



## COUNTY OF YELLOWSTONE ZONING COMMISSION AGENDA

**Monday, July 14, 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](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:**

Meeting minutes of June 9, 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:**

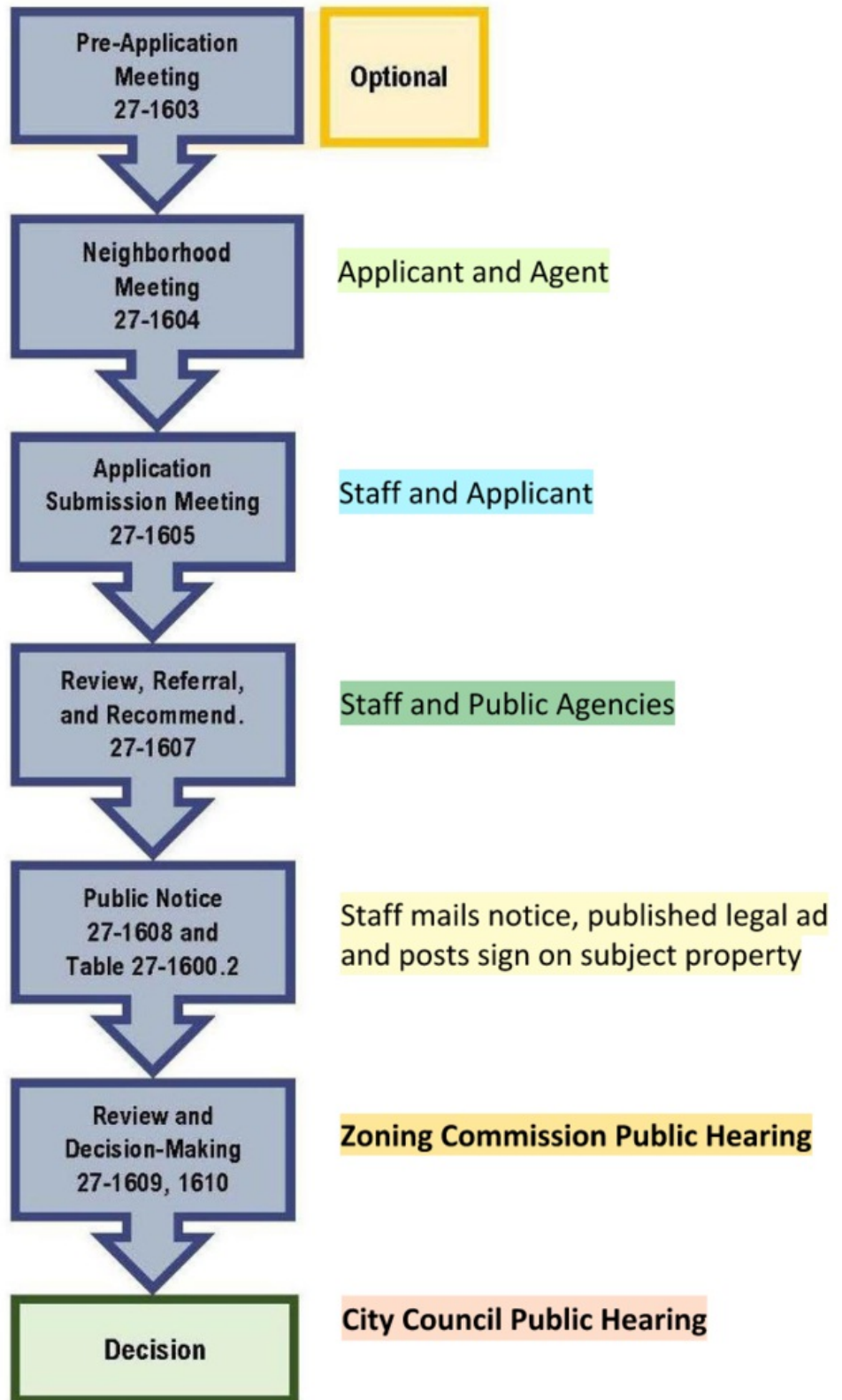
- a. **Return Item: County Zone Change 728 - 4449 and 4511 Central Ave - A to N4 - A zone change request from Agriculture (A) to Large Lot Suburban Neighborhood Residential (N4) on two proposed one (1) acre parcels of land to be known as Lots 1 and 2 of Barber Farm Subdivision, in Tract 1A of C/S 2007 Amended, a 57.064-acre parcel of land. Zone Change 728 was first scheduled to be heard at the June County Zoning Commission meeting. However, the Commission did not have a quorum and the item had to be continued to this County Zoning Commission meeting on July 14, 2025.**

- b. County Zone Change 729 - 2602 Rockwood St. - RR-3 to N2 - A zone change request from Rural Residential 3 (RR-3) to Mid-Century Neighborhood Residential (N2) on Certificate of Survey 540, S30, T1N, R27E, a 9.48 Acre parcel of land. A pre-application neighborhood meeting was held on May 21, 2025, at the subject property, 2602 Rockwood Street (Tax Code: D06596).

#### **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 July 22, 2025, at 9:30 a.m. at 316 N 26<sup>th</sup> Street -- 3<sup>rd</sup> Floor, Commissioner's Board Room**. The Board of County Commissioners will hear all persons wishing to speak relative to the proposed **Zone Change**. Information on the preceding item may be obtained at the Yellowstone County Planning Department 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](mailto:plnonline@billingsmt.gov)



□  
**County Zoning Commission**

**Meeting Date:** 07/14/2025

**SUBJECT:**

**PRESENTED BY:** Brenda Berns

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**Information**

**REQUEST**

Meeting minutes of June 9, 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

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**Attachments**

Minutes of June 9, 2025

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## Yellowstone County Zoning Commission

Monday, June 9, 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
<b>Tyler Bush</b>	Commissioner	-	1	1	-	-	1						
	Chairman												
<b>Melissa Ray Gentry</b>	Commissioner	-	A	1	-	-	1						
<b>Blaine Poppler</b>	Commissioner	-	1	1	-	-	1						
	Co-Chair												
<b>Todd Hewitt</b>	Commissioner	-	1	1	-	-	A						
<b>Morgan Tuss</b>	Commissioner	-	A	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 4:02 PM and introduced the County Zoning Commission members and Planning Division staff.

**Staff Present:** Karen Husman, Zoning Coordinator; Tate Johnson, Neighborhood Planner; Brenda Berns, Planning Clerk

**Participants:** Taylor Kasperick, Performance Engineering

**Public Comment**

Chairman Bush asked if there was anyone wishing to speak during the public comment portion of the meeting. There were no members of the public.

**Approval of Minutes:** May 6, 2025

**Motion**

It was moved by Commissioner Gentry seconded by Commissioner Bush to approve the May 6, 2025 meeting minutes as submitted. The motion was carried with a unanimous vote.



## Yellowstone County Zoning Commission

Monday, June 9, 2025

### **Disclosure of any Conflict of Interest-Members of the Commission and Staff.**

Commission Member Poppler stated that he represents the buyer of the property surrounding the subject property. Staff noted that if Commission Member Poppler were to recuse himself, there would not be a quorum, and action could not be taken at this time. The board discussed whether the body retains decision-making authority with only two voting members remaining out of a five-member board when three are present and one recuses.

Disclosure of Outside (Ex Parte Communication) Members of the commission and Staff. There was none.

### **Regular Business:**

- a. **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 Farms 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.

### **Applicant's agent**

Taylor Kasperick asked the commission to hear the matter due to a financial burden to the applicant.

### **Discussion**

Staff explained that while continuation may delay the project, no action could be taken at the current meeting due to a lack of quorum. The applicant noted that they would apply for a variance in the future if necessary. Concerns were raised that a denial could further delay the project timeline. It was also noted that, according to the staff report, staff is recommending approval.

Staff clarified that without three affirmative votes, the board cannot forward a recommendation. As such, the only available option is to continue the hearing to the next scheduled meeting on July 14, 2025.

### **Motion**

A motion was made by Commissioner Gentry to continue Zone Change 728 to July 14, 2025, seconded by Commissioner Bush. The motion passed unanimously.

**Adjourned: 4:18p**

*Brenda J Berns, Planning Clerk*

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**County Zoning Commission**

**Meeting Date:** 07/14/2025

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

**THROUGH:** Tate Johnson, Planner 1

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

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**Information**

**REQUEST**

**Return Item: 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. Zone Change 728 was first scheduled to be heard at the June County Zoning Commission meeting. However, the Commission did not have a quorum and the item had to be continued to this County Zoning Commission meeting on July 14, 2025.

**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.

This item was originally scheduled for the June 9, 2025, County Zoning Commission meeting. The County Zoning Commission convened its regular meeting on June 9, 2025, with Commissioners Bush, Gentry, and Poppler present. During the disclosure of conflicts of interest, Commissioner Poppler indicated that he represented the buyer of the larger parcel surrounding the subject property. As the two proposed lots for rezoning had not yet been legally subdivided from the parent parcel, this was determined to be a conflict of interest. Commissioner Poppler recused himself from participation, leaving only two eligible voting members. Planning staff clarified that, under state law, three affirmative votes are required to forward a recommendation on a zone change. With only two eligible voting members, the Commission could not take formal action due to lack of an official quorum. The applicant's agent, Taylor Kasperick, expressed concern over the delay, noting that the postponement could affect contractual timelines and result in financial hardship for the applicant. He suggested that in the future, applicants in similar situations might be forced to pursue variances instead of rezoning due to timing uncertainties.

Despite these concerns, staff reiterated that a recommendation could not be forwarded without a voting quorum. The Commission concluded that the only option was to continue the hearing. As a result, Zone Change 728 was continued to the next County Zoning Commission meeting on July 14, 2025.

## **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.

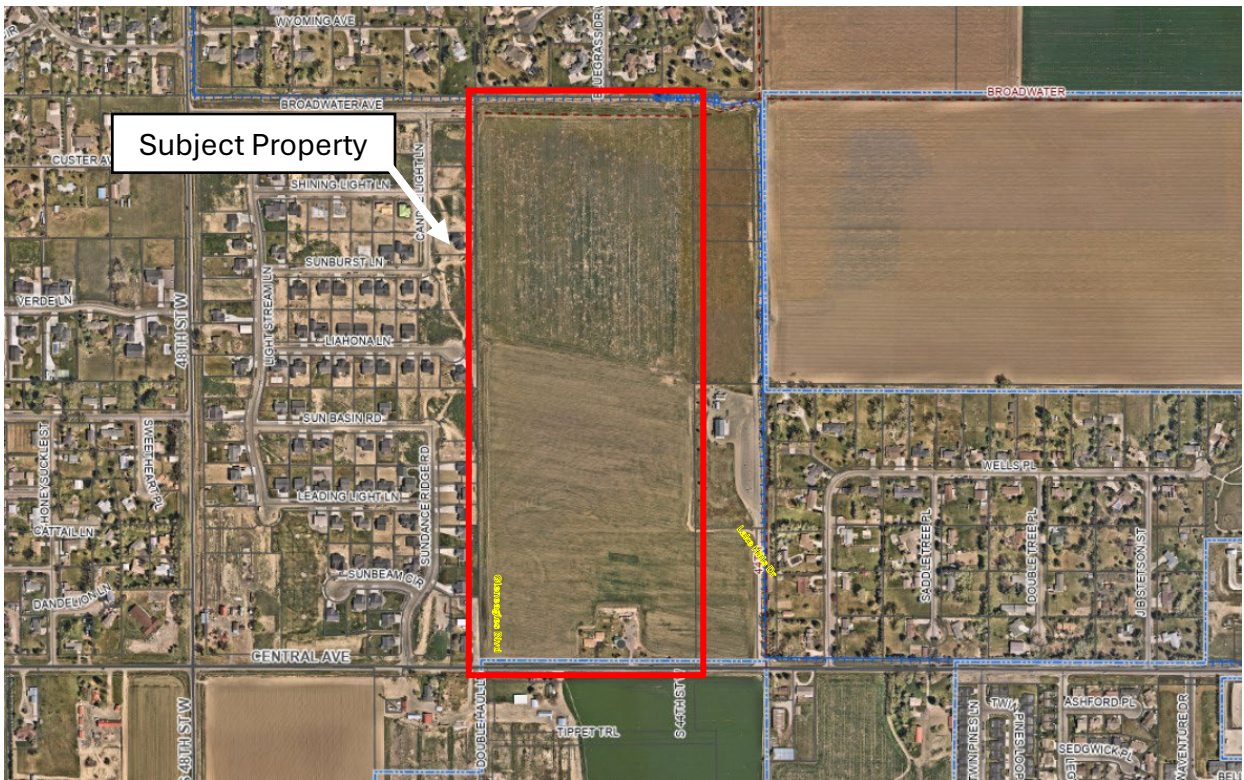
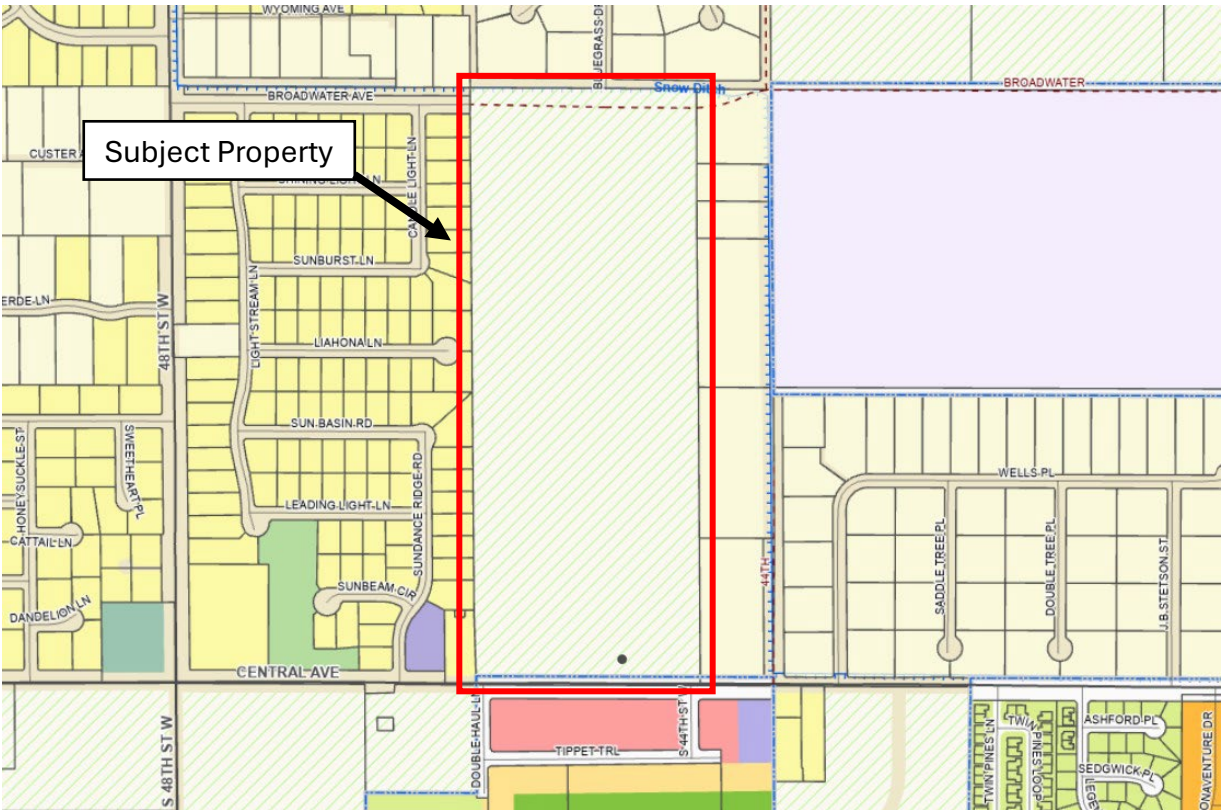
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**Attachments**

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

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# Zoning Map and Site Photos





Subject Property



View to the west down Central Avenue



View to the south from Central Avenue

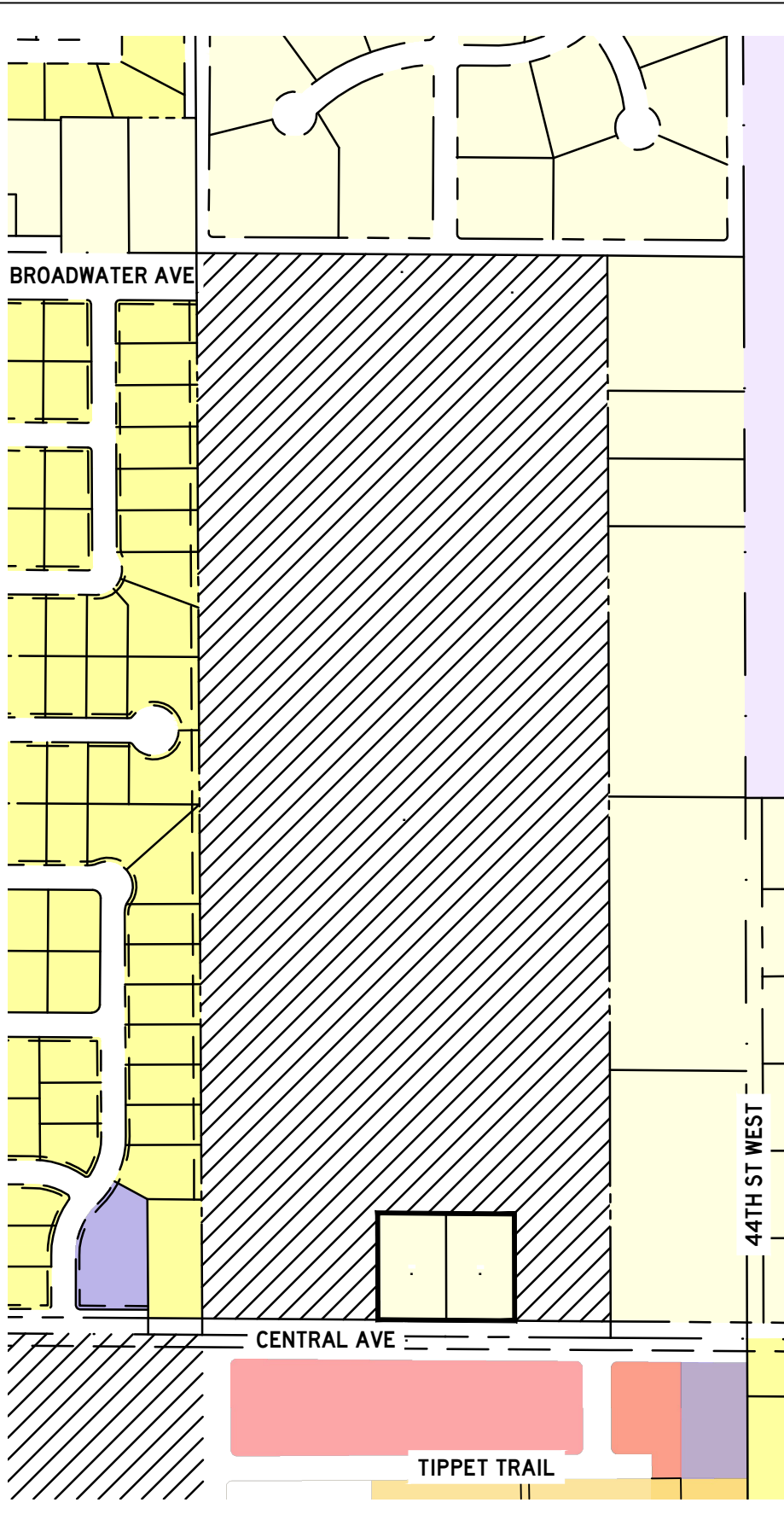


View to the east from Central Avenue



View to the southwest from Central Avenue

4/17/2025 9:41 AM  
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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

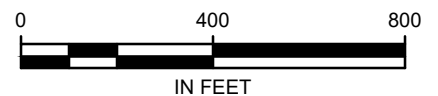
**SITE & STRUCTURE REGULATIONS**

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

(Phone Number)

dbrowne16@aol.com

(email)

Agent(s): Taylor Kasperick (Performance Engineering)

(Name)

3412 Colton Blvd., Suite 202, Billings, MT 59102

(Address)

(406) 384-0080

(Phone Number)

taylor@performance-ec.com

(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: Diana Browne

(Record Owner – Digital Signature Allowed)

Date: 5-2-25



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

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## **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 24<sup>th</sup>** 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 44<sup>th</sup> 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:

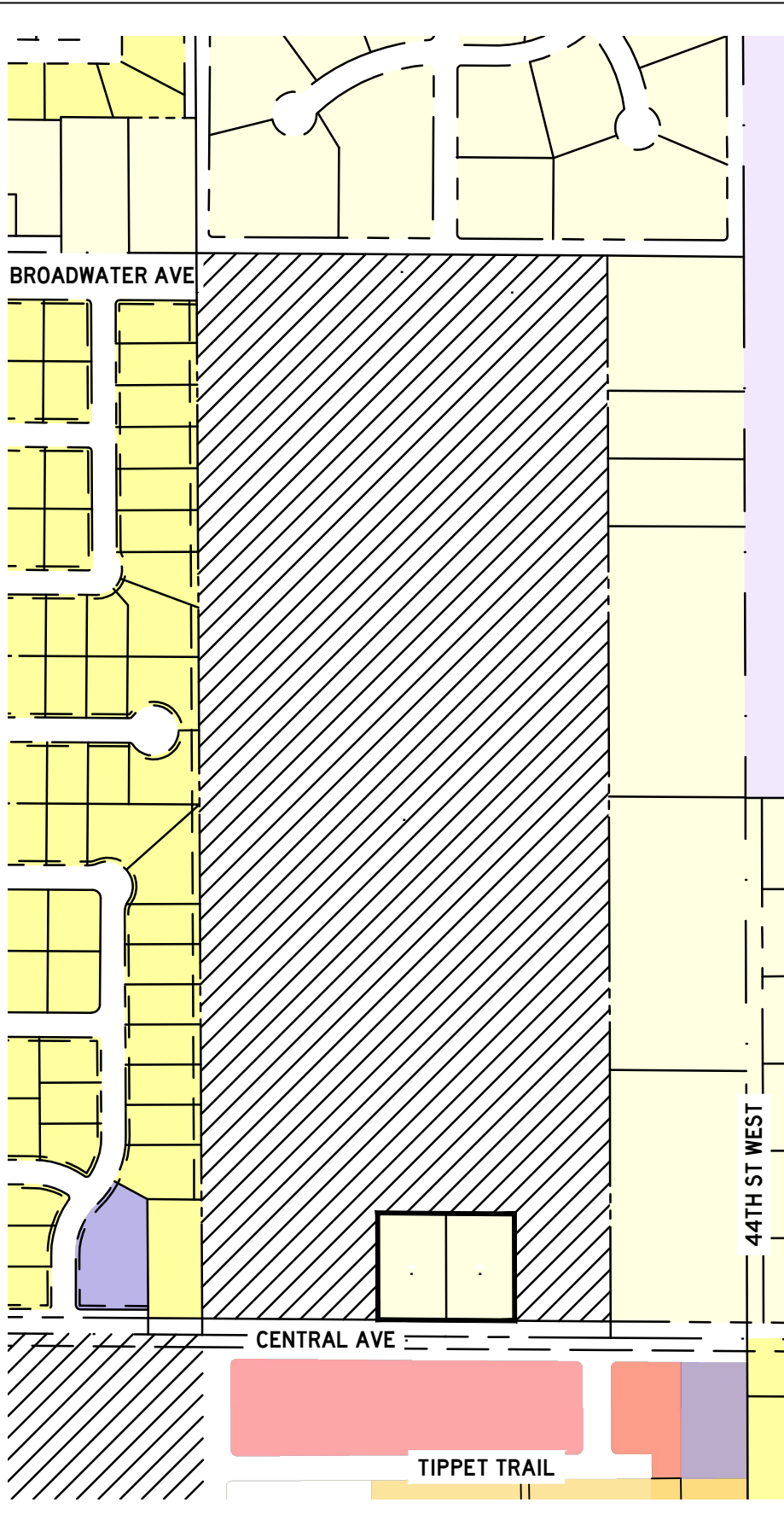
- A : Agriculture
- RR1 : Rural Residential 1
- A total of 2.00 acres is included in the proposed zone change.

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](mailto: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 24<sup>th</sup> 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

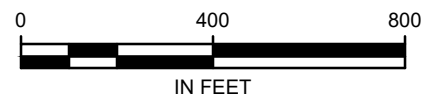
**SITE & STRUCTURE REGULATIONS**

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 24<sup>th</sup>, 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**

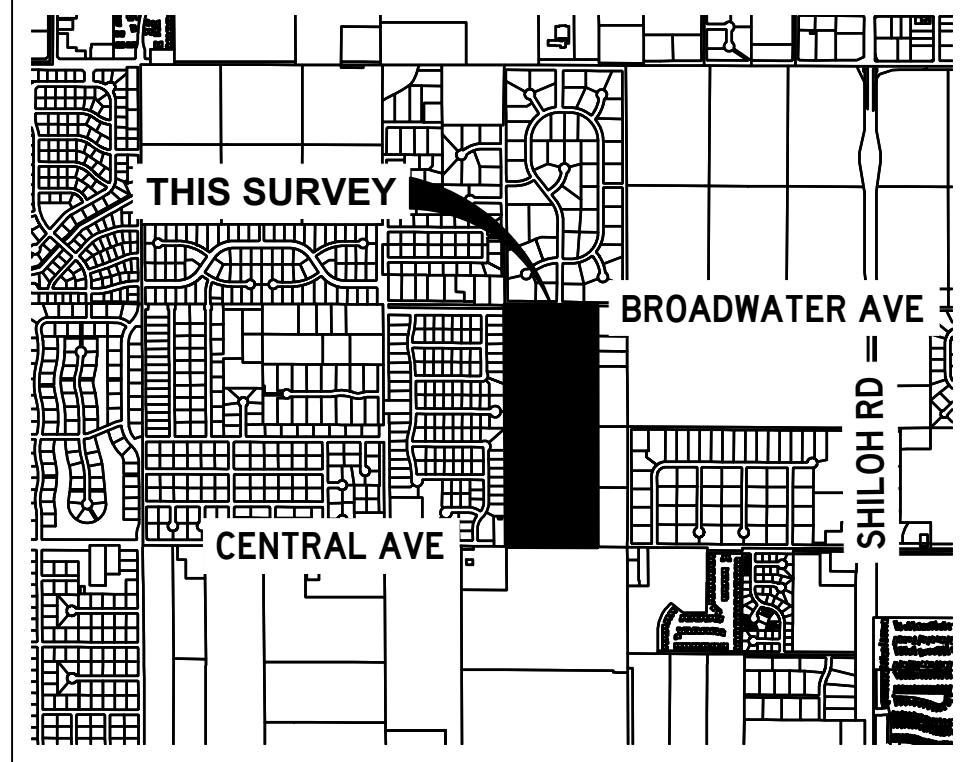
- FOUND PROPERTY CORNER, AS DESCRIBED
- SET PROPERTY CORNER, 5/8" REBAR W/ PEC CAP
- ⊗ CALCULATED CORNER, NOT FOUND NOT SET
- SURVEY BOUNDARY
- - - EXISTING PROPERTY LINE
- - - PROPOSED PROPERTY LINE
- - - RIGHT-OF-WAY LINE
- - - EASEMENT LINE
- - - SECTION LINE

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

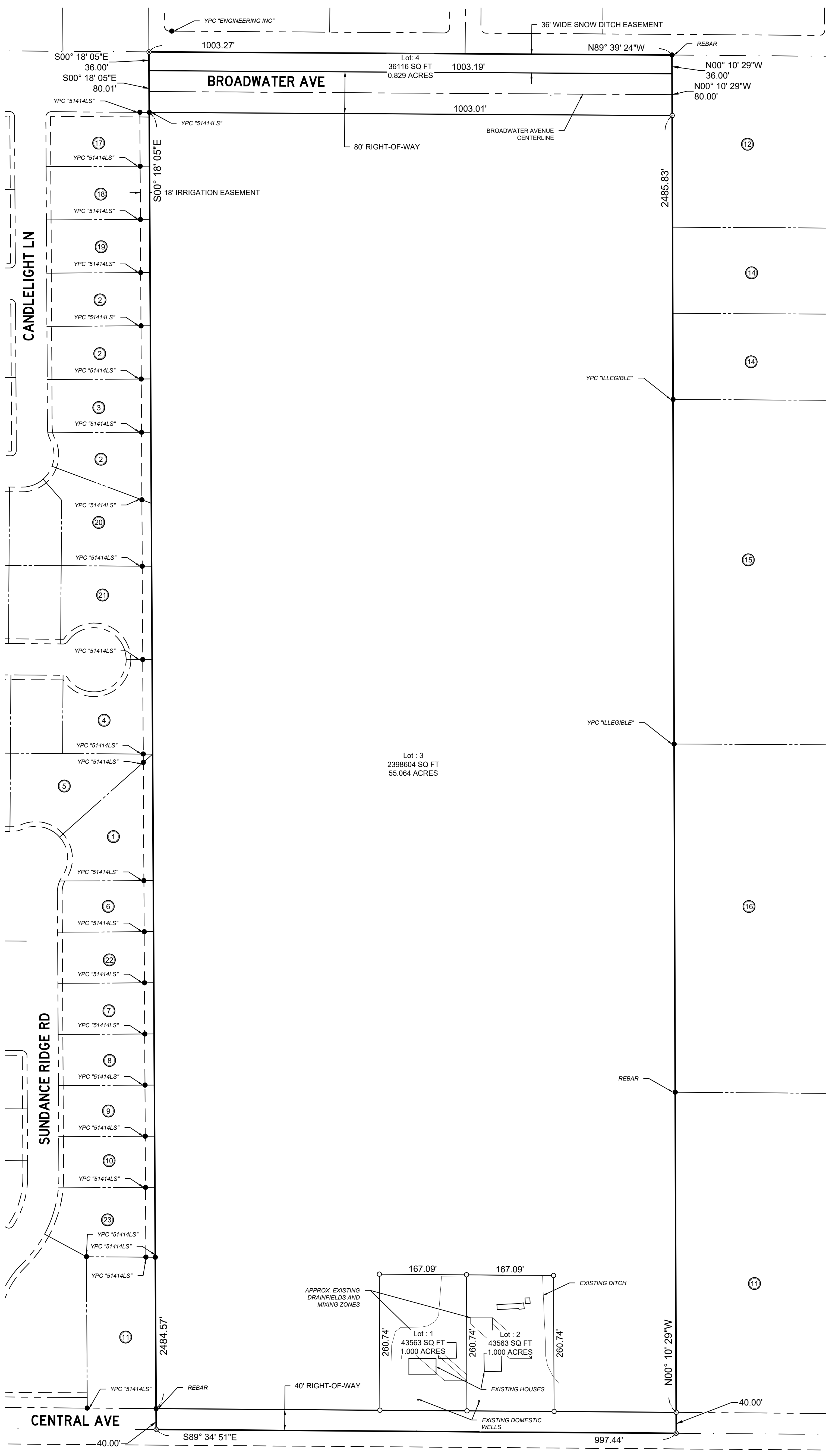
PREPARED FOR : KARIN ELLEN, DONNA MARIE,  
 AND DIANA LYNNE BARBER  
 PREPARED BY : PERFORMANCE ENGINEERING, LLC



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



VICINITY MAP  
 NOT TO SCALE



**SITE DATA**

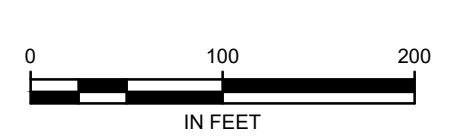
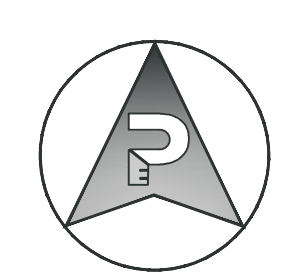
NO. OF LOTS	4
MAXIMUM LOT AREA	± 2,398,604 SF
MINIMUM LOT AREA	± 36,116 SF
PARKLAND AREA REQUIRED	0 SF
PARKLAND AREA PROVIDED	0 SF
GROSS ACREAGE	± 60.651 AC
EXISTING ZONING	NONE
EXISTING LAND USE	AGRICULTURAL
PROPOSED LAND USE	AGRICULTURAL / N4
SANITARY SEWER	INDIVIDUAL SEPTIC
WATER	PRIVATE WELL
FIRE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



County Zoning Commission

Meeting Date: 07/14/2025

SUBJECT: County Zone Change 729 - 2602 Rockwood St - RR-3 to N2

THROUGH: Tate Johnson, Planner 1

PRESENTED BY: Tate Johnson, Planner 1

Information

REQUEST

County Zone Change 729 - 2602 Rockwood St. - RR-3 to N2 - A zone change request from Rural Residential 3 (RR-3) to Mid-Century Neighborhood Residential (N2) on Certificate of Survey 540, S30, T1N, R27E, a 9.48 Acre parcel of land. A pre-application neighborhood meeting was held on May 21, 2025, at the subject property, 2602 Rockwood Street (Tax Code: D06596).

RECOMMENDATION

The Planning Division staff is recommending approval of Zone Change 729 based on the proposed findings of the eleven review criteria.

APPLICATION DATA

OWNER: Dianne and Arron King

AGENT: Greg Reid, WWC Engineering

LEGAL DESCRIPTION: C.O.S. 540 S30, T01 N, R27 E

ADDRESS: 2602 Rockwood St

CURRENT ZONING: RR-3 - Rural Residential 3 acres to 9.9 acres

PROPOSED ZONING: N2 - Mid- Century Neighborhood Residential

EXISTING LAND USE: One Manufactured Home

PROPOSED USE: Multiple Single-Family Residences

SIZE OF PARCEL: 9.48 Acres

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

See attachments.

SURROUNDING LAND USE & ZONING

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

SOUTH: Zoning: Suburban Neighborhood (N3)  
Land Use: Residential

EAST: Zoning: Residential Manufactured Home (RMH)  
Land Use: Residential

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

BACKGROUND

The applicant is requesting a zone change from RR-3 (Rural Residential 3-acre minimum) to N2 (Mid-Century Neighborhood Residential) for a parcel located in Lockwood, identified as Certificate of Survey No. 540, generally located at 2602 Rockwood Street. It is currently developed with a mobile home that was placed on the lot in 1974 and has historically been used for residential purposes. This lot is situated within a growing residential area, surrounded by a mix of residential zoning districts, including RMH, N4, and N3.

The certificate of survey was originally recorded in June 1950 and has not been amended since. In September 1975, the property was approved for a zone change from Residential 15,000 (R-150) to Residential Manufactured Home (RMH). During the Recode process, it was subsequently reclassified to RR3.

The RR-3 zoning districts are intended for single-family homes, with or without agricultural uses. In addition to residential homes, small-scale agricultural uses may be allowed, including stables, livestock and agricultural crops raised for personal use. Basic setback and height parameters apply with a range of allowed lot areas defined by "-1" and "-3", meaning RR-1

has a minimum lot size of 1 up to 3 acres, and RR-3 has a minimum lot size of 3 up to 10 acres.

The proposed N2 zoning district in the county is intended to be similar in character of single- and two-family homes developed during the middle of the twentieth century. These characteristics include homes wide on the lot, garages located on less than a third of the front facade, low-pitched roofs, and doors and windows on the front facades. Building and garage location are specified in the regulations, with basic parameters for front doors and windows.

According to Article 27-800, the use of the N2 district in the county requires either connection to county water and sewer services or submission of a Planned Neighborhood Development (PND) application. Currently, water and sewer mains from the Lockwood Water and Sewer District are located adjacent to the property and can be extended to serve future lots. Given the availability of these utility connections, the proposed N2 zoning is permitted.

A pre-application neighborhood meeting was held on May 21, 2025, to present the proposed zone change and gather public feedback. The meeting was hosted by the applicant's agent, WWC Engineering. At the meeting, the agent clarified that the original notification included incorrect zoning descriptions and provided accurate information regarding the request to rezone the property from RR-3 to N2. Due to the confusion caused by the initial letter, attendees requested that a corrected notice be sent and that a second meeting potentially be held. The agent responded that they would contact the Yellowstone County Planning Department for guidance on how to provide clarification to nearby residents. A new letter detailing the correct zoning information was sent out following the meeting.

Attendees raised additional questions regarding the proposed layout of the subdivision. The agent explained that a final layout had not been determined, which prompted concerns from residents who felt a zone change should not be approved without a specific development plan. The agent responded that zone changes and subdivisions are separate processes, and that any layout provided at this stage would only be conceptual and subject to change as the process advances.

Residents inquired whether duplexes would be permitted on the lots south of Clayton Street. The applicant's representative clarified that covenants, conditions, and restrictions (CCRs) would be implemented to prohibit duplex development on those lots, allowing only single-family homes. A property owner on Silverton Street raised concerns about the possibility of extending Silverton Street through the proposed subdivision and requested clarification regarding access points. The agent explained that, since a subdivision plat had not yet been submitted, a definitive layout could not be provided at this time. However, they noted that Yellowstone County Subdivision Regulations require a minimum of two points of access. Potential access routes may include three connections to the west, Sherwood Avenue to the northeast, and a possible southern connection via the unconstructed portion of Clayton Street, offering flexibility for future access planning.

Another resident requested a copy of the list of residents who had been notified by mail of the pre-application meeting. The agent stated that this information could be provided via email upon request. Questions were also raised regarding the approximate number of lots that could be created. The agent estimated between 20 to 30 lots, but emphasized that the final number could vary based on factors such as parkland dedication, irrigation easements, roadway dedications, and stormwater requirements.

Finally, traffic impacts on the adjacent roadways were discussed. The agent outlined the overall zone change and subdivision process and clarified that a Traffic Impact Study (TIS) would be required as part of the subdivision review, with the number of units driving the scope of that study.

## **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 zone change from RR-3 to N2 supports this goal of promoting predictable land use decisions that are consistent with neighborhood character and preferred land use patterns. The N2 zoning designation supports single- and two-family residential development that reflects the mid-century development style already present in surrounding neighborhoods. The subject property is bordered by various residential zoning districts, including RMH, N3, and N4, and the proposed zoning provides a predictable transition between these existing zones.

*GOAL: More housing and business choices within each neighborhood.*

The proposed zone change to N2 supports the goal of increasing housing choices within the neighborhood by allowing more flexible residential development on smaller lots. N2 differs from the existing RR-3 zoning, which limits development to large-lot, rural residential uses. The change will allow for a greater variety of lot sizes and home styles that better reflect the evolving character of the neighborhood. Although business uses are not included in this proposal, the zone change still contributes to the broader goal of enhancing residential options within the community.

*GOAL: Preserve neighborhood character and quality of life.*

The proposed zone change to N2 is designed to preserve neighborhood character and quality of life by facilitating residential development that reflects the scale and form of surrounding neighborhoods. The proposed zone change will allow for compatible infill development while ensuring that housing types and lot configurations remain consistent with adjacent residential areas. In addition, the applicant has stated that future subdivision will have covenants, conditions, and restrictions (CCRs) limiting residential uses to single-family dwellings only. However, private CCRs are not enforced by the County, so the zoning of N-2 is what would be enforced by the County as far as future property development. Infrastructure improvements, including sidewalks and multiple points of access, will also support public safety and livability.

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

This property is currently served by Lockwood Fire Department. There are existing hydrants located at the intersections of Greenwood Avenue with Rockwood Street and Silverton Street. The existing and proposed zoning requires building separations, setbacks, and height limits that should provide security from fire or other public safety emergencies.

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

*Transportation:* Development under the new zoning will increase traffic. The level of traffic increase will be dependent on the number of residential dwelling units constructed. The level of traffic increase will be dependent on the development of the proposed zoned parcel. Generally, each additional single-family dwelling, according to the ITE Manual, will create approximately 10 new vehicle trips per day.

*Water and Sewerage:* The Lockwood Water and Sewer District will provide water and sewer service to the property. Existing water and sewer mains are located adjacent to the property and can be extended to serve future lots. These infrastructure extensions will help to eliminate existing dead-end mains and improve the system's flow.

*Schools and Parks:* The development which would be allowed under the proposed zoning would likely increase the number of school children attending the Lockwood School District. The number of dwelling units will determine the possible impact on schools. The School District had no comments on the application.

*Fire and Police:* The property is serviced by the Lockwood Fire District and the Yellowstone County Sheriff's Department. Fire suppression requirements will be evaluated at the time of the development plan.

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

The zoning itself is not expected to have a negative effect on the health and general welfare of the area. County zoning regulations require minimum setbacks from property lines, separation of buildings, and restrict uses so compatibility is maintained with adjacent properties.

**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 zoning itself will not generate more traffic on any of the adjacent county roads. Future development for residential uses will add traffic to the area's network. The proposed development will require two access points, prompting improvements or extensions to adjacent roads to meet county standards. The property lies within the Lockwood Pedestrian Safety District, which requires sidewalks in any new subdivisions. These improvements will enhance safety and connectivity for non-motorized users, supporting a more balanced and accessible transportation network.

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

The N2 zoning district supports compact residential development that aligns with the urban character of the surrounding area, which includes a mix of residential zones such as RMH, N3, and N4. The property has access to existing infrastructure, including public water and sewer, making it suitable for efficient infill development.

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

The surrounding area consists of similar residential zoning districts, including RMH, N3, and N4, which support a range of housing types. Rezoning to N2 allows for single- and two-family homes that match the scale and style of nearby development. The applicant has stated that the future subdivision will include covenants, conditions, and restrictions (CCRs) that will limit housing to single-family residences only. However, private CCRs are not enforced by the County, so the zoning of N-2 that allows single- and two-family homes is what would be enforced by the County as far as future property development. The property is well-suited for this type of use due to its location within an established residential area and its access to existing infrastructure, including public water and sewer services.

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

The new zoning itself is not expected to alter the value of any buildings in the area. Valuations are typically based on improvements to the individual properties themselves. The new zoning will allow the development of new residential uses adjacent to residential uses. The new residential uses should have no impact on surrounding properties. Any development of the property will need to meet the site development requirements in the zoning code, including landscaping, screening, building heights and setbacks.

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

The proposed N2 zoning encourages the most appropriate uses for the land. The property is suitable for the proposed N2 residential development. This is an appropriate use of land in this area of the county and will encourage similar development.

**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 and is compatible with the typical urban development in this area of Lockwood.

**RECOMMENDATION**

Planning staff is recommending approval and adoption of the findings of the 11 criteria for Zone Change 729.

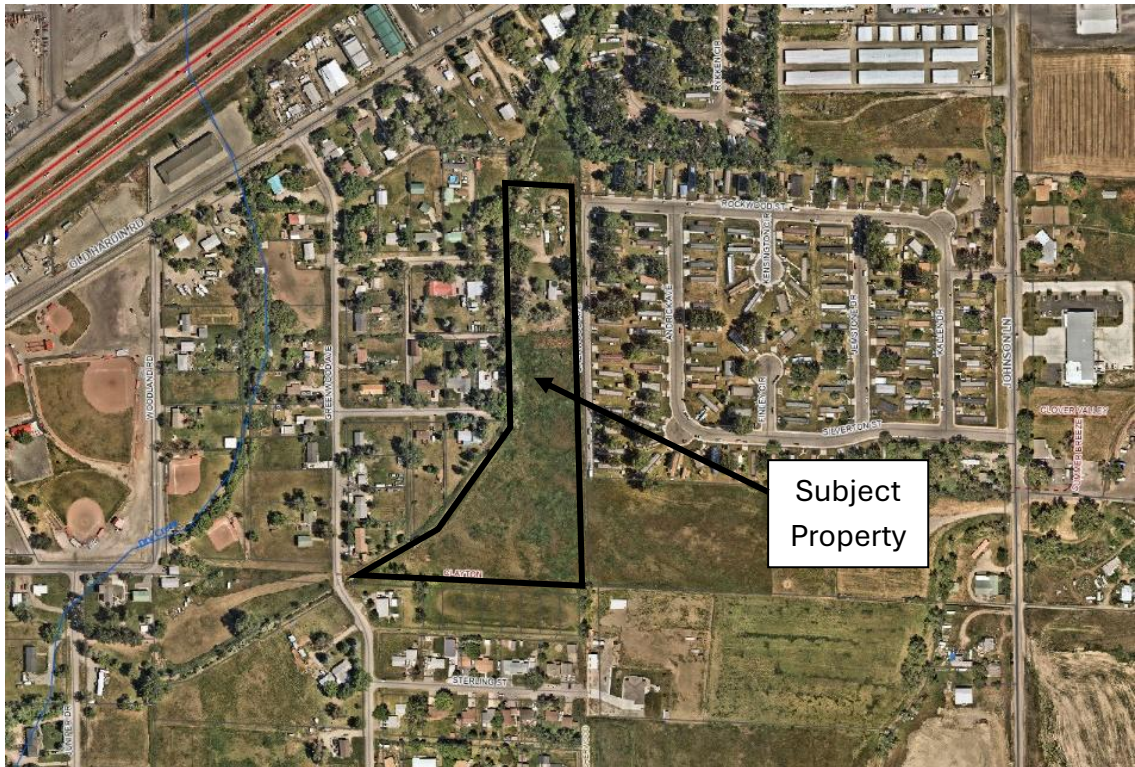
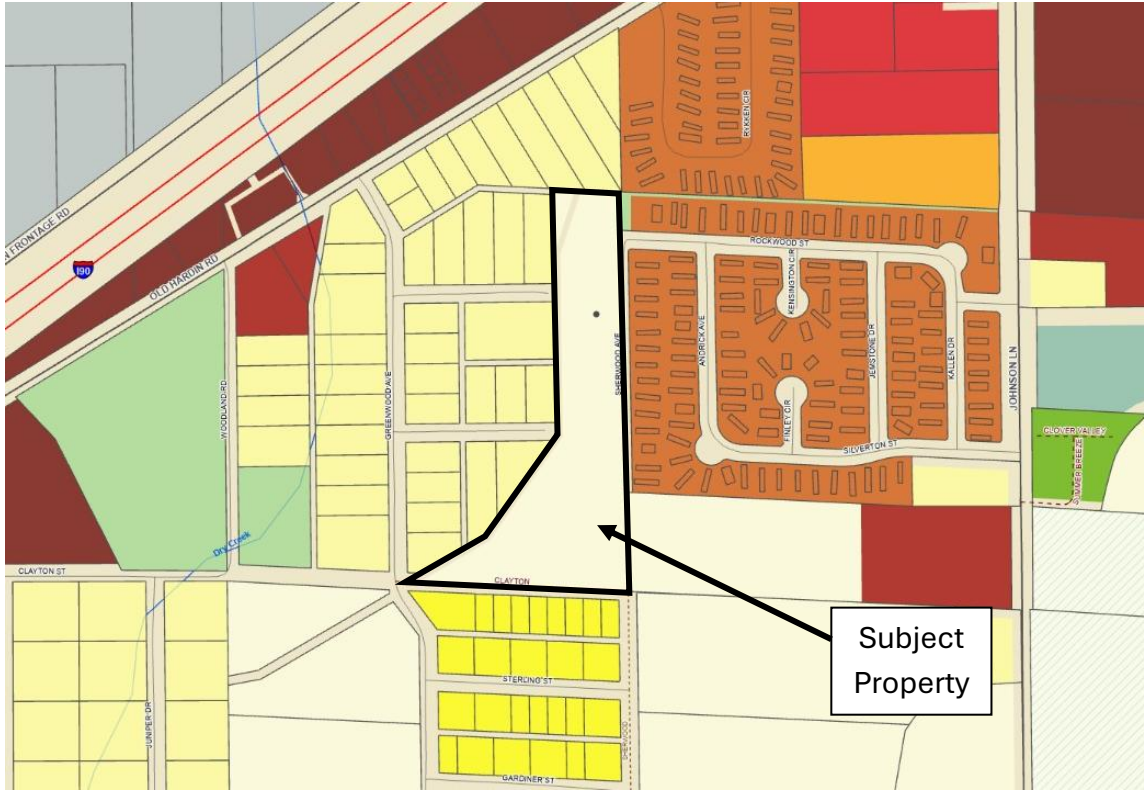
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**Attachments**

Zoning Map & Site Photos  
Chart of Zoning History  
Application & Applicant Letter  
Pre-Application Meeting Information  
Zoning Exhibit

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County Zone Change 729 - Zoning Map & Site Photos





Subject Property



Looking south from subject property



Looking east from the subject property



Looking west from the subject property



Looking north from the subject property

**APPLICABLE ZONING HISTORY – Zone Change 729 – 2602 Rockwood Street**

<b>SUBJECT PROPERTY</b>	<b>ZONE CHANGE</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
C.O.S 540	60	9/30/1975	R-150 to RMO	Y	
C.O.S 540	N/A	2021	Updated to RR3		Updated during Recode
<b>SURROUNDING PROPERTY</b>	<b>ZONE CHANGE</b>	<b>DATE</b>	<b>FOR</b>	<b>APPROVED (Y/N)</b>	<b>ADDITIONAL DATA</b>
S 44 <sup>th</sup> St W	713	10/4/2022	RR3 to RR1	Y	
2433 Highway 87 E	712	10/4/2022	RR3 to NX1	Y	
626 Johnson Ln	704	8/31/2021	CMU2 to NX3	Y	
Cherry Creek Lt 2	703	10/6/2020	R-96 to R-80	N	
133 Eagle Cliff Meadows	702	8/25/2020	A-S to R-150	Y	
2404 & 2422 Old Hardin Rd	701	5/26/2020	R-150 to RMFR	Y	
Grand and 50 <sup>th</sup> St W	690	8/31/2019	A-1 to NC and R-70	N	

**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: RR-3

Proposed Zoning: N2, Mid-Century Neighborhood Residential

Property Tax ID # D06596 COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: S30, T01 N, R27 E, C.O.S. 540

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

2602 ROCKWOOD ST, BILLINGS, MT 59101

Size of Parcel (Area & Dimensions): 9.48

Present Land-Use: rural residential with a single family home

Proposed Land-Use: to develop the property for single- and two-family homes

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

Owner(s) Dianne K & Arron E King

(Record Owner)

238 Johnson Lane, Billings, MT 59101

(Address)

(Phone Number)

(email)

Agent(s): WWC Engineering - Greg Reid

(Name)

220 S. 24th Street W, Ste 201, Billings, MT 59102

(Address)

406-894-2210

greid@wwcengineering.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: Dianne K King Arron E King Date: 6-3-25

(Record Owner Digital Signature Allowed)

Owner Under Contract: Copper Forge Ventures, LLC – Lance Story

Phone Number: 406-561-7911

Email Address: [lance.story23@gmail.com](mailto:lance.story23@gmail.com)

A handwritten signature in black ink, appearing to read "Lance Story". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Signature

**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: RR-3
2. Written description of the Zone Change Plan including square footage or acres of proposed new zoning:  
N2 - Mid-Century Neighborhood Residential
3. Subject Property Map: please attach to this form
4. Legal Description of Property: COS 540; Section 30, T01N, R27E
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 21, day of May, 2025.
  - b) The zone change application is based on materials presented at the meeting.

Owner (s): Dianne K & Arron E King Telephone: \_\_\_\_\_

Address: 238 Johnson Lane, Billings, MT 59101 Email: \_\_\_\_\_

Agent (s): *Dianne K King* *Arron E King*  
WWC Engineering - Greg Reid Telephone: 406-894-2210

Address: 220 S. 24th Street W, Ste 201 Email: aredland@wwcengineering.com  
Billings, MT 59102

**(1) Whether the new zoning is designed in accordance with the growth policy;**

The 2016 Lockwood Growth Policy envisions the community as a self-sustaining area with a defined town center, a vibrant business and industrial corridor, and sufficient housing to support a local workforce. The proposed zoning change from RR-3 to N2 aligns with this vision by allowing the development of additional housing options, thereby supporting residential growth and community sustainability.

**(2) Whether the new zoning is designed to secure from fire and other dangers;**

The proposed zone change will not increase fire or other safety risks in the area. The property is currently served by existing fire hydrants located at the intersections of Greenwood Avenue with Rockwood Street and Silverton Street. As required by Yellowstone County Subdivision Regulations and the Lockwood Water and Sewer District's standards, additional fire hydrants will be installed during subdivision, ensuring adequate fire protection for future residents.

**(3) Whether the new zoning will promote public health, public safety and general welfare;**

The proposed zoning from RR-3 to N2 will promote the general welfare by supporting continued residential development in an area already served by essential infrastructure. Water and sewer mains are located adjacent to the property and can be extended to serve future lots. Stormwater management plans will be required at the time of subdivision, ensuring compliance with Montana Department of Environmental Quality (MDEQ) standards and maintaining environmental and public health safeguards.

**(4) Whether the new zoning will facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements;**

This zoning change has the potential to improve transportation connectivity by extending dead-end streets and adding sidewalks. The Lockwood Water and Sewer District will provide water and sewer service, with infrastructure extensions eliminating existing dead-end mains and improving system flow. While an increase in population may impact local schools and parks, such impacts will depend on the demographics of future residents and will be assessed during the subdivision process.

**(5) Whether the new zoning will provide adequate light and air;**

The N2 zoning district allows for single- and two-family homes and requires that developments include open space for stormwater retention. These open spaces will contribute to the maintenance of light and air circulation within the neighborhood, even with increased housing density.

**(6) Whether the new zoning will effect motorized and nonmotorized transportation;**

The proposed zoning will enhance both motorized and nonmotorized transportation networks. The development will require two points of access, prompting improvements or extensions to adjacent roads to meet county standards. Additionally, as the property lies within the Lockwood Pedestrian Safety District, sidewalks will be required for any new subdivisions, thereby promoting pedestrian safety and accessibility.

**(7) Whether the new zoning will promote compatible urban growth in the vicinity of cities and towns;**

The proposed change supports compact and compatible urban growth in Lockwood by allowing further subdivision into single- and two-family residential lots. Immediate access to water and sewer infrastructure enables efficient development that aligns with the surrounding urban fabric and contributes to the orderly expansion of the community.

**(8) Whether the new zoning considers the character of the district and the peculiar suitability of the property for particular uses;**

The subject property is surrounded by various residential zoning districts, including RMH, N4, and N3. Rezoning to N2 provides a logical transition between these zones and reflects the area's evolving residential character. The property is well-suited for residential development, and the proposed change offers appropriate land use consistent with the surrounding neighborhood.

**(9) Whether the new zoning will conserve the value of buildings;**

The proposed zoning change is expected to maintain or enhance property values in the area by introducing compatible housing types. Although the development will differ from some existing homes, the addition of well-planned single- and two-family residences will contribute positively to the neighborhood's character and support continued investment in the area.

**(10) Whether the new zoning will encourage the most appropriate use of land throughout Yellowstone County;**

With increasing demand for residential housing across Yellowstone County, rezoning the subject property to N2 supports an appropriate and efficient use of land. The new zoning provides a thoughtful transition between existing residential zones and promotes a balanced mix of housing types, helping to meet current and future housing needs in the Lockwood area.

**(11) Whether the new zoning, as nearly as possible, be compatible with the zoning of nearby cities and towns;**

The proposed zoning is compatible with nearby development patterns and supports the broader goals of regional urban planning. By leveraging existing infrastructure and aligning with the demand for workforce housing, the N2 zoning designation fosters logical growth and development. As Lockwood continues to evolve, this property may also support future commercial uses that benefit from its strategic location and improved accessibility.

**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: RR-3
2. Written description of the Zone Change Plan including square footage or acres of proposed new zoning:  
N2 - Mid-Century Neighborhood Residential
3. Subject Property Map: please attach to this form
4. Legal Description of Property: COS 540; Section 30, T01N, R27E
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 21, day of May, 2025.
  - b) The zone change application is based on materials presented at the meeting.

Owner (s): Dianne K & Arron E King Telephone: \_\_\_\_\_

Address: 238 Johnson Lane, Billings, MT 59101 Email: \_\_\_\_\_

Agent (s): Dianne K King Arron E King  
WWC Engineering - Greg Reid Telephone: 406-894-2210

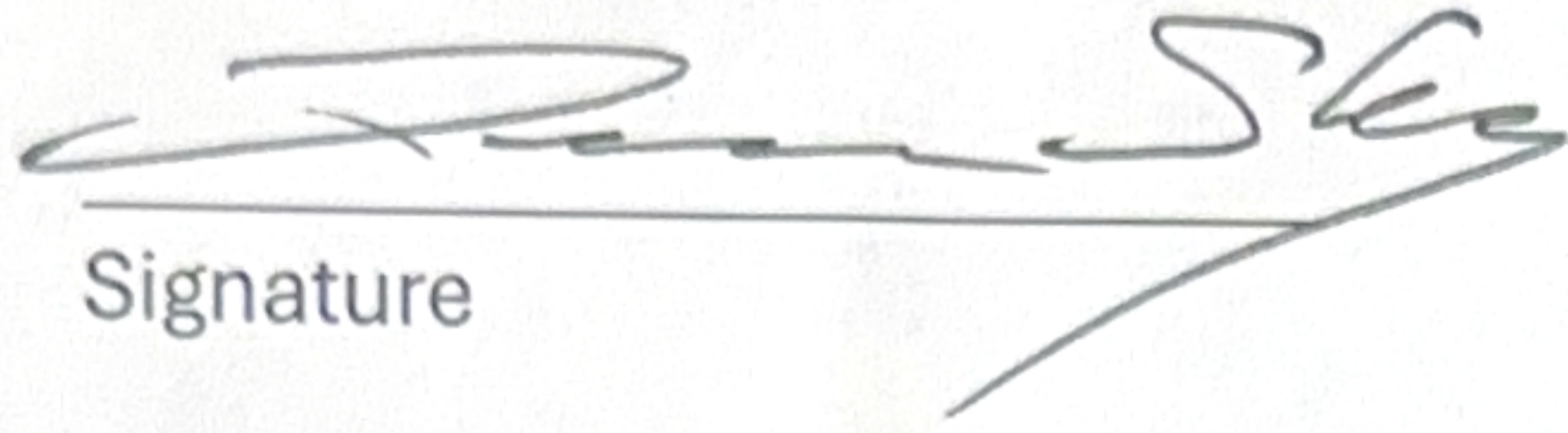
Address: 220 S. 24th Street W, Ste 201 Email: aredland@wwcengineering.com

Billings, MT 59102

Owner Under Contract: Copper Forge Ventures, LLC – Lance Story

Phone Number: 406-561-7911

Email Address: [lance.story23@gmail.com](mailto:lance.story23@gmail.com)

A handwritten signature in black ink, appearing to read "Lance Story". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Signature



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550 S. 24<sup>th</sup> STREET W., SUITE 201, BILLINGS, MT 59102 | 406.894.2210

May 27, 2025

**Re: Neighborhood Meeting for Zone Change - CORRECTION**

Dear Landowner:

With guidance from the Billings Zoning Department, this is a courtesy letter to inform you of corrections to the zone change letter that was sent on May 12, 2025 for Certificate of Survey No. 540; see included Exhibit A. The letter was not correct on the current and proposed zoning. The property is currently zoned RR-3, Rural Residential and the proposed zone change will be N2-Mid-Century Neighborhood Residential. Below are excerpts from the Yellowstone County Zoning Regulations defining the two different types of zoning, along with a web address where additional information on the regulations can be found.

**RR: RURAL RESIDENTIAL**

The RR districts are intended for single-family homes, with or without agricultural uses. In addition to residential homes, small-scale agricultural uses may be allowed including stables, livestock and agricultural crops raises for personal use. Basic setback and height parameters apply with a range of allowed lot areas defined by “-1” and “-3”, meaning RR-1 has a minimum lot size of 1 up to 3 acres, and RR-3 has a minimum lot size of 3 up to 10 acres. Accessory barns are allowed.

**N2: MID-CENTURY NEIGHBORHOOD RESIDENTIAL**

The N2 district in the county is intended for use only with a planned neighborhood development process (PND) per Article 800. This district is intended to be similar in character of single-and two-family homes developed during the middle of the twentieth century. These characteristics include homes wide on the lot, garages located on less than a third of the front facade, low-pitched roofs, and doors and windows on the front facades. Building and garage location are specified in the regulations, with basic parameters for front doors and windows.

<https://www.billingsmt.gov/DocumentCenter/View/50877/Yellowstone-County-Zoning-Code-Updated-1-November-2023?bidId=>

My sincere apologizes for the confusion. The pre-application neighborhood meeting was held on May 21, 2025 and those in attendance provided comments. If you have comments on the zone change, please provide them to me in writing to the email address linked below by June 9, 2025.

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg Reid".

Greg Reid, P.E.

Billings Branch Manager [greid@wwcengineering.com](mailto:greid@wwcengineering.com)

Encl.: Exhibit A

## Copper Forge Ventures Zone Change Pre-Application Neighborhood Meeting Minutes

May 21, 2025 at 6:30 pm

Attendance:

Aaron Redland and Greg Reid – WWC Engineering

See attached sign-in sheet and emails received

The meeting was opened by WWC Engineering (WWC) and an explanation of the zone change process along with the Zoning and County Commissioners meetings that are required for the zone change to be completed was provided. WWC also explained that the descriptions of the current and proposed zoning identified in the letter were incorrect and explained what the correct zoning was.

The attendees were then asked to provide comments or concerns regarding the zone change. The following list summarizes the comments received. Additional comments unrelated to zoning of the property were made and those were not included within the list below, such as asking how traffic would be provided to the future lots. The consensus of the attendees was against the zone change allowing further development of the parcel contributing to increased impacts to the area.

- The discrepancy between the identified zonings in the letter caused less individuals to show up. A new letter was requested to be sent and reschedule the neighborhood meeting so that all potentially interested parties would come.
  - WWC would contact the Yellowstone County Zoning Department for guidance on providing clarification to the nearby residents or if the meeting needed to be rescheduled.
- What is the proposed layout of the subdivision?
  - A layout is not determined at this time. This question was discussed around with some residents stating that a zone change should not be allowed without a layout of exactly what is to be constructed. It was noted to the residents that a zone change and a subdivision are separate actions that are completed and further to that, a sketch of the site would only be a concept rendering and that the layout would be subject to change as the process continues.
- Are duplexes being constructed on the lots south of Clayton Street?
  - No, the CCRs will not allow duplexes to be constructed on those lots, only single-family homes.
- A property owner on Silverton Street expressed that it is not desired for Silverton Street to be extended through. He asked how will access be provided to the future subdivision?
  - Since a subdivision plat is not in review, WWC was not able to answer with certainty how access would be provided for the future subdivision. However, it was explained that per county subdivision regulations, two points of access will be required and that potentially four are available (three to the west and Sherwood Ave to the northeast). It was also noted that the southern potential connection on the unconstructed Clayton Street may provide the most flexibility of connection by being included.
- Can we get a copy of the residents contacted by the mailers?

- Yes, WWC will email a copy of the list provided by Zoning Department to those that requested it.
- How many acres is the subject parcel?
  - WWC did not have that information on hand; the parcel is approx. 6-8 acres
- What is the approximate number of lots that could be created?
  - Maybe 20-30 lots but that is highly variable with parkland dedication, irrigation easement area, roadway dedication, and stormwater requirements that would be necessary in the future.
- Traffic issues through the adjacent roadways was raised as a concern.
  - An explanation of the process of the zone change and then a major subdivision application was given to outline that a Traffic Impact Study (TIS) would be part of the subdivision process as the number of units for the impacts is based upon the subdivision.

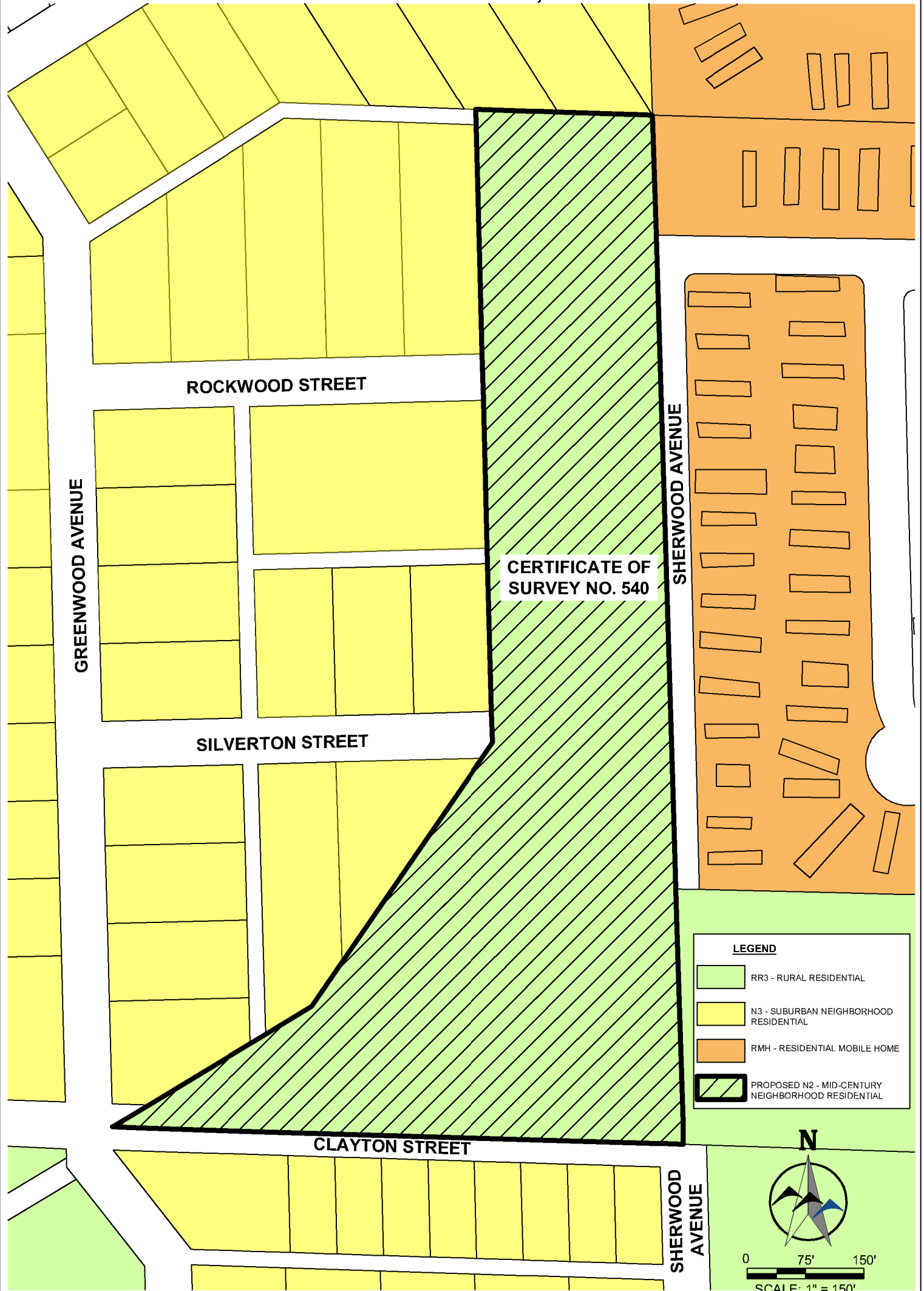
Pre-Application Neighborhood Zone Change Meeting - Copper Forge Ventures LLC

May 21, 2025 at 6:30pm

	<u>Name</u>	<u>Address</u>	<u>Phone no.</u>
1	Danny + Marilyn Smith	2533 Sterling St	406-671-6096
2	Ken Hoag	2537 Silverdon	406-670-5914
3	Jason Fish	2535 Rockwood	406-591-1518
4	Leonard & Cathy Consoni	2545 Sterling St	406-248-7061
5	Christos Nakos	832 Granite Estate Lane	406-672-3661
6	Jay Erickson	2517 Sterling St	406-697-6941
7	CHARLES RIDWELL	406 JOHNSON LANE	509-496-1146
8			
9			
10			
11			
12			
13			
14			
15			

# EXHIBIT DRAWING

CERTIFICATE OF SURVEY NO. 540  
YELLOWSTONE COUNTY, MONTANA



CERTIFICATE OF SURVEY NO. 540  
 ZONE CHANGE  
**EXHIBIT DRAWING**  
 YELLOWSTONE COUNTY, MONTANA

PREPARED FOR  
**COPPER FORGE VENTURES, LLC**

PREPARED BY  
 WWC ENGINEERING

DESIGNED BY: *AMR*  
 DRAWN BY: *AMR*  
 CHECKED BY: *AMR*  
 DATE: *MAY 2025*

SHEET  
**A**