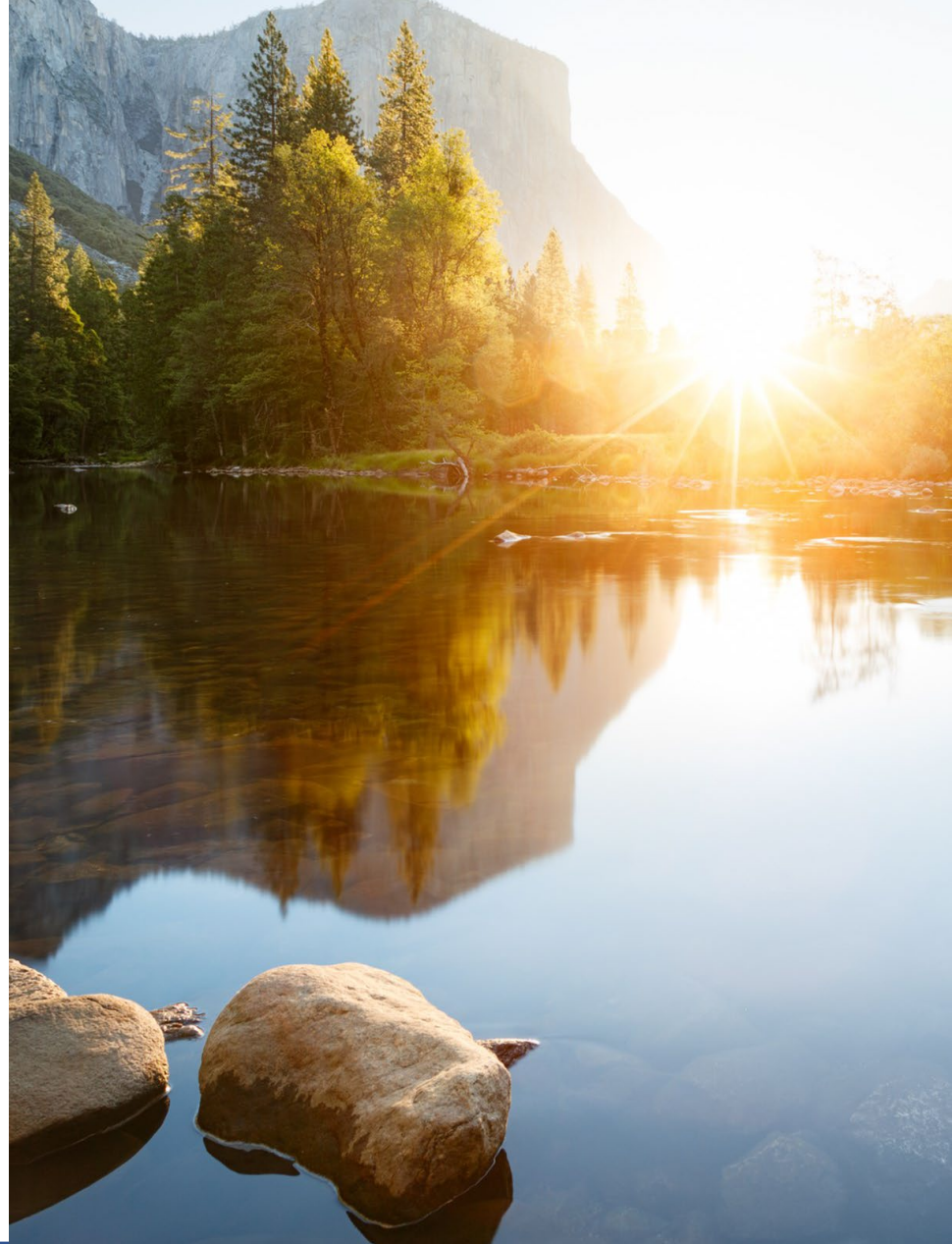


Municipal Facilities Exclusions (MFEs)

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Topics

- Municipal Facilities Exclusions
- Exemption Certificates
- Notification of Change form
- County Water Sewer District Facilities Exclusions
- MFEs and Main Extensions



Municipal Facilities Exclusions (MFEs)

- **Sanitation Act Exemption** in MCA 76-4-125 and 127
- “Adequate Municipal Facilities” means municipally, publicly or privately owned facilities that supply water, treat sewage or dispose of solid waste for all or most properties within the boundaries of a municipality and that are operating in compliance with Title 75, Chapters 5 and 6.
 - Mains have to be owned by the City, can’t be privately owned
 - Stormwater just needs review – doesn’t necessarily have to go into the City system.
- Directly tied to Platting Act approvals and exemptions:
 - New divisions subject to Platting Act review,
 - Lots filed with Sanitary Restrictions prior to 1972, or
 - Lots filed with Platting Act exemptions 76-3-203, 76-3-207 (1)(a), (b), (d), (e) or (f).

When is a Sanitation Act review required?

- New divisions of land, that creates a parcel of 20 or less acres,
 - New RV and mobile home parks (two or more),
 - Lots with existing Certificates of Subdivision Approval (COSA) where a change in use or facilities are proposed, e.g. going from one residence to two, or going from residential to commercial.
-
- To avoid getting a new COSA or rewriting an old COSA, an MFE can be used.
 - Some Platting Act exempt lots are also exempt from Sanitation Act review, e.g. mortgage parcel.
 - Some Platting Act exempt lots are not also exempt from Sanitation Act review, e.g. family transfer lots.

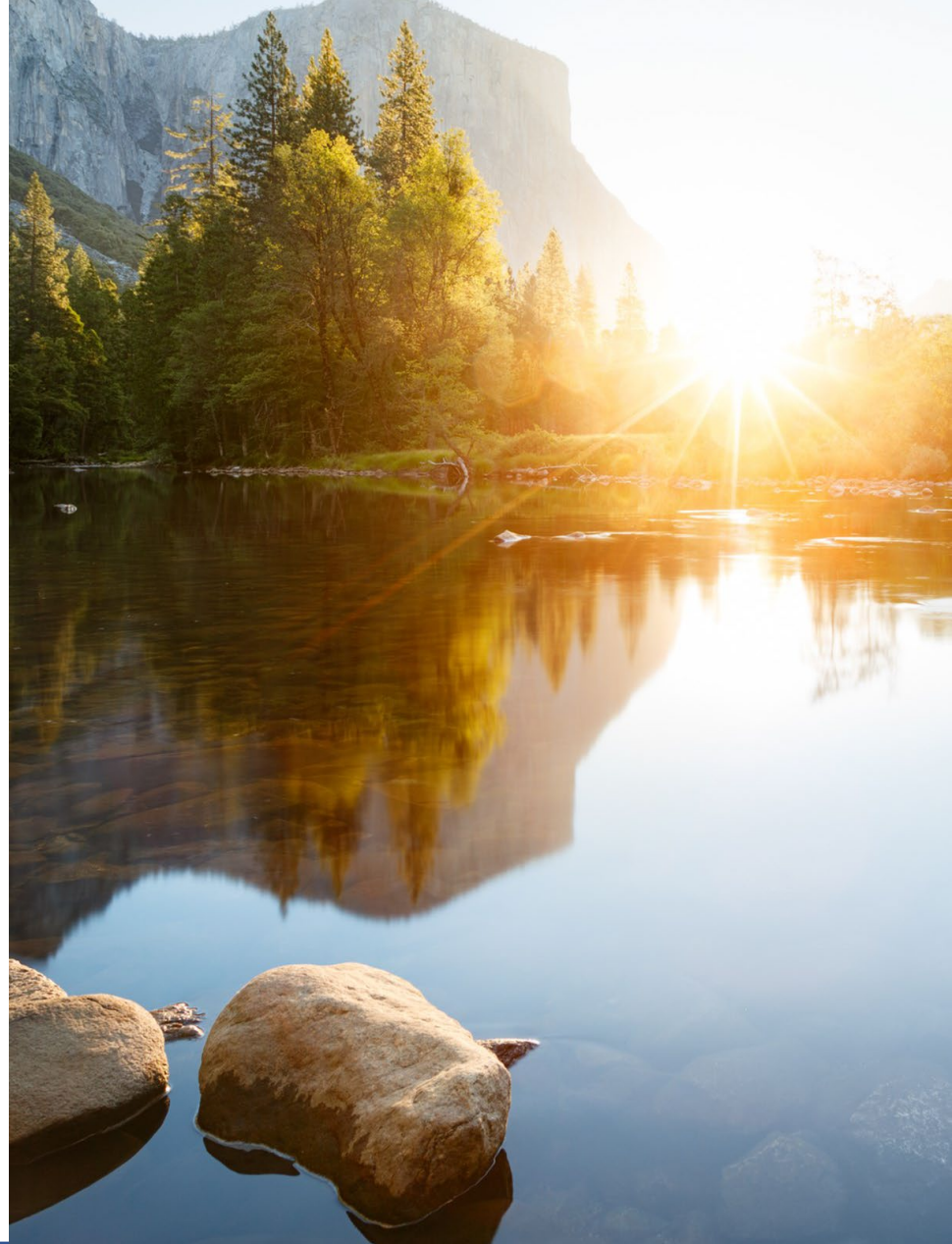
Municipal Facilities Exclusions (MFEs)

- **All MFE applications to DEQ:**
 - Application Form signed by an on-staff or retained Montana-licensed Professional Engineer
 - Review Fee
 - Plat, COS or condo declaration
 - Identify number of Parcels and Units in Subdivision
 - A copy of any applicable zoning ordinances in effect
- **NEW** on January 1, 2024: Municipalities can be authorized by DEQ to self-approve their own MFEs. DEQ is developing training – very similar to this presentation.

Municipal Facilities Exclusions (MFEs)

Can ONLY be used for:

- New divisions of land subject to Platting Act review, or
- Lots filed with Sanitary Restrictions, or
- Lots filed with some Platting Act exemptions



Municipal Facilities Exclusions (MFEs)

- **New Divisions:**
 - To Qualify: Must have Preliminary Plat approval
 - Use Sanitation Act exemption MCA 76-4-125 (1)(d)(i) “new divisions subject to review under the Montana Subdivisions and Platting Act.”
 - Provide plat. The plat must contain the exemption listed above.

Municipal Facilities Exclusions (MFEs)

- **Lots filed with Sanitary Restrictions:**

- To Qualify: Must have been filed with restrictions prior to 1972 (the last year Sanitary Restrictions were allowed)
- Use Sanitation Act exemption MCA 76-4-125 (1)(d)(ii) “divisions or previously divided parcels recorded with sanitary restrictions.”
- Provide Plat/COS that identifies the parcel as being created with Sanitary Restrictions.
- If no new Plat/COS will be filed, use an Exemption Certificate.

Municipal Facilities Exclusions (MFEs)

- **Lots filed with Platting Act exemptions:**
 - To Qualify: Must qualify for one of the following Platting Act exemptions:
 - 76-3-203 Condo and Townhouse Exemption
 - 76-3-207 (1)(a) BLA/BLR outside platted subdivisions
 - (1)(b): Family transfers
 - (1)(d) BLR within platted subdivision for five or fewer lots
 - (1)(e) BLR between single platted lot and land outside platted subdivisions
 - (1)(f) Aggregations
 - Use Sanitation Act exemption MCA 76-4-125 (1)(d)(iii) “divisions or previously divided parcels of land that are exempt from the Montana Subdivision and Platting Act review under [list specific Platting Act exemption].”
 - Provide Plat/COS/Condominium Declaration with the MFE exemption language above plus the applicable Platting Act exemption.

Exemption Certificate

- If you qualify for an existing exemption, you can use an Exemption Certificate to correct the exemption on the original Plat/COS.
- Exemption Certificate must include legal description, owner's signature and cite the applicable exemption.
- Exemption Certificate for MFE can only be used if the parcel qualified at the time of recording
 - New division of land subject to review under Platting Act,
 - Lots filed with Sanitary Restrictions prior to 1972, or
 - Platting Act exemptions
 - 76-3-203 Condo and Townhouse Exemption
 - 76-3-207 (1)(a) BLA/BLR outside platted subdivisions
 - (1)(b): Family transfers
 - (1)(d) BLR within platted subdivision for five or fewer lots
 - (1)(e) BLR between single platted lot and land outside platted subdivisions
 - (1)(f) Aggregations



Exemption Certificates with an MFE

- Send signed exemption certificate to DEQ
- MFE form signed by City Engineer
- Original Plat or COS
- Review fee

Notification of Change form

- To Qualify: If the parcel has a COSA and the sole change is connecting to City services.
- Can't be used to change use, e.g. increase units or change from residential to commercial.
- Application Form, signed by City engineer
- Review Fee
- Original COSA
- Map showing location of service connections to City mains.

County Water and Sewer District Facilities Exemption

- Essentially the same as a MFE, but connection is to CWSD.
- Must provide water and sewer and review stormwater.
- New division, sanitary restriction lot or Platting Act exemption.
- **CWSD must review stormwater!**



MFEs and Main Extensions

- Two different parts of the law: Sanitation Act and Public Water and Wastewater Laws
- Often submitted together for new divisions
- Can have MFE without Main Extension, e.g. new division of land that doesn't need a Main Extension for service
- Can have a Main Extension without an MFE, e.g. looping a water main when no new parcels will be served
- If the Main Extension is to serve something new, you probably need an MFE or other valid exemption.

Need to contact us?

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- Shawn Rowland, Subdivision Section Supervisor, shawn.rowland@mt.gov
- On-call Reviewer: deq-eoc@mt.gov

Questions?

