



MISSOULA

DEVELOPMENT SERVICES

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MEMORANDUM

TO:

Jim Nugent, City Attorney
Marty Rehbein, City Clerk
Dax Fraser, Gordy Hughes, Adam Sebastian,
City Fire Department
Shannon Therriault, Health Department
Donna Gaukler, Nathan Mcleod, and Grant
Carlton, City Parks Department

Jaeson White, City Police Department
Jeremy Keene, Public Works Director
Corey Aldridge, Colin Woodrow, Urban
Transportation District
Ellen Buchanan, MRA

CC:

John Engen, Mayor
City Council Members
Dale Bickell, City CAO
Shane Morrissey, Chair, Planning Board
Heather McMilan, Vice-Chair, Design Review
Board
Hans Hoffman, Chair, City Board of
Adjustment
Missoula County REALTORS Association

CChamber of Commerce
MMissoula Building Industry Association
Missoula Neighborhoods Office
Missoula Architecture + Design Group
Interested citizens
Downtown Missoula Partnership, Linda
McCarthy
Missoula Economic Partnership

FROM: Jen Gress, Associate Planner, CPDI

DATE: May 17, 2022

RE: Seeking comment for proposed Subdivision Regulations: State Law
Changes

Amendments to the City Subdivision Regulations are being proposed with the goal of incorporating State law changes into our local rules. These amendments are intended to bring the City Subdivision Regulations up to date with State law and provide a baseline set of regulations for the upcoming City Comprehensive Code Reform project.

We have reviewed the relevant House and Senate bills from each session since 2015 to determine whether the content of the bills apply to the City's subdivision regulations. Of the 17 bills reviewed, 12 bills resulted in changes that will need to be incorporated into the City's subdivision regulations. Key themes for these changes include:

- Incorporating a process for phased development review;
- Clarifying timelines for final plat reviews;
- Incorporating a process for expedited review;
- Updating several exemption processes; and
- Establishing additional guidance for applying conditions to subdivisions.

In addition to the legislative changes, staff has identified a number of amendments not specifically related to State land use legislation but are necessary to include in this update. These include:

- Update requirements surrounding the amount of water runoff allowed for a parcel in response to changes made by the Montana Department of Environmental Quality (Circular 8);
- Cross reference the recently adopted Missoula City Public Works Standards and Specifications;
- Update the planning office and department names where appropriate; and
- Correct the name of the growth policy (City Growth Policy).

The Montana State Legislature meets every two years to discuss possible amendments to state law for various topics including subdivision review. Since the last update to the City Subdivision Regulations following the 2013 Montana legislative session, there have been several changes to subdivision-related state laws in three of the four subsequent legislative sessions between 2015 and 2021. Missoula's current regulations do not reflect these updates, and staff have been implementing these changes using language taken directly from state law.

Because the upcoming Comprehensive Code Reform process which will focus on regulation alignment, process auditing, modernization, and innovation between all the City's land use regulations, these amendments will have a narrow scope. They are limited to integrating legislative changes from the past three sessions. Changes will also correct obvious mistakes, inconsistencies, or update document and department names. This scope will avoid duplicating efforts that will take place during the Code Reform process, as well as provide a clean starting point for the Code Reform process to build from.

The document listed below, Subdivision Regulations: State Law Changes, provides amendment language, and an explanation for each suggested amendment. Amendments are shown as strike-through and underline. The Table of Legislative Bills, 2022 (also listed below) will provide a brief description of each bill and includes a list of Articles the bill amends in the Subdivision Regulations. For reference, the current City Subdivision Regulations can be viewed online at [Missoula City Subdivision Regulations](#).

Information and amendments regarding the City Subdivisions: State Law Changes can also be found at [Subdivision Regulations: State Law Changes](#) located on the City's online engagement platform [Engage Missoula](#). (www.engagemissoula.com).

Agency and interested citizen comments are needed to refine the proposed amendments. Comments received by Friday, May 27, 2022, will be included in an informational packet to the Planning Board prior to their public hearing. Comments will continue to be taken by Planning Board after this time until the public hearing is closed. Additional comments received by noon on June 17, 2022, will be forwarded under separate cover to Planning Board prior to their meeting.

After agency and public input, the Planning Board will review and provide recommendations to the City Council for their final review, recommendation, and decision. The Planning Board will hold a virtual public hearing on **Tuesday, June 21, 2022**, beginning at 6:00 p.m., the City Council will hold a hybrid (virtual and in person) public hearing on **Monday, Jul 11, 2022**.

Please forward your comments to Jen Gress, jgress@ci.missoula.mt.us. Send a notice of *no comment* if you have none so the Planning Board and City Council are aware of your participation. If you have problems viewing the document or have questions, please contact me via email or telephone at 406-552-6626.

Attachment

Subdivision Regulations: State Law Changes
Table of Legislative Bills, 2022