

Planning & Community Development Board

October 20, 2011

Park County, Montana

Attendance: Planning Board Members Bill Berg, Dave Haug, Dale Reinhart, Frank Schroeder and Lewis Wilks. Also present were Mike Inman, planning staff; Shannan Piccolo, legal counsel; Barbara Woodbury, environmental health; Philip Fletcher, community development; Craig Newhouse, applicant; and William Smith, applicant representative.

I. Call to Order: @1:30 p.m., Chairman Dale Reinhart called a meeting to order in the Community Room of the City/County Complex.

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

III. Approval of Minutes: The board considered approval of minutes for the August 18, 2011, meeting. *Bill Berg made a motion to approve the minutes of the August 18 meeting. Dave Haug seconded that motion. Motion passed.*

IV. Conflict of Interest: None reported

V. New Business - Planning

A. Review and Consideration of Earth Homes Subsequent Minor Subdivision Preliminary Plat Application

1. Introduction by Subdivision Administrator: Subdivision Administrator Mike Inman provided a history of the proposed subdivision application, saying it was originally submitted in 2005 by Craig Newhouse and work continued on it in 2009. He said the proposal is being reviewed in accordance with the *2010 Park County Subdivision Regulations* and the Montana Subdivision and Platting Act (MSPA).

2. Subdivision Administrator Report: Inman said the subdivision is located near the intersection of Orion Way and Evening Star Drive in North Glastonbury and the applicant proposes dividing a 12.8-acre parcel into four equally-sized parcels. He said existing structures on the property include underground homes, and the proposal allows for aboveground structures on the parcels. Inman provided photographs of the proposed site.

Inman said the applicant has requested five variances from the subdivision regulations: A variance to utilize the Golden Age Village Site by utilizing a hydrant at the corner of Capricorn and Venus Way, but that hydrant has yet to be installed. A variance request from road easement width, with the applicants proposing to use Evening Star Drive to access Lots C and D and improve the road to county standards within the existing 40-foot right-of-way, which includes a requested variance from the cul-de-sac requirement of

every 750 feet and a variance from the 3:1 slope requirements between Lots 3 and 4. A variance from the 3:1 parcel width to length ratio.

Inman presented the board with the applicant's variance alternatives and preferred options.

3. Applicant Presentation: William Smith, engineer, presented the board with development specifics and reasons for variance requests. Craig Newhouse, applicant, provided specifics of Glastonbury Landowner Association parameters placed upon the proposed subdivision.

4. Public Hearing: Reinhart opened the public hearing.

a) Public Comment on Proposal: Richard Mead of 5 Evening Star Drive asked the degree to which traffic would be increased on Evening Star Drive as a result of the development, whether widening the road would encroach on his property, if dust from increased traffic would be addressed, and the distance the second approach option would be from the back of his house.

A citizen living near the proposed development commented on his concern of the number of dwellings proposed for the property and increased traffic issues.

Rick Pittendorfer said he lives below the proposed development and he and his wife have concern with the steepness of the slopes of the proposed development. He said rocks and vehicles have fallen down onto their property from the development property above. He said he is also worried about erosion caused by the development above his property.

A citizen said he needs to know more about proposed structures and excavation for the proposed development.

Lewis Wilks, Bill Berg and Frank Schroeder read into the record a written letter of public comment from Kathleen Rakela.

b) Public Comment on Water and Sanitation: None

5. Board Discussion and Recommendation:

The board made proposed findings and conditions for the proposed variances and entered them into (and are documented within) the Subdivision Administrator's report, which was submitted to the Park County Commission for its public hearing on November 3, 2011 to review and consider approval of the Earth Homes Minor Subsequent Minor Subdivision.

The board considered requested variances per the following guidelines:

The Board shall not approve a variance unless it finds that:

- A. The granting of the variance will not be detrimental to the Public Health, Safety, or general welfare or injurious to other adjoining properties;
- B. Due to the physical surroundings, shape, or topographical conditions of the property involved, strict compliance with the regulations will impose an undue hardship on the owner. Undue hardship does not include personal or financial hardship, or any hardship that is self imposed;
- C. The variance will not cause a substantial increase in public costs; and
- D. The variance will not place the Subdivision in nonconformance with any adopted zoning regulations.

Variance – Fill Site: *Bill Berg moved to approve Variance 1 with respect to the fill site. Dave Haug seconded the motion. Motion passed.*

Variance – Road Easement Width: *Lewis Wilks moved to not grant the variance relative to the 60-foot easement. Frank Schroeder seconded the motion. Motion passed.*

Variance – 3:1 Slope: *Lewis Wilks moved to accept the variance on the 3 to 1 with the proposed findings and conditions as outlined. Dave Haug seconded the motion. Motion passed. Dale Reinhart voted in opposition to the motion.*

Variance – Cul-de-sac Requirement: *Lewis Wilks moved to grant the variance based on findings and conditions as outlined. Bill Berg seconded the motion. Motion passed. Dale Reinhart voted in opposition to the motion.*

In other discussion the board said it will not make it through the remaining agenda items due to the time the subdivision review is taking and will schedule a meeting for the first week of November to address the remaining agenda business items.

Bill Berg moved the board adjourn the meeting after the subdivision item is cleared off the agenda and table the remaining agendas items for the near future. Dave Haug seconded the motion. Motion passed.

Variance – 3:1 Lot Depth to Width Ratio:

Bill Berg moved to approve the variance for the 3 to 1 lot size. Dave Haug seconded the motion. Motion passed.

The board reviewed recommended findings and conditions as submitted in Inman's report as follows:

I. Affects on Agriculture; II. Affects on Agriculture Water User Facilities; III. Affects on Local Services; IV. Affects on the Natural Environment; V. Affects on Wildlife; VI. Affects on Wildlife Habitat; VII. Public Health and Safety; VIII. Compliance with the Survey Requirements in Part for the Montana Subdivision and Platting Act; IX.

Compliance with Provisions of Physical and Legal Access to Each Parcel within the Subdivision and the Required Notation of that Access on the Applicable Plat and Any Instrument of Transfer Concerning the Parcel; X. Compliance with the Provisions of Easements for the Location and Installation of Any Planned Utilities; XI. Compliance with the Review Procedures Contained in the Montana Subdivision and Platting Act; XII. Consideration of an Officially Adopted Growth Policy for the Area Involved; XIII. Compliance with the Park County Subdivision Regulations.

The board made proposed findings and conditions for VII. Affects on Public Health and Safety and entered them into (and are documented within) the Subdivision Administrator's report, which was submitted to the Park County Commission for its public hearing on November 3, 2011, to review and consider approval of the Earth Homes Minor Subsequent Minor Subdivision.

Dave Haug moved to add Findings F and G and Condition 26 to Affects on Public Health and Safety item number seven. The motion died due to lack of second.

Lewis Wilks moved to adopt health and safety items F and G, Condition 26 as currently outlined. Bill Berg seconded the motion. Motion passed.

Bill Berg moved to recommend approval of Earth Homes Subsequent Minor Subdivision with findings and conditions as identified and amended by the Park County Planning and Development Board, including the variances. Lewis Wilks seconded the motion. Motion passed.

X. Adjournment: @5:44 p.m., the meeting adjourned.

Dale Reinhart
Chairman