

**SECTION 21 PLANNED DEVELOPMENT OVERLAY DISTRICT (PD)**

The Planned Development Overlay Zone District is hereby adopted. Detailed regulations to be adopted with a future amendment.

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**2101 Intent**

A PD may be initiated to allow densities beyond what are normally allowed in the RR District and SR-10 Zones based on mitigation of development constraints. **(Staff to add more specific information related to the development constraints.)**

**2102 Criteria for Consideration of a PD**

The application may be approved only if the BoCC finds and concludes that the proposed PD satisfactorily addresses the criteria set forth in Section 2102.01.

**2102.01 Approval Criteria**

Each PD application shall demonstrate how the proposal will satisfactorily address the following approval criteria:

The Applicant has provided reasonable and adequate evidence that: **(Staff to add specific information that includes how the three development constraints have been mitigated.)**

**2103 Approval Conditions**

The BoCC may impose conditions of approval where such conditions are necessary or appropriate to ensure a PD meets the criteria set forth in Section 2102.

**2104 Decision Based on Findings**

Every decision of the BOCC pertaining to the approval, conditional approval, denial, or amendment of a request for a PD shall be based upon "Findings of Fact". Each Finding of Fact shall be supported in the records of the proceedings. The criteria set forth in Section 2102 as they relate to matters, which the BOCC is empowered to review under these Regulations and MCA, shall be construed as a limitation on the power of the BOCC to act in the matter of approval, conditional approval, denial, or amendment of a PD. A mere finding or recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed in compliance with these Regulations.

**2105 Length of Approval**

A PD shall be valid for a duration of time specified by the BOCC or until it is revoked or terminated, whichever occurs first. The PD may transfer with the transfer of the land.

**2106 Standards and Requirements for PDs**

**(Staff to add this information. This is where additional uses for a PD could be allowed under the Regulations, along with other the allowance for other requirements that deviate from the RR District and SR-10 Zones.)**

**2107 Submittal Pre-requisites**

The applicant shall attend a pre-application meeting with the Zoning Administrator to discuss their proposal, the submittal process, and requirements for a PD.

## 2108 Submittal Requirements and Process for PD with a Major Subdivision

2108.01 The applicant shall submit the following to the CDP:

2108.01.01 A completed application form (*available from the CDP*).

2108.01.02 Proof of ownership that includes an updated or current title insurance policy or title commitment, or other acceptable form of title verification, no more than six (6) months old from the date of application.

2108.01.03 A notarized letter of authorization from the landowner permitting a representative to process the application, when applicable.

2108.01.04 Application fee (*available from the CDP*).

2108.01.05 An application for a major subdivision, in accordance with the Lewis and Clark County Subdivision Regulations, along with the application fee.

2108.01.06 A PD plan that contains the following:

2108.01.06.1 Detailed information ensuring that there is adequate water available to meet the long-term needs of the subdivision (RR District only). **Comments received from ZAP: It is concerning that Subdivision Regulations would be used to determine water adequacy. Well logs provide inadequate data to project future "carrying capacity" of water availability for development. A hydrology report and recommendation from a hydrogeologist is needed. The exempt well location standards only address legal water rights and not availability, and availability varies in this area, so a professional report and opinion are necessary. Can Staff provide options to address this issue? Many homeowners believe they have a water right based on their well permit. There needs to be more public education about ground water rights and development. On page 21-3 of the PD Overlay District draft under 2108.01.06.1, consider the following text to ensure water availability does not become a long-term constraint or potential liability: "An applicant for subdivision approval must shoulder the burden of proof about the availability and capability of an identified water source(s) to meet the long term needs for that development. This can be accomplished via a comprehensive study/report from consultants versed in the science of hydrogeology and hydrology to assess in detail an identified source(s) of water. In areas located over bedrock and/or tertiary aquifers, areas subject to limited recharge, a cumulative effects analysis should be performed to assess long-term risk of running out of**

water.” Provide alternative options of reliable water supply sources and infrastructure needed to supply water to that development in the event well data monitoring shows substantial and imminent depletion of the local aquifer.” Provide a plan to provide adequate water to a planned development in the event the aquifer becomes compromised from overuse by existing users.”

- 2108.01.06.2 Detailed information ensuring that roads leading to the subdivision are in good and safe condition (RR District and SR-10 Zones). **Comments received from ZAP: Having the developer provide properly engineered and installed roads will make them less expensive in the future and relieve some of the tax burden from the County residents living closer to Helena and Helena taxpayers themselves. This will be at least somewhat less unsustainable than what is currently in place. Regarding roads to and from the development, they should meet full County construction standards. This will mean that they have compacted road base gravel adequate to sustain the paved surface and minimize future resurfacing. Even with this criterion, they will be expensive for the taxpayers to maintain due to the distances they cover which lead to many more miles traveled per resident. This is the number one drawback to rural housing development and the reason the County has \$50,000,000.00 in unfunded road improvements that are needed. - I believe the PASER Manual provides the County Public Works Department the best means to assess current paved roads and whether they are suitable for servicing new subdivisions as the PASER guide is readily available and reliable for the County in identifying failing roads. Using this assessment tool should also provide the County with data (numbers) to justify whether full County standards or engineering equivalent is justified. Being a believer that more information reduces uncertainties and fills data gaps (unknowns), a traffic impact study would help provide further understanding on the risks of all roads, including gravel roads, falling into disrepair and the justification for investment. Note about liability: In my career, a Forest Service road that was steep, narrow, and in poor condition was driven down by a forest visitor who lost control due to design flaws in the road and lack of maintenance. The driver totaled his vehicle and suffered crippling injuries as a result of the accident. As a consequence, the driver sued the FS and won a \$1.1 million settlement. I presume any road under the jurisdiction of all government entities**



(federal, state, county and city) also is subject to the same liability for not meeting minimum safety standards.

- 2108.01.06.3 Detailed information ensuring that fire protection will be provided that will not place long-term burdens on rural fire protection systems (RR District and SR-10 Zones). Comments received from ZAP: To provide adequate fire protection that will not place an undue, long-term burden on rural fire protection systems, fire hydrants will need to be spaced 500 feet apart with an unlimited water supply that provides 1500 g.p.m to 1750 g.p.m. of flow and its own fire department depending on housing density and the overall size of the PD. On this issue (fire protection) I defer comment to our panel member most versed in fire services, Mr. Keim. I have been very impressed with his knowledge and attention to details about fire protection services needed in all the districts, especially in the Rural District. Two things that strike me most about meeting the challenge for ensuring adequate fire protection: 1) Status of access roads to provide the fire responders an efficient and safe means to an incident, and 2) Water supplies. The people making their presentations to the ZAP last winter as representatives of the fire protection services are a sampling of those most qualified to provide meaningful feedback here. My observations from working in the Forest agency as it relates to fire response is that improved roads provided responders the best means to access inholdings. The limiter was always remote inholdings where a water source was often far away and roads in poor condition resulting in delays for tank trucks and personnel to reach their destination. The consensus notion amongst the fire shop was that people should carefully weigh the risks of where they chose to build homes. People living in the WUI would best be briefed about these tradeoffs as it remains too unpractical with current technologies to protect these groups to the same degree as those living in and around incorporated communities and volunteer fire departments. One final observation: A question I delivered to a fire responder making his case to the ZAP last year was about what fire departments felt was their biggest limiter. The answer was about getting sufficient volunteers assembled to respond to an incident that had become the major challenge. Therefore, fire protection provided by local volunteer fire departments is limited not just from inadequate transportation routes and water supplies, but also inadequate



volunteer staffing to sufficiently and timely respond to an incident.

- 2108.01.06.4 A scaled vicinity map with a north arrow that, clearly shows the property in question, its relationship to surrounding areas, including the existing land uses and zoning of both the site and the surrounding area within a one (1) mile radius.
- 2108.01.06.5 A site plan indicating how the PD relates to the affected land. It shall be drawn to scale: (Staff to add scale information)
- a. Names and dimensions of roads adjacent to the site, including right-of-way/easement and paved and/or gravel surfaces.
  - b. Pedestrian and vehicular traffic circulation patterns within and around the site, including sidewalks and trails.
  - c. Proposed location and height of building(s) including identification of types, density, and number of dwelling units or uses in each structure.
  - d. General distances between buildings.
  - e. Off-street parking facilities.
  - f. Locations, dimensions, and area of open space.
  - g. Proposed drainage patterns and any related drainage developments.
  - h. Existing and proposed topography at not less than five (5) foot contour intervals when the slope exceeds five (5%) percent and not less than two (2) foot contour intervals when the slope is less than five (5%) percent.
  - i. Existing and proposed water system, sewer system, stormwater drainage improvements, gas, electric, telephone and other utilities.
  - j. Such other physical features as existing streams, canals, railroads, rights-of-way or easements which affect or are affected by the proposed PD.

- 2108.02 When an application is submitted, the submittal shall be reviewed by the Staff assigned to the project and a determination of completeness and sufficiency shall be made within twenty-one (21) days. The applicant shall be notified in writing if the submittal

is incomplete and/or insufficient, and any inadequacies shall be specifically identified. An incomplete or insufficient application will not be processed.

2108.03 Once the submittal is determined to be complete and sufficient, Staff will notify the applicant in writing of the number of copies of the submittal information required for distribution to referral agencies.

2108.04 If the referral agencies elect to comment, they may comment within thirty (30) days from the date the referral packets were mailed or electronically distributed, unless the applicant grants, in writing, an extension of no more than thirty (30) days.

All referral agency comments shall be provided by the Staff to the applicant. The applicant shall be given the opportunity to address the comments of all referral agencies by identifying, in writing, the extent to which the project has been revised in response to the comments. The applicant is strongly encouraged to provide the Staff with a written response. The applicant is encouraged to meet with the referral agencies and the Staff to address any concerns.

2108.05 The Staff will review the referral agency comments and discuss any concerns with the applicant. Upon receipt of written notice from the applicant that they are ready to proceed with a public hearing, Staff shall schedule a public hearing before the Planning Board. Once such public hearing has been determined, Staff shall notify the applicant in writing of the hearing date and time and prepare a staff report for the Planning Board. The Staff will provide the public notice for the hearing as set for in Section 2112.

2108.06 The Planning Board shall concurrently evaluate the application, the staff report, referral agency comments, applicant responses, and public testimony for both the PD and its associated major subdivision; and then shall recommend approval, conditional approval, or denial of the applications based on the evidence presented and compliance with the applicable criteria.

2108.07 At the hearing on the application for a PD, the Planning Board shall consider, but shall not be limited to, the following items:

2102.08.01 The proposed PD will be consistent with the Growth Policy (Staff to add more specific information related to the mitigation of the development constraints.)

2102.08.02 The physical features of the land.

2102.08.03 The existing land uses surrounding the proposed PD.

2102.08.04 The planned land uses within the area of the proposed PD, how they will relate to adjoining properties and the general neighborhood, and their compatibility with existing uses of said adjoining properties and the general neighborhood.

2102.08.05 The proposed residential density and how it relates to adjoining properties and the general neighborhood.

- 2102.08.06 The existing and/or proposed public improvements in the area such as schools, roads, parks and other such features.
- 2102.08.07 The availability of utilities.
- 2102.08.08 Comments received from interested citizens.
- 2108.08 After said public hearing and review, the Planning Board shall make a written recommendation to the BoCC regarding the proposed PD and its associated major subdivision.
- 2108.09 The BoCC shall concurrently evaluate the application, the staff report, referral agency comments, applicant responses, and public testimony/comments for both the PD and its associated major subdivision; and then shall approve, conditionally approve, or deny the applications based on the evidence presented and compliance with the applicable criteria.
- 2108.10 **(Staff to add appeal language.)**
- 2109 Submittal Requirements and Process for PD with a Minor Subdivision
- 2109.01 The applicant shall submit the following to the CDP:
- 2109.01.01 A completed application form *(available from the CDP)*.
- 2109.01.02 Proof of ownership that includes an updated or current title insurance policy or title commitment, or other acceptable form of title verification, no more than six (6) months old from the date of application.
- 2109.01.03 A notarized letter of authorization from the landowner permitting a representative to process the application, when applicable.
- 2109.01.04 Application fee *(available from the CDP)*.
- 2109.01.05 An application for a minor subdivision, in accordance with the Lewis and Clark County Subdivision Regulations, along with the application fee.
- 2109.01.06 A PD plan that contains the following:
- 2109.01.06.1 Detailed information ensuring that there is adequate water available to meet the long-term needs of the subdivision (RR District only). **Comments received from ZAP: It is concerning that Subdivision Regulations would be used to determine water adequacy. Well logs provide inadequate data to project future "carrying capacity" of water availability for development. A hydrology report and recommendation from a hydrogeologist is needed. The exempt well location standards only address legal water rights and not availability, and availability varies in this area, so a**



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- 2109.01.06.2 Detailed information ensuring that roads leading to the subdivision are in good and safe condition (RR District and SR – 10 Zones). Comments received from ZAP: Having the developer provide properly engineered and installed roads will make them less expensive in the future and relieve some of the tax burden from the County residents living closer to Helena and Helena taxpayers themselves. This will be at least somewhat less unsustainable than what is currently in place. Regarding roads to and from the development, they should meet full County construction standards. This will mean that they have compacted road base gravel adequate to sustain the paved surface and minimize future resurfacing. Even with this criterion, they will be expensive for the taxpayers to maintain due to the distances they cover which lead to many more miles traveled per resident. This is the number one drawback to rural housing development and the reason the County has \$50,000,000.00 in unfunded road improvements that are needed. - I believe the PASER Manual provides the County Public Works Department the best means to assess current paved roads and

whether they are suitable for servicing new subdivisions as the PASER guide is readily available and reliable for the County in identifying failing roads. Using this assessment tool should also provide the County with data (numbers) to justify whether full County standards or engineering equivalent is justified. Being a believer that more information reduces uncertainties and fills data gaps (unknowns), a traffic impact study would help provide further understanding on the risks of all roads, including gravel roads, falling into disrepair and the justification for investment. Note about liability: In my career, a Forest Service road that was steep, narrow, and in poor condition was driven down by a forest visitor who lost control due to design flaws in the road and lack of maintenance. The driver totaled his vehicle and suffered crippling injuries as a result of the accident. As a consequence, the driver sued the FS and won a \$1.1 million settlement. I presume any road under the jurisdiction of all government entities (federal, state, county and city) also is subject to the same liability for not meeting minimum safety standards.

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2109.01.06.4 A scaled vicinity map with a north arrow that, clearly shows the property in question, its relationship to surrounding areas, including the existing land uses and zoning of both the site and the surrounding area within a one (1) mile radius.

2109.01.06.5 A site plan indicating how the PD relates to the affected land. It shall be drawn to scale: (Staff to add scale information)

- a. Names and dimensions of roads adjacent to the site, including right-of-way/easement and paved and/or gravel surfaces.
- b. Pedestrian and vehicular traffic circulation patterns within and around the site, including sidewalks and trails.
- c. Proposed location and height of building(s) including identification of types, density, and number of dwelling units or uses in each structure.
- d. General distances between buildings.
- e. Off-street parking facilities.
- f. Locations, dimensions, and area of open space.
- g. Proposed drainage patterns and any related drainage developments.

- h. Existing and proposed topography at not less than five (5) foot contour intervals when the slope exceeds five (5%) percent and not less than two (2) foot contour intervals when the slope is less than five (5%) percent.
  - i. Existing and proposed water system, sewer system, stormwater drainage improvements, gas, electric, telephone and other utilities.
  - j. Such other physical features as existing streams, canals, railroads, rights-of-way or easements which affect or are affected by the proposed PD.
- 2109.02 When an application is submitted, the submittal shall be reviewed by the Staff assigned to the project and a determination of completeness and sufficiency shall be made within twenty-one (21) days. The applicant shall be notified in writing if the submittal is incomplete and/or insufficient, and any inadequacies shall be specifically identified. An incomplete or insufficient application will not be processed.
- 2109.03 Once the submittal is determined to be complete and sufficient, Staff will notify the applicant in writing of the number of copies of the submittal information required for distribution to referral agencies.
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- 2109.05 The Staff will review the referral agency comments and discuss any concerns with the applicant. Upon receipt of written notice from the applicant that they are ready to proceed with a public hearing, Staff shall schedule a public hearing before the Planning Board. Once such public hearing has been determined, Staff shall notify the applicant in writing of the hearing date and time and prepare a staff report for the Planning Board. The Staff will provide the public notice for the hearing as set for in Section 2112.
- 2109.06 The Planning Board shall evaluate the application, the staff report, referral agencies, applicant's responses, and public testimony for the PD and its associated minor subdivision; and then shall approve, conditionally approve, or deny the application based on the evidence presented and compliance with the applicable criteria.
- 2109.07 At the hearing on the application for a PD, the Planning Board shall consider, but shall not be limited to, the following items:

- 2109.07.01 The proposed PD will be consistent with the Growth Policy. **(Staff to add more specific information related to the mitigation of the development constraints.)**
- 2109.07.02 The physical features of the land.
- 2109.07.03 The existing land uses surrounding the proposed PD.
- 2109.07.04 The planned land uses within the area of the proposed PD, how they will relate to adjoining properties and the general neighborhood, and their compatibility with existing uses of said adjoining properties and general neighborhood.
- 2109.07.05 The proposed residential density and how it relates to adjoining properties and the general neighborhood.
- 2109.07.06 The existing and/or proposed public improvements in the area such as schools, roads, parks and other such features.
- 2109.07.07 The availability of utilities.
- 2109.07.08 Comments received from interested citizens.
- 2109.08 After said public hearing and review, the Planning Board shall make a written recommendations to the BoCC regarding the proposed PD.
- 2109.09 The BoCC shall concurrently evaluate the application, the staff report, referral agency comments, applicant responses, and public testimony/comments for both the PD and its associated minor subdivision; and then shall approve, conditionally approve, or deny the applications based on the evidence presented and compliance with the applicable criteria.
- 2109.10 **(Staff to add appeal language.)**
- 2110 Submittal Requirements and Process for PD with No Subdivision
- 2110.01 The applicant shall submit the following to the CDP:
- 2110.01.01 A completed application form *(available from the CDP)*.
- 2110.01.02 Proof of ownership that includes an updated or current title insurance policy or title commitment, or other acceptable form of title verification, no more than six (6) months old from the date of application.
- 2110.01.03 A notarized letter of authorization from the landowner permitting a representative to process the application, when applicable.
- 2110.01.04 Application fee *(available from the CDP)*.
- 2110.01.05 A PD plan that contains the following:
- 2110.01.05.1 Detailed information ensuring that there is adequate water available to meet the long-term needs of the

subdivision (RR District only). **Comments received from ZAP: It is concerning that Subdivision Regulations would be used to determine water adequacy. Well logs provide inadequate data to project future "carrying capacity" of water availability for development. A hydrology report and recommendation from a hydrogeologist is needed. The exempt well location standards only address legal water rights and not availability, and availability varies in this area, so a professional report and opinion are necessary. Can Staff provide options to address this issue? Many homeowners believe they have a water right based on their well permit. There needs to be more public education about ground water rights and development. On page 21-3 of the PD Overlay District draft under 2108.01.06.1, consider the following text to ensure water availability does not become a long-term constraint or potential liability: "An applicant for subdivision approval must shoulder the burden of proof about the availability and capability of an identified water source(s) to meet the long term needs for that development. This can be accomplished via a comprehensive study/report from consultants versed in the science of hydrogeology and hydrology to assess in detail an identified source(s) of water. In areas located over bedrock and/or tertiary aquifers, areas subject to limited recharge, a cumulative effects analysis should be performed to assess long-term risk of running out of water." Provide alternative options of reliable water supply sources and infrastructure needed to supply water to that development in the event well data monitoring shows substantial and imminent depletion of the local aquifer." Provide a plan to provide adequate water to a planned development in the event the aquifer becomes compromised from overuse by existing users."**

- 2110.01.05.2 Detailed information ensuring that roads leading to the subdivision are in good and safe condition (RR District and SR-10 Zones). **Comments received from ZAP: Having the developer provide properly engineered and installed roads will make them less expensive in the future and relieve some of the tax burden from the County residents living closer to Helena and Helena taxpayers themselves. This will be at least somewhat less unsustainable than what is currently in place. Regarding roads to and from the development, they should meet full County construction standards. This will mean that they have compacted road base gravel adequate to sustain the paved surface and minimize**

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2110.01.05.3

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2110.01.05.4 A scaled vicinity map with a north arrow that, clearly shows the property in question, its relationship to surrounding areas, including the existing land uses and zoning of both the site and the surrounding area within a one (1) mile radius.

2110.01.05.5 A site plan indicating how the PD relates to the affected land. It shall be drawn to scale: **(Staff to add scale information)**

- a. Names and dimensions of roads adjacent to the site, including right-of-way/easement and paved and/or gravel surfaces.
- b. Pedestrian and vehicular traffic circulation patterns within and around the site, including sidewalks and trails.
- c. Proposed location and height of building(s) including identification of types, density, and number of dwelling units or uses in each structure.



- d. General distances between buildings.
  - e. Off-street parking facilities.
  - f. Locations, dimensions, and area of open space.
  - g. Proposed drainage patterns and any related drainage developments.
  - h. Existing and proposed topography at not less than five (5) foot contour intervals when the slope exceeds five (5%) percent and not less than two (2) foot contour intervals when the slope is less than five (5%) percent.
  - i. Existing and proposed water system, sewer system, stormwater drainage improvements, gas, electric, telephone and other utilities.
  - j. Such other physical features as existing streams, canals, railroads, rights-of-way or easements which affect or are affected by the proposed PD.
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- 2110.03 Once the submittal is determined to be complete and sufficient, Staff will notify the applicant in writing of the number of copies of the submittal information required for distribution to referral agencies.
- 2110.04 If the referral agencies elect to comment, they may comment within thirty (30) days from the date the referral packets were mailed or electronically distributed, unless the applicant grants, in writing, an extension of no more than thirty (30) days.
- All referral agency comments shall be provided by the Staff to the applicant. The applicant shall be given the opportunity to address the comments of all referral agencies by identifying, in writing, the extent to which the project has been revised in response to the comments. The applicant is strongly encouraged to provide the Staff with a written response. The applicant is encouraged to meet with the referral agencies and the Staff to address any concerns.
- 2110.05 The Staff will review the referral agency comments and discuss any concerns with the applicant. Upon receipt of written notice from the applicant that they are ready to proceed with a public hearing, Staff shall schedule a public hearing before the Planning Board. Once such public hearing has been determined, Staff shall notify the applicant in writing of the hearing date and time and prepare a staff report for the Planning Board. The Staff will provide the public notice for the hearing as set for in Section 2112.

- 2110.06 The Planning Board shall evaluate the application, the staff report, referral agencies, applicant's responses, and public testimony for the PD; and then shall approve, conditionally approve, or deny the application based on the evidence presented and compliance with the applicable criteria.
- 2110.07 At the hearing on the application for a zoning map amendment, the Planning Board shall consider, but shall not be limited to, the following items:
- 2110.07.01 The proposed PD will be consistent with the Growth Policy. **(Staff to add more specific information related to the mitigation of the development constraints.)**
- 2110.07.02 The physical features of the land.
- 2110.07.03 The existing land uses surrounding the proposed PD.
- 2110.07.04 The planned land uses within the area of the proposed PD, how they will relate to adjoining properties and the general neighborhood, and their compatibility with existing uses of said adjoining properties and general neighborhood.
- 2110.07.05 The proposed residential density and how it relates to adjoining properties and the general neighborhood.
- 2110.07.06 The existing and/or proposed public improvements in the area such as schools, roads, parks and other such features.
- 2110.07.07 The availability of utilities.
- 2110.07.08 Comments received from interested citizens.
- 2110.08 After said public hearing and review, the Planning Board shall make written recommendations to the BoCC regarding the PD.
- 2110.09 The BoCC shall evaluate the application, the staff report, referral agency comments, applicant responses, and public testimony/comments for the PD; and then shall approve, conditionally approve, or deny the application based on the evidence presented and compliance with the applicable criteria.
- 2110.10 **(Staff to add appeal language.)**
- 2111 Withdrawal of PD  
A request to withdraw an application shall be submitted, in writing, to the Staff. Once withdrawn, the submittal of a new application and processing fee shall be required in order to re-initiate the application; and such re-initiation shall be considered and processed as a new application.
- 2112 Public Notice Requirements  
The following requirements shall apply to a PD. In calculating the time period for public notification, see Section 106 of these Regulations. **(Staff to address any formatting issues under notice templates.)**
- 2112.01 Written Notice (Planning Board Hearing)  
At least fifteen (15) days prior to the Planning Board hearing, Staff shall mail a written notice of the hearing by first-class mail to the address of each abutting landowner as

such address is shown in the records of the County. The notice shall read substantially the same, as the published notice as required by this section.

2112.01.01 The notice shall indicate:

- (a) The date, time and location of the hearing;
- (b) An explanation of the PD;
- (c) The general location of the land that is the subject of the request;
- (d) The file name and number; and
- (e) That questions should be directed to the CDP.

2112.01.02 The person completing the mailing of the written notice shall execute a certificate of mailing. Such certificate shall read as follows:

**CERTIFICATE OF MAILING**

I, \_\_\_\_\_, hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, and addressed as follows:  
(attach list of addresses if necessary)

\_\_\_\_\_

(signature of person completing the mailing)

**2112.02 Published Notice (Planning Board Hearing)**

At least fifteen (15) days prior to the Planning Board hearing, Staff shall:

2112.02.01 Publish a notice in at least one (1) publication of a daily or a weekly legal newspaper of general circulation, printed or published in whole or in part in the County; and

2112.02.02 Obtain a publisher's affidavit of said published notice prior to the hearing.

2112.02.03 The notice shall indicate:

- (a) The date, time and location of the hearing;
- (b) An explanation of the PD;
- (c) The general location of the land that is the subject of the request;
- (d) The file name and number; and
- (e) That questions should be directed to the CDP.

**2112.03 Posted Notice (Planning Board Hearing)**

At least fifteen (15) days prior to the Planning Board hearing, Staff shall post a notice on the land for which the PD is requested.

**NOTICE OF PUBLIC HEARING BEFORE THE PLANNING BOARD**

This land shall be considered for a Planned Development for a *(insert specific use)* in the \_\_\_\_\_ zone district. The public hearing is *(date)*, in the Commissioners' Hearing Room, 316 N. Park Ave., Helena, MT at *(time)*. For more information call County Planning, 406-447-8374

File No./Name: \_\_\_\_\_

2112.03.01 An affidavit of sign posting shall be submitted by the person who posted the sign for the file in the Planning Division prior to the hearings. The sign(s) shall be photographed by the person who posted them and attached to the affidavit as follows:

*(attach photo here)*  
*(sign lettering must be legible in photo)*

I, *(person posting sign)*, attest that the above sign was posted on *(date)* abutting *(name of street)*.

*(signature)* \_\_\_\_\_

File No./Name: \_\_\_\_\_

2112.04 Written Notice (BoCC Hearing)

At least fifteen (15) days prior to the BoCC hearing, Staff shall mail a written notice of the hearing by first-class mail to the address of each abutting landowner as such address is shown in the records of the County. The notice shall read substantially the same, as the published notice as required by this section.

2112.04.01 The notice shall indicate:

- (a) The date, time and location of the hearing;
- (b) An explanation of the PD;
- (c) The general location of the land that is the subject of the request;
- (d) The file name and number; and
- (e) That questions should be directed to the CDP.

2112.04.02 The person completing the mailing of the written notice shall execute a certificate of mailing. Such certificate shall read as follows:

**CERTIFICATE OF MAILING**

I, \_\_\_\_\_, hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and addressed as follows:  
 (attach list of addresses if necessary)

\_\_\_\_\_

(signature of person completing the mailing)

**2112.05 Published Notice (BoCC Hearing)**

At least fifteen (15) days prior to the BoCC hearing, Staff shall:

2112.05.01 Publish a notice in at least one (1) publication of a daily or a weekly legal newspaper of general circulation, printed or published in whole or in part in the County; and

2112.05.02 Obtain a publisher's affidavit of said published notice prior to the hearing.

2112.05.03 The notice shall indicate:

- (a) The date, time and location of the hearing;
- (b) An explanation of the PD;
- (c) The general location of the land that is the subject of the request;
- (d) The file name and number; and
- (e) That questions should be directed to the CDP.

**2112.06 Posted Notice (BoCC Hearing)**

At least fifteen (15) days prior to the BoCC hearing, Staff shall post a notice on the land for which the PD is requested.

**NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS**

This land shall be considered for a Planned Development for a *(insert specific use)* in the \_\_\_\_\_ zone district. The public hearing is *(date)*, in the Commissioners' Hearing Room, 316 N. Park Ave., Helena, MT at *(time)*. For more information call County Planning, 406-447-8374

File No./Name: \_\_\_\_\_

2112.06.01 An affidavit of sign posting shall be submitted by the person who posted the sign for the file in the Planning Division prior to the hearings. The sign(s) shall be photographed by the person who posted them and attached to the affidavit as follows:

(attach photo here)  
 (sign lettering must be legible in photo)

I, (person posting sign), attest that the above sign was posted on (date) abutting (name of street).

(signature) File No./Name: \_\_\_\_\_

2112.07 Additional public notice may be required by the Zoning Administrator.

2113 Inactive Files

Files that become inactive, because the applicant has not responded to Staff’s request for information or otherwise action in the process, for a period of more than six (6) months, shall become void and the resubmittal of a new application and fees shall be required to pursue the PD request. After five (5) months of inactivity, Staff shall notify the applicant in writing that the application will become void within thirty (30) days. If the applicant fails to submit the required additional information or request a hearing date within thirty (30) days, Staff shall notify the applicant in writing that the application is void. This provision shall apply to all PD applications on file with the CDP upon the effective date of adoption and any application thereafter. The Zoning Administrator may grant an extension of time, of no more than six (6) months, upon a written request by the applicant.

2114 Post Denial Application

If denied by the BoCC, a resubmittal of the same or substantially same PD application shall not be accepted within one hundred eighty (180) days from the date of denial by the BoCC, or in the event of litigation, from the date of the entry of the final judgment. However, if evidence is presented to the Zoning Administrator showing that there has been a substantial change in physical conditions or circumstances, the Zoning Administrator may reconsider the PD sooner than the above noted one hundred eighty (180) days. A new application and processing fee shall be required.

2115 PD Amendments

(Staff to add this information. This will allow for amendments to PDs and require the applicant to follow the above processes.)

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