

Variance Request – Road Width
Whitehorse Estates Subdivision, 2nd Filing

Whitehorse Estates Subdivision, 2nd Filing is a 13-lot major subdivision proposed between South 48th Street West and 56th Street West, along Hesper Road, just west of Whitehorse Estates Subdivision, 1st Filing. As part of the proposed subdivision, a variance from **Table 4.6.C.1** of the Yellowstone County Subdivision Regulations is requested. This table outlines the required road widths for different road functional classifications. South 52nd Street West is designated as a Future Collector according to the Roadway Functional Classification Map. The Yellowstone County Subdivision Regulations do not specify required road widths and right-of-way dedications for Collector roadways, as such, it is assumed a Minor Arterial with 2 lanes will be substituted. This roadway requires 80' right-of-way dedication and 44' road width. This variance is requesting acceptance of South 52nd Street West be constructed with an interim roadway section of consisting of 24' of paved asphalt with 2' gravel shoulders on each side within the proposed dedicated 40' right-of-way. The proposed roadway section is intended to closely match Yellowstone County's typical roadway standards while accommodating the proposed right-of-way constraints. The design also preserves the ability for South 52nd Street West to be expanded to the Future Collector roadway standard, with the remaining right-of-way dedication and roadway improvements anticipated to occur upon future development of the adjacent parcel to the west.

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 will not be detrimental to public health, safety, or general welfare, nor injurious to adjoining properties. The proposed roadway, consisting of 24 feet of asphalt with 2-foot gravel shoulders on each side, will adequately accommodate anticipated traffic volumes, provide safe two-way travel, and allow for emergency access and utility placement. The proposed roadway width is consistent with the adjoining property to the north, which has dedicated a 40-foot right-of-way with the road yet to be constructed. Constructing a 28-foot roadway within this right-of-way maintains alignment with existing improvements while avoiding unnecessary constriction or irregularities, thereby preserving safe, functional, and efficient transportation infrastructure. Additionally, the proposed roadway width is in alignment with residential roadways utilized throughout Yellowstone County, which South 52nd Street West will function as until such time that undeveloped properties to the west and north of Whitehorse Estates 2nd Filing are developed and additional right-of-way and road width added by subsequent developers.

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.

Strict enforcement of the standard roadway width would create an undue hardship due to the existing conditions of the property and surrounding development, including previously dedicated right-of-way immediately north of Whitehorse Estates Subdivision 2nd Filing in Espy Subdivision and Diamond Falls Subdivision; with neither subdivision having constructed a 44-foot wide roadway as part of development. Espy Subdivision appears to have constructed a

minimal width (~16' gravel access) within the 40-feet of dedicated right-of-way, and Diamond Falls appears to have constructed a 24-foot wide asphalt roadway (what is being requested with this variance) within the 40-foot dedicated right-of-way. Requiring the full standard roadway width within the right-of-way of Whitehorse Subdivision 2nd Filling would create a future scenario of meandering road centerlines based on previously dedicated and constructed roadways as well as future dedicated right-of-way of the properties to the west. Additionally, requiring a full width roadway (44-foot wide) would reduce developable land and complicate the subdivision layout regarding necessary setbacks from drainfields and individual water wells, without providing a proportional public benefit. The proposed interim roadway section is capable of safely accommodating anticipated traffic volumes and maintaining functional transportation access until such time as the adjacent property to the west are developed and the ultimate collector roadway improvements are completed by subsequent developers.

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

The requested variance will not result in an increase in taxpayer burden. The proposed interim roadway section, consisting of 24 feet of paved asphalt surfacing with 2-foot gravel shoulders on each side, is appropriate for the anticipated traffic volumes associated with the proposed subdivision and will provide safe and functional access for the residents of Whitehorse Subdivision (only residents who will utilize the roadway until future development occurs) and emergency services. The proposed roadway design also maintains consistency with adjacent roadway improvements and preserves the ability for future roadway widening and additional right-of-way dedication as surrounding properties develop. By constructing a roadway section that is proportional to the current level of development while accommodating future expansion, the proposed variance avoids unnecessary over-construction and promotes efficient use of infrastructure without creating additional public financial obligations.

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

The requested variance will not place the subdivision in nonconformance with any adopted zoning regulations or the Growth Policy. The property is zoned RR1, and the subdivision complies with all applicable Yellowstone County zoning requirements, including lot size, use, and development standards. The variance pertains solely to the constructed roadway width and does not affect the underlying zoning designation or the subdivision's overall consistency with the County's Growth Policy.

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

The proposed alternative roadway design is equally effective in achieving the objectives of the required roadway improvements. The proposed interim roadway section, consisting of 24 feet of paved surfacing with 2-foot gravel shoulders on each side, will adequately accommodate anticipated traffic volumes associated with the proposed subdivision, provide safe two-way vehicular traffic, and maintain sufficient access for emergency vehicles, utility providers, and service vehicles. The proposed design also maintains continuity with the adjacent roadway improvements and existing right-of-way conditions to the north, thereby promoting a coordinated and functional roadway network. In addition, the proposed roadway section preserves the ability for future expansion to the Future Collector roadway standard as adjacent properties develop and

additional right-of-way is dedicated. As such, the alternate design satisfies the intent of the Yellowstone County roadway standards while avoiding unnecessary pavement and preserving developable land.