First Minor Subdivision Process

To transfer ownership of a parcel containing less than 160 acres, Montana State law requires that the property be subdivided. If the land has never been divided before and it involves five (5) or fewer lots (including the original tract), the process is called a "first minor subdivision"

BASIC STEPS

1. Submittal of preliminary plat and application
2. Planning board meeting
3. County Commission meeting
4. Commission decision with conditions of approval
5. Completion of conditions approval
6. Submittal of final plat and application
7. Second County Commission meeting
8. Plat is recorded

SUBDIVIDER RESPONSIBILITIES

❑Hire qualified professional complete a survey of the property

❑Submit a completed application to the county subdivision administrator including a plat, supplemental information and review fee

❑Address necessary fire protection provisions

❑Discuss access with County Road Office

❑Ensure provision of appropriate utilities

❑Obtain approval of water and sewer systems from the Department of Environmental Quality and/or County Sanitarian

CURRENT FEE SCHEDULE

See Current Review Fee Schedule at County Web Site or contact the Clerk & Recorder

GENERAL PROCESS

1. Subdivider hires a qualified professional to prepare preliminary plat.
2. Subdivider meets submittal deadline for Planning Board meeting 14 days prior to the next available Planning Board meeting.
3. Subdivider submits a complete application packet.
4. Subdivision Administrator has three working days to determine if the application is complete, and will notify subdivider of any deficiencies.
5. Subdivision Administrator distributes to other agencies.
6. Subdivider is notified of Planning Board meeting date; and is provided a copy of Subdivision Administrator's review notes/recommendations.
7. Subdivider attends the Planning Board meeting.
8. Written advice and recommendation provided to the County Commission.
9. Subdivision Administrator prepares report for Commission with recommended conditions for approval.
10. County notifies subdivider of County Commission meeting date with copy of the staff report.
11. Subdivider or subdivider's representative attends Commission meeting prepared to:
    - I. Answer any questions.
    - II. Express preference for mitigating impacts.
12. County Commission approves, conditionally approves, or denies the subdivision.
13. Subdivision Administrator prepares recommended Findings of Fact (FOF).
14. County Commission approves FOF.
15. Subdivision Administrator sends copy of approved FOF to subdivider.
16. Subdivider has up to 3 years to complete all conditions of approval.
17. Subdivider obtains encroachment permits from the County Road Office, if applicable.
18. County Road Office explains procedure for road improvements to subdivider, if applicable.
19. Subdivider installs road improvements, if applicable.
20. Subdivider has road improvements approved by the County Road Office, if applicable.
21. Subdivider obtains MDEQ and/or County Sanitarian approval.
22. Subdivider hires qualified person or firm to complete final plat.
23. Subdivider obtains and submits certificate of a licensed title abstractor.
24. Subdivider furnishes the following items with final plat submittal packet:
    - I. Platting certificate.
    - II. Covenants, if applicable.
    - III. Establishment of property owners' association, if applicable.
25. Subdivider pays all real property taxes and special assessments assessed and levied on the land to be subdivided.
26. Subdivider submits complete final plat packet to Subdivision Administrator including a letter addressing how all conditions of approval have been met.
27. County notifies subdivider of date for the Commission's consideration of final plat.
28. Subdivider produces two mylar copies of plat and obtains all plat signatures except County Commission and Clerk and Recorder.
29. County Commission returns two signed mylars to Clerk and Recorder.
30. County notifies subdivider that plat is ready to be recorded.
31. Subdivider pays Clerk and Recorder to record plat and all required documents

COUNTY RESPONSIBILITIES

•The Commission must make a decision on a first minor subdivision within 35 working days following submittal of a complete application, unless the subdivider provides a written extension. If a variance is requested, a public hearing is required and the Commission will make a decision in 60 working days.

•If the minor subdivision does not fit the criteria for a Low Impact Minor Subdivision, the Commission must ask the Planning Board for advice and recommendation on the proposed subdivision, which it must submit to the Commission within 10 days. The County Commission must issue a written finding of fact weighing the following criteria:

•The effect on agriculture, agricultural -water user facilities, local services, the natural environment, wildlife and wildlife habitat, and public health and safety.

•Compliance with the survey requirements of the Montana Subdivision and Platting Act.

•Compliance with County Subdivision Regulations and required review process.

•The provision of easements for the location and installation of any necessary utilities.

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

QUESTIONS

Contact the County Subdivision Administrator or a qualified Professional