

Sanitation in Subdivision Exemption Application Ravalli County, Montana

Landowner Information - Property Owner(s)

Fee (\$100) Receipt # _____
Lots greater than 20 acres are exempt from this fee

Tract/Parcel/Lot # _____ Tax ID# _____
Certificate of Survey # _____; Geocode # ____ - ____ - ____ - ____ - ____
Legal Description: Section _____; Township _____ N/S; Range _____ W
Property Owner Name: _____
Address: _____
City/State/Zip: _____
Phone: _____

Tract/Parcel/Lot # _____ Tax ID# _____
Certificate of Survey # _____; Geocode # ____ - ____ - ____ - ____ - ____
Legal Description: Section _____; Township _____ N/S; Range _____ W
Property Owner Name: _____
Address: _____
City/State/Zip: _____
Phone: _____

Tract/Parcel/Lot # _____ Tax ID# _____
Certificate of Survey # _____; Geocode # ____ - ____ - ____ - ____ - ____
Legal Description: Section _____; Township _____ N/S; Range _____ W
Property Owner Name: _____
Address: _____
City/State/Zip: _____
Phone: _____

Please provide the REQUIRED information for each exemption, e.g., copy of court order, mortgage documents, life estate records, agricultural lease, right-of-way or copy of septic system permit for 76-4-125(1)(e)(ii) MCA and an EQ number for previous DEQ approval for ARM 17.36.605(2)(b).

Attachments:

1. Provide a copy of the preliminary Certificate of Survey or preliminary Plat that clearly shows the boundary of the lots and any new boundary lines. Label boundary lines as "old or existing" and "new or proposed".
2. Provide a copy of the subdivision exemption letter from the Ravalli County Planning Department, if applicable.

Type of Exemption Requested (check all that apply):

- Tract/Lot/Parcel # _____ is greater than 20 acres (exclusive of public roadways) and is therefore exempt from sanitation review by the Department of Environmental Quality pursuant to 76-4-102(22) MCA. (Note: Parcels less than 160 acres and greater than 20 acres may be subject to local sanitation review as per Montana Subdivision and Platting Act, Title 76, Chapter 3 M.C.A.)

The following exemptions only apply to lots less than 20 acres, exclusive of public roadways:

- Tract/Lot/Parcel #_____** is excluded from sanitation review by the Department of Environmental Quality pursuant to 76-4-125(1)(a) MCA as the division is created by order of a court of record in this state or by operation of law or that in absence of agreement between the parties to the sale, could be created by an order of a court in this state pursuant to the law of eminent domain, Title 70, chapter 30. (76-3-201(1)(a) MCA)
- Tract/Lot/Parcel #_____** is excluded from sanitation review by the Department of Environmental Quality pursuant to 76-4-125(1)(a) MCA as the division is created to provide security for construction mortgages, liens, or trust indentures for the purpose of construction, improvements to the land being divided, or refinancing purposes. (76-3-201(1)(b) MCA)
- Tract/Lot/Parcel #_____** is excluded from sanitation review by the Department of Environmental Quality pursuant to 76-4-125(1)(a) MCA as the division creates an interest in oil, gas, minerals, or water that is severed from the surface ownership of real property. (76-3-201(1)(c) MCA)
- Tract/Lot/Parcel #_____** is excluded from sanitation review by the Department of Environmental Quality pursuant to 76-4-125(1)(a) MCA as the division creates cemetery lots. (76-3-201(1)(d) MCA)
- Tract/Lot/Parcel #_____** is excluded from sanitation review by the Department of Environmental Quality pursuant to 76-4-125(1)(a) MCA as the division is created by the reservation of a life estate. (76-3-201(1)(e) MCA)
- Tract/Lot/Parcel #_____** is excluded from sanitation review by the Department of Environmental Quality pursuant to 76-4-125(1)(a) MCA as the division is created by lease or rental for farming and agricultural purposes. (76-3-201(1)(f) MCA)
- Tract/Lot/Parcel #_____** is excluded from sanitation review by the Department of Environmental Quality pursuant to 76-4-125(1)(a) MCA as the division is in a location over which the state does not have jurisdiction. (76-3-201(1)(g) MCA)
- Tract/Lot/Parcel #_____** is excluded from sanitation review by the Department of Environmental Quality pursuant to 76-4-125(1)(b) MCA as divisions made for the purpose of acquiring additional land to become part of an approved parcel, provided that water or sewage disposal facilities may not be constructed on the additional acquired parcel and that the division does not fall within a previously platted or approved subdivision. (*Note: it may be preferable to use ARM 17.36.605(2)(b) for parcels with a previous approval – see below.*)
- Tract/Lot/Parcel #_____** is exempt from sanitation review by the Department of Environmental Quality pursuant to 76-4-125(1)(c) MCA as the division is made for a purposes other than construction of water supply or sewage and solid waste disposal facilities as the department specifies by rule. The specific rule, ARM 17.36.605 (2)(a), must be cited, see below.

- Tract/Lot/Parcel # _____** is excluded from sanitation review by the Department of Environmental Quality pursuant to 76-4-125(1)(e)(i) MCA as a remainder of an original tract created by segregating a parcel from the tract for purposes of transfer because the remainder is served by public or multiple-user sewage system approved before January 1, 1997, pursuant to local regulations or MCA Title 76, Chapter 4.
- Tract/Lot/Parcel # _____** is excluded from sanitation review by the Department of Environmental Quality pursuant to 76-4-125(1)(e)(ii) MCA as a remainder of an original tract created by segregating a parcel from the tract for purposes of transfer because the remainder is 1 acre or larger and has an individual sewage system serving a discharge source that was in existence prior to April 29, 1993, and if required when installed, the system was approved pursuant to local regulations or MCA Title 76, Chapter 4.
- Tract/Lot/Parcel # _____** is exempt from sanitation review by the Department of Environmental Quality pursuant to ARM 17.36.605(1) as condominiums constructed on land divided in compliance with the Montana Subdivision and Platting Act.
- Tract/Lot/Parcel # _____** is exempt from sanitation review by the Department of Environmental Quality pursuant to ARM 17.36.605(1) as a parcel of land that has previously been reviewed under either department requirements or local health requirements and has received approval for a given number of living units for rental or lease, the construction of the same or a fewer number of condominium units on that parcel is not subject to the provision of M.C.A. Chapter 76 Title 4, provided that no new extension of a public water supply system or extension of a public sewage system is required.
- Tract/Lot/Parcel # _____** is excluded from sanitation review by the Department of Environmental Quality pursuant to ARM 17.36.605(2)(a) as a parcel that has no facilities for water supply, wastewater disposal, storm drainage, or solid waste disposal, if no facilities will be constructed on the parcel.
- Tract/Lot/Parcel # _____** is excluded from sanitation review by the Department of Environmental Quality pursuant to ARM 17.36.605(2)(b) as a parcel that has a previous approval issued under Title 76, chapter 4, part 1, MCA if: (i) no facilities other than those previously approved exist or will be constructed on the parcel; and (ii) the division of land will not cause approved facilities to deviate from the conditions of approval, in violation of 76-4-130, MCA;

Tract/Lot/Parcel # _____ is excluded from sanitation review by the Department of Environmental Quality pursuant to ARM 17.36.605(2)(c) as a parcel that will be affected by a proposed boundary line adjustment, if the parcel has existing facilities for water supply, wastewater disposal, storm drainage, or solid waste disposal that were not subject to review, and have not been reviewed, under Title 76, chapter 4, part 1, MCA, and if: (i) no facilities, other than those in existence prior to the boundary line adjustment, or those that were previously approved as replacements for the existing facilities, will be constructed on the parcel; (ii) existing facilities on the parcel complied with state and local laws and regulations, including permit requirements, which were applicable at the time of installation; and (iii) the local health officer determines that existing facilities are adequate for the existing use. As a condition of the exemption, the local health officer may require evidence that: (A) existing septic tanks have been pumped within the previous three years; (B) the parcel includes acreage or features sufficient to accommodate a replacement drainfield; (C) existing wells are adequate for the proposed uses; and (D) adequate storm drainage and solid waste disposal are provided.

Tract/Lot/Parcel # _____ is excluded from sanitation review by the Department of Environmental Quality pursuant to ARM 17.36.605(3) as an aggregation of parcels, except that an aggregation is subject to review under 76-4-130, MCA, if any parcel included in the aggregation has a previous approval issued under Title 76, chapter 4, part 1, MCA.

M.C.A. 76-4-122 (2) (c) the person wishing to file the plat, certificate of survey, or townhome, townhouse, or condominium declaration has placed on the plat, certificate of survey, or townhome, townhouse, or condominium declaration an acknowledged certification that the subdivision is exempt from review under this part. The certification must quote in its entirety the wording of the applicable exemption.

Each exemption must be stated on the COS or plat for each tract, lot, or parcel numbers.

All Owners for the tracts/parcels/lots on the Certificate of Survey or Plat that are claiming exemptions, or their authorized representative must sign:

Full Name: _____ Signature: _____

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NOTES:

1. Each exclusion must be customized for the survey by use of identifying tract, lot, or parcel number(s).
2. The term "approved" in the above exclusions means approved under 76-4 MCA Sanitation in Subdivisions Act.