

**Amendment - 2nd Reading/2nd House-tan - Requested by: Mary Ann Dunwell - (S)
Committee of Whole**

- 2023

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

HB0211.002.003

1 HOUSE BILL NO. 211
2 INTRODUCED BY L. BREWSTER, M. MALONE, S. KERNS, J. SCHILLINGER, C. KNUDSEN, S. VINTON, K.
3 SEEKINS-CROWE, M. YAKAWICH, J. FITZPATRICK, J. ETCHART, J. KASSMIER, B. PHALEN
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LOCAL SUBDIVISION REVIEW
6 PROCEDURE; REVISING THE INFORMATION A GOVERNING BODY MAY CONSIDER WHEN
7 DETERMINING IF SUBSEQUENT HEARINGS ARE REQUIRED FOR A SUBDIVISION APPLICATION;
8 REVISING THE REQUIREMENTS FOR A PHASED SUBDIVISION; PROVIDING TIMELINES AND AMENDED
9 CONDITIONS OF A FINAL PLAT APPROVAL; REVISING THE EXPEDITED SUBDIVISION REVIEW
10 PROCESS; AND AMENDING SECTIONS 76-3-615, 76-3-617, AND 76-3-623, MCA; AND PROVIDING AN
11 APPLICABILITY DATE."

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

14
15 **Section 1.** Section 76-3-615, MCA, is amended to read:

16 **"76-3-615. Subsequent hearings -- consideration of new information -- requirements for**
17 **regulations.** (1) The regulations adopted pursuant to 76-3-504(1)(o) must comply with the provisions of this
18 section.

19 (2) The governing body shall determine whether ~~public comments or documents~~ PUBLIC COMMENTS
20 OR OTHER information presented to the governing body at a hearing held pursuant to 76-3-605 ~~constitute:~~

21 ~~(a) information or analysis of information that was presented at a hearing held pursuant to 76-3-605~~
22 ~~that the public has had a reasonable opportunity to examine and on which the public has had a reasonable~~
23 ~~opportunity to comment; or~~

24 ~~(b) constitutes relevant, new information regarding a subdivision application or a material~~
25 ~~SUBSTANTIAL material change to the design of the subdivision that has never been submitted as evidence or~~
26 ~~considered by either the governing body or its agent or agency at a hearing during which the subdivision~~
27 ~~application was considered and has a material SUBSTANTIAL material effect on the governing body's~~

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1 consideration of the application.

2 (3) If the governing body determines that the ~~public comments or documents constitute information~~
3 presented to the governing body constitutes the information described in subsection (2)(b), the governing body
4 may:

5 (a) approve, conditionally approve, or deny the proposed subdivision without basing its decision on
6 the new information if the governing body determines that the new information is either irrelevant or not credible
7 or the change to the design of the subdivision does not materially ~~materially~~ impact the analysis
8 of potentially significant adverse impacts; or

9 (b) schedule or direct its agent or agency to schedule a subsequent public hearing for
10 consideration of only the new information that may have an impact on the findings and conclusions, including a
11 material ~~SUBSTANTIAL~~ material change to the design of the subdivision for purposes of considering its findings of
12 fact and conclusions of law and any proposed conditions of approval in light of the new information that the
13 governing body will rely upon ~~on~~ in making its decision on the proposed subdivision.

14 (4) If a public hearing is held as provided in subsection (3)(b), the 60-working-day review period
15 required in 76-3-604(4) is suspended and the new hearing must be noticed and held within 45 days of the
16 governing body's determination to schedule a new hearing. After the new hearing, the 60-working-day time limit
17 resumes at the governing body's next scheduled public meeting for which proper notice for the public hearing
18 on the subdivision application can be provided. The governing body may not consider any information regarding
19 the subdivision application that is presented after the hearing when making its decision to approve, conditionally
20 approve, or deny the proposed subdivision."

21

22 **Section 2.** Section 76-3-617, MCA, is amended to read:

23 **"76-3-617. Phased development -- application requirements -- hearing required.** (1) A subdivider
24 applying for phased development review shall submit with the phased development application an overall
25 phased development preliminary plat on which independent platted development phases must be presented.
26 The phased development application must contain the information required pursuant to parts 5 and 6 of this
27 chapter for all phases of a development and a schedule for when the subdivider plans to submit for review each