

IV. PROCEDURES FOR PHASED DEVELOPMENTS

A. Introduction

1. Phased Developments

Phased developments are a subdivision application and preliminary plat that at the time of submission consists of independently platted development phases that are scheduled for review on a schedule proposed by the applicant.

B. Phased Development Application Review Process

1. Phased Development Application and Schedule

Except as otherwise provided by this chapter, subdivision applications and preliminary plats for phased developments must comply with all pre-application procedures, applicable submittal requirements, design standards, and are subject to the review procedures of these regulations for all phases of the development. A phased development subdivision application and preliminary plat must also include a schedule for when the applicant intends to submit for review each phase of the development pursuant to Section B.2.a of this chapter. The applicant may change the schedule for review of each phase of the development upon approval of the governing body, after a public hearing is held as provided in Section B.2.d of this chapter, if the change does not negate conditions of approval or otherwise adversely affect public health, safety, or welfare.

2. Procedure

- a. Prior to the commencement of infrastructure plan review for public improvements required by the governing body for each phase or phases, the applicant must provide written notice to the governing body indicating the intent to commence with a phase(s). The written notice must include an analysis of the phase(s) as it relates to the primary review criteria of Section 76-3-608(3), MCA, the current subdivision regulations, other applicable regulations and standards, and previously approved findings of fact, conclusions, and conditions of approval. The written notice must include required review fees.
- b. Within thirty (30) working days of receipt of the written notice, analysis, and required fee, the governing body shall hold a public hearing as provided in Section B.2.c of this chapter to determine whether any changed primary criteria impacts (see Section 76-3-

608(3), MCA) or new information exists that creates new potentially significant adverse impacts for the phase or phases.

- c. Notice of the time and date of the hearing shall be given by publication in a newspaper of general circulation in the county not less than fifteen (15) calendar days prior to the date of the hearing. The applicant, each property owner of record immediately adjoining the land included in the preliminary plat and each purchaser under contract for deed of property immediately adjoining the land included in the preliminary plat shall be notified of the public hearing by certified or registered mail, not less than fifteen (15) calendar days prior to the date of the hearing. For phased developments that involve non-residential uses, all property owners of record within five hundred (500) feet of the project property boundary shall be sent a notice by first class mail. The planning staff shall post notice of the hearing at a conspicuous place on the boundary of the proposed phased development.
- d. Notwithstanding the provisions of Section 76-3-610 (2), MCA, the governing body shall issue supplemental written, dated and signed findings of fact within twenty (20) working days of the public hearing and may impose necessary, additional conditions to minimize potentially significant adverse impacts identified in the review of each phase of the development for changed primary review criteria impacts or new information.
- e. The required conditions of approval must be met before final plat approval for each particular phase and the approval in accordance with Section 76-3-611, MCA, is in force for not more than three (3) calendar years or less than one (1) calendar year from the date of the signed supplemental findings of fact. The governing body may approve phased developments that extend beyond the time limits set forth in Section 76-3-610, MCA but all phases of the phased development must be submitted for review in accordance with Section B.2.b-e of this chapter and approved, conditionally approved, or denied within twenty (20) years of the date the overall phased development was approved by the governing body.
- f. Except as otherwise provided by this chapter, final plat applications and final plats for an individual phase or phases of a phased development shall comply with all applicable submittal requirements, design standards, and review procedures of these regulations.