

City of Billings Zoning Commission
 Tuesday, February 4, 2025 at 4:30pm

Commission		01/07/2025	02/04/2025	03/04/2025	04/01/2025	05/06/2025	06/03/2025	07/01/2025	08/05/2025	09/02/2025	10/07/2025	11/04/2025	12/02/2025
Daniel J Brooks	Chairman	1	1										
Greg McCall	Vice Chair	1	1										
David Goss	Commissioner	1	1										
Beau Mulvaney	Commissioner	1	1										
Andy Megorden	Commissioner	1	1										

Please note: "A" stands for excused absence, "1" stands for present, "V" stands for Zoom participation, "C" stands for Canceled

Total Number of 2025 Applications	01/07/2025	02/04/2025	03/04/2025	04/01/2025	05/06/2025	06/03/2025	07/01/2025	08/05/2025	09/02/2025	10/07/2025	11/04/2025	12/02/2025	TOTAL
Zone Change	1	1											2
Special Review	-	1											1

Call the Meeting to Order: Chairman Brooks called the meeting to order at 4:32 PM

Attending Staff: Nicole Cromwell, Zoning Coordinator; Brenda Berns, Planning Clerk

Participants: Craig Dalton, Performance Engineering

Public Comment

Chairman Brooks called for public comments. There were no comments from the public.

Approval of Minutes: January 7, 2024

Commissioner McCall made a Motion, seconded by Commissioner Megorden to approve the meeting minutes as amended. The motion was carried by a unanimous vote.

Disclosure of Exparte Communication

COMMISSIONER	DISCLOSED	NONE	ABSTAINED	ABSENT
Daniel J Brooks		X		
Greg McCall		X		
David Goss		X		
Beau Mulvaney		X		
Andy Megorden		X		

Disclosure of Conflict of Interest

COMMISSIONER	DISCLOSED	NONE	ABSTAINED	ABSENT
Daniel J Brooks		X		
Greg McCall		X		
David Goss		X		
Beau Mulvaney		X		
Andy Megorden		X		

Site visits: Commissioner’s Brooks and Goss conducted a site visit of Zone Change 1061

Regular Business:

- a. **City Zone Change 1061 – 441 Riverside Rd – Public 1 to Public 2** – A zone change request from Public 1 (P1) to Public 2 (P2) on 5.145 acres of a 14,988-acre parcel of land known as Wilson Park, legal described as the NE ¼ of the SE ¼ of Section 10, Township 1 South, Range 26 East. The intent of the zone change is to make the 5.145 acre parcel available for lease or sale to the Yellowstone Valley Animal Shelter to construct a new animal shelter for the region. A pre-application neighborhood meeting was held on December 18, 2024, at Riverside Middle School. A concurrent annexation has been submitted. Tax ID: D01735

The Zoning Commission conducted its public hearing on December 3, 2024. The commission failed to reach consensus on the recommendation.

Ms. Cromwell gave an overview of the current zoning and requested zone change.

From - Wilson Park 441 Riverside Rd; Public 1 (P1) Parks and Open Space
To – Public 2 (P2) Public, Civic & Institutions 5.145-acres of 14,988-acre parcel

P1 and P2	
P1	P2
<ul style="list-style-type: none">❖ Public and private parks❖ Active recreation areas❖ Golf courses, clubhouses❖ Nature parks and conservation areas❖ Arboretums and Botanical gardens❖ Special review required for campgrounds or RV parks❖ Uses not allowed: residential, retail, personal and business services, industrial uses	<ul style="list-style-type: none">❖ Schools, churches, institutions on smaller parcels with no more than 2 principal buildings❖ Housing can be provided for employees or caretakers of the principal use❖ Emergency services and animal shelters❖ Healthcare, Adult and Child Day Care, indoor and outdoor recreation facilities, cemeteries, entertainment assembly uses❖ Special review required for campgrounds or RV parks❖ Uses not allowed: retail, restaurants, personal and business services, industrial uses (except for solid waste services)

Planning staff recommends approval of Zone Change 1061. The City Council shall consider the Zoning Commission’s recommended findings of the ten (10) review criteria as submitted in the staff report.

Questions

Commissioner Goss inquired whether the path running diagonally through the property is dedicated. Ms. Cromwell explained due to a lack of space, a gravel road connection was created by the city to accommodate snow disposal.

Commissioner Goss compared the P1 and P2 zones, noting the limit of two principal buildings, and asked for clarification on what constitutes a principal building. Ms. Cromwell explained that a principal building is one that serves a primary function, but it may also have an accessory building for purposes like housing equipment.

Chairman Brooks pointed out the berm along the road and asked if the applicant intends to retain it as a buffer. Ms. Cromwell deferred to the YVAS representative for a response.

Craig Dalton, Performance Engineering representative of YVAS - Mr. Dalton explained that the applicant is the City of Billings, which received the land as a donation. The land came with outstanding back taxes, and to alleviate this burden, a land and water conservation easement was established. This easement cannot be removed, but it must be relocated, which the City is handling. The City is required to find a property of equal size and value for the relocation of the easement. He believes they have identified suitable property in the Heights. The City Council has agreed to donate the property to YVAS, and they will assume ownership of the deed.

In response to Chairman Brooks' question, Mr. Dalton confirmed that access will be from Riverside. While some of the berm will need to be removed, the City owns the remainder of the park and there are no long-term plans for it. The P2 zoning was selected as the lowest intensity zoning available for this type of project.

Chairman Brooks then opened the public hearing.

Public Hearing

Richard Edwards 321 Minnie Pl – Mr. Edwards expressed opposition to the zone change but acknowledged the need for a new YVAS facility. He stated that the original intent of the land was to be developed into a park, but it remained undeveloped for over 50 years. At the public meeting held at Riverside Middle School to discuss the application, around 25 to 30 people attended, though not all signed in. He also noted that the pictures shown at the meeting did not accurately represent the actual situation of the nearby residential houses, which are located approximately 240 yards from the proposed facility.

Randy Crable 528 Minnie Pl. – Mr. Crable expressed his opposition to the zone change. Having worked for the city for many years and lived at his current address for 47 years, he does not believe a crematorium is suitable near residential areas. He also mentioned that there are no sidewalks in the area, making it difficult to walk dogs. He suggested that the land could be a good location for a dog park, especially since the city was gifted the property. Additionally, Mr. Crable questioned why there isn't available land near the Billings Operations Center (BOC) for such a project.

Jody Kaiser 252 Riverside Rd – Ms. Kaiser expressed opposition to the zone change. As a dog breeder and exhibitor who has invested between \$50,000 and \$100,000, she is concerned about the potential for disease transmission from an animal shelter, citing risks such as parvo and brucellosis. She emphasized the need for regular testing of animals, both initially and six months later, and worried that if staff walk dogs near residences, it could put homeowners' animals at risk.

Additionally, she inquired about the traffic plan for the animal shelter. Ms. Kaiser also voiced concerns about the proposed location, stating that such a facility would not be placed in a neighborhood like Briarwood.

Dave Hagstrom 3042 Allison Lane – Mr. Hagstrom is opposed to the zone change. He stated the YVAS project is a nonprofit 501(c) (3) and inquired about the cost of the project and the percentage that will come from property taxes.

Diane Lynch 527 Minnie Pl; Ms. Lynch is opposed to the zone change as described by the other residents that spoke at this meeting.

Triniti Halverson, Executive Director YVAS; Ms. Halverson stated that she has been in her current position for six years and believes it is important to listen to the community's opinions. She provided an overview of YVAS's goals and the jurisdiction it serves. As a 501(c)(3) non-profit, she explained that the City issues a Request for Proposal (RFP) to house animals, and the contract allows for animals to be put up for adoption after 72 hours. Her jurisdiction includes Billings and Yellowstone County but does not extend to the Reservations due to capacity limitations. She mentioned that while she is not familiar with state regulations regarding crematoriums, the facility plans include space for one. Regarding the park, Ms. Halverson noted that she had worked for the City for many years and, when starting the project, realized that \$12 million would be needed to build an adequate facility, not including the land. She acknowledged that the City would not have the funds for this and that she would not be seeking funding from them. Lastly, she explained that the park cannot be used as a dog park due to covenant restrictions, but they are working on creating a walking trail and hope to welcome neighboring dogs as well.

Questions

Commissioner Goss asked for clarification regarding the water source for the project. Mr. Dalton explained that the project will be fully serviced by City utilities. A City-owned main water line runs along Riverside and branches off at the County line on Hannon. Water service will be provided from the connection at Riverside, ensuring full City services.

Chairman Brooks sought clarification on whether air quality standards are considered by the board, specifically regarding the crematorium. He asked if state air quality standards would be adhered to if the crematorium were used. Mr. Dalton confirmed that state air quality standards would be maintained, and as a state-regulated facility, the crematorium would be subject to regular inspections and monitoring as part of its operations.

Chairman Brooks inquired about the initial donation of land and the City's experience with Cottonwood Park's contractual obligations. Ms. Cromwell responded that the City had financial commitments associated with the donation of the park. To address these obligations, the City applied for a grant from the Land and Water Fund, which is commonly used for many of the City's parks. Once the grant is awarded, a perpetual easement is placed on the property. Depending on the easement type, it may be relocated to another property of equal size and value.

However, the easement is not a covenant in the title report but is maintained by the City as part of the title deed. The City must comply with National Parks regulations for the easement.

Chairman Brooks closed the Public Hearing.

Motion

Commissioner Goss moved to recommend the approval of Zone Change 1061 with conditions as recommended by staff, seconded by Commissioner Megorden.

Board Discussion

The board discussed the criteria for their decision, emphasizing that their determination should be based on the zoning guidelines rather than the planned use. They noted that any deed provision restricting use, would be considered a civil matter.

Chairman Brooks called for a vote on the approval of Zone Change 1061. The vote was unanimous.

COMMISSIONER	Yes	No	ABSTAINED	ABSENT
Daniel J Brooks	X			
Greg McCall	X			
David Goss	X			
Beau Mulvaney	X			
Andy Megorden	X			

Recommendation of approval will be forwarded to City Council on February 24, 2025

Other Business:

Ms. Cromwell mentioned that the board will review the final text amendments in March 2025, along with two zone changes—one in the Heights and another on the West End.

Adjournment: The meeting adjourned at 5:20 PM

Brenda J Berns, Planning Clerk

-- To be Approved by a motion at the next regularly scheduled meeting.