

The new subdivision regulations have three main drivers for the subdivision regulations update.

1. Changes required by State Statutes because of legislative changes/updates
2. Moving regulations from zoning to subdivision regulations
3. Changes to the subdivision regulations requested by other City and County Departments.

City Section 23-100	County Chapter Chapter 1
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General Provisions:

No changes to this part of the subdivision regulations.

City Section 23-200	County Chapter Chapter 2
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Definitions:

There are some updates and new definitions. They either clarify by providing the correct current name or definition of the section / chapter. Some definitions are completely new based on the new legislature requirements, or clearly defining an item such as, Multi-Modal Trail Types, Parkland Amenities and Phased Development.

City Section 23-300	County Chapter Chapter 3
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Subdivision Review Procedures:

This section/chapter of the subdivision regulations go through processes. This one had a lot of clean up in it because the current regulations tell you how many paper copies need to be submitted with every subdivision process. Those submittals are now done electronically and do not require a paper submittal.

Expedited Review for Certain Subdivisions.

This section/chapter also contain the new legislature requirements for subdivision processes. There is the new Expedited Review for Certain Subdivisions. This option gives the developer the opportunity to have an expedited review of a subdivision with any number with 6 or more lots. The up-front process is the same as a major subdivision and requires pre-app, completeness and sufficiency review and departmental review then resubmittal of all documents which starts the maximum 35 working days to go through the planning board and then go before the governing body. HB0211

Minor Subdivisions Qualifying for Administrative Review

The administrative review is the same process as a minor subdivision with a pre-app, completeness and sufficiency, then submittal to the Planning Department. It is reviewed by staff and an administrative result is determined, approved, conditionally approved or denied. Once the determination is made then the planning staff mails a letter to each property owner of record whose property is immediately adjoining the land included in the preliminary plat and each

purchaser under contract for deed of property immediately adjoining the land included in the Preliminary Plat.

If, and only if, a party objects to the Planning Director or designee's decision to approve, conditionally approve, or deny an administrative minor subdivision, the party may request in writing that the subdivision administrator forward the application on to the governing body.
SB0170

What was previously known as an Expedited Subdivision is now called an Abbreviated Review.

The exemption Gift or Sale to family member, can now be done within a subdivision. SB0158

City Section	County Chapter
23-400	Chapter 4

Development Requirements:

This section / chapter is where what was in zoning, Size and Orientation Block Length and Perimeter is proposed to be moved to subdivision.

There are a few other items in this section / chapter that have been updated or modified to be clearer on what is required for subdivisions.

In this section/chapter at a public meeting held with engineers and developers present there was a fair amount of discussion around the two items below. In the two meetings held after the delay proposed by the planning board the greatest opposition was to the requirement proposed for street lighting.

Both Street lighting and the cul-de-sac requirements are city only.

- 14. Residential Street lights shall be designed by a licensed professional engineer in accordance with the American National Standard Practice for Roadway Lighting RP-8, current edition.

New Street Lighting

- a) Residential Light Fixture Configuration. Street light fixtures installed after the effective date of these regulations shall be equipped with full cutoff optics, and positioned to minimize any glare source and not create light spillover
- b) Mercury Vapor Bulbs or Lamps. Mercury Vapor bulbs or lamps may not be used in Residential street lights installed after the effective date of this ordinance. LED type luminaires shall be utilized in new street lights.
- c) Residential Street light mounting Height. Residential Street Light fixtures installed after the effective date of this ordinance shall not be mounted higher than 30 feet above grade.

Exceptions to (a), (b), and (c):

- 1) Traffic signals and other traffic safety and control devices
- 2) Historic streetlights

Cul-de-sac streets in subdivisions

a. Permanent cul-de-sac streets may not represent more than 20% of total roadway miles in a subdivision unless approved by a variance.

1. Exceptions to this do not require a variance but can be approved administratively. Exception provision are:

- Infill projects where a dead-end cul-de-sac is the only viable road option.
- Long narrow parcels that are not wide enough for more than a single road that is less than 1,000 feet long.
- Topography that does not allow for a grid system as outlined in the subdivision regulations.

b. Developments with cul-de-sacs, must provide non-motorized access easements that connect the ends of cul-de-sacs with future subdivisions, or provide non-motorized access to existing or reasonable expected future streets, schools, shopping, parks, trails or open space, bus stops and community facilities.

In both cases the board may forward a recommendation to not include these proposed amendments to the subdivision regulations.

In the county subdivision regulations there is a requirement for an electronic gate on subdivisions that have private roads.

Private Roads: Private roads may be allowed within a subdivision; a 'Private Road' sign shall be provided at the beginning point of the proposed new private road. See Section 4.6.b.16 for required street signs. It shall be located on the same sign pole as the new street name. A private road easement shall be provided meeting the criteria listed under Section 4.6.C.6 above. A mechanism for maintenance of any private roads shall be established prior to final plat approval and referenced in the Subdivision Improvement Agreement. All private roads shall be gated with electronic opening gates. If a gate is locked, it must be equipped with a KNOX box that is approved by the Fire Department and the Fire Department shall be provided a key for access.

Some language was removed from city subdivision regulations because they were in reference to wells and septic systems.

In the county updates the chapter on Traffic Impact Studies, TIS, has been expanded to include all the information expected by the county in a TIS.

The county also proposes to require all community septic system drain fields to be in a public county parcel with a Rural Special Improvement District (RSID) created for maintenance of the drain field and mowing.

The same is true with a community water system as the community septic system.

In the county it has been required to provide water suppression tanks for fighting fires. In the past 3 to 5 lots required a 10,000-gallon dry hydrant and 6 or more lots required a 30,000-gallon dry hydrant. The county proposes to require a 30,000-gallon dry hydrant for a subdivision that has 4 or more lots proposed.

Under no circumstance will an open water pond or stream be used as an alternative to a pressurized system or in ground dry hydrant tank.

Dry hydrants shall be located on a public street.

City Section	County Chapter
23-500	Chapter 5

Guarantee of Public Improvements:

This section / chapter includes Phased Development. State legislation a few years ago changed phased development to require a public hearing with each opening of a phase. Legislation in 2023 amended the process of phasing: All phases included within the phasing plan, if completed within 5 years of final plat approval, are not required to go through the public hearing process. They will only be required to obtain a “Release and Certificate” to open each phase. If the subdivider applies to open any phase after 5 years of the approval of the final plat, then the governing body will hold a public hearing in order to determine whether changed circumstances justify amending any conditions of approval or imposing additional conditions of approval.
HB0211

City Section	County Chapter
23-600	Chapter 6

Developments Providing Multiple Spaces for Rent or Lease for Recreational Vehicles, Mobile Homes, and Manufactured Homes:

This section /chapter is for developments for lease or rent, mobile home parks, RV parks. This chapter has edits to clarify existing requirements and update references to fire code.

City Section	County Chapter
23-700	Chapter 7

Cluster Developments and Planned Neighborhood Developments:

This section / chapter referred to cluster development and planned neighborhood developments. It has had some edits for clarification and the planned neighborhood developments portion removed because that is covered in the zoning code.

City Section County Chapter
23-800 Chapter 8

Condominiums and Townhomes

This section / chapter is unchanged

City Section County Chapter
23-900 Chapter 9

Environmental Assessment:

There are no changes in the city section.

The county chapter has some additional language in it about what is required for Environmental Assessments.

City Section County Chapter
23-1000 Chapter 10

Dedication of Parks, Trails, and Open Space:

The parks section / chapter has been modified to define more clearly what is acceptable parkland and what is not. In the definitions section of the subdivision regulations a short list of Parkland Amenities has been included. There is also clarification and more information about Linear Park dedications.

Street frontage requirements for parks is 200 continuous, linear, feet for each park of one acre, and 30 feet of frontage for every acre after that. The 30 feet segments are not required to be continuous with the original 200 feet. Example: 5-acre park requires 200 linear feet for first acre and 4 x 30 =120 for the others for a total of 320 linear feet. The developer shall coordinate park street frontage openings with the City of Billings Parks Department before the preliminary plat is completed. Minimum width for access into parkland shall be 30 feet.

A proposed amendment was suggested at the last public meeting on May 7 about parkland frontage. Many subdivisions do not require an acre of parkland because they are not that large of a development. A required amount of parkland may only be 20,000 square feet or smaller. It has been suggested the required frontage of parks less than one acre be a percentage of the 200 feet. For example:

20,000 square feet is what is required by sub regs, 20,000 divided by 43,560 equals 46%. 200 times 46% equals 92 feet of frontage. With a minimum frontage of 60 feet.

Additional language would be added to the above proposed paragraph that requires park frontage be a percentage of the 200 feet frontage requirement, based on the square footage provided as parkland dedication.

The board may choose to forward a recommendation that no change be made to existing parkland street frontage requirements.

In the County private parkland will no longer count towards required parkland dedication. This is following 76-3-621 MCA.

City Section	County Chapter
23-1100	Chapter 11

Administrative Provisions:

There was one edit to this section removing reference to the county in city subdivision regulations.

City Section	County Chapter
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Appendices: because all subdivision forms and templates are on line the appendices are proposed to be removed. The exception to that is the reference to the subdivision Evasion Criteria.

RECOMMENDATION

Staff proposes the Planning Board recommend to the City Council / Board of County Commissioners adoption of the amended subdivision regulations.