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January 11, 2005

Senate Local Govt. Comm.
Exhibit No. 2
Date JANUARY 18, 2005
Bill No. 195

Tim Davis, Executive Director
Montana Smart Growth Coalition
PO Box 543
Helena, MT 59624

Dear Tim: RE: Quality Growth Area Legislation

I am writing in support of the bill to be introduced in the Montana Legislature amending MCA Sections 76-1-103, 76-1-601 and 76-3-509. Please feel free to share this letter of support with legislators in public hearings on the bill or otherwise.

First, by way of brief background, I am a professor at The University of Montana School of Law where I teach Land Use Planning, Environmental Law, and direct the Land Use Clinic. In fact, the Land Use Clinic assisted in drafting this legislation. Through my business, Community Concepts, I also serve as a land use consultant to local governments, community groups and individuals. I have been involved in land use planning and environmental law for my entire 30 year professional career. During the last six years, I have worked extensively with local governments in western Montana on land use issues. I write this letter of support in my individual, and not in my university, capacity.

This proposed legislation (which I will refer to as the Quality Growth Act) addresses several significant gaps in Montana's current growth policy statutes. First, large counties and cities in the state and those that are experiencing rapid growth should be required by the state to engage in long-range growth planning. While it may make sense to make planning optional for many counties and cities in the state, planning should not be an option for our larger and growing communities. While the content of those plans will largely be determined locally, the state should insist that these communities recognize and attend to the issues posed by growth.

Second, the growth policies of these populous and growing jurisdictions should explicitly address how the jurisdiction's projected growth over the next 20 years will be accommodated, including the provision of public facilities, affordable housing and adequate areas for commercial and industrial development. The Quality Growth Act provides a structure for local communities to plan for growth, including requiring that local governments identify one or more geographic areas where future growth is to be accommodated.

Third, the Quality Growth Act provides a structure for counties, towns and cities to cooperate with each other in planning for and accommodating growth. Our growing communities involve complex interrelationships among cities and nearby towns and the counties that surround them. In some instances, even adjacent counties are part of the same metropolitan area. These

communities need to work together to efficiently and effectively accommodate growth and to encourage economic development. The Quality Growth Act calls for the cooperation and coordination that should be a part of multi-jurisdictional planning.

I urge the Legislature's adoption of the Quality Growth Act. I think it strikes a reasonable accommodation between the local planning autonomy that we value in Montana and the recognition that our populous and fast-growing communities in the state must plan for growth if we are to retain what is special about Montana and continue to provide decent, safe and affordable housing and economic opportunities for our citizens.

Best regards,



John Horwich