

## 1 HOUSE BILL NO. 456

2 INTRODUCED BY F. MANDEVILLE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING TIMELINES FOR SUBDIVISION REVIEW; AMENDING  
5 SECTION 76-4-125, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY  
6 DATE."

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

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10 **Section 1.** Section 76-4-125, MCA, is amended to read:

11 **"76-4-125. Review of subdivision application -- land divisions excluded from review.** (1) Except  
12 as provided in subsection (2), an application for review of a subdivision must be submitted to the reviewing  
13 authority. The review by the reviewing authority must be as follows:

14 (a) At any time after the developer has submitted an application under the Montana Subdivision and  
15 Platting Act, the developer shall present a subdivision application to the reviewing authority. The application must  
16 include preliminary plans and specifications for the proposed development, whatever information the developer  
17 feels necessary for its subsequent review, any public comments or summaries of public comments collected as  
18 provided in 76-3-604(7), and information required by the reviewing authority. Subdivision fees assessed by the  
19 reviewing authority must accompany the application. If the proposed development includes onsite sewage  
20 disposal facilities, the developer shall notify the designated agent of the local board of health prior to presenting  
21 the subdivision application to the reviewing authority. The agent may conduct a preliminary site assessment to  
22 determine whether the site meets applicable state and local requirements.

23 (b) Within 5 working days after receipt of an application that is not subject to review by a local reviewing  
24 authority under 76-4-104, the department shall provide a written notice for informational purposes to the applicant  
25 if the application does not include a copy of the certification from the local health department required by  
26 76-4-104(6)(k) or, if applicable, contain an approval from the local governing body under Title 76, chapter 3,  
27 together with any public comments or summaries of public comments collected as provided in 76-3-604(7)(a).

28 (c) If the reviewing authority denies an application and the applicant resubmits a corrected application  
29 within 30 calendar days after the date of the denial letter, the reviewing authority shall complete review of the  
30 resubmitted application within 30 calendar days after receipt of the resubmitted application. If the review of the

1 resubmitted application is conducted by a local department or board of health that is certified under 76-4-104,  
2 the department shall make a final decision on the application within 10 calendar days after the local reviewing  
3 authority completes its review.

4 (d) Except as provided in 75-1-205(4) and 75-1-208(4)(b), the department shall make a final decision  
5 on the proposed subdivision within 55 calendar days after the submission of a complete application and payment  
6 of fees to the reviewing authority unless an environmental impact statement is required, at which time this  
7 deadline may be increased to 120 calendar days. The reviewing authority may not request additional information  
8 for the purpose of extending the time allowed for a review and final decision on the proposed subdivision. If the  
9 department approves the subdivision, the department shall issue a certificate of subdivision approval indicating  
10 that it has approved the plans and specifications and that the subdivision is not subject to a sanitary restriction.

11 (2) A subdivision excluded from the provisions of chapter 3 must be submitted for review according to  
12 the provisions of this part, except that the following divisions or parcels, unless the exclusions are used to evade  
13 the provisions of this part, are not subject to review:

14 (a) the exclusion cited in 76-3-201;

15 (b) divisions made for the purpose of acquiring additional land to become part of an approved parcel,  
16 provided that water or sewage disposal facilities may not be constructed on the additional acquired parcel and  
17 that the division does not fall within a previously platted or approved subdivision;

18 (c) divisions made for purposes other than the construction of water supply or sewage and solid waste  
19 disposal facilities as the department specifies by rule;

20 (d) divisions located within jurisdictional areas that have adopted growth policies pursuant to chapter 1  
21 or within first-class or second-class municipalities for which the governing body certifies, pursuant to 76-4-127,  
22 that adequate storm water drainage and adequate municipal facilities will be provided; and

23 (e) subject to the provisions of subsection (3), a remainder of an original tract created by segregating  
24 a parcel from the tract for purposes of transfer if:

25 (i) the remainder is served by a public or multiple-user sewage system approved before January 1, 1997,  
26 pursuant to local regulations or this chapter; or

27 (ii) the remainder is 1 acre or larger and has an individual sewage system serving a discharge source  
28 that was in existence prior to April 29, 1993, and, if required when installed, the system was approved pursuant  
29 to local regulations or this chapter.

30 (3) Consistent with the applicable provisions of 50-2-116, a local health officer may require that, prior

1 to the filing of a plat or a certificate of survey subject to review under this part for the parcel to be segregated from  
2 the remainder referenced in subsection (2)(e)(ii), the remainder include acreage or features sufficient to  
3 accommodate a replacement drainfield."

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5 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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7 NEW SECTION. **Section 3. Applicability.** [This act] applies to applications submitted on or after [the  
8 effective date of this act].

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