

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING SUBDIVISION LAWS; ALLOWING AN  
5 EXPEDITED REVIEW FOR SUBDIVISIONS THAT MEET CERTAIN REQUIREMENTS; EXEMPTING  
6 CERTAIN SUBDIVISIONS FROM CERTAIN REVIEWS; REQUIRING A GOVERNING BODY TO HOLD A  
7 HEARING TO APPROVE OR DENY A SUBDIVISION APPLICATION FOR EXPEDITED REVIEW;  
8 CLARIFYING THE AMOUNT OF TIME WITHIN WHICH A PERSON MAY BRING ACTION TO CHALLENGE  
9 THE APPROVAL, IMPOSITION OF CONDITIONS, OR DENIAL OF A PRELIMINARY PLAT AND ACTIONS  
10 TAKEN ON A FINAL PLAT; AND AMENDING SECTION 76-3-625, MCA."

11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13  
14 NEW SECTION. **Section 1. Expedited review for certain subdivisions.** (1) A subdivision  
15 application, regardless of the number of lots, that meets the requirements provided in subsection (3) is entitled  
16 to the expedited review process provided in this section at the applicant's request.

17 (2) A subdivision application that meets the requirements provided in subsection (3) is exempt from:

- 18 (a) the preparation of an environmental assessment as required in 76-3-603; and
- 19 (b) the review criteria listed in 76-3-608(3)(a).

20 (3) A subdivision qualifies for the expedited review process provided in this section if the proposed  
21 subdivision:

22 (a) is within:

- 23 (i) an incorporated city or town or consolidated city-county government and is subject to an adopted  
24 growth policy pursuant to Title 76, chapter 1, and adopted zoning regulations pursuant to Title 76, chapter 2,  
25 part 3; or

- 26 (ii) a county water and/or sewer district created under 7-13-2203 that provides both water and sewer  
27 services and is subject to an adopted growth policy as provided in Title 76, chapter 1, and zoning regulations  
28 pursuant to Title 76, chapter 2, part 2, that, at a minimum, address development intensity through minimum lot

1 sizes or densities, bulk and dimensional requirements, and use standards;

2 (b) complies with zoning regulations adopted pursuant to 76-2-203 or 76-2-304 and complies with the  
3 design standards and other subdivision regulations adopted pursuant to 76-3-504 without the need for  
4 variances or other deviations to adopted standards; and

5 (c) includes in its proposal plans for the onsite development of or extension to public infrastructure in  
6 accordance with adopted ordinances and regulations.

7 (4) On submission for expedited review under this section, the subdivision application must be  
8 reviewed for required elements and sufficiency of information as provided in 76-3-601(1) through (3) to  
9 determine whether the application complies with zoning regulations adopted pursuant to 76-2-203 or 76-2-304  
10 and complies with the design standards and other subdivision regulations adopted pursuant to 76-3-504 without  
11 the need for variances or other deviations to adopted standards and includes in its proposal plans for the onsite  
12 development of or extension to public infrastructure in accordance with adopted ordinances and regulations.

13 (5) The governing body shall:

14 (a) hold a hearing on the subdivision application within 35 working days of a determination by the  
15 reviewing agent or agency that the application contains required elements and sufficient information for review  
16 as provided in subsection (3);

17 (b) provide notice for the hearing required in subsection (5)(a) by publication in a newspaper of  
18 general circulation in the county not less than 15 days prior to the date of the hearing;

19 (c) approve the application unless public comment or other information demonstrates the application  
20 does not comply with:

21 (i) adopted zoning regulations, design standards, and other requirements of subdivision regulations  
22 adopted pursuant to 76-3-504 without the need for variances or other deviations to adopted standards; or

23 (ii) adopted ordinances or regulations for the onsite development of or extension to public  
24 infrastructure; and

25 (d) provide to the applicant and the public a written statement within 30 days of the decision to  
26 approve or deny a proposed subdivision for expedited review as allowed in this section that provides:

27 (i) the facts and conclusions that the governing body relied on in making its decision to approve or  
28 deny the application; and

1 (ii) the conditions that apply to the preliminary plat approval that must be satisfied before the final plat  
2 may be approved.

3 (6) The governing body may:

4 (a) with the agreement of the applicant, extend the review period allowed in subsection (5)(a) not to  
5 exceed 180 calendar days; or

6 (b) adopt conditions of approval only to ensure an approved subdivision application is completed in  
7 accordance with the approved application and any applicable requirements pursuant to Title 76, chapter 4.

8 (7) A local governing body may not adopt zoning regulations pursuant to 76-2-203 or 76-2-304,  
9 subdivision regulations pursuant to 76-3-504, or other ordinances or regulations that restrict the use of the  
10 expedited subdivision review process as provided in this section.

11 (8) (a) Except as modified in this section, subdivision applications meeting the requirements for an  
12 expedited review remain subject to the provisions of 76-3-608(3)(b) through (3)(d) and 76-3-608(6) through  
13 (10), 76-3-610 through 76-3-614, 76-3-621, and 76-3-625.

14 (b) The provisions of this section supersede any provision of this chapter that is in conflict with any  
15 provision of this section.

16

17 **Section 2.** Section 76-3-625, MCA, is amended to read:

18 **"76-3-625. Violations -- actions against governing body.** (1) A person who has filed with the  
19 governing body an application for a subdivision under this chapter may bring an action in district court to sue  
20 the governing body to recover actual damages caused by a final action, decision, or order of the governing  
21 body or a regulation adopted pursuant to this chapter within 180 days of the final action, decision, order, or  
22 adoption of a regulation. The governing body's decision, based on the record as a whole, must be sustained  
23 unless the decision being challenged is arbitrary, capricious, or unlawful.

24 (2) (a) A party identified in subsection (3) who is aggrieved by a decision of the governing body to  
25 approve, conditionally approve, or deny an application and preliminary plat for a proposed subdivision or a final  
26 subdivision plat may, within 30 days from the date of the written decision, appeal to the district court in the  
27 county in which the property involved is located to challenge the approval, imposition of conditions, or denial of  
28 the preliminary plat.

