

Division of Land Exempt from Subdivision Review Process

Certain divisions of land, which would otherwise constitute subdivisions, are exempt from local subdivision review and approval. These exemptions are subject to Survey requirements and zoning regulations.

WHAT TO SUBMIT TO SUBDIVISION ADMINISTRATOR

- Statement of how many parcels will be created by use of the exemption
- Deed, trust indenture or mortgage
- Statement explaining who will have title and possession of the balance of the original parcel
- Signed statement from a lending institution that creation of interest is necessary to secure a loan (if mortgage exemption is used)
- Certificate of Survey or instrument of conveyance

REVIEW PROCESS

1. Landowners are encouraged to meet with subdivision administrator to discuss compliance
2. Subdivision administrator shall make written determination of compliance
3. If approved, subdivision administrator notifies governing body and clerk and recorder to file certificate of Survey or record the instrument of conveyance and accompanying documentation

DESCRIPTION OF COMMON EXEMPTIONS

Relocation of Common Boundary

- This exemption is intended to allow a change in the location or the elimination of a boundary line between two adjoining properties outside of a platted subdivision without creating new parcels.
- Certificates of Survey must clearly distinguish between existing boundary and new boundary.

Relocation of Common Boundaries Involving Platted Subdivisions

- This exemption allows relocation of common boundaries and aggregation of lots for five or fewer lots within platted subdivisions or the relocation of a common boundary between a single lot in a platted subdivision and adjoining land outside a platted subdivision.
- No additional parcels can be created.

Gift or Sale to Member of Immediate Family

- This exception is intended to allow a landowner to convey one parcel outside of a platted subdivision to each member of his or her immediate family without local subdivision review.
- Certificates of Survey must show the name(s) of the grantee(s), relationship to the landowner, and parcel to be conveyed under the exemption.

Divisions of Land Proposed for Agricultural Use Only

- This exemption is intended to allow a landowner to create a parcel for gift, sale, or agreement to buy and sell, outside of a platted subdivision, without local review if said parcel will only be used for the production of livestock or agricultural crops.
- Certificates of Survey require a covenant running with the land in accordance with 76-3-207(1)(c), MCA, and a signed and acknowledged recitation of the covenant on the face of the Survey.

Aggregation of Lots or Parcels

- This exemption is intended for aggregation of parcels on a certificate of Survey or lots on a subdivision plat provided the boundaries of the original parcel or lot are eliminated and boundaries of the newly aggregated parcel are established.

DETERMINING COMPLIANCE

Factors considered by the subdivision administrator in order to determine if an exemption is being claimed to evade subdivision review include:

- Nature of claimant's business
- Prior history of the tract
- Proposed configuration of tracts
- Pattern of exempt transactions

E-Review Process

Electronic submittal is faster and less expensive than submitting paper copies for review.

Electronic submittal prevents multiple trips to the County Courthouse by the applicant

QUESTIONS

Contact the County Subdivision Administrator or a professional land surveyor