

REPORT TO THE LOCAL GOVERNMENT SUBCOMMITTEE OF THE MONTANA LEGISLATURE ON THE STATUS OF NEW MODEL SUBDIVISION REGULATIONS BEING PREPARED BY THE LAND USE CLINIC AT THE UNIVERSITY OF MONTANA SCHOOL OF LAW.

First, to bring the Subcommittee up to date, following the passage of SB 116 and 290 (as well as a couple of other bills), the Land Use Clinic at the University of Montana School of Law (LUC) was approached about revising the 2003 state model subdivision regulations to incorporate the changes required in local subdivision regulations by the 2005 legislative changes. As you may know, the 2003 state model subdivision regulations (as well as previous versions) had been prepared by the Community Technical Assistance Program (CTAP) in the Department of Commerce. That program was eliminated by the 2003 Legislature, so there was no obvious entity equipped to prepare new model subdivision regulations.

With the assistance of Michael Kakuk on behalf of the Montana Association of Realtors and others, Myra Shults on behalf of the Joint Powers Insurance Authority of the Montana Association of Counties, Tim Davis on behalf of the Montana Smart Growth Coalition and Tammy McGill on behalf of the Montana Association of Planners, two students and I have been working to prepare revised model subdivision regulations since June. As a collaborative effort, some elements of the process have gone well and other elements have been more cumbersome.

Early on, we identified two goals for the model subdivision regulation revision process: (1) incorporate the changes required by the 2005 legislation, and (2) make limited general improvements to the structure and language of the model regulations. By mid-September, a revised draft of the model regulations accomplishing those two objectives was completed and it was distributed electronically to many planning officials around the state. In late October, the students and I conducted three separate sessions at the Montana Association of Planners Conference in Helena introducing the new model regulations and copies of the draft were made available to all in attendance. The current draft is also available via the Montana Association of Planners and the Land Use Clinic Websites. We solicited comments on the draft model by November 10, with the expectation that a final new model would be available by early December, when the students' current semester ends.

In the meantime, we are aware that several communities have already been consulting the draft model as they pursue revisions to their local subdivision regulations. By and large, comments received have not been addressed to the changes we have developed to incorporate the 2005 legislation, rather they have focused on other changes planners and lawyers think should be made to the model regulations to improve them, changes that go well beyond the limited improvements we initially proposed.

As a result of a meeting on Tuesday of this week, the parties involved in the revisions have agreed that it is more important that the revised model regulations incorporate more substantial changes than that we complete the revised model in early December. As a

result, the parties will continue to draft changes to the model regulations with an expected completion date now of February, 2006. The October draft, which contains all of the changes necessary to accommodate the 2005 legislation is still available to anyone who wants that guidance; but it will now be 3 months before a final new model subdivision regulation document is ready for distribution.

Current plans call for making the new model regulations available to all local governments in the state by hard-copy, by disk and electronically on the Web.