zone districts with the following limitations:

- 1) The only commercial use shall be personal self-storage facilities. Such facilities shall follow the requirements of Section 27-1006.A.1(a-c). All personal self-storage facilities shall be constructed on site and will not include shipping containers.
- 2) Residential uses shall be allowed on the same parcel as a commercial use but are not required to be within the same building.
- 3) Residential uses are limited to single family residences.
- 4) Setbacks, heights, separations and lot coverage for residential dwellings shall follow the Yellowstone County Zoning Regulations for the RR1 zone district (Rural Residential 1).
- 5) There shall be no more than 15 residential dwellings in Area B.
- 6) Agricultural uses are allowed that involve crop production or pasturing of horses or cows.
- 7) Accessory agricultural uses for residents are allowed as outline in Section 27-1008 and 27-1009 of the Yellowstone County Zoning Regulations.

Area C – Heavy Commercial (CX) – This zone district shall follow the rules for Heavy Commercial districts as outlined in the Yellowstone County Zoning Regulations with the following limitations:

- 1) Uses are limited to either personal self-storage facilities for sale or rent or to outdoor storage of boats, RVs, trailers, or other personal vehicles that cannot be normally stored on residential or personal property. All vehicles or personal property stored outdoors shall be licensed and operable (if required) and shall not meet the definition of junk, salvage or trash as outlined in the Yellowstone County Zoning Regulations. Self-storage facilities shall follow Section 27-1006.A.1 (a-c) unless otherwise modified by this agreement. Outdoor storage facilities shall follow Section 27-1006.B unless modified by this agreement.
- 2) The zone district will have a security fence for the storage facilities with exterior landscaping intended to visually obscure the storage facility and yards from adjacent property and from residential uses. The security

fencing will be at least 6 feet in height. The exterior landscaping shall consist of evergreen trees or shrubs planted within 10 feet of the security fencing and spaced so a continuous visual barrier is created within a five to seven year period after planting. The minimum height of any evergreen at the time of planting shall be five feet above ground. Plant materials will be continuously maintained and replaced as needed.

- 3) No self-storage unit shall be equipped with power outlets or water services.
- 4) A manager's office or residence may be provided on the property to provide security to the storage facilities. No other residential uses are allowed.

Area D – Agriculture (A) – This zone district shall follow the Yellowstone County Zoning Regulations for Agriculture zones with the following limitations and additions:

- 1) No residential uses are allowed
- 2) The following uses are also prohibited:
 - a. Civic or Religious Assembly
 - b. Schools, Hospice and Day Care
 - c. Animal Sales, Service or Veterinary Care
 - d. Assembly for Entertainment or Trade
 - e. Bed and Breakfast or Campgrounds (any)
 - f. Auction House or Grain Elevators
 - g. Sand and Gravel Mining
 - h. Wireless Communication Facilities
 - i. Auction Yard or Commercial Feeding Yard (livestock)
 - j. Milling (wood)
 - k. Livestock Services
- 3) Self-storage and Outdoor Storage Facilities are allowed with the same standards as provided for in Area C above.

Development Schedule:

All improvements in the Planned Development will be constructed within five years of the date of the final approval of the this Planned Development by the Board of County Commissioners.

Other Special Agreements:

One freestanding sign at the primary access to the property from Bitterroot Drive is allowed. The sign shall not exceed 32 square feet as measured on one side of the sign. The sign may be illuminated by an external light source. A sign permit will be applied for and approved prior to installation. Structures internal to the development may have signs for identification or addressing purposes and do not require sign permits so long as these signs are not visible from any public right of way. If a public right of way is platted into the subject property, sign code standards will be as determined by the Zoning Coordinator.

Other requirements:

Unless expressly designated above, all other standards or requirements of the Yellowstone County Zoning Regulations and any other County land development standards shall apply.

III. REVERSION:

If for any reason this Planned Development is not implemented and constructed for occupancy within the development schedule in Article II above and in conformance with this Agreement, the zone on PARCELS 3A-1-2-2 & TRACT

3B-2-2-3, AMENDED CERTIFICATE OF SURVEY 1655, shall revert to its original County zoning district of Agriculture (A).

IV. PLANNED DEVELOPMENT AGREEMENT AMENDMENTS OR

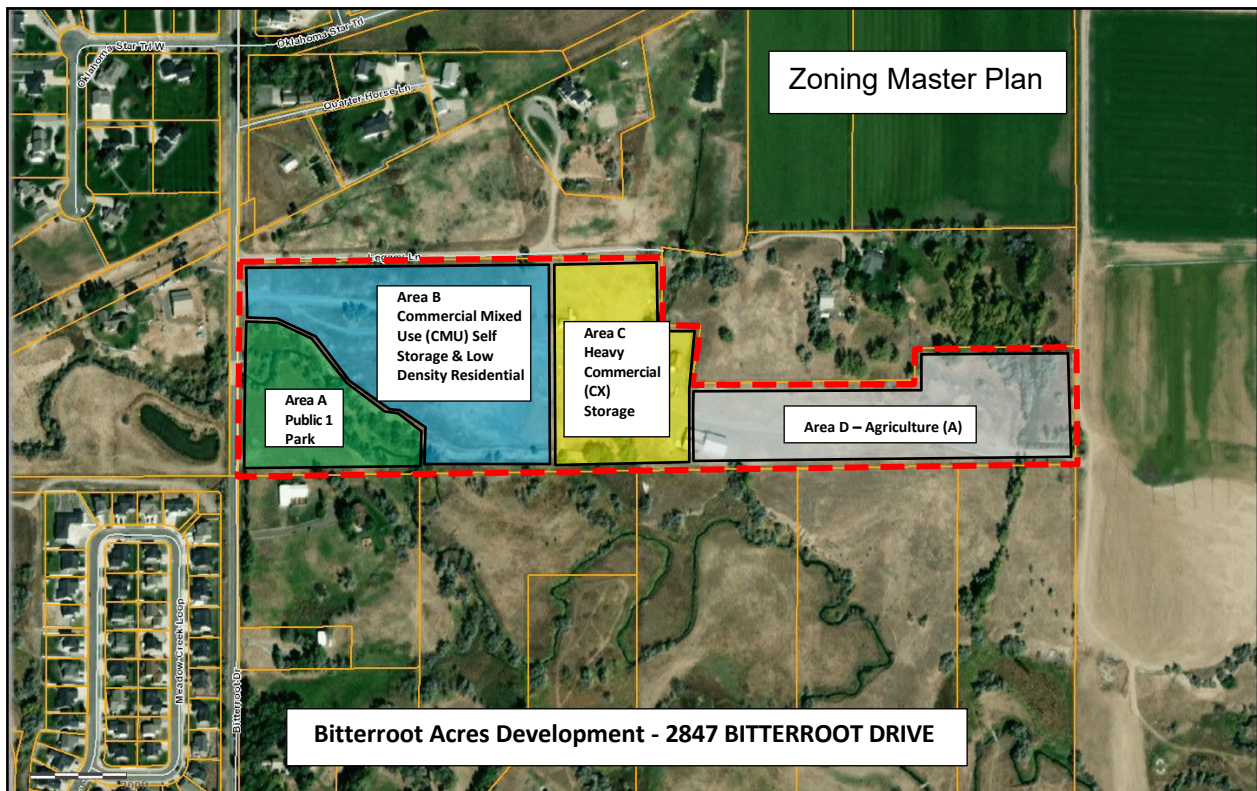
CHANGES: Major changes in the final development plan or other documents similarly approved and recorded shall be considered the same as a new petition and re-application shall be made in accordance with the procedures for a new application. Minor changes and development may be approved by the County

Zoning Coordinator provided that such changes do not increase the gross floor area, height of buildings, or land uses.

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals on the date first above written.

**NOTARY BLOCK(S) TO BE PLACED
HERE**

Exhibit A
Zoning Master Plan



7/12/2022

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

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

Dear Nicole Cromwell and Zoning Commission,

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

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

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

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

Respectfully,



Tom Prill

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

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

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

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

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

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

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

Thank you,
Kathryn Manfull
1807 Three Bars Trail
Billings, MT 59105
kathrynmanfull@gmail.com

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

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

Thank you,
Britney Hales

Sent from my iPhone

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

Good afternoon Nicole-

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

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

Thank you for your time,
Rebecca Van Hook

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

Nicole,

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

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

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

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

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

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

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

Thank you,
Mike Haaland

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

>> Nicole Cromwell,

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

>>

>> Thank you for your consideration.

>>

>> Terry & Jo Ann Dukart

>> 2735 Bitterroot Drive

>>

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

To: Nicole Cromwell, Zoning Coordinator, Code Enforcement Supervisor

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

Dear Ms. Cromwell,

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

We oppose the proposed zoning change for the following reasons.

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

Donald C. Seyffarth

Sue Seyffarth

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

To whomever this concerns,

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

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

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

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

Thanks for your consideration.

Erin Hein
406-998-8474

Sent from my iPhone

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

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

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

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

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

Megan and Richard Tenney
Three Bars Trail

Sent from my iPhone

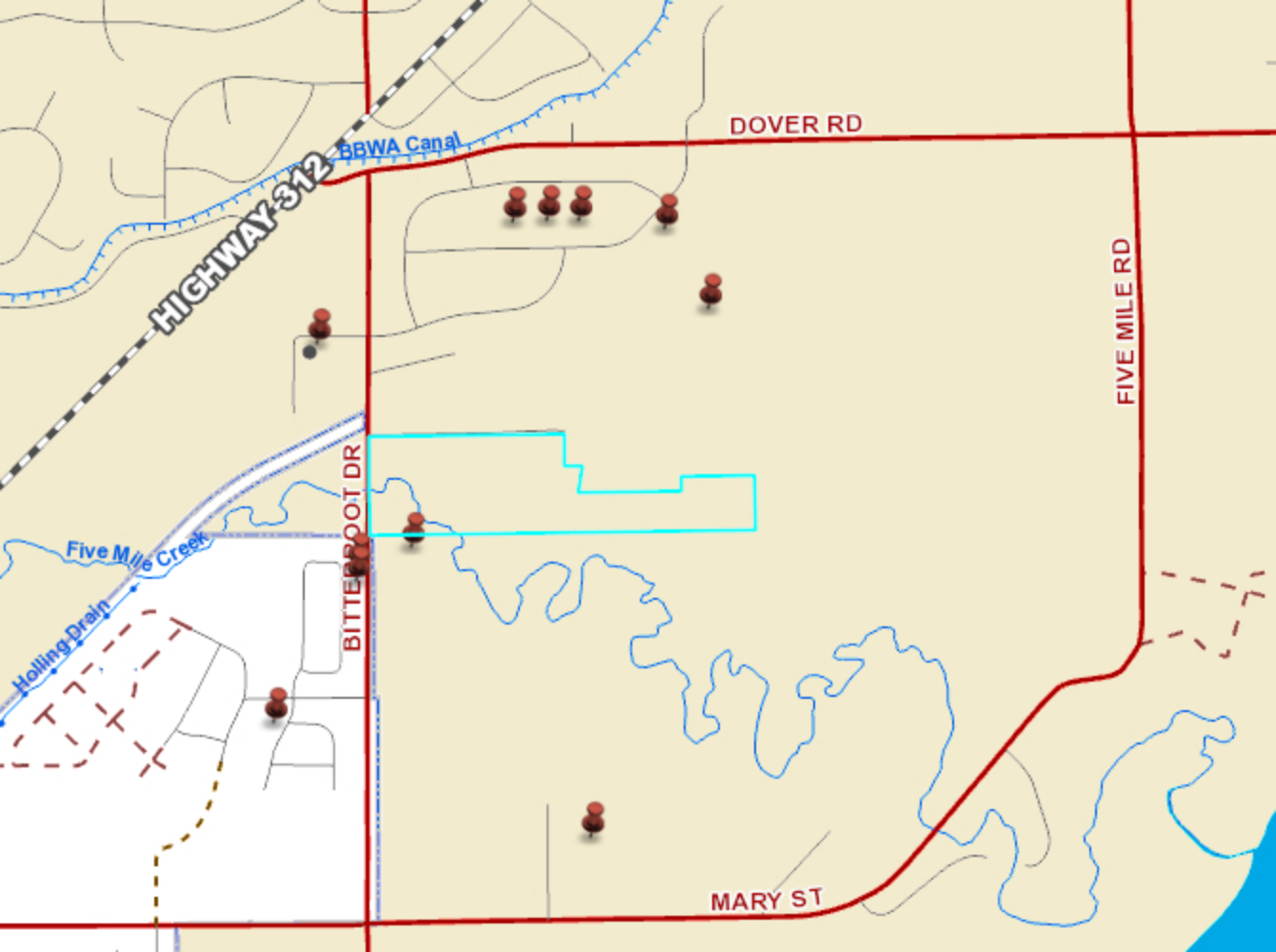
From: rockvam@bresnan.net
To: [Cromwell, Nicole](#)
Subject: [EXTERNAL] Rezoning Proposal for 2847 Bitterroot Drive
Date: Monday, May 16, 2022 5:42:03 PM
Importance: High

Nicole -

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

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

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



DOVER RD

HIGHWAY 312

BBWA Canal

FIVE MILE RD

Five Mile Creek

Holling Drain

BITTERROOT DR

MARY ST

□

County Zoning Commission

Meeting Date: 08/08/2022

SUBJECT: County Zone Change 712- 2433 Highway 87 E

THROUGH: Karen Husman

PRESENTED BY: Karen Husman

Information

REQUEST

County Zone Change 712 -- 2433 Highway 87 E -- From RR3 to NX1 - A zone change request from Rural Residential 3 (RR3) to Mixed Residential (NX1) on C.O.S. 929, PARCEL 4, AMD and S31, T01 N, R27 E, SENWNW4, an 14.45 acre parcel of land. A pre-application neighborhood meeting was held on June 15, 2022, at Lockwood 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: Vinton Ventures, LLP

AGENT: IMEG, Shawn Thorson

LEGAL DESCRIPTION: C.O.S. 929, PARCEL 4, AMD and S31, T01 N, R27 E, SENWNW4

ADDRESS: 2433 US Hwy 87 East

CURRENT ZONING:RR3

EXISTING LAND USE: Rural residential.

PROPOSED USE: Affordable Multi Family Residential

SIZE OF PARCEL: 14.45

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

See attached chart

SURROUNDING LAND USE & ZONING

NORTH: Zoning: RR3
Land Use: Rural Residential development

SOUTH: Zoning: NX1
Land Use: Mixed Residential

EAST: Zoning: A & RR3
Land Use:

WEST: Zoning: P2
Land Use: Church

BACKGROUND

This is a zone change to allow the future development of affordable multifamily housing choices in Lockwood. The application will allow more housing options such as duplexes, 3 or 4 plexes and possibly townhomes. The Yellowstone County Zoning code Section 27-310 allows a change in zone to a Mixed Residential (NX1) zone when public water and sewer services are available to the subject property. The Lockwood Water and Sewer District has confirmed the properties are within the district boundary, but are not within the Water and Sewer Service area. Prior to any connection to District facilities the property owner will be required to submit a petition, and be approved for inclusion into the Service Area.

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 300 feet of the subject properties.

The Lockwood Growth Policy (2016) supports greater housing choices and development density in areas where water and sewer services exist or will be extended. A development density of 7 to 10 dwelling units per acre is shown on the preferred land use map from the Lockwood Growth Policy. The proposed NX1 zone district is in line with the preferred development density.

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 multifamily housing. The zoning is consistent and compatible with the area. The existing zoning district is intended to be low to medium density residential development. The proposed zoning will be compatible with this existing zoning and development. The Lockwood Growth Policy states a need for more affordable housing close to arterial streets near urban areas, approval of this zone change would increase low to moderate income housing in the area. The preferred land use map for Lockwood shows this area developing with a density of 7-10 dwellings per acre. The NX1 zone is in line with this intended density.

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

The subject property is currently served by the Lockwood Fire District. The property will have access from Highway 87 East. There should be adequate ingress and egress to the property for emergency vehicles. The property is in the Lockwood Water District boundary, but must petition to be included into the service area. The closest water main is located on Highway 87 East adjacent to Certificate of Survey 929, Tract 4. The water main continues east on Highway 87 East to Johnson Lane. All extensions of District mains, to include taps, mains, hydrants and services will be installed by the owner or contractor at the owners' expense. There is no public sewer service to the existing buildings. Public sewer from the Lockwood Water and Sewer District would require a petition to the district. 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. The level of traffic increase will be dependent on the number of residential dwelling units constructed.

Water and Sewerage: The property is in the Lockwood Water District boundary, but must petition to be included into the service area. The closest water main is located in Highway 87 East. All extensions of District mains, to include taps, mains, hydrants and services will be installed by the owner or contractor at the owners' expense. There is no public sewer service to the existing buildings. Extension of sewer to the property would require a petition to Lockwood Water and Sewer.

Schools and Parks: The development which would be allowed under the proposed zoning would likely increase the number of school children attending the Lockwood Schools. 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 Lockwood Fire District. 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 multifamily housing. 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. There is planned to be residential development on the property, which is not expected to have a negative impact on the surrounding uses.

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 the surrounding street network. The estimated increase in traffic would depend on the number of units approved with this development. Each single family dwelling unit creates 10 to 13 new traffic trips per day on average. Multifamily developments tend to generate fewer trips per unit at about 8 trips per day per unit. This includes trips generated by the residents as well as deliveries and services for the new dwellings. Pedestrian traffic in the area is limited due to the lack of any pedestrian facilities on the county and state roads. The County may require sidewalks within the development depending on the master site plan of the development. The Montana Department of Transportation will be involved in reviewing the transportation impacts due to the primary access on to a state highway.

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

The proposed zoning is across the street from rural residential, agricultural and heavy commercial zoning along the south side of Highway 87 East, and Public 2 (P2) zoning for a church on the property to the west. The proposed zoning is compatible with this development and surrounding uses.

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/medium density residential, commercial, agricultural and other facilities and uses. The property is suitable for the NX1 uses and will fit into this neighborhood.

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, and across an arterial from commercial uses. The new residential uses should have a limited effect on existing structures on surrounding properties. There are currently residential structures and accessory buildings on the property that may be removed when the property is developed with multifamily housing. The new zoning should not affect the value of existing structures.

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 NX1 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. The proposed development is located off Highway 87 East and would grant residential development in the area. Bringing more affordable housing to this area is critical due to the growing population in Lockwood. The development of more housing choices in Lockwood will help meet this demand. The Lockwood Growth Policy indicates a need for more housing choices and more affordable housing in the Lockwood area.

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

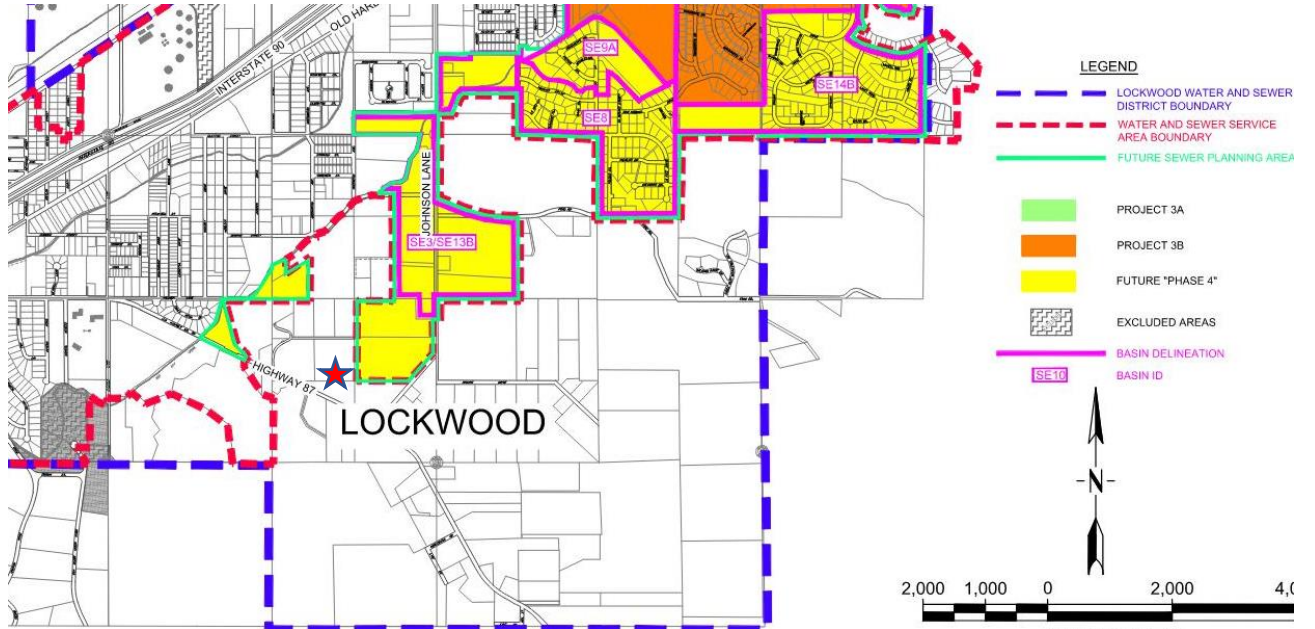
The property is not in proximity to the Billings city limits.

RECOMMENDATION

Staff recommends approval and adoption of the findings of the 11 review criteria for Zone Change 712.

Attachments

- Zoning Map & Site Photos
 - Application & Applicant Letter
 - Neighborhood meeting information
 - History
 - Site Plan
 - Lockwood Water District Letter
-



Lockwood Water & Sewer District Map





North



East



South



South West



West



North

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: RR3- Rural Residential

Proposed Zoning: NX1 - Mixed Residential

Tax ID # D06622 & D06613 COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: Section 31, Township 01 North, Range 27 East, C.O.S. 929, PARCEL 4, AMD (LESS 30'OF RD) & Section 31, Township 01 North, Range 27 East, SENWNW4

Address or General Location (If unknown, contact County Public Works): 2433 US Highway 87 E Billings, MT 59101 & unknown address

Size of Parcel (Area & Dimensions): 14.45 acres in total ; see attached layout for the property dimensions

Present Land-Use: Residential Property -Vacant

Proposed Land-Use: Vinton Ventures LLP plans to change the zone of the properties to Mixed Residential (NX1) and develop a subdivision with multi-family or town-home units, and parks.

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): Vinton Ventures LLP (Recorded Owner) 5115 High Trail Road, Billings MT 59101 (Address) 406-855-3345 mikev@vintonlog.com (Phone Number) (email)

Agent(s): IMEG c/o Shawn Thorson (Name) 175 N 27th St. #1312, Billings, Mt 59101 (Address) 406-248-9000 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: [Handwritten Signature] Date: 6-28-22 (Recorded Owner)





June 29, 2022

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

RE: **County Zone Change Application** – County Zoning Change on properties located at Section 31, Township 01 North, Range 27 East, C.O.S. 929, PARCEL 4, AMD (LESS 30' OF RD) & Section 31, Township 01 North, Range 27 East, SENWNW4, 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 and legally described above. The property is currently zoned with Rural Residential 3 (RR3) zoning and is proposed to be rezoned to Mixed Residential (NX1) 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;
A legal description of the tract proposed to be rezoned has been included in this letter and 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.

TO
DATE

IMEG #
Page 2 of 3

- 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 located off Highway 87 and would grant residential development in the area. Bringing more affordable housing to this area is critical due to the growing numbers in population for The City of Lockwood. Economically, the development will decrease the demand on housing, ultimately helping the housing market decrease as well. Mike's goal is affordable housing in Lockwood, MT.
- 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 RR3 will only allow for single family homes at the desired density. The surrounding area already has an abundance of rural residential (3-9.9 acres) housing and in today's economic and social climate, it has been determined the better use of this square footage will be the creation of affordable townhomes that will be utilized by the people in the city of Lockwood. Zone NX-1 will give an opportunity to develop duplexes, triplexes, and fourplexes.

Please feel free to contact me with any questions by email at Shawn.M.Thorson@IMEGcorp.com or by phone at (406) 248-9000.

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



TO
DATE

IMEG #
Page 3 of 3

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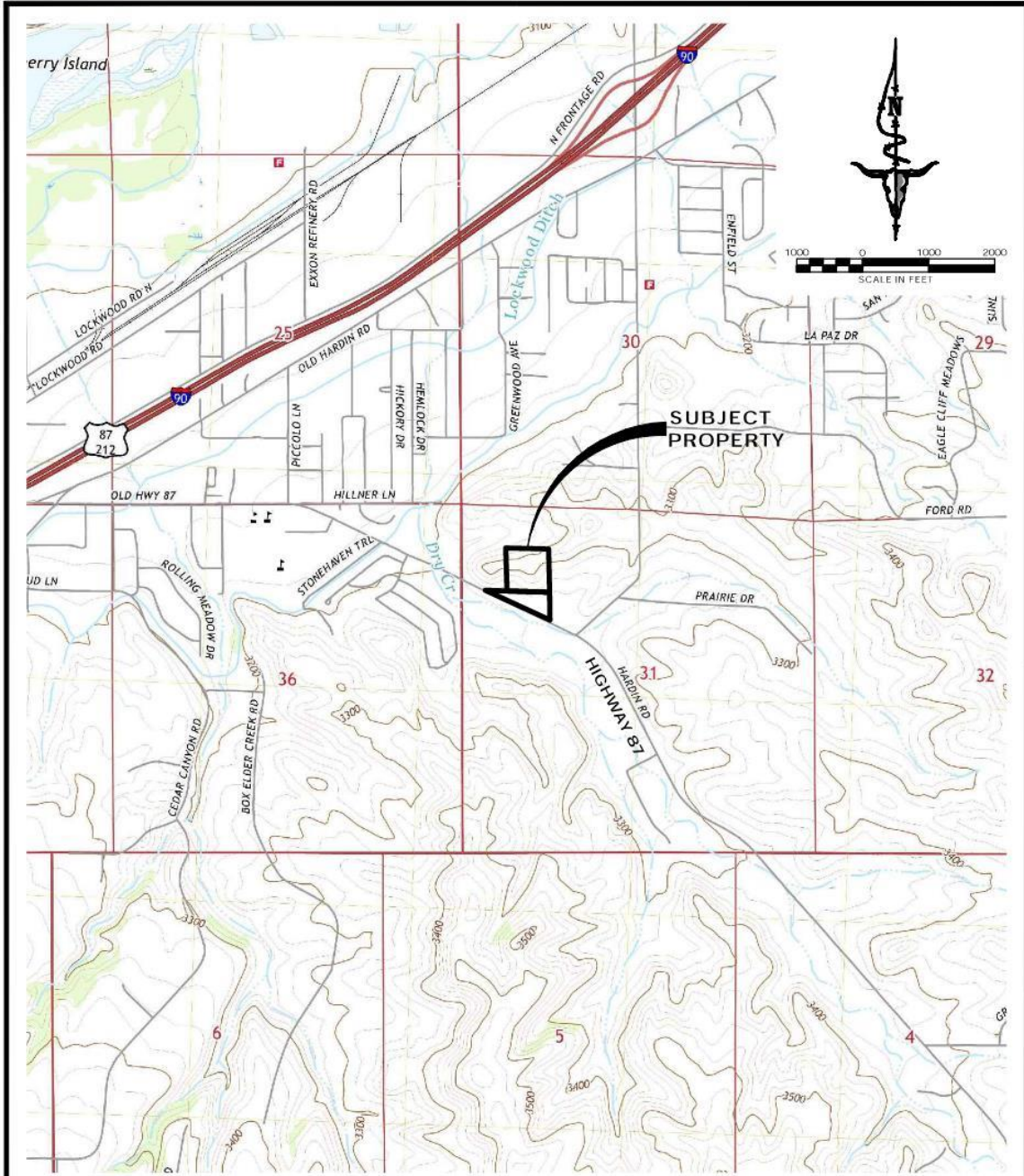
Pre-Application Statement of Owner(s) or Agent(s)

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:** RR3 - Rural Residential (3-9.9 acres) _____
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: +/- 14.45 acres are proposed to change to NX1- Mixed Residential (1-4 du/structure). _____
3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:** Section 31, Township 01 North, Range 27 East, N2NE, C.O.S. 929 PARCEL 4, AMD (LESS 30'OF RD) & Section 31, Township 01 North, Range 27 East, SENWNW4
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 15th, day of June, 2022
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): Vinton Ventures LLP Telephone: 406-855-3345
Address: 5115 High Trail Road, Billings MT Email: mikev@vintonlog.com
59101

Agent (s): IMEG c/o Shawn Thorson Telephone: 406-414-7768
Address: 175 N 27th St. #1312 Email: shawn.m.thorson@IMEGcorp.com
Billings, MT 59101



175 N. 27TH ST., STE 1312 PH: 406.545.6420
 BILLINGS, MT FAX: 406.256.1191
 59101 www.imegcorp.com

USGS VICINITY MAP
 VINTON HIGHWAY 87 SUBDIVISION
 SECT.31, T01N, R27E

YELLOWSTONE COUNTY

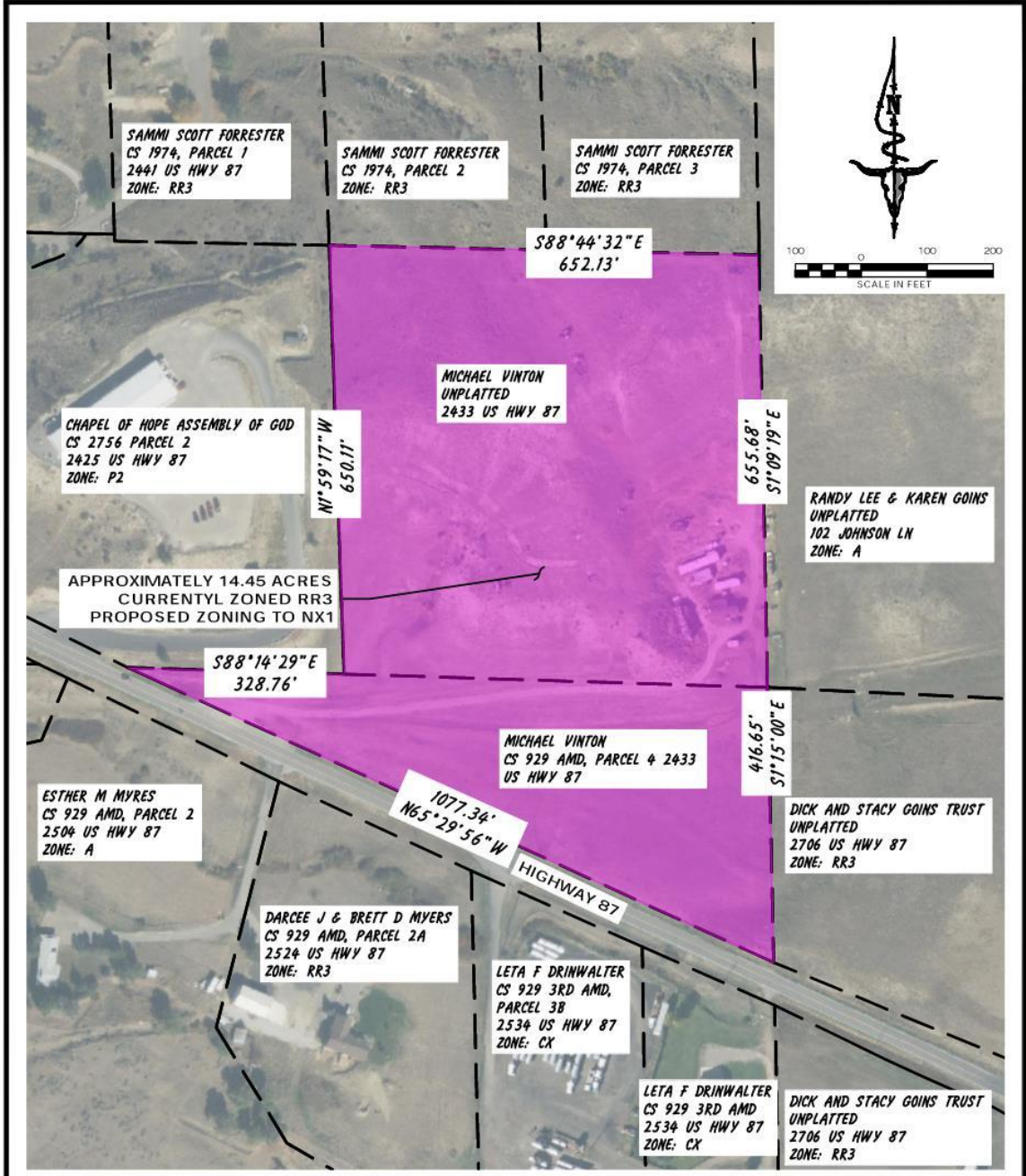
PROJECT# : 22003195

TAB: USGS

DRAFTER: MA

DATE: JUNE 2022

SHEET 1 OF 1



175 N. 27TH ST., STE 1312 PH: 406.545.6420
 BILLINGS, MT FAX: 406.256.1191
 59101 www.imegcorp.com

SITE MAP
 PROPOSED ZONING CHANGE
 S31, TO1N, R27E

YELLOWSTONE COUNTY

PROJECT#: 22003195

TAB: ZONING

DRAFTER: ST

DATE: JUNE 2022

SHEET 1 OF 1

June 7, 2022



Yellowstone County Planning Division
2825 3rd Avenue North 4th Floor
Billings, MT 59101

RE: Pre-Application Neighborhood Meeting – County Zoning Change on properties located at Section 31, Township 01 North, Range 27 East, C.O.S. 929, PARCEL 4, AMD (LESS 30'OF RD) & Section 31, Township 01 North, Range 27 East, SENWNW4, Yellowstone County, Montana.

To Whom It May Concern:

The purpose of this notification is to inform you of a Pre-Application Neighborhood Meeting on Wednesday, June 15th at 5:30 p.m. The meeting will be held in the Community Room at Lockwood Schools, which is located at 1932 US Highway 87 E, Billings, MT 59101.

This meeting will address questions and comments regarding a proposed zoning change for the parcel located at 2433 US Highway 87 E and the connecting southern parcel, on the north side of Highway 87, just east of the Lockwood Schools and west of Johnson Lane. The subject properties are legally described as Section 31, Township 01 North, Range 27 East, C.O.S. 929, PARCEL 4, AMD (LESS 30'OF RD) and Section 31, Township 01 North, Range 27 East, SENWNW4 Yellowstone County, Montana. The properties are a total of 14.45 acres in size and are currently zoned RR3 – Rural Residential (3-9.9 acres). The proposed zoning after the rezone would be a mixture of NX1 – Mixed Residential (1-4 du/structure) and C3 – General Commercial.

The property owner is Mike Vinton of Vinton Ventures LLP. Mike can be reached at 406-855-3345 or mikev@vintonlog.com for questions or comments.

An exhibit has been included with this letter which depicts a preliminary site layout of what future development on the lot could look like. The owner is proposing to develop a subdivision consisting of multi-family or townhome units, family parks, and storage units.

We look forward to seeing you at the meeting. If you are unable to attend, please feel free to send your questions and/or comments to mariah.l.anderson@imegcorp.com or mail them to the address found at the bottom of this page.

Sincerely,
IMEG

A handwritten signature in blue ink that reads "Mariah Anderson".

Mariah Anderson, E.I.

Enclosures: As noted in text above.
CC: File

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Neighborhood Meeting Notice Dow.docx





ZONE CHANGE PRE-APPLICATION NEIGHBORHOOD MEETING MINUTES

Vinton Highway 87 Subdivision

IMEG #22003195

Wednesday, June 14, 2022

5:30 P.M.

Location: Lockwood Intermediate School

MEETING DATE: June 15, 2022
LOCATION: Lockwood Intermediate School
PRESENT: An attendance list is attached.

ITEMS DISCUSSED:

1. Introduction:
 - a. Kolten Knatterud (IMEG) presented the overall project and discussed how Mike Vinton of Vinton Ventures LLP purchased the properties located at 2433 US Highway 87 E and the connecting parcel to the south. Mike is now pursuing a rezone. The rezone is requesting to change the parcel from Rural Residential (RR3) to a Mixed- Residential (NX-1) & General Commercial (C3).
 - b. A copy of the vicinity map and preliminary exhibit were present at the meeting.
2. General Information:
 - a. Kolten discussed the general information on the Zone Change Request. He explained the rezone process and how the subdivision will require public sewer and water. The parcels will be annexed into Lockwood Water and Sewer District for sewer particularly, as water is already in the area. Mike took the time to explain to the attendees how he envisions the proposed subdivision. Affordable housing for the City of Lockwood is his main goal.
3. Questions: The following questions were asked by the attendees as follows:
 - Dick Goins, Tom Galsar, & Sammi Forrester:
 - How many units will be proposed? What do "family units" mean or consist of? How many buildings will there be?
 - Mike answered that around 50-70 building will be proposed. Each building will be a duplex, triplex, or four-plex. This being said, there will about 120-140 units (2-4 units in each building).
 - Sammi Forrester:
 - Why are storage units being proposed, as there are some right down the street?
Why are we asking for Commercial zoning as well as Mixed- Residential?

- Mike explained that the storage units will be for the residence in the subdivision only. This will help with clutter/junk in the subdivision and give the residence more storage space. Kolten and Shawn then added that Commercial zoning is required for the storage units as a separate lot in the subdivision. This is still being discussed in the preliminary layout, as Mike wants some sort of designated area to be a park, parking lot, or storage units.
- Tom Galsar:
 - Expressed concern for the impact on surrounding properties.
 - Kolten explained to the attendees that the subdivision process will require IMEG to reach out to MDT for traffic control studies and approach details, and the nearest fire department and schools for capacity intake and discussion on the impacts of a proposed subdivision.
- Unknown Attendee:
 - When the finalized layout will be done?
 - Kolten explained that after the rezone process, there will be a subdivision process as well. This will require a finalized lot layout and will include more public meetings in the future. We currently have very preliminary plans, but by no means will the subdivision look like any of the layouts we have prepared for Mike to look at.
- Sammi Forrester:
 - She expressed concern for her property, and wants certain requirements placed. She currently has a “shooting range” on her property and asked whose responsibility it is to keep people off her land. She asked if she will be the one responsible for a no trespassing sign.
 - Kolten and Mike explained that they are more than willing to accommodate for the neighboring properties. Solutions discussed where solid fencing or storage units bordering the property between Sammi and Mike’s property.
 - Anna explained that there are building setbacks and height limits for the zone we are wanting. The height limit is 27 feet high for residential structures.
- David West:
 - Is there a plan for the property if the rezoning did not go through?
 - Mike does not have a plan as of right now if it does not go through the rezoning process.
- Nicole West:
 - Will there be traffic control or traffic studies and where at?
 - Kolten explained MDT will let us know which intersections and roads that will need to be analyzed for a traffic study. The resulting data will determine the design for the approaches and if the boarding roads or highway will need a turning lane to enter the proposed subdivision. Overall, MDT will make



sure that traffic will be controlled, and make certain that the entrance and exit of the subdivision is safe for Lockwood City.

- Stacy Goins:
 - How will this affect our taxes?
 - Anna explained that there will be no effect on the people of Lockwood's taxes. Changing will just be made to Mike's purchased parcel, and that is it!
- Nicole West:
 - How will it effect the surrounding properties values?
 - Mike explained that this is something to discuss in the future and can be based on people's opinions. Mike's goal is to enhance the community, and hopefully this will increase the value of the neighboring properties. The height of the buildings come into play when discussing value, and that is why Mike only plans for two story complexes.
- Sammi Forrester:
 - How much notice will we get for the future public meetings? She also expressed her frustration with how little notice she got on this Neighborhood Meeting.
 - Anna explained that during the subdivision process, the county will be responsible for mailing out notices of future public meetings. She believes it is about 14-15 days of notice before the first meeting. In the notice letter that the county mails, there will be dates for all other future meeting as well.
 - Kolten added, if there is any significant changing to the preliminary plans we have discussed today, there will be an email sent out the emails written on the sign in sheet.
- Davis West:
 - Will you be selling the units or have a property manager for rentals?
 - Mike wants to sell most of the units. He might personally buy a couple to keep for rental purposes, but that is not his goal. He wants people to be able to build their equity by owning these affordable units.
- Kim Forrester:
 - Wil you (Mike) be the builder on all the buildings?
 - Yes.
- Discussion on the subdivision process continued. Two planning board meeting will commence in the future, the zoning planning board and then to the County Commissioners. The County usually on property for information.
- Sammi Forrester:
 - Do you know the building setback requirements from the property line?
 - 8 feet.
- David West:
 - Will there be landscaping plans or a park?



- Mike answered, yes. He does not know where yet but does not plan for a full curb and gutter. He envisions natural landscaping, and something that looks close to Rehberg Ranch.
 - Kolten added that based on the Mixed-Residential zone (NX-1), there is a requirement to use 11% of the parcel for park land/landscaping.
 - Brett Myers:
 - Explains that he lives high across the Highway. When building roads, he does not want runoff going into his driveway.
 - Kolten explained that in Yellowstone County, DEQ requires IMEG to show calculations of runoff for pre- and post-development, and how we will accommodate for the increase runoff due to the addition of impervious areas. Swales and retention ponds will be sized and built to capture the calculated volume of stormwater runoff. There should not be anymore runoff than there already was on the parcel in the future if construction is done correctly.
 - Brett Myers:
 - Will you be selling the building or individual units?
 - Mikes plan is to sell the individual units, not the whole complex.
 - Kolten wrapped up the meeting by informing the attendees that the zoning board meeting is next if Mike wants to further the rezoning process. He thanked everything for being there and their input towards the project.

The foregoing constitutes our understanding of the matters discussed during the meeting. Participants are requested to advise author in writing of any corrections or additions within ten (10) days of receiving this document.

Prepared by: Mariah L. Anderson

SMT/hsc

G:\2022\22003195.00\Design\Civil\CC07 PLANNING\Rezone Application - Mixed Residential\Neighborhood Meeting\202203195 Neighborhood Meeting Minutes.docx

cc: All Present





NEIGHBORHOOD MEETING ATTENDANCE RECORD

IMEG #: 22003195

Project: Vinton Highway 87 Subdivision

Meeting Description: Zone Change Neighborhood Meeting

Date: 6/15/2022 Time: 5:30 PM

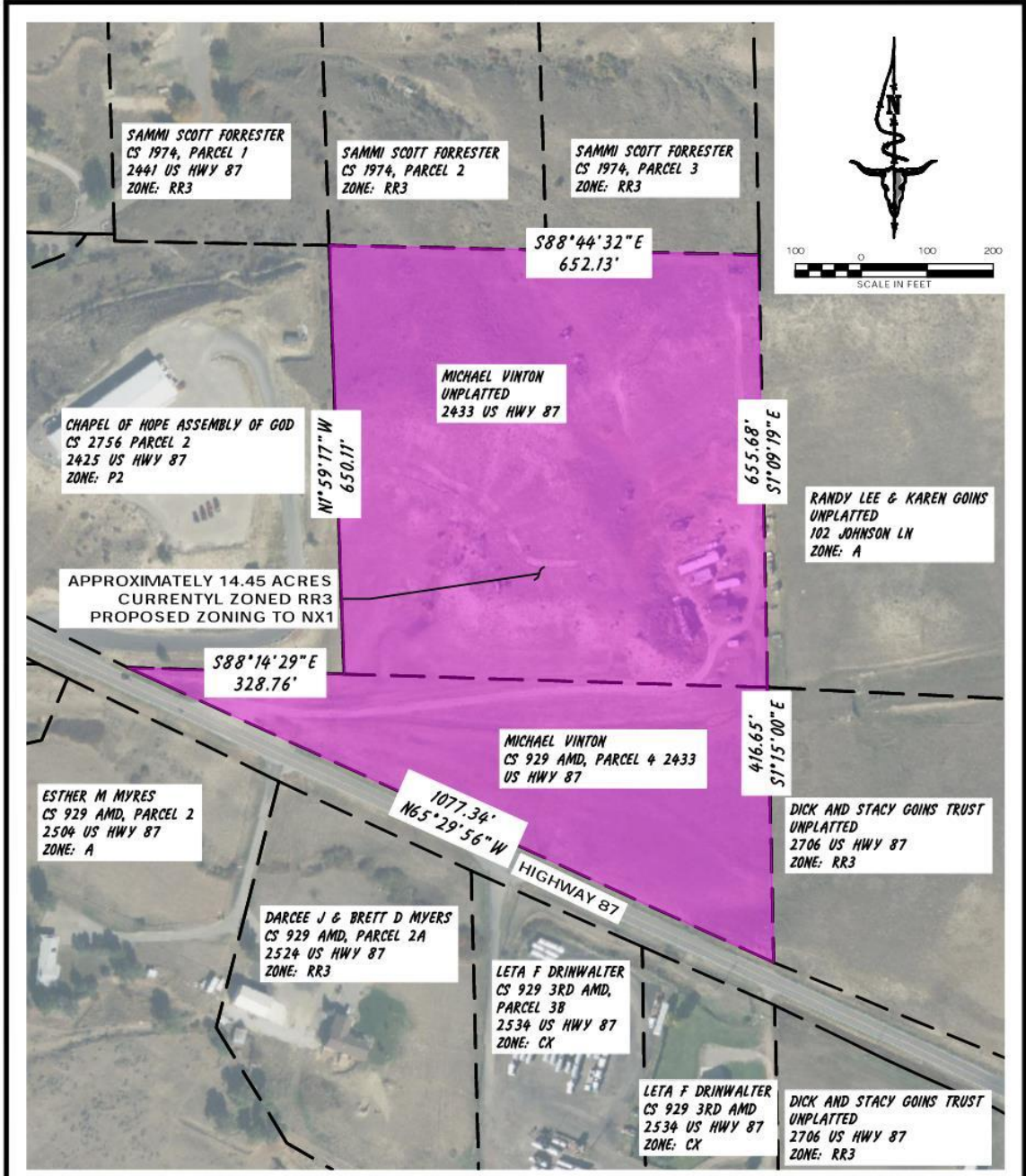
Place: Lockwood Intermediate School

Not adjacent

ATTENDEE NAME	ADDRESS	PHONE #	E-MAIL
Shawn Thorson	175 N 27 th St, Ste 1312, Billings, MT 59101	(406) 256-1141	shawn.m.thorson@imegcorp.com
Kolten Knatterud	175 N 27 th St, Ste 1312, Billings, MT 59101	(406) 256-1141	kolten.l.knatterud@imegcorp.com
Mariah Anderson	175 N 27 th St, Ste 1312, Billings, MT 59101	(406) 256-1141	mariah.l.anderson@imegcorp.com
Anna Vickers	175 N 27 th St, Ste 1312, Billings, MT 59101	(406) 256-1141	anna.m.vickers@imegcorp.com
Mike Vinton	5115 High Trail Rd, Billings, MT 59101	(406) 855-3345	mikev@vintonlog.com
Sammi ^{Scott} Forrester	2441 U.S. Hwy 87	670-2194	sammilyle3549@cloud.com
Kontlana Forrester	2416 Hinner Lane	406-670-0904	
Nicole West	2415 US HWY 87E	670-2998	nwest@billingsclinic.org
Tom Galore	5440 River Rd 59074	855-7149	GT.HOM76A@cox.com
Dice-Steve Ginks	5413 Lone Star Ln Billings 59105	406-670-6970	meandpook5@gmail.com
Brett Myers	2524 HWY 87E Billings MT 59101	406-839-8885	bdrmyers@aol.com
Randy Karen Ginks	25414 W Pueblo Ave Buckeye, AZ 85326	623 680-2458	karen.ginks@cox.net

APPLICABLE ZONING HISTORY

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
CS 3639, Parcel 2A2A1	None				
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
1109/1112/1116 & 1125 Firth St	96	4/23/1976	R-96 to RMH	Yes	
1156 Firth St	111	11/23/1976	R-96 to RMH	Yes	
West side of Sleeper St	170	2/28/1978	R-96 to CC	Yes	
Cole Street	152	10/24/1977	R-96 to CC	Yes	
Cole Street	359	5/29/1984	CC to HC	No	
Cole Street	649	7/29/2014	EGC to ELI	Yes	Personal mini storage
1044 Firth St	315	1/22/1982	R-96 to RMH	Yes	
Great Plains & Sannon Rd	273	3/11/1980	R-96 to RMH and R-96 to HI	Yes	RMH to ELC ZC 457
Bretz RV & Marine 2919 Old Hardin Rd	457	9/28/1995	CC, RMH & R-96 to EGC	Yes	Johnson Lane Master Plan



175 N. 27TH ST., STE 1312 PH: 406.545.6420
 BILLINGS, MT FAX: 406.256.1191
 59101 www.imegcorp.com

SITE MAP
 PROPOSED ZONING CHANGE
 S31, T01N, R27E

YELLOWSTONE COUNTY

PROJECT#: 22003195

TAB: ZONING

DRAFTER: ST

DATE: JUNE 2022

SHEET 1 OF 1



1644 Old Hardin Road Billings, Montana 59101 www.lockwoodwater.com (406) 259-4120 Fax (406) 259-1113

July 15, 2022

Shawn M. Thorson
IMEG Corp.
175 N 27th St Ste 1312
Billings, MT 59101

RE: CS 929 AM, S31, T01 N, R27 E, C.O.S. 929, PARCEL 4, AMD (LESS 30' OF RD),
(Geocode: 03-1034-31-2-10-01-0000 and S31, T01 N, R27 E, SENWNW4 (GeoCode:
03-1034-31-2-25-34-0000).

Dear Shawn,

Lockwood Water & Sewer District is in receipt of your request for information regarding availability of water and sewer services for the above listed properties. This letter is to provide you with the information that was requested.

The two properties identified above are within the Lockwood Water & Sewer District Boundary, but are not within the Water and Sewer Service Area. Prior to any connection to District facilities the property owner will be required to submit a petition, and be approved for inclusion into the Service Boundary.

There is a 12" water main located on Highway 87 East adjacent to CS 929 AM Tract: 4, which continues East on Highway 87 East to Johnson Ln.

The closest District sewer facilities are located on Highway 87E in the vicinity of the Northeast corner of SAGE VIEW VILLAGE SUBD, S36, T01 N, R26 E, SAGE VIEW VILLAGE SUB (LESS REMNDR TR D2 COS 904 & .13 AC-HWY) 34.93 AC. This is approximately 1200' West of the Southwest corner of CS 929 AM Tract: 4.

All extensions of District mains, to include taps, mains, hydrants and services will be installed by the owner or contractor at the owners' expense. Water and sewer facilities will be designed and constructed per MPWS, and approved by the District.

If you need any additional information please feel free to contact me at 406-259-4120.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Ariztia", is written over a faint, larger version of the same signature.

Mike Ariztia, District Manager
Lockwood Water & Sewer District

□

County Zoning Commission

Meeting Date: 08/08/2022

SUBJECT: County Zone Change 713 - S. 44th St. West- RR3 to RR1

THROUGH: Karen Husman

PRESENTED BY: Karen Husman

Information

REQUEST

County Zone Change 713 -- S 44th Street West - From RR3 to RR1 - A zone change request from Rural Residential 3 (RR3) to Rural Residential 1 (RR1), on C.O.S. 3639, PARCEL 2A2A1, a 5.052 acre parcel of land. A pre-application neighborhood meeting was held on May 25, 2022, at the subject property. Tax ID: D00350C

RECOMMENDATION

Planning staff is recommending approval of the requested zone change and adoption of the findings of the 11 criteria for Zone Change 713.

APPLICATION DATA

OWNER: Mark & Mary Gaughan

LEGAL DESCRIPTION: C.O.S. 3639, PARCEL 2A2A1

ADDRESS: S 44th St West

CURRENT ZONING: RR3

PROPOSED ZONING: RR1

EXISTING LAND USE: Agriculture

PROPOSED USE: Residential

SIZE OF PARCEL: 5.01 acres

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

See Attachments

SURROUNDING LAND USE & ZONING

NORTH: Zoning: RR1

Land Use: Residential

SOUTH: Zoning: RR3

Land Use: Low Density Residential and Agriculture

EAST: Zoning: PUD (City Limits)

Land Use: Agriculture (Future Deaconess Billings Clinic development)

WEST: Zoning: A

Land Use: Agriculture

BACKGROUND

This is a zone change request for a 5.01-acre parcel of land at South 44th Street West, past Shiloh Road on Central Avenue. The applicant would like to change the zoning of the property to allow low density 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 that was identified for rural and large lot residential development in the West Billings Neighborhood Plan adopted by the city and county in 2001. Much has changed since 2001 and City limits and services are in close proximity to this area today. This is discussed further below.

Five minor large lot residential subdivisions developed on the west end of Billings outside the City limits in the last 15 years - Cold Stone Estates, Hardy Boys, Lamm Subdivision, CC Subdivision and Golden Willow. These are generally located north and east of this location with primary access off Grand Avenue. There are several county major subdivision in the area, including Cloverleaf Meadows to the north and Shiloh Estates to the south and east (both are in the RR1 district) and Sundance to the west (in the N4 district).

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. Further, a new groundwater study of West Billings that will build on the previous work of the Montana Bureau of Mines and Geology is underway in partnership with the City of Billings and results of this updated study will be available in 2023. While this information is important and will likely affect development in this area significantly in the next few years, 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.

The subject property is also located within the City's Long-Range Urban Planning Area on its Limits of Annexation Map as an area the City is considering for future annexation. However, the applicant is pursuing a county zone change for development and does not intend to request annexation. However, discussions with property owners, potentially including this one, are occurring right now to the west, south, and south across Central Avenue. Also, the county subdivision directly to the north, Cloverleaf Meadows, is already having water supply concerns with its well system and has approached the City for annexation options to access City services. It is critical that this property owner and others fully understand the City's intent to serve this area and how they may participate to avoid development in the County to occur and then be surrounded by the City almost immediately. The West Billings Plan (2001) supports development of both county and city subdivisions but recommends that County subdivisions within areas that could be annexed (the Urban Expansion Area) should have a development plan that allows for efficient and effective conversion to city utilities and services. The West Billings Plan also shows a neighborhood services center at the intersection of Central and 48th St. West. Urban residential subdivisions with municipal utilities are about 1/4-mile to the east and about 1 mile to the north and west. The established pattern in this area is for new urban growth in areas designated for annexation. The owner reached out to planning staff last fall to inquire about process to amend the Limits of Annexation map but did not submit a formal Urban Planning Study. Ultimately, no changes were made to the map last year as no applications were received. However, City staff as noted above, is now in direct discussions with property owners in this immediate area to find solutions to have the area annexed and served with City services. In 2001, and then again in 2006, the City and County engaged in area planning efforts for Billings West End. Both plans, the West Billings Neighborhood Plan and the Northwest Shiloh Area Plan, emphasize the need to differentiate between County low-density subdivisions that may be well outside of any future annexation area and to plan for development that is within annexation areas and should be annexed to the city.

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 of other land uses, including the agricultural and rural residential uses to the west. However, the City limits share this property's east boundary and Planning staff recommends and encourages discussion of annexation and access to city services occur prior to development of this property moving forward.

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 county property in the area but not the urban development occurring directly to the east. 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.

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 with a private driveway. Future subdivision of the property will determine if this is adequate for the number of parcels proposed with that development. Future development of the parcel to the east that is in the City limits

may include extension of Broadwater Avenue to the property. There should be adequate ingress and egress to the property for emergency vehicles if these connections are made. 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. 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 Central Ave.

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 north, active agricultural uses to the west, and planned urban development in the City to the east. There are major County subdivisions near the subject property. 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 5.01 acres of a vacant parcel would provide a predictable use of the property but could be challenging for future property owners when property all around them is annexed into the City.

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 an estimated average of 10 to 13 new traffic trips per day. 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 rural zoning and development but would not fit with future urban development in the City that is occurring to the east and southeast. 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 if just the County areas are considered. 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 for County development but this area is expected to come into the City and so long term development at rural densities may not fit with the area.

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 PD zoning to the east 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 713.

Attachments

- Zoning Map & Site Photos
 - Application & Applicant Letter
 - Neighborhood meeting information
 - Site
 - History
-



City Limit line



Subject Property



Looking North from Central



East



West



Existing Driveway looking south



Looking South from the property



North

APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # 713 - Project # 22-00162

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: RR3

Proposed Zoning: RR1

Property Tax ID# D00350C COUNTY COMMISSIONER DISTRICT #

Legal Description of Property: TRACT 2A-2A1 of E1/2SW1/4 of Section 3

TOWNSHIP 1 South RANGE 25 East of the principal Montana Meridian

Address or General Location (If unknown, contact County Public Works): South 44th St. West

Past SALON on CENTRAL Ave heading west to 44th St. Northernmost 5-acre property

Size of Parcel (Area & Dimensions): 5.01 Acres

Present Land-Use: AGRICULTURAL

Proposed Land-Use: 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): MARK A or MARY E GAUGHAN

(Recorded Owner)

49 Vista Dr. BILLINGS MT 59102

(Address)

(401) 860 8060

(Phone Number)

markgaughan21@gmail.com

(email)

Agent(s):

(Name)

(Address)

(Phone Number)

(Email)

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

Signature: [Signature] Date: 4-21-2022

(Recorded Owner)



Zone change application questions:

A:

My proposal is consistent with the primary goals and objectives of the growth policy that was established in 2008. My request to rezone my parcel of land from RR3 to RR1 fits the growth policy objective because it protects the integrity of the existing neighborhoods and home values. The establishment of more residential areas will only improve the commercial and residential balance in Billings and surrounding areas. During the neighborhood meeting the surrounding homeowners were extremely satisfied with my plan to rezone this piece of property

B:

As the zoning currently sits on my piece of property RR3 prevents me from reducing the lot sizes below anything but 3 acres. Seeing as it is a 5.01 acre lot any division of this property would be prohibited. Under RR1 zoning this would allow me to sell 4 1.25acre pieces that would better align with the existing homes and neighborhoods in the immediate area. As mentioned before during the neighborhood meeting, the attendees were very supportive of my thoughts and goals

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:** RR3
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning: 5-1 acre lots or 2-15 acres and a 2-acre piece or 4 - 1.25 acre lots
3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:** E 1/4 SW 1/4, of Sec. 3, TOWNSHIP 15 NORTH, RANGE 25 EAST of the Principal Montana Meridian TRACT 2A-2A1
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 25, day of MAY, 2022
 - 2) The zone change application is based on materials presented at the meeting.

Owner (s): MARK A. GAUGHAN Telephone: 406 860-8060
Address: 49 Vista Dr. Email: markgaughan21@gmail.com
BELLEVILLE, MT. 59102

Agent (s): _____ Telephone: _____
Address: _____ Email: _____

May 4,2022

Neighbors,

My name is Mark Gaughan and I am the new owner of the 5 acre parcel on S 44th St W. I purchased the most Northerly lying lot that belonged to Kathleen Thiel. I am writing this letter to you all to inform you of my intent to rezone the land to RR1 from its current zoning as RR3. If you are not familiar with the definition of these terms they are fairly simple to explain. An RR1 zoning allows the land to be surveyed and split into 1 acre minimum lots. An RR3 zoning limits the land to 3 acre minimums.

As with any request for rezoning, a neighborhood meeting is one of the steps in the application process. I will be hosting a neighborhood meeting on the parcel of land on Wednesday May 25th at 6:00pm. I would like to invite you all to attend and discuss our proposal. I look forward to meeting as many of you as possible

The only access to the lot should you choose to drive is off of Central Ave, North on S 44th St W, through the gate which will be open 15 minutes prior to the meeting. The lot as previously mentioned is the furthest lot to the North. Please be respectful of the neighbors property and stay on the gravel road

If you have any questions prior to the meeting, please don't hesitate to call me on my cell at (406) 860-8060 or email me at markgaughan21@gmail.com

Thank you

Mark Gaughan
49 Vista Dr
Billings MT. 59102

Proposed rezoning neighborhood meeting

Date of meeting: May 25th 2022

Proposed start time of meeting: 6:00 PM MST

Actual meeting start time: 6:10 PM

Meeting completion time: 7:15 PM

Attendees:

Lauraleah Griffin
Mary Gaughan
Mark Gaughan
Wade Wilde
Les Nagrodski
John Thiel
Steve Zabawa
Chris Merrill

Meeting location: Tract 2A-2A1 of E1/2SW1/4 of section 3 Township one S. Range 25 E. of the principal Montana meridian (legal desc).

Property tax ID number D00350C

Address or general location: S44th St W

Lot size: 5.01 acres

First order of business presented by Mark Gaughan

Mr. Gaughan proposes to Submit application to rezone property from current RR3 designation to RR1. Mr. Gaughan indicates that he would like to rezone the acreage to RR1 in order to sell off portions of his acreage in 1.25 acre pieces. These lot sizes would be consistent with surrounding neighborhood lot sizes there were no concerns expressed by the meeting attendees regarding the lot size or Mr. Gaughan's intentions

Second order of business presented by Mr. Wade Wilde

Mr. Wilde raised the question of the effects that 4 additional lots would potentially have on the aquifer that currently supplies his neighborhood as well as surrounding neighborhoods. After discussion it was agreed upon that the effects on the aquifer would be minimal seeing as how there are only four potential homesites to be considered. As well as the water rights that would be afforded to each individual lot would help to alleviate the strains on the current aquifer system

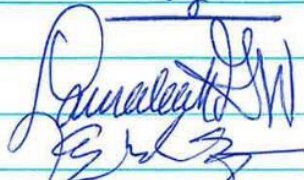
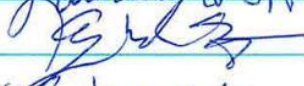
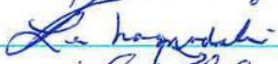




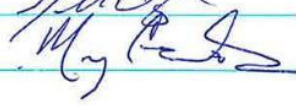
Third order of business presented by Mr Les Nagrodski

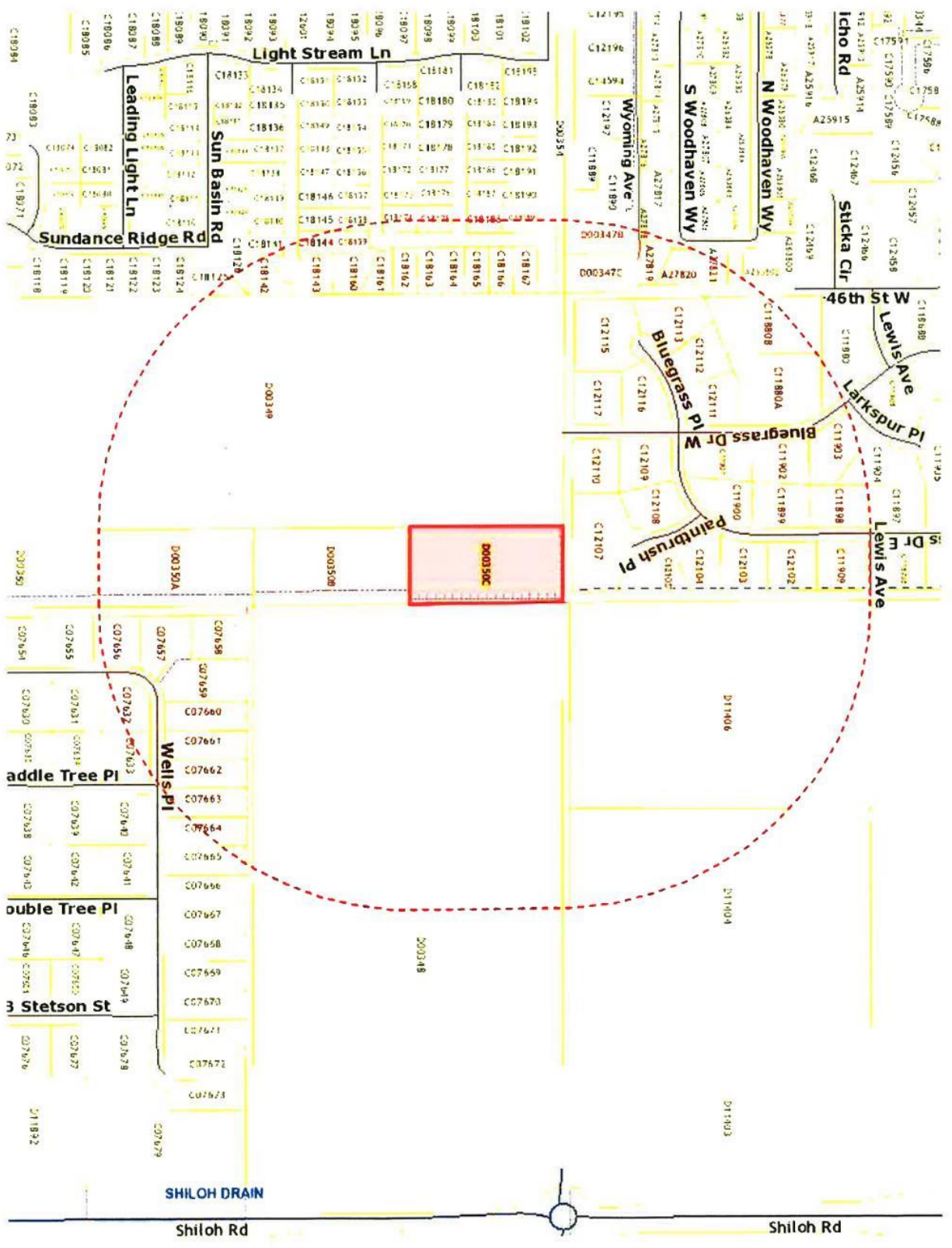
Mr Nagrodski wanted to know if the road into the property would remain private or be converted to a public road in the future. Mr. Gaughan indicated that the actual location of South 44 St. West is on the

east border of the property therefore the current access would remain private. Mr. Nagrodski also inquired about the potential effects of the Billings clinic adjacent lot to the east of the above mansion property and their accessibility in the future. Mr Wilde offered some very helpful information that he obtained regarding the future plans for Broadwater Avenue as well as a proposed roundabout located at the north east corner of the aforementioned lot

Meeting adjourned at 7:15 PM

(South with Street) meeting - 5-25-22'

<u>Name:</u>	<u>address:</u>	<u>Sig</u>
Kathleen Griffin	7 Swarts Lane	
Wade Wilde	840 Paintbrush Rd. 59106	
Les Nagrodski	4305 Wells Pl.	
John Thiel	4437 Central	
STEVE ZABAWA	810 Bluegrass Pl.	
Chris Merrill	4319 Wells Pl	
Will Engstrom	49 Vista Dr.	
Mary [unclear]	49 Vista Drive	



Parcel Number	Parcel Number	Parcel Number	Parcel Number	Parcel Number
C18102	C18103	C18104	C18105	C18106
C18107	C18108	C18109	C18110	C18111
C18112	C18113	C18114	C18115	C18116
C18117	C18118	C18119	C18120	C18121
C18122	C18123	C18124	C18125	C18126
C18127	C18128	C18129	C18130	C18131
C18132	C18133	C18134	C18135	C18136
C18137	C18138	C18139	C18140	C18141
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C18997	C18998	C18999	C19000	C19001

APPLICABLE ZONING HISTORY

SUBJECT PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
CS 3639, Parcel 2A2A1	None				
SURROUNDING PROPERTY	Zone Change	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
1109/1112/1116 & 1125 Firth St	96	4/23/1976	R-96 to RMH	Yes	
1156 Firth St	111	11/23/1976	R-96 to RMH	Yes	
West side of Sleeper St	170	2/28/1978	R-96 to CC	Yes	
Cole Street	152	10/24/1977	R-96 to CC	Yes	
Cole Street	359	5/29/1984	CC to HC	No	
Cole Street	649	7/29/2014	EGC to ELI	Yes	Personal mini storage
1044 Firth St	315	1/22/1982	R-96 to RMH	Yes	
Great Plains & Sannon Rd	273	3/11/1980	R-96 to RMH and R-96 to HI	Yes	RMH to ELC ZC 457
Bretz RV & Marine 2919 Old Hardin Rd	457	9/28/1995	CC, RMH & R-96 to EGC	Yes	Johnson Lane Master Plan