

HOUSE BILL NO. 510

INTRODUCED BY A. HERTZ

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING WHEN CERTAIN SUBDIVISIONS THAT ARE EXEMPT FROM LOCAL SUBDIVISION REVIEW MAY BE EXEMPT FROM WATER AND SANITATION REVIEW; ALLOWING FOR EXEMPTIONS IF STORM WATER AND MUNICIPAL FACILITIES INFORMATION IS PROVIDED TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY OR ITS DESIGNEE; ~~AND~~ AMENDING SECTION 76-4-127, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 76-4-127, MCA, is amended to read:

"76-4-127. Notice of certification that adequate storm water drainage and adequate municipal facilities will be provided. (1) ~~To~~ Except as provided in subsection (3), to qualify for the exemption from review set out in 76-4-125(2)(d), the governing body, as defined in 76-3-103, shall, prior to final plat approval under the Montana Subdivision and Platting Act, send notice of certification to the reviewing authority that a subdivision has been submitted for approval and that adequate storm water drainage and adequate municipal facilities will be provided for the subdivision.

(2) The notice of certification must include the following:

(a) the name and address of the applicant;

(b) a copy of the preliminary plat included with the application for the proposed subdivision or a final plat when a preliminary plat is not necessary or, if subsection (3) applies, a copy of the certificate of survey map or amended plat map or a declaration and floor plan, including the layout of each unit proposed to be recorded, under Title 70, chapter 23, part 3;

(c) the number of proposed parcels in the subdivision or division under subsection (3);

(d) a copy of any applicable zoning ordinances in effect;

(e) how construction of the sewage disposal and water supply systems or extensions will be financed;

(f) certification that the subdivision or division under subsection (3) is within an area covered by a growth policy pursuant to chapter 1 of this title or within a first-class or second-class municipality, as described in 7-1-4111, and a copy of the growth policy, when applicable, if one has not yet been submitted to the reviewing

1 authority;

2 (g) the relative location of the subdivision or division under subsection (3) to the city or town;

3 (h) certification that adequate municipal facilities for the supply of water and disposal of sewage and solid
4 waste are available or, UNLESS SUBSECTION (3) APPLIES, will be provided within the time provided in 76-3-507; IF
5 SUBSECTION (3) APPLIES, THE REQUIREMENTS OF 76-3-507 DO NOT APPLY.

6 (i) if water supply, sewage disposal, or solid waste facilities are not municipally owned, certification from
7 the facility owners that adequate facilities are available; and

8 (j) certification that the governing body has reviewed and approved plans to ensure adequate storm
9 water drainage.

10 (3) A division of land that is exempt from the Montana Subdivision and Platting Act review under
11 76-3-203 or 76-3-207(1)(a), (1)(b), (1)(d), (1)(e), or (1)(f) qualifies for an exemption under 76-4-125(2)(d) if the
12 governing body, as defined in 76-3-103, sends a notice of certification under subsection (2) to the reviewing
13 authority stating that adequate storm water drainage and adequate municipal facilities will be provided for the
14 division."

15
16 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

17 - END -