

**AMENDMENTS TO THE GALLATIN COUNTY SUBDIVISION  
REGULATIONS PURSUANT TO 2009 AND 2011 LEGISLATIVE CHANGES**

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House Bill 486 was enacted by the 2009 Legislature. The legislation included modifications to the Montana Subdivision and Platting Act (Title 76, chapter 3, MCA), which required specific amendments to the Gallatin County Subdivision Regulations regarding divisions of land exempt from subdivision review.

On November 24, 2009, the Gallatin County Commission adopted Resolution of Intention No. 2009-157 directing the Planning Department to prepare amendments to the Gallatin County Subdivision Regulations, pursuant to the provisions of House Bill 486.

House Bill 522 and 460 was enacted by the 2011 Legislature. The new legislation includes modifications to the Montana Subdivision and Platting Act (Title 76, chapter 3, MCA), which require specific amendments to the Gallatin County Subdivision Regulations.

On August 9, 2011, the Gallatin County Commission adopted Resolution of Intention No. 2011-066 directing the Planning Department to prepare amendments to the Gallatin County Subdivision Regulations, pursuant to the 2011 MSPA legislative amendments.

1. Deletions to the text are shown as ~~strikeout~~, while additions to the text are shown as underline.

**HOUSE BILL 486, SECTION 12 (Section 76-3-207, MCA):**

**SECTION 14: DIVISIONS OF LAND EXEMPT FROM  
SUBDIVISION REVIEW**

**K. Aggregation of Parcels or Lots ~~within a Platted Subdivision~~.**

1. The proper use of the exemption for aggregation of ~~Lots is to aggregate five or fewer~~ Lots within a platted Subdivision or aggregation of parcels outside of a platted Subdivision ~~and does not increase the total number of Lots.~~
2. ~~The Subdivision plat shall contain the title "Amended Plat" and must be filed with the Clerk and Recorder, and~~ A certificate of survey or Subdivision plat must show that the boundaries of the original parcels or Lots have been eliminated and the boundaries of a larger aggregate parcel or Lots are established. A restriction or requirement on the original platted Lot or original unplatted parcel continues to apply to those areas.

3. ~~A restriction or requirement that the original platted Lot or original unplatted parcel continues to apply to those areas. The Amended Plat or certificate of survey showing the aggregation of Lots or parcels within a platted Subdivision must be accompanied by:~~
  - a. A deed(s) exchanging recorded interest from every person having a recorded interest in adjoining properties for the entire newly described parcel(s); and
  - b. Documentation showing the need or reason for the aggregation (i.e., structure encroachment, Surveyor error or enhancement of the configuration of the property).
4. Any redesign or rearrangement of six or more Lots within a platted Subdivision must be reviewed and approved by the County Commission prior to the filing of the Final Plat.

**HOUSE BILL 522, EXTENSION OF APPROVAL OF PRELIMINARY PLAT (Section 76-3-610, MCA):**

**SECTION 3: REVIEW AND APPROVAL PROCEDURES FOR MAJOR SUBDIVISIONS**

- N. Subdivision Application and Preliminary Plat Approval Period.**
- ~~ia.~~ Upon approval or conditional approval of an application and the pPreliminary pPlat, the County Commission shall provide the sSubdivider with the dated and signed statement of approval ~~as part of the findings~~. The approval shall be in force for not more than three calendar years or less than one calendar year.
    - ~~A.~~ ~~At least 30 days prior to the expiration of the preliminary plat approval, the County Commission, at its discretion and at the written request of the subdivider, extend its approval for a period of one additional year.~~
    - ~~B.~~ ~~The County Commission may extend the approval for more than one year if a longer approval period is included as a specific condition of a written Subdivision Improvements Agreement between the County Commission and the subdivider.~~
  - ~~ib.~~ After the application and pPreliminary pPlat are approved, the County Commission may not impose any additional conditions as a prerequisite to fFinal pPlat approval ~~unless the preliminary plat approval expires, at which time a new application shall be required~~

if the approval is obtained within the original or extended approval period.

- c. At the end of the Preliminary Plat approval period, the County Commission may, at the request of the Subdivider, extend the Preliminary Plat approval for a mutually agreed-upon period of time. At least 30 days prior to the expiration of the Preliminary Plat approval, the Subdivider shall submit a written request for extension of the Preliminary Plat approval. The written request shall be accompanied by responses to the following criteria and supporting documentation. When evaluating the extension request, the County Commission shall consider the following criteria, responses and supporting documentation, as well as other relevant factors such as impacts to public health, safety, and general welfare.
- i. Progress to date in completing or satisfying the required conditions of Preliminary Plat approval.
  - ii. Efforts to maintain the property in good condition.
  - iii. Duration of the requested extension, and the adequacy of the Subdivider's plan to meet the required conditions of Preliminary Plat approval within the requested extension period.
  - iv. Significant changes in the vicinity of the Subdivision that have occurred or are planned to occur within the requested extension period, and whether those changes require a modification in the mitigation of impacts.
  - v. Planning and provision of public facilities and services in the vicinity of the Subdivision, and whether the requested extension period results in the disruption of those facilities and services.

Any mutually agreed upon extension must be in writing and dated and signed by the Subdivider or the Subdivider's authorized agent and by the County Commission. More than one extension may be requested.

- ~~iii~~d. The County Commission may withdraw approval or conditional approval of ~~an application and the p~~Preliminary ~~p~~Plat if it determines that information provided by the ~~s~~Subdivider, and upon

which the approved or conditional approval was based, is inaccurate.

**SECTION 4: REVIEW AND APPROVAL PROCEDURES FOR MINOR SUBDIVISIONS**

**N. Subdivision Application and Preliminary Plat Approval Period.**

- ia. Upon approval or conditional approval of an application and the ~~p~~Preliminary ~~p~~Plat, the County Commission shall provide the ~~s~~Subdivider with the dated and signed statement of approval as ~~part of the findings~~. The approval shall be in force for not more than three calendar years or less than one calendar year.
  - A. ~~At least 30 days prior to the expiration of the preliminary plat approval, the County Commission, at its discretion and at the written request of the subdivider, extend its approval for a period of one additional year.~~
  - B. ~~The County Commission may extend the approval for more than one year if a longer approval period is included as a specific condition of a written Subdivision Improvements Agreement between the County Commission and the subdivider.~~
- iib. After the application and ~~p~~Preliminary ~~p~~Plat are approved, the County Commission may not impose any additional conditions as a prerequisite to ~~f~~Final ~~p~~Plat approval ~~unless the preliminary plat approval expires, at which time a new application shall be required if the approval is obtained within the original or extended approval period~~.
- c. At the end of the Preliminary Plat approval period, the County Commission may, at the request of the Subdivider, extend the Preliminary Plat approval for a mutually agreed-upon period of time. At least 30 days prior to the expiration of the Preliminary Plat approval, the Subdivider shall submit a written request for extension of the Preliminary Plat approval. The written request shall be accompanied by responses to the following criteria and supporting documentation. When evaluating the extension request, the County Commission shall consider the following criteria, responses and supporting documentation, as well as other relevant factors such as impacts to public health, safety, and general welfare.

- i. Progress to date in completing or satisfying the required conditions of Preliminary Plat approval.
- ii. Efforts to maintain the property in good condition.
- iii. Duration of the requested extension, and the adequacy of the Subdivider's plan to meet the required conditions of Preliminary Plat approval within the requested extension period.
- iv. Significant changes in the vicinity of the Subdivision that have occurred or are planned to occur within the requested extension period, and whether those changes require a modification in the mitigation of impacts.
- v. Planning and provision of public facilities and services in the vicinity of the Subdivision, and whether the requested extension period results in the disruption of those facilities and services.

Any mutually agreed upon extension must be in writing and dated and signed by the Subdivider or the Subdivider's authorized agent and by the County Commission. More than one extension may be requested.

- iii.d. The County Commission may withdraw approval or conditional approval of ~~an application and the p~~Preliminary ~~p~~Plat if it determines that information provided by the ~~s~~Subdivider, and upon which the approved or conditional approval was based, is inaccurate.

**HOUSE BILL 460, EXEMPTION FOR TOWNHOUSES (Section 76-3-203, MCA):**

**SECTION 1: GENERAL PROVISIONS AND DEFINITIONS**

**H. Definitions.**

- 17. Condominium. A form of individual ownership with unrestricted right of disposal of one or more units in a multiple unit project with the land and all other parts of the project held in common ownership or use with owners of other units, ~~pursuant to Title 70, Chapter 23, MCA.~~ Pursuant to 70-23-102 (5), MCA, Condominium means the ownership of single units with common elements located on property submitted to the provisions of the Unit Ownership Act (Title 70, Chapter 23, MCA).

- 90.a. Townhome or Townhouse. Property that is owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units, but under which they may jointly own the common areas and facilities. (70-23-102 (14), MCA)

**SECTION 12: SUBDIVISIONS CREATED BY RENT OR LEASE AND CONDOMINIUMS**

**E. Standards for Condominiums.**

3. ~~Exemptions:— Condominiums constructed on land divided in compliance with the Montana Subdivision and Platting Act are exempt from subdivision review and approval requirements if:~~
- a. ~~The approval of the original subdivision expressly contemplated the construction of the condominiums and any applicable park dedication requirements of 76-3-621 are complied with; or~~
  - b. ~~The condominium proposal is in conformance with applicable local zoning regulations.~~

**SECTION 14: DIVISIONS OF LAND EXEMPT FROM SUBDIVISION REVIEW**

**B. Divisions of Land ~~Entirely~~ Exempt from the Requirements of These Regulations and the MSPA.**

Unless the method of disposition is adopted for the purpose of evading these Regulations or the MSPA, the requirements of these Regulations and the ~~Montana Subdivision and Platting Act~~ may not apply when:

10. ~~Condominiums, Townhomes, or Townhouses~~ are constructed on land divided in compliance with these Regulations and the ~~Montana Subdivision and Platting Act~~ provided that:
- a. The approval of the original Subdivision of land expressly contemplated the construction of the condominiums, Townhomes, or Townhouses and any applicable park dedication requirements in and 76-3-621, MCA is are complied with; or

- b. The condominium, Townhome, or Townhouse proposal is in conformance with applicable local zoning regulations when local zoning regulations are in effect.