SENATE BILL NO. 35

INTRODUCED BY S. BROWN

BY REQUEST OF THE STUDY COMMITTEE ON ANNEXATION LAWS

IN THE SENATE

January 5, 1981	Introduced and referred to Committee on Local Government.
January 10, 1981	Committee recommend bill do pass. Report adopted.
January 12, 1981	Bill printed and placed on members' desks.
January 13, 1981	Second reading, do pass.
January 14, 1981	Considered correctly engrossed.
January 15, 1981	Third reading, passed. Transmitted to House.

IN THE HOUSE

January 16, 1981	Introduced and referred to Committee on Local Government.
March 6, 1981	Committee recommend bill be concurred in. Report adopted.
March 9, 1981	Second reading, concurred in.
March 11, 1981	Third reading, concurred in. Ayes, 87; Noes, 7.

IN THE SEMATE

March	12,	1981	Retu	rned	from	Rouse.	Concurred
			in.	Sent	t to	enrollin	g.
			Peno	rtad	COFF	actly an	rolled.

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5	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE MONTANA
ప	SUBDIVISION AND PLATTING ACT TO PROVIDE FOR JOINT HEARINGS
7	AND COORDINATION OF REQUIREMENTS FOR ANNEXATION WHENEVER
δ	POSSIBLE; AMENDING SECTIONS 76-3-601 AND 76-3-605, MCA.*
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 76-3-601, MCA, is amended to read:
12	#76-3-601. Submission of preliminary plat for review.
13	(1) Except where a plat is eligible for summary approval,
14	the subdivider shall present to the governing body or the
15	agent or agency designated thereby the preliminary plat of
1ó	the proposed subdivision for local review. The preliminary
17	plat shall show all pertinent features of the proposed
18	subdivision and all proposed improvements.
19	(2) (a) When the proposed subdivision lies within the
sc	boundaries of an incorporated city or town, the preliminary
21	plat shall be submitted to and approved by the city or town
22	governing body.
23	(b) When the proposed subdivision is situated entirely
24	in an unincorporated area, the preliminary plat shall be

submitted to and approved by the governing body of the

county. However, if the proposed subdivision lies within 1 1 mile of a third-class city or town or within 2 miles of a second-class city or within 3 miles of a first-class city, the county coverning body shall submit the preliminary plat to the city or town governing body or its designated agent for review and comment.

- 7 (c) If the proposed subdivision lies partly within an incorporated city or town, the proposed plat thereof must be 9 submitted to and approved by both the city or town and the 10 county governing bodies.
- 11 (d) When a proposed subdivision is also proposed to be 12 annexed to a municipality, the governing body of the 13 municipality shall coordinate the subdivision review and annexation procedures to minimize duplication of hearings. 14 15 reports, and other requirements whenever possible.

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- . (3) This section and 76-3-694, 76-3-605, and 76-3-608 through 76-3-610 do not limit the authority of certain municipalities to regulate subdivisions beyond their corporate limits pursuant to 7-3-4444.*
- Section 2. Section 76-3-605, MCA, is amended to read: *76-3-605. Hearing on preliminary plat. (1) The governing body or its authorized agent or agency shall hold a public hearing on the preliminary plat and shall consider all relevant evidence relating to the public health, safety, and welfare, including the environmental assessment, to

determine whether the plat should be approved, conditionally approved, or disapproved by the governing body.

121 when a proposed subdivision is also proposed to be ennexed to a municipality. the governing body of the municipality shall hold joint hearings on the preliminary plat and approxision whenever opssible.

publication in a newspaper of general circulation in the county not less than 15 days prior to the date of the hearing. The subdivider and each property owner of record immediately adjoining the land included in the plat shall also be notified of the hearing by registered or certified mail not less than 15 days prior to the date of the hearing.

(3)(4) When a hearing is held by an agent or agency designated by the governing body, the agent or agency shall act in an advisory capacity and recommend to the governing body the approval, conditional approval, or disapproval of the plat. This recommendation must be submitted to the governing body in writing not later than 10 days after the public hearing.

-End-

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Approved by Comm. on Local Government

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19	(2) (a) When the proposed subdivision lies within the
20	boundaries of an incorporated city or town, the preliminary
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mile of a third-class city or town or within 2 miles of a 2 second-class city or within 3 miles of a first-class city, 3 the county coverning body shall submit the preliminary plat to the city or town governing body or its designated agent for review and comment. 7 (c) If the proposed subdivision lies partly within an 8 incorporated city or town, the proposed plat thereof must be 9 submitted to and approved by both the city or town and the 10 county governing bodies. 11 (d) When a proposed subdivision is also proposed to be 12 annexed to a municipality, the governing body of the 13 municipality shall coordinate the subdivision review and 14 annexation procedures to minimize duplication of hearings. 15 reports. and other requirements whenever possible. 16 (3) This section and 76-3-604, 76-3-605, and 76-3-608 17 through 76-3-610 do not limit the authority of certain 18 municipalities to regulate subdivisions beyond their 19 corporate limits pursuant to 7-3-4444.** 20 Section 2. Section 76-3-605: MCA, is amended to read:

*76-3-605. Hearing on preliminary plat. (1) The

governing body or its authorized agent or agency shall hold

a public hearing on the preliminary plat and shall consider

all relevant evidence relating to the public health, safety,

and welfare, including the environmental assessment, to

county. However, if the proposed subdivision lies within 1

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determine whether the plat should be approved, conditionally approved, or disapproved by the governing body.

(2) When a proposed subdivision is also proposed to be annexed to a municipality, the governing body of the municipality shall hold joint hearings on the preliminary plat and annexation whenever possible.

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publication in a newspaper of general circulation in the county not less than 15 days prior to the date of the hearing. The subdivider and each property owner of record immediately adjoining the land included in the plat shall also be notified of the hearing by registered or certified mail not less than 15 days prior to the date of the hearing.

(3)(4) When a hearing is held by an agent or agency designated by the governing body, the agent or agency shall act in an advisory capacity and recommend to the governing body the approval, conditional approval, or disapproval of the plat. This recommendation must be submitted to the governing body in writing not later than 10 days after the public hearing."

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47th Legislature LC 0120/01

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-2- THIRD READING 5035

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