

HOUSE BILL 380

Introduced by Rehberg, et al.

1/24	Introduced
1/25	Referred to Natural Resources
2/03	Hearing
2/08	Tabled in Committee

1 HOUSE BILL NO. 380
 2 INTRODUCED BY Rehberg Marks
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 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE CRITERIA
 5 USED BY A LOCAL GOVERNING BODY TO REVIEW A SUBDIVISION
 6 PROPOSAL UNDER THE MONTANA SUBDIVISION AND PLATTING ACT;
 7 AMENDING SECTION 76-3-608, MCA; AND PROVIDING AN
 8 APPLICABILITY DATE."

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

11 **Section 1.** Section 76-3-608, MCA, is amended to read:

12 "76-3-608. Criteria for local government review. (1)
 13 The ~~basis-for-the~~ governing body's decision to approve,
 14 conditionally approve, or disapprove a subdivision shall
 15 other than a minor subdivision under 76-3-609 must be
 16 whether based on the preliminary plat, environmental
 17 assessment, public hearing, planning board recommendations,
 18 and additional information ~~demonstrate that development of~~
 19 ~~the subdivision would be in the public interest. The~~
 20 ~~governing body shall disapprove any subdivision which it~~
 21 ~~finds not to be in the public interest.~~

22 ~~(2) To determine whether the proposed subdivision~~
 23 ~~would be in the public interest, the governing body shall~~
 24 ~~issue written findings of fact which weigh the following~~
 25 ~~criteria for public interest:~~

1 ~~(a) the basis of the need for the subdivision;~~
 2 ~~(b) expressed public opinion, that demonstrate and~~
 3 ~~weigh the proposed subdivision's:~~
 4 ~~(c) effects on agriculture;~~
 5 ~~(d) effects on local services;~~
 6 ~~(e) effects on taxation;~~
 7 ~~(f) effects on the natural environment;~~
 8 ~~(g) effects on wildlife and wildlife habitat; and~~
 9 ~~(h) effects on the public health and safety.~~
 10 (2) The governing body shall issue written findings of
 11 fact showing how it weighed the criteria in subsection (1)
 12 in approving, disapproving, or conditionally approving the
 13 subdivision."

14 NEW SECTION. Section 2. Saving clause. [This act]
 15 does not affect rights and duties that matured, penalties
 16 that were incurred, or proceedings that were begun before
 17 [the effective date of this act].

18 NEW SECTION. Section 3. Applicability. [This act]
 19 applies to all subdivision applications filed after
 20 September 30, 1989.

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