



COUNTY OF YELLOWSTONE ZONING COMMISSION
AGENDA

Monday, June 10, 2024

4:00 PM

Miller Building, 1st Floor Conference Room
2825 3rd Avenue North, Billings, Montana

NOTICE TO THE PUBLIC

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: plnonline@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. 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 406-247-8610

Call the meeting to order.

Introduction of the Yellowstone County Zoning Commission Members and Planning Department Staff.

Public Comment

Approval of Minutes

The minutes of the Board meeting of April 8, 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:

- Opening of public hearings.
- Reading of rules for the procedure by which the public hearings will be conducted.
- Reading of notices of the public hearings on the following items:

Public Hearings:

- County Zone Change 724 -- 1745 Mary Street -- Rural Residential 3 (RR3) to Agriculture (A) - A zone change request from Rural Residential 3 (RR3) to Agriculture (A), on Block 1, Lot 4E1 & 4E2 of Five Mile Creek Subdivision, a 16.32- acre parcel of land. A pre-application neighborhood meeting was held on April 8, 2024. Tax ID: C12516.

Other Business/Announcements

Adjournment

Following the public hearing, the County Zoning Commission will make a recommendation to the Yellowstone County Commissioners. The Board of County Commissioners public hearing for these applications will be held on **June 25, 2024, at 9:30 a.m. at 316 N 26th Street -- 3rd Floor, Commissioner's Board Room**. The Board of County Commissioners will hear all persons wishing to speak relative to the proposed **Zone Change**. Information on the preceding item may be obtained at the Yellowstone County Planning Department, 2825 3rd Avenue North, 4th Floor or phone 406-247-8610. Anyone wishing to be heard on this matter may appear at this hearing. 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 the Planning Division Office at 406-247-8676 or plnonline@billingsmt.gov

County Zoning Commission

Meeting Date: 06/10/2024

Information

Subject

The minutes of the Board meeting of April 8, 2024

Attachments

Minutes of April 8, 2024



**Yellowstone County Zoning Commission
 Monday, April 8, 2024
 To Be Acted on by Motion on June 10, 2024**

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
Blaine Poppler	Commissioner	X	C	C	1								
Melissa Ray Gentry	Commissioner	X	C	C	1								
Tyler Bush	Commissioner Chairman	X	C	C	A								
Todd Hewitt	Commissioner	A	C	C	1								
Morgan Tuss	Commissioner	X	C	C	1								

Commissioner Gentry 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

Other Participants: Neil Kiner, Applicant’s Agent

Public Comment

Commissioner Gentry 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.



**Yellowstone County Zoning Commission
Monday, April 8, 2024
To Be Acted on by Motion on June 10, 2024**

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

Approval of Minutes: January 8, 2024

Motion

It was moved by Commissioner Hewitt, seconded by Commissioner Tuss to approve the January 8, 2024, 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 one item submitted as Ex Parte Communications for Zone Change 723.

Public Hearing

Zoning Coordinator, Nicole Cromwell read aloud the procedures for a public hearing. The County Commissioners will meet on April 23, 2024 at 9:30 AM for the public hearing for Zone Change 723.

Item #1: County Zone Change 723 – RR1 to C3 – This is a zone change request for property generally located at 1604 S 48th St West. This is the location of the Green Bee Dispensary (marijuana cultivation and retail sales) and for Yellowstone Basin Construction. The current zoning is Rural Residential 1 (RR1). Neither use on the property conforms to the current zoning. The proposed zoning is General Commercial (C3). The property is legally described as C/S 2224 Parcel 2B, amended Lot 2, a 2-acre parcel of land. The intent of the zone change is to allow two existing businesses to continue in conformance with County zoning on or before October 3, 2024. This requires either a zone change or a relocation of the dispensary to a conforming zone district.

Request

Rural Residential 1 (RR1) to General Commercial (C3) 1604 S 48th St W. Owners are J. Doucette and J. Brosovich; Agent is Neil Kiner.

Recommendation



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

Planning staff has reviewed this application and 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 site plans and zoning compliance permits.
- Two established commercial uses – a construction company and a marijuana cultivation and dispensary.
- Marijuana use is subject to County resolution requiring zoning compliance by October 4, 2024.

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, sewage, 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 affect 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's Representative



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

Applicant's Agent, Neil Kiner stated he is a landscape architect and part owner of the Green Bee. In the Fall of 2018, he was asked to open a cannabis facility on the property. Mr. Kiner contacted the City regarding marijuana regulations and believes there have been a lot of moving parts over the years. The County adopted RECODE and much later, he learned of the zone change on the property from Agriculture to RR1. This change then made the property nonconforming for the type of business. There has been discussion regarding purchasing the property, however the zone change needs to be completed before proceeding.

Questions:

Commissioner Tuss asked if they sell both recreational and medical marijuana. Mr. Kiner affirmed they do.

Commissioner Poppler asked if there are any CCR's with the property. Mr. Kiner stated he was unaware. Mr. Kiner mentioned that he has personally met with all the neighbors to discuss their concerns. The business operations are subject to State regulations, and their business license is renewed annually. Therefore, obtaining approval for this zone change is crucial for them to sustain their business activities.

Public Hearing

Commissioner Gentry opened the public hearing and asked if there is anyone wishing to speak regarding Zone Change 723.

In Favor

Andy Saur 911 Miles Ave Billings - Mr. Saur stated he works for the Green Bee and described some of the changes they are making so the appearance of the building is aesthetically pleasing to the neighbors and public. The costs are high, and Mr. Saur explained they are spending over \$100k just on the cultivation of the product.



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In Opposition

Brian Duke 4852 Amber Lane, Billings - Mr. Duke affirmed his ownership of the property directly adjacent to the one in question. Mr. Duke stated that when their property was purchased in 2018, the neighboring property was up for sale. At that time, it boasted lush green grass, trees, and a well-maintained watering system, presenting an aesthetically pleasing appearance. However, the current state is quite different, with oil drums and discarded plant material scattered on the ground. The presence of potentially unidentified chemicals raises apprehensions about their potential seepage into the neighborhood's water supply. Examining the proposed zoning change, Mr. Duke has concerns regarding the management of the wastewater. Mr. Duke believes the lack of transparency concerning the cultivation process for the proposed crop adds to these worries, as the specific chemicals used, and their potential long-term impacts remain uncertain. The property in question operates as a storefront, yet it appears to lack essential amenities such as public restrooms. Moreover, the ventilation system is notably inadequate, leading to unpleasant odors, particularly during summer evenings when the scent of 'skunk weed' permeates the area to the extent that opening windows becomes untenable. I believe this type of business is ill-suited for our neighborhood, and consequently, I oppose the proposed zoning change. Our home represents a significant investment, and we have put our savings into it. The approval of this zoning change could jeopardize that investment, which forms the bulk of our funds for our retirement plans.

Kara Duke 4852 Amber Lane, Billings – Ms. Duke noted that customers frequently traverse their residential street in search of the dispensary's location. Additionally, she expressed concerns about the odor and appearance of the subject property, emphasizing the inability to enjoy their own home.

Curt Samuelson 4824 Amber Lane, Billings – Mr. Samuelson stated his property backs up to the subject property. His home was built in the 1990's and at that time, he considered the neighboring property to be well maintained and attractive. However, Mr. Samuelson expressed concerns with the current state of the subject property, as well as the smell and bad air quality the dispensary produces. While he can live with it, his daughter has medical issues that do not allow her to visit the property without medical complications.



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Amy Samuelson 151 S. 38th St W - Ms. Samuelson stated her parents purchased the property for country living in their retirement. Ms. Samuelson believes the odors cause health and lung issues. Ms. Samuelson also believes this type of business should not be in a residential neighborhood.

Randy Paulson 4805 Amber Lane, Billings –Mr. Paulson stated he acquired his residence in 2000 and expressed opposition to the proposed zoning change, primarily citing the degraded condition of the property under consideration. He finds the pervasive odor particularly distressing and questions why this specific business emits such unpleasant smells when other similar operations do not. Mr. Paulson mentioned being unable to utilize his home's fresh air system due to the odor. Additionally, he raised concerns about the unsightly litter scattered across the property, deeming it both concerning and aesthetically displeasing. The greenhouse structure, supported by flapping straps that generate considerable noise in the wind, also contributes to his apprehensions. Overall, there is apprehension that the proposed changes could lead to a decline in property values within the neighborhood.

In Rebuttal

Neil Kiner stated the smell is organic and not a harmful chemical. Mr. Kiner believes the chemicals people put into their home gardens are more powerful.

Discussion

Commissioner Poppler raised concerns about the absence of a public restroom for customers at the subject property. In response, Mr. Kiner mentioned that while there are three restrooms in the house situated on the same property, they are not designated for public use. Commissioner Poppler then inquired about the presence of a septic tank, to which Mr. Kiner clarified that there is indeed a septic tank system for the house, but the garage lacks water access and does not connect to the septic system.

Commissioner Gentry inquired about the water source, asking if there was a well. Mr. Kiner elaborated that there are two wells on the property—one for irrigation purposes and the other for the house. He added that



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their water consumption is approximately 1,000 gallons per week, which is notably less than the typical residential lawn's water usage.

Further, Commissioner Gentry questioned whether there are any regulatory requirements from the DEQ or EPA regarding the cultivation activities. Mr. Kiner responded that there are currently no such requirements. However, he mentioned that inspections are conducted and affirmed their willingness to engage with other agencies should any questionable issues arise.

Readdress to the Board

Anthony Saur stated, additionally, they have acquired a filtration system to address odor issues, with the filtered water being recirculated back into the tank rather than reintroduced into the soil. However, challenges have arisen, such as difficulty in customers locating the business, due to restrictions on signage placement.

Discussion

Commissioner Tuss raised concerns about the unique challenges faced by cannabis businesses, particularly regarding land use issues as new industries emerge. She acknowledged the difficulties inherent in this type of business and expressed skepticism about the board's role in implementing spot zoning. Furthermore, she questioned the rationale behind locating such a business within a residential neighborhood. Commissioner Tuss also expressed uncertainty regarding how the proposed business aligns with the Growth Policy's objectives concerning air quality, urban growth, and the preservation of buildings. She questioned whether the conversion of a residential structure into a retail frontage is the most appropriate use of the land, noting potential incompatibility with the surrounding area.

Commissioner Gentry expressed concerns that the subject property was established in the County without consideration for the homes around it and how it might affect them.

Commissioner Poppler stated he agrees that the subject property may harm the residential property values.



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Motion

Motion made by Commissioner Tuss, seconded by Commissioner Hewitt recommending Denial of Zone Change 723 based on the amended (11) review criteria as stated during the discussion. The Motion was carried with a unanimous voice vote.

Other Business: There is no other business.

Adjourned: 5:30PM

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

Brenda J Berns, Planning Clerk

□

County Zoning Commission

Meeting Date: 06/10/2024

SUBJECT: County Zone Change 724-1745 Mary Street- RR3 -A

THROUGH: Karen Husman

PRESENTED BY: Karen Husman

Information

REQUEST

County Zone Change 724 -- 1745 Mary Street -- Rural Residential 3 (RR3) to Agriculture (A) - A zone change request from Rural Residential 3 (RR3) to Agriculture (A), on Block 1, Lot 4E1 & 4E2 of Five Mile Creek Subdivision, a 16.32- acre parcel of land. A pre-application neighborhood meeting was held on April 8, 2024. Tax ID: C12516.

RECOMMENDATION

Planning staff is recommending approval of the requested zone change and adoption of the findings of the 11 criteria..

APPLICATION DATA

OWNER: Carolene Chapman

LEGAL DESCRIPTION: Block 1, Lot 4E1 & 4E2 of Five Mile Creek Subdivision

ADDRESS: 1745 Mary Street

CURRENT ZONING: RR1

EXISTING LAND USE: Agriculture & Residential

PROPOSED USE: Agriculture & Residential

SIZE OF PARCEL: 16.315 Acres

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

See Attachments

SURROUNDING LAND USE & ZONING

NORTH: Zoning: A- Agriculture 10 acres & over
Land Use: Residential and Agriculture

SOUTH: Zoning: RR3
Land Use: Low Density Residential and Agriculture

EAST: Zoning: A & RR3
Land Use: Residential and Agriculture

WEST: Zoning: RR3
Land Use: Low Density Residential and Agriculture

BACKGROUND

This is a zone change request to change the zoning designation of a 16.31-acre parcel located at 1745 Mary St. in the Heights, beyond the City limits. The applicant seeks to transition from the current Rural Residential 3 (RR3) zoning to Agriculture 10 acres and over (A) zoning. This alteration aims to align the property's existing agricultural use with the zoning regulations mandated by the district.

The County's 2008 Growth Policy supports new developments that are compatible with existing development and neighborhoods. Both the current RR1 zoning and the proposed Ag zoning constitute expansive rural zones (albeit at varying levels) that are compatible with a range of other land uses, including the adjacent agricultural and rural residential uses. Unlike the RR1 zone, which prohibits agricultural activities like crop cultivation in open fields or greenhouses, the Ag zone district permits a wider array of uses, including crop cultivation and raising livestock.

SUMMARY

Prior to making a recommendation to the Board of county Commissioners, the Zoning Commission shall consider the findings of the 11 review criteria:

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

The proposed zoning does comply with the following goals of the County Growth Policy and area plans:

- Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans.
- New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County town sites.
- Contiguous development focused in and around existing population centers separated by open space. Preserve neighborhood character and quality of life.

This zone change would enable the agricultural activities on the property, which have been ongoing for several years, to conform to the zoning regulations. The zoning is consistent and compatible with the area. The new zoning district is intended to allow agricultural land uses with rural homes. The RR1 zone is meant to accommodate residential home sites between 1 and 2.99 acres. The proposed zoning district is aimed at facilitating agricultural land uses along with rural residences on larger properties with 10 or more acres, consequently aligning with the subject property at over 16 acres.

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

The subject property is currently served by the Billings Urban Fire Service Area (BUFSA). The property will have access from Mary Street, a county road. There should be adequate ingress and egress to the property for emergency vehicles. The existing and proposed zoning requires building separations, setbacks, and height limits that should provide security from fire or other public safety emergencies.

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

Transportation: There are no indications suggesting that the new zoning would change the current level of traffic to and from the property.

Water and Sewerage: The property currently has an existing well and septic system and will not be served by public utilities.

Schools and Parks: The proposed zoning would not increase the number of school children attending. The School District had no comments on the application.

Fire and Police: The subject property is serviced by the Yellowstone County Sheriffs' Department and the Billings Urban Fire Service Area (BUFSA). Both Departments will continue to provide services to this property with or without a zone change.

4. Will the new zoning promote health and general welfare?

Similar to criteria 1 above, the zone change would enable the agricultural activities on the property, which have been ongoing for several years, to conform to the zoning regulations. The zoning is consistent and compatible with the area. The new zoning district is intended to allow agricultural land uses with rural homes. The newly designated zoning district is aimed at facilitating agricultural land uses along with rural residences on larger acreage. In short, the new zone will not change the current use of the land, therefore not changing the current general health and welfare.

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

The proposed zoning entails specific regulations concerning minimum setbacks, maximum building heights, and maximum lot coverage. These stipulations are designed to ensure sufficient light and air access to both the subject property and neighboring properties. Given that the property is already developed, any new constructions will adhere to the mandated setbacks, lot coverage, and building heights, thereby promoting the provision of adequate light and air.

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

The proposed zoning itself will not generate more traffic. Pedestrian traffic in the area is limited due to the lack of any pedestrian facilities on the County roads. There are not any proposed changes to the use of the property at this time. Therefore, the current agricultural use would not affect transportation.

7. Will the new zoning be compatible with urban growth in the vicinity?

The proposed zoning is compatible with nearby urban zoning and development. The proposed zoning is compatible with the low density County residential zoning and the adjacent agricultural zoning.

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

The subject property is in an area that is a mix of low density residential and agricultural uses on the adjacent properties. The property is compatible with the RR1 uses for lower density rural residential development and suitable for the current agricultural use of the subject property.

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

The new zoning will not directly impact existing structures on neighboring properties. Both the surrounding zoning and development are comparable to those of the subject property, and there is no indication that it could affect the value of

surrounding buildings.

10. Will the new zoning encourage the most appropriate use of land in Yellowstone County?

The property is suitable for the uses allowed in the AG zoning district. This is an appropriate use of land in this area of the County and has similar development to what is already in this part of the County.

11. Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?

The proposed zoning is situated near the city limits of Billings, aligning as closely as possible with the urban zoning of N3, and is in harmony with the typical rural development seen in this area of the Heights.

RECOMMENDATION

Staff recommends the Zoning Commission recommend approval of the zone change and adoption of the findings of the 11 review criteria for Zone Change 724.

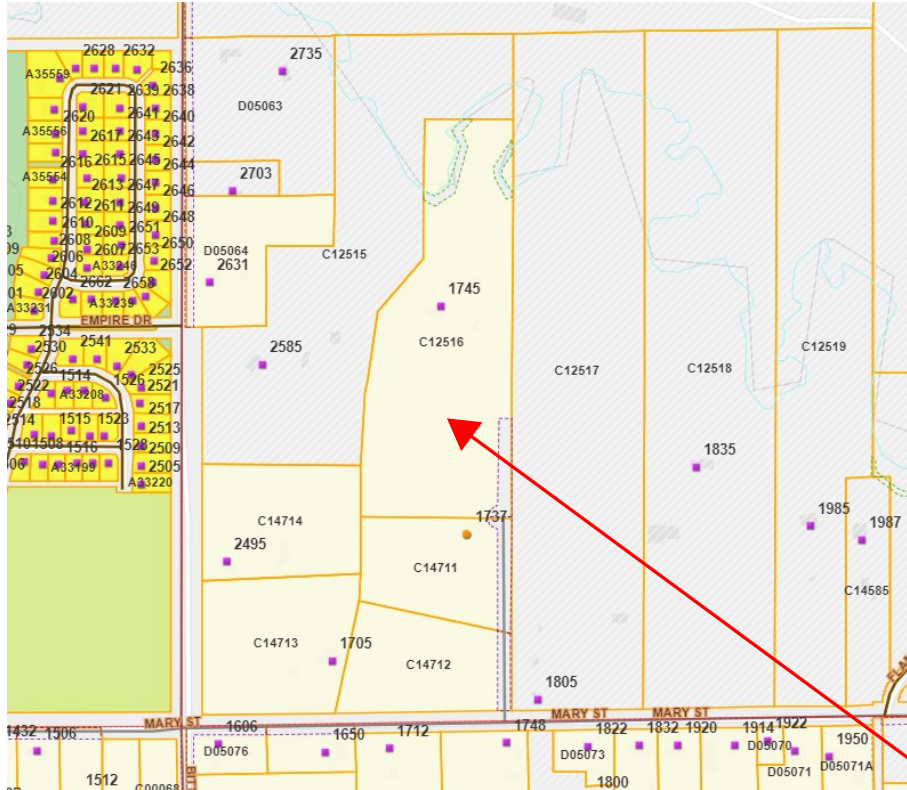
Attachments

Zoning Map & Site Photos
Application & Applicant Letter
Site Plan
Neighborhood Meeting Info.
Zoning History

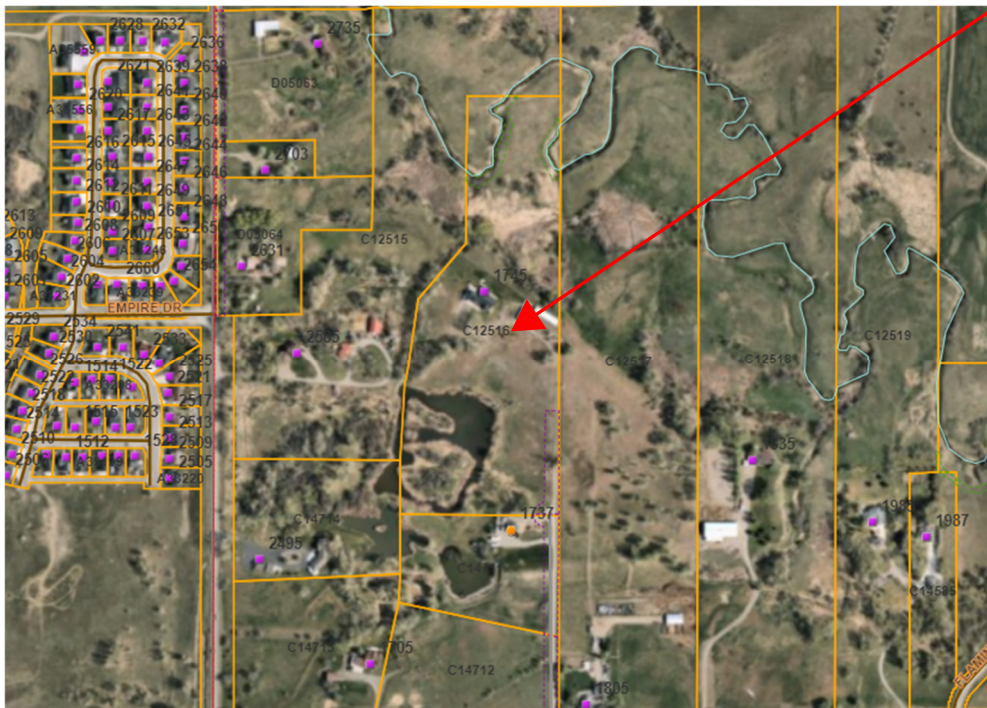
County Zone Change 724

Project Number: PZX-24-00115

Zoning Map & Site Photos



Subject Property



Aerial photo



Subject Property looking North from Mary Street



Subject Property looking East down Mary Street



Subject Property looking South across Mary Street



Subject Property looking East on Mary Street

COUNTY APPLICATION FORM

PZX-24-00115
~~PZEX-2~~

COUNTY ZONE CHANGE County Zone Change # 724 - Project # ~~PZEX-2~~

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: R R-3 - Rural-Residential - 3 Acres

Proposed Zoning: Agriculture

Property Tax ID # C12516 COUNTY COMMISSIONER DISTRICT # 2

Legal Description of Property: Five Mile Creek Sub, S12, T01N, R26E, Block 1, Lot 4E1 - 4E2

Address or General Location (If unknown, contact County Public Works):

1745 MARY STREET Billings, MT 59105

Size of Parcel (Area & Dimensions): 16.315 acres

Present Land-Use: Agricultural,

Proposed Land-Use: Agriculture & animal husbandry (livestock)

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

Owner(s) Carolee Chapman
(Record Owner)
1745 MARY STREET Billings, MT 59105
(Address)
406-661-5300 cc.chapmanre@gmail.com
(Phone Number) (email)

Agent(s): Carolee Chapman
(Name)
1745 MARY STREET Billings, MT 59105
(Address)
406-661-5300 cc.chapmanre@gmail.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: Carolee Chapman Date: 3-5-24
(Record Owner - Digital Signature Allowed)

Carey Chapman
1745 Mary Street
Billings, MT 59105

Yellowstone County Planning

Billings, MT 59101

April 9th, 2024

This cover letter is to request a Zone change from RR-3 to agricultural. We have a small farm here on 16.31 acres. RR-3 zoning goes up to 9.9 acres, I am almost 20. In addition because we are not zoned agriculture we are not allowed to raise crops, animals or anything in our green houses because of the way that RR-3 rules are written.

No one wants almost 20 acres that they can do nothing on to augment the payments.

In closing, we are requesting a change to agricultural so that we can use our land as we are currently using it and for which we have been granted permission until the fall.

Sincerely,

Carey Chapman

1745 Mary Street

Billings, MT 59105

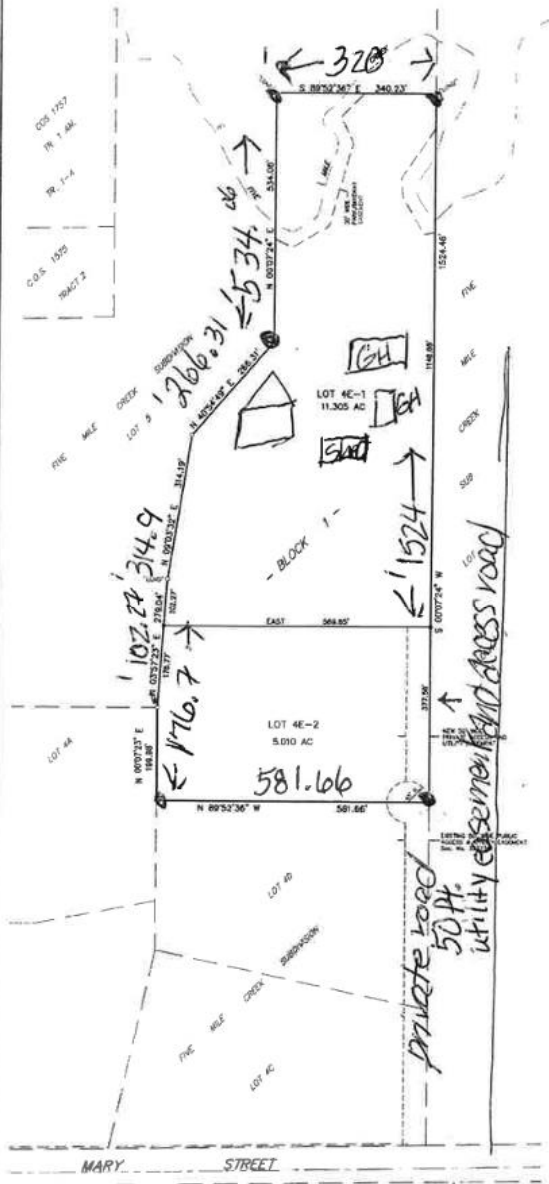
11 Statutory Review Criteria

1. The property does meet the growth policy for Yellowstone County and is consistent with the uses of the neighborhood.
2. The new zoning is agriculture and is secure from fire and other dangers because the owner has trees trimmed seasonally and discarded tree branches burned with a legal burn permit and has the pasture rented
3. The new zoning will promote public health as it has no traffic except the people who work on the grounds, public safety as the property is not on a through street. The general welfare of the new zoning is positive as it provides jobs for the people who help take care of the farm
4. The new zoning is an agricultural zoning in the county, It is not serviced by any public utilities, nor is it close to any parks and schools. It would be a matter of driving to access parks and schools, but not within close walking distance.
5. The new zoning will not effect the light and air as it is an open 16.31 acre with 1 home on it.
6. The new zoning will not affect motorized and nonmotorized vehicles.
7. The new zoning is compatible with an agricultural zoning, which is what many of the landowners around me already have.
8. The new zoning does consider the character of the property and the peculiar suitable of the property for particular uses. This property does not fit into the current zoning of RR3. RR3 is 1 to 9.9 acres, I have 16.31.
9. The new zoning does conserve the value of the buildings
10. The new zoning encourages the best use of the land currently where it is located within Yellowstone County as demonstrated by
11. The new zoning is compatible with the zoning within Yellowstone County and there are a number of Ag zones actually within the city, so I feel that a 16.31 acre tract is more ag than an acre in the city

AMENDED PLAT OF LOT 4E, BLOCK 1,
FIVE MILE CREEK SUBDIVISION
 SITUATED IN THE SW 1/4 OF SECTION 12, T. 1 N., R. 26 E., P.M.M.
 YELLOWSTONE COUNTY, MONTANA

PREPARED FOR: HENRY and CAREY CHAPMAN
 PREPARED BY: ENGINEERING, INC.
 SCALE: 1" = 100'

NOVEMBER, 2008
 BILLINGS, MONTANA



- BASES OF BEARING: PLAT OF FIVE MILE CREEK SUBDIVISION
- FOUND REBAR WITH "ENGINEERING INC" CAP OR AS NOTED.
 - SET 5/8" X 18" REBAR AND CAP MARKED WITH THE LICENSE NUMBER OF THE UNDERGROUND LAND SURVEYOR AND "ENGINEERING INC BILLINGS MT."



PURPOSE OF SURVEY - CREATE PARCELS FOR MORTGAGE, LIEN OR TRUST INTEREST

The undersigned hereby certifies that the purpose of this survey is to create LOT 4E-1 as shown herein to provide security for a mortgage, lien or trust interest.

Therefore this survey is exempt from review as a subdivision pursuant to Section 76-3-200(3)(a), M.C.A. and is exempt from review by the Department of Environmental Quality pursuant to Section 76-4-125(2)(b), M.C.A.

Henry A. Chapman, Jr. Carey Chapman

STATE OF MONTANA }
 County of Yellowstone }

On this 19 day of November, 2008, before me, a Notary Public in and for the State of Montana, personally appeared Henry A. Chapman, Jr. and Carey Chapman known to me to be the persons who signed the foregoing instrument and who acknowledged to me that they executed the same, witness my hand and seal the day and year herein above written.

Notary Public in and for the State of Montana
 Printed Name: _____
 Residing at: _____
 My commission expires: _____

STATE OF MONTANA }
 County of Yellowstone }

On this 19 day of November, 2008, before me, a Notary Public in and for the State of Montana, personally appeared _____ known to me to be the person who signed the foregoing instrument as _____ of _____ of Yellowstone State of Montana, and who acknowledged to me that she executed the same, witness my hand and seal the day and year herein above written.

Notary Public in and for the State of Montana
 Printed Name: _____
 Residing at: _____
 My commission expires: _____

CERTIFICATE OF SURVEYOR

STATE OF MONTANA }
 County of Yellowstone }

The undersigned, a Montana Registered Land Surveyor, being first duly sworn, deposes and says that during the month of November, 2008, a survey was performed under his supervision of a tract of land situated in the SW 1/4 of Section 12, T. 1 N., R. 26 E., P.M.M., Yellowstone County, Montana, well and truly more particularly described as follows, to wit:

Lot 4E in Block 1 of the Amended Plat of Lot 4, Block 1, Five Mile Creek Subdivision, according to the official plat thereof on file in the office of the Clerk and Recorder of Yellowstone County under Government No. 2237376, containing a gross area and a net area of 16.315 acres.

That iron monuments of suitable size were set and occupy the positions shown thereon, that said survey and the plat thereon shows true and correct dimensions and that the plat conforms with the work on the ground.

ENGINEERING, INC.
 By: [Signature]
 Montana Registration No. 83723

Subscribed and sworn to before me, a Notary Public in and for the State of Montana, this 19th day of November, 2008.

Notary Public in and for the State of Montana
 Printed Name: _____
 Residing at: _____
 My commission expires: _____

CERTIFICATE OF COUNTY ATTORNEY

This document has been reviewed by the County Attorney's office and is acknowledged as its own.

Date: 10/28/08
 Prepared by: [Signature]

CERTIFICATE OF CITY/COUNTY HEALTH DEPARTMENT

This Amended Subdivision Plat has been reviewed and approved by the Yellowstone County/County Health Department.

[Signature]
 Health Officer of Yellowstone County

AGREES EASEMENT
 Document No. 3522193



YELLOWSTONE COUNTY

Pre-Application Statement of Owner(s) or Agent(s)

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form on-line and any attachments along with a completed zone change application form, including any required fees, for a zone change to be processed by the Planning Division.

1. Present Zoning: Rural Residential 3 to 9.9 acres
2. Written description of the Zone Change Plan including square footage or acres of proposed new zoning:
The Zone Change plan request is to change from RR 3 to Agriculture which includes 16.315 acres
3. Subject Property Map: please attach to this form
4. Legal Description of Property: Five Mile Creek Subd, S12, T01N, R26 E, Block 1, Lot 4E1-4E2
5. Roster of persons who attended the pre-application neighborhood meeting: please attach to this form
6. A copy of the meeting notice. please attach to this form
7. A brief synopsis of the meeting results. please attach to this form
8. The undersigned affirm the following:
 - a) The pre-application neighborhood meeting was held on the 8th day of April, 2024
 - b) The zone change application is based on materials presented at the meeting.

Owner (s): Caroline Chapman Telephone: 406-661-5300
Address: 1745 Mary Street Email: CC.Chapman.re@gmail.com
Billings, MT 59105

Agent (s): Caroline Chapman Telephone: 406-661-5300
Address: 1745 Mary Street Email: CC.Chapman.re@gmail.com
Billings, MT 59105

Zoning Change Plan

We are currently zoned RR-3 which is described as 3-9.9 acres. I am almost 17 acres and would like to request to be reclassified as agricultural so I can use my acres to farm, raise a beef and have my greenhouses. We run a small farming operation and currently we are not allowed to do that per the current zoning which is why we are requesting a zone change to agricultural.

Sincerely,

Carey Chapman

1745 Mary Street

Billings, MT 59105

406-661-5300

12/1N/26E

Five Mile Creek Subdivision

AO

Lts 1, 2, 3, 5

Lt 4 - A-S

Var. #208: / Douglas and Ann Egal, owners/ A variance from Sec. 27-308 requiring a 10 acre minimum lot size be reduced to 2 acres in order to create a 20 acre lot and a 2 acre lot on Lot 1, Block 1, Five Mile Creek Sub., (located at 1985 and 1987 Mary Street.) *Approved 5/10/00* ✓

Zone Change 553 from A-1 to A-S Lot 4, Block 1
Approved on 1/14/03.