

Attachments for County Zone Change 731

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: Rural Residential-3 (RR-3)

Proposed Zoning: Rural Residential-1 (RR-1)

Property Tax ID # D05106 COUNTY COMMISSIONER DISTRICT # 2

Legal Description of Property: S14, T01N, R26E, C.O.S. 1073, PARCEL 1

Address or General Location (If unknown, contact County Public Works): 2142 Bitterroot Dr. Billings, MT 59105

Size of Parcel (Area & Dimensions): 5-acres

Present Land-Use: Residential Property -RR3

Proposed Land-Use: Residential Property -RR1 ; Family Transfer

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

Owner(s) David Harmon

(Record Owner)

304 Meadowlark Lane Billings, MT 595105

(Address)

406-860-4040

(Phone Number)

phnhc@outlook.com

(email)

Agent(s): IMEG Consultants Corp.

(Name)

550 N 31st St. Suite 111 Billings, MT 59101

(Address)

406-248-9000

(Phone Number)

mariah.l.lind@imegcorp.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: [Signature] Date: 6/30/25

(Record Owner - Digital Signature Allowed)

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County Zone Change Application Packet

Summary:

The applicant is requesting a rezoning for the property legally described as Section 14, Township 01 North, Range 26 East, C.O.S. 1073, Parcel 1, PMM, Yellowstone County, MT. This property's tax ID is D05106. The property is located at 2142 Bitterroot Dr in Billings, Montana. The property is currently zoned as Rural Residential 3 (RR3) and encompasses approximately 5 acres. The applicants are proposing to rezone the property to Rural Residential 1 (RR1). Currently, the rezoning process is the first step in development of the property, and then the owners intend to perform a Family Transfer on the lot. There is no layout or survey that has been completed on the property yet. The applicant intends to follow Yellowstone County Family Transfer Exemption Regulations regarding future division of the lot.

11 Statutory Zone Change Criteria:

Below is a list of the 11 Statutory Zone Change requirements in **bold**. Responses to each criteria is provided below.

1. Is the new zoning is designed in accordance with the growth policy?

Yes, we feel that the new zoning is chosen in accordance with the Yellowstone County Growth Policy. The growth policy indicates several different goals, we have included a few specifics for reference.

2008 Growth Policy " *Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans.*"

By choosing RR1 we are following the Zoning Code, as the property is currently surrounded by a suburban neighborhood and a large lot suburban neighborhood, which consist of lots averaging 0.25-acre and 0.5-acre, respectively. RR1 allows for compatible rural selection of development. The owners would like to perform a family transfer on the property, and RR1 will allow the proposed lots to be less than 3-acres. This zoning also preserves the neighborhood integrity and empowers neighborhood groups.

2008 Growth Policy " *New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County townsites.*"

As seen in the above, the selection of RR1 will be similar to the development in the area and still conserve viewsheds for a rural neighborhood.

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

Yes, the new zoning is designed to secure from fire and other damages. The zoning has been designed with setbacks, access requirements, build-to zones, maximum building coverage, etc. These regulations of building design ensure that the zoning is secure from fire and other damages. Additionally, all construction within the new zoning will be subject to a zoning compliance permit. During this time the Yellowstone County Planning staff will ensure that new construction follows zoning regulations.

3. Will the new zoning promote public health, public safety and general welfare?

Yes, the selected new zoning does promote public health, public safety and general welfare. By rezoning the property to RR1, the property will be similar to other properties in the area, thus ensuring a long-term suburban/rural environment. The County's zoning code is written to promote public health, safety, and general welfare.

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

If the proposed rezoning is approved, the property will then undergo a family transfer exemption. During the family transfer process, the provision of water and sewage will be reviewed through DEQ. However, the owners do not intend to make any more improvements on the proposed lots.

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

Yes, the new zoning is designed to provide adequate light and air. The zoning has been designed with setbacks, access requirements, minimum and maximum lot sizes, maximum building coverage, etc. These regulations of building design ensure that the zoning provides adequate light and air.

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

The owner does not intend to build any new development after they undergo a family transfer on the property. Their intension is to split off the existing home on the property and leave the remaining lot as is. That being said, if they were to change their mind, any new development may influence transportation. The zoning selection of RR1 allows for a subdivision of 2-5 lots that are comparable to what exists in the area. 1-4 new residential houses will have a minimal effect on motorized and non-motorized transportation in the area. However, since a family transfer exemption will be pursued, there will not be any subdivision process due to the exemption.

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

The property is suburban in nature, therefore a suburban zoning was chosen for the rezoning. Rural Residential 1 (RR1) allows for smaller lots sized 1-2.99 acres. Large Lot Suburban Neighborhood Residential (N4) has a maximum lot size of 43,559 sqft per principal building, meaning less than an acre with a single home. Suburban Neighborhood Residential (N3) allows for up to 40% lot coverage. Due to some of these items listed above, we felt in order to follow the zoning code, residential RR1 was the best choice.

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

The area is suburban in character; therefore, a suburban zoning was chosen for the rezoning. Within RR1, this zone allows for 1-2.99 acre lots. Comparatively within the zoning code, Rural Residential 3 (RR3) would allow for smaller lots sized 3-9.99 acres. Large Lot Suburban Neighborhood Residential (N4) has a maximum lot size of 43,559sqft per principal building, meaning less than an acre with a single home. Suburban Neighborhood Residential (N3) allows for up to 40% lot coverage. Due to some of these items listed above, we felt in order to follow the zoning code and still allow for Rural Residential 1 (RR1) was the best selection. Additionally, the lot sizing allows for the family transfer exemption.

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

The new zonings alignment with adjacent uses should continue to conserve the value of buildings in proximity.

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10. Does the new zoning encourage the most appropriate use of land throughout Yellowstone County?

The new zoning does encourage the most appropriate use of the land due to the proximity to existing infrastructure. Providing rural lots within proximity to other rural development is appropriate to the area.

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

Yes, the new zoning is compatible, as nearly as possible, with zonings of nearby cities and towns. The new zoning has many similarities to adjacent existing zoning in the area, as mentioned in prior.