



COUNTY OF YELLOWSTONE ZONING COMMISSION AGENDA

Monday, September 12, 2022

4:00 PM

**Miller Building, 1st Floor Conference Room
2825 3rd Avenue North, Billings, Montana**

NOTICE TO THE PUBLIC

****ATTENTION****

Citizens are invited to:

- Review the Agenda Packet on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>
- View the meeting live online at Facebook: <https://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

Motion. Approval of Minutes: August 8, 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 712 -- 2433 Highway 87 E -- From RR3 to N1 and NX1 - A zone change request from Rural Residential 3 (RR3) to First Neighborhood (N1), and 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. Tax ID: D06622 & D06613.

Other Business/Announcements

Adjournment

Written comments may also be sent to Board via email before 1:00 PM on Monday, September 12, 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 County Zoning Commission will hold its public hearing on Monday, September 12, 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.

County Zoning Commission

Meeting Date: 09/12/2022

Information

Subject

Motion. Approval of Minutes: August 8, 2022

Attachments

YZC_2022_08_08_DRAFT COMBINED.pdf

The County Zoning Commission met on Monday, August 8, 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	08/08/2022								
Blaine Poppler	Commissioner	1	1	1	1	1								
Melissa Ray Gentry	Commissioner	1	1	1	1	1								
Tyler Bush	Commissioner Chairman	1	1	1	1	1								
Todd Hewitt	Commissioner	1	1	1	1	E								
Open	Commissioner													

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

Zoning Coordinator Nicole Cromwell, Karen Husman, Planner I, Robbin Bartley, Administrative Assistant

Other Participants: see attached sign in sheets

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: July 11, 2022

Motion

It was moved by Commissioner Gentry and seconded by Commissioner Poppler to approve the July 11, 2022 meeting minutes as submitted. The motion carried with a unanimous voice vote.

No ex parte communications or conflicts of interest were announced by the Commissioners. No one wished to comment regarding items not on the agenda.

Chairman Bush chose to change the order of the Agenda as posted. The items will now be heard County Zone Change 712, 713 and concluding with 711. This consideration was made due to the public comment expected for County Zone Change 711.

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

Item #2 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. Tax ID: D06622 & D06613.

The applicant requested a 30 day delay of this public hearing.

Commissioner Poppler motioned to approve the 30 day delay and Commissioner Gentry seconded the motion.

The motion to delay was approved with a unanimous vote.

Item #3. 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 has reviewed this application and is forwarding a recommendation of approval from RR3 to RR3 based on the 11 criteria for zone changes.

- Meets the goals of the West Billings Plan & the Growth Policy & the 11 review criteria
- Compatible to this area density residential uses & agricultural uses
- Encourages similar development as adjacent subdivision to the north & south east.
- Adjacent to the City limits, future development encourages communication with City & County for smart growth

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.

Discussion

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

Commissioner Poppler stated the current easement access is off of 44th Street W. Has there been a discussion about moving the access to Broadwater Ave? Staff indicated this would be considered at plan submittal.

Public Hearing

Commissioner Bush opened the public hearing and asked if there is anyone wishing to speak regarding County Zone Change #713.

Mark Gaughan, 49 Vista Drive, Billings, MT, owner

The desire is to subdivide the acreage into four, 1.25 acre plots. There was no opposition expressed during the neighborhood meeting. There will be a roundabout at the NE corner.

No one wished to speak in favor or in opposition.

Commissioner Poppler stated he believed it is consistent with the area and meets subdivision requirements.

Motion

Commissioner Gentry made a motion and it was seconded by Commissioner Poppler to forward a recommendation to the Board of County Commissioners of approval of Zone Change #713 as recommended by staff.

Discussion

There was no discussion on the motion.

The motion carried with a unanimous voice vote.

Item #1: 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. Tax ID: D05052B

RECOMMENDATION

Planning staff has reviewed this application and is forwarding a recommendation of approval from N2 to P2 on 4 acres of the subject property based on the 11 criteria for zone changes.

- Meets the goals of the Growth Policy & the 11 review criteria
- Compatible to this area of lower to medium density residential uses and the adjacent school
- Supplements public recreation playing fields – allows more teams to practice and have game time

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.

Discussion

Commissioner Bush asked the Commissioners for questions and comments.

Zoning Commission member Blaine Poppler asked staff about the reasoning of the recommendation of approval. Mr. Poppler specifically wanted to understand why a zone district that is very different from the surrounding uses of residential and agriculture would be recommended for approval. Staff explained the previous uses on the property would likely make this property unsuitable for similar uses such as a low density rural residential subdivision. Staff would expect there would be some contamination of the ground from the previous uses, as well as severe compaction of the ground. Staff explained the existing conditions on the site are significantly different than surrounding property and could not be easily converted or developed to a similar state. Staff explained the tight restrictions in the proposed PD make the proposed uses more compatible than through a standard zone district such as General or Heavy Commercial (C3 or CX) for personal storage warehousing.

Public Hearing

Commissioner Bush opened the public hearing and asked if there is anyone wishing to speak regarding County Zone Change #711.

The applicant and property owner, Kraig Kosena, PO Box 16653, Missoula, MT,

Provided testimony in favor of the PD zone change. He stated he was a Billings native and spent most of his early years in Billings Heights until his family moved to Missoula. He currently resides in Missoula but considers Billings to be his home town. He stated he is a Navy veteran and retired several years ago. He stated the neighborhood meeting he conducted in May resulted in some of the directly adjacent owners inquiring about purchasing the east part of the property to add to their own acreage. The original zone master plan and PD document was amended to allow this area of the property to remain in "agriculture" zoning so if the sale to an adjacent owner were to occur it would not be a much different zone. He stated the surrounding owners who attended the pre-application neighborhood meeting expressed interest in allowing low density residential uses on the property. He stated they amended the draft PD to allow a few residential dwellings on a part of the property. He stated he reached out directly to as many adjacent neighbors as possible prior to the neighborhood meeting to give them the benefit of a one-on-one meeting to discuss the proposed development plan and hear their concerns. Only one owner, Mrs. Kembel who owns the closed 240-acre gravel mine to the east, did not want to meet. Mr. Kosena stated the original intent was to donate the

4-5 acre parcel south of Five Mile Creek to the County as public open space. He stated he has not been successful in contacting the County Parks Board consultant. At a pre-development meeting with County staff last week, another staff member stated it is not likely the Parks Board would be interested in the property due to the lack of a funding mechanism to maintain the property. He stated the property could remain as private open space as they do not intend to develop this section of the property for any purpose. He stated the primary use they intend to develop in the other areas of the parcel is personal storage warehousing with some outdoor storage for boats and RVs. He stated the underlying zones, restrictions on uses and site development standards are intended to allow some flexibility in the future but the primary use for most of the property is for personal storage units. He stated the biggest concerns he has heard from a few surrounding owners is about traffic, crime and security. He stated he talked with several storage businesses in Billings and in Missoula and they reported that daily gate traffic (in and out) was minimal compared to the number of storage units. A recommendation from one owner on how to prevent someone from

living in a unit was to require a keyed entry into and out of the gate. He stated this way they know when someone goes in later in the evening but does not come back out. He stated they do not intend for the facility to be a 24-hour access storage facility. The gate would only be open for keyed entry from 6 am to 10 pm.

Perry Rockvam of 2647 Meadow Creek Loop stated he was not in favor of the zone change. He stated when he retired they moved into this neighborhood because it allowed them the convenience of living in the city with all the benefits of rural living. He stated the area is quiet, there is abundant wildlife and not much traffic either in the subdivision or on Bitterroot Drive. He stated this zone change would change all this. He stated the area is rural and not commercial. He stated the zoning just does not fit in this area. He stated he is concerned the value and marketability of his property would be reduced by this development.

Mike Kok of 1643 Quarterhorse Lane testified against the PD zone change. He stated they moved in 17 years ago and enjoy the environment of this rural residential area. He stated there is a lot of open land in the area. He stated he did research on personal storage facilities that are within 10 miles of this location. He discovered there are over 55 facilities within that 10-mile radius that have over 10,000 units available. He said many offers either indoor storage or outdoor storage or a combination of both. He stated the owners he spoke with indicated occupancy rates running from 45% to 100%. He stated the average occupancy rate is 75%. He stated that leaves 2,500 units available right now within 10 miles of this location. He stated this development is not only not wanted by the surrounding owners, it is not needed. He stated the impacts from traffic, noise, wildlife disturbances, homeless people, illegal activities, and light pollution would be too much. He stated the zoning is not consistent with the existing zoning of the area which is rural residential and agriculture.

Peter Light of 2904 Bitterroot Drive stated he was opposed to the zone change. He stated there is no commercial zoning or activity anywhere close to this property. He stated this zone change does not appear to be consistent or compatible with the adjacent zoning or uses. He stated the neighbors lived with the uses on the Ostermiller property even though it was zoned agriculture because everyone knew Ostermiller would eventually run out of gravel. He stated the expectation was the next owner would honor the zoning and use the land as intended or re-zone it for some rural residential uses. He stated a small group of the neighbors did decide to try and buy the property when it was for sale but the current owners had already made an offer and Mrs. Ostermiller could not take the neighbor's offer.

Jim Ridgeway of 1615 Old Sorrel Trail stated he agreed with Dr. Light. He stated this is a neighborhood not just vacant ground on an arterial street. He stated the area is quiet, has little traffic or noise and for these reasons this is why people call this area home. He stated there are plenty of goods and services nearby within the city and the area does not need or want new storage units. He stated he would not repeat what others had already said, but he agreed with all the testimony in opposition.

Robert Wagenaar of 2903 Legacy Lane testified in opposition to the zoning change. He stated that despite what is allowed in the PD agreement, the development will be mostly storage units, boats and RVs. He stated he has a view from the north across most of the subject property. He stated this is not an appropriate use at this location. He stated Bitterroot Drive may be an arterial

street but it is narrow and used by many different users such as cyclists, runners and introducing more traffic here would be an unnecessary conflict. He stated he also agrees with the previous speakers against the zone change but most importantly he does not believe the zone change is conforming to the County's growth policy.

Don Thoreson of 1835 Mary Street testified in opposition to the zone change. He stated the north end of his property is adjacent to the subject property. He stated the area is very quiet with lots of wildlife that travels through. He stated the light pollution alone would have a strong impact on the environment. He stated right now there is nothing but trees, but in the future this may all change.

Nancy Auren of 3003 Bitterroot Drive testified in opposition. She stated she agreed with the previous speakers that the area is quiet with abundant wildlife and would be negatively impacted by the proposed uses. She stated they purchased an adjacent lot to their main property just to ensure they had solitude for their home. She stated hundreds of storage units, boats and RVs would not fit this area along with all the required security measures like razor wire fences.

Adri Ryberg of 2585 Bitterroot Drive testified against the zone change. She stated she has a lot of horses on her property along with lots of wildlife. She stated it is sometimes a challenge to keep the horses safe being so close to the arterial street. She stated she is worried about all the trash and litter that will come off the storage unit property and possibly being a mess on her property.

Mike Haaland of 1852 Three Bars Trail testified against the zone change. He stated he loves the neighborhood and this proposed storage unit business would not be good for their neighborhood just to the north. He stated his big concern is too much lighting for security. He stated when the round-a-bout was finished for Five Miel Creek Road the new lights were so bright. It seemed like it was too much light for that little round-a-bout even though it is a half-mile away from his house.

Ricardo Murga of 1651 Oklahoma Star Trail testified in opposition. He stated they purchased their home in 2017 and spent 1 year looking for the right place in Billings Heights. He stated they chose this area because there is very little lighting after dark. His family enjoys using their telescope to star gaze at night. Too much lighting will make this not possible. He stated the installation of 500 storage units on this property would essentially change this area from rural residential to a commercial corridor.

Gerry Dillon of 1621 Old Sorrel Trail testified in opposition. He stated the proposed zoning is inconsistent with the character of the area. He stated the development will bring noise, light pollution and crime. He also stated Mr. Kosena provided new information on where the potential residential homes would be located - not Area B but Area C. He stated at the very least the Zoning Commission should postpone action until he provides clarity on this part of the PD.

Linda Floyd of 2642 Meadow Creek Loop testified in opposition to the zone change. She stated when they bought their home in Bitterroot Heights they did their due diligence. They noted the land on the east side of Bitterroot Drive was zoned agriculture. She stated they wanted city services but also wanted the benefits of a quiet rural area. She stated this area provides this quality of life. She stated she spoke with the owner of KO Storage (Bench Boulevard) and he stated "prepare to have your life changed forever". He told her that nothing good happens at storage facilities overnight. She did state that none of the storage unit owners she spoke with would go "on record" about their experiences for fear of damaging their business reputation.

Manny Vasile of 2602 Meadow Creek Loop testified in opposition to the zone change. He stated he is employed in the criminal justice field and can state at least anecdotally that storage units are used for criminal activity especially in higher crime areas such as Billings. He stated right now he can leave his garage doors open without worrying about theft and he can leave his dog doors unlocked without worrying that someone will break into his home. He stated the area is very safe now but will likely become less safe with a storage unit facility close by.

Rebuttal

Mr. Kosena provided rebuttal testimony. He stated he understands the neighbor's concerns. He stated they originally just wanted to do the whole property as storage units but then changed their plan in response to the concerns expressed by these same neighbors. He stated the three issues he heard about this evening were security, lighting and noise. He stated they plan to have a completely secure facility with no overnight access into the storage facility. He stated this will include a key panel on the inside of the security fence to monitor when customers leave the facility. He stated it will be a well managed and maintained facility. He stated he is no more interested in building an eyesore than the neighbors are in living near one. He stated he understands from contacts in the industry there may be just a handful of vehicle trips per day at a facility like this one. He stated the traffic in and out of the site would be much less than it was when Ostermiller Construction was operating from the site. He stated he also uses a storage unit in Missoula, and they visit the unit maybe 4 times a year. He stated he does not understand the complaint about potential noise. He stated this will be for people with personal property they need to store so there should be little noise generated. He stated the security lighting for the facility will be minimal and motion activated. He stated he was concerned about the comment that the neighbors tried to buy the property but the owner could not sell because our offer was already on the table. The neighbors knew this property was for sale for 4 years but made no offers until I made an offer to buy the property.

Commissioner Bush asked if there is anyone else wishing to speak in favor or against county Zone Change #711.

Discussion

Chair Tyler Bush closed the public hearing. Commission member Blaine Poppler stated he knows Billings Heights has set a community boundary to not entertain any commercial zoning of any kind east of Bench Boulevard so the testimony in opposition is not unexpected. He stated he also lives in the County but on the west end and he understands the desire for a peaceful and undisturbed quality of life with easy access to city services. He also is concerned with the inconsistency of this zoning to the immediately adjacent zoning and land uses. He stated he found the proposal to only meet perhaps half of the zone change criteria.

Commission member Melissa Gentry stated she did drive by the location just to understand a little more about the property and its location. She was surprised about the distance between this property and the neighborhoods where the letters of opposition originated. She stated she would have more concern about the proposed zoning if it were directly adjacent to more residential homes. She stated as a real estate professional she does market analysis for buyers and sellers and one of the issues she looks for is what is happening next door but not at property that is further away. She stated she did not believe this development would negatively impact homes in the nearby neighborhoods.

Planning staff clarified for the Commission how criteria findings are developed and considered. Criteria findings are considered as a whole and are not given any particular weight during review. For example, it is not as simple as 6 positive criteria findings out of 11 criteria requires a recommendation of approval. Staff explained the Commission can make different findings than the staff and can decide these different findings provide enough weight to make a



**Yellowstone County Zoning Commission
DRAFT Minutes for the Meeting of
Monday, August 8, 2022**

recommendation of denial to the County Commissioners.

Chair Tyler Bush stated he was concerned with the compatibility of the proposed use and zoning. He stated he disagrees with the staff proposed finding for criteria 8: *Does the new zoning consider the character of the district and the suitability of the property for particular uses?* He stated he finds this proposal is not considerate of the character of the area and the use is not suitable for the property. He stated the testimony at the hearing and writtten testimony from the surrounding owners clearly shows the proposed use is not suitable for this property in particular. He stated he is not opposed to change in land uses over time but it is clear the proposed use is not a good fit at this location.

Mr. Poppler agreed with Mr. Bush on his assessment of the finding for criteria 8 as well as his concerns as it relates to the findings for criteria 1: *Is the new zoning designed in accordance with the Growth Policy?* Mr. Poppler stated he does not find this proposal to be a predictable land use based on the surrounding land uses and zoning.

Ms. Gentry stated she also disagrees to a point with the finding of Criteria 9: *Will the new zoning conserve the value of buildings?* She stated the staff finding should be modified to include a statement that directly adjacent property and buildings may be negatively affected by the zone change.

Motion

Tyler Bush made a motion to recommend denial of the zone change and adopt the staff's proposed findings for Criteria 2-7 and 10-11, and substitute the Commission's findings for Criteria 1,8 and 9. The motion was seconded by Blaine Poppler. Commission member Melissa Gentry stated although she is concerned about the directly adjacent building values, she does not necessarily agree with the findings proposed for Criteria 1 and 8. She stated there are more positive than negative findings for this proposal. The Commission voted 2-1 (Gentry opposed), to approve the motion to recommend denial.

Discussion

There was no discussion on the motion.

The motion to deny carried with a voice vote, 2-1.

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.**



**Yellowstone County Zoning Commission
DRAFT Minutes for the Meeting of
Monday, August 8, 2022**

OTHER BUSINESS

a. Announcements:

- There is one vacancy on the County Zoning Commission.

Adjournment 5:48 PM

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

--Robbin Bartley, Administrative Assistant



City-County Planning Division

Monday, August 8, 2022

Yellowstone County Zoning Commission

Printed Name	Address/email
KRAIG & MEGAN KOSENA	PO BOX 16653 MSO MT 59808 KRAIGR@KCMONTANA.COM
Michael & Denise Kolk	1634 Quarterhorse LN Billings, MT 59105
HARRY & BEV RUKSTAD	1637 CED CORREL TRAIL BILLINGS MT, 59105
Regina Alvaric	2645 Meadow Creek Loop Billings MT 59105
Linda Floyd + Gayle Brucher	2642 meadow creek loop Billings, mt 59105
Kristine Ostermeyer	1985 Mary St Blg MT 59105
Barb Sholley	1925 Legacy Ln Billings 59105
Robert & Victoria Wegenaar	2903 Legacy Ln Billings 59105
Perry Rookvam	2647 meadow creek loop, Billings 59105
Terry & JoAnn Dukart	2735 Bitterroot Billings MT 59105
Ricardo & Jennifer Murga	1651 Oklahoma Star Trl. 59105
Jim Reno	1544 Redwing Circle (3160 B. Hunt)
Elizabeth Larkwood	1520 Mustang Valley Ar.
Tracy & Don Thoreson	1835 Mary St. 59105

County 20

Sign In 8/8/2022

MARK GAUGHAN

49 Vista Dr.

Dellings, MT

LOUI RUBASH

1500 OKLAHOMA STR TRL WEST

Rica & Mike Dombrowski

1520 Oklahoma
Star Trl W 59105

Susan & Steven Vold

1420 Oklahoma Star Trl W

Bldg
59105

Nicky Wolf

1410 Oklahoma Star Tr W

Bldg 59105

Jim Riquelme

1615 Old Sorrel

Blk 59105

Jane Wallace

1810 Caroline Street Bldg 59105

Andi Rysberg

#2985 Bitterroot dr

Peter & Marie Light

2904 Bitterroot dr 59105

Jack Dillon

2819 Daisy Lane

59105

Joy Diller

1621

Old Sorrel Trail

Mike Healand

1852

Three Bars Trail

Nancy & Dave Stockman

1704 Three Bars Tr

Nancy AUREA

3003 Bitterroot Dr

Robert S. Wegencar

2903 Legacy Lane

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

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: [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: [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 commercialized 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: 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: [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

August 2, 2022

Dear County Zoning Commission & County Commissioners:

We are writing in regards to the proposed rezoning of the property located at 2847 Bitterroot Drive (the "Property"). While the application for rezoning of the Property demonstrates good faith and effort, there are concerns that we have as an adjacent landowner. There appear to be several instances where the proposed rezoning violates the goals and objectives of the City/County Growth Policy (GP).

First of all, we believe that the Planned Development of storage units, is not consistent with the adjacent zoning (a criteria to be used for review of zone changes). All of the neighboring parcels are residential and agricultural, there are not any other planned development or commercial zoning in the area. In addition, the proposed rezoning does not preserve the integrity of the neighborhood (GP – Land Use Element Objective and Economic Development Element Goal). Nor does it maintain a high quality of life for the neighbors (GP – Land Use Element Objective). There are several reasons that we believe this to be true, as follows:

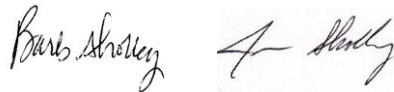
1. Mr. Kosena communicated to us that he intends to run the business 24 hours a day which means people coming and going/traffic, car noise, metal storage doors slamming, etc. at all times of the day and night.
2. It was also communicated that the storage units would be automated with minimal human presence which creates opportunity for homeless people to live in their units without detection, drug activity, and being an attractant for other troublesome activity. Access will only increase once the Five Mile bridge and connection to Johnson Lane is complete. Combine this with the hours of operation and it provides a breeding ground for trouble.
3. Light pollution. In order to have any security whatsoever, there would be bright lights throughout the night. Bright lights that shine into our windows and light up the night sky.
4. Aesthetics – not visually appealing for the neighborhood (GP - Aesthetics Goal).
5. Transportation. Bitterroot Drive is a busy road and a storage facility will only serve to further add to the traffic. The access to the Bitterroot Heights Subdivision, the large subdivision to the southwest of the Property, is at the crest of the hill on Bitterroot Drive. It has limited visibility and adding more traffic to the road only increases the probability of accidents (GP – Transportation objective).

Furthermore, the Area B as proposed states that the residential uses are limited to single family residences. However, this appears to be a broad and undefined term. Specifically, do manufactured and modular homes constitute a single family residence? We would sincerely request a more restrictive definition of single family residences.

The proposal includes donation of land for a park and there are potential issues with this also. According to GP – Open Space and Recreation, an objective is to “create neighborhood parks to meet the needs of the neighborhood”. The majority of the surrounding landowners have large lots negating the need for a park. Furthermore, the Bitterroot Heights subdivision, referred to in the application as the “nearby dense housing development”, has its own plans to have a park built at a certain point of development of that subdivision. We do not believe that it would be utilized and would create other problems, including accessibility and lack of parking. Bitterroot Drive was not designed to accommodate pedestrians and therefore a park could create unsafe conditions with an increase in foot traffic (GP - Transportation Goal and Community Health Goal). Parks are hard to police, hard to lock up, and there is usually only a police response when problems in a park have gotten so bad or there is a crisis which forces a policing priority. (Hilborn, 2009) If a park is “publically” owned then they are at the same time everyone’s and no one’s. As public resources they have little intrinsic guardianship and thus are susceptible to being taken over for undesirable activities (that is, living spaces for the homeless, markets for drug dealers and delinquent behavior magnets for juveniles). (Groff, 2011)

It is our hope that the County Zoning Commission and County Commissioners will take the above-mentioned matters into consideration when reaching a decision regarding the proposed rezoning.

Thank you for your time and consideration,



Barb & Jon Sholley

Hilborn, Jim. (2009). Dealing with Crime and Disorder in Urban Parks. *U.S. Department of Justice - Office of Community Oriented Policing Services - Problem-Oriented Guides for Police Response Guide No. 9.*

Groff, Elizabeth & McCord, Eric S. (2011). The role of neighborhood parks as crime generators. *Security Journal.*

From: [Chris Emter](#)
To: [Cromwell, Nicole](#)
Subject: [EXTERNAL] 2847 Bitterroot Drive, Billings, MT 59105
Date: Wednesday, August 3, 2022 12:22:31 PM

Hi Nicole,

I am emailing in support of Kraig and Megan Kosena developing 2847 Bitterroot Drive in Billings Montana into a storage facility. In my experience living in Billings there is a lack of quality storage option in the Heights area. Building a new storage facility with both garage units and rv/boat/trailer storage is always a need in areas that are extensively developed with family housing like the Heights in Billings.

On top of the need for more storage facilities in this populated area, the land is currently a gravel pit with few older buildings on it. A storage facility would be a far improvement to the land as it sits today.

I urge you to approve the rezoning of this parcel of land to allow Kraig and Megan to develop it into a quality storage facility for the residents of Billings to utilize.

Best,
Chris Emter

From: [Breshia Hardy](#)
To: [Cromwell, Nicole](#)
Subject: [EXTERNAL] Support: Zoning change 2847 Bitterroot Drive
Date: Friday, August 5, 2022 1:51:53 PM

Hello,

I'm writing this letter to voice my support of the proposed zoning change at 2847 Bitterroot Drive. I am in support as the site development will be clean, secure and attractive where it has otherwise been unsecure with vacant buildings on site for some time.

Additionally, with the direction of growth in the Heights, it will be a welcome amenity to homeowners in the area. Currently supply does not meet demand for storage facilities in the area.

Thank you!

Breshia Hardy

From: [Tucker Johnson](#)
To: [Cromwell, Nicole](#)
Subject: [EXTERNAL] Zoning
Date: Friday, August 5, 2022 9:10:28 AM

To Whom It May Concern:

I am writing to support the proposed zoning for storage units in the Heights on Bitterroot Drive. I have been looking for a unit and haven't been able to find one. This area could certainly use more.

Thank you.
Tucker Johnson

Sent from my iPhone

From: [heather soelter](#)
To: [Cromwell, Nicole](#)
Subject: [EXTERNAL] Rezone of 2847 Bitterroot Dr.
Date: Sunday, August 7, 2022 2:27:34 PM

Nicole Cromwell
Zoning Coordinator
Code Enforcement Supervisor

Dear Nicole,

I live at 1440 Oklahoma Star Tr. W. which is slightly south-west across Bitterroot from 2847 Bitterroot Dr. I am writing in opposition to the proposed rezoning plan for the property mentioned.

Rezoning to residential would be appropriate, but putting storage units on this property is not in the best interest of the neighborhood or residents who live around here. Having storage units in this location would change our quiet, safe, peaceful neighborhood. We would have more traffic on Bitterroot Drive, and it could be coming and going at any time of the day or night as it would not only be neighborhood people who would be using these storage units. Having more traffic brings with it security concerns. It is known that storage units often bring with them unlawful activity, especially when they are self accessible and nobody is patrolling them which is the case for these ones. I would also hate to see a large development where large lights are shining all night long. We live in a great area, outside of town so that we can enjoy the peacefulness and not deal with the light pollution. Having a storage development like this would hurt our property values as well.

To reiterate my stance, myself and my husband are **OPPOSED** to the proposed zoning and plan for 2847 Bitterroot Dr.

Thank you,
Heather Soelter

Robert Wagenaar
Victoria Wagenaar
2903 Legacy Lane,
Billings MT 59105

City of Billings – Planning Division
Nicole Cromwell
Zoning Coordinator, Code Enforcement Supervisor
Karen Husman
Erin Keith

8/8/2022

Planning Division,

As residents who have lived adjacent to the subject property for 11 years, we have become well acquainted with the area and this particular property. We oppose the proposed zoning change from the existing zoning of agriculture to the proposed planned development (PPD). We believe that the planned development is not consistent with Yellowstone Growth Policy.

With regards to the *Land Use Element*, the land use decision is not consistent with the neighborhood character and preferred land use patterns and does not preserve neighborhood integrity, nor empower neighborhood groups. In fact, it is proposing the use over half the property be zoned for commercial use which is contrast with the existing neighboring residential communities and parcels of land that surround the subject property. The land use would be much better suited for housing development to bring more affordable housing to the area. The new land owner suggest that the development will complement adjacent residential land by limiting the collection of personal property on the street, however this is not an issue. In fact the presence of a storage unit of this size has the potential to be very unsightly and unattractive. It is evident that the owner acknowledges this as a real possibility by his suggestion that a park will be needed along 5 mile creek to provide a “visual barrier between local area traffic and the development is self.” This border represents only a small portion of the property and leaves a significant amount of the property visible to the surrounding residents. The owner does propose that it will have “exterior landscaping to visually obscure the storage facility from adjacent property and from resident uses.” This consideration appears only to pertain to the Heavy Commercial area of the property which is only 20% of the planned development. This new developments is not sensitive to and/or compatible with the character of adjacent neighborhoods. This development encourages urban sprawl and threatens the rural characteristic of the land surrounding the PPD . It does not contribute the functionality of the natural systems or contribute to the attractiveness of the community. The proposed plan suggest that a park will be “possibly include” in the development also leaves the possibility that this will not occur. If the park is developed it will require maintenance and additional security, which I presume with be the responsibility of the county.

The new owner suggests that the planned development will provide temporary living-wage jobs, which I presume is for the construction of the project, but from our initial discussion with the owner he indicated that a goal of the

storage unit was to be automated with 24 hour access, therefore not significantly adding to the economic development to our community. With a minimally supervised facility, this opens the potential for increased urban problems such as theft, storage and trafficking of illegal products such as drugs, occupation of the development by the homeless, the storage of dangerous chemicals, and residential property damage. The elements do not preserve neighborhood character and quality of life. The owner reports that he conducted research by contacting 5 nearby storage facilities that reported no availability but was put on a waiting list for one facility. Although limited in the extent of his research this suggests that there is a demand for a storage facility, however our research indicates that most facilities are located within the city limits and if they are in the county they have easy access to main city roads or highways, unlike the current proposed site.

The proposed development will have a significant negative impact by increased traffic counts and congestion in the vicinity. The development will only add the current traffic by attracting customers from outside of the neighborhood, causing increased congestion and danger to pedestrian and bicyclist who currently use Bitterroot Drive. This road is currently used by pedestrians for walking, running, riding bikes, kids are riding bicycles and walking pets, couples and families use this road routinely. Bitterroot does not have an established bike path or side walk system. The increased traffic is presumed to be from recreational vehicles, boats and trailers may actually increase the possibility of pedestrian injury and motor vehicle accidents due to the variation in speeds turning into the facility and no established turning lane.

Lastly with regard to *Public and Service Element*, the proposed development will increase the need for public services. Safety is a concern for our neighborhood as outlined above. The proposed development, although unintentionally, affects our neighborhood with the stated urban problems, increased traffic and danger to pedestrian and bicyclist. The proposed planned development poses an increase in fire hazard due to the proposed uses and lack of adequate access the property. This is in stark contrast with Yellowstone County's stated goal to protect public lives and property.

Although this may be a good investment opportunity for the new owner, as current home owners that are located directly next to the PPD it is our opinion that he use of this land would better suited and benefit the neighborhood by being zoned for residential housing only that is compatible with the surrounding residential developments.

Land use element:

- 1) 1. ISSUE: Neighborhoods are experiencing pressures from new development and land use changes. GOAL: Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans. OBJECTIVES: • Preserve neighborhood integrity. • Empower neighborhood groups.
- 2) 2. ISSUE: The current zoning ordinances and subdivision regulations do not always prevent incompatible uses in and adjacent to existing City neighborhoods and County townsites. GOAL: New developments that

are sensitive to and compatible with the character of adjacent City neighborhoods and County townships.
OBJECTIVES: • Maintain a high quality of life for new and existing residents. • Reduce conflicts between neighbors.

- 3) 3. ISSUE: Rural townships are not prepared to handle increased growth. GOAL: Growth management tools available to rural townships. OBJECTIVES: • Empower communities to direct growth. • Use County resources and services more efficiently. • Create a sense of community.
- 4) 4. ISSUE: Urban sprawl threatens the rural character of land surrounding Billings, increases the cost of providing public services, and threatens the vitality of the city core and downtown area. GOAL: Contiguous development focused in and around existing population centers separated by open space. OBJECTIVES: • Ensure the continued functionality of natural systems. • Use City and County resources in a cost effective manner. • Create attractive communities

Economic Development:

- 1) 9. ISSUE: Neighborhoods provide the character and strength of the community and the quality of neighborhoods should be preserved. GOAL: Preserve neighborhood character and quality of life. OBJECTIVES: • Empower neighborhoods.

Aesthetics Element:

- 1) 1. ISSUE: There are areas in the City and County that are unattractive and present a poor image of the community. GOAL: Visually appealing communities. OBJECTIVES: • Improve the image of the community. • Instill pride in the community. • Improve the quality of life for residents. • Preserve the community assets such as the Rimrocks, the Yellowstone River, the downtown and the major street thoroughfares.
- 2) 2. ISSUE: New development and signs, cell towers, power lines and other structures could reduce the visual quality of the rims. GOAL: Unobstructed views of the rimrocks surrounding the City of Billings.

Natural Resource Element:

- 1) 1. ISSUE: The quality of the Yellowstone River and the associated riparian habitat is threatened. GOAL: A healthy river ecosystem system that supports multiple uses. OBJECTIVES: • Ensure high water quality. • Ensure continued recreational access. • Protect wildlife and wildlife habitat.

Transportation Element:

- 1) 3. ISSUE: Lack of adequate traffic control. GOAL: Improved traffic flow and reduced congestion. OBJECTIVES: • Reduce potential harm to people and property. • Maintain safe and efficient traffic flow.
- 2) 6. ISSUE: Deteriorated conditions of City streets and County roads. GOAL: City streets and County roads maintained at safe standards. OBJECTIVES: • Equitably share the cost of maintaining roadways. • Timely response to public needs.

Public Facilities and Services Element:

- 1) 3. ISSUE: Safety is a concern in neighborhoods and outlying County townsites. GOAL: Protect public lives and property. OBJECTIVES: • Ensure adequate public service to all residents. • Utilize scarce resources wisely and employ cost effective techniques. • Maintain acceptable levels of service in existing City neighborhoods when expanding service to new areas.

Community Health Element:

- 1) 1. ISSUE: Existing neighborhood plans lack sufficient detail to address emergency preparedness. GOAL: Neighborhoods and communities prepared to react to natural disasters and other emergencies. OBJECTIVES: • Identify and acknowledge emergency risks in the community. • Educate neighborhoods and communities of risks and how to prepare and prevent them. • Prepare emergency plans so that all responders and citizens know what to do.
- 2) 6. ISSUE: Some neighborhoods are not safe. GOAL: Active, safe neighborhoods with a high quality of life. OBJECTIVES: • Address neighborhood nuisances to promote safety. • Adequate resources for public safety and crime prevention.

Sincerely,

Robert Wagenaar
Victoria Wagenaar

County Zoning Commission

Meeting Date: 09/12/2022

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 N1 and NX1 - A zone change request from Rural Residential 3 (RR3) to First Neighborhood (N1), and 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. Tax ID: D06622 & D06613.

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 allowed in the NX1 zone district. The N1 district allows for single family and two family homes. The Yellowstone County Zoning code Section 27-307 allows a change in zone to a First Neighborhood Residential (N1), and 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 Yellowstone County Zoning Commission, held a public hearing August 8, 2022, on the item after legal notification was published for this date. At the meeting the Commission voted unanimously to accept the applicant's request to delay the hearing on the application to allow them to modify the requested zone change map. On August 19, 2022, staff received a letter in

opposition of the request (in attachments), no other comments were received.

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 and N1 zone districts are 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 these parcels to develop as single and 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 N1 and NX1 zones are 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 single and 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 N1 and 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 new single and 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 N1 and NX1 zoning districts. 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?

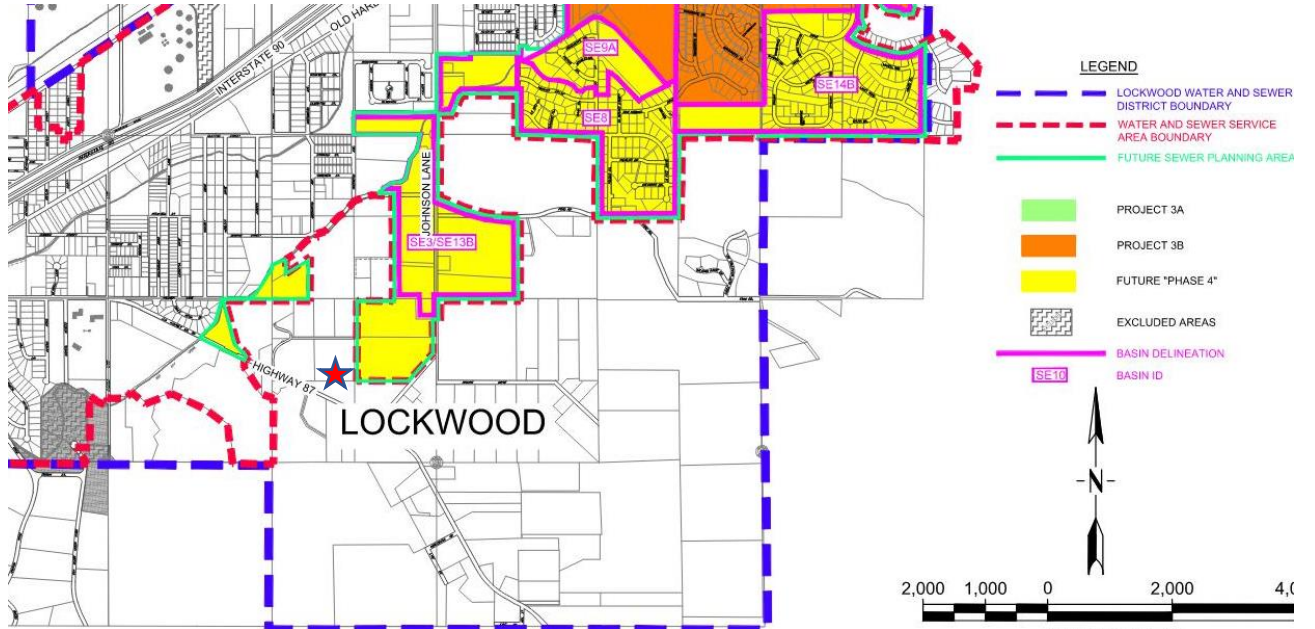
The property is not in proximity to the Billings city limits.

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 Dist. Letter
Opposition 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 & N1 _____

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

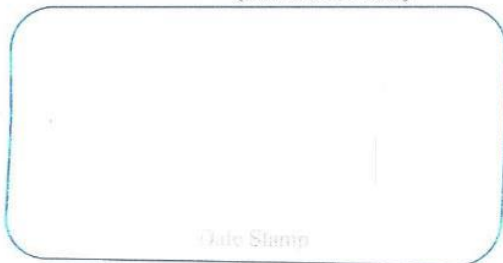
*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

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)





August 31, 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 a Mixed Residential (NX1) and First Neighborhood Residential (N1) zoning combination. 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.

- 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. Zones NX-1 and N1 will give an opportunity to develop single family, 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



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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YCPD Rezone Application Vinton.docx



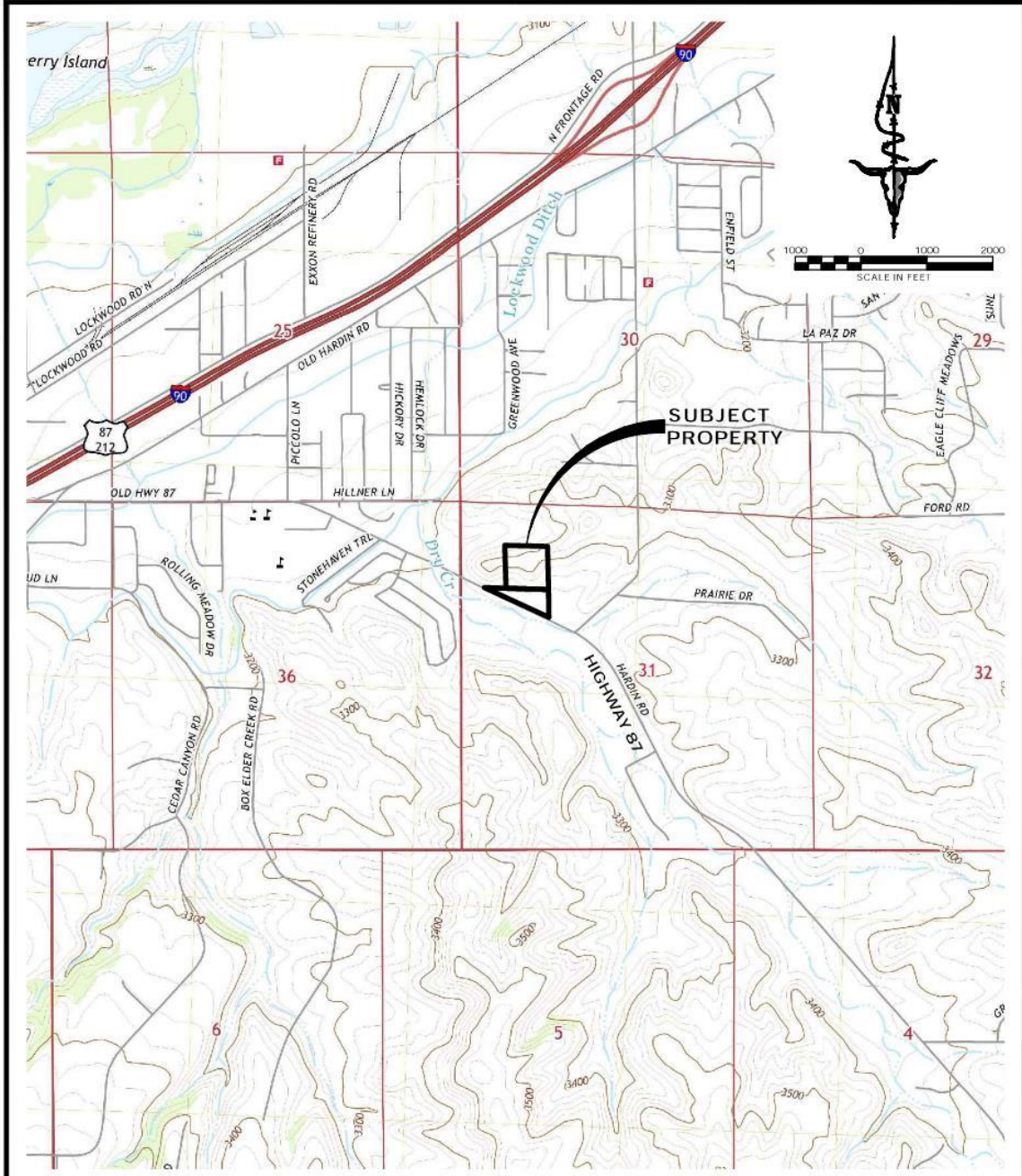
Pre-Application Statement of Owner(s) or Agent(s)

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

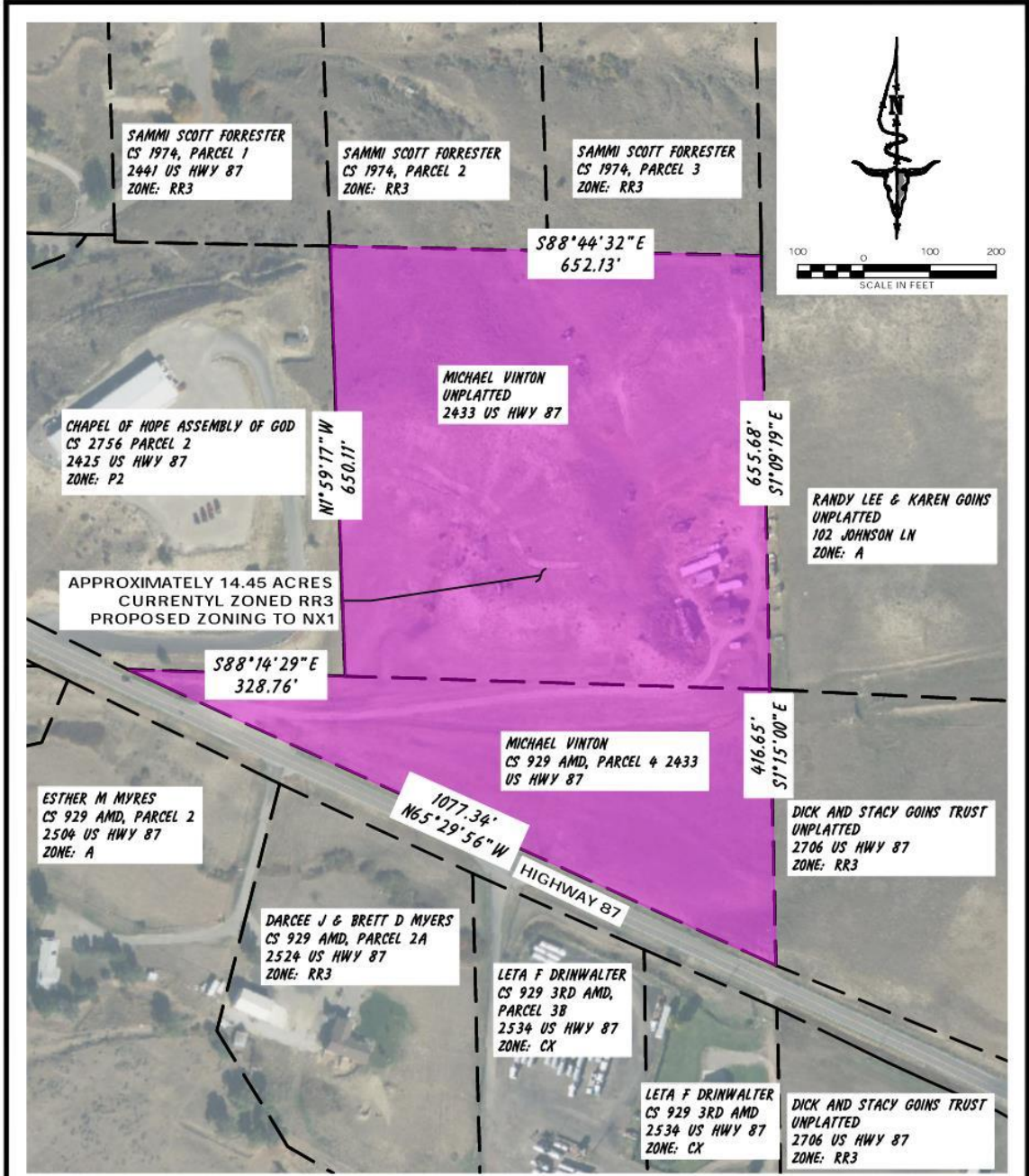
PROJECT# : 22003195

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

\\files\Active\Projects\2022\22003195.00\Design\Civil\CC07 PLANNING\Rezone Application - Mixed Residential\20220511
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

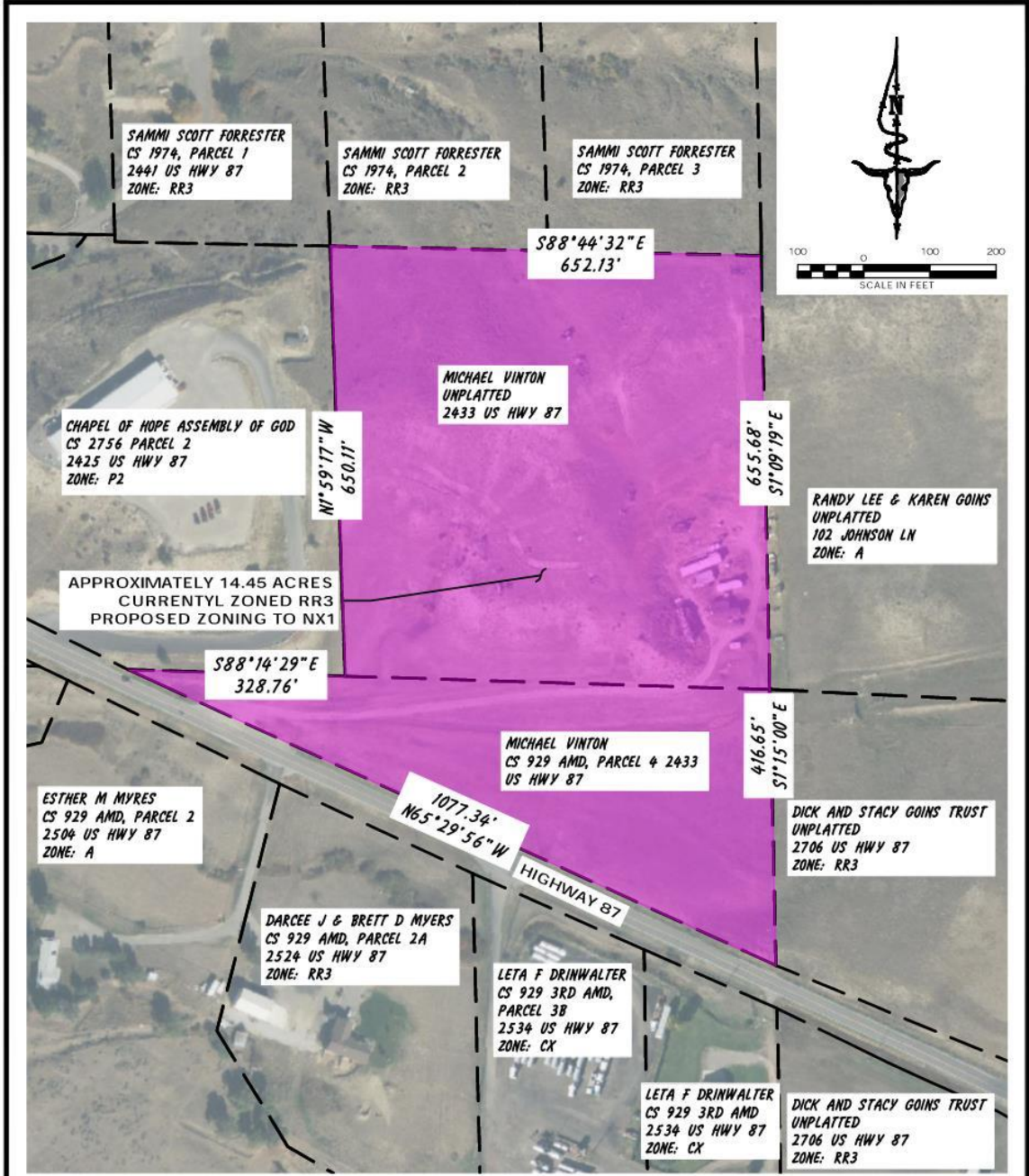
Place: Lockwood Intermediate School

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@billingsdnlc.org
Tom Galore	5440 River Rd 59074	855-7149	GT.HOM76A@cox.com
Dice - Stacy 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

RANDY LEE & KAREN GONS
UNPLATTED

DICK AND STACY GONS TRUST
UNPLATTED

SAMMI FORESTER
CS 1974, PARCEL 1

SAMMI FORESTER
CS 1974, PARCEL 2

SAMMI FORESTER
CS 1974, PARCEL 1
2441 US HWY 87 E

STORMWATER/PARK
0.25 ACRES

CHAPEL OF HOPE ASSEMBLY OF GOD
CS 2756, TRACT 2
2425 US HWY 87 E

LETA F. DRINKWALTER
CS 929 3RD AND TRACT 3B
2546 US HWY 87E

LETA F. DRINKWALTER
CS 929 3RD AND TRACT 3A
2534 US HWY 87E

DARCEE J. & BRETT D. MYERS
CS 929, TRACT 2A
2524 US HWY 87E

ESTHER M. MYERS
CS 929 AND TRACT 2
2544 US HWY 87E



PRELIMINARY	PROJECT NO. 22003195	PROJECT NAME IRON WHEEL ACRES	LOCATION: SOUTHEAST OF LOCKWOOD SE, NW, NW S31, T01N, R27E YELLOWSTONE COUNTY	DESIGNED: SMT DRAFTED: SMT CHECKED: SMT DATE: 8/31/2022	REVISIONS	DATE
	SHEET: 1 OF 1	SHEET TITLE: SUBDIVISION PRE-APP LAYOUT	PREPARED FOR: MIKE VINTON			





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

August 18, 2022



Dear Zoning Commissioners,

My wife and I would like to comment on the proposed zoning request #712 asking to change property on Hiway 87 from RR3 to AA3 zoning. We have lived on Prairie Drive for 38yrs. We bought our land and built a house and outbuildings because it was zoned RR3 allowing us to live the lifestyle we enjoy. We know our neighbors, don't have a lot of traffic, and it is a nice place to raise a family. We feel there is ample land that is already zoned for multiple housing for developers to buy. Many seek RR3 zoning property so that they can buy it at less cost, change the zoning and profit from that change. We don't want three or four hundred people relocated to our area. It will mean traffic congestion, more chance of crime, noise, and aggravation for us. I want to know that if I leave home, my wife will feel secure and there will be less chance of damage or theft of our property. It is a sad fact that the more people, the greater chance of problems. We ask that you deny the zoning request and leave the zoning as it is so we can continue to enjoy our home in the country as afforded by our current zoning.

Sincerely,

Two handwritten signatures in blue ink. The first signature is a stylized, cursive "Don Cantrell". The second signature is a more legible cursive "Mary Cantrell".

Don and Mary Cantrell
2930 Prairie Drive
Billings, MT 59101