

HOUSE BILL NO. 522

INTRODUCED BY D. KARY

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS REGARDING THE LOCAL REGULATION OF SUBDIVISIONS; AUTHORIZING A GOVERNING BODY TO EXTEND THE APPROVAL OF A SUBDIVISION APPLICATION AND PRELIMINARY PLAT FOR A MUTUALLY AGREED-UPON PERIOD OF TIME; REQUIRING THE AGREEMENT FOR THE EXTENSION TO BE IN WRITING; PROVIDING THAT A GOVERNING BODY MAY ISSUE MORE THAN ONE EXTENSION; AND AMENDING SECTION 76-3-610."

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

Section 1. Section 76-3-610, MCA, is amended to read:

"76-3-610. Effect of approval of application and preliminary plat. (1) Upon approving or conditionally approving an application and preliminary plat, the governing body shall provide the subdivider with a dated and signed statement of approval. This approval must be in force for not more than 3 calendar years or less than 1 calendar year. At the end of this period the governing body may, at the request of the subdivider, extend its approval for a mutually agreed-upon period of time no more than 1 calendar year, except that the governing body may extend its approval for a period of more than 1 year if that approval period is included as a specific condition of a written agreement between the governing body and the subdivider, according to 76-3-507. Any mutually agreed-upon extension must be in writing and dated and signed by the presiding officer of the governing body and the subdivider or subdivider's agent. The governing body may issue more than one extension.

(2) Except as provided in 76-3-507, after the application and preliminary plat are approved, the governing body and its subdivisions may not impose any additional conditions as a prerequisite to final plat approval if the approval is obtained within the original or extended approval period as provided in subsection (1)."

NEW SECTION. Section 2. Applicability. [This act] applies to subdivision applications and preliminary plats approved prior to [the effective date of this act] and to those approved on or after [the effective date of this act].

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