

Montana Land Use Statutes: Growth Policy, Zoning, and Subdivision

**Local Government Interim Committee Meeting
November 18, 2021**

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Jessica Osterloh, Kelly Lynch, Tara DePuy, and various local governments

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Montana Department of Commerce



Foster community-diversification and sustainability of a growing economy

Maintain and improve our infrastructure

Promote Montana's positive national and international image

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Community Technical Assistance Program

Provides professional planning assistance

- Workshops and trainings
- Model documents and guides
- Direct assistance



CAPITAL IMPROVEMENTS PLANNING MANUAL:

A Strategic Tool
for Planning and Financing
Public Infrastructure



February 2020



Montana Code Annotated

Title 76, Chapters 1, 2, & 3

Growth Policy

- Chapter 1
 - Part 6

Zoning

- Chapter 2
 - Part 1 Citizen-Initiated Zoning
 - Part 2 County Zoning
 - Part 3 Municipal Zoning

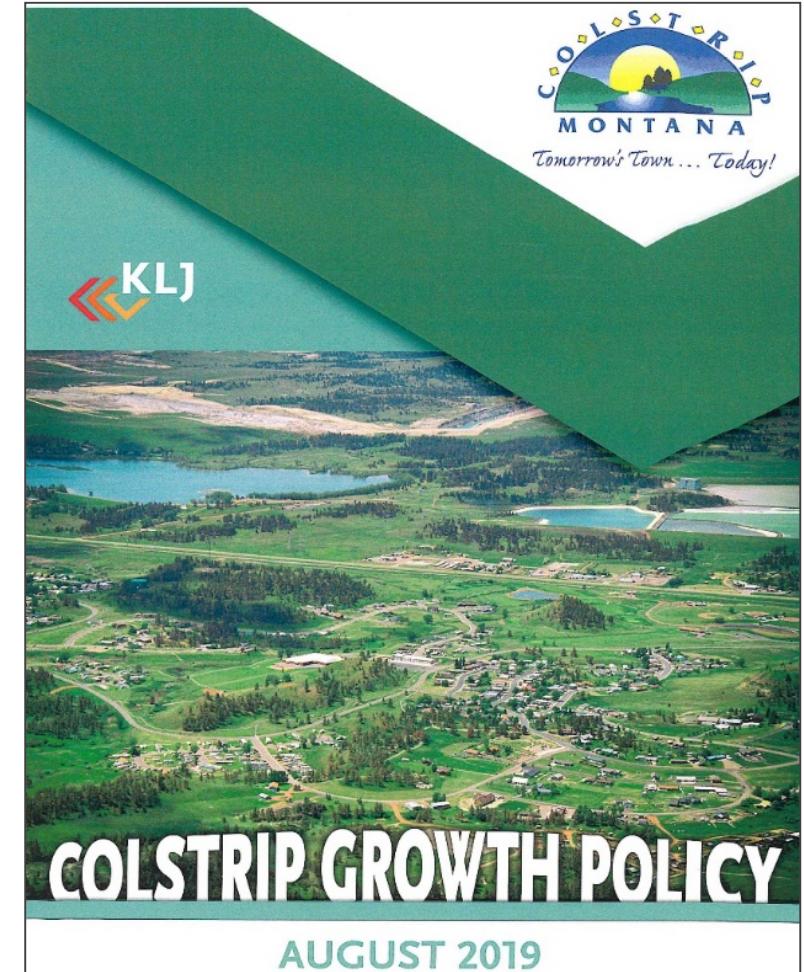
Subdivision

- Chapter 3: Montana Subdivision and Platting Act (MSPA)



Growth Policy (Title 76, Chapter 1, Part 6)

An official public document adopted and used by local governments as a guide for decisions regarding the physical development of the community



Growth Policy

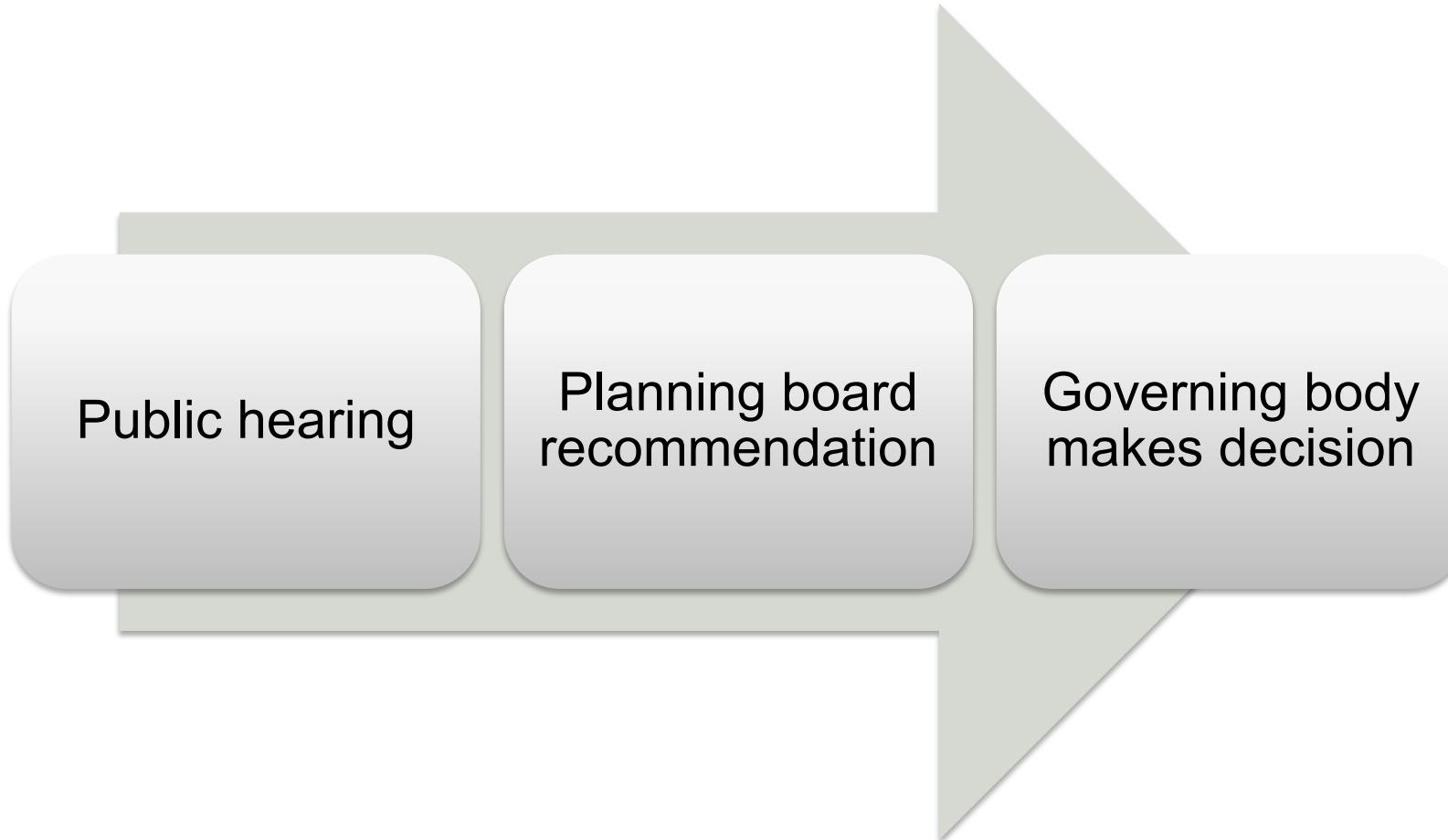
- **Contents:**
 - Goals and objectives
 - Maps and text inventorying existing characteristics
 - Projected trends
 - Description of policies, regulations, and other measures to achieve goals
 - Public infrastructure strategy
 - Implementation strategy
 - Etc.

Goals	Objectives
Ensure that County residents have access to adequate and efficient healthcare and emergency medical services	<ul style="list-style-type: none">• Establish 24-hour basic emergency medical services in Broadus.• Establish working group to examine the creation of a Critical Access Hospital having emergency services, a clinic, physical therapy, and a nursing home• Maintain ambulance services.• Enhance mental health services.• Etc.

From Powder River County, Growth Policy, 2019



Growth Policy Adoption Process



Example of public engagement from Gallatin Co.



Growth Policy Post-Adoption

Governing body must consider the growth policy in certain activities like zoning

Subdivision regulations must be in accordance with the growth policy

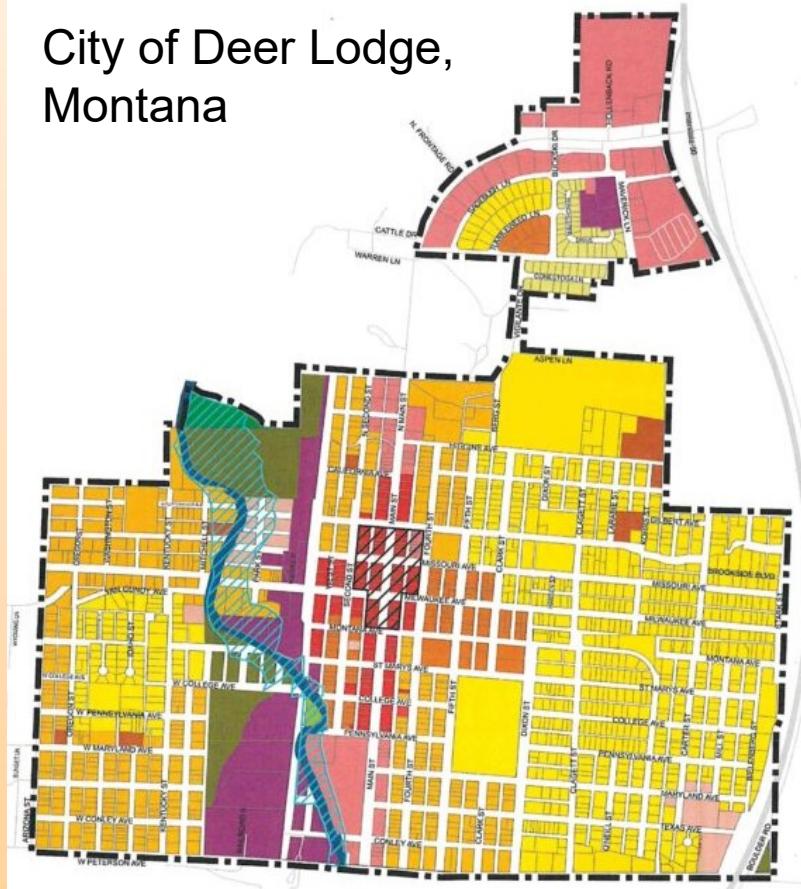
Review the growth policy at least once every 5 years and revise if necessary



Zoning

Map

City of Deer Lodge,
Montana



Regulations

- Use
- Lot Size/Density
- Form of buildings
- Placement of buildings
- Other development standards



Zoning (Title 76, Chapter 2, Parts 1-3, MCA)

- Part 1: Citizen Initiated Zoning
- Part 2: County Zoning
- Part 3: Municipal Zoning

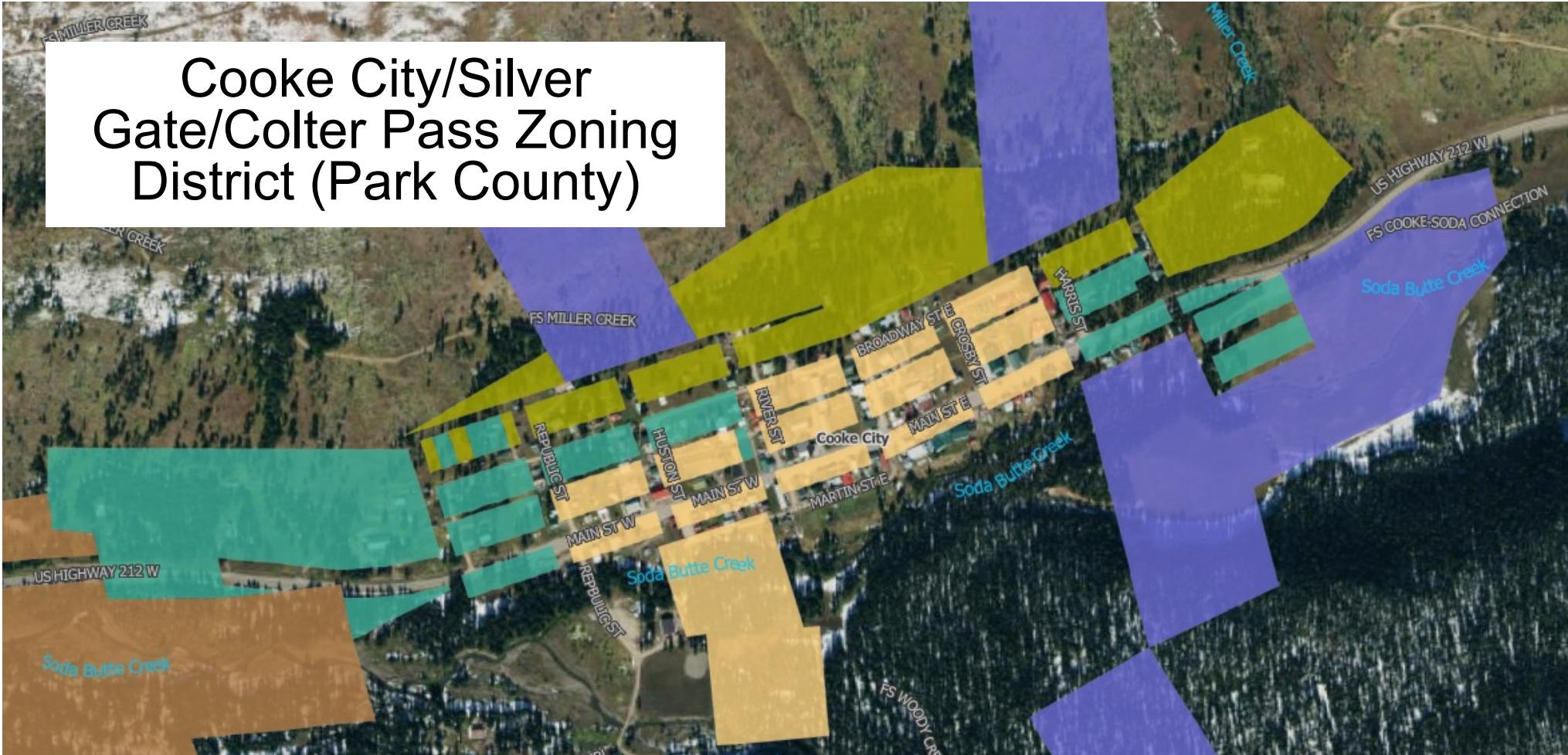


Part 1 Citizen Initiated Zoning

Where?	Counties
Who starts process?	Property owners
Process to create?	Property owners create petition, county commissioners create district and appoint planning and zoning commission, county commissioners adopt resolution
Growth policy required?	No



Part 1 Citizen Initiated Zoning



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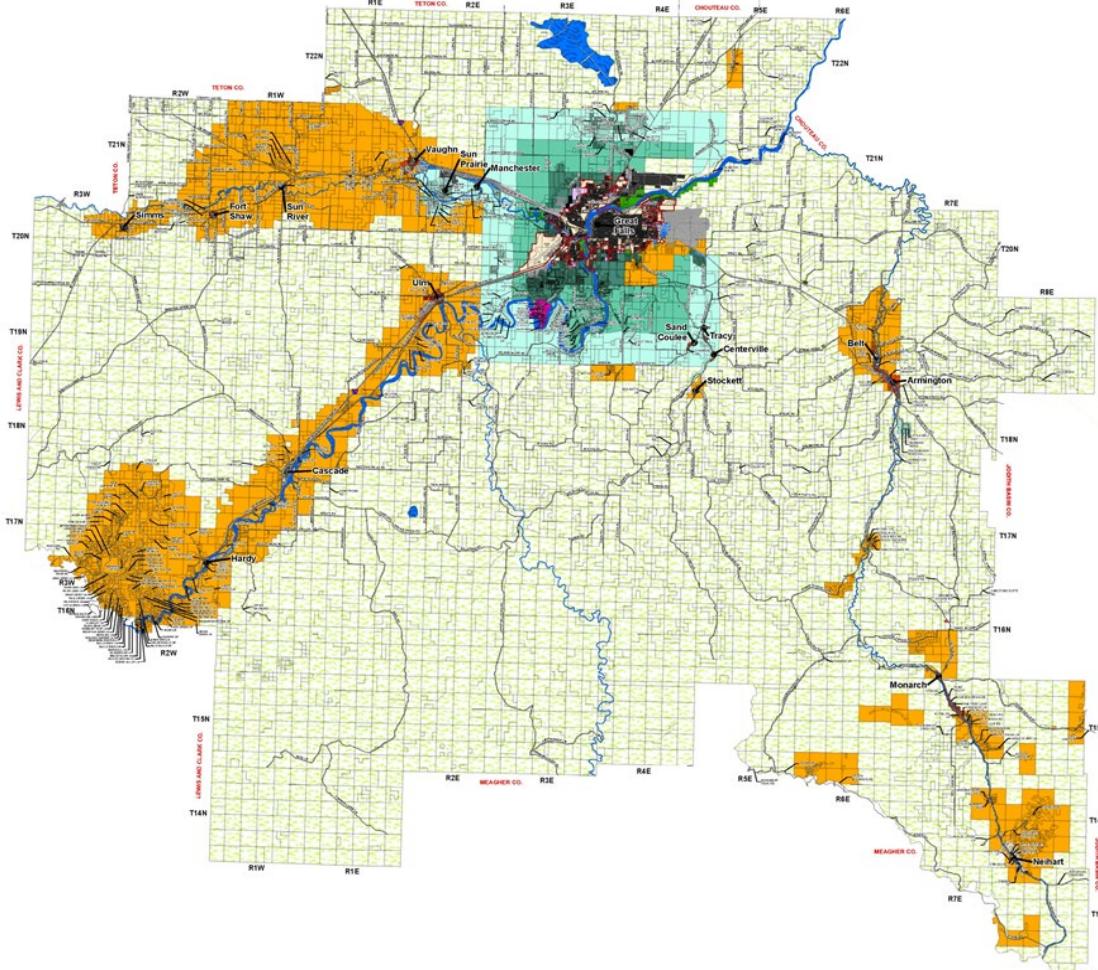


Part 2 County Zoning

Where?	Counties
Who starts process?	Board of County Commissioners
Process to create?	Must meet criteria, public hearing, planning board recommendation, county commissioners adopt resolution, referendum
Growth policy required?	Yes, zoning must be in accordance with a growth policy



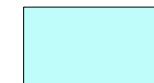
Part 2 County Zoning



Cascade County Zoning Map



Mixed Use - 20



Rural Residential - 5



Suburban Residential - 2



Suburban Residential - 1

(partial map legend)



Part 3 Municipal Zoning

Where?	Cities and towns
Who starts process?	City or town council
Process to create?	Must meet criteria, public hearing, zoning commission makes recommendation, county commissioners adopt resolution
Growth policy required?	Yes, zoning must be in accordance with a growth policy



Part 3 Municipal Zoning



City of Billings Zoning Map

- N1 - First Neighborhood
- N2 - Mid-Century Neighborhood
- N3 - Suburban Neighborhood
- N4 - Large Lot Suburban Neighborhood*
- NMU - Neighborhood Mixed-Use
- NO - Neighborhood Office
- NX1 - Mixed Residential 1 (1-4 du/structure)
- NX2 - Mixed Residential 2 (2-8 du/structure)
- NX3 - Mixed Residential 3 (=/>5 du/structure)

(partial map legend)

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Subdivision (Title 76, Chapter 3, MCA)

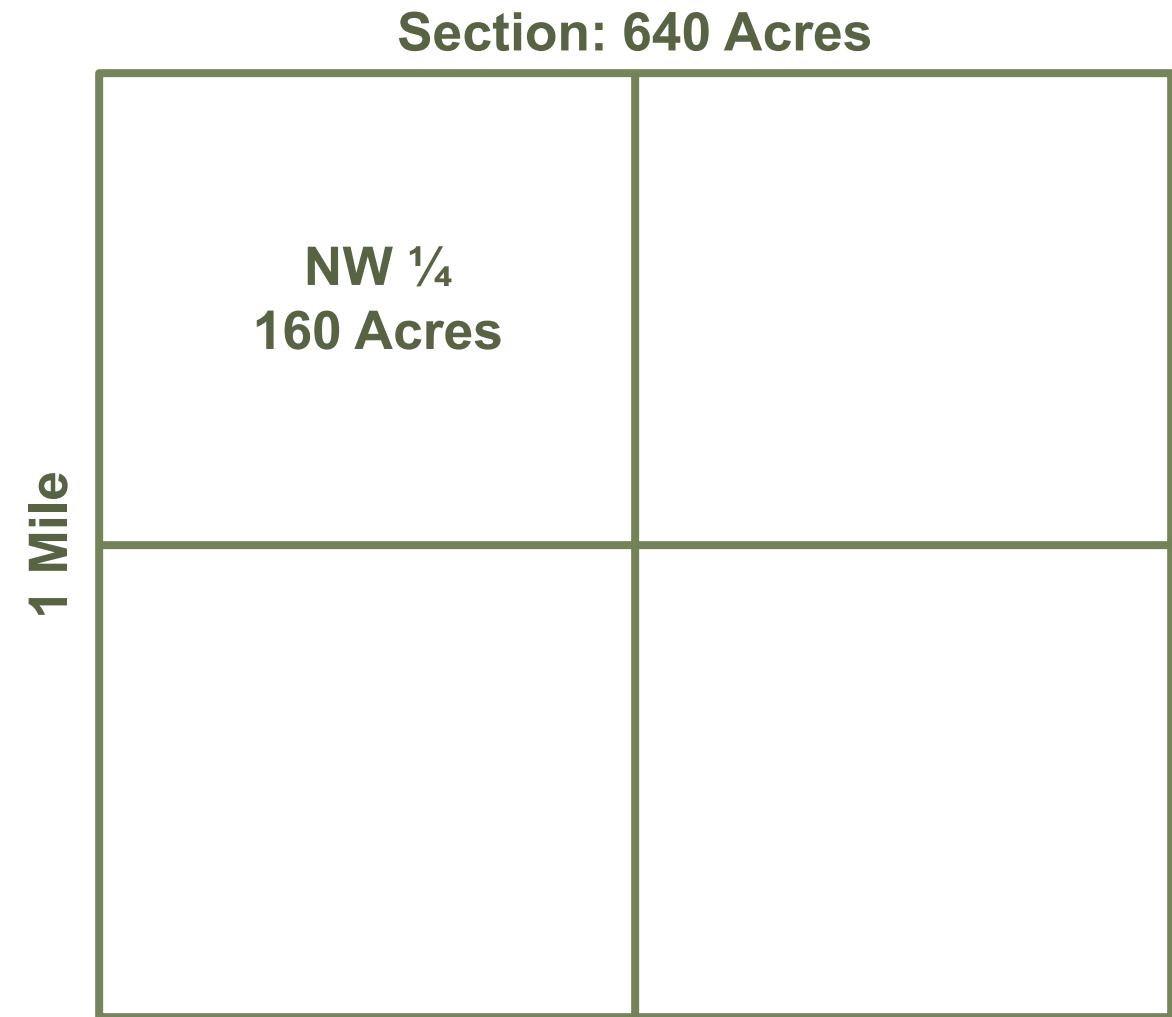
- Part 1: General Provisions
- Part 2: Miscellaneous Exemptions
- Part 3: Land Transfers
- Part 4: Survey Requirements
- Part 5: Local Regulations
- Part 6: Local Review Procedure

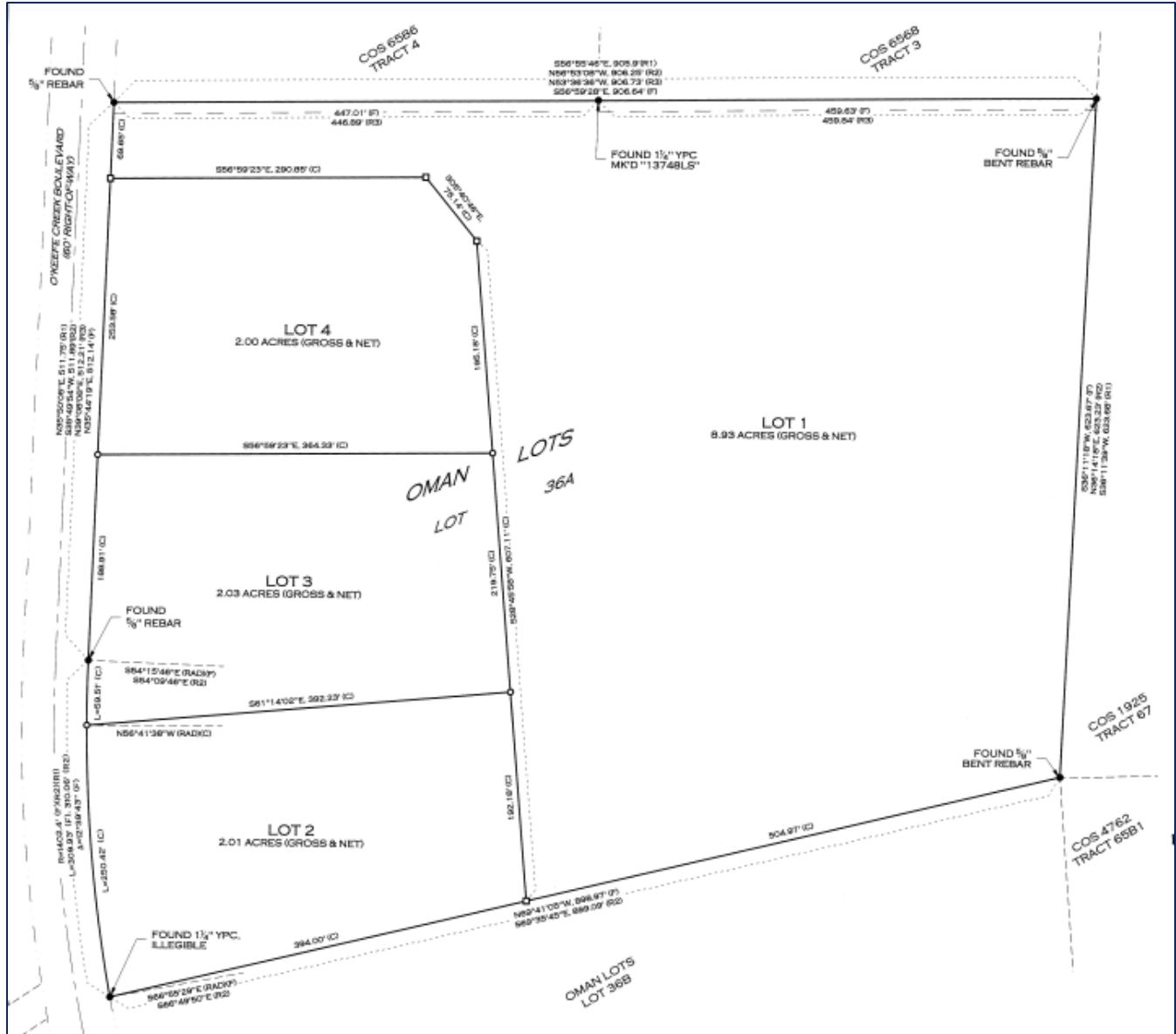


General Provisions – Part 1

Subdivision

- Division of land creating one or more parcels
- Creates parcels less than 160 acres
- Creates parcels that can be sold





Minor vs. Major

- **Minor** – Creates 5 or fewer lots
 - First Minor
 - Subsequent Minor
- **Major** – Creates 6 or more lots



Subdivision Exemptions – Part 2

- Court order
- Mortgage exemption
- Cemetery lots
- Gift or sale to immediate family member
- Agricultural covenant
- Aggregation of parcels
- Etc.



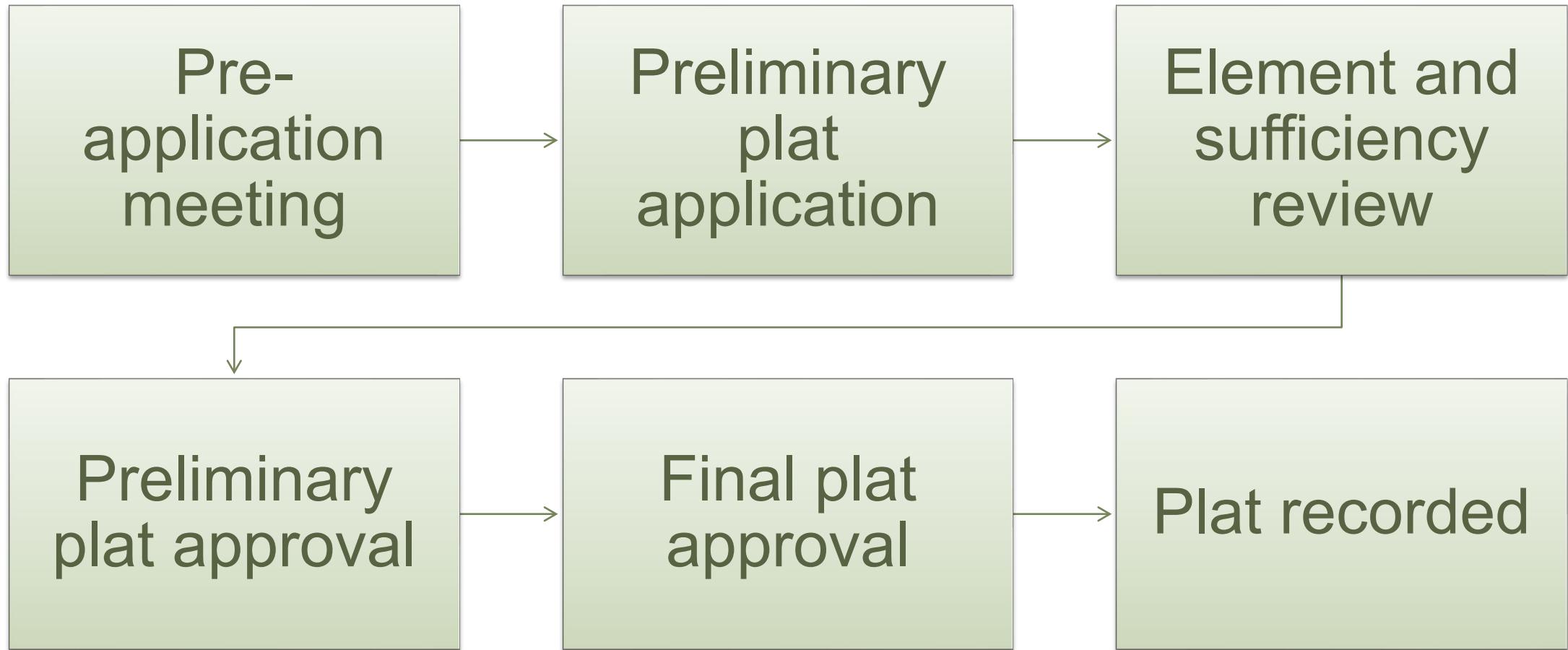
Local Regulations – Part 5

Contents:

- List required application materials
- Establish processes and procedures
- Prescribe standards for design of subdivision



Local Review Procedure – Part 6



Summary

Growth Policy	Zoning	Subdivision
<ul style="list-style-type: none">• Non-regulatory• Not required*	<ul style="list-style-type: none">• Regulatory• Not required• Must substantially comply with growth policy**	<ul style="list-style-type: none">• Regulatory• Required• Must substantially comply with growth policy (if there is one)

*Except if local government has Part 2 County or Part 3 Municipal Zoning

**Growth policy is not required for Part 1 Citizen Initiated Zoning



COMMUNITY TECHNICAL
ASSISTANCE PROGRAM

Community Planning Documents

Presentations, Publications and Model
Documents

Legal Updates

Useful Links

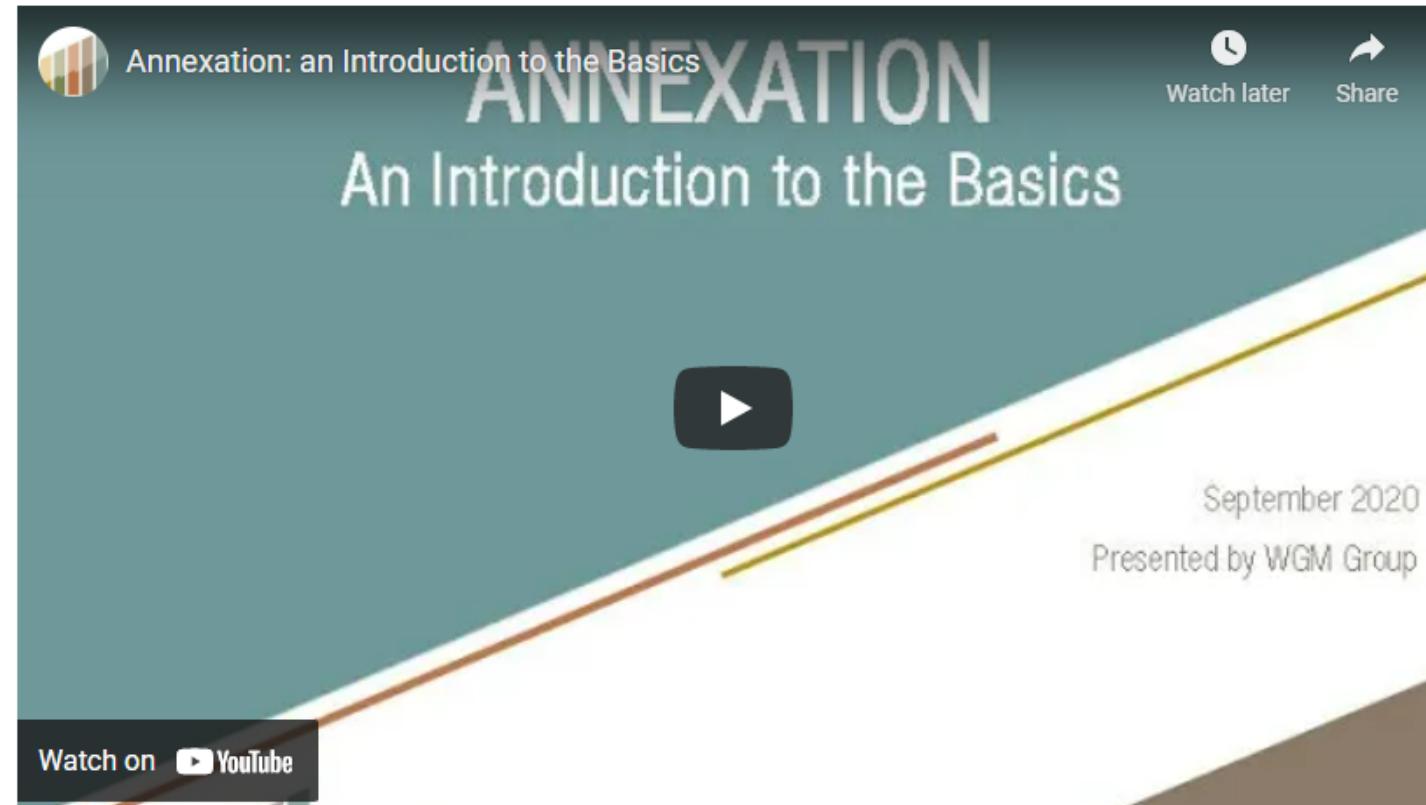
Mapping and Analysis

Contact

MODEL PLANNING DOCUMENTS, EDUCATIONAL MATERIALS, PUBLICATIONS
AND PRESENTATIONS

ANNEXATION

Annexation: An Introduction to the Basics



[Annexation: An Introduction to the Basics Webinar](#)

<https://comdev.mt.gov/Programs-and-Boards/Community-Technical-Assistance-Program/>