

EXECUTIVE SUMMARY

LEAD PLANNER Mitch Doherty, Missoula County Community and Planning Services

PUBLIC HEARING

DATES MCPB August 16, 2016
BCC September 28, 2016

**REVIEWED AND
APPROVED BY**

Tim Worley, Missoula County Community and Planning Services

AGENDA ITEM

Amendments to the Missoula County Subdivision Regulations –
Chapter 7 – Submittal Requirements

APPLICANT

N/A

**LEGAL
NOTIFICATION**

The legal advertisement was published in the *Missoulian* on July 31 and August 7, 2016.

In addition to the legal notice, staff has provided information about this project through the following methods:

- Letters/emails sent to agencies
- Email notice of project updates to the Missoula County Community and Planning Services email list (more than 700 addresses)
- Project updates included in the monthly Missoula County Community and Planning Services Newsletter

Proposal	Recommendation
To amend Chapter 7 of the Missoula County Subdivision Regulations.	To approve the proposed amendments to Chapter 7 of the Missoula County Subdivision Regulations.

MISSOULA CONSOLIDATED PLANNING BOARD

August 16, 2016

I. RECOMMENDED MOTION

THAT THE PROPOSED AMENDMENTS TO THE MISSOULA COUNTY SUBDIVISION REGULATIONS, AS SHOWN IN ATTACHMENT A, BE RECOMMENDED TO THE MISSOULA BOARD OF COUNTY COMMISSIONERS FOR ADOPTION.

II. INTRODUCTION

In an effort to conduct a final cleanup of the Missoula County Subdivision Regulations Missoula County is proposing a set of amendments to Chapter 7 of the Missoula County Subdivision Regulations. Our goals for the proposed revisions in Chapter 7 include:

- Relocate submittal requirements for various sections of the regulations to Chapter 7 to improve the functionality of the regulations.
- Distinguish between types of submittal documents.
- When necessary revise standards to ensure consistency for submittal requirements across all sections of Chapter 7.
- Simplify the review and approval process as it relates to submittal requirements.

III. AGENCY AND PUBLIC COMMENT

Public drafts of Chapter 7 were released July 31, 2016. An underline/strikethrough draft of the regulations was released, along with a “clean copy.”

Preliminary work on this section began in the winter of 2015. Prior to the general public release, staff sought preliminary review and feedback on these amendments from a variety of agencies and organizations. Over the last few months staff provided information about the upcoming project in the Community and Planning Services E-Newsletters and website updates.

The July 2016 draft was released to the general public on July 31, 2016. To date no public comments were received on this draft.

IV. PROPOSAL

The proposed changes to Chapter 7 of the Missoula County Subdivision Regulations are explained in further detail below, beginning with a general description of changes. Section changes follow in an outline format.

SUMMARY AND GOALS—AMENDMENTS TO CHAPTER 7

Amendments to Chapter 7 include the relocation of submittal requirements throughout the regulations to Chapter 7, minor text amendments to provide clear, simple and flexible regulations.

OUTLINE OF PROPOSED AMENDMENTS

Section 7.1- Purpose and Intent

Minor text amendments proposed in Section 7.1 are proposed. These amendments do not alter the purpose and intent of Chapter 7.

Section 7.2- Preapplication Submittal Items

This section includes minor text amendments and renumbering of multiple sub-sections.

Section 7.3- License, Certifications

Section 7.3 formerly titled Surveyor, Engineer includes a new title and minor text amendments.

Section 7.4- Preliminary Plat/Plan Submittal Requirements

This section includes an amended table for preliminary plat submittal requirements only. The former table offered information for both preliminary and final plat submittal requirements. The amended table provides clarification regarding supplemental sheets and supplemental documents required with the preliminary plat submittal. The supplemental document break out is the result of changes to state Administrative Rules (ARM) regarding surveying and plat requirements.

Section 7.5- Final Plat Submittal Requirements

Supplemental information regarding the preliminary plat application has been relocated to Section 7.6. Proposed amendments to Section 7.5 include a table that describes information submitted with the final plat. The ARM's require only specific information to be detailed on the final plat. Other information, typically required as part of the final plat approval, must be located on supplemental documents or on a conditions of approval page.

Section 7.6- Description of Preliminary Plat/Plan Submittal Requirements

Standards in Section 7.6 have been relocated from Section 7.5 and other Chapters of the regulations. Several minor text amendments are proposed.

Section 7.7- Description of Final Plat Submittal Requirements

Proposed amendments in Section 7.7 include relocation of final plat submittal requirements located in Section 7.6. Minor text amendments are proposed.

V. FINDINGS AND CONCLUSIONS

Findings

1. Montana Code Annotated § 76-3-504 requires counties to prescribe the form and contents of preliminary plats and the documents to accompany final plats.
2. Montana Code Annotated § 76-3-601 requires of the subdivider to present the governing body the subdivision application including the preliminary plat, pertinent features of the proposed subdivision and proposed improvements for local review.
3. Montana Code Annotated § 76-3-612 describes the abstract of title required for the final plat.
4. Montana Code Annotated § 76-3-622 describes the water and sanitation information to accompany the preliminary plat.
5. Administrative Rules for the State of Montana Subdivision and Platting Act section 24.183.1107 provide uniform standards for survey requirements related to final subdivision plats.
6. Chapter 2 of the Missoula County Growth Policy includes guiding principles that establish the overall planning framework.

Balancing interests and minimizing regulation: The public interests of promoting economic development, conserving natural resources, maintaining community character, protection public health and safety, and supporting private property rights should be weighed and balanced in the decision-making. The use of regulatory and voluntary measures will be evaluated with an effort to employ the minimum amount of regulation necessary to protect public interests.

7. The Missoula County Growth Policy Chapter 2 includes an Action Plan that describes the key goals, objectives and action strategies specific to proposed amendments in Chapter 7.

Goal #14- Improve communication between Missoula County officials and enhance opportunities for public engagement in local government.

Objective 14.2- Enhance opportunities for public engagement.

Action 14.2.3- Structure community development projects to incorporate a variety of opportunities for public involvement.

Goal # 15- Provide effective customer service and flexible, predictable and timely development review processes.

Objective 15.1- Provide simple, clear and flexible land use and development regulations, procedures and forms.

Action 15.1.1- Use plain language, graphics and build in flexibility as regulations are revised.

Conclusions

1. The amendments included in the August 16, 2016 draft Chapter 7 Missoula County Subdivision Regulations are locally appropriate and meet requirements of State law.
2. The amendments included in the August 16, 2016 draft Chapter 7 Missoula County Subdivision regulations are supported by the 2016 Missoula County Growth Policy.

V. ATTACHMENTS

- A. [Proposed Draft Amendments to the Missoula County Subdivision Regulations, Chapter 7: Submittal Requirements – Clean \(August 16, 2016\)](#)
- B. [Proposed Draft Amendments to the Missoula County Subdivision Regulations, Chapter 7: Submittal Requirements - Underline strikethrough \(August 16, 2016\)](#)
- C. [Legal Notice](#)