

SENATE BILL NO. 486

INTRODUCED BY P. FLOWERS, W. CURDY, C. POPE, J. ELLIS, W. SALES, D. HAYMAN, M. DUNWELL, E. MCCLAFFERTY, D. ZOLNIKOV

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING GLAMOROUS CAMPGROUNDS TO BE SUBJECT TO SUBDIVISION REVIEW; PROVIDING A DEFINITION; AND AMENDING SECTIONS 76-3-103 AND 76-8-101, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-3-103, MCA, is amended to read:

"76-3-103. Definitions. As used in this chapter, unless the context or subject matter clearly requires otherwise, the following definitions apply:

(1) "Certificate of survey" means a drawing of a field survey prepared by a registered surveyor for the purpose of disclosing facts pertaining to boundary locations.

(2) "Cluster development" means a subdivision with lots clustered in a group of five or more lots that is 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 other lands to remain undeveloped.

(3) "Dedication" means 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.

(4) "Division of land" means 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 a portion of the tract or properly filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to this chapter. 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.

(5) "Examining land surveyor" means a registered land surveyor appointed by the governing body

1 to review surveys and plats submitted for filing.

2 (6) "Final plat" means the final drawing of the subdivision and dedication required by this chapter
3 to be prepared for filing for record with the county clerk and recorder and containing all elements and
4 requirements set forth in this chapter and in regulations adopted pursuant to this chapter.

5 (7) (a) "Glamorous camping" or "glampground" means an area, regardless of its size, that provides
6 or will provide multiple spaces for rent or lease where guests occupy detached dwelling units that are owned by
7 the glampground business owner and receive amenity comforts that include electricity and may include
8 plumbing services.

9 (b) The term does not include a campground where tent camping is the principal use and electricity
10 is not offered as a service.

11 ~~(7)~~(8) "Governing body" means a board of county commissioners or the governing authority of a city
12 or town organized pursuant to law.

13 ~~(8)~~(9) "Immediate family" means a spouse, children by blood or adoption, and parents.

14 ~~(9)~~(10) "Minor subdivision" means a subdivision that creates five or fewer lots from a tract of record.

15 ~~(10)~~(11) "Phased development" means a subdivision application and preliminary plat that at the time of
16 submission consists of independently platted development phases that are scheduled for review on a schedule
17 proposed by the subdivider.

18 ~~(11)~~(12) "Planned unit development" means a land development project consisting of residential
19 clusters, industrial parks, shopping centers, or office building parks that compose a planned mixture of land
20 uses built in a prearranged relationship to each other and having open space and community facilities in
21 common ownership or use.

22 ~~(12)~~(13) "Plat" means a graphical representation of a subdivision showing the division of land into lots,
23 parcels, blocks, streets, alleys, and other divisions and dedications.

24 ~~(13)~~(14) "Preliminary plat" means a neat and scaled drawing of a proposed subdivision showing the
25 layout of streets, alleys, lots, blocks, and other elements of a subdivision that furnish a basis for review by a
26 governing body.

27 ~~(14)~~(15) "Public utility" has the meaning provided in 69-3-101, except that for the purposes of this
28 chapter, the term includes county or consolidated city and county water or sewer districts as provided for in Title

1 7, chapter 13, parts 22 and 23, and municipal sewer or water systems and municipal water supply systems
2 established by the governing body of a municipality pursuant to Title 7, chapter 13, parts 42, 43, and 44.

3 ~~(15)~~(16) "Subdivider" means a person who causes land to be subdivided or who proposes a
4 subdivision of land.

5 ~~(16)~~(17) "Subdivision" means a division of land or land so divided that it creates one or more parcels
6 containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States
7 government section, exclusive of public roadways, in order that the title to the parcels may be sold or otherwise
8 transferred and includes any resubdivision and a condominium. The term also means an area, regardless of its
9 size, that provides or will provide multiple spaces for rent or lease on which recreational camping vehicles or
10 mobile homes will be placed or where glamorous camping will be offered.

11 ~~(17)~~(18) (a) "Tract of record" means an individual parcel of land, irrespective of ownership, that can be
12 identified by legal description, independent of any other parcel of land, using documents on file in the records of
13 the county clerk and recorder's office.

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

16 (i) an instrument of conveyance in which the aggregated parcels have been assigned a legal
17 description that describes the resulting single parcel and in which the owner expressly declares the owner's
18 intention that the tracts be merged; or

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

21 (c) An instrument of conveyance does not merge parcels of land under subsection ~~(17)(b)(i)~~
22 (18)(b)(i) unless the instrument states, "This instrument is intended to merge individual parcels of land to form
23 the aggregate parcel(s) described in this instrument" or a similar statement, in addition to the legal description
24 of the aggregate parcels, clearly expressing the owner's intent to effect a merger of parcels."

25

26 **Section 2.** Section 76-8-101, MCA, is amended to read:

27 **"76-8-101. Definitions.** As used in this part, the following definitions apply:

28 (1) "Building" means a structure or a unit of a structure with a roof supported by columns or walls

1 for the permanent or temporary housing or enclosure of persons or property or for the operation of a business.
 2 Except as provided in 76-3-103~~(16)~~(17) the term includes a recreational camping vehicle, mobile home, or cell
 3 tower. The term does not include a condominium or townhome.

4 (2) "Department" means the department of environmental quality provided for in 2-15-3501.

5 (3) "Governing body" means the legislative authority for a city, town, county, or consolidated city-
 6 county government.

7 (4) "Landowner" means an owner of a legal or equitable interest in real property. The term includes
 8 an heir, successor, or assignee of the ownership interest.

9 (5) "Local reviewing authority" means a local department or board of health that is approved to
 10 conduct reviews under Title 76, chapter 4.

11 (6) "Supermajority" means:

12 (a) an affirmative vote of at least two-thirds of the present and voting members of a city or town
 13 council;

14 (b) a unanimous affirmative vote of the present and voting county commissioners in counties with
 15 three county commissioners;

16 (c) an affirmative vote of at least four-fifths of the present and voting county commissioners in
 17 counties with five commissioners;

18 (d) an affirmative vote of at least two-thirds of the present and voting county commissioners in
 19 counties with more than five commissioners; or

20 (e) an affirmative vote of at least two-thirds of the present and voting members of the governing
 21 body of a consolidated city-county government.

22 (7) "Tract" means an individual parcel of land that can be identified by legal description,
 23 independent of any other parcel of land, using documents on file in the records of the county clerk and
 24 recorder's office."

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