



MONTANA DEPARTMENT OF
COMMERCE



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1.0 Introduction

The review of subdivisions in Montana is a crucial process designed to ensure that new residential and commercial developments align with state and local regulations, environmental standards, and community planning goals. In concert with the Subdivision and Platting Act, the [Montana Land Use Planning Act \(MLUPA\)](#) details the process by which a community must adopt or amend its subdivision regulations, review procedures for subdivisions, the filing of plats and surveys, and the procedure for addressing exemptions from subdivision review.

1.1 Authority to Adopt Local Subdivision Regulations

The MLUPA gives authority to communities to adopt local subdivision regulations that are consistent with the guidance found in the Land Use Plan required under MLUPA. The community should utilize the future land use map (FLUM) required under MLUPA to identify properties outside of the municipality that have the potential to be annexed within 20 years and provide subdivision regulations for those properties. Properties identified for future annexation should be identified on the FLUM, including their preferred land use. An existing and future conditions analysis required under MLUPA, should identify the extension of infrastructure to these properties.

The Subdivision and Platting Act provides specific guidance for communities and subdividers on the review and approval process for a subdivision application and for subdividers. To learn more about the process and requirements for subdivision review, it is recommended that you contact your local subdivision administrator and also review the contents of the Subdivision and Platting Act at the following weblink: https://archive.legmt.gov/bills/mca/title_0760/chapter_0030/parts_index.html

1.2 Adoption or Amendment of Regulations

The MLUPA requires that a community’s planning commission provide a recommendation to its governing body on whether subdivision regulations should be adopted or amended in the near future. There are three ways that an amendment of the regulations can be initiated:

- 1. A majority vote of the governing body.
- 2. Petition of at least 15% of the electors (this one means that the petition must be signed by those who live within the City, Town, or County) of the local jurisdiction.
- 3. By an individual who has submitted an application for any zoning, subdivision, or other land use permit or approval.

The best practice for the adoption of the subdivision regulations under the MLUPA would be to wait until the community’s Land Use Plan is fully adopted. This is because the subdivision regulations must accompany the findings of the Land Use Plan’s existing and future conditions. The findings of the Land Use Plan include a variety of different technical and data-driven findings on a variety of topics such as economic development, public facilities and infrastructure, and housing. The Plan provides communities with a comprehensive plan for growth and any additional subdivisions must be compatible with the findings from the plan.

A community should ask the following seven questions during the adoption or amendment process of the subdivision regulations:

- 1. Do the regulations allow the development of projected housing needs identified in the Land Use Plan;
- 2. Do the regulations reflect the applicable strategies from the Land Use Plan and zoning regulations to develop housing;
- 3. Do they adequately address public safety, emergency, utility, transportation, education, and any other local facilities for proposed development;
- 4. Do the regulations reflect standards that will provide for existing, new, or expanding commercial, industrial, and institutional development;
- 5. Do the regulations protect and maximize the potential use of natural resources within the area;
- 6. Do the regulations contain standards that minimize or avoid impacts to the natural environment;
- 7. Do the regulations contain standards that avoid or minimize dangers to new development associated with natural hazards?

A community’s planning commission should review the subdivision regulations to ensure that any new findings regarding increased potential impacts that were not addressed during the Land Use Planning process (Land Use Plan) are considered. If new findings emerge, the governing body must gather additional data, analyze it, and present the results to both the planning commission and the public. New information can come in a couple of different forms, such as physical facts or evidence, corroborated personal observations, evidence from a professional well-versed in a specific topic, or scientific data.

1.3 Review of Subdivisions

When a subdivision application is submitted to a community, the submittal should be reviewed in accordance with the seven questions listed in Section 1.2 and the review should follow the analysis and process identified in the regulations. The planning commission and governing body should require that a subdivision meet all of the criteria listed in the community’s Land Use Plan. If a subdivision application includes information that was not taken into consideration during the development of the community’s Land Use Plan, then the planning commission shall conduct a much more extensive review of the subdivision and solicit the review for public comment. New information that could trigger an interruption to the review timeline may be physical facts or evidence, corroborated personal observations, evidence provided by a person with professional competency in the subject, or scientific data. The discussion by the board is limited to only the new findings that fit the criteria mentioned.

