

RESOLUTION 9286

A RESOLUTION DIRECTING THE CITY/COUNTY PLANNING BOARD FOR THE CITY OF GREAT FALLS AND COUNTY OF CASCADE TO PREPARE A "GROWTH POLICY" PURSUANT TO TITLE 76 SECTION 1 PART 6 MCA FOR CONSIDERATION BY THE RESPECTIVE GOVERNING BODIES.

WHEREAS, the 1999 Montana Legislature passed SB 97 amending the Montana Code Annotated Section 76-1-601, et seq, mandating the preparation of a "growth policy" by the appropriate planning board in lieu of previously adopted "master plans" or "comprehensive plans; and,

WHEREAS, by an Opinion dated September 26, 2002, the Montana Attorney General has held as follows:

"1. A comprehensive plan adopted prior to October 1, 1999, has no legal effect as the basis for new local zoning or subdivision regulations unless it meets the requirements of a growth policy pursuant to Mont. Code Ann. § 76-1-601.

2. Zoning regulations lawfully adopted pursuant to master plans, comprehensive plans and comprehensive development plans prior to October 1, 2001, are valid and enforceable. However, after October 1, 2001, county and municipal zoning regulations authorized by Title 76, chapter 2, parts 2 and 3, may not be adopted or substantively revised (except routine, minor revisions that do not impact growth policy) unless a growth policy is adopted for the entire area of the planning board having jurisdiction.

3. A municipal governing body may not extend municipal boundaries, pursuant to the Planned Community Development Act of 1973, without conforming to a growth policy.

4. The expedited review provisions of the Subdivision and Platting Act may not be utilized without a complaint growth policy.

5. If a city or county has not developed a growth policy, interim zoning regulations may be implemented only when: there is an exigent circumstance related to public health, safety and welfare; the zoning measure reasonable relates to the exigency; and more formal planning processes are underway as required by statute. Failure to adopt a growth policy is not, in and of itself, an exigency that permits adopting of emergency interim zoning.

6. A growth policy must cover the entire planning board jurisdiction for zoning decisions to proceed;" and,

WHEREAS, the Great Falls City/County Comprehensive Plan was adopted November 30, 1999 by the Great Falls City Commission and the Cascade County Board of Commissioners and is no longer of any legal effect; and,

WHEREAS, the Director of the Planning Staff has estimated a “growth policy” for the entire jurisdictional area can be developed by the City/County Planning Board with recommendation to the City and County governing bodies within two months time;

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA;

That pursuant to Title 76, Chapter 1, Part 6, MCA, the City/County Planning Board for the City of Great Falls and County of Cascade, is hereby directed to prepare and propose a “growth policy” for the City of Great Falls and County of Cascade; and,

BE IT FURTHER RESOLVED, that time being of the essence, it is deemed necessary to require such “growth policy” be prepared and proposed by the Planning Board for City Commission consideration on or before March 18, 2003.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana on this 21st day of January, 2003.

Randall H. Gray, Mayor

ATTEST:

Melodi A. Wald, Deputy City Clerk

(SEAL OF CITY)

Approved for Legal Content: City Attorney

State of Montana)
County of Cascade :ss
City of Great Falls)

I, Melodi A. Wald, Deputy City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9286 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 21st day of January, 2003, and approved by the Mayor of said City on the 21st day of January, 2003.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 21st day of January, 2003.

Melodi A. Wald, Deputy City Clerk

(SEAL OF CITY)