

□

County Zoning Commission

Meeting Date: 09/08/2025

SUBJECT: County Zone Change 731 - 2142 Bitterroot Drive - RR3 to RR1

THROUGH: Karen Husman

PRESENTED BY: Makayla Paul, Planner

Information

REQUEST

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

RECOMMENDATION

The Planning Division staff is recommending approval based on the proposed findings of the eleven criteria of Zone Change 731.

APPLICATION DATA

OWNER: David Harmon

AGENT: Kolten Knatterud & Mariah Lind, IMEG Consultants Corp.

LEGAL DESCRIPTION: S30, T01 N, R27 E, S2S2SEW4

ADDRESS: 2142 Bitterroot Drive

CURRENT ZONING: Rural Residential 3

EXISTING LAND USE: Residential Homes and Agriculture

PROPOSED USE: Residential Homes and Agriculture

SIZE OF PARCEL: 5 acres

CONCURRENT APPLICATIONS

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

APPLICABLE ZONING HISTORY

See attachments.

SURROUNDING LAND USE & ZONING

NORTH: Zoning: Rural Residential 3 (RR3)
Land Use: Vacant/ Residential

SOUTH: Zoning: Suburban Neighborhood Residential (N3)
Land Use: Residential

EAST: Zoning: Agriculture (A)
Land Use: Vacant/Residential

WEST: Zoning: N3
Land Use: Residential

BACKGROUND

The applicant is requesting a zone change from Rural Residential 3 (RR3), which allows parcels of 3 to 9.99 acres, to Rural Residential 1 (RR1), which allows parcels of 1 to 2.99 acres. The subject property is an approximate 5-acre parcel located on Tract 1 of COS 1073 located in Section 14, Township 1 North, Range 26 East. In 2020, as part of the countywide zoning code update, the property was rezoned from Residential 7000 to Rural Residential 3 (RR3). Based on the parcel's size of 5 acres, the RR3 designation was determined to be the most appropriate zoning at that time.

A pre-application neighborhood meeting was held on July 24, 2025, at 6:00 p.m. at 900 Bitterroot Road (meeting minutes attached). Eight members of the public attended. Concerns were raised regarding potential annexation by the City of Billings. The applicant's agent, Kolten Knatterud, clarified that annexation is not being considered at this time. Additional discussion focused on existing easements.

The purpose of the requested zone change is to allow parcel sizes of less than 3 acres, enabling the property owner to utilize the family transfer exemption to gift a parcel to a family member. All existing and future easements will be reviewed at the time of exempt plat review.

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. New developments that are sensitive to and compatible with the character of adjacent City neighborhoods and County town sites. 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.

The proposed zoning is consistent and compatible with the surrounding area. The property is bordered by a suburban neighborhood with average lot sizes of approximately 0.25 acres and a large-lot suburban neighborhood with average lot sizes of approximately 0.5 acres. Rezoning to Rural Residential 1 (RR1) would provide a compatible rural residential development pattern while accommodating parcels smaller than 3 acres.

The property owners intend to pursue a family transfer, and the RR1 zoning district would allow for the creation of lots between 1 and 2.99 acres to facilitate that purpose. This designation also supports neighborhood character by providing a transition between suburban development and rural residential land uses. While the existing RR3 zoning district is intended for small-scale agricultural uses with larger rural home sites, the RR1 district is specifically designed to accommodate smaller rural residential parcels while preserving neighborhood integrity.

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.

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

Transportation: The property is accessed by existing public roads, and no additional transportation infrastructure is required. The zoning change does not increase density or traffic demand and will not impact current transportation facilities.

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

Schools and Parks: The proposed zoning does slightly increase residential density. Though often not utilized, the RR3 zoning does allow for more than one principal structure. Existing park services are sufficient to accommodate the current and future use of the property.

Fire and Police: The property is within the Billings Urban Fire District. Police services will continue to be provided by the Yellowstone County Sheriff's Office. No additional public safety infrastructure is required.

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. The proposed zoning of RR1 provides for a transitional zoning between the N3 to the south and RR3 to the north.

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. Should future development be considered, it could have some influence on transportation. However, the RR1 zoning district would allow for subdivision into 2 to 5 lots, which would be comparable in scale to surrounding development. The addition of 1 to 4 new residences would have a minimal impact on both motorized and non-motorized transportation in the area. Because the owner plans to utilize the family transfer exemption, the property will not undergo the subdivision review process. No changes to traffic, access, or infrastructure are anticipated.

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

The proposed zoning is compatible with any nearby urban development. The proposed zoning and development is consistent with residential lots in the area at this time. The subject property is suburban in character; therefore, a suburban zoning designation is appropriate. Rural Residential 1 (RR1) allows for lots ranging in size from 1 to 2.99 acres, which is consistent with the area's development pattern. By comparison, the Large Lot Suburban Neighborhood Residential (N4) district to the south and east (within the county) permits a maximum lot size of 43,559 square feet (less than one acre) per principal dwelling, while the Suburban Neighborhood Residential (N3) district to the immediate south (within the city) allows up to 40% lot coverage. Considering these standards, the RR1 zoning district provides the most suitable option for the property as a transition from RR3 zone to the north and the N3 zoning in the City limits of Billings to the south and aligns with the intent of the zoning code.

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

The surrounding area is primarily made up of agriculture and similar residential zones, and the RR1 zoning district provides the most suitable option for the property as a transition from RR3 zone to the north and the N3 zoning in the City limits of Billings to the south and the zone change ensures consistency with the lot size requirements and intended residential use.

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

The proposed zoning itself will not affect building value. 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?

Similar to item 7 above, the proposed zoning is compatible with adjacent zoning in the City of Billings. The subject property is suburban in character; therefore, a suburban zoning designation is appropriate. Rural Residential 1 (RR1) allows for lots ranging in size from 1 to 2.99 acres, which is consistent with the area's development pattern. By comparison, the Large Lot Suburban Neighborhood Residential (N4) district permits a maximum lot size of 43,559 square feet (less than one acre) per principal dwelling, while the Suburban Neighborhood Residential (N3) district allows up to 40% lot coverage. Considering these standards, the RR1 zoning district provides the most suitable option for the property and aligns with the intent of the zoning code.

RECOMMENDATION

Staff recommends approval based on the proposed findings of the eleven criteria of Zone Change 731.

Attachments

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