

APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # 722 - Project # 23-00246

The undersigned as owner(s) of the following described property hereby request a Zone Change as outlined in the Yellowstone County Unified Zoning Regulations.

Present Zoning: Agriculture and Unzoned

Proposed Zoning: RR3 and Unzoned

Property Tax ID # D03243 and D03242 COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: Northwest one-quarter and the northeast one-quarter of the southwest one-quarter of Section 4 and the East one-half of the northeast one-quarter of Section 5, Township 02 South, Range 26 east, less COS 2156 and COS 2331, PMM, Yellowstone County, MT

Address or General Location (If unknown, contact County Public Works): East and transected by Collier Road, north of Juniper Circle, southwest of Basin Creek Road

Size of Parcel (Area & Dimensions): 206.2 acres +/- (This is the portion we are requesting to change. We do not want to change the unzoned.)

Present Land-Use: vacant

Proposed Land-Use: large lot residential

Covenants or Deed Restrictions on Property: Yes _____ No x

If yes, please attach to application

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

Owner(s): AA Properties, LLC

(Recorded Owner)
3630 County Road 103, Savage, MT 59262

(Address) _____
_____ contact agent
(Phone Number) (email)

Agent(s): IMEG Corp. - Anna Vickers

(Name)
175 N. 27th St. Ste. 1312, Billings, MT 59101

(Address) _____
406-532-0263 anna.m.vickers@imegcorp.com
(Phone Number) (Email)

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

Signature: Ali Bloesser Date: December 1, 2023

(Recorded Owner)



Date Stamp

County Zone Change Application Packet

Summary:

The applicant is requesting a rezoning for the property legally described as Northwest one-quarter and the northeast one-quarter of the southwest one-quarter of Section 4 and the East one-half of the northeast one-quarter of Section 5, Township 02 South, Range 26 east, less COS 2156 and COS 2331, PMM, Yellowstone County, MT. This property currently has two tax IDs D03243 and D03242. The property is generally located to the east of Collier Road, to the northwest of Secret Valley Drive, and to the southeast of Basin Creek Road. The property is currently zoned Agriculture for approximately 206.2 acres and Unzoned for approximately 40 acres. The applicants are proposing to rezone the portion zoned Agriculture to Rural Residential 3 (RR3). Currently, the rezoning process is the first step in development of the property. Due to the expense associated with development there is no subdivision layout or surveying that has been completed on the property. The applicant intends to follow Yellowstone County Subdivision Regulations regarding future subdivision.

The 2020 Yellowstone County Zoning Code defines *Agriculture use* on Page 325 as the following:

“The use of a tract of land for the production of plants, animals or horticultural products for commercial purposes, including but not limited to: forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep and swine; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental and greenhouse products. Agriculture use shall not include commercial greenhouses and those lands which are used for recreational purposes, suburban residential acreages, rural home sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of those plants or animals listed in the foregoing definition. This definition shall include equipment and/or facilities necessary to prepare agricultural products for transport to market but shall not include equipment and/or facilities for the processing of a raw agricultural product into a value-added agricultural product.”

As seen above “Agriculture use shall not include suburban residential, rural home sites and yard plots whose primary function is residential...” The applicant is requesting to rezone to RR3 as it is a similar designation as adjacent properties in the area. This information can be seen on the vicinity map included within the submittal.

Major differences between RR3 and Agriculture zoning allowed uses are as follows:

Hospice facilities - not allowed in RR3

Animal Sales and Services: Boarding Kennel - special review in RR3

Animal Sales and Services: General Sales and Services - not allowed in RR3

Small Animal Vet - Special Review in RR3

Large Animal Vet - Special Review in RR3

Small or Large Animal Vet with Boarding - Special Review in RR3

Assembly, Entertainment, and Trade, Large over 125,000sqft - not allowed in RR3
 Assembly, Entertainment, and Trade, small less than 125,000sqft - not allowed in RR3
 Auction House - not allowed in RR3
 Grain Elevator - not allowed in RR3
 Constructing Sand and Gravel Mining - not allowed in RR3
 Minor Utilities and Public Facilities (lift stations, substations) - Special Review in RR3
 Hobby Farm: Agriculture, Personal Hobby - not allowed in RR3
 Auction Yard, Livestock: Agriculture Production - not allowed in RR3
 Commercial Feeding Yard: Livestock, Agriculture - not allowed in RR3
 Milling, lumber, plywood - not allowed in RR3
 Services: Agriculture Production - not allowed in RR3
 Accessory Dwelling Unit - Special Review in RR3

RR3 allows for a minimum lot size of 3 acres and maximum lot size of 9.99 acres.
 Agriculture minimum lot size is 10 acres.

11 Statutory Zone Change Criteria:

Below is a list of the 11 Statutory Zone Change requirements in **bold**. Responses to each criteria is provided below.

1. Is the new zoning is designed in accordance with the growth policy?

Yes, we feel that the new zoning is chosen in accordance with the 2008 Growth Policy. The growth policy indicates several different goals, we have included a few specifics for reference.

2008 Growth Policy " *Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans.*"

By choosing RR3 we are following the Zoning Code's indication that agriculture should not be used for suburban residential or rural residential living, therefore we have chosen RR3. RR3 allows for a compatible rural selection of development. This zoning also preserves the neighborhood integrity. The property is not within a neighborhood plan, however neighborhoods in the area were calculated for average lot size, the requested zoning is compatible with the character of the area. We have included a vicinity map which shows this calculation. In addition, we have created the below table for reference.

Subdivision Name	Clerk and Recorder Doc. #	# of Lots	Average Lot Size
Blue Creek Views Major Subdivision	3092989	34	3.33 ac.
Blue Creek Views	3001406	5	2.36 ac
Collier Crest Subdivision	3735774	5	3.26 ac
Secret Valley Subdivision	1749637	16	10.79 ac
Secret Valley Subdivision, 2 nd Filing	3062253	4	9.96 ac

2008 Growth Policy *“New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County townsites.”*

As seen in the above, the selection of RR3 will be similar to the development in the area and still conserve viewsheds for a rural neighborhood.

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

Yes, the new zoning is designed to secure from fire and other damages. The zoning has been designed with setbacks, access requirements, build-to zones, maximum building coverage, etc. These regulations of building design ensure that the zoning is secure from fire and other damages. Additionally, all construction within the new zoning will be subject to a zoning compliance permit. During this time the Yellowstone County Planning staff will ensure that new construction follows zoning regulations.

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

Yes, the selected new zoning does promote public health, public safety and general welfare. By rezoning the property to RR3, the property will be similar to other properties in the area. Another positive is that any subdivision on the property will be subject to follow the RR3 maximum and minimum lot size designations. This will be similar to all development in the area thus ensuring a long-term suburban/rural environment. The County's zoning code is written to promote 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.

If the proposed rezoning is approved, the property will then undergo subdivision. During the subdivision process provision of transportation, water, sewerage, schools, parks and other public requirements will be addressed. The requested zoning of RR3 requires lots between the sizes of 3 to 9.99 acres. This lot sizing allows for adequate room of for design of septic and water for use on the property. During the subdivision process roads will be designed in accordance to topography and Yellowstone County Public Works standards. The schools that service the property will be contacted for comment during a minor or major subdivision process. All subdivisions cannot be approved/filed according to Montana State law without having adequate water and sewer approval from DEQ according to MCA 76-3-622 and MCA 76-4-104.

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

Yes, the new zoning is designed to provide adequate light and air. The zoning has been designed with setbacks, access requirements, minimum and maximum lot sizes, maximum building coverage, etc. These regulations of building design ensure that the zoning provides adequate light and air.

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

Any development has an affect on transportation when the lot was vacant in prior. The zoning selection of RR3 allows for large lot sizes that are comparable to what exists in the area. If the proposed zoning is approved a subdivision will be completed on the property. RR3 allows for uses that will have an effect on motorized and non-motorized transportation. The owner's goal is to undergo subdivision which will further address the impacts on transportation. The owner's have every intention of following Yellowstone County

Subdivision Regulations and Yellowstone County Public Works standards associated with traffic and mitigating impacts of traffic.

7. Will the new zoning be compatible with urban growth in the vicinity of cities or towns?

The area is suburban in nature, therefore a suburban zoning was chosen for the rezoning. Within the Yellowstone County Zoning Regulations on page 325 it is indicated that the Agriculture zoning is not intended for use suburban residential or rural residential with primary function of residential, due to this RR3 was chosen. RR3 allows for 3-9.99 acre lots. Comparatively within the zoning code, Rural Residential 1 (RR1) would allow for smaller lots sized 1-3 acres. Large Lot Suburban Neighborhood Residential (N4) has a maximum lot size of 43,559sqft per principal building, meaning less than an acre with a single home. Suburban Neighborhood Residential (N3) allows for up to 40% lot coverage. Due to some of these items listed above, we felt in order to follow the zoning code and still allow for rural residential RR3 was the best selection. RR3 can also still allow for agriculture use such as chickens or horses. Additionally, RR3 has a maximum lot coverage of 25% allowing for the area to maintain a rural and open space environment.

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

The area is suburban in nature, therefore a suburban zoning was chosen for the rezoning. Within the Yellowstone County Zoning Regulations on page 325 it is indicated that the Agriculture zoning is not intended for use suburban residential or rural residential with primary function of residential, due to this RR3 was chosen. RR3 allows for 3-9.99 acre lots. Comparatively within the zoning code, Rural Residential 1 (RR1) would allow for smaller lots sized 1-3 acres. Large Lot Suburban Neighborhood Residential (N4) has a maximum lot size of 43,559sqft per principal building, meaning less than an acre with a single home. Suburban Neighborhood Residential (N3) allows for up to 40% lot coverage. Due to some of these items listed above, we felt in order to follow the zoning code and still allow for rural residential RR3 was the best selection. RR3 can also still allow for agriculture use such as chickens or horses. Additionally, RR3 has a maximum lot coverage of 25% allowing for the area to maintain a rural and open space environment. Additionally, the lot sizing allows for design of adequate sewer and water.

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

The new zonings alignment with adjacent uses should continue to conserve the value of buildings in proximity. The full design of the subdivision remains unknown and the value of the buildings in proximity are also largely unknown.

10. Does the new zoning encourage the most appropriate use of land throughout Yellowstone County?

The new zoning does encourage the most appropriate use of the land due to the proximity to existing infrastructure. Providing rural lots within proximity to other rural development is appropriate to the area.

11. Will the new zoning, as nearly as possible, be compatible with the zoning of nearby cities and towns?

Yes, the new zoning is compatible, as nearly as possible, with zonings of nearby cities and towns. The new zoning has many similarities to adjacent existing zoning in the area, as mentioned in prior.