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FIRST READING

STATE OF MONTANA

REQUEST NO. 340-77

FISCAL NOTE

Form BD-15 N

In compliance with a written	request received February 1, 1977, there is hereby submitted a Fiscal Note
for HB 630	pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.
Background information used i	n developing this Fiscal Note is available from the Office of Budget and Program Planning, to members
of the Legislature upon reque	st.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 630 revises the state land use planning statutes. The proposed legislation requires each Montana city, town and county to prepare and adopt a local land use plan. The implementation of the plan is required through the use of adjusting the property tax base.

ASSUMPTION:

- 1. The fiscal impact addressed by this note is limited to the administrative costs of implementing the proposed law. Local revenue estimates that might vary as a result of adjusting the property tax base are not discussed.
- 2. The passage of this proposed legislation will have fiscal impact upon both state and local government. The Legislature will have to provide some additional means to finance the fiscal impact upon local government addressed below.

FISCAL IMPACT:	FY78	FY79
Personal Services	\$60,000	\$61,500
Operating Expenses	10,000	10,500
Total expenditures under proposed law	\$70,000	\$72,000
Expenditures under current law	20,000	20,500
Increased expenditures under proposed law	<u>\$50,000</u>	<u>\$51,500</u>

LOCAL IMPACT:

The local impact of House Bill 630 is estimated at approximately \$2,120,250 per fiscal year. Forty-three counties will be required to provide a total planning effort to comply with the proposed legislation at a biennial cost of \$63,000 per county. Thirteen counties will require some update and revision of their existing plan use plans at a biennial cost of approximately \$33,000 per county. One hundred small municipalities will require about \$5,000 per biennium. On the average, the 26 larger communities will require about \$27,656 for the biennium to implement the proposed legislation.

Kichard L. Frang for

BUDGET DIRECTOR Office of Budget and Program Planning Date: Allowary 8, 1977

STATE OF MONTANA

REQUEST NO. 340-77

FISCAL NOTE

Form BD-15

(Amended)

In compliance with a written request received March 30 , 19 77 , there is hereby submitted a Fiscal Note for House Bill 630, Amended pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 630 revises the state land use planning statutes. The proposed legislation requires each Montana city, town and county to prepare and adopt a local land use plan. The implementation of the plan is required through the use of adjusting the property tax base.

ASSUMPTIONS:

- 1. The fiscal impact addressed by this note is limited to the administrative cost of implementing the proposed law. Local revenue estimates that might vary as a result of adjusting the property tax base are not discussed.
- 2. The passage of this proposed legislation will have fiscal impact upon both state and local government. The Legislature will have to provide some additional means to finance the fiscal impact upon local government addressed below.
- 3. One (1) FTE employee State Planner IV, Grade 14 will be required to monitor the program.

LOCAL IMPACT:

The local fiscal impact of House Bill 630 is estimated to be \$625,000 per fiscal year. Twenty (20) county governments will be required to provide the necessary local land use planning at a cost of \$20,000 per year. In addition, fifteen (15) municipalities will need to spend approximately \$15,000 per year to achieve the necessary degree of land use planning.

FISCAL IMPACT - STATE:

None.

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BUDGET DIRECTOR Office of Budget and Program Planning Date: <u>3-3/+77</u>

STATE OF MONTANA

REQUEST NO. 340-77 (Amended)

FISCAL NOTE

Form BD-15

In compliance with a written request received <u>April 15</u>, 19 <u>77</u>, there is hereby submitted a Fiscal Note for <u>House Bill 630 Amended</u> pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 630, as amended, revises the Montana Economic Land Development Act (MELDA).

ASSUMPTIONS:

The fiscal impact of this note does not address the various county revenue estimates that may vary as a result of adjusting the property tax base as proposed by this bill because of the local initiative provision provided for under Section 4 of the bill.

FISCAL IMPACT:

None.

J-1-BUDGET DIRECTOR

Office of Budget and Program Planning Date: 4-13-17

45th Legislature

HB 0630/02

HB 0630/02

Approved by Committee on <u>Taxation</u>

1 HOUSE BILL NO. 630 INTRODUCED BY FAGG+ VINCENT+ MARKS+ 2 ٦ WALDRON, HULAR, PALMER, COONEY, LUND, FEDA. FABREGA, UHDE, HARRINGTON, HUENNEKENS, BRAND, 4 5 O'KEEFE, HIRSCH, METCALF, HOLMES, W. BAETH, LORY, 6 ELLIS, PORTER, KIMBLE, QUILICI, DUSSAULT, HANSEN, 7 SCULLY, R. BAETH, JOHNSTON, E.GUNDERSON, PISTORIA, я KENNERLY, COURTNEY, LYNCH, SHELDEN, MOORE, HARPER, 9 KANDUCH, MENAHAN, KESSLER, TEAGUE, J. GUNDERSON, FRATES. NATHE, ROBBINS, BRADLEY, GILLIGAN, SIVERTSEN, ESTENSON, LIEN 10 11 12 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY 13 THE MONTANA ECONOMIC LAND DEVELOPMENT ACT, REPEALING 14 SECTIONS 84-7502 THROUGH 84-7526, R.C.M. 1947; ENACTING NEW SECTIONS IN LIEU THEREOF; AND PROVIDING AN EFFECTIVE DATE." 15 16 17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 18 Section 1. There is a new R.C.M. section numbered 19 84-7502.1 that reads as follows: 20 84-7502.1. Policy. The legislature finds that as a 21 state we currently face problems in development that not 22 only cause concern for our future but also could cause 23 cutbacks in our state's growth and proper development. Since 24 many of these concerns are based on land use decisions, the 25 state should develop a land use policy which will direct

Montana's land use expansion through the enactment of a 1 2 program establishing: 3 (1) local decision-making authority and control as primary factors in the determination of land use patterns; 4 (2) tax incentive programs for land and structures 5 based on proper land use; providing tax benefits for proper 6 land use and tax penalties for improper land use; 7 (3) a land use policy that does not impede economic я progress, but WHICH aids in the development of a program 9 which will meet the social and economic challenges brought 10 11 about through economic development; 12 (4) a program which protects our state's beauty and 13 natural features as well as our heritage of agricultural 14 wealth through constraint of urban sprawl; 15 (5) land use procedures, supplementary to zoning through a local control structure providing for continuous 16 17 action, which do not conflict with Title 11, chapter 27, or Title 16, chapters 41 and 47, (or those chapters as they may 18 19 be amended or recodified); (6) in general, a system of proper land use developed 20 by a determination of the impact as--beneficial--or 21 22 detrimental-to ON an area. BENEFICIAL OB OTHERWISE. and providing tax incentives and penalties based thereon to curb 23 24 improper development patterns.

25 Section 2. There is a new R.C.M. section numbered

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SECOND READING

1 84-7503+1 that reads as follows:

2 84-7503.1. Purpose. Montanans are faced by a nation 3 actively searching for timber, coal, minerals, and 4 recreational opportunities. This act is designed to 5 establish Montana's developmental goals in a unique way: by 6 placing our future land development within a system 7 controlled by taxation rother--than <u>AS_HELL_AS</u> land 8 regulation. Specific goals are:

9 (1) to protect agricultural land, the basis of
10 Pontana's economic well-being today and the foundation for a
11 well-fed and healthy populace tomorrow;

12 (2) to encourage an inward pattern of urbun growth 13 which will promote greater population density on developed 14 land within the urban areas and correspondingly provide a 15 greater percentage of open space through control of spraw1 16 development;

17 (3) to guide industrial and commercial development in18 Montana;

19 (4) to develop a program which is controlled and 20 directed on a local level, with the actual land use 21 direction and classification left wherever possible to the 22 local land owner, working within existing standards, 23 classifications, and land use practices; and

24 {5} in general, to provide a directional land use
25 policy for Montana that is based on the principles of

desirable growth through the development of local control 1 2 rather than regulation by preemption. Section 3. There is a new R.C.N. section numbered з. 84-7504.1 that reads as follows: 4 84-7504.1. Definitions. As used in this act, the 5 6 following definitions apply: (1) "Density" means the number of dwelling units per 7 8 gross acre. (2) "Owelling unit" means any building or portion 9 thereof providing complete, independent, and permanent 10 11 living facilities for one family. (3) "Single family dwelling" means a detached <u>OR</u> 12 SEMIATIACHED dwelling unit. 13 14 (4) "Multifamily dwelling" means a structure 15 consisting of more than one dwelling unit. 16 17 which--consists A CLUSTER of convenience retail and personal service establishments which IHAI secure their principal 18 trade by supplying the daily needs of the population 19 residing within a 1/2--mile--radius--of--such--facilities 20 21 GEOGRAPHICAL DISTRICT DEFINED BY LOCAL GOVERNMENT. The location and quantity of land within the neighborhood 22 23 commercial area shal) be a business island not more than 4 24 acres in size and with no business frontage extending more 25 than 600 feet along any street.

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1 (6) "Planned unit development" (PUD) means a land 2 development project consisting of residential clusters, 3 industrial parks, shopping centers, or office building 4 parks, or any combination thereof which comprises a planned 5 mixture of land uses built in a prearranged relationship to 6 each other and having open space and community facilities in 7 a common ownership or use.

8 (7) "REGIONAL COMMERCIAL AREA" MEANS LAND ADJACENT TO Q A NEIGHBORHOOD COMMERCIAL AREA THAT ACCOMMODATES BUSINESS 10 AND TRADE FACILITIES THAT ARE MAJOR IN NATURE AND GENERALLY 11 REQUIRE SITES IN EXCESS OF 4 ACRES AND THAT SERVE THE NEEDS 12 OF A COMMUNITY OR REGION. THE QUANTITY OF LAND WITHIN A 13 REGIONAL COMMERCIAL AREA MAY NOT EXCEED 40 ACRES AND MAY NOT 14 CONTAIN MORE THAN ONE-HALF MILE OF FRONTAGE ON ANY GIVEN 15 STREET OR HIGHWAY.

16 f71181 #Agricultural buildings" means those 17 structures, necessary and integral to the development of 18 agricultural lands and <u>USED</u> for the housing of materials, 19 equipment, <u>OR</u> supplies and <u>DR__IHE</u> storage of farm goods 20 necessary in the practice of agriculture <u>OR SERVING AS THE</u> 21 RESIDENCE OR RESIDENCES DE THOSE ACTUALLY ENGAGED IN 22 AGRICULTURE. THESE STRUCTURES MUST BE LOCATED ON A PORTION 23 DE_LAND_BEING_DEVELOPED_FOR_AGRICULTURAL_PURPOSES.

24 (8)(9) "Governing body" means a board of county
 25 commissioners, or the governing authority of any city or

1 towns or any joint city-county governing authority organized
2 pursuant to law.

3 (9)(10) "State administering agency" means the
 4 department of community affairs as--coordinator--for
 5 implementation-of-04-7505wl.

6 (10)(11) "Remodeling" means the changing --in -- appraised
7 volue EXPANSION OR RECONSTRUCTION of a structure, building,
8 or other man-made object through reconstruction whereby --its
9 value --is --increased WHICH INCREASES ITS TAXABLE VALUE by at
10 least 5% 2 1/22, AS DETERMINED BY THE DEPARTMENT OF REVENUE
11 OR ITS AGENTS.

12 (11)(12) "Construction period" means a period of time 13 beginning with the issuance of a building permit and concluding when the construction is ready for its designed 14 15 use or when determined by the county assessor DETERMINES. THE 16 SIRUCIURE to be substantially completed. In those cases 17 where building permits are not issued, the beginning of the period is that time determined by the governing body as the 18 19 start of construction. In no case will MAY the construction 20 period exceed 18 months.

21 <u>f12}(13)</u> "Zoning" means the regulation by a governing 22 body of the use of land or structures thereon, or both, 23 within a designated portion of the jurisdictional area of 24 the governing body, as authorized under Title 11, chapter 25 27, and Title 16, chapter 47, or those chapters as they may

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1	be amended or recodified.
2	<pre>(13)(14) "Central business district" means that portion</pre>
3	of land, within the corporate limits of a city, defined and
4	delineated by the local governing body according-to-accepted
5	proctices-of-planning-agencies AS_FORMING_INE_CENIEK_OFIHE
6	CITY'S FINANCIAL. COMMERCIAL. AND PROFESSIONAL ACTIVITIES.
7	<pre>(14)(15) "Core area" means that portion of land, within</pre>
8	the corporate limits of a class 1 or class 2 city, which
9	IHAI includes the central business district and extends an
10	odditiona]1v000-feet-bey ond -in-all-directions <u>A_MINIMUH_OF</u>
11	ONE-HALF BLOCK BEYOND IN ALL DIBECTIONS AND A MAXIMUM OF
12	THREE BLOCKS: INCLUDING ALL STREETS AND ALLEYS ALJACENT. TO
13	OR WITHIN THE AREA. IN MUNICIPALITIES OTHER THAN CLASS 1. OR
14	CLASS 2 CITLES, THE CORE AREA SHALL BE AS DESIGNATED BY THE
15	GOVERNING_BODY -
16	<pre>(15)(16) "Civic band" means that portion of land which</pre>
17	extends from the core area to the corporate limits in class
13	1 or class 2 cities, or from the central business district
19	to the corporate limits in other cities.
20	(16)(11) "Urban <u>SUBURBAN</u> band" means that portion of
21	land which-extends-from-the-corporate-limits-up-to <u>IHAIIHE</u>
22	GOVERNING BODY DELINEATES AS THE DEVELOPED OR SUBURBAN AREA
23	QUISIDE THE CORPORATE LIMIT. THIS BAND MAY EXTEND NO FURTHER
24	IHAN the 4 1/2 mile jurisdictional area as set forth in
25	11-3830 and 11-3830.2, or those sections as they may be

1	amended or recodified.
2	(17)(18) "Rural land" means those lands beyond the
3	jurisdictional areas as set forth in 11-3830 and 11-3830.2,
4	or those sections as they may be amended or recodified.
5	<pre>tld;[19] "Value" means approved IAXABLE value.</pre>
6	<pre>(19)(20) "Land". For the purposes of this act: there</pre>
7	are three main categories of land: productive,
8	nonproductive, and developed. Each of these three categories
9	can be defined in terms of the principle use (or nonuse)
10	made of the land:
11	(a) productive landland which is agricultural in
12	nature and whose principle use is or could bet floriculture.
13	horticulture, silviculture, general farming, dairying,
14	poultry raising, stock raising, and other uses related to
15	agriculture, including but not limited to IHE activities as
16	defined in 84-437.2. The types of land use within this
17	category are:
18	(i) prime agricultural irrigated-land-asdefinedin
19	MwAwCw42-2w22(1)-52250and-deportment-of-revenue-pamphlet
20	=Recommended-Reclassification-Procedures-andInstructions#
21	<pre>tpages8and9; IILLABLE_IRRIGATED_CLASS_1_AND_2_LAND_AS</pre>
2 2	DEFINED BY THE U.S. DEPARTMENT OF AGRICULTURE SOIL
23	CONSERVATION_SERVICE;
24	(ii) cropland;

25 (iii) grazing;

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1	(iv) range;
2	(v) native grassland;
3	(vi) forest and woodland;
4	(vii) recreational.
5	(b) nonproductive land—land which will not reasonably
6	support growth for the production of food and fibre. This
7	land is typified by extreme slopes, rock formations,
8	alkaline properties, or similar natural features which make
9	it barren or nonproductive for any type of agricultural
10	activity.
11	(c) developed land-land used principally for
12	residential, industrial, or commercial purposes. The types
13	of land use under this category are:
14	(i) residential landland used for <u>yaryING</u>
15	<u>CONCENTRATIONS OF</u> dwellings of varying densities designed to
16	meet contemporary building and living standards;
17	(ii) industrial landland used for manufacturing,
18	conversion <u>CONVERTING</u> , processing, assembly <u>ASSEMBLING</u> ,
19	dismantling, refining, production <u>PRODUCING</u> , or mining of a
zə	material or product; and
21	(iii) commercial landland used for business purposes
22	principally in the provision of services or the wholesale or
23	ratail selling of goods.
24	(21) "VACANT UNIMPROVED LAND" MEANS PRIVATELY DANED
25	LAND IN AREAS ZONED RESIDENTIAL OR COMMERCIAL THAT HAVE NOT

1	BEEN DEVELOPED FOR ANY USE DEFINED IN THE PRECEDING
2	SUBSECTION.
3	Section 4. There is a new R.C.M. section numbered
4	84-7505.1 that reads as follows:
5	84-7505.1. Operation. (1) ByJune38v1978 <u>CITIES.</u>
6	IOWNS, AND COUNTIES SHALL FOLLOW THE FOLLOWING PROCEDURE IN
7	ADOPTING_OR_DEVELOPING_PROVISIONS_DE_THIS_ACT:
8	(A) ANY CITY OR TOWN THAT IS ALREADY ZONED SHALL ADOPT
9	THE PROVISIONS OF THIS ACT ON JULY 1, 1977, UNLESS A
10	PETITION_FOR_REFERENDUM_AGAINST_ADOPTION_IS_SIGNED_6Y_AT
11	LEAST 15% OF THE REGISTERED VOTERS OF THAT CITY OR TOWN, AND
12	A MAJORITY OF THOSE VOTING ON THE QUESTION. IN A SPECIAL
13	ELECTION OR IN THE NEXT GENERAL ELECTION. VOTE AGAINST ITS
14	IMPLEMENTATION
15	(B) ANY COUNTY THAT HAS ADOPTED A MASTER PLAN AS
16	DEFINED IN 11-3803 MAY ADOPI THE PROVISIONS OF THIS ACT.
17	UNLESS A PETITION FOR REFERENDUM AGAINST ADOPTION IS SIGNED
18	BY AT LEAST 153 OF THE REGISTERED VOTERS OF THAT COUNTY AND
19	A MAJORITY OF THOSE VUTING ON THE QUESTION: IN A SPECIAL
20	ELECTION OR IN THE MEXT GENERAL ELECTION. YOTE _AGAINST _ITS
21	IMPLEMENTATION
22	<u>(C) ANY CITY UR TUNN THAT IS NOT ZUNED MAY APPLY TU</u>
23	THE ADMINISTERING AGENCY FOR FUNDS TO IMPLEMENT PLANNING
24	<u> 2ROLEDURES ON EORMS AND IN THE MANNER TO BE DETERMINED BY</u>

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25 THE ADMINISTERING AGENCY.

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1	(D) ANY CITY OR TOWN THAT IS NOT ZONED AND THAT DOES
2	NOT CHOOSE TO APPLY FOR PLANNING FUNDS FROM THE
3	ADMINISTERING AGENCY SHALL BE REQUIRED TO APPLY IE A
4	PETITION FOR REFERENDUM IN EAVOR OF PLANNING SIGNED BY AT
5	LEAST 15% OF THE REGISTERED VOTERS OF THAT CITY OR TONY IS
6	PRESENTED TO THE ADMINISTERING AGENCY THROUGH THE LOCAL
7	GOVERNING_BUDY.
8	(E) ANY COUNTY THAT IS NOT PLANNED MAY APPLY TO THE
9	ADMINISTERING AGENCY FOR FUNDS TO IMPLEMENT PLANNING
10	PROCEDURES ON FORMS AND IN THE MANNER TO BE DETERMINED BY
11	THE ADMINISTERING AGENCY.
12	(F) ANY COUNTY THAT IS NOT ZONED AND THAT DOES NOT
13	CHOOSE TO APPLY FOR PLANNING FUNDS FROM THE ADMINISTERING
14	AGENCY SHALL BE REQUIRED TO APPLY IF A PETITION IN FAVOR OF
15	APPLYING FOR PLANNING FUNDS SIGNED BY AI LEAST 153 OF THE
16	REGISTERED VOTERS OF THAT COUNTY IS PRESENTED TO THE
17	ADMINISTERING AGENCY THROUGH THE LOCAL GOVERNING BODY.
18	(G) A CITY. TOWN, OR COUNTY THAT APPLIES FOR FUNDS BUT
19	WHOSE APPLICATION IS TURNED DOWN MAY BEGIN PLANNING WITH ITS
20	OWN_EUNDS_
21	(H) NO CITY. TOWN. OR COUNTY MAY BE REQUIRED TO
22	PREPARE A PLAN UNLESS PLANNING FUNDS ARE MADE AVAILABLE BY
23	THE ADMINISTERING AGENCY.
24	(1) FOR THE PURPOSES OF THIS ACT. "COUNTY" SHALL HEAN
4 5	THE AREA WITHIN A COUNTY BUT OUTSIDE THE CORPORATE LIMITS OF

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1	CITIES AND TOWNS IN THAT COUNTY.
2	(J) PLANNING EFFORIS UNDERTAKEN BY ANY CITY. TOWAR OB
3	COUNTY MAY BE THROUGH JOINT+ CONSOLIDATED+ CITY+
4	CITY-COUNTY+ OR COUNTY PLANNING BOARDS SUBJECT TO THE
5	PROVISIONS FOR SUCH BOARDS IN TITLE 11. CHAPTER 38.
6	(2) (A) AFTER APPLICATION BY THE GOVERNING BODY AND
7	SELECTION FOR PARTICIPATION BY THE ADMINISTERING AGENCY OR A
8	DECISION TO PLAN WITHOUT FUNDS FROM THE ADMINISTERING
9	AGENCY, the governing body shall establish a planning
10	process in accordance with Title 11, chapter 38, or that
11	chapter as it may be amended or recodified, and shall have
12	inventoried INVENIORY all land within its jurisdictional
13	area according to the general land-type categories described
14	in this section or existing planning categories if they
15	generally conform to this act. <u>THIS INVENTORY SHALL BE</u>
16	COMPLETED WITHIN 1 YEAR FROM THE DATE OF NOTIFICATION THAT
17	EUNDS ARE AVAILABLE BY THE ADMINISTERING AGENCY OR THE
18	GOVERNING_BODY.
19	(a)[B] The land and land usage inventory includes
20	SHALL INCLUDE, as a minimum, the following:
21	(i) a map or maps showing the floodplain or all
22	streams and rivers;
Z3	(ii) a map or maps showing areas unsuitable for
24	development because of flood hazard, excessive slope, or
25	high groundwater;

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{iii} a map or maps showing current vegetation
 patterns, that is, cropland, irrigated land, rangeland,
 grazing land, native grassland, forest and woodland, and
 nonproductive land;

5 (iv) a map or maps showing agricultural capability of 6 lands as classified according to the U.S. soil conservation 7 service agricultural land classification;

8 (v) a map or maps showing the existing use of all
9 privately owned land within the jurisdiction;

(vi) a map or maps showing all lands owned by federal,
state, and local agencies, all Indian reservations, and all
privately owned lands;

13 IVIII.A. MAP. OR. MAPS SHOWING KNOWN MINERAL DEPOSITS:

14 (vii)(VIII) a map or maps showing and describing 15 existing or proposed zoning within the corporate limits of a 16 class 1 or class 2 city;

17 (viii)(IX) a map or maps delineating and describing the 18 central business district, core area (for-class-l-and-class 19 2-cities), civic band, urban <u>SUBURBAN</u> band and rural land 20 and neighborhood commercial should-it-exist <u>AREA: IF ANY:</u> 21 within the municipality.

22 (b)(C) Guidelines for the preparation of items (B)(i)
23 through (viii) (IX) shall be made available to the governing
24 body by the administering agency.

25 (D) QUALIFICATIONS FOR THE CERTIFICATION OF A CITY.

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1	COUNTY, OR CITY-COUNTY PLANNER IN CHARGE OF THE PROPUSED
Z	PLANNING_SHALL_BE_NADE_AVAILABLE_BY_THE_ADMINISTERING
3	AGENCY. AND NO CITY OR COUNTY MAY RECEIVE PLANNING FUNDS
4	UNTIL ITS PLANNER IN CHARGE IS CERTIFIED BY THE
5	ADMINISTERING AGENCY. A GOVERNING BODY NEED NOT HAVE A
6	EULL-TIME CERTIFIED PLANNER. BUT THE LOCALITY'S PLANNING
7	MUST BE UNDER THE DIRECTION OF A CERTIFIED PLANNER.
8	(2) After collection, this data shall be displayed in
9	public for a minimum of 30 days. During the period the
10	material is displayed, there-shall-be-notification-mode IME
11	GOVERNING BODY SHALL PUBLISH NOTICE of a public meeting at
12	which time the motorials-will INVENIORY AND MAPS SHALL be
12 13	which time the moterials-will <u>INVENIORY</u> AND MAPS SHALL be displayed and described and the method of categorization
13	displayed and described and the method of categorization
13 14	displayed and described and the method of categorization will <u>CLASSIFICATION SHALL</u> be explained to the general
13 14 15	displayed and described and the method of categorization will <u>CLASSIFICATION_SHALL</u> be explained to the general public. Any <u>SUGGESIED</u> changes of land categories-suggested
13 14 15 16	displayed and described and the method of categorization will <u>CLASSIFICATION_SHALL</u> be explained to the general public. Any <u>SUGGESIED</u> changes of land categories-suggested <u>CLASSIFICATIONS</u> shall be taken under advisement by the
13 14 15 16 17	displayed and described and the method of categorization will <u>CLASSIFICATION_SHALL</u> be explained to the general public. Any <u>SUGGESTED</u> changes of land categories-suggested <u>CLASSIFICATIONS</u> shall be taken under advisement by the governing body and at their <u>IIS</u> discretion <u>MAY</u> be
13 14 15 16 17 18	displayed and described and the method of categorization will <u>CLASSIFICATION_SHALL</u> be explained to the general public. Any <u>SUGGESIED</u> changes of land categories-suggested <u>CLASSIFICATIONS</u> shall be taken under advisement by the governing body and at their <u>IIS</u> discretion <u>MAY</u> be incorporated into the land inventory. The hearing or
13 14 15 16 17 18 19	displayed and described and the method of categorization will <u>CLASSIFICATION_SHALL</u> be explained to the general public. Any <u>SUGGESTED</u> changes of land categories-suggested <u>CLASSIFICATIONS</u> shall be taken under advisement by the governing body and at their <u>IIS</u> discretion <u>MAY</u> be incorporated into the land inventory. The hearing or hearings shall be completed no later than August-31v-1978 <u>15</u>

22 (3) By-Getomer-31y-1979 MITHIN 1 YEAR AFTER THE
 23 hEARING DR HEARINGS INDICATED 14 84-7505+1(3)+ the governing
 24 body shall indicate on a map the proposed land
 25 classifications within its jurisdiction and prepare the

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1 proposed final plan. This plan shall reflect a combination 2 of existing and proposed uses of land in a manner which, 3 through prudent use, embodies both growth and conservation. The plan will incorporate land use goals and policies which 4 5 indicate the desired standards and direction for future land 6 development and specify the quantities of land needed for 7 future agricultural, residential, commercial, and industrial 8 use. All landowners shall be notified of the proposed 9 classifications. Notification is to be by a method 10 determined by the governing body which assures that each 11 landowner has received a reasonable opportunity to learn of 12 the plan. This notification shall include but not b limited 13 to:

14 (a) the classification or classifications given each 15 individual owner's land;

16 (b) the meaning of the classification; and

17 (c) a time and place for a hearing to be held, within 18 30 days of notification or letter, for purposes of 19 discussing the general classifications. The hearing or 20 hearings shall be completed no-later-than-Becember-31y-1979 21 AS QUICKLY AS POSSIBLE.

22 (4) By-February-29y--1900 WITHIN 2 1/2 YEARS AFTER 23 RECEIPT DE EUNDS FRUM THE ADMINISTERING AGENCY, a final land 24 use plan shall be prepared by the governing body which will 25 incorporate all data received from inventories and hearings

to date. It shall also reflect all of those goals and policies as indicated in subsection (3) of this section. 2 3 (5)--If--a--city--or--county-has-failed-to-prepare-this plan-within-the-required-timey-the-department--of--community 4 5 affairs--or--its--agent--shall---prepare--the--plany--to--be б completed-by-denuary-2y-1981;-with-all-of-the-incurred-costs 7 to-be-paid-by-the-applicable-city-or-county-The--procedures to--be-followed-in-this-case-will-be-the-same-as-if-the-plan 8 9 had-been-completed-by-the-governing-body. 10 (6)(5) (A) Preparation of the plan shall follow four 11 land classification categories; agricultural, residential, 12 industrial, and commercial: 13 (a) Land is classified as agricultural when such 14 action would: 15 (i) encourage the preservation of prime agricultural 16 soils; 17 (ii) encourage the preservation of those limited areas 18 of the state which contain the proper combination or DE soil 19 and topographical characteristics necessary for intense 20 agricultural development; 21 (iii) discourage those uses and activities which are 22 incompatible with the rural and agricultural character of a 23 district; 24 (iv) discourage those uses and activities which would

25 create congestion, noise, or hazards incompatible with

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recreational activities established on the land; or 1 (v) encourage the continuation or initiation of 2 outdoor recreation on suitable lands. 3 (b)(C) Land is classified as residential when such 4 action would: 5 (i) conserve the character of established residential 6 neighborhoods as has been done by municipal zoning; or 7 8 (ii) encourage the growth of cities and towns in efficient patterns while discouraging wasteful urban sprawl. 9 tet(D) Land is classified as industrial when such 10 11 action would: (i) be compatible with existing industrial uses; 12 (ii) protect the surrounding area, through isolation or 13 natural barriers, from noise, glare, pollution, or other 14 actions or activities objectionable to the general public; 15 (iii) group or cluster industrial users into contiguous 16 17 locations to avoid industrial spread throughout the Community; or 18 (iv) encourage industrial users to locate in areas 19 where prevailing wind and water flow patterns are away from 20 the community. 21 tdtlEl Land is classified as commercial when such 22 action would: 23 (i) be compatible with existing commercial uses; 24 (ii) provide locations so that the community is 25

1	afforded convenient access to needed services within the
2	area;
3	(iii) reflect the highest and best use of the land; or
4	(iv) promote compatible and commercial area
5	developments that will conserve land value and promote
6	public safety, convenience, prosperity, and welfare.
7	(E) LAND MAY BE CLASSIFIED AS NONPRODUCTIVE IF IT
8	MEETS THE CRITERIA OF 84-7504-1(20)(B) IN ANY OF THE
9	SUBCLASSIEICATIONS LISTED IN THIS SUBSECTION.
10	(G)THECLASSIFICATIONSNOTED_IN_84-7505+1(4)_MAY_BE
11	SUBDIVIDED BY THE GOVERNING BOOY IN ANY HANNER SD. LONG AS
12	THEY BENAIN NITHIN THE PRIMARY CLASSIFICATION. ADDITIONALLY,
13	THESE SAME CLASSIFICATIONS MAY DVERLAY CORRESPONDING
14	DIFFERENT ZONING CLASSIFICATIONS SET FORTH IN ANY CITY OR
15	COUNTY ZONING PLAN.
16	(H) THE PROVISIONS OF ANY CLASSIFICATION AS NOTED IN
17	84-7505.1 APPLY UNLY TO THE SURFACE OF THE LAND, AND NO
18	USAGE THAT IS SOLELY BELON THE SURFACE SUCH AS MINING MAY
19	AFFECT THE SURFACE CLASSIFICATION.
20	Section 5. There is a new R.C.M. section numbered
21	84-7506•1 that reads as follows:
22	84-7506.1. Acceptance of the plan. After the
23	provisions of 84-7505.1 have been met and all public
24	hearings held, the governing body shall adopt the final plan
25	byordinanceAdoptionofthe-plan-shall-be-completed-by

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1 february-29y--1900---The--proposed--ordinance--may--then--be 2 submitted--to-the-people-through-referendum-procedures-under 3 Title--37w--chapter--3w--or--that--chapter--as--amended---or 4 recodifiedy---or--corresponding--referendum--procedures--for 5 cities-and-townsu-The-referendum-vote-shall-be-completed--no later--than-April-38y-1988y-A-majority-vote-against-the-plan 6 7 in--the--ensuing--referendum--repeals--the--slan---in---that ß jurisdictiony--and--84-7585:1(4)y--does--not--apply--to-such 9 JUTISDICTION THE QUESTION OF ADOPTING THE FINAL PLAN SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY. TOWN. OR 10 COUNTY IN A SPECIAL ELECTION OR IN THE NEXT GENERAL 11 12 ELECTION. IF A MAJORITY OF THE QUALIFIED ELECTORS VUTING ON 13 THE OUESTION VOTE AGAINST THE PLAN+ THE FINAL PLAN MAY NOT BE ADUPTED AND THE PROVISIONS OF 84-7505.1141 DO NOT APPLY. 14 15 IF. THE MAJORITY OF THOSE VOTING ON THE QUESTION FAVOR THE ADOPTION OF THE PLAN. THE GOVERNING BODY SHALL ADOPT THE 16 17 FINAL PLAN BY ORDINANCE. 18 Section 6. There is a new R.C.M. section numbered 19 84-7507.1 that reads as follows: 20 84-7507.1. Subclassification by owners of land

classified as agricultural. (1) Within 2 years following the classification of land as agricultural, an owner thereof may elect to subclassify his lands into Classes A, B, C, D, or any combination thereof. In addition, upon election by the owner and with the approval of the governing pody.

agricultural land may be subclassified as recreational Class . E or r. The department of revenue, upon receive of the 2 owner's election, shall revise the previously-approised 3 PREVIOUS TAXABLE value of such lands as follows: (A) Class A---the appraised <u>TAXABLE</u> value is reduced 5 25% from the current level + OR 50% if prime agricultural; 6 7 and is thereafter maintained at an-approised-value-of-75%-of the-land-value-150%-if-prime-agriculturally IHAI_LEVEL as 8 9 long as it remains in Class A. (B) Class B--the opproised <u>IAXABLE</u> value is reduced 10 15% from the current level + OR 30% if prime agricultural; 11 and is thereafter maintained at an appraised value of 85% of 12 13 long as it remains in Class B. 14 (C) Class C--the approised TAXABLE value shall be in 15 accordance with Title 84, sections 437-1 through 437-17, or 15 those sections as they may be amended or recodified. 17 (0) Class D--the appreised <u>IAXABLE</u> value is increased 18 10% OK 20% IF PRIME AGRICULIURAL from the current level and 19 is-thereafter maintained at an-appraised-value--of--110%--of 20 the-land-valuey THAT_LEVEL as long as it remains in Class D. 21 (E) Class E--the appraised TAXABLE value is reduced 22 25% from the current level and is-thereafter maintained at 23 an---appraised---value-of-75%-of-the-land-valuey IHAI_LEVEL as 24

25 long as it remains in Class E. This reduction in approved.

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1 IAXABLE value applies after the Class A <u>B DR C</u> reduction 2 for agricultural land has been applied and applies only to 3 that portion of the land used as public access.

(F) Class F--the appraised IAXABLE value is reduced 4 40% from the current level and is thereafter maintained at 5 an--oppraised--value-of-60%-of-the-land-valuey IHAT LEVEL as 6 long as it remains in Class F. This reduction in appraised 1 TAXABLE value applies after the Class * <u>B_OR_C</u> reduction has 8 been applied and applies only to that portion of the land 9 used for public camping and overnight stay, as designated by 10 the property owner. 11

12 (2) The owner of Class A landy OR his heirs,
13 successors, or assignsy may not convert the use of such
14 lands to any nonagricultural purpose for 25 years, nor may
15 the subclassification be changed for 25 years.

16 (3) The owner of Class B landy <u>UR</u> his heirs,
17 successors, or assignsy may not convert the use of such land
18 to any nonagricultural purpose for 10 years, nor may the
19 subclassification be changed for 10 years.

20 (4) The owner of Class C landy <u>DB</u> his heirs,
21 successors, or assignsy may change the subclassification
22 within the agricultural classification at any time and may
23 <u>SHALL</u> petition the governing body at any time for
24 reclassification into another subclassification. The
25 governing body may grant this petition provided that if the

subclassification is to Class D, it shall not be granted
 until the petitioner has first paid the difference in taxes
 which would have been paid since the subclassification or 10
 5 years, whichever is less, if during that period that land
 had been subclassified as Class D.

6 (5) The owner of Class D landy <u>OR</u> his heirs,
7 successors, or assignsy may petition the governing body for
8 reclassification into another subclassification at any time,
9 which petition shall be granted.

(6) The owner of Class E landy <u>OR</u> his heirs, 10 successors, or assigns, shall, under a minimum 10-year 11 agreement with the department of fish and game, AFIER 12 APPROVAL BY THE GOVERNING BODY. permit public access across 13 land for recreational purposes, subject to such 14 the reasonable limitations for the protection of the land and 15 the privacy of the persons residing thereon as the owner may 16 stipulate. However, in every case, the access may only be 17 from a public thoroughfare, through private lands, to public 18 lands. If this agreement or a renewal thereof is not in 19 force, the supclassification of the land reverts to Class D. 20 The owner of Class E recreational landy <u>OR</u> his heirs, 21 successors, and <u>DR</u> assigns, may not change the use of such 22 land to any purpose incompatible with established 23 recreational uses during the term of an agreement with the 24 department of fish and game. 25

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1 (7) The owner of Class Flandy Ok his heirs, 2 successors, or assignsy shall, in addition to meeting the 3 criteria of subsection (6) of this section, agree to allow public camping and overnight stay upon the property in 4 5 designated locations without charge. If this agreement or a renewal thereof is not in force, the subclassification of б the land reverts to the provisions for Class E recreational 7 8 land as set forth in subsection (6) of this section.

9 (8) If a voluntary subclassification of land has not 10 been made by the owner of record within the 2-year period. 11 the department of revenue shall automatically place the land 12 in Class D.

(9) Agricultural buildings may be constructed on ANY 13 14 CLASS OF agricultural land at any time without penalty AND 15 SHALL BE TAXED AT 100% OF TAXABLE VALUE.

16 (10) LAND TAKEN FROM ANY CLASSIFICATION OF THIS SECTION 17 AND STRIP-MINED SHALL BE TAXED UNDER THE PROVISIONS OF 18 84-7510-1 UNTIL IT IS RECLAIMED. HOWEVER. NO LAND MAY BE 19 TAKEN FROM AGRICULTURAL USE UNTIL THE PROVISIONS OF

20 84-7517-1 HAVE BEEN HET.

21 Section 7. There is a new R.C.M. section numbered 22 84-7508.1 that reads as follows:

23 84-7508.1. Land classified as residential --24 assessment provisions. The governing body shall identify 25 those lands within its jurisdiction whose highest and best

1 purpose is determined to be residential and these lands so 2 designated shall be a part of the final plan as called for 3 in 84-7505.1(4)(5). Plans for residential land shall further be incorporated according to the most desirable types of 4 residential buildings for the land categories. These 5 6 categories can be but are not limited to single family (low 7 density), single family (high density), duplex, multifamily 8 (low density), and multifamily (high density), All new construction of residential buildings shall receive tax 9 10 benefits or penalties based on their compliance with the 11 land use categories established by the governing body. 12 Benefits and penalties for new construction shall apply to the land and the improvements thereon and will be in 13 14 accordance with the following: 15 (1) existing EXISTING vacant unimproved land within 16 the civic band and classified as residentialy IN CITIES UR TORNS THAT SHOWED POPULATION GROWTH IN THE LAST CENSUS 17

18 PERIOD shall be taxed at current appraised TAXABLE values 19 for 5 years after passage of this act. If at that time the land is still vacant, 2 1/2% shall be added annually to the 20 21 appraised TAXABLE value for-tax-purposes to A maximum of 22 25%. Thereafter, the land shall continue-to be taxed at 125% 23 of appraised IAXABLE value until such time as it is 24 converted---to---residential---use DEVELOPED. ____IF___VACANI 25

UNINERQYED LAND IS NOT MARKETABLE BECAUSE OF LUCAL

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L	CONDITIONS, THE GOVERNING BUDY SHALL GRANT ZUNING VARIANCES
2	IU_CONFORM WITH ESTABLISHED_NEIGHBORHOOD_PAITERNS_THAT_WILL
3	INCREASE THE MARKETABLITY OF SUCH LAND. THE GOVERNING BODY
4	IN ACCORDANCE WITH 84-7517.1 MAY EXTEND THE S-YEAR PERIOD AS
5	TO EXISTING RESIDENTIAL SUBDIVISIONS IN WHICH THE VACANT
6	LOTS ARE BEING DEVELOPED BY NEW RESIDENTIAL CONSTRUCTION
7	HITHIN A REASONABLE TIME UNDER EXISTING ECONOMIC CONDITIONS.
ð	(2) residential <u>RESIDENIIAL</u> construction on land <u>.</u>
9	SERVED BY MUNICIPAL HATER. SEWER, AND STREET SYSTEMS. THAT
10	<u>15</u> within the civic band designated for that user <u>SHALL BE</u>
11	<u>IAXED_AI</u> 90% of appraised <u>IAXABLE</u> value v-atwhichrateit
12	shollremain for 10 years. In the 11th and all subsequent
13	years, the oppraised-volue-shall-be-used <u>PROPERTYSHALLBE</u>
14	TAXED AT ITS FULL TAXABLE VALUE.
15	13) A CITY THAT IS UNDER THE PROVISIONS OF THIS ACT
15 15	(3) A CITY THAT IS UNDER THE PROVISIONS OF THIS ACT MAX: WITH CUUNTY APPBOYAL AND FOR THE PURPOSE OF DEVELOPING
15	MAX . WITH COUNTY APPBOVAL AND FOR THE PURPOSE OF DEVELOPING
15 17	MAY. WITH COUNTY APPROVAL AND FOR THE PURPOSE OF DEVELOPING A BENEFICIAL GROWIN PATTERNS EXTEND THE PROVISIONS OF
15 17 18	MAY. WITH COUNTY APPBOVAL AND FOR THE PURPOSE OF DEVELOPING A BENEFICIAL GROWTH PATTERN. EXTEND THE PROVISIONS OF SUBSECTION (2) INTO AREAS DESCRIBED AS THE SUBURBAN BAND
15 17 18 19	MAY. WITH CUUNTY APPROVAL AND FOR THE PURPOSE OF DEVELOPING A BENEFICIAL GROWIH PATTERN. EXTEND THE PROVISIONS OF SUBSECTION (2) INTO AREAS DESCRIBED AS THE SUBURBAN BAND EVEN LE THE COUNTY HAS NOT ADOPTED A FINAL PLAN.
15 17 18 19 20	MAY. WITH COUNTY APPROVAL AND FOR THE PURPOSE OF DEVELOPING A _BENEFICIAL _GROWTH _PATTERN. EXTEND_THE _PROVISIONS_ DE SUBSECTION (2)_INTO_AREAS_DESCRIBED_AS_THE _SUBURBAN_BANO EVEN_TE_THE_COUNTY_HAS_NOT_ADOPTED_A_FINAL_PLAN. +3+141_NEW_residential construction on land designated
15 17 18 19 20 21	MAY: WITH COUNTY APPROVAL AND FOR THE PURPOSE OF DEVELOPING A BENEFICIAL GROWIH PATTERN: EXTEND THE PROVISIONS OF SUBSECTION (2) INTO AREAS DESCRIBED AS THE SUBURBAN BAND EVEN IF THE COUNTY HAS NOT ADOPTED A FINAL PLAN: (3)(4) YEW residential construction on land designated for other than residential use within the civic bandt SHALL
15 17 18 19 20 21 22	MAY. WITH COUNTY APPBOYAL AND FOR THE PURPOSE OF DEVELOPING A _BENEFICIAL _GROWTH _PATTERN. EXTEND_THE _PROVISIONS_ DE SUBSECTION (2) INTO AREAS DESCRIBED_AS_THE _SUBURBAN_BAND EVEN 1E THE COUNTY HAS NOT ADOPTED A FINAL PLAN. (3714) NEW residential construction on land designated for other than residential use within the civic bandy SHALL BE_TAKED_AT 125% of TAXABLE valuey-at-whichroteitshall

reached in the 20th year. Subsequent IN_SUBSEQUENT years:
 <u>THE_PROPERTY</u> shall use-the-approised <u>BE_TAXED_AT_100%_OF</u>
 <u>TAXABLE</u> value.

4 (4)(5) NEW residential construction on land CLASSIFIED AS UTHER THAN RESIDENTIAL within the urbon SUBURDAN bandt 5 SHALL BE TAXED AT 125% of approvised TAXABLE valuey-at-which 6 7 rate-it-shall-remain for 10 years. Beginning with the 11th year, the percentage shall be reduced annually by equal 8 9 increments over a 10-year period until the appraised TAXABLE 10 value is reached in the 20th year. Subsequent IN SUBSEQUENT 11 years, THE_PROPERTY shall use-the-appraised BE_TAXED AT 100% 12 OF TAXABLE value. THE TAXABLE VALUE SHALL BE REDUCED 102 IF 13 THE RESIDENTIAL BUILDING IS CONSTRUCTED ON NONPRODUCTIVE 14 LAND. 15 (5)(6) NEW residential construction on NONPRODUCTIVE 16 land classified as nonproductive---beyond OTHER THAN 17 RESIDENTIAL WITHIN the urban SUBUKEAN band other-than-179-of 18 this--section;--133% SHALL BE TAXED AT 110% of appraised 19 IAXABLE valuey-ot-which-rate-it-shall-remain for 10 years. 20 Beginning with the 11th year, the percentage shall be reduced annually by equal increments over a 10-year period 21 22 until the appraised <u>TAXABLE</u> value is reached in the 20th 23 year. Subsequent IN SUBSEQUENT years, THE PROPERTY shall use

- 24 the-appreised <u>BE TAXED AT 100% OF ITS TAXABLE</u> value.
- 25 (6)[1] NEW residential construction on land classified

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1 as productive agricultural but not prime agricultural and 2 beyond the urban SUBURGAN bandt SHALL BE TAXED AT 165% of 3 approised <u>IAXABLE</u> value, -at-which-rate-it-shall--remain for 4 10 years. Beginning with the 11th year, the percentage shall 5 be reduced annually by equal increments over a 10-year 6 period until the appraised <u>TAXABLE</u> value is reached in the 7 20th year. Subsequent IN_SUBSEQUENT years. THE PROPERTY 8 shall use-the-approvised <u>BE_IAXED_AT_100%_OF_IIS_TAXABLE</u> 9 value.

10 (7)(B) NEW residential construction on land classified 11 as prime agricultural + SHALL BE TAXED AT 200% of appraised 12 ITS TAXABLE value, at which rate it shall remain for 10 13 years. Beginning with the 11th year, the percentage shall be 14 reduced annually by equal increments over a 10-year period 15 until the oppraised ITS_TAXABLE value is reached in the 20th 16 year. Subsequent IN SUBSEQUENT years. THE PROPERTY shall use-the-approised BE_TAXED_AT_LOO%_OF_ITS_TAXABLE value. 17

18 (8) THE PROVISIONS OF THIS SECTION OD NOT APPLY TO ANY 19 NEW RESIDENTIAL CONSTRUCTION ON LAND CLASSIFIED AS 20 NONPRODUCTIVE OR PRODUCTIVE AGRICULTURAL BUT NOT PRIME 21 IRRIGATED AGRICULTURAL IF THE LAND DOES NOT REQUIRE MATER 22 AND SEWER SERVICES FROM A UNIT DE GOVERNMENT AND IS ZUNED EDB. RESIDENTIAL USE OR IS RESTRICTED BY SUBDIVISION 23 24 COVENANTS THAT MEET OR EXCEED MINIMUM FEDERAL HOUSING 25 STANDARDS.

1Section 8. There is a new R.C.M. section numbered294-7509.1 that reads as follows:

3 84-7509.1. Land classified as commercial -- assessment 4 provisions. The governing pody shall identify those lands 5 within its jurisdiction whose highest and best purpose is a determined to be commercial, and the lands so designated 7 shall be a part of the final plan as called for in 8 84-7585+1(4)+--All-new-construction 84-7505-1(5). OWNERS of 9 commercial puildings UNDER CONSTRUCTION shall receive tax 10 benefits or penalties based on their compliance with the 11 land use categories established by the governing pody. 12 Benefits and penalties for new construction snall apply to 13 the land and the improvements thereon and will be in 14 accordance with the following:

15 (1) Existing vacant unimproved land within the core 16 area and classified as commercial \mathbf{v} shall be taxed at current 17 approvised IAXABLE values for 5 years after passage of this 18 act. If at that time the land is still vacant, 5% shall be 19 added annually to the appraised IAXABLE value for-tex purposes to a maximum of 50%. Thereafter, the land shall 20 continue--to be taxed at 150% of appraised <u>TAXABLE</u> value 21 until such-time-as it is converted to commercial use. 22

(2) New commercial construction or expansion of an
 existing commercial enterprise within the core area shall
 <u>MAY</u> not be taxed during the <u>IIS</u> construction period. The <u>IN</u>

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<u>IHE</u> first year after construction with <u>IS_CUMPLETED.</u> <u>THE</u>
 <u>PROPERTY_SHALL</u> be taxed at 10% of the-opproised <u>ITS_TAXABLE</u>
 value. Each year thereafter with <u>THE PERCENTAGE SHALL</u> be
 increased by 10% until the <u>opproised IAXABLE</u> value is
 attained in the 10th year. <u>Subsequent IN_SUBSEQUENT</u> years<u></u>
 <u>THE_PROPERTY</u> shall use-the-opproised <u>AE_TAXED_AT_100%</u> <u>OF</u>
 <u>TAXABLE</u> value.

8 (3) New compercial construction or expansion of an 9 existing commercial enterprise within the civic band and IN 10 AN AREA designated by the governing body as a neighborhood 11 commercial areay--shall MAY not be taxed during the 12 construction period. The IN__IHE first year after construction will, THE PROPERTY SHALL be taxed at 20% of the 13 14 opproised ITS TAXABLE value. Each year thereafter will THE 15 <u>PERCENTAGE SHALL</u> be increased by 20% until the appraised 16 IAXABLE value is attained in the 5th year. Subsequent IN SUBSEQUENT years shall-use-the-appraised, THE PROPERTY SHALL 17 18 BE TAXED AT 100% OF ITS TAXABLE value. NEW COMMERCIAL 19 CONSTRUCTION NOT INCLUDED IN A NEIGHBORHOOD COMMERCIAL OR 20 REGIONAL COMMERCIAL AREA SHALL BE TAXED DURING THE 21 CONSTRUCTION PERIOD. FOR 10 YEARS AFTER CONSTRUCTION. IT 22 SHALL BE TAXED AT 125% OF TAXABLE VALUE. BEGINNING IN THE 23 11TH YEAR AFTER CONSTRUCTION. THE PERCENTAGE SHALL BE 24 DECREASED AT A RATE OF 5% A YEAR FOR 5 YEARS. 25 14) NEW COMMERCIAL CONSTRUCTION OF EXPANSION OF AN

1	EXISTING COMMERCIAL ENTERPRISE WITHIN THE CIVIC BAND AND IN
2	AN AREA DESIGNED BY THE GOVERNING BUDY AS A REGIONAL
3	COMMERCIAL AREA MAY NOT BE TAXED DURING THE CONSTRUCTION
4	PERIOD. IN THE FIRST YEAR AFTER CONSTRUCTION. THE PROPERTY
5	SHALL BE TAXED AT 33 1/3% OF ITS TAXABLE VALUE. EACH YEAR
6	THEREAFTER. THE PERCENTAGE WILL BE INCREASED BY 33 1/38
۲	UNTIL THE FULL TAXABLE VALUE IS REACHED IN THE THIRD YEAR.
8	IN SUBSEQUENT YEARS, THE PROPERTY SHALL BE TAXED AT 1002 DE
9	ITS_TAXABLE_VALUE.
10	(4)[5] New commercial construction or expansion of an
11	existing commercial enterprise within the urban band shall
12	be taxed at 50% of the appraised <u>IISTAXABLE</u> value during
13	the construction period. After construction, the land and
14	improvements shall be taxed at 150% of theappraised IHEIR
15	IAXABLE value otwhich-rote-it-sholl-remain for 10 years.
15	Beginning with the 11th year, the percentage <u>OF_TAXABLE</u>
17	YALUE shall be reduced annually by equal increments over-a
18	10-year-perio d until the appraised <u>TAXABLE</u> value is attained
19	in the 20th year. Subsequent <u>IN_SUBSEQUENT</u> years <u>+_THE</u>
20	PROPERTY shall use-the-approised BE_TAXED AT_100% DF_IIS
21	TAXABLE value.
22	<u> 15716)</u> New commercial construction <u>ON LAND CLASSIFIED</u>
23	UTHER THAN CUMMERCIAL or expansion of an existing commercial
24	enterprise within the rural area shall be taxed at the

25 approvided 100% OF ITS TAXABLE value during the construction

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period. After construction <u>IS_COMPLETED</u>, the land and 1 2 improvements shall be taxed at 200% of the -- approised IHLIR 3 IAXABLE value at--which-rate-it-shall-remain for 10 years. Beginning with the 11th year, the percentage OF IAXABLE 4 VALUE_USED shall be reduced annually by equal increments 5 6 over-s-10-year-period until the appraised <u>TAXABLE</u> value is 7 attained in the 20th year. Subsequent IN SUBSEQUENT years: THE PROPERTY shall use the oppraised BE TAXED AT 100% OF ITS я **IAXABLE** value. 9 10 (7) NEW COMMERCIAL CONSTRUCTION OR EXPANSION OF AN 11 EXISTING COMMERCIAL ENTERPRISE IS NOT ELIGIBLE FOR THE TAX BENEFITS DESCRIBED IN SUBSECTIONS (2) THROUGH (5) IF IT IS 12

13 DEVELOPED SOLELY OR IN PART ON LAND PURCHASED OK CLEARED

14 THROUGH TAX INCREMENT FINANCING AS PROVIDED IN 11-3921.

15 Section 9. There is a new R.C.M. section numbered 16 84-7510.1 that reads as follows:

17 84-7510.1. Land classified as industrial -- assessment 18 provisions. (1) The governing body shall identify those 19 lands within its jurisdiction whose highest and best purpose 20 is determined to be industrial, and the lands so designated 21 shall be a part of the final plan as called for in 22 84-7585#1(4)#----All---new---construction----errension 23 34-7505.1(5). DWNERS of EXISTING industrial buildings AND 24 GROUNDS UNDER CONSTRUCTION OR UNDERGOING EXPANSION THAT 25 INCREASES THE TAXABLE VALUE OF THE PROPERTY 103 snall

1 receive tax benefits or penalties based on their compliance 2 with the land use categories established by the governing 3 body. Benefits--ond--penalties--for--new--construction---or 4 expansion--shall--apply--to--the--land--and-the-improvements 5 thereon-and-will-be-in-accordance-with-the-following: Industrial land and buildings shall be classified as class 6 A. B. C. or D for surposes of new construction or expansion 7 of existing facilities. Trese IAX BENEFITS AND PENALTIES FOR я 9 NEW CONSTRUCTION OR EXPANSION SHALL APPLY TO THE LAND AND 10 THE IMPROVEMENTS THEREON IN ACCORDANCE WITH THESE 11 classifications shall-be, determined by the governing body 12 based on compliance with the following ENVIRONMENTAL 13 CRITERIA: ENVIRONMENTAL-CRITERIA 14 15 (2) CONSTRUCTION OF OR EXPANSION OF INDUSTRIAL 16 BUILDINGS_AND_GROUNDS: 17 tr--Hould (A) WOULD not place unreasonable burden on 18 existing public services, such as highways, schools, and 19 police and fire protections; 20 2--Would (B) WOULD have sufficient water available 21 for its foreseeable needsw: 22 3---Would (C) WDULD not nave significant adverse 23 effects on the EXISTING natural environment and would not 24 RECLAMATION THE NATURAL ENVIRONMENT COULD BE RETURNED TO ITS 25

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ORIGINAL CONDITION:				
4Would (D)H0	ULD not ad	versely af	fect existi	ng land
uses, <u>ESTABLISHED</u> s	cenic cha	racteristi	s <u>IN TH</u>	AREA.
natural resources <u>s</u> or	property v	alues v i		
5Would (E)_HQ	ULD have a	adequate :	sewage and	solid
waste disposal facilit	ies.			
13) CLASSES A.	B. C. A	D D SHALL	BE DETERAL	NED AND
TAXED AS FOLLOWS:				
Class Acomplies with criteria 1y-2y-3y-4-and-5 <u>{2](A)</u>				• <u>(2)(A)</u>
THROUGH (2)(E).				
Class Bcomplies with criteria 3y4and5 (2)(C)				
IHROUGH_(2)(E)+				
Class Ccomplies with criteria 2and-5 <u>(2)(8)</u> AND				
(2)(E)-				
Class Dother than class A, B_{\pm} or C.				
LAND CLASSIFICATION INDUSTRIAL CLASSIFICATION				
	CLASS A	CLASS B	CLASS C	CLASS D
Prime agricultural	+100%	+200%	+300%	+400%
Agricultural	+ 50%	+100%	+150%	+200%
Residentia]	+ 504	+100%	+150%	+200%

7 IAXE 8 9 10 THRO 11 12 THRO 13 14 (2)(15 LAND 16 17 18 Prin 19 Agri 20 Resi conmercial - 25% - 15% -0-+ 50% 21 - 30% 22 Industrial ~ 50% - 10% + 25% 23 The percentages above reflect the amount in audition 24 (+) to the opprovised LAXABLE value or less than (-) the 25 approised IAXABLE value. The IHESE percentages <u>JF__IAXABLE</u>

1

2

3

4 5

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1 VALUE shall be continuously applied to the land and the 2 buildings for 10 consecutive years following IHEIR construction. The construction period shall MAY not be taxed 3 4 for new industrial construction or expansion of an existing 5 industry, EXCEPT AS PROVIDED IN 84-7509(3). (5), (6), AND 6 [7]. Beginning with the 11th year following construction. 7 the percentage applied-to-the--appraised <u>DE__TAXABLE</u> value 8 shall be adjusted in equal increments until approximed 9 IAXABLE value is attained in the 20th year. Thereafter, appraised THE PROPERTY SHALL BE TAXED AT 100% OF TAXABLE 10 11 value shall-be-used.

12 Section 10. There is a new R.C.M. section numbered 13 84-7511+1 that reads as follows:

84-7511.1. Centralized multifamily (high density) 14 15 residential developments. New or expanded multifamily (high 16 density) residential developments outside - of WITHIN the 17 central business district but <u>UK AN AREA DESIGNATED BY THE</u> 1.6 GOVERNING BOOY OR THAT IS within the core areav or within 19 1,000 feet of a designated neighborhood commercial areay 20 shall may not be taxed during the construction period. The 21 first--year--after AFTER construction IS_COMPLETED, IHE 22 PROPERTY shall be taxed at 50% of the approised ITS_TAXABLE 23 value EOR A PERIOD OF 10 YEARS. Each year thereafter with. 24 INE PERCENTAGE OF TAXABLE VALUE SHALL be increased by 10% 25 until the opproised IAXABLE value is attained in the 5th

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15TH year. Subsequent IN_SUBSEQUENT years, THE_PROPERTY
 2 shall use the approvised BE_TAXED_AT_100%_OF_ITS_TAKABLE
 3 value.

4 Section 11. There is a new R.C.M. section numbered 5 84-7512.1 that reads as follows:

6 84-7512.1. Planned unit development -- special
7 incentives. Planned unit developments approved by the
8 governing body will SHALL receive tax incentives as follows:
9 (1) Construction of industrial, commercial or
10 residential facilities which conform to the PUD shall MAY
11 not be taxed during the construction period.

12 (2) If the PUD is within the civic band, the first--10 years--following-construction PROPERTY shall be taked at 75% 13 14 of the opprovided ITS TAXABLE value FDR 10 YEARS FOLLOWING 15 CONSTRUCTION. Beginning with the 11th year following 16 construction, the percentage applied-to-the-appraised OF 17 TAXABLE value shall be adjusted in equal increments until 18 appraised TAXABLE value is attained in the 20th year. 19 Thereafter, approfsed THE PROPERTY SHALL BE TAXED AT 100% OF 20 ITS_TAXABLE value shall-be-used.

(3) If the PUD is within the urban band, the first-l0
years-following-construction <u>PROPERTY</u> shall be taxed at 80%
of the--appraised <u>ITS_TAXABLE</u> value <u>FOR_10_YEARS_FOLLOWING</u>
<u>CONSTRUCTION</u>- Beginning with the 11th year following
construction, the percentage applied--to-the-appraised <u>OE</u>

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IAXABLE value shall be adjusted in equal increments until appraised IAXABLE value is attained <u>REACHED</u> in the 20th year. Thereafter, approised <u>IHE PROPERTY SHALL DE TAXED</u> AT 100% DE TIS TAXABLE value shall be used. (4) If the PUD is within the rural area, the first-to years-following-construction <u>PROPERTY</u> shall be taxed at 90% of the--approised <u>ITS TAXABLE</u> value <u>FOR 10 YEARS following</u> CONSTRUCTION. Beginning with the 11th year following

7 construction, the percentage applied-to-the-approised <u>DE</u>
 10 <u>IAXABLE</u> value shall be adjusted in equal increments until
 11 approised <u>IAXABLE</u> value is attained <u>REACHED</u> in the 20th
 12 year. Thereafter, approised <u>IHE PROPERTY SHALL BE TAXED AT</u>

- 13 100% OF ITS TAXABLE value shall-be-used.
- 14 (5) IE+ THROUGH EFFICIENT LAND USE+ DENSITIES IN
- 15 SINGLE DETACHED OWELLINGS ARE INCREASED TO 12 OR MORE UNITS
- 16 PER ACRE WITHIN A SUBDIVIDED AREA, THOSE PROPERTIES SHALL

17 HAVE THEIR TAXES REDUCED 10% BELOW THE VALUATION GIVEN AFTER

- 18 ALL OTHER PROVISIONS OF THIS ACT HAVE BEEN APPLIED. THESE
- 19 REDUCTIONS SHALL APPLY FOR SO LONG A TIME AS THEIR
- 20 RESPECTIVE CATEGORIES RECEIVE A TAX REDUCTION.

21 (5)(6) The provisions of this section are unique and
 22 apart from other provisions in this act and shall apply
 23 whenever the conditions of a PUD are met.

Section 12. There is a new R.C.M. section numbered
84-7513.1 that reads as follows:

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1 84-7513.1. Remodeling of homest buildings or 2 structures -- assessment provisions. (1) Remodeling of existing buildings or structures which--results--in--an 3 increase -- in--- the-- approised -- value-- of -- at -- least -- 5% -- - as 4 5 determined---py---the--governing--bodyy shall receive tax 6 benefitsy-applied-to-the-amount-of-the-increase-in-appreised 7 value, during the construction period and for the next FOLLOHING 5 years in accordance with the following SCHEDULE. 8 THESE PERCENTAGES SHALL BE APPLIED TO ANY INCREASE IN 9 TAXABLE VALUE CAUSED BY THE REMODELING: 10 eporaised-value-increaset 11 assessment-percentage--12 0% Construction period 13 202 First year following construction 14 402 Second year following construction 15 Third year following construction 60% 1ó 80% Fourth year following construction 17 100% Fifth year following construction 18 100% 19 Following years (2) Existing-homesy-buildings-or-structures-shall 20 remain-in-their-existing-taxable-classificationsy-reflecting 21 only--changes--in--morket--valuey--for--a-period-of-lu-years 22 following-the-passage-of-this-acty-unless--remodeledy--where 23 24 subsection-fl}-of-this-section-applies* If AN EXISTING HOME: BUILDING. OR STRUCTURE IS not remodeled AS DEFINED IN THIS 25

CHAPTER within the 10 years FULLOWING PASSAGE OF THIS ACT, a 1 2 5% increase shall be added to the assessed IIS_TAXABLE value ennually EACH YEAR THAT THE OWNER FAILS TO REMODEL to a 3 maximum of 50%--for--purposes--of--toxation--until--the 4 5 provisions-of-subsection-{1}-of-this-section-are-met. After remodeling A HOME: BUILDING, OR STRUCTURE HAS BEEN 7 REMODELED, the provisions of this section shall ha considered to be started again with the beginning of a new 9 10-year period. 10 (3) The governing body has the authority to waive the 11 provisions of this section if it can be demonstrated that 12 regular maintenance over a period of time has adequately 13 maintained the value of the property SO THAT DEPRECIATION 14 HAS NOT TAKEN PLACE TO LOWER THE VALUE OF THE PROPERTY. 15 Section 13. There is a new R.C.M. section numbered 16 84-7514.1 that reads as follows: 17 84-7514.1. Special conditions. (1) Αυλ land 18 subclassified under this act may be, at the owner's option, reclassified at any time to a new subclassification within 19 20 the same classification if allowed under the specifications 21 of that subclassification as set forth in this act. 22 (2) Any increase in texetion IAXES NECESSARY to pay 23 for the ANY loss of revenue caused by this act shall be

25 and not in LEVY RATHER THAN BY an increase in the valuation

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reflected--in RAISED BY an increase-in INCREASED mill levies

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1 of specific property.

2 (3) Any property under-one-or-more-ownerships <u>UNNED BY</u>
 3 <u>ONE_UR_MORE PERSONS_UR_COMPANIES</u> may be so classified as to
 4 meet one or more of the standards of this act.

5 (4) Hospitals, churches, rest homes, nursing homes, 6 governmental buildings, schools, colleges, or any charitable 7 institution operating--on--a--nonprofit--basis EXEMPLEROM 8 IAXAIION under 84-202 may be constructed in any of the 9 classified land areas without penalty.

10 (5) Any county containing an industry which IHAI can 11 be shown to have a significant impact on a neighboring 12 county or countiesy shall MAY AT THE REQUEST OF AN AFFECTED 13 COUNTY enter into joint planning strategies with the 14 impacted county or counties for purposes of determining the 15 tax distribution of the industry in relationship to the 16 impact or economic loss sustained in the affected county. Should the tax distribution fail to be negotiated to the 17 satisfaction of any of the affected counties, one 18 19 representative of the governing body of each of the affected counties shall meet with a member of the planning division 20 21 of the department of community affairs, as arbitrator, for the resolution of that conflict. Should the arbitration fail 22 to be satisfactory to all arbitrators PARTIES, the matter 23 24 shall be appealed to district court.

25 {6} The governing body shall have the authority to

1	allow construction of a commercial facility on agricultural
2	land without penalty, if that facility is deemed necessary
3	to fill the needs of the surrounding rural populace.
4	(7) Any aggrieved taxpayer may appeal any decision
5	INVOLVING TAX BENEFITS OR PENALTIES rendered by the
6	governing body under this act to the state tax appeals
7	board.
8	(8) (A) UPON PRESENTATION BY THE OWNER AND
9	VERIFICATION_BY_THE_DEPARTMENT_QF_ADMINISTRATIONIHE
10	GOVERNING BODY SHALL MAKE. IN ADDITION TO ALL OTHERS. THE
11	FOLLOWING VALUE CHANGES FOR SAVINGS IN ENERGY CONSUMPTION.
12	THE FOLLOWING CHANGES IN VALUE IN HOMES, DHELLINGS, OR
13	<u>STRUCTURES_SHALL_BE_BASED_ON_PROVEN_SAVINGS_IN_ENERGY</u>
14	CONSUMPTION_THROUGH_THE_EFFICIENT_USE_OF_NATERIALS+_LOCATION
15	OF STRUCTURE. ORIENTATION. OPENING SIZES. OR OTHER PROVEN
16	METHODS EITHER IN NEW OR REMODELED CONSTRUCTION.
17	(B) THE DEPARTMENT OF ADMINISTRATION SHALL ESTABLISH
18	RULES DETAILING AVERAGE HEAT LOSS OF GAIN STANDARDS FOR
19	DIFFERENT CLASSES DE STRUCTURES.
20	IC) THE TAX BENEFIT OR PENALTIES SHALL BE DETERMINED
21	BY DETERMINING THE DIFFERENCE BETWEEN THE AVERAGE HEAT LUSS
22	FOR THAT PARTICULAR TYPE OF STRUCTURE AND ACTUAL HEAT LUSS
23	AND APPLYING THE FULLOWING PERCENTAGES:
24	(I)ENERGY_SAVINGS
25	SAVINGS IN BATAUA/SGA FTA REDUCTIONS IN TAXABLE PERIOD

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1	BROUGHT ABOUT THROUGH	VALUES IN CORE. CIVIC	0F
2	ENERGY CONSERVATION	AND RURAL DISTRICTS	YEARS
3	10%	22	5
4	20%		
5	30%	6¥	1
6	402	<u>81</u>	1
ז	50% OR OVER	101	10
8	(II) ENERGY GAIN		
9	GAIN IN BOTOUO/SQO FIO	INCREASE IN TAXABLE	
10	BROUGHT ABOUT THROUGH	VALUES IN CORE	OF
11	INEFFICIENT BUILDING	DISTRICTS	YEARS_
12	DESIGN		
13	10%		10
14	201	62	10
15	30%	121	15
16	40%	16%	<u>1ż</u>
17	501	20\$	20
19	(D) IT IS THE INI	ENT OF THE SECTION THAT NO	DEDUCTION
19	UNDER THIS ACT BE ALLOWE	D FOR CAPITAL INVESTMENT	FOR AN
20	ENERGY CONSERVAITON PR	ACTICE IN THE NEW CONSTRUC	TION_OF_A
21	AUILDING IF THAT CAPITAL	INVESTMENT WOULD HAVE F	BEEN MADE
22	UNDER ESTABLISHED ST	ANDARDS OF NEW CONSTRUCT	10 <u>04 - THE</u>
23	<u>DEPARTMENT SHALL ADOPT R</u>	ULES TO IMPLEMENT THIS LE	EGISLATIVE
24	INTENT THESE RULES S	HALL BE BASED ON THE BEST	CURRENTLY
25	AVAILABLE NETHODS OF	ANALYSIS: INCLUDING THOSE	E <u>UE</u> IHE
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1	NATIONAL_BUREAU OF STANDARDS* THE DEPARTMENT OF HUUSING AND
2	URBAN DEVELUPMENT AND OTHER FEDERAL AGENCIES AND
3	PROFESSIONAL SOCIETIES AND MATERIALS DEVELOPED BY THE
4	DEPARIMENT. PROVISIONS SHALL BE MADE FOR AN ANNUAL UPDATING
5	DERULES_AND_STANDARDS_AS_REQUIRED_AND_THE_READJUSTMENTS
6	SUBSECTION (1).
7	19) ANY PROVISIONS OF THIS ACT THAT COULD AFFECT LAND
8	WHICH HAS UNZONED AT THE TIME OF PASSAGE MAY BE APPLIED AT
9	THE DISCRETION OF THE GOVERNING DODY IF PLANNING IN
10	JURISDICTION HAS COMMENCED. SHOULD. AT THE TERMINATION OF
11	PLANNING. THE PLAN NOT BE ACCEPTED. THE PROVISIONS OF THIS
12	ACT SHALL BE WAIVED. HOWEVER. NO TAX SAVINGS OR PENALTIES ON
13	ANY PROPERTY AFFECTED WILL BE RETURNED OR CHARGED TO THE
14	RESPECTIVE LANDOWNER BY ITS GOVERNING BODY.
15	(10) IF A CITY OR COUNTY IMPLEMENTS THE PROVISIONS OF
16	THIS BILL AND ANOTHER BODY OF GOVERNMENT DOES NOT. THE TAX
17	PENALTY_DR_INCENTIVE_USED_IN_THE_CALCULATION_DF_PROPERTY_TAX
18	SHALL APPLY COUNTY-WIDE ON THE BASIS OF THE FINAL TAXABLE
19	VALUE ESTABLISHED BY THIS ACT.
20	Section 14. There is a new R.C.M. section numbered
21	84-7515.1 that reads as follows:
2?	84-7515.1. Rules and regulations. The state
23	administering agency shall adopt such rules and regulations
24	pursuant to the Montana Administrative Procedure Act as are
25	necessary for the administration of this act.

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Section 15. There is a new R.C.M. section numbered
 84-7516.1 that reads as follows:

3 ±4-7516.1. Exemptions from act. No provision of this
act which-has-e-negative-or--adverse--taxation--effect IHAI
5 IMPOSES A TAX PENALTY shall apply to a IHE PRIMARY private
6 residence owned ANU OCCUPIED by a person or persons over 62
7 years of age.

8 Section 16. There is a new R.C.M. section numbered
9 84-7517.1 that reads as follows:

10 84-7517.1. Changes in boundaries. (1) After final 11 adoption of plan, the governing body or any property owner 12 may petition for a variance or a change in the boundary of 13 any land use classification. Within 10 days of receipt of 14 the petition, the governing body shall foward a copy of the 15 petition to the affected municipal, regional, or county 16 planning organization and the appropriate state agencies. 17 After 60 days but within 120 days or receipt of a petition. 18 the governing body shall advertise a public hearing to be 19 held in the county and serve notice on the persons and 20 agencies that have an interest in the subject of the 21 petition, at least 10 days prior to the hearing date.

(2) No petition shall be approved unless the
 petitioner submitsy to the governing bodyy-such--information
 as--to--give proof that the area is needed for a use other
 than that for which the land is classified and unless AI

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1 LEAST TWO OF THE FOLLOWING CRITERIA APPLY:

2 (a) the land is NOT usable and OR adaptable for the use for which it is proposed <u>CLASSIFIED</u>, or the new use of з the land would be more peneficial to the area; 4 (b) conditions and trends of development have so 5 6 changed since the adoption of the existing classification 7 that the proposed classification is reasonable and desirable and the land is capable of sustaining the use proposed; and 8 9 (c) the proposed change shall offer the community <u>DR</u> 10 INDIVIDUAL AFFECTED relief from impact from CAUSED BY an 11 outside or uncontrollable influence facing the community 12 because of new and substantial development. 13 (3) Should the governing body approve the change in 14 classification, it shall modify the existing land use plan to reflect such changes and shall change any taxable 15 valuations as may be necessary. 16 (4) THE GOVERNING BODY SHALL ACT ON THE PETITION 17 18 WITHIN 120 DAYS OF ITS RECEIPT. Section 17. There is a new R.C.M. section numbered 19

20 84-7518.1 that reads as follows:

2184-7518.1. Nonconforming uses. The lawful use of land22or buildings, existing on the date of establishment of any23classification or subclassification provided for under this24act, may be continued <u>WITHOUT A TAX CHANGE</u> although the use25does not conform to this act until such time as it is

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1	remodeled or changed to a different use.
2	Section 18. There is a new R.C.M. section numbered
3	84-7519.1 that reads as follows:
4	84-7519.1. Reappraisal by department <u>AND</u>
5	IMPLEBENTATION OF TAX BENEFITS AND PENALTIES. (1) The
6	approvided IAXABLE value of property shall always include any
7	incrusses or decreases determined by the department of
8	revenue pursuant to a reclassification <u>REAPPRAISAL</u> plan
9	adopted under its authority. Any increases or decreases in
10	value specifically provided for under the terms of this act
11	shal! be made after consideration of all such reappraisals.
12	121_THE_DEPARTMENT_DE_REVENUE_AND_ITS_AGENTS_SHALL
13	ENTER ANY INCREASE OR DECREASE IN TAXABLE VALUE REQUIRED BY
14	THIS ACT ON THE COUNTY ASSESSMENT ROLLS.
15	SECTION 19. THERE IS A NEW R.C.M. SECTION NUMBERED
16	84-7520+1_FRAT_READS_AS_FULLOWS:
17	84-7520-1- PREPARTION OF RULES. IN PREPARING RULES TO
18	IMPLEMENT_THIS_ALT. THE STATE ADMINISTERING AGENCY SHALL
19	ADVISE ALL LOCAL GOVERNMENT BODIES DE PROPOSED RULES.
20	CONSIDER SUGGESTIONS FROM THEM, AND NORK IN CONJUNCTION WITH
21	IHEBA
22	Section-19wSeverabilitywIfepert-of-this-act-is
23	invalid all-valid-parts-that-are-severa ble-from-the-invalid
24	p ort-remain-in-effectIf-a-part-of-this-act-is-invalidin
25	oneor-more-of-its-applicationsy-the-part-remains-in-effect

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1	in-allvalidapplicationsthatareseverablefromthe
2	invalid-applications.
3	Section-20wRepeaterwSections84-7562through
4	84-7526y-RuCuMu-1947y-ar e- repealedu
5	Section 20. Effective date. No portion of this act
6	shall become effective until the provisions of 84-7505-1
7	have been met, except for those portions of land classified
8	ZONED, under the provisions of Title 11, chapter 27, into
9	categories-which-are-consistent-with-the-provisions-ofthis
10	actandas-to-those-portions-of-landy-this-act-shall-be <u>OR</u>
11	ON THOSE OTHER PORTIONS OF LAND SPECIFICALLY ALLOWED IN THIS
12	ACT. ON THESE PORTIONS OF LAND THE ACT SHALL BECOME
13	effective on July 1, 1977. All appraisals and
14	classifications made thereafter shall be made pursuant to
15	the provisions of this act.
16	SECTION 21. SEVERABILITY. IE A PART OF THIS ACT IS
17	INVALID, ALL VALID PARTS THAT ARE SEVERABLE FROM THE INVALID
18	PART REMAIN IN EFFECT. IF A PART OF THIS ACT IS INVALIO IN
19	ONE OR MORE OF ITS APPLICATIONS. THE PART REMAINS IN EFFECT
20	IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE
21	INVALIO APPLICATIONS.
22	SECTION 22. REPEALER. SECTIONS 84-7502 THROUGH
23	64-75269 Recome 19479 ARE EEPEALED.
	-End-

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HOUSE BILL NO. 630 1 INTRODUCED BY FAGG. VINCENT, MARKS, 2 WALDRON. MULAR. PALMER. COONEY. LUND. FEDA. 3 FABREGA, UHDE, HARRINGTON, HUENNEKENS, BRAND, 4 D'KEEFE, HIRSCH, METCALF, HOLMES, W. BAETH, LORY, 2 ELLIS, PORTER, KIMELE, QUILICI, DUSSAULT, HANSEN, 0 SCULLY, R. BAETH, JOHNSTON, E.GUNDERSON, PISTORIA, 7 KENNERLY, COURTNEY, LYNCH, SHELDEN, MOORE, HARPER, ж 9 KANDUCH. MENAHAN. KESSLER. TEAGUE. J. GUNDERSON. FRATES. NATHE, ROBBINS, BRADLEY, GILLIGAN, SIVERTSEN, ESTENSCN, LIEN 10 11 12 A BILL FOR AN ACT ENTITIED: "AN ACT TO REVISE AND CLARIFY THE MONTANA ECONOMIC LAND DEVELOPMENT ACT, REPEALING 13 SECTIONS 84-7502 THROUGH 84-7526, R.E.M. 1947; ENACTING NEW 14 15 SECTIONS IN LIEU THEREOF; AND PROVIDING AN EFFECTIVE DATE." 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 17 Section 1. There is a new R.C.M. section numbered 13 19 84-7502.1 that reads as follows: 84-7502.1. Policy. The legislature finds that as a 20 state we currently face problems in development that not 21 only cause concern for our future but also could cause 22 cutbacks in our state's growth and proper development. Since 23 many of these concerns are based on land use decisions, the 24

state should develop a land use policy which will direct

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Montana's land use expansion through the enactment of a
 program establishing:

3 (1) local decision-making authority and control as 4 primary factors in the determination of land use patterns; 5 (2) tax incentive programs for land and structures based on proper land use; providing tax benefits for proper 6 7 land use and tax penalties for improper land use: (3) a land use policy that does not impede economic 8 9 progress, but <u>WHICH</u> aids in the development of a program which will meet the social and economic challenges brought 10

11 about through economic development;

12 (4) a program which protects our state's beauty and
13 natural features as well as our heritage of agricultural
14 wealth through constraint of urban sprawl;

15 (5) land use procedures, supplementary to zoning
16 through a local control structure providing for continuous
17 action, which do not conflict with Title 11, chapter 27, or
18 Title 16, chapters 41 and 47, (or those chapters as they may
19 be amended or recodified);

(5) in general, a system of proper land use developed
by a determination of the impact as--beneficial-or
detrimental-to ON an area, <u>BENEFICIAL OR OTHERWISE</u>, and
providing tax incentives and penalties based thereon to curb
improper development patterns.

25 Section 2. There is a new R.C.M. section numbered

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THIRD READING

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1 84-7503.1 that reads as follows:

84-7503.1. Purpose. Montanans are faced by a nation
actively searching for timber, coal, minerals, and
recreational opportunities. This act is designed to
establish Montana's developmental goals in a unique way: by
placing our future land development within a system
controlled by taxation rether-then AS_WELL_AS land
regulation. Specific goals are:

9 (1) to protect agricultural land, the basis of
10 Montana's economic well-being today and the foundation for a
11 well-fed and healthy populace tomorrow;

12 (2) to encourage an inward pattern of urban growth
13 which will promote greater population density on developed
14 land within the urban areas and correspondingly provide a
15 greater percentage of open space through control of sprawl
16 development;

17 (3) to guide industrial and commercial development in18 Montana;

19 (4) to develop a program which is controlled and 20 directed on a local level, with the actual land use 21 direction and classification left wherever possible to the 22 local land owner, working within existing standards, 23 classifications, and land use practices; and

(5) in general, to provide a directional land usepolicy for Montana that is based on the principles of

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1 desirable growth through the development of local control

2 rather than regulation by preemption.

3 Section 3. There is a new R.C.M. section numbered

4 84-7504.1 that reads as follows:

5 84-7504-1. Definitions. As used in this act, the
6 following definitions apply:

7 (1) "Density" means the number of dwelling units per
 8 gross acre.

9 (2) "Owelling unit" means any building or portion 10 thereof providing complete, independent, and permanent 11 living facilities for one family.

(3) "Single family dwelling" means a detached <u>OR</u>
 <u>SEMIATIACHED</u> dwelling unit.

14 (4) "Multifamily dwelling" means a structure
 15 consisting of more than one dwelling unit.

15 (5) "Neighborhood commercial AREA" means a--clustering which--consists A CLUSTER of convenience retail and personal 17 18 service establishments which THAT secure their principal trade by supplying the daily needs of the population 19 residing within a 1/2--mile--radius--of--such--facilities 20 GEOGRAPHICAL DISTRICT DEFINED BY LOCAL GOVERNMENI. The 21 location and quantity of land within the neighborhood 22 commercial area shall be a business island not more than 4 23 acres in size and with no business frontage extending more 24 25 than 600 feet along any street.

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1 (6) "Planned unit development" (PUD) means a land 2 development project consisting of residential clusters, 3 industrial parks, shopping centers, or office building 4 parks, or any combination thereof which comprises a planned 5 mixture of land uses built in a prearranged relationship to 6 each other and having open space and community facilities in 7 a common ownership or use.

(7) "REGIONAL COMMERCIAL AREA" MEANS LAND ADJACENT TO ð A ___NEIGHBORHOOD __COMMERCIAL__AREA_THAT_ACCOMMODATES_BUSINESS 9 10 AND TRADE FACILITIES THAT ARE MAJOR IN NATURE AND GENERALLY REQUIRE SITES IN EXCESS OF 4 ACRES AND THAT SERVE THE NEEDS 11 OF A COMMUNITY OR REGION. THE QUANTITY OF LAND WITHIN A 12 13 REGIONAL COMMERCIAL AREA MAY NOT EXCEED 40 ACRES AND MAY NOT CONTAIN MORE THAN ONE-HALF MILE OF FRONTAGE ON ANY GIVEN 14 15 STREET UR HIGHNAY.

16 f71(8) "Agricultural buildings" means those 17 structures, necessary and integral to the development of 18 agricultural land, and USED for the housing of materials, 19 equipment, OR supplies and OR THE storage of farm goods necessary in the practice of agriculture <u>UR_SERVING_AS__THE</u> 20 21 KESIDENCE OR RESIDENCES OF THOSE ACTUALLY ENGAGED IN 22 AGRICULTURE, THESE STRUCTURES MUST BE LOCATED ON A PORTION 23 OF LAND BEING DEVELOPED FOR AGRICULTURAL PURPOSES.

24 (#)(9) "Governing body" means a board of county
 25 commissioners, or the governing authority of any city or

1 towns or any joint city-county governing authority organized

2 pursuant to law.

3 (9)(10) "State administering agency" means the 4 department of community affairs as---coordinator---for 5 implementation-of-84-7505w1.

6 (10)(11) "Remodeling" means the changing in appraised
7 volue <u>EXPANSION OR RECONSTRUCTION</u> of a structure, building,
8 or other man-made object through reconstruction whereby its
9 volue is increased <u>WHICH INCREASES ITS TAXABLE VALUE</u> by at
10 least 5% <u>2.1/2%</u> AS DETERMINED BY THE DEPARTMENT OF REVENUE
11 OR ITS AGENTS.

12 (11)(12) "Construction period" means a period of time beginning with the issuance of a building permit and 13 concluding when the construction is ready for its designed 14 15 use or when determined-by the county assessor DETERMINES THE SIRUCIURE to be substantially completed. In those cases 16 where building permits are not issued, the beginning of the 17 18 period is that time determined by the governing body as the 19 start of construction. In no case will MAY the construction 20 period exceed 18 months.

21 (12)(13) "Zoning" means the regulation by a governing 22 body of the use of land or structures thereon, or both, 23 within a designated portion of the jurisdictional area of 24 the governing body, as authorized under Title 11, chapter 25 27, and Title 16, chapter 47, or those chapters as they may

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1 amended or recodified. 2 ++7+(18) "Rural land" means those lands beyond the jurisdictional areas as set forth in 11-3830 and 11-3830.2. 3 or those sections as they may be amended or recodified. 4 +18+(19) "Value" means appreised TAXABLE value. 5 f19;[20] "Land". For the purposes of this act, there 6 7 are three main categories of land: productive. nonproductive, and developed. Each of these three categories 8 can be defined in terms of the principle use (or nonuse) 9 10 made of the land: (a) productive land--land which is agricultural in 11 nature and whose principle use is or could bet floriculture, 12 13 horticulture, silviculture, general farming, dairying, poultry raising, stock raising, and other uses related to 14 agriculture, including but not limited to IHE activities as 15 16 defined in 84-437.2. The types of land use within this category are: 17 (i) prime agricultural--irrigated--land-as-defined-in 18 19. HataGa-42-2a22(1)-52250-end-department-of--revenue--pomphlet #Recommended--Reclassification--Procedures-and-Instructions* 20 tpages-8-and-9; IILLABLE IRRIGATED CLASS 1 AND 2 LAND AS 21 DEFINED BY THE U.S. DEPARTMENT OF AGRICULTURE SOIL 22 CONSERVATION SERVICE; 23 24 (ii) cropland; (iii) grazing; 25

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(14)(15) "Core area" means that portion of land, within the corporate limits of a class 1 or class 2 city, which IHAI includes the central business district and extends an additional-ly000-feet-beyond-in-all-directions A_HINIMUM_DE ONE-HALF BLOCK BEYOND IN ALL DIRECTIONS AND A MAXIMUM OF THREE BLOCKS, INCLUDING ALL STREETS AND ALLEYS ADJACENT TO OR NITHIN THE AREA. IN MUNICIPALITIES OTHER THAN CLASS 1 OR CLASS 2 CITIES. THE CORE AREA SHALL BE AS DESIGNATED BY THE GOVERNING BODY. (15)(116) "Civic band" means that portion of land which extends from the core area to the corporate limits in class 1 or class 2 cities, or from the central business district to the corporate limits in other cities. field(17) "Urban SUBURBAN band" means that portion of land wnich-extends-from-the-corporate-limits-up-to IHAI_IHE GUYERNING BODY DELINEATES AS THE DEVELOPED OR SUBURBAN AREA UUTSIDE THE CORPORATE LIMIT. THIS BAND MAY EXTEND NO FURTHER <u>IHAN</u> the 4 1/2 mile jurisdictional area as set forth in

++3+(14) "Central business district" means that portion

of land, within the corporate limits of a city, defined and

delineated by the local governing body according-to-accepted

practices--of-planning-agencies AS FORMING THE CENTER OF THE

CITY'S FINANCIAL+ COMMERCIAL+ AND PROFESSIONAL ACTIVITIES+

be amended or recodified.

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11-3830 and 11-3830.2, or those sections as they may be

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 (vii) recreational. (viii) recreational of services or the wholesale or recreation. (viii) recreational exervices or the wholesale or recreation. (viii) recreational. (viii) recreational exervices or the wholesale or recreation. (viii) recreational. (viii) rec	1	(iv) range;	1	BEEN DEVELOPED FOR ANY USE DEFINED IN THE PRECEDING
 (vii) recreational. (viii) recreational of services or the wholesale or recreation. (viii) recreational exervices or the wholesale or recreation. (viii) recreational. (viii) recreational exervices or the wholesale or recreation. (viii) recreational. (viii) rec	2	<pre>(v) native grassland;</pre>	2	SUBSECTION.
(i) nonproductive landland which will not reasonably 5 54-7505.1. Depration. (1) #ydume38y-9978 [IIIE 5 (i) nonproductive landland which will not reasonably 5 54-7505.1. Depration. (1) #ydume38y-9978 [IIIE 6 10 as typified by extreme slopes, rock formations, 6 10 NNS, AND COUNTLES SHALL FOLLOW THE FOLLOWING PROCEDURE 7 land is typified by extreme slopes, rock formations, 6 10 NNS, AND COUNTLES APAVISIONS OF THIS ACT I 8 alkaline properties, or similar natural features which make 6 10 A. M.Y. CLASS, 1 OR 2. LITY 68-7600 THE SACTS 10 activity. 10 Anne Stall ADOPT THE PROVISIONS OF THIS ACT ON dWFT-154 11 (c) developed landland used principally for 11 ADOPTION, IS SIGNED BY AT LEAST ISS OF THE REGISTERED VOTE 12 residential, industrial andland used for YARYING 12 13 of land use under this category are: 13 14 (i) residential landland used for manufacturing, 14 15 full conversion CONVERTING, processing, essembly ASSERBLING, 14 16 issanting, refining, production global ed for business purposes 12 17 disametiag, refining, production global, essembly ASSERBLING, 14 18 issanting, re	3	(vi) forest and woodland;	3	Section 4. There is a new R.C.M. section numbered
6 Support growth for the production of food and fibre. This 6 IDMASE_AND_COUNTIES SHALL FULLOW THE FOLLOWING PROCEDURE_ 7 land is typified by extreme slopes, rock formations, 8 ADOPTING OR DEVELOPING PROVISIONS OF THIS ACT: 8 alkaline properties, or similar natural features which make 9 IA ANY_CLASS_1_0_0R_2_CHIY 0B-THEM THAT_IS_AREA 9 it borrem or nonproductive for any type of agricultural 9 ZUNED_SHALL_ADDET_THE_PROVISIONS_OF_THIS_ACT: 10 activity, 10 JANUARY_1, 1978, UNLESS_A_PETITION_FOR_REFERENDUM_GATH 11 (c) developed landland used principally for 11 ADOPTION_IS_SIGNE_OF_THE REGISTERED YOTE 12 residential landland used for VARYING 12 ELECTION, UNLESS_A_PETITION_FOR_REFERENDUM_GATH 14 (i) residential landland used for worging densities designed to 13 OUESTION, IN_A_SUPTERS_A_REFITION_MA_AANDAT_HADRITON_R 15 (ii) industrial landland used for monufacturing, 14 ELECTION_VARTING, PROVERING, OF_THIS_AGENTAR 16 meet contemporary building and living standards; 17 UNLESS_A_REFITION_FOR_REFERENDUM_AGAINST_ADOPTION_S_SIGNE_OF_THAT_EON_THAT 17 (ii) industrial landland used for monufacturing, 14 ALAJORITY OF_THE_REGISTERED_VOTERS_OF_THAT_EON_THAT <td>4</td> <td>(vii) recreational.</td> <td>4</td> <td>84-7505.1 that reads as follows:</td>	4	(vii) recreational.	4	84-7505.1 that reads as follows:
7 land is typified by extreme slopes, rock formations, 7 ADDPTING OR DEVELOPING PROVISIONS OF THIS ACT: 8 alkaline properties, or similar natural features which make 6 (A) ANY_CLASS_1_OR_2_CLIY BETEWN THAT IS ALREA 9 it barren or nonproductive for any type of agricultural 9 (LUNED SUALL ADDPT THE PROVISIONS OF THIS ACT ON AMEY======= 10 activity. 10 JANUARY_L, 1978. UNLESS A PETITION FOR AFFERHOME AGAINST 11 (c) developed landland used principally for 11 ADDPTION_ISTERS OF THIS ACT ON AMEY====== 12 residential indland used principally for 11 ADDPTION_ISTERS OF THIS ACT ON AMEY===== 13 of land use under this category are: 12 DE IHAL CIY ON_ISTENS OF THIS ACT ON AMEY==== 14 (i) residential landland used for YARYING 14 ELECTION. NOTE AGAINST IIS IMPLEMENTATION. 15 CUNCENTRATIONS DE dwellings of-verying-densities designed to 15 (B) ANY_COUNTY THAT HAS ADDPTION IS ADDP	5	(b) nonproductive landland which will not reasonably	5	84-7505.1. Operation. (1)
8 alkaline properties, or similar natural features which make 8 (A) _ANY_CLASS_1_OR_2_CITY BR_TENN THAT IS ALREA 9 it barren or nonproductive for any type of agricultural 9 JONED_SHALL_ADDPT THE_PROVISIONS OF THIS ACT ON dWLY-1-19 10 activity. 10 IANUARY_1, 1978. UNLESS A PETITION_FOR_REFERENDUM_AGAIN 11 (c) developed landland used principally for 11 ADDPTION_IS_SIGNED_BY AT LEAST_ISS_DE_THE REFERENDUM_AGAIN 12 residential_industrial, or commercial purposes. The types 12 DE_THAT CITY BR_TENN MAD_A_MADIRITY OF THOSE VOTING_ON_T 13 of land use under this category are: 13 QUESTION. IN_A_SPECIAL_ELECTION_OR_INT THE_NERGISTERED_VOTE 14 (i) residential_landland_used_for_VARYING 14 ELECTION.VOTE AGAINST_ITS_INPLEMENTATION. 15 (LINEKHABILONS_OF develting and living standards; 16 DEFINED_IN_ILLEAST_ISO_CONTY FOR REFERENDUM_AGAINST_ADOPTION_IS_SIGN 16 meet contemporary building processing, essembly ASSEMBLING, 16 BY_A_LLEAST_ISO_F_THE REGISTERED_VOTERS_OF_THAT_CUNTY ALLEAST_ISO_CONTY FOR REFERENDUM_AGAINST_ADOPTION_IS_SIGN 19 disaantling, refining, product; and 12 24 LLEAST_ISO_F_THE REGISTERED_VOTERS_OF_THAT_CUNTY ALLEAST_ISO_CONTY FOR SUPPOSES 21 22 principally in t	6	support growth for the production of food and fibre. This	6	IOHNS + AND COUNTLES SHALL EQLLON THE FOLLOWING PROCEDURE IN
yit barren or nonproductive for any type of agricultural9ZUNED SHALL ADDPT THE PROVISIONS DE THIS ACT ON dWEY-ta-ta10activity.10JANUARY 1, 1978. UNLESS A PETITION. FOR REFERENDUM AGAIN11(c) developed landland used principally for11ADDPTION. IS SIGNED BY AT LEAST J33 DE THE REGISTERED YOTE12residential, industrial, or commercial purposes. The types12DE THAT CLTY 08-TONN AND A HAJORITY OF THOSE VOTING_ON T13of land use under this category are:13QUESTION, THAT SPECIAL ELECTION, OR IN THE NEXT GENER14(i) residential landland used for VARYING14ELECTION, VOTE AGAINST LIS INPLEMENTATIONA15 <u>CUNCEWIRATIONS DE dwellings of-verying densities</u> designed to15(B). ANY COUNTY THAT. HAS ADOPTION A. HASTER PLAN.16meet contemporary building and living standards;16DEFINED_IN_11ALOR FOR REFERENDUM AGAINST ADOPTION IS_SIGN16conversion <u>CONVERTING</u> , processing, processing, processing, product; and19A. MAJORITY OF THE REGISTERED VOTERS OF THAT COUNTY A20material or product; and20ELECTION, OR_IN THE NEXT GENERAL ELECTION, YOTE AGAINST IS21(iii) commercial landland used for business purposes21INPLEMENTATION.22retail selling of goods.22MAY LAPPLY TO THE ADMINISTERING AGENCY FOR FUNOS TO IMPLEME23retail selling of goods.23MAY APPLY TO THE ADMINISTERING AGENCY FOR FUNOS TO IMPLEME24(21)	7	land is typified by extreme slopes, rock formations,	7	ADOPTING OR DEVELOPING PROVISIONS OF THIS ACT:
10 activity. 10 JANUARY 1, 1978. UNLESS A PETITION FOR REFERENDUM AGAIN 11 (c) developed landland used principally for 11 ADDPTION_IS_SIGNED_BY AT LEAST_DSS_OF THE REGISTERED_VOIE 12 residential, industrial, or commercial purposes. The types 12 DE_THAT_CITY OR_FORM_AMD_A_MAD_A_MAJDRITY_OF_THOSE_VOING_ON_T 13 of land use under this category are: 13 QUESTIONIN_A_SPECIAL_ELECTION_OR_IN_HENESTONE 14 (i) residential landland used for YARYING 14 ELECTION_VOIE_AGAINST_ITS_INPLEMENTATION. 15 GUNCENTRATIONS DE dwellings of-verying-densities designed to 15 (B)_ANY_COUNTY_THAT_HAS_ADOPTED_A_HASTER_PLAN_ 16 meet contemporary building and living standards; 16 DEFINED_IN_11-3803_MAY_ADOPT_THE_PROVISIONS OF THES AGE 17 (ii) industrial landland used for manufacturing, 17 UNLESS A_PETITION_FOR_REFERENDIM_AGAINST_ADOPTION_IS_SIGN 18 conversion CONVERTING, processing, orsembly ASSEMBLING, 18 AY_ALLEAST_ISS_OF_THE_REGISTERED_VOTE AGAINST_IS_SIGN 19 disantling, refining, production pseudotion pseudoton pseudotion pseudotis purposes 21 I	8	alkaline properties, or similar natural features which make	8	(A) ANY CLASS 1 OR 2 CITY BR-TOWN THAT IS ALREADY
11 (c) developed landland used principally for 11 12 residential, industrial, or commercial purposes. The types 12 13 of land use under this category are: 13 14 (i) residential landland used for YARYING 14 15 <u>GUNCENTRATIONS OF</u> dwellings of-verying densities designed to 15 16 meet contemporary building and living standards; 16 17 (ii) industrial landland used for manufacturing, 17 18 conversion <u>CONVERTING</u> , processing, essembly <u>ASSEMBLING</u> , 18 19 dismantling, refining, production <u>PMOUCING</u> , or mining of a 19 20 retail selling of goods. 21 21 (ii) commercial landland used for business purposes 11 22 (c). ANY CLASS 3 OF 4 CITY OF THE REGISTERED VOTE AGAINST I 23 retail selling of goods. 22 24 (21) "YACANT_UNIMPROVED_LAND"_MEANS_PRIVATELY_OWNED 24 23 LAND IW AGAS ZONED BESTORNTIAL OR COMMERCIAL THAT HAVE_NOT 25 24 (21) "YACANT_UNIMPROVED_LAND"_MEANS_PRIVATELY_OWNED 24 23 LAND IW AGAS ZONED BESTORNTIAL OR COMMERCIAL THAT HAVE_NOT 25 <td>9</td> <td>it barren or nonproductive for any type of agricultural</td> <td>9</td> <td>ZONED_SHALL_ADOPT_THE_PROVISIONS_DE_THIS_ACT_ON #VEY=#v=#977</td>	9	it barren or nonproductive for any type of agricultural	9	ZONED_SHALL_ADOPT_THE_PROVISIONS_DE_THIS_ACT_ON #VEY=#v=#977
12 residential, industrial, or commercial purposes. The types 12 DE_IHAT_CLIY_OR_TENN AND A HAJORITY_OF_IHOSE_VOIING_ON_T 13 of land use under this category are: 13 QUESTION. IN_A_SPECIAL_ELECTION_OR_IN_THENEXT_SENER 14 (i) residential landland used for VARYING 14 ELECTION_VOIE AGAINST_LIS_IMPLEMENTATION. 15 <u>GUNCENTRATIONS_DE</u> dwellings of-vorying-densities designed to 15 (b) ANY_COUNTY_THAT_HAS_ADOPTED_A_MASTER_PLAN_ 16 meet contemporary building and living standards; 16 DEFINED_IN_11-3803_MAY_ADOPT THE PROVISIONS OF THIS ACCOUNTY A 17 (ii) industrial landland used for manufacturing, 17 UNLESS_A_PETITION_FOR_REFERENDUM_AGAINST_ADOPTION_IS_SIGN 16 conversion CONVERTING, processing, ossembly ASSEMBLING, 18 8Y_AI_LEAST_ISZ_OF_THE REGISTERED VOTERS_OF THAT COUNTY A 19 dismantling, refining, production PRODUCING, or mining of a 19 A_MAJORITY OF_THENEXT GENERAL ELECTION, VOTE AGAINST_I 20 material or product; and 20 ELECTIONORIN_THE NEXT GENERAL ELECTION, VOTE AGAINST_I 21 (ii) commercial landland used for business purposes 21 IMPLEMENTATIONA 22 (iii) commercial landland used for business purposes 21 IMPLEMENTATIONA	10	activity.	10	JANUARY 1. 1978. UNLESS A PETITION FOR REFERENCEM AGAINST
1213of land use under this category are:13313of land use under this category are:139UESIION: IN A SPECIAL ELECTION OR IN THE NEXT GENER14(i) residential landland used for VARYING14ELECTION: VOIE AGAINST LIS INPLEMENTATION.15CUNCENTRATIONS OF dwellings of-verying densities designed to15IBL ANY COUNTY THAT HAS ADOPTED A MASIER PLAN.16meet contemporary building and living standards;16DEFINED IN 11-3803. MAY ADOPT THE PROVISIONS OF THIS AG17(ii) industrial landland used for menufacturing,17UNLESS A PETITION FOR REFERENDUM AGAINST ADOPTION IS. SIGN16conversion CONVERTING, processing, essembly ASSEMBLING,18AY AT LEAST 15% OF THE REGISTERED VOTERS OF THAT COUNTY A19dismential or product; and20ELECTION OR IN THE NEXT GENERAL ELECTION. VOTE AGAINST II21(iii) commercial landland used for business purposes21IMPLEMENTATION.22retail selling of goods.23MAY APPLY TO THE ADMINISTERING AGENCY FOR FUNDS TO INPLEME24(211 "YACANT UNIMPROVED LAND" MEANS PRIVATELY ONNED24PLANNING PROCEDURES ON FORMS AND IN THAT HAVE NOT25LAND IN AREAS ZONED RESIDENTIAL OR COMMERCIAL THAT HAVE NOT25DETERMINED BY THE ADMINISTERING AGENCY UNLESS A PETITIC	11	(c) developed landland used principally for	11	ADOPTION IS SIGNED BY AT LEAST 15% OF THE REGISTERED VOTERS
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14 (1) TOTACH, ONC TONG TONG TONG TONG TONG TONG TONG TONG	13	of land use under this category are:	13	QUESTION. IN A SPECIAL ELECTION OR IN THE NEXT GENERAL
13 EURCENTRATION OF UNITY OF	14	(i) residential landland used for <u>VARYING</u>	14	ELECTION. VOTE AGAINST ITS IMPLEMENTATION.
10meet contemporary outformy out	15	<u>CONCENTRATIONS DE</u> dwellings of-verying densities designed to	15	(B) ANY COUNTY THAT HAS ADOPTED & MASTER PLAN AS
11 (11) Hudstitut indicities for administering, 12 (11) Hudstitut indicities for administering, 14 (11) Hudstitut indicities for administering, 15 conversion <u>CONVERTING</u> , processing, Desembly ASSEMBLING, 18 BY_AT_LEAST_15% OF THE REGISTERED VOTERS OF THAT COUNTY A 19 dismantling, refining, production <u>PRODUCING</u> , or mining of a 19 A_MAJORITY OF THOSE YDTING ON THE <u>QUESTION</u> . IN A SPECT 20 material or product; and 21 (iii) commercial landland used for business purposes 22 fill ANY CLASS 3 OR 4 CITY OR TOWN THAT. IS NOT ZON 23 retail selling of goods. 24 (21) "YACANT_UNIMPROVED_LAND" _MEANS_PRIVATELY_DWNED 25 LAND IN AREAS ZONED RESIDENTIAL OR COMMERCIAL THAT HAVE _NOT 26 DETERMINED BY THE ADMINISTERING AGENCY_UNLESS A_PETITI	16	meet contemporary building and living standards;	16	DEFINED IN 11-3803 MAY ADOPT THE PROVISIONS OF THIS ACT.
13 Contention Contention Production PRODUCING, or mining of a 19 A_MAJORITY_OF_THOSE_VOTING_ON_THE_QUESTIONIN_A_SPECI 19 dismantling, refining, production PRODUCING, or mining of a 19 A_MAJORITY_OF_THOSE_VOTING_ON_THE_QUESTIONIN_A_SPECI 20 material or product; and 20 ELECTIONORIN_THE_NEXT_GENERAL_ELECTIONVOTE_AGAINST_I 21 (iii) commercial landland used for business purposes 21 IMPLEMENTATION 22 principally in the provision of services or the wholesale or 22 (ClANY_CLASS_3_OR_4_CITY_OR_TOWN_THATISNOTZON 23 retail selling of goods. 23 MAY_APPLY_TO_THE ADMINISTERING_AGENCY_FOR_FUNDS_TO_INPLEME 24 (21)_"VACANT_UNIMPROVED_LAND"_MEANS_PRIVATELY_DWNED 24 PLANNING_PROCEDURES_ON_FORMS_AND_IN_THE_MANNER_TO 23 LAND_IN_ARÉAS_ZONED_RESIDENTIAL_OR_COMMERCIAL_THAT_HAVENOT 25 DETERMINED_BY_THE ADMINISTERING_AGENCY_UNLESS_A_PETITIC	17	(ii) industrial landland used for manufacturing,	17	UNLESS A PETITION FOR REFERENCEM AGAINST ADOPTION IS SIGNED
1) Offsmanningy ferrining, proceeded in <u>Exercise</u> , or animaly of the initial or product; and 20 material or product; and 20 ELECIION_OR_IN_THE NEXT GENERAL ELECTION, YOTE AGAINST I 21 (iii) commercial landland used for business purposes 21 IMPLEMENTATION. 22 principally in the provision of services or the wholesale or 22 (C)_ANY_CLASS_3_OR 4_CITY_OR_TOWN_THAT_IS_NOT_ZON 23 retail selling of goods. 23 MAY_APPLY_TO_THE ADMINISTERING AGENCY_FOR_FUNDS_TO_IMPLEME 24 (21)_"YACANI_UNIMPROYED_LAND"_MEANS_PRIVATELY_DWNED 24 PLANNING_PROCEDURES_ON_FORMS_AND_IN_THE_MANNER_TO 25 LAND_IN_AREAS_ZONED_RESIDENTIAL_OR_COMMERCIAL_THAT_HAVENOT 25 DETERMINED_BY_THE ADMINISTERING_AGENCY_UNLESS_A_PETITIC	18	conversion <u>CONVERTING</u> , processing, assembly <u>ASSEMBLING</u> ,	18	BY AT LEAST 15% OF THE REGISTERED VOTERS OF THAT COUNTY AND
21 (iii) commercial landland used for business purposes 21 IMPLEMENTATION= 22 principally in the provision of services or the wholesale or 22 (C)_ANY_CLASS_3_OR 4_CITY_OR_TOWN_THAT_IS_NOT_ZON 23 retail selling of goods= 23 MAY_APPLY_TO_THE ADMINISTERING AGENCY_FOR_FUNDS_TO_INPLEME 24 (21)_*YACANT_UNIMPROYED_LANO*_MEANS_PRIVATELY_DWNED 24 PLANNING_PROCEDURES_ON_FORMS_AND_IN_THE_MANNER_TO_ 23 LAND_IN_AREAS_ZONED_RESIDENTIAL_OR_COMMERCIAL_THAT_HAYE_NOT 25 DETERMINED_BY_THE ADMINISTERING_AGENCY_UNLESS_A_PETITIE	19	dismantling, refining, production <u>PRODUCING</u> , or mining of a	19	A MAJORITY OF THOSE VOTING ON THE QUESTION: IN A SPECIAL
21 (111) Commercial for the trace for the wholesale or 22 (2) ANY CLASS 3 OR 4 CITY OR TOWN THAT IS NOT 200 23 retail selling of goods. 23 MAY APPLY TO THE ADMINISTERING AGENCY FOR FUNDS TO INPLEME 24 (21) "VACANT UNIMPROVED LAND" MEANS PRIVATELY OWNED 24 PLANNING PROCEDURES ON FORMS AND IN THE MANNER TO 25 LAND IN AREAS ZONED RESIDENTIAL OR COMMERCIAL THAT HAVE NOT 25 DETERMINED BY THE ADMINISTERING AGENCY UNLESS A PETITION	20	material or product; and	20	ELECTION OR IN THE NEXT GENERAL ELECTION. VOTE AGAINST ITS
23 retail selling of goods. 23 MAY_APPLY_TO_THE ADMINISTERING AGENCY FOR FUNDS_TO_INPLEME 24 [21]_"YACANI_UNIMPROYED_LAND"_MEANS_PRIVATELY_DWNED 24 PLANNING_PROCEDURES_ON_FORMS_AND_IN_THE_MANNER_TO_ 25 LAND_IN_AREAS_ZONED_RESIDENTIAL_OR_COMMERCIAL_THAT_HAVE_NOT 25 DETERMINED_BY_THE ADMINISTERING_AGENCY_UNLESS_A_PETITIE	21	(iii) commercial landland used for business purposes	21	IMPLEMENIATION.
24 (21) "YACANT UNIMPROYED LAND" MEANS PRIVATELY DWNED 24 PLANNING PROCEDURES ON FORMS AND IN THE MANNER TO 25 LAND IN AREAS ZONED RESIDENTIAL OR COMMERCIAL THAT HAVE NOT 25 DETERMINED BY THE ADMINISTERING AGENCY UNLESS A PETITI	22	principally in the provision of services or the wholesale or	22	(C)_ANY_CLASS_3_OR_4_CITY_OR_TOWN_THATIS_NOTZONED
25 LAND IN AREAS ZONED RESIDENTIAL OR COMMERCIAL THAT HAVE NOT 25 DETERMINED BY THE ADMINISTERING AGENCY UNLESS A PETITI	23	retail selling of goods.	23	MAY APPLY TO THE ADMINISTERING AGENCY FOR FUNDS TO INPLEMENT
	24	(21) "VACANT UNIMPROVED LAND" BEANS PRIVATELY OWNED	24	PLANNING PROCEDURES ON FORMS AND IN THE MANNER TO BE
-0- H8 630 -10- H8 6	25	LAND IN AREAS ZONED RESIDENTIAL OR COMMERCIAL THAT HAVE NOT	25	DETERMINED BY THE ADMINISTERING AGENCY UNLESS A PETITION
		-9- HB 630		-10- НВ 630

here is a new R.C.M. section numbered ds as follows: peration. (1) By--dume--30,-1978 <u>CITIES.</u> S SHALL FOLLOW THE FOLLOWING PROCEDURE IN PING PROVISIONS OF THIS ACT: SS 1 OR 2 CITY OR TOWN THAT IS ALREADY THE PROVISIONS DE THIS ACT ON JULY-1-1977 NLESS A PETITION FOR REFERENDUM AGAINST D BY AT LEAST 15% OF THE REGISTERED VOTERS NAND A MAJORITY OF THOSE VOTING ON THE SPECIAL ELECTION OR IN THE NEXT GENERAL INST_ITS_IMPLEMENTATION. IY THAT HAS ADOPTED A MASTER PLAN AS 03 MAY ADOPT THE PROVISIONS OF THIS ACT. FOR REFERENDUM AGAINST ADOPTION IS SIGNED THE REGISTERED VOTERS OF THAT COUNTY AND E VOTING ON THE QUESTION: IN A SPECIAL HE NEXT GENERAL ELECTION. VOTE AGAINST ITS S 3 OR 4 CITY OR TOWN THAT IS NOT ZONED DMINISTERING AGENCY FOR FUNDS TO IMPLEMENT ES ON FORMS AND IN THE MANNER TO BE

1	SIGNED BY AT LEAST 15% OF THE REGISTERED VOTERS OF THAT CITY
2	QR_TOWN_IS_FILED_AND*_AT_THE_ENSUING_GENERAL_ELECTION_OR_AT
3	A SPECIAL ELECTION. THE MAJORITY OF THE REGISTERED VOTERS OF
4	THE JURISQUETION VOTING ON THE QUESTION VOTE AGAINST
5	APPLYING FOR THE FUNDS.
6	(d) Any city or town that is not zoned and that does
7	not choose to apply for planning funds from the
8	administering agency shall be required to apply if a
9	petition for referendum in favor of planning signed by at
10	least 15% of the registered voters of that city or town is
11	<u> </u>
12	GOVERNING-BORY FILED AND, AT THE ENSUING GENERAL ELECTION OR
13	AT A SPECIAL ELECTION: THE MAJORITY DE THE REGISTERED YOTERS
14	DE_THE_JURISDICTION_VOTING ON THE QUESTION_FAVOR_APPLYING
15	EDB. THE FUNDS.
16	(E) ANY COUNTY THAT IS NOT PLANNED MAY APPLY TO THE
17	ADMINISTERING AGENCY FOR FUNDS TO IMPLEMENT PLANNING
18	PROCEDURES ON FORMS AND IN THE MANNER TO BE DETERMINED BY
19	THE ADMINISTERING AGENCY UNLESS A PETITION SIGNED BY AT
20	LEAST 15% OF THE REGISTERED VOTERS OF THAT COUNTY IS FILED
21	AND AT THE ENSUING GENERAL ELECTION OR AT A SPECIAL
22	ELECTION. THE MAJORITY OF THE REGISTERED VOTERS OF THE
23	JURISDICTION VOTING ON THE QUESTION VOTE AGAINST APPLYING
24	FOR_EUNDS.
25	(F)_ANY_COUNTY_THAT_IS_NOT_ZONED_AND_THAT_DOES_NOT

ı	CHUDSE TO APPLY FOR PLANNING FUNDS FROM THE ADMINISTERING
٤	AGENCY SHALL BE REQUIRED TO APPLY IF A PETITION IN FAVOR OF
3	APPLYING FOR PLANNING FUNDS SIGNED BY AT LEAST 15% OF THE
4	REGISTERED_VOTERS_OF_IHAT_COUNTY_IS_PRESENTED=_10==IHE
5	ABBINISTERING-AGENEY-THROUGH-THE-LOCAL-GOYERNING-BODY FILED
6	AND.AT_THE_ENSUING_GENERAL_ELECTION_OR_AT_A_SPECIAL
7	ELECTION: THE MAJORITY OF THE REGISTERED VOTERS OF THE
8	JURISDICTION VOTING ON THE QUESTION FAVOR APPLYING FOR
4	EUNDS
10	(G) A CITY THAT WISHES TO EXTEND THE PROVISIONS OF
11	THIS ACT INTO THE SUBURBAN BAND, OR IF A PETITION SIGNED BY
12	AT LEAST 15% OF THE REGISTERED VOTERS OF THAT COUNTY IS
13	EILED AND, AT THE ENSUING GENERAL ELECTION OR AT A SPECIAL
14	ELECTION. THE MAJORITY OF THE REGISTERED VOTERS RESIDING IN
15	THE PROPOSED SUBURBAN BAND VOTING ON THE QUESTION VOTE
16	AGAINST THE DECISION MUST SECURE THE PERMISSION OF THE
17	COUNTY GOVERNING BODY. ANY DECISION OF THE COUNTY GOVERNING
18	<u>BODY MAY BE OVERTURNED SY THE FILING DE A PELITION SIGNED BY</u>
19	AT LEAST 213 OF THE EREEHOLDERS RESIDING IN THE PROPOSED
20	SUBURBAN_BAND.
21	tot(H) A CITY, TOWN, OR COUNTY THAT APPLIES FOR FUNDS
22	BUT WHOSE APPLICATION IS TURNED DOWN MAY BEGIN PLANNING WITH
23	IIS DAM EUNDS.
24	tHILLI NO CITY, IOWN, OR COUNTY MAY BE REQUIRED ID
25	<u>PREPARE A PLAN UNLESS PLANNING FUNDS ARE MADE AVAILABLE BY</u>

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1	IHE_ADMINISTERING_AGENCY.	1	COMPLEIED WITHIN 1 YEAR FROM THE DATE OF NOTIFICATION THAT
2	tit(J) FOR THE PURPOSES OF THIS ACT. "COUNTY" SHALL	2	EUNDS_ARE_AVAILABLE_BY_THE_ADMINISTERING_AGENCY_OR_THE
3	MEAN THE AREA WITHIN A COUNTY BUT OUTSIDE THE CORPORATE	3	GOVERNING_BODY.
4	LIMITS OF CITIES AND TOWNS IN THAT COUNTY.	4	[0][<u>8]</u> The land and land usage inventory includes
5	t=>(K)PLANNINGEFFORIS_UNDERTAKEN_BY_ANY_CITY+_TOWN+	÷	SHALL INCLUDE, as a minimum, the following:
6	OR COUNTY MAY BE THROUGH JOINT. CONSOLIDATED. CITY.	6	(i) a map or maps showing the floodplain or all
7	CITY-COUNTY, OR COUNTY PLANNING BOARDS SUBJECT TO THE	7	streams and rivers;
8	PROVISIONS FOR SUCH BOARDS IN TITLE 11. CHAPTER 38.	8	(ii) a map or maps showing areas unsuitable for
9	THE ANY NUMICIPALITY OR COUNTY LOCATED IN WHOLE OR	9	development because of flood hazard, excessive slope, or
10	PART WITHIN THE EXTERIOR BOUNDARIES OF AN INDIAN RESERVATION	10	high groundwater;
11	SHALL BE EXEMPTED FROM THE REQUIREMENTS OF THIS ACT IN THE	11	(iii) a map or maps showing current vegetation
12	EVENT A COURT OF COMPETENT JURISDICTION RULES THAT EXERCISE	12	patterns, that is, cropland, irrigated land, rangeland,
13	DE_ANY_POWER_CONFERRED_BY_THIS ACT IS INVALID UNDER THE	13	grazing land, native grassland, forest and woodland, and
14	UNITED STATES CONSTITUTION. THE MONTANA ENABLING ACT, OR ANY	14	nonproductive land;
15	IREATY BETWEEN THE UNITED STATES AND AN INDIAN TRIBE.	15	(iv) a map or maps showing agricultural capability of
16	[2] (A) AFTER APPLICATION BY THE GOVERNING BODY AND	16	lands as classified according to the U.S. soil conservation
17	SELECTION FOR PARTICIPATION BY THE ADMINISTERING AGENCY OR A	17	service agricultural land classification;
18	DECISION TO PLAN WITHOUT FUNDS FROM THE ADMINISTERING	18	(v) a map or maps showing the existing use of all
19	AGENCY, the governing body shall establish a planning	19	privately owned land within the jurisdiction;
20	process in accordance with Title 11, chapter 38, or that	20	(vi) a map or maps showing all lands owned by federal,
21	chapter as it may be amended or recodified, and shall have	21	state, and local agencies, all Indian reservations, and all
22	inventoried INVENIORY all land within its jurisdictional	22	privately owned lands;
23	area according to the general land-type categories described	23	(VII) A MAP OR MAPS SHOWING KNOWN MINERAL DEPOSITS:
24	in this section or existing planning categories if they	24	{vii}[<u>v</u>]] a map or maps showing and describing
25	generally conform to this act. <u>THIS_INVENTORY_SHALL_BE</u>	25	existing or proposed zoning within the corporate limits of a
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1 class 1 or class 2 city;

2 (viii)(IX) a map or maps delineating and describing the 3 central business district, core area (for-class-l-and-class 4 2-cities), civic band, urban <u>SUBURBAN</u> band and rural land 5 and neighborhood commercial should-it-exist <u>AREA, IF_ANY</u>; 6 within the municipality.

7 (b)(<u>(</u>) Guidelines for the preparation of items (<u>B)(i</u>)
8 through (viii) (<u>IX</u>) shall be made available to the governing
9 body by the administering agency.

10 (D) QUALIFICATIONS FOR THE CERTIFICATION OF A CITY. 11 COUNTY, OR CITY-COUNTY PLANNER IN CHARGE OF THE PROPOSED PLANNING SHALL BE MADE AVAILABLE BY THE ADMINISTERING 12 13 AGENCY. AND NO CITY OR COUNTY HAY RECEIVE PLANNING FUNDS 14 UNTIL IIS PLANNER IN CHARGE IS CERTIFIED BY THE 15 ADMINISTERING AGENCY LOCAL GOVERNING BODY. A GOVERNING BODY 16 NEED NOT HAVE A FULL-TIME CERTIFIED PLANNER. BUT THE 17 LOCALITY'S PLANNING MUST BE UNDER THE DIRECTION OF A 18 CERTIFIED_PLANNER.

19 (2) After collection, this data shall be displayed in 20 public for a minimum of 30 days. During the period the 21 material is displayed, there-shall-be-notification-mode IHE 22 <u>GUVERNING BODY SHALL PUBLISH NOTICE</u> of a public meeting at 23 which time the materials-will INVENTORY AND MAPS SHALL be 24 displayed and described and the method of cotegorization 25 will <u>CLASSIFICATION_SHALL</u> be explained to the general public. Any <u>SUGGESTED</u> changes of land <u>categories</u> - suggested <u>CLASSIFICATIONS</u> shall be taken under advisement by the governing body and at their <u>IIS</u> discretion <u>MAY</u> be incorporated into the land inventory. The hearing or hearings shall be completed no later than August 31v-1970 15 <u>MONTHS AFTER THE NOTIFICATION OF AVAILABILITY OF FUNDS</u> FOR <u>PLANNING</u>.

(3) By--Betober--31y--1979 WITHIN 1 YEAR AFTER IHE В HEARING OR HEARINGS INDICATED IN 84-7505.1(3), the governing 9 body shall indicate on a map the proposed land 10 classifications within its jurisdiction and prepare the 11 proposed final plan. This plan shall reflect a combination 12 of existing and proposed uses of land in a manner which, 13 through prudent use, embodies both growth and conservation. 14 The plan will incorporate land use goals and policies which 15 indicate the desired standards and direction for future land 16 development and specify the quantities of land needed for 17 future agricultural, residential, commercial, and industrial 18 use. All landowners shall be notified of the proposed 19 method 20 classifications. Notification is to be by a determined by the governing body which assures that each 21 22 landowner has received a reasonable opportunity to learn of the plan. This notification shall include but not be limited 23 24 to:

25 (a) the classification or classifications given each

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individual owner's land: 1 1 (i) encourage the preservation of prime agricultural 2 (b) the meaning of the classification; and 2 soils; (c) a time and place for a hearing to be held, within 3 3 (ii) encourage the preservation of those limited areas 30 days of notification or letter, for purposes of 4 4 of the state which contain the proper combination or QE soil discussing the general classifications. The hearing or 5 5 and topographical characteristics necessary for intense hearings shall be completed no-later-thon-December-31y-1979 6 6 agricultural development; AS QUICKLY AS POSSIBLE. 7 7 (iii) discourage those uses and activities which are 8 (4) By--February--29y--1980 HITHIN 2 1/2 YEARS AFTER 8 incompatible with the rural and agricultural character of a RECEIPT OF FUNDS FROM THE ADMINISTERING AGENCY. a final land 9 9 district: use plan shall be prepared by the governing body which will 10 10 (iv) discourage those uses and activities which would incorporate all data received from inventories and hearings 11 11 create congestion, noise, or hazards incompatible with 12 to date. It shall also reflect all of those goals and 12 recreational activities established on the land; or 13 (v) encourage the continuation or initiation of 13 policies as indicated in subsection (3) of this section. 14 (5)--lf-a-city-or-county-has--failed--to--prepare--this 14 outdoor recreation on suitable lands. 15 plan--within--the-required-timey-the-department-of-community 15 (b)(C) Land is classified as residential when such 16 affairs--or--its--agent--shall---prepare--the--plany--to--be 16 action would: 17 (i) conserve the character of established residential 17 completed-by-January-2y-1981y-with-all-of-the-incurred-costs 18 to--be-paid-by-the-applicable-city-or-countys-The-procedures 18 neighborhoods as has been done by municipal zoning; or 19 to-be-followed-in-this-case-will-be-the-same-as-if-the--plan 19 (ii) encourage the growth of cities and towns in 20 had-been-completed-by-the-governing-body. 20 efficient patterns while discouraging wasteful urban sprawl. 21 (6)(5) (A) Preparation of the plan shall follow four 21 tet101 Land is classified as industrial when such 22 land classification categories; agricultural, residential, 22 action would: 23 industrial, and commercial: 23 (i) be compatible with existing industrial uses: 24 (a) Land is classified as agricultural when such 24 (ii) protect the surrounding area, through isolation or 25 action would: 25 natural barriers, from noise, plare, pollution, or other

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actions or activities objectionable to the general public; 1 2 (iii) group or cluster industrial users into contiguous 3 locations to avoid industrial spread throughout the community; or 5 (iv) encourage industrial users to locate in areas 6 where prevailing wind and water flow patterns are away from 7 the community. 8 td)[E] Land is classified as commercial when such 9 action would: 10 (i) be compatible with existing commercial uses; 11 (ii) provide locations so that the community is 12 afforded convenient access to needed services within the 13 areat 14 (iii) reflect the highest and best use of the land; or 15 (iv) promote compatible end commercial area 16 developments that will conserve land value and promote 17 public safety, convenience, prosperity, and welfare. 18 (E) LAND MAY BE CLASSIFIED AS NONPRODUCTIVE IF IT 19 MEETS THE CRITERIA OF 84-7504-1(20)(B) IN ANY OF THE 20 SUBCLASSIFICATIONS LISTED IN THIS SUBSECTION. 21 IG1_THE_CLASSIFICATIONS NOTED IN 84-7505-1(4) MAY BE 22 SUBDIVIDED BY THE GOVERNING BODY IN ANY MANNER SO LONG AS 23 THEY REMAIN WITHIN THE PRIMARY CLASSIFICATION, ADDITIONALLY. 24 THESE SAME CLASSIFICATIONS MAY OVERLAY CURRESPONDING 25 DIFFERENT ZONING CLASSIFICATIONS SET FORTH IN ANY CITY OR -19-H6 630

1 COUNTY ZONING PLAN. 2 (H) THE PROVISIONS OF ANY CLASSIFICATION AS NOTED IN З 84-7505.1 APPLY ONLY TO THE SURFACE OF THE LAND. AND NO USAGE THAT IS SOLELY BELOW THE SURFACE SUCH AS MINING MAY 4 AFFECT THE SURFACE CLASSIFICATION. 5 (1) THE PROVISIONS OF ANY CLASSIFICATION AS NOTED IN 6 7 84-7505-1 MAY NOT BE CONSTRUED TO DISPARAGE ANY VESTED OR A PERFECTED RIGHT TO THE BENEFICIAL USE OF WATER. 9 Section 5. There is a new R.C.M. section numbered 10 84-7506.1 that reads as follows: 11 84-7506.1. Acceptance of the plan. After the 12 provisions of 84-7505-1 have been met and all public 13 hearings held, the-governing-body-shall-adopt-the-final-plan 14 by-ordinances-Adoption-of-the-plan--shall--be--completed--by february--29y--1988y--The--proposed--ordinance--may--then-be 15 submitted-to-the-people-through-referendum-procedures--under 16 Title---37y--chapter--3y--or--that--chapter--as--amended--or 17 recodifiedy--or--corresponding--referendum--procedures---for 18 cities--and-townsw-The-referendum-vote-shall-be-completed-no 19 20 later-than-April-30y-1980y-A-majority-vote-against-the--plan 21 in---the---ensuing--referendum--repeals--the--plan--in--that 22 iurisdictiony-and--84-7505+1(4)y--does--not--apply--to--such JUFISSHEETION I THE QUESTION OF ADOPTING THE FINAL PLAN SHALL 23 BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY. TOWN. OR 24 COUNTY IN A SPECIAL ELECTION OR IN THE NEXT GENERAL 25

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ELECTION. IF A MAJORITY OF THE QUALIFIED ELECTORS VOTING ON
 IHE QUESTION VOTE AGAINST THE PLAN. THE FINAL PLAN. MAY NOT
 BE ADOPTED AND THE PROVISIONS OF 84-7505+1(4) DO NOT APPLY.
 IE THE MAJORITY OF THOSE VOTING ON THE QUESTION. FAVOR THE
 ADOPTION OF THE PLAN. THE GOVERNING BODY SHALL ADOPT. THE
 EINAL PLAN BY ORDINANCE.

7 Section 6. There is a new R.C.M. section numbered
84-7507.1 that reads as follows:

9 84-7507.1. Subclassification by owners of land 10 classified as agricultural. (1) Within 2 years following the classification of land as agricultural, an owner thereof may 11 12 elect to subclassify his lands into Classes A, B, C, D, or any combination thereof. In addition, upon election by the 13 owner and with the approval of the governing body, 14 agricultural land may be subclassified as recreational Class 15 10 E or F. The department of revenue, upon receipt of the owner's election, shall revise the previously--oppraised 17 18 PREVIOUS TAXABLE value of such lands as follows:

 19
 [A] Class A--the approised IAXABLE value is reduced

 20
 25% from the current level (DB 50% if prime agricultural)

 21
 and is thereafter maintained at an-approised-value-of-75%-of

 22
 the--lend--value-(50%-if-prime-agricultural)

 23
 long as it remains in Class A__EXCEPT_THAT_AN_ADDITIONAL

 24
 SEDUCITON_OF_10% SHALL BE MADE FOR EACH GENERATION THE LANO

 25
 HAS_perch OMNED AND OPERATED BY THE SAME LINEAL FAMILY

1 (B) Class 8--the oppraised <u>TAXABLE</u> value is reduced 2 15% from the current level (<u>OR</u> 30% if prime agricultural) 3 and is thereafter maintained at on-approised-value-of-85%-of 4 the-land-value-(70%-if-prime-agricultural) <u>THAT_LEVEL</u> as 5 long as it remains in Class B.

6 (C) Class C--the appraised TAXABLE value shall be in
 7 accordance with Title 84, sections 437.1 through 437.17, or
 8 those sections as they may be apended or recodified.

9 (D) Class D--the appreised IAXABLE value is increased 10 10% OR 20% IF PRIME AGRICULTURAL from the current level and 11 is--thereafter maintained at an-approised-value-of-110%-of 12 the-land-valuev THAT_LEVEL as long as it remains in Class D. 13 (E) Class E--the appraised <u>IAXABLE</u> value is reduced 14 25% from the current level and is-thereafter maintained at 15 an-appraised-value-of-75%-of-the-land-valuey IHAT_LEVEL as 16 long as it remains in Class E. This reduction in opprovised 17 TAXABLE value applies after the Class A B_DR_C reduction 18 for applied and has been applied and applies only to 19 that portion of the land used as public access.

(L) Class F--the appraised <u>TAXABLE</u> value is reduced
40% from the current level and is-thereafter maintained at
an-appreside-value-of-60%-of-the-land-valuev <u>IHAT_LEVEL</u> as
long as it remains in Class F. This reduction in appraised
<u>TAXABLE</u> value applies after the Class * <u>B_OR_C</u> reduction has
been applied and applies only to that portion of the land

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used for public camping and overnight stay, as designated by
 the property owner.

3 (2) The owner of Class A landy <u>OR</u> his heirs, 4 successors, or assigns, may not convert the use of such 5 lands to any nonagricultural purpose for 25 years, nor may 6 the subclassification be changed for 25 years.

7 (3) The owner of Class B landy <u>OR</u> his heirs,
8 successors, or assigns, may not convert the use of such land
9 to any nonagricultural purpose for 10 years, nor may the
10 subclassification be changed for 10 years.

11 (4) The owner of Class C landy <u>DR</u> his heirs, 12 successors, or assigns, may change the subclassification within the agricultural classification at any time and may 13 14 SHALL MAY petition the governing body at any time for 15 reclassification into another subclassification. The governing body way SHALL grant this petition provided that 16 17 if the subclassification is to Class D, it shall not be 18 granted until the petitioner has first oaid the difference 19 in taxes which would have been paid since the subclassification or 10 5 years, whichever is less, if 20 during that period that land had been subclassified as Class 21 22 D.

(5) The owner of Class D landy <u>OR</u> his heirs,
 successors, or assignst may petition the governing body for
 reclassification into another subclassification at any time,

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1 which petition shall be granted.

2 (6) The owner of Class E landy UR his heirs, 4 successors, or assignsy shall, under a minimum 10-year 4 agreement with the department of fish and game, AFIER APPRUVAL BY THE GOVERNING BODY: permit public access across 5 6 the land for recreational purposes, subject to such 1 reasonable limitations for the protection of the land and the privacy of the persons residing thereon as the owner may d 4 stipulate. However, in every case, the access may only be from a public thoroughfare, through private lands, to public 10 lands. If this agreement or a renewal thereof is not in 11 12 force, the subclassification of the land reverts to Class D. The owner of Class & recreational landy OR his heirs. 13 14 successors, and OR assigns, may not change the use of such 15 land to any purpose incompatible with established recreational uses during the term of an agreement with the 16 17 department of fish and game.

(7) The owner of Class F landy ΩR his heirs, 18 19 successors, or assignsy shall, in addition to meeting the 20 criteria of subsection (6) of this section, agree to allow 21 public camping and overnight stay upon the property in 22 designated locations without charge. If this agreement or a 23 renewa' thereof is not in force, the subclassification of the land reverts to the provisions for Class E recreational 24 25 land as set forth in subsection (6) of this section.

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1 (8) If a voluntary subclassification of land has not 2 been made by the owner of record within the 2-year period, 3 the department of revenue shall automatically place the land 4 in Class D.

5 (9) Agricultural buildings may be constructed on <u>ANY</u> 6 <u>CLASS_OF</u> agricultural land at any time without-penalty <u>AND</u> 7 <u>SHALL BE TAXED AT 100% OF TAXABLE VALUE</u>.

8 (10) LAND TAKEN FROM ANY CLASSIFICATION OF THIS SECTION 9 AND STRIP-MINED SHALL BE TAXED UNDER THE PROVISIONS OF 10 84-7510.1 UNTIL IT IS RECLAIMED. HOWEVER, NO LAND MAY BE 11 TAKEN FROM AGRICULTURAL USE UNTIL THE PROVISIONS OF 12 84-7517.1 HAVE BEEN MET.

13 Section 7. There is a new R.C.M. section numbered 14 84-7508.1 that reads as follows:

15 84-7508.1. Land classified as residential assessment provisions. The governing body shall identify 15 those lands within its jurisdiction whose highest and best 17 purpose is determined to be residential and these lands so 18 designated shall be a part of the final plan as called for 19 in 84-7505.1+4<u>+(5)</u>. Plans for residential land shall further 20 be incorporated according to the most desirable types of 21 residential buildings for the land categories. These 22 categories can be but are not limited to single family (low 23 density), single family (high density), duplex, multifamily 24 (low density), and multifamily (high density). All new 25

construction of residential buildings shall receive tax
 benefits or penalties based on their compliance with the
 land use categories established by the governing body.
 Benefits and penalties for new construction shall apply to
 the land and the improvements thereon and will be in
 accordance with the following:

7 (1) existing EXISTING vacant unimproved land within 8 the civic band and classified as residential IN CITIES OR 9 TOWNS THAT SHOWED POPULATION GROWTH IN THE LAST CENSUS 10 PERIDD shall be taxed at current appraised TAXABLE values 11 for 5 years after passage of this act. If at that time the 12 land is still vacant, 2 1/2% shall be added annually to the 13 eppraised TAXABLE value for-tax-purposes to A maximum of 14 25%. Thereafter, the land shall continue-to be taxed at 125% 15 of approised TAXABLE value until such time as it is 16 converted---to---residential---use DEVELOPED. IF VACANI 17 UNIMPROVED LAND IS NOT MARKETABLE BECAUSE OF LOCAL 18 CONDITIONS. THE GOVERNING BODY SHALL GRANT ZONING VARIANCES 19 TO CONFORM WITH ESTABLISHED NEIGHBORHOOD PATTERNS THAT WILL 20 INCREASE__THE_MARKETABILITY_OF_SUCH_LAND. THE_GOVERNING_BODY 21 IN_ACCORDANCE_KITH'84-7517-1 MAY EXTEND THE 5-YEAR PERIOD AS ID EXISTING RESIDENTIAL SUBDIVISIONS IN WHICH THE VACANT 22 23 LOIS_ARE_BEING_DEVELOPED_BY_NEW_RESIDENTIAL_CONSTRUCTION 24 WITHIN A REASONABLE TIME UNDER EXISTING ECONOMIC CONDITIONS-25 (2) residential RESIDENTIAL construction on lands

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<u>SERVED_BY_MUNICIPAL_WATER, SEWER, AND STREET_SYSTEMS, THAT</u>
 <u>IS</u> within the civic band designated for that uset <u>SHALL_BE</u>
 <u>IAXED_AT</u> 90% of approised <u>IAXABLE</u> valuey-at-which-rate-it
 shall-remain for 10 years. In the 11th and all subsequent
 years, the approised-value-shall-be-used <u>PROPERTY_SHALL_BE</u>
 <u>IAXED_AT_TIS_FULL_TAXABLE_VALUE</u>.

7 (3) <u>A CITY THAT IS UNDER THE PROVISIONS OF THIS ACT</u> 8 MAY, WITH COUNTY APPROVAL AND FOR THE PURPOSE OF DEVELOPING 9 <u>A BENEFICIAL GROWTH PATTERN. EXTEND THE PROVISIONS DE</u> 10 <u>SUBSECTION (2) INTO AREAS DESCRIBED AS THE SUBURBAN BAND</u> 11 <u>EVEN IE THE COUNTY HAS NOT ADOPTED A FINAL PLAN</u>

(3)(4) NEW residential construction on land designated 12 13 for other than residential use within the civic band+ SHALL 14 BE IAXED AI 125% of TAXABLE valuev-st-which-rote-it-sholl remain for 10 years. Beginning with the 11th year, the 15 percentage shall be reduced annually by equal increments 16 17 over a 10-year period until the appraised TAXABLE value is reached in the 20th year. Subsequent IN SUBSEQUENT years, 18 19 THE PROPERTY shall use the oppraised BE TAXED AT 100% OF 20 TAXABLE value.

 21
 (+)(5)
 NEW residential construction on land <u>CLASSIFIED</u>

 22
 AS__DIHER_THAN_RESIDENTIAL within the urban <u>SUBURBAN</u> bandt

 23
 SHALL BE_TAXED AT 125% of appraised <u>TAXABLE</u> valuey-at--which

 24
 rote--it--shall-remain for 10 years. Beginning with the 11th

 25
 year, the percentage shall be reduced annually by equal

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increments over a 10-year period until the appreised IAXABLE value is reached in the 20th year. Subsequent IN_SUBSEQUENT years, THE_PROPERTY shall use the appraised BE_TAXED_AI_1003 QE_TAXABLE value. THE_TAXABLE VALUE SHALL BE_REDUCED_103_IE IHE_KESIDENTIAL_BUILDING_IS_CONSTRUCTED_ON_NONPRODUCTIVE LAND.

7 (5)(6) NEW residential construction on NONPRODUCTIVE land classified as nonproductive---beyond OIHER_IHAN R RESIDENTIAL WITHIN the urban SUBURBAN band other-than-(7)-of 9 10 this-section;-133% SHALL BE TAXED AT 110% of appraised 11 Beginning with the 11th year, the percentage shall be 12 13 reduced annually by equal increments over a 10-year period 14 until the approised IAXABLE value is reached in the 20th 15 year. Subsequent IN SUBSEQUENT years. THE PROPERTY shall use the-sopraised BE TAXED AT 100% OF ITS TAXABLE value. 16

(6+(7) NEW residential construction on land classified 17 as productive agricultural but not prime agricultural and 18 19 beyond the urben SUBUREAN band; SHALL BE TAXED AT 166% of appraised IAXABLE valuey-at-which-rate-it-shall-remain for 20 10 years. Beginning with the 11th year, the percentage shall 21 be reduced annually by equal increments over a 10-year 22 period until the appraised <u>TAXABLE</u> value is reached in the 23 20th year. Subsequent IN_SUBSECUENI years+__IHE__PROPERTY 24 shall use--the--appraised BE TAXED AT 100% DE ITS TAXABLE 25

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1 value.

(7)(8) NEW residential construction on land classified 2 as prime agricultural; SHALL BE TAXED AT 200% of approvised 3 ITS TAXABLE value, at which rate it shall remain for 10 4 years. Beginning with the lith year, the percentage shall be 5 reduced annually by equal increments over a 10-year period 6 7 until the appraised ITS TAXABLE value is reached in the 20th 8 year. Subsequent IN SUBSEQUENT years, THE PROPERTY shall 9 use-the-approvised BE_TAXED_AT_100%_OF_ITS_TAXABLE_value. 10 (8) THE PROVISIONS OF THIS SECTION OD, NOT APPLY, TO ANY NEW RESIDENTIAL CONSTRUCTION ON LAND. CLASSIFIED AS 11 12 NONPRODUCTIVE OR PRODUCTIVE AGRICULTURAL BUT NOT PRIME 13 IRRIGATED AGRICULTURAL IF THE LAND DOES NOT REQUIRE WATER AND SEWER SERVICES FROM A UNIT OF GOVERNMENT AND IS ZONED 14 15 FOR RESIDENTIAL USE OR IS RESTRICTED BY SUBDIVISION 16 COVENANTS THAT MEET OR EXCEED MINIMUM FEDERAL HOUSING 17 STANDARDS.

13 Section 8. There is a new R.C.M. section numbered 19 84-7509.1 that reads as follows:

84-7509.1. Land classified as commercial -- assessment
provisions. The governing body shall identify those lands
within its jurisdiction whose highest and best purpose is
determined to be commercial, and the lands so designated
shall be a part of the final plan as called for in
84-7505.1(5). UNNERS of

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commercial buildings <u>UNDER CONSTRUCTION</u> shall receive tax
 benefits or penalties based on their compliance with the
 land use categories established by the governing body.
 8enefits and penalties for new construction shall apply to
 the land and the improvements thereon and will be in
 accordance with the following:

7 (1) Existing vacant unimproved land within the core 8 area and classified as commercialy shall be taxed at current 9 approised TAXABLE values for 5 years after passage of this 10 act. If at that time the land is still vacant, 5% shall be added annually to the appraised TAXABLE value for-tax 11 12 purposes to a maximum of 50%. Thereafter, the land shall 13 continue-to be taxed at 150% of appraised IAXABLE value 14 until such-time-as it is converted to commercial use-

15 (2) New commercial construction or expansion of an existing commercial enterprise within the core area shall 16 17 MAY not be taxed during the IIS construction period. The IN 18 IHE first year after construction will IS COMPLETED, THE 19 PROPERTY SHALL be taxed at 10% of the-appraised ITS TAXABLE value. Each year thereafter with THE PERCENTAGE SHALL be 20 21 increased by 10% until the appraised IAXABLE value is 22 attained in the 10th year. Subsequent IN SUBSEQUENT years, IHE PROPERTY shall use--the-approvised BE TAXED AT 1003 OF 23 24 IAXABLE value.

25 (3) New commercial construction or expansion of an

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1 existing commercial enterprise within the civic band and IN 2 AN_AREA designated by the governing body as a neighborhood 3 commercial areav---shall MAY not be taxed during the 4 construction period. The IN__IHE first year after 5 construction will THE PROPERTY SHALL be taxed at 20% of the 6 approved IIS TAXABLE value. Each year thereafter will THE 7 PERCENTAGE SHALL be increased by 20% until the appraised 8 IAXABLE value is attained in the 5th year. Subsequent IN 9 SUBSEQUENI years shall-use-the-appraised, THE PROPERTY SHALL 10 BE TAXED AT 100% OF ITS TAXABLE value. NEW COMMERCIAL 11 CONSTRUCTION NOT INCLUDED IN A NEIGHBORHOOD COMMERCIAL OR 12 REGIONAL COMMERCIAL AREA SHALL BE TAXED DURING THE 13 CONSTRUCTION PERIOD. FOR 10 YEARS AFTER CONSTRUCTIONS IT 14 SHALL BE TAXED AT 123% OF TAXABLE VALUE. BEGINNING IN THE 15 11TH YEAR AFTER CONSTRUCTIONS THE PERCENTAGE SHALL BE 16 DECREASED AT & RATE OF 5% A YEAR FOR 5 YEARS. 17 (4) NEW COMMERCIAL CONSTRUCTION OR EXPANSION OF AN 18 EXISTING COMMERCIAL ENTERPRISE WITHIN THE CIVIC BAND AND IN 19 AN AREA DESIGNED BY THE GOVERNING BODY AS A REGIONAL 20 COMMERCIAL AREA MAY NOT BE TAXED DURING THE CONSTRUCTION 21 PERIOD. IN THE FIRST YEAR AFTER CONSTRUCTION. THE PROPERTY 22 SHALL BE TAXED AT 33 1/3% OF ITS TAXABLE VALUE. EACH YEAR

23 IHEREAFTER. THE PERCENTAGE WILL BE INCREASED BY 33 1/33
 24 UNTIL THE FULL TAXABLE VALUE IS REACHED IN THE THIRD YEAR.

IN SUBSEQUENT YEARS THE PROPERTY SHALL BE TAXED AT 100% OF

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25

1 IIS_TAXABLE_VALUE.

(4)(5) New commercial construction or expansion of an 2 existing commercial enterprise within the urban SUBURBAN 3 4 band shall be taxed at 50% of the approved IIS_IAXABLE value during the construction period. After construction, 5 the land and improvements shall be taxed at 150% of the ъ 7 appraised <u>THEIR_TAXABLE</u> value at-which-rate-it-shall--remain for 10 years. Beginning with the 11th year, the percentage d. OF__TAXABLE__VALUE snall be reduced annually by equal 9 increments over-a-10-year-period until the appraised <u>TAXABLE</u> 10 value is attained in the 20th year. Subsequent IN SUBSEQUENI 11 years. THE PROPERTY shall use-the-appraised BE TAXED AT 100% 12 13 OF ITS TAXABLE value.

(5)16) New commercial construction ON LAND CLASSIFIED 14 OTHER THAN COMMERCIAL or expansion of an existing commercial 15 enterprise within the rural area shall be taxed at the 16 sppraised 100% OF ITS TAXABLE value during the construction 17 period. After construction IS COMPLETED, the land and 15 improvements shall be taxed at 200% of the-approised IHEIR 19 IAXABLE value at-which-rate-it-shall-remain for 10 years. 20 Beginning with the 11th year, the percentage OF IAXABLE 21 22 <u>VALUE USED</u> shall be reduced annually by equal increments over--a--10-year-period until the appraised IAXABLE value is 23 24 attained in the 20th year. Subsequent IN SUBSEQUENI years, THE PROPERTY shall use-the-approised BE TAXED AT 100% OF ITS 25

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1	IAXABLE value.	1	NEW CONSTRUCTION OR EXPANSION SHALL APPLY TO THE LAND AND
2	(7) NEW COMMERCIAL CONSTRUCTION OR EXPANSION OF AN	2	THE IMPROVEMENTS THEREON IN ACCORDANCE WITH THESE
3	EXISTING COMMERCIAL ENTERPRISE IS NOT ELIGIBLE FOR. THE. TAX	3	classifications shall-bes determined by the governing body
4	BENEFIIS_DESCRIBED_IN_SUBSECTIONS_(2)_THROUGH_(5)_IE_IT_IS	× 4	based on compliance with the following <u>ENVIRONMENTAL</u>
5	DEVELOPED SOLELY OR IN PART ON LAND PURCHASED OR CLEARED	, 5	CRIIERIA:
6	<u> THROUGH TAX INCREMENT EINANCING AS PROVIDED IN 11-3921.</u>	6	ENVIRONMENTAL-CRITERIA
7	Section 9. There is a new R.C.M. section numbered	٦	(2) CONSTRUCTION OF OR EXPANSION OF INDUSTRIAL
đ	84-7510.1 that reads as follows:	8	BUILDINGS AND GROUNDS:
9	84-7510.1. Land classified as industrial assessment	9	laNould (A)NOULD not place unreasonable burden on
10	provisions. [1] The governing body shall identify those	10	existing public services, such as highways, schools, and
11	lands within its jurisdiction whose highest and best purpose	11	police and fire protection w :
12	is determined to be industrial, and the lands so designated	12	2wWould (B)_WOULD have sufficient water available
13	shall be a part of the final plan as called for in	13	for its foreseeable n ee ds # :
14	84-7585#1 (4]=Allnewconstructionorexpansion	14	3∎Would (C)_WOULD not have significant adverse
15	<u>84-7505+1(5)+ DWNERS</u> of <u>EXISTING</u> industrial buildings <u>AND</u>	15	effects on the <u>EXISTING</u> natural environment and would not
16	GROUNDSUNDERCONSTRUCTIONORUNDERGOINGEXPANSION_THAT	16	cause undue air or water pollution . <u>OR</u>_IHAI_IHROUGH
17	INCREASES THE TAXABLE VALUE OF THE PROPERTY 10% shall	17	RECLAMATION THE NATURAL ENVIRONMENT COULD BE RETURNED TO ITS
18	receive tax benefits or penalties based on their compliance	18	<u>ORIGINAL_CONDITION:</u>
19	with the land use categories established by the governing	19	4*Would (D)_WOULD not adversely affect existing land
20	body. Benefitsandpenaltiesfornewconstructionor	20	uses, <u>ESTABLISHED</u> scenic characteristics <u>IN_THEAREA</u> ,
21	expansion-shall-apply-tothelandandtheimprovements	21	natural resources <u>s</u> or property values s ;
22	thereon-and-will-be-in-accordance-with-the-following+	22	5∎Would <u>(E)_WQULQ</u> have adequate sewage and solid
23	Industrial land and buildings shall be classified as Class	23	waste disposal facilities.
24	A, d, t, or O for purposes of new construction or expansion	24	(3) CLASSES A. B. C. AND D. SHALL BE DETERMINED AND
25	of existing facilities. These <u>TAX BENEEIIS AND PENALTIES FOR</u>	20	IAXED_AS_FOLLOWS:

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1	Class Acomplies with criteria 1y-2y-3y-4-and-5 (2)(A)
2	THROUGH (2)(E).
3	Class Bcomplies with criteria 3y4and-5 [2][C]
4	IHROUGH_(2)(E)-
5	Class Ccomplies with criteria 2and5 <u>(2)(B) AND</u>
6	<u>12)(E)</u> .
7	Class Dother than class A, B, or C.
8	LAND CLASSIFICATION INDUSTRIAL CLASSIFICATION
9	CLASS & CLASS B CLASS C CLASS D
10	Prime agricultural +100% +200% +300% +400%
11	Agricultura) + 50% +100% +150% +200%
12	Residential + 50% +100% +150% +200%
13	Commercial - 25% - 15% -0- + 50%
14	Industrial - 50% - 30% - 10% + 25%
15	The percentages above reflect the amount in addition
16	(+) to the opproised <u>IAXABLE</u> value or less than (-) the
17	appraised IAXABLE value. The IHESE percentages <u>OF IAXABLE</u>
18	VALUE shall be continuously applied to the land and the
19	buildings for 10 consecutive years following <u>IHEIR</u> .
20	construction. The construction period shall MAY not be taxed
21	for new industrial construction or expansion of an existing
22	industry <u>. EXCEPT AS PROVIDED IN 84-7509(3). (5). (6). AND</u>
23	<u>171</u> . Beginning with the 11th year following construction,
24	the percentage appliedtothe-appraised <u>OF IAXABLE</u> value
25	shall be adjusted in equal increments until approfised

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1 IAXABLE value is attained in the 20th year. Thereafter, 2 appraised THE PROPERTY SHALL BE TAXED AT 100% OF TAXABLE value shatt-be-used. 3 Section 10. There is a new R.C.M. section numbered 4 84-7511.1 that reads as follows: 5 84-7511.1. Centralized multifamily (high density) 6 residential developments. New or expanded multifamily (high 7 density) residential developments outside--of WITHIN the 8 central business district but OR AN AREA DESIGNATED BY THE 9 GOVERNING BODY OR THAT IS within the core areav or within 10 1,000 feet of a designated neighborhood commercial areav 11 shall may not be taxed during the construction period. The 12 13 first--year--after AFIER construction IS_COMPLETED. THE PROPERTY shall be taxed at 50% of the-approvaded IIS__IAXABLE 14 value FOR A PERIOD OF 10 YEARS. Each year thereafter wills 15 THE PERCENTAGE OF TAXABLE VALUE SHALL be increased by 10% 15 until the appraised <u>TAXABLE</u> value is attained in the 5th 17 151H year. Subsequent IN SUBSEQUENT years, THE PROPERTY 18 shall use--the--approised BE TAXED AT 100% DE IIS IAXABLE 19 20 value. 21 Section 11. There is a new R.C.M. section numbered

22 84-7512.1 that reads as follows:

23 84-7512*1* Planned unit development -- special
 24 incentives. Planned unit developments approved by the
 25 governing body will <u>SHALL</u> receive tax incentives as follows:

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1 (1) Construction of industrial, commercial or 2 residential facilities which conform to the PUD shall MAY 3 not be taxed during the construction period.

(2) If the PUD is within the civic band, the first-10 4 years-following-construction PROPERTY shall be taxed at 75% 5 of the--appraised ITS TAXABLE value FOR 10 YEARS FOLLOWING 6 CONSTRUCTION. Beginning with the 11th year following 7 construction, the percentage applied--to-the-apprecised DE 8 9 TAXABLE value shall be adjusted in equal increments until 10 appraised TAXABLE value is attained in the 20th year. Thereafter, approved THE PROPERTY SHALL BE TAXED AT 1002 OF 11 12 ITS_TAXABLE value shall-be-used.

13 (3) If the PUD is within the urban SUBURBAN band, the first--10--years--following-construction PROPERTY shall be 14 15 taxed at 80% of the-approised ITS TAXABLE value FOR 10 YEARS 16 FOLLOWING CONSTRUCTION. Beginning with the lith year 17 following construction, the percentage applied-to-the approvised OF TAXABLE value shall be adjusted in equal 18 increments until approvated TAXABLE value is attained REACHED 19 in the 20th year. Thereafter, approised IHE PROPERTY SHALL 20 BE TAXED AT 100% DE ITS TAXABLE value shall-be-used. 21

(4) If the PUD is within the rural area, the first--10
years--following-construction <u>PROPERTY</u> shall be taxed at 90%
of the-appraised <u>IIS_TAXABLE</u> value <u>EQR_10_YEARS_EQLIGWING</u>
<u>CONSTRUCTION</u>. Beginning with the 11th year following

1 construction, the percentage applied--to--the--approised OF 2 <u>**IAXABLE</u>** value shall be adjusted in equal increments until</u> 3 appraised IAXABLE value is attained REACHED in the 20th 4 year. Thereafter, approised THE_PROPERTY SHALL BE TAXED AT 5 100% DE IIS TAXABLE value shall-be-used. 5 (5) IF. THROUGH EFFICIENT LAND USE. DENSITIES IN 7 SINGLE DETACHED DWELLINGS ARE INCREASED TO 12 OR MORE UNITS 8 PER ACRE WITHIN A SUBDIVIDED AREA. THOSE PROPERTIES SHALL 9 HAVE THEIR TAXES REDUCED 10% BELOW THE VALUATION GIVEN AFTER 10 ALL DIHER PROVISIONS OF THIS ACT HAVE BEEN APPLIED. THESE 11 REDUCTIONS SHALL APPLY FOR SO LONG A TIME AS THEIR 12 RESPECTIVE CATEGORIES RECEIVE A TAX REDUCTION. 13 (5)(6) The provisions of this section are unique and 14 apart from other provisions in this act and shall apply 15 whenever the conditions of a PUD are met. 16 Section 12. There is a new R.C.M. section numbered 17 84-7513-1 that reads as follows: 18 84-7513.1. Remodeling of homes. buildings. or 19 structures -- assessment provisions. (1) Remodeling of 20 existing buildings or structures which--results--in---on 21 increase---in--the--appraised--value--of--at--least--5%--as 22 detersined-by-the-governing-bodyy shall receive tax 23 benefitsy-applied-to-the-amount-of-the-increase-in-appraised 24 value, during the construction period and for the next 25 FULLOWING 5 years in accordance with the following SCHEDULE.

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1	INESE PERCENTAGES SHALL BE APPLIED TO ANY INCREASE IN
2	TAXABLE_VALUE_CAUSED_BY_THE_REMODELING:
3	approised_value_increases
4	assessment-percentage
5	Construction period 0%
6	First year following construction 20%
7	Second year following construction 40%
8	Third year following construction 60%
9	Fourth year following construction 80%
10	Fifth year following construction 180%
11	Following years 100%
12	(2) Existinghomesybuildingsorstructuresshall
13	remain-in-their-existing-taxable-classificationsy-reflecting
14	only-changes-in-market-valueyforaperiodof10years
15	followingthepassage-of-this-acty-unless-remodeledy-where
16	subsection-{1}-of-this-section-applies* If <u>AN_EXISIING_HOME</u> *
17	BUILDING. OR STRUCTURE 15 not remodeled AS DEFINED IN THIS
18	<u>CHAPTER</u> within the 10 years <u>FOLLOWING PASSAGE OF THIS ACT</u> , a
19	5% increase shall be added to the assessed IIS TAXABLE value
20	ennuolly, EACH YEAR THAT THE OWNER FAILS TO REMODEL to a
21	maximum of 50% yforpurposesoftexationuntilthe
22	provisionsof-subsection-(1)-of-this-section-are-met. After
23	remodeling A_BOMEBUILDING. DR_SIRUCIURE HAS_BEEN
24	<u>REMUDELED</u> , the provisions of this section shall be
25	considered to be started again with the beginning of a new

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10-year period.

[3] The governing body has the authority to waive the ź provisions of this section if it can be demonstrated that 3 4 regular maintenance over a period of time has adequately maintained the value of the property SO_THAT_DEPRECIATION 5 HAS NOT TAKEN PLACE TO LOWER THE VALUE OF THE PROPERTY. 6 Section 13. There is a new R.C.M. section numbered 7 8 84-7514.1 that reads as follows: 84-7514.1. Special conditions. (1) land 9 Any subclassified under this act may be, at the owner's option, 10 11 reclassified at any time to a new subclassification within the same classification if allowed under the specifications 12 of that subclassification as set forth in this act. 13 (2) Any increase in texation TAXES NECESSARY to pay 14 for the ANY loss of revenue caused by this act shall be 15 reflected-in RAISED BY an increase-in INCREASED mill levies 16 and--not-in LEVY RATHER THAN BY an increase in the valuation 17 of specific property. 18 (3) Any property under-one-or-more-ownerships <u>OWNED_BY</u> 19 20 ONE OK MORE PERSONS OR COMPANIES may be so classified as to meet one or more of the standards of this act. 21 22 (4) Hospitals, churches, rest homes, nursing homes, governmental buildings, schools, colleges, or any charitable 23 institution operating--on--a--nonprofit--basis EXEMPI__FROM 24 TAXAILON under 84-202 may be constructed in any of the 25

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classified land areas without penalty. 1 (5) Any county containing an industry which IHAI can 2 be shown to have a significant impact on a neighboring 3 county or countiesy shall MAY AT THE REQUEST OF AN AFFECTED 4 COUNTY enter into joint planning strategies with the 5 impacted county or counties for purposes of determining the 6 tax distribution of the industry in relationship to the 7 impact or economic loss sustained in the affected county. 8 Should the tax distribution fail to be negotiated to the 9 satisfaction of any of the affected counties, one 10 representative of the governing body of each of the affected 11 counties shall meet with a member of the planning division 12 of the department of community affairs, as arbitrator, for 13 the resolution of that conflict. Should the arbitration fail 14 to be satisfactory to all arbitrators PARILES: the matter 15 shall be appealed to district court. 16

1/ (6) The governing body shall have the authority to 18 allow construction of a commercial facility on agricultural 19 land without penalty, if that facility is deemed necessary 20 to fill the needs of the surrounding rural populace.

21 (7) Any aggrieved taxpayer may appeal any decision
22 INVOLVING TAX DENEFITS OR PENALTIES rendered by the
23 governing body under this act to the state tax appeals
24 board.

25 <u>(8) (A) UPON PRESENTATION BY THE OWNER AND</u>

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1	VERIFICATION BY THE DEPARTMENT OF ADMINISTRATION. THE
2	GOVERNING BODY SHALL MAKE, IN ADDITION TO ALL OTHERS, THE
3	FOLLOWINGVALUECHANGES_FOR_SAVINGS_IN_ENERGY_CONSUMPTION.
4	THE FOLLOWING CHANGES IN VALUE IN HOMES. DWELLINGS. DR
5	STRUCTURES SHALL BE BASED ON PROVEN SAVINGS IN ENERGY
6	CONSUMPTION THROUGH THE EFFICIENT USE OF MATERIALS, LOCATION
7	DE STRUCTURE, ORIENTATION, OPENING SIZES, OR OTHER PROVEN
8	METHODS_EITHER_IN_NEW_OR_REMODELED_CONSTRUCTION.
9	(B)IHEDEPARIMENTDE_ADMINISTRATION_SHALL_ESTABLISH
10	RULES DETAILING AVERAGE HEAT LOSS OR GAIN STANDARDS FOR
11	DIEFERENT CLASSES_DE_STRUCTURES.
12	(C) THE TAX BENEFIT OR PENALTIES SHALL BE DETERMINED
13	BY DETERMINING THE DIFFERENCE BETWEEN THE AVERAGE HEAT LOSS
14	EOR THAT PARTICULAR TYPE OF STRUCTURE AND ACTUAL HEAT LOSS
15	AND APPLYING THE FOLLOWING PERCENTAGES:
16	(1) ENERGY SAVINGS
17	SAVINGS IN B.J. U./SQ. EL. REDUCTIONS IN TAXABLE PERIOD
18	BROUGHT ABOUT THROUGH VALUES IN CORE, CIVIC OF
19	ENERGY CONSERVATION AND RURAL DISTRICTS YEARS
20	1035_
21	4%5
22	6%6%
23	40%7
24	_50%_JK_DYER10%10%
25	(III) ENERGY GAIN

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1	GAIN_IN_B.I.U.ZSQ. EI.	INCREASE IN TAX	ABLE	PERIOD
2	BROUGHT ABOUT THROUGH	VALUES IN CORE		QF
3	INEFFICIENT_BUILDING	DISTRICIS		YEARS_
4	DESIGN			
ċ	102	4%		10
6	20%			10
٦	203	12%		15
8	40%	16%		15
9	<u>50%</u>	20%		20
10	(D) IT IS THE INTENT	OF THE SECTION T	HAT NO DE	DUCTION
11	UNDER THIS ACT BE ALLOW	ED FOR CAPITAL	INVESTMENT	EDR AN
12	ENERGY_CONSERVATION_PRACTIC	E IN THE NEW CO	NSTRUCTION	QEA
13	BUILDING IE THAT CAPITAL	INVESTMENT WOU	LD_HAVE_BE	en made
14	UNDER_ESTABLISHED_STANDAR	DS OF NEW CO	NSTRUCTION	IHE
15	DEPARIMENT SHALL ADOPT RU	LES TO IMPLEMENT	THIS LEGI	SLATIVE
16	INTENT. THESE RULES SHALL B	E BASED ON THE	BEST CU	RRENTLY
17	AVAILABLE METHODS OF ANA	LYSIS. INCLUDIN	GTHOSE	DEIHE
18	NATIONAL BUREAU DE STANDARD	S. THE DEPARTMEN	T_OE_HOUSI	NG AND
19	URBANDEVELOPMENTAND	OINEREEDERA	L AGENCI	<u>es and</u>
20	PROFESSIONAL SOCIETIES AN	DMATERIALSDE	VELOPED B	YIHE
21	DEPARTMENT. PROVISIONS SHA	LL BE MADE FOR A	N ANNUAL U	PDATING
22	DE RULES AND STANDARDS AS	REQUIRED_AND_T	HEREADJU	SIMENIS
23	SUBSECTION (1).			
Z4	(2) ANY PROVISIONS O	E THIS ACT THAT	COULD AFEE	CI_LAND
25	WHICH HAS UNZONED AT THE TI	NE DE PASSAGE HA	Y_BEAPPL	IED_AT

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1	THE DISCRETION DE THE GOVERNING BODY IE PLANNING IN
2	JURISDICTION HAS COMMENCED. SHOULD. AT THE TERMINATION OF
3	PLANNINGTHEPLAN_NOT_BE_ACCEPTED. THE_PROVISIONS_OF_THIS
4	ACT_SHALL BE WAIVED. HOWEVER. NO TAX SAVINGS OR PENALTIES ON
5	ANY PROPERTY AFFECTED WILL BE RETURNED OR CHARGED TO THE
6	RESPECTIVE LANDOWNER BY ITS GOVERNING BODY.
7	(10) IE A CITY OR COUNTY IMPLEMENTS THE PROVISIONS OF
8	THIS BILL AND ANOTHER BODY OF GOVERNMENT DOES NOT. THE TAX
9	PENALTY OR INCENTIVE USED IN THE CALCULATION OF PROPERTY TAX
10	SHALL APPLY COUNTY-HIDE ON THE BASIS OF THE FINAL TAXABLE
11	VALUE ESTABLISHED BY THIS ACT.
12	Section 14. There is a new R.C.M. section numbered
13	84-7515.1 that reads as follows:
14	84-7515.1. Rules and regulations. The state
15	administering agency shall adopt such rules and regulations
16	pursuant to the Montana Administrative Procedure Act as are
17	necessary for the administration of this act.
18	Section 15. There is a new R.C.M. section numbered
19	84-7516.1 that reads as follows:
20	84-7516.1. Exemptions from act. No provision of this
21	act whichhasanegative-or-adverse-taxation-effect IHAI
22	<u>IMPOSES A TAX PENALTY</u> shall apply to a <u>THE_PRIMARY</u> private
23	residence owned <u>AND_OCCUPIED</u> by a person or persons over 62
24	years of age.
25	Section 16. There is a new R.C.M. section numbered
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1 84-7517.1 that reads as follows:

84-7517.1. Changes in boundaries. (1) After final 2 adoption of plan, the coverning-body-or any property owner 3 may petition for a-variance-or a change in the boundary of 4 any land use classification. Within 10 days of receipt of 5 the petition, the governing body shall foward a copy of the 6 7 petition to the affected municipal, regional, or county planning organization and the appropriate state agencies. 8 After 60 days but within 120 days or receipt of a petition, 9 the governing body shall advertise a public hearing to be 10 held in the county and serve notice on the persons and 11 agencies that have an interest in the subject of the 12 petition, at least 10 days prior to the hearing date. 13

14 (2) No petition shall be approved unless the 15 petitioner submitsy to the governing bodyy-such-information 16 as-to-give proof that the area is needed for a use other 17 than that for which the land is classified and unless <u>AI</u> 18 <u>LEAST_ING_OF_THE_FOLLOWING_CRITERIA_APPLY</u>:

(a) the land is <u>NOI</u> usable and <u>OR</u> adaptable for the
use for which it is proposed <u>CLASSIFIED</u>, or the new use of
the land would be more beneficial to the area;

(b) conditions and trends of development have so
changed since the adoption of the existing classification
that the proposed classification is reasonable and desirable
and the land is capable of sustaining the use proposed; and

1 (c) the proposed change shall offer the community <u>OB</u> 2 <u>INDIVIDUAL AFFECTED</u> relief from impact from <u>CAUSED</u> BY an 3 outside or uncontrollable influence facing the community 4 because of new and substantial development.

5 (3) Should the governing body approve the change in 6 classification, it shall modify the existing land use plan 7 to reflect such changes and shall change any taxable 8 valuations as may be necessary.

9 (4) THE GOVERNING BODY SHALL ACT ON THE PETITION 10 WITHIN 120 DAYS OF ITS RECEIPT.

11Section 17. There is a new R.C.M. section numbered1284-7518.1 that reads as follows:

13 84-7518-1. Nonconforming uses. The lawful use of land 14 or buildings, existing on the date of establishment of any 15 classification or subclassification provided for under this 16 act, may be continued <u>WITHOUT A TAX CHANGE</u> although the use 17 does not conform to this act until such time as it is 18 remodeled or changed to a different use.

19Section 18. There is a new R.C.M. section numbered2084-7519.1 that reads as follows:

2184-7519+1* ReappraisalbydepartmentAND22IMPLEMENTATION OF TAX BENEFITS AND PENALTIES* (1)The23appraised IAXABLEvalue of property shall always include any24increases or decreases determined by the department of25revenue pursuant to a reclassification REAPPRAISAL plan

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1	adopted under its authority. Any increases or decreases in
۷	value specifically provided for under the terms of this act
3	shall be made after consideration of all such reappraisals.
4	(2) THE DEPARTMENT OF REVENUE AND ITS AGENTS SHALL
5	ENTER ANY INCREASE OR DECREASE IN TAXABLE VALUE REQUIRED BY
6	THIS ACT ON THE COUNTY ASSESSMENT ROLLS.
7	SECTION 19. THERE IS A NEW R.C.M. SECTION NUMBERED
8	84-1520.1 THAT READS AS FOLLOWS:
9	84-7520.1. PREPARIION OF RULES. IN PREPARING RULES TO
10	IMPLEMENT THIS ACT. THE STATE ADMINISTERING AGENCY SHALL
11	ADVISE ALL LOCAL GOVERNMENT BODIES OF PROPOSED RULES.
12	CONSIDER_SUGGESTIONS_FROM_THEM. AND WORK IN CONJUNCTION WITH
13	IHEM.
14	Section-19wSeverabilitywIf-a-part-ofthisactis
15	invalidy-all-valid-parts-that-are-severable-from-the-invalid
16	partremain-in-effectyIf-o-part-of-this-act-is-involid-in
17	one-or-more-of-its-opplications, the-part-remains-ineffect
18	inallvalidapplicationsthatareseverablefrom-the
19	invalid-applications.
20	Section-20wRepeaterwSections84-7582through
21	84-7526y-RucuMs-1947y-are-repeatedy
22	Section 20. Effective date. No portion of this act
23	shall become effective until the provisions of 84-7505.1
24	have been met, except for those portions of land classified
25	ZONED, under the provisions of Title 11, chapter 27, into

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1	categorieswhich-are-consistent-with-the-provisions-of-this
2	act-and-as-to-those-portions-of-landy-this-act-shallbe <u>DR</u>
3	ON_THOSE_OTHER_PORTIONS_OF_LAND_SPECIFICALLY_ALLONED_IN_THIS
4	ACT. UN THESE PORTIONS OF LAND THE ACT SHALL BECOME
5	effective on July 1, 1977. All appraisals and
6	classifications made thereafter shall be made pursuant to
7	the provisions of this act.
8	SECTION 21. SEVERABILITY. IF A PART DE THIS ACT IS
9	INVALID, ALL VALID PARIS THAT ARE SEVERABLE FROM THE INVALID
10	PART REMAIN IN EFFECT. IF A PART OF THIS ACT IS INVALID. IN
11	ONE OR MORE OF ITS APPLICATIONS, THE PART REMAINS IN EFFECT
12	IN_ALL_VALID_APPLICATIONS_THAT_ARE_SEVERABLE_FROM_THE
13	INVALID_APPLICATIONS.
14	SECTION 22. REPEALER. SECTIONS 84-7502 THROUGH
15	84-7526, R.C.N. 1947, ARE REPEALED.

-End-

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April 18, 1977

SENATE COMMITTEE OF THE WHOLE

That House Bill No. 630 be amended as follows:

1. Amend page 26, section 7, lines 7 through 15.
Following: "(1)"
Strike: lines 7 through 15 in their entirety

2. Amend page 26, section 7, line 16.
Following: "USE"
Strike: "DEVELOPED."

3. Amend amendment no. 14, insertion paragraph.
Following: "Insert:"
Strike: "(6)"
Insert: "(19)"

4. Amend amendment no. 50, line 3. Following: the following paragraph Insert: "Insert: affected"

5. Amend page 30, section 8, line 16. Following: "area" Insert: "on land classified as commercial" April 16, 1977

STANDING COMMITTEE REPORT Senate Committee on Taxation

That House Bill No. 630 be amended as follows:

1. Amend page 2, section 1, lines 12 through 14. Following: line 11 Strike: lines 12 through 14 in their entirety 2. Amend page 3, section 2, lines 9 through 11. Following: line 8 Strike: lines 9 through 11 3. Amend page 5, section 3, lines 16 through 23. Following: line 15 Strike: subsection (8) in its entirety Insert: "(8) "Corporate limits", in the case of a consolidated citycounty government, means the boundaries of a class 1 or class 2 city as they existed prior to consolidation." 4. Amend page 5, section 3, lines 24 and 25. Following: "means" Strike: "a board of county commissioners," 5. Amend page 6, section 3, line 25. Following: "27," Strike: "and Title 16, chapter 47, or those chapters as they" Insert: "or that chapter as it" 6. Amend page 7, lines 13 and 14. Following: "AREA." Strike: "IN MUNICIPALITIES OTHER THAN CLASS 1 AND 2 CITIES,"

7. Amend page 7, lines 17 through 19. Following: "limits" Strike: "in class 1 or 2 cities, or from the central business district to the corporate limits in other cities"

8. Amend page 7, line 20 through line 4, page 8. Following: line 19 Strike: lines 20 through 25 page 7 through line 4, page 8 Renumber: following subsections

9. Amend page 8, lines 7 and 8.
Following: "are"
Strike: "three"
Insert: "two"
Following: "land:"
Strike: "productive, nonproductive,"
Insert: "vacant and unimproved"

10. Amend page 8, line 8.
Following: "these"
Strike: "three"
Insert: "two"

April 16, 1977 Page 2 H.B. 630 11. Amend page 8, lines 11 through 25 through line 10, page 9. Following: line 10, page 8 Strike: lines 11, page 8 through line 10, page 9. 12. Amend page 9, line 11. Following: line 10 Strike: "(c)" Insert: "(a)" y, line بر عربی ایندون بر . Insert: "or". Followin 13. Amend page 9, line 19. Strike: "or mining of" 14. Amend page 9, line 24. Following: line 23 Strike: "(21)" Insert: "(6)" 15. Amend page 10, line 6. Following: line 5 Strike: "TOWNS, AND COUNTIES" Following: "SHALL" Strike: "FOLLOW" Insert: "Implement" 16. Amond page 10, line 8. Following: "(A)" Strike: "ANY" Following: "OR 2" Strike: "CITY OR-TOWN THAT IS" Insert "cities" Following: "ALREADY" Insert: "p.anned and" 17. Amend paj 10, line 9. Following: "ACT" Strike: "ON" Insert: "which will become effective on" 18. Amend page 10, line 10. Following: "1978," Strike: "UNLESS A PETITION FOR REFERENDUM AGAINST" Insert: "or thereafter, if an initiative for" 19. Amend page 10, section 4, line 14. Following: "VOTE" Strike: "AGAINST" Insert: "for"

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20. Amend page 10, line 15 through 25 through line 12, page 25. Following: line 14, page 10 Strike: line 15 through 25 page 10 through line 12, page 25. April 16, 1977 Page 3 H.B. 630

21. Amend page 25, section 7, lines 18 through 20. Following: "residential" Strike: ", and these lands so designated shall be a part of the final plan as called for in 84-7505.1(4)(5)"

22. Amend page 27, line 7 through 11. Following: line 6 Strike: lines 7 through 11 in their entirety Renumber: following subsections

23. Amend page 27, line 21 through line 17 page 29. Following: line 20 Strike; lines 21, page 27 through line 17, page 29 in their entirety.

24. Amend page 29, section 8, lines 23 through 25. Following: "commercial" Strike: ", and the lands so designated shall be a part of the final plan as called for in 04-7505-1(4)=-All-new-construction=84-7505.1(5)"

25. Amend page 32, lines 2 through 25 through line 1, page 33. Following: line 1. Strike: lines 2 through 25 page 32 through line 1, page 33 Renumber: following subsection.

26. Amend page 33, line 4. Pollowing: "<u>BENEFITS</u>" Insert: "or penalties" Following: "<u>THROUGH</u>" Strike: "(5)" Insert: "(4)"

27. Amend page 33 lines 12 through 15. Following: "industrial" Strike: ", and the lands are designated shall be a part of the final plan as-catied-for-in-04-7505-1(5)---All-new-construction-or-expansion 84-7505.1(5)"

28. Amend page 33 line 20. Following: "body." Insert: "Improvements classified as "new industrial property" under Class Seven in 84-301 or under 84-301.19 may not qualify for benefits under this section."

29. Amend page 34 lines 14 through 16. Following: "WOULD" Strike: "not have significant adverse effects on the EXISTING natural environment and would not cause undue air or water pollution." Insert: "meet existing air and water pollution requirements"

April 16, 1977 Page 4 H.B. 630 30. Amend page 34, line 17. Following: "RETURNED" Insert: "substantially" 31. Amend page 34 lines 19 through 21. Following: line 18 Strike: lines 19 through 21 in their entirety Reletter: subsequent subsections 32. Amend page 35, line 2. Following: "(2)" Strike: "(E)" Insert: "(D)" 33. Amend page 35, line 4. Following: "(2)" Strike: "(E)" Insert: "(D)" 34. Amend page 35, line 6. Following: "(2)". Strike: "(E)" Insert: "(D)" 35. Amend page 35, lines 10 through 11. Following: line 9 Strike: lines 10 through 11 in their entirety. 36. Amend page 35, section 9, lines 22 and 23.

Following: "IN" Strike: "84-7509(3),(5), AND (7)" Insert: "84-7509.1(3) and (5)"

37. Amend page 37, section 11, line 13 through line 12, page 38. Following: line 12 Strike: line 13 on page 37 through line 12 on page 38 in their entirety Renumber: following subsection

38. Amend page 38, section 12, line 23. Following: "benefits" Insert: "in lieu of those provided under Class Nine, 84-301, or 84-301.14,"

39. Amend page 40, section 12, line 2. Following: "body" Strike: "has the authority to" Insert: "shall" April 16, 1977 Page 5 H.B. 630

40. Amend page 40, section 12, line 3. Following: "section" Strike: "if" Insert: "unless" Following: "that" Insert: "lack of"

41. Amend page 40, section 12, line 4. Following: "has" Strike: "adequately" Insert: "failed to"

42. Amend page 40, section 12, line 5.
Following: line 4
Strike: " maintained"
Insert: "maintain"
Following: "property"
Strike: "SO"
Insert: "and"

43. Amend page 40, section 12, line 6. Following: "HAS" Strike: "NOT" Following: "PROPERTY" Insert: "more than 2 1/2%"

44. Amend page 41, section 13, lines 2 through 20. Following: line 1 Strike: lines 2 through 20 in their entirety Renumber: subsequent subsections

45. Amend page 41, section 13, line 25 through line 23 on page 43. Following: line 24 Strike: line 25 on page 41 through line 23 on page 43 in their entirety Renumber: following subsection

46. Amend page 44, section 13, lines 2 and 3. Following: "SHOULD" Strike: ", AT THE TERMINATION OF PLANNING,"

47. Amend page 44, section 13, lines 7 through 11. Following: line 6 Strike: lines 7 through 11 in their entirety.

48. Amend page 45, section 14, line 7. Following: "affected" Strike: "municipal, regional, or county" April 16, 1977 Page 6 H.B. 630

49. Amend page 45, section 14, line 11. Following: "held" Strike: "in the county"

50. Amend page 47, section 19, line 11. Following: "ALL"

51. Amend page 47, section 20, line 22 through line 7 on page 48. Following: "Effective date" Strike: the remainder of section 20 in its entirety Insert: "This act is effective January 1, 1978."

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HB 0630/04

1	HOUSE BILL NO. 630	1	Montana's land use expansion through the enactment of a
2	INTRODUCED BY FAGG, VINCENT, MARKS,	2	program establishing:
3	WALDRON, MULAR, PALMER, COONEY, LUND, FEDA,	3	(1) local decision-making authority and control as
4	FABREGA, UHDE, HARRINGTON, HUENNEKENS, BRAND,	4	primary factors in the determination of land use patterns;
5	U'KEEFE, HIRSCH, METCALF, HOLMES, N. BAETH, LORY,	5	(2) tax incentive programs for land and structures
6	ELLIS, PORTER, KIMBLE, QUILICI, DUSSAULT, HANSEN,	6	based on proper land use; providing tax benefits for proper
7	SCULLY, R. BAETH, JOHNSTON, E.GUNDERSON, PISTORIA,	7	land use and tax penalties for improper land use;
8	KENNERLY, COURTNEY, LYNCH, SHELDEN, MOORE, HARPER,	8	(3) a land use policy that does not impede economic
9	KANDUCH, MENAHAN, KESSLER, TEAGUE, J. GUNDERSON, FRATES,	9	progress, but <u>WHICH</u> aids in the development of a program
10	NATHE, ROBBINS, BRADLEY, GILLIGAN, SIVERTSEN, ESTENSON, LIEN	10	which will meet the social and economic challenges brought
11		11	about through economic development;
12	A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY	12	{4}aprogramwhichprotects-our-state*s-beauty-an d
13	THE MONTANA ECONOMIC LAND DEVELOPMENT ACT, REPEALING	13	natura]-features-as-well-asourheritageofagricultural
14	SECTIONS 84-7502 THROUGH 84-7526, R.C.M. 1947; ENACTING NEW	14	wealth-through-constraint-of-urban-sprawls
15	SECTIONS IN LIEU THEREOF; AND PROVIDING AN EFFECTIVE DATE."	15	(5)[4] land use procedures, supplementary to zoning
16		16	through a local control structure providing for continuous
17	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	17	action, which do not conflict with Title 11, chapter 27, or
18	Section 1. There is a new R.C.M. section numbered	18	Title 16, chapters 41 and 47, (or those chapters as they may
19	84-7502.1 that reads as follows:	19	be amended or recodified);
20	84-7502.1. Policy. The legislature finds that as a	20	(6)<u>(5)</u> in general, a system of proper land use
21	state we currently face problems in development that not	21	developed by a determination of the impact as beneficial or
22	only cause concern for our future but also could cause	22	detrimentol-to ON an area <u>. BENEFICIAL OR OTHERWISE</u> and
23	cutbacks in our state's growth and proper development. Since	23	providing tax incentives and penalties based thereon to curb
24	many of these concerns are based on land use decisions, the	24	improper development patterns.
25	state should develop a land use policy which will direct	25	Section 2. There is a new R.C.M. section numbered

REFERENCE BILL

HB 630

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1 84-7503.1 that reads as follows: 1 84-7503.1. Purpose. Hontanans are faced by a nation z 2 actively searching for timber, coal, minerals, and 3 3 4 recreational opportunities. This act is designed to 4 5 establish Montana's developmental goals in a unique way: by 5 placing our future land development within a system 6 6 7 controlled by taxation rother-than AS WELL AS land 7 8 regulation. Specific goals are: 8 9 9 10 Montana*s-economic-well-being-today-and-the-foundation-for-a 10 11 11 well-fed-and-healthy-populace-tomorrowt 12 (2)(1) to encourage an inward pattern of urban growth 12 13 which will promote greater population density on developed 13 land within the urban areas and correspondingly provide a 14 14 greater percentage of open space through control of sprawl 15 15 16 16 development; 17 17 (3)(2) to guide industrial and commercial development 18 in Montana: 18 19 19 (4)(3) to develop a program which is controlled and 20 directed on a local level, with the actual land use 20 direction and classification left wherever possible to the 21 21 22 local land owner, working within existing standards, 22 23 classifications, and land use practices; and 23 24 (5)(4) in general, to provide a directional land use 24

desirable growth through the development of local control rather than regulation by preemption. Section 3. There is a new R.C.M. section numbered 84-7504.1 that reads as follows: 84-7504-1. Definitions. As used in this act. the following definitions apply: (1) "Density" means the number of dwelling units per gross acre. (2) "Dwelling unit" means any building or portion thereof providing complete, independent, and permanent living facilities for one family. (3) "Single family dwelling" means a detached QR SENIATTACHED dwelling unit. (4) "Multifamily dwelling" means a structure consisting of more than one dwelling unit. (5) "Neighborhood commercial <u>AREA</u>" means a---clustering which--consists A CLUSTER of convenience retail and personal service establishments which IHAT secure their principal trade by supplying the daily needs of the population residing within a 1/2--mile--radius--of--such--facilities GEDGRAPHICAL DISTRICT DEFINED BY LOCAL GOVERNMENT. The location and quantity of land within the neighborhood commercial area shall be a business island not more than 4 acres in size and with no business frontage extending more 25 than 600 feet along any street.

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policy for Montana that is based on the principles of

25

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1	{6) "Planned unit development" (PUD) means a land
2	development project consisting of residential clusters,
3	industrial parks, shopping centers, or office building
4	parks, or any combination thereof which comprises a planned
5	mixture of land uses built in a prearranged relationship to
ó	each other and having open space and community facilities in
7	a common cwnership or use.
8	(7) "REGIONAL COMMERCIAL AREA" MEANS LAND ADJACENT TO
9	A NEIGHBORHDOD COMMERCIAL AREA THAT ACCOMMODATES BUSINESS
10	AND TRADE FACILITIES THAT ARE MAJOR IN NATURE AND GENERALLY
11	REQUIRE SITES IN EXCESS OF 4 ACRES AND THAT SERVE THE NEEDS
12	UE A COMMUNITY OR REGION. THE QUANTITY OF LAND MITHIN A
13	REGIONAL COMMERCIAL AREA MAY NOT EXCEED 40 ACRES AND MAY NOT
14	CONTAIN MORE THAN ONE-HALF HILE OF FRONTAGE ON ANY GIVEN
15	STREET DR HIGHNAY.
16	{7}<u>+</u>8}***********************************
17	st ructures <u>necessary-and-integral-to-the-development-of</u>
18	a griculturel-landy and <u>WSEB</u> for-thehousingofmaterialsy
19	equipmenty <u>BR</u> suppliesand <u>BRIHE</u> storage-of-farm-goods
20	necessary-in-the-practice-of-agriculture <u>OR-SERVING-ASTHE</u>
21	RESIDENCEORRESIDENCES-DF-THOSE-ACTUALLY-ENGASED-IN
22	<u>AGRIEULTURETHESE_STRUCTURET_NUST_BE-LOCATED_ONAPORTION</u>
23	<u>BE-LAND-SEING-DEVELOPED-EOR-AGRIEULTURAL-PURPOSES</u> #
24	(8) "CORPORATE LINITS", IN THE CASE OF A CONSOLIDATED
25	CITY-COUNTY GOVERNMENT. MEANS THE BOUNDALLES OF A CLASS 1 OR

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1	CLASS 2 CITY AS THEY EXISTED PRIOR TO CONSOLIDATION.
2	(8)<u>(9)</u> "Governing body" means a-board-ofcounty
3	commissionersy or the governing authority of any city or
4	town1 or any joint city-county governing authority organized
5	pursuant to law.
6	(9)<u>(10)</u> "State administering agency" means the
7	department of community affairs as-coordinator-for
8	implementation-of-84-7505wl.
9	(10)[[]] "Remode l ing" means the changing
10	volue EXPANSION OR RECONSTRUCTION of a structure, building,
11	or other man-made object through-reconstruction-wherebyits
12	value-isincreased MHICH_INCREASES_ITS_TAXABLE_VALUE by at
13	least 5% 2.1/2%, AS DETERMINED BY THE DEPARTMENT OF REVENUE
14	OR_ETS_AGENTS+
15	(11) "Construction period" means a period of time
16	beginning with the issuance of a building permit and
17	concluding when the construction is ready for its designed
18	use or when determined by the county assessor <u>DETERMINES THE</u>
19	SIRUCTURE to be substantially completed. In those cases
20	where building permits are not issued, the beginning of the
21	period is that time determined by the governing body as the
22	start of construction. In no case will MAY the construction
23	period exceed 18 months.
24	(12) [13] "Zoning" means the regulation by a governing
25	body of the use of land or structures thereon, or both,

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1	within a designated portion of the jurisdictional area of
2	the governing body, as authorized under Title 11, chapter
3	27, and Title-16, chapter-47, or those chapters as they <u>OR</u>
4	IHAT CHAPTER AS II may be amended or recodified.
5	(13)(14) "Central business district" means that portion
6	of land, within the corporate limits of a city, defined and
7	delineated by the local governing body according-to-accepted
8	practices-of-planning agencies AS_FORMING_THE_CENTER_OFTHE
9	CITY'S FINANCIAL, COMMERCIAL, AND PROFESSIONAL ACTIVITIES.
10	(14)(15) "Core area" means that portion of land, within
11	the corporate limits of a class 1 or class 2 city , which
12	IHAT includes the central business district and extends en
13	additionally888-feet-beyond-in-all-directions <u>A_MINIMUM_DF</u>
14	<u>ONE-HALE BLOCK BEYOND IN ALL DIRECTIONS AND A MAXIMUM OF</u>
15	THREE BLOCKS, INCLUDING ALL STREETS AND ALLEYS ADJACENT TO
16	<u>OR WITHIN THE AREA. IN HUNICIPALITIES OTHER THAN CLASS I - OR</u>
17	ELASS2-CITIESY THE CORE AREA SHALL BE AS DESIGNATED BY THE
18	GOVERNING_BODY.
19	<pre>f15;(16) "Civic band" means that portion of land which</pre>
20	extends from the core area to the corporate limits in-class
21	l-or-class-2-citiesy-or-from-the-centralbusinessdistrict
22	to-the-corporate Timits-in-other-cities.
23	(16)<u>(17)</u>-"Urban <u>SUBURBAN</u> band"means-that-portion-of
24]and-which-extends from the corporate limits up to INSTINE
25	GOVERNINGDODY-DELINEATES-AS-THE-DEVELOPED-DR-SUDURBAN-AREA

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HB 630

1	BUTSIBE-THE-CORPORATE-LIMITTHIS-BAND-MAY-EXTEND-NG-EURTHER
2	<u> HitaN</u> the-4-1/2-mile-jurisdictionalareaasset-forthin
3	11-3830and11-3830w2yorthosesections-as-they-may-be
4	amended-or-recodified#
5	(17)<u>116)</u>-"Rural-land"meonsthoselandsbeyondth e
6	jurisdictionalareas-as-set-forth-in-11-3838-and-11-3838+2y
7	or-those-sections-as-they-may-be-amended-or-recodified.
8	(18) <u>(19)(17)</u> "Value" means appraised <u>TAXABLE</u> value.
9	(19)<u>f20</u>1(18) "Land". For the purposes of this act,
10	there are three IND main categories of land: productivey
11	nonproductive, VACANT AND UNIMPROVED and developed. Each of
12	these three IND categories can be defined in terms of the
13	principle use (or nonuse) made of the land:
14	(a)productivelandlandwhichisagricultural-in
15	nature-and-whose-principle-use-is-or-could-bet-floriculturey
16	horticultureysilvicultureygeneralfarmingydmiryingy
17	poultryraisingystockraisingy-and-other-uses-related-to
18	agriculturey-including-but-not-limited-to IKE activitiesas
19	definedin84-437=2=Thetypesof-lond-use-within-this
20	category-are:
21	(i)prime-agriculturalirrigated-land-asdefinedin
22	MwAwGw42-2w22 (1)-S2250and-department-of-revenue-pamphlet
23	*Recommended-Reclassification-ProceduresandInstructions*
24	{pages8and9} <u>FillsBlc-IRRIGAT:B-ELASS-1-AND-2-LAND-AS</u>
25	<u>BEFINEDBYTHEU-SxBEPARTMENTBFAGRICULTURESQIL</u>
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1	EONSERVATION-SERVICE
2	tii) croplandt
3	(iii)-grazingt
4	tiv}-renget
5	{v}native-grasslands
6	{vi}-forest-and-woodland;
7	{vii}-recreationalw
8	{b}nonproductive-landland-which-will-not-reasonably
9	supportgrowthforthe-production-of-food-and-fibrew-This
10	łandistypifiedbyextremesłopesyrockformationsy
11	alkalinepropertiesy-or-similar-natural-features-which-make
12	it-barren-or-nonproductive-for-any-type-of-agricultural
13	activityw
14	{c}[A] developed land—land used principally for
15	residential, industrial, or commercial purposes. The types
16	of land use under this category are:
17	(i) residentia} land—land used for <u>YARYING</u>
18	<u>CONCENTRATIONS OF</u> dwellings of-varying densities designed to
19	meet contemporary building and living standards;
20	(ii) industrial land-land used for manufacturing,
21	conversion <u>CONVERTING</u> , processing, assembly ASSEMBLING,
22	dismantling, refining, production <u>DR_PRODUCING</u>, or mining of
23	a material or product; and
24	(iii) commercial land—land used for business purposes
25	principally in the provision of services or the wholesale or
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1	retail selling of goods.
2	1213169(19) "VACANT" UNIMPROVED LAND" MEANS PRIVATELY
3	OWNED LAND IN AREAS ZONED RESIDENTIAL OR COMMERCIAL THAT
4	HAVE NOT BEEN DEVELOPED FOR ANY USE DEFINED IN THE PRECEDING
5	SUBSECTION
6	Section 4. There is a new R.C.M. section numbered
7	84-7505.1 that reads as follows:
8	84-7505.1. Operation. (1) Bydune38y1978 <u>CITLES.</u>
9	IOWNS& AND FEDUNTIES SHALL FOLLOWING
10	PROCEDURE IN ADOPTING OR DEVELOPING PROVISIONS OF THIS ACT:
11	(A) ANY CLASS 1 OR 2 CHIY-OR-TOWN THAT IS CITIES
12	ALREADY PLANNED AND ZONED SHALL ADDPT THE PROVISIONS OF THIS
13	ACT ON WHICH WILL BECOME "EFFECTIVE ON JULY-3, 2977 JANUARY
14	<u>11978.</u> UNEESS- <u>APETITIONFORREFERENDUMAGAINST</u> (<u>OR</u>
15	THEREAFTER. IF AN INITIATIVE FOR ADOPTION IS SIGNED BY AT
16	LEAST_ 15% OF THE REGISTERED VOTERS OF THAT CITY or town and
17	A MAJORITY OF THOSE VOTING ON THE QUESTION, IN A SPECIAL
18	ELECTION OR IN THE NEXT GENERAL ELECTION, VOTE AGAINST FOR
19	ITS IMPLEMENTATION.
20	10}&NY-COUNTY-THAT-HAS&OOPTED&HASTERPLAN&S
21	DEFINED-IN-II-3803-HAY-ADOPT-THE-PROVISIONS-DE-THIS-ACT.
22	UNLESS-A-PETITION FOR REFERENDUM AGAINST ADOPTION IS SIGNED
23	<u>BYAT-LEAST-15%-BE-THE-REGISTERED-VOTERS-OF-THAT-EQUNTY-AND</u>
24	<u>A-MAJORITY-OF-THOSE-VOTING-ON-THE-DUESTIONINASPEEIAL</u>
25	<u>ELECTIONOXIN-THE-NEXT-GENERAL-ELECTION,-YOTE_AGAINST_ITS</u>

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1	IMPLEMENTATION:	1	& NDATTHEENSUINGGENERAL-"ELECTIONORATASPECIAL
2	{C}ANYCLASS3DR-4-CETY-DR-TOXN-THAT-IS-NGT-ZONED	2	ELECTION-THE-MAJORITY-OF-THE-REGISTERED-VOTERS-DE-THE
3	MAY APPLY FO-THE ADMINISTERING MAGNEY FOR FUNDS FO INPLEMENT	3	JURISDICTION_VOTING_ON_THE_QUESTIONVOTEAGAINST-~APPLYING
4	PLANNING-PROCEDURES-CONT-FORMS-AND-IN-THE-MANNER-FO-BE	4	E BR-FUNDS *
5	DEIERNINEDDYTHEADMINISTERINGAGENCY-UNCESS-A-PETIFION	5	1F}ANYCOUNTYTHATISNDT-ZONED-AND-THAT-DDES-NOT
6	SIGNED BY AT LEAST 15% OF THE REGISTERED VOTERS OF THAT GITY	. 6	EHORSE TREAPPLY-FOR PLANNING FUNDS FROM THE ADMINISTERING
г	OR-TOWN-IS-FILLD_AND, AT THE ENSUING GENERAL ELECTION DR AT	7	<u>AGENGYSHALL-BE-REQUIRED-TO-APPLY-IF-A-PETITION-IN-FAVOR-BF</u>
8	A-SPECIAL ELECTION. THE MAJORITY OF THE RECISTERED VOTERS OF	8	APPLYING FOR PLANNING FUNDS SIGNED BY AT LEAST 15% - OF - THE
9	THEJURISDICTIONVOTINGONIHEQUESTIONVOTEAGAINST	9	REGISTERED VOTERS-BE-THAT EQUITY-IS-PRESENTED-TO-THE
10	APPLYING FOR THE FUNDS.	10	ADMINISTERING-AGENEY-THROUGH-THE-LOGAL-GOVERNING-DODYFILED
11	{d}*ny-city-or-town-that-is-not-zoned-andthatdoes	11	<u>ANDIATTHEENSUINGGENERGESELEETIONBRATA-SPECIAL</u>
12	notchoosetoapplyforplanningfundsfromthe	12	ELECTION. THE MAJORITY OF THE REGISTERED VOTERS OF THE
13	administeringagencyshallberequiredtoapplyifa	13	<u>JURISBICTIONYOTING-ON-THE- QUESTION- FAVORAPPLYING-FOR</u>
14	petition-forreferendumin-favor-of-planning-signed-by-at	14	Europse -
15	least-15%-of-the-registered-voters-of-that-city-or-'townis	15	191A-617Y-THAT-HISHES-TOEXTENDTHEPROVISIONSOF
16	PRESENTED	16	THIS-ACT INTO THE SUBURDAN BAND, OR IF A PETITION SIGNED BY
17	<u>GOVERNING DOOY</u> FILED AND A AT THE ENSUING GENERAL ELECTION OR	17	AT-LEAST-151-OF-THE-REGISTEREDVOTERSOF-THATCOUNTYIS
18	AT A SPECIAL ELECTION THE MAJORITY OF THE REGISTERED VOTERS	18	EILED: AND, AT THE ENSUING GENERAL ELECTION OF AT A SPECIAL
19	OF-THE-JURISDICTION-VOTING ON THE OUESTION FAVOR APPLYING	19	<u>ELECTIONY:THE-MAJORITY-OF-THE-RECISTERED-VOTERS:RESIDING:-IN</u>
20	EOR-THE-EUNDS:	20	THE==PR8P8SEDSUBURDANDANDYOTINGONTHE-QUESTION-YOTE
21	<u>1E}ANYEDUNTYTHAT-IS-NGI-PLANNED-HAY-APPLY-TO-THE</u>	21	AGAINST-THE-DECISIONHUSTSECURETHEPERMISSIONOFTHE
22	ADMINISTERINGAGENEY-FOR-FUNDS-TOIMPLEMENTPLANNING	22	COUNTYSOVERNING_BODYANY-DECISION_OF-THE_COUNTY-GOVERNING
23	PROCEDURESONFORMS-AND-IN, THE-MANNER-TO-DE-DETERMINED-BY	23	BODY-MAY-BE-BYERTURNED-BY-THE-FILING "OF-A-PETITION-SIGNED-BY
24	THE ADMINISTERING AGENCY URLESS AF PETITION SIGNED BY AT	24	"AT-LEAST-SIX BF-THE-FREENGLBERS-RESTRINGINTHEPROPOSED "
25	LEAST	25	SUBURBAN-BAND#
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HB 0630/04

1	TOTTIDE A CITTY TOWNY OK COUNTRETINGT AFTERCOMPTON
2	dut_widse_application_is_furned_down_may_begin_planning_hit h
3	115-8HN-FUN95
4	1H)1IINBCIIYIØHNBRCOUNTY-NAY-BE-REQUIRED-TO
5	<u> PREPARE-A-ELAN-UNLESS-PEANNENG-EUNDS-ARE-MADEAVAILABLEDY</u>
6	<u> The Adriatio Tering Ageney</u>
7	<u>tI)tJ}FORTHEPURPOSESOF_THIS_ACTTCOUNTY#_SHALL</u>
8	MEAN_THE_AREA_WITHIN_ACOUNTY_DUT_OUTSIDETHC-CORPORATE
9	LINITS-OF-CITIES-AND-TOWNS-IN-THAT-COUNTY.
10	1J11K1PLANNINGEFFORTS-UNDERTAKEN-DY-ANY-CITY-TOWN-
11	BREBUNTYMAYBETHROUGHJOINTyCONSOLIDATEDyEITYy
12	<u>EITY-EBUNTYBBEBUNTYPLANNINGBOARDSSUBJECTTOTHE</u>
13	PROVISIONS-FOR-SUCH_BOARDS-IN-TITLE-11-CHAPTER-BO#
14	<u>{K}{{}-ANY-MUNICIPALITY-DR-COUNTY-LOCATED_IN-WHOLE-OR</u>
15	Part-Nithin-The-Exterior_Boundaries-be-an_indian-reservatio n
16	SHALLBEEXEMPTED-FROM-THE-REGUIREMENTS-BF-THIS-ACT-IN-THE
17	<u>E¥EN}-x~E8URI-8E-E8MPETENI-JURISBIETION-RUEES-THATEXERCISE</u>
18	<u>HEANYPOHERCONFERREDDYTHIS-ACT-IS-INVALID-UNDER-THE</u>
19	UNITED_STATES-CONSTITUTIONy-THE-NONTANA_ENABLING_ACTy_OR-ANY
20	TREATY-BETWEEN_THE-UNITED_STATES_AND_AN_INDIAN_TRIBE
21	13)
22	<u>SELECTION-FOR-PARTICIPATION-DY-THE-ADHINISTERING-AGENCY-DR-A</u>
23	DECISIONTUPLANNITHGUTFUNDSFROMTHEADMINISTERING
24	<u>#SENCly-thegoverningbodyshallestablishaplanning</u>
25	processinaccordancewithTitle-lly-chapter-30y-or-that

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ACCULATE TOUR OF COUNTY THAT IS A FOR THE

chapterasit-may-be-amended-or-recodifiedy-and-shall-have
inventoried <u>INVENTORY</u> alllandwithinitsjurisdictional
area-according-to-the-general-land-type-categories-described
in-this-section-or-existing-planning-categories-if-they
generally-conform-tothisact* <u>IHISINVENTORY-SHALEBE</u>
COMPLETED HITHIN 1-YEAR-FROM-THE-DATE-OF-MOTIFICATION THAT
EUNDS ARE AVAILABLE BY THE ADMINISTERING AGENCY OR THE
GOVERNING-BODY.
(a)<u>{B)</u>Thelandandlandusageinventory-includes
<u>SHALL-INCLUDEy-os-o-minimumy-the-following</u>

- 11 ti)--a-map--or--maps--showing--the--floodplain--or--all
- 12 streems-and-riverst

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10

- 13 (ii)-a---map--or--maps--showing--areas--unsuitable--for
- 14 development-because-of-flood--hazardy--excessive--slopey--or
- 15 high-groundwater;
- 16 (iii)-a---mep---or---meps--showing--current--vegetation
- 17 patternsy-that--isy--croplandy--irrigated--landy--rangelandy
- 18 grazing--landy--native--grasslandy--forest-and-woodlandy-and
- 19 nonproductive-land;
- 20 fiv)-e-map-or-maps-showing-egriculturel--capability--of
- 21 lands--as-classified-according-to-the-UwSw-soil-conservation
- 22 service-agricultural-land-classification;
- 23 (v)--a-map-or-maps-showing--the--existing--use--of--all
- privately-owned-land-within-the-jurisdiction; "" 24
- 25 (vi)-a--map-or-maps-showing-all-lands-owned-by-federaly

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1	statey-and-locol-agenciesy-all'Indian-reservationsy-andall
2	privately-owned-lands;
3	<u>tvIII-A-MAR-BR:MAPS:SHBHING-KNOWN-HINERAL-DEPBSIIS:</u>
4	{v ii}<u>fYIII</u>}-amapormapsshowinganddescribing
5	existing-or-proposed-zoning-within-the-corporate-limits-of- a
6	class-i-or-class-2-city
7	{ viii}<u>}</u>[]]]-a-map-or-maps-delinesting-and-describing-the
8	central-business-districty-core-area-(for-class-1-andclass
9	2cities}vcivicbandy-urban <u>SUBURBAN</u> bond-and-rurol-land
10	end-neighborhood-commercial-should-it-exist <u>AREAs-SFANYs</u>
11	within the municipality.
12	{b} <u>tE</u> :-Guidelines-for-the-preparation-of-items <u>tB</u> ;{i}
13	through-{viii} <u>tIX1</u> shall-be-made-available-to-the-governing
14	body-by-the-administering-agency.
15	tor
16	£9UNTYBREITY-COUNTYPLANNER-IN-CHARGE-BE-THE-PROPOSED
17	PLANNING-SHALL-BE-MADE-AVAILABLE-BY-THE-ADMINISTERING
18	AGENEYANDNDCITYOR-COUNTY-MAY-RECEIVE-PLANNING-FUNDS
19	UNTILITSPL&NNERINCHARGEISCERTIFIEBBYIHE
20	<u>ADMINISTERING AGENCY-LUCAL-GOVERNING-BODYA-GOVERNING-BODY</u>
21	NEEDNOTHAVEAFULL-TIMEGERTIFIEDRLANNER+BUTTHE
22	LOCALITY'S
23	EERTIFIED-PLANNER.
24	{2}After-collectiony-this-data-shall-be-displayedin
25	publicforaminimumof30daysw-During-the-period-the

1	material-is-displayedy-there-shall-be-notification-mede <u>THE</u>
2	<u>68VEENING888YSHALL_PUBLISH_NOTICE</u> of-a-public-meeting-at
3	which-time-the-moterials-will <u>INVENIORY_ANDHAPSSHALL</u> be
4	displayedanddescribedandthe-method-of-categorization
5	w ill <u>ELASSIFIEATIONSHALL</u> beexplainedtotnegeneral
6	publicyAny <u>SUGGESTED</u> changes-of-land-categories-suggested
7	<u> </u>
8	governingbodyandattheir <u>IIS</u> discretion <u>MAY</u> be
9	incorporatedintothelandinventorysThehearingor
10	hearings-shall-be-completed-no-later-than-August-31y-1978 15
11	MONTHS-LAFTER-THE-NOTIFICATION OF AVAILABILITY-OF CUNDS FOR
12	PLANNING*
13	{3}By-Sctober31y1979
14	<u>HEARING-OR-HEARINGS-INDICATED-IN-04-7505-1131</u> v-the-governing
15	bodyshallindicateonamaptheproposedland
16	c lassifications-withinitsjurisdiction andpreparethe
17	proposedfinalplane-This-plan-shall-reflect-a-combination
18	of-existing-and-proposed-uses-ofland-inamannerwhichy
19	throughprudent-usey-embodies-both-growth-and-conservation+
20	The-plan-will-incorporate-land-use-goals-and-policieswhic h
21	indicate-the-desired-standards-and-direction-for-future-land
22	developmentandspecifythe-quantities-of-land-needed-for
23	future-agriculturaly-residentialy-commercialy-and-industrial
24	usev-Alllandownersshellbenotifiedoftheproposed
25	classificationsNotification-+-istoby- -amethod

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1	determined-by-the-governing-bodÿwhichassuresthateach
2	landowner-has-received-a-reasonwal e opportunity-to-learn-of
3	the plans-This-notification-shall-include-but-not-be-limited
4	tot
5	(a)theclassificationor-classifications-given-each
6	individual-owner*s-land;
7	{b}the-meaning-of-the-classification;-and
8	(c)a-time-and-place-for-a-hearing-to-be-heldywithin
9	3 0daysofnotificationorletteryforpurposesof
10	d iscussing-the-general-classificationsThe-hearing-or
11	hearingsshall-be-completed no-later-than-December-31y-1979
12	AS-QUICKLY-AS-POSSIBLE.
13	{4}By-February-29y1988 <u>#ITHIN2-I/2YE&R5&FIEB</u>
14	RECEIPT-BE-FUNDS-FROM-THE-ADMINISTERING-AGENCY-a-final-land
15	useplan-shall-be-prepared-by-the-governing-body-which-will
16	incorporate-all-data-received-frominventories-and-hearings
17	to-datex-It-shallalsoreflectallofthosegoalsend
18	policies-as-indicated-in-subsection-{3}-of-this-section .
19	{5}Ifacityorcounty-has-failed-to-prepare-this
20	p]an-wi thin-the-required-timey-the-departmentofcommunity
21	affoirsoritsagentshallpreparetheplanytobe
22	completed-by-January-2v-1981v-with-all-of-the-incurred-costs
23	to-be-pai d-b y-the-applicable-city-or-countyw-Theprocedures
24	tobe-followed-in-this-case-will-be-the-same-as-if-the-plan
25	h ad-been-completed-by-the-qoverning-body

1	{6}<u>{5}</u>Preparation-of-the-plan-shallfollowfour
2	landclassificationcategories;-agriculturaly-residentialy
3	industrialy-and-commercial#
4	{a}Landisclassifiedasagriculturalwhensuch
5	action-would+
6	{ i}encouragethepreservation-of-prime-agricultural
7	tefioe
8	{ii}}-encourage-the-preservation-of-those-limited-areas
9	of-the-state-which-contain-the-proper-combination-or.8E soil
10	andtopographicalcharacteristicsnecessaryforintense
11	agricultural-development;
12	{iii}-discourage-those-uses-andactivitieswhichare
13	incompatiblewith-the-rural-and-agricultural-character-of-a
14	districty
15	{ iv}^discourage-those-uses-and-activitieswhichwould
16	createcongestionynoiseyorhazardsincompatiblewith
17	recreational-activities-established-on-the-land; or
18	{v}encouragethecontinuationinitiationof
19	outdoor-recreation-on-suitable-lands*
20	{b} <u>t</u> tandisclassifiedasresidential_when_such
21	action-would+
22	(i)conserve-the-chardcter-of-establishedresidential
23	neighborhoods-as-has-been-done-by-municipal-zoningt-or
24	'(ii)-encouragethegrowthdfcitiesandtownsin
25	efficient-patterns-while-discouraging-wasteful-urban-sprawlw
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1	{c} <u>tB</u> Landisclassifiedasindustrialwhen-such
2	action-would:
3	(i)be-compatible-with-existing-industrial-uses)
4	{ii}-protect-the-surrounding-areay-through-isolation-or
5	natural-barriersy-from-noiseyglareypollutionyorother
6	actions-or-activities-objectionable-to-the-general-public;
7	(iii)-group-or-cluster-industrial-users-into-contiguous
8	łocationstoavoidindustrialspreadthroughoutthe
9	community;~or
10	(iv)-encourage-industria}usersto}ocateinareas
11	whereprevailing-wind-and-water-flow-patterns-are-away-from
12	the-community.
13	(d)<u>[E</u>]_Landisclassifiedascommercialwhensuc h
14	sction-would+
15	{i}-"be-compatible-with-existing-commercial-uses;
16	(ii)-providelocationssothatthecommunityis
17	afforded-convenient-access-toneededserviceswithinthe
18	area;
19	{iii}}-reflectthe-highest-and-best-use-of-the-landf-or
20	(iv)-promotecompatibleandcommercialarea
21	developmentsthatwillconservelandvalueand-promote
22	public-safetyy-conveniencey-prosperityy-and-welfarey
23	<u>tf}tand-may-beetassifiedasnonproductiveifft</u>
24	<u> </u>
25	SUBCLASSIFICATIONS-LISTED-IN-THIS-SUBSECTION.

1	<u>18}THELASSIEIGATIONS-NOTED-IN-84-7505x1441HAYBE</u>
2	SUBBIVIED
3	<u> THEY-BEHAIN-HITHIN-THE-PRIMARY-ELASSIFICATIONADDITIONALLY</u>
4	THESE SAME ELASSIFICATIONS MAY OVERLAY CORRESPONDING
5	DIFFEBENTZONINGCLASSIFICATIONSSET-FORTH-IN-ANY-CITY-O R
6	COUNTY-IONING-PLAN.
7	<u>1H}THE-PROVISIONS-OF-ANY-CLASSIFICATION_ASNOTED-IN</u>
8	<u>84-7505x1APPLYBNLYT0THESURFACE-OF-THE-LANDy-AND-NB</u>
9	USAGE-THAT-IS-SQLELY-BELQW_THE-SURFACE-SUCHASHININGMAX
10	AFFECT-THE-SURFACE-GLASSIFICATION.
11	<u> 11)</u>
12	84-7585#1-MAY-N8T-BE-CONSTRUED_T0-DISPARAGEANYVESTEDOR
13	PERFECTED_RIGHT_TO_THE_BENEFICIAL_USE_DF_WATER_
14	Section-5ThereisnnewReCeMesection-numbered
15	84-7586#1-that-reads-as-follows *
16	84-7586#lwAcceptonceoftheplanwAfterthe
17	provisionsof84-7585+1havebeenmetandallpublic
18	hearings-heldy-the-governing-body-shall-adopt-the-final-plan
19	by-ordinance-Adoption-of-the-planshallbecompletedby
20	february29y2980yTheproposedordinancemaythen-be
21	submitted-to-the-people-through-referendum-proceduresunder
22	Title3Tychapter3yorthatchapterasamendedor
23	recodifiedyorcorrespondingreferendumproceduresfor
24	citiesand-townsw-The-referendum-vote-shall-be-completed-no
25	later-than-April-30y-1980w-A-majority-vote-against-theplan

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1	intheensuingreferendumrepealstheplaninthat
2	jurisdiction=-and84-7505=1(4)=-doesnotapplytosuch
3	jurisdictions <u>THE-EUESTION-OF-ADOPTING-THE-FINAL-PLAN-SHALL</u>
4	<u>BE-SUUHITTER-TO-THE-QUALIFIED-ELECTORS-DF-THE-EITY-TOWN-OR</u>
5	EBUNIX-IN-IA-SPECIAL-ELECTION-OR-IN-THE-INEXI-GENERAL
6	<u>ELECTION IE-A-HAJORITY-OF-THE QUALIFIED ELECTORS VOTING-ON</u>
7	THE QUESTION YOTE AGAINST THE PLAN, THE FINAL PLAN, MAY-NOT
8	<u> </u>
9	<u>If_THE_MAJORITY_OF_THOSE_VOIING_ON_THEOVESTIONFAVORTHE</u>
10	ADOFIION-OF-THE-PLANY-THE DOVERNING DODY-SHALL-ADOPT THE
11	EINAL-PLAN-BY-BRDINANCE,
12	Section-6There-isa-new-RyCyHysectionnumbered
13	84-7587#1-that-reads-as-follows+
14	04-7507vlwSubclassificationbyownersoflan d
15	classified-as-agricultural(1)-Within2yearsfollowing
16	the-classification-of-land-as-agriculturaly-an-owner-thereof
17	m ayelect-to-subclassify-his-lands-into-Classes-Ay-By-Cy-Dy
18	o r-any-combination-thereofs-In-additionyuponelectionby
19	theownerandwiththeapprovalof-the-governing-bodyy
20	agricultural-land-may-be-subclassified-as-recreational-Elass
21	E-or-fw-The-departmentofrevenueyuponreceiptofthe
22	owner*selectionyshallrevisethepreviously-appraised
23	<u>PREVINUS_IAXABLE</u> volue-of-such-lands-ss-follows+
24	<u>tal</u> Elass-Athe-oppraised <u>TAXABLE</u> valueisreduced
25	25%fromthe-current-level-(<u>BR</u> 50%-if prime-agricultural)

the--land--value--(50%-if-prime-sqriculturally INAT-LEVEL as 2 3 tong-as-it-remains-in-Etass-Ay--EXCEPT-#THAT-AN-ADDITIONAL REDUCTION -- DE-10% SHALL-DE-MADE-FOR-EACH-GENERATION THE LAND 4 HAS-BEEN-BUNED-AND OPERATED BY THE SAME LINEAL FAMILY 5 6 181--Class-B--the-appraised TAXABLE value-is--reduced 7 15%--from--the-current-level-t BR 30%-if-prime-agricultural; 8 and-is-thereafter-maintained-at-an-approised-value-of-85%-of 9 the-land-value-(70%-if-prime-agricultural)y HUAT-LEVEL as 10 long-os-it-remoins-in-Class-Be 11 161--Class--C--the--appraised TAXABLE value-shall-be-in accordance-with-Title-84y-sections-437wl-through-437wl7y--or 12 13 those-sections-as-they-may-be-amended-or-recodified* 14 181-Class--D--the-appraised TAXABLE value-is-increased 15 10%-GR-20%-IF-PRIME-AGRIEULTURAL from-the-current-level---and 16 is---thereafter--maintained---at-an-approised-value-of-118%-of 17 the-land-valuey <u>THAT-LEVEL</u> as-long-as-it-remains-in-Elass-Bu 18 1E1--Class-E--the-approised TAXABLE: value--is--reduced 19 25%--from--the-current-level-and-is-thereafter-maintained-at an-approised-volue-of-75%-of-the-land-voluey THAT-LEVEE--as 20 long-as--it-remains-in-Class-Es-This-reduction-in-appraised 21 22 TAXABLE volue--opplies-after-the-Class-A B--OR--E reduction 23 for--agricultural--land-has-been-applied-and-applies-only-to 24 that-portion-of-the-land-used-as-public-access. 25 ** <u>ff}--Class-F*-the-appraised <u>fAXABLE</u> value--is--reduced</u>

and-is-thereafter-maintained-st-an-approised-value-of-75%-of

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1	40%fromthe-current-level-and-is-thereafter-maintained-at
2	an-appraised-value-of-60%-of-the-land-valuev <u>THATLEVEL</u> as
3	longas-it-remains-in-Class-FVThis-reduction-in-appraise d
4	<u> </u>
5	b een-applied-and-applies-onlysto-that-portion-oftheland
6	used-for-public-camping-and-overnight-stayy-as-designated-by
7	the-property-owner.
8	(2)TheownerofClassAlandy <u>OR</u> hisheirsy
9	successorsy-or-assigns-y-may-not-converttheuseofsuch
10	landstoany-nonagricultural purpose for-25-yearsy-nor-way
11	the-subclassification-be-changed-for-25-years.
12	(3)TheownerofElassBlandy <u>BR</u> hisheirsy
13	successorsyorassignsymey-not-convert-the-use-of-such
14	land to any nonagricultural purpose for 10-yearsy nor may
15	the subclassification be changed for 10 years.
16	(4)TheownerofElassElandy
17	successorsy-or-assigns-y-maychangethesubclassification
18	withinthe-agricultural-classification-at-any-timeand-may
19	<u>SHALL:MAY</u> petitionthegoverningbodyatanytimefor
20	reclassificationintoanothersubclassificationThe
21	governing-body-may <u>SHALL</u> grant-this-petitionprovidedthat
22	ifthesubclassificationistoClass-Dy-it-shall-not-be
23	granted-until-the-petitioner-hos-firšt-paidthedifference
24	זֿחtaxeswhich̀wouldהמספרbeenpaidsincethe
25	subclassification-or-10 5 yearsyWhicheverislessyif

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1	during-that-period-that-land-had-been-subclassified-as-Class
2	Ðw
3	[5]TheownerofElassBlandy <u>BB</u> hisheirsy
4	successorsy-or-assigns-y-may-petition-the-governing-body-for
5	reclassification-into-another-subclassification-at-any-timer
6	which-petition-shall-be-grantedw
7	{6}TheownerofClassElandy
8	successorsyorassignsyshallyunder-a-minimum-10-year
9	agreement-with-thedepartment-offish-andgameyAEXEB
10	<u>#CPROVALBY_THE_GOVERNING_BODY</u> permit-public-access-across
11	thetondforrecreationalpurposesysubjecttosuch
12	reasonablelimitationsforthe-protection-of-the-land-and
13	the-privacy-of-the-persons-residing-thereon-as-the-owner-may
14	s tipulatesHowevers-in-every-cases-the-access-mayonlybe
15	from-a-public-thoroughfarey-through-private-landsy-to-public
16]andsIfthisa greementoro-renewal-thereof-is-not-in
17	forcey-the-subclassification-of-the-land-reverts-to-Elass-Dy
18	The-owner-ofElassErecreationallandy <u>OR</u> hisheirsy
19	successorsyand <u>BR</u> assignsy-may-not-change-the-use-of-such
20	landtoanypurposeincompatiblewithestablished
21	recreationalusesduring-the-term-of-an-agreement-with-the
22	department-of-fish-and-game.
23	(7)-`Theownerof-'ElassF''landy <u>BB</u> hisheirsy
24	successorsyorassigns-y-shally-in-addition-to-meeting-the
25	criteria-of-subsection-(6) [%] of-this-sectiony-agreetoallow

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1	publiccam ping ondovernightstayupontha-property-in
Z	designated-locations-without-chargesIf-this-agreement-or-a
3	renewal-thereof-is-not-in-forcey-the-subclassification-of
4	theland-reverts-to-the-provisions-for-Elass-E-recreational
5	land-as-set-forth in*subsection-{6}-of-this-section .
6	(8)2f-a-voluntary-subclassification-of-landhasnot
7	beenmadeby-the-owner-of-record-within-the-2-year-periody
8	the-department-of-revenue-shall-automatically-place-the-land
9	in-Class-Ov
10	{9} Agricultural-buildings-may-be-constructedon <u>ANY</u>
11	<u>6EASSBF</u> agricultural-land-at-any-time-without-penalty <u>AND</u>
12	SHALL BE-TAXED AT 100% OF TAXABLE VALUE.
13	{10}-LAND-TAKEN-FROM_ANY_ELASSIFICATION_OF-THIS-SECTION
14	<u>AND-STRIP-MINED-SHALL-BETAXEDUNDERTHEPROVISIONSOF</u>
15	84~7519#1==UNTIL==IT==IS==RECLAIMED#=HDMEVER#=ND=LAND=NAY=BE
16	IAKENFROMAGRICULTURALUSEUNTILTHEPROVISIONSOF
17	<u>84-7517.1-HAVE-BEEN-NET.</u>
18	Section 7. There is a new R.C.M. section numbered
19	84-7508.1 that reads as follows:
20	84-7508.1. Land classified as residential
21	assessment provisions. The governing body shall identify
22	those lands within its jurisdiction whose highest and best
23	purpose is determined to be residential and these lands so
24	designated-shall-be-a-part-of-the-final-plan-ascalledfor
25	in-84-7505w1(4)<u>151</u>. P¶ans for residentia, land shall further

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1 be incorporated according to the most desirable types of 2 residential buildings for the land categories. These 3 categories can be but are not limited to single family (low 4 density), single family (high density), duplex, multifamily (low density), and multifamily (high density). All new 5 construction of residential buildings shall receive tax 6 7 benefits or penalties based on their compliance with the 8 land use categories established by the governing body. Benefits and penalties for new construction shall apply to 9 10 the land and the improvements thereon and will be in 11 accordance with the following: 12 (1) existing EXISTING vecent--unimproved--land--within

the--civic--band-and-classified-as-residentialy IN_EITLES-OR 13 14 TOWNS-THAT-SHOWED--POPULATION--GROWTU--IN--THE--LAST--CENSUS 15 <u>PERIOD</u> shall--be--taxed-at-current-appraised <u>TAXABLE</u> values 16 for-5-years-after-passage-of-this-acts-If-at-that--time---the 1and--is-still-vacanty-2-1/2%-shall-be-added annually-to-the 17 18 appraised <u>HAXABLE</u> value-for-tax-purposes--to <u>A</u> maximum--of 19 25%*-Thereafterv-the-land-shall-continue-to-be-taxed-at-125% 20 of--appraised <u>TAXABLE</u> value--until--such--time--as--it--is 21 converted-to-residential-use <u>BEYELBPEBs</u> IF_VACANT_UNIMPROVED 22 LAND IS NOT MARKETABLE BECAUSE OF LOCAL CONDITIONS. THE 23 GOVERNING BODY SHALL GRANT ZONING VARIANCES TO CONFORM WITH 24 ESTABLISHED NEIGHBORHOOD PATTERNS THAT WILL INCREASE THE 25 MARKETABILITY OF SUCH LAND. THE GOVERNING BODY IN ACCORDANCE

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1	WITH 84-7517.1 MAY EXTEND THE 5-YEAR PERIOD AS TO EXISTING
2	RESIDENTIAL SUBDIVISIONS IN WHICH THE VACANT LOIS ARE BEING
3	DEVELOPEDBYNEWRESIDENTIALCONSTRUCTION_WITHIN_A
4	REASONABLE TIME UNDER EXISTING ECONOMIC CONDITIONS.
5	(2) residential <u>RESIDENTIAL</u> construction on land <u>.</u>
ò	SERVED BY MUNICIPAL WATER. SENER. AND STREET SYSTEMS. THAT
7	<u>IS</u> within the civic band designated for that use t <u>SHALL_BE</u>
8	IAXED_AI 90% of opproised IAXABLE value y at which rate it
9	shall-remain for 10 years. In the llth and all subsequent
10	years, the appraised-valuë-shall-be-use d <u>PROPERTY_SHALL_BE</u>
11	TAXED AT ITS FULL TAXABLE VALUE.
12	13}A-CITY-THAT-IS-UNDER-THE-PROVISIONSDFTHISACI
13	MAYV_:WIIH-EBUNTY APPRBYAL AND FOR THE PURPOSE OF DEVELOPING
14	ABENEFICIALGROWTHPATTERNEXTEND-THEPROVISIONSOF
15	SUBSECTION<u>12</u>]INTO-AREAS-DESCRIBED-AS-THE-SUBURDAN-DAND
16	EVEN-IF-THE-EQUNIY-HAS-NOT-ADOPTED-A-FINAL-PLANS
17	(3)<u>143</u>(3) NEW residential construction on land
18	designated for other than residential use within the civic
19	band ; <u>SHALL_BE_TAXED_AT</u> _125% of <u>TAXABLE</u> _value y_at_which_rate
20	it-shall-remain for 10 years. Beginning with the lith year,
21	the percentage shall be reduced annually by equal increments
22	over a 10-year period until the appraised <u>TAXABLE</u> value is
23	reached in the 20th year. Subsequent <u>IN_SUBSEQUENT</u> years <u>.</u>
24	THE_PROPERTY_shall usethe-appraised BE_TAXED_AT_1002_OF
25	IAXABLE value.

1	<pre>(4)<u>t51</u></pre>
2	<u>AS-OTHER-IHAN-RESIDENTIAL</u> within-theurban <u>SUBURDAN</u> band;
3	<u>SHALL-BE-TAXED_AT</u> 125%-of-opproised <u>TAXABLE</u> voluey-st-which
4	rate-it-shall-remain-for-10-yearsy-Beginning-withthe11th
5	yearythepercentageshallbereduced-annually-by-equal
5	increments-over-a-10-year-period-until-the-appraised <u>TAXABLE</u>
7	vałue -is-reached-in-the-20th-yearv-Subsequen t <u>IN5UBSEQUENT</u>
8	years <u>y_THE_PROPERTY</u> shall-use-the-appraised <u>BE-TAXED-AT-100%</u>
9	<u>BE-TAXABLE</u> vatues- <u>THE TAXABLE-YALVE-SHALL-BE REDUCED-108-1F</u>
10	THERESIDENTIAL-BUILDING-IS-CONSTRUCTED ON NONPRODUCTIVE
11	LANDE
12	(5) <u>f6}NEW</u> residential-construction-on <u>NBNPRBDUEFIVE</u>
13	landclassifiedasnonproductivebeyon d <u>OTHERTHAN</u>
14	<u>RESIDENTIAL_WITHIN</u> the-urban <u>SUBURBAN</u> band-other-than- {7}-of
15	this-section;-133% <u>SHALLBETAXEDAT110%</u> ofappreised
16	IAXABLE value vat-which-rate-it-shall-remain-for-10-yearsv
17	Be ginning-withthellthyearythepercentageshallbe
18	reducedannuallyby-equal-increments-over-a-10-year-period
19	until-the-appraised <u>IAXABLE</u> value-isreachedinthe28th
20	years-Subsequent <u>IN-SUBSEQUENT</u> years <u>y-THE-PROPERTY</u> shall-use
21	the appraised <u>BE-TAXED_AT_100%_OF_ITS_TAXABLE</u> value.
22	(6) <u>17)NEW</u> residential-construction-on-land-classified
23	asproductiveagriculturalUut-not-prime-agricultural-and
24	beyond-the-urban <u>SUBURGAN</u> bands <u>SHALL-BE-TAXEDAT</u> 166%of

25 appraised <u>TAXABLE</u> valuey-at-which-rote-it-shall-remain-for

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2	be reduced ainidarily by equal increments over a re year
3	perioduntilthe-appraised <u>TAXABLE</u> value-is-reached-in-the
4	20th-yearsSubsequent <u>INSUBSEQUENT</u> years <u>yFHEPRBPERTY</u>
5	shallusetheappraised <u>BETAXED-AT-100%-OF-IF5-TAXABLE</u>
6	vatues
7	{7}<u>{6}</u>NEW residential-construction-on-land-classified
8	as-prime-ogricultural; <u>SHALL-BE-TAXED-AT</u> 200%ofappraised
9	<u> </u>
10	yearsv-Beginning-with-the-11th-yeary-the-percentage-shall-be
11	reduced-annually-by-equal-increments-over-a-18-yearperiod
12	until-the-appraised <u>IIS-TAXABLE</u> value-is-reached-in-the-28th
13	years-Subsequent <u>IN-SUBSEQUENT</u> years <u>y-THE-PROPERTY</u> shall-use
14	the opprofised <u>BE-TAXED-AT-100%-DF-IIS-TAXABLE</u> value.
15	<u>+&}THE-PROVISIONS-OF-THIS-SEETION-DO-NOT-APPLY-TO-ANY</u>
16	NEWRESIDENTIALEBNSTRUCTIONBNLAND-CLASSIFIED-AS
17	NONPRODUCTIVEORPRODUCTIVEACRIEULTURALDUTNOTPRIME
13	<u>IRRIGATEDAGRIEULTURALIETHE-LAND-DOES-NOT-REQUIRE-WATER</u>
19	AND-SEWER-SERVICES-FROM_A-UNIT-DE-GOVERNMENTANDISZONED
20	E GRRESIDENTIALUSEOR-IS-RESTRICTED-BY-SUDDIVISION
21	<u>EOVENANTSTHATHEETOREXCEEDHINIMUMFEDERALHOUSING</u>
22	STANDARDS:
23	Section 8. There is a new R.C.M. section numbered
24	84-7509.1 that reads as follows:
25	84-7509.1. Land classified as commercial assessment

10-veersy-Beginning-with-the-11th-yeary-the-percentage-shall

have due due to the second discover and the second discove

1

provisions. The governing body shall identify those lands 1 2 within its jurisdiction whose highest and best purpose is 3 determined to be commercialy--and-the-lands-so-designated 4 shall-be--a--part--of--the--final--plan--as--called--for--in 5 84-7585+1(4)+---All-new-construction 84-7585+1(5)+ OWNERS of 6 commercial buildings <u>UNDER CONSTRUCTION</u> shall receive tax benefits or penalties based on their compliance with the 7 8 land use categories established by the governing body. 9 Benefits and penalties for new construction shall apply to 10 the land and the improvements thereon and will be in 11 accordance with the following:

12 (1) Existing vacant unimproved land within the core 13 area and classified as commercialy shall be taxed at current 14 appraised TAXABLE values for 5 years after passage of this 15 act. If at that time the land is still vacant, 5% shall be added annually to the appraised TAXABLE value for-tax 16 17 purposes to a maximum of 50%. Thereafter, the land shall 18 continue-to be taxed at 150% of appraised IAXABLE value 19 until such-time-os it is converted to commercial use.

(2) New commercial construction or expansion of an
 existing commercial enterprise within the core area <u>DN_LAND</u>
 <u>CLASSIFIED_AS_COMMERCIAL shall MAY</u> not be taxed during the
 <u>IIS</u> construction period: The <u>IN_THE</u> first 'year after
 construction Will IS_COMPLETED. THE PROPERTY_SHALL be taxed
 ät 10% of the approised <u>IIS_TAXABLE</u> value. Each year

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. 1	thereafter will <u>THE PERCENTAGE SHALL</u> be increased by 10%
z	until the appraised <u>TAXABLE</u> value is attained in the 10th
3	year. Subsequent IN SUBSEQUENT years <u>. THE PROPERTY</u> shall use
4	the approised BE TAXED AT 100% OF TAXABLE value.
5	(3) New commercial construction or expansion of an
6	existing commercial enterprise within the civic band and \underline{IN}
7	ANAREA designated by the governing body as a neighborhood
8	commercial area yshall <u>MAY</u> not be taxed during the
9	construction period. The INIHE first year after
10	construction.wi lls_THE_PROPERTY_SHALL be taxed at 20% of the
11	opproised ITS_TAXABLE value. Each year thereafter with <u>IHE</u>
12	<u>PERCENTAGE_SHALL</u> be increased by 20% until the appraised
13	TAXABLE value is attained in the 5th year. Subsequent IN
14	<u>SUBSEQUENT</u> years shall-use the approised, THE PROPERTY SHALL
15	BE TAXED AT 100% DE ITS TAXABLE value. NEW COMMERCIAL
16	CONSTRUCTION NOT INCLUDED IN A NEIGHBORHOOD COMMERCIAL OR
17	REGIONAL COMMERCIAL AREA SHALL BE TAXED DURING THE
18	CONSTRUCTION PERIOD. FOR 10 YEARS AFTER CONSTRUCTION. IT
19	SHALL BE TAXED AT 125% OF TAXABLE VALUE. BEGINNING IN THE
20	11TH YEAR AFTER CONSTRUCTION, THE PERCENTAGE SHALL BE
21	DECREASED AT A RATE OF 5% A YEAR FOR 5 YEARS.
22	(4) NEW COMMERCIAL CONSTRUCTION OR EXPANSION OF AN
23	EXISTING COMMERCIAL ENTERPRISE WITHIN THE CIVIC BAND AND IN
24	AN AREA DESIGNED BY THE GOVERNING BODY AS A REGIONAL
25	COMMERCIAL AREA MAY NOT BE TAXED DURING THE CONSTRUCTION
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1	PERIOD. IN THE FIRST YEAR AFTER CONSTRUCTION. THE PROPERTY
2	SHALL BE TAXED AT 33 1/3% OF ITS TAXABLE VALUE. EACH YEAR
3	THEREAFTER, THE PERCENTAGE WILL BE INCREASED BY 33 1/3%
4	UNTIL THE FULL TAXABLE VALUE IS REACHED IN THE THIRD YEAR.
5	IN SUBSEQUENT YEARS, THE PROPERTY SHALL BE TAXED AT 100% OF
6	ITS TAXABLE VALUE.
7	(4) <u>15</u> ; New-commercial-construction-or-expansion-of-an
8	existing-commercial ^a enterprise-within-theurban <u>SUBURBAN</u>
9	bandshallbetaxedat50%-of-the-appraised <u>IIS-TAXABLE</u>
10	volue-during-the-construction-periodsAfterconstructionv
11	the londandimprovementsshallbe-taxed-at-150%-of-the
12	app raised <u>IHEIR-TAXABLE</u> value-at-which-rate-it-shallremain
13	for10years-Beginning-with-the-11th-yeary-the-percentage
14	<u>8FTAXABLEYALUE</u> shallbereducedannuallybyequal
15	increments-over-a-10-year-period-until-the-appraised <u>TAXABLE</u>
16	value-is-attained-in-the-20th-years-Subsequent <u>IN_SUBSEQUENT</u>
17	yea rsy_THE_PROPERTY
18	<u>BE-IIS-TAXABLE</u> value.
19	{ጛ}<u>}161</u>Newcommercia}-construction <u>BN-LAND-ELASSIFIEB</u>
20	<u>BTHER-THAN_E0MMEREIAL</u> or-expansion-of-an-existing-commerciał
21	enterprise-within-the-ruraloreashallbetaxedatthe
22	appraised <u>100%_OF_ITS_TAXABLE</u> value_during_the_construction
23	periodyAfterconstruction <u>ISCOMPLETED</u> ythelandand
24	improvementsshallbe-taxed-at-200%-of-the-appraised <u>IHEIR</u>
25	<u> #AXABLE</u> value-at-which-rate-it-shall-remainforl0yearsv
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1	Beginningwiththelithyearythe-percentage <u>BF=IAXABLE</u>
2	<u>YALUE-USED</u> shall-be-reducedannuallybyequalincrements
3	overa10-year-period-until-the-appraised <u>IAXA3L£</u> value-is
4	attained-in-the-20th-yearSubsequent <u>IN-SUBSEQUENT</u> yearsy
5	<u>THE-PROPERTY</u> shall-use-the-approised <u>BE-IAXED_AT_100%-OF_IIS</u>
6	TAXABLE value.
7	171(5) NEW COMMERCIAL CONSTRUCTION OF EXPANSION OF AN
8	EXISTING COMMERCIAL ENTERPRISE IS NOT ELIGIBLE FOR THE TAX
9	BENEFITS OR PENALTIES DESCRIBED IN SUBSECTIONS (2) THROUGH
10	151 (4) IF IT IS DEVELOPED SOLFTY DR IN PART ON LAND
11	PURCHASED OR CLEARED THROUGH TAX INCREMENT FINANCING AS
12	PROVIDED IN 11-3921.
13	Section 9. There is a new R.C.M. section numbered
14	84-7510.1 that reads as follows:
15	84-7510.1. Land classified as industrial assessment
16	provisions. (1) The governing body shall identify those
17	lands within its jurisdiction whose highest and best purpose
18	is determined to be industrial y-and-the-lands-sodesignated
19	shallbeapartofthefinalplanascalledfor-in
20	34-7585+1{4}+A} } newconstructionorexpansion
21	d4-7505w1t5). OWNERS of <u>EXISTING</u> industrial buildings <u>AND</u>
22	GROUNDS UNDER CONSTRUCTION OR UNDERGOING EXPANSION THAT
23	INCREASES THE TAXABLE YALUE OF THE PROPERTY 10% shall
24	receive tax benefits or penalties based on their compliance
25	with the land use categories established by the governing

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1	body. Benefits-and-penalties-fornew-construction-or
2	expansion-shall-applytothelandandtheimprovements
3	thereonandwillbeinaccordancewiththe-following+
4	IMPROVEMENTS CLASSIFIED AS "NEW INDUSTRIAL PROPERTY" UNDER
5	CLASS SEVEN IN 84-301 OR UNDER 84-301-19 MAY NOT QUALIFY FOR
6	BENEFITS_UNDER_THIS_SECTION.
7	Industrial land and buildings shall be classified as Class
8	A, B, C, or D for purposes of new construction or expansion
9	of existing facilities. These <u>TAX BENEFITS AND PENALTIES FOR</u>
10	NEW CONSTRUCTION OR EXPANSION SHALL APPLY TO THE LAND AND
11	THE IMPROVEMENTS THEREON IN ACCORDANCE WITH THESE
12	classifications shall-ber determined by the governing body
13	based on compliance with the following <u>ENVIRONMENTAL</u>
14	CRITERIA:
15	ENVIRONMENTAL-CRITERIA
16	(2) CONSTRUCTION OF OR EXPANSION OF INDUSTRIAL
17	BUILDINGS AND GROUNDS:
18	<pre>ivwould (A)WOULD not place unreasonable burden on</pre>
19	existing public services, such as highways, schools, and
20	police and fire protection s :
21	2∎Would <u>(B)_WOULD</u> have sufficient water available
22	for its foreseeable needs v :
23	3*Would (C)_WOULD nothavesignificantadverse
24	effects on the <u>EXISIING</u> natural environment While would not
25	couse-"MundueWiror-water-pollWition+ MEET EXISTING AIR AND

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1	WATER POLLUTION REQUIREMENTS OR THAT THROUGH RECLAMATION THE
2	NATURAL ENVIRONMENT COULD BE RETURNED SUBSTANTIALLY TO ITS
3	ORIGINAL CONDITION:
4	4Would <u>{B}WBULD</u> not-adversely-affect-existing-land
5	usesy <u>ESTABLISHED</u> scenie characteristics <u>IN-THE-AREA</u> y
6	natural-resourcesy or-property-valuesw1
7	5wWould <u>(E)(D)</u> WOULD have adequate sewage and solid
8	waste disposal facilities.
9	(3) CLASSES A. B. C. AND D SHALL BE DETERMINED AND
10	TAXED_AS_EOLLOWS:
11	Class Acomplies with criteria ly-2y-3y-4-and-5 (2)(A)
12	<u>THROUGH (2) (E)(D)</u> .
13	Class Bcomplies with criteria 3y4and5 <u>(2)(C)</u>
14	THROUGH (2) (E) (D).
15	Class Ccomplies with criteria 2ond-5 <u>(2)(B)</u> AND
16	<u>{2}+E+(0)</u> .
17	\sim Class Dother than class A, B ₂ or C.
18	LAND CLASSIFICATION INDUSTRIAL CLASSIFICATION
19	CLASS & CLASS B CLASS C CLASS D
20	Prime-agriculturol+100%+200%+300%+400%
21	Agricultural+200%+100%+150%+200%
22	Residential + 50% +100% +150% +200%
23	Commercia) - 25% - 15% -0- + 50%
24	Industria) - 50% - 30% - 10% + 25%
25	The percentages above reflect the amount in addition
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1	(+) to the appraised <u>TAXABLE</u> value or less than (~) the
2	appraised <u>TAXABLE</u> value. The <u>THESE</u> percentages <u>DF. TAXABLE</u>
3	YALUE shall be continuously applied to the land and the
4	buildings for 10 consecutive years following <u>IHEIR</u>
5	construction. The construction period shall MAY not be taxed
6	for new industrial construction or expansion of an existing
7	industry <u>. EXCEPT AS PROVIDED IN 84-7509(3){5}{6}AND</u>
8	171 84-7509.1(3) AND (5). Beginning with the 11th year
9	following construction, the percentage applied-tothe
10	approised OFTAXABLE value shall be adjusted in equal
11	increments until appraised <u>IAXABLE</u> value is attained in the
12	20th year. Thereafter, oppraised <u>THE PROPERTY</u> SHALL BE TAXED
13	AT IOO% DE TAXABLE value shall-be-used.
14	Section 10. There is a new R.C.M. section numbered
15	84-7511.1 that reads as follows:
16	84-7511.1. Centralized multifamily (high density)
17	residential developments. New or expanded multifamily (high
18	density) residential developments outside-of <u>WIIHIN</u> the
19	central business district but <u>OR AN AREA DESIGNATED BY</u> THE
20	<u>GOVERNING BODY DR THAT IS</u> within the core area y or within
21	1,000 feet of a designated neighborhood commercial area ,
22	shall may not be taxed during the construction period. The
23	f irst-year-after <u>AFTER</u> construction ^{ere} IS <u>COMPLETED</u> . <u>THE</u>
24	<u>PROPERTY</u> shall be taxed"at 50% of the appraised <u>ITSTAXABLE</u>
25	value FOR A FERIOD OF 10 YEARS. Each year thereafter willy

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<u>THE PERCENTAGE DE TAXABLE VALUE SHALL</u> be increased by 10%
 until the approised <u>TAXABLE</u> value is attained in the 5th
 <u>15TH</u> year. Subsequent <u>IN_SUBSEQUENT</u> years. <u>THE_PROPERTY</u>
 shall use-the-approised <u>BE_TAXED_AT_100% OF ITS_TAXABLE</u>
 value.

Section 11. There is a new R.C.M. section numbered
84-7512.1 that reads as follows:

8 84-7512.1. Planned unit development --- special 9 incentives. Planned unit developments approved by the 10 governing body will <u>SHALL</u> receive tax incentives as follows: 11 (1) Construction of industrial, commercial or 12 residential facilities which conform to the PUD shall <u>MAY</u> 13 not be taxed during the construction period.

(2) If the PUD is within the civic band, the first-10 14 years-following-construction PROPERTY shall be taxed at 75% 15 16 of the -- opproised ITS TAXABLE value FOR 10 YEARS FOLLOWING 17 CONSTRUCTION. Beginning with the 11th year following construction, the percentage applied-to-the-appraised OF 18 19 TAXABLE value shall be adjusted in equal increments until 20 appraised TAXABLE value is attained in the 20th year. Thereafter, appraised THE PROPERTY SHALL BE TAXED AT 100% OF 21 22 ITS TAXABLE value shall-be-used.

23 (3)--If-the-PUD-is-within-the-urban <u>SUBURBAN</u> bandy--the
 24 first--10--years-following-construction <u>PROPERTY</u> shall-be
 25 taxed-at-80%-of-the-appraised <u>ITS-TAXABLE</u> value <u>FUR-10-YEARS</u>

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1 FOLLOWING---CONSTRUCTION_---Deginging--with--the--lith--vegr 2 following--construction--the--percentage--applied--to---the 3 appraised <u>BE--FAKABLE</u> value--shall--be--adjusted--in-equal increments-until-appraised TAXABLE value-is-attained REACHED 4 in-the-20th-years-Thereoftery-appraised THE-PROPERTY-SHALL 5 BE-TAXED-AT-100%-OF-ITS-TAXABLE value-shall-be-useds 6 +++---If---the-PUD-is-within-the-rural-areav-the-first-10 7 8 years-following-construction PROPERTY shall-be-taxed-at--90% of--the--appraised ITS TAXABLE value FOR 10-YEARS FOLLOWING 9 10 68NSTRUCTION---Beginning--with--the--llth---vear---following 11 constructiony--the--percentage--applied--to-the-appraised 6F 12 TAXABLE value-shall-be-adjusted-in--equal--increments--until 13 appreised TAXABLE value--is--attained REACHED in-the-20th 14 veers-Thereofters-appraised THE-PROPERTY-SHALL BE-TAXED-AT 15 106%-UE-115-TAXABLE value-shall-be-useds 16 151--IFy--THROUGH--EFFICIENT--LAND--USEy--DENSITIES--IN 17 SINGLE-DETACHED-DWELLINGS-ARE-INCREASED-TD-12-BR-NBRE--UNITS 18 PER--ACRE--WITHIN--A-SUBDIVIDED-AREAy-THDSE-PROPERTIES-SHALL HAVE-THEIR-TAXES-REDUCED-10%-BELOW-THE-VALUATION GIVEN AFTER 19 20 ALL-OTHER-PROVISIONS-OF-THIS ACT-HAVE-BEEN-APPLIED-THESE 21 REDUCTIONS---SHALL-APPLY--FOR-SO-LONG-A-TIME-AS--THEIR 22 RESPECTIVE-CATEGORIES-RECEIVE-A-TAX-REDUCTION. 23 (5)(13) The provisions of this section are unique 24 and apart from other provisions in this act and shall apply 25 whenever the conditions of a PUD are met.

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1	Section 12. There is a new R.C.N. section numbered
2	84-7513.1 that reads as follows:
3	84-7513.1. Remodeling of homes, buildings or
4	structures assessment provisions. (1) Remodeling of
5	existing buildings or structures w hich-results-in-an
6	increaseintheapproisedvalueofatleast5%yas
7	determined-by-the-governing-body, shall receive tax
8	benefits y-applied to-the-amount-of-the-increase-in-appraised
9	VOTUEN IN TIEU OF THOSE PROVIDED UNDER CLASS NINE, 84-301.
10	<u>OR 84-301-14</u> during the construction period and for the
11	next FOLLOWING 5 years in accordance with the following
12	SCHEDULE: THESE PERCENTAGES SHALL BE APPLIED TO ANY INCREASE
13	IN TAXABLE VALUE CAUSED BY THE REMODELING:
14	appraised value increased
14 15	appraised_yalus_indraaset
15	ansessment percentage -
15 16	Construction period 0%
15 16 17	Construction period 0% First year following construction 20%
15 16 17 18	DESERVATION PERCENTAGEConstruction period0%First year following construction20%Second year following construction40%
15 16 17 18 19	DESERVAL: percentage:
15 16 17 18 19 20	DescriptionConstruction period02First year following construction202Second year following construction403Third year following construction602Fourth year following construction803
15 16 17 18 19 20 21	DESERVAL: percentage:Construction period0%First year following construction20%Second year following construction40%Third year following construction60%Fourth year following construction80%Fifth year following construction100%
15 16 17 18 19 20 21 22	DESERVANCE PERCENTINGE
15 16 17 18 19 20 21 22 23	Substitute percentage

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1	following-the-passage-of-this-acty-unlessremodeledywhere
2	subsection {}} of this section applies. If <u>AN EXISTING HOME</u> .
3	BUILDING. OR STRUCTURE IS not remodeled AS_DEFINED IN_THIS
4	<u>CHAPTER</u> within the 10 years <u>FOLLOWING PASSAGE OF THIS ACT</u> , a
5	5% increase shall be added to the assessed IIS_TAXABLE value
6	ennuelly <u>EACH YEAR THAT THE OWNER FAILS TO REMODEL</u> to a
7	maximum of 50% yforpurposesoftoxationuntil- -the
8	p rovisions-of-subsecti on- (1}-of-this-section_are-met 。 After
9	remodeling A HOME: BUILDING, OR STRUCTURE HAS BEEN
10	<u>REMODELED</u> , the provisions of this section shall be
11	considered to be started again with the beginning of a new
12	10-year period.
13	(3) The governing body hestheauthorityto SHALL
14	waive the provisions of this section if UNLESS it can be
15	demonstrated that <u>LACK OF</u> regular maintenance over a period
16	of time has adequately <u>FAILED TO maintained MAINTAIN</u> the
17	value of the property 50 AND THAT DEPRECIATION HAS NOT IAKEN
18	PLACE TO LOWER THE VALUE OF THE PROPERTY MORE THAN 2 1/22.
19	Section 13. There is a new R.C.M. section numbered
20	84-7514.1 that reads as follows:
21	84-7514.1. Special conditions. (1) Any land
2 2	subclassified under this act may be, at the owner's option,
23	reclassified at any time to a new subclassification within

24 the same classification if allowed under the specifications

25 of that subclassification as set forth in this act.

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1 (2) Any increase in texation TAXES NECESSARY to pay 2 for the ANY loss of revenue caused by this act shall be 3 reflected—in RAISED BY an increase in INCREASED mill levies 4 and Not-in LEVY RATHER THAN BY an INCREASE in the valuation 5 of specific property.

6 (3) Any property under one or more ownerships OWNED BY 7 ONE OR MORE PERSONS OR COMPANIES may be so classified as to 8 meet one or more of the standards of this act.

9 (4) Hospitals, churches, rest homes, nursing homes,
10 governmental buildings, schools, colleges, or any charitable
11 institution operating-on-a--nonprofit-basis EXEMPLEROM
12 <u>IAXATION</u> under 84-202 may be constructed in any of the
13 classified land areas without penalty.

14 +5)--Any--county--containing-an-industry-which THAT can 15 be-shown-to-have--a--significant:-impact--on--o--neighboring 16 county--or-countiesy-shall HAY AT THE REQUEST OF AN AFFECTED 17 EBUNIY enter---into---joint---planning--strategies--with----the 18 impacted--county-or-counties-for-purposes-of-determining-the 19 tax-distribution-of-the--industry--in--relationship--to--the 20 impact--or--economic--loss-sustained-in-the-affected-county. 21 Should-the-tox-distribution-fail-to--be--negotisted--to--the 22 satisfaction---of---any---of---the--affected--countiesy--one 23 representative-of-the-governing-body-of-each-of-the-affected 24 counties-shall-meet-with-a-member-of-the--planning--division 25 of--the--department-of-community-affairsy-as-arbitratory-for

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1	the-resolution-of-that-conflicts-Should-the-arbitration-fail"
2	to-be-satisfactory-to-all-arbitrators <u>PARTIESy</u> thematter `
3	shall-be-oppealed-to-district-courty
4	{6}Thegoverningbodyshallhave-the-authority-to
5	a llow-construction-of-a-commercial-facility-onagricultural
6	tondwithoutpenaltyy-if-thot-facility-is-deemed-necessary
7	to-fill-the-needs-of-the-surrounding-rural-populace.
8	(7)[5] Any aggrieved taxpayer may appeal any decision
9	INVOLVING TAX BENEFITS OR PENALTIES rendered by the
10	governing body under this act to the state tax appeals
11	boar d•
12	tot-the the second terms of
13	YERIFICATION-BYIHE-DEPARTMENTOF-ADMINISTRATIONTHE
14	GOVERNINGBODYSHALE-NAKEY IN ADDITION-TD-ALL-OTHERSY-THE
15	FOLLOWING VALUE CHANGES FOR SAVINGS IN CONSUMPTION
16	THE FOLLQHING CHANGES IN VALUE IN HONES DHELLINGS OR
17 .	STRUCTURES-SHALL-BE-BASED-ON-PROVEN-SAVINGS-IN-ENERGY
18	CONSUMPTION THROUGH THE EFFICIENT USE-OF-MATERIALS -LOCATION
19	<u>OFSTRUCTUREORIENTATIONOPENING-SIZESOR-DTHER-PROVEN</u>
20	M ETHODS-EXTHER_IN_NEW-OR_REMODELED_CONSTRUCTION=
21	18}THE-DEPARTMENT-BE-ADHINISTRATIONSHALL-ESTABLISH
22	RULES DETAILING AVERAGE - HEAT LOSS" OR GAIN STANDARDS FOR
23	BIFFERENT-ELASSES-OF-STRUCTURES
24	<u>+cTHE-T+X-BENEFIT-OR-PENALTIES"5HALLBEBETERHINED</u>

25 "BY--BETERHINING-THE-BIFFERENCE-BETHEEN-THE-AVERAGE-HEAT-LOSS"

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1	<u>FOR_THAT-PARTICULAR_TYPE-OF-STRUCTURE-AND-ACTUAL_HEAT_LOSS</u>
z	AND-APPLYING-THE-FOLLOWING-PERCENTAGES+
3	11)ENERGY-SAVINGS
4	<u>SAVINGS-IN-BETEUE/SQE_FTEREDUCTIONS-IN-TAXABLEPERIO</u>
5	BR BUGHT_ABBUT-THRBUGHVALVES_IN-CBREv-CIVICBF-3
6	ENERGY CONSERVATIONAND_RURAL-DISTRICTSYEARS:
7	285555
8	4%;;
9	
10	
11	-58%-8R-8VER
12	(II) ENERGY GAIN
13	SAIN-IN_BUTUUU/SQU-FTUINGREASE-IN-TAXABLEPER IM
14	BROUGHT_ABOUT_THROUGHYALUES_IN_COREBE
15	INEFFICIENT BUILDING
16	DESIGN
17	1881852
18	
19	
20	<u>16%</u>
21	<u>50%</u>
22	{\$}ITIS-THE_INTENT-OF-THE-SEETION-THAT-NO-DEBUETION
23	UNDER THES-ACT-DE-ALLOWEDEDRCAPETALINVESTMENT-FORAN
24	ENERGYCONSERVATIONPRACTICEIN-THE-NEH-CONSTRUCTION-OF-A
25	BUILDING-IF-THAT-CRPITAL-INVESTMENT-WOULD-HAVE-BEEN-MADE

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1	UNDERESTABLISHEDSTANDARDS-OFNEW-CONSTRUCTIONTHE
2	DEPARTMENT-SHALL:ADDPT-RULES:TO-INPLEMENTTHISLEGISLATIVE
3	INTENTTHESE-RULES-SHALL-BE BASED ON THE BEST CURRENTLY
4	AVAILABLENETHODSOFANALYSISINCLUDINGTHOSEOFTHE
5	NATIONAL-BUREAU-OF-STANDARDSy-THE-DEPARIMENT-OF-NOUSING-AND
6	<u> WRBANDEVELOPMENT+ANDOTHEREEDERALAGENEIESAND</u>
7	PROFESSIONALSOCIETIESAND-MATERIALSDEVELOPEDBYIHE
8	BEPARTHENT_PROVISIONS_SHALE-BE_HADE-FOR_AN_ANNUAL_UPDATING
9	<u>BF=_RULES==AND_=STANDARDS==AS=REQUIRED_AND_TUE=READJUSTHENTS</u>
10	SUBSECTION-11)=
11	191(6) ANY PROVISIONS OF THIS ACT THAT COULD AFFECT
12	LAND WHICH WAS UNZONED AT THE TIME OF PASSAGE MAY BE APPLIED
13	AT THE DISCRETION OF THE GOVERNING BODY IF PLANNING IN
14	JURISDICTION HAS COMMENCED, SHOULD - AT THE TERMINATION
15	PLANNING THE PLAN NOT BE ACCEPTED, THE PROVISIONS OF THIS
16	ACT SHALL BE WAIVED. HOWEVER, NO TAX SAVINGS OR PENALTIES ON
17	ANY PROPERTY AFFECTED WILL BE RETURNED OR CHARGED TO THE
18	RESPECTIVE LANDDWNER BY ITS GOVERNING BODY.
19	<u> 110)-IEACITY-OR-EQUNTY-INPLEMENTS-THE-PROVISIONS-OF</u>
20	THIS-BILL AND ANOTHER DODY OF GOVERNMENT DOES NOT - THE - TAX
21	<u> PENALTY-OR-INCENTIVE-USED IN-THE-CALCULATION OF-PROPERTY-TAX</u>
22	SHALLAPPLYEDUNTY-WIDEON-THE-BASIS-DE-THE-FINAL-TAXABLE
23	VALUE-ESTABLISHED BY THIS - LET
24	Section 14. There is a new "R.C.M. section numbered
25	84-7515.1 that reads as follows:

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84-7515-1. Rules and regulations. The state 1 administering agency shall adopt such rules and regulations 2 pursuant to the Montana Administrative Procedure Act as are 3 necessary for the administration of this act. 4 Section 15. There is a new R.C.M. section numbered 5 84-7516-1 that reads as follows: 6 84-7516.1. Exemptions from act. No provision of this 7 act which-has-a-negative-or-adverse-taxation-effect IHAI 8 IMPOSES A TAX PENALTY shall apply to a IHE _PRIMARY _ private 9 residence owned AND OCCUPIED by a person or persons over 62 10 11 years of age. Section 16. There is a new R.C.M. section numbered 12 84-7517.1 that reads as follows: 13 84-7517.1. Changes in boundaries. (1) After final 14 15 adoption of plan. the coverning body or any property owner may petition for a-variance-or a change in the boundary of 16 any land use classification. Within 10 days of receipt of 17 the petition, the governing body shall foward a copy of the 18 19 petition to the affected municipaly-regionaly-or-county planning organization and the appropriate state agencies. 20 21 After 60 days but within 120 days or receipt of a petition, the noverning body shall advertise a public hearing to be 22 held in-the-county and serve notice on the persons and 23 agencies that have an interest in the subject of the 24 petition, at least 10 days prior to the hearing date. 25

(2) No petition shall be approved unless the 1 petitioner submitsy to the governing body-such-information 2 as-to-give proof that the area is needed for a use other 3 4 than that for which the land is classified and unless AT 5 LEAST TWO OF THE FOLLOWING CRITERIA APPLY: (a) the land is NOI usable and OR adaptable for the 6 7 use for which it is proposed <u>CLASSIFIED</u>, or the new use of 8 the land would be more beneficial to the area; 9 (b) conditions and trends of development have so 10 changed since the adoption of the existing classification that the proposed classification is reasonable and desirable 11 and the land is capable of sustaining the use proposed; and 12 13 (c) the proposed change shall offer the community OR 14 INDIVIDUAL AFFECTED relief from impact from CAUSED BY an 15 outside or uncontrollable influence facing the community 16 because of new and substantial development. 17 (3) Should the governing body approve the change in 18 classification, it shall modify the existing land use plan 19 to reflect such changes and shall change any taxable 20 valuations as may be necessary. 21 (4) THE GOVERNING BODY SHALL ACT ON THE PETITION 22 WITHIN 120 DAYS DE ITS RECEIPT. 23 Section 17. There is a new R.C.M. section numbered 84-7519.1 that reads as follows: 24 04-7518.1. Nonconforming uses. The lawful use of land 25

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or buildings, existing on the date of establishment of any
 classification or subclassification provided for under this
 act, may be continued <u>WITHOUT A TAX CHANGE</u> although the use
 does not conform to this act until such time as it is
 remodeled or changed to a different use.

6 Section 18. There is a new R.C.N. section numbered
7 84-7519.1 that reads as follows:

а 84-7519.1. Reappraisal by department AND 9 IMPLEMENTATION OF TAX BENEFITS AND PENALTIES. (1) The 10 appraised IAXABLE value of property shall always include any 11 increases or decreases determined by the department of revenue pursuant to a reclassification REAPPRAISAL plan 12 13 adopted under its authority. Any increases or decreases in 14 value specifically provided for under the terms of this act 15 shall be made after consideration of all such reappraisals. 16 (2) THE DEPARTMENT OF REVENUE AND ITS AGENTS SHALL 17 ENTER ANY INCREASE OR DECREASE IN TAXABLE VALUE REQUIRED BY 18 THIS ACT ON THE COUNTY ASSESSMENT ROLLS. 19 SECTION 19. THERE IS A NEW R.C.M. SECTION NUMBERED 20 84-7520.1 THAT READS AS FOLLOWS: 21 84-7520.1. PREPARATION OF RULES. IN PREPARING RULES 22 TO IMPLEMENT THIS ACT. THE STATE ADMINISTERING AGENCY SHALL 23 ADVISE ALL AFFECTED LOCAL GOVERNMENT" BODIES OF PROPOSED RULES, CONSIDER SUGGESTIONS FROM THEM, AND WORK IN 24

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25 CONJUNCTION WITH THEM.

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1	Section-19*Severability*Ifapert-of-this-act-is
2	invalidy-all-valid-parts-that-are-severable-from-the-invalid
3	part-remain-in-sffectwIf-a-part-of-this-act-is-invalidin
4	oneor-more-of-its-applicationsy-the-part-remains-in-effect
5	in-allvalidapplicationsthatareseverablefromthe
6	invalid-applications.
۲	Section-28RepeaterSections84-7582through
8	84-7526y-RvCvHz-1947y-are-repeatedz
9	Section 20. Effective date. Noportionofthisact
10	shallbecomeeffectiveuntilthe-provisions-of-84-7505wl
11	have-been-mety-except-for-those-portions-of-landclassified
12	<u>28NEB</u> yundertheprovisions-of-Title-11y-chapter-27y-into
13	categories-which are-consistent-with-the-provisions-ofthis
14	actundas-to-those-portions-of-landy-this-act-shall-be <u>DB</u>
15	ON-IHOSE-OTHER-PORTIONS_DE-LAND-SPECIFICALLY_ALLOWED_IN_IHIS
16	ACT
17	effectiveonJulyly1977wAllappraisalsand
18	classifications-made-thereafter-shall-bemadepursuantto
19	the-provisions-of-this-act. <u>THIS_ACT_IS_EFFECTIVE_JANUARY_1</u>
20	<u>1978.</u>
21	SECTION 21. SEVERABILITY. IF A PART OF THIS ACT IS
22	INVALID. ALL VALID PARTS THAT ARE SEVERABLE FROM THE INVALID
23	PART_REMAIN IN EFFECT. IF A PART OF THIS ACT IS INVALID. IN
24	ONE OR MORE DE ITS APPLICATIONS. THE PART REMAINS IN EFFECT
25	IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE

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1 INVALID APPLICATIONS.

2 SECTION 22. REPEALER. SECTIONS 84-7502 THROUGH

3 84-7526, R.C.M. 1947, ARE REPEALED.

-End-