

AUDIT REPORT

I. GENERAL INFORMATION: LEWIS AND CLARK COUNTY SUBDIVISION REGULATIONS

A. Title

These regulations shall be known as the Lewis and Clark County Subdivision Regulations, and shall be referred to as "subdivision regulations."

B. Authority

Authorization for these subdivision regulations is provided by the Montana Subdivision and Platting Act (Title 76, Chapter 3, Part 1).

Purpose

These regulations provide criteria and procedures to govern subdivision applications in Lewis and Clark County. These regulations are intended to comply with the provisions of the Montana Subdivision and Platting Act. In the event any of these regulations conflict with the provisions of the Montana Subdivision and Platting Act, the governing authority shall follow the requirements of the Act, rather than the conflicting regulations.

These regulations are the primary way to carry out the Growth Policy. These regulations regulate land development and construction standards resulting in permits and approvals. Lewis and Clark County regulations are effective and efficient. To gain the trust and confidence, regulations must be clear, understandable, and responsibly administered.

These regulations promote the public health, safety, and general welfare of the community.

These regulations apply to all subdivision applications within the jurisdictional area;

These regulations apply to all subdivided land with other than single-family residential use;

These regulations do not apply to subdivisions for public utility purposes.



01

introduction

Purpose of the Audit.....04
Approach to the Audit.....04
Audit Components.....06

02

the audit process

08.....Technical Advisory Committee
09.....Review of Regulations
10.....Staff and Stakeholder Interviews
12.....User Survey
15.....Synthesis and Strategy

03

the comprehensive audit

How to Use This Audit.....18
Stakeholder Feedback Summary.....20
The Comprehensive Audit Matrix.....26

04

recommendations
& next steps

73.....Final Recommendations
80.....Next Steps

INTRODUCTION

PURPOSE OF THIS AUDIT

The Lewis and Clark County Subdivision Regulations are one of two primary tools the County has to implement the goals and vision expressed by the community through the growth policy and other related plans and policy documents. Alongside the County's zoning code, which guides the location, type, and intensity of development, the subdivision regulations are the mechanism to create new lots for development while protecting the public's health, safety, and welfare. The County's Subdivision Regulations have evolved over time in response to statutory changes, court decisions and case law, local context, and an ever-changing environment. However, it has been many years since the regulations were looked at holistically and audited for their effectiveness, efficiency, and outcomes.

Development regulations are not static. To be most effective, they should evolve with changing conditions and the priorities of the community they regulate. The comprehensive audit process helps to guide that evolution. While internal, informal audits should be considered annually to assess alignment issues and the regulations' effectiveness in achieving desired outcomes, a comprehensive external audit is helpful in pointing out blind spots or best practices that wouldn't otherwise be considered.

The County has undertaken numerous planning efforts in recent years that warrant an assessment of the subdivision regulations. Recent updates to the County's growth policy in the form of the Helena Valley Area Plan (2016) and adopted zoning (2019/2020), revisions to the Public Works Manual and Floodplain Ordinance, as well as changes to the Montana Subdivision and Platting Act as a result of the 2023 Legislative Session laid the foundation for why this audit is necessary. The County's stated goals for the audit - create a more streamlined, efficient, and transparent subdivision process for both applicant and staff, ensure

the subdivision regulations are in compliance with the Montana Subdivision and Platting Act (MSPA), and craft a set of regulations that reflect best practice and support community values – provide clear direction for the audit process to follow. The County's decision to have a consulting team external to the local government conduct the audit further underscores the desire to take a constructive look at the content and process contained within the subdivision regulations and make informed and unbiased recommendations for improvement.

APPROACH TO THE AUDIT

The approach employed to audit the Lewis and Clark County Subdivision Regulations took into account four key objectives:

- Identify where the current subdivision requirements may be out of alignment or in conflict with the stated goals of the growth policy, the Helena Valley Area Plan, and other related plans and policy documents;
- Identify where subdivision processes may be creating unnecessary and unintentional barriers to development in the County;
- Identify where the regulations are doing a good job in protecting public health, safety, and welfare, indicating minimal change is necessary; and,
- Identify where further education of staff, stakeholders, and the general public may be needed to better understand the role of the Montana Subdivision and Platting Act (MSPA); specifically, what can be changed in local subdivision regulations versus what we want changed but can't due to statutory limitations.

The goal of this approach is to produce a clear and prioritized roadmap for a comprehensive update to the Lewis and Clark County Subdivision Regulations in 2023. In doing so, careful consideration was given to how the regulations:

- Could be clarified and simplified using Plain English to maximize the readers’ ability to find what they need, understand what they find, and use what they find to meet their needs. Emphasis was placed on opportunities to:

- Eliminate unnecessary jargon
- Use simple words, phrases, and sentences to convey concepts
- Avoid confusing and ambiguous language
- Incorporate graphics and illustrations for clarity
- Organize to be most useful to all users
- Avoid duplication and conflicting language
- Including interactive features to aid in navigation

clarify and simplify

align with community goals

- Could be more focused on alignment with community goals today while allowing for changing goals in the future. If it is unclear why a regulation is being applied, or what purpose it intends to accomplish, the regulation should be evaluated and potentially changed, not blindly followed because “that’s how it has always been done before”. It is especially important that there is a clear objective behind what is being asked of both the landowner and of staff when administering the regulations.

- Will continue to preserve and protect the rights of property owners and residents in Lewis and Clark County. Recognizing the importance of private property rights in Montana, evaluating the subdivision regulations through a balanced lens of individual rights with public responsibility is key. There should be a public purpose behind each regulation, and processes and requirements that make sense when factoring in both a public benefit and private right.

preserve and protect

prevent conflicts

- Will prevent conflicts as much as possible. Organization and consistency are the key to efficacy. A “place for everything and everything in its place” is the foundation of consistency, readability, and ease of use. While impossible to eliminate all conflict within regulations, it is possible to have established methods for how to deal with conflicts when they arise.

- Can balance predictability and flexibility most effectively. Flexibility is necessary to allow the subdivision regulations to adapt to unique circumstances and to avoid stifling creativity, ingenuity, and adaptability. Predictability is needed to assure the applicant has a reasonable understanding of risks, limitations, and expectations as well as to ensure adjacent property owners and the community that their interests can be reasonably safeguarded. Increasing flexibility decreases predictability and vice versa. The audit can help identify and establish key balance points between predictability and suggest where clearer criteria can help provide predictability, define the limits of flexibility, and daylight the decision-making process.

balance predictability and flexibility

promote quality and context sensitive growth

■ Reflect what residents in Lewis and Clark County value most. Subdivision regulations should support and streamline development where permitted, promote quality design, limit risk associated with environmental hazards while protecting sensitive areas and landscapes, and remove unnecessary barriers to the development process itself. A well-crafted set of regulations grounded in plans and policies ensures that community values are recognized and incorporated in the rewrite. In recent years the County engaged residents in conversations related to population growth, flooding, and wildfire hazards, and directing growth where growth makes sense - these conversations should not be lost in the rewrite of the subdivision regulations.

The technical assessment of the subdivision regulations and associated plans and policies is only one prong of a multi-faceted approach. Combined with staff and stakeholder interviews, a user survey, an assessment of model documents and best practices nationwide, a roadmap emerges to guide the comprehensive update to accomplish the County's established goals.

AUDIT COMPONENTS

The following pages dive into the audit process in greater detail, summarizing input and insight from staff and key stakeholders, while synthesizing what was heard alongside the teams' in-depth evaluation of the subdivision regulations. Much of this information is presented in a comprehensive audit matrix, found in Chapter 3 of this report, that brings together technical review notes, staff and stakeholder feedback, statutory requirements, policy alignment priorities, and examples of best practice, to formulate findings and develop a clear, prioritized strategy by which to tackle the comprehensive update. This report is also supplemented by appendices which document survey feedback, present suggested reorganization of the subdivision regulations, and support the audit findings and recommendations.



02 THE AUDIT PROCESS

Technical Advisory Committee
Review of Regulations
Staff and Stakeholder Interviews
User Survey
Synthesis and Strategy



THE AUDIT PROCESS

The Lewis and Clark County Subdivision Regulations Audit was organized around a structure of collaboration, analysis, information gathering, confirmation, and finally the presentation of priority findings. The following sections describe each component of the audit process in detail.

TECHNICAL ADVISORY COMMITTEE

A Technical Advisory Committee was established in May of 2022 to inform the audit work and help guide the subdivision regulations update process. Committee membership was determined through a collaborative discussion between County planning staff and the consultant team, with membership comprised of Lewis and Clark County staff from departments that play a role in the subdivision review process and have a working knowledge of the regulations. Because the development process spans multiple departments' review and requirements, from public works to sanitation, it was imperative the committee reflect the interrelatedness of the development review process, beyond just the planning department. The committee's role in the audit process was to provide insight and context on how the subdivision regulations interact effectively (or not) with other permitting and approval processes related to development - similar to that of a key stakeholder. This input was provided over the course of three meetings held between May and June 2022. The committee will be more heavily engaged in the review of draft revisions to the subdivision regulations and will serve as a sounding board on potential content and approach while continuing to provide input on how best to improve the development process overall.

The Technical Advisory Committee members are:

- **Jessica Makus**, Special Districts Coordinator
- **Beth Norberg**, Environmental Health Specialist
- **Dan Karlin**, County Engineer
- **Lindsay Morgan**, Planner III
- **Greg McNally**, Planning Director

REVIEW OF REGULATIONS

Over the last six months, an in-depth review of the Lewis and Clark County Subdivision Regulations was conducted by the consultant team, with input from County staff and Technical Advisory Committee members. Each chapter of the regulations, along with the appendices, was reviewed in detail and discussed with members of staff to understand additional context and application. The consultant team held bi-weekly meetings with planning staff to conduct these reviews, chapter by chapter; the team also evaluated chapter content independently from staff with an eye toward professional best practice and procedural improvements for clarity and increased efficiency. Comments, edits, and suggested revisions are documented in the comprehensive audit matrix found in Chapter 3 of this report. Related County codes and regulations were also evaluated to better understand where process and requirement overlaps occur and where there may be opportunity to streamline holistically through the update to the subdivision regulations. These included:

- Lewis and Clark County Floodplain Ordinance
- Adopted Part 1 Zoning Regulations
- Fort Harrison Rural and Urban Growth Area and the Helena Valley Planning Area Part 2 Zoning Regulations
- 2016 Lewis and Clark County Public Works Manual (along with 2022 proposed revisions)
- 1996 Rural Improvements Districts Policies and Procedures Manual
- 2013 Buildings for Lease or Rent Resolution

In addition, the team reviewed related plans and policies to gain additional insight and receive guidance on County-wide development priorities. State statute requires that all subdivisions comply with the intent of a community's adopted growth policy, so the relationship between the goals and strategies outlined in the growth policy and the subdivision regulation's role in supporting or accomplishing them cannot be understated. Moreover, the interplay between the growth policy, the zoning code, and the subdivision regulations is critically important to achieve the County's desired land use and development patterns. Therefore, understanding the growth policy's influence on both sets of regulations and then where and how each is most appropriate to carry forth the established vision was key. The following plans and policy were consulted during the audit process:

- 2004 Lewis and Clark County Growth Policy
- 2016 Helena Valley Area Plan and Key Issues Report
- 2017 Lewis and Clark County Parks and Recreation Plan
- Lincoln Planning Area Growth Policy
- Community Planning Assistance for Wildfire Recommendation for Lewis and Clark County
- Tri-County Regional Community Wildfire Protection Plan
- 2016 Valley View Heights Neighborhood Plan
- 2018 East North Hills Neighborhood Plan
- 2020 Tenmile Alluvial Fan Neighborhood Plan
- 2014 Greater Helena Area Long Range Transportation Plan

This methodical review of plans, policy, and regulation provided a baseline understanding from which the consultant team could begin more detailed conversations with committee members and key stakeholders in subsequent phases of the audit process.

STAFF AND STAKEHOLDER INTERVIEWS

Understanding how the regulations function for various user groups is one of the most critical components of any audit process. While each stakeholder group brings a different viewpoint and understanding of the regulations, identifying commonalities and shared experiences, both good and bad, helps pinpoint areas to focus on through the update process. It is often found that even among diverse stakeholder groups that assume conflicting opinions or perspective, the areas of frustration and goals for improvement are similar and sometimes identical. This was found to be the case in interactions with core stakeholder groups in Lewis and Clark County.

While the update to the Lewis and Clark County Subdivision Regulations will be public-facing and involve the broader community, the audit process is most successful in taking a targeted approach to stakeholder interaction and feedback. Much of the public never interacts with the subdivision regulations and therefore has limited knowledge of the contents or understanding of the process. It is important when asking for input that those providing it understand where and how it will be used; it is also critical to ask the right questions of the right stakeholders at the appropriate time(s). Based on past audit experience, input from stakeholders who have familiarity with the regulations through daily use, past experience, and direct or related technical expertise can be the most impactful to the audit process. Stakeholders engaged in this audit process centered on three primary user groups: County staff, including Technical Advisory Committee members; large landowners and developers in the community with past experience subdividing and developing property; and professional engineers, planners, and surveyors with experience representing developers through the entitlement process.

Working together, Planning staff and the consultant team identified representatives from each of the user groups above to meet in small roundtable sessions and discuss the current subdivision regulations and their experience with the development review process in Lewis and Clark County. Prior to conducting the roundtable conversations, and while onsite in June of 2022, staff and the consultant team ventured out on a half-day tour of recent development in Lewis and Clark County, to better understand the context surrounding many of the

issues at play under the current subdivision regulations. Following the tour, six small group discussions were facilitated by the consultant team and included:

- A roundtable discussion with Lewis and Clark County Planning Department staff
- A roundtable discussion with members of the Technical Advisory Committee
- Four roundtable discussions with external user groups:
 - Two roundtable discussions with developers and large landowners
 - Two roundtable discussions with professional engineers, planners, and land surveyors

Each roundtable was organized to enable open and unfiltered conversation. In total, 25 independent engineers, surveyors, consultants, landowners, and developers were invited to the table; thirteen individuals RSVP'd with each 90-minute roundtable comprised of three to five participants engaged in facilitated discussion. Developers and development representatives were engaged separately to allow for candid feedback, and staff were not present during any of the external roundtable discussions to allow for the most open and honest comments possible. Representatives from the following firms, along with a few independent landowners, were invited to participate in the roundtable discussions:

- Triple Tree Engineering
- KJ Engineering
- Ries and Associates, P.C.
- WWC Engineering
- J. Bar-T Engineering
- Great West Engineering
- Casne and Associates
- Sussex Construction
- Stahly Engineering

- Abelin Traffic Services
- Robert Peccia and Associates
- Hamlin Construction
- Grass-Land, Inc.
- Able Planning, LLC
- Mountain View Meadows
- Kim Smith Properties, LLC

Feedback collected from each stakeholder group was compiled alongside feedback heard during roundtable discussions with County staff and the Technical Advisory Committee during the June trip. Inputs have been organized according to topic or theme in the Stakeholder Feedback Summary beginning on page 20 of this audit.

This summary begins to highlight similarities between internal and external users of the subdivision regulations. Key takeaways from these conversations include:

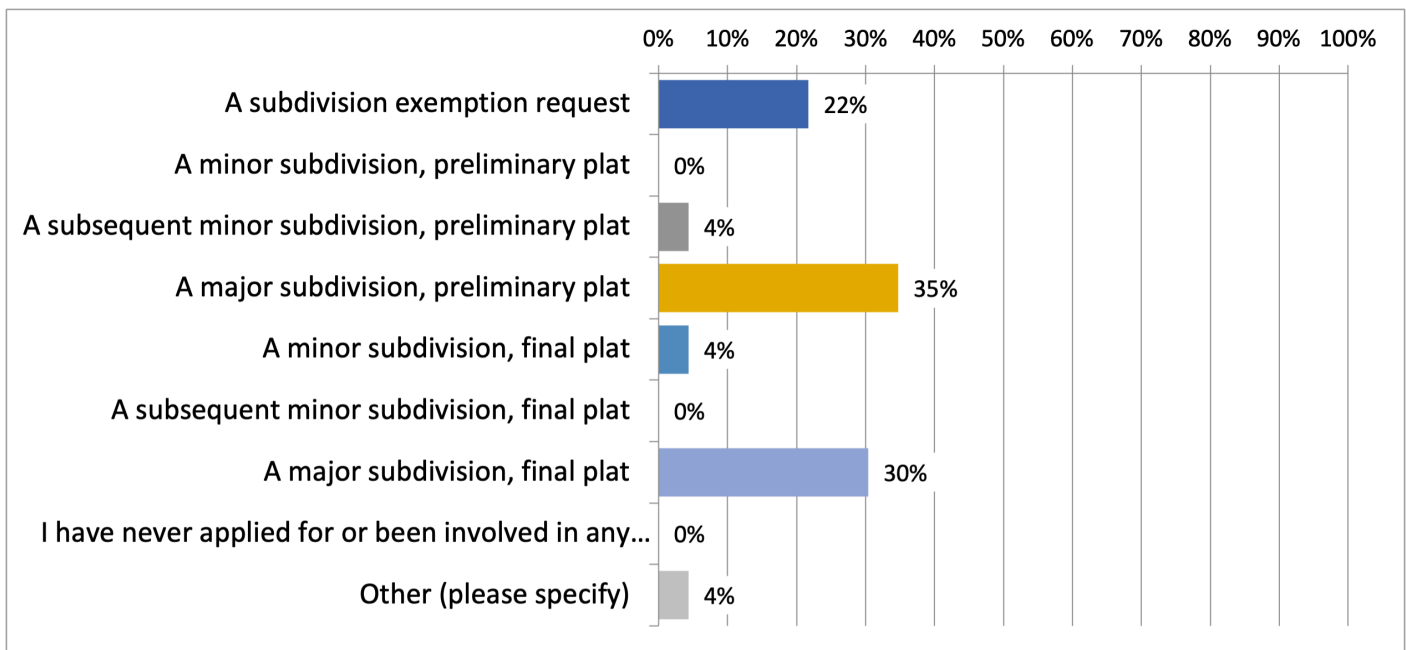
- ① A perception exists that the County is anti-development
- ① There are strong feelings and opinions about the recent adoption of zoning in the Helena Valley, in particular the ten-acre minimum lot size and density
- ① Regulations should be clear and consistent while allowing flexibility where it makes sense
- ① The regulations need to recognize context and allow for variation between development in different areas; the “one size fits all” approach doesn’t work well for everyone
- ① Electronic submittals and better project tracking is needed
- ① More communication and feedback throughout the application and review process is desired, to afford better understanding of where an application is at in the pipeline
- ① Too much and too varied interpretation leads to inconsistent administration
- ① The subdivision regulations have become overly burdensome, and part of this is because they are being used as a tool for land use regulation where other mechanisms – like zoning – have not been available
- ① The regulations can be particularly challenging for smaller “mom and pop” developers who simply want to subdivide their property but don’t develop land for a living
- ① More education is needed on what public health and safety means and how it is regulated through the subdivision regulations
- ① There is interest in an expedited subdivision review process enabled under statute
- ① There is room for improvement in the pre-application process, including opportunity for a more collaborative meetings between departments with a roll in the development review process
- ① The completeness and sufficiency process needs to be streamlined
- ① Offsite road improvements, access requirements, and fire protection standards are the requirements deemed most problematic by nearly all user groups
- ① Better alignment between proposed development and the school district is needed to address impacts to schools
- ① Special improvement districts should be considered as a way to improve the rural subdivision improvement district process
- ① There is an over-reliance on homeowners associations, and these organizations may not be appropriate or effective in all situations
- ① Parkland dedication, cash in-lieu of parkland dedication, and maintenance requirements for parks need to be addressed

USER SURVEY

A user survey was distributed to external stakeholders following the initial roundtable discussions, to further investigate key themes emerging from initial conversations and cast a wider net to capture a broad range of stakeholder perspectives. The original 25 stakeholders identified were invited to participate in the survey as well as share the survey with fellow professionals familiar with the subdivision process in the County. The 21-question survey explored recent experiences with the subdivision application and review process, delved into problematic content, and sought perspective on the role of the subdivision regulations in supporting the community's vision for growth and development in the Helena Valley and beyond. A total of 26 responses to the survey were received during the two-week time frame the survey was available online. Stakeholders were emailed an invitation with a direct survey link and encouraged to distribute the notification widely; they were also emailed a reminder approximately 24 hours before the survey closed.

Many of the key issues that emerged among various stakeholder groups during the roundtable conversations were reiterated in the survey results. Nearly 60% of respondents were representing a developer on a recent application, and of those respondents just over two thirds were recently involved in a major subdivision, through either the preliminary or final platting process.

Figure 2.1 Most Recent Application Respondent Was Involved In

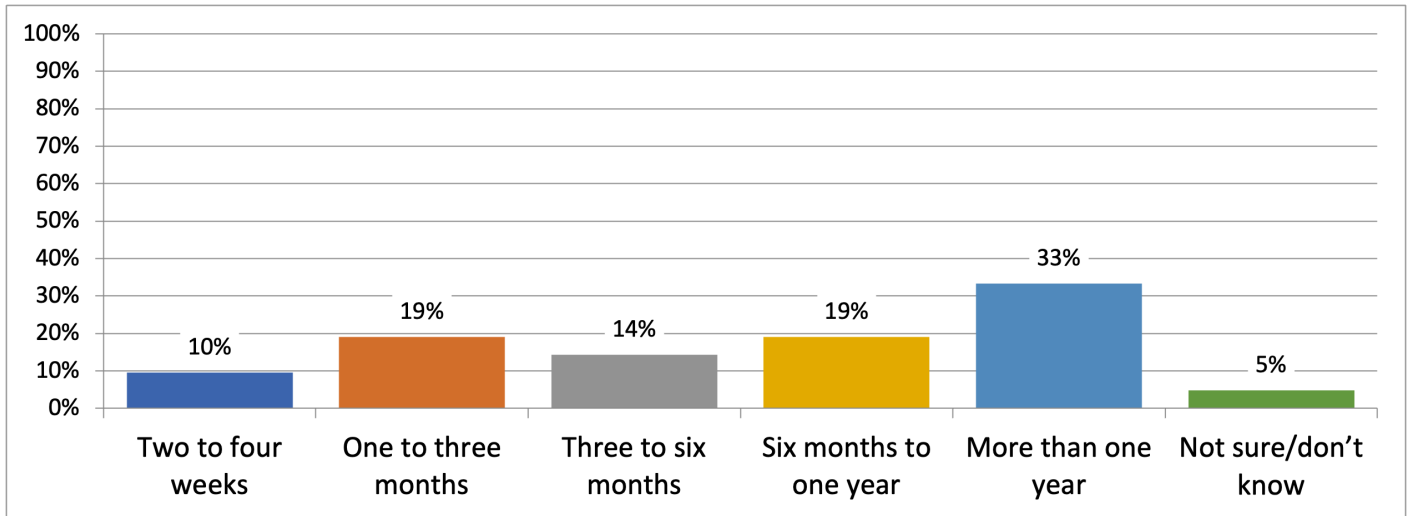


Nearly 60% of the applications made by survey respondents were in areas of the County that are currently zoned, further confirming that much of the major subdivision development is happening in more urban or suburban areas of the County (like the Helena Valley). However, these responses should not discount the reality that development is also occurring in rural parts of Lewis and Clark County as well.

Based on response data, most applications received are approved with conditions; the County has a very low rate of subdivision denial based on the feedback received. However, commentary provided reiterates that the lengthiness of the application and review process is problematic for the development community. 19% of respondents indicate it takes between six months to one year from the point at which a pre-application meeting is requested to the point they are able to formally submit a subdivision application. One third of respondents indicate this process can take longer than a year. The County does require a pre-application meeting to be scheduled within 30 calendar days of the request, and an application cannot be submitted without having had a pre-application meeting within six

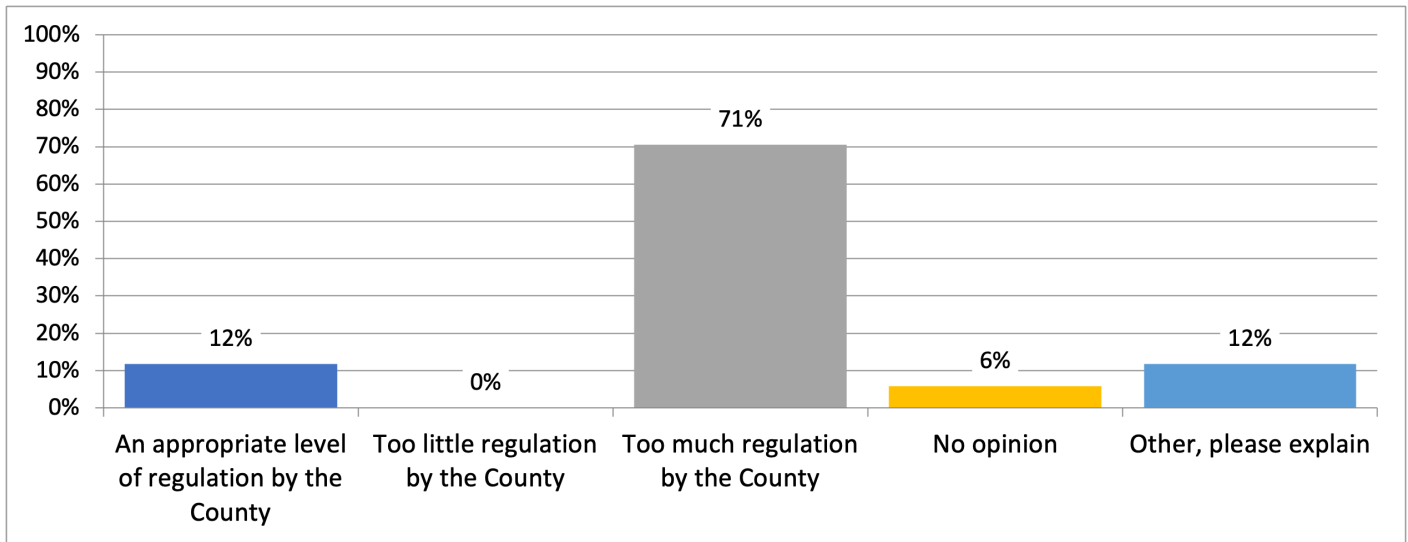
months of the submittal date. For complex developments, there may be a number of items required following a pre-application meeting that take time to prepare in advance of submitting a complete application, therefore this time frame is reasonable. However, the number of additional meetings following the initial (required) pre-application meeting should be re-evaluated and a clearer and consistent process established.

Figure 2.2 Length of Time Between Request for Pre-Application and Formal Application Submittal



What is interesting from the response data is that once an application is submitted, 40% of requests reach a decision within one year. This is a similar timeframe to comparable jurisdictions, especially when a major subdivision application is under consideration. However, 45% of respondents indicated their application took longer than six months to reach a final decision, and this is likely where timing becomes an issue during the review process (coupled with the pre-application timeframes as well). Exploring opportunities where an expedited review process or a subdivision review exemption would be appropriate could alleviate some of the more straightforward development timing issues experienced. It is important to note, however, that while many respondents indicate the pre-application, completeness, and sufficiency requirements are leading to long review times, related regulations at the county and state level (through the Department of Environmental Quality, Department of Transportation, and Fish Wildlife and Parks, for example) are also contributing to delays. Although improvements to the local regulations cannot change related processes and requirements in other departments or agencies, alleviating and aligning as much overlap as possible could help streamline the decision-making process.

Figure 2.3: The Level of Regulation the Subdivision Regulations Represent



Respondents felt overwhelmingly that the subdivision regulations represent too much regulation by Lewis and Clark County (at 71%). Based on the comments received, this sentiment appears mostly related to fire and offsite road improvement requirements, duplication between subdivision and zoning regulations, and overlap between subdivision requirements and other local and state regulations. This was reiterated when respondents answered about what sections or topics in the subdivision regulations cause the most conflicts or misunderstandings. The fire protection standards in Appendix K were repeatedly cited, along with water, sewer, stormwater, and floodplain requirements – all areas of the regulations stakeholders repeatedly referred to in roundtable discussions. When asked to rank predictability, consistency, clarity, efficiency, and community support in terms of their value in regulating development through the subdivision regulations, predictability scored the highest while community support – how well the regulations reflect those values established through planning efforts - ranked the lowest.

A complete summary of survey responses can be found in Appendix A of this report, for additional detail and context. The survey responses, alongside the summarized feedback gleaned from conversations with staff, Technical Advisory Committee members, and stakeholders engaged from the development community, all served to inform the consultant team’s in-depth review of the subdivision regulations and recommendations on their update and improvement found in Chapter 4 of this report.

SYNTHESIS AND STRATEGY

The outcome of this audit process is a set of core recommendations that will direct a comprehensive update of the subdivision regulations and are grounded in feedback from staff and stakeholders, the consultant team's independent assessment, and professional best practice. Not every recommendation may be accepted or embraced by the County, and there may be items or content the County wishes to include or remove in the update that do not make their way into this report. This is to be expected. The update to the subdivision regulations will be a process that evolves over the next six to eight months, and one that will be heavily influenced by the outcomes of the 2023 Montana Legislative Session. The evaluation that follows in Chapter 3 of this report, and the strategy based on core recommendations laid out in Chapter 4, should serve as a road map for this process. And as with any journey that requires a road map, there may be alternate routes investigated or required as the process unfolds.

The evaluation of the subdivision regulations and synthesis of all information gleaned through the audit process has been organized around three areas of focus:

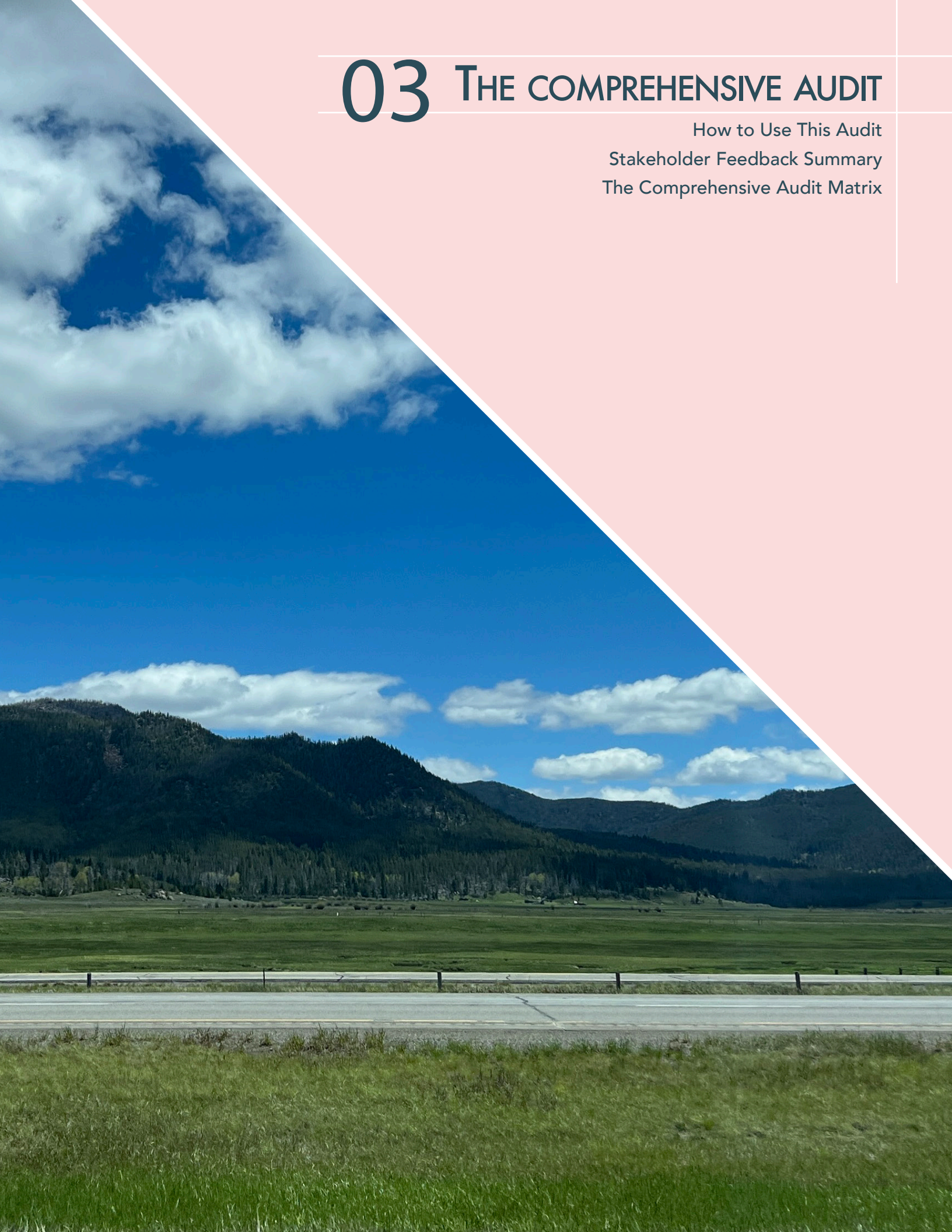
1. What should change in the subdivision regulations – in other words, content and process that the County has authority to change under statute and should be prioritized in the update
2. Suggested changes that may require additional staffing or capacity, procedural shifts impacting other departments, or wholesale changes to the growth policy or zoning regulations that go beyond the scope of this project but will be helpful – even critical – in effecting meaningful change over a longer period of time. These suggestions may not be priorities in the update, but may be beneficial for the County to consider prioritizing in future work plans.
3. What cannot change in the subdivision regulations without legislative intervention – in other words, statute provides clear sidebars on what is required, and unless statute changes the County does not have the authority to differentiate from this requirement. Identifying these areas prevents spending unnecessary time and energy focused on parts of the subdivision regulations – or related regulations and process - that are beyond the County's control.

This organizational structure will be revisited in Chapter 4 as core recommendations under items 1 and 2 above are explored further.



03 THE COMPREHENSIVE AUDIT

How to Use This Audit
Stakeholder Feedback Summary
The Comprehensive Audit Matrix



HOW TO USE THIS AUDIT

The audit matrices in the following pages have been organized to provide the reader with a clear understanding of:

- Stakeholder comments following small group conversations and feedback provided through the stakeholder survey
- The content review, by chapter, and reviewer recommendations based on conversations with staff and independent evaluation,
- Best practice examples from the state or region, where they exist or are necessary, for consideration in the update,
- Where stakeholder feedback provided guidance or input on content changes,
- The content's relationship to state statute, and whether statute limits any changes to the manner in which the regulations are written, and
- Whether or not the content is in alignment with the intent of the growth policy.

Not every chapter or section will have a best practice associated with a recommendation, and not every sector or chapter was mentioned by stakeholders or addressed in the growth policy. Where this occurs, an N/A (for not applicable) or a similar comment has been entered to indicate to the reader. As the County begins the investigative process of updating the 2004 Growth Policy in the coming year, understanding where the policy document can do more to support the subdivision regulations' role in guiding growth and development throughout the County will be important, therefore understanding where clear guidance in the document is lacking is also of value.

THE COMPREHENSIVE AUDIT MATRIX



STAKEHOLDER FEEDBACK SUMMARY

GENERAL	ZONING	APPLICATION REQUIREMENTS	COMPLETENESS AND SUFFICIENCY	REVIEW PROCESS	IMPACTS	DEVELOPMENT STANDARDS	FINAL PLAT	OTHER REGULATIONS AND REQUIREMENTS
Lewis and Clark County is not the most challenging county to work in	Zoning is a concern... some developers want it, some absolutely do not	Subdivision procedures are confusing, and many landowners don't understand	Staff is going above and beyond the completeness and sufficiency requirements in statute	Phased development process is very scary for applicants; conditions of approval are viewed as the "contract", phasing allows this to all be reconsidered at point of final plat	Concern over the real and perceived impacts to schools and how these are assessed – along with how impacts may influence development approvals in the future. Some developers have run into problems when a school is full, although no development has been denied outright due to capacity issues.	Variations are most often requested for fire, County road standards	Preliminary to final plat: there is almost always a subtle change between the preliminary and final plat that affects the conditions of approval, lot numbers, etc. that impact DEQ review – need to come up with a better way to address this	Local surveying regulations also impact the subdivision regulations; the public very rarely knows of this resource (Montana Subdivision and Surveying Laws and Regulations, 3rd Addition)
There is a general lack of understanding of what public health and safety means	Zoning issue – County wants to direct growth toward the City, City doesn't want to accept growth	Procedural flow chart used by the County is very confusing	Two or three pre-application meetings are sometimes required before an applicant is "allowed" to submit application	Water rights make phasing absolutely necessary	There probably should be better alignment between the County and the school districts when discussing land use and future growth by district	Volunteer fire departments needs to be involved (in discussions on RID's and HOA's)	Final platting process is a lot smoother here than in other states; the subdivision process is much more front-loaded though	Covenants (and Homeowners' Associations) may offer some benefit, but enforcement becomes an issue (in terms of who has authority), and there is disagreement on whether terms of covenants should be included on the face of the final plat
It can be challenging to interpret the regulations and then explain that interpretation to landowners and the public when going through these processes; it is also difficult to explain to a landowner why the regulations may be different for them based on a certain condition of the land or a past decision	Ten-acre minimum is the worst planning tool – does not protect viable agricultural properties	Would like to see more electronic submittals, better project and process tracking that allows an applicant to see what's been submitted, what's been reviewed, etc.	Staff want to see comments have been addressed prior to application submittal, which should be part of the review process and/or addressed through conditions of approval, not a requirement to submit	East Helena example – commencement letter by phase, provide map, identify if anything has changed or not, hold public hearing – so far not many conditions added, no push back yet	Don't feel as though the County should be responsible to pay for development, but also don't feel the off site improvements currently required are justified	Local roads cannot access state highways – this is insane, why would the County want to take on liability; if MDT says no, fine, but why should the County regulate this?	Staff offers to meet with developers after preliminary plat, prior to final plat, to explain how to satisfy conditions of approval in advance	There should probably be a threshold – HOA's and covenants don't make a lot of sense for smaller developments, but 40 or 50 lots could benefit from their presence
Most "mom and pop" developers can't afford to go through the lengthy process of subdivision	The places that have been identified as high density by the zoning regulations shouldn't be subject to FWP requirements	Requiring multiple hard copies before completeness/sufficiency is an outdated process; still see a need for one paper copy at time of submittal	At least one cycle of completeness and sufficiency review is expected	Public process – can be frustrating at times, but other times not an issue. This feels fairly consistent across other counties and communities based on experience	It may be possible to reinstate the \$1000 per lot fee in lieu of onsite fire protection if there is a strong connection between the exaction and the land being developed.	Fire protection used to allow developer to provide a \$1,000 check to fire departments/lot (HBIA then sued County); now County has to put in a water source for every subdivision, or within a certain distance of an existing source. Fire departments don't even want this! Could new development simply contribute to some of these existing systems?		Make regs clearer, less conflicting (within and beyond – i.e. zoning, public works, fire regulations)

STAFF/TECHNICAL ADVISORY COMMITTEE MEMBERS

DEVELOPER REPRESENTATIVES/CONSULTANTS, SURVEYORS, ENGINEERS

LANDOWNERS AND DEVELOPERS

STAKEHOLDER FEEDBACK SUMMARY

GENERAL	ZONING	APPLICATION REQUIREMENTS	COMPLETENESS AND SUFFICIENCY	REVIEW PROCESS	IMPACTS	DEVELOPMENT STANDARDS	FINAL PLAT	OTHER REGULATIONS AND REQUIREMENTS
Infrastructure should follow development, not the other way around	How can the zoning evolve? Can the ten-acre lot minimum be addressed in some way with PUD/PD requirements through subdivision (allow clustering)	Minor subdivisions take 12 month to permit; majors take 12-18 months	Staff/County doesn't necessarily understand the ramifications of what is being requested on the bottom line	Due process needs to be followed	There may be an option for special districts instead of RSID's	Regulations do not require automatic water source/tank refill – fire department is responsible. Should have to provide/be responsible for means by which to automatically refill the tank.		County is operating at a higher standard for floodplain, residents don't always take too kindly to this
New planners have good perspective	The County still requires studies on wildlife and roads even where the zoning is intended to create high density urban development	The County needs an expedited process: a first minor subdivision might be a good option to try some sort of expedited review; zoning may be a tool through which to explore this	Timing issue – timeliness of responses on notifications	Want more feedback, more open process, electronic portal to interact with planner through application and review	There is a requirement for a vegetation management plan, which is currently developed by the consultant or landowner, but the County could create a standard template to meet the requirement	Provisions of 18.4.6 – would prohibit what happens with Holmberg Village (good example of fire protection); really impactful to minor subdivisions		Floodplain data is roughly 30 years old; surveys of Prickly Pear, Ten Mile, Seven Mile corridors being developed, but in some areas data is all approximate, burden relies on developer/applicant to prove outside the flood zone boundary (can cost upwards of \$10k)
Planners will not respond in writing – this is an issue, would like more written communication on decisions, determinations, guidance, etc.		Seems over the top to bring in all the planners for a pre-app	Completeness process, too many pre-apps, requiring things prior to even being able to submit a subdivision application – not even provided to the applicant	Too lengthy, costs a lot of money – particularly in the beginning of the process	Consistent road maintenance plans are needed	Emergency services need to be paid for; the more knowns the fire departments have, the better		Currently updated floodplain regulations in late fall of 2022 to meet statute, best practice; additional updates will be needed following updates to the subdivision regulations
Some feel the County is working against the development community		Have requested that public health, public works be part of these meetings – their participation is preferable, would like to have more integrated pre-apps	Should not be drawing things out unnecessarily; perception is staff send letters on last day of statutory review timeline with some insignificant detail required to be met	County wants everything done before preliminary plat	Stormwater maintenance plans are required by the sanitation statutes but there's not a lot of follow-up. DEQ is supposed to approve those plans.	Preference for financial contributions to fire department – need to look into how this might occur. Want fire department to decide how to use resources.		Updates to Public Works manual underway; should coincide/take advantage of updates and improvements to subdivision regulations to help streamline and simplify.
Leaving things up to interpretation and emotions is wrong		A lot of money spent up front to prepare documentation, puts a huge burden on the clients to expend funds with no guarantee		Need better feedback on where we are at in the process.	Latecomers agreements could really help by allowing developers to recoup cost. Appendix K contains language allowing such agreements.	Dry hydrants – do not like. Would rather haul water.		

STAFF/TECHNICAL ADVISORY COMMITTEE MEMBERS

DEVELOPER REPRESENTATIVES/CONSULTANTS, SURVEYORS, ENGINEERS

LANDOWNERS AND DEVELOPERS

STAKEHOLDER FEEDBACK SUMMARY

GENERAL	ZONING	APPLICATION REQUIREMENTS	COMPLETENESS AND SUFFICIENCY	REVIEW PROCESS	IMPACTS	DEVELOPMENT STANDARDS	FINAL PLAT	OTHER REGULATIONS AND REQUIREMENTS
Two lines from statute turn into 300 words – how is this possible		Some things are ok to submit ahead of time – MDT approach permits, etc. – but not everything may be necessary at the time of preliminary plat?		Appropriate time/space for public interaction with the process – planning/zoning should be the point at which public is involved, not the development process	The County needs to do a better job of documenting road improvements and allowing developers to use their “pro rata share” to provide some improvements. Right now, they condition only the pro rata share payment.	One size doesn’t fit all; should rethink/re-investigate development agreements		
Rules aren’t necessarily changing, they’re being interpreted differently which creates inconsistencies		Would like to see the pre-application meeting go out the window – can’t get rid of it entirely, but how can we rethink process?		Should have a really good appeals process	MCA 76-3-510 interpretation has led to the requirement for exaction to mitigate impact. It requires proportionality and accountability. The Growth Policy talks about proportionality and the amount of effort it takes.	Consider availability fees – similar to impact fees, developer is asked to pay so much per home for availability of service		
“Public safety” is hard to define		Subdivision application is not available to the development community (can’t access online – must be handed to applicant)		Need to make application review more consistent, less dependent on who is the reviewing planner	Regulations only address stormwater in the flood district. DEQ approves stormwater plans and doesn’t share with the county. The County has no pond requirements; the state does, but they may not meet County needs. This should change.	Issues with cash-in-lieu requirements; where does the money go? County won’t construct to the standard they are holding the development community to, and there is a perception of County waste; 60% of every dollar spent on roads is paperwork and administrative overhead.		
People don’t move to Montana to live ten feet away from their neighbor – want breathing room, but don’t want ten acres of land to maintain		Pre-application meeting intent has been weaponized, the process is utilized to limit application status/interject requirements that are not appropriate at the time		Should allow for deviations to be addressed administratively (as opposed to going to the Commissioners); consider a major/minor waiver process	Regulations are missing a way to address impacts from sedimentation and erosion.	County’s new system of assessing off-site improvements – has worked better		

STAFF/TECHNICAL ADVISORY COMMITTEE MEMBERS

DEVELOPER REPRESENTATIVES/CONSULTANTS, SURVEYORS, ENGINEERS

LANDOWNERS AND DEVELOPERS

STAKEHOLDER FEEDBACK SUMMARY

GENERAL	ZONING	APPLICATION REQUIREMENTS	COMPLETENESS AND SUFFICIENCY	REVIEW PROCESS	IMPACTS	DEVELOPMENT STANDARDS	FINAL PLAT	OTHER REGULATIONS AND REQUIREMENTS
Lewis and Clark County planning staff and County commissioners are extremely tired of doing subdivisions; came up with a very unpopular zoning code, some things are fine, others are very controversial and have stirred up some negative sentiments		Need to make application review more consistent, less dependent on who is the reviewing planner		Staff reports can be very lengthy	RIDs complicate connectivity requirements since roads are funded by the RID. One subdivision has 5 RIDs and another has 1 RID that controls/funds everything covered by the five in the other subdivision. It's a complicated and complicated way to address long term impacts/subdivision exactions that could be improved. Open to special districts..	What are the implications of requiring curb/gutter infrastructure when the City won't ever annex		
Capacity issues – micromanagement of subdivision review process, perception staff is creating their own frustrations. Don't have building department, don't have the same tools as a City does, using the subdivision regulations as the wrong tool.		Sometimes additional meetings are scheduled; there should be a caveat in regulations that planning staff can request additional meetings if needed		Subdivision is viewed as a gauntlet, can rub people the wrong way when additional requirements are requested during this process	County is overly reliant on complicated and sometimes legally questionable maintenance processes and procedures. The rural improvement district assessment for maintenance is a token amount; the true cost of ongoing administration for the program is borne by all County taxpayers. The RID language has to be explicit or maintenance/repair may not be allowed.	10 acre/feet requirement provides water for residential consumption (inside) up to 35-40 units; need to consider the requirements as they apply to phased development		
Subdivision regulations are overly burdensome, tried to fit every little thing into subdivision regulations		There has been some variability in what determines a "sufficient" pre-application submittal, and enough information/consideration		Expedited review options should be explored	Rural fire districts aren't universally reliable when it comes to fire RID assistance. Need better fire district design and detail in the subdivision application to enforce consistency. Right now, the process is very inconsistent.	Need to think about standards and requirements that recognize the variability of what they are requiring		

STAFF/TECHNICAL ADVISORY COMMITTEE MEMBERS

DEVELOPER REPRESENTATIVES/CONSULTANTS, SURVEYORS, ENGINEERS

LANDOWNERS AND DEVELOPERS

STAKEHOLDER FEEDBACK SUMMARY

GENERAL	ZONING	APPLICATION REQUIREMENTS	COMPLETENESS AND SUFFICIENCY	REVIEW PROCESS	IMPACTS	DEVELOPMENT STANDARDS	FINAL PLAT	OTHER REGULATIONS AND REQUIREMENTS
Disconnect between County and City; has been years since the City has shown any interest at all in helping development, squeeze you for every single thing – development community turned toward County because City is stuck. But this backfired – Commissioners decided they wanted to shut down development (through sub regs).		Maybe pre-application meetings shouldn't be free			Need clear requirements on what constitutes park land, for both dedication and maintenance. For example, occasional mowing doesn't count. Stormwater retention is not parkland.	Look into requirements for easement access; difference between setback, utility easement, road easement – need to have more discretion in how these are treated (not all equal)		
Interpretation has resulted in lawsuits; equitable application of off-site road improvements, proportional share		All planners attend pre-application meetings right now, mainly so newer planners can learn; in the future, may not need to continue this practice (but will always have at least two). This allows for back-up, to have additional eyes on the project			Groundwater flooding and contamination can be an issue — no basements should be allowed and there needs to be control over potential pollutants. Flood insurance doesn't cover groundwater damage.	Fire protection is at the discretion of local fire jurisdiction – arbitrary and capricious; need to really look at requirements		
Not everything needs to remain in the subdivision regulations – what can we take out? Streamline – address problems, but don't have regulations for the sake of regulation		Would like to have other groups at the table at time of pre-app, would need some additional lead-time to coordinate this			Need to better define how the County will demonstrate substantial and credible evidence relevant to water and sewer.	Requiring standards that even the fire departments don't want		
Variance process needs to be part of the regulations, not extreme exceptions – how can we modify the regulations to allow some flexibility		Need more transparency in the application process with 24/7 access. Trackit is available but the County needs help getting it set up.				When there is a change in leadership, this impacts the requirement (fire example)		
Perception that regulations were developed "out of thin air" by County planner? It is difficult to communicate all of the intricacies of subdivision requirements, especially to the development community, and especially to mom and pop developers						Appendix I – Subdivision Exemption Criteria needs to be entirely rewritten		

STAFF/TECHNICAL ADVISORY COMMITTEE MEMBERS

DEVELOPER REPRESENTATIVES/CONSULTANTS, SURVEYORS, ENGINEERS

LANDOWNERS AND DEVELOPERS

STAKEHOLDER FEEDBACK SUMMARY

GENERAL	ZONING	APPLICATION REQUIREMENTS	COMPLETENESS AND SUFFICIENCY	REVIEW PROCESS	IMPACTS	DEVELOPMENT STANDARDS	FINAL PLAT	OTHER REGULATIONS AND REQUIREMENTS
Most applicants hire a consultant, this may be part of the miscommunication problem						Two means of egress/ingress are required; if someone wants to build a road across floodplain to access a subdivision, that is fine so long as it's engineered (and the County Commission has the stomach to approve it)		
Planning Office does a really good job of communicating issues on regulatory requirements and enforcement; joined at hip with Public Works, integral part of the process						Need to make sure lots don't get created without viable place to build outside floodplain		
Under state law, the County can't rely on HOAs to do anything, especially when it comes to enforcement of subdivision regulation conditions of approval (that are ongoing).						Access provisions have been in the code for a very long time; looking for alternatives		
						The County has controlled access agreements with MDT. MDT has to issue approach permits. The County is concerned with how the local street network grows and functions which includes where it intersects the state system.		
						A one-size-fits-all approach doesn't work for some things; the problem is that for fire requirements, the fire districts don't provide reasons for differentiating - would be helpful		

STAFF/TECHNICAL ADVISORY COMMITTEE MEMBERS

DEVELOPER REPRESENTATIVES/CONSULTANTS, SURVEYORS, ENGINEERS

LANDOWNERS AND DEVELOPERS

CHAPTER 1 – GENERAL PROVISIONS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
GENERAL COMMENT	This chapter functions well as currently written but would benefit from a general update to language and construction, cross-references, and creating clearer alignment with the growth policy. Subsection expansion should be considered to include language on vestment of these and other related regulations.				
A. TITLE	No comments.	N/A	No comments were received from stakeholders regarding this section.	Section 76-3-501 et al	N/A
B. AUTHORITY	Suggestion to expand authority statement since floodplain and other regulations may tie to other statutes.	N/A		Section 76-3-501 et al	N/A
C. PURPOSE	Split first paragraph to create a separate conflicting provisions sections (new Section D); should also expand this to include other potential conflicts, as conflicts with MSPA or these regulations may not be the only source (consider potential conflicts with the zoning regulations, for example).	Most counties in the state of Montana have similarly written purpose statements.	Survey results indicated that community support was the least important factor in regulating land development through the subdivision regulations; one might argue this is due to the lack of interaction between the County's current growth policy and existing subdivision regulations. Creating clearer alignment between the policy and regulations, in this regulatory update and future updates to the growth policy, could reinforce the perception that the subdivision regulations are a key implementation tool of community values and priorities when it comes to land use and development.	Section 76-3-501 et al	Content generally aligns with what is stated in current growth policy.
	Keep reference to MSPA, but abbreviate after first reference (and throughout)				
	The purpose statements need better consolidation and word-smithing for clarity and simplicity. Reference to Growth Policy can be general, as items 'a' through 'o' are redundant to many of the purpose statements in the preceding '1' through '15'.				
	With regard to '13' specifically, will need to decide whether to keep clustering provisions in the subdivision regulations, move to zoning, or keep aspects in both sets of regulations.				
D. JURISDICTION AND APPLICABILITY	Reorganization of this section (generally) is needed to make content more clear. Specifically, the third paragraph could be streamlined so as not to simply restate state law - a cross-reference could suffice.	Missoula County offers a good example of establishing urban areas and applying specific standards for roads and non-motorized transportation access and requirements in these areas. This same framework could be applied in Lewis and Clark County, and expanded to include other infrastructure and site design requirements.	Consensus exists among stakeholders that the varied nature of Lewis and Clark County warrants differentiating between urban and rural development in what is required and, in some instances, the process that is followed. Expedited review in zoned areas was one option discussed and of interest to various stakeholder groups. The subdivision exemption process (Section 76-3-616 MCA) is another option that could be considered.	Section 76-3-501(1)(a); Section 76-3-616; Section 76-3-623	The 2004 adopted growth policy identifies and supports desired differentiation between development that occurs in urban vs. rural areas; this support was reinforced through the adoption of the 2016 Helena Valley Area Plan and subsequent zoning.
	This section is the most appropriate section to establish where rural-specific standards apply and where urban-specific standards apply; will need additional subsections to clearly establish this concept and may consider including a map or cross-reference to the County GIS				
	Is a recitation of the state law necessary? If kept, third-class needs a hyphen.				
E. SEVERABILITY	No comments.	N/A	No comments were received from stakeholders regarding this section.	N/A	N/A

CHAPTER 2 – ADMINISTRATIVE PROVISIONS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
GENERAL COMMENT	Statute allows for local regulations that are more stringent than state requirements under 76-3-511, but these should be codified in the regulations and applied consistently to all development.				
	Some of the content in this chapter is more procedural and would be better organized under Chapter 3 for clarity (Section B on variances, as an example).				
	The practice of using covenants to manage or enforce conditions of final plat and serve as quasi-zoning in the County is ineffective, inconsistent, and outdated. It also presents an enforcement issue, since it can be argued that the County Commissioners are party to the covenants they approve. The County Commissioners do not sign covenants; however, any amendments to covenants do require County Commission approval prior to amendment. This puts undue burden on staff to enforce private agreements intended to be managed by an HOA, or risk legal action when enforced inconsistently within and between developments. Additionally, the process to amend covenants is further complicated by the Commission's involvement.				
	Consider adding text that allows (or requires) Planning Board review for text amendments to these regulations.				
	Changes to the survey and plat rules that allow conditions on plat as a separate sheet - implement.				
A. SCHEDULE OF FEES	No comments.	N/A	No comments were received from stakeholders regarding this section.	N/A	N/A

CHAPTER 2 – ADMINISTRATIVE PROVISIONS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
B. VARIANCE	Allowing flexibility for design innovation is a good practice, but should be incentivized and clarified. Create clear criteria for which a variance (or potential shift to major/minor waiver process) for design innovation will be considered, and create clear expectations of what the applicant needs to provide to support the request.	A more approachable Planned Development process incentivized through zoning would allow maximum flexibility to the development community, and would also highlight the value of developing in zoned areas (i.e. a planned development would only be permissible in an area that is zoned). The Minnesota Pollution Control Agency Sustainable Communities Grant Program developed a model Planned Unit Development Ordinance that provides solid recommendations on structuring a process that supports flexible development where there is established community benefit.	Allowing greater flexibility was a common theme heard from nearly all stakeholder groups surveyed.	Section 76-3-504(1)(c), Section 76-3-506(1)	There is limited guidance in the current growth policy to address conditions or criteria where variation to standards should be considered or encouraged. The forthcoming update to this document should establish policy under which variations that provide an identified public benefit are encouraged through the variance or waiver process established in this update to the subdivision regulations.
1. Hardship	Reference to floodplain should be changed to Special Flood Hazard Area (SFHA). SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year.	N/A			
	Under hardship, financial hardship should not be a factor that warrants variance consideration, and should be listed in the criteria. Strengthen the language following subsection (1)(d) that eludes to this; make more prominent rather than an afterthought.	A great resource on defining hardship for variances (and the legal basis behind this) can be found in "The Five Variance Criteria for the 21st Century". Flathead County provides sidebars on what "undue hardship" is or isn't using the following language found in 4.0.11 of the subdivision regulations: "Undue hardship does not include personal or financial hardship, or any hardship that is self-imposed."	At least one stakeholder voiced an opinion that financial hardship should be a consideration.	Section 76-3-506(2)	
2. Procedure	Here and elsewhere in the regulations it should be established that applications must be on forms provided by the Planning Department and that staff has the authority to require any information necessary to determine compliance with standards.	Many local jurisdictions offer applications online at all times; below are a few examples. City of Twin Falls Planning and Zoning Department, Flathead County Planning and Zoning Department, Hawaii County Planning Department	Access to applications online was brought up repeatedly by external stakeholder group participants.	Section 76-3-506(1) and (3)	N/A
	All application forms and supplemental materials should be made available online at all times.				
3. Conditions	Variances should not be conditioned; it is a "yes" or "no" approval based on whether or not the criteria are met. Suggest removing this language entirely.	N/A	No comments were received from stakeholders regarding this section.	N/A	N/A
4. Statement of Facts	This should apply to the subdivision review process generally; remove this subsection and incorporate in Chapter 3 under Section B Subdivision Application Review Process.	N/A	No comments were received from stakeholders regarding this section.	N/A	N/A
C. AMENDMENT OF REGULATIONS	This section should be revised so the wording is less awkward and confusing. To the extent it is possible, simply cross-reference statute (especially where the regulations reference timeframes established under MCA).	N/A	No comments were received from stakeholders regarding this section.	Section 76-3-503	N/A

CHAPTER 2 – ADMINISTRATIVE PROVISIONS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
D. VIOLATIONS, ENFORCEMENT, CRIMINAL PENALTIES, REMEDIES	Up to this point, there has been no discussion of general procedures for subdividing land including any differences between major and minor subdivisions. That's a little awkward. Suggest moving this section to the end of the regulations, possibly as a stand-alone enforcement chapter, or move the entire chapter after Chapter 3.			Section 76-3-105, and Section 76-3-625 et al	
1. Violations	This section should be entirely reworked to look at violations that pertain to evading subdivision review, violations that occur before final plat is approved, and violations that occur after final plat. There is much more context to this section than is currently written. Statute only addresses violations and penalties associated with the action of approving a development, not the enforcement of conditions after the fact, or a violation of the subdivision regulations themselves. This should also be addressed in this section of the regulations.			Section 76-3-105	
2. Enforcement	There is some general copy-editing that needs to happen in this section, to clean up language and remove unnecessary/incorrect wording.	There are, unfortunately, few good examples of cities or counties handling enforcement well or properly, both in this state as well as nationwide. Communities struggle mightily with consistency when it comes to enforcement; most Montana communities have similarly-written regulations that regurgitate statute and take a complaint-based approach to enforcement in its various states. Lewis and Clark County is somewhat unique in the state in that County policy relies on HOA's to enforce conditions of approval; this would not be considered best practice moving forward. While nothing in this section is terribly problematic, it is also not terribly effective - a similar conundrum seen elsewhere in the state and region. Even when language is included in covenants requiring their enforcement, there is no legal mechanism that requires County enforcement following final plat approval; if an HOA chooses not to enforce a provision, there is no lever at the County level to pursue. Lewis and Clark County has an opportunity to clarify this and create an enforcement process that can serve as a model for cities and counties in this State, by focusing on clear procedures triggered by consistent monitoring and improvements to conditions of approval language.	While nothing specifically related to enforcement was brought up in external stakeholder discussions, the issue of staff capacity and ability to proactively enforce conditions of approval that extend beyond final plat was discussed. The use of HOA's to serve in this role was also brought up, as this is problematic in many instances. Overarching concerns for fair and consistent application of rules and requirements ties in to the enforcement discussion.	N/A	The implementation plan found in the 2004 Lewis and Clark County Growth Policy refers to regulation enforcement, but only briefly.
	Under (2)(a), the parenthetical phrase is integral and shouldn't be parenthetical. It is also not necessary to specify B.18; can instead refer to Chapter III generally.				
	The material in (2)(c) should be pulled out of enforcement and put into a general roles and responsibilities section.				
3. Criminal Penalties	A conversation with the County Attorney is in order as part of the update, to determine what other remedies are available and may be palatable to the County. According to staff, the County can enforce covenants where they deal with issues/requirements regulated by the subdivision regulations. This is not recommended moving forward; as suggested in other chapters, the County should consider changing the practice of being a party to private covenants and only regulating conditions of subdivision approval (through a clearly established and consistent process) and the provisions of the zoning code.			Section 76-3-105	
4. Remedies	The title of this section should be changed to "Appeals", and the requirements pertaining to a written statement should be moved under Chapter 3 as they relate to the subdivision approval or denial process.				
	Like in other sections of the regulations, refer back to MCA to the greatest extent possible rather than repeating language, word for word, as it exists in MCA. This will reduce potential conflicts as MCA is updated in the future.				
	In the second c (yes, there are two—example of awkward/bad formatting), is this language needed since this is a County regulation?				

CHAPTER 3 – PROCEDURES FOR SUBDIVISIONS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
GENERAL COMMENT	The subdivision regulations would benefit from the creation of a table (like that of Table 4.5.1 on page 96 of APA's Smart Code - Model Land Development Regulations) providing a schedule and timeframe for different development review processes. This table could be outside the regulations themselves and apply to all land use activities administered by the Planning Department. https://planning-org-uploaded-media.s3.amazonaws.com/publication/download_pdf/PAS-Report-556.pdf	The draft Montana Model Subdivision Regulations released in 2021 offer a solid foundation on re-organization and improvement to content related to the subdivision process. This will be the primary tool used to make adjustments to this section of the regulations, alongside other examples from comparable cities and counties experiencing growth in the state. Since so much of the process is limited statutorily, best practice examples of process beyond Montana become less relevant.	Stakeholders commented that the procedural charts and graphics were confusing, and greater clarity was desired to explain the process and expectations throughout. Also desired more readily accessible application materials.		
	The application procedures illustrated in pages one through three of Chapter 3 require updating for clarity.				
	Make application materials readily available to the public online. Explore alternate mechanisms to address staff concern that pre-application meetings are held within the statutory timeframes allowed, and prior to an application being submitted.				
A. INTRODUCTION	This section could be eliminated or revised significantly; as it currently stands, nearly all content is straight from statute and could be cross-referenced or moved under the definitions chapter. The only subsection that seems relevant to the introduction is the (4) Review Criteria, which could be improved and expanded upon. This section, once revised, will also need to tie back to the requirements and intent behind urban and rural procedural differences.	N/A	No comments were received from stakeholders regarding this section.	Section 76-3-103(16)	The growth policy addresses the subdivision review process very generally, and as required by statute. While greater emphasis could be placed on this alignment through future growth policy updates, the real opportunity to align process with the overarching goals of the County should be focused on what type of development should be encouraged and incentivized where, through expedited review or other development incentives. Staff has expressed a desire to relax certain requirements in the Subdivision Regulations in areas with a 10-acre density and/or minimum lot size (i.e. off-site road proportionate share payment and fire protection requirements); updates to the growth policy should reflect this desire to enable the subdivision regulations to clearly implement. This should include defining what is meant by low, medium, and high-density growth, and where this should apply county-wide.
1. Major Subdivision	This section should be moved to a dedicated definitions chapter, and/or cross-referenced to the definition in state statute.				
2. Minor Subdivision	This section should be moved to a dedicated definitions chapter, and/or cross-referenced to the definition in state statute.				
	Move the review criteria so that it is consolidated in one place, rather than located in the introduction.				
3. Subsequent Minor Subdivisions	This section should be moved to a dedicated definitions chapter, and/or cross-referenced to the definition in state statute.				

CHAPTER 3 – PROCEDURES FOR SUBDIVISIONS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
4. Review Criteria for Subdivisions	This section is rewritten from statute and could be simplified by simply cross-referencing (and linking to) the content location in MCA.	In jurisdictions nationwide, primary review criteria are not considered as part of the subdivision process, but in the adoption of zoning regulations. There is legislation under consideration at the state level currently to remove primary review criteria from the development review process in some way, shape, or form; the likelihood that this requirement will change over the coming months is relatively high. The distinction between subdivision development requirements and process in urban and rural areas is therefore critical in advancing the concept that zoning should consider the impacts to development the primary review criteria has set forth, taking the burden of this case by case review off both staff and the applicant.	No comments were received from stakeholders regarding this section.	Section 76-3-608(3)(a) and (b)	The growth policy addresses the subdivision review process very generally, and as required by statute. While greater emphasis could be placed on this alignment through future growth policy updates, the real opportunity to align process with the overarching goals of the County should be focused on what type of development should be encouraged and incentivized where, through expedited review or other development incentives. Staff has expressed a desire to relax certain requirements in the Subdivision Regulations in areas with a 10-acre density and/or minimum lot size (i.e. off-site road proportionate share payment and fire protection requirements); updates to the growth policy should reflect this desire to enable the subdivision regulations to clearly implement. This should include defining what is meant by low, medium, and high-density growth, and where this should apply county-wide.
B. SUBDIVISION APPLICATION REVIEW PROCESS	<p>The items under B should be rewritten as a checklist that can be maintained administratively. Authorization language is needed in this section to enable this to occur. The checklist could be housed within this chapter or as an appendix, based on staff preference, and clearly cross-referenced (and hyperlinked).</p> <p>In general, move any definition (the first sentence under B, for example, that defines a preliminary plat) to the definitions chapter.</p>	Model Subdivision Regulations, Sections IV and V	Both internal and external stakeholder comments focused heavily on process; see below for details.	N/A	

CHAPTER 3 – PROCEDURES FOR SUBDIVISIONS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
<p>1. Pre-Application Procedures</p>	<p>Consider a nominal fee associated with the pre-application meeting, to formalize the process, account for staff time, and clearly delineate what meeting counts as the pre-application meeting vs. other informational conversations requested by staff or the applicant.</p> <p>Create a checklist (and application form) for applicants intending to schedule a pre-application meeting, so the expectations of what is required for that meeting are well-defined. This should stipulate that the sketch plan and supplemental materials should be submitted with the application and fee up front.</p> <p>Structure a review committee comprised of planning, environmental, and public works staff to review the pre-application materials and meet with the applicant together to provide feedback prior to submittal.</p>	<p>Model Subdivision Regulations, Section IV-A(1)</p>	<p>Improvements to the pre-application process were requested by numerous stakeholders. The perception that multiple pre-apps are required before an applicant is “allowed” to submit (given an application by staff) abounds, which could be resolved by formalizing the pre-application request process using forms, refining the existing checklist of required elements, and a nominal fee structure. Most stakeholders indicated that they would be willing to wait a little longer (within statutory limits) to have a pre-app meeting scheduled if it meant all reviewing parties were involved and at the table to provide critique.</p>	<p>Section 76-3-504(1)(q) et al</p>	<p>The growth policy addresses the subdivision review process very generally, and as required by statute. While greater emphasis could be placed on this alignment through future growth policy updates, the real opportunity to align process with the overarching goals of the County should be focused on what type of development should be encouraged and incentivized where, through expedited review or other development incentives. Staff has expressed a desire to relax certain requirements in the Subdivision Regulations in areas with a 10-acre density and/or minimum lot size (i.e. off-site road proportionate share payment and fire protection requirements); updates to the growth policy should reflect this desire to enable the subdivision regulations to clearly implement. This should include defining what is meant by low, medium, and high-density growth, and where this should apply county-wide.</p>
<p>2. Subdivision Application Submissions and Distribution</p>	<p>This section could be pared down significantly and would be clearer if organized in a table or list. This is especially true for the review timeframes associated with the application process; should be organized by timeframe, review process, outcome, and next steps (i.e. completeness review, 5 days, complete or incomplete determination, what happens as a result).</p>	<p>Model Subdivision Regulations, Section IV-A(2) through (6)</p>	<p>General frustration was expressed about the amount of time it can take to work through completeness and sufficiency review; however, this frustration was not consistent across the board among stakeholders, and seemed to vary based on complexity of project. More frustration was voiced about the lack of availability of the application online, that applicants had to go through staff to get the forms themselves.</p>	<p>Section 76-3-604 et al</p>	

CHAPTER 3 – PROCEDURES FOR SUBDIVISIONS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
2. Subdivision Application Submissions and Distribution	Need to distinguish between completeness and sufficiency in terms of what staff is actually looking for when reviewing an application. Completeness should be clearly defined as an elemental review intended to check for the presence of submittal requirements - NOT review or critique of their content. The sufficiency review process should be clearly defined as the review of the nature of the content itself - NOT whether staff agrees with the content or whether it will require mitigation through conditions, but whether or not the information provided meets the basic requirements and standards, and whether there is enough detail to evaluate the proposal thoroughly.	Model Subdivision Regulations, Section IV-A(2) through (6)	General frustration was expressed about the amount of time it can take to work through completeness and sufficiency review; however, this frustration was not consistent across the board among stakeholders, and seemed to vary based on complexity of project. More frustration was voiced about the lack of availability of the application online, that applicants had to go through staff to get the forms themselves.	Section 76-3-604 et al	The growth policy addresses the subdivision review process very generally, and as required by statute. While greater emphasis could be placed on this alignment through future growth policy updates, the real opportunity to align process with the overarching goals of the County should be focused on what type of development should be encouraged and incentivized where, through expedited review or other development incentives. Staff has expressed a desire to relax certain requirements in the Subdivision Regulations in areas with a 10-acre density and/or minimum lot size (i.e. off-site road proportionate share payment and fire protection requirements); updates to the growth policy should reflect this desire to enable the subdivision regulations to clearly implement. This should include defining what is meant by low, medium, and high-density growth, and where this should apply county-wide.
	Consider moving Appendix B (the application materials) out of the adopted regulations themselves, to allow for minor adjustments more easily without having to go through the re-adoption process. By cross-referencing the required materials in the body of the regulations themselves, the legality of the requirement remains but the flexibility in change-making is expanded.				
	Clarify that local agencies may be contacted during both sufficiency (informally) and in the application review process (formally).				
3. Permission to Enter	No significant comment; some general clean-up and simplification of language would be helpful in this section.	N/A	No comments were received from stakeholders regarding this section.	N/A	
4. Exemptions from Environmental Assessment, Public Hearing, and Review Under Some Subdivision Review Criteria	This section could become more important with the recent adoption of the Helena Valley zoning district. Most of the content refers directly back to state statute and could be cross-referenced. The distinction between the review process for urban areas (meeting the exemption requirements) and rural areas (which do not) should be highlighted here in a table format, and may also include expedited review provisions (see below).	N/A	Stakeholders and staff both indicated this was rarely used currently. However, there was much animosity and uncertainty expressed regarding the recently adopted zoning in the Helena Valley. This could be an opportunity for both the exemption option and expedited review option to work FOR developers in providing a streamlined review process to reward development in zoned, exurban parts of Lewis and Clark County.	Section 76-3-616 et al	
	A new section must be added to the regulations that provides direction on expedited review processes adopted by the legislature in 2021.	N/A		Section 76-3-623 et al	
5. Amended Subdivision Applications	This section could be improved with re-organization to keep substantial/non-substantial language in distinct sections. Could possibly organize using a table with criteria set forth and the processes that result from a substantial/non-substantial determination.	Model Subdivision Regulations, Section V-C	No comments were received from stakeholders regarding this section.	Section 76-3-504(1)(c)	

CHAPTER 3 – PROCEDURES FOR SUBDIVISIONS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
5. Amended Subdivision Applications	There needs to be clear distinction between when the request for amendment occurs in the review process; i.e. immediately following sufficiency, mid-stream during review, or after a report has been produced by staff. This distinction should influence the adjusted review timeframes if an amendment is considered to be substantial. There will also be different criteria based on the situation, to determine what is substantial and what is not. Again, representing this information in a table so it is easily referenced and compared (vs. paragraph form) will be helpful.	Model Subdivision Regulations, Section V-C	No comments were received from stakeholders regarding this section	Section 76-3-504(1)(c)	The growth policy addresses the subdivision review process very generally, and as required by statute. While greater emphasis could be placed on this alignment through future growth policy updates, the real opportunity to align process with the overarching goals of the County should be focused on what type of development should be encouraged and incentivized where, through expedited review or other development incentives. Staff has expressed a desire to relax certain requirements in the Subdivision Regulations in areas with a 10-acre density and/or minimum lot size (i.e. off-site road proportionate share payment and fire protection requirements); updates to the growth policy should reflect this desire to enable the subdivision regulations to clearly implement. This should include defining what is meant by low, medium, and high-density growth, and where this should apply county-wide.
	Following an appeal for a substantial change determination, suggest starting the review period where it was stopped/left off, not penalizing the applicant if the governing body agrees that a change is not substantial. This will require significant changes to the last two paragraphs in this subsection.				
6. Planning Board Public Hearing for Major Subdivisions	Suggest adding a section to this chapter on the construction of the staff report and minimum content requirements. Consider including as an appendix a draft of "standard conditions" that typically apply to all subdivisions, so an applicant is aware of these provisions.	Model Subdivision Regulations, Section IV-A(7) through (9)	No comments were received from stakeholders regarding this section.	Section 76-3-605 et al	
	Notice requirements for any public hearing or meeting should cross-reference what is required in statute for baseline consistency. This section should be cleaned up to cross-reference these notice requirements directly (not restate). Once again, a table format could be beneficial to clearly organize and present requirements.				
	Create language in this section that allows the governing body to use discretion in requiring additional notification where an application warrants it. Structure criteria (i.e. size of subdivision, location, etc.) to provide clear sidebars on when this discretion may be exercised.				
	Specify where the rules established by the Planning Board for conducting public hearings are located - cross-reference (they should not be part of these regulations but should be readily accessible to someone reading them).				
7. Planning Board Recommendation for Subdivision Application Approval or Denial	Re-organize content in this section to clarify what is provided in the recommendation letter to the Commission; only include reference to the recommendation letter here (remove from subsection 5 above) to create less confusion/duplication.	Model Subdivision Regulations, Section IV-A(9), and Section V-A	No comments were received from stakeholders regarding this section.	Section 76-3-605 et al, 76-3-608 et al	

CHAPTER 3 – PROCEDURES FOR SUBDIVISIONS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
7. Planning Board Recommendation for Subdivision Application Approval or Denial	Add language that clarifies what is meant by “consider the following”; this language leaves the regulations wide open to interpretation by staff, applicant, and board members as to what constitutes sufficient consideration of the items listed. At a minimum, there should be a tie between consideration and the drafting of findings to support that consideration. To that end, additional guidance on the relationship between a finding and a condition should be included in this section (or the section on staff reports), to solidify the critical relationship between a determination of fact and the means necessary to mitigate an impact.	Model Subdivision Regulations, Section IV-A(9), and Section V-A	No comments were received from stakeholders regarding this section.	Section 76-3-605 et al, 76-3-608 et al	The growth policy addresses the subdivision review process very generally, and as required by statute. While greater emphasis could be placed on this alignment through future growth policy updates, the real opportunity to align process with the overarching goals of the County should be focused on what type of development should be encouraged and incentivized where, through expedited review or other development incentives. Staff has expressed a desire to relax certain requirements in the Subdivision Regulations in areas with a 10-acre density and/or minimum lot size (i.e. off-site road proportionate share payment and fire protection requirements); updates to the growth policy should reflect this desire to enable the subdivision regulations to clearly implement. This should include defining what is meant by low, medium, and high-density growth, and where this should apply county-wide.
	Need clarifying language on how public comment received at the hearing is to be addressed to the governing body, both that specifically call out for water and sanitation, as well as other comments received during a hearing. Standardize the process of how this is summarized and presented to the governing body.				
	Need to clarify that board does not write conditions, but staff writes them for board consideration and based on board direction.				
8. Governing Body Meeting on a Major Subdivision Application	As with previous sections, cross-reference content directly from statute and related to public notice requirements. Some of the content related to public notice could be housed in a previous (or new) section specific to notice requirements throughout the process, generally. Consider combining this with subsection 11 below, rather than in two separate, but nearly identical subsections.	Model Subdivision Regulations, Section IV-A(10)	No comments were received from stakeholders regarding these sections.	Section 76-3-605 et al	
9. Subsequent Public Hearings on New Evidence Provided After the Planning Board Hearing	Similar to the amended application section, subsequent hearings and new information requirements should be formatted and organized in a table to make reading and understanding the criteria for determination of new information and the process to be followed clear and consistent. Consider combining with subsection 11 below to reduce redundancy.			Section 76-3-615	
	Notification requirements should refer back to statute or be housed (with others) in a previous section of this chapter.				
10. Governing Body Meeting on a Minor Subdivision Application	As with previous sections, cross-reference content directly from statute and related to public notice requirements. Some of the content related to public notice could be housed in a previous (or new) section specific to notice requirements throughout the process, generally. Consider combining this with subsection 8 to reduce redundancy.			Section 76-3-609(2)(e)	

CHAPTER 3 – PROCEDURES FOR SUBDIVISIONS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
11. Subsequent Public Meetings on New Evidence Provided after the Public Meeting on a Minor Subdivision	Similar to the amended application section, subsequent hearings and new information requirements should be formatted and organized in a table to make reading and understanding the criteria for determination of new information and the process to be followed clear and consistent. Consider combining with subsection 9 above to reduce redundancy.	Model Subdivision Regulations, Section IV-A(10)	No comments were received from stakeholders regarding these sections.	Section 76-3-615	The growth policy addresses the subdivision review process very generally, and as required by statute. While greater emphasis could be placed on this alignment through future growth policy updates, the real opportunity to align process with the overarching goals of the County should be focused on what type of development should be encouraged and incentivized where, through expedited review or other development incentives. Staff has expressed a desire to relax certain requirements in the Subdivision Regulations in areas with a 10-acre density and/or minimum lot size (i.e. off-site road proportionate share payment and fire protection requirements); updates to the growth policy should reflect this desire to enable the subdivision regulations to clearly implement. This should include defining what is meant by low, medium, and high-density growth, and where this should apply county-wide.
	Notification requirements should refer back to statute or be housed (with others) in a previous section of this chapter.				
12. Governing Body Hearing on Subsequent Minor Subdivision Application	As with previous sections, cross-reference content directly from statute and related to public notice requirements. Some of the content related to public notice could be housed in a previous (or new) section specific to notice requirements throughout the process, generally. Consider combining this with subsections 8 and 10 to reduce redundancy.			Section 76-3-605 et al	
13. Subsequent Public Hearings on New Evidence Provided after the Public Hearing on a Subsequent Minor Subdivision	Similar to the amended application section, subsequent hearings and new information requirements should be formatted and organized in a table to make reading and understanding the criteria for determination of new information and the process to be followed clear and consistent. Consider combining with subsection 9 above to reduce redundancy.			Section 76-3-615	
	Notification requirements should refer back to statute or be housed (with others) in a previous section of this chapter.				
	Generally, sub-sections 8 through 13 should be reorganized and consolidated as much as possible to keep from repeating information and similar processes. There is redundancy in text that is unnecessary and could be streamlined significantly.				
14. Governing Body Action on Subdivision Application	Need to clarify that the commission does not write findings, but staff prepares them for board and commission consideration and they may be adjusted as a result of the review process to support new or altered conditions of approval, so long as they are tied back to the review criteria.	Model Subdivision Regulations, Section IV-A(11), and Section V-A	No comments were received from stakeholders regarding these sections.	Section 76-3-608	
	Language on exemptions and clustering is unnecessary under this section, as it was addressed earlier in the chapter; remove.				
	Cross-reference statute for approval, conditional approval, and denial timeframes and requirements; much of the final portion of this sub-section can be rewritten to streamline and reference back to statute.				
15. Subdivision Application Approval Period	This section can be rewritten to streamline and reference back to statute with regard to timeframes and requirements.			Section 76-3-610	

CHAPTER 3 – PROCEDURES FOR SUBDIVISIONS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
16. Process for Modifying the Conditions of Approval, Approval Statement, or Preliminary Plat for a Subdivision Application	This process is unique to Lewis and Clark County (in the state of Montana), but advisable if done consistently and in a manner that is legally sound. It is often accepted that conditions between preliminary and final plat can change, but there is no mechanism in statute currently to allow for this change without interpretation or a deviation from the stated regulations, which can be problematic. Structuring a process where non-substantial changes can be considered between preliminary and final plat is an example of a best practice in and of itself; however, this section would benefit from a reorganization and a graphical representation of the process options and criteria by which to do so. This subsection should be structured to identify when (and where) this is allowed, and where the process to consider a change would be administrative vs. requiring Commission approval (with County Attorney review). Staff recommend removal of Optional Action Item 1 in this section entirely.	Model Subdivision Regulations, Section V-D	There was general acknowledgment among and between some stakeholders that allowing greater flexibility between preliminary and final plat was necessary.	N/A	The growth policy addresses the subdivision review process very generally, and as required by statute. While greater emphasis could be placed on this alignment through future growth policy updates, the real opportunity to align process with the overarching goals of the County should be focused on what type of development should be encouraged and incentivized where, through expedited review or other development incentives. Staff has expressed a desire to relax certain requirements in the Subdivision Regulations in areas with a 10-acre density and/or minimum lot size (i.e. off-site road proportionate share payment and fire protection requirements); updates to the growth policy should reflect this desire to enable the subdivision regulations to clearly implement. This should include defining what is meant by low, medium, and high-density growth, and where this should apply county-wide.
	Irrigation canals should be addressed in the list of requests that would warrant a substantial change and Commission consideration.				
17. Construction Timing	The first paragraph appears incomplete, but staff indicates nothing is technically missing. There is some question as to whether or not the provisions in this first paragraph are legal and enforceable, especially since there is no established enforcement process to monitor activity. Some landwork is typical prior to preliminary plat approval; if kept, this section should place clear parameters on what can and cannot be done prior to entitlement, and should stipulate a reporting and enforcement process so a violation is treated consistently.	N/A	No comments were received from stakeholders regarding this section.	N/A	
18. Inspections and Certification	Is there a list of standard project work that will require inspection and approval following preliminary plat? If so, recommend including this list as an appendix to these regulations, or as a stand-alone resource for applicants to be aware of.	N/A	No comments were received from stakeholders regarding this section.	N/A	
19. Transfers of Title	No significant comment; some general clean-up and simplification of language would be helpful in this section.	N/A	No comments were received from stakeholders regarding this section.	N/A	
C. FINAL PLAT REVIEW PROCESS		Model Subdivision Regulations, Section IV-B and Section V-B	Comments specific to the final plat review process are detailed in the sections that follow.	Section 76-3-611 et al	
1. Final Plat Contents	This section should refer to a checklist, either an appendix or a standalone document, that outlines final plat contents pursuant to state statute.	Model Subdivision Regulations, Section IV-B(1)	The same sentiment was voiced by internal and external stakeholders about application materials being available online and eliminating the need for multiple hard copies upon submittal.	Section 76-3-611(3)(a) through (c)	

CHAPTER 3 – PROCEDURES FOR SUBDIVISIONS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
2. Final Plat Application	A list or table outlining what is required in the application before a final plat will be scheduled for approval by the Commission should be detailed.	Model Subdivision Regulations, Section IV-B(1)	The same sentiment was voiced by internal and external stakeholders about application materials being available online and eliminating the need for multiple hard copies upon submittal.	Section 76-3-611(3)(a) through (c)	The growth policy addresses the subdivision review process very generally, and as required by statute. While greater emphasis could be placed on this alignment through future growth policy updates, the real opportunity to align process with the overarching goals of the County should be focused on what type of development should be encouraged and incentivized where, through expedited review or other development incentives. Staff has expressed a desire to relax certain requirements in the Subdivision Regulations in areas with a 10-acre density and/or minimum lot size (i.e. off-site road proportionate share payment and fire protection requirements); updates to the growth policy should reflect this desire to enable the subdivision regulations to clearly implement. This should include defining what is meant by low, medium, and high-density growth, and where this should apply county-wide.
	The same issues apply to final plat application submittals as to preliminary plat applications; the application should be made available online, and should be submitted online or via email. Rather than requiring multiple copies, one hard copy and one electronic copy should suffice (with the goal of there being no hard copies needed for review).				
3. Final Plat Review	The 11x17 size requirement for final plat review is insufficient. Recommend 24x36 at a minimum, unless the application process goes fully to an electronic submittal. The regulations should establish a consistent size universally applicable to all applicants, but make an allowance for the County to have the ability to request a larger size if necessary, or allow a smaller size upon request.	Model Subdivision Regulations, Section IV-B(2), and Section V-B	No comments were received from stakeholders regarding this section.	Section 76-3-611(1) and Section 76-3-611(3), (4), and (5)	
	Should make clearer in the review process and requirements that the plat submitted with the final plat application is a draft for review, and the final requirements (mylar, paper, and digital copies) will be required following review and editing by staff and the examining land surveyor involved.				
4. Guarantee of Public Improvements	The requirements set forth in Appendix E should be moved under this section, updated (as described in the evaluation of Appendix E), and expanded upon.	N/A		Section 76-3-508 et al	
5. Final Plat Approval or Denial	No significant comment; some general clean-up and simplification of language would be helpful in this section.	Model Subdivision Regulations, Section IV-B(3)		Section 76-3-611(4)	
6. Final Plat Filing	May want to include guidance on correction of a recorded plat, referring back to statute.	Model Subdivision Regulations, Section IV-B(4)		Section 76-3-614	
7. Property Owners' Association	This section would be more appropriate as a standard condition of approval when common property is deeded to an association. Consider moving content under subsection 1 or 2 above. The title is also misleading because it's addressing a mechanism of filing to create the POA itself, not reviewing deeded property and confirming the POA has been established. The County has not been involved when property is deeded to an HOA or POA, only when a park is deeded to the County, but having this section in the regulations creates confusion around the County's role and responsibility in a POA's creation and administration.	N/A	The need for HOA's/ POA's was discussed at length. The need or requirement for this type of organization for minor subdivision developments (or developments under a certain number of lots) was questioned, even when common property is dedicated. Generally not seen as useful.	N/A	

CHAPTER 4 - PROCEDURES FOR PHASED DEVELOPMENTS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
GENERAL COMMENT	As with other chapters, there needs to be standardization in the lettering and numbering system.				
	Recommend this chapter is rolled into a revised and consolidated process chapter; it is no more effective as a stand-alone chapter and since most of the content relates to process, it is more logical to locate where other processes are housed.				
	This chapter will need to reflect language adopted with the approval of HB211.				
A. INTRODUCTION					
1. Phased Developments	This section is unnecessary; it defines phased developments and should be moved to a consolidated definitions chapter.	Creating a consolidated definitions chapter - a definitions document that applies to subdivision, zoning, public works, etc. - is advisable; this ensures that definitions are universal across regulations and eliminates potential for inconsistencies and conflicts.	Phased developments were not brought up in detail, but the up-front application requirements should be considered as part of the holistic streamlining process.	Section 76-3-617 et al	Phasing in urban and transitional areas is generally anticipated and supported in the County's current growth policy. A stronger link between scale of development based on existing infrastructure and service delivery could be made in future policy updates to require or incentivize phased development more consistently.
B. PHASED DEVELOPMENT APPLICATION REVIEW PROCESS	The wording of this section makes it unclear that this procedure is required after approval of preliminary plat. This should be clarified in the rewrite; moving the content of this chapter to the consolidated procedures chapter should help.	Statute currently allows the local governing body to establish application contents, the process for review, and preliminary and final plat form and contents. Many local governments require a master development plan to express the anticipated sequence of development and the infrastructure and amenities by phase. Madison County is a good example of where this comprehensive approach to phased development has been successful by requiring an overall development plan. Chapter II-C of the Madison County Subdivision Regulations provides an excellent framework for this approach.	General comments related to streamlining application requirements with an emphasis on electronic submittals and an online portal to keep up-to-date on an application's progress could help alleviate some of the redundancy in the current phased application review and approval process post-preliminary plat.	Section 76-3-617(1)	N/A
1. Phased Development Application and Schedule	The delineation of phases and infrastructure required to support each phase is important and should be maintained in the update, to the extent statute allows. Parkland should be considered part of the necessary infrastructure to support independent phases; while the parkland dedication acreage required could be consolidated, the dedication of consolidated parkland should be made as part of the initial phase of development (with limited exception). Cash-in-lieu dedication should be limited to subsequent phases of development only. Allowing a combination of both, with stipulations, could allow greater flexibility for the developer.				Section 76-3-504(1)(a),(c), and (d)
2. Procedure	Changes are expected to this section as a result of the 2023 Montana State Legislative Session; will need to track bills related to phased subdivision review and prepare to adjust this content to reflect changes made at the state level.	The easiest way to ensure consistency between state and local requirements is to cross-reference statute (using interactive links) and eliminate repeat language. That way, when a state regulation changes, the County can be automatically compliant without having to change the local regulations.	No comments were received from stakeholders regarding this section.	Section 76-3-617(2) through (4)	N/A
	Wherever possible throughout this section (and beyond), cross-reference statute instead of reciting what is written in MCA. This will make future amendments unnecessary if/when statute changes, as is expected this legislative session.				
	Need to expand subsection (f) to better reflect actual design standards pertinent to each phase such as parkland, stormwater management, road design, etc. – either holistically or proportionally - and as required by the conditions of preliminary plat approval. In doing so, consider clarifying the process for when an applicant provides more than is required pursuant to a phase; i.e. dedicates all the parkland when applying for final plat for the first phase of development.				

CHAPTER 5 – CORRECTING OR AMENDING FILED FINAL PLATS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
GENERAL COMMENT	As with other chapters, there needs to be standardization in the lettering and numbering system. For example, subsections (paragraphs) under section B should be numbered to be consistent with other chapter subsections found in the regulations.				
	Recommend this chapter is rolled into a revised and consolidated process chapter; it is no more effective as a stand-alone chapter and since most of the content relates to process, it is more logical to locate where other processes are housed.				
A. CORRECTING FILED FINAL PLATS	This section should be reviewed against the requirement for correcting recorded plats in statute. The County requires the governing body to approve, but statute enables the governing body to authorize, independent of the applicant. At the very least, this section should cross-reference statutory requirements and, where additional clarity is needed for applicant-initiated corrections, provide a clear distinction. Revisions to this section will require input from the County Attorney.	Article 7 of the City of Missoula Subdivision Regulations establishes a process to correct filed final plats depending on whether they are minor or major errors or a simple plat adjustment. This may be worth considering for the County; the framework is clear, concise, and establishes side bars on when and how corrections occur.	No comments were received from stakeholders regarding this section.	Section 76-3-614	N/A
B. AMENDING FILED FINAL PLATS	The language in this section is awkward and disorganized; will benefit from a comprehensive overhaul and integration in the consolidated procedures chapter.				
1. Material Alterations	There should be clear criteria by which to determine whether an alteration is material or not.				
	The term “affected property owners” needs to be defined and used consistently throughout these regulations.	The City of Bozeman offers answers on amending final plats through an online FAQ.	Correcting and amending plats were not discussed among the stakeholder groups.	Section 76-3-504(1)(c)	N/A
2. Exemptions for Amended Plat Review	This section should simply cross-reference procedural requirements referenced in Chapter 3, or better integrate with those requirements as a component of the consolidated (and revised) procedures chapter. Reference to exemptions is unnecessary.				

CHAPTER 6 - PROCEDURES FOR SUBDIVISIONS CREATED BY LEASE OR RENT

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
GENERAL COMMENT	Much of this content is based on alignment with state statute (and requirement for buildings for lease or rent to be addressed as a distinct element of a jurisdiction's regulations). The County's BLR regulations are currently separate from the subdivision regulations, and while this process has not been utilized extensively in Lewis and Clark County, the provisions of this chapter should be incorporated wherever processes and procedures live in the updated regulations, to cross-reference the independent BLR regulations.	Buildings for lease or rent is a concept unique to Montana. Most other states regulate this type of development through zoning, which is the best practice recommendation here.	No comments were received from stakeholders regarding this section.	Title 76, Chapter 8, Part 1, et al	Based on when the BLR regulations took effect in 2013, the existing Lewis and Clark County growth policy does not provide guidance on how to address this type of development in the County.
A. GENERAL PROCEDURES	Move this content under Chapter 3 (or a new, consolidated process and procedures chapter) moving forward; eliminate Chapter 6 as a stand-alone process chapter outside the consolidated content.				

CHAPTER 7 - GENERAL STANDARDS FOR MOBILE AND MANUFACTURED HOME PARKS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
GENERAL COMMENT	<p>To the extent possible, move any of the standards included in this section under the zoning regulations. Keep only minimal standards to ensure compliance for those mobile or manufactured home parks that may still occur in the rural areas of the County.</p>	<p>Nationwide, mobile home parks and manufactured home development is handled similarly to how it is done in Montana, with no real “standout” best practice to look to. Some jurisdictions rely more heavily on zoning to address site design standards. Many jurisdictions incorporate some design standards in the development review process and other (often overlapping) standards in zoning, much like what is done presently in Lewis and Clark County. Avoiding overlapping standards wherever possible is best practice; this reduces the potential for conflict. The most cohesive way to handle this type of development would be through a unified development code that looks at land use and development design specific to mobile homes more cohesively, in regulating where the use is most appropriate and the design standards for this use. Beyond this cohesive approach, improvements to language, content, and organization can be gleaned from some of the following resources. Example codes for manufactured housing include examples found at the Municipal Research and Services Center website; the Richland, WA Manufactured home park standards; and the Soap Lake, WA zoning code.</p>	<p>There were no comments made by external stakeholders specific to the review or requirements of a manufactured or mobile home park. Internal stakeholder comments acknowledged that standards for mobile home park site design would be better accommodated through zoning.</p>	<p>Section 76-3-504(1)(s)</p>	<p>The role manufactured housing and mobile home parks can play in areas of the County to provide affordable housing options is noted throughout the current policy, and especially in the analysis of existing housing stock. When the policy is updated, the future land use component should look at infrastructure needs for traditional mobile home parks, areas of the County where these uses are most appropriate, and seek to regulate their location through zoning. This will require differentiation between “mobile home parks” that are two mobile homes on a lot, and the anticipated use which is a cohesively designed park for mobile homes to be placed. Additionally, differentiation between manufactured housing and a mobile home park should be made in the growth policy definitions, and applied to these regulations. The subdivision update underway could take the lead in creating clearer definition between housing types and only applying these development standards to true “parks”, with the growth policy following suit to provide greater guidance on appropriateness of location.</p>
	<p>When the growth policy is updated, consider whether these types of developments are appropriate beyond the urban area; policy revisions could eliminate the need for much of the standards to be included in subdivision, relying more heavily on the zoning in place in areas of the County appropriate to accommodate manufactured and mobile home parks. This would not eliminate the need for this type of development to go through subdivision review, but would reorient the design standards to run with the land under zoning, which would apply the standards universally instead of only to those lots having undergone subdivision review. The conversation moving forward should be about how to apply desired development outcomes consistently, and the best tool for this is through zoning (not subdivision). Creating an alternate path for those lots that are unzoned will still be necessary, but perhaps the carrot in this scenario is enabling more design sidebars through zoning and paring back subdivision review to the division of land itself, not the design of the development that occurs.</p>				
	<p>Consider pulling any process-related regulations out of this chapter and into a consolidated process chapter (existing Chapter 3 or a new chapter entirely); move all design standards specific to manufactured and mobile home parks under Chapter XI and, furthermore, consolidate standards applicable to all development under Chapter XI and reference universally to include manufactured and mobile home parks (for example, street and access requirements, fire suppression, etc.).</p>				
	<p>Update and clarify the applicability of this section, to mobile home and manufactured home “parks” and not manufactured housing as a whole.</p>				
	<p>Consider combining Chapter 7 and Chapter 8 to consolidate similar requirements and process, potentially with other topic areas (like PUD and BLR) specific to development types.</p>				
A. OVERVIEW	<p>The way Item 1 is written is very confusing; improve wording to more clearly state intent, and move any definitions to separate definitions chapter.</p>				
	<p>Make sure this section is linked properly to other sections and to requirements in the appendices. Design standards kept under the subdivision regulations that are specific to mobile and manufactured home parks should be consolidated in Chapter XI. Additionally, standards that apply to development universally in Chapter XI should be clarified to include or apply to manufactured and mobile home parks.</p>				
	<p>Many of the elements in Item 2 could be moved under a “Standards” section; suggest reorganizing B through I below under standards specific to mobile and manufactured homes (as opposed to individual sections by topic).</p>				
	<p>Item 3 needs to be evaluated for alignment with parkland dedication requirements in statutes and to ensure the timing of park and recreation improvements is appropriate to the development.</p>	<p>Section 76-3-621 et al</p>			

CHAPTER 7 - GENERAL STANDARDS FOR MOBILE AND MANUFACTURED HOME PARKS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
B. STREETS	Item 3 (and 5) limit right-of-way to road width; this needs to be changed to account for ditching or sidewalks.	Multi-modal facilities should be a requirement of internal street design for mobile and manufactured home parks. Different approaches could be taken, such as sidewalks requirements similar to Antis Township, Pennsylvania.			
	Item 7 may need to change depending on what happens with the PUD provisions in Chapter 9.				
C. THE MANUFACTURED/ MOBILE HOME SPACE	All of these standards are more appropriate in zoning, if policy and regulations are amended as suggested under "General Comments" above. This does not eliminate the process or statutory requirement to create manufactured and mobile home parks through subdivision, but shifts the design burden to apply universally, to include tracts of land having never gone through subdivision.	Boulder, CO provides policy, process, and design guidelines for manufactured home communities that incentivize these types of development to aide in the growing housing affordability crisis.	There were no comments made by external stakeholders specific to the review or requirements of a manufactured or mobile home park. Internal stakeholder comments acknowledged that standards for mobile home park site design would be better accommodated through zoning.	Section 76-3-504(1)(s)	
	Item 3 is unclear - does this mean street internal to the development or serving the development?				
	Define mobile home stand, clarify between "stand" and "space", and move to definitions chapter.				
D. WATER SUPPLY	Reorganize under a general "Site Design Standards" section, as prescribed above.	The City of Missoula regulates the site design and construction of manufactured home parks predominantly through the Title 16, an independent section in the Municipal Code. The City still reviews mobile home and manufactured parks as subdivisions according to statutory requirements.			
E. SEWAGE DISPOSAL	Reorganize under a general "Site Design Standards" section, as prescribed above.	Mobile Home Park Layout Ideas is a resource written by Dan Paton that provides design recommendations to maximize the developer's investment. This could be a useful resource in bringing certain standards into the 21st Century, and also differentiating between urban and rural design requirements for this type of development.			
F. SOLID WASTE	Reorganize under a general "Site Design Standards" section, as prescribed above.				
G. ELECTRICAL SYSTEMS	Not necessary - this should be a given.				
H. GAS SYSTEMS	Reorganize under a general "Site Design Standards" section, as prescribed above.				
I. FIRE PROTECTION	Not necessary - this should be a given.				

CHAPTER 8 - GENERAL STANDARDS FOR RECREATIONAL VEHICLE PARKS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
GENERAL COMMENT	Consider combining Chapter 8 with Chapter 7 to consolidate similar requirements and process, potentially into a chapter specific to development types and processes (including PUD, BLR, etc.) as recommended in Chapter 7 review.				
	Consider expanding this chapter's application to include campgrounds (in unzoned areas)? This should be an ongoing discussion with staff and technical advisory committee members as the update proceeds, to ensure the appropriate level of review through both subdivision and (where in place) zoning. Input from the County attorney will be necessary to confirm the County has the authority to include this under statute.	Poncho Springs, Colorado includes tent camping and campgrounds in the development standards for RV parks.			
A. OVERVIEW	Revise this section in its entirety; it is not dissimilar in content to that in Chapter 7, but presented in a different manner (not subsections), and some of the content is specific to review authority and process. If combined with Chapter 7, this could be streamlined more effectively.	N/A			
	Sections B through H could be moved under a "Site Design Standards" section (as opposed to organizing individual sections by topic).				
	Language under B is generally vague and allows a great deal of flexibility but very little opportunity for consistency beyond what may be determined by staff in an administrative memo or office policy. Rewrite for clarity and convert to clear and relatable standards (in the appropriate section) as much as is reasonable.				
B. STREETS AND RECREATIONAL VEHICLE SPACES	Under B.1.a, fix connection to arterial requirement to local roads - this is more appropriate given the type of development concerned. Generally, item 1 feels too prescriptive to be useful and should be revised to allow more flexibility wherever possible.	Much like mobile home parks in Chapter 7, multi-modal infrastructure should be considered in the streets and design standards for RV parks.	There were no comments made by external stakeholders specific to the review or requirements of an RV park. Internal stakeholder comments acknowledged that standards and site design for RV parks would be better handled through zoning.	Section 76-3-504(1)(s)	Recreational vehicles are mentioned in the current growth policy, but mostly as they relate to operational level of service standards, not land use and development type. Similar to mobile home development, RV parks and campgrounds should be discussed in the update to the growth policy with respect to where this type of development is most appropriate in the County.
	With respect to B.3, but applicable to most if not all standards throughout this section, need to separate out those standards that should live under the zoning regulations (for RV park design) and those that must stay under subdivision for areas of the County that remain unzoned. Standards for development in unzoned districts of the County should be as baseline as possible.				
C. INTERNAL DESIGN	Landscaping requirements should be looked at critically based on enforcement authority; would rather address through zoning.	Buffering is often a requirement for RV (and mobile home park) developments; where zoning is not in place, consider a simple buffer requirement as part of the final plan process, assuming there are mechanisms in place for maintenance over time.			
D. GRADING AND DRAINAGE	Reorganize under a general "Site Design Standards" section, as prescribed above.	These standards are very similar between RV and mobile home parks; in combining the two chapters, the requirements could be streamlined. This would also provide an opportunity to differentiate between urban and rural standards - and development types that are appropriate. For instance, RV parks may be better accommodated in rural areas, while mobile home parks are more appropriate where there are urban utilities and infrastructure to serve them.			
	Interesting that standards in Chapter 7 do not address grading and drainage; look to expand some of these provisions with chapter consolidation, or simply cross-reference grading and drainage standards in Chapter 11 (except where distinctly different for RV parks).				

CHAPTER 8 - GENERAL STANDARDS FOR RECREATIONAL VEHICLE PARKS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
E. WATER SUPPLY	Reorganize under a general "Site Design Standards" section, as prescribed above.				
F. SEWAGE DISPOSAL	Reorganize under a general "Site Design Standards" section, as prescribed above.	The Poncho Springs example cited above provides clear parameters for sewerage and solid waste disposal.	There were no comments made by external stakeholders specific to the review or requirements of an RV park. Internal stakeholder comments acknowledged that standards and site design for RV parks would be better handled through zoning.	Section 76-3-504(1)(s)	Recreational vehicles are mentioned in the current growth policy, but mostly as they relate to operational level of service standards, not land use and development type. Similar to mobile home development, RV parks and campgrounds should be discussed in the update to the growth policy with respect to where this type of development is most appropriate in the County.
G. SOLID WASTE	Reorganize under a general "Site Design Standards" section, as prescribed above.				
H. FIRE PROTECTION	Not necessary - this should be a given.	N/A			

CHAPTER 9 - PLANNED UNIT AND CLUSTER DEVELOPMENTS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
GENERAL COMMENT	Effective cluster development standards encourage higher density in areas where it is either appropriate (given urban context and underlying zoning) or where land should be conserved for environmental benefit or resource protection purposes. As written, they are rarely used because they lack strong incentive to implement; essentially, do more work for little to no obvious gain or financial benefit. Without underlying zoning in most areas of the County, there is no benefit to cluster because the by-right density allowed is technically limitless, and the benefits (to the development community) of a cluster development are opaque. This chapter should be significantly revised to consider potential procedural incentives to increase the appeal of clustering, or consider removing altogether and reinforcing support (or requirement) for cluster development in areas of the County that are zoned through the zoning regulations.				
A. DESIGNATION AS A PUD	Consider significantly altering or eliminating Planned Unit Developments (PUDs) outside the established urban area or where there is no underlying zoning. Alternately, consider redefining a subdivision "PUD" (to master plan or something similar) to incentivize development best practices the County would like to encourage. The challenge with regulating a traditional PUD through subdivision is it blurs the line between division of land and use regulations; this is why most cities and counties outside of Montana regulate PUDs through zoning, or rely on underlying zoning to dictate what can and can't be altered in a PUD proposal. This concept will require more discussion amongst the team as the update progresses.	A planned unit development (PUD) is a type of integrated development that can be used today to advance a number of community priorities through flexibility in standards. PUDs are traditionally tied to land use (and mixing uses), and typically require an underlying zoning district to incentivize variation. A PUD can offer creativity in land planning, site design, and the protection of environmentally sensitive lands not possible with conventional subdivision practices, and is capable of mixing uses, providing broader housing choices, allowing more compact development, permanently preserving common open space, reducing vehicle trips, and providing pedestrian and bicycle facilities. Guidance on structuring a successful PUD program typically relies on the presence of underlying base zoning districts and incentives based on clustering, density, and procedural flexibility; the Montana Model Subdivision Regulations did not offer a PUD or clustering option within the model, instead recommending both these concepts be addressed through a combination of subdivision and zoning. Examples and best practice guidance from other jurisdictions can be found in the following sections.	Planned unit developments were discussed minimally among stakeholder groups; the tool has not been used often by the Lewis and Clark development community and while not explicitly stated, indicates a lack of benefit or functionality seen with the standards and process.	Planned unit developments are defined in statute [Section 76-3-103(11)]	The Helena Valley Area Plan specifically identifies under Improved Performance Strategy #4 that planned unit developments should be allowed to include master planning, rezoning, and subdivision review as a combined process. PUD's are also identified as possible development options (alongside clustering) to allow more flexibility in rural areas. This should be explored more as the growth policy is updated to set clear parameters on where and how PUD's could be considered, ideally (and only) in zoned areas.
B. PUD PROCEDURES	Unnecessary as this simply cross-references the existing development review process. If the PUD provisions are maintained, consider adding procedural incentives for good master planning (pursuant to revised standards suggested for Section C that follows).	Understanding Planned Unit Development Zoning Practice article from the American Planning Association on Planned Unit Developments			
C. PUD STANDARDS	None of the standards presented offer particular incentive for a PUD development; if this development type is kept, this section should be revised to differentiate from the planned development standards in zoning and to clearly articulate the benefit of a planned unit development.	Land Use Solutions for Colorado offers guidance on how density bonus could be used to incentivize clustering (in a PUD or as a standalone cluster subdivision) to protect sensitive natural resources and hazards.			

CHAPTER 9 - PLANNED UNIT AND CLUSTER DEVELOPMENTS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
D. CLUSTER DEVELOPMENT	<p>Revise clustering provisions to potentially create two options - one for rural areas where certain criteria are met but no underlying zoning exists (and develop incentives appropriate to these conditions), and clustering provisions for urban areas where underlying zoning can offer density bonus incentives that will be attractive to developers.</p> <p>Review the use of "tract" vs "parcel" in this section, and throughout.</p>	<p>In both urban and rural contexts, the County must think about how clustering is being incentivized, otherwise the standards will continue to be underutilized. Where underlying zoning exists, density bonus should be offered for the conservation or protection of important agricultural land, open space or view-sheds, environmental hazards, or critical wildlife habitat. These bonuses should be tied to the zoning regulations and, ideally, to a base district or overlay that expressly allows for cluster development. A good example of this can be found in the Model Rural Cluster Development Ordinance.</p>	<p>Stakeholders uniformly voiced that cluster development was not used because there was no incentive; however, many expressed interest in the concept.</p>	<p>Section 76-3-509 et al</p>	<p>Clustering is identified in both the growth policy and Helena Valley Area Plan as a tool important to the conservation of environmentally sensitive areas. Future updates to the growth policy could consider specifying by zoning district, or environmental criteria, where clustering is allowed or encouraged.</p>

CHAPTER 10 - CONDOMINIUMS AND TOWNHOUSES

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
GENERAL COMMENT	Consider rewriting this chapter to address all common-interest development types, with condominium and townhome applications and standards called out specifically.	Best practice for regulating townhomes and condominiums is through the zoning regulations, where uses and building types can be addressed comprehensively. One possibility Lewis and Clark County may want to consider is wrapping the review requirements for condominiums into a general section on common interest development, and creating clear definitions to differentiate what constitutes a condominium and a townhouse (ownership, type of development).			
	The urban and rural distinction recommended in the update to these regulations, as well as the recently adopted zoning in the Helena Valley, should be used to restrict where condominium and townhome development can occur in Lewis and Clark County.				
A. CONDOMINIUM DEVELOPMENT	According to staff, the County has really struggled with differentiating between the interrelatedness of condos/townhomes in statute.	A Planner's Dictionary is a great resource for definitions of all types, and offers multiple options used in other jurisdictions to clearly define condominiums and townhome development.		Section 76-3-203 et al	
	Write definition of condominium to clearly prohibit "condominiumization" of lots as an evasion of subdivision review (i.e. the CTED process in Missoula - do not follow by example!).				
B. TOWNHOUSE DEVELOPMENTS	Create clear definitions that differentiate between a condominium and townhome, and make sure this definition aligns with zoning but also separates the subdivision of such units from the use or building type (which should be regulated under zoning, not subdivision).		Few, if any, stakeholders commented on the condominium and townhome regulations. In most cases it is expected that condominiums and townhomes are only appropriate in the County's urban areas surrounding the City of Helena, which may explain the lack of use/comment.		The land use component or implementation strategies of the Lewis and Clark County Subdivision Regulations do not refer directly to townhome or condominium development, although they do reference multi-family housing types generally. In order to create a clearer distinction between development types appropriate in urban vs. rural areas, and the standards applicable to each development type, condominiums and townhomes should be referenced in the update to the growth policy - particularly in the land use and public infrastructure discussions.
C. STANDARDS	Need to separate standards for townhomes vs. condos and eliminate unnecessary language (such as compliance with Chapter 11 - this is a given).	Select design elements of the following resource could be appropriate if incorporated within the subdivision regulations; however, most of the recommendations included in the "Building Better Townhome Communities" are better suited for zoning.		N/A	
	Setbacks and dimensional standards should be regulated through zoning; where there isn't zoning that allows for condominium development, is there really an interest in having this type of development (in rural areas)? This could be addressed through clearer definitions and expansion of common-ownership development types that may be more appropriate in the exurban areas of the County.				
	Review and revise, as necessary, parkland dedication requirements respective to all development types considered; make sure they are legally sound.				
D. FINAL PLANS	Consistent with previous recommendations to allow electronic submittals, eliminate the three copy requirement and allow the final plat to be submitted in digital format.			N/A	
E. IMPROVEMENTS	No comments.	N/A		Section 76-3-507	

CHAPTER 11 - GENERAL DESIGN AND IMPROVEMENT STANDARDS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
GENERAL COMMENTS	All references to internal and external documents should be checked, throughout this chapter and the regulations as a whole.				
A. INTRODUCTION	Much of the introduction can be condensed because it has already been stated in Chapter 1, or reorganized under the appropriate design standard sub-section (item A.3, for example, stipulating legal and physical access).				
B. CONFORMANCE	This section may not be necessary; conformance with the regulations should be addressed universally in Chapter 1 of these regulations. Move the content under this subsection, as revised, into Chapter 1 for consistency.				
C. LANDS UNSUITABLE FOR DEVELOPMENT OR REQUIRING MITIGATION	<p>Subsection 1 should be rewritten to re-frame not as a list of examples, but a list of potential conditions present onsite, with clearly established parameters on what authority or data shall be used to determine the presence, existence, and impact of such conditions. A provision should also be added to clearly allow for conditions not listed that render a property unsuitable for development, with established criteria by which those conditions may be considered and evaluated for impact.</p> <p>Certain provisions in subsections C.3, C.4, C.5, and C.6 are written as standards that should be mitigated through conditions, not criteria for analysis of when that mitigation should be required. These provisions should be moved under the appropriate subsections in this Chapter or this subsection reorganized so as not to muddy the waters between what circumstances require mitigation and what that mitigation will be (based on set standards).</p> <p>Requirements for irrigation canals in subsection C.4 are overseen by the Bureau of Reclamation, and the Helena Valley Irrigation District operates them. These entities may need to be identified as contacts during the subdivision review process (in Chapter 3). Typically irrigation ditches are required to have a 50-foot setback; this may need to be included in this chapter, or simply cross-referenced if tied to regulations administered by Helena Valley Irrigation District or the Bureau of Reclamation. Additionally, the type of fencing required should be clearly stipulated; staff recommends 3-foot woven wire with 2 strands of barbed-wire as a baseline, allowing the property owner to have some flexibility so long as what is proposed will still mitigate the risk.</p>	n/a	Stakeholder comments specific to mitigation requirements were almost solely focused on the offsite road improvements, secondary access requirements, and fire mitigation requirements found in this section and subsequent appendices. Concern over when and where mitigation was required, and the extent of mitigation required, was cited as the concern most often.	Section 76-3-504(1)(e); Section 76-3-608(4) and (5)	The growth policy addresses mitigation requirements generally related to environmental and human-caused hazards (and mitigating their associated risk), protecting prime agriculture and historic resources from development, and identifying utility and service delivery requirements necessary to serve development. Through the update, mitigation measures and when they are required could be expanded upon more fully, and also organized in a manner that makes clear the link between policy and implementation through the subdivision regulations and the zoning code.

CHAPTER 11 - GENERAL DESIGN AND IMPROVEMENT STANDARDS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
D. FLOODPLAIN PROVISIONS	<p>The requirements in Appendix F - Flood Hazard Evaluation should be integrated within this section of Chapter 11, to the extent they do not duplicate requirements found within the Floodplain Ordinance itself. Wherever possible, reference to the Floodplain Ordinance should be made in favor of repeating content or information already contained in this other document; this will prevent inconsistency moving forward, when one or both sets of regulations is updated.</p>	<p>While most floodplain regulations are separate and distinct from subdivision regulations, many jurisdictions in Montana and beyond include floodplain within their Unified Development Ordinance to ensure that related regulations are in the same location, share definitions and processes when appropriate, and are easier to reference for applicants.</p>	<p>Minimal comments were made by stakeholders regarding the flood hazard evaluation and resulting requirements. Conversations with staff indicated a desire to condense and align the requirements in subdivision with those expressed in the Floodplain Ordinance, to the extent possible. Creating consistency between the two documents, including application and review requirements as well as definitions, will further to march toward a more unified development ordinance.</p>	<p>Title 76, Chapter 5; Section 76-3-504(e) and (f)</p>	<p>The Growth Policy discusses floodplain in numerous places throughout, and includes specific goals, policy, and implementation strategies to discourage development in floodplain and other sensitive, environmentally constrained areas. There should be consistency between the Growth Policy definitions of floodplain, definitions in subdivision, and definitions in the Floodplain Ordinance; there should also be a reference to Regulated Flood Hazard Areas in the growth policy, to align with this shift in terminology recommended as part of this update.</p>
	<p>Language consistency should be maintained between the Floodplain Ordinance and the Subdivision Regulations. The Floodplain Ordinance mentions the subdivision of land as one action and development of land as a separate and distinct action. The term "Regulated Flood Hazard Area" should be used in place of floodplain or floodway for consistency throughout this section (and the regulations as a whole). This more accurately captures the content being regulated. Additionally, terms and phrases such as "in the floodway of a flood of 100-year frequency," "as delineated by the Montana DNRC," and "floodway of a 100-yr frequency flood event," should be removed (subsections 1 and 2 specifically). Any map reference should be titled FEMA Flood Insurance Rate Maps. Additional recommendations by staff include removal of the term "study" and replacement of the title "State of Montana Professional Engineer (as discussed in the appendices) in subsection 5. Subsections 6 and 7 should be removed completely.</p>				
	<p>The nature of this section seems in conflict with what is stipulated in Section 1.16 of the Floodplain Ordinance, which sets forth criteria a division must meet if in a Regulated Flood Hazard Area, but does not prohibit the division of land outright. This has long been a point of confusion in many sets of subdivision regulations statewide; is the land technically prohibited from being subdivided, or is the intent that development not occur within the floodplain? We believe the best practice is the latter, and can be clearly stipulated by setting forth design requirements in this section to mitigate potential impacts related to development - not the subdivision itself. This could include establishing no-build zones, requiring all flood hazard areas be held in conservation easement or similar, requiring a minimum buildable site area per lot outside the Regulated Flood Hazard Area, etc.</p>				
	<p>Mitigation measures identified under D.8 that relate directly to buildings and structures are not appropriate, as these cannot be sufficiently regulated through established conditions of approval since building construction and required permits will occur after final plat approval.</p>				
E. IMPROVEMENT DESIGN	<p>This subsection should be moved under the final plat procedures in Chapter 3, reinforcing certification of any public improvements that require professional certification by a licensed engineer in the state of Montana. It should also be reworded to include language requiring certification that improvements meet the requirements set forth in these regulations, the Public Works Manual, and any other applicable regulations as part of final plat review and before final plat approval is granted.</p>	<p>n/a</p>	<p>No comments received from external stakeholders on this issue; staff pointed out the need to standardize licensure in the state of Montana for anything requiring and engineer's sign-off.</p>	<p>Section 76-3-504(1)(g), (i), and (m); Section 76-3-507; Section 76-3-510</p>	<p>n/a</p>

CHAPTER 11 - GENERAL DESIGN AND IMPROVEMENT STANDARDS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
F. LOTS	<p>Items F.5, 6, 7, 8, 9, and 11 should only apply to unzoned land in the County; ideally, this would be where the urban and rural subdivision development standards and requirements clearly deviate. Some of these provisions are more appropriate under subsection H - Streets and Roads. Where select provisions are kept within these regulations to apply to unzoned development, the intended benefit of the requirement shall be looked at critically. For instance, staff noted that F.7 and F.9 both result in variances due to the street types associated with the prohibition. These provisions should be reworded to strongly discourage this design practice while allowing staff or the elected officials some flexibility in where and how these conditions may be approved without needing a variance.</p>				
	<p>If building site location is required, there needs to be clear standards that stipulate where and how this is shown on a plat to meet the requirement established. As written, there is little to indicate what "satisfactory" would truly entail. Additionally, not every site is intended for habitation (i.e. parks, utility towers, etc.). Recommend adjusting this to read more broadly and require a minimum buildable area that is unaffected by environmental constraints - essentially combining the intent of F.1 with F.10 in a more meaningful way.</p>	<p>The best practice to address lots and blocks within development is through zoning. Absent county-wide zoning, creating distinct development design standards that apply to rural areas and reflect rural development character, and deferring urban and suburban development standards to the zoning requirements in place is the best course of action. Standards should incorporate lot, block, and frontage ratios for urban areas, while rural development standards may focus more generally on lot size, orientation and access. By differentiating standards based on context, the type and scale of development appropriate in these areas is retained.</p>			
	<p>F.5 is problematic and the benefit unclear; suggest removing this language entirely and addressing in areas that are zoned, and through zoning, only if this remains an issue the County wishes to prescribe standards for.</p>		<p>No comments were received from stakeholders regarding specific lot and block requirements in this section</p>	<p>Section 76-3-504, generally</p>	<p>Issue B, Goal 3, Policy 3.2 and 3.3 address issues related to development character that these provisions are attempting to address. The Growth Policy update will need to better identify areas of the County where urban and suburban design standards should apply, whether through the establishment of County zoning or in select instances under these regulations (where zoning is not being considered or in place).</p>
	<p>F.11 is intended to prevent flag lots, and staff expressed that this prohibition is still desired. In areas where zoning applies, this should be regulated through the zoning in place. For unzoned areas of the County, the prohibition of flag lots can be much more clearly stated than what exists today under this subsection; adding a graphic to explain minimum width and length ratios could also help illustrate this concept to avoid. Administrative exceptions to this rule may be considered to allow flexibility where topography or lot size becomes problematic; ultimately, for this and other standards, make sure there is a reason for the requirement and a nexus between what is being asked for and the end result desired.</p>				
G. BLOCKS	<p>Again, this entire section is better addressed through zoning. At a minimum, these design requirements should only apply to land that is unzoned land in the County, in areas that are identified for urban and suburban-scale development in the future. There will need to be graduated standards that reflect appropriate design for urban and suburban densities, as the "one-size-fits-all" approach under this section does not result in quality character or design.</p>				

CHAPTER 11 - GENERAL DESIGN AND IMPROVEMENT STANDARDS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
H. STREETS AND ROADS	<p>Wherever possible throughout this section, the Lewis and Clark County Public Works Manual should be cross-referenced and specific sections hyperlinked to reduce redundancy and potential conflict between regulations when updated in the future. The chapter should be reorganized with more subheadings to make finding information specific to improvements, dedications, multi-modal design standards, etc., easier. Right now it feels like a long list without much structure.</p>	<p>As stated previously and throughout this audit, the best practice many jurisdictions are moving toward is a unified development ordinance that brings together subdivision, zoning, floodplain, and public works regulations in one document.</p>	<p>Coupled with fire protection and mitigation standards, streets and roads received the highest amount of feedback from both internal and external stakeholders. Internal stakeholders identified deficiencies in this section including the lack of specificity when it comes to road classification standards, application of costs for offsite road improvements (and circumstances where the result was less than desirable), the challenges that come with dealing with the Montana Department of Transportation on approaches and access, frustration over push-back on dual access requirements from applicants and landowners, among other issues. External stakeholder comments focused almost exclusively on the access and approach restrictions in this section of the regulations.</p>	<p>Section 76-3-504(g)</p>	<p>The Transportation section/chapter in the current growth policy lays out numerous issues, goals, and policies to guide future growth and development's impact on the County's road network. As has been stated previously, the growth policy update should include geographic distinction between the urban and rural areas to link to unique development design requirements outlined in this section. Policies can also go further to support safe and efficient transportation networks, multi-modal facilities, and connectivity - for instance, Policy 2.3 requiring roads in new development be efficiently connected to an existing road network is open-ended and vague in how this will be accomplished. The goal and policies under Issue D related to non-motorized travel are good but could be more detailed and direct in where these standards should live (regulation-wise) and when they should be applied.</p>
	<p>A new subsection should be added to identify distinct design requirements for urban and rural development related to roads, access, and multi-modal facilities. This section of the regulations hardly mentions multi-modal infrastructure or design requirements, which should be elevated and prioritized for development within the designated urban area.</p>				
	<p>The Public Works Manual establishes road classifications in Section 4.2 that apply-county-wide; staff indicated wanting to allow minor collectors be used as classifications in subdivisions, and minor collectors are identified in the manual accordingly. Staff concern may be addressed by revising subsection 2 in the Subdivision Regulations, or adding a subsection that specifically addresses which road classifications are permitted in proposed development, linking back to the definitions and standards provided in the Public Works Manual.</p>				

CHAPTER 11 - GENERAL DESIGN AND IMPROVEMENT STANDARDS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
H. STREETS AND ROADS	<p>Subsection 3 should clearly establish what triggers a traffic impact study as part of a subdivision application. Improvements to the organization of this section could be made that will result in greater clarity regarding what is required, where, and when. Ideally where property is zoned, a traffic impact study could be exempt because the zoning should have already contemplated impacts related to the type and intensity of development expected.</p>				
	<p>Is a full-blown Preliminary Engineering Report (PER) really required to determine the costs directly attributable to a subdivision? Are there elements of a typical PER that could be required to establish the current road status from which to calculate improvements? This seems like overkill given State of Montana PER standards, and may be contributing to the cost burden (and frustration) felt by applicants. Revisit in the update and consider allowing a statement of justification prepared by a licensed engineer in the State of Montana, or a variance to the requirement for low volume roads.</p>	<p>Section 4.7.17 of the Flathead County Subdivision Regulations establish exceptions from the traffic impact study requirement for developments where the average trips per day are fewer than 50; the regulations use the same offsite improvement formula but differentiate how improvements will be assessed based on number of trips per day and the recommendations of a required traffic impact study.</p>	<p>Coupled with fire protection and mitigation standards, streets and roads received the highest amount of feedback from both internal and external stakeholders. Internal stakeholders identified deficiencies in this section including the lack of specificity when it comes to road classification standards, application of costs for offsite road improvements (and circumstances where the result was less than desirable), the challenges that come with dealing with the Montana Department of Transportation on approaches and access, frustration over pushback on dual access requirements from applicants and landowners, among other issues. External stakeholder comments focused almost exclusively on the access and approach restrictions in this section of the regulations.</p>	<p>Section 76-3-504(g)</p>	<p>The Transportation section/chapter in the current growth policy lays out numerous issues, goals, and policies to guide future growth and development's impact on the County's road network. As has been stated previously, the growth policy update should include geographic distinction between the urban and rural areas to link to unique development design requirements outlined in this section. Policies can also go further to support safe and efficient transportation networks, multi-modal facilities, and connectivity - for instance, Policy 2.3 requiring roads in new development be efficiently connected to an existing road network is open-ended and vague in how this will be accomplished. The goal and policies under Issue D related to non-motorized travel are good but could be more detailed and direct in where these standards should live (regulation-wise) and when they should be applied.</p>
	<p>The link between a subdivision's impact corridor and use of assessed costs directly attributable to the subdivision's impact could be strengthened through general reorganization of subsection 3 and clearly stated parameters for where, why, and how funds assessed will be used for offsite road improvements. Offsite improvements should not be limited only to vehicular improvement but should clearly identify bicycle and pedestrian infrastructure improvements in the established urban area. Road improvement "splits" (i.e. only half a road is brought up to standard or improved) should be restricted or prohibited.</p>				
	<p>Subsection 4 should be expanded to establish the circumstances under which easements shall be required of a subdivider to ensure future connections to future development abutting a subject property. Easement requirements should also consider easements for multi-modal connectivity.</p>				
	<p>A requirement that all roads within a subdivision be maintained by a rural improvement district is a concept that should be revisited for its cost effectiveness in terms of staff time to administer, as well as overall effectiveness in accomplishing County-wide goals. A clear structure establishing how maintenance burden is assessed must be in place. While previous chapter analysis and feedback focused on when and where an HOA may be appropriate (or not), the Rural Improvement District feels like an HOA structure for which the County has oversight. In some (but not all) cases, reducing that oversight and allowing governance for maintenance to fall on the homeowners may be the better option - with clear parameters.</p>	<p>Flathead County Subdivision Regulations include specific requirements for bicycle and pedestrian easements in Section 4.7.19</p>			

CHAPTER 11 - GENERAL DESIGN AND IMPROVEMENT STANDARDS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
H. STREETS AND ROADS	<p>Access restrictions established in subsection 8 have proven to be a sticking point with many in the development community. The use of words like “reasonable” in this subsection do little to clarify intent and should be removed. The County should reconsider when and where access should be most restricted based on current development patterns and the population shifts in the urban and rural areas; this could be a clear distinction between development requirements in these areas, or based on identified thoroughfares established in the growth policy.</p>				
	<p>Subsection 9 should be eliminated or, at the very least, rewritten to cross-reference the local road design standards set forth in the Public Works Manual. As currently written, the statement is too vague to enforce. The Public Works Manual could incorporate additional provisions (traffic calming or Woonerf designs) that reinforce the intent of what this subsection is requiring, but those standards are better housed in the Manual. Interconnectivity should be encouraged and this section is at odds with this desire; needs to be re-enforced and this section reworked accordingly.</p>				
	<p>Subsection 10 should be rewritten entirely to expand upon the various design considerations for two very different situations - one where a proposed subdivision abuts a collector or arterial highway, and one where a subdivision contains one of these roads.</p>				
	<p>Rather than restating information that is included in the Public Works Manual under subsection 11, rewrite this subsection and use it to establish context and conditions for when a cul-de-sac or hammerhead turnaround would be considered in a development, then simply cross-reference the standards in Section 4.7 of the Manual.</p>	<p>Section 4.7.16 of the Flathead County Subdivision Regulations restricts only residential driveways from access onto arterial roads, collectors, or highways; the County could consider a similar approach.</p>	<p>Coupled with fire protection and mitigation standards, streets and roads received the highest amount of feedback from both internal and external stakeholders. Internal stakeholders identified deficiencies in this section including the lack of specificity when it comes to road classification standards, application of costs for offsite road improvements (and circumstances where the result was less than desirable), the challenges that come with dealing with the Montana Department of Transportation on approaches and access, frustration over pushback on dual access requirements from applicants and landowners, among other issues. External stakeholder comments focused almost exclusively on the access and approach restrictions in this section of the regulations.</p>	<p>Section 76-3-504(g)</p>	<p>The Transportation section/chapter in the current growth policy lays out numerous issues, goals, and policies to guide future growth and development’s impact on the County’s road network. As has been stated previously, the growth policy update should include geographic distinction between the urban and rural areas to link to unique development design requirements outlined in this section. Policies can also go further to support safe and efficient transportation networks, multi-modal facilities, and connectivity - for instance, Policy 2.3 requiring roads in new development be efficiently connected to an existing road network is open-ended and vague in how this will be accomplished. The goal and policies under Issue D related to non-motorized travel are good but could be more detailed and direct in where these standards should live (regulation-wise) and when they should be applied.</p>
	<p>Subsection 12 may be the most appropriate place to house a restriction or limitation on partial road improvements.</p>				
	<p>Subsections 13 and 14, among others, may be better as a table or streamlined, overarching statement identifying what design standards should simply cross-reference the Public Works Manual.</p>				
	<p>Consider the applicability of a dual access requirement for a subsequent minor development that is only creating a handful of lots. Subsection 15 could be rewritten to clearly establish the context in which dual access is required no matter what, that is not depending on the type of subdivision but based on its overall impact.</p>				
	<p>Consider throughout, but especially in relation to subsections 16 (as an example), whether the requirement in place is something that the County can actually enforce and follow up on.</p>				
	<p>Subsection 19 includes many design provisions for driveways that are also set forth in the Public Works Manual respective to roads. Because the Manual does not have a section specific to driveways, it is appropriate to keep some of this information in the Subdivision Regulations, but any numeric value or standard enforced through Public Works should simply cross-reference that department’s requirements (and hyperlink to the appropriate section of the regulations). Minimum standards for driveways in topographically constrained or other areas meeting certain criteria are appropriate and should include maximum length, grade, and turnaround requirements.</p>				

CHAPTER 11 - GENERAL DESIGN AND IMPROVEMENT STANDARDS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
I. IMPROVEMENTS	Most of the requirements under this subsection fit better under other distinct subsections in this chapter. Many are specific to roads; others specific to lighting, and others detail requirements of process (reimbursement, waivers, warranties, etc.). Reorganize and distribute this section to improve readability and clarity in reference.	n/a	Specific sentiments expressed by stakeholders on improvements are described under other sections of this chapter.	Section 76-3-507 and Section 76-3-510	Roads, street lights, landscaping and other site improvements, and signage are all addressed in one way or another in the existing growth policy, and addressed more specifically in other areas of this chapter.
	Subsection I.9 has never been enforced by the County. In some jurisdictions it is a best practice to require a warranty for improvements; this should be discussed with the County Commissioners as an option, but if there is no willingness to enforce the provision, it should be removed from the regulations entirely.				
J. MAILBOX PLACEMENT AND DESIGN	The location and design of mailboxes serving development should cross-reference Section 3.2 of the County's Public Works Manual, wherever possible, to reduce redundancy and potential for conflicting standards.	Many jurisdiction adopt a unified development ordinance to address these overlaps in development requirements.	No comments were received from stakeholders specifically regarding mailbox placement; however, working with the local post office and mail carrier to determine location and design was cited as challenging at times.	n/a	While mailbox location and design is not specifically called out in the growth policy, the safe and efficient delivery of services is highlighted throughout the document, and providing postal service to new developments should be one of the considerations when new development is being reviewed and considered.
	Clustering of individual boxes is an issue that should be addressed by incorporating a standard or prohibition against this practice.				
	The central location requirements in J.1 and J.3 should be elaborated on and combined into clearer design standards for clustering group mailboxes, including footprint size and location on the plat.				
	The location of grouped mailboxes that hinge on County or state DOT requirements in subsections J.2, J.4, and J.5 should be consolidated and refined to improve clarity and combine similar cross-references to other affiliated regulations.	The United States Postal Service provides guidance on where to locate and how to build individual and clustered mailbox sites through their "National Delivery Planning Standards: A Guide for Builders and Developers"			
	Documentation and approval of right of way encroachments by the regulating authority should be clearly written into the requirements of this section. The United States Postal Service has indicated a strong desire to be involved in the review and approval process; however, obtaining feedback from the local office has been challenging. A requirement for agency review should be incorporated alongside clear time limits that allow the County to proceed if the agency fails to provide comment in a timely manner.				
K. STREET AND LOT IDENTIFICATION	The content in this subsection should be relocated under subsection H - Streets and Roads and cross-reference Resolution 2021-63; requirements are no longer located in the Public Works Manual.	The American Planning Association recently released a Zoning Practice report on addressing and street naming conventions; the report can be found here.	n/a	Section 76-3-504(1)(g)(i), generally	The growth policy mentions the importance of street and lot identification in the interest of public safety during a fire, flood, or other disaster.

CHAPTER 11 - GENERAL DESIGN AND IMPROVEMENT STANDARDS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
L. GRADING, DRAINAGE, AND EROSION CONTROL	<p>This entire section needs to be rewritten with an eye toward consistency and identifying where and how these regulations apply to subdivisions uniformly. Most development will involve some form of drainage facility that will trigger design review under these provisions; the requirements of this review should be clearly spelled out, with the exception to the rule being clearly identified rather than assuming not every development will have the need for a grading, drainage, and erosion control plan.</p>	<p>The State of Utah’s Department of Environmental Qualities “Guide to Low Impact Development” offers certain design standards that Lewis and Clark County may want to consider integrating into urban development provisions as part of this update.</p>	<p>Stakeholder feedback related to grading, drainage, and erosion control focused on the disconnect in both timing and requirements between the County and the Department of Environmental Quality, as well as urban design requirements to manage stormwater run-off in rural areas inappropriate for annexation.</p>	<p>Section 76-3-504(g)(ii)</p>	<p>Drainage is a topic that is explored in both the current environment and future landscape of Lewis and Clark County quite heavily in the current growth policy. Beyond narrative explaining current and future considerations, under Environment, Issue A, Goal 1, Policy 1.4, preservation of natural drainages is emphasized. Under Issue B, Goal 2, Policy 2.4, sedimentation and soil erosion is addressed but not in relation to development controls. This is an area that warrants additional focus when it comes to policy implementation as part of the update to the growth policy. Drainage easement acquisition is also identified under implementation incentives. The growth policy update should look to link low impact development techniques, incentives, and requirements to drainage and erosion control to reinforce best practice.</p>
	<p>The requirement to submit a preliminary grading and drainage plan should be clearly spelled out in these regulations, and should be aligned with DEQ requirements as much as possible. As currently written, the plan is automatically assumed to be final (L.2), and there may be revisions to the plan that are required between preliminary and final plat approval. This distinction must be clarified in the regulations and application requirements.</p>				
	<p>Post-construction mitigation needs to be better addressed in this section; seeding land after construction to prevent erosion may not be the best alternative for development in Lewis and Clark County given how arid the climate is and the water limitations present. This may be better managed by requiring that all seeding occur prior to final plat or established by guarantee moving forward.</p>	<p>The US Environmental Protection Agency offers a host of resources on green and low-impact infrastructure for the semi-arid west.</p>			
	<p>Grading, drainage, and erosion control design standards must be clearly established for both urban and rural environments. Adjacency to existing infrastructure and urban systems should be a consideration in future design requirements. Design standards to allow rural (and some urban) drainage-ways to function as wildlife corridors is important; the same is true for ephemeral streams that function in this same vein. Rather than determining on a case-by-case basis (as is currently done), standards could be written that address the context and requirement(s) accordingly.</p>				
	<p>The type of fencing required under L.14 and design standards specific to its construction should be lined out in this section.</p>				
	<p>Curb and gutter requirements such as those listed under L.8 should be revised to only apply to those urban and suburban development scenarios where hard infrastructure is necessary due to runoff intensity and proposed development densities. This is yet another area where the distinction between urban and rural design requirements will improve the development review process by not requiring design or infrastructure antithetical to existing (or future) development character.</p>				
	<p>Reference to Circular #8 should be cited universally and a link to the state requirements provided. Items like those cited under L.5 can be revised to simply cross-reference as opposed to restating requirements that fall under the State’s jurisdiction; this will help reduce redundancy and inconsistencies in both documents moving forward.</p>				

CHAPTER 11 - GENERAL DESIGN AND IMPROVEMENT STANDARDS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
M. WATER SUPPLY SYSTEMS	Section M offers a great deal of opportunity to cross-reference specific requirements of statute and not re-iterate or repeat those requirements in the text narrative. This ensures consistency should either or both sets of regulations change in the future.	Much of the language in these sections is taken and repeated in many (most) other county subdivision regulations through the state of Montana, likely a holdover from when the model subdivision regulations were first published in 2006. Chapter 7, Section E - Local Services and Infrastructure of the recently released Montana Model Subdivision Regulations (2020) provides streamlined content using a better organizational format for these sections without significantly changing the nature of the content within. Even so, the model regulations could be further improved and are only offered as a guide in this instance. In other parts of the country, jurisdictions regulate infrastructure availability through comprehensive zoning, with basis "must meet" requirements stipulated at the subdivision level. Kenton County, KY provides a comparable example.	No specific comments were received from stakeholders regarding wastewater, solid waste, or other utility design requirements; however, the general sentiment expressed was that sometimes infrastructure requirements exceed what is necessary to address the impact related to a small or rural subdivision. In creating distinction between these requirements through this update, the hope is that infrastructure design reflects the context of the development proposed moving forward.	Section 76-3-504(g)(iii)	Under Utilities, Issue A, Goal 1, Policy 1.1, 1.3, and 1.4 all address safe and efficient water, wastewater, and utility infrastructure to service the residents of Lewis and Clark County. Shared systems, connection to municipal services, and mitigation of utility installation is all addressed. Solid waste is not identified as a priority goal or implementation strategy, and the three that do exist and apply directly to infrastructure could be strengthened to differentiate between urban and rural expectations of availability and service delivery.
	The connection standards and circumstances required in this section, and specifically in subsection M.3 should, match the design standards and circumstances required of the city. Development proposed in the urban area should not be allowed to exercise an opt "out" option, except in very select circumstances. One of these circumstances could be to allow large-lot development (two or more acre lots) in urban areas as long as the design guarantees future redevelopment potential at densities at or less than 1/4 acre lots.. Community systems should be designed with future connection to City services in mind, and these design standards clearly spelled out in this section of the regulations.				
	In M.11, revise to clearly define what adequate and accessible fire protection means. Additionally, this provision could simply cross-reference the fire protection requirements found in Section S below, or be included in those requirements so the provision does not live in two separate places within the same chapter of these regulations.				
	Substantial and credible evidence should be clearly defined, in this section and throughout, to establish a clear baseline on what evidence may be considered to meet these requirements and when additional data or documentation is needed to assure compliance.				
N. WASTEWATER TREATMENT SYSTEMS	This section offers a great deal of opportunity to cross-reference specific requirements of statute and not re-iterate or repeat those requirements in the text narrative. This ensures consistency should either or both sets of regulation change in the future.	n/a		Section 76-3-504(g)(iii)	
O. SOLID WASTE	The provisions in this section could easily be condensed into two distinct subsections; one that reinforces that the collection and disposal of all solid waste meets local and state regulations (combining O.1, O.3 and O.4, and one that speaks to scenarios where a protest may be allowed or denied (O.2).	n/a		Section 76-3-504(g)(iii)	
P. OTHER UTILITIES	Many of the requirements listed in this section belong under other sections of this chapter and should be moved accordingly to maximize clarity for the reader.	n/a		Section 76-3-504(g)(iv) and (m)	
Q. UTILITY EASEMENTS	Where unique requirements exist that cannot be moved elsewhere in this chapter, they should be revised and remain here, combined with Section Q - Utility Easements below.	n/a	Stakeholders pointed out the need to treat unique easement access differently, such as setbacks and restrictions for utility or road easements.	Section 76-3-504(m)	

CHAPTER 11 - GENERAL DESIGN AND IMPROVEMENT STANDARDS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
R. PARK LAND, INCLUDING OPEN SPACE AND CONSERVATION AREAS	<p>This entire section is very repetitive of what is written in statute; rather than repeating content, relevant subsections should cross-reference the appropriate section of statute rather than repeating the requirements verbatim - this will reduce potential conflict should the statute change. Another option would be to list the requirements most relevant but add a sentence at the beginning of this section that stipulates whatever exists in statute takes precedence, even if the County's regulations are in conflict. This recommendation could also be applied to other locations in these regulations where statute is repeated word-for-word, to address the expected lag time between statutory changes and local government updates.</p>	<p>The Missoula County Zoning Code established recreation amenity types permitted by zone, based on feedback from the Parks and Recreation Department, which are then used to establish what parkland dedication can be used for when a subdivision proposes onsite dedication to meet statutory requirements. This practice was established to avoid subdivisions dedicating "throwaway" land to meet requirements, resulting in parkland out of sync with the community's needs, and unnecessary costs for maintenance and upkeep overburdening County staff.</p>	<p>External stakeholders did not provide any feedback on the parkland dedication requirements, perhaps because they are so directly linked to statute. Internal stakeholders and planning staff reiterated the need for clear requirements on what constitutes park land, for both dedication and maintenance.</p>	<p>76-3-504(h) and Section 76-3-621</p>	<p>The growth policy update could go further to establish clear priorities for park and recreation amenities needed in the County, which the subdivision regulations could better implement by setting clear standards for the type of parkland components allowed to fulfill statutory requirements in certain areas or between urban and rural subdivision environments. Additionally, an update to the Comprehensive Parks, Recreation, and Open Space Plan may be necessary to strengthen correlation between the needs of each planning area and the amenities that would be considered as part of development in those areas. This plan, in its current or updated form, should be clearly adopted as a component of the growth policy to further reinforce the guidance and recommendations for park and recreation amenities in Lewis and Clark County.</p>
	<p>Subsection 2 is currently a missed opportunity; with the growth policy update on the horizon, the County should consider parkland dedication requirements according to land use and development densities to more comprehensively address park and recreation amenities needed to serve a growing population. This will allow the County to define what is or is not expected of park land and enable greater flexibility on the type of parkland that could be accepted to meet the requirements. This will also allow the County to further differentiate between the expectations for rural and urban lands.</p>				
	<p>Consider expanding the types of recreational amenities that will count toward the requirements established, in light of urban and rural distinctions as well as the type and intensity of development (single family detached suburban units vs. condominiums, for example). One consideration is to allow greenway connections and wildlife corridors to count toward parkland dedication. This will require a clear link between the growth policy, parks plan, and these regulations to identify where certain types of amenities will be accepted as meeting the requirement, where variations may be considered, and when cash in lieu may be considered.</p>				
	<p>Consider allowing the water body buffers in Section W below to count toward open space amenity.</p>				
	<p>Subsections 4 and 5 must be strengthened to clearly set forth cash-in-lieu provisions in alignment with the criteria set forth in Chapter 5 of the Parks and Recreation Plan and the process by which funds can be allocated and used.</p>				

CHAPTER 11 - GENERAL DESIGN AND IMPROVEMENT STANDARDS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
S. FIRE PROTECTION	As recommended in the review of Appendix K, all requirements of design for fire protection should be housed under Chapter 11 (as opposed to the appendix). Appendix K will require substantial revisions. Of particular note, and mentioned in previous comments, is the need to create a Model Vegetation Management Plan for applicant use where fire mitigation is required.	Refer to best practice examples introduced as recommendations in Appendix K.	Of all the topics brought up by stakeholders, fire mitigation requirements were the number one concern. The multiple access requirement as well as the water supply requirement by subdivision were consistently identified as cumbersome and unnecessary by most stakeholder groups, and a desire to modify the regulations to accommodate more variation and flexibility was identified. More than a few stakeholders agreed that the cash-in-lieu option previously allowed was preferable, and indicated local rural fire departments generally agree.	Section 76-3-504(1)(e)	A Fire Protection Master Plan for all Fire Districts and Fire Service Areas is identified in the Growth Policy as an implementation strategy in the County's Action Plan. Through conversations with both staff and stakeholders, a regional approach to fire protection infrastructure is warranted, making this master plan more critical in its execution. Additionally, the growth policy update should focus more policy discussion around implementation of a regional system and the steps necessary to implement this change, further reinforcing this approach against a development-by-development solution currently in place.
T. AGRICULTURE	<p>This section should cross-reference statute to highlight the importance of agriculture and agricultural considerations as a component of subdivision review.</p> <p>Consolidate any other design provisions in this Chapter or the appendices under this section that are specific to agriculture and agricultural impacts.</p> <p>Create buffer standards that will apply to development adjacent to active agriculture of varying types, to be required to mitigate impacts to agriculture as a condition of development approval. These buffers may be incorporated within covenants and restrictions associated with the development, and/or be a requirement of final plat, or both.</p>	Sections 3-130 through 3-160 of the Missoula County Subdivision Regulations require certain protections for agriculture and agricultural uses, and also require land be set aside to preserve active agriculture (through parkland dedication).	No comments were received from stakeholders regarding protection of agricultural land through subdivision.	Section 76-1-601(2)(h)(i) and 76-3-608(3)(a)	Agriculture is identified as the backbone of the County's economy, and subsequent issues, goals and policies relating to land use and the impacts of development on the County's rural environment and active agricultural operations are prevalent. Implementation strategies specific to subdivision regulations and the need to protect agriculture from development impacts in rural areas are highlighted. The growth policy update, along with comprehensive county zoning, can go further in identifying where additional buffers, design requirements, and mitigation measures can be required of development in rural areas to further these goals.
U. WEED CONTROL	Develop a Model Vegetation Management Plan that includes requirements for both weed management and re-vegetation, for applicants to use in their application materials.	Section 6.P of the Gallatin County Subdivision Regulations has a robust weed control and management section within their subdivision regulations, which may offer a template in terms of standards and process for the County to consider.	No comments were received from stakeholders regarding this section.	Title 7, Chapter 22, Part 21 et al	The prevention of noxious weeds is identified under Environment, Issue B, Goal 2, Policy 2.4; this may be a priority that needs more attention in the growth policy update process.

CHAPTER 11 - GENERAL DESIGN AND IMPROVEMENT STANDARDS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
V. EROSION AND SEDIMENT CONTROL	This does not need to be a standalone section; consolidate this provision under section L - Grading, Drainage, and Erosion Control.	n/a	No comments were received from stakeholders regarding this section.	Section 76-3-504(g)(ii)	Under Environment, Issue B, Goal 2, Policy 2.4, sedimentation and soil erosion is addressed but not in relation to development controls. This is an area that warrants additional focus when it comes to policy implementation as part of the update to the growth policy.
W. WATERBODY SETBACKS AND BUFFER AREAS	This provision only applies to subdivisions, which means that protection of waterbodies throughout the County is not addressed universally. To better implement the growth policy, the setbacks and requirements in this section should be incorporated into zoning or through a county-wide design standard that applies to development on all properties, regardless of whether or not they are going through the subdivision review process.	The Montana Audubon has put together a summary of resources where jurisdictions throughout the state have adopted buffers and setback standards in their regulations.	Stakeholders did not bring up the setback and buffer requirements related to development, but may have stronger feelings were these provisions to apply universally county-wide.	Section 76-3-504(1)(e) authorizes these types of standards be considered through subdivision, although this provision of statute does not specifically speak to water body buffers and setbacks	Waterbody setbacks and buffers are addressed under Environment, Issue C, Goal 3 and subsequent policies. If the County is serious about wanting to protect these resources, greater emphasis should be placed on universal application of these buffers through a county-wide zone or management area in the update.
	Move the definitions in subsection 1 under the universal definitions chapter previously recommended.	The Butte-Silver Bow Zoning Code provides a good example of a county-wide riparian management zone in Chapter 47. The zone requires a minimum setback from the ordinary high water mark of established waterbodies, and has served as a model for other counties considering the same.			
	Subsections will need to be adjusted depending on where the information included in Appendix L is eventually housed.				
X. STANDARDS FOR PROTECTING WILDLIFE	Consider consolidating this section with section W above to create a stronger link between the need for buffers along waterbodies to support wildlife habitat.	Montana Fish, Wildlife, and Parks Recommendations for Subdivision Development in Montana.	No comments were received from stakeholders regarding these requirements.	n/a	In addition to strengthening the link between waterbody and wildlife habitat protections, the growth policy update could integrate or reference wildlife migration corridors identified by Fish, Wildlife, and Parks to further justify where and when conditions of approval may be required.
	Consider adding design requirements that preserve existing tree cover and vegetation on subdivided lots.				
	Wildlife-friendly fencing can remain, but sidebars should be placed on where and how this is conditioned based on the wildlife corridor migration studies produced by Fish, Wildlife, and Parks.				
	Link site design requirements and wildlife and wildlife habitat protections to the description requirements outlined in Appendix C, Section C.5 and C.6, so there is continuity between the environmental assessment and the conditions of approval required of a subdivision.				

CHAPTER 11 - GENERAL DESIGN AND IMPROVEMENT STANDARDS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
Y. NON-RESIDENTIAL DEVELOPMENT STANDARDS	Instead of tying the provisions in this section to land use (and creating de-facto zoning regulations through subdivision), tie the design provisions to the urban and rural development standards based on context, and require development in the identified urban areas to follow established zoning.	The majority of these standards are better implemented through zoning or are already a requirement of the state building permit process. Creating a distinction between urban and rural development standards will address this in part, but the County may need to update existing zoning regulations to reflect standards they may wish to keep from this section.	No comments were received from stakeholders regarding these requirements.	n/a	Issue B, Goal 3, Policy 3.3 in the County's growth policy speaks directly to concerns related to land use compatibility and lighting (specifically). While this goals and policies are better addressed through zoning, there is concurrence in the document that the quality and character of development should be addressed through regulatory measures; this could be strengthened further in the growth policy update.
	Subsection Y.5 is really unenforceable through conditions of approval, as much of the site development that may trigger fencing and buffers will have yet to be constructed during the subdivision review and approval process. Remove this section and integrate fencing requirements into the zoning regulations for urban areas where these uses may be more prevalent and fencing or buffers will be more applicable.				
Z. OUTDOOR LIGHTING CONTROL	Add additional provisions that identify where and when exterior lighting will be required (i.e. along subdivision roads and in parking areas, where applicable). Create distinction between urban and rural context for when these provisions apply, and defer to zoning wherever in place.	Lighting would typically be better addressed through zoning regulations; creating a distinction between urban and rural design requirements for subdivisions is a start, and cross-referencing applicable requirements in the Public Works Manual for areas that are unzoned.	No comments were received from stakeholders regarding these requirements.	n/a	
	Cross-reference all applicable public works requirements on road and parking area lighting rather than re-inventing the wheel in this section.				
	Enhance the existing (and new) provisions using graphics and illustrations to better convey design requirements.				
AA. RIDGE LINE AND HILLSIDE DEVELOPMENT	Update the provisions in this section to reflect where and how development may occur on certain slopes, and where development is prohibited based on specific site conditions. Incorporate graphics and illustrations to better convey design standards and requirements due to site conditions.	Lemhi County, Pennsylvania established ridgeline protection areas and incorporated setbacks to preserve view-sheds in specific geographies from specific locations along primary corridors in the community.	No comments were received from stakeholders regarding these requirements.	n/a	Policy 1.8 identifies the need for ridgeline setbacks to protect view-shed. The growth policy can strengthen the importance of this policy by identifying ridgelines and locations from where these standards apply, and also mapping geographies and topographies where development should be prohibited based on pitch so there is universal awareness instead of case-by-case assessment. A zoning overlay could be adopted as an implementation measure to reinforce these areas are protected.
	Incorporate the same standards within the zoning that apply to urban and suburban areas, and clearly identify that those provisions take precedence when a subdivided property is zoned. Create distinction between urban and rural standards for view-shed protection.				

CHAPTER 11 - GENERAL DESIGN AND IMPROVEMENT STANDARDS

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
BB. WATER COURSE AND IRRIGATION EASEMENTS	<p>In review of other county regulations related to both water conveyance, irrigation, and ownership, the language in this section is comparable to other county regulations throughout the state to address similar circumstances. No significant alterations to the content or intent are needed, but should look at examples of how other counties treat water and irrigation easements within and through subdivisions. This section could be organized more efficiently and streamlined to convey the requirements clearly. Additional provisions prohibiting stormwater discharge from a development into an irrigation easement should be considered, as well as parameters for easement realignment.</p>	<p>Gallatin County uses water conveyance facility instead of irrigation ditch or water course; Lewis and Clark County could consider updating terminology to apply more universally.</p> <p>Section 23-411 of the City of Billings Subdivision Regulations and Section 4.12 of Yellowstone County's Subdivision Regulations establishes an organized framework for identifying water course and irrigation easement requirements within a development, exempt from a development, and easements required for the benefit of downstream users.</p>	<p>No comments were received from stakeholders regarding this section.</p>	<p>Section 76-3-504(k) and (l)</p>	<p>Water rights and irrigation are addressed repeatedly in the County Growth Policy, reinforcing the importance of surface water ownership and conveyance infrastructure in this arid climate. As previously stated, the growth policy could go further in establishing geographies appropriate for urban development standards versus rural development standards, to reinforce the differentiation proposed in this update.</p>
CC. DISPOSITION OF WATER RIGHTS	<p>This section should be rewritten to differentiate the disposition process and requirements for development in established urban areas (where water rights may eventually go to the City or a County water district) versus rural areas where water rights may be transferred to an HOA or private district.</p>	<p>Wyoming Water Law provides guidance on disposition of water rights during subdivision in a similar state.</p>	<p>No comments were received from stakeholders regarding the County requirements in this section. State requirements for the transfer of water rights were repeatedly brought up as being too lengthy and onerous, particularly in light of the timing requirements of subdivision review at the County level.</p>	<p>Section 76-3-504(j) and (p)</p>	

APPENDICES

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
GENERAL COMMENTS	For the appendices retained, include a list of sections and subsections of each as part of the table of contents so the reader can easily reference what is included in each appendix.				
A. DEFINITIONS	<p>Keeping the definitions as an appendix to these regulations is acceptable, so long as the definitions are either consistent with other regulations (zoning, public works, growth policy) or refer back to these regulations through a link or cross-reference. Staff expressed a desire to handle this correlation once the update to the subdivision regulations is underway.</p> <p>Words that have universally accepted definitions (and that can be readily found in Webster’s Dictionary, or similar) should not be included in the definitions list, to reduce the length and number of words. A statement explaining this should be provided at the beginning of the appendix, so the reader understands why every word is not defined. Definitions should be culled and organized so that only those words unique to development review or having a unique definition or interpretation under the regulations are included.</p> <p>The introduction could be expanded to introduce roles and responsibilities of the department (as a separate set of definitions, to precede the general definitions) and include guidance on language interpretation as well as how to address conflicts, should they arise.</p>	<p>A Planner’s Dictionary is a great resource for definitions of all types.</p> <p>Chapter 9 of the Montana Model Subdivision Regulations provides a good starting point, compiling definitions used by communities across the state as well as definitions from around the Country and from state and federal agencies.</p> <p>Adopting a unified development ordinance (combining subdivision, zoning, floodplain, and public works regulations, among others) allows for a universal definition chapter. UDO’s are becoming more popular nationwide; in Montana, Bozeman is one of a handful of communities that have adopted a unified development ordinance/code and a standardized methodology for updates.</p> <p>Bozeman UDC Community Platform</p>	<p>There was a general desire expressed by internal stakeholders and technical advisory committee members that a standard set of definitions apply universally across regulations. Interest in exploring a unified development ordinance or code process exists, whether through this effort or future updates.</p>	N/A	<p>Definitions should align with those in the growth policy, whether through cross-reference or a unified definitions chapter or resource. This could be accomplished through a unified development ordinance, or by using the future growth policy update as a temporary (or permanent) mechanism to consolidate definitions in one location.</p>

APPENDICES

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
B. SUBDIVISION APPLICATION	<p>This appendix should be removed from the adopted regulations and instead serve as a stand-alone application document and checklist tool that is more flexible and adaptable to change (as needed). The application and checklist should be cross-referenced to the applicable section(s) of Chapters 2 and 3 to ensure enforceability.</p>	<p>Billings/Yellowstone County has initiated an online portal by which to submit applications, along with application checklists to assist applicants with preliminary and final subdivision applications.</p> <p>Chapter 6 of the Montana Model Subdivision Regulations offer guidance on distinct submittal requirements, including phased development, preliminary plans, format of an application, and exhibits.</p>	<p>Stakeholders expressed a desire for greater accessibility to application forms and supporting material requirements on the County website, a streamlined submittal process (fewer/no copies, electronic submittals, and interactive platform to enable more transparency through the review process).</p>	<p>Section 76-3-504(1)(c) and (d)</p>	<p>The Growth Policy does not provide specific guidance or reference to subdivision application requirements, and only minimal guidance on the subdivision review process itself. While submittal requirements should not be a part of a long range plan, the general review criteria and how this gets addressed through subdivision could be stronger.</p>
	<p>The application should be updated as an interactive PDF that can be filled out online and submitted via email with attachments, or printed and submitted in paper version (if preferred). At best, the application should be housed completely online using integrated software.</p>				
	<p>As a best practice, require only one hard copy and an electronic submittal.</p>				
	<p>A thorough update of the submittal list is warranted to reflect best practice. Preliminary plat form, content, and supplements should be consolidated into one list that reflects the full expectation of the applicant by staff. It should be clearly stipulated in the narrative lead-in to this submittal checklist, and in the content of Chapter 3, that additional information and documentation may be required as proof of concept throughout the review phase of the process (completeness, sufficiency, and statutory review). Not every requirement currently listed is necessary; for example, 2 ft. contours may be adjusted to 5 ft., as 5 ft. contours are normally sufficient for preliminary plat. Additionally, some of the requirements for non-residential units should apply universally for all submittals.</p>				
	<p>Section 5 feels too prescriptive and the name (“Presentation of Subdivision Materials”) antiquated. Suggest incorporating the most important organizational elements into the application checklist materials described above, under a title such as “Submittal Requirements”. Additionally, consider removing very specific organization and formatting requirements, such as the 3-ring binding style and tabulation of a submittal. Incorporate broad formatting requirements to avoid an applicant turning in a bunch of paper, but which allow some flexibility in how an application is submitted. If the goal is to move toward electronic submittals only, these directives become irrelevant in the long term.</p>				
	<p>Do not need use-specific requirements for non-residential units within a subdivision application, especially when property may be unzoned; this acts as de-facto zoning, as the subdivision plat and conditions will not regulate use without underlying zoning (or through the civil enforcement of covenants by a property owner’s association). Evaluate what is most important and integrate into the overall list of submittal requirements for a preliminary plat, eliminating use-specific references.</p>				
<p>There are application requirements for plats that are unnecessary for plans; application requirements for each should be clearly identified in a table that lays out the requirements for each type of submittal and where they differentiate - this way an applicant can easily compare similarities and differences in application requirements by subdivision/ application type.</p>					

APPENDICES

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
C. ENVIRONMENTAL ASSESSMENT	<p>Similar to the recommendations for the subdivision application appendix, this appendix should not be adopted as part of the regulations but exist separately as a checklist and part of the application packet provided to potential applicants on the website and/or at the time a pre-application meeting is held. In reworking the application requirements, the opportunity exists to further integrate this guidance on the environmental assessment into the application checklist (applicable only to major and subsequent minor subdivisions), instead of having it be a stand-alone component. Additionally, these requirements should be cross-referenced in Chapter 3 (or the consolidated process and procedures chapter recommended) to ensure the standards and requirements are considered part of the subdivision regulations (without having to formally re-adopt when making a change).</p>		<p>While no specific comments were made regarding the environmental assessment or assessment of probable impacts, general sentiment surrounding the streamlining and simplification of the submittal process, as well as improved accessibility to application materials, applies to these appendix items. At least one stakeholder/ stakeholder group mentioned the repetitiveness of some of the application questions and requirements, and the overlap between environmental assessment and probable impacts report highlights this.</p>		<p>The Lewis and Clark County Growth Policy identifies review criteria to consider as part of a subdivision application, in compliance with State statute, and also defines terms related to the review criteria. There is little reference to the environmental assessment, but the growth policy does provide a specific guidance on the review process by the governing body. This could be further strengthened by tying the statutory review criteria back to specific goals and policies in the growth policy, further strengthening the requirement that a development comply with the County's long-range planning efforts.</p>
C.2 PROBABLE IMPACTS	<p>The information contained in this appendix is limited and could be worked more effectively into Chapter 3, Section A.4 or a new section of the regulations that clarifies the difference between an environmental assessment, environmental review, the role of the probable community impact report, probable impacts required under 76-3-603, and how these components interact based on the type of subdivision being reviewed. At a minimum, it does not add value as an appendix to these regulations.</p>	<p>n/a</p>		<p>Section 76--3-504(1)(b) and 76-3-603 et al</p>	
C.3 SUBDIVISION CHECKLIST	<p>This checklist should definitely be removed from the adopted regulations and kept separate as a resource for applicants submitting an application. The title and format are also confusing; this is a contact list for agency review which requires some updating and also reformatting for clarity and ease of use. This should be a supplement to the application checklist and materials provided to any potential applicant during a pre-app meeting, but is not something that needs to be adopted as an appendix to these regulations.</p>				
D. FINAL SUBDIVISION PLATS	<p>Similar to recommendations on Appendices B and C, this appendix should not be adopted as part of the regulations and be converted into a checklist for applicants to fill out as they prepare their final plat application materials.</p>	<p>See the City of Billings/Yellowstone County final plat application checklist and online submittal portal.</p>	<p>No specific comments were made regarding the final plat process, however the general sentiment surrounding the streamlining and simplification of the submittal process, as well as improved accessibility to application materials, applies to this appendix.</p>	<p>Section 76-3-504(1)(c) and (d)</p>	<p>n/a</p>

APPENDICES

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
E. SUBDIVISION IMPROVEMENT GUARANTEES	<p>Much of the content included in this appendix should be moved to a new subsection in Chapter 3, Sections C and D, for greater clarity and access by potential applicants. Because subdivision improvements agreements are often integral to the subdivision approval process, they should be located where that process is explained rather than a stand-alone appendix meant for reference.</p>	<p>Chapter 8 of the Montana Model Subdivision Regulations provides guidance on what improvements should be permitted after final plat with a subdivision improvement agreement, documentation requirements and review process, appropriate financial guarantees, and certification of completion process.</p>	<p>While stakeholders had specific comments related to the financing of certain improvements - specifically roads and fire mitigation - the financing through subdivision improvement agreements was not a focus.</p>	<p>Section 76-3-507 et al</p>	<p>The Growth Policy does not specifically reference subdivision improvement guarantees, however, this could be an area that is strengthened as part of the update, to reinforce not only the type of improvement that can be guaranteed but also the circumstances or geography in which the guaranteed improvement would be considered. This ties back to the distinction between subdivision in urban and rural areas, and incentives (or disincentives) to development in these locations.</p>
	<p>Either under Section A or as a new section entirely, define what infrastructure elements are able to be guaranteed and also clearly identify any elements or infrastructure that is off-limits for subdivision improvement agreements. While some Commission discretion should be retained, subdivision improvement agreements should not apply when infrastructure or improvements are directly related to or impact public safety.</p>				
	<p>Language should be added to existing Chapter 3, subsection C.4, that clearly stipulates when and how a guarantee is released and how the release will be documented in the file, for the record. As it stands now, the BoCC only sees a copy of the financial guarantee for extensions of an SIA's completion date. If no extension is involved, Planning staff can partially or fully release the guarantee without BoCC involvement. Some jurisdictions require the governing body to approve the release of funds once improvements have been made satisfactorily; some combination of governing body and administrative approval for release of funds should be considered (depending on the type and amount of guarantee), but the process must be clearly articulated in Chapter 3 and will require discussion with and confirmation from the County attorney.</p>				
	<p>With respect to Section I, the only types of guarantees acceptable to the County moving forward are recommended to be irrevocable letters of credit from a financial institution, certificates of deposit (CD's), or a cashiers check; escrow accounts are atypical and do not represent best practice, and bonds have pros and cons associated with their use and are used infrequently enough to be a hassle.</p>				
	<p>Where the County has allowed cashier's checks to be reduced and/or replaced with either a Letter of Credit or cashier's check for a reduced amount, clearly stipulate the process that should be followed in the regulations and call out specifically when Commission approval may be required (upon SIA approval or a request for an extensions).</p>				
	<p>Rework Section J to ensure subdivision improvement agreements align with each phase in an approved, phased development.</p>				
	<p>Adjust or remove the option to release a portion of collateral corresponding to installed improvements (Section G).</p>				
	<p>Remove the option to allow a rural improvement district to take on the burden of financing subdivision improvements; this creates issues when improvements are necessary for public health and safety if the RID fails to follow through on implementing the improvements. The language in Section K is too vague and only stipulates the creation of an RID as part of this option; remove section in its entirety as part of the rethinking of how rural improvement districts can work in Lewis and Clark County.</p>				

APPENDICES

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
F. FLOOD HAZARD EVALUATION	<p>Having a standalone appendix on flood hazard evaluation seems unnecessary given there are floodplain regulations that apply to any property located in the designated FEMA floodplain. The contents of this appendix specific to application requirements should be incorporated within the preliminary plat application checklist described above, and revised to be more consistent with Section 7 of the Floodplain Regulations, to the extent possible. Some of the information will need to deviate from what is typically required of a floodplain permit process, since the subdivision review process will consider potential impacts to floodplain and to the development proposed as a result of a potential flood. Instances where the Subdivision Regulations are more stringent than the Floodplain Ordinance, such as creating lots with adequate building area outside of the Regulated Flood Hazard Areas and ensuring accesses that won't get flooded out during a 100-year event, should be retained.</p>	<p>While most floodplain regulations are separate and distinct from subdivision regulations, many jurisdictions in Montana and beyond include floodplain within their Unified Development Ordinance to ensure that related regulations are in the same location, share definitions and processes when appropriate, and are easier to reference for applicants.</p>	<p>Minimal comments were made by stakeholders regarding the flood hazard evaluation and resulting requirements. Conversations with staff indicated a desire to condense and align the requirements in subdivision with those expressed in the floodplain regulations, to the extent possible. Creating consistency between the two documents, including application and review requirements as well as definitions, will further to march toward a more unified development ordinance.</p>	<p>Title 76, Chapter 5; Section 76-3-504(e) and (f)</p>	<p>The Growth Policy discusses floodplain in numerous places throughout, and includes specific goals, policy, and implementation strategies to discourage development in floodplain and other sensitive, environmentally constrained areas. There should be consistency between the Growth Policy definitions on floodplain and those found in these regulations as well as the floodplain regulations; there should also be a reference to Special Flood Hazard Areas in the policy document, to align with this shift in terminology recommended in the subdivision regulations.</p>
	<p>Use language from the Floodplain Ordinance to ensure a consistent use of the right terminology (i.e. Professional Engineer in the State of Montana, Regulated Flood Hazard Area, FEMA, FIRM's).</p>				
	<p>Item 2 under "Standards" (and throughout) should be changed from approximate floodplain to Special Flood Hazard Area, to include not only the approximated areas, but the detailed areas as well since all of the Special Flood Hazard Area requires engineering.</p>				
	<p>Make sure the cross-sectional information required reflects current FEMA terminology and requirements, including reference to NAVD 88 (the most commonly used). The Floodplain Ordinance currently do not reference or require cross sectional information, so there appears to be no consistency issues here.</p>				
	<p>Per staff suggestion, under Supporting Documentation include a hydraulic analysis as another item that may be required. This allows for encroachment analysis, HEC-RAS, or other means to show the calculations used by the engineer if requested. Language should be added to this section to clearly stipulate when and why this information may be requested as part of the application requirements, if not every time.</p>				
G. ROAD NAMING	<p>Repealed; no comment.</p>		<p>n/a</p>		
H. ADDRESSING CONVENTIONS	<p>Repealed; no comment.</p>		<p>n/a</p>		

APPENDICES

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
I. CLAIMED EXEMPTIONS	<p>Similar to previous recommendations to better integrate content from appendices into the subdivision chapters themselves, it is recommended this entire appendix be revised and incorporated within its own chapter in the subdivision regulations. The rebuttable presumption language sets a negative, adversarial tone and needs to be refreshed, with the rewrite establishing clear criteria and circumstances by which an exemption will be considered, following statute verbatim (using cross-reference, not repeat language).</p>	<p>The Montana Model Subdivision Regulations integrate exemptions into a standalone chapter (Chapter 2) and reconfigure both the rebuttable presumption language as well as the format outlining exemption criteria. A revised draft of this chapter, created by Orion in 2020, further organizes exemption content into user-friendly tables and condenses repeat information to streamline the exemption chapter.</p>	<p>Stakeholders did not have significant positive or negative feedback regarding exemptions.</p>	<p>Sections 76-3-201, 203, 205, 206, 207, 209 and 211; Section 76-3-504(1)(p)</p>	<p>Exemptions are touched upon briefly in the growth policy with regard to land use patterns.</p>
	<p>As currently written, the chapter is very repetitive; could be significantly improved through a simple reorganization of use of tables and lists that truncate duplicate information and requirements. Hyperlinks should be used to easily cross-reference statute where it applies.</p>				
	<p>It is unclear whether the County can require an affidavit as part of an exemption request; it is also questionable whether a pre-application meeting is needed (this is not required by statute). Suggest eliminating the pre-app requirement and strengthening the review committee process instead.</p>				
	<p>Work with the County attorney to determine whether any enforcement mechanism may be established to bring a lot or lots into compliance following approval, should an exemption be found to be an evasion of subdivision.</p>				
J. ROAD STANDARDS	<p>Repealed; no comment.</p>		<p>n/a</p>		
K. FIRE PROTECTION STANDARDS	<p>Most of the content in this appendix should be pulled into Chapter 11 - Design and Improvement Standards. The definitions should also be moved to a designated definitions chapter and not housed in a separate appendix.</p>	<p>The Community Planning Assistance for Wildfire (CPAW) Report identified the need for definition consistency across regulations and documents (page 30). This is a supported best practice for all aspects of the subdivision regulations.</p>	<p>Of all the topics brought up by stakeholders, fire mitigation requirements were the number one concern. The multiple access requirement as well as the water supply requirement by subdivision were consistently identified as cumbersome and unnecessary by most stakeholder groups, and a desire to modify the regulations to accommodate more variation and flexibility was identified. More than a few stakeholders agreed that the cash-in-lieu option previously allowed was preferable, and indicated local rural fire departments generally agree.</p>	<p>Section 76-3-504(1)(e)</p>	<p>A Fire Protection Master Plan for all Fire Districts and Fire Service Areas is identified in the Growth Policy as an implementation strategy in the County's Action Plan. Through conversations with both staff and stakeholders, a regional approach to fire protection infrastructure is warranted, making this master plan more critical in its execution. Additionally, the growth policy update should focus more policy discussion around implementation of a regional system and the steps necessary to implement this change, further reinforcing this approach against a development-by-development solution currently in place.</p>

APPENDICES

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
K. FIRE PROTECTION STANDARDS	<p>Class I and Class II provisions are awkward and overly technical, muddying the waters between subdivision of land and use of lots subdivided (with types of residential development identified). The setbacks identified in the table in subsection A should be handled through zoning (wherever possible); this is an opportunity for the urban and rural differentiation to step in and clarify necessary fire standards when in an urban, developing area vs. a rural, unzoned area. The performance standards in subsection B, if kept, should be reorganized into a table to eliminate redundancies. Minimum thresholds for water supply should follow current NFPA requirements for urban and rural areas; while there was discussion of changing the 250 gpm threshold, this remains the current threshold under Chapter 4 of the NFPA 1142 - 2022 Edition.</p>	<p>This entire section could be reorganized based on established requirements for urban and rural subdivisions, focused on the number of lots and location of proposed development in reference to the Updated Hazard Assessment developed by CPAW and included in the CPWW.</p>	<p>Of all the topics brought up by stakeholders, fire mitigation requirements were the number one concern. The multiple access requirement as well as the water supply requirement by subdivision were consistently identified as cumbersome and unnecessary by most stakeholder groups, and a desire to modify the regulations to accommodate more variation and flexibility was identified. More than a few stakeholders agreed that the cash-in-lieu option previously allowed was preferable, and indicated local rural fire departments generally agree.</p>	<p>Section 76-3-504(1)(e)</p>	<p>A Fire Protection Master Plan for all Fire Districts and Fire Service Areas is identified in the Growth Policy as an implementation strategy in the County's Action Plan. Through conversations with both staff and stakeholders, a regional approach to fire protection infrastructure is warranted, making this master plan more critical in its execution. Additionally, the growth policy update should focus more policy discussion around implementation of a regional system and the steps necessary to implement this change, further reinforcing this approach against a development-by-development solution currently in place.</p>
	<p>Dry hydrants should only be permitted to mitigate wildfire risk if they meet the standards outlined in Chapter 8 of NFPA 1142 and are located in areas approved for dry hydrants - this could be one of many differentiations between urban and rural subdivision requirements.</p>	<p>Consider a simple cross-reference to the current standards for classification of water supply and delivery based on the most current version of the NFPA 1142: Standard on Water Supplies for Suburban and Rural Fire Fighting. This resource is available to view for free by registering on nfpa.org, and contains the same information included in these regulations, but kept current according to best practice.</p>			
	<p>Subsection 18.4.6 should be re-evaluated in light of a regional water system and the role an RID or special improvements district (SID) could play in overseeing maintenance, installation, and operation.</p>	<p>n/a</p>			
	<p>Clearly defined roles establishing ownership (in the case of infrastructure located within an easement, for example), operation, and maintenance of onsite (and offsite, if retained) water supply systems must be established; these should be reviewed with each rural fire district (or FPAHJ) prior to approval. This will help address inconsistencies with maintenance between different types of systems as well as responsibility centers for who is inspecting systems annually (or biannually, if required). Installation of systems is typically certified at the time of final plat (this should be clearly established in the regulations), so this becomes less of an issue than maintenance.</p>	<p>While most rural fire chiefs are aware of what they have and don't have in terms of water supply infrastructure to serve development in their districts, along with what's working (and not working), it is important to establish consistent accounting and responsibility centers for the infrastructure that exists, its operational status and maintenance needs. While this may be better accomplished through administrative policy and not these regulations, a clear framework should be in place that establishes protocols for the systems and infrastructure in place today, with an eye toward a more cohesive regional approach in the future.</p>			
	<p>The cash-in-lieu option for fire protection that was once in place, allowing for financial contributions to a volunteer fire department based on development impact, should be re-assessed in addition to the infrastructure requirement, or as a replacement of the current system entirely. This option was preferred by most when in place, and the court case overturning cash-in-lieu contributions did not fault the methodology at the time. This option should be discussed with the County attorney to determine whether it could be reinstated, in part or in whole.</p>	<p>Lynden, Washington Fire Facilities Mitigation Fund Shoreline, Washington Impact Fees for Fire Protection Placer County, California Fire Mitigation Fees</p>			

APPENDICES

SECTION	REVIEW COMMENTS	BEST PRACTICE EXAMPLE	STAKEHOLDER INPUT	RELATIONSHIP TO STATUTE	ALIGNMENT WITH GROWTH POLICY
K. FIRE PROTECTION STANDARDS	<p>The components of a fire protection plan, road and water supply maintenance plan, vegetative management plan, and others should be developed in concert with a professional licensed engineer and Public Works Department staff, standardized and provided to applicants as a framework upon which they can elaborate to meet the requirements of this section. It was noted by staff that many applicants pay their consultants to produce the same document repeatedly (with respect to vegetative management plans, specifically); where there are clear standards that should be in place every time, these should be identified for ease of both application submittal as well as staff review.</p>	<p>City of Ashland, Oregon Fire Prevention and Control Plan Elements</p>	<p>Of all the topics brought up by stakeholders, fire mitigation requirements were the number one concern. The multiple access requirement as well as the water supply requirement by subdivision were consistently identified as cumbersome and unnecessary by most stakeholder groups, and a desire to modify the regulations to accommodate more variation and flexibility was identified. More than a few stakeholders agreed that the cash-in-lieu option previously allowed was preferable, and indicated local rural fire departments generally agree.</p>	<p>Section 76-3-504(1)(e)</p>	<p>A Fire Protection Master Plan for all Fire Districts and Fire Service Areas is identified in the Growth Policy as an implementation strategy in the County's Action Plan. Through conversations with both staff and stakeholders, a regional approach to fire protection infrastructure is warranted, making this master plan more critical in its execution. Additionally, the growth policy update should focus more policy discussion around implementation of a regional system and the steps necessary to implement this change, further reinforcing this approach against a development-by-development solution currently in place.</p>
	<p>Section 18-7.2.1 should be removed, along with any other content that overlaps with building code requirements (to avoid Svec case outcome).</p>	<p>The Community Planning Assistance for Wildfire (CPAW) Report suggests developing a Wildland Urban Interface Code; while acknowledged, this recommendation seems better housed within a comprehensive zoning code. However, density requirements based on wildland/urban interface ratings and characteristics are better housed in zoning or within a WUI code as recommended - not within the subdivision regulations. This does not preclude design and density requirements from existing in both sets of regulations, but to the extent practicable the County should attempt to move toward tying density and fire-wise design to land use through zoning, to apply more universally.</p>			
	<p>Section 18-7 should align with the established standards and practice for urban vs. rural subdivision developments to be developed as part of this update. The contents of this section should also cross-reference Sections 5-7 of the adopted Community Wildfire Protection Plan (CWPP) and the recently updated Hazard Assessment produced by CPAW.</p>				
	<p>Road access requirements in subsection 18-7-3 need to ensure access can be provided year-round. Similarly, access to water supplies under 18-6 should stipulate the same, and maintenance requirements for road access must be a requirement of the fire protection plan.</p>				
	<p>Subsections like 18-8.1.3 and 18.1.4 stating "owners should be notified" should be eliminated or rewritten to prescribe the manner in which notification should occur. Subsections like 18-3.2 and 18-7.5 are unnecessarily redundant and include circular reference; there are many redundancies throughout this appendix that can and should be eliminated for clarity.</p>				
	<p>Building density requirements under 18-7.4 should be eliminated, moved under the zoning regulations, integrated into the urban/rural specific standards under consideration, or a combination of the above. Setting building densities without relating back to zoning in place creates conflict and inconsistency.</p>				
L. WATER BODY CLASSIFICATIONS	<p>This is only a representative list of waterbodies in the County, so somewhat misleading. Furthermore, as information only it should not be adopted as part of the regulations, but kept as a resource on the website or incorporated within the growth policy. Reformatting would help with readability.</p>		<p>n/a</p>	<p>No comments received from stakeholders on this appendix.</p>	<p>n/a</p>



04 RECOMMENDATIONS & NEXT STEPS

Final Recommendations
Next Steps



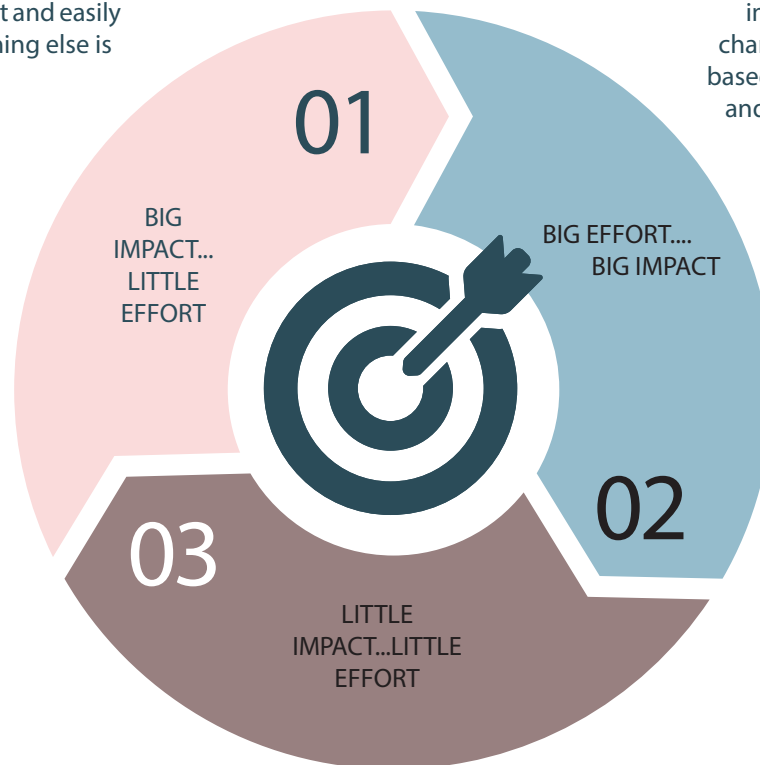
FINAL RECOMMENDATIONS

The conclusion of this audit process is intended to provide clear direction to the County on next steps to update the subdivision regulations, based on the research and analysis conducted and the feedback received from staff, Technical Advisory Committee members, and key stakeholders in the development community. The County’s goal has always been a comprehensive update of the regulations, touching all aspects of content and organization and resulting in a significantly different set of regulations in the end. The “road map” that follows provides guidance on options the County has in tackling the update strategically, based on the time and resources available.

The recommendations are organized based on their level of importance, the impact they will have on improving the Lewis and Clark County Subdivision Regulations, and the relative ease by which they may be implemented. While the overarching recommendation from the review team is that the regulations should be updated holistically and comprehensively, there is nuance in how this may happen given staff time and resources, changes to the Montana Subdivision and Platting Act emerging from the recent conclusion of the 2023 Legislative Session, and community interest and priorities. **Therefore priority recommendations for the update have been organized around what changes:**

Will have the greatest impact with the least amount of effort – the low-hanging fruit and easily tackled even if nothing else is touched;

Will require significant effort but result in equally significant improvements – the key changemakers of this update based on best practice and staff and stakeholder inputs; and



Will have a lesser impact on the overall functionality of the regulations but also requires little effort to accomplish

TOP PRIORITIES FOR IMPROVEMENT: **BIG IMPACT**, LITTLE EFFORT

1. Re-organization of all content following the structural recommendations of the Model Subdivision Regulations released by the State of Montana Department of Commerce. This reorganization should follow the working draft Table of Contents outlined in the following pages.
2. Improve functionality for all user groups by making the regulations interactive. Use interactive links for citations, cross-references, and easy access to resources and best practice examples.
3. Make all applications available online/adopt an online application process that allows for better application tracking and communication between the County and the applicant
4. Create consistent definitions across plans and regulations. Decide on one location to house definitions that apply to land use and planning activities, whether in the Growth Policy, zoning regulations, or in the revised subdivision regulations, and cross-reference accordingly with the long-term objective of creating a unified development ordinance that marries definitions across public works and environmental regulations.
5. Improve alignment with growth policy. The timing and opportunity presented by the impending growth policy update will allow many of the priorities emphasized in stakeholder conversations conducted as part of this audit to be fully fleshed out and vetted through the public process. Guidance from this process can then be reinforced through this regulatory update, reconfirming the growth policy's importance in setting policy and direction for growth in Lewis and Clark County and the subdivision regulations' role in implementing this direction.
6. Create standards that allow for design flexibility without the need for a variance request.

WORKING DRAFT TABLE OF CONTENTS

PROPOSED TABLE OF CONTENTS	CURRENT SUBDIVISION REGULATIONS	
Chapter 1 - General Provisions		
A. <i>Title</i>	Section 1.A Title	
B. <i>Authority</i>	Section 1.B Authority	
C. <i>Effective Date & Applicability</i>		
D. <i>Purpose</i>	Section 1.C Purpose	
E. <i>Jurisdiction and Applicability</i>	Section 1.D Jurisdiction and Applicability	
i. <i>Urban area established</i>		
ii. <i>Rural area established</i>		
F. <i>Severability</i>	Section 1.E Severability	
G. <i>Amendment of Regulations</i>	Section 2.C Amendment of Regulations	
H. <i>Enforcement of Regulations</i>	Section 2. D Violations, Enforcement, Criminal Penalties, Remedies	
I. <i>Rules of Construction and Interpretation</i>		
J. <i>Conformity with Other Plans</i>		
K. <i>Conflicts Within These Regulations</i>		
Chapter 2 - Exemptions from Subdivision Review		
A. <i>Authority</i>		
B. <i>Types of Exemptions</i>		
C. <i>Application Requirements</i>		
D. <i>Exemption Review Process</i>		
E. <i>Appeals</i>	Appendix I - Criteria for Review of Claimed Exemptions From Provisions of the Subdivision and Platting Act	
F. <i>Survey Requirements</i>		
G. <i>Additional Agency Review Required</i>		
H. <i>Existing Tracts of Record and Instruments of Transfer</i>		
I. <i>Evasion Criteria</i>		
Chapter 3 - Types of Subdivision		
A. <i>Subdivision Defined for Purposes of Review</i>		
i. <i>Major subdivisions</i>		
ii. <i>Minor subdivisions</i>		
iii. <i>Subsequent minor subdivisions</i>		
B. <i>Development Types</i>		
i. <i>Manufactured and mobile home parks</i>	Chapter 7 – General Standards for Mobile and Manufactured Home Parks	

PROPOSED TABLE OF CONTENTS	CURRENT SUBDIVISION REGULATIONS
ii. <i>RV parks and campgrounds</i>	Chapter 8 – General Standards for Recreational Vehicle Parks
iii. <i>Condominiums and townhomes</i>	Chapter 10 – Condominiums and Townhomes
iv. <i>Planned unit developments</i>	Section 9.A Designation as a P.U.D
v. <i>Cluster development</i>	Section 9.D Cluster Development
Chapter 4 - Review Process	Overview of Subdivision Process; Section 3.A Introduction
A. <i>Preliminary Plat Application and Review Process</i>	
i. <i>Pre-Application</i>	
ii. <i>Preliminary Plat Submittal</i>	
iii. <i>Application Completeness</i>	
iv. <i>Agency Review</i>	
v. <i>Sufficiency Review</i>	
vi. <i>Application Review</i>	Section 3.B - Subdivision Application Review Process
vii. <i>Staff Report</i>	
viii. <i>Public Notice and Comment</i>	
ix. <i>Planning Board Hearing and Recommendation</i>	
x. <i>Governing Body Meeting or Hearing and Decision</i>	
xi. <i>Preliminary Plat Approval</i>	
xii. <i>Subsequent Processes and Procedures for Phased Development</i>	Section 4.A Introduction; Section 4.B Phased Development Application Review Process;
B. <i>Final Plat Application and Review Process</i>	Section 3.C Final Plat Review Process
i. <i>Final Plat Submittal</i>	Appendix D - Standards for Final Subdivision Plats
ii. <i>Application Review</i>	
iii. <i>Governing Body Review and Decision</i>	
iv. <i>Filing the Final Plat</i>	
v. <i>Final Plat Approval</i>	
C. <i>Expedited Review Process for Qualifying Subdivisions</i>	
D. <i>Procedure for Subdivisions Created by Rent or Lease</i>	Section 6.A General Procedures
E. <i>Planned Unit Development Procedures</i>	Section 9.B P.U.D Procedures
Chapter 5 - Submittal Requirements	Appendix B - Subdivision Application Form, Contents, and Supplements; Appendix C.3 Subdivision Checklist
A. <i>General Submittal Requirements</i>	
B. <i>Pre-Application Meeting</i>	

PROPOSED TABLE OF CONTENTS	CURRENT SUBDIVISION REGULATIONS
<i>C. Preliminary Plat Application</i>	
<i>D. Final Plat Application</i>	Appendix D - Standards for Final Subdivision Plats
<i>E. Variance Request</i>	2.B Variances
<i>F. Phased Development</i>	Section 4.B Phased Development Application Review Process
<i>G. Planned Unit Development</i>	Section 9.C P.U.D Standards
<i>H. Amended Application and Proposed Mitigation</i>	
Chapter 6 - Subdivision Review Criteria	Appendix C - Part 1: Information Required for Environmental Assessment Under the Subdivision and Platting Act (C-1) Part 2: Information Required for a Summary of the Probable Impacts of the Proposed Subdivision Based on the Criteria Described in Section 76-3-608, MCA (C-3)
<i>A. Preliminary Plat Application Review Criteria</i>	
<i>B. Final Plat Application Review Criteria</i>	Appendix D - Standards for Final Subdivision Plats
<i>C. Amended Application Review Criteria</i>	
<i>D. Changes and Amendments to Final Plats</i>	Section 5.A Correcting Filed Final Plats; Section 5.B Amending Final Plats
<i>E. Variance Review Criteria</i>	
<i>F. Preliminary Plat Approval Extension Requests</i>	Section B Subdivision Application Review Process
Chapter 7 - Design Standards	
<i>A. Applicability</i>	Section 11.A Introduction; Section 11.B Conformance
<i>i. Standards for development in urban areas</i>	
<i>ii. Standards for development in rural areas</i>	
<i>B. General Standards</i>	
<i>C. Environmental Design</i>	
<i>i. Unsuitable Lands</i>	Section 11.C Lands Unsuitable for Development or Requiring Mitigation
<i>ii. Flood Hazard Areas</i>	Section 11.D Floodplain Provisions; Appendix F - Standards and Requirements for Flood Hazard Evaluation
<i>iii. Wetlands, Riparian Areas, and Areas of High Groundwater</i>	Section 11.W Waterbody Setbacks and Buffer Areas
<i>iv. Agricultural Lands</i>	Section 11.T Agriculture; Section 11.BB. Water Course and Irrigation Easements; Section 11.CC Disposition of Water Rights
<i>v. Hillsides and Steep Slopes</i>	Section 11.AA Ridgeline and Hillside Development
<i>vi. Weed Management & Revegetation</i>	Section 11.U Weed Control

PROPOSED TABLE OF CONTENTS	CURRENT SUBDIVISION REGULATIONS
<i>vii. Wildlife and Wildlife Habitat</i>	Section 11.X Standards for Protecting Wildlife
D. Lots and Blocks	
<i>i. Lots</i>	Section 11.F Lots
<i>ii. Blocks</i>	Section 11.G Blocks
<i>iii. Monuments</i>	
<i>iv. Easements</i>	
E. Infrastructure	Section 11.E Improvement Design; Section 11.I Improvements
<i>i. General Location Standards</i>	Section 11.J Mailbox Placement and Design
<i>ii. Water Supply</i>	Section 11.M Water Supply Systems
<i>iii. Wastewater Treatment</i>	Section 11.N Wastewater Treatment Systems
<i>iv. Solid Waste</i>	Section 11.O Solid Waste
<i>v. Grading and Drainage</i>	Section 11.L Grading, Drainage, and Erosion Control; Section 11.V Erosion and Sediment Control
<i>vi. Utilities (Electrical, Telecommunications, Gas)</i>	Section 11.P Other Utilities; Section 11.Q Utility Easements
<i>vii. Open Space and Parkland Dedication</i>	Section 11.R Park Land, Including Open Space and Conservation Area
<i>viii. Fire Protection and Water Supplies for Fire Suppression</i>	Section 11.S Fire Protection; Appendix K – Fire Protection Standards
F. Transportation	Section 11.H Streets and Roads
<i>i. Functional Classification of Roads</i>	
<i>ii. Design Components by Functional Classification</i>	
<i>iii. Connectivity and Access</i>	
<i>iv. Other Design and Construction Standards</i>	Section 11.K Street and Lot Identification
Chapter 8 - Subdivision Capital Improvements	
<i>A. Required Improvements</i>	
<i>B. Completion of Improvements Prior to Final Plat Approval</i>	
<i>C. Subdivision Improvements Agreement Process</i>	Appendix E - Subdivision Improvement Guarantees
<i>D. Financial Guarantees</i>	
<i>E. Extending Capital Facilities</i>	
Chapter 9 - Definitions	Appendix A - Definitions
Appendices	

TOP PRIORITIES FOR IMPROVEMENT: BIG IMPACT, BIG EFFORT

1. Create standards unique to development in urban (zoned) areas of the County, and those areas considered rural.
2. Revamp the fire protection standards and revisit the cash-in-lieu option once allowed and preferred by internal and external stakeholders, including rural fire departments. No one is feeling good about what they're spending money on to meet the infrastructure requirements of rural subdivisions, and the reality of what is being installed creates maintenance issues resulting in safety concerns for both residents and volunteers alike.
3. Move any regulation more appropriate in zoning to the zoning code, especially those related to use. Like many jurisdictions in Montana, Lewis and Clark County has relied on the subdivision regulations to regulate use in areas of the County where zoning is not in place and where political will historically has been reticent to adopt zoning regulations. As a result, the default has been to use subdivision as a tool to regulate land use. While this shift will have implications on the level of design review for uses in unzoned areas like manufactured and mobile home parks, best practice dictates the conversation should be shifting away from relying on subdivision review to regulate use, which results in inconsistencies in its own right.
4. Create an expedited review process allowed under statute for development in zoned areas of the County.
5. Consider procedural incentives for cluster developments, further incentivizing zoning to allow for these types of developments and moving the design standards and density bonus provisions under zoning (instead of in subdivision).

TOP PRIORITIES FOR IMPROVEMENT: LITTLE IMPACT, LITTLE EFFORT

Conduct a thorough review of all content, focused on clean-up and alignment for clarity and consistency. Regulations that have been updated piecemeal over time often suffer from inconsistent references, abbreviations, citations, formatting errors, and more. The subdivision regulations will greatly benefit from an approach to comprehensive copy-editing that looks at all chapters for:

- a. Consistency in capitalization (i.e. County should always be capitalized)
- b. Consistency in formatting and list nomenclature (decide on a list order and apply throughout, for instance, "A" followed by "1" followed by "a" followed by "i")
- c. Standardizing department and role references, and clearly define responsibilities (i.e. decide whether to refer to the Planning Department as Planning or Community development)
- d. Use of consistent abbreviations (i.e. Montana Subdivision and Platting Act, then MSPA)
- e. Consistent italicizing of titles and official documents
- f. Clarify use of terms throughout (i.e. "tract" vs. "parcel")

NEXT STEPS

Following delivery and presentation of this report to the consolidated City-County Planning Board and the County Commissioners, the update to the Lewis and Clark County Subdivision Regulations is projected to take between six to eight months. The timeline is dependent, in part, on new legislation signed into law by Governor Gianforte following the conclusion of the 2023 Montana legislative session. Projected changes to the Montana Subdivision and Platting Act will require some interpretation and analysis, which may increase (slightly) the six to eight month timeframe to finalize a comprehensive update to these regulations. The update is set to begin upon delivery of this audit to the Commission, and will involve both stakeholders and the public as content is developed.

