ENVIRONMENTAL QUALITY COUNC

PO BOX 201704
HELENA, MONTANA 59620-1704
(406) 444-3742

Land Use/Environmental Trends Subcommittee
March 23, 2000

Exhibit 3

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MEMORANDUM

To: Land Use/Environmental Trends Subcommittee Members

From: MV Mary Vandenbosch
444-5367

Date: March 21, 2000

Subject: Options to Address Missoula County Concerns Regarding Adoption of Zoning Regulations Under SB 97

Introduction

During the January 21, 2000 Subcommittee meeting, a concern was raised by Missoula County and the City of Missoula about the adoption of zoning regulations under Montana law as amended by Senate Bill (SB) 97.

This memorandum provides background information about:

- The concerns raised by Missoula County.
- Montana law before and after SB 97.
- The 1997-1998 Environmental Quality Council (EQC) recommendations and SB 97.
- The action of the 1999 Montana Legislature on this issue.

The memorandum also presents potential options that could be pursued by Missoula County or by the Montana Legislature.

Background Information

Missoula County Concerns

History

Missoula County has a consolidated planning board. This means that the jurisdictional area[1] of the planning board encompasses the entire county, including the City of Missoula.

Missoula County adopted its comprehensive plan[2] in 1975. Missoula County does not have a growth policy that meets the minimum requirements of 76-1-601 (2), MCA.

Recently Missoula County (similar to Lewis and Clark and Flathead counties) has been pursuing a neighborhood planning approach. Missoula county representatives have noted that the county has distinct regions and each has a distinct character and, consequently, a unique community vision (i.e., the city of Missoula is different from Seeley Lake, which is different from the Lolo area, etc.) A Missoula Urban Comprehensive Plan was adopted recently. Neighborhood plans are in progress for Seeley Lake, Frenchtown and Lolo.

Concern

Since Missoula County does not have a growth policy, under the requirements of SB 97, the County has until October 1, 2001 to adopt zoning regulations based on the comprehensive plan that was adopted prior to October 1, 1999. Missoula County representatives have indicated that this is not enough time for them to complete the development and adoption of the neighborhood plans and then develop and adopt zoning regulations. The neighborhoods are all in the county, so the laws governing county zoning apply.

Montana Law Before and After SB 97

What follows is a summary of Montana law (before and after SB 97) as it relates to:

- The two types of county zoning and relevant requirements concerning comprehensive plans and jurisdictional areas.
- Neighborhood plans.

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[1]In this memo, the term "jurisdictional area" refers to the jurisdictional area of the planning board.

[2]The terms comprehensive plan and master plan are used interchangeably. Before SB 97 changed the terms to "growth policy," these terms were used interchangeably in Title 76 of the Montana Code Annotated (MCA).

Citizen-Petition (Part 1) Zoning -- Before and After SB 97

The 1999 Montana Legislature did not change the laws governing citizen petition zoning. When petitioned by 60 percent of the freeholders in an area 40 acres or more, a county is authorized to create a planning and zoning district and adopt land use regulations for the district whether or not the county has adopted a master plan. However, if a master plan has been adopted pursuant to Title 76, Chapter 1, section 76-1-605, MCA requires the county to "be guided by and give consideration to the general policy and pattern of development set out in the master plan in the . . . adoption of zoning ordinances or resolutions".

The Montana Supreme Court has consistently ruled that the master plan is not to be ignored in zoning regulations. In *BCPOA v. Planning & Zoning Com'n* (1995), the Montana Supreme Court stated: "[t]his statute unequivocally tells local governing bodies that once a master plan is adopted, it must be used for their guidance in zoning." The county is not required to create the district or adopt land use regulations.

A planning board established pursuant to Title 76, Chapter 1 has no authority with respect to a citizen petition zoning district. The governing body or the planning and zoning commission may, of course, seek the advice of the planning board.

County-Initiated (Part 2) Zoning-- Before

A county could adopt zoning regulations under Title 76, Chapter 2, Part 2 if:

- The county had adopted a master plan for the entire jurisdictional area pursuant to Title 76, Chapter 1.[3] There were no minimum requirements for a master plan.
- The zoning regulations were required to substantially comply with the master plan.[4]

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[3]In *Allen v. Flathead County* (1979), the Montana Supreme Court held:

> We hold that the clear and unambiguous language of section 76-2-201, MCA, requires that a county adopt a comprehensive development plan for an entire jurisdictional area. Only after the adoption of such a plan may a county adopt zoning regulations. To interpret the statute otherwise would go beyond the plain meaning of the words and would reduce the terms of the statute to nonsense. It would allow, for example, a comprehensive development plan to be called "comprehensive" when it took into consideration only part of something namely, a jurisdictional area. Further, it would run contrary to the principles of long-range planning and zoning.

[4]In *Little v. Board of County Comm'rs* (1981) the Montana Supreme Court held:

> We hold that the governmental unit, when zoning, must substantially adhere to the master plan.

While the plan was required to cover the entire jurisdictional area, the county could adopt zoning regulations that cover just part of the jurisdictional area.

County-Initiated (Part 2) Zoning-- After

The requirements are the same as under "Before" with one exception. The requirement for a comprehensive development plan was changed to the requirement of a growth policy and a growth policy must meet minimum requirements pursuant to 76-1-601, MCA (see Attachment 1). SB 97 did not add the requirement that the plan cover the entire jurisdictional area, it merely clarified the language so that a reader could understand the law without reviewing court decisions.

Section 36 of Senate Bill 97 provided for a transition period. A governing body that adopted a master plan pursuant to Title 76, Chapter 1 (MCA) before October 1, 1999 may adopt zoning regulations that are consistent with the master plan pursuant to Title 76, Chapter 2, part 2 or 3, until October 1, 2001. The requirements for a growth policy (76-1-601, MCA) apply to the adoption of such zoning regulations after October 1, 2001.

Neighborhood Plans -- Before

The planning enabling laws (Title 76, Chapter 1) did not specifically authorize neighborhood plans before SB 97. Some local governments adopted neighborhood plans as a component of their jurisdiction-wide master plan.

The Montana Supreme Court did address the issue of neighborhood plans in *Ash Grove v. Jefferson County* (1997). In that case, Jefferson County had adopted a Local Vicinity Plan for a Portion of North Jefferson County (LVP). The resolution adopting the plan stated that, to the extent that the Jefferson County Master Plan contains any provisions inconsistent with the LVP, the Jefferson County Master Plan should be deemed amended, repealed and/or superseded by the provisions of the Vicinity Plan. In this case, the Montana Supreme Court concluded that Jefferson County's adoption of the Local Vicinity plans was neither a proper amendment to, nor a proper partial repeal of, the Master Plan. The Court stated that the LVP was clearly inconsistent with the master plan. The Court also concluded that the LVP also was improperly adopted on a stand-alone basis. This conclusion only applies to the facts in this case. The Court did not address the adoption of stand-alone neighborhood plans generally.

This excerpt from the decision illustrate's some of the Court's rationale:

> Moreover, as discussed above, a master plan is a plan for the entire jurisdictional area. See Sec.76-1-601, MCA. While Sec. 76-1-604, MCA, authorizes revision of a master plan, nothing in that statute supports the notion that revisions can be made which alter the master plan's inherent jurisdiction-wide nature and result in a patchwork plan for the

jurisdictional area. Indeed, "[i]f the plan can be amended piecemeal, ... the role of the plan as a comprehensive statement of community planning policies may be diluted and the planning process may be abused." Daniel R. Mandelker, The Role of the Local Comprehensive Plan in Land Use Regulation, 74 Mich. L. Rev. 899, 946 (1976). Jefferson County's effort to adopt the LVP, as an amendment to the Master Plan for only a small portion of the jurisdictional area covered by the Plan, simply undermines the importance of comprehensive planning recognized in Montana statutes and our decisions.

Neighborhood Plans -- After

SB 97 clearly authorized governing bodies to include a neighborhood plan in a growth policy, as long as the neighborhood plan is consistent with a growth policy (76-1-602 (4), MCA). A neighborhood plan is defined as "a plan for a geographic area within the boundaries of the jurisdictional area that addresses one or more of the elements of the growth policy in more detail" (76-1-103 (6). Neighborhood plans are not required to address all of the elements of a growth policy.

1997-1998 EQC Recommendations and SB 97

During the 1997-1998 interim, the EQC's Growth Study Subcommittee heard testimony from local governments about successful efforts with respect to neighborhood planning. Benefits and concerns of neighborhood planning that were identified in the report *Planning for Growth in Montana* are presented in Attachment 2. Prior to developing a final report and recommendations, the subcommittee circulated a draft report that identified options. With respect to neighborhood planning, the subcommittee requested comment on the following option:

> Amend the Local Planning Enabling Act and the zoning enabling laws to make it clear that a neighborhood plan and zoning regulations based on the neighborhood plan can be adopted even if a master plan has not been adopted that covers the entire jurisdiction. If this option is pursued, should there be a minimum size for the neighborhood? What is an appropriate minimum area?

Comments received are summarized in Attachment 3.

The Subcommittee and the full EQC decided not to recommend this option. The EQC's findings and recommendations on this topic are presented below.

Findings

a. Neighborhood planning and zoning has been successful in many areas of Montana when it is:

- initiated by citizens in a neighborhood; and
- adopted under the authority of the laws enabling master plans and county ("part 2") zoning.

b. If a master plan has not been adopted, citizen-petition zoning can be exclusionary. Furthermore, provisions governing zoning districts within a jurisdiction may be inconsistent with each other.

c. Neighborhood planning has proven to be a successful tool for getting citizens effectively involved in growth issues in several Montana communities.

Recommendation

Neighborhood planning has been successful in several Montana communities. The EQC proposes to encourage and specifically authorize neighborhood planning in communities that have adopted growth policies.

The EQC requested a bill that allowed counties to adopt county-initiated (Part 2) zoning regulations based on a master plan adopted before October 1, 1999 up until October 1, 2000.

1999 Montana Legislature

Concerns were raised about the transition-applicability section of SB 97 prior to the first hearing on the bill. Specifically, there was a concern that local governments did not have enough time to adopt zoning regulations based on a master plan that was recently adopted. Sen. Stang proposed an amendment to extend the transition period until October 1, 2001. The amendment was approved by the Senate Local Government Committee.

When SB 97 came before the House Natural Resources Committee, Mayor Kadas expressed his concern about the requirement regarding the development and adoption of growth policies for entire counties. He suggested amendments that would allow growth policies to be developed for specific geographic areas rather than for the entire jurisdiction (Attachment 4). His proposed amendments would also allow counties to adopt zoning regulations for a neighborhood if the county had adopted a neighborhood growth policy. Rep. Erickson moved the Kadas amendments. The motion failed.

Options

Missoula County cannot adopt part 2 zoning regulations after October 1, 2001 unless it updates the plan for the entire county to meet the minimum requirements for a growth policy. Some options that can be taken by Missoula County (under current law) or that the Montana Legislature could consider are presented below.

Missoula County Options

1. Missoula County could update the 1975 comprehensive plan for the county to meet the requirements of a growth policy (see Attachment 1). The County could adopt interim zoning regulations as an emergency measure if it meets the requirements of section 76-2-

206, MCA.[5] The interim zoning regulations can be effective for a one-year period. The county may extend the regulations for an additional year.

2. Missoula County could adopt zoning regulations for the neighborhoods that are consistent with the 1975 comprehensive plan before October 1, 2001. [Missoula County representatives indicated that this option was not practical for them.]

3. Citizens could petition under the citizen-petition zoning law to adopt zoning regulations based on the neighborhood plans. The County could adopt these regulations if they are consistent with the 1975 comprehensive plan.

Options for Legislation

1. Amend the session laws to change the transition-applicability date (October 1, 2001) to a later date.

2. Amend the planning and zoning enabling laws to make it clear that a neighborhood plan and zoning regulations based on the neighborhood plan can be adopted even if a master plan has not been adopted that covers the entire jurisdiction. Consider whether or not there should be a minimum threshold for the neighborhood. (See Mayor Kadas' proposal for his suggested minimum threshold.) Clarify whether or not the neighborhood growth policy must be consistent with a master plan adopted prior to October 1, 1999.

3. Amend the county zoning enabling laws to authorize adoption of county-initiated (Part 2) zoning regulations without a growth policy.

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[5] Section 76-2-206 (1) provides:

The board of county commissioners may adopt an interim zoning map or regulation as an emergency measure in order to promote the public health, safety, morals, and general welfare if:

(a) the purpose of the interim zoning map or regulation is to classify and regulate those uses and related matters that constitute the emergency; and

(b) the county:

(i) is conducting or in good faith intends to conduct studies within a reasonable time; or

(ii) has held or is holding a hearing for the purpose of considering any of the following:

(A) a growth policy;

(B) zoning regulations; or

(C) an amendment, extension, or addition to a growth policy or to zoning regulations pursuant to this part.

Master Plan vs. Growth Policy Content Requirements
(Current Law in Comparison with SB 97)

Authorized under Current Law	Required under Current Law	Authorized under SB 97	Required under SB 97
•Surveys and studies of existing conditions and the probable future growth of the city or county. •Maps, plats, charts, and descriptive material presenting basic information and information about the location, extent and character of several items listed in the law (e.g., land use, population density, infrastructure, etc.) . •Reports, maps, charts, and recommendations setting forth plans for the development, redevelopment, improvement, extension, and revision of the subjects and physical situations of the city or county so as to accomplish the objectives set out in sections 76-1-101 and 76-1-102, MCA. •A long-range development program of public works projects (capital improvements plan). •Recommendations setting forth the development, improvement, and extension of areas, if any, to be set aside for use as trailer courts and sites for mobile homes. •Neighborhood plans not prohibited when the master plan covers the entire jurisdictional area.	No content requirements Must cover entire jurisdictional area	• Any other elements the governing body wants to include in order to fulfill the purpose of the chapter. [anything authorized under current law is authorized under SB 97] • neighborhood plans that are consistent with the growth policy <u>if</u> the growth policy covers the entire jurisdictional area. • establish minimum criteria defining the jurisdictional area for a neighborhood plan • address the criteria in 76-3-608 (3)(a) • evaluate the effect of subdivision on the criteria in 76-3-608 (3) (a) • describe zoning regulations that will be implemented to address the criteria in 76-3-608 (3)(a) • identify geographic areas where the governing body intends to authorize an exemption from review of the criteria in 76-3-608 (3)(a)	a. Community goals and objectives. b. An inventory of the community's existing characteristics and features including but not limited to: land uses, population, housing needs, economic conditions, local services, public facilities, and natural resources. c. Projections of trends for the characteristics and features addressed above. d. A description of policies and regulations to be implemented in order to achieve the goals and objectives of the growth policy. e. A strategy for development, maintenance and replacement of public infrastructure. f. An implementation strategy including a time frame for implementing and updating the policy. The growth policy must identify conditions that will "trigger" an update of the policy. In addition, the policy must be reviewed at least once every five years and revised, if necessary. g. An explanation of how the governing body will coordinate and cooperate with other jurisdictions (i.e., cities with surrounding counties and vice versa). h. An explanation of how the governing body will conduct public hearings on proposed subdivisions. i. A statement explaining how the governing body will evaluate and make decisions regarding proposed subdivisions with respect to the public interest criteria established in section 76-3-608 (3)(a), MCA and also how the governing body will define those criteria.

Attachment 1

Neighborhood plans often get started when people in a neighborhood are unhappy with something that has occurred, for example, a new development. They decide to take action to ensure that it does not happen again. Although neighborhoods often organize around a single issue, Flathead County Planning Director Tom Jentz has come to the conclusion that success is most likely if participants are willing to look beyond a single issue.

The subdivision review process becomes less controversial once neighborhood plans and implementing regulations are adopted. Both the homeowner and the developer know what type of development will be allowed. Citizens may protest the subdivision, but they are much more likely to focus on site specific issues, such as steep slopes.

Neighborhood planning was not successful in two areas of Flathead County. One area did not have a core group of people interested in planning. In another area, attention was focused on a single issue and residents eventually lost interest.

Ranchers preserve agricultural land in Jefferson County
A proposed new development in Jefferson County led local residents of the Milligan Canyon area to establish an agricultural zoning district. The ranchers who initiated this effort agreed that they would not force people into the zoning district. Although people feared zoning, they believed it was the only tool that could be instituted quickly and effectively in order to preserve the land use as agricultural. All of the local landowners in the area agreed on goals for the area and signed a petition to establish an agricultural zoning district. They adopted the Milligan Canyon Boulder Valley Local Vicinity Plan, which is an amendment to the Jefferson County Comprehensive Plan. Interim zoning regulations were adopted while the plan and final regulations were being developed. Although a petition was signed, the zoning regulations were adopted under "part 2" (Title 76, Chapter 2, Part 2, MCA).

3. Benefits and Concerns

Benefits of neighborhood planning

- The plan is initiated, worked out, and agreed to by those most affected -- neighborhood residents. When an agreement has been reached by neighbors, they are committed to the plan. This has many benefits with respect to implementing the plan. One benefit is that neighbors are less likely to protest a subdivision based on concerns about the proposed land use.

- It is easier to identify achievable steps that can be agreed to and implemented when dealing with a smaller geographic area. People are familiar with the area and can focus on solutions specific to their neighborhood. In contrast, policies developed for a large county area are likely to be more broad and general in order to address the different situations in

The evaluation of the Atlanta process also yields some observations about consensus building. Many participants believed that the requirement for consensus led to general and bland results and noted that it gave special interests veto power over visionary reform.

C. Neighborhood Planning and Zoning

1. Background Information

Neighborhood planning has become popular in Montana and throughout the nation. This trend appears to parallel the growing popularity of local watershed planning. Neighborhood planning takes place on a small enough scale that participants are familiar with the area, the issues, and the options and it is easier to identify small, achievable steps that can be taken.

The Local Planning Enabling Act does not specifically authorize the development of neighborhood plans which are also referred to as local vicinity plans. Local governments adopt neighborhood plans either as a component of a jurisdiction-wide master plan or under their zoning authority.

In Allen v. Flathead County, the court ruled that, in order for a comprehensive plan to support zoning under the County Zoning Enabling Act, the plan must be for an entire jurisdictional area. Based on this ruling, it appears that counties may pursue neighborhood planning in two situations: when they have adopted a master plan for the entire jurisdiction; or when citizens have petitioned to form a planning and zoning district under the County Planning and Zoning Act. Cities must have adopted a master plan in order to pursue neighborhood planning.

2. Neighborhood Planning and Zoning in Montana

County-initiated zoning is rare in Montana and most zoning regulations outside of cities are adopted as a result of a citizen petition. Zoning that occurs as a result of a citizen petition is a form of neighborhood planning. Neighbors become concerned about a potential problem; if enough signatures are collected, regulations are adopted to address their concerns.

Neighborhood planning a success in Flathead County
Flathead County has found neighborhood planning and zoning to be a very successful approach in areas where citizens want to plan and there are a group of committed citizens who are willing to knock on doors and commit time to the effort.

Seven different neighborhoods ranging in size from four to 60 square miles have adopted neighborhood plans and implementing regulations following the defeat of the county-wide comprehensive plan. The plan and implementing regulations are intertwined. When they are adopted, the county's master plan is amended and zoning regulations are adopted under the County Zoning Enabling Act.

various neighborhoods. The array of issues addressed is more narrow at the neighborhood level so there is less potential for disagreement.

- Local residents shift their attention from fighting government to developing solutions.

Concerns about neighborhood planning

- Neighborhoods may emphasize neighborhood interests at the expense of county-wide interests, such as siting a landfill or an airport facility.

- Neighborhood planning can be exclusionary.

- What will happen if all neighborhoods plan, and none of them allow industry or mobile homes?

- Neighborhood planning is not the best approach to address all elements of planning. For example, transportation issues and capital improvements planning may be better addressed on a larger scale.

4. Issues

Neighborhood planning is not specifically addressed in state law. Nonetheless, neighborhood planning is taking place under current state law. A number of issues have been identified.

- Would it be beneficial to specifically identify neighborhood plans as one of the activities authorized under the Local Planning Enabling Act?

- Should state law clearly define the role of neighborhood plans with respect to master plans and discuss how neighborhood plans should be developed or is this best determined at the local level?

- Should local governments be allowed to adopt neighborhood plans when a master plan has *not* been adopted?

- Should a minimum area be established for neighborhood plans? Are there other characteristics (in addition to area) that characterize a neighborhood? (Stillwater County used existing elementary school district boundaries for neighborhood boundaries in its master plan.)

- How can exclusionary initiatives be discouraged or restricted?

D. Preserving Open Space

1. Background Information

What is "open space?"
The term "open space" is ambiguous. The term has a variety of definitions in practice and is often undefined. The Growth Study Subcommittee chose to use a very broad definition to describe open space initiatives in this report:

> Open space is land used or valued: for renewable and nonrenewable resource production, for environmental resource management, for recreation, for reserved areas for future development, for visual aspects and viewshed values, or for its historical, cultural, or archeological significance.

The term "open space" is defined in state law:

> (3) "Open-space land" means any land which is provided or preserved for:
> (a) park or recreational purposes;
> (b) conservation of land or other natural resources;
> (c) historic or scenic purposes; or
> (d) assisting in the shaping of the character, direction, and timing of community development. (76-6-104, MCA)

Open space initiatives may seek to preserve land for some or all of the purposes described in these definitions. Examples of features that may or may not be addressed include the following:

- Wildlife habitat.
- Scenic values.
- Recreational resources.
- Productive agricultural and forest land.
- Historic sites.
- Ecologically sensitive areas.

Planning and zoning
A master plan is a tool that can be used to establish policies and priorities related to preserving open space, agricultural lands and other areas. Areas important to wildlife habitat and other values can be identified. Communities can use the planning process to specify which areas should receive the highest priority for protection. It is also important to identify where development should occur. The plan can be used in conjunction with other tools in order to maximize the effectiveness of those tools. Zoning provides a framework for transfer of development rights. Planning and zoning can be used to restrict the density of development, to encourage clustering or to designate which land uses are allowed in certain areas.

For example, zoning regulations can encourage cluster development by allowing landowners to cluster new development on one portion of the property, leaving the bulk of the property for

Option j. Allow neighborhood plans without comprehensive master plans

Amend the Local Planning Enabling Act and the zoning enabling laws to make it clear that a neighborhood plan and zoning regulations based on the neighborhood plan can be adopted even if a master plan has not been adopted that covers the entire jurisdiction. If this option is pursued, should there be a minimum size for the neighborhood? What is an appropriate minimum area?

Comments in Support

Two commenters supported this option.

- Minimum size should be 1000 acres or 500 households (Jones)
- Neighborhood planning should be allowed, regardless of the size of the neighborhood (Gouse).

Comments Opposed (or Not in Support)

Four commenters opposed this option.

- This option may have adverse effects. . . problems with transportation, utilities and other facilities (Beaudry).
- The "big picture" and the interaction between small areas must be a major consideration in neighborhood planning. This cannot be adequately accomplished without at least a limited comprehensive plan (Beland).

Three commenters were not sure:

- NPRC believes this option should be seriously considered and debated.
- There could be a hodge podge of neighborhood plans that would be at odds with each other (Obie).
- If a county adopted a master plan, after a neighborhood plan was in place, would need to work with the neighborhood plan to ensure consistency. It would be confusing if there were multiple neighborhood plans that were incompatible with the master plan -- and planning is supposed to minimize confusion and minimize arbitrary interpretations (Schwecke).

Suggested Modifications/Alternatives

- The concept is good for an urban geographical area but rural areas that have plans should not be called neighborhoods (Jensen).
- There must be some mechanism to provide for consistency among neighboring plans. Perhaps the state could develop a minimum standard that communities are required to

follow (Hedges).

- It would be helpful to specifically authorize neighborhood planning in compliance with the comprehensive plan in order to avoid confusion (Obie). [A lawsuit in Jefferson County challenged the validity of the local vicinity plan.]
- Require county-wide planning and authorize neighborhood plans that are consistent with the plan. Require the neighborhood plans to identify and respond to regional issues (Horwich).

4. Open Space

Finding 4a. A number of mechanisms exist in current law to preserve open space. Funding is needed in order to make use of some of these options.

Finding 4b. Decisions to protect open space or productive agricultural or forest land should occur under the guidance of a master plan so that the community can ensure that the appropriate areas are protected and also provide for growth to occur in a cost-effective manner.

Finding 4c. Preserving "open space" and/or "agricultural land" means many things to many people. Vague policies may lead to conflict. Communities that develop policies to preserve open space or productive agricultural or forest land should be specific about what aspects they wish to protect.

MIKE KADAS
OFFICE OF THE MAYOR
435 RYMAN MISSOULA, MONTANA 59802-4297

March 8, 1999

Dear House Natural Resources Committee members:

I am concerned that the development and adoption of growth policies for entire counties, as required in SB 97, will create many hard feelings and opposition when plans are proposed for dissimilar areas, such as rural and urban communities in the same county. A much more workable system, which would achieve the same end, would allow for the development of neighborhood and community growth policies for areas that actually wanted to do the planning. This way we in local government are responding to the needs of local residents rather than forcing them into a process and results that they are not ready to consider.

The amendments below would allow for growth policies to be developed for specific geographic areas rather than for the entire county.

Amendment 1

Page 6, line 6, following "comprehensive plan"
Insert: , neighborhood growth policy or community growth policy

Page 6, line 10, following "Neighborhood"
Strike: plan
Insert: growth policy or community growth policy
Following "area"
Insert: of at least 5000 acres or with a population of 1000 people

Page 6, line 11, following "that"
Strike: the remainder of line 11
Insert: meets the requirements of 76-1-601.

Page 7, line 25, following "area"
Insert: or neighborhood or community growth policy for a specific area

Page 13, line 16, following "area"
Insert: or neighborhood or community growth policy

Page 13, line 17, following "area"
Insert: identified in the growth policy

Amendment 2 Page 10, line 16
Insert: (3) Unless otherwise addressed in adopted land use regulations, a growth policy must include:

Renumber subsequent sections Thank you for your consideration.

Sincerely

Mike Kadas

Mike Kadas

Attachment 4

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Phone: (406) 523-4601 Fax: (406) 523-4932 E-Mail: mayor@ci.missoula.mt.us