

2

*Senate*

BILL NO. 227

INTRODUCED BY *Adair*

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS 69-5002, 69-5003, AND 69-5005, R.C.M. 1947, TO RE-DEFINE 'SUBDIVISION' TO INCLUDE ONLY PARCELS OF LESS THAN TWENTY (20) ACRES IN SIZE; PROVIDING FOR APPROVAL OF PLANS FOR FACILITIES IN SUBDIVISIONS; REQUIRING THE PAYMENT OF FEES FOR SERVICES RENDERED IN THE REVIEW OF PLATS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 69-5002, R.C.M. 1947, is amended to read as follows:

"69-5002. Definitions. As used in this chapter unless the context clearly indicates otherwise the following words or phrases shall have the following meanings:

~~(1) "Subdivision" means the division of land, or land so divided, into two (2) or more parcels, whether contiguous or not, any of which is ten (10) acres or less, exclusive of public roadways, in size, without regard to the method of description thereof, in order that the title or possession of the parcels or any interest therein may be sold, rented, leased, or otherwise conveyed either immediately or in the future, and shall include any resubdivision of land, and~~

~~shall further include any condominium or areas providing multiple space for camping trailers, house trailers or mobile homes, provided further that a division of land is a subdivision when the division creates a second or any subsequent parcel for the purpose of sale, rent, lease, or other conveyance from a tract of land held in single or undivided ownership on July 1, 1973, where any of the parcels segregated from the original tract is ten (10) acres or less, exclusive of public roadways, in size, without regard to the method of description thereof. The plat of a subdivision so created shall show all of the parcels segregated from the original tract whether contiguous or not.~~

~~(a) "Subdivision" shall include any condominium or areas providing multiple space for camping trailers, house trailers, or mobile homes, regardless of the size of the parcel of land upon which the same is situated.~~

(1) "Subdivision" means a division of land, or land so divided, which creates one (1) or more parcels containing less than twenty (20) acres, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed, and includes any resubdivision; and any condominium or area, regardless of size, which provides multiple space for recreational camping vehicles or mobile homes. A subdivision shall

1 comprise only those parcels of less than twenty (20) acres  
 2 which have been segregated from the original tract, and the  
 3 plat thereof shall show all such parcels, whether contiguous  
 4 or not; provided, however, condominiums constructed on land  
 5 divided in compliance with the Montana Subdivision and  
 6 Platting Act and this chapter are exempt from provisions of  
 7 this chapter.

8 (2) "Board" means the board of health and  
 9 environmental sciences.

10 (3) "Department" means department of health and  
 11 environmental sciences.

12 (4) "Sanitary restriction" means a prohibition against  
 13 the erection of any dwelling, shelter or building requiring  
 14 facilities for the supply of water or the disposition of  
 15 sewage or solid waste until the department has approved  
 16 plans for those facilities.

17 (5) "Facilities" means public or private facilities  
 18 for the supply of water or disposal of sewage or solid  
 19 waste.

20 (6) "Solid wastes" means all putrescible and  
 21 nonputrescible solid wastes (except body wastes), including  
 22 garbage, rubbish, street cleanings, dead animals, yard  
 23 clippings, and solid market and solid industrial wastes."

24 Section 2. Section 69-5003, R.C.M. 1947, is amended to  
 25 read as follows:

1 ~~"69-5003. Filing of map or plat with county clerk and~~  
 2 ~~recorder.~~ Approval of plans for facilities in subdivisions.

3 (1) A person may not file a subdivision plat with a county  
 4 clerk and recorder, make disposition of any lot within a  
 5 subdivision, erect any building or shelter in a subdivision  
 6 which requires facilities for the supply of water or  
 7 disposal of sewage or solid waste, or occupy any permanent  
 8 building in a subdivision ~~when the status of the subdivision~~  
 9 ~~is conditional, and a~~ until the department has indicated  
 10 that the subdivision is subject to no sanitary restriction.

11 (2) A county clerk and recorder may not accept a  
 12 subdivision plat for filing until:

13 (a) the person wishing to file the plat has obtained  
 14 approval of the local health officer having jurisdiction and  
 15 has filed the approval with the department; and

16 (b) the department has indicated by stamp or  
 17 certificate, that it has approved the plat and plans and  
 18 specifications and that the subdivision is subject to no  
 19 sanitary restriction.

20 (3) When a subdivision as defined in this chapter is  
 21 excluded from the provisions of Title 11, chapter 38, R.C.M.  
 22 1947, and the subdivision is otherwise subject to the  
 23 provisions of this chapter, plans and specifications of the  
 24 subdivisions shall be submitted to the department and the  
 25 department shall indicate by certificate that it has

1 approved the plans and specifications and that the  
2 subdivision is not subject to a sanitary restriction.

3 ~~(2)~~ (4) A person may not construct or use any  
4 facilities which deviate from the plans and specifications  
5 filed with the department until the department has approved  
6 the deviation."

7 Section 3. Section 69-5005, R.C.M. 1947, is amended to  
8 read as follows:

9 "69-5005. Rules for administration and enforcement of  
10 chapter. (1) The department shall adopt reasonable rules,  
11 including adoption of sanitary standards, and setting forth  
12 fees for services rendered in the review of plats necessary  
13 for administration and enforcement of this chapter.

14 (2) The rules and standards shall provide the basis for  
15 approving subdivision plats for various types of water,  
16 sewage facilities, and solid waste disposal, both public and  
17 private, and shall be related to size of lots, contour of  
18 land, porosity of soil, ground water level, distance from  
19 lakes, streams, and wells, type and construction of private  
20 water and sewage facilities, and other factors affecting  
21 public health and the quality of water for uses relating to  
22 agriculture, industry, recreation, and wildlife.

23 (3) The rules shall further provide for:

24 (a) the furnishing to the department of a copy of the  
25 plat and other documentation showing the layout or plan of

1 development, including:

- 2 (i) total development area,
- 3 (ii) total number of proposed dwelling units;
- 4 (b) adequate evidence that a water supply that is
- 5 sufficient in terms of quality, quantity and dependability
- 6 will be available to ensure an adequate supply of water for
- 7 the type of subdivision proposed;
- 8 (c) evidence concerning the potability of the proposed
- 9 water supply for the subdivision;
- 10 (d) standards and technical procedures applicable to
- 11 storm drainage plans and related designs, in order to insure
- 12 proper drainage ways;
- 13 (e) standards and technical procedures applicable to
- 14 sanitary sewer plans and designs, including soil percolation
- 15 testing and required percolation rates and site design
- 16 standards for on-lot sewage disposal systems when
- 17 applicable;
- 18 (f) standards and technical procedures applicable to
- 19 water systems;
- 20 (g) standards and technical procedures applicable to
- 21 solid waste disposal;
- 22 (h) requiring evidence to establish that, if a public
- 23 sewage disposal system is proposed, provision has been made
- 24 for the system and, if other methods of sewage disposal are
- 25 proposed, evidence that the systems will comply with state

1 and local laws and regulations which are in effect at the  
2 time of submission of the preliminary or final plan or plat.

3 (i) a schedule of fees to be paid by the applicant for  
4 plat approval to the department for deposit in the agency  
5 fund provided for in section 79-410. The fees shall be used  
6 for review of plats based on the complexity of the  
7 subdivision, including but not limited to:

8 (i) number of lots in the subdivision;

9 (ii) the type of water system to serve the  
10 development;

11 (iii) the type of sewage disposal to serve the  
12 development; and

13 (iv) the degree of environmental research necessary to  
14 supplement the review procedure."

15 Section 4. This act is effective on its passage and  
16 approval.

-End-

Approved by Comm.  
on Local Government

SENATE BILL NO. 227  
INTRODUCED BY ROBERTS

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS 69-5002, 69-5003, AND 69-5005, R.C.M. 1947, TO RE-DEFINE 'SUBDIVISION' TO INCLUDE ONLY PARCELS OF LESS THAN TWENTY (20) ACRES IN SIZE; PROVIDING FOR APPROVAL OF PLANS FOR FACILITIES IN SUBDIVISIONS; REQUIRING THE PAYMENT OF FEES FOR SERVICES RENDERED IN THE REVIEW OF PLATS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 69-5002, R.C.M. 1947, is amended to read as follows:

"69-5002. Definitions. As used in this chapter unless the context clearly indicates otherwise the following words or phrases shall have the following meanings:

~~(1) "Subdivision" means the division of land, or land so divided, into two (2) or more parcels, whether contiguous or not, any of which is ten (10) acres or less, exclusive of public roadways, in size, without regard to the method of description thereof, in order that the title or possession of the parcels or any interest therein may be sold, rented, leased, or otherwise conveyed either immediately or in the future, and shall include any resubdivision of land, and~~

~~shall further include any condominium or areas providing multiple space for camping trailers, house trailers or mobile homes, provided further that a division of land is a subdivision when the division creates a second or any subsequent parcel for the purpose of sale, rent, lease, or other conveyance from a tract of land held in single or undivided ownership on July 1, 1973, where any of the parcels segregated from the original tract is ten (10) acres or less, exclusive of public roadways, in size, without regard to the method of description thereof. The plat of a subdivision so created shall show all of the parcels segregated from the original tract whether contiguous or not.~~

~~(a) "Subdivision" shall include any condominium or areas providing multiple space for camping trailers, house trailers, or mobile homes, regardless of the size of the parcel of land upon which the same is situated.~~

(1) "Subdivision" means a division of land, or land so divided, which creates one (1) or more parcels containing less than twenty (20) acres, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed, and includes any resubdivision; and any condominium or area, regardless of size, which provides PERMANENT multiple space for recreational camping vehicles or mobile homes. A

1 subdivision shall comprise only those parcels of less than  
 2 twenty (20) acres which have been segregated from the  
 3 original tract, and the plat thereof shall show all such  
 4 parcels, whether contiguous or not; provided, however,  
 5 condominiums constructed on land divided in compliance with  
 6 the Montana Subdivision and Platting Act and this chapter  
 7 are exempt from provisions of this chapter.

8 (2) "Board" means the board of health and  
 9 environmental sciences.

10 (3) "Department" means department of health and  
 11 environmental sciences.

12 (4) "Sanitary restriction" means a prohibition against  
 13 the erection of any dwelling, shelter or building requiring  
 14 facilities for the supply of water or the disposition of  
 15 sewage or solid waste until the department has approved  
 16 plans for those facilities.

17 (5) "Facilities" means public or private facilities  
 18 for the supply of water or disposal of sewage or solid  
 19 waste.

20 (6) "Solid wastes" means all putrescible and  
 21 nonputrescible solid wastes (except body wastes), including  
 22 garbage, rubbish, street cleanings, dead animals, yard  
 23 clippings, and solid market and solid industrial wastes."

24 Section 2. Section 69-5003, R.C.M. 1947, is amended to  
 25 read as follows:

1 ~~"69-5003. Filing of map or plat with county clerk and~~  
 2 ~~recorder. Approval of plans for facilities in subdivisions.~~  
 3 (1) A person may not file a subdivision plat with a county  
 4 clerk and recorder, make disposition of any lot within a  
 5 subdivision, erect any building or shelter in a subdivision  
 6 which requires facilities for the supply of water or  
 7 disposal of sewage or solid waste, or occupy any permanent  
 8 building in a subdivision ~~when the status of the subdivision~~  
 9 ~~is conditional, and a~~ until the department has indicated  
 10 that the subdivision is subject to no sanitary restriction.

11 (2) A county clerk and recorder may not accept a  
 12 subdivision plat for filing until:

13 (a) the person wishing to file the plat has obtained  
 14 approval of the local health officer having jurisdiction and  
 15 has filed the approval with the department; and.

16 (b) the department has indicated by stamp or  
 17 certificate, that it has approved the plat and plans and  
 18 specifications and that the subdivision is subject to no  
 19 sanitary restriction.

20 (3) When a subdivision as defined in this chapter is  
 21 excluded from the provisions of Title 11, chapter 38,  
 22 SECTION 11-3862, R.C.M. 1947, EXCEPT SECTION 11-3862 (8),  
 23 R.C.M. 1947, and the subdivision is otherwise subject to the  
 24 provisions of this chapter, plans and specifications of the  
 25 subdivisions shall be submitted to the department and the

1 department shall indicate by certificate that it has  
 2 approved the plans and specifications and that the  
 3 subdivision is not subject to a sanitary restriction. THE  
 4 PLAN REVIEW BY THE DEPARTMENT TO BE ACCOMPLISHED WITHIN  
 5 THIRTY (30) DAYS AFTER RECEIVING THE FINAL PLANS AND  
 6 SPECIFICATIONS.

7 ~~(2)~~ (4) A person may not construct or use any  
 8 facilities which deviate from the plans and specifications  
 9 filed with the department until the department has approved  
 10 the deviation."

11 Section 3. Section 69-5005, R.C.M. 1947, is amended to  
 12 read as follows:

13 "69-5005. Rules for administration and enforcement of  
 14 chapter. (1) The department shall adopt reasonable rules,  
 15 including adoption of sanitary standards, and setting forth  
 16 fees for services rendered in the review of plats AND  
 17 SUBDIVISIONS necessary for administration and enforcement of  
 18 this chapter.

19 (2) The rules and standards shall provide the basis for  
 20 approving subdivision plats for various types of water,  
 21 sewage facilities, and solid waste disposal, both public and  
 22 private, and shall be related to size of lots, contour of  
 23 land, porosity of soil, ground water level, distance from  
 24 lakes, streams, and wells, type and construction of private  
 25 water and sewage facilities, and other factors affecting

1 public health and the quality of water for uses relating to  
 2 agriculture, industry, recreation, and wildlife.

3 (3) The rules shall further provide for:

4 (a) the furnishing to the department of a copy of the  
 5 plat and other documentation showing the layout or plan of  
 6 development, including:

7 (i) total development area;

8 (ii) total number of proposed dwelling units;

9 (b) adequate evidence that a water supply that is  
 10 sufficient in terms of quality, quantity and dependability  
 11 will be available to ensure an adequate supply of water for  
 12 the type of subdivision proposed;

13 (c) evidence concerning the potability of the proposed  
 14 water supply for the subdivision;

15 (d) standards and technical procedures applicable to  
 16 storm drainage plans and related designs, in order to insure  
 17 proper drainage ways;

18 (e) standards and technical procedures applicable to  
 19 sanitary sewer plans and designs, including soil percolation  
 20 testing and required percolation rates and site design  
 21 standards for on-lot sewage disposal systems when  
 22 applicable;

23 (f) standards and technical procedures applicable to  
 24 water systems;

25 (g) standards and technical procedures applicable to

1 solid waste disposal;

2 (h) requiring evidence to establish that, if a public  
3 sewage disposal system is proposed, provision has been made  
4 for the system and, if other methods of sewage disposal are  
5 proposed, evidence that the systems will comply with state  
6 and local laws and regulations which are in effect at the  
7 time of submission of the preliminary or final plan or  
8 plat;

9 (i) a schedule of fees to be paid by the applicant for  
10 plat approval OR SUBDIVISION REVIEW to the department for  
11 deposit in the agency fund provided for in section 79-410.  
12 The fees shall be used for review of plats AND SUBDIVISIONS  
13 based on the complexity of the subdivision, including but  
14 not limited to:

15 (i) number of lots in the subdivision;

16 (ii) the type of water system to serve the  
17 development;

18 (iii) the type of sewage disposal to serve the  
19 development; and

20 (iv) the degree of environmental research necessary to  
21 supplement the review procedure."

22 Section 4. This act is effective on its passage and  
23 approval.

-End-



SENATE BILL NO. 227  
INTRODUCED BY ROBERTS

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS 69-5002, 69-5003, AND 69-5005, R.C.M. 1947, TO RE-DEFINE 'SUBDIVISION' TO INCLUDE ONLY PARCELS OF LESS THAN TWENTY (20) ACRES IN SIZE; PROVIDING FOR APPROVAL OF PLANS FOR FACILITIES IN SUBDIVISIONS; REQUIRING THE PAYMENT OF FEES FOR SERVICES RENDERED IN THE REVIEW OF PLATS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 69-5002, R.C.M. 1947, is amended to read as follows:

"69-5002. Definitions. As used in this chapter unless the context clearly indicates otherwise the following words or phrases shall have the following meanings:

~~(1) "Subdivision" means the division of land, or land so divided, into two (2) or more parcels, whether contiguous or not, any of which is ten (10) acres or less, exclusive of public roadways, in size, without regard to the method of description thereof, in order that the title or possession of the parcels or any interest therein may be sold, rented, leased, or otherwise conveyed either immediately or in the future, and shall include any resubdivision of land, and~~

~~shall further include any condominium or areas providing multiple space for camping trailers, house trailers or mobile homes, provided further that a division of land is a subdivision when the division creates a second or any subsequent parcel for the purpose of sale, rent, lease, or other conveyance from a tract of land held in single or undivided ownership on July 1, 1973, where any of the parcels segregated from the original tract is ten (10) acres or less, exclusive of public roadways, in size, without regard to the method of description thereof. The plat of a subdivision so created shall show all of the parcels segregated from the original tract whether contiguous or not.~~

~~(a) "Subdivision" shall include any condominium or areas providing multiple space for camping trailers, house trailers, or mobile homes, regardless of the size of the parcel of land upon which the same is situated.~~

(1) "Subdivision" means a division of land, or land so divided, which creates one (1) or more parcels containing less than twenty (20) acres, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed, and includes any resubdivision; and any condominium or area, regardless of size, which provides PERMANENT multiple space for recreational camping vehicles or mobile homes. A

1 subdivision shall comprise only those parcels of less than  
 2 twenty (20) acres which have been segregated from the  
 3 original tract, and the plat thereof shall show all such  
 4 parcels, whether contiguous or not; provided, however,  
 5 condominiums constructed on land divided in compliance with  
 6 the Montana Subdivision and Platting Act and this chapter  
 7 are exempt from provisions of this chapter.

8 (2) "Board" means the board of health and  
 9 environmental sciences.

10 (3) "Department" means department of health and  
 11 environmental sciences.

12 (4) "Sanitary restriction" means a prohibition against  
 13 the erection of any dwelling, shelter or building requiring  
 14 facilities for the supply of water or the disposition of  
 15 sewage or solid waste until the department has approved  
 16 plans for those facilities.

17 (5) "Facilities" means public or private facilities  
 18 for the supply of water or disposal of sewage or solid  
 19 waste.

20 (6) "Solid wastes" means all putrescible and  
 21 nonputrescible solid wastes (except body wastes), including  
 22 garbage, rubbish, street cleanings, dead animals, yard  
 23 clippings, and solid market and solid industrial wastes."

24 Section 2. Section 69-5003, R.C.M. 1947, is amended to  
 25 read as follows:

1 "69-5003. ~~Filing-of-map-or-plat-with-county-clerk--and~~  
 2 ~~recorder.~~ Approval of plans for facilities in subdivisions.

3 (1) A person may not file a subdivision plat with a county  
 4 clerk and recorder, make disposition of any lot within a  
 5 subdivision, erect any building or shelter in a subdivision  
 6 which requires facilities for the supply of water or  
 7 disposal of sewage or solid waste, or occupy any permanent  
 8 building in a subdivision ~~when-the-status-of-the-subdivision~~  
 9 ~~is-conditional--and-a~~ until the department has indicated  
 10 that the subdivision is subject to no sanitary restriction.

11 (2) A county clerk and recorder may not accept a  
 12 subdivision plat for filing until:

13 (a) the person wishing to file the plat has obtained  
 14 approval of the local health officer having jurisdiction and  
 15 has filed the approval with the department; and

16 (b) the department has indicated by stamp or  
 17 certificate, that it has approved the plat and plans and  
 18 specifications and that the subdivision is subject to no  
 19 sanitary restriction.

20 (3) When a subdivision as defined in this chapter is  
 21 excluded from the provisions of Title 11, chapter 38,  
 22 SECTION 11-3862, R.C.M. 1947, EXCEPT SECTION 11-3862 (8),  
 23 R.C.M. 1947, and the subdivision is otherwise subject to the  
 24 provisions of this chapter, plans and specifications of the  
 25 subdivisions shall be submitted to the department and the

1 department shall indicate by certificate that it has  
 2 approved the plans and specifications and that the  
 3 subdivision is not subject to a sanitary restriction. THE  
 4 PLAN REVIEW BY THE DEPARTMENT TO BE ACCOMPLISHED WITHIN  
 5 THIRTY (30) DAYS AFTER RECEIVING THE FINAL PLANS AND  
 6 SPECIFICATIONS.

7 ~~(2)~~ (4) A person may not construct or use any  
 8 facilities which deviate from the plans and specifications  
 9 filed with the department until the department has approved  
 10 the deviation."

11 Section 3. Section 69-5005, R.C.M. 1947, is amended to  
 12 read as follows:

13 "69-5005. Rules for administration and enforcement of  
 14 chapter. (1) The department shall adopt reasonable rules,  
 15 including adoption of sanitary standards, and setting forth  
 16 fees, NOT TO EXCEED TEN DOLLARS (\$10) PER PARCEL, AND  
 17 COLLECTIBLE ONLY UPON DEPARTMENTAL APPROVAL OF THE PLAT OR  
 18 SUBDIVISION, for services rendered in the review of plats  
 19 AND SUBDIVISIONS necessary for administration and  
 20 enforcement of this chapter.

21 (2) The rules and standards shall provide the basis for  
 22 approving subdivision plats for various types of water,  
 23 sewage facilities, and solid waste disposal, both public and  
 24 private, and shall be related to size of lots, contour of  
 25 land, porosity of soil, ground water level, distance from

1 lakes, streams, and wells, type and construction of private  
 2 water and sewage facilities, and other factors affecting  
 3 public health and the quality of water for uses relating to  
 4 agriculture, industry, recreation, and wildlife.

5 (3) The rules shall further provide for:

6 (a) the furnishing to the department of a copy of the  
 7 plat and other documentation showing the layout or plan of  
 8 development, including:

9 (i) total development area;

10 (ii) total number of proposed dwelling units;

11 (b) adequate evidence that a water supply that is  
 12 sufficient in terms of quality, quantity and dependability  
 13 will be available to ensure an adequate supply of water for  
 14 the type of subdivision proposed;

15 (c) evidence concerning the potability of the proposed  
 16 water supply for the subdivision;

17 (d) standards and technical procedures applicable to  
 18 storm drainage plans and related designs, in order to insure  
 19 proper drainage ways;

20 (e) standards and technical procedures applicable to  
 21 sanitary sewer plans and designs, including soil percolation  
 22 testing and required percolation rates and site design  
 23 standards for on-lot sewage disposal systems when  
 24 applicable;

25 (f) standards and technical procedures applicable to

1 water systems;

2 (g) standards and technical procedures applicable to  
3 solid waste disposal;

4 (h) requiring evidence to establish that, if a public  
5 sewage disposal system is proposed, provision has been made  
6 for the system and, if other methods of sewage disposal are  
7 proposed, evidence that the systems will comply with state  
8 and local laws and regulations which are in effect at the  
9 time of submission of the preliminary or final plan or  
10 plat;

11 (i) a schedule of fees to be paid by the applicant for  
12 plat--approval OR SUBDIVISION REVIEW to the department for  
13 deposit in the agency fund provided for in section 79-410.  
14 The fees shall be used for review of plats AND SUBDIVISIONS  
15 based on the complexity of the subdivision, including but  
16 not limited to:

17 (i) number of lots in the subdivision;

18 (ii) the type of water system to serve the  
19 development;

20 (iii) the type of sewage disposal to serve the  
21 development; and

22 (iv) the degree of environmental research necessary to  
23 supplement the review procedure."

24 Section 4. This act is effective on its passage and  
25 approval.

-End-

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HOUSE OF REPRESENTATIVES

Date: March 17, 1975

HOUSE COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY AMENDMENTS TO SB 227

1. Amend page 5, section 2, subsection (3), line 5.

Strike: "THIRTY (30) DAYS"

Insert: "a reasonable time not to exceed one (1) year"

2. Amend page 5, section 3, subsection (1), line 16.

Following: "TO EXCEED"

Strike: "TEN DOLLARS (\$10)"

Insert: "thirty-five dollars (\$35)"

3. Amend page 5, section 3, subsection (1), lines 16 through 18.

Following: "PARCEL"

Strike: ", AND COLLECTIBLE ONLY UPON DEPARTMENTAL APPROVAL OF  
THE PLAT OR SUBDIVISION,"

AND AS SO AMENDED

BE CONCURRED

WM/gtw

Committee of the Whole Amendments to HOUSE COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY AMENDMENTS to Senate Bill No. 227, third reading copy, as follows:

1. Amend PH,W & S amendment no. 1.

Strike: the amendment in its entirety

2. Amend page 5, section 2, subsection (3), lines 4 through 6.

Following: "DEPARTMENT"

Strike: the remainder of subsection (3) in its entirety

Insert: "shall be as follows:

(i) The developer shall present to the department a preliminary plan of the proposed development and whatever information the developer feels necessary for its subsequent review. Within sixty (60) days of this submission, based upon its receipt by the department, the department shall notify the developer if the material submitted is satisfactory and if not what additional information is required for subsequent action by the department.

(ii) If additional information is necessary no further processing will be made on the request until the missing information is made available to the department by the developer.

(iii) The department must notify the developer within thirty (30) days if his submission of additional requested material is satisfactory. If the material is not satisfactory, the provision of subsection (ii) shall apply.

(iv) After the department has notified the developer that they have all the necessary information required for review, the department must give final action of the proposed plan within sixty (60) days, unless an environmental impact statement is required, at which time this deadline may be increased to one hundred twenty (120) days."

AS SO AMENDED, BE CONCURRED IN

1 SENATE BILL NO. 227

2 INTRODUCED BY ROBERTS

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS  
5 69-5002, 69-5003, AND 69-5005, R.C.M. 1947, TO RE-DEFINE  
6 'SUBDIVISION' TO INCLUDE ONLY PARCELS OF LESS THAN TWENTY  
7 (20) ACRES IN SIZE; PROVIDING FOR APPROVAL OF PLANS FOR  
8 FACILITIES IN SUBDIVISIONS; REQUIRING THE PAYMENT OF FEES  
9 FOR SERVICES RENDERED IN THE REVIEW OF PLATS; AND PROVIDING  
10 AN IMMEDIATE EFFECTIVE DATE."

11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 69-5002, R.C.M. 1947, is amended to  
14 read as follows:

15 "69-5002. Definitions. As used in this chapter unless  
16 the context clearly indicates otherwise the following words  
17 or phrases shall have the following meanings:

18 ~~(1) "Subdivision" means the division of land, or land~~  
19 ~~so divided, into two (2) or more parcels, whether contiguous~~  
20 ~~or not, any of which is ten (10) acres or less, exclusive of~~  
21 ~~public roadways, in size, without regard to the method of~~  
22 ~~description thereof, in order that the title or possession~~  
23 ~~of the parcels or any interest therein may be sold, rented,~~  
24 ~~leased, or otherwise conveyed either immediately or in the~~  
25 ~~future, and shall include any resubdivision of land, and~~

1 ~~shall further include any condominium or areas providing~~  
2 ~~multiple space for camping trailers, house trailers or~~  
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4 ~~subdivision when the division creates a second or any~~  
5 ~~subsequent parcel for the purpose of sale, rent, lease, or~~  
6 ~~other conveyance from a tract of land held in single or~~  
7 ~~undivided ownership on July 17, 1973, where any of the~~  
8 ~~parcels segregated from the original tract is ten (10) acres~~  
9 ~~or less, exclusive of public roadways, in size, without~~  
10 ~~regard to the method of description thereof. The plat of a~~  
11 ~~subdivision so created shall show all of the parcels~~  
12 ~~segregated from the original tract whether contiguous or~~  
13 ~~not.~~

14 ~~(a) "Subdivision" shall include any condominium or~~  
15 ~~areas providing multiple space for camping trailers, house~~  
16 ~~trailers, or mobile homes, regardless of the size of the~~  
17 ~~parcel of land upon which the same is situated.~~

18 (1) "Subdivision" means a division of land, or land so  
19 divided, which creates one (1) or more parcels containing  
20 less than twenty (20) acres, exclusive of public roadways,  
21 in order that the title to or possession of the parcels may  
22 be sold, rented, leased, or otherwise conveyed, and includes  
23 any resubdivision; and any condominium or area, regardless  
24 of size, which provides PERMANENT multiple space for  
25 recreational camping vehicles or mobile homes. A

1 subdivision shall comprise only those parcels of less than  
 2 twenty (20) acres which have been segregated from the  
 3 original tract, and the plat thereof shall show all such  
 4 parcels, whether contiguous or not; provided, however,  
 5 condominiums constructed on land divided in compliance with  
 6 the Montana Subdivision and Platting Act and this chapter  
 7 are exempt from provisions of this chapter.

8 (2) "Board" means the board of health and  
 9 environmental sciences.

10 (3) "Department" means department of health and  
 11 environmental sciences.

12 (4) "Sanitary restriction" means a prohibition against  
 13 the erection of any dwelling, shelter or building requiring  
 14 facilities for the supply of water or the disposition of  
 15 sewage or solid waste until the department has approved  
 16 plans for those facilities.

17 (5) "Facilities" means public or private facilities  
 18 for the supply of water or disposal of sewage or solid  
 19 waste.

20 (6) "Solid wastes" means all putrescible and  
 21 nonputrescible solid wastes (except body wastes), including  
 22 garbage, rubbish, street cleanings, dead animals, yard  
 23 clippings, and solid market and solid industrial wastes."

24 Section 2. Section 69-5003, R.C.M. 1947, is amended to  
 25 read as follows:

1 ~~"69-5003. Filing of map or plat with county clerk and~~  
 2 ~~recorder.~~ Approval of plans for facilities in subdivisions.

3 (1) A person may not file a subdivision plat with a county  
 4 clerk and recorder, make disposition of any lot within a  
 5 subdivision, erect any building or shelter in a subdivision  
 6 which requires facilities for the supply of water or  
 7 disposal of sewage or solid waste, or occupy any permanent  
 8 building in a subdivision ~~when the status of the subdivision~~  
 9 ~~is conditional, and a~~ until the department has indicated  
 10 that the subdivision is subject to no sanitary restriction.

11 (2) A county clerk and recorder may not accept a  
 12 subdivision plat for filing until:

13 (a) the person wishing to file the plat has obtained  
 14 approval of the local health officer having jurisdiction and  
 15 has filed the approval with the department; and

16 (b) the department has indicated by stamp or  
 17 certificate, that it has approved the plat and plans and  
 18 specifications and that the subdivision is subject to no  
 19 sanitary restriction.

20 (3) When a subdivision as defined in this chapter is  
 21 excluded from the provisions of Title 11, chapter 38,  
 22 SECTION 11-3862, R.C.M. 1947, EXCEPT SECTION 11-3862 (3),  
 23 R.C.M. 1947, and the subdivision is otherwise subject to the  
 24 provisions of this chapter, plans and specifications of the  
 25 subdivisions shall be submitted to the department and the



1 department shall indicate by certificate that it has  
 2 approved the plans and specifications and that the  
 3 subdivision is not subject to a sanitary restriction. THE  
 4 PLAN REVIEW BY THE DEPARTMENT ~~TO BE ACCOMPLISHED WITHIN~~  
 5 ~~THIRTY (30) DAYS THIRTY (30) DAYS A REASONABLE TIME NOT TO~~  
 6 ~~EXCEED ONE (1) YEAR AFTER RECEIVING THE FINAL PLANS AND~~  
 7 ~~SPECIFICATIONS.~~ SHALL BE AS FOLLOWS:

8 (I) THE DEVELOPER SHALL PRESENT TO THE DEPARTMENT A  
 9 PRELIMINARY PLAN OF THE PROPOSED DEVELOPMENT AND WHATEVER  
 10 INFORMATION THE DEVELOPER FEELS NECESSARY FOR ITS SUBSEQUENT  
 11 REVIEW. WITHIN SIXTY (60) DAYS OF THIS SUBMISSION, BASED  
 12 UPON ITS RECEIPT BY THE DEPARTMENT, THE DEPARTMENT SHALL  
 13 NOTIFY THE DEVELOPER IF THE MATERIAL SUBMITTED IS  
 14 SATISFACTORY AND IF NOT WHAT ADDITIONAL INFORMATION IS  
 15 REQUIRED FOR SUBSEQUENT ACTION BY THE DEPARTMENT.

16 (II) IF ADDITIONAL INFORMATION IS NECESSARY NO FURTHER  
 17 PROCESSING WILL BE MADE ON THE REQUEST UNTIL THE MISSING  
 18 INFORMATION IS MADE AVAILABLE TO THE DEPARTMENT BY THE  
 19 DEVELOPER.

20 (III) THE DEPARTMENT MUST NOTIFY THE DEVELOPER WITHIN  
 21 THIRTY (30) DAYS IF HIS SUBMISSION OF ADDITIONAL REQUESTED  
 22 MATERIAL IS SATISFACTORY. IF THE MATERIAL IS NOT  
 23 SATISFACTORY, THE PROVISION OF SUBSECTION (II) SHALL APPLY.

24 (IV) AFTER THE DEPARTMENT HAS NOTIFIED THE DEVELOPER  
 25 THAT THEY HAVE ALL THE NECESSARY INFORMATION REQUIRED FOR

1 REVIEW, THE DEPARTMENT MUST GIVE FINAL ACTION OF THE  
 2 PROPOSED PLAN WITHIN SIXTY (60) DAYS, UNLESS AN  
 3 ENVIRONMENTAL IMPACT STATEMENT IS REQUIRED, AT WHICH TIME  
 4 THIS DEADLINE MAY BE INCREASED TO ONE HUNDRED TWENTY (120)  
 5 DAYS.

6 (2) (4) A person may not construct or use any  
 7 facilities which deviate from the plans and specifications  
 8 filed with the department until the department has approved  
 9 the deviation."

10 Section 3. Section 69-5005, R.C.M. 1947, is amended to  
 11 read as follows:

12 "69-5005. Rules for administration and enforcement of  
 13 chapter. (1) The department shall adopt reasonable rules,  
 14 including adoption of sanitary standards, and setting forth  
 15 fees, NOT TO EXCEED ~~TEN DOLLARS~~ THIRTY-FIVE DOLLARS  
 16 (~~\$35~~) PER PARCEL, AND COLLECTIBLE ONLY UPON DEPARTMENTAL  
 17 APPROVAL OF THE PLAT OR SUBDIVISION, for services rendered  
 18 in the review of plats AND SUBDIVISIONS necessary for  
 19 administration and enforcement of this chapter.

20 (2) The rules and standards shall provide the basis  
 21 for approving subdivision plats for various types of water,  
 22 sewage facilities, and solid waste disposal, both public and  
 23 private, and shall be related to size of lots, contour of  
 24 land, porosity of soil, ground water level, distance from  
 25 lakes, streams, and wells, type and construction of private

1 water and sewage facilities, and other factors affecting  
2 public health and the quality of water for uses relating to  
3 agriculture, industry, recreation, and wildlife.

4 (3) The rules shall further provide for:

5 (a) the furnishing to the department of a copy of the  
6 plat and other documentation showing the layout or plan of  
7 development, including:

8 (i) total development area;

9 (ii) total number of proposed dwelling units;

10 (b) adequate evidence that a water supply that is  
11 sufficient in terms of quality, quantity and dependability  
12 will be available to ensure an adequate supply of water for  
13 the type of subdivision proposed;

14 (c) evidence concerning the potability of the proposed  
15 water supply for the subdivision;

16 (d) standards and technical procedures applicable to  
17 storm drainage plans and related designs, in order to insure  
18 proper drainage ways;

19 (e) standards and technical procedures applicable to  
20 sanitary sewer plans and designs, including soil percolation  
21 testing and required percolation rates and site design  
22 standards for on-lot sewage disposal systems when  
23 applicable;

24 (f) standards and technical procedures applicable to  
25 water systems;

1 (g) standards and technical procedures applicable to  
2 solid waste disposal;

3 (h) requiring evidence to establish that, if a public  
4 sewage disposal system is proposed, provision has been made  
5 for the system and, if other methods of sewage disposal are  
6 proposed, evidence that the systems will comply with state  
7 and local laws and regulations which are in effect at the  
8 time of submission of the preliminary or final plan or  
9 plat;

10 (i) a schedule of fees to be paid by the applicant for  
11 plat-approval OR SUBDIVISION REVIEW to the department for  
12 deposit in the agency fund provided for in section 79-410.  
13 The fees shall be used for review of plats AND SUBDIVISIONS  
14 based on the complexity of the subdivision, including but  
15 not limited to

16 (i) number of lots in the subdivision;

17 (ii) the type of water system to serve the  
18 development;

19 (iii) the type of sewage disposal to serve the  
20 development; and

21 (iv) the degree of environmental research necessary to  
22 supplement the review procedure."

23 Section 4. This act is effective on its passage and  
24 approval.

-End-

1 SENATE BILL NO. 227  
 2 INTRODUCED BY ROBERTS  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS  
 5 69-5002, 69-5003, AND 69-5005, R.C.M. 1947, TO RE-DEFINE  
 6 'SUBDIVISION' TO INCLUDE ONLY PARCELS OF LESS THAN TWENTY  
 7 (20) ACRES IN SIZE; PROVIDING FOR APPROVAL OF PLANS FOR  
 8 FACILITIES IN SUBDIVISIONS; REQUIRING THE PAYMENT OF FEES  
 9 FOR SERVICES RENDERED IN THE REVIEW OF PLATS; AND PROVIDING  
 10 AN IMMEDIATE EFFECTIVE DATE."

11  
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 13 Section 1. Section 69-5002, R.C.M. 1947, is amended to  
 14 read as follows:

15 "69-5002. Definitions. As used in this chapter unless  
 16 the context clearly indicates otherwise the following words  
 17 or phrases shall have the following meanings:

18 ~~{1} "Subdivision" means the division of land, or land~~  
 19 ~~so divided, into two {2} or more parcels, whether contiguous~~  
 20 ~~or not, any of which is ten {10} acres or less, exclusive of~~  
 21 ~~public roadways, in size, without regard to the method of~~  
 22 ~~description thereof, in order that the title or possession~~  
 23 ~~of the parcels or any interest therein may be sold, rented,~~  
 24 ~~leased, or otherwise conveyed either immediately or in the~~  
 25 ~~future, and shall include any resubdivision of land, and~~

1 ~~shall further include any condominium or areas providing~~  
 2 ~~multiple space for camping trailers, house trailers or~~  
 3 ~~mobile homes, provided further that a division of land is a~~  
 4 ~~subdivision when the division creates a second or any~~  
 5 ~~subsequent parcel for the purpose of sale, rent, lease, or~~  
 6 ~~other conveyance from a tract of land held in single or~~  
 7 ~~undivided ownership on July 1, 1973, where any of the~~  
 8 ~~parcels segregated from the original tract is ten {10} acres~~  
 9 ~~or less, exclusive of public roadways, in size, without~~  
 10 ~~regard to the method of description thereof. The plat of a~~  
 11 ~~subdivision so created shall show all of the parcels~~  
 12 ~~segregated from the original tract whether contiguous or~~  
 13 ~~not.~~

14 ~~{a} "Subdivision" shall include any condominium or~~  
 15 ~~areas providing multiple space for camping trailers, house~~  
 16 ~~trailers, or mobile homes, regardless of the size of the~~  
 17 ~~parcel of land upon which the same is situated.~~

18 (1) "Subdivision" means a division of land, or land so  
 19 divided, which creates one (1) or more parcels containing  
 20 less than twenty (20) acres, exclusive of public roadways,  
 21 in order that the title to or possession of the parcels may  
 22 be sold, rented, leased, or otherwise conveyed, and includes  
 23 any resubdivision; and any condominium or area, regardless  
 24 of size, which provides PERMANENT multiple space for  
 25 recreational camping vehicles or mobile homes. A

1 subdivision shall comprise only those parcels of less than  
 2 twenty (20) acres which have been segregated from the  
 3 original tract, and the plat thereof shall show all such  
 4 parcels, whether contiguous or not; provided, however,  
 5 condominiums constructed on land divided in compliance with  
 6 the Montana Subdivision and Platting Act and this chapter  
 7 are exempt from provisions of this chapter.

8 (2) "Board" means the board of health and  
 9 environmental sciences.

10 (3) "Department" means department of health and  
 11 environmental sciences.

12 (4) "Sanitary restriction" means a prohibition against  
 13 the erection of any dwelling, shelter or building requiring  
 14 facilities for the supply of water or the disposition of  
 15 sewage or solid waste until the department has approved  
 16 plans for those facilities.

17 (5) "Facilities" means public or private facilities  
 18 for the supply of water or disposal of sewage or solid  
 19 waste.

20 (6) "Solid wastes" means all putrescible and  
 21 nonputrescible solid wastes (except body wastes), including  
 22 garbage, rubbish, street cleanings, dead animals, yard  
 23 clippings, and solid market and solid industrial wastes."

24 Section 2. Section 69-5003, R.C.M. 1947, is amended to  
 25 read as follows:

1 ~~"69-5003. Filing-of-map-or-plat-with-county-clerk--and~~  
 2 ~~recorder- Approval of plans for facilities in subdivisions.~~

3 (1) A person may not file a subdivision plat with a county  
 4 clerk and recorder, make disposition of any lot within a  
 5 subdivision, erect any building or shelter in a subdivision  
 6 which requires facilities for the supply of water or  
 7 disposal of sewage or solid waste, or occupy any permanent  
 8 building in a subdivision ~~when-the-status-of-the-subdivision~~  
 9 ~~is-conditional,-and-a~~ until the department has indicated  
 10 that the subdivision is subject to no sanitary restriction.

11 (2) A county clerk and recorder may not accept a  
 12 subdivision plat for filing until:

13 (a) the person wishing to file the plat has obtained  
 14 approval of the local health officer having jurisdiction and  
 15 has filed the approval with the department; and

16 (b) the department has indicated by stamp or  
 17 certificate, that it has approved the plat and plans and  
 18 specifications and that the subdivision is subject to no  
 19 sanitary restriction.

20 (3) When a subdivision as defined in this chapter is  
 21 excluded from the provisions of Title 11, chapter 38,  
 22 SECTION 11-3862, R.C.M. 1947, EXCEPT SECTION 11-3862 (8),  
 23 R.C.M. 1947, and the subdivision is otherwise subject to the  
 24 provisions of this chapter, plans and specifications of the  
 25 subdivisions shall be submitted to the department and the

1 department shall indicate by certificate that it has  
 2 approved the plans and specifications and that the  
 3 subdivision is not subject to a sanitary restriction. THE  
 4 PLAN REVIEW BY THE DEPARTMENT TO BE ACCOMPLISHED WITHIN  
 5 THIRTY (30) DAYS THIRTY (30) DAYS THIRTY (30) DAYS A  
 6 REASONABLE TIME NOT TO EXCEED ONE (1) YEAR AFTER RECEIVING  
 7 THE FINAL PLANS AND SPECIFICATIONS TO BE ACCOMPLISHED WITHIN  
 8 THIRTY (30) DAYS AFTER RECEIVING THE FINAL PLANS AND  
 9 SPECIFICATIONS SHALL BE AS FOLLOWS:

10 (A) THE DEVELOPER SHALL PRESENT TO THE DEPARTMENT A  
 11 PRELIMINARY PLAN OF THE PROPOSED DEVELOPMENT AND WHATEVER  
 12 INFORMATION THE DEVELOPER FEELS NECESSARY FOR ITS SUBSEQUENT  
 13 REVIEW. WITHIN SIXTY (60) DAYS OF THIS SUBMISSION, BASED  
 14 UPON ITS RECEIPT BY THE DEPARTMENT, THE DEPARTMENT SHALL  
 15 NOTIFY THE DEVELOPER IF THE MATERIAL SUBMITTED IS  
 16 SATISFACTORY TO DETERMINE IF SANITARY RESTRICTIONS ARE  
 17 NECESSARY AND IF NOT WHAT ADDITIONAL INFORMATION IS REQUIRED  
 18 FOR SUBSEQUENT ACTION BY THE DEPARTMENT.

19 (B) IF ADDITIONAL INFORMATION IS NECESSARY TO  
 20 DETERMINE IF SANITARY RESTRICTIONS ARE NECESSARY NO FURTHER  
 21 PROCESSING WILL BE MADE ON THE REQUEST UNTIL THE MISSING  
 22 INFORMATION IS MADE AVAILABLE TO THE DEPARTMENT BY THE  
 23 DEVELOPER.

24 (C) THE DEPARTMENT MUST NOTIFY THE DEVELOPER WITHIN  
 25 THIRTY (30) DAYS IF HIS SUBMISSION OF ADDITIONAL REQUESTED

1 MATERIAL IS SATISFACTORY. IF THE MATERIAL IS NOT  
 2 SATISFACTORY, THE PROVISION OF SUBSECTION (3) SHALL APPLY.

3 (D) AFTER THE DEPARTMENT HAS NOTIFIED THE DEVELOPER  
 4 THAT THEY HAVE ALL THE NECESSARY INFORMATION REQUIRED FOR  
 5 REVIEW, THE DEPARTMENT MUST GIVE FINAL ACTION OF THE  
 6 PROPOSED PLAN WITHIN SIXTY (60) DAYS, UNLESS AN  
 7 ENVIRONMENTAL IMPACT STATEMENT IS REQUIRED, AT WHICH TIME  
 8 THIS DEADLINE MAY BE INCREASED TO ONE HUNDRED TWENTY (120)  
 9 DAYS. SHALL BE AS FOLLOWS:

10 (I) THE DEVELOPER SHALL PRESENT TO THE DEPARTMENT A  
 11 PRELIMINARY PLAN OF THE PROPOSED DEVELOPMENT AND WHATEVER  
 12 INFORMATION THE DEVELOPER FEELS NECESSARY FOR ITS SUBSEQUENT  
 13 REVIEW. WITHIN SIXTY (60) DAYS OF THIS SUBMISSION, BASED  
 14 UPON ITS RECEIPT BY THE DEPARTMENT, THE DEPARTMENT SHALL  
 15 NOTIFY THE DEVELOPER IF THE MATERIAL SUBMITTED IS  
 16 SATISFACTORY AND IF NOT WHAT ADDITIONAL INFORMATION IS  
 17 REQUIRED FOR SUBSEQUENT ACTION BY THE DEPARTMENT.

18 (II) IF ADDITIONAL INFORMATION IS NECESSARY NO FURTHER  
 19 PROCESSING WILL BE MADE ON THE REQUEST UNTIL THE MISSING  
 20 INFORMATION IS MADE AVAILABLE TO THE DEPARTMENT BY THE  
 21 DEVELOPER.

22 (III) THE DEPARTMENT MUST NOTIFY THE DEVELOPER WITHIN  
 23 THIRTY (30) DAYS IF HIS SUBMISSION OF ADDITIONAL REQUESTED  
 24 MATERIAL IS SATISFACTORY. IF THE MATERIAL IS NOT  
 25 SATISFACTORY, THE PROVISION OF SUBSECTION (II) SHALL APPLY.

1        (IV) AFTER THE DEPARTMENT HAS NOTIFIED THE DEVELOPER  
 2 THAT THEY HAVE ALL THE NECESSARY INFORMATION REQUIRED FOR  
 3 REVIEW, THE DEPARTMENT MUST GIVE FINAL ACTION OF THE  
 4 PROPOSED PLAN WITHIN SIXTY (60) DAYS, UNLESS AN  
 5 ENVIRONMENTAL IMPACT STATEMENT IS REQUIRED, AT WHICH TIME  
 6 THIS DEADLINE MAY BE INCREASED TO ONE HUNDRED TWENTY (120)  
 7 DAYS.

8        ~~(2)~~ (4) A person may not construct or use any  
 9 facilities which deviate from the plans and specifications  
 10 filed with the department until the department has approved  
 11 the deviation."

12        Section 3. Section 69-5005, R.C.M. 1947, is amended to  
 13 read as follows:

14        "69-5005. Rules for administration and enforcement of  
 15 chapter. (1) The department shall adopt reasonable rules,  
 16 including adoption of sanitary standards, and setting forth  
 17 fees, NOT TO EXCEED TEN DOLLARS--(\$10) THIRTY-FIVE--DOLLARS  
 18 ~~(\$35) TEN--DOLLARS--(\$10) FIFTEEN DOLLARS (\$15) PER PARCEL,~~  
 19 ~~AND COLLECTIBLE ONLY UPON DEPARTMENTAL APPROVAL OF THE--PLAN~~  
 20 ~~OR SUBDIVISION,~~ for services rendered in the review of plats  
 21 AND SUBDIVISIONS necessary for administration and  
 22 enforcement of this chapter.

23        (2) The rules and standards shall provide the basis  
 24 for approving subdivision plats for various types of water,  
 25 sewage facilities, and solid waste disposal, both public and

1        private, and shall be related to size of lots, contour of  
 2 land, porosity of soil, ground water level, distance from  
 3 lakes, streams, and wells, type and construction of private  
 4 water and sewage facilities, and other factors affecting  
 5 public health and the quality of water for uses relating to  
 6 agriculture, industry, recreation, and wildlife.

7        (3) The rules shall further provide for:

8        (a) the furnishing to the department of a copy of the  
 9 plat and other documentation showing the layout or plan of  
 10 development, including:

11        (i) total development area;

12        (ii) total number of proposed dwelling units;

13        (b) adequate evidence that a water supply that is  
 14 sufficient in terms of quality, quantity and dependability  
 15 will be available to ensure an adequate supply of water for  
 16 the type of subdivision proposed;

17        (c) evidence concerning the potability of the proposed  
 18 water supply for the subdivision;

19        (d) standards and technical procedures applicable to  
 20 storm drainage plans and related designs, in order to insure  
 21 proper drainage ways;

22        (e) standards and technical procedures applicable to  
 23 sanitary sewer plans and designs, including soil percolation  
 24 testing and required percolation rates and site design  
 25 standards for on-lot sewage disposal systems when

1 applicable;

2 (f) standards and technical procedures applicable to  
3 water systems;

4 (g) standards and technical procedures applicable to  
5 solid waste disposal;

6 (h) requiring evidence to establish that, if a public  
7 sewage disposal system is proposed, provision has been made  
8 for the system and, if other methods of sewage disposal are  
9 proposed, evidence that the systems will comply with state  
10 and local laws and regulations which are in effect at the  
11 time of submission of the preliminary or final plan or  
12 plat;

13 (i) a schedule of fees to be paid by the applicant for  
14 plat-approval OR SUBDIVISION REVIEW to the department for  
15 deposit in the agency fund provided for in section 79-410.  
16 The fees shall be used for review of plats AND SUBDIVISIONS  
17 based on the complexity of the subdivision, including but  
18 not limited to:

19 (i) number of lots in the subdivision;

20 (ii) the type of water system to serve the  
21 development;

22 (iii) the type of sewage disposal to serve the  
23 development; and

24 (iv) the degree of environmental research necessary to  
25 supplement the review procedure."

1 Section 4. This act is effective on its passage and  
2 approval.

-End-