

APPENDIX D

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Certificate of Completion of Public Improvements

(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 actually installed.)

Signature of Subdivider

Date

Signature of Professional Engineer

Date

Registration No. _____

Address (Engineers Seal)

Certificate of Surveyor – Final Plat

State of Montana)
) ss.
County of _____)

I, (Name of Surveyor), a registered 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)

Certificate of Waiver of Park Land Dedication and Acceptance of Cash in Lieu Thereof

I, (Name of City or Town Clerk), (County Clerk and Recorder) of (Name of City or County), Montana, do certify that the following order was made by the (Governing Body) of (Name of City or County) at a meeting thereof held on the _____ day of _____, 20 ____, and entered into the proceedings of said Body to-wit: “Inasmuch as the dedication of park land within the platted area of (Name of Subdivision) is undesirable for the reasons set forth in the minutes of this meeting, it is hereby ordered by the (Name of Governing Body) that land dedication for park purposes be waived and that cash in lieu of park with the provisions of Title 76, Chapter 3, MCA.”

In witness whereof, I have hereunto affixed the seal of (Name of City or County), Montana this _____ day of _____, 20 ____.

(Seal)

(Signature of Clerk)

Certificate of County Treasurer

I hereby certify, pursuant to Section 76-3-611(1)(b), MCA, that all real property taxes and special assessments assessed and levied on the land to be subdivided have been paid:

(legal description of land)

Dated this _____ day of _____, 20 ____.

(seal) _____ (Signature of County Treasurer) Treasurer,
_____ County, Montana

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 ____.

(Signatures of Commissioners)

ATTEST:

(Signature of Clerk and Recorder)

(Seal of County)

_____, Montana

Certificate of Filing by Clerk and Recorder

STATE OF MONTANA)
) ss.
County of _____)

Filed for record this _____ day of _____, 20 ____, at _____ o'clock.

(Signature of Clerk and Recorder)

County Clerk and Recorder, _____ County, Montana

SAMPLE FINDINGS OF FACT AND CONDITIONS OF APPROVAL

Findings of Fact. The governing body shall issue written findings of fact that weigh the Review Criteria (Section 4.4.5 of these regulations). (MCA 76-3-608(2))

File Name:
File Number:
Type:
Applicant:

Number of Tracts Created:
Legal Description:

- A. The effect on agriculture, agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat, and public health and safety; (MCA 76-3-608(3)(a)).

Refer to Appendix ____ criteria definitions and a description of how these criteria will be used to evaluate and make decisions on subdivisions.

(Note: Minor Subdivisions are exempt from this review requirement per 76-3-608(6)(a), MCA because the county has adopted a growth policy)

Instructions for Preparer:

For each item below, prepare a list of findings and conclusions:

Findings: Consider each of the evaluation criteria and make a written finding of how the subdivision affects or is affected by each.

Conclusions:

Identify any adverse impacts.

Identify if proposed subdivision does not meet applicable requirements.

Identify conditions that are recommended based on the findings.

1. Effects on Agriculture
 - a. Findings
 - b. Conclusions

2. Effects on Agricultural Water User Facilities
 - a. Findings
 - b. Conclusions

3. Effects on Local Services
 - a. Findings
 - b. Conclusions

4. Effects on Natural Environment
 - a. Findings
 - b. Conclusions

5. Effects on Wildlife and Wildlife Habitat
 - a. Findings
 - b. Conclusions

6. Effects on Public Health and Safety
 - a. Findings
 - b. Conclusions

- B. Compliance with the requirements of the Montana Subdivision and Platting Act, and these local subdivision regulations; (76-3-608(3), MCA)
 1. Survey Requirements
 - a. Findings
 - b. Conclusions

 2. Local Subdivision Regulations

Instructions for Reviewer: The application should be reviewed for each item in the subdivision regulations, Chapters 3 and 5. If the application meets with all criteria, the findings can read: "The proposed subdivision meets with all criteria." Note that any change from Design Criteria in Chapter 5 requires a request for variance.

If the application does not meet each criteria, the Findings shall state:

 - 1) Which criteria did not apply (and why)
 - 2) Which applicable criteria were not met
 - 3) Conclusions for each
 - a. Findings
 - b. Conclusions

 3. Local Subdivision Review Procedure

Instructions for Reviewer: The application should be reviewed for each item in the subdivision regulations, Chapters 4 and 7. If the application meets with all criteria, the findings can read: "The proposed subdivision meets with all criteria."

 - a. Findings
 - b. Conclusions

- C. Provision of easements for the location and installation of any planned utilities; (MCA-76-3-608(3)(c))
 - a. Findings
 - b. Conclusions

- D. Provision of legal and physical access to each parcel within the subdivision and the required notation of that access on the applicable plat and any instrument of transfer concerning the parcel. (MCA 76-3-608(3)(d))
 - a. Findings
 - b. Conclusions

- E. Assurance that all required public improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed. (Refer to MCA 76-3-507)
 - a. Findings
 - b. Conclusions

Instructions for Reviewer:

Include here the list of all improvements that will be made prior to final plat approval. Include here any requirements for any Guarantee that may be required if improvements will be made after final plat approval and/or refer to subdivision regulation requirements for such Guarantees and the requirement that they be in place prior to Final Plat Approval.

F. Applicable Permits

- a. Findings
- b. Conclusions

Instructions for Reviewer:

Include here a list of all applicable permits that must be received prior to final plat approval.

G. Summary List of Conditions

Instructions for Reviewer:

Include here the comprehensive list of all conditions for this subdivision.

SAMPLE DECISION LETTER

RE: "File Name"

Dear :

We have reviewed the application for the above-referenced subdivision and have made the following decision:

APPROVED
 APPROVED WITH CONDITIONS
 DENIED

If approved or approved with conditions, the period of approval is for three calendar years commencing from the date of this letter. The Board of County Commissioners may consider an extension of up to one year beyond the three-year period, if a written request to extend is received by the Commissioners from the subdivider prior to the three-year termination date.

Attached to this letter are the "Findings of Fact" and "Conclusions" that provide:

- 1) The conditions that must be met if the subdivision is conditionally approved;
- 2) The reason for the denial or condition imposition;
- 3) If the subdivision is denied, identification of any local regulations with which the subdivision did not comply; and
- 4) The evidence that justifies the denial or condition imposition;

You may appeal this decision as provided in 76-3-625, MCA.

Sincerely,

Chair, Board of County Commissioners

Enclosure: Preliminary Plat

SAMPLE LETTER TRANSMITTING DOCUMENTS
FOR REVIEW BY OTHER AGENCIES

RE: "File Name"

Dear :

Big Horn County is reviewing an application for subdivision, information on which is enclosed for your review and comment. The Planning Board and the County Commissioners will take your comments into consideration.

If you have comments, please submit your comments in writing and:

- a. specify the item(s) of concern to your agency,
- b. identify any modifications or conditions that your agency recommends to address the concerns, and
- c. identify a person and contact information (e.g., telephone number, email address, etc.) in your agency who we can contact for additional information, if necessary.

Under state law, the County Commissioners are not allowed to delay their decision beyond the set time limits. Therefore, your comments must be received by:

_____ (date) _____ in order to be considered in the planning board's recommendation to the County Commissioners

and absolutely no later than:

_____ (date*) _____ in order to be reviewed by the County Commissioners prior to their final decision on this subdivision.

Sincerely,

Big Horn County Subdivision Administrator

*NOTE TO SUBDIVISION ADMINISTRATOR: This date can be no later than the final date of the preliminary plat review period, and in order to provide sufficient review time for the Commissioners, may need to be set a week prior to that date.

SUBDIVISION ADMINISTRATOR'S PRE-APPLICATION MEETING CHECKLIST

Spaces below are provided for the Subdivision Administrator's notes.

Meeting Date: _____

RE: (Name or location of proposed Subdivision) _____

Name of Subdivision Administrator or Designee(s) at Pre-Application Meeting:

Subdivider and/or Representative(s):

Subdivider Name: _____

Address: _____

Phone/Email: _____

Subdivider Representative: _____

Address: _____

Phone/Email: _____

(If subdivider was not present, did representative have written authorization from subdivider or other proof that he/she was acting as Subdivider's representative?

___ Yes ___ No

Other Persons Present:

Name	Address	Relationship to Subdivider
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_____	_____	_____
_____	_____	_____
_____	_____	_____

1. The subdivider or the subdivider's designated representative shall meet with the subdivision administrator prior to submitting the required preliminary plat. The purpose of this meeting is to discuss applicable subdivision regulations and standards and any land use policies and regulations in effect.
 - a. Provide a copy of the Subdivision Regulations to the subdivider.

 - b. Generally review the Subdivision Regulations with the subdivider.

-
- c. Review other regulations as applicable:
 - i. Floodplain Regulations _____
 - ii. Regulations for water supply, wastewater, drainage, solid waste (local and/or state regulations as applicable) _____
 - iii. Regulations pertaining to wetlands, river areas (“404” permits from the U.S. Army Corps of Engineers, and “303” permits from local Conservation districts) _____
 - iv. Local Zoning and/or other local land use policies
 - 1. Any ordinances that may apply to the city-county planning jurisdiction _____
 - 2. County zoning ordinances and/or other land use policies _____
 - v. Special requirements for subdivisions within one mile of an incorporated town _____
 - vi. Special requirements for subdivisions looking to extend public water and/or sewer systems _____
 - d. Review process and time frames for submitting applications
2. The subdivision administrator will explain the various types of subdivisions and will recommend an appropriate type or types for the subject subdivision.

Review Chapter 3 with the subdivider. _____
Which type or types of subdivision recommended (Identify):

3. The subdivision administrator will notify the subdivider of the option of concurrent review of the subdivision by the local government and the Montana Department of Environmental Quality.
- _____
4. The subdivider shall provide a sketch plan of the proposed subdivision for discussion. The sketch plan:
- i. Must be a legible scale drawing showing the layout of proposed features in relation to the existing site conditions. _____
 - ii. May be drawn freehand on a print of a topographic map. Scale dimensions must be noted. _____

- iii. Must include pertinent information such as: location, approximate tract and lot boundaries, description of general terrain, natural features, existing structures and improvements, and proposed public improvements.

- 5. The subdivision administrator will assist in identifying other local, state, and federal agencies that may have a substantial interest in a proposed subdivision and who may wish to review and submit comments on the proposed subdivision.

- 6. Any additional questions from the applicant? (Note questions and responses below)

OTHER NOTES:

