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.

46th Legislature

LC 0058/01

LC 0058/01

1	HOUSE BILL NO. 43
2	INTRODUCED BY SHELDEN
3	BY REQUEST OF THE INTERIM SUBCUMMITTEE 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 suspery
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	governingbodyshalldisspproveany-subdivisian-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	followingeriteriaforpublicinterest that considers at
25	least the following:

ı	ta}the-basis-of-tha-need-for-the-subdivision;
2	{b}expresse d-public-opinion;
3	{c}effects-on-agriculture;
4	{d}effects-on-local-services;
5	(e)effects-on-texation;
6	{f}effects-on-the-natural-environment)
7	{g}effacts-on-wildlife-and-wildlife-hobitats-and
8	{h}effacts-on-the-public-health-an d-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 lincluding the
13	extent to which new or expanded services would be needed to
14	serve the subdivision):
15	til) who would bear the various costs of the additional
16	SBLAICBZI
17	(iii) what legal constraints affect the provision of
18	those_services;_and
19	fix) 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

bonded indebtedness* and special taxing districts:

25

1 (d) the effect the subdivision and its construction would have on ground and surface water, air, soils, slopes, 2 3 vegetation, xildlife, and historical or archaeological <u>sitesi</u> 5 ie) the effect on the public health and safety of present and future residents from potential hazards such as 6 7 flooding. avalanches. rockslides. high-pressure gaslines. high-voltage powerlines, nearby industrial or mining 8 operations, or unsafe airport or traffic conditions."

-End-

-3-

£

46th Legislature H8 0043/02

Local Government

Objection Raised to Adverse Committee Report

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:
o	Section 1. Section 76-3-608, MCA, is amended to read:
1	"76-3-608. Criteria for local government review. (1)
2	The Except for those subdivisions eligible for summary
3	review. the basis for the governing body's decision to
4	approve, conditionally approve, or disapprove a subdivision
5	shall be whether the preliminary plate environmental
6	assessment, public hearing, planning board recommendations
7	and additional information demonstrate that development of
8.	the subdivision would be in the public interest. The
9	governingbodyshaildisapproveany-subdivision-which-id
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 offactwhichweighthe
24	followingcriterioforpublicinterest that considers at
25	least_the_following:

1	falrue-pasts-ot-rue-used-tot-the-3000141240U1
2	<pre>tb)expressed-public-opinion;</pre>
3	tcteffects-on-agricultures
4	td)effects-on-tocat-servicest
5	ta)effects-on-taxations
6	ff)effects-on-the-matural-environment;
7	tg}effects-on-wildlife-and-wildlife-habitat;-and
8	thteffects-on-the-public-health-end-safetyw
9	ial_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
1 4	serve_the_subdivisionl:
15	(ii) who would bear the various costs of the additional
16	\$BEXICOS:
17	fifil what legal constraints affect the provision of
18	those_servicesi_and
19	(iv) whether the subdivision would allow the
20	installation or improvement of services not feasible for
21	prasent_landowners:
22	<u>icl the effects the subdivision would have on</u>
23	taxation: such as the effects on taxable valuation: local
24	tax_revenues: local_mill_levies: the local_government's

bonded indebtedness, and special taxing districts:

-2-

SECOND READING

HB 0043/02

HS 0043/02

	(d) the effect the subdivision and its construction
	would_have_on_ground_and_surface_water=_air=_soils=_slopes=
	vegetation: wildlife: AGRICULIURAL: and historical or
	archaeological_sites:
į	<u>lel_the_effect_oo_the_oublic_bealth_and_safety_of</u>
	present and future residents from potential hazards such as
	flooding. avalanches. rockslides. high-pressure gaslines.
	high-voltage powerliness nearby industrial or mining
1	operations or unsafe airport or traffic conditions."
	-End-

-3-

HB 43

46th Legislature HB 0043/03

HOUSE BILL NO. 43

1

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	reviews 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	governingbodyshalldisapproveany-subdivision-which-it
20	finds-not-to-be-in-the-public-interest. IHE GOYERNING RODY
21	MAY SHALL DISAPPROVE ANY SUBDIVISION WHICH IT EINOS NOT IO
22	BE_IN_IHE_PUBLIC_INIERESIa
23	(2) To determine whether the proposed subdivision
24	would be in the public interest, the governing body shall

issue a written findings finding of--fact--which--weigh--the

1	followingcritorioforpublicinterest that considers at
2	least the following:
3	tajthe-basis-of-the-need-for-the-subdivisions
4	thtexpressed-public-opinion;
5	teteffects-on-agriculturet
6	td;effects-on-tocat-servicest
7	teleffects-on-texations
8	ff}effects-on-the-natural-environment;
9	tgteffects-on-wildlife-and-wildlife-habitett-and
0	th}effects-on-the-public-health-and-sefetye
1	(a) the compatibility of the subdivision with adopted
2	community goals, policies, or plans;
3	(b) (i) the effect the subdivision would have on
4	public schools, services, and facilities (including the
5	extent to which new or expanded services would be needed to
6	serve_the_subdivision):
7	fill who would bear the various costs of the additional
8	<u>servicesi</u>
9	fili) what legal constraints affect the provision of
О	those_services:_and
1	fix) whether the subdivision would allow the
2	installation or improvement of services not feasible for
3	present_landowners:
4	icl the effects the subdivision would have on
5	taxation, such as the offects on taxable valuation, local

-2- HB 43

HB 0043/03

HB 0043/03

1 .	tax_revenues*_local_mill_levies*_the_local_government's
s	bonded_indebtedness:.and.special_taxing_districts:
3	idl the affect the subdivision and its construction
4	equid_bave_on_ground_and_surface_water=_air=_sqils=_slopes=
5	vegetationwildlife. assisutiveat AGRICULIURE. and
6	historical_or_archaeological_sites;
7	(e) the effect on the public health and safety of
8	present and future residents from potential bazards such as
9	flooding <u>. avalanches. rockslides. high-pressure ga</u> slines.
10	high-voltage powerlines, nearby industrial or mining
11	operations.or_unsafe_airport_or_traffic_conditions."
	-End-

-3- HB 43