

ENVIRONMENTAL QUALITY

CHAPTER 36

SUBDIVISIONS/ON-SITE
SUBSURFACE WASTEWATER TREATMENT

Subchapter 8

Subdivision Review Fees

| | | |
|------|-----------|-------------------------|
| Rule | 17.36.801 | Purpose |
| | 17.36.802 | Fee Schedules |
| | | Rule 17.36.803 reserved |
| | 17.36.804 | Disposition of Fees |
| | 17.36.805 | Changes in Subdivision |

Subchapter 8

Subdivision Review Fees

17.36.801 PURPOSE (1) The purpose of this subchapter is to establish a schedule of fees to be paid to the department for the local and state review of subdivision applications. The schedule consists of three sections relating to the collection of fees for the review of divisions of land, condominiums, and areas providing permanent multiple space for recreational camping vehicles and mobile homes. The fees are based on the complexity of the subdivision, including the number of lots, the type of water system to serve the development, the type of wastewater disposal to serve the development, and the degree of environmental research necessary to supplement the review procedure. (History: 76-4-105, MCA; IMP, 76-4-105, MCA; NEW, EMERG, Eff. 5/15/75; NEW, Eff. 9/5/75; AMD, Eff. 5/6/76; AMD, EMERG, 1977 MAR p. 536, Eff. 9/6/77; AMD, 1977 MAR p. 750, Eff. 10/25/77; TRANS, from DHES, 1996 MAR p. 1499; AMD, 1998 MAR p. 646, Eff. 3/13/98; AMD, 2002 MAR p. 1465, Eff. 5/17/02.)

17.36.802 FEE SCHEDULES (1) An applicant for approval under this subchapter shall pay the following fees:

- (a) type of lots:
 - (i) subdivision lot or parcel or townhouse \$ 160
 - (ii) condominium/trailer court/recreational camping vehicle campground unit or space \$ 60
 - (iii) resubmittal fee - previously approved lot, boundaries are not changed per lot or parcel \$ 90
- (b) type of water system:
 - (i) individual or shared water supply system (existing and proposed) per unit \$ 110
 - (ii) multiple-user system (non-public):
 - (A) - each new system \$ 400
(plus \$ 130/hour for review in excess of four hours)
 - (B) - new distribution system design per lineal foot \$ 0.30
 - (C) - connection to distribution system per lot or unit \$ 90
 - (iii) public water system:
 - (A) new system per component per ARM 17.38.106 fee schedule

- (c) type of wastewater disposal:
- (i) existing systems per unit \$ 90
 - (ii) new gravity fed system per drainfield \$ 120
 - (iii) new dosed system, elevated sand mound, ET systems, intermittent sand filter, ETA systems, recirculating sand filter, recirculating trickling filter, aerobic treatment unit, nutrient removal, and whole house subsurface drip irrigation systems:
 - (A) per design \$ 240
(plus \$ 130/hour for review in excess of two hours)
 - (B) per drainfield \$ 60
 - (iv) gray water reuse systems, holding tanks, sealed pit privies, unsealed pit privies, seepage pits, waste segregation, experimental systems \$ 120
(plus \$ 130/hour in excess of two hours)
 - (v) multiple-user wastewater system (non-public):
 - (A) - new collection system design per lineal foot \$ 0.30
 - (B) - connection to collection system per lot or unit \$ 90
 - (vi) new public wastewater system per component per ARM 17.38.106 fee schedule
 - (d) other:
 - (i) deviation from circular per request or design \$ 250
(plus \$ 130/hour for review in excess of two hours)
 - (ii) waiver from rule per request \$ 250
(plus \$ 130/hour for review in excess of two hours)
 - (iii) reissuance of original approval statement per request \$ 70
 - (iv) review of revised lot layout document per request \$ 160
 - (v) municipal facilities exemption checklist (former master plan exemption) per application \$ 120
 - (vi) nonsignificance determinations/categorical exemption reviews:

SUBDIVISIONS/ON-SITE
SUBSURFACE WASTEWATER TREATMENT

17.36.802

- | | |
|---|--|
| (A) - individual/shared systems per drainfield | \$ 70 (plus \$ 130/hour for review in excess of two hours) |
| (B) - multiple-user non-public systems per lot or structure | \$ 40 (plus \$ 130/hour for review in excess of two hours) |
| (C) source specific mixing zone per drainfield | \$ 250 |
| (D) - public systems per drainfield | per ARM 17.38.106 fee schedule |
| (vii) storm drainage plan review: | |
| (A) - Circular DEQ-8 simple plan review per project | \$ 130 |
| (B) - Circular DEQ-8 standard plan review: | |
| (I) per project | \$ 220 |
| (II) plus per lot | \$ 50 (plus \$ 130/hour for review in excess of 30 minutes per lot) |
| (viii) preparation of environmental assessments/environmental impact statements: | |
| (ix) review for compliance with ARM 17.30.718 | actual cost \$900.00 (plus \$130/hour for review in excess of 6 hours). |

(History: 76-4-105, MCA; IMP, 76-4-105, MCA; NEW, EMERG, Eff. 5/15/75; NEW, Eff. 9/5/75; AMD, Eff. 5/6/76; AMD, EMERG, 1977 MAR p. 536, Eff. 9/6/77; AMD, 1977 MAR p. 750, Eff. 10/25/77; AMD, 1980 MAR p. 2967, Eff. 11/29/80; AMD, 1981 MAR p. 1288, Eff. 10/30/81; AMD, 1983 MAR p. 851, Eff. 7/15/83; AMD, 1984 MAR p. 1027, Eff. 7/13/84; AMD, 1992 MAR p. 2145, Eff. 9/25/92; AMD, 1993 MAR p. 542, Eff. 4/16/93; TRANS, from DHES, 1996 MAR p. 1499; AMD, 1998 MAR p. 646, Eff. 3/13/98; AMD, 2002 MAR p. 1465, Eff. 5/17/02; AMD, 2009 MAR p. 2477, Eff. 12/25/09; AMD, 2013 MAR p. 1827, Eff. 10/18/13; AMD, 2014 MAR p. 2098, Eff. 9/19/14; AMD, 2016 MAR p. 722, Eff. 4/23/16; AMD, 2020 MAR p. 319, Eff. 3/1/20.)

Rule 17.36.803 reserved

17.36.804 DISPOSITION OF FEES (1) The department shall use the fees collected pursuant to ARM 17.36.802 to fund the following functions:

- (a) review performed pursuant to subchapter 1 to determine whether:
 - (i) the application complies with subchapter 3;
 - (ii) to grant a waiver or deviation pursuant to ARM 17.36.601; or
 - (iii) the proposed subdivision is excluded from review pursuant to ARM 17.36.605;
- (b) review performed pursuant to ARM 17.30.706 to determine whether significant degradation will occur;
- (c) review performed pursuant to ARM 17.30.707, 17.30.708, 17.30.715, or 17.30.716, regarding nondegradation;
- (d) preparation of an environmental assessment pursuant to ARM 17.4.609 and 17.4.610, including costs of gathering data and information, analysis, printing, distribution, and hearing costs;
- (e) subject to 75-1-205, MCA, preparation of an environmental impact statement pursuant to ARM 17.4.615 through 17.4.629, including costs of analysis, printing, distribution, and hearing costs, and excluding the costs of information and data gathering which are subject to fee assessment pursuant to 75-1-202, MCA;
- (f) reimbursement of local government entities as provided in (2) and (3); and
- (g) conducting inspections and enforcement activities pursuant to 76-4-107 and 76-4-108, MCA.

(2) The department shall reimburse local governing bodies under department contract to review subdivisions as follows:

- (a) for subdivisions with individual wastewater treatment systems, the department shall reimburse \$35 per lot plus 80 percent of the review fee under ARM 17.36.802 for the following actions performed by the local governing body:
 - (i) each review of water, storm water, and wastewater systems;
 - (ii) nonsignificance determinations and categorical exemptions; and
 - (iii) review of revised lot layout documents.

(3) The department may reimburse counties that have not been delegated review authority but that perform review services including, but not limited to, inspection of proposed and approved facilities and assistance to persons in the application procedure as follows:

- (a) \$35 per parcel for subdivisions with individual or shared wastewater treatment systems. A site evaluation must accompany the submittal.

(4) Funds must be reimbursed to the local governing bodies quarterly, based upon the fiscal year starting on July 1 and ending on June 30 of each year. (History: 76-4-105, MCA; IMP, 76-4-105, MCA; NEW, EMERG, Eff. 5/15/75; NEW, Eff. 9/5/75; AMD, Eff. 5/6/76; AMD, EMERG, 1977 MAR p. 536, Eff. 9/6/77; AMD, 1977 MAR p. 750, Eff. 10/25/77; AMD, 1980 MAR p. 2967, Eff. 11/29/80; AMD, 1981 MAR p. 1288, Eff. 10/30/81; AMD, 1984 MAR p. 1027, Eff. 7/13/84; AMD, 1992 MAR p. 2145, Eff. 9/25/92; TRANS, from DHES, 1996 MAR p. 1499; AMD, 1998 MAR p. 646, Eff. 3/13/98; AMD, 2002 MAR p. 1465, Eff. 5/17/02; AMD, 2014 MAR p. 2098, Eff. 9/19/14; AMD, 2016 MAR p. 722, Eff. 4/23/16; AMD, 2018 MAR p. 1588, Eff. 8/11/18.)

17.36.805 CHANGES IN SUBDIVISION (1) If, during the review process, or after approval, an applicant proposes to change the water supply system, wastewater treatment system, storm water drainage plan, or solid waste disposal plan of a subdivision or if such changes are necessitated by a department determination that proposed plans are inadequate, such changes must be submitted to the reviewing authority for review and are subject to the resubmittal review fee and fees for the components proposed for change as listed in ARM 17.36.802.

(2) Other changes for plan components not listed in ARM 17.36.802 are also subject to additional review fees. The department shall determine the exact amount of the additional fee based on how much review time the change(s) require. Review time must be charged at the rate of \$105 per hour with a minimum charge of \$105. (History: 76-4-105, MCA; IMP, 76-4-105, MCA; NEW, EMERG, Eff. 5/15/75; NEW, Eff. 9/5/75; AMD, Eff. 5/6/76; AMD, EMERG, 1977 MAR p. 536, Eff. 9/6/77; AMD, 1977 MAR p. 750, Eff. 10/25/77; AMD, 1984 MAR p. 1027, Eff. 7/13/84; TRANS, from DHES, 1996 MAR p. 1499; AMD, 1998 MAR p. 646, Eff. 3/13/98; AMD, 2002 MAR p. 1465, Eff. 5/17/02; AMD, 2009 MAR p. 2477, Eff. 12/25/09; AMD, 2013 MAR p. 1827, Eff. 10/18/13.)

