

SENATE BILL NO. 105

INTRODUCED BY T. BROWN

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A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE ESTABLISHMENT OF AN INTERIM ZONING DISTRICT OR INTERIM REGULATION TO PREVENT A PROPOSED USE UNDER CERTAIN CIRCUMSTANCES; PROHIBITING ESTABLISHMENT OF AN INTERIM ZONING DISTRICT OR INTERIM REGULATION TO PREVENT AGRICULTURAL ACTIVITIES; AND AMENDING SECTION 76-2-206, MCA."

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

**Section 1.** Section 76-2-206, MCA, is amended to read:

**"76-2-206. Interim zoning district or regulation.** (1) Subject to ~~subsection~~ subsections (3) and (4), the board of county commissioners may establish an interim zoning district or interim regulation as an emergency measure in order to promote the public health, safety, morals, and general welfare if:

(a) the purpose of the interim zoning district or interim regulation is to classify and regulate those uses and related matters that constitute the emergency; and

(b) the county:

(i) is conducting or in good faith intends to conduct studies within a reasonable time; or

(ii) has held or is holding a hearing for the purpose of considering any of the following:

(A) a growth policy;

(B) zoning regulations; or

(C) a revision to a growth policy, to a master plan, as provided for in 76-1-604(6) and 76-2-201(2), or to zoning regulations pursuant to this part.

(2) A resolution for an interim zoning district or interim regulation must be limited to 1 year from the date it becomes effective. Subject to subsection (3), the board of county commissioners may extend the resolution for 1 year, but not more than one extension may be made.

(3) The board of county commissioners shall observe the following procedures in the establishment of an interim zoning district or interim regulation:

(a) Notice of a public hearing on the proposed interim zoning district boundaries or of the interim regulation must be published once a week for 2 weeks in a newspaper of general circulation within the county.

1 The notice must state:

2 (i) the boundaries of the proposed district;

3 (ii) the specific emergency or exigent circumstance compelling the establishment of the proposed interim  
4 zoning district or interim regulation;

5 (iii) the general character of the proposed interim zoning district or interim regulation;

6 (iv) the time and place of the public hearing; and

7 (v) that the proposed interim zoning district or interim regulation is on file for public inspection at the office  
8 of the county clerk and recorder.

9 (b) At the public hearing, the board of county commissioners shall give the public an opportunity to be  
10 heard regarding the proposed establishment of an interim zoning district or interim regulation.

11 (c) After the hearing, the board of county commissioners may adopt a resolution to establish an interim  
12 zoning district or interim regulation.

13 (4) A board of county commissioners may not establish an interim zoning district or interim regulation to  
14 prevent a proposed use of land if:

15 (a) the proposed use is subject to regulation and approval by a state agency under Title 75, Title 76,  
16 chapter 4, or Title 82 and the agency has received an application for the proposed use; and

17 (b) the proposed use is consistent with zoning regulations adopted under Title 76, chapter 2, part 1, or  
18 76-2-205 or is located on property for which zoning regulations have not been adopted.

19 (5) A board of county commissioners may not establish an interim zoning district or interim regulation to  
20 prevent agricultural activities, as provided in Title 76, chapter 2, part 9."

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