



THE INTER-NEIGHBORHOOD COUNCIL OF BOZEMAN, MONTANA

INC AGENDA

Thursday, September 14, 2023

If you are interested in commenting in writing on items on the agenda please send an email to agenda@bozeman.net or by visiting the [Public Comment Page](#) prior to 12:00pm on the day of the meeting.

Public comments will also be accepted in-person and through video conference during the appropriate agenda items.

As always, the meeting will be streamed through the [Commission's video page](#)

For more information please contact Dani Hess, dhess@bozeman.net

A. Call meeting to order

This meeting will be held both in-person and also using an online video conferencing system. You can join this meeting:

Via Video Conference:

*Click the Register link, enter the required information, and click submit.
Click Join Now to enter the meeting.*

Via Phone: *This is for listening only if you cannot watch the stream, channel 190, or attend in-person*

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+1 669 444 9171

Access code: 927 9843 5349

B. Disclosures

C. Changes to the Agenda

D. Public Service Announcements

E. Approval of Minutes

E.1 [Approve minutes](#)(Hess)

F. Public Comment

This is the time to comment on any matter falling within the scope of the Inter-Neighborhood Council. There will also be time in conjunction with each agenda item for public comment relating to that item but you may only speak once per topic.

Please note, the Board cannot take action on any item which does not appear on the agenda. All persons addressing the Board shall speak in a civil and courteous manner and members of the audience shall be respectful of others. Please state your name and place of residence in an audible tone of voice for the record and limit your comments to three minutes.

G. FYI/Discussion

G.1 [Overview of Senate Bill 382 and Overview of Unified Development Code Public Review Process in Fall 2023.](#)(Saunders/Rogers)

G.2 Neighborhood Updates(INC Reps)

G.3 City Liaison Update(Hess)

H. Adjournment

This board generally meets the 2nd Thursday of the month from 4:30 to 6:00

Committee meetings are open to all members of the public. If you have a disability and require assistance, please contact the City for ADA coordination, 406.582.3232 (TDD 406.582.2301).

Memorandum

REPORT TO: Inter-Neighborhood Council

FROM: Dani Hess, Community Engagement Coordinator

SUBJECT: Approve minutes

MEETING DATE: September 14, 2023

AGENDA ITEM TYPE: Citizen Advisory Board/Commission

RECOMMENDATION: Provide any edits to minutes before approval.

STRATEGIC PLAN: 7.3 Best Practices, Creativity & Foresight: Utilize best practices, innovative approaches, and constantly anticipate new directions and changes relevant to the governance of the City. Be also adaptable and flexible with an outward focus on the customer and an external understanding of the issues as others may see them.

BACKGROUND: Minutes from February, March, April, May need to be approved by the INC.

UNRESOLVED ISSUES: NA

ALTERNATIVES: NA

FISCAL EFFECTS: NA

Attachments:

[2023-02-09 INC minutes.docx](#)
[2023-03-09 INC minutes.docx](#)
[2023-04-13 INC minutes.docx](#)
[2023-05-18 INC minutes.pdf](#)

Report compiled on: September 8, 2023

Bozeman InterNeighborhood Council
In Attendance:

February 9th, 2023

Cynthia Evans, Chair/ Bozeman Creek Neighborhood Association

Linda Semones , Vice Chair, /Bogert Park Neighborhood Association

Emily Talago, Secretary/ Midtown Neighborhood Association

Brad Bates, Bridger Creeklands Association of Neighbors

Rachael Rockafellow for Brian Close, New Hyalite View Neighborhood Association

Tonya Stevens, University Neighborhood Association

Laurie McKinney Marwyn/Lindley Neighborhood Association

Suzanne Held-Northeast Neighborhood Association

4:35: The Chair called the meeting to order.

There were no disclosures.

There were no changes to the agenda.

There were no public service announcements.

4:36: Linda Semones moved to approve the minutes with the addition of adding Brad Bates to the attendance record.

Brad Bates made a second to the motion, and the minutes were approved unanimously.

4:38 Dani Hess presented a slideshow on the Bozeman Community Center project.

The site plan is to include Aquatics + Branch Library + Recreation.

4:54 Jon Henderson, City of Bozeman, spoke to the need for citizen engagement so city staff can be intentional in synthesizing public comments.

Rachel Rockafellow asked if HRDC will have space allocated, and was answered that partnerships are being considered, but with the focus remaining on the three areas of aquatics, library, and recreation.

Tonya Stevens asked about county and/or other municipalities as partners. The answer was that again, the project is open to partnerships, but emphasis will prioritize the site as a City facility.

Linda Semones asked about maintaining the city's other recreation facilities.

John stated the facilities are meant to be synthesized into an overall resource that serves needs throughout the city.

5:10-5:20 Council members participated in an engagement activity to provide feedback using color coded stickers (3 yes and 3 no) to be placed on posters representing suggested uses of the new facility, as well as suggested venues for using the space.

The INC representatives were given important information to share with their neighborhoods: The Bozeman Community Center survey closes on Feb 17th, with a Virtual Townhall meeting scheduled for February 23rd.

5:22 Commissioner Pomeroy gave her updates. The City encourages in-person meeting attendance, and also has new technology for remote attendance.

There was a discussion on affordable housing projects and metrics within the city.

5:35 Dani Hess gave her update. Major engagement projects are listed on the Engage Bozeman website. Representatives should check out the calendar and share with all the neighborhoods.

For the next meeting, there is a scheduled update from the UDC overhaul consultant team, and the counsel will touch base on toolkit working groups.

5:50 Neighborhood Association Updates

Brad Bates said his neighborhood group (Creekwood) is looking to invite city representatives to field remaining Q&A on the Canyon Gate Development.

Tonya Stevens (UNA) spoke about the status of the Greek residence zone text amendment. She also gave kudos to the snow removal enforcement crew.

Laurie McKinney (Marwyn-Lindley) had no updates for her neighborhood.

Rachel Rockafellow also complimented the snow removal efforts.

Cynthia Evans (Bozeman Creek) is aiming for a meeting of the neighborhood before June. The neighborhood, an MSU class, and the Western Transportation Institute is working on a traffic calming project at E. Garfield and the Gallagher Crossing. They will be making a walk audit.

Linda Semones (BPNA) reported that Feb 16th the BPNA Annual Meeting will be held at the new Safety Center.

Suzanne Held reported that NENA had their first community building potluck in January with excellent attendance.

Adjournment was at 6:02.

InterNeighborhood Council Minutes

March 9th, 2023

In Attendance: Cynthia Evans Chair (Bozeman Creek Neighborhood Association) Linda Semones vice chair (Bogert Park Neighborhood Association) , Emily Talago Secretary, (Midtown Neighborhood Association) Suzanne Held (Northeast Neighborhood Association), Christine Roberts for Brad Bates (Bridger Creek Lands Association of Neighbors, Brian Close (New Hyalite View Neighborhood Association) Tanya Stevens (University Neighborhood Association), I-Ho Pomeroy

Anna Bentley Director of Community Development for the City of Bozeman, and Chris Saunders, Community Development Manager were also in attendance.

Marcia Kaveney attended virtually by phone connection. Tanya Stevens attended on Webx.

The meeting commenced at 4:30:

There were no disclosures

There were no changes to the agenda.

Public Service Announcements:

Chair Evans shared that there is a Traffic Calming Study walking audit at the intersection of E. Garfield and the Gallagator Trail on Tuesday March 21 at 5:45.

There were no minutes to approve.

Code Studio, hired to make recommendations to the City of Bozeman on the update of the Unified Development Code, gave a special presentation on Zone Edge Transitions.

Suzanne Held was pleased to see the retention of NEHMU (Northeast Historic Mixed Used District) in her neighborhood, NENA.

Brian Close gave some context to the origination of the Northeast Neighborhood unique zoning district.

When the consultants were asked if the trend is toward higher density, they answered yes.

When asked if there's been a shift in attitudes towards mobile home zoning designation the consultants answered that they recommended protecting the existing designation.

Emily Talago asked about transition zone landscape buffers and the need to plan for Bozeman's growing climate.

Chris Saunders clarified Montana law on modular/manufactured homes.

Emily Talago asked about Form based planning. She asked if short term rentals created a struggle to realize usage goals. The consultants answered that the City Commission is studying this issue currently.

Suzanne Held asked about shade studies for zone edge transitions.

Linda Semones commented on the conflict created in very specific locations within the city for zone transitions and how code revisions could factor in more human elements.

The consultants were asked what the trip wire is for the application of these new codes to any new development submissions.

Marsh Kaveney making virtual comment by phone asked how comments will be used by the consultants.

She asked if there is any hope of keeping the 45-degree roof angle and what weight the comments have with the city commission.

Linda Semones asked about deadlines for public feedback/input and was told that the City Commission should have it in by spring.

The consultants stated that it is important to submit comments in writing through the city's engagement website.

Suzanne Held spoke to a proposed action item that would provide for free/reduced fee for usage of parks or city facilities for the purposes of meetings. Suzanne will write up a synopsis that will be attached to a future agenda action item.

Bridger Creeklands is requesting timely comments in writing to the City Commission and Planning Board about the Gateway development. These comments can also be forwarded to the Creeklands Neighborhood Association as they are working to consolidate and synthesize a cohesive letter.

Cynthia Evans spoke about traffic calming efforts and coordination with MDT, engineering, etc.

Neighborhood Updates:

Linda Semones reported that the BPNA Annual Meeting was held Feb 16th with good attendance.

Suzanne Held reported that NENA had their second monthly potluck, and the group will touch base again in April.

Emily Talago reported on new developments in Midtown as well as ongoing work on Westlake Park.

Tanya Stevens (Webex) reported that there were no new updates on the Greek Residences code change status. Also, there will be a possible collaboration with ASMSU for safety/street lighting initiatives.

I-ho Pomeroy reported that the Commissioners had a work session about Kagy's future.

The meeting was adjourned.

April 13 , 2023 InterNeighborhood Council Minutes

Present: Cynthia Evans Chair/ Bozeman Creek Neighborhood Association, Linda Semones Vice Chair Bogert Park Neighborhood Association, Brian Close New Hyalite View Neighborhood Association on line, Brad Bates Creekwood Neighborhood Association , Tanya Stevens University Neighborhood Association, Suzanne Held Northeast Neighborhood Association, Brit Fontenot on WebEx, City of Bozeman Economic Development Director, I-Ho Pomeroy, City Commission liaison

The meeting was called to order at 4:30.

There were no disclosures.

There were no agenda changes

There were no public service announcements.

The chair asked for changes to the February minutes that were updated at 12:30 today as the correct set.

Brian Close and Tanya Stevens requested the words president and VP be corrected to chair and vice chair.

Suzanne Held moved to approve the February minutes as corrected., Tanya Stevens made the second, and the minutes were unanimously approved.

The chair asked for changes to the March minutes;

Tanya asked to correct the word recommendation to recommend.

Suzanne requested her name be corrected from Susan.

Tanya Stevens moved to approve the minutes as corrected and Suzanne made the second. The minutes were approved unanimously.

Special presentation

Vanessa Palmer made a presentation on the HRDC/ [Streamline Urban Transportation District](#) ballot measure.

Election day is May 2. On April 14 ballots were mailed, April 25 is the last day to return the ballots by mail. On May 2 ,ballots are due by 8 PM. This is only a mail in election. No polls will be open.

Because of Bozeman's population increase to 50,000 we are now a small urban area. This changes the federal funding structure for the bus system. Expecting this increase, in 2021 the creation of an Urban Transportation District was explored.

The wording on the ballot is not what was expected.

The wording on ballot only mentions the Gallatin Valley Urban Transportation District. The Public needs to know that this is public transportation and the Streamline system. There is no cost to form the district. The proposal maintains the current funding. We will not voting for increased taxes. That could only happen in the future through another vote.

Complete information on the Urban Transportation District can be found at StreamlineBus.com/UTD.

Cynthia asked what if the ballot measure doesn't pass?

There are other options for Streamline if this doesn't pass; the ballot measure is a long term solution.

Brian asked about assets. All current assets will be transferred to the UTD.

The new governing board can release an RFP to award contract. The contract could go to HRDC, First Student, Karst Stage or any other agency.

HRDC will continue to operate the system until the board is up and running and the RFP is issued.

Long term there will be a transportation structure; in house is an option.

I-HO asked about the budget and the sources of funding. The budget will stay the same for the immediate future with funding from partners: MSU admin office of the president, ASMSU student fees, the City of Bozeman, the city of Belgrade and Bozeman Health.

Suzanne asked how to encourage people to use the buses. We still need frequency and coverage. Right now buses run hourly. They need to run every 20 minutes to promote their use by the public.

Suzanne asked if federal funding was 85% of the budget. No, 2/3 or 67% of the budget is federal funding. The rest is provided by partners.

We need additional federal funding to increase frequency. We need to apply for more. To increase funding we can do three things;

1. Increase partner funding,
2. Increase federal funding
3. Mill levy on ballot

A grant writer job will be in house or contracted if this passes.

Special Presentation: [Beautifying Your Boulevard Contest](#): Chelsey Trevino ctrevino@bozeman.net

The city is sponsoring a contest for beautifying boulevards in the city.

[Registration is open April 1-June 30](#). The deadline for submittal of pictures of the completed project is Nov 1.

The public will vote on the winner. 1st prize will be a \$250 via gift card, 2nd prize will be \$100 to spend at Cashmans Nursery.

You can go to Bozeman.net/beautifyboulevard for an [info sheet](#) with the do's and don'ts and rules. A [flyer](#) is also available.

There will be city rebates to help curtail costs of the project as incentives to remove turf grass from the boulevards.

Questions;

Brian Close asked for handouts for his neighborhood. He stated that the current UDC actually requires grass on the boulevard. Vanessa Trevino stated that the Water Conservation Division is updating landscaping codes and the UDC to use less turf grass in boulevard areas.

Hopefully this will be put in place by July.

Suzanne Held said it is important to let the community know that turf grass is no longer encouraged.

I-Ho Pomeroy asked if the majority of native Montana plants are drought tolerant. Chelsey recommended looking at city list of accepted plants. It is updated every year. There is a difference between drought tolerant and water smart plants.

Dani Hess gave the City update.

On the City Commission agenda next week are the Canyon Gate Subdivision Preliminary plat, and an ordinance prohibiting the sale or discharge of fireworks in city limits without a permit.

Thursday April 20 there will be a Code Connect on transportation and parking at 6PM.

The Zoom link is on the Engage Bozeman page. Click on the Code Connect tab to find it.

New pamphlets are up as well for this project. They are also on the engagement page.

There is a survey on zone edge transitions for public comment as well.

The Bozeman Community Center Project is moving forward with design and a cost estimate. The next Historic Preservation Month nominations are now open until May 1. The nomination form for a preservation award is also on the Engagement page.

Suzanne Held wrote up a letter to ask for free use of buildings for building community in our neighborhoods.

Dani Hess will send out the draft to INC members to have a discussion at next meeting.

I-Ho Pomeroy stated that Mitch Overton (Parks and Rec) received an award. It is a State award for trails.

At the Tuesday April 11 City Commission meeting, they had a work session on transportation studies. Our level of service is moving from from C to D.

Neighborhood updates:

Suzanne Held, NENA: The monthly potluck tonight is at Live from the Divide. Donations will be taken to pay for the space. It will be at the Tinworks next month. NENA is still looking for president.

Linda Semones, BPNA: Clean up for the neighborhood will be April 22, with a social at 2:30 at Shine

Dani Hess, City of Bozeman: There will be a social at the unveiling of the public art created by Mountain Time Arts at 5PM at city hall. The Emerson will have activities and exhibits for families for Earth Day.

Cynthia Evans, Bozeman Creed: The Bozeman Creek Annual Meeting will be May 4 . The group will need a new president. BCNA also has received great feedback/drawings for the traffic calming at the Gallagator on Garfield.

Tanya Stevens, UNA: The Spring Meeting will be held at the Public Safety Center Apr 27. The group will talk about gatherings to create community . They are considering a block party.

Request for summary judgement on lawsuit Greek houses. Also legislature testimony.

Brad Bates, CNA : CleanUp Day will be Sat 22. Marcia Kevaney and Christine Roberts prepared comment for the Canyon Gate preliminary plat hearing.

OBOZ/GVLT building on Wallace could open up for community meetings. Both businesses are promoting community use.

Brian Close, NHNA: The Annual Meeting will be held May 10 . Dani Hess will represent the Bozeman Community Center, and a commissioner will also attend.

The meeting was adjourned.

May 18 2023 INC Minutes

Present: Jason DelMue (North East Neighborhood Association, substituting for Suzanne Held), Cynthia Evans (Bozeman Creek Neighborhood Association and INC chair), Tanya Stevens (University Neighborhood Association), Anne _____ (Kirk Park Neighborhood Association), Brian Close (Hyalite View Neighborhood Association), Linda Semones (Bogert Park Neighborhood Association and Vice Chair)

The meeting was called to order.

There was no public comment.

There will be no INC meeting for the months of June, July and August. The next meeting will be September 14th.

Officer Elections were held. Brian Close nominated the slate of Cynthia Evans for Chair, Linda Semones for Vice Chair and Tanya Stevens for Secretary. Tanya seconded the motion and the vote was unanimous.

I-Ho Pomeroy, the City Commission liaison, was unable to attend. There was no city update.

Dani Hess, Neighborhood Coordinator, reported that on June 20, the City Commisison will look at a zone text amendment to facilitate the compliance of short term rentals with registration regulations. On July 18, the language for the bond for the West Side Recreation Center will be set. On July 25, there will be a wetlands code evaluation work session.

Dani Hess as the Engagement Coordinator reported that the comment period for the pamphlets on the Engagement page of the City of Bozeman website will be closing as of today. She also reported that the City of Bozeman has banned the sale and discharge of fireworks within the city limits. Further information can be found at Bozeman.net.

Dani Hess reported that there is information about the city plan for Bird Scooters. Information on using the scooters responsibly can be found at Bozeman.net. The city hopes to hold the company more accountable. There is a way to report safety violations using the scooters on the web page.

Dani Hess also reported that the City of Bozeman's integrated water resources plan can be found at www.bozemanwater.com. The site links to a youtube video series about Bozeman's water future. This information can also be found on the main page at Bozeman.net.

On May 25th, the Montana Department of Transportation will hold an open house about the Kagy development project, from 6-8 at Pilgrim Congregational Church.

INC representatives need to turn in their annual reports by July 1. The report form was sent as an attachment to the INC meeting announcement for this month.

Suzanne Held wrote a facility use letter asking for free use of city facilities for community building activities by neighborhood groups. Currently free use is only granted for annual meetings. INC representatives are asked to send their comments and edits to Suzanne in the next 2 weeks.

Neighborhood Updates:

Brian Close and his neighborhood are submitting a Parks and Trails District form for cash in lieu, for park improvements in their neighborhood. They have reelected the current slate of officers. They are organizing a get together for this month.

Jason Delmue reported that the NENA potlucks are ongoing. Kathy Costakis, Amy Hoitsma, Chandler Dayton and Jason are working on an update to the zoning for the NENA Northeast Historic District. Also, Reno Walsh would like to move along an update to the construction noise ordinance. This is about to come up at the City Commisison meeting for next week. The wording of the ordinance will be in the City Commission packet.

Tanya Stevens reported that she is waiting for the minutes of the UNA annual meeting held at the Public Safety Center. During the meeting Nick Ross (City Transportation Director) discussed e-scooters, living with bears was covered, Kevin Handin (City Solid Waste Manager) discussed bear proof garbage cans available from the city, Anna Bentley (City Planning Manager) reported on the update process for the UDC and the West Side Recreation facility. Tanya reported that the legislature tabled the Fraternities bill in committee and it was not revived. UNA will hold a summer block party in July.

Cynthia Evans reported that the Bozeman Creek Neighborhood held its first annual meeting since Covid. It was held in the Safety Center. Topics covered included the Beautify your Boulevard Program, water conservation, the SAFE Plan, and the possible changes to speed limits in the city. BCNA now has a full slate of elected officers. The traffic calming installation at the Gallagator is in place, and over 20 people showed up for the planting party to fill the planters. BCNA will possibly hold an ice cream social in June or July. Cynthia feels that the neighborhood should get involved with the Kagy redesign plans.

Linda Semones reported that the Bogert Park Neighborhood Association had a successful Earth Day Clean up event followed by a social at Shine.

Anne _____ reported that Kirk Park Neighborhood Association is in the reorganization process. They hope to work with Western Tranportation Institute to create a traffic calming installation on Beall. They also hope to plan an annual Kirk Park cleanup event.

The meeting was adjourned.

Memorandum

REPORT TO: Inter-Neighborhood Council

FROM: Tom Rogers, Senior Planner
Chris Saunders, Community Development Manager
Erin George, Deputy Director of Community Development
Anna Bentley, Director of Community Development

SUBJECT: Overview of Senate Bill 382 and Overview of Unified Development Code Public Review Process in Fall 2023.

MEETING DATE: September 14, 2023

AGENDA ITEM TYPE: Citizen Advisory Board/Commission

RECOMMENDATION: Receive information.

STRATEGIC PLAN: 4.1 Informed Conversation on Growth: Continue developing an in-depth understanding of how Bozeman is growing and changing and proactively address change in a balanced and coordinated manner.

BACKGROUND: **General Background:** The [Bozeman Community Plan 2020 \[External Link PDF\]](#) was adopted in November 2020 and is the City's plan for land use and development. On December 21, 2021, the City Commission adopted [Resolution 5368 \[External Link PDF\]](#). The resolution established priorities for municipal actions over the next two years. Priorities include replacing the Unified Development Code to “facilitate increased housing density, housing affordability, climate action plan objectives, sustainable building practices, and a transparent, predictable and understandable development review process.” The City Commission budgeted funds for the work and a contract with Code Studio was completed in June 2022 to support the City in changing regulations. Extensive public engagement has occurred over the last year and the formal public review process is now beginning.

Some elements of the UDC update are necessary to comply with Senate Bill 382, the Montana Land Use Planning Act (the Act) which took effect on May 17, 2023. Bozeman implements land use planning, subdivision, and zoning as authorized by the State of Montana and adopted existing regulations under the laws in effect at the time. The Act changes the legal framework for land use planning, subdivision, and municipal zoning. Bozeman must follow the Act in its planning, subdivision, and zoning activities. A copy of the Act is attached.

Bozeman already uses many of the required practices as part of its daily activities, but some changes are needed to fully implement the bill. A more

detailed summary and the full text of the Act are attached.

Key elements of change from the Act include:

- Which state enabling legislation applies for updated and future regulations.
- Changing processes, extent, and methods of public participation.
- Required content and extent of planning information to be prepared.
- Process changes for amendments to zoning map, zoning regulations text, and land use plan.
- Changes to development review processes and approval authority for subdivisions and zoning projects.
- Changes to review processes for variances and appeals.

The City completed several land use related planning documents in 2020. Implementation of those plans has been ongoing ever since. The City Commission approved a contract with Code Studio to assist the City in code drafting in 2022. The development code process has been adjusted to account for the new requirements of the Act. A [webpage](#)[External Link] on Engage Bozeman was created on August 11, 2022, to provide continuous information to the public, accept questions and public comment, and support interaction and discussion on ideas. A [report on public engagement](#) [External PDF] conducted before the draft was released to the public has been prepared. A summary of key public engagement opportunities is provided as an attachment. The City Commission conducted six work sessions to evaluate issues and give direction. Links to those work sessions are attached.

The updated code draft, FAQs, and the proposed zoning map can be found on Engage Bozeman.

Major changes with the UDC replacement include:

- Compliance with revised and new state law - These are primarily process changes and are discussed in the attachment regarding SB 382.
- Layout and usability enhancements including changed organization, layout, and increased graphics.
- Consolidation of residential districts.
- Sustainability including facilitation of electric vehicle charging, urban agriculture allowances, support for recycling and composting, clarification of provisions for solar energy, support for density, local service commercial, walkability, and bicycle facilities.
- Revisions and simplification for non-residential parking including some removal of parking requirements.
- Consolidation of and revision of residential zoning districts, removal of two non-residential zoning districts, and creation of one zoning district.
- Revisions to requirements for transportation studies and standards.

The City has conducted continuous and varied outreach to the public on the code update. As the work moves into the formal public review and decision process the City continues engaging with the public. A series of public hearings, public meetings are scheduled. See the attached meetings list and review the recordings and minutes of previous meetings also attached to this item. The primary input for the UDC update and replacement came from the adopted growth policy, community housing action plan, and sustainability plan; each of which had their own substantial public outreach and inclusion efforts. A listing of the City Commission work sessions with links to minutes or recordings and upcoming key meetings is attached.

Possible areas of relevance that may be of interest to the Inter-Neighborhood Council:

- Consolidation of the residential zoning districts (R-1, R-2, R-3 into R-A; R-4 into R-B, R-5 into R-C) - view [current/proposed district map](#)
- There are no changes to the Historic District at this time.
- No changes to the standards of the NCOD.
- Proposed change in the NCOD boundary to remove the area South of Peach Street, west of 5th Avenue, and north of Main Street to remove the existing B-2M and R-5 zones from the boundary.
- Transition requirements have been bolstered, please see helpful graphics and descriptions in sec. 38.260.070. on page 2-95. In short, Transitions apply to side and rear lot lines, but are not required when the adjacent property has the same zoning as the lot to be developed. Transitions are also not required when there is a street between two different zoning districts. If an alley separates two zones requiring a transition, the transition will be reduced.

Creating code requires balancing of many priorities. Code development is an ongoing process as new issues are identified, new Issue Plans (e.g. Belonging in Bozeman Plan, Gallatin Valley Sensitive Lands Protection Plan, Transportation Master Plan etc.) are adopted, and community needs change.

Code work occurring separate from this UDC replacement includes:

1. Revisions to water conservation standards,
2. Revisions to wetland protection standards,
3. Updating of standards relating to parks and active transportation following completion of the Parks Recreation and Active Transportation plan expected to conclude this summer, and
4. Short Term Rentals.

Upcoming meetings in which the UDC will be discussed are as follows:

- Sept 11th **Community Development Board** public meeting – Overview presentation of draft document and map and outline of formal public

hearings process to come

- Sept 18th **Community Development Board** public hearing
- Oct 10th **Community Development Board** public hearing continued (if needed)
- Oct 16th **Community Development Board** public hearing - vote and recommendation on both map and text
- Oct 24th **City Commission** presentation of content of UDC - official start of Commission Consideration Process
- Nov 14th **City Commission** UDC Public Hearing
- Nov 21st **City Commission** UDC Public Hearing Continues
- Nov 28th **City Commission** Provisional Adoption
- Dec 19th **City Commission** Final Adoption - text and map

UNRESOLVED ISSUES: The draft code was released for public review on August 14th. The draft has been updated as of September 7th to correct typographic errors and omissions. A listing of each change follows the cover page of the [draft code document](#). Public input is sought on the draft and may identify unresolved issues.

ALTERNATIVES: Not applicable.

FISCAL EFFECTS: Funds for the UDC update have been budgeted.

Attachments:

[CC Work Sessions List.pdf](#)

[SB382_City_Commission_summary_July_25__2023.pdf](#)

[SB382_-_Montana_Land_Use_Planning_Act.pdf](#)

[UDC Top Edits Handout 8-23-2023.pdf](#)

[September 6, 2023 List of Key Outreach .pdf](#)

Report compiled on: September 5, 2023

Work Sessions Information

9/13/2022 City Commission Work Session #1

[Meeting minutes](#) [External Link PDF], [meeting video](#) beginning at 1:49:24 [External Link Video] – Formatting and layout recommendations and direction

10/18/2022 City Commission Work Session #2

[Meeting minutes](#) [External Link PDF], [meeting video](#) beginning at 2:30:23 [External Link Video] – Residential districts recommendations and direction

11/15/2022 City Commission Work Session #3

[Meeting minutes](#) [External Link PDF], [meeting video](#) beginning at 3:11:40 [External Link Video] – Sustainability recommendations and direction

2/14/2023 City Commission Work Session #4

[Meeting video](#) beginning at 3:31:30 [External Link Video] – Commercial district and transitions

2/28/2023 City Commission Work Session #5

[Meeting video](#) beginning at 2:09:50 [External Link Video] – Discussion and direction on non-residential parking amendments

4/11/2023 City Commission Work Session #6

[Meeting video](#) beginning at 40:29 [External Link Video] – Discussion and direction on transportation amendments

Summary of Senate Bill 382, Montana Land Use Planning Act, and Impacts on Unified Development Code Replacement

Bozeman implements land use planning, subdivision, and zoning as authorized by the State of Montana. The City adopted zoning in 1934 and adopted its first community master plan in 1958. The City has entirely replaced zoning and subdivision regulations 20 times since initial adoption. The City again is repealing and readopting the entire zoning regulations and map as well as its subdivision regulations.

The 2023 Legislature adopted Senate Bill 382, the Montana Land Use Planning Act (the Act) which took effect immediately upon signing on May 17, 2023. The Act has not yet been codified so we cannot yet refer to standard statutory citations. Some communities within large counties must follow the Act and others may choose to. Bozeman is required to follow the Act in its planning, subdivision, and zoning activities. This agenda item is an overview of the bill and impacts that will affect the replacement of the Unified Development Code. This will create many implications for development review practices. Bozeman already uses many of the required practices as part of its daily activities, but some changes are needed to fully implement the bill.

1. Per Section 5, paragraph 4, of the Act, Bozeman is no longer subject to Title 76, chapters 1, 2, 3, or 8 MCA once we have adopted regulations in compliance with the Act. This means the Act has replaced all the governing laws Bozeman has used in the past to establish the composition, roles, and characteristics of the planning board and growth policy. Such as the Montana Subdivision and Platting Act and zoning enabling acts. These older statutes have been in place for at least 50 years, were not well coordinated at the state level, and created a lot of overlapping review and work for all participants. The intention of the Act is to coordinate planning and development review actions to prevent duplicative processes and provide a more seamless review process.

The Act changes the duties of the Community Development Board, removes requirements for the Community Development Board to consider any subdivision reviews, limits governing body reviews to only final subdivision plats, removes the existing criteria and protest provisions for zoning adoption and amendments, changes notice and public engagement requirements, and other changes.

An additional consequence is various bills in the 2023 Legislature that amend Title 76, chapters 1, 2, 3, or 8 MCA subdivision and planning enabling legislation do not apply to Bozeman once SB 382 implementing regulations are adopted. Some elements of those bills have been included in Senate Bill 382. As the City is required to implement SB 382 there is some overlap between the different legislation but only to the extent that SB 382 governs.

2. Public participation. Bozeman has a strong culture of public engagement. The City has established the Engage Bozeman website as an overall engagement portal for large City projects. Section 6 describes the requirements for public engagement. The methods and timing of outreach needs to be identified in a public participation plan at the beginning of a process and can vary by community and subject. This is a much more extensive requirement than is in the prior enabling acts.

The Act places substantial emphasis on the public engaging early and often during the planning process and creation of regulations. Public outreach needs to be an on-going process during development of plans and regulations. Not all activities require the same degree of outreach. The exact nature of outreach needs to be the subject of a public participation plan at the beginning of a process and can vary by community and subject.

The Act requires early identification and evaluation of the impacts of development and public engagement at the beginning of a review or plan development. Once an issue has been raised and evaluated then the issue considered settled. Any subsequent application relying on those findings and conclusions are not subject to further public comment but are subject to any regulations based on those earlier findings and conclusions.

If an application has impacts greater than expected with the land use and issue plans, notice is limited to only those impacts and public comment is only received in writing; there are not public hearings for subdivisions or zoning projects. Sections 22 and 29 describe the limitations.

3. Land Use and Issue Plans. The Act requires preparation of a Land Use Plan. This replaces the term growth policy. There are many similarities between the two types of documents. A Land Use Plan has more detailed content to be addressed. See Section 7, 9-14, and 17 of the Act for the detailed contents. Section 15 authorizes area plans. These are the same as neighborhood plans like the Downtown plan and allows more localized analysis. Bozeman's planning practice has followed the more detailed approach required in the new statute.

Section 16 authorizes a community to adopt Issue Plans. An issue plan is a separate document that analyzes a specific subject within the scope of a Land Use Plan and can provide the needed information for statutory compliance. The City has many of these types of plans now such as the transportation and sewer facility plans. Those plans continue forward as currently established. See page 19 of the Bozeman Community Plan 2020 for a list of these plans and other documents.

As the existing growth policy and facility plans are updated, they will be reviewed and adopted consistent with the requirements of the Act. One change in this process by the Act is that the Planning Commission (Community Development Board) has a responsibility to review all Issue Plans and make a recommendation to the City Commission regarding their adoption and consistency with the Land Use Plan. The Community Development Board recently performed this function for the PRAT plan.

4. Encourage development of housing. Housing availability and cost is a nationwide challenge. Bozeman has been active for many years in working to support construction of all housing and especially housing at lower cost ranges. Some communities have not materially updated their development standards for many decades. Section 19 of the Act requires a local government subject to the Act to include at least five strategies applicable to a

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majority of the jurisdictional area where residential development is permitted. Staff will provide an analysis with the UDC update identifying which of the strategies have been selected and to which percentage of the area they apply. Many of the alternatives, like accessory dwellings, are things that Bozeman has been doing for years. Some options are issues actively under development as part of the UDC update prior to passage of SB 382.

5. Amendment process changes. The former enabling acts had specific criteria for amendments to zoning and subdivision regulations that the public and decision makers have seen many times in staff reports. The zoning criteria were referred to as the Lowe criteria after a notable court case. None of those criteria carried forward into the Act. New criteria have been established for zoning and subdivision regulations. These criteria will be the standards against which the UDC replacement will be evaluated for all future amendments as well to regulations or zoning map. Sections 21 and 27 contain these requirements. The law also changes who may initiate amendments.

One key change in the zoning amendment process is that there is no protest provision. The prior protest provisions gave some members of the community more influence on land use decisions than others. With removal of the protest provision all input carries the same weight and must be considered solely on the merits of the information presented. All decisions to approve or deny any amendment will be a simple majority of the City Commission.

Public notice and comment during the amendment process is limited only to those areas not previously settled with adoption of a Land Use Plan or Issue Plan. If the amendment is consistent with the analysis and conclusions of the earlier documents it is not a proper subject for public notice or comment per the Act.

6. Development review processes. SB 382 changes development processes so that both subdivision and zoning site specific reviews are required to be administrative decisions with no advisory board participation. The planning commission's role will be limited to the initial adoption and amendments to the land use plan and development regulations with final decision by city commission. As noted in item 2 above, public notice for both subdivision and zoning applications are restricted by the bill. Sections 22 and 29 describe the limitations.

The City Commission will still be the body that approves final plats. The City Commission recently approved amendments to Chapter 2, BMC that allows the City Manager to accept and grant easements. This has simplified review processes.

The Act requires that a Land Use Plan include a future land use map for areas where growth outside of the City is expected. The Bozeman Community Plan 2020 already has this map. Zoning to implement the future land use map is required even though it may not be in effect until annexation is completed. The draft regulations are expected to include designated districts that will be applicable upon annexation without further action to

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amend the zoning map. This action will substantially speed up the process of annexing property and will provide greater predictability to all. If an applicant wishes a different zoning district they can apply for a different district in conjunction with the annexation application.

7. Variances. The required criteria and process for variances, both subdivision and zoning, have been completely replaced and are now the same for both processes. Floodplains continue to have some criteria unique to them. A board of adjustment is no longer allowed to consider variances. All variances are now administrative reviews subject to the standard appeal processes. Variances do not require public hearings and may or may not require public notices depending on whether it is determined that the variance is within the impacts identified with prior planning work.

Variances are still subject to high scrutiny and criteria to ensure they are only used appropriately. The standards and procedures for variances in the Act do not affect the deviation and departure processes that are uniquely Bozeman creations and are adopted for different reasons than variances.

8. Appeals. State law now provides a more complete process description for review of appeals. The board of adjustment is abandoned and no longer hears appeals. Appeals now have two administrative steps from the planning administrator (Director of Community Development) to the Planning Commission, and from the Planning Commission to the City Commission. As with current law, appeals from the City Commission go to District Court.



AN ACT CREATING THE MONTANA LAND USE PLANNING ACT; REQUIRING CITIES THAT MEET CERTAIN POPULATION THRESHOLDS TO UTILIZE THE LAND USE PLAN, MAP, ZONING REGULATIONS, AND SUBDIVISION REGULATIONS PROVIDED IN THE ACT; ALLOWING OTHER LOCAL GOVERNMENTS THE OPTION TO UTILIZE THE PROVISIONS OF THE ACT; REQUIRING PUBLIC PARTICIPATION DURING THE DEVELOPMENT, ADOPTION, OR AMENDMENT OF A LAND USE PLAN, MAP, ZONING REGULATION, OR SUBDIVISION REGULATION; PROVIDING STRATEGIES TO MEET POPULATION PROJECTIONS; PROVIDING FOR CONSIDERATION OF FACTORS SUCH AS HOUSING, LOCAL FACILITIES, ECONOMIC DEVELOPMENT, NATURAL RESOURCES, ENVIRONMENT, AND NATURAL HAZARDS WHEN DEVELOPING A LAND USE PLAN, MAP, AND ZONING REGULATION; PROVIDING FOR A PROCEDURE TO REVIEW SUBDIVISIONS AND APPROVE FINAL PLATS; PROVIDING FOR A LOCAL GOVERNING BODY TO COLLECT FEES; PROVIDING AN APPEALS PROCESS, ENFORCEMENT MECHANISMS, AND PENALTIES; PROVIDING DEFINITIONS; REPEALING SECTIONS 7-21-1001, 7-21-1002, AND 7-21-1003, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

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

Section 1. Short Title. [Sections 1 through 38] may be cited as the "Montana Land Use Planning Act".

Section 2. Legislative purpose, findings, and intent. (1) It is the purpose of [sections 1 through 38] to promote the health, safety, and welfare of the people of Montana through a system of comprehensive planning that balances private property rights and values, public services and infrastructure, the human environment, natural resources, and recreation, and a diversified and sustainable economy.

- (2) The legislature finds that coordinated and planned growth will encourage and support:
- (a) sufficient housing units for the state's growing population that are attainable for citizens of all income levels;
 - (b) the provision of adequate public services and infrastructure in the most cost-effective manner possible, shared equitably among all residents, businesses, and industries;
 - (c) the natural environment, including wildlife and wildlife habitat, sufficient and clean water, and healthy air quality;
 - (d) agricultural, forestry, and mining lands for the production of food, fiber, and minerals and their economic benefits;
 - (e) the state's economy and tax base through job creation, business development, and the revitalization of established communities;
 - (f) persons, property, infrastructure, and the economy against natural hazards, such as flooding, earthquake, wildfire, and drought; and
 - (g) local consideration, participation, and review of plans for projected population changes and impacts resulting from those plans.
- (3) It is the legislature's intent that the comprehensive planning authorized in [sections 1 through 38]:
- (a) provides the broadest and most comprehensive level of collecting data, identifying and analyzing existing conditions and future opportunities and constraints, acknowledging and addressing the impacts of development on each jurisdiction, and providing for broad public participation;
 - (b) serves as the basis for implementing specific land use regulations that are in substantial compliance with the local land use plan;
 - (c) provides for local government approval of development proposals in substantial compliance with the land use plan, based on information, analysis, and public participation provided during the development and adoption of the land use plan and implementing regulations; and
 - (d) allows for streamlined administrative review decisionmaking for site-specific development applications.

Section 3. Definitions. As used in [sections 1 through 38], unless the context or subject matter clearly requires otherwise, the following definitions apply:

(1) "Aggrieved party" means a person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specially and injuriously affected by the decision.

(2) "Applicant" means a person who seeks a land use permit or other approval of a development proposal.

(3) "Built environment" means man-made or modified structures that provide people with living, working, and recreational spaces.

(4) "Cash-in-lieu donation" is the amount equal to the fair market value of unsubdivided, unimproved land.

(5) "Certificate of survey" means a drawing of a field survey prepared by a registered surveyor for the purpose of disclosing facts pertaining to boundary locations.

(6) "Dedication" means the deliberate appropriation of land by an owner for any general and public use, reserving to the landowner no rights that are incompatible with the full exercise and enjoyment of the public use to which the property has been devoted.

(7) "Division of land" means the segregation of one or more parcels of land from a larger tract held in single or undivided ownership by transferring or contracting to transfer title to a portion of the tract or properly filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to [sections 1 through 38]. The conveyance of a tract of record or an entire parcel of land that was created by a previous division of land is not a division of land.

(8) "Dwelling " means a building designed for residential living purposes, including single-unit, two-unit, and multi-unit dwellings.

(9) "Dwelling unit" means one or more rooms designed for or occupied exclusively by one household.

(10) "Examining land surveyor" means a registered land surveyor appointed by the governing body to review surveys and plats submitted for filing.

(11) "Final plat" means the final drawing of the subdivision and dedication required by [sections 1

through 38] to be prepared for filing for record with the county clerk and recorder and containing all elements and requirements set forth in [sections 1 through 38] and in regulations adopted pursuant to [sections 1 through 38].

(12) "Four-unit dwelling" or "fourplex" means a building designed for four attached dwelling units in which the dwelling units share a common separation, such as a ceiling or wall, and in which access cannot be gained between the units through an internal doorway, excluding common hallways.

(13) "Immediate family" means a spouse, children by blood or adoption, and parents.

(14) "Irrigation district" means a district established pursuant to Title 85, chapter 7.

(15) "Jurisdictional area" or "jurisdiction" means the area within the boundaries of the local government. For municipalities, the term includes those areas the local government anticipates may be annexed into the municipality over the next 20 years.

(16) "Land use permit" means an authorization to complete development in conformance with an application approved by the local government.

(17) "Land use plan" means the land use plan and future land use map adopted in accordance with [sections 1 through 38].

(18) "Land use regulations" means zoning, zoning map, subdivision, or other land use regulations authorized by state law.

(19) "Local governing body" or "governing body" means the elected body responsible for the administration of a local government.

(20) "Local government" means a county, consolidated city-county, or an incorporated municipality to which the provisions of [sections 1 through 38] apply as provided in [section 5].

(21) "Manufactured housing" means a dwelling for a single household, built offsite in a factory that is in compliance with the applicable prevailing standards of the United States department of housing and urban development at the time of its production. A manufactured home does not include a mobile home or housetrailer, as defined in 15-1-101.

(22) "Ministerial permit" means a permit granted upon a determination that a proposed project complies with the zoning map and the established standards set forth in the zoning regulations. The determination must be based on objective standards, involving little or no personal judgment, and must be

issued by the planning administrator.

(23) "Multi-unit dwelling" means a building designed for five or more attached dwelling units in which the dwelling units share a common separation, such as a ceiling or wall, and in which access cannot be gained between the units through an internal doorway, excluding common hallways.

(24) "Permitted use" means a use that may be approved by issuance of a ministerial permit.

(25) "Planning administrator" means the person designated by the local governing body to review, analyze, provide recommendations, or make final decisions on any or all zoning, subdivision, and other development applications as required in [sections 1 through 38].

(26) "Plat" means a graphical representation of a subdivision showing the division of land into lots, parcels, blocks, streets, alleys, and other divisions and dedications.

(27) "Preliminary plat" means a neat and scaled drawing of a proposed subdivision showing the layout of streets, alleys, lots, blocks, and other elements of a subdivision that furnish a basis for review by a governing body.

(28) "Public utility" has the meaning provided in 69-3-101, except that for the purposes of [sections 1 through 38], the term includes a county water or sewer district as provided for in Title 7, chapter 13, parts 22 and 23, and municipal sewer or water systems and municipal water supply systems established by the governing body of a municipality pursuant to Title 7, chapter 13, parts 42, 43, and 44.

(29) "Single-room occupancy development" means a development with dwelling units in which residents rent a private bedroom with a shared kitchen and bathroom facilities.

(30) "Single-unit dwelling" means a building designed for one dwelling unit that is detached from any other dwelling unit.

(31) "Subdivider" means a person who causes land to be subdivided or who proposes a subdivision of land.

(32) "Subdivision" means a division of land or land so divided that it creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title to the parcels may be sold or otherwise transferred and includes any resubdivision and a condominium. The term also means an area, regardless of its size, that provides or will provide multiple spaces for rent or lease on which recreational camping vehicles or

mobile homes will be placed.

(33) "Subdivision guarantee" means a form of guarantee that is approved by the commissioner of insurance and is specifically designed to disclose the information required in [section 34].

(34) "Tract of record" means an individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office.

(35) "Three-unit dwelling" or "triplex" means a building designed for three attached dwelling units in which the dwelling units share a common separation, such as a ceiling or wall, and in which access cannot be gained between the units through an internal doorway, excluding common hallways.

(36) "Two-unit dwelling" or "duplex" means a building designed for two attached dwelling units in which the dwelling units share a common separation, such as a ceiling or wall, and in which access cannot be gained between the units through an internal doorway.

Section 4. Planning commission. (1) (a) Each local government shall establish, by ordinance or resolution, a planning commission.

(b) Any combination of local governments may create a multi-jurisdiction planning commission or join an existing commission pursuant to an interlocal agreement.

(c) (i) Any combination of legally authorized planning boards, zoning commissions, planning and zoning commissions, or boards of adjustment existing prior to [the effective date of this act] may be considered duly constituted under [sections 1 through 38] as a planning commission by agreement of the governing bodies of each jurisdiction represented on the planning commission.

(ii) If more than one legally authorized planning board, zoning commission, or planning and zoning commission exists within a jurisdiction, the governing bodies of each jurisdiction may agree to:

(A) designate, combine, consolidate, or modify one or more of the authorized boards or commissions as the planning commission; or

(B) create a new planning commission pursuant to this section and disband the existing boards and commissions.

(2) (a) (i) Each planning commission must consist of an odd number of no fewer than three voting

members who are confirmed by majority vote of each local governing body.

(ii) Each jurisdiction must be equally represented in the membership of a multi-jurisdiction planning commission.

(b) The planning commission shall meet at least once every 6 months.

(c) Minutes must be kept of all meetings of the planning commission and all meetings and records must be open to the public.

(d) A majority of currently appointed voting members of the planning commission constitutes a quorum. A quorum must be present for the planning commission to take official action. A favorable vote of at least a majority of the quorum is required to authorize an action at a regular or properly called special meeting.

(e) The ordinance, resolution, or interlocal agreement creating the planning commission must set forth the requirements for appointments, terms, qualifications, removal, vacancies, meetings, notice of meetings, officers, reimbursement of costs, bylaws, or any other requirement determined necessary by the local governing body.

(3) (a) Except as set forth in subsection (3)(b), the planning commission shall review and make recommendations to the local governing body regarding the development, adoption, amendment, review, and approval or denial of the following documents:

- (i) the land use plan and future land use map as provided in [section 7];
- (ii) zoning regulations and map as provided in [sections 18 through 24];
- (iii) subdivision regulations as provided in [sections 25 through 34]; and
- (iv) any other legislative land use planning document the local governing body designates.

(b) In accordance with [section 37], the planning commission shall hear and decide appeals from any site-specific land use decisions made by the planning administrator pursuant to the adopted regulations described in subsection (3)(a). Decisions of the planning commission may be appealed to the local governing body as provided in [section 37].

(4) The planning commission may be funded pursuant to 76-1-403 and 76-1-404.

Section 5. Applicability and compliance. (1) A municipality with a population at or exceeding 5,000 located within a county with a population at or exceeding 70,000 in the most recent decennial census shall

comply with the provisions of [sections 1 through 38].

(2) (a) Except as provided in subsection (2)(b), any municipality that meets the population thresholds of subsection (1) on [the effective date of this act] shall comply with the provisions of [sections 1 through 38] within 3 years of [the effective date of this act].

(b) A municipality that has adopted a growth policy within 5 years prior to [the effective date of this act] shall comply with the provisions of [sections 1 through 38] within 5 years of the date that the growth policy was adopted or within the deadline established in subsection (2)(a), whichever occurs later.

(c) A municipality that meets the population thresholds of subsection (1) on any decennial census completed after [the effective date of this act] shall comply with the provisions of [sections 1 through 38] by December 31 of the third year after the date of the decennial census.

(3) (a) A local government that is not required to comply with the provisions of [sections 1 through 38] may decide to comply with the provisions of [sections 1 through 38] by an affirmative vote of the local governing body. After an affirmative vote, the governing body shall comply with the provisions of [sections 1 through 38] by December 31 of the fifth year after the date of the vote.

(b) A local government that votes pursuant to subsection (3)(a) to comply with the provisions of [sections 1 through 38] may subsequently decide to not comply with the provisions of [sections 1 through 38] by an affirmative vote.

(4) A local government that complies with [sections 1 through 38] is not subject to any provision of Title 76, chapters 1, 2, 3, or 8.

Section 6. Public participation. (1) (a) A local government shall provide continuous public participation when adopting, amending, or updating a land use plan or regulations pursuant to [sections 1 through 38].

(b) Public participation in the adoption, amendment, or update of a land use plan or implementing regulations must provide for, at a minimum:

- (i) dissemination of draft documents;
- (ii) an opportunity for written and verbal comments;
- (iii) public meetings after effective notice;

(iv) electronic communication regarding the process, including online access to documents, updates, and comments; and

(v) an analysis of and response to public comments.

(2) A local government shall document and retain all public outreach and participation performed as part of the administrative record in accordance with the retention schedule published by the secretary of state.

(3) (a) A local government may decide the method for providing:

(i) general public notice and participation in the adoption, amendment, or update of a land use plan or regulation; and

(ii) notice of written comment on applications for land use permits pursuant to [sections 1 through 38].

(b) All notices must clearly specify the nature of the land use plan or regulation under consideration, what type of comments the local government is seeking from the public, and how the public may participate.

(c) The local government shall document what methods it used to provide continuous participation in the development, adoption, or update of a land use plan or regulation and shall document all comments received.

(d) The department of commerce established in 2-15-1801 and functioning pursuant to 90-1-103 shall develop a list of public participation methods and best practices for use by local governments in developing, adopting, or updating a land use plan or regulations.

(4) Throughout the adoption, amendment, or update of the land use plan or regulation processes, a local government shall emphasize that:

(a) the land use plan is intended to identify the opportunities for development of land within the planning area for housing, businesses, agriculture, and the extraction of natural resources, while acknowledging and addressing the impacts of that development on adjacent properties, the community, the natural environment, public services and facilities, and natural hazards;

(b) the process provides for continuous and extensive public notice, review, comment, and participation in the development of the land use plan or regulation;

(c) the final adopted land use plan, including amendments or updates to the final adopted land use plan, comprises the basis for implementing land use regulations in substantial compliance with the land use plan; and

(d) the scope of and opportunity for public participation and comment on site-specific development in substantial compliance with the land use plan must be limited only to those impacts or significantly increased impacts that were not previously identified and considered in the adoption, amendment, or update of the land use plan, zoning regulations, or subdivision regulations.

(5) The local governing body shall adopt a public participation plan detailing how the local government will meet the requirements of this section.

Section 7. Adoption or amendment of land use plan and future land use map. (1) The local governing body shall adopt or amend by resolution a land use plan and future land use map in accordance with [sections 7 through 17] only after consideration by and on the recommendation of the planning commission.

(2) Prior to making a recommendation to the governing body to adopt or amend a land use plan and future land use map, the planning commission shall:

(a) provide public notice and participation in accordance with [section 6]; and
(b) accept, consider, and respond to public comment on the proposed land use plan and future land use map. All public comment must be part of the administrative record transmitted to the governing body.

(3) After meeting the requirements of subsection (2), the planning commission shall make a final recommendation to the governing body to adopt, modify, or reject the proposed land use plan and future land use map or any amendment to the proposed land use plan and future land use map.

(4) The governing body shall incorporate any existing neighborhood, area, or plans adopted pursuant to Title 76, chapter 1, that meet the requirements of [sections 1 through 38] into the land use plan and future land use map.

(5) (a) The governing body shall consider the recommendation of the planning commission to adopt, modify, or reject the proposed land use plan and future land use map or any amendment to the proposed land use plan and future land use map.

(b) After providing public notice and participation in accordance with [section 6], the governing

body may adopt, with any revisions the local governing body considers appropriate, or reject the land use plan and future land use map or any amendment to the proposed land use plan and future land use map proposed by the planning commission.

(6) An amendment to a land use plan or future land use map may be initiated:

(a) by majority vote of the governing body;

(b) on petition of at least 15% of the electors of the local government jurisdiction to which the plan applies, as registered at the last general election; or

(c) by a property owner applying for a zoning, subdivision, or other land use permit.

(7) (a) After the initiation of an amendment to a land use plan or future land use map allowed in subsection (6), the planning commission shall make a preliminary determination of whether the proposed land use plan or future land use map amendment results in new or increased impacts to or from local facilities, services, natural resources, natural environment, or natural hazards from those previously described and analyzed in the assessment conducted in the development of the land use plan.

(b) If the planning commission finds new or increased impacts from the proposed land use plan or future land use map amendment, the local government shall collect additional data and conduct additional analysis necessary to provide the planning commission with the opportunity to consider all potential impacts resulting from the amendment before proceeding under subsection (2).

(8) The governing body may not amend the land use plan or future land use map unless:

(a) the amendment is found in substantial compliance with the land use plan; and

(b) the potential impacts resulting from development in substantial compliance with the proposed amendment have been made available for public review and comment and have been fully considered by the governing body.

Section 8. Update of land use plan or future land use map. (1) After a local government adopts a land use plan and future land use map in accordance with [section 7], the land use plan and future land use map must be reviewed by the planning commission every fifth year after adoption to determine whether an update to the land use plan and future land use map must be performed. The planning commission shall:

(a) make a preliminary determination regarding the existence of new or increased impacts to or

from local facilities, services, natural resources, natural environment, or natural hazards from those previously described and analyzed when the land use plan and future land use map were previously adopted;

(b) provide public notice and participation in accordance with [section 6]; and

(c) accept, consider, and respond to public comment on the review of the land use plan and future land use map. All public comment must be part of the administrative record transmitted to the governing body.

(2) (a) If the planning commission finds new or increased impacts under subsection (1), the planning commission shall recommend an update to the land use plan, future land use map, or both.

(b) If the planning commission finds no new or increased impacts under subsection (1), the planning commission shall make a recommendation to the governing body that no update to the land use plan or future land use map is necessary.

(3) After receiving the recommendation of the planning commission, the governing body may direct that an update of the land use plan, future land use map, or both be completed or may readopt the current land use plan, future land use map, or both.

(4) (a) In developing, drafting, and considering an update to the land use plan or future land use map, the planning commission shall follow the process set forth in [section 7] with respect to the changes proposed to the land use plan or future land use map.

(b) If the planning commission finds new or increased impacts resulting from the land use plan or future land use map, the local government shall collect additional data and conduct additional analysis necessary to provide the governing body and the public with the opportunity to comment on and consider all potential impacts resulting from an update to the land use plan or future land use map.

(5) At any time before an update is required after a review under subsection (1), the local governing body may direct that an update to the land use plan or future land use map be prepared for consideration by the planning commission and for recommendation to the governing body.

(6) Once an update to the land use plan or future land use map is adopted or the land use plan or future land use map is readopted, the information and analysis contained within the land use plan and future land use map must be considered accurate for the purposes of making site-specific development decisions in substantial compliance with the land use plan and future land use map.

Section 9. Existing conditions and population projections. (1) The land use plan must include, at a minimum, inventories and descriptions of existing conditions of housing, local services and facilities, economic development, natural resources, environment, and hazards, and land use within the jurisdictional boundaries of the land use plan.

(2) As set forth in [sections 10 through 17], the land use plan must include, at minimum, a description, map, and analysis of how the jurisdiction will accommodate its projected population over the next 20 years and the expected impacts of the development in the areas of housing, local services and facilities, economic development, natural resources, environment, and hazards.

(3) The inventories and descriptions in the plan must be based on up-to-date surveys, maps, diagrams, charts, descriptive material, studies, and reports necessary to explain and supplement the analysis of each section of the land use plan.

(4) (a) A jurisdiction shall use demographics provided by:

- (i) the most recent decennial census or census estimate of the United States census bureau; and
- (ii) population projections for a 20-year period based on permanent and seasonal population estimates:

- (A) provided by demographics published by the department of commerce;
- (B) generated by the local government; or
- (C) produced by a professional firm specializing in projections.

(b) When a population projection is not available, population projections for the jurisdiction must be reflective of the area's proportional share of the total county population and the total county population growth.

Section 10. Housing. (1) A local governing body shall identify and analyze existing and projected housing needs for the projected population of the jurisdiction and provide regulations that allow for the rehabilitation, improvement, or development of the number of housing units needed, as identified in the land use plan and future land use map, including:

(a) a quantification of the jurisdiction's existing and projected needed housing types, including location, age, condition, and occupancy required to accommodate existing and estimated population projections;

- (b) an inventory of sites, including zoned, unzoned, vacant, underutilized, and potential redevelopment sites, available to meet the jurisdiction's needed housing types;
 - (c) an analysis of any constraints to housing development, such as zoning, development standards, and infrastructure needs and capacity, and the identification of market-based incentives that may affect or encourage the development of needed housing types; and
 - (d) a detailed description of what actions the jurisdiction may take to accommodate the projected needed housing types identified in subsection (1)(a).
- (2) The housing section of the land use plan and future land use map may incorporate by reference any information or policies identified in other housing needs assessments adopted by the governing body.
- (3) If, after performing the analysis required in subsection (1), the local government determines that the total needed housing types may not be met due to lack of resources, development sites, infrastructure capacity, or other documented constraints, the local government shall establish the minimum number of housing units that may be rehabilitated, improved, or developed within the jurisdiction over the 20-year planning period and the actions the local government may take to remove constraints to the development of those units over that period.
- (4) Progress toward the construction of the housing units identified as needed to meet projected housing needs during the 20-year planning period of the land use plan must be documented at each fifth year review of the land use plan as required in [section 8].
- (5) The amount of detail provided in the analysis beyond the minimum criteria established in this section is at the discretion of the local governing body.

Section 11. Local services and facilities. (1) The land use plan must:

- (a) determine the existing and anticipated levels of public safety and emergency services necessary to serve the projected population of the jurisdiction, including law enforcement, fire protection, emergency management system agencies, and local health care organizations;
- (b) contain an inventory and map of existing fire protection, law enforcement, and emergency service jurisdictional areas and anticipated response times, a description of mutual aid or cooperative service

agreements, and the location of hospitals or clinics in the jurisdiction;

(c) identify capital and service improvements for fire, law enforcement, emergency services, and health services for the jurisdictional area necessary to meet the projected population;

(d) determine the existing capacity, existing deficiencies, planned expansion, and anticipated levels of utility services necessary to serve the projected population in the jurisdiction, including water, wastewater, and storm water systems, solid waste disposal, and other utility services, as identified by the local government;

(e) contain an inventory and map of all utility service areas, system networks, and facilities;

(f) identify local utility capital and service improvements for the jurisdictional area necessary to meet the projected population;

(g) determine the existing capacity, existing deficiencies, planned expansion, and anticipated improvements to the transportation network serving the jurisdictional area necessary to serve the projected population in the jurisdiction;

(h) contain an inventory and classification map of all existing and planned roads within the jurisdictional area, including major highways, secondary highways, and local routes, all non-motorized routes, including bike lanes and pedestrian thoroughfares, and all public transit systems and facilities; and

(i) identify planned capital and service transportation improvements necessary to serve the projected population.

(2) The local government shall:

(a) coordinate with school districts within the jurisdiction to determine the existing capacity of, planned expansion of, and anticipated improvements necessary for the local K-12 school system to serve the projected population in the jurisdiction; and

(b) request that the local school district provide any inventory and maps of existing K-12 educational facilities within the jurisdictional area and identify any capital and service improvements necessary to meet the projected population.

(3) The local government may include an analysis of existing capacity and service levels, planned expansions of, and anticipated improvements necessary to provide other services to the projected population in the jurisdiction.

(4) The local government may incorporate by reference any information or policies identified in other relevant local services or facilities assessments adopted by the local governing body, such as a capital improvements plan or an impact fee study.

(5) The amount of detail provided in the analysis beyond the minimum criteria established in this section is at the discretion of the local governing body.

Section 12. Economic development. (1) The land use plan must:

(a) assess existing and potential commercial, industrial, small business, and institutional enterprises in the jurisdiction, including the types of sites and supporting services needed by the enterprises;

(b) summarize job composition and trends by industry sector, including existing labor force characteristics and future labor force requirements, for existing and potential enterprises in the jurisdiction;

(c) assess the extent to which local characteristics, assets, and resources support or constrain existing and potential enterprises, including access to transportation to market goods and services, and assess historic, cultural, and scenic resources and their relationship to private sector success in the jurisdiction;

(d) inventory sites within the jurisdiction, including zoned, unzoned, vacant, underutilized, and potentially redeveloped sites, available to meet the jurisdiction's economic development needs;

(e) assess the adequacy of existing and projected local facilities and services, schools, housing stock, and other land uses necessary to support existing and potential commercial, industrial, and institutional enterprises; and

(f) assess the financial feasibility of supporting anticipated economic growth in the jurisdiction.

(2) The local government may incorporate by reference any information or policies identified in other relevant economic development assessments.

(3) The amount of detail provided in the analysis beyond the minimum criteria established in this section is at the discretion of the local governing body.

Section 13. Natural resources, environment, and hazards. (1) The land use plan must:

(a) include inventories and maps of natural resources within the jurisdiction, including but not limited to agricultural lands, agricultural water user facilities, minerals, sand and gravel resources, forestry

lands, and other natural resources identified by the local government;

(b) describe the natural resource characteristics of the jurisdictional area, including a summary of historical natural resource utilization, data on existing utilization, and projected future trends;

(c) include an inventory, maps, and description of the natural environment of the jurisdictional area, including a summary of important natural features and the conditions of and real and potential threats to soils, geology, topography, vegetation, surface water, groundwater, aquifers, floodplains, scenic resources, wildlife, wildlife habitat, wildlife corridors, and wildlife nesting sites within the jurisdiction; and

(d) include maps of, identify factors related to, and describe natural hazards within the jurisdictional area, including flooding, fire, earthquakes, steep slopes and other known geologic hazards and other natural hazards identified by the jurisdiction, with a summary of past significant events resulting from natural hazards that includes:

(i) a description of land use constraints resulting from natural hazards;

(ii) a description of the efforts that have been taken within the local jurisdiction to mitigate the impact of natural hazards; and

(iii) a description of the role that natural resources and the environment play in the local economy.

(2) The local government may incorporate by reference any information or policies identified in other relevant assessments of natural resources, environment, or hazards.

(3) The amount of detail provided in the analysis beyond the minimum criteria established in this section is at the discretion of the local governing body.

Section 14. Land use and future land use map. (1) A land use plan must include a future land use map and a written description of the proposed general distribution, location, and extent of residential, commercial, mixed, industrial, agricultural, recreational, and conservation uses of land and other categories of public and private uses, as determined by the local government.

(2) The future land use map must reflect the anticipated and preferred pattern and intensities of development for the jurisdiction over the next 20 years, based on the information, analysis, and public input collected, considered, and relevant to the population projections for and economic development of the jurisdiction and the housing and local services needed to accommodate those projections, while acknowledging

and addressing the natural resource, environment, and natural hazards of the jurisdiction.

(3) The future land use map may not confer any authority to regulate what is not otherwise specifically authorized in [sections 1 through 38].

(4) The future land use map and the written description must include:

(a) a statement of intent describing the jurisdiction's applicable zoning, subdivision, and other land use regulations;

(b) descriptions of existing and future land uses, including:

(i) categories of public and private use;

(ii) general descriptions of use types and densities of those uses;

(iii) general descriptions of population; and

(iv) other aspects of the built environment;

(c) geographic distribution of future land uses in the jurisdiction, anticipated over a 20-year planning period that specifically demonstrate:

(i) adequate land to support the projected population in all land use types in areas where local services can be adequately and cost-effectively provided for that population;

(ii) adequate sites to accommodate the type and supply of housing needed for the projected population; and

(iii) areas of the jurisdiction that are not generally suitable for development and the reason, based on the constraints identified through the land use plan analysis;

(d) a statement acknowledging areas within the jurisdiction known to be subject to covenants, codes, and restrictions that may limit the type, density, or intensity of housing development projected in the future land use map; and

(e) areas of or adjacent to the jurisdiction subject to increased growth pressures, higher development densities, or other urban development influences.

(5) To the greatest extent possible, local governments shall create compatibility in the land use plans and future land use map in those areas identified in subsection (4)(e).

(6) The land use plan may:

(a) provide information required by a federal land management agency for the local governing

body to establish or maintain coordination or cooperating agency status; and

(b) incorporate by reference any information or policies identified in other relevant assessments adopted by the local governing body, such as a pre-disaster mitigation plan or wildfire protection plan.

(7) The amount of detail provided in the analysis beyond the minimum criteria established in this section is at the discretion of the local governing body.

Section 15. Area plans. (1) A local governing body may adopt area plans for a portion of the jurisdiction to provide a more localized analysis of all or any part of a land use plan. An area plan may include but is not limited to a neighborhood plan, a corridor plan, or a subarea plan.

(2) The adoption, amendment, or update of an area plan must follow the same process as a land use plan provided for in [sections 7 through 17] and may be adopted as an amendment to the land use plan.

(3) The area plan must be in substantial compliance with the land use plan. To the extent an area plan is inconsistent with the land use plan, the land use plan controls.

Section 16. Issue plans. (1) A local governing body may adopt issue plans for all or part of a jurisdiction that provide a more detailed or thorough analysis for any component of the land use plan.

(2) The adoption, amendment, or update of an issue plan must follow the same process as a land use plan provided for in [sections 7 through 17].

(3) If an issue plan covers the jurisdictional area of the land use plan, the issue plan may serve as the detailed analysis required in the land use plan.

Section 17. Implementation. (1) The land use plan and future land use map is not a regulatory document and must include an implementation section that:

(a) establishes meaningful and predictable implementation measures for the use and development of land within the jurisdiction based on the contents of the land use plan and future land use map;

(b) provides meaningful direction for the content of more detailed land use regulations and future land use maps; and

(c) requires identification of those programs, activities, actions, or land use regulations that may be

part of the overall strategy of the jurisdiction for implementing the land use plan.

(2) The implementation section of the land use plan must include:

(a) if the local jurisdiction does not have current zoning regulations, a schedule by which zoning regulations and a zoning map will be adopted in accordance with the deadlines set forth in [section 5];

(b) if the local jurisdiction has current zoning regulations, an analysis of whether any inconsistencies exist between current zoning regulations and the land use plan and future land use map, including a map of the inconsistencies. If inconsistencies exist, the local government shall identify:

(i) specific implementation actions necessary to amend the zoning regulations and the zoning map to bring the zoning regulations and zoning map into substantial compliance with the land use plan and future land use map;

(ii) a schedule for amending the zoning regulations and zoning map to be in substantial compliance with the land use plan and future land use map, in accordance with the deadlines set forth in [section 5];

(iii) a schedule for adopting a capital improvements program or for amending an existing capital improvements program to be in substantial compliance with the land use plan and future land use map;

(iv) a schedule for expanding or replacing public facilities and the anticipated costs and revenue sources proposed to meet those costs, which must be reflected in a jurisdiction's capital improvement program;

(v) if applicable, a schedule for updating the plan for extension of services required in 7-2-4732 to be in substantial compliance with the land use plan; and

(vi) a schedule for implementing any other specific actions necessary to achieve the components of the land use plan, including a timeframe or prioritization of each specific public action; and

(c) procedures for monitoring and evaluating the local government's progress toward meeting the implementation schedule.

Section 18. Authority to adopt local zoning regulations. (1) (a) A local government subject to [sections 1 through 38], within its respective jurisdiction, has the authority to and shall regulate the use of land in substantial compliance with its adopted land use plan by adopting zoning regulations.

(b) The governing body of a county or city has the authority to adopt zoning regulations in

accordance with [sections 18 through 24] by an ordinance that substantially complies with 7-5-103 through 7-5-107.

(c) A municipality shall adopt zoning regulations for the portions of the jurisdictional area outside of the boundaries of the municipality that the governing body anticipates may be annexed into the municipality over the next 20 years. Unless otherwise agreed to by the applicable jurisdictions, zoning regulations on property outside the municipal boundaries may not apply or be enforced until those areas are annexed or are being annexed into the municipality.

(2) Local zoning regulations authorized in subsection (1) include but are not limited to ordinances prescribing the:

- (a) uses of land;
- (b) density of uses;
- (c) types of uses;
- (d) size, character, number, form, and mass of structures; and
- (e) development standards mitigating the impacts of development, as identified and analyzed during the land use planning process and review and adoption of zoning regulations pursuant to [sections 1 through 38].

(3) The local government shall incorporate any existing zoning regulations adopted pursuant to Title 76, chapter 2, into the zoning regulations meeting the requirements of [sections 1 through 38].

(4) The local government shall adopt a zoning map for the jurisdiction in substantial compliance with the land use plan and future land use map and the zoning regulations adopted pursuant to this section, graphically illustrating the zone or zones that a property within the jurisdiction is subject to.

(5) The local government may provide for the issuance of permits as may be necessary for the implementation of [sections 1 through 38].

(6) (a) The zoning regulations and map must identify areas that may necessitate the denial of a development or a specific type of development, such as unmitigable natural hazards, insufficient water supply, inadequate drainage, lack of access, inadequate public services, or the excessive expenditure of public funds for the supply of the services.

(b) The regulations must prohibit development in the areas identified in subsection (6)(a) unless

the hazards or impacts may be eliminated or overcome by approved construction techniques or other mitigation measures identified in the zoning regulations.

(c) Approved construction techniques or other mitigation measures described in subsection (6)(b) may not include building regulations as defined in 50-60-101 other than those identified by the department of labor and industry as provided in 50-60-901.

(7) The zoning regulations and map must mitigate the hazards created by development in areas located within the floodway of a flood of 100-year frequency, as defined by Title 76, chapter 5, or determined to be subject to flooding by the governing body. If the hazards cannot be mitigated, the zoning regulations and map must identify those areas where future development is limited or prohibited.

(8) The zoning regulations must allow for the continued use of land or buildings legal at the time that any zoning regulation, map, or amendment thereto is adopted, but the local government may provide grounds for discontinuing nonconforming uses based on changes to or abandonment of the use of the land or buildings after the adoption of a zoning regulation, map, or amendment.

Section 19. Encouragement of development of housing. (1) The zoning regulations authorized in [section 18] must include a minimum of five of the following housing strategies, applicable to the majority of the area, where residential development is permitted in the jurisdictional area:

- (a) allow, as a permitted use, for at least a duplex where a single-unit dwelling is permitted;
- (b) zone for higher density housing near transit stations, places of employment, higher education facilities, and other appropriate population centers, as determined by the local government;
- (c) eliminate or reduce off-street parking requirements to require no more than one parking space per dwelling unit;
- (d) eliminate impact fees for accessory dwelling units or developments that include multi-unit dwellings or reduce the fees by at least 25%;
- (e) allow, as a permitted use, for at least one internal or detached accessory dwelling unit on a lot with a single-unit dwelling occupied as a primary residence;
- (f) allow for single-room occupancy developments;
- (g) allow, as a permitted use, a triplex or fourplex where a single-unit dwelling is permitted;

- (h) eliminate minimum lot sizes or reduce the existing minimum lot size required by at least 25%;
 - (i) eliminate aesthetic, material, shape, bulk, size, floor area, and other massing requirements for multi-unit dwellings or mixed-use developments or remove at least half of those requirements;
 - (j) provide for zoning that specifically allows or encourages the development of tiny houses, as defined in Appendix Q of the International Residential Code as it was printed on January 1, 2023;
 - (k) eliminate setback requirements or reduce existing setback requirements by at least 25%;
 - (l) increase building height limits for dwelling units by at least 25%;
 - (m) allow multi-unit dwellings or mixed-use development as a permitted use on all lots where office, retail, or commercial are primary permitted uses; or
 - (n) allow multi-unit dwellings as a permitted use on all lots where triplexes or fourplexes are permitted uses.
- (2) If a local government's existing zoning ordinance adopted pursuant to Title 76, chapter 2, before [the effective date of this act] does not contain a zoning regulation that is listed as a regulation to be eliminated or reduced in subsection (1), that strategy is considered adopted by the local government.
- (3) If the adoption of a housing strategy allowed in subsection (1) subsumes another housing strategy allowed in subsection (1), only one strategy may be considered to have been adopted by the local government.

Section 20. Limitations on zoning authority. (1) A local government acting pursuant to [sections 18 through 24] may not:

- (a) treat manufactured housing units differently from any other residential units;
- (b) include in a zoning regulation any requirement to:
 - (i) pay a fee for the purpose of providing housing for specified income levels or at specified sale prices; or
 - (ii) dedicate real property for the purpose of providing housing for specified income levels or at specified sale prices, including 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;
- (c) prevent the erection of an amateur radio antenna at heights and dimensions sufficient to

accommodate amateur radio service communications by a person who holds an unrevoked and unexpired official amateur radio station license and operator's license, "technician" or higher class, issued by the federal communications commission of the United States;

(d) establish a maximum height limit for an amateur radio antenna of less than 100 feet above the ground;

(e) subject to subsection (2) and outside of incorporated municipalities, prevent the complete use, development, or recovery of any mineral, forest, or agricultural resources identified in the land use plan, except that the use, development, or recovery may be reasonably conditioned or prohibited within residential zones;

(f) except as provided in subsection (3), treat the following differently from any other residential use of property:

(i) a foster home, kinship foster home, youth shelter care facility, or youth group home operated under the provisions of 52-2-621 through 52-2-623, if the home or facility provides care on a 24-hour-a-day basis;

(ii) a community residential facility serving eight or fewer persons, if the facility provides care on a 24-hour-a-day basis; or

(iii) a family day-care home or a group day-care home registered by the department of public health and human services under Title 52, chapter 2, part 7;

(g) except as provided in subsection (3), apply any safety or sanitary regulation of the department of public health and human services or any other agency of the state or a political subdivision of the state that is not applicable to residential occupancies in general to a community residential facility serving 8 or fewer persons or to a day-care home serving 12 or fewer children; or

(h) prohibit any existing agricultural activities or force the termination of any existing agricultural activities outside the boundaries of an incorporated city, including agricultural activities that were established outside the corporate limits of a municipality and thereafter annexed into the municipality.

(2) Regulations that condition or prohibit uses pursuant to subsection (1)(e) must be in effect prior to the filing of a permit application or at the time a written request is received for a preapplication meeting pursuant to 82-4-432.

(3) Except for a day-care home registered by the department of public health and human services,

a local government may impose zoning standards and conditions on any type of home or facility identified in subsections (1)(f) and (1)(g) if those zoning standards and conditions do not conflict with the requirements of subsections (1)(f) and (1)(g).

Section 21. Adoption and amendment of zoning regulations. (1) (a) The governing body shall adopt or amend a zoning regulation or map only after consideration by and on the recommendation of the planning commission.

(b) An amendment to an adopted zoning regulation or map may be initiated:

- (i) by majority vote of the governing body;
- (ii) on petition of at least 15% of the electors of the local government jurisdiction to which the regulations apply, as registered at the last general election; or
- (iii) by a property owner, as related to an application for any zoning, subdivision, or other land use permit or approval.

(2) Prior to making a recommendation to the governing body to adopt or amend a zoning regulation or map, the planning commission shall:

- (a) provide public notice and participation in accordance with [section 6];
- (b) accept, consider, and respond to public comment on the proposed zoning regulation, map, or amendment. All public comment must be part of the administrative record transmitted to the governing body.
- (c) make a preliminary determination as to whether the zoning regulation and map as proposed or as amended would be in substantial compliance with the land use plan, including whether the zoning regulation or map:
 - (i) accommodates the projected needed housing types identified in [section 10];
 - (ii) contains five or more specific strategies from [section 19] to encourage the development of housing within the jurisdiction;
 - (iii) reflects allowable uses and densities in areas that may be adequately served by public safety, emergency, utility, transportation, education, and any other local facilities or services identified by the local government in [section 11];
 - (iv) allows sufficient area for existing, new, or expanding commercial, industrial, and institutional

enterprises the local government has identified in [section 12] for targeted economic growth in the jurisdiction;

(v) protects and maximizes the potential use of natural resources within the area, as identified in [section 13];

(vi) minimizes or avoids impacts to the natural environment within the area, as identified in [section 13]; and

(vii) avoids or minimizes dangers associated with natural hazards in the jurisdiction, as identified in [section 13]; and

(d) preliminarily determine whether the proposed zoning regulation, map, or amendment results in new or increased impacts to or from local facilities, services, natural resources, natural environment, or natural hazards from those previously described and analyzed in the assessment conducted for the land use plan.

(3) If the planning commission finds new or increased impacts from the proposed regulation, map, or amendment, as provided in subsection (2)(d), the local government shall collect additional data and conduct additional analysis necessary to provide the planning commission and the public with the opportunity to comment on and consider all potential impacts resulting from adoption of the zoning regulation, map, or amendment.

(4) After meeting the requirements of subsections (2) and (3), the planning commission shall make a final recommendation to the governing body to approve, modify, or reject the proposed zoning regulation, map, or amendment.

(5) (a) The governing body shall consider each zoning regulation, map, or amendment that the planning commission recommends to the governing body.

(b) After providing public notice and participation in accordance with [section 6], the governing body may adopt, adopt with revisions the governing body considers appropriate, or reject the zoning regulation, map, or amendment as proposed by the planning commission.

(c) The governing body may not condition an amendment to a zoning regulation or map.

(d) The governing body may not adopt or amend a zoning regulation or map unless the governing body finds that:

(i) the regulation, map, or amendment is in substantial compliance with the land use plan; and

(ii) the impacts resulting from development in substantial compliance with the proposed zoning

regulation, map, or amendment have been made available for public review and comment and have been fully considered by the governing body.

(6) After the zoning regulation, map, or amendment has been adopted by the governing body, there is a presumption that:

(a) all permitting in substantial compliance with the zoning regulation, map, or amendment is in substantial compliance with the land use plan; and

(b) the public has been provided a meaningful opportunity to participate.

Section 22. Effect on zoning regulations and map. (1) After the adoption of a zoning regulation, map, or amendment pursuant to [section 21], any application proposing development of a site is subject to the process set forth in this section.

(2) (a) When a proposed development lies entirely within an incorporated city, or is proposed for annexation into the city, the application must be submitted to and approved by the city.

(b) Except as provided in subsections (2)(a) or (2)(c), when a proposed development lies entirely in an unincorporated area, the application must be submitted to and approved by the county.

(c) If a proposed development lies within an area subject to increased growth pressures, higher development densities, or other urban development influences identified by either jurisdiction in [section 14], the jurisdiction shall provide other impacted jurisdictions the opportunity to review and comment on the application.

(d) If the proposed development lies partly within an incorporated city, the application and materials must be submitted to and approved by both the city and the county governing bodies.

(3) Zoning compliance permits and other ministerial permits may be issued by the planning administrator or the planning administrator's designee without any further review or analysis by the governing body, except as provided in [section 37].

(4) If a proposed development, with or without variances or deviations from adopted standards, is in substantial compliance with the zoning regulations or map and all impacts resulting from the development were previously analyzed and made available for public review and comment prior to the adoption of the land use plan, zoning regulation, map, or amendment thereto, the application must be approved, approved with conditions, or denied by the planning administrator and is not subject to any further public review or comment,

except as provided in [section 37].

(5) (a) If a proposed development, with or without variances or deviations from adopted standards, is in substantial compliance with the zoning regulations and map but may result in new or significantly increased potential impacts that have not been previously identified and considered in the adoption of the land use plan or zoning regulations, the planning administrator shall proceed as follows:

(b) request that the applicant collect any additional data and perform any additional analysis necessary to provide the planning administrator and the public with the opportunity to comment on and consider the impacts identified in subsection (5)(a);

(c) collect any additional data or perform additional analysis the planning administrator determines is necessary to provide the local government and the public with the opportunity to comment on and consider the impacts identified in subsection (5)(a); and

(d) provide notice of a 15-business day written comment period during which the public has the reasonable opportunity to participate in the consideration of the impacts identified in subsection (5)(a).

(6) (a) Any additional analysis or public comment on a proposed development described in subsection (5) must be limited to only any new or significantly increased impacts potentially resulting from the proposed development, to the extent the impact was not previously identified or considered in the adoption or amendment of the land use plan or zoning regulations.

(b) The planning administrator shall approve, approve with conditions, or deny the application. The planning administrator's decision is final and no further action may be taken except as provided in [section 37].

(7) If an applicant proposes to develop a site in a manner or to an extent that the development is not in substantial compliance with the zoning regulations or map, the applicant shall propose an amendment to the regulations or map and follow the process provided for in [section 21].

Section 23. Zoning and annexation. (1) A municipality shall review and consider a proposed annexation in conjunction with the zoning regulations for the property to be annexed adopted pursuant to [section 18(1)(c)] following the procedures set forth in [section 22].

(2) The joint public process authorized in subsection (1) fulfills the notice and public hearing requirements for a proposed annexation required in Title 7, chapter 2, parts 42 through 47.

Section 24. Interim zoning ordinances. (1) A local government, to protect the public safety, health, and welfare and without following the procedures otherwise required prior to adopting a zoning regulation, may adopt an interim zoning ordinance as an urgency measure to regulate or prohibit uses that may conflict with a zoning proposal that the governing body is considering or studying or intends to study within a reasonable time.

(2) Before adopting an interim zoning ordinance, the governing body shall first hold a public hearing upon notice reasonably designed to inform all affected parties. A notice must be published in a newspaper of general circulation at least 7 days before the public hearing.

(3) An interim zoning ordinance takes effect immediately on passage and approval after first reading

and may be in effect no longer than 1 year from the date of its adoption.

(4) A local government may not act under the authority provided for in this section until the local government has adopted a land use plan and zoning regulations pursuant to [sections 1 through 38].

Section 25. Authority to adopt local subdivision regulations -- limitations. (1) Within its respective jurisdiction, a local government shall regulate the creation of lots in substantial compliance with its adopted land use plan and zoning regulations by adopting subdivision regulations.

(b) The governing body of a county or city has the authority to adopt subdivision regulations in accordance with [sections 25 through 34] by an ordinance that substantially complies with 7-5-103 through 7-5-107.

(c) A municipality shall adopt subdivision regulations for those portions of the jurisdictional area outside the boundaries of the municipality that the governing body anticipates may be annexed into the municipality over the next 20 years. Unless otherwise agreed to by the applicable jurisdictions, subdivision regulations on property outside the municipal boundaries may not apply or be enforced until the areas are annexed or being annexed into the municipality.

(2) The subdivision regulations must provide a process for the application and consideration of subdivision exemptions, certificates of survey, preliminary plats, and final plats as necessary for the implementation of [sections 1 through 38].

(3) (a) A local governing body may not require, as a condition for approval of a subdivision under this [sections 25 through 34]:

(i) the payment of a fee for the purpose of providing housing for specified income levels or at specified sale prices; or

(ii) the dedication of real property for the purpose of providing housing for specified income levels or at specified sale prices.

(b) A dedication of real property prohibited in subsection (3)(a)(ii) 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.

(4) The local governing body may not change, in the subdivision regulations or in the process for subdividing, any timelines or procedural requirements for an application to subdivide other than provided for in [sections 25 through 34].

Section 26. Exemptions to subdivision review. (1) The following divisions of land, if made in substantial compliance with zoning regulations adopted pursuant to [sections 18 through 24], are not subject to the requirements of [sections 1 through 38]:

(a) subject to subsection (2), the creation of four or fewer new lots or parcels from an original lot or parcel:

(i) by order of a court of record in this state;

(ii) by operation of law; or

(iii) that, in the absence of agreement between the parties to a sale, could be created by court order in this state pursuant to the law of eminent domain, Title 70, chapter 30;

(b) subject to subsection (3), the creation of a lot to provide security for mortgages, liens, or trust indentures for the purpose of construction, improvements to the land being divided, or refinancing, if the land that is divided is not conveyed to any entity other than the financial or lending institution to which the mortgage, lien, or trust indenture was given or to a purchaser upon foreclosure of the mortgage, lien, or trust indenture;

(c) the creation of an interest in oil, gas, minerals, or water that is severed from the surface ownership of real property;

- (d) the creation of cemetery lots;
 - (e) the reservation of a life estate on a portion of a tract of record;
 - (f) the lease or rental of a portion of a tract of record for farming and agricultural purposes;
 - (g) the division of property over which the state does not have jurisdiction;
 - (h) the creation of rights-of-way or utility sites;
 - (i) the creation of condominiums, townhomes, townhouses, or conversions, as those terms are defined in 70-23-102, when any applicable park dedication requirements as set forth in [sections 18 through 24] are complied with;
 - (j) the lease or rental of contiguous airport-related land owned by a city, a county, the state, or a municipal or regional airport authority;
 - (k) subject to subsection (4), a division of state-owned land, unless the division creates a second or subsequent residential parcel from a single tract for sale, rent, or lease after July 1, 1974;
 - (l) the creation of lots by deed, contract, lease, or other conveyance executed prior to July 1, 1974;
 - (m) the relocation of common boundary lines between or aggregations of adjoining properties that does not result in an increase in the number of lots;
 - (n) a single gift or sale in each county to each member of the landowner's immediate family; or
 - (o) subject to subsection (5), the creation of lots by deed, contract, lease, or other conveyance in which the landowner enters into a covenant with the governing body that runs with the land that provides that the divided land must be used exclusively for agricultural purposes.
- (2) Before a court of record orders a division of land under subsection (1)(a), the court shall notify the governing body of the pending division and allow the governing body to present written comment on the division.
- (3) A transfer of divided land by the owner of the property at the time that the land was divided to any party other than those identified in subsection (1)(b) subjects the division of land to the requirements of [sections 1 through 38].
- (4) Instruments of transfer of land that is acquired for state highways may refer by parcel and project number to state highway plans that have been recorded in compliance with 60-2-209 and are exempted

from the surveying and platting requirements of [sections 1 through 38]. If the parcels are not shown on highway plans of record, instruments of transfer of the parcels must be accompanied by and refer to appropriate certificates of survey and plats when presented for recording.

(5) The governing body, in its discretion, may revoke the covenant provided for in subsection (1)(o) without subdivision review if the original lot lines are restored through aggregation of the covenanted land prior to or in conjunction with the revoking of the covenant.

Section 27. Adoption and amendment of subdivision regulations. (1) (a) The governing body shall adopt or amend subdivision regulations only after consideration by and on the recommendation of the planning commission.

(b) An amendment to adopted subdivision regulations may be initiated:

- (i) by majority vote of the governing body;
- (ii) on petition of at least 15% of the electors of the local government jurisdiction to which the regulations apply, as registered at the last general election; or
- (iii) by a property owner, as related to an application for any zoning, subdivision, or other land use permit or approval.

(2) Prior to making a recommendation to the governing body to adopt or amend subdivision regulations, the planning commission shall:

- (a) provide public notice and participation in accordance with [section 6];
- (b) accept, consider, and respond to public comment on the proposed subdivision regulation or amendment to a subdivision regulation. All public comment must be part of the administrative record transmitted to the governing body.

- (c) make a preliminary determination as to whether the subdivision regulation or amendment to a subdivision regulation is in substantial compliance with the land use plan and zoning regulations, including whether the regulation or amendment:

- (i) enables the development of projected needed housing types identified in the land use plan and zoning regulations;

- (ii) reflects applicable strategies from the land use plan and zoning regulations to encourage the

development of housing within the jurisdiction;

(iii) facilitates the adequate provision of public safety, emergency, utility, transportation, education, and any other local facilities or services for proposed development, as identified in the land use plan and zoning regulations;

(iv) reflects standards that provide for existing, new, or expanding commercial, industrial, and institutional enterprises identified in the land use plan and zoning regulations for economic growth;

(v) protects and maximizes the potential use of natural resources within the area, as identified in the land use plan and zoning regulations;

(vi) contains standards that minimize or avoid impacts to the natural environment within the area, as identified in the land use plan and zoning regulations; and

(vii) contains standards that avoid or minimize dangers associated with natural hazards in the jurisdiction, as identified in the land use plan and zoning regulations; and

(d) preliminarily determine whether the proposed subdivision regulation or amendment to a subdivision regulation results in new or increased potential impacts to or from local facilities, services, natural resources, natural environment, or natural hazards from those previously described and analyzed in the assessments conducted for the land use plan and zoning regulations.

(3) If the planning commission finds new or increased potential impacts from the proposed regulation or amendment to a regulation pursuant to subsection (2)(d), the local government shall collect additional data and conduct additional analysis necessary to provide the planning commission and the public with the opportunity, pursuant to [section 6], to comment on and consider all potential impacts resulting from adoption of the subdivision regulation or amendment to a subdivision regulation.

(4) After meeting the requirements of subsection (2), the planning commission shall make a final recommendation to the governing body to approve, modify, or reject the proposed subdivision regulation or amendment to a subdivision regulation.

(5) (a) The governing body shall consider each subdivision regulation or amendment to a subdivision regulation that the planning commission recommends to the governing body.

(b) After providing public notice and participation in accordance with [section 6], the governing body may adopt, adopt with revisions that the governing body considers appropriate, or reject the subdivision

regulation or amendment to a subdivision regulation as proposed by the planning commission.

(c) The governing body may not adopt or amend a subdivision regulation unless the governing body finds:

(i) the subdivision regulation or amendment to a subdivision regulation is in substantial compliance with the land use plan and zoning regulations; and

(ii) the impacts resulting from development in substantial compliance with the proposed subdivision regulation or amendment to a subdivision regulation have been made available for public review and comment, which have been fully considered by the governing body.

(6) After the subdivision regulation or amendment to a subdivision regulation has been adopted by the governing body, there is a presumption that:

(a) all subdivisions in substantial compliance with the adopted regulation or amendment are in substantial compliance with the land use plan and zoning regulations; and

(b) the public has been provided a meaningful opportunity to participate.

Section 28. Contents of local subdivision regulations. (1) The subdivision regulations adopted under [sections 25 through 34] are limited to the following requirements:

(a) the date the regulations initially become effective under [sections 1 through 38] and the effective dates and the ordinance numbers for all subsequent amendments;

(b) design standards for all subdivisions in the jurisdiction, which may be incorporated by reference or may be based on the information and analysis contained in the land use plan and zoning regulations, including:

(i) standards for grading and erosion control;

(ii) standards for the design and arrangement of lots, streets, and roads;

(iii) standards for the location and installation of public utilities, including water supply and sewage and solid waste disposal;

(iv) standards for the provision of other public improvements; and

(v) legal and physical access to all lots;

(c) when a subdivision creates parcels with lot sizes averaging less than 5 acres, a requirement

that the subdivider:

- (i) reserve all or a portion of the appropriation water rights owned by the owner of the subject property, transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water, and reserve and sever any remaining surface water rights from the land;
- (ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement that is administered through a single entity and that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or

- (iii) reserve and sever all surface water rights from the land;

- (d) except as provided in subsection (2), a requirement that the subdivider establish ditch easements that:

- (i) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;

- (ii) unless otherwise provided for under a separate written agreement or filed easement, provide for the unobstructed use and maintenance of existing water delivery ditches, pipelines, and facilities in the subdivision that are necessary to convey water through the subdivision to lands adjacent to or beyond the subdivision boundaries in quantities and in a manner that are consistent with historic and legal rights;

- (iii) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and

- (iv) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner;

- (e) criteria that the planning administrator must use to determine whether a proposed method of disposition using the exemptions provided in [sections 1 through 38] is an attempt to evade the requirements of [sections 1 through 38];

- (f) a list of the materials that must be included in order for the application to be determined

complete;

(g) subject to subsection (4), identification of circumstances or conditions that may necessitate the denial of any or specific types of development, such as unmitigable natural hazards, insufficient water supply, inadequate drainage, lack of access, inadequate public services, or the excessive expenditure of public funds for the supply of the services;

(h) subject to subsection (5), a list of public utilities and agencies of local, state, and federal government that the local government must seek input from during review of an application and for what information or analysis; or

(i) subject to subsection (6), requirements for the dedication of land, cash-in-lieu thereof, or a combination of both for parks and recreation purposes, not to exceed 0.03 acres per dwelling unit.

(2) A land donation under this section may be inside or outside of the subdivision.

(3) The regulations may not require ditch easements if:

(a) the average lot size is 1 acre or less and the subdivider provides for disclosure, in a manner acceptable to the governing body, that adequately notifies potential buyers of lots that are classified as irrigated land that the lots may continue to be assessed for irrigation water delivery even though the water may not be deliverable; or

(b) the water rights are removed or the process has been initiated to remove the water rights from the subdivided land through an appropriate legal or administrative process and the removal or intended removal is denoted on the preliminary plat. If removal of water rights is not complete upon filing of the final plat, the subdivider shall provide written notification to prospective buyers of the intent to remove the water right and shall document that intent, when applicable, in agreements and legal documents for related sales transactions.

(4) (a) The regulations must prohibit development in circumstances or conditions identified in subsection (1)(g) unless the hazards or impacts may be eliminated or overcome by approved construction techniques or other mitigation measures identified in the subdivision regulations.

(b) Approved construction techniques or other mitigation measures described in subsection (4)(a) may not include building regulations as defined in 50-60-101 other than those identified by the department of labor and industry as provided in 50-60-901.

(5) If a proposed subdivision is situated within a rural school district, as described in 20-9-615, the

local government shall provide a copy of the application and preliminary plat to the school district.

- (6) (a) A park dedication may not be required for:
 - (i) land proposed for subdivision into parcels larger than 5 acres;
 - (ii) subdivision into parcels that are all nonresidential;
 - (iii) a subdivision in which parcels are not created, except when that subdivision provides multiple permanent spaces for recreational camping vehicles, mobile homes, or condominiums; or
 - (iv) a subdivision in which only one additional parcel is created.
- (b) Subject to the approval of the local governing body and acceptance by the school district trustees, a subdivider may dedicate a land donation provided in subsection (6)(a) to a school district to be used for school facilities or buildings.

Section 29. Local review procedure for divisions of land. (1) An applicant may request a preapplication submittal and response from the planning administrator prior to submitting a subdivision application. The preapplication review must take place no more than 30 business days from the date that the planning administrator receives a written request for a preapplication review from the subdivider.

(2) On receipt of an application for an exemption from subdivision review under [section 26] that contains all materials and information required by the governing body under subsection (5), the local government:

- (a) shall approve or deny the application within 20 business days;
- (b) may not impose conditions on the approval of an exemption from subdivision review except for conditions necessary to ensure compliance with the survey requirements of [section 33(1)]; and
- (c) may require the certificate of survey to be reviewed for errors and omissions in calculation or drafting by an examining land surveyor before filing with the county clerk and recorder. The examining land surveyor shall certify compliance in a printed or stamped certificate signed by the surveyor on the certificate of survey. A professional land surveyor may not act as an examining land surveyor in regard to a certificate of survey in which the surveyor has a financial or personal interest.

(3) (a) When a proposed subdivision lies entirely within an incorporated city or is proposed for annexation into the city, the application and preliminary plat must be submitted to and approved by the city.

(b) Except as provided in subsection (3)(c), when a proposed subdivision lies entirely in an unincorporated area, the application and preliminary plat must be submitted to and approved by the county.

(c) If the proposed subdivision lies within an area subject to increased growth pressures, higher development densities, or other urban development influences identified by either jurisdiction in [section 14], the jurisdiction shall provide other impacted jurisdictions the opportunity to review and comment on the application.

(d) If the proposed subdivision lies partly within an incorporated city, the application and preliminary plat must be submitted to and approved by both the city and the county governing bodies.

(4) A subdivision application is considered received on the date the application is delivered to the reviewing agent or agency if accompanied by the review fee.

(5) (a) The planning administrator has 20 business days to determine whether the application contains all information and materials necessary to complete the review of the application as set forth in the local subdivision regulations.

(b) The planning administrator may review subsequent submissions of the application only for information found to be deficient during the original review of the application under subsection (5)(a).

(c) A determination that an application contains sufficient information for review as provided in subsection (5)(a) does not ensure approval or conditional approval of the proposed subdivision and does not limit the ability of the planning administrator to request additional information during the review process.

(6) A subdivider may propose a phasing plan for approval with a preliminary plat. The phasing plan must include a phasing plan and map that demonstrates what lots will be included with each phase, what public facilities will be completed with each phase, and the timeline for the proposed phases.

(7) (a) If an application proposes a subdivision of a site that, with or without variances or deviations from adopted standards, is in substantial compliance with the zoning and subdivision regulations and all impacts resulting from the development were previously analyzed and made available for public review and comment prior to the adoption of the land use plan, zoning regulations, and subdivision regulations, or any amendment thereto, the planning administrator shall issue a written decision to approve, approve with conditions, or deny the preliminary plat.

(b) The application is not subject to any further public review or comment, except as provided in [section 37].

(c) The decision by the planning administrator must be made no later than 15 business days from the date the application is considered complete.

(8) (a) If an application proposes subdivision of a site that, with or without variances or deviations from adopted standards, is in substantial compliance with the zoning and subdivision regulations but may result in new or significantly increased potential impacts that have not been previously identified and considered in the adoption of the land use plan, zoning regulations, or subdivision regulations, or any amendments thereto, the planning administrator shall proceed as follows:

(i) request the applicant to collect additional data and perform additional analysis necessary to provide the planning administrator and the public with the opportunity to comment on and consider the impacts identified in this subsection (8)(a);

(ii) collect additional data or perform additional analysis that the planning administrator determines is necessary to provide the local government and the public with the opportunity to comment on and consider the impacts identified in this subsection (8)(a); and

(iii) provide notice of a written comment period of 15 business days during which the public must have a reasonable opportunity to participate in the consideration of the impacts identified in this subsection (8)(a).

(b) Any additional analysis or public comment on the proposed development is limited to only new or significantly increased potential impacts resulting from the proposed development to the extent that the impact was not previously identified in the consideration and adoption of the land use plan, zoning regulations, subdivision regulations, or any amendments thereto.

(9) Within 30 business days of the end of the written comment period provided in subsection (8)(a)(iii), the planning administrator shall issue a written decision to approve, conditionally approve, or deny a proposed subdivision application.

(10) The basis of the decision to approve, conditionally approve, or deny a proposed preliminary plat is based on the administrative record as a whole and a finding that the proposed subdivision:

(a) meets the requirements and standards of [sections 1 through 38];

(b) meets the survey requirements provided in [section 33(1)];

(c) provides the necessary easements within and to the proposed subdivision for the location and

installation of any planned utilities; and

(d) provides the necessary legal and physical access to each parcel within the proposed subdivision and the required notation of that access on the applicable plat and any instrument of transfer concerning the parcel.

(11) (a) The written decision must identify each finding required in subsection (10) that supports the decision to approve, conditionally approve, or deny a proposed preliminary plat, including any conditions placed on the approval that must be satisfied before a final plat may be approved.

(b) The written decision must identify all facts that support the basis for each finding and each condition and identify the regulations and statutes used in reaching each finding and each condition.

(c) When requiring mitigation as a condition of approval, a local government may not unreasonably restrict a landowner's ability to develop land. However, in some instances, the local government may determine that the impacts of a proposed development are unmitigable and preclude approval of the subdivision.

(12) The written decision to approve, conditionally approve, or deny a proposed subdivision must:

- (a) be provided to the applicant;
- (b) be made available to the public;
- (c) include information regarding the appeal process; and
- (d) state the timeframe the approval is in effect.

(13) The planning administrator's decision is final, and no further action may be taken except as provided in [section 37].

(14) Any changes to an approved preliminary plat that increases the number of lots or redesigns or rearranges six or more lots must undergo consideration and approval of an amended plat following the requirements of this section.

Section 30. Effect of preliminary plat approval. (1) (a) An approved or conditionally approved preliminary plat must be in effect for not more than 5 calendar years and not less than 1 calendar year.

(b) At the end of the period, the planning administrator may, at the request of the subdivider, extend the approval once by written agreement.

(c) On receipt of a request for an extension, the planning administrator shall determine whether

the preliminary plat remains in substantial compliance with the zoning and subdivision regulations. If the preliminary plat is no longer in substantial compliance with the zoning or subdivision regulations, the extension may not be granted.

(d) After a preliminary plat is approved, the local government may not impose any additional conditions as a prerequisite to final plat approval if the approval is obtained within the original or extended approval period.

(e) Any subsequent requests by the subdivider for extension of the approval must be reviewed and approved by the governing body.

(2) An approved or conditionally approved phased preliminary plat must be in effect for 20 calendar years.

Section 31. Local review procedure for final plats. (1) The following must be submitted with a final plat application:

(a) information demonstrating the final plat conforms to the written decision and all conditions of approval set forth on the preliminary plat;

(b) a plat that meets the survey requirements provided in [section 33(1)]; and

(c) confirmation the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be subdivided have been paid.

(2) The final plat may be required to be reviewed for errors and omissions in calculation or drafting by an examining land surveyor before filing with the county clerk and recorder. The examining land surveyor shall certify compliance in a printed or stamped certificate signed by the surveyor on the final plat. A professional land surveyor may not act as an examining land surveyor in regard to a plat in which the surveyor has a financial or personal interest.

(3) A final plat application is considered received on the date the application is delivered to the governing body or the agent or agency designated by the governing body if accompanied by the review fee.

(4) (a) Within 10 business days of receipt of a final plat, the planning administrator shall determine whether the final plat contains the information required under subsection (1) and shall notify the subdivider in writing.

(b) If the planning administrator determines that the final plat does not contain the information required under subsection (1), the planning administrator shall identify the final plat's defects in the notification.

(c) The planning administrator may review subsequent submissions of the final plat only for information found to be deficient during the original review of the final plat under subsection (4)(a).

(d) A determination that the application for a final plat contains sufficient information for review as provided in subsection (4)(a) does not ensure approval of the final plat and does not limit the ability of the planning administrator to request additional information during the review process.

(5) Once a determination is made under subsection (4) that the final plat contains the information required under subsection (1), the governing body shall review and approve or deny the final plat within 20 business days.

(6) The subdivider or the subdivider's agent and the governing body or its reviewing agent or agency may mutually agree to extend the review periods provided for in this section.

(7) (a) For a period of 5 years after approval of a phased preliminary plat, the subdivider may apply for final plat of any one or more phases following the process set forth in subsections (1) through (6).

(b) After 5 years have elapsed since approval of a phased preliminary plat, the planning administrator shall review each remaining phase to determine if a phase may result in new or significantly increased potential impacts that have not been previously identified and considered in the adoption of the land use plan, zoning or subdivision regulations, or review and approval of the phased preliminary plat. If the planning administrator identifies any new or significantly increased potential impacts not previously identified and considered, the planning administrator shall proceed as set forth in [section 29(8)].

(c) If necessary to mitigate impacts identified in subsection (7)(b), the planning administrator may impose conditions on any phase before final plat approval is sought.

Section 32. Filing and recordation of plats and certificates of survey. (1) (a) Except as provided in subsection (1)(b), every final plat or certificate of survey must be filed for record with the county clerk and recorder before title to the land may be sold or transferred in any manner. The clerk and recorder of the county may not accept any final plat or certificate of survey for record that has not been approved in accordance with [sections 25 through 34] unless the final plat or certificate of survey is located in an area over which the state

does not have jurisdiction.

(b) After the preliminary plat of a subdivision has been approved or conditionally approved, the subdivider may enter into contracts to sell lots in the proposed subdivision if all of the following contract conditions are imposed and met:

(i) the purchasers of lots in the proposed subdivision make payments to an escrow agent, which must be a bank or savings and loan association chartered to do business in the state of Montana;

(ii) the payments made by purchasers of lots in the proposed subdivision may not be distributed by the escrow agent to the subdivider until the final plat of the subdivision is filed with the county clerk and recorder;

(iii) if the final plat of the proposed subdivision is not filed with the county clerk and recorder within the approval period of the preliminary plat, the escrow agent shall immediately refund to each purchaser any payments the purchaser has made under the contract;

(iv) the county treasurer has certified that no real property taxes assessed and levied on the land to be divided are delinquent; and

(v) the following language is conspicuously set out in each contract: "The real property that is the subject of this contract has not been finally platted, and until a final plat identifying the property has been filed with the county clerk and recorder, title to the property may not be transferred in any manner".

(2) (a) Subject to subsection (2)(b), no division of land may be made unless the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be divided have been paid.

(b) (i) If a division of land includes centrally assessed property and the property taxes applicable to the division of land are not specifically identified in the tax assessment, the department of revenue shall prorate the taxes applicable to the land being divided on a reasonable basis. The owner of the centrally assessed property shall ensure that the prorated real property taxes and special assessments are paid on the land being sold before the division of land is made.

(ii) The county treasurer may accept the amount of the tax prorated pursuant to this subsection (2)(b) as a partial payment of the total tax that is due.

(3) (a) The county clerk and recorder shall maintain an index of all recorded and filed subdivision

plats and certificates of survey.

(b) The index must list plats and certificates of survey by the quarter section, section, township, and range in which the platted or surveyed land lies and must list the recording or filing numbers of all plats or certificates of survey depicting lands lying within each quarter section. Each quarter section list must be definitive to the exclusion of all other quarter sections. The index must also list the names of all subdivision plats in alphabetical order and the place where filed.

(4) The recording of any plat made in compliance with the provisions of [sections 1 through 38] must serve to establish the identity of all lands shown on and being part of the plat. When lands are conveyed by reference to a plat, the plat itself or any copy of the plat properly certified by the county clerk and recorder as being a true copy thereof must be regarded as incorporated into the instrument of conveyance and must be received in evidence in all courts of this state.

(5) (a) Any plat prepared and recorded as provided in [sections 25 through 34] may be vacated either in whole or in part as provided by 7-5-2501, 7-5-2502, 7-14-2616(1) and (2), 7-14-2617, 7-14-4114(1) and (2), and 7-14-4115. Upon vacation, the governing body or the district court, as provided in 7-5-2502, shall determine to which properties the title to the streets and alleys of the vacated portions must revert. The governing body or the district court, as provided in 7-5-2502, shall take into consideration:

- (i) the previous platting;
- (ii) the manner in which the right-of-way was originally dedicated, granted, or conveyed;
- (iii) the reasons stated in the petition requesting the vacation;
- (iv) the parties requesting the vacation; and
- (v) any agreements between the adjacent property owners regarding the use of the vacated area.

The title to the streets and alleys of the vacated portions may revert to one or more of the owners of the properties within the platted area adjacent to the vacated portions.

(b) Notwithstanding the provisions of subsection (5)(a), when any poleline, pipeline, or any other public or private facility is located in a vacated street or alley at the time of the reversion of the title to the vacated street or alley, the owner of the public or private utility facility has an easement over the vacated land to continue the operation and maintenance of the public utility facility.

Section 33. Survey requirements. (1) Divisions of land under [sections 1 through 38] must follow the uniform standards governing monumentation, certificates of survey, and subdivision plats prescribed and adopted by the board of professional engineers and professional land surveyors.

(2) All division of sections into aliquot parts and retracement of lines must conform to United States bureau of land management instructions, and all public land survey corners must be filed in accordance with Title 70, chapter 22, part 1. Engineering plans, specifications, and reports required in connection with public improvements and other elements of the subdivision required by the governing body must be prepared and filed by a registered engineer or a registered land surveyor, as their respective licensing laws allow, in accordance with [sections 25 through 34] and regulations adopted pursuant to [sections 25 through 34].

(3) All divisions of land for sale other than a subdivision created after July 1, 1974, divided into parcels that cannot be described as 1/32 or larger aliquot parts of a United States government section or a United States government lot must be surveyed by or under the supervision of a registered land surveyor. Surveys required under this section must comply with the requirements of subsection (8).

(4) Except as provided in 70-22-105, within 180 days of the completion of a survey, the professional land surveyor responsible for the survey, whether the surveyor is privately or publicly employed, shall prepare and submit for filing a certificate of survey in the county in which the survey was made if the survey:

- (a) provides material evidence not appearing on any map filed with the county clerk and recorder or contained in the records of the United States bureau of land management;
- (b) reveals a material discrepancy in the map;
- (c) discloses evidence to suggest alternate locations of lines or points; or
- (d) establishes one or more lines not shown on a recorded map, the positions of which are not ascertainable from an inspection of the map without trigonometric calculations.

(5) A certificate of survey is not required for any survey that is made by the United States bureau of land management, that is preliminary, or that will become part of a subdivision plat being prepared for recording under the provisions of [sections 1 through 38].

(6) It is the responsibility of the governing body to require the replacement of all monuments removed in the course of construction.

- (7) (a) A registered land surveyor may administer and certify oaths when:
- (i) it becomes necessary to take testimony for the identification of old corners or reestablishment of lost or obliterated corners;
 - (ii) a corner or monument is found in a deteriorating condition and it is desirable that evidence concerning it be perpetuated; or
 - (iii) the importance of the survey makes it desirable to administer an oath to the surveyor's assistants for the faithful performance of their duty.
- (b) A record of oaths must be preserved as part of the field notes of the survey and noted on the certificate of survey filed under subsection (4).
- (8) (a) (i) A surveyor who completes a survey identified in subsection (8)(b) that establishes or defines a section line and creates a parcel that crosses the established or defined section line so that an irrigation district assessment boundary is included in more than one section shall note on the survey the acreage of the farm unit or created parcel in each section.
- (ii) The surveyor shall notify the appropriate irrigation district of the existence of the survey and the purpose of the survey.
- (b) The requirements of subsection (8)(a) apply only to surveys for which the surveyor determines that, based on available public records, the survey involves land:
- (i) traversed by a canal or ditch owned by an irrigation district; or
 - (ii) included in an irrigation district.

Section 34. Public improvements and extension of capital facilities. (1) Except as provided in subsections (1)(a) and (1)(c), the governing body shall require the subdivider to complete required improvements within the proposed subdivision prior to the approval of the final plat.

(a) (i) In lieu of the completion of the construction of any public improvements prior to the approval of a final plat, the governing body shall, at the subdivider's option, allow the subdivider to provide or cause to be provided a bond or other reasonable security, in an amount and with surety and conditions satisfactory to the governing body, providing for and securing the construction and installation of the improvements within a period specified by the governing body and expressed in the bonds or other security. The governing body shall reduce

bond or security requirements commensurate with the completion of improvements. Failure of the local government to require the renewal of a bond does not waive the subdivider's responsibility to complete the required improvements prior to the approval of the final plat.

(ii) In lieu of requiring a bond or other means of security for the construction or installation of all the required public improvements under subsection (2)(a)(i), the governing body may enter into a subdivision improvements agreement with the subdivider that provides for an incremental payment, guarantee plan, or other method of completing the necessary improvements to serve the development as set forth in the preliminary plat approval.

(b) Approval by the governing body of a final plat prior to the completion of required improvements and without the provision of the security required under subsection (1)(a) is not an act of a legislative body for the purposes of 2-9-111.

(c) The governing body may require a percentage of improvements or specific types of improvements necessary to protect public health and safety to be completed before allowing bonding, other reasonable security, or entering into a subdivision improvements agreement for purposes of filing a final plat. The requirement is applicable to approved preliminary plats.

(2) (a) A local government may require a subdivider to pay or guarantee payment for part or all of the costs of extending capital facilities related to public health and safety, including but not limited to public roads, sewer lines, water supply lines, and storm drains to a subdivision. The costs must reasonably reflect the expected impacts directly attributable to the subdivision. A local government may not require a subdivider to pay or guarantee payment for part or all of the costs of constructing or extending capital facilities related to education.

(b) All fees, costs, or other money paid by a subdivider under this subsection (2) must be expended on the capital facilities for which the payments were required.

Section 35. Variances. (1) All land use regulations must include a process for the submission and review of variances.

(2) The application for a variance must be for relief from land or building form design standards or subdivision design and improvement standards.

- (3) Variance applications must be considered and approved or approved with conditions before application or in conjunction with application for a zoning permit or subdivision approval.
- (4) The granting of a variance must meet all of the following criteria:
 - (a) the variance is not detrimental to public health, safety or general welfare;
 - (b) the variance is due to conditions peculiar to the property, such as physical surroundings, shape, or topographical conditions;
 - (c) strict application of the regulations to the property results in an unnecessary hardship to the owner as compared to others subject to the same regulations and that is not self-imposed;
 - (d) the variance may not cause a substantial increase in public costs; and
 - (e) the variance may not place the property in nonconformance with any other regulations.
- (5) Additional criteria may apply if the variance is associated with a floodplain or floodway pursuant to the requirements of Title 76, chapter 5.
- (6) Variance requests must be reviewed and determined by the planning administrator. The planning administrator's decision is final and no further action may be taken except as provided in [section 37].

Section 36. Fees. The governing body may establish reasonable fees to be paid by an applicant for a zoning permit, subdivision application, appeals, or any other review performed by the local government pursuant to [sections 1 through 38] to defray the expense of performing the review.

Section 37. Appeals. (1) Appeals of any final decisions made pursuant to [sections 1 through 38] must be made in accordance with this section.

(2) For a challenge to the adoption of or amendment to a land use plan, zoning regulation, zoning map, or subdivision regulation, a petition setting forth the basis for the challenge must be presented to the district court within 30 days of the date of the resolution or ordinance adopted by the governing body.

(3) (a) Any final administrative land use decision, including but not limited to approval or denial of a zoning permit, preliminary plat or final plat, imposition of a condition on a zoning permit or plat, approval or denial of a variance from a zoning or subdivision regulation, or interpretation of land use regulations or map may be appealed by the applicant or any aggrieved person to the planning commission.

(b) An appeal under subsection (3)(a) must be submitted in writing within 15 business days of the challenged decision, stating the facts and raising all grounds for appeal that the party may raise in district court.

(c) The planning commission shall hear the appeal de novo. The planning commission is not bound by the decision that has been appealed, but the appeal must be limited to the issues raised on appeal. The appellant has the burden of proving that the appealed decision was made in error.

(e) A decision of the planning commission on appeal takes effect on the date when the planning commission issues a written decision.

(4) (a) Any final land use decision by the planning commission may be appealed by the applicant, planning administrator, or any aggrieved person to the governing body.

(b) An appeal under subsection (4)(a) must be submitted in writing within 15 business days of the challenged decision, stating the facts and raising all grounds for appeal that the party may raise in district court.

(c) The governing body shall hear the appeal de novo. The governing body is not bound by the decision that has been appealed, but the appeal must be limited to the issues raised on appeal. The appellant has the burden of proving that the appealed decision was made in error.

(d) A decision of the governing body on appeal takes effect on the date when the governing body issues a written decision.

(5) (a) No person may challenge in district court a land use decision until that person has exhausted the person's administrative appeal process as provided in this section.

(b) Any final land use decision of the governing body may be challenged by presenting a petition setting forth the grounds for review of a final land use decision with the district court within 30 calendar days after the written decision is issued.

(c) A challenge in district court to a final land use decision of the governing body is limited to the issues raised by the challenger on administrative appeal.

(6) Every final land use decision made pursuant to this section must be based on the administrative record as a whole and must be sustained unless the decision being challenged is arbitrary, capricious, or unlawful.

(7) Nothing in [sections 1 through 38] is subject to any provision of Title 2, chapter 4.

Section 38. Enforcement and penalties. (1) A local government may, by ordinance, establish civil penalties for violations of any of the provisions of [sections 1 through 38] or of any ordinances adopted under the authority of [sections 1 through 38].

(2) Prior to seeking civil penalties against a property owner, a local government shall provide:

(a) written notice, by mail or hand delivery, of each ordinance violation to the address of the owner of record on file in the office of the county recorder;

(b) a reasonable opportunity to cure a noticed violation; and

(c) a schedule of the civil penalties that may be imposed on the owner for failure to cure the violation before expiration of a time certain.

(3) A local government may, in addition to other remedies provided by law, seek:

(a) an injunction, mandamus, abatement, or any other appropriate action provided for in law;

(b) proceedings to prevent, enjoin, abate, or remove an unlawful building, use, occupancy, or act;

or

(c) criminal prosecution for violation of any of the provisions of [sections 1 through 38] or of any ordinances adopted under the authority of [sections 1 through 38] as a misdemeanor punishable by a fine not to exceed \$500 per day for each violation.

(4) In any enforcement action taken under this section or remedy sought thereunder, the parties shall pay their own costs and attorney fees.

Section 39. Repealer. The following sections of the Montana Code Annotated are repealed:

7-21-1001. Legislative findings and purpose.

7-21-1002. Definitions.

7-21-1003. Local government regulations -- restrictions.

Section 40. Codification instruction. [Sections 1 through 38] are intended to be codified as an integral part of Title 76, and the provisions of Title 76 apply to [sections 1 through 38].

Section 41. Effective date. [This act] is effective on passage and approval.

Section 42. Applicability. [This act] applies to local governments that currently meet the population thresholds in [section 5].

- END -

I hereby certify that the within bill,
SB 382, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2023.

Speaker of the House

Signed this _____ day
of _____, 2023.

SENATE BILL NO. 382

INTRODUCED BY F. MANDEVILLE, D. FERN, S. VINTON, M. BERTOGLIO, L. BREWSTER, M. HOPKINS, E.
BOLDMAN, G. HERTZ, C. FRIEDEL, J. KARLEN

AN ACT CREATING THE MONTANA LAND USE PLANNING ACT; REQUIRING CITIES THAT MEET CERTAIN POPULATION THRESHOLDS TO UTILIZE THE LAND USE PLAN, MAP, ZONING REGULATIONS, AND SUBDIVISION REGULATIONS PROVIDED IN THE ACT; ALLOWING OTHER LOCAL GOVERNMENTS THE OPTION TO UTILIZE THE PROVISIONS OF THE ACT; REQUIRING PUBLIC PARTICIPATION DURING THE DEVELOPMENT, ADOPTION, OR AMENDMENT OF A LAND USE PLAN, MAP, ZONING REGULATION, OR SUBDIVISION REGULATION; PROVIDING STRATEGIES TO MEET POPULATION PROJECTIONS; PROVIDING FOR CONSIDERATION OF FACTORS SUCH AS HOUSING, LOCAL FACILITIES, ECONOMIC DEVELOPMENT, NATURAL RESOURCES, ENVIRONMENT, AND NATURAL HAZARDS WHEN DEVELOPING A LAND USE PLAN, MAP, AND ZONING REGULATION; PROVIDING FOR A PROCEDURE TO REVIEW SUBDIVISIONS AND APPROVE FINAL PLATS; PROVIDING FOR A LOCAL GOVERNING BODY TO COLLECT FEES; PROVIDING AN APPEALS PROCESS, ENFORCEMENT MECHANISMS, AND PENALTIES; PROVIDING DEFINITIONS; REPEALING SECTIONS 7-21-1001, 7-21-1002, AND 7-21-1003, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.






Bozeman Development Code Replacement

Top Edits Handout






Edited Aug 23, 2023

Public Review Draft regulations and zoning map available at engage.bozeman.net/udc.












Top Formatting, Layout, and Organization Edits






	Each zoning district portrayed in two parts, one portion for lot information, and one portion for building information with high level key standards. <i>Divisions 38.210, 38.220, 38.230</i>
	Standards in each district connected by hyperlinked references to Rules of Interpretation which provide additional details applicable to each standard. <i>Example 38.210.020</i>
	Increased graphics to illustrate standards. <i>Example 38.260.110</i>
	Wording revised to use less technical and formal language.
	Document reorganized to place administrative processes at the end and district and use information in the beginning. <i>Article 7 - Permits, Legislative Actions And Procedures</i>

Top Process Edits











	Administrative decision maker assigned to all site development including preliminary plats. - <i>Section 38.700.010</i>
	Replacement of criteria required for adoption or amendments to the text or zoning map. - <i>Division 38.770</i>
	Administrative appeals process changed to two step, first to planning commission and then to city commission. - <i>Section 38.760.030</i>
	Noticing of individual site development projects reduced to comply with state law; noticing for text and map amendments increases. - <i>Division 38.730</i>
	Review of individual site development or subdivision no longer includes advisory body input. <i>Divisions 38.740 and 38.750</i>

Top Standards Edits

		Consolidated the existing RS, R1, R2, and R3 zoning districts to the RA zoning district - <i>Sections 38.200.020, 38.300.020</i>
		Deleted the R-O and UMU zoning districts - <i>Section 38.200.020</i>
		Removed residential minimum lot size requirement - <i>Division 38.210</i>
		Minimum residential density increased with some exceptions for existing lots - <i>Division 38.210</i>
		Non-residential parking – simplified, mixed uses given more flexibility – <i>Section 38.530.040</i>
		Non-residential parking – Some areas do not require minimum parking, removal of parking alternatives – <i>Section 38.530.040</i>
		Alternate method to define building heights from fixed heights to stories – <i>Section 38.260.100</i>

		Short and long term bicycle parking standards established – <i>Section 38.530.070</i>
		Revised the building height transitions between zoning districts – <i>Section 38.260.070</i>
		Transportation impact study content, functional standards, and mitigation criteria – <i>Sections 38.400.060, 38.710.050</i>
		Block frontage has been mostly merged into the basic district standards and rules of interpretation – <i>Article 2 and Division 38.520</i>

Top Zoning Map Edits

		Replacement of the R-O zoning district with alternate districts
		Creation of the B-3C zoning district (Downtown along Main and between Grand and Rouse)
		Show the RA district (consolidation of previous RS, R1, R2, and R3 districts)
		Consolidated the existing RS, R1, R2, and R3 zoning districts to the RA zoning district - <i>Sections 38.200.020, 38.300.020</i>
		Show the RB district (renamed from R4) and the RC district (renamed from R5)
		Public Land and Institutions (PLI) applied for parks and schools previously shown as other zones
		B-2M replacing some areas of B2 along the Main Street corridor

Other code amendment projects underway or pending

- Wetland regulation update
- Water conservation standards and procedures
- Short term rental Phase 2
- Park standards updates

Bonus edit information – These were completed with earlier amendments in the past year

- Update floodplain regulations to best professional practice
- Planned development zones replaced planned unit development and focuses on current community priorities
- Affordable housing incentives updated for state law changes
- Accessory dwelling standards changed to allow ground floor placement and remove parking

Source of amendment key:



Revision to comply with state law



Revision to advance local adopted planning documents

Key past public engagement timeline and resources

8/11/2022 Engage Bozeman website for project goes live - <https://engage.bozeman.net/udc>

City Commission Work Sessions

9/13/2022 City Commission Work Session #1

[Meeting minutes](#) [External Link PDF], [meeting video](#) beginning at 1:49:24 [External Link Video] – Formatting and layout recommendations and direction

10/18/2022 City Commission Work Session #2

[Meeting minutes](#) [External Link PDF], [meeting video](#) beginning at 2:30:23 [External Link Video] – Residential districts recommendations and direction

11/15/2022 City Commission Work Session #3

[Meeting minutes](#) [External Link PDF], [meeting video](#) beginning at 3:11:40 [External Link Video] – Sustainability recommendations and direction

2/14/2023 City Commission Work Session #4

[Meeting video](#) beginning at 3:31:30 [External Link Video] – Commercial district and transitions

2/28/2023 City Commission Work Session #5

[Meeting video](#) beginning at 2:09:50 [External Link Video] – Discussion and direction on non-residential parking amendments

4/11/2023 City Commission Work Session #6

[Meeting video](#) beginning at 40:29 [External Link Video] – Discussion and direction on transportation amendments

7/25/2023 City Commission

[Meeting video](#) beginning at 21:35 [External Link Video] – Overview of Senate Bill 382 and UDC update. Highlights of key changes and upcoming schedule for public release and outreach.

Community Development Board Work Sessions

9/12/2023 Community Development Board Work Session #1

Discussion of project overall approach, outreach, formatting

11/7/2022 Community Development Board Work Session #2

Presentation on work done to date. Residential districts.

11/21/2022 Community Development Board Work Session #3

Presentation on work done to date. Sustainability.

1/9/2023 Community Development Board Work Session #4

Residential Districts recommendations, direction from Commission, and further refinement.

2/27/2023 Community Development Board Work Session #5

Discussion on transitions and consolidation/revision/deletion of non-residential and mixed use districts.

4/17/2023 Community Development Board Work Session #6

Discussion on transportation level of service and traffic impact studies

5/1/2023 Community Development Board Work Session #7

Discussion on parking, residential district metrics (including density and open space), and strategy for changing B-2 to B-2M

6/26/2023 Community Development Board Work Session #8

Economics of neighborhood commercial – consideration of uses and densities needed to create local service effectively. Information in support of the use and district discussions for the UDC update.

7/3/2023 Community Development Board Work Session #9

Review and recommendation to the City Commission on the Park Recreation and Active Transportation Plan replacing Park Recreation Open Space and trail Plan

7/17/2023 Community Development Board Work Session #10

Overview of Senate Bill 382 and effects on UDC update, Feedback on district layout, transitions, commercial parking consolidated table, and zoning map viewer for comparison of new/old map.

8/7/2023 Community Development Board Work Session #11

UDC public process overview and change highlights.

Code Connect Online Participation

10/27/2022 Code Connect #1

Public [e-meeting](#) [External Link] to present summary of Commission direction on residential districts and have public question and answer.

12/1/2022 Code Connect #2

Public [e-meeting](#) [External Link] to present summary of Commission direction on sustainability and have public question and answer.

3/28/2023 Code Connect #3

Public [e-meeting](#) [External Link] to present summary of Commission direction on commercial zoning districts and district transitions and have public question and answer.

4/20/2023 Code Connect #4

Public [e-meeting](#) [External Link] to present summary of Commission direction regarding parking and transportation and have public question and answer.

8/28/2023 Code Connect #5

Public [e-meeting](#) [External Link] to present the proposed regulations and map and have public question and answer.

Open Houses

Aug 23rd -24th – Two in-person open houses for public overview of the draft and questions/answers

23rd – Fire Station 3 Community Room – 1705 Vaquero Parkway, 5:30-7

24th – City Hall, City Commission Room – 121 N. Rouse Avenue, 11:30-1:30