

RESOLUTION NUMBER 8516

A RESOLUTION TO ADOPT AN AMENDMENT TO THE CITY OF MISSOULA SUBDIVISION REGULATIONS, ARTICLE 3 SUBDIVISION DESIGN STANDARDS, SECTION 3-080.7 CASH-IN-LIEU OF PARKLAND DEDICATION REQUIREMENTS.

WHEREAS, 76-3-501 Montana Code Annotated (M.C.A.) authorizes the City Council to adopt subdivision regulations; and

WHEREAS, the City Council has adopted subdivision regulations for the City of Missoula with amendments; and

WHEREAS, 76-3-501 M.C.A. provides for the revision of subdivision regulations; and

WHEREAS, the proposed amendment revises the City of Missoula Subdivision Regulations Article 3 Subdivision Design Standards, Section 3-080.7 cash-in-lieu of parkland dedication requirements; and

WHEREAS, the Land Use Planning Committee of City Council held a meeting on February 10, 2021 to receive and consider the plan, objectives, and background information with respect to the subject amendment; and

WHEREAS, after public notice in the Missoulian, a newspaper of general circulation, on March 14, 2021 and March 21, 2021, the Missoula Consolidated Planning Board held a public hearing on April 6, 2021 to hear and consider recommendations; and

WHEREAS, the Missoula Consolidated Planning Board failed to approve the motion with a vote of five nays to four ayes (5 to 4) for recommendation of approval of the resolution that the Missoula City Council adopt the proposed amendment to the City of Missoula Subdivision Regulations, Article 3 Subdivision Design Standards, Section 3-080.7 cash-in-lieu of parkland dedication requirements on April 6, 2021; and

WHEREAS, after public notice in the Missoulian, a newspaper of general circulation, on March 14, 2021 and on March 21, 2021, the City Council conducted a public hearing on April 12, 2021 on the proposed amendment to the subdivision regulations in order to give the public an opportunity to be heard as required by 76-3-503 M.C.A.; and

WHEREAS, the Land Use and Planning Committee of City Council held a meeting on April 14, 2021 to further discuss the proposed amendment and in order to give the public an additional opportunity to be heard; and


WHEREAS, on April 19, 2021, the City Council continued the public hearing and sent the proposed amendment back to the Land Use and Planning Committee for further discussion and public comment at the committee level;

WHEREAS, the Land Use and Planning Committee of City Council held a meeting on May 5, 2021 to further discuss the proposed amendment and in order to give the public an additional opportunity to be heard; and


WHEREAS, on May 10, 2021, City Council continued the public hearing and held a final consideration on the proposed amendment to the subdivision regulations and voted 6 in favor of and 5 opposed to adopting this Resolution.

NOW THEREFORE, BE IT RESOLVED that the Missoula City Council adopts this Resolution to adopt the amendment, as shown in Exhibit A attached hereto, to the City of Missoula Subdivision Regulations, Article 3, Section 3-080.7.

PASSED AND ADOPTED this 10th day of May, 2021.

ATTEST: 

Martha L. Rehbein
City Clerk

APPROVED: 

John Engen
Mayor

(Seal)



Amendment Language (Adopted 5.10.21): Section 3-080.7

- .7 Cash donation in-lieu of land dedication must be equal to the fair market value of the amount of land statutorily required to be dedicated. For the purpose of these regulations, the fair market value is the value of the unsubdivided, unimproved land based upon the zoning designation that will apply to the proposed subdivision at the time the final plat is submitted to the City for approval. Satisfactory evidence of fair market value shall be demonstrated by either of the following:
- A. An appraisal report prepared within six months of the date that a complete final plat application is submitted for approval, and conducted by a Montana State licensed general real estate appraiser (as provided under MCA 37-54-201, et seq) chosen by the City. The City shall hire the appraiser, but the appraisal fee shall be the responsibility of the subdivider. Any appraisal fees paid by the City to hire an appraiser to determine fair market value shall be reimbursed by the subdivider prior to final plat approval; or
 - B. The sale price of the property being subdivided, documented by a purchase and sell agreement or other executed contract, if it was purchased within one (1) year of the date of the final plat application submittal, provided the property's zoning designation remains unchanged and the sale was an arm's length transaction.