



# 2023 LAND USE LEGISLATION

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SENATE BILL  
382



CURRENT  
PROCESSES

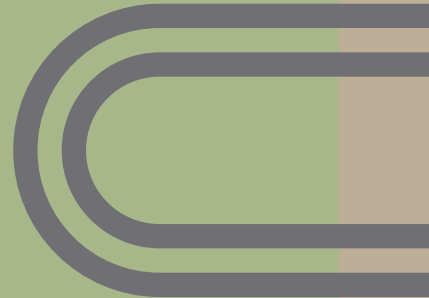
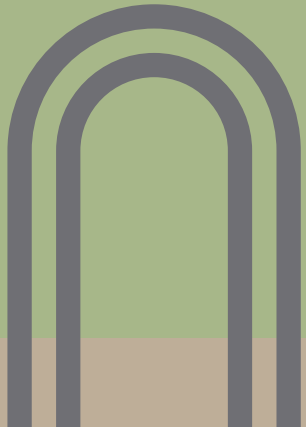


OTHER BILLS



UPCOMING  
INTERIM WORK

AGENDA



# Senate Bill 382

**Sponsor:** Sen. Mandeville

“Montana Land Use Planning Act”  
(LUPA)

# Senate Bill 382

**Applies to:** **Cities** at or over **5,000** within a **county** at or over **70,000**

- ✓ Belgrade
- ✓ Billings
- ✓ Bozeman
- ✓ Columbia Falls
- ✓ Great Falls
- ✓ Helena
- ✓ Kalispell
- ✓ Laurel
- ✓ Missoula
- ✓ Whitefish

*SB382, Section 5*

# APPLICABLE TIMELINE

## 3 OPTIONS

1

Cities meeting threshold on effective date (5/17/2023):

- **3 years to comply**

2

Cities that adopted a growth policy 5 years before effective date:

- **May extend deadline to 5 years from the adoption of growth policy**

3

Cities meeting threshold after next decennial census:

- **3 years to comply**

# STATUTORY CONSTRUCTION

## Title 76

### Ch 1: Planning Boards

- Org & Growth Policy

### Ch 2: Planning and Zoning

- County & City Zoning

### Ch 3: Local Reg. of Subdivisions

- Exempt divisions, transfers, survey req, local regs, and review

### Ch 4: State Reg. of Subdivisions

- “Sanitation in Subdivisions Act” -DEQ functions

# STATUTORY CONSTRUCTION

## Title 76

Ch 1: Planning Boards

Ch 2: Planning and Zoning

Ch 3: Local Reg. of Subdivisions

Ch 4: State Reg. of Subdivisions

Followed by counties &  
cities not required use  
SB382  
(may opt in)

**NEW**

**Ch 25: Land Use Planning Act (LUPA)**

# SB 382 Purposes:

- Modernize and streamline processes
- Encourage coordinated and planned growth
- Utilize a broad and comprehensive level of data collection to identify and analyze existing conditions and future opportunities and constraints
- Allow for quicker site-specific development review and decision-making
- Provide robust public participation

*SB382, Section 2*



# SB 382 Methods:

Establish a planning commission to develop & review:

- ✓ Land use plan and future land use map
- ✓ Zoning regulations and map
- ✓ Subdivision regulations
- ✓ Any other land use planning documents

*SB382, Section 3*

# SB 382 Methods:

Must provide for “continuous public participation” during process:

- ✓ Disseminate draft documents
- ✓ Allow written and verbal comments
- ✓ Provide public meetings
- ✓ Allow electronic communications
- ✓ Provide response to public comments

Dept. of Commerce to develop list of public participation methods & best practices

*SB382, Section 6*

# SB 382 Methods:

Develop a “**Land Use Plan and Future Land Use Map**”

- ✓ Planning Commission must propose, and governing body must adopt, amend, or reject
- ✓ Citizens may propose amendments:
  - By petition of 15% of electors
  - By property owner applying for a land use permit

Additions or changes to plan and map must be accompanied with data collection and analysis

*SB382, Section 7*

# SB 382 Methods:

## Land Use Plan and Future Land Use Map

- ✓ Must be reviewed every 5 years
- ✓ Planning commission may update plan and map
  - Follow similar process for public participation, data collection, and analysis of impacts

# SB 382 Methods:

## Future Land Use Map

- ✓ Identify preferred and anticipated development patterns and intensities for next 20 years
- ✓ Identify future annexation possibilities
- ✓ Reflect adequate area to accommodate needed/projected housing units

# SB 382 Methods:

**Land Use Plan** must include inventories of existing and 20-year projections for:

- ✓ Housing
- ✓ Local Services & Facilities
- ✓ Economic Development
- ✓ Natural Resources
- ✓ Environment
- ✓ Hazards
- ✓ Land Use

7 Criteria  
Areas

*SB382, Section 9*

# Housing

SB 382 Section 10

- Identify existing AND projected housing needs for 20 years
  - Analyze challenges to housing development
  - Identify actions to accommodate projected housing needs
- 
- If projected needs can NOT be met, a minimum number of housing units must be established (rehabbed or developed) that can be accomplished in 20 years
  - Progress toward housing goal documented every 5 years

# Zoning to Encourage Housing

SB 382 Section 16

Zoning Regs must include a minimum of **5** housing strategies (of 14 options):

- Allow duplex housing where single-unit dwelling permitted
- Higher density near urban centers (transit, employment, higher ed, etc.)
- Eliminate or reduce parking requirements
- Eliminate or reduce ADU impact fees
- Allow at least one ADU on a single-dwelling lot
- Allow single-room occupancy development
- Allow triplex or fourplex housing where single-unit dwellings permitted



# Zoning to Encourage Housing

SB 382 Section 16

- Eliminate or reduce minimum lot sizes
- Eliminate or reduce aesthetic, material, shape, bulk, size, or floor area requirements for multi-unit or mixed-use developments
- Allow or encourage the development of tiny homes
- Eliminate or reduce setback requirements
- Increase building height limits
- Allow multi-unit or mixed-use development in commercial zones
- Allow multi-unit dwelling as permitted use where triplexes and fourplexes are permitted

# SB 382 Methods:

**Land Use Plan** must include inventories of existing and 20-year projections for:

- ✓ **Housing**
- ✓ **Local Services & Facilities**
- ✓ Economic Development
- ✓ Natural Resources
- ✓ Environment
- ✓ Hazards
- ✓ Land Use

7 Criteria Areas

*SB382, Section 9*

# Local Services & Facilities

SB 382 Section 11

Identify existing AND projected:

- ✓ Public safety & emergency services
- ✓ Utility services
- ✓ Transportation network/infrastructure
- ✓ Coordinate with school systems

# SB 382 Implementation:

An implementation section offers a schedule for:

- ✓ Adopting/amending zoning regs and map
- ✓ Adopting/amending capitol improvement projects
- ✓ Expanding/replacing public facilities (including costs & revenue sources)
- ✓ Implementing any other necessary actions
- ✓ Monitoring progress

*SB382, Section 17*

# STATUTORY CONSTRUCTION

## Title 76, Ch 25: Land Use Planning Act

Part 1: General Provisions

Part 2: Land Use Plan

Part 3: Zoning

Part 4: Subdivision Regulations

Part 5: Fees, Variances, Appeals,  
Enforcement & Penalties

# OTHER LAND USE BILLS

SB 245

*Revise municipal zoning to allow multifamily and mixed-use development*

SB 323

*Allow for duplex housing in city zoning*

SB 528

*Revise zoning laws related to ADUs*

# SB 245

Sponsor: Sen. Zolnikov

Effective Date:  
May 17, 2023

Applies retroactively to  
zoning regs already  
enacted/adopted

- Cities over 5,000 must allow multiple-unit dwelling and mixed-use developments in commercial zones
- May not require more than one off-street parking space per unit unless otherwise required in a parking agreement or ADA
- Mixed-use development: nonresidential uses are less than 50% of the total sq. footage and limited to 1<sup>st</sup> floor
- Multiple-unit dwelling: building with 5 or more units

# SB 323

Sponsor: Sen. Trebas

Effective Date:  
Jan 1, 2024

- Cities over 5,000 must allow duplex housing on lots permitted for single-family residences
- Zoning regs may not be more restrictive on duplex housing
- Duplex housing: parcel or lot with two dwelling units designed for residential occupancy



# SB 528

Sponsor: Sen. Hertz

Effective Date:  
Jan 1, 2024

- Cities and towns with zoning must allow at least one ADU on a lot with a single-family dwelling
- Accessory Dwelling Unit (ADU): a self-contained living unit on the same parcel as a single-family dwelling of greater square footage
  - Must meet applicable building code, fire code, and public health and safety regs
  - May be attached, detached, or internal
    - If detached, must be no more than 75% gross floor area of the single-family dwelling or 1,000 sq. ft

# SB 528

Sponsor: Sen. Hertz

Effective Date:  
**Jan 1, 2024**

## Zoning regs may NOT:

- ✓ require additional parking or fees
- ✓ require the ADU to match the design of the single-family dwelling
- ✓ require owner or relationship occupancy
- ✓ require any relationship between occupants
- ✓ assess impact fees
- ✓ require public street improvements
- ✓ set dimensional requirements more restrictive than the single-family dwelling
- ✓ require certain restrictive covenants

# SB 528

Sponsor: Sen. Hertz

Effective Date:  
**Jan 1, 2024**

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Cities and towns may require:

- ✓ reconstruction of damaged streets
- ✓ application fee of up to \$250
- ✓ will-serve letter from water and/or sewer system

# UPCOMING INTERIM WORK

## Local Gov. Interim Comm

- Monitor the implementation of SB 382 and other housing bills
- Affordable rental topic

## Economic Affairs Interim Comm

- Monitor the implementation of HB 819
- Dept. of Commerce & GOED oversight

## Gov. Housing Task Force

- Renewed by EO June 29, 2023
- Expand on previous work

