

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 **"76-1-601. Growth policy -- contents.** (1) A growth policy may cover all or part of the jurisdictional
14 area.

15 (2) The extent to which a growth policy addresses the elements listed in subsection (3) is at the full
16 discretion of the governing body.

17 (3) A growth policy must include:

18 (a) community goals and objectives;

19 (b) maps and text describing an inventory of the existing characteristics and features of the

20 jurisdictional area, including:

21 (i) land uses;

22 (ii) population;

23 (iii) housing needs;

24 (iv) economic con

25 (v) local services;

26 (vi) public facilities;

27 (VII) natural resources;

26 (VIII) sand and gravel resources, and

1 to cities showing where projected growth will be guided and at what densities;

2 (vi) using maps and text, a description of existing and future public facilities necessary to efficiently

3 serve projected development and densities within infrastructure planning areas, including, whenever feasible,

4 extending interconnected municipal street networks, sidewalks, trail systems, public transit facilities, and other

5 municipal public facilities throughout the infrastructure planning area. For the purposes of this subsection

6 (4)(c)(vi), public facilities include but are not limited to drinking water treatment and distribution facilities, sewer

7 systems, wastewater treatment facilities, solid waste disposal facilities, parks and open space, schools, public

8 access areas, roads, highways, bridges, and facilities for fire protection, law enforcement, and emergency

9 services;

10 (vii) a description of proposed land use management techniques and incentives that will be adopted

11 to promote development within cities and in an infrastructure planning area, including land use management

12 techniques and incentives that address issues of housing affordability;

13 (viii) a description of how and where projected development inside municipal boundaries for cities

14 and inside designated joint infrastructure planning areas for cities and counties could adversely impact:

15 (A) ~~threatened or endangered wildlife and critical wildlife habitat and corridors~~ critical habitat and

16 corridors for wildlife designated as threatened or endangered by the federal government;

17 (B) water available to agricultural water users and facilities;

18 (C) the ability of public facilities, including schools, to safely and efficiently service current residents

19 and future growth;

20 (D) a local government's ability to provide adequate local services, including but not limited to

21 emergency, fire, and police protection;

22 (E) the safety of people and property due to threats to public health and safety, including but not

23 limited to wildfire, flooding, erosion, water pollution, hazardous wildlife interactions, and traffic hazards;

24 (F) natural resources, including but not limited to forest lands, mineral resources, sand and gravel

25 resources, streams, rivers, lakes, wetlands, and ground water; and

26 (G) agricultural lands and agricultural production; and

27 (ix) a description of measures, including land use management techniques and incentives, that will

28 be adopted to avoid, significantly reduce, or mitigate the adverse impacts identified under subsection (4)(c)(viii).

(d) include any elements required by a federal land management agency in order for the governing body to establish coordination or cooperating agency status as provided in 76-1-607.

(5) Except as provided in subsection (6), for land outside the limits of a city or town, a growth policy may not include a description of policies, regulations, and other measures that:

(a) include a requirement to regulate land based on WHETHER THE land sensitivity IS CONSIDERED SENSITIVE, including but not limited to appearance, aesthetics, scenic landscapes, sense of place, visibility from roadways, OR desirability of view, or traditional use of land;

(b) prohibit land in agricultural production or vacant, open land from being developed;

(e)(B) consider the protection of land for the purpose of protecting community separation and
ess;

- (d)(c) include a requirement for soil and water regulation that exceeds state standards; and
- (e)(D) prohibit or mandate changes in land use that are based on the perceived food supply economic needs of the state or locality.

(6) The requirements of subsection (5) do not apply to:

(A) citizen-initiated zoning districts established under Title 76, chapter 2, part 1; AND

(B) LAND ZONED FOR COMMERCIAL OR INDUSTRIAL USES.

(5)(7) The planning board may propose and the governing bodies may adopt additional elements of a growth policy in order to fulfill the purpose of this chapter."

Section 2. Section 76-2-203, MCA, is amended to read:

"76-2-203. Criteria and guidelines for zoning regulations. (1) Zoning regulations must be:

(a) made in accordance with the growth policy;

(b) focused on material aspects rather than aesthetic aspects of property; and

(b)(c) designed to:

(i) secure safety from fire and other dangers;

(ii) promote public health, public safety, and general welfare; and

(iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other

public requirements

(2) In the adoption of zoning regulations, the board of county commissioners shall consider:

- (a) reasonable provision of adequate light and air;
- (b) the effect on motorized and nonmotorized transportation systems;
- (c) compatible urban growth in the vicinity of cities and towns that at a minimum must include the surrounding municipalities;
- (d) the character of the district and its peculiar suitability for particular uses; and
- (e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

(3) Zoning regulations must, as nearly as possible, be made compatible with the zoning
laws of nearby municipalities.

(4) Zoning regulations may not include a requirement to:

(a) include a requirement to pay a fee for the purpose of providing housing for specified income
or at specified sale prices; or

(b) include a requirement to dedicate real property for the purpose of providing housing for
ed income levels or at specified sale prices; or

(c) prohibit changes of property use based on visibility from roadways.

(5) A dedication of real property as prohibited in subsection (4)(b) includes a payment or other contribution to a local housing authority or the reservation of real property for future development of housing for specified income levels or specified sale prices."

Section 3. Section 76-2-212, MCA, is amended to read:

"76-2-212. Minimum lot size restrictions. A board of county commissioners may not adopt zoning
ons under this part that require minimum lot sizes in an area zoned for residential use unless:

(1) the zoning regulation requiring minimum lot sizes is applied to land that is within 3 miles of the
of an incorporated municipality; or

(2) the county has adopted a land use map in its growth policy pursuant to 76-1-601(5)(7) that sets projected population densities and recommended minimum lot sizes."

1 **NEW SECTION. Section 4. Appropriation.** There is appropriated \$300 from the general fund to the
2 department of commerce for the biennium beginning July 1, 2025, to notify local governments of the changes to
3 land use laws under [this act].

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5 **NEW SECTION. Section 5. Effective date.** [This act] is effective July 1, 2025.

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