

SENATE BILL NO. 266

INTRODUCED BY J. COHENOUR

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CONDITIONS UNDER WHICH A LOCAL GOVERNING BODY MAY EXTEND THE TIME PERIOD THAT AN APPROVAL OR CONDITIONAL APPROVAL OF A SUBDIVISION APPLICATION IS IN EFFECT; AND AMENDING SECTION 76-3-610, MCA."

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~~ 3-year period of time. Any ~~mutually agreed-upon~~ extension must be in writing and dated and signed by the members of the governing body and the subdivider or subdivider's agent. The governing body may issue more than one extension if the governing body has determined that:

(a) the proposed development is within the jurisdiction of an incorporated city or town with an adopted growth policy, zoning regulations, and infrastructure plan and the proposed development is consistent with the adopted growth policy, zoning regulations, and infrastructure plan;

(b) the proposed development is within the jurisdiction of a county with an adopted growth policy and zoning regulations and the proposed development is consistent with the adopted growth policy and zoning regulations; or

(c) the proposed development is within an area outside of the boundaries of a city or town with an adopted growth policy, zoning regulations, and infrastructure plan to which zoning regulations have been extended under 76-2-310 and the proposed development is consistent with the adopted growth policy, zoning regulations, and infrastructure plan.

(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)."

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