



LINCOLN COUNTY PLANNING DEPARTMENT

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October 30, 2009

LIST OF MAJOR CHANGES IN LINCOLN COUNTY SUBDIVISION REGULATIONS

- The format is dramatically different and follows a logical progression of the process.
- Improvement bonding will change from 100% to 125% to cover inflationary rises in construction costs
- Sanitation in Subdivisions requirements as specified in the 2007 Montana statutes will be included in local government review
- The Lincoln County Planning Board will review major and subsequent minor subdivisions.
- Standardize access road requirements.
- Preliminary application meetings will be held at the planning department, are a prerequisite to subdivision review and will require a written request to the planning department for appointment.
- Original tracts divided through statutory exemption or subdivision that exceeds five parcels will be reviewed as major subdivisions.
- Documentation of legal and physical access consisting of expressed easement from landowner(s) for the subdivision, judgment of court, or guarantee of access from a title company.
- All approaches to subdivision lots be indicated on preliminary plats and public approaches constructed prior to filing.
- Restrictions on transfers of family conveyance parcels back to the grantor within two years time will be considered an evasion of the Subdivision & Platting Act and will be subject to subdivision review prior to transfer.
- Adoption of Wildland/Urban Interface (WUI) fire protection regulations with respect to fuels mitigation, access, and water supply for subdivisions in WUI areas.

The Montana statutes require the following:

76-3-501. Local subdivision regulations. *The governing body of every county, city, and town shall adopt and provide for the enforcement and administration of subdivision regulations reasonably providing for: (1) the orderly development of their jurisdictional areas; (2) the coordination of roads within subdivided land with other roads, both existing and planned; (3) the dedication of land for roadways and for public utility easements; (4) the improvement of roads; (5) the provision of adequate open spaces for travel, light, air, and recreation; (6) the provision of adequate transportation, water, and drainage; (7) subject to the provisions of 76-3-511, the regulation of sanitary facilities; (8) the avoidance or minimization of congestion; and (9) the avoidance of subdivisions that would involve unnecessary environmental degradation and danger of injury to health, safety, or welfare by reason of natural hazard, including but not limited to fire and wildland fire, or the lack of water, drainage, access, transportation, or other public services or that would necessitate an excessive expenditure of public funds for the supply of the services.*