

COMMUNITY TECHNICAL ASSISTANCE PROGRAM

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MEMORANDUM

To: Montana municipal officials, municipal attorneys, and municipal planning staff

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

Date: December 7, 2012

Re: Guidance for adoption of **municipal 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 municipalities. 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 municipal zoning regulations is a multi-step process spelled out in Section(s) 76-2-303 and 76-2-305 MCA. The adoption process is also referenced in the model resolution. Municipalities wishing to adopt this ordinance should refer to this section of statute and follow the process carefully. Municipalities may also consider adopting the model ordinance as an interim zoning measure; the process for adopting an interim municipal zoning ordinance is set forth under Section 76-2-306 MCA. CTAP will be happy to provide additional guidance and assistance in the administration of the adoption process, as necessary.

The model zoning ordinance for municipalities is written under the assumption that a municipality considering this ordinance is not currently zoned; as a result, the model ordinance includes definitions, application requirements and review procedures for conditional use permits and variance requests, as well as provisions for enforcement and the assessment of penalties. If your community has already adopted a zoning ordinance that addresses these topics, it will be necessary to select sections of this model document you would like to add to your community's existing zoning ordinance. This model is intended to provide a starting point for communities to regulate and address the location and impacts of temporary workforce housing under the authority of municipal zoning (Title 76, Part 3, MCA).

All municipal zoning regulations considered for adoption must meet the criteria and guidelines found in 76-2-304, 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 76-2-304 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 City or Town]* 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 municipality's future' *[example of Public Services Goal 'x']*.
- 2. Are designed to secure safety 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 municipal 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 municipalities 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.

- 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 municipal 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 municipal 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 areas of a municipality 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.

Please note the above paragraphs are intended to provide *some* ideas for evaluating the model regulations under 76-2-304, 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 outlined above. Any portion of this memo or the accompanying zoning document highlighted in **turquoise** indicates a municipality 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 municipality 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 or by phone at (406) 841-2598.