

Zoning Advisory Panel: Jamboard Responses

Draft Rural Zoning Regulations

Question #1

What questions or clarifications do you have about what you are seeing that would be helpful in reflecting and providing assistance?

- It seems that most lots will be more than 10k sf. If so it seems that set backs should be a minimum of 25 ft to allow for front garage parking and to look somewhat natural (not crowding the road) I may be missing something which make 10 ft setbacks ok in some situations. e.g. small lots with alley load garages.
- It is concerning subdivision regs will be used to determine water adequacy. Well logs provide inadequate data to project future "carrying capacity" for water availability for development based. Can staff provide options to address this issue?

Question #2

Are there any specific sections of this Draft that raise questions or concerns related to your stakeholder perspective and/or the STEEP Analysis concerns and priorities? What section and what is the concern?

- No comments received in Jamboard.

Question #3

Do you have any comments regarding the yellow highlighted passages in the DRAFT?

- Addressing 3 of the 5 constraints for a PD is likely adequate for management purposes. Having the developer provide properly engineered and installed roads will make them less expensive in the future and relieving some of the tax burden from the county residents closer to Helena and the Helena taxpayers themselves. This will be at least somewhat less unsustainable than the current rules and regulations have led to.
- Regarding water adequacy, a hydrology report and hydrologists recommendation is needed. The exempt well location standards only address legal water rights and not availability and availability varies in the planning area so will require a professional report and opinion.
- 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 criteria they will be expensive for the tax payers to maintain due to the distances they cover which leads to many more miles travelled per resident. This is the number one drawback to Rural housing development and the reason the county has \$50 mil in unfunded road improvements needed.
- To provide adequate fire protection that will not place undue long term burden on rural fire protection systems a PD would need Fire Hydrants at 500 ft spacing with an

unlimited water supply that provides 1500 to 1750gpm of flow and it's own fire department depending on housing density and overall PD size.

Question #4

Recommendations - changes, revisions, additions you'd like considered:

- Avoid putting subdivision regulations in zoning. You really can't add any regulations for water/roads/sewer above the state law without opening yourself up to legal challenges that you will likely lose. Even if you think DEQ/DNRC are not adequate, you don't want to try and add subdivision regs to zoning unless you want the whole deal tossed. Same with roads. Proportional share is the most you can defend (and even that is questionable given our state laws).
- There has been no discussion about Law Enforcement but if a PD is very large can Sheriff Dutton's people cover it?
- Many homeowners think that they have a water right based on their well permit. We need more public education about ground water rights and development so that folks understand they cannot enforce their right to well water