



# City of Hamilton Annex

920 New York Avenue

Hamilton, MT 59840

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## MINUTES OF THE CITY OF HAMILTON PLANNING BOARD HEARING April 4, 2016

### TOPICS FOR DISCUSSION:

#### **Taber Annexation**

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1 The following members were present: Dan Harmon, Ron Uemura, Rod Pogachar, Chip Pigman  
2 and Jeff Burrows

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4 Also present: Dennis Stranger and Stephanie Lewis

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6 Corey Johnson was absent.

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8 Chairman Dan Harmon opened the Planning Board meeting at 6:02 PM

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10 GENERAL PUBLIC COMMENT: None at this time

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12 OLD BUSINESS: None

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14 NEW BUSINESS: Dan Harmon opened public hearing 6:02pm

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16 Dennis Stranger stated the exhibits for the Taber annexation request

17 a. Application for annexation of Taber property.

18 b. advertised in Ravalli Republic March 13 and March 20, 2016.

19 c. letters to property owners within 300 feet of the proposed action.

20

21 Dennis Stranger gave introduction for the annexation. Mr. Stranger stated a portion of the  
22 property was already in the city. There was a house that belonged to the Tabers that was shown  
23 on the drawing and aerial photos. The house and property around it were in the city. The  
24 remaining property was in the county. The request from the estate was to bring property into the  
25 city. Application was made to re-annex property that was in as well as the property that was in  
26 the county. The reason for request was the District Court subdivided the property, by court order  
27 and made note it had to be annexed into the city. The total property is 1.5 acres and has been  
28 divided by the court into a 0.52 acre parcel and 0.98 acre parcel. The property north, northwest  
29 and south is zoned RM zone district, which is Multiple Family zone district, although it does  
30 allow single family dwellings. To the east is professional services district, which is the hospital.

31 To west is Steve Powell Park which is zoned PI-Public Institutional. The request was consistent  
32 with the city's growth policy and the growth policy encourages these little infill developments.  
33 City water and sewer services are readily available. The current house was connected to city  
34 water and sewer. There was a 30 foot easement along property. Ten foot of it was on this  
35 property and 20 feet of it was on the hospital property and within that easement were water and  
36 sewer lines. Part of property was in flood plain. Mr. Stranger stated that there were three  
37 findings.

- 38 1. The petition for the annexation was complete.
  - 39 2. Proper public notice was provided.
  - 40 3. Public hearing took place and anyone wanting to speak would be able to do so.
- 41 The City of Hamilton is recommending that the property be annexed into city.

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43 GENERAL PUBLIC COMMENT: Judith Stouder stated she lived at 1310 Westwood Ct. in a 3-  
44 unit townhouse and not only own the building but also own the land. The 30 foot easement, that  
45 Mr Stranger was talking about for a drive way, would run the entire length of her yard.

46  
47 Mr. Stranger stated that it was not a new easement that it was an existing easement.

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49 Ms. Stouder stated yes she understood that. She was not in favor of anything going on there, as  
50 stated it would be very difficult to build on, it's a wildlife habitat, a moose there last week and  
51 there were nesting birds in there. She stated she was just not for it. It would impact a multitude of  
52 people driving along side of her house and she would not be happy about that.

53  
54 William McDonald stated he owned a condominium in Pine Park Complex 1160-A. His first  
55 concern was he did not want anything done with pond by this new development. He stated if you  
56 look at the survey map it appears to him nothing much could be built on the property without  
57 partially filling the pond to make room for a building, driveway or parking area. He asked if the  
58 plan included filling the pond.

59  
60 Mr. Stranger stated you cannot build in flood plain and that no fill could be put in pond.

61  
62 Mr. McDonald stated the parking at west-end of Pine Street was pretty congested and there was  
63 insufficient parking for all of the residents and visitors. He would like to make sure that there  
64 would be adequate parking for any new residents and visitors on Pine Street. Mr. McDonald  
65 asked where the water source from the pond comes from.

66  
67 Mr. Stranger and Mr. Harmon stated the pond was primarily ground water.

68  
69 Mr. McDonald asked if the pond man-made or natural?


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71 Mr. Stranger stated he thought the pond was a little of both.


72  
73 Marilyn Saunder stated she lived at 1170A Pine Street. She stated she concurs with her neighbor  
74 Mr. McDonald. Ms. Saunders was concerned with putting fill in pond and the effect on the  
75 wildlife and the flow of water. Ms. Saunders main concern was that she didn't want any fill put  
76 into the pond.

77 Mr. Stranger stated the pond was definitely in the flood plain and that fill could not be added.  
78  
79 Ms. Saunders asked how the pond could be owned by private parties, she thought it was a public  
80 waterway. Ms Saunders stated that if it was owned by private parties they could do what they  
81 wanted.  
82  
83 Mr Stranger state that they could not because it was in the flood plain. It didn't matter if it was  
84 public or private; the owners didn't have to right to put fill in the flood plain. They would have to  
85 get a permit.  
86  
87 Ms. Saunders stated that Mr. Stranger answered any questions that she had prior.  
88  
89 Mr. Harmon closed public comment 6:22pm.  
90  
91 Staff Comment:  
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93 Board Comment: Jeff Burrow asked if the meeting was for a recommendation to council.  
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95 Mr. Stranger stated yes  
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97 Chip Pigman asked Mr. Stranger if the easements were already recorded on the property.  
98  
99 Mr. Stranger stated yes.  
100  
101 Mr. Pigman asked if the applicants were asking for easements from anyone.  
102  
103 Mr. Stranger state no.  
104  
105 Jeff Burrow moved to make a motion based on the finding of fact that the planning staff  
106 recommend approval to city council the annexation 2016-01 made by the Estate of Helen R.  
107 Taber.  
108 Chip Pigman seconded.  
109 All ayed.  
110  
111 Mr. Harmon stated the planning board would put forth a recommendation to the city council to  
112 consider the property for annexation.  
113  
114 Open Discussion: Ron Uemura asked if the approval for the planning stand point had nothing  
115 to do with zoning.  
116  
117 Mr. Harmon stated the zoning and actually the segregation of the parcels had taken place through  
118 court action. The board was strictly addressing the question of whether to recommend to city  
119 council to proceed with annexation.  
120  
121 **Minutes from 11/2/2015 were approved as written**  
122

123 **Chip Pigman moved to adjourn the meeting**  
124 **Seconded by Rod Pogachar**  
125 **All voted aye**

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127 **Meeting adjourned at 6:28 PM.**

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131 \_\_\_\_\_  
132 Stephanie Lewis  
133 Clerk

  
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Dan Harmon  
Chairman