

VIII: GLOSSARY

ACCESS, LEGAL: All lots of the subdivision abut a public road easement or public right-of-way, and all necessary County or State approach permits have been obtained.

ACCESS, PHYSICAL: All lots of the subdivision abut a road constructed in accordance with the standards of these regulations and which provides vehicular access to each lot.

ACCESSORY BUILDING OR USE: A subordinate building—or portion of the principal building—located on the same lot as the principal building, or subordinate use of land, either of which is customarily incidental to the principal building or principal use of the land.

Where a portion of an accessory building is connected to part of the principal building in a substantial manner, as by a roof, such an accessory building shall be counted as part of the principal building.

ADT: Average daily trips made by vehicles or non-motorized traffic in a 24-hour period.

AFFORDABLE HOUSING: Affordable housing is generally defined as housing where the occupant is paying no more than 30 percent of gross income for housing costs, including utilities and meets the needs of moderate or low-income households.

AGGRIEVED PARTY: A person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specially and injuriously affected by the decision of the governing body to approve, conditionally approve, or disapprove a proposed subdivision plat.

ANNEXATION: The process by which land in an unincorporated area can become part of a nearby or adjacent municipality.

APPLICATION DEADLINE: The periodic deadlines (approximately semi-monthly or monthly) for application submittals to be considered within a particular review timeframe. Such deadlines are necessary for efficient administration of the MT Subdivision & Platting Act and these regulations. The statutory review timeframes

(60 for majors or 35 (working) days for minors) would always begin on an application deadline, if the submitted application was determined to be complete.

APPROACH: The point where a residential driveway meets a public road, or where a local access road, for example, intersects a higher classification of public road (e.g., collector).

APPROPRIATE: An act, condition, or state that is considered suitable for a specific situation by the Board of County Commissioners.

BEST MANAGEMENT PRACTICES: The utilization of nationally recognized methods and/or technologies in order to avoid or minimize potential negative impacts and to maximize the potential productivity of a resource.

BIG GAME WINTER RANGE: Habitat that supports the larger hunted animals (e.g., deer, elk, antelope, and moose) during the winter months.

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

BLM: U.S. Bureau of Land Management.

BOCC: Board of County Commissioners.

BOR: U.S. Bureau of Reclamation.

BUILDING SETBACK LINE: An imaginary line establishing the minimum distance that structures may be located from lot lines, street rights-of-way, natural drainages, or other physical or legal boundaries.

CAG: Citizens' Advisory Group.

CAPITAL FACILITIES: Capital facilities are provided for public purposes, and are generally defined as structures, improvements, equipment, or other major assets--including land--that have a useful life of at least 5 years.

CAPITAL IMPROVEMENTS PLAN (CIP): A plan outlining where, when, and how much a community or county plans to invest in major public facilities over the next 5-10 years. A CIP may address but not be limited to items such as roads and bridges, emergency service facilities and equipment, school and library buildings, sewer and water systems, and solid waste disposal sites.

CAPITAL INVESTMENT: Funds provided to build, expand, or otherwise improve major public facilities (see definition of capital improvements plan).

CARRYING CAPACITY: The capability and suitability of a resource (natural or public) to beneficially accommodate an activity or use.

CATCHMENT AREA: A particular geographic area within which water flows to a common point (e.g., a stream, lake, catchment basin, etc.).

CDBG PROGRAM: Community Development Block Grant Program.

CERTIFICATE OF SURVEY (COS): A drawing of a field survey prepared by a registered land surveyor for the purpose of disclosing facts pertaining to boundary locations and parcel features. COSs are often filed as a legal document to describe land divisions that are exempt from the subdivision review process.

CLUSTER DEVELOPMENT: A development in which dwelling and/or commercial units are grouped on certain portions of a site, and other areas in common or single ownership remain open and free from development. Under this concept, lots may be smaller than in a conventional subdivision, and lots and units are concentrated in order to provide open space.

COMMERCIAL USE: A commercial use is any business, retail trade, or service activity.

COMMUNITY PARK: Land with full public access intended to provide recreation opportunities beyond those supplied by neighborhood parks. They are designed for organized activities and sports, although individual and family activities are also encouraged. Community parks are larger in scale than neighborhood parks and may require a minimum of 15 acres, as outlined in the County Comprehensive Parks, Open Space and Recreation Plan.

COMPREHENSIVE PLAN: Now statutorily defined as a "Growth Policy" and including the components outlined in 76-1-601 MCA. Refers to a publicly prepared plan which describes current and future conditions of a community or county, outlines goals and objectives for land use and other features of community life, and recommends implementation measures designed to help achieve the goals.

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.

CONSERVATION EASEMENT: A voluntary restriction of land use, particularly with respect to residential development. A landowner may sell or donate a conservation easement to a public or private entity.

CONSISTENCY, CONSISTENT WITH: Free from significant variation or contradiction. The courts have held that the phrase "consistent with" means "agreement with; harmonious with." The Webster Dictionary defines "consistency with" as meaning harmony, agreement when used with "with."

CONSOLIDATED CITY-COUNTY PLANNING BOARD: See Planning Board.

COST-OF-SERVICES-STUDY: Research conducted to estimate the cost of local services required by different kinds of development or land use, relative to the total property taxes paid.

COVENANT: A written agreement (recorded with the Clerk and Recorder) of two or more parties by which any of the parties pledges himself to the others that something is done or shall be done, or sets forth provisions for the use of land.

CRITICAL AREAS: Environmental areas that may be designated for preservation or protection. These areas may include: frequently flooded areas, naturally occurring wetlands, fish and wildlife habitat areas, geologically hazardous areas, and areas with a critical effect on aquifer recharge.

CTEP: Community Transportation Enhancement Program (note: this is a grant program administered by MDT that funds trails and other transportation-related improvements).

CUMULATIVE IMPACT: An effect on the physical or social environment that results from the incremental impact of an action that's added to past, present, and (reasonably foreseeable) future actions, regardless of what agency or person undertakes them. Cumulative impacts can result from minor actions that are collectively significant over a period of time.

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

DEED RESTRICTION: A land use restriction placed by a landowner on his or her property.

DEFENSIBLE SPACE: An area as defined by a vegetation management plan, between an improved property and a potential wildland fire, where the combustibles have been removed or modified with the following intent:

- a. To protect life and property from wildland fire;
- b. To reduce the potential for fire on improved property spreading to wildland fuels;
- c. To provide a safe working area for fire fighters protecting life and improved property.

DENSITY: The number of buildings or housing units per acre.

DEQ: Montana Department of Environmental Quality.

DEVELOPMENT CAPACITY: The amount of residential (number of dwelling units) and non-residential uses (building floor area in square feet or number of employees) that may be built based on the land use designation of a parcel of land. Capacity is calculated by assuming a certain amount of development is permitted within an allowable density in a location.

DEVELOPMENT PERMIT: A permit required by the County for specified types of land use changes and/or development. Where applicable, a permit would be required even for properties that haven't gone through subdivision review.

DEVELOPMENT RIGHT: The right to own or develop one residence or commercial operation per parcel of land.

DEVELOPMENT STANDARD: Requirement established by the County for different types of development, in various locations.

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. Provided that where required by the Act the land upon which an improvement is situated has been subdivided in compliance with the Act, the sale, rent, lease or other conveyance of one or more parts of a building, structure or other improvement situated on one or more parcels of land is not a division of land and is not subject to the terms of the Act. The conveyance of a tract of record or an entire parcel of land that was created by a previous division of land is not a division of land.

DNRC: Montana Department of Natural Resources and Conservation.

DRAINAGE BASIN: See definition for watershed.

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

EA: See Environmental Assessment.

EASEMENT: A right to use land, other than as a tenant, for a specific purpose; such right being held by someone other than the owner who holds title to the land.

EIS: See Environmental Impact Statement.

EMERGENCY SERVICES: Community services such as fire protection, law enforcement, ambulance service, quick response, search and rescue, and flood and disaster relief. Emergency services are generally provided by local governments or private, nonprofit organizations.

EMINENT DOMAIN: The right of a public entity to acquire private property, for public use, by condemnation and payment of just compensation.

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.

ENTRYWAY CORRIDOR: The roadway corridor leading into and out of a community. Often, the corridor is an area of transitioning land uses, with more intense and urban activities located closest to the community center.

ENVIRONMENTAL ASSESSMENT (EA): An EA is a document that describes impacts on the environment as a result of a proposed action.

ENVIRONMENTAL IMPACT STATEMENT (EIS): An EIS is a document (typically longer and more detailed than an EA) that describes impacts on the environment as a result of a proposed action. It also describes impacts of alternatives as well as plans to mitigate the impacts.

EPA: U.S. Environmental Protection Agency.

EPHEMERAL STREAM: A stream that flows infrequently, usually only following precipitation events or snowmelt. This would include many gullies, coulees, and draws.

EXAMINING LAND SURVEYOR: A professional land surveyor duly appointed by the governing body to review surveys and plats submitted for filing.

FEMA: Federal Emergency Management Agency.

FERC: Federal Energy Regulatory Commission.

FISCAL IMPACT ANALYSIS (FIA): A projection of the direct public costs and revenues resulting from population or employment change to the local jurisdiction(s) where the change is taking place. An FIA enables local governments to evaluate relative fiscal merits of general plans, specific plans, or projects.

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

FLOOD OF 100-YEAR FREQUENCY: A flood magnitude that has a one percent chance of being equaled or exceeded in any given year. A 100-year flood has nearly a 23 percent chance of occurring in a 25-year period. (Note: new definition supplied by Paul Spengler, Disaster and Emergency Services Coordinator.)

FLOODPLAIN: The area adjoining the watercourse or drainage way that could be covered by the floodwater of a flood of 100-year frequency.

FLOODWAY: The channel of a watercourse or drainage way that must be reserved in order to discharge a 100-year flood without cumulatively increasing the water surface elevation more than one-half foot. (Note: new definition supplied by Paul Spengler, Disaster and Emergency Services Coordinator).

FWP: Montana Department of Fish, Wildlife and Parks.

GEOGRAPHIC INFORMATION SYSTEM (GIS): A method of computer mapping that enables layers of land-related information (e.g., soils, roads, waterways, buildings) to be illustrated and analyzed in various combinations. GIS maps and databases may be used to predict future conditions under different hypothetical scenarios.

GEOLOGICALLY HAZARDOUS AREAS: Areas that because of their susceptibility to erosion, sliding, earthquakes, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

GOAL: A broad, generalized expression of a commonly held community value. Goals express primary themes or general intent and direction.

GOVERNING BODY: The Board of County Commissioners, or the governing authority of any city or town organized pursuant to law.

GROWTH MANAGEMENT: The use by a community of a wide range of techniques in combination to determine the amount, type, and rate of development desired by the community and to channel that growth into designated areas. Growth management policies, once determined, are implemented through zoning, capital improvement programs, subdivision regulations, neighborhood plans, standards for levels of service, and other programs.

GROWTH POLICY: As defined in Section 76-1-103, MCA, a Growth Policy means and is synonymous with a comprehensive development plan, master plan, or comprehensive plan, which meets the requirements of Section 76-1-601, MCA. The 1999 Montana Legislature enacted legislation that defined Growth Policy, and made it the operative term for the types of documents mentioned above.

GUIDELINES: General statements of policy direction around which specific details may be later established.

HAWT PLAN: Helena Area Wastewater Treatment Plan.

HOME OCCUPATION: Any use conducted entirely within a dwelling, which is clearly incidental and secondary to the use of the dwelling for residential purposes. Such use may include, but is not limited to, art and/or photography studios, computer programming, insurance sales, and handicrafts, provided that the use does not involve more than one-third of the total square footage of the dwelling and does not generate substantial additional traffic.

HOUSEHOLD: All individuals--related or unrelated--who occupy a single housing unit.

HRA: Helena Regional Airport.

HUD: U.S. Department of Housing and Urban Development.

HVID: Helena Valley Irrigation District.

IMPACT: The effect of any direct man-made actions or indirect repercussions of man-made actions on existing social, environmental, or economic conditions.

IMPACT FEES: A fee paid by developers to help pay for the cost of providing public facilities needed to serve new development. Impact fees may also involve an effort to predict the total cost to the community for servicing the new development and relate it to the revenues that will be produced by the development once it is completed.

IMPLEMENTATION STRATEGY: Specific procedures for carrying out goals and policies.

IMPROVEMENT: The addition of one or more structures or utilities on a parcel of land.

INCENTIVE: A benefit offered to entice someone to do something, as opposed to a regulatory requirement.

INDUSTRIAL USE: The activities predominantly connected with manufacturing, assembling, processing, or storing of products.

INFILL DEVELOPMENT: Development consisting of construction on one or more lots in an area that is mostly developed, or underutilized parcels in built up areas. Because utilities infrastructure and public services are usually in place, the costs and impacts of new developments may be lower.

INFRASTRUCTURE: Public facilities and services that typically include, roads, sewers, water, schools, police and fire buildings, libraries, hospitals, parks, trails, etc. to serve public demand and safety.

INTERLOCAL AGREEMENTS: Agreements between political jurisdictions.

INTERMITTANT STREAM: A stream that flows more often than not, but may not flow a good portion of the time in some reaches. For instance, during the late summer there may be flow in some sections of an intermittent stream, and no flow in other reaches where water seeps into the stream bottom at a higher rate.

INTERMOUNTAIN SEISMIC BELT: An earthquake-active area of the Rocky Mountain West.

ISSUE: A problem or opportunity that is sufficiently important for the County to develop an approach addressing it (e.g., through goals, policies, strategies, etc.).

LAND EXCHANGE: Typically, the process by which a public land management agency trades or sells a parcel of public land in exchange for the acquisition of land which is deemed to hold higher resource values for public purposes.

LAND TRUST: A non-profit organization that receives property, conservation easements, and development rights as a way of promoting goals such as open space preservation and farmland protection. A land trust may accept donations and/or make purchases.

LCCWQPD: Lewis and Clark County Water Quality Protection District.

LEVEL OF SERVICE (LOS): An indicator of the extent or degree of service provided by, or proposed for, a facility or a service based on an established minimum standard (i.e. 1 patrol officer per 10000 people).

LOCAL FIRE AUTHORITY: A local fire district, fire service area, or the county fire marshal.

LOCATION MAP: A small map showing the location of a tract of land in relation to a larger land area.

LONG-TERM IMPACT: An impact that is of a longer duration than a direct, immediate impact. A long-term impact is one where the affected area will not return to its natural state quickly after a project is complete.

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

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 width of the lot measured by averaging its two narrower dimensions.
- 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. Double-fronted Lot: A lot whose front and rear lines both abut on a street.

MANUFACTURED HOUSING: As defined in MCA 76-2-302, “‘manufactured housing’ means a single-family dwelling, built offsite in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in size, has a pitched roof and siding and roofing materials that are customarily, as defined by local regulations, used on site-built homes, and is in compliance with the applicable prevailing standards of the United States Department of Housing and Urban Development at the time of its production. A manufactured home does not include a mobile home or housetrailer, as defined in 61-1-501.”

MCA: Montana Codes Annotated (State of Montana statutes).

MDPHHS: Montana Department of Health and Human Services.

MDT: Montana Department of Transportation.

MILL LEVY: The level of property tax set by a local government. One mill equals one one-thousandth of the total taxable value of the particular jurisdiction.

MINOR SUBDIVISION: A subdivision containing five (5) or fewer parcels where proper access to all lots is provided, where no land in the subdivision will be dedicated to public use for parks or playgrounds and which has been approved by the Department of Environmental Quality (DEQ), where required.

MITIGATE: To ameliorate, alleviate, or avoid to the extent reasonably feasible.

MIXED-USE: Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A "single site" may include contiguous properties.

MOBILE HOME: As defined in MCA 61-1-501, “‘Mobile home’ or ‘housetrailer’ means a trailer or a semitrailer that is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place (either permanently or temporarily), and is equipped for use as a conveyance on streets and highways, or a trailer or semitrailer whose chassis and exterior shell is designed and constructed for use as a housetrailer, but that is used permanently or temporarily for the advertising, sales, display, or promotion of merchandise or services, or for any commercial purpose, except the transportation of property for hire or the transportation of property for distribution by a private carrier.” Also, see definition for “manufactured housing.”

MUNICIPALITY: An incorporated city or town.

NEIGHBORHOOD PARK: A combination playground and park designed primarily for non-supervised, non-organized recreation activities generally 3-7 acres in size.

NEIGHBORHOOD PLAN: A plan developed for a particular geographic area within the County, typically including the active involvement of area residents. A neighborhood plan generally would not include regulatory provisions, such as zoning or other mechanisms.

NON-CONFORMING USE: An existing use of land or building which was legally established prior to the effective date of a regulation, but which subsequently fails to comply with the requirements applicable to the zone it is situated in.

NRCS: Natural Resources and Conservation Services (note: this is a federal agency that previously was called the Soil and Water Conservation Service).

OBJECTIVE: An objective is a narrowly defined and concrete expression of intent. Typically, an objective is quantifiable (e.g., it states how much will be achieved by a certain date).

OCCASIONAL SALE: A previous exemption that provided for a single division of a tract of land during a period of one year. The occasional sale exemption was formerly contained in Section 76-3-207 (1)(d), MCA; it was repealed by the 1993 Legislature.

OPEN SPACE: A land or water area devoid of buildings and other physical structures except where accessory to the provision of recreation.

ORDINANCE: A statute or regulation.

ORIGINAL TRACT: A tract of land created as of July 1, 1973.

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

PAYMENT-IN-LIEU-OF-TAXES (PILT): Annual payment made by the federal government to each county government where federally managed public lands are located. The payment is intended to compensate county governments, in part, for the fact that public lands are exempt from local taxation.

PEDESTRIAN FACILITY: An improvement designed to facilitate accessibility by foot or wheelchair, including sidewalks, curb ramps, crosswalks, overpasses and under crossings, etc.

PERENNIAL STREAM: A stream that typically flows all year for its entire length, although stretches may go dry during periods of extreme drought.

PERFORMANCE STANDARDS: Regulations that permit uses based on a particular set of standards of operation rather than on particular type of use. The focus is on end results, and less on how they are achieved. Performance standards provide specific criteria limiting noise, air pollution, emissions, odors, vibration, dust, dirt, glare, heat, fire hazards, wastes, traffic impacts, and visual impact of a use.

PERMITTED USE: A use that is lawfully established in a particular district or districts, and which conforms with all requirements, regulations, and performance standards within the district. A permitted use may be a principal use, accessory use, or a conditional use.

PLANNED UNIT DEVELOPMENT (PUD): A land development project consisting of residential clusters, industrial parks, shopping centers, or office building parks, that comprise a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in a common ownership or use.

PLANNING BOARD: A city planning board, a county planning board or a joint city-county planning board as formed pursuant to Title 76, Chapter 1, MCA. The planning board's role is advisory.

PLAT: A graphic representation of a subdivision showing the division of land into lots, parcels, blocks, streets, and alleys, and 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 a 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 and containing all elements and requirements set forth in these regulations and the Montana Subdivision and Platting Act. (Title 76, Chapter 3, MCA).

- c. Vacated Plat: A plat that has been removed from the county record under provisions of these regulations and the Montana Subdivision and Platting Act (Title 76, Chapter 3, MCA).
- d. Amended Plat: The final drawing of any change to a platted subdivision required to be filed with the clerk and recorder and containing all elements and requirements set forth in these regulations and the Montana Subdivision and Platting Act. (Title 76, Chapter 3, MCA).

POLICY: A specific statement of principle or of guiding actions that implies clear commitment but is not mandatory. It is the general direction that a governmental agency sets to follow, in order to meet its goals and objectives before undertaking an action program.

PPL, MONTANA: Pennsylvania Power and Light, Montana (note: this is the company that purchased Montana Power).

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. Typically, these lands have an adequate and dependable supply of irrigation water, favorable temperature and growing season, and acceptable soil acidity and alkalinity.

PUBLIC IMPROVEMENT: Any structure or facility constructed to serve the residents of a subdivision or the general public such as parks, streets and roads, sidewalks, curbs and gutters, street lighting, utilities and systems for water supply, sewage disposal and drainage.

PUBLIC SERVICES: services and facilities provided to the general community by government or quasi-public entities. Examples include roads and bridges, emergency services, schools and libraries, sewer and water systems, and solid waste disposal.

RANCHETTE: A single dwelling unit occupied by a non-farming household on a parcel of 2.5 to 20 acres that has been subdivided from agricultural land.

RE-AGGREGATING LOTS: Voluntary action by a landowner or group of landowners to reassemble lots previously created by land division, in order to create one or more larger parcels.

RECREATIONAL VEHICLE PARK: A place used for public camping where persons can rent space to park individual camping trailers, pick-up campers, motor homes, travel trailers or automobiles for transient dwelling 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.

REGISTERED ENGINEER: An engineer licensed to practice in the State of Montana.

REGULATION: That which is required, unless an explicit exception is made.

RESIDENTIAL USE: Any land use that provides for living space. Examples include single family, multifamily, special residences.

RID (Rural/Road Improvement District): A specially designated area in which local public improvements are made. Property owners or the County may initiate projects that are paid through special assessments. RID examples may include road improvements, sidewalks, curb, etc.

RIGHT-OF-WAY: A strip of land dedicated or acquired for use as a public way.

RIGHT-TO-FARM LAW: A Montana state law that excludes standard agricultural practices from being considered “nuisances” (see 27-30-101, MCA).

RIPARIAN AREA: Defined by the University of Montana’s Riparian and Wetland Research Program as the “green zone” which lies between channels of flowing water and uplands, and which serves several functions, including the following: water storage and aquifer recharge; filtering of chemical and organic wastes; sediment trapping; bank building and maintenance; flow energy dissipation; and primary biotic production. Riparian areas provide important habitat for many species of wildlife.

RURAL DEVELOPMENT: Development activities that may be based on the land (e.g. agriculture, ranching and mineral extraction). Usually characterized by large lots for houses and by farm and forest activities. Areas where fewer public facilities exist, and lower infrastructure standards are typically found.

RV: Recreational Vehicle.

SERVICE AREA: The land area within which a County or other jurisdiction is committed to providing public services.

SETBACK: The horizontal distance required between the public right-of-way or property line (whichever is closest) and the building line.

SHEET FLOODING: Flooding that spreads out over the surface of the earth, rather than following a defined drainage, typically when the ground is frozen, or otherwise unable to absorb runoff.

SHORT-TERM IMPACT: An impact such that the affected area can be expected to return to the original condition quickly following a project or event.

SINGLE FAMILY DWELLING: A dwelling used for residential occupancy by one household.

SPECIES OF SPECIAL CONCERN: Types of wildlife and vegetation which are considered by the Montana Natural History Program and the U.S. Fish and Wildlife Service to be threatened, endangered, or otherwise vulnerable to decline.

STANDARD: something established for use as a rule or basis of comparison in measuring quantity, quality, value, etc.

STATE: The State of Montana

STREET TYPES: Refer to definitions in the Lewis and Clark County Subdivision Regulations.

SUBDIVIDER: Any person, firm or corporation, or other entity that 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 one hundred sixty (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, and includes any resubdivision; and further includes a condominium or area, regardless of its size, that provides or will provide multiple space for recreational camping vehicles, or mobile homes. A subdivision comprises only those parcels containing less than one hundred sixty (160) acres that have been segregated from the tract of record. The subdivision plat must show all the 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 [76-3-103(14), MCA].

SUBSTANTIALLY: Generally true or in accordance in important respects.

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

SUSTAINABILITY: Community use of natural resources in a way that does not jeopardize the ability of future generations to live and prosper.

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

TAKING: A real estate term traditionally used to mean acquisition by eminent domain but broadened by the U.S. Supreme Court to mean any government action that denies economically viable use of property. More recent federal and state legislative proposals would consider any government program causing a "substantial" reduction in property values to be a taking.

TCC: Transportation Coordinating Committee.

TDM: Transportation Demand Management (note: this concept focuses on reducing the number of auto-based trips, rather than increasing road capacity).

TMDL: TMDL (total maximum daily load) is the total amount of a pollutant, per day, (including a margin of safety) that a water body may receive from any source (point, nonpoint, or natural background) without exceeding the state water quality standards.

TRACT: A single parcel of land held in single and undivided ownership as shown by the official records on file in the office of the county clerk and recorder.

TRACT OF RECORD:

(a) A "tract of record" is an individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using the documents on file in the records of the county clerk and recorder's office.

(b) Each individual tract of record continues to be an individual parcel of land unless the owner of the parcel has joined it with other contiguous parcels by filing with the county clerk and recorder:

(i) an instrument of conveyance in which the aggregated parcels have been assigned a legal description that describes the resulting single

parcel and in which the owner expressly declares the owner's intention that the tracts be merged; or

(ii) a certificate of survey or subdivision plat that shows that the boundaries of the original parcels have been expunged and depicts the boundaries of the larger aggregate parcel.

(c) An instrument of conveyance does not merge parcels of land under subsection 53.(b)(i) unless the instrument states, "This instrument is intended to merge individual parcels of land to form the aggregate parcel(s) described in this instrument" or a similar statement, in addition to the legal description of the aggregate parcels, clearly expressing the owner's intent to effect a merger of parcels.

TRANSFER OF DEVELOPMENT RIGHTS (TDR): Under TDR, development rights in a designated zone are allowed to be transferred from one area to another to meet specific land use goals. Areas most suitable for development are declared "receiving zones" with increased use densities, leaving intact open areas, or "sending zones" from which development rights are sold.

TRANSITIONAL AREAS: The areas suitable for urban development over a longer term. Transitional areas may be contiguous to existing urban development, or they may be located further out. These areas contain existing low-density development and community services (schools, parks, fire protection, neighborhood, commercial, etc.) and could accommodate additional infill development.

URBAN: Urban areas are those areas where city services to support residential, commercial, and industrial development are most likely to be extended over the next twenty to twenty-five years.

URBAN SERVICES: Those governmental services historically and typically delivered by cities, including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities.

URBAN GROWTH: Growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces. When allowed to spread over a wide area, urban growth typically requires urban governmental services.

URBAN SERVICE AREA: The area within which urban governmental services, such as sanitary sewer systems, domestic water systems and other public utilities associated with urban areas are provided.

USFWS: U.S. Fish and Wildlife Service.

USGS: U.S. Geological Survey.

UTILITIES: Facilities serving the public by means of a network of wires or pipes, and ancillary structures. Included are systems for the delivery of natural gas, electricity, telecommunications services, and water, as well as the disposal of sewage.

VFD: Volunteer Fire Department.

VICINITY SKETCH: A map at a scale suitable to locate the 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.

VIEWSHED: The landscape visible from a particular viewing point.

WATERCOURSE: A natural depression or channel that gives direction to a current of water at any time of the year. This could be a stream or gully, for example, that water flows towards and then through, in a prescribed path.

WATERSHED: When rain or snow falls on an area of land, it eventually runs down hill until it reaches a stream. The entire area over which water flows to a common point is called a watershed.

WETLANDS: Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

WILDLAND/URBAN INTERFACE: Borders of forest and/or woodland areas being settled by people desiring to live in rural, wooded settings.

ZONING: A regulatory tool available to local governments to designate the location and character of various land uses.

