



Yellowstone County Zoning Commission
Monday, October 14, 2024
316 N 26th, 3rd Floor Room 3108 Billings MT

The County Zoning Commission met at 4:00 p.m. in the Stillwater Bldg, 3rd Floor

	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	11/12/2024	12/09/2024
Blaine Poppler	Commissioner	X	C	C	1	C	1	C	1	C	1		
Melissa Ray Gentry	Commissioner	X	C	C	1	C	1	C	A	C	1		
Tyler Bush	Commissioner Chairman	X	C	C	A	C	V	C	A	C	1		
Todd Hewitt	Commissioner	A	C	C	1	C	A	C	1	C	1		
Morgan Tuss	Commissioner	X	C	C	1	C	A	C	1	C	A		

Chairman Bush opened the meeting at 4:04pm and introduced the County Zoning Commission members and Planning Division staff.

Staff Present: Anna Vickers, Planning Division Manager, Nicole Cromwell, Zoning Coordinator; Tate Johnson, Planner I; Brenda Berns, Planning Clerk

Other Participants: Galen Cook, Agent for the Owner (ZC 1056); Mike Botz, Applicant (SR 336)

Public Comment

Chairman Bush asked if there was anyone wishing to speak during the public comment portion of the meeting.

There was none.



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Approval of Minutes: August 12, 2024

Motion

It was moved by Commissioner Hewitt, seconded by Commissioner Poppler to approve the August 12, 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 October 29, 2024 at 9:30 AM for the public hearing on SR 336 and ZC 726.

Item #1: Special Review 336 – A special review to allow an Accessory Dwelling Unit (ADU) in a Rural Residential 1 (RR) 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

Tate gave an overview of the request to allow an accessory Dwelling Unit in a Rural Residential 1 (RR1) zone district.



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Recommendation

Planning staff is recommending conditional approval of the accessory dwelling unit and variances to allow an ADU larger than 1,000sf and to allow less rear setback for both the principal structure and ADU.

- The ADU on the submitted site plan exceeds the maximum allowable size for an ADU in the zoning – 1,000 sf maximum
- The site plans also show the main house within 12 feet of the rear setback and the ADU within 18 feet of the rear setback.
- The zoning code allows for special review approval of the ADU along with any variations from code requirements.

Board Questions

Chairman Bush asked about the start time of 7am for workers as a part of the Conditions of Approval. Ms. Johnson clarified that it was a standard for most construction projects and are generally adhered to.

Commissioner Poppler asked about access to the river along Whitetail. Ms. Johnson advised that there is no public access.

Chairman Bush asked if there was anyone that wished to speak on behalf of SR 336, in favor or against.

In favor:

Mike Botz 5825 Lazy Lane – Mr. Botz thanked the board for considering his application for SR 336.

There were no further participants. Chairman Bush closed the public hearing.



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Discussion

Commissioner Poppler stated that this is a good example of allowing 2 more units in a relatively small tract.

Motion

It was moved by Commissioner Poppler, seconded by Commissioner Hewitt to approve SR 366 as presented by staff, with the Conditions of Approval. The motion was carried with a unanimous vote.

Item #2: 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 un-platted parcel in Section 34, Township 1 South, Range 25 East, a Fraction of the northeast $\frac{1}{4}$ & 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

Nicole Cromwell, Zoning Coordinator, provided an overview of the property, noting that it is currently zoned Agriculture (A) and that the requested zoning is General Commercial (C3). The surrounding area primarily consists of Agriculture zoning. The intended use for the property includes commercial recreation, similar to a wedding venue and family reunions, as well as the establishment of historic buildings for tours.



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Recommendation

Planning staff is recommending approval of the requested zone change 726 and adoption of the findings of the 11 criteria.

A blue slide titled "Zone Change Review Criteria". It features the Yellowstone County logo on the left and the MPO (Metropolitan Planning Organization) logo on the right. The slide lists 11 numbered criteria for reviewing a zone change.

Zone Change Review Criteria

- (1) Whether the new zoning is designed in accordance with the growth policy;
- (2) Whether the new zoning is designed to secure from fire and other dangers;
- (3) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- (4) Whether the new zoning will promote public health, public safety and general welfare;
- (5) Whether the new zoning will provide adequate light and air;
- (6) Whether the new zoning will effect motorized and non-motorized transportation;
- (7) Whether the new zoning will promote compatible urban growth;
- (8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;
- (9) Whether the new zoning will conserve the value of buildings;
- (10) Whether the new zoning will encourage the most appropriate use of land in Yellowstone County; and
- (11) Will the new zoning be as compatible as possible with the adjacent zoning in the City of Billings

Nicole provided further clarifications on how the subject property meets the review criteria:

- Meets some County Growth Policy goals including predictable land uses and development that is compatible with existing and planned uses in the area.
- Will not have appreciable effect on traffic.
- Previous County approval for commercial recreation and gravel mining on property.
- On-going extraction in the surrounding area will affect future and existing expected land uses.



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This business includes five other enterprises that are subject to sunseting regulations for marijuana operations. The property is currently zoned Agriculture, where cannabis cultivation is permitted, but retail sales and dispensary use are not. A zone change is necessary to ensure the continued operation of the entire business.

Questions

Commissioner Gentry noted that the subject property is located near Oscar's Dreamland. Nicole confirmed that it is on the same property. Commissioner Gentry also mentioned that the owners of the subject property rent to Golden Valley Honey, and Nicole acknowledged this as well.

Chairman Bush sought clarification on the business's compliance with regulations. Nicole responded that the dispensary aspect of the business is not in conformance, which is why a zone change request has been made.

Chairman Bush asked if there was anyone that wished to speak in favor or against Zone Change 726.

In favor:

Galen Cook, Applicant's Agent and owner of Golden Valley Honey, stated that he has been at his current location since 2014. He mentioned that following last year's Commissioner's vote on the new regulations, the focus then became preserving the business and retaining employees. Mr. Cook believes the owners of the subject property have been paying commercial taxes on it and expressed concerns that the gravel mine makes the land unsuitable for agriculture.

In Opposition: There were none.



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Discussion

Commissioner Hewitt stated that there are no residential homes in the area.

Commissioner Gentry stated that she has observed multiple dispensaries in the area already.

Chairman Bush asked if any of the neighbors were in opposition of the zone change. Nicole stated no neighbors have expressed any opposition.

Chairman Bush remarked that gravel extraction is not suitable for agricultural use. Nicole responded that the county may still require a special review for gravel extraction, which typically has a life of no more than 15 years. She added that the final plans involve the creation of public parks and similar projects.

Chairman Bush asked about restrictions for dispensaries to be in the vicinity of public parks? Nicole advised there would be private parks, not public parks.

Motion

Commissioner Hewitt made a motion, seconded by Commissioner Gentry, to approve County Zone Change 726. The motion was carried with a majority: 3 In Favor and 1 Opposed.

Other Business: There will not be a County Zoning Commission meeting in November.

Adjourned: 5:08PM

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

Brenda J Berns, Planning Clerk