

ZONING ADVISORY PANEL PUBLIC COMMENT

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ZAP meeting August 11, 2021, Public Comment, Andrew Thomas

1. **Shifting Costs:** A comment was made by a ZAP panel member about shifting costs of development on to the public. The same ZAP panel member also made comments about the value of certain things like view spaces and open spaces. To add structure to these comments, I would ask the committee to consider the following. Cost is inherent to every policy decision. The issue is not of cost but of priority, amount, and trade off.
 - a. **Priority**
 - i. Priority refers to things that are necessary features of peoples lives. In the instance of land use housing is the most prominent consideration. All too often people prioritize things that are not relevant and everyone else must pay the cost.
 - b. **Amount**
 - i. In terms of amount, I think the one thing to keep in mind is that there should be a healthy amount of skepticism exercised about cost projections. Unless there is a definite number based on sound methodology simply stating that something will bring about costs is purely speculative and too open to bias.
 - c. **Tradeoffs**
 - i. Trade offs are arguably the most important consideration of this dynamic. Everything inherently has a cost and for the most part people can agree on prioritizing certain issues over another. The real challenge is balancing competing interests and understanding that each course of action has its own tradeoffs. For example, environmentalists might want no development to occur outside of cities however the obvious cost of such is that housing costs as well as property rights will suffer. Given the numerous scenarios where tradeoffs occur, it is useful not to think of issue as simply one or the other. More realistically, it makes sense to consider issues in terms of realistic compromises rather than a win/lose perspective.

2. **Long run costs do not need to go up:** A ZAP panel member made a comment about costs perpetually going up for housing. Although there are many reasons to conclude this, the reality of building costs is that save for recent temporary market disruptions costs in low regulation markets have remained quite consistent.¹ As mentioned before land use regulations have a substantial effect on the cost of housing. In terms of considering the cost of building. As mentioned above it is necessary to consider tradeoffs in regulations. Granted other considerations are often equally as important if not more

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Cost of Constructing a Home, National Association of Home Builders
<https://www.nahbclassic.org/generic.aspx?sectionID=734&genericContentID=271883#:~:text=The%20average%20construction%20cost%20of%20a%20typical%20single-family,2013%2C%2024103%20in%202015%2C%20and%202486%20in%202017.>

important in many instances, however regulatory impact of costs should be considered. In addition to these

3. **Right of appeal:** A right of appeal based upon providing reasonable evidence that a variance be granted should be a recommendation of the ZAP panel. Attached are three bills from last year's legislative session. They outline a procedure for appeals as well as other procedures and considerations that the ZAP panel might consider to be useful. Specifically, HB529 notes the proposed appeals process. Although it is acknowledged that planning is necessary each parcel is unique, general zoning regulations might not be applicable to such as a parcel. Granted there is already an appeals process for permitting variances however further formalizing the process would be a welcome addition.

4. **Capital accumulation:** It has been mentioned numerous that home ownership is an important consideration. Given that home ownership is an extreme important part of capital accumulation for working- and middle-class people this point cannot be emphasized enough. Also, home ownership has several positive impacts on the community. Attached is research supporting this assertion². Although it is also important for the ZAP to consider other forms of housing such as rentals and low-income housing, any policy directed at increase rates of home ownership amongst working people, especially younger people would be welcome. How this might translate to zoning related policy is that a preference should be given for developments that build entry level housing.

² HUD, **Paths to Homeownership for Low-Income and Minority Households**

, <https://www.huduser.gov/portal/periodicals/em/fall12/highlight1.html>; McCabe, B. J. (2013). Are homeowners better citizens? Homeownership and community participation in the United States. *Social Forces*, 91(3), 929-954.; McCabe, B. J. (2016). *No place like home: Wealth, community, and the politics of homeownership*. Oxford University Press.

Are Homeowners Better Citizens?

Are Homeowners Better Citizens? Homeownership and Community Participation in the United States

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Proponents of homeownership policies often argue that homeowners participate more actively in community life and civic affairs than renters. Although research suggests higher rates of participation among homeowners, the underlying mechanisms driving this relationship are unclear. On one hand, the locally dependent financial investments homeowners make in their communities could lead them to participate as a means of protecting their principal investment. On the other hand, homeownership could stimulate participation by increasing residential stability, enabling households to overcome the institutional barriers and to develop the social networks that drive community participation. The failure to differentiate between these pathways muddies our understanding of how homeownership matters for community life. Drawing on the November supplement of the Current Population Survey, this article investigates whether homeowners are more likely to vote in local elections, participate in neighborhood groups and join civic associations. A falsification strategy compares these outcomes to a set of placebo measures to address concerns that the findings are driven by selection. The research identifies an independent role for residential stability and locally dependent financial investments in explaining why homeowners participate in their communities.

Introduction

Proponents of homeownership policies often argue that homeowners participate more actively in community life and civic affairs than renters. This belief in property ownership as a central component of political citizenship and community engagement has deep roots in American political thought (Keyssar 2001). For more than a century, political leaders ranging from Franklin D. Roosevelt to George W. Bush have emphasized the importance of homeownership to vibrant community life. High levels of community participation, in turn, reinforce the norms of democratic citizenship and contribute to the sense of collective efficacy

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central to vibrant, cohesive neighborhoods (Coleman 1988; Temkin and Rohe 1998; Portes 1998; Putnam 2000; Forrest and Kearns 2001; Knack 2002).

Although the belief in homeownership as a foundational component of active community life has gone largely unchallenged in the United States, the research linking homeownership to community participation is thin. Descriptive evidence confirms that homeowners are more likely to vote, both in local and national elections, and participate in a range of membership organizations. However, research has largely left unexplored the mechanisms that underlie this relationship. On one hand, homeownership could stimulate participation through the locally dependent financial investments homeowners make in their communities. Homeowners may be more responsive to changing community characteristics because these characteristics affect local property values (Fischel 2001).

Alternatively, homeownership could increase community participation by boosting residential stability. Stable households are more likely to overcome the institutional barriers and develop the social networks that drive community participation (Kasarda and Janowitz 1974; Kang and Kwak 2003). A final possibility suggests selection bias in the observed relationship between homeownership and community involvement. It is possible that confounding variables—either observed or unobserved—drive both homeownership and community participation, thereby rendering the observed association spurious. Distinguishing between these competing explanations helps to clarify why homeownership matters for community life in America.

Drawing on new data from the November supplement of the Current Population Survey (CPS), this article tests for a relationship between homeownership and three measures of community participation—voting in local elections, participating in neighborhood groups, and joining civic associations. The supplement includes a unit-level measure of residential stability that helps to separate the effect of increased stability from other mechanisms associated with homeownership, including the financial investments homeowners make in their communities.

After accounting for residential stability, this article offers an innovative approach to evaluating whether the residual correlation between homeownership and community participation results from the locally dependent financial investment homeowners make in their communities, or whether the relationship points to selection bias. Relying on a falsification strategy, the article compares the models for voting in local elections, participating in neighborhood groups and joining civic associations to models for a set of placebo outcomes from the November supplement of the survey. Because these placebo outcomes are likely to be driven by the same unobserved variables, but unrelated to homeownership through homeowners' financial investments, this series of tests helps to evaluate the role of locally dependent financial investments in driving homeowners' participation decisions. If homeowners are more likely to participate in local elections, neighborhood groups and civic associations, but no more likely to participate in the placebo outcomes, then the falsification strategy provides indirect evidence linking homeowners to community life through their financial investments.

The stakes in these findings are high. Public policies since the New Deal have invested vast government subsidies towards promoting homeownership, and often with the explicit goal of engaging citizens in civic activities and promoting community life. Evaluating the effectiveness of homeownership as a tool for crafting more responsible, engaged citizens should serve as a foundation for guiding future discussions of housing policy in the United States.

Linking Homeownership and Community Participation

In 1995, President Clinton introduced the National Homeownership Strategy to boost the homeownership rate among low-income and minority Americans. In laying out his plan, Clinton underscored the civic benefits of homeownership as one of the primary justifications for his efforts: “When we boost the number of homeowners in our country, we strengthen the economy, create jobs, build up the middle class, and build better citizens.” ([United States Department of Housing and Urban Development 1995](#)) Likewise, President George W. Bush echoed nearly a century of political rhetoric in promoting National Homeownership Month in 2002: “Where homeownership flourishes, neighborhoods are more stable, residents are more civic-minded, schools are better, and crime rates decline” ([The White House, Proclamation Archives 2002](#)).

These political statements underscore the widespread belief in the United States that homeownership increases citizen participation and creates stronger communities. Yet little research critically evaluates the mechanisms that drive homeowners to participate in their communities. This section outlines two specific pathways—residential stability and locally dependent financial investments—that lead homeowners to participate in community affairs. Separating these mechanisms provides the foundation for the falsification strategy used in this research.

Financial Investments in Local Communities

In communities throughout America, homeowners concentrate their wealth in a single asset. Because of this concentration, the largest component of the wealth portfolio for the majority of American households is the owner-occupied home. According to a recent analysis of the Survey of Consumer Finance, the average American household holds more than one third of its assets in its principal residence ([Wolff 2007](#)).¹ Because renters hold none of their wealth in their principal residence, this figure understates the proportion of wealth the average homeowner holds in his or her home.

The concentration of household wealth in the owner-occupied home is likely to increase the attention homeowners pay to their local communities. Research throughout the social sciences consistently reports that the availability of nearby services and the characteristics of local communities influence local property values ([Li and Brown 1980](#); [Black 1999](#); [Fischel 2001](#); [Downes and Zabel 2002](#)). In particular, the quality of local schools is capitalized in the value of American

homes (Haurin and Brasington 1996; Black 1999; Bogart and Cromwell 2000; Downes and Zabel 2002; Clapp, Nanda and Ross 2008). A myriad of local school characteristics, ranging from test scores to teacher composition, influence residential property values. Likewise, the decisions of local governments and neighborhood groups influence the characteristics of local communities and, in turn, the value of property. From land use decisions to changes in the property tax structures, government officials and community actors emerge as key players in the struggle to maintain or improve local property values.

This capitalization of community characteristics in housing prices suggests one reason why homeowners might pay greater attention to local political affairs than renters. According to Fischel (2001), homeownership should increase the responsiveness of households to local policies. “Homeowners are acutely aware that local amenities, public services, and taxes affect . . . the value of the largest single asset they own. As a result, they pay much closer attention to such policies at the local level than they would at the state or the national level.” (Fischel 2001:4) Although Fischel (2001) provides anecdotal evidence outlining the reorientation of local politics towards the demands of homeowners, he does not provide consistent empirical evidence showing systematically higher rates of political participation for homeowners.

If homeowners pay closer attention to local politics than renters as a result of their financial investment in local communities, we would expect homeownership to increase local participation. Homeowners would be more likely to vote in local elections or join local membership groups with the aim of protecting (or improving) local property values. They may become active in local politics to sway decisions in their favor, or advocate for particular land-use policies through neighborhood groups in an effort to influence the characteristics of the surrounding community. Given the strong effect of school quality on property values, homeowners might be particularly ready to join school groups (e.g., PTAs).

Although we expect their financial investment in local communities to increase their exercise of voice at the local level, we would not expect homeowners to participate more actively in state or national politics as a result of their investment in local communities. Homeowners do benefit from a handful of federal policies, including the mortgage interest deduction and the deduction of local property taxes, but these federal benefits are rarely the subject of contentious political debate and unlikely to spur increased participation. Unlike changes in local property taxes or community-level land use decisions, federal decisions are less likely to differentially affect homeowners and renters within particular communities. As a result, this mechanism provides no expectation that homeownership would increase participation in non-local political issues. Likewise, it generates an expectation that homeowners will participate in local groups aimed at improving school or community characteristics, but provides no basis for thinking homeowners will become involved in other types of membership groups.

The possibility that homeownership drives community participation because of the investment homeowners make in their local communities raises the

possibility that the effect of homeownership varies according to the size of the investment. We might expect high-income households, or those with a larger asset to protect, to experience stronger homeownership effects than low-income households. After all, changes in the quality of local institutions that result in a decline in local home values will have a greater absolute effect for high-income households. On the other hand, we might expect the proportion of household wealth invested in a home, rather than the absolute amount, to be the stronger predictor of political involvement. In the United States, low- and middle-class homeowners hold a higher proportion of their wealth in their primary residence than high-income households (Wolff 2007). This might lead us to expect low- and middle-income households to experience stronger effects of homeownership than high-income households.

Residential Stability

While homeownership invests households with a tangible stake in the characteristics of local schools and communities, it also increases their stability within particular neighborhoods (Rohe and Stewart 1996; Dietz and Haurin 2003). Two factors underlie the increased stability of homeowners. On one hand, the decision to purchase a home frequently signals a household's intention to make a long-term commitment to the community. In this case, homeownership is an expression of long-term stability, rather than a cause of it. On the other hand, homeownership increases the transaction costs associated with switching residences. Homeowners typically face an array of fees (e.g., realtors, lawyers) not incurred by renters, and these costs serve as a further barrier to mobility. Because the transaction costs of switching residences are higher for homeowners than for renters, homeownership is also a cause of long-term stability. These stabilizing effects of homeownership are especially strong in the face of negative equity or declining home values, making homeowners substantially less likely to voluntarily switch residences during periods of housing price volatility (Henley 1998).

There are several reasons to anticipate a positive effect of residential stability on participation in neighborhood groups or local politics. Residential stability enables citizens to build social networks and develop interpersonal relationships within their community (Kasarda and Janowitz 1974; Fischer 1982; Sampson 1991; Kang and Kwak 2003). These social bonds are centrally important to the recruitment process into community activities. Individuals often join neighborhood groups or membership organizations because members of their social network invite them to participate (Verba, Schlozman and Brady 1995; Lim 2008).

Long-term stability also serves to deepen place-based attachment in local communities. After living in a community for a substantial period of time, residents are more likely to become involved in efforts to improve their community for reasons unrelated to their financial gain. The use value of their community, rather than the exchange value, matters to long-term, stable residents. Stability also provides an opportunity for citizens to seek out neighborhood groups they believe to be effective in resolving local community problems (Rohe and Stegman 1994; Foster-Fishman et al. 2007; Foster-Fishman et al. 2009). And especially

in the more formal realm of voter participation, long-term stability increases the likelihood residents will overcome the administrative obstacles to participation, including registering to vote (Squire, Wolfinger and Glass 1987; Highton 2000).

It is important to capture residential stability at the level of the housing unit, rather than at the level of the community, county or administrative district. Because households often switch residences within their administrative district, community-level measures of residential stability may not capture the unique effect of unit-level stability on civic involvement. Even when households switch residential units within the same county or city, they are likely to face a new set of local political concerns or community issues. Households switching housing units within the same city experience disruptions in their social networks and incur substantial resource burdens likely to affect their participation decisions. Previous research largely lacks measures of unit-level residential stability, rendering it unable to decompose the effect residential stability from other features of homeownership that may drive community participation.

Studying Homeownership and Community Participation

Existing efforts to untangle the relationship between homeownership and community participation reveal a contradictory set of findings. In part, these mixed findings result from the broad set of data sources researchers have brought to bear on this research puzzle. The data overwhelmingly comes from geographically distinct samples representing particular segments of households (e.g., low-income households). These limited samples reduce the generalizability of the findings. The mixed results also reflect the myriad of ways that researchers have defined community participation in survey research.

Early work by Cox (1982) finds that homeowners report higher levels of neighborhood activism, and suggests that this activism results from the higher transaction costs associated with homeownership. However, Cox (1982) utilizes a 5-point neighborhood activism scale that fails to distinguish between types of community involvement. Other studies have looked specifically at participation in membership organizations, often investigating the number of membership organizations to which respondents belong. Typically, these studies report a small, but positive relationship between homeownership and the number of voluntary organization memberships respondents report, although only rarely do they elaborate on the types of membership organizations households join (Blum and Kingston 1984; Rossi and Weber 1996; DiPasquale and Glaeser 1999). Using a sample of low-income households in Baltimore, Rohe and Stegman (1994) find that homeowners belong to more voluntary organizations than renters, and participate more actively in neighborhood groups and block associations. Unfortunately, their reliance on a geographically clustered sample of low-income households limits the generalizability of their findings.

Recent analyses of large-scale survey data find that homeowners report higher levels of political knowledge and engage more frequently in some types of community activities. DiPasquale and Glaeser (1999) report that homeowners are more likely to know their local school board representative and regularly attend

church than renters, both suggestive of higher levels of community interest, although neither directly measuring community participation. From a handful of national surveys, [Rossi and Weber \(1996\)](#) find homeowners report higher incidence of membership in several types of groups, but their limited set of sociodemographic controls raises concerns about the spuriousness of these findings.

Several studies focus specifically on the relationship between homeownership and voting behavior. These findings are decidedly mixed, especially at the local level. In several studies, researchers report a positive association between homeownership and voting in presidential elections ([Kingston, Thompson and Eichar 1984](#); [Gilderbloom and Markham 1995](#)). Evidence on voting in local elections is scarcer, reflecting, in part, the paucity of data on local voting behavior. Initial analyses of the American National Election Survey (ANES) report no significant effect of homeownership on voting in local elections ([Kingston, Thompson and Eichar 1984](#)), but this zero-effect finding is challenged by an updated analysis of the General Social Survey, which reports a significant effect of homeownership on local voter participation ([DiPasquale and Glaeser 1999](#)).

Several recent studies focus on the behavioral effects of homeownership on political participation for low-income households. Using data from the Community Advantage Program (CAP), [Manturuk, Lindblad and Quercia \(2009\)](#) report the results of a two-stage model estimating mediating effects of neighborhood disadvantage on the likelihood of voter participation for low-income households. Relative to renters, [Manturuk et al. \(2009\)](#) report that low-income homeowners are more likely to participate in local elections, and that the predicted probability of voting increases for homeowners as neighborhood disadvantage increases.² In contrast, a study by [Engelhardt et al. \(2010\)](#) using data from the Individual Development Accounts (IDA) experiments in Tulsa, Oklahoma reports no significant effect of homeownership on political behavior, including voting and contacting a political official, for low-income households. These unique data sources enable nuanced evaluations of geographically distinct, low-income populations, but are unable to make broader claims about the population at large.

The current article extends existing findings on homeownership as a catalyst for community participation in several ways. First, it models the effect of homeownership on three distinct types of community participation hypothesized to be related to homeownership. Notably, it uses more reliable estimates of voter participation than previous research efforts.³ Second, the research draws on a measure of residential stability at the level of the housing unit, rather than at the community level. The unit-level measure offers a more valid measure of residential stability and allows for the decomposition of the effect of homeownership into its constituent parts. Third, the falsification strategy offers a new approach for thinking about the mechanisms linking homeownership to community participation. After accounting for the increased stability of homeowners, the placebo tests help to identify whether the remaining relationship results from the locally dependent investments homeowners make in their communities, or whether it is driven by selection bias. Finally, the project investigates heterogeneity in the effect of homeownership across income groups. By

comparing the effect of homeownership for high-income households with the effect for low-income households, the article intervenes in current debates about the benefits of homeownership for low-income households (Retsinas and Belsky 2002; Manturuk et al. 2009; Engelhardt et al. 2010).

Data and Methods

Data

This research uses the November supplement of the CPS to test for a relationship between homeownership and community participation. The CPS is a monthly survey of households conducted by the Bureau of Labor Statistics to gather information on the country's labor force characteristics. Households participate in the survey for four consecutive months, and then exit the survey for 8 consecutive months before spending a final 4 consecutive months as part of the sample.

Although the CPS is designed to estimate changes in the employment structure, the survey includes several monthly supplements to gather data on non-employment outcomes. These supplements vary annually and across months, with some supplements asked annually (or biennially) while others are asked just once and then discontinued. To estimate the effect of homeownership on community participation, I utilize the November supplement of the CPS. Since the mid-1960s, the November supplement has biennially asked survey respondents about voter participation. Starting in 2008, the Bureau of Labor Statistics launched a new module as part of the November supplement asking respondents about their involvement in a range of civic activities and membership groups. Although the recent debut of the civic engagement module prohibits an analysis of longitudinal trends in civic engagement, this article is among the first to utilize the supplement to evaluate civic engagement in the United States.

Dependent Variables

Given the substantive interest in local community participation, this research focuses on three participation measures from the November supplement of the CPS. The first is a measure of local voter participation using a pooled sample of cross-sections from the last ten years of the CPS. To create a subsample for local elections, I restrict the data to observations from elections in which no presidential, Senate or gubernatorial campaign was contested.⁴ I necessarily exclude all elections held in presidential years (i.e., 2000, 2004 and 2008), as well as all states that hold gubernatorial elections biennially. Ultimately, these observations are limited to 13 state-years in 1998, 2002 and 2006 in which the top race on the ticket was a Congressional race.⁵

The second measure of community participation asks respondents whether they participated in a school, neighborhood or community group (e.g., PTA, neighborhood watch) in the previous 12 months. I refer to this measure as participation in a neighborhood group. The final measure solicits information on participation in civic organizations. It asks respondents whether they participated in a civic or service group, including the American Legion or the Lions

Club, in the previous 12 months. I refer to this measure as participation in a civic group. Both measures of group participation are taken from the November supplement of the 2008 CPS.⁶

For each of the dependent variables, the outcome is a dichotomous indicator coded “1” if the respondent reported community participation. In total, 44 percent of respondents indicate voting in local elections. Fifty-one percent of homeowners report voting in local elections, compared with only 24 percent of renters. While nearly 9 percent of respondents report participating in a civic group, homeowners are more than twice as likely to report civic group membership (10 percent) than renters (4 percent). More than 17 percent of respondents belong to a neighborhood group, again with homeowners nearly twice as likely to report neighborhood group membership (20 percent) than renters (12 percent).

Estimation Strategy

Given the dichotomous nature of each outcome, I estimate the effect of homeownership on the odds of participating in civic affairs using a logistic regression model. All models are weighted using the supplement weights from the CPS to account for nonresponse bias.⁷ The analysis is restricted only to respondents who self-report their involvement. In a household-level survey, like the CPS, respondents often answer on behalf of the other members of their household. Proxy respondents may not accurately report or know whether the other members of their household voted in an election or belonged to membership organizations.⁸

The primary independent variable of interest is a dichotomous indicator for homeownership measuring whether the respondent owns the residential unit in which he or she resides. Given limitations of the data, I cannot account for different forms of owner-occupancy (e.g., co-ops, single-family detached homes) that might influence community participation (Glaeser and Sacerdote 2000).

The models include a categorical measure of residential stability that helps to decompose the pathways through which homeownership affects community participation. The inclusion of this indicator for residential stability measured at the level of the housing unit enables me to evaluate whether their increased stability accounts for homeowners’ higher rates of community participation. Measuring residential stability at the level of the housing unit offers an improvement over previous studies that measure stability using a respondent’s length of tenure in a community, often defined as a political or administrative district (see DiPasquale and Glaeser 1999; Verba et al. 1995). Citizens often switch housing units within the same political district (e.g., move from one neighborhood to another within a city) and encounter different local political issues and neighborhood problems at each residential location. Moreover, the high transaction costs of moving, even within the same administrative district, could divert resources that would otherwise be devoted to civic participation or disrupt the social networks central to community involvement. The regression models include a three-category indicator of residential stability measuring whether the respondent has lived in his or her residential unit for less than 1 year, 1 to 4 years, or 5 years or more.

The models control for a set of sociodemographic characteristics associated with the likelihood of community participation. I include both a measure of the respondent's race, measured as a three-category variable indicating whether the respondent is white, black or another racial category, and a dichotomous indicator measuring whether the respondent self-reports as Hispanic. The set of control variables includes two indicators of socioeconomic status. The first is a five-category education variable indicating the highest level of education completed and the second is a set of income quartiles indicating self-reported household income.⁹

Recognizing that citizens often participate in community affairs when they have time to do so, I include dichotomous indicators for employment status and the presence of children in the household.¹⁰ The models include binary variables measuring marital status and gender. To capture the effect of age on civic participation, I include age as a continuous measure. I also include a series of state fixed effects to control for state-level differences (e.g., voter registration laws, political cultures) that could drive voter participation or community engagement. The models predicting participation in neighborhood groups and civic associations include an indicator of participation in the 2008 presidential election to control for baseline differences in political involvement between homeowners and renters. To ensure a complete case analysis, I impute values for the variables containing missing data.¹¹

Table 1 reports descriptive statistics from both the 2008 November supplement used to measure membership in neighborhood groups and civic associations and the pooled November supplements used to measure participation in local elections. In both supplements, nearly three quarters of respondents report owning their home. The modal category of residential stability is long-term stability, with just less than 60 percent of respondents reporting residency in their current homes for more than 5 years. More than four out of five respondents are white in both supplements. Almost two thirds of respondents are employed and more than 55 percent are married.

After estimating the effect of homeownership on civic participation for the entire sample, I run a series of models to test for heterogeneity in the effect of homeownership across income categories. Given the interest in homeownership as a financial investment in local communities, the preferable tests of heterogeneity would examine whether the effect of homeownership varies according to the absolute or relative amount of wealth invested in the owner-occupied home. Unfortunately, these measurements are unavailable in the November supplement. Instead, the model uses a series of variables interacting homeownership with each income quartile to test whether the effect of homeownership is constant across levels of household income.

Falsification Strategy

While the baseline regression analyses estimate the relationship between homeownership and community involvement controlling for residential stability, they cannot explain what accounts for this relationship. On one hand, the remaining

Table 1. Descriptive Statistics for the November Supplements of the Current Population Survey

	Local Voting Supplement (Pooled 1998-2006)	Civic Engagement Supplement (2008)
	(1)	(2)
Homeowner	73.24%	73.03%
Residential Stability		
< 1 Year	15.51%	13.66%
1-4 Years	27.86%	28.04%
5+ Years	56.63%	58.31%
Race		
White	87.43%	85.87%
Other	2.65%	5.81%
Black	9.91%	8.94%
Hispanic	2.11%	6.58%
Education		
Less than High School	12.71%	8.97%
High School	34.18%	29.45%
Some College	28.43%	30.58%
College	17.17%	20.29%
More than College	7.51%	10.71%
Married	56.82%	55.38%
Female	61.21%	57.80%
Age (mean)	47.26	48.52
Employed	63.22%	64.44%
Children		28.81%
Number of Observations	9,876	39,308

relationship between homeownership and community engagement could result from the locally dependent financial investments homeowners make in their communities. On the other hand, it could result from unobserved differences between homeowners and renters. Although extensive controls can help purge the homeownership coefficient from bias resulting from key omitted variables, other confounders may still be captured in the regression error term. If these unobserved differences predict both the likelihood of homeownership and the likelihood of community participation, then the residual correlation between homeownership and community involvement points to evidence of selection bias.

To address concerns about selection bias in previous studies, researchers often estimate a two-stage least squares (2SLS) regression instrumenting homeownership in a first-stage model.¹² Researchers have proposed several instruments to address the possibility of omitted variables biasing estimates of homeownership.

These include the annual change in a state's per capita highway stock, the ratio of renting costs to ownership costs, and the median rent-to-property value ratio (Harkness and Newman 2003; Manturuk et al. 2010). The most common variable used as an instrument for homeownership, however, is the state homeownership rate, typically broken down by income groups and racial categories (DiPasquale and Glaeser 1999; Aaronson 2000; Haurin, Parcel and Haurin 2002; Harkness and Newman 2003). Despite the popularity of the state-level homeownership rate as an instrument for homeownership, recent research raises concerns about whether the mean homeownership rate meets the exclusion restriction required for a valid instrument (Engelhardt et al. 2010).

Absent a direct measure of financial investments, this article relies on a falsification strategy to evaluate whether the locally dependent financial investments homeowners make in their communities lead them to vote in local elections, join neighborhood groups and participate in civic associations. Through a series of placebo tests, I compare the models for the main outcomes to a series of models for outcomes likely to be driven by the same confounding variables, but unrelated to homeownership through the financial investments homeowners make in their communities. For the model predicting participation in local elections, I compare the results to a model predicting participation in the 2000 presidential election. For the models predicting participation in neighborhood groups and civic associations, I compare the results to models predicting participation in sports groups, religious groups or other groups. The validity of the falsification tests rests on the assumption that unobserved variables associated with homeownership are not correlated more strongly with the outcomes of interest than with the placebo outcomes.

These comparisons are intended to indirectly identify whether homeowners' financial investments explain the residual correlation between homeownership and community participation. After accounting for their increased stability, I expect homeowners to participate in local elections because of the financial investments they make in their communities. Since local political decisions affect community characteristics and, in turn, affect property values, homeownership should increase participation in local elections. However, since national political decisions do not, by and large, affect local property values, I do not expect homeownership to emerge as a strong predictor of national political participation.

Similarly, I expect homeowners to be more involved in neighborhood groups and civic associations as a means of protecting their financial investments. On account of the locally dependent investments homeowners make in their communities, homeownership should increase the odds of neighborhood group or civic association membership but be unrelated to participation in religious groups, sports groups and other groups. Comparing group participation models provides a means of indirectly testing this financial investment hypothesis. A positive coefficient for homeownership in the models predicting participation in religious groups, sports groups or other groups would raise doubts about locally dependent investments as the mechanism linking homeownership to community participation.

Results

Consistent with previous research, I report that residential stability is a significant predictor of electoral participation. However, residential stability is unrelated to joining membership groups, including neighborhood groups and civic organizations. After accounting for residential stability, homeownership remains a significant predictor of participation in both local and national elections, although the effect is significantly stronger for local electoral participation. I also report that homeownership is positively associated with participation in neighborhood groups and civic groups but unrelated to other types of group membership. These findings provide indirect support for the hypothesis that homeowners participate in neighborhood groups, civic associations and local elections because of the financial investments they make in their communities.

In Table 2, I report the logistic regression results for voting in local and national elections. Without controlling for residential stability, the first set of models reports that homeowners are nearly twice as likely to participate in local elections and one and a half times as likely to vote in national elections. The second set of models includes controls for residential stability, confirming the role of stability in helping individuals overcome the obstacles to electoral participation, including registering to vote, becoming familiar with political candidates and locating polling places. In both local and national elections, residential stability plays a significant role in explaining the observed relationship between homeownership and political involvement, as long-term residential stability more than doubles the odds of participation. Accounting for their increased stability, column 2 reports that homeowners are 1.62 times more likely to vote in local elections than renters.¹³ The relationship between homeownership and participation in national elections is substantially smaller. Column 4 reports that homeowners are 1.26 times more likely to vote in national elections than renters.

There are two potential interpretations to explain the homeownership coefficients for local and national electoral participation in Table 2. On one hand, the coefficient could identify a true effect that results from the locally dependent investment homeowners make in their communities. The larger coefficient in the local voting model is consistent with the idea that homeownership drives community participation by increasing the interest households take in local property values and political decisions. If we assume that locally dependent financial investments slightly increase participation in national elections and the findings are not driven by selection, then the estimate for local elections represents an upper bounds estimate. On the other hand, we could assume that the coefficient on homeownership in the national elections model is driven entirely by selection. While homeowners benefit from some federal policies (e.g., the mortgage interest deduction), their locally dependent investments are unlikely to drive participation in national elections. In this case, we would expect the coefficient on homeownership in the local elections model to be partly driven by selection, as well. Still, this interpretation suggests that the investments homeowners make in their communities explain part of the relationship between homeownership and participation in local elections. Even if unobserved differences between

Table 2. Logistic Regression of Voting in Local and National Elections

	Vote in Local Election		Vote in National Election	
	(1)	(2)	(3)	(4)
Homeownership	0.679*** (0.071)	0.480*** (0.074)	0.410*** (0.033)	0.233*** (0.035)
Residential Stability: 1-4 Years		0.527*** (0.095)		0.319*** (0.041)
Residential Stability: 5+ Years		0.855*** (0.094)		0.700*** (0.043)
Race: Other	-0.763*** (0.198)	-0.736*** (0.201)	-0.649*** (0.084)	-0.684*** (0.085)
Race: Black	0.558*** (0.090)	0.547*** (0.090)	0.648*** (0.047)	0.631*** (0.047)
Hispanic	-0.275 (0.199)	-0.268 (0.199)	-0.072 (0.056)	-0.099 (0.056)
Education: High school	0.720*** (0.092)	0.710*** (0.092)	0.701*** (0.042)	0.705*** (0.042)
Education: Some college	1.336*** (0.097)	1.346*** (0.098)	1.378*** (0.046)	1.398*** (0.046)
Education: College	1.656*** (0.110)	1.703*** (0.110)	2.088*** (0.057)	2.148*** (0.058)
Education: More than college	1.738*** (0.130)	1.813*** (0.132)	2.313*** (0.078)	2.364*** (0.078)
Married	0.326*** (0.060)	0.306*** (0.060)	0.387*** (0.030)	0.370*** (0.030)
Female	-0.035 (0.054)	-0.042 (0.055)	0.158*** (0.028)	0.149*** (0.028)
Age	0.048*** (0.002)	0.043*** (0.002)	0.039*** (0.001)	0.033*** (0.001)
Employed	0.107 (0.064)	0.070 (0.064)	0.112*** (0.033)	0.096** (0.033)
Income: 2 nd Quartile	0.270*** (0.073)	0.264*** (0.074)	0.258*** (0.035)	0.243*** (0.035)
Income: 3 rd Quartile	0.282** (0.089)	0.276** (0.090)	0.430*** (0.045)	0.408*** (0.046)
Income: Top Quartile	0.364*** (0.095)	0.352*** (0.096)	0.587*** (0.050)	0.574*** (0.050)

Continued

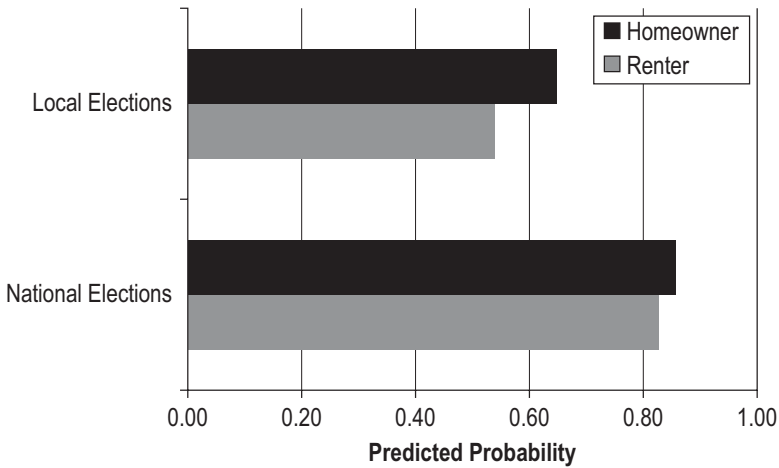
Table 2. Continued

	Vote in Local Election		Vote in National Election	
	(1)	(2)	(3)	(4)
Constant	-4.615*** (0.182)	-4.848*** (0.193)	-2.448*** (0.138)	-2.502*** (0.141)
Number of Observations	9,876	9,876	41,690	41,690
Pseudo R-squared	0.167	0.177	0.165	0.172

* < 0.05 ** < 0.01 *** < 0.001

Note: Models include state fixed effects. Standard errors in parentheses.

Figure 1. Predicted Probability of Voting in Local and National Elections, by Homeownership Status



homeowners and renters explain the entire coefficient for national participation, the comparison of models suggests that unobserved differences do not explain the entire effect observed in local elections.

In Figure 1, I graph the predicted probability of voting in local and national elections for homeowners and renters.¹⁴ The figure compares the predicted probabilities for homeowners and renters who report living in their community for 5 or more years. Homeowners have a significantly higher probability of voting in local elections (0.65) than renters (0.54). Although the effect of homeownership remains statistically significant for national electoral participation, the difference between homeowners (0.86) and renters (0.83) is substantially smaller. These visual comparisons underscore the substantive importance of homeownership in predicting participation in local elections.

The next set of models reports the results from a series of logistic regressions predicting participation in neighborhood groups, civic groups and the remaining group types. For each outcome, the first model controls only for homeownership, while the second model includes controls for residential stability. As reported in Table 3, long-term residential stability is unrelated to the likelihood

Table 3. Logistic Regression of Joining Membership Groups

	Neighborhood Group		Civic Group		Sports Group		Religious Group		Other Group	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Homeownership	0.274*** (0.048)	0.251*** (0.050)	0.281*** (0.066)	0.276*** (0.068)	0.035 (0.052)	0.014 (0.054)	0.076 (0.044)	0.082 (0.046)	-0.022 (0.065)	-0.039 (0.069)
Residential stability: 1-4 Years		-0.039 (0.059)		-0.080 (0.085)		-0.160* (0.064)		-0.106 (0.056)		0.011 (0.084)
Residential stability: 5+ Years		0.062 (0.060)		-0.013 (0.082)		0.027 (0.065)		-0.053 (0.057)		0.057 (0.086)
Race: Other	-0.301*** (0.086)	-0.300*** (0.086)	-0.174 (0.117)	-0.173 (0.117)	-0.469*** (0.100)	-0.467*** (0.100)	-0.344*** (0.085)	-0.342*** (0.085)	-0.222 (0.119)	-0.223 (0.119)
Race: Black	0.107 (0.059)	0.108 (0.059)	-0.465*** (0.096)	-0.464*** (0.096)	-0.472*** (0.082)	-0.470*** (0.082)	0.357*** (0.055)	0.357*** (0.055)	-0.532*** (0.109)	-0.532*** (0.109)
Hispanic	-0.209** (0.071)	-0.210** (0.071)	-0.577*** (0.127)	-0.577*** (0.127)	-0.311*** (0.084)	-0.311*** (0.084)	-0.126 (0.069)	-0.123 (0.069)	-0.347** (0.114)	-0.349** (0.114)
Education: High school	0.137 (0.083)	0.137 (0.083)	0.377*** (0.113)	0.377*** (0.113)	0.347** (0.115)	0.348** (0.115)	0.132 (0.070)	0.131 (0.070)	0.623*** (0.150)	0.624*** (0.150)
Education: Some college	0.597*** (0.083)	0.600*** (0.083)	0.734*** (0.114)	0.735*** (0.114)	0.824*** (0.114)	0.830*** (0.114)	0.592*** (0.070)	0.592*** (0.070)	1.122*** (0.148)	1.124*** (0.148)
Education: College	1.071*** (0.087)	1.078*** (0.087)	0.861*** (0.119)	0.864*** (0.119)	1.133*** (0.118)	1.146*** (0.117)	0.869*** (0.074)	0.871*** (0.074)	1.460*** (0.152)	1.464*** (0.152)
Education: More than college	1.330*** (0.092)	1.339*** (0.092)	1.092*** (0.124)	1.096*** (0.124)	1.171*** (0.122)	1.187*** (0.122)	1.025*** (0.079)	1.026*** (0.079)	1.900*** (0.154)	1.905*** (0.154)

Married	0.094*	0.091*	0.021	0.019	-0.010	-0.010	0.480**	0.480**	-0.081	-0.083
	(0.040)	(0.040)	(0.050)	(0.050)	(0.045)	(0.045)	(0.037)	(0.037)	(0.054)	(0.054)
Female	-0.281***	-0.283***	0.324***	0.324***	0.119**	0.118*				
	(0.035)	(0.035)	(0.042)	(0.042)	(0.038)	(0.038)	(0.031)	(0.031)	(0.046)	(0.046)
Age	0.005**	0.004*	0.021***	0.021***	-0.013***	-0.015***	0.015***	0.015***	0.012***	0.011***
	(0.001)	(0.002)	(0.002)	(0.002)	(0.002)	(0.002)	(0.001)	(0.001)	(0.002)	(0.002)
Employed	-0.040	-0.044	-0.013	-0.014	0.006	0.003	0.005	0.006	0.030	0.027
	(0.040)	(0.040)	(0.053)	(0.053)	(0.046)	(0.046)	(0.036)	(0.036)	(0.055)	(0.055)
Children	1.198***	1.197***	0.058	0.059	0.864***	0.866***	0.381***	0.384***	-0.056	-0.057
	(0.040)	(0.040)	(0.057)	(0.057)	(0.043)	(0.043)	(0.039)	(0.039)	(0.059)	(0.059)
Income: 2 nd quartile	-0.126*	-0.126*	0.109	0.110	0.234***	0.236***	-0.045	-0.044	0.133	0.132
	(0.055)	(0.055)	(0.073)	(0.072)	(0.070)	(0.070)	(0.049)	(0.048)	(0.079)	(0.079)
Income: 3 rd quartile	-0.049	-0.049	0.117	0.117	0.397***	0.398***	-0.017	-0.016	0.263**	0.262**
	(0.060)	(0.060)	(0.080)	(0.080)	(0.074)	(0.074)	(0.054)	(0.054)	(0.085)	(0.085)
Income: 4 th quartile	0.131*	0.129*	0.256**	0.257**	0.673***	0.672***	-0.029	-0.027	0.242**	0.241**
	(0.061)	(0.061)	(0.083)	(0.082)	(0.074)	(0.074)	(0.056)	(0.056)	(0.087)	(0.087)
Voted in 2008 election	0.577***	0.573***	0.710***	0.710***	0.499***	0.496***	0.588***	0.590***	0.677***	0.674***
	(0.050)	(0.050)	(0.073)	(0.073)	(0.057)	(0.057)	(0.047)	(0.047)	(0.077)	(0.077)
Constant	-3.733***	-3.689***	-5.004***	-4.954***	-3.552***	-3.449***	-3.634***	-3.581***	-5.943***	-5.933***
	(0.177)	(0.180)	(0.262)	(0.264)	(0.256)	(0.257)	(0.173)	(0.176)	(0.367)	(0.370)
Number of Observations	39,308	39,308	39,308	39,308	39,308	39,308	39,308	39,308	39,308	39,308
Pseudo R-squared	0.120	0.120	0.071	0.071	0.103	0.104	0.073	0.073	0.074	0.074

* < 0.05 ** < 0.01 *** < 0.001

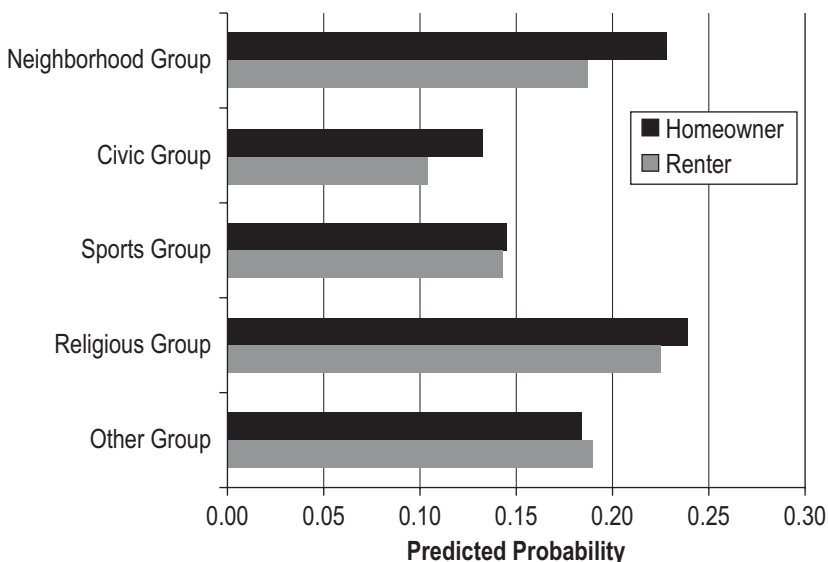
Note: Models include state fixed effects. Standard errors in parentheses.

of participation in each of the five organization types, including neighborhood groups and civic associations. However, the findings reveal a significant role for homeownership in predicting group membership. Columns 2 and 4 of Table 3 report that homeowners are 1.28 times more likely to join neighborhood groups than renters and 1.32 times more likely to belong to civic associations. Homeowners are no more likely than renters to participate in sports group, religious groups or other types of membership groups.

Figure 2 graphs the predicted probability of participating in each type of membership group for homeowners and renters.¹⁵ Again, the models are evaluated for homeowners and renters who have lived in their residential unit for 5 or more years. After controlling for other characteristics, the predicted probability of participating in civic groups is higher for homeowners (0.13) than for renters (0.10). The predicted probability of belonging to a neighborhood group is also higher for homeowners (0.23) than for renters (0.19). The marginal differences between homeowners and renters for participation in sports groups, religious groups or other membership groups in Figure 2 are not statistically significant.

The comparisons in Figure 2 suggest that homeownership increases group participation by investing households with a stake in their local communities. The placebo strategy assumes that unobserved variables biasing estimates of homeownership in the models predicting civic or neighborhood group participation would similarly bias the estimates of homeownership in the other models. The finding that homeowners are no more likely to become involved in religious, sports and other groups mitigates concerns about unobserved selection. By comparison, evidence that homeowners are more likely to become involved in membership groups that affect local neighborhoods and schools provides indirect evidence in support of the financial investment argument.

Figure 2. Predicted Probability of Joining Membership Groups, by Homeownership Status



In the next set of models, I investigate whether the relationship between homeownership and community participation varies across levels of household income. The preferred analysis would explore heterogeneity according to the absolute investment (e.g., housing value, monthly mortgage payments) or the relative investment (e.g., housing value as a proportion of total wealth, monthly mortgage payments as a proportion of monthly income) homeowners make in their community. These measures would provide more conclusive evidence to evaluate whether homeowners' participation decisions depend on the proportion of their aggregate wealth invested in the home, or whether the absolute level of their investment matters. Unfortunately, the November supplement of the CPS does not include data on housing values, mortgage status or household wealth that would enable a direct test of these mechanisms.

Instead, this analysis uses a series of interaction terms to focus on variation in the effect of homeownership across discrete levels of income. The analysis in Table A.1 in the Appendix reports that the effect of homeownership on participation in civic groups and voting in local elections does not vary by household income. However, homeownership is a stronger predictor of participation in neighborhood groups for high-income households than for low-income households. While this analysis explores variation in the effect of homeownership for high- and low-income households, the results provide only preliminary evidence to understand how homeowners' investments influence their participation decisions.

Discussion

The promotion of homeownership has anchored federal housing policy since the New Deal. Across the ideological spectrum, political elites often underscore the importance of homeownership for building stronger communities and increasing citizen participation in the democratic process. Up until now, however, research has produced conflicting evidence and limited support for the claim that homeowners are better citizens.

This research begins by clarifying the potential mechanisms linking homeownership to participation in civic affairs and community life. In particular, it identifies two pathways—residential stability and financial investments in local communities—to explain higher rates of participation in local elections, neighborhood groups and civic associations among homeowners. It asks whether higher levels of participation observed for homeowners result from their increased residential stability, or whether the financial investments homeowners make in local communities drive their participation.

The research finds that residential stability increases the likelihood of electoral participation but is unrelated to participation in membership groups. By stabilizing households within communities, homeownership can help individuals overcome institutional barriers or develop social networks that lead them to participate in the formal political process. After accounting for their increased stability, this article reports that homeowners remain more likely to participate in local elections, civic groups and neighborhood organizations than renters.

While the falsification tests provide indirect evidence that homeowners' financial investments drive their participation decisions, research should continue to build on these findings. To further understand how locally dependent financial investments lead homeowners to become involved in their communities, future research should investigate whether the absolute or the relative level of homeowners' investments affect their participation decisions. In other words, are homeowners more likely to participate when they have invested a substantial proportion of their wealth in their homes or when the absolute size of their investment is large? Directly testing these mechanisms would provide clearer evidence that homeowners' financial investments underlie their involvement in local communities.

Although this research suggests that the locally dependent financial investments homeowners make increase the odds of voting in local elections, participating in neighborhood groups and joining civic associations, we should interpret these findings critically, especially in light of the vast public resources spent to subsidize homeownership in the United States. The Joint Committee on Taxation estimated that the United States Treasury forewent \$90 billion in 2010 to subsidize homeownership through the mortgage interest deduction, one of the country's costliest tax expenditures. By 2014, the Joint Committee on Taxation expects the cost of the deduction to rise well above \$100 billion (Joint Committee on Taxation 2010). Government efforts to subsidize and promote homeownership are often justified by the civic returns to individuals and the benefits that accrue to communities. While the financial costs are enormous, the total effect of homeownership on community participation appears modest, especially in comparison to some of the other coefficients in the model. In particular, the models confirm that education remains the single most important driver of political participation and group membership in the United States (Verba, Schlozman and Brady 1995). The findings presented in this research should help guide policymakers and citizens concerned about balancing the costs and benefits of government efforts to promote homeownership and increase participation in residential communities.

Over the last two decades, policymakers have sought to close the gap in the American homeownership rate by targeting subsidies towards low-income citizens. While proponents of these efforts argue that low-income households gain substantially from these programs, with some evidence suggesting that the children of low-income homeowners perform better in school and homeownership provides low-income households an opportunity to build their wealth portfolio, critics have challenged the wisdom and effectiveness of these efforts (Retsinas and Belsky 2002; Shlay 2006). They question whether low-income homeowners benefit disproportionately from the transition to homeownership. Preliminary analyses reported in this article suggest that low-income households do not experience disproportionately strong civic returns from homeownership. These findings raise a cautionary flag about the effectiveness of homeownership as a tool for spurring community participation for low-income households.

Beyond concerns about federal homeownership policy, the findings presented in this research do not easily lend themselves to normative conclusions about homeownership, civic participation and community life. Recognizing the importance of their financial investments, it is possible—even likely—that homeowners participate more actively to secure a set of benefits narrowly beneficial to their self-interest, rather than beneficial to the broader community. We should be particularly concerned if citizen participation occurs primarily through homeowners’ organizations or other groups narrowly interested in the concerns of property owners (McKenzie 1994). This type of civic activism could generate a form of NIMBYism (Not In My Back Yard) that creates communities that are less inclusive and more segregated (Verba and Nie 1972: Chapter 18; Fiorina 1999; Fischel 2001). Given data limitations about the types of neighborhood groups or civic associations homeowners join, we must tread cautiously in uncritically celebrating the civic benefits of homeownership. Although homeownership contributes to higher levels of community involvement, it may shape communities in ways antithetical to normative ideas of vibrant, democratic community life.

This research article comes at an important moment for American housing policy. Since the New Deal, homeownership has been celebrated as the apex of the American Dream, and the possibilities for expanding homeownership appeared limitless. Following several decades of growth, the homeownership rate recently peaked at 69 percent before falling in recent years. This sudden decline sparked a reevaluation of the place of homeownership in American society. This research contributes to that reevaluation by theorizing the mechanisms through which homeownership increases civic engagement and decomposing the effect to account for both residential stability and locally dependent financial investments. In doing so, it offers new empirical evidence about the role of homeownership as a catalyst for community participation.

Notes

1. This research utilizes the 2004 Survey of Consumer Finance. As a result, it doesn’t consider how the recent housing and foreclosure crisis shifted the wealth portfolio of American households.
2. Notably, Manturuk, Lindblad and Quercia (2009) report no mediating effect of neighborhood disadvantage on the likelihood of voting for renters.
3. Self-reported estimates of voter participation are subject to substantial overreporting, as voter participation is viewed as a socially desirable behavior (Clausen 1968; Traugott and Katosh 1979). Because the CPS asks respondents about participation in the same month in which an election is held, it offers more reliable estimates of voter participation than the General Social Survey (GSS) or the American National Election Survey (ANES). It is not subject to recall bias endemic to the GSS, or concerns that the survey itself stimulates participation, as with the ANES (Burden 2000; Himmelweit, Biberian and Stockdale 1978; Weir 1975).
4. The 13 state years in which voters faced no presidential, Senate or gubernatorial elections are as follows: DE-98, MS-98, MT-98, NJ-98, VA-98, WV-98, IN-02, ND-02, UT-02, WA-02, KY-06, LA-06, NC-06.

5. While the preferred measure of local elections would focus on elections contested within communities (e.g., mayor, school board, city council), these data are unavailable in the CPS. Still, the construction of the local elections variable reflects two key features of House elections that illustrate the heightened role of local issues in driving participation. First, members of the House of Representative typically advocate for district-level resources and projects likely to benefit local constituencies. These locally targeted resources affect electoral outcomes in Congressional districts, rendering much of the work done by members of the House of Representative distinctly local (Stein and Bickers 1994; Alvarez and Saving 1997). These “pork” projects are likely to provide differential benefits to homeowners and nonhomeowners. Second, Congressional elections have become increasingly less competitive over the last couple decades (Hirsch 2003; Abramowitz, Alexander and Gunning 2006). As a result of this decline in electoral competitiveness, local races and issues may be driving electoral turnout in off-year elections.
6. The question on voter participation reads: “In any election, some people are not able to vote because they are sick or busy or have some other reason, and others do not want to vote. Did you vote in the election held Tuesday, November X?” The questions on group membership read: “Please tell me whether or not you participated in any of these groups during the last 12 months, that is between November 2007 and now: A school group, neighborhood, or community association such as PTA or neighborhood watch groups? A service or civic organization such as American Legions or Lions Club?”
7. To account for high nonresponse rates in the 2008 Civic Engagement supplement, the models for group membership are weighted using the supplement nonresponse variable (pwnrwgt). These results are robust to an alternative weighting using the CPS final weight variable (pwswgt). The voter participation models are run with the final weight variable.
8. Limiting the analysis to respondents who self-report their participation significantly decreases the sample size, as nearly one third of observations are not self-reported. However, the results are robust to specifications that include the entire universe of respondents.
9. The income quartiles are recoded from a 16-category ordinal variable in the CPS.
10. Because the 1998 supplement does not include an indicator for the presence of children in the household, I do not include this measure in the analysis of voter participation.
11. I impute missing data using an ordered logistic regression for two categorical variables in the analysis that contain missing data—income and residential stability. The results reported throughout are robust to an alternative missing data specification in which missing data is recoded as an additional discrete category.
12. For additional information on using instrumental variables to estimate causal effects, see Angrist, Imbens and Rubin (1996).
13. I calculate the change in the odds by exponentiating the coefficients from Table 2 (e.g., $\exp(.480) = 1.62$)
14. The predicted probabilities are calculated for a 46-year-old white, married, non-Hispanic female. The hypothetical respondent has some college education and an income in the third income quartile. She is currently employed.
15. The predicted probabilities are calculated for a 49-year-old white, married, non-Hispanic female. The hypothetical respondent has a college education and an income in the third income quartile. She is currently employed and reported voting in the last election.

Appendix Table A.1. Logistic Regression of Community Participation with Interaction Terms

	Vote in Local Elections	Neighborhood Group	Civic Group
	(1)	(2)	(3)
Homeownership	0.450*** (0.108)	0.140 (0.084)	0.309** (0.116)
Residential Stability: 1-4 years	0.527*** (0.095)	-0.040 (0.059)	-0.075 (0.085)
Residential Stability: 5+ years	0.856*** (0.095)	0.064 (0.060)	-0.005 (0.082)
Homeownership * 2 nd income quartile	0.007 (0.152)	0.133 (0.110)	0.106 (0.155)
Homeownership * 3 rd income quartile	0.107 (0.211)	0.051 (0.126)	-0.237 (0.176)
Homeownership * 4 th income quartile	0.148 (0.270)	0.320* (0.133)	-0.119 (0.179)
Race: Other	-0.734*** (0.201)	-0.288*** (0.085)	-0.180 (0.117)
Race: Black	0.546*** (0.090)	0.111 (0.059)	-0.443*** (0.096)
Hispanic	-0.271 (0.199)	-0.206** (0.071)	-0.579*** (0.127)
Education: High school	0.709*** (0.092)	0.138 (0.083)	0.378*** (0.114)
Education: Some college	1.344*** (0.098)	0.606*** (0.083)	0.739*** (0.114)
Education: College	1.703*** (0.111)	1.080*** (0.087)	0.875*** (0.119)
Education: More than college	1.811*** (0.132)	1.340*** (0.092)	1.101*** (0.124)
Married	0.304*** (0.060)	0.090* (0.040)	0.022 (0.050)
Female	-0.043 (0.055)	0.470*** (0.035)	-0.291*** (0.042)
Age	0.043*** (0.002)	0.004* (0.002)	0.021*** (0.002)

Continued

Appendix Table A.1. Continued

	Vote in Local Elections	Neighborhood Group	Civic Group
	(1)	(2)	(3)
Employed	0.070 (0.064)	-0.042 (0.040)	-0.013 (0.053)
Children		1.195*** (0.040)	0.057 (0.057)
Income: 2 nd quartile	0.264* (0.130)	-0.190* (0.087)	0.020 (0.133)
Income: 3 rd quartile	0.193 (0.193)	-0.047 (0.108)	0.309* (0.157)
Income: 4 th quartile	0.225 (0.261)	-0.113 (0.121)	0.361* (0.168)
Voted in 2008 election		0.574*** (0.050)	0.705*** (0.072)
Constant	-4.831*** (0.197)	-3.640*** (0.180)	-4.990*** (0.272)
Number of Observations	9,867	39,387	39,387
Pseudo R-squared	0.177	0.121	0.071

* < 0.05 ** < 0.01 *** < 0.001

Note: Models include state fixed effects. Standard errors in parentheses.

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HOUSE BILL NO. 470

INTRODUCED BY M. MALONE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING COUNTY ZONING LAWS; ALLOWING THE RESIDENTS OF AN UNINCORPORATED AREA TO PETITION THE BOARD OF COUNTY COMMISSIONERS TO CREATE A COUNTY PLANNING BOARD; PROVIDING ADDITIONAL CRITERIA THAT MUST BE USED TO DEVELOP ZONING REGULATIONS; REQUIRING ADDITIONAL RESOURCES BE PROVIDED TO THE PUBLIC BEFORE A HEARING ON THE ADOPTION OF ZONING REGULATIONS; ALLOWING REGISTERED VOTERS TO CALL FOR THE REVOCATION OF ZONING REGULATIONS; AND AMENDING SECTIONS 76-1-104, 76-2-203, AND 76-2-205, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-1-104, MCA, is amended to read:

"76-1-104. Procedure to establish county planning board -- protest. (1) Before a county planning board may be created, the board of county commissioners shall by resolution give public notice of their intent to create ~~such a~~ a planning board and of a public hearing ~~thereon~~ for it by publication of notice of time and place of hearing on ~~such the~~ the resolution in each newspaper published in the county not less than 15 or more than 30 days prior to the date of hearing.

(2) The board of county commissioners shall by resolution give public notice of their intent to create a planning board as provided in subsection (1) if a majority of the electors that meet the qualifications provided in subsection (3) sign a petition for the creation of a planning board.

(3) An elector is eligible to sign a petition as allowed in subsection (2) if the elector resides:

(a) in the county;

(b) outside the limits of the jurisdictional area of a city-county planning board established pursuant to 76-1-504 through 76-1-507;

(c) outside of the incorporated limits of each city and town in the county; and

(d) in an area that conforms to a reasonably definable geographic or development pattern.



1 ~~(2)~~(4) A resolution creating a county planning board shall may not be adopted by the board of county
 2 commissioners if disapproved in writing, not later than 60 days after ~~such~~ the hearing, by a majority of the
 3 qualified electors of the county residing outside the limits of the jurisdictional area of an existing city-county
 4 planning board established pursuant to 76-1-504 through 76-1-507 and outside the incorporated limits of each
 5 city and town in the county."

6

7 **Section 2.** Section 76-2-203, MCA, is amended to read:

8 **"76-2-203. Criteria and guidelines for zoning regulations.** (1) Zoning regulations must be:

9 (a) made in accordance with the growth policy; and

10 (b) designed to:

11 (i) secure safety from fire and other dangers;

12 (ii) promote public health, public safety, and general welfare; and

13 (iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other
 14 public requirements.

15 (2) In the adoption of zoning regulations, the board of county commissioners shall consider:

16 (a) reasonable provision of adequate light and air;

17 (b) the effect on motorized and nonmotorized transportation systems;

18 (c) compatible urban growth in the vicinity of cities and towns that at a minimum must include the
 19 areas around municipalities;

20 (d) the character of the district and its peculiar suitability for particular uses;

21 ~~(e)~~ the best evidence available that contemplates various social, economic, and environmental
 22 considerations; and

23 ~~(e)~~(f) conserving the value of buildings and encouraging the most appropriate use of land throughout
 24 the jurisdictional area.

25 (3) Zoning regulations must, as nearly as possible, be made compatible with the zoning ordinances of
 26 nearby municipalities.

27 (4) As used in this section, "best evidence" means evidence that provides the best empirically based
 28 explanatory power, the most compelling, equitable argument, and the least bias."

1

2 **Section 3.** Section 76-2-205, MCA, is amended to read:

3 **"76-2-205. Procedure for adoption of regulations and boundaries.** (1) The board of county
4 commissioners shall observe the following procedures in the establishment or revision of boundaries for zoning
5 districts and in the adoption or amendment of zoning regulations:

6 ~~(1)~~(2) Notice of a public hearing on the proposed zoning district boundaries and of regulations for the
7 zoning district must:

8 (a) state:

9 (i) the boundaries of the proposed district;

10 (ii) the general character of the proposed zoning regulations;

11 (iii) the time and place of the public hearing;

12 (iv) that the proposed zoning regulations are on file for public inspection at the office of the county clerk
13 and recorder;

14 (b) provide a clear summary of proposed changes and include a reference to the complete proposed
15 plan made available electronically through the use of a website or by written document that is made freely
16 available to the general public;

17 ~~(b)~~(c) be posted not less than 45 days before the public hearing in at least five public places, including
18 but not limited to public buildings and adjacent to public rights-of-way, within the proposed district; ~~and~~

19 ~~(c)~~(d) be published once a week for 2 weeks in a newspaper of general circulation within the ~~county~~
20 county; and

21 (e) be sent by mail to each property owner residing within the boundaries of the proposed zoning
22 district.

23 ~~(2)~~(3) At the public hearing, the board of county commissioners shall give the public an opportunity to
24 be heard regarding the proposed zoning district and regulations.

25 ~~(3)~~(4) After the public hearing, the board of county commissioners shall review the proposals of the
26 planning board and shall make any revisions or amendments that it determines to be proper.

27 ~~(4)~~(5) The board of county commissioners may pass a resolution of intention to create a zoning
28 district and to adopt zoning regulations for the district.

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING PLANNING, ZONING, AND
5 SUBDIVISION REGULATION LAWS; PROVIDING ADDITIONAL CRITERIA TO CONSIDER WHEN
6 ADOPTING ZONING AND SUBDIVISION REGULATIONS; ALLOWING THE RESIDENTS OF AN
7 UNINCORPORATED AREA TO PETITION THE BOARD OF COUNTY COMMISSIONERS TO CREATE A
8 COUNTY PLANNING BOARD; PROVIDING ADDITIONAL METHODS FOR GRANTING VARIANCES TO
9 ZONING AND SUBDIVISION REGULATIONS; ALLOWING THE BOARD OF APPEALS TO HEAR
10 ADDITIONAL ARGUMENTS; AND AMENDING SECTIONS 76-1-104, 76-2-221, 76-2-223, 76-2-227, 76-3-103,
11 76-3-501, 76-3-506, AND 76-8-101, MCA."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14
15 **NEW SECTION. Section 1. Zoning regulation derivations -- provision for granting variances. (1)**

16 Zoning regulations adopted under this part may be derived from general goals and regulations as well as
17 specific regulations that apply to a specific parcel and achieve a tangible regulatory purpose.

18 (2) A property owner's interest in the use and value of the property shall:

- 19 (a) supersede general goals when a variance is sought; and
- 20 (b) not supersede a specific regulation.

21 (3) The governing body holds a rebuttable presumption that a specific regulation is the least restrictive
22 measure required to achieve intended purposes based on best evidence as it applies to a parcel.

23 (4) A property owner may seek a variance based on specific or general regulations if the property
24 owner:

- 25 (a) can prove the regulation substantially impairs the use or value of the property;
- 26 (b) offers a viable alternative approach based on best evidence that achieves substantially the same
27 effect of the regulation; or
- 28 (c) can prove that the regulation is not based on best evidence.

1 (5) As used in this section, the following definitions apply:

2 (a) "Best evidence" means evidence that provides the best empirically based explanatory power, the
3 most compelling, equitable argument, and the least bias.

4 (b) "General goal" or "general regulation" means a goal or regulation that may be intangible or that
5 may not relate directly to the property in question clearly and readily ascertainable. Examples of a general goal
6 or regulation include but are not limited to:

7 (i) the amount of open space;

8 (ii) the preservation of view sheds or their equivalent; or

9 (iii) the character of the community.

10 (c) "Specific regulation" means a regulation designed for a specific parcel and may include but is not
11 limited to a regulation regarding:

12 (i) lot size restriction based on tangible considerations of water availability, services, and fire
13 mitigation;

14 (ii) set back requirements;

15 (iii) use restrictions; and

16 (iv) ingress and egress requirements.

17 (d) "Substantial impairment" means an impairment of the use or value of the property as judged by a
18 reasonable person to be greater than a de minimis amount.

19

20 **Section 2.** Section 76-1-104, MCA, is amended to read:

21 **"76-1-104. Procedure to establish county planning board -- protest.** (1) Before a county planning
22 board may be created, the board of county commissioners shall by resolution give public notice of their intent to
23 create such a planning board and of a public hearing ~~thereon~~ on it by publication of notice of time and place of
24 hearing on such ~~the~~ the resolution in each newspaper published in the county not less than 15 or more than 30
25 days prior to the date of hearing.

26 (2) The board of county commissioners shall by resolution give notice of intent to create a planning
27 board as provided in subsection (1) if a majority of the electors that meet the qualifications provided in
28 subsection (3) sign a petition for the creation of a planning board.

- 1 (3) An elector is eligible to sign a petition as allowed in subsection (2) if the elector resides:
- 2 (a) in the county;
- 3 (b) outside the limits of the jurisdictional area of a city-county planning board established pursuant to
- 4 76-1-504 through 76-1-507;
- 5 (c) outside of the incorporated limits of each city and town in the county; and
- 6 (d) in an area that conforms to a reasonably definable geographic or development pattern.

7 ~~(2)~~(4) A resolution creating a county planning board shall not be adopted by the board of county
 8 commissioners if disapproved in writing, not later than 60 days after such ~~the~~ hearing, by a majority of the
 9 qualified electors of the county residing outside the limits of the jurisdictional area of an existing city-county
 10 planning board established pursuant to 76-1-504 through 76-1-507 and outside the incorporated limits of each
 11 city and town in the county."

12

13 **Section 3.** Section 76-2-221, MCA, is amended to read:

14 **"76-2-221. Board of adjustment.** (1) The board of county commissioners shall provide for the
 15 appointment of a board of adjustment and in the regulations and restrictions adopted pursuant to the authority
 16 of this part shall provide that the board of adjustment may, in appropriate cases and subject to appropriate
 17 conditions and safeguards, make special exceptions to the terms of the zoning resolution in harmony with its
 18 general purposes and intent and in accordance with the general or specific rules of this part.

19 (2) The board of adjustment shall adopt rules in accordance with the provisions of any resolution
 20 adopted pursuant to this part. Meetings of the board of adjustment must be held at the call of the presiding
 21 officer and at times that the board may determine. The presiding officer or in the presiding officer's absence the
 22 acting presiding officer may administer oaths and compel the attendance of witnesses.

- 23 (3) The board of adjustment shall consider:
- 24 (a) the social, economic, and environmental impact of regulation; and
- 25 (b) viable alternatives and best evidence presented by property owners whose property use or value
- 26 has been substantially impaired by regulation.

27 (4) As used in this section, "best evidence" means evidence that provides the best empirically based
 28 explanatory power, the most compelling, equitable argument, and the least bias."



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Section 4. Section 76-2-223, MCA, is amended to read:

"76-2-223. Powers of board of adjustment. (1) The board of adjustment shall have the following powers:

(a) to hear and decide appeals ~~where~~ in which it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this part or of any resolution adopted pursuant thereto to this part;

(b) to hear and decide special exceptions to the terms of the zoning resolution ~~upon which said that~~ the board is required to pass under such the resolution;

(c) to authorize upon appeal in specific cases ~~such a~~ variance from the terms of the resolution ~~as will not be that is not~~ contrary to the public interest and where in which, owing to special conditions, a literal enforcement of the provisions of the resolution will result in unnecessary hardship and so that the spirit of the resolution shall ~~must~~ be observed and substantial justice done; done; and

(d) to hear petitions for variance from a property owner whose property is substantially hindered in use and value who can provide best evidence for a less-restrictive approach that achieves substantially the same effect while reducing the hindrance to the use and value of the property.

(2) In exercising the above-mentioned powers, the board of adjustment may, in conformity with the provisions of this part, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make ~~such the~~ the order, requirement, decision, or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.

(3) As used in this section, "best evidence" means evidence that provides the best empirically based explanatory power, the most compelling, equitable argument, and the least bias."

Section 5. Section 76-2-227, MCA, is amended to read:

"76-2-227. Appeals -- board of county commissioners or board of adjustment to court of record -- county commissioners may establish appeal process. (1) (a) The board of county commissioners may establish in the zoning regulations a process for an appeal of a decision by the board of adjustment to the board of county commissioners by any person or persons, jointly or severally, aggrieved by a decision of the

1 board of adjustment or an officer, department, board, or bureau of the county.

2 (b) The process, if established, must provide that an appeal to the board of county commissioners be
3 initiated by presenting to the board of county commissioners a petition, duly verified, setting forth that the
4 decision is illegal, in whole or in part, and specifying the grounds of the illegality.

5 (c) The petition must be presented to the board of county commissioners within 30 days after the filing
6 of the decision of the board of adjustment, and a final decision must be made within 60 days of receipt of the
7 petition.

8 (d) The board of county commissioners may:

9 (i) remand the special exception to the board of adjustment;

10 (ii) reverse or affirm, wholly or partly, the decision of the board of adjustment; or

11 (iii) modify the decision of the board of adjustment.

12 (2) Any person or persons, jointly or severally, aggrieved by a decision of the board of county
13 commissioners or the board of adjustment may present to a court of record a petition, duly verified accordingly,
14 setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The
15 petition must be presented to the court within 30 days after the filing of the decision in the office of the
16 appropriate board.

17 (3) Upon presentation of a petition, the court may allow a writ of certiorari directed to the board of
18 county commissioners or the board of adjustment to review the decision of the board and shall prescribe in the
19 writ the time within which a return must be made and served upon the relator's attorney, which may not be less
20 than 10 days and may be extended by the court. The allowance of the writ may not stay proceedings upon the
21 decision appealed from, but the court may, upon application, on notice to the board of county commissioners or
22 the board of adjustment, and on due cause shown, grant a restraining order. The board of county
23 commissioners or the board of adjustment may not be required to return the original papers acted upon by it,
24 but it is sufficient to return certified or sworn copies of the original papers or of portions of the original papers
25 that may be called for by the writ. The return must concisely set forth other facts that may be pertinent and
26 material to show the grounds of the decision appealed from and must be verified.

27 (4) If, upon the hearing, it appears to the court that testimony is necessary for the proper disposition
28 of the matter, the court may take evidence or appoint a referee to take evidence as it may direct and report the

1 evidence to the court with the referee's findings of fact and conclusions of law, which constitute a part of the
2 proceedings upon which the determination of the court must be made.

3 (5) The court may reverse or affirm, wholly or partly, or may modify the decision brought up for
4 review.

5 (6) An established and accepted variance taken from one petition for variance constitutes compliance
6 of other property owners who have substantially similar conditions that meet the applicable regulatory goal. The
7 county is responsible for providing the burden of proof to determine that a variance is not applicable in
8 subsequent cases."

9

10 **Section 6.** Section 76-3-103, MCA, is amended to read:

11 **"76-3-103. Definitions.** As used in this chapter, unless the context or subject matter clearly requires
12 otherwise, the following definitions apply:

13 (1) "Best evidence" means evidence that provides the best empirically based explanatory power, the
14 most compelling, equitable argument, and the least bias.

15 (2) "Certificate of survey" means a drawing of a field survey prepared by a registered surveyor for the
16 purpose of disclosing facts pertaining to boundary locations.

17 ~~(2)~~(3) "Cluster development" means a subdivision with lots clustered in a group of five or more lots
18 that is designed to concentrate building sites on smaller lots in order to reduce capital and maintenance costs
19 for infrastructure through the use of concentrated public services and utilities, while allowing other lands to
20 remain undeveloped.

21 ~~(3)~~(4) "Dedication" means the deliberate appropriation of land by an owner for any general and public
22 use, reserving to the landowner no rights that are incompatible with the full exercise and enjoyment of the
23 public use to which the property has been devoted.

24 (4)(5) "Division of land" means the segregation of one or more parcels of land from a larger tract held
25 in single or undivided ownership by transferring or contracting to transfer title to a portion of the tract or properly
26 filling a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to
27 this chapter. The conveyance of a tract of record or an entire parcel of land that was created by a previous
28 division of land is not a division of land.

1 ~~(5)~~(6) "Examining land surveyor" means a registered land surveyor appointed by the governing body
2 to review surveys and plats submitted for filing.

3 ~~(6)~~(7) "Final plat" means the final drawing of the subdivision and dedication required by this chapter to
4 be prepared for filing for record with the county clerk and recorder and containing all elements and
5 requirements set forth in this chapter and in regulations adopted pursuant to this chapter.

6 ~~(7)~~(8) "Governing body" means a board of county commissioners or the governing authority of a city
7 or town organized pursuant to law.

8 ~~(8)~~(9) "Immediate family" means a spouse, children by blood or adoption, and parents.

9 ~~(9)~~(10) "Minor subdivision" means a subdivision that creates five or fewer lots from a tract of record.

10 ~~(10)~~(11) "Phased development" means a subdivision application and preliminary plat that at the time of
11 submission consists of independently platted development phases that are scheduled for review on a schedule
12 proposed by the subdivider.

13 ~~(11)~~(12) "Planned unit development" means a land development project consisting of residential
14 clusters, industrial parks, shopping centers, or office building parks that compose a planned mixture of land
15 uses built in a prearranged relationship to each other and having open space and community facilities in
16 common ownership or use.

17 ~~(12)~~(13) "Plat" means a graphical representation of a subdivision showing the division of land into lots,
18 parcels, blocks, streets, alleys, and other divisions and dedications.

19 ~~(13)~~(14) "Preliminary plat" means a neat and scaled drawing of a proposed subdivision showing the
20 layout of streets, alleys, lots, blocks, and other elements of a subdivision that furnish a basis for review by a
21 governing body.

22 ~~(14)~~(15) "Public utility" has the meaning provided in 69-3-101, except that for the purposes of this
23 chapter, the term includes county or consolidated city and county water or sewer districts as provided for in Title
24 7, chapter 13, parts 22 and 23, and municipal sewer or water systems and municipal water supply systems
25 established by the governing body of a municipality pursuant to Title 7, chapter 13, parts 42, 43, and 44.

26 ~~(15)~~(16) "Subdivider" means a person who causes land to be subdivided or who proposes a
27 subdivision of land.

28 ~~(16)~~(17) "Subdivision" means a division of land or land so divided that it creates one or more parcels

1 containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States
 2 government section, exclusive of public roadways, in order that the title to the parcels may be sold or otherwise
 3 transferred and includes any resubdivision and a condominium. The term also means an area, regardless of its
 4 size, that provides or will provide multiple spaces for rent or lease on which recreational camping vehicles or
 5 mobile homes will be placed.

6 ~~(17)~~(18) (a) "Tract of record" means an individual parcel of land, irrespective of ownership, that can be
 7 identified by legal description, independent of any other parcel of land, using documents on file in the records of
 8 the county clerk and recorder's office.

9 (b) Each individual tract of record continues to be an individual parcel of land unless the owner of the
 10 parcel has joined it with other contiguous parcels by filing with the county clerk and recorder:

11 (i) an instrument of conveyance in which the aggregated parcels have been assigned a legal
 12 description that describes the resulting single parcel and in which the owner expressly declares the owner's
 13 intention that the tracts be merged; or

14 (ii) a certificate of survey or subdivision plat that shows that the boundaries of the original parcels have
 15 been expunged and depicts the boundaries of the larger aggregate parcel.

16 (c) An instrument of conveyance does not merge parcels of land under subsection ~~(17)(b)(i)~~ (18)(b)(i)
 17 unless the instrument states, "This instrument is intended to merge individual parcels of land to form the
 18 aggregate parcel(s) described in this instrument" or a similar statement, in addition to the legal description of
 19 the aggregate parcels, clearly expressing the owner's intent to effect a merger of parcels."
 20

21 **Section 7.** Section 76-3-501, MCA, is amended to read:

22 **"76-3-501. Local subdivision regulations.** (1) The governing body of every county, city, and town
 23 shall adopt and provide for the enforcement and administration of subdivision regulations reasonably providing
 24 for:

25 ~~(1)~~(a) the orderly development of their jurisdictional areas;

26 ~~(2)~~(b) the coordination of roads within subdivided land with other roads, both existing and planned;

27 ~~(3)~~(c) the dedication of land for roadways and for public utility easements;

28 ~~(4)~~(d) the improvement of roads;

- 1 ~~(5)~~(e) the provision of adequate open spaces for travel, light, air, and recreation;
- 2 ~~(6)~~(f) the provision of adequate transportation, water, and drainage;
- 3 ~~(7)~~(g) subject to the provisions of 76-3-511, the regulation of sanitary facilities;
- 4 ~~(8)~~(h) the avoidance or minimization of congestion; and
- 5 ~~(9)~~(i) the avoidance of subdivisions that would involve unnecessary environmental degradation and
- 6 danger of injury to health, safety, or welfare by reason of natural hazard, including but not limited to fire and
- 7 wildland fire, or the lack of water, drainage, access, transportation, or other public services or that would
- 8 necessitate an excessive expenditure of public funds for the supply of the services.

9 (2) Subdivision regulations adopted under this part may be derived from general goals and
 10 regulations as well as specific regulations that apply to a specific parcel and achieve a tangible regulatory
 11 purpose.

12 (3) A property owner's interest in the use and value of the property:

13 (a) must supersede general goals when a variance is sought; and

14 (b) may not supersede a specific regulation.

15 (4) The governing body holds a rebuttable presumption that a specific regulation is the least-
 16 restrictive measure required to achieve the intended purpose based on best evidence as it applies to a parcel.

17 (5) When adopting regulations allowed in this section, the governing body shall use the best evidence
 18 available and create a rebuttable presumption that adopted regulations are based on the best evidence.

19 (6) As used in this section, the following definitions apply:

20 (a) "General goal" or "general regulation" means a goal or regulation that may be intangible or that
 21 may not relate directly to the property in question clearly and readily ascertainable. Examples of a general goal
 22 or general regulation include but are not limited to:

23 (i) the amount of open space;

24 (ii) the preservation of view sheds or their equivalent; or

25 (iii) the character of the community.

26 (b) "Specific regulation" means a regulation designed for a specific parcel and may include but is not
 27 limited to a regulation regarding:

28 (i) lot size restriction based on tangible considerations of water availability, services, and fire

- 1 mitigation;
- 2 (ii) setback requirements;
- 3 (iii) use restrictions; and
- 4 (iv) ingress and egress requirements."

5

6 **Section 8.** Section 76-3-506, MCA, is amended to read:

7 **"76-3-506. Provision for granting variances.** (1) Subdivision regulations may authorize the
 8 governing body, after a public hearing on the variance request before the governing body or its designated
 9 agent or agency, to grant variances from the regulations when strict compliance will result in undue hardship or
 10 a substantial impairment to property use or value and when it is not essential to the public welfare.

11 (2) Any variance granted pursuant to this section must be based on specific variance criteria
 12 contained in the subdivision regulations.

13 (3) A minor subdivision as provided for in 76-3-609(2) is not subject to the public hearing requirement
 14 of this section.

15 (4) A property owner may seek a variance based on specific or general regulations as provided in 76-
 16 3-501 if the property owner:

- 17 (a) can prove the regulation substantially impairs the use or value of the property;
- 18 (b) offers a viable, alternative approach based on best evidence that achieves substantially the same
 19 effect of the regulation; or
- 20 (c) can prove that the regulation is not based on best evidence.

21 (5) As used in this section, "substantial impairment" means an impairment of the use or value of the
 22 property as judged by a reasonable person to be greater than a de minimis amount."

23

24 **Section 9.** Section 76-8-101, MCA, is amended to read:

25 **"76-8-101. Definitions.** As used in this part, the following definitions apply:

- 26 (1) "Building" means a structure or a unit of a structure with a roof supported by columns or walls for
 27 the permanent or temporary housing or enclosure of persons or property or for the operation of a business.
 28 Except as provided in 76-3-103~~(46)~~(17) the term includes a recreational camping vehicle, mobile home, or cell

1 tower. The term does not include a condominium or townhome.

2 (2) "Department" means the department of environmental quality provided for in 2-15-3501.

3 (3) "Governing body" means the legislative authority for a city, town, county, or consolidated city-
4 county government.

5 (4) "Landowner" means an owner of a legal or equitable interest in real property. The term includes
6 an heir, successor, or assignee of the ownership interest.

7 (5) "Local reviewing authority" means a local department or board of health that is approved to
8 conduct reviews under Title 76, chapter 4.

9 (6) "Supermajority" means:

10 (a) an affirmative vote of at least two-thirds of the present and voting members of a city or town
11 council;

12 (b) a unanimous affirmative vote of the present and voting county commissioners in counties with
13 three county commissioners;

14 (c) an affirmative vote of at least four-fifths of the present and voting county commissioners in
15 counties with five commissioners;

16 (d) an affirmative vote of at least two-thirds of the present and voting county commissioners in
17 counties with more than five commissioners; or

18 (e) an affirmative vote of at least two-thirds of the present and voting members of the governing body
19 of a consolidated city-county government.

20 (7) "Tract" means an individual parcel of land that can be identified by legal description, independent
21 of any other parcel of land, using documents on file in the records of the county clerk and recorder's office."
22

23 NEW SECTION. **Section 10. Codification instruction.** [Section 1] is intended to be codified as an
24 integral part of Title 76, chapter 2, part 2, and the provisions of Title 76, chapter 2, part 2, apply to [section 1].

25 - END -

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING PLANNING, ZONING, AND
5 SUBDIVISION REGULATION LAWS; PROVIDING ADDITIONAL GROWTH POLICY AND ZONING
6 REGULATION CRITERIA AND ELEMENTS; REQUIRING ADDITIONAL PUBLIC INPUT BEFORE A HEARING
7 ON THE ADOPTION OF ZONING REGULATIONS; PROVIDING ADDITIONAL CRITERIA THAT A LOCAL
8 GOVERNING BODY SHALL CONSIDER WHEN ADOPTING SUBDIVISION REGULATIONS; SUPERSEDING
9 THE UNFUNDED MANDATE LAWS; AMENDING SECTIONS 76-1-102, 76-1-103, 76-1-601, 76-2-203, 76-2-
10 205, 76-2-216, 76-3-103, 76-3-501, 76-3-511, AND 76-8-101, MCA; AND PROVIDING AN IMMEDIATE
11 EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."
12

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14

15 **Section 1.** Section 76-1-102, MCA, is amended to read:

16 **"76-1-102. Purpose.** (1) It is the object of this chapter to encourage local units of government to
17 improve the present health, safety, convenience, and welfare of their citizens and to plan for the future
18 development of their communities to the end that highway systems be carefully planned; that new community
19 centers grow only with adequate highway, utility, health, educational, and recreational facilities; that the needs
20 of agriculture, industry, and business be recognized in future growth; that residential areas provide healthy
21 surroundings for family life; ~~and~~ that the growth of the community be commensurate with and promotive of the
22 efficient and economical use of public funds; and that property rights and individual preferences for housing and
23 land use are respected.

24 (2) In accomplishing this objective, it is the intent of this chapter that the planning board shall serve in
25 an advisory capacity to presently established boards and officials."
26

27 **Section 2.** Section 76-1-103, MCA, is amended to read:

28 **"76-1-103. Definitions.** As used in this chapter, the following definitions apply:



1 (1) "Best evidence" means evidence that provides the best empirically based explanatory power, the
2 most compelling, equitable argument, and the least bias.

3 (2) "City" includes incorporated cities and towns.

4 (2)(3) "City council" means the chief legislative body of a city or incorporated town.

5 (3)(4) "Governing body" or "governing bodies" means the governing body of any governmental unit
6 represented on a planning board.

7 (4)(5) "Growth policy" means a comprehensive development plan, master plan, or comprehensive
8 plan that was adopted pursuant to this chapter before October 1, 1999, or a policy that was adopted pursuant to
9 this chapter on or after October 1, 1999.

10 (5)(6) "Land use management techniques and incentives" include but are not limited to zoning
11 regulations, subdivision regulations, and market incentives.

12 (6)(7) "Market incentives" may include but are not limited to an expedited subdivision review process
13 authorized by 76-3-609, reductions in parking requirements, and a sliding scale of development review fees.

14 (7)(8) "Mayor" means mayor of a city.

15 (8)(9) "Neighborhood plan" means a plan for a geographic area within the boundaries of the
16 jurisdictional area that addresses one or more of the elements of the growth policy in more detail.

17 (9)(10) "Person" means any individual, firm, or corporation.

18 (10)(11) "Planning board" means a city planning board, a county planning board, or a joint city-county
19 planning board.

20 (11)(12) "Plat" means a subdivision of land into lots, streets, and areas, marked on a map or plan, and
21 includes replats or amended plats.

22 (13) "Property right" means the interest of an individual to use their property to the highest and best
23 use, provided that it does not materially interfere with public health, safety, or welfare.

24 (12)(14) "Public place" means any tract owned by the state or its subdivisions.

25 (13)(15) "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, and all public ways.

26 (14)(16) "Utility" means any facility used in rendering service that the public has a right to demand."
27

28 **Section 3.** Section 76-1-601, MCA, is amended to read:

1 **"76-1-601. Growth policy -- contents.** (1) A growth policy may cover all or part of the jurisdictional
2 area.

3 (2) The extent to which a growth policy addresses the elements listed in subsection (3) is at the full
4 discretion of the governing body.

5 (3) A growth policy must include:

6 (a) community goals and objectives;

7 (b) maps and text describing an inventory of the existing characteristics and features of the
8 jurisdictional area, including:

9 (i) land uses;

10 (ii) population;

11 (iii) housing needs;

12 (iv) economic conditions;

13 (v) local services;

14 (vi) public facilities;

15 (vii) natural resources;

16 (viii) sand and gravel resources; ~~and~~

17 (ix) housing affordability;

18 (x) housing preferences;

19 (xi) potential economic and social impact of land use regulations and growth patterns on various types
20 of businesses;

21 (xii) potential impact of growth and land use regulations on property rights;

22 (xiii) an analysis of current lot sizes and their potential to be subdivided or developed;

23 (xiv) an analysis of the economic impact of various density requirements in cities and unincorporated
24 areas;

25 (xv) discussion of a regulatory approach that will least interfere with property use and value while still
26 achieving necessary regulatory goals; and

27 ~~(ix)~~(xvi) other characteristics and features proposed by the planning board and adopted by the
28 governing bodies;

- 1 (c) projected trends for the life of the growth policy for each of the following elements:
- 2 (i) land use;
- 3 (ii) population;
- 4 (iii) housing needs;
- 5 (iv) economic conditions;
- 6 (v) local services;
- 7 (vi) natural resources; and
- 8 (vii) other elements proposed by the planning board and adopted by the governing bodies;
- 9 (d) a description of policies, regulations, and other measures to be implemented in order to achieve
- 10 the goals and objectives established pursuant to subsection (3)(a);
- 11 (e) a strategy for development, maintenance, and replacement of public infrastructure, including
- 12 drinking water systems, wastewater treatment facilities, sewer systems, solid waste facilities, fire protection
- 13 facilities, roads, and bridges;
- 14 (f) an implementation strategy that includes:
- 15 (i) a timetable for implementing the growth policy;
- 16 (ii) a list of conditions that will lead to a revision of the growth policy; and
- 17 (iii) a timetable for reviewing the growth policy at least once every 5 years and revising the policy if
- 18 necessary;
- 19 (g) a statement of how the governing bodies will coordinate and cooperate with other jurisdictions that
- 20 explains:
- 21 (i) if a governing body is a city or town, how the governing body will coordinate and cooperate with the
- 22 county in which the city or town is located on matters related to the growth policy;
- 23 (ii) if a governing body is a county, how the governing body will coordinate and cooperate with cities
- 24 and towns located within the county's boundaries on matters related to the growth policy;
- 25 (h) a statement explaining how the governing bodies will:
- 26 (i) define the criteria in 76-3-608(3)(a); and
- 27 (ii) evaluate and make decisions regarding proposed subdivisions with respect to the criteria in 76-3-
- 28 608(3)(a);

- 1 (i) a statement explaining how public hearings regarding proposed subdivisions will be conducted;
- 2 ~~and~~
- 3 (j) an evaluation of the potential for fire and wildland fire in the jurisdictional area, including whether or
- 4 not there is a need to:
 - 5 ~~(i) delineate the wildland-urban interface; and~~
 - 6 ~~(ii) adopt regulations requiring:~~
 - 7 (A) ~~(i)~~ defensible space around structures;
 - 8 (B) ~~(ii)~~ adequate ingress and egress to and from structures and developments to facilitate fire
 - 9 suppression activities; and
 - 10 (C) ~~(iii)~~ adequate water supply for fire protection;
 - 11 (k) an analysis of how the evidence presented in the growth plan is the best evidence available and
 - 12 how future growth plans will explicitly consider alternative evidence;
 - 13 (l) an analysis of how potential changes may manifest with regard to land use regulations and growth
 - 14 management practices discussed in growth policy; and
 - 15 (m) a broad social, economic, and environmental analysis of the potential immediate and indirect
 - 16 impacts of implementing the growth policy.
- 17 (4) A growth policy may:
 - 18 (a) include one or more neighborhood plans. A neighborhood plan must be consistent with the growth
 - 19 policy.
 - 20 (b) establish minimum criteria defining the jurisdictional area for a neighborhood plan;
 - 21 (c) establish an infrastructure plan that, at a minimum, includes:
 - 22 (i) projections, in maps and text, of the jurisdiction's growth in population and number of residential,
 - 23 commercial, and industrial units over the next 20 years;
 - 24 (ii) for a city, a determination regarding if and how much of the city's growth is likely to take place
 - 25 outside of the city's existing jurisdictional area over the next 20 years and a plan of how the city will coordinate
 - 26 infrastructure planning with the county or counties where growth is likely to take place;
 - 27 (iii) for a county, a plan of how the county will coordinate infrastructure planning with each of the cities
 - 28 that project growth outside of city boundaries and into the county's jurisdictional area over the next 20 years;

1 (iv) for cities, a land use map showing where projected growth will be guided and at what densities
2 within city boundaries;

3 (v) for cities and counties, a land use map that designates infrastructure planning areas adjacent to
4 cities showing where projected growth will be guided and at what densities;

5 (vi) using maps and text, a description of existing and future public facilities necessary to efficiently
6 serve projected development and densities within infrastructure planning areas, including, whenever feasible,
7 extending interconnected municipal street networks, sidewalks, trail systems, public transit facilities, and other
8 municipal public facilities throughout the infrastructure planning area. For the purposes of this subsection
9 (4)(c)(vi), public facilities include but are not limited to drinking water treatment and distribution facilities, sewer
10 systems, wastewater treatment facilities, solid waste disposal facilities, parks and open space, schools, public
11 access areas, roads, highways, bridges, and facilities for fire protection, law enforcement, and emergency
12 services;

13 (vii) a description of proposed land use management techniques and incentives that will be adopted to
14 promote development within cities and in an infrastructure planning area, including land use management
15 techniques and incentives that address issues of housing affordability;

16 (viii) a description of how and where projected development inside municipal boundaries for cities and
17 inside designated joint infrastructure planning areas for cities and counties could adversely impact:

18 (A) threatened or endangered wildlife and critical wildlife habitat and corridors;

19 (B) water available to agricultural water users and facilities;

20 (C) the ability of public facilities, including schools, to safely and efficiently service current residents
21 and future growth;

22 (D) a local government's ability to provide adequate local services, including but not limited to
23 emergency, fire, and police protection;

24 (E) the safety of people and property due to threats to public health and safety, including but not
25 limited to wildfire, flooding, erosion, water pollution, hazardous wildlife interactions, and traffic hazards;

26 (F) natural resources, including but not limited to forest lands, mineral resources, sand and gravel
27 resources, streams, rivers, lakes, wetlands, and ground water; and

28 (G) agricultural lands and agricultural production; and

1 (ix) a description of measures, including land use management techniques and incentives, that will be
2 adopted to avoid, significantly reduce, or mitigate the adverse impacts identified under subsection (4)(c)(viii).

3 (d) include any elements required by a federal land management agency in order for the governing
4 body to establish coordination or cooperating agency status as provided in 76-1-607.

5 (5) The planning board may propose and the governing bodies may adopt additional elements of a
6 growth policy in order to fulfill the purpose of this chapter."

7

8 **Section 4.** Section 76-2-203, MCA, is amended to read:

9 **"76-2-203. Criteria and guidelines for zoning regulations.** (1) Zoning regulations must be:

10 (a) made in accordance with the growth policy; and

11 (b) designed to:

12 (i) secure safety from fire and other dangers;

13 (ii) promote public health, public safety, and general welfare; ~~and~~

14 (iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other
15 public requirements; and

16 (iv) allow a property owner to use and enhance the value of property with limited interference while still
17 considering the public good.

18 (2) In the adoption of zoning regulations, the board of county commissioners shall consider:

19 (a) reasonable provision of adequate light and air;

20 (b) the effect on motorized and nonmotorized transportation systems;

21 (c) compatible urban growth in the vicinity of cities and towns that at a minimum must include the
22 areas around municipalities;

23 (d) the character of the district and its peculiar suitability for particular uses; ~~and~~

24 (e) conserving the value and use of buildings and land and encouraging the most appropriate use of
25 land throughout the jurisdictional area;

26 (f) property rights and the impact of zoning regulations on property values and use;

27 (g) the broad social, economic, and environmental impact of specific zoning and land use regulations;

28 and

1 (h) the regulatory burden of land use and zoning regulations on business and property value and use.
 2 ~~(3) Zoning regulations must, as nearly as possible, be made compatible with the zoning ordinances of~~
 3 ~~nearby municipalities."~~

4
 5 **Section 5.** Section 76-2-205, MCA, is amended to read:

6 **"76-2-205. Procedure for adoption of regulations and boundaries.** (1) The board of county
 7 commissioners shall observe the following procedures in the establishment or revision of boundaries for zoning
 8 districts and in the adoption or amendment of zoning regulations:

9 (2) Before a public hearing is held, the board of county commissioners shall:

10 (a) conduct a detailed social, economic, and environmental analysis of the impact of proposed zoning
 11 regulations; and

12 (b) mail to each property owner within the boundaries of a proposed zoning district:

13 (i) a map of the boundaries of the proposed zoning district; and

14 (ii) a survey to seek public input and to determine factors, including but not limited to:

15 (A) lot sizes;

16 (B) restrictions on land use, building, or other material restrictions; and

17 (C) social, economic, and environmental considerations.

18 ~~(4)~~(3) Notice of a public hearing on the proposed zoning district boundaries and of regulations for the
 19 zoning district must:

20 (a) state:

21 (i) the boundaries of the proposed district;

22 (ii) the general character of the proposed zoning regulations;

23 (iii) the time and place of the public hearing;

24 (iv) that the proposed zoning regulations are on file for public inspection at the office of the county clerk
 25 and recorder;

26 (b) be posted not less than 45 days before the public hearing in at least five public places, including
 27 but not limited to public buildings and adjacent to public rights-of-way, within the proposed district; and

28 (c) be published once a week for 2 weeks in a newspaper of general circulation within the county.

1 ~~(2)~~(4) At the public hearing, the board of county commissioners shall give the public an opportunity to
2 be heard regarding the proposed zoning district and regulations.

3 ~~(3)~~(5) After the public hearing, the board of county commissioners shall review the proposals of the
4 planning board and shall make any revisions or amendments that it determines to be proper.

5 ~~(4)~~(6) The board of county commissioners may pass a resolution of intention to create a zoning
6 district and to adopt zoning regulations for the district.

7 ~~(5)~~(7) The board of county commissioners shall publish notice of passage of the resolution of intention
8 once a week for 2 weeks in a newspaper of general circulation within the county. The notice must state:

- 9 (a) the boundaries of the proposed district;
- 10 (b) the general character of the proposed zoning regulations;
- 11 (c) that the proposed zoning regulations are on file for public inspection at the office of the county
12 clerk and recorder;
- 13 (d) that for 30 days after first publication of this notice, the board of county commissioners will receive
14 written protests to the creation of the zoning district or to the zoning regulations from persons owning real
15 property within the district whose names appear on the last-completed assessment roll of the county.

16 ~~(6)~~(8) Within 30 days after the expiration of the protest period, the board of county commissioners
17 may in its discretion adopt the resolution creating the zoning district or establishing the zoning regulations for
18 the district. However, if 40% of the real property owners within the district whose names appear on the last-
19 completed assessment roll or if real property owners representing 50% of the titled property ownership whose
20 property is taxed for agricultural purposes under 15-7-202 or whose property is taxed as forest land under Title
21 15, chapter 44, part 1, have protested the establishment of the district or adoption of the regulations, the board
22 of county commissioners may not adopt the resolution and a further zoning resolution may not be proposed for
23 the district for a period of 1 year."
24

25 **Section 6.** Section 76-2-216, MCA, is amended to read:

26 **"76-2-216. Wholly surrounded county property -- change of use -- hearing.** (1) If a county parcel
27 for which zoning regulations have been adopted is wholly surrounded by municipal property and a change of an
28 allowed use in the county zoning district occurs, the county governing body shall notify the municipality and all

1 owners of municipal property within 300 feet of the county property of the change of use.

2 (2) Upon request of either the municipality or at least 10% of the property owners in the municipality
3 who have received the notice, the county governing body shall hold a hearing on the change of use.

4 (3) If the county governing body determines, based on testimony provided at the hearing, that the
5 regulations in the county district are no longer ~~as compatible as possible~~ with the municipal zoning ordinances
6 ~~as provided in 76-2-203(3)~~, the county governing body may initiate a revision to the zoning district or
7 amendments to the regulations as provided in this part."
8

9 **Section 7.** Section 76-3-103, MCA, is amended to read:

10 **"76-3-103. Definitions.** As used in this chapter, unless the context or subject matter clearly requires
11 otherwise, the following definitions apply:

12 (1) "Best evidence" means evidence that provides the best empirically based explanatory power, the
13 most compelling, equitable argument, and the least bias.

14 (2) "Certificate of survey" means a drawing of a field survey prepared by a registered surveyor for the
15 purpose of disclosing facts pertaining to boundary locations.

16 (2)(3) "Cluster development" means a subdivision with lots clustered in a group of five or more lots
17 that is designed to concentrate building sites on smaller lots in order to reduce capital and maintenance costs
18 for infrastructure through the use of concentrated public services and utilities, while allowing other lands to
19 remain undeveloped.

20 (3)(4) "Dedication" means the deliberate appropriation of land by an owner for any general and public
21 use, reserving to the landowner no rights that are incompatible with the full exercise and enjoyment of the
22 public use to which the property has been devoted.

23 (4)(5) "Division of land" means the segregation of one or more parcels of land from a larger tract held
24 in single or undivided ownership by transferring or contracting to transfer title to a portion of the tract or properly
25 filling a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to
26 this chapter. The conveyance of a tract of record or an entire parcel of land that was created by a previous
27 division of land is not a division of land.

28 (5)(6) "Examining land surveyor" means a registered land surveyor appointed by the governing body

1 to review surveys and plats submitted for filing.

2 ~~(6)~~(7) "Final plat" means the final drawing of the subdivision and dedication required by this chapter to
3 be prepared for filing for record with the county clerk and recorder and containing all elements and
4 requirements set forth in this chapter and in regulations adopted pursuant to this chapter.

5 ~~(7)~~(8) "Governing body" means a board of county commissioners or the governing authority of a city
6 or town organized pursuant to law.

7 ~~(8)~~(9) "Immediate family" means a spouse, children by blood or adoption, and parents.

8 ~~(9)~~(10) "Minor subdivision" means a subdivision that creates five or fewer lots from a tract of record.

9 ~~(10)~~(11) "Phased development" means a subdivision application and preliminary plat that at the time of
10 submission consists of independently platted development phases that are scheduled for review on a schedule
11 proposed by the subdivider.

12 ~~(11)~~(12) "Planned unit development" means a land development project consisting of residential
13 clusters, industrial parks, shopping centers, or office building parks that compose a planned mixture of land
14 uses built in a prearranged relationship to each other and having open space and community facilities in
15 common ownership or use.

16 ~~(12)~~(13) "Plat" means a graphical representation of a subdivision showing the division of land into lots,
17 parcels, blocks, streets, alleys, and other divisions and dedications.

18 ~~(13)~~(14) "Preliminary plat" means a neat and scaled drawing of a proposed subdivision showing the
19 layout of streets, alleys, lots, blocks, and other elements of a subdivision that furnish a basis for review by a
20 governing body.

21 ~~(14)~~(15) "Public utility" has the meaning provided in 69-3-101, except that for the purposes of this
22 chapter, the term includes county or consolidated city and county water or sewer districts as provided for in Title
23 7, chapter 13, parts 22 and 23, and municipal sewer or water systems and municipal water supply systems
24 established by the governing body of a municipality pursuant to Title 7, chapter 13, parts 42, 43, and 44.

25 ~~(15)~~(16) "Subdivider" means a person who causes land to be subdivided or who proposes a
26 subdivision of land.

27 ~~(16)~~(17) "Subdivision" means a division of land or land so divided that it creates one or more parcels
28 containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States

1 government section, exclusive of public roadways, in order that the title to the parcels may be sold or otherwise
2 transferred and includes any resubdivision and a condominium. The term also means an area, regardless of its
3 size, that provides or will provide multiple spaces for rent or lease on which recreational camping vehicles or
4 mobile homes will be placed.

5 ~~(17)~~(18) (a) "Tract of record" means an individual parcel of land, irrespective of ownership, that can be
6 identified by legal description, independent of any other parcel of land, using documents on file in the records of
7 the county clerk and recorder's office.

8 (b) Each individual tract of record continues to be an individual parcel of land unless the owner of the
9 parcel has joined it with other contiguous parcels by filing with the county clerk and recorder:

10 (i) an instrument of conveyance in which the aggregated parcels have been assigned a legal
11 description that describes the resulting single parcel and in which the owner expressly declares the owner's
12 intention that the tracts be merged; or

13 (ii) a certificate of survey or subdivision plat that shows that the boundaries of the original parcels have
14 been expunged and depicts the boundaries of the larger aggregate parcel.

15 (c) An instrument of conveyance does not merge parcels of land under subsection ~~(17)(b)(i)~~ (18)(b)(i)
16 unless the instrument states, "This instrument is intended to merge individual parcels of land to form the
17 aggregate parcel(s) described in this instrument" or a similar statement, in addition to the legal description of
18 the aggregate parcels, clearly expressing the owner's intent to effect a merger of parcels."
19

20 **Section 8.** Section 76-3-501, MCA, is amended to read:

21 **"76-3-501. Local subdivision regulations.** The governing body of every county, city, and town shall
22 adopt and provide for the enforcement and administration of subdivision regulations reasonably providing for:

- 23 (1) the orderly development of their jurisdictional areas;
- 24 (2) the coordination of roads within subdivided land with other roads, both existing and planned;
- 25 (3) the dedication of land for roadways and for public utility easements;
- 26 (4) the improvement of roads;
- 27 (5) the provision of adequate open spaces for travel, light, air, and recreation;
- 28 (6) the provision of adequate transportation, water, and drainage;

- 1 (7) subject to the provisions of 76-3-511, the regulation of sanitary facilities;
- 2 (8) the avoidance or minimization of congestion; ~~and~~
- 3 (9) the avoidance of subdivisions that would involve unnecessary environmental degradation and
- 4 danger of injury to health, safety, or welfare by reason of natural hazard, including but not limited to fire and
- 5 wildland fire, or the lack of water, drainage, access, transportation, or other public services or that would
- 6 necessitate an excessive expenditure of public funds for the supply of the services; and
- 7 (10) when adopting regulations allowed in this section, the governing body shall use the best evidence
- 8 available and create a rebuttable presumption that adopted regulations are based on the best evidence."

9

10 **Section 9.** Section 76-3-511, MCA, is amended to read:

11 **"76-3-511. Local regulations no more stringent than state regulations or guidelines.** (1) Except

12 as provided in subsections (2) through (4) or unless required by state law, a governing body may not adopt a

13 regulation under 76-3-501 or 76-3-504(1)(g)(iii) that is more stringent than the comparable state regulations or

14 guidelines that address the same circumstances. The governing body may incorporate by reference

15 comparable state regulations or guidelines.

16 (2) The governing body may adopt a regulation to implement 76-3-501 or 76-3-504(1)(g)(iii) that is

17 more stringent than comparable state regulations or guidelines only if the governing body makes a written

18 finding, after a public hearing and public comment and based on evidence in the record, that:

- 19 (a) the proposed local standard or requirement protects public health or the environment; and
- 20 (b) the local standard or requirement to be imposed can mitigate harm to the public health or
- 21 environment and is achievable under current technology.

22 (3) The written finding must reference information and peer-reviewed scientific studies and other

23 relevant scientific analysis that provides the best evidence of the specific and broad impacts contained in the

24 record that forms the basis for the governing body's conclusion. The conclusion must be based on the best

25 evidence available and create a rebuttable presumption that the evidence used is the best evidence for the

26 regulation. The written finding must also include information from the hearing record regarding the costs to the

27 regulated community that are directly attributable to the proposed local standard or requirement.

28 (4) (a) A person affected by a regulation of the governing body adopted after January 1, 1990, and

1 before April 14, 1995, that that person believes to be more stringent than comparable state regulations or
 2 guidelines may petition the governing body to review the regulation. If the governing body determines that the
 3 regulation is more stringent than comparable state regulations or guidelines, the governing body shall comply
 4 with this section by either revising the regulation to conform to the state regulations or guidelines or by making
 5 the written finding, as provided under subsection (2), within a reasonable period of time, not to exceed 12
 6 months after receiving the petition. A petition under this section does not relieve the petitioner of the duty to
 7 comply with the challenged regulation. The governing body may charge a petition filing fee in an amount not to
 8 exceed \$250.

9 (b) A person may also petition the governing body for a regulation review under subsection (4)(a) if
 10 the governing body adopts a regulation after January 1, 1990, in an area in which no state regulations or
 11 guidelines existed and the state government subsequently establishes comparable regulations or guidelines
 12 that are less stringent than the previously adopted governing body regulation."
 13

14 **Section 10.** Section 76-8-101, MCA, is amended to read:

15 **"76-8-101. Definitions.** As used in this part, the following definitions apply:

16 (1) "Building" means a structure or a unit of a structure with a roof supported by columns or walls for
 17 the permanent or temporary housing or enclosure of persons or property or for the operation of a business.
 18 Except as provided in 76-3-103(46)(17), the term includes a recreational camping vehicle, mobile home, or cell
 19 tower. The term does not include a condominium or townhome.

20 (2) "Department" means the department of environmental quality provided for in 2-15-3501.

21 (3) "Governing body" means the legislative authority for a city, town, county, or consolidated city-
 22 county government.

23 (4) "Landowner" means an owner of a legal or equitable interest in real property. The term includes
 24 an heir, successor, or assignee of the ownership interest.

25 (5) "Local reviewing authority" means a local department or board of health that is approved to
 26 conduct reviews under Title 76, chapter 4.

27 (6) "Supermajority" means:

28 (a) an affirmative vote of at least two-thirds of the present and voting members of a city or town

1 council;

2 (b) a unanimous affirmative vote of the present and voting county commissioners in counties with
3 three county commissioners;

4 (c) an affirmative vote of at least four-fifths of the present and voting county commissioners in
5 counties with five commissioners;

6 (d) an affirmative vote of at least two-thirds of the present and voting county commissioners in
7 counties with more than five commissioners; or

8 (e) an affirmative vote of at least two-thirds of the present and voting members of the governing body
9 of a consolidated city-county government.

10 (7) "Tract" means an individual parcel of land that can be identified by legal description, independent
11 of any other parcel of land, using documents on file in the records of the county clerk and recorder's office."
12

13 NEW SECTION. Section 11. Unfunded mandate laws superseded. The provisions of [this act]
14 expressly supersede and modify the requirements of 1-2-112 through 1-2-116.
15

16 NEW SECTION. Section 12. Effective date. [This act] is effective on passage and approval.
17

18 NEW SECTION. Section 13. Retroactive applicability. [Sections 3 and 4] apply retroactively, within
19 the meaning of 1-2-109, to existing growth policies adopted pursuant to Title 76, chapter 1, and zoning
20 regulations adopted pursuant to Title 76, chapter 2. Existing growth policies and zoning regulations must be
21 reviewed and revised if necessary to incorporate the additional requirements of [sections 3 and 4] no less than
22 3 years after the passage of [this act].
23

- END -

From: [George Harris](#)
To: [Austin, Eric](#); [Greg McNally](#); [Peter Italiano](#)
Cc: [Bill Gowen](#); [Andrew Thomas](#); john@firetowerrealty.com
Subject: Polling Results (LC County Zoning) Helena Association of REALTORS®
Date: Monday, August 23, 2021 5:46:26 PM
Attachments: [Amstrat Montana Helena Area Smart Growth FIQ.pdf](#)
[Amstrat Montana Helena Area Smart Growth Presentation.pdf](#)
Importance: High

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Dr. Austin, Mr. Italiano and Mr. McNally:

The Helena Association of Realtors® (HAR) has worked with the National Association of Realtors® (NAR) to complete an extensive polling of Lewis and Clark County registered voters regarding the zoning regulations being considered by the Zoning Advisory Panel (ZAP). NAR has contracted with the highly reputable national polling firm American Strategies to conduct the poll. I am pleased to provide the results of the poll with you. As a matter of protocol, we would ask that you consider the following timeframe for the distribution and presentation of this important information:

1. At this time, please provide this information to the ZAP for their review and study to provide them with ample time to consider its contents.
2. Since your agenda is planned for August 25th, we would like the opportunity to present this information at your September 8th ZAP meeting as that meets your schedule.
3. As discussed with Dr. Austin, we concur that the September 8th presentation be made on our behalf by Mr. John Rausch who is a member of the Zoning Advisory Panel.
4. We would be happy to respond to any questions you may have. Dr. Andrew Thomas, Mr. Bill Gowen, as well as Mr. Rausch and I will be available to respond to questions and any follow-up discussions.
5. If September 8th does not meet your schedule, we would respectfully request that we be able to present the information at your September 22nd meeting.

Gentlemen, please keep in mind that as I commented at the last ZAP meeting, HAR is also working with the Bureau of Business and Economic Research (BBER) at the U of M on an Affordable Housing and Economic Analysis pertinent to the zoning issue. It is anticipated that this study will be complete by the end of September. We will provide that information to you when it is available. We will also be requesting an opportunity to present this information to the Zoning Advisory Panel.

We wish to thank you in advance for your consideration of this request. We appreciate you as partners in considering the zoning issue and all its implications to the citizens of Lewis and Clark County and our local businesses and economy.

Sincerely,

*George H. Harris, MPA, ARM
CEO*

*Helena Association of Realtors
2707 Colonial Drive
Helena, Montana 59601*

Work 406-603-4791

Mobile 406-422-7724

Email gharris@helenahar.com



July 19-26, 2021

500 Respondents (573 Unweighted)

349 Phone Respondents (400 Unweighted), 151 Online Respondents (173 Unweighted)

255 Wireless Respondents, 20 VOIP, 74 Landline

Margin of error: ± 4.4 percentage points

**National Association of REALTORS®
MT - Helena Area Smart Growth
Frequencies (% responding)**

Q.2 First of all, are you registered to vote in Lewis and Clark County?

(IF NO) I'm sorry. Is there a registered Lewis and Clark County voter available I can speak to?

	Total
Yes	100
No (TERMINATE)	-

Q.3 Sex of respondent (INTERVIEWER CODE--DO NOT ASK RESPONDENT)

	Total
Male	50
Female	50

Q.4 Generally speaking, how would you describe the quality of life in Lewis and Clark County - (ROTATE FIRST TO LAST, LAST TO FIRST) excellent, good, just fair or poor?

	Total
Excellent	27
Good	54
Just fair	14
Poor	4
(Don't know/refused)	1
Excellent/Good	81
Just Fair/Poor	18
Excellent/Good - Just Fair/Poor	64

(407 respondents)

Q.5 (IF EXCELLENT OR GOOD IN Q.4) And what specifically about the quality of life in your area makes it EXCELLENT/GOOD?

(OPEN END -- RECORD VERBATIM RESPONSE -- ACCEPT MULTIPLE RESPONSES)

	Total
Outdoor activities/recreation/walking trails	24
Warm/accepting community of people	24
Small town/peaceful and quiet/lack of traffic	22
Nice scenery/mountains/lakes	18
Strong job market/economy	11
Low crime rate/safe area	10
Clean air/clean water/clean environment	8
Good community/place to live in	8
Large number of opportunities/resources/services for citizens	8
Proximity to friends and family	6
Quality educational system/schools	5
Affordable housing/cheap cost of living	4
Lack of government interference in people's lives	4
Good health care/medical treatment	2
(Other)	7
(None)	1
(Don't know/refused)	2

(90 respondents)

Q.6 (IF JUST FAIR OR POOR IN Q.4) And what specifically about the quality of life in your area makes it JUST FAIR/POOR?

(OPEN END -- RECORD VERBATIM RESPONSE -- ACCEPT MULTIPLE RESPONSES)

	Total
Housing unaffordability/house price inflation due to people relocating	25
High cost of living/high taxes	24
Incompetence/ineffectiveness of local government officials	13
Lack of job opportunities/excess of service jobs/bad economy	11
Low income/wages are too low	10
Poor living conditions/wildfires	7
Ineffectiveness of police department	5
Lack of infrastructural development/bad roads	6
Lack of medical services	4
Nothing to do/no activities	4
Poor economy/hard to do business	4
Bad traffic	4
High crime rate/lack of public safety	3
Shrinking of citizens' freedoms/liberties	3
Too much population growth	3
Lack of housing	2
(Other)	16
(None)	3

Q.7 Next I am going to read some issues that local officials will be facing over the next few years. For each one please tell me how much of a priority it should be for the Lewis and Clark County Commissioners to address. Should it be (ROTATE FIRST TO LAST, LAST TO FIRST) an extremely high priority, a high priority, a middle priority, or a low priority for the Lewis and Clark County Commissioners?

(READ ITEM -- RANDOMIZE)

(PROMPT) Should that be (ROTATE FIRST TO LAST, LAST TO FIRST) an extremely high priority, a high priority, a middle priority, or a low priority for your county government?

	An extremely high priority	A high priority	A middle priority	A low priority	(Dk/Ref)	Ext/High priority	Mid/Low priority	Net
A. Protecting open space, like fields, forests, and ranch land from development	35	38	18	9	1	73	27	46
B. Improving forest fire prevention and protection	42	40	14	4	0	83	17	65
C. Protecting public water quality and supply	36	46	14	4	1	81	18	64
D. Improving the availability and affordability of housing	32	35	20	12	1	67	32	34
E. Attracting businesses and creating jobs	19	41	27	13	0	60	40	20
F. Keeping property taxes under control	33	42	22	3	1	76	24	51
G. Road maintenance and construction	19	47	29	5	0	66	33	33

Q.8 And which ONE of those issues do you think should be the top priority for your local county government?

(READ LIST)

(RANDOMIZE)

(IF MORE THAN ONE) Well which ONE do you think should be the top priority for your local county government?

	Total
Keeping property taxes under control	22
The availability and affordability of housing	21
Forest fire prevention	14
Protecting open space	12
Water quality	13
Attracting businesses and new jobs	11
Road maintenance and construction	6
(Don't know/refused)	1

Q.9 (ROTATE Q.9 AND Q.10) Generally speaking, would you say that the cost to buy a house in Lewis and Clark County is (ROTATE FIRST TO LAST AND LAST TO FIRST) too high, about right, or too low?

(IF TOO HIGH) Would you say the cost to buy a house is much too high or somewhat too high?

	Total
Much too high	55
Somewhat too high	28
About right	15
Too low	0
(Don't know/refused)	2
Much/Somewhat too high	83
About right/Too low	15
Much/Somewhat too high - About right/Too low	68

Q.10 (ROTATE Q.9 AND Q.10) Generally speaking, would you say that the cost to rent an apartment in Lewis and Clark County is (ROTATE FIRST TO LAST AND LAST TO FIRST) too high, about right, or too low?

(IF TOO HIGH) Would you say the cost to rent an apartment is much too high or somewhat too high?

	Total
Much too high	49
Somewhat too high	27
About right	15
Too low	1
(Don't know/refused)	9
Much/Somewhat too high	76
About right/Too low	15
Much/Somewhat too high - About right/Too low	61

Q.11 Do you (ROTATE) agree or disagree with the following statement: young adults and families can't afford to live in Lewis and Clark County and are leaving for places where housing is more affordable.

(FOLLOW UP) And is that strongly AGREE/DISAGREE or somewhat AGREE/DISAGREE?

	Total
Strongly agree	34
Somewhat agree	25
Somewhat disagree	25
Strongly disagree	9
(Neither agree nor disagree)	1
(Don't know/refused)	6
Total Agree	60
Total Disagree	34
Total Agree - Total Disagree	26

Q.12 As you may know, housing costs in Lewis and Clark County have been on the rise. I am going to read to you a list of different reasons that some people have given for why housing costs have increased. For each one, please tell me if you think it is (ROTATE FIRST TO LAST AND LAST TO FIRST) a very significant factor, a significant factor, a not very significant factor, or not a factor at all for the increased housing costs in Lewis and Clark County.

(READ STATEMENT, PROMPT) Would you say that is (ROTATE FIRST TO LAST AND LAST TO FIRST) a very significant factor, a significant factor, a not very significant factor, or not a factor at all for increased housing costs in Lewis and Clark County?

(RANDOMIZE)

	A very sig factor	A sig factor	A not very sig factor	Not a factor at all	(Dk/Ref)	Very/A sig factor	Not very/Not a factor at all	Net
A. The cost of building and materials	46	41	9	2	2	88	10	78
B. Labor costs	16	39	34	7	5	54	41	14
C. County building and zoning codes	15	29	40	11	5	44	51	-6
D. People moving in from out of state and pricing out local residents	64	27	7	1	1	90	9	82
E. The lack of single-family homes available for purchase	32	43	17	5	4	75	21	54

Q.13 Switching gears a bit, are you aware that the county government recently adopted new zoning regulations for housing and building construction in Lewis and Clark County? (ROTATE) Yes or no.

	Total
Yes	44
No	56
(Don't know/refused)	-
Yes - No	-13

Q.14 As you may know, last year the county passed a new regulation requiring a minimum lot size of ten acres for new homes built outside the Helena city limits. This means that any newly constructed home outside of the city limits will require at least ten acres of land. No further subdivision is allowed. Based on what you know, do you (ROTATE) favor or oppose the minimum lot size of ten acres for new home construction outside the Helena city limits?

(FOLLOW UP) And is that strongly FAVOR/OPPOSE or somewhat FAVOR/OPPOSE?

	Total
Strongly favor	20
Somewhat favor	20
Somewhat oppose	21
Strongly oppose	35
(Don't know/refused)	5
Total Favor	40
Total Oppose	56
Total Favor - Total Oppose	-16

Q.15 Finally, I would like to ask you a few questions for statistical purposes.

In what year were you born? (DON'T KNOW/REFUSED = 0000)

	Total
18-29	8
30-39	18
40-49	16
50-64	27
65+	30
(Don't know/refused)	2

Q.16 What is the last year of schooling that you have completed?

(DO NOT READ LIST)

	Total
1st - 11th grade	1
High school graduate	15
Non-college post H.S.	6
Some college	23
College graduate	31
Post-graduate school	23
(Don't know/refused)	2
H.S. or less	16
Post H.S.	28
College Graduate	54
Not College	44

Q.17 And do you currently own your home, rent your home, or are you living with friends or family?

	Total
Own	79
Rent	16
Living with friends or family	3
(Don't know/refused)	2

Q.18 If you could choose where to live today, which ONE of the following types of housing would you prefer?

(READ LIST - ROTATE FIRST TO LAST AND LAST TO FIRST)

	Total
An apartment	3
A condominium	4
A single-family house with a small yard	23
A single-family house with a large yard	36
A rural ranch or farm property	30
(Something else)	2
(Don't know/refused)	1

Q.19 In terms of your job status, are you employed, unemployed but looking for work, retired, a student, or a homemaker?

	Total
Employed	61
Unemployed but looking for work	3
Retired	32
Student	0
Homemaker	2
(Other)	2
(Don't know/refused)	1
Total Out of work force	37

Q.20 What is your annual household income? Just stop me when I get to the right amount. (READ OPTIONS TOP TO BOTTOM)

	Total
Less than \$25,000	10
\$25,000 to \$50,000	14
\$50,001 to \$75,000	21
\$75,001 to \$100,000	18
\$100,001 to \$125,000	13
More than \$125,000	16
(Don't know/refused)	8
Less than or equal to \$50K	24
Greater than \$100K	29
Less than or equal to \$75K	46
Greater than \$75K	47

Region by place name

	Total
Helena	45
Helena Valley	35
Other	20

Place Name

	Total
Augusta	1
Craig	0
East Helena	3
Helena	45
Helena Valley Northeast	4
Helena Valley Northwest	7
Helena Valley Southeast	10
Helena Valley West Central	14
Helena West Side	0
Lincoln	1
Marysville	0
Unknown	15

(349 respondents)

Phone line type

	Total
Landline	21
VOIP	6
Wireless	73

Mode

	Total
Phone	70
Online	30

Mode

	Total
Phone	70
Email	11
SMS	20

Survey Methodology

American Strategies designed and administered this Telephone and online survey conducted by professional interviewers. The survey reached 500 adults, age 18 or older, who indicated they were registered to vote in Lewis and Clark County, Montana. The survey was conducted from July 19-25, 2021.

Fifty-one percent of respondents were reached on wireless phones, four percent on VOIP phones, fifteen percent on landlines, and thirty percent online. Quotas were assigned to reflect the demographic distribution of registered voters in Lewis and Clark County, Montana, and the data were weighted to ensure an accurate reflection of the population. The sample was drawn from a third-party vendor voter file and based on vote history. The overall margin of error is +/- 4.4%. The margin of error for subgroups is larger and varies. Percentage totals may not add up precisely due to rounding.

National Association of REALTORS®

MT – Helena Area Smart Growth July 2021

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Executive Summary

- Overall, a large majority of voters are happy with the quality of life in Lewis and Clark County.
- Access to recreational areas and neighborly people are the biggest drivers of the positive quality of life in Lewis and Clark County.
- But housing affordability is a real concern for Lewis and Clark County voters.
 - Around 80 percent say the cost to buy or rent a home in Lewis and Clark County is too high, with out of state buyers seen as the primary factor to high home prices.
 - High cost of living, especially when it comes to housing, are the biggest factors for those who are not positive about the quality of life in Lewis and Clark County.
 - Improving forest fire prevention and protecting public water supplies are most likely to be considered issues that are an extremely high priority. But when asked about which *one* issue is the most important, property taxes and the affordability and availability of homes rise to the top.

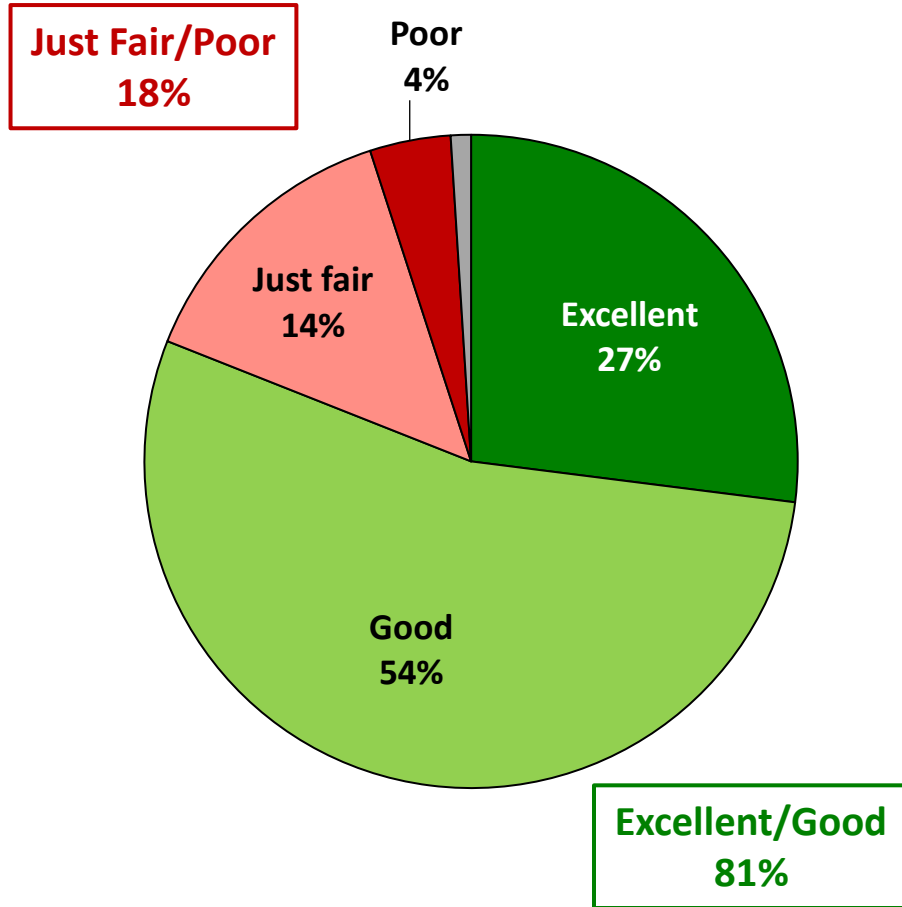
Executive Summary

- Most are unaware of the new zoning regulations, but those in the Helena Valley are more likely to be aware of the new rules than other voters in the county.
- A majority (56 percent) oppose the ten-acre lot minimum proposal. While there is broad demographic opposition to this proposal, middle aged and male voters are the strongest opponents.

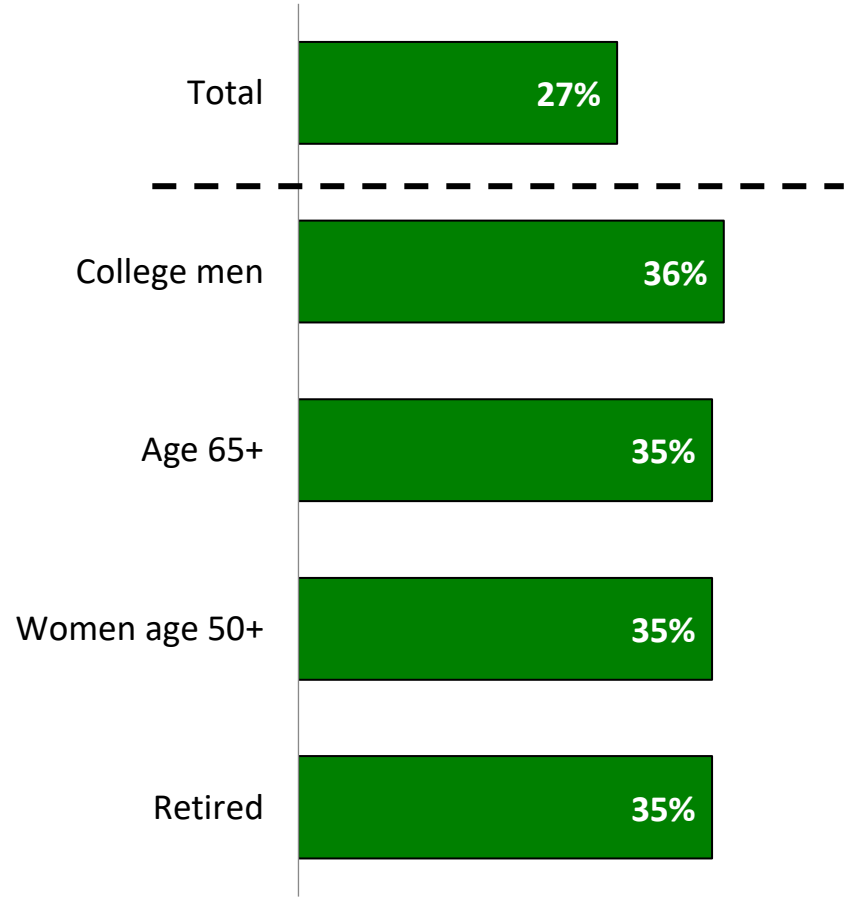
Mood in Lewis and Clark County

Eight-in-Ten View Quality of Life in Lewis and Clark County as Excellent or Good

Quality of Life

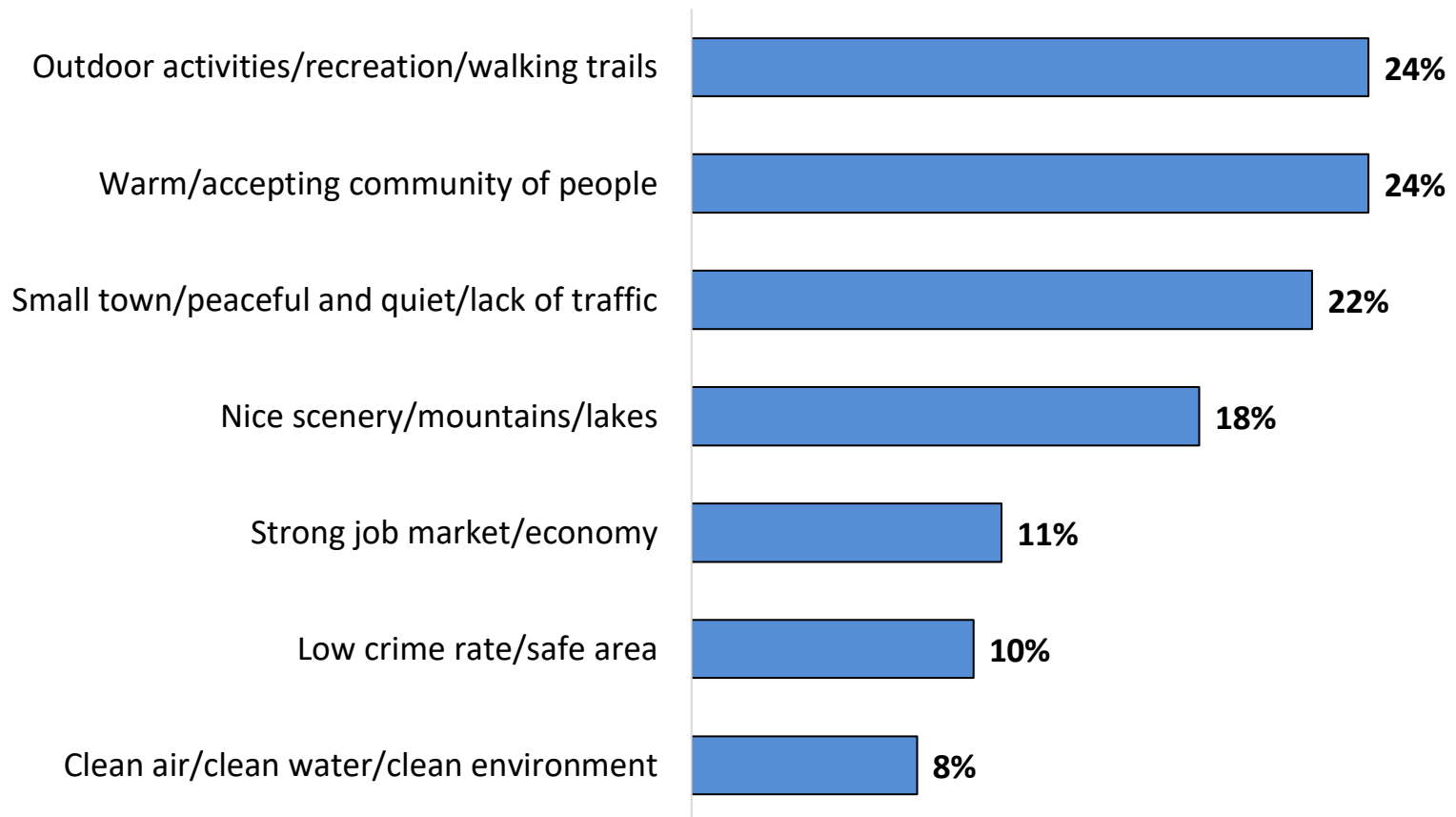


% Excellent



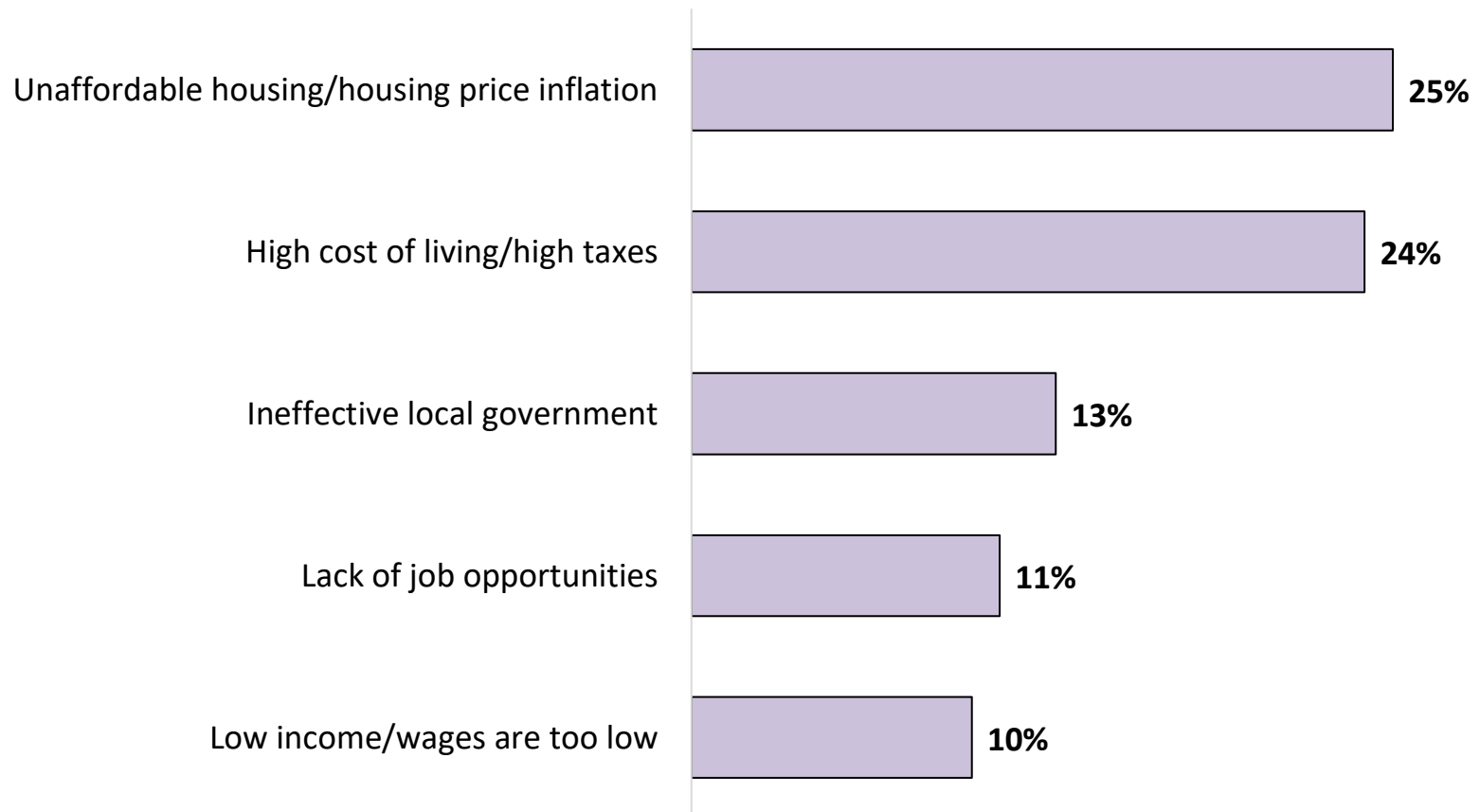
Access to Outdoor Activities, Accepting Community, and Small-Town Feel Drive High Quality of Life Numbers

**Top Reasons for Excellent/Good Quality of Life
In Lewis and Clark County (n=407)**



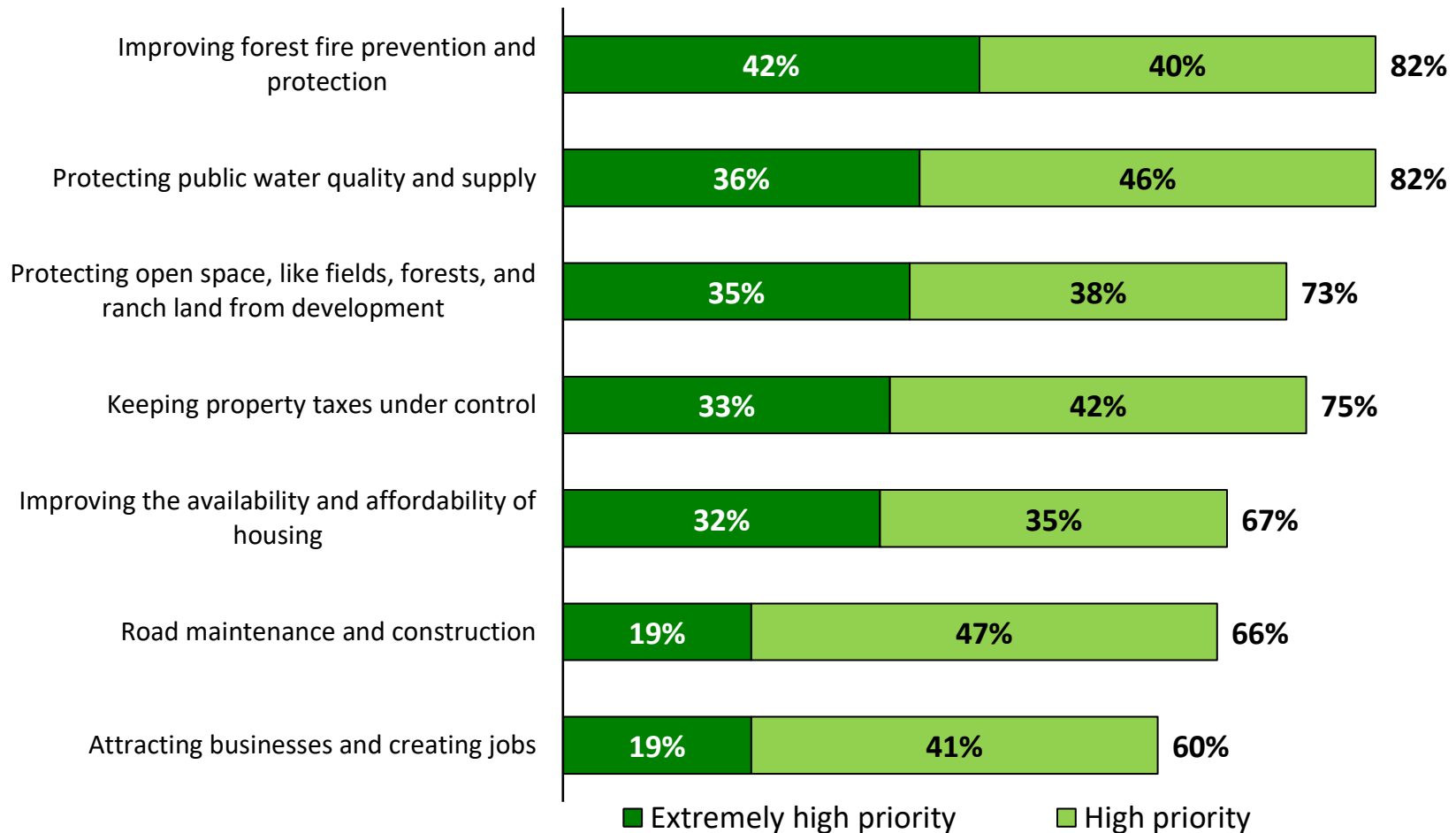
Increasing Cost of Housing and Living Are Biggest Reasons for Negative Quality of Life Ratings

**Top Reasons for Just Fair/Poor Quality of Life
in Lewis and Clark County (n=90)**



Improving Forest Fire Prevention and Protecting Public Water Quality are Voters' Top Priorities

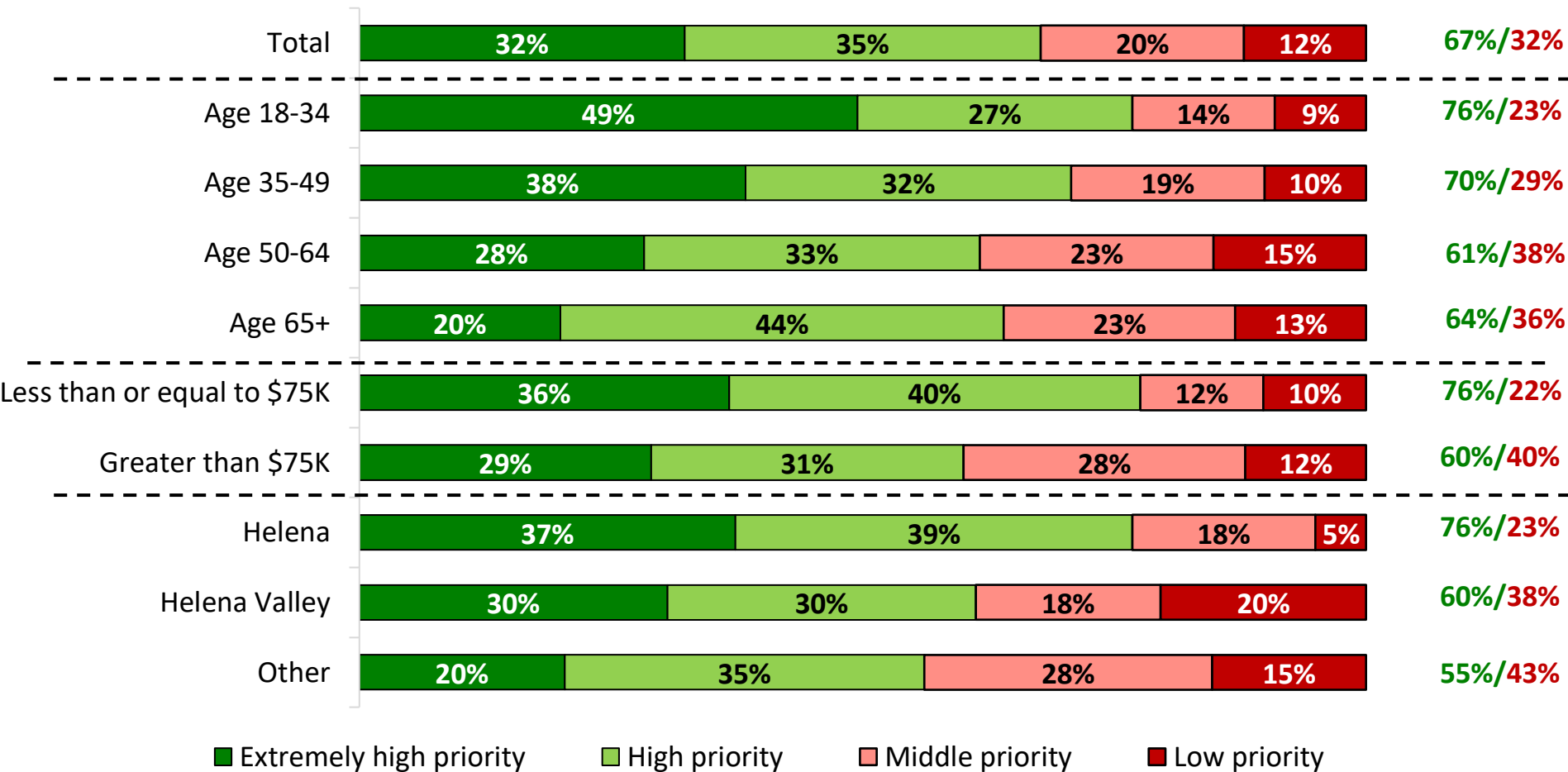
Priorities for Lewis and Clark County Commissioners to Consider



Q.7 Next I am going to read some issues that local officials will be facing over the next few years. For each one please tell me how much of a priority it should be for the Lewis and Clark County Commissioners to address. Should it be (ROTATE FIRST TO LAST, LAST TO FIRST) an extremely high priority, a high priority, a middle priority, or a low priority for the Lewis and Clark County Commissioners?

Lower-Income and Younger Voters More Likely to Prioritize Improving Housing Affordability/Availability

The Importance of Improving the Availability and Affordability of Housing by Age, Income and Region



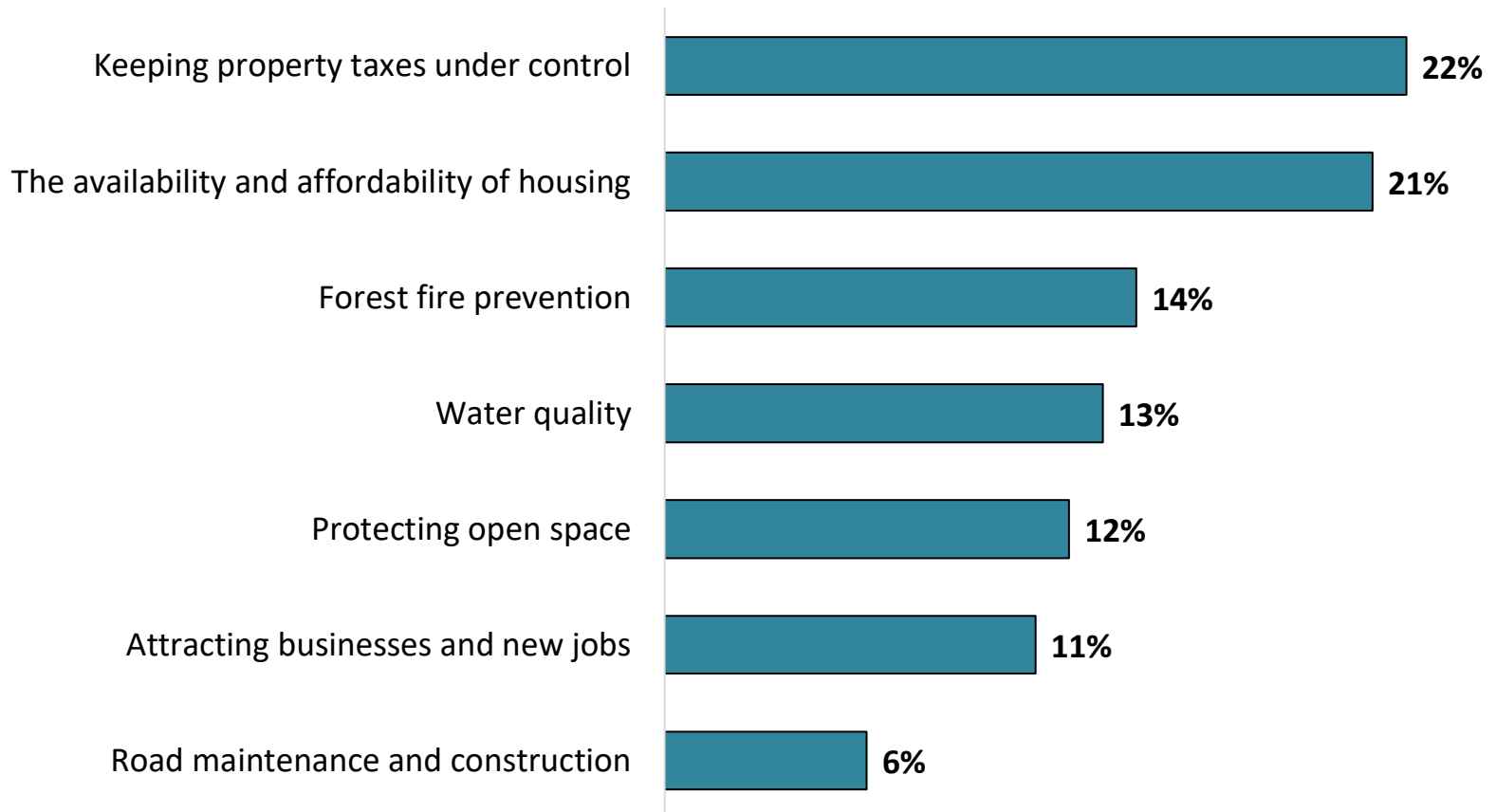
Q.7D Next, I am going to read some issues that local officials will be facing over the next few years. For each one please tell me how much of a priority it should be for the Lewis and Clark County Commissioners to address. Should it be (ROTATE FIRST TO LAST, LAST TO FIRST) an extremely high priority, a high priority, a middle priority, or a low priority for the Lewis and Clark County Commissioners?

Improving the availability and affordability of housing



When Asked to Select a Single Top Priority for County Government, Taxes and Housing Affordability Tie for Top Spot

Biggest Issue in Lewis and Clark County



Younger Women Are Most Concerned About Housing Costs

Older men and Helena Valley voters more likely to prioritize property taxes

Issue Concerns by Age/Gender and Region

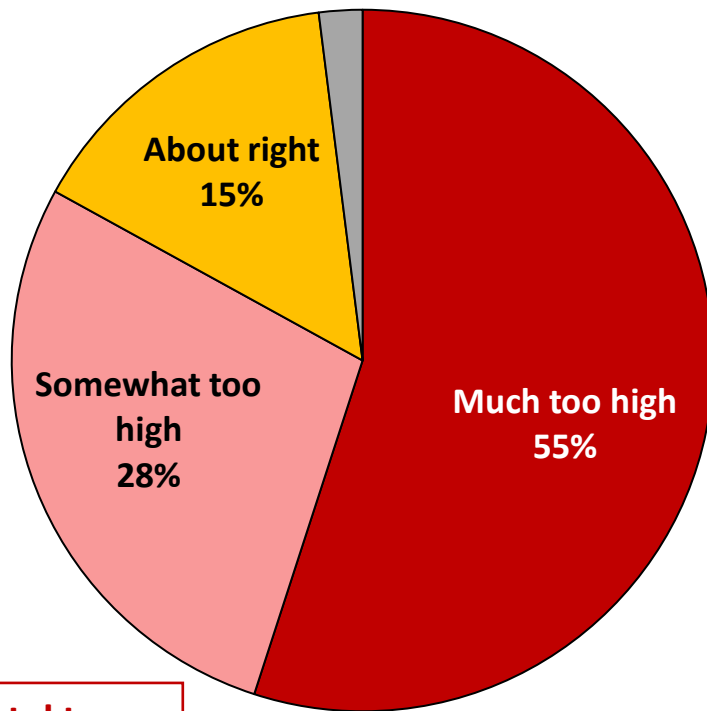
Percent Top Concern	Total	Men under 50	Men 50+	Women under 50	Women 50+	Helena	Helena Valley	Other
Keeping property taxes under control	22	21	31	14	18	15	30	22
Availability and affordability of housing	21	24	7	34	25	25	20	14
Forest fire prevention	14	17	15	13	12	12	12	22
Water quality	13	9	12	11	17	18	10	6
Protecting open space	12	17	9	13	12	12	13	12
Attracting businesses and new jobs	11	5	14	11	12	12	9	11
Road maintenance and construction	6	8	10	5	4	5	6	10

Housing Affordability in Lewis and Clark County

Housing Costs, Both to Buy and Rent, Are Seen As Too High

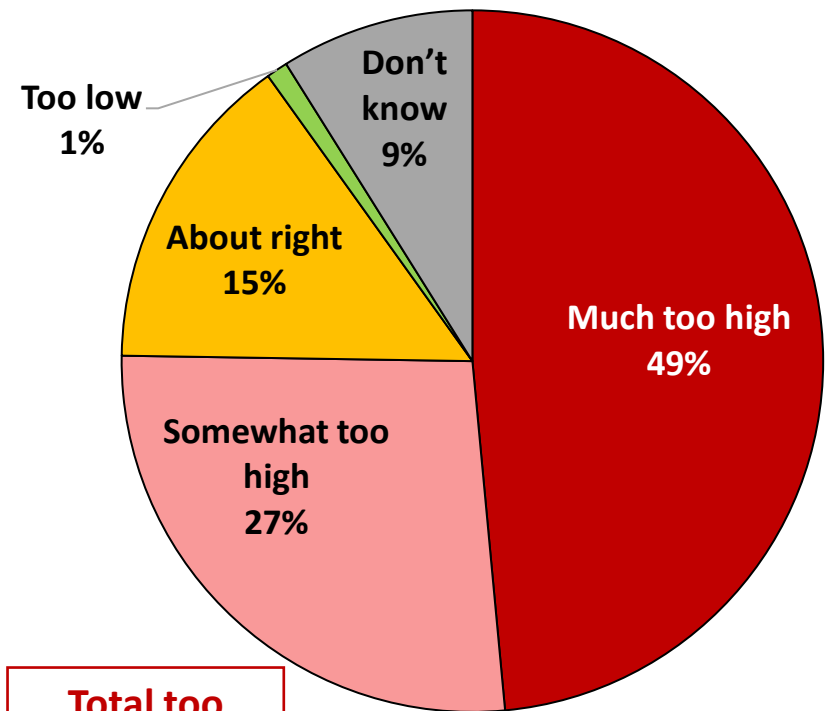
Housing Affordability

Cost to Buy a House



Total too high: 83%

Cost to Rent an Apartment



Total too high: 76%

Q.9 (ROTATE Q.9 AND Q.10) Generally speaking, would you say that the cost to buy a house in Lewis and Clark

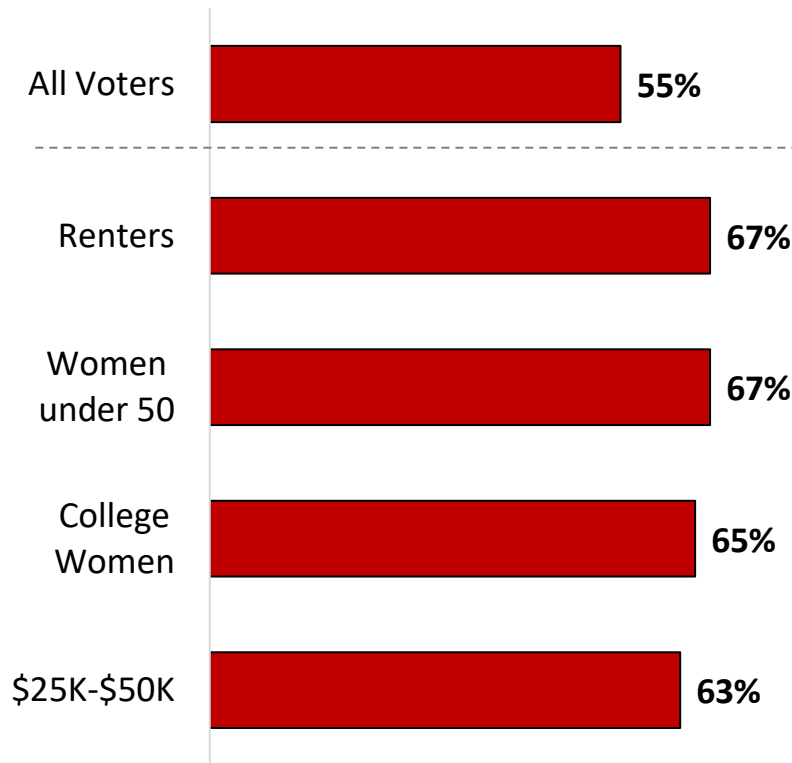
County is (ROTATE FIRST TO LAST AND LAST TO FIRST) too high, about right, or too low?

Q.10 (ROTATE Q.9 AND Q.10) Generally speaking, would you say that the cost to rent an apartment in Lewis and

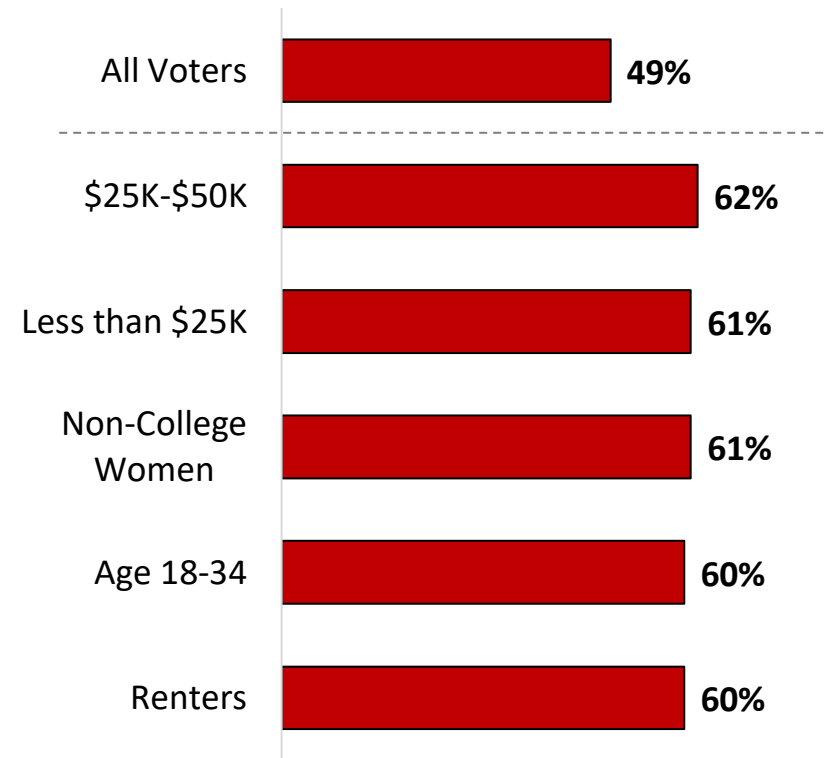
Clark County is (ROTATE FIRST TO LAST AND LAST TO FIRST) too high, about right, or too low?

Renters, Women, Younger and Lower Income Residents Especially Pressed by Housing Costs

% Much Too High to Buy a House by Demographic Groups



% Much Too High to Rent an Apartment by Demographic Groups



Q.9 (ROTATE Q.9 AND Q.10) Generally speaking, would you say that the cost to buy a house in Lewis and Clark County is (ROTATE FIRST TO LAST AND LAST TO FIRST) too high, about right, or too low?

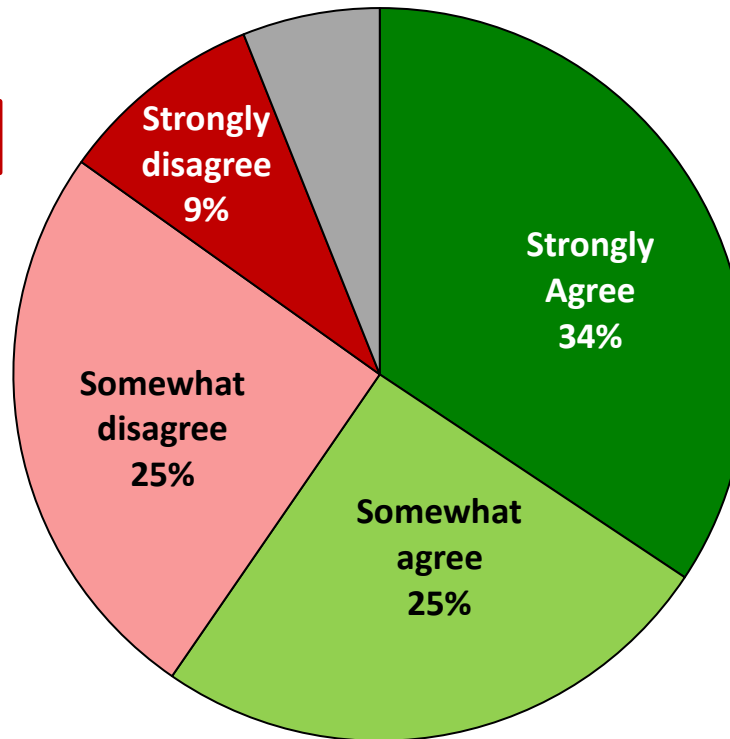
Zoning Advisory Panel Public Comment 8-20 to 9-3-2021, Page 90 of 98

Q.10 (ROTATE Q.9 AND Q.10) Generally speaking, would you say that the cost to rent an apartment in Lewis and Clark County is (ROTATE FIRST TO LAST AND LAST TO FIRST) too high, about right, or too low?

Majority Agree That Young Adults and Families are Leaving Lewis and Clark County Because of Housing Costs

Young People are Leaving Lewis and Clark County to Find More Affordable Housing Elsewhere

Total Disagree: 34%

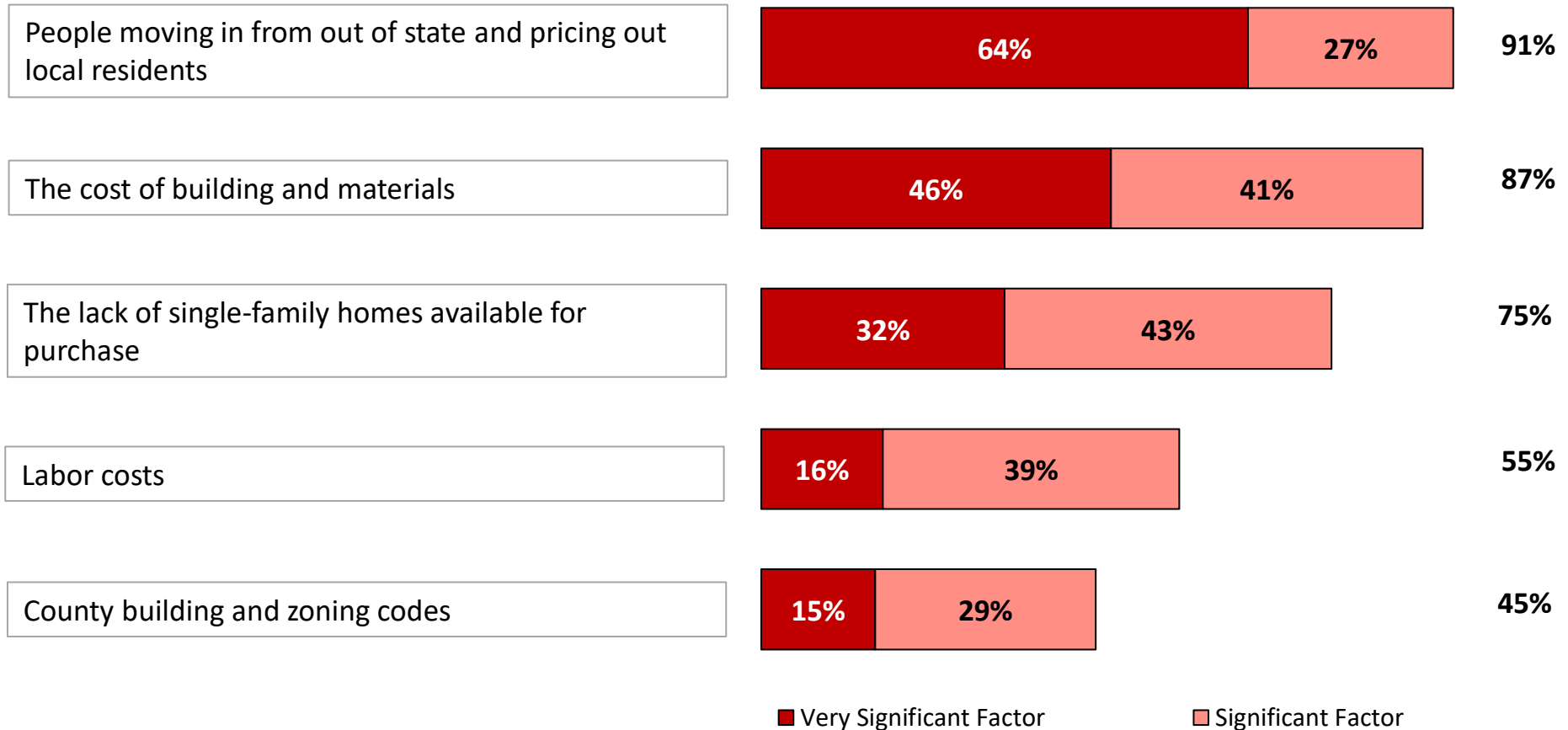


Total Agree: 59%

Out of State Home Buyers Seen as Biggest Factor for Increased Housing Costs

The cost of building and materials is also a significant factor

The Significance of Different Factors for Increased Housing Costs in Lewis and Clark County



■ Very Significant Factor

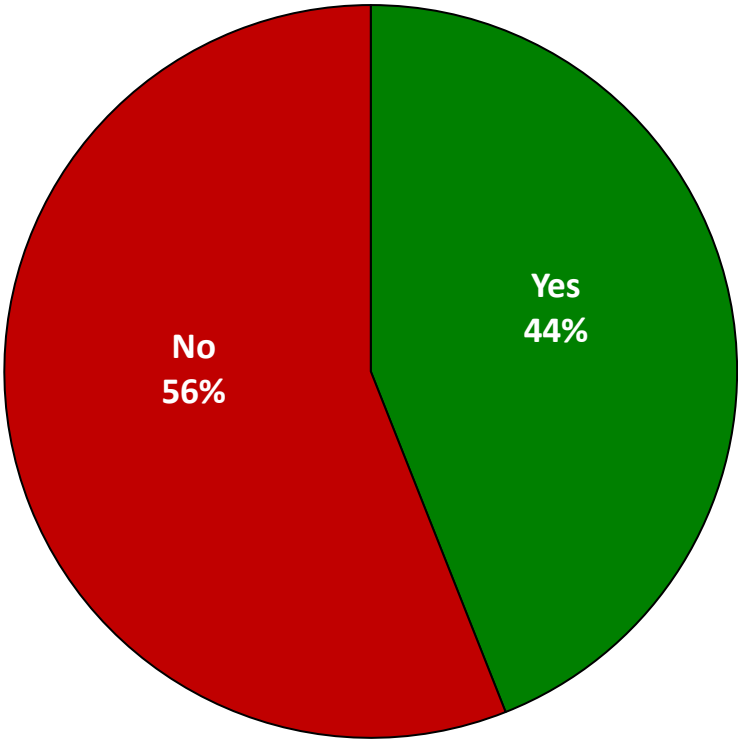
□ Significant Factor

Q.12 As you may know, housing costs in Lewis and Clark County have been on the rise. I am going to read to you a list of different reasons that some people have given for why housing costs have increased. For each one, please tell me if you think it is (ROTATE FIRST TO LAST AND LAST TO FIRST) a very significant factor, a significant factor, a not very significant factor, or not a factor at all for the increased housing costs in Lewis and Clark County.

Zoning and Lot Size Requirements

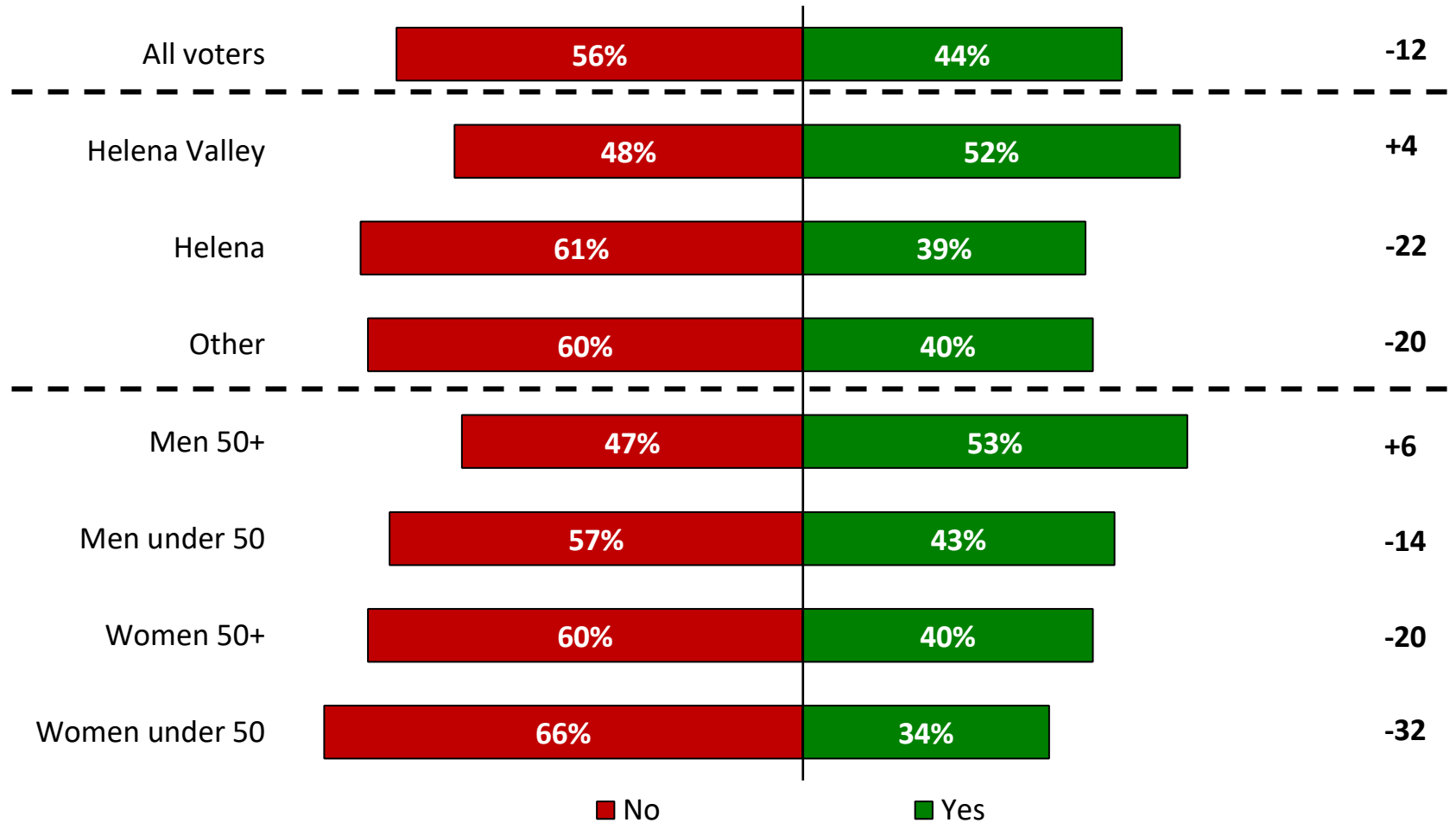
While Many Have Heard About New County Zoning Regulations, A Majority is Unaware

Aware of New Zoning Regulations for Housing and Building Construction



Helena Valley Area Voters and Older Men More Aware of New Zoning Regulations

Aware of New Zoning Regulations by Region and Age/Gender



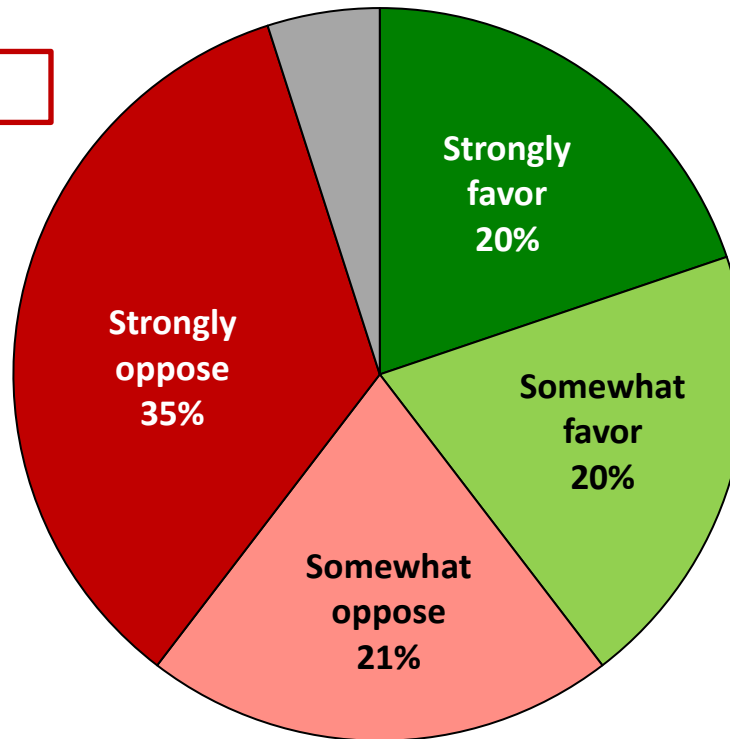
Q.13 Switching gears a bit, are you aware that the county government recently adopted new zoning regulations for housing and building construction in Lewis and Clark County? (ROBATE) Yes or no.

Majority Oppose the Ten-Acre Lot Minimum Policy

Views on the Ten-Acre Minimum Lot Size Requirement for New Home Construction

Total Oppose: 56%

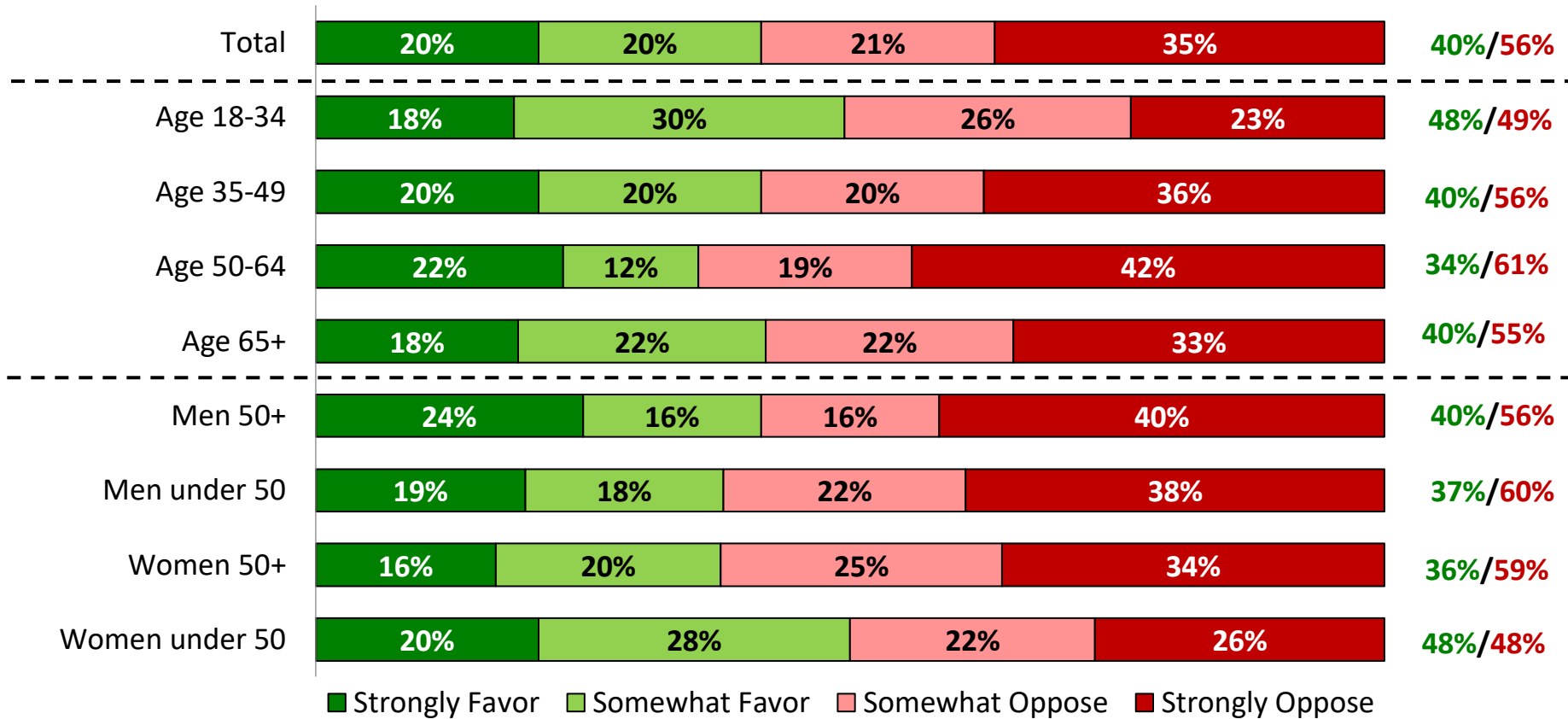
Total Favor: 40%



Q.14 As you may know, last year the county passed a new regulation requiring a minimum lot size of ten acres for new homes built outside the Helena city limits. This means that any newly constructed home outside of the city limits will require at least ten acres of land. No further subdivision is allowed. Based on what you know, do you (ROTATE) favor or oppose the minimum lot size of ten acres for new home construction outside the Helena city limits?

Middle Aged and Older Male Voters Are Strongest Opponents to the Ten-Acre Minimum Lot Requirement

Opinions on the Ten-Acre Minimum Lot Size Requirement for New Homes by Age and Age/Gender



Q.14 As you may know, last year the county passed a new regulation requiring a minimum lot size of ten acres for new homes built outside the Helena city limits. This means that any newly constructed home outside of the city limits will require at least ten acres of land. No further subdivision is allowed. Based on what you know, do you (ROTATE) favor or oppose the minimum lot size of ten acres for new home construction outside the Helena city limits?

National Association of REALTORS®

MT – Helena Area Smart Growth July 2021

American Strategies designed and administered this Telephone and online survey conducted by professional interviewers. The survey reached 500 adults, age 18 or older, who indicated they were registered to vote in Lewis and Clark County, Montana. The survey was conducted from July 19-25, 2021.

Fifty-one percent of respondents were reached on wireless phones, four percent on VOIP phones, fifteen percent on landlines, and thirty percent online. Quotas were assigned to reflect the demographic distribution of registered voters in Lewis and Clark County, Montana, and the data were weighted to ensure an accurate reflection of the population. The sample was drawn from a third-party vendor voter file and based on vote history. The overall margin of error is +/- 4.4%. The margin of error for subgroups is larger and varies. Percentage totals may not add up precisely due to rounding.