

EXHIBIT 15
DATE 2.17.11
HB 494

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February 17, 2011

Via e-mail

Bret George
2120 S. Reserve St., PMB 210
Missoula, MT 59801

RE: HB 494 – Exemption from Subdivision Review
Our file No. 11737-003

Dear Bret:

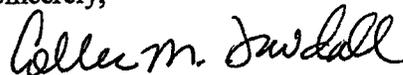
I have attached a copy of House Bill 494 with recommended amendments, shown in legislative format. There are two parts of the bill that require clarification.

In Section 1, I recommend an amendment to make it clear that while the sale, lease, or rental of parts of buildings remains exempt (that covers the rental of apartments and offices), the construction of additional buildings on one's property is exempt from review as a subdivision for lease or rent. This exempts guest houses, camp buildings, the construction of a shop or other commercial buildings on a property that already has a building.

I am also concerned about the reference to zoning in Section 2. This section is similar to the amendment of Mont. Code Ann. § 76-3-207 in 2005 clarifying that an exemption from subdivision review is not exempt from zoning. This should resolve the issue we faced when a district judge would not allow use of a similar exemption **unless** the property was zoned.

Let me know if you have any questions.

Sincerely,


Colleen M. Dowdall

2011 Montana Legislature

[Additional Bill Links](#) [PDF \(with line numbers\)](#)

HOUSE BILL NO. 494

INTRODUCED BY C. EDMUNDS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PROVISIONS GOVERNING EXEMPTION FROM SUBDIVISION REVIEW FOR THE SALE, RENT, LEASE, OR OTHER CONVEYANCES OF BUILDINGS, STRUCTURES, OR OTHER IMPROVEMENTS; AND AMENDING SECTION 76-3-204, MCA."

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

Section 1. Section 76-3-204, MCA, is amended to read:

"76-3-204. Exemption for conveyances of one or more parts of a ~~structure or improvement~~ structures or improvements. ~~The (1) Subject to subsection (2), the~~ sale, rent, lease, or other conveyance of one or more parts of a building, structure, or other improvement A BUILDING, STRUCTURE, OR OTHER IMPROVEMENT OR THE RENT OR LEASE OF one or more buildings, structures, or other improvements, whether existing or proposed, on a single parcel of land or on multiple parcels of land owned by IN a single person OWNERSHIP is not a division of land, as that term is defined in this chapter, and is not subject to the requirements of this chapter.

(2) The provisions of subsection (1) apply only if the sale, rent, lease, or other conveyance is in conformance with applicable local zoning regulations when WHENEVER local zoning regulations are in effect."

- END -