



CITY ZONING COMMISSION  
**AGENDA-Tuesday, May 7, 2024, 4:30 p.m.**  
Miller Building, 1<sup>st</sup> Floor Conference Room  
2825 3<sup>rd</sup> Avenue North, Billings, Montana

### NOTICE TO THE PUBLIC

**In the event a quorum of the Council is present, no City-related decisions will be made during this meeting or event.**

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: [bernsb@billingsmt.gov](mailto:bernsb@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.

NOTICE: All meetings and official activities of the MPO are held in buildings and locations that comply with accessibility standards according to the Americans with Disabilities Act (ADA). A TTY number for the hearing impaired, 406-657-3079, is available upon request. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify the Planning Division Office, at 406-247-8676.

Please direct questions to Brenda J Berns, Planning Clerk email: [bernsb@billingsmt.gov](mailto:bernsb@billingsmt.gov) ph:406-247-8610

**Call the meeting to order.**

**Introduction of City Zoning Commission Members and Planning Department Staff.**

**Public Comment**

**Approval of Minutes:**

The minutes of the Board meeting of April 2, 2024

**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. Zone Change 1041 - Text Amendment - SB 245 Amendments - The planning staff recommends the Zoning Commission forward a recommendation of approval for Zone Change 1041, the amendments to the zoning regulations to comply with the elements of SB 245. Presented by Nicole Cromwell, Zoning Coordinator
- b. Zone Change 1047 - Copper Ridge 7th & 8th Filing - N3 to P1 and N1 - a zone change request for a property currently zoned Suburban Neighborhood (N3) in the 7th and 8th Filings of Copper Ridge Subdivision located on the west end of Rimrock Road. Rimrock Road essentially dead ends at the railroad right of way at the city limits. Presented by Nicole Cromwell, Zoning Coordinator

## Other Business/Announcements

### Adjournment

**The City Council has designated May 28, at 5:30 p.m.** as the date and time to receive the Zoning Commission recommendation for the zone changes and hold a public hearing. If approved on first reading, a **second reading will occur on June 10, 2024 at 5:30 pm.**

Before taking any action on an application for a **Zone Change**, the City Council shall first consider the findings and recommendations of the City Zoning Commission. In no case shall the City Council approve a zone change other than the one advertised. The City Council shall take one of the following actions on the zone change requests: 1) approve the application; 2) deny the application; 3) allow withdrawal of the application; or 4) delay the application for a period not to exceed thirty (30) days.

As provided in Montana Code Annotated, Section 76-2-305(2), in the event of a protest petition against such **zone change** map amendment signed by the owners of twenty-five (25) percent or more of: (1) the area of the lots included in any proposed change; or (2) those lots or units, as defined in MCA 70-23-102, **one hundred fifty (150) feet from a lot included in a proposed change**, such proposed amendment shall not become effective except by the favorable vote of two-thirds (2/3) of the present and voting members of the city council. For purposes of this protest provision interest in the common elements of the condominium, as expressed in the declaration, included in the calculation of the protest. If the property, as defined in 70-23-102, spans more than one lot, the percentage of the unit owner's undivided interest in the common elements must be multiplied by the total number of lots upon which the property is located. The percentage of the unit owner's undivided interest must be certified as correct by the unit owner seeking to protest a change or by the presiding officer of the association of unit owners. The protest petition must be received in the Planning Division office **by 5:00 p.m. on the Friday preceding the first reading of the ordinance by the City Council.**

Testimony regarding the above-mentioned item may also be submitted in writing to the Planning Division, 2825 3<sup>rd</sup> Avenue North, 4<sup>th</sup> Floor, Miller Building, Billings, MT 59101 (247-8676) or to the Mayor and City Council, P.O. Box 1178, Billings, MT 59103.

Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify Brenda J Berns, Planning Clerk @ email: [bernsb@billingsmt.gov](mailto:bernsb@billingsmt.gov) or ph. 406-247-8610

**City Zoning Commission**  
**Meeting Date:** 05/07/2024

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**Information**

**Subject**

The minutes of the Board meeting of April 2, 2024

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**Attachments**

Minutes of April 2, 2024

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**City of Billings Zoning Commission  
Meeting Minutes of April 2, 2024**

The City of Billings Zoning Commission met on Tuesday, April 2, 2024 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, April 2, 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 April 22, 2024 at 5:30 p.m. as the date and time to receive the Zoning Commission recommendation for the zone changes and hold a public hearing. If approved on first reading, a second reading will occur on May 28, 2024 at 5:30 pm.

Commission and Staff		01/02/2024	02/06/2024	03/05/2024	04/02/2024	05/07/2024	06/04/2024	07/02/2024	08/06/2024	09/03/2024	10/01/2024	11/05/2024	12/03/2024
Daniel J Brooks	Chairman	C	A	1	1								
Greg McCall	Vice Chair	C	1	1	A								
David Goss	Commissioner	C	1	1	1								
Beau Mulvaney	Commissioner	C	1	1	1								
Andy Megorden	Commissioner	C	1	1	1								
Nicole Cromwell	Zoning Coordinator	C	1	1	1								
Karen Husman	Planner 1	C	-	-	-								
Wyeth Friday	Director, PCSD	C	-	-	-								
Brenda Berns	Planning Clerk	C	1	1	1								

Total Number of 2023 Applications	01/02/2024	02/06/2024	03/05/2024	04/02/2024	05/07/2024	06/04/2024	07/02/2024	08/06/2024	09/03/2024	10/01/2024	11/05/2024	12/03/2024	TOTAL
Zone Change	-	1	4	2									7
Special Review	-	-	-	-									



**City of Billings Zoning Commission  
Meeting Minutes of April 2, 2024**

Commissioner Brooks introduced the Planning Division Staff and Commissioners: Attending Staff were Nicole Cromwell, Zoning Coordinator; Brenda Berns, Planning Clerk

**Attending:**

Anna Vickers, IMEG

Chair Brooks called the meeting to order at 4:30 PM

**Public Comment**

Chair Brooks called for public comments, there were none.

**Approval of Minutes: March 5, 2024**

Commissioner Goss stated there was a correction to the March 5, 2024 minutes; “Commissioner’s Mulvaney and Megorden were not listed as Commission and Staff”. Commissioner Mulvaney made a Motion to approve with the correction, seconded by Commissioner Megorden. The Motion was carried with a unanimous vote.

**Disclosure of Exparte Communication**

COMMISSIONER	DISCLOSED	NONE	ABSTAINED	ABSENT
Daniel J Brooks		X		
Greg McCall				X
David Goss		X		
Beau Mulvaney		X		
Andy Megorden		X		

**Disclosure of Conflict of Interest**

COMMISSIONER	DISCLOSED	NONE	ABSTAINED	ABSENT
Daniel J Brooks		X		
Greg McCall				X
David Goss	1050			
Beau Mulvaney		X		
Andy Megorden		X		

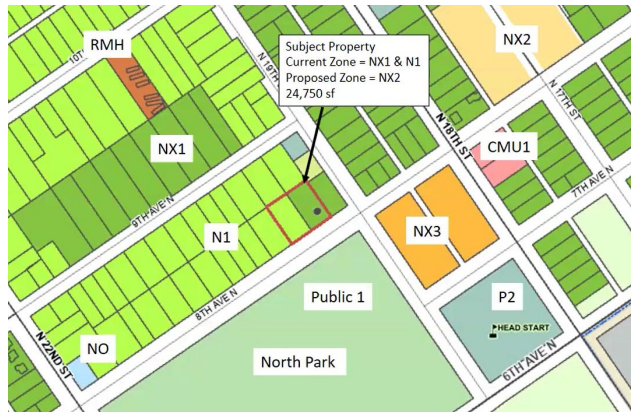
Commissioner Goss visited the site of Zone Change 1050

**Public Hearings:**

- a. **City Zone Change 1049** – 1911 and 1915 8<sup>th</sup> Ave N – NX1 and N1 to NX2 – A zone change for property in the North Park neighborhood near the intersection of 8<sup>th</sup> Ave N and N 19<sup>th</sup> St. The property is currently zoned NX1 – 1911 8<sup>th</sup> Ave N, and N1 for a vacant lot directly west at 1915 8<sup>th</sup> Ave N. Submitted by Nicole Cromwell, Zoning Coordinator.

Proposed zone change allows:

- \*2 to 8 units buildings
- \*Home occupations and accessory buildings
- \*50-ft of street frontage required (public or private) for each building with >2units
- \*Off-street parking, landscape buffer yards and street trees required for new construction



Planning staff recommends approval of Zone Change 1049:

- \*Meets the Growth Policy, Infill Policy and the North Park Neighborhood Plan
- \*Adjacent uses and zoning compatible with proposed zoning
- \*Located near neighborhood services and downtown
- \*New development will require buffer yard to adjacent property to the north and west installation of street trees for vacant parcel

The City Council shall consider the Zoning Commission recommended findings of the 10 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, sewer, 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**

There were none.

**Applicant:**

**Brian & Melissa Gentry 1911 & 1915 8<sup>th</sup> Ave N, Billings.**

Mr. Gentry clarified that the 6-plex, erected by his father-in-law in 1996, has remained unchanged since its inception. The proposed zone change by NX2 intends to align the existing structure with zoning regulations, as it presently falls short. Furthermore, this adjustment would authorize the construction of a second 6-unit building on the premises. Mr. Gentry is hopeful that this zoning modification will facilitate the establishment of two 6-plexes, thereby enhancing the accessibility of affordable housing alternatives.

**Questions from Commissioners**

There was none.

**Public Hearing:**

**Grace Kim 2004 9<sup>th</sup> Ave N, Billings**

Ms. Kim is against the zone change, citing worries about the neighborhood's ability to manage an extra 16 occupants. She pointed out a forthcoming large development nearby with about 20 units. Ms. Kim contended that the property at 1911 is already exempt and doesn't need a zone change. Concerning the empty plot, she mentioned the potential for 6-8 units on a 1/4 acre but disagrees with such intense density for the area.

Chair Brooks inquired if there were any additional individuals who desired to speak either in favor or against Zone Change 1049. None came forward. Chair Brooks then concluded the Public Hearing.

**Rebuttal:**

Mr. Gentry clarified that their plans do not include building a second story; instead, they intend to limit each building to a maximum of 6 units. Under the previous zoning regulations, only 5 units were permitted, and since they propose 6 units per building, they believe a rezoning is necessary. They have no plans to exceed 6 units per building.

**Discussion:**

Commissioner Goss, asked if Senate Bill 245 were already in place, would it have impact on this agenda item.

Nicole Cromwell responded that the only potential impact would be to off-street parking. It would not affect the number of units permitted.

**Motion**

Chair Brooks called for a Motion. Commissioner Goss made a Motion, seconded by Commissioner Megorden to recommend Zone Change 1049 with the 10 Review Criteria to City Council to be heard on April 22, 2024 at 5:30 PM.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Daniel J Brooks	<b>X</b>			
Greg McCall				<b>X</b>
David Goss	<b>X</b>			
Beau Mulvaney	<b>X</b>			
Andy Megorden	<b>X</b>			

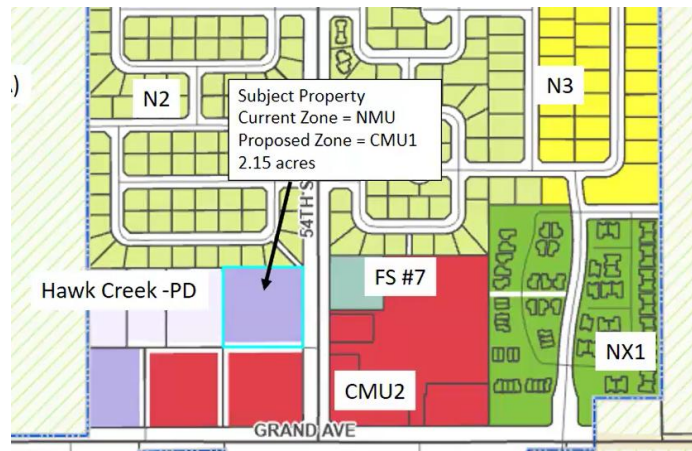
**The Motion passed to Approve City Zone Change 1049 with a unanimous vote.**

- b. **City Zone Change 1050 – 5403 Hawk Creek Avenue – NMU to CMU1** - The proposed zoning would allow an existing vacant property to be developed for a wider variety of mixed uses other than allowed under the current zoning of Neighborhood Mixed Use (NMU). The Corridor Mixed Use zones (CMU1 and CMU2) are districts appropriate for higher volume arterial and collector streets where access to the site accommodates both vehicle trips and pedestrian access. Nicole Cromwell, Zoning Coordinator.

Nicole gave an overview of the current zoning and the requested zone change.

NMU	CMU1
<ul style="list-style-type: none"> <li>❖ Neighborhood Corridors – highly walkable &amp; accessible</li> <li>❖ Corner stores, personal services and small eateries</li> <li>❖ Multifamily (up to 8 units) and offices also allowed</li> <li>❖ Special review required for all food service drive-thrus, hotels or motels, commercial greenhouses, and other retail drive thrus</li> <li>❖ Uses not allowed: multifamily with &gt;8 units per structure, long-term care, out-patient surgery center, casino or bar, funeral home, craft alcohol, general retail, auto repair, gas station, and personal self storage</li> </ul>	<ul style="list-style-type: none"> <li>❖ Transportation Corridors – access by all modes of travel – not as walkable as Neighborhood Corridors</li> <li>❖ Larger scale retail and personal services and more flexible than NMU uses</li> <li>❖ Some auto-oriented services allowed</li> <li>❖ Multifamily (8+ units) and offices allowed</li> <li>❖ Special review and minimum separation distances for casinos or bars</li> <li>❖ Special review required for food service with drive-thru that shares a property line with neighborhood zone, car washes</li> <li>❖ Uses not allowed in NMU (listed on the left) generally allowed</li> </ul>

The property adjacent is owned by First Interstate, with The Den and Diamond X Beer Company also situated in the same vicinity. Across the street, there are single-family-owned homes, as well as Fire Station 7.



Planning staff recommends approval of the Zone Change 1050:

- \*Meets the Growth Policy, Infill Policy and the West Neighborhood Plan
- \*CMU1 is intended to be compatible with adjacent neighborhood zone
- \* Adjacent uses and zoning compatible with proposed zoning
- \* Commercial node at 54<sup>th</sup> and Grand still building out
- \* New development will require augmentation of existing buffer yard to adjacent property to the north and installation of street trees.

The City Council shall consider the Zoning Commission recommended findings of the 10 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.

**Questions from Commissioners**

Commissioner Goss sought clarification on the types of businesses classified as 'alternative financial services'. Nicole explained that these encompass pawn shops, payday loan providers, title-for-cash businesses, and similar establishments. Chair Brooks sought clarification on whether vehicle service stations would be permitted. Nicole indicated that the building size should be under 5,000 square feet but could accommodate either a gas station or a small vehicle service station. Chair Brooks inquired about steps to mitigate potential noise disturbances. Nicole clarified that automotive businesses utilizing overhead doors must be oriented away from residential areas and comply with various usage standards.

**Applicant's Representative:**

Anna Vickers, IMEG 175 N 27<sup>th</sup> St

Ms. Vickers represents Mountain West Capital. The applicant aims to expand leasing opportunities for the property by considering a build-to-lease arrangement. It is important to note the proposed zoning (CMU1) imposes restrictions that would prevent leasing to certain businesses such as casinos (with 9 or more gaming units), bars (selling only alcohol), and drive-through restaurants, all of which would necessitate a special review process.

**Questions for Applicant:**

Public Comment. There was none.

**Discussion**

There was a debate concerning the criteria distinguishing a bar from a restaurant, with the defining factor being whether at least 50% of sales come from alcohol. Nicole affirmed that establishments like a drive-through car wash, a drive-through bank, a casino, or a bar would necessitate a specialized assessment.

**Public Hearing:**

Chair Brooks opened the public hearing and called for anyone wishing to speak in favor of or against City Zone Change 1050. There was none.

**Motion**

Chair Brooks called for a Motion. Commissioner Megorden made a Motion, seconded by Commissioner Mulvaney to recommend Zone Change 1050 with 10 Review Criteria to City Council to be heard on April 22, 2024 at 5:30 PM.

**Discussion**

Chair Brooks expressed apprehensions regarding the possibility of the new zoning permitting a gas station near a residential area but acknowledged that they would be permitted if they met the specified criteria.

<b>COMMISSIONER</b>	<b>Yes</b>	<b>No</b>	<b>ABSTAINED</b>	<b>ABSENT</b>
Daniel J Brooks	<b>X</b>			
Greg McCall				<b>X</b>
David Goss	<b>X</b>			
Beau Mulvaney	<b>X</b>			
Andy Megorden	<b>X</b>			

**The Motion passed to Approve City Zone Change 1050 with a unanimous vote.**

**c. Initiation of Zoning Code Text Amendment - SB-245 allowance for Multi-Unit Development in all Mixed Use and Commercial Zones. Presented by Nicole Cromwell, Zoning Coordinator.**

Legislative Changes Zoning Text Amendment 2024-

SB 245 – Allow by right multi-unit development in all commercial and mixed-use zones

SB 323 & 528 – Allow 2-family and ADUs in all single-family zone districts – this legislation is on hold pending the outcome of the lawsuit filed in the 18<sup>th</sup> Judicial District Court in Gallatin County.

## SB 245 - Intent

- ✓ Increase the available land area for multifamily development in cities
- ✓ Require codes that allow this use by right in all commercial and mixed-use districts
- ✓ Limit the requirement for off-street parking for dwelling units in these districts

State law was effective immediately (July 2023) and applies retroactively to local zoning adopted prior to July 2023



**Proposed amendments to conform with SB 245**

- ❖ Current code splits types of relief by district and does not include off-street parking and landscaping provisions
- ❖ Proposed amendment would eliminate the need for any ground-floor commercial or non-residential use in mixed use zones
- ❖ Proposed amendment would adjust the off-street parking code to require just one parking space per unit in a multifamily structure or mixed use development

**Discussion**

There was further discussion regarding parking spaces per unit in a multifamily structure and mixed-use development.

**Motion**

Commissioner Megorden made a Motion, seconded by Commissioner Goss to initiate the Zoning Code Text Amendment for SB 245.

**Chair Brooks called for a voice vote of the Commission.**

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Daniel J Brooks	X			
Greg McCall				X
David Goss	X			
Beau Mulvaney	X			
Andy Megorden	X			

**The Motion passed to initiate the Zoning Code Text Amendment for SB 245 with a unanimous vote.**

**Other Business:** There was none.

**Discussion**

There was discussion regarding fire danger areas and buffer zone requirements for new construction near open grassland.

**Adjournment:** The meeting adjourned at 5:29 PM

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

*--Brenda J Berns, Planning Clerk*

## Zoning Commission

**Date:** 05/07/2024  
**Title:** Zone Change 1041 - Text Amendment - SB 245 Amendments  
**Presented by:** Nicole Cromwell  
**Department:** Planning & Community Services  
**Presentation:** Yes

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### Information

#### RECOMMENDATION

The planning staff recommends the Zoning Commission forward a recommendation of approval for Zone Change 1041, the amendments to the zoning regulations to comply with the elements of SB 245.

#### BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

In 2023, the Montana legislature passed several laws regarding local land use and zoning provisions. One of those new laws, SB 245, requires cities of 5,000 or more in population to allow, by right, multi-unit developments in all commercial and mixed-use zoning districts. The law includes definitions and restrictions on required off-street parking for multi-unit developments. The planning staff has drafted a zoning code amendment to align our local code with the state law requirement. The law is already in effect, and the city must comply. SB245 is attached to this memo along with the draft ordinance.

Prior to the zoning code update of 2021, all the commercial zone districts in the city allowed multifamily developments except for the Residential Professional (RP) zone that only allowed single-family residential uses. For example, Riverfront Pointe Estates east of Mallowney Lane was zoned Highway Commercial under the old zoning regulations. Highway Commercial allowed all types of residential uses from single-family to multifamily uses. As we examined the previous code for areas of unpredictable outcomes, one of the main concerns was in the commercial zones that included a large universe of uses that could be incompatible if placed in the same area. The revised code for most of the commercial and mixed use zones allows residential uses, but not on the first floor along the street frontage. The code now requires that residential uses be behind a non-residential ground-floor use or in the story above the first floor. The new state law removes the ability to enforce this "ground-floor" non-residential use. The code amendment removes this reference in all commercial and mixed use zones where it appears in the code. The other building and siting standards for those districts will remain in place, so buildings that include only residential uses will still need to meet those standards. Administrative relief can be granted for some of those elements where and when it is necessary.

The state law defines a "multi-unit building" as a structure with five or more dwelling units where those units share a common separation like a wall or ceiling and where there is no access between the units except for a common hallway. This definition sets a "floor" of five units but does not set a maximum limit for local regulations. The city devised its zoning district assembly based on the guiding principles of the Project Recode code update and on the city's adopted Growth Policy and neighborhood plans. The districts that qualify as commercial or mixed use in Billings include: Neighborhood Office (NO), Neighborhood Mixed Use (NMU), Corridor Mixed Use 1 and 2 (CMU1/CMU2), Downtown Support (DX), Heavy Commercial (CX), Central Business District (CBD), EBURD zones of Rail Spur Village Main Street (RSVMS), Central Works (CW) and North 13th St Main Street (13th). Residential uses in Public zone districts of Public 2 (P2) and Public 3 (Campus P3) are generally restricted to use by associated organizations in those zone districts. For example, the P3-Education Campus for Rocky University is allowed to build all types of residential uses for students, faculty or other persons associated with the college. These are not mixed use or commercial districts. The proposed text amendment allows up to a 5-unit multifamily dwelling in the NO district, the NMU zone allows up to 8-units per structure, and the remaining more intense zone districts allow more than 8 units per structure. In the CX zone, staff is not proposing to allow residential use of less than 5-units per structure. The multifamily residential use in the CX zone is more compatible than a lower density development style.

The proposed text amendment also amends the off-street parking code to comply with the restrictions in SB 245. The law only allows a city to require one off-street parking space per dwelling unit in a multifamily development. The current off-street parking code for multifamily use in a mixed-use building is two spaces per unit. This is well above the market for parking spaces for residential units in a mixed-use development. The parking code also has a different ratio for multifamily developments that are not part of a mixed-use development. That ratio is 1.5 spaces per dwelling unit, with one additional space for each 10 dwelling units in the overall development. For example, if I build a 200-unit apartment complex, I need to provide 300 spaces plus 20 more overflow spaces for a build-out ratio of 1:6 spaces per dwelling unit. If any of those surface parking spaces are "assigned" they cannot count towards the minimum requirement. The 320-space parking lot for the 200-unit apartment complex would take up at least 2.5 acres of land. The footprint of the residential buildings in this example (eight 24-unit buildings and one 8-unit building) would only take up 1.7 acres of land. The off-street parking code

requires more land for cars than it does for housing people. Required off-street parking can add 10% to 20% of the cost of building a dwelling unit in a multifamily development. The draft amendment will allow each developer to provide just one off-street parking space per dwelling unit. The requirement for overflow parking or penalties for assigned parking spaces has been removed. Many multifamily developers will choose to provide more off-street parking than the proposed minimum requirement.

Many urban and metropolitan areas in the United States have chosen to eliminate all minimum off-street parking standards from their development codes. Sixty-six cities in the US have eliminated all off-street parking mandates. These cities are diverse and include smaller cities and cities with similar populations and demographics as Billings. No cities in the Rocky Mountain West have eliminated all off-street minimum parking standards. Billings eliminated parking minimums from the CBD (1984) and EBURD (2012) zone districts.

## **STAKEHOLDERS**

The planning staff sent out drafts of the zoning amendment to the Home Builders Association, the Billings Area Realtors and several builders, developers and professional consultant firms. A legal ad was published and the information was posted on the Planning Division's website. No concerns or comments have been shared with the planning staff as of the writing of this report.

## **ALTERNATIVES**

The City Zoning Commission may:

- Forward a recommendation of approval and adoption of the findings of the ten review criteria for the text amendments as proposed; or
- Forward a recommendation of approval and adoption of the findings of the ten review criteria with changes to the proposed text amendments; or
- Forward a recommendation of approval for some of the proposed text amendments; or
- Forward a recommendation of denial and adopt different findings of the ten review criteria for the text amendments; or
- Delay action on the text amendments to the next Zoning Commission hearing date.
- It is important to note that if the Zoning Commission does not recommend approval of the new Legislative changes and the City Council does not approve the changes, Billings will be out of compliance with state law and could be challenged.

## **FISCAL EFFECTS**

Approval of some or all of the text amendments to the zoning regulations will have a financial impact on the City Clerk's or Planning Division's budget. The city contracts with Municode to incorporate changes to the city's code to ensure consistency and accuracy. Municode charges for the city for this service. City Administration has historically distributed these costs to departments and divisions based on the code amended. However, changes to the City code do not just benefit or affect the Planning Division, or any other Department. The entire community is affected by City code changes and so the cost of updating the City code should be covered by the General Fund which distributes the cost across all users of City services.

## **SUMMARY**

Prior to making a recommendation to the City Council, the Zoning Commission shall consider the following:

1. Is the new zoning designed in accordance with the Growth Policy?

The proposed minor amendments are consistent with 2016 Growth Policy and the Project ReCode Guiding Principles: 2016 Growth Policy:

- Essential Investments (relating public and private expenditures to public values)
- Place Making (Enhance, maintain, preserve, and improve existing public places)
- Community Fabric (attractive, aesthetically pleasing, uniquely Billings)
- Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods)
- Home Base (healthy, safe and diverse housing options)
- Mobility and Access (transportation choices in places where goods and services are accessible to all)
- Prosperity (promoting equal opportunity and economic advancement)

Project ReCode Steering Committee Guiding Principles (2019):

- CLARIFY AND SIMPLIFY - All new regulations will be written in Plain English to maximize readers' ability to find what they need, understand what they find, and use what they find to meet their needs.
- REGULATE WHAT MATTERS - The regulations will have a clear alignment with community goals today while allowing for changing goals in the future.
- PRESERVE AND PROTECT THE RIGHTS OF OWNERS AND RESIDENTS - The regulations will recognize and incorporate clear and well-defined processes that uphold property rights and access to housing choices.
- PREVENT CONFLICTS - The regulations will be internally consistent and will not create direct or un-reconcilable conflicts.
- OPTIONS AND CONTEXT - The regulations will provide a range of site development options with clear criteria and guidelines for allowing alternatives to future development as well as changes to existing neighborhoods as the community's goals change.
- MAINTAIN WHAT WE CARE ABOUT - The regulations will encourage stability of existing neighborhoods while allowing for changes over time.
- FILL THE VOID -- The regulations will consider and include land uses and combinations of land uses that have been overlooked or not considered in the current code and methods for accommodating new use options.
- PROSPERITY -- The regulations will serve to support the community's need and desire to remain regionally competitive in the recruitment of businesses, expansion of existing business, and private investment in the economy, all to promote job creation.

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

A finding for this criteria is not relevant in the context of adjustments to the code.

3. Whether the new zoning will promote public health, public safety and general welfare?

Public health and safety will be promoted through the text amendments. Amending the local code to align with the state law requirements will promote regularity in the application of law. This promotes public health, safety and general welfare.

4. Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?

A finding for this criteria is not relevant in the context of adjustments to the code.

5. Will the new zoning provide adequate light and air?

A finding for this criteria is not relevant in the context of adjustments to the code.

6. Will the new zoning effect motorized and non-motorized transportation?

A finding for this criteria is not relevant in the context of adjustments to the code.

7. Will the new zoning will promote compatible urban growth?

The zoning amendment promotes compatible urban growth in the areas of the City by correcting errors in the adopted code.

8. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?

A finding for this criteria is not relevant in the context of adjustments to the code.

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

A finding for this criteria is not relevant in the context of adjustments to the code.

10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

A finding for this criteria is not relevant in the context of adjustments to the code.

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## Attachments

Draft Zoning Amendment ZC 1041

SB 245 Adopted Bill

**ORDINANCE 24-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING THE REGULATIONS IN SECTIONS 27-400,  
27-900, 27-1000, and 27-1300, BE AMENDED TO  
CONFORM TO STATE LEGISLATION PASSED BY THE  
68<sup>TH</sup> LEGISLATURE IN 2023, TO AMEND AND CLARIFY  
THE ZONING REGULATIONS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:**

**Section 1. RECITALS.** *Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC,* provide for amendment to the text of the Zoning regulations from time to time. The City Zoning Commission and staff have reviewed the proposed changes to the zoning regulations that pertain to all the real property within the City of Billings. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.

**Section 2. DESCRIPTION.** Sections 27-400 – Mixed-Use and Commercial Districts; 27-900 – EBURD Districts; 27-1000 – Uses and Use Standards, and 27-1300 – Off Street Parking, have been found to not conform to the recently passed state law (SB 245, Chapter 499) regarding the allowance for multiple-unit dwellings in commercial zones that are served by municipal water and sewer; and to not conform to the maximum number of off-street parking spaces required for such multiple-unit dwellings in those zone districts. This affects the substance of the zoning regulations. Local regulations must conform to the criteria and guidelines for zoning regulations as provided in MCA 76-2-304 and 76-2-309.

**Section 3. ZONE REGULATION AMENDMENTS**

**a. Section 27-400 is amended as follows:**

**Sec. 27-402. District descriptions.**

Commercial and mixed-use districts are primarily intended to allow a mix of uses within appropriately scaled buildings to maintain and promote the desired physical character of the downtown and commercial nodes and corridors within the city.

A. *CBD: Central business district.* The CBD district is the downtown mixed-use core intended to continue the existing character of the highly walkable downtown commercial corridors with storefronts on the ground story and **upper story** residential, lodging, and office uses **allowed on any floor**.

B. *DX: Downtown support.* The DX district is intended primarily for use surrounding the (CBD) district and would accommodate highly walkable, higher intensity office and residential uses in support of the CBD.

C. *CMU1: Corridor mixed-use.* The CMU1 district is intended to accommodate commercial and other uses along transportation corridors to promote development that is comfortably accessible via all modes of transportation, including motor vehicles, bicycles, and walking. Commercial uses in the CMU1 district may be somewhat larger in scale and more flexible than the neighborhood mixed-use district, including more auto-oriented uses such as gas stations. While ground stories along streets are intended for commercial uses, ~~the upper~~ any storyies could accommodate residential and/or office uses.

D. *CMU2: Corridor mixed-use and commercial centers.* The CMU2 district is similar in intent to CMU1, supporting commercial and other uses along transportation corridors to promote development that is comfortably accessible via all modes of transportation, including motor vehicles, bicycles, and walking. CMU2 differs from CMU1 as it is meant to accommodate larger-scale commercial, warehouse-style buildings, and other uses in multiple buildings on larger, deeper parcels along corridors. While ground stories along streets are intended for commercial uses, ~~the upper~~ any storyies could accommodate residential and/or office uses.

E. *NMU: Neighborhood mixed-use.* The NMU district is intended to accommodate a mix of uses, primarily located along neighborhood corridors, that are highly walkable and accessible to pedestrians. Includes ground story uses focused on daily needs primarily for adjacent neighborhood residents, such as corner stores, personal services, and small restaurants. ~~Upper stories~~ Any story can accommodate residential and/or office uses.

F. *NO: Neighborhood office.* The NO district is intended to accommodate office and office/residential uses on neighborhood corridors and internal neighborhood locations where other commercial uses are inappropriate. This district is meant to be highly walkable and accessible to pedestrians and to fit well with the context of adjacent neighborhood residential buildings, when located on corners or block ends.

G. *CX: Heavy commercial.* The CX district is intended for heavy commercial, wholesale, warehouse-distribution facilities, and contractor commercial uses. This district allows outdoor storage and accommodates truck traffic. This district is intended to be located along corridors where proximity to residential and walkable mixed-use development is limited. Basic setback and height parameters apply.

**b. Section 27-900 is amended as follows:**

27-901.B. *EBURD zoning districts.* The areas and boundaries of the districts listed below are hereby established to scale as shown on the map entitled Billings Urban Zoning Jurisdiction, available at the city offices.

1. *EBURD RSV: Rail Spur Village District.* The Rail Spur Village District is intended to create a walkable neighborhood focused on residential uses with associated green spaces and commercial businesses with the appropriate form.
2. *EBURD RSVMS: Rail Spur Village Main Streets District.* The Rail Spur Village Main Streets include the extension of the Montana Avenue into the EBURD as well as the North 20th Street corridor from Montana Avenue to 6th Avenue North. This district is intended to create continuous, walkable, shopping and dining corridors **with upper floor including** residential and office uses.
3. *EBURD CW: Central Works District.* The Central Works District is intended to allow a flexible mix of uses, including commercial and light industrial uses.
4. *EBURD 13th: North 13th Street Main Street District.* The North 13th Street Main Street is intended to provide a walkable, shopping and dining corridor **with upper floor including** office and residential adjacent to the Central Works and Industrial Sanctuary districts, while allowing appropriate craftsman industrial and commercial businesses.
5. *EBURD IS: Industrial Sanctuary District.* The Industrial Sanctuary District is intended to allow a wide mix of industrial businesses within the area with limited form requirements.

**c. Section 27-1002.A.2 is amended as follows:**

Sec. 27-1002. - Uses by district.

A. Use table. Table 27-1000.1, Permitted Primary Uses, identifies the permitted primary uses in each zoning district. Each use is given one of the following designations for each zoning district in which that use is permitted:

1. Permitted /P/. These uses are permitted by-right in the zone districts in which they are listed. Permitted uses are required to comply with applicable use-specific standards identified in this article.
2. Permitted in a specified location, such as on upper stories or in the back of a structure/PL/. These uses are permitted by-right in the districts in which they are listed, provided that the uses are located in the upper stories of a structure. These uses may also be located in the ground story provided that they are located beyond a depth of at least twenty (20) feet from the front facade.
3. Permitted with use restrictions /PR/. These uses must comply with the use restrictions identified in this zoning code, including those restrictions included in this article and any use restrictions identified in the zone district where the uses is proposed to be located.

4. Requires a special review /SR/. These uses require special review by the city zoning commission are not permitted uses in the districts in which they are listed but may be allowed as special exceptions subject to specific conditions. Uses permitted by special review must follow any applicable development standards associated with the use as well as meet the requirements of the special review.

5. Uses that are not permitted are indicated by a blank space.

**Section 27-1002.C – Uses by District – Table 27-1000.1 is amended as follows:**

Table 27-1000.1: Permitted Primary Uses	Residential							Mixed-Use and Commercial							Indust.		EBURD					Public			Additional Standards		
	N3	N2	N1	NX1	NX2	NX3	RMH	NO	NMU	CMU1	CMU2	DX	CBD	CX	I1	I2	RSV MS	RSV	CW	13	IS	P1	P2	P3Civ		P3 Ed	P3 Med
<b>RESIDENTIAL</b>																											
Households Living (du/structure)																											
1 du	P	P	P	P			P	P	PL	PL	PL	PL	PL				PL	P	P	PL			PR	PR	PR	PR	27-1003
2 dus		P	P	P	P			P	PL	PL	PL	PL	PL				PL	P	P	PL			PR	PR	PR	PR	27-1003
3—4 dus				P	P			P	PL	PL	PL	P	P				PL	P	P	PL			PR	PR	PR	PR	27-1003
<b>5 dus</b>					<b>P</b>	<b>P</b>		<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>			<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>			<b>PR</b>	<b>PR</b>	<b>PR</b>	<b>PR</b>	<b>27-1003</b>
5—8 dus					P	P			PL	PL	PL	P	P	<b>P</b>			PL	P	P	PL			PR	PR	PR	PR	27-1003
9+ dus						P				PL	PL	P	P	<b>P</b>			PL	P	P	PL			PR	PR	PR	PR	27-1003

**d. Section 27-1003 is amended as follows:**

C. Household living.

~~1. In mixed-use and commercial and EBURD districts, dwelling units shall be located either above the ground floor or on the ground floor at least twenty (20) feet from the front façade;~~

~~1. 2.~~ Where permitted in any P2 or P3 district, dwelling unit availability, regardless of ownership, is limited to residents associated with the district's primary institution. For example, a medical campus could provide dwelling units for patient families, visiting medical staff, and hospital employees.

~~2. 3.~~ Residential dwellings in a P3 district that are located within one hundred fifty (150) feet of the campus perimeter shall meet the site design standards for the appropriate NX zone based on the number of units.

**e. Sections 27-1302.B and Table 27-1300.1 Off-Street Parking Standards are amended as follows:**

**Sec. 27-1302. Calculation of required parking.**

A. *Required parking.*

1. Required off-street parking spaces shall be provided in conformance with Table 27-1300.1, Off-Street Parking Standards, unless modified by article 27-1100, Proportionate compliance.
2. In the case of mixed uses, the total requirements for the various uses shall be computed separately unless the joint use provisions of section 27-1304 apply.

B. *Calculation of required parking.*

1. When determination of the number of parking or loading spaces results in a requirement of a fractional space, any fraction shall be rounded up and counted as one parking space.
2. When there are multiple structures on a lot or multiple uses in a structure, parking shall be calculated separately for each different use area in a building or on a site, including all accessory uses.
3. Parking spaces required on a per-employee basis shall be based on the maximum number of employees on duty and/or residing on the premises at any one time.
4. Parking spaces required based on the number of beds in a facility shall be calculated based on the number of beds accommodated in the design capacity of the facility.
5. When the standards use seating as a unit of measurement, all calculations shall be based on the number of fixed seats. If fixed seats are not provided, then parking shall be determined at a rate of one space per four (4) occupants unless otherwise specified in Table 27-1300.1, Off-Street Parking Standards.
6. When the standards use the number of occupants as a unit of measurement, all calculations shall be based on the maximum occupant load, as determined by the adopted building code.

7. ~~Surface parking spaces provided for multiple-unit structures shall not be assigned and shall be available to all residents unless approved through article 27-1600, Master site plan. Where surface parking is assigned, the minimum number of spaces provided shall be increased by twenty (20) percent.~~

**Table 27-1300.1. Off-Street Parking Standards.**

Use	Required Parking
<b>RESIDENTIAL</b>	
Households Living (dwelling unit/structure)	
Dwelling, single unit, detached and attached	2 per du
Dwelling, multiple unit structure	1.5 per du + 1 guest space per 10 units; subsection 27-1302.B.7 also applies
Dwelling unit in a mixed-use structure	2.1 per du
Accessory dwelling unit	Section 27-10098 (ADU standards)
Manufactured Home (Class A, B, C)	2 per du

**Section 4. EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

**Section 5. REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

**Section 6. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this \_\_\_ day of \_\_\_\_\_ 2024.

PASSED, ADOPTED and APPROVED on second reading this \_\_\_ day of \_\_\_\_\_ 2024

CITY OF BILLINGS

BY: \_\_\_\_\_

William A. Cole, Mayor

Attest:

BY: \_\_\_\_\_

Denise R. Bohlman, City Clerk

Zone Change 1041 - Zoning Code Amendments Phase 4 – Legislative



AN ACT REVISING MUNICIPAL ZONING LAWS; REQUIRING CERTAIN MUNICIPALITIES TO ALLOW MULTIPLE-UNIT DWELLINGS AND MIXED-USE DEVELOPMENT; PROVIDING DEFINITIONS; AMENDING SECTIONS 76-2-304 AND 76-2-309, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 76-2-304, MCA, is amended to read:

**"76-2-304. Criteria and guidelines for zoning regulations.** (1) Zoning regulations must be:

- (a) made in accordance with a growth policy; and
- (b) designed to:
  - (i) secure safety from fire and other dangers;
  - (ii) promote public health, public safety, and the general welfare; and
  - (iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other

public requirements.

(2) In the adoption of zoning regulations, the municipal governing body shall consider:

- (a) reasonable provision of adequate light and air;
- (b) the effect on motorized and nonmotorized transportation systems;
- (c) promotion of compatible urban growth;
- (d) the character of the district and its peculiar suitability for particular uses; and
- (e) conserving the value of buildings and encouraging the most appropriate use of land throughout

the jurisdictional area.

(3) (a) In a municipality that is designated as an urban area by the United States census bureau with a population over 5,000 as of the most recent census, the city council or other legislative body of the

municipality shall allow as a permitted use multiple-unit dwellings and mixed-use developments that include multiple-unit dwellings on a parcel or lot that:

(i) has a will-serve letter from both a municipal water system and a municipal sewer system; and

(ii) is located in a commercial zone .

(b) Zoning regulations in municipalities meeting the requirements of subsection (3)(a) may not include a requirement to provide more than:

(i) one off-street parking space for each unit and accessible parking spaces as required by the Americans With Disabilities Act of 1990, 42 U.S.C. 12101, et seq.; or

(ii) an equivalent number of spaces required under subsection (3)(b)(i) provided through a shared parking agreement.

(4) As used in this section, the following definitions apply:

(a) "Mixed-use development" means a development consisting of residential and nonresidential uses in which the nonresidential uses are less than 50% of the total square footage of the development and are limited to the first floor of buildings that are two or more stories.

(b) "Multiple-unit dwelling" means a building designed for five or more dwelling units in which the dwelling units share a common separation like a ceiling or wall and in which access cannot be gained between units through an internal doorway, excluding common hallways."

**Section 2.** Section 76-2-309, MCA, is amended to read:

**"76-2-309. Conflict with other laws.** (1) Wherever the regulations made under authority of this part require a greater width or size of yards, courts, or other open spaces; require a lower height of building or ~~less~~ a fewer number of stories; require a greater percentage of a lot to be left unoccupied; or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this part ~~shall~~ govern.

(2) Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts, or other open spaces; require a lower height of building or a ~~less~~ fewer number of stories; require a greater percentage of a lot to be left unoccupied; or impose other higher standards than are required by the regulations made under authority of this part, except for restrictions provided in 76-2-304(3),

the provisions of ~~such~~the other statute or local ordinance or regulation ~~shall~~ govern."

**Section 3. Effective date.** [This act] is effective on passage and approval.

**Section 4. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to municipal zoning regulations enacted or adopted on or before [the effective date of this act].

- END -

I hereby certify that the within bill,  
SB 245, originated in the Senate.

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Secretary of the Senate

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2023.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2023.

SENATE BILL NO. 245

INTRODUCED BY D. ZOLNIKOV, C. FRIEDEL, J. ELLSWORTH, K. BOGNER

AN ACT REVISING MUNICIPAL ZONING LAWS; REQUIRING CERTAIN MUNICIPALITIES TO ALLOW MULTIPLE-UNIT DWELLINGS AND MIXED-USE DEVELOPMENT; PROVIDING DEFINITIONS; AMENDING SECTIONS 76-2-304 AND 76-2-309, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

## Zoning Commission

**Date:** 05/07/2024  
**Title:** Zone Change 1047 - Copper Ridge 7th & 8th Filing - N3 to P1 and N1  
**Presented by:** Nicole Cromwell  
**Department:** Planning & Community Services  
**Presentation:** Yes

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### Information

#### RECOMMENDATION

Planning staff recommends approval and adoption of the findings of the 10 review criteria for Zone Change 1047.

#### BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

This is a zone change request for a property currently zoned Suburban Neighborhood (N3) in the 7th and 8th Filings of Copper Ridge Subdivision located on the west end of Rimrock Road. Rimrock Road essentially dead ends at the railroad right of way at the city limits. There is a rail trestle that allows passage under the tracks, but it is rarely used except by property owners to the west.

This is a revision of the original application submitted in February 2024. The applicant requested a delay of the scheduled March 5, 2024, Zoning Commission hearing in order to revise the request in response to neighborhood concerns. The original application included Mixed Residential zone districts (NX1 and NX3). The revision removed those districts and expanded the area for First Neighborhood (N1) zoning and for the Public 1 (P1) zone for parks and open space. The applicant is proposing to re-zone approximately 62.5 acres of yet-to-be developed portions of Copper Ridge. The zoning before the 2021 update was Residential 5,000 (R50) to allow the development of two-family dwellings on lots of at least 8,000 square feet. When the city consolidated and changed to neighborhood zone districts, most of Copper Ridge Subdivision was updated to N3. The owners now want to re-zone the undeveloped land to allow more housing choices in the last phases of Copper Ridge Subdivision. The proposed zoning will include 46.01 acres of First Neighborhood (N1) zoning to accommodate single and two-family dwellings on lots that require less street frontage, and 16.59 acres of Public 1 (P1) zoning to meet the dedication requirements for parkland in subdivisions and provide a larger central neighborhood park. The applicant has submitted an exhibit that shows the exact proposed zone boundaries for each new zone district. The N1 zoning allows 2.5 story residences (up to 27 feet), and the P1 zone allows structures that accommodate and complement park uses.

This area of Billings has been developing over the past 20 years following the extension of 8 miles of city and water infrastructure past Shiloh Road (2001/2002). This allowed Ironwood Subdivision, Augusta Ranch and Falcon Ridge subdivisions to develop in low density suburban neighborhoods. These facility extensions were done by the city with only minor contributions from the developers except where the water and sewer lines entered the new subdivisions. This also allowed the Yellowstone Club Estates subdivision to annex and connect to the municipal sewer services. The city also took over the existing water service pipes and infrastructure from the homeowner's association.

After the development of several hundred homes in this area, the city needed to install a new water reservoir above Ironwood Subdivision to ensure adequate water pressure for homes, especially those with a 2nd or 3rd story. It is estimated by City Utilities that 16% of all daily city water demand during the summer months is from this area of West Billings. This area is about 744 acres, with about 1,650 dwellings. The estimated population is 3,800 residents. This is about 3% of the total population of the city.

There are very few housing types available in this area of West Billings. There are a few duplexes and some 4-unit buildings in Falcon Ridge Subdivision. Coal Creek Subdivision south of Falcon Ridge is all two-unit townhomes. Augusta Ranch also has a handful of single unit townhomes on the east side of Molt Road. Most vacant lots for development are between 1/4-acre up to 3/4-acre lots. The market value of vacant land for sale in this area of Billings ranges from \$225,000 per acre up to \$450,000 per acre. The Department of Revenue assessed values of vacant land range from \$125,000 per acre up to \$350,000 per acre.

A few annexed and subdivided parcels have brought in new zone districts and housing options to West Billings including Sweetgrass Creek (south of Rimrock Rd between 54th St W and 58th St W), Buffalo Crossing and 54 West Subdivision at 54th St W and Rimrock Rd. Existing subdivisions with undeveloped land are also beginning to recalculate the market for housing choice in West Billings.

Housing demand reached a high level in 2021 and the trend continues into 2024. Supply of all types of housing choices has not kept up with the demand. At least two decades ago, local planning and growth policy documents indicated a need for

independent living units for aging residents who want to "downsize" from a maintenance heavy single family dwelling on a large lot to unit ownership or townhomes as well as rental apartments. The 2010 Census indicated Billings, like many other urban areas, saw a reduction in average household size to 2.3 persons. Smaller households, aging residents and the higher cost of all housing have driven the demand for dwellings with more modest lot area to ease long-term maintenance costs, and to provide financially attainable homes for this part of the market. Demand for new dwellings of all types is high, but developers have not kept up with demand. Development has been hampered in part by hyper-inflation of the cost of building materials during the COVID-19 pandemic, labor shortages, and interest rate hikes over the past two years. New dwellings (detached single family homes) that have received final occupancy approval average about 298 per year over the last 4 calendar years but demand for this type of dwelling is about 40% higher than supply. Two-family dwellings and townhomes are also not meeting demand in this market.

Developers have made robust investments in expanding the variety of housing choices in West Northwest Billings. There have been more new residential developments south of Broadwater Avenue than this area to the north and west. The most recent development in West Billings with more than just single family dwellings is the Zimmerman Home Place apartments approximately five miles to the south and west. Townhomes and two-family dwellings are also in demand in West Billings, but there are few opportunities for this type of housing.

There are challenges to an area of urban development that is on property on the very edge of the urban/rural interface with only a small amount of existing suburban development (east). It is not possible to project future development in areas outside the County's zoning boundary. The property south of Rimrock Road has been added to the area of anticipated annexation in the next five years. This is not meant to ensure existing development patterns continue to the edge of the city limits. The development plan should include similar and compatible zone districts, connectivity where and when needed, and recognition of similar goals for all types of property. The 2016 Billings Growth Policy and the 2001 West Billings Neighborhood Plan goals and policies support the proposed changes to the district zone boundaries. The West Billings Neighborhood Plan goals and objectives stated the need to locate compatible uses and offer a range of housing choices and development densities. The proposed zone change supports these goals. The 2016 Billings Growth Policy supports a broad range of housing choices, encourages more walkable neighborhoods with connectivity to other transportation options, and building the community fabric through urban-designed public spaces. The proposed zone change supports these goals as well.

## **STAKEHOLDERS**

The applicant conducted a pre-application neighborhood meeting on January 25, 2024, at 7043 Copper Sunset Drive. The pre-application meeting synopsis is attached to this report. Twenty-nine surrounding property owners signed the attendance sheet for the meeting. The Planning staff has received copies of emails on this zone change that were sent to the City Council as well as a number sent directly to staff prior to the Zoning Commission meeting. Planning staff provided some clarification to neighborhood inquiries on the proposed zone change and how traffic impacts are evaluated and at what point those impacts can be evaluated. The applicant revised the application after an approved delay of the public hearing on March 5, 2024, by the Zoning Commission. Much of the public comment came based on the original zoning application.

### **Zoning Commission hearing March 5, 2024**

The applicant requested in writing and in person a delay of the public hearing until the May 7, 2024, Zoning Commission meeting. The applicant explained the owner wished to revise the application in response to neighborhood concerns. The Zoning Commission granted the delay to the May 7, 2024, hearing date. The Zoning Commission ensured the revised application would be published as a legal ad, the property re-posted, and the surrounding owners on the 1/4-mile mailing list received a new public hearing notice.

## **ALTERNATIVES**

The Zoning Commission may:

- Recommend approval and adoption of the findings of the ten review criteria for Zone Change 1047; or,
- Recommend denial and adopt different findings of the ten review criteria for Zone Change 1047; or,
- Delay action on the zone change request for up to 60 days at the request of the applicant or on its own motion; or,
- Allow the applicant to withdraw the zone change request.

The Zoning Commission must make a recommendation on the application. A tie vote on a motion will require the item to be placed back on the next available agenda for another motion and vote. The applicant has not requested a delay or withdrawal of the application.

## **FISCAL EFFECTS**

Approval or denial of the proposed zone change will not have an effect on the Planning Division budget.

## SUMMARY

Before making a recommendation to the City Council, the Zoning Commission shall consider the following findings of the ten review criteria:

1) Is the new zoning designed in accordance with the Growth Policy?

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy and the West Billings Neighborhood Plan (2001):

The **West Billings Neighborhood Plan** goals and objectives stated the need to locate compatible uses and offer a range of housing choices and development densities. The West Billings Plan adopted a number of Goals, Policies, and Implementation Strategies. The proposed adjustment to the current zone districts and boundaries is consistent with the following adopted Policies of Planned Growth Goal 1: Establish Development Patterns that Use Land More Efficiently

- Policy A "Promote efficient utilization of land within the West Billings planning area by promoting well-designed, more pedestrian friendly, urban development patterns with a mix of uses and an efficient, creative use of land."
- Policy K "Increase residential densities within the West Billings planning area by approving requests for residential zoning that are consistent with this plan."
- Policy M "Development in the West Billings planning area shall provide for a variety of residential types and densities."
- Policy N "Medium and high-density residential development(including elderly and disabled housing) should be located nearby and within walking distance to commercial centers, medical facilities, parks, and recreational amenities."
- Policy R "Encourage innovative land-use planning techniques to be used in building higher density and mixed-use developments as well as infill developments."

The proposed zoning is compatible with goals of the West Billings Neighborhood Plan. The proposed zone change and street layout will accommodate uses that are compatible in a new residential neighborhood. The proposed development will also have good access to outdoor activities. Current transportation options are limited to personal vehicles or cycling/walking. Rimrock Road has a multi-use path on the north side of street at 54th St West, and then marked on-street bike lanes from Shiloh Road to the east. The multi-use path is planned to continue to the west from 54th St West in the near future. The proposed zoning and development will provide for some variety of housing choices that are not abundant in this area of West Billings. The property is within walking distance to a future commercial center, parks and a multi-use trail system.

The proposed amendment is also in line with the adopted 2016 Growth Policy goals for:

### **Strong Neighborhoods:**

- Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
- Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, goodwill and social interaction
- Safe and livable neighborhoods can be achieved through subdivision design that focuses on complete streets, pedestrian-scale streetlights, street trees and walkable access to public spaces
- Neighborhoods that are safe and attractive and provide essential services are much desired
- Implementation of the Infill Policy is important to encourage development of underutilized properties

### **Home Base:**

- A mix of housing types that meet the needs of a diverse population is important
- The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development
- Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe
- Planning and construction of interconnected sidewalks and trails are important to the economy and livability of Billings
- Public safety and emergency service response are critical to the well-being of Billings' residents
- Homes that are safe and sound support a healthy community

The proposed zoning will allow the existing homes in Copper Ridge to have parkland adjacent to the west before the change over to the N1 zoning that will allow single and two-family homes on smaller lots. The N1 lots will be similar to other neighborhoods - generally 30 to 50 feet along the street frontage with homes that are narrow or have a gabel facing the street with an attached porch. The primary difference in the N1 and N3 zone is the minimum lot width. N1 allows a lot as

narrow as 20 feet and N3 requires a minimum lot width of 65 feet. In addition, N3 allows larger and taller homes that can sit further back on the lot. The extreme curvilinear street design of Copper Ridge required some large building setbacks. The N3 zoning accommodates this street design. The proposed development of Copper Ridge 7th and 8th Filing will have some curvilinear street layout, but it will be more like a traditional grid pattern. Wider lots in the N1 zone district could have 2-unit buildings or two separate dwellings on the same lot. These also may be developed as either rentals or as townhomes with individual owners. This will be the final phase of the subdivision build, so market conditions will dictate how this area is laid out and what types of housing is offered. West of 70th St West, the County zoning does not exist. There is no zoning to the north, west or south of the subject parcel. The only existing zoning is the zoning within the city in Copper Ridge Subdivision (N3). It is possible the land to the south may annex to the city and urban zoning would apply.

2) Is the new zoning designed to secure from fire and other dangers?

The proposed zoning of N1 requires minimum setbacks, open and landscaped areas and building separations which creates security from fire and other dangers. Street frontage - public or private - will be required, as well as street frontage landscaping, perimeter landscaping and screening based on the adjacent zoning and use, off-street parking and adequate pathways and driving aisles throughout to ensure public safety.

3) Whether the new zoning will promote public health, public safety and general welfare?

Public health and public safety are promoted by the proposed zoning. This is not unique to the Neighborhood zones, but instead is promoted by all adopted zoning districts within the City of Billings. The site and structure regulations found in Section 27-300 districts promote the minimum standards to ensure public health and safety and promote general welfare. Provision of public health and safety services from the city will promote the general welfare of the area. The completion of the Copper Ridge neighborhood will promote public safety and the general welfare by ensuring Rimrock Road has the appropriate construction from 70th St West to the terminus of the city limits at the railroad right of way.

4) Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?

- **Transportation:** The applicant will need to ensure the existing traffic impact study completed for the subdivision adequately addresses the new zoning and the specific development for the property. The Engineering Division will ensure this is done prior to any approval of a development plan. Each single family dwelling generates about 10-13 daily traffic trips.
- **Water and Sewer:** The City will provide water and sewer to the property. There will be no additional impacts to the system from the proposed changes. Existing seasonal low water pressure will be addressed by City Engineering.
- **Schools and Parks:** Schools and parks may be effected by the proposed zone change and completion of this city neighborhood. School District 2 did not provide any comments. Boulder Elementary School had 501 students in the current school year with a student teacher ratio of about 20 students per teacher. The student capacity of Boulder school is 450 students. Ben Steele has a capacity of 750 with 795 students enrolled last year with a teacher student ratio of 17.1 students per teacher. West High School has a capacity of 1,731 students with an enrollment last year of 2,180 students with a teacher student ratio of 15.91. The closest public park to the subject property is Copper Ridge neighborhood park on Lucky Penny Lane. The closest developed community park will be Cottonwood Park on 54th St West south of Rimrock Road. The city also owns Phipps Park, a 350-acre mostly natural park north of the railroad tracks. There are jogging trails and a disc golf course. This city park is outside the city limits. The planning staff did not receive any comments from Parks, Recreation and Public Lands staff concerning this zone change. The proposed zoning also includes about 16.5 acres of Public 1 zoning that will be for parkland. The types and locations of such open spaces will be determined at the time of a final development plan review by staff.
- **Fire and Police:** The subject property will be served by city public safety services. The Police and Fire Departments had no concerns about the zone change.

5) Will the new zoning provide adequate light and air?

Similar to criteria 2 and 3, the proposed N zone, like all zones, require minimum property line setbacks to allow for adequate separation between structures and adequate light and air. This parcel is presently vacant, therefore any new structure will be required to meet the standards required by Section 27-300.

6) Will the new zoning effect motorized and non-motorized transportation?

Non-motorized travel -- walking and biking -- is an essential part of the Copper Ridge neighborhood. This will continue to be the case in this final building phase of Copper Ridge. Pedestrian connections will be ensured through the development. The city will be undertaking improvements to Rimrock Rd west of 54th St W to complete pedestrian facilities and improve traffic safety. The most recent traffic counts at Rimrock Rd just west of the intersection with 62nd St West is about 2,500 vehicle trips per day. Improvements to this intersection are planned as part of the traffic management for the neighborhoods in the area.

7) Will the new zoning promote compatible urban growth?

The proposed increase in the overall development density is compatible with urban growth and the provision of city level

services to the new residents. The proposed zone district boundaries are consistent with the urban growth in this area and will be compatible with the surrounding neighborhoods. Further site development requirements for parking, landscaping, frontage improvements will be required with new development. Additional housing types and choices will contribute to a neighborhood that is resilient and open to residents of all ages.

8) Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses? The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. This area is completing the development of a city neighborhood. The city's investment in public infrastructure in the area is spurring the development of new areas for city infill. The existing zones and development pattern for the area is suitable for the N1 district as shown on the zoning exhibit.

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

The property is an undeveloped agricultural parcel that is in proximity to all city services. Approval of the zone change will provide a housing choice in a residential area where there are few options other than single unit dwellings on large lots. The zoning designation itself will not influence the value of buildings. In general, new development increases the value of adjacent property.

10) Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

The proposed zoning will encourage the most appropriate use of this land in Billings. The proposed N1 is similar and compatible with the other two N zone districts of N3 or N2. The N1 zoning which allows single-family and two-family dwellings is compatible with the N3 to the east.

---

#### Attachments

Updated Zoning Map and Site Photos ZC 1047

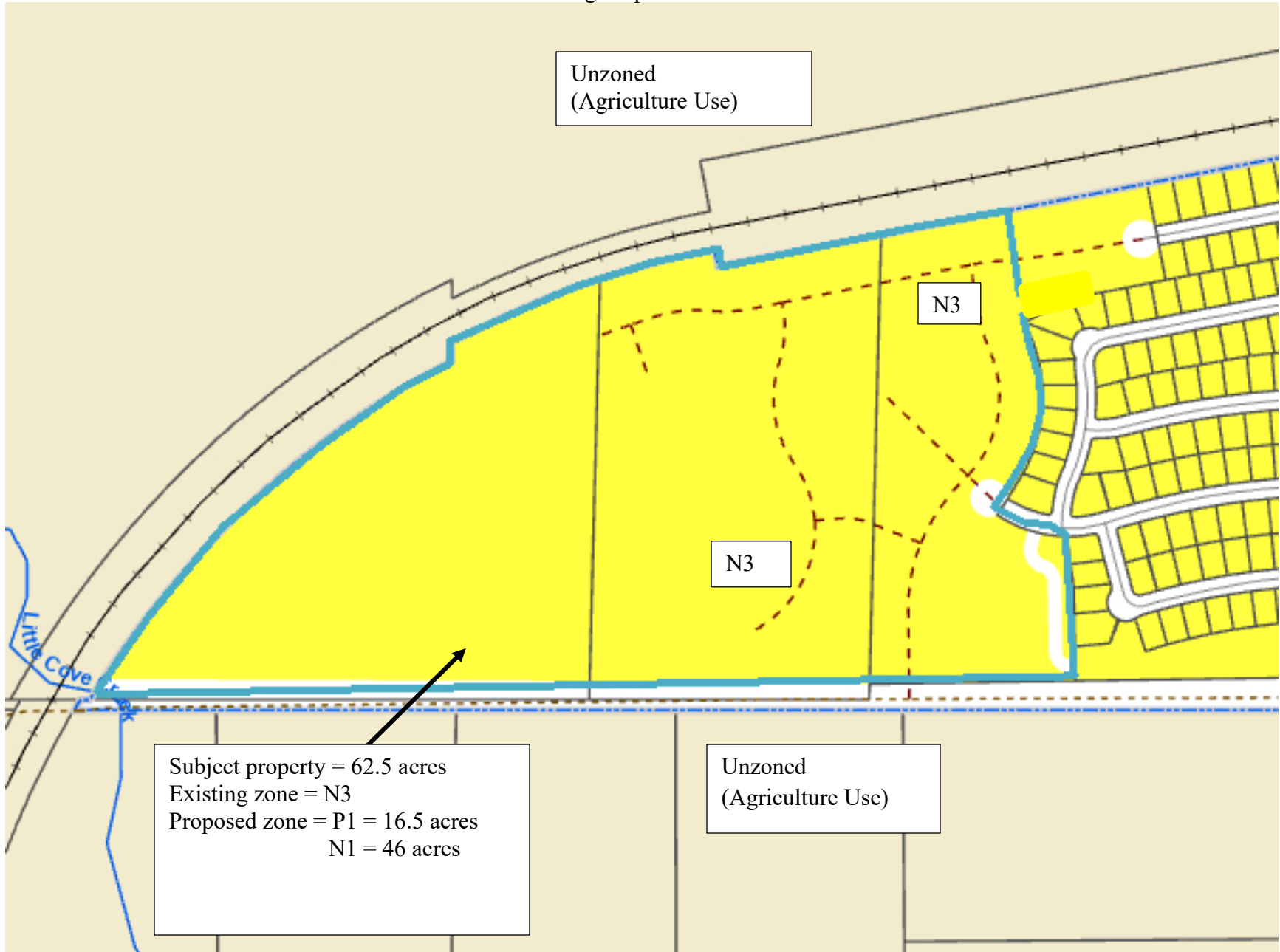
ZC 1047 Chart of Zoning History

ZC 1047 Pre app information

Updated Applicant Letter ZC 1047

Public comments as of April 15 2024

City Zone Change 1047 – Copper Ridge 7<sup>th</sup> & 8<sup>th</sup> filings – N3 to P1, N1, NX1 and NX2  
Zoning Map and Site Photos



# Subject Property

## EXHIBIT A

ZONE CHANGE EXHIBIT

WITHIN

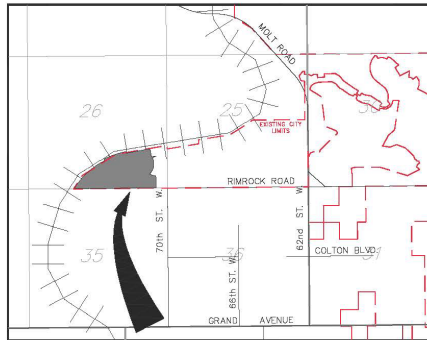
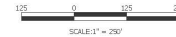
LOTS 15 AND 16, BLOCK 3 OF COPPER RIDGE, 7TH FILING AND A PORTION OF  
LOT 15A, BLOCK 3, COPPER RIDGE SUB, 8TH FILING

PREPARED FOR : WH COPPER RIDGE 54, LLC

PREPARED BY : SANDERSON STEWART 

APRIL, 2024

BILLINGS, MONTANA



VICINITY MAP

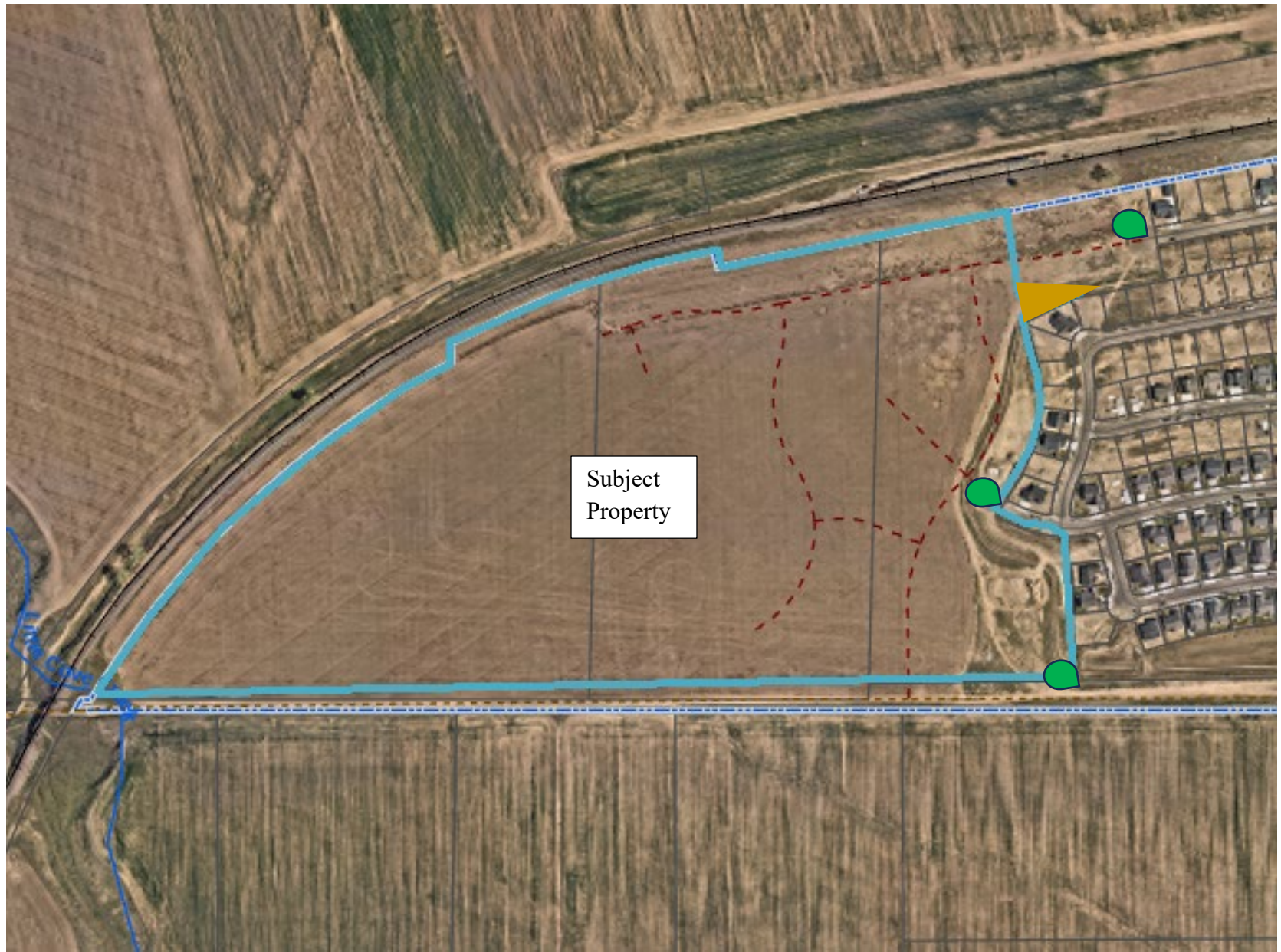
NOT TO SCALE

### LEGEND

- P1  16.59 AC - 26.5%
- N1  46.01 AC - 73.5%

- EX. WATER 
- EX. SANITARY 
- EX. STORM 





Subject  
Property



Location of Zoning Request Signs



Subject Property – view north and west from 70<sup>th</sup> St West



View north and east at homes on Copper View Way



View south from Rimrock Rd and 70<sup>th</sup> St W



View south on 70<sup>th</sup> St W



View north and west from the temporary dead-end of Shiny Penny Way



View north from Shiny Penny Way



View east on Shiny Penny Way



View west from temporary dead-end of Bronze Blvd



View north and west from Bronze Blvd



View east on Bronze Blvd

Zoning History for City ZC 1047 – Copper Ridge 7<sup>th</sup> & 8<sup>th</sup> Filings – N3 to P1, N1, NX1 and NX2

<b>SUBJECT PROPERTY</b>	<b>Zone Change</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
Copper Ridge Subdivision	<b>City ZC 744</b>	12/13/2004	R96 to R70R	Yes	N3 and Public 1 (Parks)
7 <sup>th</sup> & 8 <sup>th</sup> Filing	<b>City ZC 960</b>	9/11/2017	Un-zoned to R70 and R50	Yes	
<b>SURROUNDING PROPERTY</b>	<b>Zone Change</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
Falcon Ridge	City ZC 914	9/11/2013	R96 to R80	Yes	2021 Update to N2
Coal Creek	City ZC 767	1/22/2018	R96 to RMF, RP & CC	Yes	2021 Update to N2, NO and CMU2
Tule Ridge	County ZC 667	12/29/2015	R96 to CC	Yes	2021 Update to CMU1
Grand Peaks	City ZC 794	5/14/2007	A to R50, R70, R96 and RMF-R	Yes	2021 Update to N2, N3 and NX1
Buffalo Crossing	City ZC 1011	4/11/2022	RR3 to N2, N3, NX2 and P1	Yes	
Sweetgrass Creek	City ZC 998	10/11/2021	RR3 to NX1, N1, N2, N3 and P1	Yes	
Mont Vista	City ZC 837	6/3/2008	R96 to Planned Development	Withdrawn	
Mont Vista	City ZC 851	6/22/2009	R96 to PD with underlying zones of R96, R70, R70R, R60, RMF, RMF-R & Public	Yes	Underlying zones still apply

**CITY ZONE CHANGE Pre-Application Statement of Owner(s) and 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: N3 Suburban Neighborhood

2. Written description of the Zone Change Plan including existing and proposed new zoning:

Zone Change Request from N3 Suburban Neighborhood Residential to N1 First Neighborhood Residential, NX1 Mixed Residential 1, NX2 Mixed Residential 2, and P1 Parks and Open Space

3. Legal Description of Property:

Attached Exhibit C

4. Neighborhood Task Force Area: Yes /// No . If Yes, Name of Task Force

Yes, West End Neighborhood Task Force

5. Roster of persons who attended the pre-application neighborhood meeting: please attach to on line application Exhibit A

6. A brief synopsis of the meeting results including any written minutes or audio recording.

please attach to on line application Exhibit B

7. The undersigned affirm the following:

1) The pre-application neighborhood meeting was held on the 25th, day of January 2024.

2) The zone change application is based on materials presented at the meeting.

**Owner (s):**

WH Copper Ridge 54 LLC Telephone: 661-222-9207

**Address:**

24911 Avenue Stanford SANTA CLARITA, CA 91355 Email: lwilliams@williamshomes.com

**Agent (s):**

John Halverson Telephone: 406-869-3311

**Address:** 1300 N Transtech Way, Billings, MT 59102 Email: jhalverson@sandersonstewart.com

Complete this form and upload to your on-line Zone Change application

## MEETING MINUTES

<b>PROJECT: COPPER RIDGE CONCEPT &amp; ZONE CHANGE</b>			
Project No: 21266.03			
Meeting Location: 7043 Copper Sunset, Billings MT 59106		Meeting Date: 01/25/24 5:30 PM	
Meeting Subject: Zone Change Neighborhood Pre-Application Meeting		Prepared by: Dominic Neameyer	
Attending:	(See attached sign-in sheet)		
Sanderson Stewart:	John Halverson	Dominic Neameyer	
Williams Homes	Marc Smith		
Date of Issue: 02/01/24			

### Minutes:

- Mr. Halverson opened the meeting at 5:30 PM by introducing himself and outlining the agenda, which included a presentation on the zone change, a brief explanation of the new zoning code and why zoning is necessary for municipalities, and time for questions and comments.
- After completing that presentation, Mr. Halverson took questions and comments from the attendees.
- An attendee commented Bronze Boulevard and Shiny Penny Way connect to the new development area and people will drive through those streets to the new development
  - Mr. Halverson responded connectivity and multiple points of access is required by the city.
- An attendee commented they would like the construction to be accessed via Rimrock
- An attendee asked if the project will be in phases
  - Mr. Halverson responded the project will be likely built in four phases and showed the estimated phase one boundary.
- An attendee commented this project will lower the existing homes property values

- An attendee commented the affordable housing and apartments will bring unwanted activity and homeless population from downtown Billings
- An attendee commented apartments should not be in residential areas
- An attendee commented this is going to be a neighborhood killer
- An attendee commented the schools cannot handle higher density
- An attendee commented they will have to pay for a new school because of this project
- An attendee asked if Williams Homes will be the main contractor in building the homes
  - Mr. Smith responded that Williams Homes will be the main builder
- An attendee commented that they moved out to Copper Ridge for no lights and quiet
- An attendee commented that if lower value homes are built it will tank the existing home property values
  - Mr. Halverson commented there is no factual backing that a smaller product increases or decreases property values
- An attendee asked if Williams Homes is only building smaller homes because they are losing money
- An attendee commented that Rimrock is only two lanes and will not be able to handle this density
  - Mr. Halverson commented that Rimrock improvements and access points will be determined by the Traffic Impact Study
- An attendee commented that they can single family only
- An attendee commented that Williams Homes should sell the land and get out of town
- An attendee commented complaining about construction activity
- An attendee commented that when they bought their home, they were told the future would be single family only
- An attendee commented that this sounds like a lawsuit because they were told it would be single family only
- An attendee asked when construction would start
  - Mr. Halverson responded that grading and earth work would start in the fall/winter of 2024
- An attendee asked if there will be an HOA
  - Mr. Halverson responded yes, a new HOA will be formed
- An attendee commented that the HOAs' don't do anything to enforce rules

- Mr. Smith commented that residents can report infractions to the HOA and recommended residents participate in serving on their HOA board
- An attendee asked what size the single-family homes will be
  - Mr. Halverson responded the homes will be about 25' wide
  - Many attendees said they don't want that small of homes in the neighborhood
- An attendee commented that people think smaller homes works better but they are wrong, it doesn't work better
- An attendee commented that this proposed product mix just isn't right
- An attendee asked if Williams Homes is building other places in Billings
  - Mr. Smith responded that they are building in Copper Ridge and High Sierra
  - The attendee commented that a handshake deal still means something in Montana and if Williams Homes does this it will put a bad taste in the mouth of Billings residents and Williams Homes won't be building in Billings anymore because of a bad reputation
- An attendee commented that building a more densely populated project on the outskirts of town is urban sprawl
- An attendee commented that if this is affordable housing how will people get to work? The bus system doesn't serve this area and how will they be able to afford gas and a mortgage
- People started to get up and leave and attendees started going to Mr. Halverson, Mr. Neameyer, and Mr. Smith individually to ask questions and comment their push back on the project

PRE-APPLICATION NEIGHBORHOOD MEETING  
ATTENDANCE SIGN-IN SHEET

Date: 1/25/2024

Time: 5:30 PM

Project: Copper Ridge 7th + 8th Filing Zone Change

Project No.: 21266.03

Meeting Location: 7043 Copper Sunset Dr.

Name and Title: (Please Print)	Representing:	Phone Numbers		Email Address
		Office	Mobile	
BRIAN GEORGE	CONCERNED RESIDENT		671 7561	
CHUCK SMITH	RESIDENT		406 690 6341	CJ-mm@msn.com
Judith Diane Walker	Resident		307-262-2664	maebrown@fritel.net
Richard Wike	"		406-981-5919	229. 70th st
Gary + Angela Lapin	resident		-	GKL321@hufmail.
Joe Chilcoat	resident		406 794 3597	Zerock111@yahoo.com
Mark Turner	Resident		406-671-6808	Mark.Turner2@BNSF.com
Gene Scott	Resident		406.213.6034	GeneScott815@gmail.com
Jonathan McCroskey	Resident		817-507-7404	Mmarcum99@yahoo.com
<del>Robert Gill</del>	<del>Resident</del>		<del>714-227-1166</del>	<del>Gill.Family@csbc.org</del>
Karen Gill	"		"	Gill.Family@sbcbglobal.net
Tammy BRUNS	"		425 870 9892	Tammy.BRUNS5@gmail.com
Renee Maynard	Resident		406 750 0879	renee.fencee@gmail.com

PRE-APPLICATION NEIGHBORHOOD MEETING  
ATTENDANCE SIGN-IN SHEET

Date: 1/25/2024

Time: 5:30 PM

Project: Copper Ridge 7th + 8th Filing Zone Change

Project No.: 21206.03

Meeting Location: 7043 Copper Sunset Dr.

Name and Title: <i>(Please Print)</i>	Representing:	Phone Numbers		Email Address
		Office	Mobile	
Gail Flack	Resident		406-861-8408	flackg@icloud.com
Rich Bruns	Resident		425-870-8217	RTBRUNS@aol.com
TREY ADKINS	Resident		406 697 1423	treypadki@gmail.com
TOM FLACK	Resident		406-262-1640	FLACKT@icloud.com
Braden & Kayla Shortidge	Resident		406-690-3925	KMarie412@hotmail.com
Resden (about to be 4 sale)	Resident		408-6661-6978	Kathy@Justinpelos.com
Joey Zehring (Victor Grant's)	Resident		208-296-9782	Joey.zehring@gmail.com
Ron + Merrin Gerson	Resident		406-652-8715	ronscappetto@yahoo.com
John + Ruth Meave	Resident		850-723-4379	jemeave98@gmail.com
Robert Gill	Homeowner Res		714-227-1186	gill.family@sbglobal.net

## **Lots 15 and 16, Block 3 of Copper Ridge 7th Filing and a portion of Lot 15A Block 3 of Copper Ridge Subdivision 8th Filing**

Zone Change Request from N3 Suburban Neighborhood Residential to N1 First Neighborhood Residential and P1 Parks and Open Space

### **Statement of Proposal**

Williams Homes and WH Copper Ridge 54 LLC, are seeking to and Rezone Lots 15 and 16, Block 3 of Copper Ridge 7th Filing and a portion of Lot 15A Block 3 of Copper Ridge Subdivision 8th Filing.

The intent of the requested zoning will allow for the future development of single-family homes and cottage court residential units.

The proposed zoning will provide an incremental increase in residential density by allowing smaller lots compared to the Copper Ridge subdivision to the east. It also provides a greater degree of housing choice in the area at a scale that is compatible with existing development and within zones that already exist in the neighborhood surrounding the intersection of Rimrock Road and 62<sup>nd</sup> Street West.

### **Responses to Questions in Zoning Application**

**a. In what ways is your proposal consistent with the statutory criteria, guidelines and policies of the adopted Growth Policy?**

The Growth Policy states:

In the next 20 years, Billings will manage its growth by encouraging development within and adjacent to the existing City limits, but preference will be given to areas where City infrastructure exists or can be extended within a fiscally constrained budget and with consideration given to increased tax revenue from development. The City will prosper with strong neighborhoods with their own unique character that are clean, safe and provide a choice of housing and transportation options.

The requested zoning is in compliance with the following growth guidelines:

#### **Essential Investments (Relating Public and Private Expenditures to Public Values)**

- ***The safety of all users and the connectivity of the transportation system are important criteria to consider in roadway designs and transportation plan.***

Yes. Streets within this master-planned neighborhood are designed for low speeds to calm traffic and provide safe environments for all users while still providing enough room for emergency vehicles to safely navigate.

- ***Planning and construction of safe and affordable interconnected sidewalks and trails are important to the economy and livability of Billings.***

Yes. This master-planned neighborhood will provide pedestrian connections to adjacent development in Copper Ridge and will continue the path along the north side of Rimrock Road.

- ***Developed parks that provide recreation, special amenities (community gardens, dog parks, viewing areas), and active living opportunities are desirable for an attractive and healthy community.***

Yes. This master-planned neighborhood will provide a centrally located park that will be developed, owned, and maintained by the HOA. In addition to the central park, a dedicated landscape buffer along the eastern edge of the development between the existing Copper Ridge neighborhood and this proposed development further eases the incremental transition from the existing N3 residential to the proposed N1-zoned area. The proposed zoning plan also includes a park dedication along a portion of the northern edge of the proposed development to allow a future trail along the southern edge of the railroad track. All of those areas will be zoned P1.

- ***Infill development and development near existing City infrastructure may be the most cost effective.***

Yes. The proposed master-planned neighborhood abuts areas already served by city water and sewer, and includes zones which already exist in the area surrounding the planned commercial node at 62<sup>nd</sup> and Rimrock Road. Because this proposed zone change includes an incremental increase in residential density, City and municipal infrastructure will be more cost effective than less-dense development, on a per-capita basis.

- ***Neighborhoods that are safe and attractive and provide essential services are much desired.***

Yes. The design of this master-planned neighborhood, in compliance with relevant subdivision and zoning regulations, will promote a high level of public safety. This includes streets, parking and recreational areas which are easily observable from residences within the development. This property will not impact public health, safety, and welfare any differently than the other neighborhood developments which are developed in accordance with the City's zoning requirements.

### **Place Making (Enhance, Maintain, Preserve, and Improve Existing Public Places)**

- ***A multi-use community recreation facility is desirable.***

Yes. This PND provides recreational open spaces in the form of public parks, a continued walking path along the north side of Rimrock Road, a centrally located park space, a green buffer along its eastern boundary, and dedication of space along the railroad tracks to its north, along which a future trail is planned.

- ***The history and heritage of Billings are cornerstones of our community.***

Yes. Billings has always adapted to the changes in economic drivers and been welcoming of projects that allow the community to continue to grow and prosper in a systematic and planned way. This zone change will follow in that spirit by supporting a variety of housing units at an attainable price.

- ***Enhancing public buildings and spaces to be more efficient in their uses of energy, money, and space is important to having a vibrant and livable City.***

Yes. The master-planned neighborhood's centrally located public park will serve as a shared community gathering and recreation space for the entire neighborhood. The compact nature of this development will ensure that the public space is a well-used and vibrant community asset.

### **Community Fabric (Attractive, Aesthetically Pleasing, Uniquely Billings)**

- ***Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods***

Yes. This master-planned neighborhood will be developed in accordance with the City's code regulating street sections to include planted boulevards. This will ensure that vehicular traffic is calmed and can navigate the development at slow, safe speeds for all street users. Street-front landscaping will be provided in accordance with the zoning code's landscape section, providing street trees and other water-efficient landscaping.

- ***Planning and construction of interconnected sidewalks and trails are important to the livability of Billings.***

This master-planned neighborhood will feature sidewalks on all streets, including pedestrian connections to adjacent development and the surrounding pedestrian network. It will include the continuation of the pedestrian path along the north side of Rimrock Road.

### **Strong Neighborhoods (Livable, Safe, Social and Resilient Neighborhoods)**

- ***Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels.***

The N1 zone proposed for this master-planned neighborhood introduces housing choices that serve residents of more diverse life stages and incomes. The entirety of residentially zoned land in the application is proposed as N1 which, because of its efficient use of land, will create more attainable homes than in the adjacent, N3-zoned neighborhood. This application introduces a greater diversity of housing to the neighborhood, which will allow residents of varying income levels and age groups to call this neighborhood home.

- ***Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction.***

This proposed neighborhood is about one mile from the planned and zoned commercial node at the intersection of 62<sup>nd</sup> Street West and Rimrock Road. Residents of this neighborhood will be able to reach that node within a twenty-minute walk or brief bike ride.

- ***Public safety and emergency service response are critical to the well-being of Billings' residents and businesses.***

The property considered under this zone change will use named streets to address its dwellings and provide for public safety. Per City of Billings subdivision regulations, compliance with which will be confirmed during the subdivision approval process, this master-planned neighborhood will connect to the surrounding road network at two or more locations. Streets in the neighborhood are planned to connect to two streets in the Copper Ridge neighborhood to the east, and two connections to Rimrock Road toward the south.

### **Prosperity (Promoting Equal Opportunity and Economic Advancement)**

- ***Predictable, reasonable City taxes and assessments are important to Billings' taxpayers.***

The incremental increase in residential densities that will result from this proposed zone change will promote efficient use of land, city services and provide relatively high tax revenues per acre compared to less-dense residential development.

- ***Community investments that attract and retain a strong, skilled and diverse workforce also attracts businesses.***

This master-planned neighborhood will attract a diverse demographic of residents seeking housing alternatives to large lot, single-detached residential. The homes planned for this neighborhood will provide access to investment and wealth-building for working class and aging Billings residents alike. The property's proximity to the commercial node planned at the intersection of 62<sup>nd</sup> St. West and Rimrock Road has the potential to reduce those residents' transportation costs. The incremental increase in density that will result from the proposed zone change will also reduce tax burden that will support the high-quality services that a modern work force demands.

The community that is planned as part of this Zone Change will help Billings manage its growth by encouraging development within and adjacent to the existing City limits, giving preference to areas where City and municipal infrastructure exists helping to maintain fiscal responsibility for the City. This development will allow the City to increase tax revenue, decrease tax burden on residents, and promote prosperity by further developing a variety of neighborhoods with their own unique character that are governed by City regulations and provide housing choice and additional housing inventory.

The West Billings Plan states:

- ***More compact development patterns are desirable because they make full use of urban services, offer cost-effective infrastructure, and hold down costs to the taxpayer.***

Yes. This proposed, master-planned neighborhood will develop in a compact manner and will host residential densities that will support cost-effective provision of municipal services.

- ***Plan for a mix of land uses that reduces automobile usage by locating stores, housing, schools, and recreation within a very short drive (or walking distance) from each other in compact neighborhoods with pedestrian-oriented streets***

Yes. The proposed zone change area is one mile from the planned commercial node at 62<sup>nd</sup> St. West and Rimrock Road. As this neighborhood develops, the path along the north side of Rimrock Road will also be extended, contributing to the active transportation network in the area. Streets within the proposed neighborhood will be designed in accordance with all relevant City regulations to include pedestrian facilities, planted boulevards, and traffic calming measures.

- ***PG1.M.5 Enable the approval of development project that incorporate innovative mixed-use land planning concepts that provide for community aesthetics, compatible land uses, a mix of housing opportunities, open space, and other community amenities by revising zoning and subdivision regulations.***

Yes. The proposed neighborhood includes a mixture of housing opportunities including zones that allow single-detached homes, cottage courts and duplexes that will provide attainable housing for a greater range of ages and incomes. This proposal also includes areas zoned P1 public space for a centrally located park and a natural buffer area along the eastern boundary of the site between it and the existing Copper Ridge neighborhood.

The 10 Zone Change Criteria:

- ***Whether the new zoning is designed in accordance with the Growth Policy***

Yes, this master-planned neighborhood is being developed under the consideration of the Growth Policy statement and guidelines on previous pages. The land on which the project is planned has already been annexed into the city and is adjacent to parcels where municipal services exist. The residential zones proposed on the site provide an incremental increase in residential density and are compatible with existing residential uses in the area.

- ***Whether the new zoning is designed to secure from fire and other dangers***

Yes, the subject parcels will be serviced by City fire and police services and will be designed in accordance with City of Billings rules and regulations thus assuring protection from common dangers.

- ***Whether the new zoning will promote public health, public safety and general welfare***

Yes, All development within the proposed neighborhood will be designed under the City Zoning code which will regulate density and land use transitions. All residential uses will be subject to City of Billings building codes, and the utility and surface infrastructure will be constructed in accordance with City of Billings rules and regulations assuring compliance to this criterion. All public spaces within the neighborhood are also designed to be easily observable from residences, which provides a higher level of public safety.

- ***Whether the new zoning will facilitate the adequate provision of transportation, water sewerage, schools, parks and other public requirements***

Yes, the proposed neighborhood will provide streets designed in compliance with relevant City of Billings regulations for adequate transportation provision. Impacts on the road network will be determined during later subdivision process which will include a Transportation Impact Study. Water, sewer and storm facilities will also be developed in accordance with all relevant regulations. The residential densities proposed in this master-planned community will create a neighborhood that costs less for schools to serve, as it will require less distance for buses to travel for student pick up and drop off. Areas zoned P1 within the planned neighborhood are more than double what is required in subdivision regulations, thus providing ample recreational opportunity for area residents.

- ***Whether the new zoning will provide adequate light and air***

Yes. This community is being developed in accordance with City of Billings rules and regulations and therefore meets this requirement.

- ***Whether the new zoning will affect motorized and nonmotorized transportation***

Because the proposed zone change is within one mile of a planned commercial node at 62<sup>nd</sup> St. West and Rimrock Road, it is reasonable to predict that some portion of the trips generated by the residential uses planned for this site will be captured by walking, bicycling trips to that node, thus reducing the impact of this development on the surrounding roadway network. Beyond that, this proposal will have no greater impact on the transportation network than any other residential development.

When this development progresses through the approvals process to master site plan review, a Traffic Impact Study will be completed, and the developer will be responsible for any improvements the study deems necessary because of the trips generated by this development.

The zone change will continue to support and address growth needs and have additional connections to the local street network while concentrating housing within the established City of Billings projected growth areas.

- ***Whether the new zoning will promote compatible urban growth***

Yes, this master-planned community provides the next, incremental increase in density from the existing Copper Ridge neighborhood. The homes within the N1 zone are restricted to the same or lower height limits as the existing N3 zoned development to the east of the subject parcels. The zones contained in this proposal already exist in the area node of development surrounding the intersection of 62<sup>nd</sup> Street West and Rimrock Road.

This master-planned community also includes a P1-zoned green buffer of varying depth between 70 and 160 feet. This area will provide a recreational amenity for all residents in the area and further eases the transition from existing development to the proposed neighborhood.

- ***Whether the new zoning considers the character of the district and the peculiar suitability of the property for the particular use.***

Yes. The property comprises the western portion of the Copper Ridge master-planned development, which contains residential uses, and is bordered on its eastern edge by NX1 and NX2-zoned residential uses. This proposal will continue the character of the neighborhoods in the area by including zone districts which already exist in the node of development forming around the intersection of 62<sup>nd</sup> Street West and Rimrock Road.

- ***Whether the new zoning will conserve the value of buildings***

Yes. Although there is no evidence to suggest that the development of more compact single-detached residential has any negative effect on the value of adjacent, existing single-detached residential uses, this neighborhood provides an ample green buffer between existing residential uses and the residential uses proposed. Williams Homes, the developer of this community, also has a proud record of increasing the value properties surrounding their developments. This master-planned neighborhood will be constructed and designed to higher standards than the duplex and multi-plex uses existing in the area.

- ***Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings***

Yes. The City of Billings continues to need projects that provide housing choice within financial reach of working people. It is appropriate to continue to promote development within City Limits boundaries that makes efficient use of costly land, labor, and construction materials. This zone change helps support an appropriate level of development which will serve the City both now and in the future.

**From:** [Becky Fox](#)  
**To:** [Cromwell, Nicole](#)  
**Subject:** [EXTERNAL] RESPONSE REQUIRED: Copper Ridge zoning request  
**Date:** Tuesday, February 27, 2024 8:35:59 AM

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Dear Ms. Cromwell,

I am writing to you in regard to the request to re-zone the far west section of the Copper Ridge subdivision, near Rimrock Road and 70<sup>th</sup> Street West. As I'm sure you are aware, Williams Homes is seeking to re-zone a section of the Copper Ridge subdivision and proposing to build a 450-unit apartment complex in the far west end of Copper Ridge (Rimrock & 70<sup>th</sup>). The request is to re-zone single family homes to multi-family units.

The most concerning issue this potential change brings will be the added burden to our already taxed School District #2. The elementary, middle, and high schools that our neighborhood is zoned for are already at capacity. If you allow this re-zoning to happen every single one of the west-end SD2 schools will have to carry this burden. Unfortunately, the children and teachers will be the ones who suffer the consequences of your decisions.

The city infrastructure is not in place to support the re-zoning change. The entrances to the neighborhood (multiple on Rimrock), the intersection of 62<sup>nd</sup> & Grand, and 70<sup>th</sup> & Grand do not support current rush hour traffic let alone the addition of 750+ more vehicles. And frankly, the lack of infrastructure stretches well beyond the immediate intersections of the neighborhood.

During the neighborhood meeting that was held on January 25, 2024, the Williams Homes rep. that was present indicated once this apartment complex was built, Williams Homes has no plans to remain in Billings. This should be of major concern to You and the City of Billings. They have no incentive to make Billings a better community. They are strictly looking to make a profit and exit the state. Williams Homes employees often lie about issues and make promises they do not keep. If this behavior is already happening, imagine the mess they will leave behind when they exit.

This will negatively affect property values which is in contrast to the criteria for re-zoning. The City of Billings has already failed the homeowners of Copper Ridge Neighborhood by not requiring foundation piers to be placed during construction. I sincerely hope You will make the right decision and vote against the re-zoning of the far west end of the Copper Ridge subdivision. I look forward to hearing from you.

Thank you,  
Becky Fox

**From:** [Jennell March](#)  
**To:** [Cromwell, Nicole](#); [Berns Brenda](#)  
**Subject:** [EXTERNAL] Copper Ridge Rezoning Request  
**Date:** Thursday, February 29, 2024 2:01:24 PM  
**Attachments:** [34276.jpeg](#)  
[20240115\\_084242.jpg](#)

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Dear members of the Zoning Commission

We have been residents of Billings since June 2023. We moved from Williston, North Dakota into a Williams Home on the Copper Ridge development on the west end of town. We looked at houses all over Billings, but once we started looking on the west end, we knew that was exactly where we wanted to end up. We loved the peaceful neighborhoods and the spectacular views. We have a 1-year-old son, so a huge selling point for us was seeing how many families were in the area and the walking paths/park.

We recently heard about the rezoning of Copper Ridge and are genuinely concerned about how it will affect the community. While we would like to say that we love our Williams Home, that is sadly not the case. Once we discovered that they were the ones planning on developing further west, we felt the need to reach out. We were excited to move into our new home, but quickly began to lose our enthusiasm, as it became apparent that Williams had used substandard building practices and materials.

During the cold snap in January, we noticed that two of the bedrooms on one side of our house were much cooler than the rest of our home. While in my son's room one day, I noticed that there was ice on the outlets, I checked the other room and sure enough, ice was on that outlet as well. I pulled the outlet covers off and could feel air coming in. My husband called the Williams Homes Warranty Center, and they sent over their electricians. When they came in and looked, they told me that the ice was completely normal and that houses had to "breathe" and it was just condensation buildup. They also told me it was safe to use the outlets, and I told them I would definitely not be using them. I was also told at that time it was unusually cold and it wasn't normal for it to be this cold in Montana(which set off red flags for me).

We decided to hire a local electrician to come assess the situation. He said the ice was likely due from lack of insulation, which we had assumed, but wanted to hear from an outside source. He also said in his 15 years of working in Billings as an electrician he had never seen ice buildup like we had in our house. I've enclosed pictures for your reference.

My husband continued to push the issue with Williams Homes Warranty Center, and their solution to the problem was to spray foam under the siding of the outside of the house. Not only did it leave a huge mess, it did not resolve the problem.

While we were looking for a home last summer, we had looked at multiple Williams Homes,

during that time a rep for the company told us that the future homes they would build would be without upgrades (using acrylic countertops instead of the quartz countertops the model homes had, air-conditioning, landscaping, etc.) to cut costs because they were no longer making money off their builds. With that knowledge now, it leaves me to wonder what the quality of their future development will look like.

With all that in mind, we moved to Williston, North Dakota in 2011 during the oil boom, and experienced all the strain that comes with sub-par developers, building homes and apartments as quickly as possible, and then leaving town. Our home in North Dakota was a boom build, and we are afraid we will be facing some of the same problems now in this home, here in Billings. It was not unheard of in our previous neighborhood to hear about cracked foundations, flooding, and houses settling at a rapid rate.

We bought a house in the more desirable area of Williston, where they had built an apartment complex in the center of the neighborhood. It was common for most neighborhoods in Williston to have an apartment/duplex nearby. Sirens, loud music, and fireworks were a part of our everyday norm.

Again, we moved out to the west end of Billings to escape what we had experienced in Williston. What we were initially told was, that this was strictly an area for residential homes, and that appealed to us for all the reasons listed above. We appreciate you taking the time to read this email, and hope that we helped influence the decision to reject the zoning request.

Thank you,  
Jack and Jennell March

**From:** [Kim Tallant](#)  
**To:** [Cromwell, Nicole](#)  
**Cc:** [Berns Brenda](#)  
**Subject:** [EXTERNAL] COPPER RIDGE CONCEPT & ZONE CHANGE  
**Date:** Tuesday, February 27, 2024 10:57:03 AM

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Nicole & Brenda

Why is it okay to keep expanding with new homes/apartments on the west end, when there isn't the infrastructure to handle what is existing now. Rimrock and Grand Ave especially.

I have lived off Rimrock for 28 years and I have seen no improvements to Rimrock road past 54<sup>th</sup> Street. Trying to turn left on Rimrock in the morning with the continuous traffic and speed coming from both directions is difficult. Traffic coming from the west of 58<sup>th</sup> is nonstop especially at peak times.

Why isn't there something being done with a Traffic Impact Study **before** adding more housing. A round about is not the solution at 62<sup>nd</sup>.

Thank you for your attention to this matter.

Kim Tallant

**From:** [Berns Brenda](#)  
**To:** [Cromwell, Nicole](#)  
**Subject:** FW: Zoning change in Copper Ridge  
**Date:** Thursday, February 29, 2024 2:19:19 PM  
**Attachments:** [image001.jpg](#)

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**Brenda Berns**  
**Planning Clerk**  
[bernsb@billingsmt.gov](mailto:bernsb@billingsmt.gov)

[billingsmt.gov](http://billingsmt.gov)

2825 3rd Ave. N  
Billings, MT 59101  
P 406.247.8610

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**From:** Turner, Mark <Mark.Turner2@BNSF.com>  
**Sent:** Thursday, February 29, 2024 1:59 PM  
**To:** Berns Brenda <bernsb@billingsmt.gov>  
**Subject:** [EXTERNAL] Zoning change in Copper Ridge

Hello Brenda,

I am writing to you over my concerns on the proposed zoning changes to Copper Ridge Subdivision.

I have lived in it for about a year and a half now and truly love it out here.

I was shocked to learn about the proposed changes allowing multi family homes out here. The thought of that many more vehicles traveling through the winding neighborhood and on the adjacent roads makes me want to move. Right now, there is an excessive amount of traffic it seems on Rimrock and Grand in this area. The thought of hundreds of more cars everyday on these roads seems like a serious issue.

I am also concerned over the fact that almost everyone who built/bought homes out here asked about the zoning of our neighborhood. I would have never bought my house if I had known that there was a possibility of this. No one that I have talked to would have. This urban growth is not at all compatible with what is already built in this neighborhood. That is the reason for the original zoning. Along with this, the stability of our homes that we have all purchased will be decimated. People that moved to this neighborhood did so because of the peace and quiet. Not to be grouped with multiplexes which will not maintain our property value or way of life with the increased traffic through the neighborhood.

Lastly for me and most important to me are the schools. We have an exceptional school

system and properly managed right now. If we include multi family homes out here, schools like Ben Steele will not be able to accommodate these new students.

I actually feel sad that we have a developer from another state trying to change the zoning of our neighborhood and ruin our way of life to make more money. Those of us left living in this neighborhood as well as the whole city will be dealing with the repercussions of them trying to make a quicker buck long after they are gone. We will have to deal with the traffic issues, school systems, and overload for an area that was never planned for multi family complexes.

Thanks for your time in this.

**Mark Turner** | **BNSF Railway** | General Foreman | Laurel, MT | ✉ [Mark.Turner2@BNSF.com](mailto:Mark.Turner2@BNSF.com) | 817-234-3001 Office | 406-794-4947 Cell |

**From:** [Ron Pearson](#)  
**To:** [Cromwell, Nicole](#)  
**Cc:** [Berns Brenda](#)  
**Subject:** [EXTERNAL] Zoning Request for Copper Ridge Subdivision  
**Date:** Tuesday, February 27, 2024 10:20:22 AM

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Nicole Cromwell, City of Billings Zoning Coordinator

Brenda Berns, City of Billings Planning Division Clerk

RE: Proposed Rezoning parts of Copper Ridge Subdivision

My wife and I are residents of Copper Ridge subdivision residing at 3107 70th ST W, Billings, Montana 59106.

We are writing to express opposition to changes / amendments proposed to Copper Ridge subdivision by Sanderson Stewart in a letter dated January 18, 2024, from John Halverson, LEED AP, Land Planner of Sanderson Stewart. Letter was copied to Nicole Cromwell, Zoning Coordinator/ Code Enforcement Supervisor, City of Billings.

Reference: Notice of Pre-Application Neighborhood Meeting for Zone Change at Lots 15 and 16, Block 3 of Copper Ridge, 7th filing, and Lot 15A, Block 3 of Copper Ridge Subdivision, 8th Filing.

The change request involves 3 tracts of land, changing their current zoning from N3- Suburban Neighborhood to a combination of N1-First Neighborhood, NX1 - Mixed Residential 1 (1-4 dwelling units per structure), NX-3 Mixed Residential 3 (5 or more dwelling units per structure), and P1 - Open Space, Parks, Recreation. We understand that this request has been since modified.

We respectfully oppose any changes to the existing zoning to Copper Ridge Subdivision. This is based on the likelihood that property values within the existing adjoining parts of Copper Ridge Subdivision will be adversely affected by introduction of significantly more housing units and population density on smaller lots than those originally platted in Copper Ridge Subdivision, and by the impact of significantly more traffic on Rimrock Road and 70<sup>th</sup> Street West resulting from the projected additional population. We also believe the proposed zoning change is an attempt by the current developer to bail out of a short-term downward trend in housing demand. Vacant land is much preferred short term over over-built land.

Thank you for your attention to this!

Respectfully submitted,

Ron and Gerri Pearson  
3107 70<sup>th</sup> ST W  
Billings, MT 59106-1621

## Cromwell, Nicole

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**From:** Eric Panknin <psichi07@ymail.com>  
**Sent:** Sunday, March 3, 2024 12:18 AM  
**To:** Cromwell, Nicole; Berns Brenda  
**Subject:** [EXTERNAL] Rezoning of West Rimrock

I'm writing in opposition of the proposed zoning change for the copper ridge neighborhood or CITY Zone Change 1047 PZX-24-00063.

To begin, I read the builder's petition answers to the rezoning questions and they appear to make a lot of assumptions and wishful thinking instead of factual reality. No one can predict what will happen in the next twenty years. There may be growth, maybe not. Billings could grow or Billings could not be here.

First, they have not finished the original section they started back in 2022 and stated at the community meeting they have no intention to. After less than two years into this project it appears they made very poor decisions. The homes they built were never intended for buyers in this area. The cost of these homes are 15 times the median salary of Billings. When they had a meeting with the neighborhood back in November of 2022, I brought this concern to the builder representative and was told that's none of my concern.

At the recent meeting and in the builders' response, they claim that everywhere they build the median home price increases in the area. This is false and very dishonest. The past two years have been an artificial run up in home prices. Billings has never had a median price this high. It is also currently cheaper to pay rent than a mortgage in the Billings area, indicative of a "housing bubble." Price discovery hasn't met for this area or what the value of homes would be in a normal market.



Second, based on their inability to sell these homes, they will now try something else to see if it will work. Since they haven't finished their first phase due to what appears as not understanding the market and poor research, it would be safe to assume the same will happen in the proposed change. It would be a great detriment to the community if the same happens. Home owners in the community would face the negative consequences of the builders' poor decisions.

Third, they assume a small shopping center in the area will be built in the near future. Commercial real estate is currently in a downturn and not expected to normalize in the near future. Rabobank, Morgan Stanley and Starwood capital, firms involved in commercial real estate, state the commercial real estate sector hasn't found a bottom. A lack of liquidity will remain constant and expect current owners to have problems filling space as well as go into bankruptcy and foreclosures in the next five years. Attempting to get funding would be a challenge as well as the costs of building on farmland, as well as finding tenants.

This center alone would not be sufficient for lower income people the builder is targeting as they tend to shop at bulk stores or discount grocery, which is closer to city center. This population would desire not to be that far out from those places. The cost of living in the area is not advantageous, especially now in this high inflationary period and especially during the winter months.

Fourth, this population would also need public transportation, which is limited in this area. This would not be cost effective for the city to have a bus route that is far out from the city center. Per a University of Michigan study titled "How affordable are Accessible Locations" from 2020 by Matan Singer, lower income people live in areas where transportation is cheap and accessible. This would be a challenge for the city as well. It would increase costs at a time residents and the city could least afford it.

Fifth, the builder also states installing a roundabout on Rimrock and Molt will alleviate traffic of all the new residents, especially if there are hundreds more cars. There is no study proving a roundabout will relieve heavy traffic. The roundabout in the area is planned. It could be years before it is installed. The current road will definitely not be able to handle heavy traffic. There are two roads accessing that area and they both are only two lanes. They wouldn't be able to create more lanes as the builder would need to buy the surrounding land as well. This area also doesn't always get plowed after snow which can make access difficult for all types of vehicles.

Sixth, having a higher population in this area would also increase the water and sewer demand exponentially on the west end having multi-family buildings instead of regular single family homes. It would also create heavy demands on electricity. A project like the one the builder wants would put a heavy strain on public works on the west end. The builder is not taking into account multi family buildings that use more than single family homes.

Seventh, the builder is also trying to do this plan in other areas they are located in Montana. It appears they don't have an understanding of the area and are trying another unproven idea and hoping it works. The builder has left the original section they started in looking like a war zone (i.e. dug out lots, empty foundations. They have been sitting like this for almost two years. It has been unbearable to deal with living in this neighborhood. It shouldn't be this difficult owning a home in copper ridge because a builder doesn't appear to know what they're doing.

Finally, The residents in the area are against this and displayed this at the zoning meeting. The builder does not care about those who've been here for years prior to they're arrival. It appears the meeting was "going through the motions" and they're going to do what they want regardless of previous zoning plans and current residents wishes.

Most of the residents live out in the neighborhood as it's away from the city. They moved in with the understanding this area would be single family homes. They like the rural setting without having a large population in one area. The builder behaves as if they have more rights than the established community. Saying things in the meetings like: "well do you think the people that originally own homes out here felt the same when they started building out here." "Well that's part of living in the city, you're just going to have to get used to it." "I'm well within my rights to build what I want because your city council approved it. You have a problem with it take it up with them."

Out of state builders, especially from California should not be dictating what goes on in this area. No one that works for the builder lives in copper ridge. They don't have to deal with the poor decisions they make.

My opinion is they never should have expanded here and should sell the land. If this change was approved it would lead to people selling their homes and a decrease in property values and taxes. This would be myself and other neighbors I spoke with. It would diminish the rural feel of the area as they try the next best thing to make money since their first idea didn't work.

I hope zoning and the city will reject this proposal and keep the original.

Eric Panknin  
7035 Shiny Penny Way  
Billings, MT 59106  
(406) 506-8961

**From:** [Hillary Johnson](#)  
**To:** [Cromwell, Nicole](#); [brensb@billingsmt.gov](mailto:brensb@billingsmt.gov)  
**Subject:** [EXTERNAL] Zone Change 1047 Concerns  
**Date:** Tuesday, March 5, 2024 10:05:14 AM  
**Attachments:** [image.png](#)

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Good Morning,

I am writing you on behalf of the proposed zoning changes for the land west of Rimrock and 70th Street. I am aware this application will be "re-worked" and am eager to see the proposal based upon these changes. Prior to the extension being officially granted, and the zoning changes being re-worked, I wanted to express concerns that I personally have, and those I have heard amongst my community members over the past few weeks. I will be referencing the application provided for this zone change in my response below:

***The safety of all users and the connectivity of the transportation are important criteria to consider in roadway designs and transportation plan.***

While the roads in the existing neighborhoods and potential future neighborhoods are designed for low speeds to help manage and calm traffic, the main road to access these neighborhoods is Rimrock road. This road is currently a 2 way road, and quite narrow at the entrances of the West End Neighborhoods. There is no turn lane, and it is one of the last to be plowed during the winter. Adding more congestion (developer has stated at the neighborhood meeting it could be anywhere from 400-900 additional cars) will put continued stress on this road and subsequently the neighborhoods. It will increase the traffic throughout the main and existing neighborhood roads, increasing safety concerns amongst the residents. Emergency vehicles will also have increased response time using this road, with increased traffic, which is a risk to those needing emergency services.

***Planning and construction of safe and a affordable interconnected sidewalk and trails are important to the economy and livability of Billings***

The proposed strain the increased traffic will put on Rimrock, may potentially require a traffic study and subsequent road widening when the stress of the road is quantified with the potential new development. When the road is required to be widened, the property to be cut into would most likely be these current existing green spaces along the side of the road, providing enough space between an high speed (speed limit 50mph) road. Therefore, cutting into these green spaces would reduce the area between the sidewalk and the road compromising safety and the livability of this neighborhood in Billings.

***Neighborhoods that are safe and attractive and provide essential services are much desired***

While the infrastructure may be present (water, sewer, etc) to continue to build additional neighborhoods, this proposed development will not increase the safety in the current or future neighborhoods. With increased traffic on an already stressed roads, more wrecks are likely to occur, especially with the road being at the current speed it is. (50mph). In addition, safety is compromised when emergency response vehicles have increase response time. According to a traffic study done by MDOT, there were a total of 27 crashes at the intersection of 62nd and Rimrock during an 11 year period. While the number of wrecks is not the particular issue, it is the fatality rate. 14 of those wrecks resulted in fatal and serious injury. Yes, there is a round about planned at this intersection. After speaking with MDOT, the intersection was supposed to be started January 1 under construction. It was then pushed back to April 1 pending the utility work being completed. Utility work is currently underway and is not estimated to be

done on time in order to start the roundabout construction. It would be unwise to approve the zoning change (that would result in increased traffic) to a risky area in which the response to the fatalities is not yet started the construction, and the final results are not known on how, if at all, this is going to improve the safety in our neighborhoods.

***A multi-use community recreation facility is desirable***

There are currently P1 zoning throughout the existing neighborhood, and in the proposed rezoning area. This is not the same as a community recreation facility. In MT, the use of the parks is weather dependent, with lower use in the colder months. This area of town is several miles from the closes indoor recreation facility, several of which are not for public use, and require memberships. In addition, a large portion of the P1 proposed space is served as more of a "green belt" between current housing that exists in current neighborhoods. While it is classified as "Park" it does not truly function in that way but to provide more of a "buffer" against the future dense housing proposed. The proposal also has a "future trail along the southern edge of the railroad track". In Billings, often times the last portions to be developed are the parks. Copper Ridge Neighbors, despite being told that a P1 Park was planned and subsequently zoned, secured private funding for the existing park due to the fact it wasn't actually put in by the developers when the subdivision was complete.

***The history and heritage of Billings are cornerstones of our community***

Many of the home owners, if not all, in this area bought our houses so far West of town because we wanted to be connected to the City and all it has to offer, but wanted to live in a quiet neighborhood with less crime, less traffic, and easy access to city trails and parks. The history of the West End proposal did not include apartments, etc. and was designed for families looking to live in a different environment but still apart of Billings. If this proposal is passed, this history of Billings will be completely disregarded.

***Community Fabric***

***Attractive streetscapes provide a pleasant and calming travel experience in urban and suburban neighborhoods***

As previously stated above, the Rimrock is not designed to take on this much increased use and as a result, the pleasant and calming travel experience will be severely compromised. Currently, often times taking children to school (which there are none in this neighborhood so all have to be transported in privately or by bus) the road is congested all the way up and past the intersection of Shilo and Rimrock. To say this proposal meets this criteria is quite the opposite. There is limited area to landscape except for the P1 area (which could be compromised when the road needs to be widened) creating risks and stress on those utilizing this roadway every day.

***Walkable neighborhoods that permit convenient destinations such as neighborhood services, open spaces, parks, schools and public gathering spaces foster health, good will and social interactions***

Consistently in the application, this proposed changed is pitched as being close to a "central node" of 62nd and Rimrock being that is zoned for commercial development. It is difficult to classify this as a "central node" being that it currently has no development in place, and sites are still available with no purchases or plan for development in place. With that being said, the next closes "node" would be the Shilo commercial area, which is several miles from the proposed area. Not only is it several miles, no walking paths exist past the intersection of 54th

and Rimrock so it is nowhere near "walkable". There are not any current plans in place to develop this path, and with the citizens voting down the recent parks bond, the funding will be put toward other projects, rather than a large one like this. The schools are several miles away and are not in a safe, walkable distance.

***Public safety and emergency service response are critical to the well-being of Billings' residents and businesses***

The property under proposal is within the city but the response of emergency response to these areas is increased compared to those closer within the city which compromises public safety. In addition, public safety becomes more in question with higher, dense population housing. In our neighborhood, we have had very limited issues with the uptick of crime the city of Billings has seen over the last year in particular. With increasing the amount of dense housing in this area, the public safety is at risk.

***Community investments that attract and retain a strong, and diverse workforce also attracts businesses.***

The goal of the proposed change is to attract diverse demographic to this area of Billings. Here in our neighborhood, we are all "working class" residents. the property's proximity to the 62nd and Rimrock "central node" was estimated by the developers to decrease transportation costs. As previously stated, this area is not a central node and doesn't have any current business or concrete plans for what the businesses may potentially be in this area. It has been zoned as commercial for several years with no businesses choosing to operate in this area.

***West Billings Plan***

***Plan for a mix of land uses that reduces automobile usage by locating stores, housing, schools, and recreation within a very short drive (or walking distance) from each other in compact neighborhoods with pedestrian-oriented streets***

Again, the proposed area is several miles from stores, schools, and recreation beyond that of the proposed zoning P1-Parks. The schools are not walkable, nor are businesses, entertainment etc. to this area.

The 10 zoning Change Criteria:

***Whether the new zoning is designed in accordance with Growth Policy***

The concerns listed above are those and how the new proposal does not support the growth in accordance with the Growth Policy.

***Whether the new zoning considers the character of the district and the peculiar suitability of the property for the particular use***

There are small areas in the current neighborhoods with zoning other than N3 zoning. Prior to entering the existing Copper Ridge division, a small area of NX2 zoning exists along Rimrock. Although the proposed zoning is "consistent" with this small area, the proposed zoned area will connect in with the existing N3 copper Ridge homes, while the other NX2 zoned areas do not. The proposed changes are not consistent with existing areas and does not promote compatible growth nor does it consider the character of the current properties.

**Whether the new zoning will conserve the value of buildings**

The risk of the new proposal has a chance to decrease home value in this area of the City. In addition, with increased amount of traffic, noise, increased response time, increased distances from commercial areas, etc. it will detract from the value of the existing homes.

**Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings**

The new proposal will provide more dense housing, but the location is not appropriate. Increased density housing requires the city infrastructure to be able to support it. Beyond utilities, the infrastructure of the City of Billings is not yet ready to support dense housing in this area, being several miles from DEVELOPED COMMERCIAL nodes, schools, indoor recreation areas and others.

**Whether the new zoning is designed to secure from fire and other dangers**

With all the water running off of the rims, this area has had issues with flooding historically, as well as settling in the neighborhoods requiring extensive home renovations to increase stability. The building of high dense housing in this area is unwise and as mentioned before, also has increase response time for emergency vehicles.

**Whether the new zoning will promote the public health, public safety, and general welfare**

No. The development designed packs dense housing into areas in which owners bought their homes to be out of the "city" with access to city services, and with current areas zoned to be similar, subsequent housing. With dense housing comes increased crime, increased noise rates, and will have negative effects on those already residing in this area. The city also poses risk to having "affordable" housing in an area close to railroad tracks causing increase likeliness of injuries occurring from inappropriate use of the area.

**Whether the new zoning will facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements.**

The proposed neighborhood will increase traffic significantly on narrow roads. The schools in this area are already overloaded. Per communication with Dr. Garcia, the superintendent of instruction for School District 2, the enrollment data is as follows:

School Name	Level	uilding Ca23	Enrollme	Utiliz
<a href="#">Arrowhead</a>	ES	460	429	93%
<a href="#">Boulder</a>	ES	416	502	121%
<a href="#">Meadowlark School</a>	ES	460	556	121%
<a href="#">Poly Drive</a>	ES	329	303	92%
<a href="#">Ben Steele</a>	MS	743	740	100%
<a href="#">Billings West</a>	HS	1731	2194	126%

Increasing the enrollment numbers in these schools that are already literally overflowing would be a misuse of the resources available in Billings. In addition, the time that it requires to bus a higher amount of children to already overflowing schools, will increase the amount of time the busses spend in the current and new neighborhoods, as well as requiring additional bussing services to be put in place to support the need for transportation given the large distance to the schools.

**Whether the new zoning will provide adequate light and air**

The community is being developed in an area where there is currently an abundance, however the increased use of multi-story, dense housing will limit that and therefore does not meet this requirement

**Whether the new zoning will affect motorized and non-motorized transportation**

Again, there is no developed commercial area within walking distance, or several miles of driving distance, down a road that does not have developed walking paths past 54th street. Walking, bicycling, and utilizing the path is not feasible and should not be considered to meet this criteria. If this passes in the future with similar plans, the developer will be required to make traffic adjustments which will then cut into developed P1 park space in order to expand the road, thereby decreasing the amount of recreation area, and increasing the risk to public safety.

**Other**

In addition to all the above points and concerns, there are a few additional things I'd like to take a moment to point out.

The rezoning requirements are that the current landowners within 0.25 miles or 1320ft are given notice of the neighborhood meeting in order to discuss the upcoming proposal. On January 25th the meeting was held. There are several neighbors within this required area that were never notified. A few letters were sent out, post marked and dated for January 18th. This does not meet the mandatory minimum of 15 days' notice required by the City of Billings.

The current landowners, Williams Homes, is based out of California and do not have the best interest of the Billings Residents at their core. Although not reflected in the meeting minutes at the neighborhood meetings, the comment was made by a representative that this was one of the "last projects in Billings before (we) plan to get out".

I would implore you consider the above information, along with the comments received by my fellow neighbors. It is my request that if an extension for the application is granted, that the developer/owner will be given until April. If they are given the extension until May, it is my request that an additional neighborhood meeting will have to occur with the PROPER notification as required by Billings Re-zoning laws.

As you are aware, it is not uncommon for landowners and developers to request an extension for zoning applications in hopes that the opposition will "fizzle" or decrease in order to make the task at hand easier. Given the fact there are many residents in the City beyond just those of Copper Ridge, I ask that you give my proposal consideration for extension, or continue as originally planned for a City Council vote on March 25th.

I appreciate your time and consideration and am happy to discuss any concerns you may have further.

Respectfully,

Hillary Johnson

**Cromwell, Nicole**

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**From:** John Moore <jemoore98@gmail.com>  
**Sent:** Sunday, March 3, 2024 6:38 AM  
**To:** Cromwell, Nicole  
**Subject:** [EXTERNAL] Opposition to Zoning Changes in West Rimrock Area

John E Moore

7002 Shiny Penny Way

Billings, MT 59106

(850) 723-4379

3 March 2024

Nicole Cromwell

Zoning Coordinator

City of Billings

Dear Ms. Cromwell,

Please accept this submission in advance of the Zoning Commission meeting regarding the proposed zoning changes in the West Rimrock area. Also, please let me know if I need to resend this email with a signed letter so it may be added to the official record of the meeting.

Thank you.

I am writing to inform you of my opposition to the zoning change in the West Rimrock area/Copper Ridge development requested by Williams Homes. In essence, the zoning request will significantly increase the density of dwellings at the furthest end of the City of Billings and the Copper Ridge development. My opposition is based on the items outlined below:

1. Traffic and infrastructure. The placement of high-density housing at the very end of Rimrock Ave, a 2 lane road which is the only access to the development, will have a significant negative impact on existing residents of Copper Ridge and the residents of the proposed development. With a planned increase in density to 450 dwellings, it is possible that up to 1000 new vehicles will need to transit to and from the development on Rimrock.

2. Education. Children from this area are currently transported to Boulder Elementary. Boulder, like most schools in the Billings area, is at capacity. The addition of significantly more students into an already stressed and crowded school doesn't seem a logical choice. Schools, like all infrastructure, should be an early part of the planning process for city development. To my knowledge, no new elementary schools are opening in the West End of Billings to handle the currently planned growth. To add high density housing without prior planning does not seem wise.

3. Incompatibility with the Centers of Disease Control and Prevention Healthy Community Design principles. A key element of Health Community Design is decreasing dependence on the automobile by building homes, businesses, schools, churches, and parks closer to each other so that people can more easily walk or bike between them. Placing high density housing at the most distant edge of the city is not inline with these principles. In fact, it is in direct opposition. If this zoning change is approved, more children will be placed on buses and transported to school and more workers will need to get in cars to drive to work. For those who may want to bike to work, there is no safe route for them to take.

I am not opposed to growth in the Magic City. But growth needs to be thoughtfully planned to benefit all members of our wonderful community.

Please feel free to contact me with any questions.

Sincerely,

John E. Moore

## Cromwell, Nicole

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**From:** John and Ruth Moore <mooresontheroad@yahoo.com>  
**Sent:** Sunday, March 3, 2024 1:50 PM  
**To:** Cromwell, Nicole  
**Subject:** [EXTERNAL] Zoning change 1047 - Copper Ridge

Ms. Cromwell,

I strongly oppose the proposed zoning change (1047) in the Copper Ridge neighborhood area at the far west end of Rimrock Road proposed by Williams Homes.

This zoning change will greatly increase the density of the development area and will have a significant negative impact on the surrounding neighborhood. My reasons for opposition to this change are outlined below:

1. Increased Traffic without Supporting Infrastructure - Rimrock Road is a two lane road running along the southern side of this development, and it is the only access road. There are no other access roads because the area is bound by the railroad and the existing West Copper Ridge neighborhood on all other sides. With a planned increase in density of up to 450 dwellings, it is reasonable to assume that approximately 1,000 new vehicles will be transiting Rimrock Road (and/or cutting through West Copper Ridge). Increasing density to these numbers at the far end of Rimrock Road does not make sense.

A new roundabout is in the works at the intersection of Molt and Rimrock Roads, but, at approximately 1.5 to 1.75 miles from this development, it will not help to ease the burden of access.

2. Increased Burden of Schools - Children from this area attend Boulder Elementary, Ben Steele Middle School and West High. Boulder and West are at or over capacity. Adding more students does not seem like a logical decision. I understand that the school district is separate from the City; however, schools, as well as other infrastructure, should be a vital part of the equation when considering increasing density in development. To my knowledge, no new schools are planned that would serve this area.

3. Not Aligned with Healthy Community Design Principles - Key elements of healthy design principles include the mixture of residential, commercial, recreational and other zones to promote walkable neighborhoods, increase neighborhood character and decrease reliance on automobiles. Placing high density housing at the farthest edge of the city is the opposite of healthy community design. If anything, in this case, it is the direct opposite. This zoning change will put more kids on buses and increase traffic on a road not designed for it as people need to get to work. Perhaps less of a consideration, but, biking is not an option as there is no safe route connecting our neighborhood to the existing trails at this time (and this zoning change can not provide that access).

I do understand and support the need for planned growth and increased housing density in some areas of our beautiful city. However, such growth needs to be thoughtfully planned and beneficial to the overall community. With that in mind, I hope you take my thoughts into consideration and oppose this zoning change.

Please contact me if you have any questions. Thank you for your attention to this matter,

Ruth Moore  
7002 Shiny Penny Way  
West Copper Ridge neighborhood  
850-723-4378

Sent from Yahoo Mail on Android

[Sent from Yahoo Mail on Android](#)

**From:** [SALLY PANKNIN](#)  
**To:** [Cromwell, Nicole](#); [Berns Brenda](#)  
**Subject:** [EXTERNAL] Petition Rezoning of West Rimrock  
**Date:** Friday, March 1, 2024 8:22:37 PM

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This is my opposition to the proposed zoning request by Williams Homes in CopperRidge.

We purchased our home through the original developer Oakland Built Homes and we were told and shown by an artist rendering the future of the development was to consist of single family homes and green spaces. That consistent flow of a community feel, private yards, views of the Rims, not seeing oversized homes or apartment buildings and minimal traffic is why we bought a home in this particular subdivision.

Since then Oakland has sold the remaining lots to Williams Homes a California based builder who is now turning CopperRidge into a California style beachfront area with its two story (not split level as the local builders use) multi colored homes with tin porch rooftops and RV garages. Williams Homes heard about the displeasure the current residents have with the two story houses blocking views and towering over yards and invading privacy in our homes and yards. The representative was condescending with his replies stating that “he was well within his rights as a builder to build what he wants” and if we had an issue to “take it up with the city because the city approved the plans”

The developer has no interest in improving the CopperRidge community nor benefiting Billings residents . They are unable to sell the \$540k+ homes they built and are now trying another way to use the parcels to make a profit. The builder can't complete the housing it has started. There are multiple dirt piles and holes throughout the subdivision because they started the excavation, dirt outline formation but never commenced with building. How are they going to manage project housing? Will it be outsourced for management or will it be sold to someone else just so they can make a few dollars?

Consider the strain adding 450+ apartments ( averaging 5 people per unit) will have on city services, trash removal ( apartment buildings use dumpsters and the wildlife will have a daily buffet available), emergency services and schools that service our area. Will there be added police patrols, more officers available for calls, ambulatory, fire stations and bus transportation? There are only two ways into the subdivision and each are two lane roads, it can't accommodate 900 + additional vehicles and that many vehicles in a small area increases the likelihood of car accidents, pedestrian to vehicle accidents and more incidents involving collisions with wildlife.

The original subdivision request by Oakland needs to be followed. Just because the property changed hands doesn't change the fact that the approval was granted on the information submitted by Oakland, it was to be single family homes only! This isn't about some builder's “rights” we, the residents of this community, residents of Billings have to live in this subdivision. We will have to live with the consequences of a rezoning change, not the builder. It shouldn't be this stressful to live in a place I was glad to call home.

Please don't approve the rezoning application. Billings doesn't need to be another Bozeman.

Thank you for your time  
Sally Huntley-Panknin

**From:** [Tanya Saunders](#)  
**To:** [Cromwell, Nicole](#)  
**Subject:** [EXTERNAL] Copper Ridge going change  
**Date:** Thursday, February 29, 2024 5:51:43 PM

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Dear Madame,

I have lived in Copper Ridge since Nov 2020. I love it here because of the openness and the quiet. I don't hear the traffic or the gunfire that I did when I lived near Burlington School. I enjoy walking the paths around here because I do not feel afraid to be by myself as a single walker. I feel the zoning change would negatively affect the neighborhood. I oppose the proposed zoning change.

There are several reasons why I do not think this is a good idea. First of all, I do not think Rimrock Road could handle another estimated 500 cars. It can not handle the volume it has right now. The condition of this 2 lane road is terrible. We are expecting to have a round-about at some point, but the rest of the road will not change for the foreseeable future.

Secondly, there are no schools out here and no plans to build any. The elementary school children are bused to Boulder or Meadowlark School. Those schools are overcrowded as it is. Adding multiple apartment buildings could potentially add a hundred more elementary kids.

Lastly, all the newly constructed houses are built on piers as the ground is unstable. Is it possible to build a large complex like an apartment building on piers? What if that is not done and the building shifts and partially sinks?

I do believe Billings needs apartments. I just think Copper Ridge would not be a good place for them. If Rimrock Road would be 4 lanes from Shiloh to 70th and an elementary school is in walking distance of Copper Ridge, then I would not have any opposition. However, I do not see either of those happening.

Thank you for your time,

Tanya Saunders

Zone Change 1047

Received via email to Nicole Cromwell

March 5, 2024

Martha and I regret that we are out of state together as you prepare for this evenings zoning meeting. We are reluctant to support rezoning and further expansion of the westward aspect of WH Copper Ridge 54. We respectfully ask for the city to consider the concerns of the existing homeowners in copper ridge as well those of the rural and ranch homeowners with nearby tracts of land.

As for us, we ask you to take into consideration the effect and impact on recreational, western pleasure and sport horse owners at our barn and riding facility, High Plain Stables. The horses and riders need some protection from the urban onslaught pressuring their boundaries. Please help us preserve and protect the tradition and value of riding and our deep respect for the horses here in this corner of Montana. Martha and Greg McDowell

## Cromwell, Nicole

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**From:** Gulf Group <gulfgroupnow@gmail.com>  
**Sent:** Tuesday, March 5, 2024 11:43 AM  
**To:** Cromwell, Nicole  
**Subject:** [EXTERNAL] Concerning West Rimrock rezoning petition

To whom it may concern

Hello my name is Rene Scott we live at 7046 Copper View Way, Billings, MT 59106. We are close to the new proposed subdivision by Halverson at West Rimrock and 70th.

My background was in large scale development. I helped build and decorate hotels around the country. I also handled projects like this, when dealing with the EDC Economic Development Corporation to get free land tax savings and City buy in.

What I know what these developers are proposing for our combine neighborhood. This project is something that I would have placed in a blighted area or at the edge of the city. But not next to a thriving upper end area of the city. With major potential growth for comparable homes, and true middle-class living. As There is so much potential for growth here off of Rimrock.

So the demographics that this type of development will be pulling is much lower cost-of-living homes stacked on top of one another. Pulling in rental properties owners and temporary residence So please consider that there is a serious safety element to that type of residence to the city resources, and the existing neighborhoods.

So, with those demographics they would start pulling from our property values to the surrounding homes and neighborhoods plus tone of the area.

The price point on these homes are way below What's currently in our neighborhood. This type of development would ultimately would be a drain on the style and quality of the neighborhood, the city, tax revenue, and the quality of life that We expected when we paid a higher price for this area. The ability to enjoy the view of the rims would be destroyed due to the apartment complex taking over the air real estate.

This development has one purpose. It is to put as many people in the square footage allowed to make the developers the most returns on their money.

Once they've sold their properties, they are gone from the area they no longer care what happens to the current residence Nor the city.

I am not happy with this nor are our neighbors.

This type of development will ultimately steal our property values. Along with our magnificent views Of the rims. Then our resources, Our road our taxes, schools , due of all the extra people that will bring to the area.

I would like have Billings reevaluate due to the large scale of development that could possibly go this direction. I think this is shortsighted by all concerned. We're trying to build neighborhoods here. This will put a strain on the transportation on Rimrock, our sewage, we will have to pay

extra taxes for new schooling. Also, the demographics that this brings in for apartment complex comes along with travelers and government voucher living. Not good for a thriving neighborhood.

But mostly this will destroy our neighborhood. I moved here with the thought that new development would be consistent with what we currently live in. That is not what this is. I highly recommend that the City work with this development to bring in the housing as it's needed but it does not need to go next to the type of homes here off the Rimrock area.

You are basically sucking the life out of our neighborhood. As this is not compatible urban growth. Please forgive my letter being so hasty I had a very short time To write this as I just mafe aware that these needed to be in before noon today. If I had more time, it would have been much more professional, but I think you get the general overall message. My name is Rene Scott and I will do whatever is needed professionally to stop Or at least modify this type of development. I wish that the city and these developers would consider something more comparable to what we have here and I think the neighborhood is even good with Upper end townhomes, but not an apartment complex.

Thank you.

Zone Change 1047

Received via email to Nicole Cromwell

March 5, 2024

Martha and I regret that we are out of state together as you prepare for this evenings zoning meeting. We are reluctant to support rezoning and further expansion of the westward aspect of WH Copper Ridge 54. We respectfully ask for the city to consider the concerns of the existing homeowners in copper ridge as well those of the rural and ranch homeowners with nearby tracts of land.

As for us, we ask you to take into consideration the effect and impact on recreational, western pleasure and sport horse owners at our barn and riding facility, High Plain Stables. The horses and riders need some protection from the urban onslaught pressuring their boundaries. Please help us preserve and protect the tradition and value of riding and our deep respect for the horses here in this corner of Montana. Martha and Greg McDowell