

GROWTH POLICIES

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary: Local governments utilize growth policies to improve the welfare of citizens and ensure future development will be adequately serviced by road, utility, health, education, and recreation systems. [Title 76, chapter 1, part 6, MCA](#) governs the development and implementation of growth policies. Local governments have discretionary power to develop growth policy plans that address elements most applicable and important to their area. Growth policies usually include community goals and objectives, current area characteristics, and future projections for development. Future projections of population, economic conditions, housing needs, and local services needed are identified, and growth policies should include strategies to develop services needed to address the projected growth. Main areas of concern in most growth policies are implementing, maintaining, or replacing infrastructure such as drinking water, wastewater treatment, sewage, solid waste, roads, and fire protection systems.

To implement a growth policy, a governing body must hold a public hearing, pass the growth policy through resolution, and then may choose to submit the resolution to qualified voters. Once a growth policy is adopted, the governing body and planning boards must be guided by the development pattern set in the policy. However, a growth policy is not a regulatory document, and thus cannot be used to withhold, deny, or impose conditions on land use. In sum, a growth policy is a tool governing bodies can use to prepare for future development but cannot be used alone to impose restrictions on land use.

Legislative Services Division Materials:

[Local Government Adoption of a Growth Policy](#) – Legal Opinion, 2009

Other Materials:

[Growth Management – Growth Policies](#) – MT Department of Transportation

[Missoula Urban Fringe Development Area \(UFDA\) Project](#)

[Montana's Growth Policy Resource Book](#) – MT Department of Commerce, 2009

Introduced Legislation

2019

None

2017

None

2015

None

2013

[House Bill 169](#) – Chapter Number Assigned -- AN ACT ALLOWING A LOCAL GOVERNING BODY TO USE OR MODIFY A GROWTH POLICY FOR THE PURPOSES OF COORDINATING AND COOPERATING WITH FEDERAL LAND MANAGEMENT AGENCIES; AND AMENDING SECTION 76-1-601, MCA.

[House Bill 246](#) – Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING LOCAL GOVERNMENT REVIEW OF CONSERVATION EASEMENTS FOR COMPLIANCE WITH GROWTH POLICIES, CAPITAL IMPROVEMENT PLANS, ZONING REGULATIONS, SUBDIVISION REGULATIONS, AND OTHER REGULATIONS; AMENDING SECTIONS 76-1-605 AND 76-6-206, MCA; AND PROVIDING AN APPLICABILITY DATE."

2011

[House Bill 465](#) – Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING DEVELOPMENT AGREEMENTS BETWEEN A LOCAL GOVERNING BODY AND A PROPERTY OWNER OR DEVELOPER UNDER CERTAIN CIRCUMSTANCES; REQUIRING PUBLIC PARTICIPATION BEFORE A DEVELOPMENT AGREEMENT MAY BE EXECUTED; REQUIRING A DEVELOPMENT AGREEMENT TO BE CONSISTENT WITH A GROWTH POLICY; REQUIRING THAT A DEVELOPMENT AGREEMENT BE BASED ON APPROVED OR CONDITIONALLY APPROVED LAND USES; PROVIDING THAT A DEVELOPMENT AGREEMENT DOES NOT REPLACE AND MAY NOT BE LESS STRINGENT THAN EXISTING REGULATIONS; PROVIDING THE ITEMS THAT MAY BE INCLUDED IN A DEVELOPMENT AGREEMENT; PROVIDING THAT A DEVELOPMENT AGREEMENT DOES NOT AUTHORIZE IMPOSITION OF IMPACT FEES OR OTHER PAYMENTS; AND AMENDING SECTION 76-3-610, MCA."

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