

I. GENERAL PROVISIONS

I-A. Title

These regulations shall be known as “The Big Horn County Subdivision Regulations” hereinafter referred to as “these Regulations.”

I-B. General Terms

Terms used throughout these Regulations are abbreviated as follows:

Big Horn County	<i>County</i>
Big Horn County Attorney	<i>County Attorney</i>
Big Horn County Clerk and Recorder	<i>Clerk</i>
Big Horn County Commission	<i>Commission</i>
Big Horn County District Court	<i>District Court</i>
Big Horn County Growth Policy	<i>Growth Policy</i>
Big Horn County Planning Board	<i>Planning Board</i>
Big Horn County Sanitarian	<i>Sanitarian</i>
Big Horn County Subdivision Administrator	<i>Subdivision Administrator</i>
Big Horn County Subdivision Regulations	<i>Regulations</i>
Big Horn County Road Supervisor	<i>Road Supervisor</i>
Big Horn County Treasurer	<i>Treasurer</i>
Big Horn County Weed Control Department	<i>Weed Department</i>
Montana Code Annotated	<i>MCA</i>
Montana Department of Environmental Quality	<i>MDEQ</i>
Montana Department of Transportation	<i>MDOT</i>
Montana Sanitation in Subdivisions Act	<i>MSSA</i>
Montana Subdivision and Platting Act	<i>MSPA</i>
Natural Resources and Conservation Services	<i>NRCS</i>
United States Geological Survey	<i>USGS</i>

I-C-1. Authority

Authorization for these regulations is contained in the Montana Subdivision and Platting Act (MSPA) [Title 76, Chapter 3, MCA].

I-C-2. Roles and Responsibilities

The elected officials, appointed boards and County staff share the roles and responsibilities for carrying out the provisions of these Regulations.

The Commission is responsible for establishing policy and legislation affecting land use within the County. The Commission acts on recommendations of the Planning Board.

The Planning Board is the designated planning agency for the County as specified by Commission. The Planning Board is responsible for a variety of discretionary recommendations to the Commission on subdivisions, land use regulation, Growth Policy amendments, and zoning. The Planning Board duties and responsibilities are specified in the bylaws duly adopted by the Planning Board.

The Subdivision Administrator shall have the authority to administer the provisions of these Regulations, to make determinations with regard to the applicability of the regulations, to interpret provisions, to require additional information to determine the level of detail and appropriate methodologies for required analysis, to prepare application and informational materials as required, to promulgate procedures and rules for unique circumstances not anticipated within the standards and procedures contained within these Regulations, and to enforce requirements.

I-C-3. Interpretation of Terms

For the purposes of these Regulations, unless it is plainly evident from the context that a different meaning is intended, certain words and terms are herein defined as follows:

“Shall” is always mandatory, “must” is always mandatory, “may not” is mandatory, while “should” is not mandatory, and “may” is permissive.

The present tense includes future, the singular includes the plural, and the plural includes the singular.

“And” indicates that all connected items or provisions shall apply.

“Or” indicates that the connected items or provisions may apply singularly or in any combination.

“Either/or” indicates that the connected items or provisions shall apply singularly but not in combination.

Where terms are not specifically defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster’s Encyclopedic Dictionary of the English Language shall be considered in determining ordinarily accepted meanings.

I-D. Purpose

The purposes of these regulations are to promote the public health, safety, and general welfare by regulating the subdivision of land; to prevent the overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light, air, water supply, sewage disposal, parks and recreation areas, ingress and egress, and other public requirements; to require development in harmony with the natural environment; to promote preservation of open space; and to promote effective and efficient provision of public services; to protect the rights of property owners; and to require uniform monumentation of land subdivisions and transferring interests in real property by reference to a plat or certificate of survey (76-3-102, MCA).

Further, to support the purposes of 76-3-102, MCA these Regulations are intended to promote and provide for the:

1. Orderly development of the jurisdictional area, including deeded lands within the Crow and Northern Cheyenne Indian Reservations, when such land is owned by non-tribal members;
2. Coordination of roads within subdivided land with other roads, both existing and planned;
3. Dedication of land for roadways and for public utility easements;
4. Provision of proper physical and legal road access, including obtaining of necessary easements;
5. Provision of adequate open spaces for travel, light, air, and recreation;
6. Provision of adequate transportation, water, drainage, and sanitary facilities;
7. Avoidance or minimizing of congestion;
8. Avoidance of subdivisions which would involve unnecessary environmental degradation;
9. Avoidance of danger or injury from natural hazards or the lack of water, drainage, access, transportation, or other public services;
10. Avoidance of excessive expenditure of public funds for the supply of public services.
11. The administration of these regulations by defining the powers and duties of approving authorities including procedures for the review and approval of all plats of subdivisions covered by these provisions.

I-E. Jurisdiction

These regulations govern the subdivision of land within the jurisdictional area of the Board of County Commissioners of Big Horn County.

These regulations supplement all other regulations, and where they are at variance with other laws, regulations, ordinances, or resolutions, the more restrictive requirements shall apply.

I-F. Severability

If a court of competent jurisdiction holds any word, phrase, clause, sentence, paragraph, section, or other part of these regulations invalid, that judgment will affect only the part held invalid.

I-G. Conditions/Mitigation

Regulation of the subdivision of land and the imposition of reasonable conditions on land subdivision is an exercise of valid police power delegated by the State of Montana to Big Horn County. Subdividers have the duty to comply with reasonable conditions for design, dedication, improvement, and restrictive use of the land so as to promote the purposes of these Regulations, the safety and general welfare of the future subdivision lot owners and of the community at large.