EXHIBIT #3
DATE 3/12/2013
SB 105

Montana Association of Counties
2715 Skyway Drive
Helena, MT 59602-1213
(p) 406.449.4360 | (f) 406.442.5238
maco@mtcounties.org | http://www.mtcounties.org

RESOLUTION 2010-09

INTERIM ZONING

It is the intent of the Montana Association of Counties to seek legislation to amend the current interim zoning statute to preclude interim zoning being used to prevent an activity that is subject, either in whole or in part, to regulation and approval by any state or federal agency and such agency has received a complete application for the proposed use.

WHEREAS, county commissions in the State of Montana have seen increased demands to adopt interim zoning to restrict or prohibit otherwise legal development; and,

WHEREAS, county commissions are being asked to use interim zoning to prevent activities that are regulated by state and/or federal agencies; and

WHEREAS, the interim zoning is granted, development delays often occur to the detriment of the landowners wishing to develop their property; and

WHEREAS, this delay can potentially have severe economic impacts to the landowner seeking to develop his/her land in an otherwise lawful manner.

NOW, THEREFORE, BE IT RESOLVED, that MACo supports legislation that would preclude the use of interim zoning to prevent development if the following criteria are met:

1. The proposed land use is subject, either in whole or in part, to regulation and approval by any state or federal agency and such agency has received a complete application for the proposed use; and
2. The proposed use is consistent with existing zoning or that the use will take place on property that has no current designated zoning.

PREVIOUS ACTIONS

SPONSOR:	**MACo Districts 6 & 7**
REFERRED TO:	**MACo Agriculture Committee** **MACo Community, Economic Development & Labor Committee** **MACo Land Use Planning & Development Committee**
ADOPTED: **AMENDED:**	**Annual Conference, Billings, MT, September 29, 2010** **MACo Executive Committee, Oct 08, 2010**

2012 ACTION

RECOMMENDATION:	**Do Pass**
REFERRED TO:	**MACo Community, Economic Development & Labor Committee** **MACo Transportation Committee**
ADOPTED:	**Annual Conference, Great Falls, MT, September 26, 2012**