

1 *Senate* BILL NO. *227*  
 2 INTRODUCED BY *Stacy Dawn Manly Peterson*  
 3 *John D. Doherty* *Mark Flynn* *Nealy*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
 5 11-3866, R.C.M. 1947, RELATIVE TO THE IMPOSITION OF  
 6 CONDITIONS AFTER APPROVAL OF A PRELIMINARY PLAT."

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

9 Section 1. Section 11-3866, R.C.M. 1947, is amended to  
 10 read as follows:

11 "11-3866. Submission of subdivision plat to governing  
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 13 Except where a plat is eligible for summary approval the  
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 17 subdivision lies within the boundaries of an incorporated  
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 19 approved by the city or town governing body. When the  
 20 proposed subdivision is situated entirely in an  
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 22 to and approved by the governing body of the county;  
 23 however, if the proposed subdivision lies within one (1)  
 24 mile of a third class city or town or within two (2) miles  
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 3 designated agent for review and comment. If the proposed  
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 6 by both the city or town and the county governing bodies.  
 7 This section does not limit the authority of certain  
 8 municipalities to regulate subdivisions beyond their  
 9 corporate limits pursuant to section 11-3305.

10 (2) The governing body shall approve, conditionally  
 11 approve, or reject the preliminary plat within sixty (60)  
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 14 shall show all pertinent features of the proposed  
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 17 preliminary plat to determine whether it conforms to the  
 18 local master plan if one has been adopted pursuant to  
 19 sections 11-3801 through 11-3856 to the provisions of this  
 20 act, and to rules and regulations prescribed or adopted  
 21 pursuant to this act.

22 (3) The governing body or its authorized agent or  
 23 agency shall hold a public hearing on the preliminary plat  
 24 and shall consider all relevant evidence relating to the  
 25 public health, safety and welfare, including the

1 environmental assessment, to determine whether the plat  
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 22 This approval shall be in force for not more than one (1)  
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 24 may, at the request of the subdivider, extend its approval  
 25 for no more than one (1) calendar year."

Approved by Comm.  
on Local Government

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3 *Boyer, Lou Davis, Bill Flynn, Neely*

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*SB227*

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SB 0227/02

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-End-

HOUSE OF REPRESENTATIVES

April 6, 1977

HOUSE COMMITTEE ON NATURAL RESOURCES AMENDMENTS TO SENATE BILL 227

1. Amend title, line 7.

Following: "PLAT"

Insert: "AND THE REVIEW OF MINOR SUBDIVISIONS"

2. Amend page 5, section 1, line 2.

Following: "year."

Insert: a new subsection which reads as follows:

"(6) Subdivisions containing 5 or fewer parcels where proper access to all lots is provided and in which no land is to be dedicated to the public for parks or playgrounds are to be reviewed as follows:

(a) The governing body must approve, conditionally approve, or disapprove the first such subdivision from a tract of record within 35 days of the submission of an application for approval thereof;

(b) The governing body shall state in writing the conditions which must be met if the subdivision is conditionally approved or, if it disapproves the subdivision, what local regulations would not be met by the subdivision;

(c) The requirements for holding a public hearing and preparing an environmental assessment shall not apply to the first such subdivision created from a tract of record;

(d) Subsequent subdivisions from a tract of record shall be reviewed under section 11-3863(5) and regulations adopted pursuant to that section."

AS AMENDED  
BE CONCURRED IN



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4 ~~(6) SUBDIVISIONS CONTAINING 5 OR FEWER PARCELS WHERE~~  
5 ~~PROPER ACCESS TO ALL LOTS IS PROVIDED AND IN WHICH NO LAND~~  
6 ~~IS TO BE DEDICATED TO THE PUBLIC FOR PARKS OR PLAYGROUNDS~~  
7 ~~ARE TO BE REVIEWED AS FOLLOWS:~~

8 ~~(A) THE GOVERNING BODY MUST APPROVE, CONDITIONALLY~~  
9 ~~APPROVE, OR DISAPPROVE THE FIRST SUCH SUBDIVISION FROM A~~  
10 ~~TRACT OF RECORD WITHIN 35 DAYS OF THE SUBMISSION OF AN~~  
11 ~~APPLICATION FOR APPROVAL THEREOF:~~

12 ~~(B) THE GOVERNING BODY SHALL STATE IN WRITING THE~~  
13 ~~CONDITIONS WHICH MUST BE MET IF THE SUBDIVISION IS~~  
14 ~~CONDITIONALLY APPROVED OR, IF IT DISAPPROVES THE~~  
15 ~~SUBDIVISION, WHAT LOCAL REGULATIONS WOULD NOT BE MET BY THE~~  
16 ~~SUBDIVISION:~~

17 ~~(C) THE REQUIREMENTS FOR HOLDING A PUBLIC HEARING AND~~  
18 ~~PREPARING AN ENVIRONMENTAL ASSESSMENT SHALL NOT APPLY TO THE~~  
19 ~~FIRST SUCH SUBDIVISION CREATED FROM A TRACT OF RECORD:~~

20 ~~(D) SUBSEQUENT SUBDIVISIONS FROM A TRACT OF RECORD~~  
21 ~~SHALL BE REVIEWED UNDER SECTION 11-3863(5) AND REGULATIONS~~  
22 ~~ADOPTED PURSUANT TO THAT SECTION."~~

-End-