

Chapter 1. Comprehensive Land Use Planning by Local Jurisdictions

Part 1. General Provisions

Section 1. Legislative Purpose, Findings, and Intent. (1) It is the purpose of [this chapter] to promote the health, safety, and welfare of the people of Montana through a system of comprehensive planning that balances private property rights and values, economic efficiency in public services and infrastructure, protection of the environment, natural resources, and recreation, and a diversified and sustainable economy.

Commented [KL1]: Tighten up this language

(2) The legislature finds that coordinated and planned growth within the cities and counties of Montana will encourage, support, and protect:

(a) sufficient housing units for Montana's growing population that are affordable across all income categories;

Commented [KL2]: Is this the right description for what we are aiming for? This is the current term used by housing advocates.

(b) the provision of adequate public services and infrastructure in the most cost-effective manner possible, shared equitably among all residents, businesses, and industries; and

Commented [KL3]: Also make sure it tracks with language used in housing section

(c) the natural environment, including wildlife and wildlife habitat, sufficient and clean water, and healthy air quality;

(c) agricultural, forestry, and mining lands for the production of food, fiber and minerals and their economic benefits;

(d) Montana's economy and tax base through job creation, business development, and the revitalization of established communities;

(e) persons, property, infrastructure, and the economy against natural hazards such as flooding, earthquake, wildfire, and drought;

(g) local consideration, participation, review, and planning of growth while meeting the state's broader comprehensive planning purposes set forth in [subsection 1].

(3) It is the Legislature's intent that the comprehensive planning authorized in [this chapter]:

(a) provides the broadest and most comprehensive level of collecting data, identifying and analyzing existing conditions and future opportunities and constraints, and mitigating the impacts of development on each local government jurisdiction;

(b) be the basis for the specific land use regulations which implement the policies expressed through a local comprehensive plan;

(c) anticipates tiering of information, analysis, public participation, and judicial review of subsequent development decisions made by the local government in substantial conformity with the local comprehensive plan; and

(d) results in simplifying local discretionary review and decision-making at the site-specific development level. applicability statements

Section 2. Definitions

Section 3. Planning Commission. (1)(a) Each local government shall establish, by ordinance or resolution, a planning commission.

(b) Any combination of local governments may create a multi-jurisdiction planning commission or join an existing commission pursuant to interlocal agreement.

(c) Legally authorized planning boards, zoning commissions, or planning and zoning commissions existing prior to enactment of [this chapter]:

(i) may be considered to be duly constituted under this chapter as a planning commission by agreement of the governing bodies of each local jurisdictions represented thereon.

(ii) If more than one legally authorized planning board, zoning commission, or planning and zoning commission exists, the governing bodies of each local jurisdiction may agree to designate one of them as the planning commission, combine, consolidate, or modify one or more of them as the planning commission, or create a new planning commission pursuant to [this section] and disband the existing boards and commissions.

(2)(a)(i) Each planning commission shall consist of an odd number of not less than three (3) voting members and confirmed by majority vote of each local governing body.

(ii) The membership of a multi-jurisdiction planning commission must provide equal representation each of the local government jurisdictions represented thereon.

(b) The planning commission shall meet at least once every six (6) months.

(c) Minutes shall be kept of the meetings of the planning commission, and all meetings and records shall be open to the public.

(d) A majority of currently appointed voting members of the commission constitutes a quorum. An action of the planning commission is not official unless a quorum is present, as defined by the local governing body, and unless the action is

Commented [KL4]: Is there a better term? More efficient, effective, and faster? Narrowing? Focused? Avoids duplication?

Commented [KL5R4]: efficient

Commented [KL6]: Both “discretionary” and “administrative” as used throughout would be defined. Administrative is a ministerial decision, where the proposal either meets the standards/requirements or it doesn’t – no room or allowance for discretion on the part of the decision-maker. These decisions are usually delegated to the land use administrator – the Planning Director or similar position – and appealable to the local governing body under current law. (i.e., is a fence 6 ft tall? Is an ADU allowed in that zone and does the proposal meet the required setbacks?)

Discretionary indicates a decision where the reviewer has the authority and is expected to use their discretion in whether and how an application meets the standards or criteria. This can mean imposing ad hoc conditions or denying the application when, in the opinion of the decision-maker, the application cannot or does not meet a standard or criteria. These decisions, under current law, are almost always made by the local governing body (i.e., does the proposed development significantly impact wildlife? Does the proposed use conform to the character of the neighborhood?)

MACO comments: Does this mean any decision of a planning director? E.g. can an element and sufficiency denial be appealed? And who can appeal? Can members of the public appeal an administrative land use decision? Example being, public, at a hearing, says over and over a subdivision application doesn’t meet element and sufficiency? Can they appeal the planning director? Also, will this undermine any positive working relationship between a commission and the staff that report to it?

MACo comment: There will still have to be some level of public notice/participation for administrative decisions; even if it is only putting the decision on a consent agenda for the governing body. I just don’t see how we cut the public out of administrative decisions and how are they appealable if they don’t even know about them.

Commented [KL7]: Concerns expressed about large jurisdictions where existing city/county planning board handles policies and subdivisions for each jurisdiction but not city-only zoning issues? Flexibility to continue multiple planning advisory boards/commissions?

Commented [KL8]: Consider identifying certain professional experience/background for members

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authorized by a majority of the quorum at a regular or properly called special meeting.

(e) The ordinance, resolution, or interlocal agreement creating the commission shall set forth the requirements for appointments, terms, qualifications, removal, vacancies, meetings, officers, reimbursement of costs, bylaws, or any other requirement deemed necessary by the local governing body.

(3)(a) Except as set forth in [subsection (b)], the planning commission shall review and make recommendations to the local governing body regarding the development, adoption, amendment, review, and approval or denial of the following documents and any discretionary land use decisions made pursuant thereto:

(i) the comprehensive plan;

(ii) zoning regulations;

(iii) subdivision regulations;

(iv) any other land use planning document the local governing body

designates.

(b) The planning commission shall hear appeals from any administrative land use decisions made pursuant to the adopted documents set forth in [subsection (a)] in accordance with [new section on appeals in zoning and subdivision chapters]. Planning commission decisions shall be appealable to the local governing body as set forth in [xxxx].

(c) At the discretion of the local governing body, the planning commission may review and make final decisions regarding any discretionary land use decisions made pursuant to the adopted documents set forth in [subsection (a)]. Planning commission decisions shall be appealable to the local governing body as set forth in [xxxx].

Section 4. Applicability (description of what elements are required for what communities)

Section 5. Adoption and Amendment

Public Participation. (1)(a) Local jurisdictions shall provide early and continuous public participation when amending an existing or drafting a new growth policy for a planning area.

(b) Public participation for adoption or amendment of a growth policy must provide for, at a minimum:

Commented [KL9]: Under existing law, the planning board only prepares the growth policy if requested by the governing body. I am proposing we just say planning commission reviews and makes recommendations to governing body for all land use planning documents and any decisions made thereunder.

Commented [KL10]: See comments in purpose section regarding definitions of administrative and discretionary.

Commented [KL11]: Discuss keeping as “growth policy” or changing to “comprehensive plan” or something else

Commented [KL12]: MACO comments: I understand the intent is to allow more administrative land use decisions if most of the planning happens upfront but I have concerns about public participation in these administrative land use decisions, i.e. we have had to litigate this in Flathead County. And the type of appeal needs to be very specific; an appeal on the record or a de novo review. Same comment regarding appeals to the local governing body.

Commented [KL13]: Who decides when it meets these requirements? Part of the conversation about state resources.

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- (i) dissemination of draft documents;
 - (ii) opportunity for written and verbal comments;
 - (iii) public meetings after effective notice;
 - (iv) electronic communication regarding the process, including online access to documents, updates, and comments; and
 - (v) consideration of and response to public comments;
- (2) Local jurisdictions shall document and retain all public outreach and participation performed as part of the administrative record for the growth policy.
- (3)(a) Local jurisdictions shall identify and collect contact information for the following local stakeholders within the planning area prior to beginning work to amend an existing or adopt a new growth policy:
- (i) a designated contact for each governmental entity;
 - (ii) neighborhood leaders or formal neighborhood groups;
 - (iii) business chamber;
 - (iv) development industry organizations or associations;
 - (v) community service providers;
 - (vi) elementary, secondary, and higher education communities;
 - (vii) recreational community and organizations;
 - (viii) religious leaders and organizations;
 - (ix) economic development and tourism agencies;
 - (x) disability groups;
 - (xi) housing organizations;
 - (xii) a designated contact for other elected or appointed boards within the planning area, including fire, library, and special districts;
 - (xiii) public and private service providers, including state and local transportation departments, power companies, water and wastewater system operators, law enforcement departments, floodplain administrators, and parks and recreation departments;
 - (xiv) print, radio, and online media for the planning area;
 - (xv) the Community Technical Assistance Program at the Montana Department of Commerce; and
 - (xvi) any individual or entity that has requested to be included in the planning process for the planning area.
- (b) If a local jurisdiction is unable to obtain contact information from any of the entities identified in [subsection (1)] or no entity of the kind identified in [subsection (1)] exists in the planning area, the local jurisdiction may document its

Commented [KL14]: Make the identification of stakeholders a may; keep list as illustrative

Commented [KL15R14]: Corey has example of how State Trust Lands solicits public comment

Commented [KL16]: May be too broad - think about how we implement this or if it should be a may

Commented [KL17R16]: Funding for CTAP to gather all this information and data. Mandatory for CTAP to do this work?

Commented [KL18]: Can we have them keep a list of interested parties?

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attempts to identify such entity or contact information in the administrative record for the growth policy.

(c)(i) Local jurisdictions must provide notice of draft documents, opportunities for comment on the draft documents, public meetings, and other updates on the planning process to the designated contact list identified in [subsection (a)] early and continuously throughout the planning process.

(ii) Notice to the designated contact list and the public must be timely, but must be made at least 10 working days before a public meeting is to occur and within no more than 1 working day of the availability of draft documents for review and comment.

(iii) The local jurisdiction must allow at least 20 working days for public review of and comment on any draft planning document.

(4)(a) Each local jurisdiction may decide how general public notice and participation in the development of or an amendment to a growth policy is accomplished.

(b) All notices must clearly specify the nature of the proposal under consideration, what feedback the jurisdiction is seeking from the public, and how the public may participate.

(c) The following general public notice and participation may include any or all of the following methods. The local jurisdiction shall document what methods it chose to provide early and continuous participation in the amendment to or adoption of a growth policy.

(i) Kick-off event to announce the planning process to the citizens and other stakeholders and to view a presentation covering the project purpose and plan approach.

(ii) Post electronic copies of draft documents on the jurisdiction's website or a website created specifically for the growth policy.

(iii) Provide updates, notices, and news to the jurisdiction's social media sites.

(iv) Utilize mail surveys to obtain feedback and comments on the process or draft documents;

(v) Provide copies of draft documents to local libraries;

(vi) Post maps, photos, and plans in a prominent location in the local jurisdiction's offices.

(vii) Present to civic clubs, business groups and schools.

(viii) Distribute flyers, bill inserts, brochures, or newsletters providing information on the progress of the plan, proposed maps, and announcement of future public meeting opportunities.

Commented [KL19]: Need to be specific about what these documents are. Language that allows substantial compliance instead of perfect compliance.

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- (ix) Email periodic mass mailings to provide important notices and other information.
 - (x) Hold series of public meetings or workshops at various locations throughout the jurisdiction on each draft of the document/stage of review and adoption to obtain public comments and suggestions.
 - (xi) Encourage direct involvement of students from local schools, through such efforts as poster contests, essay contests, appointing student representatives to committees, or sponsoring a “city planning” study unit.
 - (xii) Host small informal workshops that may include exhibits and presentations designed to be interactive among participants to foster small group communication, discussion of proposed ideas, and brainstorm problem solving for particular planning obstacles.
 - (xiii) Host highly interactive charettes where attendees work in groups to draw maps, develop goals and policies, and provide public feedback on a series of visual images categorized by housing types and styles, streetscape appearance, open space, commercial areas, and other design or use types.
 - (xiv) Create a volunteer growth policy steering committee comprised of representatives from local service providers, the business community, the development community key non-profit agencies, and citizen groups.
 - (xv) Provide early and frequent updates on status, milestones, events, and remaining schedule at each public meeting of the local jurisdiction during the planning process.
 - (xvi) Summarize and respond to comments received as part of administrative record.
- (5) The local jurisdiction shall emphasize throughout the growth policy planning process that:
- (a) the growth policy is intended to identify the opportunities for development of land within the planning area for housing, businesses, and the extraction of natural resources while mitigating the impacts of that development on adjacent properties and the community, the natural environment, public services and facilities, and natural hazards;
 - (b) the process provides for continuous and extensive public notice, review, comment, and participation in the development of the growth policy;
 - (c) the final adopted growth policy comprises the basis for implementing regulations consistent with the future land use map contained in the growth policy;
- and

(d) the scope of and opportunity for public participation and comment on site-specific development consistent with the growth policy and future land use map will be limited only to the discovery of new information that would no longer support the adoption of the future land use map or the growth policy, considering the administrative record of the growth policy as a whole.

Section 6. Effects of Comprehensive Plan

Part II – Elements of Comprehensive Plan

Section 1. Existing Conditions. (1) A comprehensive plan shall include inventories and detailed descriptions of existing conditions on aspects of the built environment, natural environment, social and demographic conditions, housing and affordability, and economic conditions within the plan’s jurisdictional boundary.

(2) The plan inventories and detailed descriptions must be based, but are not limited to, surveys, maps, diagrams, charts, descriptive material, studies, and reports necessary to explain and supplement the following components:

(a) Demographics of the jurisdiction provide by the most recent official census or census estimate of the United States Census Bureau. Population projections for a 20-year period based upon permanent and seasonal population estimates, which shall either be those published by the Montana Department of Commerce, generated by the local government based upon a professionally acceptable methodology, or produced by a professional firm specializing in projections and based upon a professionally acceptable methodology. When a population projection is not available for a jurisdiction within a portion of a county from one of the sources listed above, population projections for this area within a county must, at a minimum, be reflective of the area’s proportional share of the total county population and the total county population growth.

(b) Housing by location, type, age, condition, owner and renter occupancy and affordability; projections of housing needs to accommodate existing and future population; analysis of local regulations and market-based incentives that could affect or encourage the development of affordable housing; integrate with housing needs assessment.

(c) Local services and facilities within the jurisdiction including the current capacity or levels of services for public sewage, public water, waste disposal, drainage, public utilities, police and fire protection, K-12 school districts, and other

Commented [KL20]: Leave it to discretion of local entity how to format/organize data and analysis of the topics and elements.

Commented [KL21]: Need to ensure the data is consistent, based on consistent parameters, and allows for more granular analysis at the local level. Want the best data available.

Commented [KL22]: How would we integrate existing plans and reports that already reflect existing conditions, analysis, and goals or objectives for topic areas in this list.

Commented [KL23]: We don’t intend this as a “data dump” and would want it to be a helpful, focused analysis of the data that matters.

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public services identified by the jurisdiction. Transportation facilities within the jurisdiction including descriptions of the general location, alignment, extent, general capacity, and the managing agency of major thoroughfares, major transportation routes, non-motorized transportation routes, and public transit as identified by the jurisdiction.

(d) Economic development and financial feasibility of the land use plan.

(e) Natural resources, including agriculture and agriculture water user facilities, minerals including sand and gravel resources, forestry lands, and other natural resources identified by the jurisdiction.

(f)(i) Natural environment within the jurisdiction including the location, condition, and threats to forest resources, grasslands, lakes, rivers and streams, wetlands, fisheries, wildlife and wildlife habitat; and

(ii) Natural hazards affecting the jurisdiction, including flood hazards, high fire hazards, steep slopes, stream channels and other environmentally sensitive areas, shallow groundwater, known geologic hazards, and other natural hazards identified by the jurisdiction.

(g) Existing land uses, including categories of public and private use of land, general descriptions of existing uses, general descriptions of population density and building intensity, and other aspects of the built environment as identified by the jurisdiction.

Section 2. Housing

(1) Each local government must identify and analyze existing and projected housing needs and a statement of goals and policies for the preservation, improvement, and development of housing attainable for all income levels. This housing element must include:

(a) A quantification of a jurisdiction's existing and projected housing needs attainable for each designated income level for planning period;

(b) an inventory of sufficient number of sites, including zoned, unzoned, vacant, underutilized, and potentially redeveloped sites, to meet the locality's housing needs for each designated income level; and

(c) an analysis of the zoning, development standards, infrastructure needs and capacity, and other constraints to development of these sites for housing;

(d) a detailed description of what actions the local jurisdiction will take to allow the sites identified in [subsection (a)(i)] to accommodate the projected housing

Commented [KL24]: Population growth; people per household; over a certain period of time; then correlate that to needs in community (rental v ownership, etc)

Commented [KL25R24]: Who provides this info? Commerce?

Commented [KL26R24]: Need to be specific about what the needs are - units? Housing types? Market demand realities

Commented [KL27R24]: Discussion of how often the data (and the growth policy) would need to be updated

Commented [KL28]: Create a definition of exactly what income levels must be looked at and where information is to be obtained?

Do we use a different approach - different housing types as opposed to different income levels? And if so, where and how do we define what we are talking about?

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needs identified in [subsection (a)] and designation of sufficient sites within the jurisdiction suitable for residential development to accommodate the projected housing needs. These designations must also be reflected in the land use element and future land use map.

(2) If, after performing the analysis and identifying actions it will take as required in [section (1)], the local jurisdiction determines that the total housing needs cannot be met due to lack of resources, development sites, infrastructure capacity, or other constraints, the local government must:

(a) meet the housing needs to the maximum extent possible for the planning period as set forth [in this subsection];

(b) establish in its housing element the minimum number of housing units by income category that can be constructed, rehabilitated, and conserved over the planning period within the jurisdiction and the actions the local jurisdiction will take to remove constraints to the development of those units over the planning period; and

(c) provide public notice that the jurisdiction cannot and will not meet the projected housing needs of the community over the planning period.

(3) The housing element must provide a framework for evaluating annual progress towards the provision of residential units to meet projected housing needs during the planning period.

Section 3. Local Services and Facilities. Communities must plan for and coordinate delivery of public health and safety services, local utilities infrastructure and services, garbage collection, park and recreation, and transportation infrastructure and services. These activities are essential to the growth, longevity, development or redevelopment of the community. Local services and facilities include the following, as applicable to the local jurisdiction:

(1) Public Health and Safety

(a) The comprehensive plan must determine the existing and planned levels of public safety and emergency services in the community, and how they are equipped to handle added growth and development. Local jurisdictions shall:

(i) Collect data regarding law enforcement, fire protection, ambulance/EMS agencies, and local health care organizations;

(ii) Include tools like local pre-disaster mitigation plans, health needs assessments, and public safety service plans and budgets, where applicable to determine service levels and needs;

Commented [KL29]: What steps can be taken to address the obstacles

Commented [KL30]: A lot of this will depend on who this applies to and who it doesn't.

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(iii) Prepare an inventory and map of fire stations, police and sheriff offices, emergency service and law enforcement jurisdictional areas, descriptions of mutual aid or cooperative service agreements, and hospitals or clinics in the jurisdiction;
(iv) A minimum future 5-year capital and service improvement plan showing public safety, emergency and health service programming plans for the community. (Section 76-1-601(4)(c)(vi), MCA.) A pre-disaster mitigation plan or a local emergency planning committee could provide substantive information for meeting the analysis requirements in this section.

(b) Optional Public Safety Analysis Characteristics and Content:

(i) Cost of Service Study/Tool

(ii) 911 Center call data and emergency response activity levels

(2) Public Utilities

(a) Required Public Utility Analysis Characteristics and Content:

(i) Inventory and map of water and sewer utility service areas, system network, plants, reservoirs;

(ii) Determine the existing and planned levels of water, sewer and solid waste services in the community, and how they are equipped to handle added growth and development.

(iii) If a community is served in part by a water or sewer district, information on the district services and any coordination between municipal and district service providers.

(iv) A minimum future 5-year capital and service improvement plan or narrative describing existing and future public facilities and infrastructure necessary to efficiently and adequately serve the current community and projected growth and development in the service areas (76-1-601 (4)(c)(vi)).

(b) Optional Public Utility Analysis Characteristics and Content:

(i) Describe any infrastructure replacement programs the community utilizes and how they are funded and updated – streets, sidewalks, water pipes, sewer pipes, storm water pipes, etc.

(ii) Describe how user rates are determined and updated in coordination with the local government budget process.

(iii) Describe how service area boundaries are expanded or amended in coordination with service capacity and facility improvements.

(3) Parks and Recreation

(a) Required Park and Open Space Analysis Characteristics and Content:

Commented [KL31]: Put this under "other"

Commented [FW32]: Park and open space planning and management information for the comprehensive plan may be scaled based on community size and capacity.

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- (i) Budget, park usage and management or programming information should be utilized to inform a community's investment and development of parks and open space for comprehensive planning purposes.
- (ii) Identifying where parks, open space and trails should be located in a community to best serve the residents through mapping of existing and proposed locations to direct development and land use planning efforts to accommodate and provide for parks and open space as growth occurs.
- (iii) At a minimum, communities shall conduct a community survey and park and open space needs assessment to determine existing and future park and open space needs.
- (b) Optional Park and Open Space Analysis Characteristics and Content:
 - (i) Community Park and Open Space Master Plan
 - (ii) Community Trail Plans
 - (iii) Sub-Area or Individual Park Master Plans
 - (iv) Capital Improvement Plan that addresses Parks and Open Space

(4) Transportation Infrastructure and Services. Existing transportation system and network for all modes of travel; identify necessary major improvements based on future land uses; integrate with airport planning and Capital Improvement Plan.

- (a) Required Transportation Analysis Characteristics and Content:
 - (i) A Functional Classification Map that shows existing and planned Major Arterial, Minor Arterial and Collector level transportation corridors. (76-1-601 (4)(c)(vi)) *(land use and transportation are integral, so depending on the community size this map could also be a part of an overall future land use map?)*
 - (ii) Cross-Sections of the Major Arterial, Minor Arterial and Collector level transportation corridors design standards, showing items including, but not limited to, travel lane widths, sidewalk and separated pathway locations, bicycle lanes, and transit stops.
 - (iii) A minimum future 5-year capital improvement plan showing transportation project programming plans for the community. (76-1-601 (4)(c)(vi))
 - (iv) Traffic Impact Analysis studies may still be required at a subdivision or single project level to assess specific improvements like turn lanes, traffic signals and other localized traffic infrastructure.
- (b) Optional Transportation Analysis Characteristics and Content:
 - (i) Urban Area Long Range Transportation Plan
 - (ii) Montana Department of Transportation community project and maintenance information
 - (iii) Community Bicycle and Trail Plan

Commented [FW33]: Is this too much to ask of smaller communities? Maybe if we decide who is required to do most of this and who it is optional for, that will address the concern here?

- (iv) Transit and Airport Master Plans
- (v) Sub-Area Transportation and Land Use Corridor Studies

(5) Other Community Services. Other local public and quasi-public services that support communities and are identified by the jurisdiction should be addressed in the comprehensive plan to direct community needs and address impacts to these services by growth and development. Other services may include, but are not limited to, schools, child care facilities, libraries, community centers, broadband services, cemeteries, correctional institutions.

(a) Required Community Services Analysis Characteristics and Content:

- (i) At minimum, provide a narrative description of each community service the community has identified, what its existing service capacity is, how it is funded, what future needs are identified, and how these needs are expected to be filled.
- (ii) Show the location of community services on a land use map to identify the existing locations as well as potential future locations of these services in relation to neighborhoods, town center area, commercial areas, and undeveloped land.
- (iii) Incorporate information, like school enrollment projections, capital project plans, and funding programs into the comprehensive plan either as part of the community services section or narrative, or as reference in an appendix.

Section 4. Economic Development and Financial Feasibility. A comprehensive plan must include an economic development element assessing local economic conditions and projected trends and establishing local goals and objectives for economic growth and vitality. The economic development element shall include the following subelements:

- (1) an assessment of existing and potential commercial, industrial, and institutional enterprises within the local government's jurisdiction including the types of sites and supporting services needed by these enterprises;
- (2) job composition and trends by industry sector including existing labor force characteristics and future labor force requirements for existing and potential enterprises;
- (3) an assessment of local characteristics, assets, and resources including access to transportation to market for goods and services and historic, cultural, and scenic resources within the local government's jurisdiction and their relation to economic development;
- (4) an inventory of commercial, industrial, and institutional lands within the local government's jurisdiction that are vacant or significantly underused including

Commented [KL34]: Is this really necessary? Isn't this covered by all the other sections through the analysis of infrastructure and other public services?

Commented [KL35]: Start with a brief summary of each topic and why its important and relevant to planning and identifying future land uses.

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the size of such sites, supporting public services and facilities, and any site constraints;

(5) an assessment of recent economic development efforts within the local government’s jurisdiction and tools available to the local government to encourage economic development; and

(6) an assessment of the adequacy of existing and projected infrastructure, including housing stock, within the local government’s jurisdiction for existing and potential commercial, industrial, and institutional enterprises.

Commented [KL36]: Identify other locations this becomes relevant – housing element, infrastructure element, land use element

Section 5 – Natural Resources, Environment, and Hazards

Natural Resources and Environment. (1) A comprehensive plan must include a natural resource and environment element identifying natural resources and environmental conditions within the jurisdictional area of the plan, projected trends and local goals for the development or conservation of natural resources and environmental conditions.

(2) Natural resources include agricultural lands, agricultural water user facilities, minerals including but not limited to sand and gravel resources, forestry lands, and other natural resources identified by the jurisdiction.

(3) The natural environment is comprised of the land, water, air, plant and animal life and the interrelationship of those elements.

(4) The natural resource and environment element shall include, but is not limited to the following information:

(i) map(s) identifying the natural resource and environmental characteristics within the jurisdictional area or references to existing, publicly accessible maps depicting equivalent information;

(ii) a description of natural resource characteristics of the jurisdictional area, including a summary of historical natural resource utilization, data on existing utilization, and projected future trends;

(iii) a description of natural environmental characteristics of the jurisdictional area, including a summary of important features such as soils, geology, topography, vegetation, surface water, groundwater, aquifers, floodplains, climate, and scenic resources

(iv) a description of the role that natural resource and environmental characteristics play in the local economy;

(v) the jurisdiction’s goals related to the development or conservation of natural resources and environmental characteristics; and

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(vi) information required by a federal land management agency in order for the governing body to establish or maintain coordination or cooperating agency status as provided in 76-1-607.

Natural Hazards. (1) A comprehensive plan must include a natural hazards element identifying natural hazards that may impact the community, information about historical natural disasters, and goals related to mitigating the impacts of future disasters.

(2) The natural hazards element shall include, but is not limited to the following information:

(i) map(s) identifying factors related to natural hazards within the jurisdictional area or references to existing, publicly accessible maps depicting equivalent information;

(ii) a description of natural hazards within the jurisdictional area, including a summary of past significant events resulting from natural hazards within the community;

(iii) a description of land use constraints resulting from natural hazards; and

(iv) a description of efforts that have been taken within the community or that are recommended to take place as part of development to mitigate the impact of natural hazards.

(3) Required content for the natural hazards element to a comprehensive plan may be satisfied through an adopted pre-disaster mitigation plan or community wildfire protection plan when the governing body finds the adopted plan provides equivalent information in sufficient detail.

Commented [KL37]: Have this or some of this addressed through an Area Plan or an Issue Plan

Commented [KL38]: Require adoption by reference in growth policy?

Section 6. Future Land Uses and Map. (1) The land use element describes proposed future general distribution, location, and extent of the uses of land for residential, commercial, mixed-use, industry, agriculture, recreation, conservation, and other categories of public and private uses of land as determined by the jurisdiction.

(2) The land use element establishes as policy the long-term end toward which land use implementation activities are ultimately directed. The land use element is not regulatory and does not confer any authority to regulate that is not otherwise specifically authorized by law or regulations adopted pursuant to the law.

(3) The land use element must include the following:

(a) A vision statement describing the desired outcomes the local government's programs, activities, and land development regulations. will have on the existing

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conditions and trends identified and analyzed in [Sections 1 through 6]. The format of the vision statement is at the discretion of the local government, but typically is expressed in a combination of principals, goals, objectives, policies, and strategies.

(b) Descriptions of future land uses that must be defined in terms of general land use and must include descriptions of the distribution of population densities and building and structure intensities. The descriptions of future land uses, as a whole, must include the types of housing necessary to meet future demand, consider the presence of natural resources and hazards within the jurisdiction, and consider the need for job creation and diversification of the community's economy.

(c) A future land use map showing the geographic distribution of future land uses in the jurisdiction anticipated over a 20-year horizon. The future land use map must consider the Existing Conditions and Trends identified in [this section], and the vision statement in [this subsection], and specifically demonstrate:

- (i) The adequate amount of land required to accommodate anticipated growth;
- (ii) The projected permanent and seasonal population of the area;
- (iii) The type and supply of housing necessary to meet future demand;
- (iv) The general suitability and character of lands based on the presence of natural resources and identified hazards;
- (v) The availability of water supplies, public facilities, and services;
- (vi) The need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy;
- (vii) Circulation needed for future land uses consisting of the general location of major thoroughfares, major transportation routes, non-motorized transportation routes, and public transit as identified by the jurisdiction.

(d) Identify any obstacles to implementing the future land use map developed pursuant to [subsection (c)], and what actions the jurisdiction will taken to overcome them (e.g., securing water rights, utility permitting/expansion, transportation ROW, avoiding important natural features, overcoming expected public opposition (why?), coordinating with other government entities, obtaining funding, annexing adjacent land).

Commented [KL39]: To what degree of detail? How specific do we need to be to get the tiering we want to happen?

Part III – Implementation of Comprehensive Plan. (1) The comprehensive plan, through the implementation element, shall establish meaningful and predictable implementation measures for the use and development of land within the jurisdiction, and provide meaningful direction for the content of more detailed land development regulations. The implementation element is not intended to regulate

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but rather to require identification of those programs, activities, actions, or land development regulations that will be part of the jurisdictions' overall strategy for implementing the comprehensive plan's principals, goals, objectives, policies, and strategies

(2) The implementation element defines the specific public actions to be undertaken to achieve the goals and objectives of each component of the comprehensive plan. The implementation element must include the following:

(a) An analysis of whether any inconsistencies exist between the current zoning districts and the Future Land Use Element (FLUE), including a map of such inconsistencies; specific implementation actions necessary to amend the zoning regulations and zoning map to bring them into consistency with the FLUE; and a schedule by which the zoning regulations and zoning map will be amended to provide consistency with the comprehensive plan.

(b) An analysis of whether any inconsistencies exist between the current subdivision regulations and the goals, objectives, policies, and strategies in the FLUE; specific implementation actions necessary to amend the subdivision regulations to bring them into consistency with the FLUE; and a schedule by which the subdivision regulations will be amended to provide consistency with the comprehensive plan.

(c) A schedule by which the jurisdiction will adopt a capital improvements program or amend an existing capital improvements program to provide consistency with the comprehensive plan, and a schedule of expansion or replacement of public facilities, and the anticipated costs and revenue sources proposed to meet those costs reflected in a jurisdiction's capital improvement program.

(d) For municipalities, a schedule by which the jurisdiction will adopt or amend the Plan For Extension Of Services per 7-2-4732 MCA, to provide consistency with the comprehensive plan.

(e) An implementation schedule which defines the specific public actions to be undertaken in order to achieve the goals and objectives of each component of the comprehensive plan. The implementation schedule must include a timeframe or prioritization of each specific public action.

(f) Procedures for monitoring, evaluating, and appraising the jurisdictions progress towards meeting the implementation schedule.

Commented [KL40]: Need to list others we know of - floodplains, airport overlays, lakeshore regs, etc

Commented [KL41R40]: Then have a catchall for identifying any others and schedule for updating them

Commented [KL42]: Need to be specific and thoughtful about requirements for updating, consistency, and limits on the challenges for failure to do so

Commented [KL43R42]: Connect updating requirements to growth needs and rates

Part IV – Area and Issue Plans

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Area Plans. (1) The local jurisdiction may adopt Area Plans for a portion of the jurisdiction to provide a more localized analysis of all or any part of a comprehensive plan.

(2) The drafting and adoption of an Area Plan must follow the same steps as a comprehensive plan.

(3) The Area Plan must by design be consistent with the comprehensive plan. In cases where the Area Plan is inconsistent with the comprehensive plan, the information in the comprehensive plan takes precedence.

Issue Plans. (1) The local jurisdiction may adopt issue plans for all or part of a jurisdiction that provide a more detailed or thorough analysis for any component of a comprehensive plan.

(2) The drafting and adoption of an issue plan must follow the same procedural steps as a comprehensive plan.

(3) An issue plan, when meeting the basic analysis requirements in Part II, can serve as the detailed analysis required in that section as long as it covers the same geographic area as the comprehensive plan.