



**Yellowstone County Zoning Commission  
Monday, January 8, 2024  
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	01/08/2024	02/12/2024	03/11/2024	04/08/2024	05/13/2024	06/10/2024	07/08/2024	08/12/2024	09/09/2024	10/14/2024	11/11/2024	12/09/2024
<b>Blaine Poppler</b>	Commissioner	X											
<b>Melissa Ray Gentry</b>	Commissioner	X											
<b>Tyler Bush</b>	Commissioner Chairman	X											
<b>Todd Hewitt</b>	Commissioner	A											
<b>Morgan Tuss</b>	Commissioner	X											

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; Brenda Berns, Planning Clerk; Tate Johnson, Planner

**Other Participants:** Anna Vickers, IMEG, Mikel Flanagan; Crystal Burkett; Kathy Shaffer; Jeff Felstad

**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



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received. Callers will be restricted to three minutes of testimony as is customary. There were no public comments.

**Motion. Approval of Minutes:** November 13, 2023

**Motion**

It was moved by Commissioner Poppler, seconded by Commissioner Tuss to approve the November 13, 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 were two items submitted as Ex Parte Communications for Zone Change 722.

**Public Hearing**

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

**Item #1: County Zone Change 722** - Collier Road - Agriculture (A) to Rural Residential 3 (RR3)

**Request**

Zone Change 722 is a request to change zoning from Agriculture (A) to Rural Residential 3 (RR3) on a 206.2-acre parcel of un-platted land described as NW1/4 and the NESW1/4 of Section 4, Township 2 South, Range 26 East; and the E1/2NE1/4 of Section 5, Township 2 South, Range 26 East, Less C/S 2156 and C/2331. The property is partially outside the jurisdictional zoning boundary. This un-zoned land will remain un-zoned. The property is generally located east of Collier Crest Subdivision and north of Secret Valley Drive. The area outside the zoning jurisdiction is about 40 acres. A preapplication neighborhood meeting was held on November 9, 2023, at the Valley Bible Church at 3603 O'Shea Circle, at 5:30 pm.



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**Recommendation**

Planning staff is recommending approval and adoption of the findings of the 11 criteria for Zone Change 722.

**Background**

This is a zone change request to facilitate the development of a subdivision for rural residential homes with lots of at least 3 acres but may range up to 9.9 acres in area. The current zone allows residential homes on lots of at least 10 acres in area. The existing zone - Agriculture - is intended to be land that is primarily used for agricultural pursuits with residential use as an accessory to agricultural uses. The parcel is on the southern border of the county's 4.5-mile zoning jurisdictional boundary. Approximately 40 acres of the total parcel is outside the zoning boundary and will not be affected by the zone change. The total area included in the zone change request is 206.2 acres

Planning staff has reviewed the application is forwarding a recommendation of approval based on the 11 criteria for zone changes.

Meets the goals of the County Growth Policy & the 11 review criteria

- New development will require approval of subdivision, site plans and zoning compliance permits
- RR3 zoning is adjacent to the east and to the west



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- Zone Change 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 facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (4) Whether the new zoning will promote public health, public safety and general welfare;
- (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;
- (10) Whether the new zoning will encourage the most appropriate use of land in Yellowstone County; and
- (11) Will the new zoning be as compatible as possible with the adjacent zoning in the City of Billings

**Applicant Representative**

Applicant's Agent, Anna Vickers, IMEG.

Ms. Vickers stated they chose Rural Residential 3 (RR3) zoning as it was seemed most appropriate.



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Rural Residential 3 is defined:

- The RR districts are intended for single-family homes, with or without agricultural uses. In addition to residential homes, small-scale agricultural uses may be allowed including stables, livestock and agricultural crops raised for personal use. Basic setback and height parameters apply with a range of allowed lot areas defined by “-1” and “-3”, meaning RR-1 has a minimum lot size of 1 up to 3 acres, and RR-3 has a minimum lot size of 3 up to 10 acres. Accessory barns are allowed.

Ms. Vickers compared the current Agriculture Zoning definition:

- Agricultural use: 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.

**Discussion**

There was discussion addressing concerns with the distance to services, fire hydrants, and onsite water cisterns. Concerns were also discussed regarding the provision for water and wells in the area, however the quality/quantity is unknown. Commissioner Poppler asked about the average home site size. Ms. Vickers stated that is not known yet, the surveying has not been completed.



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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.**

**In Opposition**

**Mikel Flanagan, Billings** - Mr. Flanagan stated he is opposed to this project and was concerned with the size and number of new homes that would be constructed. He said there is already a traffic congestion problem and believes it is a safety concern. Water quality is currently affected, which will have a greater impact with construction. There have been fires in the valley and 30,000 gallons of water would not touch it. People reside below the subject property, which would appear to be an issue with sewer and or septic systems. My property is 20+ acres, as well as my neighbors, there are a few RR1 lots but they have been established for quite some time. With each snow, residents run off the road, with more drivers on the road it will not be safe without gravel, guard rails, and/or lighting. Mr. Flanagan expressed concerned with water runoff and the potential for flooding, which has occurred in years past. If we had more guarantees or more information as to what is going to be built, I would be more supportive of this zone change.

**Crystal Burkett, Secret Valley** - Ms. Burkett stated that her property is directly bordering the subject property and will be affected. I am unsure if the zone change is right since the developer would need to install curbs and gutters per subdivision regulations. I am concerned with the potential for multi-family units which would increase the number of residents per lot, further impacting the resources. Ms. Burkett expressed concerns for roads, rainwater run-off, increased garbage, increased rodents, and disruption of natural habitation of local wildlife.



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**Kathy Shaffer; Basin Creek** - I am opposed to this zone change, as I believe there aren't any hard rules. If we pass the zone change, I believe the lots should each be 10-acres. There are no safe routes for children to walk to school, they currently share the small road with motorists, and it is unsafe. Ms. Shaffer is concerned about the type of structures that will be built and would like the CCR to specifically state what is allowed.

**Jeff Felstad 4840 Vandaveer** - Mr. Felstad is concerned with the infrastructure, specifically Blue Creek school adding students and questioned if the Fire Department has the ability to handle the additional homes. Mr. Felstad expressed concern with the landfill and providing fresh water.

**In Rebuttal**

Ms. Vickers stated IMEG works with Yellowstone County and MDT regarding traffic, and look at peak hours and traffic flows. The information is shared with the developer and goes through a review process. A RSID is prepared and corresponded with all the local agencies regarding studies of traffic, water, wastewater, sewage, and wildlife.

**Discussion**

Commissioner Tuss stated that she heard the concerns regarding traffic, water run-off, and sewage. The County roads are probably not adequate to have additional drivers, however with growth there comes the need to expand. RR3 is being requested, which is more desirable than heavy industrial or commercial. The restrictions in RR3 are well appropriate for the area.

**Motion**

**Motion made by Commissioner Gentry, seconded by Commissioner Tuss recommending approval with conditions, based on the eleven (11) review criteria for Zone Change 722. The Motion was carried with a unanimous voice vote.**



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**County Zone Change 722 recommendation for approval is granted.** The Board of County Commissioners public hearing for these applications will be held on January 23, 2024 at 9:30am at 316 N 26<sup>th</sup> Street – 3<sup>rd</sup> Floor, Commissioner’s Hearing Room.

**Other Business:** There is no other business.

Adjourned: 5:15PM

Draft – To be approved by a motion at the next scheduled meeting.

*Brenda J Berns, Planning Clerk*