

## **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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