

Hierarchy of Planning in Montana

*Title 76, Chapters 1, 2 , 3 & 4 MCA
Enabling Statute*

- Planning Boards: 76-1-101 through 508, MCA.
- Growth Policies: 76-1-601 through 605, MCA.
- Zoning: 76-2-201 through 328, MCA.
- Subdivision & Platting Act: 76-3-101 through 625, MCA.
- Sanitation & Subdivisions Act: 76-4-101 through 1002, MCA.

Planning Boards



What is the function of the board?

- Primary role is to serve in an advisory capacity to the governing body.
- Intended to maintain the balance between protecting the public interest and private property rights.
- Board should represent the views, values, and goals of its community.
- Community planning is too important to be left simply to planners and elected officials.

Potential Planning Board Duties

Development of a Growth Policy (76-1-601, MCA):

- Official public document
- General guide for community's physical development.
- Planning board is the entity that must prepare the document and make a recommendation to the BOCC.

Development of Other Policies (76-1-106, MCA):

- Subdivision regulations
- Regulations for the development of infrastructure.
- Capital improvement plans (roads, water, sewer)
- Regulations for improvement location permits.

Potential Planning Board Duties cont.

Review of Subdivision Applications (76-1-107, MCA):

- If a growth policy and subdivision regulations exist in local jurisdiction.
- Governing body required to seek the recommendation of the board.

Zoning Commission (76-1-108, MCA):

- Small cities and counties
 - ▶ Board to serve as a zoning commission
- Develop zoning regulations and maps.

Planning Board Officers

Chair (*President*)

- Presides over and manages meetings and hearings.
- Ensures that the board's actions follow the regulations and statute.
- Calls special meetings in accordance with the board's bylaws.
- Signs official documents of the board.
- Informs other board members of upcoming agenda items.

Planning Board Officers, cont.

Vice-Chair (*Vice-President*)

- Has the duties and responsibilities of the Chair, during the Chair's absence, disability or disqualification.

Secretary (*Planner or other Staff*)

- Keeps the minutes of all meetings and hearings.
- Provides meeting/hearing notices required by law.
- Prepares the agenda for all meetings/hearings.
- Custodian of board records.
- Provides the board with reports and other correspondence.
- Signs official documents (as delegated by the board).

Informed & Effective Board

Understand what your responsibilities are:

- Subdivision Review?
- Growth Policy formulation?
- Zoning Commission?

Operation of the Board:

- Bylaws
 - ▶ Read and understand

Local Plans & Regulations

- Growth Policy
- Subdivision Regulations
- Zoning Regulations



Read those documents!!!!

State Statute

Informed & Effective Board

Relationship with Governing Body:

- Should meet periodically to discuss community land-use issues.
- Need to understand the governing body's policies and how they are intended be achieved.
- Board members should share their concerns and ideas with the governing body.
- Ultimately, there may be no agreement on policy or how to implement it, but at least each entity is informed and can make decisions and recommendations accordingly.

Statutory Changes to Planning & Zoning Laws:

- Essential to stay well informed about proposed statute
- Cannot ignore changes
 - ▶ Opens the door to litigation and creates an atmosphere of distrust

Key Planning Documents & Tools

Growth Policy

- Official planning document
- General guide for decisions regarding land-use.
- Understand the goals and objectives of the document.
- Not a regulatory document by itself.

Subdivision Regulations

- Review of subdivision applications is generally a primary duty
- Essential to understand the basic content of the regulations.
- Obtain a copy so that you can refer to them as necessary.

Zoning

- *If it exists in your jurisdiction*
 - ▶ Again, understand the basic content of the regulations.