

HOUSE BILL NO. 580

INTRODUCED BY M. JOPEK

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT IF THE MAYOR OR THE COUNTY COMMISSION HAS MADE AN OFFICIAL DECISION TO HOLD HEARINGS ON PROPOSED SUBDIVISIONS ELIGIBLE FOR SUMMARY REVIEW, A PUBLIC HEARING MUST BE HELD; AMENDING SECTION 76-3-505, 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 minor subdivisions. (1) Local subdivision regulations must include procedures for the summary review and approval of subdivision plats containing five or fewer parcels when proper access to all lots is provided, when no land in the subdivision will be dedicated to public use for parks or playgrounds, and when the plats have been approved by the department of environmental quality whenever approval is required by part 1 of chapter 4; however, reasonable local regulations may contain additional requirements for summary approval.

(2) (a) Except when required by local subdivision regulations, proposed subdivisions eligible for summary review under this section that are located entirely within the area covered by a growth policy adopted pursuant to chapter 1 and zoning regulations adopted pursuant to chapter 2, part 2 or 3, are exempt from:

(i) the requirement to hold a hearing on the preliminary plat pursuant to 76-3-605, unless the mayor or the county commission has made an official decision to hold hearings pursuant to 76-3-605 on proposed subdivisions eligible for summary review; and

(ii) review by the governing body of the criteria in 76-3-608(3)(a).

(b) The governing body shall approve, conditionally approve, or disapprove a proposed subdivision that is eligible for review under this subsection (2) within 35 days of submission of the subdivision application."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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