

## Definitions of Subdivisions

**DIVISION OF LAND:** 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 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. The conveyance of a tract of record or an entire parcel of land that was created by a previous division of land is not a division of land (MCA 76-3-103(4)).

**IMMEDIATE FAMILY:** A spouse, children by blood or adoption, and parents (76-3-108(8), MCA).

**LOT:** A parcel, plot, tract, or other land area created by subdivision.

**LOT MEASUREMENTS:** Will be taken as follows:

1. Lot Depth--the length of a line drawn perpendicularly from the front lot line and extending to the rear lot line.
2. Lot Width--the average width of the lot.
3. Lot Frontage--the width of the front lot line.
4. Lot Area--the area of a lot determined exclusive of street, highway, alley, road, or other right-of-way.

**LOT TYPES:**

1. Corner Lot: A lot located at the intersection of two streets.
2. Interior Lot: A lot with frontage on only one street.

3. Through or Double-Frontage Lot: A lot whose front and rear lines both abut on streets.
4. Flag Lot: A lot which is connected to a public or private street or road by a long, narrow strip of land used for access.

MAJOR SUBDIVISION: A subdivision containing six or more proposed lots.

MINOR SUBDIVISION: If the tract of record proposed to be subdivided has not been subdivided; was not created by a subdivision under these Regulations; has not resulted from a tract of record, regardless of size, that has more than five parcels created from it via MCA 76-3-201 or 207 since July 1, 1973 (MCA 76-3-609(2)); or is at least 160 acres in size, then the proposed subdivision is a first minor subdivision from a tract of record. Further, such a minor subdivision contains five or fewer parcels and proper access to all lots is provided (MCA 76-3-609(2)).

PLAT: A graphic representation of a subdivision.

1. Preliminary Plat: A neat, scaled drawing of a proposed subdivision showing the layout of streets, alleys, lots, blocks, site features and improvements, and other elements of a subdivision which furnish a basis for review by a governing body.
2. Final Plat: The final drawing of the subdivision prepared for filing for record with the County Clerk and Recorder and containing all elements and requirements set forth in these Regulations and MSPA and all relevant ARM's.

SECOND OR SUBSEQUENT MINOR SUBDIVISION: Any additional subdivisions created out of a tract of record from which the first minor subdivision was developed. There is no time limit on the creation of second or subsequent minor subdivisions.

SUBDIVIDER: Any person, firm, corporation, or other entity who causes land to be subdivided or who proposes a subdivision of land (76-3-103(14), MCA).

**SUBDIVISION:** A division of land or land so divided that it creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title to the parcels may be sold or otherwise transferred and includes any resubdivision and a condominium. The term also means an area, regardless of its size, that provides or will provide multiple spaces for rent or lease on which recreational camping vehicles or mobile homes will be placed.

**SUBDIVISION APPLICATION:** An application package for a proposed subdivision which meets all the requirements identified in Section II.B.

**SUBDIVISION IMPROVEMENTS AGREEMENT (SIA):** A contract between the subdivider and the local governing body specifying what improvements are presently on the land to be subdivided, what improvements are planned, when such improvements will be constructed, and how such improvements will be financed. Draft SIA's are required to be submitted with all subdivision applications and include information such as weed control measure, firefighting water supplies, and waivers of protest. SIA's are filed with the final plat.

**TRACT OF RECORD:** An individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the County Clerk and Recorder's Office (76-3-103(16)(a), MCA. (a) Each individual tract of record continues to be an individual parcel of land unless the owner of the parcel has joined it with other contiguous parcels by filing with the County Clerk and Recorder: (i) an instrument of conveyance in which the aggregated parcels have been assigned a legal description that describes the resulting single parcel and in which the owner expressly declares the owner's intention that the tracts be merged; or (ii) a certificate of survey or subdivision plat that shows that the boundaries of the original parcels have been expunged and depicts the boundaries of the larger aggregate parcel; (b) An instrument of conveyance does not merge parcels of land under subsection (a)(i) unless the instrument states, "This instrument is intended to merge individual parcels of land to form the aggregate parcel(s) described in this instrument"

or a similar statement, in addition to the legal description of the aggregate parcels, clearly expressing the owner's intent to effect a merger of parcels.