

HOUSE BILL NO. 496

INTRODUCED BY B. MERCER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING COUNTY ZONING LAWS; REQUIRING A LOCAL GOVERNING BODY TO HOLD A PUBLIC HEARING ON CERTAIN PUBLIC LAND USE; REMOVING A LOCAL BOARD OF ADJUSTMENTS PROHIBITION TO DENY A PUBLIC LAND USE THAT IS CONTRARY TO ZONING REGULATIONS; AND AMENDING SECTION 76-2-402, MCA."

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

**Section 1.** Section 76-2-402, MCA, is amended to read:

**"76-2-402. Local zoning regulations -- application to agencies.** (1) Whenever an agency proposes to use public land contrary to local zoning regulations, a public hearing, ~~as defined below, shall~~ must be held AND THE AGENCY SHALL ATTEND THE PUBLIC HEARING.

~~(1)(2)~~ (2) The local ~~board of adjustments, as provided in this chapter,~~ GOVERNING BODY shall hold a hearing within 30 days of the date the agency gives notice to the ~~board~~ LOCAL GOVERNING BODY of its intent to develop land contrary to local zoning regulations.

~~(2) The board shall have no power to deny the proposed use but shall act only to allow a public forum for comment on the proposed use."~~

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