

4.5 Subdivisions Created For Lease or Rent

4.5.1 General

A subdivision created for rent or lease, including ~~but not limited to~~, manufactured home parks, ~~and~~ recreation vehicle parks, ~~or campgrounds~~, is any tract of land divided by renting or leasing portions under single ownership. Proposed subdivisions created for lease or rent must be under single lot or parcel and subject to these Regulations. Any subdivision created for lease or rent which is converted to condominium use must be reviewed pursuant to Section 4.6 (Condominiums).

4.5.2 Exemption from Survey and Filing Requirement

Manufactured home parks, recreation vehicle parks and campgrounds are exempt from the surveying and filing requirements of the Montana Subdivision and Platting Act but must be submitted for review and approved by the Commissioners before portions may be rented or leased.

4.5.3 State Health Approval

If a subdivision that will provide multiple spaces for recreational camping vehicles or mobile homes is also known as a “trailer court,” “work camp,” “youth camp,” or “campground” as those terms are defined in Section 50-52-101, MCA, the Commission will not grant final approval of the subdivision until the subdivider obtains a license for the facility from the State of Montana.

4.5.4 Procedures

The subdivider shall submit to the Planning and Zoning Office the preliminary plans, profiles, tentative grades, and specifications for proposed improvements. The plan must show the lot layout and the proposed location of mobile homes, recreational vehicles, camp sites or other units on the lot. The layout plan shall also show all existing and proposed buildings and structures, roads, parking and recreational areas:

- a. Subdivisions created by lease or rent comprised of six or more spaces or units shall comply with and be processed in accordance to the preliminary plat procedures for major subdivisions;
- b. Subdivisions created by lease or rent comprised of five or fewer spaces or units shall comply with and be processed in accordance with the preliminary plat procedures for minor subdivisions;
- c. In lieu of filing a final plat, the subdivider shall submit to the Planning and Zoning Office four full size hard copies of a revised preliminary plat (Appendix F). The revised preliminary plat shall conform to the approved preliminary plat and the conditions of preliminary plat approval. The approved revised preliminary plat shall be maintained in the Planning and Zoning Office and with the Clerk and Recorder;
- d. Before any portion of the development may be rented or leased, the subdivider shall have installed all required improvements;
- e. In case of a phased development, unit spaces in each phase shall be rented or leased only after all improvements pertaining to that phase are completed. The Commission may provide for inspection of all required improvements in order to assure conformance with the approved construction plans and specifications.

- c. A minimum of two parking spaces shall be provided for each manufactured home lot. In addition, guest parking at the ratio of one space for every five units. Each parking space shall measure 9 feet by 20 feet;
- d. The limits of each manufactured home lot shall be clearly marked on the ground by permanent flush stakes, markers or other suitable means. Location of lot limits on the ground shall be approximately the same as shown on the approved plans;
- e. Each manufactured home shall be skirted within 30 days after it is moved on a lot within the manufactured home park. The skirting shall be of fire resistant material complementary to that of which the manufactured home exterior is constructed;
- f. All electrical lines serving the subdivision shall be underground, designed and constructed in accordance to the most recent edition of the "National Electrical Code";
- g. Where oil or propane gas heating of a manufactured home is necessary, a fuel storage facility shall be provided on the manufactured home site not to exceed a three hundred (300) gallon capacity. The storage facility shall extend no higher than six feet above ground level and shall be located and screened to blend with its surroundings;
- h. All gas systems serving the subdivision shall be designed and constructed in accordance with the most recent edition of the "National Fuel Gas Code" and the "Standard for the Storage and Handling of Liquefied Petroleum Gases":
 - i. A readily accessible and identifiable shutoff valve controlling the flow of gas to the entire gas piping system shall be installed near the point of connection of the liquefied petroleum gas container;
 - ii. Each manufactured home lot shall have an accessible, listed gas shutoff installed. The valve shall not be located under a manufactured home. Whenever a manufactured home lot outlet is not in use, the shutoff valve shall be plugged to prevent accidental discharge.
- i. A comprehensive site plan that includes road and pad lay-out, amenities, perimeter fencing if proposed, and site landscaping (entrance and perimeter buffering) shall be submitted with the application.

4.5.7 Recreational Vehicle Park and Campground Standards

All recreational vehicle parks and campgrounds shall comply with the following standards in addition to the requirements of Section 4.5.5:

- a. Road Requirements:
 - i. A minimum 12 foot travel surface shall be provided for one-way roads if such road:
 - A. Has no on-road parking;

- f. The alignment of all roads must provide adequate sight distances;
- g. Roadway intersections shall meet the following requirements:
 - i. Two roads meeting a third road from opposite sides shall meet the same point. Road centerlines shall be offset at least 125 feet for local roadways and at least 300 feet for arterials or collector roads;
 - ii. No more than two roads shall intersect at one point;
 - iii. Intersections of local roads with arterials shall be kept to a minimum;
 - iv. All roads shall be named in accordance with County Resolution #1626. Names of new roads aligned with existing roads shall be the same as those of existing roads. Proposed road names shall not duplicate or cause confusion with existing road names and shall be approved by the Flathead County Address Coordinator;
 - v. Intersection locations on collector and arterial roads shall comply with the approved Growth Policy or any other applicable road or highway plan adopted by the Commission.

4.7.17 Roadway Improvements

All road improvements including approaches, gravel, pavement, curbs, gutters, sidewalks, traffic control devices and drainage systems shall be constructed in accordance with the specifications and standards prescribed in the Flathead County Road and Bridge Departments' "Minimum Standards for Design and Construction Manual":

- a. All internal subdivision roads *shall be paved*, with the exception of secondary emergency roads. ~~shall be paved.~~ *Internal roads within 'recreational vehicle parks' may or may not be required to be paved, dependent upon whether or not the preliminary plat review identifies potential adverse impacts from dust can be adequately mitigated through the imposition of conditions aimed at minimizing or eliminating impacts from dust;*
- b. Average Daily Trips (ADT) is defined as the number of vehicle trips generated per day from the subdivision;
- c. Average Daily Trips (ADT) shall be calculated based on 10 vehicle trips per day per lot for single family residential units. Multiple family residential units, commercial and other land use development ADT shall be based on the figures from the most current volume of the Institute of Traffic Engineers (ITE) Trip Generation Manual. Combined ADT is calculated by adding the proposed ADT generated by the subdivision to the existing daily trips on the road (derived from the most current available traffic counts);
- d. All subdividers shall utilize "Reasonable Precautions" techniques to prevent the emission and/or the airborne transport of dust and dirt while constructing roads and other improvements. Reasonable precautions include, but not limited to, the application of

Flathead County Trails Plan. The minimum paved width for a pedestrian/ bicycle path shall be eight feet;

- c. All walkway and pedestrian/bicycle path improvements shall be constructed to the most current American Association of State Highway Transportation Officials (AASHTO) or Americans With Disabilities Act (ADA) standards, and maintained by a Property Owners Association.

4.7.20 Water Supply Systems

All water supply systems required by the Commission shall meet the minimum standards of Flathead County, the Flathead City-County Health Department, Montana Department of Environmental Quality, and the Montana Department of Natural Resources and Conservation:

- a. Where a proposed subdivision is not required to be connected to a public or multi-user water system or provide a public water system and the growth policy or neighborhood plan has indicated the area within five years will be connected to a public system, the water system must be designed to be compatible with and designed to the same standards as the public water system to allow for future extension of and connection to the public water system;
- b. The Commission shall require proof that an applicable water right 'provisional permit' has been issued by the Montana Department of Natural Resources and Conservation (DNRC) for a multi-user water system at the time of final plat review.
- c. The Commission may require multi-user water systems in areas where availability of ground water is limited;
- d. The subdivider shall present evidence that the water supply is available in quantity and quality to serve the subdivision and shall provide documentation at the time of preliminary plat application submittal pursuant to 76-3-622, MCA.
- e. *For subdivisions with a shared, multiple user, or public water supply system the subdivider shall provide a statement of whether or not the system will be a public utility as defined in 69-3-101 and subject to the jurisdiction of the public service commission or exempt from jurisdiction of the public service commission, and if exempt, an explanation of the exemption pursuant to 76-3-622, MCA.*

4.7.21 Sewage Treatment

All sewage treatment systems required by the Commission shall meet the minimum standards of Flathead County, the Flathead City-County Health Department, and the Montana Department of Environmental Quality:

- a. For subdivisions that will create one or more parcels containing less than 20 acres, the subdivision must have approval by the Montana Department of Environmental Quality and the Flathead City-County Health Department, under the Sanitation Act, Title 76, Chapter 4, MCA, before the Commission can approve the final plat;

- b. For those lots which range in size from 20 acres to 160 acres and on-site sewer and water facilities is not sought prior to final plat review, a disclaimer shall be placed on the face of the final plat stating this plat has not been reviewed or approved for individual sewer or water facilities or for stormwater drainage;
- c. Where the subdivision is within the service area of a public or community sewer system, the subdivider shall install complete sanitary sewer system facilities in accordance with the City or appropriate Sewer District and the Department of Environmental Quality requirements prior to final plat approval;
- d. The Commission may require advanced wastewater treatment systems in areas of high groundwater and other environmentally constrained locations;
- e. The Commission may require sewer lines to be installed in anticipation of an expansion of a municipal sewer system prior to final plat approval.
- f. *For subdivisions with a shared, multiple user, or public wastewater treatment system the subdivider shall provide a statement of whether or not the system will be a public utility as defined in 69-3-101 and subject to the jurisdiction of the public service commission or exempt from jurisdiction of the public service commission, and if exempt, an explanation of the exemption pursuant to 76-3-622, MCA.*

4.7.22 Solid Waste

The subdivider shall assure the provisions for collection and disposal of solid waste meet the minimum requirements of Flathead County and the Montana Department of Environmental Quality:

- a. The method of solid waste collection and disposal will be determined between the subdivider and private waste hauler and shall specify whether the collection and disposal of the solid waste generated by future occupants within the subdivision will either be centralized collection and disposal or individual curb side pick up by lot;
- b. If solid waste pick up and disposal is not curb-side pick-up, the subdivider shall provide an off street area within the subdivision for solid waste collection or be waived in writing by the solid waste pick-up provider. The collection area will be screened from general public view and conveniently accessible to collection vehicles;
- c. All subdivisions may be required to incorporate wildlife (bear) proof trash containers.

4.7.23 Utilities

Easements shall be provided for all utilities. All new utilities shall be placed underground. Except for sewer and water lines underground utilities, if placed in the road right-of-way or easement, shall be located between the roadway and the right-of-way or easement line to simplify location and repair of lines. These underground facilities shall be installed before the road is surfaced to eliminate so far as practicable the necessity for disturbing such surfacing for the connection of individual services:

PRIME FARMLAND: As defined by the Natural Resources Conservation Service, those lands that are best suited to producing food, feed, forage, fiber and oilseed crops.

PRINCIPAL USE: The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

PRIVATE IMPROVEMENT: The same type of improvement that is defined under Public Improvement, except the structure or facility has not been dedicated to the public or otherwise acquired by a government entity for public use.

PUBLIC HEALTH AND SAFETY: A condition of well-being, free from danger, risk, or injury for a community at large, or for all people, not merely for the welfare of a specific individual or a small class of persons.

PUBLIC IMPROVEMENT: Any structure or facility constructed to serve the residents of a subdivision or the general public.

PUBLIC UTILITY: Any person, firm, corporation, municipal department, or board duly authorized to furnish, and furnishing under state or municipal regulations to the public, electricity, gas, steam, communication, telegraph, transportation, wastewater or water.

RECREATION: An activity or pastime that promotes health or spirits by relaxation and enjoyment and may be performed individually or with others. Active type recreation activities, usually performed with others, often require equipment and takes place at prescribed places, sites, or fields. Active type recreation activities include, but are not limited to, swimming, tennis and other court games, baseball and other field sports, golf, and playground activities. Passive type recreational activities generally do not require a developed site. Passive type recreation generally includes such activities as hiking, horseback riding, and picnicking. Passive recreation areas may also include areas of unimproved open space that provide aesthetic or environmental benefits.

RECREATION VEHICLE (RV): A vehicle built on a single chassis, designed to be self propelled or towed by another vehicle. A recreational vehicle is not designed or intended for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use. This definition includes vehicles such as travel trailers, motor-coaches, boats, house boats, and campers.

RECREATION VEHICLE SPACE: A designated portion of a recreational vehicle park designed for placement of a single recreational vehicle and the exclusive use of its occupants.

RECREATION VEHICLE PARK: A lot, tract or parcel of land used or offered for use in whole or in part with or without charge for the parking of occupied recreational vehicles, ~~tents or similar devices~~ used for temporary living quarters for recreational camping or travel purposes.

SUBDIVIDER: Any Person, firm or corporation, or other entity which causes land to be subdivided or which proposes a subdivision of land. When used in these regulations, the term "subdivider" also includes the subdivider's agent(s). [76-3-103, MCA]

SUBDIVISION: A division of land or land so divided which 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 ~~or possession of the parcels may be sold, rented, leased, or otherwise conveyed~~ *transferred* and includes any re-subdivision and ~~further includes a condominium. or area, which area, that provides or will provide multiple space for recreational camping vehicles or mobile homes~~ *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.* [76-3-103, MCA].

SUBSEQUENT MINOR SUBDIVISION: A division of land which is the second or subsequent minor subdivision on a tract of record as it existed on July 1, 1973, that results in a cumulative total of no more than five lots. The tract of record, as it existed on July 1, 1973, may be divided by the use of exemptions up to five times and still be considered a first minor subdivision.

SURVEYOR (LICENSED PROFESSIONAL LAND SURVEYOR): A person licensed in conformance with the Montana Professional Engineer's Registration Act (Title 37, Chapter 67, MCA) to practice surveying in the State of Montana.

SURVEYOR (EXAMINING LAND SURVEYOR): A licensed land surveyor duly appointed by the governing body to review surveys and plats submitted for filing [76-3-103, MCA].

SWALE: A drainage channel or depression which directs surface water flow.

TEMPORARY: Any structure or use placed on a parcel of land for a period of short duration.

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, MCA].

URBAN: Of, relating to, characteristic of or constituting a city, generally characterized by moderate and higher density residential, commercial, and industrial development including infrastructure required for that development.

USE: The specific purpose for which a building or lot is arranged, intended, designed, occupied, and maintained.

VARIANCE: Permission to depart from these regulations when, because of special circumstances applicable to the property, strict application of these regulations deprives such property of privileges enjoyed by other property in the vicinity.