

HOUSE BILL NO. 791
INTRODUCED BY BRANDEWIE

IN THE HOUSE

February 12, 1985	Introduced and referred to Committee on Natural Resources.
February 25, 1985	Committee recommend bill do pass. Report adopted. Bill printed and placed on members' desks.
February 27, 1985	Second reading, do pass as amended. On motion, rules suspended and bill placed on third reading this day. Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 6, 1985	Introduced and referred to Committee on Local Government.
March 29, 1985	Committee recommend bill be concurrred in as amended. Report adopted. On motion, rules temporarily suspended in order that all bills considered on second reading on the 70th Legislative Day advance to third reading that same day.

April 1, 1985

Second reading, concurred in.

Third reading, concurred in.
Ayes, 50; Noes, 0.

Returned to House with
amendments.

IN THE HOUSE

April 2, 1985

Received from Senate.

April 8, 1985

Second reading, amendments
concurred in.

On motion, rules suspended and
bill placed on third reading
this day.

Third reading, amendments
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 791
2 INTRODUCED BY B. Lewis

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION
5 OF A SUBDIVISION UNDER THE MONTANA SUBDIVISION AND PLATTING
6 ACT; PROVIDING RESTRICTED REVIEW REQUIREMENTS FOR CERTAIN
7 SUBDIVISIONS; AMENDING SECTIONS 76-3-103, 76-3-104,
8 76-3-505, AND 76-3-609, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 76-3-103, MCA, is amended to read:

12 "76-3-103. Definitions. As used in this chapter,
13 unless the context or subject matter clearly requires
14 otherwise, the following words or phrases shall have the
15 following meanings:

16 (1) "Certificate of survey" means a drawing of a field
17 survey prepared by a registered surveyor for the purpose of
18 disclosing facts pertaining to boundary locations.

19 (2) "Dedication" means the deliberate appropriation of
20 land by an owner for any general and public use, reserving
21 to himself no rights which are incompatible with the full
22 exercise and enjoyment of the public use to which the
23 property has been devoted.

24 (3) "Division of land" means the segregation of one or
25 more parcels of land from a larger tract held in single or

1 undivided ownership by transferring or contracting to
2 transfer title to or possession of a portion of the tract or
3 properly filing a certificate of survey or subdivision plat
4 establishing the identity of the segregated parcels pursuant
5 to this chapter.

6 (4) "Examining land surveyor" means a registered land
7 surveyor duly appointed by the governing body to review
8 surveys and plats submitted for filing.

9 (5) "Governing body" means a board of county
10 commissioners or the governing authority of any city or town
11 organized pursuant to law.

12 (6) "Irregularly shaped tract of land" means a parcel
13 of land other than an aliquot part of the United States
14 government survey section or a United States government lot,
15 the boundaries or areas of which cannot be determined
16 without a survey or trigonometric calculation.

17 (7) "Occasional sale" means one sale of a division of
18 land within any 12-month period.

19 (8) "Planned unit development" means a land
20 development project consisting of residential clusters,
21 industrial parks, shopping centers, office building parks,
22 or any combination thereof which comprises a planned mixture
23 of land uses built in a prearranged relationship to each
24 other and having open space and community facilities in
25 common ownership or use.



1 (9) "Plat" means a graphical representation of a
2 subdivision showing the division of land into lots, parcels,
3 blocks, streets, alleys, and other divisions and
4 dedications.

5 (10) "Preliminary plat" means a neat and scaled drawing
6 of a proposed subdivision showing the layout of streets,
7 alleys, lots, blocks, and other elements of a subdivision
8 which furnish a basis for review by a governing body.

9 (11) "Final plat" means the final drawing of the
10 subdivision and dedication required by this chapter to be
11 prepared for filing for record with the county clerk and
12 recorder and containing all elements and requirements set
13 forth in this chapter and in regulations adopted pursuant
14 thereto.

15 (12) "Registered land surveyor" means a person licensed
16 in conformance with the Montana Professional Engineers'
17 Registration Act (Title 37, chapter 67) to practice
18 surveying in the state of Montana.

19 (13) "Registered professional engineer" means a person
20 licensed in conformance with the Montana Professional
21 Engineers' Registration Act (Title 37, chapter 67) to
22 practice engineering in the state of Montana.

23 (14) "Subdivider" means any person who causes land to
24 be subdivided or who proposes a subdivision of land.

25 (15) "Subdivision" means a division of land or land so

1 divided which creates:

2 (a) one or more parcels containing less than 20 acres,
3 exclusive of public roadways, in order that the title to or
4 possession of the parcels may be sold, rented, leased, or
5 otherwise conveyed and shall include any resubdivision and
6 shall further include any condominium or area, regardless of
7 its size, which provides or will provide multiple space for
8 recreational camping vehicles, or mobile homes; and

9 (b) two or more additional parcels, regardless of
10 size, which are contiguous, connected by a common road or
11 road system, or connected by a common sewer or water
12 system."

13 Section 2. Section 76-3-104, MCA, is amended to read:

14 "76-3-104. What constitutes subdivision. A subdivision
15 shall comprise only those parcels ~~less than 20 acres~~ meeting
16 the definition of "subdivision" in 76-3-103 which have been
17 segregated from the original tract, and the plat thereof
18 shall show all such parcels whether contiguous or not."

19 Section 3. Section 76-3-505, MCA, is amended to read:

20 "76-3-505. Provision for summary review of minor
21 certain subdivisions. (1) Local subdivision regulations
22 shall include procedures for the summary review and approval
23 of subdivision plats containing five or fewer parcels where
24 proper access to all lots is provided, where no land in the
25 subdivision will be dedicated to public use for parks or

1 playgrounds, and which have been approved by the department
2 of health and environmental sciences where such approval is
3 required by part 1 of chapter 4; provided that reasonable
4 local regulations may contain additional requirements for
5 summary approval.

6 (2) Local subdivision regulations must include
7 procedures for review of those subdivisions consisting
8 exclusively of parcels 20 acres or larger subject to this
9 chapter. Rules governing review of these subdivisions shall
10 be limited to a written determination of whether appropriate
11 access and easements are properly provided."

12 Section 4. Section 76-3-609, MCA, is amended to read:

13 "76-3-609. Review procedure for minor certain
14 subdivisions. (1) Subdivisions containing five or fewer
15 parcels where proper access to all lots is provided and in
16 which no land is to be dedicated to the public for parks or
17 playgrounds are to be reviewed as follows:

18 (1)(a) The governing body must approve, conditionally
19 approve, or disapprove the first such subdivision from a
20 tract of record within 35 days of the submission of an
21 application for approval thereof.

22 (2)(b) The governing body shall state in writing the
23 conditions which must be met if the subdivision is
24 conditionally approved or what local regulations would not
25 be met by the subdivision if it disapproves the subdivision.

1 ~~(3)(c)~~ The requirements for holding a public hearing
2 and preparing an environmental assessment shall not apply to
3 the first such subdivision created from a tract of record.

4 ~~(4)(d)~~ Subsequent subdivisions from a tract of record
5 shall be reviewed under 76-3-505 and regulations adopted
6 pursuant to that section.

7 (2) For subdivisions consisting exclusively of parcels
8 20 acres and larger, the governing body shall approve,
9 conditionally approve, or disapprove the subdivision within
10 35 days of the submission of an application for approval.
11 The governing body's review and approval must be limited to
12 a written determination that appropriate access and
13 easements are properly provided. Requirements for holding a
14 public hearing, preparing an environmental assessment, and
15 finding that the subdivision is in the public interest do
16 not apply."

-End-

APPROVED BY COMM. ON NATURAL RESOURCES

1 HOUSE BILL NO. 791
2 INTRODUCED BY Branley

3
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18 disclosing facts pertaining to boundary locations.

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20 land by an owner for any general and public use, reserving
21 to himself no rights which are incompatible with the full
22 exercise and enjoyment of the public use to which the
23 property has been devoted.

24 (3) "Division of land" means the segregation of one or
25 more parcels of land from a larger tract held in single or

1 undivided ownership by transferring or contracting to
2 transfer title to or possession of a portion of the tract or
3 properly filing a certificate of survey or subdivision plat
4 establishing the identity of the segregated parcels pursuant
5 to this chapter.

6 (4) "Examining land surveyor" means a registered land
7 surveyor duly appointed by the governing body to review
8 surveys and plats submitted for filing.

9 (5) "Governing body" means a board of county
10 commissioners or the governing authority of any city or town
11 organized pursuant to law.

12 (6) "Irregularly shaped tract of land" means a parcel
13 of land other than an aliquot part of the United States
14 government survey section or a United States government lot,
15 the boundaries or areas of which cannot be determined
16 without a survey or trigonometric calculation.

17 (7) "Occasional sale" means one sale of a division of
18 land within any 12-month period.

19 (8) "Planned unit development" means a land
20 development project consisting of residential clusters,
21 industrial parks, shopping centers, office building parks,
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6 of a proposed subdivision showing the layout of streets,
7 alleys, lots, blocks, and other elements of a subdivision
8 which furnish a basis for review by a governing body.

9 (11) "Final plat" means the final drawing of the
10 subdivision and dedication required by this chapter to be
11 prepared for filing for record with the county clerk and
12 recorder and containing all elements and requirements set
13 forth in this chapter and in regulations adopted pursuant
14 thereto.

15 (12) "Registered land surveyor" means a person licensed
16 in conformance with the Montana Professional Engineers'
17 Registration Act (Title 37, chapter 57) to practice
18 surveying in the state of Montana.

19 (13) "Registered professional engineer" means a person
20 licensed in conformance with the Montana Professional
21 Engineers' Registration Act (Title 37, chapter 67) to
22 practice engineering in the state of Montana.

23 (14) "Subdivider" means any person who causes land to
24 be subdivided or who proposes a subdivision of land.

25 (15) "Subdivision" means a division of land or land so

1 divided which creates:

2 (a) one or more parcels containing less than 20 acres,
3 exclusive of public roadways, in order that the title to or
4 possession of the parcels may be sold, rented, leased, or
5 otherwise conveyed and shall include any resubdivision and
6 shall further include any condominium or area, regardless of
7 its size, which provides or will provide multiple space for
8 recreational camping vehicles, or mobile homes; and

9 (b) two or more additional parcels, regardless of
10 size, which are contiguous, connected by a common road or
11 road system, or connected by a common sewer or water
12 system."

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14 "76-3-104. What constitutes subdivision. A subdivision
15 shall comprise only those parcels ~~less than 20 acres~~ meeting
16 the definition of "subdivision" in 76-3-103 which have been
17 segregated from the original tract, and the plat thereof
18 shall show all such parcels whether contiguous or not."

19 Section 3. Section 76-3-505, MCA, is amended to read:
20 "76-3-505. Provision for summary review of ~~minor~~
21 certain subdivisions. (1) Local subdivision regulations
22 shall include procedures for the summary review and approval
23 of subdivision plats containing five or fewer parcels where
24 proper access to all lots is provided, where no land in the
25 subdivision will be dedicated to public use for parks or

1 playgrounds, and which have been approved by the department
2 of health and environmental sciences where such approval is
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4 local regulations may contain additional requirements for
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8 exclusively of parcels 20 acres or larger subject to this
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11 access and easements are properly provided."

12 Section 4. Section 76-3-609, MCA, is amended to read:

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20 tract of record within 35 days of the submission of an
21 application for approval thereof.

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23 conditions which must be met if the subdivision is
24 conditionally approved or what local regulations would not
25 be met by the subdivision if it disapproves the subdivision.

1 ††(c) The requirements for holding a public hearing
2 and preparing an environmental assessment shall not apply to
3 the first such subdivision created from a tract of record.
4 ††(d) Subsequent subdivisions from a tract of record
5 shall be reviewed under 76-3-505 and regulations adopted
6 pursuant to that section.

7 (2) For subdivisions consisting exclusively of parcels
8 20 acres and larger, the governing body shall approve,
9 conditionally approve, or disapprove the subdivision within
10 35 days of the submission of an application for approval.
11 The governing body's review and approval must be limited to
12 a written determination that appropriate access and
13 easements are properly provided. Requirements for holding a
14 public hearing, preparing an environmental assessment, and
15 finding that the subdivision is in the public interest do
16 not apply."

-End-

HOUSE BILL NO. 791

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION OF A SUBDIVISION UNDER THE MONTANA SUBDIVISION AND PLATTING ACT, PROVIDING RESTRICTED REVIEW REQUIREMENTS FOR CERTAIN MINOR SUBDIVISIONS AND OTHER DIVISIONS OF LAND; AMENDING SECTIONS 76-3-103, 76-3-104, 76-3-505, AND 76-3-609, MCA."

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(2) "Dedication" means the deliberate appropriation of land by an owner for any general and public use, reserving to himself no rights which are incompatible with the full exercise and enjoyment of the public use to which the property has been devoted.

(3) "Division of land" means the segregation of one or more parcels of land from a larger tract held in single or

undivided ownership by transferring or contracting to transfer title to or possession of a portion of the tract or properly filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to this chapter.

(4) "Examining land surveyor" means a registered land surveyor duly appointed by the governing body to review surveys and plats submitted for filing.

(5) "Governing body" means a board of county commissioners or the governing authority of any city or town organized pursuant to law.

(6) "Irregularly shaped tract of land" means a parcel of land other than an aliquot part of the United States government survey section or a United States government lot, the boundaries or areas of which cannot be determined without a survey or trigonometric calculation.

(7) "Occasional sale" means one sale of a division of land within any 12-month period.

(8) "Planned unit development" means a land development project consisting of residential clusters, industrial parks, shopping centers, office building parks, or any combination thereof which comprises a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in common ownership or use.



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 2 subdivision showing the division of land into lots, parcels,
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 6 of a proposed subdivision showing the layout of streets,
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9 (11) "Final plat" means the final drawing of the
 10 subdivision and dedication required by this chapter to be
 11 prepared for filing for record with the county clerk and
 12 recorder and containing all elements and requirements set
 13 forth in this chapter and in regulations adopted pursuant
 14 thereto.

15 (12) "Registered land surveyor" means a person licensed
 16 in conformance with the Montana Professional Engineers
 17 Registration Act (Title 37, Chapter 67) to practice
 18 surveying in the state of Montana.

19 (13) "Registered professional engineer" means a person
 20 licensed in conformance with the Montana Professional
 21 Engineers Registration Act (Title 37, Chapter 67) to
 22 practice engineering in the state of Montana.

23 (14) "Subdivider" means any person who causes land to
 24 be subdivided or who proposes a subdivision of land.

25 (15) "Subdivision" means a division of land or land so

1 divided which creates:

2 (a) one or more parcels containing less than 20 acres,
 3 exclusive of public roadways, in order that the title to or
 4 possession of the parcels may be sold, rented, leased, or
 5 otherwise conveyed and shall include any resubdivision and
 6 shall further include any condominium or area, regardless of
 7 its size, which provides or will provide multiple space for
 8 recreational camping vehicles, or mobile homes, and

9 (b) two or more additional parcels, regardless of
 10 size, which are contiguous, connected by a common road or
 11 road system, or connected by a common sewer or water
 12 system.

13 Section 2. Section 76-3-104, MCA, is amended to read:
 14 "76-3-104. What constitutes subdivision. A
 15 subdivision shall comprise only those parcels less than 20
 16 acres meeting the definition of "subdivision" in 76-3-103
 17 which have been segregated from the original tract, and the
 18 plat thereof shall show all such parcels whether contiguous
 19 or not."

20 Section 1. Section 76-3-505, MCA, is amended to read:
 21 "76-3-505. Provision for summary review of minor
 22 certain subdivisions AND OTHER DIVISIONS OF LAND. (1) Local
 23 subdivision regulations shall include procedures for the
 24 summary review and approval of subdivision plats containing
 25 five or fewer parcels where proper access to all lots is

1 provided, where no land in the subdivision will be dedicated
 2 to public use for parks or playgrounds, and which have been
 3 approved by the department of health and environmental
 4 sciences where such approval is required by part 1 of
 5 chapter 4; provided that reasonable local regulations may
 6 contain additional requirements for summary approval.

7 (2) Local subdivision regulations must include
 8 procedures for review of those subdivisions DIVISIONS OF
 9 LAND consisting exclusively of parcels 20 acres or larger
 10 subject to this chapter. Rules governing review of these
 11 subdivisions DIVISIONS OF LAND shall be limited to a written
 12 determination of whether appropriate access and easements
 13 are properly provided."

14 Section 2. Section 76-3-609, MCA, is amended to read:

15 "76-3-609. Review procedure for minor certain MINOR
 16 subdivisions AND OTHER DIVISIONS OF LAND. (1) Subdivisions
 17 containing five or fewer parcels where proper access to all
 18 lots is provided and in which no land is to be dedicated to
 19 the public for parks or playgrounds are to be reviewed as
 20 follows:

21 (1)(a) The governing body must approve, conditionally
 22 approve, or disapprove the first such subdivision from a
 23 tract of record within 35 days of the submission of an
 24 application for approval thereof.

25 (2)(b) The governing body shall state in writing the

1 conditions which must be met if the subdivision is
 2 conditionally approved or what local regulations would not
 3 be met by the subdivision if it disapproves the subdivision.

4 (3)(c) The requirements for holding a public hearing
 5 and preparing an environmental assessment shall not apply to
 6 the first such subdivision created from a tract of record.

7 (4)(d) Subsequent subdivisions from a tract of record
 8 shall be reviewed under 76-3-505 and regulations adopted
 9 pursuant to that section.

10 (2) For subdivisions DIVISIONS OF LAND consisting
 11 exclusively of parcels 20 acres and larger, the governing
 12 body shall approve, conditionally approve, or disapprove the
 13 subdivision DIVISION OF LAND within 35 days of the
 14 submission of an application for approval. The governing
 15 body's review and approval must be limited to a written
 16 determination that appropriate access and easements are
 17 properly provided. Requirements for holding a public
 18 hearing, preparing an environmental assessment, and finding
 19 that the subdivision DIVISION OF LAND is in the public
 20 interest do not apply."

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 2 MARCH 28 19 85

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT
having had under consideration HOUSE BILL No. 791
THIRD reading copy (BLUE color)

REVISING DEFINITION OF SUBDIVISION

HOUSE BILL 791
Respectfully report as follows: That No.

- 1. Page 6, line 10. Following: "(2)" Insert: "(a)"
2. Page 6, line 12. Following: "shall" Strike: "approve, conditionally approve, or disapprove" Insert: "review"
3. Page 6, line 14. Following: "for" Strike: "approval" Insert: "review"
4. Page 6, line 15. Following: "review" Strike: "and approval"
5. Page 6, line 17. Following: "provided." Insert: "The review shall provide either: (i) that the access and easements are suitable for the purposes of providing appropriate services to the land; or (ii) that the access and easements are not suitable for the purposes of providing appropriate services to the land, in which case the county, the school district or districts, and other authorities and districts in which the land is located will not provide services that involve use of the unsuitable access and easements. Such services include: (A) fire protection; (B) school bussing; (C) ambulance; (D) snow removal; and (E) similar services as determined by the governing body."

(continued)

Chairman.

Page 2 of 2
HB 791

March 29, 19 85

(b) The governing body shall deliver a copy of the determination of the review to the county clerk and recorder to be reflected on the certificate of survey or deed of conveyance of the land that was subject to review.

(c) The governing body may, upon application by a landowner, redetermine the suitability of access and easements. If the governing body determines that there has been a material change regarding access or easements and the change provides for suitable access and easements for services, it may determine that such land is now suitable as provided in subsection (2)(a)(i) and shall deliver a copy of such determination to the county clerk and recorder to be reflected on the certificate of survey or deed of conveyance.

(d) "

PC3HB791.641

AND AS AMENDED

BE CONCURRED IN

KB

Senator Dave Fuller, Chairman

HOUSE BILL NO. 791

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undivided ownership by transferring or contracting to transfer title to or possession of a portion of the tract or properly filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to this chapter;

(4) "Examining land surveyor" means a registered land surveyor duly appointed by the governing body to review surveys and plats submitted for filing;

(5) "Governing body" means a board of county commissioners or the governing authority of any city or town organized pursuant to law;

(6) "Irregularly shaped tract of land" means a parcel of land other than an aliquot part of the United States government survey section or a United States government lot, the boundaries or areas of which cannot be determined without a survey or trigonometric calculation;

(7) "Occasional sale" means one sale of a division of land within any 12-month period;

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2 subdivision--showing--the--division--of--land--into--lots,--parcels,
3 blocks,--streets,--alleys,--and--other--divisions--and
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6 of--a--proposed--subdivision--showing--the--layout--of--streets,
7 alleys,--lots,--blocks,--and--other--elements--of--a--subdivision
8 which--furnish--a--basis--for--review--by--a--governing--body.

9 {11}--"Final plat"--means--the--final--drawing--of--the
10 subdivision--and--dedication--required--by--this--chapter--to--be
11 prepared--for--filing--for--record--with--the--county--clerk--and
12 recorder--and--containing--all--elements--and--requirements--set
13 forth--in--this--chapter--and--in--regulations--adopted--pursuant
14 thereto.

15 {12}--"Registered land surveyor"--means--a--person--licensed
16 in--conformance--with--the--Montana--Professional--Engineers'
17 Registration--Act--(Title--37,--chapter--67)--to--practice
18 surveying--in--the--state--of--Montana.

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21 Engineers'
22 Registration--Act--(Title--37,--chapter--67)--to
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24 {14}--"Subdivider"--means--any--person--who--causes--land--to
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1 divided--which--creates:

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4 possession--of--the--parcels--may--be--sold,--rented,--leased,--or
5 otherwise--conveyed--and--shall--include--any--resubdivision--and
6 shall--further--include--any--condominium--or--area,--regardless--of
7 its--size,--which--provides--or--will--provide--multiple--space--for
8 recreational--camping--vehicles,--or--mobile--homes,--and

9 {b}--two--or--more--additional--parcels,--regardless--of
10 size,--which--are--contiguous,--connected--by--a--common--road--or
11 road--system,--or--connected--by--a--common--sewer--or--water
12 system."

13 Section 2. Section 76-3-104, MCA, is amended to read:

14 "76-3-104. What constitutes subdivision. A
15 subdivision shall comprise only those parcels less than 20
16 acres meeting the definition of "subdivision" in 76-3-103
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22 certain subdivisions AND OTHER DIVISIONS OF LAND. (1) Local
23 subdivision regulations shall include procedures for the
24 summary review and approval of subdivision plats containing
25 five or fewer parcels where proper access to all lots is

1 provided, where no land in the subdivision will be dedicated
 2 to public use for parks or playgrounds, and which have been
 3 approved by the department of health and environmental
 4 sciences where such approval is required by part 1 of
 5 chapter 4; provided that reasonable local regulations may
 6 contain additional requirements for summary approval.

7 (2) Local subdivision regulations must include
 8 procedures for review of those subdivisions DIVISIONS OF
 9 LAND consisting exclusively of parcels 20 acres or larger
 10 subject to this chapter. Rules governing review of these
 11 subdivisions DIVISIONS OF LAND shall be limited to a written
 12 determination of whether appropriate access and easements
 13 are properly provided."

14 Section 2. Section 76-3-609, MCA, is amended to read:
 15 "76-3-609. Review procedure for ~~minor~~ certain ~~MINOR~~
 16 subdivisions AND OTHER DIVISIONS OF LAND. (1) Subdivisions
 17 containing five or fewer parcels where proper access to all
 18 lots is provided and in which no land is to be dedicated to
 19 the public for parks or playgrounds are to be reviewed as
 20 follows:

21 †1†(a) The governing body must approve, conditionally
 22 approve, or disapprove the first such subdivision from a
 23 tract of record within 35 days of the submission of an
 24 application for approval thereof.

25 †2†(b) The governing body shall state in writing the

1 conditions which must be met if the subdivision is
 2 conditionally approved or what local regulations would not
 3 be met by the subdivision if it disapproves the subdivision.

4 †3†(c) The requirements for holding a public hearing
 5 and preparing an environmental assessment shall not apply to
 6 the first such subdivision created from a tract of record.

7 †4†(d) Subsequent subdivisions from a tract of record
 8 shall be reviewed under 76-3-505 and regulations adopted
 9 pursuant to that section.

10 (2) (A) For subdivisions DIVISIONS OF LAND consisting
 11 exclusively of parcels 20 acres and larger, the governing
 12 body shall ~~approve~~ ~~conditionally approve~~ ~~or disapprove~~
 13 REVIEW the subdivision DIVISION OF LAND within 35 days of
 14 the submission of an application for ~~approval~~ REVIEW. The
 15 governing body's review ~~and approval~~ must be limited to a
 16 written determination that appropriate access and easements
 17 are properly provided. THE REVIEW SHALL PROVIDE EITHER:

18 (I) THAT THE ACCESS AND EASEMENTS ARE SUITABLE FOR THE
 19 PURPOSES OF PROVIDING APPROPRIATE SERVICES TO THE LAND; OR

20 (II) THAT THE ACCESS AND EASEMENTS ARE NOT SUITABLE FOR
 21 THE PURPOSES OF PROVIDING APPROPRIATE SERVICES TO THE LAND,
 22 IN WHICH CASE THE COUNTY, THE SCHOOL DISTRICT OR DISTRICTS,
 23 AND OTHER AUTHORITIES AND DISTRICTS IN WHICH THE LAND IS
 24 LOCATED WILL NOT PROVIDE SERVICES THAT INVOLVE USE OF THE
 25 UNSUITABLE ACCESS AND EASEMENTS. SUCH SERVICES INCLUDE:

1 (A) FIRE PROTECTION;

2 (B) SCHOOL BUSING;

3 (C) AMBULANCE;

4 (D) SNOW REMOVAL; AND

5 (E) SIMILAR SERVICES AS DETERMINED BY THE GOVERNING
6 BODY.

7 (B) THE GOVERNING BODY SHALL DELIVER A COPY OF THE
8 DETERMINATION OF THE REVIEW TO THE COUNTY CLERK AND RECORDER
9 TO BE REFLECTED ON THE CERTIFICATE OF SURVEY OR DEED OF
10 CONVEYANCE OF THE LAND THAT WAS SUBJECT TO REVIEW.

11 (C) THE GOVERNING BODY MAY, UPON APPLICATION BY A
12 LANDOWNER, REDETERMINE THE SUITABILITY OF ACCESS AND
13 EASEMENTS. IF THE GOVERNING BODY DETERMINES THAT THERE HAS
14 BEEN A MATERIAL CHANGE REGARDING ACCESS OR EASEMENTS AND THE
15 CHANGE PROVIDES FOR SUITABLE ACCESS AND EASEMENTS FOR
16 SERVICES, IT MAY DETERMINE THAT SUCH LAND IS NOW SUITABLE AS
17 PROVIDED IN SUBSECTION (2)(A)(I) AND SHALL DELIVER A COPY OF
18 SUCH DETERMINATION TO THE COUNTY CLERK AND RECORDER TO BE
19 REFLECTED ON THE CERTIFICATE OF SURVEY OR DEED OF
20 CONVEYANCE.

21 (D) Requirements for holding a public hearing,
22 preparing an environmental assessment, and finding that the
23 subdivision DIVISION OF LAND is in the public interest do
24 not apply."

-End-