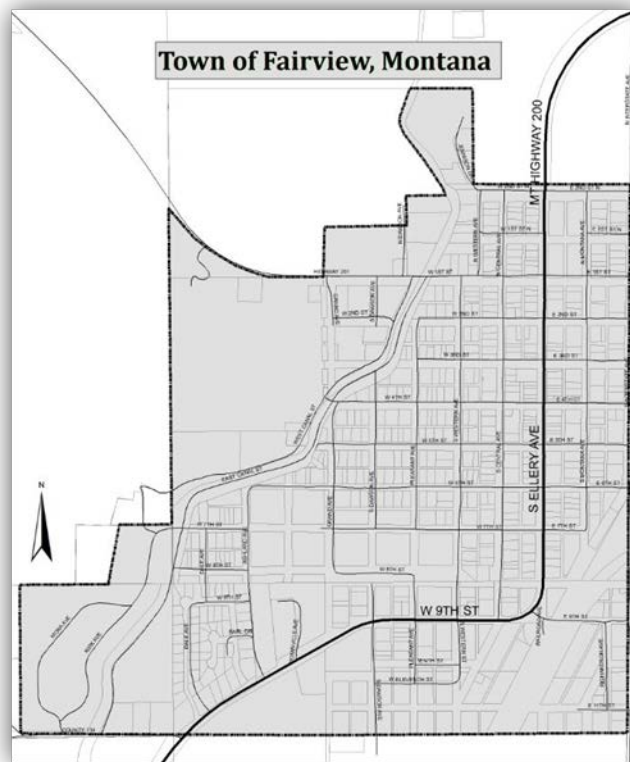


Town of Fairview

Subdivision Application

Supplements



As approved by: Town Council of the Town of Fairview

Dated: February 12, 2018

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Supplement 1: REQUEST FOR PRE APPLICATION MEETING

Please complete this form and attach all required materials and submit it to the subdivision administrator in order to schedule a pre-application meeting. The subdivision administrator will contact you and hold the meeting within 30 days.

Applicant Information:

Pre-application Date: _____ Preliminary Plat Review Fee: _____

Type of Subdivision: First Minor: _____ Subsequent Minor: _____ Major: _____ Amended: _____

Working Name of Subdivision: _____

Name of Landowner: _____

Phone: _____ Email Address: _____

Address: _____ City: _____ State: _____ Zip: _____

Name of Subdivider/Applicant: _____

Phone: _____ Email Address: _____

Address: _____ City: _____ State: _____ Zip: _____

Surveyor/Engineer: _____

Phone: _____ Email Address: _____

Address: _____ City: _____ State: _____ Zip: _____

Parcel Description:

Legal Description: _____ of Section _____ Township _____ N Range _____ E

Parcel Total Size: _____ Number of Lots: _____

Sanitation: local: _____ or DEQ _____ Flood Plain: FIRM Map No. _____

Road/Street Access: _____

Existing Zoning: _____ Proposed Zoning: _____

Existing Use: _____ Proposed Use: _____

Type of development: Single Family _____ Multi-Family _____ Condominium _____

Commercial/Industrial _____ Other, describe _____

Jurisdictional Area: _____

The following information must be submitted with this form:

Attachments

- Existing Conditions Sketch Map;

The sketch may be a freehand sketch drawn directly on a print of a topographic map of the area proposed for division at a scale of 1 inch to 400 feet or larger that is adequate to show the property and must include the following:

- location;
- approximate tract and lot boundaries of existing tracts of record;
- description of general terrain;
- natural features on the land, including water bodies, floodplains geologic hazards, and soil types;
- existing structures and improvements;
- existing utility lines and facilities serving the area to be subdivided
- existing easements and rights of way;

2. Proposed Improvements Sketch Map;

The sketch may be a freehand sketch drawn directly on a print of a topographic map of the area proposed for division at a scale of 1 inch to 400 feet or larger that is adequate to show the property and must include the following:

- tract and proposed lot boundaries;
- proposed public and private improvements;
- location of utility lines and facilities;
- easements and rights of way;
- parks and open space and proposed conservation easements;

3. Documentation on the current status of the site, including:

- ownership information, such as a deed, option to buy or buy-sell agreement, including permission to subdivide;
- water rights, including location of Agricultural Water User Facilities;
- any special improvement districts; and
- rights of first refusal for the property
- existing zoning or development regulation standards;
- existing conservation easements; and
- existing covenants or deed restrictions.

Please provide one paragraph narrative description of the development project: _____

This form services as written notice that requires the subdivider to meet with the Subdivision Administrator to review subdivision application prior to the subdivider submitting the application meets the requirements of Section 76-3-504(1)(q)(i), MCA.

This form is only a record of a pre-application meeting between the applicant and the Town of Fairview Subdivision Administrator. The applicant is hereby notified that this completed form, as well as anything discussed at the related meeting, does not guarantee Town of Fairview’s approval or conditional approval in any way of the applicant’s proposed subdivision.

Applicant Signature

Date:

For Office Use only

Interoffice Notification:

Planning Comments:

Sanitarian Comments:

SUPPLEMENT 2: LIST OF POTENTIAL AGENCY CONTACTS

Pursuant to Section 76-3-504(1)(q)(iii), MCA, a subdivider shall be provided a list of *public utilities, those agencies of local, state, and federal government, and any other entities that may be contacted for comment on the subdivision application and the timeframe that he public utilities, agencies, and other entities are given to respond.*

The following is of public utilities, local, state, and federal government agencies and other entities have a substantial interest in subdivisions in Richland County, City of Sidney, and the Town of Fairview and may be contacted for comment on subdivision applications:

Federal:

- ❖ Bureau of Land Management
- ❖ Fish, Wildlife, and Parks Service
- ❖ Bureau of Reclamation
- ❖ Geological Survey (USGS)
- ❖ Federal Emergency Management Agency (FEMA)
- ❖ Bureau of Land Management (BLM)
- ❖ Natural Resources Conservation Services (NRCS)

Montana State:

- ❖ Department of Transportation (MDT)
- ❖ Department of Fish, Wildlife, and Parks Service (MT FWPS)
- ❖ Department of Environmental Equality (MT DEQ)
- ❖ Department of Natural Resources and Conservation (MDNRC)
- ❖ Bureau of Mines and Geology
- ❖ Montana State Historic Preservation Office (MT SHPO)

Richland County:

- ❖ Sanitarian Office
- ❖ Public Works Department (Roads)
- ❖ Sheriff
- ❖ Attorney
- ❖ Landfill (solid waste)
- ❖ Weed District
- ❖ Building Inspector – Permits
- ❖ Superintendent of Schools
- ❖ Flood Plain Manager
- ❖ Soil Conservation District
- ❖ Planner

Town of Fairview

- ❖ Public Works Department (Roads, water, sewer)
- ❖ Police Chief
- ❖ Fire Department
- ❖ Attorney
- ❖ Flood Plain Manager
- ❖ Solid Waste Services
- ❖ Building Inspector/Permits
- ❖ Planner

Other:

- ❖ Postal Services
- ❖ Utilities companies
- ❖ Airport Authority
- ❖ Railway Systems
- ❖ Ambulance Services & Medical Service Providers
- ❖ Fire Departments/District
- ❖ Applicable irrigation water district or ditch companies
- ❖ Water and sewer districts
- ❖ Adjacent Subdivision Homeowners Associations
- ❖ Any subcontractor of listed entities
- ❖ Other pertinent agencies for development

This list *may not* include all departments and agencies.

SUPPLEMENT 2(b): LIST OF POTENTIAL AGENCY CONTACTS

This serves as written notice to the Applicant that the Subdivision Administrator meets the requirements of Section 76-3-504(1)(q)(iii), MCA “requires a list to be available to the subdivider of the public utilities, those agencies of local, state, and federal government, and any other entities that may be contacted for comment on the subdivision application and the timeframe that the public utilities, agencies, and other entities are given to respond”.

The following is a list of public utilities, local, state, and federal government agencies and other entities that have a substantial interest in subdivisions in Richland County, City of Sidney, and Town of Fairview which may need to be contacted for comments on subdivision applications. These entities may also present comments at the public hearing.

Richland County:

<p>Board of Commissioners ***Loren Young ***Shane Gorder ***Duane Mitchell 201 W Main ST Sidney, MT 59270 (406) 433-1706</p>	<p>County Attorney Mike Weber Richland County Law & Justice Center 300 12th Ave NW, Ste. 7 Sidney, MT 59270 (406) 433-2505 <i>(final plat approval – title, covenants, articles of incorporation, bylaws, etc...)</i></p>	<p>Clerk & Recorder Office Stephanie Verhasselt 201 W Main ST Sidney, MT 59270 (406) 433-1708 <i>(records of land ownership, easements, and recording of final plat/surveys and documents.)</i> <i>There is a fee for filing plats/surveys and documents.</i></p>
<p>Public Works Department Adam Smith 2140 W Holly ST Sidney, MT 59270 (406) 433-2106 asmith@richland.org <i>(Roads, landfill, and rural addressing assistance, and serves as the County Flood Plain Manager)</i></p>	<p>Sanitarian Office Stephanie Ler, RS Heather Luinstra, RS 1201 W Holly ST, Ste. Sidney, MT 59270 (406) 433-2207 sler@richland.org hluinstra@richland.org</p>	<p>County Examining Surveyor: Stephanie Verhasselt 201 W Main ST Sidney, MT 59270 (406) 433-1708 sverhasselt@richland.org</p>
<p>Sheriff John Dynneson 300 12th Ave NW, Ste. Sidney, MT 59270 (406) 433-2919 jdynneson@richland.org</p>	<p>Superintendent of Schools Gail Staffanson 201 W Main ST Sidney, MT 59270 (406) 433-1608</p>	<p>Weed District 2648 W Holly ST Sidney, MT 59270 (406) 433-9047</p>
<p>Building Inspector 115 2nd ST SE Sidney, MT 59270 (406) 433-2809 <i>(Building permit is required.)</i></p>	<p>Soil Conservation District Julie Goss JD Industrial Park Hwy 16 Sidney, MT 59270 (406) 433- 2103</p>	<p>Disaster & Emergency Services: Deb Gilbert 123 W Main ST Sidney, MT 59270 (406) 433-2220</p>
<p>County Fire Department (406) 433-1122 <i>(The unincorporated communities of Lambert and Savage have their own Fire Dept/District, see below “Other Resources”).</i></p>		

Town of Fairview:

<p>Mayor Bryan Cummins Town Hall 318 S Central Ave, PO Box 426 Fairview, MT 59221 (406) 742-5616 (also serves as the Zoning Administrator)</p>	<p>Richland County Attorney Mike Weber 300 12th Ave NW, Ste. 7 Sidney, MT 59270 (406) 433-2505</p>	<p>Town Clerk Norma “Faye” Carlson 318 S Central Ave – Town Hall PO Box 426 Fairview, MT 59221 (406) 742-5616 townoffairview@midrivers.com (Serves as the Town Flood Plain Manager, and assists with addressing)</p>
<p>Public Works Department Dan Murphy 318 S Central Ave, PO Box 426 Fairview, MT 59221 406) 742-5616 (streets, water, wastewater systems, solid waste, and addressing assistance)</p>	<p>Chief of Police Cal Seadeek Town Hall 318 S Central Ave, PO Box 426 Fairview, MT 59221 (406) 742-5531</p>	<p>Fire Marshall/Chief Ryan Taylor 318 S Central Ave, PO Box 426 Fairview, MT 59221 (406) 630-2405</p>
<p>Building Inspector/Permits & Zoning Commission 318 S Central Ave, PO Box 426 Fairview, MT 59221 (406) 742-5616</p>	<p>Town Planner County Planner 123 W Main ST (406) 433-6886 Sidney, MT 59270 (County provides contracted planning services)</p>	

Other local Resources include but not limited to:

<p>Irrigation project/districts: Lower Yellowstone Irrigation Project James Brower, Project Manager 2327 Lincoln Ave SE Sidney, MT 59270 (406) 433-1306</p>	<p>Local Utility Companies *Montana-Dakota Utilities Company Call: 1-800 MDU-FAST (800) 638-3278 *Lower Yellowstone Rural Electric Hwy 16 NW of Sidney Sidney, MT 59270 (406) 433-1602 * Or other applicable utility service providers within the area</p>	<p>Local economic development office: Richland Economic Development Leslie Messer, Executive Director 1060 S Central Ave Sidney, MT 59270 (406) 482-4679</p>
<p>Airport Authority Sidney-Richland Terrance Ward PO Box 1050 Sidney, MT 59270 (406) 433-2415</p>	<p>Applicable telephone Services <i>The local land line and cell phone coverage is provided by various service providers, most can be found in the telephone Yellow pages or by internet search.</i></p>	<p>Applicable Propane Services <i>Propane services are provided various providers which can be found in the telephone Yellow pages or by internet search.</i></p>
<p>Railway Systems BNSF Railway Corporate Headquarters 2650 Lou Menk Drive Fort Worth, TX 76131-2830</p>	<p>Local Emergency Medical Service Providers: Sidney Health Center 216 14th Ave SW Sidney, MT 59270 (406) 488-2100</p>	<p>Adjacent Subdivision Homeowners Associations (records at RC Clerk & Recorder Office)</p>

(800) 795-2673		
Jurisdictional Rural Water and/or Sewer Districts **Lambert Water/Sewer District Lambert, MT 59243 (406) 774- 3475 ** Savage 2M District (wastewater) Savage, MT 59262 (406) 776-2257	Ambulance Services: **Sidney Health Center Sidney, MT 59270 **Fairview Fire Department Fairview, MT 59221 **Lambert Fire District Lambert, MT 59243 **Savage Fire Department Savage, MT 59270	Other Fire Departments/Districts **Lambert Fire District: 714 Western Ave Fairview, MT 59221 (406) 774-5256 **Savage Fire Department: 368 Mesa Ave Savage, MT 59262 (406) 776-2317 (For any other rural districts contact the County Fire Department)
Postal Services (US Post Office): ***Sidney Holly Street Sidney, MT 59270 (406) 482-2107 ***Crane Crane, MT (406) 482-1881 ***Savage 298 W Main ST Savage, MT 59262 (406) 776-2313	***Fairview 515 S Ellery Ave Fairview, MT 59221 (406) 712-5653 ***Lambert Lambert, MT 59243 (406) 774-3432	Area School Districts: (contact the Superintendent) ***Sidney 200 3 rd AVE SE Sidney, MT 59270 (406) 433-4080 ***Lambert PO Box 260 Lambert, MT 59243 (406) 774-3333 ***Fairview 714 Western Ave Fairview, MT 59221 (406) 742-5265 ***Savage 368 Mesa Ave Savage, MT 59262 (406) 776-2317 ***For any other rural districts contact the County Superintendent.

State Resources:

Dept. of Fish, Wildlife, and Parks Service FWP Region 7 Headquarters 352 I-94 Business Loop Miles City, MT 59301 (406) 234-0900 Fax: (406) 234-4368 E-mail: fwprg72@mt.gov	Department of Environmental Equality (DEQ) 1520 East Sixth Avenue P.O. Box 200901 Helena, Montana 59620 (406) 444-4400 {Federal Agency is Environmental Protection Agency (EPA)}	Dept. of Natural Resources (MDNRC) 321 Main Street Miles City, MT 59301 (406) 232-2034
Montana Bureau of Mines and Geology 1300 West Park Street Butte, MT 59701-8997 (406) 496-4167 <i>(geology, ground water, water quality, well logs, topographic maps)</i>	Montana State Historic Preservation Office (MT SHPO) 1410 Eighth Avenue Helena MT 59620 (406) 444-7715 <i>(cultural, historical, etc...)</i>	Department of Transportation (MDT) District #4 Office 503 N River Avenue PO Box 890 Glendive, MT 59330-0890 (406) 345-8200 <i>(access to state highways, Sidney, Fairview, Richland County traffic data maps, aerial photographs)</i>

Federal Resources:

<p>Bureau of Land Management Eastern Montana/Dakotas District 111 Garryowen Road Milles City, MT 59301 (406) 233-2800 Fax: 406-233-2921 <i>(vegetation, maps, topography)</i></p>	<p>Geological Survey (USGS) 3162 Bozeman Avenue Helena, MT 59601 (406) 457-5900 Fax: (406) 457-5990 <i>(geology, surface and ground water, water quality, floodways, topographic maps)</i></p>	<p>Fish & Wildlife Service 1420 East Sixth Avenue P.O. Box 200701 Helena, MT 59620-0701 <i>(topography, surface water, soil maps, vegetation, wildlife, fire hazards, maps)</i></p>
<p>Federal Emergency Management Agency (FEMA) U.S. Department of Homeland Security 500 C Street SW Washington, D.C. 20472 (202) 646-2500</p>	<p>Natural Resources Conservation Services (NRCS) 10 East Babcock Street Federal Building, Room 443 Bozeman, MT 59715-4704 <i>(soils, surface water, flood hazards, erosion)</i></p>	<p>Bureau of Reclamation 316 North 26th Billings, MT 59101 <i>Mailing Address:</i> P.O. Box 36900 Billings, MT 59107-6900</p>

*****Disclaimer:** This list *may not* contain all departments of Richland County, City of Sidney and Town of Fairview, and State and Federal agencies who may have an interest or may need to be contacted for comments. The contact information may change due: relocation of office, change in staff, and changes in the department/agency.

For a list of Engineers, Surveyors, developers, or contractors this office suggests researching the phone book or using an internet search engine as it is unethical for this office to provide the name of one firm over another.

SUPPLEMENT 3: PRE-APPLICATION COMPLIANCE LIST

Pursuant to Section 76-3-504(1)(q)(ii), MCA, “*requires, for informational purposes only, identification of the state laws, local regulations, and growth policy provisions, if a growth policy has been adopted, that may apply to the subdivision review process*”, the following list identifies sources of the rules and regulations that may apply to the subdivision review process:

Town of Fairview will review the proposed subdivision for compliance with the provisions found in the following state laws, local regulations, and policies.

1. Montana’s Subdivision and Surveying Laws and Regulations – Title 76, Chapter 3
2. Montana’s Sanitation and Surveying Laws and Regulations– Title 76, Chapter 4
3. Montana’s Department of Environmental Quality Administrative Rules for the Montana Sanitation in Subdivisions Act.
4. Montana Department of Labor and Industry Administrative Rules for the Montana Subdivision and Platting Act – Uniform Standards for Survey Monumentation, Certificate of Survey and Final Subdivision Plats.
5. Town of Fairview Subdivision Regulations
6. Town of Fairview Zoning
7. Town of Fairview Growth Policy
8. Town of Fairview Floodplain Regulations
9. Richland County Conservation Development Standards

This serves as written notice to the Applicant that Subdivision Administrator meets the requirements of Section 76-3-504(1)(q)(ii), MCA.

SUPPLEMENT 4: SUBDIVISION PRELIMINARY PLAT
APPLICATION FORM & ELEMENT CHECKLIST

1. Date of Pre-Application Meeting: _____ Date of Application submittal: _____
2. Name of the proposed subdivision _____
3. Type of Subdivision: First Minor: _____ Subsequent Minor: _____ Major: _____
Amended: _____
4. Total number of Lots: _____ Total number of Blocks: _____
Total Acreage: _____
5. Legal description: _____ of Section _____ Township _____ N Range _____ E
6. Property Physical Address: _____

7. Existing land use: _____
8. Type of proposed development: Single Family _____ Multi-Family _____
Condominium _____ Commercial/Industrial _____
Other, describe _____
9. Sanitation: local: _____ or DEQ _____ Flood Plain: FIRM Map No. _____
10. Road Access: _____
11. Existing Zoning District: _____ Zoning Designation: _____
12. Variance request: _____
13. Fire Dept/District: _____ Police/Sheriff area: _____
14. Property Owner Name: _____

Address (Street or P.O. Box, City, State, Zip Code), Phone number and Email address
15. Applicant Name: _____

Address (Street or P.O. Box, City, State, Zip Code), Phone number and Email address
16. Preparer/Agent Name: _____

Address (Street or P.O. Box, City, State, Zip Code), Phone number and Email address
17. Surveyor Name: _____

Address (Street or P.O. Box, City, State, Zip Code), Phone number and Email address

18. Engineer Name: _____

 Address (Street or P.O. Box, City, State, Zip Code), Phone number and Email address

19. Preliminary plat submittal must include the following elements:

For each item listed below, the Applicant places a checkmark in **Column A** to indicate if the required element is included in the submitted application. Any item considered “not applicable” and marked in **Column B** must be explained in a narrative and attached to this form. A detailed description of each element listed below can be found in Supplement 4.

Preliminary Plat Elements Checklist		Column A “Included”	Column B N/A	FOR OFFICE USE ONLY, Subdivision Administrator Verification
1	A completed and signed subdivision application form			
2	The required review fee			
3	A preliminary plat (or if applicable a site layout plan)			
4	A copy of the most current certificate of survey or subdivision plat pertaining to the subject parcel to be subdivided			
5	A vicinity sketch			
6	A topographic map			
7	A stormwater drainage plan			
8	Location and dimensions of proposed streets with centerline curve radii, sidewalks and or paths and alleys. Proposed layout of water distribution system, sanitary sewer system, storm drainage facilities, and location of nearest utilities.			
9	If development is planned in phases, a phasing plan meeting the requirements of Section IV-A-2			
10	Title Report, dated no more than 6 months prior to date of preliminary plat submittal			
11	Lienholders' acknowledgement of subdivision			
12	Documentation of legal and physical access			
13	Documentation of existing easements, including those for agricultural water user facilities			
14	Existing covenants and deed restrictions			
15	Existing water rights (for lots 5 acres or less)			
16	Existing mineral rights (for lots 5 acres or less)			
17	Names and addresses of all adjoining property owners (Two sets of adhesive labels for major applications)			

18	Approach/access/encroachment permits submitted to Montana Department of Transportation or the local jurisdiction			
19	Proposed easements			
20	Proposed disposition of water rights (for lots 5 acres or less)			
21	Proposed disposition of mineral rights (for lots 5 acres or less)			
22	Parkland dedication calculations, location of and description of proposed parkland, or cash-in-lieu (requirement for major subdivisions)			
23	Environmental assessment and/or summary of probable Impacts, if applicable			
24	Transportation Impact Analysis or traffic study			
25	Existing and proposed property owners' association documents, including draft articles of incorporation, declaration and bylaws			
26	FIRM or FEMA panel map and letter identifying floodplain status			
27	Required water and sanitation information, (if required a copy of the full DEQ application)			
28	Letter requesting a revocation of agricultural covenants			
29	Letter indicating locations of cultural or historic resources			
30	Variance request or approval, and required fee			
31	Re-zoning application or approval			
32	An engineering study that identifies the Base Flood Elevation (BFE)			
33	Letter identifying and proposing mitigation for potential Hazards or other adverse impacts not covered by any of the above required materials, (e.g. oil well site)			
34	Such additional relevant and reasonable information as identified by the subdivision administrator that is pertinent to the required elements of this section			
35	If proposing a first minor subdivision, or a subsequent minor subdivision, a copy of each instrument of transfer or tract pertaining to the subject parcel filed or recorded since July 1, 1973. The instrument of transfer includes but not limited to deed(s), certificate of survey(s) or subdivision plat(s).			

This application must be signed by both the applicant and property owner (if different) before the submittal will be accepted.

I (We) hereby certify that the above information is true and correct to the best of my (our) knowledge.

Applicant's Signature

Property Owner's Signature

Satisfactory completion of the elements checklist by the Subdivision Administrator is written confirmation to the Applicant that the application submittal contains the elements required by the Subdivision Regulations pursuant to Section 76-3-604(2)(a), MCA. Incomplete provision of the elements in the checklist by the Subdivider will result in a written notification by the Subdivision Administrator pursuant to Section II-A-3 of the Town of Fairview Subdivision Regulations.

The completed checklist is also notification to the Applicant that the Subdivision Administrator may send copies of the submittal, and other correspondence pertaining to the application, to any of the agencies on the attached *Reviewing Agency List* for the purpose of obtaining their assistance in determining if the submittal elements contained detailed, supporting information sufficient to allow an adequate review pursuant to Section 76-3-604(2)(c), MCA.

Subdivision Administrator Use Only	
Element Review Date:	Tentative Sufficiency Review Date:
Tentative Planning Board Public Hearing Date:	Town of Fairview Public Meeting Date:
Subdivision Administrator Signature and Date:	

*The Element and Sufficiency Review, Planning Board Public Hearing, and the Town Council's Public Meeting Dates are **tentative** pending completeness of the application and are not intended for application absolute timeline.*

SUPPLEMENT 5: Subdivision Application and Preliminary Plat

Application Submittal Requirements

Subdivision Application and Preliminary Plat.

The subdivider shall provide the required copies of the preliminary plat and supplement materials as identified by the Subdivision Administrator.

The required copies of the all supplement materials shall be organized format with a cover sheet (summary of the subdivision proposal), table of contents, identification tabs for each section and shall be bound in a three-ring binder (at least 2 inch) for each set and ready for distribution. The subdivider shall also provide an electronic form (WORD or PDF format).

1. Preliminary Plat Subdivision Application Form:

The subdivider shall submit a completed subdivision application form that is signed by the landowner(s) of record.

2. Preliminary Plat Review Fee:

The subdivider shall submit the required review fee as identified in the pre-application meeting, in Section I-L-3 of the Town of Fairview Subdivision Regulations and as identified the adopted Fee Schedule.

3. Preliminary Plat (if applicable site layout plans).

The subdivider shall submit a 24 inch by 36 inch size, 18 inch by 24 inch in size and/or 11 inch by 17 inch size as specified by the subdivision administrator preliminary plat completed by a land surveyor.

a) As requested by the Subdivision Administrator the subdivider shall submit additional copies for the Planning Board and governing body. The following information must be provided on the preliminary plat:

- a. The subdivision or development name (the title must contain the words “plat” and/or “subdivision”). No duplication of subdivision name;
- b. The legal description, including Section, Township, and Range, and any underlying survey data;
- c. A north arrow;
- d. The scale used on the plat;
- e. The certification of a professional land surveyor;
- f. The certification of a professional engineer (if the preliminary plat application or data includes engineering plans or specifications);
- g. The names of all owners of record and the subdivider [if different from the owner(s)];
- h. The date the preliminary plat is completed;
- i. Proposed lot layout with approximate dimensions and sizes;
- j. Lots and blocks identified by number or letter;
- k. The use of each lot;
- l. The exterior boundaries of the parcel proposed for subdivision with bearings, distances, and curve data indicated outside of the boundary lines. When the plat is bounded by an irregular shoreline or body of water, the bearings and distances of a closing meander traverse shall be given;

- m. All existing streets, roads, highways, streets, avenues, alleys, and/or access easements within or adjacent to the subject property (all existing Petition numbers and Book and Page numbers are to be shown);
 - n. All proposed streets, roads, alleys, avenues, and easements; the width of the easement or right-of-way, grades, curvature of each;
 - i. Layout, numbers (or if acceptable, name), and widths of proposed streets or easements with proper dedications
 - o. Existing and proposed road and street numbers (or if acceptable, name);
 - p. Proposed location of intersections for any subdivision requiring access to state or local streets, roads, avenues, alleys, or highways;
 - q. The names and addresses of adjoining platted subdivisions and recording information from adjoining subdivisions, certificates of survey, or unplatted lands;
 - r. The approximate location of all section corners or legal subdivision corners of sections pertinent to the subdivision boundary;
 - s. Approximate area, location, boundaries, and dimensions of all parks, open space, common grounds, and other grounds dedicated for public use; (use of proper dedication is required). Including existing parks, open space, etc...
 - t. The total gross area of the subdivision and the total net area, exclusive of public areas and rights-of-way;
 - u. Existing and proposed infrastructure and proposed utilities including all existing Book and Page numbers are to be shown:
 - i. The approximate location, size, and depth of existing and proposed sanitary and storm sewers;
 - ii. The approximate location, size, and depth of existing and proposed water mains, lines, wells, and facilities; and
 - iii. The approximate locations of gas lines, fire hydrants or firefighting water storage facilities, electric and telephone lines, and street lights.
4. A copy of the most current certificate of survey or subdivision plat pertaining to the subject parcel to be subdivided.
 5. A vicinity sketch showing:
 - a) The approximate locations of all existing buildings, structures, and other improvements;
 - b) Ownership of lands immediately adjoining a subdivision, and existing buildings, structures and other improvements on those lands; and
 - c) Any existing or proposed zoning classification of the tract and adjacent lands, if applicable.
 - a. including any proposed variance requests.
 6. A topographic map:
 - a) For any land area which will be subdivided or disturbed, contour intervals of 2' where the average slope is less than 10%; intervals of five feet where the average slope is greater than 10% and less than 15%; and intervals of ten feet where the average slope is 15% or greater.
 - b) Slopes greater than 25% shall be shown as no-build zones.
 7. A stormwater drainage plan that meets the standards identified in DEQ Circular 8 and the specifications as required by ARM 17.36.310.
 8. Location and dimensions of proposed streets with centerline curve radii, sidewalks and or paths and alleys. Proposed layout of water distribution system, sanitary sewer system, storm drainage facilities, and location of nearest utilities.

9. If development is planned in phases, a phasing plan meeting the requirements of Section IV-A-2.
10. Title Report, dated not more than 6 months prior to the date of submittal.
11. Lien holders' Acknowledgement of Subdivision for each lien holder identified on the Title Report or Title Insurance Guarantee.
12. Documentation of legal and physical access.
13. Documentation of existing easements, including those for agricultural water user facilities.
14. Existing covenants and deed restrictions.
15. Existing water rights (for lots 5 acres or less); a signed land by the landowner(s) stating they have water rights for the parcel.
16. Existing mineral rights (for lots 5 acres or less); a signed land by the landowner(s) stating they have mineral rights for the parcel.
17. Names and addresses of all adjoining property owners (Two sets of adhesive labels for major applications).
18. Approach/access/encroachment permits from Montana Department of Transportation or the local jurisdiction;
19. Proposed easements;
20. Proposed disposition of water rights (for lots 5 acres or less), as required by Section VI-O of the subdivision regulations; a signed land by the landowner(s) stating their intent whether they will keep the water rights or transfer the water rights.
21. Proposed disposition of mineral rights (for lots 5 acres or less); a signed land by the landowner(s) stating their intent whether they will keep the mineral rights or transfer the mineral rights.
22. Parkland dedication calculations, location of and description of proposed parkland, or proposal for cash-in-lieu (requirement for major subdivisions, a property valuation assessment or appraisal if cash-in-lieu of parkland is proposed as required by Section V-Q of the subdivision regulations);
23. Environmental Assessment and/or Summary of Probable Impacts including:
 - a) Proof that the subdivider has submitted for review copies of the subdivision application and environmental assessment, if applicable, to the public utilities and agencies of the local, state, and federal government identified during the pre-application meeting or subsequently identified as having an interest in the proposed subdivision; and
 - b) An explanation of how the subdivider has responded to the comments of the subdivision administrator at the pre-application meeting.
24. Transportation Impact Analysis or Transportation Plan;
Shall be drafted by a professional engineer licensed in Montana.
 - a) Transportation Analysis: the following information is required:
 - a. Describe any proposed new public or private access roads or substantial improvements of existing public or private access roads;
 - b. Discuss whether any of the individual lots or tracts have access directly to arterial or collector roads; and if so, the reason access was not provided by means of a road within the subdivision;
 - c. Explain any proposed closure or modification of existing roads;

- d. Identify existing primary road Average Vehicle Traffic and subdivision daily vehicle traffic assigned to that primary road;
 - e. Describe provisions considered for dust control on roads;
 - f. Indicate who will pay the cost of installing and maintaining dedicated and/or private roadways;
 - g. Discuss how much daily traffic will be generated on existing local and neighborhood roads and main arterial, when the subdivision is fully developed;
 - h. Indicate the capacity of existing and proposed roads to safely handle any increased traffic.
 - i. Explain whether year round access by conventional automobile will be available over legal rights of way to the subdivision and to all lots and common facilities within the subdivision.
- b) Transportation Impact Analysis or Transportation Plan: if deemed necessary by the governing body(s) and / or by Montana Department of Transportation the Transportation Impact Analysis or Transportation Plan shall be drafted and submitted.
25. Existing and proposed property owners' association documents, including draft articles of incorporation, declaration and bylaws.
26. FIRM or FEMA panel map and letter identifying floodplain status, and other hydrologic characteristics including surface water bodies, designated floodplain and areas of riparian resource, as required in Section V-D of the subdivision regulations.
27. Required water and sanitation information including; a full copy of the DEQ application will need to be submitted along with the preliminary application materials and comments from the local sanitarian office.

76-3-622. Water and sanitation information to accompany preliminary plat. (1) Except as provided in subsection (2), the subdivider shall submit to the governing body or to the agent or agency designated by the governing body the information listed in this section for proposed subdivisions that will include new water supply or wastewater facilities. The information must include:

- (a) a vicinity map or plan that shows:
 - (i) the location, within 100 feet outside of the exterior property line of the subdivision and on the proposed lots, of:
 - (A) flood plains;
 - (B) surface water features;
 - (C) springs;
 - (D) irrigation ditches;
 - (E) existing, previously approved, and, for parcels less than 20 acres, proposed water wells and wastewater treatment systems;
 - (F) for parcels less than 20 acres, mixing zones identified as provided in subsection (1)(g); and
 - (G) the representative drainfield site used for the soil profile description as required under subsection (1)(d); and
 - (ii) the location, within 500 feet outside of the exterior property line of the subdivision, of public water and sewer facilities;
- (b) a description of the proposed subdivision's water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems, including:
 - (i) whether the water supply and wastewater treatment systems are individual, shared, multiple user, or public as those systems are defined in rules published by the department of environmental quality; and

- (ii) if the water supply and wastewater treatment systems are shared, multiple user, or public, a statement of whether the systems will be public utilities as defined in [69-3-101](#) and subject to the jurisdiction of the public service commission or exempt from public service commission jurisdiction and, if exempt, an explanation for the exemption;
- (c) a drawing of the conceptual lot layout at a scale no smaller than 1 inch equal to 200 feet that shows all information required for a lot layout document in rules adopted by the department of environmental quality pursuant to [76-4-104](#);
- (d) evidence of suitability for new onsite wastewater treatment systems that, at a minimum, includes:
 - (i) a soil profile description from a representative drainfield site identified on the vicinity map, as provided in subsection (1)(a)(i)(G), that complies with standards published by the department of environmental quality;
 - (ii) demonstration that the soil profile contains a minimum of 4 feet of vertical separation distance between the bottom of the permeable surface of the proposed wastewater treatment system and a limiting layer; and
 - (iii) in cases in which the soil profile or other information indicates that ground water is within 7 feet of the natural ground surface, evidence that the ground water will not exceed the minimum vertical separation distance provided in subsection (1)(d)(ii);
- (e) for new water supply systems, unless cisterns are proposed, evidence of adequate water availability:
 - (i) obtained from well logs or testing of onsite or nearby wells;
 - (ii) obtained from information contained in published hydrogeological reports; or
 - (iii) as otherwise specified by rules adopted by the department of environmental quality pursuant to [76-4-104](#);
- (f) evidence of sufficient water quality in accordance with rules adopted by the department of environmental quality pursuant to [76-4-104](#);
- (g) a preliminary analysis of potential impacts to ground water quality from new wastewater treatment systems, using as guidance rules adopted by the board of environmental review pursuant to [75-5-301](#) and [75-5-303](#) related to standard mixing zones for ground water, source specific mixing zones, and nonsignificant changes in water quality. The preliminary analysis may be based on currently available information and must consider the effects of overlapping mixing zones from proposed and existing wastewater treatment systems within and directly adjacent to the subdivision. Instead of performing the preliminary analysis required under this subsection (1)(g), the subdivider may perform a complete nondegradation analysis in the same manner as is required for an application that is reviewed under Title 76, chapter 4.
- (2) A subdivider whose land division is excluded from review under [76-4-125](#)(2) is not required to submit the information required in this section.
- (3) A governing body may not, through adoption of regulations, require water and sanitation information in addition to the information required under this section unless the governing body complies with the procedures provided in [76-3-511](#).

- 28. Letter requesting a revocation of agricultural covenants;
- 29. Letter indicating locations of cultural or historic resources;
- 30. Variance request or approval and the required Fee;
- 31. Re-zoning application or approval;
- 32. An engineering study that identifies the Base Flood Elevation (BFE)
- 33. Letter identifying and proposing mitigation for potential hazards or other adverse impacts not covered by any of the above required materials; such as:

- a. Mitigation measures for existing oil well site must be provided,
34. Such additional relevant and reasonable information as identified by the Subdivision Administrator that is pertinent to the required elements of this section.
 35. If proposing a first minor subdivision, or a subsequent minor subdivision, a copy of each instrument of transfer or tract pertaining to the subject parcel filed or recorded since July 1, 1973. The instrument of transfer includes but not limited to deed(s), certificate of survey(s) or subdivision plat(s).

SUPPLEMENT 6: DEPARTMENT OF ENVIRONMENTAL QUALITY AND SANITATION REVIEW

Montana Department of Environmental Quality application form is available on the DEQ website at:

<http://www.deq.mt.gov/wqinfo/Sub/SubReviewForms.mcp>

Notice: The statutory time frame for each DEQ review is 60 days. Resubmittal of denied or incomplete applications restarts the time frame. The estimated time for the DEQ to act on a complete subdivision application is 10 days for subdivision reviewed by a local department of health under contract with DEQ. Local health departments review subdivisions within 50 days of receipt of a complete application. During non-peak times, a review may take 25 to 45 days. For peak times, the review may take 45 to 60 days.

For assistance with the DEQ application contact:

Montana Department of Environmental Quality
1520 East Sixth Avenue
P.O. Box 200901
Helena, Montana 59620
(406) 444-4400

Richland County Sanitation Office
1201 W Holly Street, Suite 5
Sidney, MT 59270
(406) 433-2207

Town of Fairview Public Works Department
318 S Central Ave
Fairview, MT 59221
(406) 742-5616

A full copy of the DEQ application packet will also need to be submitted to the following Richland County Departments:

Richland County Sanitation Office
1201 W Holly Street, Suite 5
Sidney, MT 59270
(406) 433-2207

Richland County Planner Office
123 W Main ST, Suite 2
Sidney, MT 59270
(406) 433-6886

Town of Fairview Public Works Department
318 S Central Ave
Fairview, MT 59221
(406) 742-5616

SUPPLEMENT 7: ENVIRONMENTAL ASSESSMENT

Information specified in this Part must be provided in addition to that required in Supplement 4 and 5 of this application form, unless the proposed subdivision qualifies for an exemption under Chapter IX of the subdivision regulations.

Describe the following environmental features, provide responses to each of the following questions (each question must precede its response) and provide reference materials as required. All materials and reports submitted for major subdivisions must be submitted in the following order: **Environmental Assessment (Supplement 7), Summary of Probable Impacts (Supplement 8), and Community Impacts Report (Supplement 9).** Subdivisions processed as minor subdivisions according to Chapter III of these regulations must only submit a Summary of Probably Impacts (Supplement 8).

All materials and reports should be clearly typed any handwritten material or reports must be clearly legible. Responses should cite any reference materials that apply to a topic or selection. If the proposed development will not have an impact on a particular topic or selection the subdivider must provide information and a detailed analysis as to why there will be no impact.

1. Surface Water

Locate on a plat overlay or sketch map:

- a. Any natural water systems such as streams, rivers, intermittent streams, lakes or marshes (also indicate the names and sizes of each).
- b. Any artificial water systems such as canals, ditches, aqueducts, reservoirs, and irrigation systems (also indicate the names, sizes and present uses of each).
- c. Time when water is present (seasonally or all year).
- d. Any areas subject to flood hazard, or in delineated 100 year floodplain.
- e. Describe any existing or proposed stream bank alteration from any proposed construction or modification of lake beds or stream channels. Provide information on location, extent, type and purpose of alteration, and permits applied for.

2. Groundwater

Using available data provide the following information:

- a. The minimum depth to water table and identify dates when depths were determined. What is the location and depth of all aquifers which may be affected by the proposed subdivision? Describe the location of known aquifer recharge areas which may be affected.
- b. Describe any steps necessary to avoid depletion or degradation of groundwater recharge areas.

3. Topography, Geology and Soils

- a. Provide a map of the topography of the area to be subdivided, and an evaluation of suitability for the proposed land uses. On the map identify any areas with highly erodible soils or slopes in excess of 15% grade. Identify the lots or areas affected. Address conditions such as:

- i. Shallow bedrock
 - ii. Unstable slopes
 - iii. Unstable or expansive soils
 - iv. Excessive slope
- b. Locate on an overlay or sketch map:
 - i. Any known hazards affecting the development which could result in property damage or personal injury due to:
 - A. Falls, slides or slumps -- soil, rock, mud, snow.
 - B. Rock outcroppings
 - C. Seismic activity.
 - D. High water table
- c. Describe measures proposed to prevent or reduce these dangers.
- d. Describe the location and amount of any cut or fill more than three feet in depth. Indicate these cuts or fills on a plat overlay or sketch map. Where cuts or fills are necessary, describe plans to prevent erosion and to promote vegetation such as replacement of topsoil and grading.
- e. In considering any unusual conditions specifically address any problems which may be encountered in excavating for:
 - i. Basements
 - ii. Water supply trenches
 - iii. Sewer line trenches
 - iv. Septic tank and drainfields
 - v. Underground electrical and telephone lines

4. Vegetation

- a. On a plat overlay or sketch map:
 - i. Indicate the distribution of the major vegetation types, such as marsh, grassland, shrub, coniferous forest, deciduous forest, mixed forest.
 - ii. Identify the location of critical plant communities such as:
 - A. Stream bank or shoreline vegetation
 - B. Vegetation on steep, unstable slopes
 - C. Vegetation on soils highly susceptible to wind or water erosion
 - D. Type and extent of noxious weeds
- b. Describe measures to:
 - i. Preserve trees and other natural vegetation (e.g. locating roads and lot boundaries, planning construction to avoid damaging tree cover)
 - ii. Protect critical plant communities (e.g. keeping structural development away from these areas), setting areas aside for open space

- iii. Prevent and control grass, brush or forest fires (e.g. green strips, water supply, access).
- iv. Control and prevent growth of noxious weeds

5. Wildlife

- a. Identify species of fish and wildlife use the area affected by the proposed subdivision.
- b. On a copy of the preliminary plat or overlay, identify known critical wildlife areas, such as big game winter range, calving areas and migration routes; riparian habitat and waterfowl nesting areas; habitat for rare or endangered species and wetlands.
- c. Describe proposed measures to protect or enhance wildlife habitat or to minimize degradation (e.g. keeping buildings and roads back from shorelines; setting aside wetlands as undeveloped open space).

SUPPLEMENT 8: SUMMARY OF PROBABLE IMPACTS

Describe in detail the probable impacts of the proposed subdivision on each topic below. Provide responses to each of the following questions (each question must precede its response) and provide reference materials as required.

All materials and reports submitted for major subdivisions must be submitted in the following order: **Environmental Assessment (Supplement 7), Summary of Probable Impacts (Supplement 8), and Community Impacts Report (Supplement 9)**. Subdivisions processed as minor subdivisions according to Chapter III of these regulations must only submit a Summary of Probable Impacts (Supplement 8).

All materials and reports should be clearly typed any handwritten material or reports must be clearly legible. Responses should cite any reference materials that apply to a topic or selection. If the proposed development will not have an impact on a particular topic or selection the subdivider must provide information and a detailed analysis as to why there will be no impact.

1. Effects on Agriculture

- a. Is the proposed subdivision or associated improvements located on or near prime farmland or farmland of statewide importance as defined by the Natural Resource Conservation Service? If so, identify each area on a copy of the preliminary plat.
- b. Describe whether the subdivision would remove from production any agricultural or timber land.
- c. Describe in detail the possible conflicts with nearby agricultural operations (e.g., residential development creating problems for moving livestock, operating farm machinery, maintaining water supplies, controlling weeds or applying pesticides; agricultural operations suffering from vandalism, uncontrolled pets or damaged fences).
- d. Describe in detail the possible nuisance problems which may arise from locating a subdivision near agricultural or timber lands.
- e. Describe in detail effects the subdivision would have on the value of nearby agricultural lands.
 - i. Would the market, mortgage, and taxable value of the nearby agricultural land increase?
 - ii. Would the increased market value and the condition in b, c, and d, above encourage further land division or otherwise remove land from production?
- f. Would the costs of providing additional educational and other public facilities result in higher mill levies on agricultural properties?

2. Effects on Agricultural Water User Facilities

- a. Describe conflicts the subdivision would create with agricultural water user facilities (e.g. residential development creating problems for operating and maintaining irrigation systems) and whether agricultural water user facilities would be more subject to vandalism or damage because of the subdivision.
- b. Describe possible nuisance problems which the subdivision would generate with regard to agricultural water user facilities (e.g. safety hazards to residents or water problems from irrigation ditches, head gates, siphons, sprinkler systems, or other agricultural water user facilities).

3. Effects on Local Services

- a. Indicate the proposed use and number of lots or spaces in each:
 - _____ Residential, single family
 - _____ Residential, multiple family
 - _____ Types of multiple family structures and number of each (e.g. duplex, 4-plex)
 - _____ Planned unit development (No. of units)
 - _____ Condominium (No. of units)
 - _____ Mobile Home Park
 - _____ Recreational Vehicle Park
 - _____ Commercial
 - _____ Industrial
 - _____ Other (Please describe _____)
- b. Describe the additional or expanded public services and facilities that would be demanded of local government or special districts to serve the subdivision.
 - i. Describe additional costs which would result for services such as roads, bridges, law enforcement, parks and recreation, fire protection, water, sewer and solid waste systems, schools or busing, (including additional personnel, construction, and maintenance costs).
 - ii. Who would bear these costs (e.g. all taxpayers within the jurisdiction, people within special taxing districts, or users of a service)?
 - iii. Can the service providers meet the additional costs given legal or other constraints (e.g. statutory ceilings on mill levies or bonded indebtedness)?
 - iv. Describe off-site costs or costs to other jurisdictions may be incurred (e.g. development of water sources or construction of a sewage treatment plant; costs borne by a nearby municipality).
- c. Describe how the subdivision allows existing services, through expanded use, to operate more efficiently, or makes the installation or improvement of services feasible (e.g. allow installation of a central water system, or upgrading a country road).
- d. What are the present tax revenues received from the unsubdivided land?
 - i. By the County \$ _____
 - ii. By the municipality if applicable _____
 - iii. By the school(s) \$ _____
- e. Provide the approximate revenues received by each above taxing authority if the lots are reclassified, and when the lots are all improved and built upon. Describe any other taxes that would be paid by the subdivision and into what funds (e.g. personal property taxes on mobile/manufactured homes are paid into the County general fund).
- f. Would new taxes generated from the subdivision cover additional public costs?
- g. How many special improvement districts would be created which would obligate local government fiscally or administratively? Are any bonding plans proposed which would affect the local government's bonded indebtedness?

4. Effects on the Historic or Natural Environment

- a. Describe and locate on a plat overlay or sketch map known or possible historic, paleontological, archaeological or cultural sites, structures, or objects which may be affected by the proposed subdivision.
- b. How would the subdivision affect surface and groundwater, soils, slopes, vegetation, historical or archaeological features within the subdivision or on adjacent land? Describe plans to protect these sites.
 - i. Would any stream banks or lake shorelines be altered, streams re-channeled or any surface water contaminated from sewage treatment systems, run-off carrying sedimentation, or concentration of pesticides or fertilizers?
 - ii. Would groundwater supplies likely be contaminated or depleted as a result of the subdivision?
 - iii. Would construction of roads or building sites require cuts and fills on steep slopes or cause erosion on unstable, erodible soils? Would soils be contaminated by sewage treatment systems?
 - iv. Describe the impacts that removal of vegetation would have on soil erosion, bank, or shoreline instability.
 - v. Would the value of significant historical, visual, or open space features be reduced or eliminated?
 - vi. Describe possible natural hazards the subdivision be could be subject to (e.g., natural hazards such as flooding, rock, snow or landslides, high winds, severe wildfires, or difficulties such as shallow bedrock, high water table, unstable or expansive soils, or excessive slopes).
- c. How would the subdivision affect visual features within the subdivision or on adjacent land? Describe efforts to visually blend the proposed development with the existing environment (e.g. use of appropriate building materials, colors, road design, underground utilities, and re-vegetation of earthworks).

5. Effects on Wildlife

- a. Describe in detail what impacts the subdivision or associated improvements would have on wildlife in the area.
- b. Describe in detail the effect that pets or human activity would have on wildlife.

6. Effect on Wildlife Habitat

- a. Describe in detail what impacts the subdivision or associated improvements would have on wildlife habitat areas such as big game wintering range, migration routes, nesting areas, wetlands, or important habitat for rare or endangered species.
- b. Describe in detail the effect that pets or human activity would have on wildlife habitat area.

7. Effects on the Public Health and Safety

- a. Describe in detail any health or safety hazards on or near the subdivision, such as: natural hazards, lack of water, drainage problems, heavy traffic, dilapidated structures, high pressure gas lines, high voltage power lines, or irrigation ditches. These conditions, proposed or existing should be accurately described with their origin and location identified on a copy of the preliminary plat.

- b. Describe in detail how the subdivision would be subject to hazardous conditions due to high voltage lines, airports, highways, railroads, dilapidated structures, high pressure gas lines, irrigation ditches, and adjacent industrial or mining uses.
- c. Describe in detail land uses adjacent to the subdivision and how the subdivision will affect the adjacent land uses. Identify existing uses such as feed lots, processing plants, airports or industrial firms which could be subject to lawsuits or complaints from residents of the subdivision.
- d. Describe detail public health or safety hazards, such as dangerous traffic, fire conditions, or contamination of water supplies which would be created by the subdivision.

8. Compliance with Survey Requirements, Local Subdivision Regulations and Review Procedures.

Describe in detail compliance with survey requirements, local subdivision regulations and review procedures. Provide responses to each of the following questions and provide reference materials as required.

- a. Does the subdivision meet the requirements of the Montana Subdivision and Platting Act, the surveying requirements specified in the Uniforms Standards for Monumentation, and the Town of Fairview Subdivision Regulations? (Note any requirements the proposed subdivision does not comply with, and note any variance requested.)
- b. Has the subdivision review procedure been complied with?

9. Provisions of Easements for the Location and Installation of any Planned Utilities.

Describe in detail provision of easements for the location and installation of any planned utilities. Provide responses to each of the following questions and provide reference materials as required;

- a. Indicate what utilities will be supplied.
- b. Indicate the utility company or companies providing the electrical power, natural gas, or telephone services. To what extent will these utilities be placed underground? What arrangements have been made to secure these utilities?
- c. Describe proposed street lighting and who will provide it.
- d. Has the preliminary plat been submitted to affected utilities for review?
- e. Estimate the completion date of each utility installation.
- f. Does the subdivision provide easements for the location and installation of utilities as specified in these regulation?
- g. Are all easements, both proposed and existing, clearly noted and located on the face of the plat?

SUPPLEMENT 9: COMMUNITY IMPACT REPORT

Provide a community impact report containing a statement of estimated number of people coming into the area as a result of the subdivision, anticipated needs of the proposed subdivision for public facilities and services, the increased capital and operating cost to each affected unit of local government. Provide responses to each of the following questions (each question must precede its response) and provide reference materials as required.

All materials and reports submitted for major subdivisions must be submitted in the following order: **Environmental Assessment (Supplement 7), Summary of Probable Impacts (Supplement 8), and Community Impacts Report (Supplement 9)**. Subdivisions processed as minor subdivisions according to Chapter III of these regulations must only submit a Summary of Probably Impacts (Supplement 8).

All materials and reports should be clearly typed any handwritten material or reports must be clearly legible. Responses should cite any reference materials that apply to a topic or selection. If the proposed development will not have an impact on a particular topic or selection the subdivider must provide information and a detailed analysis as to why there will be no impact.

1. Education and Busing

- a. Describe the available educational facilities which would serve this subdivision.
- b. Estimate the number of school children that will be added by the proposed subdivision. Provide a statement from the administrator of the affected school system indicating whether the increased enrollment can be accommodated by the present personnel and facilities and by the existing school bus system. If not, estimate the increased expenditures that would be necessary to do so.

2. Roads and Maintenance

- a. Estimate how much daily traffic the subdivision, when fully occupied will generate on existing streets and arterials.
- b. Describe the capability of existing and proposed roads to safely accommodate this increased traffic.
- c. Describe increased maintenance problems and increased cost due to this increase in volume.
- d. Describe proposed new public or private access roads including:
 - i. Measures for disposing of storm run-off from streets and roads.
 - ii. Type of road surface and provisions to be made for dust.
 - iii. Facilities for streams or drainage crossing (e.g. culverts, bridges).
 - iv. Seeding of disturbed areas.
- e. Describe the closing or modification of any existing roads.
- f. Explain why road access was not provided within the subdivision, if access to any individual lot is directly from arterial streets or roads.
- g. Is year-round access by conventional automobile over legal rights-of-way available to the subdivision and to all lots and common facilities within the subdivision? Identify the owners of any private property over which access to the subdivision will be provided.

- h. Estimate the cost and completion date of the system, and indicate who will pay the cost of installation, maintenance and snow removal.

3. Water, Sewage, and Solid Waste Facilities

- a. Briefly describe the water supply and sewage treatment systems to be used in serving the proposed subdivision (e.g. methods, capacities, locations).
- b. Provide information on estimated cost of the system, who will bear the costs, and how the system will be financed.
- c. Where hook-up to an existing system is proposed, describe estimated impacts on the existing system, and show evidence that permission has been granted to hook up to the existing system.
- d. All water supply and sewage treatment plans and specifications will be reviewed and approved by the Department of Environmental Quality (DEQ) and should be submitted using the appropriate DEQ application form.
- e. Describe the proposed method of collecting and disposing of solid waste from the development.
- f. If use of an existing collection system or disposal facility is proposed indicate the name and location of the facility.

4. Fire and Police Protection

- a. Describe the fire and police protection services available to the residents of the proposed subdivision including number of personnel and number of vehicles or type of facilities for:
 - i. Fire protection -- Is the proposed subdivision in an existing fire district? If not, will one be formed or extended? Describe what fire protection procedures are planned?
 - ii. Law -- Enforcement protection – Which of -- is the proposed subdivision within the jurisdiction of a County Sheriff or municipal police department
- b. Can the fire and police protection service needs of the proposed subdivision be met by present personnel and facilities? If not, describe the additional expenses that would be necessary to make these services adequate, and who would pay the costs?

5. Payment for extension of Capital Facilities

Indicate how the subdivider will pay for the cost of extending capital facilities resulting from expected impacts directly attributable to the subdivision.

SUPPLEMENT 10: LAW ENFORCMENT SUBDIVISION REPORT

A summary of the proposal and a site layout plan (11”X17”) is to be submitted with this form for review.

To be completed by the Sheriff or Police Chief:

Name of proposed Subdivision or Subdivider: _____

- 1. Which Law Enforcement Agency will provide services to the proposed subdivision?
Richland County _____ Fairview _____
- 2. What is the distance between the Town of Fairview Police Station or the Law & Justice Center (Sheriff’s office) and the proposed subdivision? Approximately _____ miles or blocks (please circle one).
- 3. What will the response time be? _____
- 4. Is there International Fire Codes addressing requirements required for this subdivision?
_____ Yes _____ No. Please describe requirements. _____
- 5. Will the Agency be able to provide adequate services to the proposed subdivision area utilizing current personnel, services, and facilities?
Yes _____ No _____
If no, describe what will be needed to provide adequate services to the subdivision? Be specific, and include cost details for personnel, vehicles, equipment, training, etc... _____

- 6. Additional Comments: _____

Signature

Date

Print Name of Signature

Title

To be completed by developer/land owner:

If Law Enforcement is unable to provide adequate services explain how the developer plans to provide the services. _____

If there are additional costs for law enforcement services who will incur the cost?

Name of developer/landowner

Date

SUPPLEMENT 11: FIRE DEPARTMENT/DISTRICT SUBDIVISION REPORT

A summary of the proposal and a site layout plan (11”X17”) is to be submitted with this form for review.

To be completed by the Fire Marshall or Chief:

Name of proposed Subdivision or Subdivider: _____

1. Name of Fire service area or district that will be providing service to the proposed subdivision? _____

2. Is there Fire protection procedures planned for this subdivision? Yes _____ No _____
If not, will one be required for this development. Yes _____ No _____

3. What is the distance between the Fire Hall and the proposed subdivision?
Approximately _____ miles or blocks (please circle one).

4. What would the response time be? _____

5. Is there International Fire Codes addressing requirements required for this subdivision?
____ Yes _____ No. Please describe requirements. _____

6. Will the Fire Department or District be able to provide adequate service to the proposed subdivision?
Yes _____ No _____
If no, describe what will be needed to provide adequate services to the subdivision? Be specific, and include cost details for personnel, vehicles, equipment, training, etc... _____

7. Additional Comments: _____

To be signed by Fire Chief/Marshall Date

Print Name of Signature: _____ Title: _____

To be completed by developer/land owner:

What is the fire risk rating analysis, if any? _____
{Risk-“means the measure of the probability and severity of adverse effect to persons or property that result from an exposure to a wildfire (direct flames, radiant heat, or firebrands).” Source: DNRC “Guidelines for Development within the Wildland-Urban Interface” September 24, 2009 issue.}

If a Fire protection procedures plan is required for this subdivision; the plans will need to be attached to this form. (As identified above in #2):

If there are additional costs for fire services who will incur the cost? (As identified above in #6)

Name of developer/landowner Date

SUPPLEMENT 12: EMS (AMBULANCE) REPORT

A summary of the proposal and a site layout plan (11”X17”) is to be submitted with this form for review.

To be completed by the EMS Director:

Name of proposed Subdivision or Subdivider: _____

1. Which EMS department/agency will provide services to the proposed subdivision?
Sidney_____ Fairview_____ Other: _____

2. What is the distance between the EMS station and the proposed subdivision?
Approximately _____ miles or blocks (please circle one).

3. What will the response time be? _____

7. Is there International Fire Codes addressing requirements required for this subdivision?
_____ Yes _____ No. Please describe requirements. _____

1.
4. Will EMS be able to provide adequate services to the proposed subdivision area utilizing current personnel, services, and facilities?

Yes _____ No _____

If no, describe what will be needed to provide adequate services to the subdivision? Be specific, and include cost details for personnel, vehicles, equipment, training, etc... _____

5. Additional Comments: _____

Signature

Date

Print Name of Signature

Title

To be completed by developer/land owner:

If EMS is unable to provide adequate services explain how the developer plans to provide the services. ____

If there are additional costs for EMS services who will incur the cost?

Name of developer/landowner

Date

Supplement 13: FINAL PLAT APPROVAL FORM

Date Submitted: _____

1. Name of Subdivision: _____
2. Location: _____ 1/4 Section _____ Township _____ Range _____
3. Type of Subdivision: _____ Minor Subdivision _____ Major Subdivision
4. Number of Lots _____ Blocks _____
5. Amended Plats: Lot(s) _____ Block(s) _____
6. Type of development: Single Family _____ Multi-Family _____
Condominium _____ Commercial _____ Industrial _____
Other, describe _____
7. Property Physical Address: _____

8. Subdivider: Name: _____
Address: _____
City, State, Zip code: _____
Telephone Number: _____
9. Name, address and telephone number of persons of firms providing services and information (e.g.: surveyor, engineer, designer, planning consultant, attorney):
Name: _____
Address: _____
City, State, Zip code: _____
Telephone Number: _____
10. Descriptive Data: _____
Total number of Lots or rental spaces: _____ Number of Block(s) _____
Gross area in acres: _____
Existing zoning or other regulations _____
Fire Department/District: _____ Police/Sheriff: _____
11. Date of Preliminary Plat Approved: _____
12. Any Conditions? _____ (If Yes, attach list of conditions.)
13. Any Deed Restrictions or covenants? _____ (If Yes, attach a copy.)
14. All improvements installed? _____ (If No, attach a subdivision improvements agreement or guarantees.)
15. All Fee(s) paid: \$ _____

16. The following documents are submitted, as applicable according to the Subdivision Regulations Final Plat Initial Review:

- Final Plat application (this form)
- Review fee
- Written statement from the applicant or their representative outlining how each conditional approval has been satisfied.
- Information such as certified engineering plans, pictures of the site, or other documents supporting how the conditions have been met as outlined in the applicant’s written statement;
- A Title Report or updated Abstractor dated no less than 30 days old prior to date of submittal
- Written consent to the subdivision by the owners of the land, if other than the subdivider, and any lienholders or claimants of record against the land.
- DEQ and/or local reviewing authority approval.
- All road plans and profiles, state or local encroachment permits, and traffic studies (if required);
- All engineering plans (for public improvements constructed to serve more than one lot in a subdivision which will be dedicated to the public, for the use of the subdivision, or otherwise acquired by a government entity for public use. Examples of typical public improvements include parks, streets or roads, sidewalks, curbs, gutters, and street lighting, utilities, and systems for water supply, sewage disposal, drainage, or fire protection).
- Any Homeowner Association documents, including Bylaws, Covenants and/or Declarations
- Final Plat mylar certificates consistent with samples included in the Supplements.
- One 11X17 and one 18x264 or larger copies for the final plat completed in accordance with the Uniform Standards for Final Plat.
- List of additional documents.

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____
- f. _____

I do hereby certify that all the statements and information contained in all exhibits transmitted herewith are true. I hereby apply to the (governing body) of (city or county) for approval of the final plat of (Name of Subdivision).

Name of Subdivider

Signature of Subdivider

SUPPLEMENT 14: Sample of Agricultural Covenant Removal

COME NOW Name(s), owners of the following described real property, hereinafter called Owners, and the Town Council of the Town of Fairview, Montana, hereinafter called Governing Body.

WHEREAS, the Owners are the record title holders of Tract ### in Certificate of Survey No. ###, filed as Document No. ### in the office of the Clerk & Recorder of Richland County, Montana; and

WHEREAS, Tract ### in Certificate of Survey No. ### is situated in the NSEW ¼-½ of Section ###, Township ###N, Range ###E, P.M.M., Fairview, Montana; and

WHEREAS, said Certificate of Survey contains the following covenant:

“Insert quote description from Certificate of Survey” and

WHEREAS, said certificate is signed by the Owners herein or the predecessors in interests; and

WHEREAS, the Owners and Governing Body now wish to remove the agricultural exemption covenant for the purpose of changing the use of said property.

NOW, THEREFORE, the parties herein agree that the covenant to use ### in Certificate of Survey ### exclusively for agricultural purposes is hereby revoked.

DATED this ___ day of Month _____, 20__.

NAME, Owner

NAME, Mayor
Town of Fairview, MONTANA

ATTEST:
NAME of Clerk
TOWN OF FAIRVIEW CLERK & RECORDER

Seal

BY: _____

STATE OF MONTANA)
) ss.
TOWN OF FAIRVIEW)

On this ___ day of Month _____, 20__, before me, a Notary Public for the State of Montana, personally appeared *Owner(s) Name*, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

Printed Name: _____
Notary Public for the State of Montana.
Residing at Fairview, Montana.
My commission expires: _____

Certificate of Surveyor – Final Plat

STATE OF MONTANA)
) ss.
County of _____)

I, (Name of Surveyor), a Professional Land Surveyor, do hereby certify that I have performed the survey shown on the attached plat of (Name of Subdivision); that such survey was made on (Date of Survey); that said survey is true and complete as shown and that the monuments found and set are of the character and occupy the positions shown thereon.

Dated this _____ day of _____, 20____
(Seal)

(Signature of Surveyor)
Registration No. _____
(Address)

XX

Certificate of Dedication – Final Plat

(I) (We), the undersigned property owner(s), do hereby certify that (I) (We) have caused to be surveyed, subdivided and platted into lots, blocks, streets and alleys, as shown by the plat hereto annexed, the following described land in (City and County if in Unincorporated Area), to-wit:

(Exterior boundary description of area contained in plat and total acreage)

The above described tract of land is to be known and designated as (Name of Subdivision), and the lands included in all streets, avenues, alleys, and parks or public squares shown on said plat are hereby granted and donated to the use of the public forever.

(I) (We), the undersigned property owner(s), do hereby certify that all or part of the required public improvements have been installed (and/or security requirements pursuant to 76-3-507, MCA, secure the future construction of any remaining public improvements to be installed).

(I) (We), the undersigned property owner(s), do hereby certify that federal, state, and local plans, policies, regulations, and/or conditions of subdivision approval that may limit the use of the property, including the location, size, and use are shown (on the Conditions of Approval sheet) or as otherwise stated.

- The use of Lot(s) ##-## is residential
- The use of Lot(s) ##-## is commercial
- The use of Lot(s) ##-## is industrial.

(I) (We), the undersigned property owner(s), do hereby certify that (I) (We) will ensure that buyers of property will be provided with a copy of all sheets of the plat and all documents that are recorded and filed in conjunction with the plat and that buyers of property are strongly encouraged to contact the local planning department and become informed of any limitations on the use of the property prior to closing.

Dated this _____ day of _____, 20 ____.

(Acknowledged and notarized signatures of all record owners of platted property)

XX

Certificate of Conditions of Approval

(I) (We), the undersigned property owner(s), do hereby certify that the text and/or graphics shown on the Conditions of Approval sheet(s) represent(s) requirements by the governing body for final plat approval and that all conditions of subdivision application have been satisfied; and that the information shown is current as of the date of the certification and that changes to any land-use restrictions or encumbrances may be made by amendments to covenants, zoning regulations, easements, or other documents as allowed by law or by local regulations.

Dated this _____ day of _____, 20 ____.

(Acknowledged and notarized signatures of all record owners of platted property)

XX

Certificate of Consent to Dedication by Encumbrances, If Any

(I) (We), the undersigned encumbrancer(s), do hereby join in and consent to the annexed plat and release (my) (our) respective liens, claims and encumbrances as to any portion of said lands shown on such plat as being dedicated to the use of the public forever.

Dated this _____ day of _____, 20 ____.

(Acknowledged and notarized signatures of all encumbrancers of record)

XX

Certificate of Accepting Cash in Lieu of Park Land Dedication

In as much as the dedication of park land within the platted area of (Name of Subdivision) is undesirable for park and park playground purposes, it is hereby ordered by the Town Council of the Town of Fairview, that the dedication for park purposes be waived and that cash-in-lieu, to the amount of _____ dollars, be accepted in accordance with the provisions of the Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA and the Town of Fairview Subdivision Regulations.

Dated this _____ day of _____, 20 ____.

(Mayor of the Town of Fairview)

ATTEST:

(Seal of the Town)

(Signature of Clerk and Recorder)
Fairview, Montana

XX

Certificate of Examining Land Surveyor – Final Plat

On behalf of the Governing Body, this document has been examined for errors and omissions in calculations or drafting pursuant to 76-3-611(2)(a), MCA.

Dated this _____ day of _____, 20 ____.

(Signature)

XX

Certificate of County Treasurer

I hereby certify, pursuant to Section 76-3-611(1)(b), MCA, that all real property taxes assessed and levied on the land described hereon and encompassed by the proposed (Name of Subdivision) have been paid.

Dated this _____ day of _____, 20 ____.

Tax Statement No. _____

(Seal)

(Signature of County Treasurer) Treasurer,
Richland County, Montana

XX

Certificate of Final Plat Approval – County

The County Commission of _____ County, Montana does hereby certify that it has examined this subdivision plat and having found the same to conform to law, approves it, and hereby accepts the dedication to public use of any and all lands shown on this plat as being dedicated to such use, this _____ day of _____, 20 ____.

(Chairman, Board of Richland County Commissioners)

ATTEST:

(Seal of County)

(Signature of Clerk and Recorder)
Richland County, Montana

XX

Certificate of Final Plat Approval – Town of Fairview

The Town Council of the Town of Fairview, Montana does hereby certify that it has examined this subdivision plat and, having found the same to conform to law, approves it, and hereby accepts the dedication to public use of any and all lands shown on this plat as being dedicated to such use, this _____ day of _____, 20 ____.

By (Signature of Town Clerk)
 Clerk

(Signature of Mayor)
Mayor

XX

Certificate of Filing by Richland County Clerk and Recorder

Two rectangle boxes shall be provided on the final plat to allow for Richland County Clerk & Recorder recording and filing labels.

- ❖ One - one inch height by 4 inches in length
- ❖ One - two inches height by 4 inches in length

**SUPPLEMENT 16: MODEL SUBDIVISION
IMPROVEMENT AGREEMENT**

The parties to this Subdivision Improvements Agreement (“this agreement”) are _____ (“the subdivider”) and _____ (“the Town”).

WHEREAS, the subdivider desires to defer construction of improvements described in Attachment (____); and

WHEREAS, the purpose of this Agreement is to protect the Town and is not intended for the benefit of contractors, suppliers, laborers or others providing work, services, or materials to the Subdivision, or for the benefit of lot or home buyers in the Subdivision; and

WHEREAS, the mutual promises, covenants and obligations contained in this Agreement are authorized by state law and the Town subdivision regulations.

NOW THEREFORE THE PARTIES HEREBY AGREE AS FOLLOWS:

1. Effective Date: The effective date of this Agreement is the date that final subdivision plat approval is granted by the Town.
2. Attachments: The Attachments cited herein are hereby made a part of this Agreement.

Subdivider’s Obligations

3. Improvements: The Subdivider shall construct and install, at his own expense, those subdivision improvements listed in Attachment (____) of this Agreement. The Subdivider’s obligation to complete the improvements arises upon approval of the final subdivision plat, is not conditioned on the commencement of construction in the development or sale of any lots or improvements within the subdivision, and is independent of any obligations of the Town contained in this Agreement.
4. Security: To secure the performance of his obligations under this Agreement, the Subdivider shall deposit with the Town on or before the effective date, an Irrevocable Letter of Credit (or other financial security acceptable to the local officials) in the amount of \$____. The letter of credit shall be issued by (lending institution), be payable at sight to the Town at any time upon presentation of (1) a sight draft drawn on the issuing lending institution in the amount up to \$____, (2) a signed statement or affidavit executed by an authorized Town official stating that the Subdivider is in default under this Agreement; and (3) the original copy of the letter of credit.
5. Standards: The Subdivider shall construct the required improvements according to the standards and specifications required by the Town as specified in Attachment (____) of this Agreement.
6. Warranty: The Subdivider warrants that each and every improvement shall be free from defects for a period of 1 year from the date that the Town accepts the dedication of the last improvement completed by the Subdivider.
7. Commencement and Completion Periods: The Subdivider shall complete all of the required improvements within (2) years from the effective date of this Agreement.
8. Compliance with Law: The Subdivider shall comply with all relevant laws, ordinances, regulations and requirements in effect at the time of subdivision plat approval when meeting his obligations under this Agreement.

County Obligations

9. Inspection and Certification:

- a. The Town shall provide for inspection of the improvements as they are completed and, where found acceptable, shall certify those improvements as complying with the standards and specifications set forth in Attachment (_____) of this Agreement. The inspection and certification shall occur within 14 days of notice by the Subdivider that the improvements are complete and that he desires Town inspection and certification. Before requesting Town certification of any improvement the Subdivider shall present to the Town valid lien waivers from all persons providing materials or performing work on the improvement.
 - b. Certification by the Town does not constitute a waiver by the Town of the right to draw funds under the letter of credit in the event defects in or failure of any improvement are found following the certification.
10. Notice of Defect: The Town shall provide timely notice to the Subdivider whenever inspection reveals that an improvement does not conform to the standards and specifications set forth in Attachment (_____), or is otherwise defective. The Subdivider shall have 30 days from the date the notice is issued to remedy the defect. The Town may not declare a default under this Agreement during the 30 day remedy period unless the Subdivider clearly indicates he does not intend to correct the defect. The Subdivider shall have no right to correct the defect in, or failure of, any improvement found after the Town accepts dedication of the improvements.
11. Reduction of Security: After the acceptance of any improvement, the amount that the Town is entitled to draw on the letter of credit shall be reduced by an amount equal to 90 percent of the estimated cost of the improvement as shown in Attachment (______). At the request of the Subdivider, the Town shall execute a certificate verifying the acceptance of the improvement and waiving its right to draw on the letter of credit to the extent of the amount. Upon the certification of all of the improvements the balance that may be drawn under the credit shall be available to the Town for the one year warranty period plus an additional 90 days.
12. Use of Proceeds: The Town shall use funds drawn under the letter of credit only for the purposes of completing the improvements or correcting defects in or failure of the improvements.

Other Provisions

13. Events of Default: The following conditions, occurrences or actions constitute a default by the Subdivider during the completion period:
- a. failure to complete construction of the improvements within two years of final subdivision plat approval;
 - b. failure to remedy the defective construction of any improvement within the remedy period;
 - c. insolvency of the Subdivider or the filing of a petition for bankruptcy;
 - d. foreclosure of the property or assignment or conveyance of the property in lieu of foreclosure.
14. Measure of Damages: The measure of damages for breach of this Agreement is the reasonable cost of completing the improvements. For purposes of this Agreement the estimated cost of the improvements as specified in Attachment (_____) is prima facie evidence of the minimum cost of completion. However, neither that amount nor the amount of the letter of credit establishes the maximum amount of the Subdivider's liability. The Town may complete all unfinished improvements at the time of default regardless of the extent to which development has taken place in the Subdivision or whether development ever was commenced.
15. Local Government Rights upon Default:
- a. Upon the occurrence of any event of default, the Town may draw on the letter of credit to the extent of the face amount of the credit less the estimated cost [as shown in Attachment (_____)] of all improvements previously certified by the Town. The Town may complete improvements itself or contract with a third party for completion, or the Town may assign the

proceeds of the letter of credit to a subsequent subdivider who has acquired the Subdivision and who has the same rights of completion as the Town if and only if the subsequent subdivider agrees in writing to complete the unfinished improvements.

- b. In addition, the Town may suspend final plat approval. During this suspension the Subdivider may not sell, transfer or otherwise convey lots or homes within the Subdivision without the express approval of the Town until the improvements are completed and certified by the Town-
16. Indemnification: The Subdivider agrees to indemnify and hold the Town harmless for and against all claims, costs and liability of every kind and nature, for injury or damage received or sustained by any person or entity in connection with, or on account of the performance of work under this Agreement. The Subdivider is not an employee or agent of the Town.
17. Amendment or Modification: The Parties to this Agreement may amend or modify this Agreement only by written instrument executed on behalf of the Town and by the Subdivider.
18. Attorney's Fees: Should either party be required to resort to litigation, arbitration or mediation to enforce the terms of this Agreement, the prevailing party, whether plaintiff or defendant, is entitled to costs, including reasonable attorney's fees and expert witness fees, from the opposing party. If the court, arbitrator or mediator awards relief to both parties, each shall bear its own costs in their entirety.
19. Third Party Rights: No person or entity who is not party to this Agreement has any right of action under this Agreement, except that if the Town does not exercise its rights within 60 days following an event of default, a purchaser of a lot or home in the Subdivision may bring an action in mandamus to compel the Town to exercise its rights.
20. Scope: The Agreement constitutes the entire agreement between the parties and no statement, promise or inducement that is not contained in this Agreement is binding on the parties.
21. Time: For the purpose of computing the commencement and completion periods, and time periods for Town action, times in which war, civil disasters, acts of God or extreme weather conditions occur will not be included if the events prevent the Subdivider or the Town from performing the obligations under this Agreement.
22. Assigns: The benefits of this Agreement to the Subdivider may not be assigned without the express written approval of the Town. Such approval may not be withheld unreasonably, but any unapproved assignment is void. There is no prohibition on the right of the Town to assign its rights under this Agreement.

The Town shall release the original Subdivider's letter of credit if it accepts a new security from any subdivider or lender who obtains the property. However, no action by the Town constitutes a release of the original subdivider from his liability under this Agreement.

23. Severability: If any part, term or provision of this Agreement is held by the courts to be illegal the illegality shall not affect the validity of any other part, term or provision, and the rights of the parties shall be construed as if the part, term or provision were never part of the Agreement.

Dated this _____ day of _____, 20_____.

(Mayor, Town of Fairview, Montana)

ATTEST:

SUPPLEMENT 17: ACCEPTABLE FORMS OF IMPROVEMENTS GUARANTEES

Comment:

The following are acceptable means of guaranteeing subdivision improvements agreements, although others may also be acceptable. The irrevocable letter of credit is often the preferable guaranty because it is usually feasible for a subdivider to secure, and the local government can readily obtain funds to complete the required improvements should the subdivider fail to install the required the improvements. A suggested irrevocable letter of credit and commentary are included as part of this Appendix. The other common guarantees are also explained below.

The subdivider shall provide one or more of the following financial security guarantees in the amount of 125 percent of the estimated total cost of installing all required improvements.

1. Letter of Credit

Subject to governing body approval, the subdivider shall provide the governing body a letter of credit from a bank or other reputable institution or individual certifying the following:

- a. That the creditor guarantees funds in an amount equal to 125% of the cost, as approved by the governing body, of completing all required improvements.
- b. That if the subdivider fails to complete the specified improvements within the required period, the creditor shall immediately pay to the governing body upon presentation of a sight draft without further action, an amount of cash necessary to finance the completion of those improvements, up to the limit of credit stated in the letter.
- c. That this letter of credit may not be withdrawn, or reduced in amount, until released by the governing body.

2. Escrow Account

The subdivider shall deposit cash, or collateral readily convertible to cash at face value, either with the governing body or in escrow with a bank. The use of collateral other than cash, and the selection of the bank where funds are to be deposited must be approved by the governing body.

Where an escrow account is to be used, the subdivider shall give the governing body an agreement with the bank guaranteeing the following:

- a. That the funds in the escrow account are to be held in trust until released by the governing body and may not be used or pledged by the subdivider as security for any obligation during that period.
- b. That, (should the subdivider fail to complete the required improvements), the bank shall immediately make the funds in escrow available to the governing body for completing these improvements.

3. Surety Performance Bond

The bond must be executed by a surety company authorized to do business in the State of Montana and acceptable as a surety to the governing body and countersigned by a Montana agent. The bond must be payable to the Town of _____. The bond must be in effect until the completed improvements are accepted by the governing body.

Comment:

Letters of credit may be revocable, so it is important to express that the letter of credit is irrevocable. Because the letter of credit does not incorporate the subdivision improvement agreement, the issuer of the credit cannot raise objections to the demand for payment. If the letter of credit specifies that the local government need only present a signed statement or affidavit that the subdivider is in default, the local government need not present proof of default or signed statements from any other party.

Under the letter of credit the local government is committed to use the funds for completion of the improvement.

It is important that the expiration date of the letter of credit allows the local government a reasonable amount of time after the improvements completion deadline to inspect the improvements and, if defects are found, prepare proper drafts and present a notice of default to the lending institution.

Lending institutions may be reluctant to issue letters of credit to be in force for long periods of time. Typically, improvements can be completed in 18-24 months, and an additional 1 year warranty period is appropriate to allow the local government to monitor for defects or failures. Following the warranty period an additional 90 days is reasonable to give local officials time to submit any drafts and documentation to draw funds, if necessary.

A “sight draft” commits the payor to make payment at the time the draft is presented, or on sight. Other types of drafts allow a waiting period or approval before the payor must make the payment.

SUPPLEMENT 18: IRREVOCABLE LETTER OF CREDIT

Letter of Credit No. _____

Name of Local Government: _____

Date: _____

Address: _____

Gentlemen:

We hereby establish in your favor our Irrevocable Letter of Credit # ____ for the account of _____ (Subdivider), available by your drafts at sight up to an aggregate amount of \$ _____. Should _____ (Subdivider) default or fail to complete the improvements under the terms specified in the attached subdivision improvements agreement for _____ (name of subdivision) we shall pay on demand your sight draft or drafts for such funds, to the limit of credit set forth herein, as are required to complete said improvements.

All drafts must be presented prior to _____ expiration date _____ and this Letter of Credit must accompany the final draft for payment. Drafts drawn hereunder must be by sight draft marked:

“Drawn under _____ (lending institution), Letter of Credit # _____ dated _____ (date of Letter of Credit),” and the amount drawn endorsed on the reverse hereof by the lending institution.

Unless otherwise stated, this Letter of Credit is subject to the Uniform Customs and Practices for Commercial Documentary Credits (1983 Revision) International Chamber of Commerce. We hereby agree with the drawers, endorsers and bona fide holders of the drafts drawn under and in compliance with the terms of this Credit that these drafts shall be duly honored upon presentation to the drawee.

This letter of credit may not be withdrawn or reduced in any amount prior to its expiration date except by your draft or written release.

(Lending Institution)

(Signature and Title of Official)

SUPPLEMENT 20: COPIES FOR DISTRIBUTION

The subdivider shall provide the required copies of the preliminary plat and supplement materials as determined by the Subdivision Administrator. All preliminary plats shall be 24 inch by 36 inch size, 18 inch by 24 inch in size and/or 11 inch by 17 inch size or as specified by the Subdivision Administrator.

The required copies of the all supplement materials shall be organized format with a cover sheet, table of contents, project summary, identification tab for each element and shall be bound in a three-ring binder for each set and ready for distribution.

A copy of the preliminary plat and supplement materials shall be submitted for review to the following local departments:

- Planner Office, 2 paper copies and an electronic form (WORD or PDF)
- Public Works Supervisor (prefers pdf file, if possible)
- County Sanitarian (information required for DEQ or local sanitation review)

The following total number of copies will need to be submitted to the Planner Office after the application has been deemed sufficient.

- ***Richland County jurisdictional Area***
 - Planning Board (13)
 - If the subdivision is located within the Jurisdictional Areas of:
 - Sidney “Standing” Jurisdictional Area Committee (9)
 - Fairview “Standing” Jurisdictional Area Committee (9)
 - Richland County Board of Commission (3)
 - County Attorney (1)

The City/County Planning Board Bylaws state the subdivision packets should be “in the hands of” the Planning Board at least 14 days prior to the day of the public hearing.

The City/County Planning Board Bylaws state each Planning Board member (total of 13) is allowed to review subdivision applications, whether the subdivision is located within Richland County, Sidney, or Fairview jurisdictional areas. Therefore four (4) additional copies of the applications may be requested and will need to be submitted to the Planner Office for the Sidney or Fairview Jurisdictional Area board members.

Final Plat (as outlined in Section II-B of the Subdivision Regulations) Application copies are to be submitted to:

- County Planner Office (2 paper copies and an electronic form (WORD or PDF) which includes the county/city attorney approval)
- City/Town and/or County Attorney

Required copies of the all supplement materials shall be labeled, tabbed and bound in sets ready for distribution.

SUPPLEMENT 21: PLANNING BOARD AND GOVERNING BODY
MEETING DATES

City/County Planning Board:

*First and Third Tuesday of the month

(Scheduled meetings may dependent on board action items, expect in the months of January, April, July and October (76-1-301(1), MCA)

To confirm Planning Board meeting date or for more information call the Richland County Planner Office at 433-6886.

Note: The governing body following schedules may change due to holidays.

Richland County Commissioners:

*First Monday of every week,

*First full week of the month: Monday, Tuesday, Wednesday

*Second week of the month: Monday and Tuesday

*Last day of the month

To confirm the dates or assistance call the Richland County Clerk & Recorder Office at 433-1706.

City of Sidney Town Council:

*First and Third Monday of the month

To confirm City Council meeting(s) date or for more information call the City Clerk at 433-2809

Town of Fairview Town Council:

*Second Monday of the month

To confirm Town Council meeting date or for more information call the Town Clerk at 742-5616

SUPPLEMENT 22: FINAL SITE PLAN REQUIREMENTS

Section VI-A-1(d) of the Town of Fairview Subdivision Regulations requires a final site plan for subdivisions creating multiple spaces for rent or lease. This supplement lists the minimum requirements the site plan must contain.

The final site plan must contain the following:

1. The final plan must be legibly drawn with permanent black ink or printed or reproduced by a process guaranteeing a permanent record and must be 18 inches by 24 inches or 24 inches by 36 inches. Margins must be a minimum 1/2-inch on all sides, or as required by the filing office.
2. If more than one sheet must be used to adequately depict the mobile home or RV park, each sheet must show the number of that sheet and the total number of sheets included.
3. A title or title block in the following format: “The final site plan for the [Name of mobile home or RV park] located within the [name of the subdivision].”
4. A north arrow.
5. A scale bar. The scale of the site plan must be sufficient to legibly represent the required information and data on the plan.
6. The boundaries and total area of the mobile home or RV park.
7. The layout and dimension of the following information as required:
 - a. Spaces;
 - b. Pads;
 - c. Storage areas;
 - d. Parking areas;
 - e. Common areas and facilities;
 - f. Location of water sources for fire protection;
 - g. Location of street lighting;
 - h. Parks and recreation areas; and
 - i. Other information as required by conditions.
8. Numbering on each pad
9. The location and dimension of roads including arrow indicating the flow of traffic if one way.
10. Any additional information deemed necessary by the governing body to meet conditions of preliminary approval.

Supplement 23: SUBDIVISION EXEMPTION CLAIM APPLICATION

OFFICE USE ONLY:	DATE: _____
Examination Fee (According to the adopted RCSR Fee Schedule): \$200 included: _____ Yes _____ No	
Required documents submitted: _____ Yes _____ No	
Staff Signature: _____	

The subdivision exemption request will be examined pursuant to 76-3-201 & 76-3-207, MCA and according to Section IX. "Divisions of Land Exempt from Subdivision Review" of the 2016 Richland County Subdivision Regulations (RCSR, pages 94-106).

An Advisory Meeting may be requested prior to submitting an application for an exemption Section IX-B-1 (RCSR, page 94). The following materials would be required: a vicinity map, recorded survey (COS or Subdivision), and recorded deed(s).

The Exemption Review Criteria (RCSR, page 96) includes:

- i. The nature of the claimant's business
- ii. The prior history of the particular tract in question
- iii. The proposed configuration of the tracts if the proposed exempt transaction(s) is completed.
- iv. And any pattern of exempt transactions that will result in the equivalent of a subdivision without local government review. [State ex rel. Dreher v. Fuller, 50 St. Rpt. 454, 1993]

Required Documents [RCSR, Sections IX-B-2(a & b) page 94-95]:

One paper and a digital copy of the following documents will need to be submitted the Subdivision Administrator:

- _____ Draft Certificate of Survey (COS), amended plat (paper copies-one 11"x17" and one 18"x24" or larger), or where a survey is not required (pursuant to 76-3-401, MCA), a draft instrument of conveyance.
- _____ Evidence of entitlement (such as): recorded deeds, contracts, restrictions, and covenants related to all the affected properties that have been recorded at the Richland County Clerk & Recorder Office within the past year.
- _____ Documentation in support of the sanitation exemption(s), if applicable.

General Applicant Information:

1. Claimant(s):

Name: _____
Phone: _____ Email Address: _____
Address: _____ City: _____ State: _____ Zip: _____

Name: _____
Phone: _____ Email Address: _____
Address: _____ City: _____ State: _____ Zip: _____

2. Surveyor

Name: _____
Phone: _____ Email Address: _____
Address: _____ City: _____ State: _____ Zip: _____

3. Existing Tract of Record Information

a. Parcel and Project Description:

Parcel (1)
Legal Description: _____
Section _____ Township _____ Range _____

GEO Code: 27- _____
Parcel Total Size: _____ Number of tract being created: _____

Existing Use: _____
Parcel (2)

Legal Description: _____
Section _____ Township _____ Range _____

GEO Code: 27- _____
Parcel Total Size: _____ Number of tract being created: _____

Existing Use: _____

b. History of the parcel:

a. Is the parcel proposed to be divided as the result of a division (subdivision or COS) that occurred after July 1, 1974? Yes ___ No _____

c. If the answer is yes, describe the history of the division of the proposed parcel since July 1, 1974. Include the recorded date of the plat or survey, the name or number of the subdivision or the COS number of each division of the parcel, and the name of person who divided the property. If the parcel is within a platted subdivision, it is sufficient to reference the plat. (Attach copies of the recorded documents.)

Dated Recorded	Subdivision/COS Number	Type of Exemptions used	Name of person who divided the property

d. Has a subdivision application for the parcel(s) been withdrawn or denied?

_____ Yes _____ No

If yes, please provide the name of applicant, preliminary application date: _____

4. Type of exemption requested

a. Gift or Sale to Immediate Family Member (“Family Transfer”) 76-3-207(1)(b), MCA and according to RCSR Section IX-C-1, page 98-99

Recipients(s)	Relationship to Claimant	<u>Minor</u> (under 18 years) Yes or No
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

The “Required Documents” listed above, and one paper and a digital copy(s) of the proposed instruments of conveyance (RCSR, page 99) such as a deed(s) for exchange of ownership (RCSR, page 99) will need to be submitted.

b. Agricultural Exemption, 76-3-207(1)(c), MCA and according to RCSR Section IX-C-2, page 99-101

(Covenant running with the land that the land will be used exclusively for agricultural purposes. No structures requiring water or sewer facilities shall be built or utilized on this parcel. The agricultural covenant is revocable only by mutual consent of the Board of County Commission and the property owner(s) through the subdivision review process.) The exemption requires 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 (or conveyance document). Any such certificate of survey must be accompanied by a separate, recordable, document citing the covenant.

Description of current use and proposed use: _____

The Required Documents listed above along with the covenant as noted in this section will need to be submitted, if it will be a separate document.

c. Relocation of Common Boundary Lines and Aggregation of lots, 76-3-207(1)(a),(d), (e), and (f), MCA and according to RCSR Section IX-C-3, page 101-102

Describe and provide documentation showing the need or reason for the relocation of the boundary lines or the aggregation of lots:

The “Required Documents” listed above and if applicable a paper and digital copy of the Platted Subdivision will need to be submitted.

d. Right-of-Way or Utility Site, 76-3-201(1)(h), MCA and according to RCSR Section IX-C-7, page 105.

___ Right-of-way _____ Utility Site (Please check one)

Description of current use and proposed use: _____

The Required Documents listed above along with the following:

___ Documentation to verify the utility meets the term of a “public utility” in 69-3-101, MCA.

___ Landowner approval and proof of eminent domain authority by the utility

___ Documentation to be filed shall include a notarized statement from the recipient accepting the right-of-way or utility site, and noticing that under MCA 76-3-201 a subsequent change in the use to residential, commercial, or industrial subjects the division to review under the MSPA and the local subdivision regulations.

___ Instrument of conveyance, such as a deed

e. Other (Pursuant to 76-3-201 & 76-3-207, MCA) and according to RCSR Section IX-C-4, 5, & 6, page 102-104

Reason/justification: _____

The “Required Documents” listed above and the following (one paper and digital copy):

- Mortgage Exemption also requires the following:
 - A statement of how many parcels within the original tract would be created by use of the exemption;
 - The draft deed, trust indenture or mortgage for the exempt parcel (which states that the tract of land is being created only to secure a construction mortgage, lien or trust indenture);
 - A statement explaining who will have title to and possession of the balance of the original parcel after title to the exempted parcel is conveyed;
 - A signed 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; and
 - Documentation that the lending institution is a financial or lending institution registered to do business in the State of Montana.
- Court Order also requires the following:
 - Evidence of entitlement such as a copy of the Court Order.

5. Nature of the claimant’s business:

- a. Is the claimant in the business of dividing and selling land? Yes _____ No _____
- a. Has the claimant divided property in Richland County by use of an exemption after July 1, 1974? Yes ___ No ___
- b. If the claimant has previously used exemptions to divide property in Richland County, please list the divisions and state the date, the COS Number or amended plat name and the exemption used. (Attach additional sheets as needed).

Date	C.O.S. or Amended Plat Reference	Exemption used:

6. Acknowledgements

- I (we) understand that the State of Montana provides that certain divisions of land, which would otherwise constitute subdivisions, are exempt from local subdivision review and approval, unless the transactions are an attempt to evade the Montana Subdivision and Platting Act.
- I (we) affirm that this exemption claim is not an attempt to evade the Montana Subdivision and Platting Act.
- I (we) recognize that I may be subject to penalty if my actions are deemed to be an effort to evade subdivision review, as set forth in the Montana Code Annotated:
 - 76-3-301(3), MCA: If transfers not in accordance with the Montana Subdivision and Platting Act are made, the County Attorney shall commence action to enjoin further sales or transfers and complete compliance with all provision of the Montana Subdivision and Platting Act. The cost of such action shall be imposed against the party not prevailing.
 - Violations: Any person who violates any provision of the Montana Subdivision and Platting Act or any local regulations adopted pursuant thereto shall be guilty of a misdemeanor and punishable by a fine of not less than \$100 or more than \$500 or by imprisonment in a county jail for not more than 3 months or by both fine and imprisonment. Each sale, lease, or transfer of each separate parcel of land in violation of any provision of this chapter or any local regulation adopted pursuant thereto shall be deemed a separate and distinct offense.
- I (we) also recognize that making false statements on this form could subject me to criminal prosecution for False Swearing (per MCA 45-7-202) and Perjury (per MCA 45-7-201).
- I (we) also recognize that per 45-7-203(1), MCA (Unsworn falsification to authorities), A person commits an offense under 45-7-203 if, with the purpose to mislead a public servant in performing an official function, the person:
 - i. makes any written false statement that the person does not believe to be true;
 - ii. purposely creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements from being misleading;
 - iii. submits or invites reliance on any writing that the person knows to be forged, altered, or otherwise lacking in authenticity; or
 - iv. submits or invites reliance on any sample, specimen, map, boundary mark, or other object that the person knows to be false.
- I (we) understand that if the Subdivision Administrator determines that my (our) request is an attempt to evade the Montana Subdivision and Platting Act then I (we) have the right to appeal that decision to the governing body according to the RCSR Section IX-2(x) Appeals.

7. Signatures: (if more than two claimants please attach additional sheets)

I (we), _____ [Name of Claimant(s)], have read the foregoing Subdivision Exemption Claim Application and affirm that it is true and correct.

Claimant's Signature Date

I, _____ [Name of Claimant(s)], have read the foregoing Subdivision Exemption Claim Application and affirm that it is true and correct.

Claimant's Signature Date

XX

Below are examples of certification required on the face of the survey:

XX

**Certificate of Exemption
(Family Gift or Sale)**

I (We) hereby certify that the purpose of this division of land is to transfer Tract _____ as shown on this certificate of survey to (name of grantee), my (our) (father) (mother) (daughter) (son) (wife) (husband). I (we) certify that is the single (only) gift or sale (I) (we) have made to the aforementioned immediate family member in the County of _____ for the purpose of this exemption. Furthermore, I (we) certify that I (we) am (are) entitled to use this exemption and am (are) in compliance with all conditions imposed by law and regulation on this use of this exemption. Therefore, this division of land is exempt from review as a subdivision pursuant to section 76-3-207(1)(b), MCA.

DATED THIS _____ day of _____, 20____.

(Name landowner)

Acknowledgement and notarized is required.

XX

**Certificate of Exemption
(For Agricultural Purposes)**

I (We) certify that the purpose of this survey is to create a parcel of land to be used exclusively for agricultural purposes, and that a covenant has been entered into by the parties to the transaction, running with the land and revocable only by mutual consent of the governing body and the property owner, that

the land will be used exclusively for agricultural purposes, and this survey is, therefore, exempt from review as a subdivision pursuant to section 76-3-207(1)(c), MCA.

DATED THIS _____ day of _____, 20__.

(Name of landowner)

Acknowledgement and notarized is required.

Example Acceptance of Certificate of Survey – Agricultural Covenant Exemption

This declaration, made this _____ day of _____, 20__, by (Name of Property Owner(s), hereinafter referred to as the “Declarant(s);

That whereas, Declarant is the owner of certain property described as tract(s) _____, certificate of survey number _____ on file and record in the office of the Clerk and Recorder of _____ County, Montana.

Now, therefore, Declarant hereby declares that the parcel(s) described above shall be held, sold, and conveyed in any matter subject to the following covenant, which shall run with the real property and be binding on all parties having any right, title or interest in the described property (properties) or any part thereof, their heirs, executors, successors, administrators, and assignees, and shall bind each owner thereof. This covenant may be revoked by mutual consent of the land owners of the parcel(s) in question and the governing body after receiving final subdivision approval. The governing body is deemed to be party to and may enforce this covenant. TO WIT.

The parcel(s) described above shall be used exclusively for agricultural purposes and no building, house, dwelling, or structure requiring water or sewage facilities may be erected or utilized thereon.

IN WITNESS WHEREOF, the undersigned, being the Declarant(s), herein, has (have) hereunto set his (her) (their) hand(s) this _____ day of _____, 20__.

DATED THIS _____ day of _____, 20__.

Landowner (Print Name of Landowner)

State of Montana)
 :
County of Richland)

On this _____ day of _____, 20____, before me, a Notary Public for the State of Montana, personally appeared, _____, _____, _____, and _____, members of the Board of County Commissioners, and _____, County Clerk & Recorder, known to me to be the persons whose names are subscribed to the within instrument and acknowledge to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notary seal the day and year first above written.

(seal)

Print Name: _____
Notary Public for the State of Montana

Residing in: _____
My commission expires: _____

Richland County Commissioners

Chairperson

Commissioner

Attest:

Commissioner

Richland County Clerk & Recorder

XX

**Certificate of Exemption
(Relocation of Common Boundary)**

I (We) certify that the purpose of this survey is to relocate common boundary line between adjoining properties outside a platted subdivision (or inside a platted subdivision) (or between a single lot within a platted subdivision and adjoining land outside a platted subdivision) and that no additional parcels are hereby created. Therefore this survey is exempt from review as a subdivision 76-3-207(1)(a), (d), or (e) MCA.

DATED THIS _____ day of _____, 20____.

(Name of Property owner(s))

Acknowledgement and notarized is required.

XX

**Certificate of Exemption
(Aggregation of Lots)**

I (We) certify that the purpose of this survey is to aggregate existing lots within a within a platted subdivision, that fewer than six lots are affected, and that no additional parcels are hereby created. Therefore this survey is exempt from review as a subdivision pursuant to section 76-3-207(1)(f) MCA.

DATED THIS _____ day of _____, 20____.

(Name of Property owner(s))

Acknowledgement and notarized is required.

XX

**Certificate of Exemption
(SECURITY FOR MORTGAGE, LIEN, OR TRUST INDENTURE)**

I (We) hereby certify that the purpose of this survey is to create a parcel of land to provide security for mortgage or loan purposes and that this exemption complies with all conditions imposed on its use, Therefore, this survey is exempt from review as a subdivision pursuant to Section 76-3-201 (1)(b) MCA and from review by the Montana Department of Environmental Quality MCA, 76-4-125(2)(a), the exclusion cited in 76-3-201.

DATED THIS _____ day of _____, 20__.

(Name of land owner(s))

Acknowledgement and notarized is required.

XX

**Certificate of Exemption
(Rights-of-Way or Utility Site)**

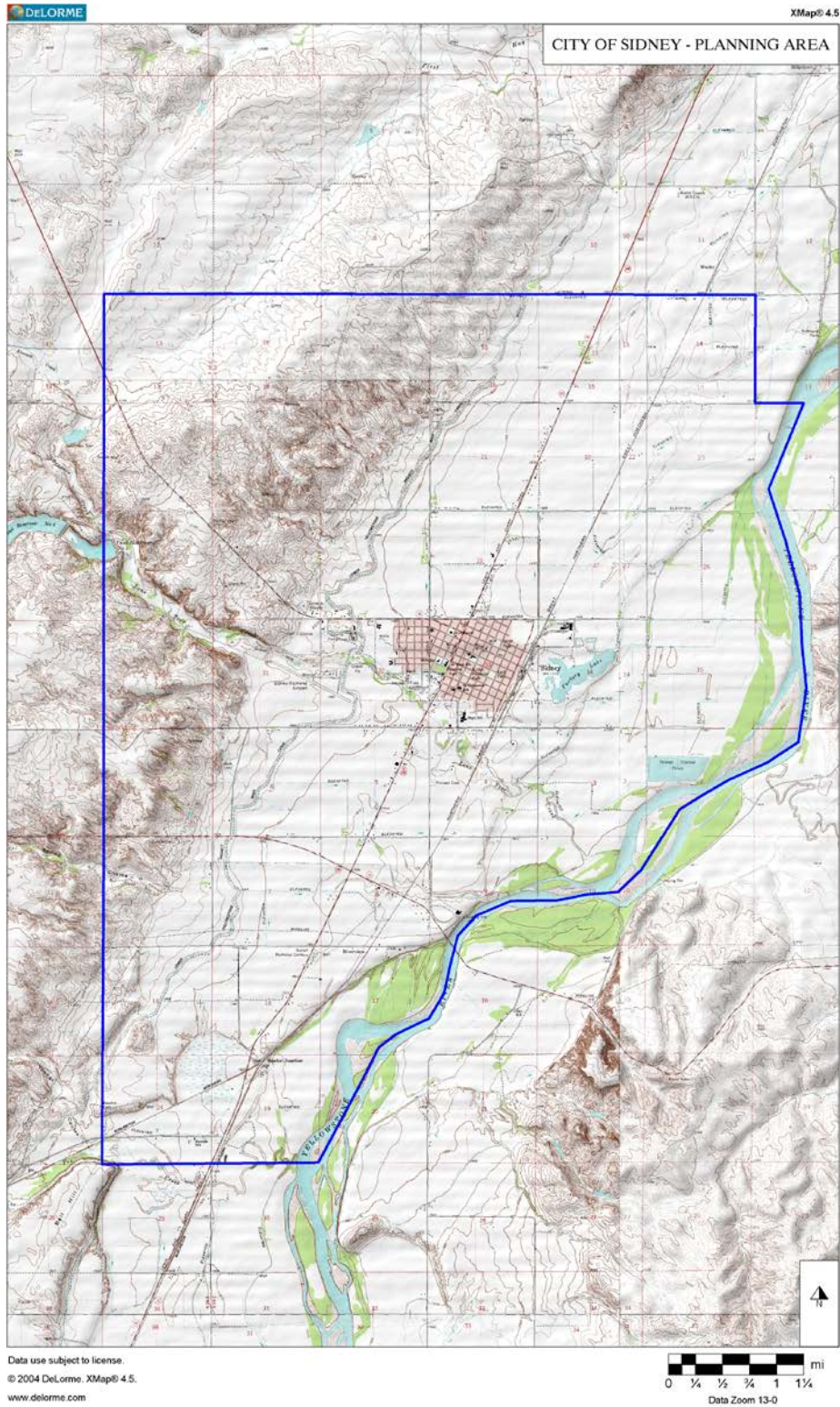
I (We) certify that the purpose of this survey is to create a parcel for a _____ utility sites and therefore this survey is exempt from review as a subdivision pursuant to section 76-3-201(1)(h) MCA. Furthermore, I (We) certify that a change in the use of land to residential, commercial or industrial is subject to the requirements of subdivision review.

DATED THIS _____ day of _____, 20__.

(Name of land owner(s))

Acknowledgement and notarized is required.

APPENDIX 2: SIDNEY JURISDICTIONAL AREA



APPENDIX 3: FAIRVIEW JURISDICTIONAL AREA

