

Fall/Winter Missoula County Subdivision Regulations

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	Agency	Section	Comment	CAPS Response	CAPS Suggested Change
1	Department of Revenue		No Comment	Appreciate the response.	None
2	Missoula Urban Transportation District (Mountain Line)		No Comment	Appreciate the response.	None
3	Missoula Valley Water Quality District	Page 4 - 3.1.3.3 H. High Groundwater Hazard	This should specifically call out areas where springs may be present (O'Keefe Area comes to mind). This might be a different hazard but we should have a way to require delineation and mitigation of development within a spring area during subdivision review. It would be expensive but disturbance within these areas can affect down-gradient properties. Travis Ross	After meeting with WQ staff and given the changing nature of data on and location of springs, we agreed that it would be best to rely on Water Quality's comments on specific subdivision projects rather than identify in the regulations areas where springs may be present. The subdivision application requires springs within 100 feet to be identified on a vicinity map. A high groundwater table is also required for the limitations map.	Not at this time
4	Missoula Valley Water Quality District	Page 4 - 3.1.3.3 J Polluted Water Hazard	Should this be downstream? i.e. we wouldn't want to see high density housing with fertilized lawns next to a creek that is already impaired for nutrients. I suggest re-wording this a bit to refer to groundwater that exceeds groundwater standards found in the most recent version of DEQ-7 or a project immediately adjacent to surface waters with established impairments that may be affected by the proposed development (nutrients, sediment, temperature).	"Upstream" is used in an effort to address any potential impacts of the polluted water on the subdivision. We can implement a more specific data source, using the most recent version of DEQ-7 to determine the level of hazard can be implemented. Hazards are identified in subdivision review to inform where development should be prohibited or mitigated for impacts affecting future inhabitants. An assessment of the subdivision's impact on the natural environment occurs in the required review of criteria	Not at this time. Potential change: J. Polluted Water Hazard Surface or ground water within or upstream from a proposed subdivision that <u>exceed the water quality standards in DEQ-7.</u> has pollutants at levels higher than Montana or U.S. standards.
5	Missoula Valley Water Quality District	Page 6 - 3.1.3.4 C.5 Mitigation	I would suggest another bullet with some examples for delineation of areas with springs. Perhaps we should also talk about areas with low soil permeability and how best to mitigate the drainage issues that would ensue (O'Keefe again comes to mind).	See comment #3. Low soil permeability is outside the scope of this project and may be addressed in future regulation updates.	Not at this time
6	Missoula Valley Water Quality District	Page 9 - 3.1.3.6 D No Floodplain Delineation	Does this reasonably cover all areas of concern for contributing to flooding? Probably more of a Todd question.	County Floodplain administrator: it's enough Environmental Health: required in platting act	None
7	Missoula Valley Water Quality District	Page 15 - 3.2.4.2 Common Area, No Build	I would recommend that any riparian management area from major or minor subdivisions be depicted on the plat.	Required in current regs. Major subdivisions must include riparian resources in common area. Minors must be shown as No Build Zones on the plat.	No change to content. Reformat current text to clarify the two methods for major subdivisions and minors.
8	Missoula Valley Water Quality District	Page 19 - 3.4.2.1 Urban Area	Do we have a prohibition of extension of utilities to floodplain areas? I believe it is in the floodplain regulations but not sure about subdivision?	Yes, Section 3.1.3.6 A.1. <u>Land Alteration</u> prohibits roads, utilities, etc in the flood hazard area.	None

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9	Missoula Valley Water Quality District	Page 23 - 3.4.7.3 Curb, Gutter, Boulevard	This can have negative implication for stormwater management. Concentrating flows, if not necessary, means more water to deal with when it leaves the road. We should consider the implications of this. I would recommend narrowing in on where curb and gutter are necessary.	In our meeting with WQ, this concern was weighed against the increased safety and benefits for air pollution that stem from curb and gutter and boulevards. Decided to keep the proposed change. Reinforced by FWP support.	None
10	Missoula Valley Water Quality District	Page 38 - 3.7.4 100-Year Event	I would strongly recommend changing this to the MDT Hydraulics manual. The NOAA numbers are 40 years old and are missing some huge runoff events.	These references come from the Public Works Manual. Working with PW on this change as it would require amending that manual.	Not at this time
11	Missoula Valley Water Quality District	Page 38 - 3.7.6 Extend Storm Drain System	We currently lack the ability to prohibit new pipes to creeks.	WQ does not want to encourage direct discharge to stream water. May require larger land ares for retention but the water would have to go somewhere. Will research how other jurisdictions address this issue and continue working on this issue for future amendments.	Not at this time
12	Missoula Valley Water Quality District	Page 39 - 3.7.11 Erosion Control	Do we have the ability to put something stronger in this section? ie "All proposals that will disturb greater than 1 acres of soil, must submit an erosion control plan..." This has been of great concern for the county MS4. We should find ways to mitigate the effects of sediment from construction. Having a plan in place tied to subdivision review would help get the county there.	Current application asks for information on cut and fill and plans to prevent erosion. Will continue working on this issue to determine whether additional regulations are necessary and how other jurisdictions address erosion control plans, while working with PW who would likely be the reviewer, and we would want to be compliant with their manual.	Outside of regulations: Update Section Reference in subdivision application: 3.7.10 becomes 3.7.11
18	Parks Trails and Open Lands	Section 3.1.5.2 C	As an irrigation ditch increases in width, the amount of space for access and maintenance is decreased with a fixed offset . I suggest that the 10' wide be measured from the edge of canal/irrigation ditch and not centerline to maintain adequate space for access and maintenance.	Easements for ditches less than 3 feet wide are measured from the centerline. Easements for ditches wider than 3 feet are measured from the edges of the canal or ditch.	No change to content. Reformat current text to clarify there are two methods for measuring easements depending on the width of the ditch.
19	Parks Trails and Open Lands	3.4.2.2-A Exception to Rural Standards	Revise text to read: Urban standards for roads and non-motorized facilities shall apply to subdivision in the Rural Area that meet all the criteria below.	The "and" at the end of Lot Size also communicates all the criteria are required.	Add "all" as suggested.
20	Parks Trails and Open Lands	3.4.9.1-D Off-Road Pedestrian Trail Option	I would encourage that all non-motorized pedestrian infrastructure adjacent to roads/internal subdivision roads in the Urban area be sidewalk or paved to avoid inconsistencies in the infrastructure as the Urban area is expected to grow and increase in density, thus striking 1 and 2. A subdivision that is large enough to create a stand-alone trail system is strongly encouraged to be a combination of paved and an aggregate trail surface.	In meeting with PTOL rep, gained clarity that the comment is for non-motorized infrastructure within the ROW to be constructed according to Table 3.4.9.4 and Section 3.4.9.4 Sidewalk Standards.	Not at this time. Potential change: Section 3.4.9.1 D <u>Off-Road Pedestrian Trail Option</u> Add references requiring the portions of trail located within the ROW be constructed to the standards in Table 3.4.9.4 and Section 3.4.9.4 <u>Sidewalk Standards</u> . Do not strike #1 or #2.

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21	Parks Trails and Open Lands	3.4.9.2.B.3 Consider adding the proposed language below	Non-motorized transportation facilities shall be required along the frontage of Rural Area subdivisions where a Transportation Plan has been adopted Missoula County Subdivision Regulations – December 12, 2019 Page 3-22 by the governing body that calls for non-motorized transportation facilities, or the proposed subdivision can provide a logical extension to an existing non-motorized facility pursuant to Section 3.4.9.2.B. Alternative options are as listed in section 3i and 3ii if no transportation plan has been adopted.	The suggested language was struck from Section 3.4.2.2 B Rural Area as criteria for applying Urban Standards in the Rural Area. While language can be added to use transportation plans as support for trails projects, it would not be appropriate to use them as the trigger for off-road trails in the rural area. Language supportive of transportation plans could be added to Section 3.4.9.2 B.2 Major Subdivisions, Rural Area, (adjacent facilities).	Not at this time. Potential change: 3.4.9.2 B.2. When a non-motorized facility is located along the street adjacent to a proposed subdivision, <u>or a trail through the subdivision has been identified in a transportation plan adopted by the governing body</u> , the subdivider shall extend <u>or install</u> the non-motorized facility across the frontage of the subdivision.
22	Parks Trails and Open Lands		I would encourage that all non-motorized pedestrian infrastructure adjacent to roads/internal subdivision roads be paved to reduce long-term maintenance and ensure ADA accessibility.	Section 3.4.9.4 E. <u>Materials</u> requires concrete sidewalks with some flexibility for an approved alternative material. Maintaining the flexibility to allow for innovative porous materials is recommended. Section 3.4.9.5 <u>Trail Construction Standards</u> offers similar flexibility for an approved alternative material.	Not at this time. Potential change: Possible rewording in Section 3.4.9.4 E. <u>Materials</u> : "alternative <u>hardened</u> surface" in place of "alternative material". Possible rewording in Section 3.4.9.5 <u>Trail Construction Standards</u> : "comparable <u>hardened</u> surface material" in place of "comparable surface".
23	Clerk and Recorder*	Chapter 2 - Definitions	No definition of Community Land Trust. State Law defines the organization and includes CLTs as an example of not a condo. CLTs insist they are condos.	Outside the scope of these revisions. Will do more research and may incorporate in future revisions.	Not at this time.
24	Clerk and Recorder*	2.2.21 Contiguous Tract	C+R views land separated by easements as contiguous. Not contiguous if separated by owned ROW.	Incorporate that into the definition.	Add easement: "public right-of-way <u>easements</u> shall be construed as abutting and therefore contiguous."
25	Clerk and Recorder*	2.2.56 D. Lot Area	often measured to the center line. Why does this specify exclusive of street?	In zoning lots are often measured to the center line, unless otherwise noted, but in subdivision, plats are required to show these measurements as stimulated. Used to determine parkland, etc.	None
26	Clerk and Recorder*	2.2.101 Tract of Record	This definition should also be used for parcel	Outside the scope and want to spend more time with this. Will continue working on this issue and research, incorporate into future revisions.	Not at this time.
27	Clerk and Recorder*	Chapter 3 (3.1.5.2; 3.6.4;	Info Box for easements specifics	Agreed	Not at this time. C+R are drafting language, make the change in future round of revisions.
28	Clerk and Recorder*	Page 37 - Section 3.6.7.1 Lot Smaller than 20 Acres	change heading to reflect content	Agreed, one goal is to discover any info "hidden" under non-inclusive headings	Change heading to Lot Smaller than 20 Acres, <u>RVs or Mobile Homes</u>

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29	Clerk and Recorder*	6.2.1 Applicability	Change "condominium" to "declaration of unit ownership" for more inclusivity (land trusts, teds) throughout the regs.	Incorporate into regs, determine where that change is appropriate, probably not in Chapter 8.	Not at this time. Potential change: Change "condominium" to "declaration of unit ownership" for more inclusivity (land trusts, teds) anywhere in the regs except Chapter 8.
30	Clerk and Recorder*	6.2.2.4 Final Plat Checklist	the final plat checklist process is transitioning to an online process and the resolution is expected to be amended soon.	Agreed	Include "as amended" after any mention of the resolution.
31	Clerk and Recorder*	6.2.3.4 (second one)	change to 6.2.3.5	Agreed	Change 6.2.3.4 to 6.2.3.5
32	Clerk and Recorder*	6.2.4.4 Review Agencies	change "distributed to" to "reviewed by" to better reflect new process	Agreed	Change "distributed to" to "reviewed by" to better reflect new process
33	Clerk and Recorder*	6.2.4.5 Surveyer	Include reference for addressing minor affidavits of Correction	Agreed	Add: Minor Affidavits of Corrections can be addressed in accordance with Section 6.6.2 Minor Errors, before or after the examining land surveyor has signed.
34	Clerk and Recorder*	6.2.6 Filing Deadling	require a letter of approval for the extension to be included	Agreed	add: "and any supplemental documents, <u>including all extension approval letters</u> , shall be filed"
35	Clerk and Recorder*	6.2.7.2 Maximum Extension	typo, add al to addition	Agreed, better English	add "al" to addition
36	Clerk and Recorder*	6.6.3.1 Affidavit	add: "and sealed" and strike "approved by the County Attorney and shall be"	agreed, better reflection of process	add: "and sealed" and strike "approved by the County Attorney and shall be"
37	Clerk and Recorder*	Table 7.5 Final Plat Submittal Requirements	Under Supplemental Documents, in Abstract of tital (see 7.7.2) add "and consent if applicable"	Agreed	Under Supplemental Documents, in Abstract of title (see 7.7.2) add "and consent if applicable"
38	Clerk and Recorder*	Section 7.7.1 Remaining Tracts less than 160 Acres - Phased Developments	Change "submitted upon" to "surveyed and included on"	Agreed	Change "submitted upon" to "surveyed and included on"
39	Clerk and Recorder*	Section 7.7.3 Title Abstract	Make a new section for written consent of the owners	Agreed	Title Abstract will end after claimants of record against the land. New section: "Section 7.7.4 Consent by the Owners The written consent to the subdivision by the owners of the land, if other than the subdivider, and any lien-holders or claimants of record against the land shall be on the fact of the plat."
40	Fish Wildlife and Parks	3.4.7.3 Curb, Gutter, Boulevard	supportive - better connects neighborhoods and encourage county residents in urban areas to be more active outdoors year-round	Appreciative, helpful in the conversation	None

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41	Fish Wildlife and Parks	3.4.9.1/3.4.9.2 Off-road pedestrian trails alternative	not sure what "the subdivision is large enough that a trail can create a stand-alone system." would include and did not find a definition or example of such a system.	<p>This alternative has not been in the regulations very long and to date has worked well in it's flexible language. Putting parameters on size does not seem to be needed as of yet.</p> <p>To my knowledge, no subdivision that has used this alternative has filed their final plat, making examples tricky to reference. When they do, it is a good idea to reference them as examples.</p> <p>Will continue working on this issue to determine whether additional regulations are necessary and how other jurisdictions address erosion control plans, while working with PW who would likely be the reviewer, and we would want to be compliant with their manual.</p>	Not at this time.
42	Fish Wildlife and Parks	3.10.5.4 Waiver	supportive of changing the shall to may, allowing the governing body to waive the park dedication requirement if it finds the proposed plat provides long-term protection.	Appreciative, this was the original intent	None