



# Subdivision 101: An Overview

Development Services  
December 2, 2020



## **Montana Code Annotated, 76-3-501**

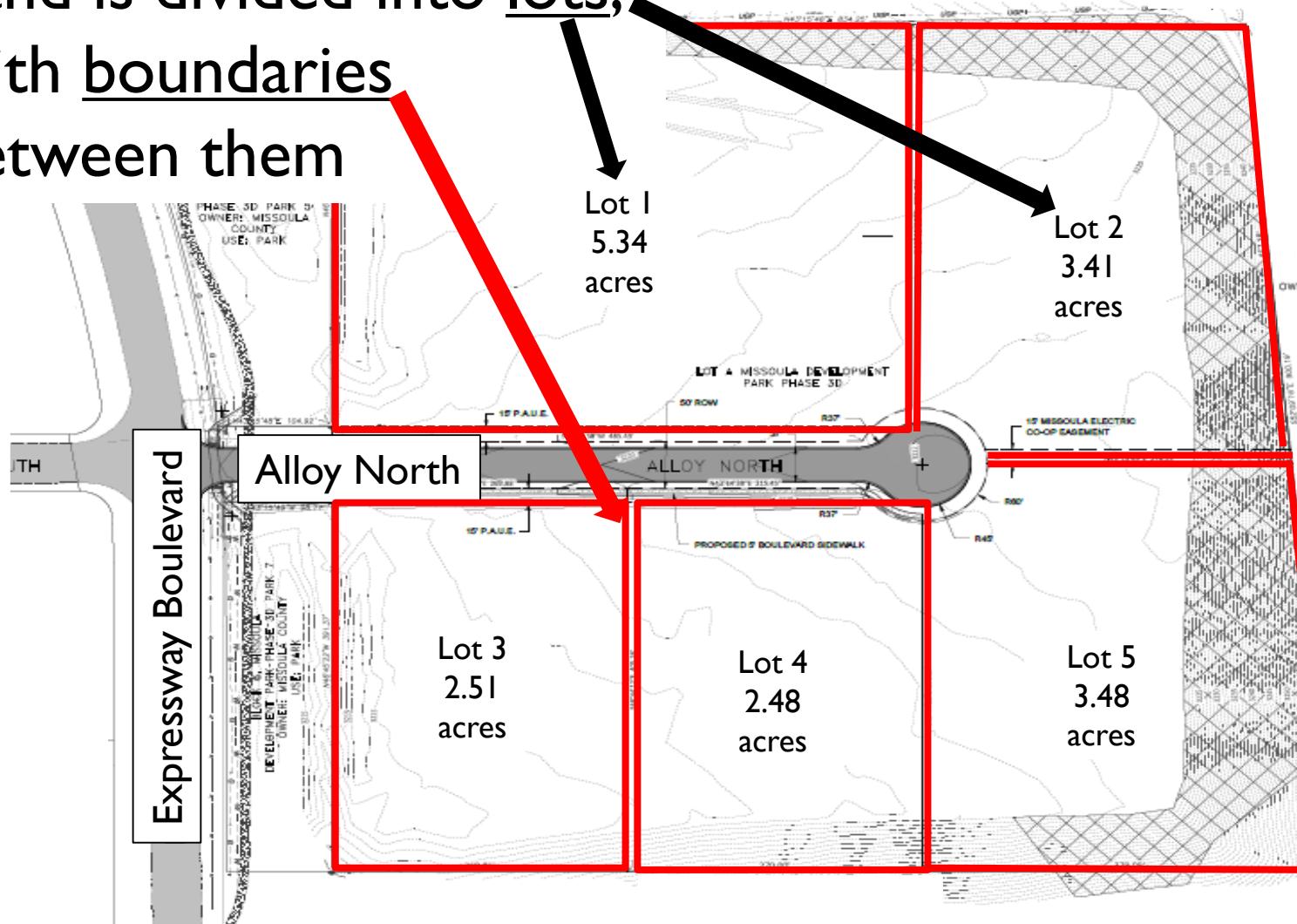
**Allows local regulation of subdivision in order to –**

- Provide for orderly development**
- Obtain roads improvements**
- Avoid or minimize congestion**
- Regulate sanitary facilities, water, drainage**
- Prevent environmental degradation, control for hazardous lands**

# What Is Subdivision?



Land is divided into lots,  
with boundaries  
between them

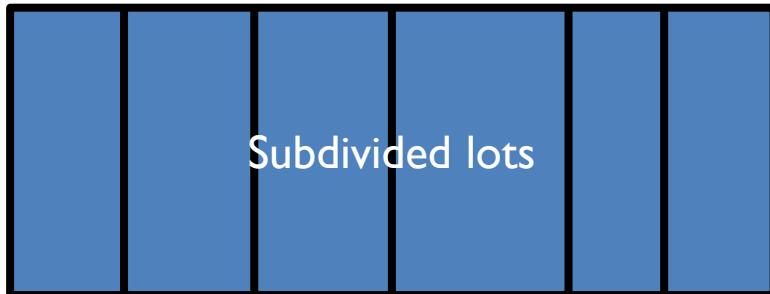


# Townhome Exemption: NOT Subdivision

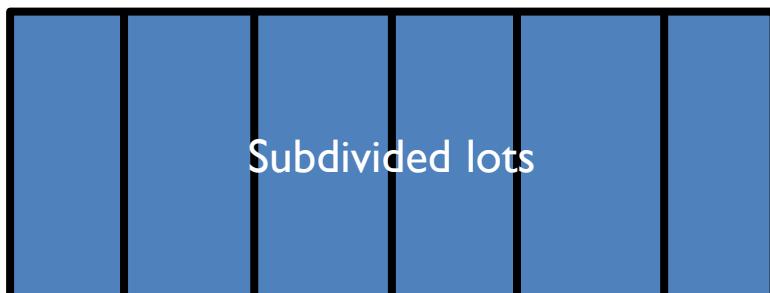


## Subdivision Parcel

12 separate parcels,  
boundaries between



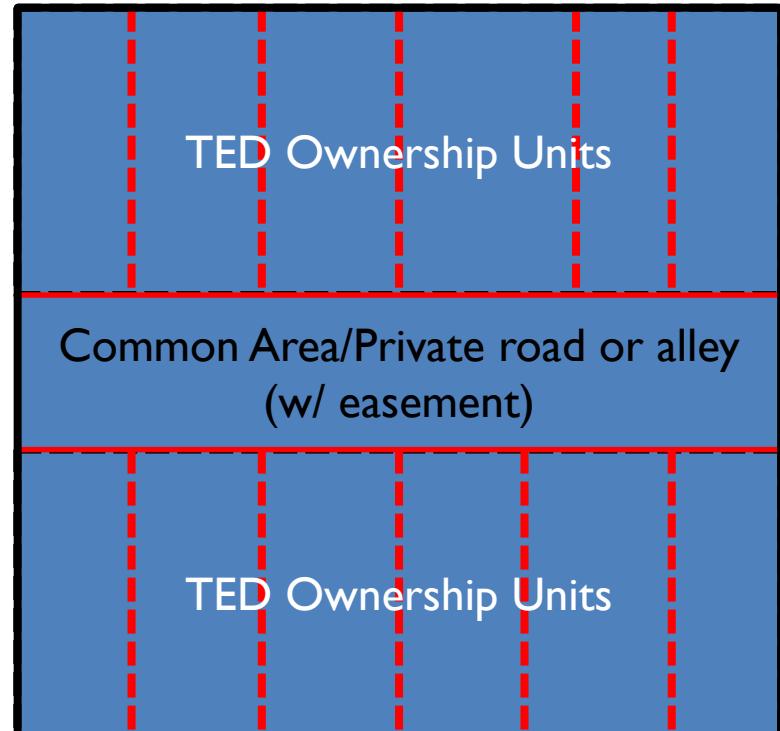
Public right of way (road or alley)



- Parcels are separate properties w/  
distinct legal descriptions

## TED Parcel

One lot, no internal  
boundaries



- Single TED Parcel with TED  
ownership units and common areas  
managed under Declaration/HOA

## I. Pre-application meeting

Applicants meet with City staff to discuss their proposal

## 2. Element Review

- Applicants submits subdivision application;
- Staff reviews against a **5 day statutory deadline from date of receipt**
- Are all the subdivision application elements present in this packet?

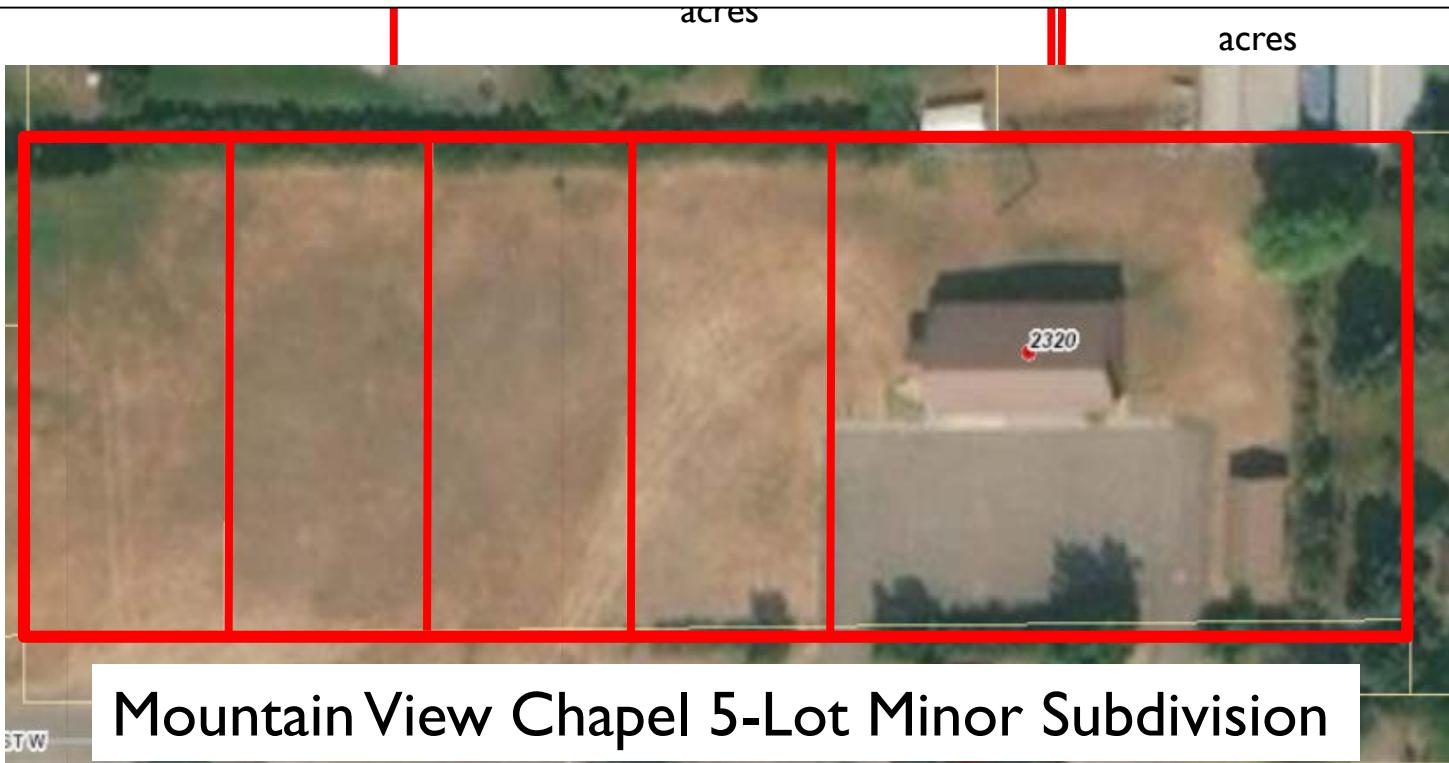
## 3. Sufficiency Review

- Staff & agencies review against a **15 day statutory deadline from date of receipt**
- Is the information provided in the subdivision application packet **sufficient** for agencies to review & determine impacts?

# Subdivision Process: Minor



- **5 or fewer lots are created**
- **From determination of sufficiency, 35 working-day statutory deadline for governing body decision**
- **Public hearing at Land Use & Planning Committee**



# Subdivision Process: Major



- **6+ lots are created**
- **From determination of sufficiency, statutory deadline for governing body decision is 60 working days for 6-49 lots, 80 days for 50+ lots**
- **Two public hearings: Planning Board, City Council**



- I. Zoning and Growth Policy**
- II. Agricultural Lands**
- III. Local Services**
- IV. Natural Environment, Wildlife & Wildlife Habitat**
- V. Public Health and Safety**

# Growth Policy and Zoning



- **Does the subdivision comply with the Growth Policy's land use designation**
- **Does the subdivision comply with the zoning?**
  - **No minimum lot size, but must meet setbacks, overall permitted density**

# Agricultural Lands



- **Is there an agricultural zoning overlay on the property, or is it used for agricultural production?**
- **Are there ditches/ag water facilities on the property? If so, what happens to associated water rights?**

**Does the applicant make adequate provisions for:**

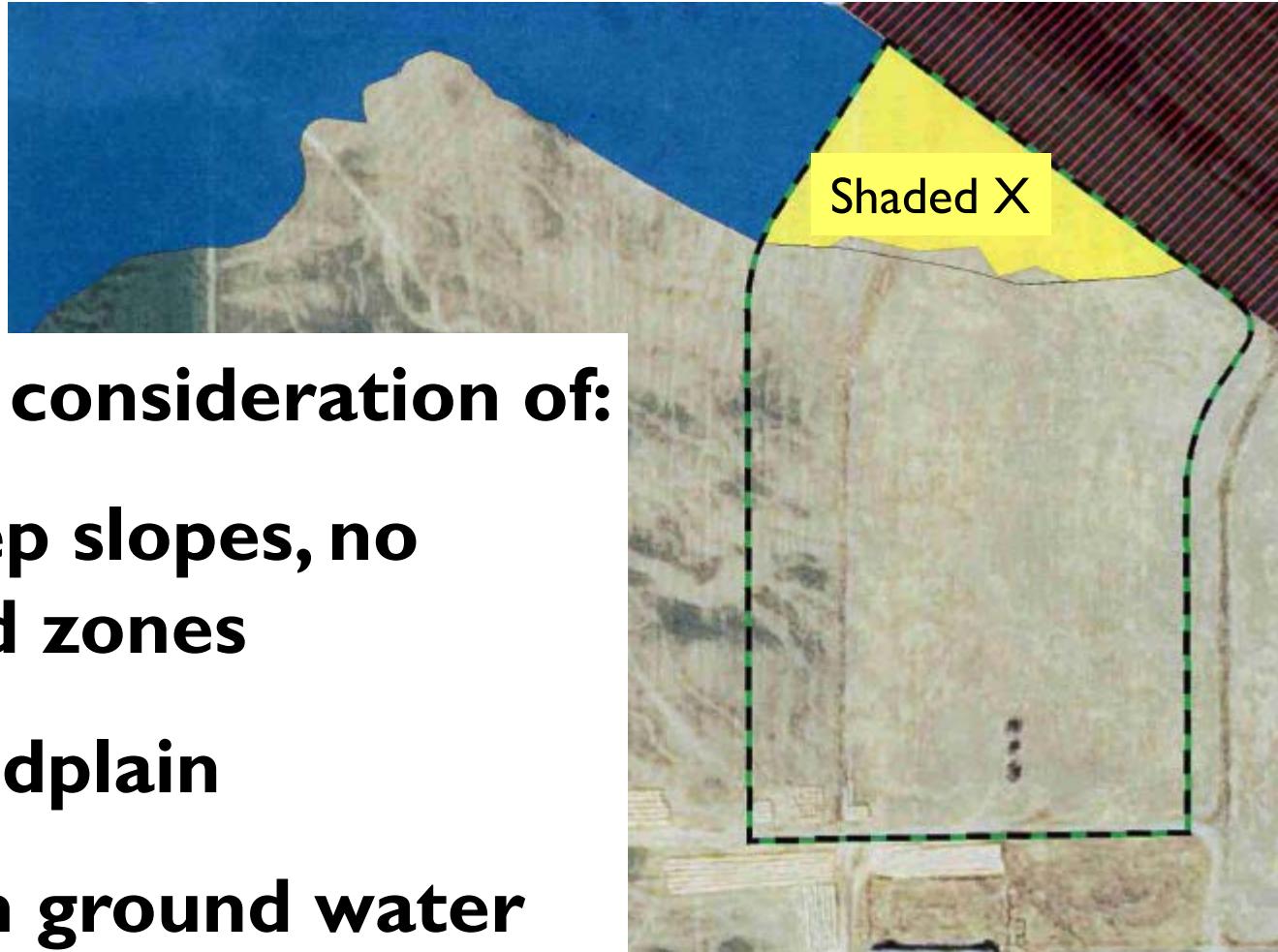
- **Water, Sewer and Solid waste;**
- **Fire and Law Enforcement Services;**
- **Parks and Recreation facilities; and**
- **Impacts to Schools**
- **Roads and active transportation facilities such as sidewalks and trails;**

# Natural Environment & Wildlife



- **Is property near public lands?**
- **Is property near important historical sites?**
- **Are there wetlands and/or riparian resources?**
- **Does the property contain sensitive species (plants or animals) or critical wildlife habitat?**
- **If yes to any of these, what mitigation of impacts is proposed?**





## Allows consideration of:

- **Steep slopes, no build zones**
- **Floodplain**
- **High ground water**

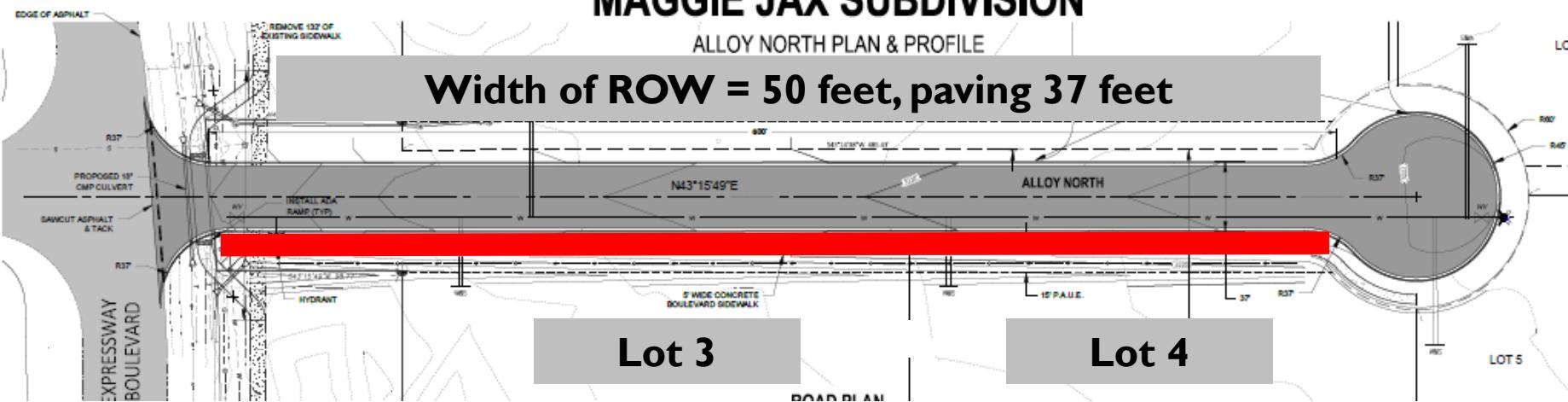
# Variances



## MAGGIE JAX SUBDIVISION

ALLOY NORTH PLAN & PROFILE

**Width of ROW = 50 feet, paving 37 feet**



### Variance

- Applicant may request to vary from a subdivision standard on the basis of **hardship**
- Must demonstrate no increase in public cost, no compromise of general welfare
- Staff recommends approval/denial of variance for Council decision

# Conditions of Approval



A subdivision application is: what applicant proposes, as amended by conditions of approval.

Conditions are applied to –

- Correct a failure of the application proposal to meet regulations
- Address significant, negative impacts

# Common Conditions of Approval



- **Street Signage Plan:** In conformity with Manual on Uniform Traffic Control Devices
- **Special Improvement District:** Statement on plat, waiving right to protest
- **Address Signage & Fire Hydrant Plan**
- **Revegetation & Weed Management Plan:** Restore areas disturbed by construction; manage weeds
- **Boulevard Landscaping & Maintenance Plan:** Included in Development Covenants, approved by City Parks & Recreation
- **Development Covenants:** May not be amended without governing body approval; approved by Development Services

# Last Step: Final Plat



- **Conditions of approval must be met, or improvements agreement submitted**
- **Plat, as amended by conditions of approval**
- **Approved by Development Services, Engineering, City Attorney, Finance**
- **Filed with County Clerk & Recorder**
- **Lots are officially created**