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1	BILL NO
2	INTRODUCED BY(Primary Sponsor)
3	(Fillialy Spoilsoi)
4	A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING COUNTY ZONING LAWS; ALLOWING
5	THE RESIDENTS OF AN UNINCORPORATED AREA TO PETITION THE BOARD OF COUNTY
6	COMMISSIONERS TO CREATE A COUNTY PLANNING BOARD; PROVIDING ADDITIONAL CRITERIA
7	THAT MUST BE USED TO DEVELOP ZONING REGULATIONS; REQUIRING ADDITIONAL RESOURCES
8	BE PROVIDED TO THE PUBLIC BEFORE A HEARING ON THE ADOPTION OF ZONING REGULATIONS;
9	ALLOWING REGISTERED VOTERS TO CALL FOR THE REVOCATION OF ZONING REGULATIONS; AND
10	AMENDING SECTIONS 76-1-104, 76-2-203, AND 76-2-205, MCA."
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12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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14	Section 1. Section 76-1-104, MCA, is amended to read:
15	"76-1-104. Procedure to establish county planning board protest. (1) Before a county planning
16	board may be created, the board of county commissioners shall by resolution give public notice of their intent to
17	create such a planning board and of a public hearing thereon for it by publication of notice of time and place of
18	hearing on such the resolution in each newspaper published in the county not less than 15 or more than 30
19	days prior to the date of hearing.
20	(2) The board of county commissioners shall by resolution give public notice of their intent to create a
21	planning board as provided in subsection (1) if a majority of the electors that meet the qualifications provided in
22	subsection (3) sign a petition for the creation of a planning board.
23	(3) An elector is eligible to sign a petition as allowed in subsection (2) if the elector resides:
24	(a) in the county;
25	(b) outside the limits of the jurisdictional area of a city-county planning board established pursuant to
26	76-1-504 through 76-1-507;
27	(c) outside of the incorporated limits of each city and town in the county; and
28	(d) in an area that conforms to a reasonably definable geographic or development pattern.



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1	(2)(4) A resolution creating a county planning board shall may not be adopted by the board of county
2	commissioners if disapproved in writing, not later than 60 days after such the hearing, by a majority of the
3	qualified electors of the county residing outside the limits of the jurisdictional area of an existing city-county
4	planning board established pursuant to 76-1-504 through 76-1-507 and outside the incorporated limits of each
5	city and town in the county."
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7	Section 2. Section 76-2-203, MCA, is amended to read:
8	"76-2-203. Criteria and guidelines for zoning regulations. (1) Zoning regulations must be:
9	(a) made in accordance with the growth policy; and
10	(b) designed to:
11	(i) secure safety from fire and other dangers;
12	(ii) promote public health, public safety, and general welfare; and
13	(iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other
14	public requirements.
15	(2) In the adoption of zoning regulations, the board of county commissioners shall consider:
16	(a) reasonable provision of adequate light and air;
17	(b) the effect on motorized and nonmotorized transportation systems;
18	(c) compatible urban growth in the vicinity of cities and towns that at a minimum must include the
19	areas around municipalities;
20	(d) the character of the district and its peculiar suitability for particular uses;
21	(e) the best evidence available that contemplates various social, economic, and environmental
22	considerations; and
23	(e)(f) conserving the value of buildings and encouraging the most appropriate use of land throughout
24	the jurisdictional area.
25	(3) Zoning regulations must, as nearly as possible, be made compatible with the zoning ordinances o
26	nearby municipalities.
27	(4) As used in this section, "best evidence" means evidence that provides the best empirically based
28	explanatory power, the most compelling, equitable argument, and the least bias."



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2	Section 3. Section 76-2-205, MCA, is amended to read:
3	"76-2-205. Procedure for adoption of regulations and boundaries. (1) The board of county
4	commissioners shall observe the following procedures in the establishment or revision of boundaries for zoning
5	districts and in the adoption or amendment of zoning regulations:
6	(1)(2) Notice of a public hearing on the proposed zoning district boundaries and of regulations for the
7	zoning district must:
8	(a) state:
9	(i) the boundaries of the proposed district;
10	(ii) the general character of the proposed zoning regulations;
11	(iii) the time and place of the public hearing;
12	(iv) that the proposed zoning regulations are on file for public inspection at the office of the county clerk
13	and recorder;
14	(b) provide a clear summary of proposed changes and include a reference to the complete proposed
15	plan made available electronically through the use of a website or by written document that is made freely
16	available to the general public;
17	(b)(c) be posted not less than 45 days before the public hearing in at least five public places, including
18	but not limited to public buildings and adjacent to public rights-of-way, within the proposed district; and
19	(e)(d) be published once a week for 2 weeks in a newspaper of general circulation within the county
20	county; and
21	(e) be sent by mail to each property owner residing within the boundaries of the proposed zoning
22	<u>district</u> .
23	(2)(3) At the public hearing, the board of county commissioners shall give the public an opportunity to
24	be heard regarding the proposed zoning district and regulations.
25	(3)(4) After the public hearing, the board of county commissioners shall review the proposals of the
26	planning board and shall make any revisions or amendments that it determines to be proper.
27	(4)(5) The board of county commissioners may pass a resolution of intention to create a zoning



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district and to adopt zoning regulations for the district.

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(5)(6) The board of county commissioners shall publish notice of passage of the resolution of intention once a week for 2 weeks in a newspaper of general circulation within the county. The notice must state:

- (a) the boundaries of the proposed district;
- (b) the general character of the proposed zoning regulations;
- (c) that the proposed zoning regulations are on file for public inspection at the office of the county clerk and recorder;
- (d) that for 30 days after first publication of this notice, the board of county commissioners will receive written protests to the creation of the zoning district or to the zoning regulations from persons owning real property within the district whose names appear on the last-completed assessment roll of the county.
- (6)(7) Within 30 days after the expiration of the protest period, the board of county commissioners may in its discretion adopt the resolution creating the zoning district or establishing the zoning regulations for the district. However, if 40% of the real property owners within the district whose names appear on the last-completed assessment roll or if real property owners representing 50% of the titled property ownership whose property is taxed for agricultural purposes under 15-7-202 or whose property is taxed as forest land under Title 15, chapter 44, part 1, have protested the establishment of the district or adoption of the regulations, the board of county commissioners may not adopt the resolution and a further zoning resolution may not be proposed for the district for a period of 1 year.
- (8) At the election of at least 15% of the registered voters residing within the boundaries of a zoning district approved under this part, the board of county commissioners shall call for a referendum to revoke one or more of the elements of the adopted plan."

21 - END -



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