

IV. REVIEW PROCEDURES FOR MINOR SUBDIVISIONS

IV-A. General

Minor subdivisions create five or fewer lots from a tract of record, each lot of which has legal and physical access. If the tract of record proposed to be subdivided has not been subdivided or created by a subdivision under the MSPA or has not resulted from a tract of record that has had more than five parcels created from that tract of record under 76-3-201, MCA or 76-3-207 since July 1, 1973, the subdivision shall be considered a first minor subdivision. All other minor subdivisions shall be considered second or subsequent minor subdivisions.

IV-A-1. First Minor Subdivisions

For a first minor subdivision created from a tract of record, the requirements for a public hearing and preparation of an environmental assessment do not apply.

- a. Time for Review. The Commission shall approve, conditionally approve, or deny the first minor subdivision from a tract of record within thirty five (35) working days from the date the Subdivision Administrator mails a written determination to the subdivider stating that the application contains sufficient information for review, unless the subdivider and the Subdivision Administrator consent to an extension or suspension of the review period not to exceed one (1) year.

IV-A-2. Subsequent Minor Subdivisions

For a second or subsequent minor subdivision created from a tract of record, the requirements for a public hearing and preparation of an environmental assessment apply. The process, requirements, and procedures for review of the Major Subdivision Section apply to a second or subsequent minor subdivision.

IV-A-3. First Minor Subdivision Pre-application Process

- a. Pre-application Meeting. The subdivider shall meet with Subdivision Administrator prior to submitting a subdivision application and preliminary plat. The purpose of this meeting is to discuss these Regulations and standards, to identify the state laws, local regulations and any growth policy provisions that may apply to the subdivision review process, familiarize the subdivider with the goals and objectives of applicable plans, regulations and resolutions, and to discuss the proposed subdivision as it relates to these matters. A request for a pre-application meeting shall be made in writing to the Subdivision Administrator. The request shall include the owner's name, address and phone number, name, address and phone number of the subdivider, if different than the owner, a complete legal description of the parcel or parcels proposed to be subdivided and a description of the proposed development plans. The pre-

application meeting will be scheduled within thirty (30) days of the Subdivision Administrator receiving a written request with all the required information.

- i. If the owner or owners designates a representative to represent the owner at the pre-application meeting, the representative must have a signed designation granting the authority to represent the landowner for the purpose of subdividing the property.
 - ii. The applicant will provide the materials identified in Appendix A, subsection A (Pre-Application meeting) at or preferably before the scheduled pre-application meeting.
 - iii. At the pre-application meeting, the Subdivision Administrator will provide the subdivider with a list of the public utilities, those agencies of local, state, and federal government, and any other entities that may be contacted for comment on the subdivision application and the timeframes that the public utilities, agencies, and other entities are given to respond. If, during the review of the application, the Subdivision Administrator or other agent designated by the Commission contacts a public utility, agency, or other entity that was not included on the list originally made available to the subdivider, the agent or agency shall notify the subdivider of the contact and the timeframe for response. *(SB 116-76-3-504 (1)(q),MCA)*
- b. The subdivider shall submit the subdivision application and preliminary plat as provided in III-B-1 of these regulations within one hundred twenty (120) working days of the Subdivision Administrator notification of completion of the pre-application process. If an application is not submitted within one hundred twenty (120) working days the subdivider must request a new pre-application meeting and complete the pre-application process as if it were a new proposal.

IV-B. First Minor Subdivision Application and Preliminary Plat

After the requirement for pre-application review has been satisfied, the subdivider may submit a subdivision application, including a preliminary plat of the proposed subdivision. Preliminary plats submitted to the Subdivision Administrator must conform to the requirements of these Regulations. The preliminary plat shall be prepared by a surveyor licensed to practice in Montana.

IV-B-1. First Minor Subdivision Application and Preliminary Plat Submittal

The subdivision application and preliminary plat must be in the form, and contain the information and supplements required by Appendix A, and conform to the Design and Improvement Standards set forth in Section V and be accompanied by the preliminary water and sanitation information.

The subdivider shall submit to the Subdivision Administrator fifteen (15) copies of the Application for Subdivision Form and all required application materials listed on the Application Form (see Appendix B). These materials include:

1. The required review fee as stated in the current Fee Schedule as adopted by the commissioners
2. Completed Application Form
3. Signed Consent-to-Subdivide Forms (as applicable)
4. Title Guarantee
5. Adjoining Property Owner Information (including vicinity map of adjoining ownership and names and addresses of adjoining owners)
6. Documentation that subdivision qualifies as the first minor subdivision from a tract of record
7. Summary of Probable Impacts
8. Water, Wastewater and other Sanitation Information
9. Storm Water System Drainage Plan
10. Information on existing and proposed irrigation systems including waste ditches (and identification of location on the plat)
11. Water Rights Disposition
12. Physical and Legal Access Information
13. Fire Suppression Plan
14. Weed Management Plan
15. Restrictions, Covenants, Property Owner Association Articles of Incorporation and Bylaws (when applicable)
16. Subdivision Improvements Agreement and Financial Guarantee drafts (as applicable)
17. Copies of the draft contracts and escrow agreement per section II-A-2 of this document if the developer plans to enter into contracts to sell lots prior to final plat approval.
18. Drafts of any appropriate certificates
19. Overall development plan (if applicable)
20. Request for Variance (if applicable)*
21. Oversized Maps/Plat reduced to 8.5"x11" or 11"x17"
22. Preliminary Plat

The requirement for preparing an summary of probable impacts does not apply when the subdivision meets the requirements of 76-3-609(2)(d)(iii), MCA.

* If the subdivider of a first minor subdivision is requesting a variance from the design and improvement standards, Section V, of these Regulations, the procedures of Section VIII-B must be followed. Due to the requirement for a public hearing on variance requests, the subdivider shall provide the Subdivision Administrator with a written extension of the thirty-five (35) working day review period at the time the subdivision application and variance request are submitted.

IV-B-2. Application Review

The time limits for the element and sufficiency reviews of this subsection apply to each successive submittal of the application materials until a determination is made that the application contains the required elements and is sufficient for review and the subdivider or their agent is notified in writing.

The Subdivision Administrator shall be the entity to complete element and sufficiency review regardless if the subdivider has first applied to the MDEQ.

1. Element Review

- a. Within five (5) working days of the receipt of the elements required in Section III-B-1 the Subdivision Administrator shall determine if the application contains all the required elements.
- b. The County shall notify the subdivider in writing via regular mail, email, or fax that the application contains the required elements or identifying the elements missing from the application.

2. Sufficiency Review

- a. Within fifteen (15) working days after notifying the subdivider that an application contains all the necessary elements for review, the Subdivision Administrator shall determine if the application contains detailed, supporting information sufficient to proceed with the review of the proposed subdivision.
- b. The County shall notify the subdivider in writing via regular mail, email, or fax that the application contains sufficient information for review or specifying the elements requiring additional information.
- c. A determination that an application contains sufficient information for review as provided in this subsection does not ensure that the proposed subdivision will be approved or conditionally approved by the Commission and does not limit the ability of the Subdivision Administrator, Planning Board or Commission to request additional information during the review process. *(76-3-604, MCA)*
- d. A determination of sufficiency by the Subdivision Administrator does not limit the MDEQ, NRCS, County Sanitarian, Weed Department, County Foodplain Administrator, or other permitting entities from requiring additional information as part of their review.

The thirty-five (35) working day review period commences on the date that the Subdivision Administrator provides written notification to the subdivider that the application contains sufficient information for review.

The subdivider has a 180 day preliminary plat review period deadline that starts when the subdivider has been initially notified in writing of any preliminary plat application deficiencies. The application will be returned to the subdivider after the 180 day deadline if all information requested has not been submitted and the application continues to be incomplete. Any written requests to extend the 180 day deadline, by 60 days maximum, must be submitted should uncontrollable circumstances arise. Written requests for a deadline extension must be submitted at least 20 days prior to the end of the 180 day deadline. The subdivider continues to have the option of notifying the Subdivision Administrator, in writing, to stop the review process time clock at any time to correct application deficiencies. However, the review deadline is not valid past the 60 day extension period. If the application is not complete when the deadline passes then the application will be returned to the subdivider, where a new application with the required information and fees may be submitted.

IV-B-3. Date of Sufficiency and Related Review Standards

Subdivision review under these Regulations may occur only under those regulations in effect at the time the Subdivision Administrator mails a written determination to the subdivider stating the application contains sufficient information for processing. If regulations change during the element and/or sufficiency review by the Subdivision Administrator, the element and sufficiency review shall be based on the new regulations.

IV-B-4. Review by Affected Agencies

After an application is deemed sufficient, the Subdivision Administrator may submit copies of the application, preliminary plat, and supplementary information to relevant public utilities and public agencies for review and comment, and to the Planning Board for its recommendation pertaining to the approval, conditional approval or denial of the subdivision application. Review by public agencies or utilities may not delay the Commission's consideration of the subdivision application beyond the statutory review period. If the Subdivision Administrator requests review by a public utility, agency of government, or other parties regarding the subdivision application that were not identified during the pre-application review, the Subdivision Administrator shall notify the subdivider. The Subdivision Administrator shall make these comments available to the subdivider and to the general public upon request.

1. The Subdivision Administrator shall provide an informational copy of the preliminary plat to the trustees of the school district for the

proposed subdivision. (76-3-601(2)(b), MCA) The trustees will have been deemed notified via submittal of the plat to the appropriate school district superintendent.

2. The Subdivision Administrator, on behalf of the governing body, shall submit the preliminary plat to the city or town governing body or its designated agent for review and comment, when the proposed subdivision lies:
 - i. Within 1 mile of a third-class city or town (Hardin, Lodge Grass)
3. If the proposed subdivision lies partly within an incorporated city or town, the subdivider must submit the proposed plat to be reviewed and approved by both the city or town and the county governing bodies. (76-3-601(2)(c), MCA)
4. When a proposed subdivision is also proposed to be annexed to a municipality, the governing body of the municipality shall coordinate the subdivision review and annexation procedures to minimize duplication of hearings, report, and other requirements whenever possible. (76-3-601(2)(d), MCA)
5. Whenever an extension of municipal services is requested for a proposed subdivision, the subdivider will submit a copy of the preliminary plat to the city or town governing body.
6. The Subdivision Administrator shall provide a copy of the preliminary plat and application to the following for their review (76-3-504, MCA).
 - i. Affected public utilities
 - ii. Fire Protection Authority
 - iii. County Weed Supervisor
 - iv. County Road Superintendent
 - v. Tribal Governments of the Crow and Northern Cheyenne Reservations (for subdivisions proposed within or adjacent to a reservation, the plat would be sent to the appropriate tribal government)
 - vi. Local Historic Preservation Officer
 - vii. Owners of any agricultural water user facilities in or adjacent to the subdivision, including existing water delivery ditches, pipelines, and facilities
 - viii. Other agencies of local, state, and federal government having a substantial interest in a proposed subdivision as necessary (determined at pre-application meeting—See Section III.A.2 “Pre-Application Procedures”). These could include but are

not limited to agencies that review and issue permits for developments along streambeds and wetlands (e.g., US. Army Corps of Engineers for 410 permits and local conservation district for 310 permits.)

IV-B-5. Review by Outside Expertise

The Subdivision Administrator, Planning Board, and the Commission may employ outside expertise to assist with the review of a subdivision application and preliminary plat. The costs of outside expertise shall be assessed to the subdivider.

IV-B-6. Public Hearings and Notices

First minor subdivisions are exempted from the requirement to hold public hearings (76-3-609(2)(d), MCA).

IV-B-7. Planning Board Review, Consideration, and Recommendation

1. Public Meeting. At a regularly noticed meeting the Planning Board shall review all first minor subdivision applications, together with the required supplementary plans and information, and determine whether the subdivision application and preliminary plat are in compliance with these Regulations.
2. Noticing. Notice of the time and date of the Planning Board meetings is published regularly in a paper of local circulation. The agenda is available at the Subdivision Administrator.
3. Consideration. In recommending to approve, conditionally approve, or deny the subdivision and preliminary plat application, the Planning Board will consider the following:
 - a. relevant evidence relating to the public health, safety, and welfare;
 - b. summary of probable impacts (Appendix J)
 - c. the review criteria specified in Section IV-B-10-f of these regulations;
 - d. whether the application and preliminary plat conforms to the provisions of:
 - i. the MSPA;
 - ii. these Regulations;
 - iii. applicable zoning regulations;
 - iv. other regulations in effect in the area of the proposed subdivision;
 - v. whether the MDEQ has approved the proposed subdivision for proposed subdivisions that will create parcels of less than twenty (20) acres; and
 - vi. whether the subdivider has demonstrated that there is an adequate water source and at least one area for a wastewater treatment system and a replacement system for each lot for a proposed subdivision that will create one or more parcels containing twenty (20) acres or more.
 - d. Subdivision Administrator recommendation
 - e. Within 10 working days after the public hearing or meeting, the Planning Board will submit to the Commission a recommendation for approval, conditional approval (including any recommended conditions/mitigation measures), or denial of the subdivision application and preliminary plat.

IV-B-8. Water and Sanitation Information

The Subdivision Administrator or designated representative shall at any public meeting collect public comment given regarding the information required in Appendix A for water and sanitation. The Commission shall make any comments submitted or a summary of the comments submitted available to the subdivider within thirty (30) working days after conditional approval or approval of the subdivision application.

- a. Comments. The subdivider shall, as part of the subdivider's application for sanitation approval, forward the comments or the summary provided by the Commission to the:
 - i. Reviewing authority provided for in Title 76, chapter 4, for subdivisions that will create one or more parcels containing less than 20 acres; and
 - ii. Big Horn County Sanitarian for proposed subdivisions that will create one or more parcels containing 20 acres or more and less than 160 acres.

- b. Parcel Size.
 - i. For a proposed subdivision that will create one or more parcels containing less than 20 acres, the Commission may require approval by the MDEQ as a condition of approval of the final plat.
 - ii. For a proposed subdivision that will create one or more parcels containing 20 acres or more, the Commission may condition approval of the final plat upon the subdivider demonstrating, pursuant to [SB 290, section 4], that there is an adequate water source and at least one area for a septic system and a replacement drainfield for each lot.

IV-B-9. Commission Hearing

First minor subdivisions are exempted from the requirement to hold public hearings (76-3-609(2)(d), MCA).

IV-B-10. Commission Review, Decision, and Documentation

The Commission, at a public meeting will approve, conditionally approve, or deny the subdivision application and preliminary plat within thirty five (35) working days as provided in IV-D of these regulations, unless the subdivider and the Subdivision Administrator consent to an extension or suspension of the review period not to exceed one (1) year.

- a. Basis for Decision. The basis for the Commission's decision to approve, conditionally approve, or deny a subdivision is whether the proposed subdivision application, the preliminary plat; the Planning Board's comments and recommendations; the Subdivision Administrator staff report and recommendation; and any additional information authorized by law demonstrates that development of the proposed subdivision would meet the requirements of the Montana Subdivision and Platting Act [76-3-608 (3)(a), MCA] and the Big Horn County Subdivision Regulations.
- b. Growth Policy. The Commission may not withhold, deny or impose conditions on a subdivision based solely on compliance with the officially adopted Big Horn County Growth Policy [76-1-605(2)(b), MCA].
- c. Water and Sanitation. The Commission may conditionally approve or deny a proposed subdivision application as a result of the water and sanitation information provided in Appendix A or public comment received pursuant to Section IV-B-8 on the water and sanitation information only if the conditional approval or denial is based on existing subdivision, zoning, or other regulations that the Commission has the authority to enforce.
 - i. For a proposed subdivision that will create one or more parcels containing less than twenty (20) acres, the Commission may require approval by the MDEQ as a condition of approval of the final plat.
 - ii. For a proposed subdivision that will create one or more parcels containing twenty (20) acres or more, the Commission may condition approval of the final plat upon the subdivider demonstrating that there is an adequate water source and at least one area for a septic system and a replacement drainfield for each lot.

d. Educational Services. The Commission may not deny approval of a subdivision based solely on the subdivision's impact on educational services [76-3-608(1), MCA].

e. Conditions/Mitigation. The Commission may require the subdivider to design the subdivision to reasonably minimize potentially significant adverse impacts identified through the review required by these Regulations. The Commission shall issue written findings to justify the reasonable conditions/mitigation:

- i. In reviewing a subdivision under this Section and when requiring conditions/mitigation the Commission may not unreasonably restrict a landowner's ability to develop land, but it is recognized that in some instances the unmitigated impacts of a proposed development may be unacceptable and will preclude approval of the plat.
- ii. When considering a proposed subdivision application and requiring conditions/mitigation under this Section, the Commission shall consult with the subdivider and shall give due weight and consideration to the expressed preference of the subdivider.

f. Findings of Fact. In reviewing the subdivision the Commission will issue written Findings of Fact that discuss and weigh the following criteria:

- i. Impact on agriculture, agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat, and public health and safety.
- ii. Compliance with the survey requirements of the MSPA.
- iii. Compliance with these Regulations, and the review procedures of these Regulations.
- iv. The provision of easements for the location and installation of any planned utilities.
- v. The provision of legal and physical access to each parcel within the subdivision and the notation of that access on the applicable plat and any instrument transferring the parcel.

g. Written Statement. The Commission shall prepare a written statement on its decision and forward that statement to the subdivider, the planning board, and it shall be available for public review in the subdivision file. The written statement shall provide:

- i. Information regarding the appeal process for the denial or the impositions of conditions.

- ii. Identification of regulations and statutes that are used in reaching the decision to deny or impose conditions and explains how they apply to the decision to deny or impose conditions.
- iii. The facts and conclusion that the Commission relied upon in making its decision to deny or impose conditions and references documents, testimony, or other materials that form the basis of the decision.
- iv. The conditions/mitigation that apply to the preliminary plat approval that must be satisfied before the final plat may be approved.

IV-B-11. First Minor Subdivision Plat Approval Period

Upon approving or conditionally approving a subdivision application and preliminary plat, the Commission will provide the subdivider with a dated and signed statement of approval. This approval shall be in force for not more than two (2) calendar years. At the end of this period the Commission may, at the request of the subdivider, extend its approval for a period of one (1) year. The Commission may extend the approval for more than one (1) year if that approval period is included as a specific condition of a written subdivision improvements agreement between the Commission and the subdivider.

IV-B-12. Additional Conditions After Approval

After the subdivision application and preliminary plat are approved, the Commission may not impose any additional conditions as a prerequisite to final plat approval if the approval is obtained within the original or extended approval period described in these Regulations, except where the Commission inadvertently or unintentionally, left out a condition that must be met in order to comply with state law.

The Commission may withdraw approval of a preliminary plat if it determines that information provided by the subdivider, and upon which the approval was based, is inaccurate.

IV-B-13. First Minor Amended Applications

- a. If the subdivider changes the subdivision application prior to the Planning Board hearing, the subdivider shall submit the amended application to the Subdivision Administrator.
 - i. Within five (5) working days of receiving the amended application, the Subdivision Administrator shall determine whether the changes to the subdivision application are material (relevant and crucial).

- ii. The thirty five (35) working day review period is suspended while the Subdivision Administrator considers the amended application.
 - 1. If the Subdivision Administrator determines the changes are material, the Subdivision Administrator may require the subdivider to schedule a new pre-application meeting and resubmit the application as a new first minor subdivision application.
 - 2. If the Subdivision Administrator determines the changes are not material, the thirty five (35) working day review period resumes when the Subdivision Administrator sends notice of the decision to the subdivider.

- b. If the subdivider changes the subdivision application after the Planning Board hearing but before or at the Commission public meeting or hearing, the subdivider shall submit the amended application to the Subdivision Administrator for review.
 - i. Within five (5) working days of receiving the amended application, the Subdivision Administrator shall determine whether the changes to the subdivision application are material.
 - ii. The thirty five (35) working day review period is suspended while the Subdivision Administrator considers the amended application.
 - iii. If the Subdivision Administrator determines the changes are not material, the thirty five (35) working day review period resumes when the Subdivision Administrator sends notice of the decision to the subdivider.
 - iv. If the Subdivision Administrator determines the changes are material, the Subdivision Administrator shall either:
 - 1. require the subdivider to begin the subdivision review process again, starting with the pre-application process, and require payment of a new application fee; or
 - 2. schedule a new Planning Board meeting to review the amended application. A supplemental staff report shall be prepared to address the changes to the original application. An additional application fee may be charged.
 - v. If a second Planning Board meeting is held, the thirty five (35) working day review period is suspended for the time period between notice of the Subdivision Administrator's determination and ten (10) days after the date of the second Planning Board meeting.

- c. By making changes resulting in an amended application, the subdivider consents to suspension of the review period as provided in these Regulations.

The following changes, although not an exhaustive list, may be considered material:

- i. configuration or number of lots;
- ii. road layout or size;
- iii. water and/or wastewater treatment, irrigation, storm water drainage, fire systems;
- iv. configuration of park land or open space;
- v. easement provisions; and
- vi. physical and legal access.

IV-B-14. Resubmittal of a Denied First Minor Subdivision

Following denial of a subdivision application and preliminary plat by the Commission, a new application for the same property may not be submitted unless the following criteria are met:

The new subdivision application and preliminary plat must:

- a. Clearly address or mitigate health and safety and/or design standards that were the basis of the original preliminary plat denial; and
- b. Clearly address the six (6) criteria under 76-3-608(3)(a); and
- c. Comply with any adopted zoning regulation.

IV-C. Final Plats

IV-C-1. Final Plat Required

After the conditions/mitigation of preliminary approval and the requirements for the installation of improvements have been satisfied, the subdivider shall cause to be prepared a final plat. The final plat must be submitted prior to the expiration of the preliminary plat approval period. See Appendices A and B for required final plat contents and final plat application materials.

IV-C-2. Review of Abstract and Covenants.

The certificate of a licensed title abstractor, a copy of the covenants and evidence that the conditions of the preliminary plat approval have been satisfied shall be submitted

to the Subdivision Administrator for its review and approval at least 30 days prior to submitting an application for final plat approval.

IV-C-3. Final Plat Review

The Subdivision Administrator will examine the final plat contents and required final plat application materials and recommend approval only when it conforms to the conditions set forth in the preliminary plat approval, and the terms of the MSPA and these Regulations.

The Commission will approve the final plat only after the County Treasurer has certified that all real property taxes and special assessments assessed and levied on the land proposed for subdivision have been paid [76-3-611, MCA].

- a. Final Plat Submittal. The final plat and all supplementary documents shall be submitted to the Subdivision Administrator at least thirty (30) working days prior to the expiration of preliminary plat approval or any extension thereto. The submittal shall include: a final plat application, the appropriate fee, all required information, County Attorney approvals (as necessary), and a written explanation of how each of the conditions of preliminary approval has been satisfied (Appendices A and B).
- b. Review by Subdivision Administrator. The Subdivision Administrator shall review the final plat to ascertain that all conditions and requirements for final plat approval have been met. The Subdivision Administrator will not accept, begin processing, nor schedule any actions on a final plat submittal until a complete application and fee have been received. Final plat applications will not be considered complete by the Subdivision Administrator until all conditions of preliminary approval have been satisfied, including but not limited to:
 - i. Signed final plat certificates.
 - ii. Any and all fire protection requirements approved by the appropriate fire department or fire service area.
 - iii. Signed Memorandum of Understanding between the subdivider and the Weed Department
 - iv. County or State encroachment or access permits
 - v. Documents that may require the approval of the County Attorney or designated representative, include but are not limited to:
 - a. Articles of Organization or Incorporation for the Property Owner's Association, filed with/by the Montana Secretary of State.
 - b. Bylaws controlling the operation of the Property Owners' Association

- c. Restrictive and Protective Covenants encumbering the real property contained within the subdivision.
 - d. Restrictive Deed transferring title of all common open space parcels within the subdivision to the Property Owner's Association.
 - e. Declaration of Unit Ownership (condominiums)
 - f. Public/Private road easements
 - g. Improvements agreements
 - h. Certificate of a licensed Title Abstractor
- vi. The Commission may require that final subdivision plats and certificates of survey be reviewed for errors and omissions in calculation or drafting by an examining land surveyor before recording with the Clerk and Recorder. When the survey data shown on the plat or certificate of survey meets the conditions pursuant to these Regulations, the examining surveyor shall certify the compliance in a printed or stamped certificate on the plat or certificate of survey. The certificate must be signed by the surveyor.

IV-C-4. Public Improvements Agreement; Guaranty

As a condition of approval of the final plat, the subdivider must have installed all required improvements or have entered into a subdivision improvements agreement guaranteeing the construction, installation, and maintenance of all required improvements [76-3-507, MCA]. (A model improvements agreement and alternative methods of guaranteeing public improvements, the procedures and requirements for securing an agreement, and suggested conditions for maintenance are provided in (Appendix G).

IV-C-5. Final Plat Approval

- a. Approval by the Commission: The Commission shall examine every final subdivision plat and within thirty (30) working days of its submission to the Subdivision Administrator shall approve the plat provided it conforms to the conditions of preliminary plat approval and to the terms of the MSPA and these Regulations.
 - i. If the final plat is approved, the Commission shall certify its approval on the face of the final plat. When applicable, a certificate of the Commission expressly accepting any dedicated land, easements, or improvements will be filed with the final plat. An acceptance of a dedication is ineffective without this certification.
 - ii. If the final plat is denied, the Commission shall write a letter stating the reason for denial and forward a copy to the subdivider. The Commission will return the final plat to the subdivider within ten (10) working days of the action. The subdivider may then make any necessary corrections and resubmit the final plat for approval.

- b. Final Plat Substantially Different: If the final plat differs substantially from the approved preliminary plat, the Commission shall return the final plat to the Subdivision Administrator and/or the Planning Board for additional review. The 30 working day review period will be suspended until the additional review is complete. Such review shall be limited to not more than 30 working days.
- c. Inaccurate information: The Commission may withdraw approval of a final plat if it determines that material information provided by the subdivider is inaccurate.

IV-C-6. Final Plat Filing

After it is approved, the final plat may not be altered in any manner except as provided in III-D. The Clerk and Recorder may not accept any plat for filing that does not bear the Commission's approval in proper form or that has been altered. The Clerk and Recorder may file an approved plat only if it is accompanied by the documents specified in the Montana Uniform Standards for Monumentation, Certificates of Survey, and Final Subdivision Plats (Appendix F).

IV-D. Amended Plats

- a. Changes that materially alter any portion of a filed plat, its land divisions or improvements, or that will modify the approved use of land within the subdivision, must be made by filing an amended plat showing all alterations. Any alteration that increases the number of lots or modifies six or more lots, or abandons a public dedicated road right-of-way must be reviewed and approved by the Commission.
- b. An amended plat is subject to the procedures for reviewing major or minor subdivisions, as appropriate. The Commission may not approve an amended preliminary plat without the written consent of the owners (or lenders) of all lots which will be modified by the proposed amendment.
- c. The Commission may not approve an amendment that will place a lot in non-conformance with the design standards contained in Section V of these regulations unless the Commission holds a public hearing on the amendment and issues a written variance from the standards pursuant to Section VIII-B Variances.
- d. The final amended plat submitted for approval must comply with the requirements for final subdivision plats (Appendices A, B and F).
- e. Plats may only be amended for reasons of public health and safety.

IV-D-1. Amended Conditions

- a. Any proposed amendments to the conditions of preliminary and final approval shall be reviewed and approved by the Commission.
- b. The Planning Board shall review the proposed amendment(s) and make a recommendation to the Commission to approve or deny the proposed amendment(s).
- c. The Commission may not approve an amended condition without the written consent of the owners or parties holding liens or encumbrances of all lots that may be affected by the amended condition.
- d. A proposed amendment to the conditions of preliminary and final approval is subject to the procedures for reviewing major or minor subdivisions, as appropriate.
- e. Conditions may only be amended for reasons of public health and safety.

IV-D-2. Exemptions from Amended Plat Review

Amended plats that show the relocation of common boundaries between, or the aggregation of, five or fewer lots are exempt from subdivision review [76-3-207(1)(d), MCA]. These amended plats must be prepared following the requirements of the Montana Uniform Standards for Certificates of Survey (Appendix F).