



CONSOLIDATED YELLOWSTONE COUNTY ZONING COMMISSION

AGENDA

Thursday, April 9, 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 or Email: plnonline@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). Special arrangements for participation in 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 406-657-8247.

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:

The minutes of the Board meeting of March 12, 2026

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 open the Public Hearing
 - Staff Presentation
 - Questions from the Board to Staff
 - Agent/Owner Presentation
 - Questions from Board to Agent/Owner
 - Public Testimony in Favor of Application
 - Name (required) and Address (optional) for the Record
 - Limited to 3 minutes per person
 - Public Testimony in Opposition of Application
 - Name (required) and Address (optional) for the Record
 - Limited to 3 minutes per person
 - Agent/Owner to Provide Rebuttal After All Public Comment
 - Board Discussion and Votes on the Motion

Public Hearings:

- Reading of notices of the public hearings on the following items:
 - a. **County Zone Change 735 -- 1232 Johnson Ln -- From A to I2** - A zone change request from Agriculture (A) to Heavy Industrial (I2), on Tracts 1 and 2, of Corrected COS 1069, S18 and S19, T01 N, R27 E, , a Fraction of Government Lots 3 and 4, North of the ROW in S19, T01 N, R27 E, on four parcels of land totaling approximately 229 acres. A pre-application neighborhood meeting was held on February 23, 2026, and 5:00 pm, at 607 Par Montana Rd. Tax ID: D06431, D06428, D06427.
 - b. **County Zone Change 736 --5415 Rustic Ave. - RR3 to RR1** - A zone change request from Rural Residential 3 (RR3) to Rural Residential 1 (RR1), on an unplatted parcel of land in S21, T01 S, R25 generally located east of S 56th St. W. and north of Rustic Ave., a parcel of land approximately 10.05 acres. A pre-application neighborhood meeting was held on February 23, 2026, at 5:00 pm, at the subject property. The purpose of the request is to allow creation of a 1 acre parcel for a family transfer. Tax ID: D00774

Other Business/Announcements

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 April 28, 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**. The Commission is the final decision-making authority on variance requests.

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

Meeting Date: 04/09/2026

SUBJECT:

PRESENTED BY: Brenda Berns

REQUEST

The minutes of the Board meeting of March 12, 2026

RECOMMENDATION

APPLICATION DATA

OWNER:

AGENT:

LEGAL DESCRIPTION:

ADDRESS:

CURRENT ZONING:

EXISTING LAND USE:

PROPOSED USE:

SIZE OF PARCEL:

CONCURRENT APPLICATIONS

APPLICABLE ZONING HISTORY

SURROUNDING LAND USE & ZONING

NORTH:

Zoning:
Land Use:

SOUTH:

Zoning:
Land Use:

EAST:

Zoning:
Land Use:

WEST:

Zoning:
Land Use:

BACKGROUND

RECOMMENDATION

Staff recommends

Attachments

Minutes of March 12, 2026

Consolidated Yellowstone County Zoning Commission
Thursday, March 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	1								
Pam Ellis	Vice Chair	1	1	1	1								
Carlotta Hecker	Commissioner	V	1	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; Makayla Paul, Planner; Brenda Berns, Planning Clerk

Others in Attendance

Mark & Tina Boone 1835 Briarwood Blvd, Billings

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 Prior Meeting Minutes

The Board expressed concern regarding approval of prior meeting minutes for meetings at which members were not present. Commissioner Hecker requested that Anna Vickers, Planning Division Manager, provide written confirmation from Mark English with the County Attorney’s Office, stating that board members who were not present at prior meetings may still vote on the meeting minutes. Ms. Vickers informed the board members that she had multiple communications with County Attorney, Mark English. He had confirmed that

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



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

the board members could approve previous meeting minutes even though they were not present at those meetings. Members were advised prior to the meeting that they may review the recordings of the meetings and the minutes prior to voting, as encouraged. Alternatively, if board members were still uncomfortable, they may abstain from voting. Commissioner Hecker affirmed her request to have this in writing, at which point she would agree to vote.

Motions

A motion was made by Commissioner Bush to approve the February 12, 2026, and September 8, 2025 meeting minutes as submitted, second by Commissioner Ellis.

Motion carried unanimously, 3–0

A motion was made by Commissioner Bush to approve July 14, 2025, and January 9, 2025 meeting minutes as submitted, second by Commissioner Hecker. Commissioner Ellis abstained from voting.

Motion carried 2–0, with 1 abstention

Disclosure of Conflict of Interest. There were no disclosures.

Disclosure of Ex Parte Communication. There were no disclosures.

Chairman Bush opened the Public Hearing.

New Business

a. County Variance 303 - 1835 Briarwood Blvd - Lot Area 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 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, Briarwood Boulevard.
Tax ID: D01979B.

Consolidated Yellowstone County Zoning Commission
Thursday, March 12, 2026



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

Karen Husman, Zoning Coordinator, read the legal description of the variance. This is a variance request to allow a reduced lot size from 10 acres to 8.194 acres to facilitate a family transfer and create two parcels that are currently separated by a private road easement.

Makayla Paul, Planner 1, completed a brief presentation of the variance that included the proposed exempt plat, staff's recommendation, and the review criteria.

Recommendation

Planning staff recommends conditional approval of Variance 303 and adoption of the findings of the review criteria.

Planning staff are recommending conditional approval based on draft findings of the review criteria for variances:

- **There is a hardship with the property that is not applicable to other lands in the same district.**
Briarwood Boulevard bisects the parcel into two tracts is unique to the applicant and the surrounding properties and is an unnecessary hardship.
- **Denying this variance might deprive this owner of similar rights enjoyed by others in the district.**
Splitting the parcels along Briarwood Boulevard create a simpler path for livestock fencing and allow the applicant to continue using the land for grazing. The applicant would also like maintain the existing structure to the north of Briarwood Boulevard.
- **Granting the variance will not confer a special privilege to this applicant.**
There are three other parcels along Briarwood Boulevard that are under the 10-acre minimum.
- **Granting the variance will be in harmony with the purposes of zoning and growth policy.**
The proposed variance would not compromise the objectives of agriculture uses as the land would continue to be used for agriculture.

Proposed Conditions

Planning staff recommends the following conditions:

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.

Consolidated Yellowstone County Zoning Commission
Thursday, March 12, 2026



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

Review Criteria

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

Questions

Board members asked for clarification regarding other parcels that were under the 10-acre minimum along Briarwood Boulevard and whether they were reflected on the map. Staff confirmed that two parcels to the north were included and were split in 1986 into lots under 10 acres (approximately 9.996 and 9.99 acres). An additional parcel was split in 2015, resulting in a lot of approximately 9.256 acres. Further clarification was provided that these divisions were created through certificates of survey and do not constitute a formal subdivision.

Owner/Applicant

Tina Boone 1835 Briarwood Blvd. – Ms. Boone stated that she and her husband moved to the property as their long-term residence, understanding there were existing foundation issues related to bentonite soils. She explained they had no initial plans to subdivide; however, they are now considering future financial flexibility, including the potential to subdivide and build a home for family members. She noted they understand the land division process can be lengthy and have taken a cautious approach, including hiring a surveyor for guidance and becoming familiar with the 10-acre requirement. Ms. Boone stated they evaluated options, including creating two approximately 10-acre parcels, potentially incorporating the existing shop. She added that they made efforts to consider neighboring properties and believe their proposal would be minimally disruptive. She acknowledged receiving some verbal support from neighbors, while others have expressed concerns.

Consolidated Yellowstone County Zoning Commission
Thursday, March 12, 2026



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

Questions for Owner/Applicant

Board members asked questions regarding the placement of existing structures and the proposed land division. The applicant confirmed the shop was constructed on the property and noted that the location was selected based on soil conditions and site suitability, following the builder's recommendation. The applicant stated they were not initially aware of the 10-acre requirement. It was confirmed the property exceeds 20 acres, and the proposed division is influenced by the existing road and the location of neighboring homes, with the road serving as a natural boundary. The applicant also clarified that cattle are not permitted on the property, though horses are allowed.

There were no members of the public to speak in favor or opposition to Variance 303

Discussion

Board discussion reflected differing viewpoints on the request. One member expressed support for denial, stating the request did not meet required criteria, including minimum lot size, and could grant a special privilege while not being in harmony with surrounding regulations. It was noted that the property contains sufficient acreage to accommodate a residence without the need for a variance. Another member indicated no opposition and expressed support for the request, noting the availability of acreage and the proposal to accommodate family members. A third member expressed concerns similar to those supporting denial, stating the property could be divided in a manner that meets the 10-acre requirement and that approving a smaller parcel could set an undesirable precedent.

Chairman Bush closed the Public Hearing for Variance 303

Motion

A motion was made by Commissioner Ellis to deny Variance 303 based on the following findings:

- The criterion #1 – There is not a hardship with the land as described and this criteria is not met because the evidence presented indicates the special conditions and circumstances are not peculiar to the land.
- The criterion #3 - Granting the variance will confer a special privilege to the applicant because other property owners are not afforded the same privilege.
- The criterion #4 – The variance is not in harmony with the intent of the zoning code, as there are no other properties in the district that have deviated from the zoning code lot requirements.

Second by Commissioner Bush.

Vote: 2:1 – Variance 303 Denied

Consolidated Yellowstone County Zoning Commission
Thursday, March 12, 2026



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

Other Business

- a. Board Discussion. Update to the Agenda – Board Member Ellis

The Board requested that the staff memo be attached to the agenda for both Board members and the public. The Board also discussed including the public hearing procedures on the agenda as line items to better clarify the process for the public. The agenda will be amended as follows:

7.B. Reading of rules for the procedure by which the public hearings will be conducted.

- *The Chair will open the Public Hearing*
- *Staff Presentation*
- *Questions from the Board to Staff*
- *Agent/Owner Presentation*
- *Questions from Board to Agent/Owner*
- *Public Testimony in Favor of Application*
 - *Name (required) and Address (optional) for the Record*
 - *Limited to 3 minutes per person*
- *Public Testimony in Opposition of Application*
 - *Name (required) and Address (optional) for the Record*
 - *Limited to 3 minutes per person*
- *Agent/Owner to Provide Rebuttal After All Public Comment*
- *Board Discussion and Votes on the Motion*

Motion

Motion by Commissioner Ellis to modify future agendas to clearly reflect the sequence of proceedings and to include the staff memorandum, or at minimum the applicable criteria from the staff memorandum, attached to the written agenda, made available at the meeting. Second by Commissioner Bush.

Motion carried unanimously.

Other Business/Announcements

Ms. Husman advised the board that there will be two Zone Changes to come before them April 9th

Adjourned 4:49PM

Brenda Berns, Planning Clerk

Consolidated Yellowstone County Zoning Commission

a.

Meeting Date: 04/09/2026

SUBJECT: County Zone Change 735 - 1232 Johnson Ln - from A to I2

THROUGH: Ben Jackson, Planner 1

PRESENTED BY: Ben Jackson, Planner 1

REQUEST

County Zone Change 735 -- 1232 Johnson Ln -- From A to I2 - A zone change request from Agriculture (A) to Heavy Industrial (I2), on Tracts 1 and 2, of Corrected COS 1069, S18 and S19, T01 N, R27 E, , a Fraction of Government Lots 3 and 4, North of the ROW in S19, T01 N, R27 E, on four parcels of land totaling approximately 229 acres. A pre-application neighborhood meeting was held on February 23, 2026, and 5:00 pm, at 607 Par Montana Rd. Tax ID: D06431, D06428, D06427.

RECOMMENDATION

Planning staff is recommending approval of the zone change request and adoption of the findings of the 11 review criteria.

APPLICATION DATA

OWNER: Par Montana LLC

AGENT: Michael Braulick

LEGAL DESCRIPTION: S19, T01 N, R27 E, C.O.S. 1069, Parcel 2, CORR; S18, T01 N, R27 E, C.O.S. 1069, Parcel 1, CORR; S19, T01 N, R27 E, FRAC LTS 3 & 4 & NESW4 N of RY

ADDRESS: 1232 Johnson Ln, Billings, MT 59101

CURRENT ZONING: Agricultural (A)

EXISTING LAND USE: Agricultural field, grassland

PROPOSED USE: Rail yard and construction borrow site

SIZE OF PARCEL: 48.9 acres, 116.0 acres, and 64.8 acres, for a total of 229.7 acres

STAKEHOLDERS

The applicant held a pre-application neighborhood meeting on February 23, 2026, at 607 Par Montana Rd. Seven members of the public attended the neighborhood meeting, including neighbors Mark Mauritzson, Dianna Ferguson, representing Absarokee Investment LLC, and Travis Yuzik and Melissa Townsend, representing Atomic Industries, as well as Rob Ferguson and Sam Buchanan.

Planning staff provided public notice of the application in accordance with zoning regulations, including notification of surrounding property owners, publication of a legal advertisement, and posting of the subject property. As of the date of this report, no written correspondence has been received from surrounding property owners regarding the proposed zone change.

ALTERNATIVES

The Consolidated Yellowstone County Zoning Commission may:

- Recommend approval and adoption of the findings of the eleven review criteria for Zone Change 735; or,
- Recommend denial and adopt different findings of the eleven review criteria for Zone Change 735; or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the zone change request.

The applicant has not requested the Commission consider withdrawal of the application as of the writing of this report.

FISCAL EFFECTS

Approval or denial of the proposed zone change will have no financial impact on the Planning Division budget.

CONCURRENT APPLICATIONS

None.

APPLICABLE ZONING HISTORY

See attached chart.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: Agricultural (A)
Land Use: Agricultural and residential

SOUTH: Zoning: Light Industrial (I1)
 Land Use: Rail Yard
EAST: Zoning: Heavy Industrial (I2)
 Land Use: Asphalt Plant, Miscellaneous Industrial
WEST: Zoning: Heavy Industrial (I2)
 Land Use: Oil Refinery

BACKGROUND

The request before the Commission is a zone change from Agriculture, 10+ acre minimum, (A) to Heavy Industrial (I2). The purpose of this zone change is to allow development of the site into a new rail yard facility for the neighboring Par Montana Oil Refinery. The intended design includes storage capacity for approximately 600 rail cars and feedstock unloading facilities, whilst allowing for continued use of the existing BNSF rail connection through the East Billings Yard.

The surrounding area is characterized by industrial uses, and a single agricultural property directly to the north of the subject property. Surrounding industrial uses include the Par Montana Oil Refinery, a rail yard, an asphalt plant, and miscellaneous other industrial uses. Multiple of the surrounding parcels have been rezoned from previous designation of Agriculture (A) zoning to their current industrial zoning.

The existing Agriculture (A) zoning would not allow for the construction of the proposed rail yard, necessitating this zone change application. The Heavy Industrial (I2) zone district is intended to accommodate intensive industrial activities, such as the storage of chemical products and raw materials, as is proposed. Rezoning the subject properties to Heavy Industrial (I2) would provide an appropriate regulatory framework to allow the proposed development to occur in a manner that is consistent with county zoning standards, whilst also ensuring that future development is subject to site-specific review and applicable development regulations.

The proposed use is compatible with the surrounding zoning and land uses as it is located in an already established industrial area, and would align with the existing character and function of the surrounding area. The property to the west is similarly zoned Heavy Industrial (I2) and is currently used as part of the Par Montana Oil Refinery. This represents a more intensive use than what is proposed with the subject property, as an oil refinery is a Special Review Use under the Yellowstone County Zoning Code. Heavy Industrial (I2) zoning is necessary over the more restrictive Light Industrial (I1) zoning as I1 zoning would not permit the outdoor storage of refinery products as is currently proposed.

Overall, the proposed Heavy Industrial (I2) zoning is consistent with the existing zoning pattern and industrial character of the surrounding area. The rezoning would allow for the improvement of Par Montana's rail logistics and storage flexibility whilst maintaining compatibility with surrounding land uses.

SUMMARY

Prior to making a recommendation to the Board of County Commissioners, the Consolidated Yellowstone County Zoning Commission shall consider the findings of the 11 review criteria:

1. Whether the new zoning designed in accordance with the Growth Policy

- *Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans.*
- *Coordinated economic development efforts that target business recruitment, retention, and expansion.*

The requested Heavy Industrial zoning is consistent with the objectives of the Lockwood Growth Policy, which promotes orderly development and directs industrial uses to appropriate areas with compatible surrounding land uses and supporting infrastructure. The Lockwood Growth Policy also designates the property as an Industrial use. The subject property is located within an established industrial area, making the proposed zoning consistent with long-term planning goals. The purpose of the zone change is to facilitate development of the site as a new rail yard facility serving the neighboring Par Montana Oil Refinery. The proposed design includes storage capacity for approximately 600 rail cars and feedstock unloading facilities, while allowing for continued use of the existing BNSF rail connection through the East Billings Yard.

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

The proposed zone change prioritizes public safety by reducing risks associated with fire and other hazards through the application of appropriate land use controls, setbacks, and development standards, particularly in proximity to rail corridors. These measures are intended to protect adjacent properties and the surrounding community while supporting long-term transportation efficiency and economic development. The existing Agriculture (A) zoning district does not allow for construction of the proposed rail yard, necessitating this zone change request. The Heavy Industrial (I2) zoning district is specifically intended to accommodate intensive industrial activities, including the storage of chemical products and raw

materials, as proposed. Rezoning the subject property to I2 would establish an appropriate regulatory framework to allow the development to proceed in a manner consistent with county zoning standards, while ensuring that future development remains subject to site-specific review and applicable regulations. The proposed rezoning would enhance Par Montana's rail logistics and storage flexibility while maintaining compatibility with surrounding land uses.

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

Transportation: The property is accessed via existing public roadways, and no additional transportation infrastructure is required.

Water and Sewer: If the rezoning is approved, water and sewer accommodations will be reviewed when development begins. Department of Environmental Quality (DEQ) will review any new well and/or septic systems proposed.

Schools and Parks: As no new residential construction is proposed, the request is not anticipated to impact local schools or parks. The surrounding area is predominantly characterized by industrial development, with a single agricultural property located directly north of the subject site.

Fire and Police: ExxonMobil Fire District is directly responsible for service to the location, and fire protection services will continue to be provided accordingly. Law enforcement services are provided by the Yellowstone County Sheriff's Office. The proposed zone change will not require any additional public safety infrastructure. The proposed zone change will establish appropriate land use standards, buffering requirements, and operational controls. These measures are intended to reduce potential impacts related to fire, hazardous materials, noise, and other industrial activities, while ensuring compatibility between the proposed facility and surrounding uses.

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

The property is located in an area served by infrastructure appropriate for industrial development, including road access, utilities, and emergency services. The zone change is not anticipated to create an undue burden on public facilities. The proposed zone change area is surrounded by heavy industrial areas, so there will not be impacts on schools, parks and other public requirements.

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

The development within the proposed zone change will provide adequate light and air by establishing appropriate yard setbacks, height controls, spacing, and site-design standards. These requirements help maintain safe working conditions, reduce impacts on adjacent properties, and ensure compatibility with surrounding land uses. Par will work with the proper governing authority to ensure all the proper permits are obtained.

6. Whether the new zoning will affect motorized and non-motorized transportation.

The property is located in an area designed to accommodate industrial traffic. The current planned development under Heavy Industrial (I2) zoning will utilize existing transportation infrastructure and will be subject to Yellowstone County Public Works access standards. Due to the industrial use of the property non-motorized transportation should not be affected by the use.

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

The surrounding area is predominantly characterized by industrial uses, with a single agricultural property located directly north of the subject property. Nearby industrial uses include the Par Montana Oil Refinery, an existing rail yard, an asphalt plant, and other miscellaneous industrial operations. Several surrounding parcels have been rezoned from previous Agriculture (A) designations to their current industrial zoning, reflecting an established pattern of industrial development in the area. The existing Agriculture (A) zoning district does not allow for construction of the proposed rail yard, necessitating this zone change request. The Heavy Industrial (I2) zoning district is intended to accommodate intensive industrial activities, including the storage of chemical products and raw materials, as proposed. Rezoning the subject property to Heavy Industrial (I2) would establish an appropriate regulatory framework to allow the development to proceed in a manner consistent with county zoning standards, while ensuring that future development remains subject to site-specific review and applicable development regulations. As established within the Lockwood Growth Policy the property is within the appropriate area for industrial growth.

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

The proposed zoning recognizes the site's existing rail infrastructure, location, and operational context, and ensures that any expansion remains compatible with surrounding land uses while reinforcing the intended industrial and transportation function of the district. Overall, the proposed Heavy Industrial (I2) zoning is consistent with the established zoning pattern and industrial character of the surrounding area. The rezoning would allow for improvements to Par Montana's rail logistics and storage flexibility while maintaining compatibility with adjacent land uses.

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

The proposed zoning designation itself is not anticipated to have a direct impact on the value of buildings or land. However, the zone change is expected to support the conservation and potential enhancement of property values over time by

promoting consistency in zoning across the industrial district. Establishing a cohesive zoning pattern reduces the likelihood of incompatible land uses and helps ensure that development occurs in a predictable and orderly manner. By aligning the subject property's zoning with that of surrounding industrial properties, the proposed change reinforces the established development pattern and provides greater certainty for property owners, investors, and future development. This consistency can contribute to long-term market stability, support continued industrial investment in the area, and help maintain the overall integrity and functionality of the district.

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

The proposed Heavy Industrial (I2) zoning is fully compatible with surrounding properties, which are already zoned Heavy Industrial. The parcel currently has Heavy Industrial zoning on both the east and west sides. The change provides for consistent use of the land that is appropriate for the area.

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

The character of the surrounding district is predominantly heavy industrial uses, as evidenced by the concentration of existing industrial operations and infrastructure in the area. The subject property is well suited for Heavy Industrial (I2) zoning given its location within this established industrial setting, where similar uses are already present and supported. Rezoning the property to Heavy Industrial (I2) will reinforce the existing land use pattern, minimize the potential for land use conflicts, and ensure that future development is consistent with the established character and function of the area.

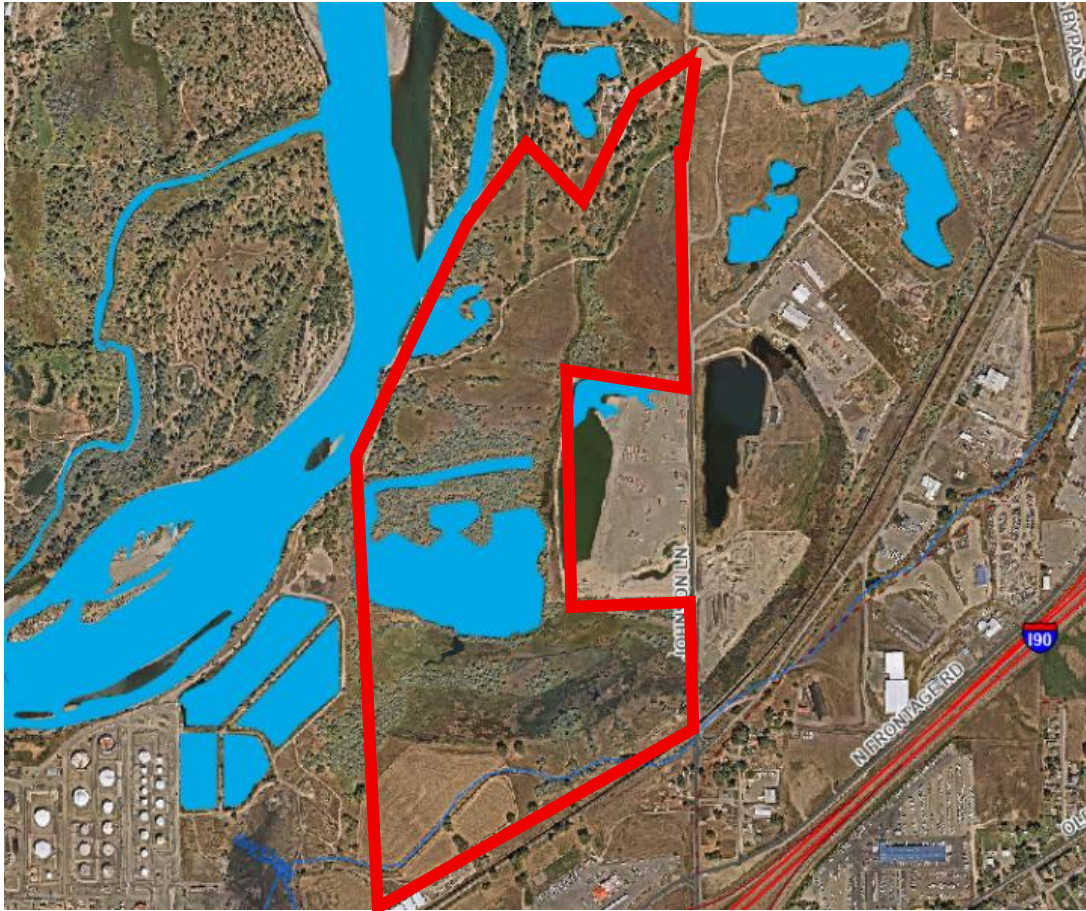
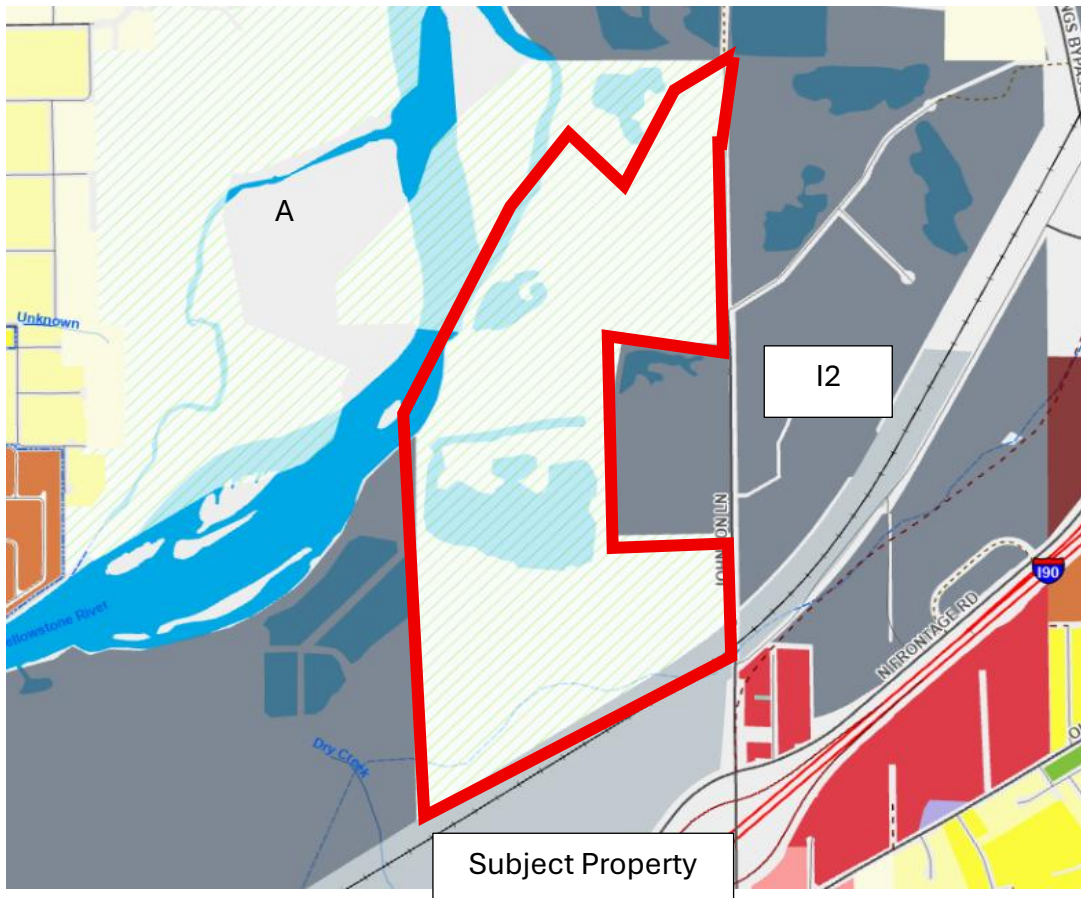
RECOMMENDATION

Staff recommends approval and adoption of the findings of the 11 review criteria for Zone Change 735

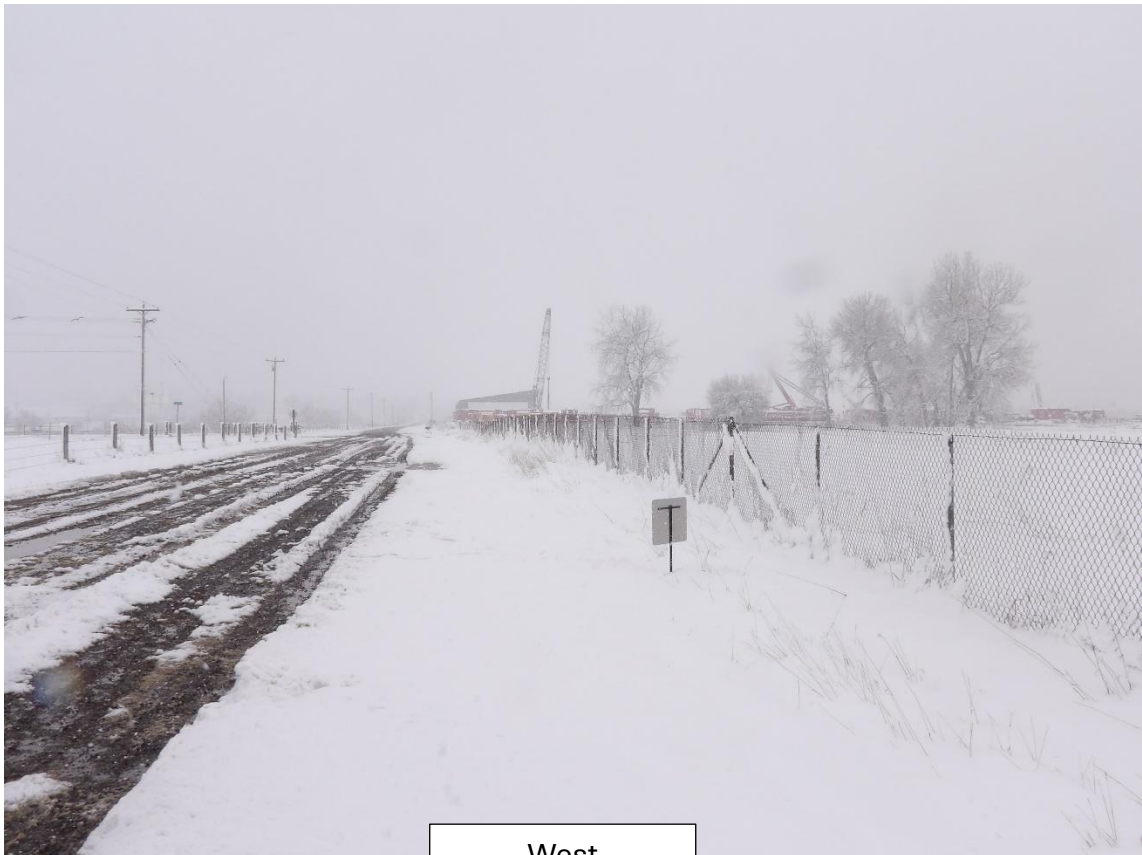
Attachments

Zoning Map & Site Photos
Application & Applicant Letter
Zoning History
Neighborhood Meeting Info.
Site Map

Attachments for Zone Change 735



Attachments for Zone Change 735



West

Attachments for Zone Change 735



East

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: _____

Proposed Zoning: _____

Property Tax ID # _____ COUNTY COMMISSIONER DISTRICT # _____

Legal Description of Property: _____

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

Size of Parcel (Area & Dimensions): _____

Present Land-Use: _____

Proposed Land-Use: _____

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

Owner(s) _____
(Record Owner)

(Address)

(Phone Number) (email)

Agent(s): _____
(Name)

(Address)

(Phone Number) (Email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature: _____ Date: _____
(Record Owner – Digital Signature Allowed)

Par Montana Rezoning Statement of Compliance with Growth Policy, Development Policies, and Statutory Criteria

Zone Change Request: Agricultural (AG) to Heavy Industrial (HI) Yellowstone County, Montana

Par Montana, LLC (Par Montana) has developed the following statement to address how the proposed zone change will be consistent with the adopted Yellowstone County development growth policy and neighborhood plans,

The subject property is located within an established industrial area where surrounding properties are already zoned and developed for Heavy Industrial uses. The requested zoning change represents a logical and appropriate transition that aligns zoning designation with the existing character and function of the surrounding area.

The Growth Policy encourages development patterns that promote orderly growth, compatibility of land uses, and efficient use of infrastructure. Given that the subject property is surrounded by Heavy Industrial zoning, retaining the Agricultural designation is inconsistent with the existing land use pattern and limits the property's ability to be used in a manner compatible with surrounding industrial development. The proposed Heavy Industrial zoning will allow the property to develop consistently with the established industrial district and long-term planning objectives.

The proposed zoning change promotes efficient land use by allowing industrial development in an area already served by transportation infrastructure, utilities, and public services capable of supporting industrial operations. The change supports the Growth Policy's goals of directing industrial development to appropriate areas, minimizing land use conflicts, and encouraging orderly and predictable growth.

The criteria and guidelines for zoning regulations are listed below along with responses from Par Montana describing how Par Montana plans to meet the requirements with the zoning change.

1. Whether new zoning is in compliance with the growth policy.

The requested Heavy Industrial zoning is consistent with the Growth Policy's objectives of promoting orderly development and directing industrial uses to appropriate areas with compatible surrounding land uses and infrastructure. The subject property is located within an existing industrial area, making the proposed zoning consistent with long-term planning objectives.

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

The proposed zoning change will prioritize public safety. It is designed to reduce risks from fire and other hazards by establishing appropriate land-use controls, setbacks, and development standards around rail corridors. These measures protect adjacent properties and communities while enabling long-term transportation and economic growth.

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

The proposed zoning change will promote public health, public safety, and the general welfare by establishing appropriate land-use standards, buffering requirements, and operational controls. These measures are intended to reduce risks related to fire, hazardous materials, noise, and other impacts, while ensuring compatibility between the facility and surrounding uses.

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

The property is located in an area served by infrastructure appropriate for industrial development, including road access, utilities, and emergency services. The zone change is not anticipated to create an undue burden on public facilities. The proposed zoning change area is surrounded by heavy industrial so there will not be impacts to schools, parks and other public requirements.

5. Whether new zoning will provide adequate light and air.

The development within the proposed zoning change will provide adequate light and air by establishing appropriate yard setbacks, height controls, spacing, and site-design standards. These requirements help maintain safe working conditions, reduce impacts on adjacent properties, and ensure compatibility with surrounding land uses. Par will work with the proper governing authority to ensure all the proper permits are obtained.

6. Whether new zoning will effect motorized and nonmotorized transportation.

The property is located in an area designed to accommodate industrial traffic. The current planned development under Heavy Industrial zoning will utilize existing transportation infrastructure and will be subject to applicable access and traffic requirements.

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

The requested zoning promotes orderly development by aligning zoning with the established industrial character of the area. The change eliminates an inconsistent Agricultural zoning designation and supports logical and planned industrial growth.

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

The zoning recognizes the site's existing rail infrastructure, location, and operational context, and ensures that the expansion is compatible with surrounding land uses while reinforcing the intended industrial and transportation function of the district.

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

The zone change will help conserve and enhance property values by ensuring zoning consistency throughout the industrial district. Aligning zoning with surrounding properties promotes stability and predictability in land use.

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

The proposed Heavy Industrial zoning is fully compatible with surrounding properties, which are already zoned Heavy Industrial. The change eliminates an isolated Agricultural zoning designation within an otherwise industrial district.

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

The character of the surrounding district is Heavy Industrial. The subject property is well suited for Heavy Industrial zoning due to its location within an established industrial area, proximity to transportation infrastructure, and compatibility with surrounding uses.

APPLICABLE ZONING HISTORY – Zone Change 735 - 1232 Johnson Street

SUBJECT PROPERTY	ZONE CHANGE	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
C.O.S. 1069	N/A	-	A-O	-	
	N/A	2021	Updated to A	-	Project Recode
SURROUNDING PROPERTY	ZONE CHANGE	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
C.O.S. 402	ZC #152	10/25/1977	R-96 to CC	Y	
	ZC #359	5/29/1984	CC to HC	N	
	N/A	2021	Updated to I1	-	Project Recode
C.O.S. 728	ZC #263	12/31/1979	To Heavy Industrial (HI)	Y	
	N/A	2021	Updated to I2	N	Project Recode
C.O.S. 1030	N/A	2021	Updated to A	-	Project Recode
C.O.S. 1528	N/A	2021	Updated to I1	-	Project Recode
C.O.S. 2065	N/A	2021	Updated HI to I2	-	Project Recode
C.O.S. 2796	ZC #4	4/1/1974	A to HI	Y	
	N/A	2021	Updated to I2	-	Project Recode
	N/A	2021	Updated to I1	N	Project Recode
JDW Industrial Park Sub	ZC #263	12/31/1979	To HI	Y	
	N/A	2021	Updated to I2	-	Project Recode
Johnson Lane Materials Sub	N/A	2021	Updated to I2	-	Project Recode

YELLOWSTONE COUNTY

Pre-Application Statement of Owner(s) or Agent(s)

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form on-line and any attachments along with a completed zone change application form, including any required fees, for a zone change to be processed by the Planning Division.

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

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

- 5. **Roster of persons who attended the pre-application neighborhood meeting:** please attach to this form
- 6. **A copy of the meeting notice.** please attach to this form
- 7. **A brief synopsis of the meeting results.** please attach to this form
- 8. **The undersigned affirm the following:**
 - a) The pre-application neighborhood meeting was held on the _____, day of _____, 20__.
 - b) The zone change application is based on materials presented at the meeting.

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

Address: _____ **Email:** _____

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

Address: _____ **Email:** _____

MT Rail Rezoning Meeting, February 23, 2026

Discussion Points:

1. Par Montana will be progressing an application to rezone a tract of land East of the Refinery and West of Johnson Lane from Agricultural to Heavy Industrial to allow for the development of a rail yard facility. The project focuses on improving rail logistics and enhancing storage flexibility.
2. The purpose of this meeting is to provide information about the proposed zoning change and to give neighbors an opportunity to ask questions and share comments before a formal application is submitted to Yellowstone County.
3. No official decisions will be made at this meeting. After the meeting, a formal application may be submitted to the County, and additional public notices will be provided as part of that process.
4. The rail storage facility will be an extension of the existing East Billings yard, which is directly in front of the refinery.
5. The facility will be designed and operated in accordance with federal rail safety standards and refinery safety programs. Par Montana will incorporate appropriate containment, monitoring, and operational controls consistent with our existing refinery operations.
6. As part of detailed design and permitting, Par Montana will evaluate operational practices and site layout to minimize impacts to neighboring properties where feasible.
7. The preliminary design includes:
 - a. Storage capacity for approximately 600 rail cars.
 - b. Feedstock unloading facilities.
 - c. Continued use of the existing BNSF rail connection through East Billings Yard.
 - d. An additional rail connection east of Johnson Lane.
8. Construction and operations would be subject to all applicable local, state, and federal permitting requirements.
9. Par Montana is working, and will continue to work, with the appropriate regulatory agencies to ensure compliance with safety, environmental, rail, and construction standards.
10. Par Montana anticipates the construction timeline would be approximately 2- 3 years.
11. Both construction and long-term operation of the facility are expected to create jobs in the Billings area. Construction would involve local contractors and skilled trades, and the facility would support permanent operational roles once completed.
12. Par Montana understands that projects like this raise questions. Par Montana is committed to being transparent throughout the process and to listening to community feedback.

Summarized comments/questions from those in attendance:

(Questions / Comments in black, Response/answers in Red)

Attendees asked whether, once the project is underway and material is being transported from the proposed borrow areas, will Par Montana use roads within the project area or would it be necessary to use Johnson Lane?

All material from the northeast borrow areas will be transported on existing Par Montana roads within the project area. If borrow material will be required from locations west of the main office building, then contractors will likely be required to utilize the frontage road and a portion of Johnson Lane.

What types of chemicals/products will be stored there?

The same products that Par MT stores in its East Billings Yard facility and other storage facilities will be stored at the proposed project facility.

Will an impervious liner be installed as part of the project?

Yes, an impervious fabric liner will be designed as part of the project.

How long will the rail cars be stored on site?

Rail cars will be on site for a minimum of 24 hours, but could be for an extended period, depending on the product and market demand.

Is this rail facility grandfathered into BNSFs....? This commenter's understanding is that BNSF was not allowed to build a rail project to the north.

No response, Par Montana is unaware of what this is in reference to.

There was concern about the overall water flow and stormwater management from the proposed project site. Currently, the commenter feels the infrastructure is old and at maximum capacity for water flow.

Par MT is designing for potential stormwater flow and maintaining all natural flowing bodies of water.

What could be the future use of the land once it's rezoned to Heavy Industrial?

Currently, there are no plans beyond the proposed project, but because the land is largely wetlands, it's unlikely anything will be proposed in the future.

Concern was expressed about the condition of Johnson Lane with the additional traffic that will use the road.

After construction is complete, traffic on Johnson Lane will be minimized as much as possible and, for the most part, limited to employees of the proposed facility.

There is concern over the proposed access road to the proposed project area and its proximity to the current railroad crossing on Johnson Lane.

Par Montana is working with the Yellowstone County Public Works Dept. to design and permit a safe access road that won't negatively impact current and future traffic flow.

Attendees were curious whether an additional track would be added to the Johnson Lane railroad crossing or if it would remain a single-track crossing.

The final design of the proposed project is not complete, but there is a potential that an additional track would be required.

Commenters emphasized that local contractors should be utilized for work associated with the construction of the proposed project.

Par Montana is currently using local contractors and will continue to consider them as the project progresses.

One attendee mentioned that MDOT would be starting a project on the Johnson Lane Interchange on I-90 as part of the Billings Bypass, converting the existing intersection into a Diverging Diamond Interchange (DDI) to improve safety and capacity. That work may be happening in parallel to any proposed project construction and could impede traffic flow.

Par Montana was not aware of this project but appreciates the information.



Par Pacific
Logistics

Par Montana Rezoning

February 23, 2026

	Name (printed)	Address	Phone Number	Email
1	Rob Ferguson	1458 Johnson Lane	406 670 8897	builtstronger@mta.com
2	Sam Buchanan	2348 N FRONTAGE	406 670 2205	sbuchanan@weaverind. Co
3	Shane Murray	1938 Tolson L	406-855774	smurray@weaverind. Co
4	Mark Mauritzson	1938 Johnson Ln	406-670-0947	Mark Mauritzson 1953@weaverind. Co
5	Dorian Jorgensen	4952 Annapolis Trail	406-698-2001	620ratchefegyma@weaverind. Co
6	Travis Yuzik	2885 Farley Ln, Billings, MT	406-794-2010	travis@atomicindustries.com
7	Melissa Townsend	2885 Farley Ln, Billings, MT	406-702-3283	melissa@atomicindustries.com
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				

February 16, 2026

Neighborhood Meeting Notice – Proposed Zoning Change

Applicant: PAR Montana LLC

Dear Neighbor,

You are receiving this notice because you own property near the site of a proposed zoning change in your neighborhood.

Proposal:

The applicant is requesting a zoning change from Agricultural to Heavy Industrial to allow for the development of a rail yard.

Location/Parcels Included:

Full Legal: S19, T01 N, R27 E, FRAC LTS 3 & 4 & NESW4 N OF RY
(Tax Code: D06431, GeoCode: 03-1034-19-3-20-01-0000)

Full Legal: S19, T01 N, R27 E, C.O.S. 1069, PARCEL 2, CORR
(Tax Code: D06428, GeoCode 03-1034-19-2-01-10-0000)

Full Legal: S18, T01 N, R27 E, C.O.S. 1069, PARCEL 1, CORR
(Tax Code: D06427, GeoCode 03-1034-18-3-01-10-0000)

Neighborhood Meeting Information:

Date: February 23, 2026

Time: 1700

Location: 607 Par Montana Road
Billings, MT 59101

The purpose of this meeting is to provide information about the proposed zoning change and to give neighbors an opportunity to ask questions and share comments before a formal application is submitted to Yellowstone County.

No official decisions will be made at this meeting. After the meeting, a formal application may be submitted to the County, and additional public notices will be provided as part of that process.

If you have questions or cannot attend but would like more information, please contact:

Applicant/Representative Contact(s):

Name: Tim Kalus

Phone: (307) 620-5204

Email: TKalus@parpacific.com

Name: Jeff Dusch

Phone: (406) 247-5524

Email: JDusch@parpacific.com

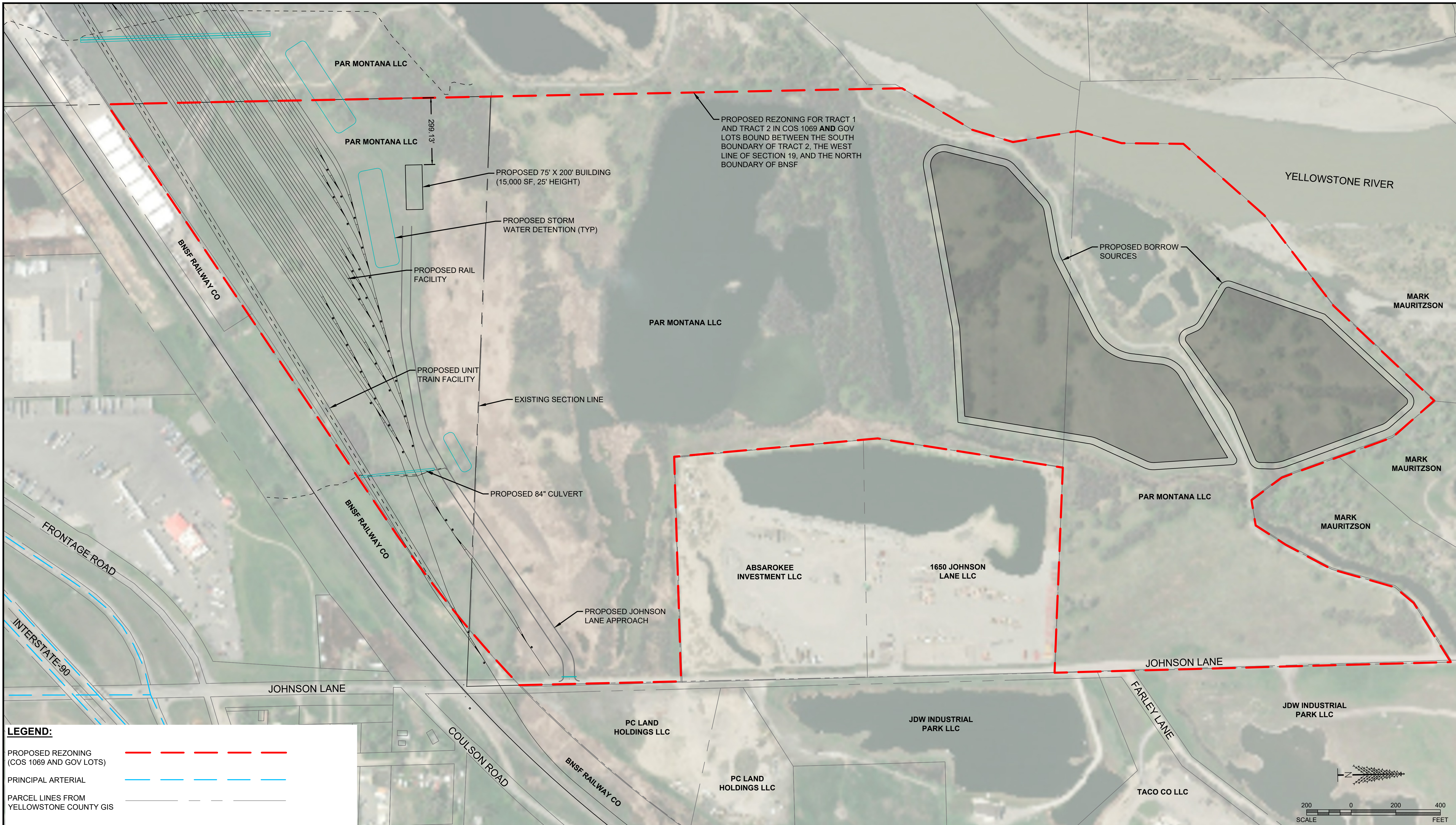
Thank you for your time and input.

Sincerely,

Jeff Dusch

Par Montana, LLC
700 Par Montana Rd,
Billings, MT 59101

FILE PATH: P:\Billings\25-107 Par Pacific Rail Facility\Design\CADD\Exhibits\20260224 Zoning Map REV2B - Updated.dwg



LEGEND:

PROPOSED REZONING (COS 1069 AND GOV LOTS)	
PRINCIPAL ARTERIAL	
PARCEL LINES FROM YELLOWSTONE COUNTY GIS	

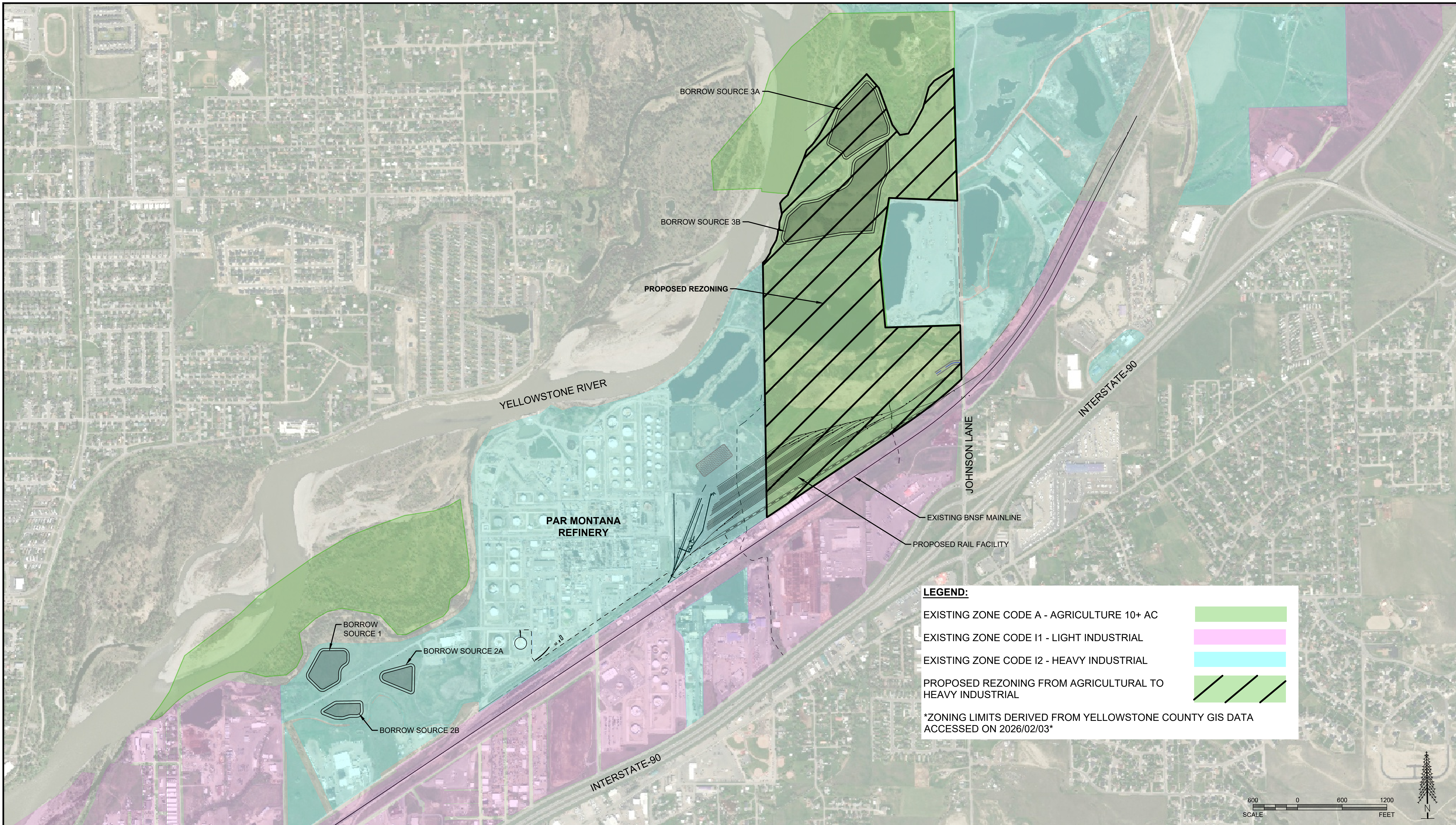
DWG NUMBER	SHT	REFERENCE DRAWING	REV	DATE	REVISION	BY	CHK	APP
-	-	-	-	-	-	-	-	-

TRIPLE TREE ENGINEERING
 1145 CAP RD
 HELENA, MT 59602
 WWW.TRIPLETREEMT.COM
 TTE JOB NO: 25-107
 DATE : 02/2026

PAR MONTANA
 PAR RAIL EXPANSION
 CIVIL PHASE I
 ZONING SITE MAP

DRAWING NO.	SHT NO.	REV NO.
-	BO	-

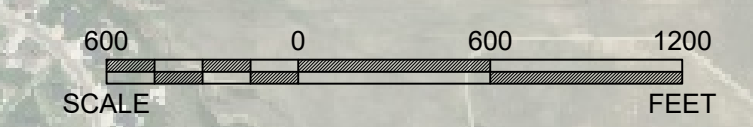
FILE PATH: P:\Billings\25-107 Par Pacific Rail Facility\Design\CADD\Exhibits\20260220 Zoning Map REV2B.dwg



LEGEND:

- EXISTING ZONE CODE A - AGRICULTURE 10+ AC
- EXISTING ZONE CODE I1 - LIGHT INDUSTRIAL
- EXISTING ZONE CODE I2 - HEAVY INDUSTRIAL
- PROPOSED REZONING FROM AGRICULTURAL TO HEAVY INDUSTRIAL

*ZONING LIMITS DERIVED FROM YELLOWSTONE COUNTY GIS DATA
ACCESSED ON 2026/02/03*



DWG NUMBER	SHT	REFERENCE DRAWING	REV	DATE	REVISION	BY	CHK	APP
-	-	-	-	-	-	-	-	-

TRIPLE TREE ENGINEERING
 1145 CAP RD
 HELENA, MT 59602
 WWW.TRIPLETREEMT.COM
 TTE JOB NO: 25-107
 DATE : 02/2026

**PAR MONTANA
 PAR RAIL EXPANSION
 CIVIL PHASE I
 EXISTING ZONING MAP**

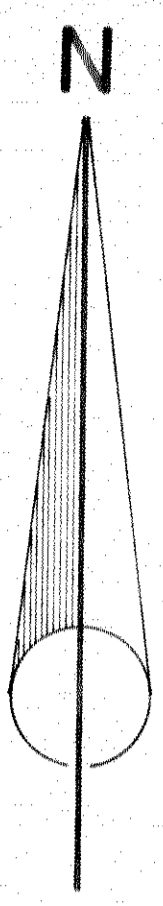
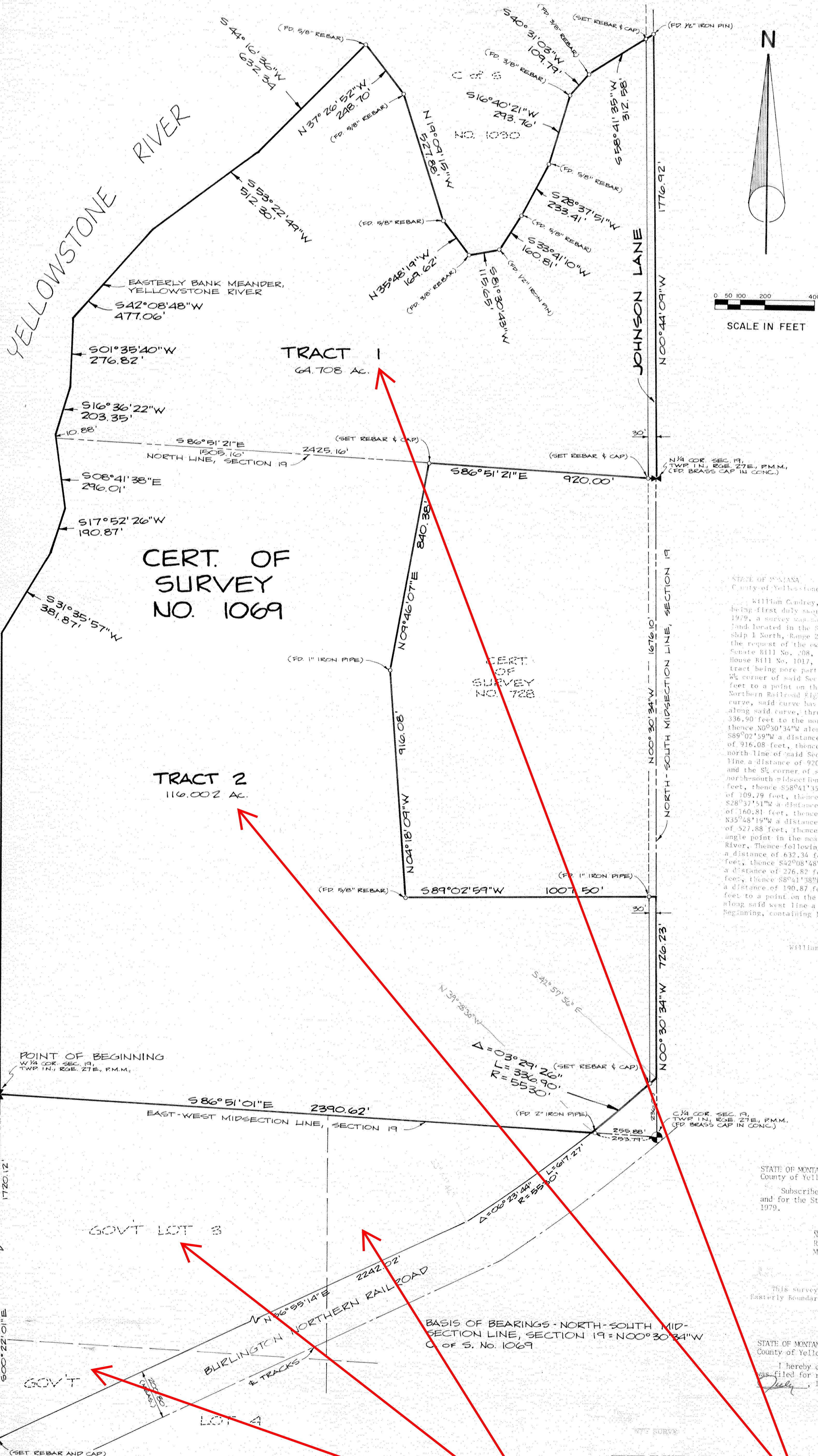
DRAWING NO. -	SHT NO. BK	REV NO. -
------------------	---------------	--------------

CORRECTED CERTIFICATE OF SURVEY NO. 1069
 SITUATED IN THE SW 1/4 OF SEC. 18, AND THE NW 1/4 OF SEC. 19,
 TOWNSHIP 1N., RANGE 27E., P. M. M., YELLOWSTONE COUNTY, MONTANA

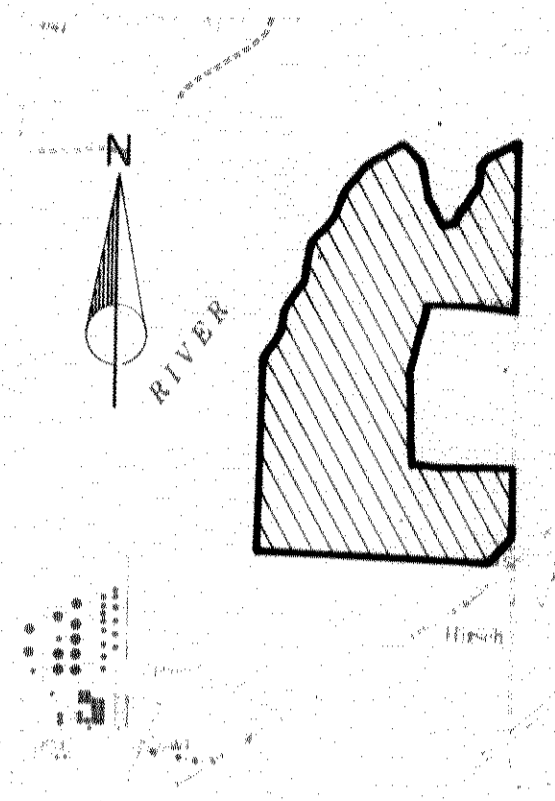
FOR: EXXON COMPANY, U.S.A.

BY: ASSOCIATED SURVEYS
 BILLINGS, MONTANA

JUNE, 1979



0 50 100 200 400
 SCALE IN FEET



VICINITY MAP
 1" = 2000'

STATE OF MONTANA)
 County of Yellowstone) ss

William Condrey, a Montana Registered Land Surveyor No. 5425-S, being first duly sworn, deposes and says that during the month of June, 1979, a survey was made under his supervision of a certain tract of land located in the SW 1/4 of Section 18 and the NW 1/4 of Section 19, Township 1 North, Range 27 East, P.M.M., Yellowstone County, Montana, at the request of the owner and in conformity with the provisions of Senate Bill No. 208, Chapter 500, Montana Session Laws of 1973 and House Bill No. 1017, Chapter 334, Montana Session Laws of 1973 and said tract being more particularly described as follows: Beginning at the NE corner of said Section 19, thence S86°51'01"E a distance of 2390.62 feet to a point on the northerly right of way line of the Burlington Northern Railroad Right of Way, said point also being a point on a curve, said curve having a radius of 5930 feet, thence northeasterly along said curve having a radius of 5930 feet, a distance of 336.90 feet to the north-south midsection line of said Section 19, thence N0°30'34"W along said line a distance of 726.23 feet, thence S89°02'59"W a distance of 1007.50 feet, thence N47°18'09"W a distance of 916.08 feet, thence S9°46'07"E a distance of 840.38 feet to the north line of said Section 19, thence S86°51'21"E along said north line a distance of 920.00 feet to the NE corner of said Section 19 and the SE corner of said Section 18, thence N0°44'09"W along the north-south midsection line of said Section 18, a distance of 1276.92 feet, thence S58°41'35"W a distance of 312.58 feet, thence S40°31'03"W a distance of 109.29 feet, thence S16°30'21"W a distance of 293.76 feet, thence S28°37'51"W a distance of 233.41 feet, thence S33°21'10"W a distance of 160.81 feet, thence S81°30'43"W a distance of 115.65 feet, thence N35°48'19"W a distance of 169.62 feet, thence N19°09'15"W a distance of 527.88 feet, thence N37°26'52"W a distance of 248.70 feet to an angle point in the meander of the easterly bank of the Yellowstone River, thence following the meander of said easterly bank, S44°16'36"W a distance of 632.34 feet, thence S53°22'49"W a distance of 512.30 feet, thence S2°08'48"W a distance of 477.06 feet, thence S10°35'40"W a distance of 276.82 feet, thence S16°36'22"W a distance of 203.35 feet, thence S8°41'38"E a distance of 206.01 feet, thence S17°52'26"W a distance of 190.87 feet, thence S31°45'57"W a distance of 381.87 feet to a point on the west line of said Section 19, thence S05°33'48"E along said west line a distance of 1835.68 feet to the Point of Beginning, containing 180.705 acres, more or less.

LOTS AND TRACTS TO BE INCLUDED IN REZONING (2026/02/27)





**ZONING
REQUEST**

5000
ZONING
CHANGE
SPECIAL
VARIANCE

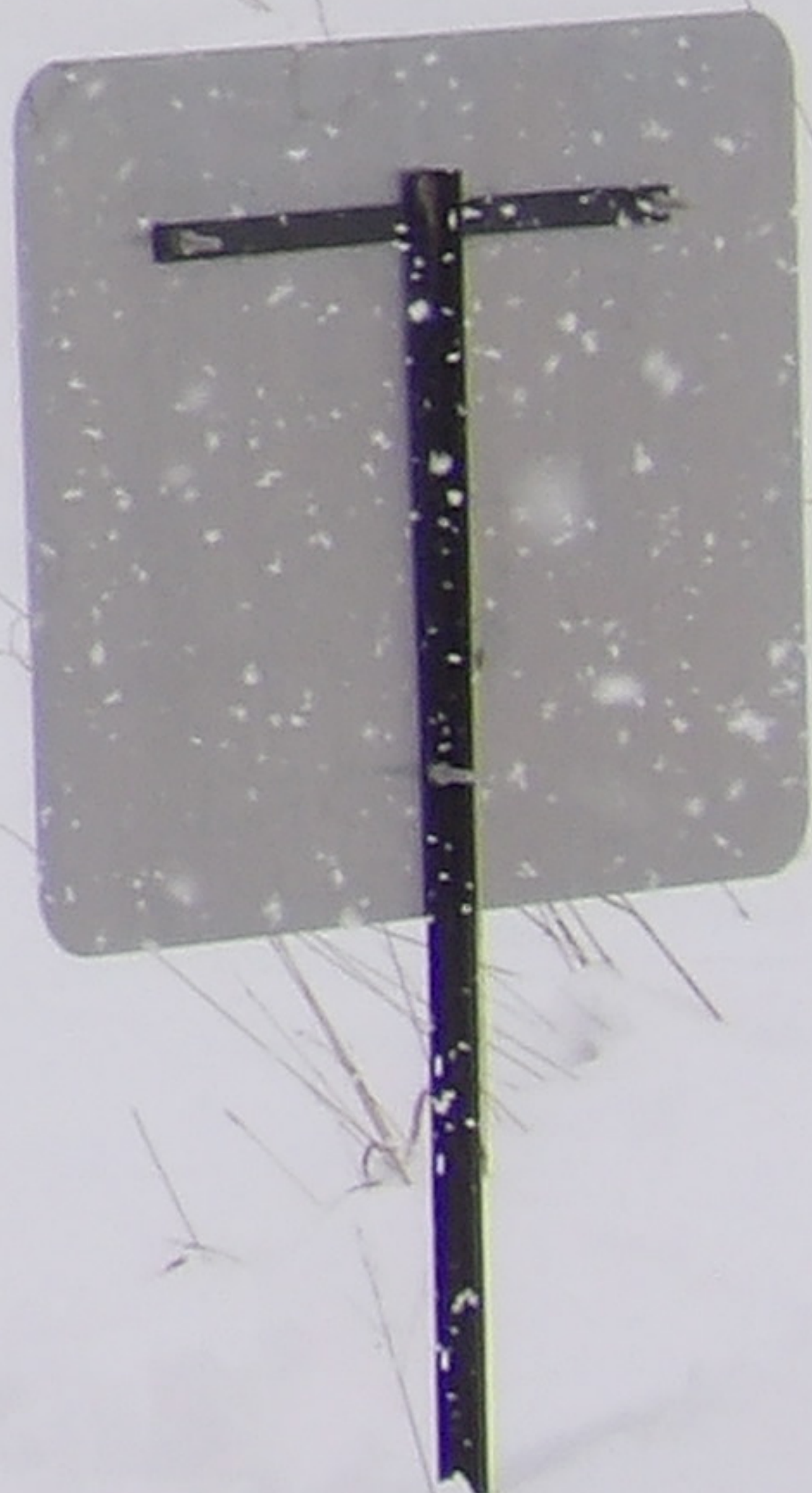


ZONING
REQUEST





WINTER ST.



Consolidated Yellowstone County Zoning Commission

b.

Meeting Date: 04/09/2026

SUBJECT: County Zone Change 736- 5415 Rustic Ave.- RR3 to RR1

THROUGH: Karen Husman

PRESENTED BY: Karen Husman

REQUEST

County Zone Change 736 --5415 Rustic Ave. - RR3 to RR1 - A zone change request from Rural Residential 3 (RR3) to Rural Residential 1 (RR1), on an unplatted parcel of land in S21, T01 S, R25 generally located east of S 56th St. W. and north of Rustic Ave., a parcel of land approximately 10.05 acres. A pre-application neighborhood meeting was held on February 23, 2026, at 5:00 pm, at the subject property. The purpose of the request is to allow creation of a 1 acre parcel for a family transfer. Tax ID: D00774

RECOMMENDATION

The Planning Division staff is recommending approval based on the proposed findings of the eleven criteria of Zone Change 736.

APPLICATION DATA

OWNER: Jeffrey & Riley Hudiburgh

AGENT: James Papez, P.E.

LEGAL DESCRIPTION: an unplatted parcel of land in S21, T01 S, R25 generally located east of S 56th St. W. and north of Rustic Ave.

ADDRESS: 5415 Rustic Ave.

CURRENT ZONING: Rural Residential 3 (RR3)

EXISTING LAND USE: Large Lot Residential & homeowner's landscaping business

PROPOSED USE: Large Lot Residential & homeowner's landscaping business

SIZE OF PARCEL: 10.05 acres

STAKEHOLDERS

Planning staff provided public notice of the application in accordance with zoning regulations, including notification to surrounding property owners, publication of a legal advertisement, and posting of the subject property. As of the date of this report, no written correspondence has been received from surrounding property owners regarding the proposed zone change.

A pre-application neighborhood meeting was held on February 23, 2026, at 5:00 p.m. at the subject property (see attached meeting minutes). The meeting was attended by six members of the public, in addition to the applicant and their agent. Discussion focused primarily on the proposed use of the property and the requested zoning designation. The applicant indicated that the existing use of the property would remain unchanged, with the landscaping business continuing to operate. The proposed zoning would allow for the creation of a one-acre parcel encompassing the existing residential dwelling located in the southeast corner of the property.

ALTERNATIVES

The Consolidated Yellowstone County Zoning Commission may:

- Recommend approval and adoption of the findings of the eleven review criteria for Zone Change 736; or,
- Recommend denial and adopt different findings of the eleven review criteria for Zone Change 736; or,
- Delay action on the zone change request for up to 30 days; or,
- Allow the applicant to withdraw the zone change request. The applicant has not requested the Commission consider withdrawal of the application.

FISCAL EFFECTS

Approval or denial of the proposed zone change will have no fiscal effects on the Planning Division budget.

CONCURRENT APPLICATIONS

None. If approved, the applicant will be submitting an exempt plat to divide the existing parcel into two parcels as a family transfer.

APPLICABLE ZONING HISTORY

See attachments.

SURROUNDING LAND USE & ZONING

NORTH:

Zoning: Rural Residential 1 (RR1) and Rural Residential 3 (RR3)
Land Use: Large lot residential single family

SOUTH:

Zoning: Rural Residential 1 (RR1) and Rural Residential 3 (RR3)
Land Use: Large lot residential single family

EAST:

Zoning: Rural Residential 3 (RR3)
Land Use: Large lot residential single family

WEST:

Zoning: Rural Residential 3 (RR3)
Land Use: Large lot residential single family

BACKGROUND

The applicant is requesting a zone change from RR3 to RR1 for an unplatted parcel located in Section 21, Township 1 South, Range 25 East, generally situated east of South 56th St. W. and north of Rustic Ave. The subject property is approximately 10 acres in size. The purpose of the requested zone change is to allow for the creation of a 1-acre parcel which is smaller than the minimum lot size permitted in the RR3 zoning district, thereby enabling the property owner to utilize the family transfer exemption to convey a parcel to a family member.

The surrounding area is characterized by a mix of active agricultural operations and low-density residential development. Nearby properties typically consist of larger parcels used for small-scale agricultural activities, equestrian uses, and single-family residences on acreage. There are also currently RR1 zoned parcels adjacent to the subject property to the north and south. This rural development pattern reflects low building intensity, significant open space, and land uses that are generally compatible with agricultural and animal-related activities. Within this context, the proposed rezoning to RR1 to accommodate a 1-acre parcel is considered consistent with the existing residential use of the property and compatible with the overall character of the surrounding area.

SUMMARY

The Yellowstone County Zoning Commission, prior to any recommendation, shall consider the following:

1. Is the new zoning designed in accordance with the Yellowstone County Growth Policy?

The proposed zoning does comply with the following goals of the County Growth Policy and area plans:

- *Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans. Preserve neighborhood character and quality of life by maintaining the residential character, which promotes orderly, predictable growth in accordance with neighborhood expectations and long-term planning goals.*
- *Preserve neighborhood character and quality of life.*

The proposed zoning is consistent with and compatible with the surrounding area. The requested rezoning to RR1 is intended to help preserve the existing rural neighborhood character and maintain quality of life by conserving existing residential development that aligns with the scale, density, and pattern of nearby properties. The property owners intend to pursue a family transfer, and the RR1 zoning district would permit the creation of parcels ranging from 1 to 2.99 acres, which would accommodate that purpose.

The surrounding area includes several properties already zoned RR1, demonstrating that the requested zoning designation is consistent with existing land use patterns in the vicinity and is not out of character for the neighborhood. While the current RR3 zoning district is intended to support small-scale agricultural uses and larger rural residential lots, the RR1 district is better suited to accommodate smaller rural residential parcels while still maintaining the open, low-density setting that defines the area. Although the request does not involve new development, the proposed zone change is sensitive to the established character of the area and supports a transition that remains compatible with surrounding uses.

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

The subject property is currently served by the Billings Urban Fire Service Area (BUFSA). The RR1 zoning district includes development standards such as setbacks, access requirements, and maximum building coverage, which help ensure public safety and reduce potential fire or hazard risks. In addition, all future construction within the rezoned property will be subject to review through the zoning compliance permit process. There are no plans at this time to construct any new buildings.

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

Transportation: The property is accessed via existing public roadways, and no additional transportation infrastructure is required. The proposed zoning change will minimally increase traffic demand and is not expected to impact existing transportation facilities. There are no plans to develop additional residential units on either parcel at this time.

Water and Sewer: If the rezoning is approved, the property owner intends to proceed with a family transfer exemption. As part of that process, water and wastewater provisions will be reviewed by the Montana Department of Environmental Quality (DEQ). The applicants have indicated that no additional improvements are proposed for the parcels at this time.

Schools and Parks: The proposed will create an addition of one single-family home when eventually developed. Existing park facilities are adequate to serve both current and potential future uses. As no new residential construction is proposed at this time, the request is not anticipated to impact local schools in the immediate future.

Fire and Police: The property is located within the Billings Urban Fire District, and fire protection services will continue to be provided accordingly. Law enforcement services are provided by the Yellowstone County Sheriff's Office. The proposed zoning change will not require any additional public safety infrastructure.

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

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

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

The RR1 zoning district is designed to ensure adequate light and air for residential development. Development standards such as setbacks, access requirements, minimum and maximum lot sizes, and limits on building coverage are incorporated to promote proper spacing between structures and maintain neighborhood livability.

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

The property owner does not intend to pursue additional development following the proposed family transfer. The intent is to create a separate lot containing the existing residence while leaving the remaining parcel unchanged to eventually contain a single family home. The addition of a single family home could add up to 9 trips per day once the residence is fully constructed. Rustic Avenue is an existing gravel road with no sidewalks that ties to 56th St W. 56th St W is paved and also does not contain sidewalks. The addition of one single family home should have minimal impacts on the motorized transportation and no impacts on non-motorized transportation.

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

The proposed zoning is compatible with existing and anticipated urban development in the surrounding area. The request aligns with the established pattern of residential lot sizes and land uses in the vicinity. The subject property exhibits a suburban character; therefore, a suburban zoning designation is appropriate. The RR1 district permits lot sizes ranging from 1 to 2.99 acres, which is consistent with the development pattern in the area. Several nearby properties are already zoned RR1, demonstrating that the requested designation is compatible with existing land use and is not out of character with the neighborhood. While the current RR3 zoning district is intended to support small-scale agricultural uses and larger rural residential parcels, the RR1 district better accommodates smaller rural residential lots while maintaining the open, low-density character of the area. Although no new development is proposed, the requested zoning change reflects and supports the existing development pattern and remains compatible with surrounding uses.

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

The surrounding area is predominantly characterized by agricultural uses and similarly zoned residential properties, making the RR1 zoning district an appropriate designation for the subject property. Several nearby parcels are already zoned RR1, demonstrating that the requested designation is consistent with existing land use patterns and is not out of character with the neighborhood. While the current RR3 zoning district is intended to support small-scale agricultural uses and larger rural residential parcels, the RR1 district better accommodates smaller rural residential lots while still maintaining the open, low-density character of the area. Although no new development is proposed, the requested zoning change is reflective of the existing development pattern and remains compatible with surrounding uses.

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

The proposed zoning itself will not affect the value of buildings in the area. The proposed zoning will help conserve the value of buildings by aligning the zoning with the existing residential use and ensuring compliance with applicable zoning standards. The proposed zoning is compatible with adjacent land uses and is expected to help maintain and conserve the value of surrounding properties.

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

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

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

The proposed zoning is compatible with adjacent zoning districts and surrounding land uses. The subject property exhibits a suburban development pattern, making a suburban zoning designation appropriate. The RR1 district permits lot sizes ranging from 1 to 2.99 acres, which is consistent with the existing development pattern in the area. Surrounding zoning includes RR1, RR3, and Agricultural districts, further supporting compatibility with the proposed designation. Additionally, the property is not located in close proximity to the City of Billings' municipal boundaries, and therefore, the request does not present any conflicts with the zoning of nearby cities or towns.

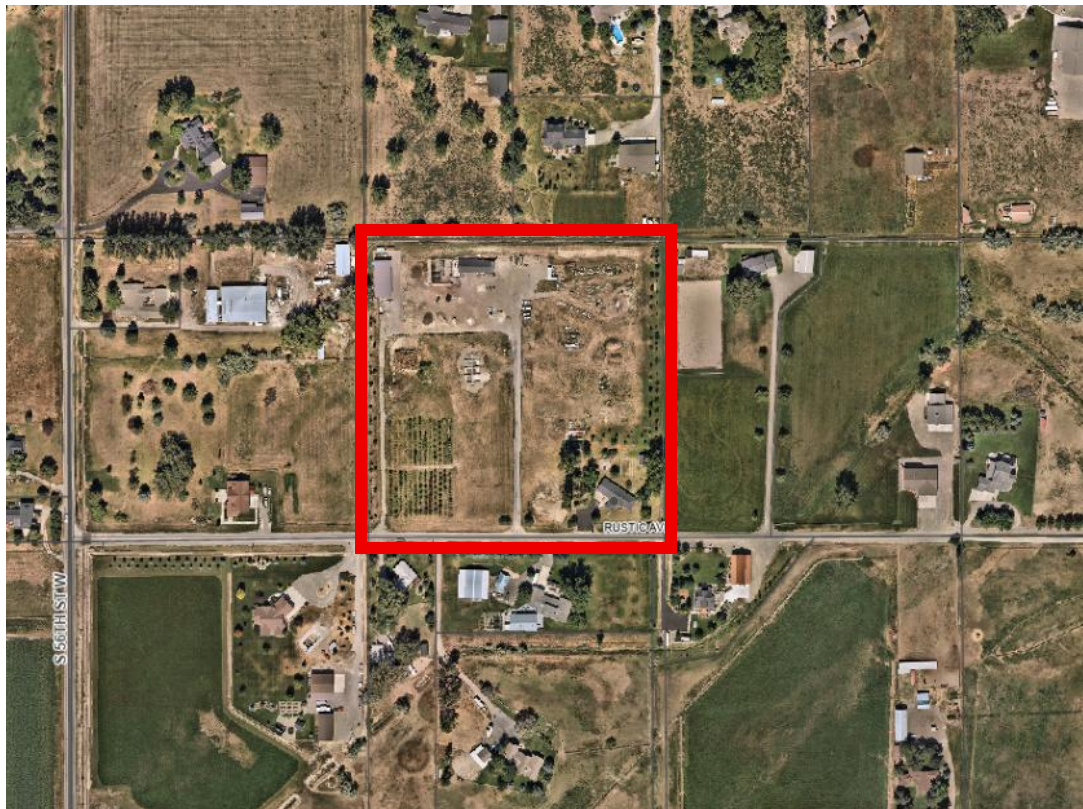
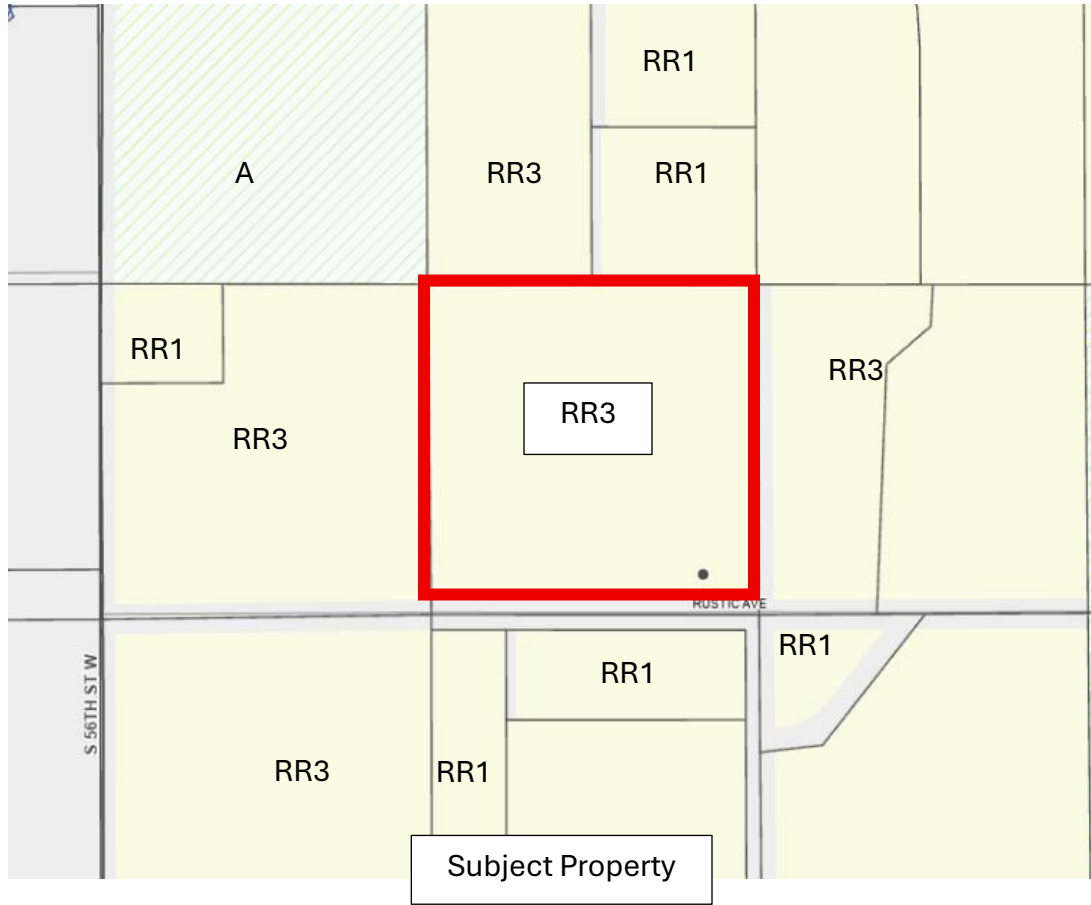
RECOMMENDATION

Staff recommends approval based on the proposed findings of the eleven criteria of Zone Change 736.

Attachments

Zoning Map & Site Photos
Application & Applicant Letter
Neighborhood Meeting Info.
History
Site Plan

Attachments for Zone Change 736

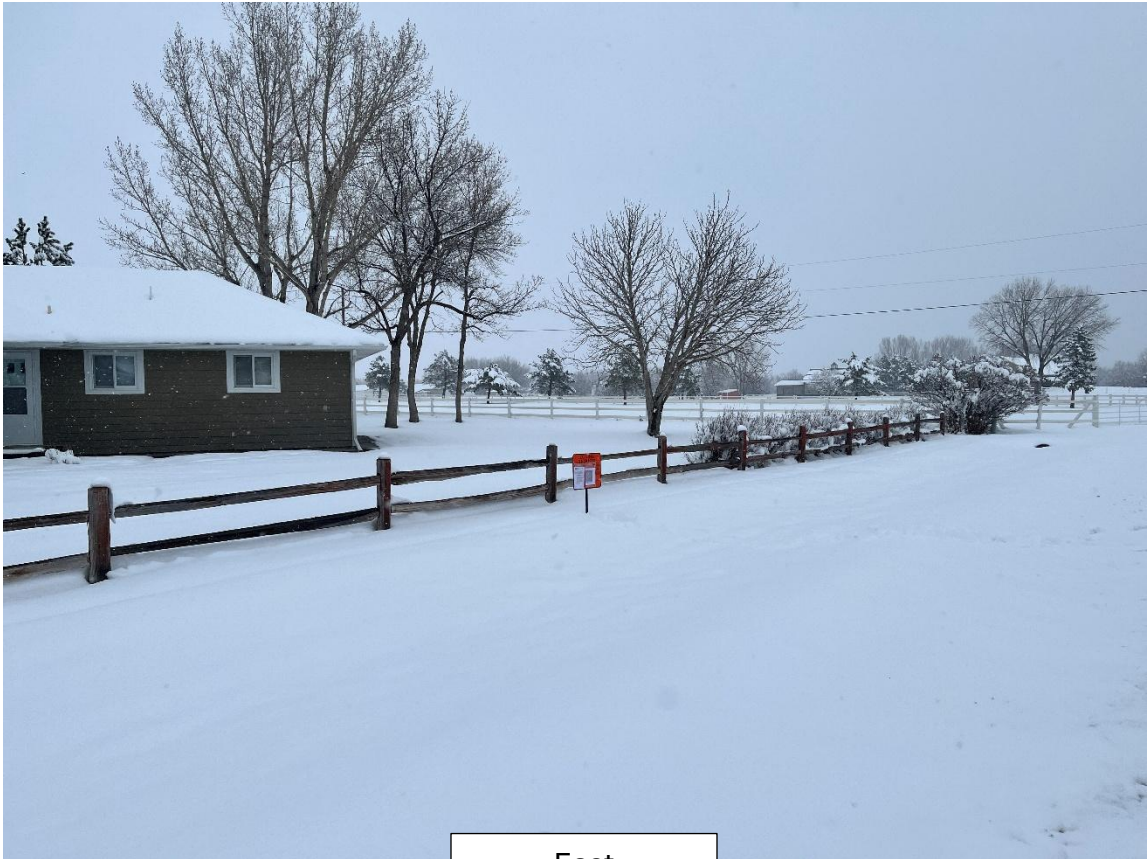


Attachments for Zone Change 736



West

Attachments for Zone Change 736



East



South

Imagery Date: 9/2021 45495

COUNTY APPLICATION FORM

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

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

Present Zoning: RR-3

Proposed Zoning: RR-1

Property Tax ID # D00774 COUNTY COMMISSIONER DISTRICT # 1

Legal Description of Property: S21, T01 S, R25 E, NENWSW4 (LESS RD) (I-640 HERE) (02)

Address or General Location (If unknown, contact County Public Works): 5415 Rustic Avenue
Billings, MT 59106

Size of Parcel (Area & Dimensions): 10.05 Acres

Present Land-Use: Residential

Proposed Land-Use: Residential

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

Owner(s): Jeffrey & Riley Hudiburgh

(Record Owner)

5350 Rustic Avenue, Billings, MT 59106

(Address)

406-855-8830

(Phone Number)

jhudiburgh@icloud.com

(email)

Agent(s): James Papez, P.E.

(Name)

5420 Molo Rd., Billings, MT 59106

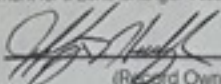
(Address)

406-545-5284 james@pds-eng.net

(Phone Number)

(Email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Zone Change. Also, I attest that all the information presented herein is factual and correct.

Signature:  Date: 3/2/2026

(Record Owner - Digital Signature Allowed)

Zone Change Questions

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

The portion of the property to be rezoned is already developed and occupied by an existing single-family residence. The requested zone change from RR-3 to RR-1 is consistent with the adopted growth policy by focusing on sustainability and community well-being. The similar density and structures allowed in the existing and requested zoning will conserve the value of the surrounding properties located within the community.

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

The proposed zone change from RR-3 to RR-1 should not create any additional fire dangers. The allowable structures and uses of RR-3 and RR-1 are very similar in nature. The portion of the property to be rezoned is already developed and occupied by an existing single-family residence.

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

The change from RR-3 to RR-1 will have little to no impact on public health, public safety, and general welfare. RR-1 and RR-3 zoning are very similar in nature to the type of structures allowed and usage of the property. The surrounding areas primarily consist of RR-3 and RR-1 zoning.

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

The zone change is not anticipated to impact existing transportation or traffic patterns. The portion of the property to be rezoned is currently occupied by a single-family residence which utilizes an existing well as a water supply and drain field for wastewater treatment. The change from RR-3 to RR-1 is not anticipated to have any impact on schools or parks, as the zone change allows for similar density.

5. Whether the new zoning will provide adequate light and air;

The zone change is not anticipated to have any impacts on light and air. The portion of property that will be rezoned is already developed and occupied by a single-family residence.

6. Whether the new zoning will affect motorized and nonmotorized transportation;

The zone change is not anticipated to have any impact on motorized and non-motorized transportation. The portion of the property to be rezoned is already developed and occupied by an existing single-family residence.

7. Whether the new zoning will promote compatible urban growth;

The portion of the property to be rezoned is already developed and occupied by an existing single-family residence. The requested zone change allows for a similar density and structures as the surrounding properties.

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

The subject property is surrounded primarily by single family residence on lots zoned RR-1 and RR-3. The requested zone change allows for a similar density and structures as the surrounding properties.

9. Whether the new zoning will conserve the value of buildings;

The portion of the property to be rezoned is already developed and occupied by an existing single-family residence. The similar density and structures allowed in the existing and requested zoning will conserve the value of the surrounding properties.

10. Whether the new zoning will encourage the most appropriate use of land throughout the city.

The subject property is surrounded primarily by single family residences with similar zoning. The change from RR-3 to RR-1 is compatible with the surrounding properties and will promote similar uses.

YELLOWSTONE COUNTY

Pre-Application Statement of Owner(s) or Agent(s)

The owner(s), contract purchasers (if any) and agents (if any) are required to submit this completed form on-line and any attachments along with a completed zone change application form, including any required fees, for a zone change to be processed by the Planning Division.

- 1. Present Zoning: RR-3
- 2. Written description of the Zone Change Plan including square footage or acres of proposed new zoning:
The zone change would seek to rezone an approximate 1-acre portion of the property from RR-3 to RR-1.
- 3. Subject Property Map: please attach to this form
- 4. Legal Description of Property: S21, T01 S, R25 E, NENWSW4 (LESS RD) (I-640 HERE) (02)
- 5. Roster of persons who attended the pre-application neighborhood meeting: please attach to this form
- 6. A copy of the meeting notice. please attach to this form
- 7. A brief synopsis of the meeting results. please attach to this form
- 8. The undersigned affirm the following:
 - a) The pre-application neighborhood meeting was held on the 23, day of February, 2026.
 - b) The zone change application is based on materials presented at the meeting.

Owner (s): Jeffrey & Riley Hudiburgh Telephone: 406-855-8830
 Address: 5350 Rustic Avenue, Billings, MT 59106 Email: jhudiburgh@icloud.com
Billings, MT 59106

Agent (s): James Papez, P.E. Telephone: 406-545-5284
 Address: 5420 Molo Rd. Email: james@pds-eng.net
Billings, MT 59106

ZONE CHANGE NEIGHBORHOOD MEETING

Monday, February 23rd, 2026

5415 Rustic Avenue, Billings MT 59106

A neighborhood meeting will be held to consider a zone change for a portion of a property located at 5415 Rustic Avenue. The meeting will take place at 5415 Rustic Avenue, Billings, MT 59106 on **February 23rd, 2026 at 5:00 PM.**

The existing property is currently zoned Rural Residential (RR3). The zone change would seek to rezone an approximate 1-acre portion of the property occupied by the single-family residence to Rural Residential 1 (RR1).

The legal description and ownership of the subject property is as follows:

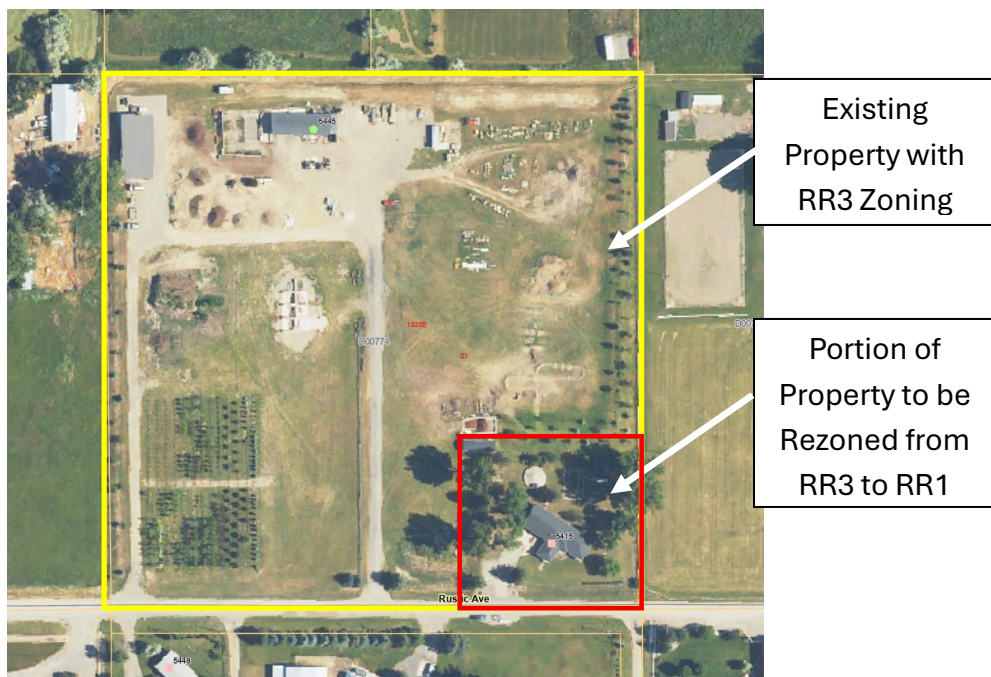
Legal: NE ¼, NW ¼, SW ¼ of Section 21, T01S, R21E, Yellowstone County, Montana, less easements reserved or conveyed for road purposes.

Ownership: Jeffrey and Riley Hudiburgh

5415 Rustic Avenue

Billings, MT 59106

This notice is provided to all property owners located within 300 feet of the subject property. Any person interested and/or affected by this change is welcome to attend to express their opinion.



MEETING MEMORANDUM

TO: CITY OF BILLINGS PLANNING DEPARTMENT
FROM: JAMES W. PAPEZ, P.E.
SUBJECT: NEIGHBORHOOD ZONE CHANGE MEETING_5415 RUSTIC AVENUE
DATE: MARCH 1, 2026

NEIGHBORHOOD MEETING RECAP MEMORANDUM

On Monday, February 23, 2026 at 5:00 PM, a neighborhood meeting was conducted to collect comments and/or concerns associated with a proposed zone change over a portion of property described as NE ¼, NW ¼, SW ¼ of Section 21, T01S, R21E, Yellowstone County, Montana, less easements reserved or conveyed for road purposes. The meeting was held at 5415 Rustic Avenue, Billings, MT 59106. Notification letters for the meeting were mailed out on February 16th to notify all property owners identified on the certified mailing list.

In attendance at the meeting were approximately 6 members of the public.

Questions/Concerns for the individuals present are shown below:

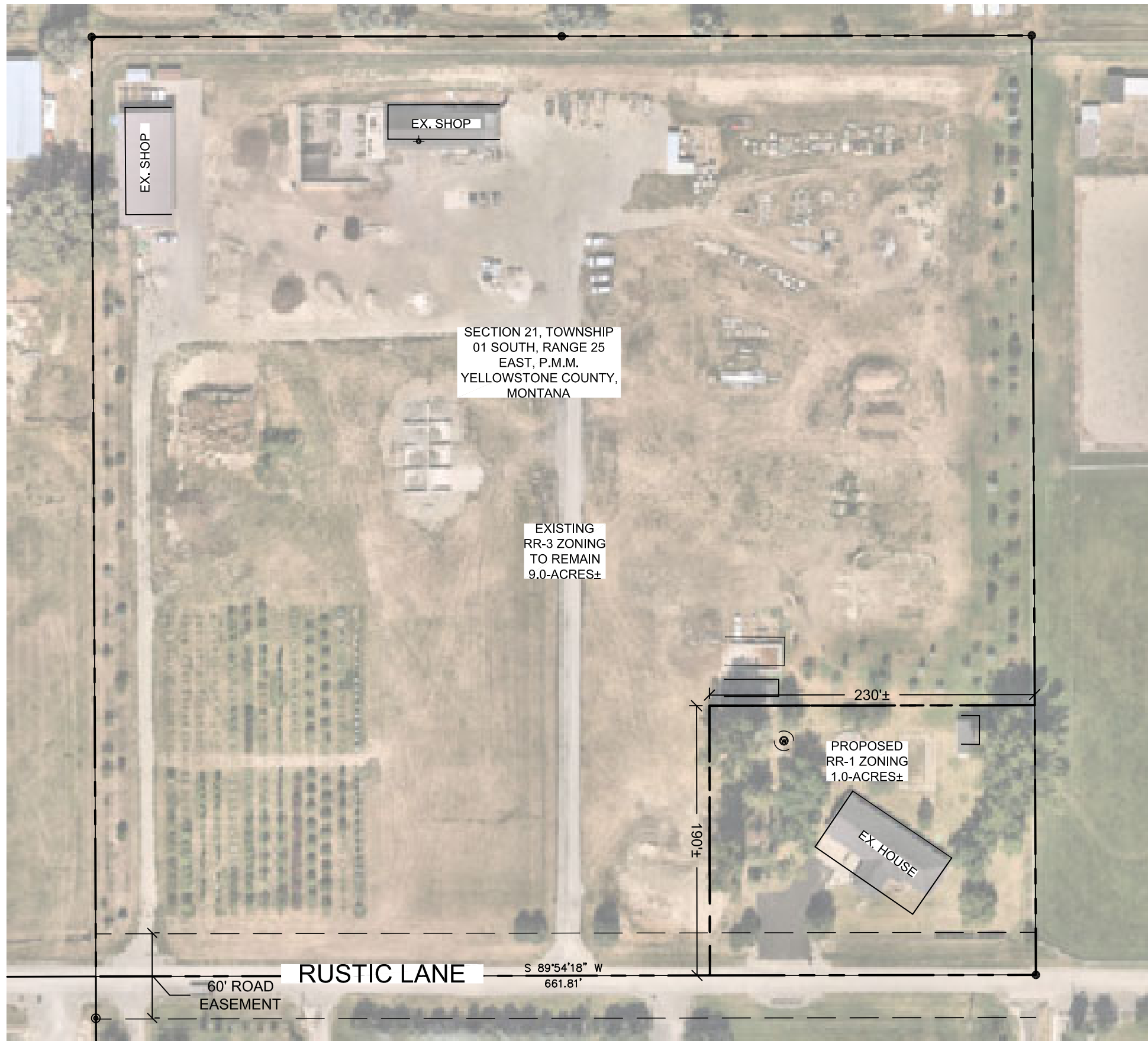
What is the existing and proposed zoning?

What is planned for the property?

The meeting concluded at 5:20 PM.

APPLICABLE ZONING HISTORY – Zone Change 736

SUBJECT PROPERTY	ZONE CHANGE	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
None					
SURROUNDING PROPERTY	ZONE CHANGE	DATE	FOR	APPROVED (Y/N)	ADDITIONAL DATA
2535 Rockwood	733	1/22/2026	N4 to R-RMH	N	
C.O.S 540 2602 Rockwood	729	7/22/2025	RR3 to N2	Y	
S 44 th St W	713	10/4/2022	RR3 to RR1	Y	
2433 Highway 87 E	712	10/4/2022	RR3 to NX1	Y	
626 Johnson Ln	704	8/31/2021	CMU2 to NX3	Y	
Cherry Creek Lt 2	703	10/6/2020	R-96 to R-80	N	
133 Eagle Cliff Meadows	702	8/25/2020	A-S to R-150	Y	
2404 & 2422 Old Hardin Rd	701	5/26/2020	R-150 to RMFR	Y	
Grand and 50 th St W	690	8/31/2019	A-1 to NC and R-70	N	
C.O.S 540	60	9/30/1975	R-150 to RM	Y	
C.O.S 540	N/A	2021	Updated to RR3		Updated during Recode

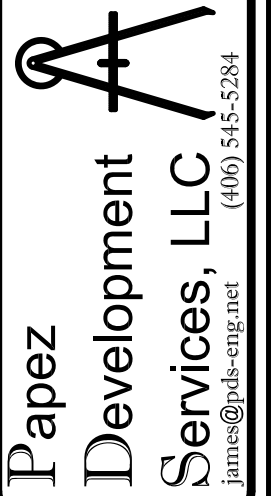


PROJECT INFORMATION

OWNER: JEFFREY & RILEY HUDIBURGH

EX. ZONING: RR-3

PROP ZONING: RR-1 & RR-3



SHEET TITLE/PROJECT NAME
ZONE CHANGE EXHIBIT
 5415 RUSTIC AVENUE
 YELLOWSTONE COUNTY, MT

JWP
 DESIGNED BY
 02/23/2026
 DATE
 25022
 PROJECT NUMBER

SHEET
 NUMBER

C1.0

① ZONE CHANGE EXHIBIT

SCALE: 1" = 80'

