



Referral and Staff Report

Agenda item:	City Subdivision Amendments: Complying with 2023 State Legislation
Report Date:	9/12/2023
Project Lead:	Jen Gress
Public Meetings & Hearings	
Planning Board/City Council public hearing legal ad:	Published in the Missoulian on September 2 and 9, 2023
Planning Board (PB) hearing:	9/19/2023
Recommended PB motion:	Recommend that the Missoula City Council adopt a Resolution amending the Missoula City Subdivision Regulations, Article 1 Introductory Provisions, Article 2 Definitions, Article 4 Review and Approval Procedures, Article 5 Submittal Requirements, and Article 8 Exempt Land Divisions, incorporating applicable State Legislative Changes from the 2023 legislative session along with limited necessary amendments not specifically related to State land use legislation.
City Council (CC) 1st Reading (date)	N/A
Recommended CC consent agenda motion for 1st reading:	N/A
Land Use and Planning discussion:	9/27/2023
City Council (CC) public hearing:	10/16/2023
City Council final consideration	10/16/2023
Recommended motion CC final consideration:	Adopt/deny a Resolution amending the Missoula City Subdivision Regulations, Articles 1 Introductory Provision, Article 2 Definitions, Article 4 Review and Approval Procedures, Article 5 Submittal Requirements, and Article 8 Exempt Land Divisions, incorporating applicable State Legislative Changes from the 2023 legislative session along with limited necessary amendments not specifically related to State land use legislation.
Applicant:	This is a CPDI initiated request.
Notification and public engagement:	<ul style="list-style-type: none"> • Requested Agency and Interested Citizen Comments • Created an Engage Missoula page • LUP introduction to the project • Legal ad • Development Community updates

I. PROPOSAL SUMMARY

Community Planning, Development, and Innovation (CPDI) is proposing amendments to the City Subdivision Regulations with the goal of incorporating State law changes into our local regulations and helping create a solid base for the Code Reform project.

II. BACKGROUND

The 2023 Montana State Legislative Session passed a variety of land-use related bills. This effort is in large part due to the ongoing affordable housing crisis, compounded by materials costs and lengthy development review schedules. To invoke change at an even more rapid pace, the legislature assigned immediate or late-2023 effective dates to several of the bills passed.

The City of Missoula is responding quickly with immediate changes to address the State bills that are effective on or before October 1, 2023. These include changes to the City Subdivision Regulations. Due to tight timelines and strict compliance with state code, the amendment process has a brief window for public participation. These amendments are mandated by the State Legislature, regardless of local community guidance.

The goal of this project is to update the subdivision regulations in a targeted manner by incorporating the 2023 legislative changes into our local regulations, helping to create a solid base for the Code Reform project currently being worked on.

The Montana State Legislature meets every two years to discuss possible amendments to State law for various topics including subdivision review.

The 2023 Legislative session produced six different bills specifically affecting our local subdivision regulations: HB 211, SB 131, SB 152, SB 158, SB 170, and SB 331.

Key themes for these bills include changes to various Subdivision review processes including:

- Requiring a 20-day review and approval process for specific divisions, as well as specifying review times for the expedited review process;
- Amending Family Transfer laws;
- Creating an Administrative Minor Subdivision process;
- Clarifying when a subsequent public hearing will be required;
- Allowing staff to administratively approve certain divisions, while retaining City Council approval for others; and,
- Removing the requirement for a public hearing for phased development review in certain circumstances.

There are a total of 35 amendments being proposed in:

- Article 1 – Introductory Provisions;
- Article 2 – Definitions;
- Article 4 – Review & Approval Procedures;
- Article 5 – Submittal Requirements; and,
- Article 8 – Exempt Land Divisions.

In addition to the legislative changes, staff has identified a number of amendments not specifically related to State land use legislation but are necessary to include in this update. These include:

- Moving the review procedures for condominium and townhouse proposals from Article 4 to Article 8, Exempt Land Divisions;
- Including State law language that was not included during our update in 2022;
- Correcting formatting issues;
- Correcting cross references; and,
- Making Article 8, Exempt Land Divisions, more usable and understandable.

Additional information and resources, like a link to the City Subdivision Regulations, can be found on the City's Engage Missoula web site (www.engagemissoula.com) under Subdivision & Zoning Amendments: 2023 State Legislation.

III. AGENCY AND PUBLIC COMMENT

No comments were received from outside agencies. One public comment was received; however, it didn't pertain to the legislative changes.

IV. REVIEW CRITERIA

N/A

V. ATTACHMENTS:

- A. Subdivision Regulations State Law Changes Planning Board
- B. Summary Table of Legislative Bills 2023
- C. Public Comment Engage Missoula 9-12-23