



COUNTY PLANNING AND ZONING COMMISSION  
AGENDA

Monday, June 10, 2024

12:30 PM

Stillwater Building, 3rd Floor, Room 3107  
316 N. 26th St, 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>  
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](mailto:plnonline@billingsmt.gov)
- . 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 direct questions to Brenda Berns, Planning Clerk at [bernsb@billingsmt.gov](mailto:bernsb@billingsmt.gov)

Call the meeting to order.

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

Public Comment

Approval of Minutes

The minutes of the Board meeting of September 6, 2022

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 Ex parte 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. **County Zone Change 1 - SZD #17 -- 5750 Pleasant Hollow Trail -- Agriculture Residential to Residential 10** - A zone change request from **Agriculture Residential to Residential 10**, on Block 1, Lot 2 of Herlee Subdivision, a 20.2-acre parcel of land. Tax ID: C12317. Presented by Nicole Cromwell, Zoning Coordinator

Other Business/Announcements

Adjournment

Following the public hearing, the County Planning and 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 11, 2024, at 9:30 a.m. at 316 N 26<sup>th</sup> Street -- 3<sup>rd</sup> 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 406-247-8610 or [plnonline@billingsmt.gov](mailto:plnonline@billingsmt.gov)

**County Planning & Zoning Commission**

**Meeting Date:** 06/10/2024

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**Information**

**Subject**

The minutes of the Board meeting of September 6, 2022

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**Attachments**

Minutes of September 6, 2022

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**Planning and Zoning Commission  
Minutes for the Meeting of September 6, 2022**

**The Planning and Zoning Commission met on September 6, 2022, at 1:30 PM in Room 3101, 3<sup>rd</sup> Floor of the Stillwater Building at 316 N 26<sup>th</sup> Street in Billings, Montana**

		01/03/2022	09/06/2022		
Denis Pitman, BOCC	Commissioner	1	1		
Donald W. Jones, BOCC	Commissioner	1			
John Ostlund, BOCC	Commissioner	1	1		
Jeff Martin, Clerk & Recorder	Commissioner	1	1		
Tim Miller, Yellowstone County PW	Commissioner	1	1		
Doug Clark	Commissioner	-	1		
Robert Adler	Commissioner		1		
Nicole Cromwell	Planner II/Zoning Coordinator		1		
Wyeth Friday	Director, Planning and Community Services	-	-		
Monica Plecker	Planning Division Manager	1	-		
Tammy Deines	Planning Clerk	1	1		

**In Attendance:** Terri Reitz, YC Commissioners Office; Kelly Seville, Mike Haskel, Debbie and Alex Chai, Jack Rameriz, (Phone)

**Call the Meeting to Order and Introduction of Planning and Zoning Commission Members and Staff.**

Commissioner Ostlund convened the Planning and Zoning Commission meeting at 1:30 pm. and called for introduction of the Planning and Zoning Commission of the Commission members.

**Public Comment on Non-Agenda Items** There was no public comment.

**Disclosure of any Conflict of Interest** There were no disclosures of conflict of interest.

## **Public Hearings**

Commissioner Ostlund asked Ms. Cromwell to review the procedures for the public hearing. She stated the Board will open a public hearing and allow public comment, reviewed the hearing and staff presentation process for the meeting for reviewing and acting on each variance.

Zoning Coordinator Cromwell reviewed the application for Variance request SZD #12 Variance #1 and presented the Board with the staff report for this request. She explained the purpose of this variance request is to bring the property into a legally non-conforming status to help with lender and refinancing requirements.

### **Item #1. SZD #12– Variance #1 – 11604 E. W. Tenney Road – Lot Size and Minimum**

**Dwelling Size** – Special Zoning District 12 - Variance 1 - Molt Road near Shorey Rd - Far and Away Estates. This is a variance from the General Provisions (No. 7 subsection No. 8) of Special Zoning District 12 that currently reads "No building or structure nor the enlargement of any building or structure shall be hereafter erected to exceed one and one half (1.5) stories or twenty-five (25) feet in height" to allow all buildings on the subject parcels to be up to two (2) stories or thirty-five (35) feet in height; and a clarification and variance from Permitted Uses (No.8 subsection No. 3) that currently reads: "Accessory building incidental to the above uses and located on the same lot (not involving the conduct of a business) including one private garage for not more than four cars." to allow the location of up to three (3) accessory buildings on each lot, that may be designed and used for horses, storage, an additional garage for not more than four vehicles, and one (1) such accessory building may have a one-bedroom guest suite. An accessory building may also be designed and used for athletic and recreational facilities. No other types of accessory buildings are permitted. An accessory building must not exceed 2,000 square feet of ground-floor area and two (2) stories in height. This variance would apply to all of the following lots: C.O.S. 781, PARCEL 5A, 2ND AMD, PARCEL 8A, 2ND AMD, PARCEL 10A2, 3RD AMD, PARCEL 11A1, 5TH AMD, PARCEL 12A1, 5TH AMD, PARCEL 15A1, 5TH AMD, PARCEL 16A, 5TH AMD, PARCEL 9A2, 3RD AMD, PARCEL 17A, 2ND AMD, PARCEL 1A, 2ND AMD, PARCEL 14A, 2ND AMD, PARCEL 6A, 2ND AMD, , PARCEL 13A1, 5TH AMD. The total area of these 13 parcels is 139.23 acres.

## **BACKGROUND**

This is a variance request to allow 2.5-story dwellings up to 35 feet in overall height on several parcels of land to be developed along the northern boundary of Special Zoning District (SZD) 12 in Echo Canyon. In addition, the applicant is asking for clarification of the accessory building requirements and to allow one of the accessory buildings to have guest quarters. None of the lots have started construction but several have been sold to builders and construction may start soon. The owners have filed covenants and restrictions for the parcels within this certificate of survey (781) that will further control land uses on the property. The subdivision to the north (McFarland Subdivision) is outside the zoning district and has no limitations on building heights. The proposed land development will include new homes on sites from 8 acres up to 13 acres. Thirteen parcels in this development project of 19 home sites are affected by the zoning restrictions in SZD 12. The applicant's historical perspective for the height and story limitation for new construction is based

on family history in Echo Canyon and their involvement with the creation of SZD 12. The canyon roughly follows the watershed of Cove Creek and Little Cove Creek and has rimrocks and plateaus that create vistas and viewsheds throughout the canyon. It was likely the original intent of the height limitation to protect these aesthetic qualities of the canyon and to limit the public safety concerns for structure fire response. This area is in the Molt Volunteer Fire Department district. This volunteer company is a wildland fire response crew. Any structure fire would call in mutual aid from the Billings Fire Department. The insurance rating for homes in the canyon reflects the long response times for structure fires. New construction within the zone district is not commonplace. Most residential homes were built in the 3 decades between 1960 and 1990. There are only 84 separate parcels within this zoning district that covers over 2,480 acres of land. There are three public park parcels within the district - two owned by Yellowstone County and one owned by the City of Billings (part of Phipps Park). The County parks are within the two subdivisions in the zoning district - Echo Canyon Subdivision and Cove Creek Subdivision. The majority of larger parcels are in certificates of survey or un-platted land. Most developed parcels in the district are owner occupied. Special Zoning Districts or Part 1 zoning districts are a land use tool available for county residents and officials to protect property values and control land uses in rural areas. Yellowstone County has seven individual special zoning districts. Several districts have been subsumed into the County's "part 2" jurisdictional zoning boundary (4.5 miles outside the Billings city limits) or have been annexed to the city limits and have city zoning. Parts of SZD 12 have been annexed and zoned

within the city limits. A chart of the County's special zoning districts is included as an attachment. Each district has created areas for rural residential development and for the preservation of agricultural uses. Each district generally reflects the predominate style of residential construction available during the time the district was created. This district was created in 1970, has a height limit of 1.5 stories or 25 feet, reflecting the ranch style home popular at the time. SZD 14 has no building height for the Agriculture zone (all land in the district) but included height limits for other zone districts that were then not applied to any land in the district. The height limit is 25 feet. SZD 15 and 16 have no building height limitations. SZD 17 has a height limitation only for residential structures of 35 feet. SZD 18 has a building height limit of 30 to 35 feet. SZD 20 has a building height limit of 37 feet. The number and types of uses allowed within an accessory structure also reflects the time period and the issues of concern for each special zoning district when it was created. Most districts encourage agricultural uses for property owners such as a few horses or cows. SZD 12 is the most specific on accessory structures and uses, however the wording of the code can be confusing and vague. The definition in the special zoning district regulations is straight forward but the section on uses is more vague: Subsection 8.2 and 8.3:

2) Agricultural uses as defined in Section 4, and in connection therewith stables, barns and corrals may be maintained, altered or erected; provided, however, that such buildings and structures be designed for such uses, and not be used for any other purpose.

3) Accessory building incidental to the above uses and located on the same lot (not involving the conduct of a business) including one private garage, limited to 4 cars. The plural is not used in subsection 8.3 and it could be interpreted to mean that only one accessory building used for residential purposes, but many structures may be

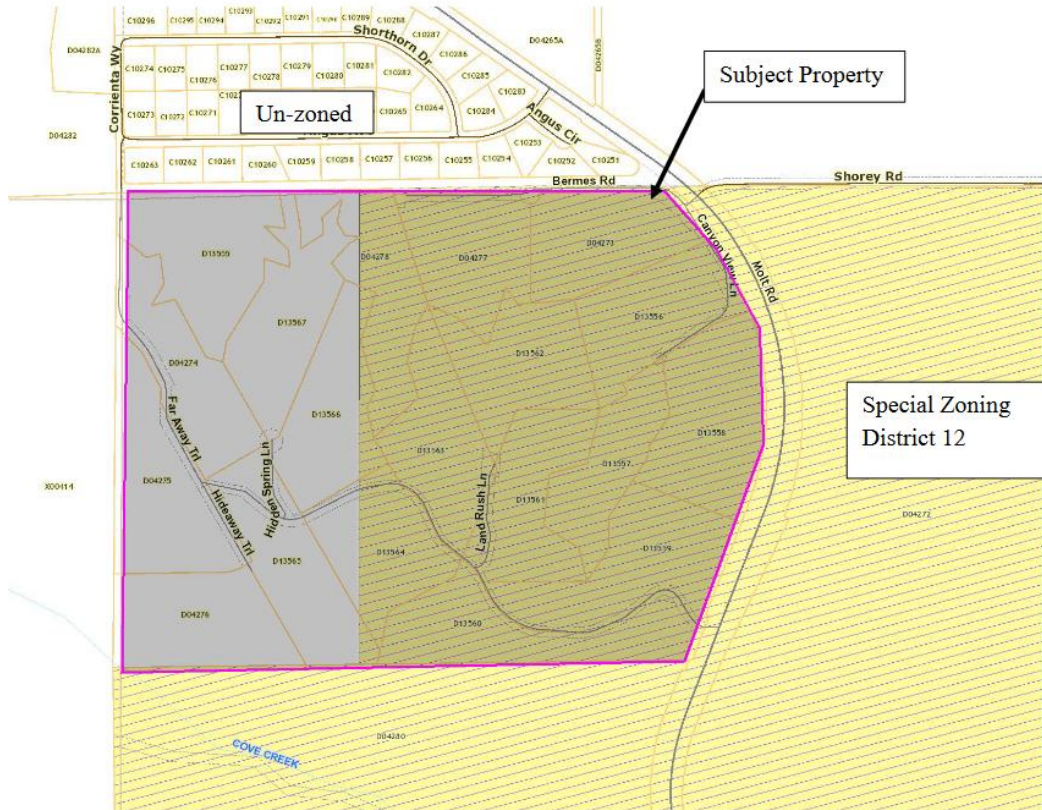
~~The~~ constructed that are only used for agricultural uses. The applicant has requested a clarification and variance for accessory buildings on these lots. Variances from the special zoning district regulations are allowed provided the County Planning and Zoning Commission finds the criteria for variances have been met:

- 1) The proposed variance will not be contrary to the public interest; and
- 2) The requested variance is based on special conditions; and
- 3) That a literal enforcement of the zoning regulation(s) will result in unnecessary hardship.

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- 1) The proposed variance will not be contrary to the public interest; and
- 2) The requested variance is based on special conditions; and
- 3) That a literal enforcement of the zoning regulation(s) will result in unnecessary hardship.

Variance 1 – SZD 12



**RECOMMENDATION**

Planning staff recommends the variance be approved with the following conditions:

- 1) The variance is limited to the increase in building height from 1.5 stories or 25 feet to 2.5 stories and 35 feet; and 2 stories for accessory structures. Up to three accessory structures will be allowed per developed parcel and for any use incidental to rural residential living including the uses enumerated in the code as well as indoor recreational uses, for storage of personal property including recreational vehicles and equipment. One of the accessory structures may have a 1-bedroom guest quarters. No accessory structure would exceed 2,000 square feet on the ground-floor or 2 stories in height. No other variance from the zoning district regulations is intended or implied.
- 2) The variance is limited to the lots within Special Zoning District 12 specifically Parcels 5A, 8A, 10A2, 11A1, 12A1, 15A1, 16A, 9A2, 17A, 1A, 14A, 6A and 13A1 all in Certificate of Survey 781.
- 3) All lots shall begin development within 10 years of the date of the variance approval. Any lot where development has not yet begun at the lapsing date shall be required to conform to the Special Zoning District regulations in place at the time or seek a separate variance. An owner or owners may request a modification of this time limit if an application is submitted within 60 days of the lapsing date of this approval.
- 4) All other zoning regulations, except for this specific variance, and any other applicable county regulations apply to the development of structures on each lot.
- 5) Development of structures on each lot will require the submittal and approval of a Zoning Compliance Permit through City/County Planning. The Zoning Compliance Permit is to ensure the compliance with the zoning regulations and the specific allowances in this variance.

6) Failure to begin or complete actions required by this approval within the time limits set forth shall void this variance.

7) This variance is approved, subject to the conditions set forth herein, shall become effective immediately upon the Commission's approval, shall run with the land described in this authorization, and shall apply to all current and subsequent owners, operators, managers, leaseholders and their heirs and assignees.

### **Discussion**

Commissioner Ostlund called for questions and discussion from the Commission. Bob Adler asked if the size of the homes are limited. Nicole responded there is no limitation on the total area of the home.

Commissioner Ostlund opened the public hearing and asked if there is anyone wishing to speak in favor or against this variance request.

### **Public Hearing:**

**Kellie Savilee, Meridian Real Estate, 21116 Broadwater Ave-Unit 205 Billings, MT**

**Jack Ramirez, Yellowstone Farms, LLC, 360 East Lock Lloyd Pky, Lock Lloyd MO**

He agrees with the staff presentation. He pointed out there the large lots with several elevation changes. He doesn't feel there are issues with having additional accessory structures on the lots. He commented on a similar development with multiple accessory buildings. He noted "Exhibit 3A" provided in the staff report. Kellie Saville provided further explanation and pointed out the location for septic services. Jack Ramirez provided background history on this property. It was originally purchased by his parents as one tract and in 1974 completed a plat survey to distribute acreage to the children. The family still owns the property and wishes to develop the property. They decided to eliminate the five small tracts to maintain good relations with the McFarland Subdivision property owners. The sanitary and drainage requirements have been met for the upper lots. The accessory buildings will be required to be located within 100 ft. of the primary dwelling.

Jeff Martin asked regarding notice requirements. Standard 150-ft from outside boundary. 44 property owners were notified of this application. Design and use for athletic and recreational facilities is not defined within the Special Zoning District. Nicole Cromwell explained that staff will rely on the standard dictionary definition as it is not defined within the Special Zoning Regulations for this district. Jeff Martin asked if the language states residential recreational only. Jack Ramirez stated recreational activities are approved by the plan review committee. Jeff asked if this variance would accommodate further subdivisions. Nicole Cromwell said additional lots will need their own variance.

Doug Clark inquired as to an increase in 1.5 to 2.5 stories on the primary structure and 2-story on the accessory structures. Nicole 2 stories 35 ft in height. The condition may be amended to 2 stories and 35 height maximum feet. Jack Ramirez said several of the structures may be built on slopes and the height is determined by the average height of the grade. Nicole

Cromwell explained further that the average height of the grades determines the maximum height for sloped sites. Tim Miller asked if any of the parcels within the development are developed. One contract is subject to this proposal.

Debbie Chai, 8204 Angus Circle, Billings, MT

Ms. Chai owns two lots in the McFarland Subdivision. She said the five lots adjacent to their lots are not sloped and 35' height structures would impact the lot views and privacy. She spoke to wildlife and said she understands others wanting to live there. She feels the 35' structure height would monumentally obstruct the residents' views. An email was sent to staff by Alex Chai.

Mike Haskell

Mr. Haskell owns land south of Far Away Estates. Asked for clarification of the variance. Home 35'ft Height restriction. Change to Accessory buildings ability to have 3 accessory buildings. Kellie Saville said the current regulations allow up to six and this variance allows for three accessory buildings. Mr. Haskell said overall is in support of this request as currently there are plan limitations.

Mr. Rameriz

Referred to the topographical map and pointed out the height drops of 5-ft of gradual slope. The nearest home will be approximately 500-feet from the property line to Tract one building site. He recognizes the value of the viewshed, but this is not a property right to keep someone else from using their property reasonably.

Closed public hearing 2:21

**James Herz, Trustee of Contance R Hertz Bypass Trust, 3680 Vickery Drive, Billings, MT**

There were no further public comments. The public comment period was closed.

### **Motion**

**A motion was made by Commissioner Robert Adler and seconded by YC Public Works to approve the regulations for Special Zoning District 12 – Variance #1 with the Conditions of Approval recommended by staff.**

### **Discussion**

Commissioner Clark clarify by elimination of 2.5 and change it to 2 stories no higher than 35-ft with the 7 conditions listed.

**The motion carried as amended, 5-0.**

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

**Approval of Minutes: January 3, 2022**

**Motion**

**On a motion by, Tim Miller, Yellowstone County Public Works seconded by Robert Adler, and approved with 5-0 voice vote, the minutes of January 3, 2022 were approved as submitted.**

**Announcements** There were no announcements.

Adjournment The meeting was adjourned at 2:23 p.m.

**DRAFT. To be approved during the next Planning and Zoning Commission meeting.**

County Planning & Zoning Commission

Meeting Date: 06/10/2024

SUBJECT: SZD 17 - Zone Change 1 - 5750 Pleasant Hollow Trail - Ag-Residential to Residential-10

THROUGH: Nicole Cromwell

PRESENTED BY: Nicole Cromwell

Information

REQUEST

County Zone Change 1 - SZD #17 -- 5750 Pleasant Hollow Trail -- Agriculture Residential to Residential 10 - A zone change request from Agriculture Residential to Residential 10, on Block 1, Lot 2 of Herlee Subdivision, a 20.2-acre parcel of land. Tax ID: C12317. Presented by Nicole Cromwell, Zoning Coordinator

RECOMMENDATION

The Planning staff is recommending approval of the requested zone change based on the general conformance with the adopted development plan for Special Zoning District 17. The stated intent of the district is as follows: "The regulations and development pattern adopted herein are for the purpose of protecting and furthering the health, safety, and general welfare of the people living in the District and in Yellowstone County, Montana."

APPLICATION DATA

OWNER: Lloyd and Carol Reimann

AGENT: NA

LEGAL DESCRIPTION: Herlee Sub, Block 1, Lot 2

ADDRESS: 5750 Pleasant Hollow Trail

CURRENT ZONING: Agriculture Residential

EXISTING LAND USE: Single family home and agricultural buildings

PROPOSED USE: Same with additional lot for a family member to build a home

SIZE OF PARCEL: 20 acres

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

The applicable Zoning History is attached at the end of this report.

SURROUNDING LAND USE & ZONING

- NORTH: Zoning: Residential 5  
Land Use: Rural residential homes on lots from 5 to 20 acres
- SOUTH: Zoning: Agriculture Residential  
Land Use: 20+-acre agricultural lots with single family dwellings
- EAST: Zoning: Agriculture Residential  
Land Use: 20-acre agricultural lot with a single family dwelling
- WEST: Zoning: Agriculture Residential  
Land Use: 20-acre agricultural lot with a single family dwelling

BACKGROUND

Special Zoning District 17 was adopted for this area of Shepherd in May 1994. All special zoning districts are petitioned zone districts in the County, where landowners can request the Board of County Commissioners create a district to adopt land uses for a specific area of at least 40 acres in area. Over the years, the county has adopted 19 special zoning districts. Several of these districts were extinguished when the county area was annexed to Billings and municipal zoning was applied. The county has repealed one special zoning district (District 19) on the petition of the landowners in the district. in SZD 19, it was the consensus of the owners that the need for the special zoning district for the neighborhood west of Laurel was outdated. Special zone districts one through 11 were extinguished through annexation to Billings. Currently, there are seven active special zoning districts and one is pending adoption of regulations (SZD 21).

SZD 17 has three base zone districts - Agriculture Residential (20 acres), Residential 10 (10 acres) and Residential 5 (5

acres). In 2000, a landowner west of E.W. Tenny Rd requested a zone change from Agriculture Residential to Residential 10 for 80 acres of property. The Planning and Zoning Commission made no recommendation and allowed the applicant to withdraw the request. Otherwise, no other application has been submitted to change the base zoning district of property in SZD 17. In general, the property land area at the time of the special zoning district establishment was the deciding factor for a base zone district. For example, lots on the north side of Pleasant Hollow Trail were already smaller lots (~ 5 acres) so those lots were placed in the Residential 5 zone district. The subject property and the two lots on either side were already platted at 20 acres and were zoned in the Agriculture Residential.

The Planning staff review the district documents and has found that most of the zone districts are similar other than the minimum lot area. Here are the three district intent statements:

*Agriculture Residential: A district intended to protect and preserve agricultural lands for the performance of limited agricultural functions and to provide residential development on large tracts of land. The intent is to control the scattered intrusion of uses not compatible with an agricultural environment, to encourage agricultural pursuits and to protect environmental concerns.*

*Residential 10: A district intended to protect and preserve agricultural lands for the performance of limited agricultural functions and to provide residential development on large tracts of land.*

*Residential 5: A district intended for low density, single-family developments.*

The zone district requirements for building heights, setbacks, and lot coverage are very similar between the Agriculture Residential and the Residential 10. Residential 5 is distinctly different from these other two zone districts. The Planning staff finds that due to this similarity and the development plan adopted in 1994 for the special zone district, the proposed zone change should be approved.

The zone change criteria for special zoning districts is different from the County's 4.5-mile jurisdictional zoning that surrounds Billings. (MCA 76-2-203 - Criteria and guidelines for zoning regulations). The state law that allows petitioned county zoning districts has no criteria or guidelines per se other than the statutory authority stated in 76-2-104 - Development pattern: "*For the purpose of furthering the health, safety, and general welfare of the people of the county, the county planning and zoning commission hereby is empowered, and it shall be its duty to make and adopt a development pattern for the physical and economic development of the planning and zoning district.*"

Planning staff finds the proposed zone change does further the health, safety and general welfare of the residents within the special zoning district and is in line with the development pattern adopted for this special zoning district.

## **RECOMMENDATION**

The Planning staff is recommending approval of the requested zone change based on the general conformance with the adopted development plan for Special Zoning District 17.

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### **Attachments**

SZD 17 - ZC 1 - Zoning Map and Site Photos  
Chart of Zoning History SZD 17 ZC 1  
Application and Letter SZD 17 ZC 1  
letter of comment Lindsey Soltis

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Zone Change 1 – SZD 17 – 5750 Pleasant Hollow Trail – Agriculture Residential to Residential 10  
Zoning Map and Site Photos

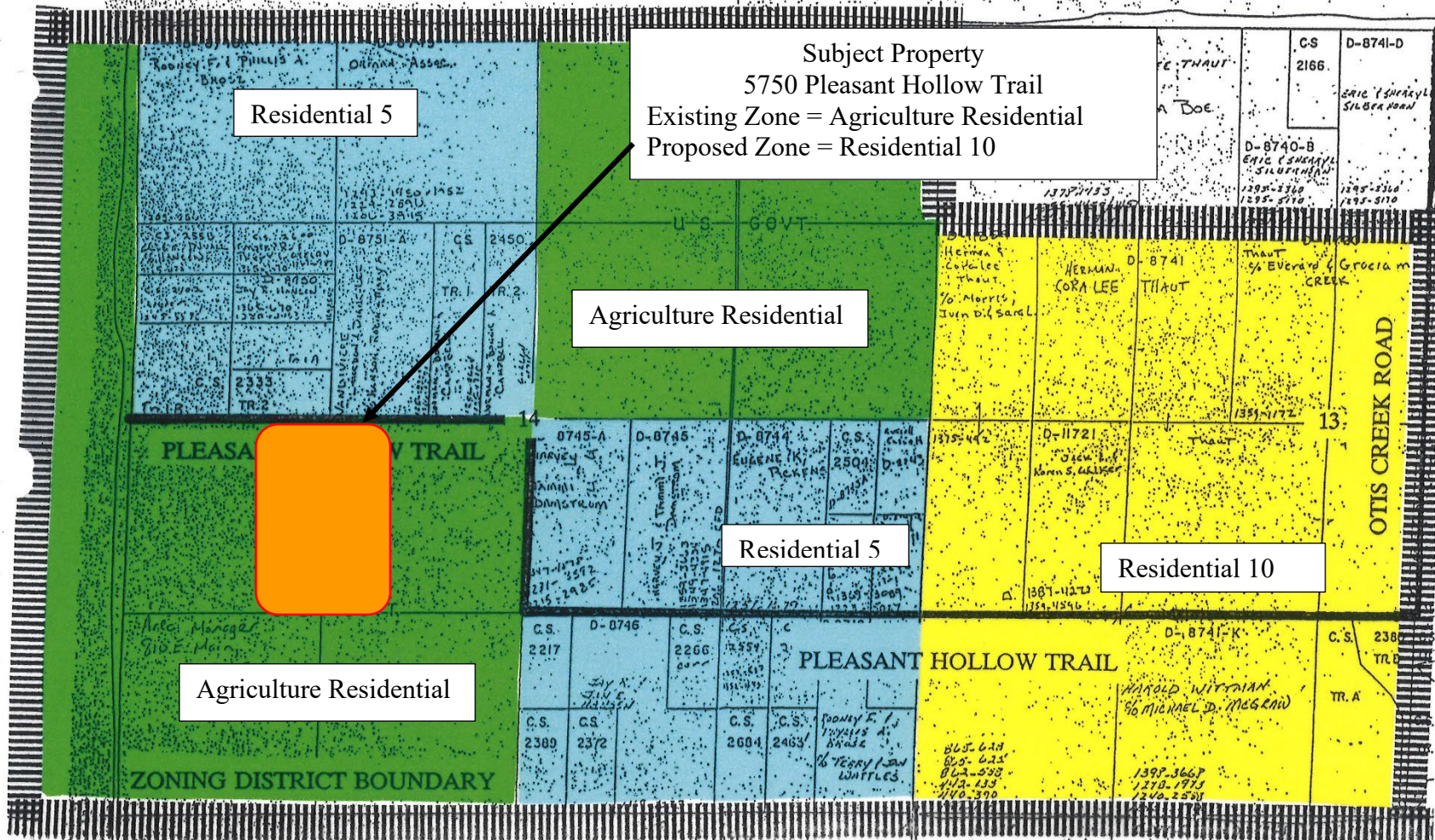


NORTH

YELLOWSTONE COUNTY PLANNING  
AND ZONING DISTRICT NO. 17

TOWNSHIP 3 NORTH  
RANGE 27 EAST

ZONING DISTRICT BOUNDARY



Residential 5

Subject Property  
5750 Pleasant Hollow Trail  
Existing Zone = Agriculture Residential  
Proposed Zone = Residential 10

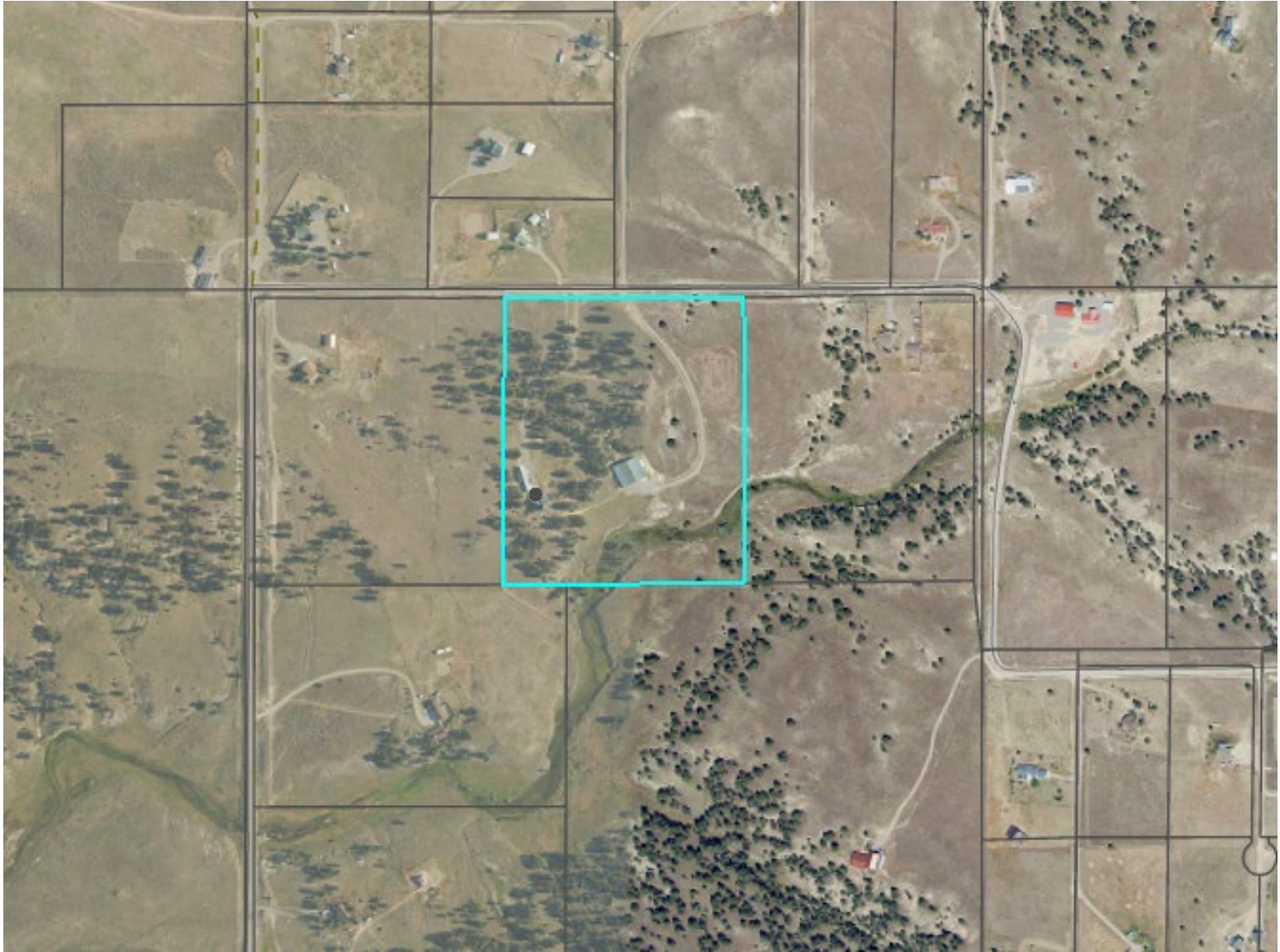
Agriculture Residential

Residential 5

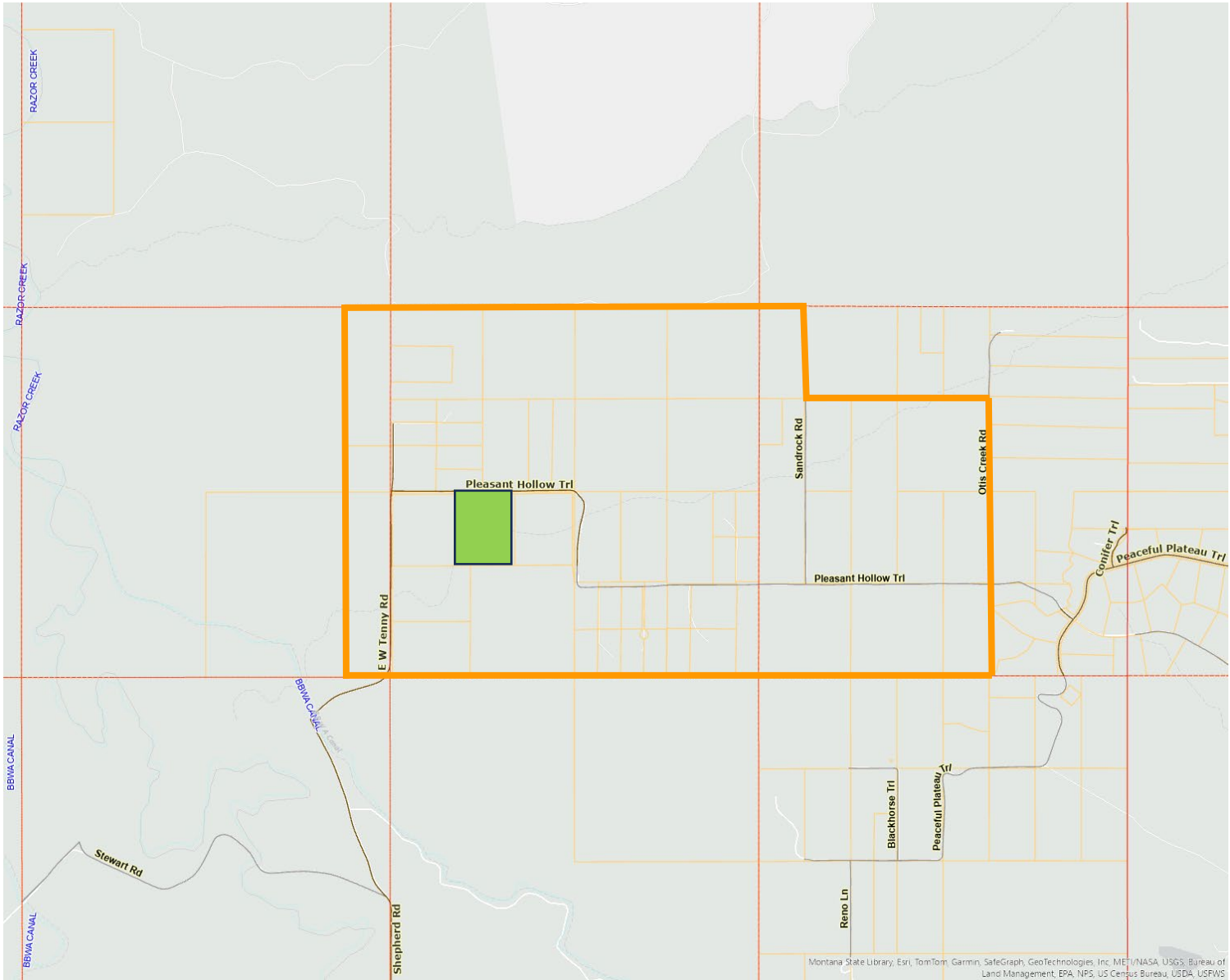
Residential 10

Agriculture Residential











Subject property – 5750 Pleasant Hollow Trail



Public Posting – west of subject property



Public Posting – corner of E.W. Tenny Rd and Pleasant Hollow Trail



Public Posting – east of subject property



Northwest corner of subject property – view west on Pleasant Hollow Trail



View north across Pleasant Hollow Trail



Property east of subject property – 5600 Pleasant Hollow Trail



View east on Pleasant Hollow Trail from Northeast property corner



View east on Pleasant Hollow Trail from Northwest property corner

Applicant Photos



View from Northeast property corner – view south from Pleasant Hollow Trail



View from Northeast property corner – view west on Pleasant Hollow Trail



View from Northwest property corner – view to the east along Pleasant Hollow Trail



View from Northwest property corner – view to the south



View from Southeast property corner - view to the north



View from Southeast property corner – view to the north and west



View from Southwest property corner - view to the east



View from Southwest property – view to the north



View from Southwest property to the north east property corner

**APPLICABLE ZONING HISTORY**  
**Zone Change 1 – SZD 17**

<b>SUBJECT PROPERTY</b>	<b>Zone Change</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
5750 Pleasant Hollow Trail	NA	May 5, 1994	SZD 17 original district	Yes	Zone is Agriculture Residential
<b>COUNTY DISTRICTS</b>	<b>Zone Change</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
SZD 17 – 11604 EW Tenney	Variance 1	Jan. 3, 2022	Lot Area & Dwelling size	Yes	Allowed 10-acre lot in Agriculture Residential And dwelling less than 1,500 square feet
SZD 20 – 3545 Elk River Rd	Variance 1	July 7, 2015	Side setback	No	Application was denied due to lack of submission of Zoning Compliance Permit and ability of owner to rectify noncompliance
SZD 14 – 7606 Duck Creek Rd	Zone Change 1	May 13, 2008	Ag-Open to Suburban-Residential	No	400-acre zone change from 20-acre lots to 1-acre lots
SZD 17 – 11229 EW Tenney Rd	County ZC 532	May 23, 2000	Ag Res to Res 10	Withdrawn	80-acre zone change from 20-acre lots to 10 acre lots

**COUNTY APPLICATION FORM**

**COUNTY ZONE CHANGE** County Zone Change # \_\_\_\_\_ - Project # \_\_\_\_\_

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: \_\_\_\_\_

Proposed Zoning: \_\_\_\_\_

Property Tax ID # \_\_\_\_\_ COUNTY COMMISSIONER DISTRICT # \_\_\_\_\_

Legal Description of Property: \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

Size of Parcel (Area & Dimensions): \_\_\_\_\_

Present Land-Use: \_\_\_\_\_

Proposed Land-Use: \_\_\_\_\_

\_\_\_\_\_

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

Owner(s) \_\_\_\_\_  
(Record Owner)

\_\_\_\_\_  
(Address)


\_\_\_\_\_  
(Phone Number) (email)

Agent(s): \_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Phone Number) (Email)

I understand that the filing fee accompanying this application is non-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 actual and correct.

Signature:  \_\_\_\_\_  
(Record Owner – Digital Signature Allowed)

Dear Planning & Zoning Board,

I am writing to request a Zone Change for my property at 5750 Pleasant Hollow Trail, Shepherd, MT 59079, which lies within Special Zoning District 17. The property is currently zoned for Agricultural Residential 20 acres. I wish to change it to residential 10 acres so that I may make provision to free up some land for my son to be able to get a loan and build an affordable home.

This Zone Change is necessary as the property is my primary residence, and because of its topography is not suited for agricultural purposes. It has a limited amount of timber, but not enough for timber sales, and the high desert landscape makes it cost prohibitive to attempt raising livestock or crop production. Other properties within Special Zoning District 17 are a mixture of 5, 10 and 20 acre tract zones. I wish to maximize the use of the property while still maintaining the character of the neighborhood. I have made all the necessary arrangements to ensure that the property complies with all zoning regulations and will not negatively impact the surrounding area.

This Zone Change is not contrary to the Special Zoning District Purpose, as the property is ideally located for residential use, and will contribute positively to the local economy. Residential 10 acres is more congruent to the neighboring properties. It won't diminish other property values, and at 10 acres it exceeds 21 other 5 acres parcels in the area. 27 years ago I bought this property and built my home. My hope is to age in place, and that I'll be able to keep my family near so as to have a significant influence on my overall health and welfare.

Thank you for your time and consideration.

Lloyd and Carol Reimann  
5750 Pleasant Hollow Trail  
Shepherd, MT 59079  
406-661-6173

**From:** [Lindsey Soltis](#)  
**To:** [Cromwell, Nicole](#)  
**Subject:** [EXTERNAL] County Zone Change 1 - SZD #1  
**Date:** Friday, May 17, 2024 9:19:43 AM

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Mr/Ms. Cromwell:

I'm writing in regards to the proposed zone change for 5750 Pleasant Hollow Trail. While I understand and sympathize with the Reimann family in wanting to keep their son close, I worry about this setting a precedent for other property owners in the area to start subdividing other 10-20+ acre parcels. One additional home for the Reimann's son won't change the atmosphere of the neighborhood by much, especially as I know they are long-time residents and respect the privacy and feel of the area, but other residents or future residents might not be as respectful. Splitting up one lot to allow another home just opens the door for others to do likewise and before long our rural community becomes a common subdivision.

As I said, I do understand and sympathize with the Reimann's as having family close by is the most important thing. Myself, my brother, and parents all live in the area (I live on Pleasant Hollow, my brother is on Peaceful Plateau, and our parents on EW Tenny), and I know the Reinman's son would be respectful in building his future home to cater to the atmosphere of our neighborhood. But unless we can safeguard the neighborhood from being continuously rezoned for more development, I would be against this request for subdividing the proposed lot. The current cost of housing is unfortunate and a problem for our young adults trying to establish themselves, but should it become the burden of those who have bought property on Pleasant Hollow for the purpose of living somewhere quiet and safe?

Thank you for your time and I hope you have a wonderful day and weekend. God bless you and your family!

Sincerely,

Lindsey Soltis