

House BILL NO. 358

Lee

INTRODUCED BY

McLean

4 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE PROTEST REQUIREMENTS FOR ZONING
5 ADOPTION; AND AMENDING SECTION 76-2-205, MCA."

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

Section 1. Section 76-2-205, MCA, is amended to read:

"76-2-205. Procedure for adoption of regulations and boundaries. The board of county commissioners shall observe the following procedures in the establishment or revision of boundaries for districts and in the adoption or amendment of zoning regulations:

(1) Notice of a public hearing on the proposed zoning district boundaries and of regulations for the zoning district ~~shall~~ must be published once a week for 2 weeks in a newspaper of general circulation within the county. The notice ~~shall~~ must state:

(a) the boundaries of the proposed district;

(b) the general character of the proposed zoning regulations:

(c) the time and place of the public hearing;

(d) that the proposed zoning regulations are on file for public inspection at the office of the county recorder.

(2) At the public hearing, the board of county commissioners shall give the public an opportunity to be heard regarding the proposed zoning district and regulations.

(3) After the public hearing, the board of county commissioners shall review the proposals of the planning board and shall make ~~such any~~ revisions or amendments as ~~that~~ it ~~may~~ deem ~~determines~~ to be proper.

(4) The board of county commissioners may pass a resolution of intention to create a zoning district and to adopt zoning regulations for the district.

(5) The board of county commissioners shall publish notice of passage of the resolution of intention once a week for 2 weeks in a newspaper of general circulation within the county. The notice shall must state:



HB 358
INTRODUCED BILL

-END-



1
2 INTRODUCED BY House BILL NO. 358 *Chair*
3 Cliff Triplett, Brainerd
4 ME

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11 commissioners shall observe the following procedures in the establishment or revision of boundaries for
12 zoning districts and in the adoption or amendment of zoning regulations:

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14 zoning district shall must be published once a week for 2 weeks in a newspaper of general circulation within
15 the county. The notice shall must state:

16 (a) the boundaries of the proposed district;

17 (b) the general character of the proposed zoning regulations;

18 (c) the time and place of the public hearing;

19 (d) that the proposed zoning regulations are on file for public inspection at the office of the county
20 clerk and recorder.

21 (2) At the public hearing, the board of county commissioners shall give the public an opportunity
22 to be heard regarding the proposed zoning district and regulations.

23 (3) After the public hearing, the board of county commissioners shall review the proposals of the
24 planning board and shall make such any revisions or amendments as that it may deem determines to be
25 proper.

26 (4) The board of county commissioners may pass a resolution of intention to create a zoning
27 district and to adopt zoning regulations for the district.

28 (5) The board of county commissioners shall publish notice of passage of the resolution of intention
29 once a week for 2 weeks in a newspaper of general circulation within the county. The notice shall must
30 state:

-END-

1
2 INTRODUCED BY
3 *ME*

House BILL NO. 358

See

Cliff Tyler, Brinard

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29 once a week for 2 weeks in a newspaper of general circulation within the county. The notice ~~shall~~ must
30 state:

-END-



SENATE COMMITTEE OF THE WHOLE AMENDMENT

March 29, 1995 12:41 pm

Mr. Chairman: I move to amend HB 358 (third reading copy -- blue).

ADOPT

31-13

REJECT

Signed:


Sen. Tom Beck
Senator Beck

That such amendments read:

1. Title, line 5.

Strike: "SECTION"

Insert: "SECTIONS 76-2-101 AND"

2. Page 1.

Following: line 8

Insert: "Section 1. Section 76-2-101, MCA, is amended to read:

"76-2-101. Planning and zoning commission and district. (1) Whenever Subject to the provisions of subsection (5), whenever the public interest or convenience may require and upon petition of 60% of the freeholders affected thereby, the board of county commissioners is hereby authorized and empowered to order and create a planning and zoning district and to appoint a commission consisting of five members.

(2) No such planning or zoning district may be created in an area which has been zoned by an incorporated city pursuant to 76-2-310 and 76-2-311.

(3) For the purposes of this part, the word "district" shall mean any area that consists of not less than 40 acres.

(4) Except as provided in subsection, an action challenging the creation of a planning and zoning district must be commenced by October 1, 1994, or within 5 years after the date of the order by the board of county commissioners creating the district, if the district was created after October 1, 1989.

(5) If freeholders representing 50% of the titled property ownership in the district protest the establishment of the district within 30 days of its creation, the board of county commissioners may not create the district. An area included in a district protested under this subsection may not be included in a zoning district petition under this section for a period of 1 year."

Renumber: subsequent section

-END-

HB 358



Amd. Coord.

SENATE

SENATE COMMITTEE OF THE WHOLE AMENDMENT

March 29, 1995 3:26 pm

Mr. Chairman: I move to amend HB 358 (third reading copy -- blue).

ADOPT *V.V.*

REJECT

Signed:

Sen. Tom Beck
Senator Beck

That such amendments read:

1. Page 2, line 13.

Following: "ownership"

Insert: "whose property is taxed for agricultural purposes under 15-7-202(2)(a) or whose property is taxed as forest land under Title 15, chapter 44, part 1,"

-END-

HB 358

TD
Amd. Coord.

SENATE

1 HOUSE BILL NO. 358

2 INTRODUCED BY TREXLER, BRAINARD, GREEN, MCGEE, STORY

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE PROTEST REQUIREMENTS FOR ZONING
5 ADOPTION; AND AMENDING ~~SECTION~~ SECTIONS 76-2-101 AND 76-2-205, MCA."

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11 of subsection (5), whenever the public interest or convenience may require and upon petition of 60% of
12 the freeholders affected thereby, the board of county commissioners is hereby authorized and empowered
13 to order and create a planning and zoning district and to appoint a commission consisting of five members.14 (2) No such planning or zoning district may be created in an area which has been zoned by an
15 incorporated city pursuant to 76-2-310 and 76-2-311.16 (3) For the purposes of this part, the word "district" shall mean any area that consists of not less
17 than 40 acres.18 (4) ~~An~~ Except as provided in subsection (5), an action challenging the creation of a planning and
19 zoning district must be commenced ~~by October 1, 1994,~~ or within 5 years after the date of the order by
20 the board of county commissioners creating the district, ~~if the district was created after October 1, 1989.~~21 (5) If freeholders representing 50% of the titled property ownership in the district protest the
22 establishment of the district within 30 days of its creation, the board of county commissioners may not
23 create the district. An area included in a district protested under this subsection may not be included in
24 a zoning district petition under this section for a period of 1 year."

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26 Section 2. Section 76-2-205, MCA, is amended to read:27 "76-2-205. Procedure for adoption of regulations and boundaries. The board of county
28 commissioners shall observe the following procedures in the establishment or revision of boundaries for
29 zoning districts and in the adoption or amendment of zoning regulations:

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- 4 (b) the general character of the proposed zoning regulations;
- 5 (c) the time and place of the public hearing;
- 6 (d) that the proposed zoning regulations are on file for public inspection at the office of the county
7 clerk and recorder.

8 (2) At the public hearing, the board of county commissioners shall give the public an opportunity
9 to be heard regarding the proposed zoning district and regulations.

10 (3) After the public hearing, the board of county commissioners shall review the proposals of the
11 planning board and shall make ~~such any~~ revisions or amendments as ~~that it may deem determines to be~~
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- 18 (a) the boundaries of the proposed district;
- 19 (b) the general character of the proposed zoning regulations;
- 20 (c) that the proposed zoning regulations are on file for public inspection at the office of the county
21 clerk and recorder;

22 (d) that for 30 days after first publication of this notice, the board of county commissioners will
23 receive written protests to the creation of the zoning district or to the zoning regulations from persons
24 owning real property within the district whose names appear on the ~~last completed~~ last completed
25 assessment roll of the county.

26 (6) Within 30 days after the expiration of the protest period, the board of county commissioners
27 may in its discretion adopt the resolution creating the zoning district ~~and/or~~ or establishing the zoning
28 regulations for the district; ~~but~~ However, if 40% of the freeholders within ~~such the~~ district whose names
29 appear on the ~~last completed~~ last completed assessment roll or if freeholders representing 50% of the titled
30 property ownership WHOSE PROPERTY IS TAXED FOR AGRICULTURAL PURPOSES UNDER 15-7-202(2)(A)

1 OR WHOSE PROPERTY IS TAXED AS FOREST LAND UNDER TITLE 15, CHAPTER 44, PART 1, shall have
2 protested the establishment of the district or adoption of the regulations, the board of county
3 commissioners ~~shall~~ may not adopt the resolution and ~~no~~ a further zoning resolution ~~shall~~ may not be
4 proposed for the district for a period of 1 year."

5

-END-



CONFERENCE COMMITTEE

on House Bill 358

Report No. , April 7, 1995

Page 1 of 1

Mr. Speaker and Mr. President:

We, your Conference Committee on House Bill 358 met and considered House Bill 358 and recommend that House Bill 358 (reference copy -- salmon) be amended as follows:

1. Page 2, line 30.

Strike: "(2) (A)"

We recommend that the amendment considered above to House Bill 358 be acceded to by the senate.

And this Conference Committee report be adopted.

For the House:

Anderson

Sheld W. Anderson
Chair

Ryan

Cliff Trexler
Trexler

Wm Ryan

For the Senate:

Beck

Tom Beck
Chair

Hargrove

Les Hargrove
Eck

Dorothy Eck

ADOPT

REJECT

HB 358
CCR#1

801254CC.Hbk

1

HOUSE BILL NO. 358

2 INTRODUCED BY TREXLER, BRAINARD, GREEN, MCGEE, STORY

3

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