

***ALPINE TRAILS
SUBDIVISION***

VARIANCE REQUESTS

VARIANCE REQUESTS

The developer is requesting two variances from Missoula County's Subdivision Regulations for the ***Alpine Trails Subdivision***.

VARIANCE REQUEST #1:

Article 3, Subdivision Design Standards, Section 3.4.4 which states that “Physical access from a public road for motorized vehicles, and in certain locations non-motorized users, shall be provided to the subdivision in accordance with the design standards of these regulations.” Table 3.4.7 requires a gravel road that is 24’ wide with no parking. Due to the existing condition of Cedar Lane, one of the offsite roads providing access to the subdivision, the developer is asking the Commissioners to waive this requirement.

Explanation of hardship:

The existing width of Cedar Lane, which fronts the southern boundary of Alpine Trails, varies between 20'-24' in width in a 30' wide County public access easement. Elm Drive, which aligns with Seclusion Point, is a 24' wide road in a 50' County public access easement. The 30' wide easement in conjunction with the Elm Drive access is sufficient to provide physical access to the subdivision. The developer is offering an additional 30' of public access easement along the southern frontage of the subdivision as requested by Missoula County Public Works to mitigate the impact of the variance request and will likely be required to include an RSID Waiver as a condition of subdivision approval. To require the applicant to widen Cedar Lane to a full 24' along the southern frontage is unnecessary at this time but should be done as a comprehensive project after further right-of-way acquisition to the west. To require widening now would present a hardship to the developer because the roadway would have to narrow to the west where there is insufficient right-of-way for a 24' wide road. It should also be noted that Alpine Trail will be the primary access to the subdivision; Cedar Lane is secondary.

Mitigating effort:

The proposed alignment of Seclusion Point with Elm Drive allows ingress/egress to the south of the subdivision by way of three routes; east on Cedar Lane, west on Cedar Lane, or south on Elm Drive. The developer is offering an additional 30' of public access easement along the southern frontage of the subdivision as requested by Missoula County Public Works to mitigate the impact of the variance request. Therefore, Cedar Lane will meet the 60' right-of-way width required by the Subdivision Regulations. Buyers of the tracts within this subdivision would be responsible for their fair share of improvements to Cedar Lane should they ever become required by waiving their right to protest an RSID that likely will be a condition of subdivision approval.

Justification of no harm to the public:

The proposed alignment of Seclusion Point with Elm Drive allows access to the south of the subdivision by way of three routes with road widths at least 20' wide, the minimum for emergency vehicles; east on Cedar Lane, west on Cedar Lane, or south on Elm Drive. Granting a variance from minimum road width and ROW width will not harm the public.

The following points address the six criteria for requesting a variance:

A).The granting of this variance is not a threat to public safety, health or welfare, nor is it injurious to other persons or property.

The proposed alignment of Seclusion Point with Elm Drive allows access to the south of the subdivision by way of three routes with road widths at least 20' wide, the minimum for emergency vehicles; east on Cedar Lane, west on Cedar Lane, or south on Elm Drive. All three roads also have sufficient vertical clearance for emergency vehicles. The portion of Cedar Lane is relatively flat compared to the section further east. Granting a variance from minimum road width will not present a threat to public safety, health or welfare, nor is it injurious to other persons or property.

B). The conditions upon which this request for a variance is based are unique to the property.

The unique quality of this subdivision is that it fronts on only a portion of Cedar Lane, an offsite road, which has existing public access easements and roadway surface widths created outside of the control of the developer. The developer is offering an additional 30' of public access easement along the southern frontage of the subdivision as requested by Missoula County Public Works to mitigate the impact of the variance request. This mitigation is unique to this property. The portion of Cedar Lane at the west end where it intersects with Hwy. 83 encroaches onto the Seeley Lake Motor Lodge property and is in an easement that is less than 16' wide. This encroachment is not in control of the developer and is unique to the property to the west.

C). Due to the nature of the physical surroundings, a hardship to the owner would result if the strict letter of these Regulations were enforced.

To require widening Cedar Lane road width to a full 24' along the southern frontage of the subdivision is unnecessary and would increase the cost and create a hardship for the owner. The portion of Cedar Lane at the west end where it intersects with Hwy. 83 encroaches onto the Seeley Lake Motor Lodge property and is in an easement that is less than 16' wide. To require improving the portion fronting the subject property while leaving the area to the west substandard would be a hardship to the applicant if the strict letter of the Regulations were enforced because the portion of the property fronting the subdivision would have to narrow to the west where there is insufficient right-of-way for a 24' wide road.

D). The variance will not in any manner violate the provisions of the Missoula County Zoning Resolutions or the Missoula County Comprehensive Plan.

This variance request will not violate the provisions of the Missoula County Zoning Resolutions or the Comprehensive Plan. The property is unzoned. The Seeley Lake Regional Plan designates the western portion as Town Commercial and the eastern portion as Town Residential II. The developer is offering an additional 30' of public access easement along the southern frontage of the subdivision to mitigate the impact of the variance request and as condition of approval will be waiving his right to protest an RSID so that if/when improvements are made to Cedar Lane, so lot owners in the Alpine

Trails subdivision will contribute a proportional share of the cost of improvements. This may not happen until more commercial uses are possible in the Town Commercial portion of the ownership fronting on Hwy. 83.

E). This variance will not cause any increase in public costs.

This variance request will not cause any increase in public costs. The applicant is waiving his right to protest an RSID as a condition of approval so that if/when improvements are made to Cedar Lane, lot owners in the Alpine Trails subdivision will contribute a proportional share of the cost of improvements, based on benefit.

F). The hardship has not been created by the applicant.

The hardship has not been created by the applicant; the Cedar Lane public access easement and road surface width are pre-existing conditions outside of the ownership of the applicant.

VARIANCE REQUEST #2:

Article 3, Subdivision Design Standards, Section 3.4.9.2 B.1. which states that “Rural major subdivisions shall include a trail on at least one side of all roads internal to the subdivision that is constructed pursuant to the standards established in *Table 3.4.9.4, Non-Motorized Standards.*” Due to the extensive trail system proposed with this subdivision, the developer is asking the Commissioners to waive this requirement.

Explanation of hardship:

There are limited existing pedestrian facilities in Seeley Lake, with the exception of the trail on the east side of Hwy. 83, the Boy Scout Road Trail, the Locust Lane Trail and the Riverview Trail. These are all located on one side of very busy roads. The trail around the Clearwater Lions Park pond is not adjacent to a busy road but rather is a recreation trail for the purpose of accessing the pond. Our proposal within Alpine Trails is also for a recreational trail, one which meanders through the subdivision and is not on a very busy road, but provides a pedestrian connection between most of the lots without having to compete with vehicles on the roadways. Due to

grade change, lots 4, 6, and 8 have direct access to the Common Area where the trail is located, but not direct access to the trail. Lot 10 on Wilderness Ridge and lots 18, 20, 22, and 24 do not have direct access to the Common Area or the trail; these lots would have to use a short portion of the road to gain access to the Common Area and the trail. The remaining 22 lots have direct access to the Common Area and the trail.

The installation of walkways along certain roads within the subdivision such as Seclusion Point, Nature's Way, and Glacier Lily Way would not appreciably increase the public's safety; these three roads provide access to only five homesites. Alpine Trail, with the highest volume of traffic, is proposed to have a trail along side it which will connect to the trail paralleling Hwy. 83 in a 22' wide public pedestrian access easement granted by the developer. We therefore believe that to construct pedestrian facilities on one side of all the roads in the subdivision would be redundant and significantly increase the cost of trail construction. In addition, constructing such facilities would not be in harmony with the rural aspect of the subdivision, and would be an unnecessary cost to the buyers of these tracts.

For Urban Area subdivisions, Section 3.4.9.1.B.4. allows an off-road pedestrian trail to be constructed in lieu of sidewalks provided no opportunity exists to connect to a network of existing sidewalks. This scenario is what is being proposed. For Rural Area subdivisions, the alternative to provide an off-road pedestrian trail in lieu of a street side pedestrian facility is not part of the regulations and this too represents a hardship to the developer.

Mitigating effort:

The proposed recreation trail which meanders through the subdivision provides a pedestrian connection between most of the lots without having to compete with vehicles on the roadways. Due to grade change, lots 4, 6, and 8 have direct access to the Common Area where the trail is located, but not direct access to the trail. Lot 10 on Wilderness Ridge and lots 18, 20, 22, and 24 do not have direct access to the Common Area or the trail; these lots would have to use a short portion of the road to gain access to the Common Area and the trail. The remaining 22 lots have direct access to the Common Area and the trail. The three crossings will mitigate the impact of this trail by having appropriate signage to insure the safety of pedestrians. Buyers of the tracts within this subdivision would be responsible for their fair share of such facilities.

Another mitigating effort is to provide a 22' wide public access easement to correct a problem where the trail currently paralleling Hwy. 83 is illegally trespassing across the property proposed to be subdivided.

Justification of no harm to the public:

This subdivision is still providing a pedestrian walkway that is available to most of the lots, but does not parallel the road. The volume of traffic on the roads is low enough that shared use by vehicles and pedestrians for short sections will not create a conflict between users. Granting a variance from sidewalks/trails will not harm the public.

The following points address the six criteria for requesting a variance:

A). The granting of this variance is not a threat to public safety, health or welfare, nor is it injurious to other persons or property.

This subdivision is still providing a pedestrian walkway that is available to all the lots, but does not parallel the road. There are eight lots which would, for a short distance, share the roadways to access the recreation trail. 22 lots will have direct access to the Common Area and trails. This trail will connect with the existing trail that parallels Hwy. 83. As a local trail serving fewer than 39 lots, it will exceed the standards of Table 3.4.9.4 with a width of 12'-16' and a vertical clearance of 10' in a 30' private access easement. The final design of the trail would be done in coordination with Morton Trails using their design standards and methods of construction included in the Trail Information section of the submittal. The trail will be a natural surface that is durable, maintainable, and usable in year round weather conditions.

B). The conditions upon which this request for a variance is based are unique to the property.

The unique quality of this subdivision is the creation of a recreation trail that is available to all the homes. Due to the topographic features of this property and the strong interest in Nordic skiing and mountain biking in the Seeley Lake area, the conditions are unique to this property. To simply have a walkway on one side of the roadways would not achieve the same effect as our proposed innovative trail system which goes through a forest setting only crossing roadways when necessary.

C). Due to the nature of the physical surroundings, a hardship to the owner would result if the strict letter of these Regulations were enforced.

There are no pedestrian facilities along S.O.S Lane (a private road) or Cedar Lane to adjoin, nor are there any pedestrian facilities in the area other than the one which we are proposing to connect to along Hwy. 83. To require a walkway on one side of the roads would create redundancy that would increase the cost and create a hardship for the owner. It would also require widening the roadways and create more impact to the environment which would degrade the landscape and be a hardship to the owner if the strict letter of the regulations were enforced.

D). The variance will not in any manner violate the provisions of the Missoula County Zoning Resolutions or the Missoula County Comprehensive Plan.

This variance request will not violate the provisions of the Missoula County Zoning Resolutions or the Comprehensive Plan. The property is unzoned. The Seeley Lake Regional Plan designates the western portion as Town Commercial and the eastern portion as Town Residential II. This trail is in compliance with the goals of the Plan to encourage additional recreational opportunities in Seeley Lake.

E). This variance will not cause any increase in public costs.

This variance request will not cause any increase in public costs. The trail will be a private trail maintained by the Alpine Trails recreation committee of the homeowners association.

F). The hardship has not been created by the applicant.

The hardship has not been created by the applicant, a recreation trail is being provided instead of a walkway along the roadway. This is a different way of providing virtually the same opportunity for property owners to move about the subdivision as pedestrians, skiers, or mountain bikers with less frequent interaction with vehicular traffic.