

INTRODUCTION

The Hyalite Zoning District is located approximately two miles south of Bozeman. Encompassing approximately 6.25 square miles or 4,000 acres, the District supports active farms and provides a rural living alternative within close proximity of town.

Growth in Bozeman and Gallatin County's increasing popularity have provided the impetus behind the creation of zoning districts like Hyalite, which offers close by, large-lot housing in a rural atmosphere. A primary goal of the Hyalite Zoning Regulation (the "Regulation") and Hyalite Development Plan (the "Plan") has been preservation of the District's rural character without placing burdensome regulations on the farmer.

The Plan serves several functions. As a planning tool to be used in conjunction with the Regulation, the Plan is intended to guide future growth and development, and help preserve the resources and special qualities of the District's rural character. The Plan is also intended to serve as an expression of the community's present and future desires, while helping guide public and private decision making.

Efforts to create the District were initiated in 1970, with final adoption occurring 18 years later in 1988. The Regulation was amended in 1993, 1998 and 2000 to correct inconsistencies and update administrative matters and policy.

DEVELOPMENT PLAN

The Plan's purpose is to guide growth and set forth future guidelines, while preserving the District's rural atmosphere and maintaining the District's status as a bedroom community to Bozeman. Elements of the Plan include single-family residential development, cluster residential development, agriculture, parks, with the possibility of appropriate neighborhood commercial activity (*see Hyalite Zoning Regulation*).

LAND USE

The District's dominant land use is agriculture, occupying approximately 2,320 acres, which includes pasture, timber and cultivated lands. Approximately 600 acres of land, or 15 percent, is protected in conservation easements. Twenty percent, or about 800 acres, have been subdivided. Approximately 852 acres, or 21 percent, have been divisions through the use of certificates of survey. Public entities own the remaining approximately 28 acres, or seven percent. The City of Bozeman owns almost 27 acres. The Montana State University Endowment and Research Foundation owns a one-acre parcel in the District which is used for a trail to Kirk Hill. There are no churches, schools, commercial establishments, businesses or industries in the District.

Parkland in the District comprises approximately 53 acres, which includes four public parks: Hyalite Heights Park at 11 acres; Hodgeman Canyon Park, 11.5 acres; Nash Park (adjacent to Mountain Shadows Subdivision), 19 acres; John Colter Park in First Pine View Subdivision, four acres. The private park located in Mystic Heights No. Three is dedicated to the homeowners' association and almost seven acres.

GOALS

The following goals were developed to provide a basis for formulating this Plan and the Regulation. These goals provide a broad and basic framework for determining the merits of development proposals:

- Preserve the rural atmosphere.
- Provide for the protection of existing agricultural pursuits.
- Cluster development to preserve agricultural lands or open space, or where natural features or topography so encourage.
- Preserve views.
- Encourage original and attractive development design.
- Encourage orderly growth.
- Preserve wildlife and fish habitat.
- Avoid undue concentrations of population.
- Facilitate the adequate provision of transportation, water, sewage, parks and other public requirements.
- Protect scenic qualities, fresh air, groundwater and open space.
- Require minimum lot size of five acres, except for cluster developments.
- Guide limited commercial development to the most appropriate location.

WATER RESOURCES

SURFACE WATER/FLOODPLAIN

Surface waterways carry irrigation water, help recharge groundwater, provide convenient fishing, and are aesthetically pleasing. Proper use of setbacks can help alleviate erosion and sedimentation which can threaten such waterways.

Nicholas, Sourdough, Nash Spring Creek, and Leverich are creeks located in the District. Sourdough, running north-south, is the District's major stream and is a partial source of the City of Bozeman's water supply. Annual runoff is estimated at about 20,000 acre feet and the 100-year floodway has been delineated under Montana law. Nash Spring Creek is spring fed and runs roughly parallel to Sourdough Creek, extending to Kagy Boulevard. Leverich Creek originates in Leverich Canyon.

Most new development and structures are prohibited in the floodplain. State regulation prohibits soil absorption-type septic systems in the floodplain, and County regulation, based upon minimum state standards, prohibits such systems within 100 feet of the floodway fringe. The floodplain is well suited for agriculture, open space, and other non-development uses. Subdivisions with on-site creeks or those located within a floodplain are required to prepare a floodplain study.

Hyalite Creek is located immediately west of the District and is a source of ground water recharge. The Hyalite Creek floodplain is not located in the District.

GROUNDWATER/GEOLOGY

Hyalite Zoning District is located on the "Bozeman Fan," an alluvial fan located between Hyalite and Sourdough creeks, extending from the Gallatin Range to the valley floor. The alluvium is made up of rock fragments in a mix of sand, silt and clay.

Based on available information, District homeowners are encouraged to screen water-producing zones and drill wells into thorough contact with water-bearing zones.

There is evidence of a concealed fault in the District. When the mountains at the south of the District were formed some time in the mid-Tertiary period, several hundred thousand years ago, tension was created in the landscape. Covered by alluvium, topographical features identifying the fault are not readily apparent. Experts have not noticed tendencies for recent movement along this fault and have not corroborated the fault's existence with any evidence except the fact that the mountains rose. There is only a remote chance of geological disturbance from a human time perspective – much less chance than along other identified faults in the region.

Mitigation can help reduce effects posed by geologic hazards. Creative planning, utilization of physical barriers, advanced construction design, land classification, and other procedures can help reduce and/or eliminate a potential problem. Such measures should be included in the design of any proposed development. Any proposed development which includes the area of the concealed fault should include adequate mitigation measures.

TOPOGRAPHY AND SLOPE

The District's highest point is approximately 6,400 feet with a low point of approximately 5,100 feet. Maximum relief in the District is thus 1,300 feet. Most of the land in the District is level or gently sloping (below 10 percent slope). Slopes above 15 percent are located in the southern and eastern parts of the District. Generally, development is acceptable on slopes below 15 percent. Various factors, such as excessive scaring and erosion, make development less attractive and more costly on slopes exceeding 15 percent.

VEGETATION

The District supports a variety of vegetation. Aside from providing aesthetic benefits, vegetation helps prevent erosion, provides windbreaks and is important wildlife habitat. The Gallatin National Forest is adjacent to the southern boundary of the District, and the forest vegetation is an important visual resource. Site design incorporating existing vegetation should be encouraged.

SOILS

Soils within the District support a mixture of grass, deciduous, and conifer vegetation. Forest soils are found in the higher elevations and agricultural soils make up the foothills and valley floor. General soil descriptions in specific areas are useful in predicting potential problems which might be encountered during private and public construction projects.

Different properties determine whether soils are suitable for agriculture, roads, urban development, septic fields, etc. General soil descriptions help predict problems that might be encountered during development. The Natural Resources and Conservation Services can provide information on soils.

If limitations for a particular use are not present or are easily overcome, the soil is rated "slight." If careful design is required to overcome the limitations, the soil is rated "moderate." If limitations are difficult or costly to overcome, the soil is rated "severe." The severe rating indicates a need for conscientious planning, design and management.

It should be noted that an analysis is not provided for either Riverwash (RW) soils or Rough broken and mountainous land. These soil types are described in Soil Interpretations for Land Use Planning and Development in the Gallatin Valley Area, Montana (US Department of Agriculture) as follows:

Rough, broken and mountainous land. This miscellaneous land type is distributed throughout the area. The rough broken land is dominantly steep and stony. It is broken by numerous intermittent drainage channels. The soils range from shallow to deep. The mountainous land occurs mainly on the southern and eastern boundaries of the area. This land is mostly steep, rocky and timbered.

The main uses for this land type are grazing and wildlife.

Riverwash. This miscellaneous land type includes a wide variety of recently deposited sediments that occur in narrow strips or bars on low levels near streams. It also includes small islands in major stream channels as well as periodic overflow during high water. These sediments are generally very gravely and cobbly and include mostly sandy textures. However, some finer textured sediments are included.

The main uses for this land type are limited grazing and wildlife.

The most intense development should be channeled to those soils ranked slight to moderate. Low-density development should be encouraged on soils rated severe. It should be noted that these soil interpretations are for general planning purposes and that on-site investigation is needed for specific design and construction.

ROAD NETWORK

Three major north-south roads carry traffic in the District: South 19th, South 3rd and Sourdough roads. South 3rd and South 19th are both paved, as is the majority of Sourdough Road.

Nash Road is the major east-west road in the District and is paved from the intersection of South 3rd to Sourdough Road. Nash Road is the only collector street in the District which connects all three major north-south roads. The four paved roads through Hyalite Heights Subdivision each connect South 3rd and South 19th roads, and receive some traffic.

SINGLE-FAMILY RESIDENTIAL

To preserve the rural atmosphere, to protect the District's natural features and to avoid problems associated with overcrowding, low-density residential development is encouraged. Cluster development, or Open Space Conservation Overlays, are encouraged to help preserve agricultural land. New subdivisions in the District could consist of lots either five or 10 acres. Lot area or width cannot be reduced in subdivisions in existence when the Zoning Regulation was passed.

To encourage good subdivision design, minimum parcel widths set to avoid long, narrow lots. To encourage a variety of housing types, manufactured housing is allowed in all residential districts. However, exterior appearance and height requirements must be met by all single-family homes, including manufactured homes.

For Open Space Conservation Overlays, at least 30 percent of the land must be designated as common open space. A landowner may fulfill a portion of the open space requirement by designating land to remain in agricultural use.

DEVELOPMENT OF NATURAL RESOURCES

It is not the intent of this Plan or of the Regulation to prohibit development of natural resources, but rather to provide opportunity for review, public comment and consideration of conditions for approval. Conditions for approval may include hours of operation, length of operation, weed control, reclamation, impact on roads, fencing, erosion control and public safety.

One public hearing is considered sufficient under this Plan and Regulation. If a public hearing is required by a State agency, then a second public hearing is not required.

AGRICULTURE

Agriculture is an integral aspect of the District. Preservation of agriculture and rural character are cited repeatedly throughout the Plan and Regulation. Tradition has typically dictated large lot requirements and strict controls on existing agricultural lands. Unfortunately, this practice frequently results in re-zoning requests for the subdivision of entire farms and ranches into small lots.

This Plan and the Regulation offer less traditional methods to meet these dual goals. The methods recognize the economics of agriculture, and the benefits of placing fewer zoning restrictions and allowing for the partial development of agricultural land.

To encourage agricultural production, permitted uses in the Rural Residential Districts include a provision for agricultural employee housing and the on-site sale of agricultural products. Five-acre lots can be created as a matter of right and agricultural lands can be retained through the Planned Unit Development procedure.

PARKS/OPEN SPACE

The location of existing parks was discussed in the Land Use section. Future parks should be centrally located in subdivisions and should be designed as neighborhood parks.

NEIGHBORHOOD COMMERCIAL

It is anticipated that population in the District and the surrounding area will be sufficient enough to accommodate a neighborhood convenience store. To protect the rural atmosphere of the District, exterior appearance standards for a convenience store are set forth in the Regulation. To provide protection for present and future property owners, the Regulation also establishes screening requirements.

AMENDMENTS

This Plan may be amended whenever the public interest and the general welfare require such amendment and according to the following procedures:

1. The petition of one or more land owners of property affected by the proposed amendment, which petition shall be signed by petitioning land owners and shall be filed with the Subdivision Review Department and shall be accompanied by an application and required (nonrefundable) fee.
2. Resolution of Intention of the Board of County Commissioners.
3. Resolution of Intention of the Hyalite Planning and Zoning Commission.

NOTICE OF HEARING: Whenever an application for a plan amendment is filed, a public hearing thereon shall be held within 60 calendar days after the filing of the application. At least 15 days before such hearing (which can be a joint hearing of the County Commission and the Hyalite Planning and Zoning Commission), the Planning and Zoning Commission shall:

1. Publish notice of hearing in the newspaper of general circulation in this County.

DECISION: After completion of the public hearing, the Hyalite Planning and Zoning Commission shall provide a recommendation on any proposed amendment to the County Commission for their consideration and decision.

CONCLUSION

This Plan is intended to guide those involved in the development process in the District, including interested citizens, developers, and those who make decisions. A policy direction is set forth in this document which reflects the special needs of District. As these needs change, it will be necessary to again update this Plan. Until that time, adherence to the basic concepts of the Plan will promote the orderly development of the District.

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