

## MEMORANDUM

**To:** Chairman Custer  
Members of LGIC  
Toni Henneman  
**From:** Land Use Interim Working Group  
**Date:** November 16, 2021  
**Re:** Status Report from Land Use Interim Working Group

The Land Use Interim Working Group consists of Senators Boldman, Esp, and Hertz, Representatives Bertoglio, Brewster, Dooling, and Fern, and representatives from the Montana Association of Planners, the Montana Association of Realtors, the Montana Building Industry Association, the Montana Association of Registered Land Surveyors, the Montana Department of Commerce, the Montana League of Cities and Towns, the Montana Association of Counties, the City of Bozeman, the County Clerk and Recorders' Association and the American Council of Engineering Companies of Montana. Our previous memorandum to you in September 2021 described the background and goals of the Land Use Interim Working Group.

The working group meets monthly and has met 4 times to date; our next meeting is scheduled for November 23, 2021. At our last meeting on October 21, the growth policy subcommittee provided the working group with recommendations for a comprehensive planning framework that would provide more certain, cost effective, and timely site-specific development review and approval while addressing potential development constraints and providing robust public participation. The working group directed the growth policy subcommittee to research and bring recommendations for establishing a framework under two different options:

Option #1: Require some components of detailed comprehensive planning in all local jurisdictions, allow/incentivize for other components at local discretion.

Option #2: Require some components of detailed comprehensive planning in some local jurisdictions, and allow/incentivize or lessen requirements for others.

In response to this direction, the growth policy subcommittee is currently working on identifying recommendations for what components of comprehensive planning provide the critical information for creating long-term development plans and regulations that the development community, local governments, and the public can rely on over time in making site-specific development decisions without further, duplicative analysis or public review. Related research is also being done on how to determine what data points should be used to identify those jurisdictions that would implement this process, what minimum amount of analysis would have to be done to provide adequate site-specific review for those entities that do not engage in that process, what types of incentives can be provided or created to encourage entities to engage in that process, and how the availability of resources and consistent, current data at the state level impacts the ability to engage in either level of review.

As this work proceeds with the growth policy subcommittee, the zoning and subdivision subcommittees are reviewing those statutes to identify components of those existing processes that should be addressed within the high-level growth policy analysis in order to avoid duplicative work at the zoning and subdivision review level and maximize reliance on previously analyzed impacts and opportunities.

Renee Lemon from the Montana Department of Commerce has agreed to provide your committee with a Land Use Training at your upcoming meeting to give you a better sense of how the working group's developing framework compares to the existing requirements and process for development review and approval in Montana. At the following LGIC meeting in January, we anticipate being able to share our new framework for comprehensive planning and provide some substantive detail on the new approach.