



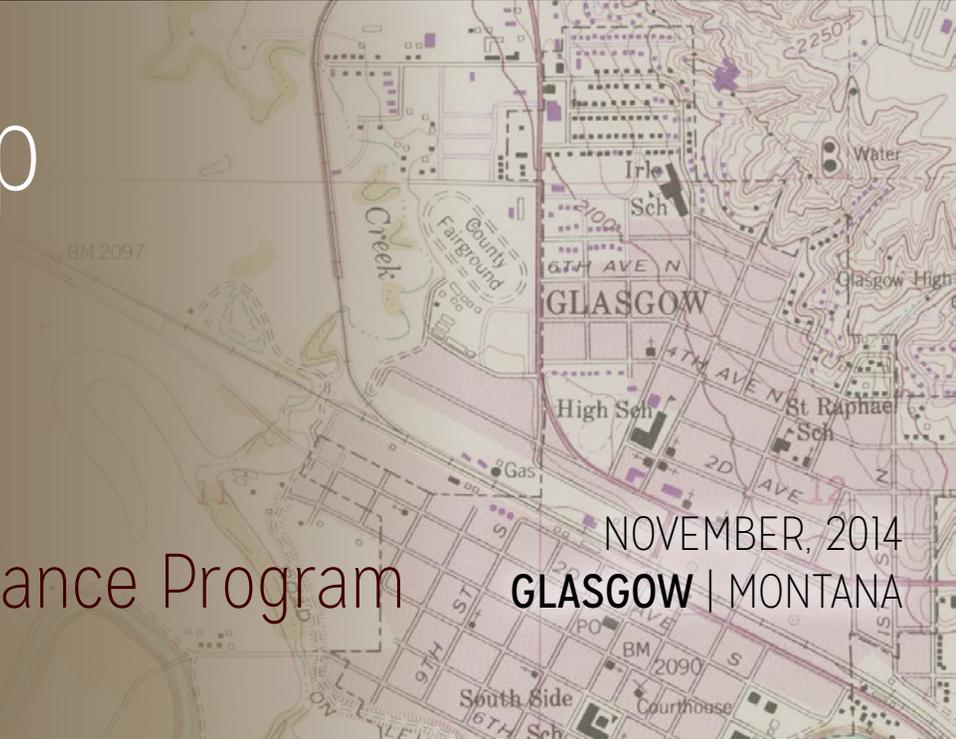
# Growth Policy Workshop

WITH:  
**BRENT MOORE**



Montana Community Technical Assistance Program

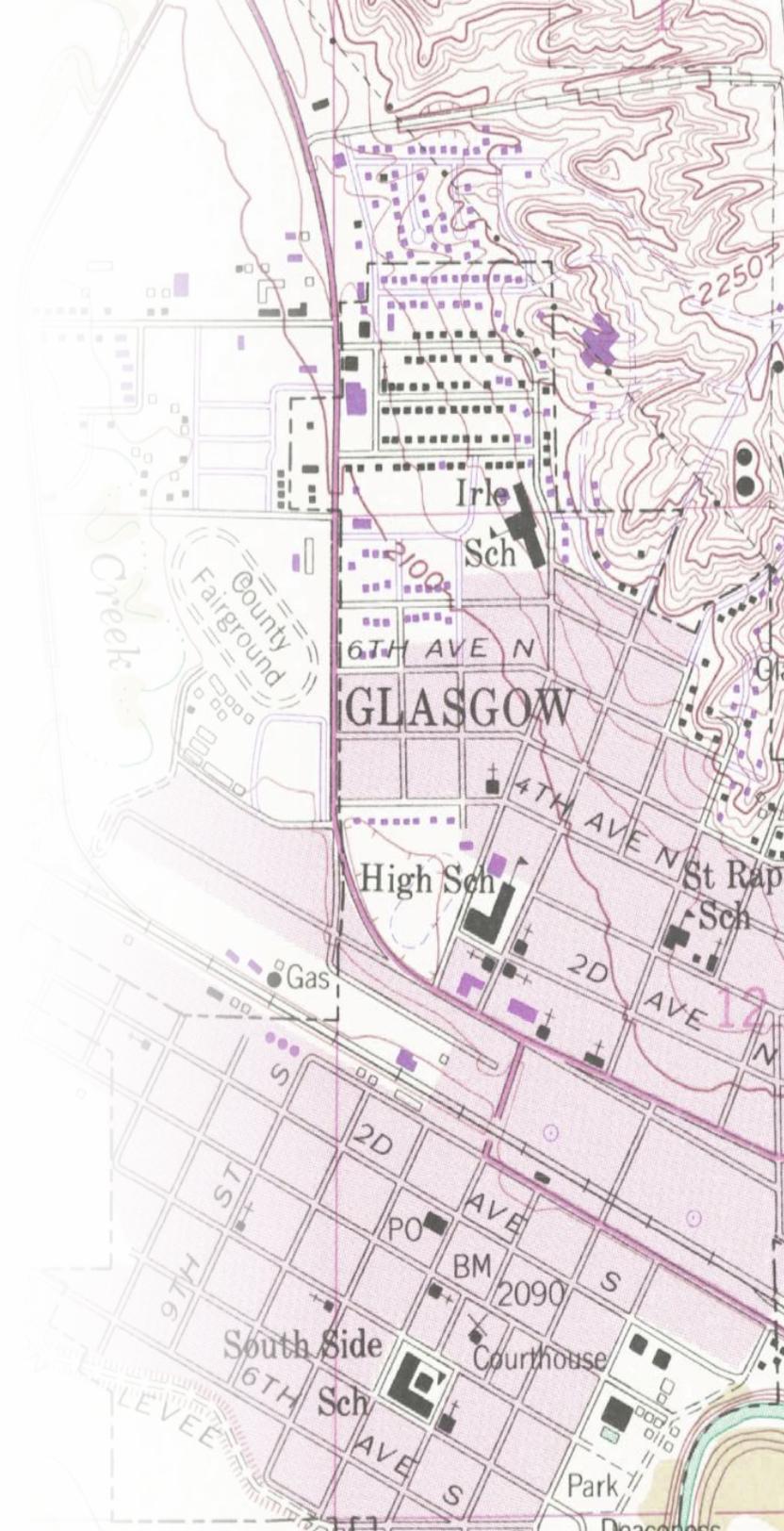
NOVEMBER, 2014  
**GLASGOW** | MONTANA



# Growth Policy Workshop

## Outline

1. Approach to this Presentation
2. Growth Policy 101 -- The Basics
3. Consideration for Areas Facing a Boom
4. Future Land Use Map
5. Public Involvement
6. Relevance to Key Tools for Managing Growth
7. Summary
8. Q&A Discussion

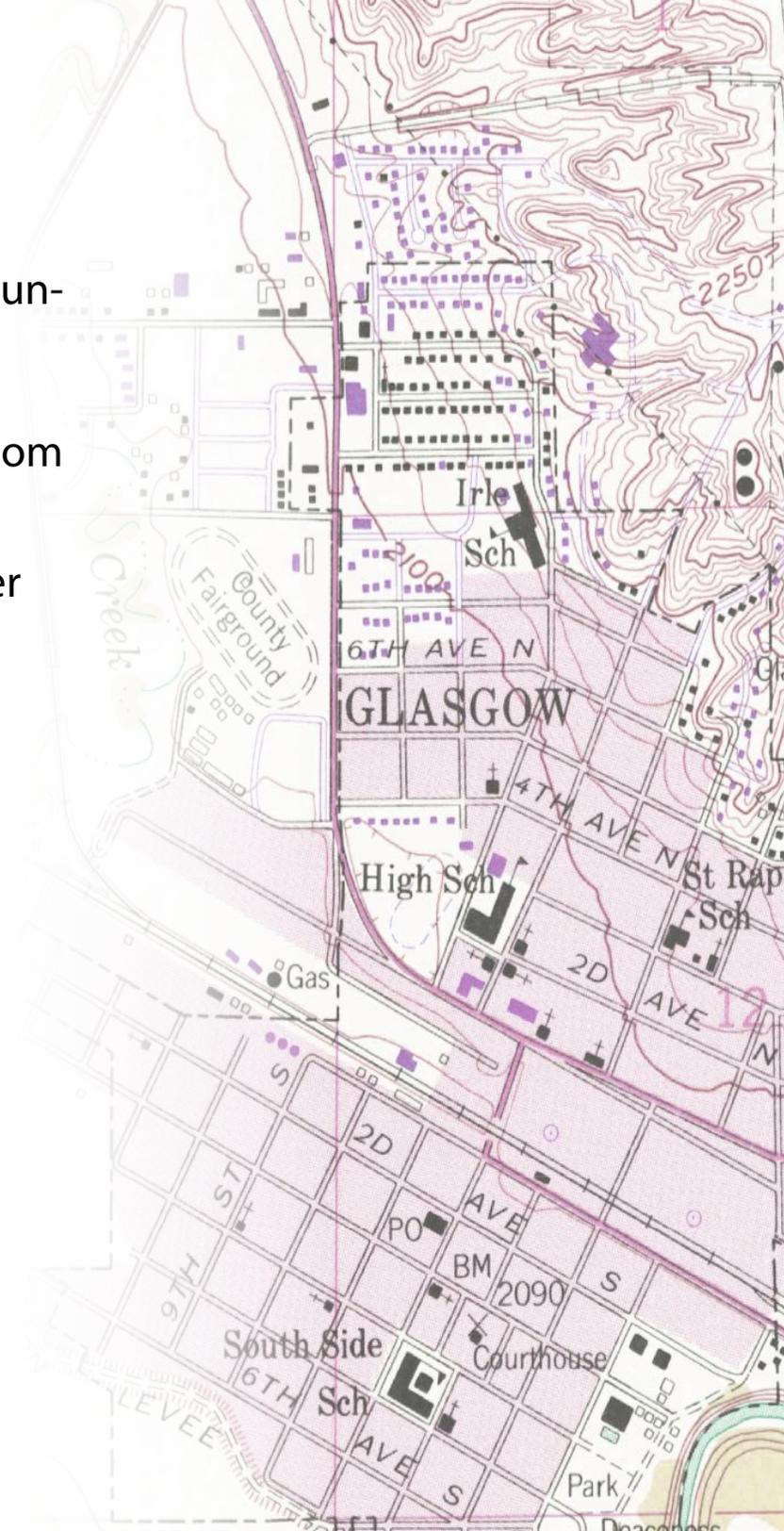


# The Growth Policy

## Approach to this Presentation

Growth Policy is the community's comprehensive planning foundation

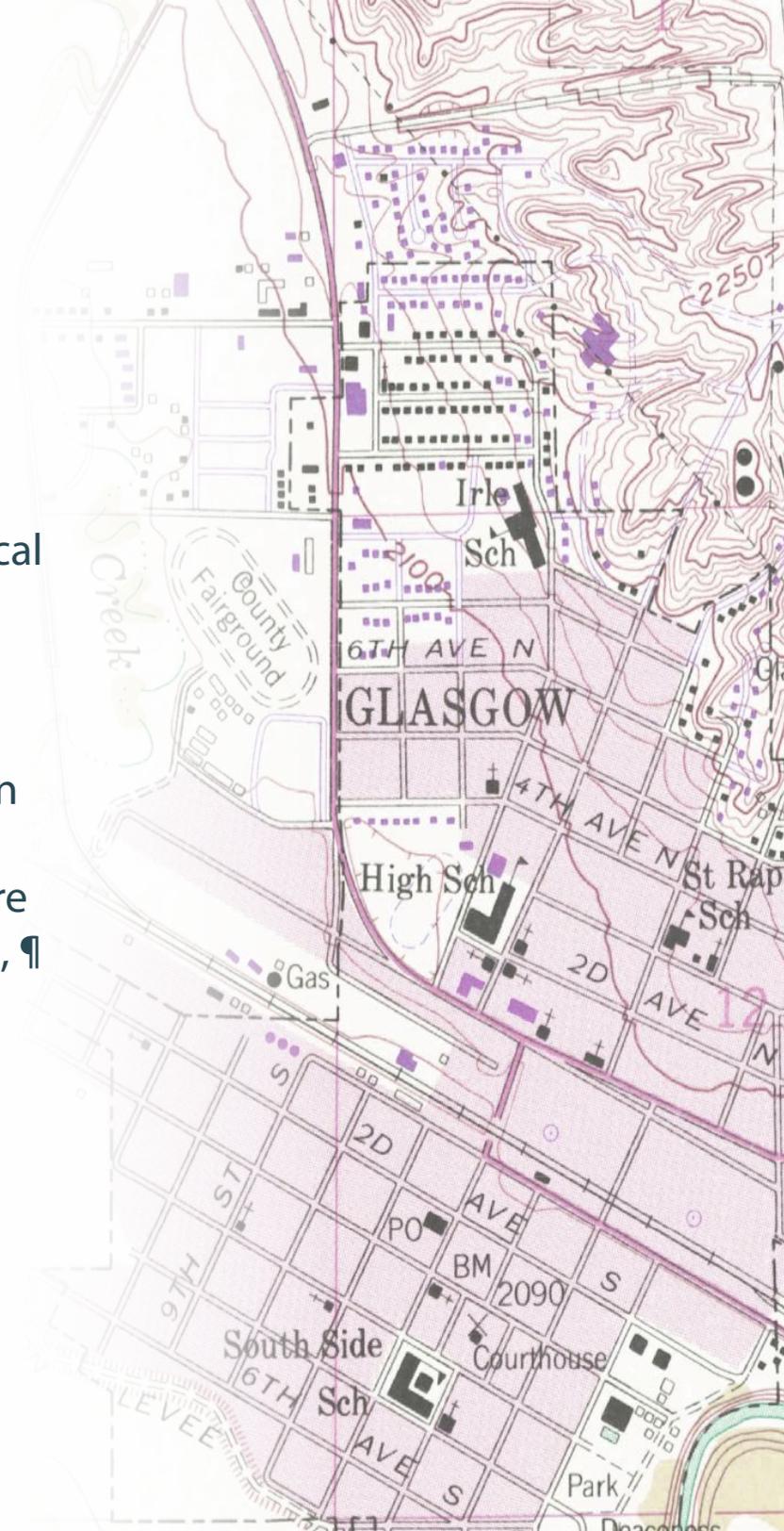
- Why is this important for anticipating and responding to boom (and bust)?
- Not a "how to" workshop on preparing a growth policy: refer to Title 76, Chapter 1, Part 6, MCA



# Growth Policy “101”

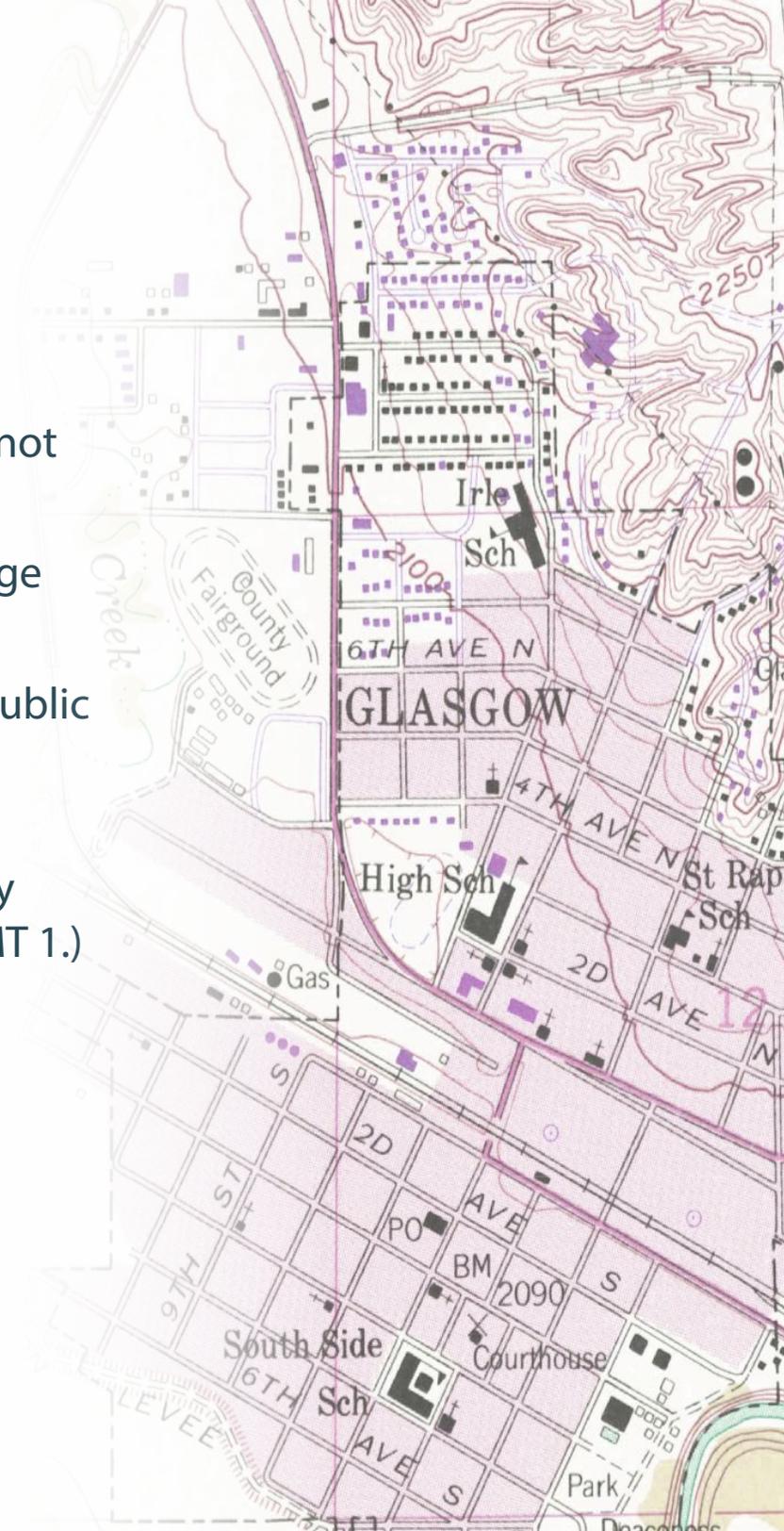
## The ***SUPER*** Short Course

- What is a Growth Policy?
  - » AKA Master Plan, Comprehensive Plan
  - » “An official public document adopted and used by local governments as a guide for decisions regarding the physical development of a community.” —CTAP
  - » “The preeminent planning tool is the comprehensive jurisdiction-wide development plan, which is today known as the growth policy. A growth policy essentially surveys land use as it exists and makes recommendations for future planning.” —Citizen Advocates v. City Council, 2006 MT 47, ¶ 20, 331 Mont. 269, ¶ 20, 13 P.3d 1259, ¶20



# Growth Policy “101”

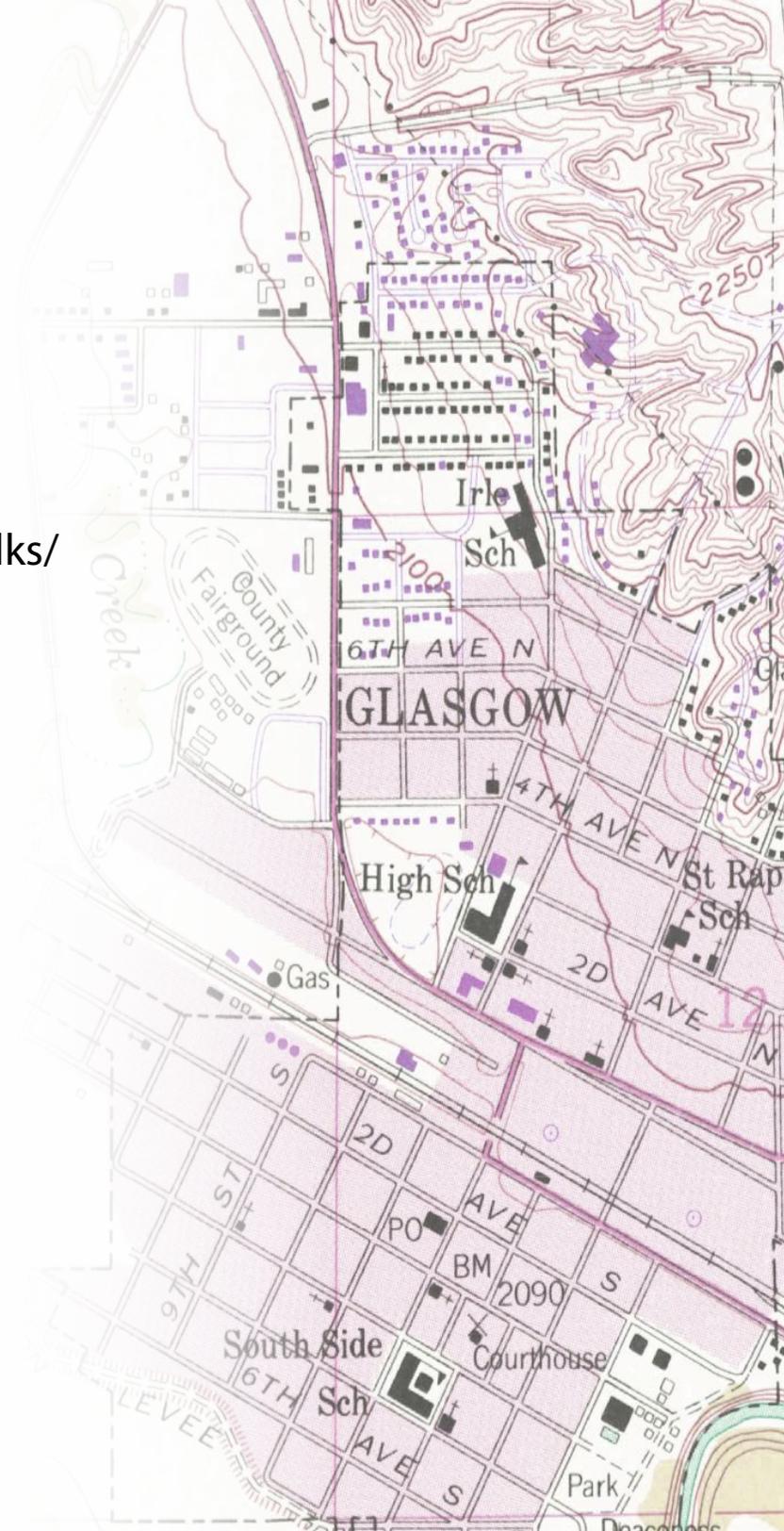
- The Growth Policy is NOT a regulatory document
  - » Developing and adopting a growth policy is PLANNING!!
  - » Regulations or other tools identified in the document are not required to be adopted.
  - » Use of “shall” or “must” in the growth policy does not change this.
  - » Implementation of the document is an entirely separate public process and applicable statutes apply.
  - » **“A growth policy only acquires legal force by virtue of another law or regulation.”** (Flathead Citizens for Quality Growth, Inc. v. Flathead County Bd. of Adjustment, 2008 MT 1.)



# Growth Policy “101”

## Key Aspects of a Growth Policy

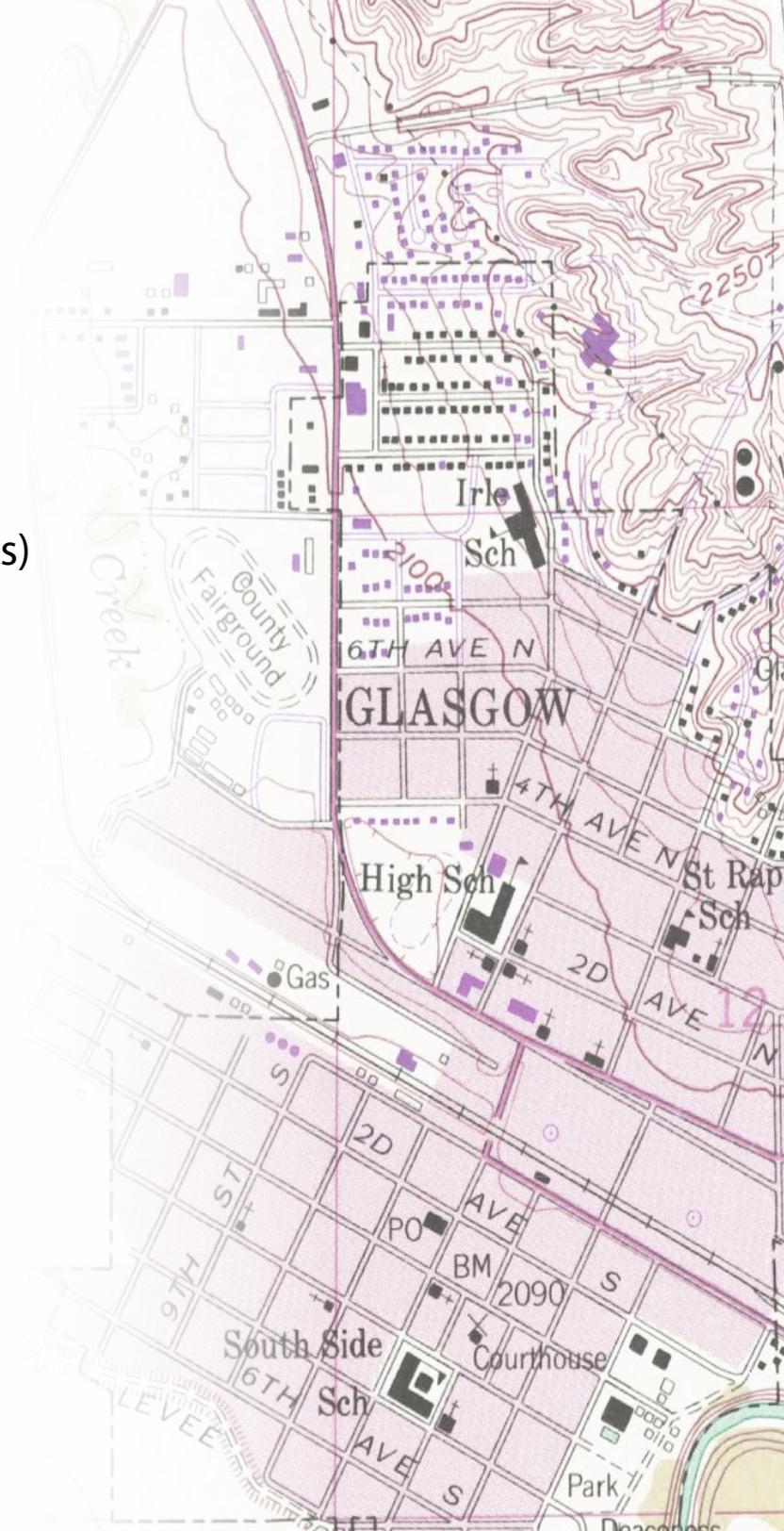
- Comprehensive in Goals and Objectives
- Part of a continuous planning process responsive to needs/ desires of the community (citizens/residents/taxpayers)
- Legal basis for land-use regulations and a guide for capital improvements (water, sewer, streets/roads/bridges, sidewalks/ trails, parks, local government buildings, etc.)



# Growth Policy “101”

## Why Prepare One?

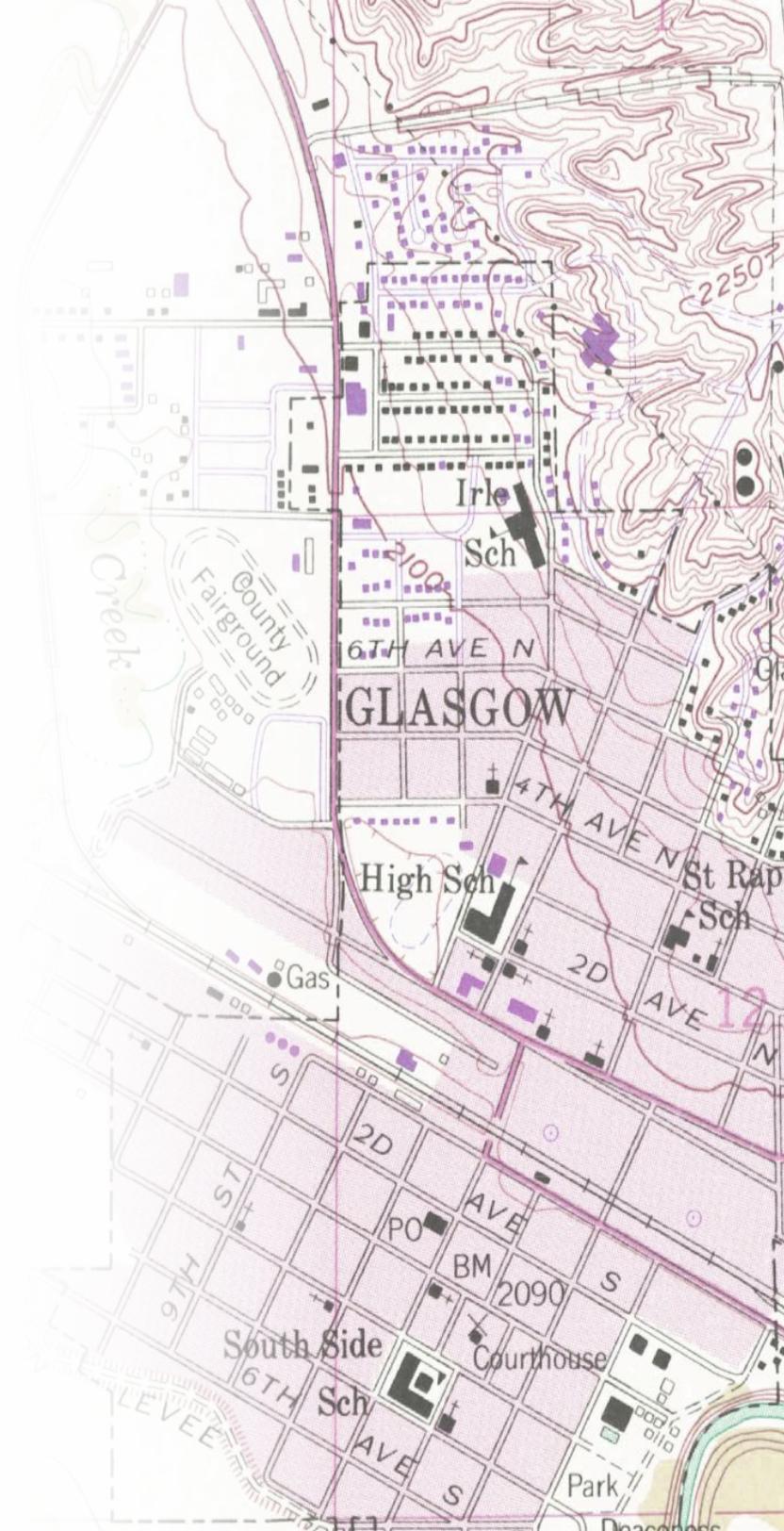
- To anticipate change in order to shape it
- To manage construction and maintenance of public infrastructure
- To create a coordinated pattern of community growth (and avoid ad hoc decision-making with long-term consequences)



# Growth Policy “101”

## What are the Contents?

- Inventory of Existing Characteristics - Text and Maps
  - » Land Uses
  - » Population
  - » Housing
  - » Economic Conditions
  - » Local Services
  - » Public Facilities Natural Resources
  - » Sand and Gravel
  - » Other
- Projected Trends
- Goals/Objectives and Implementation Measures
- Other: revisions/updates; inter-jurisdictional coordination, subdivision-specific direction



# Growth Policy “101”

## Goals and Objectives



- Vision: statement(s) that determines where you want to go in the planning time frame
- Goals: Broad things you want to achieve
- Objectives: General things you can do to achieve your goals
- Actions: Specific motions carried out to implement the growth policy

# Growth Policy “101”

## Importance of Public Participation

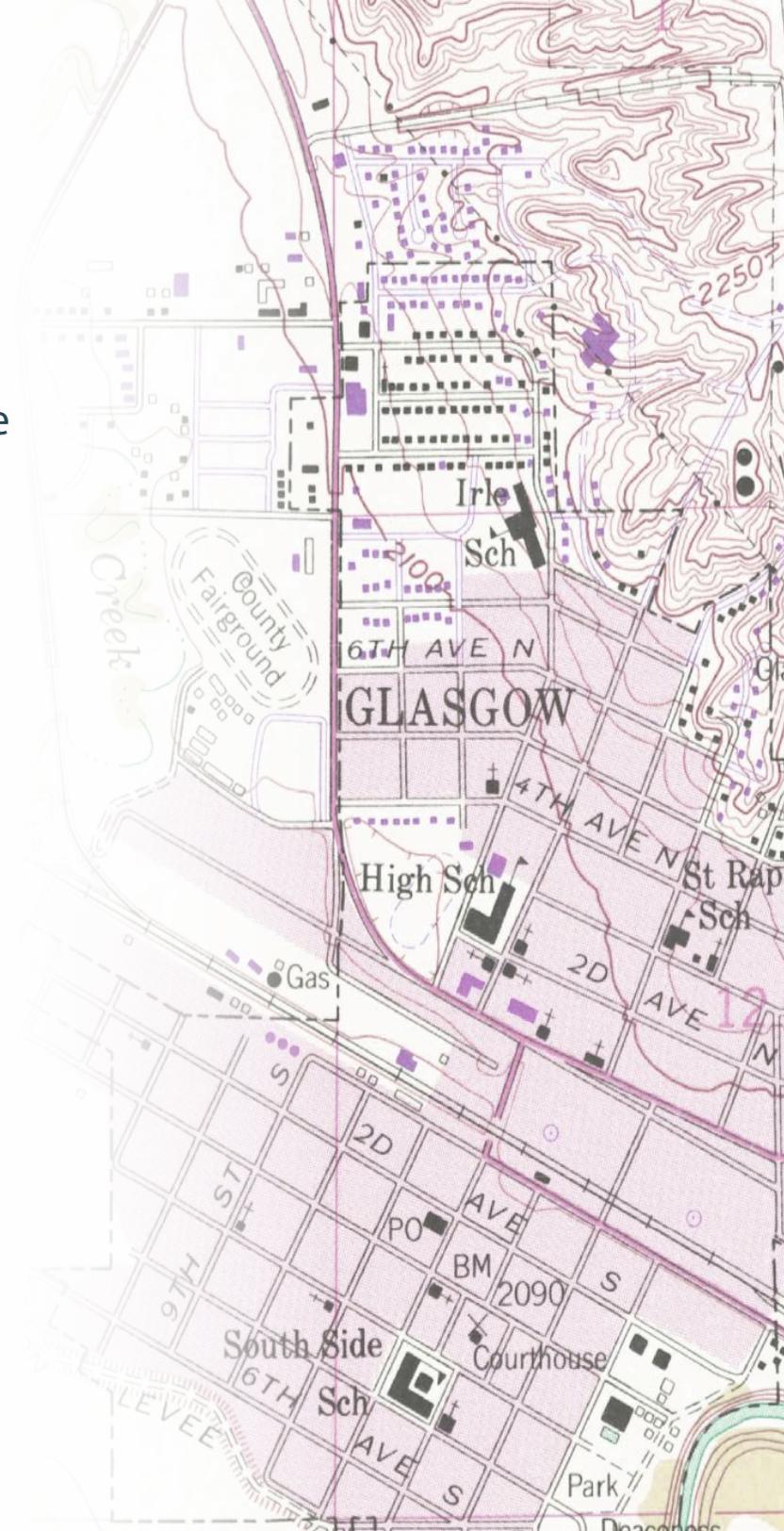


- This is a plan for the community!

# Growth Policy “101”

## Other Details

- Process, Adoption, Detailed List of Contents
  - » Title 76, Chapter 1, Part 6 “Growth Policy” but look over the rest of this Chapter—for planning area/jurisdictional area, planning board responsibilities, etc.



# Growth Policy Considerations

## For Areas Facing a (Possible) Boom

- Do we have a growth policy? Does it address the potential for a boom? Do we need to update our growth policy?

### 1. What are the potential impacts from an oil/gas related boom? (Projected Trends)

- **Consider:** Range of scenarios from no change to most significant change

### 2. Do we have the needed resources to meet projected demand? (Analysis of Existing Characteristics and Projected Trends)

- Basic infrastructure: Water, sewer, roads, fire/EMS/law enforcement
- Effect other resources - water quality, etc.

### 3. How can we manage growth and change? (Vision-Goals-Objectives-Policy-Future Land Use Map)

- Vision for what the community desires to be
- How to make it happen— Goals -> Objectives -> Policy
- Future Land Use Map

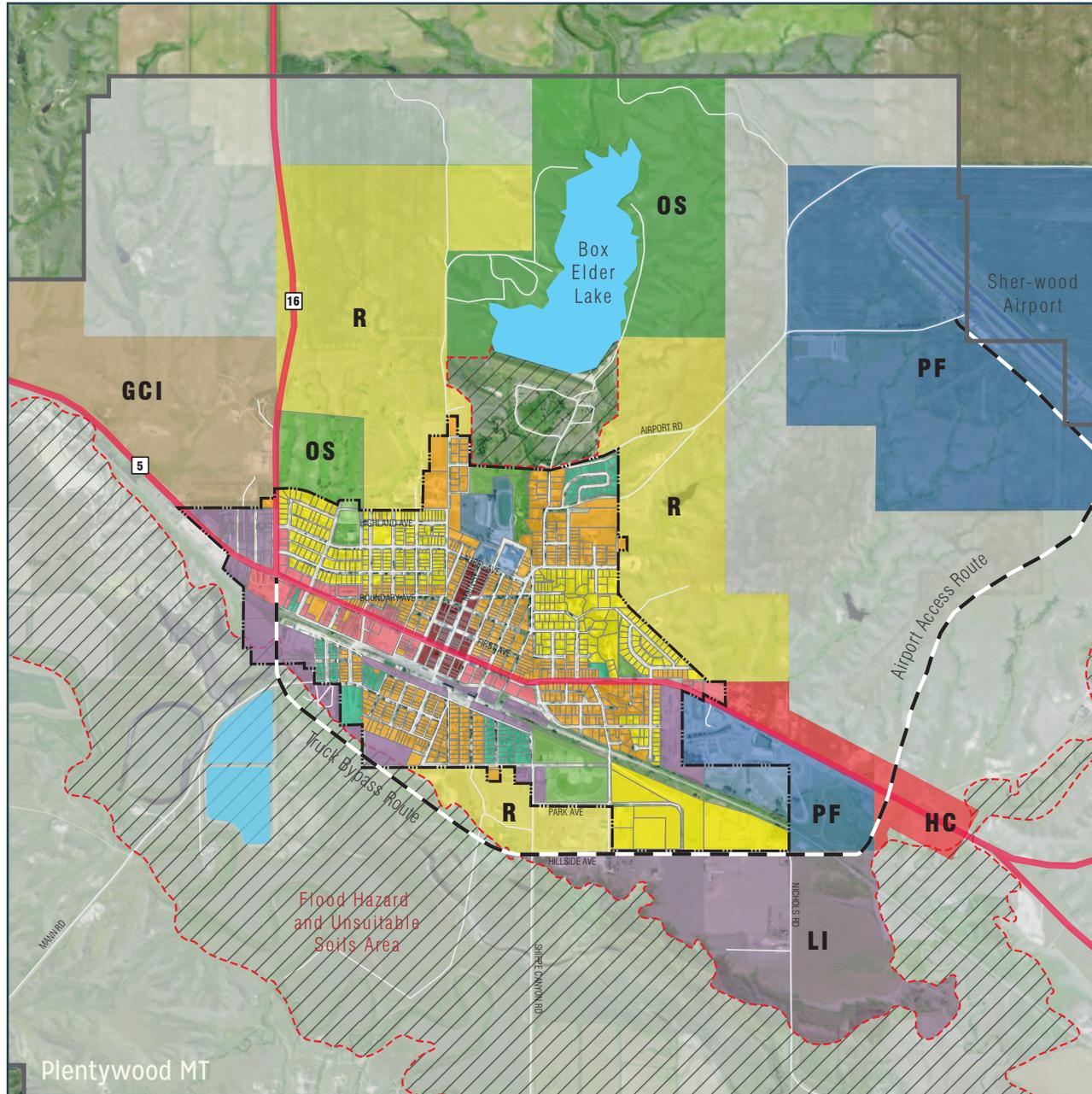
# Future Land Use Map

If/When We Grow, Where and How?



# Future Land Use Map

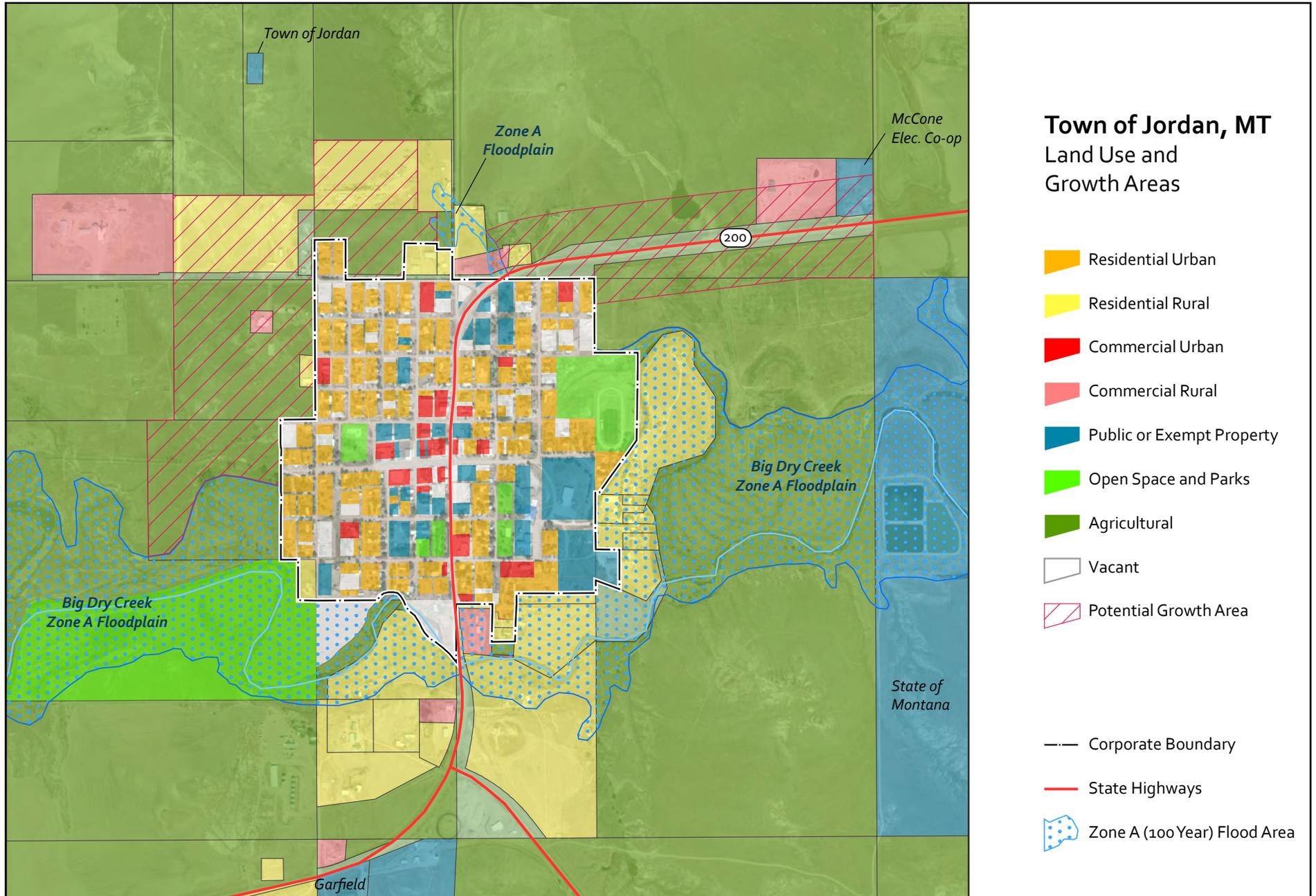
If/When We Grow, Where and How?



- The “on-the-ground” implementation element
- A visual representation of the Growth Policy’s vision and goals
- Non-regulatory, not zoning
- A guide to where and what kind of development matches the community’s long-term goals

# Future Land Use Map

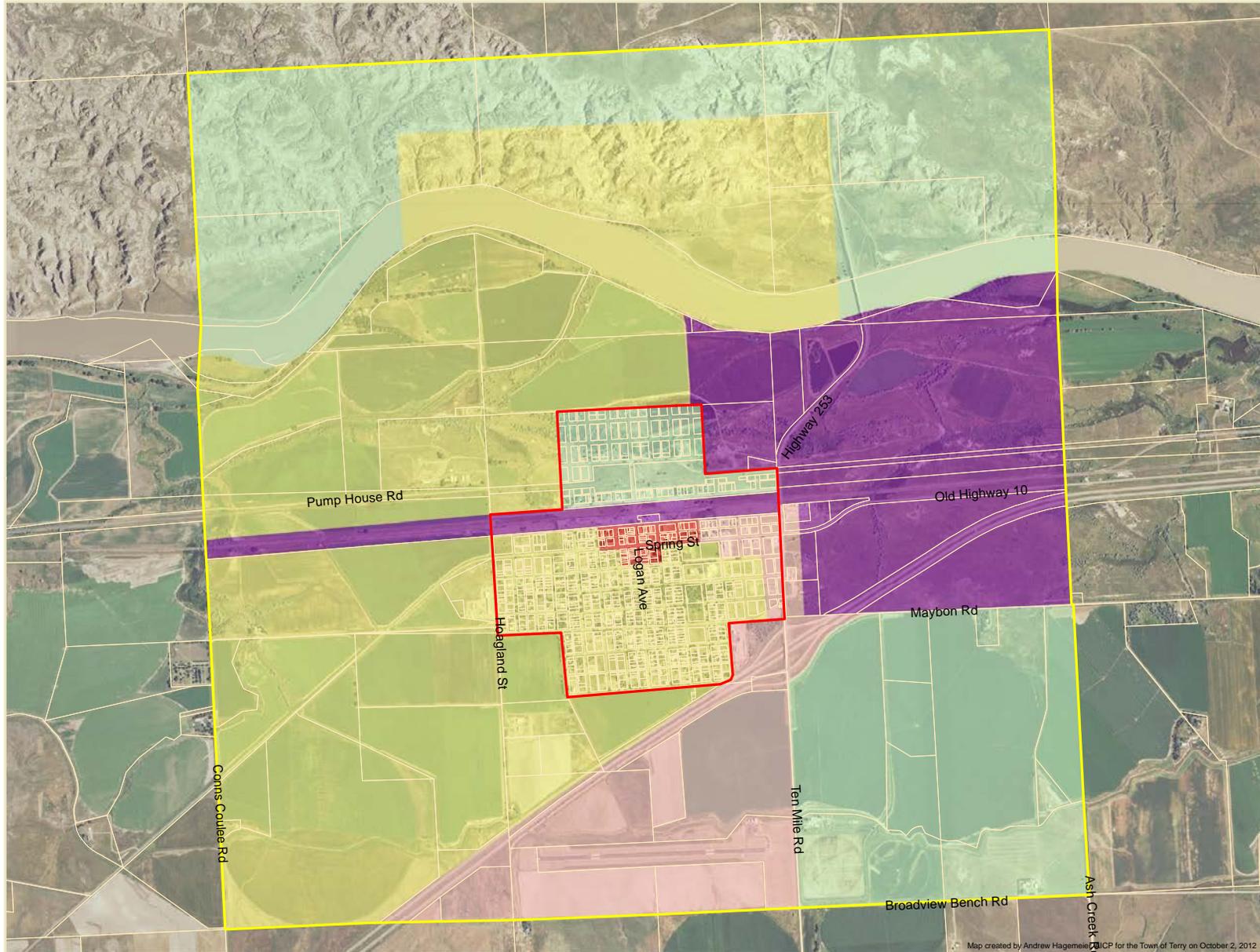
- Jordan, MT





# Future Land Use Map

- Terry MT



## Town of Terry DRAFT Future Land Use Map

October 11, 2012



0 2,500 Feet

1 inch = 1,750 feet

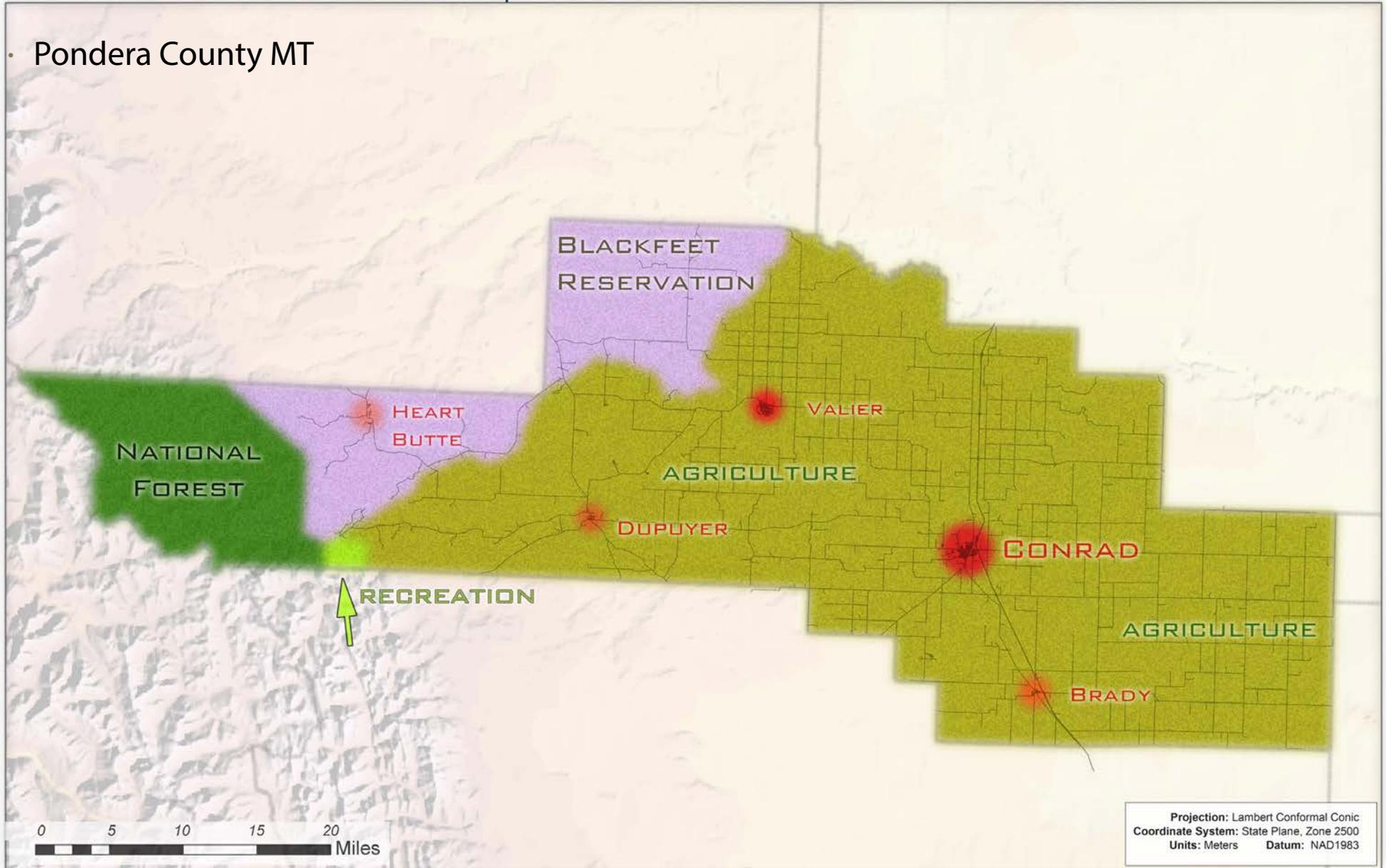
### Legend

- City Limits
- Planning Area Boundary
- Property Boundaries
- Residential
- Agriculture
- Central Business
- Highway Commercial
- General Industrial

**LAND SOLUTIONS, LLC**  
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 406.815.7526 (cell)  
 www.landsolutionsmt.com

# Future Land Use Map

- Pondera County MT



## Pondera County, Montana

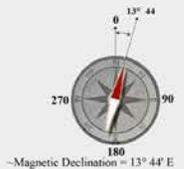
The Future Land Use Map is the County's visual guide to future planning. The map is a geographic expression of the Growth Policy's goals and strategies. The Future Land Use Map represents an ideal land use pattern for the future. The Future Land Use Map establishes five basic planning areas within the county.

Each planning area has a set of Plan Directions that should be viewed as guidelines for public policy consideration and future land use decisions.

This map was prepared March 2011 by Global Positions, LLC as part of the Pondera County Growth Policy Project. Spatial data (base maps) were obtained from the Montana Geographic Information Clearinghouse - Montana Natural Resource Information System (NRIS).

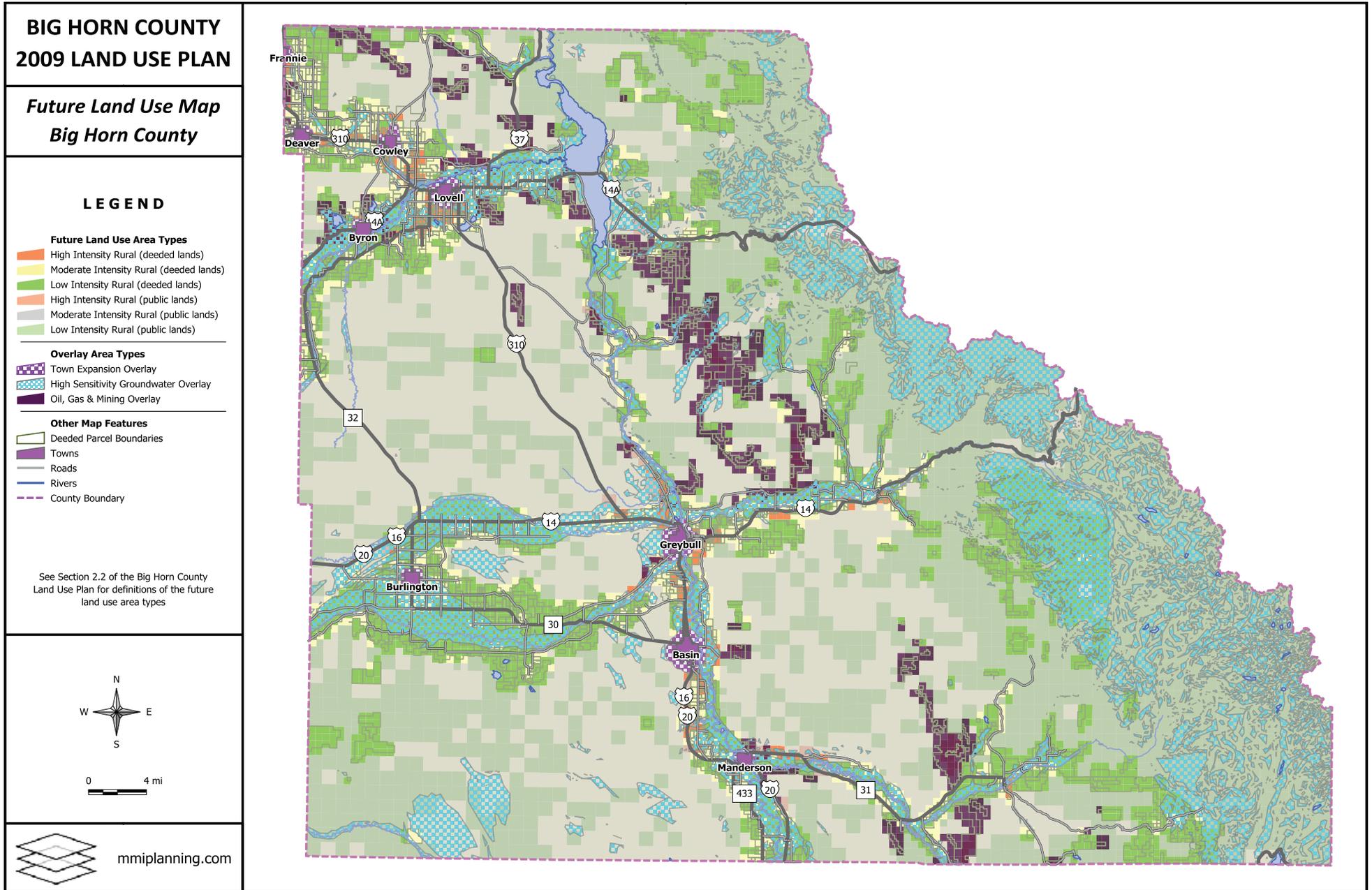
# PONDERA COUNTY FUTURE LAND USE MAP

Map 22



# Future Land Use Map

- Big Horn County MT



# Public Involvement

## Methods

- Public Opinion Survey
  - » Traditional paper questionnaire
  - » Digital/Social Media
- Public Meeting
- Open House
- Task Force
  - » Establish a group of stakeholders who can reach out to public
- Pop-up Sessions
  - » Informal, unscheduled sessions at high traffic areas
- Interviews
- Informal Input

# Public Involvement Outreach

transportation inter-agency development patterns  
 coordination preservation land use tourism agricultural land  
 historic resources local services open space  
 natural resources economic development affordable housing  
 cultural resources view corridors development patterns

## Guide Growth in Your Community!

Please join us for a  
**GROWTH POLICY OPEN HOUSE**  
 Carbon County Planning Board

As part of an update to Carbon County's 2009 Growth Policy, the Planning Board and its consultants will host two open houses and various other informational sessions around the County. The community is invited to attend these meetings to share their thoughts and ideas, and to be part of the process.

**August 5th 5-7pm**

**CTA** Brent Moore, AICP  
 PO Box 268  
 Red Lodge, MT 59068  
 406.886.6295



## Growth Policy Open House

PUBLIC INFRASTRUCTURE  
 ECONOMIC GROWTH  
 AGRICULTURAL HERITAGE  
 SMALL TOWN CHARACTER

Share your vision for growth!  
 Friday Dec. 6<sup>th</sup> 1-5pm

Jordan City Hall during the Christmas Stroll

All Community Members are encouraged to attend and give feedback. YOU can determine the future for Jordan. What type of development should be encouraged? How can Jordan's resources be best utilized? The Growth Policy is YOUR guiding document for future development. Join us!

### NOTICE of a PUBLIC MEETING in PLENTYWOOD

Are you affected by oil development?  
 What are your thoughts on housing prices and housing types?  
 Do you have ideas for the future of your community?

**All are Encouraged to Attend:**

**WHAT:** A meeting to discuss the Sheridan County Growth Policy Update  
**WHEN:** Tuesday, October 23rd at 7:00PM  
**WHERE:** The Bicentennial Room, Sheridan County Courthouse, Plentywood

**ALL COMMUNITY MEMBERS** are invited to attend a Public Meeting to introduce and discuss a Draft Update to the Sheridan County Growth Policy. This is a chance to voice your thoughts on the state of the community and the future of Sheridan County.

The Growth Policy is a planning document that communities use to guide development and control growth. Meeting items include:

- General discussion of growth and development
- Mapping future growth around Plentywood
- Public Workshop
- Establishing the Community's ideas for its future
- Setting Goals and Objectives

Everyone will have a chance to speak in this public workshop.

# Public Involvement

## Media

- Carbon County Field Trip/Video

[https://www.youtube.com/watch?v=gsf\\_puBeAfE&feature=youtu.be](https://www.youtube.com/watch?v=gsf_puBeAfE&feature=youtu.be)

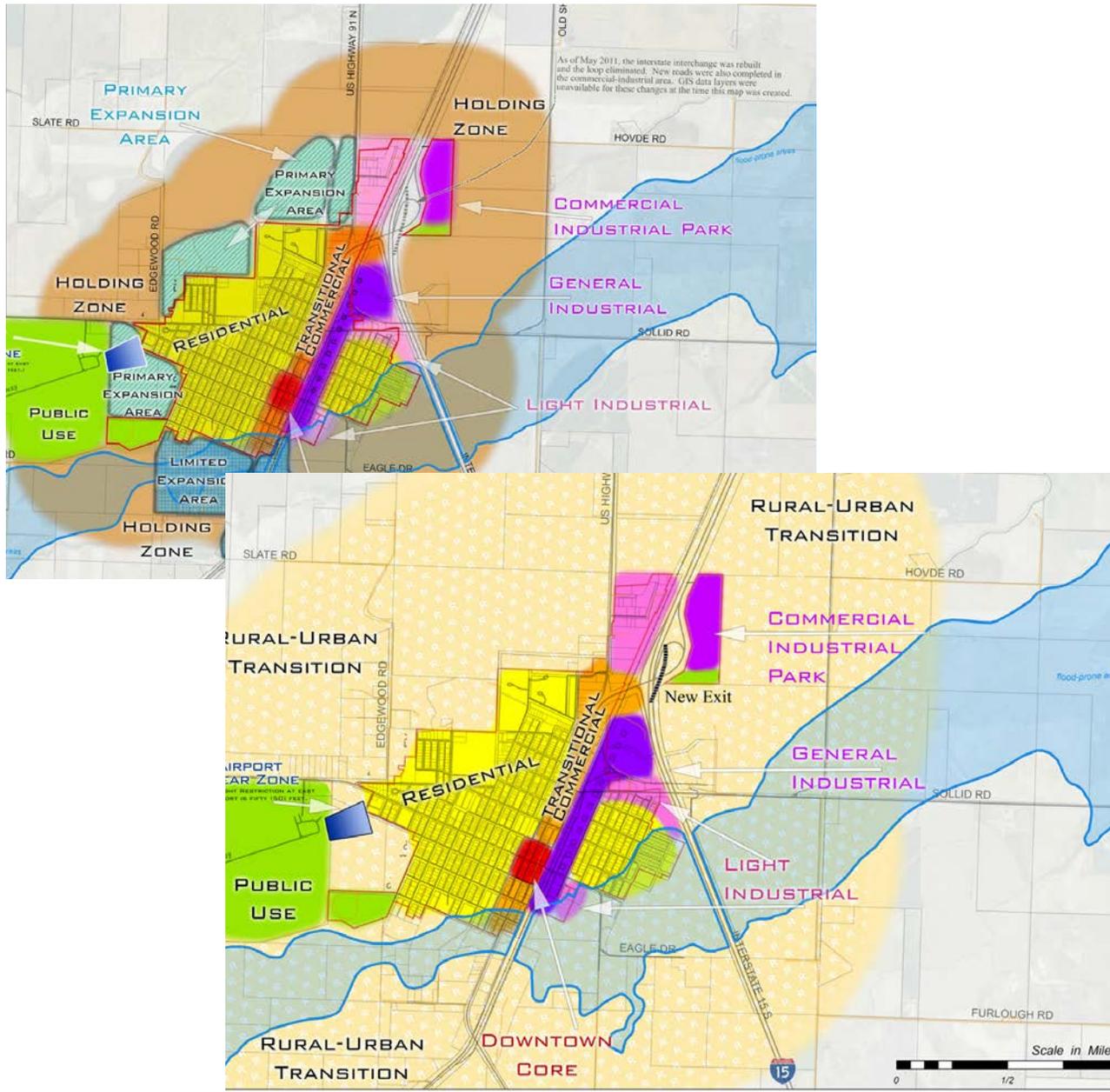


# Relevance to Key Tools for Managing/Financing Growth

- MT Supreme Court has ruled local land use regulations must “substantially comply” with the growth policy. (Little v. Flathead County (1981) 193 Mont. 334, and North 93 Neighbors v. Flathead County, 2006 MT 132.)
- “A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted ...” 76-1-605(2)(b), MCA
- If you want “compliance with the growth policy” to be a deciding factor, incorporate the components into land use regulations

# Relevance to Key Tools for Managing/Financing Growth

## Annexation

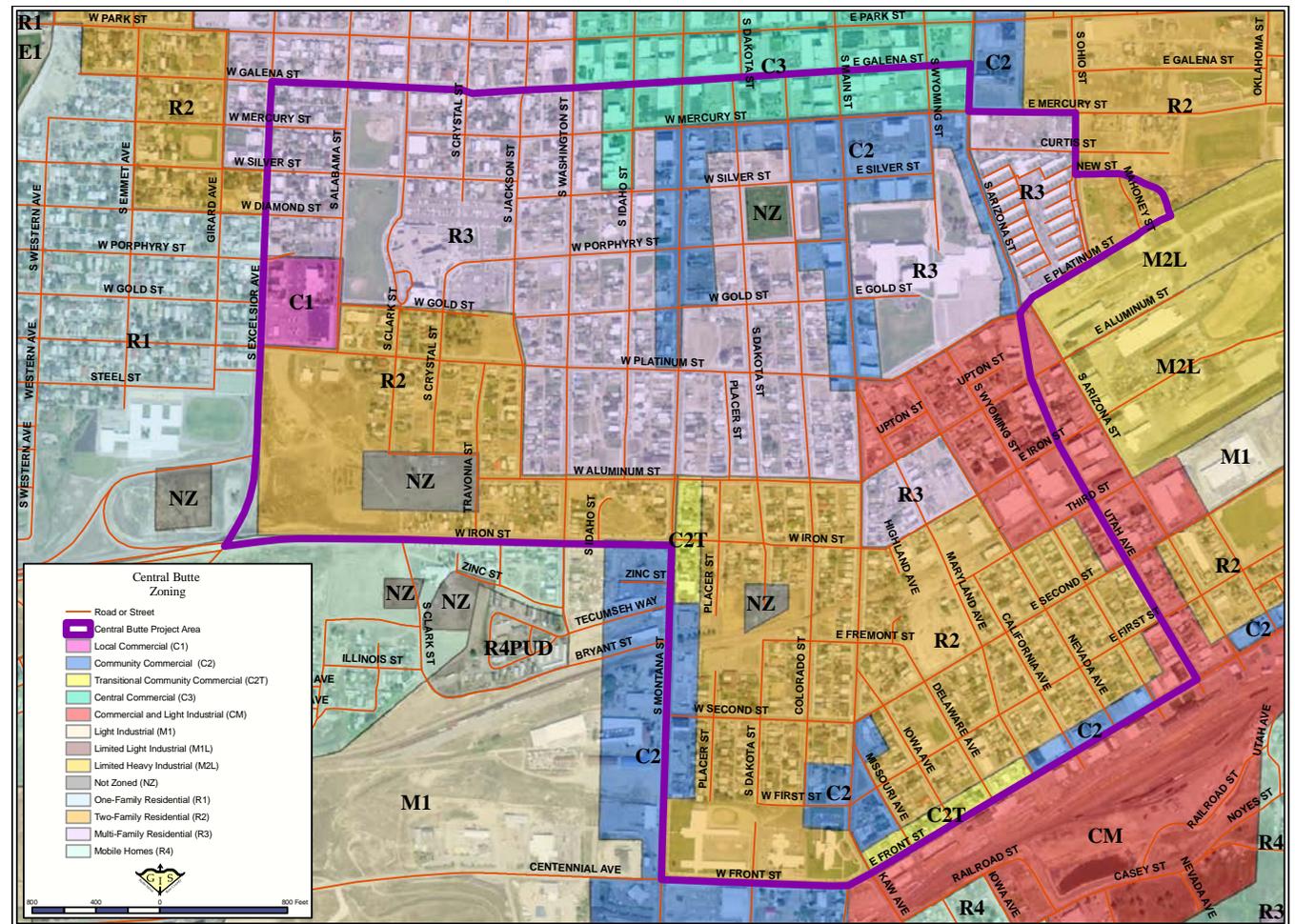


- When should municipalities annex?
- Identifying areas for potential annexation and guide for future zoning
- Legal connection to Growth Policy

# Relevance to Key Tools for Managing/Financing Growth

## Zoning

- Purpose of zoning – managing types and location of use
- Planning-related considerations
- Issues with old zoning



# Relevance to Key Tools for Managing/Financing Growth

## Zoning

- Planning ahead for zoning changes
  - » What issues are we now facing with our zoning?
  - » How would we want zoning to be different?



# Relevance to Key Tools for Managing/Financing Growth

## Zoning

- Legal connection to growth policy (Title 76, Chapter 2)
  - » Municipal zoning “Part 3”
    - +requires a growth policy
    - +must be “in accordance with growth policy”
  - » County zoning “Part 2”
    - +requires a growth policy
    - +must be in “accordance with growth policy”
  - » Citizen initiated zoning under “Part 1” DOES NOT require a growth policy



# Relevance to Key Tools for Managing/Financing Growth

## Subdivision

- Legal connection to growth policy:
  - » All incorporated municipalities and counties must have subdivision regulations (regardless of whether they have a growth policy) 76-3-501, MCA
  - » Growth policy must address: (76-1-601, MCA)
    - +How the governing bodies will define the criteria in 76-3-608(3)(a), MCA (impacts to agriculture, agricultural water user facilities, local services, natural environment, wildlife, wildlife habitat and public health and safety)
    - +How public hearings regarding proposed subdivision will be conducted
  - » Exemptions from some subdivision review requirements for subdivisions that meet the criteria of 76-3-616, MCA
    - +Subdivisions in a zoned area within or adjacent to an incorporated municipality with a growth policy that includes the provisions of 76-601(4)(c), MCA – (an infrastructure plan) exempt from :
      - ◇Public hearing
      - ◇Preparation of an EA
      - ◇Review for impacts on 608(3)(a) criteria

# Relevance to Key Tools for Managing/Financing Growth

## Capital Improvements Plan

- Purpose: Prioritizing and budgeting for infrastructure
- Planning-related considerations:
  - » Condition of existing infrastructure and capacity to handle current needs
  - » Where/how will infrastructure be expanded or extended?
    - +Road upgrades/extensions
    - +Water- Sewer Distribution and Collection Systems—upgrades needed? Extensions and man-made or natural barriers: grade (lift stations), bedrock, water bodies,etc.
    - +Water-Sewer treatment facilities- expansion areas
    - +Policy on extension of services
- Legal connection to growth policy:
  - » Must be guided by the growth policy in the:
  - » “authorization, construction, alteration, or abandonment of public ways, public places, public structures, or public utilities”
  - » “authorization, acceptance, or construction of water mains, sewers, connections, facilities, or utilities”

# Relevance to Key Tools for Managing/Financing Growth

## Impact Fees

- Purpose: to fund the additional service capacity required by the development
- Planning-related considerations:
  - » Consider Capital Improvements Plan
  - » Must differentiate between existing needs and the incremental demand/change from new development
  - » Need to know where infrastructure will be extended....
  - » Considerations for services – law enforcement, emergency
- Legal connection to growth policy:
  - » None specific to Impact Fees

## Connection Fees

- Purpose: recoup cost of connecting a property to a public utility system
- Planning-related considerations:
  - » None
- Legal connection to growth policy:
  - » None specific to Connection Fees

# Relevance to Key Tools for Managing/Financing Growth

## Economic Development and Tax Increment Financing (TIF)

- TIFD Purpose: to stimulate local development by directing property tax dollars that accrue from new development, within a specifically designated district, to community and economic development activities.
- Planning-related considerations:
  - » Growth Policy is comprehensive and should consider economic development in terms of existing conditions and projected trends
- Legal connection to growth policy:
  - » Planning board reviews TIF proposals to determine if they are in compliance with the growth policy (7-15-4213, MCA)
  - » ARM 42.19.1403: Municipality submits information package to the MT Dept of Revenue for certification of tax value. The municipality's growth policy is included in the packet. DOR reviews to make sure that the proposed use is not a specifically excluded or incompatible use in the future land use/zoning portion of the growth policy

# Relevance to Key Tools for Managing/Financing Growth

## Comprehensive Economic Development Strategy (CEDS)

- Prepared by local economic development authority
- Creates a roadmap for diversifying and strengthening local economies
- Updated every five years
- Address many of the same issues using different approaches
  - » Growth policy: create long-range land use policy to promote local economic growth
  - » CEDS: assesses regional conditions to create comprehensive economic development policy
    - + Coordinated with growth policy to share common priorities/specific projects

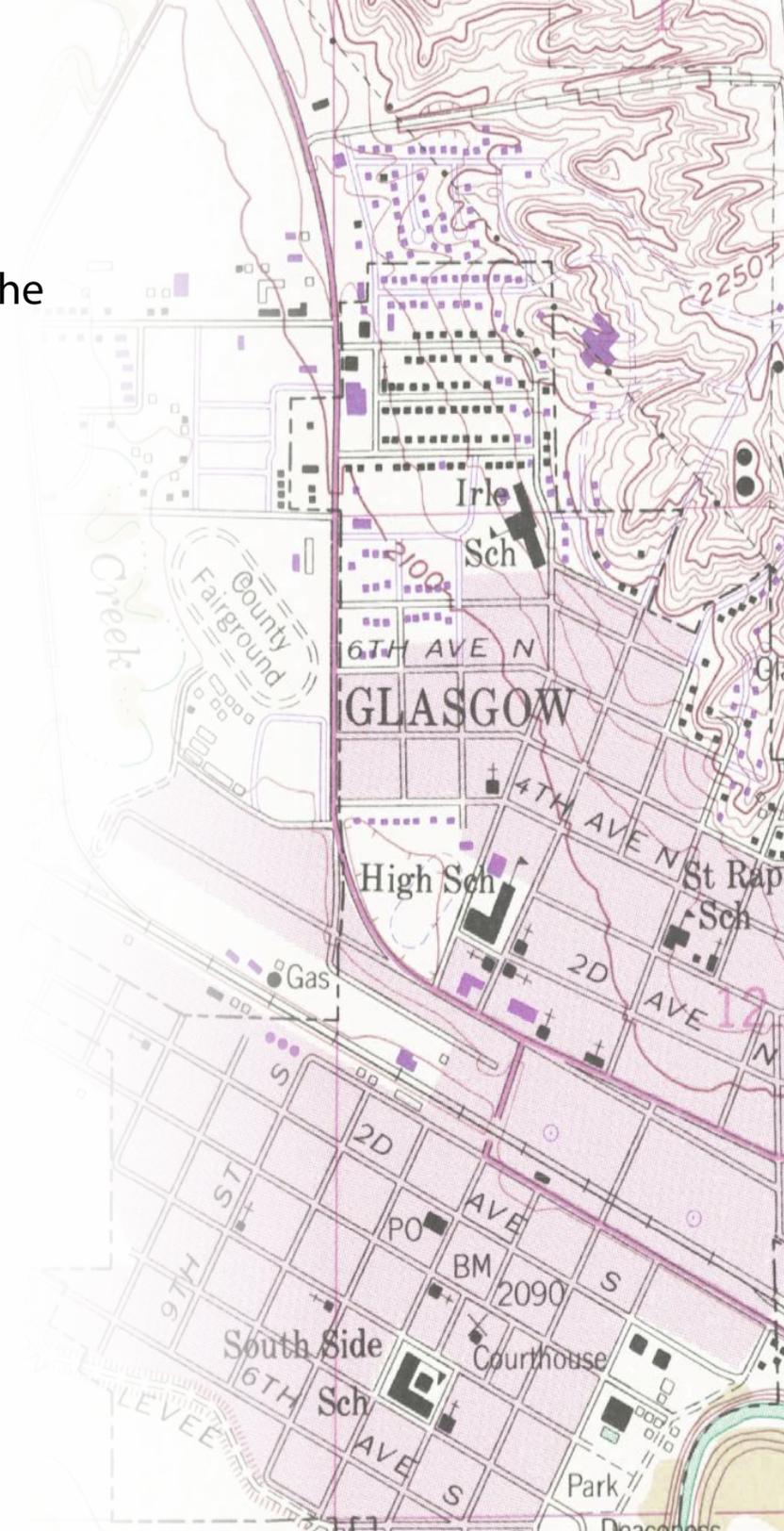
# Growth Policy Summary

A growth policy is the community's overall strategic plan for the future

Key to:

- Annexation
- Zoning
- Capital improvements planning and budgeting
- Subdivision regulations
- Impact Fees

## DO WE NEED TO UPDATE OUR GROWTH POLICY TO ADDRESS OIL/ GAS-RELATED CHANGES?



# Questions and **Answers?**



## Growth Policy Workshop



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