

## **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 consistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular.

1. **ACCESS (LEGAL AND PHYSICAL):** Legal Access means that each lot in a subdivision abuts a public (city, county, state, or federal) street or road, or that the subdivider has obtained adequate and appropriate easements across all necessary properties from a public road to each lot in the subdivision. Physical access means that a street or road conforming to the subdivision design standards provides safe vehicular access from a public street or road to each lot in the subdivision.
2. **AGRICULTURE:** Montana Code Annotated contains definitions for the words “agriculture” and “agricultural” as follows:  
41-2-103, MCA. Definitions. As used in this part, the following definitions apply: (1) “Agriculture” means: (a) all aspects of farming, including the cultivation and tillage of the soil; (b)(i) dairying; and (ii) the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, including commodities defined as agricultural commodities in the federal Agricultural Marketing Act [12 U.S.C. 1141j(g)]; (c) the raising of livestock, bees, fur-bearing animals, or poultry; and (d) any practices, including forestry or lumbering operations, performed by a farmer or on a farm as an incident to or in conjunction with farming operations, including preparation for market or delivery to storage, to market, or to carriers for transportation to market.  
81-8-701, MCA. Definitions. Unless the context requires otherwise, in this part the following definitions apply: (1) “Agricultural and food product” includes a horticultural, viticultural, dairy, livestock, poultry, bee, other farm or garden product, fish or fishery product, and other foods.
3. **AGRICULTURAL WATER USER FACILITY:** Those facilities which provide water for agricultural land as defined in 15-7-202, MCA, or which provide water for the production of agricultural products as defined in 15-1-101, MCA, including, but not limited to, ditches, pipes, and head gates.
4. **BED AND BREAKFAST:** An establishment which provides overnight lodging to the public for compensation; caters to the public; is located in the proprietor’s residence and serves only breakfast to registered guests. A bed and breakfast shall not contain more than five rooms for rent to the public.
5. **BENCHMARK:** A reference point for making measurements.

6. **BLOCK:** A group of lots, tracts or parcels within well defined fixed boundaries.
7. **BUILDING SETBACK LINE:** An imaginary line establishing the minimum distance that structures may be located from lot lines and street right-of-ways.
8. **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.
9. **CLUSTER DEVELOPMENT:** A subdivision with lots clustered in a group of five or more lots that's designed to concentrate building sites on smaller lots in order to reduce capital and maintenance costs for infrastructure through the use of concentrated public services and utilities, while allowing the other lands to remain undeveloped.
10. **COMMERCIAL:** A commercial use is any business, retail trade or service activity.
11. **CONDOMINIUM:** A form of individual ownership with unrestricted right of conveyance 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 all units.
12. **COVENANT:** An agreement, in writing, of two or more parties by which any of the parties pledges himself to the others that something is done or shall be done.
13. **DEDICATION:** The deliberate appropriation of land by an owner for any general and public use, reserving to the landowner no rights that are incompatible with the full exercise and enjoyment of the public use to which the property has been devoted.
14. **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 (not to include mobile homes) situated on one or more parcels of land is not a division of land and is not subject to the terms of the Act.
15. **DRIVEWAY:** A private road-that services only one residence.

16. DWELLING UNIT: Any building or portion thereof providing complete, independent and permanent living facilities for one family.
17. EASEMENT: A right to use land, other than as a tenant, for a specific purpose; such right being held by someone other than the person who holds title to the land.
18. 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.
19. FIRST MINOR SUBDIVISION: A proposed subdivision of a tract of record that has not been subdivided or created by a subdivision under these regulations, or has not resulted from a tract of record that has had more than five parcels created from that tract of record since July 1, 1973.
20. FLOOD: The water of any watercourse or drainage which is above the bank or outside the channel and banks of such watercourse or drainage.
21. FLOOD OF 100 YEAR FREQUENCY: A flood magnitude expected to recur on the average of once every 100 years, or a flood magnitude which has a one percent chance of occurring in any given year.
22. FLOODPLAIN: The area adjoining the watercourse or drainage way which would be covered by the flood water of a flood of 100 year frequency.
23. FLOODWAY: The channel of a watercourse or drainage way and those portions of the floodplain adjoining the channel which are reasonably expected to carry and discharge the flood water of any watercourse or drainage way.
24. FINAL PLAT: the final drawing of the subdivision and dedication required by this chapter to be prepared for filing for record with the County Clerk and Recorder and containing all elements and requirements set forth in this chapter and in regulations adopted pursuant to this chapter.
25. GOVERNING BODY: The board of county commissioners or the governing authority of a city or town organized pursuant to the law.
26. GUEST HOUSE - an accessory structure that is used for temporary and periodic quarters for guests. The structure is not used for a permanent residence and may not be leased or rented to the general public.

27. GROWTH POLICY PLAN - means and is synonymous with a comprehensive development plan, master plan or comprehensive plan and meets the requirements of 76-1-601 MCA.
28. IMMEDIATE FAMILY: a spouse, child by blood or adoption, and parents.
29. LOCAL FIRE AUTHORITY: A local fire district, fire service area, or the County Fire Marshall.
30. LOCATION MAP: A small map showing the location of a tract of land in relation to a larger land area.
31. LOT: A parcel, plot or other land area created by subdivision for sale, lease or rent.
32. 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 narrow 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.
33. LOT TYPES:
- a. Corner Lot: A lot located at the intersection of two streets.
  - b. Interior Lot: A lot with frontage on one street.
  - c. Through Lot: A lot whose front and rear lines both abut on a street.
34. MAJOR SUBDIVISION: A subdivision which does not qualify for review as a minor subdivision.
35. MINOR SUBDIVISION: A subdivision containing five or fewer parcels where proper access to all lots is provided, no land in the subdivision will be dedicated to public use for parks or playgrounds, and the subdivision is eligible for review under 76-3-609, MCA.
36. 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.
37. MOBILE HOME SPACE: A designated portion of a parcel of land designed for the accommodation of one mobile home and its accessory buildings or structures for the exclusive use of the occupants.
  38. MOBILE HOME SUBDIVISION: A tract of land providing spaces for two (2) or more mobile homes
  39. MOBILE HOME STAND: That area of a mobile home lot which has been prepared for the placement of a mobile home
  40. MODULAR OR FACTORY BUILT BUILDING: A dwelling constructed at a factory in accordance with the Uniform Building Code applicable to site built homes and transported to the site for final assembly on a permanent foundation
  41. MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY MINIMUM STANDARDS: Minimum standards promulgated by the Montana Department of Environmental Quality, pursuant to Title 76, Chapter 4, Part 1, MCA.
  42. MONUMENT (PERMANENT MONUMENT): Any structure of masonry, metal, or other permanent material placed in the ground, which is exclusively identifiable as a monument of a survey point, expressly placed for surveying reference.
  43. NATURAL ENVIRONMENT: The physical conditions which exist within a given area, including land, air, water, mineral, flora, fauna, noise, and objects of historic or aesthetic significance.
  44. OPEN SPACE: Land or water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.
  45. ORIGINAL TRACT: A tract of land created as of July 1, 1973.
  46. OVERALL DEVELOPMENT PLAN: The master plan of a subdivision designed for a single tract and proposed to be subdivided in phases.

47. OWNER: The person, corporation, or other entity that holds actual title to the property.
48. PLANNED UNIT DEVELOPMENT: (PUD): A land development project consisting of residential clusters, industrial parks, shopping centers, or office building parks that compose a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in common ownership or use.
49. PLANNING BOARD: The Carbon County Planning Board
50. PLANNING OFFICE: The Carbon County Planning Office
51. PLANNING STAFF: The Carbon County Planning Staff
52. 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, roads, alleys, lot, 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 which has been removed from the County record under provisions of Title 76, Chapter 3, Part 305, MCA.
  - d. Amended Plat: The final drawing of any change to a platted subdivision required to be filed 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)
51. 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.

52. PUBLIC UTILITY: Has the meaning provided in 69-3-101, and 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.
53. QUALIFIED PROFESSIONAL(S): Person(s) with experience, training and competence in the pertinent discipline. A qualified professional must be licensed to practice in the State of Montana in the related professional field, if such field is licensed. If not licensed, a qualified professional must have a national certification in the pertinent field. If national certification in the field does not exist, the minimum qualification should be a bachelor's degree with 10 years of related professional work, or master's degree in the field and three year of related professional work.
54. 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.
55. 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.
56. RIGHT-OF-WAY: A strip of land dedicated or acquired for use as a public way.
57. RURAL PLANNED UNIT DEVELOPMENT - A development that designates home sites on a large tract of land in order to preserve at least 75% of the land for open space, wildlife habitat, winter range, riparian areas, or agricultural land. A rural planned unit development may or may not contain a mixture of land uses (ie commercial, residential, industrial) and may or may not contain traditional cluster development. The main function of a rural planned unit development is to preserve large tracts of land in open space, wildlife habitat, riparian or agricultural use.
58. STATE: The State of Montana.
59. STREAM : Any natural creek, watercourse, drainage, waterway, gully, ravine or way in which water flows continuously or intermittently and has a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow.
60. ROADWAY TYPES: For purposes of these regulations the definition of street and road is interchangeable and the roadway types are defined as follows.

- a. Alley: A road used primarily for vehicular access to the rear of properties which abut on and are served by public roads.
  - b. Arterial: A road having the primary function of moving traffic and the secondary function of providing access to adjacent land. Arterials generally carry relatively large volumes of traffic. Arterials have two (2) to four (4) lanes of moving traffic and provide limited access to abutting property.
  - c. Collector: A road having the equally important functions of moving traffic and providing access to adjacent land. Collector streets have two moving traffic lanes and may have two parking lanes.
  - d. Local Roads: A road having the primary function of serving abutting properties, and the secondary function of moving traffic. Local streets have two moving lanes of traffic, may have one or two parking lanes and provide access to abutting properties.
  - e. Dead-End Road: A road having only one outlet for vehicular traffic.
  - f. Half-Road: A portion of the width of a road, usually along the outside perimeter of a subdivision, where the remaining portion of the street must be located on adjacent property.
  - g. Cul-de-sac: A road having only one outlet for vehicular traffic and terminating in a turn-around area.
  - h. Loop: A local road which begins and ends on the same street, generally used for access to properties.
  - i. Frontage Access (Service Road): A local or collector road, usually parallel and adjacent to an arterial or major collector, which provides access to abutting properties and controls traffic access to arterials or collectors.
  - j. Private Road: A road is private if its right-of-way has not been dedicated for public use, and is maintained by a private party/property owner's association.
  - k. Public Road: A road is public if its right-of-way has been dedicated for public use, but is maintained by either a private party/ property owner's association or a public entity.
61. SUBDIVIDER: Any person, firm or corporation, or other entity who causes land to be subdivided or who proposes a subdivision of land. The entity may or may not be the actual owner of the property, but has an option to purchase



the property or be the legal representative of the landowner, in which case, the landowner is not considered to be the actual subdivider.

62. **SUBDIVISION:** A division of land or land so divided, that 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 spaces for recreational camping vehicles or mobile homes.

63. **SUBSEQUENT MINOR SUBDIVISION:** Any minor subdivision that is not a first minor subdivision.

64. **SWALE:** A drainage channel or shallow depression, natural or manmade designed to direct surface water flow.

65. **TOWNHOME or TOWNHOUSE:** property that is owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units, but under which they may jointly own the common areas and facilities.

66. **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.

67. **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.

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.

An instrument of conveyance does not merge parcels of subsection (i) above 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."

68. 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.
69. WATERCOURSE: Stream, a natural depression or channel which gives direction to a current of water at any time of the year.
70. WILDLIFE: Living animals which are neither human nor domesticated.
71. WILDLIFE HABITAT: A place frequented by wildlife or site where wildlife naturally lives.
72. WILDLIFE FENCING: A wildlife friendly fencing type approved or recommended by Montana Fish, Wildlife and Parks.