

SENATE BILL 382: LAND USE PLAN & MAP REQUIREMENTS

LOCAL GOVERNMENT INTERIM COMMITTEE
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STATUTORY REQUIREMENTS

[Senate Bill 382](#) requires applicable cities to develop and adopt a land use plan and future land use map that include inventories and descriptions of existing conditions and provide 20-year projections of anticipated needs for housing, local services and facilities, economic development, natural resources, environment, and hazards.¹ Once adopted, the land use plan and map must be reviewed every 5 years.

The following summarizes the requirements of the six areas of analysis required in the land use plan, which are provided in [76-25-206](#) through [76-25-209, MCA](#).

LAND USE PLAN COMPONENTS

HOUSING

At minimum, the land use plan must include:

- analysis of existing and projected housing needs for the projected population including the location, age, condition, and occupancy required to accommodate existing and estimated population projections;
- inventory of sites available to meet the jurisdiction's needed housing types;
- analysis of constraints to housing development and identification of incentives to encourage development; and
- progress toward the construction of needed housing units to meet projected needs during the 20-year planning period.

The land use plan includes **current conditions and 20-year projections** for housing, local services and facilities, economic development, natural resources, environment, and hazards.

A local government may find conditions that constrain the ability to meet the total housing needs identified in the housing analysis. In that case, the local government shall identify the minimum housing units that may be rehabilitated, improved, or developed and list the actions the local government will take to remove constraints.

LOCAL SERVICES & FACILITIES

At minimum, the land use plan must determine and identify the following services needed for the projected population:

¹ [Title 76, Chapter 25, Part 2](#), Land Use Plan.

- the existing and anticipated levels of public safety and emergency services;
- an inventory and map of existing fire protection, law enforcement, and emergency services and anticipated response times, including any existing mutual aid or cooperative service agreements;
- capital and service improvements for fire, law enforcement, emergency services, and health services,
- existing capacity, deficiencies, planned expansion, and anticipated levels and improvements of:
 - utility services, including water, wastewater, and storm water systems, and solid waste disposal, and
 - transportation networks; and
- local utility capital and service improvements.

In addition to the inventories and determinations above, the local government shall provide maps of:

- utility service areas, system networks, and facilities; and
- existing and planned roads in the jurisdiction area, including major highways, secondary highways, local routes, public transit systems, and all non-motorized routes (bike lanes, pedestrian thoroughfares).

The local government shall coordinate with school districts to determine existing and anticipated needs for expansion and improvements for the local K-12 school system.

ECONOMIC DEVELOPMENT

At minimum, the land use plan must assess:

- existing and potential commercial, industrial, small business, and institutional enterprises in the jurisdiction;
- job composition and trends by industry sector;
- the extent to which local characteristics, assets, and resources support or constrain existing and potential enterprises;
- inventory sites in the jurisdiction available to meet the jurisdiction's economic development needs;
- the adequacy of existing and projected local facilities and services, schools, housing stock, and other land uses necessary to support commercial, industrial, and institutional enterprises; and
- the financial feasibility of supporting anticipated economic growth.

NATURAL RESOURCES, ENVIRONMENT, & HAZARDS

At minimum, the land use plan must include inventories, descriptions, and maps of:

- natural resources within the jurisdiction, including but not limited to:
 - agricultural lands,
 - agricultural water user facilities,
 - minerals,
 - sand and gravel resources, and
 - forestry lands;
- natural resource characteristics of the jurisdictional area, including a summary of:
 - historical natural resource utilization,
 - data on existing utilization, and

- projected future trends;
- the natural environment of the jurisdictional area, including a summary of important natural features and potential threats to:
 - soils,
 - geology,
 - topography,
 - vegetation,
 - surface water,
 - ground water,
 - aquifers,
 - floodplains,
 - scenic resources, and
 - wildlife and wildlife habitat, corridors, and nesting sites;
- the natural hazards within the jurisdictional area including:
 - flooding,
 - fire,
 - earthquakes,
 - steep slopes, and
 - other known geologic and natural hazards; and
- land use constraints resulting from natural hazards and the efforts that have been taken to mitigate the impact of natural hazards.

LAND USE AND FUTURE LAND USE MAP

In addition to the land use plan, the local government shall create a land use and future land use map.²

The future land use map must locate and include:

- the proposed general distribution, location, and extent of residential, commercial, mixed, industrial, agricultural, recreational, and conservation uses of land;
- anticipated and preferred patterns and intensities of development over the next 20 years;
- descriptions of existing future land uses, including:
 - categories of public and private use,
 - general descriptions of use types and densities,
 - general descriptions of population, and
 - other aspects of the built environment;
- geographic distribution of future land uses anticipated over the next 20 years that demonstrate:
 - adequate land to support the projected population in all land use types in areas where adequate services can be provided,
 - adequate sites to accommodate the type and supply of needed housing, and

² [76-25-213, MCA](#). Land use and future land use map.

- areas that are not generally suited for development;
- areas known to be subject to covenants, codes, and restrictions that may limit the type, density, or intensity of housing development; and
- areas subject to increased growth pressures, higher development densities, and other urban development influences.

The local government may choose to produce additional plans, such as area plans³, that offer a more localized analysis of all or part of the land use plan.

IMPLEMENTATION

The local government shall develop a timeline and process for implementing both the land use plan and land use and future land use map.⁴ Neither the land use plan nor map is a regulatory document but must establish meaningful implementation measures for the use and development of land.

The implementation plan must include:

- identification of programs, activities, actions, or land use regulations that may be part of the overall strategy to implement the land use plan;
- a schedule for:
 - adopting or amending zoning regulations and a zoning map;
 - adopting a capital improvements program;
 - expanding or replacing public facilities and the anticipated costs and revenue sources to meet those costs, and
 - implementing any other specific actions necessary to implement the land use plan; and
- procedures for monitoring and evaluating progress towards meeting the implementation goal.

³ [76-25-214, MCA](#). Area plans. [76-25-215, MCA](#). Issue Plans.

⁴ [76-25-216, MCA](#). Implementation.