

HOUSE BILL NO. 594

INTRODUCED BY KEMMIS, NORMAN

IN THE HOUSE

January 31, 1981	Introduced and referred to Committee on Local Government.
February 14, 1981	Committee recommend bill do pass as amended. Report adopted.
February 16, 1981	Bill printed and placed on members' desks.
February 17, 1981	Second reading, do pass.
February 18, 1981	Correctly engrossed.
February 19, 1981	Third reading, passed. Ayes, 95; Noes, 5. Transmitted to Senate.

IN THE SENATE

February 20, 1981	Introduced and referred to Committee on State Administration.
March 3, 1981	Rereferred to Committee on Local Government.
March 30, 1981	Committee recommend bill be concurred in. Minority report adopted.
March 31, 1981	Second reading, concurred in as amended. On motion rules suspended. Bill placed on calendar for third reading this day and allowed to be transmitted on 71st legislative day. Motion adopted. Third reading, concurred in as amended. Ayes, 41; Noes, 9.

IN THE HOUSE

April 1, 1981

Returned from Senate with amendments.

April 8, 1981

Second reading, amendments concurred in.

April 9, 1981

Third reading, amendments concurred in. Ayes, 86; Noes, 11. Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 594
2 INTRODUCED BY Annita Norman

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING LAND
5 DEVELOPMENT AND USE BY GOVERNMENTAL AGENCIES TO CONFORM TO
6 LOCAL ZONING REGULATIONS."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Definitions. As used in [this act], the
10 following definitions apply:

11 (1) "Agency" means a board, bureau, commission,
12 department, an authority, or other entity of state or local
13 government.

14 (2) "Local zoning regulations" means zoning
15 regulations adopted pursuant to Title 76, chapter 2.

16 Section 2. Local zoning regulations to apply to
17 agencies. The development and use of land held by an agency
18 shall comply with local zoning regulations if:

19 (1) zoning has been adopted pursuant to Title 76,
20 chapter 2;

21 (2) zoning has been adopted in compliance with a
22 master plan adopted as provided in Title 76, chapter 1, part
23 6; and

24 (3) the application of such zoning does not have the
25 effect of excluding any state or local government

1 institution from the jurisdictional area for which the local
2 zoning regulations have been adopted.

3 Section 3. Public interest to be considered in review
4 of agency zoning request. (1) In reviewing a request by an
5 agency for zoning, rezoning, or variance, the governing
6 body, zoning commission, and board of adjustment of the unit
7 of local government whose regulations govern shall review
8 the request in accordance with the provisions of Title 76,
9 chapter 2.

10 (2) The following tests of public interest shall also
11 be considered when reviewing a zoning request by an agency:

12 (a) the public benefit to be served by the intended
13 use, including regional and statewide interests;

14 (b) the effect compliance with local land-use
15 regulations would have on the applying agency in its effort
16 to serve the public;

17 (c) the availability of alternative locations for the
18 proposed development or use of land.

19 (3) The provisions of subsection (2) do not apply to
20 review of zoning requests of an agency for land that has
21 been acquired under a long-range development plan but that
22 is not being used for its eventually intended public
23 purpose.

-End-

Approved by Comm.
on Local Government

HOUSE BILL NO. 594

INTRODUCED BY KEMMIS, NORMAN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING LAND DEVELOPMENT AND USE BY GOVERNMENTAL AGENCIES TO CONFORM TO LOCAL ZONING REGULATIONS."

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

Section 1. Definitions. As used in [this act], the following definitions apply:

(1) "Agency" means a board, bureau, commission, department, an authority, or other entity of state or local government.

(2) "Local zoning regulations" means zoning regulations adopted pursuant to Title 76, chapter 2.

Section 2. Local zoning regulations to apply to agencies. ~~The EXCEPT AS PROVIDED IN 76-2-314 AND FOR RIGHTS-OF-WAY AND EASEMENTS, THE~~ development and use of land held by an agency shall comply with local zoning regulations if:

(1) zoning has been adopted pursuant to Title 76, chapter 2;

(2) zoning has been adopted in compliance with a master plan adopted as provided in Title 76, chapter 1, part 6; and

(3) the application of such zoning does not have the effect of excluding any state or local government institution from the jurisdictional area for which the local zoning regulations have been adopted.

Section 3. Public interest to be considered in review of agency zoning request. (1) In reviewing a request by an agency for zoning, rezoning, or variance, the governing body, zoning commission, and board of adjustment of the unit of local government whose regulations govern shall review the request in accordance with the provisions of Title 76, chapter 2.

(2) The following tests of public interest shall also be considered when reviewing a zoning request by an agency:

(a) the public benefit to be served by the intended use, including regional and statewide interests;

(b) the effect compliance with local land-use regulations would have on the applying agency in its effort to serve the public;

(c) the availability of alternative locations for the proposed development or use of land.

(3) The provisions of subsection (2) do not apply to review of zoning requests of an agency for land that has been acquired under a long-range development plan but that is not being used for its eventually intended public purpose.

HB 0594/02

-End-

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20 proposed development or use of land.21 (3) The provisions of subsection (2) do not apply to
22 review of zoning requests of an agency for land that has
23 been acquired under a long-range development plan but that
24 is not being used for its eventually intended public
25 purpose.-End-
-2-

THIRD READING

HB 594

HOUSE BILL NO. 594

INTRODUCED BY KEMMIS, NORMAN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING LAND DEVELOPMENT AND USE BY GOVERNMENTAL AGENCIES TO CONFORM TO LOCAL ZONING REGULATIONS BE SUBJECT TO A PUBLIC HEARING."

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

Section 1. Definitions. As used in [this act], the following definitions apply:

(1) "Agency" means a board, bureau, commission, department, an authority, or other entity of state or local government.

(2) "Local zoning regulations" means zoning regulations adopted pursuant to Title 76, chapter 2.

Section 2. Local zoning regulations to apply to agencies. The EXCEPT AS PROVIDED IN 76-2-314 AND FOR RIGHTS-OF-WAY-AND-EASEMENTS, THE development and use of land held by an agency shall comply with local zoning regulations if:

(1) zoning has been adopted pursuant to Title 76, chapter 2;

(2) zoning has been adopted in compliance with a master plan adopted as provided in Title 76, chapter 1, part 6; and

(3) the application of such zoning does not have the effect of excluding any state or local government institution from the jurisdictional area for which the local zoning regulations have been adopted.

Section 3. Public interest to be considered in review of agency zoning requests. (1) In reviewing a request by an agency for zoning, rezoning, or variance, the governing body, zoning commission, and board of adjustment of the unit of local government whose regulations govern shall review the request in accordance with the provisions of Title 76, chapter 2.

(2) The following tests of public interest shall also be considered when reviewing a zoning request by an agency:

(a) the public benefit to be served by the intended uses, including regional and statewide interests;

(b) the effect compliance with local land use regulations would have on the applying agency in its effort to serve the public;

(c) the availability of alternative locations for the proposed development or use of lands;

(3) The provisions of subsection (2) do not apply to review of zoning requests of an agency for land that has been acquired under a long-range development plan but that is not being used for its eventually intended public purpose. WHENEVER AN AGENCY PROPOSES TO USE PUBLIC LAND

1 CONTRARY TO LOCAL ZONING REGULATIONS A PUBLIC HEARING, AS
2 DEFINED BELOW, SHALL BE HELD.

3 (1) THE LOCAL BOARD OF ADJUSTMENTS, AS PROVIDED IN
4 TITLE 76, CHAPTER 2, SHALL HOLD A HEARING WITHIN 30 DAYS OF
5 THE DATE THE AGENCY GIVES NOTICE TO THE BOARD OF ITS INTENT
6 TO DEVELOP LAND CONTRARY TO LOCAL ZONING REGULATIONS.

7 (2) THE BOARD SHALL HAVE NO POWER TO DENY THE PROPOSED
8 USE BUT SHALL ACT ONLY TO ALLOW A PUBLIC FORUM FOR COMMENT
9 ON THE PROPOSED USE.

-End-

March 31, 1981

SENATE COMMITTEE OF THE WHOLE

Proposed amendments to House Bill 594, third reading copy, as follows:

1. Title, lines 5 and 6.

Following: "AGENCIES TO"

Strike: "CONFORM TO LOCAL ZONING REGULATIONS"

Insert: "BE SUBJECT TO A PUBLIC HEARING"

2. Page 1, line 17 through page 2, line 25.

Following: "The"

Strike: the remainder of these lines.

Insert: "Whenever an agency proposes to use public land contrary to local zoning regulations a public hearing, as defined below, shall be held.

(1) The local board of adjustments, as provided in Title 76, chapter 2, shall hold a hearing within 30 days of the date the agency gives notice to the board of its intent to develop land contrary to local zoning regulations.

(2) The board shall have no power to deny the proposed use but shall act only to allow a public forum for comment on the proposed use"