

SENATE BILL NO. 87

INTRODUCED BY THOMAS, KEATING, BERGENE, MILLER

IN THE SENATE

January 8, 1983	Introduced and referred to Committee on Local Government.
February 11, 1983	Committee recommend bill do pass as amended. Report adopted.
February 12, 1983	Bill printed and placed on members' desks.
February 14, 1983	Second reading, do pass.
February 15, 1983	Correctly engrossed.
February 16, 1983	Third reading, passed. Ayes, 49; Noes, 1. Transmitted to House.

IN THE HOUSE

March 1, 1983	Introduced and referred to Committee on Local Government.
March 11, 1983	Committee recommend bill be concurred in. Report adopted.
March 12, 1983	Second reading, concurred in.
March 14, 1983	Third reading, concurred in.

IN THE SENATE

March 15, 1983	Returned to Senate. Sent to enrolling. Reported correctly enrolled.
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1 *Asst.* BILL NO. *87*
2 INTRODUCED BY *Thomas* *Hasting*
3 *Bergene Malt*
4 A BILL FOR AN ACT ENTITLED: "AN ACT REDUCING FROM 15 DAYS
5 TO 10 DAYS THE MINIMUM NOTICE OF A PUBLIC HEARING ON
6 MUNICIPAL ZONING; REDUCING FROM 15 DAYS TO 10 DAYS THE
7 MINIMUM NOTICE OF A PUBLIC HEARING ON A PRELIMINARY PLAT OF
8 A PROPOSED SUBDIVISION; AND INCREASING FROM 1 YEAR TO 3
9 YEARS THE INITIAL PERIOD OF APPROVAL FOR A PRELIMINARY PLAT
10 OF A PROPOSED SUBDIVISION BY A LOCAL GOVERNING BODY;
11 AMENDING SECTIONS 76-2-303, 76-3-605, AND 76-3-610, MCA."
12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14 Section 1. Section 76-2-303, MCA, is amended to read:
15 "76-2-303. Procedure to administer zoning laws --
16 hearing and notice. (1) The city or town council or other
17 legislative body of such municipality shall provide for the
18 manner in which such regulations and restrictions and the
19 boundaries of such districts shall be determined,
20 established, and enforced and from time to time amended,
21 supplemented, or changed.
22 (2) However, no such regulation, restriction, or
23 boundary shall become effective until after a public hearing
24 in relation thereto at which parties in interest and
25 citizens shall have an opportunity to be heard. At least 15

1 10 days' notice of the time and place of such hearing shall
2 be published in an official paper or a paper of general
3 circulation in such municipality."

4 Section 2. Section 76-3-605, MCA, is amended to read:
5 "76-3-605. Hearing on preliminary plat. (1) The
6 governing body or its authorized agent or agency shall hold
7 a public hearing on the preliminary plat and shall consider
8 all relevant evidence relating to the public health, safety,
9 and welfare, including the environmental assessment, to
10 determine whether the plat should be approved, conditionally
11 approved, or disapproved by the governing body.

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

16 (3) Notice of such hearing shall be given by
17 publication in a newspaper of general circulation in the
18 county not less than 15 10 days prior to the date of the
19 hearing. The subdivider and each property owner of record
20 immediately adjoining the land included in the plat shall
21 also be notified of the hearing by registered or certified
22 mail not less than 15 10 days prior to the date of the
23 hearing.

24 (4) When a hearing is held by an agent or agency
25 designated by the governing body, the agent or agency shall

-2- INTRODUCED BILL

SB 87

1 act in an advisory capacity and recommend to the governing
2 body the approval, conditional approval, or disapproval of
3 the plat. This recommendation must be submitted to the
4 governing body in writing not later than 10 days after the
5 public hearing."

6 Section 3. Section 76-3-610, MCA, is amended to read:

7 "76-3-610. Effect of approval of preliminary plat. (1)
8 Upon approving or conditionally approving a preliminary
9 plat, the governing body shall provide the subdivider with a
10 dated and signed statement of approval. This approval shall
11 be in force for not more than \pm 3 calendar year years. At
12 the end of this period the governing body may, at the
13 request of the subdivider, extend its approval for no more
14 than 1 calendar year, except that the governing body may
15 extend its approval for a period of more than 1 year if that
16 approval period is included as a specific condition of a
17 written agreement between the governing body and the
18 subdivider, according to 76-3-507.

19 (2) After the preliminary plat is approved, the
20 governing body and its subdivisions may not impose any
21 additional conditions as a prerequisite to final plat
22 approval providing said approval is obtained within the
23 original or extended approval period as provided in
24 subsection (1)."

-End-

Approved by Comm.
on Local Government

SENATE BILL NO. 87

INTRODUCED BY THOMAS, KEATING, BERGENE, MILLER

A BILL FOR AN ACT ENTITLED: "AN ACT REDUCING FROM 15 DAYS TO 10 DAYS THE MINIMUM NOTICE OF A PUBLIC HEARING ON MUNICIPAL ZONING, REDUCING FROM 15 DAYS TO 10 DAYS THE MINIMUM NOTICE OF A PUBLIC HEARING ON A PRELIMINARY PLAT OF A PROPOSED SUBDIVISION, AND INCREASING FROM 1 YEAR TO 3 YEARS ALLOWING THE INITIAL PERIOD OF APPROVAL FOR A PRELIMINARY PLAT OF A PROPOSED SUBDIVISION BY A LOCAL GOVERNING BODY TO RANGE FROM 1 YEAR TO 3 YEARS; AMENDING SECTIONS 76-2-303, 76-3-605, AND SECTION 76-3-610, MCA."

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

Section 1, Section 76-2-303, MCA, is amended to read:

"76-2-303. Procedure to administer zoning laws -- hearing and notice -- (1) The city or town council or other legislative body of such municipality shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established and enforced and from time to time amended, supplemented or changed.

(2) However, no such regulatory restriction or boundary shall become effective until after a public hearing in relation thereto at which parties in interest and

citizens shall have an opportunity to be heard. At least 15 10 days' notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in such municipality."

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.

(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.

(3) Notice of such hearing shall be given by publication in a newspaper of general circulation in the county not less than 15 10 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 10 days prior to the date of the hearing.

(4) When a hearing is held by an agent or agency

1 ~~designated by the governing body, the agent or agency shall~~
 2 ~~act in an advisory capacity and recommend to the governing~~
 3 ~~body the approval, conditional approval, or disapproval of~~
 4 ~~the plats. This recommendation must be submitted to the~~
 5 ~~governing body in writing not later than 10 days after the~~
 6 ~~public hearing."~~

7 Section 1. Section 76-3-610, MCA, is amended to read:
 8 "76-3-610. Effect of approval of preliminary plat. (1)
 9 Upon approving or conditionally approving a preliminary
 10 plat, the governing body shall provide the subdivider with a
 11 dated and signed statement of approval. This approval shall
 12 be in force for not more than ~~± 3 calendar year years OR~~
 13 LESS THAN 1 CALENDAR YEAR. At the end of this period the
 14 governing body may, at the request of the subdivider, extend
 15 its approval for no more than 1 calendar year, except that
 16 the governing body may extend its approval for a period of
 17 more than 1 year if that approval period is included as a
 18 specific condition of a written agreement between the
 19 governing body and the subdivider, according to 76-3-507.

20 (2) After the preliminary plat is approved, the
 21 governing body and its subdivisions may not impose any
 22 additional conditions as a prerequisite to final plat
 23 approval providing said approval is obtained within the
 24 original or extended approval period as provided in
 25 subsection (1)."

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A BILL FOR AN ACT ENTITLED: "AN ACT REDUCING FROM 15 DAYS TO 10 DAYS THE MINIMUM NOTICE OF A PUBLIC HEARING ON MUNICIPAL ZONING, REDUCING FROM 15 DAYS TO 10 DAYS THE MINIMUM NOTICE OF A PUBLIC HEARING ON A PRELIMINARY PLAT OF A PROPOSED SUBDIVISION, AND INCREASING FROM 1 YEAR TO 3 YEARS ALLOWING THE INITIAL PERIOD OF APPROVAL FOR A PRELIMINARY PLAT OF A PROPOSED SUBDIVISION BY A LOCAL GOVERNING BODY TO RANGE FROM 1 YEAR TO 3 YEARS; AMENDING SECTIONS 76-2-303, 76-3-605, AND SECTION 76-3-610, MCA."

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

Section 1. Section 76-2-303, MCA, is amended to read:
 "76-2-303. Procedure to administer zoning laws--
 hearing and notices--(1) The city or town council or other legislative body of such municipality shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established, and enforced and from time to time amended, supplemented, or changed."

(2) However, no such regulatory, restriction, or boundary shall become effective until after a public hearing in relation thereto at which parties in interest and

citizens shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in such municipality."

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 assessments, to 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.

(3) Notice of such hearing shall be given by publication in a newspaper of general circulation in the county not less than 15-18 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 15-18 days prior to the date of the hearing.

(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 hearings."

Section 1. Section 76-3-610, MCA, is amended to read:

"76-3-610. Effect of approval of preliminary plat. (1)

Upon approving or conditionally approving a preliminary plat, the governing body shall provide the subdivider with a dated and signed statement of approval. This approval shall be in force for not more than ~~1~~ 3 calendar year ~~years~~ OR LESS THAN 1 CALENDAR YEAR. At the end of this period the governing body may, at the request of the subdivider, extend its approval for no more than 1 calendar year, except that the governing body may extend its approval for a period of more than 1 year if that approval period is included as a specific condition of a written agreement between the governing body and the subdivider, according to 76-3-507.

(2) After the preliminary plat is approved, the governing body and its subdivisions may not impose any additional conditions as a prerequisite to final plat approval providing said approval is obtained within the original or extended approval period as provided in subsection (1)."

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A BILL FOR AN ACT ENTITLED: "AN ACT REDUCING FROM 15 DAYS TO 10 DAYS THE MINIMUM NOTICE OF A PUBLIC HEARING ON MUNICIPAL ZONING, REDUCING FROM 15 DAYS TO 10 DAYS THE MINIMUM NOTICE OF A PUBLIC HEARING ON A PRELIMINARY PLAT OF A PROPOSED SUBDIVISION, AND INCREASING FROM 1 YEAR TO 3 YEARS ALLOWING THE INITIAL PERIOD OF APPROVAL FOR A PRELIMINARY PLAT OF A PROPOSED SUBDIVISION BY A LOCAL GOVERNING BODY TO RANGE FROM 1 YEAR TO 3 YEARS; AMENDING SECTIONS 76-2-303, 76-3-605, AND SECTION 76-3-610, MCA."

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

Section 16 Section 76-2-303, MCA, is amended to read:

"76-2-303. Procedure to administer zoning laws. -- hearing and notices. (1) The city or town council or other legislative body of such municipality shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established, and enforced and from time to time amended, supplemented or changed.

(2) However, no such regulatory restriction or boundary shall become effective until after a public hearing in relation thereto at which parties in interest and

citizens shall have an opportunity to be heard. At least 15 10 days' notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in such municipality."

Section 26 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.

(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.

(3) Notice of such hearing shall be given by publication in a newspaper of general circulation in the county not less than 15 10 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 10 days prior to the date of the hearing.

(4) When a hearing is held by an agent or agency

1 designated-by-the-governing-body-the-agent-or-agency-shall
 2 act-in-an-advisory-capacity-and-recommend-to-the-governing
 3 body-the-approval-conditional-approval-or-disapproval-of
 4 the-plat--This-recommendation-must-be-submitted-to-the
 5 governing-body-in-writing-not-later-than-10-days-after-the
 6 public-hearing."

7 Section 1. Section 76-3-610, MCA, is amended to read:

8 "76-3-610. Effect of approval of preliminary plat. (1)
 9 Upon approving or conditionally approving a preliminary
 10 plat, the governing body shall provide the subdivider with a
 11 dated and signed statement of approval. This approval shall
 12 be in force for not more than 1 3 calendar year years OR
 13 LESS THAN 1 CALENDAR YEAR. At the end of this period the
 14 governing body may, at the request of the subdivider, extend
 15 its approval for no more than 1 calendar year, except that
 16 the governing body may extend its approval for a period of
 17 more than 1 year if that approval period is included as a
 18 specific condition of a written agreement between the
 19 governing body and the subdivider, according to 76-3-507.

20 (2) After the preliminary plat is approved, the
 21 governing body and its subdivisions may not impose any
 22 additional conditions as a prerequisite to final plat
 23 approval providing said approval is obtained within the
 24 original ~~or~~ extended approval period as provided in
 25 subsection (1)."

-End-
 -3-