



Date: August 16, 2016

To: Planning Board and Interested Parties

From: Mitch Doherty, Missoula County Community and Planning Services

Re: Subdivision Regulations REWRITE- Additional Comments and Proposed Amendments (Chapter 7)

Missoula County Community and Planning Services has received the attached comments on proposed amendments to Chapter 7 of the Missoula County Subdivision Regulations Project since the staff report was issued on August 9, 2016.

Based on the comments received staff suggests the following additional amendments for consideration:

Amendment #1

Missoula Conservation District- Riparian Resource Area review

To be placed in section 7.6.4

Info Box

Consultation with the Missoula Conservation District should be considered when projects include or are adjacent to a riparian resource area.

Amendment #2

Missoula County Surveyor's Office- Revised final plat submittal requirements table (Section 7.5)

TABLE 7.5	
FINAL PLAT SUBMITTAL REQUIREMENTS	
Final Plat	
Boundary	Content required by ARM 24.183.1107
Lot layout	Surveyor certification
Existing and proposed easements, ROW	Utility easements statement (see 7.7.1)
Certification of ownership	Certificate of completed improvements
Landowner's certification statements as applicable	Treasurer certificate (see 7.7.5)
Statement that federal, state, local plans, policies, regulations and/or conditions of approval may limit use of the property	Statement that buyers should obtain and review all sheets of the plat and all documents related to the subdivision and contact the planning office to learn of any limitations on the use of the property
Waive right to protest SID/RSID	Legal description, township/range, section/quarter section, principal meridian
Statement specifying improvements that have been completed and the improvements that are incomplete but will be completed and the financial security that is in place	
Supplemental Documents	
Review fee	Completed application
Abstract of title (see 7.7.2)	Articles of Incorporation/Bylaws
Subdivision Improvements Agreement (see 7.7.3)	HOA documents (see 7.7.4)
Access or encroachment permit	Private improvements
DEQ certificate of approval of water and sanitation systems – lots <20 acres	Documentation of adequate water supply and area for septic and replacement septic systems for lots =>20 acres
Notices to lot purchasers (see 7.7.7)	Financial security for uncompleted improvements
CCR or deed restrictions	Certification of park land (see 7.7.6)
Documentation of conformance to conditions	Plans for all improvements
Road maintenance agreement	Specifications, reports, PE certification
Conditions of Approval Sheet	
Other information as required by approval conditions of preliminary plat/plan and in accordance with ARM 24.183.1107(4)	

If Planning Board wishes to recommend the above amendments in addition to the amendments proposed in the staff report staff suggests the following motion for adoption:

THAT THE PROPOSED AMENDMENTS TO THE MISSOULA COUNTY SUBDIVISION REGULATIONS, AS SHOWN IN ATTACHMENTS A OF THE STAFF REPORT AND THE STAFF MEMO DATED AUGUST 16, 2016 BE RECOMMENDED TO THE MISSOULA BOARD OF COUNTY COMMISSIONERS FOR ADOPTION.

Mitch Doherty - Re: Final Plat table

From: Steve Niday
To: Mitch Doherty
Date: 7/29/2016 9:53 AM
Subject: Re: Final Plat table
Cc: Louise Adams
Attachments: Final Plat table SEN.xlsx

Mitch,

Attached is my edited table. The items I have turned blue in the Supplemental Documents section are items required by 24.183.1107 to be placed on the plat. It doesn't seem to me these items can be provided as supplemental documents only. Some of the items listed in the Final Plat section are included in 24.183.1107. Rather than list some of the items addressed in 24.183.1107 and not all of them, wouldn't it make more sense to not list any individually and just make a reference to "All requirements as per 24.183.1107." Then you could limit your Final Plat section to just those items not covered by 24.183.1107, which would make it clear that those items are as per local regulations.

The items I have turned green are items covered in 24.183.1107(5), so as in the Final Plat section of your table, you could just reference that section of the ARM and list separately your local regulation items.

Line 16, Private improvements, not sure what this is.

Line 21, Notices to lot purchasers, is that the same as line 17, Statement that buyers...?

Line 21, Plan for all improvements. Should that be combined with Line 22, Specifications..., for something like Plans, specifications, reports, and PE certification for all improvements.

Line 23, Documentation of conformance to conditions. I assume that is a rather general description for any necessary proof of conformance to any of the conditions imposed by the governing body.

You may have to activate the highlight changes feature to see the edits I made. The table is your baby, so you can choose to accept or reject any or all of my edits and I won't be personally offended.

Steve

>>> Mitch Doherty 7/28/2016 9:57 AM >>>

Hi Steve,

Thanks for taking a look at this. If you see any changes that need to be made just let myself and/or Tim Worley know.

-Mitch

TABLE 7.5**FINAL PLAT SUBMITTAL REQUIREMENTS**

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Other information as required by approval conditions of preliminary plat/plan and in accordance with ARM 24.183.1107(4)	

caps - Comment - Ch.7, Submittal Requirements of the Missoula County Subdivision Regulations

From: Monica Perez-Watkins <contactmcd@macdnet.org>
To: <caps@missoulacounty.us>
Date: 8/11/2016 12:39 PM
Subject: Comment - Ch.7, Submittal Requirements of the Missoula County Subdivision Regulations
Cc: Jen McBride <missoulacd@macdnet.org>

Dear Missoula County Community Planning Services,

At the August 8, 2016 Missoula Conservation District meeting, the Board of Supervisors reviewed the proposed amendments to Chapter 7 - Submittal Requirements of the Missoula County Subdivision Regulations, specifically those related to riparian buffers as discussed in Section 7.6.4, Riparian Resources Management Plan.

As the administrator of the Natural Streambed and Land Preservation Act (310 law) in Missoula County, the Missoula Conservation District institutes riparian buffers on all permitted projects. Riparian buffers are often site specific and do not include a standard numerical distance from the bed or banks of a river or stream.

The Missoula Conservation District requests that CAPS include language in the regulations to indicate that subdivision developers are to consult with the Missoula Conservation District regarding riparian buffers. The reason for our request is to limit redundancy and inconsistencies.

Thank you for your consideration.

Monica Perez-Watkins
Conservation and Communications Coordinator
Missoula Conservation District
[406-829-3395, ext. 101](tel:406-829-3395)

Mitch Doherty - Chapter 7

From: Deborah Evison
To: Doherty, Mitch; Worley, Tim
Date: 8/15/2016 3:21 PM
Subject: Chapter 7
Cc: O'Connor, Brent; Dickson, Erik; Robertson, Greg; Niday, Steve
Attachments: Ch. 7 submittal requirements DE comments.pdf; Final Plat table SEN.xlsx

Hi Mitch,

I went through the proposed Chapter 7, see the attached with my comments.

It looks like Steve Niday's previous comments were not included, so I added those to the attachments and his written comments are below.

I also noticed that the City/County Final Plat process is not included, however I thought Tim wanted that included in this section?

From Steve Niday:

"Attached is my edited table. The items I have turned blue in the Supplemental Documents section are items required by 24.183.1107 to be placed on the plat. It doesn't seem to me these items can be provided as supplemental documents only. Some of the items listed in the Final Plat section are included in 24.183.1107. Rather than list some of the items addressed in 24.183.1107 and not all of them, wouldn't it make more sense to not list any individually and just make a reference to "All requirements as per 24.183.1107." Then you could limit your Final Plat section to just those items not covered by 24.183.1107, which would make it clear that those items are as per local regulations.

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You may have to activate the highlight changes feature to see the edits I made. The table is your baby, so you can choose to accept or reject any or all of my edits and I won't be personally offended." -Steve Niday

Please let me know if you have any questions or comments.

Many Thanks,

Missoula County Public Works-Building Division
Deborah L. Evison, AICP
Building & Development Programs Manager
6089 Training Drive
Missoula MT 59808
[\(406\) 258-3702](tel:(406)258-3702)

Summary of Comments on Ch. 7 submittal requirements - Deb Evison comments

- Section 7.2.1.6: We typically only ask for those over 200 sq ft
- Section 7.4 – Cross-out “Mitigate” (see comment below)
- Section 7.4: The planning office does not mitigate impacts. The planning office evaluates and identifies impacts of a proposed subdivision.
- Table 7.4, section 7.4.1: should site: 76-3-401 through 501
- Table 7.4, section 7.4.7 (documentation): How is someone supposed to get your their Engineering certifications? Typically their stamp, with license number on the required plans is what is required here
- Table 7.4, section 7.4.7 (culvert design): Road Construction Cross Section
- Section 7.6.1: Not sure what a "Certificate of Ownership" is? Do you mean a Deed or Title Report or tax record that states who the legal owner is?
- Section 7.6.4.1: You should site the appropriate appendix for reference to what riparian vegetation needs to be identified and mapped.
- Section 7.6.5: See Public Works Manual for specifics
- Section 7.6.9: Primary Review Criteria for Local Government Review: you should list only those things listed in State Law here.