



CONSOLIDATED YELLOWSTONE COUNTY ZONING COMMISSION
AGENDA-Thursday, March 12, 2026, 4:00 p.m.
City Council Chambers, 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>
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: bernsb@billingsmt.gov
- . NOTICE: 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 Consolidated Yellowstone County Zoning Commission and Planning Department Staff.

Public Comment: As required (3 minutes maximum per person). Any member of the public might be heard on any subject that is not on the agenda. The Consolidated Yellowstone County Zoning Commission will not take any action on these items at this time but could choose to add an item to the next meeting agenda for discussion.

Approval of Minutes:

1. The Meeting Minutes of February 12, 2026 - Consolidated Yellowstone County Zoning Commission
2. Prior Meeting Minutes of September 8, 2025 - County Zoning Commission
3. Prior Meeting Minutes of July 14, 2025 - County Zoning Commission
4. Prior Meeting Minutes of January 9, 2025 - County Board of Adjustment

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.

The Chair will now open the public hearing. The procedure for the hearing will be as follows: Staff will begin with a presentation, followed by questions from the Board to staff. The agent or property owner will then have the opportunity to present their application, after which the Board may ask questions of the agent or owner. The Chair will then invite public testimony in favor of or in opposition to the application. Anyone wishing to speak must state their name and address for the record and will be limited to three minutes. After all public comment has been received, the agent or owner will have an opportunity to provide rebuttal. The Board will then close the public hearing, discuss the item, and vote on the motion.

- C. Reading of notices of the public hearings on the following items:

Public Hearings:

- a. County Variance 303 is a variance from Section 27-903.A - Table 27-900.1 requiring a minimum lot area of 10 acres in Agriculture (A) zone, to allow a lot area of 8.1914 acres, for a proposed family transfer on an unplatted parcel of land in Section 25, T1S, R26E, a parcel approximately 20.35 acres.

Other Business/Announcements

- a. Board Discussion. Update to the Agenda - Boardmember Ellis

Adjournment

Following the public hearing, the Consolidated Yellowstone County Zoning Commission will make a recommendation to the Yellowstone County Board of County Commissioners on all submitted **Zone Change and Special Review applications**. The Board of County Commissioners' public hearing for these applications will be held on **March 24, 2026 at 9:00a.m.** at the Ostlund Building, 2825 3rd Avenue North, Room 309. The Board of County Commissioners will hear all persons wishing to speak regarding proposed **Zone Changes and Special Reviews**.

The Consolidated Yellowstone County Zoning Commission will hear all persons wishing to speak regarding proposed **Variances**.

Written testimony on the above items may be submitted to: Planning Division P.O. Box 1178, Billings, MT 59103, or by email at: plnonline@billingsmt.gov

Information may also be obtained from the Yellowstone County Planning Division at 316 N. 26th Street, 5th Floor, Billings, MT or by phone 406-657-8247.

Consolidated Yellowstone County Zoning Commission

1.

Meeting Date: 03/12/2026

SUBJECT:

PRESENTED BY: Brenda Berns

REQUEST

The Meeting Minutes of February 12, 2026 - Consolidated Yellowstone County Zoning Commission

RECOMMENDATION

APPLICATION DATA

OWNER:

AGENT:

LEGAL DESCRIPTION:

ADDRESS:

CURRENT ZONING:

EXISTING LAND USE:

PROPOSED USE:

SIZE OF PARCEL:

CONCURRENT APPLICATIONS

APPLICABLE ZONING HISTORY

SURROUNDING LAND USE & ZONING

NORTH:

Zoning:
Land Use:

SOUTH:

Zoning:
Land Use:

EAST:

Zoning:
Land Use:

WEST:

Zoning:
Land Use:

BACKGROUND

RECOMMENDATION

Staff recommends

Attachments

Minutes of February 12, 2026

Consolidated Yellowstone County Zoning Commission
Thursday, February 12, 2026



The Commission met at 4:00 PM in the 5th Floor Council Chambers
Location: 316 N 26th St. Billings MT

	Position	12/11/2025	01/08/2026	02/12/2026	03/12/2026	04/09/2026	05/14/2026	06/11/2026	07/09/2026	08/13/2026	09/10/2026	10/08/2026	11/12/2026
Tyler Bush	Chairman	1	1	1									
Pam Ellis	Vice Chair	1	1	1									
Carlotta Hecker	Commissioner	V	1	1									
Vacant	Commissioner	-	-	-									
Vacant	Commissioner	-	-	-									

Chairman Bush opened the meeting and introduced the CYCZC members and Planning Division staff.

Staff Present:

Karen Husman, Zoning Coordinator; Brenda Berns, Planning Clerk

Others in Attendance: Abby Hebl; Taylor Kasperick, Performance Engineering; Brody Roberson

Reading of the Rules:

Karen Husman read the rules for the procedure by which the public hearings will be conducted.

Public Comment

Chairman Bush asked if anyone would like to make a comment regarding items not on the agenda. There were no speakers.

Approval of Minutes: January 8, 2026

Motion by Commissioner Hecker to approve the January 8, 2026 meeting minutes as submitted, second by Commissioner Ellis. Motion passed unanimously.

Disclosure of Conflict of Interest. There were no disclosures.

Disclosure of Ex Parte Communication. There were no disclosures.

Consolidated Yellowstone County Zoning Commission
Thursday, February 12, 2026



The Commission met at 4:00 PM in the 5th Floor Council Chambers
Location: 316 N 26th St. Billings MT

New Business

a. County Zone Change 734 – Generally located at 481 S 56th St. is a zone change request from Agriculture 10+ acres (A) to Public Educational Campus (P3) on a portion of Parcels 2 & 3, C.O.S. 699, S09, T01 S, R25 E, approximately 6.6 acres of land (as depicted on the zoning exhibit A). A pre-application neighborhood meeting was held on December 22, 2025, at the subject property 481 S 56th St West. Tax ID: D00472

Staff provided an overview of the requested zone change submitted by the property owner, Rocky Vista University. The request is related to the expansion of the university’s educational campus, specifically for a veterinary clinic that would include classroom space. Staff explained that the existing equestrian center on the property is used for the equine program, but it is not considered part of the school campus itself.

Planning staff has reviewed this application and are forwarding a recommendation for approval based on the 11 criteria for zone changes.

- Meets the goals of the County Growth Policy & the 11 review criteria
- Consistent with neighborhood character
- Compatible with the neighborhood character of the adjacent development
- Promoting excellence in education and safe, healthy school facilities

Review Criteria

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

Consolidated Yellowstone County Zoning Commission
Thursday, February 12, 2026



The Commission met at 4:00 PM in the 5th Floor Council Chambers
Location: 316 N 26th St. Billings MT

Agent

Brody Roberson, Performance Engineering – Mr. Roberson stated he is here on behalf of Rocky Vista University and described the request to rezone a portion of the existing property from Agricultural (10+ acres) to P3 – Educational Campus.

Mr. Roberson stated that the zone change would allow the university to establish large-animal classrooms off-site, giving students the opportunity to study and work with these animals in a more rural setting.

Questions

Board discussion included questions regarding neighborhood outreach to the neighboring property owners. It was noted that no neighbors attended the neighborhood meeting and no comments were received.

Discussion also addressed the anticipated number of students, with the applicant estimating approximately 25 part-time students and a similar number of faculty. Board members noted this could result in approximately 40 additional people on site and asked about the capacity of the existing septic system. The applicant stated that facility upgrades are being evaluated through the DEQ permitting process and any necessary improvements to the septic system would be completed.

Traffic impacts were discussed, and it was noted that the projected number of students falls below the county traffic threshold. The applicant also indicated that traffic moves well in the area due to the roundabouts.

Questions were raised regarding the remaining property outside the proposed 6.6-acre area. The applicant confirmed that the character of the remaining land would remain the same, with the area continuing to be used for large animals and covered stables, including horses, cows, goats, and sheep.

Chairman Bush opened the Public Hearing.

Participants In Favor

There were none

In Opposition

There were none

Discussion

Board members asked about prior land use actions associated with the property. Staff indicated that a previous variance had been submitted to create a smaller parcel from the larger 32.1-acre property, rather than a zone change.

**Consolidated Yellowstone County Zoning Commission
Thursday, February 12, 2026**



**The Commission met at 4:00 PM in the 5th Floor Council Chambers
Location: 316 N 26th St. Billings MT**

Chairman Bush closed the Public Hearing for Zone Change 734.

Motion

Motion by Commissioner Hecker to recommend approval of Zone Change 734 and adopt the findings of the 11 review criteria as presented within the staff report. Second by Commissioner Ellis.
Motion carried unanimously.

Ms. Husman announced that the Board of County Commissioner's hearing for this zone change will be held on March 3, 2026 at 9:00am at the Ostlund Building at 2825 3rd Avenue N room 309.

Other Business

a. Discussion of Proposed New Meeting Day

Staff explained that the current meeting date for the board conflicts with the schedule of the Board of County Commissioners. Staff recommended considering a change to the board's meeting date, suggesting either the second Tuesday or second Wednesday of the month to avoid the conflict.

General Board Discussion

Board members discussed changing the meeting date. Wednesday was not feasible for one member, and Tuesday conflicted with the Planning Board. Staff explained the Board of County Commissioners requires materials a week in advance, which prompted the request to consider a new date.

Findings:

No decision was made. The matter was tabled for a later date pending further discussion with the Board of County Commissioners.

Ms. Husman advised the board that there will be one County variance to come before them in March.

Adjourned 4:20PM

Brenda Berns, Planning Clerk

Consolidated Yellowstone County Zoning Commission

Meeting Date: 03/12/2026

SUBJECT:

PRESENTED BY: Brenda Berns

REQUEST

Prior Meeting Minutes of September 8, 2025 - County Zoning Commission

RECOMMENDATION

APPLICATION DATA

OWNER:

AGENT:

LEGAL DESCRIPTION:

ADDRESS:

CURRENT ZONING:

EXISTING LAND USE:

PROPOSED USE:

SIZE OF PARCEL:

CONCURRENT APPLICATIONS

APPLICABLE ZONING HISTORY

SURROUNDING LAND USE & ZONING

NORTH:

Zoning:
Land Use:

SOUTH:

Zoning:
Land Use:

EAST:

Zoning:
Land Use:

WEST:

Zoning:
Land Use:

BACKGROUND

RECOMMENDATION

Staff recommends

Attachments

Minutes of September 8, 2025



Yellowstone County Zoning Commission

Monday, September 8, 2025

Commission		01/13/2025	02/10/2025	03/10/2025	04/14/2025	05/12/2025	06/09/2025	07/14/2025	08/11/2025	09/08/2025	10/13/2025	11/10/2025	12/08/2025
Tyler Bush	Commission member Chairman	-	1	1	-	-	1	V	-	V			
Todd Hewett	Commission member Co-Chair	-	1	1	-	-	A	1	-	V			
Pam Ellis	Commission member	-	-	-	-	-	-	-	-	1			
Vacant	Expired Term 6/30/25	-	-	-	-	-	-	-	-	-			
Vacant	Expired Term 6/30/25	-	-	-	-	-	-	-	-	-			

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 4:00 PM and introduced the County Zoning Commission members and Planning Division staff.

Staff Present: Karen Husman, Zoning Coordinator; Brenda Berns, Planning Clerk; Makayla Paul, Planner; Ben Jackson, Planner

Participants: Shawn Thorson, IMEG; Jeff Wollschlager,

Members of the Public: Cathy Consani; Justin & Brandie Logan; James Rock

Public Comment

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



Yellowstone County Zoning Commission

Monday, September 8, 2025

Approval of Minutes: July 14, 2025

The Board discussed approval of the July 14, 2025 minutes; however, as not all members present attended that meeting, staff recommended postponing action. The Board agreed to defer approval to the next meeting.

No conflicts of interest were disclosed by Commission members or staff.

No ex parte communications were disclosed by Commission members or staff.

Karen Husman, Zoning Coordinator read the rules and procedures for a Public Hearing.

Regular Business:

- a. **Zone Change – 730 – 406 Johnson Lane** – A zone change request from Rural Residential (RR1) to Residential Manufactured Home (RMH), on S30, T01, N, R27 E, S2S2SEW4 a 10-acre parcel of land. A preapplication meeting was held July 2, 2025 at 5:00pm at the Lockwood Fire Station Tax ID: D06595

Karen Husman gave an overview of the requested zone change. Ms. Husman stated the applicant requested to change approximately 6 acres of property from Rural Residential 3 (RR-3) to Residential Manufactured Home (RMH) zoning. The eastern 4 acres of the property were previously rezoned for commercial development to Heavy Commercial (CX). Surrounding zoning includes RMH to the north, RR-3 to the south, CX to the east, and N-2 to the west.

Staff recommended approval of the zone change, noting that it meets the growth policy and 11 review criteria, maintains consistency with surrounding land uses (particularly to the north), and promotes efficient land use through compatible infill. Staff presented site photos showing the subject property, existing commercial development, and surrounding areas.

Question

Commission members sought clarification on the definition of a residential manufactured home. Staff explained that these are factory-built homes constructed off-site and transported to the property.



Yellowstone County Zoning Commission

Monday, September 8, 2025

Staff further noted that Senate Bill 252, effective December 1, modifies the classification: any factory-built home, whether manufactured or modular, placed on a permanent fixed foundation is included. Previously, manufactured homes retained a chassis and could be moved, but under the new classification, The new bill will allow a factory assembled structure intended for residential use that: is equipped with necessary service connections but not made to be readily movable and is designed and placed on a permanent foundation.

Applicant's Agent: Jeff Wolschlager, representing the property owner of 406 Johnson Lane, stated that he supports the proposed zone change. He agrees with staff's recommendation that the change aligns with the growth policy and noted that it could help provide more affordable housing in the Lockwood area. He also confirmed that any future development of the property would follow all required permitting processes, including fire, utilities, and traffic considerations, and that site and off-site improvements would be coordinated with the local engineering department.

Discussion

The Board asked about the general tone of the public meeting. Mr. Wolschlager reported that the public meeting for the proposed zone change was attended by approximately six to seven people. General concerns expressed included growth in the area, potential loss of wildlife habitat, increased traffic, crime, and effects on existing properties and neighborhood access.

Chairman Bush opened the Public Hearing.

No members of the public spoke in support of the proposed zone change.

Opposition

James Rock 432 Johnson Lane; Mr. Rock owns 1.37 acres at the corner of the subject property, expressed concern regarding the proposed residential manufactured home zoning. He asked about the number of homes that would be allowed and potential access to the property. Staff clarified that, based on 3,000-square-foot lot sizes, up to approximately 87 homes could be placed on the property, but the number of homes would be determined by what can be accommodated by Lockwood water and sewer approval. Staff further explained that access to



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Monday, September 8, 2025

the property would be determined during development and is not addressed by the zone change itself.

Cathy Consani 2545 Sterling; Ms. Consani expressed concern about the privacy between the two developments.

Chairman Bush asked to see the aerial view of the subject property to address questions about access.



Staff clarified that access would be determined and established when the development went into planning stages. It would either be a reciprocal access easement or some other type of agreement with the easterly portion of the property.

Justin Logan 2541 Sterling St; Mr. Logan spoke in opposition to the proposed zone change. He expressed concern that issues such as access, traffic flow, and roadway connectivity are frequently deferred to later review stages, limiting opportunities for public input. He noted that Sherwood Road does not currently exist as shown on some maps, and Sterling Street has long been a dead-end, raising concerns about how additional traffic from the potential development would be accommodated. Mr. Logan also expressed concern about the density of manufactured homes potentially affecting existing neighborhood character and nearby property values, particularly if there are no restrictions on the age or foundation standards of homes placed on the



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Monday, September 8, 2025

site. He further commented on the financial impacts to the Lockwood School District and questioned how additional development of manufactured home communities aligns with long-term planning for Lockwood. He encouraged consideration of future growth and community needs when evaluating the request.

Rebuttal:

Applicant's Agent; Mr. Wolschlagler addressed questions regarding traffic and the number of units. He noted that the specific number of units and detailed site layouts cannot be determined at this time and will require further coordination with the fire and engineering departments, as well as Lockwood water and sewer services. Access, roadways, distances between fire hydrants, and other infrastructure considerations will be addressed during development review.

Mr. Wolschlagler emphasized that while growth presents challenges, the proposed residential manufactured home zoning provides opportunities for more affordable housing, and preliminary planning will help determine the best site layout in alignment with community growth and permitting requirements. He indicated the development would be similar in density to the RMH development to the north.

The Commissioners inquired about property ownership, specifically whether the applicant also owned adjacent subdivisions or manufactured home communities to the north. The Agent clarified that the subject property, consisting of 10 acres, is solely owned by another party and is not associated with any neighboring properties.

The Commissioners asked whether any green space or parks were planned for the development. The Agent responded that this has not yet been determined and will be addressed during development review in accordance with applicable Lockwood zoning requirements.

Chairman Bush closed the public hearing.



Yellowstone County Zoning Commission

Monday, September 8, 2025

Discussion

Commissioners discussed the proposed development in relation to affordable housing, neighborhood compatibility, and school capacity. Concerns were raised regarding staff's findings of the Review Criteria #1, # 3, 9:

- Compatibility with the existing neighborhood, noting the southern adjacent properties are currently rural residential.
- Adequacy of support for schools, given the potential influx of children from up to 87 new units and existing capacity constraints.
- Potential impact on the value of surrounding properties, with concern that the development could reduce property values in the area.

Motion

Motion made by Commission member Ellis, seconded by Commission member Hewett to forward a recommendation of **Denial** of Zone Change 730 to the County Commissioners, based on Zoning Commission recommended findings of Review Criteria #1, # 3, 9. The motion passed 2:1 for recommendation of Denial.

The Board of County Commissioners public hearing for these applications will be held on September 30, 2025 at 9:00 AM.

- b. **County Zone Change 731 – 2142 Bitterroot Dr.** - from RR3 to RR1 - A zone change request from Rural Residential 3, 3 to 9.99 Acres (RR3) to Rural Residential 1- 1 to 2.99 acres (RR1), on S30, T01 N, R27 E, S2S2SEW4, a 5-acre parcel of land. A pre-application neighborhood meeting was held on July 24, 2025, at 6:00 p.m. at 900 Bitterroot Road. Tax ID: D05106.



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Monday, September 8, 2025

Karen Husman stated this is a request made to change the zoning from Rural Residential 3 (RR-3) to Rural Residential 1 (RR-1) for a 5-acre unplatted parcel at 2142 Bitterroot Drive. The purpose of the request is to create a smaller parcel for a family transfer. The property is adjacent to the city limits to the south.

Surrounding Zoning:

- North: RR-3
- South: RR-3
- West: RR-3
- East: Agricultural

The proposed change is consistent with the County Growth Policy and maintains consistency with surrounding land uses. No more than one additional division is intended, and future land use would remain residential.

Staff is recommending approval based on the 11 review criteria.

Applicant's Agent: Shawn Thorson stated that the requested zone change from Rural Residential 3 (RR3) to Rural Residential 1 (RR1) is intended to allow a future family transfer. The existing parcel is approximately five acres, and zoning must permit smaller lot sizes before a division can occur. The representative clarified that no new water or sewer extensions are proposed, and the property is not being annexed. The existing residence is permitted, and any future residential development would be subject to sanitation review and permitting at that time. The goal of the zone change is to allow the property owners to eventually transfer a portion of the land to family members.

Staff noted that Rural Residential 3 allows parcels of 3 to 9.99 acres, while Rural Residential 1 allows parcels of 1 to 2.99 acres, which aligns with the applicant's stated intent.



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Monday, September 8, 2025

Questions

A question was raised regarding proximity to existing sewer infrastructure and whether state law would require connection. It was clarified that connection would be required only if a new sanitation application or new residential development is proposed. Since the existing septic system is already permitted, no immediate connection is required. If the property is further developed in the future, connection requirements will be addressed at that time.

A question was also raised regarding the water supply. It was confirmed that the property receives water service through the Heights Water District, which obtains its water supply from the City of Billings.

Chairman Bush opened the Public Hearing.

The Applicant stated that the property was purchased several years ago and there are no plans to change its current use. The existing home and well will remain as they are, and no new construction is proposed. The applicant noted that the intent is to divide approximately two acres for a family transfer.

The property includes a barn and irrigation water, and the Applicant mentioned the possibility of running a small number of livestock. The purpose of the division is to place the two-acre portion into a family member's name and ensure that the property is properly recorded.

There were no members of the public speaking in opposition.

Chairman Bush closed Public Hearing.

Discussion

Commission members Hewett and Ellis stated they are in favor of the request.



Yellowstone County Zoning Commission

Monday, September 8, 2025

Motion

Motion made by Commission member Hewett, seconded by Commission member Ellis to forward a recommendation of approval of Zone Change 731 to the County Commissioners. The motion passes unanimously.

Other Business/Announcements.

The Board of County Commissioners signed a Resolution of Intent to consolidate the Yellowstone County Zoning Commission and the Yellowstone County Board of Adjustment into one commission, which will be held 2nd Thursday of the month at 4:00 PM.

Adjourned: 4:47PM

Brenda J Berns, Planning Clerk

Consolidated Yellowstone County Zoning Commission

3.

Meeting Date: 03/12/2026

SUBJECT:

PRESENTED BY: Brenda Berns

REQUEST

Prior Meeting Minutes of July 14, 2025 - County Zoning Commission

RECOMMENDATION

APPLICATION DATA

OWNER:

AGENT:

LEGAL DESCRIPTION:

ADDRESS:

CURRENT ZONING:

EXISTING LAND USE:

PROPOSED USE:

SIZE OF PARCEL:

CONCURRENT APPLICATIONS

APPLICABLE ZONING HISTORY

SURROUNDING LAND USE & ZONING

NORTH:

Zoning:
Land Use:

SOUTH:

Zoning:
Land Use:

EAST:

Zoning:
Land Use:

WEST:

Zoning:
Land Use:

BACKGROUND

RECOMMENDATION

Staff recommends

Attachments

Minutes of July 14, 2025



Yellowstone County Zoning Commission

Monday, July 14, 2025

Commission		01/13/2025	02/10/2025	03/10/2025	04/14/2025	05/12/2025	06/09/2025	07/14/2025	08/11/2025	09/08/2025	10/13/2025	11/10/2025	12/08/2025
Tyler Bush	Commissioner Chairman	-	1	1	-	-	1	V					
Melissa Ray Gentry	Commissioner	-	A	1	-	-	1	1					
Blaine Poppler Expired Term 6/30/25	Commissioner Co-Chair	-	1	1	-	-	1	-					
Todd Hewitt	Commissioner Acting Co-Chair	-	1	1	-	-	A	1					
Morgan Tuss Expired Term 6/30/25	Commissioner	-	A	A	-	-	A	-					

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

Co-Chair Hewett opened the meeting at 4:00 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; Greg Reid, WWC Engineering

Members of the Public: Carolene Emter, Jay Ericksen, Cathy Consani, Justin Logan, Brandie Logan, Heather Luhman, Russ Glendenning, Ken Hagell

Public Comment

Co-Chair Hewett asked if there was anyone wishing to speak during the public comment portion of the meeting. There was no public comment.



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Monday, July 14, 2025

Approval of Minutes: June 9, 2025

Motion

It was moved by Commission member Gentry, seconded by Commission member Hewett to approve the June 9, 2025 meeting minutes as submitted. The motion passed unanimously.

Disclosure of any Conflict of Interest-Members of the Commission and Staff. There was none.

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

Regular Business:

- a. **Return Item: 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.

Tate gave an overview of the current zoning and surrounding neighborhood's zoning.

Staff has reviewed this application and is forwarding a recommendation of approval based on the 11 criteria for zone changes as submitted in the staff report.

- Meets the goals of the County Growth Policy & the 11 review criteria
- Maintains consistency with surrounding zoning and neighborhood character
- Brings the property into compliance with zoning standards for residential use

The proposed N4 zoning is compatible with the residential uses nearby, the change will help preserve the established character of the neighborhood and help transition from Agricultural to Suburban Neighborhood Residential.

Applicant's Agent: Taylor Kasperick, Performance Engineering – there were no questions from the commission members.



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Co-Chair Hewett opened the Public Hearing. There were no members of the public. The public hearing was closed.

Discussion

Commission member Gentry stated she believes it should move forward, however needs to be rezoned., agreed by Commission member Hewett, and added as long as it does not tear up Central Ave.

Motion

A motion was made by Commission member Gentry, seconded by Commission member Hewett to forward an approval of Zone Change 728 to the County Commissioners. The motion passed unanimously.

- b. **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, TIN, R27E, 9.48 Acre parcel of land.

Tate gave an overview of the current zoning and surrounding neighborhood. Planning staff have reviewed the application and are forwarding a recommendation of approval based on the 11 criteria for zone changes, as submitted in the staff report.

- Meets the goals of the County Growth Policy & the 11 review criteria
- Maintains consistency with surrounding residential zoning and neighborhood character
- Promotes efficient land use through compatible infill development on small lots

Questions:

A question was raised regarding the difference between RR3 and N2 zoning. It was explained that RR3 requires a minimum of three acres per lot, while N2 zoning is based on minimum lot width rather than lot size. The minimum lot width for a single-family dwelling was clarified as 50 feet. Under the current RR3 zoning, three homes could be constructed, whereas under N2 zoning, the number of homes would depend on how they are situated on the lot.



Yellowstone County Zoning Commission

Monday, July 14, 2025

Applicant's Agent: Greg Reid, WWC Engineering; Mr. Reid stated that the initial letter sent for the neighborhood meeting contained errors. An updated letter was subsequently sent to the same recipients.

Questions were raised regarding a potential development on Clayton Street. At this time, no site plan has been submitted. It was noted that sewer service would be provided through DEQ to Lockwood rather than by a septic system. The proposed development could include between 10 and 25 lots. Manufactured homes are not permitted under the current zoning; however, the project would involve prebuilt wall construction rather than homes on a chassis. It was further noted that modular housing currently exists adjacent to the proposed area.

Co-Chair Hewett opened the Public Hearing.

Ken Hagell 2537 Silverton; Concerns were raised regarding traffic flow, safety hazards related to the nearby ditch, and potential drainage issues. It was noted that with 20–30 proposed houses, increased traffic could significantly impact safety, and additional water runoff may lack adequate outlets.

Russ Glendenning 2532 Silverton; Questions were raised regarding whether Silverton would be opened and if the development would include low-income housing.

Heather Luhman 2520 Rockwood; Ms. Luhman expressed concern that the proposed development would turn their dead-end street into a through street. They noted that the lots in the area are large, and additional traffic would negatively affect their property value and quality of life. They also raised concerns about increased school impacts, emphasizing that they already pay significant school taxes in Lockwood.

Justin Logan 2541 Sterling; Mr. Logan noted that lots along Clayton are double lots and expressed concern that the proposal does not meet applicable criteria. They questioned whether multifamily housing is being planned and stated that the proposed development does not align with the character of the neighborhood. The residents opposed duplexes, citing potential negative impacts on property values, increased traffic, and expressed disappointment regarding misinformation provided at the neighborhood meeting.



Yellowstone County Zoning Commission

Monday, July 14, 2025

Cathy Consani 2545 Sterling St; Ms. Consani expressed opposition, noting that she lives on a dead-end road and wishes to maintain it as such. She also raised concerns about the potential traffic impact on Greenwood.

Jay Ericksen 2517 Sterling; Mr. Ericksen expressed concerns about the proposed N2 zoning, noting the potential for 30–40 duplexes that could add roughly 160 vehicles to neighborhood traffic. He also raised issues related to increased crime, law enforcement’s capacity to respond, potential impacts on property values if lower-income housing is included, and inadequate communication with residents about the project.

Mr. Reid was asked whether the development would include low-income housing. He responded that, to his knowledge, it would not. He explained that extending Rockwood straight through would be very costly, and therefore the developer would be unlikely to pursue that option. However, subdivision requirements do call for connectivity. Mr. Reid emphasized that if the project advances to the subdivision stage, it will be important for the public to voice their opinions. He further noted that while the current discussion involves zoning, many of these concerns are addressed during the subdivision process.

Public Hearing closed.

Discussion

The board discussed issues related to curb and gutter requirements, neighborhood character, and housing types. It was noted that final decisions rest with the County Commissioners and that state law does not allow denial of two-family housing within subdivisions. Questions were raised about potential multifamily development, though specific plans are not yet available as the subdivision process has not begun. The discussion also addressed traffic impacts, utility connections, and the area’s role as a potential transitional zone. Board members acknowledged community concerns regarding mobile homes but clarified that the proposal involves stick-built housing.

Motion

A motion was made by Commission member Hewett, seconded by Commission member Gentry to forward an approval of Zone Change 729 to the County Commissioners.

Vote: Motion for recommendation of approval. 2–1. Majority of voting members.



Yellowstone County Zoning Commission

Monday, July 14, 2025

Other Business/Announcements. There was no other business.

Adjourned: 4:58PM

Brenda J Berns, Planning Clerk

Consolidated Yellowstone County Zoning Commission

Meeting Date: 03/12/2026

SUBJECT:

PRESENTED BY: Brenda Berns

REQUEST

Prior Meeting Minutes of January 9, 2025 - County Board of Adjustment

RECOMMENDATION

APPLICATION DATA

OWNER:

AGENT:

LEGAL DESCRIPTION:

ADDRESS:

CURRENT ZONING:

EXISTING LAND USE:

PROPOSED USE:

SIZE OF PARCEL:

CONCURRENT APPLICATIONS

APPLICABLE ZONING HISTORY

SURROUNDING LAND USE & ZONING

NORTH:

Zoning:
Land Use:

SOUTH:

Zoning:
Land Use:

EAST:

Zoning:
Land Use:

WEST:

Zoning:
Land Use:

BACKGROUND

RECOMMENDATION

Staff recommends

Attachments

Minutes of January 9, 2025

**Yellowstone County Board of Adjustment
Thursday, January 9, 2025**



The County Board of Adjustment met at 4:02 p.m. in the Stillwater Building 3rd Floor Room 3108- 316 N 26th St.

	Position	01/09/2025	02/08/2024	03/14/2024	04/11/2024	05/09/2024	06/13/2024	07/11/2024	08/08/2024	09/12/2024	10/10/2024	11/14/2024	12/12/2024
Tyler Bush	Chairman	1											
Carlotta Hecker	Board Member	1											
Troy Boucher	Board Member	A											
Blaine Poppler	Vice Chairman	1											
Morgan Tuss	Board Member	A											

Chairman Bush opened the meeting and introduced the YCBOA Board members and Planning Division staff.

Staff Present: Anna Vickers, Planning Division Manager; Nicole Cromwell, Zoning Coordinator; Karen Husman, Planner; Brenda Berns, Planning Clerk

Others in Attendance: Darrell Magnuson, KLJ Engineering

Public Comment

Chairman Bush asked if anyone would like to make a comment regarding items not on the agenda. There was none.

Minutes Approval: November 14, 2024

Motion

A Motion was made by Board member Poppler, seconded by Board member Bush to approve November 14, 2024 meeting minutes. The motion carried with a unanimous vote.

Disclosure of Conflict of Interest. There were no disclosures of conflict of interest.

**Yellowstone County Board of Adjustment
Thursday, January 9, 2025**



The County Board of Adjustment met at 4:02 p.m. in the Stillwater Building 3rd Floor Room 3108- 316 N 26th St.

Disclosure of Ex Parte Communication. There were no disclosures of ex parte communication.

There were no disclosures of Ex-Parte communication from the Board. Staff advised there was a letter submitted as ex parte from Brian Wheeler in opposition to Variance 300 and is available for members of the public to view.

Public Hearing

Chairman Bush opened the public hearing for Variance 301.

- A. County Variance 301- 547 S 56th St W –Section 27-903 Table 27-900.1** – A variance from Section 27-903 Table 27-900.1 requiring a minimum lot area of 10 acres per parcel to allow a proposed 1.8-acre parcel in an Agriculture (A) zone, on Parcels 4 & 5 of C/S 699, 20.1 acres of land. The purpose of the variance is to allow the division of the parcel for White Aspen Ranch horse facility (481 S 56th St W). Tax ID: D00472.

Karen Husman presented a summary of the variance.

Key Points:

- The applicant is requesting a variance to allow a caregiver to remain on the property.
- The applicant owns two 10-acre parcels, which may not meet the requirements for a lot line adjustment.
- The discussion centers around whether a zoning change might be a better solution than a variance.
- There is no topographical hardship, and the zoning change process seems to be the standard recommendation in such cases.

Recommendation

Planning Staff is recommending denial based on draft findings of the review criteria for variances:

Yellowstone County Board of Adjustment
Thursday, January 9, 2025



The County Board of Adjustment met at 4:02 p.m. in the Stillwater Building 3rd Floor Room 3108- 316 N 26th St.

1) There is a hardship with the property that is not applicable to other lands in the same district.

There are no special circumstances that exist which are peculiar to the land. The parcels are 2 10 acre lots currently conforming to the Ag 10 acre minimum. The applicant intends to sell the property and would like to sell the equestrian facility separate from the single family dwelling. Financial hardship is not considered an unnecessary hardship inherent to the land.

2) Denying the variance might deprive this owner of similar rights enjoyed by others in the area.

Denying the variance would not deprive the applicant of rights enjoyed by other tracts in the same district. The minimum lot size of 10 acres is a standard requirement in the Agricultural (A) district, designed to support agricultural functions and preserve land integrity. Allowing a variance to reduce the lot size to 1.8 acres would not deprive the applicant with rights that are already enjoyed by other similarly zoned tracts but rather would introduce a new level of nonconformity not in line with the district's established standards.

3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this zoning code to other land in the same district.

Similar to 1 and 2 above, the zoning regulations mandate a minimum lot size of 10 acres in the Agricultural (A) district to ensure the preservation and effective use of agricultural lands. Allowing a reduction to 1.8 acres through this variance would confer a special privilege on the applicant that is inconsistent with the standard requirements applied to other properties in the district.

4) That the granting of the variance will be in harmony with the general purpose and intent of this zoning code and with the Growth Policy.

The requested variance would compromise these objectives by increasing the non-conforming lot size within an area designated for agricultural use. The intent of the Agricultural district excludes suburban residential uses to maintain its focus on agricultural preservation. This reduction could potentially disrupt the agricultural integrity of the zone and conflict with the overarching goals of the Growth Policy and Zoning Regulations.

Questions

Yellowstone County Board of Adjustment
Thursday, January 9, 2025



The County Board of Adjustment met at 4:02 p.m. in the Stillwater Building 3rd Floor Room 3108- 316 N 26th St.

Board members inquired about property ownership in relation to the request. Staff clarified that the purpose of the request is to allow a caregiver to remain on the property.

Questions were raised about the similarity of the request to a previous variance. Staff explained that the current request involves a smaller variance and noted that similar requests have been approved in the past, including cases involving court orders.

The issue of hardship was discussed. Staff confirmed there was no topographical hardship present.

The size and ownership of the parcel were clarified, with staff confirming that the property consists of two 10-acre parcels under single ownership.

Board members discussed whether a zoning change could achieve the applicant's objective. Staff agreed that a zoning change would be a more appropriate and standard approach.

Further discussion addressed whether a zoning change could be requested for a smaller portion of the property, such as 1.8 acres, and staff confirmed this was possible.

Staff also confirmed that the current regulations provide a mechanism to pursue a zoning change.

Lastly, the feasibility of resolving the issue by removing 1.8 acres from the parcel was explored. Staff explained that a lot line adjustment had been requested, but due to the resulting parcel falling below the minimum 10-acre size, it could not be completed.

Chairman Bush asked if anyone would like to speak on behalf of Variance 301.

Applicant's Agent: Darryl Magnuson, KLJ Engineering – Mr. Magnuson stated that the applicant is seeking to sell the property. The applicant's employee, who has lived in the home on the 1.8-acre parcel for 15 years, has expressed interest in purchasing it. Upon reviewing the exhibit, it was noted that the property is fenced. Although the zoning is Agricultural, there is a subdivision to the west, and to the south, there are residential properties with lot sizes under 10 acres. Additionally, the plat was modified from the initial variance request to include the barn.

Chairman Bush asked if anyone else wished to speak for or against the variance. There were none. The Public Hearing was closed.

Staff recommended conditions for the variance request:

Yellowstone County Board of Adjustment
Thursday, January 9, 2025



The County Board of Adjustment met at 4:02 p.m. in the Stillwater Building 3rd Floor Room 3108- 316 N 26th St.

1. The variance is from YC 27-903.A -- Table 27-900.1 requiring a minimum lot are of 10 acres per parcel to allow ~~aproposed~~ 1.8-acre parcel in a Agriculture (A) zone. No other variance is intended or implied with this approval.
2. The variance is limited to Parcels 4 & 5 of C/S 699, 547 S 56th St. W.
3. The applicant shall complete the exempt plat process within 1 year from the Board of Adjustment approval date.
4. The applicant shall meet all other state and county code requirements ~~with the exception of this variance.~~
5. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, leaseholders, heirs and assigns.

Discussion

The board discussed the variance request, with members expressing differing perspectives. Some supported approval despite the staff's recommendation for denial, while others raised concerns about potential precedent. The discussion touched on zoning considerations, the property's size compared to other parcels, and the wishes of the buyer and current resident. Questions were raised about how to properly phrase a motion for approval, and staff clarified that while hardships are typically considered, the board has discretion in making its decision. Ultimately, there was a preference for consistency in the board's approach.

Motion

Board Member Hecker motioned to approve the application for Variance 301, including the five conditions recommended by staff. Board Member Poppler seconded the motion. Chairman Bush noted that the variance's intent is consistent with the zoning code and similar properties, as referenced in item 3 of the Review Criteria. The Board of Adjustment unanimously approved the motion by voice vote.

Other Business

Nicole Cromwell informed the board that Morgan Tuss' term expired on December 31, 2024, and the position would be posted for applicants.

**Yellowstone County Board of Adjustment
Thursday, January 9, 2025**



The County Board of Adjustment met at 4:02 p.m. in the Stillwater Building 3rd Floor Room 3108- 316 N 26th St.

The board discussed its leadership positions and unanimously agreed to retain Tyler Bush as Chairman and Blaine Poppler as Vice Chair.

Adjourned: 4:54PM

Brenda Berns, Planning Clerk

Consolidated Yellowstone County Zoning Commission

a.

Meeting Date: 03/12/2026

SUBJECT: County Variance 303 - 1835 Briarwood Blvd.

THROUGH: Makayla Paul, Planner

PRESENTED BY: Makayla Paul, Planner

REQUEST

County Variance 303 is a variance from Section 27-903.A - Table 27-900.1 requiring a minimum lot area of 10 acres in Agriculture (A) zone, to allow a lot area of 8.1914 acres, for a proposed family transfer on an unplatted parcel of land in Section 25, T1S, R26E, a parcel approximately 20.35 acres.

RECOMMENDATION

Planning Staff has reviewed this application and is forwarding a recommendation of approval based on the determinations for review within this report and the criteria outlined in the Yellowstone County Zoning Regulations Section 27-1626.D.

APPLICATION DATA

OWNER: Mark P. & Christine Boone

AGENT: Randall Kehl

LEGAL DESCRIPTION: S25, T01 S, R26 E, E2SW4SW4

ADDRESS: 1835 Briarwood Boulevard

CURRENT ZONING: Agriculture

EXISTING LAND USE: Agriculture and Residential

PROPOSED USE: Agriculture and Residential

SIZE OF PARCEL: 20.35 Acres

CONCURRENT APPLICATIONS

There is one concurrent application as project number PZX-25-00266. This is a County Exempt Plat for a family transfer.

APPLICABLE ZONING HISTORY

See attachments.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: Agriculture (A)

Land Use: Residential/Agriculture

SOUTH: Zoning: Agriculture

Land Use: Residential/Agriculture

EAST: Zoning: Agriculture

Land Use: Residential/Agriculture

WEST: Zoning: Agriculture

Land Use: Residential/Agriculture

BACKGROUND

This is a request for a variance from Section 27-903.A, Table 27-900.1 of the Zoning Code, which requires a minimum lot area of 10 acres within the Agricultural (A) zoning district. The request applies to an unplatted parcel of land located in Section 25, Township 1 South, Range 26 East, a parcel of approximately 20.35-acres. The variance is requested to facilitate a family land transfer and to allow the creation of two tracts that are currently separated by a private road easement, Briarwood Boulevard.

The applicant identified a hardship associated with the physical configuration of the property, specifically that Briarwood Boulevard bisects the parcel. If the proposed southern parcel were increased to meet the 10-acre minimum, it would result in a narrow strip of land approximately 75 feet wide extending from Briarwood Boulevard along the eastern property line to the northern boundary. Staff finds this configuration would not be reasonable or practical for typical agricultural/residential use and a hardship to the property.

An existing barn/garage is located on the north side of Briarwood Boulevard, which the applicant intends to retain and continue to utilize. The applicant stated that both resulting tracts will continue to be used for agricultural purposes and that dividing the property along Briarwood Boulevard will improve fencing opportunities for livestock management.

The Agricultural (A) zoning district is intended to protect and preserve agricultural lands by encouraging agricultural

pursuits, limiting the scattered intrusion of incompatible uses, and addressing environmental concerns. The 10-acre minimum lot size supports these objectives by helping to maintain the integrity of agricultural lands; however, minor variations in parcel size would not inhibit continued agricultural use. The intent for both parcels is to remain in small-scale agricultural use, utilizing the existing agricultural buildings and continuing the use of the land for livestock grazing.

Given the unique physical constraints of the property, the continued agricultural use of both tracts, and the lack of adverse impacts to surrounding lands, staff finds the variance request to be reasonable. Therefore, staff recommends approval of the variance based on the findings of the review criteria detailed in the summary section of this report.

SUMMARY

The Yellowstone County Consolidated Zoning Commission shall make the following determinations prior to granting a variance:

Section 27-1626(D)

1. That special conditions and circumstances exist which are peculiar to the land, the lot or something inherent in the land which causes the hardship, and which are not applicable to other lands in the same district;

The hardship identified by the applicant, Briarwood Boulevard bisecting the property, is a condition inherent to the land and is unique to the subject parcel and nearby properties along the roadway. The private road easement creates a special condition where strict application of the minimum lot size requirement would result in a hardship, particularly associated with the desired fencing for each side of the road.

As illustrated on the attached zoning map, all but one property along Briarwood Boulevard are similarly separated by Briarwood Boulevard, further demonstrating that the roadway configuration is a defining physical characteristic of the area. Staff finds that this condition supports the variance request, as the hardship is not self-created and arises from the physical layout of the land rather than the applicant's actions.

2. That a literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other tracts in the same district;

Denying this variance would deprive the applicant of rights commonly enjoyed by other properties within the Agricultural (A) District. As the applicant mentioned in their letter, splitting the parcels along Briarwood Boulevard would assist with fencing ease for animals. The applicant also states that if they extended the southern parcel to the north to meet the 10-acre minimum, they would have to demolish the existing barn/garage, and they do not wish to demolish the structure. The intent for both parcels is to remain in small-scale agricultural use, utilizing the existing agricultural buildings and continuing the use of the land for livestock grazing. Allowing a reduction to 8.1914 acres through this variance would allow the applicant rights commonly enjoyed by others in the surrounding area. In the surrounding area, staff is aware of other parcels that are also under 10 acres and zoned Agriculture along Briarwood Boulevard. There are two parcels that were platted in 1986 each parcel under 10 acres, 2111 Briarwood Boulevard (9.996 acres) and 2137 Briarwood Boulevard (9.99 acres). These parcels are still separated by the private road easement. In 2015, C.S. 3606 approved a 9.356 acre parcel on Briarwood Boulevard. This parcel is the only parcel not separated by the private road easement. Additionally, the Board of Adjustment has historically granted variances allowing for lot sizes less than 10 acres in Agriculture zoning. All of these instances are outlined in the attached 'History' document. The lot sizes have ranged as small as 1.8 acres. Therefore, denying this variance would deprive the applicant of rights commonly enjoyed by other tracts in the same district due to the established precedent.

3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other land in the same district;

Similar to 1 and 2 above, the zoning regulations mandate a minimum lot size of 10 acres and are designed to protect and preserve agricultural lands by promoting agricultural activities, limiting the scattered intrusion of incompatible uses, and addressing environmental concerns. The 10-acre minimum lot size supports these objectives by helping maintain the integrity of agricultural lands; however, minor variations in parcel size would not impede continued agricultural use. Both parcels are intended to remain in small-scale agricultural production, utilizing the existing agricultural buildings and continuing the use of the land for livestock grazing. Allowing a reduction to 8.1914 acres through this variance would not confer a special privilege on the applicant that is inconsistent with the standard requirements applied to other properties in the district. In the surrounding area, staff is aware of other parcels that are also under 10 acres and zoned Agriculture along Briarwood Boulevard. There are two parcels that were platted in 1986 each parcel under 10 acres, 2111 Briarwood Boulevard (9.996 acres) and 2137 Briarwood Boulevard (9.99 acres). These parcels are still separated by the road. In 2015, C.S. 3606 approved a 9.356 acre parcel on Briarwood Boulevard. This parcel is the only parcel not separated by the road. In recent years, the Board of Adjustment (now the Yellowstone County Consolidated Zoning Commission) has set a precedent for approving variances that set a new level of non-conformity, Variance 299 was approved in 2024 to allow a lot area of 2.37 acres, for Tract 1, C/S 2142 in Section 10, T1S, R25E, a 9.54-acre parcel of land and Variance 301 was approved in 2025 to allow a 1.8 acre parcel in a Agriculture (A) zone, on Parcels 4 & 5 of C/S 699, an 20-acre parcel of land. The purpose of the requested variance is to allow a family transfer and creation of two parcels separated by Briarwood Boulevard, a private road easement. This variance would allow a parcel that is close to the zoning regulation of a minimum

lot size of 10 acres in the Agricultural (A) district. The applicant intends to continue to use the land for agricultural uses.

4. That the granting of the variance will be in harmony with the general purpose and intent of this Chapter and with the Growth Policy;

Granting the requested variance would be consistent with both the intent of the zoning regulations and the goals outlined in the Growth Policy, supporting predictable and orderly land use decisions that align with the character of the surrounding area. The Agricultural (A) zoning district is specifically designed to protect and preserve agricultural lands, providing for a wide range of agricultural activities while minimizing the introduction of uses that are incompatible with an agricultural environment. Its objectives include encouraging continued agricultural production, maintaining the rural landscape, and safeguarding environmental resources.

The 10-acre minimum lot size within the district is intended to preserve the integrity of agricultural lands, ensuring that parcels remain large enough to support viable agricultural operations. However, minor deviations from this minimum lot size do not inherently prevent the land from being used for agricultural purposes. Both parcels under consideration will continue to be utilized for small-scale agricultural operations, with existing structures supporting these activities and land being actively used for livestock grazing.

The requested variance would allow these parcels to continue in their current agricultural use without compromising the district's primary goals. By permitting a slight adjustment in lot size due to an existing road easement, the variance would maintain the continuity of agricultural activities, protect environmental resources, and support the preservation of the rural character of the area. It would also promote practical land management, enabling property owners to make efficient use of existing agricultural buildings and land while remaining consistent with the broader vision for sustainable agricultural development in the county. Overall, the variance aligns with the purpose of the Agricultural (A) district and supports long-term agricultural viability and community character.

Per Section 27-1626 (E): The following also apply:

1. Whenever the Consolidated Yellowstone County Zoning Commission grants an application for a variance, the minutes shall specifically state the criteria upon which the variance is granted.

The minutes of the meeting will be completed and the criteria will be reflected within them.

2. In granting any variance, the Consolidated Yellowstone County Zoning Commission may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violation of such conditions and safeguards, when made a part of the terms upon which the variance is granted, shall be deemed a violation of this Zoning Code.

Staff is recommending the following conditions for the approval of this variance request.

1. The variance from Section 27-903.A, Table 27-900.1 of the zoning code, which requires a minimum lot area of 10 acres within the Agriculture (A) zoning district, to allow a reduced lot area of 8.1914 acres for one of two tracts being created. The request applies to an unplatted portion of land located in S25, T1S, R26E within a parcel containing approximately 20 acres. The variance is requested to facilitate a family transfer and to create two parcels that are currently separated by a private road easement. No other variance is intended or implied with this approval.
2. The variance is limited to S25, T01 S, R26 E, E2SW4SW4, generally described as 1835 Briarwood Boulevard.
3. The applicants will complete the filing of the exempt plat process within six months of Consolidated Yellowstone County Zoning Commission approval.
4. The applicant shall meet all other state and county code requirements with the exception of this variance.
5. Provided all conditions of approval are met, the approval shall run with the land described herein and shall apply to all current and subsequent owners, operators, managers, leaseholders, heirs, and assigns. Failure to meet these conditions will void this variance.

3. The Consolidated Yellowstone County Zoning Commission shall prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both.

The time for the prescribed action to be completed is listed as a condition of approval for the application.

4. Under no circumstances shall the Consolidated Yellowstone County Zoning Commission grant a variance to allow a use not permissible under the terms of this chapter in the district involved.

The variance is permissible under other terms of this chapter.

5. Approval of this variance will not allow a use that is restricted under the terms of this chapter.

The requested variance would allow these parcels to continue in their current agricultural use allowed in the district without compromising the district's primary goals. By permitting a slight adjustment in lot size due to an existing road easement, the variance would maintain the continuity of agricultural activities, protect environmental resources, and support the preservation of the rural character of the area.

FISCAL EFFECTS

Approval or denial of the proposed variance will not have an effect on the Planning Division budget.

STAKEHOLDERS

Planning staff posted the zoning request sign on the property and mailed the 150 foot radius notification list of the pending variance. In addition, the application details were published on the Planning "current zoning applications" webpage and a legal ad was published in the newspaper of record. Planning staff has received one written comment on the application as of the date of this report.

ALTERNATIVES

The Consolidated Yellowstone County Zoning Commission may:

- Approve the requested Variance 303 and the findings of fact for the criteria with conditions; (conditions may be modified or removed)
- Deny the requested Variance 303 and amend the findings of fact for the criteria;
- Allow the applicant to withdraw the variance request; or
- Delay action on the variance application to a future meeting.

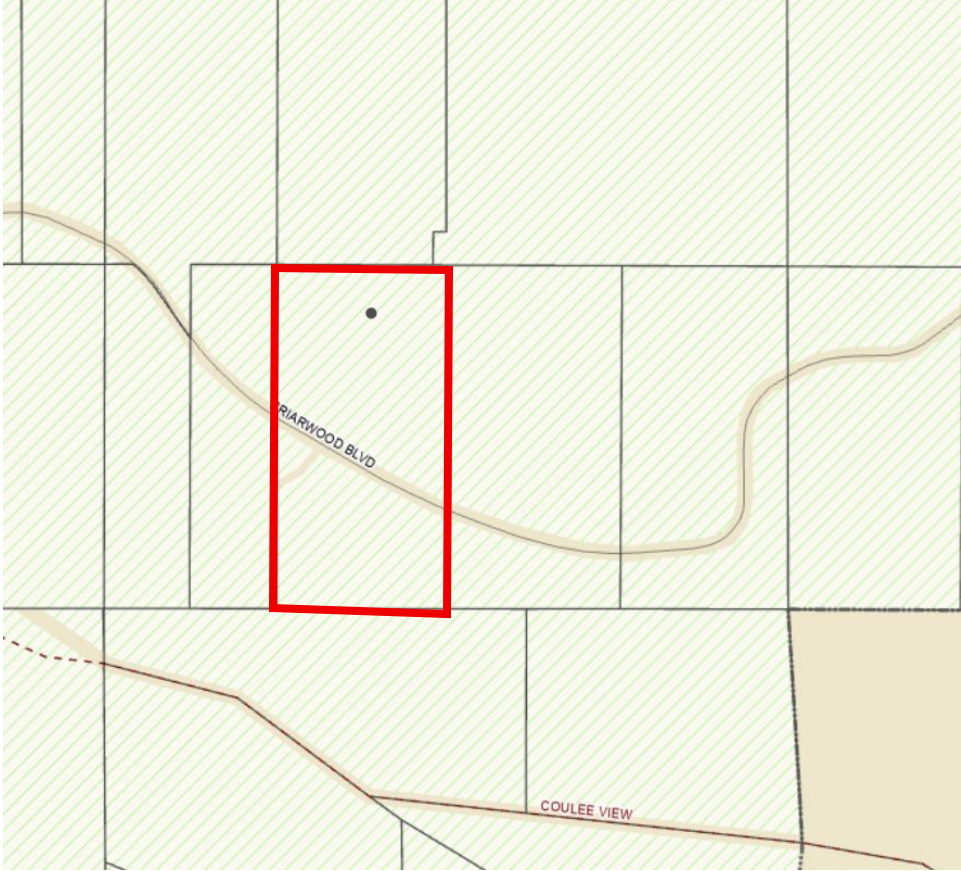
RECOMMENDATION

Planning Staff has reviewed this application and is forwarding a recommendation of conditional approval of Variance 303 based on the determinations for review within this report.

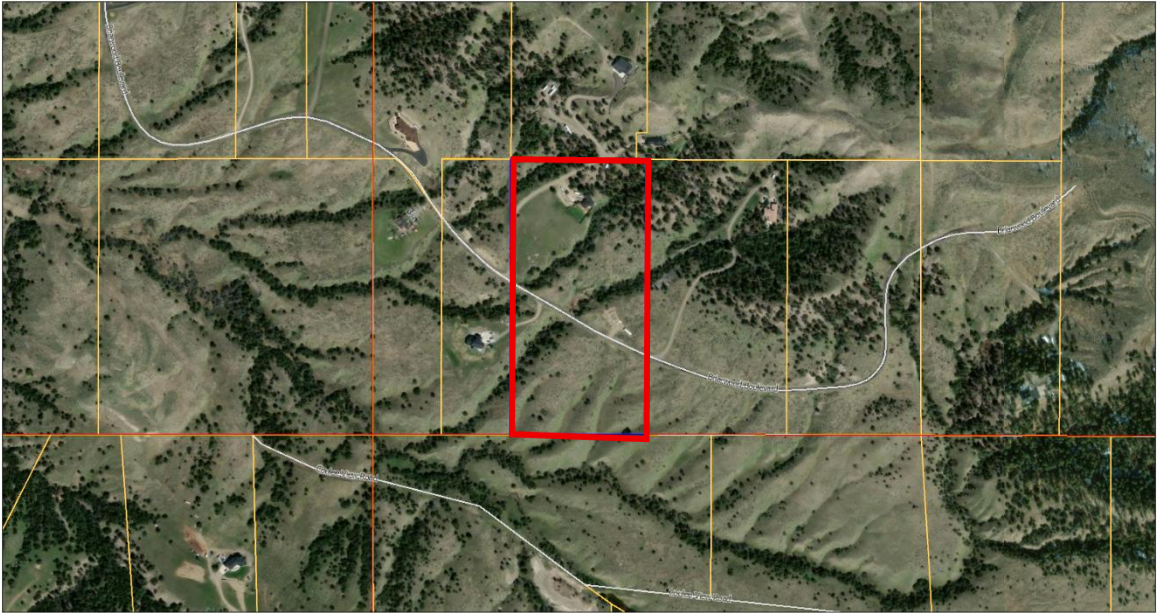
Attachments

Zoning Map & Site Photos
Application and Applicant Letter
Site Plan
History
Letter in opposition

Variance 303 Staff Report Attachments



ArcGIS Web Map



2/4/2026, 4:44:18 PM

1:6,042
0 0.05 0.1 0.2 mi
0 0.07 0.15 0.3 km

Varlor

Variance 303 Staff Report Attachments



Looking South



Looking East

Variance 303 Staff Report Attachments



Looking West



Looking North

COUNTY APPLICATION FORM

COUNTY VARIANCE County Variance # _____ - Project # _____

The undersigned as owner(s) of the following described property hereby request a Variance from the terms of the Yellowstone County Unified Zoning Regulations.

PARCEL TAX ID # D01979B COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: E1/2SW1/4SW1/4 Section 25, Township 01 South, Range 26 East.,

P.M.M., Yellowstone County, MT

Address or General Location (If unknown, contact County Public Works): 1835 Briarwood Blvd, Billings, MT 59101

Zoning Classification: Non- qualified Ag

Size of Parcel (Area & Dimensions): 20.0355 acres total: 11.8441 & 8.1914 for the 2 tracts in the submitted exempt COS

Variance(s) Requested (detail what you are asking for; ie; setbacks, building size/height, etc.):
Need variance for the 8.1914 acre tract since it is below the 10 acre threshold in for the non-qualified ag zoning for this area.

Facts of Hardship: (attach letter)

submitted in online application

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

Owner(s): Mark P. & Christine Boone
(Recorded Owner)

1835 Briarwood Blvd, Billings, MT 59101
(Address)

406-698-4639 vxranch@hotmail.com
(Phone Number) (email)

Agent(s): Randy Kehl
(Name)

1835 Briarwood Blvd, Billings, MT 59101
(Address)

406-698-4639 vxranch@hotmail.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 Variance. Also, I attest that all the information presented herein is factual and correct.

Signature: Mark P. Boone Date: 01/28/2026
(Recorded Owner – Digital signature allowed)

To: Consolidated Yellowstone County Zoning Commission

- A. The Boone family decided to submit a Family Transfer Certificate of Survey to the County so that they could split the property into 2 tracts of land and transfer one of those tracts to a spouse. In this case, the property is split completely into Northern and Southern parts due to Briarwood Blvd. running across the property from West to East. The logical split of this land for the Family Transfer C.O.S. is along said Briarwood Blvd., giving both sides having access to each parcel along the entire length of the road, which is important since the topography is not level but traversed by gullies. By placing the boundary line between the Northern Tract and the Southern Tract along Briarwood Blvd., the acreages for each Tract differ in size with the Northern Tract having 11.8441 acres (above the minimum 10 acre requirement) and the Southern Tract having 8.1914 acres (slightly below the minimum of 10 acres).

Since there is an existing barn/garage, which lies just to the North of Briarwood Blvd and sits at the East edge of the property as it exists now, the possible solution of a shape change becomes very challenging since the owners do not want to move or demolish the barn/garage. Also, to get the Southern Tract to 10 acres would require a very narrow (75 foot wide) strip of land running from Briarwood Blvd and parallel to the East line of the property all the way up to the Northern boundary line, which would not be reasonable for any normal land usage.

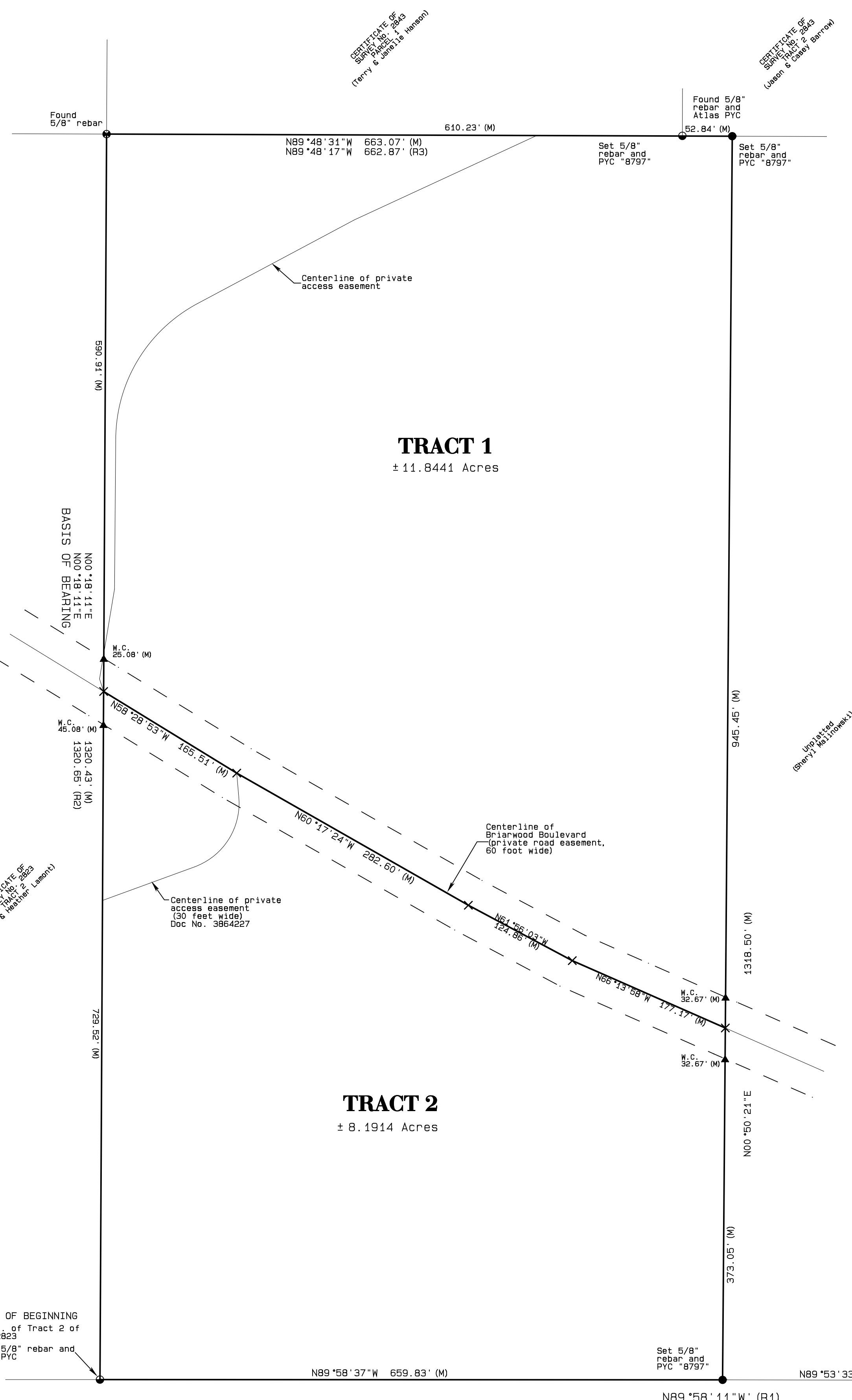
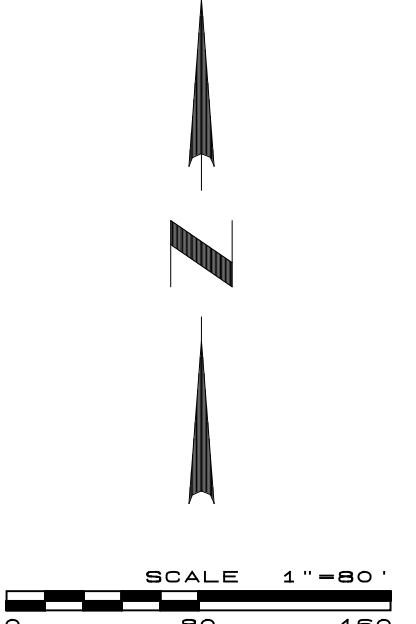
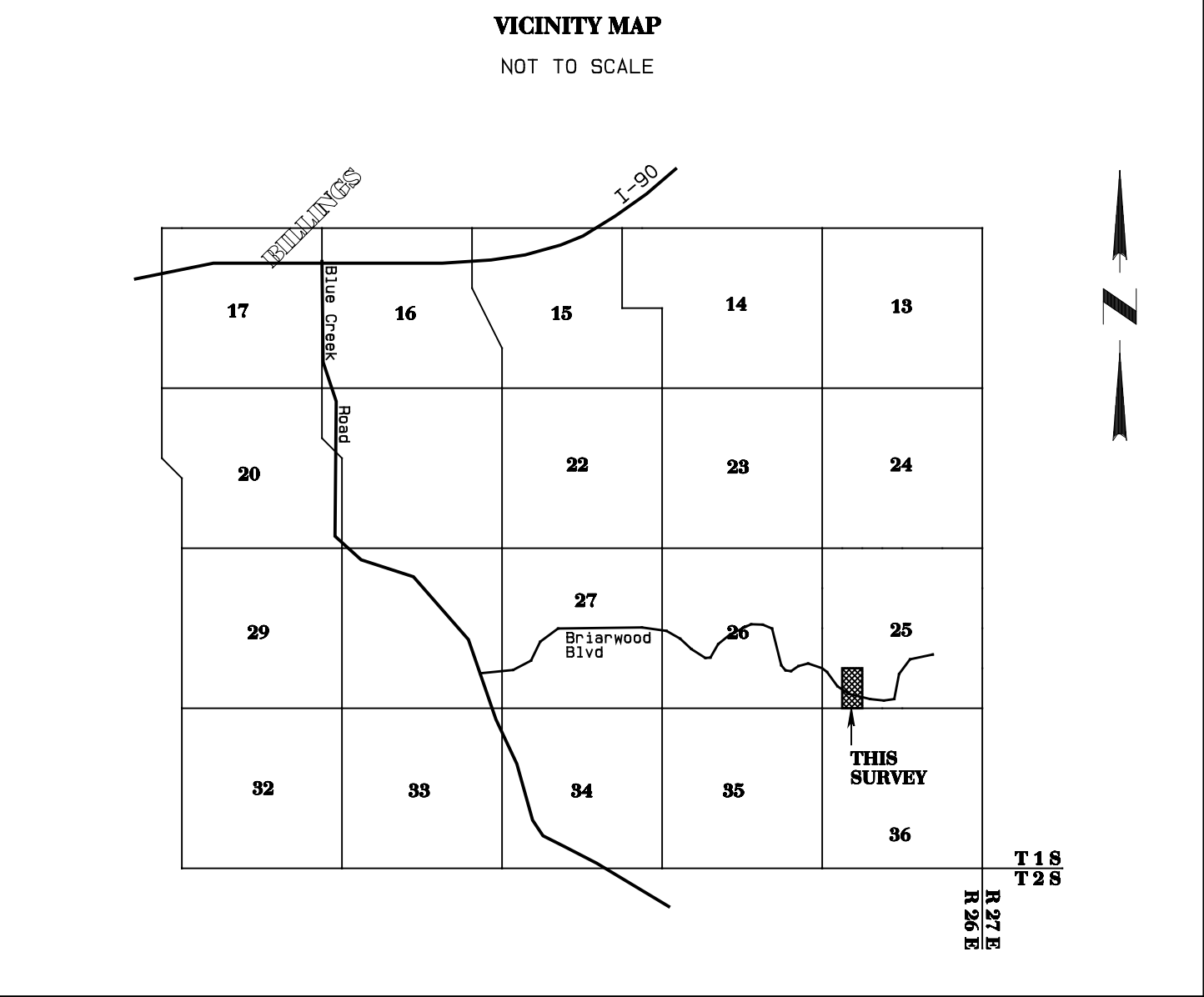
- B. The couple wants a separate piece of land for financial planning in case of a spouse passing or unforeseen reasons. They also may gift or sell to a child in the future. Finally, the land to the South of Briarwood Blvd is not very useful to the main house and the area to the North. Fencing for animals would become much more cumbersome if both sides of Briarwood Blvd was to be fenced.

- C. No structures will be destroyed or moved are intended for this property.

CERTIFICATE OF SURVEY No. _____

SITUATED IN SECTION 25, TOWNSHIP 1 SOUTH, RANGE 26 EAST, P.M.M., YELLOWSTONE COUNTY, MONTANA

DATE: JANUARY, 2025
 PREPARED FOR: MARK & CHRISTINE BOONE
 PREPARED BY: JOE KEHL & ASSOCIATES, INC.



LEGEND:

- = Found a 5/8" rebar (no cap)
- = Found a 5/8" rebar and 1.5" plastic yellow cap stamped "8865"
- = Set a 5/8" rebar and plastic yellow cap stamped "8797LS" - this survey
- ▲ = Witness Corner - set a 5/8" rebar and plastic yellow cap stamped "8797LS" - this survey
- × = Nothing found or set
- (M) = Measured bearing and distance - this survey
- (R) = Record bearing and distance - previous surveys as noted

PREVIOUS SURVEYS:

(R1) = Certificate of Survey No. 2257, Document No. 1310027
 (R2) = Certificate of Survey No. 2823, Document No. 1759785
 (R3) = Certificate of Survey No. 2843, Document No. 1780671

BASIS OF BEARING:

Geodetic determined by GPS observations using survey grade equipment on found monumentation along the East line of Tract 2, C.O.S. No. 2823.

All distances are given in ground distance.

CERTIFICATE OF EXEMPTION & LEGAL DESCRIPTION:

We, the undersigned property owner, do hereby certify that we caused to be surveyed and platted into tracts as shown by this plat hereto included, the following described tract of land, to wit: We further certify that the purpose of this survey is to create Tract 1 for transfer of ownership as a family gift on sale and that no prior family gift on sale has been conveyed to Mark P. Boone, husband, that this exemption complies with all conditions imposed on its use. Therefore this survey is exempt from review as a subdivision pursuant to Section 76-3-207(1)(b), MCA, and the Yellowstone County subdivision regulations. Divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family.

SANITARY APPROVALS - EXEMPTIONS:

TRACT 1:
 DEQ Permit No. _____
 Date: _____

TRACT 2:
 Tract 2 is exempt from review for the Department of Environmental Quality pursuant to ARM 17.36.605(2)(a). The reviewing authority may exclude the following parcels created by divisions of land from review under Title 76, Chapter 4, Part 1, MCA, unless the exclusion is used to evade the provisions of that part: "a parcel that has no facilities for water supply, wastewater disposal, storm drainage, or solid waste disposal, if no facilities will be constructed on the parcel".

LEGAL DESCRIPTION:
 Situated in the SW 1/4 of Section 25, Township 1 South, Range 26 East, P.M.M., Yellowstone County, Montana and being more particularly described as follows:
 The herein Point of Beginning being the SE corner of Tract 2 of Certificate of Survey No. 2823, marked by a 5/8" rebar and plastic yellow cap stamped "Atlas"; thence N00°18'11"E a distance of 1320.43 feet along the East line of said Tract 2 to the NE corner of said Tract 2 and the SW corner of Tract 1 of Certificate of Survey No. 2843, marked by a 5/8" rebar; thence S89°48'31"E a distance of 663.07 feet on and along the South line of said Tract 1 to a point, marked by a 5/8" rebar and plastic yellow cap stamped "8797LS"; thence S00°28'39"W a distance of 1318.50 feet to a point, marked by a 5/8" rebar and plastic yellow cap, stamped "8797LS"; thence N89°58'37"W a distance of 659.83 feet on and along the North line of Tract 2 of Certificate of Survey No. 2257 to the Point of Beginning.

Said tract containing 20.0355 acres, more or less, and all according to the attached Certificate of Survey and subject to all easements and/or rights-of-way of record, apparent on the ground or reserved per this survey.

The above described tracts of land is to be known and designated as TRACT 1 and TRACT 2, Certificate of Survey No. _____, Yellowstone County, Montana.

DATED THIS _____ day of _____, 20____

Christine Boone (Property Owner) Mark P. Boone (Property Owner)

STATE OF MONTANA)
 County of Yellowstone)

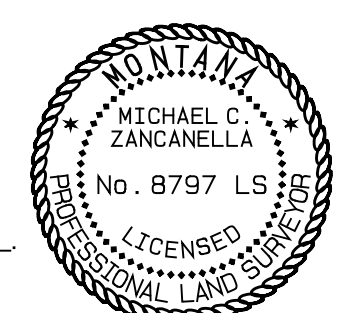
On this _____ day of _____, 20____, before me a Notary Public in and for the State of Montana, personally appeared Mark P. Boone and Christine Boone, owners, and known to me to be the persons who signed the foregoing instrument and who acknowledged to me they executed the same.

Witness my hand and seal the day and year herein above written.
 Sign: _____
 Print Name: _____
 Notary Public for the State of Montana
 Residing at: _____
 My Commission Expires: _____

CERTIFICATE OF SURVEYOR:

I, the undersigned Michael C. Zancanella, Registered Land Surveyor, Montana Registration No. 8797LS, do hereby certify that during the month of August, 2025 a field survey was conducted under my direct supervision of a tract of land situated in the SW 1/4 of Section 25, Township 1 South, Range 26 East, P.M.M., Yellowstone County, Montana, said description of boundaries and dimensions and the monuments found and or set are of the character and occupy the positions shown hereon.

Michael C. Zancanella
 Dated _____ day of _____, 20____
 Montana Registration No. _____



CERTIFICATE OF COUNTY TREASURER:

I hereby certify, pursuant to Section 76-3-611(i)(b), MCA, that the accompanying plat has been duly examined and that all real property taxes and special assessments assessed and levied on the land described on this Certificate of Survey Plat and encompassed by the proposed division have been paid.

DATED THIS _____ day of _____, 20____
 Deputy Treasurer of Yellowstone County

CERTIFICATE OF COUNTY ATTORNEY:

This document has been reviewed by the County Attorney's office and is acceptable as to form.

DATED THIS _____ day of _____, 20____
 Reviewed by: _____

CERTIFICATE OF CITY/COUNTY HEALTH DEPARTMENT:

This Plat has been reviewed and approved by Riverstone Health.

DATED THIS _____ day of _____, 20____
 Health Officer or Authorized Representative
 Yellowstone City/County Health Department
 dba Riverstone Health

SUBJECT PROPERTY	Variance	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
1835 Briarwood Blvd	None				
APPLICABLE HISTORY	Variance	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
Broadwater Ave (West of Zimmerman Tr)	256	2/14/2008	Smaller than 10 acre parcel created in A zone	Y	Was land purchased by the city for a right of way for the Arnold Drain.
Long Subdivision Lot 5 Block 1	261	3/15/2011	Smaller than 10 acre parcel created in A zone	Y	Allowed to split existing county junk vehicle yard from 65 acres being sold to the City
3605 Grand Ave	264	8/9/2012	Smaller than 10 acre parcel created in A zone	Y	Divided 20 acre parcel into 7 acres used for ag and 13 acres which was an existing cemetery
1810 and 1824 Lendhardt Ln	273	4/2/2015	Smaller than 10 acre parcel created in A zone	Y	Split lot into two parcels one being 8.365 acres and the other 3.290 acres. Lots previously had odd layouts and shapes.
1412 Sagebrush Rd	278	12/3/2015	Smaller than 10 acre parcel created in A zone	Y	Approved in order to allow easier access to subdivision to the west
North of Central Ave at about 44 th	283	10/6/2016	Smaller than 10 acre parcel created in A zone	Y	Court ordered.
335 S 48 th St W	299	9/12/2024	Smaller than 10 acre parcel created in A zone	Y	A boundary relocation between two parcels creating a 2.37 acre parcel.
547 S 56 th St W	301	01/09/2025	Smaller than 10 Acre parcel created in A zone	Y	A boundary relocation between two parcels creating a 1.8 acre parcel.

Lot Size Variances Approvals in Agriculture Zone

Husman, Karen

From: Berns Brenda
Sent: Monday, February 23, 2026 10:26 AM
To: Husman, Karen
Subject: FW: [EXTERNAL] Variance #303/Project Number PZ-26-00022

Follow Up Flag: Flag for follow up
Flag Status: Flagged

FYI only – I’m sure you’re aware already.



Brenda Berns
Planning Clerk
bernsb@billingsmt.gov

MAIL TO:
PO Box 1178, Billings MT 59103

billingsmt.gov

PHYSICAL ADDRESS:
316 N 26th St, 5th Floor
Billings, MT 59101

P 406.247.8610

Notice: The City is rolling out new Community Development Software on March 2. This will impact applications and permits submitted to Building, Planning, Engineering, Code Enforcement, and Business Licenses. Please email permits@billingsmt.gov or visit our website with any questions.

From: Bill Honaker <bill@honaker.us>
Sent: Saturday, February 21, 2026 4:00 PM
To: Paul, Makayla <paulm@billingsmt.gov>; Berns Brenda <bernsb@billingsmt.gov>
Subject: [EXTERNAL] Variance #303/Project Number PZ-26-00022

i **This message needs your attention**

- This is their first mail to some recipients.

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To all-

I am writing to formally oppose the request for Variance #303/Project Number PZ-26-00022, submitted by Mark and Tina Boone. As you are aware, the Petitioners are requesting that they be allowed to

subdivide their 20 acre parcel into (2) individual parcels, one of which is under the required 10-acre minimum.

To my knowledge, we have had two splits of parcels since the beginning, both of which honored the 10 acre minimum rule in the covenants. We have had no problems, because the neighbors have always considered the neighborhood as a whole first. And we have welcomed some great folks into our subdivision as a result. So I have two main issues- 1.) an 8-acre parcel is worth less than a 10-acre piece and I worry about the effects it has on other parcels' values, and 2.) I also worry about the precedence it creates for us to have to do it again in the future. In my 18 years in this subdivision, folks have been attracted to the neighborhood based on the privacy it affords and I believe that was the reasoning in making the tracts 20 acres, as well as sub-dividable into 10 acre parcels without special arrangements. I just don't believe that a request for variance should necessarily be based on what's easier for the Petitioner, but rather what's best for the neighborhood. The Petitioner is still able to subdivide their property into (2) 10-acre parcels without a variance and I hope they would do so in a manner that is best for the neighborhood, even if it isn't necessarily required.

Consequently, I am respectfully hoping the variance is denied. Thank you!

Bill Honaker
Honaker Real Estate Group
P.O. Box 2094
Billings, MT 59103
(c) 406.861.3201
bill@honaker.us