

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.

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-

Approved by Comm.
on Local Government

HOUSE BILL NO. 307

INTRODUCED BY AZZARA, BARDANOUVE, WALDRON, JOHNSTON,
KEMMIS, HUENNEKENS, McBRIDE, COONEY, FRATES

A BILL FOR AN ACT ENTITLED: "AN ACT GRANTING ADDITIONAL
FLEXIBILITY TO LOCAL GOVERNING BODIES IN EXEMPTING CERTAIN
SUBDIVISIONS FROM THE PUBLIC INTEREST AND ENVIRONMENTAL
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. ~~The~~
governing body, AFTER A PUBLIC HEARING, 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 requirements.~~

(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 ~~to~~ four ~~percent~~ acres 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.

~~(c) NO WRITTEN STATEMENT OF EXEMPTION WILL BE REQUIRED~~
~~IN CASES OF SUMMARY REVIEW.~~

~~(c) (1) Where no properly established planning board~~
~~having jurisdiction exists, the governing body may grant~~
~~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~~

1 ~~perceps~~ LOIS. If the governing body elects to require
2 environmental assessments for these subdivisions, it shall
3 adopt, by ordinance or resolutions, procedures for
4 implementation of this requirement.

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

-End-