RAVALLI COUNTY SUBDIVISION REGULATIONS

CITIZEN'S GUIDE

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For Information Contact:
Ravalli County Planning Department
215 S. 4th Street, Suite F
Hamilton, MT 59840
(406) 375-6530
Fax (406) 375-6531
www.ravallicounty.mt.gov/planning

Preface

In 1973 the Montana Legislature passed the Montana Subdivision and Platting Act (MSPA), (Title 76, Chapter 3, MCA) which requires local jurisdictions to adopt and enforce local subdivision regulations. Ravalli County has had subdivision regulations since that time and the regulations currently in effect were last amended December 22, 2006. The regulations describe the procedures and requirements necessary to create a subdivision.

This guide is intended to provide a snapshot of the subdivision process, some of the requirements, and other issues that may be related to subdivision. This document provides important information for both the person contemplating a subdivision, their surrounding neighbors, and other interested members of the public. For a complete set of the rules and requirements, please refer to the Ravalli County Subdivision Regulations. You may purchase a copy of the Subdivision Regulations from the Ravalli County Planning Department or download one for free at www.ravallicounty.mt.gov/planning.

Types of Subdivision

Subdivisions, by definition, include all land divisions that create parcels less than 160 acres. Also included in this definition are mobile home parks, recreational vehicle parks, condominiums, and multiple spaces on one lot that could be leased or rented. Subdivisions are divided into several categories based on the number of lots/spaces being created.

- Major Subdivision - contains six or more lots/spaces.
- Minor Subdivision - contains five or fewer lots/spaces.
  - First Minor Subdivision
    A proposed minor subdivision from a tract of record that has not been subdivided or created by a subdivision under the MSPA, or has not resulted from a tract of record that has had more than five parcels created from that tract of record under 76-3-207 or 76-3-207, MCA, since July 1, 1973.
  - Subsequent Minor Subdivision
    Any subdivision of five or fewer parcels that is not a first minor subdivision.

- Subdivision for Lease or Rent (SLR) – To construct additional residential or commercial dwelling units without actually subdividing your land, the SLR process can be used. The review process for a SLR is essentially the same as that of a major or minor subdivision, with the exception that they are exempt from the surveying and filing requirements of the MSPA. Subdivisions that will provide multiple spaces for recreational camping vehicles or mobile homes are examples of SLR.
- Subdivision Exemption - This involves a change in a property boundary or the division of land that meets certain criteria and does not require the entire subdivision review process. A Subdivision Exemption Application and a map showing the proposal must be submitted to the Planning Department along with the required fee. Subdivision exemptions are reviewed by the Planning Department. Some examples of subdivision exemptions include:
  - Family Transfers: A division of land for the purpose of a single gift or sale to each member of a landowner's immediate family (spouse, parents, or natural or adopted children). The gifted lot created should not be sold within three years of the division.
  - Agricultural Exemption: Partitioning a piece of land for agricultural use only.
  - Relocation of a Common Boundary: Relocating common boundaries between adjoining parcels, but no additional parcels are created.

- Wastewater Exception – This is used to add an additional structure requiring wastewater treatment facilities that will not be used for renting or leasing purposes, such as a barn or garage (Section 3-5-2).

The type of subdivision proposed will dictate the type of review that is required, the application fees required, and some development standards. For more information about Subdivision Exemptions, please refer to the Exemption Guide.

The Subdivision Process

The process to create a subdivision involves a number of steps and can be complicated, depending on the specific characteristics of each proposed subdivision. The MSPA sets out most of the steps in the process for counties, but also requires counties to work out the details in a set of subdivision regulations. The Ravalli County Subdivision Regulations (Chapter 3) give a detailed outline of the subdivision review process.

Step 1. Preliminary Investigations

The first step before even beginning the process of creating a subdivision is to go to the Ravalli County Clerk & Recorder's Office, Administrative Building, 215 S. 4th Street, to check whether there are any covenants or Voluntary Zoning Districts restricting the property to be subdivided. On November 7, 2006, Ravalli County voters enacted interim zoning regulations that prohibit residential subdivisions to have a minimum lot size less than 2.0 acres. The next step is to find out about the feasibility of wastewater treatment systems and wells on the property from the Environmental Health Department located on the main floor of the Administrative Building. This may involve getting site evaluations and/or groundwater monitoring. If there is a problem in either of these two areas, continuing with the subdivision process may be inadvisable. If there are no restrictions on the property and no water or wastewater treatment issues, then the next step is to fill out a pre-application conference form.

Given the technical nature of creating a subdivision, the subdivider will normally hire one or more consultants to assist in the process. Consultants who are familiar with the requirements can be found by using a local phone directory. You may wish to call several consultants and compare their expertise, fees, and availability.

During the preliminary investigations it is important to remember that subdivision proposals are reviewed for impacts on agriculture, agricultural water user facilities, local services, natural environment, wildlife and wildlife habitat, and public health and safety, as required by the MSPA and the Ravalli County Subdivision Regulations. Below are a number of questions that should be considered.

- Will the subdivision be served by a public water and wastewater system or by individual systems on each of the lots?
- Are there any constraints (soil types, high groundwater, etc.) that might limit the use of individual wastewater treatment systems?
- Is there enough groundwater to support domestic wells?
- Are there any issues associated with groundwater quality that could affect domestic wells?
- Will the subject property be able to support the number of individual wastewater treatment systems and wells that may be proposed?
- Are the lot sizes consistent with covenants, if any?
- Are the lot sizes consistent with zoning regulations, if any?
- Is there legal and physical access to the property?
- Does the land pose any constraints for development (slopes, wetlands, wildlife habitat, etc.)?

- Is the subject property within a rural fire district? (This is mandatory.)
- What is the area around the proposed subdivision like (land uses, lot sizes, etc.)?
- How much will it cost to put in the needed infrastructure inside and outside of the subdivision (roads, utilities, etc.)?
- How much will it cost to go through the process and get it surveyed?
- Would the subdivision be a wildland fire hazard?

Step 2. Pre-Application Conference

If the subdivider decides to pursue the project, he or she and his or her consultant (if applicable) will then meet with the Planning Department staff to discuss the proposal ***prior*** to submitting full application materials and fees. A pre-application conference will help the Planning Department staff to become familiar with the proposal and will help the subdivider become familiar with the County's policies, regulations, and procedures. It also gives the staff an opportunity to identify issues and discuss possible ways to avoid, minimize, or mitigate negative effects.

Step 3. Subdivision Application

Following the pre-application conference, the applicant must submit a subdivision application to the Planning Department, along with the appropriate fee(s) within six months of the pre-application conference. If the applicant misses this deadline, another pre-application conference is required. A subdivision application submittal consists of a subdivision application, maps that show the location of the subdivision, and a preliminary plat, which shows the subject property and layout of the proposal. Depending on the proposal, it may also be necessary to submit an environmental assessment, a traffic impact analysis, a master irrigation plan, a sensitive species report, floodplain analysis, and/or other relevant information. Some of these items may require a professional land surveyor, engineer, and/or other consultants.

The application constitutes the subdivider's expressed preference for the development and the proposed mitigation measures to minimize any adverse impacts anticipated from the proposal. A subdivision application is the basis for subdivision review by the Planning Department, Planning Board, and Board of County Commissioners.

Step 4. Element Review (Quantity Review)

The Planning Department performs a cursory element review to ensure that all required application elements are present.

Step 5. Sufficiency Review (Quality Review)

Once all necessary items of the application have been submitted, the Planning Department performs a more in-depth sufficiency review to ensure all the required information for review is in the application. When the requirements of sufficiency review are met, the application is deemed sufficient.

Step 6. Notifications

Once the application is deemed sufficient, the application is subject to a public review process. As part of this process, a letter is sent to the subdivider, all adjacent property owners, and affected agencies to notify them of the project. Posters with subdivision and meeting information are also posted on the subject property by the subdivider. Major and subsequent minor subdivisions are subject to a public hearing and specific public hearing notification requirements, including advertisement of the meeting in a legal ad in a local newspaper of general circulation (*Ravalli Republic*).

At this point, the Planning Department prepares a Staff Report and makes it available to the developer, Planning Board, and County Commissioners prior to the public hearing or meeting. The staff report provides an analysis of any impacts of the proposal on the six subdivision review criteria (agriculture, agricultural water user facilities, local services, natural environment, wildlife and wildlife habitat, and public health and safety) and recommendations for approval, conditional approval, or denial of the proposed subdivision. The applicant has an opportunity to respond to the Staff Report in writing prior to the County Commissioner meeting/hearing. The Planning Board may comment and/or hold a public meeting on the subdivision, but is not required to.

Step 7. Public Hearing/Meeting and Decision

Major and subsequent minor subdivisions are reviewed at a public hearing before the Board of County Commissioners. First minor subdivisions are reviewed at a public meeting before the Board of County Commissioners. The Board of County Commissioners will make a decision to approve, conditionally approve, or deny a subdivision. All proposals are reviewed using predefined criteria listed in the Subdivision Regulations. An appeals process allows the subdivider or an aggrieved party to contest the decision.

Step 8. Completion of Conditions

If the subdivision is approved, the Board of County Commissioners, in their written decision, will list the conditions that must be met before a final plat (i.e. survey) can be filed. These conditions ensure that the subdivision will meet legal requirements and protect the public interest, natural resources, and infrastructure from adverse impacts and avoid the unnecessary expenditure of tax dollars.

Depending on the subdivision, this list of conditions may be rather short or quite long. One example of a requirement that applies to all subdivisions with lots less than 20 acres is that the Montana Department of Environmental Quality must review the proposal and determine whether it meets the sanitation standards. Before beginning to build on any lot, a septic permit must be obtained from the Ravalli County Environmental Health Department.

Step 9. File Final Plat

When all of the conditions of an approval have been satisfied, the subdivider will submit a final plat, as prepared by a registered land surveyor, and verification that the conditions have been met. The Planning Department, Clerk and Recorder's Office, County Attorney's Office, and Board of County Commissioners will review the final plat materials. Once a final plat has been recorded with the Clerk & Recorder, the lots can be bought or sold.

Participants in the Subdivision Process

As you can see from the previous section, a wide variety of participants are part of the process. They can be divided into four general groups.

Subdivider: Depending on the complexity and size of the project, the subdivider will need to enlist the expertise of different professionals. Just a few, or all of the following, may be part of the subdivider's team:

Financial Institution
Professional Land Surveyor
Land Use Consultant
Professional Engineer

Landscape Architect
Attorney
Real Estate Professionals
Project Manager
Real Estate Market Analyst
Environmental Specialists

Public: Members of the **general public** play an important role in the decision making process, in that subdivision decisions are not private agreements between a subdivider and County officials. A public process is necessary because subdivisions normally create impacts that are of public concern and can ultimately result in the expenditure of taxpayer dollars. Many issues related to traffic, wildlife, public services, irrigation water delivery, agricultural land, and others are discussed in public hearings or meetings before the Board of County Commissioners before a final decision is reached.

County Officials: This group of people can be further divided into three groups.

- The **Board of County Commissioners (BCC)**, consisting of three elected officials (to be increased to five in mid-2007), makes the final decisions on land use issues. In making their decisions, the Commissioners consider the comments and recommendations of the Planning Department Staff, the Planning Board and comments from the general public, in reference to the effects a project has on the six review criteria.
- The **Planning Department staff** is authorized by the BCC to implement the administrative provisions of the Subdivision Regulations. For each subdivision, the staff reviews the application, visits the site, and prepares a written staff report. The staff report documents whether the proposal meets the local subdivision regulations and analyzes the effects of the subdivision relative to the review criteria. The staff works with the subdivider to ensure compliance and also works with those interested in a particular subdivision to answer their questions.
- The **Planning Board** is an 11-member (with one ex-officio member) volunteer body appointed by the BCC. Since November 2006, their focus has shifted to long-range planning and zoning. However, the Planning Board is always consulted on subdivisions and, at their discretion, they may review subdivision applications and provide recommendations to the Board of County Commissioners.

Review Criteria

The Planning Department Staff's review, the Planning Board's recommendation, if applicable, and the Board of County Commissioners' decision regarding an application is based on the following:

- Does the proposed subdivision meet the standards of the Ravalli County Subdivision Regulations?
- Is the proposal consistent with zoning regulations, covenants, and/or deed restrictions?
- Does the proposed subdivision meet the MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:

    - **Effects on Agriculture:** Including adjacent agricultural operations, prime and important agricultural soils including the loss or disturbance of prime farmland and farmland of statewide importance, proliferation and distribution of noxious weeds, and human and/or pet interference with livestock and agricultural practices

    - **Effects on Agricultural Water User Facilities:** Including water availability to agricultural water users; facilities or facility users and potential conflicts with subdivision residents, including seeps, flooding, and washouts, obstructions and interference, unintended uses (recreation and landscaping), access for maintenance, and liability and risk of accidents involving trespassers; water right holders, including clarification of transfer/retention of water rights; and the placement and/or alteration of irrigation easements and ditches

- **Effects on Local Services:** Including current and planned level of service capacity for local services including fire districts, school districts, wastewater treatment districts, water districts, law enforcement, emergency services, public health services, solid waste services and facilities, public domestic water systems, utilities, roadways, bridges, and bicycle/pedestrian facilities; costs of services; facilities and provision of services; adequate easements; and rural and special improvement districts, both existing ones and assessment of the need for new ones.

- **Effects on the Natural Environment:** Including air quality, ground water quality and quantity including aquifers; surface water features such as streams, rivers, and riparian areas, including additional storm water runoff caused by increased area of impervious surface; wetlands; light pollution; known historical, paleontological, archeological, cultural and scenic sites; vegetation including the composition and distribution of natural vegetation versus invasive weeds; sensitive species of plants, as identified by the Montana Natural Heritage Program; soils, topography, geology, soil erosion; ecosystems; and noise levels, ambient and anticipated.

- **Effects on Wildlife and Wildlife Habitat:** Including critical, significant, and important wildlife habitat, such as wildlife corridors and areas essential for breeding, rearing, nesting and/or winter feeding and foraging; species of special concern, as identified by the Montana Natural Heritage Program; human and/or pet interference with wildlife; and fisheries and mammals in general.

- **Effects on Public Health and Safety:** Including traffic safety; emergency vehicle access and response time for police, fire, and ambulance; groundwater quality, including assessment of the impacts of a subdivision as it relates to the effects of existing and approved developments on groundwater quality, particularly in regards to wastewater (sewage) treatment systems and water supplies. The requirement for MDEQ or RCEH approval prior as a requirement of final plat approval, shall be considered in the analysis impacts of the subdivision on groundwater quality; risk of exposure to natural and/or man-made hazards such as floodplain, steep slopes, severe soils, shooting ranges, active seismic areas, hazardous and/or toxic waste sites, high pressure gas lines, wildland fire hazard, high voltage power lines, airports, railroads, dam inundation areas, nearby mining/industrial activities, irrigation canals, wastewater treatment (sewage) systems and disposal, groundwater contamination; and other possible public health and safety issues that result from creation of the subdivision.

If a subdivision is approved, conditions may be imposed on a subdivision to mitigate its negative effects on the taxpayers and the community as a whole, as determined in the evaluation of the subdivision against the review criteria. Mitigation conditions may include changing the number or configuration of lots, realigning roads or easements, installing appropriate infrastructure, and other actions that are appropriate.

Lot Sizes

Many factors enter in to answer the question: "How big do the lots have to be?" From a sanitation standpoint the lots need to meet the minimum requirements of the Montana Department of Environmental Quality. Below is a generalized table showing the types of water sources and wastewater disposal systems, and the resulting minimum lot size.

Sanitation Guidelines

Type of Water Source	Type of Sewage Disposal	Minimum Lot Area
Individual Well	Individual Septic	1 acre (43,560 sq. ft.)
Public Water	Individual Septic	20,000 square feet
Individual Well	Public Sewer	20,000 square feet
Public Water	Public Sewer	None specified

When a subdivision is subject to the restrictions of zoning, covenants, or deed restrictions, lot sizes must conform to the applicable requirements if they are more restrictive than the sanitation requirements. The Subdivision Regulations require 7,500 square feet or larger for a practical building site. An interim zoning initiative, which was passed in November of 2006, limits subdivisions to one residential dwelling or lot per two acres. That initiative is valid for one year, with the option of a one-year extension.

While the minimum lot size is often times established by regulation, the optimum lot size is a product of many factors, including environmental and economic concerns. Environmental considerations may include slope, streams, wetlands, soils, and wildlife habitat. Economic factors may include access road locations and lengths, infrastructure and utility costs, prevailing lot sizes in the area, and the real estate market.

Addressing Consequences of a Subdivision

Each and every subdivision has consequences for the subject property, adjoining properties, and the community at large. They can be positive or negative; insignificant or severe. When adverse impacts of a proposal have been identified during the preliminary investigations, the pre-application conference, or through the public review process, the subdivider should take steps to help identify potential ways to address them. There are three primary ways to address impacts, which should be used in order: avoid, minimize, and mitigate.

Design and Development Standards

To help avoid adverse impacts of subdivisions on the general public and on the surrounding landowners, the County has adopted minimum design and development standards.

Design Standards - Specific standards must be met for lot design and configuration, access, road alignment, etc.

Development Standards - Infrastructure improvements are generally required to be designed, installed, and paid for by the subdivider as a condition of subdivision approval. A professional engineer or other qualified individual must certify in writing that the required improvements have been completed to County standards. Depending on the proposal, a subdivider may need to provide all or just a few of the following:

- **Roads** - New roads internal to a subdivision must be built to County standards and become the responsibility of the homeowners for maintenance when complete. Existing roads leading to and/or adjacent to the proposed subdivision may need to be upgraded from the nearest State highway and improved to handle the anticipated traffic generated by the subdivision. The road standards in terms of road width and construction requirements increase as the number of lots that the road serves increases - more lots mean higher standards. Other requirements for road name signs, traffic control signs, and common driveway approaches are imposed, when appropriate.
- **Wildland Fire Hazard Areas** - If the subject property is located in a wildland fire hazard area, the subdivider may need to hire a forester to evaluate the property, reduce vegetation, and provide municipal water supply or on-site water storage of 2,500 gallons for each lot.
- **Fences** - If the subject project is located next to railroad tracks or if a major irrigation supply ditch is located within or adjacent to the subdivision, a fence may be required to provide a reasonable degree of safety for the people who will be living on the lots.
- **Irrigation Facilities** - If the subject property has irrigation water rights the subdivider will either have to remove the water rights from the property or design and install an irrigation delivery system to provide irrigation water to each of the lots. If the subdivision is in an irrigation district, the district will need to approve the irrigation plan. Consult the Department of Natural Resources and Conservation for more information on water rights.
- **Electricity and Telephone Service** - The subdivider must provide a service connection to each of the lots for electricity and telephone.
- **Water and Wastewater -** If the lots will hook into existing public water or wastewater systems, the subdivider will need to provide approval from the jurisdiction that operates the system(s). If an individual well and wastewater system are to be used or a central water system and/or community wastewater disposal constructed, they must be designed to meet the minimum standards of the Montana Department of Environmental Quality. Typically, the consumer (not the subdivider) installs and pays for these systems.
- **Mail Service** - A central mail box for all of the lots may be required if mail delivery will not be provided to each individual lot.
- **Fire Protection** - Each lot in the subdivision must be located within the boundaries of a fire district. A subdivision served by a municipal water system must include fire hydrants, the number and placement of which must be approved by the fire chief.
- **Storm Water Drainage** – Storm water drainage facilities must be provided to prevent damage to the subdivision or to adjoining properties.
- **Noxious Weed Control -** The subdivider is responsible for ensuring that noxious weeds are controlled in the subdivision, especially on areas such as roadways.
- **Parks** - If the project is a major or subsequent minor subdivision, the subdivider must either

dedicate a portion of the subdivision for park purposes or contribute money to the County Park fund. Chapter 6 of the Subdivision Regulations explains how park dedications are determined.

Application Fees and Development Costs

In order that County taxpayers do not bear the full cost of reviewing subdivision applications, the subdivider must pay fees as shown on the attached fee schedule. As the number of lots increases, the cost goes up as well. Other Departments involved in subdivision review, such as the Clerk & Recorder, Environmental Health, and Road and Bridge Department, have their own fee schedules.

Besides the application fees, there are a number of costs that a subdivider will incur as shown below. These should be factored into the project's financial feasibility.

- Consultant's fees
- Surveying fees
- Infrastructure development costs, including, but not limited to:
  - Roads
  - Bridges
  - Storm water facilities
  - Water and wastewater
  - Utilities (telephone and electric)
  - Road signs, petitions & addresses
  - Fencing
  - High fire hazard compliance
  - Park requirements (for certain major subdivisions)

Variances

As discussed earlier, design and development standards have been adopted to help ensure proper development. However, there may be instances where the standards would cause a hardship or would cause unintended results. In these instances, it may be appropriate for the County to issue a variance from that standard. The Subdivision Regulations list the requirements and procedures for reviewing applications and under what conditions one may be granted. A variance application form is available at the Planning Department. The submittal of a variance request does not guarantee that it will be granted by the Board of County Commissioners.

For Further Information

For more information please refer to the Ravalli County Subdivision Regulations or contact the Planning Department Staff at 406-375-6530.

RAVALLI COUNTY PLANNING DEPARTMENT
FEE SCHEDULE

Item	Adopted May 7, 2007
Publications	
Floodplain & Subdivision Regulations	$10.25/each
Park Plan & Growth Policy	No Charge
Publication Mailing Fee	$3.00/each
Subdivisions	
Pre-Application Review	$200
Major and Subsequent Minor	
Preliminary Plat Review (6-100 Lots)	$1,200 & $100/lot
Additional Per-Lot Fee Over 100 lots	Above + $50/lot over 100
Final Plat Review*	$350 & $5/lot
Minor	
Preliminary Plat Review	$1,200
Final Plat Review*	$250 & $5/lot
Expedited Minor (for expedited minor subdivisions remaining after November 20, 2006 amendments)	
Final Plat Review*	$150
Mobile Homes, RVs, and Condos and other Subdivisions for Lease or Rent	See major/minor fees
Subdivision Variance*	$450
Major Deviation* (for subdivision applications under regulations before November 20, 2006)	Same as Preliminary Plat Review Fees
Minor Deviation* (for subdivision applications under regulations before November 20, 2006)	$50
Requests for Amended Applications under Sections 3-2-9(a) and 3-3-8*	$950
Requests for Amended Applications under Sections 3-2-9(b) and 3-3-8*	$1,050
Amended applications under Section 3-4-1(a)(ii) - Material Modifications*	Half of major/minor preliminary plat review fees
Amended applications under Section 3-4-1(a)(iii) - Non-material modifications*	$75
Filed Plat Amendments - Errors & Corrections*	$75
Filed Plat Amendments - Material Modifications*	$600
Extension of Subdivision Review Period	$200
Extension to Approved Preliminary Plat Decision	$200
Second and Each Subsequent Public Hearing (Section 3-2-7)	$450
Payment of all extraordinary costs incurred for processing any subdivision application shall be the responsibility of the applicant.**	
Subdivision Exemptions	
Subdivision Exemption Application	$200
Wastewater Treatment Exception (Multi-Septics)	$200
Zoning	
Interim Zoning Variance (Resolution 2038)	$600
Interim Zoning Appeal (Resolution 2038)	$250
Rezoning Request (Resolution 2038)	$1,000
Citizen Initiated Zoning Request	$450
Floodplain	
Office Determination	$50
Field Determination	$100
Floodplain Permit (Any project)	$500
Extension to Approved Floodplain Permit	$50
"After-the-fact" Floodplain Permit	$1,000
Map Revision Application (LOMA, LOMR, LOMC, etc.)	$100

Floodplain Variance	$500
Floodplain Waiver (Subdivision Regulations)	$200
Floodplain Analysis (Subdivision Regulations)	$200
Other	
Copies	$.50 1st page/ $.25 add'l
Color Copies	$1.00/copy
Subdivision Application Map & Inventory List	$35
CD	$5

*Final plat, variance, and all amended application fees are charged based on the current fee schedule in place at the time of the submittal.

**In those cases where additional review fees will be requested, Staff shall notify the applicant of this potential during the pre-application conference. Once an application has been submitted for element review, to the extent the initial application fee does not provide sufficient funds to pay for outside professional services for the review of the application, the applicant will be charged the actual review costs. An estimate of the additional review fees will be provided to the applicant upon request by the applicant prior to the County engaging the outside professional services. The review of the application will be suspended in the event that the applicant does not agree to pay the costs for the outside professional services.