

RESOLUTION NUMBER 2016-113

**A RESOLUTION TO AMEND THE MISSOULA COUNTY SUBDIVISION
REGULATIONS**

WHEREAS, 76-3-501, MCA authorizes the Board of County Commissioners to adopt subdivision regulations; and

WHEREAS, the Board of County Commissioners has adopted subdivision regulations for Missoula County with amendments; and

WHEREAS, 76-3-501, MCA provides for the revision of subdivision regulations; and

WHEREAS, the County is desirous of amending the subdivision regulations to better serve the public and provide more easily understood regulations; and

WHEREAS, a public hearing was duly advertised and held by the Missoula Consolidated Planning Board about the amendments to the subdivision regulations on June 21, 2016; and

WHEREAS, the Board unanimously recommended approval of the proposal; and

WHEREAS, a public hearing was duly advertised and held by the County Commissioners of Missoula County on July 27, 2016, in order to give the public an opportunity to be heard regarding such proposed subdivision revisions as required by 76-3-503, MCA; and

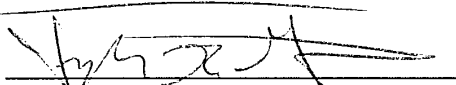
WHEREAS, the Board of County Commissioners finds that the amendments to the subdivision regulations attached hereto are in the public interest;

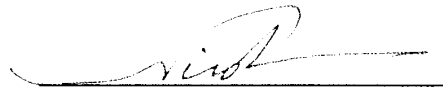
NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Missoula County amend the subdivision regulations as recommended by the Planning Board as shown in Exhibit A and with any necessary editorial and formatting corrections, effective November 4, 2016.

PASSED AND ADOPTED THIS 27th DAY OF JULY, 2016

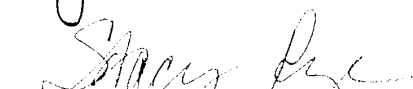
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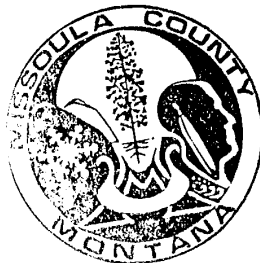
**BOARD OF COUNTY COMMISSIONERS
OF MISSOULA COUNTY**


Tyler R. Gernant, Clerk and Recorder


Nicole Rowley, Chair


Jean Curtiss, Commissioner


Stacy Rye, Commissioner



CHAPTER 3

GENERAL DESIGN STANDARDS

FOR ALL SUBDIVISIONS

3.10.5.4 Waiver

The governing body shall waive the park dedication requirement if it finds the proposed plat provides long-term protection of critical wildlife habitat, or cultural, historical, and natural resources, or agricultural resources, or aesthetic values which also results in the reduction of the area proposed to be subdivided by an amount equal to or exceeding the area of dedication required by this section.

CHAPTER 4

SPECIFIC STANDARDS

FOR CERTAIN SUBDIVISIONS

4.1 General

4.2 Planned Unit Development

4.3 Condominiums, Townhomes

4.4 Mobile Home, RV Parks

4.1 General

Missoula County contains a variety of landscapes and physical characteristics that justify site-specific flexibility in subdivision designs. Additionally certain types of subdivisions require standards that address their special characteristics. The purpose and intent of this chapter is to enable site-specific flexibility and accommodate specific types of subdivisions. The standards in this chapter apply in addition to the general requirements in other chapters of these regulations, except when standards contradict. The more specific standard of this chapter shall govern when it contradicts a more general provision in another chapter.

4.2 Planned Unit Development

4.2.1 Purpose and Intent

The intent of this section is to encourage creative subdivision designs that are superior to the designs typically produced under these regulations. Flexibility in certain standards is provided in this section to promote mixed land uses, and clustered designs that better respond to natural site characteristics, reduce infrastructure costs, and accommodate common areas. This flexibility, however, does not compromise public health and safety.

4.2.2 Qualification as a PUD Application

Before a subdivider can propose a preliminary plat/plan in accordance with this section, the Planning Office shall determine that the proposal qualifies as a PUD application.

4.2.2.1 No Guarantee

A Planning Office determination only allows the subdivision to be proposed as a PUD and does not ensure approval by the governing body.

4.2.2.2 Criteria for PUD

Based upon information submitted pursuant to *Section 4.2.3, Submittal Requirements*, the Planning Office shall determine whether the flexibility allowed in this section can reasonably lead to a design that is superior to designs allowed under the general standards of these regulations. The flexibility accomplishes a superior design when it leads to at least 3 of the following criteria:

- A. Natural Resources**
Preservation of the natural characteristics of the land, including but not limited to landforms, vegetation, agricultural land, riparian resources, wildlife habitat, and streams or other bodies of water.
- B. Efficient Infrastructure**
Economical development and maintenance of streets and other public improvements.
- C. Historic, Cultural Resources**
Protection of important historic or cultural sites or structures.
- D. Dedication of Common Areas**
Dedication of common area that exceeds the minimum parkland requirements of these regulations and the basic needs of the development while providing a desired neighborhood or community benefit.
- E. Development of the Common Area for Recreational and Open Space purposes**
Development of common areas for recreational and/or open space purposes that exceeds the minimum parkland requirements of *Section 3.10.7, Park Design Standards*.

4.2.3 Submittal Requirements

To request the opportunity to submit a PUD application, the subdivider shall provide the Planning Office with the following:

4.2.3.1 Written Request

Written request that the proposed subdivision be reviewed as a PUD including responses to the criteria in *Section 4.2.2.2, Criteria for a PUD*.

4.2.3.2 Sketch Plan

A sketch plan of the proposed subdivision containing all information requested in *Section 7.2, Preapplication Submittal Items*.

4.2.3.3 Common Areas

A description of open space, recreational facilities, roads, and other common areas and facilities proposed for common ownership.

4.2.3.4 Ownership

A description of proposed ownership of common areas and facilities within the development.

4.2.3.5 Waivers

A description of proposed waivers pursuant to *Section 4.2.5, Waivers*.

4.2.3.6 Additional Information

Additional information that the Planning Office may reasonably require to evaluate the request.

4.2.4 Applicable Zoning

When a proposed PUD is in an area subject to zoning, the development must comply with PUD provisions in the zoning regulations.

4.2.5 Waivers

When a proposed subdivision has been designated as a PUD, standards in the following sections may be modified or waived by the governing body pursuant to the criteria of *Section 4.2.6, Criteria for Waivers*.

3.3 Lots and Blocks; and

3.4 Transportation Standards.

4.2.6 Criteria for Waivers

Modifications or waivers are permitted when the governing body finds the proposed PUD accomplishes at least four of the criteria in *Section 4.2.2.2, Criteria for PUD*, in a manner that is superior to a subdivision design under the general standards of these regulations.

4.3 Condominiums and Townhomes

4.3.1 Purpose and Intent

The purpose and intent of this section is to allow for the alternative form of ownership provided by condominium and townhome developments. This section defines the specific procedural steps and design standards that apply to condominium and townhome developments.

4.3.2 Reviewed as Subdivision

Condominium and townhouse developments not exempt pursuant to *Section 8.6.16, Condominiums, Townhouses, and Townhomes (§76-3-201, MCA)*, shall be reviewed as either a minor or major subdivision, and all procedures of *Chapter 3, General Design Standards For All Subdivisions*, *Chapter 5, Procedures For Subdivision Review, Preliminary Plat, Variances, and Appeals*, and *Chapter 6, Final Plat and Subdivision Improvement Guarantees*, apply except preliminary and final site plans shall be submitted in lieu of preliminary and final plats when lots are not created.

4.3.3 Additional Design Standards

In addition to the applicable design standards in *Chapter 3, General Design Standards For All Subdivisions*, the governing body may require the following additional design features:

4.3.3.1 Residential Storage

Storage facilities on the property of a residential condominium/townhouse development for general storage or the parking of boats, trailers, and other vehicles. An off-site location may be approved to meet this requirement when proposed by the applicant.

4.3.3.2 Buffer

Landscaping or fencing buffer between the condominium/townhouse development and adjacent properties when a residential condominium/townhouse development abuts a single-family development, or a non-residential condominium/townhouse abuts a residential development.

4.3.4 Filing Site Plan

An approved final site plan, including any supplemental sheets and documents, shall be filed with the Planning Office.

4.3.5 MCA

Condominium and townhouse developments shall comply with all provisions of the Unit Ownership Act, MCA, Title 70, Section 23, Parts 1 – 6.

4.4 Mobile Home, RV Parks

4.4.1 Purpose and Intent

Mobile home (MH) parks add to the diversity of housing types and provide an affordable housing option. Recreational vehicle (RV) parks accommodate short term lodging for travelers and guests. The purpose and intent of this section is to accommodate MH and RV parks while ensuring they are safe, functional, and compatible with neighboring properties.

Info Box
If the park developer owns multiple MH's on permanent foundations and leases or rents the MH's, the development may be subject to Buildings for Lease or Rent review.

4.4.2 Site Plan

All procedures of *Chapter 5, Procedures For Subdivision Review, Preliminary Plat, Variances, and Appeals*, and *Chapter 6, Final Plat and Subdivision Improvement Guarantees*, apply to MH and RV park developments except preliminary and final site plans shall be submitted in lieu of preliminary and final plats.

4.4.3 Subsequent Subdivision

If a MH or RV park is initially approved with rental spaces and at a later date the park owner proposes to sell individual spaces, a subdivision application shall be submitted for review and approval by the Governing Body before any space can be sold or conveyed.

4.4.4 DPHHS, DEQ

4.4.4.1 Standards

MH and RV parks shall comply with the standards of the Montana Department of Public Health and Human Services (DPHHS) that pertain to layout, water systems, sewage systems, and solid waste disposal.

4.4.4.2 Health, DEQ Approvals

Ground disturbance shall not occur, nor development commence for a MH or RV park until the Montana DPHHS and the Montana Department of Environmental Quality have granted approvals.

Info Box

It is unlawful to operate a MH or RV park without the applicable license approved by the Montana DPHHS and validated by the Missoula City-County Health Department.

4.4.5 Zoning

When a MH or RV park is proposed for a location that is subject to zoning, the park shall comply with the applicable zoning regulations. This may require a MH park developer to obtain a mobile home park overlay zoning designation for the property. The detailed standards of an applicable zoning regulation shall apply in instances of contradiction between this section and the zoning regulation.

4.4.6 General Standards, MH and RV Parks

MH and RV parks shall comply with the following standards in addition to the general standards in other chapters of these regulations:

4.4.6.1 Placement of Designated Spaces

Designated spaces for MH's and RV's shall be arranged to permit the safe and practical placement and removal of MH's and RV's.

4.4.6.2 Access, ROW

Designated spaces for MH's and RV's shall be provided safe and convenient vehicular access from abutting streets or roads that complies with the transportation standards of these regulations. Notwithstanding the required right-of-way in *Section 3.3.7, Road Design Standards*, dedicated road rights-of-way or easements may not be required within a MH or RV park.

4.4.6.3 Setbacks

A. **Perimeter**

Designated spaces for MH's and RV's shall be setback a minimum of 20 feet from the perimeter property boundary of the park.

B. **Road**

Designated spaces for MH's and RV's shall be setback a minimum of 20 feet from a road. Road setbacks shall be measured from the edge of the road easement or right-of-way. Where there is no easement for an internal park road, the setback shall be measured from the outer edge of the road shoulder.

C. **Additions and Accessory Structures**

Any addition or accessory structures such as an attached awning or freestanding building, shall comply with the setbacks.

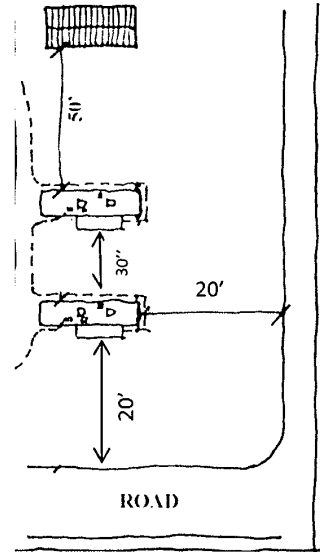
4.4.6.4 Separation

A. **Designated MH and RV spaces**

Designated spaces shall be located to maintain a minimum separation between mobile homes and between RV's of 30 feet. MH and RV spaces shall be separated from other structures, excluding accessory structures, by at least 50 feet.

B. **Additions and Accessory Structures**

Any addition such as an attached awning, shall comply with these separation requirements. Accessory structures shall be separated from MH's and RV's by at least 10 feet.



4.4.6.5 Visual Screen

A visual screen of natural vegetation or fencing shall be placed along the perimeter property line where the park abuts a neighboring development or an off-site road.

4.4.6.6 Parking

Each MH and RV space shall be large enough to accommodate at least one off street parking space for the occupants.

4.4.6.7 Common Area, Recreation

MH and RV parks shall provide parkland equal to at least 1/9 of the area of the MH or RV park. The parkland shall comply with all other standards in *Section 3.10, Parks and Open Space*. Parkland may include community recreation buildings and facilities.

4.4.6.8 Specific Standards, MH Park Designated Spaces

Designated MH spaces shall meet the following standards:

A. Size

The size of each designated space shall be at least 3 times the total area projected to be occupied by the MH and any roofed accessory buildings and structures.

B. MH Pad

An individual pad at least 14 feet wide and 70 feet long shall be provided for each MH. Pads for doublewide MH's shall be at least 28 feet wide. These pads shall be installed by the park developer and constructed with least 6 inches of crushed gravel over a stabilized sub-base of pit run gravel.

4.4.6.9 Boundary Markings

A survey is not required to define designated MH spaces but the corners of all spaces shall be identified with permanent ground markers prior to installation of the first MH in the park.

4.4.6.10 Storage

The governing body may require a common storage area be provided for boats, trailers, or other vehicles, which shall not be calculated as part of the required parkland. An off-site storage area may be approved if proposed by the park developer.

4.4.6.11 Guest Parking

If on-street parking is prohibited in the park, either as a rule by the park owner or a condition of approval, the governing body may require 1 paved guest parking space be provided for every 10 MH spaces.

4.4.6.12 Park Sign

A sign depicting the park layout shall be prominently located near the park entrance.

4.4.7 Park Rules

The park owner shall establish park rules that require a mobile home to be skirted and equipped with tie-downs within 60 days after a trailer is moved into the park. Tie downs must comply with building codes.

4.4.8 Specific Standards, RV Parks

4.4.8.1 Surface Coverage

Exposed ground surfaces in RV spaces shall be paved, covered with stone or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and reducing dust.

4.4.8.2 Double Frontage

Notwithstanding the prohibition of through lots in *Section 3.3.2.4, No Through Lots*, designated RV spaces may be pull-through or double frontage spaces.