

Subdivision 101: An Overview



Development Services
December 2, 2020



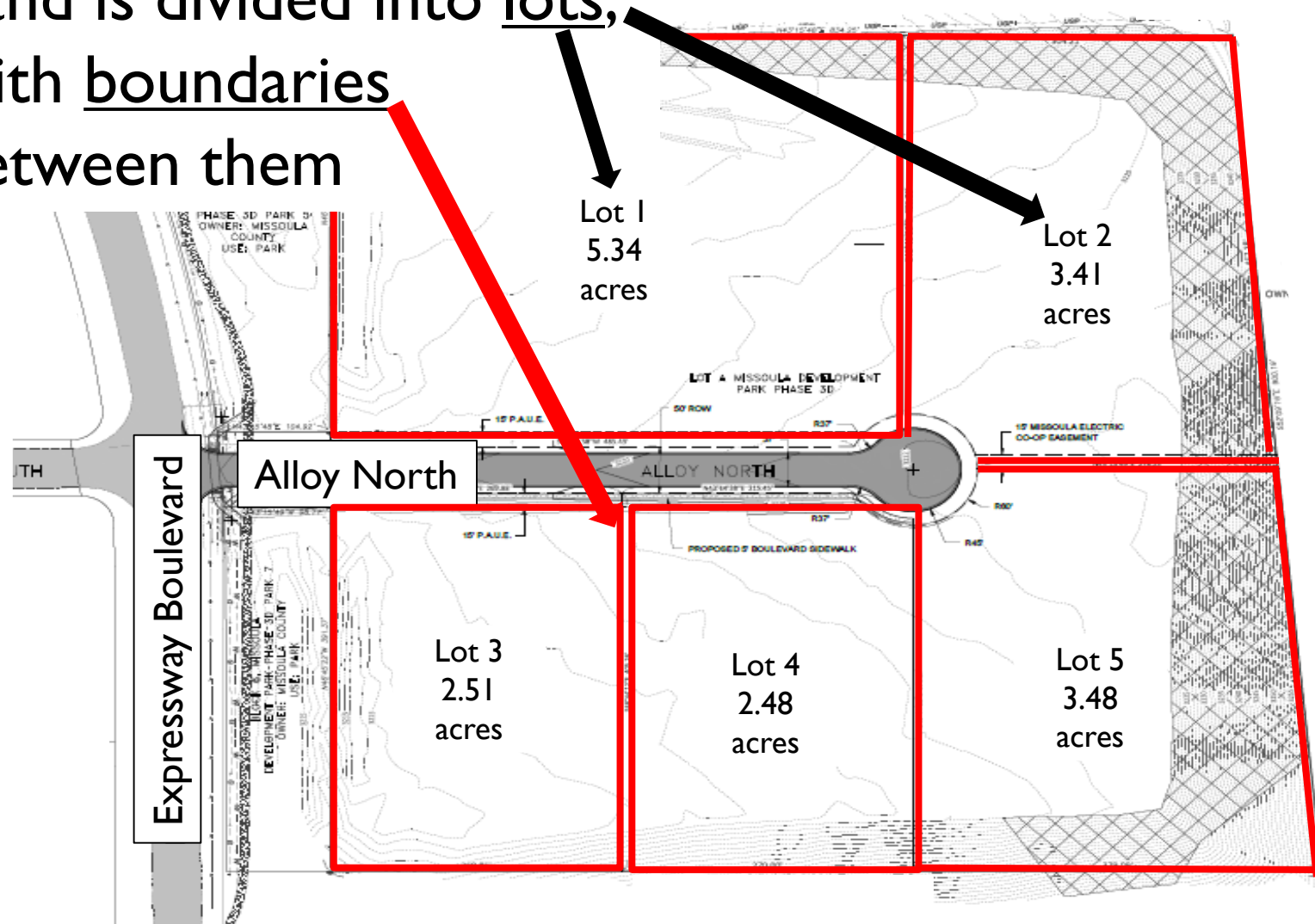
Montana Code Annotated, 76-3-501

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

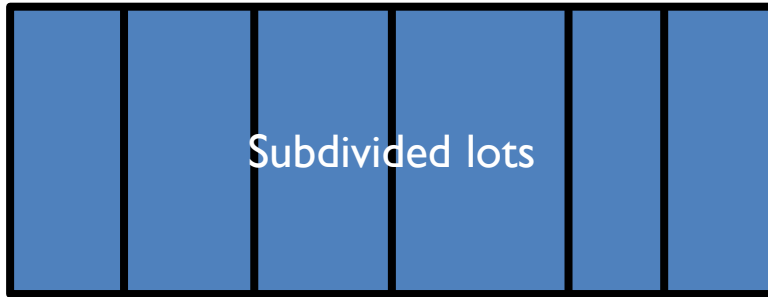


Townhome Exemption: NOT Subdivision

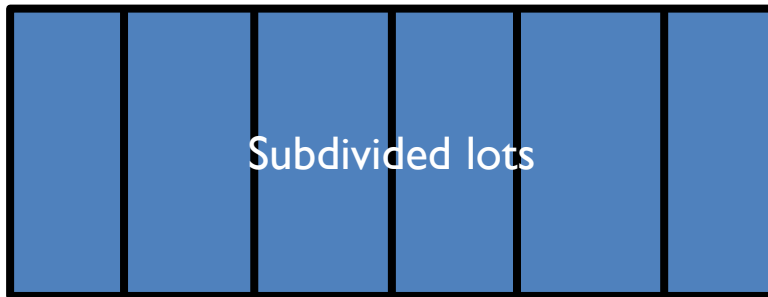


Subdivision Parcel

12 separate parcels,
boundaries between



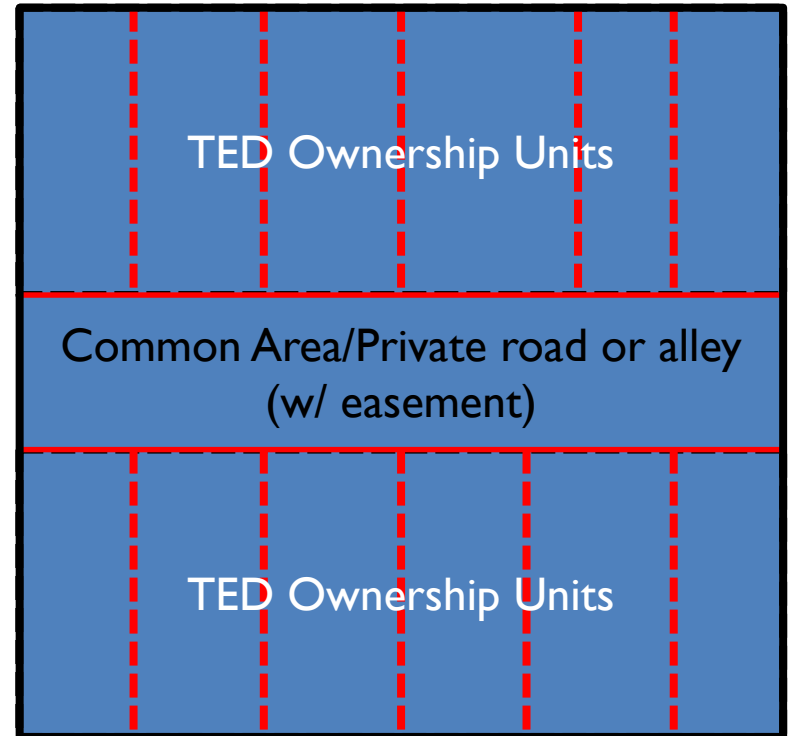
Public right of way (road or alley)



- 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

1. 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**

acres

acres



Mountain View Chapel 5-Lot Minor Subdivision

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**

- **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**

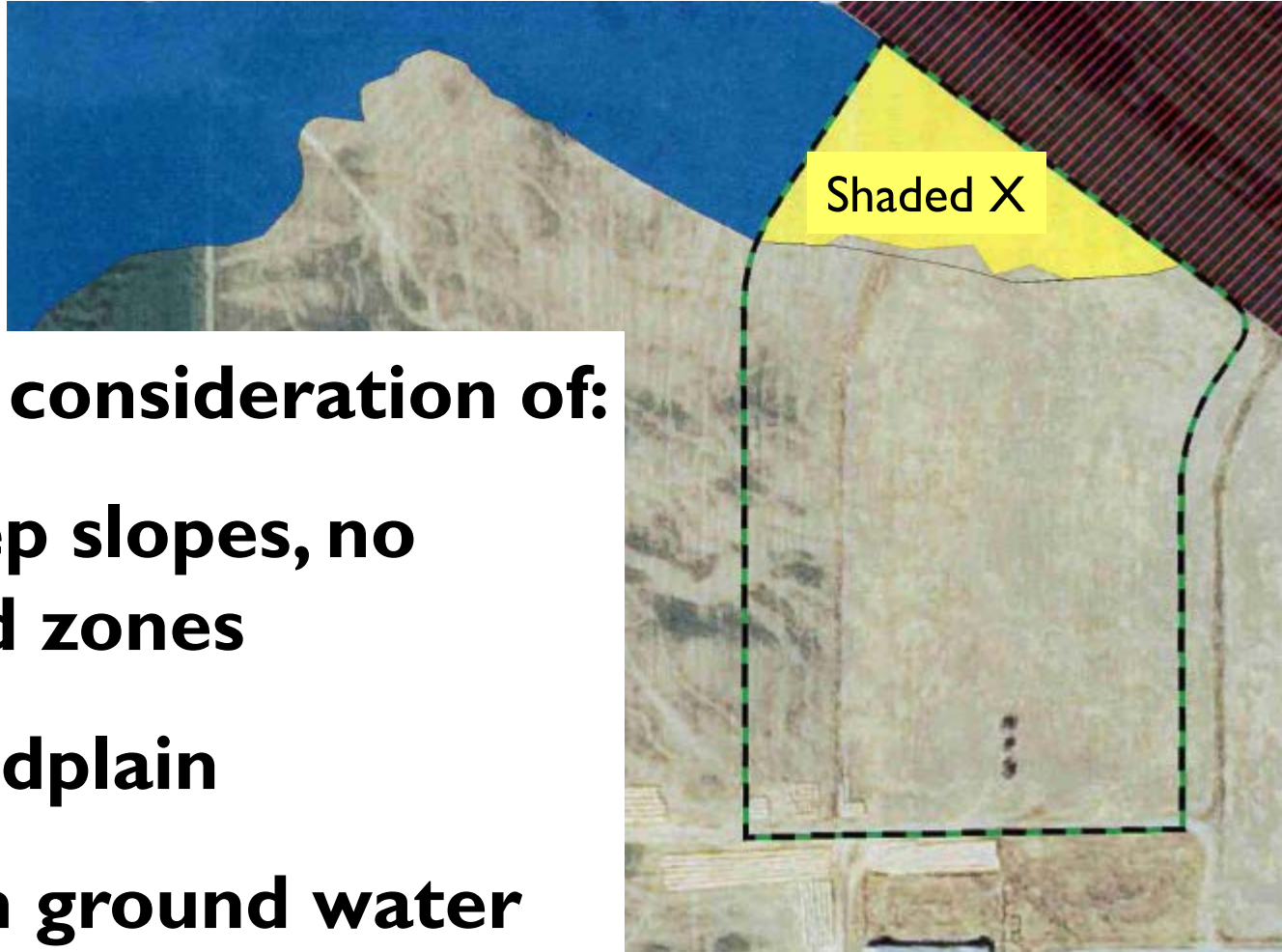
- **Is there an agricultural zoning overlay on the property, or is it used for agricultural production?**
- **Are there ditches/ag water facilities on the property? If so, what happens to associated water rights?**

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;**

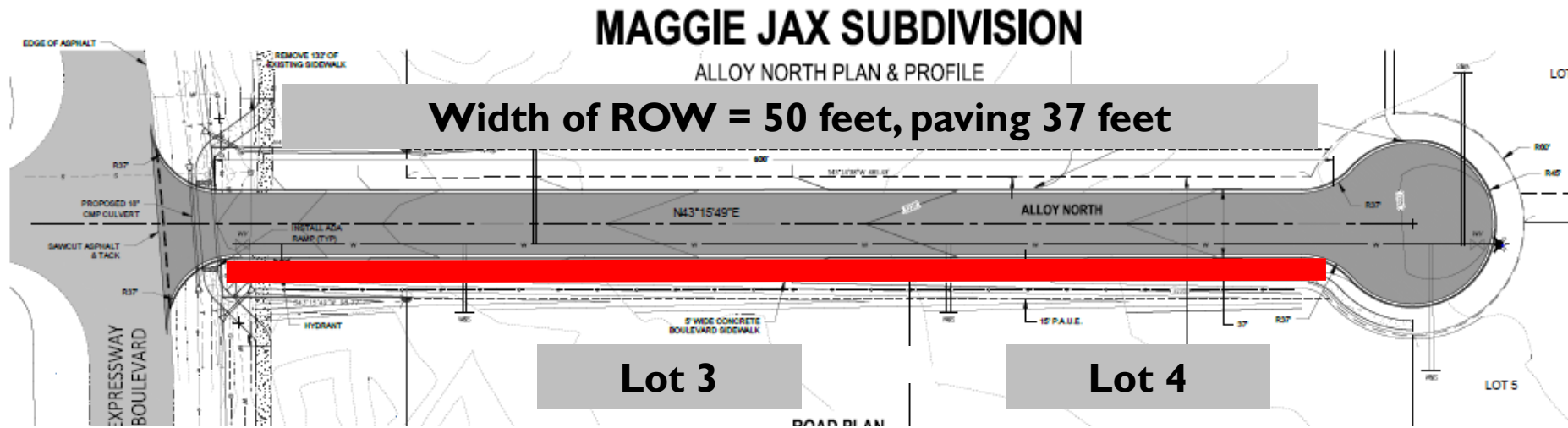
- **Is property near public lands?**
- **Is property near important historical sites?**
- **Are there wetlands and/or riparian resources?**
- **Does the property contain sensitive species (plants or animals) or critical wildlife habitat?**
- **If yes to any of these, what mitigation of impacts is proposed?**





Allows consideration of:

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



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

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

- **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

- **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**