

HOUSE BILL NO. 783

INTRODUCED BY BRANDEWIE, SCHYE, CODY

IN THE HOUSE

FEBRUARY 16, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON LOCAL GOVERNMENT.

FEBRUARY 18, 1987 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

FEBRUARY 19, 1987 PRINTING REPORT.

FEBRUARY 20, 1987 SECOND READING, DO PASS.

FEBRUARY 21, 1987 ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 88; NOES, 4.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 23, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON LOCAL GOVERNMENT.

MARCH 12, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 17, 1987 SECOND READING, CONCURRED IN.

MARCH 19, 1987 THIRD READING, CONCURRED IN.
AYES, 49; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 19, 1987 RECEIVED FROM SENATE.

SENT TO ENROLLING.

1 House BILL NO. 783
 2 INTRODUCED BY Bruno Lewis Sabine Cook
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBSTANTIALLY LIMIT
 5 REQUIREMENTS FOR REVIEW OF DIVISIONS OF LAND FOR ACCESS AND
 6 EASEMENTS; AMENDING SECTIONS 76-3-505 AND 76-3-609, MCA; AND
 7 PROVIDING AN IMMEDIATE EFFECTIVE DATE."
 8

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

10 Section 1. Section 76-3-505, MCA, is amended to read:

11 "76-3-505. Provision for summary review of
 12 subdivisions and other divisions of land. (1) Local
 13 subdivision regulations shall include procedures for the
 14 summary review and approval of subdivision plats containing
 15 five or fewer parcels where proper access to all lots is
 16 provided, where no land in the subdivision will be dedicated
 17 to public use for parks or playgrounds, and which have been
 18 approved by the department of health and environmental
 19 sciences where such approval is required by part 1 of
 20 chapter 4; provided that reasonable local regulations may
 21 contain additional requirements for summary approval.

22 ~~(2) Local subdivision regulations must include~~
 23 ~~procedures for review of those divisions of land consisting~~
 24 ~~exclusively of parcels 20 acres or larger subject to this~~
 25 ~~chapter. Rules governing review of these divisions of land~~

1 ~~shall be limited to a written determination of whether~~
 2 ~~appropriate access and easements are properly provided."~~

3 Section 2. Section 76-3-609, MCA, is amended to read:
 4 "76-3-609. Review procedure for minor subdivisions and
 5 other divisions of land. (1) Subdivisions containing five or
 6 fewer parcels where proper access to all lots is provided
 7 and in which no land is to be dedicated to the public for
 8 parks or playgrounds are to be reviewed as follows:

9 (a)(1) The governing body must approve, conditionally
 10 approve, or disapprove the first such subdivision from a
 11 tract of record within 35 days of the submission of an
 12 application for approval thereof.

13 (b)(2) The governing body shall state in writing the
 14 conditions which must be met if the subdivision is
 15 conditionally approved or what local regulations would not
 16 be met by the subdivision if it disapproves the subdivision.

17 (c)(3) The requirements for holding a public hearing
 18 and preparing an environmental assessment shall not apply to
 19 the first such subdivision created from a tract of record.

20 (d)(4) Subsequent subdivisions from a tract of record
 21 shall be reviewed under 76-3-505 and regulations adopted
 22 pursuant to that section.

23 (2) (a) For divisions of land consisting exclusively
 24 of parcels 20 acres and larger, the governing body shall
 25 review the division of land within 35 days of the submission



1 of-an-application-for-review; The governing body's review
2 must be limited to a written determination that appropriate
3 access and easements are properly provided. The review
4 shall provide either:

5 (i) that the access and easements are suitable for the
6 purposes of providing appropriate services to the land; or

7 (ii) that the access and easements are not suitable for
8 the purposes of providing appropriate services to the land,
9 in which case the county, the school district or districts,
10 and other authorities and districts in which the land is
11 located will not provide services that involve use of the
12 unsuitable access and easements. Such services include:

13 (A) fire protection;

14 (B) school busing;

15 (C) ambulance;

16 (D) snow removal; and

17 (E) similar services as determined by the governing
18 body;

19 (b) The governing body shall deliver a copy of the
20 determination of the review to the county clerk and recorder
21 to be reflected on the certificate of survey or deed of
22 conveyance of the land that was subject to review.

23 (c) The governing body may, upon application by a
24 landowner, redetermine the suitability of access and
25 easements; if the governing body determines that there has

1 been a material change regarding access or easements and the
2 change provides for suitable access and easements for
3 services, it may determine that such land is now suitable as
4 provided in subsection (2)(a)(i) and shall deliver a copy of
5 such determination to the county clerk and recorder to be
6 reflected on the certificate of survey or deed of
7 conveyance.

8 (d) Requirements for holding a public hearing,
9 preparing an environmental assessment, and finding that the
10 division of land is in the public interest do not apply."

11 NEW SECTION. Section 3. Effective date. This act is
12 effective on passage and approval.

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

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INTRODUCED BY House BILL NO. 783
Bernard Sabye Cozy

A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBSTANTIALLY LIMIT REQUIREMENTS FOR REVIEW OF DIVISIONS OF LAND FOR ACCESS AND EASEMENTS; AMENDING SECTIONS 76-3-505 AND 76-3-609, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 76-3-505, MCA, is amended to read:

"76-3-505. Provision for summary review of subdivisions and other divisions of land. (1) Local subdivision regulations shall include procedures for the summary review and approval of subdivision plats containing five or fewer parcels where proper access to all lots is provided, where no land in the subdivision will be dedicated to public use for parks or playgrounds, and which have been approved by the department of health and environmental sciences where such approval is required by part 1 of chapter 4; provided that reasonable local regulations may contain additional requirements for summary approval.

~~(2) Local subdivision regulations must include procedures for review of those divisions of land consisting exclusively of parcels 20 acres or larger subject to this chapter. Rules governing review of these divisions of land~~

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~~shall be limited to a written determination of whether appropriate access and easements are properly provided."~~

Section 2. Section 76-3-609, MCA, is amended to read:

"76-3-609. Review procedure for minor subdivisions and other divisions of land. (1) Subdivisions containing five or fewer parcels where proper access to all lots is provided and in which no land is to be dedicated to the public for parks or playgrounds are to be reviewed as follows:

(a)(1) The governing body must approve, conditionally approve, or disapprove the first such subdivision from a tract of record within 35 days of the submission of an application for approval thereof.

(b)(2) The governing body shall state in writing the conditions which must be met if the subdivision is conditionally approved or what local regulations would not be met by the subdivision if it disapproves the subdivision.

(c)(3) The requirements for holding a public hearing and preparing an environmental assessment shall not apply to the first such subdivision created from a tract of record.

(d)(4) Subsequent subdivisions from a tract of record shall be reviewed under 76-3-505 and regulations adopted pursuant to that section.

~~(2) (a) For divisions of land consisting exclusively of parcels 20 acres and larger, the governing body shall review the division of land within 35 days of the submission~~



1 of-an-application-for-review.-The-governing-body's-review
 2 must-be-limited-to-a-written-determination-that-appropriate
 3 access-and-easements-are-properly-provided.-The-review
 4 shall-provide-either:

5 (i)-that-the-access-and-easements-are-suitable-for-the
 6 purposes-of-providing-appropriate-services-to-the-land;or
 7 (ii)-that-the-access-and-easements-are-not-suitable-for
 8 the-purposes-of-providing-appropriate-services-to-the-land;
 9 in-which-case-the-county,-the-school-district-or-districts,
 10 and-other-authorities-and-districts-in-which-the-land-is
 11 located-will-not-provide-services-that-involve-use-of-the
 12 unsuitable-access-and-easements.-Such-services-include:

13 (A)-fire-protection;
 14 (B)-school-busing;
 15 (C)-ambulance;
 16 (D)-snow-removal;and
 17 (E)-similar-services-as-determined-by-the-governing
 18 body;

19 (b)-The-governing-body-shall-deliver-a-copy-of-the
 20 determination-of-the-review-to-the-county-clerk-and-recorder
 21 to-be-reflected-on-the-certificate-of-survey-or-deed-of
 22 conveyance-of-the-land-that-was-subject-to-review.

23 (c)-The-governing-body-may,-upon-application-by-a
 24 landowner,-redetermine-the-suitability-of-access-and
 25 easements;-if-the-governing-body-determines-that-there-has

1 been-a-material-change-regarding-access-or-easements-and-the
 2 change-provides-for-suitable-access-and-easements-for
 3 services;-it-may-determine-that-such-land-is-now-suitable-as
 4 provided-in-subsection-(2)(a)(i)-and-shall-deliver-a-copy-of
 5 such-determination-to-the-county-clerk-and-recorder-to-be
 6 reflected-on-the-certificate-of-survey-or-deed-of
 7 conveyance.

8 (d)-Requirements-for-holding-a-public-hearing,
 9 preparing-an-environmental-assessment,-and-finding-that-the
 10 division-of-land-is-in-the-public-interest-do-not-apply."

11 NEW SECTION. Section 3. Effective date. This act is
 12 effective on passage and approval.

-End-

1 House BILL NO. 713
2 INTRODUCED BY Bonnie Lewis Selby Cozy
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBSTANTIALLY LIMIT
5 REQUIREMENTS FOR REVIEW OF DIVISIONS OF LAND FOR ACCESS AND
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12 subdivisions and other divisions of land. ~~{1}~~ Local
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17 to public use for parks or playgrounds, and which have been
18 approved by the department of health and environmental
19 sciences where such approval is required by part 1 of
20 chapter 4; provided that reasonable local regulations may
21 contain additional requirements for summary approval.

22 ~~{2}--Local--subdivision--regulations--must--include~~
23 ~~procedures--for-review-of-those-divisions-of-land-consisting~~
24 ~~exclusively-of-parcels-20-acres-or-larger--subject--to--this~~
25 ~~chapter.--Rules--governing-review-of-these-divisions-of-land~~

1 ~~shall-be-limited--to--a--written--determination--of--whether~~
2 ~~appropriate-access-and-easements-are-properly-provided--"~~

3 Section 2. Section 76-3-609, MCA, is amended to read:
4 "76-3-609. Review procedure for minor subdivisions and
5 other divisions of land. ~~{1}~~ Subdivisions containing five or
6 fewer parcels where proper access to all lots is provided
7 and in which no land is to be dedicated to the public for
8 parks or playgrounds are to be reviewed as follows:

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10 approve, or disapprove the first such subdivision from a
11 tract of record within 35 days of the submission of an
12 application for approval thereof.

13 ~~{b}~~{2} The governing body shall state in writing the
14 conditions which must be met if the subdivision is
15 conditionally approved or what local regulations would not
16 be met by the subdivision if it disapproves the subdivision.

17 ~~{c}~~{3} The requirements for holding a public hearing
18 and preparing an environmental assessment shall not apply to
19 the first such subdivision created from a tract of record.

20 ~~{d}~~{4} Subsequent subdivisions from a tract of record
21 shall be reviewed under 76-3-505 and regulations adopted
22 pursuant to that section.

23 ~~{2}--(a)--For-divisions-of-land--consisting--exclusively~~
24 ~~of--parcels--20--acres--and--larger--the-governing-body-shall~~
25 ~~review-the-division-of-land-within-35-days-of-the-submission~~



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2 must be limited to a written determination that appropriate
3 access and easements are properly provided. The review
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