SENATE LOCAL GOVERNMENT
EXHIBIT NO. 2
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BILL NO. SB392

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Subdivision Section
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Testimony for SB 392

Mr. Chairman and Members of the Committee my name is Steve Kilbreath and I represent the Montana Department of Environmental Quality. I am the Section Supervisor for the Subdivision Section; we are responsible for review of all subdivisions in the State under the Sanitation in Subdivisions Act. I am here today to provide testimony supporting SB 392.

- There are two subdivision acts in Montana, the Subdivision and Platting Act and the Sanitation Act. The Platting Act is implemented by local government and reviews all parcels less than 160 acres while DEQ implements the Sanitation Act and reviews all parcels less than 20 acres. SB 392 is targeting those parcels that fall into the gap between the two acts and old parcels that pre-date the Sanitation act (1961).

- We review the water, wastewater, storm drainage, and solid waste for all subdivisions in the state that have parcels less than 20 acres. When our review is complete we generate a Certificate of Subdivision Approval and lot layout to be filed with the local Clerk and Recorder.

- We view SB 392 as a positive step. A DEQ Certificate of Subdivision Approval or lifting of sanitary restrictions as it is also referred to, is a positive thing and can have lasting benefits to the property owner. This approval, once issued and filed with the Clerk and Recorder does not have a shelf life, it guarantees that this parcel can be developed in the future and once filed will show up on title work and will aid in future sales of the property. If the parcel is to be divided in the future the DEQ Certificate allows the use of a previously approved exemption that will expedite review. This benefit will be realized by the property owner, purchaser and realtor.

- Mr. Chairman and members of the committee, once again DEQ supports this bill and I am available for any questions.