

Planning & Community Development Board

February 17, 2011
Park County, Montana

Attendance: Planning Board Members Bill Berg, Peter Fox, Dave Haug, Traci Isaly, Dale Reinhart, and Lewis Wilks. Community Development Staff Philip Fletcher and Mike Inman. Shannan Piccolo, legal counsel. Greg Coleman, Paradise Valley Fire Department; William Smith, engineer; Sheridan Stenberg and Alyssa Allen, citizens. John Mueller, minutes clerk.

I. Call to Order: @1:34:48 p.m., Chairman Dale Reinhart called a meeting to order in the Community Room of the City/County Complex.

II. Approval of Minutes: The board considered approval of minutes for the January 20 2011, planning board meeting. *Lewis Wilks made a motion to approve the minutes. Peter Fox seconded that motion. Motion passed.*

III. Conflict of Interest: None reported

IV. Public Comment on Agenda Items not Scheduled for a Public Hearing: None

V. New Business

A. Review and Consideration of Parcel 45 Major Subdivision Preliminary Plat Application

1. Introduction by Chair: Dale Reinhart presented ground rules for the review process.

2. Subdivision Administrator Report: Subdivision Administrator Mike Inman said the Parcel 45 Major Subdivision consists of six lots located at Capricorn and Aquarius Drives in North Glastonbury totaling 20 total acres with lots ranging in size from 1.24 to over four acres. He said the sixth lot contains an underground storage facility and cannot be built upon. Inman said the applicant requests two variances from the subdivision regulations: 1) variance from the 30,000-gallon onsite fire fill site requirement; and 2) variance from parkland dedication/cash in lieu of parkland. He said the applicant proposes tapping into the existing Golden Age Village fill site two miles distant and offering \$3,000 to the local Paradise Valley Recreation Center.

3. Applicant Presentation: Consulting Engineer William Smith said he represents Zigmond and Mary Lynn Mayer by power of attorney, and the parcel's second landowner is Marcie Bodeaux. Smith said the Glastonbury Landowners Association ruled the subdivision exceeded its density requirements by one lot, thus the underground shelter is a nonresidential unit in the subdivision that cannot be built upon.

Addressing the fire fill site variance request, Smith said the property in question is within two miles of the Golden Age Village trailer court fire fill site and that system is part of the public water supply that serves the 49 mobile homes within the Village. Smith said the fill site consists of a 280,000-gallon, gravity-fed storage tank providing 75psi of pressure and a couple of full size fire hydrants connected to eight -inch lines that prove to be a preferable location to fill water tenders due to simplicity and speed at 800 gallons per minute. He said the variance request is to tie into the Golden Age Village system and not be required to install a 30,000 tank on the property as per the county subdivision regulations.

Addressing the parkland dedication variance request, Smith said the applicant requests he not have to provide parkland or cash-in-lieu of parkland as the six lot major subdivision is actually a five-lot minor because the lot with the underground shelter cannot be built upon unless the applicant submits an amendment to the Glastonbury Homeowners Association and Park County. Smith said the shelter has a working water well, septic system, electrical amenities and an individual could feasibly live in the shelter.

Citizen Alyssa Allen said she is a member of the Glastonbury Landowners Association and sits on the project and subdivision review committee. She said the review committee approved the proposed application as a six-lot subdivision because a current tenancy-in-common situation with the property has resulted in poor upkeep of property buildings and vandalism, as one of the owners is only interested in owning the underground shelter. Allen said the committee felt it would be better for the neighborhood and community to split the existing house from the shelter lot for maintenance purposes. She said a stipulation was signed in which the shelter lot will not be developed and not be able to have a residence or dwelling.

Reinhart asked Smith to explain the hardships the variance subjects would have on the applicant. Smith said the hardship for the fire fill site is the property is essentially two separate properties and there is no access to the lower lots. He said that could be an ongoing source of confusion for local fire departments per a discussion with the fire chief, and thus a detriment to safety. Smith said he cannot identify a hardship for the parkland other than paying more money. He said the applicant would like the parks funds to go to the Paradise Valley Recreation Center (PVRC) located within North Glastonbury.

4. Public Hearing: @2:15:48, Reinhart opened the public hearing.

a) Public Comment on the Proposal: Allen said there have been problems with private system fill tanks being locked or they do not have water because no one maintains them, such as the Big Creek Fire in 2006 in which there was not a full tank of water to use. She said the Golden Age site is an unusual situation because it is a dependable water source and she thinks it is a nice solution for the proposed subdivision.

Citizen Sheridan Stenberg said she is a neighbor of the parcel in question and can see the proposed use is positive given house vandalism and splitting off the shelter would enable

the subdivision to be a residential community. She said donation to the PVRC, which is a 20-acre recreational parcel with soccer fields, would be positive. She said the proposed variance to use the Golden Age Village water source makes a lot of sense to her, and as a neighbor she would like to see the subdivision go forward.

b) Public Comment on Water and Sanitation: None

5. Board Discussion, Findings and Recommendation: The board reviewed the two variance requests.

a) Fire Fill Site Variance Request: Inman provided the board with an email from Paradise Valley Fire Chief Greg Coleman, which stated the fire department supports the proposed variance to tie the subdivision into the existing Golden Age Village fill site provided a hydrant is placed at the intersection of Capricorn and Venus Ways. Inman read into the record a written agreement between the applicant and the Church Universal and Triumphant - owner of the Golden Age Village fire fill site - that states the church will maintain the site and permit subdivision use of the site in perpetuity unless the subdivision homeowners amend the final plat with Park County for an approved fire fill site.

Coleman said his department is in favor of the fire fill site variance request as long as the applicants install a hydrant at Capricorn and Venus Ways. He said he supports use of the Golden Age Village system instead of an onsite 30,000 tank. Coleman said as chief he prefers regional tanks rather than personal tanks, as the personal tanks are often not maintained and not full of water when needed for an emergency.

Inman said, in addition, he recommends the applicant provide provisions and conditions for defensible space based on the county's regulations regarding the Wildland Urban Interface (WUI) and lands unsuitable for development. Inman said he would like to see covenants or a fire protection plan that specifically identify what provision will be made to keep defensible space and mitigation of the WUI issue at final plat.

Lewis Wilks said public health and safety is the predominant issue the board is trying to address, and the integrity of stand-alone, 30,000-gallon fill sites are questionable at best. He said everyone's known estimation is the Golden Age Village site is the best fire water site in the area, and in the interest of public safety and leveraging off a known highly reliable water delivery system, the board is providing the maximum assurance of public safety to the subdivision. Wilks said a hardship would result from erosion of the hillside if a water access road was installed in the subdivision, and trucks may not be able to access the site in winter.

Dave Haug said the roads near the trailer court are much more likely to be open in a snowstorm than the proposed subdivision's roads, which is another public health and safety issue.

Planning and Development Board Findings and Determination for Fire Fill Station Variance Request:

Proposed Findings: In the interest of public safety, the Golden Age Village Fire Fill site is superior to the proposed alternative of establishing an onsite, 30,000-gallon fire fill suppression system. The Golden Age Village site exceeds the fire protection requirements for major subdivisions (50 or more lots/units) identified in Appendix B of the subdivision regulations.

The Paradise Valley Fire Department reviewed the proposed variance request and stated: “The Paradise Valley Fire Service Area accepts the proposed variance for the Parcel 45 Major Subdivision that includes the Golden Age Village water fill site as available for fire protection in perpetuity along with the installation of the new hydrant at Capricorn and Venus Way.”

The steep slopes separate access to all lots in the subdivision, which would make fire fighting more difficult if utilizing a fill site on the property.

The unpredictability of road conditions on site, such as drifting snow, may make fire fighting more difficult. The existing Golden Age Village fill site and future hydrant located at Capricorn and Venus Way would allow for better access for firefighting purposes.

The Golden Age Village fill site is owned and maintained by the Church Universal and Triumphant and would not require any additional cost to the public at large.

The proposed subdivision is not zoned.

Proposed Conditions: Prior to final plat approval the applicants shall install an approved hydrant at the intersection of Capricorn and Venus Way. The hydrant shall be tested by the applicant and a report shall be submitted to the Community Development Department as part of the final plat application. All costs shall be the responsibility of the applicants.

Prior to final plat approval the applicants shall indentify all provisions regarding defensible/survivable space for protection against wildfires. The provisions shall be in the form of covenants and shall be reviewed and approved by the Paradise Valley Fire Department and the Park County Commission prior to final plat approval.

Lewis Wilks made a motion to approve the requested fire fill station variance request with inclusion of noted amended findings and conditions. Peter Fox seconded that motion. Motion passed.

Planning and Development Board Findings and Determination for Parkland Dedication/Cash-in-lieu of Parkland Variance Request:

Proposed Findings: The proposed variance would not be detrimental to the public health and safety or general welfare or injurious to other adjoining properties due to a lack of evidence.

The applicants identified the only reason for the variance request is to minimize costs associated with the proposal.

No additional cost will result from the variance request.

The area is not zoned

Traci Isaly made a motion the board deny the variance based on board findings. Lewis Wilks seconded that motion. Motion passed.

The board said it recommends cash-in-lieu of parkland be directed to the county, and the applicant can subsequently apply to the county Parks and Recreation Board for funds to the Paradise Valley Recreation Center.

Final Board Recommendation

The board reviewed recommended findings and conditions Roman Numerals I-XIII as submitted in Inman’s report, accepted the findings and conditions as submitted, or made the following amendments:

IV. Affects on Natural Environment: The board added Recommended Finding I and Recommended Condition 16 to read: “A covenant shall be filed with the final plat stating ‘Only one residential dwelling unit shall be allowed on each lot within the Parcel 45 North Glastonbury Major Subdivision under three acres. One residential unit and one guest house shall be allowed on each lot over three acres in size. No residential units/dwellings shall be allowed on Tract 45-B, nor is the existing underground facility located on Tract 45-B allowed to be utilized as a residential unit/dwelling.’”

Bill Berg made a motion to recommend approval of Parcel 45 North Glastonbury Major Subdivision with findings and conditions as identified and amended and variances as approved and denied by the Park County Planning and Development Board. Lewis Wilks seconded that motion. Motion passed unanimously.

B. Conservation Easement: Pehr and Gail Anderson: Inman said the proposed easement is a 640-acre section of ranch located off Brackett Creek Road that would be held by the Montana Land Reliance. He said the ranch currently has one existing structure and the Andersons request construction of up to three additional residential units and limits to the number of times the property can be transferred to not more than four parcels. Inman

said the stated purpose of the easement is to utilize the property for hunting, agriculture and open space.

Lewis Wilks made a motion to support approval of the conservation easement as reviewed with its consistency with the growth policy. Dave Haug seconded that motion. Motion passed.

VI. Old Business

A. Economic Development Committee Report: Community Development Director Philip Fletcher said the committee did not meet and a grant held up by the Economic Development Administration was withdrawn because the administration is moving toward funding regional economic development projects. He said Park County is negotiating with Gallatin County to form a regional economic development unit.

Fletcher said he met with the federal reserve board on February 16 regarding data exchange and economic data analysis, and he is working on the local revolving loan fund. He said the committee will submit an annual work plan for review within 10 days.

VII. Staff Report

A. Update of Donut Zoning District Project: Inman said he will work on the project after the floodplain regulations are completed. Inman said he hopes to have a draft of the revised floodplain regulations for public comment within two weeks, submit it to the planning board for next month's meeting and advertise for a public hearing in March.

B. Discussion of Current Legislation: Fletcher said he has reviewed all legislation pertaining to planning, economic development and environmental issues and he will have a staff summary of pending legislation within a few days. Civil Deputy County Attorney Shannan Piccolo said she forwards issues discussed in weekly attorney legislation reviews to Inman to obtain his review as part of the county attorney opinion on the issues. She said her review focuses more on the legal aspects of planning issues, and several bills have been proposed dealing with the Montana Subdivision and Platting Act.

Fox said the board is a public forum and should bring issues to light that may impact Park County citizens. Piccolo said she suggests the board approach the Commission and ask permission to track relative legislation and bills and set forth a position for Park County. Fletcher said his opinion is the Commission is perfectly comfortable, supportive and would like the board to take on the roll of speaking for the county planning and development board and individual commissioners have told him the board and staff do not have to run statements through the commissioners because they trust the board's and staff's integrity and role. Piccolo said she suggests the board set up a weekly phone conference on legislative issues that must be announced and done publicly.

Peter Fox made a motion Reinhart appoint one or more individuals to work with the community development director to make a speedy assessment of bills in the Montana

Legislature and assess their impact on planning and development in Park County and make a report as soon as possible by the most expedient means possible to this board, and the report be prepared and shared and discussed by the next meeting. Lewis Wilks seconded that motion. Motion passed.

Reinhart said he wants to ensure the committee makes an assessment of how often the group gets together and appointed Fox to work with Fletcher on the effort.

VIII. March Planning Board Agenda

The board said it would like to review draft floodplain regulations at the March meeting and open the public hearing, which will require a subsequent evening public hearing to accept public comment and potentially consider adoption of the document and make recommendations to the Commission. Inman said he will provide the draft regulations to Berg and Reinhart prior to the March meeting, and he will have a draft to the rest of board in advance if possible.

Inman said other subdivisions are in the hopper, but nothing will be ready for review in March.

IX. Public Comment: None

X. Adjournment: @5:11:08 p.m., the meeting adjourned.

Dale Reinhart
Chairman