



**Lincoln County Planning Department**  
Website: <http://www.lincolncountymt.us/planning-home>

Planning: 406-283-2444 Addressing: 406-283-2464

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## **Sanitation Exclusions for Exemption**

The Exemption Application(s) require that this form be attached if an exclusion from sanitation review is being proposed. Please indicate on this form which sanitation exclusion(s) is/are being proposed and for which parcel. Also, attach supporting pertinent information for each exemption used such as:

- Copy of a Certificate of Subdivision Approval for the property
- Copy of a Removal of Sanitary Restriction for the property

The above information and/or assistance with completing this form may be obtained from the Lincoln County Environmental Health Department, 406-283-2444, [jmertes@libby.org](mailto:jmertes@libby.org) or 418 Mineral Ave., Libby, MT. 59923

### **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(s) \_\_\_\_\_ is 20 acres or greater, exclusive of public roadways, and is therefore not subject to sanitation review by the DEQ pursuant to M.C.A. 76-4-102 (16).

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

### **FOR PARCELS < 20 ACRES EXCLUSIVE OF PUBLIC ROADWAYS:**

- Tract/Lot/Parcel is exempt from sanitation review by the DEQ 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 water supply system or extension of a public sewage system is required
- Tract/Lot/Parcel is excluded from sanitation review by the DEQ 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 excluded from sanitation review by the DEQ 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 excluded from sanitation review by the DEQ 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 excluded from sanitation review by the DEQ 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 excluded from sanitation review by the DEQ pursuant to M.C.A. 76-4-125 (2) (a) as the division creates cemetery lots.
- Tract/Lot/Parcel is excluded from sanitation review by the DEQ 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 excluded from sanitation review by the DEQ 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 excluded from sanitation review by the DEQ 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 excluded from sanitation review by the DEQ 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 excluded from sanitation review by the DEQ 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 excluded from sanitation review by the DEQ 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. (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 excluded from sanitation review by the DEQ 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 76-4-127 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 DEQ, and the original approval letter from DEQ must be filed with the survey.)
- Tract/Lot/Parcel is excluded from sanitation review by the DEQ 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 excluded from sanitation review by the DEQ 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 serving a discharge source that was in existence 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 excluded from sanitation review by the DEQ pursuant to ARM 17.36.605 (2) (a) as a parcel that has no existing facilities for water supply, wastewater disposal, storm drainage or solid waste disposal, if no new facilities will be constructed on the parcel.

- Tract/Lot/Parcel is excluded from sanitation review by the DEQ pursuant to ARM 17.36.605 (2) (b) as a parcel that has a previous approval issued under Title 76, chapter 4, part 1, M.C.A. 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 DEQ pursuant to ARM 17.36.605(2)(c) as a parcel that has 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, if:(i) no new facilities will be constructed on the parcel; (ii) the number of developed parcels is not increased; (iii) existing facilities complied with state and local laws and regulations, including permit requirements, which were applicable at the time of installation; and (iv) 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; and (B) the parcel includes acreage or features sufficient to accommodate a replacement drainfield.
- Tract/Lot/Parcel is excluded from sanitation review by the DEQ 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.