



## Planning and Zoning Commission Minutes for the Meeting of June 10, 2024

The Planning and Zoning Commission met on June 10, 2024 at 12:30 PM in Room 3107, 3<sup>rd</sup> Floor of the Stillwater Building at 316 N 26<sup>th</sup> Street in Billings, Montana

		01/03/2022	09/06/2022	06/10/2024	
John Ostlund, BOCC	Commissioner	1	1	1	
Donald W. Jones, BOCC	Commissioner	1			
Mark Morse, BOCC	Commissioner	1	1	1	
Jeff Martin, Clerk & Recorder	Commissioner	1	1	1	
Tim Miller, Yellowstone County PW	Commissioner	1	1	1	
Doug Clark	Commissioner	-	1	1	
Robert Adler	Commissioner	-	1	1	
Nicole Cromwell	Zoning Coordinator	-	1	1	
Wyeth Friday	Director, Planning and Community Services	-	-	1	
Anna Vickers	Planning Division Manager	-	-	1	
Brenda Berns	Planning Clerk	-	-	1	

**In Attendance:** Anna Vickers, Planning Division Manager; Nicole Cromwell, Zoning Coordinator; Karen Husman, Planner; Tate Johnson, Planner; Brenda Berns, Planning Clerk; Carol Reimann.

### Call the Meeting to Order

Commissioner Ostlund convened the Planning and Zoning Commission meeting at 12:30pm and called for introduction of the Planning and Zoning Commission members and Staff.

**Public Comment on Non-Agenda Items.** No public comment was received.

## **Approval of Minutes: September 6, 2022**

### **Motion**

It was moved and seconded to approve the minutes of September 6, 2022. Motion passed unanimously.

### **Public Hearing**

Commissioner Ostlund opened the public hearing. Ms. Cromwell explained the procedures for the hearing, stating that the Board would allow public comment and reviewed the process for staff presentations and Board action on each variance.

**County Zone Change 1 – SZD #17 – 5750 Pleasant Hollow Trail – Agriculture Residential to Residential 10** – a zone change request from **Agriculture Residential to Residential 10**, on Block 1, Lo 2 of Herlee Subdivision, a 20.2-acre parcel of land. Tax ID: C12317.

Special Zoning District 17 (SZD 17) was adopted in May 1994 for the Shepherd area. Special zoning districts are petition-based zone districts in the County, allowing landowners to request that the Board of County Commissioners establish land uses for a specific area of at least 40 acres.

Since adoption of the first district, the County has created 19 special zoning districts. Of these:

- Districts 1 through 11 were extinguished when annexed into the City of Billings and placed under municipal zoning.
- District 19 was repealed at the request of landowners, who determined that the district was no longer needed for their neighborhood west of Laurel.
- Currently, there are seven active special zoning districts, with one additional district (SZD 21) pending adoption of regulations.

SZD 17 includes three base zoning districts:

- Agriculture Residential (20 acres)
- Residential 10 (10 acres)
- Residential 5 (5 acres)

At the time of adoption, base zoning was generally determined by existing lot sizes. For example:

- Lots on the north side of Pleasant Hollow Trail, already platted at approximately 5 acres, were placed in the Residential 5 district.
- Larger tracts of approximately 20 acres, including the subject property and adjacent lots, were placed in the Agriculture Residential district.

In 2000, a landowner west of E.W. Tenny Road requested a zone change from Agriculture Residential to Residential 10 for 80 acres. The Planning and Zoning Commission allowed the request to be withdrawn without a recommendation. No further rezoning applications have been submitted in SZD 17.

### District Intent Statements

- Agriculture Residential: Protects and preserves agricultural land for limited agricultural functions and allows residential development on large tracts. It aims to limit incompatible uses, encourage agricultural pursuits, and address environmental concerns.
- Residential 10: Very similar to Agriculture Residential in purpose and standards, providing large-lot residential development with limited agricultural functions.
- Residential 5: Intended for low-density, single-family development on smaller lots.

The requirements for building heights, setbacks, and lot coverage are nearly identical between Agriculture Residential and Residential 10, while Residential 5 is distinctly different.

Based on the similarities between Agriculture Residential and Residential 10, and the development plan adopted with SZD 17 in 1994, staff finds that the proposed zone change is consistent with the district's intent.

Zone change criteria for special zoning districts differ from those applied within the County's 4.5-mile zoning jurisdiction around Billings (MCA 76-2-203). Petitioned zoning districts are authorized under MCA 76-2-104, which directs planning and zoning commissions to adopt development patterns to further the health, safety, and general welfare of county residents.

### Conclusion

Planning staff concludes that the proposed zone change:

- Advances the health, safety, and general welfare of residents in SZD 17, and
- Aligns with the adopted development pattern for the district.

### Recommendation

The Planning staff is recommending approval of the requested zone change based on the general conformance with the adopted development plan for Special Zoning District 17.

### Discussion

General discussion was held regarding the criteria used for recommendations, noting that the purpose and intent statements serve as the guiding framework for staff when making recommendations.

Commissioner Ostlund opened the public hearing and asked if there was anyone wishing to speak in favor or against the zone change

**Public Hearing:**

Lloyd Reimann, Shepherd; in opposition – Mr. Reimann stated that he has lived in the area for 27 years on a 20-acre parcel. He explained that his son is now working and looking for a house, and he would like to split off 10 acres to allow his son to build. He noted that the proposed house site would not be visible from the street.

Commissioner Ostlund asked what the proposed split would look like. Ms. Reimann explained that the division would occur between the house and the shop, with the house and garage remaining on one parcel and the shop included with the parcel intended for her son.

There were no further public comments. Commissioner Ostlund closed public hearing.

**Discussion**

There was discussion regarding whether a family transfer is permitted within a zoning district. It was suggested that the matter should be reviewed further, but it likely would not apply in this case. Clarification was provided that a parcel must be at least five acres and comply with any applicable zoning regulations.

**Motion**

It was moved and seconded to approve and follow the Planning Board's recommendations for Special Zoning District 17 – Zone Change #1. Motion passed unanimously.

**Other Business.** There was no further business.

**Announcements.** No announcements were made.

**Adjournment.** The meeting was adjourned 12:48p.m.