

Christine Dascenzo - RE: Still Waters

From: Dale McCormick <dalem@pcimontana.com>
To: Tim Worley <tworley@missoulacounty.us>, John Kellogg <johnk@pcimontana.com>
Date: 9/13/2016 12:18 PM
Subject: RE: Still Waters
Cc: Matt Smith <matts@pcimontana.com>, Karen Hughes <khughes@co.missoula.mt.us>

Hi Tim,

I have been on the sidelines of this discussion and don't really want to be part of the scrum; however I think there is an opportunity now to make it clear in the subdivision regulations whether an improvements guarantee is possible for private improvements. The way it is currently worded the regulations specifically say "private and public improvements" throughout Chapter 6. This is misleading if, in fact, an improvements guarantee cannot be applied to private roads. PCI has successfully used this mechanism for private improvements in the past with Emerald Lake Estates and Water's Edge as examples. Please take this opportunity to make it clear to everybody what is allowed. Predictability is a cornerstone of land use planning in the public and private sectors. Thanks for taking this into consideration.

Sincerely,

-Dale

From: Tim Worley [tworley@missoulacounty.us]
Sent: Wednesday, September 07, 2016 4:49 PM
To: John Kellogg
Cc: Dale McCormick
Subject: RE: Still Waters

It seems like they are treated the same in certain portions of the section, and different in other portions. Something like Still Waters would fall under the regulations it was approved under, in my estimation. Under the new regulations, if Still Waters were approved today, the developer would have to warranty the improvements for at least one year. That may be one way of getting around the difficulty that was raised yesterday, but it doesn't fix this particular situation. Tim

>>> John Kellogg <johnk@pcimontana.com> 9/7/2016 3:22 PM >>>

Hi Tim:

After yesterday's staff meeting with the Commissioners, I discussed the Subdivision Improvements Agreement form with John Hart and he recommended that I draft language to address Greg Robertson's concerns about "private" improvements. So I started doing this and then Dale McCormick reminded me that CAPS is undertaking a major re-write of the Subdivision Regulations. After looking at the proposed language in Section 6.3, it appears that the changes actually treat "public" and "private" improvements equally and so do not address Greg's concerns.

So I would be interested in your ideas on this topic.

Thanks, John