

**LEWIS AND CLARK COUNTY  
GROWTH POLICY UPDATE 2015**

**VOLUME 2—Helena Valley Area Plan**

**Adopted March 3, 2016**

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VOLUME II—HELENA VALLEY AREA PLAN

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# Chapter 1: Introduction & Context of the Plan



## What is the Helena Valley Area Plan?

### Purpose

For decades, population and housing growth in the Helena Valley has outpaced all other cities, towns and rural areas in Lewis and Clark County combined. The pressures of a growing community are coming to a head with the realities of the planning area. Major constraints to development are becoming harder to avoid. Population projections suggest an additional 10,000 people requiring an additional 4,000 housing units will arrive in the Helena Valley Planning Area (HVPA) within the next 20 years. With the ever increasing complexity of finding balance between development and constraints, the time was right to re-evaluate the planning and growth management system in the HVPA.

Local and state agencies have completed numerous reports and studies on how to accommodate development in the Helena Valley and how development pressures are impacting the community and the environment. What is missing and what this update provides is one document that reviews all of the available information and like a puzzle puts the different pieces together to create a full and complete picture of the existing planning and growth management system in the HVPA.

Under Montana law, growth policies are the mechanism used to guide the decision-making process of appointed boards and elected officials when it comes to growth and development—they set the direction for the future. The Lewis and Clark County 2004 Growth Policy directs the County to develop specific policy direction through area plans for six different geographic areas (1. Augusta, 2. Lincoln, 3. Wolf Creek/Craig, 4. Canyon Creek/Marysville, 5. Canyon Ferry/York, and 6. Helena Valley). Because Helena Valley has 95 percent of the County’s population and experiences an even greater percentage of its development activity, there is a real need to put together a plan focusing on the greatest challenges to this part of the County. A long range plan that examines those challenges in detail is necessary to help guide the decision-making process on land use and public expenditures. The area plan framework established by the 2004 Growth Policy is the best mechanism to address these area-specific issues, and the Helena Valley Planning Area is the geographic focus of this update.

### Why Develop a Helena Valley Area Plan?

#### Reason #1: A Need for Action

Lewis and Clark County has essentially been using the same growth management tools since the 1970’s. The population of Helena Valley at the time was small, but since then it’s grown at exceptional rates, hitting double digits in each of the last three decades. Previous long range planning documents, like the 2004 Lewis and Clark County Growth Policy, set out policy direction but lacked specifics and follow-up implementation that put the proposed policies into action. As a result of inaction, the County has been hit hard by a series of lawsuits over roads, an increasing backlog of infrastructure needs, and escalating maintenance costs. A long range plan is needed that is action-oriented, with specific implementation strategies that are highly focused on the most pressing issues we face. The Helena Valley Area Plan is that instrument for change.

#### Reason #2: New Information

A lot more is known about the Helena Valley Planning Area today than was known when the last major planning effort was completed in 2004. Since then, detailed scientific analysis and modeling of our three aquifer systems has been completed. A half dozen detailed Preliminary Engineering Reports on major roads have identified deficiencies and the costs of fixing them. Significant engineering analysis of the needs and costs to extend infrastructure to address water issues, road conditions and wastewater concerns have been completed. Flood mitigation master plans identify where extensive and expensive drainage facilities are needed. Not one, but two regional transportation plans have been written. All of these studies, plans and reports address in detail the key issues in the Helena Valley Planning Area. Under current planning programs, even though the key issues are interconnected, the facts, figures, findings, and recommendations of each of these planning and policy documents are written without consideration of how they might affect one another. The Helena Valley Area Plan is the instrument to evaluate all of the available information in a coordinated, comprehensive fashion and to present recommendations that tie everything together.

#### Reason #3: The Future

We can’t continue to ignore the constraints to development that exist, because we have to face the reality that growth is going to continue. Conservative estimates project that an additional 10,000 people will live in the Helena Valley Planning Area requiring an additional 4,000 housing units within the next 20 years. With inaction we can only expect that costly lawsuits, the increasing backlog of infrastructure needs, and escalating maintenance costs will continue and even accelerate. Finding equitable solutions that promote development while acknowledging the constraints to development are not out of reach, but the issues are complicated and the answers don’t exist in previous plans. The Helena Valley Area Plan is the opportunity to present options for our future and to stimulate dialogue on how best to achieve our growth management goals.

### Conditions that led to the Helena Valley Area Plan of 2015

Since the 1970’s, the Helena Valley has seen intense development and high growth rates. Today, the Helena Valley Planning Area contains 95% of the County’s population and has experienced 98% of its development activity over the past decades. To illustrate, the population of the Helena Valley Planning Area in 2000 was 24,372 (not including the population of the two cities). The population in the HVPA in 2010 was 29,238. That is an increase of 4,866 people over a decade of growth. During that time period, the total population growth in Lewis in Clark County outside the cities was 4,927. Therefore, of the population change in the unincorporated parts of Lewis and Clark County, 99% of the new people moved into the Valley area (4,866 of 4,927 new people). The number of people moving into the HVPA is over double that of the City of

Table 1.1—Change in population by decade between the two Cities and the unincorporated County.

LOCATION	POPULATION CHANGE BY DECADE			
	1970 - 1980	1980 -1990	1990 - 2000	2000 -2010
Helena	1208	663	1179	2410
East Helena	-4	-109	104	342
Unincorporated County	8554	3902	6938	4927



Helena (Table 1.1). In fact, when considering how new growth in Lewis and Clark County occurs, between 2000 and 2010 63.4% , or just under two-thirds of all new growth occurred in the Helena Valley Planning Area outside the two cities. Because of this concentrated growth and development, the issues faced in Helena Valley and its surroundings are substantially different than in other, more rural parts of the County such as Lincoln, Augusta, and Wolf Creek.

As we look towards the future of the Helena Valley, past growth trends are projected to continue, albeit at a slower pace. Within the planning area, there are certain critical issues that face the Planning Board and Board of County Commissioners whenever those governing boards review a development proposal. Will there be enough water to serve the residents of new neighborhoods without affecting the wells of surrounding homeowners? Can existing roads handle more and more traffic without major improvements? How will wastewater from new subdivisions be managed to ensure that drinking water in the aquifers beneath them isn't degraded? Can the system of volunteer fire districts effectively serve a population that is now larger than the population of the City of Helena without a public water supply system to fight fires? These are difficult questions and there are no easy answers.

These recurring questions have led to the conclusion that the current policy direction set forth in the 2004 Growth Policy needs to be reexamined. But with the complexity of the issues, and how much they differ from other parts of the County, it made the most sense to focus proposed Growth Policy revisions towards the Helena Valley Planning Area, which leads us to development of a specific Helena Valley Area Plan.

## Historical Background

The Montana Codes Annotated (MCA) authorizes local governments to adopt growth policies under 76-1-601, MCA. The Growth Policy—previously referred to as a comprehensive plan—is intended to be a long-range, non-regulatory planning document for Lewis and Clark County. The Growth Policy establishes a broad framework for how to proceed with more detailed planning projects and adoption of land use regulations and capital improvement plans.

Lewis and Clark County started comprehensive planning in the Helena Valley in 1983. While focused primarily on the Helena Valley, the 1983 Comprehensive Plan did include some provisions for areas outside of the Helena Valley, but the main focus was growth and development within the Valley. Portions of the 1983 Plan were updated in 1989, but it wasn't until 1997 when the County started updating the plan to be a comprehensive, county-wide planning document.

The update, finished in 1999, divided the county into distinct planning areas. These areas were:

- Augusta;
- Lincoln
- Wolf Creek-Craig;
- Canyon Creek-Marysville;
- Canyon Ferry-York; and,
- The Helena Valley.

In 2004, Lewis and Clark County adopted a revised and updated Growth Policy. This was a new and clean document, born from different issues and from different public input than previous plans, but elements of the older plans were retained.

The idea of more specific area plans was one of the planning concepts retained in the 2004 Growth Policy. The 2004 document developed policy guidance for making land use decisions for the entire county minus the incorporated areas of Hele-

na and East Helena. Detailed discussion of the five specific planning areas was included, but it was the intent of the 2004 Growth Policy, as discussed in the Growth Policy's Implementation Strategy (Chapter VII), that Area Plans were the preferred tool for the purpose of bringing specific policy direction of the Growth Policy to a smaller geographic scale.

The 2004 Growth Policy called for Planning Area Plans to do the following:

*Planning Area Plans should include proposed land use plans for local geographic areas outlining any proposed urban, transitional or rural area designations. The purpose of the plans is to identify areas where public utilities will logically be extended, suggest any areas set aside for parks and open space, and any other special designations.*

*Planning Area Plans are elements of the Lewis and Clark County Growth Policy, and will be consistent with the Plan's policies and implementation strategies. The Planning Area Plans should be consistent with any service area plans and any adopted level of service standards. These plans may include, but are not limited to:*

- a. *Identification of policies in the Growth Policy that apply to the sub-area.*
- b. *Any Planning Area specific land uses and subsequent zoning, when consistent with the Growth Policy.*
- c. *Recommendations for any open space designation and park sites, if consistent with adopted plans.*
- d. *Recommendations of capital improvements, the means and schedule for providing them, and appropriate amendments to service area plans to support planned land uses.*
- e. *Identification of any new issues that need resolution at a County wide level.*
- f. *Identification of all necessary implementation measures needed to carry out the Plan.*

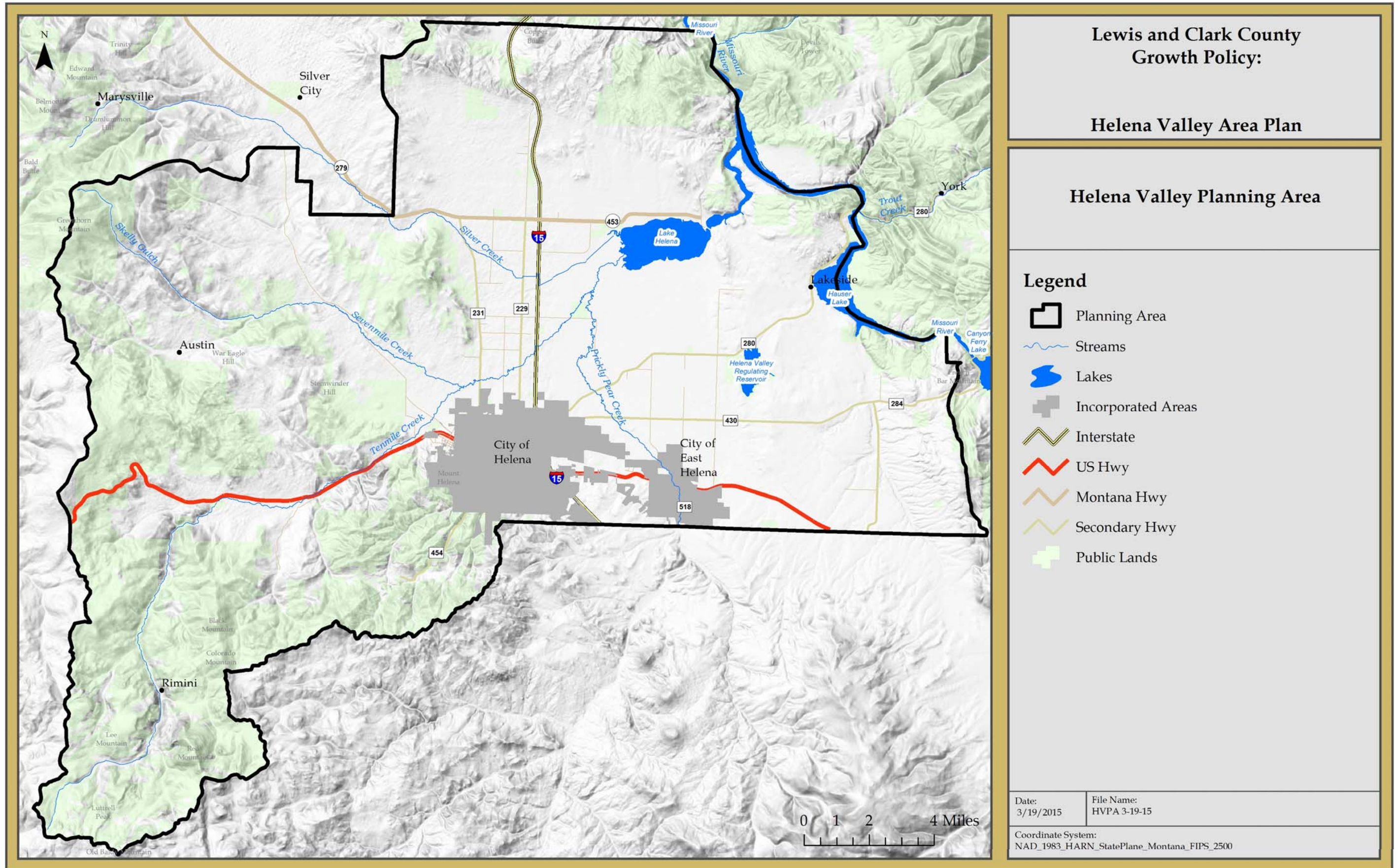
The Helena Valley Area Plan 2015 (HVAP15) is an update to the 2004 Lewis and Clark County Growth Policy. The intent of the Helena Valley Area Plan is to bring specific direction to the portions of the 2004 Growth Policy related to the Helena Valley Planning Area. Specifically, this document focuses on five main issues including water availability, roads, wastewater treatment, fire protection and floodplains in the Valley area.

## The Helena Valley Planning Area 2015 Boundaries

The Helena Valley Planning Area (HVPA) is located in the southern part of Lewis and Clark County and is bound by the North Hills on the north, the Missouri River, Hauser Lake, and Spokane Hills on the east, the County Line with Jefferson and Broadwater Counties on the south, and the Continental Divide on the west (Map 1.1).

The Helena Valley Planning Area does not include lands within the city limits of Helena and East Helena, which have their own growth policies. As the city limits of these communities change, the boundaries of the HVPA changes as well. Today, the HVPA covers roughly 386 square miles (244,000 acres), which is smaller than the 2004 Growth Policy boundary due to annexations by both Helena and East Helena over the past decade.





Map 1.1—The Helena Valley Area Plan 2015 boundaries.



## Scope of the Current Growth Policy Update

The Montana Codes Annotated (MCA) authorizes local governments to adopt growth policies under 76-1-601, MCA. The Growth Policy—previously referred to as a comprehensive plan—is intended to be a long-range, non-regulatory planning document for Lewis and Clark County. It establishes a broad framework for how to proceed with more detailed planning projects, land use regulations, and capital improvements programming.

As conditions warrant, growth policies can be updated by the governing body to address changing conditions or issues facing the community. The extent to which updates occur is at the discretion of the governing body, and updates can address all, or just part of the growth policy.

The 2004 Growth Policy was divided into three volumes: Volume One was a stand-alone executive summary that was the main public review document. The executive summary contains the main issues, goals, policies, and implementation strategies in the Growth Policy, but lacks most of the background and inventory material found in the full plan. Volume Two contained detailed topical elements of the Growth Policy: demographics and economics; land use; housing; natural environment; transportation, and; implementation strategies. Volume Three contained the Capital Facilities Plan (CFP), which is part of the Growth Policy but separate enough from the other elements so that it was packaged as a stand-alone document.

The Helena Valley Area Plan will affect portions of Volume One and Volume Two that are specific to the Helena Valley Planning Area. Any county-wide discussion, goals, policies and implementation strategies are not affected by this update. It is important to note that while Volume One of the 2004 Growth Policy is meant to be a standalone document, the majority of the text is verbatim from Volume Two.

While there is much discussion and even some outdated facts and figures throughout the 2004 Growth Policy related to the Helena Valley Planning Area, there are only two sections that are truly related to establishing a policy direction specifically for the HVPA and no other section of the county. One section is the Area Plan from Chapter Three of Volume Two. The other section is part of the implementation strategy on the “Helena Valley Development Areas”, or otherwise referred to as the future land use designations. These two sections and their related text in Volume One will be superseded with the adoption of the Helena Valley Area Plan 2015.

## Organization of the 2015 Growth Policy Update

The Growth Policy update is divided into four volumes. **Volume 1 is the *Key Issues Report*** that explores the five development constraints in Helena Valley and the five policy options for responding to them. It also contains the results of an extensive public participation process over a two-year period that provided needed input on the key issues and policy options for responding to them.

**Volume 2 is this *Helena Valley Area Plan*** that takes a more in-depth look at the policy options and makes specific recommendations for pursuing a balanced mix of public investment, density controls, improved regulations, and public education for designated Urban, Rural, and Transitional Growth Areas.

**Volume 3 is titled *County-Wide Changes & Regional Facilities*.** Although the primary focus of this Growth Policy update is the Helena Valley and the five key issues of the constraints to development, State law requires that the County also update its treatment of gravel resources and the Wildland Urban Interface on a county-wide basis. The County has also made and is in the process of making major decisions on regional facilities that should be included in the long-range plan for Helena Valley and the rest of the County. In December of 2014, the County and the City of Helena completed a Joint Land Use

Study (JLUS) of the potential impacts of military operations of Fort Harrison on development and of the potential impacts of development on military operations and facilities. In December of 2015, the County and City initiated a project to implement the recommendations of the JLUS that includes drafting of amendments to the Growth Policies of both jurisdictions. Upon completion of that project, additional changes will be needed to the draft *Helena Valley Area Plan* to incorporate those implementation measures.

**Volume 4 consists of the *Issues Background Papers*** that provide in-depth documentation and analysis of the key issues for members of the public and decision makers who want to dig more deeply into the basis for determining the constraints to development in Helena Valley and for proposing a new growth management program to respond to them.

## Organization of the 2015 Helena Valley Area Plan

This second volume of the Growth Policy update is intended as a stand alone area plan that can be used to develop new policies to better manage growth in the most populous and active portion of Lewis and Clark County.

### Chapter 1—Introduction & Context of the Plan

This first chapter has explained the reasons for developing a Helena Valley Area Plan and its relationship to this update to the 2004 County Growth Policy.

### Chapter 2—Current Planning & Growth Management System

Chapter 2 examines the goals for growth management that were adopted in 2004 after an extensive public participation process and makes the case that those goals were not achieved in the decade that followed. In addition to the failure to enact a plan with specific action steps and timeframes for implementation, no significant changes were made to the growth management system that has driven development practices for three decades in Helena Valley. This chapter identifies and explains the various planning and regulatory programs currently in place in terms of their intent and their strengths and weaknesses. It outlines the major land use goals of the Cities of Helena and East Helena as they relate to the surrounding County lands and predicts how the area will continue to develop if those current growth management plans and programs remain in place.

### Chapter 3—Policy Options to Manage Growth

The third chapter presents policy options that are available to address the constraints to development in Helena Valley so that anticipated growth and development can be accommodated in a manner that is fiscally responsible, environmentally sound, and protects the public health and safety. By making prudent investments in public infrastructure needed to support growth in areas with the least development constraints, limiting development densities in areas with significant constraints, adjusting regulations in all areas to facilitate appropriate development, and improving education on development factors, a new growth management plan and program for Helena Valley can be adopted and implemented to positively change the current patterns.

### Chapter 4—Infrastructure Economic Analysis

As with so many other public policy issues, the bottom line is the cost of developing land and the financial obstacles to responsible growth management. In addition to the planning and growth management programs currently in place, the high





cost of building new subdivisions close to the cities on public utilities to appropriate design standards have contributed to development patterns where almost two-thirds of new growth is occurring in areas constrained by water availability, wastewater limitations, road conditions, and rural fire protection systems. This chapter evaluates the economics of providing needed infrastructure for growth and the options for changing this growth pattern.

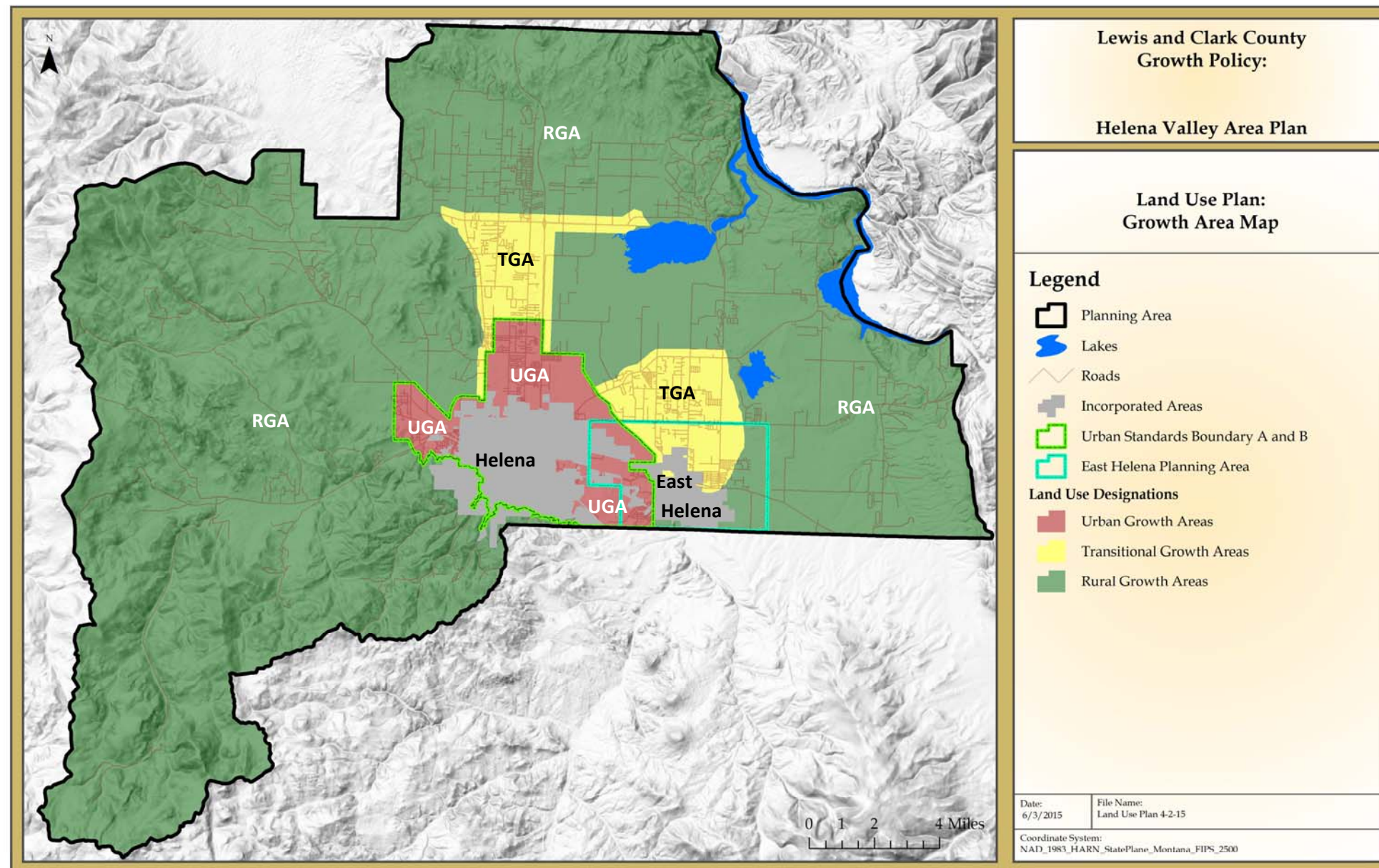
## Chapter 5—Future Land Use Plan

The fifth chapter of the Helena Valley Area Plan presents an expanded vision of the one set forth by the County in 2004 (see Map 1.2). Based on the development constraints and opportunities, the areas designated for urban growth at higher densities with public utilities and urban design standards has been expanded to coincide with the City of Helena’s Urban Standards Boundary. Areas constrained by water availability, roads, and rural fire protection systems have been designat-

ed for rural densities with appropriate rural design standards. Transitional areas between urban and rural growth areas will have a mix of development densities with appropriate design standards for the type of development that occurs. Each of the three designated growth areas (Urban, Rural, and Transitional) will have a balanced mix of policy options tailored to the particular constraints and opportunities that are present.

## Chapter 6—Implementation Program & Schedule

The final chapter of the Helena Valley Area Plan will put the policy recommendations of the plan into table form with specific assignment of implementation steps and time frames for completing them.



Map 1.2—Future Land Use Plan for the Helena Valley Planning Area from Chapter 5.



# Chapter 2: Current Planning & Growth Management System



This chapter examines the existing planning and growth management system and how it effects land use patterns throughout the Helena Valley Planning Area (HVPA). This is a general discussion focusing on growth and development, not on specific uses or individual properties. The existing growth management system is a mix of land use plans, regulations and tools that have been adopted by Lewis and Clark County and are currently being used to manage growth and development. However, within the current growth management system a state agency, the Montana Department of Environmental Quality, perhaps has greater influence than any other entity on land use patterns in the HVPA.

## Summary of the Current Planning and Growth Management System

There are a number of plans, local regulations and state regulations that affect land use patterns in the Helena Valley Planning Area. These plans and regulations make up the current planning and growth management system. The current system is primarily focused on site-specific considerations of individual development proposals. Land use patterns are almost exclusively a result of water and wastewater rules administered by the State of Montana. This chapter will explore the existing planning and growth management system that has guided growth over the past few decades in the Helena Valley Planning Area. Research conducted for this update to the County Growth Policy indicates that the current planning and growth management system:

- Primarily focuses on site-specific proposals that directly affect a few properties, not on comprehensive issues that directly affect many properties;
- Does little to identify and manage cumulative impacts of the growing population;
- Does little to include the local governing body or the public in the decision-making process that determines where development occurs and at what densities;
- Does little to ensure the long-term needs for public services are met;
- Does little to ensure public funds are spent to accommodate and facilitate new growth efficiently and effectively; and,
- Does little to proactively address the constraints to development in the Helena Valley.

The current planning and growth management system is incapable of addressing the comprehensive issues that the Helena Valley Planning Area is facing. If we continue with the business-as-usual planning and growth management system, we will continue to experience the consequences of a failing system. Ignoring development constraints will cause some water supplies to dwindle or dry up. Wastewater facilities will continue to be a source of pollution and trouble for users. More traffic will be forced onto substandard roads, causing public health and safety risks and increasing maintenance costs. The capacity of rural fire districts to respond to emergencies will be stretched to the limit, and wildland fires will threaten more homes. Flooding will continue to be an issue, particularly in the Ten Mile Creek drainage.

The current planning and growth management system does not adequately acknowledge the constraints to development in the Helena Valley Planning Area. In fact, it perpetuates these problems. If we are going to successfully accommodate an additional 10,000 people and another 4000 homes in hundreds of subdivisions in the planning area, we cannot continue to ignore the development constraints.

What are the future costs to build public water systems to deliver water to homes and neighborhoods with depleted aquifers? What will the costs be to continually upgrade failing wastewater treatment facilities that aren't properly managed or maintained? What will the costs be to pay to upgrade gravel and poorly built paved roads to county standards and to protect more lives and homes from wildfires?

We need to adopt a planning and growth management system and develop programs that recognize the constraints to development in the Helena Valley Planning Area and responds to them appropriately. That new way of doing business can actually encourage development and even facilitate growth in areas without such constraints.

## 2004 Growth Policy Direction for the Helena Valley Planning Area

### 2004 Future Land Use Designations

The 2004 Growth Policy established three primary land use designations in the Helena Valley Planning Area. These designations are Urban Areas, Transitional Areas and Rural Areas (Figure 2.1 on Page 2.2). The 2004 Growth Policy envisioned directing varying levels of public investment to the different designations in order to accommodate varying amounts and densities of future growth. The intent was to guide high density and intensity development to areas that could accommodate it, and lessen demand for development in rural areas with limited infrastructure.

To accomplish this plan, the County was to invest in and coordinate capital facility improvements with the City of Helena by identifying projects within the designated Urban Areas, especially improvements to transportation infrastructure. The County and the City could then coordinate service extension/provision for these areas that would eventually be annexed into the City of Helena. The idea was that over time as the infrastructure network was completed in the Urban Areas and the City eventually annexed these areas, the County could shift capital investment to the Transitional Areas to support higher density development and particularly the development of mixed use valley centers.

Outlying areas of the Helena Valley designated as Rural Areas would receive little capital improvement investment dollars. Development in these areas was intended to be self-sufficient and pay its own way. The desired overall effect of focused capital investment was to improve the level of service for a greater number of residents who chose to live within the urban and transitional areas and maintain a lower level of service for those who chose to live in the outlying areas.

### 2004 Urban Areas

Three Urban Areas adjacent to the City of Helena are identified in the 2004 Growth Policy as compatible with planned municipal infrastructure within a 20-year period. Based on the City of Helena Wastewater Treatment Plan and Water Master Plan in place in 2004, the Urban Areas would eventually be annexed to the City of Helena, and development would need to meet City development standards. It was anticipated that these areas could accommodate high-density development, with an emphasis on infill and a range of uses.

It was the intent of the 2004 Growth Policy to guide housing development to Urban Areas that include neighborhood-focused centers where services are more accessible. Additionally, these centers could eventually be served by public transportation. New developments in Urban Areas would be required to meet city standards for roads and service provision so they could be annexed at some point in the future without deficiencies.



Future transportation system improvements would be concentrated in the Urban Areas and Transitional Areas. Specific new corridor alignments were proposed to serve these developing areas, and funding was directed to be prioritized for these new corridors, although this never happened. Where possible, roadway development in urban areas would need to meet minimum standards for pavement.

### 2004 Transitional Areas

The 2004 Growth Policy identifies three Transitional Areas. These areas generally contained lower density development than Urban Areas, as well as some community services (schools, parks, fire protection, neighborhood, commercial, etc.). The Transitional Areas were targeted for additional infill development.

Public investment would not be focused in these areas in the near term. To support future public investment in utilities and service provision, interim design and service provision strategies were to be utilized until a time when urban level services were appropriate. Existing utility systems and roadways were to be upgraded and expanded where feasible. Future transportation linkages were needed to serve these areas.

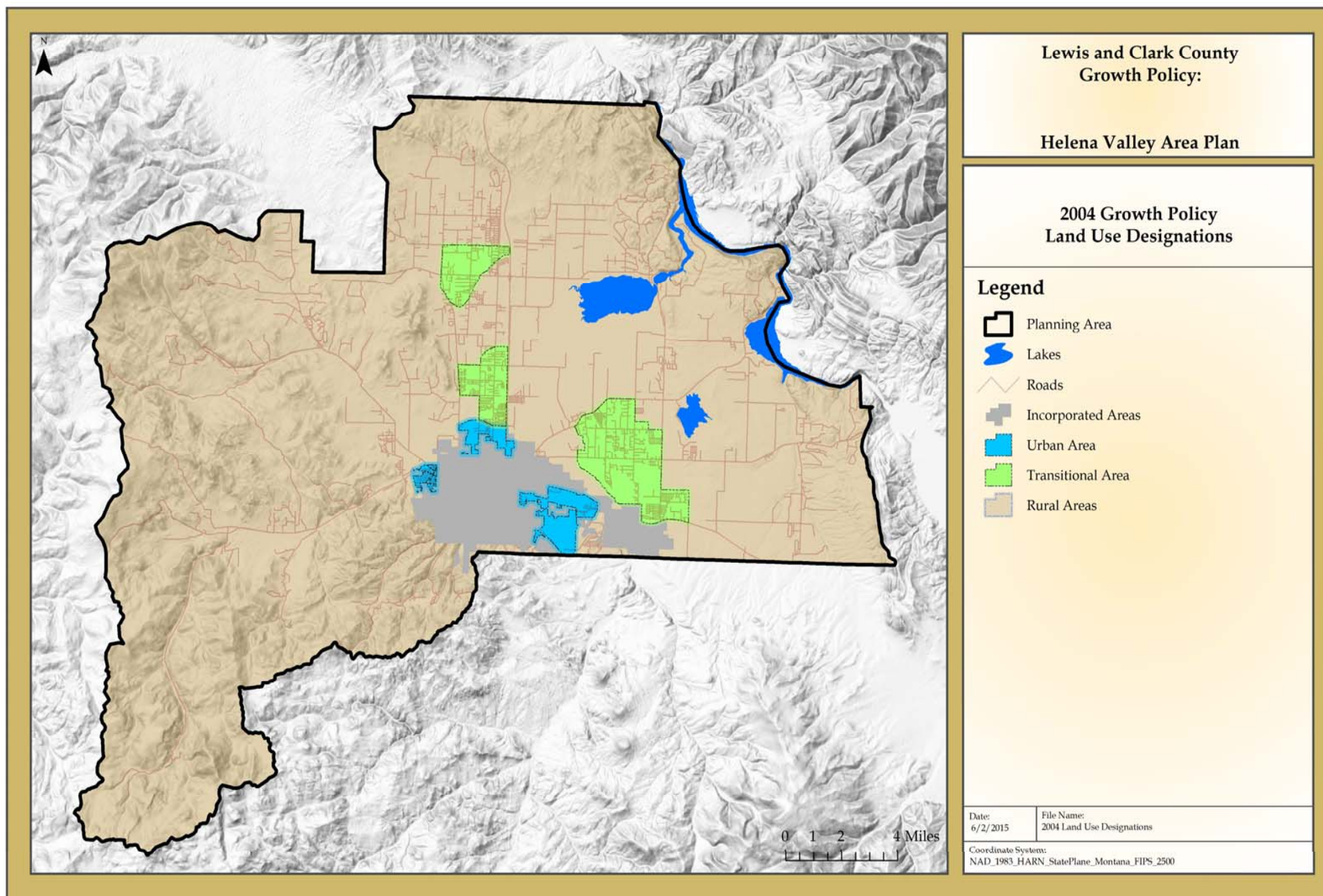
The 2004 Growth Policy directed that sub-area plans be prepared for each of the three Transitional Areas to plan for future Valley Centers which could serve many of the daily shopping and service needs of residents within these areas. The anticipated overall development density could average 2-3 housing units per acre upon buildup.

The adoption of Transitional Areas as Valley Centers could provide economic opportunity outside of incorporated areas. The increased residential development in Transitional Areas would theoretically over time support new retail, commercial, and service business. Increased opportunity in outlying areas was anticipated to result in a slightly reduced new business potential in the incorporated cities. There could also be related positive impacts on the transportation system as people in outlying areas would not need to drive to the cities for all shopping/service errands, and there would be nearby employment opportunities for those who live outside the city limits.

Future transportation system improvements would be concentrated in the Urban Areas and Transitional Areas. Specific new corridor alignments were to be proposed to serve these developing areas, and funding would be prioritized for these new corridors.

### 2004 Rural Areas

Development outside of identified Urban and Transitional Areas needed to be self-sufficient, served by on-site wells, individual septic systems, and/or community well and sewer systems that serve individual and/or adjacent subdivisions, and may include private roadways. Development density was to be dependent upon the following: the level of service that could be provided by the developer, the environmental constraints identified on the property, and the design standards in place at the time of review.



**Figure 2.1—Locations of Urban, Transitional and Rural Land Use Designations from the 2004 Lewis and Clark County Growth Policy. Urban Areas are in light blue, Transitional Areas are in light green, and Rural Areas are in brown.**

## Effectiveness of the 2004 Land Use Designations

Overall, the adoption of the planning and growth management system described through the Land Use Designations was ineffectual at managing growth according to the long-range plan that was adopted. The 2004 Growth Policy relied heavily on the extension of public infrastructure to guide growth, but failed to create a strategy to fund and build the infrastructure improvements the plan envisioned. The County did not adopt infrastructure standards in the Urban Areas to complement the City's standards. Sub-area plans in the Transitional Areas were never prepared. The 2004 Growth Policy created a planning and growth management system on paper only, and it failed to enact a single strategy to see it through to implementation.



### Effect on Land Use Patterns

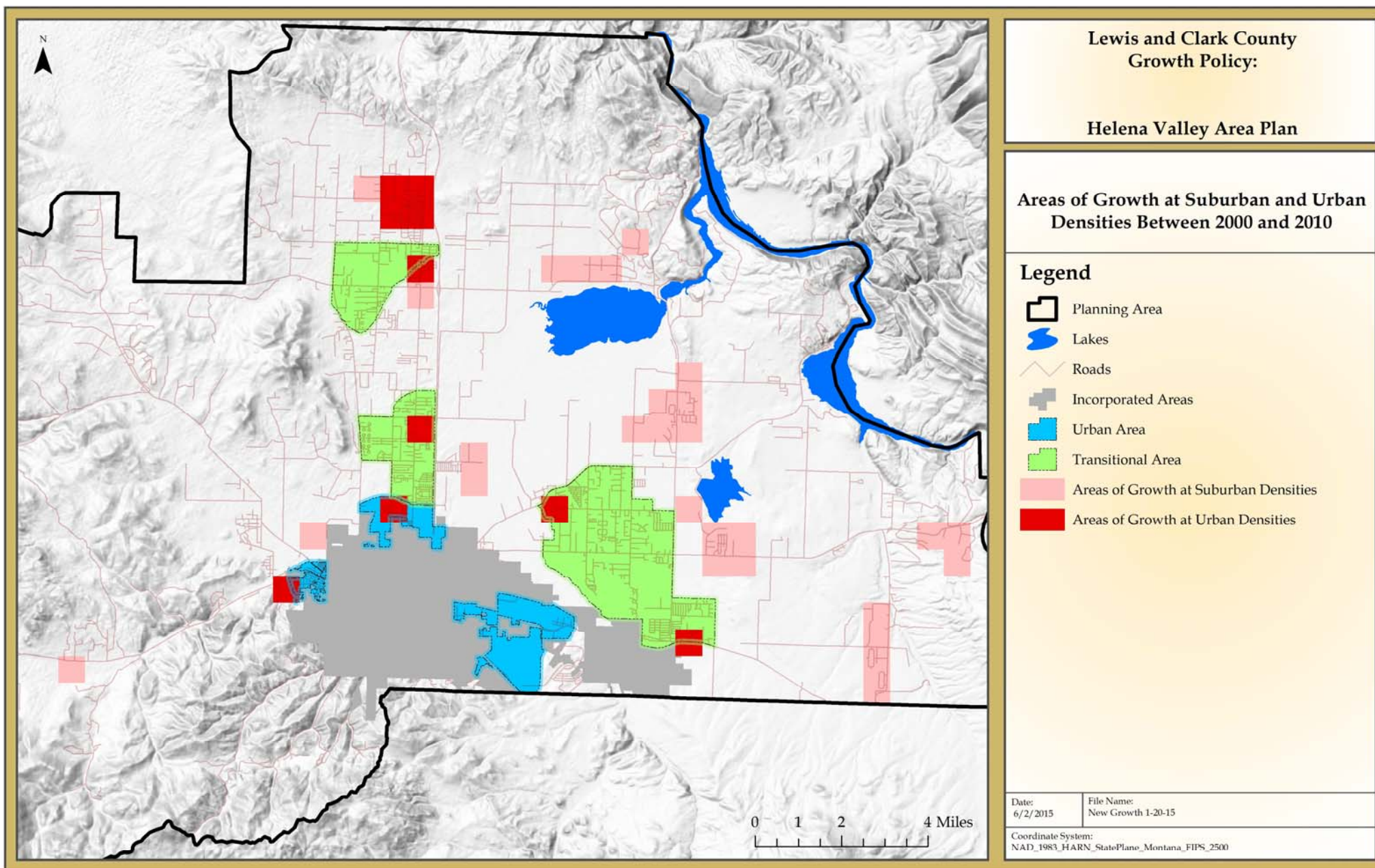
In theory, implementation of the three land use designations would guide growth into areas where the density and intensity of development would be compatible with the available infrastructure. Urban densities would be guided to Urban Areas. Suburban densities would be guided to Transitional Areas. In Rural Areas, development would be predominately low density. Table 2.1 presents the growth in population in various parts of Helena Valley outside of the cities of Helena and East Helena over the 10-year period from 2000 to 2010. That population increase stimulated a boom in housing construction that lasted until the economic crisis in 2008.

While some development certainly occurred in the pattern the 2004 Growth Policy envisioned, growth did not largely follow this pattern. To help visualize where suburban and urban densities occurred in relation to the 2004 Growth Policy Transitional and Urban land use designations, a GIS analysis was completed using 2000 and 2010 U.S. Census data available through Montana Geographic Information Clearinghouse (See Fig. 2.2).

The analysis generalizes the highest density in people per square mile within a one kilometer grid. The outcome of the analysis generalizes where new growth at suburban and urban densities occurred between 2000 and 2010. The exercise cannot be used to quantify how much development at suburban and urban densities occurred, but it does help visualize where these densities occurred in relation to the 2004 Growth Policy Transitional and Urban land use designations.

It is clear from this analysis that for the most part, development over the past decade did not follow guidance of the long range plan, as designated suburban areas were developed at urban densities (shown in red) and rural areas were developed at suburban densities (shown in pink), in both cases without the infrastructure needed to support those densities for the long term future. Therefore, we must conclude that the 2004 Lewis and Clark County Growth Policy had little to no affect on land use patterns in the Helena Valley Planning Area over the past decade of growth and development.

**Figure 2.2:** This map represents areas that transitioned from rural densities to suburban densities, and from suburban densities to urban densities between 2000 and 2010. It does not represent the population densities throughout the planning area, just areas of significant change. (For this exercise, suburban densities were considered to be a range of 5 acres per capita to 0.5 acre per capita. Urban densities were considered to be densities greater than 0.5 acre per capita.)



**Table 2.1: Population growth of the 5 CDPs between 2000 and 2010.**

Census Designated Place	Population Growth 2000 to 2010	Where Growth Occurred
Northeast	873	21%
Northwest	1400	34%
Southeast	1086	26%
West Central	900	22%
West Side	-134	-3%

### KEY POINT #1

**Current Planning and Growth Management System**

*The 2004 Growth Policy's primary strategy was to guide growth to specific areas through investment in infrastructure improvements. This strategy was not effective because the recommendations were never implemented. High density growth occurred in rural areas with development constraints, and that pattern will continue if the current programs remain in place.*



### Continuing Effect on Land Use Patterns

Helena Valley has been growing at double digit rates per decade since the 1970s. The growth that occurred in the past was largely unplanned. To better manage projected growth, the 2004 Growth Policy identified three future land use areas largely based off existing land use patterns.

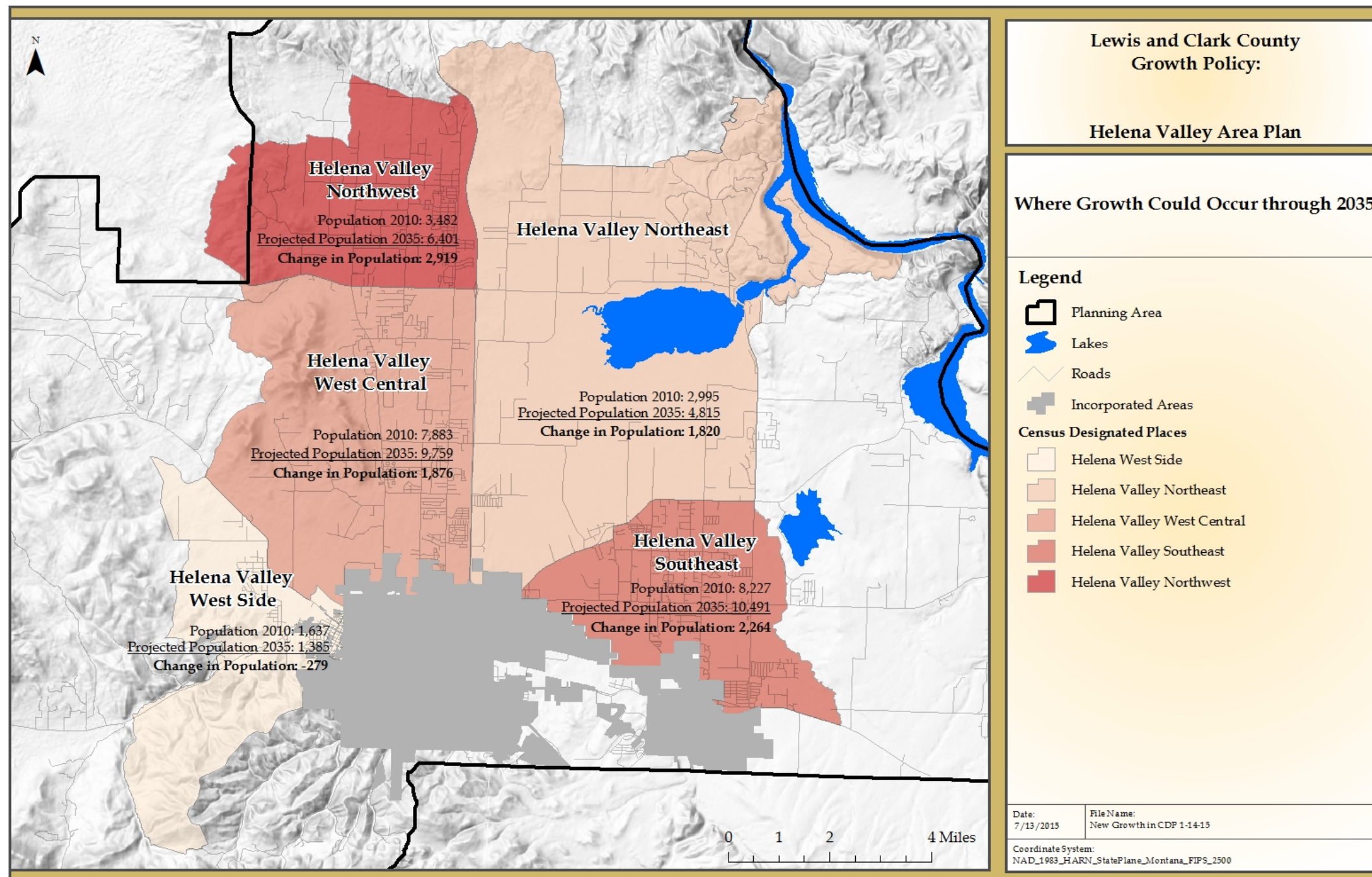
These land use designations, Urban Areas, Transitional Areas, and Rural Areas were intended to guide a range of types and intensities of new growth into specific locations. High density development would happen in areas close to public utilities and with adequate roads to service that dense housing. Low density would occur in rural parts of the Valley that lacked such facilities and services. A mix of densities would play out in transitional areas, and public utilities and services would be extended to those transitional areas over time.

Unfortunately, mechanisms to guide growth based on the Future Land Use Map in the 2004 Growth Policy were never implemented. Growth did not occur according to the plan. It continued the trend established over the previous 30 years, spreading throughout the Helena Valley in densities and locations contradictory to the plan.

In 2010, the population of the Helena Valley Planning Area outside of the cities of Helena and East Helena was 29,238 people, an increase of 4,600 people since 2000. In 20 years, the population of the planning area is projected to be 39,000, or an additional 10,000 people.

Under the current planning and growth management system, the majority of growth will likely occur in the five Census Designated Places of the Helena Valley depicted in Fig. 2.3, outside of the cities of Helena and East Helena as happened in the prior two decades. If our growth management programs remain the same, we can expect that the pattern of urbanization and suburbanization of rural areas with development constraints will continue.

Figure 2.3—Projected population growth of the five Census Designated Places (CDPs) in the Helena Valley over the next 20 years based on past patterns of development.



## KEY POINT #2

**Current Planning and Growth Management System**

***If the current planning and growth management system remains in place, rural parts of Helena Valley will continue to develop at densities that will transform those areas into suburban and urban communities that lack the infrastructure to support them.***

Table 2.2: Projected population and housing growth in 5 CDP's through 2035.

Census Designated Place	Population in 2010	Projected Population Growth through 2035	Projected Population 2035	Projected Housing Needs by 2035
Northeast	2,995	1,820	4,815	720
Northwest	3,482	2,919	6,401	1,154
Southeast	8,227	2,264	10,491	895
West Central	7,883	1,876	9,759	742
West Side*	1,637	-279	1,358	-110



# Planning Programs that Determine Development Outcomes in Helena Valley

## Lewis and Clark County Subdivision Regulations

The primary land use planning tool used by the County in the current planning and growth management system is the Lewis and Clark County Subdivision Regulations. Subdivision is the primary method allowed by state law to divide property. The Subdivision Regulations provide criteria and procedures to govern the review of subdivision applications. The criteria include those set forth in 76-3-608 MCA, as well as specific design criteria such as road construction standards and fire protection standards. The Lewis and Clark Subdivision Regulations have been regularly updated to keep up to date with changes in state law and with the policy direction of the County.

The Subdivision Regulations are a site-specific tool addressing issues directly related to a particular proposal. Subdivision regulations are not comprehensive. The process closely evaluates most impacts of a proposal, but only the impacts specifically addressed within the regulations. The process reacts to development as it comes in, rather than planning for the efficient delivery of public services. The governing body has no control, or forewarning on where subdivisions will occur or at what density. When relying exclusively or primarily on subdivision regulations as the land use planning tool, there is no way to accurately plan for and facilitate the efficient extension of public services.

The process of reviewing subdivision proposals is considered a ministerial act, meaning the governing body does not have any discretion over the design, layout, or proposed density. The application either meets the adopted standards or it doesn't. While by law, the public has the ability to comment on a subdivision proposal, the governing body does not have authority to condition or deny a subdivision just because the public doesn't like it. This is something the public often has trouble relating to, and subdivisions often are the subject of intense controversy. This is true even when there are known negative consequences of development if those consequences have not been addressed by the County in its Growth Policy and Subdivision Regulations. This is especially frustrating to the public and policy makers alike. The continual approval of large, high-density subdivisions in rural areas that are constrained by water availability, roads, and rural fire protection and that lack public services to support it is a major cause of such frustration.

In other parts of Lewis and Clark County where development activities are minimal, applying subdivision regulations as the primary growth management tool may be an adequate policy approach. In the Helena Valley Planning Area, however, significant issues are coming to light. Primarily, it is clear there are constraints to development that using subdivision regulations alone cannot address. Without additional tools, the cost of development to individuals and the public are becoming unmanageable.

The warning signs of the development constraints have been evident for years. Because of the reluctance to adopt more comprehensive land use planning tools, the County Commissioners have repeatedly adopted amendments to the subdivision regulations to address the ever-increasing issues the community is facing. Additional standards like fire protection and requirements to address impacts to off-site roads have resulted in millions of dollars in losses to the County through lawsuits. The additional standards also add significant costs to the developers. For example, a "mom and pop", four-lot minor subdivision may be required to complete a traffic impact study. Examples can be pointed to where offsite road improvements and fire protection standards can be so costly that it prevents subdivision proposals from ever being finalized and built. This is largely due to the Subdivision Regulations trying to address complex, comprehensive issues through site-specific reviews. This doesn't work for the community and it doesn't work for many landowners and developers.

The reality is the ever increasing complexity of the subdivision regulations are failing decision makers, subdividers and the residents of Lewis and Clark County. The additional complexity of the regulations is a direct response to the issues related to the development constraints in the Helena Valley Planning Area, but it's putting the proverbial square peg in a round

hole. The constraints to development in the HVPA are multiple and they are significant. In the end, trying to overcome the constraints to development in the HVPA through evaluating impacts of individual subdivision proposals results in the constraints not being effectively addressed, while the magnitude of the problems facing the County in the HVPA continue to intensify.

## KEY POINT #3

### Current Planning and Growth Management System

***Subdivision regulations only address impacts of site-specific proposals and are ineffective at addressing comprehensive issues. In addition, the ever escalating complexity of the subdivision regulations are failing the governing body, subdividers, and the general public.***

## Part 1 Zoning

The Montana Code Annotated allows for counties to adopt zoning through two mechanisms. The first type of zoning is commonly called "Part 1" zoning because it is the first part of the zoning enabling statues. Part 1 zoning allows the citizens of an area to petition the County Commission to create a zoning district with the administration and final decision-making authority through a Planning and Zoning Commission consisting of the County Commissioners, citizens from the zoning district, and other public officials. The second type of county zoning is called Part 2 zoning. Part 2 zoning is county-initiated, and most administrative decision-making authority for permitting can be given to a separate Board of Adjustments, while the decision-making authority to change the regulations or zoning map is held by the County Commission.

Lewis and Clark County has historically only adopted Part 1 zoning that was initiated by citizens and was adopted for small areas of the County, often for single subdivisions. There are 34 Part 1 zoning districts with 53 different land use designations. The districts are almost exclusively found in the Helena Valley, with two exceptions in the Lincoln Area (Figure 2.4). The land use designations are primarily residential in nature, but also include limited commercial and industrial uses.

Having 34 Part 1 zoning districts with 53 different land use designations is not efficient or effective for Lewis and Clark County. Each one of the 34 districts has a different set of administrative standards, different organizational structure and different definitions for uses. Each of the 53 different land use designations has different lot sizes, different setbacks and different permitted and conditional uses.

The 34 districts have been adopted decades apart from each other. Some of the districts are over 40 years old, for example, Zoning District #3 was originally adopted in 1971, and has not been updated in over 20 years. Some of the districts are relatively new, for example District #48 was adopted in 2012. Clearly, in 1970 the issues and challenges a neighborhood or group of landowners faced is different from today. Zoning regulations need to be updated and kept current as times change. This has not happened with Part 1 zoning districts in Lewis and Clark County.

An additional issue is how the Part 1 zoning districts were drafted and adopted. As mentioned, the 34 districts have vast differences. This is because the regulations were often written by landowners, homeowners associations or sometimes by individual developers. The regulations were written to address very specific concerns. They were not written as a result of or to implement any sort of a coordinated planning effort as happens with Part 2 zoning based on a comprehensive growth policy. Part 1 zoning has largely been used as zoning without planning, and in most cases the zoning is simply intended to put the County in position to enforce private restrictions subdivision associations wish to impose on their residents.

With all the irregularities and differences in the 53 designations and the vast age differences in the regulations, administra-



tion by staff is convoluted at best. The Part 1 zoning in Lewis and Clark County is so confusing that the staff responsible for administering it doesn't post it for direct public access for fear that it will be misinterpreted and misapplied. Without efficient administration and with the lack of understanding by the public, the effectiveness of the regulations for the people it serves is limited. The Part 1 zoning regulations in their current state are a liability to the County and a disservice to the people who own property that is subject to it.

The Part 1 zoning regulations need to be updated to modern standards and consolidated. One set of administrative standards and definitions is needed. Districts with similar use standards and lot sizes should be consolidated.

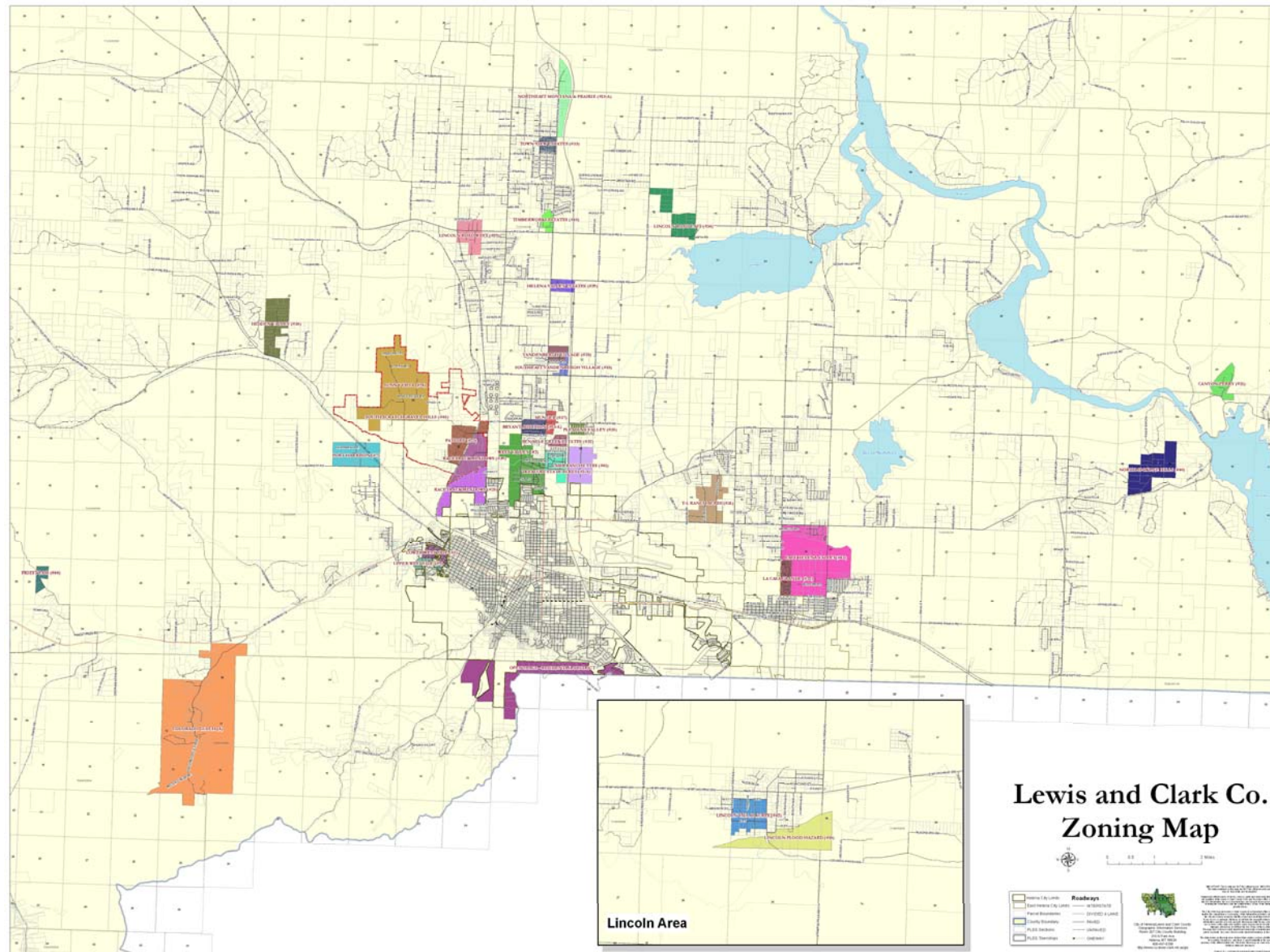


Figure 2.4—Part 1 zoning districts in Lewis and Clark County.

## Other Mechanisms Adopted By Lewis and Clark County

### Floodplain Regulations

Lewis and Clark County has adopted floodplain regulations to manage development in areas with an elevated possibility of flood hazards. The regulations are designed to meet the prescribed minimum standard for development and procedures of the Montana Department of Natural Resources and Conservation and the Federal Emergency Management Agency. The regulations are essential for Lewis and Clark County's continued participation in the National Flood Insurance Program, which allows residents to buy flood insurance through their local homeowner's insurance agent.

The Lewis and Clark Floodplain Regulations are administered by the Disaster and Emergency Services Department. A permit is required before developing in the floodplain, including buildings, bridges, culverts, wells, fill or any alteration of the floodplain. Within the floodway, most development is prohibited. The reach of the Floodplain Regulations is limited. The ability of the regulations to affect land use patterns has no impact on development outside of the floodplain and the floodway, which affect limited parts of Helena Valley.

### Rural and Special Improvement Districts

Rural Improvement Districts (RIDs) and Special Improvement Districts (SIDs) are planning tools that work in concert with other land use planning mechanisms. The use of RIDs and SIDs are critical elements of the current planning and growth management system, especially in the Helena Valley. Their purpose is to allow residents of Lewis and Clark County in areas outside incorporated cities and towns to finance and construct needed public improvements and to then maintain those improvements.

The most common application of RID's are for road maintenance, water and sewer infrastructure, and fire protection facilities. They are typically required as a condition of subdivision approval to ensure the long-term maintenance of public facilities. Over the past few decades, changes in development patterns have resulted in higher densities being located further from the city centers. The County has increasingly struggled to keep up with maintenance of public facilities in these rural areas. The use of RID's allows neighborhoods to band together and form districts to maintain, improve or construct public infrastructure which is necessary to accommodate development.

County funds are not adequate to pay for all of the maintenance and improvements necessary to facilitate the levels and intensities of growth occurring in the County. The adoption of an RID allows residents to create districts to make up some of the difference, but they cannot cover all of the costs associated with the shortcomings of the current planning and growth management system.

### Buildings for Lease or Rent

In 2013, the Montana Legislature established a new regulatory land use tool requiring local governments to consider the impacts of development of buildings that are leased or rented on one tract of record. Local governments can choose to address this new requirement through zoning, or for unzoned property through a regulatory process somewhat similar to subdivision review. Because most of Lewis and Clark County is unzoned, the County had to adopt regulations for the application and review of buildings for lease or rent.

The impact of the Buildings for Lease or Rent (BLR) Regulations on the current planning and growth management system is not yet clear. Since adopting the regulations in the summer of 2013, the Lewis and Clark County Community Development and Planning Department has processed only a few applications. At the time of writing this Growth Policy update, there is not enough information available on Buildings for Lease or Rent to determine how the regulations will affect land use patterns. The current position of the County is that under the new law passed by the Legislature, up to three lease or rental buildings are allowed on all lots in the County subject only to sanitary requirements, including lots in ap-



**Table 2.3: A review of planning strategies/programs that affect land use in the Helena Valley, their intended purpose, and the actual results on land use.**

<b>Planning Strategy</b>	<b>Intended Purpose</b>	<b>Actual results</b>
<b>2004 Lewis &amp; Clark County Growth Policy</b>	Guide growth to specific areas through infrastructure improvements	<ul style="list-style-type: none"> <li>Failed to be implemented</li> <li>Not effective at guiding development to specific areas</li> </ul>
<b>Subdivision Regulations</b>	Review of impacts that are directly attributable to a site-specific proposal	<ul style="list-style-type: none"> <li>Doesn't address accumulative impacts of growth</li> <li>The community has little to no input on location and density of development</li> <li>One size fits all approach doesn't work for developers or the public</li> </ul>
<b>Part I Zoning</b>	Provide for predictable land uses in site specific areas	<ul style="list-style-type: none"> <li>Used to address specific needs in limited locations</li> <li>Not written as a part of a comprehensive planning effort to achieve community goals</li> <li>Proliferation of districts over time has created a complicated mosaic that is difficult to apply and administer</li> </ul>
<b>Floodplain Regulations</b>	Minimize risk to life and property of flooding	<ul style="list-style-type: none"> <li>Effective at its intended purpose, but extremely limited in scope</li> </ul>
<b>Rural Improvements Districts</b>	Pay for maintenance on roads and for other public infrastructure	<ul style="list-style-type: none"> <li>Effective at addressing long-term maintenance for public infrastructure on site-specific areas</li> <li>Does not address area-wide problems</li> </ul>
<b>Buildings for Lease or Rent</b>	Review of impacts of site specific proposals	<ul style="list-style-type: none"> <li>Hasn't been used enough to identify issues</li> <li>Has potential for significant unintended consequences of un-reviewed development in approved subdivisions</li> </ul>
<b>DEQ Sanitation in Subdivision</b>	Review of water and wastewater impacts of site-specific proposals	<ul style="list-style-type: none"> <li>Sets de facto zoning throughout the County based on proposed water and wastewater systems</li> <li>Does nothing to address any issue outside water and wastewater</li> <li>No local control</li> </ul>
<b>DNRC water rights</b>	Review impacts to water users of new proposals	<ul style="list-style-type: none"> <li>Exempt well rule resulted in proliferation of 1-acre lot sizes using individual wells and septic systems</li> <li>Rules are in flux, only can make assumptions about how things will change</li> <li>No local control</li> </ul>





proved subdivisions with covenants, unless zoning is in place that limits them. This means that the density of existing subdivisions could be doubled or even tripled without any reviews of impacts except for water and wastewater requirements. The likelihood of such an outcome is limited, but the risks are so significant that the County should seriously consider zoning as a mechanism to protect against unintended consequences of the State legislation that was intended to make it easier for rental and lease properties to gain regulatory approvals.

## State Rules and Regulations

### Department of Environmental Quality Sanitation in Subdivisions

Within the scope of the current planning and growth management system, the greatest influence on the land use patterns in the Helena Valley Planning Area are the rules administered by the Montana Department of Environmental Quality (MDEQ) permitting water and wastewater systems. Until recently, MDEQ enforced minimum lot requirements depending upon the proposed water and wastewater systems. Generally speaking, the rules enforced by MDEQ resulted in either a 1 acre minimum lot size, a 20,000 sq. ft. minimum lot size, or no minimum lot size (Table 2.4). Essentially, the MDEQ rules are state-enforced zoning regulating only lot size based on the proposed water and wastewater treatment system.

**Table 2.4—DEQ’s required minimum lot size per water and wastewater treatment that expired in 8/1/14.**

Water System	Wastewater Treatment System	Required Minimum Lot Size
Individual Well	Individual Septic	1 Acre
Individual Well	Public Sewage System	20,000 sq. ft.
Public Water System	Individual Septic	20,000 sq. ft.
Public Water System	Public Sewage System	None

For years, the MDEQ rules were the primary growth management system that guided densities in the Helena Valley. Excluding market factors, there were only two considerations that went into what density was appropriate within the HVPA,—the type of water and wastewater treatment systems the landowner was willing to build. Relying purely on that density consideration, the impacts to roads, schools, tax base, fire protection, police protection, and other public facilities and services were ignored. Beginning in the 1970’s, the HVPA has seen significant growth under this density regulation approach, and as a result the underlying constraints to development in the Valley are becoming more pronounced and costly to overcome.

In the summer of 2014, MDEQ revised its rules regarding lot sizes. No longer will there be arbitrary minimum lot sizes based purely on the proposed water and wastewater system. From this point forward, MDEQ will base minimum lot size on a case by case basis depending upon a host of considerations, including the ability to meet required setbacks between water and wastewater systems. The rule change will result in some lots with individual wells and septic systems needing to be larger than one acre and some will be able to be smaller than one acre depending on soil conditions. The rule change will allow greater flexibility to the property owner and more accurately reflect the ability of the site to accommodate the proposed systems. In the applications seen by the Lewis and Clark Community Development and Planning Department, this rule has resulted in slightly larger lot sizes. Based on these initial applications, the rule change will not likely have a significant impact on development patterns in the HVPA. Lot sizes will be relatively near the old requirements depending upon the site. The average density of development throughout the Valley under the new rules is likely to be similar to what occurred prior to the MDEQ minimum lot size rule change.

The downside of relying exclusively on MDEQ rules to manage growth is that there is no mechanism to determine what densities of development are appropriate based on the carrying capacity of the available public infrastructure and public

services. Subdivision review by the County can mitigate some direct impacts of individual projects, but the cumulative effects of hundreds of subdivisions with thousands of housing units go unaddressed under the current system. Even though the County provides services to the new subdivisions and is obligated to protect public health and safety, it has no real input into the densities occurring within the Helena Valley Planning Area. Essentially, the densities established in the Valley are a result of state rules and decisions of individual developers—the public and the County have no say in the matter even though they are responsible for the long-term impacts on public facilities and services.

## KEY POINT #4

*Current Planning and Growth Management System*

*The primary regulation affecting land use patterns in the Helena Valley Planning Area is DEQ permitting of water and wastewater systems. These regulations ignore any consideration of public infrastructure such as schools, roads, or fire protection.*

### Department of Natural Resources and Conservation: Water Rights

For the past few decades, a subdivision proposing individual wells each using less than 35 gallons per minute and 10 acre feet of water a year was exempt from having to obtain a water right for the new wells (the “exempt well” rule). The rule hinged on the Department of Natural Resources and Conservation (DNRC) interpretation of the term “combined appropriation.” The DNRC interpretation essentially said two or more wells in a subdivision not physically connected by pipes did not need a water right even if they actually tap the same water source in the ground. For example, a 100-lot subdivision with 100 individual wells all tapping into the same aquifer was exempt from needing a water right, but a 10-lot subdivision proposing a single well serving the subdivision with a connected water system would have to secure a water right, even though the 10-lot subdivision would use far less groundwater.

The effect on development patterns of the exempt well rule has been felt throughout the Helena Valley Planning Area. The rule was part of a growth management system that encouraged subdivisions with 1-acre lots using individual wells and septic systems. By proposing a subdivision with exempt wells, the subdivider avoided a complex process of obtaining water rights through the DRNC, and if the system was shared, the expense of installing the water system. Due to the DEQ minimum lot size requirements for subdivisions proposing individual wells and septic systems, the subdivider could develop lots no smaller than one acre. To avoid the additional regulations of DEQ and DNRC, 1-acre lot sizes were often the preferred density of subdividers, which allowed them to maximize the number of lots without obtaining water rights.

This has been especially true in the Helena Valley Planning Area. On April 16, 1993 the Upper Missouri River basin, which includes the Helena Valley, was declared a “closed basin.” What a “closed basin” essentially means is that all available surface water rights are filled. Groundwater rights can still be filled, but it involves a complicated permitting process through the DNRC proving that no net increase in groundwater withdrawal would result from construction of the project. A property owner wanting to do a subdivision that would require a water right would have to go through the permitting process, or would have to secure it from an existing water right holder. To avoid the difficulty and expense of obtaining a water right, subdivisions could circumvent that requirement by proposing exempt wells. As a result, large subdivisions with lot sizes greater than or equal to one acre are common throughout Helena Valley.

The State was sued over this exempt well loop-hole. The Montana First Judicial Court recently issued an Order on Petition for Judicial Review in *Clark Fork Coalition, et al v. Tubbs et al* (Cause No. BDV-2010-874, issued October 17, 2014). The decision concluded that the Department’s rule defining “combined appropriation” of “exempt” wells was inconsistent with



applicable law and therefore invalid. The result of the court order was to default back to the previous rule that essentially said it doesn't matter if a system is connected by pipes or not, if a subdivision puts in multiple individual wells that collectively use more than 35 gallons per minute and 10 acre feet of water a year from the same water source, that subdivision needs a water right. For example, a 100-lot subdivision with 100 wells that all tap into the same aquifer would need a water right just like the 10-lot subdivision using a shared water system.

The rule in place by order of the court is likely to be temporary. The 2015 Legislature attempted to pass a law to address the Court's decision and provide some level of well exemption for subdivisions, but the Legislature was unable to come up with a compromise that balanced development interests with those of major water users. At the time of writing the Growth Policy Update, it is not clear what will happen or who will make it happen. But what is clear is the previous DNRC rule had a significant impact on land use patterns in the Helena Valley Planning Area and that impact is likely to change.

Now that the exempt well rule no longer applies to larger subdivisions, how will land use patterns change? In the Helena Valley Planning Area, this could result in a proliferation of small subdivisions to avoid the difficulties and expense of obtaining a water right. For larger subdivisions that would need a water right, it is likely there will be a shift away from the 1-acre lot size pattern. If a subdivision is going to go through the complex process of securing a water right, it will likely result in subdivisions with lots smaller than one acre. To make projects financially viable, subdividers will be forced to develop more lots at higher densities.

Under the current planning and growth management system in the HVPA, it is likely we will see an increase of subdivisions proposing only a few lots, with those lots being around one acre. For larger subdivisions having to obtain water rights, it is likely we will see lot sizes around a half acre or less. Two scenarios could occur: having to obtain water rights could push development towards the edge of the cities where it will be easier to obtain water through annexation, or it could push development further from the cities where land prices are cheaper to offset the additional expense of the permitting process and infrastructure.

## KEY POINT #5

### Current Planning and Growth Management System

***The rules affecting the development of exempt wells are in flux. Previously the exempt well rule encouraged the development of individual wells and septic systems at densities around one unit per acre. Large subdivisions are now required to obtain water rights, which could lead to a proliferation of small scattered subdivisions using exempt wells and very large, high-density ones to justify the costs of obtaining water.***

## Relationship to the City of Helena Planning and Growth Management System

### City of Helena Growth Policy

The City of Helena Growth Policy was adopted by the City of Helena Commission in 2011. Like the 2004 Lewis and Clark County Growth Policy, the City of Helena Growth Policy is used as a long term planning guide recommending mechanisms that implement policy through such things as zoning and subdivision regulations. The City of Helena's Growth Policy does not have any jurisdictional authority over lands outside of their city limits, but the plan's boundaries extend beyond the

current city limits. In the current planning and growth management system, the policies in the City of Helena's growth policy only become applicable outside the city limits if property is annexed. The City does, however, have limited extra-territorial jurisdiction to impose zoning on land in the County within three miles of the city boundary. That authority has been invoked once to establish zoning protections for lands along the southern boundary of Helena in the South Hills.

### Infrastructure

The 2011 City of Helena Growth Policy is critically important to the policy options recommended within this Helena Valley Area Plan. Expansion of city infrastructure such as sewer, water, roads and fire protection can help overcome the constraints to development outlined in the *Key Issues Report* (Volume 1). Higher density development in the areas surrounding the City of Helena will be necessary to accommodate the projected growth in the Helena Valley Planning Area. It is essential that the Helena Valley Area Plan recognize the policy direction of the City of Helena in the areas surrounding the City, and that it develop mechanisms to foster cooperation and facilitate growth in these areas.

Below are excerpts from the 2011 City of Helena Growth Policy that need to be recognized within the Helena Valley Area Plan:

#### ***Infrastructure Capacity and Efficiency***

*Additional demands will be made on the existing infrastructure as the population of the Helena area increases. Other chapters in this Growth Policy describe current infrastructure conditions and capacity. Although the current level of service is generally adequate, anticipated growth could strain City services. Promoting development of dense and intense land uses both in the City and in close proximity to existing city services would better utilize city infrastructure and could encourage shared use of facilities such as lift stations and stormwater ponds.*

*Growth that occurs outside of the City often results in people traveling to the City for employment, shopping, entertainment, education, and other services, which can affect city infrastructure capacity. Inter-governmental coordination and continuing to update infrastructure plans, such as the Greater Helena Area Transportation Plan, City of Helena Wastewater Treatment Plan, and Water Master Plan, will help communication and provide guidance to manage changing conditions and their impacts.*

*Future growth can require funding for infrastructure expansion and increase long-term maintenance costs. The cost of long-term operation and maintenance should be evaluated for budget implications as new facilities are planned. Opportunities to share these expenses through public and private partnerships using various funding mechanisms to support the goals of this Growth Policy should be reviewed. Although the City intends that development will pay its own way, public investment can also be used to provide incentives around key objectives of this document. Incorporating impact fees, establishing special improvement districts (SIDs), and creating tax increment financing (TIF) districts could be considered when requiring developers and property owners to install infrastructure to new subdivisions and annexed properties.*

The City of Helena's infrastructure has the capacity for additional growth, but some infrastructure improvements are needed. It is beneficial for growth to be planned and coordinated between the City and County in order to maximize the efficiency of these systems. Additional funding and partnerships will be critical to making the infrastructure improvements needed to accommodate growth beyond the current city limits.

### Cooperation

The Urban Standards Boundary (USB) is an important specific element of the City of Helena's Growth Policy that relates to the Helena Valley Area Plan. According to Helena's Growth Policy, property located within the USB should be given priority for future annexations and extensions of water and wastewater service. Furthermore, the City of Helena Growth Policy



states that undeveloped land in the USB should not be annexed until all public facilities are adequate to serve the new development, or a development agreement ensures that those facilities will be provided when needed. For already developed areas within the USB, the City of Helena Growth Policy allows that improvements to some public facilities could potentially be deferred to facilitate extension of municipal water and sewer services to areas in need, but only if owners in such areas agree to waive the right to protest annexation and formation of special improvement districts when the City deems it necessary.

The Helena Urban Standards Boundary is important to the Helena Valley Area Plan because it identifies areas in the County where public infrastructure, such as city water and sewer, could be extended in the future. The City of Helena and Lewis and Clark County have long recognized that special coordination is needed for areas of the County surrounding the City where urban development is happening. The City recognizes that utilizing joint development standards with the County would be beneficial to address the most efficient delivery of local services. According to their growth policy, joint standards could address the coordination of water, wastewater, storm water, and transportation within the Urban Standards Boundary area. The joint standards in the USB have not yet been developed. Again, it is important to recognize the direction set by the City of Helena in the 2011 Growth Policy:

*Noting the inter-relationship of the City of Helena and Lewis and Clark County for extending infrastructure for development, the two governing bodies adopted a memorandum of understanding (MOU) in 2009 recognizing the value of sustainable land development and its necessity in efficiently providing services and infrastructure such as water and wastewater treatment, parks, transportation networks, and emergency services in the Helena Valley....*

*In the MOU, the two local governments agreed to cooperatively develop a plan for sustainable land development in the City of Helena and southern Lewis and Clark County; continue outreach efforts that educate the community about water quality issues; continue to work together on the development of the urban standards boundary (located within the Growth Policy Study Area) and joint infrastructure standards; and continue to partner to retrofit neighborhood systems. All of these agreements are related to land use.*

*The City also agreed to work with the County to establish joint development standards and comprehensive zoning for the urban standards area to achieve an efficient and smooth transition for properties being annexed into the City and to promote environmental and land-use compatibility with the City and other properties within the urban standards boundary....*

The 2004 Lewis and Clark County Growth Policy recognized the need for infrastructure improvements in and around the City of Helena, but failed to make recommendations that could be implemented. So far, the County has not fully lived up to its end of the bargain outlined in the 2009 Memorandum of Understanding on water quality. If the County wants to find realistic solutions that can accommodate the additional 10,000 residents projected in the Helena Valley Planning Area, then working with the City to accomplish the goals of the MOU is absolutely necessary.

## Annexation

It has to be recognized that when extending their infrastructure into the unincorporated areas of the County, the City of Helena uses annexation as an important growth management tool. The City uses the annexation process to facilitate orderly expansion of the city boundaries. It also uses the process to ensure that new development coming into the City has the needed infrastructure to support itself. It works with existing neighborhoods that annex to provide basic infrastructure (i.e., water and sewer) while planning for upgrades to other facilities (e.g., waiver of right to protest improvement districts).

The City's infrastructure can also provide an efficient and cost-effective way to address many of the development constraints seen in large areas of the Helena Valley Planning Area. When planning for the next 20 years of growth in the HVPA, the County should likewise see annexation as an important part of its planning and growth management system. The 2011

City of Helena Growth Policy already recognizes the need to work with the County on annexation to accommodate future growth:

*Citizens living inside and outside the City have many separate and interconnected concerns related to land use, transportation, and the natural environment. These concerns are particularly important when evaluating developments that may be annexed to the city in the future.*

*Individual properties, the environment, and the community as a whole benefit by locating development near employment, shopping, entertainment, schools, and other services. Higher density development within the City can reduce the number of miles traveled and the cost of providing services. Development that can be efficiently served by public water and sewer systems can help mitigate its impact on the environment. Public infrastructure systems allow denser development to occur, using land more cost-effectively. Transportation networks serving the development can be concentrated to alleviate the potential for sprawl. Annexation into the City should be promoted where appropriate....*

*Proposed annexations are reviewed for the effect on local services including fire protection, water, sewer, storm-water drainage, and transportation. Typical requirements for the annexed property include a plan or agreement concerning the extension of city water and sewer, addressing stormwater detention requirements and extending the street system to include curb, gutter, and sidewalks. While the City's capacity to extend infrastructure to serve specific areas is a subject for detailed analysis, it appears that current city water and wastewater capacity is sufficient... to support infill and the annexation of additional development to the City of Helena in terms of the projected population. As the City expands outwards, the distance traveled to provide city services may be a consideration with future annexations.*

*The natural environment boundaries and their issues are not affected by jurisdictional boundaries. Decisions made by one governing body or by the property owners of a particular area can affect their neighbors. Reasonable growth cannot occur without cooperative relationships in place before specific land-use proposals are considered. Optimally, decisions are jointly discussed and a reasonable plan is developed to minimize the effects on the environment and the respective budgets.*

*Opportunities for urban development and maintaining the surrounding rural character must be made available while ensuring that adverse impacts related to this development are minimized. Identifying areas where growth is appropriate can help direct the location and design of new development to create a more cohesive community and minimize initial and future costs.*

*In the City-County MOU, the City and the County agreed to continue to work together on the development and promulgation of the Urban Standards Boundary and joint infrastructure standards. An Urban Standards Area has been identified on the Future Land Use Map. The Urban Standards Area boundary identifies properties that may be suitable for future connection to city systems and would be able to be annexed to the City. It recognizes that utilizing joint development standards would be beneficial to address the most efficient delivery of local services. The joint standards address the coordination of water, wastewater, storm water, and transportation within the Urban Standards Area. Although the MOU at some points uses the term "urban growth area," the term is synonymous with urban standards area in the City Growth Policy.*

*The urban standards area also could function as the urban services area. The delivery of city services such as fire, police, solid waste, and street maintenance is done more efficiently and at lower cost in compact neighborhoods in areas close to the existing city. An urban standards area would require new development to be built according to city standards or in such a manner that the basic infrastructure could be connected to city services at the appropriate time. The establishment of an urban standards area would guide development in certain locations and in a manner that reduces costs to existing and future ratepayers for all city services, not just infrastructure.*



*Property located within the Urban Standards Boundary should be given priority for future annexations and extensions of water and wastewater service areas, and annexation policies revised accordingly....*

The 2011 City of Helena Growth Policy evaluated five areas for annexation. The Helena Valley Area Plan should acknowledge the potential for future annexation in these areas, and should recognize them as the areas where city services can most efficiently accommodate urban type development. The five areas are: The West Side, where annexation is intended to occur to accommodate additional growth and remedy substandard infrastructure. The Northwest Side, where annexation and expansion of infrastructure is expected to accommodate future growth. The Northeast Side, where existing infrastructure is struggling to keep up with development, and extending City infrastructure coupled with annexation may be the most cost effective way to address shortcomings. The Eastside, where annexation is expected to accommodate dense residential and commercial development through large planned developments. In the Southside, annexation is not expected to occur.

The following descriptions of the five areas from the Helena Growth Policy are informative for the County's Helena Valley Area Plan and could be used as a starting point for discussions between the City and County on a joint service area plan. In addition to these larger area descriptions of existing conditions, the Mixed Use Area designations on the Helena Area Future Land Use Map (Fig. 2.5, Page 2.12) indicate the City's goals for future development:

**West Side (Mixed Use Areas K & L in Fig. 2.5)**

*The unincorporated neighborhoods of Helena's west side provide a focus for annexation efforts. The west side is located adjacent to the City and is partially developed with residences, commercial uses along Highway 12 West, public and private parklands in the vicinity of Spring Meadow Lake. It includes two County Special Zoning Districts.*

*The adjacent unincorporated properties located on the City's west side currently consist of residential dwellings and commercial and undeveloped properties. Individual developed properties often suffer from aging or failing septic systems, an elevated level of nitrates in well water test samples, lack of storm drainage, poorly constructed streets, and limited opportunities for pedestrian access. As a result, the area adjacent to the City's west side poses potential problems for public health, safety, and the environment. Failing septic systems and wells with high nitrates have led to individual annexation requests; individual property owners requesting piecemeal annexation can make the cost-effective extension of city infrastructure more difficult. In an effort to provide a more comprehensive solution to failing septic systems in this area, a proposal to create a water and sewer district and board for this area was presented in 2009. This district's board would have had the power to explore various options and funding sources to address the current situation. A majority of the west side voters voted not to create the district, thus progress in addressing this issue has been stalled.*

*The area has considerable potential for urban development if city infrastructure is extended in an efficient and cost-effective manner. A study evaluating the infrastructure needs of the unincorporated west side was conducted to facilitate efficient installation and upgrades in the area. Water-quality problems, rocky soils, and increasing stormwater problems appear to limit further development without city services. Extending city sewer and water would allow a higher density and more efficient infill development. The 2002 Westside Infrastructure Plan identified needed infrastructure and financing options that could be shared by all affected property owners. Some of the infrastructure deficiencies were improved with the annexation of Overlook Estates and Kessler School.*

*The Fort Harrison Military Installation is located about one mile west of the city limits and contains approximately 6,700 acres. The fort is a major training center for the Army National Guard as it contains a wide variety of live fire ranges and conducts multiple types of tactical training activities. Aviation operations include air-to-ground drop zones, helicopter insertion and extraction routes, nap of the earth flying, touch and go landings, and external load operations.*

*Fort Harrison also contains a 220 acre campus complex for offices, classrooms, barracks, dining and maintenance facilities, storage, and fire stations. In addition to the campus complex and training facilities, Fort Harrison hosts the Veteran's Administration hospital, cemetery, and a variety of administrative and maintenance facilities.*

*As urban growth and development takes place near military installations, land use conflicts may occur, and potentially compromise the utility and effectiveness of the installation and its mission. Some land use activities can be incompatible with the functions of a large military facility, and are a potential factor in curtailing operations, or can influence decisions to transfer activities to other installations. In extreme cases conflicts between urban growth and military operations can influence base closure decisions.*

*The Fort Harrison federal community is served by municipal water and sewer. The presence of these infrastructure facilities could influence additional development in the area. However, other natural resource values and physical conditions such as high groundwater, wetlands, floodplain, and irrigated agricultural lands, would need to be considered when developing the area. The limited street connectivity – particularly the Williams Street/Country Club intersection, along with limited pedestrian access to Spring Meadow Lake and nearby areas, and other transportation improvements identified in the Helena area Transportation Plan should be considered when reviewing development in this area.*

**Northwest Side (Mixed Use Area B in Fig. 2.5)**

*The area north of the City, generally located between Green Meadow Drive and Interstate 15, contains a small number of agricultural lands, and is primarily relatively high density residential with commercial uses located primarily near Montana Avenue and Custer Avenue. A large portion of the area located in the County is within several County Special Zoning District including Districts #2, 5-A, and 32. A number of annexations have occurred in this area in recent years, and the trend is expected to continue within the study area.*

*Traffic congestion continues to increase in the area although additional street connections have been constructed with new subdivisions. Benton Avenue has been extended north from Custer Avenue; Wolf Road has been installed to connect Montana Avenue and Green Meadow Drive. Additional east-west transportation linkages will need to be developed in the future, particularly those identified in the Helena Area Transportation Plan.*

**Northeast Side (Mixed Use Areas C & D in Fig. 2.5)**

*The County area northeast of the City, generally located between Interstate 15 and Prickly Pear Creek, contains agricultural lands, primarily low density residential development with some higher density residential development located near Munger Road within County Special Zoning Districts #35 and 41. Commercial uses are located primarily near Custer Avenue and Washington Street.*

*Traffic continues to increase in the area due in large part to new commercial uses within the City and continued residential development in the County farther away from the City. The Custer Avenue/I-15 interchange is scheduled to begin in 2011. It is designed to relieve some of this congestion and better facilitate the traffic in this area.*

*Considerable growth has occurred in the Helena Valley, some to what may be considered urban densities. These developments are currently served by community water and wastewater systems. Over time, some individual wastewater systems have started to fail and need replacing or connection to a community system. Replacing a septic system can be expensive, and connecting to City sewer is the least costly option over the long-term. As a result, some property owners are considering annexation. Installing lift stations to serve some of these areas would likely stimulate the northward growth of the City. Impacts to the Prickly Pear and Ten Mile Creek watersheds should be mitigated when developing this area.*

**East Side (Mixed Use Area E in Fig. 2.5)**

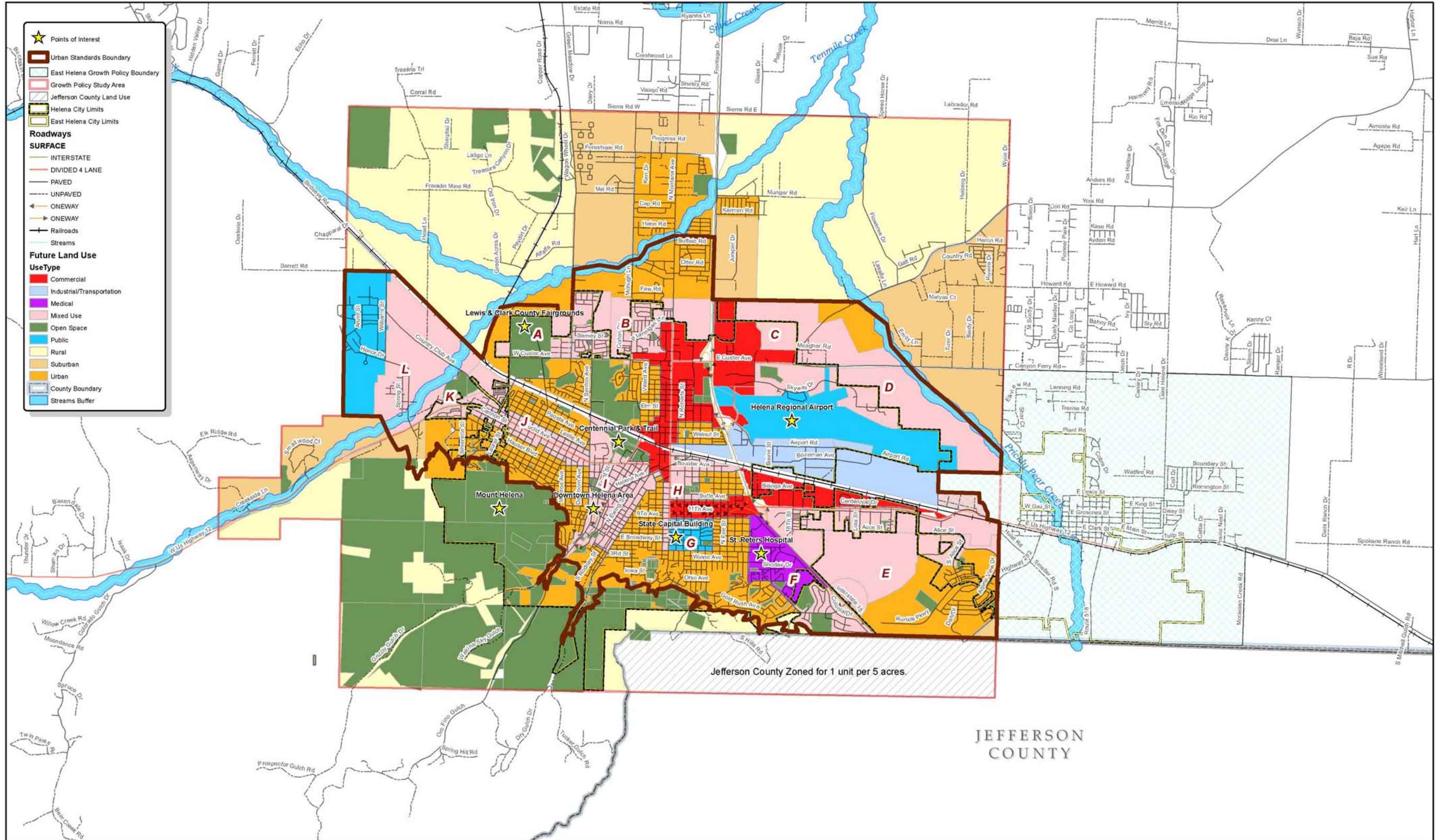
*The east side area is located east of Saddle Drive, extends across I-15, and is bounded by Custer Avenue/Canyon Ferry Road on the north and the Jefferson County line on the south.*

*The area south of the Helena Airport and north of Highway 12 has high value for commercial/light manufacturing and industrial uses because of access to rail, highway, and air transportation. The area has city infrastructure, including water supply lines, wastewater collection lines, street network, and stormwater collection system.*



Figure 2.5—City of Helena Future Land Use Plan from the 2011 Growth Policy.

# Helena Area Future Land Use



0 0.5 1 Miles

City of Helena Community Development  
Growth Policy Update 2011

Map A, as officially adopted on May 9, 2011



Annexation and development around Highway 12 have resulted in a patchwork pattern of city limits. This area has potential for annexation because of its probable commercial and industrial development. The area south of Highway 12 is largely undeveloped with significant tracts of land in undivided ownership. Future transportation linkages and water and sewer infrastructure will need to be installed to serve this area when it is developed. Although not adopted, the Helena’s East Side Vision document could serve as a general guide for development in this area.

The southeastern portion of this area is in the process of being developed as a planned community. This new development will abut the East Helena city limits. It will be important to have intergovernmental coordination to accomplish an integrated system for infrastructure and service delivery.

**South Side**

The area located outside the southern city boundary contains some single-family residential uses. Several recent open-space acquisitions have occurred in this area. Fire protection is a concern within the wildland-urban area, particularly during drought years.

In 1989, the City extended its extra-territorial zoning authority in the portion of this area located in Lewis and Clark County. The existing Open Space Residential (OSR) zoning district specifies development requirements related to roads, stormwater drainage, weed management, and fire protection with the use of a development permit.

**Conclusion**

The 2011 City of Helena Growth Policy clearly envisions the extension of public services into the unincorporated parts of the County in order to facilitate growth. However, the coordination between the City and the County has not materialized as envisioned. If the County is planning on recognizing the constraints to development while accommodating an additional 4,000 homes and 10,000 people, getting serious about cooperation with the City on the Urban Standards Boundary is critical.

**KEY POINT #6**

*Current Planning and Growth Management System*

*Working with the City of Helena to facilitate development in the Urban Standards Boundary will be essential to accommodating the projected growth of the Helena Valley.*

**2009 City of Helena and Lewis & Clark County Memorandum of Understanding (MOU)**

In 2009, the City of Helena and Lewis and Clark County entered into a memorandum of understanding recognizing the value of sustainable land development and the necessity of efficiently providing services and infrastructure such as water and wastewater treatment, parks, transportation networks, and emergency services in the Helena Valley. According to the City of Helena Growth Policy, the Urban Standards Boundary is a direct implementation of this MOU. The two main themes of the MOU are the efficient delivery of public services and cooperation.

**Efficient Delivery of Public Services**

The MOU states:

*The cumulative impacts of urban-density development that are served by septic systems in the Helena Valley and the pattern of community and individual septic system failures contribute significant amounts of nutrients that affect the quality of groundwater and surface water.*

According to the MOU, the City of Helena has already expended over \$400 million on water, wastewater and stormwater infrastructure to service the current and projected population within the City. With the potential for future population increases at urban density in areas of the County without the infrastructure to support it, additional expenditures will be necessary. Who pays for the infrastructure and where the money comes from will need to be determined. It makes better financial sense to maximize the expenditures on infrastructure that have already been made by the City, rather than duplicating the expense in previously rural areas of the County. The MOU states it is far more cost-effective and efficient if compact development occurs close to the City rather than in the patterns that have occurred in the past.

*Development at urban densities, utilizing city services or county community-wide services, is the most efficient use of land and provides essential services most effectively and at the lowest cost to its residents. The most efficient way to expand the City is through deliberate and incremental growth so that the cost of providing services is spread across a larger number of people.*

Cumulative impacts of development and the location of development are important reasons why the City and County should work together to pursue growth management programs that accomplish the goals of the MOU. The historic pattern of development spread across Helena Valley away from city services has had negative effects on both jurisdictions.

*In its regulation and permitting process for individual septic tank installations, the Montana Department of Environmental Quality does not analyze the cumulative impacts of septic systems on water quality and quantity, which is critical in the Helena Valley....*

*Due to the development pattern with septic systems and community system failures, the parties desire to define and address the standards and procedures that have permitted this type of residential development and substantial systems failures to occur.*

**Cooperation**

In the MOU, the two local governments agreed to cooperatively develop a plan for sustainable land development in the City of Helena and southern Lewis and Clark County; continue outreach efforts to educate the community about water quality issues; to work together on the development of the Urban Standards Boundary and joint infrastructure standards; and to partner to retrofit neighborhood systems. All of these agreements are related to land use.

The City also agreed to work with the County to establish joint development standards and comprehensive zoning for the urban standards area to achieve an efficient and smooth transition for properties being annexed into the City and to promote environmental and land-use compatibility with the City and other properties within the Urban Standards Boundary.

The MOU consisted of items that both jurisdictions would agree to do, items just the City agreed to do, and items just the County agreed to do. The following lists represent the actions the jurisdictions should take to better facilitate projected growth.



**Below are the items both parties agreed to undertake:**

*In furtherance of this Memorandum of Understanding, the Parties, subject to their respective legal and budgetary authorities and constraints, mutually agree to:*

- *Cooperatively develop and plan for sustainable land development in the City of Helena and southern Lewis and Clark County;*
- *Continue to engage in outreach efforts that educate the community about water quality issues and the role of community systems and the necessity and means for maintenance of septic systems;*
- *Continue to work together on the development and promulgation of the urban standards boundary and joint infrastructure standards;*
- *Work within the framework established by the Lake Helena Basin MOU to develop a process for the implementation of the of total daily maximum nutrient loads as required by the EPA and DEQ;*
- *Continue to partner to retrofit neighborhood systems; and*
- *Make a joint appeal to the Montana Department of Environmental Quality to review the cumulative impacts of on-site and community septic systems on water quality.*

**Below are the items the City of Helena agreed to undertake:**

*The City agrees to:*

- *Continue to accept and treat septic biosolids pumped from Helena Valley septic systems that pass City standards with regard to contaminants or heavy metals if the County makes measurable improvements to develop standards for sustainable development;*
- *Continue working to upgrade the water and wastewater treatment plants to meet future capacity demands and to comply with environmental requirements;*
- *Continue to make City water and wastewater treatment services available to County neighborhoods located outside the City when appropriate and in compliance with Helena City Code, which requires annexation;*
- *Assist and engage with the County to define an urban growth area outside city limits that encompasses:*
  - \* *Properties that may potentially be suitable for future connection to city utility systems and annexation into the City; and*
  - \* *Properties with existing or projected land-uses that may impact the environment, city utility infrastructure, or other properties' land-uses; and*
- *Work with the County to establish joint development standards and comprehensive zoning for the urban growth area that:*
  - \* *Achieves an efficient and smooth transition for property being annexed into the City; and*
  - \* *Promotes environmental and land-use compatibility with the City and other properties within the urban growth area.*

**Below are the items the County agreed to undertake:**

*The County agrees to:*

- *Explore and implement more efficient ways to provide for sustainable development growth, including the development and promulgation of subdivision regulations and infrastructure standards that prevent or miti-*

*gate degradation of the quality of groundwater and surface water, including cumulative impacts from multiple septic tank systems and impacts from proposed land use:*

- *Define an urban growth area outside the limits of the City that encompasses:*
  - \* *Properties that may potentially be suitable for future connection to city utility systems and annexation into the City; and*
  - \* *Properties with existing or projected land-uses that may impact the environment, city utility infrastructure, or other properties' land-uses;*
- *By July 1, 2011 establish and implement for the urban growth area joint development standards and comprehensive zoning that:*
  - \* *Achieves an efficient and smooth transition for properties being annexed into the City, and*
  - \* *Promotes environmental and land-use compatibility with the City and other properties within the urban growth area.*
- *Create and implement a septic maintenance district by the end of fiscal year 2010; and*
- *To the extent legally possible, encourage the repair or replacement of failed or environmentally ineffective on-site and community wastewater treatment system serving developed areas outside of the City of Helena.*

**Conclusion**

The 2009 Memorandum of Understanding between the City of Helena and Lewis and Clark County established a set of agreed upon principles and identified actions both entities would undertake to plan for and facilitate growth in the Urban Standards Boundary. The reality is that the County mostly continued with business as usual, failing to take steps agreed to in the MOU. The City of Helena in turn recognized the County's inaction and planned accordingly, taking a more cautious approach to annexations and working with the County on growth management. With the population of the Helena Valley projected to increase by an additional 10,000 people requiring another 4,000 housing units, the County must find ways to accommodate this growth. Implementing the 2009 MOU is an existing opportunity that will facilitate development within the USB where growth is more cost effective and efficient than similar development in rural areas of the County. Keeping the commitments made in 2009 will also demonstrate to the City that the County is fully prepared to move in the policy direction called for in this Helena Valley Area Plan.

**KEY POINT #7**

**Current  
Planning  
and Growth  
Management  
System**

***The County failed to implement agreements outlined in the 2009 Memorandum of Understanding. Agreements outlined in the 2009 MOU proved more difficult to implement than contemplated. Circumstances have stabilized and it is now time to move forward.***



# Relationship to the East Helena Planning and Growth Management System

## City of East Helena Growth Policy

In October 2014, the City of East Helena adopted an update to their 2009 Growth Policy. Like the City of Helena, the City of East Helena has developed a future land use plan and policies for the areas of the County surrounding it and where the City could potentially grow.

East Helena has annexed around 2,000 acres of undeveloped land since 2009, and the vision of the plan is to accommodate significantly more growth than the City has experienced for the past few decades. Some of this growth may come from annexing existing subdivisions in the County that are adjacent to city limits, or some may come from annexing land when a development is proposed. The most likely locations for future growth will be the recently annexed properties of the former ASARCO holdings. The City of East Helena's vision for unincorporated areas within its planning jurisdiction is not as ambitious or focused on cooperation with the County as is the City of Helena's.

While the land around East Helena appears attractive to development, especially if city services are available, the City will need to take additional action if these areas are to be available to accommodate some of the growth projected in the Helena Valley Planning Area. Given the limitations of the public utility systems of East Helena, it is unlikely that the community will actively engage the County to promote growth and annexation into the City.

### Infrastructure

The City of East Helena Growth Policy discusses capacity of the City to expand sewer and water services. In 2001 the City of East Helena completed \$3.8 million in water system improvements. The existing water system has excess capacity and the ability to accommodate an additional 300-500 residential connections or an equivalent combination of residential and commercial connections. The sewer system is currently operating at around 46 percent of capacity. It is estimated the plant could readily serve an additional 500 residences or an equivalent combination of residential and commercial uses.

The City of East Helena established an implementation strategy for cooperation with Lewis and Clark County on development within their planning area. From the 2014 City of East Helena Growth Policy:

*The City of East Helena will work cooperatively with Lewis and Clark County and its neighbor to the west, the City of Helena, to advance the goals of the 2014 East Helena Growth Policy. More particularly the East Helena City Planning Board will work with the Helena/Lewis and Clark County Consolidated Planning and Zoning Commission to identify land use and community development issues of common concern including, but not limited to:*

- *The efficient development and maintenance of infrastructure to support thoughtful growth.*
- *The protection of the area's natural and cultural resources – its water, air and open space/agricultural character.*
- *The reduction of sprawl.*
- *The provision of public services that assure the health, safety and welfare of our residents.*

### Annexation

The City of East Helena does not have the level of detail in studying where future growth and expansion of municipal facilities and services should occur, or the level of interaction and cooperation with the County as the City of Helena does. But to some extent, East Helena is clearly planning to grow into the unincorporated parts of the county, annexing property as public services are extended. From the 2014 Growth Policy:

#### ***Land Use and Community Growth Goals***

*There are significant areas of developable land outside of the City of East Helena limits as well as large areas of developed residential land, such as La Casa Grande and Eastgate Subdivisions. It is important to balance the existing land uses with potential land uses in the planning area. Although the City of East Helena has no jurisdiction outside of the existing city Limits, it is important to plan for future land uses around the City. This will allow for better coordination with Lewis and Clark County during Growth Policy reviews, zoning implementation, and subdivision review within the planning area at the County level. Further, large areas of the former ASARCO land were annexed into the City of East Helena in 2009. It is anticipated that some of this former ASARCO land may be sold or transferred for a variety of uses such as public parks, private development or construction of schools. It is important for the City of East Helena to plan for the development of these areas to protect the character and identity of the community.*

*It will be important for the City of East Helena to plan for the extension of city services and infrastructure to these areas. The City of East Helena should implement planning tools and policies that will help to determine where new infrastructure should be placed and how much it will cost, as well as evaluate existing infrastructure to determine existing capacity, how much expansion existing infrastructure can handle, and the cost to improve existing infrastructure to handle additional service needs.*

*It will also be important to plan for the extension of services to existing developed subdivisions and properties adjacent to the City of East Helena. As identified by Lewis and Clark County personnel, the La Casa Grande Subdivision wastewater systems are failing and in dire need of major improvements or replacement. It is likely in the near future that this existing subdivision will request to connect to the City of East Helena services and will be annexed into the City. Further, the Sunny Lane Estates east of and adjacent to the city limits has experienced septic issues in recent years. It is likely that this area could create a water and sewer district in the near future and request to connect to city services and annex into the City. Also the Clark Street Water and Sewer District has been created for properties along East Clark Street east and adjacent to the city limits. This district is moving forward with construction plans for connection of this area to the city sewer system. In the near future this area will request to connect to city services and annex. A plan should be developed that identifies the locations of improvements, as well as the costs to run city services to and throughout these existing subdivisions should it be determined that the City should annex these areas and provide service.*

East Helena is planning to address annexation one proposal at a time. First, an annexation policy needs to be developed:

*An annexation policy for the City of East Helena would provide guidance to decision makers and staff about the goals and policies that annexation is intended to advance. The primary intent of the policy would be to permit the annexation of land to provide for orderly growth, adequate provision of municipal services, and equal benefits to both the annexed territory and the existing city properties.... Seek to annex other lands within the Planning Area examined in this Growth Policy as appropriate and as opportunities arise.*

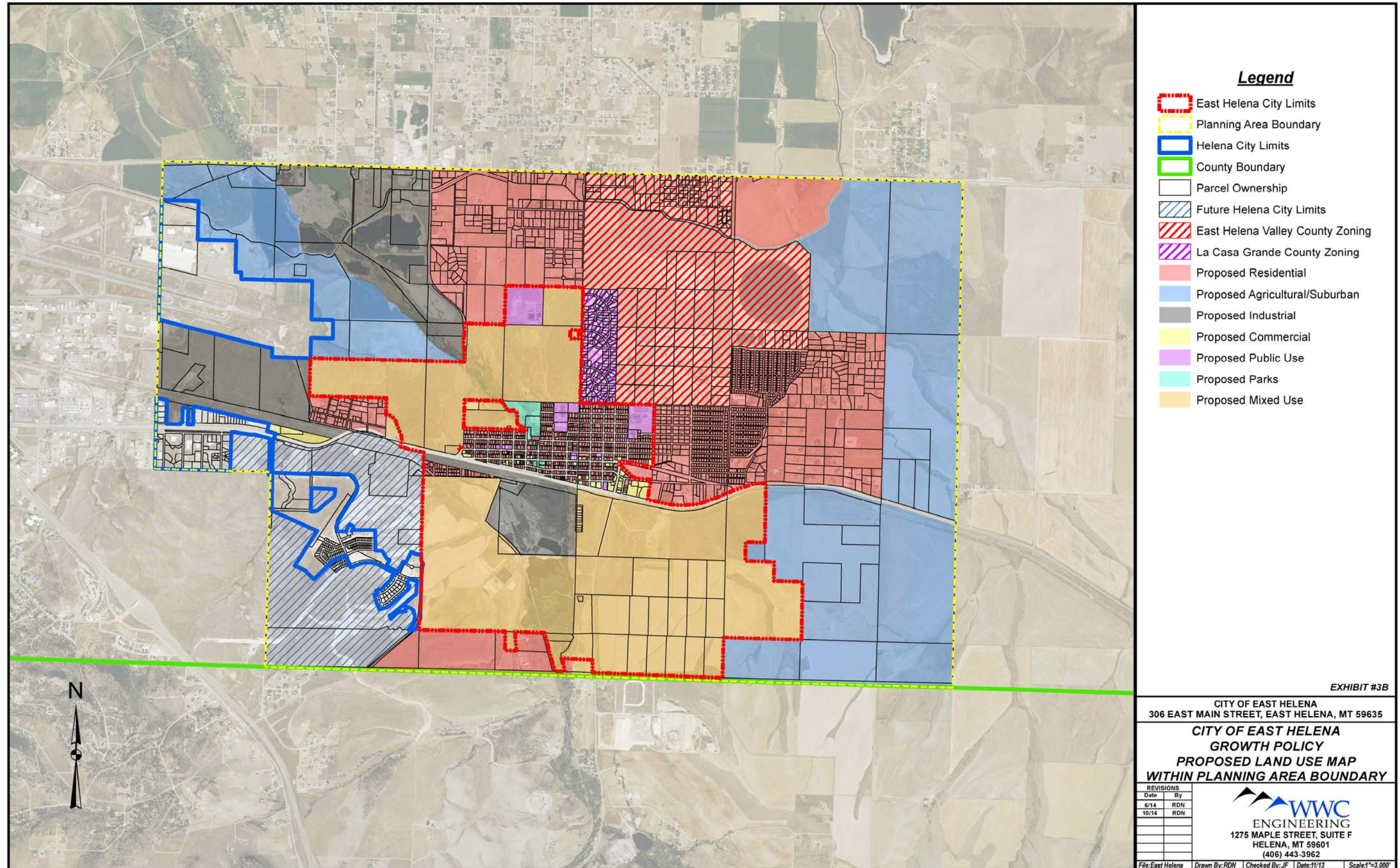
### Conclusion

With the limited availability of water and sewer capacity, it should be assumed the City of East Helena is not a likely to be a major location for the projected 4,000 homes in the HVPA over the next twenty years. It should be assumed most of the available capacity will be used on existing developments just outside the City or on undeveloped land already within the





Figure 2.6—City of East Helena Future Land Use Plan from the 2014 Growth Policy.



city limits. While East Helena calls for coordination with the County, which the County should reciprocate, a coordinated planning effort to encourage development between East Helena and the County on the same scale as the City of Helena and the County is premature. Instead, there is opportunity for the County to work with East Helena to identify opportunities where joint planning efforts can set the foundation for a closer relationship and more integrated approach to land use planning. With nearly 2,000 acres of undeveloped land within city limits, there is much room for future development.

The County should also work with East Helena to resolve any potential conflicts between the surrounding areas designated for rural preservation under the 2014 East Helena Growth Policy and transitional suburban growth under this 2015 Helena Valley Area Plan.

## KEY POINT #8

***Current  
Planning  
and Growth  
Management  
System***

***Given limitations of the East Helena public utilities, future growth of East Helena is most likely to involve recently annexed lands (2000 acres) and existing development in the County that may connect to East Helena utilities.***



## Chapter 3: Policy Options to Manage Growth



### The Need for a New Planning and Growth Management System

If we continue with the business-as-usual planning and growth management system, we can expect more of the same. Ignoring development constraints will cause some water supplies to dwindle or dry up. Wastewater facilities will continue to be a source of pollution and trouble for users. More traffic will be forced onto substandard roads, causing public health and safety risks, and increasing maintenance costs. The capacity of rural fire districts to respond to emergencies will be stretched to the limit, and wildland fires will threaten more homes. Flooding will continue to be an issue, particularly in the Ten Mile Creek drainage.

The business-as-usual planning and growth management system does not adequately acknowledge the constraints to development in the Helena Valley Planning Area. In fact, it perpetuates these problems. If we are going to successfully accommodate an additional 10,000 people and another 4000 homes in hundreds of subdivisions in the planning area, we cannot continue to ignore the development constraints.

What will the future costs be to build public water systems to deliver water to homes and neighborhoods with depleted aquifers? What will it cost to continually upgrade failing wastewater treatment facilities that aren't properly managed or maintained? What will the costs be to pay to upgrade gravel and poorly built paved roads to county standards. What will it cost to rebuild the infrastructure of urban density subdivisions that were built to rural density design standards? What will future costs be to protect more lives and homes from wildfires?

In 2010, the population of the Helena Valley Planning Area outside of the cities of Helena and East Helena was 29,238 people, an increase of 4,600 people since 2000. In 20 years, the population of the planning area is projected to be 39,000 or an additional 10,000 people. Under the current planning and growth management system, the majority of growth will likely occur in the five Census Designated Places of the Helena Valley, outside of the cities of Helena and East Helena as happened in the prior two decades.

We need to adopt a planning and growth management system and develop plans and programs that recognize the constraints to development in the Helena Valley Planning Area and ensure that all new development is fiscally responsible. That new way of doing business can actually encourage development and even facilitate growth in areas without such constraints and where public services can be provided in a cost-effective manner. Chapter 2 of this Helena Valley Area Plan outlined the growth management program and factors that brought us to this point. In moving forward to prepare and implement a new growth management system, we must consider the following key points from that discussion:

#### Key Points—Current Planning and Growth Management System

**Key Point #1**—The 2004 Growth Policy's primary strategy was to guide growth to specific areas through infrastructure improvements. This strategy was not effective because the recommendations were never implemented. High density growth occurred in rural areas with development constraints, and that pattern will continue if the current programs remain in place.

**Key Point #2**—If the current planning and growth management system remains in place, rural parts of the Helena Valley will continue to develop at densities that will transform those areas into suburban and urban communities that lack the infrastructure to support them.

**Key Point #3**—Subdivision regulations only address impacts of site specific proposals and are ineffective at addressing comprehensive issues. In addition, the ever escalating complexity of the Subdivision Regulations are failing the governing body, subdividers, and the general public.

**Key Point #4**—The primary regulation affecting land use patterns in the HVPA is DEQ permitting of water and wastewater systems. These regulations ignore any consideration of public infrastructure such as schools, roads, or fire protection.

**Key Point #5**—The rules affecting the development of exempt wells are in flux. Previously the exempt well rule encouraged the development of individual wells and septic systems at densities around one unit per acre. Large subdivisions are now required to obtain water rights, which could lead to a proliferation of small scattered subdivisions using exempt wells and very large, high-density ones to justify the costs of obtaining water.

**Key Point #6**—Working with the City of Helena to facilitate development in the Urban Standards Boundary will be essential to responsibly accommodate the projected growth of the Helena Valley.

**Key Point #7**—The County failed to implement agreements outlined in the 2009 Memorandum of Understanding. Agreements outlined in the 2009 MOU proved more difficult to implement than contemplated. Circumstances have stabilized and it is now time to move forward.

**Key Point #8**—Given limitations of the East Helena public utilities, future growth of East Helena is most likely to involve recently annexed lands (2000 acres) and existing development in the County that may connect to East Helena utilities.

### The Need to Address the Development Constraints

In 2015, a decade after adopting the 2004 Growth Policy, it is clear the current planning and growth management system is failing. The following five issues represent the greatest constraints we face to safely accommodate the projected growth. For each issue, the key points presented in Volume 1 of this Growth Policy update, the *Key Issues Report*, are presented.

#### Development Constraint #1 - Water Availability

Since the 2004 Growth Policy, substantial research has been completed on groundwater quantity and quality in the Helena Valley. We now know there are three aquifer systems with the ability to support varying levels of growth. Development in the bedrock and tertiary aquifers is constrained by water availability. Water is spotty, and the aquifers do not recharge well.



Too much development over these aquifers can drop the water table, causing wells to go dry. Many dense subdivisions over an aquifer with limited recharge can cause the water table to drop over time, as has happened in portions of the North Hills. If even a single subdivision is located over an aquifer with very limited recharge, like the Emerald Ridge Subdivision in the eastern portion of Helena Valley, the water table may start to drop as soon as the wells go in. These issues were hardly discussed in the 2004 Growth Policy. Today they are one of the planning area's most pressing development constraints.

### Key Points—Water Availability

**Key Point #1**—There are parts of the Helena Valley Planning Area where there is simply not enough water in the aquifers to sustain the level of development that has been occurring.

**Key Point #2**—The system in place for review of new subdivisions is failing to ensure the residents of Lewis and Clark County have access to a reliable source of water.

**Key Point #3**—Pumping of groundwater by high density subdivisions in the North Valley has caused neighboring wells to go dry.

**Key Point #4**—Modeling has indicated that groundwater levels would also be dropping in some parts of the West Valley if not for the low density of development (10-acre lots) happening there.

**Key Point #5**—Some new subdivisions in the East Valley have been draining their aquifers and may soon need to truck in water or pipe it from other sources.

**Key Point #6**—There is a clear need to consider additional growth management policies to address the shortcomings in the current planning programs.

## Development Constraint #2 - Wastewater

The 2004 Growth Policy identified the need for rehabilitation of several large malfunctioning non-municipal lagoon systems and called for future expansion of those systems to serve high-density development around them. It also set a policy direction of low density development in other parts of Helena Valley on individual septic systems.

Most of those large non-municipal lagoon systems have been upgraded or eliminated. Instead of expanding those systems to serve additional high-density development in the Valley, however, there has been a proliferation of scattered new non-municipal wastewater systems serving high-density subdivisions. The current Growth Policy allows their use in any land use designation, from urban to rural regardless of constraints. The allowance for large non-municipal wastewater systems in areas with high groundwater should be reconsidered, as well as in rural areas that lack other public facilities and services. Where they are allowed, there should be effective oversight to ensure that all wastewater disposal systems are properly installed, operated, and maintained.

### Key Points—Wastewater

**Key Point #1**—We eventually drink what we put down the drain. Thousands of existing homes in Helena Valley, and those added will discharge their treated wastewater into the same aquifers they get drinking water from.

**Key Point #2**—There are indications that population growth in the area has increased loading of wastewater to the aquifers, stressing the capacity of the natural system to mitigate water quality impacts.

**Key Point #3**—Aging individual septic systems & non-municipal wastewater systems and the proliferation of newer ones over drinking water supplies creates a need to provide active oversight and management of such systems.

**Key Point #4**—Continuing the individual septic system maintenance program, expanding it to include non-municipal sewer systems, and extending Helena's municipal sewers are all keys to accommodating future growth while protecting groundwater supplies.

## Development Constraint #3 - Roads

The majority of County roads in the Helena Valley Planning Area outside the cities are gravel, and have very limited capacity to accommodate additional growth. There are also some paved roads that are falling apart and need full reconstruction.

When a subdivision is built, the subdivider is on the hook to pay for a portion of the upgrades to such roads, but there is no plan for where the remaining funds will come from. Upgrading a particular road where a subdivision is proposed may or may not be a priority for the County when compared with other road improvement needs. As a result, the development goes in, but the needed road improvements must wait until other funding becomes available, which could be years or even decades later.

At the end of the day, new taxes generated by far flung developments do not pay the costs associated with quality road improvements and maintenance. As a result, we have roads all over the planning area with too much traffic that are built below standards and not receiving adequate maintenance.

### Key Points—Roads

**Key Point #1**—Much of the road network of the Helena Valley Planning Area was not designed to accommodate hundreds of new subdivisions with thousands of homes, and there are no resources to rebuild them.

**Key Point #2**—The County has no effective long-range or short-range planning tools to respond to needs of the road network to accommodate future growth and development.

**Key Point #3**—The County needs a system in place that will maximize the efficiency of the existing transportation network and also cost-effectively accommodate projected growth.

## Development Constraint #4 - Fire Protection

In the core of the Helena Valley, 24,000 people are served by 142 emergency water sources of varying capacity and reliability. In the City of Helena, 29,000 people are served by 1,630 high-capacity fire hydrants. With an additional 10,000 people projected in the planning area, the transition from rural to suburban and urban densities will continue. The densities in the County will increasingly become more like a city, but will be served by firefighting systems designed for rural densities.

Wildland fire is also a major concern within the planning area. Fuel hazards in specific areas are considered high to severe. Managing the fuels on private lands is largely left to the individual landowner, but the cost of fighting fires is a burden that must be supported financially by the public. As more development occurs in these areas of high fuel hazards, the cost of fighting fires, the likelihood of fires, and the risks to life and property will increase.



## Key Points—Fire Protection

**Key Point #1**—Areas of high and high-to-extreme fuel hazards represent a constraint to development in the wildland urban interface.

**Key Point #2**—As the population density in the Helena Valley becomes more and more suburban and urban in nature, the demand on the volunteer rural fire departments will increase, and the nature of the calls will change.

**Key Point #3**—Volunteer rural fire departments must protect a population the size of Helena scattered over nearly 400 hundred square miles with less than 200 fire hydrants or water pumping sources.

**Key Point #4**—The current rural fire protection system relies on convoys of volunteer-driven tank trucks with 1500 gallons of water and 10 minutes of fire fighting capacity rather than a piped water system with unlimited amounts as is available in the City.

**Key Point #5**—Poorly designed, high density subdivisions with narrow streets and small lots exacerbate the difficulties for rural volunteer fire companies.

## Development Constraint #5 - Flooding

Floods happen. Creeks and rivers periodically spill their banks, inundating the surrounding lands with water. Ten Mile Creek, Silver Creek, and Prickly Pear Creek are the primary flood hazards in the Helena Valley Planning Area. Development north of Ten Mile Creek was built in the floodplain, and significant damages to property have occurred in this area in the past. Millions of dollars of investment are needed in this area just to reduce damage caused by flooding, but that investment will not prevent it from happening. It would be much cheaper to avoid or at least minimize development in the floodplain in the first place. The higher the density in such areas, the worse the costs and consequences.

## Key Points—Flooding

**Key Point #1**—Development in flood prone areas is expensive, costing millions in damages during floods, and millions to mitigate in order to reduce damage.

**Key Point #2**—Developing suburban and urban densities in areas prone to flooding is not a good strategy.

**Key Point #3**—Current regulations don't prevent development in areas subject to flooding in severe storm events.

**Key Point #4**—The current Growth Policies of Helena and the County designate certain portions of the Ten Mile Creek flood plain for urban expansion.

# Policy Options to Address the Development Constraints

The Key Issues Report of this update to the Lewis and Clark County Growth Policy identified five policy options available to effectively address the development constraints in the Helena Valley Planning Area. Those general policy options are:

1. Investment in infrastructure;
2. Density controls on land development;
3. Improved regulations;
4. Education; and,
5. A combination of those four policy options.

The policy options in this chapter are more detailed discussions on the potential tools, mechanisms and strategies that could be part of a new growth management program to address the constraints to development and to achieve better outcomes in the coming decades. The objective of this discussion is to spell out the available tools to manage growth, discuss their strengths and weaknesses, and how they could be carried out. Their inclusion in this discussion does not necessarily mean they will become part of the recommended course of action. Before any of them can be implemented, there will be a separate public process where the details and merits can be discussed and decided. Including them in the Helena Valley Area Plan, which is an amendment to the County Growth Policy does, however, provide policy legitimacy and indication of the intent of the County to pursue them to the next level of discussion, which is implementation.

## Policy Option #1 : Investment in infrastructure to overcome the development constraints

### Introduction

Using targeted investment in public infrastructure is one important way to overcome development constraints. Extending existing public water lines or developing new public water source wells in the Valley floor could support high density development in areas limited by water supply at higher elevations. Public sewers likewise could be used to support development in areas with failing wastewater systems or shallow groundwater. Publicly supported Special Improvement Districts could be used as a mechanism to fund operation, maintenance, and long-term replacements of existing community wastewater treatment facilities.

Areas constrained by gravel or substandard paved roads could also be targeted for road improvements through Special Improvement Districts. In areas of higher density, water districts could be formed or existing ones expanded to provide adequate water supplies for firefighting. Grants could also be used to help landowners thin and treat fuels in areas with high and high-to-severe fuel hazards.

Based on research done in preparation of this area plan for Helena Valley and public input received during its formation, it is clear that investment in infrastructure to accommodate future growth is a pressing need of the County. The following policy strategies are proposed as the most efficient and effective means to address that need.



## Proposed Policy Strategies for Infrastructure Improvements to Accommodate Growth

### ***Infrastructure Investment Strategy #1: Fund infrastructure improvements in areas of Helena Valley with the least development constraints.***

Throughout the Helena Valley Planning Area, one, two or three development constraints may be present within the same geographical area. Using infrastructure improvements to overcome one development constraint may complicate the issues with another and create needs for more investment in infrastructure. The clearest example is in areas limited by water availability and roads. Overcoming the condition of the roads through road improvements would encourage more development over an area of limited water availability, which could cause the water table to drop, thereby necessitating the development of a public water supply system costing millions of dollars.

When making the decision on where to spend money on infrastructure improvements, the County needs to comprehensively consider all development constraints and opportunities, and how the improvements might affect development patterns over the long term. If the infrastructure improvement could accommodate additional growth, is the additional growth appropriate in that location? Would other infrastructure improvements be needed immediately, over time, or not at all? The County must ask these questions of private improvements as well. If public or private investment are used to overcome a development constraint, the improvements need to address all of the constraints present, not just one of them.

### ***Infrastructure Investment Strategy #2: Fund infrastructure improvements with a combination of private sources, public sources, and public-private partnerships***

The cost of most infrastructure improvements is high, far too high for any segment of the population or the County to bear alone. The current system does attempt to spread the cost of infrastructure over all potential users. Neighborhoods can band together and create districts to pay for maintenance of roads. Subdividers must build their internal roads, water and wastewater treatment systems. The County has funds for maintenance of roads and matching funds for grants for roads and other infrastructure. The state and federal governments also funds road improvements. However, the current system is not designed to overcome the development constraints, nor is it capable of accommodating the projected levels of development. Funding infrastructure improvements will need to take into account the constraints, and new mechanisms may be needed.

#### ***#2a—Private Funding***

Private funding of infrastructure improvements primarily happens through the subdivision approval process. Examples of infrastructure improvements that are privately funded include roads, water and sewer systems, stormwater and fire protection for subdivisions that are built.

Examples of private funding include:

- Construction of project infrastructure
- Development exactions (charged on specific projects to mitigate impacts on public facilities)
- Impact fees (applied to all development to help fund expansion of facilities)

Private improvements are part of a “growth must pay for itself” strategy employed for new subdivisions. However, private improvements cannot be targeted beyond infrastructure that directly serves or is related to the impacts of that development. This is why the proportional share analysis is required for improvements to external roads. A developer can only be charged for the added impact of their project on a road, not for the full cost of needed improvements. A second downside

to this strategy of exclusively using private funding to support infrastructure improvements to overcome development constraints is that it can make small subdivisions financially infeasible.

#### ***#2b—Public Funding***

In the Helena Valley Planning Area, public funding for infrastructure is primarily directed towards roads and road maintenance. The County focuses most of the limited available funding on maintenance, with a small portion of the budget going to major improvement projects, most of which goes towards matching funds for state and federally-funded projects that improve access to public recreational lands. Generally, when the County expends funds for infrastructure, it is to address existing health and safety concerns, not to proactively plan for development. State and federal money is sometimes used to proactively plan for development as part of a regional transportation plan, but the vast majority of those funds are directed towards population centers in the City of Helena and to the State roads, and the vast majority of County projects go unfunded.

There are a number of mechanisms in state law that enable counties to generate funds for public improvements. Some of these mechanisms, like bonding for open space or the potential to bond for a new jail, are already used by the County. Infrastructure improvements to overcome the development constraints could also be funded through one of these mechanisms. This type of funding must be carefully prioritized and studied, and assurances that the infrastructure is well placed and will be used are necessary. Some of these funding mechanisms require voter approval, and they may assess people outside of the Helena Valley Planning Area (the cities and other parts of the County).

Examples of public funding include:

- General Obligation (G.O.) Bonds
- Special Bond Funds
- Road Fund and Bridge Fund
- Capital Improvement Fund
- State and federal sources

#### ***#2c—Public - Private Partnerships***

If public funds are to be used to develop infrastructure to accommodate projected growth, it makes sense that some of the risks and rewards are shared. This is where public-private partnerships can be effective. In typical public-private partnerships, public funds are used to plan and create the framework for needed infrastructure improvements. The costs of developing the infrastructure is then either covered by public funding and paid back over time or the costs are shared with public and private funds. Typically, the long-term maintenance is then handed back to a public entity. These partnerships are developed to reduce the costs of extending infrastructure for the private side and make development on public utilities affordable. In return, the public gets the benefit of development happening where it is intended to occur and in a pattern that meets public goals, including the cost-effective delivery of public services.

There are, of course, risks to developing these types of partnerships. First of all, without zoning in the Helena Valley Planning Area the County has no assurance that development will occur where the financial resources have been invested in infrastructure to support higher density growth. Zoning that limits densities in areas with development constraints would ensure responsible development while also reducing the financial risk to the County and increasing predictability for developers. Secondly, if money is invested by the public and private sectors and the infrastructure is built, the growth needs to occur to pay for it. Economic downturns or underperforming markets that slow housing development can leave debt lingering longer than planned. This makes careful planning of such investments critically important.



Examples of public-private funding include:

- Tax Increment Financing (TIF)
- Multi-Jurisdictional Service Districts
- Rural or Special Improvement Districts
- Development Financing
- Cost Sharing

### ***Infrastructure Investment Strategy #3: Consider the cost-effectiveness and the efficiency of serving the public when planning and building infrastructure improvements***

This strategy would be based on the assumption that Lewis and Clark County cannot afford widespread infrastructure improvements to overcome the development constraints. In addition, the County struggles to maintain the infrastructure it already has. Large expansions of infrastructure throughout Helena Valley will only compound the maintenance funding problems. If infrastructure improvements are used to overcome the development constraints, it needs to be done strategically in order to maximize the development potential while minimizing financial burdens. Where to use infrastructure to overcome what development constraints, and who pays for it all need to be considered carefully. Applying the following principles can help ensure that infrastructure investment is cost-effective and efficient in addressing the needs:

#### ***#3.a—Concentrate infrastructure improvements together to maximize efficiency while overcoming development constraints***

There is a relationship between density and infrastructure. The higher the density the more infrastructure is needed. And without high density development, the infrastructure can't be supported financially. If major commitments are made by the County to facilitate infrastructure improvements, it makes sense to concentrate those resources in certain geographic areas to maximize their efficiency. The most logical place to focus infrastructure investment is the Urban Standards Boundary around Helena where the County can work with the City to accommodate high density growth that will support the investment in infrastructure and where public services can be provided in the most cost-effective manner.

Some may argue that such a policy is unfair to property owners just outside the Urban Standards Boundary, but there are two realities that must be considered. First, this proposed policy direction is based on the principles of public-private partnerships. In any partnership, all parties must consider that actions taken by the partnership will be a benefit and not a burden to the parties. Secondly, the Helena Urban Standards Boundary is set by policy of the City and as with any policy, it is subject to review and modification. If a property owner or developer has a development proposal that can be demonstrated to be highly beneficial and not burdensome to the City, the City can consider whether it is in its interests to modify the Urban Standards Boundary. It is not set in stone.

#### ***#3.b—Capitalize on existing facilities to reduce costs***

Certain types of infrastructure improvements require specific facilities. Sewer systems require wastewater treatment plants, water systems require storage tanks along with delivery pipes and wells, and fire protection requires water sources. In the Helena Valley Planning Area there are areas in closer proximity to existing facilities than others. Financially, it can reduce the costs of expanding infrastructure to accommodate new development if the expansion capitalizes on existing facilities rather than building new ones. For example, it is far less expensive to extend sewer pipes from an existing treatment plant or lift station that have extra capacity, than it is to build the pipes and a new treatment plant or lift station.

There are essentially two paths to capitalize on existing facilities—connecting to existing municipal services, or connecting to existing non-municipal services.

#### ***#3.c—Connect to existing municipal services***

Existing municipal facilities that may be made available to areas outside city limits are water, sewer and fire protection.

The City of Helena's water system and wastewater treatment plant are sized to accommodate future growth in the City and around it. The County could negotiate with the City to reserve some of this capacity for use in areas around the City that are not likely to be annexed in the short term but could be part of a long-term annexation plan for the Urban Standards Boundary. The amount of capacity would be set in principle by a Memorandum of Understanding. With the capacity agreed to in principle, the County and City could develop an infrastructure phasing plan to deliver services to the service area.

Next, the County would create a water and sewer district, the legal entity to own the infrastructure within the service area, operate the facilities, develop financing mechanisms for construction and negotiate with developers, existing neighborhoods, and individuals for service. The water and sewer district would enter into an inter-local agreement with the City for legal access to the capacity and then build the infrastructure to physically commence service. Through a variety of mechanisms including public-private partnerships, the district would finance the infrastructure, own the pipes and pumps, and the City of Helena would supply the water and treat the effluent.

The advantage of this strategy is it would reduce costs to develop the infrastructure necessary to deliver services because the sewer treatment and water capacity would not have to be built or operated by the district. The district would just operate the pipes and pumps to deliver the services. Examples of cities that provide capacity to water and sewer districts outside of their city limits include, but are not limited to Sidney, Miles City, and Kalispell.

Fire protection is another service that can be extended outside city limits to an unincorporated area. For example, there is already an inter-local agreement in place for the City of Helena to provide fire protection in the West Side Fire Service Area. In this example, Lewis and Clark County acting on behalf of the fire service area entered into an inter-local agreement with the City of Helena. The City provides fire protection, prevention, and suppression as well as conducts investigations and provides medical response service. The properties in the service area are assessed to pay for the services provided by the City.

The advantage of this strategy is it capitalizes on the proximity to the City and the use of their fire department and facilities. The City has a full-time, paid fire department rather than relying on volunteers. The disadvantage is much of the area around the City does not have adequate water supply or uniform design standards, and city fire departments may be reluctant to provide comprehensive service to the area. Extending public water throughout the Urban Standards Boundary through a planned utility extension and annexation plan would provide the water needed to protect such areas.

#### ***#3.d—Connect to existing non-municipal services***

There are private water and sewer systems, as well as water and sewer districts in the Helena Valley Planning Area that could be capable of expanding their service to accommodate additional development. This strategy was originally suggested as a primary tool to expand the number of units on non-municipal wastewater systems in the 1998 Helena Area Wastewater Treatment (HAWT) Facility Plan. In this scenario, subdivisions would hook into existing wastewater systems throughout the valley, rather than building their own.



The advantage of this strategy is the systems are typically privately owned, meaning the expansions are 100 percent privately financed. There is evidence to suggest that developers sometimes build excess capacity into their systems for this exact purpose. This sub-option may have limited potential in Helena Valley, however, as new subdivisions hooking into existing non-municipal wastewater systems doesn't happen very often. Data is not readily available to suggest it has ever happened since the 1998 HAWT plan. Also, these non-municipal systems are not always properly operated and maintained, which is another problem that needs to be addressed.

#### ***Infrastructure Investment Strategy #4: Target public funding of infrastructure in areas where growth is planned, rather than following growth***

When funding is available for infrastructure improvements, priorities should be set for where those funds should be spent in order to accommodate planned growth, rather than responding to unplanned growth. Portions of the Helena Valley Planning Area could be designated for different intensities of new growth. Priorities for funding infrastructure improvements could then be set as to the planned density of growth for that area.

The County could set up a priority system for public funding of infrastructure, based on where growth is most conducive to fulfilling the goals of the Helena Valley Area Plan. Improvements in the higher priority areas would be prioritized in Capital Improvements Plans prior to improvements being funded in lower priority areas.

##### ***#4.a— Establish the highest priority areas for any public investment in infrastructure***

Consistent with the 2004 Growth Policy, the County should use any public investment strategy to facilitate growth where there are the fewest development constraints and where public services can be provided most cost-effectively. Since the adoption of that policy goal, the County has paid for engineering studies to estimate the costs of constructing public infrastructure to support growth in the North Hills (2005) and to extend public sewers throughout Helena Valley (2011). These studies did not follow the priorities stated in the Growth Policy which called for extension of public utilities in areas designated for urban growth first. The County spent no money or efforts to implement that first priority of the urban areas and instead jumped to planning the transitional areas because of the unplanned growth happening there. The Growth Policy and this Helena Area Plan must be used as the legal basis for any land use regulations that are adopted by the County, and the long-range plan adopted through the public participation process should also guide all decisions on where to invest in public infrastructure and planning studies that relate to it.

##### ***#4.b— Establish the secondary priority areas for any public investment in infrastructure***

Although the highest priority for public investment should be areas where growth best accomplishes the long-range growth management goals of avoiding development constraints and promoting cost-effective delivery of public services, transitional growth areas will be identified where development constraints are absent or limited and where suburban growth can be supported without depleting groundwater resources or stressing public service systems. Limited investments in road improvements and fire protection systems in transitional areas, especially in public-private partnerships, could be in keeping with the intent and goals of the Helena Valley Area Plan.

##### ***#4.c— Establish the lowest priority areas for any public investment in infrastructure***

A third priority for any public investment could include rural areas where low-density development will be allowed and encouraged. Limited road improvements will still be needed as will additional fire protection water sources to serve existing and anticipated populations. Partnering with developers, road maintenance organizations, and fire districts by providing limited grants or matching funds could help build support for the new growth management program in such areas.

## **Policy Option #2: Land use controls to establish densities based on development constraints**

### **Introduction**

Density is a root problem for every one of the development constraints. Too many homes in too small an area over the bedrock or tertiary aquifers can result in wells going dry. Areas with shallow groundwater are susceptible to contamination over time from too many septic systems being installed or from improperly functioning systems. Engineering studies have indicated that a typical gravel road can only accommodate about 40 homes before the traffic exceeds design standards and maintenance becomes a problem. Complaints of dust and air quality concerns from gravel roads led the County to require paved roads in subdivisions unless density and traffic generation are limited.

Areas with urban densities served by rural fire districts have a limited supply of water, few supply locations, and limited manpower to provide fire protection and emergency medical services. As more homes are built in areas with high and high-to-severe fuels hazards, the cost of fighting fires increases as does the risk to lives and property. Higher densities in areas prone to flooding are expensive to mitigate and also put more lives and property at risk.

Many of the constraints we face in the Helena Valley Planning Area can be overcome by simply guiding growth to areas without such constraints. This can be done through some forms of zoning. For example, the Scratchgravel Hills area has a density of roughly 1 dwelling unit per 10 acres, while parts of the North Hills have hundreds of lots as small as 7,000 square feet. Even though aquifers in both areas have limited recharge, there is no sign of groundwater depletion in the Scratchgravel Hills due to the low density of housing built there in recent decades. But if growth continues at such high density in portions of the North Hills, as many as 50 percent of the wells are expected to go dry based on hydrological studies done by state agencies. Zoning according to the constraint of limited water availability in such areas can prevent these problems.

Another example of using zoning to overcome constraints is on roads. Limiting density in areas with gravel roads to levels the roads can accommodate without improvements or with limited improvements can address the constraint without significant capital improvements and high costs to either the public or the private sector.

If the County uses zoning as a growth management tool to limit densities based on development constraints, it should recognize and respond to the concern that it might lead to higher home prices. A significant contribution to housing costs is the price of land. A house on five acres will generally cost more than the same house on a 20,000 square foot lot. Therefore, zoning must be done comprehensively and carefully. As areas with constraints are zoned in order to address those constraints, areas without constraints need to be zoned to provide for a range of intensities including suburban and urban densities to keep housing supply in line with market demand and to offer affordable options. Clearly there is a market for all development densities in the Helena Valley. But there should be careful analysis of the suitability of land to support the type of development that is proposed. That type of analysis has been consistently absent in terms of the issues documented in this report. Allowing small lot sizes and high densities in areas constrained by water availability, road conditions, and rural fire protection in the name of housing affordability ignores the long-term and exorbitant costs of paying after the fact for infrastructure needed to support urban and suburban densities when the area is fully built out.

Another concern about zoning is that it can potentially be too rigid. Builders need flexibility to fit subdivisions to the land and make projects work in the market. Zoning can be adopted that allows such flexibility. Neighborhood planning can also be used to evaluate constraints on a site-specific basis and come up with a plan to address those constraints and reduce zoning limitations. This would provide builders with the ability to change the zoning in a way that can make the project financially successful while addressing the development constraints. If higher density is needed to support private invest-





ment in roads and water systems, the zoning can be changed based on the plan for that investment. Right now, we build first and plan for needed infrastructure later, if at all.

A third issue with zoning is it adds another layer of regulatory complexity. With zoning in place, however, other regulations could be loosened or eliminated. Currently, the County uses the Subdivision Regulations as the primary tool to mitigate impacts of development. As a result, the Subdivision Regulations cover many issues normally addressed by zoning and are not an efficient means to deal with many of them.

Zoning can also be used as a tool to mitigate impacts and is often more effective than using subdivision regulations. For example, without zoning the County has little ability to limit growth on gravel roads. As a result, the Subdivision Regulations require all developers to do expensive traffic studies to determine road improvement costs and proportional shares in order to mitigate the impacts of their developments. If zoning were used to mitigate the impacts on gravel roads by limiting densities according to the capacity of the roadway, then the traffic studies and proportional shares may no longer be necessary, making the process of subdividing property simpler and less expensive, especially for small projects.

## Proposed Policy Strategies for Density Control to Accommodate Growth

### ***Density Control Strategy #1: Adopt a non-conventional zoning ordinance that only limits densities (Rural Growth Areas)***

#### ***#1a—Conventional zoning***

Cascade County, Lewis and Clark's neighbor to the north east, administers a county-wide comprehensive zoning ordinance that separates uses as well as establishes densities for different areas. This ordinance can be considered a Euclidian zoning ordinance (named for a 1926 Supreme Court case, *Euclid v. Ambler* in which the Court determined that zoning is constitutional). The Cascade model identifies zoning districts based on general uses and lot sizes. Each district establishes a minimum lot size and lists the uses permitted by right within the district and the uses that require additional approval by a review board. All uses not listed as permitted or conditional uses are prohibited within that district. Each use district contains detailed requirements on lot size and shape, setbacks for buildings, and building height limits. The Cascade County model includes "supplemental regulations" commonly referred to as performance standards. The supplemental regulations primarily regulate signs, lighting, and parking.

Because it is effective at separating uses, Euclidian zoning is often applied in urban areas, but is also frequently applied to rural areas where separating uses is a community desire. Euclidian zoning is one of the oldest zoning types, and because it is so common and so established, planners and developers are familiar with its use and application. The City of Helena and East Helena both use a form of Euclidian zoning. Most of the Part 1 zoning districts in Lewis and Clark County are also based on Euclidian zoning.

This zoning model may not be appropriate for the Helena Valley Planning Area if the goal of growth management is primarily to limit development densities in areas constrained by water availability, shallow groundwater, road conditions, and rural fire protection systems. While this model does address density, additional requirements such as parking, signs, setbacks, etc. would not contribute to overcoming the development constraints in Helena Valley. A second drawback to the Cascade County model is the complexity. Euclidian zoning attempts to include provisions for every conceivable land use situation, and as a result Cascade County's Zoning Ordinance is 153 pages long. Because this type of zoning is so common, the provisions are fairly transferable, so planners and experienced developers and people involved in real estate are not daunted by the regulations, but people not familiar with this type of zoning can be confused and overwhelmed by it.

#### ***#1b—Non-conventional zoning***

In 2005, Lake County adopted a density map and regulations for areas of that county that were previously unzoned. The density map and regulations is a unique concept in Montana. Although it is technically zoning, the Lake County Model only addresses density and property uses are not regulated. The county is split into different districts; each district has an allowable density. Existing lots are grandfathered in, but new splits must conform to the density restrictions. For example, if you had an existing undeveloped parcel in any district no matter the acreage, you could put any use on that property. If you had ten acres in the five acre district, you could split that lot into two, five-acre lots and put any uses on those two lots. If you only had eight acres in the five-acre district, you could not split the lot.

The Lake County model contains some additional provisions, such as the ability to cluster new lots, or the ability to transfer development rights. The Lake County zoning model may be a better fit for Lewis and Clark County than the Cascade County version, especially for Rural Growth Areas, as it deals specifically with density, and density is directly related to the limitations of the development constraints we have identified. The regulations are also simple and easy to understand, being only 14 pages long, and no administrative review of land use or construction is required. It gives landowners complete flexibility to use parcels as they choose.

At the same time, this model may not be appropriate for all parts of Helena Valley, especially in areas designated for urban and suburban growth, where some level of review of uses and construction may be needed.

### ***Density Control Strategy #2: Adopt a hybrid zoning ordinance that limits densities and includes limited requirements on uses and construction (Transitional Growth Areas)***

Powell County has also implemented a county-wide zoning ordinance. The Powell County model could be considered a Euclidian zoning hybrid. Powell County's zoning ordinance is primarily focused on density, and use is a secondary consideration. The County is broken into five districts, each district describes a minimum lot size, permitted uses that don't require administrative review, permitted uses that do require administrative review, and conditional uses that are only allowed if they meet stated conditions of the ordinance for issues such as traffic safety and noise. The Powell County ordinance is like the Cascade County ordinance in that both separate uses—the difference is the emphasis and level of restriction. The Powell County ordinance does not prohibit any uses; it requires that all uses not listed as permitted uses go through the conditional use permitting process. If the use can meet the conditional use standards, it is approved. If not, it is denied.

The Powell County model does include some specific performance standards, like regulations on signs and cell towers, some overlay zoning districts that require setbacks from streams or special wildlife habitats, and for the Superfund cleanup of the Clark Fork River.

The Powell County model is administered through three mechanisms. Some permitted uses, like agriculture, do not require any review or permit. Residential uses require a simple administrative review called a Development Certificate that is completed to ensure development is done in conformance with the regulations. Most other uses require a conditional use permit, which is a process that requires Planning Board approval.

Compared to the Cascade ordinance, the Powell County model is much less complicated. Each district is essentially the same, except the minimum lot size and setback requirements. It's also flexible, as any use could potentially be permitted if designed according to the standards within the regulation. But having most uses go through a conditional use process may be problematic for Lewis and Clark County given the levels and types of development occurring in the Helena Valley Planning Area and the limited staff in the Community Development and Planning Office to administer and enforce any zoning program. This model may be most appropriate and workable for the Transitional Growth Areas.



### ***Density Control Strategy #3: Adopt zoning within the Helena Urban Standards Boundary that is compatible with the City of Helena’s zoning (Urban Growth Areas)***

When a county adopts or amends zoning regulations, one of the requirements according to state law is that the regulations be “compatible” with the zoning regulations of nearby municipalities. The exact extent of what compatible means is not defined. There is a wide range of examples of how far counties have gone to make their zoning compatible with the zoning of their cities, and it really comes down to the relationship the two jurisdictions have. Lewis and Clark County and the City of Helena have made it a point to work together on land use planning while keeping the planning jurisdictions separate. They have gone so far as to create a consolidated City-County Planning Board and to sign a 2009 Memorandum of Understanding to adopt zoning and joint development standards for the Urban Standards Boundary. While the state’s requirement that county zoning be compatible with a city’s can be loosely interpreted, because of the clear desire to work together it makes sense that any zoning adopted by the County near or adjacent to the City of Helena be as reasonably compatible as possible. In fact, if the long-range goal is to facilitate urban density on public utilities within the USB, any zoning adopted by the County should be as close as possible to the adjacent City zoning to facilitate future annexations.

Of the zoning options available for the Urban Standards Boundary, the City of Helena’s has the most in common with the Cascade County model. The City of Helena’s Zoning Ordinance is a Euclidean zoning ordinance focused on the separation of uses through districts. Each district has a list of permitted and conditional uses as well as bulk and dimensional requirements such as setbacks and building height limitations. One difference from the Cascade County model is Helena does not require minimum lot sizes as a part of the district for most uses. This does not mean there is no minimum lot size in the City of Helena, as setbacks and maximum lot coverage (the portion of a lot that can be covered by buildings) standards indirectly establish lot sizes.

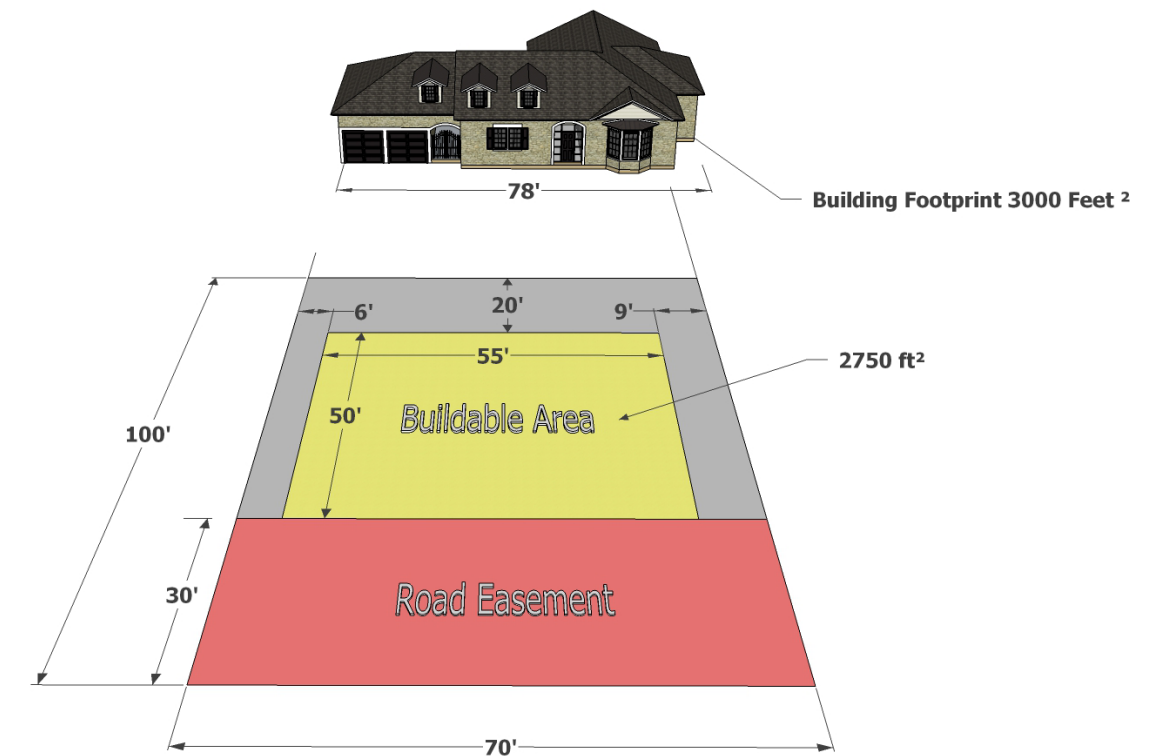
The City of Helena’s zoning ordinance differentiates districts by use. Generally speaking, Helena’s ordinance has multiple residential districts, multiple commercial districts, an industrial district and a mixed use district (there are a few other special districts). Again, the minimum lot requirements are indirectly established by setbacks and minimum lot coverage. The uses are fairly standard for a city zoning ordinance, as are the bulk and dimensional requirements. Overall, the City of Helena administers 13 zoning districts.

The Urban Standards Boundary areas A and B could be proposed for zoning compatible with the City of Helena. Zoning compatible with city standards would encourage a development pattern that promotes the efficient extension of public services. Compatible zoning would contain similar bulk and dimensional requirements and use standards as the City of Helena following the Cascade County model. Because the city ordinance does not apply minimum lot sizes, the County will need to evaluate the compatibility of density in a non-linear approach, translating the range of effective lot sizes produced under the City zoning regulations into comparable minimum lot sizes or adopting a similar setback and lot coverage program.

A second consideration for compatibility with Helena’s zoning is the difference between road right-of-way in the city, and road easements in the county, and how that affects lot sizes. The City generally owns the entire road right-of-way, and lot size does not include the road right-of-way. The County does not generally own right-of-way, rather they hold easements across the lots on either side of the roadway. Therefore in the County, lot lines actually go to the centerline of the road. This is problematic because most local roads providing direct access to residential lots in the County have a 60-foot width road easement. For a 100-foot deep lot, the front 30 feet, or just under a third of the lot area is in the road easement leaving only 70 feet of buildable lot, which gets further reduced by setback requirements. Therefore, a 10,000 square foot lot in the County is comparable to a 7000 square foot lot in the City, and a 7000 square foot County lot typically has less than 3000 square feet of buildable area for structures (See Fig. 3.1). The approval of such undersized lots has led to numerous encroachment and setback violations to the point where entire subdivisions have required re-platting to fix them.

If the County adopts zoning with minimum lot sizes, it should consider excluding area within the public access road easement as part of the minimum required lot size.

Another option for addressing this issue is to require site plan review of all residential development in high density subdivisions to ensure that adequate room is available on lots for the proposed construction and that development of adjacent lots is coordinated.



**Fig. 3.1—The buildable area of lots in County subdivisions is substantially reduced by including land within the road easement as part of the minimum lot area. In many cases, standards houses can’t fit on the lots and numerous setback violations and encroachments are the result.**

### ***Density Control Strategy #4: Provide flexibility within any zoning programs adopted to address the development constraints***

Any zoning program implemented in the Helena Valley Planning Area needs to recognize that flexibility is necessary to address specific requests and to provide the highest level of service to the community. This Helena Valley Area Plan is focused on recognizing and overcoming the constraints to development in order to accommodate projected growth. This document contains a great deal of information to identify the constraints and establish their relationship to growth, but there may be instances where additional information not provided within this document supports a different conclusion. It is also possible that conditions related to the development constraints may change over time. Roads may get improved, water systems could be developed, and new fire protection systems being added that would change the development constraints analysis. Another factor that would change the outcome of growth with respect to the identified constraints is the potential that a developer or landowner might demonstrate their ability to overcome a development constraint through other mechanisms. The planning program needs to recognize that potential and provide for it. Some options for providing needed flexibility in any zoning components of a new growth management plan for Helena Valley are included in the next section on improving performance standards.



## Policy Option #3 : Improved performance standards to address the development constraints

### Introduction

Tailoring the development review process to better address development constraints is another potential mechanism, one that has been frequently used in the past. Regulations currently in place, such as the County's regulations governing wastewater treatment systems or subdivisions, can be amended to better address development constraints. New mechanisms, such as site plan review for commercial lots in approved subdivisions, could also be developed. These mechanisms could work to manage the individual impacts of specific proposals in order to address constraints, continuing the practice of only dealing with constraints when specific development projects are proposed. Clearly, improving regulations is an important part of the growth management program for the Helena Valley Area Plan, but this tool will be most effective if it is used in concert with the other tools of infrastructure investment, density controls, and education. The Lewis and Clark County Subdivision Regulations have been around for a long time. If they were effective as a stand-alone method to address development constraints, we wouldn't be having many of the problems we are facing today as documented in the *Key Issues Report* (Volume I).

### Proposed Policy Strategies for Improved Performance Standards to Accommodate Growth

#### ***Improved Performance Standards Strategy #1: Revise existing regulations or adopt new ones to better address constraints to development***

Under the current growth management framework, Lewis and Clark County's primary tool to review and issue permits for development is the Lewis and Clark County Subdivision Regulations. Subdivision review can be effective at addressing site-specific constraints, but it has significant limitations for addressing cumulative impacts and addressing the development constraints comprehensively. The County has repeatedly tried to adjust the Subdivision Regulations to find solutions to issues that would be better addressed through other mechanisms. The Subdivision Regulations as a stand-alone tool will not be effective in addressing the development constraints while accommodating the projected population growth in the Helena Valley Planning Area. Amendments to the Subdivision Regulations are needed not only to address the development constraints, but also to reflect that other effective tools such as investing in infrastructure, enacting zoning, and improving landowner education will be put in place under the Helena Valley Area Plan.

#### ***#1a—Water Availability***

The existing subdivision review process is not effective at addressing the constraints to development due to water availability because it doesn't reliably assure the long-term supply of water. Water supply issues at the Emerald Ridge Subdivision demonstrate how the current approval process is not reliable at determining the long-term viability of a groundwater source for a single subdivision. That subdivision on the East Bench of Helena Valley was approved by the County and the State DEQ for sixty-seven homes on one-acre lots with individual wells and septic systems. Testing done as part of the approval process failed to identify aquifer recharge limitations that required all of the homes in the subdivision to keep drilling deeper wells over time because of falling levels of groundwater caused by pumping water from the aquifer that serves as their source of water.

A 2012 Montana Bureau of Mines and Geology (MBMG) report identified dense development (approved under DEQ water & wastewater rules) as being responsible for dropping water tables in the North Hills, demonstrating how subdivision regu-

lations are not effective at addressing the long-term, cumulative impacts of development. Relying solely on the subdivision review process in its current form to address water availability, particularly over the bedrock and tertiary aquifers of Helena Valley, is not effective.

Water availability is addressed in subdivision review by reference to the DEQ review process, which is incorporated in the local subdivision regulations. Therefore, the standard for demonstrating adequate water availability for a proposed subdivision is a State of Montana standard. Montana Code Annotated 76-3-511 only allows local standards to be more stringent than state standards when peer-reviewed, scientific studies demonstrate that additional regulations are justified. In order for Lewis and Clark County to adopt subdivision regulations addressing water availability that are beyond the State's requirements, the County must make findings based on scientific studies.

The County has identified scientific studies and is pursuing additional analysis through a Montana Bureau of Mines and Geology study for the East Bench, but to develop subdivision regulations more stringent than DEQ standards may require additional analysis. One possible outcome of such a course of action would be to establish a base groundwater elevation that groundwater levels could not drop beyond for a large area of Helena Valley. This would likely require extensive study by the County to determine the exact amount of groundwater withdrawal that would be acceptable and perhaps additional analysis of aquifer properties in the Valley.

A second regulatory approach would be to require subdividers to complete more extensive modeling of aquifer properties prior to preliminary plat approval to better determine the long term effects of pumping on groundwater supply. Such testing would be expensive for developers, but it would be based on the objective reality of water limitations and would prevent lot purchasers from bearing the financial burdens of obtaining sufficient water supplies to serve the homes built in those approved subdivision lots after their wells run dry, which has been the case with Emerald Ridge.

A third possible mechanism recommended by the Water Quality Protection District hydrologist is to require subdividers in areas with documented water supply questions to build projects in phases and to have groundwater monitoring wells installed in all subsequent phases to measure groundwater levels as the project builds out. This monitoring could verify that adequate recharge exists to replenish groundwater withdrawals prior to subsequent phases being final platted.

#### ***#1b—Wastewater Management***

The Wastewater Management Chapter of the *Key Issues Report* (Volume I) identifies two primary water quality concerns due to wastewater treatment; the cumulative impact on water quality from individual septic systems over a given area, and the direct impact on water quality from non-municipal, "public" wastewater systems that are not properly maintained or monitored.

An example of how improved regulations could be applied to address the development constraint of wastewater disposal in areas with shallow groundwater is to address long-term maintenance requirements of the large, non-municipal systems that are going in. The rules governing community wastewater systems could be amended to create mechanisms that require performance monitoring, funding for ongoing operation and maintenance, and for long-term rejuvenation or replacement. There are some state regulations that apply to the issue of long-term operation and maintenance, but they are not adequate to address the level of development occurring in Helena Valley, and the State lacks the resources to effectively monitor and enforce them. The best example of this deficiency in regulation is the Ten Mile Creek/Pleasant Valley Estates lagoon system that operated for decades treating less than half of the wastewater generated by several hundred homes.

Maintenance of public non-municipal systems is required by DEQ, but enforcement is generally complaint-based. The complaint-based enforcement approach means problems are generally not addressed until a system is observed to be failing, which could be months or even years after system failure begins. Maintenance is the responsibility of the entity owning the system. Systems are usually owned and operated under one of three mechanisms:



- A homeowners association;
- An individual or corporation; or,
- A sewer district.

Privately-owned, non-municipal wastewater treatment systems have been and still do present a concern to water quality. From a maintenance and improvement perspective, the three primary ownership mechanisms for systems each have advantages and disadvantages. Systems owned by sewer districts might result in the best maintenance, but requiring maintenance by a sewer district could discourage developers from building systems with excess capacity to accommodate future growth, as they would not benefit from the systems if they must be turned over to a sewer district. Greater evaluation of the ownership types and their relationship to long-term maintenance success may be necessary to establish an optimum course of action.

Some counties require local permitting of any wastewater system, including public systems. This ensures systems are built to DEQ standards and the county has a better understanding of the number, type, and location of systems throughout the area. Lewis and Clark County already requires a local permit (no more stringent than DEQ's standards), but this permit could require periodic site inspections by local sanitarians and a review of maintenance records. If maintenance deficiencies are found or improvements are necessary, the local sanitarian could report the deficiency to DEQ for enforcement. This strategy could catch deficiencies in systems prior to the discharge of pollutants.

When seeking subdivision approval for proposals with individual septic systems, the existing nitrate level in groundwater is measured, and if elevated levels are present, it may require special designs of the proposed wastewater treatment systems. This is as close as subdivision review gets to considering the cumulative impact of septic systems on groundwater. It is possible to go beyond DEQ requirements for subdivision review, but this would likely require additional research to support the regulations. Improved subdivision standards could require special designs of septic systems in areas with shallow groundwater or for lots under a certain size. A second option would be to limit lot sizes over areas of shallow groundwater through an overlay zoning district. Such zoning would be more effective than subdivision regulations because the latter does not address all development happening in sensitive areas, as some types of development can occur without subdivision review. Currently, there is not adequate research to support going beyond the DEQ requirements in terms of system design or lot size requirements.

### **#1c—Roads**

The Subdivision Regulations currently have a mechanism that requires subdividers to pay for their proportional share of off-site road improvements depending upon the traffic impacts of the subdivision they are building. This tool funds a portion of the total cost to upgrade a substandard road, but not enough for the whole upgrade. As a result, the impact occurs, but the improvements do not always follow. A second issue with the current program for addressing road constraints is the cost to complete engineering studies and road improvements and to pay proportional shares can make small projects economically infeasible. Relying solely on subdivision regulations to overcome the road constraints is only a partial solution; other tools including infrastructure improvements and zoning need to be considered in conjunction with requirements for individual developers.

The Subdivision Regulations design criteria could be revised to reflect how certain areas of the Valley require different solutions and how other tools, such as infrastructure improvements and zoning, can be used to address the Regulations' shortcomings. In urban areas, public infrastructure could be used to encourage urban densities compatible with the City of Helena to better accommodate anticipated growth. Road design will need to reflect the scale and intensity of development, meeting city standards if necessary. In rural areas, zoning could be used to limit the density in areas with gravel roads. If zoning is adopted, the proportional share analysis could be amended to be more flexible. Rather than requiring expensive

traffic studies and improving roads to a paved road status, the roads could be improved to address ride and safety and improved maintenance while remaining as gravel roads. This could be done at a fraction of the cost of improving roads to a paved standard, but it is predicated on the fact that development will be limited to what can be supported with a gravel road network. In other words, the design criteria could reflect the level of development that is expected, but only if those other tools are in place.

Another area of needed improvement in the regulation of road construction is to require all high-density subdivisions to install curb and gutter and to have road widths adequate for on-street parking. As documented in the *Key Issues Report*, allowing open ditch drainage systems and minimum width roads in urban density subdivisions creates neighborhoods where emergency evacuation and access by Fire Departments is limited by overflow, on-street parking from the small lots. Another serious problem that occurs in such high-density subdivisions is that the ditches get filled in by lot owners over time to provide access and parking for RVs and to improve front yard appearances. Filling in the ditches blocks needed drainage flows and eliminates stormwater holding and treatment systems. Enforcement of on-street parking and filling of ditches in urban-density subdivisions is impossible and a poor substitute for proper design.

### **#1d—Fire Protection**

There are two components to fire's role as a constraint to development in the Helena Valley Planning Area. The ability of rural fire districts to provide service to suburban and urban scale development is one such constraint, where a very few water sources currently must serve almost 30,000 people. Areas with especially high or severe fuel hazards in the Wildland Urban Interface are the second point of concern. Design standards could play an important part in overcoming these development constraints if other tools are implemented in concert. Relying upon individual property owners to take responsibility for fire hazards can work in isolated cases. The County can't rely upon it with suburban density neighborhoods moving out into fire-prone areas.

One area of concern that could be addressed through subdivision regulations is water supply points. The current regulations require subdivisions to develop their own water supply for fire protection, or use an existing water supply point that is in close proximity. This could be especially important in areas with higher densities outside of urban areas. In urban areas, fire protection should meet the requirements of the City of Helena. Outside of urban areas, developments should continue to develop their own fire protection water supply sources. The Subdivision Regulations need to ensure water supply points are maintained in perpetuity and that the cost of replacement equipment is included (equipment often has a limited life span). Offsite water sources should not be more than one mile from a new subdivision, and should not be located on arterial or collector roads in order to protect the firefighters and the public. But even with these common sense requirements, these limited water supplies are not sufficient to protect the level of growth and development that has occurred and will continue in the Helena Valley Planning Area.

There are locations where zoning could help mitigate the constraint of limited rural firefighting capacity. In these areas, if zoned appropriately, it may no longer be necessary to require developers to build individual water supply points. Because density would be limited, it might be within the capacity of the County to study the existing water supply points and identify where additional locations are necessary. Based on the outcome of the study, the County could work with the fire departments to secure funding to develop water supply points in the locations that would best serve the rural populations. In addition to these water supply measures, improved regulations could be implemented to require and enforce vegetation clearing to create defensible spaces and better protect homes with limited water supplies. Helping landowners understand the measures through educational efforts would be another component of this integrated growth management approach.

The Wildland Urban Interface (WUI) areas are especially problematic. Subdivision regulations are best at mitigating impacts of development prior to the development occurring. For example, subdivision regulations can require fuel treat-



ments in areas of especially high fire hazards according to an approved mitigation plan prior to final plat approval in the same way that developers are required to construct roads and other infrastructure. The Fire Chiefs or planning staff could verify if treatment is completed. However, once the final plat is approved, it becomes difficult to enforce fuel treatment maintenance. Subdivision regulations are part of the program to mitigate development in the WUI, but to be most effective limiting development density, providing more education, ongoing enforcement, and public-private partnerships for off-site fuels management all need to be a part of the growth management program for fire protection.

### ***#1e—Flooding***

Portions of the Helena Valley Planning Area are subject to flooding. Much of the area is just north of the City of Helena where there is significant existing development. Previous plans of both the City and County have designated these areas with flood hazards for even more development (as much as half of the Urban Standards Boundary B is floodplain). Subdivision regulations can be effective at addressing the development constraints due to flooding for new subdivisions, but there are also limitations. The Lewis and Clark County Subdivision Regulations limit, but do not prohibit new development in areas with flood hazards. New lots in subdivisions can be created that are partially in the 100 year floodplain, but all structures must be outside of the floodplain. Some consideration is given to structural design both in the 100 and 500 year floodplains. Floodplain Regulations prohibit all new development in the floodway.

Subdivision regulations are not effective as the only mechanism to overcome the constraints due to flooding, because not all development is subject to subdivision regulations. Subdivision regulations only regulate development when new lots are created. Development on existing parcels is not considered, and numerous lots have been created in the Valley through the use of exemptions in the Subdivision Regulations. If the County wishes to significantly improve its insurance ratings and offer lower flood insurance premiums, new regulations will need to address all development, not just subdivisions. Rather than increasing the requirements of the Subdivision Regulations, a zoning district such as a floodplain overlay zone may be a more effective method to comprehensively address the constraint.

### ***Improved Performance Standards Strategy #2: Revise existing regulations or adopt new ones to reflect the positive effects of other growth management tools***

Over the course of the last few decades Lewis and Clark County has primarily relied upon its subdivision regulations to manage growth. As the population of the Helena Valley Planning Area has grown and issues have become more complex, the County has continually amended the Subdivision Regulations in an attempt to address the emerging issues. Subdivision regulations are only partially effective at addressing certain aspects of the development constraints, and they clearly are limited at providing truly effective solutions. This is especially true of the constraints addressed in this Helena Valley Area Plan.

It must be recognized there are standards within the Subdivision Regulations that are better addressed through other growth management tools. These other tools, which are generally described as the policy options in this chapter, should be developed and implemented wherever feasible. As these tools are drafted and adopted by the governing body to overcome specific development constraints, the standards within the Subdivision Regulations that address those constraints should be evaluated. As appropriate, the Subdivision Regulations should simultaneously be revised and amended to recognize the new mechanisms that are more effective at addressing the constraints to development.

These are the type of trade-offs that need to be clearly discussed as part of any revisions to the Subdivision Regulations. Implementing tools that are more effective at addressing the development constraints means the less effective existing tools need to be revised or retired. For example, if zoning is implemented to address density on substandard gravel roads,

the subdivision requirements to complete an engineering study and contribute a proportional share toward rebuilding the road to a higher standard may no longer be necessary in its current form. If zoning is adopted to limit density in fire-prone areas and regulations are amended to require and enforce vegetation management plans, then requirements for small subdivisions to construct expensive water supply sources could be reconsidered. These types of changes would be considered improved performance standards in this Helena Valley Area Plan as they would encourage and facilitate low-density development in rural areas as opposed to the suburban and urban densities that have occurred in the past. And they would help address concerns for housing affordability and the needs of individual landowners to sell lots without creating large subdivisions.

### ***Improved Performance Standards Strategy #3: Overhaul the existing Part 1 zoning districts to make them consistent with the Growth Policy and efficient to administer***

As explained in Chapter 2, Lewis and Clark County already has zoning throughout much of the Helena Valley Planning Area. There are 34 existing zoning districts with 53 different land use designations. Each of the 34 districts has a different set of administrative standards, different organizational structure, and different definitions for uses. Each of the 53 different land use designations has different lot sizes, different setbacks, and different permitted and conditional uses. Some of the districts are over 40 years old and have not been updated in decades. The best description of the current condition of zoning in Helena Valley is chaos.

Each Part 1 zoning district in Lewis and Clark County was originally tailored for a specific location to serve a specific set of needs of the specific property owners at the time of district formation. There is little clear rationale extending from district to district and there seems to have been limited consideration to the overall land use goals of the County, which is a requirement of state law. This has resulted in the creation of over four dozen unique districts with varying minimum lot sizes, bulk and dimensional requirements and varying land uses. The complexity of the zoning code has grown to a point where it has become a significant burden to administer.

Lewis and Clark County needs to develop a process for consolidating its Part 1 zoning districts. This process needs to provide a logical and systematic rationale for consolidating the existing districts and also parameters to use when forming new districts. The consolidation of existing Part 1 Districts should give consideration to the goals and recommendation of this Helena Valley Area Plan, but greater flexibility could be given in keeping existing zoning parameters intact based on their long existence and the actions of property owners in reliance on that existing zoning. The formation of any new Part 1 zoning districts should, however, strictly conform to the direction of this Helena Valley Area Plan.

#### ***#3a—Use objective criteria for consolidating the existing Part 1 zoning districts***

The first step towards consolidating the 53 Part 1 zoning districts is to follow objective criteria primarily based on administrative characteristics such as existing lot sizes and land uses. Developing standardized text for common zoning elements such as general provisions, definitions, and administrative procedures is also imperative. Because the primary issue with the existing Part 1 zoning program is administrative, this step primarily considers administrative characteristics. The outcome would be a Part 1 zoning pallet that is more consistent and easier to administer. Additional objective criteria could support the appropriate designation of districts.

The first step in the consolidation project would have two objectives: 1) to consolidate the Part 1 districts for efficient and effective administration, and 2) to provide a higher level of service to people owning property or living in current and future zoned areas.



Three simple strategies can be used to consolidate the zoning:

- Recognize the principal use(s) of the district;
- Recognize the required minimum lot sizes of the district; and,
- Recognize how land is actually being used vs. what the zoning allows.

### ***#3b—Follow the current principal land uses when consolidating the existing Part 1 zoning districts***

The zoning currently used in Lewis and Clark County’s Part 1 zoning districts can be considered Euclidian. Euclidian zoning is used to separate incompatible uses through a list of permitted and conditional uses, thereby eliminating undesirable uses from the districts. The permitted uses can be considered the principal uses in a district.

The existing Part 1 zoning districts can be organized into the following categories by principal uses:

- Flood-zone
- Industrial
- Open Space - Public
- Commercial
- Mixed Use
- Multi-Family
- Single Family
- Agriculture

Identifying the principal uses of a district is a straight forward process which involves reviewing the text of the district and an on-the-ground review. Often times, the name of the district such as R-3 or Residential–3 indicates the principal uses or intent of the district. Applying only the principal uses of a district as a category won’t do much to consolidate the districts, but it objectively groups the districts in order to allow for the application of additional criteria for further consolidation.

### ***#3c—Follow the current minimum lot sizes when consolidating the existing Part 1 zoning districts***

Most of the Part 1 districts include a required minimum lot size. New lots within the district cannot be created that do not meet or exceed the minimum lot size. Matching districts with the same principal use and similar lot sizes is a logical way to proceed with consolidation.

The goal of this strategy is to merge districts together based on principal use and lot size. For example, use districts categorized as single family that share a one-acre minimum lot size can be merged into one district. But only combining districts with exactly the same minimum lot sizes will not result in significant consolidation because there are so many districts with varying minimum lot sizes. Some additional steps must be taken and judgment used to consolidate districts with similar, but not exact lot sizes. When consolidating districts with a smaller lot size into a district with a larger lot size for this project, GIS can be used to determine the number of non-conforming lots that would be created in order to limit their creation. There will be some subjectivity involved in this process, but it can be overcome by balancing the goals of administrative ease with observing the predominant existing lot sizes of each district.

### ***#3d—Recognize how land is actually being used compared to what the existing Part 1 zoning districts allow***

Site visits to the zoning districts can reveal a wealth of knowledge about the applicability of the zoning. For example, in several existing districts, the zoning allows for duplexes or multi-family units but the existing land use is predominantly single family or vacant. If these districts were re-categorized as single-family, they could easily be consolidated based on lot size. Evaluating how the land is actually being used versus what is stated in the zoning district regulations will allow additional consolidation.

### ***#3e—Consider the development constraints along with the existing principal uses, minimum lot sizes, and actual property uses***

Consolidating the existing Part 1 zoning districts to reduce the chaos and improve administration should first be guided by the existing principal uses, minimum lot sizes, and actual development patterns. But consideration should also be given to the new research provided in this Helena Valley Area Plan and Growth Policy update. If an existing zoning district with a minimum lot size of half an acre is located in an area that has documented problems with water availability, allowing more and more development in that area at that density would ignore the development constraint and put future lot purchasers and existing home owners at risk of groundwater depletion.

Similarly, the *Key Issues Report* has documented the need to limit development density on gravel roads and paved roads that are falling apart. Before adopting any consolidation of existing Part 1 zoning districts, a check should be made for each of the identified development constraints to determine if some modification of what was adopted in the past is still valid.

### ***#3f—Adopt the most efficient administrative framework for Part 1 and Part 2 zoning in Helena Valley***

Montana law authorizes county zoning districts to be adopted under two distinct statutes, County Part 1 and County Part 2. The different statutes call for administration of the district regulations using different processes and with different decision-making bodies. As Lewis and Clark County consolidates the existing districts and also considers the formation of new ones, the County must decide whether to continue with the Part 1 districts, to convert the Part 1 districts into Part 2 districts, or to allow for formation of both Part 1 and Part 2 districts.

Administratively, there are advantages and disadvantages to both Part 1 and Part 2 zoning as a result of the guiding statutes. The most important advantage Part 2 zoning has over Part 1 zoning is it allows for proactive county implementation of zoning to help achieve certain community goals described in a growth policy. Additionally, it takes some of the administrative burden off of the County Commissioners by allowing the Planning Board or Zoning Commission to hold public hearings on zoning matters and by allowing the Board of Adjustment to grant variances and hear administrative appeals.

Another advantage of Part 2 zoning is having uniform processes for adoption and implementation of all zoning regulations. By having one set of administrative procedures, the County can serve the public better through consistency, efficiency, and simplicity. If Lewis and Clark County officials intend to take a proactive approach to implementing the growth policies through zoning, Part 2 zoning should be considered. If Part 2 county zoning is to be used in Lewis and Clark County, the public may be best served by consolidating the Part 1 districts and converting them into Part 2 zoning districts to capitalize on the advantage of having one set of processes for adoption and administration of all zoning in the jurisdictional area.

## ***Improved Performance Standards Strategy #4: Allow Planned Unit Developments that include master planning, rezoning, and subdivision review as a combined process***

A planned unit development (PUD) is an integrated development review process incorporating elements of long range planning, zoning, and subdivision all into one application process. Located on one or more tracts of land under single ownership, a PUD offers a degree of flexibility that allows creativity in land planning and site design not possible with conventional subdivision and land development practices.



As envisioned under this Helena Valley Area Plan, a PUD mechanism in the zoning program would allow landowners to develop a neighborhood plan that speaks to how the applicant plans to address water availability, wastewater treatment, road improvements, and fire protection. With a plan that demonstrates how development constraints are addressed; zoning could be amended to meet the needs of the applicant, allowing subdivision of the property at a density higher than what would normally be allowed. The PUD process would incorporate the review of the neighborhood plan, zone change, and subdivision in one combined process rather than three separate processes.

In the HVPA planning program, the PUD would be used as a tool to address development constraints. For example, there are large areas of the HVPA constrained by water availability. These areas may be too far from existing public water supplies to warrant public infrastructure improvements to overcome the water availability concern, therefore zoning in the area may limit density to address the constraint. A landowner or developer who puts together a neighborhood plan that demonstrates access to an adequate and sustainable water supply could then apply for a change to the zoning to a density appropriate to the planned infrastructure and seek subdivision approval all in one process. Such a system would shift the burden of proof of water sustainability from the County over to the developer seeking higher density, but once that proof burden is met, the developer would be able to pursue a high density development through a simplified process for zone changes.

Because a PUD addresses long range planning, zoning, and subdivision in one integrated process, a PUD is a tool to allow zoning designations not normally allowed in a land use designation per the Helena Valley Area Plan. In essence, the neighborhood plan component would be consistent with the Helena Valley Area Plan in allowing the zoning change, which would permit a higher density subdivision but only if the development constraints can be successfully addressed.

A PUD process would need to meet the following objectives:

- Allow flexibility in zoning density and/or design standards;
- Address the constraints to development by the efficient arrangement of land uses, buildings, circulation systems, and infrastructure; and,
- Ensure that all public services necessary to support the development can be provided in a cost-effective manner.

A PUD regulation should address the following:

- The provision of a PUD mechanism in the specific land use designations;
- The basic requirements a PUD must meet to be considered;
- The standards in the existing zoning eligible for modification;
- The steps in the review process; and,
- Criteria for review and approval of PUD applications.

### ***Improved Performance Standards Strategy #5: Pursue rezoning apart from planned developments if constraints conditions change in an area***

A zone change, formally called a zoning map amendment, is a process in which an individual or group proposes to change the zoning on one or more tracts of land due to changing conditions. State statutes guide the process and criteria in which a zone change occurs. One of the criteria is that the proposed amendment be compatible with the Growth Policy. Zone changes may be appropriate in the Helena Valley Planning Area if circumstances have changed the applicability of a development constraint. For example, if an area has been zoned for low density growth due to the poor conditions of roads in an area and those roads are upgraded by the County or a Rural Improvement District program, then it would be appropri-

ate to allow higher density zoning based on the road improvements that addressed the primary development constraint. Once again the zone change would be considered consistent with the Helena Valley Area Plan and the Growth Policy if the development constraint(s) leading to the low-density zoning have been addressed.

Unlike a PUD, a zone change request is not integrated with a neighborhood plan and a subdivision proposal; it is a stand alone application and could be pursued apart from a specific development proposal. This would allow individual landowners or groups of landowners to gain recognition that their land is not constrained by road limitations (or other constraints) and is therefore suitable and available for higher density development than allowed prior to the road improvements. The allowance for higher density would affect the market value of their land, but this policy shift would be based on objective analysis of the constraints to development, rather than based on land speculation that ignores those constraints as has been the case in the past.

## **Policy Option #4: Education to alert builders and home buyers to the development constraints**

### **Introduction**

Educating people of the development constraints, and how they relate to the overall development of the planning area as well as their daily lives, could be an important component of the Helena Valley Area Plan. The Lewis and Clark Water Quality Protection District and the County Environmental Health Division have invested in a combination of regulatory and educational tools to reach out to the public about septic system maintenance. A similar system could be used for water quantity issues in areas like the North Hills. A big part of the problem of water use in areas experiencing drawdowns is irrigation of lawns and gardens. Reducing such water uses through education may prevent wells in such areas from going dry. If people understand the water limitations, they are far more likely to take actions to protect their water supplies like limiting consumption.

A problem with education is the fact that it isn't always effective, and it can't overcome certain physical constraints. A lack of funding for upgrades to roads or malfunctioning community wastewater systems can't be fixed through education. And educating people doesn't always compel them to do the right thing. But education on the development constraints and how to work with them can be highly effective when used in tandem with the other growth management measures of infrastructure investment, density controls, and improved performance standards.

### **Proposed Policy Strategies for Education to Accommodate Growth**

#### ***Education Strategy #1: Conduct additional research needed to address the constraints to development***

##### ***#1a—Research to address water availability***

Research is a critical component of any educational campaign for growth management. The current knowledge of the causes and consequences of over-pumping of aquifers in Helena Valley is the direct result of research done by the Montana Bureau of Mines and Geology and the County Water Quality Protection District. The County should identify and apply for funding to continue research to identify local areas where pumping of groundwater from aquifers at high densities of development will create problems for those developments and for surrounding property owners. Having this research available will provide consultants for developers with important information to help them evaluate the suitability of an



available site for development purposes and to document water availability on sites where higher density development is appropriate. The lack of credible, substantial evidence of water is a source of concern for developers, adjacent landowners, and decision-makers alike. Having good information available will benefit everyone. This information will also help the County develop and refine zoning maps and regulations needed to effectively and fairly manage growth and development.

### ***#1b—Research to address wastewater management***

The Lewis and Clark County Water Quality Protection District maintains and monitors a network of wells in Helena Valley to conduct research on groundwater conditions and trends. The District monitors groundwater elevations, chemistry, and temperature to establish connections between groundwater and surface water systems and to identify sources of nutrients that may impact the quality of water in those systems. They also track the levels of groundwater throughout the Valley to monitor trends in groundwater decline.

From the data developed in multiple studies the District has identified trends of decline in both quantity and quality of water in Helena Valley, but the exact causes in many areas can't be determined with available data apart from isolated locations where detailed examinations have been done. The trends in decline, however, indicate the need for continued research to establish causes and effects and to identify mitigation programs that can be pursued to reverse those trends. Such data is of critical importance to the County's growth management program.

### ***#1c—Research to address roads***

The conclusions drawn on the condition of roads in the Helena Valley Planning Area for this plan were based on a system used by the Montana Department of Transportation known as the PASER analysis. The PASER analysis, developed at the University of Wisconsin-Madison Transportation Information Center, is a quick and effective way to evaluate road conditions based on a visual analysis of the surface conditions. The PASER ratings combined with other inventory data on local roads such as width, length, shoulder, etc., can be very helpful in planning future budgets and priorities. The County Public Works Department also conducts traffic counts on local roadways to document traffic levels throughout the Helena Valley Planning Area.

Such data can also be used for and is important to develop and refine the proposed programs for infrastructure investment, density controls, improved performance standards, and education to accommodate future growth. Research is needed on new systems to mitigate traffic impacts on roads to facilitate project reviews in all designated growth areas. Since funds do not exist to upgrade all roads in the Helena Valley Planning Area to full county road standards, research is needed to come up with alternative, cost-effective road improvement programs to serve the County, developers, and road maintenance organizations.

### ***#1d—Research to address fire protection***

Wildfire trends throughout the West indicate the need to conduct research on how to effectively manage such events that may occur in the Helena Valley Planning Area. Local fire departments, state and federal agencies, and the community can learn from the tragic experiences of places like Colorado Springs, Colorado where wildfires have destroyed hundreds of homes over multiple fire seasons. In Lewis and Clark County, plans for evacuation and fire suppression activities are prepared with very limited resources that should be expanded moving forward. Systems and regulations for vegetation management in subdivisions are needed for improved performance standards to be effective. The volunteer fire networks lack the resources to conduct research and education campaigns, and the Helena Valley Area Plan should recognize and support the need for research on ways to accommodate growth in the region as it relates to fire protection.

### ***#1e—Research to address flooding and stormwater management***

Research on flooding in the Helena Valley Planning Area has consisted of flood plain mapping, adoption of FEMA models

for floodplain regulation, and engineering studies for drainage improvements to repair flood damage and reduce it. Additional study is needed to deal with periodic flooding on Ten Mile and Prickly Pear Creeks to move the community from reactionary responses to flood events to long-term strategies for restoring historic floodways that can carry excess waters during major events and for developing impoundment areas that can hold them. Another area of concern that should be evaluated is the increased runoff that occurs when wildfires strip hills of vegetation that stabilizes soils and absorbs precipitation, thereby increasing erosion, sedimentation, and flooding at lower elevations.

In a review of the *Key Issues Report* issued on September 1, 2015, the Helena Building Industry Association, one of several key stakeholder groups in the growth policy update process, recommended that the County do a Valley-wide stormwater plan. In addition to helping develop area-wide solutions to flooding problems, such research would be important to the future development of the Urban Standards Boundary, as in addition to the extension of water and sewer utilities, stormwater management is another critical infrastructure component for urban density development and annexation.

### ***Education Strategy #2: Develop education programs that address the constraints to development***

Lewis and Clark County can point to examples of how public education programs, when used with other tools, can be effective at limiting the effect of the development constraints on new development and existing neighborhoods. A good example is the Water Quality Protection District's mission to protect water quality. Public education is a specific part of a multi-pronged approach to reduce and prevent pollution of water quality that has proven to be successful over the past two decades. The larger program also involves the establishment of a maintenance district and septic system standards. One takeaway from this example is that education and outreach is not free or without effort. The district includes assessments that help fund an outreach coordinator who oversees the education and outreach components.

Education and outreach will be an effective tool to address some development constraints more than others. For example, an educational program could be implemented to encourage less use of water, while an education program will not be effective at repairing or upgrading the surface of a road. Education is most likely be an effective growth management tool in the areas of water availability, wastewater treatment, fire, and flooding.

### ***#2a—Education programs to address water availability***

Educational programs could be part of the overall strategy to reduce the impact of dropping water tables that are already occurring in areas like the North Hills and the East Bench, and it could also be part of a program to prevent future impacts in other areas.

According to the 2012 Montana Bureau of Mines and Geology North Hills study, reducing irrigation of lawns and gardens is a potential mechanism to reduce groundwater withdrawals due to over development. In locations where development over the tertiary and bedrock aquifers is currently causing water tables to drop, education could be used to encourage homeowners to voluntarily reduce water use, which may have some impact of slowing or even stopping over withdrawal of the groundwater. A program could be designed to educate homeowners in vulnerable areas on the causes and consequences of dropping water tables, and how less water-consuming plants and landscaping can be part of a solution to slow or even stop the water table from continuing to drop.

A second component of an education and outreach program could be to educate key stakeholders in the development process of the limitations of the tertiary and bedrock aquifers and the locations of those vulnerable aquifers in the Helena Valley. Following the release of the *Key Issues Report*, comments during the public outreach process indicated key stakeholders are not completely aware of the most recent studies that demonstrate development is the cause of dropping water tables in the North Hills. Education of key stakeholders, such as realtors and the building industry, on the most recent studies and the location of the vulnerable aquifers could be part of a program to encourage appropriate development levels in sensitive areas.





**#2b—Education programs to address wastewater treatment**

While public education and outreach will not yield solutions for non-municipal wastewater systems that are already failing, it could be part of a program to prevent future failures. The existing outreach strategies implemented by the Water Quality Protection District could be expanded to homeowners who treat wastewater through privately-owned community wastewater treatment systems. The outreach could focus on the need to maintain and monitor the community systems, as well as the financial consequences to the users and the environmental consequences to water quality if they don't.

**#2c—Education programs to address fire protection**

Educational programs could be part of an overall strategy to address development in the Wildland Urban Interface (WUI), as well as to address the limited capacity of rural firefighting services. There are many organizations that work to educate and inform citizens on the dangers and responsibilities of living in the WUI. Many of these programs have a long history. While progress is certainly being made, using education as the primary tool in the WUI is inadequate to address the challenges. Other tools are needed as well. Education should not be abandoned; in fact it should continue and be an increased part of the tool set used to address this development constraint. Because there are several agencies and entities currently using education as a tool in the WUI, opportunities for partnerships and cooperation are present and should be taken advantage of.

The lifeblood of rural fire districts in the Helena Valley Planning Area is their volunteer base. As the population in the Helena Valley Planning Area continues to grow, it may become harder to recruit volunteers to the rural fire districts. The County could be an active partner with the districts to educate the public on the importance of serving on a rural fire district department, and to encourage residents to sign up and serve.

**#2d—Education programs to address flooding**

Education is already part of Lewis and Clark County's strategy to address flooding. The Lewis and Clark City-County Health Department prepares and distributes information on the impacts of flooding to public health. Federal agencies, including FEMA and the EPA have materials on preparedness. The Montana DNRC also has educational programs. With all of the agencies involved in outreach, there are opportunities for additional partnerships and cooperation. Increasing outreach and education efforts on flood risks and preparedness is one of many strategies counties can employ to reduce flood insurance rates.

***Education Strategy #3: Develop education programs in cooperation with individuals and organizations with expertise in matters related to the development constraints and in real estate development and construction.***

The Environmental Health division of the Lewis and Clark County Public Health Department and the Water Quality Protection District have done much research and developed very effective education programs relating to the water and wastewater constraints in Helena Valley.

The Tri-County FireSafe Working Group, which covers Lewis and Clark, Jefferson and Broadwater Counties, works closely with the Lewis and Clark County Rural Fire Council, composed of 14 fire departments. This network continually informs the public in the Wildland Urban Interface about wildfire mitigation and survivable space around homes. Other partners include the DNRC, USFS and the BLM. Outreach avenues include public meetings, presentations, media interviews and Public Service Announcements.

The Helena Association of Realtors and Helena Building Industry Association could also provide expertise and networking opportunities to research and reach out to those involved in the real estate and construction industries and the average person buying or building a home.

Each education program will have different goals, participants, and intended outcomes. For addressing each constraint, the intended audience will need to be identified. Information on these audiences will be necessary. For example, what are the demographics of people living and building in an area with a specific constraint? Will the message need to be tailored or delivered differently according to those demographics? Depending upon the audience, the level of technical understanding of the issue could differ, and presentation techniques may need to be adjusted. To be effective, education programs need to be well developed, organized, and presented.

## The Recommended Course of Action

### Policy Option #5: A combination of policy options 1 through 4

The four policy options to address the constraints to development will be most effective if they are not considered in isolation, but in combination. An integrated approach to addressing the constraints to development that capitalizes on the strengths of each option will be the most effective and comprehensive strategy to address the complex problems in the Helena Valley Planning Area (see Fig. 3.2). For example, investing in public infrastructure to accommodate future growth is less risky if appropriate zoning is in place. If investment makes public utilities available, then higher density zoning is workable. Through planning where urban, suburban and rural zoning is applied, prudent and targeted infrastructure investments can be made that will pay off over time for the public and private sectors.

If zoning is used to address development constraints, subdivision regulations can be amended to lessen requirements in rural areas and make it easier and cheaper to build low-density subdivisions. Combining public education, improved regulations, and public funding to address water supply and fire protection can help the County respond to these concerns. In the end, a combination of targeted investments, zoning, better performance standards, and public education are all necessary to address growth pressures within the Helena Valley Planning Area.

Chapter 5 of this Helena Valley Area Plan presents a Future Land Use Plan dividing the Planning Area into Urban, Rural, and Transitional Growth Areas. In Urban Growth Areas, the most important growth management mechanism should be investment in infrastructure to make public utilities available to support high density development in the portions of the Valley with the least development constraints and most opportunity to successfully accommodate the majority of development that will be needed in the next two decades. But the Future Land Use Plan should also include recommendations for Urban Growth Areas involving density controls, improved performance standards, and education.

This same template of combining a mix of the four growth management tools or mechanisms will be used in Rural Growth Areas, where density controls should be the central element of growth management coupled with infrastructure investment, improved performance measures, and education.

The Transitional Growth Areas should emphasize improved performance standards, as a mix of densities is anticipated and infrastructure investment will be limited by the top priority of public investment in infrastructure for urban areas. But again, all four policy options should be applied to maximize the County's future success at managing growth in Helena Valley to minimize the impacts of development while maximizing the benefits.

The bar graphs on the next page illustrate the current growth management program the County has been following since 2004 (Fig. 3.3) and the relative importance of each option in each growth area as we move forward with adoption of a new growth management program for the Helena Valley Planning Area (Fig. 3.4). The planning consultant, County planning staff, and the Planning Board recommend a new growth management program following this guidance. Stakeholder input on this proposed framework led to an increased emphasis on infrastructure investment in all three growth management areas.



Fig. 3.2—Conceptual model for developing a balanced and integrated growth management program for Helena Valley using infrastructure improvements, density controls, improved performance standards, and education in combination to address development constraints and opportunities.

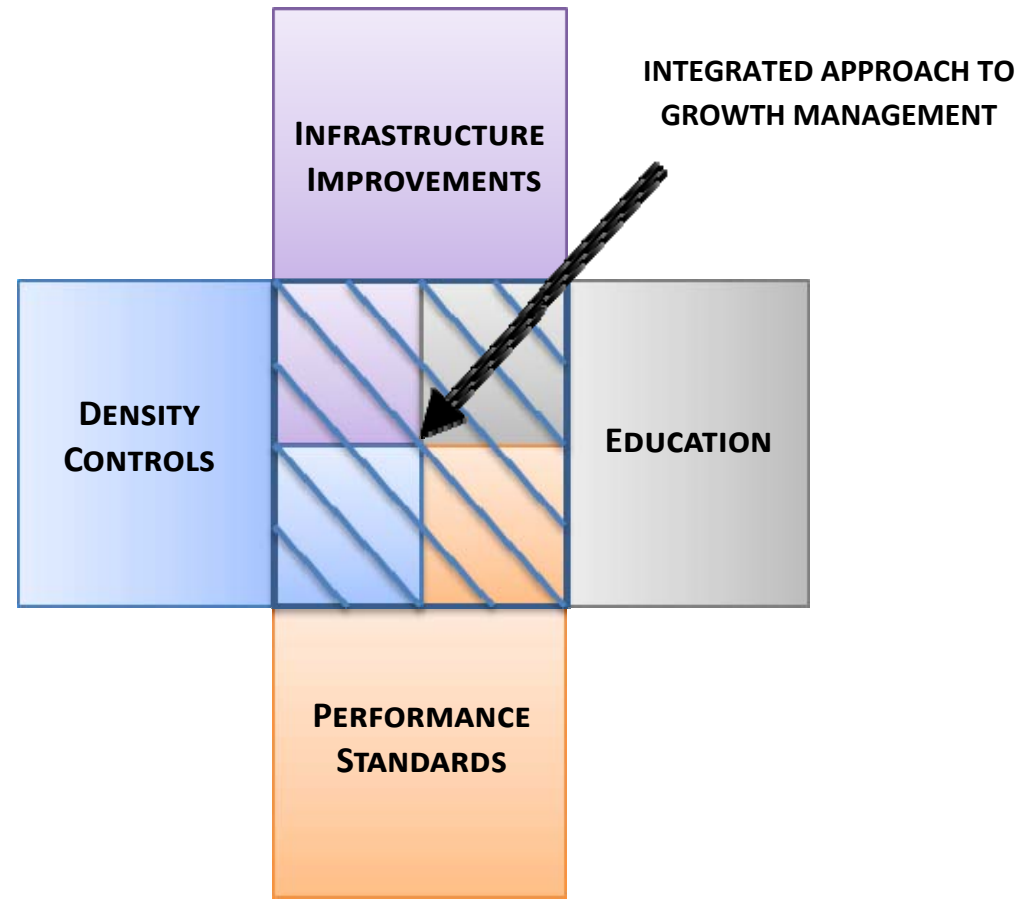


Fig. 3.3—As described by a scale of 1 to 10 representing the policy priorities, the current growth management program followed since 2004 is overly reliant on improving performance standards as the means to manage growth. The absence of significant investment in infrastructure improvements and the lack of zoning to control development densities in Helena Valley has required increased regulation in the form of subdivision performance standards to address the constraints of water availability, wastewater management, roads, fire protection, and flooding.

2004 POLICY MIX FOR ALL AREAS

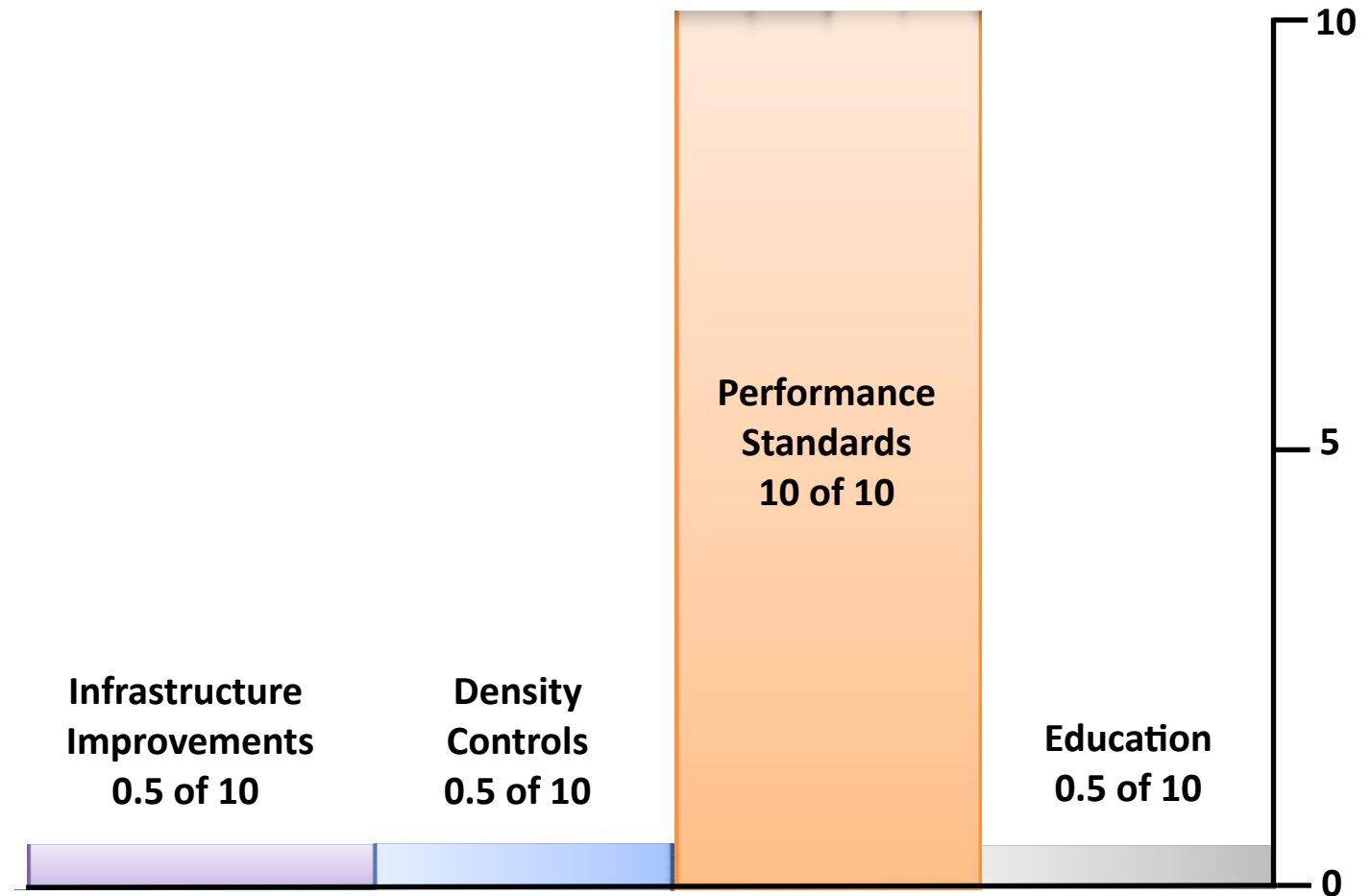
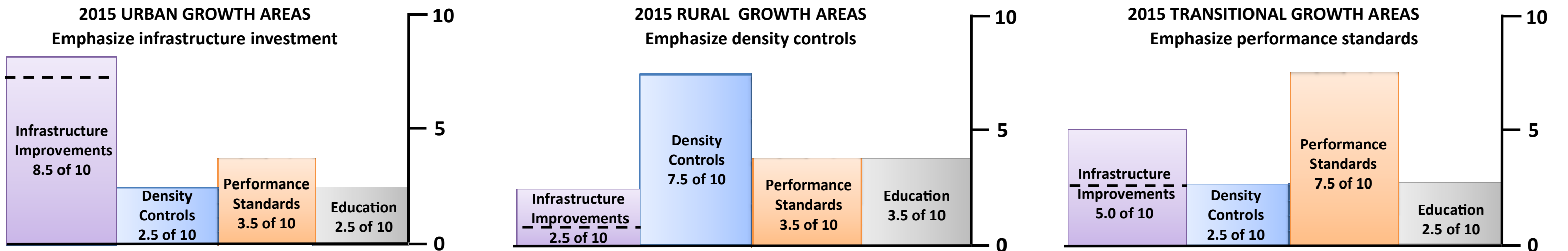


Fig. 3.4—Proposed priorities for a new mix of growth management tools in each of the three proposed designated growth areas. Urban Growth Areas will emphasize public investment in infrastructure needed to support high-density growth close to Helena. Rural Growth Areas will emphasize density controls to respond to development constraints but include significant efforts to improve regulations and educate landowners. Improved performance standards will be the main focus of Transitional Growth Areas along with indicated measures of the other options. The proposed emphasis on infrastructure to support growth (— —) was increased in all three areas based on input received at a stakeholder event on September 15, 2015.



# Chapter 4: Infrastructure Economic Analysis



## Trends & Economics that have Driven Residential Development in Helena Valley

The current pattern of residential growth in the Helena Valley is neither environmentally nor economically sustainable in the long-term. According to data collected by the Lewis and Clark County Planning Department, over the last two decades approximately two-thirds of residential growth has occurred in areas of the Valley where water availability, emergency response, and road capacities are not always adequate to support the housing densities that have been constructed. In fact, much of the current infrastructure in the Valley was never designed or intended to support the housing densities that exist, particularly on the periphery of the Valley. A major factor influencing the pattern of development in Helena Valley leading to these results is the economic realities of building infrastructure needed to support individual development projects.

### Background Information on the Need for an Infrastructure Economic Analysis

#### The Development Dilemma

The list of infrastructure issues in the Helena Valley documented in the *Key Issues Report* include:

- Failing roadways;
- Ongoing depletion of groundwater resources;
- Declining groundwater quality;
- Delayed emergency response times;
- Flooding; and,
- Other unmitigated effects of urban and suburban density development.

As stated in Chapter 3 of this Helena Valley Area Plan, these and other issues will have to be addressed in order to ensure a more sustainable model of residential growth for the future. Doing so will require not only public support and appropriate planning, but also substantial financial resources to provide the infrastructure necessary to support higher housing densities in areas close to the cities where public services can be provided in the most cost-effective manner.

#### Past Development & Impacts on Infrastructure Investment

Over the past 20 years, infrastructure expenditures in the Helena Valley have been focused on facilities and services such as individual wells and septic systems, which have little-to-no capacity to be expanded or to accommodate future residential development. The County is examining options to shift the current planning and development pattern from one that is driven by the use of limited-life, localized infrastructure systems to a new approach that would focus planning and financial resources on providing sustainable municipal services to promote and guide growth into the Urban Standards Boundary adjacent to the City of Helena.

In recent history, the location of residential housing in the Helena Valley has been dictated by the economics of land development, with very limited influence from land use planning and county policies. Because of this, the Helena Valley Area Plan is being developed in a manner that coordinates land use planning with the reality of land development economics. Therefore a solid understanding of the financial costs of land development is essential to the success of this plan.

The goals for including this analysis in the Helena Valley Area plan are to:

1. Openly acknowledge the cost implications and challenges of the proposed growth management program;
2. Document the need for public-private partnerships to address those financial challenges; and,
3. Begin a planning process to develop public-private partnerships for infrastructure extensions in the UGA/USB.

#### Population and Housing Projections

Conservative population estimates by the County Planning Department indicate that up to 4,000 new homes will be built in the Valley over the next 20 years to accommodate a population increase of about 10,000 people. In order to address the existing environmental and infrastructure concerns, the County would like to work with the City of Helena to encourage up to two-thirds of those new homes to be constructed within the designated Urban Standards Boundary which will be the County's Urban Growth Area. This approach would be achieved through a combination of policies ranging from the use of zoning and subdivision regulations to a major investment in infrastructure, particularly municipal water and sewer service, in order to incentivize urban development. This chapter is focused upon that potential investment in residential infrastructure and understanding its costs in both the County and in the City of Helena.

#### Previous Infrastructure Analyses & Strategies

A number of infrastructure studies have been completed for the Helena Valley. Most were done on a macro/regional scale and did not examine the infrastructure costs of an actual subdivision designed to meet either County or City of Helena standards. Digests of two significant past study efforts follow.

##### *The Helena Area Wastewater Treatment Facilities Plan (HAWT)*

The HAWT study is one example of a planning study that was developed for Lewis and Clark County in 1998 by Damschen and Associates. The report focused on three main topics:

1. Characterizing wastewater treatment in the Valley;
2. Identifying solutions to wastewater problems; and
3. Detailing the cost effectiveness of each solution.

The HAWT plan presented six alternatives that ranged from taking no action on wastewater treatment issues to the other end of the spectrum - building a regional wastewater treatment system. The plan estimated that upgrading the Helena Wastewater Treatment Plant for a regional system alone would cost approximately \$10 million, while installing sewer lines in the remainder of the Valley would require between \$30 million and \$40 million (in 1998 dollars). Based on the HAWT Facility Plan, the Lewis and Clark County Commission selected a preferred alternative that included upgrading the City of Helena wastewater treatment system to meet its current as well as future needs. The County's Plan also recommended



that the existing privately-owned “public” wastewater treatment systems such as Treasure State Acres and the Ten Mile Creek/Pleasant Valley Estates lagoon systems be upgraded and/or repaired, and that new residential development in the Valley either connect to adjacent, privately owned and operated wastewater treatment systems or develop their own “public” systems. For the more rural areas of the Valley, the County’s preferred alternative recommended the continued use of individual onsite septic systems and wells to support low-density development.

### **North Helena Valley Infrastructure Study (NHVIS)**

Another infrastructure analysis, the North Helena Valley Infrastructure Study, was commissioned by the County Commission and completed by Anderson and Montgomery in 2005. The study examined solutions to infrastructure problems in the North Valley that were related to an inadequate transportation system and declining groundwater levels due to the impacts from the withdrawal of groundwater in order to serve the area’s housing developments. The study found that just to bring the transportation network of the area up to the existing County road standards and to accommodate future vehicle traffic, the estimated cost was between \$16 million and \$23 million. The study also examined alternatives for providing drinking water to the area via a public system. Two alternatives were identified. The first would have acquired water rights for a system and used groundwater wells to pump drinking water from the Valley Alluvial Aquifer up to the residential developments in the area. The cost to build this system was projected at \$8 million to \$20 million. The second alternative proposed extending a water main from the City of Helena to the North Hills. The cost of this option was estimated at \$16 million to \$20 million.

### **The Need for a New Study**

While both 1998 Helena Area Wastewater Treatment Study, the North Helena Valley Infrastructure Study, and other planning documents have previously discussed solutions and costs for addressing area-wide infrastructure deficiencies, none have compared the costs of infrastructure for residential developments in the Helena Valley with the costs of similarly-sized developments in the City of Helena, which is essential to understanding the dynamics of development decisions and more likely to produce results that can positively affect those decisions.

## **Subdivision Infrastructure Economic Analysis**

### **An Infrastructure Cost Investigation of Lewis and Clark County Urban Development as compared to City of Helena Urban Development**

Much of this chapter is focused on providing cost evaluations and identifying the “cost differences” between constructing infrastructure for higher-density residential housing in the County as compared to comparable housing in the City of Helena. This comparison is essential to understanding the economic reality of trying to promote higher residential densities within the Urban Standards Boundary adjacent to the City.

In order to examine the relative costs of housing infrastructure, Lewis and Clark County, in consultation with Great West Engineering, prepared an analysis that compared the costs of developing a residential subdivision in both the County and the City of Helena. The cost comparison analyzed two variations of a previously proposed subdivision, 46 Degrees North, and provided an Engineer’s Opinion of Probable Costs for the infrastructure for both alternatives. The first variant was based upon the requirements of the Lewis and Clark County Subdivision Regulations and the second upon the Engineering and Design Standards of the City of Helena. The analysis focused on the approximate upfront investments that would be required of a developer for each build-out variation.

The 46 Degrees North project is a 92-lot subdivision that was granted preliminary plat approval by Lewis and Clark County in April of 2015. The property is located just north of the City of Helena, with the Treasure State Acres Subdivision adjacent to the north, Resurrection Cemetery adjacent to the southwest, North Montana Avenue adjacent to the west and Interstate Highway 15 to the east (Fig. 4.1). The property is roughly 60 acres in size and is located inside of the Helena Urban Standards Boundary and the proposed County Urban Growth Area.

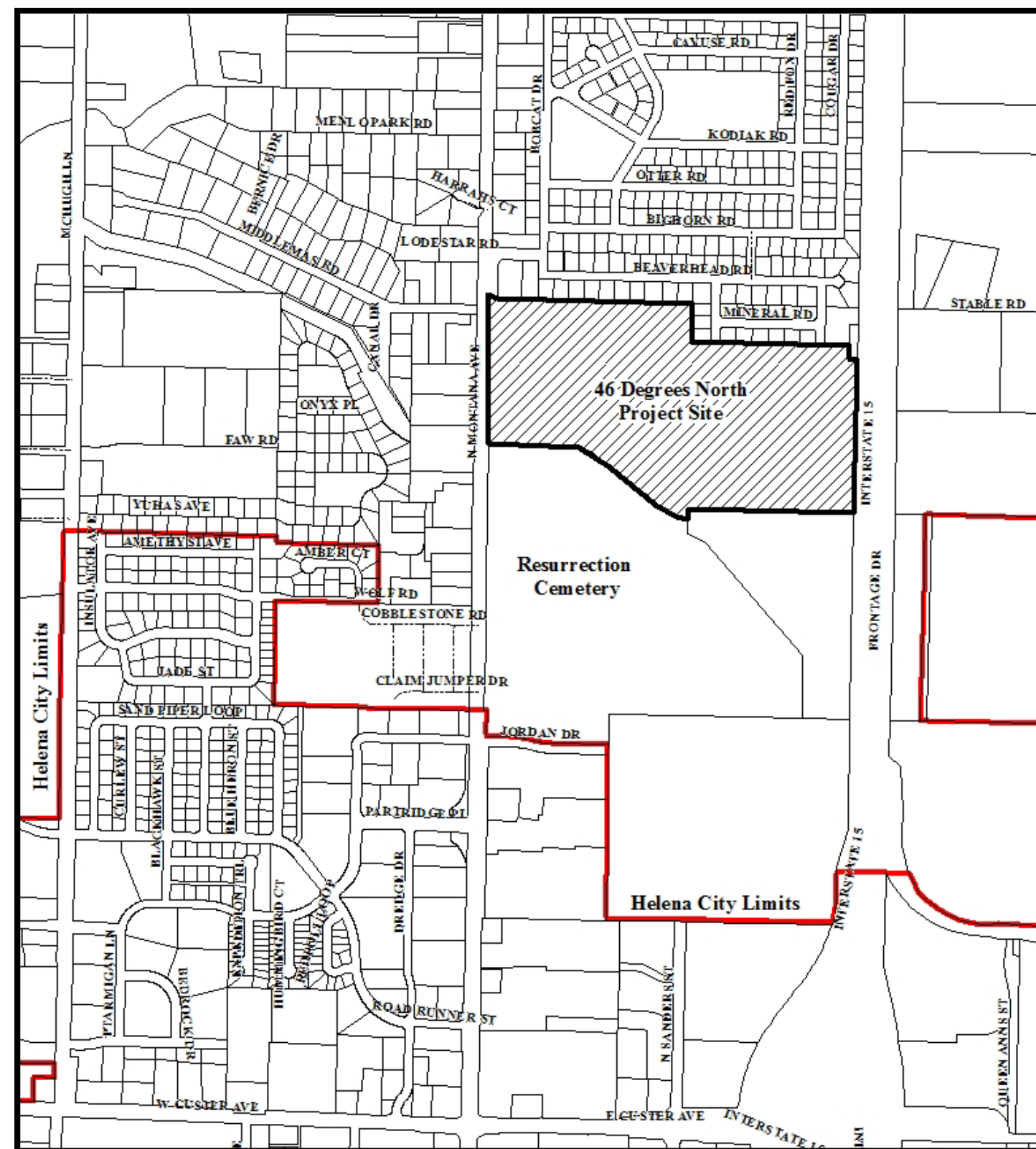


Fig. 4.1—Location map for the 46 Degrees North Subdivision.



Original Plat Submittal

46 NORTH MAJOR SUBDIVISION

A 94 LOT MAJOR SUBDIVISION OF THAT TRACT AS SHOWN ON CERTIFICATE OF SURVEY NUMBER 460687/0 AND TRACT D AS SHOWN ON CERTIFICATE OF SURVEY NUMBER 428391/0, BEING IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 10 NORTH, RANGE 3 WEST OF THE PRINCIPAL MERIDIAN, MONTANA, LEWIS AND CLARK COUNTY, MONTANA. SURVEY PERFORMED FOR: HELLER DEVELOPMENT, LLC



CURVE INFORMATION table with columns: CURVE NUMBER, RADIUS, LENGTH, DELTA, CHORD BEARING, CHORD. Includes a second table for curve data.

LEGEND, SURVEYOR'S NOTE, and BUREAU OF RECLAMATION information. Includes symbols for rebar, utility easements, and section corners.

CERTIFICATE OF DEDICATION, BASIS OF BEARINGS, CERTIFICATE OF EXAMINING LAND SURVEYOR, EXAMINING LAND SURVEYOR LICENSE NO., CURVE INFORMATION, and SURVEYOR'S NOTE.

Fig. 4.2—Preliminary subdivision plat for the County variant subdivision with individual wells and community wastewater systems.



### Alternate Higher-Density Concept



**Subdivision Variant #1: County Subdivision Standards**

The analysis for the County Variant examined the infrastructure costs for the 46 Degrees North Subdivision based upon the standards required under the current version of the Lewis and Clark County Subdivision Regulations and the design information included in the subdivision plat submittal prepared by Heller Development, LLC. The build-out analysis was for 88 residential lots and 4 commercial lots (Figure 4.2 on Page 4.3).

The Preliminary Plat for the subdivision was submitted by the developer and reviewed by Lewis and Clark County prior to Judge Jeffrey Sherlock’s ruling on exempt wells in October of 2014. Therefore, per the developer’s preliminary design, domestic water for this analysis was assumed to be supplied to homes and businesses via individual and shared wells. Historically, homeowners have paid to have water wells drilled following the purchase of a parcel(s) from the developer. However, for the purposes of this analysis—and in order to present as impartial a comparison as possible of the initial capital infrastructure costs between traditional developments in the County and the City—the estimated costs of the groundwater wells were incorporated as part of the overall water supply infrastructure costs for the County Version of this economic evaluation.

Wastewater treatment was analyzed assuming treatment through a community system using the large subsurface drain-field (as designed in the plat submittal). The road network for the subdivision was evaluated using the County Road Standard, Typical Paved Road Section for Local Roads. Based upon the construction of similar roads in the area, an average 4-inch thickness of subbase import was assumed across the site. The analysis of the road system assumed that no sidewalks or curbs were included along the roadways. Stormwater conveyances such as ditches, culverts, and swales/impoundment were assumed to meet County Subdivision Standards. No design was performed as part of this evaluation.

**Cost Summary – Current County Standards**

The overall opinion of cost for the construction of infrastructure for the County Variation of 46 Degrees North was \$4.4 million. This translated into an approximate average of \$48,100 per lot. Table 4.1 summarizes the probable infrastructure costs of the County Variant of 46 Degrees North.

TABLE 4.1 OPINION OF PROBABLE COST 46 Degrees North Subdivision – County Standards		
Work Group	Infrastructure Category/Description	Amount
A	Road Corridor	\$ 795,000
B	Storm Water	\$ 178,000
C	Sanitary Sewer	\$ 1,635,000
D	Water Supply (Including Wells)	\$ 846,000
E	Fire Protection	\$ 232,000
F	Professional Services	\$ 740,000
<b>TOTAL CONSTRUCTION</b>		<b>\$ 4,426,000</b>
<b>Total Number of Lots</b>		<b>92</b>
<b>Cost to Construct the Subdivision (allocated evenly over each lot)</b>		<b>\$48,100</b>

**Subdivision Variant #2: City Development Standards**

The second variant of this study (Fig. 4.3 on Page 4.4) was based loosely upon an alternate higher density layout, which the developer presented to the City and County administrations for consideration of a public-private partnership to extend municipal water and sewer service to the project. Therefore, this City scenario evaluated a subdivision built with urban densities and in the same footprint as the County-approved 46 Degrees North project. This variation included 158 residential lots and 4 commercial lots. This analysis was conducted with the assumption that the project would be constructed to meet the requirements of the City of Helena for possible annexation in the future. To further improve the objectivity of this study, City-compliant street, sidewalks and stormwater management were also included.

Water and sewer for this alternative would be supplied via City services extended to the subdivision. An interior sewer network would collect sanitary waste and deliver it to a newly constructed sewer trunk main for treatment at the City of Helena Wastewater Treatment Facility (Fig. 4.4 on Page 4.6). Raw sewage would be delivered via a new lift station to be located within the subdivision. Water service was analyzed as though it would be provided to the subdivision via a network of looped water mains extending from the City’s existing network (Fig. 4.5 on Page 4.6). Costs for water and sewer main extensions to the subdivision were based upon an April 2015 preliminary engineering report (PER) compiled by Morrison Maierle, Inc. at the request of the City of Helena. This PER estimated the costs to provide water and sewer service to an area including 46 Degrees North and the vacant properties located south of the subdivision and between North Montana Avenue and Interstate 15. Based upon the PER, the preliminary analysis of this variant addressed only the infrastructure identified in Morrison Maierle’s PER that would be necessary to provide technically feasible utilities to the subdivision, all meeting City Standards. Peripheral infrastructure discussed in the PER, such as the Wolf Road lift station, was not included in this cost analysis. Preliminary diagrams of the included water and sewer extensions have been adapted from Morrison Maierle’s PER (Figures 4.4 and 4.5).

**City-Variant Subdivision Infrastructure Summary**

The analysis for this development option required the following infrastructure to be constructed:

**Design Consideration #1: Sewer**

- 12-inch & 18-inch sewer trunk mains adjacent to and within the subdivision, including a stub connection that would begin just north of the Helena Valley Irrigation District Canal;
- 8-inch collection mains internal to the subdivision;
- A new lift station located in the northeast corner of the property to pump effluent; and
- Force main from the lift station to the existing sewage trunk main at Custer Avenue (not shown in Fig. 4.4).

**Design Consideration #2 Water**

- 20-inch water main extending along North Montana Avenue from the southwest corner of Resurrection Cemetery to the northwest corner of the 46 Degrees North property.
- 12-inch water mains along the major streets within the subdivision,
- 8-inch interior distribution water mains along the minor subdivision streets, and
- 12-inch water main loop extension from the southeast corner of the subdivision, running approximately 2,750 feet south along the west side of Interstate 15 to an existing water main near Lowes along Custer Avenue.



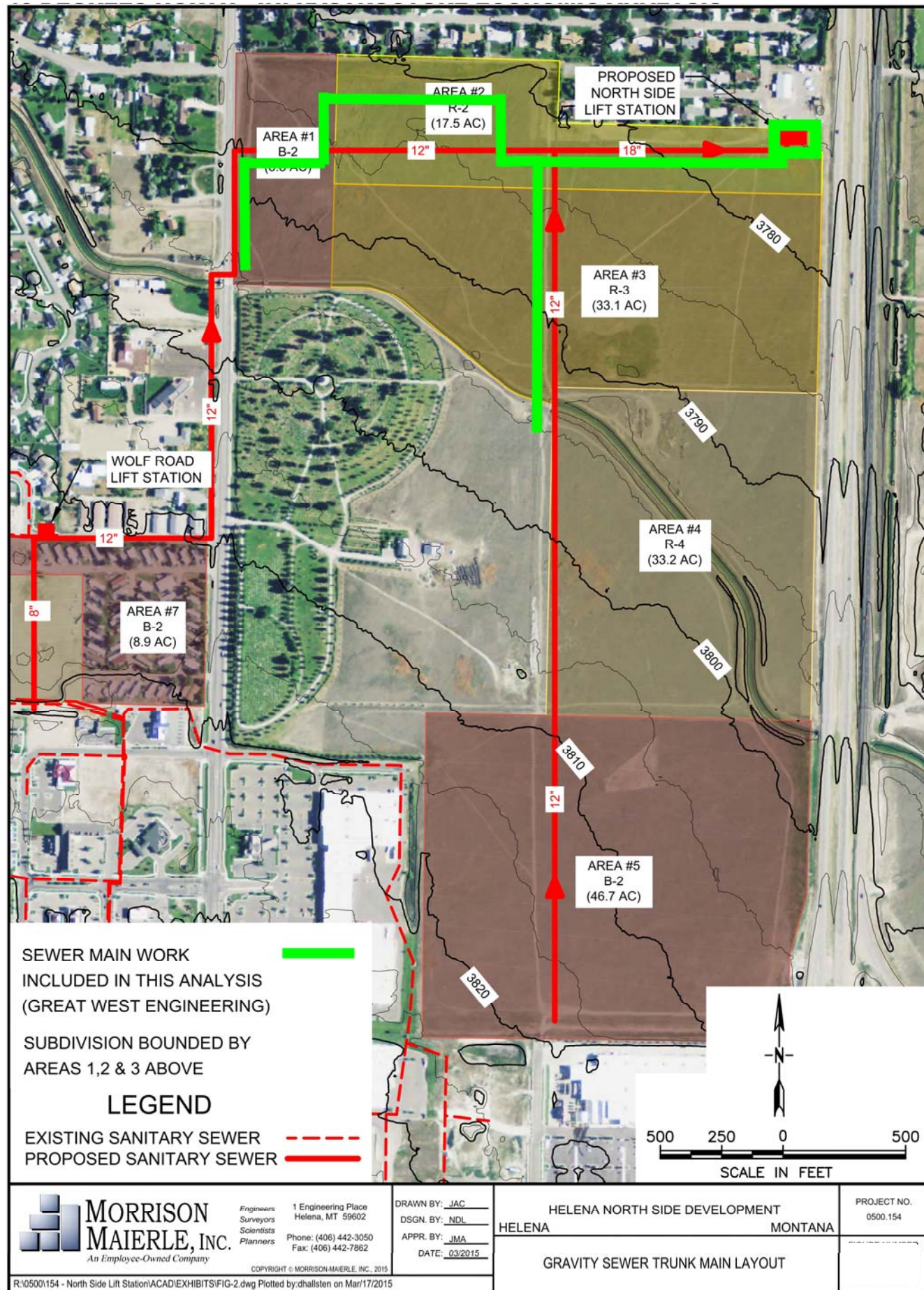


Fig. 4.4—Conceptual plan for extension of City sewer service (Note: Force main from lift station to Custer Rd. not shown).

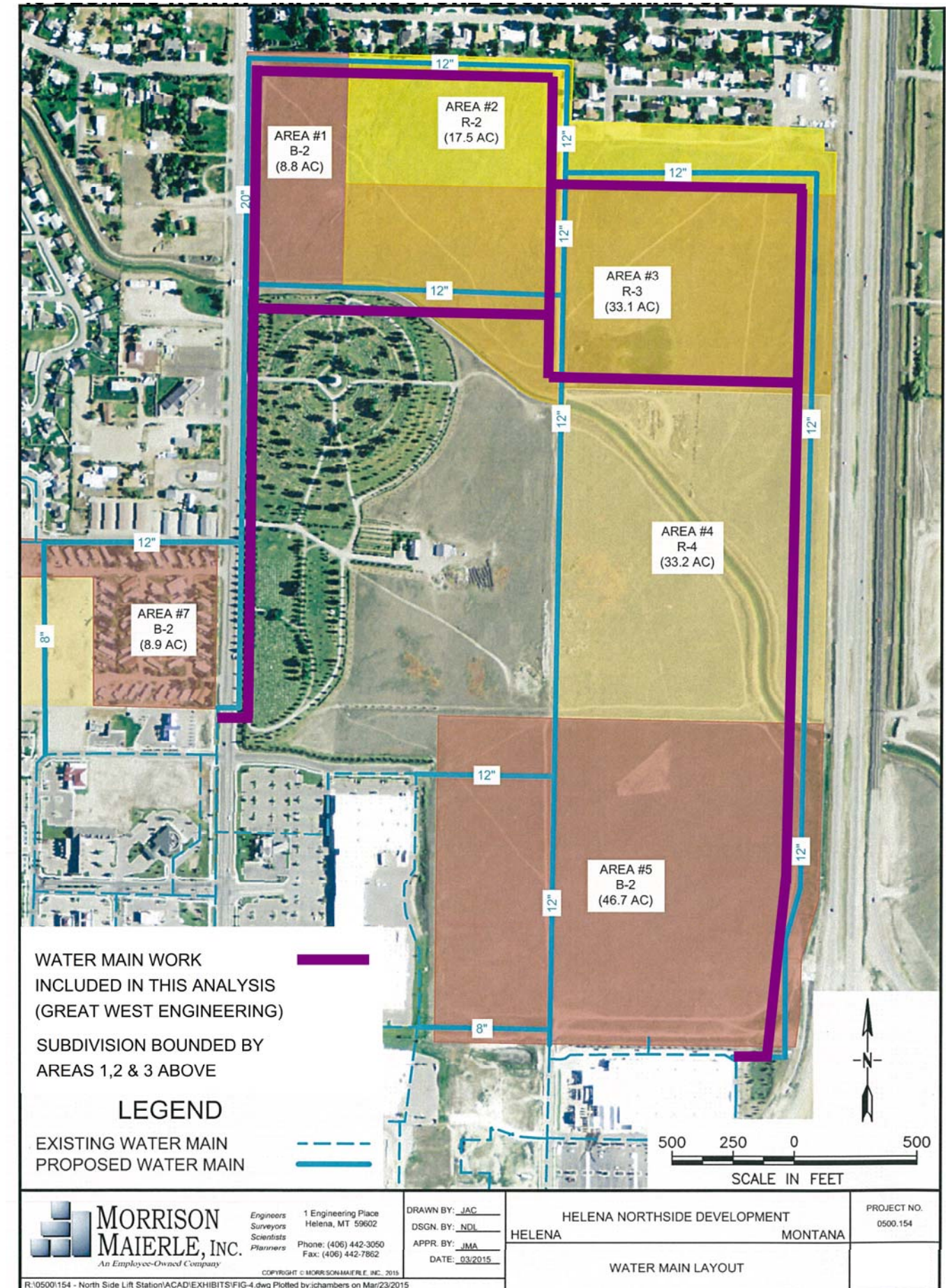


Fig. 4.5—Conceptual plan for extension of City water service.





**Design Consideration #3: Stormwater**

Stormwater management was evaluated according to the City’s Municipal Separate Storm Sewer System (MS4) Permit. The preliminary stormwater layout and costing for this alternative assumed surface collection of stormwater via curb and gutter, routing via subsurface storm drain and surface detention & infiltration. For simplicity of analysis and estimation, the preliminary design assumed that the existing topography, groundwater table, and subsurface soils on the site of the 46 Degrees North Subdivision would allow for onsite retention and total infiltration of stormwater. Stormwater under this scenario would be mitigated and/or infiltrated to meet the City of Helena Standards.

**Design Consideration #4: Roadway Corridor**

The street network for the subdivision was designed to include paved roads, curb and gutter, boulevards, and concrete sidewalks meeting the City of Helena’s Engineering and Design Standards. The costs of street development were based upon the minimum City Standards for soil preparation and the minimum base and asphalt thicknesses. Based upon the construction of other similar roads in the area, an average 4-inch thickness of subbase import was assumed across the site. Street lighting was examined as though meeting the standard of care for City illumination.

**Cost Summary – City of Helena Standards**

The opinion of probable cost to provide utility infrastructure to this City Alternative was approximated at \$11.2 million. This would mean that the average cost of all initial infrastructure required for the subdivision would be roughly \$69,400 distributed equally over each lot. The opinion of cost included the infrastructure necessary to service the homes and businesses within the subdivision as well as the costs of extending and upsizing the water supply and sewage collection mains in order to serve the needs of future development in properties located around the subject property. Table 4.2 details the costs of the facilities for the entire project, including the extension of infrastructure to the project site.

TABLE 4.2 OPINION OF PROBABLE COST (INCLUDING UTILITY EXTENSION WORK) 46 Degrees North Subdivision – City of Helena Annexable		
Work Group	Infrastructure Category/Description	Amount
A	Road Corridor	\$ 2,930,000
B	Storm Water	\$ 1,311,000
C	Sanitary Sewer	\$ 2,521,000
D	Water Supply	\$ 2,348,000
E	Fire Protection	\$ 405,000
F	Professional Services	\$ 1,720,000
<b>TOTAL CONSTRUCTION<sup>i</sup></b>		<b>\$ 11,235,000</b>
<b>Included Investment to Extend City of Helena Water &amp; Sewer to the Development</b>		<b>\$ 1,276,000</b>
<b>Total Number of Lots</b>		<b>162</b>
<b>Cost to Construct the Subdivision (allocated evenly over each lot)</b>		<b>\$69,400</b>

<sup>i</sup>This City variant includes only the infrastructure identified in Morrison Maierle’s 2015 PER that would be necessary to provide technically feasible utilities to the subdivision, all meeting City Standards. Other peripheral infrastructure as discussed in the PER, such as the Wolf Road Lift Station (totaling roughly \$3.6 million), was not included in this cost analysis.

**Cost Breakdown – Offsite City Water & Sewer Extension**

As demonstrated in Table 4.2, of the \$11.2 million in total infrastructure costs, the approximate investment in the offsite improvements needed to extend water and sewer infrastructure from the City limits to the subdivision boundary was estimated at \$1.3 million (or an approximate average cost of \$7,900 per lot).

**Cost Breakdown – Intra-Development City Water & Sewer Network**

Table 4.3 illustrates the relative cost of the infrastructure (\$10.0 million) needed to service the 46 Degrees North subdivision excluding utility extension work. Excluding the cost of extending water and sewer mains from the City to the Development, the internal infrastructure investment in this exercise breaks down to an average of \$61,500 per lot.

Table 4.3 also includes a rough approximation of the probable investment (\$1.2 million) required in order to upsize the internal water and sewer infrastructure within the City Variant of 46 Degrees North such that additional capacity is available to service the surrounding developable land in the future. This adds approximately \$7600 to the cost of each lot.

TABLE 4.3 OPINION OF PROBABLE COST (INTERNAL UTILITIES ONLY) 46 Degrees North Subdivision – City of Helena Annexable		
Work Group	Infrastructure Category/Description	Amount
A	Road Corridor	\$ 2,930,000
B	Storm Water	\$ 1,311,000
C	Sanitary Sewer	\$ 2,102,000
D	Water Supply	\$ 1,687,000
E	Fire Protection	\$ 405,000
F	Professional Services	\$ 1,524,000
<b>TOTAL CONSTRUCTION<sup>ii</sup></b>		<b>\$ 9,959,000</b>
<b>Included Investment in Upsized Water &amp; Sewer Pipe and in Lift Station Capacity (Approximate)</b>		<b>\$ 1,238,000</b>
<b>Total Number of Lots</b>		<b>162</b>
<b>Cost to Construct the Subdivision (allocated evenly over each lot)</b>		<b>\$61,500</b>

<sup>ii</sup> This table excludes the approximated costs of utility extension work between the City Limits and the subdivision boundary, but does include upsized piping within the development as well as a full-capacity North Side Lift Station.

**Infrastructure Cost Considerations**

The extension and upsizing of off-site infrastructure such as water and sewer mains to service future residential and commercial development is a practical and common sense policy. It is essential to avoid the opportunity cost of having to replace infrastructure that was originally sized too small to service future capacity needs. Requiring upsized infrastructure can ensure that water and sewer mains and street surfaces can remain in place for long periods of time, thus avoiding the costs associated with the need to tear up roadways and other utilities simply to upgrade water and sewer lines to allow for new development. That being said, the additional costs of extending, overdesigning, and upsizing infrastructure factors into the choices made by developers when they are trying to decide whether to creating housing in the County or the City.



Developers in the Helena Valley have a financial incentive to pursue the most expedient and profitable course when selecting infrastructure for their housing projects. This has historically meant using individual wells and non-municipal wastewater treatment systems such as septic systems. Hence wells and non-municipal wastewater systems are an attractive alternative for developers and homeowners alike as they require lower up-front construction capital.

This trend contrasts with the process a developer must follow to request annexation and connect to City of Helena services, which traditionally means incurring extra costs and potential time delays for a housing project. Absent motivations or requirements to connect to municipal systems such as the City of Helena's, developers have had an inherent incentive to use point-of-use style infrastructure such as community wastewater treatment systems or septic systems for their projects. Also, there is little-to-no incentive to install community amenities or safety upgrades, such as street lighting, sidewalks, parks, or wider streets. This situation makes it challenging to change the current pattern of land use in the Helena Valley in order to reduce the impacts upon the Valley's groundwater resources, transportation networks, and fire protection services.

## Options for Catalyzing Development Change

### Financial Incentives & Partnerships to Promote Growth inside the USB

As discussed in Chapter 3 of this Helena Valley Area Plan, there are multiple ways for the County to help catalyze a shift in the development pattern of Helena Valley and to facilitate the building of more sustainable housing. This infrastructure economic analysis focuses on housing development that would occur inside the Urban Growth Area using the City's infrastructure. Policy Option # 1, Infrastructure Investment Strategy # 2c from Chapter 3 describes targeted investment partnerships between private entities such as developers and the public that might help incentivize this growth strategy.

#### *Integrated Growth Management – Infrastructure Investment*

According to Lewis and Clark County's approach to integrated growth management, in moving forward emphasis will be placed on infrastructure investment as the primary growth management tool for urban areas. For example, where it makes technical sense, Lewis and Clark County would like to explore mechanisms to help offset the initial capital costs of offsite infrastructure such as extending and upsizing water and sewer mains to vacant developable land. In this scenario, residents hooking into those utilities would pay back public infrastructure investments made by the County over time.

#### *Water & Sewer District*

To facilitate pay-back, the County will consider creating a Water & Sewer District through Interlocal Agreements between the County and City. The Board of County Commissioners has the statutory authority to authorize the creation of Water & Sewer Districts. These types of districts are means used to fund the construction and maintenance of needed public improvements in areas outside incorporated cities and towns. The formation of a Water & Sewer District may help to generate funds to offset a portion of (or all of) the upfront costs of offsite utility extensions.

#### *Water & Sewer Districts & Funding Partnerships*

Because Water & Sewer Districts are considered quasi-public entities, they become eligible for a variety of potential funding mechanisms not available to private developers, which might help to pay for the offsite costs of upsizing and extending infrastructure. The following sections provide brief descriptions of some of the potential public-private partnership funding mechanisms available in Montana, which may be available to help fund projects in the Urban Services Boundary. The sum-

maries also indicate whether or not Lewis and Clark County, (or the City of Helena) would be eligible to help administer those funds through an improvement district.

#### **Treasure State Endowment Program (TSEP)**

TSEP is a State-funded grant program, which is administered by the Montana Department of Commerce (MDOC). TSEP provides financial assistance to local governments for infrastructure improvements. Grants can be obtained from TSEP for up to \$500,000 if the projected water and sewer user rates are at least the target rate; for up to \$625,000 if projected user rates are between 125% and 150% of the target rate; and for up to \$750,000 if the projected user rates are over 150% of the target rate. TSEP grant recipients are required to match the grant dollar for dollar, but the match may come from a variety of sources including other grants (see below), loans, or cash contributions.

The MDOC has set the monthly Target Rate for the City of Helena at \$88.77 (this includes water & sewer). Based on City Statistics and Water & Sewer User Rates, the average City Household user rate is \$61.18 per month. This means that in order to be eligible for TSEP funding, the population base within the previously described Water & Sewer District would have to pay an additional monthly infrastructure recovery assessment of \$27.59 per month. TSEP grants are highly competitive and are funded based upon demonstrated need. As such, it will likely be difficult for the County or its Water & Sewer partnerships to capitalize on TSEP funding. But this option should be explored.

#### **Renewable Resource Grant and Loan Program (RRGL)**

RRGL is a State program that is funded through interest accrued on the Resource Indemnity Trust Fund and the sale of Coal Severance Tax Bonds and is administered by the Montana Department of Natural Resources and Conservation (DNRC). The primary purpose of the RRGL is to enhance Montana's renewable resources. For public facilities projects that conserve, manage, develop, or protect renewable resources, grants of up to \$125,000 are available.

A convincing case could likely be made that constructing up to 2400 new houses, which are serviced via city water and sewer is more environmentally sustainable than building the same number of homes with individual water supply wells and septic wastewater systems.

#### **Community Development Block Grant (CDBG) – Public Facilities**

CDBG is a federally funded program that is also administered by the Montana Department of Commerce (MDOC). CDBG funds community infrastructure improvements, such as water and sewer facilities, affordable to low and moderate income (LMI) families. Hence, a municipality must be at least 51 percent LMI to be eligible. A community's LMI is usually determined by the 2010 Census.

The CDBG grant funds can be applied for in an amount of up to \$450,000 with a limit of \$20,000 per benefitted household. The use of CDBG funds requires a 25% local match that can be provided through cash funds, loans, or a combination thereof.

In order to capitalize on CDBG Public Facilities Grants, the developments and its Water & Sewer District partnerships would need to meet MDOC's LMI Requirements. While possible in some instances where existing neighborhoods are involved, this caveat may prove problematic.

#### **State Revolving Fund (SRF)**

SRF provides low-interest loan funds for both water and wastewater projects through the Drinking Water State Revolving Fund (DWSRF) and the Water Pollution Control State Revolving Fund (WPCSRF), respectively. The SRF program is adminis-



tered by the Montana Department of Environmental Quality. Current loan terms include an interest rate of 2.50% for a 20-year period. Low-interest SRF loans may help the County and City to assist in funding city utility service extensions to certain areas located inside the USB.

**USDA Rural Development (RD)**

RD provides grant and loan funding opportunities to municipalities for water and wastewater projects that improve the quality of life and promote economic development in Rural America. Municipalities with a population of less than 10,000 are eligible to apply; though priority is given to those with a population of less than 5,500.

Grant eligibility and loan interest rates are based on the community’s median household income (MHI) and user rates. If the area to be served has a MHI of between \$38,296 and \$24,250, up to 45% of the project costs are grant eligible. Up to 75% of the project costs are grant eligible if the planning area has an MHI less than \$24,250 and the project is necessary to alleviate a health and/or sanitation concern.

As the population inside of the planned Urban Standards Boundary (USB) exceeds the 10,000 person population cut-off, RD will likely not be interested in forming a funding partnership for utility extensions inside the USB.

**INTERCAP**

INTERCAP provides loan funds at a low cost, variable interest rate to local governments. The program is administered by the Montana Board of Investments and is very flexible in the variety of funding which would include both water and wastewater projects. There is no funding cycle (funds are always available), however, the maximum loan term is 15 years. The current interest rate is 1.25%

These low-interest loans may help incentivize public utility extensions to viable areas located inside the USB, particularly if interim financing is necessary for the implementation of capital projects.

Lewis and Clark County understands the importance of developing collaborative partnerships as early in the process as possible. Discussions with the County’s Grants Coordinator regarding the above funding opportunities have already been initiated. A future step in the implementation of the Helena Valley Area Plan will likely include open discussions between Lewis and Clark County, the City of Helena, potential funding agencies, and developers regarding extensions of public utilities via Water & Sewer Districts.

Water & Sewer Districts and funding collaborations are important tools. However, as discussed in Chapter 3, infrastructure investment is only one piece of the County’s multi-pronged strategy to help guide future growth in the Valley.

**Density Effects on Cost Outcomes**

The higher-density design alternative presented by Heller Development LLC attempted to increase density in order to offset infrastructure costs. This analysis indicates that at the proposed density of about 3 residential units per acre, the costs of extending city water and sewer to the project site and building to city design standards presents a huge infrastructure cost gap that cannot be bridged by the development community. One option for bridging that gap is to explore public-private partnership funding opportunities as indicated in the prior discussion. Another equally important consideration is to increase development density.

Table 4.4 illustrates the positive economic effects of increasing development density on infrastructure costs. Achieving the indicated densities would likely require redesign of the project to include components of multi-family housing.

TABLE 4.4 EFFECTS OF INCREASING DEVELOPMENT DENSITY ON INFRASTRUCTURE COSTS 46 Degrees North Subdivision – City of Helena Annexable			
DEVELOPMENT DENSITY	NUMBER OF UNITS (Includes 4 Commercial)	TOTAL INFRASTRUCTURE COSTS <sup>iii</sup>	COSTS PER UNIT
3 Units Per Acre	162	\$11,235,000	\$69,350
4 Units Per Acre	212	\$11,235,000	\$53,000
5 Units Per Acre	264	\$11,235,000	\$42,556
6 Units Per Acre	316	\$11,235,000	\$35,554

<sup>ii</sup> The infrastructure design for the City variant in Tables 4.2 and 4.3 includes significant excess capacity in the internal infrastructure to accommodate future growth outside the project. Table 4.4 assumes that some of that capacity could be used to serve increased density inside the project. There could and likely would be higher costs associated with higher design density such as more survey work for more lots, larger project design costs, and more impervious area resulting in more runoff treatment. Although the \$11.2 million total investment would not remain constant with different, higher densities, it would not change by factors of magnitude adequate to nullify the conclusion that increasing density would significantly reduce per lot infrastructure costs.

The development proposal submitted by Heller Development LLC to the County and City for consideration under a public-private partnership involves significantly higher per unit infrastructure costs over the County variant for single family housing. Table 4.4 indicates that alternative project designs could yield far more cost-effective outcomes for infrastructure that, combined with public-private partnership funding of infrastructure extension costs, could lead to successful projects that meet the growth management goals of the Helena Valley Area Plan. To accomplish those goals will require effective communication and close collaboration between the County, the City, and developers interested in pursuing such public-private partnerships. It will also involve full acknowledgement of infrastructure costs and market realities. This analysis is an attempt to begin that discussion.

**Growth for the Future**

As previously discussed, the current trend for residential housing in the Valley is not sustainable either environmentally or economically. The costs of addressing these issues on a regional scale are daunting as studies such as the HAWT Facility Plan and the North Helena Valley Infrastructure Study have illustrated. For Lewis and Clark County, the most obvious solution to these problems is to encourage a large proportion of new residential development to be constructed using City of Helena water and sewer services and to ultimately have that development annexed into the City.

Currently there are financial incentives to continue building residential development in the Valley using infrastructure and services such as groundwater wells and septic systems. This motivation is partly due to the up-front capital cost differences between providing infrastructure to new housing in the County versus the cost of doing so in the City of Helena.

In order to achieve the goal of promoting substantially more urban development in the Helena Valley close to the City, the County will need to implement a combination of educational, regulatory and financial mechanisms to help incentivize the construction of municipal infrastructure that will achieve a dramatic shift in the location of future housing and its provision of services. A more comprehensive discussion of Lewis and Clark County’s integrated approach to growth management is included in Chapter 3 of the Helena Valley Area Plan, and specific policy recommendations to pursue the goal of incentivizing development inside the Urban Standards Boundary are presented in Chapter 5.



# Chapter 5: Future Land Use Plan



## Future Land Use Plan

The 2004 Lewis and Clark County Growth Policy contained a “land use plan” that designated Urban, Transitional, and Rural areas in the Helena Valley Planning Area (HVPA). These designations included in depth discussions that envisioned how

growth was to occur and the strategies needed to see that vision realized. This 2015 Helena Valley Area Plan (HVAP) is revising this theme in order to accommodate projected growth according to the development constraints and opportunities identified in previous chapters.

The discussion of the land use designations will divide the HVPA into three growth management areas: 1) Urban, 2) Rural and 3) Transitional. Each growth area will include an explanation on how the geographic boundary of the designation was identified. There will be a narrative description of the overall growth management strategy for each growth area designa-

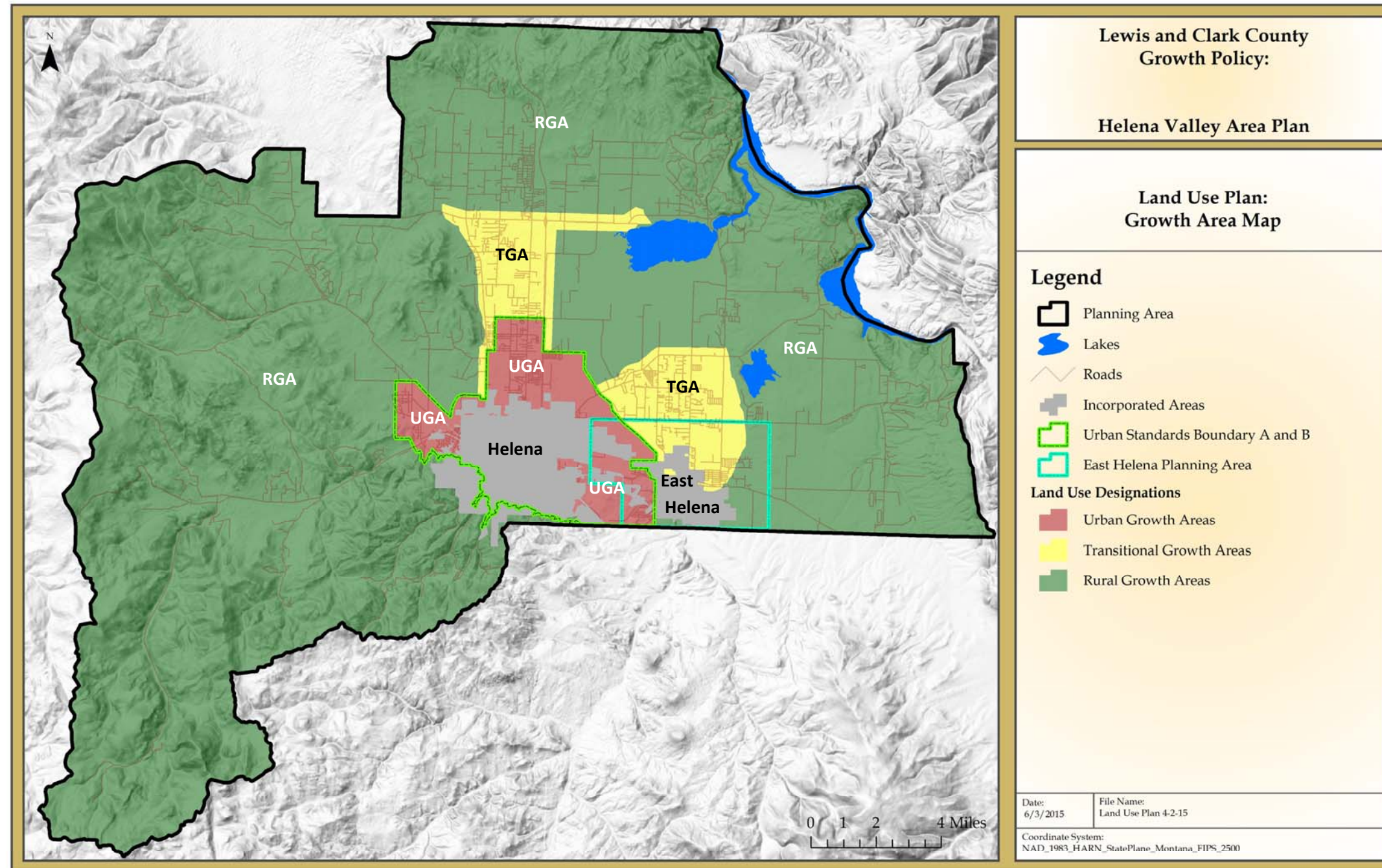
tion. Following the description of the strategy is a discussion of the policies that will be pursued in each growth management area. For each land use designation, the policy discussion will address the appropriate mix of infrastructure conditions, funding mechanisms, development densities, improved performance standards, and public education—topics discussed in detail in Chapter 3. This section of the Helena Valley Area Plan could be considered the recommended course of action.

### Growth Areas Map

The Growth Areas Map will serve as a basis for identifying the three land use designations (Map 5.1). This map is a non-regulatory tool—it is not zoning. Like all of the policy statements in this chapter it does, however, affect the decision-making process for adopting and amending land use regulations such as zoning as well as other policy actions of the County.

As conditions warrant, the Growth Areas Map could change over time. The intent of this Helena Valley Area Plan is to adopt policies that address the development constraints of water availability, wastewater management, roads, rural fire protection, and flooding over a 20-year time horizon. The Plan will also help the County and City take advantage of the opportunity for significant growth and development in the Urban Standards Boundary around Helena afforded by the capacity of Helena’s water and sewer systems. The intent of the Plan is also to provide flexibility in all growth management areas to go beyond the basic mechanisms pursued provided that the development constraints are addressed.

When part of a Planned Unit Development, (PUD), Neighborhood Plans will allow limited site-specific alterations from the policy direction of a specific growth area without having to amend the Growth Areas Map (e.g., a Neighborhood Plan that contains funded road improvements and adequate water supplies in a constrained RGA close to a TGA). If, however, there are significant changes in the development constraints, or situational changes that indicate the Growth Areas Map needs to be amended, this would happen through following the process established by state law for amending a growth policy. Actual changes to the Growth Area Map will require the approval of the County Commissioners.



Map 5.1—Growth Area Map showing the location of the three land use designations.



## Growth Management Policies

Like the Growth Areas Map, the policy statements found in each topic area will guide the decision-making process for adopting or revising land use regulations, as well as other decisions and strategies taken by the governing body and their staff. The policy statements are not regulatory, but must be considered in making regulatory decisions in terms of resolutions and ordinances that are enacted to manage growth. Regulatory decisions on specific development proposals must be based on the rules that have been adopted through the public participation process to implement the stated growth management policies. Under Montana law (76-1-605(2)(b)), approval or denial of a subdivision cannot be based solely upon compliance with the Growth Policy, including this Helena Valley Area Plan.

## Urban Growth Areas

### How the Boundary was Established

Urban Growth Areas are intended to accommodate urban levels of development on public infrastructure including sewer, water, storm water, and transportation. The constraints to development are addressed through infrastructure improvements, and in the case of flood hazards, through infrastructure and density controls.

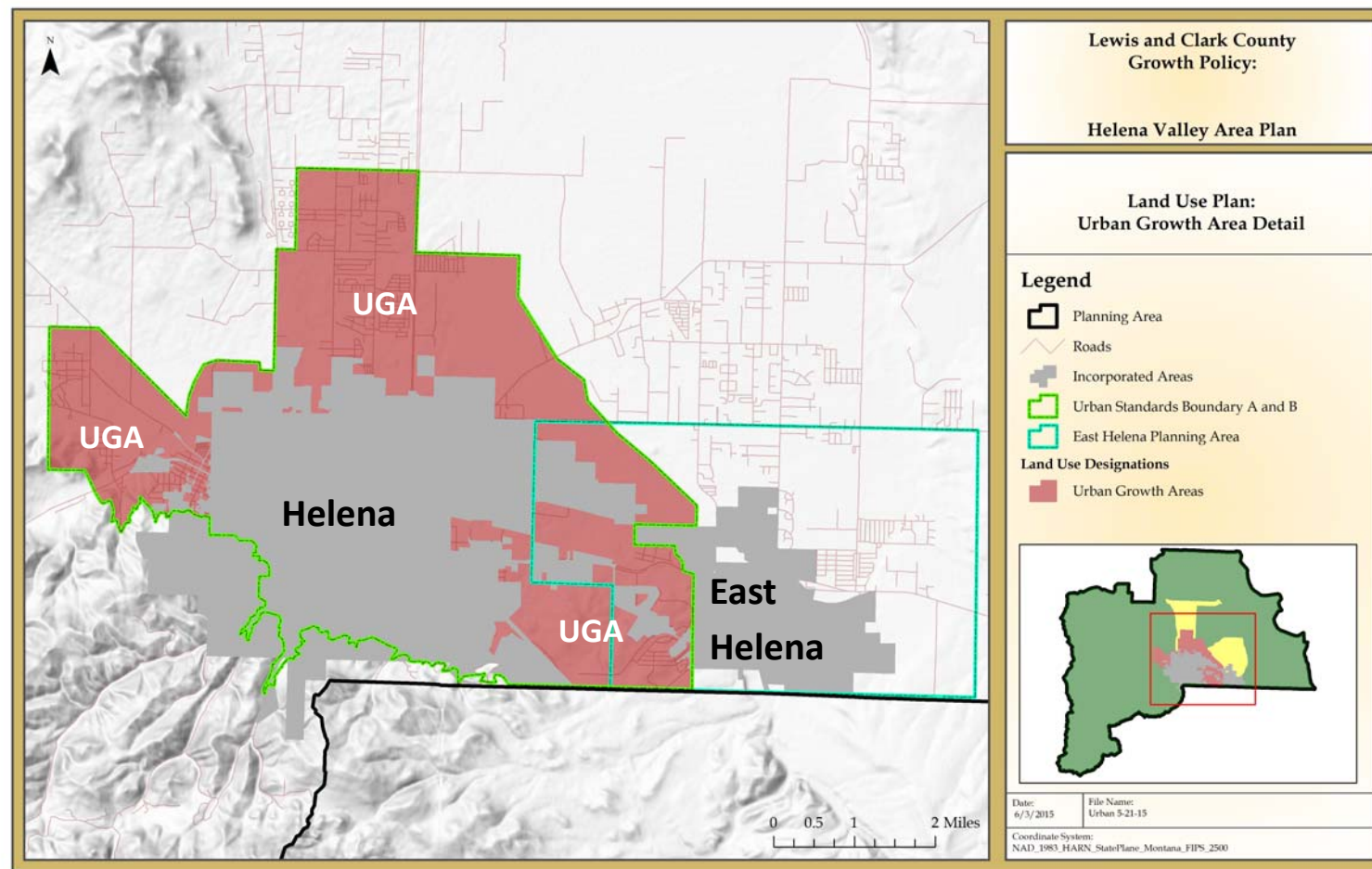


Figure 5.2—Detail of the Urban Growth Areas.

### Boundary Considerations:

- City of Helena Growth Policy Urban Standards Boundary (USB);
- 2009 Memorandum of Understanding (MOU) between the City of Helena and Lewis and Clark County; and,
- City of East Helena Growth Policy.

The boundaries of the Urban Growth Areas coincide with the Urban Standards Boundary A and B identified in the City of Helena Growth Policy. According to the City's growth policy, the USB's are areas the City will consider expanding its infrastructure to serve, first to USB A and if appropriate to USB B. Coordination of planning in the USB between the County and the City is reinforced in the 2009 MOU.

The City of East Helena's planning area boundary was not included in the Urban Growth Areas because the City of East Helena does not have an annexation policy, their water and wastewater facilities have limited capacity, and their growth policy does not call for significant expansion of the city limits. The exception to this exclusion is the area between Helena and East Helena where the growth policy planning areas of the two cities overlap.

The proposed Urban Growth Area increases the amount of area proposed for urban density development in Helena Valley by about 7000 acres over the 2004 Growth Policy.

## Description of the Growth Management Strategy

### A. Undeveloped versus Partly Developed Areas

The Urban Growth Areas are generally split into two land use patterns. The areas east, northeast, and to a lesser extent northwest of the City of Helena can be characterized as dominated by large, undeveloped tracts of land. The area north of the City of Helena generally between the Fairgrounds and Interstate 15, can be characterized by existing subdivisions of varying densities, intermixed with undeveloped tracts of land, creating a somewhat checkerboard pattern of vacant land and developed areas.

The large undeveloped tracts of land, especially those in close proximity or adjacent to the City of Helena present opportunities to promote an orderly and efficient growth pattern of urban densities necessary to best accommodate the projected population increase and best meet the ensuing housing demand. A major goal of the Helena Valley Area Plan is to encourage new development to occur at city densities and city standards, preferably through annexations into the City of Helena. Encouraging these large tracts to remain relatively undeveloped until the time of annexation will avoid the host of complexities that accommodating urban densities within the unincorporated county will bring. In these areas, simply zoning the areas with an Urban Reserve designation with the intent they will be developed and annexed in the future is the most efficient and effective strategy for the County, the City, and the taxpayers. If the County allows the checkerboard pattern of development to continue in these areas as it has done in the past, the problems of unplanned and disorderly growth and development will be exacerbated.

Another option to prevent disorderly, patchwork patterns of rural or suburban density subdivisions mixed with higher density urban neighborhoods that makes provision of public utilities far more difficult and expensive would be to establish a maximum lot size in these areas in addition to a minimum lot size and/or to require all such development to occur on public utilities following an infrastructure master plan. Under this approach, the County could allow individual landowners to develop a limited number of rural or suburban density lots on private utilities provided that such lots did not block utility connections for future urban development. Requiring a master development plan as a condition for approval of such limited development of portions of a property would be a means of ensuring that short-term development does not under-



mine the long-term goals for the Urban Growth Area.

Other portions of the Urban Growth Area are largely developed with an existing mix of densities and uses, but vacant land does provide opportunities for infill urban density development on public utilities. These areas represent a real patchwork of undeveloped areas and previously developed subdivisions. Some areas are suburban in density and character while other areas are urban. Some areas have non-municipal sewer and water systems, while others have individual wells and septic systems. Relying on short-term annexations as the primary tool to extend infrastructure will not be effective in such areas that are not directly adjacent to the City limits. A strategy that extends the infrastructure necessary to accommodate consistent urban densities throughout the Urban Growth Area prior to annexation needs to be developed.

**B. Streamlined Regulatory Framework for Urban Development**

The first step towards accommodating urban densities outside of the city limits is creating a regulatory framework for urban development. Zoning will need to be adopted with urban densities and performance standards compatible with the City. This will provide a level of predictability for developers and infrastructure providers. The County Subdivision Regulations’ design standards and engineering standards for infrastructure need to be the same as or close to the City’s. This will ensure that infrastructure is compatible from one jurisdiction to the other, and that sewer and water facilities can be shared. The increased infrastructure standards do have higher costs, so to help offset the costs the County can adopt mechanisms to streamline the subdivision approval process and to eliminate requirements that are no longer necessary because of the zoning that will be adopted.

Under Montana’s growth policy and subdivision laws, exemptions are granted for certain subdivision reviews when the County growth policy contains infrastructure plans for County areas adjacent to the city. Such growth policies must also contain an analysis of potential impacts of development on natural resources and public services and proposed mechanisms to mitigate those impacts, which can be done through zoning provisions and design standards. If the criteria for infrastructure planning and impact mitigation are met, developers can be exempted from subdivision review requirements for environmental assessments, public hearings, and reviews of their projects for individual impacts on agriculture, wildlife and wildlife habitat, local services, cultural resources, and other subdivision review criteria. Documenting compliance with the criteria, regulatory reviews of project applications for those criteria, and public hearings all add significant time and expense to development projects that could be reduced with implementation of the Helena Valley Area Plan.

An example of the need for mitigation of impacts within the proposed Urban Growth Area that should be documented and addressed is the periodic flooding that occurs in portions of the Helena Urban Standards Boundary north of Ten Mile Creek. The City of Helena included this area in its Urban Standards Boundary because it contains some existing high density subdivisions that might need access to the public utilities. Extending public utilities to those neighborhoods, however, would facilitate dense urban development on vacant properties, many of which contain floodplain areas. For this reason, the Helena Growth Policy requires the County to adopt appropriate design standards within this portion of the Urban Standards Boundary before public utilities will be extended. Extending the public utilities without addressing the development design issues for such flood prone areas would exacerbate existing flood problems in those areas.

**C. Public-Private Partnerships for Infrastructure Extensions**

Streamlining the urban development review process is important, but the key to facilitating development and reducing excessive costs to the private sector to facilitate urban scale development is to create public-private partnerships that share the costs of infrastructure extensions between the County, the City, existing neighborhoods, and new subdivisions.

To physically extend infrastructure beyond the city limits, the County and City need to work together to create a legal framework to extend water and sewer facilities outside city limits and the mechanisms to physically do so. First, the County

and City need to agree to the amount of water and sewer capacity that can be allocated to areas outside the city limits based on needs of the City and capacity of its infrastructure. Then the County can fund an engineering study to identify service areas the allotted capacity can accommodate, and the actual infrastructure requirements to serve those areas (the pipes and pumps necessary). With the engineering study complete, the County can create a sewer and water district that will provide service to the service areas. With the district legally created, funding can be secured to build the critical infrastructure necessary to provide services. An inter-local agreement to use the capacity between the City and the water and sewer district will be needed.

With the entire regulatory and legal framework in place to extend infrastructure, the financing mechanisms then need to be established to physically construct the system. The financing tools will largely be decided upon by the newly created water and sewer district. For this system to work, the costs of extending the infrastructure must be shared. The district will finance some of the infrastructure and work with entities looking to tap into the system to provide additional financing (e.g., a developer building a subdivision). The financial burden of this system for expanding infrastructure to serve the Urban Growth Areas can’t all be placed on a single entity (i.e., a developer building a subdivision).

**D. Build-out Analysis**

The Urban Growth Areas present unique challenges to and opportunities for accommodating orderly growth and development. The goal of this Helena Valley Area Plan is that 60 percent or more of the new growth projected to occur in Helena Valley over the course of the next 20 years should be developed within the Urban Growth Areas. That translates to roughly 6,000 people and 2,400 housing units. A combination of infrastructure investments, density controls, changes to development standards, and education mechanisms will be necessary for this plan to succeed, and within the Urban Growth Areas infrastructure investment will be the most important growth management tool.

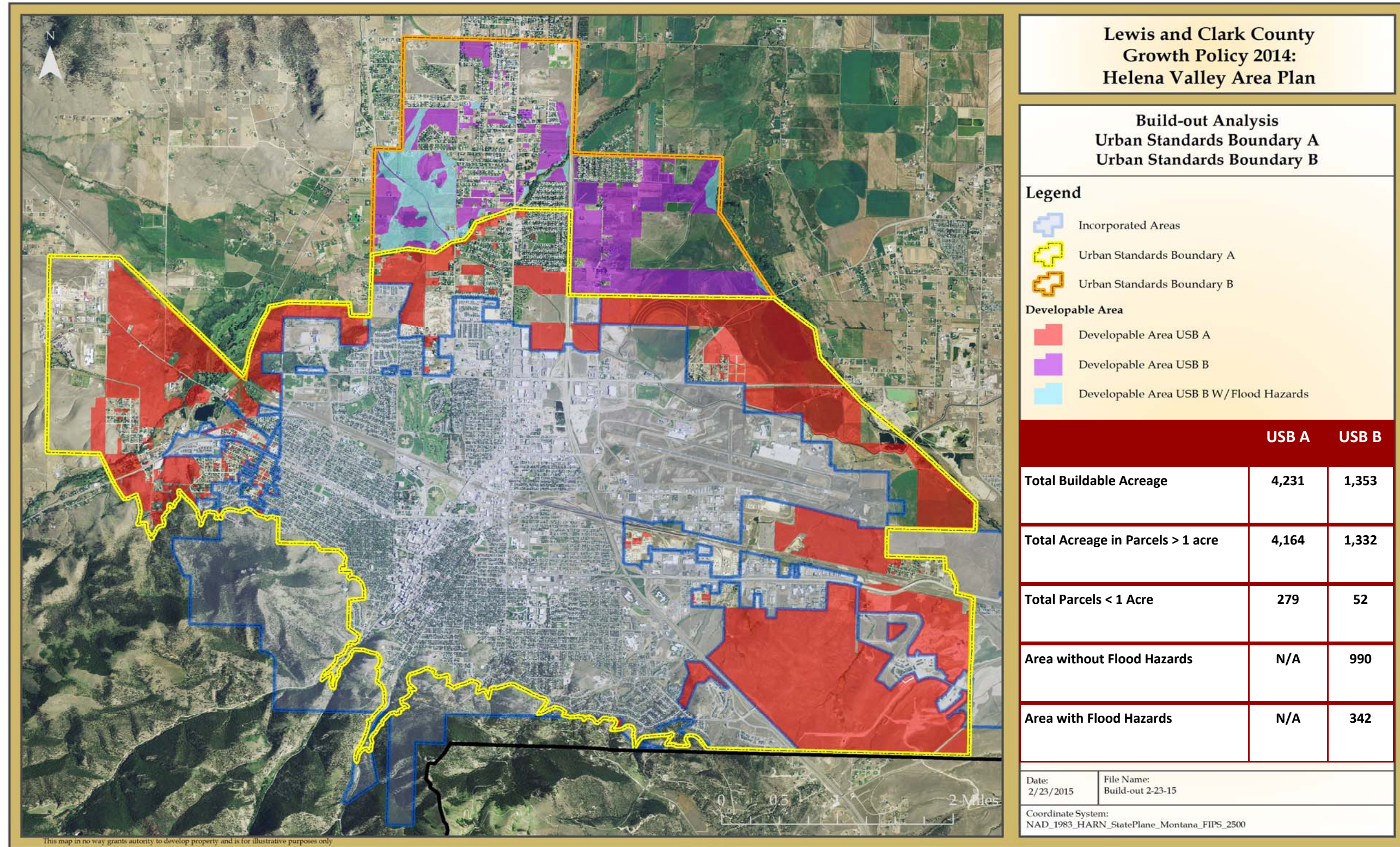
A build-out analysis was completed in order to determine if the Urban Growth Areas can accommodate this level of development. The purpose of this analysis was to delineate the developable areas in the Urban Standards Boundary A and B that were identified in the 2011 City of Helena Growth Policy, and to establish a build-out scenario that estimates the number of units that potentially could fit into the buildable area.

The build-out analysis was based on a number of assumptions, and used ESRI ArcGIS maps and shapefiles to estimate buildable area. The City of Helena staff was consulted in creating the assumptions to gain a better understanding of development patterns and trends they tend to see. A range of densities was considered based on recent development trends in the City. The general build-out analysis, which is a very conservative estimate, indicates that the Urban Standards Boundary can easily accommodate more than three times the projected need for housing units over the next 20 years if built at urban densities (See Table 5.1). This does not mean all growth will or should occur within that boundary, but simply indicates that there is adequate buildable, vacant land within the proposed Urban Growth Area to accommodate all of the projected growth. Therefore it can clearly accomplish the proposed goal of receiving 60 percent or more of it in the areas indicated in Map 5.3.

**Table 5.1: The total number of units that could be built in the Urban Growth Area Land Use Designation if all of the developable areas were developed to urban densities.**

	USB A	USB B	Urban Area
Total Number of Units	7,054 units	1,789 units	8,843 units





**Map 5.3—The developable areas in the Urban Standards Boundary A and B identified in the Build-out analysis.** To establish the ability of the area within the Helena Urban Standards Boundary (USB) to accommodate significant future growth and development, the project planning consultant did a GIS analysis of vacant, developable parcels within the boundary. The consultant first identified all vacant parcels that were not clearly restricted against development (e.g., land under conservation easement). The consultant then applied an assumption supplied by City planning staff that a normal result of the development process is that only about 40% of land ends up being residential housing projects after considerations of commercial and industrial development, site limitations, and deed restrictions. The net development result was further reduced based on the assumption that within a specific project site, as much as 35% of the land is taken up by road right of way, utility easements, etc. Finally, deductions were made in the USB – B area in the north for the floodplain areas of Ten Mile Creek. After these land area deductions were made from the gross acreage of vacant land in the Urban Standards Boundary, the resulting net acreage was assigned to varying housing densities (4 units/acre, 5 units/acre, 6 units/acre, and 10 units/acre) based on recent projects constructed in the City. These calculations demonstrated that, as a conservative estimate, the Urban Standards Boundary could accommodate more than 8,000 housing units as indicated in Table 5.1 on Page 5.3, if public utilities were available.



# Policies Needed to Achieve the Urban Growth Area Goals

## Urban Growth Area Infrastructure Improvements

To meet population and housing goals, development in Urban Growth Areas needs to happen at urban densities. Development at urban densities will require infrastructure improvements such as water, wastewater and fire protection. One advantage of extending infrastructure in the Urban Growth Areas is the proximity to facilities that are already built. The City of Helena operates the infrastructure necessary to accommodate urban densities, but the challenge is how to capitalize on those existing facilities to support urban development in the Urban Growth Area in a manner that benefits both the City and the County.

### UGA Infrastructure Improvement Policy 1.0—Extension of Water and Sewer Services

To successfully attract and accommodate the projected urban growth involving up to 2400 new housing units within the proposed Urban Growth Area, incentives will be needed to overcome the inherent cost constraints that drive the development market toward lower density subdivisions using private utility systems as documented in Chapter 4.

### UGA Infrastructure Improvement Policy 1.1—Prepare an infrastructure plan meeting the requirements of 76-1-601 (4) (c) MCA.

The Montana Subdivision and Platting Act and the State's growth management statutes provide a major incentive for counties and cities to proactively plan and manage growth in areas like the Helena Urban Standards Boundary. Title 76-1-601 (4) (c) provides the option for counties and cities to prepare infrastructure plans for the areas where infrastructure is to be extended:

(4) A growth policy may:

(c) establish an infrastructure plan that, at a minimum, includes:

- (i) projections, in maps and text, of the jurisdiction's growth in population and number of residential, commercial, and industrial units over the next 20 years;
- (iii) for a county, a plan of how the county will coordinate infrastructure planning with each of the cities that project growth outside of city boundaries and into the county's jurisdictional area over the next 20 years;
- (v) for cities and counties, a land use map that designates infrastructure planning areas adjacent to cities showing where projected growth will be guided and at what densities;
- (vi) using maps and text, a description of existing and future public facilities necessary to efficiently serve projected development and densities within infrastructure planning areas, including, whenever feasible, extending interconnected municipal street networks, sidewalks, trail systems, public transit facilities, and other municipal public facilities throughout the infrastructure planning area. For the purposes of this subsection (4)(c)(vi), public facilities include but are not limited to drinking water treatment and distribution facilities, sewer systems, wastewater treatment facilities, solid waste disposal facilities, parks and open space, schools, public access areas, roads, highways, bridges, and facilities for fire protection, law enforcement, and emergency services;

For counties that adopt such infrastructure plans, subdivisions within those infrastructure planning areas can be exempted from certain review requirements under the provisions of 76-3-616:

76-3-616. Exemption for certain subdivisions.

(1) A subdivision that meets the criteria in subsection (2) is exempt from the following requirements:

- (a) preparation of an environmental assessment as required by 76-3-603;
- (b) a public hearing on the subdivision application pursuant to 76-3-605; and
- (c) review of the subdivision for the criteria listed in 76-3-608(3)(a).

(2) To qualify for the exemptions in subsection (1), a subdivision must meet the following criteria:

- (a) the proposed subdivision is entirely within an area inside or adjacent to an incorporated city or town where the governing body has adopted a growth policy that includes the provisions of 76-1-601(4)(c);
- (b) the proposed subdivision is entirely within an area subject to zoning adopted pursuant to 76-2-203 or 76-2-304 that avoids, significantly reduces, or mitigates adverse impacts identified in a growth policy that includes the provisions of 76-1-601(4)(c); and
- (c) the subdivision proposal includes a description of future public facilities and services, using maps and text, that are necessary to efficiently serve the projected development. [Emphasis added]

As has been discussed in prior chapters of this Helena Valley Area Plan, the proposed new approach to growth management is to better mitigate the impacts of new development by using tools other than the Subdivision Regulations. These two statutes in tandem provide a mechanism for expedited reviews of subdivision projects that are provided with urban infrastructure and are designed to urban standards. Using these growth management tools in the Urban Growth Area will reduce the amount of time and the costs of obtaining development approvals.

### UGA Infrastructure Improvement Policy 1.2—Conduct an analysis of potential adverse impacts on resources and services in the Urban Standards Boundary and potential mechanisms to mitigate those impacts.

In addition to the statutory requirements to prepare an infrastructure plan to be eligible for subdivision review exemptions under proposed UGA Infrastructure Policy 1.1, the Growth Policy must also include a review of potential adverse impacts of the infrastructure plan on resources and services within the planning area:

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

- (A) threatened or endangered wildlife and critical wildlife habitat and corridors;
- (B) water available to agricultural water users and facilities;
- (C) the ability of public facilities, including schools, to safely and efficiently service current residents and future growth;
- (D) a local government's ability to provide adequate local services, including but not limited to emergency, fire, and police protection;
- (E) the safety of people and property due to threats to public health and safety, including but not limited to wildfire, flooding, erosion, water pollution, hazardous wildlife interactions, and traffic hazards;
- (F) natural resources, including but not limited to forest lands, mineral resources, sand and gravel resources, streams, rivers, lakes, wetlands, and ground water; and
- (G) agricultural lands and agricultural production; and
- (ix) a description of measures, including land use management techniques and incentives, that will be adopted to avoid, significantly reduce, or mitigate the adverse impacts identified under subsection (4)(c)(viii).





***UGA Infrastructure Improvement Policy 1.3—Prepare and adopt amendments to the County Growth Policy and Helena Valley Area Plan to incorporate the infrastructure plan and the plan for mitigation of adverse impacts on resources and services.***

The preparation of an infrastructure master plan (UGA Infrastructure Policy 1.1) and identification of adverse impacts mitigation measures (UGA Infrastructure Policy 1.2) should logically be considered as implementation steps after adoption of a Growth Policy direction, as they involve considerable time, effort, and expense comparable to the development of the long-range plan itself and should only be undertaken after the policy direction is set. Given that the growth management statute indicates that these components can and must be part of the Growth Policy, however, to ensure the validity of policies, programs, and regulations that will be adopted to pursue the Urban Growth Area goals, the results of these planning efforts should be officially adopted as subsequent amendments to the Growth Policy and Helena Valley Area Plan once they are prepared.

***UGA Infrastructure Improvement Policy 1.4—Create a water and sewer district to serve the Urban Growth Area.***

Once the infrastructure master plan and the mitigation measures are identified, the County should create a water and sewer district to serve the portion of the Urban Growth Areas where development would not likely be annexed in the short term. Through inter-local agreements with the City of Helena, the water and sewer district would reserve capacity of the City's water supply and at the wastewater treatment plant. The district would develop, own and maintain the delivery systems beyond the city limits until such time as annexation occurs and the systems can be turned over to the City.

***UGA Infrastructure Improvement Policy 1.5—Require a waiver of right to protest annexation as a condition of service connection.***

All new or existing development connecting to the water and sewer district should be required as a condition of service to waive their right to protest annexation in return for accessing the City's water and sewer capacity.

***UGA Infrastructure Improvement Policy 1.6—Require a waiver of right to protest annexation as a condition of subdivision approval.***

In return for using the City's capacity, the County should require a waiver of the right to protest annexation as a condition of subdivision approval. New development should connect to the water and sewer district or annex, where feasible. Where not feasible, all new water and sewer systems should be built to the City of Helena's standards and should be designed to connect to the district's system or to the City's system at some point in the future.

***UGA Infrastructure Improvement Policy 1.7—Pursue public-private partnerships between developers, the County, the City, and existing neighborhoods to share the costs of utility extensions.***

The water and sewer district should develop public-private partnerships in order to finance infrastructure. As development occurs, the district and private developers should jointly fund the extension of the delivery service. Users should be charged a fee to help recoup costs of the infrastructure over time, for maintenance of the delivery system, and for use of the City's capacity. This system would spread the initial capital costs of infrastructure over multiple parties: the County water and sewer district, the developer, existing neighborhoods that tie in, and the City utilities. Over time, all costs would ultimately be paid by users of the utilities.

**UGA Infrastructure Improvement Policy 2.0—Road Improvements**

In June and July of 2015, the City and County Commissions adopted an update to the Greater Helena Area Long Range Transportation Plan. That plan update evaluated current traffic conditions and projected system needs due to employment and population growth. For the first time, the regional transportation plan differentiates road improvement projects between Major System Network (MSN) projects and County Road Network (CRN) projects. This differentiation recognizes that the total cost of completing the MSN projects that carry the highest volumes of traffic in the region is in excess of \$178 million dollars. CRN projects which generally have lower priority for funding total \$77 million. Clearly, over the next twenty years only a small fraction of the needed capital improvements will receive any funding and the priority for expending what limited funds are available will be for transportation improvements close to the City. The Helena Valley Area Plan should recognize and respond to these funding constraints in its priorities.

***UGA Infrastructure Improvement Policy 2.1—Establish the Urban Growth Area as the top priority for funding any road or other transportation improvements and partner with the City and State to facilitate those improvements.***

The Urban Growth Areas should be considered County Road Network priority #1. This area should be the top priority for spending county funds on road improvements to bring the County Road Network up to acceptable standards and accommodate additional growth. The County's Capital Improvements Plan should reflect this priority. This system will target what limited public funds are available to improve roads to accommodate growth in the most appropriate locations for development, rather than following it around the Valley wherever it happens to occur through unplanned growth.

***UGA Infrastructure Improvement Policy 2.2—Eliminate or substantially modify the proportional share analysis and system of exactions for off-site traffic improvements.***

The proportional share analysis was adopted as a response to court decisions that prohibit the County from requiring developers to cover the full costs related to off-site road improvements on roads impacted by development projects. Given the higher traffic volumes existing and anticipated in the Urban Growth Area, the calculations of proportional project impacts even for large projects will be a small percentage of the road traffic and the total costs of rebuilding roads to meet full County standards. The marginal benefits of collecting and holding such funds for future road projects must be weighed against the opportunity costs of encouraging higher density development in the Urban Growth Area. Safety reviews will still be available to address needed traffic improvements that affect intersections. This mitigation mechanism combined with the proposed emphasis on infrastructure investment in the Urban Growth Area is a better plan for growth management than requiring developers to pay a proportional share of road improvements that are not part of the long-range plan.

**UGA Infrastructure Improvement Policy 3.0—Fire Protection**

***UGA Infrastructure Improvement Policy 3.1—Work with the City of Helena, developers, and existing neighborhoods to extend public water services for fire protection throughout the Urban Growth Area.***

Urban density development requires public water volumes and pressure to provide firefighters with water needed to effectively protect lives and property. The current policy of requiring on-site water storage tanks or ponds that supply water for two hours of fire fighting is inadequate for the purposes of supporting high density neighborhoods where the risk exposure is far higher than in rural, low-density locations. For public safety as well as future annexations, water supplies meeting the City of Helena performance standards are needed throughout the Urban Growth Area. The goal will be to provide the needed water supplies through the infrastructure plan for the UGA.



***UGA Infrastructure Improvement Policy 3.2—Require all project utilities in the Urban Growth Area to meet the public water system design standards of the City of Helena for fire protection services.***

The goal of the Future Land Use Plan is to facilitate high-density urban development within the Urban Growth Area. To accomplish that goal the County will prepare an infrastructure plan with mitigation mechanisms and will pursue public-private partnerships for extension of the utilities. These policies will be undermined unless the internal infrastructure within subdivisions is compatible with the City systems, including the requirements for public water system pipe sizing, flow rates, and hydrant locations.

**UGA Infrastructure Improvement Policy 4.0—Flood Protection**

***UGA Infrastructure Improvement Policy 4.1—Implement the recommendations of the Valley Flood Mitigation Master Plan.***

The area north of Ten Mile Creek in the Urban Standards Boundary Area B contains extensive flood plain. During larger flood events, water leaves the Ten Mile Creek channel and flows north through a series of large culverts under the Helena Irrigation District Canal. Flood waters discharging from these culverts then flow along roads and through neighborhoods. Following a major flood event in 2011, the County prepared a Valley Flood Mitigation Master Plan that designed improvements to the ditching system of the roads and containment areas where flood waters can be stored and slowly released as flood waters abate. The County should continue to pursue implementation of the recommended improvements through a combination of public and private funding sources.

## Urban Growth Area Density Controls

Higher development density needs to be facilitated in the Urban Growth Area. Zoning needs to be structured to encourage densities that will facilitate the expansion of infrastructure, not prevent it or hinder it. Land use patterns need to be established that are compatible with the City of Helena. Zoning needs to maximize the potential of undeveloped areas while navigating the complexity of the existing land use patterns in developed areas.

**UGA Density Control Policy 1.0—Zoning Consistent with the City of Helena in the Urban Growth Area**

***UGA Density Control Policy 1.1—Adopt zoning that matches to the greatest extent possible adjacent zoning in the City of Helena and that follows their Growth Policy recommendations for the Urban Standards Boundary.***

To achieve a consistent and well-ordered land use pattern compatible with the City of Helena, the County needs to develop a zoning program for uses in and around the City that will easily accommodate the expansion of infrastructure throughout the Urban Growth Area.

In areas mixed with undeveloped and developed areas, zoning still needs to be compatible with the City of Helena. The County should facilitate and require densities that would use public sewer and water, not individual wells and septic systems. Bulk and dimensional requirements also need to be similar to requirements of the City of Helena. The target density should be a minimum of 4 units per acre for single family residential uses and higher for multi-family units. Zoning in already developed areas, however, needs to consider the existing land use patterns and some compromises will need to be made.

***UGA Density Control Policy 1.2—Adopt zoning for the Ten Mile Creek floodplain that addresses the development constraint of flooding in that area.***

The City of Helena included the area north of Ten Mile Creek in its Urban Standards Boundary due to the existing high density subdivisions that could request extension of public utilities to address service and water quality needs. The extension of those public utilities, however, would facilitate the construction of additional higher density subdivisions that would potentially exacerbate the flooding problems in those areas. Rather than relying exclusively on Federal and State flood regulations that were designed to mitigate flood damage to structures built in floodplains, it makes more sense to limit the density of development within floodplains to reduce the exposure to such risk. Going beyond the minimum flood regulations will have the added benefit of qualifying existing homeowners for reduced flood insurance premiums. The recommended density within flood plains should be comparable to that recommended for other areas with significant development constraints, which is a minimum lot size of ten acres.

## Urban Growth Area Improved Performance Standards

Engineering designs standards will need to be the same as or comparable to the City of Helena's for all development in the Urban Growth Area. The County's Subdivision Regulations will need to be amended to coincide with city standards. At the same time, the amendment process must recognize that with the increased infrastructure standards and zoning, not all of the existing design review criteria will be necessary. Opportunities to streamline the subdivision review process in order to encourage development in the Urban Growth Area will also be considered as indicated in prior policy recommendations.

**UGA Performance Standards Policy 1.0—Urban Development Design Standards Matching the City of Helena**

***UGA Performance Standards Policy 1.1—Adopt engineering and design standards for urban development that closely match requirements of the City of Helena for similar development.***

Engineering requirements need to be consistent with the City of Helena's for:

- Road and sidewalk design;
- Water delivery,
- Wastewater transport and treatment,
- Stormwater transport, retention and treatment;
- Commercial site design;
- High density residential design;
- Landscaping,
- Lighting,
- Pedestrian and bicycle circulation; and,
- Fire protection.

***UGA Performance Standards Policy 1.2—Adopt additional zoning and design standards identified in the study of impact mitigation for expedited subdivision review.***

An infrastructure plan will be developed for the Urban Growth Area that will meet the requirements of 76-1-601 (C) (4) in



order to provide for exemption of requirements for environmental assessments, public hearings, and review of impacts on resources and services identified in 76-3-608. To qualify for expedited reviews, however, an analysis will be necessary to identify proposed mechanisms to mitigate potential impacts on those resources and services. Those mechanisms will likely include zoning and design standards that may not be included in the current Helena regulations.

***UGA Performance Standards Policy 1.3—Evaluate the need to establish a building permit system.***

In addition to adopting performance standards appropriate for urban scale development and consistent with the City of Helena, enforcement of those standards will be necessary for the growth management goals to be achieved. The County will need an effective administrative system in place that may involve the issuance of County building or development permits, at least for the Urban Growth Area. Building codes may also be necessary to create enforceable fire protection mechanisms.

***UGA Performance Standards Policy 1.4—Overhaul the existing Part 1 zoning districts to make them consistent with the Growth Policy and efficient to administer, and/or convert them to Part 2 zoning.***

Numerous Part 1, citizen initiated zoning districts have been established in the Helena Valley Planning Area due to the lack Part 2, county initiated zoning. Under Montana law all zoning must be consistent with the Growth Policy and the existing districts should be reviewed for consistency with this Helena Valley Area Plan. Given the long-standing reliance on Part 1 zoning, some flexibility should be provided in the overhaul process.

## Urban Growth Area Education and Outreach

Education as intended in this Helena Valley Area Plan includes research to develop the best information for decision-making, processing that information into sound policy proposals, and communicating the information and policy proposals to members of the public that will be affected by the outcomes.

### **UGA Education & Outreach Policy 1.0—Conduct Research Needed to Accomplish Growth Management Goals for the Urban Growth Area**

***UGA Education & Outreach Policy 1.1—Conduct an analysis of potential adverse impacts on resources and services in the Urban Standards Boundary and potential mechanisms to mitigate those impacts.***

As discussed previously, in order for subdivisions to qualify for exemptions from components of the review process to expedite applications that meet the goals and design standards for urban development, an analysis of potential impacts on resources and services in the Urban Growth Area is required. In addition to the research needed to conduct the assessment and to identify mechanisms to mitigate impacts, public education and outreach will be needed to explain the basis for and benefits of this new approach to growth management.

***UGA Education & Outreach Policy 1.2—Develop a stormwater management plan for Helena Valley.***

In reaction to flooding in the Ten Mile Creek and Silver Creek watersheds in 2011, the County hired an engineering company to design drainage improvements for affected areas to reduce the impacts of such flooding. After decades of development that ignored the flooding constraints for development in these floodplains, the engineering design for improvements to mitigate drainage impacts will be extremely expensive and will have limited effectiveness. Rather than continuing the process of building subdivisions first and then worrying about flooding problems later, developing a comprehensive stormwater plan for Helena Valley will move the process from being reactive to proactive. In addition to preparing a more rational plan for flood controls in floodplain areas, the stormwater plan will have the added benefit of helping the County ensure that high-

density urban development throughout the Urban Growth Area is able to meet stormwater standards needed to satisfy state and federal permit requirements.

### **UGA Education & Outreach Policy 2.0—Work with the City of Helena**

***UGA Education & Outreach Policy 2.1—Seek input and guidance from City officials on preparing the infrastructure plan.***

The City of Helena has invested hundreds of millions of dollars in building and maintaining its infrastructure systems. The City has prepared master plans for future water, wastewater, and stormwater facilities that include anticipated service needs of the Urban Standards Boundary. It has also done multiple engineering studies for extending that infrastructure to specific neighborhoods (e.g., Westside, North Montana Ave.). All of this research and knowledge will be critical to the success of County efforts to develop the proposed infrastructure plan for the Urban Growth Area.

***UGA Education & Outreach Policy 2.2—Seek input and guidance from City officials on preparing zoning and design standards that are consistent with Helena’s regulations.***

As with the infrastructure planning, City staff are an important resource in developing County zoning for the Urban Growth Area and design standards that will be consistent with City development standards.

***UGA Education & Outreach Policy 2.3—Conduct joint City and County staff reviews of all development projects within the Urban Growth Area/Urban Standards Boundary.***

Closer coordination of planning functions within the Urban Growth Area is in the best interests of the City, County, developers, and the community at large. Although each agency has separate authority and responsibility, coordinating efforts for planning efforts and project reviews in the UGA/USB is clearly warranted and will multiply the resources available to both jurisdictions.

### **UGA Education & Outreach Policy 3.0—Work with Stakeholder Groups**

***UGA Education & Outreach Policy 3.1—Work with HBIA, HAR, the Chamber of Commerce and other real estate and development organizations.***

The Helena Building Industry Association and Helena Association of Realtors have been particularly active participants throughout the process to update the County Growth Policy and develop this Helena Valley Area Plan. In addition to offering their insights on the problems and solutions related to planning for and accommodating future employment and population growth in the Valley, these groups have extensive networks of contacts within the community and can help communicate the need for change and the direction the proposed changes are heading.

***UGA Education & Outreach Policy 3.2—Work with the Valley Flood Committee, DNRC, and FEMA.***

Similar to the input provided by HBIA and HAR on general development issues, the Valley Flood Committee has been instrumental in expanding the scope of the Helena Valley Area Plan to include the key issue of flooding in the Ten Mile Creek and Silver Creek floodplains. As the County moves forward with implementation of the Helena Valley Area Plan, the Flood Mitigation Master Plan, and with preparation of a stormwater plan for the larger Valley, this group of engaged citizens can assist in networking activities both within areas of particular concern to their members and with other parts of the Valley that are affected by flooding. Close coordination with State and Federal agencies that administer flood programs will also be essential.



## Rural Growth Areas

Development in Rural Growth Areas (RGAs) must happen in a manner that recognizes the development constraints. The primary growth management strategy is to limit density according to the constraints. With limitations on development density as the primary mitigation measure for impacts on resources and services, the intent of the Helena Valley Area Plan is to facilitate low-density, rural subdivisions by making it easier for such projects that work within the development constraints to get expedited approvals. This would be accomplished by adopting review criteria and design standards that are appropriate for such projects and eliminating regulations that are designed to address the impacts of higher density subdivisions (e.g., traffic impact studies, on-site water sources for fire protection) and that make it cost prohibitive for smaller projects.

### How the Boundary was Established

The proposed boundary of the Rural Growth Areas (Fig. 5.4) was established by the planning consultant based on the following considerations:

- Areas constrained by water availability;
- Areas constrained by roads; and,
- Areas constrained by rural fire protection systems.

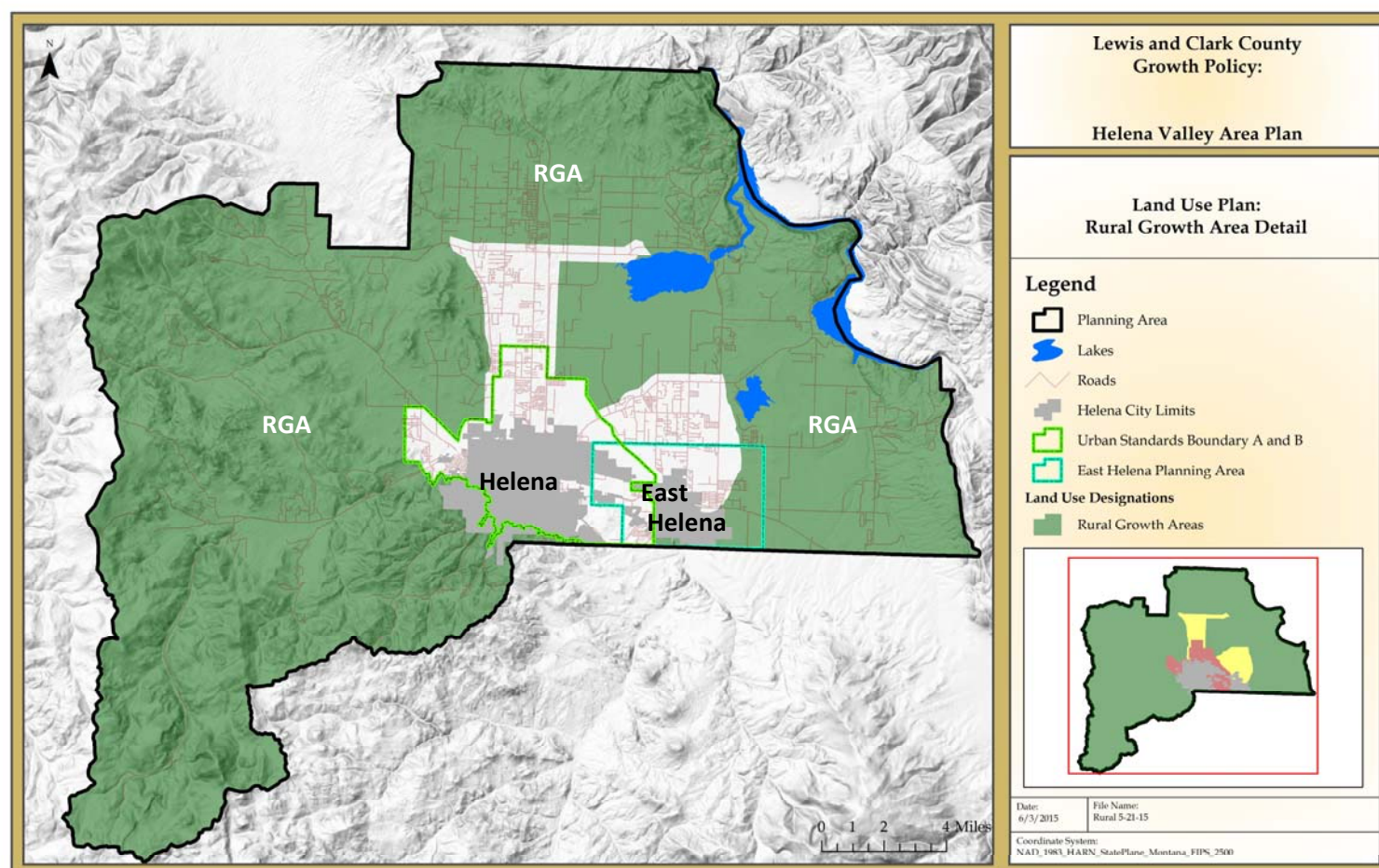


Figure 5.4— Detailed map of the Rural Growth Areas.

The primary boundary consideration for the Rural Growth Areas is water availability. As documented in Volume I, areas outside the Helena Valley alluvial aquifer rely on bedrock aquifers or tertiary aquifers that have limited recharge and water supplies that are not adequate to support urban and suburban development densities. In addition to the primary constraint of water availability, the surface type and condition of roads in the RGAs also presents a significant constraint to higher-density development, as it is generally a network of gravel, chip seal, and poor condition paved roads. The third constraint present throughout the RGAs is the reliance on rural fire protection systems that lack the resources and personnel to support suburban and urban service demands. In areas of high and high to severe fuel hazards of the Wildland Urban Interface, fire protection is the primary development constraint, even for low-density rural development.

### Description of the Growth Management Strategy

There is no public capital available to rebuild the road network of the Rural Growth Areas or to extend water service from the Valley aquifer or the City of Helena to support suburban or urban density development. Therefore the Helena Valley Area Plan assumes that infrastructure improvements will not be used to overcome the development constraints in Rural Growth Areas and that density controls will be the primary growth management tool used in those areas. Private investments in infrastructure to overcome the development constraints will be considered, but such development proposals must comprehensively address all development constraints. Because the constraints of water availability, poor road conditions, and rural fire protection overlap, infrastructure improvements need to address the multiple constraints to be effective, as opposed to just dealing with one of the constraints. If infrastructure improvements are not comprehensive, development based on addressing one of the three development constraints could lead to the subsequent need to address the other two constraints at significant cost to residents of the area and to taxpayers.

Although the growth management plan does not envision extension of public utilities and major road upgrades to accommodate suburban or urban densities in Rural Growth Areas, there will be need for some infrastructure improvements to support rural densities. One example of need is infrastructure investment to address the capacity of rural fire districts. Rather than relying on water supply systems installed in isolated, unplanned subdivisions, a comprehensive study should be conducted to identify regional locations for water supplies that will serve both existing and new neighborhoods. As with infrastructure in Urban Growth Areas, these systems could be funded through public-private partnerships involving developers, current residents and the County, as opposed to relying exclusively and placing the full cost burden on developers for services that benefit numerous property owners.

This same growth management strategy of limited infrastructure improvements to support existing and projected rural development could be applied to the need for improvements to the rural road network. Developers of small, rural subdivisions can't be expected to fix the County's neglected road network, and current residents constantly complain about the lack of road improvements and maintenance provided by the County. Limited road improvements for ride quality, safety, and maintenance could be funded by Rural Improvement Districts with participation by existing residents, developers, and the County to the benefit of all.

But limiting density will be the main mechanism to address the development constraints in rural areas. Zoning according to the development constraints could prevent dropping water tables like what is occurring in the North Hills or the East Bench. Rather than using the proportional share analysis to collect a small portion of the costs needed to upgrade roads to full County paved design standards, low-density zoning will be used to limit new traffic that will be generated, preventing the need for costly improvements that might never be funded. In areas with high or high-to-extreme fire hazards, a zoning overlay will put tools in place to be more effective at protecting homes from wildland fire.

These primary mechanisms, combined with improved performance standards and effective educational outreach, will ensure that development in the RGAs will be in keeping with the development constraints that are present.



# Policies Needed to Achieve the Rural Growth Area Goals

## Rural Growth Area Infrastructure Improvements

### RGA Infrastructure Improvement Policy 1.0—Rural Road Standards

Rural Growth Areas are characterized by gravel, chip sealed, and paved roads that are in poor condition and lack funding for improvements and maintenance. Limiting development densities on this road network will be the primary growth management mechanism for RGAs, but developing rural road standards and public-private partnerships for road improvements will also be included in the growth management program.

#### ***RGA Infrastructure Improvement Policy 1.1—Develop a set of rural road standards and road improvement requirements.***

The current Subdivision Regulations require that projects in rural areas meet the same design standards as suburban and urban locations. A study completed by Great West Engineering for a land section at the north end of Helena Valley (*Valley View Heights Roadway Capital Improvement Study*, December 2014) found that the cost of improving existing gravel roads to the County design standard for paved roads costs about \$1.3 million dollars per mile. An alternative improvement program based on ride quality, safety, and maintenance improvements for gravel roads costs only \$227,000 per mile, a million dollars per mile less than bringing the road up to County paved road standard and adequate for the proposed low-density development of the Rural Growth Areas. Based on research from other states, similar improvements to chip sealed roads (e.g., double or triple shot chip seal) and substandard paved roads (e.g., pavement rehabilitation) may be possible as opposed to full reconstruction to County paved road standards. The County uses such programs to improve roads due to funding limitations, and using them in cases where rural development provides opportunities for public-private partnerships should also be considered if and when limited development densities on such roads are implemented.

#### ***RGA Infrastructure Improvement Policy 1.2—Develop public-private partnerships to improve rural roads.***

Because the County lacks funding for maintenance of the existing road network, all new roads built in subdivisions are required to be maintained by a Rural Improvement District (RID) established at the time of final platting of the subdivision. Tax assessments are collected on the properties in the subdivision, and the funds are used by the Public Works Department to contract out the maintenance of the roads. Those funds can only be used for the specific roads within the RID.

In rural areas, the County's limited road maintenance budget is focused on roads that carry higher traffic levels, sometimes called "the everybody roads." Rural Improvement Districts, however, can be formed by property owners that desire road improvements that can't be funded by the County. Those same roads often provide access to proposed subdivision locations. When a subdivision is proposed, a public-private partnership could also be proposed that would have the developer, existing property owners, and the County form an RID for off-site road improvements that would spread the costs and provide opportunity for road improvements that would not otherwise be funded. Such a program would conform to a policy of making Urban Growth Areas the top priority for public investment in needed transportation improvements, while also addressing infrastructure needs in Rural Growth Areas.

### ***RGA Infrastructure Improvement Policy 1.3—Eliminate or substantially modify the proportional share analysis for off-site road improvements.***

The current Subdivision Regulations are used in place of zoning and infrastructure investment policies and treat development throughout Helena Valley as if it will happen at urban and suburban densities. Therefore, the smallest subdivisions are required to conduct expensive traffic impact studies, with the main intent being to calculate the proportional share a developer will be required to contribute for off-site road improvements. In most cases, because of the low traffic volumes on rural roads, the proportional share of rebuilding access roads to full County paved road standards is a huge cost burden to the developer, and yet their contribution is still a small fraction of the total \$1.3 million dollar per mile cost of rebuilding the road. The proposed growth management program for the Rural Growth Areas will address impacts on roads through low-density zoning limitations and public-private partnerships for needed improvements to the road network, therefore the proportional share exactions system can be abandoned or altered. The proposed system will move from a lose-lose outcome to a win-win. Developers will still pay a proportional share of needed road improvements (as will everyone else), but roads will actually get upgraded, which is not happening now.

### RGA Infrastructure Improvement Policy 2.0—Rural Fire Protection

As with water and road constraints, limiting development density in Rural Growth Areas will be the primary means of mitigating impacts of development on rural fire protection systems. But other growth management measures are needed to ensure that low-density development happening in RGAs is protected from fire hazards.

#### ***RGA Infrastructure Improvement Policy 2.1—Develop a plan for regional water sources for fire protection.***

As previously stated, the current Subdivision Regulations attempt to make up for the lack of appropriate zoning and infrastructure investment with standards intended to respond to impacts of suburban and urban development. Thus the developer of a small subdivision in a rural area must install a water supply in the subdivision, usually in the form of an underground storage tank, that supplies two hours of water for fire fighting purposes. Such systems, depending on the size of the subdivision, range in cost between \$50,000 and \$100,000. Because of this high cost, the regulations allow a developer to take advantage of any water source within a mile of the project. Therefore, multiple subdivisions of suburban density housing are being built with a few such tanks installed. And the locations of the limited water supply sources aren't planned as to any regional benefits they might provide. They simply go in where a particular landowner decides to sell land and where a developer decides to buy it to build houses to sell.

Another negative of the current system is that a project with no water supply source within a mile of the project must pay the full costs of a water system, while a developer and the home buyers in a subsequent nearby subdivision pay nothing as do other home owners in the area that benefit from the new water source. The Subdivision Regulations do include a recapture provision that theoretically reimburses developers who install expensive water supply systems, but this provision has never been used and it is unclear who would be eligible for the refund, the developer who sold all the lots, the original lot purchasers, or the current lot owners. Such a system might work with short time frames and large subdivisions, but it doesn't work well with small subdivisions scattered over the landscape years or even decades apart.

In addition to limiting development densities in rural areas that lack water and fire fighting personnel to protect suburban development, the Helena Valley Area Plan recommends that the County work with local Fire Districts to plan a regional water supply network of strategically located sources using existing tanks and water bodies along with new water sources that can be developed with funding spread over all benefiting property owners through district assessments. Such a regional approach to providing water supplies for fire fighting would provide better service and equitable funding of the facilities needed to support rural development.



***RGA Infrastructure Improvement Policy 2.2—Eliminate or modify the requirement for rural, low-density subdivisions to install expensive on-site water supply systems.***

The Helena Valley Area Plan proposes that fire hazards in areas constrained by rural fire protection systems be mitigated through a combination of regional infrastructure improvements (RGA Infrastructure Policy 2.1), density limitations (RGA Density Policy 1.1 and 1.2), improved performance standards (RGA Performance Policy 1.4), and education (RGA Education Policy 1.2 and 2.1). With these policies implemented, the current expensive and ineffective requirement for a few individual water supply sources that are shared by multiple subdivisions can be eliminated for development in RGAs. The requirements in the Subdivision Regulations for on-site water sources for fire protection should not be eliminated however, unless and until the other policy measures have been developed and implemented.

## Rural Growth Area Density Controls

Limiting development density in Rural Growth Areas is the primary growth management mechanism for such areas under the Helena Valley Area Plan. Limiting density will address concerns over water availability, road conditions, and rural fire protection. Based on groundwater studies done in the Scratchgravel Hills area by the Montana Bureau of Mines and Geology, a minimum lot size of ten acres would address the concerns of development impacts on aquifers. That same density would also limit traffic growth on the rural road network and in combination with the other growth management measures would address rural fire protection. In areas of high and high to severe fuel hazard in the Wildland Urban Interface, however, a larger minimum lot size such as twenty acres may be warranted for rural fire protection.

### **RGA Density Control Policy 1.0—Limit Development Density per the Development Constraints of Water Availability, Roads, and Rural Fire Protection**

***RGA Density Control Policy 1.1—Adopt zoning that only limits development density.***

The basis for enacting new growth management measures for the Helena Valley Planning Area is to ensure that urban and suburban densities do not occur in areas constrained by water availability, road conditions, and rural fire protection systems. In areas with low-density development, concerns over conflicts between land uses are minimized. To provide maximum flexibility to property owners and minimize administrative burdens, developing a zoning ordinance for Rural Growth Areas that only controls development density through minimum lot sizes would be appropriate.

***RGA Density Control Policy 1.2—Adopt a larger minimum lot size for high hazard portions of the Wildland Urban Interface.***

A minimum lot size of ten acres would address concerns for groundwater depletion based on studies done for parts of Helena Valley by the Montana Bureau of Mines and Geology. That limitation would also help address traffic growth on the rural road network and the service burden of rural fire districts. But the special hazards of high and high to severe fuel hazard areas of the Wildland Urban Interface (WUI) may warrant larger minimum lot sizes, such as twenty acres. Research should be conducted of other jurisdictions to determine an appropriate lot size for portions of the Helena Valley area that are in the WUI.

## Rural Growth Area Improved Performance Standards

Because of the lack infrastructure investment and of appropriate zoning for rural areas, under the current Subdivision Regulations development in rural areas must meet the same design standards as projects in urban or suburban locations. The

intent of the Helena Valley Area Plan is to limit density in Rural Growth Areas and to make it quicker, easier, and less expensive to do rural subdivisions that recognize and respond to the development constraints.

### **RGA Performance Standards Policy 1.0—Standards for Rural, Low-Density Development**

***RGA Performance Standards Policy 1.1—Provide a cluster mechanism for rural subdivisions that will offer exemption from the requirements for environmental assessments, reviews for impacts on resources and services, and parkland dedication.***

As with the exemptions allowed for urban development that follows an infrastructure plan, the Montana Subdivision and Platting Act provides exemptions from some of the subdivision review requirements for cluster subdivisions:

*76-3-509. Local option cluster development regulations and exemptions authorized. (1) If the governing body has adopted a growth policy that meets the requirements of 76-1-601, the governing body may adopt regulations to promote cluster development and preserve open space under this section.*

*(2) Regulations adopted under this section must:*

*(a) establish a maximum size for each parcel in a cluster development;*  
*(b) subject to subsection (3)(d), establish a maximum number of parcels in a cluster development; and*  
*(c) establish requirements, including a minimum size for the area to be preserved, for preservation of open space as a condition of approval of a cluster development subdivision under regulations adopted pursuant to this section. Land protected as open space on a long-term basis must be identified on the final subdivision plat, and the plat must include a copy of or a recording reference to the irrevocable covenant prohibiting further subdivision, division, or development of the open space lots or parcels, as provided in Title 70, chapter 17, part 2.*

*(3) Regulations adopted under this section may:*

*(a) establish a shorter timeframe for review of proposed cluster developments;*  
*(b) establish procedures and requirements that provide an incentive for cluster development subdivisions that are consistent with the provisions of this chapter;*  
*(c) authorize the review of a division of land that involves more than one existing parcel as one subdivision proposal for the purposes of creating a cluster development;*  
*(d) authorize the creation of one clustered parcel for each existing parcel that is reviewed as provided in subsection (3)(c); and*

*(e) establish exemptions from the following:*

*(i) the requirements of an environmental assessment pursuant to 76-3-603;*  
*(ii) review of the criteria in 76-3-608(3)(a); and*  
*(iii) park dedication requirements pursuant to 76-3-621.*

*(4) Except as provided in this section, the provisions of this chapter apply to cluster development subdivisions.*

[Emphasis added]

Adopting a minimum lot size of 10 acres in Rural Growth Management Areas will address concerns for the development constraints of water availability, road conditions, and rural fire protection. In order to achieve maximum density, however, a land owner or developer will need to spread the development over larger areas and provide road access to serve the larger, scattered lots. A cluster development provision would allow the same number of lots on a small portion of a land tract. This would reduce the amount of road needed to serve the lots and also preserve a majority of the land as open space while limiting overall development density to address the development constraints. An added benefit is that such cluster subdivisions could be provided exemptions from the subdivision requirements for environmental assessments and reviews for impacts on resources and services, offering the same benefit of less expensive, expedited project reviews to



developers in rural areas as is being offered to those in urban areas.

***RGA Performance Standards Policy 1.2—Adopt design standards to address impacts on resources and services.***

Unlike the requirements for review exemptions in areas covered by urban infrastructure plans, the Montana Subdivision and Platting Act does not require an assessment of the potential impacts of cluster development on resources and services. An assessment should be made, however, and design standards included in the zoning and subdivision regulations to ensure that clustered housing is not located in parts of a land tract that will have negative effects on resources and services. Such an analysis and adoption of design standards to mitigate impacts on resources and services identified in the Montana Subdivision and Platting Act would also help provide a more solid legal foundation for the rural growth management program.

***RGA Performance Standards Policy 1.3—Adopt a rural road level of service for access roads.***

The current Subdivision Regulations require all developers to pay a proportional share of the cost of improving roads needed to access their subdivision project site to County paved road standards (two access routes to the nearest State highway are required). As explained in RGA Infrastructure Policy 1.3, the intent of the Helena Valley Area Plan is to abandon or substantially modify that policy and to pursue public-private partnerships to improve roads to a rural road standard based on sound engineering principles of ride quality, safety, and maintenance. Even under such a rural road policy however, there are some roads in the County where the cost of improving the roads to be serviceable to residents and emergency services on a year-round basis will be cost prohibitive, even with public-private partnerships to share the costs. To cover those situations and to ensure that developers participate in sharing the costs of more limited off-site road improvements with existing road users and the County, a rural road level of service should be established to determine when improvements are required and where subdivisions cannot be approved due to the severity of the road conditions.

***RGA Performance Standards Policy 1.4—Adopt an overlay zone for the Wildland Urban Interface (WUI) and other rural areas that applies to all development and includes enforceable measures to protect life and property.***

In areas of high or high-to-extreme fuel hazard ratings of the WUI, burning characteristics and resultant dangers make it necessary to ensure that all development, whether in subdivisions or on properties exempt from subdivision review be closely coordinated and regulated to ensure that the lives and property of residents and the safety of fire fighters are protected. The development of a WUI overlay zone in addition to the Subdivision Regulations will help address some of the concerns of developing in these areas. Placing such requirements in a zoning ordinance or building code rather than including them in the Subdivision Regulations will strengthen their enforceability and ensure that they are applied to all development that occurs in these fire-prone, hazardous areas.

Although the risks of wildfire is most serious in areas with high and high to severe fuel hazards, recent research has indicated that wind-blown embers travel up to four miles beyond areas engulfed by such fire events, making much of Helena Valley at risk. Vegetation management plans are currently required for all subdivisions and those requirements should be continued and strengthened as part of the new approach to rural fire protection.

***RGA Performance Standards Policy 1.5—Provide for Planned Unit Development (PUD) approvals that combine master plan, rezoning, and subdivision approvals in a simultaneous approval process for projects that address the development constraints of water availability, road conditions, and rural fire protection.***

Development density in the Rural Growth Areas is being limited because of the development constraints identified in the *Key Issues Report* (Volume I) and in Chapter 3 of this Helena Valley Area Plan. In the event that a developer puts together a master development plan that fully addresses those development constraints, ensuring that there is adequate water available to meet the long-term needs of the subdivision, that roads leading to the subdivision are in good and safe condition, and that fire protection will be provided that will not place long-term burdens on rural fire protection systems, an expedited review process should be provided. Such projects are most likely to occur in RGAs in close proximity to Transitional Growth Area boundaries.

A Planned Unit Development (PUD) combining master plan, rezoning, and subdivision applications must establish that all of the constraints are addressed. The PUD process will include a neighborhood plan which demonstrates how the constraints will be addressed, a zoning change that will establish the new density, and a subdivision application that will grant the entitlement. All of this will occur in one process. The PUD process may allow densities beyond what are normally allowed in the Rural Growth Areas, based on mitigation of the development constraints. The City of Polson has a PUD ordinance that provides for such combined reviews.

***RGA Performance Standards Policy 1.6—Require more extensive aquifer analysis for higher density subdivisions that use private or community wells in bedrock and tertiary aquifers and phasing of projects that include groundwater levels monitoring.***

Planned Unit Development proposals for higher density subdivisions in Rural Growth Management areas will have multiple options for addressing water availability. One option will be to acquire water rights and extend water lines from the Helena Valley Alluvial Aquifer. Another option will be to extend water service from one of the two cities. A third option recommended by the Water Quality Protection District hydrologist could be to conduct more extensive geologic and hydraulic analysis of tertiary and bedrock aquifers than the minimum requirements of the DEQ. A fourth option that could be used in conjunction with more thorough aquifer analysis would be to require project phasing with groundwater level monitoring to determine the long-term effects of aquifer pumping before subsequent project phases could be constructed. A fifth option that could again be used in combination with other measures would be to have enforceable limitations on irrigation in subdivisions, which is the primary cause of aquifer depletion. These requirements go beyond the minimum State environmental standards, but there is peer-reviewed scientific data available demonstrating the need for such measures in the Helena Valley Planning Area.

***RGA Performance Standards Policy 1.7—Overhaul the existing Part 1 zoning districts to make them consistent with the Growth Policy and efficient to administer, and/or convert them to Part 2 zoning.***

Numerous Part 1, citizen initiated zoning districts have been established in the Helena Valley Planning Area due to the lack Part 2, county initiated zoning. Under Montana law all zoning must be consistent with the Growth Policy and the existing districts should be reviewed for consistency with this Helena Valley Area Plan. Given the long-standing reliance on Part 1 zoning, some flexibility should be provided in the overhaul process.

## Rural Growth Area Education and Outreach

As stated previously, education in this Helena Valley Area Plan includes research to develop the best information for decision-making, processing that information into sound policy proposals, and communicating the information and policy proposals to members of the public that will be affected by the outcomes. The new growth management program for Rural Growth Areas (RGAs) will shift from an expectation of suburban development with design standards and requirements suited to higher density to a rural pattern of low-density housing. Research will be needed to develop new standards for review that will fit the intent of RGAs and provide for expedited project approvals when those standards are met.



## **RGA Education & Outreach Policy 1.0—Conduct Research Needed to Accomplish Growth Management Goals for the Rural Growth Area**

### ***RGA Education & Outreach Policy 1.1—Conduct an analysis of potential adverse impacts on resources and services in cluster subdivisions and potential mechanisms to mitigate those impacts.***

As indicated in RGA Performance Policy 1.1 and 1.2, the intent of the Helena Valley Area Plan is to use expedited approvals of cluster subdivisions as provided in State statutes to provide flexibility and cost savings to developers of land as a partial trade off for reducing development densities in Rural Growth Areas per the development constraints of water availability, road conditions, and rural fire protection systems. To ensure that clustering and expedited reviews don't have unmitigated impacts on resources and services identified in the Montana Subdivision and Platting act (76-3-608 (3) (a)), research will be needed to identify potential impacts and mitigation measures that can be put into zoning requirements rather than subdivision regulations. The goal will be to address mitigation through comprehensive planning rather than through project by project reviews.

### ***RGA Education & Outreach Policy 1.2—Research steps to becoming a Firewise Community through the National Fire Protection Association.***

Much research has been done nationally and regionally to address wildfire issues of the Wildland Urban Interface and there is already a network of fire fighting professionals in the Helena Valley Planning Area that is working to put Firewise principles into practice. These efforts should be brought more fully into the zoning program of the WUI and the Rural Growth Management Areas rather than relying solely on the efforts of volunteers and individual landowners as part of a balanced program of infrastructure investment, density controls, improved standards, and education.

### ***RGA Education & Outreach Policy 1.3—Conduct research on the condition of aquifers on the East Bench to identify parameters for effective groundwater withdrawals.***

Extensive groundwater studies have been conducted in the North Hills and western Scratchgravel Hills as documented in Volume I of this Growth Policy update. Similar analysis of aquifers in the eastern portions of rural Helena Valley where multiple subdivisions have experienced difficulties in obtaining and sustaining adequate water supplies. There may be areas in close proximity to Transitional Growth Areas that have aquifers capable of supporting higher density development. Such research will support low-density zoning for areas with low-recharge aquifers and will help calibrate the boundaries of the TGA and RGA and provide landowners and developers with information for determining the development potential of land being considered for Planned Unit Development under RGA Performance Policy 1.5.

### ***RGA Education & Outreach Policy 1.4—Conduct research on water conservation measures that can be implemented in cluster development and Planned Unit Development to ensure that groundwater resources are not depleted.***

In areas experiencing declining water tables due to development withdrawals, the primary cause is lawn irrigation. Throughout the West, communities have used drought tolerant landscaping, known as xeriscaping to create attractive, sustainable neighborhoods. In California, extended droughts have led local governments to provide subsidies for homeowners to replace lawns with xeriscaping. Proactively planning water conserving neighborhoods in areas with limited rainfall and aquifer recharge can be part of a comprehensive approach to growth management in Rural Growth Areas, and it can be used as mitigation measures in cluster development and PUDs.

## **RGA Education & Outreach Policy 2.0—Work with the Tri-County FireSafe Working Group**

### ***RGA Education & Outreach Policy 2.1—Work with the Tri-County FireSafe Working Group and its local affiliates to integrate the rural growth management program with regional fire protection efforts.***

As indicated in Chapter 3, the Tri-County FireSafe Working Group has developed a network that continually informs the public in the Wildland Urban Interface about wildfire mitigation and survivable space around homes and partners with state and federal agencies involved in fire fighting. This network can provide critically important information on developing effective and appropriate fire-protection zoning in the WUI and Rural Growth Areas. Their efforts to create a Firewise and FireSafe community would be greatly enhanced by full implementation of the Helena Valley Area Plan recommendations.

## **RGA Education & Outreach Policy 3.0—Work with Stakeholder Groups**

### ***RGA Education & Outreach Policy 3.1—Work with HBIA, HAR, the Chamber of Commerce and other real estate and development organizations.***

The Helena Building Industry Association and Helena Association of Realtors have been particularly active participants throughout the process to update the County Growth Policy and develop this Helena Valley Area Plan. In addition to offering their insights on the problems and solutions related to planning for and accommodating future employment and population growth in the Valley, these groups have extensive networks of contacts within the community and can help communicate the need for change and the direction the proposed changes are heading.





## Transitional Growth Areas

Transitional Growth Areas (TGAs) lie between the Urban Growth Areas, where the availability of public utilities and services will support high density development, and Rural Growth Areas where the combined development constraints of water availability, road conditions, and rural fire protection require limitation of development density. Because water availability is not a constraint, TGAs will support suburban densities utilizing private utilities. But all development will be required to address road constraints and rural fire protection through improved performance standards as the primary growth management program component. Groundwater quality is an issue to be addressed in TGAs in areas with shallow groundwater.

### How the Boundary was Established

The proposed boundaries of the Transitional Growth Areas (Fig. 5.5) were established by the planning consultant based on the following considerations:

- Areas outside of Urban Growth Areas that are not constrained by water availability; and,
- Areas outside of Urban Growth Areas that have road constraints that can be mitigated through a combination of measures.

Transitional Growth Areas are not constrained by water availability due to the presence of the Helena Valley Alluvial Aquifer. They also have a better road network than Rural Growth Areas, although there is variability of road conditions within TGAs. Areas constrained by roads are considered appropriate for the TGA designation if the water availability constraint is not present, although development density within TGAs will be limited based on road conditions.

Two TGAs are proposed in Helena Valley. The first is in the central Valley between I-15 and the Scratchgravel Hills extending north from the Urban Growth Area around Helena up to and along Lincoln Road. The second TGA extends north of the Urban Growth Area between Helena and East Helena up to and along York Road out to the Helena Regulating Reservoir. These two TGAs expand the amount of land designated for suburban growth by about 5000 acres over the 2004 Growth Policy.

### Description of the Growth Management Strategy

There are two primary constraints within the Transitional Growth Areas; the road network and the capacity of rural fire districts. Wastewater treatment is a secondary concern in areas with shallow groundwater.

The surface type and condition of roads will primarily drive development patterns in the Transitional Growth Areas. The transportation network in these areas contains a mix of asphalt roads in excellent to failing condition. Gravel roads are also prevalent in this land use designation, as well as some chip sealed roads. Density will be varied throughout the TGAs depending upon the surface type and condition of the road.

Infrastructure investment in the Transitional Growth Areas will be a secondary priority after the Urban Growth Area. There are some roads within TGAs that are slated for improvements in the Greater Helena Area Long Range Transportation Plan. There may also be opportunities for public-private partnerships for road improvements as anticipated in Rural Growth Areas. But the primary responsibility for road improvements to increase allowable development densities will be placed on those seeking such opportunities. As with the growth management program for RGAs, Planned Unit Development expedited rezoning will be available for development projects that address road constraints.

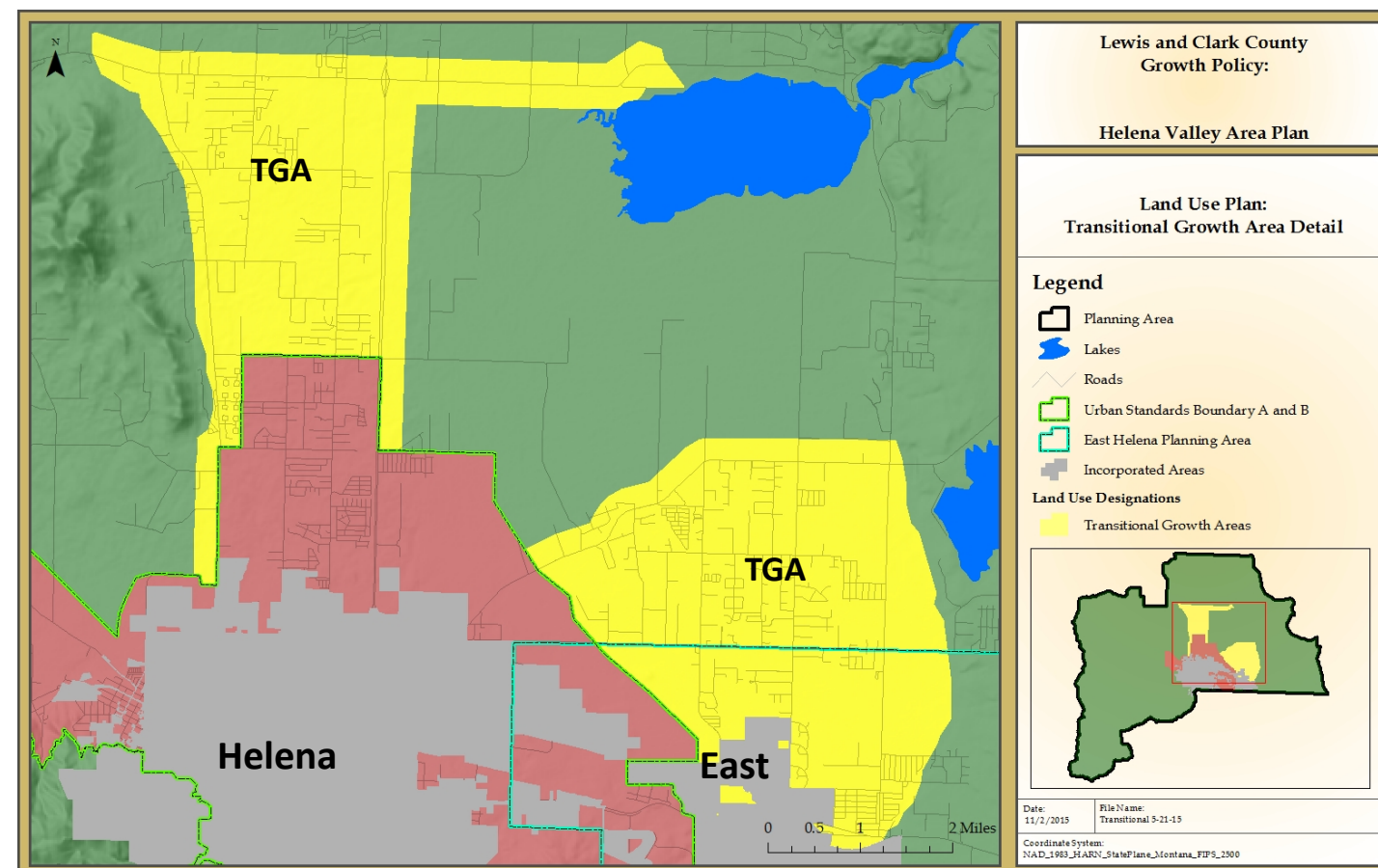


Figure 5.5—Detail of the Transitional Growth Areas.

The primary growth management tool that will be applied to Transitional Growth Areas will be improved performance standards. A range of development densities will be allowed depending on the condition of the roads. For those areas where higher density development is possible, improved performance standards will be applied to address rural fire protection and groundwater protection in areas with shallow groundwater.

## Policies Needed to Achieve the Transitional Growth Area Goals

### Transitional Growth Area Infrastructure Improvements

Infrastructure improvements in Transitional Growth Areas will focus on roads and rural fire protection. Suburban development density is anticipated throughout these areas, and the roads and fire protection systems need to be adequate to support that level of development.

### TGA Infrastructure Improvement Policy 1.0—Rural and Suburban Road Standards

The intent of the Transitional Growth Areas is to allow a variation in development density based on the condition of the



roads. In areas where the road conditions limit development densities, rural road standards will be applied and the same types of road improvement programs being pursued in Rural Growth Areas will be available to landowners and developers. Areas with better quality roads that allow higher density within TGAs will require suburban or even urban design based on those densities. Roads leading to subdivisions should be assessed against the new design standards as to their adequacy to support proposed development or the need for improvements to meet the new standards.

***TGA Infrastructure Improvement Policy 1.1—Develop a set of rural road standards and road improvement requirements.***

As stated in RGA Infrastructure Improvement Policy 1.1, if development density is limited, the need to upgrade roads to paved County standards is minimized. The road improvement design standards developed to address road improvements in RGAs should be available to apply to roads in TGAs that have density limitations.

***TGA Infrastructure Improvement Policy 1.2—Develop a new set of suburban and urban road standards and road improvement requirements.***

For those areas of the Transitional Growth Areas where existing road conditions allow higher development densities, road standards should be increased to match the density of development that is proposed. Once again, cost-effective alternatives to full reconstruction of existing roads should be considered and allowed to achieve solutions that result in actual road improvements, as opposed to continuing the policy of collecting proportional shares for road improvements that may never happen. Existing roads would be improved to a standard based on ride quality, safety, and maintenance as advised by qualified engineers.

***TGA Infrastructure Improvement Policy 1.3—Develop public-private partnerships to improve TGA roads.***

The County policy on road maintenance is the same for Transitional Growth Areas as it is for Rural Growth Areas. All new subdivisions must form or join Rural Improvement Districts (RIDs) for permanent maintenance of roads within them. There are also existing roads that will provide access to subdivisions in TGAs that could benefit from improvements done through public-private partnerships involving developers, the County, and existing residents on those roads.

**TGA Infrastructure Improvement Policy 2.0—Suburban Fire Protection**

Improved performance standards will be the primary growth management tool applied to improve fire protection in Transitional Growth Areas. But fire protection infrastructure improvements to support suburban development are also needed.

***TGA Infrastructure Improvement Policy 2.1—Develop a plan for regional water sources for fire protection.***

The need for a regional plan to develop strategically located water supply sources for fire protection is even greater in Transitional Growth Areas than in Rural Growth Areas due to the existing level of housing development and projected growth. Unlike RGAs, however, there will still be a need for on-site water supply systems in subdivisions with higher development densities. Because of the level and density of development anticipated, the County should eliminate the allowance for using off-site water supplies for fire protection for multiple subdivisions.

***TGA Infrastructure Improvement Policy 2.2—Develop public-private partnerships to fund regional water sources for fire protection.***

The suburban development densities anticipated and allowed in the Transitional Growth Areas will require higher levels of water supplies for fire protection than rural, low-density areas. Therefore it is likely that a larger number of regional facilities will be required as will the need for expanded capital to develop those facilities. Therefore, fire protection water sources should be handled in similar fashion to road improvements in TGAs, with public-private partnerships involving developers, the County, and Fire Districts.

**Transitional Growth Area Density Controls**

Suburban densities can be more effectively accommodated within Transitional Growth Areas than in RGAs, but they lack the infrastructure and services needed to support urban densities. There are also road limitations in parts of the TGAs that will require density limitations unless and until road improvements are made. Therefore zoning density will be primarily based on the condition of roads and there will be a mix of suburban and rural development. Suburban densities also create higher potential for conflicts between land uses, so limited provisions for regulation of land uses should be included in zoning for Transitional Growth Areas.

**TGA Density Control Policy 1.0—Limit Development Density per the Road and Flooding Development Constraints**

***TGA Density Control Policy 1.1—Adopt zoning that limits development density and has some land use controls.***

As explained in Chapter 3, Powell County's zoning ordinance is primarily focused on density, and use is a secondary consideration. Under this model, each district describes a minimum lot size, permitted uses that don't require administrative review, permitted uses that do require administrative review, and conditional uses that are only allowed if they meet stated conditions of the ordinance for issues such as traffic safety and noise. The Powell County ordinance does not prohibit any uses; it requires that all uses not listed as permitted uses go through the conditional use permitting process. If the use can meet the conditional use standards, it is approved. If not, it is denied.

Density limitations in TGAs will be based exclusively on the condition of the roads that serve properties to be developed. Properties served by gravel, chip sealed, or paved roads rated as "failed" or "poor" under the County's PASER analysis in Chapter 7 of the 2014 Greater Helena Area Long Range Transportation should have a minimum lot size of 10 acres based on the road constraints. If roads are improved through implementation of the Long Range Transportation Plan or other funding mechanisms, those areas could be rezoned to allow higher densities. They could also be rezoned through a Planned Unit Development process. Since the density limitations in TGAs are anticipated to be temporary until road improvements occur, clustering with permanent preservation of open space would not be suitable.

For areas not constrained by road conditions within the Transitional Growth Areas, density should be determined based on minimum lot sizes allowed by the Department of Environmental Quality based on septic system and well requirements. This program anticipates a minimum lot size of approximately 1 acre for a single family lot with a private well and septic system, a minimum lot size of half an acre for projects that utilize either non-municipal water or wastewater treatment systems, and a minimum lot size of approximately a quarter acre for subdivisions that utilize both non-municipal water and wastewater treatment systems. The same densities would be allowed if public utility services are provided, although extensions of municipal utilities into the TGAs is not anticipated under the Helena Valley Area Plan. As with urban areas, land within the road right of way should not be counted toward the minimum lot size in suburban sized lots (1 acre or less).



***TGA Density Control Policy 1.2—Adopt overlay zoning with larger minimum lot sizes in floodplain areas.***

As with the floodplain portions of the Urban Growth Area, portions of the Transitional Growth Areas include floodplains of Ten Mile Creek, Silver Creek, and Prickly Pear Creek. Rather than relying exclusively on Federal and State flood regulations that were designed to mitigate flood damage to structures built in floodplains, it makes more sense to limit the density of development within floodplains to reduce the exposure to such risk. Going beyond the minimum flood regulations will have the added benefit of qualifying existing homeowners for reduced flood insurance premiums. The recommended density within flood plains should be comparable to that recommended for other areas with significant development constraints, which is a minimum lot size of ten acres.

## **Transitional Growth Area Improved Performance Standards**

The intent of the Helena Valley Area Plan is that Transitional Growth Areas will include a mix of suburban density where road and flood plain constraints are absent, and rural development density in areas that are constrained by road conditions and flood plains. Although the overall development pattern for TGAs will not include high-density, urban development, individual projects served by non-municipal water and wastewater treatment systems will potentially achieve a density of 4 units per acre, which is the lowest level of urban density. Therefore, TGAs will require a range of design and performance standards to properly address rural, suburban, and urban subdivisions rather than the current, “one size fits all” set of subdivision regulations.

### **TGA Performance Standards Policy 1.0—Standards for Rural, Low-Density Development**

In Transitional Growth Areas constrained by road conditions, density will be limited to rural standards until the roads are improved by the State, County, public-private partnerships, RIDs, or individual developers. As a trade-off for the density limitation and in recognition that reduced density mitigates traffic and other impacts, design standards should be available that are appropriate for low-density development in those portions of the TGAs with density limitations.

***TGA Performance Standards Policy 1.1—Adopt and apply rural road design standards.***

The current road standards of the Subdivision Regulations assume that all development will be at suburban density. Thus roads are over built in rural areas and under built in urban density neighborhoods. Road standards in other counties and road studies done in other states should be reviewed to develop workable, cost-effective solutions for rural development in Helena Valley.

***TGA Performance Standards Policy 1.2—Drop or substantially modify the requirement for traffic impact studies and proportional share calculations for rural density subdivisions.***

As indicated in the Rural Growth Area recommendations, requiring expensive traffic impact studies and proportional share contributions for off-site road improvements makes it cost-prohibitive for small projects and does little to fix defective roads. Limiting density on such roads is a fairer and more effective solution.

***TGA Performance Standards Policy 1.3— Adopt rural fire protection standards for low-density development.***

As with low density development in Rural Growth Areas, low-density development in TGAs should provide alternative

means of fire protection to the requirement for expensive, on-site water sources, including regional fire protection systems and enforceable vegetation management programs.

### **TGA Performance Standards Policy 2.0—Standards for Suburban Density Development**

The majority of land in the proposed Transitional Growth Areas is unconstrained by water availability and roads, although there are limitations due to rural fire protection systems. The intent of the Helena Valley Area Plan is to allow suburban density in TGAs but to address impacts on resources and services through improved performance standards. This will be the primary growth management tool used in TGAs.

***TGA Performance Standards Policy 2.1—Provide for Planned Unit Development (PUD) approvals that combine master plan, rezoning, and subdivision approvals in a simultaneous approval process for projects that address the development constraints of road conditions and rural fire protection.***

This mechanism is provided in Rural Growth Areas to provide an expedited rezoning and subdivision approval process for developers who put together a master development plan that addresses the constraints to development. It would be available to developers in Transitional Growth Areas as well. The primary constraint needing to be addressed in such master development plans in TGAs will be road conditions, but fire protection should also be considered.

***TGA Performance Standards Policy 2.2—Retain the policy of requiring on-site water sources for fire protection, but improve the reliability and performance of such systems.***

The policy of allowing multiple subdivisions to use a single water supply source for fire protection facilitates the suburbanization process without the fire protection capacity needed to protect the growing population of Helena Valley. Beyond the standard fire protection issues inherent in large-scale development, Helena Valley is particularly at risk due to the potential for wildfire events that can start in high fuel hazard areas of the Wildland Urban Interface and spread throughout the Valley by windblown embers. In addition to developing regional fire protection water sources, improved performance standards can ensure that systems installed to serve suburban density development are reliable, effective, and inexpensive to maintain.

### **TGA Performance Standards Policy 3.0—Standards for Urban Density Development**

Water and wastewater treatment standards of the Montana Department of Environmental Quality (DEQ) have exclusively determined development densities in Helena Valley for the past few decades. Multiple large, high-density subdivisions have been built based on those DEQ standards that lack road and fire protection facilities necessary for urban density.

***TGA Performance Standards Policy 3.1—Require urban street standards for high-density subdivisions.***

As documented in the *Key Issues Report*, in high-density subdivisions narrow streets without parking lanes become blocked by on-street parking, preventing safe evacuation by occupants and safe access for fire fighting. The allowance for open ditch drainage systems in such projects has resulted in drainage ditches being filled in to provide access for RV parking and to improve aesthetic appearances of front lawns. Eliminating ditches in open drainage stormwater systems removes storage capacity and causes localized flooding problems. Sidewalks should be required in such high-density projects to provide for pedestrian safety.

***TGA Performance Standards Policy 3.2—Improve the monitoring, maintenance, and enforcement of wastewater treatment rules for large non-municipal systems.***



Due to the track record of failure by homeowner associations to properly maintain roads in subdivisions, the County instituted the requirement for formation of a Rural Improvement District for road maintenance in all new subdivisions. Road functions and maintenance are simple in comparison to wastewater treatment systems that involve complex mechanical, chemical, and biological processes. And yet the responsibility for operation and maintenance of large non-municipal wastewater systems can currently be placed on homeowners. Although there are stringent standards for operation, maintenance, and testing of such systems under current DEQ rules, most enforcement happens on a complaint basis, long after malfunctions start. This is due to the non-visible components of wastewater systems and the lack of enforcement resources in the DEQ. Providing the County Environmental Health Division with on-going monitoring and inspection authority and resources would help ensure the proper operation and maintenance of such wastewater systems.

***TGA Performance Standards Policy 3.3—Require water sources for high-density urban developments in Transitional Growth Areas to meet similar hydrant and flow rates as urban development in the UGA and/or protect such development through a combination of fire prevention/protection measures.***

Allowing high-density urban development using rural fire protection standards increases risk to residents and fire fighting personnel. All development built to urban density should have urban level services for fire protection. This can be accomplished through a combination of measures such as hydrant and building spacing, vegetation management, non-combustible building materials, and sprinkler systems. Such requirements can be legally enforceable if they follow statutory requirements and guidance of the Growth Policy and this Helena Valley Area Plan.

**TGA Performance Standards Policy 4.0—Part 1 Zoning**

***TGA Performance Standards Policy 4.1—Overhaul the existing Part 1 zoning districts to make them consistent with the Growth Policy and efficient to administer, and/or convert them to Part 2 zoning.***

Numerous Part 1, citizen initiated zoning districts have been established in the Helena Valley Planning Area due to the lack Part 2, county initiated zoning. Under Montana law all zoning must be consistent with the Growth Policy and the existing districts should be reviewed for consistency with this Helena Valley Area Plan. Given the long-standing reliance on Part 1 zoning, some flexibility should be provided in the overhaul process.

## Transitional Growth Area Education and Outreach

As stated previously, education in this Helena Valley Area Plan includes research to develop the best information for decision-making, processing that information into sound policy proposals, and communicating the information and policy proposals to members of the public that will be affected by the outcomes. The new growth management program for Transitional Growth Areas (TGAs) will emphasize improved performance standards for roads, fire protection, and groundwater quality.

**TGA Education & Outreach Policy 1.0—Conduct Research Needed to Accomplish Growth Management Goals for the Transitional Growth Area**

***TGA Education & Outreach Policy 1.1—Conduct research on new road standards for rural, suburban, and urban development and for upgrades to existing roads that access new development.***

Current road design standards are based on suburban development needs and don't match needs for rural and urban development that could occur in the TGAs. Current off-site road improvement requirements are cost prohibitive and ineffective. New cost-effective standards based on sound engineering that are legally defensible must be developed and imple-

mented to manage future growth in the TGAs.

***TGA Education & Outreach Policy 1.2—Continue research on rising levels of groundwater contaminants to identify sources and mitigation measures.***

On-going studies conducted by the County Water Quality Protection District have documented declining water tables and increasing levels of contaminants. That research has not conclusively determined causes and solutions to guide new policy on wastewater management in Helena Valley. This research will increase in importance as the Valley continues to suburbanize in the TGAs, which contain most areas with shallow groundwater.

***TGA Education & Outreach Policy 1.3—Explore options for better management of large community wastewater systems.***

Large community water and wastewater systems can be managed by private individuals, homeowner associations, Rural Improvement Districts, or Water & Sewer Districts. Monitoring of these systems that are major concerns for ground and surface water quality is inconsistent and enforcement is complaint based. More effective monitoring, management, and enforcement mechanisms are needed for this technology to continue to support major growth in Helena Valley.

**TGA Education & Outreach Policy 2.0—Work with the Tri-County FireSafe Working Group**

***TGA Education & Outreach Policy 2.1—Work with the Tri-County FireSafe Working Group and its local affiliates to integrate the growth management program with regional fire protection efforts.***

As indicated in Chapter 3, the Tri-County FireSafe Working Group has developed a network that continually informs the public in the Wildland Urban Interface about wildfire mitigation and survivable space around homes and partners with state and federal agencies involved in fire fighting. This network can provide critically important information on developing effective and appropriate fire-protection zoning in the WUI and Transitional Growth Areas. Their efforts to create a Fire-wise and FireSafe community would be greatly enhanced by full implementation of the Helena Valley Area Plan recommendations.

**TGA Education & Outreach Policy 3.0—Work with Stakeholder Groups**

***TGA Education & Outreach Policy 3.1—Work with HBIA, HAR, the Chamber of Commerce and other real estate and development organizations.***

The Helena Building Industry Association and Helena Association of Realtors have been particularly active participants throughout the process to update the County Growth Policy and develop this Helena Valley Area Plan. In addition to offering their insights on the problems and solutions related to planning for and accommodating future employment and population growth in the Valley, these groups have extensive networks of contacts within the community and can help communicate the need for change and the direction the proposed changes are heading.



# Chapter 6: Implementation Program & Schedule

## Urban Growth Areas

### Urban Growth Area Goals

1. Create an orderly and efficient land use pattern that facilitates the cost-effective expansion of public utilities in the Urban Growth Area.
2. Provide incentives for development at urban densities in the Urban Growth Area through public-private partnerships and streamlined development reviews.
3. Coordinate growth management strategies for the Urban Growth Area with the City of Helena.
4. Address any constraints to development present in the Urban Growth Area through zoning and other mechanisms.

### Urban Growth Area Infrastructure Improvements Actions

**UGA Infrastructure Improvement Policy 1.1—Prepare an infrastructure plan meeting requirements of 76-1-601 (4) (c).**

Responsible Party	Partners	Timeline
Community Development & Planning	City of Helena Public Works	Short Term (3 mo—6 mo)

**UGA Infrastructure Improvement Policy 1.2—Conduct an analysis of potential adverse impacts on resources and services in the Urban Standards Boundary and potential mechanisms to mitigate those impacts.**

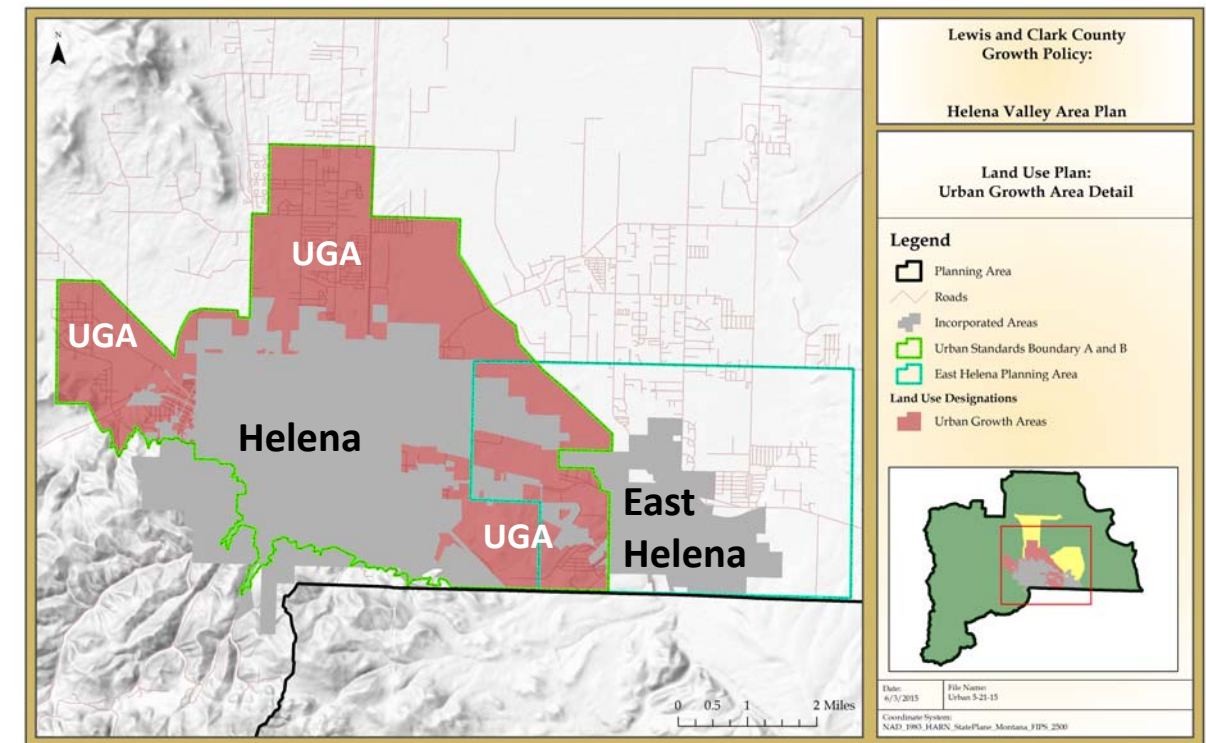
Responsible Party	Partners	Timeline
Community Development & Planning	Montana FW&P, DEQ, DNRC All County & City Departments	Short Term (3 mo—6 mo)

**UGA Infrastructure Improvement Policy 1.3—Prepare and adopt amendments to the County Growth Policy and Helena Valley Area Plan to incorporate the infrastructure plan and the plan for mitigation of adverse impacts on resources and services.**

Responsible Party	Partners	Timeline
Community Development & Planning	Planning Board	Short Term (3 mo—6 mo)

**UGA Infrastructure Improvement Policy 1.4—Create a water and sewer district to serve the Urban Growth Area.**

Responsible Party	Partners	Timeline
Community Development & Planning	Public Works County Administrator	Short Term (6 mo—1 yr)



**UGA Infrastructure Improvement Policy 1.5—Require a waiver of right to protest annexation as a condition of service connection.**

Responsible Party	Partners	Timeline
Water & Sewer District	Community Development & Planning	Short Term (6 mo—1 yr)

**UGA Infrastructure Improvement Policy 1.6—Require a waiver of right to protest annexation as a condition of subdivision approval.**

Responsible Party	Partners	Timeline
Community Development & Planning		Short Term (6 mo—1 yr)

**UGA Infrastructure Improvement Policy 1.7—Pursue public-private partnerships between developers, the County, the City, and existing neighborhoods to share the costs of utility extensions.**

Responsible Party	Partners	Timeline
County Administrator	City of Helena Community Development & Planning	Long Term (1 yr—10yrs)

**UGA Infrastructure Improvement Policy 2.1—Establish the Urban Growth Area as the top priority for funding any road or other transportation improvements and partner with the City and State to facilitate those improvements.**

Responsible Party	Partners	Timeline
County Administrator	Public Works Community Development & Planning	Ongoing



**UGA Infrastructure Improvement Policy 2.2—Eliminate or substantially modify the proportional share analysis and system of exactions for off-site traffic improvements.**

Responsible Party	Partners	Timeline
Community Development & Planning	Public Works County Legal	Short Term (6 mo—1 yr)

**UGA Infrastructure Improvement Policy 3.1—Work with the City of Helena, developers, and existing neighborhoods to extend public water services for fire protection throughout the Urban Growth Area through the infrastructure plan.**

Responsible Party	Partners	Timeline
Community Development & Planning	City of Helena Water and Sewer District	Long Term (1—10 yrs)

**UGA Infrastructure Improvement Policy 3.2—Require all project utilities in the Urban Growth Area to meet the public water system design standards of the City of Helena for fire protection services.**

Responsible Party	Partners	Timeline
Community Development & Planning	City of Helena	Short Term (6 mo—1 yr)

**UGA Infrastructure Improvement Policy 4.1—Implement the recommendations of the Valley Flood Mitigation Master Plan.**

Responsible Party	Partners	Timeline
Public Works	Valley Flood Committee FEMA & Helena Valley Irrigation District	Long Term (2 yrs—5 yrs)

## Urban Growth Area Density Controls

**UGA Density Control Policy 1.1—Adopt zoning that matches to the greatest extent possible adjacent zoning in the City of Helena and that follows their Growth Policy recommendations for the Urban Standards Boundary.**

Responsible Party	Partners	Timeline
Community Development & Planning	City of Helena Planning Board HBIA, HAR, & Chamber of Commerce	Short Term (6 mo—1 yr)

**UGA Density Control Policy 1.2—Adopt zoning for the Ten Mile Creek floodplain that addresses the development constraint of flooding in that area.**

Responsible Party	Partners	Timeline
Community Development & Planning	County Floodplain Administrator FEMA & Montana DNRC	Short Term (6 mo—1yr)

## Urban Growth Area Improved Performance Standards

**UGA Performance Standards Policy 1.1—Adopt engineering and design standards for urban development that closely match requirements of the City of Helena for similar development.**

Responsible Party	Partners	Timeline
Community Development & Planning	City of Helena	Short Term (6 mo—1 yr)

**UGA Performance Standards Policy 1.2—Adopt additional zoning and design standards identified in the study of impact mitigation for expedited subdivision review.**

Responsible Party	Partners	Timeline
Community Development & Planning	Montana FW&P, DNRC, & DEQ	Short Term (6 mo—1yr)

**UGA Performance Standards Policy 1.3—Evaluate the need to establish a building permit system.**

Responsible Party	Partners	Timeline
County Administrator	City of Helena Community Development & Planning Lewis & Clark Rural Fire Council	Ongoing

**UGA Performance Standards Policy 1.4—Overhaul the existing Part 1 zoning districts to make them consistent with the Growth Policy and efficient to administer, and/or convert them to Part 2 zoning.**

Responsible Party	Partners	Timeline
Community Development & Planning	Planning Board HBIA, HAR, & Chamber of Commerce	Mid Term (1 yr—2 yrs)

## Urban Growth Area Education and Outreach

**UGA Education & Outreach Policy 1.1—Conduct an analysis of potential adverse impacts on resources and services in the Urban Standards Boundary and potential mechanisms to mitigate those impacts.**

Responsible Party	Partners	Timeline
Community Development & Planning	Montana FW&P, DNRC, & DEQ All City & County Departments	Short Term (3 mo—6 mo)

**UGA Education & Outreach Policy 1.2—Develop a stormwater management plan for Helena Valley.**

Responsible Party	Partners	Timeline
Public Works	Community Development & Planning Montana DNRC & DEQ HBIA	Mid Term (1 yr—2 yrs)



**UGA Education & Outreach Policy 2.1—Seek input and guidance from City officials on preparing the infrastructure plan.**

Responsible Party	Partners	Timeline
Community Development & Planning	Public Works County Administrator	Short Term (3 mo—6 mo)

**UGA Education & Outreach Policy 2.2—Seek input and guidance from City officials on preparing zoning and design standards that are consistent with Helena’s regulations.**

Responsible Party	Partners	Timeline
Community Development & Planning	Planning Board HBIA, HAR, & Chamber	Short Term (3 mo—6 mo)

**UGA Education & Outreach Policy 2.3—Conduct joint City and County staff reviews of all development projects within the Urban Growth Area/Urban Standards Boundary.**

Responsible Party	Partners	Timeline
Community Development & Planning	City of Helena Planning Board	Ongoing

**UGA Education & Outreach Policy 3.1—Work with HBIA, HAR, the Chamber of Commerce and other real estate and development organizations.**

Responsible Party	Partners	Timeline
Community Development & Planning	City of Helena Planning Board	Ongoing

**UGA Education & Outreach Policy 3.2—Work with the Valley Flood Committee, DNRC, and FEMA.**

Responsible Party	Partners	Timeline
Public Works	County Administrator Community Development & Planning	Ongoing



# Rural Growth Areas

## Rural Growth Area Goals

1. Limit development densities per the constraints of water availability, road conditions, and rural fire protection.
2. Adopt rural design standards that reflect and work for the reduced development densities.
3. Develop public-private partnerships to improve roads and fire protection.
4. Provide flexibility with expedited cluster subdivision reviews and Planned Unit Developments that address the development constraints.

## Rural Growth Area Infrastructure Improvements

**RGA Infrastructure Improvement Policy 1.1—Develop a set of rural road standards and road improvement requirements.**

Responsible Party	Partners	Timeline
Public Works	Community Development & Planning County Legal	Mid Term (1 yr—2 yrs)

**RGA Infrastructure Improvement Policy 1.2—Develop public-private partnerships to improve rural roads.**

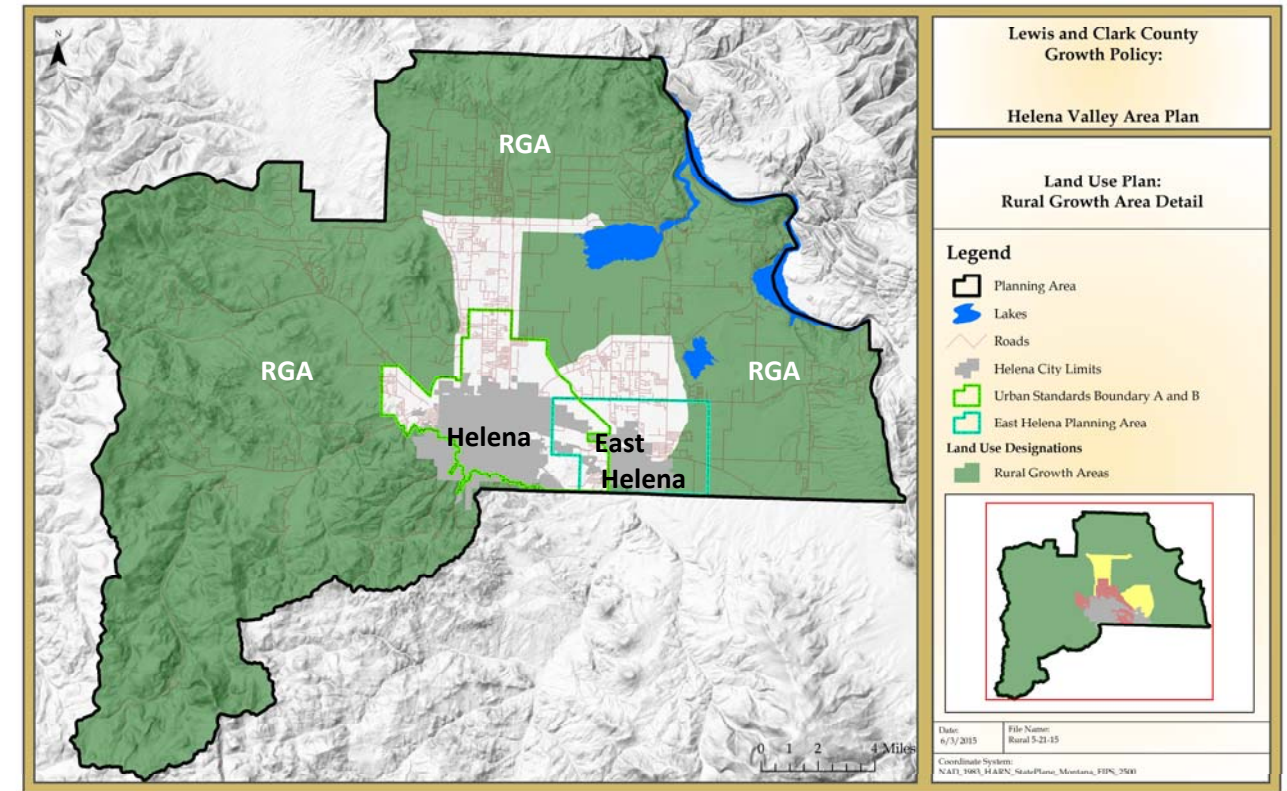
Responsible Party	Partners	Timeline
Public Works	Community Development & Planning	Long Term (1 yr—10yrs)

**RGA Infrastructure Improvement Policy 1.3—Eliminate or substantially modify the proportional share analysis for off-site road improvements.**

Responsible Party	Partners	Timeline
Community Development & Planning	Public Works County Legal	Mid Term (1 yr—2 yrs)

**RGA Infrastructure Improvement Policy 2.1—Develop a plan for regional water sources for fire protection.**

Responsible Party	Partners	Timeline
Lewis & Clark Rural Fire Council	Community Development & Planning Tri-County FireSafe Working Group	Mid Term (1yr—2 yrs)



**RGA Infrastructure Improvement Policy 2.2—Eliminate or modify the requirement for rural, low-density subdivisions to install expensive on-site water supply systems.**

Responsible Party	Partners	Timeline
Community Development & Planning	Lewis & Clark Rural Fire Council	Mid Term (1 yr—2 yrs)

## Rural Growth Area Density Controls

**RGA Density Control Policy 1.1—Adopt zoning that only limits development density.**

Responsible Party	Partners	Timeline
Community Development & Planning	Planning Board HBIA, HAR, & Chamber of Commerce	Mid Term (1 yr—2 yrs)

**RGA Density Control Policy 1.2—Adopt a larger minimum lot size for high hazard portions of the Wildland Urban Interface.**

Responsible Party	Partners	Timeline
Community Development & Planning	Lewis & Clark Rural Fire Council Tri-County FireSafe Working Group	Mid Term (1 yr—2yrs)





## Rural Growth Area Improved Performance Standards

**RGA Performance Standards Policy 1.1—Provide a cluster mechanism for rural subdivisions that will offer exemption from the requirements for environmental assessments, reviews for impacts on resources and services, and parkland dedication.**

Responsible Party	Partners	Timeline
Community Development & Planning	Planning Board HBIA, HAR, & Chamber of Commerce	Mid Term (1 yr—2 yrs)

**RGA Performance Standards Policy 1.2—Adopt design standards to address impacts on resources and services.**

Responsible Party	Partners	Timeline
Community Development & Planning	Montana FW&P, DNRC, DEQ Planning Board	Mid Term (1 yr—2 yrs)

**RGA Performance Standards Policy 1.3—Adopt a rural road level of service for access roads.**

Responsible Party	Partners	Timeline
Community Development & Planning	Public Works County Legal	Mid Term (1 yr—2 yrs)

**RGA Performance Standards Policy 1.4—Adopt an overlay zone for the Wildland Urban Interface (WUI) and other rural areas that applies to all development and includes enforceable measures to protect life and property.**

Responsible Party	Partners	Timeline
Community Development & Planning	Lewis & Clark Rural Fire Council Tri-County FireSafe Working Group	Mid Term (1 yr—2 yrs)

**RGA Performance Standards Policy 1.5—Provide for Planned Unit Development (PUD) approvals that combine master plan, rezoning, and subdivision approvals in a simultaneous approval process for projects that address the development constraints of water availability, road conditions, and rural fire protection.**

Responsible Party	Partners	Timeline
Community Development & Planning	Planning Board HBIA, HAR, & Chamber of Commerce	Mid Term (1 yr—2 yrs)

**RGA Performance Standards Policy 1.6—Require more extensive aquifer analysis in higher density subdivisions with private or community wells in bedrock & tertiary aquifers and phasing of projects with groundwater levels monitoring.**

Responsible Party	Partners	Timeline
Community Development & Planning	Water Quality Protection District Montana DEQ	Mid Term (1 yr—2 yrs)

**RGA Performance Standards Policy 1.7—Overhaul the existing Part 1 zoning districts to make them consistent with the Growth Policy and efficient to administer, and/or convert them to Part 2 zoning.**

Responsible Party	Partners	Timeline
Community Development & Planning	Planning Board HBIA, HAR, & Chamber of Commerce	Mid Term (2 yrs—3 yrs)

## Rural Growth Area Education and Outreach

**RGA Education & Outreach Policy 1.1—Conduct an analysis of potential adverse impacts on resources and services in cluster subdivisions and potential mechanisms to mitigate those impacts.**

Responsible Party	Partners	Timeline
Community Development & Planning	Montana FW&P, DNRC, & DEQ	Mid Term (1 yr—2 yrs)

**RGA Education & Outreach Policy 1.2—Research steps to becoming a Firewise Community through the National Fire Protection Association.**

Responsible Party	Partners	Timeline
Tri-County FireSafe Working Group	Community Development & Planning Lewis & Clark Rural Fire Council	Mid Term (1 yr—3 yrs)

**RGA Education & Outreach Policy 1.3—Conduct research on the condition of aquifers on the East Bench to identify parameters for effective groundwater withdrawals.**

Responsible Party	Partners	Timeline
Water Quality Protection District	Montana BM&G, DEQ, DNRC	Mid Term (1 yr—3 yrs)

**RGA Education & Outreach Policy 1.4—Conduct research on water conservation measures that can be implemented in cluster development and Planned Unit Development to ensure that groundwater resources are not depleted.**

Responsible Party	Partners	Timeline
Water Quality Protection District	Community Development & Planning Montana DNRC	Mid Term (1 yr—2 yrs)

**RGA Education & Outreach Policy 2.1—Work with the Lewis and Clark Rural Fire Council to integrate the rural growth management program with regional fire protection efforts.**

Responsible Party	Partners	Timeline
Community Development & Planning	Tri-County FireSafe Working Group	Mid Term (1 yr—2 yrs)

**RGA Education & Outreach Policy 3.1—Work with HBIA, HAR, the Chamber of Commerce and other real estate and development organizations.**

Responsible Party	Partners	Timeline
Community Development & Planning	Planning Board	Ongoing



# Transitional Growth Areas

## Transitional Growth Area Goals

1. Provide general suburban density that responds to the development constraints.
2. Limit development density on poor quality roads and in flood plains.
3. Adopt design standards that match the density of development.
4. Develop public-private partnerships to improve roads and fire protection.
5. Provide flexibility with Planned Unit Developments that address the development constraints.

## Transitional Growth Area Infrastructure Improvements

**TGA Infrastructure Improvement Policy 1.1**—Develop a set of rural road standards and road improvement requirements.

Responsible Party	Partners	Timeline
Community Development & Planning	Public Works County Legal	Mid Term (1 yr—2 yrs)

**TGA Infrastructure Improvement Policy 1.2**—Develop a new set of suburban and urban road standards and road improvement requirements.

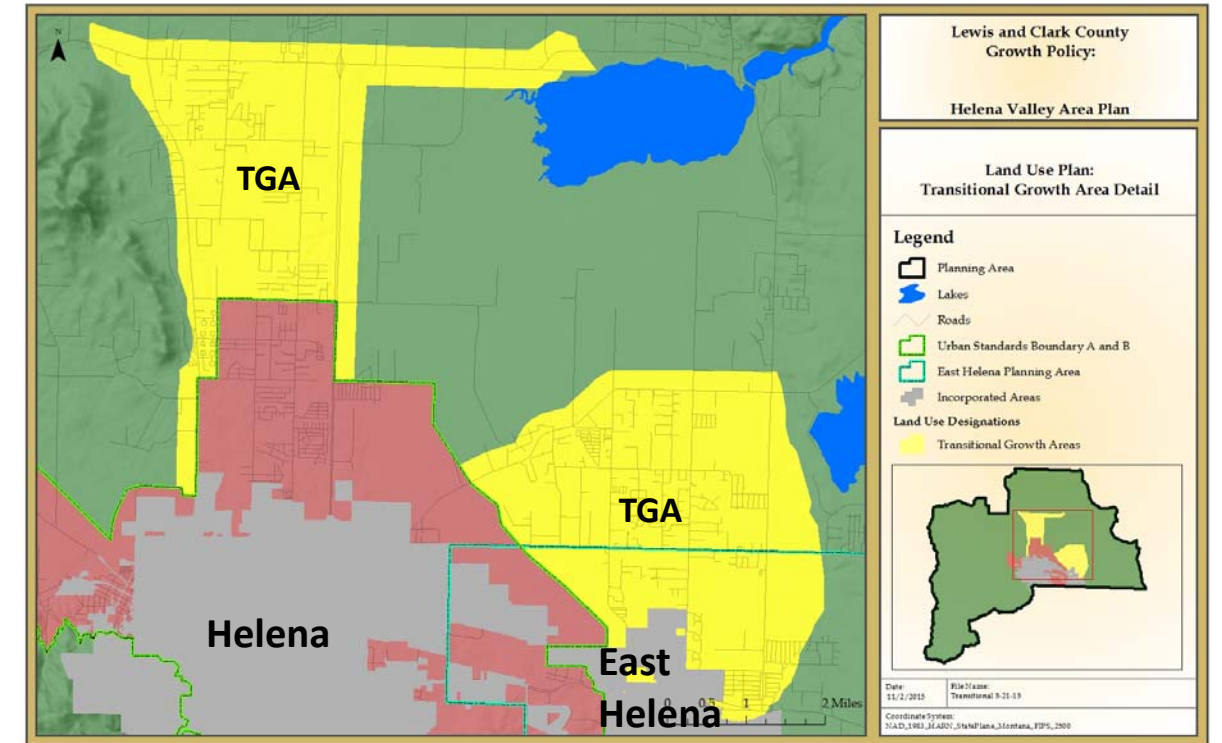
Responsible Party	Partners	Timeline
Community Development & Planning	Public Works County Legal	Mid Term (1 yr—2 yrs)

**TGA Infrastructure Improvement Policy 1.3**—Develop public-private partnerships to improve TGA roads.

Responsible Party	Partners	Timeline
Public Works	Community Development & Planning County Administrator	Long Term (2 yrs—10 yrs)

**TGA Performance Standards Policy 2.1**—Develop a plan for regional water sources for fire protection.

Responsible Party	Partners	Timeline
Lewis & Clark Rural Fire Council	Community Development & Planning Tri-County FireSafe Working Group	Mid Term (1 yr—2 yrs)



**TGA Infrastructure Improvement Policy 2.2**—Develop public-private partnerships to develop regional water sources for fire protection.

Responsible Party	Partners	Timeline
Lewis & Clark Rural Fire Council	Community Development & Planning County Administrator	Long Term (2 yrs—10 yrs)

## Transitional Growth Area Density Controls

**TGA Density Control Policy 1.1**—Adopt zoning that limits development density and has some land use controls.

Responsible Party	Partners	Timeline
Community Development & Planning	Planning Board HBIA, HAR, & Chamber of Commerce	Mid Term (1 yr—2 yrs)

**TGA Density Control Policy 1.2**—Adopt overlay zoning with larger minimum lot sizes in floodplain areas.

Responsible Party	Partners	Timeline
Community Development & Planning	County Floodplain Administrator FEMA & Montana DNRC	Mid—Term (1 yr—2 yrs)



## Transitional Growth Area Improved Performance Standards

**TGA Performance Standards Policy 1.1—Adopt and apply rural road design standards.**

Responsible Party	Partners	Timeline
Community Development & Planning	Public Works County Legal	Mid Term (1 yr—2 yrs)

**TGA Performance Standards Policy 1.2—Drop or substantially modify the requirement for traffic impact studies and proportional share calculations for rural density subdivisions.**

Responsible Party	Partners	Timeline
Community Development & Planning	Public Works County Legal	Mid Term (1 yr—2 yrs)

**TGA Performance Standards Policy 1.3— Adopt rural fire protection standards for low-density development.**

Responsible Party	Partners	Timeline
Community Development & Planning	Lewis & Clark Rural Fire Council Tri-County FireSafe Working Group	Mid Term (1 yr—2 yrs)

**TGA Performance Standards Policy 2.1—Provide for Planned Unit Development (PUD) approvals that combine master plan, rezoning, and subdivision approvals in a simultaneous approval process for projects that address the development constraints of road conditions and rural fire protection.**

Responsible Party	Partners	Timeline
Community Development & Planning	Planning Board HBIA, HAR, Chamber of Commerce	Mid Term (1 yr—2 yrs)

**TGA Performance Standards Policy 2.2—Retain the policy of requiring on-site water sources for fire protection, but improve the reliability and performance of such systems.**

Responsible Party	Partners	Timeline
Lewis & Clark Rural Fire Council	Community Development & Planning Tri-County FireSafe Working Group	Mid Term (1 yr—2 yrs)

**TGA Performance Standards Policy 3.1—Require urban street standards for high-density subdivisions.**

Responsible Party	Partners	Timeline
Community Development & Planning	Public Works	Mid Term (1 yr—2 yrs)

**TGA Performance Standards Policy 3.2—Improve the monitoring, maintenance, and enforcement of wastewater treatment rules for large non-municipal systems.**

Responsible Party	Partners	Timeline
County Environmental Health	Community Development & Planning Montana DEQ	Short Term (6 mo—1 yr)

**TGA Performance Standards Policy 3.3—Require water sources for high-density urban developments in Transitional Growth Areas to meet similar hydrant and flow rates as urban development in the UGA and/or protect such development through a combination of fire prevention/protection measures.**

Responsible Party	Partners	Timeline
Lewis & Clark Rural Fire Council	Community Development & Planning Tri-County FireSafe Working Group	Mid Term (1 yr—2 yrs)

**TGA Performance Standards Policy 4.1—Overhaul the existing Part 1 zoning districts to make them consistent with the Growth Policy and efficient to administer, and/or convert them to Part 2 zoning.**

Responsible Party	Partners	Timeline
Community Development & Planning	Planning Board HBIA, HAR, Chamber of Commerce	Mid Term (2 yr—3 yrs)

## Transitional Growth Area Education and Outreach

**TGA Education & Outreach Policy 1.1—Conduct research on new road standards for rural, suburban, and urban development and for upgrades to existing roads that access new development.**

Responsible Party	Partners	Timeline
Community Development & Planning	Public Works County Legal	Short Term (6 mo—1 yr)

**TGA Education & Outreach Policy 1.2—Continue research on rising levels of groundwater contaminants to identify sources and mitigation measures.**

Responsible Party	Partners	Timeline
Water Quality Protection District	County Environmental Health Community Development & Planning	Ongoing

**TGA Education & Outreach Policy 1.3—Explore options for better management of large community wastewater systems.**

Responsible Party	Partners	Timeline
County Environmental Health	Community Development & Planning Montana DEQ	Short Term (6 mo—1 yr)

**TGA Education & Outreach Policy 2.1—Work with the Lewis and Clark Rural Fire Council to integrate the growth management program with regional fire protection efforts.**

Responsible Party	Partners	Timeline
Community Development & Planning	Tri-County FireSafe Working Group	Ongoing

**TGA Education & Outreach Policy 3.1—Work with HBIA, HAR, the Chamber of Commerce and other real estate and development organizations.**

Responsible Party	Partners	Timeline
Community Development & Planning	Planning Board	Ongoing

