



LINCOLN COUNTY PLANNING DEPARTMENT

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DATE: 15 January 2010

TO: Board of County Commissioners

FROM: Kristin Smith, Director

RE: **REQUEST FOR COMMISSION ACTION** – Proposed Amendments to Draft Subdivision Regulations

Action Requested: Approve New Subdivision Regulations with changes outlined below.

Background: Initial changes to subdivision regulations were prepared in the fall of 2008. Public Hearings were held in February of 2009. Comments received and Planning Department personnel transitions sparked the Commission to appoint a committee to review and revise draft. The Committee met 12 times between April and October 2009 to work on the draft.

Timeline: October 30th – Proposed Changes posted to website, invitation to comment
December 15th – Planning Board held public meeting and voted to recommend approval with some changes.
December 16th – Commissioners hold Public Hearing in Eureka
January 6th – Commissioners hold Public Hearing in Libby
January 20th – Commissioners make final decision in Eureka

Pursuant to comments received in writing and at the Public Hearings on 12/16/09 and 1/6/10, as well as recommendations from the Planning Board, the Planning Department recommends the following changes to the draft (*NOTE: all page and section numbers correspond to the 10/23/09 “clean” draft as posted on the Lincoln County website*):

- Add a review process specific to Subsequent Minors that requires a summary Environmental Assessment; notification of adjacent property owners; no public hearing and a 45-working day governing body review period.
- **II-E.2 Examination of Subdivision Exemptions** – Add a provision that the written determination will be within 30 calendar days of receipt of submittal.
- **III-A-4.a. and b. Element and Sufficiency Review** – Add a provision requiring a new application be submitted after 180 days of inactivity from an applicant.

- **IV.B.3.j. Preliminary Plat requirements** – Edit to read:
Proposed locations of all intersections, driveway approaches and other access points in relation to existing and proposed roads.
- **VI-G. Streets and Roads** – Modify the introductory paragraphs to Design and Improvements
 - *All roads in major subdivisions (or roads in excess of 1000 feet and 7% grade serving 2-5 lots) must be designed by a PE to be in compliance with standards established in Table 1. Certification by a PE that roads have been designed and constructed as such shall be required prior to final plat approval.*

As a general guide to geometric design, applicants shall use A Policy on Geometric Design of Highways and Streets, 5th Edition (or later), also known as the “Green Book”, by the American Association of State Highway Transportation Officials (AASHTO).

- *Applicable road sections shall be designed according to the procedures outlined in AASHTO’s 1993 Guide for Design of Pavement Structures and 1998 Supplement (or later version), and in conformance with the technical specifications of the Montana Public Works Standard Specifications. Documentation that the material conforms to these specifications is required prior to final plat approval. NOTE: Roads serving 2-5 lots shall be constructed with a minimum of 8” compacted pit run.*
- Strike the following sub-section:
 - j. *Subdivisions that cannot provide a minimum of two approach routes are discouraged. However they may be allowed if developers can mitigate fire risks by use of one or more of the following measures, and when approved by the Governing Body:*
 - i. *Larger fire protection zones.*
 - ii. *Fuel breaks along the roadways.*
 - iii. *Turnouts and pull-outs.*
 - iv. *Cul-de-sacs and hammer head turnarounds.*
 - v. *Increased flows of fire protection water supply.*
- **Table 1** – Modify the following:
 - Driveway surfaces shall be 8” of compacted pit run and turnouts shall be 14x50
 - Emergency Accesses shall have same standards as driveways.
- **VI-L. Utilities** – Modify the following section
 - 3. *All new utilities shall be installed underground, **unless otherwise required by the specific utility**, and in accordance with local utility provider requirements.*
- **VI-O. Parkland Dedication** – Maintain requirements for major subdivisions only and strike the following section:

7. *The governing body may, at its discretion, require a park dedication for a minor subdivision if the land use density, environmental, or wildlife circumstances warrant such dedication.*
- **VI-Q. Noxious Weeds** – Modify the language slightly
 - Pursuant to Title 7, Chapter 22, Part 21 of the MCA, a weed control plan shall be developed and implemented for every new subdivision. A noxious weed plan, or other such agreement for weed treatment, shall be approved by the Lincoln County Weed Board, signed and notarized by the subdivider, recorded with the final plat and incorporated with the Covenants, Conditions and Restrictions of the Homeowners Association.