



Planning & Building Department
 PO Box 158
 418 E 2nd Street
 Whitefish, MT 59937



Subdivisions and Subdivision Exemptions

Whitefish Planning & Building Department

406-863-2410
www.cityofwhitefish.org

What Are Subdivision Exemptions?

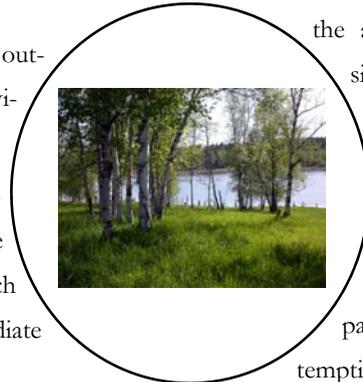
The Montana State Subdivision and Platting Act identifies certain land divisions that are exempt from subdivision review, but are subject to survey requirements and zoning regulations (MCA 76-3-401). These include:

- Boundary line adjustments (both outside and within a platted subdivision);
- Divisions of land outside a subdivision for the purpose of a single gift or sale in each county to each member of the landowner's immediate family; and
- Divisions of land outside a subdivision exclusively for agriculture.

Although the various actions described above do not require review through the local subdivision regulations, they are reviewed by the Planning Department to ensure it meets zoning standards and is not an attempt to avoid going through the subdivision process. As such, if you are proposing to use one of the exemptions permitted by state law, review the following and Chapter 7—Exemptions and Evasion Criteria of the Whitefish Subdivision Regulations.

Step 1: Subdivision Exemption Application

Submit a complete application to the Planning Department, including all applicable items identified on the application.



Step 2: Staff Review

Staff will review the proposed exemption to ensure it complies with zoning. If the proposal complies with zoning, the Planning Department shall sign the affidavit. The applicant shall take this signed affidavit, along with the paper copy of the certificate of survey in its final form to the County for review.

The staff at the plat room will review the request to determine if it constitutes a pattern of development that may be attempting to evade the subdivision review process. If the plat room identifies any traits that may constitute a pattern, they will forward their research to the Planning Department for an official determination. If the Planning Department determines the application request is an evasion of the Subdivision Regulations, the certificate of survey may not be filed. This determination can be appealed to the City Council according to Section 12-7-4(E) or the request can be modified. Actions that constitute an evasion of the subdivision are located in Section 12-7-5: Evasion Review Criteria for Subdivision Exemptions of the Subdivision Regulations.

Step 3: File the Exemption

If the exemption does not constitute an evasion, it may be filed at the Flathead County Clerk and Recorder office.

Subdivision Review in Whitefish

Step 1: Pre-application Conference

Prior to submitting a preliminary plat application with the City, schedule a pre-application conference with the Planning Department. At this meeting, staff will go over the subdivision review process and identify issues surrounding the proposal. A preliminary plat application must be submitted within 6 months of this meeting or another pre-application conference will be required. Appendix A of the Subdivision Regulations identifies what items need to be submitted for this meeting.



Step 2: Site Review Meeting

After the pre-application conference, schedule a site review meeting. Submit a complete Site Review application with the Public Works Department. Site review meetings are held weekly on Thursday afternoons so staff from the Planning, Public Works and Fire departments can review development proposals prior to an official preliminary plat application. Comments from both the pre-application conference and the site review meeting will be helpful in further refining subdivision projects.

Step 3: Preliminary Plat Application

Schedule a time to submit a complete application to the Planning Department. This application will include all applicable items in Appendix B and any additional items identified during the pre-application conference and site review meeting.

Staff will review the application to make sure it has all the necessary attachments and that they are adequately detailed for review. Once staff has made these two determinations, a decision needs to be made by the City Council within:

- 60 working days for a Major Subdivision;
- 80 working days for a Major Subdivision with 50 or more lots; or
- 35 working days for a Minor Subdivision.

Step 4: Public Involvement

Notifying the public of a proposed subdivision is an important part of community involvement in the local planning process. Also, it is required by both state law and our city regulations.

After staff has determined the application is complete, staff will inform the community of the project by placing a legal notice in the paper, posting a sign on the property and mailing notices to nearby neighbors.

Step 5: Staff Review

Staff will prepare a report that reviews the various

standards within the subdivision regulations, consider recommendations from advisory agencies and summarize concerns raised by the public. This report will also include conditions of approval and a recommendation to the Planning Board (for a Major subdivision only) and City Council.

Step 6: Whitefish Planning Board (Minor Subdivisions Skip This Step & Go To Step 7)

The Whitefish Planning Board will conduct a public hearing in order to take comments from the public on the proposal. After closing the public hearing, the Planning Board will make a recommendation to the City Council. The Planning Board may elect to add, delete or amend conditions within the staff report.

Step 7: City Council Review

The City Council will conduct a public hearing for a Major Subdivision in order to take comments from the public on the proposal. A Minor Subdivision is not reviewed as a public hearing, but will be reviewed as an item on the regular Council agenda. After closing the public hearing, the City Council will make a decision. The Council may add, delete or amend the recommended conditions from the Planning Board. The Council's decision is valid for three (3) years.

Step 8: Approval—Next Steps

Once an approval is granted, it is time to work toward completing the conditions of approval. This may include: submitting engineering plans to the Public

Works Department for review and approval and installing the improvements, developing a plan for tree retention, parkland improvements, further critical area analysis or any other items needed in order to fulfill the conditions applied to the project.

Step 9: Final Plat Submittal and Review

Once all the conditions of approval are met, it is time to final plat the property, which is the time the property is divided into individual lots and any dedications of parkland or rights-of-way occur. A complete final plat application shall be submitted to the Planning Department no less than 90-days prior to its expiration. See Appendix C for all the requirements of a complete application. Certain improvements can be delayed through the use of a Subdivision Improvement Agreement and financial surety—See Section 12-3-11(I).

Once the city verifies all the conditions are met, the subdivision will be scheduled for a City Council meeting. The City Council will inspect the plat and verify all the conditions are met. At the meeting, the Mayor and City Clerk will sign the final plat to be filed at the Flathead County Clerk and Recorder office. The signed plat and all the original documents submitted with the application may be picked up at the City Clerk's office and shall be filed at the County within 30-days of the Mayor's signature.