

1 HOUSE BILL NO. 444

2 INTRODUCED BY E. BUTTREY, F. GARNER

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO SUBDIVISION
5 SANITATION REVIEW; ALLOWING CERTAIN AGGREGATIONS OF PREVIOUSLY DIVIDED PARCELS TO
6 BE EXEMPT FROM SANITATION REVIEW; ~~AND~~ AMENDING SECTION 76-4-125, MCA; AND PROVIDING
7 AN IMMEDIATE EFFECTIVE DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 76-4-125, MCA, is amended to read:

12 **"76-4-125. Land divisions excluded from review.** (1) A subdivision excluded from the provisions of
13 chapter 3 must be submitted for review according to the provisions of this part, except that the following
14 divisions or parcels, unless the exclusions are used to evade the provisions of this part, are not subject to
15 review:

16 (a) the exclusion cited in 76-3-201;

17 (b) divisions made for the purpose of acquiring additional land to become part of an approved parcel,
18 provided that water or sewage disposal facilities may not be constructed on the additional acquired parcel and
19 that the division does not fall within a previously platted or approved subdivision;

20 (c) divisions made for purposes other than the construction of water supply or sewage and solid
21 waste disposal facilities as the department specifies by rule;

22 (d) as certified pursuant to 76-4-127:

23 (i) new divisions subject to review under the Montana Subdivision and Platting Act;

24 (ii) divisions or previously divided parcels recorded with sanitary restrictions; or

25 (iii) divisions or parcels of land that are exempt from the Montana Subdivision and Platting Act review
26 under 76-3-203 or 76-3-207(1)(a), (1)(b), (1)(d), (1)(e), or (1)(f);

27 (e) subject to the provisions of subsection (2), a remainder of an original tract created by segregating
28 a parcel from the tract for purposes of transfer if:

1 (i) the remainder is served by a public or multiple-user sewage system approved before January 1,
2 1997, pursuant to local regulations or this chapter; or

3 (ii) the remainder is 1 acre or larger and has an individual sewage system serving a discharge source
4 that was in existence prior to April 29, 1993, and, if required when installed, the system was approved pursuant
5 to local regulations or this chapter;

6 ~~(f) the aggregation of previously divided parcels if:~~

7 ~~(i) the aggregation represents a previously undivided parcel of land that was reviewed and approved~~
8 ~~with sanitation restrictions;~~

9 ~~(ii) the previously undivided parcel was subsequently divided without sanitation review and approval;~~

10 ~~and~~

11 ~~(iii) the owner of the parcel requests that the divided parcels be aggregated to return to the original,~~
12 ~~undivided parcel; and~~

13 ~~(f)(g)(F)~~ the sale of cabin or home sites as provided for and subject to the limitations in 77-2-318(2).

14 (2) Consistent with the applicable provisions of 50-2-116, a local health officer may require that, prior
15 to the filing of a plat or a certificate of survey subject to review under this part for the parcel to be segregated
16 from the remainder referenced in subsection (1)(e)(ii), the remainder include acreage or features sufficient to
17 accommodate a replacement drainfield.

18 ~~(3) AT THE REQUEST OF THE OWNER, THE ORIGINAL CERTIFICATE OF SUBDIVISION APPROVAL SHALL BE~~
19 ~~REISSUED FOR A PARCEL PREVIOUSLY APPROVED UNDER THIS PART IF:~~

20 ~~(A) THE PARCEL WAS SUBSEQUENTLY DIVIDED WITHOUT REVIEW AND APPROVAL UNDER THIS PART; AND~~

21 ~~(B) THE UNAPPROVED PARCELS ARE AGGREGATED TO RETURN TO THE ORIGINAL DIVIDED PARCEL AS~~
22 ~~ORIGINALLY APPROVED."~~

23

24 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

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- END -