

HOUSE BILL 43

IN THE HOUSE

January 4, 1979	Introduced and referred to Committee on Natural Resources.
January 9, 1979	Rereferred to Committee on Local Government.
February 19, 1979	Committee recommend bill, as amended, do not pass.
February 20, 1979	Report adopted. Objection.
February 21, 1979	Printed and placed on members' desks.
February 23, 1979	Second reading, do pass, as amended.
	Considered correctly engrossed.
	Third reading, not passed.

1 HOUSE BILL NO. 43
 2 INTRODUCED BY SHELDEN
 3 BY REQUEST OF THE INTERIM SUBCOMMITTEE ON SUBDIVISION LAWS
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 6 76-3-608, MCA, TO MODIFY AND DEFINE THE PUBLIC INTEREST
 7 CRITERIA FOR LOCAL GOVERNMENT REVIEW OF SUBDIVISIONS."
 8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 76-3-608, MCA, is amended to read:
 11 "76-3-608. Criteria for local government review. (1)
 12 ~~The~~ Except for those subdivisions eligible for summary
 13 review, the basis for the governing body's decision to
 14 approve, conditionally approve, or disapprove a subdivision
 15 shall be whether the preliminary plat, environmental
 16 assessment, public hearing, planning board recommendations,
 17 and additional information demonstrate that development of
 18 the subdivision would be in the public interest. ~~The~~
 19 ~~governing body shall disapprove any subdivision which it~~
 20 ~~finds not to be in the public interests~~
 21 (2) To determine whether the proposed subdivision
 22 would be in the public interest, the governing body shall
 23 issue a written ~~findings~~ finding of fact ~~which weigh the~~
 24 ~~following criteria for public interest that considers at~~
 25 least the following:

1 ~~(a) the basis of the need for the subdivision;~~
 2 ~~(b) expressed public opinion;~~
 3 ~~(c) effects on agriculture;~~
 4 ~~(d) effects on local services;~~
 5 ~~(e) effects on taxation;~~
 6 ~~(f) effects on the natural environment;~~
 7 ~~(g) effects on wildlife and wildlife habitat; and~~
 8 ~~(h) effects on the public health and safety.~~
 9 (a) the compatibility of the subdivision with adopted
 10 community goals, policies, or plans;
 11 (b) (i) the effect the subdivision would have on
 12 public schools, services, and facilities (including the
 13 extent to which new or expanded services would be needed to
 14 serve the subdivision);
 15 (ii) who would bear the various costs of the additional
 16 services;
 17 (iii) what legal constraints affect the provision of
 18 those services; and
 19 (iv) whether the subdivision would allow the
 20 installation or improvement of services not feasible for
 21 present landowners;
 22 (c) the effects the subdivision would have on
 23 taxation, such as the effects on taxable valuation, local
 24 tax revenues, local mill levies, the local government's
 25 bonded indebtedness, and special taxing districts;

1 (d) the effect the subdivision and its construction
2 would have on ground and surface water, air, soils, slopes,
3 vegetation, wildlife, and historical or archaeological
4 sites;

5 (e) the affect on the public health and safety of
6 present and future residents from potential hazards such as
7 flooding, avalanches, rockslides, high-pressure gaslines,
8 high-voltage powerlines, nearby industrial or mining
9 operations, or unsafe airport or traffic conditions."

-End-

Local Government
Objection Raised to
Adverse Committee Report

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16 assessment, public hearing, planning board recommendations,
17 and additional information demonstrate that development of
18 the subdivision would be in the public interest. ~~The~~
19 ~~governing--body--shall--disapprove--any--subdivision--which--it~~
20 ~~finds--not--to--be--in--the--public--interest.~~

21 (2) To determine whether the proposed subdivision
22 would be in the public interest, the governing body shall
23 issue a written findings ~~finding of--fact--which--weigh--the~~
24 ~~following--criteria--for--public--interest that considers at~~
25 ~~least the following:~~

- 1 ~~(a)--the-basis-of-the-need-for-the-subdivision~~
- 2 ~~(b)--expressed-public-opinion~~
- 3 ~~(c)--effects-on-agriculture~~
- 4 ~~(d)--effects-on-local-services~~
- 5 ~~(e)--effects-on-taxation~~
- 6 ~~(f)--effects-on-the-natural-environment~~
- 7 ~~(g)--effects-on-wildlife-and-wildlife-habitat-and~~
- 8 ~~(h)--effects-on-the-public-health-and-safety~~
- 9 (a) the compatibility of the subdivision with adopted
- 10 community goals, policies, or plans;
- 11 (b) (i) the effect the subdivision would have on
- 12 public schools, services, and facilities (including the
- 13 extent to which new or expanded services would be needed to
- 14 serve the subdivision;
- 15 (ii) who would bear the various costs of the additional
- 16 services;
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- 18 those services; and
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- 20 installation or improvement of services not feasible for
- 21 present landowners;
- 22 (c) the effects the subdivision would have on
- 23 taxation, such as the effects on taxable valuation, local
- 24 tax revenues, local mill levies, the local government's
- 25 bonded indebtedness, and special taxing districts;

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2 would have on ground and surface water, air, soils, slopes,
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4 archaeological sites;

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6 present and future residents from potential hazards such as
7 flooding, avalanches, rockslides, high-pressure gaslines,
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18 ~~the subdivision would be in the public interest. The~~
19 ~~governing body shall disapprove any subdivision which it~~
20 ~~finds not to be in the public interest. THE GOVERNING BODY~~
21 ~~MAY SHALL DISAPPROVE ANY SUBDIVISION WHICH IT FINDS NOT TO~~
22 ~~BE IN THE PUBLIC INTEREST.~~

23 (2) To determine whether the proposed subdivision
24 would be in the public interest, the governing body shall
25 issue a written findings ~~finding of--fact--which--weigh--the~~

1 ~~following criteria for public interest that considers at~~
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2 bonded indebtedness, and special taxing districts;

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4 would have on ground and surface water, air, soils, slopes,
5 vegetation, wildlife, ~~AGRICULTURE~~ AGRICULTURE, and
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