

HOUSE BILL NO. 245

INTRODUCED BY F. MANDEVILLE

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING A GOVERNING BODY'S RESPONSIBILITIES CONCERNING THE SUBMISSION AND EVALUATION OF THE FINAL PLAT OF A SUBDIVISION; PROVIDING TIMELINES FOR DETERMINATIONS CONCERNING THE ~~CONFORMITY OF INFORMATION REQUIRED FOR~~ THE FINAL PLAT; REQUIRING NOTIFICATIONS CONCERNING THE DETERMINATION; AND AMENDING SECTION 76-3-611, MCA."

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

Section 1. Section 76-3-611, MCA, is amended to read:

"76-3-611. Review of final plat. (1) The governing body or the agent or agency designated by the governing body shall examine each final ~~subdivision~~ plat and the governing body shall approve the plat only if:

(a) it conforms to the conditions of approval set forth on the preliminary plat and to the terms of this chapter and regulations adopted pursuant to this chapter; and

(b) the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be subdivided have been paid.

(2) (a) The governing body may require that final ~~subdivision~~ plats and certificates of survey be reviewed for errors and omissions in calculation or drafting by an examining land surveyor before recording with the county clerk and recorder. When the survey data shown on the plat or certificate of survey meets the conditions pursuant to this chapter, the examining land surveyor shall certify the compliance in a printed or stamped certificate on the plat or certificate of survey. The certificate must be signed by the surveyor.

(b) A land surveyor may not act as an examining land surveyor in regard to a plat or certificate of survey in which the surveyor has a financial or personal interest.

(3) (a) A final plat is considered to be received on the date of delivery to the governing body or the agent or agency designated by the governing body when accompanied by the review fee submitted as provided in 76-3-602.

(b) Within 15 20 working days of receipt of a final plat, the governing body or the agent or agency designated by the governing body shall determine whether the final plat ~~conforms to the requirements of~~

1 ~~subsection (1)(a) PROVISIONS OF CONTAINS THE INFORMATION REQUIRED UNDER SUBSECTIONS (1) AND (2) and shall~~
 2 ~~notify the subdivider or, with the subdivider's written permission, the subdivider's agent of that determination IN~~
 3 ~~WRITING. If the governing body or its agent or agency determines that the final plat does not conform to the~~
 4 ~~requirements of subsection (1)(a) PROVISIONS OF DOES NOT CONTAIN THE INFORMATION REQUIRED UNDER~~
 5 ~~SUBSECTIONS (1) AND (2), the governing body or its agent or agency shall identify the final plat's defects in the~~
 6 ~~notification.~~

7 ~~(c) If the governing body or its agent or agency determines that information in the application is not~~
 8 ~~sufficient to allow for review of the proposed subdivision, the governing body or its agent or agency shall identify~~
 9 ~~the insufficient information in its notification.~~

10 ~~(C) THE GOVERNING BODY OR ITS AGENT OR AGENCY MAY REVIEW SUBSEQUENT SUBMISSIONS OF THE FINAL PLAT~~
 11 ~~ONLY FOR INFORMATION FOUND TO BE DEFICIENT DURING THE ORIGINAL REVIEW OF THE FINAL PLAT UNDER SUBSECTION~~
 12 ~~(3)(B).~~

13 ~~(d)(e)(D) If the governing body determines that an examining land surveyor must review a final plat or~~
 14 ~~certificate of survey pursuant to subsection (2)(a), the governing body or its agent or agency shall identify the~~
 15 ~~requirement in its notification.~~

16 ~~(e)(D)(E) The time limits provided in subsection (3)(b) apply to each submission of the final plat until a~~
 17 ~~WRITTEN determination is made that the application FINAL PLAT contains the required elements and sufficient~~
 18 ~~information pursuant to subsection (1)(a) INFORMATION REQUIRED UNDER SUBSECTIONS (1) AND (2) and the~~
 19 ~~subdivider or the subdivider's agent is notified. HOWEVER, THE GOVERNING BODY OR ITS AGENT OR AGENCY MAY~~
 20 ~~REVIEW SUBSEQUENT SUBMISSIONS OF THE FINAL PLAT ONLY FOR INFORMATION FOUND TO BE DEFICIENT DURING THE~~
 21 ~~ORIGINAL REVIEW OF THE FINAL PLAT.~~

22 ~~(4) IF A DETERMINATION IS MADE UNDER SUBSECTION (3)(B) THAT THE FINAL PLAT CONFORMS TO THE~~
 23 ~~PROVISIONS OF CONTAINS THE INFORMATION REQUIRED UNDER SUBSECTIONS (1) AND (2), THE GOVERNING BODY SHALL~~
 24 ~~REVIEW AND APPROVE OR DENY THE FINAL PLAT WITHIN 20 WORKING DAYS.~~

25 ~~(5) THE SUBDIVIDER OR THE SUBDIVIDER'S AGENT AND THE GOVERNING BODY OR ITS REVIEWING AGENT OR~~
 26 ~~AGENCY MAY MUTUALLY AGREE TO EXTEND THE REVIEW PERIODS PROVIDED FOR IN THIS SECTION."~~

27 - END -