

## APPENDIX K DEFINITIONS

***Whenever the following words or phrases appear in this text, they shall have the meaning assigned to them by this section. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular; the word “shall” is always mandatory, and the word “may” indicates use of discretion in making decisions.***

**AGRICULTURE:** The definitions for agriculture-related items in this “Definitions” section of the Subdivision Regulations will apply to the entire subdivision regulation document with the exception of evaluating effects as required in 76-3-608(3)(a), MCA. For purposes of evaluating effects under 76-3-608(3)(a), MCA, the definitions in Appendix H will apply.

**AGRICULTURAL OPERATIONS:** “Agricultural activity” and “Commercial production of farm products” as defined in 76-2-902, MCA.

**AGRICULTURAL WATER USER FACILITIES:** Those facilities which provide water for agricultural activities as defined in 76-2-902, MCA, or which provide water for the production of agricultural products as defined in 76-2-902, MCA including, but not limited to, ditches, pipes, and head gates.

**ARM:** Administrative Rules of Montana

**BLOCK:** A group of lots, tracts or parcels within well-defined and fixed boundaries.

**CERTIFICATE OF SURVEY:** A drawing of a field survey prepared by a registered land surveyor for the purpose of disclosing facts pertaining to boundary locations.

**COMPREHENSIVE PLAN, GROWTH POLICY, OR MASTER PLAN:** As defined in Section 76-1-103, MCA, a growth policy is synonymous with comprehensive development plan, master plan, or comprehensive plan that meets the requirements of 76-1-601, MCA.

**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 the other units.

**COVENANT (RESTRICTIVE COVENANT):** A limitation contained in a deed that restricts or regulates the use of the real property.

**DEDICATION:** The deliberate appropriation of land by an owner for any general and public use, reserving no rights which are incompatible with the full exercise and enjoyment of the public use to which the property has been devoted.

**DEQ:** Montana Department of Environmental Quality

**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 or possession of a portion of the tract or properly filing a certificate of survey or subdivision

plat establishing the identity of the segregated parcels pursuant to the Montana Subdivision and Platting Act.

**DWELLING UNIT:** Any building or portion thereof providing complete, independent and permanent living facilities for one family.

**EASEMENT:** Authorization by a property owner for another to use the owner's property for a specified purpose.

**ENGINEER (REGISTERED PROFESSIONAL ENGINEER):** A person licensed in conformance with the Montana Professional Engineers' Registration Act (Title 37, Chapter 67, MCA) to practice engineering in the State of Montana.

**FIRE CONTROL AGENCY:** See Fire Protection Authority.

**FIRE DEPARTMENT OR FIRE AUTHORITY:** See Fire Protection Authority.

**FIRE PROTECTION AUTHORITY:** Fire department or fire district serving the area in which the subdivision is located. The Big Horn County Road Department serves in many areas of Big Horn County as the fire authority.

**FLOOD:** The water of any watercourse or drainage which is above the bank or outside the channel and banks of such watercourse or drainage.

**FLOOD OF 100 YEAR FREQUENCY:** A flood magnitude expected to recur on the average of one every 100 years, or a flood magnitude which has a one percent chance of occurring in any given year.

**FLOODPLAIN:** The area adjoining the watercourse or drainage which would be covered by the floodwater of a flood of 100 year frequency.

**FLOODWAY:** The channel of a watercourse or drainage and those portions of the floodplain adjoining the channel which are reasonably required to carry and discharge the floodwater of any watercourse or drainage.

**GOVERNING BODY:** The County Commission of Big Horn County

**GROWTH POLICY, COMPREHENSIVE PLAN, OR MASTER PLAN:** As defined in Section 76-1-103, MCA, a growth policy is synonymous with comprehensive development plan, master plan, or comprehensive plan that meets the requirements of 76-1-601, MCA.

**LOCAL SERVICES:** Any and all services or facilities that local government entities are authorized to provide.

**LOT:** A parcel, plot, or other land area created by subdivision for sale, rent, or lease.

**LOT MEASUREMENTS:**

- a. Lot Depth -- The length of a line drawn perpendicularly to the front lot line and extending to the rear lot line.
- b. Lot Width -- The average width of the lot.
- c. Lot Frontage -- The width of the front lot line.

- d. Lot Area -- The area of a lot determined exclusive of street, highway, alley, road, or other rights-of-way.

**LOT TYPES:**

- a. Corner Lot: A lot located at the intersection of two streets.
- b. Interior Lot: A lot with frontage on only one street.
- c. Through or Double-Frontage Lot: A lot whose front and rear lines both abut on streets.

**MCA:** Montana Code Annotated

**MINOR SUBDIVISION:** A subdivision that creates five or fewer lots from a tract of record.

**MOBILE HOME:** A detached residential dwelling unit, which may consist of two or more sections, fabricated at a factory and designed to be towed on its own chassis to a building site for occupation as a dwelling with or without a permanent foundation. The term includes, but is not limited to, "trailer homes," "house trailers," and "manufactured homes" whether or not the unit has been constructed after July 1, 1976, in conformance with Federal Manufactured Home Construction and Safety Standards. The term does not include "modular" or "factory-built buildings" that are fabricated at a factory in accordance with the Uniform Building Code Standards applicable to site-built homes, and are transported to the site for final assembly on a permanent foundation.

**MOBILE HOME SPACE:** A designated portion of a mobile home park designed for the accommodation of one mobile home and its accessory buildings or structures for the exclusive use of the occupants.

**MOBILE HOME PARK:** A tract of land providing spaces for two or more mobile homes.

**MOBILE HOME PAD:** That area of a mobile home space which has been prepared for the placement of a mobile home.

**MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY MINIMUM STANDARDS:** Minimum standards as set forth by the Montana Department of Environmental Quality, adopted pursuant to Title 76, Chapter 4, Part I, MCA.

**MONUMENT (PERMANENT MONUMENT):** Any structure of masonry, metal, or other permanent, durable material placed in the ground, which is exclusively identifiable as a monument to a survey point, expressly placed for surveying reference.

**NATURAL ENVIRONMENT:** The physical conditions which exist within a given area, including land, air, water, mineral, flora, fauna, noise, freedom from artificial light, and objects of historic or aesthetic significance.

**OPEN SPACE:** Land or water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.

**ORDINARY HIGH WATER MARK:** The line that water impresses on land by covering it for sufficient periods to cause physical characteristics that distinguish the area below the line from the area above it. Characteristics of the area below the line include, when appropriate, but are not limited to, deprivation of the soil of substantially all terrestrial vegetation and destruction of its

agricultural vegetative value. A flood plain adjacent to surface waters is not considered to lie within the surface waters' high-water marks. (23-2-301, MCA)

**OVERALL DEVELOPMENT PLAN:** The plan of a subdivision design for a single tract proposed to be subdivided in stages.

**PLANNED UNIT DEVELOPMENT (P.U.D.):** A land development project consisting of residential clusters, industrial parks, shopping centers, office building parks, or any combination thereof which consists of a planned mixture of land uses built in a prearranged relationship and having open space and community facilities in a common ownership or use.

**PLANNING BOARD:** A planning board formed pursuant to Title 76, Chapter 1, MCA. For purposes of these regulations, there are two planning boards in Big Horn County that review subdivisions. The City-County Planning Board reviews subdivisions within the city-county planning jurisdictional area, an area that surrounds the town of Hardin. The County Planning Board reviews subdivisions in all other areas that fall under the legal jurisdiction of the county.

**PLAT:** A graphic representation of a subdivision showing the division of land into lots, parcels, blocks, streets, and alleys, or other divisions and dedications.

- a. Preliminary Plat: A neat and scaled drawing of a proposed subdivision showing the layout of streets, alleys, lots, blocks, and other elements of a subdivision which furnish a basis for review by a governing body.
- b. Final Plat: The final drawing of the subdivision and dedication required to be prepared for filing for record with the county clerk and recorder containing all elements and requirements set forth in these regulations and the Montana Subdivision and Platting Act. (Title 76, Chapter 3, MCA).
- c. Amended Plat: The final drawing of any change to a filed platted subdivision.

**PUBLIC HEALTH AND SAFETY:** A condition of optimal 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 ROAD OR STREET:** A road or street which has been dedicated for public use and accepted by the governing body.

**PUBLIC UTILITY:** Has the meaning provided in 69-3-101, MCA, except that for purposes of these subdivision regulations, the term includes county or consolidated city and county water or sewer districts as provided for in Title 7, chapter 13, parts 22 and 23.

**RECREATIONAL CAMPING VEHICLE:** A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use that either has its own motor power or is mounted on or drawn by another vehicle.

**RECREATIONAL VEHICLE PARK:** A tract of land available to and principally used by the public for camping, where persons can park recreational vehicles for camping and sleeping purposes.

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

**STATE:** The State of Montana.

**STREET TYPES:** For purposes of these regulations, street types are defined as follows:

- a. **Alley:** A street used primarily for vehicular access to the rear of properties which abut on and are served by public roads.
- b. **Arterial:** A street or road having the primary function of moving traffic with emphasis on a high level of mobility for through movement and the secondary function of providing access to adjacent land. Arterials generally carry relatively large volumes of traffic. Arterials have two to four lanes of moving traffic and should provide only limited access to abutting property.
- c. **Collector:** A street or road having the equally important functions of moving traffic and providing access to adjacent land. Collector streets have two moving traffic lanes and up to two parking lanes.
- d. **Local Streets:** A street or road having the primary function of serving abutting properties, and the secondary function of moving traffic. Local streets have two moving lanes of traffic, up to two parking lanes, and provide access to abutting properties.
- e. **Half-Street:** A portion of the width of a street, usually along the outside perimeter of a subdivision, where the remaining portion of the street must be located on adjacent property.
- f. **Cul-de-sac:** A street having only one outlet for vehicular traffic and terminating in a turn-around area.
- g. **Loop:** A local street which begins and ends on the same street, generally used for access to properties.
- h. **Frontage Access (Service Road):** A local or collector street, usually parallel and adjacent to an arterial or major collector, which provides access to abutting properties and controls traffic access to arterials or collectors.

**SUBDIVIDER:** Any person, firm or corporation, or other entity who causes land to be subdivided or who proposes a subdivision of land.

**SUBDIVISION:** A division of land or land so divided which creates one or more parcels containing less than 160 acres, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed, and shall

include any re-subdivision; and shall further include any condominium or area, regardless of its size, which provides or will provide multiple space for recreational camping vehicles, or mobile homes. A subdivision shall comprise only those parcels less than 160 acres which have been segregated from the original tract, and the plat thereof shall show all such parcels whether contiguous or not. Provided, however, condominiums constructed on land divided in compliance with the Montana Subdivision and Platting Act are exempt from the provisions of the Act (76-3-203(14), MCA).

**SURVEYOR (REGISTERED 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 registered land surveyor duly appointed by the governing body to review surveys and plats submitted for filing.

**SWALE:** A drainage channel or depression designed to direct surface water flow.

**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(15), MCA].

**VICINITY SKETCH:** A map at a scale suitable to locate a proposed subdivision, showing the boundary lines of all adjacent properties and streets and other information necessary to determine the general location of the proposed subdivision.

**WILDLIFE:** Living things which are neither human nor domesticated.

**WILDLIFE HABITAT:** Place or type of site where wildlife naturally lives and grows.