BEAVERHEAD COUNTY
Subdivision Exemption Review Process

The following is the process that Beaverhead County uses to examine proposed certificates of survey (COS) for compliance with the Subdivision and Platting Act, Sanitation in Subdivision Act, and the Uniform Standards for Certificates of Survey:

All documentation and fees must be submitted before 5:00pm on Wednesdays to ensure review by the County Staff on the following Tuesday.

1. Pre-Application Conference Call: A petitioner (property owners) or their representative) will participate in a pre-application conference call or meeting with the County Planner to discuss a proposed exemption and the review process. The County Planner, Rob Macioroski can be contacted at 406-683-3765 or rmacioroski@beaverheadcounty.org

2. Exemption Submittal Materials: The following fully completed materials must be submitted to the County to facilitate a review of a proposed certificate of survey (COS):
   a. Exemption Form.
      - The Exemption Review Criteria (BCSR, page 28, Part V) includes:
        i. The nature of the claimant's business
        ii. The prior history of the particular 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]

   b. Draft Certificate of Survey (paper and PDF).
      - Draft Certificate of Survey (COS), amended plat (paper copies- three 18"x24" or larger), or where a survey is not required (pursuant to 76-3-401, MCA), a draft instrument of conveyance.

   c. Deed references showing that property(ies) involved are existing tracts of record. (paper or PDF)
      - Evidence of entitlement (such as): recorded deeds, contracts, restrictions, and covenants related to all the affected properties that have been recorded at the Beaverhead County Clerk & Recorder Office.
        *This can be submitted by document number, book & page reference or actual documents.

   d. Documentation in support of the sanitation exemption(s), if applicable.

   e. Map or aerial photo showing the location of the property(ies) in question.

   f. Review fees: The fee of the Examining Land Surveyor (ELS) will be paid at the time of review. The fee will depend upon the complexity of the survey.

3. Submission of Exemption Materials: The exemption materials will be submitted to the County in the following manner:

a. Electronic/Paper version of all materials as outlined in submittal materials (a. b. and c.) submitted to the County Planner, Rob Macioroski: rmacioroski@beaverheadcounty.org or the County Planner Secretary, Rochelle Hoerning: rhoerning@beaverheadcounty.org

b. An electronic copy (Adobe PDF) version of the draft COS will be emailed to the County Examining Land Surveyor (ELS) by the County Planning Department:

   i. Everly & Associates Surveying
   Bob Everly
   PO Box 603
   Butte, MT 59703
   (406) 782-1738

   ii. Please note that the fee for the ELS review must be paid at the same time the COS is submitted to the Planning Department. Additional fees may be charged by the ELS for more complicated surveys that require further review.

4. Review by Planner, Sanitarian, Clerk & Recorder: The planner, sanitarian, and Clerk & Recorder will review the exemption materials and provide the petitioner(s) and/or their representative with electronic (email) comments/changes needed to comply with the Subdivision and Platting Act, Sanitation in Subdivisions Act, and the Uniform Standards for Certificates of Survey (COS).

5. Corrections to COS: The petitioner and/or their representative will address the comments provided by the planner, sanitarian, Clerk & Recorder, and ELS and may submit an updated COS to the County for final review by the planner, sanitarian, Clerk & Recorder and ELS. This may include review and approval by MT Department of Environmental Quality (DEQ).

6. Signature of COS: If an updated COS contains the needed changes and if DEQ approval is obtained (as applicable) the petitioner and/or their representative can begin gathering signatures on the COS.

7. COS Checklist: A County COS Checklist signed by all appropriate County staff and County representatives must accompany the COS to filing with the Clerk and Recorder. The County Planner and staff at the Clerk and Recorder will administrate completion of the checklist.

8. Filing of COS: To file a COS with the Clerk and Recorder all the following must be completed and/or accompany the COS:
   a. Signatures on the COS Checklist.
   b. Signatures on the COS.
   c. County filing fees for the COS.
   d. Certificate of Subdivision Approval (COSA) from MT DEQ (if applicable).
   e. Deeds and RTC as required by resolution 2017-19 (if applicable)