



LINCOLN COUNTY PLANNING DEPARTMENT

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WHY CHANGE THE REGULATIONS?

Some folks have asked why Lincoln County is changing its subdivision regulations. The process began about a year ago and during the course of public hearings in February of this year, several questions were raised about the process and the proposed changes. As a result, the Board of County Commissioners appointed a committee to work through some of the issues and create a set of regulations that function for those of us that administer them and those of us that must comply with them. The Subdivision Regulation Working Group consists of:

Bart Culbertson, Developer	John Damon, Surveyor, KSI
Tim Rooney, Developer	Ken Davis, Surveyor, Davis Surveying
Ted Clarke, Planning Board	Ron Hvizdak, Eureka Volunteer Fire District
John DeLeo, Engineer, Plum Creek	Kristin Smith, AICP, Planning Director

This group has been meeting since April 2009 and has very thoughtfully reviewed each provision of the regulations, reaching consensus on the draft presented for public review. Below is a summary of reasons for the changes.

- 1) To include several statutory requirements that have been enacted in the 2007 and 2009 Montana legislative sessions that need to be incorporated into Lincoln County's subdivision regulations. These include:
 - Review period for subdivisions over 50 lots
 - Floodplain definitions
 - Clarification of condominium exemptions
 - Requirement of water and sanitation information
 - Redefine review criteria to separate wildlife and wildlife habitat.
 - Parkland dedication requirements for minor subdivisions.
 - A process for addressing new information during the review process.
- 2) To clarify the cumbersome, inconsistent and redundant elements of the current regulations and create a set of rules that produce the results that citizens desire while maintaining reasonable protections for the public's health and safety and mitigating the impacts to local services, particularly emergency service providers;
- 3) To incorporate up-to-date provisions for fire protection, services and utilities;
- 4) To clarify the review process, exemptions, definitions, minimum infrastructure requirements and the need for limited covenants as a means to protect the public health and safety;
- 5) To ensure the maintenance of common areas and roads by property owners' associations.
- 6) Identify and implement creative, lawful and practical regulations that allow for flexibility in design and encourage a variety of developments throughout the County.

We look forward to your comments and participation as we present the draft to the Lincoln County Planning Board and the Board of County Commissioners. Please contact Kristin Smith at 293.7781 ext. 212 if you have questions or would like to submit comments.