



AN ACT GENERALLY REVISING LAWS RELATED TO PLANNING AND ZONING DISTRICTS; EXTENDING THE PERIOD TO PROTEST THE CREATION OF A PLANNING AND ZONING DISTRICT; REQUIRING THE SUBMITTAL OF DRAFT RESOLUTIONS TO THE BOARD OF COUNTY COMMISSIONERS; PROHIBITING ZONING REGULATIONS FROM REGULATING MINERALS OR MINERAL RIGHTS; AMENDING SECTIONS 76-2-101, 76-2-109, AND 82-11-112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 76-2-101, MCA, is amended to read:

"76-2-101. Planning and zoning commission and district. (1) Subject to the provisions of ~~subsection~~ subsections (5) and (6), whenever the public interest or convenience may require and upon petition of 60% of the affected real property owners in the proposed district, the board of county commissioners may create a planning and zoning district and may appoint a planning and zoning commission consisting of up to seven members.

(2) A planning and zoning district may not be created in an area that has been zoned by an incorporated city pursuant to 76-2-310 and 76-2-311.

(3) For the purposes of this part, the word "district" means any area that consists of not less than 40 acres.

(4) Except as provided in subsection (5), an action challenging the creation of a planning and zoning district must begin within 6 months after the date of the order by the board of county commissioners creating the district.

(5) If real property owners representing 50% of the titled property ownership in the district protest the establishment of the district within ~~30~~ 90 days of its creation, the board of county commissioners may not create the district. An area included in a district protested under this subsection may not be included in a zoning district

petition under this section for a period of 1 year.

(6) (a) Before the board of county commissioners determines whether the number of affected real property owners necessary to meet the petition requirement of subsection (1) has been met, draft documents of the proposed materials that may potentially govern the proposed district must be made available to the board of county commissioners. Draft documents of the proposed materials required in this subsection (6) may include but are not limited to drafts of:

- (i) a development pattern as provided in 76-2-104;
- (ii) a resolution as provided in 76-2-107; and
- (iii) the land use and zoning regulations as provided in 76-2-107.

(b) The final adopted development pattern, resolutions, and other materials that govern the zoning district as required in 76-2-104 and 76-2-107 must be similar to the draft documents provided to the county commissioners as required in subsection (6)(a)."

Section 2. Section 76-2-109, MCA, is amended to read:

"76-2-109. Effect on natural resources. ~~(1) No planning district or recommendations-Regulations~~ adopted under this part ~~shall~~ may not regulate lands used for grazing, horticulture, agriculture, ~~or~~ the growing of timber, ~~or the complete use, development, or recovery of any mineral.~~

(2) (a) A provision of this part may not be construed to alter law regarding the primacy of the mineral estate, to limit access to the mineral estate, or to limit development of the mineral estate.

(b) A resolution or rule adopted pursuant to the provisions of this part may not prevent the complete use, development, or recovery of any mineral that is under the jurisdiction of the board of oil and gas conservation pursuant to Title 82, chapter 11, part 1."

Section 3. Section 82-11-112, MCA, is amended to read:

"82-11-112. Intergovernmental cooperation. ~~The~~ Subject to 76-2-109, the board may cooperate with any other state, interstate, or federal agency and other governmental agencies of the state to effect the objects and purposes of this chapter and expend such funds as may be reasonably necessary in connection therewith."

Section 4. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 527, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE BILL NO. 527

INTRODUCED BY F. NAVE

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