

SUBDIVISION EXEMPTION CHECKLIST

STATE STATUTE

Per the Montana Subdivision and Platting Act, a set of divisions of land can be exempt from subdivision review. These exemptions include:

1. A division of land is created to provide security for mortgages, liens or trust indentures for the purpose of construction, improvements to the land being divided or refinancing purposes (MCA 76-3-201(1)(b)).
2. Divisions made outside of platted subdivisions for the purpose of relocating common boundary liens between adjoining properties (MCA 76-3-207(a)).
3. Division made outside of platted subdivisions for the purpose of a single gift of sale in each county to a member of the landowner's immediate family (MCA 76-3-207(b)).
4. Division made outside of a platted subdivision by gift, sale or an agreement to buy and sell where the land will be used exclusively for agriculture (MCA 76-3-207(c)).
5. Relocation of common boundaries and the aggregation of lots within a platted subdivision (MCA 76-3-207(d),(f)).
6. Divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision (MCA 76-3-207(1)(e)).
7. The city makes a rebuttable presumption that a proposed relocation of common boundary lines is adopted for the purpose of the Act.

SUBDIVISION EXEMPTION REVIEW CHECKLIST

1. Create and submit a Planning application using the [ProjectDox portal](#);
 - a. After completing your Development Review Application, you will receive a Notification Letter ([example](#)) via email. Please download this document and obtain owner's signature. Upload as a PDF to the "Documents" folder in ProjectDox.
2. Naming protocol. All files should be numbered and named according to their order listed on your provided Submittal Checklist. File names should start with a numeric value followed by the document name. The numeric value at the beginning of the file name ensures the order in which they are displayed. Refer to our [Quick Guide](#) for additional information;
3. **MCA 76-3-201(1)(b) A division of land created for mortgages, liens, or trust indentures.**
 - a. A certificate of survey that is 18- by 24-inches or 24- by 36-inches with a 1½-inch margin on the binding side. The certificate of survey must include all certificates required by Chapter 38.240.400 (Subdivision Certificates), BMC and must include all signatures except for the Gallatin County Clerk and Recorder and the Governing Body.
 - b. Written statement explaining how many parcels within the original tract will be created by use of the exemption, and who will have title to and possession of the remainder of the original parcel.
 - c. A signed and notarized statement from a lending institution that the creation of the exempted parcel is necessary to secure a construction loan for buildings or other improvements on the parcel.
 - e. Completed [Municipal Facilities Exclusion Checklist](#). Per 38.350.030.D.1, provide an exhibit showing service line locations to the site in accordance with the City's design and specification requirements.
4. **MCA 76-3-207(a) Divisions made outside platted subdivision for common boundary realignment between adjoining parcels.**
 - a. A certificate of survey that is 18- by 24-inches or 24- by 36-inches with a 1½-inch margin on the binding side. The certificate of survey must include all certificates required by Chapter 38.240.400 (Subdivision Certificates), BMC and must include all signatures except for the Gallatin County Clerk and Recorder and the Governing Body.
 - b. The certificate of survey must show that the exemption was used only to change the location of a boundary line dividing two parcels.
 - c. The certificate of survey must clearly distinguish the prior boundary location (shown, for example, by a dashed or broken line or a notation) from the new boundary (shown, for example, by a solid line or notation).
 - d. The certificate of survey must bear the signatures of all landowners whose parcels are changed by the relocation.
 - e. Copy of deed(s) exchanging recorded interest from every person having a recorded interest in adjoining properties for the entire newly-described parcel(s) that is acquiring additional land.
 - f. Documentation showing the need or reason for the relocation (for example: structure encroachment, surveyor error, or enhancement of the configuration of the property).

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- g. If there are existing structures on site, an exhibit illustrating the location of existing structures in relation to the relocated property line.
- h. Completed [Municipal Facilities Exclusion Checklist](#). Per 38.350.030.D.1, provide an exhibit showing service line locations to the site in accordance with the City's design and specification requirements.

5. MCA 76-3-207(b) Division made outside of a platted subdivision for gift or sale to immediate family.

- a. A certificate of survey that is 18- by 24-inches or 24- by 36-inches with a 1½-inch margin on the binding side. The certificate of survey must include all certificates required by Chapter 38.240.400 (Subdivision Certificates), BMC and must include all signatures except for the Gallatin County Clerk and Recorder and the Governing Body.
- b. Copy of deed transferring interest in parcel being created.
- c. Statement detailing where the deed is in escrow, how long it will be in escrow, and authorization to contact the escrow agent for verification.
- d. The Certificate of Survey must indicate the name of the grantee, the relationship of the grantee to the landowner, and the parcel to be conveyed to the grantee.
- e. Completed [Municipal Facilities Exclusion Checklist](#). Per 38.350.030.D.1, provide an exhibit showing service line locations to the site in accordance with the City's design and specification requirements.

6. MCA 76-3-207(c) Division made outside of a platted subdivision for agricultural purposes.

- a. A certificate of survey that is 18- by 24-inches or 24- by 36-inches with a 1½-inch margin on the binding side. The certificate of survey must include all certificates required by Chapter 38.240.400 (Subdivision Certificates), BMC and must include all signatures except for the Gallatin County Clerk and Recorder and the Governing Body.
- b. Covenant running with the land, revocable only by mutual consent of the City of Bozeman and the transferee/ property owner, that the divided land will be used exclusively for agricultural purposes, and that no building or structure requiring water or sewer facilities shall be utilized on such a parcel.
- c. Completed [Municipal Facilities Exclusion Checklist](#). Per 38.350.030.D.1, provide an exhibit showing service line locations to the site in accordance with the City's design and specification requirements.

7. MCA 76-3-207(d) For lots within a platted subdivision, relocation of common boundaries and/or aggregation of lots.

- a. An amended plat or a certificate of survey, legibly drawn with permanent ink or printed or reproduced by a process guaranteeing a permanent record, that is 18- by 24-inches or 24- by 36-inches overall to include a 1½-inch margin on the binding side. The amended plat or certificate of survey must include all certificates required by Chapter 38.6 (Subdivision Certificates), BMC and must include all signatures except for the Gallatin County Clerk and Recorder and the Governing Body.
- b. The amended plat and certificate of survey must show that the exemption was used only to change the location of a boundary line dividing two parcels.
- c. The amended plat and certificate of survey must clearly distinguish the prior boundary location (shown, for example, by a dashed or broken line or a notation) from the new boundary (shown, for example, by a solid line or notation).
- d. The amended plat and certificate of survey must bear the signatures of all landowners whose parcels are changed by the relocation.
- e. Copy of deed(s) exchanging recorded interest from every person having a recorded interest in adjoining properties for the entire newly-described parcel(s) that is acquiring additional land.
- f. Documentation showing the need or reason for the relocation (for example: structure encroachment, surveyor error, or enhancement of the configuration of the property).
- g. If there are existing structures on site, an exhibit illustrating the location of existing structures in relation to the relocated property line.
- h. Completed [Municipal Facilities Exclusion Checklist](#). Per 38.350.030.D.1, provide an exhibit showing service line locations to the site in accordance with the City's design and specification requirements.

APPLICATION FEE

For most current application fee, see [Schedule of Community Development fees](#). Fees are typically adjusted in January.

CONTACT US

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