

# MONTANA

Department of Commerce

## COMMUNITY TECHNICAL ASSISTANCE PROGRAM

301 S. Park Ave. ★ P.O. Box 200523 ★ Helena, Montana 59620-0523  
Phone: 406-841-2770 ★ Fax: 406-841-2771 ★ TDD: 406-841-2702 ★ <http://comdev.mt.gov/>

### MEMORANDUM

To: Montana county officials, county attorneys, county planning staff

From: Allison Mouch, AICP, Community Planning Bureau Chief, Community Development Division, Montana Department of Commerce  
Kelly A. Casillas, Deputy Chief Legal Counsel, Administrator, Community Development Division, Montana Department of Commerce

Date: August 6, 2012

Re: Guidance for adoption of **county zoning** to address workforce housing facilities (such as man camps)

---

Due to the proliferation of workforce housing facilities in the oil and gas producing regions of Montana and in response to requests for assistance, our office has produced model zoning regulations that permit this type of housing while ensuring proper safeguards and a reasonable review procedure are in place. Enclosed please find a copy of the model zoning regulations and a model adoption resolution for counties. The model is "single issue" zoning in that it only regulates man camps. The zoning could be expanded to also regulate other land uses if that is appropriate for your jurisdiction.

Adoption of county zoning regulations is a multi-step process spelled out in 76-2-205, MCA. The adoption process is also referenced in the model resolution. Counties wishing to adopt this ordinance should refer to this section of statute and follow the process carefully. CTAP will be happy to provide additional guidance and assistance in the administration of the adoption process, as necessary.

To initiate the process, the County Commissioners may request guidance from their county Planning Board, in the form of a recommendation to the Commission, on the proposed workforce housing ordinance. The county Planning Board may direct the Zoning Administrator, who is appointed by the governing body to administer the terms of the ordinance, to complete a review of the proposed ordinance and prepare a staff report for the Board's consideration. The county Planning Board will hold a public hearing on the proposed ordinance, to review the ordinance, consider the staff report and take public comment on the proposal. This hearing will be required to be properly noticed in accordance with open meeting law and following the local procedure established for Planning Board hearings. Following the county Planning Board public hearing, the Board will make a recommendation to the County Commissioners; the Commissioners will also hold a public hearing on the proposed ordinance, and the notice requirements *specific to* that public hearing before the Commission are described in detail in Section 76-2-205 MCA. Following the public hearing, should the Commissioners choose to pass

a resolution of intention to create the zoning district as proposed, notice of passage of resolution of intent will be required in accordance with statute, and a 30-day protest period will ensue prior to the Commissioners adoption of final resolution, thereby creating the district and establishing these regulations.<sup>1</sup>

All county zoning regulations considered for adoption must meet the criteria and guidelines found in 76-2-203, MCA. The following is a model that can be used to help evaluate the enclosed regulations for workforce housing facilities under the criteria and guidelines provided in state law.

**Pursuant to Section 76-2-203 MCA, the workforce housing zoning regulations:**

- 1. Are made in accordance with a growth policy.** The zoning regulations for workforce housing facilities are made in accordance with the growth policy for *[insert name of jurisdiction]* County because *[cite certain goals or objectives found within the applicable growth policy, such as]* they 'promote population growth to sustain new businesses at a rate that can be supported with government services and infrastructure' *[example of Population Goal 'x']* and they will help to 'make improvements to overall community health and safety a priority for the county's future' *[example of Public Services Goal 'x']*.
- 2. Are designed to secure from fire and other dangers.** The proposed regulations require developers to provide or show availability of facilities and services for fire protection, law enforcement and security, adequate access, easy identification of unit numbers for emergency responders and an evacuation plan to address the threat from fire and other dangers.
- 3. Are designed to promote public health, public safety, and the general welfare.** The requirements for safe and adequate water supply, wastewater treatment, stormwater management, an analysis of impacts related to traffic and transportation issues, as well as the requirements for law enforcement, fire protection and other services are integral in promoting public health, safety and the general welfare.
- 4. Are designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.** The proposed regulations require all roads leading to and within the site to be designed by a licensed professional engineer and constructed to county standards for subdivisions. Interior roads must be surfaced with a dust free material and maintained as such by the developer through the life of the facility according to a schedule approved by the governing body.

As written, the proposed regulations require adequate water, sewer, recreation facilities and utilities to be provided at the time of development. The model regulations do not address schools because the majority of units are not expected to be occupied by families; however, if certain counties wish to modify the template to allow families to inhabit workforce housing, address how schools will be impacted and what type of review will take place as part of the permitting process, to ensure educational facilities are not overburdened.

---

<sup>1</sup> This process is different than the adoption process for an interim zoning ordinance; adoption guidance on interim zoning will be provided in a separate document.

5. **Provide for adequate light and air.** The required structural setbacks will provide for adequate light and air within the facility.
6. **Do not negatively impact motorized or non-motorized transportation systems.** The regulations require off-site and on-site roads to be built to county standards. The regulations also require a transportation impact analysis for projects with over 50 beds, which will address impacts to motorized and non-motorized transportation systems when warranted by the development.
7. **Promote compatible urban growth.** The regulations include measures for landscaping exterior site boundaries, requiring a minimum age of dwellings when brought to a site, and for building roads and underground utilities to county standards in order to promote higher density growth that is compatible with the surrounding community.
8. **Consider the character of the district and its peculiar suitability for particular uses.** The regulations are intended to permit workforce housing in the unincorporated areas of the county where this type of growth and development is both needed and appropriate, so long as the requirements of these regulations are upheld.
9. **Conserve the value of buildings and encourage the most appropriate use of land throughout the jurisdictional area.** The numerous protections and safeguards in these regulations will help to conserve and protect the value of neighboring buildings. Due to the demand for workforce housing, these regulations will encourage the most appropriate use of land within the jurisdiction while ensuring impacts related to workforce housing have been contemplated and mitigated in advance of such development.
10. **Are, as nearly as possible, made compatible with the zoning ordinances of nearby municipalities.** The regulations include conditional use and variance processes that are typically found in municipal zoning. The regulations also contain requirements for safe and sanitary water supply, wastewater treatment, stormwater runoff, solid waste disposal, recreation facilities and other public health and safety requirements that are generally compatible with municipal zoning ordinances. A discussion of any existing nearby municipal zoning is warranted under this section, when applicable.

Please note the above paragraphs are intended to provide *some* ideas for evaluating the model regulations under 76-2-203, MCA. Local jurisdictions are *strongly* encouraged to consider any zoning regulations in light of their own unique circumstances and conduct a review and adopt findings that reflect local conditions, pursuant to the criteria outline above. Any portion of this memo or the accompanying zoning document highlighted in **green** indicates a county must insert the information identified in order for the document to reflect local conditions and be specific to a jurisdiction. Any portion of the zoning document highlighted in **yellow** indicates a note or clarification; once a county has completed their revision of the zoning document, any portions highlighted in yellow should be removed prior to adoption.

CTAP staff is available to provide additional guidance on the adoption process and model ordinance; should you have any questions, please do not hesitate to contact staff via email at [amouch@mt.gov](mailto:amouch@mt.gov) or by phone at (406) 841-2598.

