

## 1 HOUSE BILL NO. 738

2 INTRODUCED BY K. SEEKINS-CROWE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE PROCEDURE FOR  
5 COUNTY ZONING BOUNDARY AND REGULATION CHANGES; REQUIRING NOTICE BY MAIL OF PUBLIC  
6 HEARINGS FOR ZONING BOUNDARY AND REGULATION CHANGES; AMENDING SECTION 76-2-205,  
7 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

8

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

10

11 NEW SECTION. **Section 1. Procedure for adoption of regulations and boundaries.** The board of  
12 county commissioners shall observe the following procedures in the establishment or revision of boundaries for  
13 zoning districts and in the adoption or amendment of zoning regulations:

14 (1) Notice of a public hearing on the proposed zoning district boundaries and of regulations for the  
15 zoning district must:

16 (a) state the following:

17 (i) the boundaries of the existing or proposed district;

18 (ii) the general character of the proposed zoning regulations;

19 (iii) the date, time, and place of the public hearing;

20 (iv) the name, address, and telephone number of the person or office that may be contacted for  
21 further information on the action to be taken;

22 (v) that the proposed zoning regulations are on file for public inspection at the office of the county  
23 clerk and recorder and are posted on the county's website; and

24 (vi) the county's website address where the proposed zoning regulations are available for public  
25 inspection;

26 (b) be posted not less than 45 days before the public hearing in at least five public places,  
27 including but not limited to public buildings and adjacent to public rights-of-way, within the proposed district;

28 (c) be published once a week for 2 weeks in a newspaper of general circulation within the county;

1 and

2 (d) be mailed to all residents within the zoning district or subdistrict whose addresses are known to  
3 the county not less than 15 days and not more than 45 days prior to the public hearing through any of the  
4 following methods:

5 (i) depositing the notice, properly addressed, in the United States mail with postage paid at the  
6 first-class rate;

7 (ii) sending the notice by certified mail rather than first class;

8 (iii) mailing the notice at the bulk rate; or

9 (iv) mailing a postcard.

10 (2) At the public hearing, the board of county commissioners shall give the public an opportunity to  
11 be heard regarding the proposed zoning district and regulations.

12 (3) After the public hearing, the board of county commissioners shall review the proposals of the  
13 planning board and make any revisions or amendments that it determines to be proper.

14 (4) The board of county commissioners may pass a resolution of intention to create a zoning  
15 district and to adopt zoning regulations for the district.

16 (5) The board of county commissioners shall publish public notice of passage of the resolution of  
17 intention once a week for 2 weeks in a newspaper of general circulation within the county. The notice must  
18 state:

19 (a) the boundaries of the existing or proposed district;

20 (b) the general character of the proposed zoning regulations;

21 (c) that the proposed zoning regulations are on file for public inspection at the office of the county  
22 clerk and recorder and are posted on the county's website;

23 (d) the county's website address where the proposed zoning regulations are available for public  
24 inspection; and

25 (e) that for 30 days after first publication of this notice, the board of county commissioners will  
26 receive written comments on the creation of the zoning district or to the zoning regulations from persons owning  
27 real property within the district whose names appear on the most recently completed assessment roll of the  
28 county.

(6) Within 30 days after the expiration of the comment period, the board of county commissioners may in its discretion adopt the resolution creating the zoning district or establishing the zoning regulations for the district.

**Section 2.** Section 76-2-205, MCA, is amended to read:

**"76-2-205. Procedure for adoption of regulations and boundaries.** The board of county commissioners shall observe the following procedures in the establishment or revision of boundaries for zoning districts and in the adoption or amendment of zoning regulations:

(1) Notice of a public hearing on the proposed zoning district boundaries and of regulations for the zoning district must:

(a) state the following:

(i) the boundaries of the existing or proposed district;

(ii) the general character of the proposed zoning regulations;

(iii) the date, time, and place of the public hearing;

(iv) the name, address, and telephone number of the person or office that may be contacted for further information on the action to be taken;

~~(iv)~~(v) that the proposed zoning regulations are on file for public inspection at the office of the county clerk and recorder and are posted on the county's website; and

(vi) the county's website address where the proposed zoning regulations are available for public inspection;

(b) be posted not less than 45 days before the public hearing in at least five public places, including but not limited to public buildings and adjacent to public rights-of-way, within the proposed district; and

(c) be published once a week for 2 weeks in a newspaper of general circulation within the county; and

(d) be mailed to all residents within the zoning district or zoning subdistrict whose addresses are known to the county not less than 15 days and not more than 45 days prior to the public hearing through any of the following methods:

(i) depositing the notice, properly addressed, in the United States mail with postage paid at the

1 first-class rate;

2 (ii) sending the notice by certified mail rather than first class;

3 (iii) mailing the notice at the bulk rate; or

4 (iv) mailing a postcard.

5 (2) At the public hearing, the board of county commissioners shall give the public an opportunity to  
6 be heard regarding the proposed zoning district and regulations.

7 (3) After the public hearing, the board of county commissioners shall review the proposals of the  
8 planning board and shall make any revisions or amendments that it determines to be proper.

9 (4) The board of county commissioners may pass a resolution of intention to create a zoning  
10 district and to adopt zoning regulations for the district.

11 (5) The board of county commissioners shall publish notice of passage of the resolution of  
12 intention once a week for 2 weeks in a newspaper of general circulation within the county. The notice must  
13 state:

14 (a) the boundaries of the existing or proposed district;

15 (b) the general character of the proposed zoning regulations;

16 (c) that the proposed zoning regulations are on file for public inspection at the office of the county  
17 clerk and recorder and are posted on the county's website;

18 (d) the county's website address where the proposed zoning regulations are available for public  
19 inspection; and

20 ~~(d)(e)~~ that for 30 days after first publication of this notice, the board of county commissioners will  
21 receive written comments on the creation of the zoning district or to the zoning regulations from persons owning  
22 real property within the district whose names appear on the ~~last-completed~~ most recently completed  
23 assessment roll of the county.

24 (6) Within 30 days after the expiration of the comment period, the board of county commissioners  
25 may in its discretion adopt the resolution creating the zoning district or establishing the zoning regulations for  
26 the district."

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28 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an

1 integral part of Title 76, chapter 2, part 1, and the provisions of Title 76, chapter 2, part 1, apply to [section 1].

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3 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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