

## Developer seeks relief from impact fees

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By Michael Tucker, staff writer

The developer of a 343-lot subdivision south of Belgrade is looking to nix county-imposed impact fee requirements if it finishes all road improvements by this fall, including the installation of a traffic signal at Jackrabbit and Valley Center roads.

Mike Stewart, developer of Gallatin Heights, met with the Gallatin County Commission Thursday in a tire-kicking session to see if the county is receptive to amending a requirement of final plat approval.



The condition denies the developer the ability to waive impact fees, but as a carrot to change commissioners' minds, Stewart proposes to finish all of the road improvements required by the 2008 final plat, including the traffic signal, installing turning lanes on both Jackrabbit and Valley Center, and paving Hulbert Road.

"We think there are substantial benefits to Gallatin County," he told commissioners.

State highway construction projects spurred the request, Stewart said. The state is planning to widen Jackrabbit Lane to Hulbert Road, and Valley Center Road is currently being reconstructed.

County impact fees were abolished in 2007, but Stewart's project received preliminary plat approval in 2006, leaving Gallatin Heights on the hook to set aside money from each lot sale, Belgrade City Planner Jason Karp said.

Commissioners did not make any promises Thursday and had several concerns about Stewart's proposal. For instance, it could open a flood gate of developers seeking similar favors. Also, the county road department may have the impact fees in its budget. Those and other questions will need to be answered.

"What won't work for me is saying, 'Oh, I'm a developer and you should feel sorry for me,'" Commissioner Bill Murdock said. "It is their choice to develop."

County officials will approach various departments to look into Stewart's request.

County subdivision regulations mandate that any waiver of impact fees must be made before final plat is granted; and, “any request for a waiver not made at or before such time shall be invalid.”

Thursday’s meeting marks the second time Stewart has approached the commission about improvements he agreed to make as a condition of plat approval. In October 2009, Stewart proposed setting up a rural improvement district for \$7,700 per lot to pay for the improvements. Commissioners denied the request largely because of lack of building activity in Gallatin Heights. The situation would have put the county on the hook if the subdivision went broke, they said.

The mile-long, one-half-mile-wide Gallatin Heights stretches along the west side of Jackrabbit Lane between Valley Center and Hulbert roads.

So far, 10 houses have been built in the subdivision, Stewart said.

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