

## Attachment A

### Staff Analysis and Recommendation

County Planning, County Public Works, and County Legal staff have reviewed the request for a variance from Yellowstone County Subdivision Regulations Section 4.6.B.2, of the Yellowstone County Subdivision Regulations, which outlines connection to undeveloped/underdeveloped land surrounding proposed subdivisions. Also, from Section 4.6.B.1, the maximum distance between those connections of 600 feet.

The variance request is for this subdivision to make one connection to the north and not to connect to South 68<sup>th</sup> Street West to the east of the subdivision. South 68<sup>th</sup> Street West is not a developed street.

*1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.*

The granting of this variance would not be detrimental to the public health. The reason for the requirement to connect to other land is to prevent subdivision islands where main roads between subdivisions are the only option available to subsequent subdivisions. The connection to the north will provide a connection to the north if that land develops in the future. The connection to the east is an undeveloped road, South 68<sup>th</sup> Street West, and the development is residential. Several property owners in the residential development use the undeveloped South 68<sup>th</sup> Street West as a driveway to their homes. In an effort to not have conflict with residential and commercial / industrial traffic, this particular road connection is not being proposed. Staff believes the requested variances will not be detrimental to the area. Commercial/industrial uses have larger lot needs and the requirement to have a connection every 600 feet is more appropriate for residential lots with more typical lot sizes under 1 acre.

*2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced.*

There are no surrounding physical conditions that would result in an undue hardship to the developer.

*3. The variance will not result in an increase in taxpayer burden.*

The variance will not increase taxpayer burden.

*4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy.*

Approval of this variance will not place this subdivision in nonconformance of adopted zoning regulations or the growth policy. This subdivision is outside of the Yellowstone County Zoned area.

*5. The subdivider must prove that the alternative design is equally effective, and the objectives of the improvements are satisfied.*

Staff believes what is being proposed by the developer is a solution that works with the proposed uses within the new subdivision, commercial/industrial. Multiple connections with such large lots being proposed would require the subdivider to re-layout the subdivision and the lots would be smaller. Smaller lots may not be the market this developer is aiming for.

Therefore, staff is recommending approval of the proposed variances and recommends that the Planning Board recommend approval to the Board of County Commissioners.