

## State Statute

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Per the Montana Land Use Planning Act, some divisions of land are exempt from subdivision review but are subject to zoning regulations. These exemptions include:

- 1) The creation of a lot to provide security for mortgages, liens, or trust indentures for the purpose of construction, improvements to the land being divided, or refinancing (MCA 76-25-402(1)(b))
- 2) Order of a court record (MCA 76-25-402 (1)(a))
- 3) The creation of an interest in oil, gas, mineral or water (MCA 76-25-402 (1)(c))
- 4) The creation of cemetery lots (MCA 76-25-402 (1)(d))
- 5) Reservation of a life estate (MCA 76-25-402 (1)(e))
- 6) The creation of rights-of-way or utility sites (MCA 76-25-402 (1)(h))
- 7) The creation of condominiums, townhomes, townhouses, or conversions, as those terms are defined in 70-23-102, when any applicable park dedication requirements as set forth in Title 76, chapter 25, part 3, are complied with (MCA 76-25-402 (1)(i))
- 8) A single gift or sale in each county to each member of the landowner's immediate family (MCA 76-25-402 (1)(n))
- 9) Relocation of boundaries or aggregation (MCA 76-25-402 (1)(m))

For a complete list of exemptions, please visit [Montana Code Annotated 7625-402](#)

## Digital Submittal & Naming Protocol

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MINIMIZE DELAYS WITH CORRECT FORMATTING. APPLICATION SUBMITTAL REQUIREMENTS ARE MANDATORY PER BMC 38.710

- 1) Create and submit a Planning application using the [ProjectDox portal](#);
  - a) After completing your Development Review Application, you will receive a Notification Letter ([example](#)) via email. Please download this document and obtain the owner's signature. Upload as a PDF to the "Documents" folder in ProjectDox.
- 2) The digital copies must be separated into two categories: Documents and Drawings.
  - a) The Documents folder should include items such as application forms, narrative, response to City comments, supplemental documents, technical reports, easements, legal documents, etc.
  - b) The Drawings folder should include items such as site plans, civil plans, landscape plans, irrigation plans, photometric plans, elevations, etc. All drawing files must be drawn and formatted for a 24" x 36" sheet file or an 11" x 17" sheet file. Plan pages shall be properly oriented in landscape mode. Refer to our [Quick Guide](#) for additional information.
- 3) Naming protocol. All files should be numbered and named according to their order listed on your provided Submittal Checklist. File names should start with a numeric value followed by the document name. The numeric value at the beginning of the file name ensures the order in which they are displayed. Refer to our [Quick Guide](#) for additional information.

# Subdivision Exemption Review Checklist

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- 1) MCA 76-25-402((1)(b) A division of land created for mortgages, liens, or trust indentures.**
  - a) A certificate of survey that is 18- by 24-inches or 24- by 36-inches with a 1½-inch margin on the binding side. The certificate of survey must include all certificates required by 38.750.150 (Subdivision Certificates), BMC and must include all signatures except for the Gallatin County Clerk and Recorder and the Certificate of Governing Body – Use of Exemption.
  - b) Written statement explaining how many parcels within the original tract will be created by use of the exemption, and who will have title to and possession of the remainder of the original parcel.
  - c) A signed and notarized statement from a lending institution that the creation of the exempted parcel is necessary to secure a construction loan for buildings or other improvements on the parcel.
  - d) Completed [Municipal Facilities Exclusion Checklist](#). Per 38.410.070.C, provide an exhibit showing service line locations to the site in accordance with the City’s design and specification requirements.
  
- 2) MCA 76-25-402(1)(m) Common boundary realignment between adjoining parcels and aggregations.**
  - a) A certificate of survey that is 18-by-24 inches or 24-by-36 inches with a 1½-inch margin on the binding side. The certificate of survey must include all certificates required by Chapter 38.750.150 (Subdivision Certificates), BMC, and must include all signatures except for the Gallatin County Clerk and Recorder and the Certificate of Governing Body – Use of Exemption.
  - b) The certificate of survey must show that the exemption was used only to change or remove the location of a boundary line dividing parcels.
  - c) The certificate of survey must clearly distinguish the prior boundary location (shown, for example, by a dashed or broken line or a notation) from the new boundary (shown, for example, by a solid line or notation).
  - d) The certificate of survey must bear the signatures of all landowners whose parcels are changed by the relocation.
  - e) Copy of deed(s) exchanging recorded interest from every person having a recorded interest in adjoining properties for the entire newly-described parcel(s) that is acquiring additional land.
  - f) Documentation showing the need or reason for the relocation (for example: structure encroachment, surveyor error, or enhancement of the configuration of the property).
  - g) If there are existing structures on site, an exhibit illustrating the location of existing structures in relation to the relocated property line.
  
- 3) Completed [Municipal Facilities Exclusion Checklist](#). Per BMC 38.410.070.C provide an exhibit showing service line locations to the site in accordance with the City’s design and specification requirements.**
  
- 4) MCA 76-25-402(1)(n) Gift or sale to immediate family.**
  - a) A certificate of survey that is 18-by-24 inches or 24-by-36 inches with a 1½-inch margin on the binding side. The certificate of survey must include all certificates required by Chapter 38.750.150 (Subdivision Certificates), BMC, and must include all signatures except for the Gallatin County Clerk and Recorder and the Certificate of Governing Body – Use of Exemption.
  - b) Copy of deed transferring interest in parcel being created.

- c) Statement detailing where the deed is in escrow, how long it will be in escrow, and authorization to contact the escrow agent for verification.
- d) The Certificate of Survey must indicate the name of the grantee, the relationship of the grantee to the landowner, and the parcel to be conveyed to the grantee.
- e) Completed Municipal Facilities Exclusion Checklist. Per BMC 38.410.070.C, provide an exhibit showing service line locations to the site in accordance with the City's design and specification requirements.

**5) MCA 76-25-402(1)(o) Division for agricultural purposes.**

- a) A certificate of survey that is 18-by-24 inches or 24-by-36 inches with a 1½-inch margin on the binding side. The certificate of survey must include all certificates required by Chapter 38.750.150 (Subdivision Certificates), BMC, and must include all signatures except for the Gallatin County Clerk and Recorder and the Certificate of Governing Body – Use of Exemption.
- b) Covenant running with the land, revocable only by mutual consent of the City of Bozeman and the transferee/ property owner, that the divided land will be used exclusively for agricultural purposes, and that no building or structure requiring water or sewer facilities shall be utilized on such a parcel.
- c) Completed Municipal Facilities Exclusion Checklist. Per BMC 38.410.070.C, provide an exhibit showing service line locations to the site in accordance with the City's design and specification requirements.

**6) MCA 76-25-402(1)(i) Creation or conversion of condominiums and townhouses as defined in 70-23-102 MCA**

- a) A certificate of survey that is 18-by-24 inches or 24-by-36 inches with a 1½-inch margin on the binding side. The certificate of survey must include all certificates required by Chapter 38.750.150 (Subdivision Certificates), BMC, and must include all signatures except for the Gallatin County Clerk and Recorder and the Certificate of Governing Body – Use of Exemption.
- b) The certificate of survey must clearly distinguish the prior boundary location (shown, for example, by a dashed or broken line or a notation) from the new boundary (shown, for example, by a solid line or notation).
- c) The certificate of survey must bear the signatures of all landowners whose parcels are changed by the division.
- d) Documentation showing the need or reason for the division (for example: creation of condominiums).
- e) Documentation showing compliance with all applicable requirements of the Bozeman Municipal Code or other relevant regulations.
- f) For condominiums, demonstration of compliance with 70-23 MCA, the Unit Ownership Act.
- g) Documentation of prior provision of park dedication requirements.
- h) If there are existing structures on site, an exhibit which illustrates the location of existing structures in relation to the existing and proposed property line.

## **7) Creation of rights-of-way or utility sites**

- a) A certificate of survey that is 18-by-24 inches or 24-by-36 inches with a 1½-inch margin on the binding side. The certificate of survey must include all certificates required by Chapter 38.750.150 (Subdivision Certificates), BMC, and must include all signatures except for the Gallatin County Clerk and Recorder and the Certificate of Governing Body – Use of Exemption.
- b) The certificate of survey must clearly distinguish the prior boundary location (shown, for example, by a dashed or broken line or a notation) from the new boundary (shown, for example, by a solid line or notation).
- c) The certificate of survey must bear the signatures of all landowners whose parcels are changed by the division.
- d) If there are existing structures on site, an exhibit which illustrates the location of existing structures in relation to any existing and proposed property lines.
- e) Copy of deed transferring interest in parcel being created.
- f) Statement detailing where the deed is in escrow, how long it will be in escrow, and authorization to contact the escrow agent for verification.
- g) The Certificate of Survey must indicate the name of the grantee, the relationship of the grantee to the landowner, and the parcel to be conveyed to the grantee.
- h) Completed Municipal Facilities Exclusion Checklist. Per BMC 38.410.070.C, provide an exhibit showing service line locations to the site in accordance with the City’s design and specification requirements.

## **8) MCA 76-25-402(1)(a) Creation by Order of a Court of Record**

- a) A certificate of survey that is 18-by-24 inches or 24-by-36 inches with a 1½-inch margin on the binding side. The certificate of survey must include all certificates required by Chapter 38.750.150 (Subdivision Certificates), BMC, and must include all signatures except for the Gallatin County Clerk and Recorder and the Certificate of Governing Body – Use of Exemption.
- b) The certificate of survey must clearly distinguish the prior boundary location (shown, for example, by a dashed or broken line or a notation) from the new boundary (shown, for example, by a solid line or notation).
- c) The certificate of survey must bear the signatures of all landowners whose parcels are changed by the division, or a copy of the order of the Court directing the division is provided.
- d) If there are existing structures on site, an exhibit which illustrates the location of existing structures in relation to any existing and proposed property lines.
- e) Copy of deed transferring interest in parcel being created if deeds are to be exchanged.
- f) Statement detailing where the deed is in escrow, how long it will be in escrow, and authorization to contact the escrow agent for verification.
- g) Identification of the purpose of the acquisition of land per Title 70 Chapter 30 MCA.
- h) Completed Municipal Facilities Exclusion Checklist. Per BMC 38.410.070.C, provide an exhibit showing existing service line locations to the site in accordance with the City’s design and specification requirements.

## Application Fee(s)

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For the current application fee, see the current [Fee Schedule for Planning Review](#)

## Contact Us

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