

**2023 BROADWATER
COUNTY**

**Subdivision Application
Supplements**

April 2023

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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 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 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

1. 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. Documentation on the 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.

3. 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;

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 Broadwater County Subdivision Administrator. The applicant is hereby notified that this completed form, as well as anything discussed at the related meeting, does not guarantee Broadwater County'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 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 Broadwater County that may be contacted for comment on subdivision applications:

Federal:

- ❖ United States Forest Service (USFS)
- ❖ United States Fish and Wildlife Service (USFWS)
- ❖ Bureau of Reclamation
- ❖ Geological Survey (USGS)
- ❖ Federal Emergency Management Agency (FEMA)
- ❖ Bureau of Land Management (BLM)
- ❖ Natural Resources Conservation Services (NRCS)

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

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)

Broadwater County:

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

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 Broadwater County which may need to be contacted for comments on subdivision applications. These entities may also present comments at the public hearing.

Broadwater County:

Board of Commissioners 515 Broadway Townsend, MT 59644 commissioners@co.broadwater.mt.us	County Attorney 515 Broadway Townsend, MT 59644	Clerk & Recorder Office 515 Broadway Townsend, MT 59644 <i>(records of land ownership, easements, and recording of final plat/surveys and documents.)</i> <i>There are filing fees for plats/surveys and documents.</i>
Public Works Department 515 Broadway Townsend, MT 59644 <i>(Roads, landfill, and rural addressing assistance, and serves as the County Flood Plain Manager)</i>	Sanitarian Office 515 Broadway Townsend, MT 59644	County Examining Surveyor: Contact Planning Dept.
Sheriff 519 Broadway Townsend, MT 59644	Superintendent of Schools 201 N Spruce Street Townsend, MT 59644	Weed District 515 Broadway Townsend, MT 59644
County Fire Department Broadwater County or Three Forks Rural	Ambulance Services: Billings Clinic Broadwater 110 N Oak St. Townsend, MT 59644	

State Resources:

Dept. of Fish, Wildlife, and Parks Service Montana Fish, Wildlife & Parks 1400 South 19th Ave. Bozeman, MT 59718-5496	Department of Environmental Equality (DEQ) 1520 East Sixth Avenue P.O. Box 200901 Helena, Montana 59620 (406) 444-4400 <i>{ Federal Agency is Environmental Protection Agency (EPA) }</i>	Dept. of Natural Resources (MT DNRC) 1539 11 th Avenue Helena, MT 59601
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) 2701 Prospect Ave, P.O. Box 201001 Helena, MT 59620-1001 <i>(access to state highways, Broadwater County traffic data maps, aerial photographs)</i>

Federal Resources:

Bureau of Land Management <i>(vegetation, maps, topography)</i> 5001 Southgate Drive Billings, MT 59101 (406)896-5004	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>	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>
Federal Emergency Management Agency (FEMA) U.S. Department of Homeland Security 500 C Street SW Washington, D.C. 20472 (202) 646-2500	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>	Bureau of Reclamation 316 North 26 th Billings, MT 59101 <i>Mailing Address:</i> P.O. Box 36900 Billings, MT 59107-6900

*****Disclaimer:** This list *may not* contain all departments of Broadwater County and State and Federal agencies who may have an interest or may need to be contacted for comments. The contact information may change due to: 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:

Broadwater County 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. Broadwater County Subdivision Regulations
6. Broadwater County Sanitation Regulations
7. Broadwater County Floodplain Regulations
8. Broadwater County Growth Policy

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	Table of Contents that follow this Checklist			
3	The required review fee			
4	A preliminary plat (and if applicable a preliminary site plan)			
5	A copy of the most current certificate of survey or subdivision plat pertaining to the subject parcel to be subdivided			
6	A vicinity sketch, as described in the Supplements (#5), showing the location of the nearest utilities.			
7	A topographic map			
8	A stormwater drainage plan			
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			
16	Existing mineral rights			
17	Names and addresses of all adjoining property owners (Two sets of adhesive labels for major applications)			
18	Proposed road plans and profiles, include the location and dimensions of the roads and if proposed alleys, sidewalks, and / or paths			
19	Approach/access/encroachment permits submitted to Montana Department of Transportation or the local jurisdiction			

20	Road Maintenance Agreement (or plan)			
21	Proposed easements, including the location of the nearest utilities			
22	Proposed disposition of water rights			
23	Proposed disposition of mineral rights			
24	Parkland dedication calculations, location of and description of proposed parkland, or cash-in-lieu (requirement for major subdivisions)			
25	Environmental assessment and/or summary of probable Impacts			
26	Transportation Impact Analysis/Study or Preliminary Engineering Report (PER)			
27	Noxious Weed Management Compliance Plan			
28	Existing and proposed property owners' association documents, including draft articles of incorporation, declaration and bylaws			
29	FIRM or FEMA panel map and letter identifying floodplain status			
30	Required water and sanitation information, (if required a copy of the full DEQ application)			
31	Letter requesting a revocation of agricultural covenants			
32	Letter indicating locations of cultural or historic resources			
33	Variance request; (and required variance fee)			
34	Re-zoning (or Conditional Use Permit) application or approval			
35	An engineering study that identifies the Base Flood Elevation (BFE)			
36	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)			
37	Such additional relevant and reasonable information as identified by the subdivision administrator that is pertinent to the required elements of this section			
38	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 Broadwater County 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 Completion Date:	Sufficiency Completion Date:
Planning Board Public Meeting/Hearing Date:	County Commission Public Meeting Date:
Subdivision Administrator Signature and Date:	

The Element and Sufficiency Review, Planning Board Public Hearing, and the County Commissioners 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 supplemental materials shall be organized format with a cover sheet (summary of the subdivision proposal), table of contents that reflects the application check list in Supplement 4, 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 (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 Broadwater County Subdivision Regulations and as identified the adopted Fee Schedule.

3. Preliminary Plat (and if applicable preliminary site 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, utilities 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. If development is planned in phases, a phasing plan meeting the requirements of Section IV-A-2.
 9. Title Report, dated not more than 6 months prior to the date of submittal.
 10. Lien holders' Acknowledgement of Subdivision for each lien holder identified on the Title Report or Title Insurance Guarantee.

11. Documentation of legal and physical access.
12. Documentation of existing easements, including those for agricultural water user facilities.
13. Existing covenants and deed restrictions.
14. Documentation of existing water rights.
15. Documentation of existing mineral rights.
16. Names and addresses of all adjoining property owners (Two sets of adhesive labels for major applications).
17. Proposed road plan and profile, include the location and dimensions of the roads and if proposed alleys, sidewalks, and / or paths; that includes:

Shall be drafted by a professional engineer licensed in Montana.

- a) Proposed street name(s).
 - b) Right-of-way or easement widths;
 - c) Pavement widths;
 - d) Street grades;
 - e) Pavement and base thickness;
 - f) Typical cross sections for each type of road;
 - g) Road profiles and cross sections for all proposed streets and roads which have grades exceeding 5%, or cuts and fills exceeding 3'.
 - h) The type and location of sidewalks and curbs (where required);
 - i) The minimum site distances at corners;
 - j) The minimum curb radiuses at corners;
 - k) For cul-de-sac streets:
 - a. Widths of turn around radiuses;
 - b. Minimum right-of-way widths at the turnarounds;
 - c. Minimum pavement or road surface width at the turnarounds;
 - d. Total lengths of the streets. The locations and characteristics of bridges and culverts;
 - i. The locations and dimensions of adjoining lots and open spaces;
 - ii. The locations and widths of easements and dedicated land, which provide a buffer between the subdivision lots and streets;
 - iii. Typical grading and location of intersections with private driveways; and
 - iv. Description of how the roads will be maintained.
18. Approach/access/encroachment permits from Montana Department of Transportation or the local jurisdiction;
 19. Road maintenance agreement (or plan);
 20. Proposed easements, include the location of the nearest utility;
 21. Proposed disposition of water rights, as required by Section VI-O of the subdivision regulations; a signed statement by the landowner(s) stating their intent whether they will keep the water rights or transfer the water rights.
 22. Proposed disposition of mineral rights; a signed statement by the landowner(s) stating their intent whether they will keep the mineral rights or transfer the mineral rights.
 23. 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-P of the subdivision regulations);

24. 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.
25. Transportation Impact Analysis or Transportation Plan or Preliminary Engineering Report;
Shall be drafted by a professional engineer licensed in Montana.
- a) Transportation Impact Analysis or Transportation Plan: if deemed necessary by the County Planner, County Planning Board and / or by Montana Department of Transportation the Transportation Impact Analysis or Transportation Plan shall be drafted and submitted.
 - b) 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.
26. Broadwater County Subdivision Noxious Weed Control and Management Plan shall be submitted for every new subdivision. An initial inspection for noxious weeds by the Broadwater County Weed District will accompany the submission of the Weed Plan, the Broadwater County Weed Coordinator will sign off. This agreement shall be signed and notarized by the subdivider.
27. Existing and proposed property owners' association documents, including draft articles of incorporation, declaration, and bylaws.
28. 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.
29. 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](#).

30. Letter requesting a revocation of agricultural covenants;
31. Letter indicating locations of cultural or historic resources;
32. Variance request or approval and the required Fee;
33. Re-zoning (or Conditional Use Permit) application or approval;
34. An engineering study that identifies the Base Flood Elevation (BFE)
35. Letter identifying and proposing mitigation for potential hazards or other adverse impacts not covered by any of the above required materials;
36. Such additional relevant and reasonable information as identified by the Subdivision Administrator that is pertinent to the required elements of this section.
37. 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
Office 1520 East Sixth Avenue
P.O. Box 200901
Helena, Montana 59620
(406) 444-4400

Broadwater County Sanitation

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

Broadwater County Sanitation Office

Broadwater County Planner Office

SUPPLEMENT 7: ENVIRONMENTAL ASSESSMENT (76-3-603, MCA)

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 typed. 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 more than 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 that 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 (76-3-608, MCA)

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.

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).
- 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.
- 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 county road).
- d. What are the present tax revenues received from the unsubdivided land?
- i. By the County \$ _____
 - ii. By the school(s) \$ _____
- e. How many special improvement districts would be created which would obligate local government fiscally or administratively?

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? Would soils be contaminated by sewage treatment systems?
 - iii. Would construction of roads or building sites require cuts and fills on steep slopes or cause erosion on unstable, erodible soils?
 - 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 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, including but not limited to: natural hazards, lack of water, drainage problems, heavy traffic, airports, railroads, dilapidated structures, high pressure gas lines, high voltage power lines, or irrigation ditches or irrigation structures, adjacent industrial or mining uses. 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 subdivider would mitigate the hazardous conditions described in 7-a.
 - 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 in 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 Broadwater County 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 regulations?
 - 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 because 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. Request 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.
- c. If the subdivider is unable to obtain a response from the School Administrator within six weeks of the date of request, the application may be deemed complete.
- d. If a school bus turnaround or route is to be amended or altered the subdivider shall ensure the County Road Department, School Transportation Committee and School Board agree to these alterations.

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. Describe the proposed method of collecting and disposing of solid waste from the development.
- e. 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:
 - 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 -- Is the County Sheriff's Department aware of the subdivision's anticipated needs?
- b. Can the fire and police protection service need 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: BROADWATER COUNTY SUBDIVISION
NOXIOUS WEED MANAGEMENT PLAN

SUBMISSION PACKET CHECKLIST

The following items are to be submitted to the Broadwater County Weed District in one complete packet ('Submission Packet'). All items must be accounted for prior to **Approval** or **Approval with Modifications**.

- ☐ Signed Letter of Agreement
- ☐ Map(s)
- ☐ Complete and Signed Noxious Weed Management and Revegetation Plan
- ☐ Scheduled Site Visit with the Broadwater County Weed District Representative (*Appendix A*)
- ☐ Payment of Site Application and Inspection Fees and Plan Preparation Fees (*if applicable*)

Please Note: The Submission Packet will be reviewed and approved, approved with modifications, or rejected by the Broadwater County Weed Board at regularly scheduled monthly meetings. The Submission Packet **must** be submitted to the Broadwater County Weed District Office at least **ten (10) business days** prior to the regularly scheduled board meeting. Broadwater County Weed Board meetings are scheduled on the 3rd Wednesday of each month.

Requirements for Subdivision and Preliminary Plat Approval

Per the Montana County Weed Control Act, Section 7-22-2152, **PRIOR** to subdivision activity, which includes, but is not limited to, groundbreaking, soil disturbance, and/or construction, a Noxious Weed Management and Revegetation Plan must be completed by the Subdivider/Landowner or Weed Management Professional¹ and submitted to the Broadwater County Weed District Office. The plan template will assist with specific methods to be used for:

- The management of noxious weeds already infesting land(s) within the subdivision or that may arise during development.
- The revegetation of disturbed areas within the subdivision.

This plan is subject to approval by the Weed Board, which may require revisions to bring the plan into compliance with the District's Noxious Weed Management Plan and the Montana County Weed Control Act. The Letter of Agreement and Noxious Weed Management and Revegetation Plan are binding documents and the Subdivider(s)/Landowner(s) must abide by the terms of the Agreements.

If there are any questions, concerns, or need for assistance, please call the Weed District Office at 406-266-9243.

LETTER OF AGREEMENT

The purpose of the Broadwater County Subdivision Submission Packet is threefold:

1. Promote the prevention of noxious weeds and their seeds as a public nuisance under Montana Law. It is unlawful to permit noxious weeds to grow (MCA 7-22-2101 through 7-22-2153).
2. Mitigate the potential spread of existing infestations, while monitoring for new invaders.
3. Promote education and awareness for landowners to be knowledgeable of, and responsible for, their noxious weed problems. Noxious weeds will continue to be a problem and will require continued vigilance, even beyond the scope of this agreement.

*The following are requirements that apply to all subdivisions in Broadwater County. Please **check the boxes** for each corresponding line item, sign and date at the bottom, and include with Submission Packet.*

- ☐ The Noxious Weed Management and Revegetation Plan must be completed by the Subdivider/Landowner or Weed Management Professional and approved by the Broadwater County Weed Board **PRIOR** to any subdivision activity.
- ☐ The Subdivider/Landowner/Homeowner Association agrees to abide by the Montana County Weed Control Act, Title 7, Chapter 22, Sections 7-22-2101 through 7-22-2153, as well as to the standards specified in the Noxious Weed Management and Revegetation Plan on all properties, parks, and rights-of-way within the subdivision.
- ☐ The Subdivider/Landowner shall pass on the obligations of this agreement to the purchaser of a subdivided tract by placing the requirements agreed to in this letter and management plan as a condition of the sale.
- ☐ A statement shall be placed on the face of the Final Plat stating: "Weed management will be the responsibility of the individual property owners within the subdivision." (MCA 7-22-201 through 7-22-2153)
- ☐ All borrow materials such as gravel, sand, topsoil, rock, road mix, mulch, straw, hay, and grass seed must come from a noxious weed free source. No noxious weed contaminated material may be removed from the site and placed in an area not infested with noxious weeds.
- ☐ Inspections done November through April are not conclusive, due to time of year and noxious weed growth stage. Thus, applications will have their inspection as soon as conditions allow, and modifications to the Noxious Weed Management and Revegetation Plan will be made at the discretion of the Broadwater County Weed District.
- ☐ The agreements set forth in this Letter and Noxious Weed Management and Revegetation Plan are effective upon the date of approval by the Broadwater County Weed Board and is effective for three years (3) from final plat recordation date. A new agreement is required after the effective date has expired.
- ☐ Subdivider/Landowner shall submit documentation that the Noxious Weed Management and Revegetation Plan has been implemented no later than **December 20th** of each year the agreements are effective. Documentation requirements can be found in Appendix C.
- ☐ The Broadwater County Weed District reserves the right of spot-inspection, throughout the longevity of the agreement, for compliance.

By checking the boxes above and signing below, the Subdivider/Landowner is agreeing to the terms outlined in the Letter of Agreement, the Noxious Weed Management and Revegetation Plan, and Montana County Weed Control Act for the longevity of the agreements' effectiveness. Failure to adhere to the terms of the agreements will result in the Non-Compliance (MCA 7-22-2131) process.

<hr/> <div>Printed Name of Applicant</div>	<hr/> <div>Applicant Signature</div>	<hr/> <div>Date</div>
<hr/> <div>Printed Name of Weed Board Chair</div>	<hr/> <div>Weed Board Chair Signature</div>	<hr/> <div>Date</div>
<hr/> <div>Printed Name of New Landowner</div>	<hr/> <div>New Landowner Signature</div>	<hr/> <div>Date</div>

BROADWATER COUNTY NOXIOUS WEED POLICY AND INSTRUCTIONS

1. A Broadwater County Weed District Subdivision Submission Packet will be filed with the Weed Board at least **ten (10) business days** prior to a regularly scheduled board meeting. Any subdivision activity and preliminary plat approval may not occur until the Submission Packet has been approved by the Weed Board.
 - a. Upon receipt of the Submission Packet, the Broadwater County Weed Board has ten (10) business days from the regularly scheduled meeting to approve, or approve with modifications, or deny the Noxious Weed Management and Revegetation Plan.
2. The Noxious Weed Management and Revegetation Plan has been developed to assist Subdividers/Landowners in identifying measures to control noxious weeds within a subdivision. The Plan will include:
 - a. The name and address of the property owner or applicant;
 - b. The legal description and location of the property;
 - c. Map(s):
 - i. Please include a map identifying as many features present on the property as possible. In addition, noxious weed infestations should be indicated, as well as any areas of environmental or special concern (ie. waterways, wells, sensitive plant/animal/fish species, etc.).
 1. Acceptable map formats include:
 - a. Plat maps (preferred), topographic maps, and/or aerial maps;
 - d. Noxious weed data:
 - i. Noxious weed species present. A full state and County list can be found in Appendix D;
 - ii. Approximate number of acres infested with noxious weeds;
 - iii. Anticipated land use and other environmental concerns; and
 - iv. Weed control and prevention activities and measures that will be taken to control for noxious weeds;
 - e. Revegetation data:
 - i. This section of the plan must be filled out only if the soil on the property will be disturbed at any point during the longevity of the project. Examples of soil disturbance include, but are not limited to: road construction, grading, backfilling during construction, and/or project development; and
 - f. Signature of Subdivider/Landowner.
3. A Broadwater County Weed District representative will inspect the proposed subdivision. It is the responsibility of the Subdivider/Landowner to coordinate work with the representative's schedule and ensure access to the proposed subdivision.
4. A fee will be paid by the Subdivider/Landowner to defray the expenses of Submission Packet review and onsite inspection. All fees will be paid in cash, check, or credit card (with a 3.33% fee), to the Broadwater County Weed District and are due at initial filing and are non-refundable. Fees are as follows:
 - a. Minor Subdivisions (1-5 lots): \$250.00 plus \$20/lot
 - b. Major Subdivisions (6+ lots): \$400.00 plus \$20/lot
 - c. Mileage: State rate of \$0.58/mile. Fee is applicable only if inspection site is more than twenty (20) miles ROUNDTRIP from 515 Broadwater County Road, Townsend, MT 59644.
 - d. Noxious Weed Management and Revegetation Plan Completion Fee
 - i. If the Subdivider/Landowner chooses to have the Broadwater County Weed District complete the Plan, an additional fee will be assessed. The fee is:
 1. \$150.00 for the first two hours.
 2. \$50/hour for any time after the first two hours.
 - e. Submission Packets will not be accepted unless accompanied by applicable fees.
5. After review of the Submission Packet and onsite inspection of the subdivision site, the Broadwater County Weed Board will approve, approve with modifications, or reject the application.
 - a. If the Submission Packet is approved, or approved with modifications, an approval letter will be sent to:
 - i. The Subdivider/Landowner
 - ii. The Broadwater County Planning Board
 - b. If the Submission Packet is rejected, the Subdivider/Landowner has the following options:
 - i. The Noxious Weed Management and Revegetation Plan may be revised by the applicant and resubmitted to the Weed Board for review.
 - ii. The applicant may request assistance from the Weed District in revising the Plan.
 - iii. The applicant may request an administrative hearing pursuant to MCA 7-22-2110.

BROADWATER COUNTY NOXIOUS WEED MANAGEMENT AND REVEGETATION PLAN

Before any subdivision activity may occur, please complete and submit a signed copy of the Noxious Weed Management and Revegetation Plan, with the remainder of the Submission Packet, to the Broadwater County Weed District Office for review by the Weed Board. Upon approval, the Weed Board Chair will sign all Submission Packet documents and the agreements will be considered to be effective from that date forward to three (3) years from final plat recordation date. After that term expires a new agreement will be required. These are binding agreements.

NAME OF PROJECT/SUBDIVISION: _____

NAME OF APPLICANT: _____

MAILING ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP:** _____

PHONE: _____ **EMAIL:** _____

PREFERRED METHOD OF CONTACT:

☐ **Email**

☐ **Phone**

☐ **Mail**

NAME & BUSINESS OF WEED MANAGEMENT PROFESSIONAL (if applicable):

PHONE: _____ **EMAIL:** _____

LEGAL DESCRIPTION OF PROPERTY:

_____ ¹/₄ _____ ¹/₄ _____ ¹/₄

Section: _____ **Township:** _____ **Range:** _____

PLEASE INCLUDE A SITE MAP WITH FEATURES, WEED INFESTATIONS, ETC.

I. PROJECT OVERVIEW

Describe what the intentions are for developing this property:

What are your land management goals for this property?

II. LANDSCAPE DATA *(Montana Natural Heritage website is very helpful)*

Describe the present ground cover on the property. What type of soil(s) is present (*ie. loam, clay, gravel, sandy, etc.*)?

List any water sources (streams, ditches, lake, pond, well, spring, drainages/gullies, etc.) that are on the property. Is the water table shallow or deep?

List any sensitive plant, wildlife, fisheries, or riparian areas that are/may be found on the property.

III. NOXIOUS WEED DATA

What noxious weed species are present on the property (*see Appendix D for State and County list*)?

How many total acres is the property? _____

How many acres are infested with noxious weeds? _____

IV. NOXIOUS WEED MANAGEMENT

Please describe the methods of weed management that will be utilized on the property. One method alone will never achieve good weed management. An integrated approach, utilizing several techniques that are compatible with your property goals, is encouraged by the Broadwater County Weed Board.

1. Prevention (certified seed/hay, clean fill, revegetation of disturbed sites, etc.)

Chemical (herbicides)

2. Mechanical (hand-pulling, mowing, burning, etc.)

3. Biological (grazing, biological insectary, etc.)

4. Cultural (crop rotation, intensive pasture management, revegetation, etc.)

Who will conduct the noxious weed control activities (described above) on the property? A list of Commercial Applicators can be found at the Broadwater County Weed District Office.

If utilizing herbicide, please fill out the table below.

Noxious Weed Species	Herbicide(s)	Rate of Application

The timing of herbicide applications will greatly affect the success of a chemical control efforts. When do you intend to apply herbicides?

What additional measures will be taken to ensure safe and efficient herbicide use, lowering the impact on sensitive species, water quality and soil health?

Describe how you will monitor and measure the success of your plan.

V. REVEGETATION PLAN

Are any soil disturbances planned over the longevity of the Plan?

☐ YES ☐ NO

If YES, complete the following revegetation section.

Describe the type of disturbance and size in acres.

Describe the revegetation work to be done.

What is the average precipitation per year at the property? Will the area be irrigated?

What type of seed will be used to reseed? Where will you obtain the seed? How many pounds per acre of seed mix will be used?

Will the seeded area be fertilized? What type of fertilizer will be used?

What is your revegetation timeline for the property? *Please include details on when revegetation will occur, how often, how will the site be monitored and evaluated, etc.*

VI. GRAVEL SOURCE

Please list the source of gravel/pit run/road mix/topsoil/etc. brought on-site for disturbance mitigation and/or construction. *Source must be weed-free.*

Name of Source(s):

Location(s):

Contact Person(s) and Phone Number(s):

VII. SIGNATURE

The undersigned Subdivider/Landowner agrees to abide by this Broadwater County Subdivision Noxious Weed Management and Revegetation Plan following approval by the Broadwater County Weed Board. By entering this Plan, the Subdivider/Landowner and the Weed Board, or its representatives, shall have the right to revise this Plan as necessary to effectuate the purposes of the property, the Noxious Weed Management and Revegetation Plan, and/or the Montana County Weed Control Act. All changes must be mutually agreed upon by each party and placed in writing. The approval of this plan does not reduce the Subdivider/Landowner’s liability for damage caused by compliance with the approved plan. Nor does the Broadwater County Weed District in authorizing this plan in any way acknowledge liability for damage caused by the landowner’s implementation of the authorized plan. Plan is effective from date of Approval or Approval with Modifications by the Broadwater County Weed Board through three (3) years post Final Plat approval. After that term has expired a new agreement is required.
I do herby certify that all of the information contained in this plan and all supplemental information are true and accurate. I agree to abide by the Broadwater County Noxious Weed Management and Revegetation Plan in accordance with Broadwater County Weed Management Plan and the Montana County Weed Control Act.

Applicant Signature

Date

VIII. WEED BOARD REVIEW

After review of the aforementioned Broadwater County Subdivision Noxious Weed Management Plan, the Broadwater County Weed Board delivers the following decision:

☐ **Approve**

Date:

☐ **Approve with Modifications**

Date:

Modification(s) Required:

☐ **Reject**

Date:

Reason(s) for Rejection:

Signature: Broadwater County Weed Board Chairperson

BROADWATER COUNTY WEED DISTRICT INSPECTION REPORT

Landowner/Subdivision: _____

Mailing Address: _____

Phone Number: _____

Email Address: _____

Date of Inspection: _____

Noxious Weed Species Present:

Additional Recommendations/Modifications:

Comments:

Printed Name of Weed District Representative

Signature

Date

APPENDIX A: SITE VISIT SCHEDULING FORM

Please submit this form with your final Submission Packet. It is the responsibility of the Subdivider/Landowner to work with the Broadwater County Weed District representative's schedule and ensure access to the proposed subdivision. The representative will do their best to schedule around preferred dates and times proposed in form below, however an alternative date may need to be scheduled and adhered to by the Subdivider/Landowner.

Proposed dates must fall within the 10-business day approval timeline, upon submission of packet to the Weed District. Inspection times are Monday-Friday between 8am and 5pm. The Broadwater County Weed District representative will contact the Subdivider/Landowner with the final date and time of the inspection.

Date of Request: _____

Requested By: _____

Company Name: _____

Phone Number: _____

Email Address: _____

Project Address:

Preferred Inspection Date: _____

Alternative Date: _____

Alternative Date: _____

APPENDIX B: APPROVED WEED MANAGEMENT PROFESSIONALS

Per the Letter of Agreement, the Broadwater County Noxious Weed Management and Revegetation Plan is to be completed by the Subdivider/Landowner or a Weed Management Professional. This is to ensure accuracy and understanding of the Plan and Montana County Weed Control Act.

The staff at the Broadwater County Weed District can complete the Plan for the Subdivider/Landowner, with some required assistance of the Subdivider/Landowner, at the fee scale below:

- \$150.00 for the first two hours of Plan development.
- \$50/hour for any hours after the first two hours of Plan development.

Other local Weed Management Professionals, and their contact information, are listed below. If you have an alternative professional in mind, please contact the Broadwater County Weed District Office directly for approval.

Approved Weed Management Professionals

Nitro Green

Brad Culver 443-5088

JHS Inc

John Semple 443-7487

West River Land Management LLC

Nigel Davis 437-1709

Ernst Weed Control

Jeff Ernst 442-5514

Tru Green Chem Lawn

Charles Ball 441-2244

Helena Weed Control

Bob Summers 439-2765

Hidden Waterfall Consulting LLC

Dave Burch 461-4719

APPENDIX C: REQUIRED ANNUAL DOCUMENTATION OF WEED MANGEMENT AND REVEGETATION ACTIVITIES

Noxious weeds are detrimental to the landscape and require consistent attention by weed managers and landowners every year. The Subdivider/Landowner shall submit documentation that the Noxious Weed Management and Revegetation Plan has been/is being implemented. The following information is to be included in the documentation packet:

- A Narrative (1-2 paragraphs), signed and dated, that includes:
 - What work was accomplished and when?
 - How many acres and/or infestations identified in Plan were treated?
 - How many acres identified in Plan were reseeded?
 - Any new noxious weed species identified?
 - Who completed the work and contact information (if not self)?
 - What successes did you have?
 - What challenges/concerns arose?
- If contracted, please submit a copy of all invoices and application records
- If self-treated, please submit a copy of all receipts for herbicides purchased and application records.

Documentation shall be submitted to the Broadwater County Weed District Office no later than **December 20th** of each year the Noxious Weed Management and Revegetation Plan is effective. Documentation may be submitted in-person, mail, or email. Please contact the Weed District Office at 406-266-9243 for any questions, concerns, or assistance with reporting.

APPENDIX D: STATE AND COUNTY NOXIOUS WEED LIST

Priority 1A	<p>These weeds are not present or have a very limited presence in Montana. Management criteria will require eradication if detected, education, and prevention:</p> <ul style="list-style-type: none"> - Yellow starthistle (<i>Centaurea solstitialis</i>) - Dyer's woad (<i>Isatis tinctoria</i>) - Common Reed (<i>Phragmites australis</i> ssp. <i>australis</i>) - Medusahead (<i>Taeniatherum caput-medusae</i>)
Priority 1B	<p>These weeds have limited presence in Montana. Management criteria will require eradication or containment and education:</p> <ul style="list-style-type: none"> - Knotweed complex (<i>Polygonum cuspidatum</i>, <i>P. sachalinense</i>, <i>P. × bohemicum</i>, <i>Fallopia japonica</i>, <i>F. sachalinensis</i>, <i>F. × bohémica</i>, <i>Reynoutria japonica</i>, <i>R. sachalinensis</i>, and <i>R. × bohémica</i>) - Purple loosestrife (<i>Lythrum salicaria</i>) - Rush skeletonweed (<i>Chondrilla juncea</i>) - Scotch broom (<i>Cytisus scoparius</i>) - Blueweed (<i>Echium vulgare</i>)
Priority 2A	<p>These weeds are common in isolated areas of Montana. Management criteria will require eradication or containment where less abundant. Management shall be prioritized by local weed districts:</p> <ul style="list-style-type: none"> - Tansy ragwort (<i>Senecio jacobaea</i>, <i>Jacobaea vulgaris</i>) - Meadow hawkweed complex (<i>Hieracium caespitosum</i>, <i>H. praealtum</i>, <i>H. floridundum</i>, and <i>Pilosella caespitosa</i>) - Orange hawkweed (<i>Hieracium aurantiacum</i>, <i>Pilosella aurantiaca</i>) - Tall buttercup (<i>Ranunculus acris</i>) - Perennial pepperweed (<i>Lepidium latifolium</i>) - Yellowflag iris (<i>Iris pseudacorus</i>) - Common buckthorn (<i>Rhamnus cathartica</i> L.) - Flowering rush (<i>Butomus umbellatus</i>) - Eurasian watermilfoil (<i>Myriophyllum spicatum</i>) - Ventenata (<i>Ventenata dubia</i>)
Priority 2B	<p>These weeds are abundant in Montana and widespread in many counties. Management criteria will require eradication or containment where less abundant. Management shall be prioritized by local weed districts:</p> <ul style="list-style-type: none"> - Leafy spurge (<i>Euphorbia esula</i>) - Saltcedar (<i>Tamarix spp.</i>) - Oxeye daisy (<i>Leucanthemum vulgare</i>)

	<ul style="list-style-type: none"> - St. Johnswort (<i>Hypericum perforatum</i>) - Russian knapweed (<i>Acroptilon repens</i>, <i>Rhaponticum repens</i>) - Spotted knapweed (<i>Centaurea stoebe</i>, <i>C. maculosa</i>) - Diffuse knapweed (<i>Centaurea diffusa</i>) - Dalmatian toadflax (<i>Linaria dalmatica</i>) - Houndstongue (<i>Cynoglossum officinale</i>) - Sulfur cinquefoil (<i>Potentilla recta</i>) - Common tansy (<i>Tanacetum vulgare</i>) - Yellow toadflax (<i>Linaria vulgaris</i>) - Whitetop (<i>Cardaria draba</i>, <i>Lepidium draba</i>) - Field bindweed (<i>Convolvulus arvensis</i>) - Canada thistle (<i>Cirsium arvense</i>) - Curlyleaf pondweed (<i>Potamogeton crispus</i>) - Hoary alyssum (<i>Berteroa incana</i>)
Priority 3	<p>Regulated Plants: (NOT MONTANA LISTED NOXIOUS WEEDS)</p> <p>These regulated plants have the potential to have significant negative impacts. The plant may not be intentionally spread or sold other than as a contaminant in agricultural products. The state recommends research, education and prevention to minimize the spread of the regulated plant.</p> <ul style="list-style-type: none"> - Cheatgrass (<i>Bromus tectorum</i>) - Hydrilla (<i>Hydrilla verticillata</i>) - Russian olive (<i>Elaeagnus angustifolia</i>) - Brazilian waterweed (<i>Egeria densa</i>) - Parrot feather watermilfoil (<i>Myriophyllum aquaticum</i> or <i>M. brasiliense</i>)
Priority 4	<p>COUNTY DESIGNATED NOXIOUS WEEDS</p> <p>These plants have the potential for serious negative impacts. Management criteria will require eradication or containment. Control of these plant species is required by Broadwater County.</p> <ul style="list-style-type: none"> - Musk Thistle (<i>Carduus nutans</i>) - Bull Thistle (<i>Cirsium vulgare</i>) - Black Henbane (<i>Hyoscyamus niger</i>) - Baby's Breath (<i>Gypsophila paniculata</i>) - Burdock (<i>Arctium minus</i>) - Perennial Sowthistle (<i>Sonchus arvensis</i>)

Supplement 11: **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 individual designated representative (if applicable):
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);
- Final plat review fee;
- A 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;
- Title Report or updated Title Abstract dated no less than 30 days old prior to date of submittal
- Acknowledgement form all Lienholders, if applicable;
- DEQ and or Local reviewing authority (County Health Department);
- 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 certificates consistent with samples included in the Supplements;
- Subdivision Improvements Agreement and acceptable financial security guarantee;
- Final Plat one 11"x17" and one 18"x24" or larger with all appropriate certificates signed;
- Examining Land Surveyor approval; and
- 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

☐ Final plat application (this form, signed)
☐ Final plat review fee
☐ A 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;
☐ Title Report or updated Title Abstract dated no less than 30 days old prior to date of submittal
☐ Acknowledgement from all Lienholders, if applicable
☐ DEQ and or Local reviewing authority (County Health Department)
☐ All road plans and profiles, state or local encroachment permits, and traffic studies (if required);
☐ Road Maintenance Agreement, if required
☐ Noxious Weed Plan, signed and notarized by landowner and/or subdivider
☐ 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
☐ Subdivision Improvements Agreement and acceptable financial security guarantee
☐ Final Plat one 11"x17" and one 18"x24" or larger with all appropriate certificates signed
☐ Examining Land Surveyor Approval
☐ List of additional documents.

Other Staff Comments: _____

 Application complete Date:

Subdivision Administrator signature

Date by which Final Plat must be approved or rejected: _____

SUPPLEMENT 12: Sample of Road Maintenance Agreement

MODEL ROAD USE AND MAINTENANCE DECLARATION

Return after recording to:

_____ SUBDIVISION

ROAD USE AND MAINTENANCE DECLARATION

This Declaration is made this _____ day of _____, 20__ by _____, hereinafter referred to as “Declarant”.

WHEREAS, the DECLARANT is the owner of certain real property that has been divided into Lots 1 – _____, as shown on the subdivision plat on file and of record in the office of the Broadwater County Clerk and Recorder entitled _____, located in Section _____ Township _____ North, Range _____ East, Broadwater County, Montana, and

WHEREAS, the DECLARANT does hereby give, grant, and convey unto all subsequent landowners, their successors and assigns, the right, privilege, and authority to construct, reconstruct, maintain, operate, repair, improve, and to travel upon and use, a road, pedestrian/bicycle trail and necessary fixtures and appurtenances through, over, and across the right of way and access easement(s) shown on the subdivision plat.

WHEREAS, the DECLARANT wishes to subject the real property to requirements for the future maintenance of the internal roadway(s) as shown on the subdivision plat hereinafter set forth, each of which shall inure to the benefit of and pass with the said property, and each and every parcel thereof, and any owner thereof;

NOW THEREFORE, the DECLARANT hereby declares that the real property is and shall be held, transferred, sold, and conveyed subject to the following requirements:

1. The roadway within the subdivision shall be maintained in a good and passable condition under all traffic and weather conditions.
2. The costs for maintenance and repair of the roadway and pedestrian/bicycle facilities, including associated stormwater infrastructure and signage, shall be divided equally between each lot owner. Each lot owner shall pay its equal share and have one vote per lot, including but not limited to:
 - a. Maintenance and repair of the roadway(s) and pedestrian/bicycle facilities, including snow removal, grading, dust control and other surface maintenance
 - b. Maintenance and repair of the stormwater culverts and drainage features;
 - c. Maintenance and repair of all roadway signage and striping;
 - d. The routine maintenance of the items in a. through c. above shall be performed when the Board of Directors for the _____ Homeowners Association, Inc. or the landowners in the _____ subdivision votes by simple majority to have such maintenance or improvements performed.

- e. Private driveways must be constructed without encumbering the drainage ways adjacent to the roadway, and
- f. Other improvements may be authorized by a vote of at least 75 percent of the lot owners.

Term: This declaration shall run with and bind the land in perpetuity. It may be amended at any time by the owners of 75% of all the lots either at a meeting of the Owners or by written ballot mailed to all the Owners or by a combination of votes at a meeting and by written ballot. The Amendments must be filed in the Office of the Clerk and Recorder of Broadwater County, MT with a document showing the specific amendment made and a certification by that the amendment received the required approval of the landowners.

Enforcement: Any Owner and/or the Homeowners Association shall have the right to enforce by any proceeding at law or in equity all covenants, conditions and restrictions now or hereafter imposed by the provisions of this Declaration. Failure by the Owner(s) or by the Homeowners Association to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Delinquent Payments: In the event payment for any assessment becomes delinquent, the assessment and interest and the cost of collection shall become a continuing lien on the lot.

Outside Parties: In the event a party to this agreement subdivides a lot, or in the event outside parties may be required to use the road and pedestrian/bicycle facilities, the owners of the additional lots shall be subject to this agreement and pay a pro rata share for maintenance and improvements and shall have one vote per lot.

Severability: Invalidation of any of these covenants or restriction by judgment or court order shall in no way affect any of the remaining provisions, which shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has hereunto set his hand this ____ day of _____, 20____.

Declarant

STATE OF MONTANA)
) ss.
County of _____)

On this ____ day of _____, 20____, before me, the undersigned, a Notary Public for the State of Montana, personally appeared _____, known to me to be the persons whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal this ____ day of _____, 20____.

Notary Public for the State of Montana
Residing at _____, Montana
My commission expires _____

XX

Or Sample Road User's Maintenance Agreement

DECLARATION CREATING ROAD USER'S AGREEMENT FOR THE ROADWAY(S) WITHIN THE _____ SUBDIVISION. This declaration is made by _____ ("Declarant"). WHEREAS, Declarant is the present owner of the real property described below and wishes to impose requirements for the future maintenance of internal subdivision roadway(s); WHEREAS, the real property which is subject to provisions of this Declaration is more particularly described as follows: _____ Subdivision, located in Section _____, Township North, Range East, Broadwater County, Montana;

NOW, THEREFORE, Declarant declares the following requirements to assure maintenance of the roadway or roadways within the above-described subdivision. These requirements shall run with the land and shall be binding upon and enforceable by the owner (or owners) of each lot located within the above-described subdivision, their heirs, successors, and assigns.

1. The roadway or roadways within the above-described subdivision shall be maintained in good and passable condition under all traffic and weather conditions.
2. The costs for maintenance and repair of the roadway or roadways, including associated storm-water infrastructure and signage, shall be divided equally between each lot. Each lot owner (or owners) shall pay its equal share, including but not limited to:
 - a. Maintenance and repair of the roadway(s) and pedestrian/bicycle facilities, including snow removal, grading, dust control and other surface maintenance.
 - b. Major improvements, including new pavement, re-striping, new sidewalks, and new curbs.

Dated this ____ day of _____, 20 ____.

By:

Declarant

STATE OF MONTANA)
) ss.
County of _____)

On this ____ day of _____, 20____, before me, the undersigned, a Notary Public for the State of Montana, personally appeared _____, known to me to be the persons whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal this ____ day of _____, 20____.

Notary Public for the State of Montana
Residing at _____, Montana
My commission expires _____

SUPPLEMENT 13: Sample of Agricultural Covenant Removal

COME NOW Name(s), owners of the following described real property, hereinafter called Owners, and the Board of County Commissioners of Broadwater County, 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 Broadwater 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., Broadwater County, 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, Chair
BOARD OF COUNTY COMMISSIONERS
BROADWATER COUNTY, MONTANA

ATTEST:

NAME of Clerk

BROADWATER COUNTY CLERK & RECORDER

Seal

BY: _____

STATE OF MONTANA)
) ss.
County of Broadwater)

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 Townsend, Montana.
My commission expires: _____

SUPPLEMENT 14: SAMPLE CERTIFICATES

- Certificate of Completion of Public Improvements Agreement
- Certificate of Surveyor – Final Plat
- Certificate of Dedication – Final Plat
- Certificate of Conditions of Approval
- Certificate of Consent to Dedication by Encumbrances
- Certificate of Acceptance of Cash-in-Lieu of Park Land Dedication
- Certificate of Examining Land Surveyor Where Required – Final Plat
- Certificate of County Treasurer
- Certificate of Final Plat Approval – County
- Certificate of Final Plat Approval – City
- Certificate of Filing by Clerk and Recorder

XX

Certificate of Completion of Public Improvements Agreement

(To be submitted with application for approval of final subdivision plat)

CERTIFICATE OF COMPLETION

I, (Name of Subdivider), and I, (Name of Subdivider's Registered Engineer), a registered professional engineer licensed to practice in the State of Montana, hereby certify that the following public improvements, required as a condition of approval of (Name of Subdivision), have been installed in conformance with the attached engineering specifications and plans: (List the improvements installed.)

Signature of Subdivider

Date

Signature of Professional Engineer

Date

Registration No. _____

Address

(Engineers Seal)

XX

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 Board of County Commissioners, Broadwater County, 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 Broadwater County Subdivision Regulations.

Dated this _____ day of _____, 20__.

(Chairman, Board of Broadwater County Commissioners)

ATTEST:

(Seal of County)

(Signature of Clerk and Recorder)
Broadwater County, 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,
Broadwater 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 Broadwater County Commissioners)

ATTEST:

(Seal of County)

(Signature of Clerk and Recorder)
Broadwater County, Montana

XX

Certificate of Final Plat Approval – City

The (Council) of the City (Town) of (Name of City or Town), 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 City or Town Clerk)
Clerk

(Signature of Mayor)
Mayor

XX

Certificate of Filing by Clerk and Recorder

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

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

9. Inspection and Certification:

- a. The County 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 County inspection and certification. Before requesting County certification of any improvement the Subdivider shall present to the County valid lien waivers from all persons providing materials or performing work on the improvement.
 - b. Certification by the County does not constitute a waiver by the County 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 County 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 County 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 County accepts dedication of the improvements.
11. Reduction of Security: After the acceptance of any improvement, the amount that the County 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 County 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 County for the one year warranty period plus an additional 90 days.
12. Use of Proceeds: The County 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 County 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 County 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 County. The County may complete improvements itself or contract with a third party for completion, or the County 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 County if and only if the subsequent subdivider agrees in writing to complete the unfinished improvements.
- b. In addition, the County 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 County until the improvements are completed and certified by the County.

16. Indemnification: The Subdivider agrees to indemnify and hold the County 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 County.

17. Amendment or Modification: The Parties to this Agreement may amend or modify this Agreement only by written instrument executed on behalf of the County 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 County 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 County 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 County 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 County 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 County. Such approval may not be withheld unreasonably, but any unapproved assignment is void. There is no prohibition on the right of the County to assign its rights under this Agreement.

The County 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 County 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_____.

(Chairman, Board of Broadwater County Commissioners)

ATTEST:

(Seal of County)

(Signature of Clerk and Recorder)
Broadwater County, Montana

Name of Subdivider

[illegible]

On this ____ day of _____, 20__, before me, the undersigned, a Notary Public for the State of Montana, personally appeared _____, known to me to be the persons whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal this ____ day of _____, 20____.

Notary Public for the State of Montana
Residing at _____, Montana
My commission expires _____

SUPPLEMENT 16: 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 improvements. A suggested irrevocable letter of credit and commentary are included as part of this Supplement. 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. Irrevocable Letter of Credit

Subject to governing body approval, the subdivider shall provide the governing body an irrevocable 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 County of Broadwater. 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 17: IRREVOCABLE LETTER OF CREDIT

Letter of Credit No. _____

Name of Local Government: _____

Date: _____

Address: _____

To Whom It May Concern:

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 19: 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 County Planner.

The required copies of the all supplemental 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:

- County Planner Office, 1 paper copies and an electronic form (PDF) *additional copies upon request
- Broadwater County Public Works Supervisor (prefers pdf file, if possible)
- County Sanitarian (information required for DEQ or local sanitation review)

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 (PDF)

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

SUPPLEMENT 20: PLANNING BOARD AND GOVERNING BODY MEETING DATES

County Planning Board Membership:

5 members

To confirm Planning Board meeting date or for more information email the Broadwater County Community Development Office at planning@co.broadwater.mt.us

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

Broadwater County Commissioners:

3 members

To confirm the dates or assistance email the Broadwater County Commissioners' Office at commissioners@co.broadwater.mt.us

SUPPLEMENT 21: FINAL SITE PLAN REQUIREMENTS

Section VI-A-1(d) of the Broadwater County 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 22: 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 2021 Broadwater County Subdivision Regulations (BCSR, Section IX).

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

The Exemption Review Criteria (BCSR, Section IX) includes:

- i. The nature of the claimant's business
- ii. The prior history of the tract in question (the tract of record on file at the County Clerk & Recorder Office filed prior to July 1, 1973)
- 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 [BCSR, Sections IX-B-2(a & b)]:

Two paper copies 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-two 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 Broadwater 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: 43- _____
Parcel Total Size: _____ Number of tract being created: _____
Existing Use: _____

Parcel (2)
Legal Description: _____
Section _____ Township _____ Range _____
GEO Code: 43- _____
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 BCSR Section IX-C-1

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 BCSR Section IX-C-2

(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 BCSR Section IX-C-3

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 BCSR Section IX-C-7

____ 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 BCSR Section IX-C-4, 5 & 6

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 _____ as the claimant divided property in Broadwater County by use of an exemption after July 1, 1974?
Yes _____ No _____

- b. If the claimant has previously used exemptions to divide property in Broadwater 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, initial for each

- 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.

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 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 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 sanitary restrictions imposed under Title 76, Chapter 4. .

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 Broadwater)

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: _____

Broadwater County Commissioners

Chairperson

Commissioner

Attest:

Commissioner

Broadwater 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 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.

XX

**Certificate of Exemption
Approval by Governing Body**

The Board of County Commissioners of Broadwater County, Montana hereby certifies that the Commissioners have examined the (INSERT TYPE OF EXEMPTION USED) Certificate of Survey and found it to be exempt from subdivision review.

Dated this _____ of day _____, 20 ____.

Attested by:

NAME

Commissioner Chair

NAME

County Clerk & Recorder

XX

Certificate of County Treasurer

I hereby certify, pursuant to Section 76-3-207(3), MCA, that all real property taxes assessed and levied on the land shown hereon have been paid.

Dated this _____ day of _____, 20 ____.

Tax Statement No. _____

(Seal)

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