

Senate Bill 105 – Revise Interim Zoning Laws
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SB 105

This is an important bill that is supported by Montana's Association of Counties. You may recognize it, because it passed through the House and the Senate two years ago, and it was ultimately vetoed by the Governor. Things are different now, and this is an idea whose time has come.

This legislation amends the current interim zoning statute to preclude "interim zoning" from being used to prevent an activity that is otherwise legal development.

This bill precludes the use of emergency interim zoning being used to prevent development if the following criteria are met:

1. The proposed land use is subject to regulation and approval by any state or federal agency, and such agency has received an application for the proposed use; and

2. The proposed use is consistent with existing zoning, or the use will take place on property that has no current designated zoning.

County Commissioners passed this as a resolution of their association, because they believe that it is not right to change the rules in the middle of the game.

The fact is that Emergency Interim Zoning has been used to take something that was previously legal,...and make it illegal....and to do that AFTER a business makes application with the appropriate regulating agency that is in charge of the process.

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