

SENATE BILL NO. 227

INTRODUCED BY M. WHEAT

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AND AUTHORIZING ELEMENTS OF LOCAL GROWTH POLICIES; DEFINING "WILDLAND-URBAN INTERFACE AREA"; AMENDING SECTIONS 76-1-103 AND 76-1-601, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-1-103, MCA, is amended to read:

"76-1-103. Definitions. As used in this chapter, the following definitions apply:

- (1) "City" includes incorporated cities and towns.
- (2) "City council" means the chief legislative body of a city or incorporated town.
- (3) "Governing body" or "governing bodies" means the governing body of any governmental unit represented on a planning board.
- (4) "Growth policy" means and is synonymous with; a comprehensive development plan, master plan, or comprehensive plan that meets the requirements of 76-1-601.
- (5) "Mayor" means mayor of a city.
- (6) "Neighborhood plan" means 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.
- (7) "Person" means any individual, firm, or corporation.
- (8) "Planning board" means a city planning board, a county planning board, or a joint city-county planning board.
- (9) "Plat" means a subdivision of land into lots, streets, and areas, marked on a map or plan, and includes replats or amended plats.
- (10) "Public place" means any tract owned by the state or its subdivisions.
- (11) "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, and all public ways.
- (12) "Units of government" means any federal, state, or regional unit of government or any county, city, or town.
- (13) "Utility" means any facility used in rendering service that the public has a right to demand.
- (14) "Wildland-urban interface area" means the area where human development meets or intermixes

with wildland fuels and results in the following conditions:

(a) interface conditions where there is a clear line of demarcation between the structures and the wildland fuels along roads or back fences;

(b) intermix conditions where structures are scattered throughout a wildland area and there is no clear line of demarcation;

(c) occluded conditions where structures abut an island of wildland fuels and there is a clear line of demarcation; or

(d) rural conditions where scattered small clusters of structures are exposed to wildland fuels."

Section 2. Section 76-1-601, MCA, is amended to read:

"76-1-601. Growth policy -- contents. (1) The planning board shall prepare and propose a growth policy for the entire jurisdictional area. The plan may propose ordinances or resolutions for possible adoption by the appropriate governing body.

(2) A growth policy must include:

(a) community goals and objectives;

(b) maps and text describing an inventory of the existing characteristics and features of the jurisdictional area, including:

(i) land uses;

(ii) population;

(iii) housing needs;

(iv) economic conditions;

(v) local services;

(vi) public facilities;

(vii) if the department of natural resources and conservation has designated a flood plain and floodway pursuant to Title 76, chapter 5, part 2, or the governing body has designated a flood plain and floodway pursuant to Title 76, chapter 5, part 3, the designated flood plain and floodway, which must be included by reference. A map of areas susceptible to floods may also be included as provided in subsection (3)(g).

(viii) if a fire hazard map or rating system has been adopted by the governing body or prepared by a federal or state agency that identifies wildland-urban interface areas within the jurisdiction, wildland-urban interface areas. The map or rating system may be included by reference.

~~(vii)~~(ix) natural resources; and

~~(viii)~~(x) other characteristics and features proposed by the planning board and adopted by the governing bodies;

(c) projected trends for the life of the growth policy for each of the following elements:

(i) land use;

(ii) population;

(iii) housing needs;

(iv) economic conditions;

(v) local services;

(vi) natural resources; and

(vii) other elements proposed by the planning board and adopted by the governing bodies;

(d) a description of policies, regulations, and other measures to be implemented in order to achieve the goals and objectives established pursuant to subsection (2)(a);

(e) a strategy for the elimination or reduction of inappropriate and unsafe new development in areas susceptible to floods and in wildland-urban interface areas;

~~(e)~~(f) a strategy for development, maintenance, and replacement of public infrastructure, including drinking water systems, wastewater treatment facilities, sewer systems, solid waste facilities, fire protection facilities, roads, and bridges;

~~(f)~~(g) an implementation strategy that includes:

(i) a timetable for implementing the growth policy;

(ii) a list of conditions that will lead to a revision of the growth policy; and

(iii) a timetable for reviewing the growth policy at least once every 5 years and revising the policy if necessary;

~~(g)~~(h) a statement of how the governing bodies will coordinate and cooperate with other jurisdictions that explains:

(i) if a governing body is a city or town, how the governing body will coordinate and cooperate with the county in which the city or town is located on matters related to the growth policy;

(ii) if a governing body is a county, how the governing body will coordinate and cooperate with cities and towns located within the county's boundaries on matters related to the growth policy;

~~(h)~~(i) a statement explaining how the governing bodies will:

(i) define the criteria in 76-3-608(3)(a); and

(ii) evaluate and make decisions regarding proposed subdivisions with respect to the criteria in

76-3-608(3)(a); and

~~(h)~~(i) a statement explaining how public hearings regarding proposed subdivisions will be conducted.

(3) A growth policy may:

(a) include one or more neighborhood plans. A neighborhood plan must be consistent with the growth policy.

(b) establish minimum criteria defining the jurisdictional area for a neighborhood plan;

(c) address the criteria in 76-3-608(3)(a);

(d) evaluate the effect of subdivision on the criteria in 76-3-608(3)(a);

(e) describe zoning regulations that will be implemented to address the criteria in 76-3-608(3)(a); ~~and~~

(f) identify geographic areas where the governing body intends to authorize an exemption from review of the criteria in 76-3-608(3)(a) for proposed subdivisions pursuant to 76-3-608; and

(g) if a flood plain has not been designated pursuant to Title 76, chapter 5, include a map delineating areas susceptible to floods that meets or exceeds the requirements of 76-5-202. The map may also include lands for which there is documented evidence of past floods. The map may be included by reference.

(4) The planning board may propose and the governing bodies may adopt additional elements of a growth policy in order to fulfill the purpose of this chapter."

NEW SECTION. Section 3. Applicability. [This act] applies to the adoption of growth policies on or after [the effective date of this act]. A growth policy adopted before [the effective date of this act] is not required to meet the requirements of [this act].

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