

House Bill 192

In The House

January 13, 1981	Introduced and referred to Committee on Local Government.
February 18, 1981	Committee recommend bill do pass as amended.
February 19, 1981	Bill printed and placed on members' desks.
February 21, 1981	Second reading do pass.
February 23, 1981	Correctly engrossed.
February 24, 1981	Third reading passed.

In The Senate

March 2, 1981	Introduced and referred to Committee on Local Government.
March 18, 1981	Committee recommend bill concurred.
March 20, 1981	On motion taken from second reading and referred to Local Government. Motion adopted.
March 26, 1981	Committee recommend bill concurred.
March 28, 1981	Second reading concurred as amended.
March 30, 1981	Motion pass consideration.
March 31, 1981	Third reading not concurred.

In The House

April 1, 1981	Returned from Senate not concurred as amended.
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HOUSE BILL NO. 192

INTRODUCED BY Mann

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 76-3-608, MCA, TO MODIFY AND DEFINE THE PUBLIC INTEREST CRITERIA FOR LOCAL GOVERNMENT REVIEW OF SUBDIVISIONS."

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

Section 1. Section 76-3-608, MCA, is amended to read:

"76-3-608. Criteria for local government review. (1)

The ~~Except for those subdivisions eligible for summary review,~~ the basis for the governing body's decision to approve, conditionally approve, or disapprove a subdivision shall be whether the preliminary plat, environmental assessment, public hearing, planning board recommendations, and additional information demonstrate that development of the subdivision would be in the public interest. ~~The governing body shall disapprove any subdivision which it finds not to be in the public interest.~~

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

~~(a) the basis of the need for the subdivision;~~

- ~~(b) expressed public opinion;~~
- ~~(c) effects on agriculture;~~
- ~~(d) effects on local services;~~
- ~~(e) effects on taxation;~~
- ~~(f) effects on the natural environment;~~
- ~~(g) effects on wildlife and wildlife habitat; and~~
- ~~(h) effects on the public health and safety;~~
- (a) the compatibility of the subdivision with adopted community goals, policies, or plans;
- (b) (i) the effect the subdivision would have on public schools, services, and facilities (including the extent to which new or expanded services would be needed to serve the subdivision);
- (ii) who would bear the various costs of the additional services;
- (iii) what legal constraints affect the provision of those services; and
- (iv) whether the subdivision would allow the installation or improvement of services not feasible for present landowners;
- (c) the effects the subdivision would have on taxation, such as the effects on taxable valuation, local tax revenues, local mill levies, the local government's bonded indebtedness, and special taxing districts;
- (d) the effect the subdivision and its construction

1 would have on ground and surface water, air, soils, slopes,
2 vegetation, wildlife, and historical or archaeological
3 sites; and

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

-End-

Approved by Comm.
on Local Government

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13 approve, conditionally approve, or disapprove a subdivision
14 shall be whether the preliminary plat, environmental
15 assessment, public hearing, planning board recommendations,
16 and additional information demonstrate that development of
17 the subdivision would be in the public interest. ~~The~~
18 ~~governing--body--shall--disapprove--any--subdivision--which--it~~
19 ~~finds--not--to--be--in--the--public--interest.~~

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

25 ~~(a)--the-basis-of-the-need-for-the-subdivision;~~

- 1 ~~(b)--expressed-public-opinion;~~
- 2 ~~(c)--effects-on-agriculture;~~
- 3 ~~(d)--effects-on-local-services;~~
- 4 ~~(e)--effects-on-taxation;~~
- 5 ~~(f)--effects-on-the-natural-environment;~~
- 6 ~~(g)--effects-on-wildlife-and-wildlife-habitats-and~~
- 7 ~~(h)--effects-on-the-public-health-and-safety;~~
- 8 (A) EXPRESSED PUBLIC OPINION PROVIDED THAT IT IS IN
- 9 THE CONTEXT OF THE OTHER CRITERIA;
- 10 (B) EFFECTS ON AGRICULTURE AND AGRICULTURAL LAND,
- 11 CONSIDERING AT LEAST THE PRODUCTIVE CAPABILITY OF THE LAND,
- 12 AGRICULTURAL PRESERVATION PLANS FOR THE AREA, AND THE
- 13 UNIQUENESS OR IMPORTANCE TO THE LOCAL ECONOMY OF THE
- 14 AGRICULTURAL COMMODITIES PRODUCED;
- 15 ~~(c)~~ (C) the compatibility of the subdivision with
- 16 adopted community goals, policies, or plans;
- 17 ~~(d)~~ (D) (i) the effect the subdivision would have on
- 18 public schools, services, and facilities (including the
- 19 extent to which new or expanded services would be needed to
- 20 serve the subdivision);
- 21 (ii) who would bear the various costs of the additional
- 22 services;
- 23 (iii) what legal constraints affect the provision of
- 24 those services; and
- 25 (iv) whether the subdivision would allow the

1 installation or improvement of services not feasible for
2 present landowners;

3 fe)(E) the effects the subdivision would have on
4 taxation, such as the effects on taxable valuation, local
5 tax revenues, local mill levies, the local government's
6 bonded indebtedness, and special taxing districts;

7 fd)(F) the effect the subdivision and its construction
8 would have on ground and surface water, air, soils, slopes,
9 vegetation, wildlife, and historical or archaeological
10 sites; and

11 fe)(G) the effect on the public health and safety of
12 present and future residents from potential hazards such as
13 flooding, avalanches, rockslides, high-pressure gaslines,
14 high-voltage powerlines, nearby industrial or mining
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17 the subdivision would be in the public interest. ~~The~~
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20 (2) To determine whether the proposed subdivision
21 would be in the public interest, the governing body shall
22 issue a written findings ~~finding~~ of--fact--which--weigh--the
23 ~~following--criteria--for--public--interest~~ that considers at
24 least the following:

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1 ~~(b)--expressed-public-opinion;~~
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9 THE CONTEXT OF THE OTHER CRITERIA;
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11 CONSIDERING AT LEAST THE PRODUCTIVE CAPABILITY OF THE LAND,
12 AGRICULTURAL PRESERVATION PLANS FOR THE AREA, AND THE
13 UNIQUENESS OR IMPORTANCE TO THE LOCAL ECONOMY OF THE
14 AGRICULTURAL COMMODITIES PRODUCED;
15 (a)(C) the compatibility of the subdivision with
16 adopted community goals, policies, or plans;
17 (a)(D) (i) the effect the subdivision would have on
18 public schools, services, and facilities (including the
19 extent to which new or expanded services would be needed to
20 serve the subdivision);
21 (ii) who would bear the various costs of the additional
22 services;
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24 those services; and
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1 installation or improvement of services not feasible for
2 present landowners;

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4 taxation, such as the effects on taxable valuation, local
5 tax revenues, local mill levies, the local government's
6 bonded indebtedness, and special taxing districts;

7 (f) the effect the subdivision and its construction
8 would have on ground and surface water, air, soils, slopes,
9 vegetation, wildlife, and historical or archaeological
10 sites; and

11 (g) the effect on the public health and safety of
12 present and future residents from potential hazards such as
13 flooding, avalanches, rockslides, high-pressure gaslines,
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~~(a)(B)~~ (B) the compatibility of the subdivision with adopted community goals, policies, or plans;

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-End-

March 28, 1981

SENATE COMMITTEE OF THE WHOLE

Proposed amendment to House Bill 192, third reading copy, as follows:

1. Page 2, lines 10 through 14.
Strike: subsection (B) in its entirety.
Reletter: subsequent subsections.