# 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. Committee recommend bill be March 25, 1985 concurred in. Report adopted. Second reading, concurred in. March 27, 1985 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.

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49th Legislature

LC 0182/01

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LC 0182/01

1 INTRODUCED BY Thomas 10-1 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 6 7 AT THE TIME A SUBDIVISION APPLICATION IS SUBMITTED FOR REVIEW; AMENDING SECTIONS 76-3-501 AND 76-4-104, MCA." я 9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 76-3-501, MCA, is amended to read: 11 "76-3-501. Local subdivision regulations. (1) Before 12 July 1, 1974, the governing body of every county, city, and 13 14 town shall adopt and provide for the enforcement and 15 administration of subdivision regulations reasonably 16 providing for the orderly **development** of their jurisdictional areas; for the coordination of roads within 17 18 subdivided land with other roads, both existing and planned: for the dedication of land for roadways and for public 19 utility easements; for the improvement of roads; for the 20 provision of adequate open spaces for travel, light, air, 21 22 and recreation; for the provision of adequate transportation, water, drainage, and sanitary facilities; 23 for the avoidance or minimization of congestion; and for the 24 avoidance of subdivision which would involve unnecessary 25

environmental degradation and the avoidance of danger of 1 injury to health, safety, or welfare by reason of natural 2 hazard or the lack of water, ٦ drainage, access, transportation, or other public services or 4 would necessitate an excessive expenditure of public funds for the 5 6 supply of such services.

7 (2) Review and approval or disapproval of a 8 subdivision under this chapter may occur only under those regulations in effect at the time an application for 9 approval of a preliminary plat is submitted to the governing 10 11 body."

Section 2. Section 76-4-104, MCA, is amended to read: "76-4-104. Rules for administration and enforcement. 13 (1) The department shall adopt reasonable rules, including 14 adoption of sanitary standards, necessary for administration 15 and enforcement of this part. 16

(2) The rules and standards shall provide the basis 17 for approving subdivision plats for various types of water. 18 sewage facilities, and solid waste disposal, both public and 19 private, and shall be related to size of lots, contour of 20 land, porosity of soil, groundwater level, distance from 21 lakes, streams, and wells, type and construction of private 22 water and sewage facilities, and other factors affecting 23 public health and the quality of water for uses relating to 24 agriculture, industry, recreation, and wildlife. 25

> INTRODUCED BILL -2-HB 516



(3) The rules shall further provide for:
 (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 facility14 is sufficient in terms of capacity and dependability;

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

18 (f) standards and technical procedures ap, loable 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;

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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 U sewage disposal are 5 proposed, evidence that the systems will comply with state б and local laws and regulations which are in effect at the time of submission of the preliminary or final plan or plat. 7 8 (4) Review and certification or denial of 9 certification that a division of land is not subject to sanitary restrictions under this part may occur only under 10 those rules in effect at the time an application is 11

12 submitted to the department."

solid waste disposal;

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(h) standards and technical procedures applicable to

#### 49th Legislature

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## HB 0516/si

#### APPROVED BY COMM. UN NATURAL RESOURCES

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

SECOND READING

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1	HOUSE BILL NO. 516
2	INTRODUCED BY KEYSER, HANNAH, REHBERG,
3	SCHULTZ, MARKS, MANUEL, HOLLIDAY, ABRAMS,
4	CODY, HARBIN, GRADY, HAND, SIMON, IVERSON
5	
6	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT LOCAL
7	GOVERNING BODIES AND THE DEPARTMENT OF HEALTH AND
8	ENVIRONMENTAL SCIENCES MAY APPLY ONLY THOSE RULES IN EFFECT
9	AT THE TIME A SUBDIVISION APPLICATION IS SUBMITTED FOR
10	REVIEW; AMENDING SECTIONS 76-3-501 AND 76-4-104, MCA."
11	
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	<ol> <li>The department shall adopt reasonable rules, including</li> </ol>
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

Montana Legislative Council

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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
1 <b>2</b>	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
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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,
	WINTER AND ADD ADD ADD ADD ADD ADD ADD ADD ADD

- 19 MINIMUM STANDARDS NECESSARY TO PROTECT PUBLIC HEALTH AND
- 20 WATER QUALITY WILL APPLY."

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<sup>-</sup>End-

### HB 0516/si

1	STATEMENT OF INTENT
2	HOUSE BILL 516
3	House Natural Resources Committee
4	

It is the intent of the legislature that a subdivision 5 6 be reviewed under the rules in effect at the time an application for approval of the subdivision is submitted. 7 8 Neither a local governing body (under the provisions of the 9 Montana Subdivision and Platting Act) nor the department of health and environmental sciences (under Title 76, chapter 10 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

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1	HOUSE BILL NO. 516
2	INTRODUCED BY KEYSER, HANNAH, REHBERG,
3	SCHULTZ, MARKS, MANUEL, HOLLIDAY, ABRAMS,
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7	GOVERNING BODIES AND THE DEPARTMENT OF HEALTH AND
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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;

for the avoidance or minimization of congestion; and for the 1 avoidance of subdivision which would involve unnecessary 2 3 environmental degradation and the avoidance of danger of injury to health, safety, or welfare by reason of natural 4 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 administration18 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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public health and the quality of water for uses relating to
 agriculture, industry, recreation, and wildlife.

(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:

(i) total development area;

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(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
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12 the type of subdivision proposed;

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storm drainage plans and related designs, in order to insure
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sanitary sewer plans and designs, including soil percolation
testing and required percolation rates and site design
standards for on-lot sewage disposal systems when
applicable;

25 (g) standards and technical procedures applicable to

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1 water systems;

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

(i) requiring evidence to establish that, if a public 4 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 and local laws and regulations which are in effect at the 8 9 time of submission of the preliminary or final plan or plat. 10 (4) Review and certification or denial of certification that a division of land is not subject to 11 sanitary restrictions under this part may occur only under 12 those rules in effect at the time en-application-is PLANS 13 AND SPECIFICATIONS ARE submitted to the department, EXCEPT 14 15 IN CASES WHERE CURRENT RULES WOULD PRECLUDE THE USE FOR WHICH THE LOT WAS ORIGINALLY INTENDED, THE APPLICABLE 16 REQUIREMENTS IN EFFECT AT THE TIME SUCH LOT WAS RECORDED 17 MUST BE APPLIED. IN THE ABSENCE OF SPECIFIC REQUIREMENTS, 18 MINIMUM STANDARDS NECESSARY TO PROTECT PUBLIC HEALTH AND 19 WATER QUALITY WILL APPLY." 20

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REFERENCE BILL HB 516

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HB 0516/02

1 for the avoidance or minimization of congestion; and for the 1 HOUSE BILL NO. 516 2 INTRODUCED BY KEYSER, HANNAH, REHBERG, 2 avoidance of subdivision which would involve unnecessary 3 SCHULTZ, MARKS, MANUEL, HOLLIDAY, ABRAMS, 3 environmental degradation and the avoidance of danger of 4 CODY, HARBIN, GRADY, HAND, SIMON, IVERSON 4 injury to health, safety, or welfare by reason of natural 5 5 hazard or the lack of water, A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT LOCAL 6 transportation, or other public 6 GOVERNING 7 7 BODIES AND THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES MAY APPLY ONLY THOSE RULES IN EFFECT 8 supply of such services. 8 9 9 AT THE TIME A SUBDIVISION APPLICATION IS SUBMITTED FOR (2) Review and approval 10 REVIEW: AMENDING SECTIONS 76-3-501 AND 76-4-104, MCA." 10 11 11 12 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA. 13 13 Section 1. Section 76-3-501, MCA, is amended to read: 14 "76-3-501. Local subdivision regulations. (1) Before 14 15 15 July 1, 1974, the governing body of every county, city, and 16 town shall adopt and provide for the enforcement and 16 17 17 administration of subdivision regulations reasonably providing the orderly development 18 and enforcement of this part. 18 for of their jurisdictional areas; for the coordination of roads within 19 (2) The rules and standards shall provide the basis 19 subdivided land with other roads, both existing and planned: 20 20 21 for the dedication of land for roadways and for public 21 utility easements; for the improvement of roads; for the 22 22 23 provision of adequate open spaces for travel, light, air, 23 24 24 and recreation; for the provision of adequate transportation, water, drainage, and sanitary facilities; 25



drainage, access, services or would necessitate an excessive expenditure of public funds for the 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

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-End-

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