

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING LOCAL GOVERNMENT AUTHORITY TO REQUIRE  
5 SUBDIVISION PLATS TO CONFORM TO GROWTH POLICIES BY ADOPTION OF AN ORDINANCE OR  
6 RESOLUTION; ELIMINATING THE REQUIREMENT FOR THE GOVERNING BODY TO REVIEW THE  
7 PRELIMINARY PLAT FOR CONFORMANCE TO THE GROWTH POLICY; AMENDING SECTION 76-3-604,  
8 MCA; AND REPEALING SECTION 76-1-606, MCA."

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10 WHEREAS, section 76-1-606, MCA, allows local governments to require subdivision plats to  
11 conform to the provisions of adopted growth policies; and

12 WHEREAS, many adopted growth policies contain ambiguous and subjective provisions that cannot  
13 be applied to review of proposed subdivisions in an objective manner; and

14 WHEREAS, it is inconsistent with accepted precepts of planning to allow a local government to  
15 enforce a growth policy without properly adopted land use regulations; and

16 WHEREAS, the Legislature intends that growth policies be implemented through the proper  
17 adoption of land use regulations that are authorized in statute and that growth policies should not be  
18 enforced; and

19 WHEREAS, statutory procedures are in place that allow local governments to implement growth  
20 policies through properly adopted land use regulations, including zoning regulations and subdivision  
21 regulations.

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

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25 **Section 1.** Section 76-3-604, MCA, is amended to read:

26 **"76-3-604. Review of preliminary plat.** (1) The governing body or its designated agent or agency  
27 shall review the preliminary plat to determine whether it conforms to the local growth policy if one has  
28 been adopted pursuant to chapter 1, to the provisions of this chapter, and to rules prescribed or adopted  
29 pursuant to this chapter.

30 (2) The governing body shall approve, conditionally approve, or disapprove the preliminary plat



1 within 60 working days of its presentation unless the subdivider consents to an extension of the review  
2 period.

3 (3) If the governing body disapproves or conditionally approves the preliminary plat, it shall  
4 forward one copy of the plat to the subdivider accompanied by a letter over the appropriate signature  
5 stating the reason for disapproval or enumerating the conditions that must be met to ensure approval of  
6 the final plat."

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8 NEW SECTION. **Section 2. Repealer.** Section 76-1-606, MCA, is repealed.

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