



**YELLOWSTONE COUNTY BOARD OF PLANNING**  
CITY OF BILLINGS AND  
YELLOWSTONE COUNTY, MONTANA



Zoning Code Update  
Steering Committee  
**MEETING NOTES**  
September 27, 2017  
3:30 pm to 5:00 pm  
222 N 32<sup>nd</sup> Street  
Yellowstone Room  
1<sup>st</sup> Floor

- I. **Chair's Report** – Mr. David Goodridge reported to the committee about how the process will move forward and welcomed the public participants to the meeting. He stated there would be opportunity for public comment later in the meeting and he would like each person who wishes to speak to explain what they either like or dislike about the existing zoning code and describe a particular experience. Mr. Goodridge asked Mr. Darrell Tunncliff, Chairman of the City/County Planning Board to address the committee. Mr. Tunncliff explained the purpose of the ad hoc committee. He stated the committee is not a standing committee but was appointed and organized for the purpose of reviewing the zoning code so the regulations are written to further the goals and objectives of the City and County growth policies. He explained the committee will review and send any recommended changes forward to the Planning Board. In turn, the Planning Board would make a recommendation to the City and County Zoning Commissions. These commissions likewise would forward recommendations to the Board of County Commissioners and the City Council for adoption of any amendments or changes to the zoning regulations. Mr. Tunncliff stated the work of the committee is important to ensure the code is understandable, clear, and concise and supports the community's goals and aspirations. He stated this was a great opportunity to make development in the community easier with better results. The community has adopted important and far-reaching goals. He stated there will be at least 2 sub-committees created to deal with specific development issues. Mr. Tunncliff thanked the City and County for providing funding and the governing body members, Mr. Ostlund and Mr. Brown for agreeing to participate. Commissioner John Ostlund stated he thought the committee was off to a good start and that he looked forward to making the codes easier to understand and better for businesses.
  
- II. **Alignment and Direction: Presentation by Staff and Committee discussion of code format choices** – Nicole Cromwell, Zoning Coordinator and staff for the committee, made a power point presentation concerning the types of zoning codes generally used in the U.S. She explained to the committee the basic challenges with the existing conventional (Euclidean) zoning code adopted for the city and county. These challenges include:
  - 1) Inflexibility – every district adopts absolute requirements
  - 2) Missing tools and emerging issues – the code cannot adapt to changes in a neat or nimble fashion
  - 3) Unpredictable results – not enough design requirements resulting in wildly different finished products in the same zoning districtThe committee reviewed the problems with the existing zoning code structures, and the 2 other types of zoning code structure – Composite Zoning and Form-Based Zoning. Ms. Cromwell

explained the city code has one area of town already using a Form-Based code – the East Billing Urban Renewal District (EBURD). She reviewed some of the “performance” zones already adopted into the city code – Shiloh Corridor Overlay & the Medical Corridor. The main body of the city and county’s zoning code is a conventional zoning code with some added features. The intent of the presentation was to familiarize the ad hoc committee with the different options available for structuring an updated code. Ms. Cromwell stated the committee need not choose only one type but could choose to “mix & match” its choice to meet the growth policy goals and objectives. Ms. Cromwell stated there are many existing Planned Development zoning districts that would remain un-changed since these are essentially stand-alone zoning districts already. Committee members asked if the 3 types of zoning code structures and code examples could be posted on the committee’s web pages so they could review for more discussion and a decision at the next meeting.

- II. **Public Comment** – Randy Reger, Jim Johnson, Barry Usher, Roger Webb and Jerry Ray all provided public comment. Mr. Reger stated he has been in land and property development over 45 years both in the City and in other communities. He stated his biggest concern with the zoning is the process and lack of notification to property owners when changes are under consideration. Mr. Johnson, owner of Jim & Tracy’s Alignment, state he was concerned about the current landscaping requirements for new businesses. He state his new shop on Garden Avenue has good exposure to the interstate but he now has to plant 97 trees that will block that good exposure. He stated he thought the committee and the process was moving in a good direction. Mr. Usher, owner of Beartooth Harley Davidson and MT State Representative for HD #40, stated he also had concerns with the existing landscaping requirements for new businesses. He stated he let most of the trees he had to plant for his new Harley Davidson showroom die because he did not want to obscure the view of his beautiful building from the interstate. Mr. Webb, MT State Senator for SD #23, urged the committee to beware of unintended consequences of any changes they considered. Mr. Ray stated he did not believe the choice of a form based code was good for the city or county. He stated the existing one adopted for the EBURD was hard to with and has not provided many benefits or spurred development in the EBURD. He stated the market drives what people want to buy or sell and the code should be written to stay out of the way of the market. Commissioner Ostlund stated he understood the concerns of the public and agreed the code needed to become more flexible. He stated the biggest complaint he receives is from business owners who are frustrated with the lack of flexibility in the development codes.
- III. **Set next meeting date and time** – The next meeting is set for Wednesday, October 25, 2017 at 222 N 32<sup>nd</sup> Street, Yellowstone Room, from 3:30 pm to 5:00 pm.

Meeting adjourned at 5:12 pm

**Steering Committee Attendance:**

<b>Name</b>	<b>Organization</b>	<b>Attending</b>
Darell Tunnicliff	City/County Planning Board	Yes
David Goodridge, Chair	City/County Planning Board	Yes
Troy Boucher	City/County Planning Board	Yes
Woody Woods	City/County Planning Board	Yes
John Ostlund	BOCC	Yes
Shaun Brown	City Council	Yes
Tyler Bush	County Zoning Commission	Yes
Carlotta Hecker	County BOA	Yes
Mike Boyett	City Zoning Commission	Yes
Mark Noennig	City BOA	Yes
Kolten Knatterud	Territorial Landworks	Yes
Pat Davies	Sanderson Stewart	No
Jan Rehberg	Rehberg Ranch	Yes
Greg McCall	McCall Development	No
Virgil Middendorf	Heights Comm. Task Force	Yes
Marty Connell	Kairos Inc.	No
Steve Arveschoug	BSEDA	Yes
Melissa Henderson	Riverstone Health	Yes
Steve Zeier	Zeier Consulting	Yes
Bill Stene	Realtor	Yes

## Other attendees:

Matt Corcoran – KLJ

Vern Heisler – City Public Works

Robert Bailey – County BOA

Oscar Heinrich – City BOA

Keith Kober – Lockwood Fire Dept

Jim Johnson – Jim &amp; Tracy's Alignment

Barry Usher – HD #40, Beartooth Harley Davidson

Jerry Ray – Realtor/Developer

Roger Webb – SD #23

Terry Odegard – Realtor

Ian Williams – COB – Community Development

Kerri Crowe – Public Participant

Dustin Bretz – Bretz RV &amp; Marine