

HOUSE BILL NO. 516

INTRODUCED BY KEYSER, HANNAH, REHBERG,
SCHULTZ, MARKS, MANUEL, HOLLIDAY, ABRAMS,
CODY, HARBIN, GRADY, HAND, SIMON, IVERSON

IN THE HOUSE

January 26, 1985	Introduced and referred to Committee on Natural Resources.
February 25, 1985	Committee recommend bill do pass as amended. Report adopted. Statement of Intent attached. Bill printed and placed on members' desks.
February 26, 1985	Second reading, do pass. Considered correctly engrossed.
February 27, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 5, 1985	Introduced and referred to Committee on Local Government.
March 25, 1985	Committee recommend bill be concurrent in. Report adopted.
March 27, 1985	Second reading, concurred in.
March 29, 1985	Third reading, concurred in. Ayes, 49; Noes, 0. Returned to House.

IN THE HOUSE

March 29, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

- 1 (3) The rules shall further provide for:
- 2 (a) the furnishing to the department of a copy of the
- 3 plat and other documentation showing the layout or plan of
- 4 development, including:
- 5 (i) total development area;
- 6 (ii) total number of proposed dwelling units;
- 7 (b) adequate evidence that a water supply that is
- 8 sufficient in terms of quality, quantity, and dependability
- 9 will be available to ensure an adequate supply of water for
- 10 the type of subdivision proposed;
- 11 (c) evidence concerning the potability of the proposed
- 12 water supply for the subdivision;
- 13 (d) adequate evidence that a sewage disposal facility
- 14 is sufficient in terms of capacity and dependability;
- 15 (e) standards and technical procedures applicable to
- 16 storm drainage plans and related designs, in order to insure
- 17 proper drainage ways;
- 18 (f) standards and technical procedures applicable to
- 19 sanitary sewer plans and designs, including soil percolation
- 20 testing and required percolation rates and site design
- 21 standards for on-lot sewage disposal systems when
- 22 applicable;
- 23 (g) standards and technical procedures applicable to
- 24 water systems;
- 25 (h) standards and technical procedures applicable to

- 1 solid waste disposal;
- 2 (i) requiring evidence to establish that, if a public
- 3 sewage disposal system is proposed, provision has been made
- 4 for the system and, if other methods of sewage disposal are
- 5 proposed, evidence that the systems will comply with state
- 6 and local laws and regulations which are in effect at the
- 7 time of submission of the preliminary or final plan or plat.
- 8 (4) Review and certification or denial of
- 9 certification that a division of land is not subject to
- 10 sanitary restrictions under this part may occur only under
- 11 those rules in effect at the time an application is
- 12 submitted to the department."

-End-

APPROVED BY COMM. ON
NATURAL RESOURCES

1 STATEMENT OF INTENT

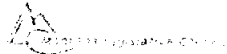
2 HOUSE BILL 516

3 House Natural Resources Committee

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5 It is the intent of the legislature that a subdivision
6 be reviewed under the rules in effect at the time an
7 application for approval of the subdivision is submitted.
8 Neither a local governing body (under the provisions of the
9 Montana Subdivision and Platting Act) nor the department of
10 health and environmental sciences (under Title 76, chapter
11 4, part 1) may modify its subdivision rules and apply the
12 modified rules to a subdivision submitted for review when
13 previously existing rules were in effect.

SECOND READING



HOUSE BILL NO. 516

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CODY, HARBIN, GRADY, HAND, SIMON, IVERSON

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT LOCAL
GOVERNING BODIES AND THE DEPARTMENT OF HEALTH AND
ENVIRONMENTAL SCIENCES MAY APPLY ONLY THOSE RULES IN EFFECT
AT THE TIME A SUBDIVISION APPLICATION IS SUBMITTED FOR
REVIEW; AMENDING SECTIONS 76-3-501 AND 76-4-104, MCA."

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

Section 1. Section 76-3-501, MCA, is amended to read:
"76-3-501. Local subdivision regulations. (1) Before
July 1, 1974, the governing body of every county, city, and
town shall adopt and provide for the enforcement and
administration of subdivision regulations reasonably
providing for the orderly development of their
jurisdictional areas; for the coordination of roads within
subdivided land with other roads, both existing and planned;
for the dedication of land for roadways and for public
utility easements; for the improvement of roads; for the
provision of adequate open spaces for travel, light, air,
and recreation; for the provision of adequate
transportation, water, drainage, and sanitary facilities;

for the avoidance or minimization of congestion; and for the
avoidance of subdivision which would involve unnecessary
environmental degradation and the avoidance of danger of
injury to health, safety, or welfare by reason of natural
hazard or the lack of water, drainage, access,
transportation, or other public services or would
necessitate an excessive expenditure of public funds for the
supply of such services.

(2) Review and approval or disapproval of a
subdivision under this chapter may occur only under those
regulations in effect at the time an application for
approval of a preliminary plat OR FOR AN EXTENSION UNDER
76-3-610 is submitted to the governing body."

Section 2. Section 76-4-104, MCA, is amended to read:
"76-4-104. Rules for administration and enforcement.

(1) The department shall adopt reasonable rules, including
adoption of sanitary standards, necessary for administration
and enforcement of this part.

(2) The rules and standards shall provide the basis
for approving subdivision plats for various types of water,
sewage facilities, and solid waste disposal, both public and
private, and shall be related to size of lots, contour of
land, porosity of soil, groundwater level, distance from
lakes, streams, and wells, type and construction of private
water and sewage facilities, and other factors affecting



1 public health and the quality of water for uses relating to
 2 agriculture, industry, recreation, and wildlife.

3 (3) The rules shall further provide for:

4 (a) the furnishing to the department of a copy of the
 5 plat and other documentation showing the layout or plan of
 6 development, including:

7 (i) total development area;

8 (ii) total number of proposed dwelling units;

9 (b) adequate evidence that a water supply that is
 10 sufficient in terms of quality, quantity, and dependability
 11 will be available to ensure an adequate supply of water for
 12 the type of subdivision proposed;

13 (c) evidence concerning the potability of the proposed
 14 water supply for the subdivision;

15 (d) adequate evidence that a sewage disposal facility
 16 is sufficient in terms of capacity and dependability;

17 (e) standards and technical procedures applicable to
 18 storm drainage plans and related designs, in order to insure
 19 proper drainage ways;

20 (f) standards and technical procedures applicable to
 21 sanitary sewer plans and designs, including soil percolation
 22 testing and required percolation rates and site design
 23 standards for on-lot sewage disposal systems when
 24 applicable;

25 (g) standards and technical procedures applicable to

1 water systems;

2 (h) standards and technical procedures applicable to
 3 solid waste disposal;

4 (i) requiring evidence to establish that, if a public
 5 sewage disposal system is proposed, provision has been made
 6 for the system and, if other methods of sewage disposal are
 7 proposed, evidence that the systems will comply with state
 8 and local laws and regulations which are in effect at the
 9 time of submission of the preliminary or final plan or plat.

10 (4) Review and certification or denial of
 11 certification that a division of land is not subject to
 12 sanitary restrictions under this part may occur only under
 13 those rules in effect at the time an-application-is PLANS
 14 AND SPECIFICATIONS ARE submitted to the department., EXCEPT
 15 IN CASES WHERE CURRENT RULES WOULD PRECLUDE THE USE FOR
 16 WHICH THE LOT WAS ORIGINALLY INTENDED, THE APPLICABLE
 17 REQUIREMENTS IN EFFECT AT THE TIME SUCH LOT WAS RECORDED
 18 MUST BE APPLIED. IN THE ABSENCE OF SPECIFIC REQUIREMENTS,
 19 MINIMUM STANDARDS NECESSARY TO PROTECT PUBLIC HEALTH AND
 20 WATER QUALITY WILL APPLY."

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 516

3 House Natural Resources Committee

4

5 It is the intent of the legislature that a subdivision
6 be reviewed under the rules in effect at the time an
7 application for approval of the subdivision is submitted.
8 Neither a local governing body (under the provisions of the
9 Montana Subdivision and Platting Act) nor the department of
10 health and environmental sciences (under Title 76, chapter
11 4, part 1) may modify its subdivision rules and apply the
12 modified rules to a subdivision submitted for review when
13 previously existing rules were in effect.

THIRD READING



HB 516

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

13 Section 1. Section 76-3-501, MCA, is amended to read:

14 "76-3-501. Local subdivision regulations. (1) Before
15 July 1, 1974, the governing body of every county, city, and
16 town shall adopt and provide for the enforcement and
17 administration of subdivision regulations reasonably
18 providing for the orderly development of their
19 jurisdictional areas; for the coordination of roads within
20 subdivided land with other roads, both existing and planned;
21 for the dedication of land for roadways and for public
22 utility easements; for the improvement of roads; for the
23 provision of adequate open spaces for travel, light, air,
24 and recreation; for the provision of adequate
25 transportation, water, drainage, and sanitary facilities;

1 for the avoidance or minimization of congestion; and for the
2 avoidance of subdivision which would involve unnecessary
3 environmental degradation and the avoidance of danger of
4 injury to health, safety, or welfare by reason of natural
5 hazard or the lack of water, drainage, access,
6 transportation, or other public services or would
7 necessitate an excessive expenditure of public funds for the
8 supply of such services.

9 (2) Review and approval or disapproval of a
10 subdivision under this chapter may occur only under those
11 regulations in effect at the time an application for
12 approval of a preliminary plat OR FOR AN EXTENSION UNDER
13 76-3-610 is submitted to the governing body."

14 Section 2. Section 76-4-104, MCA, is amended to read:

15 "76-4-104. Rules for administration and enforcement.

16 (1) The department shall adopt reasonable rules, including
17 adoption of sanitary standards, necessary for administration
18 and enforcement of this part.

19 (2) The rules and standards shall provide the basis
20 for approving subdivision plats for various types of water,
21 sewage facilities, and solid waste disposal, both public and
22 private, and shall be related to size of lots, contour of
23 land, porosity of soil, groundwater level, distance from
24 lakes, streams, and wells, type and construction of private
25 water and sewage facilities, and other factors affecting

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