

EXECUTIVE SUMMARY

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PUBLIC HEARING DATES MCPB August 2, 2016
BCC September 14, 2016

REVIEWED AND APPROVED BY Tim Worley, Missoula County Community and Planning Services

AGENDA ITEM Amendments to the Missoula County Subdivision Regulations – Chapter 6 – Final Plat and Subdivision Improvement Guarantees

APPLICANT N/A

LEGAL NOTIFICATION The legal advertisement was published in the *Missoulian* on July 17 and July 24, 2016.

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

- Interactions with departments and agencies
- Email notice of project updates to the Missoula County Community and Planning Services email list (more than 700 recipients)
- Project updates included in the monthly Missoula County Community and Planning Services Newsletter

Proposal	Recommendation
To amend Chapter 6 of the Missoula County Subdivision Regulations.	To approve the proposed amendments to Chapter 6 of the Missoula County Subdivision Regulations.

MISSOULA CONSOLIDATED PLANNING BOARD

August 2, 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

Missoula County is proposing a set of amendments to Chapter 6 of the Missoula County Subdivision Regulations in an effort to clean up and streamline this chapter. Significant amendments to Section 6.6 are proposed through this chapter and include the following:

- Re-numbering and moving multiple sections
- General cleanup to ensure consistent language throughout the Regulations
- Text amendments to Section 6.1 Purpose and Intent
- Text amendments to Section 6.2 Final Plat
- Text amendments to Section 6.3 Provisions for Public and Private Improvements and Maintenance
- Text amendments to Section 6.5 Error Correction Procedure
- Text amendments to Section 6.6 Adjustments to Filed Plats and Related Documents (moved from Section 6.5.6 Plat Adjustments and expanded)

III. AGENCY AND PUBLIC COMMENT

Public drafts of Chapter 6 were released on July 15, 2016. An underline/strikethrough draft of the regulations was released, along with a “clean copy.”

Preliminary work on this section began in late 2015 and continued through the first half of 2016. Prior to the general public release, staff sought preliminary review and feedback on these amendments from a variety of agencies, including the County Surveyor’s Office, County Attorney’s Office, and County Public Works. Over the last few months staff provided information about the upcoming project in the Community and Planning Services E-Newsletters.

No public comments were received on this draft to date.

IV. PROPOSAL

The proposed changes to 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.

OUTLINE OF PROPOSED AMENDMENTS

Chapter 6 Final Plat and Subdivision Improvement Guarantees

This effort is considered to be an update to Chapter 6. Significant amendments are proposed throughout the Chapter, specifically Sections 6.2, 6.3 and 6.6.

Section 6.2 Final Plat

6.2.2 Submittal

Language has been amended to clarify the submission requirements for final plats and conditional of approval sheets.

6.2.3 Sufficiency

Language has been amended to establish a process for determining a final plat submittal sufficient, mirroring the Sufficiency Review process for subdivision applications in *Section 5.7.8 of the Subdivision Regulations*. Prior to distribution to other agencies, a final plat packet must first be submitted to the CAPS Office and be found to be complete. A typo in 6.2.3.2 *Insufficient* is proposed to be corrected from “confirm” to “conform”.

6.2.4 Review

Language has been amended to provide expanded detail on the determination of whether a change to the final plat is considered minor or major. Amended language is simplified to replace an extensive explanation of departmental review responsibilities with a reference to [Resolution 2016-004](#), containing similar information.

Section 6.3 Provisions for Public and Private Improvements and Maintenance

Language has been amended to clarify the requirements and responsibilities for the installation and maintenance of required facilities associated with a subdivision.

6.3.5 Alternative Guarantee Methods

Language has been amended to incorporate multiple sources when a financial guarantee is required, including private and public escrow agreements, letters of credit, bonds, special improvement districts, and real property.

6.3.6 Incremental Payment or Guarantee Plan

This new section provides an avenue for incremental payments or guarantees when they correspond with phased construction.

6.3.7 Release of Money or Property Held Under Guarantee

This new section allows for a process for release or use of collateral.

6.3.8 Provisions for Maintaining New Roads

This section is moved from Section 6.3.6 and clarifies the developer's responsibility in establishing an SID/RSID.

Section 6.6 Adjustments to Filed Plats and Related Documents

This section has been moved from Section 6.5.6 and expands on the process and criteria for review modest changes to filed subdivisions while maintaining the intent of the original approval. Adjustments to plat elements, supplemental plans/documents, or conditions of approval related to a *minor subdivision* will be subject to a Commissioners meeting after the adjacent property owners are notified. Such adjustments on a *major subdivision* will be subject to a Planning Board hearing and Commissioners meeting after it is notice in the newspaper and to adjacent property owners and interested parties.

V. FINDINGS AND CONCLUSIONS

Findings

1. Montana Code Annotated § 76-3-501 requires counties to adopt and provide for the enforcement and administration of subdivision regulations that reasonably provide for orderly development, adequate transportation, adequate open spaces, regulation of sanitary facilities, minimization of congestion, and the avoidance of subdivisions that would involve unnecessary environmental degradation and danger of injury to health, safety, or welfare by reason of natural hazard.
2. Montana Code Annotated § 76-3-611 requires final subdivision plats to be approved in accordance with the conditions of approval set forth on the preliminary plat and to the terms of adopted subdivision regulations.
3. Chapter 2 of the Missoula County Growth Policy includes guiding principles that establish the overall planning framework.

Public health and safety: Missoula County will strive to protect public health, safety, and welfare in a fiscally-responsible manner.

Private property rights: Respect for private property rights should be supported in policy.

Balancing interests and minimizing regulation: The public interests of promoting economic development, conserving natural resources, maintaining community character, protecting public health and safety, and supporting private property rights should be weighed and balanced in 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 the public interests.

Public Involvement: Communities and individuals should continue to be involved in the planning and decision-making processes that affect them.

4. Missoula County Growth Policy Chapter 2 includes an Action plan that describes the key goals, objectives and action strategies specific to proposed amendments to Chapter 6.

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

Objective 14.1 – Increase contact and communication between Missoula County government and residents.

Action 14.1.2 – Implement other communication mechanisms to maximize public outreach and transparency

Action 14.1.3 – Utilize community councils and other advisory boards to help improve communication in both directions and provide opportunities for public engagement.

Action 14.1.5 – Implement policies regarding public meeting notice and update as needed.

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.

Action 14.2.4 – Increase PB members involvement in rural projects and provide opportunities for PB to learn about rural planning and community issues.

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.

5. It is reasonable to require subdivision processes that encourage public notice and participation.
6. It is reasonable to maintain the original intent of an approved subdivision and to defer to that review process.

7. The proposed amendments to the Missoula County subdivision regulations related to final plat review were developed in compliance with § 76-3-611, MCA.
8. The proposed amendments to the Missoula County Subdivision Regulations related to final subdivision plats were developed in compliance with Administrative Rules of Montana 24.183.1107

Conclusions

1. The amendments included in the July 15, 2016 draft Chapter 6 Missoula County Subdivision Regulations are locally appropriate and meet requirements of State law.
2. The amendments included in the July 15, 2016 draft Chapter 6 Missoula County Subdivision regulations are supported by the 2016 Missoula County Growth Policy.