

2021 LAND USE LEGISLATION
MACO/PCT LAND USE ATTORNEY TARA DEPUY

BILL NUMBER	EFFECTIVE DATE/APPLICABILITY	TYPE OF LAND USE AFFECTED	SUMMARY
HB0259.pdf (mt.gov)	April 19, 2021	Subdivision and Zoning	Prohibits inclusionary zoning in subdivision review and all zoning
HB0271.pdf (mt.gov)	October 1, 2021 Applies to roads dedicated to public use on plats after October 1, 2021	Subdivision/Roads	Road on final subdivision plat dedicated to public use is not a county road until County Commissioners approve by resolution the adoption of road as a county road
HB0292.pdf (mt.gov)	October 1, 2021	Subdivision	Changes “abstract of title” in 76-3-612 to “subdivision guarantee”
HB0444.pdf (mt.gov)	May 14, 2021	Sanitation	Allows DEQ to reissue a COSA for a parcel previously approved if an unapproved parcel is aggregated into the original parcel that was approved
HB0496.pdf (mt.gov)	October 1, 2021	Part 2 Zoning	Agencies intending to use public land contrary to zoning regulations shall attend a public hearing before the County Commission
HB0450.pdf (mt.gov)	October 1, 2021	Subdivision Exemptions	Court Ordered Exemption can only create 4 new lots or parcels; otherwise subdivision review is required
HB0498.pdf (mt.gov)	May 14, 2021	Part 1 Citizen Initiated Zoning	Clarifies that zoning regulations cannot prevent complete use, development or recovery of any mineral under jurisdiction of Board of Oil and Gas
HB0527.pdf (mt.gov)	May 14, 2021	Part 1 Citizen Initiated Zoning	New requirements for submission of a petition for Part 1 Zoning and clarifies that zoning regulations cannot prevent complete use, development or recovery of any mineral under jurisdiction of Board of Oil and Gas
HB0599.pdf (mt.gov)	May 14, 2021	Part 2 County Imposed Zoning	Only zoning regulations adopted and in effect prior to the filing of a permit application or written request for pre-application meeting may reasonably condition sand and gravel operations
HB0701.pdf (mt.gov)	First effective date is January 1, 2022 for existing marijuana medical providers	Zoning	Counties with zoning can consider amending zoning or adopting new zoning to regulate an adult use marijuana business if they are a county who approved I-190 or opt in by voter approval
SB0044.pdf (mt.gov)	October 1, 2021	Sanitation	Minor changes to the Sanitation in Subdivision Act to streamline review process and define terms; streamline process storm water drainage for larger lots (5 acres or greater; less than 5% impervious) DEQ in rule making for these new guidelines
SB0054.pdf (mt.gov)	October 1, 2021	Sanitation	Provides a DEQ review process for experimental wastewater systems
SB0080.pdf (mt.gov)	March 26, 2021	Subdivision and Zoning	Interlocal Agreements between a city or town and a county that govern adoption/enforcement of municipal zoning or subdivision regulations beyond boundaries of a municipality may not exceed a term of 5 years

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SB0135.pdf (mt.gov)	October 1, 2021	Part 2 County Imposed Zoning	Establishes that an appeal from the board of adjustments to the county commissioners is a de novo review; new review of the entire record, with new public comment required and new information allowed
SB0161.pdf (mt.gov)	October 1, 2021	Subdivision	<ul style="list-style-type: none"> • Establishes expedited review process if County Commission votes to allow the expedited review process. Only applies where county water/sewer district provides both water and sewer, there is an adopted growth policy, and zoning regulations that addresses minimum lot sizes or densities, bulk and dimensional requirements and use standards • Clarifies challenge to conditions of preliminary plat approval must be taken within 30 days and that action by subdivider for damages must be within 180 days of the final action
SB0174.pdf (mt.gov)	April 30, 2021	Subdivision	<ul style="list-style-type: none"> • Governing documents for subdivision cannot allow or restrict any action not specifically prohibited in conditions of subdivision approval • Local government cannot enforce a condition of subdivision approval after final plat approval if they have historically not enforced or chose not to enforce the condition as it relates to a similarly situated parcel owner in the same subdivision • Local government can review but does not have approval authority of governing document of a subdivision unless they directly and materially impact a condition of subdivision approval • Conditions to mitigate impacts on primary review criteria must be specific, documentable and clearly defined • BILL SETS FORTH SPECIFIC CRITERIA REQUIRED TO BE MET TO IMPOSE CONDITIONS OF APPROVAL
SB0211.pdf (mt.gov)	April 22, 2021 Applied to Subdivision Applications Submitted after July 1, 2021	Subdivision	Loss of agricultural soils cannot be considered for the proposed subdivision and set-asides of land or monetary contributions for the loss of agricultural soils cannot be a condition of approval
SB0286.pdf (mt.gov)	October 1, 2021	Subdivision	Lot owners cannot claim a prescriptive easement across another lot in a subdivision if an existing road or road easement provides access to the lot
SB0294.pdf (mt.gov)	May 3, 2021 Referendum provision applicable to districts created after 1/1/2021	Part 2 County Imposed Zoning and Growth Policy	Referendum process to terminate zoning districts; minimum lot size in residential zones not allowed unless within 3 miles of incorporated municipality or minimum lot sizes established in land use map in Growth Policy
SJ0006.pdf (mt.gov)	Joint Resolution Approved by House and Senate	Floodplain	Encourage FEMA/NFIP to implement Montana's Stream Restoration Committee guidance for stream restoration projects that keep rise in 100-year flood levels as close to zero as practical to proceed with a simple analysis instead of unnecessary expensive engineering