



COUNTY OF YELLOWSTONE ZONING COMMISSION AGENDA

Monday, June 9, 2025

4:00 PM

EOC, 5th Floor

316 N 26th St, Billings MT

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
- 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 May 6, 2025

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

Regular Business:

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

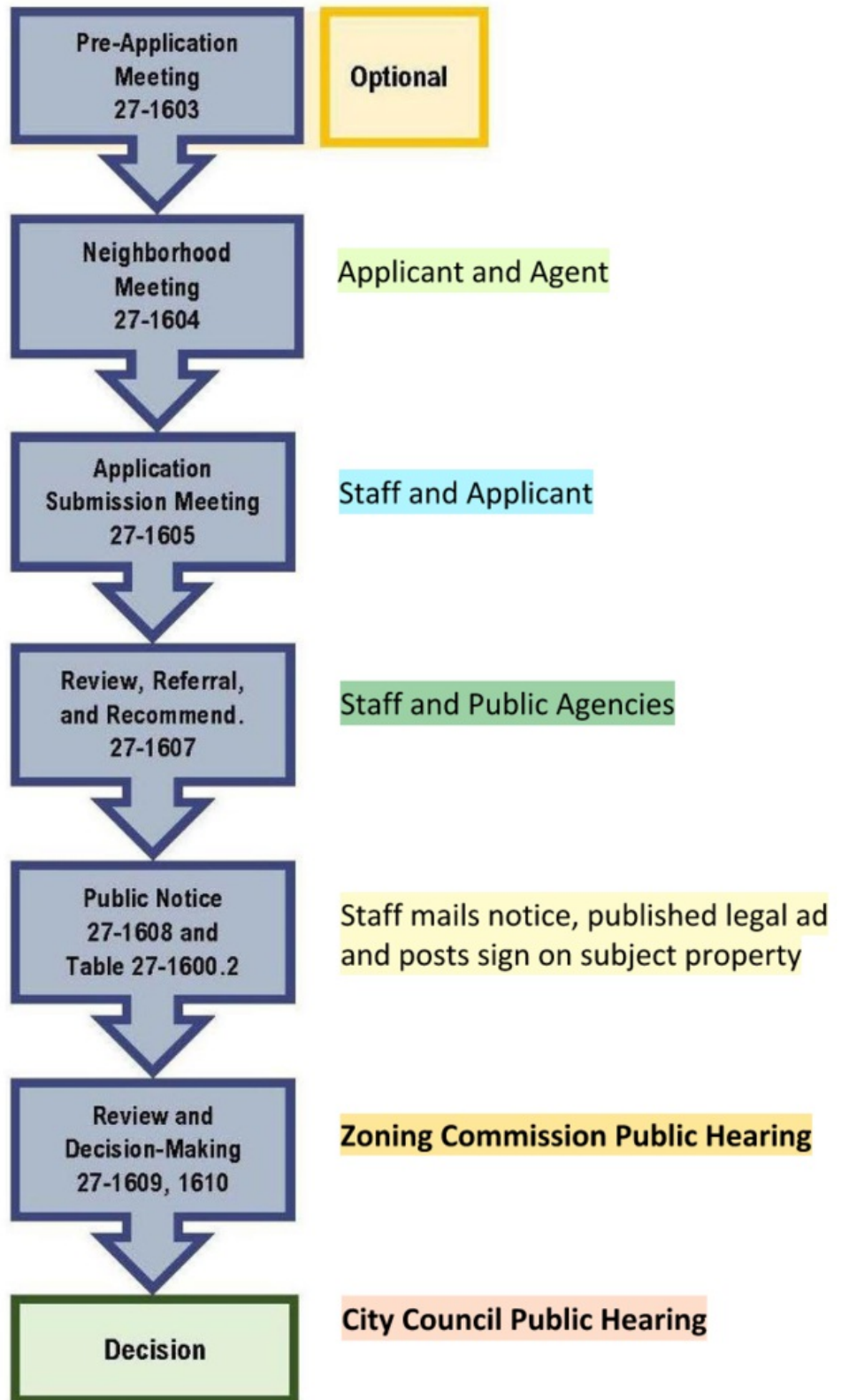
Public Hearings:

- a. **County Zone Change 728 - 4449 and 4511 Central Ave - A to N4 - A zone change request from Agriculture (A) to Large Lot Suburban Neighborhood Residential (N4) on two proposed one (1) acre parcels of land to be known as Lots 1 and 2 of Barber Farm Subdivision, in Tract 1A of C/S 2007 Amended, a 57.064-acre parcel of land. The owner is Diana Browne and the agent is Taylor Kasperick with Performance Engineering.**

Other Business/Announcements

Adjournment

Following the public hearing, the County Zoning Commission will make a recommendation to the Yellowstone County Commissioners. The **Board of County Commissioners** public hearing for these applications will be held on **June 26, 2025, at 11:00 a.m. at 316 N 26th Street -- 3rd Floor, Commissioner's Board Room.** The Board of County Commissioners will hear all persons wishing to speak relative to the proposed **Zone Change**. Information on the preceding item may be obtained at the Yellowstone County Planning Department or by calling 406-247-8247. Anyone wishing to be heard on this matter may appear at this hearing. Public hearings are accessible to individuals with physical disabilities. Special arrangements for participation in the public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify the Planning Division Office at 406-247-8610 or plnonline@billingsmt.gov



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County Zoning Commission

Meeting Date: 06/09/2025

SUBJECT:

PRESENTED BY: Brenda Berns

Information

REQUEST

The minutes of the Board meeting of May 6, 2025

RECOMMENDATION

APPLICATION DATA

OWNER:

AGENT:

LEGAL DESCRIPTION:

ADDRESS:

CURRENT ZONING:

EXISTING LAND USE:

PROPOSED USE:

SIZE OF PARCEL:

CONCURRENT APPLICATIONS

APPLICABLE ZONING HISTORY

SURROUNDING LAND USE & ZONING

NORTH:

Zoning:

Land Use:

SOUTH:

Zoning:

Land Use:

EAST:

Zoning:

Land Use:

WEST:

Zoning:

Land Use:

BACKGROUND

RECOMMENDATION

Staff recommends

Attachments

Minutes of March 10, 2025



Yellowstone County Zoning Commission

Monday, March 10, 2025

Commission		01/13/2025	02/10/2025	03/10/2025	04/14/2025	05/12/2025	06/09/2025	07/14/2025	08/11/2025	09/08/2025	10/13/2025	11/10/2025	12/08/2025
Tyler Bush	Commissioner	-	1	1									
	Chairman												
Melissa Ray Gentry	Commissioner	-	A	1									
Blaine Poppler	Commissioner	-	1	1									
	Chairman												
Todd Hewitt	Commissioner	-	1	1									
Morgan Tuss	Commissioner	-	A	A									

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

Chairman Bush opened the meeting at 4:32 PM and introduced the County Zoning Commission members and Planning Division staff.

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

Participants: There were none

Public Comment

Chairman Bush asked if there was anyone wishing to speak during the public comment portion of the meeting. There were none

Approval of Minutes: February 10, 2025

Motion

It was moved by Commissioner Hewitt seconded by Commissioner Gentry to approve the February 10, 2025 meeting minutes as submitted. The motion was carried with a unanimous vote.



Yellowstone County Zoning Commission

Monday, March 10, 2025

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.

Regular Business:

- a. **Zone Change 727- The County Zoning Commission Text Amendments.** Text Amendment, Updating County Zoning, General Cleanup of sections and updating, Code adopted December 2020. Section 27-300, 27-400, 27-500, 27-600, 27-800, 27-1000, 27-1100, 27-1200, 27-1300, 27-1400, 27-1500 & 27-1700

Nicole gave an overview of the numerical and substantive changes for all Sections.

- County Commissioners adopted new Zoning Regulations – December 2020
- “Warranty” period for new zoning three years from adoption
- Marijuana businesses – interim and final zoning took 2 years
- Proposed amendments are combined “warranty” items for the new code:
 1. Housekeeping of errors, incorrect references, spelling, numerical section errors.
 2. Substantive amendments that ease “pain points” in ne code – already adopted in city zoning.
 3. Substantive amendments for county zoning from collected comments and concerns over the past 4.5 years.

General regulation adjustments and corrections:

- Allow different locations for storage
- Allow non-occupied structures (flagpoles, chimneys etc.) to exceed building height limits
- Not require 60% landscaping of all yards
- Clarify that arterial street setbacks are required

Substantive changes:

- Allow N4 to have multiple principal dwellings on an undivided parcel
- Allow Rural Residential to have two principal dwellings on an undivided parcel
- Allow detached accessory buildings in interior-side yards and street-side yards
- Exempt lots on cul-de-sacs and flag lots from minimum lot width regulations
- Change manufactured home definition to comply with 2023 MT code changes
- Change urban zone districts (N1-3 and NX1-3) to correspond to city amendments

Planning & Community Services Department



Yellowstone County Zoning Commission

Monday, March 10, 2025

The proposed amendments are as follows:

1. Residential zones - Section 27-300
2. Commercial and Mixed Use zones - Section 27-400
3. Public zones - Section 27-500
4. Industrial zones - Section 27-600
5. Planned Neighborhood Development process standards - Section 27-800
6. Use Table and Use Standards - Section 27-1000
7. Proportionate Compliance standards - Section 27-1100
8. Landscaping standards - Section 27-1200
9. Off-street parking - Section 27-1300
10. Sign Code - Section 27-1400
11. Nonconformities - Section 27-1500
12. Violations and Enforcement - Section 27-1700

Recommendation

The Planning staff recommends the Commission review the drafts and initiate any or all of the proposed amendments. Initiation of an amendment is not an endorsement of the proposal but allows the proposal to move through the public hearing process.

Board Questions and Discussion

The board reviewed the criteria and acknowledged recent modifications. A key point of discussion was the impact of Project Recode, particularly in how it affected the county. Prior to 2020, a combined code had caused confusion, but with Project Recode, the codes for the city and county were separated for clarity. It was noted that administrative relief appeared appropriate for minor changes that did not require zoning variances. The landscaping section also drew attention, with questions about its relevance for homes with city services. It was mentioned that the county had implemented its landscaping code two years ahead of the city. It was pointed out that the changes seemed to make the process easier for developers and could result in cost savings.

Motion

A motion was made by Commissioner Hewitt, seconded by Commissioner Poppler to approve the proposed text amendments, with modifications as read. The motion passed unanimously.

Adjourned: 5:45p

Brenda J Berns, Planning Clerk

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County Zoning Commission

Meeting Date: 06/09/2025

SUBJECT: County Zone Change 728 - 4449 Central - A to N4

THROUGH: Tate Johnson, Planner 1

PRESENTED BY: Tate Johnson, Planner 1

Information

REQUEST

County Zone Change 728 - 4449 and 4511 Central Ave - A to N4 - A zone change request from Agriculture (A) to Large Lot Suburban Neighborhood Residential (N4) on two proposed one (1) acre parcels of land to be known as Lots 1 and 2 of Barber Farm Subdivision, in Tract 1A of C/S 2007 Amended, a 57.064-acre parcel of land. The owner is Diana Browne and the agent is Taylor Kasperick with Performance Engineering.

RECOMMENDATION

The Planning Division staff is recommending approval based on the proposed findings of the eleven criteria of Zone Change 728.

APPLICATION DATA

OWNER: Diana Browne

AGENT: Taylor Kasperick, PE - Performance Engineering

LEGAL DESCRIPTION: TRACT 1A of COS 2007, Amended located in S03, T01 S, R25 E

ADDRESS: 4449 Central Avenue

CURRENT ZONING: Agriculture (A)

EXISTING LAND USE: Residential Homes and Agriculture

PROPOSED USE: Residential Homes

SIZE OF PARCEL: 57.064 acres, Size of area to be rezoned: 2.0 acres

CONCURRENT APPLICATIONS

The applicant does not have a concurrent zoning application. However, Barber Farms was submitted as a Yellowstone County minor subdivision for preliminary plat review on May 1, 2025.

APPLICABLE ZONING HISTORY

See attachments.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: Rural Residential 1 acre to 2.9 acres (RR1)
Land Use: Residential

SOUTH: Zoning: Corridor Mixed Use 1 (CMU1)
Land Use: Vacant

EAST: Zoning: Rural Residential 3 acres to 9.9 acres (RR3)
Land Use: Residential

WEST: Zoning: Large Lot Suburban Neighborhood (N4)
Land Use: Residential

BACKGROUND

The subject property is located on Tract 1A of COS 2007 Amended and is currently zoned Agriculture 10+ acres (A). It is developed with two separate single-family residential homes. One constructed in 1952 and the other in 1959, and has historically been used for both residential and agricultural purposes.

Originally, the property was platted in 1980 and included two tracts: Tract 1A (60.64 acres) and Tract 2A (20.21 acres). In 1983, the boundary lines between the two tracts were adjusted, and in 1984, Tract 2A was further amended to create two parcels: Tract 2A-1 (15.21 acres) and Tract 2A-2 (5 acres). Tract 1A remained intact and is now the subject parcel for this application.

The current Agriculture (A) zoning district is intended to preserve agricultural lands for a wide range of agricultural uses, limit incompatible development, and protect environmental resources. The subject property is already developed with residential uses. More than one principal dwelling is allowed in Agriculture zoning. The Agriculture zone district requires

a minimum 10-acre lot size. There is a desire to subdivide the homes away from the remaining parcel of land into two, one-acre lots requiring a zone change.

The applicant is proposing a zone change from Agriculture to N4 - Large Lot Suburban Neighborhood Residential for only the portion of the property that includes the two existing homes. This is in order to allow for the creation of two one-acre residential lots. The remainder of the parcel, approximately 55 acres, will remain zoned Agricultural (A). The N4 district is intended for low-density, large-lot residential neighborhoods and is consistent with surrounding zoning and development patterns. The proposed change will bring the residential portion of the property into compliance.

A pre-application neighborhood meeting was held on April 24, 2025, at the Emmanuel Baptist Church. The meeting was hosted by the applicant's representative, Taylor Kasperick of Performance Engineering. Attendees asked why the zone change was being pursued at this time; the applicant explained that the change is necessary to bring the two existing homes into compliance with current zoning standards in order to legally subdivide them onto their own lots. Another question was whether the larger remainder of the parcel would also be rezoned; the applicant clarified that the remainder will remain zoned Agricultural (A) and is not part of the current request. When asked if there is water service to the site, the applicant confirmed that there is an existing well and cistern system. Kasperick also noted that the City of Billings is reviewing plans to extend a 16-inch water main along Central Avenue. A question was also raised about whether Performance Engineering would retain a stake in the property; the applicant confirmed they would not. Lastly, an attendee asked if Broadwater Avenue would be extended through the site, and the applicant responded that there are no plans to extend Broadwater at this time, but eventually this could happen.

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?

GOAL: Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans.

The proposed zoning supports this goal by aligning the zoning designation with the existing residential development on the property. It ensures consistency with surrounding residential zoning and reflects the established development pattern in the area. Future development of the property around this property is expected to be in the City, but the property needs to meet zoning if any changes to the lot lines are done and this zoning meets the requirements for these properties in the County at this time. By bringing the lot sizes into compliance with zoning standards and maintaining the residential character, the change promotes orderly, predictable growth in accordance with neighborhood expectations and long-term planning goals.

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

The property is located within the Billings Urban Fire District and is served by Fire Station 7, ensuring timely emergency response. Existing City fire hydrants are located to the east, with a dry hydrant positioned to the northwest of the property. Additionally, the City of Billings is reviewing plans to extend a 16-inch water main along the Central Avenue right-of-way, which will include the installation of new fire hydrants. These improvements will enhance fire protection and will be in close proximity to the property.

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

Transportation: The property is accessed by existing public roads, and no additional transportation infrastructure is required. The zoning change does not increase density or traffic demand and will not impact current transportation facilities.

Water and Sewerage: There are plans under review by the City of Billings to extend a 16-inch water main along the Central Avenue right-of-way, which will include new fire hydrants. These improvements will support adequate water service and fire protection, and will facilitate future development in this area in the City Limits. No sewer extensions are planned to the lots at this time, and the zoning change does not require new utility services, as the property is already developed.

Schools and Parks: The proposed zoning does not increase residential density and will not place additional demand on local schools or parks. Existing services are sufficient to accommodate the current and future use of the property.

Fire and Police: The property is within the Billings Urban Fire District and is served by Fire Station 7. Fire protection will be further supported by existing hydrants nearby and the planned extension of the water main and hydrants along Central Avenue. Police services will continue to be provided by the Yellowstone County Sheriff's Office. No additional public safety infrastructure is required.

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

The proposed zoning will promote health and general welfare by ensuring the property complies with zoning standards for residential use. It supports development consistent with surrounding neighborhoods and does not introduce any new impacts that would affect public health or safety.

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

The proposed zoning requires minimum setbacks, maximum building heights and maximum lot coverage. 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 zone change will not negatively impact motorized or non-motorized transportation. The property is already developed with residential homes, and the zoning better aligns with existing use without introducing new development. No changes to traffic, access, or infrastructure are anticipated.

7. Will the new zoning be compatible with urban growth in the vicinity of cities or towns?

The proposed zoning is compatible with any nearby urban development. The proposed zoning and development is consistent with residential lots in the area at this time.

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

The surrounding area is primarily made up of agriculture and similar residential zones, and the N4 zoning aligns with existing development patterns at this time before urban development in the City occurs. The property is already developed with residential homes, and the zone change ensures consistency with the lot size requirements and intended residential use.

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

The proposed zoning will help conserve the value of buildings by aligning the zoning with the existing residential use and ensuring compliance with applicable zoning standards.

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

The proposed zoning encourages the most appropriate use of land by aligning the zoning with existing residential development. It ensures the property complies with zoning standards and supports the continued residential character of the area, consistent with current nearby land uses and planning goals.

11. Will the new zoning, as nearly as possible, be compatible with the zoning of nearby cities and towns?

The proposed zoning is compatible with adjacent zoning in the City of Billings. The property is in close proximity to residential city zoning to the east and south, including N2, NX1, and NX2. And future development of the property surrounding the area subject to this zone change is expected to occur in the near future. The proposed zoning is consistent with the existing pattern of development in the area and will fit the current residential uses.

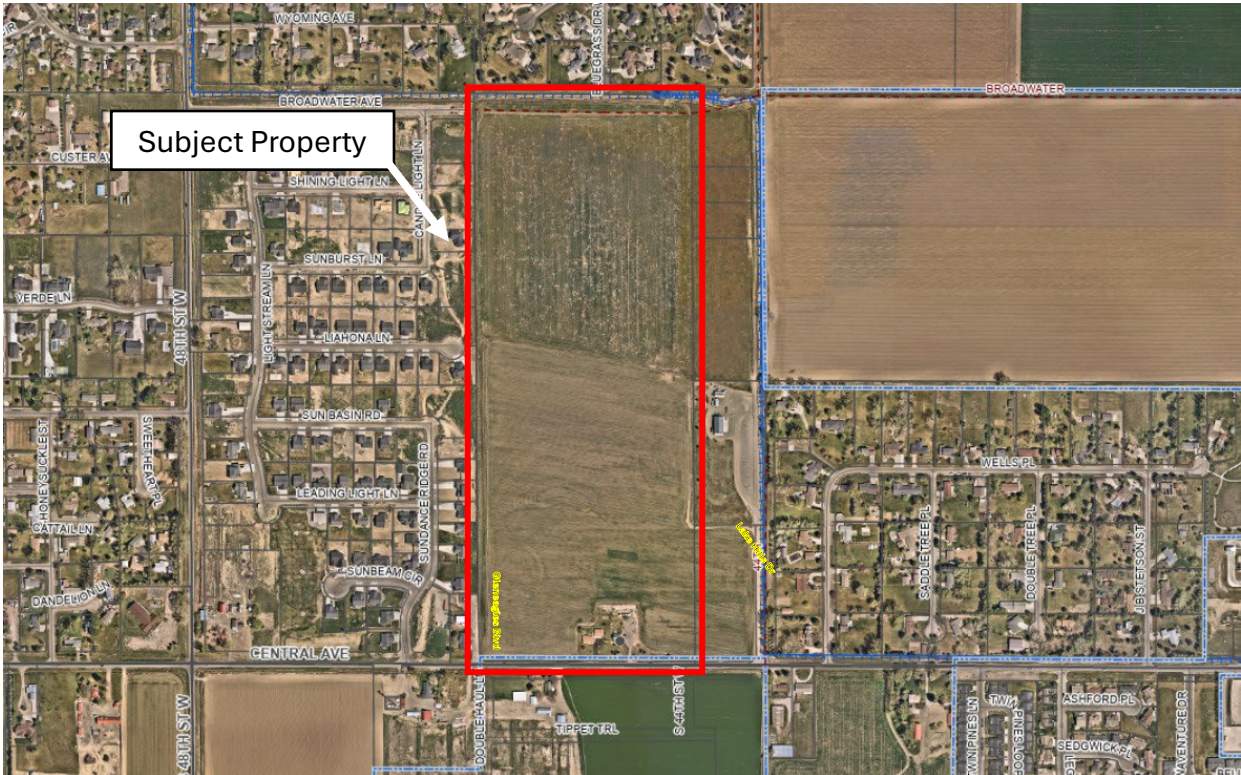
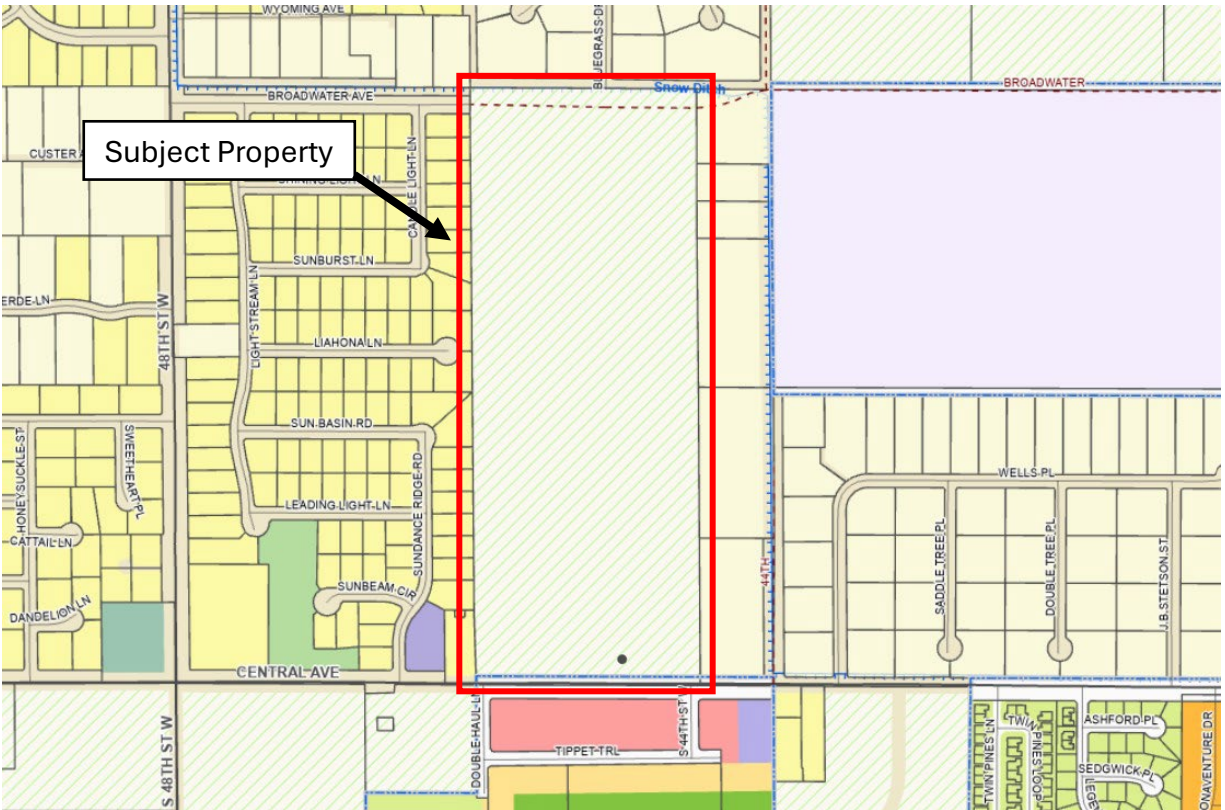
RECOMMENDATION

Staff recommends approval based on the proposed findings of the eleven criteria of Zone Change 728.

Attachments

Zoning Map & Site Photos
Zoning Exhibit
Application & Applicant Letter
Preapplication Meeting Information
Proposed Plat

Zoning Map and Site Photos





Subject Property



View to the west down Central Avenue



View to the south from Central Avenue

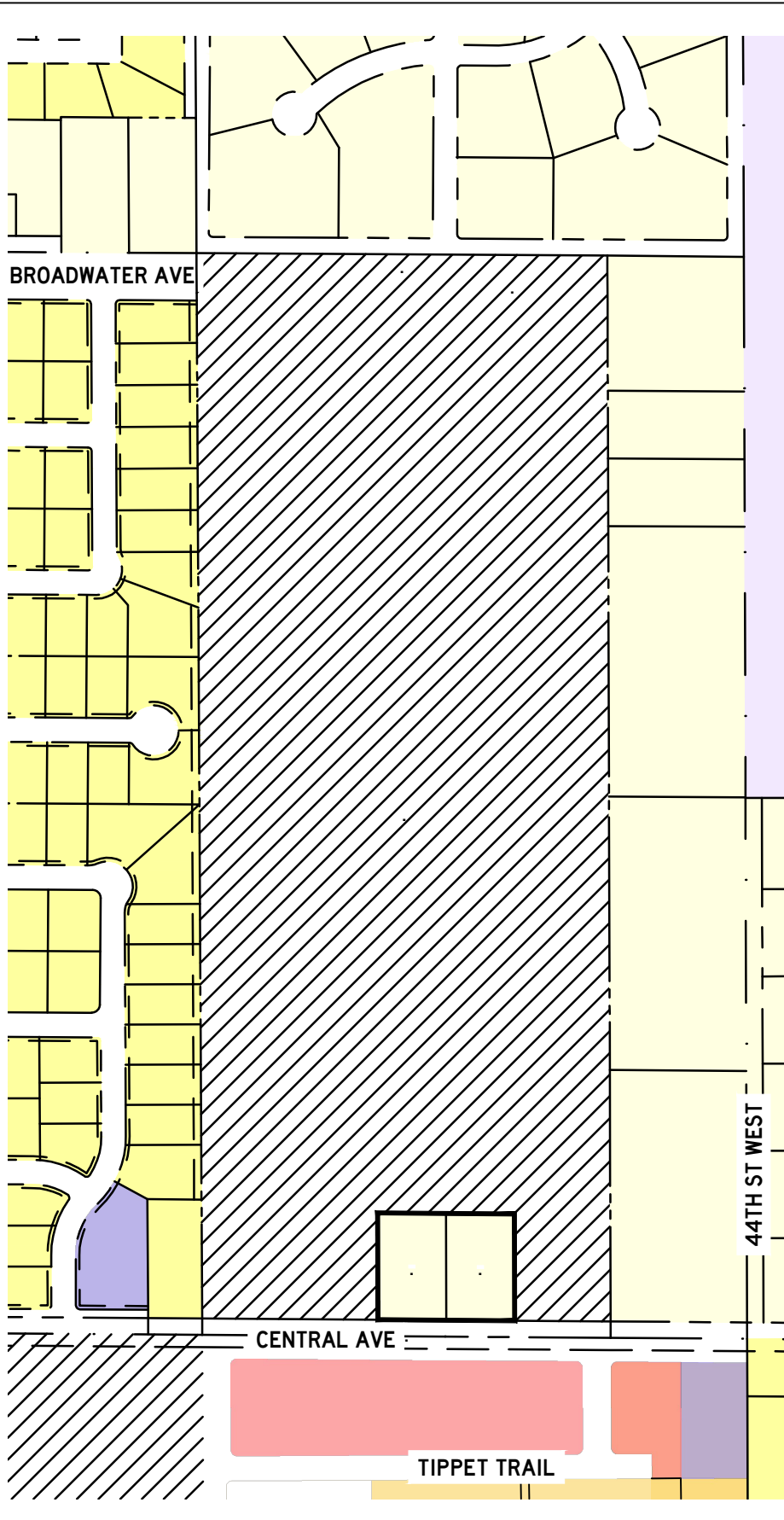


View to the east from Central Avenue



View to the southwest from Central Avenue

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LEGAL DESCRIPTION

TRACT 1A OF CERTIFICATE OF SURVEY NO. 2007, AMENDED, S03, T01S, R25E, P.M.M.

ZONING LEGEND

- A - Agricultural (10+ acres)
- CMU1 - Corridor Mixed- Use
- N4 - Large Lot Suburban Neighborhood
- NMU - Neighborhood Mixed-Use
- PD - Planned Development
- RR1 - Rural Residential (1 to 2.99 acres)

PROPOSED ZONE CHANGE BOUNDARY

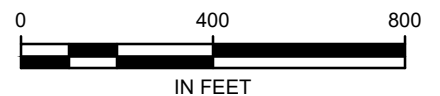
SITE & STRUCTURE REGULATIONS

YELLOWSTONE COUNTY ZONING CODE, ARTICLE 27-300, SECTION 27-304

TABLE 27-300-3

A. BUILDING SITING

MIN. LOT WIDTH	120 FT
MIN. LOT SIZE	1 AC
MAX. LOT SIZE (SF)	2.99 AC
FRONT SETBACK	25 FT
STREET-SIDE SETBACK	25 FT
SIDE SETBACK	10 FT
REAR SETBACK	25 FT
ACCESSORY BUILDING YARD LOCATION	REAR AND SIDE
ACCESSORY BUILDING REAR SETBACK	20 FT
MAX. BUILDING COVERAGE	25%



PROJECT TITLE
B & S SUBDIVISION

SHEET TITLE
PROPOSED ZONING MAP

DRAWN BY
KOT

DATE
Apr-25

CHECKED BY
TJK

CLIENT
BARBER FAMILY

PERFORMANCE ENGINEERING
 3412 COLTON BLVD, SUITE 202
 BILLINGS, MT 59102
 (406) 384-0080
 www.performance-ec.com

EXHIBIT
A

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COUNTY APPLICATION FORM

COUNTY ZONE CHANGE County Zone Change # _____ - Project # _____

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

Present Zoning: A - Agriculture 10+ Acres

Proposed Zoning: N4

Property Tax ID # D00349 COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: Currently Tract 1-A of COS 2007, Amended. The land is being subdivided concurrently with this zone change application. If approved the zone change will apply to Lots 1 & 2 of Barber Farm Subdivision.

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

4511 Central Avenue and 4449 Central Avenue, Billings, MT 59106

Size of Parcel (Area & Dimensions): Lot 1: 34,852 sf (260.74' x 133.67') Lot 2: 34,852 (260.74' x 133.67')

Present Land-Use: Residential House

Proposed Land-Use: Residential House

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

Owner(s) Diana Browne
(Record Owner)

(Address)
406-399-5971 dbrowne16@aol.com

(Phone Number) (email)

Agent(s): Taylor Kasperick (Performance Engineering)
(Name)

3412 Colton Blvd., Suite 202, Billings, MT 59102
(Address)
(406) 384-0080 taylor@performance-ec.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:  Date: 5-2-25
(Record Owner – Digital Signature Allowed)



3412 Colton Boulevard, Suite 202 • Billings, MT 59102 • 406-384-0080

Tract 1-A of COS 2007, Amended

Zone Change Questions

1. Explain how the proposed project is consistent with the adopted Growth Policy, Neighborhood Plans, and other applicable city development policies.

The proposed zone change is being applied for concurrently with a subdivision application for the subject property. With the subdivision of this tract of land, two, one acre lots will be created. The current zoning of the subject property is A - Agriculture 10+ acres. After the subdivision of the property, the two lots created that will contain the residential houses will not meet the criteria set out in the Yellowstone County Zoning code for properties zoned A - Agriculture 10+ acres.

2. Explain how the proposed zone change meets the 10 statutory criteria for a zone change.

a. Whether the new zoning is designed in accordance with the growth policy.

The new zoning and concurrent subdivision will facilitate the sale of the large portion of land which will remain A - Agriculture 10+ acres for the time being. The proposed zoning for the two, one acre lots is consistent with other residential properties in the area.

b. Whether the new zoning is designed to secure from fire and other dangers.

There are plans under review by the City of Billings to extend 16" Ø water main in the Central Avenue right-of-way. The extension of this water main will include the installation of fire hydrants as required by the City of Billings Water and Wastewater regulations. These hydrants will be in close enough proximity to the subject property to provide fire protection.

c. Whether the new zoning will promote public health, public safety and general welfare.

The new zoning will not affect public health, public safety or general welfare. The proposed zoning will change the land currently zoned A - Agriculture 10+ acres to RR1. The lot already contains residential homes, the zone change is proposed to adhere to the requirements of the Yellowstone County Zoning Code, more specifically, the lot size requirements for A zones and RR1 zones.

d. Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

The new zoning will facilitate the provision of water, sewerage, and parks by allowing the tract to be subdivided. Once subdivided, the large portion will have the ability to be sold and developed which will require water, sewerage and roads to be expanded and will introduce the development of parks on the land.

e. Whether the new zoning will provide adequate light and air.

The new zoning will not affect light and air quality in the area. The proposed zoning will change the land currently zoned A - Agriculture 10+ acres to RR1. The lot already contains residential homes, the zone change is proposed to ensure the properties adhere to the requirements of the Yellowstone County Zoning Code, more specifically, the lot size requirements for A zones and RR1 zones.

f. Whether the new zoning will affect motorized and nonmotorized transportation.

The new zoning will not affect motorized and nonmotorized transportation. The proposed zoning will change the land currently zoned A - Agriculture 10+ acres to RR1. The lot already contains residential homes, the zone change is proposed to adhere to the requirements of the Yellowstone County Zoning Code, more specifically, the lot size requirements for A zones and RR1 zones.

g. Whether the new zoning will promote compatible urban growth in the vicinity of cities or towns.

The new zoning will facilitate the growth of the city by allowing the tract to be subdivided. Once subdivided, the large portion will have the ability to be sold and developed in accordance with the growth policy.

h. Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses.

The proposed zoning will change the land currently zoned A - Agriculture 10+ acres to RR1. The lot already contains residential homes, the zone change is proposed to adhere to the requirements of the Yellowstone County Zoning Code, more specifically, the lot size requirements for A zones and RR1 zones. Therefore, the character of the district will not change based on this zone change.

i. Whether the new zoning will conserve the value of buildings.

The new zoning will conserve the value of buildings, as mentioned, the residential homes are already on the lot. The zone change is being proposed to better match the use of the lots.

j. Whether the new zoning will encourage the most appropriate use of land throughout Yellowstone County.

As stated previously, the land use of the subject properties will not change with the zone change. The zone change is being proposed to more appropriately match the existing land use of the subject area.

k. Whether the new zoning will, as nearly as possible, be compatible with the zoning of nearby cities and towns.

The proposed zoning is consistent with other zones in the area. The subdivision to the east of the subject property is identical to that of the proposed zoning, RR1. The subdivision to the west is zoned N4, another residential county zone.

3. Explain how the proposed zone change fits in with the existing or planned developments within the area.

As mentioned previously, the zone change is proposed to more appropriately fit the land use of the subject property. The surrounding area is made up primarily with lots zoned RR1 and N4, both of which are county residential zone districts. It also helps facilitate the development of the large tract of land that will remain agricultural for the time being. This tract will more than likely be primarily residential zones as well.

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:** _____
- 2. **Written description of the Zone Change Plan** including square footage or acres of proposed new zoning:

- 3. **Subject Property Map:** please attach to this form
- 4. **Legal Description of Property:** _____

- 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 _____, day of _____, 20__.
 - b) The zone change application is based on materials presented at the meeting.

Owner (s): _____ **Telephone:** _____

Address: _____ **Email:** _____

Agent (s): _____ **Telephone:** _____

Address: _____ **Email:** _____



3412 Colton Blvd, Suite 202 • Billings, MT 59102 • (406) 384-0080

April 17, 2025

Dear Interested Neighbor,

On behalf of Donna, Diana, and Karin Barber, Performance Engineering, LLC, is writing to inform you of a zoning pre-application neighborhood meeting scheduled to be held on **Thursday, April 24th** at **Emmanuel Baptist Church**. Interested parties can attend the meeting held from 5:30 - 6:30 PM.

The meeting is being held to discuss a proposed zone change regarding the existing property located west of the intersection of Central Avenue and 44th Street West. The owner is requesting the properties shown in the attached exhibits, and described below, be re-zoned as part of a subdivision of the lot:

A portion of Tract 1A of Certificate of Survey No. 2007, Amended located in S03, T01S, R25E, Yellowstone County, Montana except the northern 2,600-feet (58.61 ac remaining A). Having a total area of approximately 2.00 acres.

The intent of the meeting is to make neighboring property owners aware of the proposed zoning change for the subject properties, discuss the potential for redevelopment, and to answer questions about the project. Below is a summary of the existing zoning and the proposed zone changes:

Existing Zone District	Existing Area (acres)	Proposed Zone District	Proposed Area (acres)
A	60.61	A	58.61
		RR1	2.00

Yellowstone County generally describes the zoning districts included in this application as:

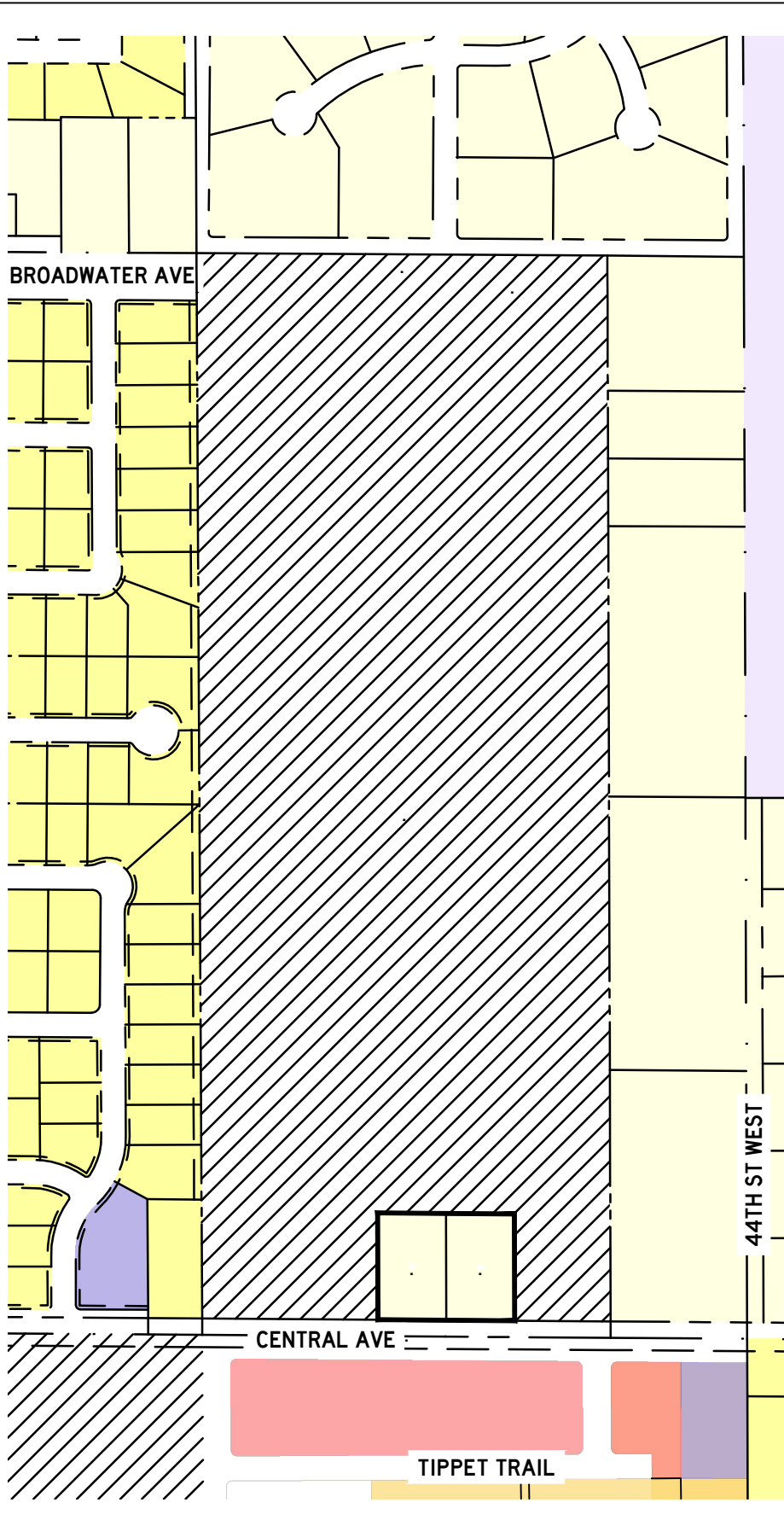
- A : Agriculture
- RR1 : Rural Residential 1
- A total of 2.00 acres is included in the proposed zone change.

Representatives for Performance Engineering, LLC and the Developer will be present at the meeting to answer questions from those who attend. For those unable to attend the meeting, written letters can be directed to Performance Engineering at 3412 Colton Boulevard, Suite 202, Billings, MT 59102, attention Taylor Kasperick, or emails may be sent to taylor@performance-ec.com. We look forward to discussing the proposed zone change with you and hope to see you at 5:30 PM on April 24th at Emmanuel Baptist Church.

Sincerely,

Taylor Kasperick, PE
Project Manager

4/17/2025 9:41 AM
 COLOR TEL: PE Standard.dwg
 Z:\Kumar\2025\027 Barber Development\CADD\DWG\ENR\41625-027 Barber Zoning Exhibit.dwg



LEGAL DESCRIPTION

TRACT 1A OF CERTIFICATE OF SURVEY NO. 2007, AMENDED, S03, T01S, R25E, P.M.M.

ZONING LEGEND

- A - Agricultural (10+ acres)
- CMU1 - Corridor Mixed- Use
- N4 - Large Lot Suburban Neighborhood
- NMU - Neighborhood Mixed-Use
- PD - Planned Development
- RR1 - Rural Residential (1 to 2.99 acres)

PROPOSED ZONE CHANGE BOUNDARY

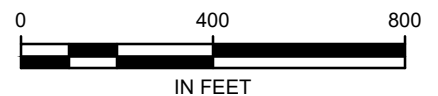
SITE & STRUCTURE REGULATIONS

YELLOWSTONE COUNTY ZONING CODE, ARTICLE 27-300, SECTION 27-304

TABLE 27-300-3

A. BUILDING SITING

MIN. LOT WIDTH	120 FT
MIN. LOT SIZE	1 AC
MAX. LOT SIZE (SF)	2.99 AC
FRONT SETBACK	25 FT
STREET-SIDE SETBACK	25 FT
SIDE SETBACK	10 FT
REAR SETBACK	25 FT
ACCESSORY BUILDING YARD LOCATION	REAR AND SIDE
ACCESSORY BUILDING REAR SETBACK	20 FT
MAX. BUILDING COVERAGE	25%



PROJECT TITLE
B & S SUBDIVISION

SHEET TITLE
PROPOSED ZONING MAP

DRAWN BY
KOT

DATE
Apr-25

CHECKED BY
TJK

CLIENT
BARBER FAMILY

PERFORMANCE ENGINEERING
 3412 COLTON BLVD, SUITE 202
 BILLINGS, MT 59102
 (406) 384-0080
 www.performance-ec.com

EXHIBIT
A

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Tract 1-A of COS 2007, Amended

Being located in the SW 1/4 of Section 3, T01S, R25E, Yellowstone County, Montana

Zone Change Neighborhood Meeting Notes

The meeting was conducted from 5:30-6:15 PM on April 24th, 2025 at the Emmanuel Baptist Church. The meeting was hosted by Taylor Kasperick of Performance Engineering (agent).

There were four public participants for the meeting, the roster sign-in sheet is attached to this application.

The meeting began with Taylor Kasperick giving an overview of the property and the current zoning.

Taylor informed the participants why it was necessary for the developer to apply for a zone change to the property. Stating Tract 1-A of COS 2007, Amended is currently going through the county subdivision process. As part of the process, two, one acre lots will be created that will contain the existing residential homes on the parcel of land. The current zoning does not allow parcels of land to have an area less than 10 acres,

After discussing the proposed zone change and giving an overview of the property, the floor was opened to questions from the attending individuals. The general questions asked by the attendees and responses are listed below:

- Why the zone change now?
 - The process of the zone change has started now because it is necessitated by the concurrent subdivision application being considered. The subdivision application is being made to allow for the houses to be retained by the current owners and the remaining land to be sold.
- Will the future large tract be zoned RR1?
 - No, the large tract of land will more than likely be annexed into the City of Billings, which does not recognize RR1 as a zoning district. It was noted that the City requires properties larger than 10 acres to follow the Planned Neighborhood Development process which emphasizes mixed zone districts.
- Is there water serving the property?
 - There is no water currently available to the property. However, there are plans that are currently being reviewed by the city to pull water to the western side of the development located directly south on the other side of Central Avenue. The western side of said development aligns with the western side of the subject property, meaning water will be readily available to the property in the near future.
- Will Performance Engineering have stakes in the rest of the parcel?

- Performance Engineering does not have any financial stakes in the rest of the parcel; however, Performance Engineering is contracted by a potential buyer of the land to assist with annexation, zoning, and further subdivision.
- Will Broadwater Avenue be pulled through the property?
 - Yes, Broadwater Avenue will eventually be pulled through the subject property. Eventually, Broadwater Avenue will connect to Shiloh Road at the roundabout; however, plans for this to occur are not known presently provided there are multiple properties east of the subject property that have not dedicated right of way.

4/30/2025 3:24:01 PM
 PE STANDARD.CTB

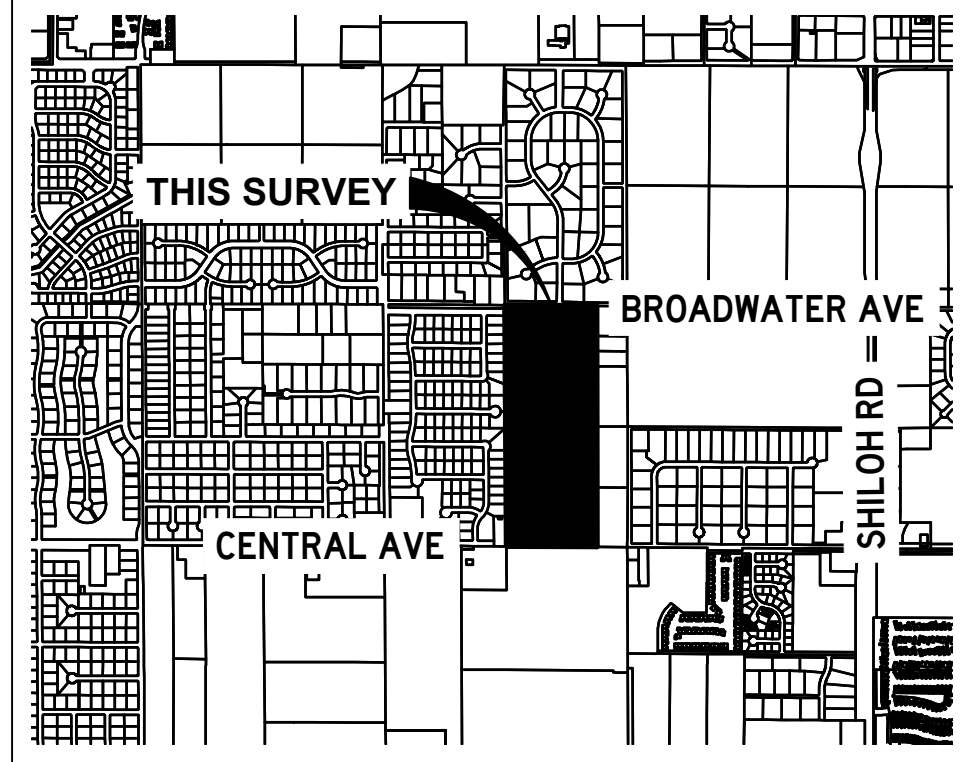
LEGEND	
●	FOUND PROPERTY CORNER, AS DESCRIBED
○	SET PROPERTY CORNER, 5/8" REBAR W/ PEC CAP
⊗	CALCULATED CORNER, NOT FOUND NOT SET
—	SURVEY BOUNDARY
- - -	EXISTING PROPERTY LINE
- · - · -	PROPOSED PROPERTY LINE
- - - - -	RIGHT-OF-WAY LINE
- · - · -	EASEMENT LINE
- - -	SECTION LINE

PRELIMINARY PLAT OF
BARBER FARM SUBDIVISION
 BEING TRACT 1A OF CERTIFICATE OF SURVEY NO. 2007, AMENDED
 LOCATED IN THE SW 1/4 OF SECTION 3, TOWNSHIP 01 SOUTH, RANGE 25 EAST, P.M.M.,
 YELLOWSTONE COUNTY, MONTANA

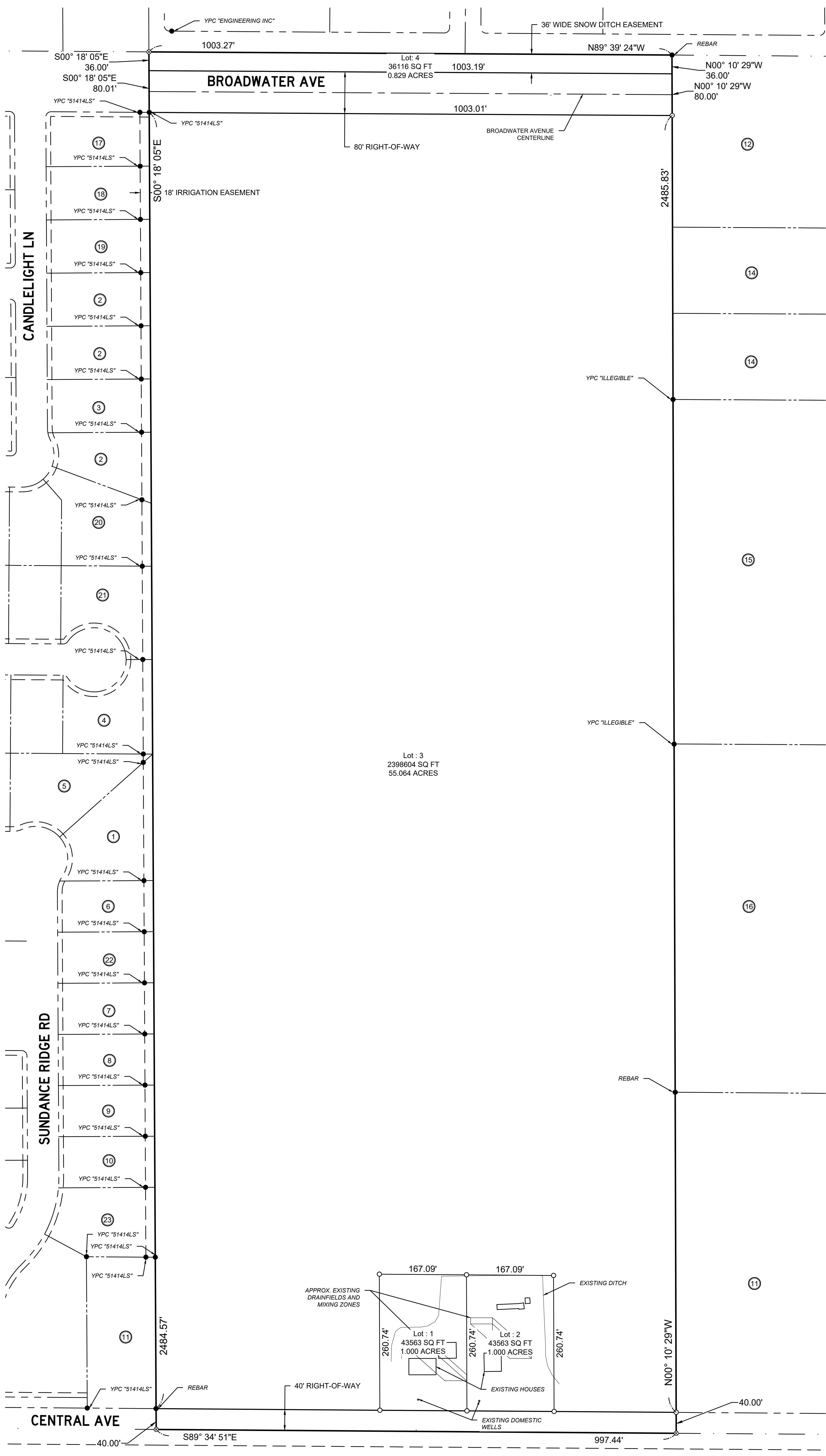
PREPARED FOR : KARIN ELLEN, DONNA MARIE,
 AND DIANA LYNNE BARBER
 PREPARED BY : PERFORMANCE ENGINEERING, LLC



TOTAL GROSS AREA OF SUBDIVISION : ± 60.651
 TOTAL NET AREA OF SUBDIVISION : ± 57.064
 MARCH 2025



VICINITY MAP
 NOT TO SCALE



SITE DATA	
NO. OF LOTS	4
MAXIMUM LOT AREA	± 2,398,604 SF
MINIMUM LOT AREA	± 36,116 SF
PARKLAND AREA REQUIRED	0 SF
PARKLAND AREA PROVIDED	0 SF
GROSS ACREAGE	± 60.651 AC
EXISTING ZONING	NONE
EXISTING LAND USE	AGRICULTURAL
PROPOSED LAND USE	AGRICULTURAL / N4
SANITARY SEWER	INDIVIDUAL SEPTIC
WATER	PRIVATE WELL
FIRE SERVICE AREA	BILLINGS URBAN FSA

PROPERTY OWNER INFORMATION

- 1 REGAL LAND SUNDANCE, LLC
 PO BOX 80445
 BILLINGS, MT 59108
- 2 LC CUSTOM HOMES, INC.
 2044 BROADWATER AVE, SUITE A
 BILLINGS, MT 59102
- 3 MATTHEW W & CHELSEA THOMPSON
 5234 BLACK STONE CIR
 BILLINGS, MT 59106
- 4 CALEB & KATHARINE EBERLY
 4602 LIAHONA LN
 BILLINGS, MT 59106
- 5 BENJAMIN & SAGE HAMMER
 4227 AUDUBON WAY
 BILLINGS, MT 59106
- 6 MARSICH INVESTMENTS, INC.
 4804 VERDE LN
 BILLINGS, MT 59106
- 7 JAMES J MCDONALD
 205 SUNDANCE RIDGE RD
 BILLINGS, MT 59106
- 8 PATRICK PETER MCDONALD & MARGARET ANN CARROLL
 189 SUNDANCE RIDGE RD
 BILLINGS, MT 59106
- 9 JOHN & LISA RITTENHOUSE
 165 SUNDANCE RIDGE RD
 BILLINGS, MT 59106
- 10 JAMILYN WELLS & CURTIS HARRIS
 139 SUNDANCE RIDGE RD
 BILLINGS, MT 59106
- 11 BRADLEY W HARDT
 4620 CENTRAL AVE
 BILLINGS, MT 59106
- 12 THOMAS & MONA THAYER
 4825 DIAMOND FALLS RD
 BILLINGS, MT 59106
- 14 BIEGEL PROPERTIES LLC
 4221 WELLS PL
 BILLINGS, MT 59106
- 15 STEVE & CANDACE WELLS
 PO BOX 80445
 BILLINGS, MT 59108
- 16 JOHN L THIEL REVOCABLE TRUST
 C/O JOHN L THIEL, TRUSTEE
 PO BOX 81530
 BILLINGS, MT 59108
- 17 JARDEE RANCH INC
 1441 MILL IRON CAMP CROOK RD
 EKALAKA, 59324
- 18 RICHARD & SUSAN REPUCCI
 643 CANDLE LIGHT LN
 BILLINGS, MT 59106
- 19 ROBERT & STACEY LOUCKS
 613 CANDLE LIGHT LN
 BILLINGS, MT 59106
- 20 CODY KEGEL
 501 CANDLE LIGHT LN
 BILLINGS, MT 59106
- 21 FREDRICK & PEGGY SCHNEIDER
 4231 JULAURA LN
 BILLINGS, MT 59106
- 22 JAMES & CATHERINE MCDONALD
 PO BOX 7454
 FORT WORTH, TX 76111
- 23 KENNETH AUGUST SCHAEFBAUER
 117 SUNDANCE RIDGE RD
 BILLINGS, MT 59106

BASIS OF BEARINGS

Bearings shown on this survey are derived from a low distortion Lambert Conformal Conic single parallel projection with parameters as follows:
 Latitude of Origin: 45° 47' 00" N
 Longitude of Origin: 108° 25' 00" W
 Mapping Scale Factor: 1.0001515
 Datum: NAD83 (2011)
 Distances are ground.

