



**COUNTY OF YELLOWSTONE ZONING COMMISSION  
AGENDA**

**Monday, October 14, 2024**

**4:00 PM**

**Stillwater Building, 3rd Floor, Room 3108  
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>
- . View the meeting live online at Facebook

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 the Board via email before 12:00 PM on the meeting date. All emails received prior to this time will be entered into the record for the public hearing. Comments may be submitted by:

- . Mail: City/County Planning Division, PO Box 1178, Billings MT 59103
- . 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 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 August 12, 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 Special Review 336 -- Whitetail Ln - ADU -- A special review request to allow an Accessory Dwelling Unit in a Rural Residential 1 (RR1) zone district, on Tract 2-A-1 of Amended Tract 2-A of Amended Tract 2 of Certificate of Survey 2273M located in the northwest one-quarter of Section 25, Township 1 south, Range 25 east, Principal Meridian Montana, Yellowstone County, Montana, a 2-acre parcel of land. Tax ID: D00883B
- County Zone Change 726 -- 3380 Wise Lane - A to C3 - A zone change request from Agricultural (A) to General Commercial (C3) on a 1.5-acre portion in the northeast corner of an unplatted parcel in Section 34, Township 1 South, Range 25 East, a Fraction of the northeast 1/4 & a Fraction of Government Lots 1 and 2 south of the Road, a 59.21-acre parcel of land. A pre-application neighborhood meeting was held on August 26, 2024 at the subject property. Tax ID: D01161

**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 **October 29, 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 and Special Review**. Information on the preceding item may be obtained at the Yellowstone County Planning office by phone 657-8246. 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.

**County Zoning Commission**

**Meeting Date:** 10/14/2024

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**Information**

**Subject**

The minutes of the Board meeting of August 12, 2024

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**Attachments**

Minutes of August 12, 2024

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**Yellowstone County Zoning Commission  
Monday, August 12, 2024  
2825 3<sup>rd</sup> Ave N, Billings MT**

**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	C	C	1	C	1	C	1				
<b>Melissa Ray Gentry</b>	Commissioner	X	C	C	1	C	1	C	A				
<b>Tyler Bush</b>	Commissioner Chairman	X	C	C	A	C	V	C	A				
<b>Todd Hewitt</b>	Commissioner	A	C	C	1	C	A	C	1				
<b>Morgan Tuss</b>	Commissioner	X	C	C	1	C	A	C	1				

Commissioner Hewitt opened the meeting and introduced the County Zoning Commission members and Planning Division staff.

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

**Other Participants:** Jeff Wollschlager

**Public Comment**

Commissioner Hewitt 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, August 12, 2024  
2825 3<sup>rd</sup> Ave N, Billings MT**

**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:** June 10, 2024

**Motion**

It was moved by Commissioner Tuss, seconded by Commissioner Poppler to approve the June 10, 2024, meeting minutes as submitted. The motion was carried with a unanimous 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. The County Commissioners will meet on August 27, 2024, at 9:30 AM for the public hearing for Zone Change 725.

**Item #1: County Zone Change 725** – 406 Johnson Lane –Rural Residential 3 (RR3) to General Commercial (C3) – A zone change request from Rural Residential 3 (RR3) to General Commercial (C3) on the eastern 500 feet of this parcel.

Karen Husman, Planner gave an overview of the request to rezone the eastern 500 feet of this parcel. Adjacent properties are zoned RR3 and Agriculture.

**Recommendation**

Planning staff is recommending approval of the requested zone change 725 and adoption of the findings of the 11 criteria.



**Yellowstone County Zoning Commission  
Monday, August 12, 2024  
2825 3<sup>rd</sup> Ave N, Billings MT**

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

**Questions**

There was a discussion about the property's history as a former marijuana business and the applicants' request for a zone change for different uses. The precise number of acres involved in the request isn't known, but the entire property is 10 acres. It was clarified that the nearby fire station is located on the opposite corner of the street. A few people attended the neighborhood meeting, and there seemed to be no significant concerns from the neighbors.

**Applicant's Agent**

Jeff Wollschlager 3711 Corbin Dr, Billings – Mr. Wollschlager mentioned that the project is located adjacent to Johnson Lane, an arterial right-of-way. To accommodate future growth and development, the applicant proposes zoning the first 500 feet of the property as C33 for commercial use. The area beyond that will remain zoned RR3 for residential use, as it is currently undeveloped. The front 500 feet will be developed, though specific plans are not yet determined. This setup involves commercial zoning at the front of the property, facing the roadway.

**Motion**

Commissioner Tuss made a motion, seconded by Commissioner Hewitt, to approve County Zone Change 725. The motion was carried with a unanimous vote.

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

Adjourned: 4:18 PM

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

*Brenda J Berns, Planning Clerk*

**County Zoning Commission**

**Meeting Date:** 10/14/2024

**SUBJECT:** County Special Review 336 - Whitetail Ln ADU

**THROUGH:** Tate Johnson, Planner 1

**PRESENTED BY:** Tate Johnson, Planner 1

**Information**

**REQUEST**

County Special Review 336 -- Whitetail Ln - ADU -- A special review request to allow an Accessory Dwelling Unit in a Rural Residential 1 (RR1) zone district, on Tract 2-A-1 of Amended Tract 2-A of Amended Tract 2 of Certificate of Survey 2273M located in the northwest one-quarter of Section 25, Township 1 south, Range 25 east, Principal Meridian Montana, Yellowstone County, Montana, a 2-acre parcel of land. Tax ID: D00883B

**RECOMMENDATION**

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

**APPLICATION DATA**

**OWNERS:** Michael M. Botz and Bernadette J. Botz

**AGENT:** N/A

**LEGAL DESCRIPTION:** Tract 2-A-1 of Amended Tract 2-A of Amended Tract 2 of Certificate of Survey No. 2273M located in the northwest one-quarter of Section 25, Township 01 south, Range 25 east Principal Meridian Montana, Yellowstone County, Montana.

**ADDRESS:** Not assigned

**CURRENT ZONING:** RR1 - Rural Residential 1

**EXISTING LAND USE:** Agriculture

**PROPOSED USE:** Residential with an Accessory Dwelling Unit (ADU)

**SIZE OF PARCEL:** 2 Acres

**CONCURRENT APPLICATIONS**

PLNX-24-02784 : PLNX-COUNTY ZONING COMPLIANCE PERMIT -- RESIDENTIAL

**APPLICABLE ZONING HISTORY**

See attachments.

**SURROUNDING LAND USE & ZONING**

**NORTH:** Zoning: RR3

Land Use: Vacant

**SOUTH:** Zoning: RR1

Land Use: Residential

**EAST:** Zoning: RR3

Land Use: Vacant

**WEST:** Zoning: A

Land Use: Residential and Agriculture

**BACKGROUND**

This is a special review request to allow an Accessory Dwelling Unit (ADU) in a Rural Residential 1 (RR1) zone district. The pre-application neighborhood meeting was held at The Windmill & Bar 51 (3429 N Transtech Way) Wednesday, July 24, 2024 at 6:00 pm. Seven members of the public attended the meeting. Concerns were brought up about who is allowed to live within the accessory dwelling unit (ADU). The property owner let them know that it is required that the owner occupies the primary structure as their principal residence. Another concern was brought up about the coordination on the location of the new road so the neighbors parking and turnaround spot at the end of the lane is not eliminated. The owner agreed to coordinate with the neighbor to ensure these are maintained. Whitetail Lane is a private road and maintained by the owners using the road. All use of the property and road are still subject to recorded easements, covenants, conditions, and restrictions.

In the previous zoning code, the property was zoned Agriculture - Open Space. This zoning allowed for more principal use as long as the property could still meet the area requirements as though it was a single lot. For example, if you had a lot zoned Agriculture Suburban (1 acre minimum), and you had a lot that was 3 acres, you could build - without any special zoning approval - a second dwelling (principal building). During Project ReCode the allowance of accessory dwelling units with special review was partially based on the previous code and the unknowns of ADUs in the county.

## SUMMARY

The Applicants are requesting special review for an accessory dwelling unit to be constructed on the property. The parcel is 2.0 acres. The main residential home is proposed to be approximately 4,867sqft. The pole barn is proposed to be approximately 1,725 sqft. The accessory dwelling unit is proposed to be 1,798sqft. The property is zoned Rural Residential 1 (RR1). RR1 allows for one principal structure and up to three accessory buildings, with a 25% maximum building coverage. RR1 requires a rear setback of 25 feet from the property line.

The accessory dwelling unit (ADU) on the submitted site plan exceeds the maximum allowable size for an ADU in the zoning code. Per Section 27-1009.G.4.C. "On lots greater than 20,000 square feet the maximum gross floor area of a detached accessory dwelling unit shall not be more than 80 percent of the gross floor area of the principal dwelling unit or 1,000 square feet, whichever is less." The site plans also shows the main house within 12 feet of the rear setback and accessory dwelling unit within 18 feet of the rear setback. Per Section 27-1622.D.9. "The special review use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the County Commission." The zoning code allows for special review of the ADU and variance from code requirements. Staff is recommending conditional approval of the accessory dwelling unit and a variance from rear setback requirements for the principal structure and accessory dwelling unit.

## DECISION CRITERIA

The Zoning Commission shall only recommend approval or conditional approval and the County Commission shall only approve or conditionally approve a special review request if:

1. The special review use is consistent with the County's growth policy and applicable neighborhood plans, if any;
2. The establishment, maintenance, or operation of the special review use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
3. The site for the proposed use is adequate in size and topography to accommodate the use while meeting the other requirements of this Zoning Code, including zone district dimensions, landscaping requirements, and parking.
4. The special review use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
5. The special review use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
6. Conditions necessary to protect the public health, safety, and general welfare can be established, including but not limited to conditions on:
  - (a) Regulation of the use;
  - (b) Special setbacks, buffers, or screening;
  - (c) Surfacing of parking areas;
  - (d) Street, alley, or service road dedications, improvements, or bonds;
  - (e) Regulation of points of vehicular ingress and egress;
  - (f) Regulation of signs;
  - (g) Regulation on the performance of the site, including noise, vibration, and odors;
  - (h) Regulation of the hours of activities;
  - (i) Timeframe for development
  - (j) Duration of use; and
  - (k) Other relevant conditions that will ensure the orderly development of the site.
7. Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided;
8. Adequate measures have been or will be taken to provide ingress and egress to minimize traffic congestion in public streets; and
9. The special review use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the County Commission.

Each Decision Criteria must be given due consideration and a finding is proposed for each one. Planning staff is including a set of recommended conditions of approval based on the submitted site plan, applicant letter, and findings of the criteria. A significant change from the previous zoning code is a special review use must not be considered an "allowed" use in the zone district. The proof of compatibility now rests with the applicant instead of the Zoning Commission and County Commissioners to prove non-compatibility.

## **PROPOSED FINDINGS:**

### **1. The special review use is consistent with the County's growth policy and applicable neighborhood plans, if any.**

There are guidelines in the Growth Policy that include bringing in more diverse housing choices into existing neighborhoods. The Growth Policy Guidelines supports the proposed use by providing more housing choices in the neighborhood.

GOAL: More housing and business choices within each neighborhood.

GOAL: Adequate affordable housing and living wage options for all citizens.

Approval of this special review and associated setback variances are consistent with the Growth Policy goal to bring more housing choices within the neighborhood.

### **2. The establishment, maintenance, or operation of the special review use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.**

The construction of the accessory dwelling unit (ADU) will not be detrimental to or endanger the surrounding area. The ADU has been approved by DEQ and will be equipped with proper sanitation facilities. Additionally, the ADU is likely to create minimal additional traffic for the area and will not burden the local roadways. While the ADU and principal building are within the rear setback, all other setbacks will be met. Approval of the special review and associated variances will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

### **3. The site for the proposed use is adequate in size and topography to accommodate the use while meeting the other requirements of this Zoning Code, including zone district dimensions, landscaping requirements, and parking.**

The site offers ample space for constructing a primary residence, an accessory dwelling unit (ADU), and a workshop. The property is two acres (87,120 square feet), the RR1 zoning regulations allow for a maximum building coverage of 25%, which translates to 21,780 square feet for this lot. The proposed structures total 8,460 square feet, well below the maximum building coverage. The 2.0 acre property will have enough space to meet parking and landscaping requirements.

### **4. The special review use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.**

This location has been used for agriculture for many years. However, this type of development is not out of character for this area and should not diminish or impair property values in the area. Along Whitetail Lane, there are already multiple residences. Approval of this special review and rear setback variances will not be injurious to the use or enjoyment for other properties in the immediate vicinity.

### **5. The special review use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.**

Planning staff believes the development of this property to a residential property will not impede the normal and orderly development in the area. Along Whitetail Lane, there are various surrounding lots that have residential and accessory structures. These including the neighbors to the west, southwest, and south.

### **6. Conditions necessary to protect the public health, safety, and general welfare can be established. Staff recommends the following conditions of approval based on the above findings**

1. This special review approval is for the proposed Accessory Dwelling Unit (ADU) and rear setback for the ADU and principal structure located S25, T01 S, R25 E, C.O.S. 2273, PARCEL 2A1, generally located at Whitetail Lane.
2. The site construction shall be in substantial compliance with the submitted site plans and architectural drawings as prepared and attached to these conditions of approval.
3. There will be no construction activity, including staging of operating equipment producing noise, prior to 7:00 am or after 8:00 pm daily.
4. The property is subject to all recorded easements, covenants, conditions and restrictions.
5. The property shall have approval of water, sanitation, and stormwater facilities per Department of Environmental Quality (DEQ) requirements.
6. The property owner shall live in the either the principal or accessory dwelling unit for at least 6 months of the year. No third party rentals shall occur in the owner occupied unit. The property owner shall record a deed restriction with the Yellowstone County Clerk and Recorder showing owner occupancy of the property. Evidence of the deed shall be provided to the Planning and Community Services Department.
7. These conditions run with the land use and are binding upon and must be adhered to by the property owner/ lessee and any successors, transferees or assigns, with the exception of these conditions.
8. Evidence of these conditions of approval shall be filed with the Yellowstone County Clerk and Recorder within 30 days of the approval of the Accessory Dwelling Unit. Evidence of such filing shall be submitted to the Planning and Community

Services Department.

**7. Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.**

The applicant has provided DEQ approval for the plans and supplemental information relating to the water supply, sewage, solid waste disposal, and storm drainage (if any). The property is accessed via private road, Whitetail Lane.

**8. Adequate measures have been or will be taken to provide ingress and egress to minimize traffic congestion in public streets.**

Concerns about ingress and egress to alleviate traffic congestion have not been explicitly addressed. However, adding an ADU on the property is expected to have a minimal impact on traffic flow and volume. The property is accessed via private road, Whitetail Lane. The property is subject to all recorded easements, covenants, conditions and restrictions.

**9. The special review use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the BOCC.**

Planning staff has identified and recommended approval of variance from the rear setback requirement for the accessory dwelling unit and principal structure. The recommended condition of approval requires the site plan to be in substantial compliance with what is submitted.

**RECOMMENDATION**

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

1. This special review approval is for the proposed Accessory Dwelling Unit (ADU) and rear setback for the ADU and principal structure located S25, T01 S, R25 E, C.O.S. 2273, PARCEL 2A1, generally located at Whitetail Lane.
2. The site construction shall be in substantial compliance with the submitted site plans and architectural drawings as prepared and attached to these conditions of approval.
3. There will be no construction activity, including staging of operating equipment producing noise, prior to 7:00 am or after 8:00 pm daily.
4. The property is subject to all recorded easements, covenants, conditions and restrictions.
5. The property shall have approval of water, sanitation, and stormwater facilities per Department of Environmental Quality (DEQ) requirements.
6. The property owner shall live in either the principal or accessory dwelling unit for at least 6 months of the year. No third party rentals shall occur in the owner occupied unit. The property owner shall record a deed restriction with the Yellowstone County Clerk and Recorder showing owner occupancy of the property. Evidence of the deed shall be provided to the Planning and Community Services Department.
7. These conditions run with the land use and are binding upon and must be adhered to by the property owner/ lessee and any successors, transferees or assigns, with the exception of these conditions.
8. Evidence of these conditions of approval shall be filed with the Yellowstone County Clerk and Recorder within 30 days of the approval of the Accessory Dwelling Unit. Evidence of such filing shall be submitted to the Planning and Community Services Department.

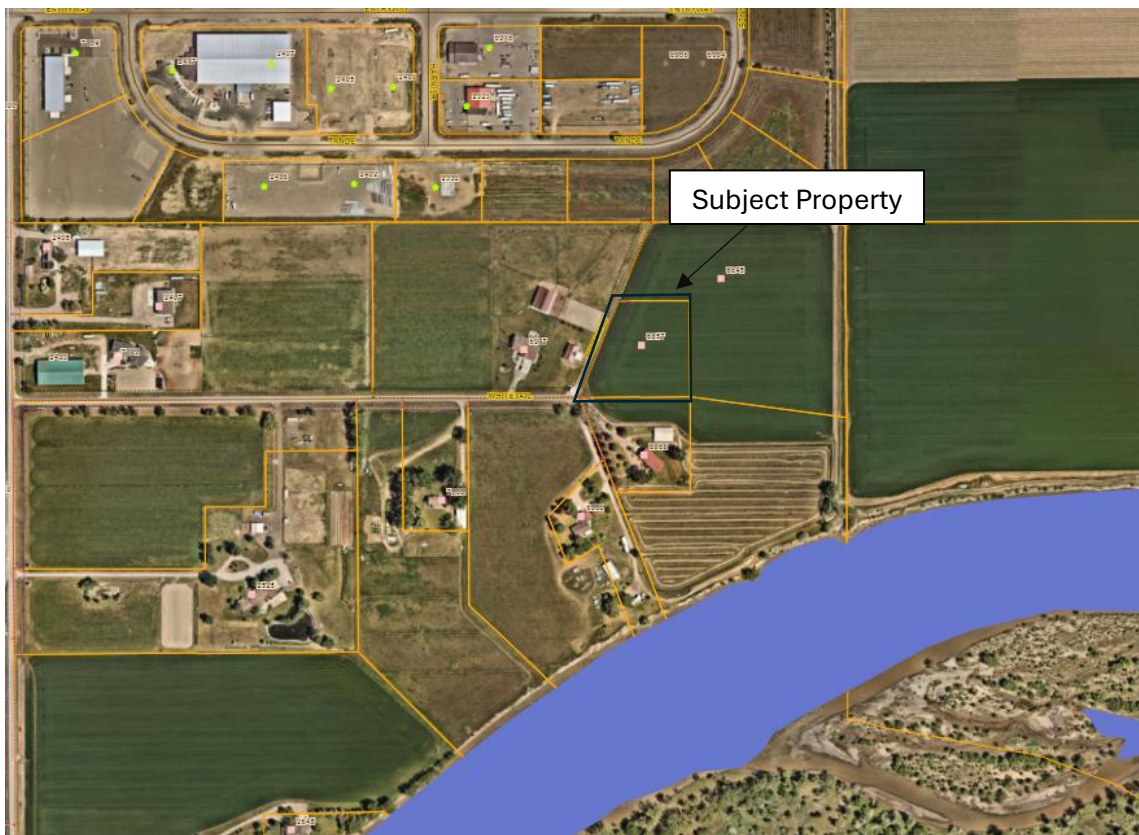
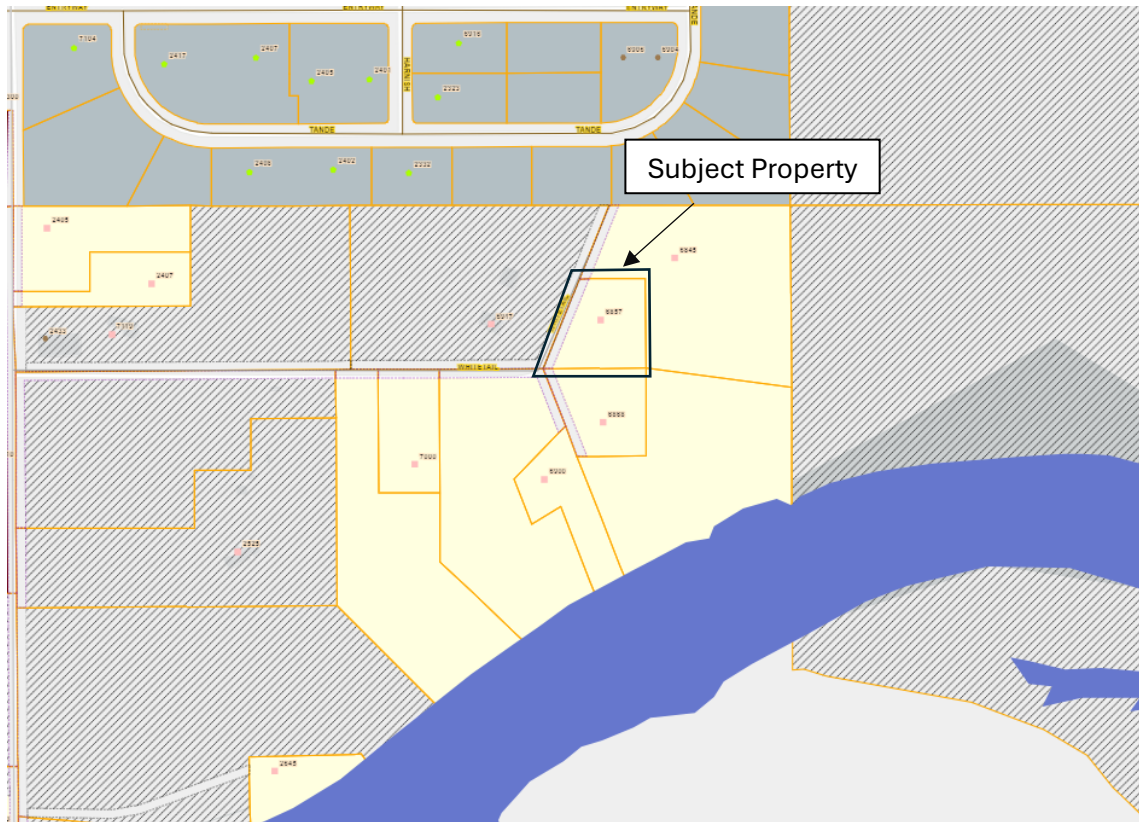
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**Attachments**

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

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Zoning Map & Site Photos County Special Review 336



Zoning Map & Site Photos County Special Review 336



Subject Property



Looking North from the End of Whitetail Lane

Zoning Map & Site Photos County Special Review 336



Looking South on Whitetail Lane



Looking West on Whitetail Lane

**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 Special Review application form, including any required fees, for a special review to be processed by the Planning Division.

1. **Present Zoning:** RR-1
2. **Written description of the Special Review** including square footage of structures, total area of the site  
Tract 2-A-1 is 2.0000 acres (87,120 SQ FT). Accessory building 1,725 SQ FT footprint,  
residential dwelling unit 4,867 SQ FT footprint, accessory dwelling unit 1,798 SQ FT footprint (total 8,393 SQ FT)
3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:** NW1/4 S25, T1S, R25E, COS 2273M  
Tract 2-A-1 (6857 Whitetail Lane, Billings, MT 59101)
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 24, day of July, 2024.
  - b) The special review application is based on materials presented at the meeting.

Owner (s): Michael & Bernadette Botz Telephone: 406-794-8965/406-794-8705

Address: 5825 Lazy Lane, Billings, MT 59106 Email: mike@botz.com  
Billings, MT 59106 b@botz.com

Agent (s): \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

\_\_\_\_\_

COUNTY APPLICATION FORM

COUNTY SPECIAL REVIEW County Special Review # 336 - Project # PZX-24-00212

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

Present Zoning: RR-1

Proposed Special Review Use: Construction of accessory dwelling unit

Property Tax ID # D00883B COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: NW1/4 S25, T1S, R25E, COS 2273M

Tract 2-A-1

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

6857 Whitetail Lane, Billings, MT 59101

Size of Parcel (Area & Dimensions): 2.0000 acres (87,120 SQ FT)

Present Land-Use: Agriculture

Proposed Land-Use: Construction of pole barn (accessory building), accessory dwelling unit, and

primary residential dwelling unit

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

Owner(s) Michael & Bernadette Botz

(Record Owner)

5825 Lazy Lane, Billings, MT 59106

(Address)

406-794-8965

(Phone Number)

mike@botz.com

(email)

Agent(s):

(Name)

(Address)

(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 Special Review. Also, I attest that all the information presented herein is factual and correct.

Signature: [Handwritten Signature] Date: 25 July 2024

(Record Owner - Digital Signature Allowed)

August 22, 2024

Yellowstone County Planning and Community Services Department  
Chairperson of the Board of Adjustment  
2825 3<sup>rd</sup> Avenue North, 4<sup>th</sup> Floor  
Billings, MT 59101

**Re: Special Review for Zoning Compliance Permit**

Dear Chairperson:

We are writing this letter to accompany our application for a special review for a Yellowstone County zoning compliance permit. The proposed construction would be residential in nature on property zoned RR-1. We would like to construct a home on the property, along with a small cottage near to the home. The home would serve as our primary residence, while the cottage would be an accessory dwelling unit. Construction of a primary residence and an accessory dwelling unit in RR-1 is only allowed with special review by Yellowstone County.

We are requesting this special review so that we can construct the cottage next to our home. It is our desire for a retired friend of ours to live in the cottage near us. We enjoy her friendship, and this would also allow us to more easily maintain the place where she lives and help with miscellaneous chores. The cottage would be constructed first, and then afterwards our home would be constructed.

Thank you for your consideration and please contact us if you have any questions or require additional information.

  
Michael & Bernadette Botz  
5825 Lazy Lane  
Billings, MT 59106

Tel: 406-794-8965  
406-794-8705

July 15, 2024

Dale M. and Jeanne L. Broveak  
6917 Whitetail Lane  
Billings, MT 59101-6251

**Re: Notice of Neighborhood Meeting  
Special Review for Zoning Compliance Permit**

Dale & Jeanne:

Michael & Bernadette Botz will be applying for a Zoning Compliance Permit for residential construction located near your property in Yellowstone County, Montana. The proposed construction would take place at the following location:

NW ¼ Section 25, T1S, R25E  
Yellowstone County  
Certificate of Survey 2273M  
Tract 2-A-1 (2.000 Acres)  
6857 Whitetail Lane, Billings, MT 59101

There are no existing structures on the property. Construction would include a pole barn, a single-family home, and an adjacent “mother-in-law” cottage. The property is zoned RR-1 and the construction of two homes (“dwelling units”) requires Special Review by Yellowstone County. Ahead of the Special Review, it is required that a Neighborhood Meeting be held to inform the nearby property owners of the proposed construction and provide the opportunity to ask questions and express concerns. Enclosed with this letter are the meeting notice and two drawings showing the nature of the proposed construction.

Thank you for your consideration and please contact us if you have any questions or require additional information. You can contact us any time ahead of the meeting if you would like more information. If you are unable to attend the meeting in person, we can arrange for you to join by telephone or for you to have a proxy attend on your behalf.

Regards,

Michael & Bernadette Botz  
5825 Lazy Lane  
Billings, MT 59106  
406-794-8965  
mike@botz.com  
406-794-8705  
b@botz.com



Imagery ©2024 Airbus, Maxar Technologies, USDA/FPAC/GEO, Map data ©2024 200 ft





**NEIGHBORHOOD MEETING**  
**SPECIAL REVIEW FOR ZONING COMPLIANCE PERMIT**

**MINUTES OF MEETING**


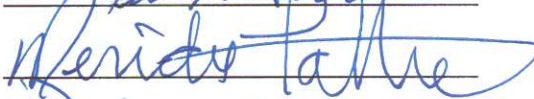
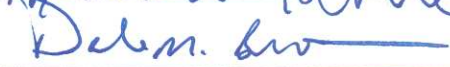
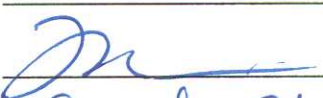



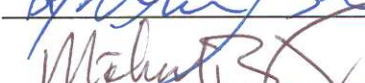
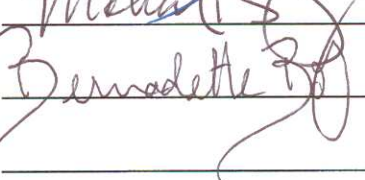
A neighborhood meeting was held on Wednesday July 24, 2024 from 6:00-7:00 PM at The Windmill & Bar 51 (Near Zoo Exit). The purpose of the meeting was to review the proposed residential construction at 6857 Whitetail Lane, Billings, MT 59101 9 (NW ¼ Section 25, T1S, R25E, Yellowstone County, Certificate of Survey 2273M, Tract 2-A-1 (2.000 Acres).

1. Mike Botz called the meeting to order at 6:00 PM. Those in attendance at the meeting are listed below, and the signature sheet is attached.
  - a. Tim McFadden (7119 Whitetail Lane)
  - b. Meridee Patterson (7000 Whitetail Lane)
  - c. Dale Broveak (6917 Whitetail Lane)
  - d. Jeanne Broveak (6917 Whitetail Lane)
  - e. Carol Starr (6868 Whitetail Lane)
  - f. Bill Starr (6868 Whitetail Lane)
  - g. Elaine Treiber (6900 Whitetail Lane)  
*Not in attendance but assigned Bill Starr as her proxy*
  - h. Michael Botz (6857 Whitetail Lane)
  - i. Bernadette Botz (6857 Whitetail Lane)
  
2. The following were invited to the meeting but did not attend and did not respond to the meeting invitation.
  - a. Harnish Trade Center Partnership
  - b. Shop at Western Way LLC
  - c. Yellowstone County Planning Division
  
3. Mike Botz explained that the property is zoned RR-1, which allows for the construction of one residential dwelling unit. But with Special Review and approval by the County an accessory dwelling unit can also be constructed. The proposal for the property is to construct two dwelling units (a “house” and a “cottage”). The 988 SQ FT “cottage” would be constructed first, and then after the current Botz residence is sold, the “house” would be constructed. The “house” would be the primary Botz residence and a retired friend would live in the “cottage”. Drawings and maps of the property were shared with the group and questions were invited.
  
4. Question from Meridee: Is it required that only family members live in the houses?  
Response from Mike: The zoning regulations require that one of the houses be occupied by the owner as their principal residence. This is to be recorded as a deed restriction.
  
5. Comment from Bill: Elaine does not have any questions or comments. Bill and Carol also do not have any questions or comments.

6. Comments from Dale: Would like to coordinate on the location of the new road so their parking and turnaround spot at the end of the lane isn't eliminated. Also would like to coordinate on how the routing of irrigation ditches will be changed. Response from Mike: Happy to coordinate with these items.
7. Several discussions were ongoing about the locations for the road, irrigation ditches, well, septic system, and houses. There was a question about the color of the new buildings.
8. American Drilling was suggested for the well, as they have installed many in the area and are located nearby.
9. The meeting was concluded at 7:00 PM.

NEIGHBORHOOD MEETING ATTENDEES  
SPECIAL REVIEW FOR ZONING COMPLIANCE PERMIT

Review proposed residential construction at 6857 Whitetail Lane, Billings, MT 59101  
Wednesday July 24, 2024  
6:00-7:00 PM  
The Windmill & Bar 51 (Near Zoo Exit)

Name (Print)	Address	Signature
Tim McFadden	7119 Whitetail Ln.	
Meridee Patterson	7000 Whitetail Lane	
Dale Brovack	6917 Whitetail Lane	
Jeanne Brovack	6917 Whitetail Lane	
Carol Starr	6868 Whitetail Lane	
Bill Starr	" " "	
ELAINE TREIBER	6900 " "	
Michael Botz	5825 Lazy Lane	
Bernadette Botz	5825 Lazy Lane	

**NEIGHBORHOOD MEETING NOTICE**  
**SPECIAL REVIEW FOR ZONING COMPLIANCE PERMIT**

PURPOSE: Review proposed residential construction at:

NW ¼ Section 25, T1S, R25E  
Yellowstone County  
Certificate of Survey 2273M  
Tract 2-A-1 (2.000 Acres)  
6857 Whitetail Lane, Billings, MT 59101

DATE: Wednesday July 24, 2024

TIME: 6:00-7:00 PM

LOCATION: The Windmill & Bar 51 (Near Zoo Exit)  
3429 North Transtech Way  
Billings, MT 59102

A private meeting room has been reserved.

CONTACT: Michael & Bernadette Botz  
5825 Lazy Lane  
Billings, MT 59106

406-794-8965  
mike@botz.com

406-794-8705  
b@botz.com

July 15, 2024

William J. & Carol A. Starr  
6868 Whitetail Lane  
Billings, MT 59101-6250

**Re: Notice of Neighborhood Meeting  
Special Review for Zoning Compliance Permit**

Bill & Carol:

Michael & Bernadette Botz will be applying for a Zoning Compliance Permit for residential construction located near your property in Yellowstone County, Montana. The proposed construction would take place at the following location:

NW ¼ Section 25, T1S, R25E  
Yellowstone County  
Certificate of Survey 2273M  
Tract 2-A-1 (2.000 Acres)  
6857 Whitetail Lane, Billings, MT 59101

There are no existing structures on the property. Construction would include a pole barn, a single-family home, and an adjacent “mother-in-law” cottage. The property is zoned RR-1 and the construction of two homes (“dwelling units”) requires Special Review by Yellowstone County. Ahead of the Special Review, it is required that a Neighborhood Meeting be held to inform the nearby property owners of the proposed construction and provide the opportunity to ask questions and express concerns. Enclosed with this letter are the meeting notice and two drawings showing the nature of the proposed construction.

Thank you for your consideration and please contact us if you have any questions or require additional information. You can contact us any time ahead of the meeting if you would like more information. If you are unable to attend the meeting in person, we can arrange for you to join by telephone or for you to have a proxy attend on your behalf.

Regards,

Michael & Bernadette Botz  
5825 Lazy Lane  
Billings, MT 59106  
406-794-8965  
mike@botz.com  
406-794-8705  
b@botz.com

July 15, 2024

Harnish Trade Center Partnership  
PO Box 3562  
Seattle, WA 98124-3562

**Re: Notice of Neighborhood Meeting  
Special Review for Zoning Compliance Permit**

Harnish Trade Center Partnership:

Michael & Bernadette Botz will be applying for a Zoning Compliance Permit for residential construction located near your property in Yellowstone County, Montana. The proposed construction would take place at the following location:

NW ¼ Section 25, T1S, R25E  
Yellowstone County  
Certificate of Survey 2273M  
Tract 2-A-1 (2.000 Acres)  
6857 Whitetail Lane, Billings, MT 59101

There are no existing structures on the property. Construction would include a pole barn, a single-family home, and an adjacent “mother-in-law” cottage. The property is zoned RR-1 and the construction of two homes (“dwelling units”) requires Special Review by Yellowstone County. Ahead of the Special Review, it is required that a Neighborhood Meeting be held to inform the nearby property owners of the proposed construction and provide the opportunity to ask questions and express concerns. Enclosed with this letter are the meeting notice and two drawings showing the nature of the proposed construction.

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Regards,

Michael & Bernadette Botz  
5825 Lazy Lane  
Billings, MT 59106  
406-794-8965  
mike@botz.com  
406-794-8705  
b@botz.com

July 15, 2024

Yellowstone County Planning Division  
2825 3rd Avenue North  
4th Floor  
Billings, MT 59101

**Re: Notice of Neighborhood Meeting  
Special Review for Zoning Compliance Permit**

Yellowstone County Planning Division:

Michael & Bernadette Botz will be applying for a Zoning Compliance Permit for residential construction in Yellowstone County, Montana. The proposed construction would take place at the following location:

NW ¼ Section 25, T1S, R25E  
Yellowstone County  
Certificate of Survey 2273M  
Tract 2-A-1 (2.000 Acres)  
6857 Whitetail Lane, Billings, MT 59101

There are no existing structures on the property. Construction would include a pole barn, a single-family home, and an adjacent “mother-in-law” cottage. The property is zoned RR-1 and the construction of two homes (“dwelling units”) requires Special Review by Yellowstone County. Ahead of the Special Review, it is required that a Neighborhood Meeting be held to inform the nearby property owners of the proposed construction and provide the opportunity to ask questions and express concerns. Enclosed with this letter are the meeting notice and two drawings showing the nature of the proposed construction.

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Regards,

Michael & Bernadette Botz  
5825 Lazy Lane  
Billings, MT 59106  
406-794-8965  
mike@botz.com  
406-794-8705  
b@botz.com

July 15, 2024

Elaine M. Treiber  
6900 Whitetail Lane  
Billings, MT 59101-6251

**Re: Notice of Neighborhood Meeting  
Special Review for Zoning Compliance Permit**

Elaine:

Michael & Bernadette Botz will be applying for a Zoning Compliance Permit for residential construction located near your property in Yellowstone County, Montana. The proposed construction would take place at the following location:

NW ¼ Section 25, T1S, R25E  
Yellowstone County  
Certificate of Survey 2273M  
Tract 2-A-1 (2.000 Acres)  
6857 Whitetail Lane, Billings, MT 59101

There are no existing structures on the property. Construction would include a pole barn, a single-family home, and an adjacent “mother-in-law” cottage. The property is zoned RR-1 and the construction of two homes (“dwelling units”) requires Special Review by Yellowstone County. Ahead of the Special Review, it is required that a Neighborhood Meeting be held to inform the nearby property owners of the proposed construction and provide the opportunity to ask questions and express concerns. Enclosed with this letter are the meeting notice and two drawings showing the nature of the proposed construction.

Thank you for your consideration and please contact us if you have any questions or require additional information. You can contact us any time ahead of the meeting if you would like more information. If you are unable to attend the meeting in person, we can arrange for you to join by telephone or for you to have a proxy attend on your behalf.

Regards,

Michael & Bernadette Botz  
5825 Lazy Lane  
Billings, MT 59106  
406-794-8965  
mike@botz.com  
406-794-8705  
b@botz.com

July 15, 2024

Shop at Western Way LLC  
821 North 27th Street  
Suite #117  
Billings, MT 59101-1121

**Re: Notice of Neighborhood Meeting  
Special Review for Zoning Compliance Permit**

Shop at Western Way:

Michael & Bernadette Botz will be applying for a Zoning Compliance Permit for residential construction located near your property in Yellowstone County, Montana. The proposed construction would take place at the following location:

NW ¼ Section 25, T1S, R25E  
Yellowstone County  
Certificate of Survey 2273M  
Tract 2-A-1 (2.000 Acres)  
6857 Whitetail Lane, Billings, MT 59101

There are no existing structures on the property. Construction would include a pole barn, a single-family home, and an adjacent “mother-in-law” cottage. The property is zoned RR-1 and the construction of two homes (“dwelling units”) requires Special Review by Yellowstone County. Ahead of the Special Review, it is required that a Neighborhood Meeting be held to inform the nearby property owners of the proposed construction and provide the opportunity to ask questions and express concerns. Enclosed with this letter are the meeting notice and two drawings showing the nature of the proposed construction.

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Regards,

Michael & Bernadette Botz  
5825 Lazy Lane  
Billings, MT 59106  
406-794-8965  
mike@botz.com  
406-794-8705  
b@botz.com

**GENERAL NOTES**

1. EXTERIOR DIMENSIONS ARE TO OUTSIDE FACE OF CONCRETE OR OUTSIDE FACE OF SHEATHING.
2. INTERIOR DIMENSIONS ARE TO THE FACE OF STUDS, UNLESS A CLEAR DIMENSION IS NOTED.
3. ALL BEARING HEADERS NOT SPECIFIED ON PLAN TO BE 2-2x10 S.P.F. OR BETTER.
4. WINDOW & DOOR DIMENSIONS ARE TO THE CENTERLINE OF OPENING.
5. THE GENERAL CONTRACTOR AND ALL SUB-CONTRACTORS ARE RESPONSIBLE FOR FIELD VERIFYING THE SITE CONDITIONS AND DIMENSIONS SHOWN ON THESE DRAWINGS PRIOR TO STARTING CONSTRUCTION. ANY DISCREPANCIES FOUND ON THESE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGNER IMMEDIATELY.
6. GENERAL CONTRACTOR IS TO COORDINATE WITH ALL SUBCONTRACTORS TO ACCOMPLISH THE OUTCOME AS PRESENTED IN THESE DOCUMENTS. IF PROBLEMS OCCUR THAT MAKE IT IMPOSSIBLE TO ACCOMPLISH THIS AS INDICATED, THE DESIGNER IS TO BE NOTIFIED IMMEDIATELY.
7. PRE-ENGINEERED TRUSS MANUFACTURER TO PROVIDE ALL TRUSS-TO-TRUSS CONNECTIONS.
8. SMOKE ALARMS ARE REQUIRED IN EACH SLEEPING ROOM.
9. PROVIDE SOLID BEARING FOR ALL GIRDER TRUSSES & BEAMS.
10. EACH SLEEPING ROOM SHALL HAVE A MEANS FOR EMERGENCY ESCAPE AND RESCUE. WINDOWS SHALL NOT BE MORE THAN 44" ABOVE THE FLOOR TO THE FINISHED SILL AND SHALL HAVE A MINIMUM CLEAR OPENING OF 5.7 SF. (NET) MIN CLEAR HEIGHT OF 24" & MIN CLEAR WIDTH OF 20"

11. GENERAL CONTRACTOR AND WINDOW MANUFACTURER ARE RESPONSIBLE FOR WINDOWS MEETING ALL CODES & EGRESS REQUIREMENTS.
12. PROVIDE TEMPERED SAFETY GLAZING AS REQUIRED BY IRC 308.4.
13. PROVIDE CARBON MONOXIDE ALARMS IN IMMEDIATE VICINITY OF BEDROOM AS REQUIRED BY IRC 315.
14. PROVIDE WHOLE HOUSE VENTILATION SYSTEM AS REQUIRED BY SECTION R303.4.
15. FINISHED FLOOR OF HOUSE TO BE A MINIMUM OF 24" ABOVE NATIVE GRADE.
16. ALL MULTIPLE BEARING STUDS TO BE FASTENED TOGETHER W/ 16d NAILS @ 12" o.c.

**INSULATION REQUIREMENTS**

CONTRACTOR SHALL BE RESPONSIBLE FOR INSULATING IN ACCORDANCE WITH THE 2021 INTERNATIONAL ENERGY CONSERVATION CODE & MONTANA AMENDMENTS.

APPLICABLE PRESCRIPTIVE PATH REQUIREMENTS:  
 CEILING: R-49 (UNCOMPRESSED R-38 ALLOWED AT EAVES)  
 EXTERIOR WALL: R-21 (or R-13 + R-5 CONTINUOUS INSULATION)  
 BASEMENT WALL: R-19 (or R-15 CONTINUOUS INSULATION)  
 SLAB PERIMETER: R-10 (or R-15 IF HEATED SLAB)  
 CRAWLSPACE WALL: R-19 (or R-10 IF RIGID INSULATION)  
 WINDOW / DOOR: U-0.30 (R-3)

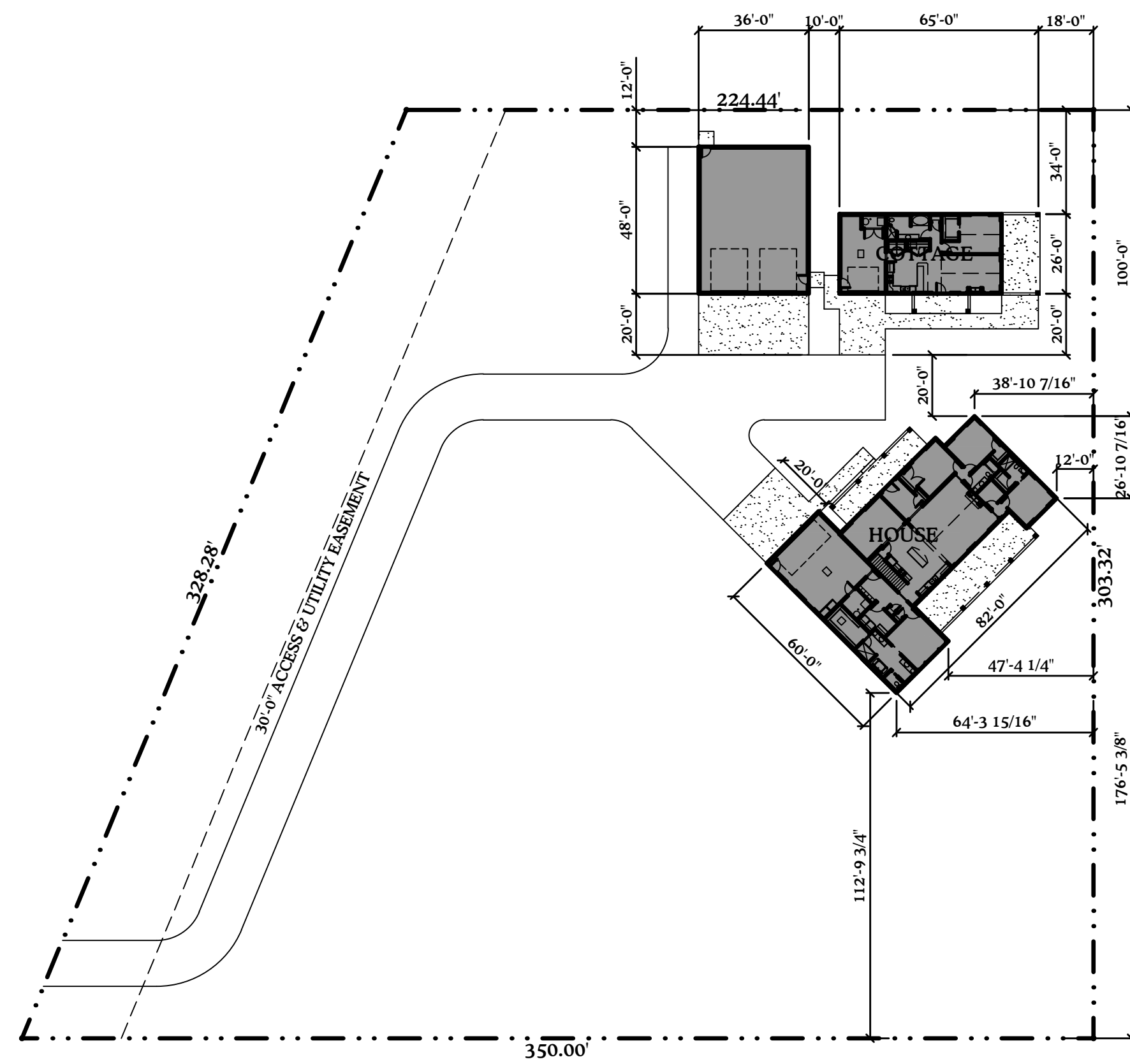
**ADOPTED CODES**

INTERNATIONAL ENERGY CONSERVATION CODE, 2021 EDITION  
 INTERNATIONAL RESIDENTIAL CODE, 2021 EDITION  
 INTERNATIONAL MECHANICAL CODE, 2021 EDITION  
 NATIONAL ELECTRICAL CODE, 2020 EDITION  
 UNIFORM PLUMBING CODE, 2021 EDITION

**PRELIMINARY  
NOT FOR CONSTRUCTION**

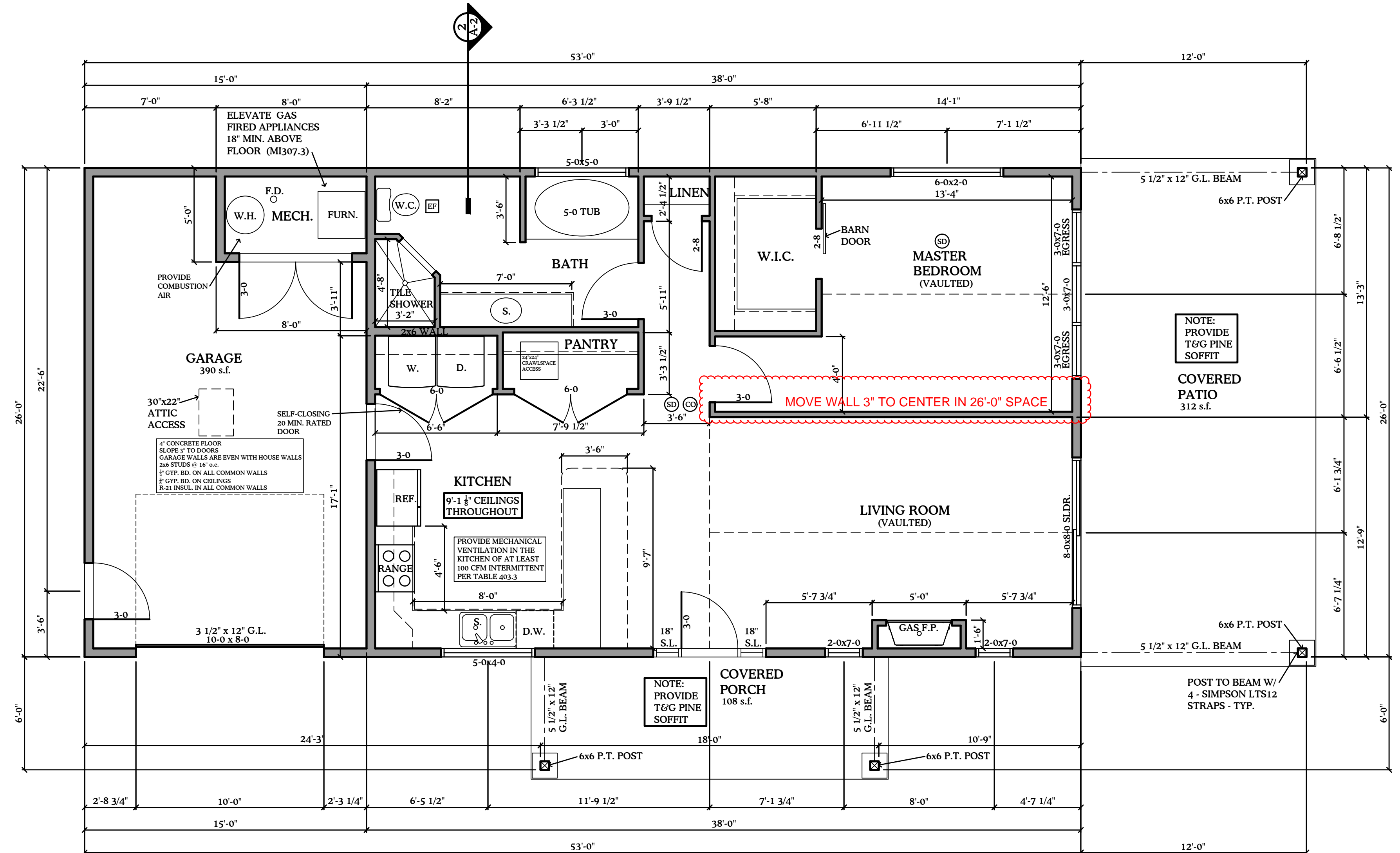
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 CERTIFICATE OF SURVEY NO. 2273M  
 6485 WHITETAIL LANE

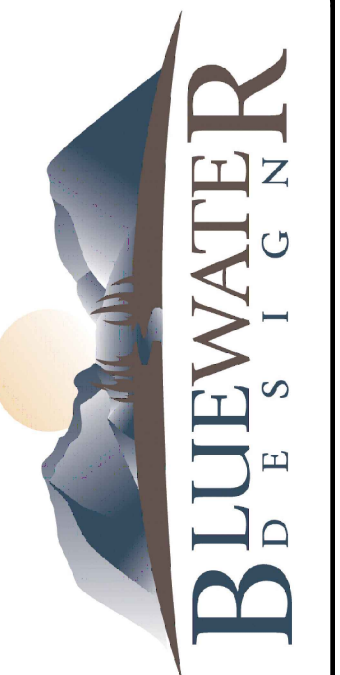


**SITE PLAN**  
1" = 40'-0"

NOTE: SEPTIC SYSTEM TO BE INSTALLED PER DEQ APPROVED PLANS



**MAIN FLOOR PLAN** 988 s.f.  
1/4" = 1'-0"



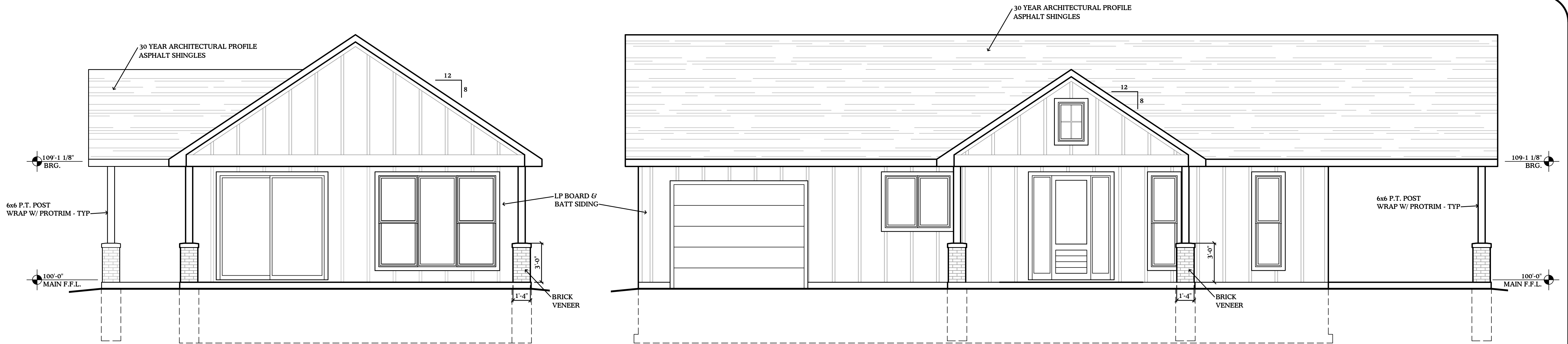
406 - 697- 2173  
travis@bluewaterdesignmt.com

DATE: **JUNE 19, 2024**

DRAWN BY: **TMM**

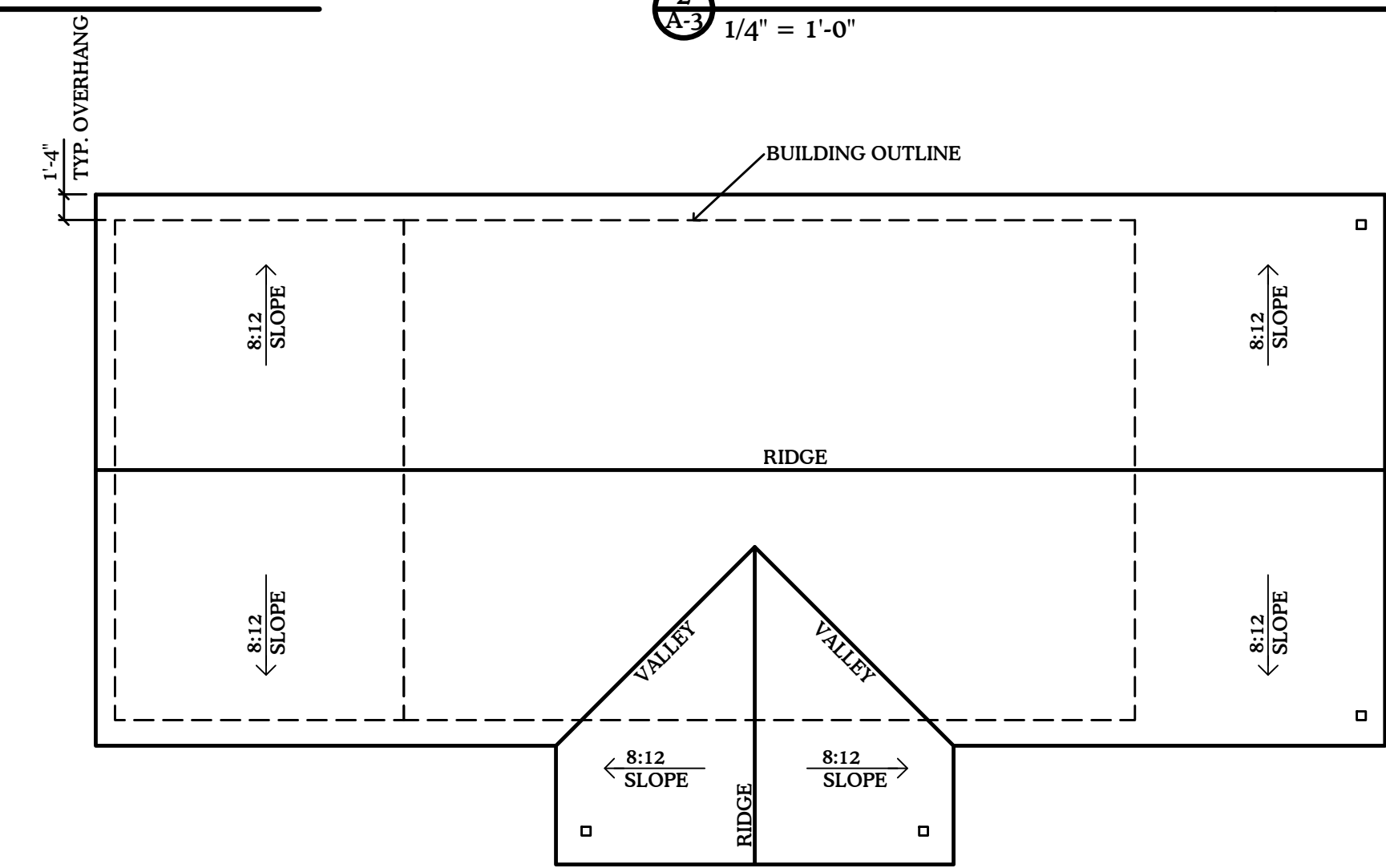
SHEET # **A-1**





**1 EAST ELEVATION**  
1/4" = 1'-0"

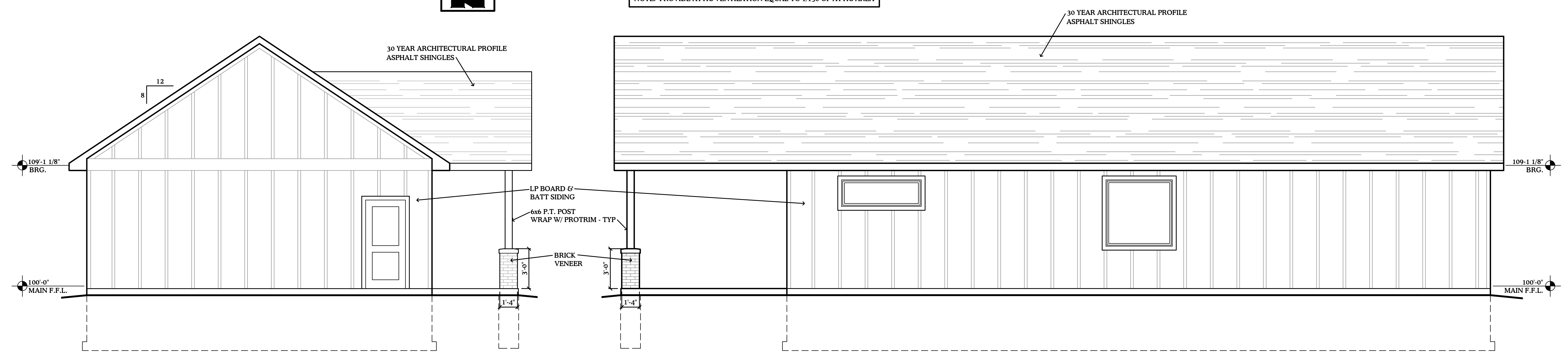
**2 SOUTH ELEVATION**  
1/4" = 1'-0"



**ROOF PLAN**  
1/8" = 1'-0"

NOTE: PROVIDE ATTIC VENTILATION EQUAL TO 1/150 OF ATTIC AREA

**PRELIMINARY  
NOT FOR CONSTRUCTION**



**3 WEST ELEVATION**  
1/4" = 1'-0"

**4 NORTH ELEVATION**  
1/4" = 1'-0"

**PRELIMINARY  
NOT FOR CONSTRUCTION**

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**INSULATION REQUIREMENTS**

CONTRACTOR SHALL BE RESPONSIBLE FOR INSULATING IN ACCORDANCE WITH THE 2021 INTERNATIONAL ENERGY CONSERVATION CODE & MONTANA AMENDMENTS.

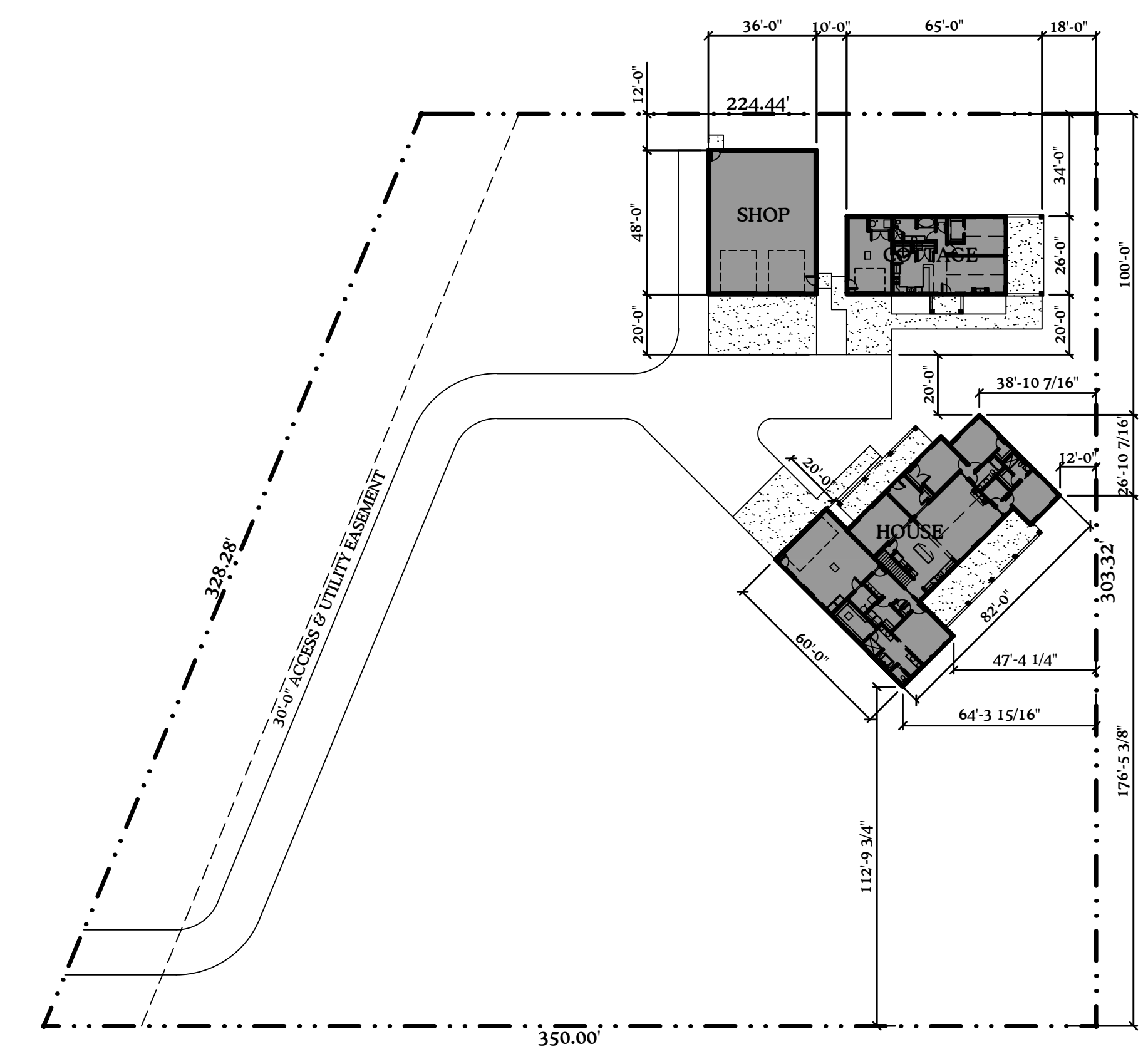
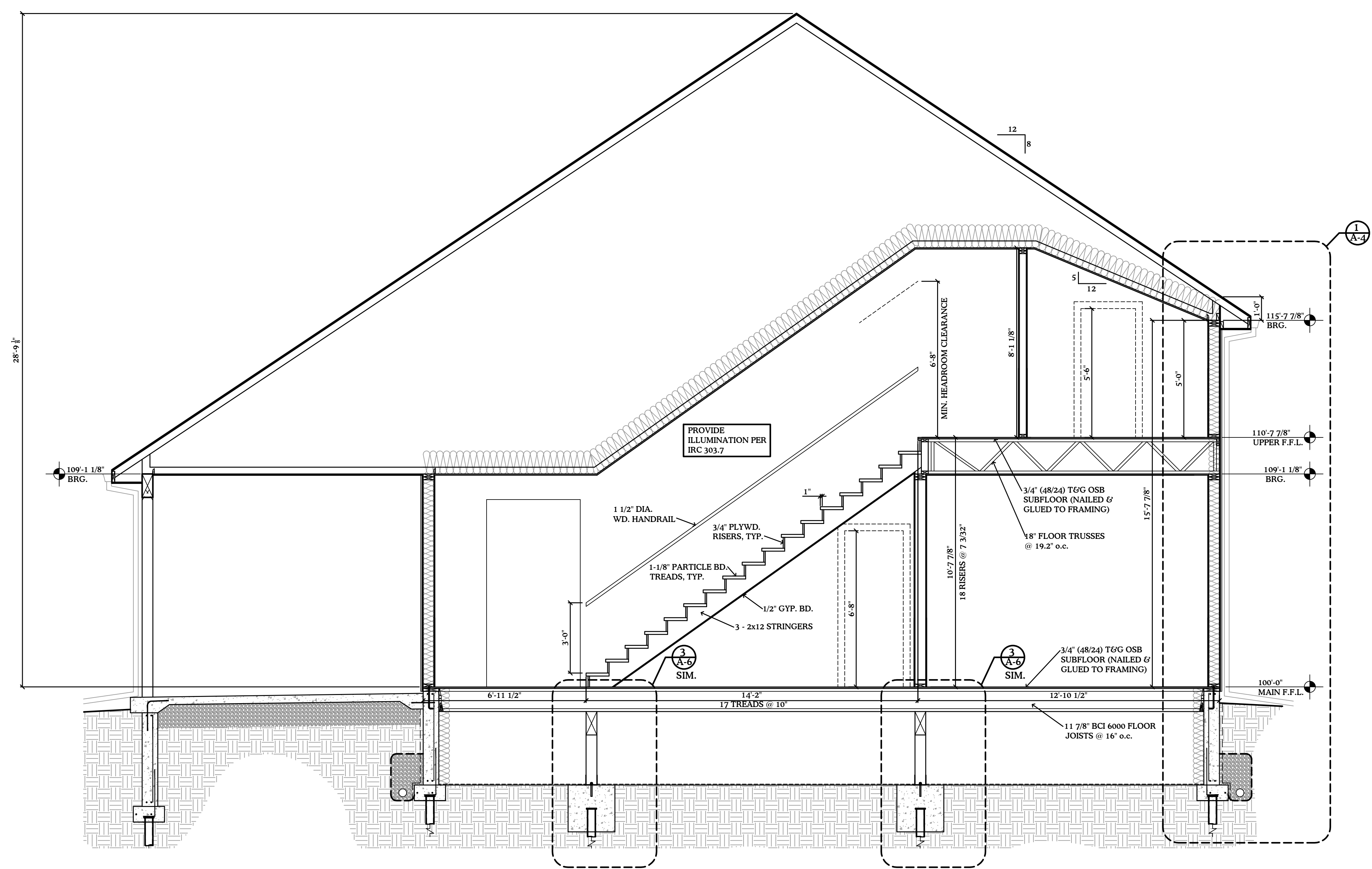
APPLICABLE PRESCRIPTIVE PATH REQUIREMENTS:  
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 CRAWLSPACE WALL: R-19 (or R-10 IF RIGID INSULATION)  
 WINDOW / DOOR: U-0.30 (R-3)

**ADOPTED CODES**

INTERNATIONAL ENERGY CONSERVATION CODE, 2021 EDITION  
 INTERNATIONAL RESIDENTIAL CODE, 2021 EDITION  
 INTERNATIONAL MECHANICAL CODE, 2021 EDITION  
 NATIONAL ELECTRICAL CODE, 2020 EDITION  
 UNIFORM PLUMBING CODE, 2021 EDITION

**LEGAL DESCRIPTION**

AMENDED TRACT 2-A OF AMENDED TRACT 2 - 2 ACRES  
 CERTIFICATE OF SURVEY NO. 2273M  
 6485 WHITETAIL LANE  
 6857



**BUILDING SECTION**  
 3/8" = 1'-0"

**SITE PLAN**  
 1" = 40'-0"

NOTE: SEPTIC SYSTEM TO BE INSTALLED PER DEQ APPROVED PLANS

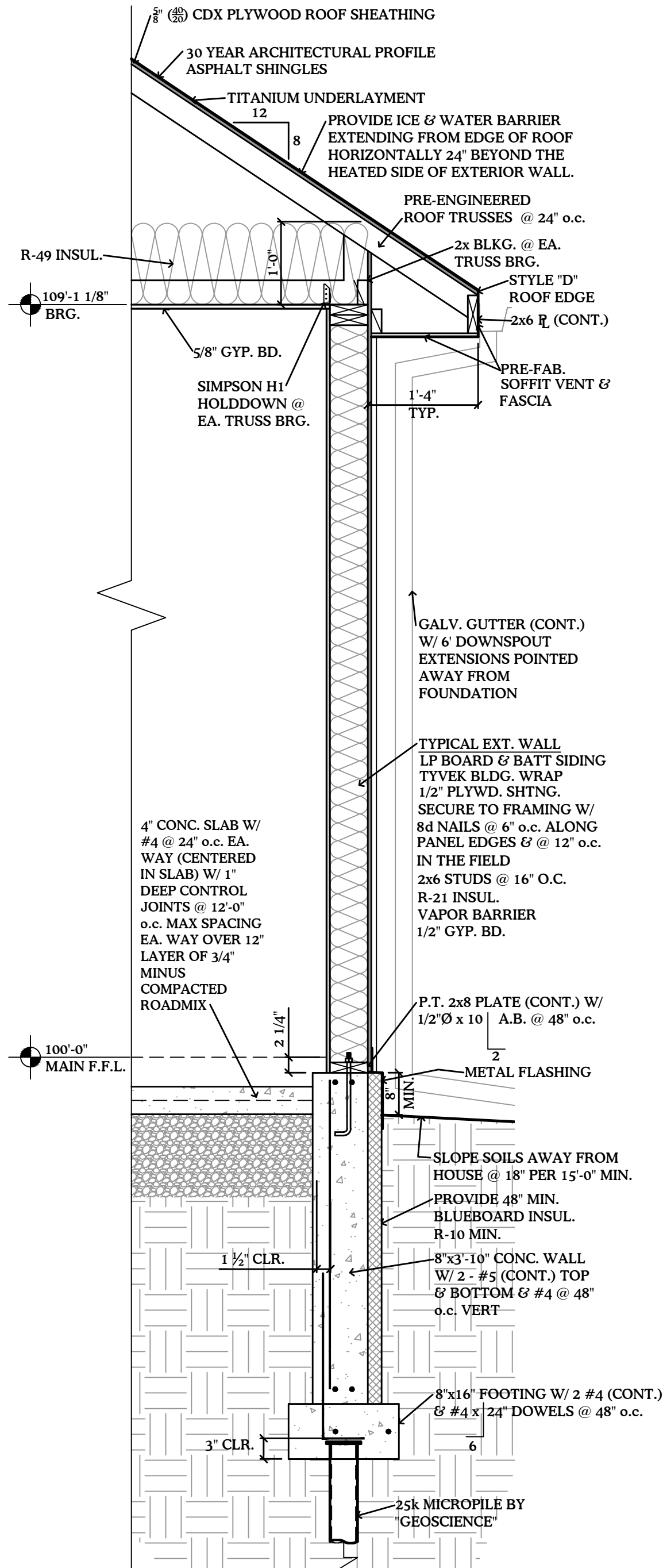
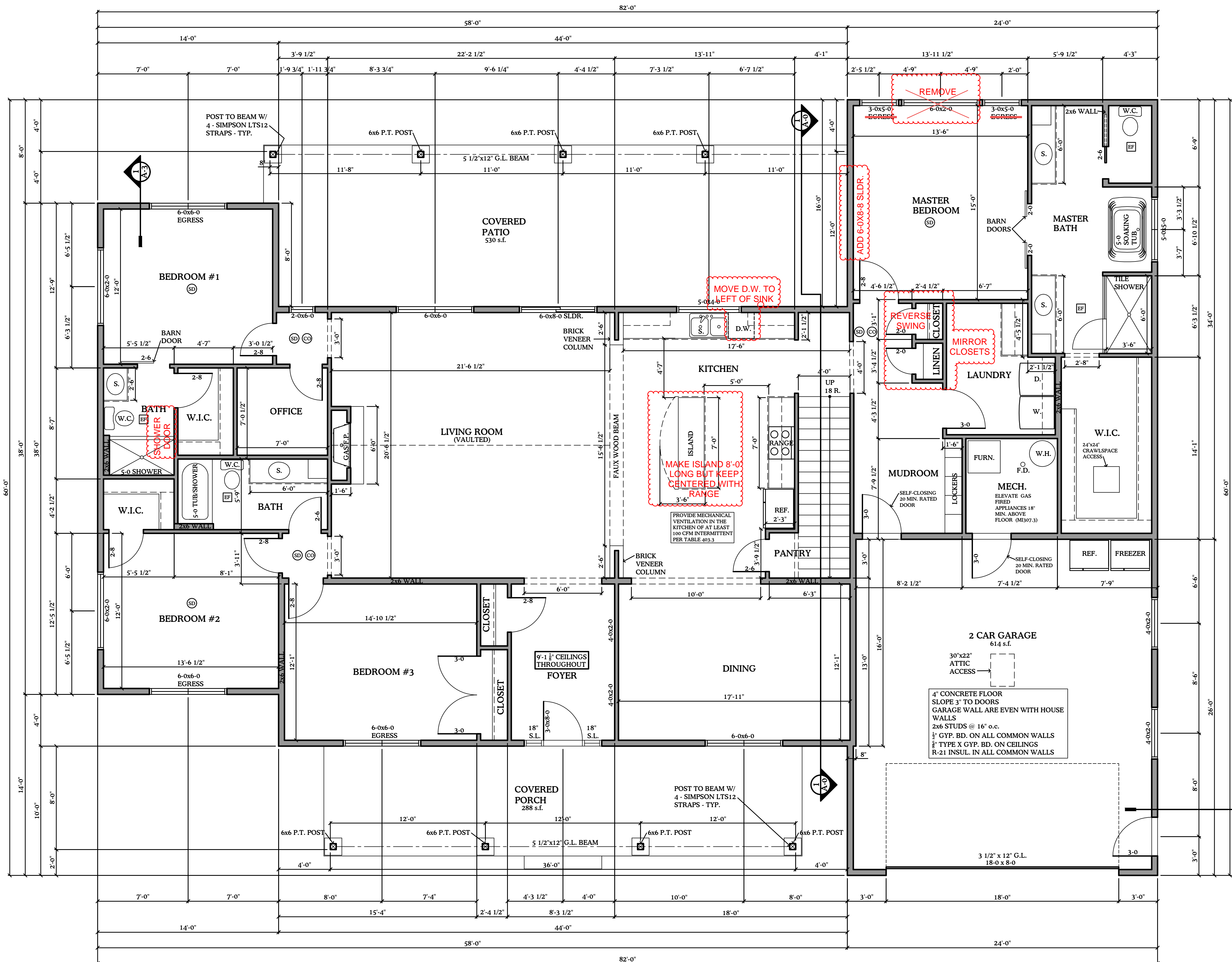
**BOTZ RESIDENCE**  
 BILLINGS, MT  
 6857  
 6485 WHITETAIL LANE

**BLUEWATER**  
 DESIGN

406 - 697- 2173  
 travis@bluewaterdesignmt.com

DATE: **JUNE 14, 2024**  
 DRAWN BY: **TMM**  
 SHEET # **A-0**

**PRELIMINARY  
NOT FOR CONSTRUCTION**



**WALL SECTION**  
3/4" = 1'-0"

**MAIN FLOOR PLAN** 2,854 s.f.  
1/4" = 1'-0"

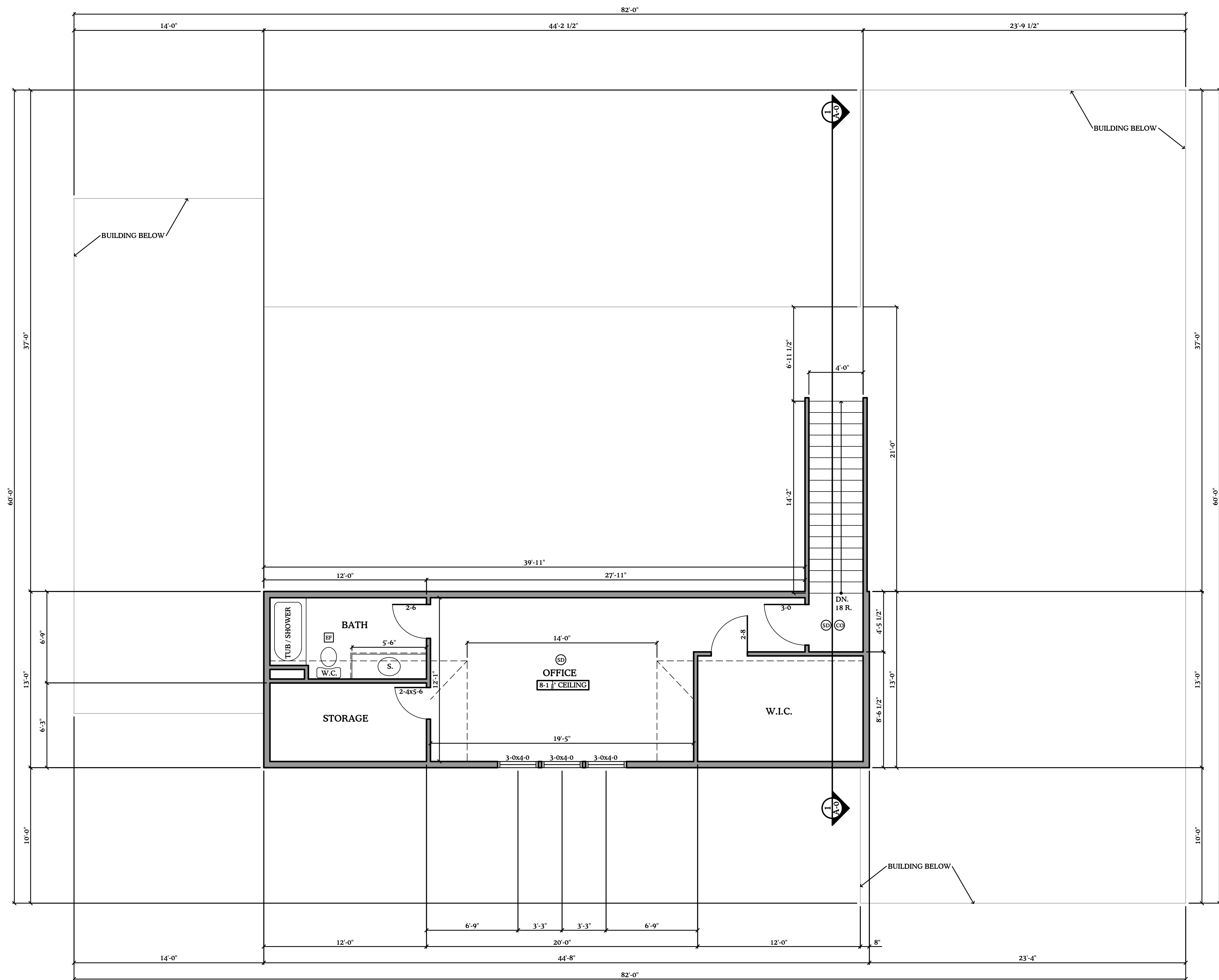
**BOTZ RESIDENCE**  
BILLINGS, MT  
6857 6485  
WHITETAIL LANE



406 - 697- 2173  
travis@bluewaterdesignmt.com

DATE: **JUNE 14, 2024**  
DRAWN BY: **TMM**  
SHEET # **A-1**

PRELIMINARY  
NOT FOR CONSTRUCTION



**UPPER FLOOR PLAN** 581 s.f.  
1/4" = 1'-0"

**BOTZ RESIDENCE**  
BILLINGS, MT



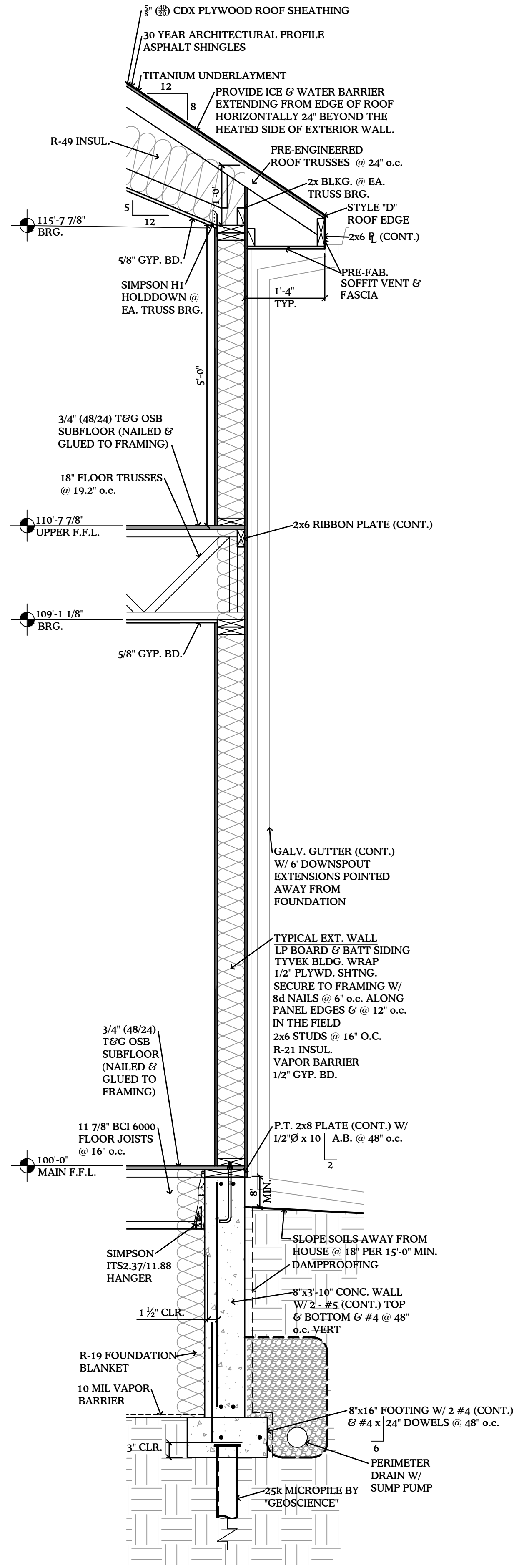
406 - 697- 2173  
travis@bluewaterdesignmt.com

DATE: **JUNE 14, 2024**  
DRAWN BY: **TMM**  
SHEET # **A-2**

6657  
6485  
WHITETAIL LANE

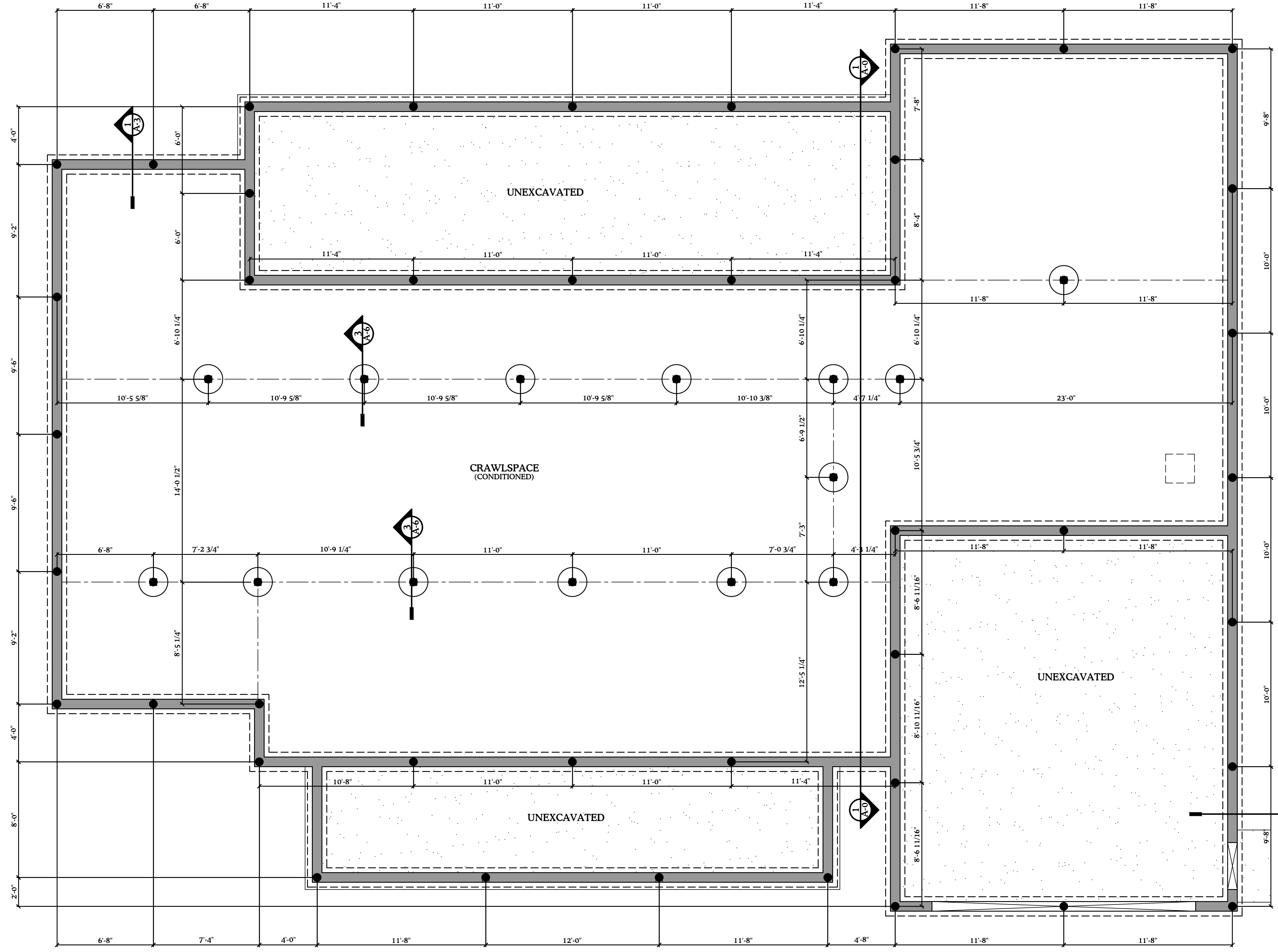


PRELIMINARY  
NOT FOR CONSTRUCTION



**WALL SECTION**

3/4" = 1'-0"

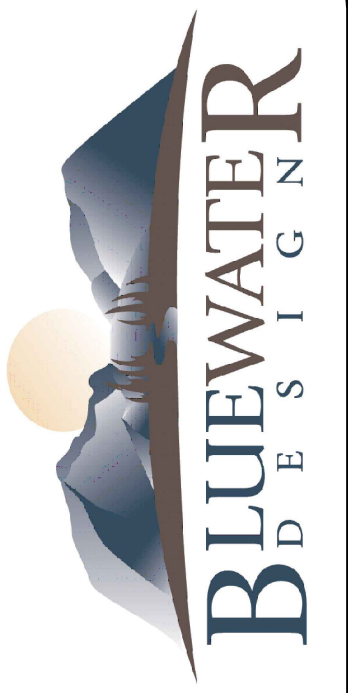


**PIER PLAN**

1/4" = 1'-0"

● INDICATES LOCATIONS OF (56) 25K CAPACITY MICROPILE BY 'GEOSCIENCE'

**BOTZ RESIDENCE**  
BILLINGS, MT  
6485 WHITETAIL LANE



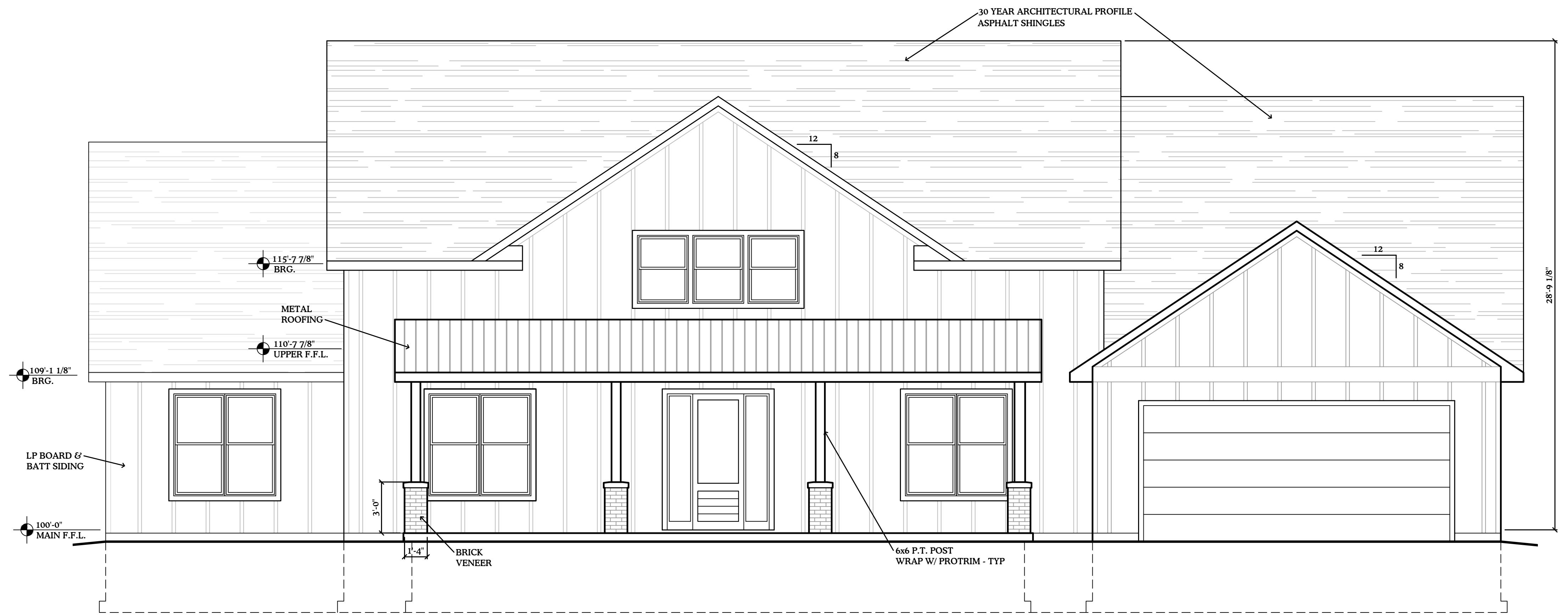
406 - 697- 2173  
travis@bluewaterdesignmt.com

DATE: **JUNE 14, 2024**

DRAWN BY: **TMM**

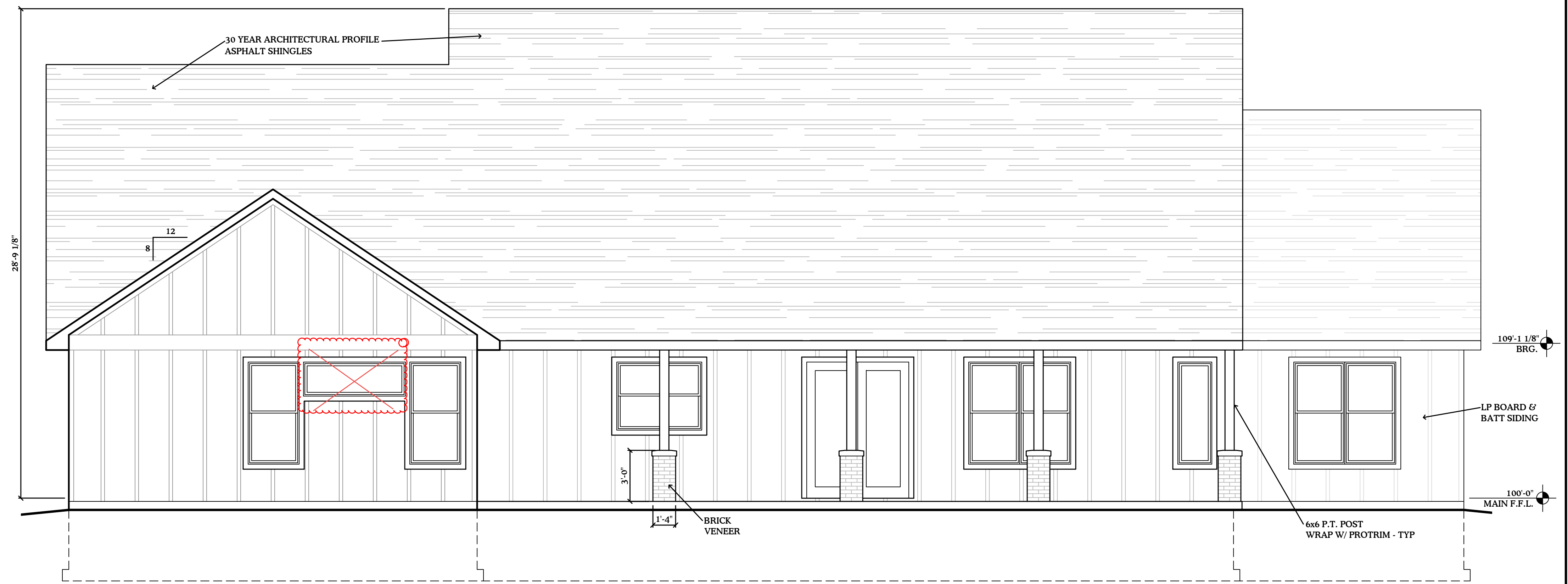
SHEET #

**A-4**

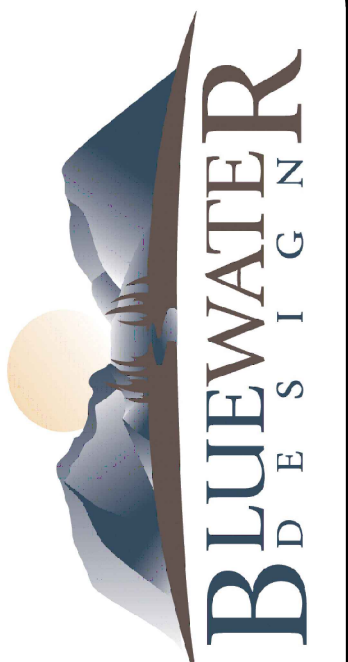


**1 EAST ELEVATION**  
1/4" = 1'-0"

**PRELIMINARY  
NOT FOR CONSTRUCTION**



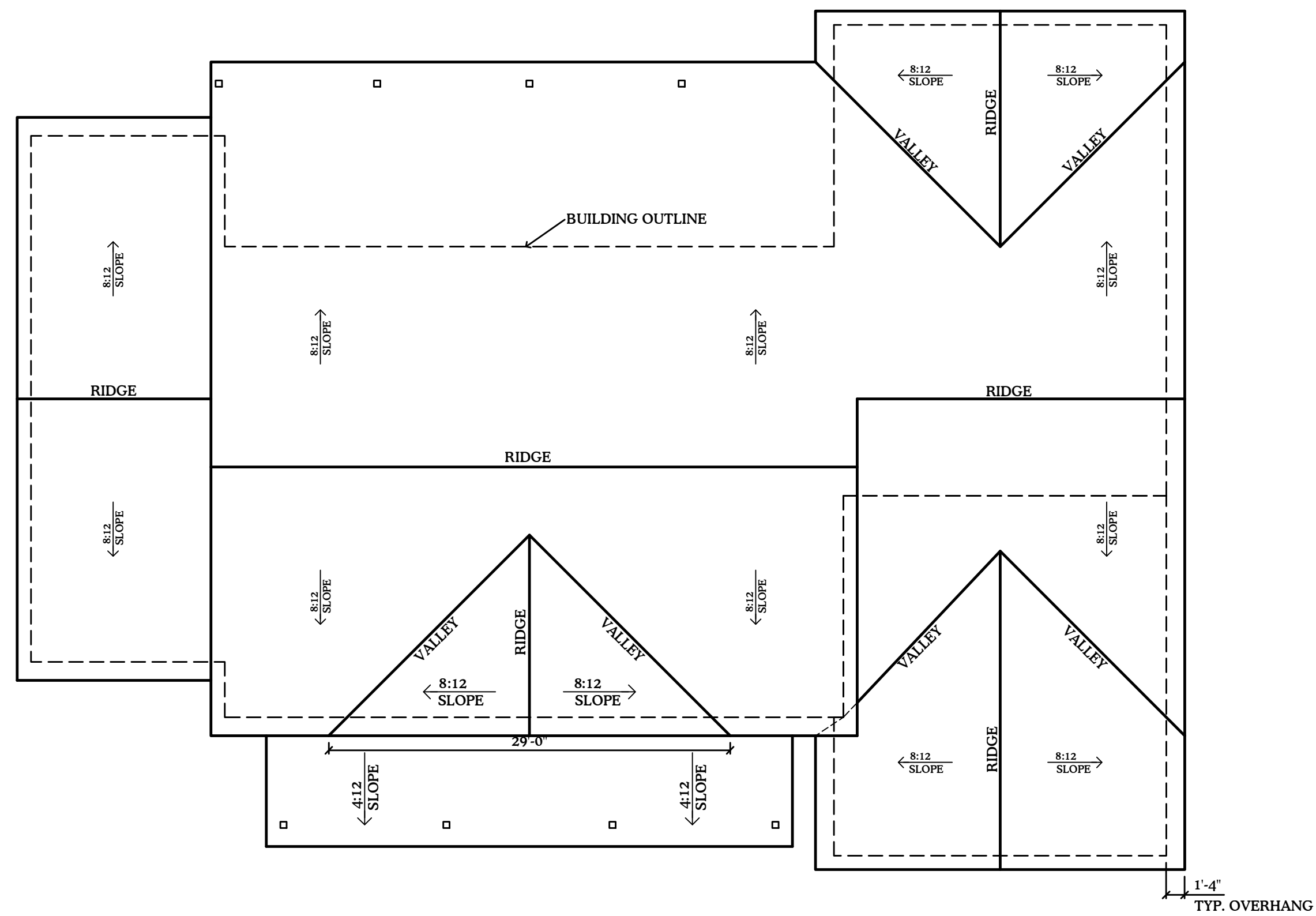
**2 WEST ELEVATION**  
1/4" = 1'-0"



406 - 697 - 2173  
travis@bluewaterdesignmt.com

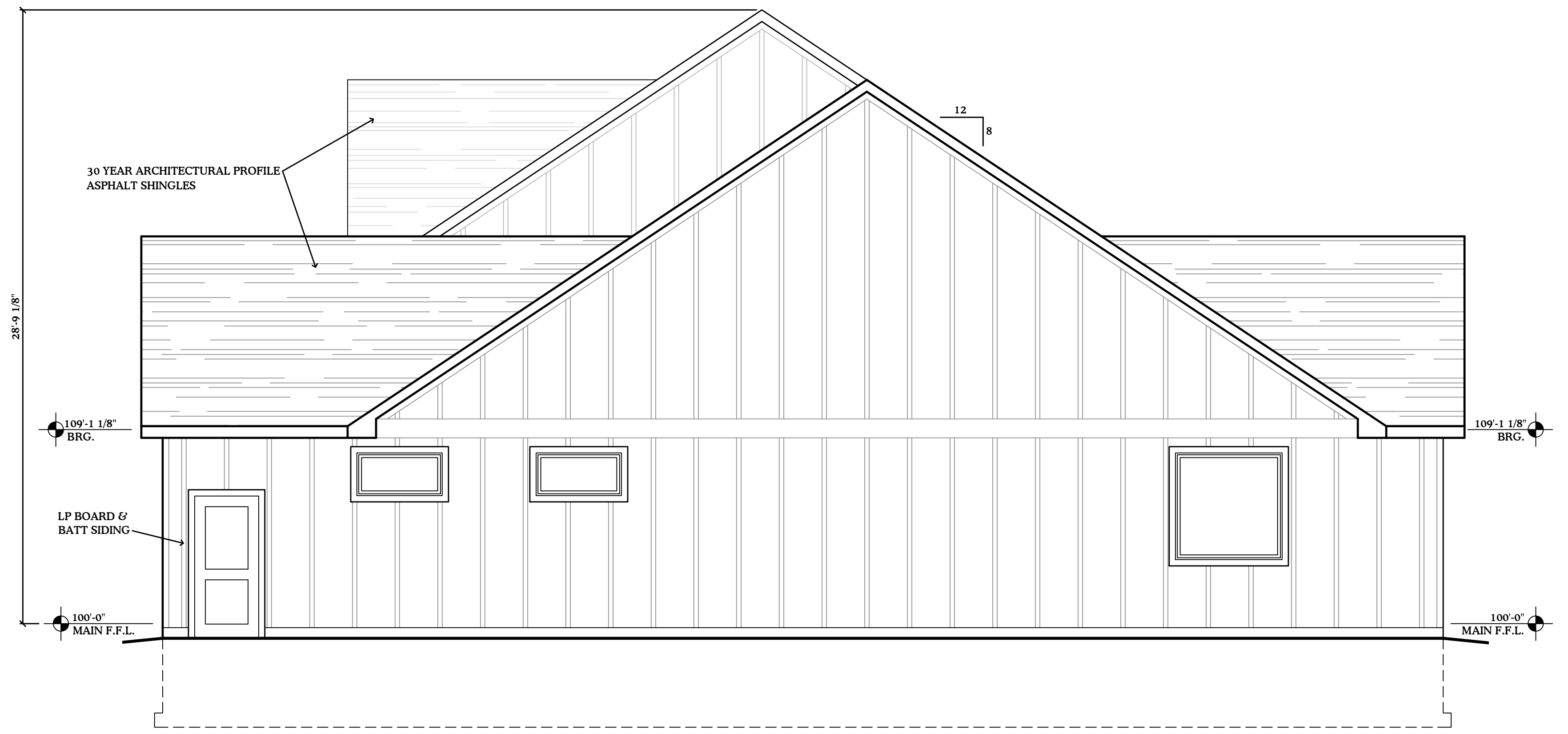
DATE: **JUNE 14, 2024**  
DRAWN BY: **TMM**

SHEET # **A-5**



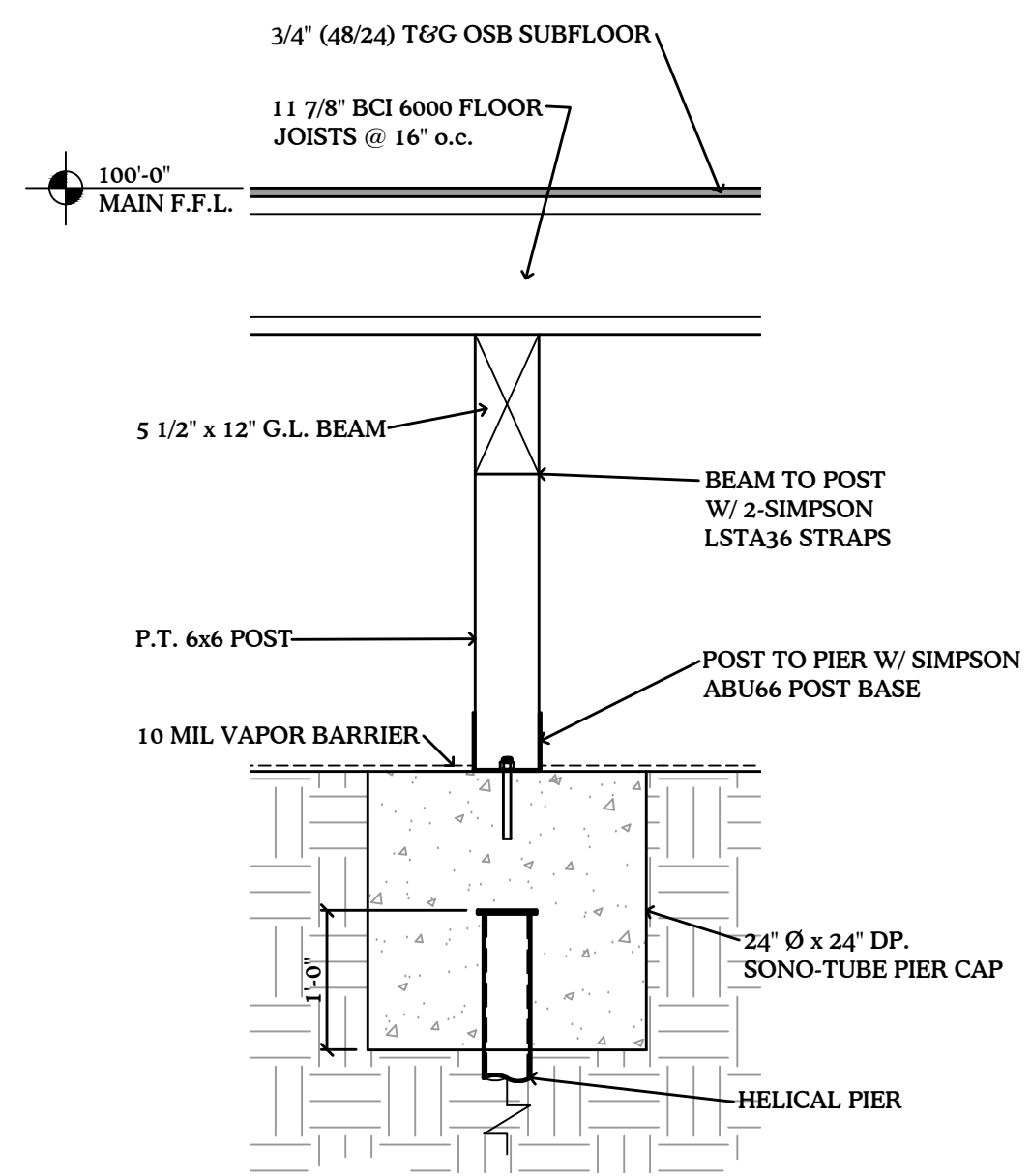
**ROOF PLAN**  
1/8" = 1'-0"

NOTE: PROVIDE ATTIC VENTILATION EQUAL TO 1/150 OF ATTIC AREA

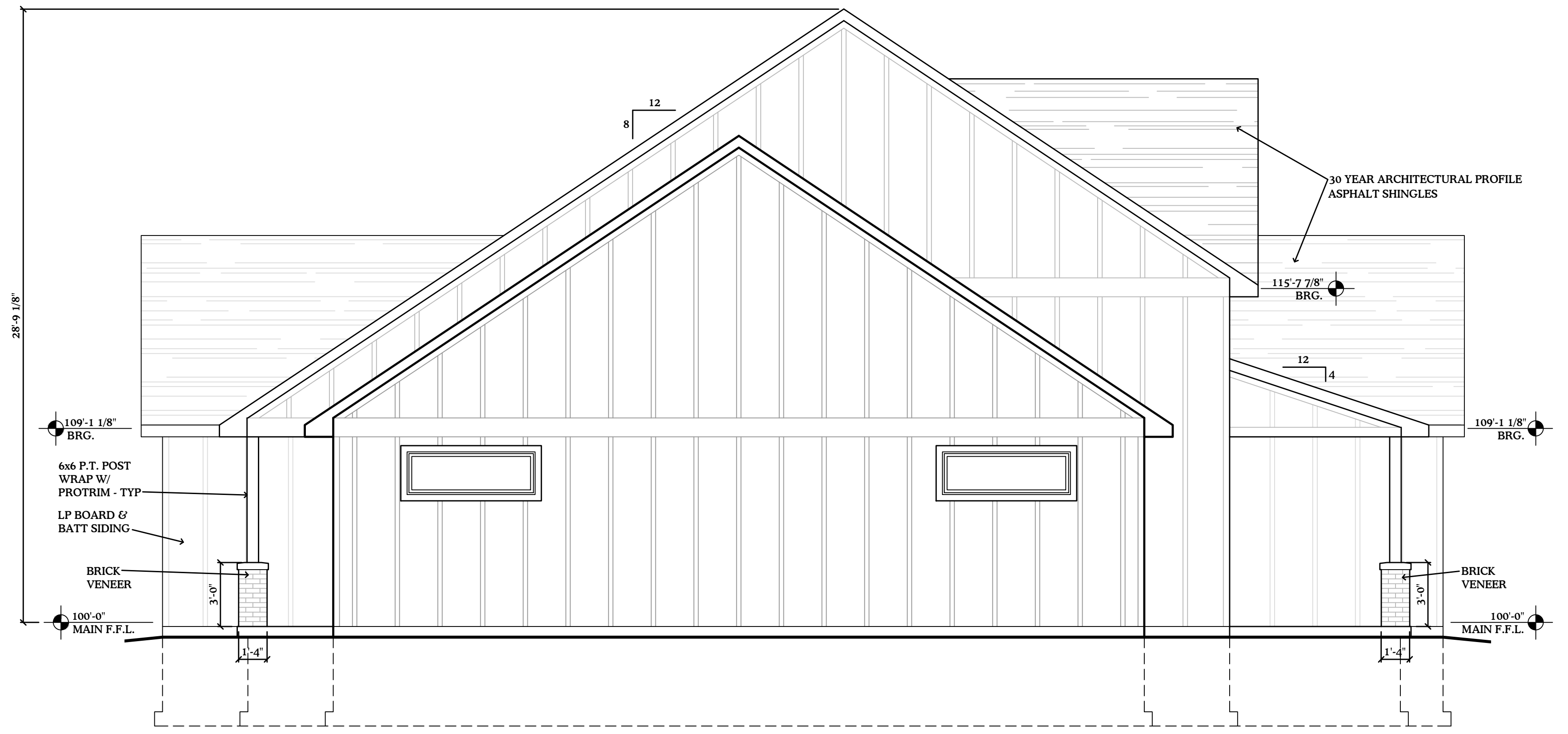


**1 SOUTH ELEVATION**  
1/4" = 1'-0"

**PRELIMINARY  
NOT FOR CONSTRUCTION**



**3 WALL SECTION**  
3/4" = 1'-0"



**2 NORTH ELEVATION**  
1/4" = 1'-0"

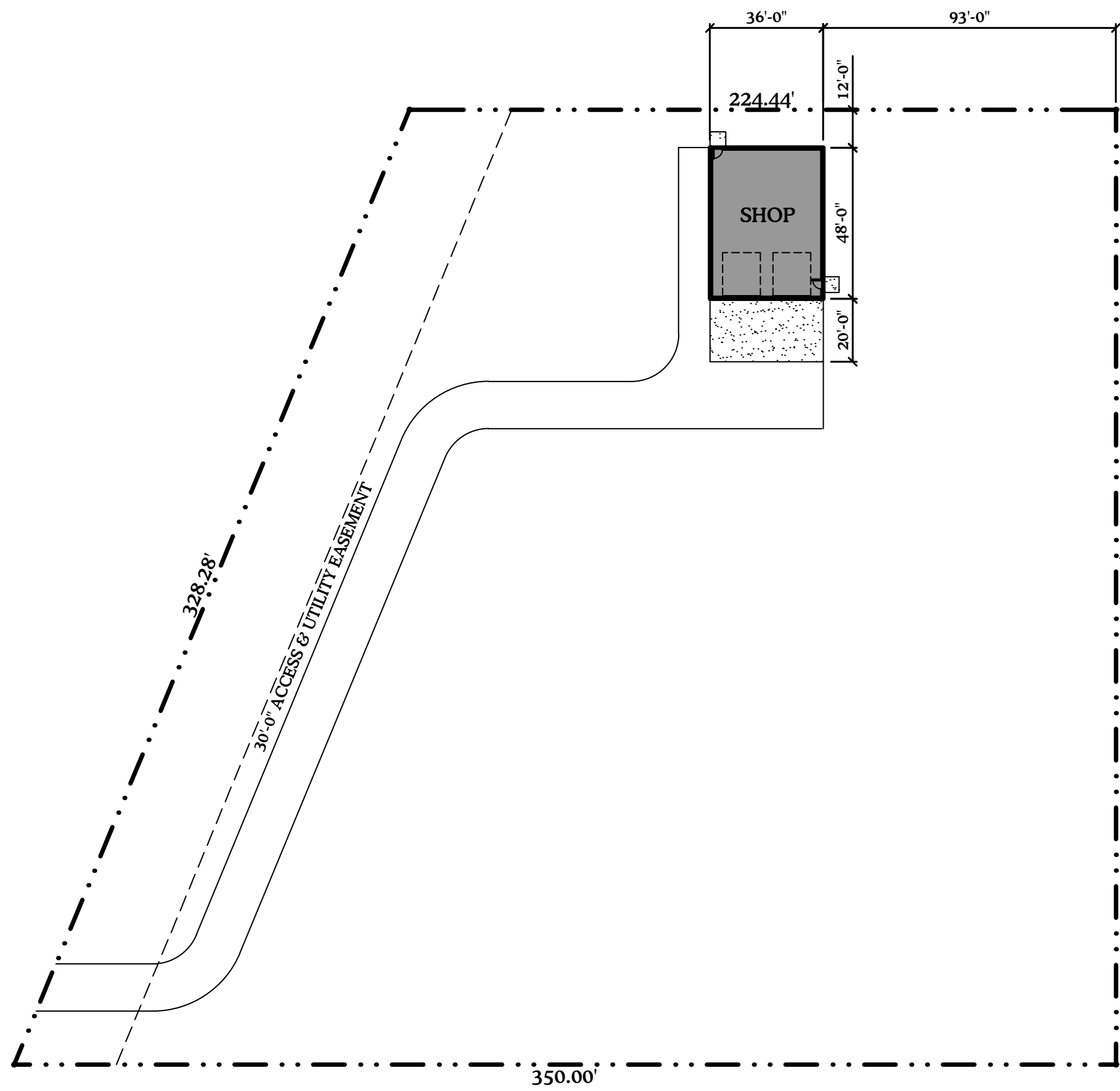
- GENERAL NOTES**
1. EXTERIOR DIMENSIONS ARE TO OUTSIDE FACE OF CONCRETE OR OUTSIDE FACE OF SHEATHING.
  2. INTERIOR DIMENSIONS ARE TO THE FACE OF STUDS, UNLESS A CLEAR DIMENSION IS NOTED.
  3. ALL BEARING HEADERS NOT SPECIFIED ON PLAN TO BE 2-2x10 S.P.F. OR BETTER.
  4. WINDOW & DOOR DIMENSIONS ARE TO THE CENTERLINE OF OPENING.
  5. THE GENERAL CONTRACTOR AND ALL SUB-CONTRACTORS ARE RESPONSIBLE FOR FIELD VERIFYING THE SITE CONDITIONS AND DIMENSIONS SHOWN ON THESE DRAWINGS PRIOR TO STARTING CONSTRUCTION. ANY DISCREPANCIES FOUND ON THESE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGNER IMMEDIATELY.
  6. GENERAL CONTRACTOR IS TO COORDINATE WITH ALL SUBCONTRACTORS TO ACCOMPLISH THE OUTCOME AS PRESENTED IN THESE DOCUMENTS. IF PROBLEMS OCCUR THAT MAKE IT IMPOSSIBLE TO ACCOMPLISH THIS AS INDICATED, THE DESIGNER IS TO BE NOTIFIED IMMEDIATELY.
  7. PRE-ENGINEERED TRUSS MANUFACTURER TO PROVIDE ALL TRUSS-TO-TRUSS CONNECTIONS.
  8. PROVIDE SOLID BEARING FOR ALL GIRDER TRUSSES & BEAMS.

**ADOPTED CODES**

INTERNATIONAL ENERGY CONSERVATION CODE, 2021 EDITION  
 INTERNATIONAL RESIDENTIAL CODE, 2021 EDITION  
 INTERNATIONAL MECHANICAL CODE, 2021 EDITION  
 NATIONAL ELECTRICAL CODE, 2020 EDITION  
 UNIFORM PLUMBING CODE, 2021 EDITION

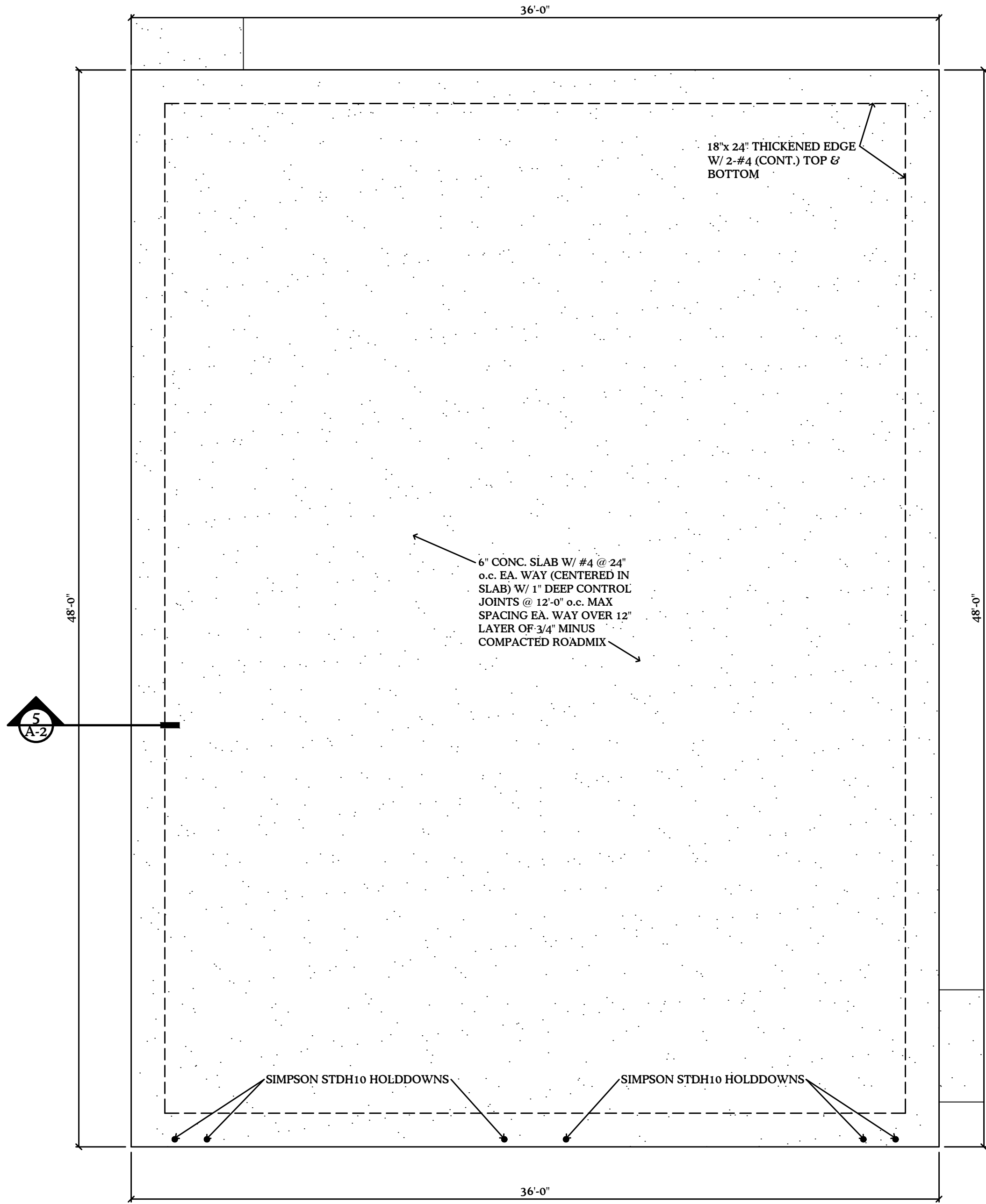
**PRELIMINARY  
 NOT FOR CONSTRUCTION**

**LEGAL DESCRIPTION**  
 AMENDED TRACT 2-A OF AMENDED TRACT 2 - 2 ACRES  
 CERTIFICATE OF SURVEY NO. 2273M  
 6485 WHITETAIL WAY

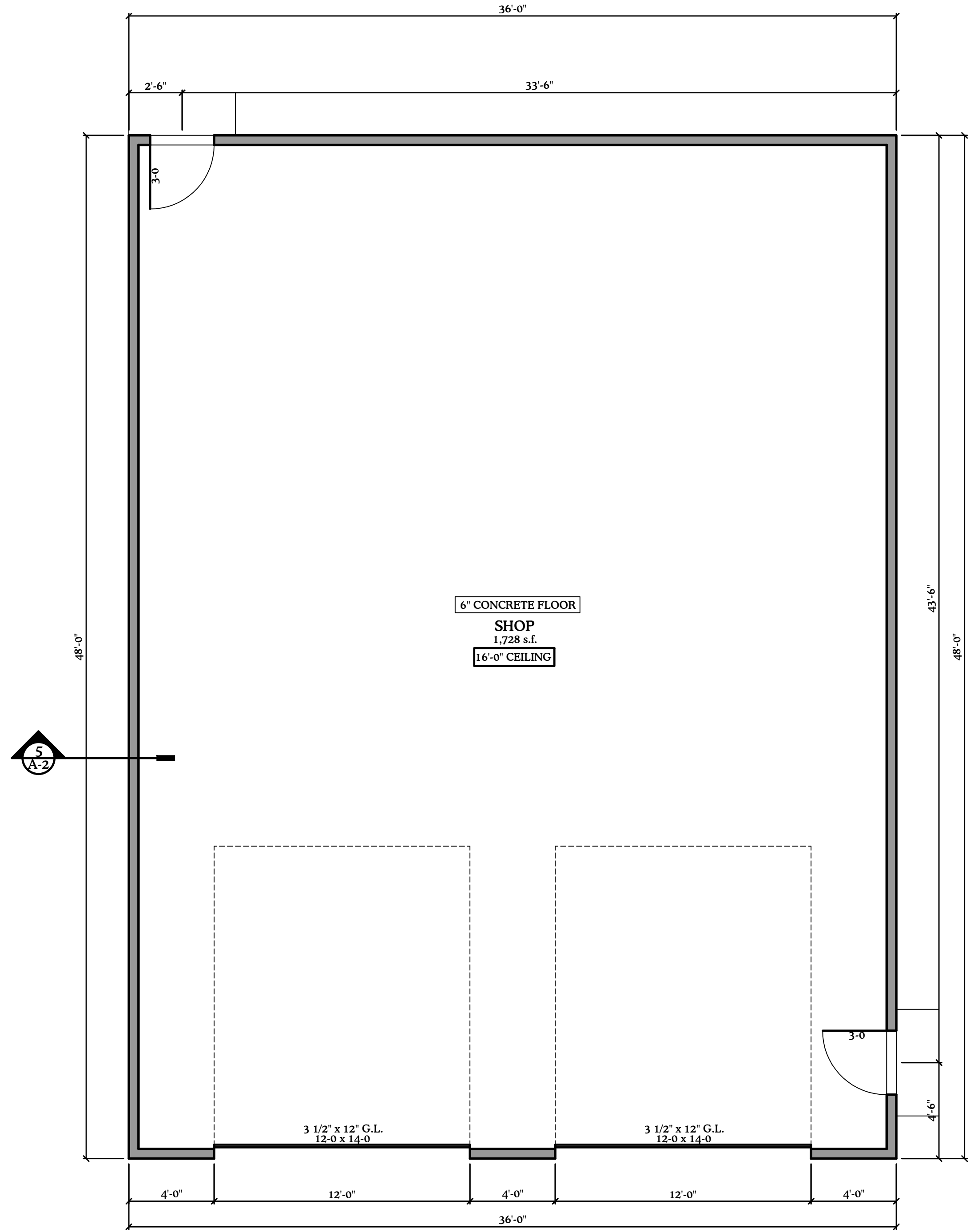


**SITE PLAN**  
 1" = 40'-0"

NOTE: SEPTIC SYSTEM TO BE INSTALLED PER DEQ APPROVED PLANS



**FOUNDATION PLAN**  
 1/4" = 1'-0"



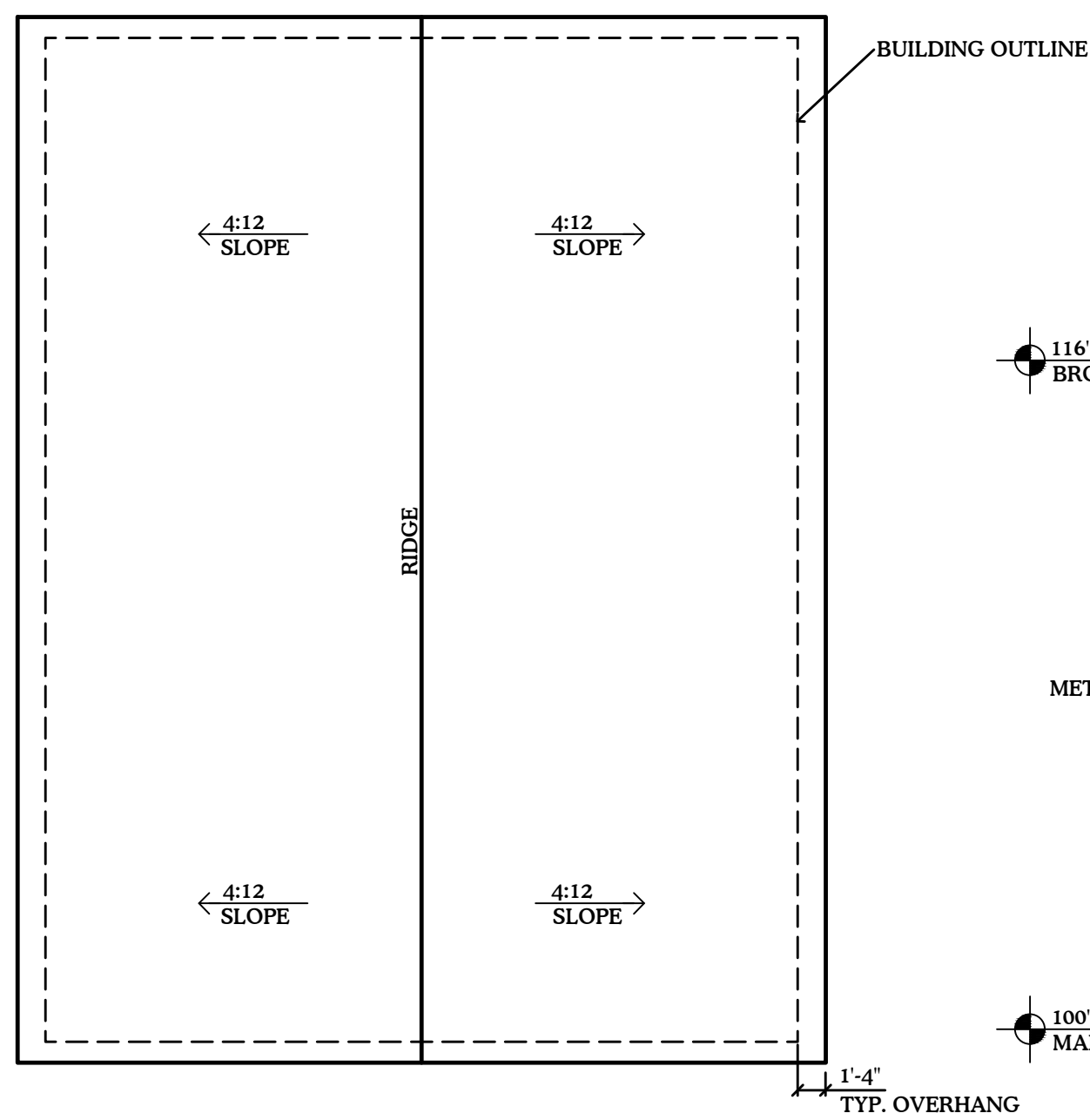
**MAIN FLOOR PLAN** 1,728 s.f.  
 1/4" = 1'-0"

**BOLTZ SHOP**  
 BILLINGS, MT  
 6485 WHITETAIL LANE

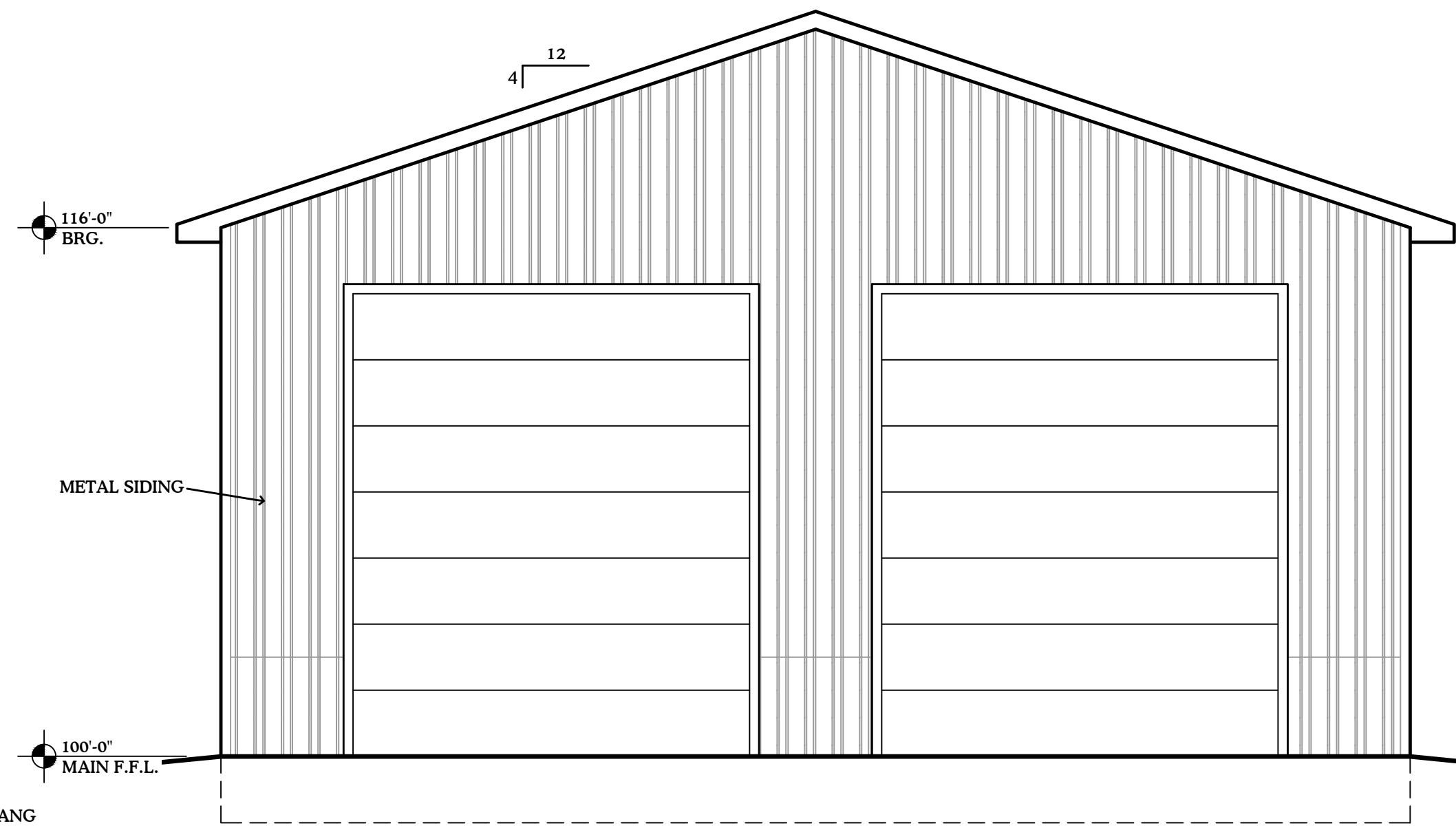
**BLUEWATER**  
 DESIGN

406 - 697- 2173  
 travis@bluedesignmt.com

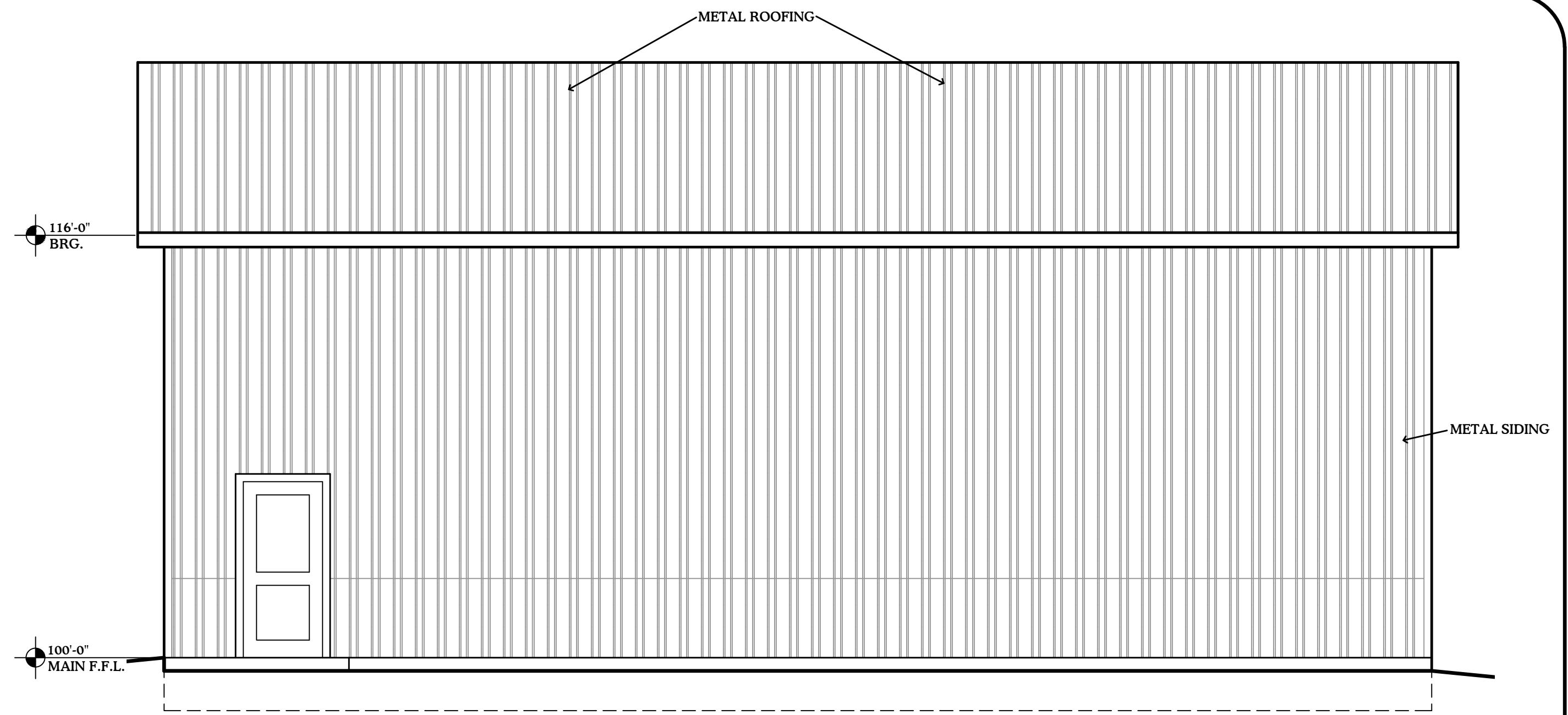
DATE: **JAN. 17, 2024**  
 DRAWN BY: **TMM**  
 SHEET # **A-1**



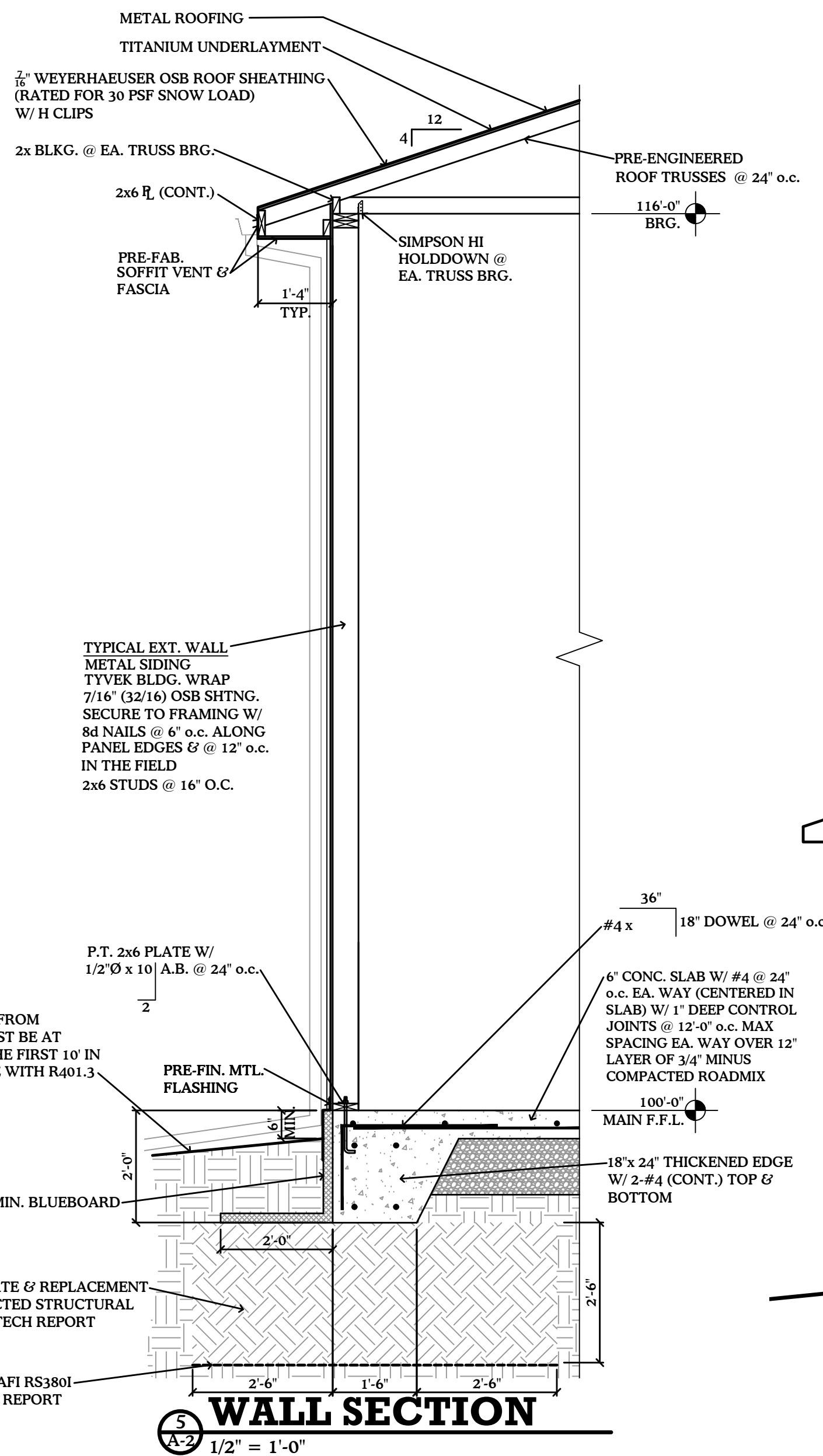
**ROOF PLAN**  
1/8" = 1'-0"



**SOUTH ELEVATION**  
1/4" = 1'-0"



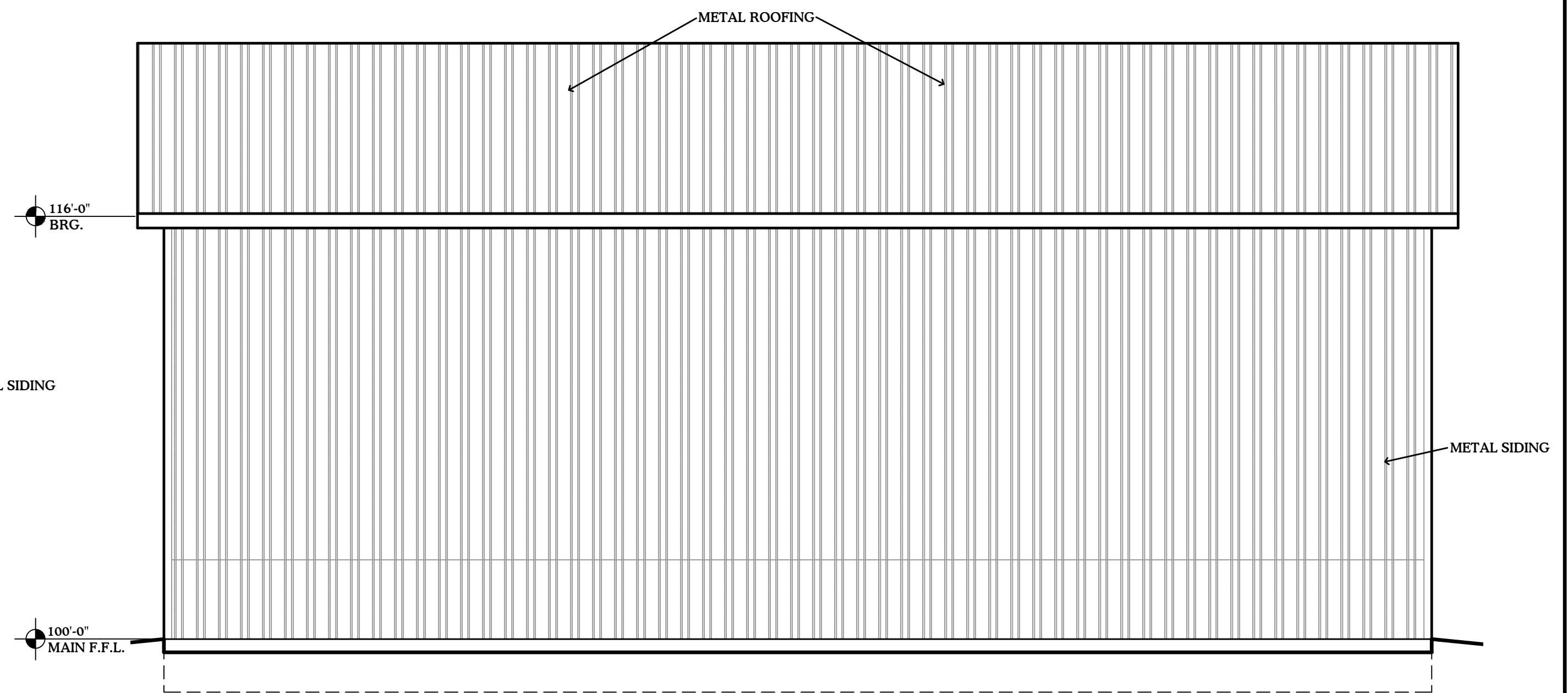
**EAST ELEVATION**  
1/4" = 1'-0"



**WALL SECTION**  
1/2" = 1'-0"



**NORTH ELEVATION**  
1/4" = 1'-0"



**WEST ELEVATION**  
1/4" = 1'-0"

**PRELIMINARY  
NOT FOR CONSTRUCTION**

## Zoning History for County Special Review 336

<b>SUBJECT PROPERTY</b>	<b>Special Review</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
None					
<b>SURROUNDING PROPERTY</b>	<b>Special Review</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
None					

\*First Special Review for ADU in the County

County Zoning Commission

Meeting Date: 10/14/2024

SUBJECT: Zone Change 726 - 3380 Wise Lane - A to C3

THROUGH: Nicole Cromwell

PRESENTED BY: Nicole Cromwell

Information

REQUEST

County Zone Change 726 -- 3380 Wise Lane - A to C3 - A zone change request from Agricultural (A) to General Commercial (C3) on a 1.5-acre portion in the northeast corner of an unplatted parcel in Section 34, Township 1 South, Range 25 East, a Fraction of the northeast 1/4 & a Fraction of Government Lots 1 and 2 south of the Road, a 59.21-acre parcel of land. A pre-application neighborhood meeting was held on August 26, 2024 at the subject property. Tax ID: D01161

RECOMMENDATION

The Planning Division staff is recommending approval based on the proposed findings of the eleven criteria of Zone Change 726.

APPLICATION DATA

OWNER: Limpp Family LLC

AGENT: Galen Cook, owner of Golden Valley Honey, retail marijuana dispensary

LEGAL DESCRIPTION: an approximate 1.5 acre portion within a Fraction of Government Lots 1 & 2, south of the road, in a fraction of the northeast one-quarter of the southeast one-quarter of Section 34, Township 1 south, Range 25 east Principal Meridian Montana, Yellowstone County, Montana

ADDRESS: 3380 Wise Lane

CURRENT ZONING: Agriculture (A)

PROPOSED ZONING: General Commercial (C3)

EXISTING LAND USE: Retail Marijuana Dispensary

PROPOSED USE: Retail Marijuana Dispensary (same)

SIZE OF PARCEL: approximately 1.5 acres

CONCURRENT APPLICATIONS

None

APPLICABLE ZONING HISTORY

The parcel is within the original zoning applied by Yellowstone County (County) in 1973. In July 1999, the Yellowstone County Commissioners approved the property for Special Review to allow commercial recreational activities associated with Oscar's Dreamland, a collection of historic and anachronistic memorabilia from Billings and Yellowstone County. Then in 2018, the County Commissioners approved a sand and gravel open cut mine for the property through Special Review 330. No other zoning applications have been submitted for the property.

The County Commissioners have approved similar requests for small areas of commercial zoning at the intersection of the arterial streets or along arterial streets. These include property at the 5200/5300 block on the north side of King Ave West, and at the intersection of 48th St W and Hesper Road. A recent zone change for property on S 48th St West (Zone Change 724 - the Green Bee) to change from RR1 to commercial zoning was denied. This location also was out of compliance with the County Zoning Regulations for an appropriate zone for a retail marijuana dispensary. Although this property is also along an arterial street, the Commissioners found the proposed zoning to be out of character with the directly adjacent neighborhood on Amber Lane.

SURROUNDING LAND USE & ZONING

- NORTH: Zoning: Agriculture (A)  
Land Use: Agriculture and low density residential
- SOUTH: Zoning: Agriculture (A)  
Land Use: Agriculture
- EAST: Zoning: Agriculture (A)  
Land Use: Agriculture
- WEST: Zoning: Agriculture (A)

## BACKGROUND

This is a zone change request for a small area approximately 1.5 acre (metes and bounds description) within an un-platted parcel of land located at the southwest corner of the intersection of Wise Lane and Story Road. The property is owned by the Limpp Family, LLC and the agent for the owner is Galen Cook. Mr. Cook is the owner and licensed holder of Golden Valley Honey (aka Khronic Fashion), located at address 3380 Wise Lane. The current zoning of the property is Agriculture. The zoning does not allow a retail marijuana dispensary, but does allow a marijuana growing operation.

The County Commissioners adopted final zoning regulations on marijuana businesses in 2023, after a two-year period to study the issue. Prior to November 2023, the County had adopted interim zoning regulations. Both the final and interim regulations did not allow retail marijuana dispensaries within Agriculture Zone Districts. The interim zoning did not allow marijuana cultivation in this zoning district, but the final regulations do allow cultivation operations. As part of the 2-year study, the planning staff identified the locations of all existing marijuana businesses within the zoned area of Yellowstone County. Six locations were determined to be out of compliance with the previous zoning, the interim zoning, and the final adopted zoning regulations. The County Commissioners adopted a resolution in October 2024 that allowed these six, identified locations one year to come into compliance with the zoning regulations. In some cases, the owner could apply for a zone change or move all or part of the operation to a conforming location. After October 4, 2024, those locations that have not received a zone change, moved all or part of the business, or closed their operations may be in violation of the county's zoning. After this date, planning staff will no longer provide letters to these businesses affirming compliance with local zoning. These letters are required for license renewals issued by the state through the Cannabis Control Division of the Department of Revenue (DOR).

Golden Valley Honey has never requested or received a zoning compliance letter from the Planning Division. The business name GVH - Golden Valley Honey - is listed as a licensed marijuana dispensary in Billings, MT. Due to state regulations, the Cannabis Control Division does not list specific addresses for these licensed businesses. Most are easily found through internet searches or by using a reverse directory for the phone number listed with the state license. Golden Valley Honey is listed at this address on internet pages and on review pages for marijuana providers in Montana. Another location is also listed at 3701 S 56th St West Unit 4. This location is outside the county's zoning jurisdiction. It appears that Golden Valley Honey (GVH) opened its operation on Wise Lane sometime in late 2022 or early 2023. Khronic Fashion, a business name previously operating within the city limits at 2910 Grand Avenue, closed at about the same time that GVH opened on Wise Lane.

Wise Lane and Story Road are designated arterial streets on the county functional road classification system. Arterial streets are intended to provide connections throughout the community from place to place. Collector streets, by comparison, are intended to "collect" traffic from a place and take it to one or more arterial street connections. Local streets are intended to provide access only within a developed area such as a neighborhood or commercial development such as Shiloh Crossing or the development south of King Ave W between 24th St West and 32nd St West and north of Gabel Road. Local street networks usually have one or more designated collector streets. Zoning for some commercial activity at the intersections of arterial streets or arterial and collector streets is expected and is common throughout Billings and the zoned area of Yellowstone County. For example, the small commercial zoning node at Hesper Road and S 48th St West is only on the north side of Hesper Road. The northeast corner has developed with personal storage warehousing and the northwest corner has yet to develop. There are similar commercial nodes in Lockwood and at 62nd ST W and Grand Avenue. Not every commercial zone proposal fits with the surrounding area or neighborhood.

Traffic on Wise Lane and Story Road is typical of a County arterial street in rural areas. The traffic volume is low, but speeds are higher. The streets are two lanes with little to no shoulder area and open drainage to both sides of the street. The development of gravel mining in the area will impact the type of traffic on these two streets for the next 5 to 10 years, depending on the amount of gravel resources to be extracted. There are few homes in the area with only two residences within 1/4-mile of the location. Until very recently, there was a major cattle feeding and grazing operation on the east side of Wise Lane across from this location. A gravel mining company recently purchased this 160-acre property. This same gravel company has purchased several properties in the area and is engaged by the Limpp Family, LLC to perfect the gravel mining permit for this parcel of land. The gravel mine for this property was approved by the County Commissioners in 2018.

The existing and proposed use will not have an appreciable effect on traffic management. Other uses allowed in the C3 zone could have a greater impact on traffic. The planning staff must consider all potential uses on the subject property including retail, retirement communities, office space, restaurants (with or without alcohol service), and similar. Most of these uses would require annexation for provision of public utilities. The property is not within the current limits of annexation for the city, or even in the long-range urban planning area. A 5,000 square foot restaurant would generate approximately 200 new vehicle trips per day, but is not likely at this location without public water and sewer services. A more intense use under the proposed zoning would require additional analysis of traffic at the intersection as well as the location of access to the subject property in relation to the intersection. The current zoning allows agricultural uses and single-family dwellings,

including manufactured homes.

A neighborhood meeting was conducted by the applicant on August 26, 2024, at the subject property. No surrounding property owners attended the meeting. The planning staff did not receive any telephone or written comments concerning the application.

Planning staff has reviewed this application and is forwarding a recommendation of approval for the proposed zone change based on the 11 criteria for zone changes. The property is located at the intersection of two principal arterial streets about 1.5 miles from the city limits. The County Growth Policy (2008) indicates that proposed zone changes should be compatible with existing uses and located in areas that can handle any potential traffic generated from the development. The planning division also believes the existing business fits in with the existing uses on the rest of the Limpp Family lands that includes commercial recreational uses and outdoor events. The proposed zoning also will allow the property to change uses over time, which may better support the future recreational lakes planned for when the gravel mining is completed on the property/ The uses available in the C3 zone are limited without the provision of public water and sewer services. If the property were annexed in the future, the proposed zoning would be compatible with similar urban intersections.

## SUMMARY

The Yellowstone County Zoning Commission, prior to any recommendation, shall consider the following:

1. Is the new zoning designed in accordance with the Yellowstone County 2008 Growth Policy?

The proposed zoning does comply with the following goals of the Yellowstone County 2008 Growth Policy and area plans:

- Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans. (Land Use Element, page 6).

This zone change would allow for an existing commercial use, Golden Valley Honey, to conform to the County Zoning Regulations. The zoning also would allow for incremental changes over time which may be possible when the active gravel mining in the area is completed. The location is at the intersection of two principal arterial streets. This is consistent with the neighborhood character, as the business already exists.

- Goal: New developments that are sensitive to and compatible with the character of adjacent development. (Land Use Element Goal, page 6).

This property is not adjacent to any urban commercial uses but may be in the future. The existing and intended use are compatible with the surrounding uses.

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

The subject property is currently served by the Billings Urban Fire Service Area (BUFSA). The nearest fire station is located on S 24th Street West (Station #5) five miles north and east of the subject property. Depending on the specific future uses, the Fire Marshal may require on-site water supply for fire protection.

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

**Transportation:** The new zoning may increase traffic depending on future uses. The existing use, Golden Valley Honey, has occasional delivery and may have customer traffic on a daily basis. This amount of traffic should not cause traffic congestion on either street.

**Water and Sewerage:** The property is served by septic systems and on-site water (cisterns or wells). Billings' public utilities are not available and are not intended to be extended to this area for more than five years.

**Schools and Parks:** The proposed zoning should not impact the student population. Residential uses are not planned for the property.

**Fire and Police:** The subject property is serviced by the Billings Fire Department and the Yellowstone County Sheriff's Department. Fire protection will be evaluated at the time of any future development plan.

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

The new zoning will allow an existing commercial use to be conforming. The commercial recreation uses on the other parts of the property are compatible with this use. The county granted previous approval for these commercial recreation uses. The proposed zoning should not have a negative impact on the surrounding uses. The proposed C3 zoning will allow the owner to keep the existing use and consider future commercial uses when the market changes. The C3 zone is compatible with typical urban intersection zoning. The zoning will promote the health and general welfare of the area.

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

The proposed zoning requires minimum setbacks, maximum building heights and maximum lot coverage. Any new development would require conformance with site development standards for landscaping and parking. These requirements should allow adequate light and air to reach the subject property and adjacent properties.

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

The proposed zoning itself will not generate more traffic on any of the adjacent streets. Pedestrian traffic in the area is limited due to high speed arterial streets, no pedestrian facilities, and little residential development. The 2016 Bikeway and Trail Master Plan did not include any facilities on Wise Lane or Story Road. There is a Yellowstone River Greenway Plan that encourages the acquisition and development of a trail corridor along the north bank of the Yellowstone River. This location is more than 1/4-mile from the river and any development should not affect the ability to create a greenway area along the river.

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

The proposed zoning is compatible with any nearby urban development. The proposed zoning and development is consistent with the area.

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 primarily agricultural with a few small residential subdivisions. The property is suitable for C3 use and is at the intersection of two arterial streets. It is likely the character of the area will change to commercial uses at this node.

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

The new zoning will make the current commercial development conform to zoning and conserve the value of the investment in this structure. The new zoning could also allow future commercial uses adjacent to agricultural uses and an active gravel mining area. The commercial zoning will not affect the value of the existing buildings surrounding the site.

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

The property is suitable for some of the uses allowed in the C3 zoning district. Without access to public utilities, many of the higher intensity uses could not be developed, including restaurants, medical facilities, day care centers and similar. The C3 zone is the most appropriate use for the land. Certain uses that generate higher levels of traffic such as restaurants and service businesses are not possible here without annexation and the provision of public water and sewer.

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

The proposed zoning is not close to the City of Billings but is compatible with the typical urban development at an arterial intersection.

## **RECOMMENDATION**

Staff recommends approval and adoption of the findings of the 11 review criteria for Zone Change 726.

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### **Attachments**

ZC 726 Zoning Map and Site Photos

ZC 726 Zoning History

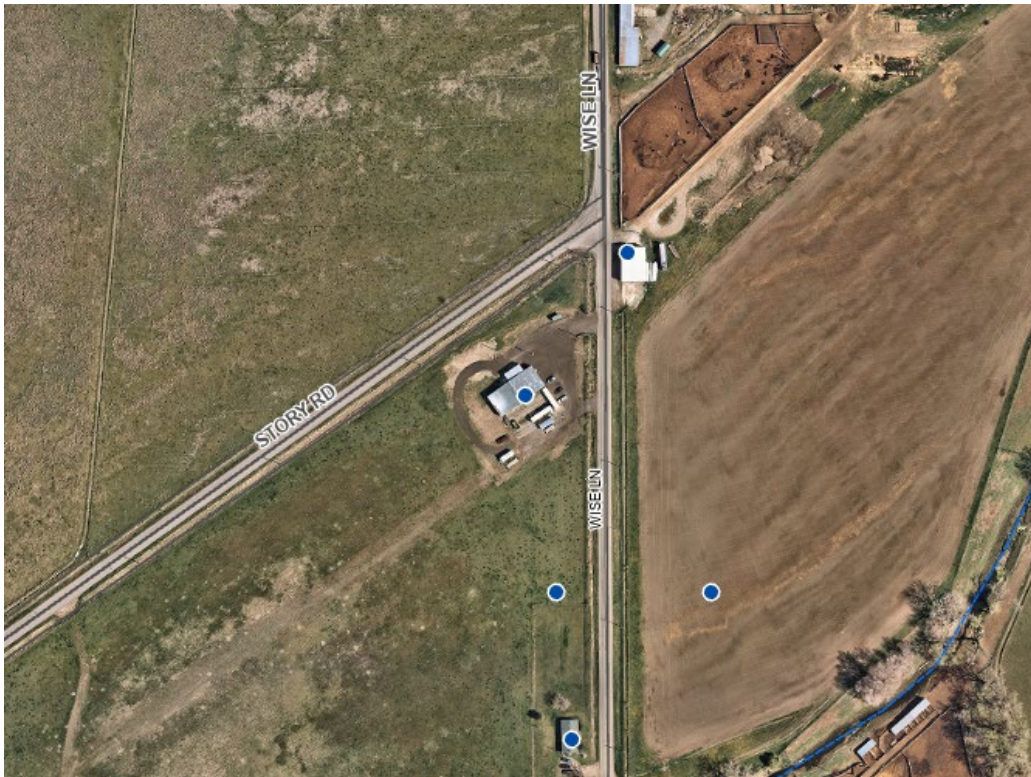
Applicant Letter ZC 726

Application ZC 726

Pre application meeting info ZC 726

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Zoning Map & Site Photos - County ZC 726 – 3380 Wise Lane



Zoning Map & Site Photos - County ZC 726 – 3380 Wise Lane



Subject Property  
3380 Wise Lane

View north on Wise Lane from drive approach south of intersection

Zoning Map & Site Photos - County ZC 726 – 3380 Wise Lane



Secondary structure on subject parcel

Zoning Map & Site Photos - County ZC 726 – 3380 Wise Lane



View north and east across Wise Lane – Croell Inc.

Zoning Map & Site Photos - County ZC 726 – 3380 Wise Lane



View south and east across Wise Lane – Croell Inc.

**APPLICABLE ZONING HISTORY – Zone Change 726 – 3380 Wise Lane**

<b>SUBJECT PROPERTY</b>	<b>ZONE CHANGE</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
	SR 253	7/9/1999	Commercial Recreation	Yes	Oscar's Park
	SR 330	1/29/2019	Gravel Mine	Yes	Under development
<b>SURROUNDING PROPERTY</b>	<b>ZONE CHANGE</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
8522 S Frontage Road	715	6/27/2023	A to L1	Y	Some area left in A zone
8108 S Frontage Rd	571	3/23/20024	A to EGC	Y	Updated zone = CX
2526 Wise Lane Town & Country C-store	Original Zone = CI				Updated Zone = CX
7980 S Frontage Rd	481	7/1/1997	A to HC	Y	Updated Zone = CX
2580 Wise Lane	477	12/5/1996	A to HC	Y	Updated Zone = CX

August 29, 2024

Prepared Statement for proposed zone change request:

Subject property - S34, T01S, R25E, FRAC NE4 & FRAC LT12 S of Rd - located at 3380 Wise Lane.

This approx 1 acre corner is currently zoned as agriculture. Since the 1970's this property has been home to an airplane hanger, a mechanic shop, a lubrication distributor, a baseball training facility, and now a cannabis production facility and dispensary licensed to Galen Cook as Golden Valley Honey llc.

Golden Valley Honey has been operating at this location since 2014. Yellowstone county has allowed this business at this location during these 10 years.

Currently the entire 40+ acres surrounding the cannabis business's property is a gravel mine. This mine is controlled by Croell industries. There is currently a semi-truck scale being installed next to the property, along with a batch-plant, which is in the works.

Property owner has been paying commercial property taxes on this property going back 30+ years.

Yellowstone county has passed zoning laws for cannabis businesses which would restrict the ability of Golden Valley Honey to retain its dispensary license and manufacturing license here.

Golden Valley Honey requests a zone change; to accommodate the county's developmental plan of business development in the area surrounding Billings.

Golden Valley Honey has invested substantially into this property. With 12 employees, 10 years of being at this location, with the gravel mine at the same property, 30+ years of commercial property taxes, along with the long history of commercial businesses operating at this location, Golden Valley Honey believes it is imperative that the planning board allows for this property to be re-zoned as general commercial.

A precedent of doing business here for 10 years has been established, and the business is now a permanent fixture to the Duck Creek area. Please take our request to change the zoning of this property to general commercial into serious consideration.

Sincerely,

Galen Cook  
GVH inc

COUNTY APPLICATION FORM

PZX-24-00214

COUNTY ZONE CHANGE County Zone Change # 726 - Project # PZX-24-00214

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

Present Zoning: Agriculture

Proposed Zoning: General Commercial C3

Property Tax ID # D01161 COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: S34, T01S, R25E, FRAC NE4 & FRAC LT142 S of Rd

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

3380 Wise Lane, Billings, MT 59101

Size of Parcel (Area & Dimensions): 237' x 193' x 336' x 367'

Present Land-Use: certified cannabis facility

Proposed Land-Use: certified cannabis facility

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

Owner(s) LIMPP Family LLC

(Record Owner)

3031 Grand Ave. PMB 125 Billings, MT 59101

(Address)

(406) 670-7399

(Phone Number)

(email)

Agent(s): Galen Cook

(Name)

3380 Wise Lane Billings, MT 59101

(Address)

Billings (406) 670-1771 khronicfashion@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: [Signature] Date: Aug 28, 2024

(Record Owner - Digital Signature Allowed)

**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:** Agriculture
2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning:  
Changing zoning from Ag to C3 to remain compliant with yellowstone county's cannabis zoning regulations.
3. **Subject Property Map:** please attach to this form
4. **Legal Description of Property:** S34, T01S, R25E, FRAC NE4 \* FRAC LT12 S of
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 26, day of August, 2024.
  - b) The zone change application is based on materials presented at the meeting.

Owner (s): LIMPT Family LLC Telephone: (406) 670-7349

Address: 3031 Grand Ave PMB # 125 Email: \_\_\_\_\_

Billings, MT 59101 \_\_\_\_\_

Agent (s): Galen Cook Telephone: 406-670-1771

Address: 3380 Wise Lane Email: lchronicfashion@gmail.com

Billings, MT 59101 \_\_\_\_\_

Aug 26, 2024

Notes taken for:

Zone change meeting @ 3380 Wise Lane, Billings, MT 59101

Time: Aug 26, 2024 @ 7:00 pm

Regarding: zone change request from agriculture to general commercial.

Officiated by: Business owner of Golden Valley Honey, Galen Cook.

NOTES: Waited until 8:00 pm & nobody showed up to give any comments.

## Zone change Meeting Synopsis

Aug 26, 2024 @ 3380 Wise Lane, Billings, MT. 59101

Meeting occurred @ 7:00pm on Aug 26<sup>th</sup>, 2024 just as the zone change letters instructed. Nobody other than Galen Cook @ Jeremiah Splitstone of Golden Valley Homey showed-up. No questions were raised, & no concerns for a zone-change was made known.

Galen Cook - owner GVT

SIGN-IN SHEET FOR ZONE CHANGE MTG. @

3380 Wise Lane

Billings, MT 59101

- 1 Gal Cf — Galen Cook GVT owner
- 2 ~~Jeremiah~~ — Jeremiah Splitstone GVT manager
- 3
- 4
- 5
- 6