



**City of Billings Zoning Commission
Meeting Minutes September 5, 2023**

The City of Billings Zoning Commission met on Tuesday, September 5, 2023 at 4:30 p.m., 2825 3rd Ave North, 1st floor conference room of the Miller Building. The public may attend in person or watch the meeting live on Facebook (see below). Comments may be sent to **Board via email before 1:00 PM on Tuesday, September 5, 2023.** All e-mails received prior to this time will become part of the record for the public hearing. Live coverage can be viewed on the City of Billings Facebook page here; <https://tinyurl.com/yckr478k>

The City Council has designated September 25, 2023 at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation for **Zone Change 1034 and 1035**, and hold a public hearing. If approved on first reading, a **second reading will occur on October 9, 2023 at 5:30 pm.**

Commission and Staff		01/03/2023	02/07/2023	03/07/2023	04/04/2023	05/02/2023	06/06/2023	07/11/2023	08/01/2023	09/05/2023	10/03/2023	11/07/2023	12/05/2023
Mike Larson	Chairman	1	-	1	1	E	1	1	1	1			
Daniel J. Brooks	Commissioner	E	-	1	1	E	1	1	1	1			
Greg McCall	Vice Chairman	E	-	1	1	1	1	1	1	1			
Trina White	Commissioner	1		1	1	1	E	1	E	1			
David Goss	Commissioner	1	-	1	1	1	1	1	1	1			
Wyeth Friday	Director, PCSD	-	-	-	-	-	-	-	-	-	-	-	
Monica Plecker	Division Planning Manager	-	-	-	-	1	-	-	-	-	-	-	
Nicole Cromwell	Zoning Coordinator	1	-	1	1	1	1	1	1	1			
Hunter Kelly	Planner I	-	-	-	-	-	-	-	-	1			
Dave Green	Planner II	-	-	-	-	-	-	-	-	-			
Karen Husman	Planner I	-	-	-	-	1	-	-	-	-			
Robbin Bartley	Administrative Support	1	-	1	1	1	1	1	1	-			

Total Number of 2023 Applications	01/03/2023	02/07/2023	03/07/2023	04/04/2023	05/02/2023	06/06/2023	07/11/2023	08/01/2023	09/05/2023	10/03/2023	11/07/2023	12/05/2023	TOTAL
Zone Change	1	-	1		6	1	3	2					16
Special Review	1	-	-	1	-								2

Chair Larson introduced the Planning Division Staff and Commission: Attending Staff were Nicole Cromwell, Zoning Coordinator, and Robbin Bartley, Administrative Assistant.

*RETURNING AGENDA ITEM.

Attending: Zeth Ban, Andy Boetticher, Tom Gross, Michael Taylor, Mark Lynde, Kevin Kliever, Rachel Kelly, Don Vanica

Chair Larson called the meeting to order at 4:30 pm.

Public Comment

Chair Larson called for public comments. There were no public comments. Chair Larson closed the public comment portion of the meeting.

Approval of Minutes: July 11, 2023 and August 1, 2023.

Unanimously approved with corrections to July 11, 2023. Motion to approve by Dan Brooks and seconded by Greg McCall.

Disclosure of Conflict of Interest

COMMISSIONER	DISCLOSED	NONE	ABSTAINED	ABSENT
Mike Larson		x		
Daniel J. Brooks		x		
David Goss		x		
Greg McCall		x		
Trina White		x		

Disclosure of Outside Communication

COMMISSIONER	DISCLOSED	NONE	ABSTAINED	ABSENT
Mike Larson		X		
Daniel J. Brooks		X		
David Goss		X		
Greg McCall		X		
Trina White		X		

Commissioners Brooks and White visited the location.

Public Hearings:

City Zone Change 1035 – 2500 Block of Blue Creek Road – Rural Residential 1 (RR1) to Suburban Neighborhood Residential (N3) – A zone change request from RR1 (Lot 7) to Suburban Neighborhood Residential (N3) on Lot 7 of Blue Creek Acreage Tracts Subdivision, a 2.8 acre parcel of land. A concurrent petition for annexation has been submitted. A pre-application neighborhood meeting was held on July 24, 2023 at the subject property.

Staff Recommendation:

Planning staff recommends approval of the zone change

- Meets the Growth Policy
- N3 compatible with adjacent zones and uses
- N3 considers public health, safety and welfare, light and air, fire and other dangers
- Compliance required for any site improvements

Zone Change Review Criteria

The City Council shall consider the Zoning Commission recommended findings of the review criteria:

- (1) Whether the new zoning is designed in accordance with the growth policy;
- (2) Whether the new zoning is designed to secure from fire and other dangers;
- (3) Whether the new zoning will promote public health, public safety and general welfare;
- (4) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (5) Whether the new zoning will provide adequate light and air;
- (6) Whether the new zoning will effect motorized and non-motorized transportation;
- (7) Whether the new zoning will promote compatible urban growth;
- (8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;
- (9) Whether the new zoning will conserve the value of buildings; and
- (10) Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings.

Discussion. Questions for staff:



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Applicant: Andy Boetticher, 2535 Glengarry Ct, Billings, MT

The property is currently in the RED zone for annexation. Because of a missed step in subdivision in the 1960’s, septic systems are complicated. Therefore we are seeking annexation and city services. We always intended to have city services and then realized the development fees and reconsidered. At this point we have no alternative but to have city services. We intend to have a single family home, 3200 square feet.

Questions for applicant: NONE

Public Hearing: 4:51 PM

Chair Larson opened the public hearing and called for anyone wishing to speak in favor or against City Zone Change 1035.

In Favor: None

Opposed: None

Public Hearing closed at 4:51 PM

Motion

Commissioner White made a motion and Commissioner Brooks*seconded the motion to approve City Zone Change 1035 with staff findings, recommendation and conditions.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	x			
Daniel J. Brooks	x			
David Goss	x			
Greg McCall	x			
Trina White	x			

The Motion passed to approve City Zone Change 1035 with a 5-0 vote.

Zone Change 1034 Zoning Commission Discussion – Phase III of Text Amendments – The Zoning Commission will review in a discussion session the following draft text amendments:

- Updates to Administrative Relief provisions
- Landscape Plan clarifications for residential (one and two family) lots
- Housekeeping amendments to correct errors and cross-references in other city codes
- Special Review criteria
- Zoning at Annexation

Information and drafts can be found on the City’s Zoning Application webpage at <https://www.billingsmt.gov/2361/Current-Zoning-Applications> or in the Planning Offices at 2825 3rd Ave N – 4th Floor. These amendments will have future public hearings with the Zoning Commission and City Council.



ZC 1034 Phase 3
Zoning Comm PH Se

RECOMMENDATION:

Planning staff recommends the Zoning Commission recommend approval of these draft amendments to the zoning code based on the findings of the 10 review criteria.

The Zoning Commission recommends approval as follows:

Section 27-1618 – LS Plan

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	x			
Daniel J. Brooks	x			
David Goss	x			
Greg McCall	x			
Trina White	x			

Section 27-1614

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	x			
Daniel J. Brooks	x			
David Goss	x			
Greg McCall	x			
Trina White	x			

Sections 27-1000, 1300, 1400, 1500, 1600 & 1800-Clarity

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	x			
Daniel J. Brooks	x			
David Goss	x			
Greg McCall	x			
Trina White	x			

Tom Gross, Michael Taylor, Mark Lynde, Kevin Kliwer and Rachel Kelly spoke in opposition to the definitions related to signs.

Housekeeping amendments to correct errors and cross-references in other city codes. The Zoning Commission recommends approval of all the minor amendments and adoption of the findings of the ten review criteria on a 5-0 vote, except for the proposed amendments to Sections 27-1405.A (3-5) and 27-1803 definitions related to signs. The Zoning Commission sent the amendments related to signs back to Planning staff for further information development and study.

Sections 27-1000, 1300, 1400, 1500, 1600 & 1800

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	x			
Daniel J. Brooks	x			
David Goss	x			
Greg McCall	x			
Trina White	x			

Section 17-1623 – Special Review

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	x			
Daniel J. Brooks	x			
David Goss	x			
Greg McCall	x			
Trina White	x			

Sections 27-1615 & 802

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Mike Larson	x			
Daniel J. Brooks	x			
David Goss	x			
Greg McCall	x			
Trina White	x			

Other Business:

Adjournment: The meeting adjourned at 6:25 PM.

ATTEST: To be Approved by a motion at the next regularly scheduled meeting.

--Robbin Bartley, Administrative Assistant