



**Yellowstone County Zoning Commission
Approved Minutes
Monday May 8, 2023**

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

		01/09/2023	02/13/2023	03/13/2023	04/10/2023	05/08/2023	06/12/2023	07/10/2023	08/14/2023	09/11/2023	10/09/2023	11/13/2023	12/11/2023
Blaine Poppler	Commissioner	x	-	-	-	1							
Melissa Ray Gentry	Commissioner	x	-	-	-	1							
Tyler Bush	Commissioner Chairman	x	-	-	-	1							
Todd Hewitt	Commissioner	x	-	-	-	1							
Open	Commissioner	-	-	-	--	1							

Commissioner Poppler opened the meeting and introduced the County Zoning Commission members and Planning Division staff. Commissioner Bush is participating virtually.

Staff Present: Zoning Coordinator Nicole Cromwell, Tammy Deines, Planning Clerk

Other Participants: Travis West, Engineering West; Kevin Katzeberger; Joy & Kevin Koerber, Chuck Platt, Diamond Real Estate

Public Comment

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

Exparte Email Communications: No emails were received regarding this application.

Motion. Approval of Minutes: January 9, 2023 (The February 13, 2023, March 13, 2023 and April 10, 2023 meetings were cancelled due to a lack of applications).

Motion

It was moved by Commissioner Hewitt and seconded by Commissioner Gentry to approve the January 9, 2023 meeting minutes as submitted. The motion carried with a unanimous voice vote.



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

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

Item #1. County Zone Change 715 **County Zone Change 715 – 8522 S Frontage Rd – A to II** – A zone change request from Agriculture (A) to Light Industrial (II), on C/S 1281, Tract 1 and portions of adjacent unplatted land in Section 27, Township 1 South, Range 25 East: NWSE SWSW N2SW (LESS SURVEYS RY & HWY) and SESW&SWSE. The total area for re-zoning is approximately 125.89 acres of land as shown on the application exhibit. A pre-application neighborhood meeting was held on March 23, 2023 at the subject property. Tax IDs D00904, D00905 and D00907

REQUEST

County Zone Change 715 -- 8522 S Frontage Rd -- A to II

This is a zone change request for property located on the southwest boundary of the County's 4.5-mile jurisdictional zoning generally located at 8522 S Frontage Road. The existing zoning and use is Agriculture and the proposed zoning for a portion of the property is Light Industrial to accommodate users that need large storage facilities and lay down yards. The zone change is for about 126 acres of a total of 196.6 acres of land held in three tax parcels with 1/2-mile of frontage on S Frontage Road, about 800 feet of frontage on Duck Creek Road (west property line) and about 600 feet of frontage on Danford Avenue (south property line). The 70 acres not included in the zone change will remain in the Agriculture zone. This area to remain in the Agriculture zone is adjacent to similar uses, including low density residential uses and Canyon Creek School. The zoning map and site photos shows the exact zone boundary for the zone change.

RECOMMENDATION

Planning staff is recommending approval and adoption of the findings for the 11 criteria for Zone Change 715.

- Meets the goals of the Growth Policy & the 11 review criteria
- Compatible to this area adjacent to S Frontage Road and I-90
- Agriculture zoning left in place within 300-350 feet of boundary where adjacent to residential/school uses

Ms. Cromwell gave a brief overview of the parcel which is located in the BUFSA and said more than likely a dry hydrant will be required. She pointed out the portion of designated flood plain area on this parcel and explained the ground water requirements for detention and retention. The traffic will be regulated by the Department of Transportation in coordination with the Yellowstone County Public Works Department and it is likely that only one point of access will be allowed from South Frontage Road to the parcel.



Yellowstone County Zoning Commission Approved Minutes Monday May 8, 2023

Discussion

Commissioner Poppler called for discussion from the Commissioners. In response to question by Commissioner Gentry, Zoning Coordinator Nicole Cromwell stated the primary access from this parcel will be off of the Frontage Road and decisions regarding roadways will be made during the subdivision review process.

Public Hearing

Commissioner Poppler opened the public hearing and asked if there is anyone wishing to speak regarding County Zone Change #715.

In Favor

Travis West, Engineering West, (no address given), Columbus MT

Mr. West represents applicant, Sam Sparks, SAMM, LLC 2225 S 54th St West, Billings, Montana. He offered to answer questions related to this application.

Chuck Plat, Diamond Real Estate, 1228 Mallowney Lane, Billings, MT

Mr. Plat said he is working with the property owner and this is an ideal property due to the interstate exposure. The applicant is sensitive to the need for a buffer zone for the neighbors and the school property. He said this zone change request is for Light Industrial zoning so impacts will not be as great.

In Opposition

Kevin Koerber, 3230 Brenda Street, Billings, MT

Mr. Koerber voiced concern that the applicant constructed an entryway into the parcel without obtaining MDT approval. He said there is setting groundwater on the southeast of the corner of the property there is setting groundwater. Commissioner Gentry asked where the current entrance is located and Mr. Koerber said it is off of the Frontage Road.

Joy Koerber, 3239 Brenda Street, Billings, MT

Ms. Koerber feels the proposed commercial development is unattractive and will invite more crime into this area. She doesn't feel the Light Industrial zoning will help school attendance which currently too low. She asked what will happen to their wells. Commissioner Poppler pointed out that water and well reviews are related to subdivision review and that this meeting is to for consideration of the zoning for the property. She said the proposed detention pond will set close to a live stream currently used for irrigation and watering cattle. She voiced concern with the existing traffic high speeds on Frontage Road. She said the noise levels generated from the businesses could be bothersome to the cattle on their adjacent parcel.

Rebuttal

Travis West, Engineering West, (no address given), Columbus MT

Mr. West represents applicant, Sam Sparks, SAMM, LLC 2225 S 54th St West, Billings, Montana.



Yellowstone County Zoning Commission Approved Minutes Monday May 8, 2023

He stated the applicant has obtained an MDT approach permit. When the subdivision review process is entered, a traffic study may be required along with recommended mitigations. The subdivision is not under design but an approved storm water drainage plan and consideration for wells will be required by DEQ. Mr. West said this request is for a zone change and if approved, a subdivision concept plan will be submitted to City/County Planning and DEQ for consideration. DNRC will be involved for the water rights review. Commissioner Poppler asked Mr. West asked if this proposal as doable. Mr. West said this area has a high yielding aquifer and all of the required studies will be completed.

Discussion

Commissioner Poppler closed the public hearing and called for discussion. Commissioner Gentry stated that the water concerns will be addressed by DEQ. She feels the buffer zone for the school provided by the applicant is needed. Commissioner Hewett concurred and said DEQ and experts at DNRC will conduct a thorough review. Commissioner Poppler pointed out that the zoning has to happen prior to the subdivision review process. Commissioner Bush said his opinion is consistent with the 11 findings of the staff. Commissioner Poppler noted that both the staff and the applicant provided detailed information with the findings and said he is included to recommend approval.

Motion

Commissioner Bush made a motion recommending approval and adoption of the findings for the 11 criteria for Zone Change #715. Commissioner Hewett seconded the motion.

Discussion: There was no further discussion on the motion. **The motion carried 4-0, with a unanimous voice vote. Zone Change #715 is approved.** The Board of County Commissioners public hearing for these applications will be held on May 23, 2023 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.

OTHER BUSINESS

a. Announcements

- There is one vacancy on the County Zoning Commission.
- The June 12, 2023 Yellowstone County Zoning Commission meeting is canceled due to a lack of agenda items.

Adjournment 4:43 PM

Approved by a motion at the next scheduled meeting.

--Tamara L. Deines, Planning Clerk