



REQUEST FOR COMMISSION ACTION

COPY

OG-19-09-264

BCC Public Meeting: Thursday October 3rd, 2019, 1:00pm
Subject: Preliminary Plat Approval Period Extension Request

I. Action Requested

This is a request from David Rhea of DR Unlimited, LLC to grant an additional three-year extension of the preliminary plat approval period for the Island Park 13-Lot Major Subdivision.

II. Applicable Regulations

Ravalli County Subdivision Regulations Section 3-13(B) gives the Board of County Commissioners (BCC) the authority to grant an extension to the preliminary plat approval period as follows:

3-13. FINAL PLAT APPROVAL PERIOD

A. Approval Period. If the BCC approves or conditionally approves a **preliminary plat application**, that approval shall be in force for twenty-four (24) months from the date of the PPD unless a preliminary phasing plan and schedule has been approved as part of the **preliminary plat** approval (See Section 3-16).

B. Extension Request. The BCC may, at its discretion and at the written request of the **applicant**, extend its approval of the PPD. The written request from the **applicant** shall detail all the actions the **applicant** has taken to complete the requirements and meet the conditions of **preliminary plat** approval as listed in the PPD.

1. Submittal. The request for an extension of the **preliminary plat** approval period must be submitted to the **Planning Department** at least thirty (30) working-days prior to the expiration of the PPD. The **Planning Department** will evaluate the request and provide a written recommendation to the BCC.

2. Review. The BCC shall evaluate the **Planning Department's** recommendations and the request for extension to determine whether the **applicant** has started the **subdivision**, and has been working in good faith to complete the **subdivision**. After their review, the BCC may approve or deny the request for extension.

Additionally, Montana Code Annotated provides as follows:

76-3-610. Effect of approval of application and preliminary plat. (1) Upon approving or conditionally approving an application and preliminary plat, the governing body shall provide the subdivider with a dated and signed statement of approval. This approval must be in force for not more than 3 calendar years or less than 1 calendar year. At the end of this period the governing body may, at the request of the subdivider, extend its approval for a mutually agreed-upon period of time. Any mutually agreed-upon extension must be in writing and dated and signed by the members of the governing body and the subdivider or subdivider's agent. The governing body may issue more than one extension.

(2) Except as provided in 76-3-507, after the application and preliminary plat are approved, the governing body and its subdivisions may not impose any additional conditions as a prerequisite to final plat approval if the approval is obtained within the original or extended approval period as provided in subsection (1).

III. Background

- The Island Park Subdivision was conditionally approved by the BCC on March 23, 2010.
- The Preliminary Plat Decision was mailed to the subdivider on April 29, 2010, initiating the 18-month preliminary plat approval period.
- A two-year extension to the preliminary plat approval period was previously granted by the BCC on May 31, 2011, extending the approval period expiration to October 29, 2013.
- Following the above extension, a three-year extension to the approval period was granted by the BCC on May 31, 2013, extending the approval period expiration to October 29, 2016.
- Following the above extension, a three-year extension to the approval period was granted by the BCC On January 26th, 2016, extending the approval period expiration to October 29, 2019.
- In the current extension request letter received May 13th, 2019, Mr. Rhea cites another project which will take his time for the next year or so as the reason for the request.
- If the BCC were to grant the extension request, the preliminary plat approval period would be extended to October 29, 2022.


IV. Planning Staff Recommendation

The Planning Department has reviewed the request, and recommends that the BCC grant a three-year extension to the preliminary plat approval period for the Island Park 13-Lot Major Subdivision.

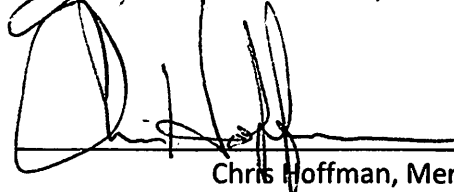
Attachments: Extension Request, Reduced Preliminary Plat, Vicinity Map, Planning Dept. Letter to DR Unlimited dated 6/5/13
Staff: Don Yarbrough, County Planner
Date: September 24th, 2019
Cc: David Rhea, DR Unlimited, LLC; Professional Consultants, Inc.; Subdivision File; Outgoing Mail File

We hereby Approve Deny a three-year extension of time for the Island Park 13- Lot Major Subdivision's Preliminary Plat Approval Period, to now expire October 29, 2022.

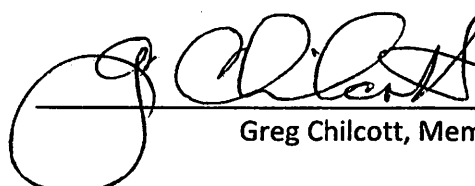
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