

## MEMORANDUM

**To:** Chairman Custer  
Members of LGIC  
Toni Henneman  
**From:** Land Use Interim Working Group  
**Date:** September 17, 2021  
**Re:** Status Report from Land Use Interim Working Group

During the 2019-2020 interim, 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 League of Cities and Towns, and the Montana Association of Counties began meeting to discuss Montana's land use and planning statutes. All parties were concerned about the outdated and cumbersome statutory framework for reviewing and approving development in the state of Montana, and came together to begin to brainstorm solutions to the issues.

Unfortunately, the COVID-19 pandemic hit mid-way through that interim, delaying the substantive work to be completed. By the fall of 2019, the group had assigned a core team to draft a bill focused exclusively on providing some relief with an expedited review process for certain comprehensively planned areas. The result of that draft was [SB 161](#), sponsored by Sen. Esp and signed into law on April 12, 2021. The parties agreed that they would meet again after the 2021 Legislative Session to begin the work of redrafting the land use and planning statutes in their entirety for a future legislative proposal.

During the 2021 session, we saw approximately 100 land use related draft bill requests, with about 30 bills introduced and heard during the session. Many of these bills sought to make more specific changes to the land use and planning laws to deal with particular issues of concern and consternation that the working group had identified earlier and planned to address with a comprehensive overhaul. Many of the working group members testified about the work of this group and the intention to continue working to comprehensively address the antiquated and frequently amended statutes, asking that further amendments be delayed until the group could work to draft a broader update of the statutes.

The working group met again on July 1, 2021. Senators Boldman, Esp, and Hertz, and Representatives Bertoglio, Brewster, Dooling, and Fern joined the group, as well as a representative from the City of Bozeman. The group discussed ground rules and common goals. At the second meeting on August 19, 2021, representatives from the County Clerk and Records' Association and the American Council of Engineering Companies of Montana joined the group. The members submitted their identified problems with the land use planning and development review process to the group for discussion.

After the second meeting, the original core group of drafters of SB 161 consolidated the list of problems and created subcommittees to review the list and begin working within each topic area to bring ideas, models, and potential solutions back to the group for discussion. At the third meeting of the full group on September 16, 2021, the group began to discuss comprehensive planning models from other states that may address similar issues we are facing in Montana, and will return to this topic in earnest at its next meeting scheduled for October 21<sup>st</sup>. The goal at that meeting is to give direction to the growth policy subcommittee to begin drafting a new framework for comprehensive planning in Montana. Then the zoning and subdivision subcommittees will follow the same process.

Members of the group are also planning to provide an in-person land use training and working group update to the LGIC at its November hearing.