

**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# _____

Property Owner Name: _____

Mailing Address: _____

Phone: _____

Tract/Parcel/Lot # _____ Tax ID# _____

Property Owner Name: _____

Mailing Address: _____

Phone: _____

Tract/Parcel/Lot # _____ Tax ID# _____

Property Owner Name: _____

Mailing Address: _____

Phone: _____

Please provide the REQUIRED information for each exemption proposed, 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”. Proposed Sanitation Exemptions MUST be included in the COS or Plat.
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(24) 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 any court of record in this state or by operation of law or that, in the absence of agreement between the parties to the sale, could be created by an order of any 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 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)(a) MCA 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 this chapter. (76-3-201(1)(h) 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: ARM 17.36.605(2)(b) must be utilized if the lot has DEQ approval.*).
- Tract/Lot/Parcel #_____** is exempt from sanitation review by the Department of Environmental Quality pursuant to 76-4-125(1)(c) MCA as divisions made for purposes other than the construction of water supply or sewage or 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 the remainder is served by a public or multiple-user sewage system approved before January 1, 1997, pursuant to local regulations or this chapter.

- Tract/Lot/Parcel #_____** is excluded from sanitation review by the Department of Environmental Quality pursuant to 76-4-125(1)(e)(ii) MCA as 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 this chapter.
- Tract/Lot/Parcel #_____** is excluded from sanitation review by the Department of Environmental Quality pursuant to 76-4-125(1)(f) MCA as the sale of cabin or home sites as provided for and subject to the limitations in [77-2-318\(2\)](#).
- Tract/Lot/Parcel #_____** is exempt from sanitation review by the Department of Environmental Quality pursuant to ARM 17.36.605(1) as condominiums townhomes, or townhouses, as those terms are defined in **70-23-102**, constructed on land subdivided in compliance with parts 5 and 6 of the Montana Subdivision and Platting Act and this part are exempt from the provisions of this part.
- 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 has previously been reviewed under either department requirements or local health requirements and has received approval for a given number of living units, duplexes, or commercial units, the construction or conversion of the same or a fewer number of condominium units, townhomes, or townhouses on that parcel is not subject to the provisions of this part, provided that, if a new extension of a public water supply system or extension of a public sewage system is required to serve the development, the department reviews and approves plans for the extension.
- 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(3) as Aggregations of parcels are not subdivisions subject to review, 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.

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.

Per Section 76-4-122(2)(c) M.C.A. 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 cited on the COS or plat for each tract, lot, or parcel.

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: _____

Full Name: _____ Signature: _____

Full Name: _____ Signature: _____

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 Section 76-4 MCA Sanitation in Subdivisions Act.*