



Planning Department
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Review and Filing Procedures for Certificate of Survey (COS)

All Certificates of Survey(s), including claimed exemptions under Chapter V of the 2010 *Park County Subdivision Regulations*, shall be reviewed in accordance with the provisions delineated in this document prior to filing at the Clerk and Recorders Office.

Only Certificate of Survey(s) that are informational, depict existing tract(s), or create easements may be submitted directly to the Clerk and Recorder's Office without following the three steps listed below. Such Certificate of Survey(s) will be filed upon verification of the information provided. For questions or assistance, please contact the Park County Planning Department at (406) 222-4102 or email at planning@parkcounty.org.

Any Certificate of Survey that does not meet the provisions of the applicable review form(s) ***shall not*** be filed at the Clerk and Recorders Office. The following three steps delineate the complete review procedure and all applicable provisions.

Step 1: Preliminary Review for Certificate of Survey(s)

Step 2: Final Review for Certificate of Survey(s)

Step 3: Filing Certificate of Survey(s)

Step 1: Preliminary Review Procedures:

1. All exemption proposals shall be submitted to the Planning Department and shall include the following:
 - a. The *Preliminary Review Form* (must be filled out and contain all required information). The *Preliminary Review Form* can be obtained in the Planning Department or on the County website @ www.parkcounty.org (***Please Note: Incomplete applications will not be processed***)
 - b. Two paper copies of the proposed exemption COS (***please note: Mylar copies will not be accepted during the preliminary review***).
 - c. The required \$400.00 Exemption Examination Fee (to be made out to the *Park County Treasurers Office*).
2. The Planning Department shall manage all proposed exemptions and shall ensure compliance with the requirements of the *Uniform Standards of Monumentation for Certificate of Survey* and the provisions delineated in chapter V of the 2010 *Park County Subdivision Regulations*.
3. The Health Department shall review the proposed exemption to ensure the survey meets all water and sanitation requirements delineated in Montana State Law and local regulations. If the Montana Department of Environmental Quality (MDEQ) approval is required for a proposed exemption, the Health department shall ensure this requirement is met prior to approval.

4. The County Attorney or Deputy Civil Attorney shall review the proposed exemption to ensure the survey is an allowed exemption under Part 2 of Title 76, Chapter 3 of the Montana Code Annotated.
5. Denied exemption applications shall be filed and no further action shall be taken [a copy of the determination shall be returned to the applicant(s)] along with a copy of the appeals process delineated in the current subdivision regulations.
6. Approved exemption applications shall be filed and a copy of the determination shall be provided to the applicants. Approved exemptions shall include an “*Approved*” stamp on the COS.
7. **For Family Transfer Only:** All Family Transfer Exemptions will be reviewed and considered by the Park County Commission at a public meeting. After the initial review is completed by the Planning Department, County Attorney’s Office and the Health Department, the Planning Department will schedule a public meeting before the Park County Commission. The Commission will follow section V-E-2.F.5-12 of the 2010 *Park County Subdivision Regulations*, which states:

Claim Procedure:

To prevent the abuses of the family transfer exemption, claims will be evaluated as follows:

1. *A staff member of the Planning Office presents a summary of the proposed division of land and any questions about the claimant’s potential intent to evade Subdivision review;*
 2. *Board reviews all applicable information, including the exemption application and all affidavits stating that the claimant(s):*
 - a. *Have not received another parcel in Park County as a result of a family transfer;*
 - b. *That no parcel(s), including any non-transferred portions of the original parcel, will not be sold for a period of three years from the date of the approval; and*
 - c. *That this transfer is not for the purpose of circumventing Subdivision -regulations and MSPA.*
 3. *The Board may ask questions about all relevant circumstances, aimed at determining whether the exemption claim is an attempt to evade Subdivision review;*
 4. *The Board evaluates whether the claim is an appropriate exemption or an attempt to evade the MSPA or these Regulations. In assessing the claimant’s purpose the Board will evaluate all relevant circumstances including the nature of the claimants business, the prior history of the particular parcel in question and the proposed configuration of parcels if the exempt transaction(s) are completed;*
 5. *The claimant has the burden of proof in satisfying the Board that the exemption claim is appropriate;*
 6. *If approved, the Board Chair signs the survey (or additional documents) confirming the Board’s approval of the exemption, then returns the documents to the Planning Office;*
 7. *If denied, the claimant within 15 days of the original hearing described above, may request reconsideration in writing to present additional information or argument; and*
 8. *At such time as a request may be approved, claimant picks up signed documents from the Planning Office, and then records documents with Clerk and Recorder’s Office.*
8. Once the applicant has received written confirmation from the Planning Department, the applicant shall then follow the provisions outlined in **Step 2: Final Review.**

Step 2: Final Review Procedures:

1. After the applicant(s) has received written confirmation of Preliminary Review from the Planning Department, including a signed approved copy of the Certificate of Survey or a copy of the Commission meeting minutes, and a copy of the Preliminary Review Form, the applicant shall then contact the Planning Department (222-4102) and schedule an appointment with a staff member for final review.
2. At the final review meeting:
 - a. The applicant shall provide an approved paper copy, a final Mylar Copy, and a copy of the Preliminary Review Form.
 - b. If the exemption results in three or more parcels accessing off of an unnamed roadway, the applicant should provide proof of road name designation from the Park County Rural Addressing Department.
 - c. The staff member will verify no discrepancies between the approved paper copy and the final Mylar Copy.
 - d. The staff member will sign the Final Review Form and provide a copy to the applicant.
3. The applicant shall then follow the steps delineated in **Step 3: Filing Certificate of Survey(s)**.

Step 3: Filing Certificate of Survey(s):

1. Once the applicant has received final review approval from the Planning Department, the applicant shall submit the following to the Clerk and Recorder's office;
 - a. The Final Review Form;
 - b. Two Mylar or Cloth Back copies of the Certificate of Survey (signed by all applicable parties, including the County Commission);
 - c. A paper copy of the final survey;
 - d. The Planning Department signed approved copy of the survey, or the governing body verification if approval; and
 - e. All other applicable information (see below).
2. The Clerk and Recorder will ensure no discrepancies between the final Mylar copies and the signed approved preliminary paper copy of the Certificate of Survey, and will verify all other applicable information has been submitted.
3. The applicant shall comply with all other provisions in the "**Clerk & Recorder's Office Information**" section below.

Clerk & Recorder's Office Information

Once the applicant has received final review approval from the Planning Department, the applicant shall submit the following to the Clerk and Recorder's office:

Certificates of Survey shall comply with 8.94.3002 – Uniform Standards for Certificates of Survey including Certificate of the Surveyor is not over 180 days before filing date.

- \$25.00 filing fee plus .50 per lot. Easement or informational survey: fee: \$25.00
- Final Review Form from the Park County Planning office, including this check sheet.
- Four copies are required, being either a Cloth back or Mylar or two Mylar copies (or equal thereof) of permanent quality and an identical paper copy, plus the approved copy from the planning department – all copies must be completed, including seals & signatures for submittal to the Clerk & Recorder's office. The final survey will be compared to the approved copy from the planning office.
- Chairman of the County Commissioners has signed all three copies of the survey.
- County Treasurer office has provided a signature verifying that all tax payments are current on the property (as per 8.94.3002 (c) (VI). If the certificate of survey invokes an exemption from subdivision review under 76-3-207, MCA, the certificate of survey must bear, or be accompanied by, a certification by the county treasurer that all taxes and special assessments assessed and levied on the surveyed land have been paid.
- \$400.00 fee (if applies) 76-3-201(6)(b) MCA. **A fee of \$400 is to be paid to the Park County Treasurer's office** (to be paid upon submittal to the Planning Department) for any surveys that are using the exemptions listed in Section 76-3-207 MCA. A receipt will be provided to you by the Planning Department upon submittal of the exemption application which must accompany the survey review papers. (filed with survey – no fee)
 - Relocation of common boundaries
 - Family Conveyance
 - Agricultural Exemptions
 - Aggregation of Lots (reduction in the number of lots that are contiguous)
 - Relocation of Common Boundaries between lots in a platted Subdivision and land outside a platted S/D
- Any exemptions claimed must be listed on the Certificate, along with proper signatures.
- The following documents are required to be filed if the following exemptions are claimed:
 - **(CO) Court ordered** are to have a certified copy of the court order (filed with survey – no fee)
 - **(ME) Mortgage survey's** are to be accompanied by either the mortgage, copy of the mortgage, or a letter from the lending institution as per County Subdivision Regulations. (Sometimes appears directly on the survey) (filed with survey – no fee)
 - **(RB) Relocation of common boundaries** – signed by both landowners – Recordable Deed & Realty Transfer Certificate must be submitted along with survey.
 - **(FC) Family Conveyance** transfers need to have a Recordable Deed brought in transferring the property to the family member(s) (recording fee required \$7 or \$11 per page, Realty Transfer Certificate is required to accompany the deed)
 - Family Conveyance survey's approved by planning after April 1, 2009 can not be transferred for 3 years.
Applicant(s) Affidavit Affirming Entitlement to Family Exemption must be submitted and recorded.
- All signatures shall be properly notarized.
- Original sanitation approval papers from the State *if Required* - These will be recorded and the original documents will be returned to the person submitting the survey. (**For lots 20 acres or less**) (recording fee required: \$7 per 8 ½ x 11 page)