

Montana 2023 Land Use Legislation

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HOUSING

Bipartisan Hope for Affordable Housing Emerges in the West

Inadequate housing stock is causing problems across the country. Local zoning is part of the problem. State-level reforms in two western states may point to the answer.

OPINION | June 20, 2023 • Emily Hamilton



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URBAN ECONOMICS | POLICY BRIEFS August 23, 2023

Four Elements of a Successful Housing Task Force: Lessons from the Montana Miracle

By Emily Hamilton

[Download the Policy Brief PDF](#)

Montana's Fear of "California-Style Zoning" Spurs Reform

Ben Abramson · April 7, 2023

Popular Latest Newsletters

The Atlantic

IDEAS

The Anti-California

How Montana performed a housing miracle

By Annie Lowrey



(Source: [Unsplash](#)/Matthew Lanoster)

How do you light a fire under Montanans? Tell them that “Montana is exactly where Los Angeles was 100 years ago and we need to avoid that future.” Kendall Cotton, President and CEO of Montana’s Frontier Institute, sounded this alarm bell for zoning reform that is resonating in the fast-growing state.



Home » Research » Housing + Urbanism » Articles » [Montana's Big Bipartisan Housing Deal](#)

MONTANA'S BIG BIPARTISAN HOUSING DEAL

Amid the US's second-worst price spikes and shortage of homes, a broad coalition unified to find solutions.



*Sightline Institute's work is made possible
by the generosity of people like you.*

Thursday, October 19, 2023

DAILY INTER LAKE

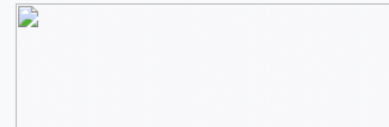
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Zoning reforms will help solve Montana's housing crisis

By [Forrest Mandeville And Jeremy Trebas](#)

| October 15, 2023 12:00 AM

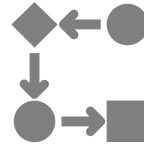
There have been dozens of news articles celebrating the historic pro-housing



AGENDA



Senate Bill
382



Current
Processes



Other Bills

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**

Currently 10 MT Cities
have 3 years to comply

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
to 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, early public participation

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

SB 382 Methods:

Must provide for “continuous public participation”:

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

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

Housing

- 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

SB382 Section 19

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

SB382 Section 19

- 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

Local Services & Facilities

Identify existing AND projected:

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

SB 382 Implementation:

Must have schedule for:

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

**STATUTORY
CONSTRUCTION**

Title 76, Ch 25: Land Use Planning Act

Part 1: General Provisions

Part 2: Land Use Plan

Part 3: Zoning Regs.

Part 4: Subdivision Regs.

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

- 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 1st 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

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

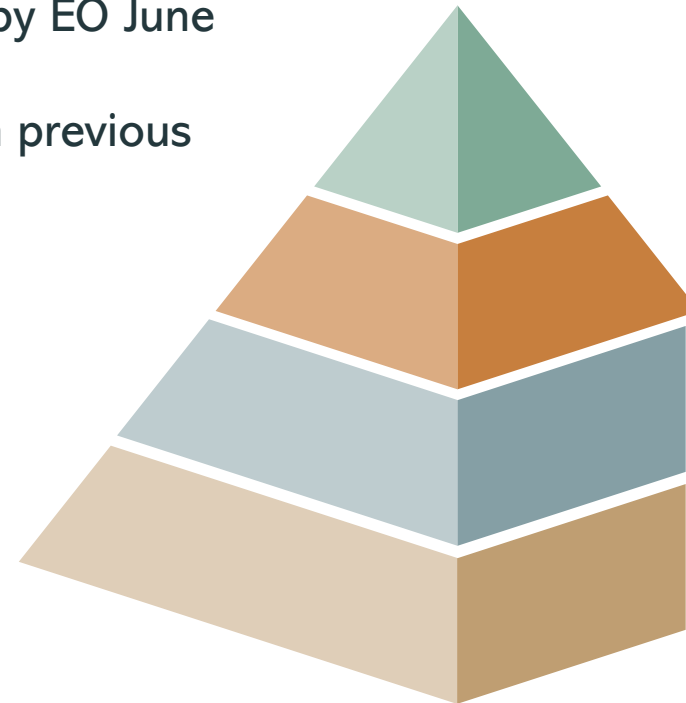
- Monitor the implementation of SB 382 and other housing bills

Gov. Housing Task Force

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

Economic Affairs Interim Comm

- Monitor the implementation of HB 819 (\$225 mill for housing related projects)



News articles:

Bloomberg. [How YIMBYs Won Montana](#)

Strong Towns. [Montana's Fear of 'California-Style Zoning' Spurs Reform](#)

The Atlantic. [The Anti-California: How Montana performed a housing miracle](#)

Sightline Institute. [Montana's Big Bipartisan Housing Deal](#)

Governing. [Bipartisan Hope for Affordable Housing Emerges in the West](#)
(Montana & Washington)

Daily Inter Lake. [Zoning reforms will help solve Montana's housing crisis](#)

(op-ed by Sen. Mandeville and Sen. Trebas, sponsors of SB382 & SB323)

Committee and Task Force Websites:

[Governor's Housing Task Force](#)

[Local Government Interim Committee](#)

[Economic Affairs Interim Committee](#)