
MAJOR SUBDIVISION PROCESS

To transfer ownership of a parcel containing less than 160 acres, State law requires that the property be subdivided. If the subdivision involves more than five lots (including the original tract), it is a "major subdivision." A previously divided parcel is a "second or subsequent minor subdivision," and is processed as a major subdivision.

Subdivider's Responsibilities:

- ◆ Hire a qualified person or firm to complete the survey of the property and the plat.
- ◆ Provide an environmental assessment and community impact report, including mitigation.
- ◆ Submit a complete application to the Planning Department by a submittal deadline.
- ◆ Pay all applicable charges including: the application fee, fire fill site and road improvement reimbursements, school district mitigation, impact fees, required improvements and recording costs.
- ◆ Address necessary fire protection provisions and methods of providing adequate fire protection.
- ◆ Discuss subdivision access with the County Road Office to determine needed road improvements and location of access easements.
- ◆ Ensure provision of appropriate utilities.
- ◆ Obtain approval from MDEQ and/or Gallatin County Environmental Health for the provision of water and the disposal of sewage.

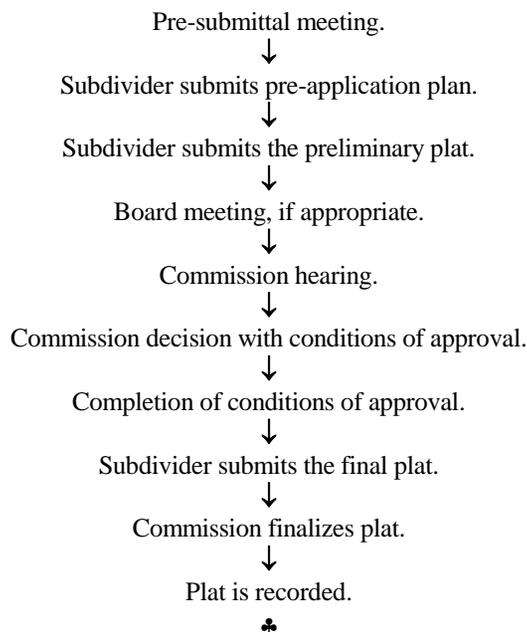
Gallatin County's Responsibilities:

According to Montana State Statute:

- ◆ The Commission must make a decision within 60 working days following submittal of a complete application, unless the subdivider provides a written extension.
- ◆ If the parcel is located outside of most zoning districts, the Commission must ask for the advice and recommendation of the Planning Board, which the Board must provide within 10 days.

- ◆ Planning must provide the appropriate rural school district(s) with a copy of the preliminary plat, to enable evaluation of the development's impact on provision of services.
- ◆ The Commission must issue a written finding of fact weighing the following criteria:
 - a) *The effect on agriculture, agricultural water user facilities, local services, natural environment, wildlife and wildlife habitat, and public health and safety.*
 - b) *Compliance with the survey requirements of the Montana Subdivision and Platting Act.*
 - c) *Compliance with the Gallatin County Subdivision Regulations and the review process of the regulations.*
 - d) *The provision of easements for the location and installation of any necessary utilities.*
 - e) *Provision of legal and physical access to each parcel within the subdivision and the required notation of that access on the applicable plat and any instrument transferring the parcel.*

BASIC STEPS



GENERAL PROCESS

1. Subdivider and planner discuss proposal at the pre-submittal meeting.

2. Subdivider submits complete pre-application.
3. Planning reviews pre-application and sends review letter to subdivider within 15 working days.
4. Subdivider hires a qualified person or firm to complete the preliminary plat.
5. Subdivider meets submittal deadline for Board meeting if appropriate; at least 18 days prior to the next available Board meeting.
6. Subdivider submits a complete application minimally consisting of:
 - ✓ Application form.
 - ✓ Fee.
 - ✓ Plat(s).
 - ✓ Environmental assessment (EA) or summary EA.
 - ✓ Certified list of adjoining property owners, from latest tax records.
 - ✓ A letter from the Fire District.
 - ✓ Written justification for variances.
7. Planning has three working days to determine if the application is complete.
8. Subdivider will be notified of any deficiencies.
9. Planning Department distributes plat to other agencies.
10. Planning publishes legal notice, and notifies adjoining property owners with certified letters.
11. Planning sends subdivider a copy of the staff report, with draft conditions for approval.
12. Subdivider attends the Board meeting.
13. Board provides written advice and recommendation to the Commission.
14. Planning submits staff report to the Commission with recommended conditions for approval.
15. Planning notifies subdivider of Commission hearing date with copy of staff report.
16. Subdivider attends hearing before the Commission, and should be prepared to:
 - ✓ Express subdivider's preference for mitigating impacts of proposed development.
17. Commission makes a decision to approve, conditionally approve, or deny the subdivision.
18. Planning prepares findings of fact.
19. Commission approves findings of fact.
20. Planning sends copy of approved findings of fact to subdivider.

21. Subdivider has up to three years to complete all conditions of approval.
22. Subdivider obtains encroachment permits from the Road Office.
23. Road Office explains procedure for road improvements to subdivider.
24. Subdivider installs road improvements.
25. Subdivider has road improvements approved by the Road Office.
26. Subdivider obtains MDEQ and/or Gallatin City-County Environmental Health approval.
27. Subdivider hires a qualified person or firm to complete final plat.
28. Subdivider obtains certificate of a licensed title abstractor no earlier than 90 days prior to submittal.
29. Subdivider submits the following items to the county attorney's office
 - ✓ Platting certificate.
 - ✓ Covenants.
 - ✓ Establishment of property owners' association.
30. Subdivider pays all real property taxes and special assessments assessed and levied on the land to be subdivided.
31. Subdivider obtains all plat signatures except Commission and Clerk and Recorder.
32. Subdivider submits complete final plat to Planning, minimally consisting of:
 - ✓ Application form.
 - ✓ Two mylars, digital copy and paper copies.
 - ✓ Platting certificate.
 - ✓ Approval of sanitary facilities.
 - ✓ Letter addressing how all conditions of approval have been met.
 - ✓ Processing fee.
33. Subdivider pays: Fire District reimbursement or submits copy of receipt; road reimbursement with two checks, 75% to Planning, and 25% to the Road Office if appropriate.
34. Planning notifies subdivider of date the final plat will be considered by the Commission.
35. Planning submits two mylars to Commission.
36. Commission returns two signed mylars to Planning.

37. Planning notifies subdivider that plat is ready to be recorded.
38. Subdivider pays Clerk and Recorder to record plat and all required documents.

You should be aware that in many instances, your professional will process your proposed subdivision.

Check Current Fee Schedule

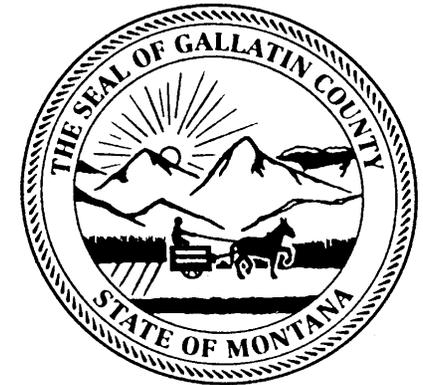
(Available on our website)

If you have any additional questions, please contact the Planning Department, and/or make an appointment to meet with a planner. You can receive walk-in assistance Monday through Friday from 8:00 am to 12:00 pm and 1:00 pm to 5:00 pm at the Gallatin County Planning Department.

Updated June 2007

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GALLATIN COUNTY PLANNING DEPARTMENT

Gallatin County
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