

## SECTION 5: SUBDIVISION PLAN AND PLAT APPLICATION SUBMITTAL REQUIREMENTS

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- A. Submittal.** All applications and supplemental material shall be bound in sets ready for distribution. All copies of plats, other maps and/or supplemental material, shall be folded to approximately eight and a half to nine by eleven inch (8½” to 9”x11”) or eight and a half to nine by fourteen (8½” to 9”x14”) in sets ready for distribution.
- B. Permission to Enter.** The County Commission or its designated agent(s) or affected agencies identified during the pre-application meeting may investigate, examine, and evaluate the site of the proposed subdivision to verify information provided by the subdivider and to subsequently monitor compliance with any conditions if the preliminary plat is approved conditionally. The submission of a subdivision application constitutes a grant of permission by the subdivider for the County Commission, its agents, and affected agencies to enter the subject property. This consent applies to members of the public attending a noticed public meeting for a site visit.
- C. Pre-Submittal Meeting.** The subdivider shall meet with the planning department staff prior to submitting a plan or plat to discuss the requirements of these Regulations; and prior to delivery of the preliminary plat application submittal to ensure all elements are included.
- D. Pre-Application Plan Submittal Requirements.** After the requirements for a pre-submittal meeting has been satisfied, and prior to submittal of a preliminary plat application, the subdivider shall submit and application for pre-application for pre-application review, the appropriate fee, and six copies of all the required pre-application information to the Planning Department. Unless the subdivider submits a subdivision application within 180 days of this pre-application meeting, the subdivider must request a new pre-application meeting prior to submitting the subdivision application.

The pre-application plan includes:

1. **Sketch Map:** May be a free-hand sketch, legibly drawn, showing approximate boundaries, dimensions, areas and distances. The plan may be drawn directly on a print of a topographic survey required for the preliminary plat and shall include:
  - a. The name of adjoining subdivisions and numbers of adjoining certificates of survey.

- b. Location, name, width and owner of existing roads and easements within the proposed subdivision; within adjacent subdivisions and tracts; and which road provides access from the nearest public road to the proposed subdivision.
  - c. Location of any existing structures, including buildings, railroads, power lines, towers, and improvements inside and within 100 feet of the exterior boundaries proposed subdivision.
  - d. Zoning classification within the proposed subdivision and adjacent to it. Proposed zoning for the subdivision if a change is contemplated.
  - e. Topographic Features: Topographic features of the proposed subdivision and adjacent tracts of land, including:
    - i. A current USGS Topographic map at the largest scale available with the subdivision clearly outlined.
    - ii. Natural features on the land, including embankments, watercourses, drainage channels or ditches, areas of seasonal water ponding, areas within the designated floodplain, marsh areas, geologic hazards, soil types.
  - f. Utilities: The existing and proposed utilities located on and adjacent to the proposed subdivision including:
    - i. Location, size, and depth of sanitary and storm sewers, water mains and gas lines.
    - ii. Location of fire hydrants, fire fill sites (i.e., pond, tank), electric lines, telephone lines, sewage and water treatment, and storage facilities.
2. Information on the proposed subdivision, including:
- a. Tract and proposed lot boundaries;
  - b. Subdivision layout, including subdivision blocks, tracts, and lots, with numbers, dimensions, and areas for each.
  - b. Road location, right-of-way width, and name.
  - c. Easement location, width and purpose.

- d. Sites to be dedicated or reserved as park, common open space or other public areas; with boundaries, dimensions and areas.
  - e. Sites for commercial centers, churches, schools, industrial areas, condominiums, mobile home parks, and uses other than single-family residences.
  - f. Existing conservation easements;
  - g. Existing covenants or deed restrictions.
  - h. Proposed public and private improvements.
3. Documentation on the current status of the site, including:
- a. Ownership information, such as a deed, option to buy or buy-sell agreement,
  - b. permission to subdivide.
  - c. Water rights, including location of water conveyance facilities.
  - d. Any special improvements district.
  - e. Rights of first refusal for the property.
4. Development Plan: An overall development plan indicating future development of the tract if the tract is to be developed in phases.
5. Name and Location: A title block indicating the proposed name, quarter-section, township, range, principal meridian, and county of subdivision.
6. Notations: Scale, North arrow, name and addresses of owners and subdividers, and date of preparation.
7. Variances: A list of variance requests which will be submitted with the application for preliminary plat approval.
8. Notice Requirements Concerning Water Conveyance Facilities:
- a. Where water conveyance facilities are present on-site, within 500 feet of the exterior boundaries of the proposed subdivision, or on an adjoining property, the subdivider shall provide written notice to the applicable water users and/or water conveyance facility's authorized representatives of the proposed subdivision, provide them with a

copy of the proposed subdivision layout, provide a description of any anticipated adverse effects to the water conveyance facility, provide a description of any mitigation proposed to remedy such adverse effects, and provide 45 calendar days for the water users and/or water conveyance facility's authorized representatives to submit written comments.

- b. Notice to the water users and/or water conveyance facility's authorized representatives shall be as follows.
  - i. In the event the water conveyance facility conveys water for an incorporated or otherwise organized group of water users such as a ditch or canal company, and the water users have officially elected or otherwise appointed a representative or group of representatives, written notice shall be to the water conveyance facility's authorized representatives.
  - ii. In the event the water conveyance facility conveys water for water users that have not organized or officially elected or otherwise appointed a representative, the subdivider shall give written notice to all water users.
  - iii. In the event the water conveyance facility conveys water in a combination of the scenarios described in *i* and *ii* above, the subdivider shall give written notice to the water conveyance facility's authorized representatives, and any water users not represented by the water conveyance facility's authorized representatives.
  - iv. The Montana Department of Natural Resources and Conservation is the agency that maintains the official records for water rights. The Gallatin County Planning Department has some contact information for ditches and canals in Gallatin County.
- c. The pre-application shall include a sworn statement from the subdivider listing the names and contact information for the water users and water conveyance facility's authorized representatives that were provided with written notice, and the date they were provided written notice.
- d. If the water users and/or water conveyance facility's authorized representatives have provided the applicant with written comments, those comments shall be submitted with the pre-application.

- e. If there are changes to the project between the pre-application and preliminary plat application stage that would result in additional impacts to the water conveyance facility, or the subdivision did not require a pre-application, the subdivider shall comply with the notice and documentation requirements described above to be submitted with the preliminary plat application.

**E. Submittal Requirements for all Subdivision Applications for Preliminary Plat Review.** The subdivider shall submit to the planning department for County Commission review a subdivision application for preliminary plat approval addressing these topics and containing the following materials:

1. Pre-application information: All information required with the pre-application plan. An explanation of how the subdivider has responded to the comments of the pre-application review.
2. A completed and signed subdivision preliminary plat application form and required number of copies (indicated on the form).
3. The required review fee.
4. Property Owners: Certified list of adjoining property owners and addresses, and property description (including those across public rights-of-way and/or easements). List of adjoining property owners and addresses on self-adhesive address labels; one list for first minor subdivisions and three lists for all other subdivisions.
5. A preliminary plat legibly drawn at the horizontal scale of not less than 200 feet to the inch and approximate boundaries, dimensions, distances and areas, unless specifically noted. The plat shall be on one or more sheets of twenty-four inches by thirty-six inches (24" x 36"). Where accurate information is required, surveying and engineering data shall be prepared under the supervision of a registered engineer or registered land surveyor as their respective licensing laws allow. The preliminary plat application submittal shall include the following:
  - a. Subdivision Information: Name and location of the subdivision, scale, scale bar, north arrow, date of preparation, lots and blocks (designated by number or letter), and the dimensions and area of each lot.
  - b. Roads and Grades: All roads, alleys, avenues, highways, and easements and the width of the rights-of-way, grades and curvature of each; existing and proposed road names, and proposed location of

intersections for any subdivision requiring access to arterial or collector highways.

- c. Adjoining Subdivisions: The names of adjoining platted subdivisions and numbers of adjoining certificates of survey.
  - d. Perimeter Survey: An approximate survey of the exterior boundaries of the platted tract with bearings, distances, and curve data indicated outside of the boundary lines. When the plat is bounded by an irregular shoreline or a body of water, the bearings and distances of a closing meander traverse shall be given.
  - e. Section Corner: The approximate location of all section corners or legal subdivision corners of sections pertinent to the subdivision boundary.
  - f. Phased Improvements: If the improvements required are to be completed in phases after the final plat is filed, the area and boundaries of each phase shall be shown on the preliminary plat. A schedule of the required improvements for each phase shall also be provided with the preliminary plat application.
  - g. Important Land Features: Important land features shall be shown and clearly labeled on the preliminary plat. Important land features include, but are not limited to the following: watercourses, water conveyance facilities (in the case of irrigation ditches, canals, or pipelines, the centerline shall be shown on the plat), drainage ditches or channels, wetlands or other areas of seasonal water ponding, areas within the designated floodplain, marsh areas, and areas of geologic hazards as described by Section 9.D of these Regulations.
6. Subdivision Map: Map of entire subdivision on either an eight and a half by eleven inch (8 1/2"x11") or an eleven by seventeen inch (11"x17" sheet).
  7. An Area/Vicinity Map: A map showing all adjacent sections of land, subdivision, certificates of survey, and roads.
  8. A topographic map with Contours: Ground contours shall be provided for the tract according to the following requirements:

Where average slope is:	Contour intervals shall be:
Under 10%	2 feet (If lots are over one acre in size, 5 feet intervals may be used.)
Between 10% and 15%	5 feet
Between 15% and 25%	10 feet
25% or greater	a reasonable contour for the lot sizes

9. A grading and drainage plan.
10. Engineering plans for all Public and Private Improvements.
11. Overall development plan if development is in phases.
12. Abstract of Title (or Title Report).
13. Lienholders' acknowledgement of subdivision.
14. Documentation of legal and physical access.
15. Documentation of existing easements, including those for water conveyance facilities. Where the water users and/or water conveyance facility's authorized representatives have provided the subdivider with written comments, those comments shall be submitted with the preliminary plat application.
16. Existing covenants and deed restrictions.
17. Existing water rights.
18. Existing mineral rights.
19. Names and addresses of all adjoining property owners.
20. Proposed easements.
21. Proposed disposition of water rights.
22. Proposed disposition of mineral rights.
23. Parkland dedication or cash-in-lieu calculations (if parkland is required).
24. Summary of probable impacts and proposed mitigation planned regarding the primary criteria pursuant to Section 76-3-609(2)(c), MCA.
25. An Environmental Assessment. (An EA is not required for first minor subdivision applications.)
26. Transportation impact analysis or transportation plan;

27. Fire prevention plan as described in Section 6.E (Fire Protection Requirements) and Appendix I (Fire Protection Packages) of these Regulations.
28. Approved Weed management plan and re-vegetation plan. Prior to final plat approval, a Memorandum of Understanding shall be entered into by the Weed Control District and the Subdivider.
29. FIRM or FEMA panel map and letter identifying floodplain status.
30. Provide the following required water and sanitation information for subdivisions that will include new water supply or wastewater facilities (a subdivider whose land division is excluded from review under 76-4-125(2), MCA, is not required to submit the information required in this section):
  - a. A vicinity map or plan that shows:
    - i. The location, within 100 feet outside of the exterior of the property line of the subdivision and on the proposed lots, of:
      - A. floodplains;
      - 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 (g) of this section; and
      - G. the representative drainfield site used for the soil profile description as required under subsection (d) of this section; and
    - ii. The location, within 500 feet outside of the exterior property line of the subdivision, of other existing or proposed 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, as provided below, including whether the water supply and wastewater treatment systems are individual, shared, multiple user, or public as those systems are defined in rule published by the MDEQ;



- i. 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 69-3-10 MCA 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 MDEQ pursuant to 76-4-104, MCA;
- 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 (a)(i)(G) of this section, that complies with the standards published by MDEQ;
  - ii. demonstration that the soil profile contains a minimum of four (4) feet of vertical separation distance between the bottom of the permeable surface of the proposed wastewater treatment system and a limiting layer;
  - iii. in cases in which the soil profile or other information indicates that ground water is within seven (7) feet of the natural ground surface, evidence that the ground water will not exceed the minimum vertical separation distance provided in subsection (d)(ii) of this section;
- 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, MCA;
- f. Evidence of sufficient water quality in accordance with rules adopted by the department of environmental quality pursuant to 76-4-104, MCA; and

- 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, MCA and 75-5-303, MCA, 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, 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, MCA.
- 31. Letter requesting a revocation of agricultural covenants.
  - 32. Letter indicating locations of cultural or historic resources.
  - 33. Re-zoning approval or conditional use permit granted by the County Commission.
  - 34. Flood hazard evaluation and/or flood study in accordance with the requirements of Section 10 and Appendix G of these Regulations.
  - 35. Identification and proposed mitigation for potential hazards or other adverse impacts not covered by any of the above-required materials.
  - 36. Identification and proposed mitigation for potential hazards or other adverse impacts not covered by any of the above-required materials.
  - 37. Variances: If a variance is requested, provide a written statement describing the requested variance(s) and the facts of hardship upon which the request is based for consideration by the County Commission; or documentation of an approved variance(s).
  - 38. Waiver. If a waiver is requested, a written statement describing the requested waiver(s) for PUD applications for consideration by the County Commission.
  - 39. Documents and Certificates: Draft or copy of the following documents and certificates to be printed on or accompany the preliminary plat.
    - a. Restrictive and Protective Covenants, Bylaws, and Articles of Incorporation for the property owners' association.

The County Commission requires that a property owner's association is established concurrently with final subdivision plat filing to manage some of the restrictive covenants governing the use of land within the subdivision, whether proposed by the subdivider or required by the County Commission, be set forth in a separate heading identifying them as plat approval covenants, and indicating: "These covenant(s) may not be repealed or amended without prior written consent of the Gallatin County Commission." Covenants may include, but are not limited to the following:

- i. Mandatory membership for each property owner. Purchasers of property may also be required to sign a waiver of right to protest the formation of a maintenance district to maintain improvements;
  - ii. Perpetual reservation of the common property when required under 76-3-621(6)(a), MCA;
  - iii. Payment of liability insurance premiums, local taxes, and the cost of maintaining recreational or other facilities;
  - iv. Placement of liens on the property of lot owners who are delinquent in the payment of association fees and assessments;
  - iv. Means of enforcing the covenants, and of receiving and processing complaints;
  - vi. Regular maintenance of roads, parks, buildings, drainage facilities, and other facilities controlled by the association.
- b. Encroachment permits from Montana Department of Transportation or the local jurisdiction; or a letter indicating intention to issue a permit where new roads, easements, rights-of-way or driveways intersect state, county, or city highways or roads.
  - c. A letter of approval from the Commission or other appropriate authority regarding zoning permits or approved zone designation amendments.
  - d. A draft of appropriate certificates (see APPENDIX A).
  - e. Provision for maintenance of all roads (including emergency access), parks, and other required improvements.

- f. Drafts of public improvements agreement and guarantee. A written statement describing the requested improvements(s) to be installed under the improvements agreement, justification for requesting the installation of the improvements under the improvements agreement, and the proposed length of the improvements agreement shall also be submitted with the draft improvements agreement.
40. Water Right, Streambed, Streambank and/or Wetland Permits: The subdivider shall provide the Planning Department with a list of all required water right, streambed, streambank or wetland permits, or written notification from the appropriate agency that a permit is not required. No installation of infrastructure improvements (i.e. roads, water and sewer facilities, utilities) shall take place within the site until all applicable permits have been issued by the appropriate agency. These permits include, but are not limited to:
- a. Beneficial Water Use Permit/Availability of Water. Prior to final plat approval, the subdivider shall submit evidence to Gallatin County that the physical availability of water is sufficient to meet the water supply needs of the proposed subdivision, as determined by the State of Montana, and that all uses of water within the subdivision are legally authorized.
  - b. Montana Stream Protection Act (SPA 124 Permit). Administered by the Habitat Protection Bureau, Fisheries Division, Montana Department of Fish, Wildlife & Parks.
  - c. Stormwater Discharge General Permit. Administered by the Water Quality Bureau, Montana Department of Environmental Quality.
  - d. Montana Natural Streambed and Land Preservation Act (310 Permit). Administered by the Board of Supervisors, Gallatin Conservation District.
  - e. Montana Floodplain and Floodway Management Act (Floodplain Development Permit). Administered by the Gallatin County Planning Department.
  - f. Federal Clean Water Act (404). Administered by the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency.
  - g. Federal Rivers and Harbors Act (Section 10 Permit). Administered by the U.S. Army Corps of Engineers.

- h. Short-term Water Quality Standard for Turbidity (318 Authorization). Administered by the Montana Department of Environmental Quality.
  - i. Montana Land-Use License or Easement on Navigable Waters, Administered by the Montana Department of Environmental Quality.
41. A written statement indicating awareness of the County's Fire Protection Impact Fee (Appendix D) and Road Impact Fee (Appendix E) requirements and the optional provisions allowing an independent fee calculation study and request for the possible reduction of fire and road impact fees. If the subdivision proposes the use of an independent fee calculation study it shall be provided and decided upon by the County prior to final plat submittal and it shall comply with the requirements of the current Gallatin County Fire and Road Impact Policy. (*Resolution 2005-168*)

**F. Final Plat Contents.**

The final plat submitted for approval must conform to the preliminary plat as previously reviewed and approved by the County Commission and must incorporate all required modifications and comply with all conditions imposed at the time of subdivision application and preliminary plat approval. The final plat and accompanying documents must comply with the Montana Uniform Standards for Final Subdivision Plats and these Regulations. Final plats of subdivisions approved for phased development shall be filed sequentially in accordance with the approval.

**G. Final Plat Submittal and Review.**

a. Prior to Final Plat Submittal:

A copy of the following documents, in one submittal, shall be submitted to the Gallatin County Attorney's Office, at least thirty (30) days prior to submitting an application for final plat approval to the Planning Department. Subdivider shall provide a cover letter with the submittal explaining which are being submitted and including the name of the subdivision and the date of preliminary plat approval:

- 1. Articles of organization or Incorporation of the Property Owner's Association accompanied by a letter from the Secretary of State approving the Articles.
- 2. Bylaws controlling the operation of the Property owner's Association.

3. Restrictive and Protective Covenants encumbering the real property contained within the subdivision. All County required covenants shall be in a separate section clearly delineated.
4. Any and all public road easements.
5. Any and all improvements agreements along with: (i) itemized estimates of the cost of improvements to be included in the agreement certified by a licensed engineer; and (ii) drafts of the form of financial security.
6. Any and all required maintenance agreements, including road maintenance agreements.
7. Two copies of the Certificate of Licensed Title Abstractor and a copy of the proposed final plat. The certificate of licensed title abstractor shall be dated no earlier than ninety (90) days prior to the submittal to the county attorney's office.

In addition, a copy of the Restrictive and Protective Covenants and any and all maintenance agreements must be submitted to the Planning Department at the same time as submitted to the County Attorney's Office.

b. Final Plat Submittal:

The final plat(s) and all supplementary documents shall be submitted to the planning department at least 30 days prior to the expiration of preliminary plat or any extension there to, and no less than 10 days prior to the date of the final plat shall be presented to the Commission for approval.

The following original documents of items 4 through 21 below shall accompany and be recorded with the approved final plat, or the following information must be placed on the final plat to be filed with the Clerk and Recorder. All documents shall be properly notarized or sealed where applicable. The submittal shall include, as applicable:

1. a completed and signed final plat application;
2. the final plat review fee; including proof of payment of road and fire impact fees in compliance with the Gallatin County Fire Protection Impact Fee Regulation (Appendix D) and Gallatin County Road Impact Fee Regulation (Appendix E), or proof of payment of fee as determined by an approved independent fee calculation study (Resolution 2005-168).

3. a written explanation of how each of the conditions of preliminary plat approval has been satisfied;
4. All certificates, with the exception of those of the Commission and Clerk and Recorder, shall be complied with, signed and notarized. This shall include the Treasurer's Certification that all real property taxes and special assessments assessed and levied on the land to be subdivided have been paid.
5. Certification of Director of Public Service for subdivision within three miles of an incorporated municipality.
6. A horizontal scale of not less than 200 feet (200') to the inch, and the lengths of all lines shall be shown to at least tenths of a foot and all angles and bearings to at least the nearest minute.
7. Compliance with the requirements of the Uniform Standards for Final Subdivision Plats. (See APPENDIX C: UNIFORM STANDARDS FOR FINAL SUBDIVISION PLATS.)
8. Two (2) signed reproducible copies on a stable base polyester film or equivalent, one (1) digital file copy of the survey, and six copies shall be submitted.
9. **Beneficial Water Use Permit/Availability of Water.** Prior to final plat approval, the subdivider shall submit evidence to Gallatin County that the physical availability of water is sufficient to meet the water supply needs of the subdivision, as determined by the State of Montana, and that all uses of water within the subdivision are legally authorized. To fulfill the above requirement, and as required pursuant to Montana law, (i) the subdivider or the subdivider's water supply provider may provide to Gallatin County a permit to use water from the State of Montana pursuant to Title 85, Chpt. 2, MCA, in an amount equal to the water requirements of the subdivision as determined by the State of Montana; or (ii) the subdivider or subdivider's water supply provider may provide to Gallatin County permits and/or authorizations to change existing water rights from the State of Montana pursuant to Title 85, Chpt. 2. A permit and/or authorization to change existing water rights must demonstrate that, at the time of final plat approval, the subdivider or the subdivider's water supply provider has physical and legal access to water, as determined by the State of Montana, in an amount equal to the capacity required to meet the water requirements of the subdivision at full build out. If the subdivider connects to a water supply provider's system, the permits and/or authorizations to change existing water right must demonstrate the water supply provider has,

at the time of final plat approval for the subdivision under review, physical and legal access to water, as determined by the State of Montana, in an amount equal to the capacity required to meet the water requirements of the water supply provider's entire supply system upon full build out of all lots within the water provider's system that were created pursuant to Title 76, Chpt. 3. The water provider's entire system includes: (i) the subdivider's subdivision; (ii) all other previously permitted subdivisions created pursuant to Title 76, Chpt. 3, for which the water supply provider provides water; and (iii) any existing or proposed subdivisions for which the water supply provider has committed to provide water.

**The following original documents shall accompany and be recorded with the approved final plat, or the following information must be placed on the final plat to be filed with the Clerk and Recorder. All documents shall be properly notarized or sealed where applicable.**

10. Certification by a licensed title abstractor showing the names of the owners of record of land to be subdivided and the names of any lien holders or claimants of record against the land. Certificate shall be accompanied by County Attorney's certificate.
11. Covenants or notice of deed restrictions required by the Commission.
12. Certification by the MDEQ that it has approved the plans and specifications for sanitary, water, and storm water facilities when required, and the Local Health Officer Approval issued by the GCCHD.
13. Articles of incorporation and bylaws for any property owners' association, and approval letter from Secretary of States.
14. Improvements Agreement and financial security, if required improvements are to be installed after the filing of the final plat.
15. Fire Protection Plan reviewed by the Fire Protection Authority Having Jurisdiction for compliance with Section 6.E (Fire Protection Requirements) and Appendix I (Fire Protection Packages) of these Regulations.
16. A statement of waiver on the plat acknowledging and agreeing to waive the right to protest the creation of a special improvement district, road improvement district, or annexation affecting the subdivision.



17. Public road easements.
  18. Declaration of Unit Ownership (condominiums).
  19. MDT access or encroachment permits (copy only) for subdivision road access onto state highways.
  20. Any applicable Streambed, Streambank and/or Wetland Permits-
  21. A written statement indicating awareness of the County's Fire Protection Impact Fee (Appendix D) and Road Impact Fee (Appendix E) requirements and the optional provisions allowing an independent fee calculation study and request for the possible reduction of fire and road impact fees. If the subdivision proposes the use of an independent fee calculation study it shall be provided and decided upon by the County prior to final plat submittal and it shall comply with the requirements of the current Gallatin County Fire and Road Impact Policy. (*Resolution 2005-168*)
- c. Final Plat Review by the Planning Department:
- i. The Planning Department shall review the final plat to ascertain that all conditions and requirements for final plat approval have been met. The Planning Department will not accept, begin processing, nor schedule any actions on a final plat submittal until a complete application and fee, and copies of the final plat have been received. Final plat applications will not be considered complete by the Planning Department until all conditions of preliminary approval have been satisfied.
  - ii. If the Planning Department determines that the final plat differs from the approved or conditionally approved preliminary plat, the applicant shall be required to submit an amended application pursuant to these Regulations.
  - iii. The Planning Department may require that final subdivision plats be reviewed for errors and omissions in calculation or drafting by an examining land surveyor before recording with the Clerk and Recorder. When the survey data shown on the plat meets the conditions pursuant to these regulations, the examining surveyor shall certify the compliance in a printed or stamped signed certificate on the plat.

## **H. Amending Approved Preliminary Plats Before Final Plat Approval.**

- a. If the subdivider proposes to change the preliminary plat after the preliminary plat approval but before the final plat approval, the subdivider shall submit the proposed changes to the Planning Department for review.
  - i. Within 5 working days of receiving the written request of proposed changes, the Planning Department shall determine whether the changes to the preliminary plat are material pursuant to subsection (b) below.
  - ii. If the Planning Department determines the changes are material, the Planning Department shall require the subdivider to begin the subdivision review process again, starting with the pre-application meeting, and require payment of a new application fee.
  - iii. If the Planning Department determines the changes are not material, the Planning Department shall accept the changes. Notice of the public hearing shall be given in accordance with these Regulations. The Commission may approve the requests change if it meets the criteria set forth in these Regulations, except that written findings of fact are not required. The Planning Department will notify the subdivider of the County Commission's decision.
- b. The following changes, although not an exhaustive list, may be considered material:
  - i. configuration or number of lots;
  - ii. road layout;
  - iii. water and/or septic proposals;
  - iv, configuration of park land or open spaces;
  - v. easement provisions;
  - vi, designated access; or
  - vii. change to conditions of approval.
- c. A subdivider whose proposed changes to the preliminary plat have been deemed material by the Planning Department may appeal the Planning Department's decision to the County Commission by written notice within

10 working days. The subdivider may request a hearing, and may submit additional evidence to show that the changes to the preliminary plat are not material.

**I. Changes to Conditions of Final Plat Approval After Preliminary Plat Approval.**

Upon written request of the subdivider, the Commissioners may amend conditions of preliminary plat approval where it can be found that errors or changes beyond the control of the subdivider have rendered a condition unnecessary, impossible, or illegal.

- a. The written request shall be submitted to the planning department.
- b. The Commissioner shall conduct a public hearing on the request.
- c. Notice of the public hearing shall be given in accordance with these Regulations.
- d. The Commissioners may approve the requested change if it meets the criteria set forth in these Regulations, except the written findings of fact are not required.

**J. Final Plat Approval.**

a. Approval by the County Commission:

The County Commission shall examine every final subdivision plat and shall approve it within 30 days of the date of submission if it conforms to the conditions of preliminary plat approval and to the terms of the MSPA and these regulations, or deny it pursuant to (ii) below.

- i. If the final plat is approved, the County Commission shall certify its approval on the face of the final plat. When applicable, a certificate of the County Commission expressly accepting any dedicated land, easements, or improvements will be filed with the final plat.
- ii. If the final plat is denied, the County Commission shall write a letter stating the reason for denial and forward a copy to the subdivider. The County Commission will return the final plat to the subdivider within 10 working days of the action. The subdivider may then make any necessary corrections and resubmit the final plat for approval.

b. Inaccurate Information:

The County Commission may withdraw approval of a final plat if it determines that material information by the subdivider is inaccurate pursuant to Subdivision Regulations, Section 13.F.

**K. Final Plat Filing.**

After it is approved, the final plat may not be altered in any manner except as provided in L below. The county clerk and recorder may not accept any plat for filing that does not bear the County Commission's approval in proper form or that has been altered. The clerk and recorder may file an approved plat within 60 days of the date of final approval only if it is accompanied by the documents specified in the Montana Uniform Standards for Monumentation, and Final Subdivision Plats, contained in APPENDIX C.

**L. Amending Filed Plats.**

- a. Changes that materially alter any portion of a filed plat, its land divisions or improvements, or that will modify the approved use of land within the subdivision, must be made by filing an amended plat showing all alterations. Any alteration which increases the number of lots or modifies lots, or abandons or alters a public road right-of-way or parkland dedication must be reviewed and approved by the County Commission.
- b. An amended plat is subject to the procedures for reviewing major or minor subdivisions, as appropriate. The County Commission may not approve an amended final plat without the written consent of the owners and lienholders of all lots which will be modified by the proposed amendment.
- c. The County Commission may not approve an amendment that will place a lot in non-conformance with the standards of these Regulations with local zoning regulations unless the County Commission holds a public hearing on the amendment and issues a written variance from the standards pursuant Section 13.A, Variances.
- d. The final amended plat submitted for approval must comply with the requirements for final subdivision plats under the Uniform Standards for Filing Final Plats.