

HOUSE BILL NO. 246

INTRODUCED BY K. WHITE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING LOCAL GOVERNMENT REVIEW OF CONSERVATION EASEMENTS FOR COMPLIANCE WITH GROWTH POLICIES, CAPITAL IMPROVEMENT PLANS, ZONING REGULATIONS, SUBDIVISION REGULATIONS, AND OTHER REGULATIONS; AMENDING SECTIONS 76-1-605 AND 76-6-206, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

Section 1. Section 76-1-605, MCA, is amended to read:

"76-1-605. Use of adopted growth policy. (1) Subject to subsection (2), after adoption of a growth policy, the governing body within the area covered by the growth policy pursuant to 76-1-601 must be guided by and give consideration to the general policy and pattern of development set out in the growth policy in the:

(a) authorization, construction, alteration, or abandonment of public ways, public places, public structures, or public utilities;

(b) authorization, acceptance, or construction of water mains, sewers, connections, facilities, or utilities;

and

(c) adoption of zoning ordinances or resolutions.

(2) (a) A growth policy is not a regulatory document and does not confer any authority to regulate that is not otherwise specifically authorized by law or regulations adopted pursuant to the law.

(b) A Except as provided in subsection (2)(c), a governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.

(c) A governing body may deny a proposed conveyance of a conservation easement that does not comply with a growth policy adopted pursuant to this chapter."

Section 2. Section 76-6-206, MCA, is amended to read:

"76-6-206. Review by local planning authority government. (1) In order to minimize conflict with local comprehensive planning, all conservation easements shall be subject to review and renewals provided for in

1 76-6-202 must be approved prior to recording by the appropriate local ~~planning authority~~ government for the
 2 county within which the land lies.

3 ~~(2) It shall be the responsibility of the~~ The entity acquiring the conservation easement ~~to shall~~ present the
 4 proposed conveyance of the conservation easement to the appropriate local ~~planning authority~~ government.

5 (3) Within 90 days of the presentation of the proposed conveyance of the conservation easement, the
 6 local government shall approve or deny the proposal.

7 (4) To be approved by the local government, the proposed conveyance of the conservation easement
 8 must comply with:

9 (a) a growth policy adopted pursuant to Title 76, chapter 1, part 6;

10 (b) zoning regulations adopted pursuant to Title 76, chapter 2, parts 2 or 3;

11 (c) any capital improvement plans;

12 (d) any other municipal or county regulations; and

13 (e) the provisions of Title 76, chapters 3 and 4. ~~The local planning authority shall have 90 days from~~
 14 ~~receipt of the proposed conveyance within which to review and to comment upon the relationship of the proposed~~
 15 ~~conveyance to comprehensive planning for the area. Such comments will not be binding on the proposed grantor~~
 16 ~~or grantee but shall be merely advisory in nature. The proposed conveyance may be recorded after comments~~
 17 ~~have been received from the local planning authority or the local planning authority has indicated in writing it will~~
 18 ~~have no comments or 90 days have elapsed, whichever occurs first."~~

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 20 NEW SECTION. Section 3. Applicability. [Sections 1 through 3] apply to conservation easements
 21 granted or renewed after [the effective date of this act].

22 - END -