

*Lewis and Clark County:*  
**GROWTH POLICY**

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Volume I:

**Executive Summary**

Prepared By:

Lewis and Clark County Planning Department  
City-County Building  
316 North Park  
PO Box 1725  
Helena, MT 59624  
(406) 447-8374

# ACKNOWLEDGEMENTS

The following past and present members of the Helena/Lewis and Clark County Consolidated Planning Board collectively donated hundreds of hours of their own time reviewing this revised Growth Policy, discussing changes, and attending public meetings. Their thoughtful and generous efforts are much appreciated--thank you!

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Ed Tinsley  
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## PREFACE

This is Volume I of the revised draft Lewis and Clark County Growth Policy, a stand-alone executive summary that is 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.

The Montana Codes Annotated (MCA) authorizes local governments to adopt a Growth Policy under section 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 shorter-range planning.

Because of changes in state statute and the general nature of the document, individual subdivision applications will not be evaluated based on compliance with this Growth Policy. One of the main implementation tools for the Growth Policy are the County Subdivision regulations, which—according to state statute—must be in accordance with this document. The subdivision regulations are currently in the process of being revised in light of proposed changes to the Growth Policy, and will be available for public review in 2004.

Lewis and Clark County adopted its first Comprehensive Plan in 1983, portions of which were updated in 1989. The focus of that Plan was the Helena Valley area, but sections on the rural areas were also included. In 1996, the Board of County Commissioners adopted a more specific area plan for Lincoln and the Upper Blackfoot Valley; this was initiated in response to a major open pit gold mine proposed in the vicinity. The County began the process of updating the Comprehensive Plan in 1997, and established more specific area plans for the rural portions of the County listed below:

- Augusta
- Wolf Creek-Craig
- Canyon Creek-Marysville
- Canyon Ferry-York
- The Helena Valley

The starting point for these revisions to the Growth Policy is the document adopted by the County in December 2000, after extensive public involvement. The composition of the Commission changed as a result of elections held in November 2000, and the reconstituted body that took office in January 2001 voted to take a fresh look at the recently adopted Growth Policy.

The Lewis and Clark County Planning Board held a public hearing on the proposed changes in February 2003, following open houses in Craig, Canyon Creek, York, and the Helena Valley. After their public hearing, the Planning Board passed their suggested changes on to the Board of County Commissioners (BOCC).

The BOCC reviewed the Planning Board's recommendations and held public hearings of their own on the document in Lincoln, Augusta, and Helena in December 2003. After considering public comment and incorporating a number of relatively minor changes into the October 15, 2003 review draft, the BOCC adopted the revised document at their hearing on December 23, 2003; this document reflects those revisions.

If after reading the executive summary (volume I) you are interested in looking at the full Growth Policy, the document and accompanying maps can be accessed at the Lewis and Clark County web site ([www.co.lewis-clark.mt.us](http://www.co.lewis-clark.mt.us)), or can be viewed at the Lewis and Clark County Planning Department. The full Growth Policy is divided into two volumes, as listed below:

- Volume II contains the following topical elements of the Growth Policy: demographics and economics; land use; housing; natural environment; transportation; and implementation strategies. This document includes the main directional elements included in the executive summary, plus all the background information.
- Volume III contains the Capital Facilities Plan (CFP), which is part of the Growth Policy, but different enough from the other elements so that it has been packaged as a stand-alone document. The Commission and Planning Board made no substantive changes to this volume, although there have been some organizational changes. The intent is to update the CFP between 2004 and 2006.

Questions about these documents may be addressed to the following:

*Lewis and Clark County Planning Department  
City-County Building  
316 North Park  
P.O. Box 1725  
Helena, MT 59624  
(406) 447-8374*



# I: COUNTY-WIDE GOALS AND POLICIES

This chapter contains a summary of the county-wide planning direction in the Growth Policy. The main topical areas covered here include the following: land use; natural environment; housing; economic development; transportation; utilities, and; public safety and emergency services. Each of these topics is discussed in more detail later in the full Growth Policy.

It is important to note that implementation of the Growth Policy and the following goals and policies are dependent on the availability of limited funding and staff. Additionally, County priorities as adopted by the Commission necessarily will change over time, as circumstances change. Implementation of recommendations is contingent on approval by the County Commission; implementation steps must be in compliance with this Growth Policy.

## Land Use

### Introduction/Purposes

It is generally understood that land, and the various uses put to it, is what drives our economy. We grow food with land, harvest trees from it, recreate on it, and build our homes and businesses on it. How land is used is a chief ingredient in our community character. But what goes largely unnoticed is that growth and land development--when not managed or planned thoughtfully--may carry significant costs affecting not only a developer or builder, but surrounding land users, the broader community, and the natural and cultural environment.

Additionally, once land is developed, an on-going financial responsibility results for the entire taxpaying public. Roads, water and sewer systems, police and fire protection and other services all have costs which must be considered when designating land for development. Since public and private fiscal resources are limited, it only makes sense to think carefully about the long-term effects of our land use decisions. With careful planning, the substantial investment which is often necessary to serve land is better secured and protected.

Defining how our various lands can and should be used provides predictability for individuals and businesses making long-term decisions. More importantly, the public costs associated with serving these lands can be minimized, and the qualities that make many of them unique preserved. Furthermore, public costs associated with serving these lands can be minimized, and the qualities that make many of them unique preserved.

Public comments reflected a recurring concern throughout the process of developing the County Growth Policy regarding a lack of land use predictability. Many commented they feel they have no say in the land use changes going on around them. In recent years, the subdivision process has generated on-going conflict over proposed changes in land uses and densities: Examples include low density neighborhoods versus high density residential development, farmers and ranchers opposing residential subdivisions near their operations, and homeowners resisting commercial or industrial development in or near their residential neighborhoods.

Property owners are often surprised that subdivision regulations provide little or no protection against what they see as the intrusion of incompatible land uses into their neighborhoods. Likewise, developers are frustrated that there appears to be so little consensus on the types of development that are appropriate or acceptable for areas of the county.

Nationally, and under Montana law, the appropriate legal tool for determining appropriate land uses for areas of the community and for regulating changes in land use is zoning. Zoning was developed approximately a hundred years ago to protect residential areas and property values from negative impacts from uses considered undesirable or incompatible. Since its origins, zoning has evolved into a more flexible tool that can be tailored to achieve particular goals. For example, it can be used not only in its traditional role of demarcating general types of land use zones, but it can also identify uses that would be acceptable only if they meet certain conditions. Zoning can be used to establish general performance standards for various types of development, or overall density of development, with or without specifying particular land uses for geographic areas. It can also be used to help preserve open space or prime agricultural land.

Residents of several areas of Lewis and Clark County have asked for the County's assistance in developing zoning regulations to provide them protection from types of development they see as incompatible or inappropriate for their neighborhoods. A related concern regarding "predictability" has been raised by both developers and homeowners. The desire is that the County provide better guidance on where future growth should or should not be directed (e.g., which areas of the County are most suitable for development as well as least suitable due to issues such as water quality and availability, soils, earthquake or liquefaction prone areas, floodplains, seasonal high groundwater, and wildland urban-interface areas.) Many commented that areas with development constraints should be more clearly mapped or otherwise identified so that developers and prospective homebuilders or homebuyers know where the problem areas are and avoid them.

## **Summary of Key Trends and Facts: Land Use**

- The Helena Valley is the primary population center and economic hub for Lewis and Clark County, and northern Jefferson and Broadwater Counties. The Valley continues to encompass the largest percentage of County population and growth. The majority of the growth is occurring in unincorporated areas within the Valley.
- The number of parcels created through subdivision review has increased substantially in Lewis and Clark County since the 1980s. In 1986, for example, 94 lots were granted through subdivision review (via either preliminary or final plat approval) in the County. By 2002, that number increased to 685. Additionally, unreviewed land divisions have added to this total.
- The Helena Valley Irrigation District (HVID) irrigates approximately 15,000 acres of cropland in the Helena Valley and Spokane Bench (HVID, 2003). The Helena Valley's irrigated haylands, in particular, are an important agricultural resource for Lewis and Clark County. Additionally, a significant portion the recharge of the Helena Valley aquifer is locally attributable to the operation of the irrigation system (U.S. Geological Survey—USGS, 2000).
- Agricultural operations in the Helena Valley (and the County as a whole) are relatively small in nature, with many operators working second jobs in nearby towns and cities.
- The amount of land being utilized for agriculture in Lewis and Clark County is expected to decrease as residential development continues. The majority of the growth and development in the County is occurring in the Helena Valley. According to the most recent Montana Census of Agriculture, the amount of acreage in farms in Lewis and Clark County decreased 7 percent between 1992 to 1997, from 883,479 acres to 822,066 acres. The average farm size in the County decreased 19 percent during the same period, from 2,017 acres to 1,638, while the number of full-time farms actually increased from 207 in 1992 to 211 in 1997. (Source: USDA, Montana Agricultural Statistics Service, 1997. Note: The Montana Census of Agriculture is conducted every five years, and was repeated in 2002, but the results were not available at this writing.)
- A majority of the residential lots located outside the City of Helena are served by individual wells and on-site wastewater treatment systems. According to the City-County Environmental Health Department (2003), since the inception of the County Wastewater Treatment Regulations, approximately 5,100 on-site wastewater treatment systems have been permitted and completed within the Helena Valley planning area.

- Groundwater in the Helena area is the sole source of drinking water for more than 27,000 people, approximately 55 percent of the population. The Helena Valley alluvial aquifer provides water through approximately 5,600 domestic wells and 71 public water supplies (Lewis and Clark Co. Water Quality Protection District and MT Bureau of Mines and Geology, 2003).
- In the past 15 years, Lewis and Clark County has witnessed a number of wildfires that have destroyed property and affected wildlife habitat, scenic resources, and air quality. In 2003, for example, two major fires threatened the area around Lincoln. High fire hazard areas around Helena exist in several places, including the South Hills, the Scratchgravel Hills, the North Hills, and the Spokane Hills.

## **Issues, Goals, and Policies**

**ISSUE A      Development is affecting the rural character of Lewis and Clark County.**

**Goal 1**      Maintain the opportunity for a rural lifestyle.

**Policy 1.1**    Encourage low-density residential, agricultural, and forestry-related rural development outside the urban and transitional areas.

**Policy 1.2**    Level of Service/Design Standards shall reflect the goals and policies of the Growth Policy.

**Goal 2**      Support the continuation of farming and ranching operations.

**Policy 2.1**    Establish review procedures for land uses that may be especially sensitive to locations near existing agricultural activities (e.g., schools, day care facilities, hospitals, medical clinics, outdoor recreational facilities, etc.).

**Policy 2.2**    When considering the proposed subdivision of agricultural lands, minimize potential land use conflicts or adverse impacts that may be detrimental to adjacent agricultural operations.

**Policy 2.3**    Guide appropriate growth to less productive agricultural lands or nonproductive lands that are suitable for development.

**Policy 2.4**    Evaluate rural, agricultural, or open space zoning as a tool for limiting non-agricultural development to densities and development patterns that are consistent with the continuation of agriculture, and the desires of the affected planning areas or neighborhoods.

- Policy 2.5** Encourage the purchase of conservation easements by private non-profit land trusts or other entities to retain agricultural lands in production.
- Policy 2.6** Encourage in-fill development of urban and transitional areas already committed to development, where community facilities and services can be provided cost effectively in order to reduce development pressure on agricultural lands.
- Policy 2.7** Support federal or state agricultural policies that help maintain the viability of agriculture.
- Policy 2.8** Encourage agricultural land owners considering land subdivision to develop the least agriculturally viable portion of their properties, such as grazing land or non-irrigated cropland.
- Policy 2.9** Create incentives for cluster development where the majority of the land would remain undeveloped and in agricultural production.
- Policy 2.10** Convene a task force to study ways to effectively retain agricultural lands in production and provide landowners options for a reasonable financial return.
- ISSUE B** **Some property owners perceive they have no control over the quality and character of development occurring around them. Some developers believe there is no predictability or community consensus on where development should take place, or the types of development that are appropriate.**
- Goal 3** Provide more predictability for property owners and the development community regarding appropriate changes in land use by directing growth to areas most suitable for development, and by developing standards that allow county residents to more effectively manage change within the affected planning area.
- Policy 3.1** Inform developers and prospective homebuilders or homebuyers (through maps or other means) about areas of the county that are most suitable for development and those which are least suitable because of development constraints.
- Policy 3.2** Guide growth to urban and transitional lands or nonproductive lands that are suitable for development.
- Policy 3.3** Adopt minimum countywide development standards to address general land use concerns (e.g., compatibility with adjacent land uses, site suitability, access and traffic generation, road construction, lighting or noise, etc.).

- Policy 3.4** Assist interested planning areas or neighborhoods in developing appropriate development standards or zoning regulations consistent with local objectives. Establish minimum requirements for neighborhood plans that can be used as templates.

## **Natural Environment**

### **Introduction/Purpose**

Lewis and Clark County recognizes that the condition of the natural environment and the health and quality of life enjoyed by the citizens of the County are integrally linked. Assuring that development does not occur in areas prone to natural disasters or areas with serious constraints is important. Preservation of natural resources--while managing economic and population growth--presents a challenge to the citizens of Lewis and Clark County. Noxious weeds also continue to threaten agricultural lands and natural vegetation, and have become an important issue in the County and elsewhere in Montana.

### **Summary of Key Trends and Facts: Natural Environment**

- A U.S. Geological Survey study (1992) identified areas of recharge for the Valley aquifer. Inflow from bedrock aquifers accounts for 46 percent of Valley recharge, irrigation water infiltration accounts for 31 percent, infiltration from streams contributes 15 percent, and leakage from the Helena Valley irrigation canal accounts for 8 percent. The study describes the valley-fill aquifer system as being "relatively susceptible to potential contamination from surface and near-surface sources."
- Preliminary results of groundwater sampling conducted by the Water Quality Protection District in 2001 and 2002 demonstrate higher nitrate concentrations in shallow groundwater and decreasing concentration with depth.
- Many of the soil types of the Valley and other alluvial aquifers are mapped by the Natural Resource Conservation Service as being severely limited for on-site wastewater treatment systems. This severe ranking is derived from the coarse porous nature of the soils, shallow groundwater, and the wetness of the soils.
- Lewis and Clark County does not have a complete inventory of the number, type, and condition of on-site wastewater systems in the Helena Valley. Many of the on-site wastewater systems were installed prior to 1973, and a large number were installed prior to the adoption of the State minimum standards. Many older systems

are in poor condition and malfunctioning; they may have had little or no maintenance, and may be contributing to groundwater degradation of the valley aquifer.

- According to a survey of homeowners in the Helena Valley, Colorado Gulch, Wolf Creek, and Craig, 63 percent of the residences indicated that their septic tank had been installed or pumped within the last three years. Taking a slightly longer time-frame, 73 percent said their systems had been installed or pumped within the last five years. Lewis and Clark County recommends that tanks be pumped every three years; the EPA recommendation is three to five years (Lewis and Clark County Environmental Health Division, 2002).
- In August 2002, the Department of Natural Resources and Conservation (DNRC) responded to a petition by designating a temporary controlled groundwater area (CGA) for the North Hills, along the edge of the Helena Valley. According to the DNRC proposal for decision, “the evidence shows the public health, safety, or welfare of the groundwater users in the proposed CGA is of concern because of declining water levels and increasing nitrate levels. However, facts are insufficient at this time to require permanent corrective controls to be adopted on this basis.”
- The Montana Natural Heritage Program identified twenty-three plant species and three plant associations that are considered to be rare or vulnerable to extinction in Lewis and Clark County. Most of the identified species are associated with wetlands or transitional wetland areas.
- Lewis and Clark County provides abundant and varied habitat for a large number of wildlife species. According to the Montana Natural Heritage Program, approximately 22 species of fish, six species of amphibians, eight species of reptiles, 286 species of birds, and 61 species of mammals utilize portions of the County for permanent or migratory habitat.
- Noxious weeds have infested Lewis and Clark County and the rest of Montana for decades, but the problem has grown in severity; statewide, they now infest approximately eight million acres. Some of the negative impacts of noxious weeds include degradation and loss of wildlife habitat and species diversity, decreases in property values, declines in agricultural productivity, and possible water quality/quality degradation.
- Currently Lewis and Clark County has two sites listed on the Environmental Protection Agency’s (EPA) National Priority List (NPL). The listed sites are the East Helena Smelter and the Upper Tenmile Creek Watershed. The NPL is a published list of hazardous waste sites in the U.S. eligible for extensive, long term, cleanup under the EPA's Superfund Program.

- In 1991, the EPA and ASARCO signed an Administrative Order of Consent to begin a residential soil removal in East Helena. Since 1991, the removal action has resulted in the clean-up of at least 518 residential yards, 421 sections of adjacent alleys and road aprons, 32 commercial sites, 6 public parks, 4 parking lots, 3 day-care centers, 2 schools, 6,600 linear feet of irrigation ditch, and a 45 acre site for the proposed K and R residential subdivision (Lewis and Clark County Health Dept., 2002).
- Today the Upper Tenmile Creek area consists of abandoned and inactive hard rock mines that produced gold, lead, zinc, and copper from the 1870s to the 1920s. Today the water quality in the Upper Tenmile watershed has been degraded by the historic mining operations. The remains of many of the historic mines contain trace metals known to be hazardous to human health and the environment. Coordinated by the EPA, reclamation in the area has started.

## **Issues, Goals, and Policies**

**ISSUE A**     **Development in environmentally critical areas, particularly in places identified at high risk for flooding or wildfires, has proven costly for residents, local government, and the natural environment.**

**Goal 1**        Encourage development in areas with few environmental hazards or development constraints to minimize degradation of the natural environment, and the loss of capital investment and life due to natural disasters.

**Policy 1.1**    Encourage development in areas that are relatively free of environmental problems (e.g., soils, slope, bedrock, high water table, and flood prone areas).

**Policy 1.2**    Discourage or prevent development that is incompatible with the designated 100-year floodplain. Prohibit development in designated floodways.

**Policy 1.3**    Prevent increased storm water runoff from new development from adversely impacting other properties.

**Policy 1.4**    Preserve existing natural drainages.

**Policy 1.5**    Preserve hazardous areas (e.g., subject to geologic and flood hazards) as open space wherever possible.



- Policy 1.6** Systematically reduce the existing level of storm water damage. Diminish exposure of people and property to storm water runoff, and reduce flood hazard.
- Policy 1.7** Improve the usefulness of flood-prone lands as active and passive recreational areas.
- Policy 1.8** Develop residential and commercial setback requirements along streams, rivers, lakes, and reservoirs to preserve water quality and other natural resources, viewsheds, and recreational uses.
- Policy 1.9** Discourage development within areas designated by the Tri-County Fire Working Group as "High to Severe" to "Severe" fire hazard risk, unless developed in a manner consistent with the "Fire Protection Guidelines for Wildland Residential Interface Development," and the design standards in the Lewis and Clark County Subdivision Regulations.
- Policy 2.0** Examine the cumulative effects of development on flood plains, flood ways, levels of flood activity, and potential property damage.
- ISSUE B** **Groundwater and surface water quality are threatened and need to be protected.**
- Goal 2** Preserve, protect, and improve water quantity and quality in Lewis and Clark County.
- Policy 2.1** Discourage development with on-site wastewater treatment systems in areas having inappropriate soils or high groundwater to help prevent contamination of groundwater supplies.
- Policy 2.2** Encourage feedlots and other intensive livestock operations to locate in areas with low potential for ground and surface water contamination.
- Policy 2.3** Conduct water quality protection projects for high priority threats to Lewis and Clark County water resources.
- Policy 2.4** Improve water quality by minimizing erosion and sedimentation problems. Promote best management practices for timber harvests, road, bridge, and building construction to avoid water pollution, soil erosion, and the spread of noxious weeds.
- Policy 2.5** Assess stormwater runoff diversion and collection systems for efficiency, impacts to natural systems, and flood prevention.

- Policy 2.6** Encourage development of wellhead protection zones in areas of existing or proposed source water use.
- Policy 2.7** Provide education regarding the source and distribution of water supplies, potential threats to the quality and quantity of drinking water, and pollution prevention methods.
- Policy 2.8** Coordinate watershed user groups to develop sound watershed management recommendations.
- Policy 2.9** Support the Water Quality Protection District in its efforts to carry out programs that further the intentions of this goal, including the identification and evaluation of existing groundwater issues and alternatives.
- Policy 2.10** Consider the interrelationship between surface water and groundwater in subdivisions, by requiring the identification of areas of recharge and discharge around new development occurring in the Helena Valley, and elsewhere whenever economically feasible.
- Policy 2.11** Implement a wastewater maintenance program (see implementation plans).
- Policy 2.12** Define the role on-site wastewater treatment systems play in groundwater and surface water interactions by performing an inventory of septic systems, and monitoring their impacts on water resources.
- Policy 2.13** Recognize the important role played by wetlands in watersheds regarding groundwater recharge, water storage, flood abatement, and water quality.
- Policy 2.14** Review the Helena Area Wastewater Treatment Facility Plan (HAWT), prioritizing and implementing realistic strategies.
- ISSUE C**    **The quality of the County’s wildlife habitat and open space may be threatened by development.**
- Goal 3**        Maintain the quality of the County’s critical wildlife habitat, wetlands, and open space.
- Policy 3.1**    Identify and protect the natural wetland buffers along the County’s rivers, lakes and streams.
- Policy 3.2**    Identify and encourage preservation of critical wildlife habitat.

**ISSUE D    The character and quality of Missouri River Corridor is impacted by increased development and recreational pressure.**

**Goal 4**        Preserve, improve and protect the Missouri River Corridor.

**Policy 4.1**    Work cooperatively with local watershed groups, conservation districts, private landowners, and other entities involved with Missouri River issues.

**ISSUE E:    Wetlands are critical areas that affect water quality, wildlife, and community aesthetics.**

**Goal 5**        Preserve existing wetlands within the County, and restore historic wetlands where possible.

**Policy 5.1**    Prohibit construction activities within delineated wetlands.

**Policy 5.2**    Encourage subdivisions and other projects to avoid or reduce loss of wetland functions.

**Policy 5.3**    Provide incentives to avoid impacts to wetlands.

**Policy 5.4**    Develop effective land use controls to protect wetlands.

**Policy 5.5**    Identify the location of historic wetlands. Work with landowners, developers, agencies and organizations to develop projects to restore historic wetlands.

**Policy 5.6**    Integrate wetland conservation with other resources such as floodplains, groundwater, streams, and lakes.

**Policy 5.7**    Adopt a wetlands rating system to reflect the relative function and value of wetlands in Lewis and Clark County.

**Policy 5.8**    Continue to support the Helena Wetlands Partnership or similar efforts in identifying, inventorying, and mapping wetlands throughout Lewis and Clark County.

**Policy 5.9**    Work with agencies or land trust organizations to obtain conservation easements that protect wetlands and riparian areas.

**ISSUE F    Noxious weeds continue to threaten agricultural lands and natural vegetation.**

**Goal 6** Work cooperatively to reduce the impact of noxious weeds in the County.

**Policy 6.1** Efficiently spend limited weed management funds according to an established set of priorities (see implementation plans).

**Policy 6.2** Enhance the County's enforcement mechanism for weed violations, to promote good weed management.

**ISSUE G** **Prehistoric and historic resources are critical features that affect our understanding of and connection to the land.**

**Goal 7** Encourage protection of historic and prehistoric resources.

**Policy 7.1** Inventory historic and prehistoric resources.

**Policy 7.2** Consider the effect of development on historic and prehistoric resources.

**Policy 7.3** Provide for the protection of historic and prehistoric resources with reasonable mitigation, including education about these resources.

**Policy 7.4** Encourage transportation improvements that are compatible with cultural resources.

## Housing

### **Introduction/Purposes**

Lewis and Clark County recognizes that obtaining adequate and affordable housing choices are essential for all county residents. There is a continuing need for a diversity in the type, density, and location of housing within the County while protecting public health, safety, and quality of life.

### **Summary of Key Trends and Facts: Housing**

- The housing stock in the County has increased considerably during the past 30 years, more than doubling between 1970 and 2000. During this period, the most rapid growth in housing occurred during the 1970s, when 6,212 housing units were built in the County, an increase of 50 percent. As the economy slowed during the 1980s, the growth in new housing decreased considerably, before rising again during the 1990s (U.S. Census Bureau, 2002).

- The housing stock in Lewis and Clark County is slightly newer than that in Montana as a whole (U.S. Census Bureau, 2002).
- Average household size in Lewis and Clark County has shrunk from 2.96 persons per household in 1970 to 2.38 in 2000. This reduction of household size is in keeping with long-range national trends during the same period. Some of the factors contributing to this decline include families having fewer children, an increase in single parent households, and people living longer (U.S. Census Bureau, 2002).
- According to 2000 census data, nearly 66 percent of the total households in Lewis and Clark County were composed of families; 32 percent of all households had children under 18 years of age in the dwelling. Approximately 29 percent of the households in the County were composed of an individual living alone (U.S. Census Bureau, 2002).
- In 2000, approximately 70 percent of the Lewis and Clark County population lived in owner-occupied dwellings, with the other 30 percent living in rental properties. The percentage of ownership has declined by 4 percent since 1990 (U.S. Census Bureau, 2002).
- According to 2000 Census data, the vacancy rate for owner-occupied property in the County was 1.5 percent, compared to 5.8 percent for rental housing units (U.S. Census Bureau, 2002).
- Across the State of Montana, a major concern for many residents is the lack of affordable housing. It is becoming increasingly difficult for the average citizen to purchase a new home. Housing is typically deemed affordable if either the monthly rent, or mortgage, principle and interest, is no more than 30 percent of a household's monthly income (U.S. Dept. of Housing and Urban Development, 2003).
- According to the 1996 Lewis and Clark County Housing Needs Assessment, low income households could afford to purchase a home for no more than \$75,000, assuming a 30 year mortgage at an 8 percent interest rate. The maximum affordable home purchase price for moderate-income households was \$93,000. As a point of comparison, the cost of single-family housing increased in the Helena area from \$85,605 in 1993 to \$117,140 in 1998. During the same period, the average cost of mobile homes nearly doubled, rising from \$22,929 to \$37,724. In general, the Helena area, in particular, has a shortage of homes in the \$60,000 to \$100,000 price range (data from City of Helena Growth Policy).
- Often, the private housing market does not provide adequate affordable housing for low to moderate-income groups without some type of subsidy or incentive. For

many years, the County has worked with other organizations to help provide housing for low and moderate-income families. However, housing costs have risen faster than incomes during the last decade, contributing to the on-going challenge of securing adequate housing for all income groups.

- The senior population is a significant and growing presence in Lewis and Clark County, resulting in an important housing issue. This group has needs that are different from the rest of the population. Twenty percent of the households in the 2000 census included at least one individual 65 years of age or older. People 60 years and older made up 15.7 percent of the population, a figure that has been increasing in recent decades as the population ages (U.S. Census Bureau, 2002).
- Resources to meet the housing needs are fairly limited in Lewis and Clark County. To some degree, this is a reflection of national trends, as Federal funding for housing was substantially reduced during the 1980s. However, the County is now in a strategic position to access grants and develop targeted programs to meet housing needs, with the completion of the County-wide needs assessment and this Growth Policy.

## **Issues, Goals, and Policies**

### **ISSUE A Not all county residents can afford market rate housing.**

**Goal 1** All residents should have the opportunity to obtain safe, sanitary, and affordable housing.

**Policy 1.1** Work to maintain adequate and diverse housing opportunities for all income levels.

**Policy 1.2** Consider the locational needs of various types of housing with regard to proximity of employment, and access to transportation and services.

**Policy 1.3** Work to disperse affordable housing throughout the County.

**Policy 1.4** Participate in periodic analyses to determine immediate and long-range affordable housing needs.

**Policy 1.5** Study and consider innovative housing programs to reduce dependency on subsidized housing.

**Policy 1.6** Group homes, foster care facilities, and facilities for other special populations, should be equitably distributed throughout the county.

**Policy 1.7** Encourage preservation, rehabilitation, and redevelopment of existing housing, with special attention to historic structures and historic areas.

**Policy 1.8** Encourage compatible mixed-use development.

**Policy 1.9** Participate in periodic inventories of housing conditions in unincorporated areas.

**Policy 1.10** Develop programs, as funding allows, to access available public/private funding for affordable housing and related infrastructure.

## **Economic Development**

### **Introduction/Purpose**

A healthy economy is essential to Lewis and Clark County's vitality and quality of life. A thriving economy provides jobs and a tax base to support basic infrastructure, schools, parks, public safety, and other public facilities and services.

While the County's natural setting sets the stage and determines the parameters within which economic development may take place, virtually every other feature of community life stems from the area's economic health. The County should attempt to encourage existing businesses and attract new ones by providing assistance through appropriate local, state, and federal programs. It is worth emphasizing that the scenic, natural, and cultural amenities present in Lewis and Clark County contribute to the local quality of life, and are an important incentive for attracting and retaining businesses.

### **Summary of Key Trends and Facts: Demographics and Economics**

(Note: All the information below is taken directly from the full Growth Policy, most of which is derived from the U.S. Census.)

- According to the most recent U.S. Census (2000), the County's population was 55,716 persons in 2000, more than double the population in 1950 (24,540). The rate of population growth in the County—like the Valley--has fluctuated significantly over the years, varying with the economy and other factors, as listed below:
  - 1950s: 14 percent increase
  - 1960s: 19 percent increase
  - 1970s: 29 percent increase

- 1980s: 10 percent increase
- 1990s: 17 percent increase
  
- The projected 2010 population for the County is 63,316, up from 55,716 in 2000 census, a 14 percent increase.
  
- From 1970 to 2000, the population growth rate in unincorporated portions of Lewis and Clark County (outside of Helena and East Helena) was the highest of any unincorporated area in Montana, at 218 percent.
  
- Recent increases in County population are primarily attributed to a net increase in migration (for employment purposes) of persons between the ages of 35 and 55, as well as retirees age 65 and older. The long-range trend in the County is an aging population, with a number of important implications for the workforce, healthcare system, and other areas of life.
  
- Approximately half of the adults in Lewis and Clark County have received some training beyond high school, and more than 30 percent of the population has attained a college or technical degree.
  
- Females comprise a larger share of the workforce than in the past decade, but continue to hold jobs paying less than males. The County's economy is predominantly based on the government and service sectors.
  
- Per capita income in Lewis and Clark County as a percentage of the national figures decreased significantly in the period between 1970-2000, but remains higher than in Montana as a whole.
  
- Unemployment in Lewis and Clark County has consistently remained lower than that in Montana and the United States as a whole, primarily because of government jobs.
  
- During the past three decades, the economies of southern Lewis and Clark County, northern and central Jefferson County, and central and western Broadwater County, in particular, have been increasingly linked in an economic and demographic region that transcends county boundaries. A growing portion of the workforce in Lewis and Clark County, for example, commutes to work from homes in Broadwater and Jefferson Counties. This trend has increased the need for inter-county planning and cooperation in the region.
  
- Expenditures on new housing can have an important effect on a local economy. A recent study completed by researchers at Montana State University—Billings attempted to quantify the economic benefits of new home construction in a variety



of Montana counties (The Economic Impact of Home Construction on Montana Counties, by Dr. Ann L. Adair and Cheryl Heath, CPA, December, 2002). According to the study, the 284 housing starts in Lewis and Clark County in 2001 generated 541 local jobs during the first year, producing \$20,227,470 in local income, and \$1,100,500 in local taxes. These figures include both direct, construction-related impacts, as well as indirect, non-construction effects.

- The location of new housing can have a significant effect on whether it becomes a net financial benefit or loss to local government. Development located a long distance from existing infrastructure and services can require costly public expenditures in new schools, roads, sewer lines, fire protection, and other items. Numerous studies in Montana and throughout the country have suggested that sprawling housing developments constructed away from existing infrastructure can be a net drain on local government coffers, particularly compared to the agricultural land that may have been taken out of production. A study in Gallatin County during the 1990s, for example, indicated that housing in outlying areas cost local government \$1.45 to service for every dollar generated in taxes, while providing service to farms only cost \$0.25 for every tax dollar paid (Mark Haggerty, 1997).

## **Issues, Goals, and Policies**

**ISSUE A**    **Trade, retail business, agriculture and government provide the backbone of the County's economy and present significant opportunity for economic expansion.**

**Goal 1**      Promote retention, diversification, and expansion of existing businesses.

**Goal 2**      Provide opportunities for commercial growth and development in Lewis and Clark County.

**Policy 2.1**   Encourage commercial development in central neighborhood areas, when sufficient population is present.

**Policy 2.2**   Encourage cluster commercial development over strip commercial development.

**Policy 2.3**   Prepare, in conjunction with community leaders and economic development institutions, an economic development strategy to promote and recruit new business to the County.

**Goal 3**      Support the agricultural sector of the County's economy.

**Policy 3.1** Support opportunities for value added natural resource-based business (e.g., food products made from locally grown crops, furniture or building materials made from locally harvested timber).

**Policy 3.2** Encourage preservation of areas suitable for agricultural-based business.

**ISSUE B    The tourism industry presents an economic opportunity for the County.**

**Goal 4** Assist the tourism industry as a vital part of the Lewis and Clark County economy.

**Policy 4.1** Improve the visual entrances or gateways to the County and the communities within the County.

**Policy 4.2** Encourage the location of compatible visitor support services near attractions, when consistent with other land use planning activities.

**Policy 4.3** Assess the impact of tourism on the County's economy.

**Policy 4.4** Maintain and protect historic areas which are a significant tourism attraction.

**Policy 4.5** Foster preservation and conservation by supporting the efforts of the Historic Preservation Commission and other similar organizations.

**ISSUE C    Growing industrial development may provide further wage and job opportunities, increase housing needs, and expand other services.**

**Goal 5** Provide opportunities for industrial development at locations with suitable access to transportation and adequate public services.

**Policy 5.1** Conduct a county-wide industrial lands suitability study.

**Policy 5.2** Industrial lands should have access to arterial roads and to adequate basic services (for example water, sewer, fire, and police).

**Policy 5.3** Industrial development should be undertaken in ways that reduce impacts on the natural environment.

**Policy 5.4** Industrial development, other than that which is dependent on a natural resource, should be located in or near urban or transitional areas.

**Policy 5.5** Infrastructure investment should be directed to areas identified for planned industrial expansion.

**ISSUE D Sports Facilities attract visitors to the County.**

**Goal 6** Continue working with the schools, Carroll College, the Fair Grounds, the University of Montana, technical colleges, the Helena Regional Airport, and the private sector to develop sporting complexes that not only provide activities for County residents, but attract sporting events throughout Montana and the Northwestern U.S.

## **Transportation**

### **Introduction/Purposes**

People and goods are connected to one another via a community's transportation system, which consists of facilities that accommodate many modes of transport including cars, trucks, buses, bicycles, pedestrians, railcars, and airplanes. Lewis and Clark County must work to establish an efficient and safe road system that supports desired development patterns, in order to accommodate an increasing population and be economically competitive.

### **Summary of Key Trends and Facts: Transportation**

- The Helena Valley transportation network consists of numerous north-south road corridors, such as North Montana Avenue, McHugh Drive, Green Meadow Drive, Applegate Drive, Wylie Drive, Valley Drive, and Lake Helena Drive. These roads traverse large sections of the Valley and allow relatively unrestricted travel north and south. There is a lack of corresponding east-west routes across the Valley; consequently, many Valley residents are limited to using the north-south routes for travel purposes.
- An environmental impact study (EIS) process began in 2002 will determine future improvements to the I-15 corridor between Montana City and Lincoln Road. The EIS is expected to be completed in late 2003.
- The County has maintained a summary of the cost and type of maintenance performed on all County roads since 1994. The available resources have not kept pace with the maintenance needs of roadways, in part because of funding changes made by the Legislature. The County has not been able to conduct road surface

maintenance in accordance with accepted standards for paved and chip seal surface roads. Consequently, many road segments have suffered from deferred maintenance.

- The State assumed maintenance obligations for some of the paved Secondary Roads in the County in 2000, reducing maintenance obligations and costs to the County.
- For at least fifty years, transportation improvements in Lewis and Clark County and throughout the country have emphasized the movement of motorized vehicles, especially automobiles. This emphasis has resulted in a transportation system and land use patterns largely centered around the automobile. While it is expected that cars will continue to account for the majority of trips in the foreseeable future, alternative non-motorized modes can play an important role in the transportation system, especially for relatively short excursions. Encouraging these modes may lessen congestion, reduce infrastructure maintenance, and decrease air pollution, while providing health benefits to the users.
- Incorrect designation of a street segment to a lower classification when anticipated traffic warrants a higher class can result in under-designed facilities, producing long-term safety or capacity problems. Additionally, as traffic volumes begin to exceed certain levels on residential streets, complaints from local residents tend to increase.
- There are 181 bridges in Lewis and Clark County. The majority are generally in fair to good condition, but more than a dozen are in need of immediate repair. Overall, 27 bridges need some type of work (2002 County Bridge Inventory).
- There are a number of transit providers operating in the County, principally in the Helena Valley planning area. There are several private charter services, in addition to non-profit providers serving specific clientele. The only taxi company operating in the County is Capitol Taxi, which provides door-to-door service 24 hours per day, 365 days per year. Its service area for passenger transport is defined as the area within a 50-mile road radius from downtown Helena. Special services include hotel/airport shuttle and wheelchair accessibility.
- The only commercial aviation airport located within the County is Helena Regional Airport (HRA), located on the northeast side of the City of Helena. Delta Air Lines, the primary carrier, operates jet flights to their Salt Lake City hub. Skywest Airlines, a Delta connection, supplements the Salt Lake City service using regional jets. Horizon Airlines offers three daily, round-trip flights to their Seattle hub using regional jets. In mid-2002, Northwest Airlines announced they would begin one flight a day between the Twin Cities and Helena, with a stop in Billings. Big Sky

Airlines serves Helena with 6 flights per day, providing service to Billings, Kalispell, and Missoula.

- Montana Rail Link (MRL) operates a rail line extending across the southern part of the Helena Valley, running from the southeast corner of the County to the Continental Divide at the Mullan Tunnel. This segment is part of a longer line extending from Logan to Missoula. MRL also operates a couple of small industrial spurs in the vicinity. A rail yard and switching facility operated by MRL is located within the City of Helena, and extends eastward into the County jurisdiction. The Burlington Northern-Santa Fe Railroad (BNSF) also operates a rail line extending from the northwest corner of the City of Helena northward, passing Silver City, Wolf Creek, and Craig, on the way to Great Falls.

**ISSUE A    Sufficient funds are not available to maintain all public and County roads in Lewis and Clark County.**

**Goal 1**        Maintain and improve the condition and operational level of service of the existing road system.

**Policy 1.1**    Road system maintenance should remain a high priority.

**Policy 1.2**    The construction of passing lanes and left and right-hand turn lanes, appropriate to accommodate traffic growth or where needed for safe operation, should be a priority on the major arterial street/road system.

**Policy 1.3**    Prioritize and program subsurface improvements to minimize seasonal road restriction or closures due to frost heave.

**Policy 1.4**    Support the restriction/elimination of access points as opportunities arise to maintain capacity of existing arterials.

**Policy 1.5**    Development should pay its proportional share of the cost of improvements to the existing roadway system necessitated to address the impacts of development.

**Policy 1.6**    Prioritize road maintenance needs on the County road system.

**ISSUE B:    Future development may limit access to public and private lands and needed right of ways.**

**Goal 2**        Identify and protect future road corridors to serve future developments and public lands.

**Policy 2.1** Require dedication of roadway rights-of-way in both the planning and platting process. Dedications should be according to the appropriate functional classification, subdivision regulations, design standards, and County policy.

**Policy 2.2** Identify, protect, maintain, and—when appropriate—purchase rights-of-way providing access to key public and recreational lands, along with potential parking areas.

**Policy 2.3** Efficiently connect roads in new developments to the existing road network.

**ISSUE C** **A well-designed and adequate road network is essential for developing areas.**

**Goal 3** Facilitate road construction to serve developing areas, and encourage development in identified urban areas.

**Policy 3.1** A process should be established to assure that planned transportation projects are coordinated among Lewis and Clark County, cities in the County, the Helena Area Transportation Coordinating Committee, adjoining counties, and the Montana Department of Transportation.

**Policy 3.2** Require traffic impact studies to determine the need for additional or improved roads, or for traffic signals at major intersections.

**Policy 3.3** Promote the equitable distribution of transportation construction costs between Federal, State, and County government; cities in the County; and the private sector. Commitments for future transportation improvements should be pursued.

**Policy 3.4** An east-west transportation by-pass corridor should be established.

**Policy 3.5** As resources allow, identify and provide access for non-auto travel between communities or neighborhoods that does not parallel auto access.

**Goal 4** Guidelines to provide adequate emergency service access to County residents should be established.

**Policy 4.1** Review proposed developments to accommodate emergency vehicles.

**Policy 4.2** Proposed transportation projects and their impacts on emergency service access should be evaluated.

**Policy 4.3** Where appropriate, identify an integrated road network. Plan to ensure that adequate rights-of-way and access easements are preserved and acquired for future road extensions, widening, and proper drainage.

**ISSUE D: There is a benefit to providing non-motorized travel in the County, including developed areas, and recreational and tourist areas.**

**Goal 5** Establish safe pedestrian and bicycle access in designated areas of the County as part of the non-motorized circulation system, as resources allow.

**Policy 5.1** Establish provisions for non-motorized and pedestrian features in the design of roadway and bridge projects.

**Policy 5.2** Provide for improvement and dedication of bikeways and pedestrian paths through developing areas.

**Policy 5.3** Provide widened shoulders where possible to accommodate pedestrians/bicycles on existing roadways as appropriate, ideally with physical separation between motorized and non-motorized traffic.

**Policy 5.4** Establish design standards for widened shoulders for pedestrians and bicyclists.

**Policy 5.5** Explore opportunities for separated non-motorized paths to natural and scenic areas, including available rights-of-way.

## **Utilities**

### **Introduction/Purposes**

County residents rely on many basic services, including utilities, that help define their quality of life, and maintain their health and well-being. Water supply, sewage waste disposal, natural gas delivery, electricity, and telecommunication services are considered utilities. These services are usually taken for granted, but coordination and conscientious planning for future growth must be established to assure service is uninterrupted and adequate.

## **Summary of Key Trends and Facts: Utilities**

- Electrical power is generated in the planning area by Pennsylvania Power and Light (PPL Montana). Hauser Dam, located on the Missouri River in the northeast corner of the area, was constructed in 1911. This is a run-of-the-river hydropower facility with a generating capacity of 16.5 MW; flows are governed by operations at Canyon Ferry Dam, which is controlled by the U.S. Bureau of Reclamation. The FERC license (50 years) for the Hauser Dam facility was recently up for renewal. PPL purchased the generating facilities but Montana Power Company retained its distribution system, until it was taken over by NorthWestern Energy in 2002.
- Natural gas is distributed in the planning area by North Western Energy. The extent of the distribution system is generally confined to the Helena Valley. Some major supply lines and pump stations were installed in the Valley in the 1990s to increase the service area and the capacity of the distribution system.
- Telephone services in the area are provided by a number of entities. US West (now Qwest) has historically been the principal provider and maintains a network of lines (principally underground). Since deregulation of the industry and advancements in fiber optic and cellular communications technology, other providers are also serving the area. Several communications towers have been sited in the area, some of which have been controversial due to visual and/or other impacts.
- The Yellowstone Pipeline maintains three major petroleum product transmission lines in the planning area. These are related to the bulk storage facility located at the east edge of the City of Helena.
- The City of Helena utilizes several water resources to supply the daily needs of the community. The principal resources are the Tenmile Creek watershed, Chessman and Scott Reservoirs, and the Tenmile Water Treatment Plant; this system produces approximately 90 percent of the average daily use and 60 percent of the maximum daily use. The other principal resource is the Missouri River, which is used to meet peak demands in the summer.
- There are nine large wastewater treatment facilities that are treating approximately 45 percent of the 1.8 million gallons per day (mgd) of wastewater being generated in the Valley area. This leaves 1 mgd being treated by on-site wastewater systems overlying the Helena Valley alluvial aquifer. With the projected population growth of the Valley, by the year 2020 there will be approximately 1.7 mgd being treated by on-site systems.
- Wastewater treatment in the (Helena Valley) planning area is provided by central treatment systems and individual on-site treatment systems. The City of Helena operates a mechanical treatment plant located at the north edge of the City, which



treats approximately 60 percent of the entire area's wastewater. There are also six lagoon systems located in the Helena Valley that treat about 10 percent of the wastewater generated in the area. The remaining 30 percent of wastewater is treated through individual on-site treatment systems.

- The Helena Area Wastewater Treatment (HAWT) Facility Plan, completed in June of 1998, notes that of the six lagoons in the Valley, four do not meet current standards and may be in violation of the Clean Water Act and the Montana Water Quality Act. Discharge from lagoons to groundwater totals 0.46 million gallons per day (mgd). These systems also need to be reviewed and, if necessary, updated or repaired.

## **Issues, Goals, and Policies**

**ISSUE A**    **Utilities that are safe, affordable, and cost effective should continue to be provided to Lewis and Clark County residents.**

**Goal 1**        Land use patterns that permit logical and effective extension of utilities and integration of utilities should be established.

**Policy 1.1**    Encourage development patterns that use common water and wastewater systems, and are designed in a way that permits abandonment of the old system in favor of regional systems when available.

**Policy 1.2**    Encourage the design and development of residential subdivisions within one-half mile of a municipal boundary to incorporate the municipality's design standards.

**Policy 1.3**    Developments within 500 feet of a public water or sewer system should be required to connect to those systems, when feasible.

**Policy 1.4**    The negative effects of utility installations on cultural resources should be mitigated.

**Policy 1.5**    Establish standardized regulations for wireless and fiber optics communications infrastructure that ensure the following are maintained: public health; safety; general welfare; convenience; natural resources; and the visual environment/appearances. Co-location of wireless communication providers. is preferable.

## **Safety and Safety Services**

### **Introduction/Purposes**

Lewis and Clark County recognizes the need to provide a safe living and working environment for its citizens. Assuring the provision of adequate safety services is directly linked to providing a safe living and working environment. Lewis and Clark County must work to ensure that adequate fire, law enforcement, and emergency management services are provided. There needs to be better recognition that the county rural volunteer fire protection services are the only emergency services facilities located throughout the county.

### **Summary of Key Trends and Facts: Safety and Safety Services**

- Flooding is historically documented throughout Lewis and Clark County. Major floods occurred in June 1975, May 1981, and as recently as February 1996, when a Presidential Disaster Declaration was declared. Major flooding occurred along the Blackfoot River in 1908, 1964, and 1975. The peak of the flood season is during May and June, which usually are the wettest months of the year. Flooding has typically been caused by heavy rainfall combined with snowmelt.
- Summer in Lewis and Clark County typically brings the fire season, the result of low rainfall, high temperatures, low humidity, and thunderstorms. Nevertheless, major wildfires can occur at any time of the year.
- The 1988 Warm Springs Fire in the Elkhorn Mountains burned 32,700 acres, along with thirteen homes and cabins, as well as numerous outbuildings. The summer of 2000 was another devastating fire season in Montana, one of the worst ever recorded. In the Helena area alone, fire suppression agencies averaged more than 150 wildland fire responses for the year, including lengthy involvement with huge blazes such as the Bucksnot (9,300 acres), Cave Gulch (29,270 acres), and Toston-Maudlow (81,000 acres) fires. The 2003 fire season was also severe, particularly in the Lincoln area.
- In Montana, 86 primary residences, 133 outbuildings, and 2 commercial businesses were lost to wildfire in 2000. More than 2,000 people were forced to be evacuated from 23 different communities. Nationwide, approximately 1,000 structures and more than 470 homes were lost to wildfires in 2000. Throughout the country in the 1990s, the number of structures destroyed by wildfire increased six times over the previous decade's total, as increasing numbers of people moved to fire-prone areas.

- The Lewis and Clark County Volunteer Fire Department is charged with responding to wild land fires on private lands in those portions of the County not within a formal fire district or service area.
- The Helena Valley is located within the Intermountain Seismic Belt, a seismically active zone associated with major fault structures. The western half of Lewis and Clark County is in Seismic Zone 3, which means that an earthquake can cause major damage. Geologic investigations conducted by the MT Bureau of Mines and Geology (1981, 1988) indicate that an earthquake of magnitude 7.7 Richter could occur, subjecting the Helena Valley to severe ground shaking and liquefaction.
- The Environmental Protection Agency (EPA) and the Montana Occupational Health Bureau conducted numerous radon sampling studies throughout Montana in the late 1980s, including Lewis and Clark County. Montana had the fifth highest percentage in the country of homes with indoor radon concentrations exceeding the federal action level of 4 pCi/l (picocuries per liter of air measure of radioactivity). Lewis and Clark County was identified as being in potential radon Zone 1, the highest designation.

## **Issues, Goals, and Policies**

**ISSUE A:** Citizens of Lewis and Clark County support and require adequate fire fighting and emergency response apparatus, equipment, personnel, training, and facilities for their service areas.

**Goal 1** Support the efforts of all fire service entities to provide adequate fire fighting and emergency response services, apparatus, equipment, personnel, training, and facilities.

**Policy 1.1** Support the efforts of all fire service entities to clearly define the level and types of services that they provide and move toward development and adoption of a fire protection master plan for their service areas.

**Policy 1.2** Support the development of County fire protection standards to be included in the County Subdivision Regulations.

**Policy 1.3** Facilitate completion of the fire protection facilities portion of the County's Capital Improvement Program.

**Policy 1.4** Continue to support the work of the Lewis and Clark County Rural Fire Council.

**Policy 1.5** Work to enhance cooperation and communication between state and federal agencies and local fire departments to ensure equal partnerships are attained.

**Goal 2** Work towards obtaining full fire protection throughout Lewis and Clark County by having all land and cities in a fire service area or fire service district.

**Policy 2.1** Encourage County fire districts and fire service areas to work toward implementation of the goal.

**ISSUE C:** **Lewis and Clark County is situated in a wildland fire prone ecosystem. Many areas of Lewis and Clark County are developing into significant wildland/urban interface areas and result in many challenges for the fire service entities.**

**Goal 3** Work with fire service entities to provide adequate fire fighting and emergency response services, apparatus, equipment, personnel, training, and facilities.

Minimize exposure to wildland/urban interface and all other fire hazards through proactive code enforcement, public education programs, use of modern fire prevention measures, and adequate emergency management preparation.

**Policy 3.1** Ensure a safe living and working environment by facilitating code development, public education, and awareness programs, and the use of the most up to date fire prevention strategies.

**Policy 3.2** Require development proposals to include an evaluation of the impact of the proposal upon the capability of the affected fire entity to maintain its appropriate level of service to existing development in its response area and to adequately serve the proposed new development. The level of sophistication of this evaluation shall be commensurate with the type of development proposed.

**Policy 3.3** Provide educational training throughout the County to address wildland/urban interface fire issues.

**Goal 4** Recognize wild land fires as a natural part of the ecosystem in which we live. The County should strive to balance natural ecosystem processes with development concerns so residents can co-exist in a fire dependent ecosystem.

- Policy 4.1** Continue to support the Tri-County Fire Working Group’s Fuel Hazard Mapping Project, that includes surveying and mapping the extent of wild land fire hazards and areas at risk.
- Policy 4.2** Development reviews in areas identified to be at risk of wild land fires (based on the Tri-County Fire Working Group’s Fuel Hazard Map) must comply with the design standards in the *Lewis and Clark County Subdivision Regulations* for wildland/urban interface areas.
- Policy 4.3** Encourage inter-jurisdictional and inter-agency cooperation to further the goals of protection of life and property from wild land/urban interface fires. The Lewis and Clark County Rural Fire Council, the Tri-County Fire Working Group, and the South Hill Interface Team should continue to work cooperatively to develop and implement programs to reduce the hazards of wild land/urban fires and to ensure safe and effective responses.
- Policy 4.4** Encourage private and public landowners to manage forest ecosystem processes by developing and maintaining a diversity of native species, ages, and stand densities to serve as a natural deterrent to pests and fires.
- ISSUE D: Emergency services requested by citizens of Lewis and Clark County require adequate funding.**
- Goal 5** Pursue adequate funding for emergency service entities through special levies, grants, bond issues or other mechanisms.
- Policy 5.1** Provide rapid and timely response to emergencies and maintain the capability to have minimum average response times.
- ISSUE E: The Sheriff’s Department is the primary agency for immediate response and crisis intervention. The Sheriff’s Department can not be solely responsible for controlling and limiting crime and interpersonal conflicts.**
- Goal 6** Support a safe and secure environment for people and property in Lewis and Clark County.
- Policy 6.1** Continue to support community-oriented policing services.
- Policy 6.2** Support crime prevention through planning and community design.

- Policy 6.3** Encourage education/liaison for gang and drug prevention progress, in cooperation with law enforcement and school districts.
- Policy 6.4** Support the coordination of law enforcement planning with local, regional, state, and federal plans.
- ISSUE F:** **It is necessary that Lewis and Clark County conduct emergency preparedness planning on an on-going basis.**
- Goal 7** Minimize exposure to all hazards through emergency management planning and mitigation.
- Policy 7.1** Regularly update and distribute the Lewis and Clark County Emergency Operations Plan.
- Policy 7.2** Promote greater community awareness and preparedness by working with business associations, homeowners' associations, community groups, and utility companies.
- Policy 7.3** Coordinate emergency drills with all affected operating departments.
- Policy 7.4** Designate which critical public facilities are to remain operative during emergencies.
- Policy 7.5** All County Departments have emergency plans and play significant roles in restoring infrastructure, governmental services, and coordinating communication. The County's Emergency Operations Plan includes provisions for pre-emergency planning and post-disaster recovery.



## **II: PLANNING AREA PRIORITIES**

The specific planning areas identified for Lewis and Clark County and addressed in this chapter include the following: the Helena Valley; Augusta; Canyon Creek/Marysville; Canyon Ferry/York; Wolf Creek/Craig; and Lincoln.

The issues and priorities in this chapter were identified through stakeholder interviews, public workshops, and the work of the Lewis and Clark County Comprehensive Plan Citizen's Advisory Group. The focus is not meant to exclude the broader framework of the County-wide issues, goals and policies. Rather, the intent is to direct the effort of Lewis and Clark County toward short-term (e.g., the next five years) priorities that are specific to each of the planning areas, and reflect the aspirations of the people living in the vicinity.

In addition to the planning area priorities, this chapter also reviews how future land use patterns in the Helena Valley will be managed through identified Urban and Transitional Areas.

### **Helena Valley Planning Area Priorities**

The Helena Valley is facing considerable growth and development pressure. Citizens of the Helena Valley planning area have many separate and interconnected concerns related to land use, transportation, and the natural environment. In the Helena Valley Planning Area, Lewis and Clark County should focus its resources on the action items outlined below:

- A.** Opportunities for urban, suburban, and rural development must be made available, while at the same time assuring that adverse impacts related to this development are minimized. Identifying those areas where growth should occur can help direct the location and design of new development, creating a more cohesive community and minimizing initial and future costs to taxpayers.

**Action Items:**

Identify areas that may be classified using the following criteria:

- Areas already developing in an urban pattern and that have existing public facilities and service capacities.
- Areas already characterized by an urban pattern that will be served efficiently by public facilities in the near future (five years) should to be designated as Urban Growth Areas.
- Areas that will be served efficiently by public facilities in the five to twenty year period.



- New development should be encouraged to connect to public services whenever practical and provide the future opportunity for connections when not.
- New development should be encouraged to be contiguous to existing development in order to avoid the long-term cost to tax payers of providing services to an inefficient development pattern.  
Encourage subdivision design in the Transitional Areas in a fashion that can be converted to higher densities if urban services become available, including cluster design.

**B.** Development should be encouraged in areas without environmental constraints.

**Action Items**

- Allow development in areas that do not have development constraints (e.g., areas with steep slopes, within the 100-year flood plain, critical wildlife corridors, wildlife habitat, ground water quantity and quality), or where constraints can be properly mitigated.

**C.** Improve the level of service of the existing transportation system, and establish and maintain an efficient transportation network, utilizing a variety of transportation modes.

**Action Items**

- Develop a prioritized maintenance plan, related to the Transportation Plan, with funding sources identified.
- Support alternatives to single occupancy vehicles.
- Provide for connecting streets among neighborhoods.
- Design a truck route to bypass the City center.
- Develop a plan to address forecasted transportation growth needs.

**D.** Provide a safe pedestrian and bicycle circulation network in the Helena Valley.

**Action Items**

- Consider pedestrian/bicycle needs when planning and designing new roads.
- Consider improvement and dedication of bikeways and pedestrian paths through developing areas.
- Provide widened shoulders where possible to accommodate pedestrians/bicycles on existing roadways as appropriate, with a preference for physical separation between motorized and non-motorized traffic.
- Encourage mixed-use development that integrates compatible residential, office, and commercial uses to reduce the need for automobile trips.
- Create additional connections between the trails/open space systems in Helena/East Helena and Lewis and Clark County.

**E.** Encourage the continuation of viable farming and ranching opportunities.

**Action Items**

- Use the Lewis and Clark County Voluntary Agricultural Land Preservation Program.
- Convene a task force to study ways to manage rural land changes, and to identify ways to preserve irrigated agricultural lands in the Helena Valley.

**F.** Work to reduce conflicts between agricultural and residential uses.

**Action Items**

- New residential uses should be required to provide buffers between themselves and conflicting agricultural uses.
- New agricultural uses that conflict with urban development should provide mitigation.
- Educate citizens about the importance of noxious weed management, and the means for eradicating noxious weeds and preventing their spread.
- Enforce existing weed abatement regulations.
- Support educating citizens about the importance of leashing or fencing their pets to keep them away from agricultural/farm land and from other animals.

**G.** Preserve access to public and recreational lands.

**Action Items**

- Use the Lewis and Clark County Comprehensive Parks, Recreation, and Open Space Plan to guide the siting of new facilities.
- Identify, protect, maintain, and—when appropriate—acquire rights-of-way providing access to key public and recreational lands, along with potential parking areas.
- Abandonment of public rights-of-ways should be prohibited unless shown to be in the public interest.

**H.** Protect and improve water quality and quantity of the Helena Valley watersheds.

**Action Items**

- Implement the recommendations of the Helena Area Wastewater Study (HAWT).
- Review the Helena Area Wastewater Treatment Facility Plan (HAWT); prioritize and implement strategies, as feasible.
- Protect and improve water quality and quantity along Ten Mile Creek.
- Consider extending the water quality district to include the Spokane Bench and Lakeside area.

- Make information about water quality and quantity available, particularly to prospective land buyers.

**I.** With increasing population growth, the air quality of the Helena Valley is threatened.

**Action Items**

- Encourage activities that ensure that County and Federal air quality standards are upheld.
- Design and locate new development in ways that minimize additional automobile traffic.
- Encourage the use of alternative cleaner burning fuels.
- Work to mitigate dust from traffic on dirt and gravel roads.
- Develop and implement transportation demand management (TDM) strategies pursuant to the Transportation Development Plan.
- Examine opportunities for transit, car-pooling, and other transportation management strategies.
- Promote an integrated street network.
- Conduct public education on what individuals can do to preserve good air quality.

**J.** Coordination between adjacent counties, the Cities of Helena and East Helena, and Lewis and Clark County is necessary in order to ensure that mutual land use goals are reached.

**Action Items**

- Establish an agreement between Lewis and Clark County, Jefferson County, Broadwater County, and the cities of Helena and East Helena for better coordination of land use change and transportation in Transitional Areas.
- Define the areas where city services can logically be extended based upon immediate five-year growth projections and negotiate inter-local agreements with the cities of Helena and East Helena for development review.
- Within the inter-local agreements with the cities of Helena and East Helena, establish common development standards, coordinated land use planning, urban service boundary areas and service area amendment processes.

**K.** Planning and design can assist in the development of a sense of community in existing settlement and developing areas of the Helena Valley.

**Action Items**

- Encourage the preservation and protection of existing residential areas and plan future development in a manner, which promotes neighborhood settings and environments.

- Provide land use buffers between residential neighborhoods and incompatible land uses.
- Minimize the encroachment of industrial development on existing residential neighborhoods.
- Design subdivisions, planned residential developments, multifamily units, or other residential projects in a manner that encourages neighborhood environments.
- Provide for integration of individual subdivisions through transportation linkages.
- Encourage the preservation and enhancement of neighborhoods in existing residential areas.
- Plan future development that promotes neighborhood cohesion and pedestrian-friendly environments.
- Encourage mixed-use development that integrates compatible residential, office, and commercial uses to reduce need for automobile trips.

**L. Adequate opportunity for non-residential growth and development in the Helena Valley to meet the needs of a growing population and market place demands.**

**Action Items**

- Encourage commercial and office development to locate in cities and within Transitional Areas whenever possible.
- Encourage commercial development, such as neighborhood commercial services, in areas that are currently under serviced, when adequate market area population is present.
- Encourage mixed-use development that integrates compatible residential, office and commercial uses to reduce need for automobile trips.
- Encourage cluster commercial development over strip commercial development.
- Large commercial and office developments should be encouraged only in areas served by a major street, and where adequate public services can be provided.
- Encourage the development of a commercial/industrial subdivision with all services, including roads, water, sewer, fiber optics, and other services, as required.

**M. Ensure that all parts of the Helena Valley have adequate fire protection.**

**Action Items**

- Encourage the annexation of areas served by the Lewis and Clark County Volunteer Fire Department to be annexed into existing fire districts.
- Implement the design plans that are being formulated by the Fire Council.
- Ensure that roads and bridges can accommodate fire trucks.

- Develop a process to attract more volunteers.

**N.** Lewis and Clark County has sufficient marginal, non-irrigated grazing or non-irrigated croplands to meet the needs for the County's growth and development over the next 10 to 20 years. While the continued existence of the Helena Valley Irrigation District (HVID) appears secure at this point, the development of high density subdivisions adjacent to irrigated farm lands and the facilities of the HVID frequently results in management problems for agricultural operators and the District. Problems that can occur include interference with irrigation ditches and vandalism, harassment of livestock, and the spread of noxious weeds.

**Action Items**

- Support the public investment in the HVID and preserve its vital role in the County's agricultural economy and as a major source of recharge for the Helena Valley aquifer.
- When considering the proposed subdivision of agricultural lands irrigated by the HVID or adjacent to these irrigated lands, minimize potential land-use conflicts or adverse impacts on the HVID or agricultural lands irrigated by the HVID.
- Adopt development standards to limit development activities in areas with shallow groundwater.

## **Helena Valley Future Land Use**

Future land use in the Helena Valley planning area will be guided by the Future Land Use Plan map and policies contained in this section of the Growth Policy (see figure 1). The Future Land Use Plan was developed by the Lewis and Clark County Comprehensive Plan Citizens Advisory Group (CAG).

The proposed future land use plan acknowledges some existing development patterns and infrastructure have been committed for development, though they may have some environmental, service, or other constraints. The Future Land Use Plan also reflects the community interest in preserving natural resource values, mitigating environmental issues, preserving public investments in infrastructure, and providing for efficient, cost-effective expansion of the community.

**INSERT FIGURE 1:  
(HELENA VALLEY FUTURE LAND USE MAP)**

The major facilities plans for the Cities of Helena, East Helena and the unincorporated Helena Valley were instrumental documents in the designation of Transitional Areas where land uses could efficiently utilize existing and planned infrastructure. These plans address wastewater facilities, water supplies, transportation, parks, recreation, and open space.

Other significant documents contributing to the Future Land Use Plan include the following: groundwater aquifer studies, water quality studies, wildlife and winter range mapping, species of special concern mapping, hazards mapping (floodplains, wildfire,

seismic, etc.), parcel and land use mapping, agricultural lands information, cultural resource mapping, slope analyses, and public lands mapping.

Principal stream corridors were identified as having multiple community values, including watershed and floodplain management, wildlife and fisheries (and related habitat), recreation, open space, and irrigation supplies.

## **Urban Areas**

Three Urban Areas adjacent to the City of Helena were identified as compatible with planned municipal infrastructure within the next 20 years. Based on the current City of Helena Wastewater Treatment Plan and Water Master Plan, these areas will eventually be annexed to the City of Helena, and development will need to meet City development standards. It is anticipated that these areas could accommodate high-density development, with an emphasis on infill and a range of uses. Overall residential density at buildup would be a minimum of approximately four units per acre.

Most of the area within this “urban” designation was previously included within the Class I Preferred Development Areas of the 1989 County Comprehensive Plan. Possible Urban Development Areas adjacent to East Helena, where its municipal infrastructure could be extended, have not been identified.

East Helena policies on service extension and annexation have been fairly conservative due to deficiencies in infrastructure; however, recent improvements related to its capital facilities plans may alter this policy. It would be important to pursue a specific dialogue with the governing body of East Helena before such areas could be effectively delineated.

### **Area A**



The Urban Area on the west side of Helena was identified due to anticipated needs for municipal sewer; existing septic systems are reaching the end of their useful life, and availability of suitable on-site treatment areas is limited. One special district is already served by the City wastewater system, the result of threats to public health. Infill residential development could increase density and efficiency of service provision. Steep slopes to the south and west, and the Ten-Mile Creek corridor to the north limit expansion of the area.

City of Helena water supply lines traverse this area and have provided water supply to some development. The street network in this area is well integrated with the City of Helena, due to old plats established prior to incorporation. However, the condition of streets ranges from adequate to poor. In addition, the City of Helena Fire Department currently provides fire protection service to the area on a contractual basis.

Most of the area south of Euclid Avenue is residentially zoned, except for a commercial strip adjacent to Euclid Avenue. Though several undeveloped tracts exist, their efficient development is constrained by limited water supply and wastewater treatment areas. The area north of Euclid Avenue is a mixture of undeveloped tracts, residential development, mobile home parks, and commercial and light-manufacturing uses. It is not zoned at this time. Pursuant to requests from landowners, incremental annexations to the City have occurred over time. This process may inhibit efficient expansion of the municipal infrastructure and has resulted in confusion over jurisdictional boundaries and related service provision.

The designation of the Westside area as an Urban Development Area anticipates the planned extension of central services to address the following issues: public health and safety concerns, deficiencies in service provision, opportunities of existing infrastructure, efficient land utilization, and creation of logical jurisdictional boundaries. Due to existing circumstances, it is anticipated that special provisions for phasing improvements will be necessary.

## **Area B**

The area southeast of Helena (on both sides of the Interstate) is presently used for rangeland and dry land farming, has few environmental constraints, and is within the City of Helena planned service for municipal water and sewer. Residential uses and related commercial and public facilities are anticipated. The City of Helena has laid out a development concept for portions of Area B located south of Highway 12 and east of Interstate 15.

The City of Helena has constructed a water storage tank that will provide adequate supply and pressure for this area, as identified in the Water Master Plan. Future transportation linkages will need to be developed to serve this area. The Wastewater Treatment Facility Plan identifies available capacity to serve this area, with some improvements to the collection system.

Several transportation links are identified in the Transportation Plan, including the eastward extension of Broadway (under I-15) to Highway 12 and a southward extension of Colonial Drive to Montana City. Additional future transportation linkages will need to be delineated, including an I-15 interchange or overpass (Beltview, Saddle) and eastward extensions to Highway 12. As of September 2003, an I-15 study is in the final stages of completion, with a record of decision (ROD) expected in the next few months. The results will identify potential transportation links, funding, and timelines.

The Parks Plan identifies an open space area and trail loop (East Ridge Loop) west of the Interstate and a linear trail corridor (East Ridge-Prickly Pear) extending northeastward to Prickly Pear Creek.

The area south of the Helena Airport and north of Highway 12 is considered to have high value for commercial/light manufacturing and industrial uses due to rail access, highway and air transportation alternatives and existing similar development. The area has some City of Helena infrastructure, including water supply lines, wastewater collection lines, and a stormwater collection system. An arterial linkage between Highway 12 and the Deport area is identified in the Transportation Plan.

The designation of these eastside areas as Urban Development Areas anticipates the planned extension of central services to address the following issues: traffic congestion and safety concerns; opportunities of existing infrastructure and its efficient extension; efficient land utilization in an area with limited environmental constraints; and creation of new mixed-use neighborhoods. Due to existing circumstances, it is anticipated that it will be necessary to establish special provisions to address rural fire district obligations and to phase in improvements.

### **Area C**

An area north of Helena (within one mile, roughly between I-15 and Green Meadow Drive) was identified as an Urban Development Area due to present development and annexation trends. This area has few environmental constraints, and is within City of Helena planned service areas for water supply and wastewater treatment.

A major wastewater transmission line has been installed in the western portion of this area, and sewer service has been extended to Fort Harrison. The area is located within the urban limits of the Helena Area Transportation Plan, which identifies several improvements. Future transportation linkages will need to be developed. A major study analyzing potential infrastructure improvements on the West Side was completed in 2002.

The eastern portion of the area is subject to the Noise Influence Area of the Helena Regional Airport. Significant commercial development has occurred along North Montana Avenue, which has been incrementally annexed into the City of Helena. This lot-by-lot extension of services has associated problems of integrating development, and the design and installation of infrastructure. The commercial emphasis has been auto-oriented, contributing to increased traffic congestion. A phased major residential area is planned and additional open land area is available for similar development

The designation of this northside area as an Urban Development Area anticipates the planned extension of central services and transportation improvements to address the following issues: traffic congestion and safety concerns, opportunities of existing infrastructure and its efficient extension, efficient land utilizations in an area with limited environmental constraints, integration of individual developments, and the logical extension of jurisdiction boundaries. Due to existing circumstances, it is anticipated that special provisions to address rural fire district obligations will be necessary. It is recognized that this area has become a community/regional commercial area and will continue as such.

## **Transitional Areas**

Three Transitional Areas are identified. These areas contain existing low-density development and community services (schools, parks, fire protection, neighborhood, commercial, etc.) and could accommodate 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 would be utilized, until a time when urban level services are indicated in these areas. Existing utility systems and roadways should be upgraded and expanded where feasible. Future transportation linkages will need to be developed to serve these areas.

Sub-area plans should 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 to the acre upon buildup.

## **Area D**

This area is located in the West Helena Valley. It has undeveloped areas with potential for infill development, particularly if a decision is made to build the Forestvale Road/I-15 interchange. However, this area is located beyond a reasonable service boundary for the City of Helena within their 20 year planning horizon.

Tenmile Creek is the southern boundary of the area and has been identified as a corridor for flooding, riparian habitat and a linear park/trail system. The north and west boundaries reflect agricultural lands, low-density residential developments (ranchettes), and/or public lands. The east boundary is Interstate 15, beyond, which are principally agricultural, lands.

Some environmental constraints exist in the area (e.g., 100 year floodplain, groundwater quality issues), which will need to be acknowledged. Wastewater treatment alternatives will be the principal factor in determination of build-out density. The alluvial aquifer provides available groundwater for additional development, but its quality needs to be preserved.

North Montana Avenue traverses the area and provides connection to the City of Helena. Safety/capacity improvements for the southern section are scheduled. If the Forestvale Road/I-15 interchange is constructed, additional commercial development is expected in that vicinity. Related traffic generation would require other transportation improvements. The area within the West Valley Fire District, including a new station, is centrally located on Forestvale Road. Rossiter Elementary School is located within the area. Portions of the area are zoned for agricultural, residential, and commercial uses. The Parks, Recreation, and Open Space Plan identifies Sierra Park (at Rossiter School) as a community park site.

The designation of this West Valley area as a Transitional Area recognizes the existing development pattern and anticipates the need for upgrading and extension of infrastructure to accommodate additional infill development. Planning will need to address the following issues: traffic congestion and safety concerns, multiple modes of transportation, opportunities of existing infrastructure, and its efficient extension, efficient land utilization, environmental constraints of in the 100 year floodplains, and protection of water quality.

## **Area E**

This area is located in the northwest Helena Valley and is bordered by the major irrigation canal and Silver Creek on the south, and Green Meadow Drive on the west. These boundaries reflect agricultural lands, low-density residential developments (ranchettes) and/or floodplain. The northern limit of this area is approximately one mile north of Lincoln Road and is representative of the boundary between the productive alluvial aquifer to the south and limited bedrock aquifer to the north.

The area principally contains residential development of varying densities. Some non-residential development is also present. A portion of the area is zoned for residential use. The area is within the West Helena Valley Fire District and a station is located in the northeast corner of the area on North Montana Avenue. Jim Darcy Elementary School and a commercial center are located just east of the area on Lincoln Road.

The principal road network has been established, but additional linkages will need to be established to integrate the area and provide for infill development of interior areas. Most of the road network is gravel-surfaced and pavement improvements will be necessary to accommodate additional development.

Water availability is a critical issue in the accommodation of additional development. As long as the alluvial aquifer is recharged by Silver Creek, current irrigation practices, and bedrock sources, adequate supplies should be available to serve additional development. Since water availability is a constraint (as evidenced in part by the appearance of dry wells), additional development to the north must be limited unless or until an alternate water supply is established.

A study is currently under way to analyze the availability of groundwater in this area. Depending on the results, it may no longer be appropriate to designate this area a Transitional Area. A draft Environmental Assessment completed by the Department of Natural Resources and Conservation (DNRC) in response to a petition to establish a controlled groundwater area in the North Hills (which was established in 2002) stated the following:

*The amount of groundwater development that can be sustained in the North Hills depends on the properties and boundaries of the bedrock aquifer, the pattern and amount of recharge, and the pattern of groundwater development. Variable and often unpredictable hydrogeologic conditions within the North Hills, in addition to variable well construction, result in considerable differences in depths and yields of wells, often over relatively short distances. The combination of these factors needs to be considered in order to assess the potential for future groundwater development (DNRC, 2002).*

Designation of this Northwest Valley as a Transitional Area recognizes the existing development patterns and anticipates the need for upgrading and extension of infrastructure to accommodate additional infill development. Future planning will need to address the following issues: transportation network and road surface conditions; multiple modes of transportation; opportunities of existing infrastructure and its efficient extension; efficient land utilization; protection of the groundwater resources; and establishment of a community park facility.

The Parks, Recreation, and Open Space Plan identifies a community park site for this general area.

## **Area F**

The southeast Helena Valley is bordered by York Road on the north. North of York Road irrigated agricultural lands, possible environmental constraints and natural resource values may limit development potential. The eastern boundary approximates the boundary between rural-residential/suburban development and agricultural lands to the east. The southern boundary is Highway 12 West, south of which lie lands with significant environmental constraints to development related to heavy metals. The western boundary is established by the Prickly Pear Creek corridor and irrigated agricultural lands.

The area is characterized by a range of residential development (urban density, mobile home parks, ranchette density), a small commercial hub (Wylie Drive and Canyon Ferry Road), two gravel resource extraction operations, designated 100-year floodplains, and irrigation facilities. Portions of the area are zoned for residential and ranchette uses, but a majority of the area is not zoned.

The principal road network has been established, but additional linkages would need to be established to integrate the area and provide for infill development of interior areas. Much of the road network is gravel-surfaced and pavement improvements will be necessary to accommodate additional development.

The area is served by East Valley Fire District and Eastgate Fire District. Three stations are spaced within the area. Two elementary schools (Warren and Eastgate) are located within the area. The Parks, Recreation and Open Space Plan identifies two community parks within this general area.

High-density developments are served by central water supply and wastewater treatment system. Moderate and low-density developments are served by individual systems. The alluvial aquifer provides available groundwater for additional development, but its quality needs to be preserved. Elevated levels of nitrate in the groundwater have been identified in the southern portion of the area. There may be a correlation with the concentration of on-site wastewater treatment systems.

The designation of the Southeast Valley area as a Transitional Area recognizes the existing development pattern and anticipates the need for upgrading and extending infrastructure to accommodate additional infill development. Planning will need to address the following issues: transportation network and road surface conditions, multiple modes of transportation, opportunities of existing infrastructure and its efficient extension, efficient land utilization, environmental constraints (e.g., floodplain, metals, water quality, major transmission corridors), protection of groundwater resources, and establishment of a community park facility.

## **Special Use Areas**

Two Special Use Areas--Fort Harrison and the ASARCO Smelting Facility—are identified on the Future Land Use Map (shown in yellow circles). These areas are so unique that they require their own special master plan studies. Analyzing these areas in detail for their development potential is beyond the scope of the Growth Policy update.

### **Fort Harrison Federal Community**

The Fort Harrison Federal Community is located about two miles west of Helena. It serves the National Guard and VA Hospital, and is undergoing significant expansion. It is presently served by municipal water and recently approved for service by municipal sewer. The presence of these infrastructure facilities could influence additional development in the area, however, there are also other natural resource values and physical conditions (e.g., high groundwater, wetlands, floodplain, irrigated agricultural lands, low density zoning, etc.) that need to be considered.

### **ASARCO Smelting Facility**

The ASARCO smelting facility and Superfund site in East Helena has affected environmental quality and land uses in the vicinity. Soils and groundwater contamination will continue to influence the types of land uses that may occur, including possible types of mitigation. The ASARCO plant suspended operations in 2001.

## **Balance of Helena Valley Planning Area**

Development outside of identified Urban and Transitional Areas needs 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 may 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.

## **Augusta Planning Area Priorities**

The following issues were identified through stakeholder interviews, public workshops, and the work of the Lewis and Clark County Comprehensive Plan Citizen's Advisory Group. The focus here is not intended to exclude the broader framework of the County-wide goals and policies. Rather, the intent is to focus the effort of Lewis and Clark County on short-term (e.g., the next five years) priorities that are specific to the Augusta planning area, and were developed by people living in the area.

Citizens of the Augusta planning area feel the priority for the short-term is a continued and increased focus on the provision of basic services. In the stakeholder interviews there were very few complaints about current county service provision; in general, the citizens of Augusta see the role of Lewis and Clark County as focusing on road maintenance and fire and police protection. According to local residents, the County should focus its resources on maintaining and upgrading the following basic services:

- A.** Road maintenance should be the primary emphasis of the County in the Augusta planning area.

**Action Items**

- Work with the Augusta Planning Area residents to prioritize needed road improvements.

- B.** Provide adequate fire protection.

**Action Items**

- Work to ensure that the Augusta area has adequate fire protection.

- C.** Provide adequate police protection.

**Action Items**

- Work with the Lewis and Clark County Sheriff's office to ensure that the Augusta planning area has adequate police protection.

- D.** Work to control and eradicate noxious weeds.

**Action Items**

- Educate citizens about the importance of noxious weed management and means to eradicate the spread of noxious weeds.
- Work to enforce existing weed abatement regulations.



## **Canyon Creek/Marysville Planning Area Priorities**

The following issues have been identified through the stakeholder interviews, public workshops, and the work of the Lewis and Clark County Comprehensive Plan Citizens Advisory Group. They represent the issues that have been emphasized in these forums and therefore have been identified as short-term priorities (five years). The focus on these issues is not intended to exclude the broader framework of the County-wide goals and policies. Rather they are intended to focus the effort of Lewis and Clark County in the Canyon Creek/Marysville planning area.

Citizens of the Canyon Creek/ Marysville planning area feel the top priority, short-term issues are: a continued and increased focus on the provision of basic services, maintaining agricultural lands, and reducing conflicts between residential and agricultural uses. During area meetings on the Growth Policy, residents expressed interest in receiving assistance from the County to develop a neighborhood plan for their planning area. In the one to five year periods, Lewis and Clark County should focus on the following planning priorities in the Canyon Creek/Marysville planning area.

A. Maintain and improve the existing transportation system.

**Action Items**

- Increase maintenance on County roads in the planning area, based on availability of funds.
- Work to mitigate the impact of dust created by automobile traffic on hay quality.
- Clean road culverts in the fall.
- Maintain Stemple Pass as an unpaved road.
- Complete improvements to Marysville Road.

B. Provide adequate fire protection.

**Action Items**

- Work to ensure the Canyon Creek/Marysville area has adequate fire protection.
- Expand the Canyon Creek Fire District to include areas adjacent to main thoroughfares.

C. Provide adequate police protection.

**Action Items**

- Work with the Lewis and Clark County Sheriff's Office to ensure that the Canyon Creek/Marysville area has adequate police protection.

- D. Preserve agricultural lands and existing uses, and minimize conflicts between agricultural and residential, industrial, commercial uses.

**Action Items**

- New residential land uses should be required to provide buffers between themselves and conflicting agricultural uses.
- Further explore the advantages of cluster development to protect the quality of life in the community.
- Consider appointing an Agricultural Representative to the Planning Board.
- Encourage adherence to the Wildland-Residential Interface Guidelines.
- Work to see that industrial development doesn't interfere with agricultural uses.

- E. Implement a strategy for controlling the spread and eradication of noxious weeds in the area.

**Action Items**

- Educate citizens about the importance of noxious weed management and means to eradicate the spread of infestation of noxious weeds.
- Work to enforce existing weed abatement regulations.

- F. Require new development within the Canyon Creek/Marysville planning area to meet minimum design guidelines and criteria.

**Action Items**

- Develop on existing lots or parcels.
- Establish minimum design standards and criteria for new development within the planning area. Included as part of these design standards would be the following:
  - Ensure that the cost of developing and maintaining roads to serve new developments is covered by the developer/new homeowners.
  - Require roads to be constructed prior to subdivision.
  - Require minimum standards to meet fire access requirements.
  - New development should preserve and protect water quality, aesthetics, wildlife, and environmental concerns of the area.
  - Establish impact fees or pay as you go fees for services necessary to support new development.
  - Maintain the aesthetics of the community rather than encourage development.
  - Discourage temporary housing developments of more than 5 units within the planning area.
  - Discourage temporary housing developments of more than 5-10 units at one location.

G. Preserve and enhance the natural environment within the planning area.

**Action Items**

- Encourage natural buffer zones or setbacks from drainage ways.
- Preserve water and air quality.
- Preserve the natural visual integrity of the planning area.
- Encourage wildlife conservation and habitat protection; preserve natural vegetation.
- Logging should follow the DNRC Best Management Practices with an emphasis on maintaining the visual integrity of the timbered areas.

H. Monitor the potential impact of any proposed mines or industrial projects in the area to identify possible implications for the Canyon Creek/Marysville area.

I. Address concerns regarding areas of possible community decay and mechanisms available to eliminate or limit such development.

J. Support continued efforts for rural addressing.

### **Marysville Sub-area Concerns**

- Promote a feasibility study and pursue grant money for a centralized water and sewer system.
- Implement design or performance standards to keep residential development standards high and to maintain the current character of the neighborhood.
- Encourage the post office to remain in the town site and be kept sufficiently staffed and in good condition so that it can handle the needs of the community.
- Preserve the natural visual integrity of the surrounding scenery.
- Preserve cattle grazing rights.
- Support mine reclamation.
- Support clean up the old Marysville dump.

### **Stemple Sub-area Concerns**

- Encourage continued annexation into the neighboring fire districts.
- Continue to support the rural addressing system.
- Support mine reclamation.

## **Flesher Acres Sub-area Concerns**

- This area will be the most severely impacted by increases in traffic and development along the Highway 279 corridor. Impact fees or other mechanism should be put in place to help mitigate these impacts.
- Future development needs to address water quality, access of emergency vehicles, and new roads detracting from the aesthetic value of the area impacts.

## **Silver City Sub-area Concerns**

- The existing junkyard in the area is a concern and should be addressed through existing ordinances and through zoning or community decay performance standards to abate this type of development.
- Commercial development may be best suited at the intersection of Highway 279 and Birdseye Road.
- Water quantity is a concern in the area.
- Water and air quality are concerns in area residents.
- This is an area for potential development. Many parts of the area are subdivided into 20-acre tracts and other landowners have expressed an interest in subdividing other portions.

## **Prickly Pear Road Sub-area Concerns**

- Many of the roads in this area are impacted by logging/mining equipment and fall hunting traffic. Because of this, speed and maintenance are constant issues.
- Rural addressing would enhance the delivery of emergency services.
- Preserve existing development density patterns while keeping an agricultural aspect.
- Maintain aesthetics of the area rather than encourage development.

## **Canyon Ferry/York Planning Area Priorities**

The following issues were identified through stakeholder interviews, public workshops, and the work of the Lewis and Clark County Comprehensive Plan Citizen's Advisory Group. The focus here is not intended to exclude the broader framework of the County-wide goals and policies. Rather, the intent is to focus the effort of Lewis and Clark County on short-term (e.g., the next five years) priorities that are specific to the York/Canyon Ferry planning area, and were developed by people living in the area.

Citizens of the York /Canyon Ferry planning area feel that the top priority short-term issue is a continued and increased focus on the provision of basic services, maintaining water quality, and controlling land subdivision. In the York /Canyon Ferry planning area, Lewis and Clark County should focus its energies on maintaining and upgrading the following basic services:

**A.** Control and eradicate noxious weeds.

**Action Items**

- Educate citizens about the importance of noxious weed management and various means to eradicate the spread and infestation of noxious weeds.
- Work to enforce existing weed abatement regulations.
- Establish a weed district boundary in cooperation with the BLM, US Forest Service, and local landowners.
- Apply for weed grants to help eradicate noxious weeds in the area.

**B.** Maintain high standards for subdivisions in order to minimize their impact on both the natural environment and taxpayers.

**Action Items**

- Establish minimum design standards.
- Compile standards for developing in riparian areas.
- Ensure that new subdivisions are provided with adequate fire protection, either through an on-site water supply or services provided through a fee.
- Require roads to be constructed prior to subdivision.
- Require that maintenance funds be established for long-term preservation of improvements.
- Clearly define the economic responsibility for road construction and maintenance.
- Work with local Fire Departments and the Rural Fire Council to ensure new subdivisions will have adequate fire protection.

**C.** Address Canyon Ferry/York Roads Road traffic and maintenance concerns.

**Action Items**

- Review traffic control and safety issues along the Canyon Ferry and York Roads and take the appropriate actions.
- Resurface York Road from the York Bar to the end of the pavement.
- Evaluate the possibility of the installation of a four way stop or better traffic control at York Road/Nelson Road/Black Bear Road junction.

**D.** Maintenance of other public County roads.

**Action Items**

- Increase maintenance, based upon the availability of funds, as a high priority in Lewis and Clark County.
- Dust control along Nelson and Jimtown Roads within the York town site.
- Work with Federal agencies to increase the availability of funding for County roads accessing U.S. Government recreational land.

**E.** Work to improve water quality.

**Action Items**

- Develop and enforce septic system regulations.
- Preserve riparian areas along Magpie, Soup, Beaver, and Trout Creeks; establish setbacks.
- Encourage the development of wellhead protection areas in areas of source water use or proposed use.
- Provide citizen education regarding the source and distribution of water supplies, the potential threats to the quality and quantity of drinking water, and pollution prevention methods.

**F.** Maintain the integrity of the Missouri River corridor.

**Action Items**

- Work cooperatively with local watershed groups, conservation districts, private landowners, and other entities involved with Missouri River issues.
- Missouri River corridor access should be maintained and protected.
- Maintain public access through private land to public land.

**G.** Continue to improve fire protection, emergency, and safety services.

**Action Items**

- Assist with\_a process to attract more volunteers.
- Assist with a joint purchase agreement for new equipment.
- Work to ensure that all residences and roads are clearly marked and addressed in rural areas.
- Assist\_with the development of better emergency medical service (EMS) service in the area.

**H.** Preserve agricultural/ranching, lands.

**Action Items**

- Update the Lewis and Clark County Voluntary Agricultural Land Preservation Program and the resulting Land Evaluation and Site Assessment system. Utilize as a tool in land use planning.
- Convene a task force to study ways to manage rural land changes.
- Establish minimum lot sizes within agricultural lands.
- Explore the use of cluster subdivision where residential development occurs in rural and agricultural areas.

**I.** Commercial and recreational development should be encouraged in appropriate locations.

**Action Items**

- Support efforts to identify locations in Canyon Ferry and York where commercial and recreational site development is appropriate.

**J.** Better community services should be encouraged.

**Action Items**

- Complete work with the U. S. Forest Service to determine the future of the York Community Hall, York Fire Station, Smith Memorial, and York Cemetery.
- Assist in developing a community park on land between York Community Hall and the Smith Memorial.
- Work with local residents to determine the future of county Park land on American Bar.
- Consider use of an RID to establish a closer transfer site and recycling area.
- Encourage community representation on county matters affecting this planning area.

## **Wolf Creek/Craig Planning Area Priorities**

The following issues were identified through stakeholder interviews, public workshops, and the work of the Lewis and Clark County Comprehensive Plan Citizen's Advisory Group. The focus here is not intended to exclude the broader framework of the County-wide goals and policies. Rather, the intent is to focus the effort of Lewis and Clark County on short-term (e.g., the next five years) priorities that are specific to the Wolf Creek/Craig planning area, and were developed by people living in the area.

Citizens of the Wolf Creek/Craig planning area feel that the issues that need to be addressed are a continued and increased focus on the provision of basic services, the

preservation of agricultural lands and open space and the development of tourism. In the one to five-year periods, Lewis and Clark County should focus on the following planning priorities in the Wolf Creek/Craig planning:

**A.** Improve maintenance of County roads throughout the years.

**Action Items**

- Develop a prioritized maintenance plan connected to specific funding sources.
- Lyons Creek and Little Wolf Creek Roads need improved maintenance.
- The Seven Mile Road between Craig and Highway 287 needs improved maintenance.  
Monitor the traffic safety issues at Bowman's Corner.
- Explore options for road improvement and maintenance in the Wolf Creek area.

**B.** Preserve and protect agricultural lands.

**Action Items**

- Identify prime agricultural lands in the Wolf Creek/Craig planning area and determine which lands should be preserved over the long term.
- Support identification of prime agricultural lands in the Wolf Creek/Craig planning area and determine which lands should be preserved over the long term.
- New residential uses should be required to provide buffers between themselves and conflicting agricultural uses.  
New agricultural uses that conflict with existing development should provide mitigation.

**C.** Control and, wherever possible, eradicate noxious weeds.

**Action Items**

- Educate citizens about the importance of noxious weed management and means to eradicate the spread of infestation of noxious weeds.
- Work to enforce existing weed abatement regulations.

**D.** Ensure that all parts of the Wolf Creek/Craig area have adequate fire and law enforcement protection.

**Action Items**

- Ensure that roads and bridges can accommodate fire trucks.
- Work with the Lewis and Clark County Sheriff's Office to ensure that the Wolf Creek/Craig planning area has adequate police protection.
- Develop a process to attract more volunteers.
- Develop a joint purchase agreement for new equipment.



- Work to ensure that all residences and roads are clearly marked and addressed in rural areas.

**E.** Increase the emphasis placed on tourism development in the area.

**Action Items**

- Coordinate with the County's economic development effort to ensure that tourism development is a high priority.

**F.** Maintain the integrity of the Missouri River corridor.

**Action Items**

- Work cooperatively with local watershed groups, conservation districts, private landowners, and other entities involved with Missouri River issues.

## **Lincoln Planning Area**

The Lincoln Sub-area Plan is being rewritten as part of a separate process, and will be adopted as part of the Lewis and Clark County Growth Policy. The Lincoln Sub-area Plan is incorporated by reference as part of this Growth Policy.

Information regarding the Lincoln Sub-area is contained in the adopted Lincoln Planning Area Comprehensive Plan/Growth Policy and can be obtained by contacting the Lewis and Clark County Development office at (406) 447-8373.

## **III:**

# **IMPLEMENTATION STRATEGY**

### **Introduction**

The Lewis and Clark County Growth Policy establishes a vision to ensure a desirable place for generations to come. It contains goals and objectives to guide growth to areas where local government can provide services cost-effectively and away from areas where growth threatens valued lifestyles and resources. The purpose of this chapter is to discuss in detail how the County should carry out the Growth Policy. In addition to those identified here, previously adopted plans identified many implementation measures.

Implementation mechanisms include a range of different measures, which are listed below:

- **IMPLEMENTATION STRATEGY:** Lewis and Clark County will attempt to find balance amongst the various public policy goals of this Growth Policy. They are as follows:
  - a. **Preserving the high quality of life, including a sound economy, healthy environment, abundant recreational opportunities, vibrant cultural and social life, and excellent schools and services.**
  - b. **Spending public funds wisely.**
  - c. **Maintain and expand our economy;**
  - d. **Increasing the housing choices for all residents.**
  - e. **Ensuring that necessary transportation facilities and services are available to serve development and the community.**
  - f. **Balancing development with environmental protection.**
  - g. **Preserving rural areas, natural resources, and ecologically fragile areas for future generations.**

- h.*** Support working with Gateway Economic Development Corporation and other economic development organizations to increase the level and number of high paying jobs within the County.

## **Lewis and Clark County’s New Planning Framework**

Four levels of planning are necessary to carry out the Growth Policy as shown in the following table:

<b>Four Levels of Planning for Lewis and Clark County</b>		
<b>Level</b>	<b>Purpose</b>	<b>Example</b>
County-wide	Lewis and Clark County conducts this level of planning to address a wide range of issues that affect the entire County	Lewis and Clark County Growth Policy Update; Lewis and Clark Capital Improvements Plan
Planning Area Plans	This level of planning brings policy direction of the Growth Policy to a smaller geographic scale	Planning Area Plans for Augusta; Canyon Creek/Marysville; Canyon Ferry/York; Helena Valley; Lincoln; Wolf Creek/Craig
Neighborhood Plans	This level of plans will address issues of concern to individual neighborhoods or areas	Special Zoning Districts; Southeast Side Study; Westside Study
Service Area Plans	This level of plans will address the delivery of services or facilities by the County.	Disaster and Hazard Mitigation; Parks and Recreation Plans

## **County-wide Planning**

Lewis and Clark County conducts county-wide planning to address the wide range of issues affecting the entire County. County-wide planning policies describe the overall vision for the unincorporated portions of Lewis and Clark County. The Plan provides general strategies used by the County, acting individually and cooperatively with others, in achieving that vision. Lewis and Clark County is responsible for ensuring that its Growth Policy complies with Montana statutes regarding growth policies. The Growth Policy, the Capital Improvements Plan (CIP), and adopted implementation strategies are designed to be consistent with and carry out the County-wide policies. Lewis and Clark County will use every opportunity to support County-wide planning policies when engaged in planning and negotiating activities with cities. Examples of such opportunities include designation of Urban Growth, Transitional Growth, and Rural Areas; service area agreements and; other inter-local agreements. The County Growth Policy serves as a vital guide to the future and provides a framework for managing change.

- **IMPLEMENTATION STRATEGY: Lewis and Clark County will carry out the County-wide Planning Policies through its neighborhood plans, CIP program, and through service and inter-local agreements with the cities and special districts. Lewis and Clark County will ensure that all such agreements are consistent with and carry out the County-wide policies.**

The Lewis and Clark County Growth Policy provides policy guidance for unincorporated areas of the County. It serves as a vital guide to the future and provides a framework for managing change.

- **IMPLEMENTATION STRATEGY: The County should conduct a cost-of-community services study and build-out analysis, both of which will provide critical information for implementation of county-wide planning.**

## **Planning Area Plans**

Planning Area Plans focus the policy direction of the Growth Policy to a smaller geographic area. They often follow historic community planning boundaries or address a smaller area. This type of planning addresses the full range of issues for a healthy community, such as public safety, health and human services, land use, and infrastructure.

- **IMPLEMENTATION STRATEGY:** 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.

## **Helena Valley Development Areas**

Future land use plans encourage the concentration of urban land uses to maximize the benefits from land already within the urban area. This can occur through the in-filling of underutilized sites. It can also occur through the development of areas within the proximity of municipal services. Development can be encouraged or discouraged by designing development zones, each with its own design standards that are conducive to effective and efficient land use patterns. Three types of areas were identified in the Helena Valley land use section of the plan.

- **IMPLEMENTATION STRATEGY:** Design and improvement standards for urban, transitional, and rural areas will be developed in a manner which is easy for the public to use and understand, and will be combined in one document for convenient cross-referencing.

### **Urban Growth Areas**

Urban Growth Areas are the areas where city services to support residential, commercial, and industrial development are most likely to be extended over the next twenty years. (The areas are delineated in black on Helena Valley Land Use Map.) This is the area that urban-oriented land uses will be encouraged. Lewis and Clark County will work with the cities of Helena and East Helena to develop standards that provide a logical transition between current County development standards and those of the individual cities. These standards, implemented through inter-local agreements between Lewis and Clark County and each city, will consider:

1. Areas annexed into the cities within the next 20 years where the city can provide services.
  2. Regional issues and services where Lewis and Clark County will be responsible.
  3. Local issues and services where Helena and East Helena will be responsible.
  4. Defining the responsibility for providing local services, including transferring responsibility from the County to the city.
  5. A funding strategy for local and regional services.
  6. Revising and developing any relevant plans, policies, and area zoning to comply with the County and City's Growth Policies and to provide the basis for land use and other decisions by both jurisdictions.
  7. Defining incentives and regulations to implement 1-6 above.
  8. Developing transportation corridor maps for projected growth within the Urban Growth Areas.
- **IMPLEMENTATION STRATEGY:** Lewis and Clark County will work with the cities to identify where expansion of services may take place in the next twenty years. These areas are to be considered Urban Growth Areas. The

areas should not overlap or create islands of urban unincorporated areas. The County will work with cities to establish any needed local improvement agreements on future expansion for services. Lewis and Clark County and its cities should jointly develop land use policies and consistent capital improvement standards within the designated Urban Growth Areas. This process will include participation by landowners, and residents, governmental agencies, special purpose districts, and other service providers. The planning process should address, but is not limited to:

- a. **Determining responsibility for upgrading facilities in Urban Growth Areas, and establishing partnerships between the County, cities, and other service providers for the needed improvements.**
- b. **Providing reciprocal notification and hold public meetings in coordination with monthly joint City-County work sessions to review of development proposals in the Urban Growth Areas.**
- c. **Giving cities, to the extent possible, the opportunity to be the designated sewer or water providers within the potential Urban Growth Areas.**
- d. **Modifying improvement standards, when appropriate, for County roads, parks, lot and building design to be compatible with urban standards.**
- e. **Encourage development density that is consistent with regional goals for promoting efficient transportation and efficient service delivery.**
- f. **Continuing protection of County landmarks and historic resources listed on the Lewis and Clark County Historic Resource Inventory.**
- h. **Providing environmental protection for critical natural areas.**

Any potential inter-local agreements between Lewis and Clark County and the cities will carry out each jurisdiction's Growth Policies by identifying the responsibilities of each party. Special purpose districts will be partners in the process, helping to define how to provide services in the most cost-effective and locally-responsive manner. Whenever possible, the costs of providing services should be distributed so that they are equitable

to all County residents. Citizens will be equal partners with the County, cities, and the special districts in this process.

Within the Urban Growth area, residential, commercial, public, and other forms of development should be encouraged at urban densities. Conversely, low density development within this area should be discouraged unless it: a) is the result of adapting to environmental limitations; b) is designed for future re-subdivision; or c) is a result of comprehensive neighborhood planning.

- **IMPLEMENTATION STRATEGY:** The County will revise its subdivision regulations to be consistent with this Growth Policy. Special consideration will be given to review procedures and design and improvement standards for the Urban Areas:
  - a. **Environmental assessment requirements for major subdivisions may be reduced or eliminated as the County completes area-specific neighborhood plans, and implements zoning pursuant to the plans.**
  - b. **Design and improvement standards should be developed to promote urban density development and provide for integration of new subdivisions into the municipal service areas.**

### **Transitional Areas**

Transitional Areas are those areas that are suitable for urban development over a longer term. Transitional Areas may or may not be contiguous to existing urban development. Development approval should be conditioned upon the ability of the developer to provide all necessary on-site and off-site improvements and infrastructure. Phasing may be appropriate in some instances. Infrastructure extension plans should be sized to accommodate demands of future anticipated growth. When the increase of population demands, the affected area residents should be responsible for the cost of the improvements. Low-density development should be designed to allow urban levels of development in the future.

The areas in the Helena Valley (denoted in brown on the map) have been designated as the Transitional Growth Areas. The majority of commercial and industrial uses should be encouraged to locate within the urban-designated areas of the County, wherever feasible. Commercial nodes have been identified at the intersection of major arterials within the Transitional Areas.



- **IMPLEMENTATION STRATEGY:** The County will revise its Subdivision Regulations to be consistent with this Growth Policy. Special consideration will be given to design and improvement standards for the Transition Areas:
  - a. Design and improvement standards will be developed to provide for the transition of low density subdivisions into higher density development when economies of scale or issues of public health and safety make such transition feasible.
  - b. Design and improvement standards will be developed to provide for the integration of individual subdivisions and to promote the development of mixed-use neighborhoods.
  - c. Design and improvement standards will be developed to provide for the self-sufficiency of new subdivisions.

## **Rural Areas**

Rural areas contain development that is lower in density and intensity of use, requiring minimal infrastructure. They are designed to have the least impact on sensitive lands and resources. The development patterns in the rural areas should be sustained by rural levels of public infrastructure and services.

All newly created parcels should meet acceptable standards for streets, water supplies, and on-site wastewater systems, including a maintenance fund for those systems. A plan should be designed for future demands on roadways leading to and from development. When the population increases and the demand is evident, residents should pay for the upgrade and maintenance expenses.

- **IMPLEMENTATION STRATEGY:** The County will revise its Subdivision Regulations to be consistent with this Growth Policy. Special consideration will be given to design and improvement standards for the Rural Areas of the Helena Valley and the remainder of the County:
  - a. Design and improvement standards will be developed to provide for the self-sufficiency of new subdivisions, minimizing adverse effects on agriculture, local services, the natural environment, wildlife, water quality and quantity, and public health and safety.
  - b. Concepts of cluster development will be provided to further minimize adverse effects.

## **Neighborhood Planning**

Neighborhood planning will address issues of concern to individual communities, specific geographic areas, or neighborhoods that meet specified criteria. They frequently address highly detailed planning issues, such as Special Zoning Districts, or focused infrastructure decisions involving individual property owners, carried out through local improvement districts.

Typically, completion of a neighborhood plan would be expected to precede the establishment of more specific zoning requirements. The plan is intended to be a more general guidance document that identifies issues of concern and formulates goals and objectives to address them. Zoning, on the other hand, might be one of a number of tools used to implement the plan. The relationship between a neighborhood plan and special zoning district is similar in some respects to the relationship between a growth policy and subdivision regulations: One lays out a broad framework, while the other includes the specific details to carry it out.

Some of the specific details regarding neighborhood planning in Lewis and Clark County are as follows:

- **IMPLEMENTATION STRATEGY:** Neighborhood plans should provide detailed land use, infrastructure, and development plans for neighborhoods that are a minimum of 640 acres in size. Smaller areas will be considered on a case-by-case basis. These plans--which must be prepared in conjunction with the neighborhood residents and property owners in the affected area--will become elements of and be consistent with the Lewis and Clark County Growth Policy. The Neighborhood Plans will take into consideration any adopted facility plans and levels of service standards. Neighborhood plans may include, but are not limited to:
  - a. Identification of policies in the Growth Policy that apply to the neighborhood.
  - b. Planning specific land uses and implementing zoning that is consistent with the Growth Policy.
  - c. Identification of ideal locations and conditions for special districts.
  - d. Recommendation for appropriate open space designations and park sites based upon adopted plans.

- e. Recommendation for capital improvements, the means and schedule for providing them, and any recommended amendments to service area plans to support planned land uses.
- f. Identification of issues that may need resolution at a County wide level.
- g. Identification of all necessary implementing measures to carry out the Plan.
- h. Contains language that provides for periodical modification and updates, which should be considered every five years.
- i. Should be prepared in conjunction with the neighborhood residents and property owners in the affected area.
- j. Lewis and Clark County will work with local citizens on the Neighborhood Plans and help identify appropriate funding in the development, review, and implementation of these plans.

## **Service Area Planning**

Lewis and Clark County may designate Service Planning Areas designed to concentrate the County's limited funds and/or staff by designating higher priority areas for spending. This may be an area that will provide the necessary capacity for new growth, or an area where serious deficiencies exist as they relate to water, sewer, transportation, or designation for commercial/industrial growth.

Service Area plans are detailed plans for the delivery of services or facilities by Lewis and Clark County, special service districts or other agencies. Some service area plans may cover the entire County, while others pertain to specific area. Examples of County-wide service area plans are the Disaster and Hazard Mitigation Plan or the Parks, Recreation, and Open Space Plan. Other Service Area plans are detailed capital improvements plans and may include specific fire districts, school districts, or water and sewer districts.

Some plans are operational and guide day-to-day management decisions. Others include specific details of facility design. Independent special purpose districts or other public and private agencies often prepare these plans with the assistance of Lewis and Clark County, when appropriate. Capital improvements are important components of

Service Area Plans. Another component of this Growth Policy discusses capital improvements planning (see volume III), and includes a list of additional plans related to capital facilities and the provision of services. Any improvements to capital facilities are closely linked to the availability of funds. Service Area plans identify costs and needed facilities, and distinguish between improvements needed for new growth versus existing public health and welfare needs.

Level of service standards may differ between the County and the cities. Residents of unincorporated urban Lewis and Clark County are encouraged to petition for annexation in to cities to obtain higher levels of services. It is anticipated that cities and special purpose districts will be the providers of most local services. Different levels of service require different levels of funding. The citizens will be equal partners in defining the level of service.

- **IMPLEMENTATION STRATEGY: To resolve deficiencies related to water, sewer and/or transportation services, the County should initiate a joint planning process that will:**
  - a. **Involve relevant jurisdictions, special purpose districts and/or local service providers.**
  - b. **Identify the major service deficiencies and establish a schedule for resolving the issues.**

The deficiencies should be addressed by the following: a) adjusting the proposed land use; b) defining the level of service standards; or c) the source of funding available for the project. Other implementation items should include the following:

- **IMPLEMENTATION STRATEGY: Lewis and Clark County should work collaboratively with cities or other entities to address level of service standards and costs. Lewis and Clark County and the cities may share the costs of needed capital improvements programs and other services.**
- **IMPLEMENTATION STRATEGY: All services area plans involving Lewis and Clark County or its operations should:**
  - a. **Be consistent with the Growth Policy, Planning Area Plans, and Neighborhood Plans.**
  - b. **Define required service levels for the Urban, Transitional, and Rural areas, when appropriate.**

- c. Provide standards for location, design, and operation of public facilities and services.
  - d. Specify adequate, stable, and equitable methods of paying for public facilities and services.
  - e. Be the basis for scheduling needed facilities and services through capital improvements programs.
  - f. Plan for the maintenance of existing facilities.
- **IMPLEMENTATION STRATEGY:** Lewis and Clark County should revise the criteria for funding capital improvements projects to focus funds in areas consistent with the designation criteria contained in this Plan. The County should also research the availability of additional funding sources.

**IMPLEMENTATON STRATEGY:** The Work Plan for the transportation issues should include the following:

- a. Review and Amend Design Standards for Subdivision Codes.
- b. Develop Capital Improvements Program for all County-owned transportation facilities (including roads and bridges).
- c. Establish a process to assure that planned transportation projects are coordinated between the County, incorporated cities, and neighboring counties. Engage the Transportation Coordinating Committee and MDT to help ensure equitable distribution of costs.
- d. Establish an interconnected corridor map for future roads within Urban Growth Areas.
- e. Establish a process to limit access to arterials to protect capacity and restrict strip development, working with the Montana Department of Transportation as appropriate.

## **Incentives**

Incentives can encourage the types of growth and development patterns desired by the residents of Lewis and Clark County.

- **IMPLEMENTATION STRATEGY:** Lewis and Clark County should develop incentives for the Urban Areas that encourage adequate space for a broad range of housing and business development. Incentives to help housing and business developments may include (but not necessarily be limited to):
  - a. Coordinate with cities to inventory portions of the Urban Areas with in-fill opportunities. New development in these zones might be promoted by granting them special status, allowing for more flexible standards, phasing of improvement, and other possible incentives.
  - b. Density bonuses for site design that provide public benefits for affordable housing, land conservation, open space, etc.
  - c. Incentives that lower financial risks, including assisting developers in securing funding for traditional neighborhood designs, cluster developments, affordable housing, and other development that has clear public developments.
  - d. Pursue detailed infrastructure planning for each area, based on adopted facility plans, including overall design and opportunities for phased development.
  - e. Secure alignments for major infrastructure, including arterial and collector roads, water supply transmission lines, wastewater collection outfall lines, natural drainages, and stormwater retention/detention facilities, parks, and open space.
  - f. Develop public-private cooperation for funding the installation of major infrastructure improvements in accordance with adopted facility plans.
  - g. Work with landowners within each Urban Area to develop a Neighborhood Plan that is consistent both with this Growth Policy and the City of Helena Growth Policy. The County and City need to work cooperatively to ensure that both Growth Policies address issues that arise along the jurisdictional boundary in a consistent manner.

- h. Encourage zoning districts for all Urban Growth Areas and streamline the development review process for development that is consistent with the Growth Policy, zoning, level of service and transportation plans, and design standards.**
  
- IMPLEMENTATION STRATEGY: Lewis and Clark County should not provide direct incentives for development in the Transition Areas, but should pursue preliminary infrastructure planning for each area: Pursue implementation of the Helena Area Wastewater Treatment Facility Plan to protect quality of groundwater supply:**
  - a. Pursue a study of the Valley groundwater supply between I-15 and Green Meadow Drive, north to Lincoln Road, and south to the City of Helena city limits in order to protect quality of groundwater supply.**
  - b. Pursue implementation of the Parks, Recreation, and Open Space Plan to acquire, develop, and maintain such facilities.**
  - c. Pursue the establishment of special districts for the improvement and maintenance of the road networks.**
  - d. Secure the alignments for arterial and collector roads.**
  - e. Where there is local support, work with the landowners within each Transition Area to develop a Neighborhood Plan consistent with this Growth Policy.**
  
- IMPLEMENTATION STRATEGY: Lewis and Clark County should not provide incentives for development in the Rural Area. Where there is local support, work with the landowners within the Rural Areas to develop Neighborhood Plans consistent with this Growth Policy.**

## **Zoning Districts**

Zoning is the designation of land by local government for specific uses and densities. Other applications may include lot coverage, building height, setback requirements, density, and separation of incompatible uses. Zoning may also require onsite improvements, coordination of development with offsite and County-wide public

services, or place other conditions on development. Boundaries between different zones may follow property lines, natural features, or other dividing lines such as roads.

- **IMPLEMENTATION STRATEGY:** The Lewis and Clark County Zoning Codes, zone classifications, any proposed development standards, and any zoning maps will be consistent with the Growth Policy.
  - a. Where there is local support, the County will work with the landowners (and other appropriate parties) within the Urban, Transition, and Rural Areas to develop zoning to implement adopted neighborhood plans.
  - b. The County will develop minimum design standards to promote the public health, safety, and general welfare, and to protect natural resources and public investments, consistent with this Growth Policy.
- **IMPLEMENTATION STRATEGY:** All existing zoning classifications will be carried forward to the County's official zoning maps, and updated to conform to the Growth Policy. The requirements in special zoning districts must be periodically reviewed and updated.

## **Subdivisions and Other Development Approvals**

Under Montana law, a subdivision is the division of land or land so divided that it creates one or more parcels containing less than 160 acres. Subdivision review is a key part of the development process. It is designed to evaluate environmental impacts and insure that facilities and services supporting potential development are adequate. Subdivision of land involves detailed site planning and installation of public facilities, such as roads and utility lines.

During the subdivision approval process, the County and developers should work cooperatively to coordinate all requirements (e.g., zoning, drainage, road improvement standards, and mitigation of off site service impacts). This process also addresses potential site problems, such as poor access or sensitive environmental features, as well as circumstances unique to a specific site not anticipated by general subdivision and/or zoning code requirements. County Commissioners have the authority to approve or disapprove proposed subdivisions, if they believe they will ultimately be in accordance with the criteria in the county Subdivision Regulations.



- **IMPLEMENTATION STRATEGY:** Subdivision and other development approvals will be consistent with the Growth Policy, zoning, Planning Area Plans, Neighborhood Plans, and Capital Improvements programs. When needed infrastructure and facilities are not readily available, development approvals can either be denied or divided into phases, or needed facilities provided by the project proponents.
- **IMPLEMENTATION STRATEGY:** Land use classification boundaries should be interpreted flexibly, but consistent with underlying land characteristics and existing development.
- **IMPLEMENTATION STRATEGY:** The boundaries for the Urban, Transitional, and Rural Growth Areas should be reconsidered or for any necessary adjustments, in conjunction with the annual review.
- **IMPLEMENTATION STRATEGY:** The County should establish design standards and level of service standards for all large new commercial and office developments.

## **Permitting**

The following policy ensures realistic progress toward reducing regulatory compliance burdens on the private sector while providing appropriate safeguards for the environment and public safety:

- **IMPLEMENTATION STRATEGY:** Lewis and Clark County's permitting systems should provide for expeditious review of projects, consistent with subdivision regulations, zoning, and other adopted policies.
  - a. The County will continue to improve its program of coordinating "one-stop shopping" for various permits, and providing comprehensive information on procedures and requirements relating to land development activities.
  - b. The County should develop and maintain a centralized database of land use permits which will be made accessible to all agencies and the public.
  - c. The County will develop a single umbrella permit process that incorporates all relevant land use permits.

## **Community Involvement**

Planning Area and Neighborhood Plans focus on smaller, more defined neighborhoods and begin with a community involvement process. The process defines ways to balance community desires with acceptable ways to incorporate density into their neighborhoods.

Community involvement in the neighborhood planning process may result in a minimum residential density standard or housing objectives that all new development must meet. Additionally, it includes capital improvement planning to address the need for public amenities and infrastructure.

- **IMPLEMENTATION STRATEGY:** Lewis and Clark County will establish more effective community involvement approaches, through all stages of the planning process.

## **Code/Regulation Enforcement**

The achievement and preservation of quality urban and rural living environments and protection of resources requires enforcement of the development standards contained in the County's regulations.

- **IMPLEMENTATION STRATEGY:** Lewis and Clark County will enforce its regulations by pursuing subdivision review, zoning districts, and other planning techniques. The County will provide oversight for site development on all sites for which it issues permits.

## **Measuring Progress Through Benchmarks**

This Plan contains many goals and objectives for the County's future; how will the County progress toward meeting them? How will it measure the progress made toward meeting the goals? Benchmarks are goals that can be quantified to measure the outcomes of public policy, and monitor progress on priorities.

Benchmarks are a method used to assure accountability to the public; they demonstrate whether the County is moving toward its goals, and how fast. Benchmarks allow the prioritization of public resources to meet the goals or, if desired outcomes are not achieved, the modification of the goals. Benchmarks work well with public participation during the planning cycle, as citizens and various stakeholder groups provide feedback about what they feel are the most important things to measure. Later in the process, elected officials can use progress reports to make mid-course corrections to accomplish the goals.

- **IMPLEMENTATION STRATEGY:** Lewis and Clark County shall pursue a monitoring and benchmark program to measure progress toward public policy goals. The County shall establish a process that:
  - a. Includes the public, interest groups, cities, and other agencies to identify key indicators serving as a basis for benchmarks.
  - b. Addresses key issue areas of county-wide concern, including but not limited to: land capacity; phasing of growth in urban and rural areas; density; permit processing; housing costs; natural resources; public health and safety; water use; solid waste; transportation; open space, cultural resources; air quality; surface and ground water quality; wetlands; wildlife habitat; rural; and industrial lands.
  - c. Establishes a process that utilizes data collection, monitoring, and regular reports to measure key indicators and benchmarks. The Board of County Commissioners will be the responsible decision-makers who adopt the benchmarks.
  - d. Implements the attached action plan that includes established starting and ending dates for each item. Appropriate starting and ending dates for each item will be set within 12 months of the adoption of the Plan.

The County will review the Growth Policy completely and consider amendments to it as often as necessary, but at least once every two years. Changes to the Growth Policy will only occur after analysis, full public participation (including providing documentation to the public at least 10 days prior to public hearings), notice, and other requirements have been met.

- **IMPLEMENTATION STRATEGY:** Amendments to the County Growth Policy will be subject to public review and should include the following elements:
  - a. A statement of any proposed changes and rational for the changes.
  - b. A statement of anticipated impacts of the change, including the geographic area affected and issues presented.
  - c. Any necessary implementation mechanisms and alternatives.
- **IMPLEMENTATION STRATEGY:** Any necessary changes to development regulations, modification to capital improvements programs, Planning Area Plans, Neighborhood Plans, and Service Area Plans required for implementation should accompany the proposed amendments to the Growth Policy so that regulations will be consistent with the Plan.
- **IMPLEMENTATION STRATEGY:** All Amendments to the County Growth Policy will be done consistently with applicable Montana statues.

## **Lewis and Clark County Regulations**

Land use regulations are the primary way to carry out the Growth Policy. This section describes how Lewis and Clark County land use regulations relate to the Growth Policy, Planning Areas, and Neighborhood plans.

Lewis and Clark County regulates land development and construction through a variety of technical standards resulting in permits and approvals for specific projects. To ensure County regulations are effective and warrant a high degree of public trust and confidence, regulations must be equitable, reasonable, easy to understand, and responsibly administered:

- **IMPLEMENTATION STRATEGY:** Lewis and Clark County's regulation of land use should:

- a. **Help protect public health, safety, and general welfare.**
- b. **Help protect consumers from fraudulent practices in land use, land sales and development.**
- c. **Implement and be consistent with the Growth Policy and other adopted land use goals, policies and plans.**
- d. **Be expeditious, predictable, clear, straightforward, and internally consistent.**
- e. **Provide clear direction for timely resolution of regulatory conflict.**
- f. **Be enforceable, efficiently administered, and provide appropriate incentives and penalties.**
- g. **Be consistently and effectively enforced.**
- h. **Create public and private benefits in an economically efficient and equitable manner.**
- i. **Be coordinated with timely provision of necessary public facilities and services.**
- j. **Encourage creativity and diversity in meeting County goals and policies.**
- k. **Be coordinated with cities, special purpose districts, and other public agencies to promote compatible development standards throughout Lewis and Clark County.**
- l. **Be responsive, understandable, and accessible to the public.**
- m. **Provide effective and statutorily required public notice and pertinent documents at least one calendar week (7 days) before each public hearing. Provide reasonable opportunities for the public (especially those directly affected) to be heard and to influence decisions.**

- n. **Treat all members of the public equally and base regulatory decisions wholly on the applicable criteria and code requirements.**
- o. **Make development requirements readily accessible and easy to understand to the public through up-to date codes, technical assistance materials and other relevant documents.**

### **MCA 76-1-601 (2)(h)(i) Definitions Of Criteria in 76-3-608(3)(a)**

For the purposes of complying with the provisions of MCA 76-1-601 (2)(h)(i); 76-1-601 (2)(h) (ii), and 76-1-601 (2)(i) the provisions listed below will apply. The County should develop clear and detailed criteria for each of the seven items listed below, including evaluation of cumulative effects, in order that residents and developers will know exactly what factors and questions the BOCC will consider when making development decisions. This will provide a clearer, fairer, and more consistent development review process.

#### **Agriculture**

All aspects of farming, including (a) the cultivation and tillage of the soil, (b) dairying; and the production cultivation, growing and harvesting of any agricultural or horticultural commodities, including commodities defined as agricultural commodities on the federal Agricultural Marketing Act (12 U.S.C. 1141j(g)); and (c) the raising of livestock, bees, fur-bearing animals, or poultry; and (d) any practices, including forestry or lumbering operation, performed by a farmer or on a farm as an incident to or in conjunction with farming operations, including preparation for market or delivery storage, to market, or to carriers for the transportation to market as defined in 41-2-103 MCA.

#### **Agricultural Water User Facilities**

Those facilities which provide water for agricultural land as defined in 15-7-202, MCA or which provide water for the production of agricultural products as defined in 15-1-101, MCA, including, but not limited to, ditches, pipes, and head gates.

## **Local Services**

Any and all services or facilities that local, State and Federal entities are authorized to provide at a local level.

## **Natural Environment**

The physical conditions that exist within a given area, including land, air, water, mineral, flora, fauna, noise, and objects of historic or aesthetic significance.

## **Wildlife**

Living things, which are neither human nor domesticated.

## **Wildlife Habitat**

Place or type of site where wildlife naturally lives and grows.

## **Public Health and Safety**

The existing or projected conditions that relate to potential danger, risk or injury to the community including but not limited to floodplain; steep or unstable slopes; groundwater contamination; access limitations; physical hazards; radon potential; liquefaction.

## **MCA 76-1-601 (2)(h)(ii) Evaluation Of Criteria**

Based on the pertinent information provided in the subdivision application, staff report, and public testimony, the Lewis and Clark County Board of Commissioners will evaluate and make decisions regarding proposed subdivisions based on the review criteria set forth in MCA 76-3-608 (3)(a), using the design criteria set forth in the Lewis and Clark County Subdivision Regulations adopted in accordance to Title 76, Chapter 3; any applicable neighborhood plan; and applicable zoning.

## **MCA 76-1-601 (2)(i) Public Hearings**

Public hearings will be conducted in accordance to any applicable statutory requirements and in the procedures outlined in the Lewis and County Subdivision Regulations.

## **Implementation Plans**

Specific implementation strategies have been developed for the following policies from the Natural Resources chapter, as follows below:

- **POLICY: Implement a wastewater maintenance program.**
  - An educational program created by the Water Quality Protection District to increase public knowledge and understanding of groundwater to facilitate informed personal and public choices about groundwater use and management.
  - An educational program created by the Environmental Division of the City-County Health Department to increase public knowledge and understanding of septic system function and maintenance to facilitate informed personal and public choices about septic system use and management. This program shall be implemented no later than November 2000.
  - Continue to develop an inventory of on-site systems and water wells within the county, as funding allows. Initial phases of the inventory were conducted by the Environmental Division of the City-County Health Department. Inventory work has already been completed in a number of locations around the County, including the Helena Valley, Birdseye, Rimini/Tenmile, Wolf Creek, and Craig. Results of the inventory shall continue to be entered in a data base and included in the County GIS system. This inventory shall be part of a continuing county-wide inventory and assessment of threats to groundwater.
  - A study group shall be formed by the County Board of Health by March 2004 to research and develop suitable county-wide septic maintenance districts. Group members will include a representative from the Health



Department, a representative from the Planning Department, and a professional engineer practicing in the county. The group shall include at least seven members of the general public who are owners of on-site wastewater treatment systems. The maintenance district should, at a minimum, be responsible for the implementing the following programs:

1. Periodic inspection of all inventoried systems and their maintenance records.
  2. Collection and maintenance of a data base of system permits, performance records and sampling results.
  3. Identification of malfunctioning systems.
  4. Implementation of a plan of correction for malfunctioning systems.
  5. Implementation of a preventive maintenance program.
- An inventory of groundwater non-point source pollution shall be conducted by the Water Quality Protection District, in conjunction with the on-site system and water well inventory, as funding is made available. Pollution sources shall be assessed based on threats to groundwater. This inventory shall be used as a basis for providing information to the Montana Department of Environmental Quality Source Water Assessment Program.

The source water assessments and inventory of pollution sources are complete for the Helena Valley. Some of the reports are now available for public review on-line on the DEQ website, with the remainder added in the near future. The County web site will provide a link to the DEQ site once all the reports are available (approximately June, 2004).

- As funding is available, the County shall initiate through its Water Quality Protection District a study and final report on the functioning and impact of the Helena Valley lagoons (as identified in the Helena Area Wastewater Treatment study). The report shall be published and made available in both written form, and on the Lewis and Clark County web site.

- The Department of Natural Resources and Conservation (DNRC) is charged with conducting an environmental review that is triggered by new water use permit applications. The DNRC—as part of this analysis--must examine overall water availability and potential for adverse impacts on all existing water rights within the area of potential affect. A new water use application is not allowed to negatively impact existing water rights.
- In accordance with state regulations, installation of on-site wastewater treatment systems is prohibited on new parcels less than 20 acres in size when the depth to groundwater is less than 4 feet (48 inches). For existing parcels, the requirement is still 48 inches, although this may be achieved by adding fill, if the original distance to groundwater is less than 48 inches.
- Support on-going studies of the impact of subdivisions on groundwater conducted by the Water Quality Protection District, as funding allows. The study should be conducted jointly with DEQ and other agencies if possible.
- The Planning Department, the Environmental Division of the Health Department, and the Water Quality Protection District shall continue to collect and maintain a combined data base of all water quality information received through sampling programs, public water supply inspections, subdivision review and health inspections. This data base will be physically maintained by the Water Quality Protection District and will be accessible to all county and state agencies, and the public.
- The Helena Valley monitoring well network will be consistently monitored for static water levels and sampling will be performed as often as funding allows by the Water Quality Protection District.
- Using the County GIS system, the Planning Department, the Environmental Health Division of the Health Department, and the Water Quality Protection District should collect data on soil type, depth to groundwater, and fractured bedrock, well log information, water quality, and other criteria yet to be determined to be used to identify areas of hydrogeologic sensitivity with respect to land use. Input from the Permit Coordinator and Montana DEQ is recommended. A map should be produced and published, and made available to the public in

both printed form and on the Lewis and Clark County web site, and it should be used in county subdivision pre-application meetings.

- **POLICY:** Support the County Weed Board to conduct research and apply for grants (available through private or governmental agencies) to help mitigate the weed threat. Efficiently spend limited Weed Management funds while considering the following set of priorities:
  - Preserve the most biologically intact areas.
  - Preserve those areas with the highest proportion of native species.
  - Preserve those areas that contain threatened, rare, or endangered plant species.
  - Control noxious weeds that are localized and therefore more readily eradicated with relatively small expense.
  - Control weeds in areas such as public right-of-ways, accesses and other areas where the public-at-large can inadvertently pick up noxious weeds and spread them.
  - Control weeds in areas where they are having adverse impacts on the ecosystem, such as critical wildlife habitat and domestic grazing areas.

## **ACTION PLAN**

### **1) DEVELOPMENT PERMIT SYSTEM**

**ACTION ITEM DETAILS:** Develop and adopt a Development Permit System designed to implement the Growth Policy Update. The system will be streamlined, user friendly, available online, and comprehensive; it will be designed so the applicant can expect a timely outcome and “one-stop shopping.” The system will include consideration of the following: water quality and quantity; suitable access; adequate fire and police protection; road construction and/or maintenance; adequate open space and recreation; environmental issues; site design; and the possibility of higher density in areas of expected growth.

**START YEAR:** 2004

**LEAD AGENCY:** Community Development and Planning Department (CDP)

**PARTNERS:** Planning Board, Helena, East Helena, Environmental Health, Water Quality District, Public Works Special Districts, BOCC

### **2) DESIGN STANDARDS**

**ACTION ITEM DETAILS:** Review and update Design Standards for Subdivision Regulations.

**START YEAR:** Began in 2003

**LEAD AGENCY:** CDP

**PARTNERS:** BOCC, Planning Board, the public, Citizens’ Subdivision Regulation Committee

### **3) CAPITAL IMPROVEMENTS PROGRAM**

**ACTION ITEM DETAILS:** Develop Capital Improvements Program for all County-owned infrastructure.

**START YEAR:** Ongoing

**LEAD AGENCY:** Finance

**PARTNERS:** CDP, Public Works and other departments

#### **4) FIRE PROTECTION MASTER PLAN**

**ACTION ITEM DETAILS:** Develop a Fire Protection Master Plan for all fire districts and fire service areas.

**START YEAR:** 2005

**LEAD AGENCY:** Fire Districts and Fire Service Areas

**PARTNERS:** CDP, Admin/Finance, Rural Fire Council

#### **5) INTERGOVERNMENTAL AGREEMENTS**

**ACTION ITEM DETAILS:** Develop/revise intergovernmental agreements with the City of Helena, East Helena, and Jefferson County to define potential annexation areas and/or other planning designations, including standards designed to transition between rural and urban settings.

**START YEAR:** Ongoing

**LEAD AGENCY:** CDP

**PARTNERS:** BOCC, Helena, East Helena, Jefferson County

## **6) AREA PLANS**

**ACTION ITEM DETAILS:** Develop or revise area plans for unincorporated communities, planning areas, and neighborhoods, including discussion for appropriate land use controls to implement those plans.

**START YEAR:** 2003-ongoing

**LEAD AGENCY:** CDP

**PARTNERS:** Citizens/local community groups

## **7) AFFORDABLE HOUSING**

**ACTION ITEM DETAILS:** Coordinate with community based affordable housing groups to recommend strategies to provide private-sector affordable housing and to identify and/or eliminate barriers to providing affordable housing.

**START YEAR:** Ongoing

**LEAD AGENCY:** CDP

**PARTNERS:** Helena Area Housing Task Force, Rocky Mountain Development Council, private developers, Gateway Economic Development Corporation, Fannie Mae, and BOCC

## **8) GROWTH POLICY MONITORING AND EVALUATION**

**ACTION ITEM DETAILS:** Establish a process for monitoring and evaluating the Growth Policy performance, including indicators for land use, neighborhood plans, special zoning districts, subdivision activity, public facilities, and cumulative impacts resulting from development.

**START YEAR:** 2004

**LEAD AGENCY:** CDP

**PARTNERS:** Planning Board, Public Works, Environmental Health, BOCC

## **9) COUNTY-WIDE SEWER MAINTENANCE PROGRAM**

**ACTION ITEM DETAILS:** Develop a County-wide sewer maintenance program to identify, characterize, and address local ground water problem areas, failing sewer and/or septic systems, and development of community water systems when necessary.

**START YEAR:** On hold until staff/resources available.

**LEAD AGENCY:** BOCC, CDP

**PARTNERS:** Environmental Health, Board of Health, Water Quality District

## **10) COORDINATE WITH SPECIAL DISTRICTS**

**ACTION ITEM DETAILS:** Work with special districts (such as fire districts) that provide service in the unincorporated portions of the County to coordinate land use planning and new facilities. Consider adopting intergovernmental agreements to formalize coordination.

**START YEAR:** Ongoing

**LEAD AGENCY:** CDP

**PARTNERS:** Special Districts, Public Works

## **11) OPEN SPACE AND RECREATION**

**ACTION ITEM DETAILS:** Implement the Open Space and Recreation Plan, and identify potential hazardous areas (e.g., subject to geologic or flood hazards) that would be more appropriate as open space.

**START YEAR:** Ongoing

**LEAD AGENCY:** City/County Park Board

**PARTNERS:** CDP, BOCC, Lincoln Park Board, Prickly Pear Land Trust

## **12) WETLANDS**

**ACTION ITEM DETAILS:** Develop a wetlands rating system and complete wetland inventory.

**START YEAR:** Ongoing

**LEAD AGENCY:** Water Quality District

**PARTNERS:** CDP, local conservation groups, sportsmen, environmental groups, and landowners.

## **13) TRANSPORTATION SYSTEM**

**ACTION ITEM DETAILS:** Plan for an integrated, comprehensive transportation system in the County.

**START YEAR:** Ongoing

**LEAD AGENCY:** City-County Transportation Coordinator

**PARTNERS:** CDP, Transportation Coordinating Committee, BOCC, Helena, East Helena, MDT

## **14) TRANSPORTATION COORDINATION**

**ACTION ITEM DETAILS:** Continue the process where planned transportation projects are coordinated between the County, incorporated cities, and neighboring



counties. The Transportation Coordinating Committee and MDT can help ensure the equitable distribution of costs.

**START YEAR:** Ongoing

**LEAD AGENCY:** Public Works

**PARTNERS:** CDP, Transportation Coordinating Committee, BOCC, Helena, East Helena, MDT

## **15) WATER BODY SETBACKS**

**ACTION ITEM DETAILS:** Establish standards for the setback of septic systems and buildings along the Missouri River Corridor and other major rivers, streams, lakes, and wetlands.

**START YEAR:** Winter, 2004

**LEAD AGENCY:** CDP

**PARTNERS:** Planning Board, Health Board, landowners, Missouri-Madison (FERC) Technical Working Group, Board of Health, Citizens' Subdivision Regulation Committee, local citizens

## **16) DEVELOPMENT STANDARDS**

**ACTION ITEM DETAILS:** Develop a set of integrated Development Standards (including standards under the Planning Area Plans and any Neighborhood Plans) for the Urban Growth Area following the adoption of the Growth Policy. Upon completion of the Urban Growth Area standards, the County will complete the Development Standards for the Transitional Areas (including standards under the Planning Area Plans and any Neighborhood Plans). Upon completion of the Transitional Area standards, the County will complete the Development Standards for the Rural Areas (including standards under the Planning Area Plans and any Neighborhood Plans). The standards will be compiled in a single, user-friendly document.

**START YEAR:** 2005

**LEAD AGENCY:** CDP

**PARTNERS:** BOCC, Planning Board, business owners, the public

## **17) ECONOMIC DEVELOPMENT**

**ACTION ITEM DETAILS:** Coordinate with local economic development groups to provide opportunities for manufacturing, industrial, high-technology, tourism, and agricultural-related businesses, and any other environmentally clean companies that may want to expand or establish themselves in Lewis and Clark County.

**START YEAR:** Ongoing

**LEAD AGENCY:** Gateway Economic Development Corporation

**PARTNERS:** CDP, BOCC, Chambers of Commerce, Montana Department of Commerce, local entrepreneurs, community leaders

## **18) NOXIOUS WEEDS**

**ACTION ITEM DETAILS:** Support the County Weed Board in their efforts to conduct research and apply for grants to help mitigate the noxious weed problem.

**START YEAR:** Ongoing

**LEAD AGENCY:** County Weed Board

**PARTNERS:** CDP, FWP, Dept. of Agriculture, DNRC, Conservation District, private landowners.

**LEWIS AND CLARK COUNTY**  
**GROWTH POLICY EXECUTIVE SUMMARY**  
**Final: 2/15/04**

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## **IV: GLOSSARY**

**ACCESS, LEGAL:** All lots of the subdivision abut a public road easement or public right-of-way, and all necessary County or State approach permits have been obtained.

**ACCESS, PHYSICAL:** All lots of the subdivision abut a road constructed in accordance with the standards of these regulations and which provides vehicular access to each lot.

**ACCESSORY BUILDING OR USE:** A subordinate building—or portion of the principal building—located on the same lot as the principal building, or subordinate use of land, either of which is customarily incidental to the principal building or principal use of the land.

Where a portion of an accessory building is connected to part of the principal building in a substantial manner, as by a roof, such an accessory building shall be counted as part of the principal building.

**ADT:** Average daily trips made by vehicles or non-motorized traffic in a 24-hour period.

**AFFORDABLE HOUSING:** Affordable housing is generally defined as housing where the occupant is paying no more than 30 percent of gross income for housing costs, including utilities and meets the needs of moderate or low-income households.

**AGGRIEVED PARTY:** A person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specially and injuriously affected by the decision of the governing body to approve, conditionally approve, or disapprove a proposed subdivision plat.

**ANNEXATION:** The process by which land in an unincorporated area can become part of a nearby or adjacent municipality.

**APPLICATION DEADLINE:** The periodic deadlines (approximately semi-monthly or monthly) for application submittals to be considered within a particular review timeframe. Such deadlines are necessary for efficient administration of the MT Subdivision & Platting Act and these regulations. The statutory review timeframes

(60 for majors or 35 (working) days for minors) would always begin on an application deadline, if the submitted application was determined to be complete.

**APPROACH:** The point where a residential driveway meets a public road, or where a local access road, for example, intersects a higher classification of public road (e.g., collector).

**APPROPRIATE:** An act, condition, or state that is considered suitable for a specific situation by the Board of County Commissioners.

**BEST MANAGEMENT PRACTICES:** The utilization of nationally recognized methods and/or technologies in order to avoid or minimize potential negative impacts and to maximize the potential productivity of a resource.

**BIG GAME WINTER RANGE:** Habitat that supports the larger hunted animals (e.g., deer, elk, antelope, and moose) during the winter months.

**BLOCK:** A group of lots, tracts or parcels within well-defined and fixed boundaries.

**BLM:** U.S. Bureau of Land Management.

**BOCC:** Board of County Commissioners.

**BOR:** U.S. Bureau of Reclamation.

**BUILDING SETBACK LINE:** An imaginary line establishing the minimum distance that structures may be located from lot lines, street rights-of-way, natural drainages, or other physical or legal boundaries.

**CAG:** Citizens' Advisory Group.

**CAPITAL FACILITIES:** Capital facilities are provided for public purposes, and are generally defined as structures, improvements, equipment, or other major assets--including land--that have a useful life of at least 5 years.

**CAPITAL IMPROVEMENTS PLAN (CIP):** A plan outlining where, when, and how much a community or county plans to invest in major public facilities over the next 5-10 years. A CIP may address but not be limited to items such as roads and bridges, emergency service facilities and equipment, school and library buildings, sewer and water systems, and solid waste disposal sites.

**CAPITAL INVESTMENT:** Funds provided to build, expand, or otherwise improve major public facilities (see definition of capital improvements plan).

**CARRYING CAPACITY:** The capability and suitability of a resource (natural or public) to beneficially accommodate an activity or use.

**CATCHMENT AREA:** A particular geographic area within which water flows to a common point (e.g., a stream, lake, catchment basin, etc.).

**CDBG PROGRAM:** Community Development Block Grant Program.

**CERTIFICATE OF SURVEY (COS):** A drawing of a field survey prepared by a registered land surveyor for the purpose of disclosing facts pertaining to boundary locations and parcel features. COSs are often filed as a legal document to describe land divisions that are exempt from the subdivision review process.

**CLUSTER DEVELOPMENT:** A development in which dwelling and/or commercial units are grouped on certain portions of a site, and other areas in common or single ownership remain open and free from development. Under this concept, lots may be smaller than in a conventional subdivision, and lots and units are concentrated in order to provide open space.

**COMMERCIAL USE:** A commercial use is any business, retail trade, or service activity.

**COMMUNITY PARK:** Land with full public access intended to provide recreation opportunities beyond those supplied by neighborhood parks. They are designed for organized activities and sports, although individual and family activities are also encouraged. Community parks are larger in scale than neighborhood parks and may require a minimum of 15 acres, as outlined in the County Comprehensive Parks, Open Space and Recreation Plan.

**COMPREHENSIVE PLAN:** Now statutorily defined as a "Growth Policy" and including the components outlined in 76-1-601 MCA. Refers to a publicly prepared plan which describes current and future conditions of a community or county, outlines goals and objectives for land use and other features of community life, and recommends implementation measures designed to help achieve the goals.

**CONDOMINIUM:** A form of individual ownership with unrestricted right of disposal of one or more units in a multiple unit project with the land and all other parts of the project held in common ownership or use with owners of the other units.

**CONSERVATION EASEMENT:** A voluntary restriction of land use, particularly with respect to residential development. A landowner may sell or donate a conservation easement to a public or private entity.

**CONSISTENCY, CONSISTENT WITH:** Free from significant variation or contradiction. The courts have held that the phrase "consistent with" means "agreement with; harmonious with." The Webster Dictionary defines "consistency with" as meaning harmony, agreement when used with "with."

**CONSOLIDATED CITY-COUNTY PLANNING BOARD:** See Planning Board.

**COST-OF-SERVICES-STUDY:** Research conducted to estimate the cost of local services required by different kinds of development or land use, relative to the total property taxes paid.

**COVENANT:** A written agreement (recorded with the Clerk and Recorder) of two or more parties by which any of the parties pledges himself to the others that something is done or shall be done, or sets forth provisions for the use of land.

**CRITICAL AREAS:** Environmental areas that may be designated for preservation or protection. These areas may include: frequently flooded areas, naturally occurring wetlands, fish and wildlife habitat areas, geologically hazardous areas, and areas with a critical effect on aquifer recharge.

**CTEP:** Community Transportation Enhancement Program (note: this is a grant program administered by MDT that funds trails and other transportation-related improvements).

**CUMULATIVE IMPACT:** An effect on the physical or social environment that results from the incremental impact of an action that's added to past, present, and (reasonably foreseeable) future actions, regardless of what agency or person undertakes them. Cumulative impacts can result from minor actions that are collectively significant over a period of time.

**DEDICATION:** The deliberate appropriation of land by an owner for any general and public use, reserving to the landowner no rights which are incompatible with the full exercise and enjoyment of the use to which the property has been devoted. Acceptance of any dedications to public use is the discretion of the governing body.

**DEED RESTRICTION:** A land use restriction placed by a landowner on his or her property.



**DEFENSIBLE SPACE:** An area as defined by a vegetation management plan, between an improved property and a potential wildland fire, where the combustibles have been removed or modified with the following intent:

- a. To protect life and property from wildland fire;
- b. To reduce the potential for fire on improved property spreading to wildland fuels;
- c. To provide a safe working area for fire fighters protecting life and improved property.

**DENSITY:** The number of buildings or housing units per acre.

**DEQ:** Montana Department of Environmental Quality.

**DEVELOPMENT CAPACITY:** The amount of residential (number of dwelling units) and non-residential uses (building floor area in square feet or number of employees) that may be built based on the land use designation of a parcel of land. Capacity is calculated by assuming a certain amount of development is permitted within an allowable density in a location.

**DEVELOPMENT PERMIT:** A permit required by the County for specified types of land use changes and/or development. Where applicable, a permit would be required even for properties that haven't gone through subdivision review.

**DEVELOPMENT RIGHT:** The right to own or develop one residence or commercial operation per parcel of land.

**DEVELOPMENT STANDARD:** Requirement established by the County for different types of development, in various locations.

**DIVISION OF LAND:** The segregation of one or more parcels of land from a larger tract held in single or undivided ownership by transferring, or contracting to transfer, title to or possession of a portion of the tract or properly filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to the Montana Subdivision and Platting Act. Provided that where required by the Act the land upon which an improvement is situated has been subdivided in compliance with the Act, the sale, rent, lease or other conveyance of one or more parts of a building, structure or other improvement situated on one or more parcels of land is not a division of land and is not subject to the terms of the Act. The conveyance of a tract of record or an entire parcel of land that was created by a previous division of land is not a division of land.

**DNRC:** Montana Department of Natural Resources and Conservation.

**DRAINAGE BASIN:** See definition for watershed.

**DWELLING UNIT:** Any building or portion thereof providing complete, independent and permanent living facilities for one family.

**EA:** See Environmental Assessment.

**EASEMENT:** A right to use land, other than as a tenant, for a specific purpose; such right being held by someone other than the owner who holds title to the land.

**EIS:** See Environmental Impact Statement.

**EMERGENCY SERVICES:** Community services such as fire protection, law enforcement, ambulance service, quick response, search and rescue, and flood and disaster relief. Emergency services are generally provided by local governments or private, nonprofit organizations.

**EMINENT DOMAIN:** The right of a public entity to acquire private property, for public use, by condemnation and payment of just compensation.

**ENGINEER (REGISTERED PROFESSIONAL ENGINEER):** A person licensed in conformance with the Montana Professional Engineers' Registration Act (Title 37, Chapter 67, MCA) to practice engineering in the State of Montana.

**ENTRYWAY CORRIDOR:** The roadway corridor leading into and out of a community. Often, the corridor is an area of transitioning land uses, with more intense and urban activities located closest to the community center.

**ENVIRONMENTAL ASSESSMENT (EA):** An EA is a document that describes impacts on the environment as a result of a proposed action.

**ENVIRONMENTAL IMPACT STATEMENT (EIS):** An EIS is a document (typically longer and more detailed than an EA) that describes impacts on the environment as a result of a proposed action. It also describes impacts of alternatives as well as plans to mitigate the impacts.

**EPA:** U.S. Environmental Protection Agency.

**EPHEMERAL STREAM:** A stream that flows infrequently, usually only following precipitation events or snowmelt. This would include many gullies, coulees, and draws.

**EXAMINING LAND SURVEYOR:** A professional land surveyor duly appointed by the governing body to review surveys and plats submitted for filing.

**FEMA:** Federal Emergency Management Agency.

**FERC:** Federal Energy Regulatory Commission.

**FISCAL IMPACT ANALYSIS (FIA):** A projection of the direct public costs and revenues resulting from population or employment change to the local jurisdiction(s) where the change is taking place. An FIA enables local governments to evaluate relative fiscal merits of general plans, specific plans, or projects.

**FLOOD:** The water of any watercourse or drainage way which is above the bank or outside the channel and banks of such watercourse or drainage way.

**FLOOD OF 100-YEAR FREQUENCY:** A flood magnitude that has a one percent chance of being equaled or exceeded in any given year. A 100-year flood has nearly a 23 percent chance of occurring in a 25-year period. (Note: new definition supplied by Paul Spengler, Disaster and Emergency Services Coordinator.)

**FLOODPLAIN:** The area adjoining the watercourse or drainage way that could be covered by the floodwater of a flood of 100-year frequency.

**FLOODWAY:** The channel of a watercourse or drainage way that must be reserved in order to discharge a 100-year flood without cumulatively increasing the water surface elevation more than one-half foot. (Note: new definition supplied by Paul Spengler, Disaster and Emergency Services Coordinator).

**FWP:** Montana Department of Fish, Wildlife and Parks.

**GEOGRAPHIC INFORMATION SYSTEM (GIS):** A method of computer mapping that enables layers of land-related information (e.g., soils, roads, waterways, buildings) to be illustrated and analyzed in various combinations. GIS maps and databases may be used to predict future conditions under different hypothetical scenarios.

**GEOLOGICALLY HAZARDOUS AREAS:** Areas that because of their susceptibility to erosion, sliding, earthquakes, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

**GOAL:** A broad, generalized expression of a commonly held community value. Goals express primary themes or general intent and direction.

**GOVERNING BODY:** The Board of County Commissioners, or the governing authority of any city or town organized pursuant to law.

**GROWTH MANAGEMENT:** The use by a community of a wide range of techniques in combination to determine the amount, type, and rate of development desired by the community and to channel that growth into designated areas. Growth management policies, once determined, are implemented through zoning, capital improvement programs, subdivision regulations, neighborhood plans, standards for levels of service, and other programs.

**GROWTH POLICY:** As defined in Section 76-1-103, MCA, a Growth Policy means and is synonymous with a comprehensive development plan, master plan, or comprehensive plan, which meets the requirements of Section 76-1-601, MCA. The 1999 Montana Legislature enacted legislation that defined Growth Policy, and made it the operative term for the types of documents mentioned above.

**GUIDELINES:** General statements of policy direction around which specific details may be later established.

**HAWT PLAN:** Helena Area Wastewater Treatment Plan.

**HOME OCCUPATION:** Any use conducted entirely within a dwelling, which is clearly incidental and secondary to the use of the dwelling for residential purposes. Such use may include, but is not limited to, art and/or photography studios, computer programming, insurance sales, and handicrafts, provided that the use does not involve more than one-third of the total square footage of the dwelling and does not generate substantial additional traffic.

**HOUSEHOLD:** All individuals--related or unrelated--who occupy a single housing unit.

**HRA:** Helena Regional Airport.

**HUD:** U.S. Department of Housing and Urban Development.

**HVID:** Helena Valley Irrigation District.

**IMPACT:** The effect of any direct man-made actions or indirect repercussions of man-made actions on existing social, environmental, or economic conditions.

**IMPACT FEES:** A fee paid by developers to help pay for the cost of providing public facilities needed to serve new development. Impact fees may also involve an effort to predict the total cost to the community for servicing the new development and relate it to the revenues that will be produced by the development once it is completed.

**IMPLEMENTATION STRATEGY:** Specific procedures for carrying out goals and policies.

**IMPROVEMENT:** The addition of one or more structures or utilities on a parcel of land.

**INCENTIVE:** A benefit offered to entice someone to do something, as opposed to a regulatory requirement.

**INDUSTRIAL USE:** The activities predominantly connected with manufacturing, assembling, processing, or storing of products.

**INFILL DEVELOPMENT:** Development consisting of construction on one or more lots in an area that is mostly developed, or underutilized parcels in built up areas. Because utilities infrastructure and public services are usually in place, the costs and impacts of new developments may be lower.

**INFRASTRUCTURE:** Public facilities and services that typically include, roads, sewers, water, schools, police and fire buildings, libraries, hospitals, parks, trails, etc. to serve public demand and safety.

**INTERLOCAL AGREEMENTS:** Agreements between political jurisdictions.

**INTERMITTANT STREAM:** A stream that flows more often than not, but may not flow a good portion of the time in some reaches. For instance, during the late summer there may be flow in some sections of an intermittent stream, and no flow in other reaches where water seeps into the stream bottom at a higher rate.

**INTERMOUNTAIN SEISMIC BELT:** An earthquake-active area of the Rocky Mountain West.

**ISSUE:** A problem or opportunity that is sufficiently important for the County to develop an approach addressing it (e.g., through goals, policies, strategies, etc.).

**LAND EXCHANGE:** Typically, the process by which a public land management agency trades or sells a parcel of public land in exchange for the acquisition of land which is deemed to hold higher resource values for public purposes.

**LAND TRUST:** A non-profit organization that receives property, conservation easements, and development rights as a way of promoting goals such as open space preservation and farmland protection. A land trust may accept donations and/or make purchases.

**LCCWQPD:** Lewis and Clark County Water Quality Protection District.

**LEVEL OF SERVICE (LOS):** An indicator of the extent or degree of service provided by, or proposed for, a facility or a service based on an established minimum standard (i.e. 1 patrol officer per 10000 people).

**LOCAL FIRE AUTHORITY:** A local fire district, fire service area, or the county fire marshal.

**LOCATION MAP:** A small map showing the location of a tract of land in relation to a larger land area.

**LONG-TERM IMPACT:** An impact that is of a longer duration than a direct, immediate impact. A long-term impact is one where the affected area will not return to its natural state quickly after a project is complete.

**LOT:** A parcel, plot or other land area created by subdivision for sale, lease, or rent.

**LOT MEASUREMENTS:**

- a. Lot Depth -- The length of a line drawn perpendicularly to the front lot line and extending to the rear lot line.
- b. Lot Width -- The width of the lot measured by averaging its two narrower dimensions.
- c. Lot Frontage -- The width of the front lot line.
- d. Lot Area -- The area of a lot determined exclusive of street, highway, alley, road, or other rights-of-way.

**LOT TYPES:**

- a. Corner Lot: A lot located at the intersection of two streets.
- b. Interior Lot: A lot with frontage on only one street.

- c. Double-fronted Lot: A lot whose front and rear lines both abut on a street.

**MANUFACTURED HOUSING:** As defined in MCA 76-2-302, “‘manufactured housing’ means a single-family dwelling, built offsite in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in size, has a pitched roof and siding and roofing materials that are customarily, as defined by local regulations, used on site-built homes, and is in compliance with the applicable prevailing standards of the United States Department of Housing and Urban Development at the time of its production. A manufactured home does not include a mobile home or housetrailer, as defined in 61-1-501.”

**MCA:** Montana Codes Annotated (State of Montana statutes).

**MDPHHS:** Montana Department of Health and Human Services.

**MDT:** Montana Department of Transportation.

**MILL LEVY:** The level of property tax set by a local government. One mill equals one one-thousandth of the total taxable value of the particular jurisdiction.

**MINOR SUBDIVISION:** A subdivision containing five (5) or fewer parcels where proper access to all lots is provided, where no land in the subdivision will be dedicated to public use for parks or playgrounds and which has been approved by the Department of Environmental Quality (DEQ), where required.

**MITIGATE:** To ameliorate, alleviate, or avoid to the extent reasonably feasible.

**MIXED-USE:** Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A "single site" may include contiguous properties.

**MOBILE HOME:** As defined in MCA 61-1-501, “‘Mobile home’ or ‘housetrailer’ means a trailer or a semitrailer that is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place (either permanently or temporarily), and is equipped for use as a conveyance on streets and highways, or a trailer or semitrailer whose chassis and exterior shell is designed and constructed for use as a housetrailer, but that is used permanently or temporarily for the advertising, sales, display, or promotion of merchandise or services, or for any commercial purpose, except the transportation of property for hire or the transportation of property for distribution by a private carrier.” Also, see definition for “manufactured housing.”

**MUNICIPALITY:** An incorporated city or town.

**NEIGHBORHOOD PARK:** A combination playground and park designed primarily for non-supervised, non-organized recreation activities generally 3-7 acres in size.

**NEIGHBORHOOD PLAN:** A plan developed for a particular geographic area within the County, typically including the active involvement of area residents. A neighborhood plan generally would not include regulatory provisions, such as zoning or other mechanisms.

**NON-CONFORMING USE:** An existing use of land or building which was legally established prior to the effective date of a regulation, but which subsequently fails to comply with the requirements applicable to the zone it is situated in.

**NRCS:** Natural Resources and Conservation Services (note: this is a federal agency that previously was called the Soil and Water Conservation Service.

**OBJECTIVE:** An objective is a narrowly defined and concrete expression of intent. Typically, an objective is quantifiable (e.g., it states how much will be achieved by a certain date).

**OCCASIONAL SALE:** A previous exemption that provided for a single division of a tract of land during a period of one year. The occasional sale exemption was formerly contained in Section 76-3-207 (1)(d), MCA; it was repealed by the 1993 Legislature.

**OPEN SPACE:** A land or water area devoid of buildings and other physical structures except where accessory to the provision of recreation.

**ORDINANCE:** A statute or regulation.

**ORIGINAL TRACT:** A tract of land created as of July 1, 1973.

**OVERALL DEVELOPMENT PLAN:** The plan of a subdivision design for a single tract proposed to be subdivided by stages.

**PAYMENT-IN-LIEU-OF-TAXES (PILT):** Annual payment made by the federal government to each county government where federally managed public lands are located. The payment is intended to compensate county governments, in part, for the fact that public lands are exempt from local taxation.



**PEDESTRIAN FACILITY:** An improvement designed to facilitate accessibility by foot or wheelchair, including sidewalks, curb ramps, crosswalks, overpasses and under crossings, etc.

**PERENNIAL STREAM:** A stream that typically flows all year for its entire length, although stretches may go dry during periods of extreme drought.

**PERFORMANCE STANDARDS:** Regulations that permit uses based on a particular set of standards of operation rather than on particular type of use. The focus is on end results, and less on how they are achieved. Performance standards provide specific criteria limiting noise, air pollution, emissions, odors, vibration, dust, dirt, glare, heat, fire hazards, wastes, traffic impacts, and visual impact of a use.

**PERMITTED USE:** A use that is lawfully established in a particular district or districts, and which conforms with all requirements, regulations, and performance standards within the district. A permitted use may be a principal use, accessory use, or a conditional use.

**PLANNED UNIT DEVELOPMENT (PUD):** A land development project consisting of residential clusters, industrial parks, shopping centers, or office building parks, that comprise a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in a common ownership or use.

**PLANNING BOARD:** A city planning board, a county planning board or a joint city-county planning board as formed pursuant to Title 76, Chapter 1, MCA. The planning board's role is advisory.

**PLAT:** A graphic representation of a subdivision showing the division of land into lots, parcels, blocks, streets, and alleys, and other divisions and dedications.

- a. Preliminary Plat: A neat and scaled drawing of a proposed subdivision showing the layout of streets, alleys, lots, blocks, and other elements of a subdivision which furnish a basis for a review by a governing body.
- b. Final Plat: The final drawing of the subdivision and dedication required to be prepared for filing for record with the county clerk and recorder and containing all elements and requirements set forth in these regulations and the Montana Subdivision and Platting Act. (Title 76, Chapter 3, MCA).

- c. Vacated Plat: A plat that has been removed from the county record under provisions of these regulations and the Montana Subdivision and Platting Act (Title 76, Chapter 3, MCA).
- d. Amended Plat: The final drawing of any change to a platted subdivision required to be filed with the clerk and recorder and containing all elements and requirements set forth in these regulations and the Montana Subdivision and Platting Act. (Title 76, Chapter 3, MCA).

**POLICY:** A specific statement of principle or of guiding actions that implies clear commitment but is not mandatory. It is the general direction that a governmental agency sets to follow, in order to meet its goals and objectives before undertaking an action program.

**PPL, MONTANA:** Pennsylvania Power and Light, Montana (note: this is the company that purchased Montana Power).

**PRIME FARMLAND:** As defined by the Natural Resources Conservation Service, those lands that are best suited to producing food, feed, forage, fiber, and oilseed crops. Typically, these lands have an adequate and dependable supply of irrigation water, favorable temperature and growing season, and acceptable soil acidity and alkalinity.

**PUBLIC IMPROVEMENT:** Any structure or facility constructed to serve the residents of a subdivision or the general public such as parks, streets and roads, sidewalks, curbs and gutters, street lighting, utilities and systems for water supply, sewage disposal and drainage.

**PUBLIC SERVICES:** services and facilities provided to the general community by government or quasi-public entities. Examples include roads and bridges, emergency services, schools and libraries, sewer and water systems, and solid waste disposal.

**RANCHETTE:** A single dwelling unit occupied by a non-farming household on a parcel of 2.5 to 20 acres that has been subdivided from agricultural land.

**RE-AGGREGATING LOTS:** Voluntary action by a landowner or group of landowners to reassemble lots previously created by land division, in order to create one or more larger parcels.

**RECREATIONAL VEHICLE PARK:** A place used for public camping where persons can rent space to park individual camping trailers, pick-up campers, motor homes, travel trailers or automobiles for transient dwelling purposes.

**RECREATIONAL VEHICLE SPACE:** A designated portion of a recreational vehicle park designed for the placement of a single recreational vehicle and the exclusive use of its occupants.

**REGISTERED ENGINEER:** An engineer licensed to practice in the State of Montana.

**REGULATION:** That which is required, unless an explicit exception is made.

**RESIDENTIAL USE:** Any land use that provides for living space. Examples include single family, multifamily, special residences.

**RID (Rural/Road Improvement District):** A specially designated area in which local public improvements are made. Property owners or the County may initiate projects that are paid through special assessments. RID examples may include road improvements, sidewalks, curb, etc.

**RIGHT-OF-WAY:** A strip of land dedicated or acquired for use as a public way.

**RIGHT-TO-FARM LAW:** A Montana state law that excludes standard agricultural practices from being considered “nuisances” (see 27-30-101, MCA).

**RIPARIAN AREA:** Defined by the University of Montana’s Riparian and Wetland Research Program as the “green zone” which lies between channels of flowing water and uplands, and which serves several functions, including the following: water storage and aquifer recharge; filtering of chemical and organic wastes; sediment trapping; bank building and maintenance; flow energy dissipation; and primary biotic production. Riparian areas provide important habitat for many species of wildlife.

**RURAL DEVELOPMENT:** Development activities that may be based on the land (e.g. agriculture, ranching and mineral extraction). Usually characterized by large lots for houses and by farm and forest activities. Areas where fewer public facilities exist, and lower infrastructure standards are typically found.

**RV:** Recreational Vehicle.

**SERVICE AREA:** The land area within which a County or other jurisdiction is committed to providing public services.

**SETBACK:** The horizontal distance required between the public right-of-way or property line (whichever is closest) and the building line.

**SHEET FLOODING:** Flooding that spreads out over the surface of the earth, rather than following a defined drainage, typically when the ground is frozen, or otherwise unable to absorb runoff.

**SHORT-TERM IMPACT:** An impact such that the affected area can be expected to return to the original condition quickly following a project or event.

**SINGLE FAMILY DWELLING:** A dwelling used for residential occupancy by one household.

**SPECIES OF SPECIAL CONCERN:** Types of wildlife and vegetation which are considered by the Montana Natural History Program and the U.S. Fish and Wildlife Service to be threatened, endangered, or otherwise vulnerable to decline.

**STANDARD:** something established for use as a rule or basis of comparison in measuring quantity, quality, value, etc.

**STATE:** The State of Montana

**STREET TYPES:** Refer to definitions in the Lewis and Clark County Subdivision Regulations.

**SUBDIVIDER:** Any person, firm or corporation, or other entity that causes land to be subdivided or who proposes a subdivision of land.

**SUBDIVISION:** A division of land or land so divided, which creates one or more parcels containing less than one hundred sixty (160) acres that cannot be described as a one-quarter aliquot part of a United States Government Section, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed, and includes any resubdivision; and further includes a condominium or area, regardless of its size, that provides or will provide multiple space for recreational camping vehicles, or mobile homes. A subdivision comprises only those parcels containing less than one hundred sixty (160) acres that have been segregated from the tract of record. The subdivision plat must show all the parcels whether contiguous or not. Provided, however, condominiums constructed on land divided in compliance with the Montana Subdivision and Platting Act are exempt from the provisions of the Act [76-3-103(14), MCA].

**SUBSTANTIALLY:** Generally true or in accordance in important respects.

**SURVEYOR (PROFESSIONAL LAND SURVEYOR):** A person licensed in conformance with the Montana Professional Engineer Registration Act (Title 37, Chapter 67, MCA) to practice surveying in the State of Montana.

**SUSTAINABILITY:** Community use of natural resources in a way that does not jeopardize the ability of future generations to live and prosper.

**SWALE:** A drainage channel or shallow depression designed to direct surface water flow.

**TAKING:** A real estate term traditionally used to mean acquisition by eminent domain but broadened by the U.S. Supreme Court to mean any government action that denies economically viable use of property. More recent federal and state legislative proposals would consider any government program causing a "substantial" reduction in property values to be a taking.

**TCC:** Transportation Coordinating Committee.

**TDM:** Transportation Demand Management (note: this concept focuses on reducing the number of auto-based trips, rather than increasing road capacity).

**TMDL:** TMDL (total maximum daily load) is the total amount of a pollutant, per day, (including a margin of safety) that a water body may receive from any source (point, nonpoint, or natural background) without exceeding the state water quality standards.

**TRACT:** A single parcel of land held in single and undivided ownership as shown by the official records on file in the office of the county clerk and recorder.

**TRACT OF RECORD:**

(a) A "tract of record" is an individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using the documents on file in the records of the county clerk and recorder's office.

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

(i) an instrument of conveyance in which the aggregated parcels have been assigned a legal description that describes the resulting single

parcel and in which the owner expressly declares the owner's intention that the tracts be merged; or

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

(c) An instrument of conveyance does not merge parcels of land under subsection 53.(b)(i) unless the instrument states, "This instrument is intended to merge individual parcels of land to form the aggregate parcel(s) described in this instrument" or a similar statement, in addition to the legal description of the aggregate parcels, clearly expressing the owner's intent to effect a merger of parcels.

**TRANSFER OF DEVELOPMENT RIGHTS (TDR):** Under TDR, development rights in a designated zone are allowed to be transferred from one area to another to meet specific land use goals. Areas most suitable for development are declared "receiving zones" with increased use densities, leaving intact open areas, or "sending zones" from which development rights are sold.

**TRANSITIONAL AREAS:** The areas suitable for urban development over a longer term. Transitional areas may be contiguous to existing urban development, or they may be located further out. These areas contain existing low-density development and community services (schools, parks, fire protection, neighborhood, commercial, etc.) and could accommodate additional infill development.

**URBAN:** Urban areas are those areas where city services to support residential, commercial, and industrial development are most likely to be extended over the next twenty to twenty-five years.

**URBAN SERVICES:** Those governmental services historically and typically delivered by cities, including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities.

**URBAN GROWTH:** Growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces. When allowed to spread over a wide area, urban growth typically requires urban governmental services.

**URBAN SERVICE AREA:** The area within which urban governmental services, such as sanitary sewer systems, domestic water systems and other public utilities associated with urban areas are provided.

**USFWS:** U.S. Fish and Wildlife Service.

**USGS:** U.S. Geological Survey.

**UTILITIES:** Facilities serving the public by means of a network of wires or pipes, and ancillary structures. Included are systems for the delivery of natural gas, electricity, telecommunications services, and water, as well as the disposal of sewage.

**VFD:** Volunteer Fire Department.

**VICINITY SKETCH:** A map at a scale suitable to locate the proposed subdivision, showing the boundary lines of all adjacent properties and streets and other information necessary to determine the general location of the proposed subdivision.

**VIEWSHED:** The landscape visible from a particular viewing point.

**WATERCOURSE:** A natural depression or channel that gives direction to a current of water at any time of the year. This could be a stream or gully, for example, that water flows towards and then through, in a prescribed path.

**WATERSHED:** When rain or snow falls on an area of land, it eventually runs down hill until it reaches a stream. The entire area over which water flows to a common point is called a watershed.

**WETLANDS:** Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

**WILDLAND/URBAN INTERFACE:** Borders of forest and/or woodland areas being settled by people desiring to live in rural, wooded settings.

**ZONING:** A regulatory tool available to local governments to designate the location and character of various land uses.

