

VALLEY COUNTY SUBDIVISIONS

This brochure is provided as a guide to assist you in the preparation of your application for subdivision and to explain the application process.

WHAT IS SUBDIVISION?

Subdivision is the division of land that creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways. Land is subdivided so that the title to or possession of the parcels may be sold or otherwise conveyed. The term subdivision includes re-subdivision, as well as some condominium projects, or land used to provide multiple spaces for recreational camping vehicles or manufactured homes.

WHAT IS THE DIFFERENCE BETWEEN A MINOR AND MAJOR SUBDIVISION?

The number of lots defines the difference between a minor and major subdivision. A minor subdivision creates five or fewer lots whereas a major subdivision creates six or more lots.

APPLICATION SUBMITTAL

Visit the Valley County Planning Office to determine if what you are proposing will require either a minor or a major subdivision. A staff member will review your proposal and answer any of your questions. If subdivision is required, you will be given the appropriate forms, advised of the materials and application fee(s) that are needed and informed of the time period when the application will be processed.

A formal submittal for subdivision approval will, among other things, require the preparation of a plat, which is a graphical representation of a subdivision showing the division of land into lots, parcels, blocks, streets, alleys and other divisions and dedications as required or necessary. Plats must be prepared by a licensed surveyor; therefore, you should contact a surveyor or professional design office to assist you with your submittal requirements.

A pre-application meeting is required and can be done jointly with the Planning Office and Sanitarian. This review can prove to be very helpful in the preparation of your preliminary plat and can save you time and money.

WHAT IS THE SUBDIVISION REVIEW PROCESS?

Preliminary Plat

After the requirement for pre-application review has been satisfied, the applicant may submit a preliminary plat. There are three major categories of subdivisions, including:

- **First Minor Subdivisions Created from a Tract of Record** - The public hearing requirement for these subdivisions is waived. The County has 35 working days

to approve, conditionally approve, or deny the subdivision once the application is deemed acceptable.

- **Second or Subsequent Minor Subdivisions Created from a Tract of Record** - A public hearing is required for these subdivisions. The County has 60 working days to approve, conditionally approve, or deny the subdivision.
- **Major Subdivisions** - A public hearing is required for these subdivisions. The County has 60 working days to approve, conditionally approve, or deny the subdivision of 6-50 lots. For 51+ lots the County has 80 days.

Staff/Agency Review

Subdivision proposals are reviewed by planning staff for compliance with requirements of the Montana Subdivision and Platting Act.

Once the project has been reviewed for applicable codes and regulations the project planner will prepare a staff report which incorporates the comments of each of the agencies involved in the review process.

Planning Board Review

The Planning Board reviews proposed major subdivisions at a regularly scheduled meeting and determines whether the proposal is following applicable plans and Growth Policy. The Planning Board then forwards a recommendation to the County Commission.

County Commission Review

The County Commission considers Minor Subdivisions at a public meeting and considers Major Subdivisions at a public hearing. The County Commission bases their decision on application materials, applicable public hearings, Planning Board advice and recommendation, and any other information that demonstrates that the preliminary plat complies with applicable plans, policies, and regulations.

Public Notice

Major Subdivisions are published in the newspaper. The notices notify the public of the times, dates the public meetings provide citizens with the opportunity to listen to discussions regarding the proposal. The public hearing provides the public with the opportunity to formally comment on proposed subdivisions. Comments may be verbal or in writing.

Findings of Fact and Order

The County Commission must issue written findings of fact and order that discuss and weigh the following criteria:

- The effect on Primary Review Criteria, which includes agriculture, agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat, and public health and safety (not applicable to First Minor Subdivisions);
- Compliance with the survey requirements of the Montana Subdivision and Platting Act;
- Compliance with the County's subdivision regulations and the review process of these regulations;
- The provision of easements for the location and

installation of any necessary utilities; and

- The provision of legal and physical access to each parcel within the subdivision and the notation of that access on the applicable plat and any instrument transferring the parcel.

Preliminary plat approval period

Preliminary plat approval period is in force for less than one calendar year or not more than three calendar years, depending on the subdivision. At the end of this period the County may, at the written request of the applicant, extend its approval. A complete final plat application must be submitted before the preliminary plat approval period expires.

Final Plat Submittal

After the conditions of preliminary approval and any requirements for the installation of improvements have been satisfied, the applicant may submit a final plat. The County Commission shall examine every final plat at a regular meeting, and within 45 days of the date of complete submission shall approve it if it conforms to the conditions of preliminary approval and the terms of the County's subdivision regulations. If you wish to file a final plat prior to the installation of all required improvements, you must enter into an improvements agreement with the County and post a financial guarantee to ensure project completion.

State statute identifies a set of divisions of land that are entirely exempt from subdivision review and surveying requirements. This includes divisions such as the creation of cemetery lots, the division of land for agricultural purposes, certain condominium developments, etc. There is another set of land divisions that are exempt from subdivision review but are subject to survey requirements. The local government must certify that the use of these exemptions is proper, and that the exemption is not being used to evade the Montana Subdivision and Platting Act. These exemptions include:

What Are Subdivision Exemptions?

- Divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties.
- Divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family.
- Divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell where the land will be used exclusively for agriculture.
- Relocation of common boundaries and the aggregation of lots within a platted subdivision.
- Divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision.

An application must be submitted and reviewed by Planning and staff. The Planning Administrator will approve or deny the exemption within thirty working days of the submittal.

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