



Policy Statement

Growth Policies

Background

The Growth Policy is the fundamental planning document for local communities, providing the present and future context for growth and development. Its purpose is to create a community vision with respect how we use our land. Its goals, objectives and strategies reflect the natural setting, population, housing and economic patterns as well as the unique character and quality of life that provides a sense of place.

The Growth Policy is not a regulatory document. Rather, it provides a framework and rationale for the regulations, programs and initiatives that communities undertake in order to realize the goals and objectives set forth in the Policy. The Policy reflects wide ranging public participation as well as careful research of current conditions and trends.

Current statutes allow for each local government with a planning board to prepare a growth policy and provide a list of elements to be addressed in the document. The extent to which each element is addressed, however, is determined at the local level. In recent years, the list of required elements has been expanded to include additional items of critical concern, including sand and gravel resources and an evaluation of wildfire potential.

These additions have enabled Montana communities to better anticipate challenges and issues associated with community development. We believe that the current list of required elements is more than adequate to formulate good land use policies, as well as address associated areas of concern including housing and economic development. The statutes require regular monitoring and revision to keep the Growth Policy congruent with community dynamics.

Position

Additional requirements and or other changes to the Montana Growth Policy Statute are not warranted at this time and would present an undue burden to local governments, particularly as they struggle with shrinking budgets and increasing demands on infrastructure and services.

Joint Meeting House & Senate Local Government Committees

Presentation on behalf of Montana Association of Planners

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General Outline

1. Introduce MAP to committee
2. Introduce self and experience

Chapter 1 – Titled as Planning Boards, but also includes Growth Policy statutes

Planning boards authorized in 76-1-101 and their purpose is described in 76-1-102 (1): It is the object of this chapter to encourage local units of government to improve the present health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end that highway systems be carefully planned; that new community centers grow only with adequate highway, utility, health, educational, and recreational facilities; that the needs of agriculture, industry, and business be recognized in future growth; that residential areas provide healthy surroundings for family life; and that the growth of the community be commensurate with and promotive of the efficient and economical use of public funds.

This chapter goes on to establish procedures for organizing a planning board, clarifying roles, establishing specific representation and expressing a specific limitation: **76-1-113. Effect of chapter on natural resources.** (1) Except as provided in subsection (2), nothing in this chapter may be considered to authorize an ordinance, resolution, or rule that would prevent the complete use, development, or recovery of any mineral, forest, or agricultural resources by the owner thereof.

(2) The complete use, development, or recovery of a mineral by an operation that mines sand and gravel and an operation that mixes concrete or batches asphalt on a site that is located within a geographic area zoned as residential are subject to the zoning regulations adopted under Title 76, chapter 2.

The last part – Part 6 – details the expectations regarding Growth Policies and that is the part I wish to dwell on for just a moment. To reinforce Ms. Shults' statement – Growth Policies are not regulatory. A GP is viewed as a "vision" document for planning for the growth and development of communities, counties and cities. 76-1-601 contains a list of those items prior legislatures have determined they want local governments to consider when developing a growth policy. And they are not limited to only those items (as if that weren't enough). A local government is not required to adopt a growth policy. However, there are numerous references throughout statute, including certain types of zoning, as described by Ms. DePuy, the creation of tax increment financing districts and state and federal grant opportunities that require growth policies to be in place (and to conform to the relevant proposal).

If a local government does adopt a growth policy, it needs to incorporate the policy – implement the policy – through its subdivision regulations. Which provides a segue into my next and last topic –

Chapter 3 – Subdivision Regulations – Unlike a Growth Policy, which is not required to be adopted, cities and counties must adopt subdivision regulations. This chapter is known as the Montana Subdivision and Platting Act (MSPA). There are 6 parts to this chapter – and the first item I want to call to your attention is the statement of purpose – 76-3-102.

76-3-102. Statement of purpose. It is the purpose of this chapter to:

- (1) promote the public health, safety, and general welfare by regulating the subdivision of land;
- (2) prevent overcrowding of land;
- (3) lessen congestion in the streets and highways;
- (4) provide for adequate light, air, water supply, sewage disposal, parks and recreation areas, ingress and egress, and other public requirements;
- (5) require development in harmony with the natural environment;
- (6) promote preservation of open space;
- (7) promote cluster development approaches that minimize costs to local citizens and that promote effective and efficient provision of public services;
- (8) protect the rights of property owners; and
- (9) require uniform monumentation of land subdivisions and transferring interests in real property by reference to a plat or certificate of survey.

This chapter also contains the processes by which subdivision regulations are adopted and amended, exemptions, and the statutory requirements for what must be contained in the regulations. It speaks to the local review procedure, the hearings and notices required and it also includes what is known as the “608 criteria” – the seven criteria by which this body has determined local governments must analyze subdivision proposals:

“ . . . the impact on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety; . . . ”

And finally, a few words on the general notion that MAP has expressed to me about the MSPA. Unless we’re looking to solve a problem or potential problem, and the “204” or “subdivision for lease or rent” issue is a case in point, MAP generally discourages more changes to the subdivision and platting act. Frankly, it takes some time (and money) to implement changes that you may make to this statute – and it has been changed I believe every session since its inception. Every time this body makes a change to the MSPA, it results in the necessity for local governments to once again go through a subdivision regulation amendment process. The legislature is not like Las Vegas. What goes on here does not stay here . . . it goes on and on (sometimes forever) and has a domino effect for every local government in the state.