

Sanitation in Subdivision Exemption Checklist

FOR PARCELS ≥20 ACRES EXCLUSIVE OF PUBLIC ROADWAYS:

For parcels ≥ 20 acres, exclusive of public roadways, and exempt from MCA 76-3 Subdivision and Platting Act:

- 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 M.C.A. 76-4-102 (16).

NOTE: For creation of agricultural tracts >20 acres, do not include a sanitation exemption on the survey.

For parcels ≥ 20 acres, exclusive of public roadways, and subject to MCA 76-3 Subdivision and Platting Act:

- Tract/Lot/Parcel** is exempt under M.C.A. 76-3-622(2) per: *(state one of the exemptions listed below.)*

FOR PARCELS < 20 ACRES EXCLUSIVE OF PUBLIC ROADWAYS:

- Tract/Lot/Parcel** is exempt from sanitation review by the Department of Environmental Quality pursuant to M.C.A. 76-4-111 as a condominium constructed on land divided in compliance with the Montana Subdivision and Platting Act and Sanitation in Subdivision Act or has previously been reviewed under either department requirements or local health requirements and 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 and no new extension of a public waer supply system or extension of a public sewage system is required.
- Tract/Lot/Parcel** is exempt from sanitation review by the Department of Environmental Quality pursuant to M.C.A. 76-4-125 (2) (a) 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.
- Tract/Lot/Parcel** is exempt from sanitation review by the Department of Environmental Quality pursuant to M.C.A. 76-4-125 (2) (a) 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.
- Tract/Lot/Parcel** is exempt from sanitation review by the Department of Environmental Quality pursuant to M.C.A. 76-4-125 (2) (a) as the division creates an interest in oil, gas, minerals, or water that is severed from the surface ownership of real property.
- Tract/Lot/Parcel** is exempt from sanitation review by the Department of Environmental Quality pursuant to M.C.A. 76-4-125 (2) (a) as the division creates cemetery lots.
- Tract/Lot/Parcel** is exempt from sanitation review by the Department of Environmental Quality pursuant to M.C.A. 76-4-125 (2) (a) as the division is created by the reservation of a life estate.
- Tract/Lot/Parcel** is exempt from sanitation review by the Department of Environmental Quality pursuant to M.C.A. 76-4-125 (2) (a) as the division is created by lease or rental for farming and agricultural purposes.
- Tract/Lot/Parcel** is exempt from sanitation review by the Department of Environmental Quality pursuant to M.C.A. 76-4-125 (2) (a) as the division is in a location over which the state does not have jurisdiction.
- Tract/Lot/Parcel** is exempt from sanitation review by the Department of Environmental Quality pursuant to M.C.A. 76-4-125 (2) (a) as the division is created for rights-of-way or utility sites. A subsequent change in the use of the land to a residential, commercial, or industrial use is subject to the requirements of Title 76.

- Tract/Lot/Parcel** is exempt from sanitation review by the Department of Environmental Quality pursuant to M.C.A. 76-4-125 (2) (a) as the sale, rent, lease or other conveyance of one or more parts of a building, structure, or other improvements, whether existing or proposed, is not a division of land.
- Tract/Lot/Parcel** is exempt from sanitation review by the Department of Environmental Quality pursuant to M.C.A. 76-4-125 (2) (b) as the division is made for the purpose of acquiring additional land to become part of an approved parcel, provided that water or sewer 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.
- Tract/Lot/Parcel** is exempt from sanitation review by the Department of Environmental Quality pursuant to M.C.A. 76-4-125 (2) (d) as the division is located within jurisdictional areas that have adopted growth policies pursuant to Title 76, Chapter 1 M.C.A. or is within a first-class or second class municipalities for which the governing body certifies, pursuant to 76-1-127 M.C.A., that adequate storm water drainage and adequate municipal facilities will be provided. *(Note Municipal Facilities Exclusion Checklist must be reviewed and approved by the Montana Department of Environmental Quality, and the original approval letter from MDEQ must be filed with the survey.)*
- Tract/Lot/Parcel** is exempt from sanitation review by the Department of Environmental Quality pursuant to M.C.A. 76-4-125 (2) (e) (i) 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 M.C.A. Title 76, Chapter 4.
- Tract/Lot/Parcel** is exempt from sanitation review by the Department of Environmental Quality pursuant to M.C.A. 76-4-125 (2) (e) (ii) 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 that was constructed prior to April 29, 1993, and if required when installed, was approved pursuant to local regulations or M.C.A. Title 76, Chapter 4.
- Tract/Lot/Parcel** is exempt from sanitation review by the Department of Environmental Quality pursuant to ARM 17.36.605 (2) (a) as a parcel that has no existing facilities for water supply, wastewater disposal, or solid waste disposal, if no new facilities will be constructed on the parcel.
- Tract/Lot/Parcel** is exempt from sanitation review by the Department of Environmental Quality pursuant to ARM 17.36.605 (2) (b) as a parcel that has no existing facilities for water supply, wastewater disposal, or solid waste disposal other than those that were previously approved by the reviewing authority under Title 76, chapter 4, part 1, M.C.A. or that were exempt from such review because no new facilities will be constructed on the parcel and the division of land will not cause approved facilities to violate any conditions of approval, and will not cause exempt facilities to violate any condition of exemption.

NOTES:

1. *Each exemption must be customized for the survey by use of identifying tract, lot, or parcel number(s).*
2. *M.C.A. 76-4-122 (2) A county clerk and recorder may not accept a subdivision plat or certificate of survey subject to review under this part for filing until one of the following conditions has been met:
(c) the person wishing to file the plat or certificate of survey has placed on the plat or certificate of survey 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.*