

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
SUBDIVISION REGULATION TEXT AMENDMENT REPORT #FSTA-14-01
AMENDMENT ITEMS

The following is a description of the general character of each proposed amendment, including the page(s) in *FSTA-14-01 Draft Text Amendments to Flathead County Subdivision Regulations* where the proposed amendment is shown, and the purpose for the proposed change.

- 1) Regarding the current definitions of ‘subdivision’ in statute and the resultant scope of a ‘subdivision created by lease or rent’, amend the definition of ‘Subdivision’ and ‘Recreational Vehicle Park’ in Section 4.9 FCSR and amend Sections 4.5.1 and 4.5.7 FCSR to maintain consistency between contents of the subdivision regulations and associated provisions established under statute.
 - Draft amendments shown on p.79, p.75, p.26, and p.29 of Draft Regulations.
 - Purpose - In response to statute changes associated with SB 324, the amendments would ensure consistency between the subdivision regulations and the recently revised definition of ‘subdivision’ in 76-3-103 MCA and language added in 76-3-504(1)(s) MCA clarifying *subdivision for lease or rent* is specific to recreational vehicle parks and manufactured home parks and does not include campgrounds.
- 2) Regarding subdivisions with shared, multiple user, or public water and/or wastewater treatment systems, amend Section 4.7.20 and 4.7.21 FCSR to address the potential applicability of the Montana Public Service Commission in regulating those systems.
 - Draft amendment shown on p.49 and p.50 of Draft Regulations.
 - Purpose - In response to statute changes associated with SB 293, the amendments would ensure compatibility of the subdivision regulations with the applicable provisions of 76-3-622(1)(b)(ii) MCA by requiring a subdivider proposing such systems to provide a statement of whether or not the systems will be public utilities as defined in 69-3-101 and subject to the jurisdiction of the public service commission or exempt from jurisdiction of the public service commission with an explanation.
- 3) Regarding applicability of internal road paving requirements for ‘recreational vehicle parks’, which are reviewed as subdivisions created by lease or rent, amend Section 4.7.17(a) FCSR to clarify that paving may or may not be required dependent upon whether or not potential adverse impacts from dust can be adequately mitigated through the imposition of conditions aimed at minimizing or eliminating impacts from dust.
 - Draft amendment shown on p.45 of Draft Regulations.
 - Background - Since 2011 multiple ‘recreational vehicle parks’ have been reviewed as ‘subdivisions created by lease or rent’ and there have been a variety of proposals and outcomes in regard to approved internal road paving requirements. During a 2013 review of a proposed recreational vehicle park it was recognized that the current text in the subdivision regulations provides no alternative to internal road paving requirements for ‘recreational vehicle parks’ from the requirements applicable to conventional subdivisions as Section 4.5.5 FCSR states “all subdivisions created by rent or lease shall comply with all applicable provisions of Section 4.7” and Section 4.7.17(a) states “ all internal subdivision roads, with the exception of secondary emergency roads, shall be paved”.
 - Purpose - The Planning Board and the Board of Commissioners have indicated an interest for the regulations to defensibly allow relief for recreational vehicle parks from the standard paving requirements applicable to conventional subdivisions considering recreational vehicle parks often occur in less populated locations and

generally have relatively short-term and seasonal usage compared to conventional subdivisions which result in division of land able to be transferred as real property to multiple separate owners and typically developed with permanent residential or commercial uses. The allowance for recreational vehicle parks to potentially be developed without paved internal roads is based on the premise that review of the preliminary plat would need to identify potential adverse impacts from dust would be negligible or adequately mitigated through measures such as design, operating policy of the facility (i.e. posted slow traffic speeds and use of dust abatement practices), and if needed, the imposition of conditions aimed at minimizing or eliminating impacts from dust.