



**Yellowstone County Zoning Commission
Monday, November 13, 2023
To Be Approved by Motion**

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

	Position	01/09/2023	02/13/2023	03/13/2023	04/10/2023	05/08/2023	06/12/2023	07/10/2023	08/14/2023	09/11/2023	10/09/2023	11/13/2023	12/11/2023
Blaine Poppler	Commissioner	x	-	-	-	1	-	E	C	1	C	1	C
Melissa Ray Gentry	Commissioner	X	-	-	-	1	-	1	C	A	C	1	C
Tyler Bush	Commissioner Chairman	X	-	-	-	1	-	V	C	V	C	1	C
Todd Hewitt	Commissioner	X	-	-	-	1	-	1	C	1	C	A	C
Morgan Tuss	Commissioner	-	-	-	-	-	-	-	C	V	C	A	C

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

Commissioners participating virtually: None

Staff Present: Nicole Cromwell, Zoning Coordinator; Karen Husman, Planner; Brenda Berns, Planning Clerk

Other Participants: None

Public Comment

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



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Motion. Approval of Minutes: September 11, 2023 (The October 9, 2023 meeting was cancelled due to a lack of applications).

Motion

It was moved by Commissioner Gentry and seconded by Commissioner Poppler to approve the September 11, 2023 meeting minutes as submitted. The motion was carried with a unanimous voice vote.

Disclosure of any Conflict of Interest-Members of the Commission and Staff. There was none.

Disclosure of Outside (Ex Parte Communication) Members of the commission and Staff. There was none.

Public Hearing

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

Item #1: County Special Review 335- 6200 S Frontage Rd. – Extension of Cell Tower Height

Request

A special review request to allow a 10-foot extension of an existing 110-foot tall Wireless Communication Facility (WCF) support structure, in a Heavy Commercial (CX) zone district, on a leased area of 2,280 square feet in C.O.S. 2038, PARCEL 1A, AMD. Tax ID: D01913A (land) and I00168 (WCF). Presented by Karen Husman, Planner I.

Recommendation

The Planning Division recommends conditional approval, based on the nine review criteria detailed in the Summary section of this memo.



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Background

This is a special review request to allow a 10-foot extension of an existing 110-ft tall Wireless Communication Facility (WCF) support structure, in a Heavy Commercial (CX) zone district, on a leased area of 2,280 square feet in C.O.S. 2038, PARCEL 1A, AMD. To add to the height of this tower as proposed, a Special Review is required. Crown Castle has been informed of the Special Review process previously for this location in 2021 for adding height to the tower that would have exceeded 10% and would have required a Special Review. At that time, the tower was extended only 10' to avoid a Special Review and submitted as a minor modification. Now, given the cumulative language in our regulations, it can't be done again so, the Special Review is required under our County Zoning regulations for wireless communication facilities and how that governs tower height. Modifications of existing broadcast facilities that meet the requirements of the Minor Modification regulations can be approved, so long as the addition of the antenna arrays add no more than 20 feet in height to the facility and the increase in height of the support structure is no greater than 10 percent. The existing site was granted an extension on February 25, 2022, under the minor modification requirement allowance approved under Zoning Compliance Permit PLNX-21- 04851. This approval triggers the requirement for the request for an additional extension to have an approved Special Review under Section 27-1007.A.7(b) "Major modification". Major modifications to antenna support structures permitted under these regulations shall be approved through a special review. Major modifications are any that exceed the definition of minor modifications.

The Planning Staff recommends conditional approval based on the five (5) review criteria:

1. Approval is for the proposed ten-foot extension of the wireless communications facility located COS 2038, Parcel 1A, AMD, a leased area of 2,280 square feet, generally located at 6200 South Frontage Rd.
2. The site improvements will be as shown on the submitted site plans and architectural drawings as prepared & attached to these conditions of approval.
3. All landscaping shall be maintained free of debris and trash on a regular basis. Dead plant material will be replaced with like materials as expeditiously as possible.
4. There will be no construction activity, including staging of operating equipment producing noise, prior to 7:00am or after 8:00pm daily.
5. These conditions run with the land use and are binding upon and must be adhered to by the property owner/lessee & any successors, transferees or assigns, with the exception of these conditions.



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Public Hearing

Chairman Tyler Bush opened the public hearing and asked if there is anyone wishing to speak regarding County Special Review 335. There was no one to speak for or against.

Discussion

Commissioner Poppler asked if the property landlord was in favor of the extension of the cell tower height.

Karen Husman, Planner said the landlord is aware and was notified at the neighborhood meeting.

Commissioner Poppler said that they must not be in opposition, as they did not appear.

Chairman Bush affirmed that this would be the time and place if there were concerns. The 10-foot extension does not appear to be a substantial increase.

Karen stated the total height would be 120-feet, which is not excessive.

Chairman Bush stated he did not believe it was particularly egregious.

Commissioner Gentry said she believes the existing cell tower has been in the same location for a long time.

Chairman Tyler Bush asked if there were any more questions or comments from the Commissioners. There were none. The hearing was closed.

Motion

Motion made by Commissioner Poppler, seconded by Commissioner Gentry recommending approval with conditions, based on the five (5) review criteria for Special Review 335. It was carried with a unanimous voice vote.

County Special Review 335 recommendation for approval is granted. The Board of County Commissioners public hearing for these applications will be held on November 28, 2023 at 9:30am at 316 N 26th Street – 3rd Floor, Commissioner's Hearing Room.

Other Business: There is no other business.



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Adjourned 4:14pm

Draft – To be approved by a motion at the next scheduled meeting on Monday, January 8, 2024

Brenda J Berns, Planning Clerk