

MADISON COUNTY PLANNING DEPARTMENT

P.O. Box 278 • Virginia City, Montana 59755 • Phone (406) 843-5250 • Fax (406) 843-5229

Date: October 13, 2021
To: General Public, Planning Board, Board of Commissioners
From: Alex Hogle, Planning Director
Subject: MSTA-21-01_DRAFT Subdivision Regulation Amendments

Background:

Between August 27, 2020 and August 5, 2021 the Subdivision Regulation Review Sub-committee, comprised of three Planning Board members and the Planning Director, had eleven work sessions in which we considered the current content and language of the Madison County Subdivision Regulations relative to consistency with Montana statute (Title 76 Chapter 3 MCA) and with the intent to provide needed clarification regarding applicability of important standards.

The Sub-committee provided recommendations for review and input by the Planning Board, which considered and provided input on the material at their regularly scheduled meetings on May 24, 2021 and August 30, 2021. Based on discussion at the Board's August 30, 2021 meeting it was determined to proceed with a text amendment public hearing on specific DRAFT revision material identified.

- Exhibit A of the proposed Text Amendment provides a chart reference of Section and Subsection of draft changes with purpose.
- Exhibit B of the proposed Text Amendment provides the specific draft changes to the Subdivision Regulations.

Current topics recommended for revisions as a text amendment to the Subdivision Regulations include:

1. Pre-application process
 - The current process is inconsistent with the process established in statute as the pre-application is scheduled for review by the Planning Board and includes adjacent owner and agency notification. The draft change would implement a pre-application process consistent with the process and intent established in 76-3-504 MCA.
2. First Minor Subdivision process (has bearing on existing language re: 'Expedited Review')
 - The current process is inconsistent with the process established in statute as a First Minor subdivision currently requires review by the Planning Board prior to review and decision by the governing body which places an undue burden on applicant (and staff) in regard to the applicable statutory time frame. The draft change would implement a process for the First Minor subdivision consistent with the process and intent established in 76-3-609 MCA.
3. Overall Development Plan (ODP)
 - This provision, aimed to establish vetted development entitlements prior to actual preliminary plat review and approval, is not based in current Montana statute. The draft change aims to gracefully 'sunset'/replace the provision through subdivision administration consistent with the regulations and procedures established in 76-3-501 through 76-3-605 MCA.
4. Lands Unsuitable for Development (as pertains to 'mitigation of review criteria impacts')
 - The draft changes clarify acceptable mechanisms to mitigate impacts from hazards considered unsuitable for development and add considerations of unmitigated fire risk of availability of services.

5. Building Envelopes (as pertains to Lands Unsuitable for Development)
 - The draft changes amend the definition of Building Envelopes, clarifies the use of approved Building Envelopes to mitigate certain impacts to the applicable review criteria, and would adjust the manner in which they are administered after final plat approval.
6. Construction Setbacks from Waterbodies
 - The draft changes reduce ambiguity and clarify applicability of this provision.
7. Planned Unit Development (PUD)
 - The draft changes clarifies applicability and criteria of the provision, and identifies specific standards which may be requested to be modified without approval of a specific ‘variance’ request.
8. 2019 Legislative update – Agricultural Exemption
 - The draft changes would implement current applicable process consistent with the intent and processes established in 76-3-201(1)(c) and 76-3-211 MCA.
9. Table of Contents
 - To be updated (along with searchable/printable page numbering) after decision by the governing body)
10. Definitions
 - Draft changes are associated with above topics and other key terms either undefined or needing clarification.
11. ‘Housekeeping’
 - Numerous draft mundane changes throughout associated with above topics (i.e. formatting, reference, terminology, etc)

Based on the November 1, 2021 public hearing of the draft text amendments the Planning Board will forward a recommendation to the governing body (Madison County Board of Commissioners) for consideration and adoption in accordance with provisions of 76-3-503 MCA.