

Relevant State Legislation

The last time the City updated the City Subdivision Regulations based on State Law changes was in 2014, to incorporate related amendments from the 2013 Legislative actions. Therefore, we begin this targeted update of City Subdivision Regulations by reviewing potential related bills from 2015 onward.

Staff has reviewed each potentially related bill adopted during legislative sessions between 2015 and 2021 to determine the following:

- whether an amendment applicable to the city subdivision regulations is needed;
- whether the bill relates to other land development reviews or procedures, such as changes to the Sanitation or Unit Ownership Act and does not require a change to the subdivision regulations; – or
- in general, doesn't fit the purpose of the subdivision regulations and is another directive or clarification.

Of the 17 bills reviewed, staff found that 12 bills - 4 from the 2017 session, 3 from the 2019 session, and 5 from the 2021 session - resulted in changes that will need to be incorporated into the City's subdivision regulations.

The table below provides a synopsis of the relevant House and Senate bills from the 2015, 2017, 2019, and 2021 Montana legislative sessions and whether the bills resulted in targeted amendments to the City Subdivision Regulations.

Year	Legislation	Description	Applicability to subdivision regulations
2015	HB0183	Requires that certain parks that are wholly surrounded by a property being or already annexed by a municipality be included in an annexation.	None
	HB0289	Revises zoning requirements for targeted economic development districts.	None
	SB0237	Revises requirements governing a local government impact fee service area and impact fee advisory committee.	None
2017	HB0245	Revises review and approval procedures for final plats by a governing body, including time limits for review and approval and notification requirements.	Article 4: Review and Approval Procedures
	HB0416	Requires review decisions made by a governing body to include findings of fact that are based on the record as a whole.	Article 4: Review and Approval Procedures

	HB0445	<p>Revises the regulations for phased development for projects approved after 2017 by requiring the following:</p> <p>Phased development applications to include information on all proposed phases and a schedule for review of each phase;</p> <p>All phases of a phased development to be submitted for review and acted on within 20 years of the date the preliminary plat is approved;</p> <p>A public hearing for the review of each phase by a governing body to consider changed primary criteria impacts or new information for each phase; and</p> <p>Allows a governing body to impose additional necessary conditions of approval on each phase.</p> <p>Provides a definition of “phased development.”</p>	<p>Article 1: Introductory Provisions</p> <p>Article 2: Definitions</p> <p>Article 4: Review and Approval Procedures</p> <p>Article 5: Submittal Requirements</p>
	SB0219	Exempts from subdivision review certain parcels of land used to provide security for mortgages, liens, or trust indentures.	Article 8: Exempt Land Divisions
2019	HB0055	Revises laws relating to subdivision sanitation review, including the rulemaking and review authority for connections to water and sewer, and timelines, exemptions, and filing requirements for subdivision sanitation review.	Article 5: Submittal Requirements
	HB0124	<p>Revises regulations pertaining to agricultural covenants, clarifying a change in use from agriculture to another use subjects the development to subdivision review.</p> <p>Authorizes governing bodies to lift agricultural covenants in specific situations.</p>	Article 8: Exempt Land Divisions
	SB0276	<p>Identifies the circumstances in which a condominium can be converted to a townhouse.</p> <p>Exempts certain conversions of existing condominium projects to townhouse projects from subdivision review.</p>	Article 4: Review and Approval Procedures

2021	HB0292	Replaces the term “abstract of title” with “subdivision guarantee”.	Article 5: Submittal Requirements Article 8: Exempt Land Divisions
	HB0444	Exempts certain aggregations of previously divided parcels from sanitation review.	None
	HB0450	Revises exemptions to subdivision review by clarifying a court-ordered land division may not create more than four new lots or parcels in order to be exempt.	Article 8: Exempt Land Divisions
	SB0044	Amends laws relating to subdivision sanitation review to include definitions, extend rulemaking authority, and streamline the sanitation review process.	None
	SB0161	Clarifies requirements for appeals of City Council decisions; Creates regulations and review procedures for the expedited review of subdivisions that meet certain requirements, including a prohibition to request a variance or deviation from any adopted regulation.	Article 1: Introductory Provisions Article 4: Review and Approval Procedures
	SB0174	Modifies the criteria that local governing bodies must consider when approving, conditionally approving, or denying a subdivision, and when requiring the mitigation of impacts; Prohibits a governing body from approving the development covenants (governing documents) of the subdivision unless they directly impact a condition of approval; Requires that the conditions of a conditionally approved subdivision identify a documentable and clearly defined purpose or objective in reference to the primary criteria for subdivision review.	Article 4: Review and Approval Procedures
	SB0211	Amends the criteria for local government review regarding impact on adjacent agricultural operations by excluding any consideration of whether a proposed subdivision will result in a loss of agricultural soils and prohibits a requirement to set-aside land or monetary contribution for the loss of agricultural soils.	Article 4: Review and Approval Procedures Article 5: Submittal Requirements

