## HOUSE BILL 307

## IN THE HOUSE

January 22, 1979	Introduced and referred to Committee on Local Government.
February 20, 1979	Committee recommend bill, as amended.
February 21, 1979	Printed and placed on members' desks.
February 22, 1979	Second reading, do not pass.

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1	INTRODUCED BY AZZAKA BOLONO Walder Jele
2	INTRODUCED BY AZZAKA JOHN Walder
3	Kennis Humalson Mc Brede Ococcey Frete
4	A BILL FOR AN ACT ENTITLED: "AN AC" GRANTING ADDITIONAL
5	FLEXIBILITY TO LOCAL GOVERNING BODIES IN EXEMPTING CERTAIN
6	SUBDIVISIONS FROM THE PUBLIC INTEREST AND ENVIRONMENTAL
7	ASSESSMENT REQUIREMENTS; AMENDING SECTION 76-3-210. MCA."

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

Section 1. Section 76-3-210, MCA, is amended to read: "76-3-210. Subdivisions Certain subdivisions not exempted from requirement of an environmental assessment. (1) Subdivisions totally within a master planning area adopted pursuant to chapter 1 wherein zoning regulations pursuant to part 3 of chapter 2 or 76-2-201 and a long-range development program of public works' projects pursuant to 76-1-601 have been adopted are-deemed may be determined to be not in the public interest and exempt may not be exempted from the requirement of an environmental assessment. Ihe governing body may adopt by ordinance or resolution a finding that certain subdivisions in this category are subject to the public interest and environmental assessment requirements. If the governing body elects to subject such subdivisions to these requirements, it shall adopt by ordinance or resolution, procedures for the application of the public interest and environmental assessment

- (2) (a) When a subdivision is proposed in an area for which a master plan has been adopted pursuant to chapter 1 and the proposed subdivision will be in compliance with the plan or and when the subdivision will contain fewer more than 10 four parcels end-less--than-20--seres, a planning board established pursuant to chapter 1 and having jurisdiction over the area involved may exempt the subdivider from the completion of all or any portion of the environmental assessment.
- (b) When such an exemption is granted, the planning board shall prepare and certify a written statement of the reasons for granting the exemption. A copy of this statement shall accompany the preliminary plat of the subdivision when it is submitted for review.
- 17 (c) Where no properly established planning board

  18 having jurisdiction exists. the governing body may grant

  19 exemptions as specified in this subsection.
  - (3) (a) The governing body may by ordinance or resolution require the preparation of an environmental assessment for all subdivisions containing more than four parcels. If the governing body elects to require environmental assessments for these subdivisions: it shall adopt, by ordinance or resolution, procedures for

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1	implementation of this requirement.
2	(b) The requirement of an environmental assessment for
3	the subdivisions described in subsection (3)(a) may be
4	extended to all subdivisions within the jurisdiction of the
5	governing body even if a comprehensive plan has not been
6	adopted for the entire jurisdiction.

-End-

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46th Legislature HB 0307/02

Approved by Comm. on Local Government

1	HOUSE BILL NO. 307
2	INTRODUCED BY AZZARA, BARDANOUVE: WALDROM: JOHNSTON:
3	KEHMIS+ HUENNEKENS+ MCBRIDE+ COONEY+ FRATES
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT GRANTING ADDITIONAL
6	FLEXIBILITY TO LOCAL GOVERNING BODIES IN EXEMPTING CERTAIN
7	SUBDIVISIONS FROM THE PUBLIC INTEREST AND ENVIRONMENTAL
8	ASSESSMENT REQUIREMENTS; AMENDING SECTION 76-3-210. MCA.*
9	
01	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 76-3-210, MCA, is amended to read:
12	#76-3-210. Subdivisions Certain subdivisions not
13	exempted from requirement of an environmental assessment.
14	(1) Subdivisions totally within a master planning area
15	adopted pursuant to chapter 1 wherein zoning regulations
16	pursuant to part 3 of chapter 2 or 76-2-201 and a long-range
17	development program of public works* projects pursuant to
16	76-1-601 have been adopted are-deemed may be determined to
19	be not in the public interest and exempt may not be exempted
20	from the requirement of an environmental assessment. <u>The</u>
21	governing bodys AEIER A PUBLIC HEARINGS may adopt by
22	ordinance or resolution a finding that certain subdivisions
23	in this category are subject to the public interest and
44	environmental assessment requirements. If the governing

body elects to subject such subdivisions to these

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requirements. it shall adopt. by ordinance or resolution.

procedures for the application of the public interest and
environmental assessment requirements.

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HB 0307/02

- (2) (a) When a subdivision is proposed in an area for which a master plan has been adopted pursuant to chapter 1 and the proposed subdivision will be in compliance with the plan or and when the subdivision will contain fewer more than 10 four porcels LOIS and-less-than-20-acres, a planning board established, pursuant to chapter 1 and having jurisdiction over the area involved may exempt the subdivider from the completion of all or any portion of the environmental assessment.
- (b) When such an exemption is granted, the planning board shall prepare and certify a written statement of the reasons for granting the exemption. A copy of this statement shall accompany the preliminary plat of the subdivision when it is submitted for review.
- 18 IC) NO WRITTEN STATEMENT OF EXEMPTION WILL BE REQUIRED

  19 IN CASES OF SUMMARY REVIEW.
- 20 tet101 Where no properly established planning board
  21 naving jurisdiction exists, the governing body may grant
  22 exemptions as specified in this subsection.
- 23 <u>131\_1a1\_The governing body may by ordinance or</u>
  24 resolution require the preparation of an environmental
  25 assessment for all subdivisions containing more than four

-2-SECOND READING HS 307

## HB 0307/02

l	parcels LOIS. If the governing body elects to require
?	environmental_assessments_for_these_subdivisions.it_shall
3	adopt: by ordinance or resolution: procedures for
•	implementation of this requirement.
5	(b) The requirement of an environmental assessment for
5	the_subdivisions_described_in_subsection_(3)(a)_may_be
1	extended to all subdivisions within the jurisdiction of the
)	governing body even if a comprehensive plan has not been
,	adopted_for_the_entire_jurisdiction="

-End-

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