



RESOLUTION 2017 – 128

**RESOLUTION TO AMEND THE LEWIS AND CLARK COUNTY
PARKS AND RECREATION PLAN**

WHEREAS, on March 6, 2012, the Lewis and Clark County Board of Commissioners (Commission) adopted the Lewis and Clark County Parks and Recreation Plan (Parks and Recreation Plan); and

WHEREAS, on July 12, 2017, the Helena/Lewis and Clark County Parks Board (Parks Board) recommended approval of amendments to the Parks and Recreation Plan as proposed by the Community Development and Planning Department (Planning Department); and

WHEREAS, on July 18, 2017, the Helena/Lewis and Clark Consolidated City-County Planning Board (Planning Board) held a work session regarding the proposed amendments to the Parks and Recreation Plan; and

WHEREAS, on July 30, 2017, due and legal notice of a public hearing before the Planning Board for the proposed amendments to the Parks and Recreation Plan was given in the Independent Record pursuant to Section 76-1-602, MCA; and

WHEREAS, on August 15, 2017, pursuant to Section 76-1-602, MCA, the Planning Board held a public hearing regarding the proposed amendments to the Parks and Recreation Plan; and

WHEREAS, after public testimony, the Planning Board closed the public hearing and recommended approval of the proposed amendments to the Parks and Recreation Plan, as recommended by the Parks Board, and as shown on Planning Board Resolution No. 2017-3; and


WHEREAS, on July 30, 2017, legal notice of a public meeting before the County Commission for the proposed amendments to the Parks and Recreation Plan was given in the Independent Record and comments were solicited from the public regarding these proposed amendments from July 30, 2017 until the meeting held by the County Commission on August 29, 2017; and

WHEREAS, on August 29, 2017, at its regularly scheduled public meeting, the Commission reviewed the proposed amendments to the Parks and Recreation Plan, reviewed the Planning Board's recommendation, and considered all public comments (verbal and written);

NOW, THEREFORE, BE IT RESOLVED, pursuant to Section 76-1-604, MCA, the County Commission amends the Parks and Recreation Plan as shown on Exhibit "A", attached hereto, and made a part hereof.

DATED this 29 day of August, 2017.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Susan Good-Geise, Chair

ATTEST:



Paulette DeHart, Clerk of the Board

Attachment: Exhibit "A"



Exhibit "A"



**LEWIS & CLARK COUNTY
MONTANA**



**LEWIS AND CLARK COUNTY
PARKS AND RECREATION PLAN**

Adopted March 6, 2012

Draft Amendments April 21, 2017

(Note: Added text indicated by underlines, deleted text indicated by ~~strikethroughs~~)

Lewis and Clark County

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Introduction

Lewis and Clark County is an area of stunning mountains and beautiful valleys. The character ranges from urban to rural. Helena is the urban center and the State Capital. In contrast, Augusta is a rural townsite on the edge of the Rocky Mountain Front.

Lewis and Clark County has had population growth for the past 20 years. From 2000 to 2010, the population increased 13.8%. Land subdivision has increased to accommodate the housing needs of the added population.

The Montana State Subdivision and Platting Act Section 76-3-621, requires all major residential subdivisions to dedicate to the governing body a cash or land donation to address the need for parklands. The parkland dedication requirement was originally passed in 1995. Since that time, many small tracts of land have been dedicated to Lewis and Clark County or a subdivision's homeowners association. Maintenance has been an issue, as Lewis and Clark County does not have a Parks Department and many times the homeowners association also lacks maintenance options.

The goal of the 2012 Lewis and Clark County Parks and Recreation Plan is to outline a cohesive plan for the future of Lewis and Clark County's park lands.

Lewis and Clark County has a deep history with its land. Miners, loggers, ranchers and farmers originally populated the area. The residents value this history intensely. However, the county is one of the fastest growing in the State of Montana.

Mission Statement

"The City-County Parks Board's mission is to promote investment in the development and maintenance of parks, recreation, trails and open space." In this way, Lewis and Clark County will maintain a high quality of life and activity level for all residents.

Integration with the Lewis and Clark County Growth Policy

Lewis and Clark County staff is currently revising a countywide comprehensive plan known as the Growth Policy. Montana Code Annotated Section 76-1-601 MCA (4)(c)(vi) requires a county growth policy to describe public facilities including parks.

In the larger context, the Growth Policy addresses the issues that affect quality of life within Lewis and Clark County. The goals and policies of the Growth Policy focus on the concerns of the residents to maintain quality of life for rural and agricultural lands, as well as maintaining open spaces to ensure water quality and availability, conserve cultural and historic lands and plan for the future of the county.

The Lewis and Clark County Parks and Recreation Plan is consistent with the Growth Policy.

Definitions as used in this document

Bike lane - A designated area within a street roadway reserved for bicycle travel and separated from the rest of the roadway by painted lines or other markings.

Park lands - Any area set aside for public recreation and owned by Lewis and Clark County. May or may not have facilities.

Open Space - Any parcel of land that is essentially unimproved. May or may not be under a conservation easement. May or may not be accessible to the public.

Non-motorized trail – A path physically separated from motor vehicle traffic by a space or barrier and within a highway right of- way or within an independent right of-way. A multi-use path is used by bicyclists, pedestrians, joggers, skaters, and other non motorized travelers.

Recreation trail - A maintained trail/path system. Generally does not have a hard surface, such as the South Hills Trails System in the City of Helena.

Chapter 1 – Background

Lewis and Clark County is 3,460 square miles with a population density of 17.1 persons per square mile (US Census). New residents seek the high quality of life that is enjoyed in Lewis and Clark County. An important element of the high quality of life is the access to outdoor recreational opportunities.

A) Public Lands

Lewis and Clark County consists of 50% public lands. Of the 4,269 square miles that comprises the county, the USDA Forest Service owns 1,486 square miles, which is approximately 35% of the county.

Lewis and Clark County park lands include all lands deeded to the county through subdivision review since the Subdivision and Platting Act of 1973. Currently, the county has approximately 208.2 acres of lands dedicated for parkland. Of that amount, approximately 86.2 acres have been developed into parks. The remainder of county park lands consists of small tracts that have remained undeveloped.

In addition, the county cooperates with the Helena School District on development and maintenance at Sierra Park, 31.5 acres, and Warren Community Park, 10.6. Parkland adjacent to the Jim Darcy School will also be developed in the future.

The Lewis and Clark County Fairgrounds consists of 159.8 acres. The Fairgrounds is directed by a separate board and not under the purview of the Consolidated City-County Parks Board.

B) Parks Board

The Consolidated City-County Parks Board was formed in 1999 with an Interlocal Agreement between the County and the City of Helena. The board formation fulfilled one recommendation of the 1998 Lewis and Clark County Parks and Recreation Plan. There are seven board members, three of which are appointed by Lewis and Clark County, three by the City of Helena and one member from School District #1.

The Consolidated City-County Parks Board has the authority to acquire lands for parks, recreation and open space and furnish the necessary personnel and equipment to develop and manage parks. (Summarized from the Lewis and Clark County website.)

Lewis and Clark County participates on the City-County Parks Board by having a county commissioner as a voting member and dedicated staff administering county parks matters. The City-County Parks Board is charged with determining where new county parks should be built and prioritizing how the park fund should be spent.

C) Planning Areas

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. The County established more specific area plans for the rural portions of the County as listed below:

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

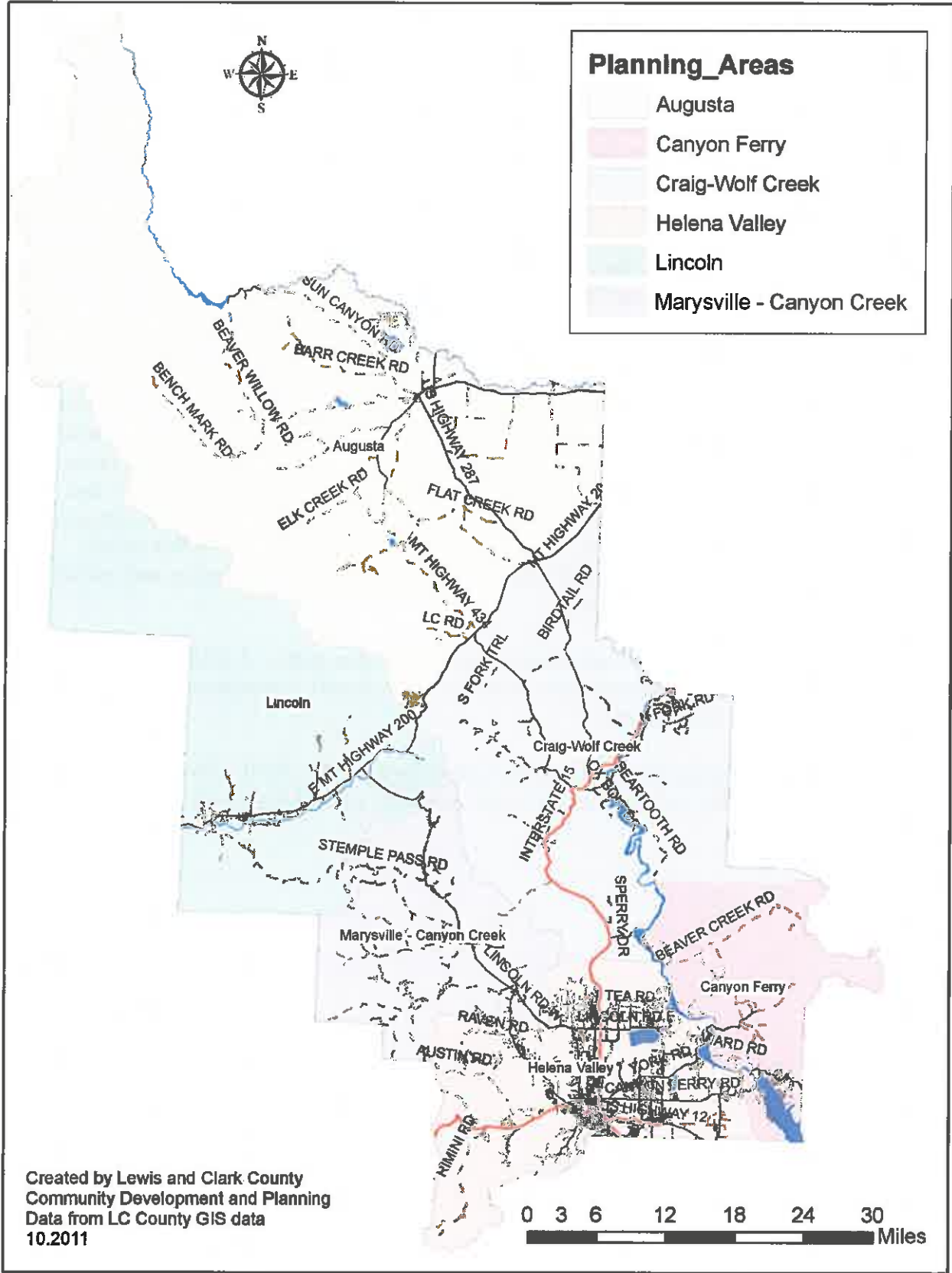
In 1996, the Board of County Commissioners adopted a separate plan for Lincoln and the Upper Blackfoot Valley.

The Lewis and Clark County Parks and Recreation Plan ~~will~~ utilizes these Growth Policy planning areas to define regions within the county that are used as part of the criteria for acceptance of parkland and the allocation of parkland funds. Chapter 5, Sections E and F of this Plan provide the criteria for acceptance and allocations. Park dedication requirements are regulated by the Montana Code Annotated. MCA 76-3-621 (5) (b) states,

~~“the governing body may use the dedicated money to acquire, develop, or maintain, within its jurisdiction, parks or recreational areas or for the purchase of public open space or conservation easements only if:~~
~~—(i) the park, recreational area, open space, or conservation easement is within a reasonably close proximity to the proposed subdivision; and~~
~~—(ii) the governing body has formally adopted a park plan that establishes the needs and procedures for use of the money.”~~

The Lewis and Clark County Parks and Recreation Plan ~~defines~~ satisfies the requirement of MCA 76-3-621 (5)(b)(i) by using the Growth Policy planning areas, the Helena Valley Park Fee Area Map, and the criteria of Chapter 5, Section F to determine the relationship of funds collected from subdivisions in lieu of parkland dedication to decisions on spending those funds. In addition, the adoption of this document will fulfill the requirement of MCA 76-3-621 (5)(b)(ii) for having an adopted plan that establishes needs and procedures for the use of parkland funds.

See map on the following page.



D) Open Lands Program

In 2008, the citizens of Lewis and Clark County voted for a \$10 million bond to conserve open space. The bond language is as follows:

“Shall the Board of County Commissioners (the “Board”) of Lewis and Clark County, Montana (the “County”) be authorized to issue and sell general obligation bonds of the county, in one or more series in the aggregate amount of up to Ten Million and No/100 Dollars (\$10,000,000.00), bearing interest at rates to be determined by the Board at a competitive sale, payable semiannually during a term not to exceed twenty (20) years and redeemable on any date after on-half of their term, for the purpose of preserving open-space lands in the County, including working lands and land for protecting water and wildlife, by providing funds to acquire conservation easements or other property interests from willing sellers and to pay costs associated with the sale and issuance of bonds, for any one or more of the following reasons: protecting drinking water sources and ground water quality; protecting water quality in and along rivers and streams; conserving working farm, ranch and forest lands; protecting wildlife areas; preserving open lands and natural areas; providing for recreation; and managing growth and development?”

The Open Lands program is administered separately from parks. A Citizens Advisory Committee makes recommendations to the Board of County Commissioners rather than the Consolidated Parks Board.

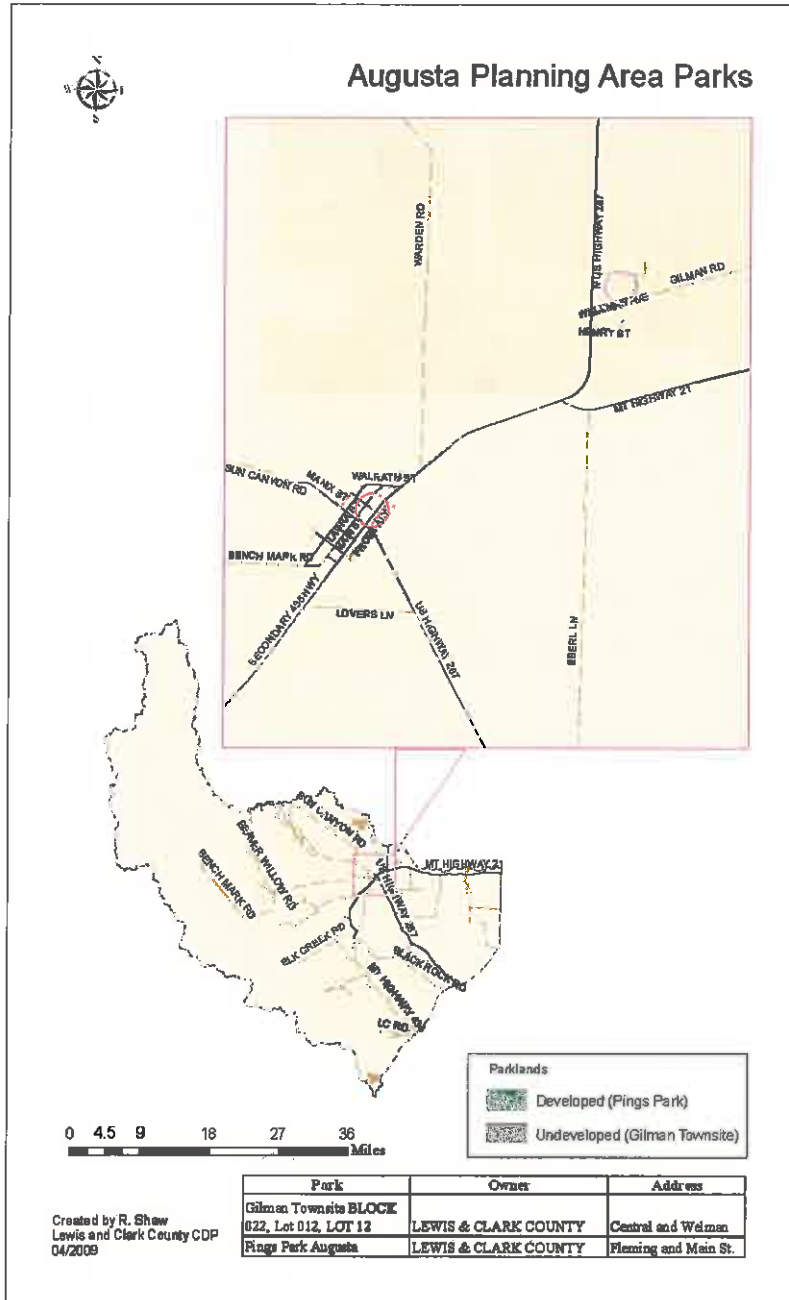
The Open Lands program was developed and opened in May 2010. Over 7,270 acres have been put under perpetual conservation easement since the program’s inception.

Chapter 2 – Existing Facilities

A. Lands

1) Augusta Planning Area

The Augusta Planning Area is rural, comprised of large ranch holdings and public lands. Augusta Township was dedicated in 1893 shortly after Montana became a state. The area remains unincorporated, but with a definite “sense of place”.



The Augusta Planning Area encompasses 1,277 square miles. Public lands comprise 819 square miles or 64% of the planning area. In the western section of the Augusta Planning Area National Forest covers 673 square miles, which is 52% of the planning area, and includes part of the Bob Marshall Wilderness Area. In addition, over 50 square miles is held in conservation easements. There is a large conservation easement, administered by the Montana Land Alliance, on a private ranch along the Sun River. The Department of Fish, Wildlife and Parks manages a conservation easement on the Willow Creek Reservoir.

The townsite of Augusta does have one established county park. Ping Park is located on Main Street. This small park is landscaped and contains several picnic tables. Its primary benefit is to provide a seating area along Main Street.

With support from the community, Augusta townsite would be a good area for further park development in this

Planning Area. Provisions for future park needs will be planned as needed and approved by the City-County Parks Board.

In addition, a small lot in the Gilman Townsite was deeded to the county. However, this subdivision has not been developed.

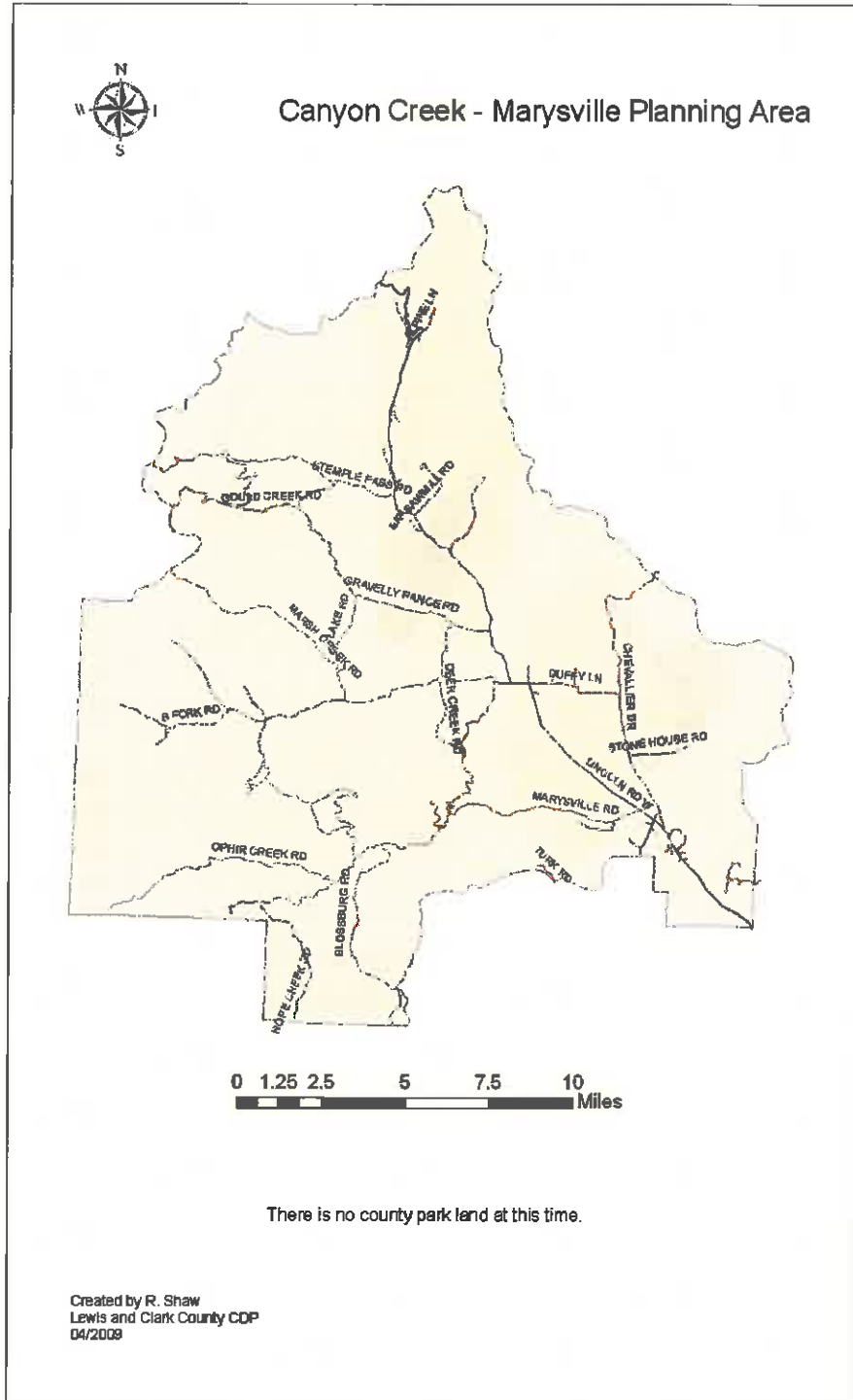


2) Canyon Creek – Marysville Planning Area

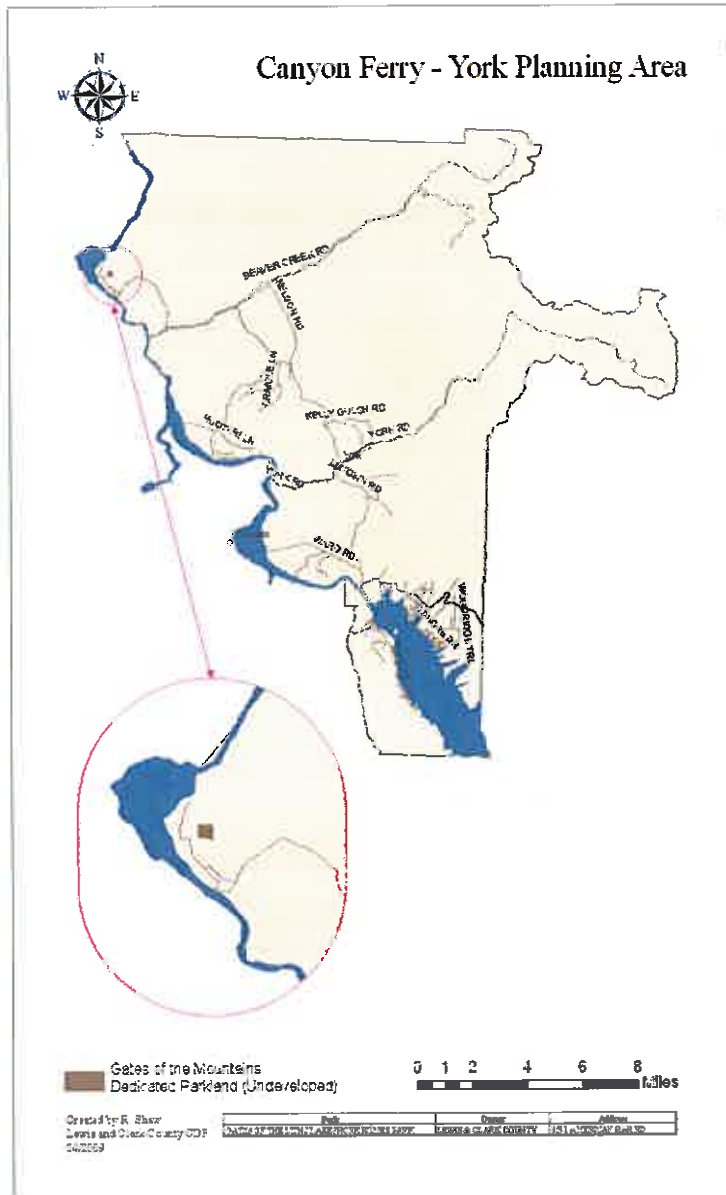
The Canyon Creek – Marysville Planning Area is a rural landscape. Although the population had been much greater during the 1800’s gold rush era, as with many boom towns in Montana, the residents moved on when the mines closed.

Currently, there is 298 square miles in this planning area. Of that, 53.5% of the land is owned by the USDI Bureau of Land Management, USDA Forest Service and the State of Montana, which is classified as public lands, regardless of access. In addition, there is 33 square miles of conservation easements on private ranch lands.

There is no county park land in the Canyon Creek – Marysville Planning Area. However, development has been increasing in the area since the late 1990s, particularly along Birdseye Road near Silver City. Provisions for future park needs will be planned as needed and approved by the City-County Parks Board.



3) Canyon Ferry-York Planning Area



Similar to the Augusta and Canyon Creek – Marysville Planning Areas, the Canyon Ferry – York Planning Area is quite rural with a large percentage of public lands comprised mostly of National Forest.

Almost 83% of the Canyon Ferry – York Planning Area is represented by public lands. There is 238 square miles in the Planning Area of which 39 square miles, or 17%, is held privately.

There is a 22-acre county park property in the Gates of the Mountains Lakeshore Homes Subdivision. It is located in a hilly area and has two driveway easements through the southern portion. The park land is not developed and has a 15% slope.

Lack of growth and ample access to other recreational opportunities in the Planning Area may prevent development of a county park. However, provisions for future park needs will be planned as needed and approved by the City-County Parks Board.

4) Helena Valley Planning Area

The Helena Valley Planning Area has the most population and is the most developed of the Planning Areas. As such, there is a greater need for parks in this Planning Area.

The Helena Valley Planning Area contains 401 square miles, of which, 31% is public lands. The 31% includes the buildings for administration for the City of Helena, Lewis and Clark County and the State of Montana.

Currently, the county has approximately 208.2 acres of lands dedicated for parkland, excluding the fairgrounds. Of that amount, approximately 86.2 acres have been developed into parks. The remainder of county park lands consists of small tracts that have remained undeveloped. The Lewis and Clark County Fairgrounds is 159.8 acres. In addition, the county cooperates with the Helena School District on development and maintenance at Sierra Park, 31.5 acres, and Warren Community Park, 10.6. Parkland adjacent to the Jim Darcy School will also be developed in the future.

The Bob Ryan/Helena Exchange Club Park contains 61 acres. The park is managed in cooperation with the City of Helena and the Babe Ruth Baseball League. There are eight Cal Ripken Fields, which are small fields for younger players and five Babe Ruth fields, which are standard-size baseball diamonds. It is located on the west end of Custer Avenue across from the Lewis and Clark County Fairgrounds.

The County Fairgrounds is comprised of 159.8 acres. A new exhibition hall opened in 2008. In addition, the Fairgrounds contain additional exhibit buildings and barns, a rodeo area with bleachers, as well as a fishing pond. The County Fairgrounds has a volunteer Fair Board advisory committee that oversees the management of the Fairgrounds.



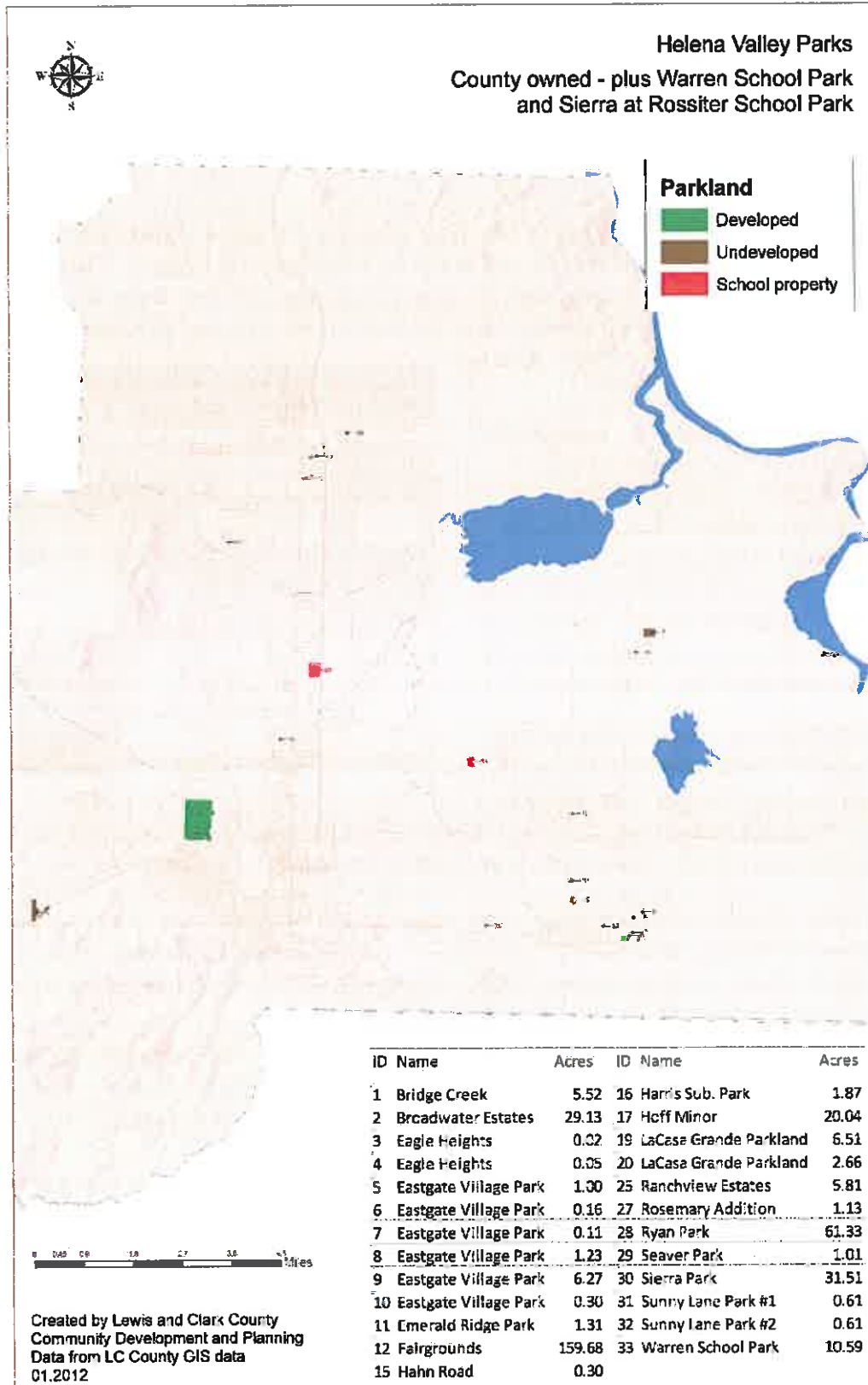
Developed neighborhood parks that are dedicated to Lewis and Clark County include Eastgate Village Park, Eastgate Park II, Emerald Ridge Park, La Casa Grande Center, Rosemary Addition and the Treasure State subdivision park. These parks consist of approximately 24 acres.

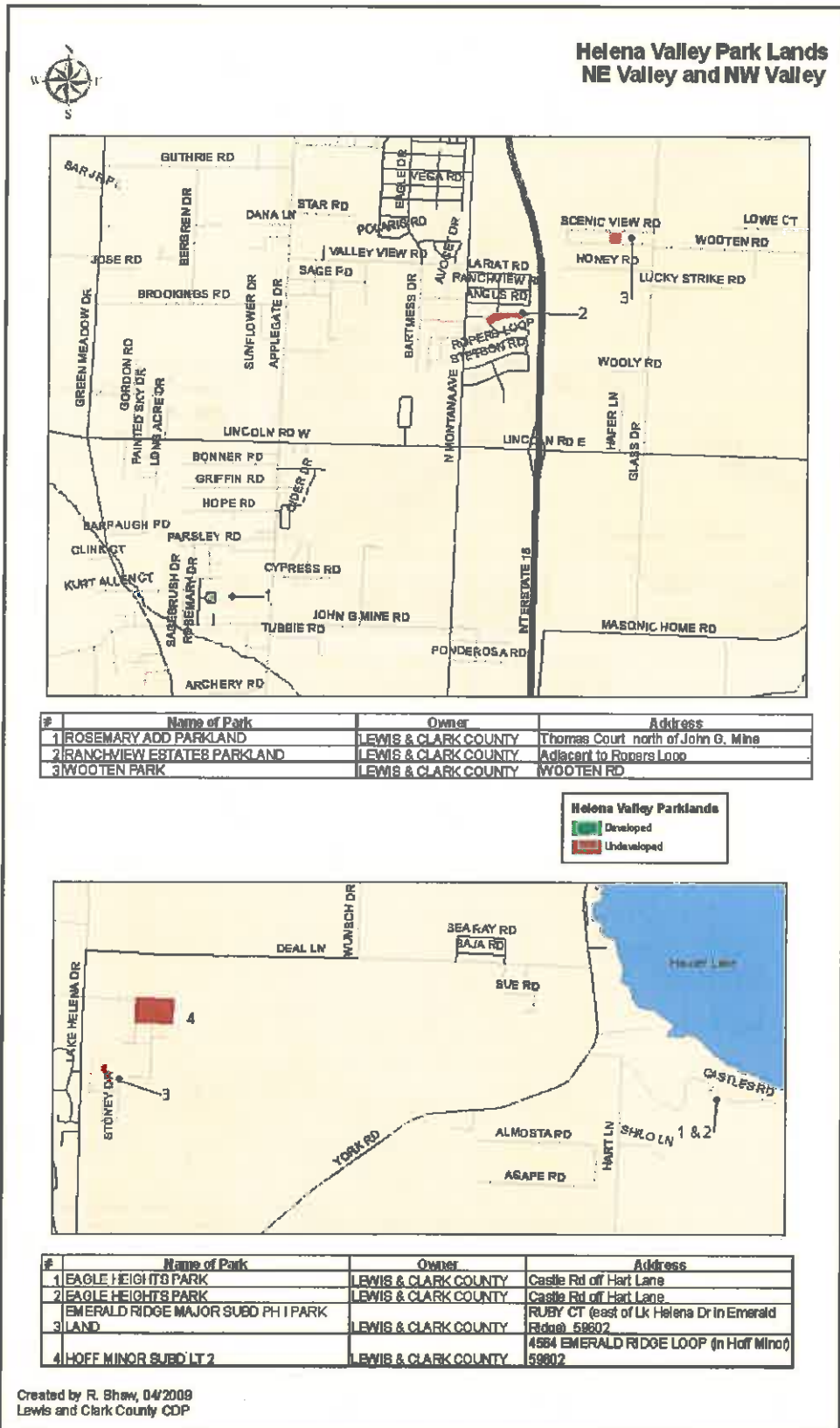
Undeveloped county dedicated park lands that exist are Bridgecreek Estates, Broadwater Estates subdivision, Eastgate Park I subdivision, Eagle Heights Park, Hahn Park, Harris Park, Hoff Minor, La Casa Grande North subdivision, Ranch View I subdivision, Sever Park, Sunny Lane I and II and the Wooten subdivision.

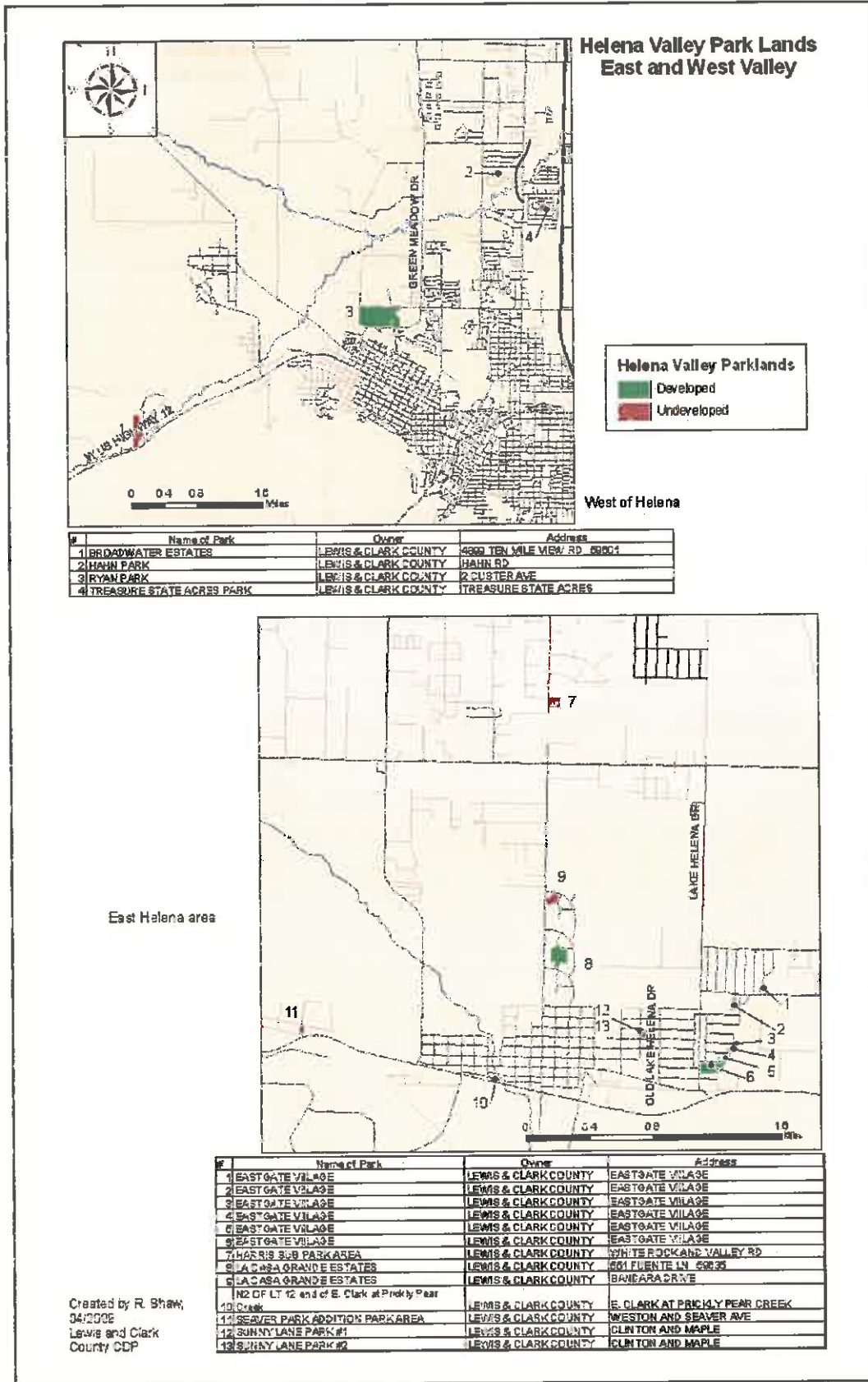
In conjuncture with the Helena School District, there are two regional parks on school property. These are Sierra Park and the Warren Community Park. Both of these parks have active boards that work with the County on development and maintenance.

Sierra Park is located at Rossiter Elementary School on Sierra Road. It is approximately 15 acres and has sports fields, a circuit exercise trail, a parking lot and picnic tables. A picnic shelter is proposed. The sports fields have high use which has increased since Centennial Park in Helena has been under re-construction.

The Warren Community Park is located at the Warren Elementary School off York Road and Tizer Road. It is approximately five acres and consists of open space with a surrounding trail. There are plans for the addition of picnic tables and garbage cans.

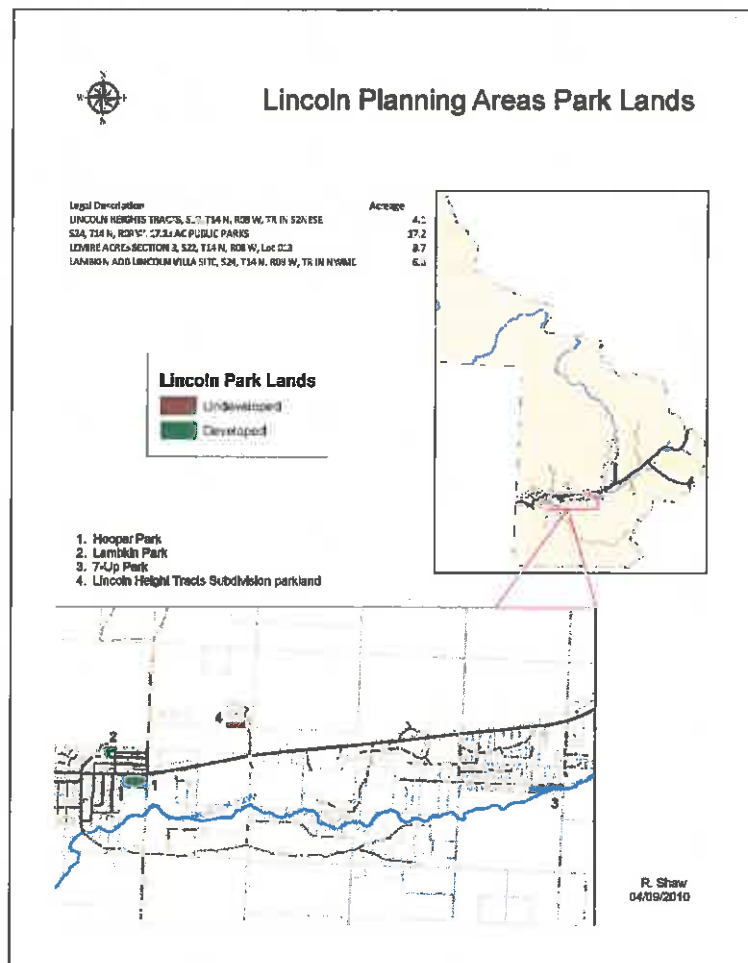








5) Lincoln Planning Area



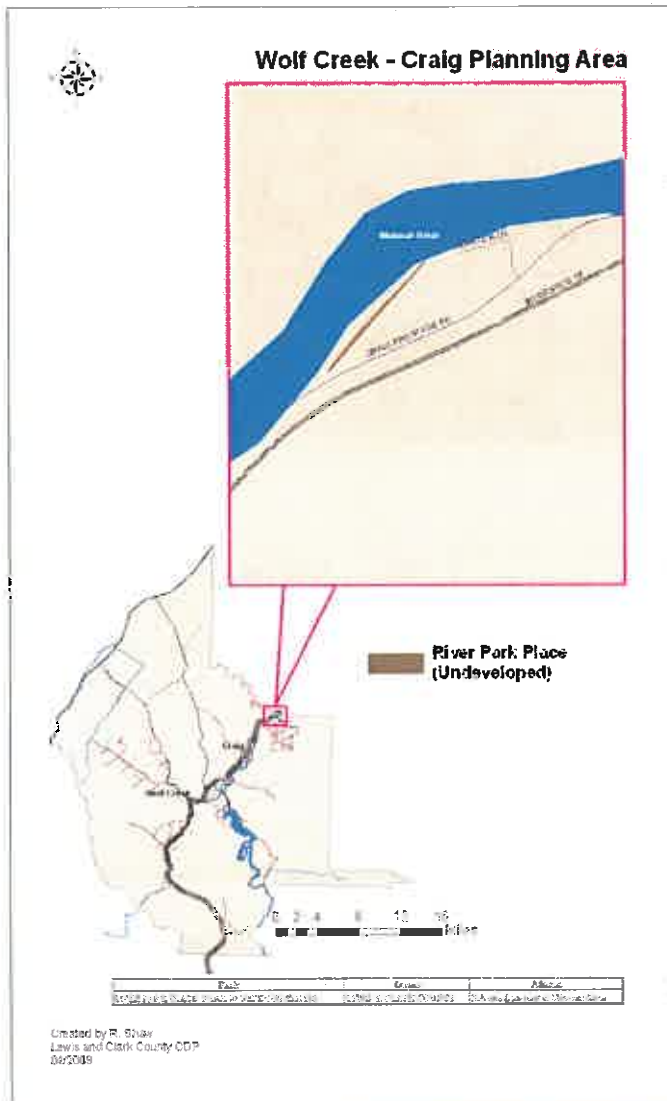
The Lincoln Planning Area comprises over 650 square miles. Much of the Lincoln Planning Area is public lands owned primarily by the USDA Forest Service. Indeed, over 82% of the Lincoln Planning Area is public lands. There are no conservation easements in the Planning Area at this time.

Lincoln was founded on the rich natural resources of the area. Much of the recreation tourism focuses on fishing, hiking, hunting and snowmobiling.

The townsite of Lincoln was platted in 1939 by the Blackfoot Development Company. There are four dedicated park sites in the town. The parcel on North Airport Road may be surplus in the future. Lambkin Park is semi-developed with a trail and storage shed for the local Snowmobile Association. The 7-Up park, on the bank of the

Blackfoot River, was developed in 2010 and Hooper Park, the largest park, is over 17 acres and contains a campground, picnic tables and ball fields.

6) Wolf Creek – Craig Planning Area



The Wolf Creek – Craig Planning Area comprises over 629 square miles. While public lands account for 28%, which is much lower than the other rural planning areas, over 17% of the land in the Wolf Creek – Craig Planning Area is covered with conservation easements.

The townsites of Craig and Wolf Creek are small communities. Both offer amenities to support fishing tourism on the Missouri River and surrounding rivers.

Currently, there is one parcel dedicated to Lewis and Clark County as park land. It is a small strip of land along the Missouri River west of Craig Frontage Road. Provisions for future park needs will be planned as needed and approved by the City-County Parks Board.



Photo courtesy of [Big Sky Fishing.Com](http://BigSkyFishing.Com)

B). Funds

Lewis and Clark County is charged, through the Montana Code Annotated to receive park land or cash in lieu of park land with every major and subsequent minor subdivision. Specifically, the funds collected at the time that a qualified subdivision is filed as a final plat with the Lewis and Clark Clerk and Recorded must be used in the planning area of the subdivision. (MCA 76-3-621)

Additional monies for park land development and maintenance comes from a 1/10 mil on the county property taxes. The funds collected from the mil levy are an extremely small amount. The table below illustrates the funding level.

2011 County mill levy assessment for parks			
Appraised Value of Property	\$80,000	\$100,000	\$200,000
Mill levy cost for parks on individual property	\$ 0.21	\$0.27	\$ 0.54

C) Disposal of surplus properties

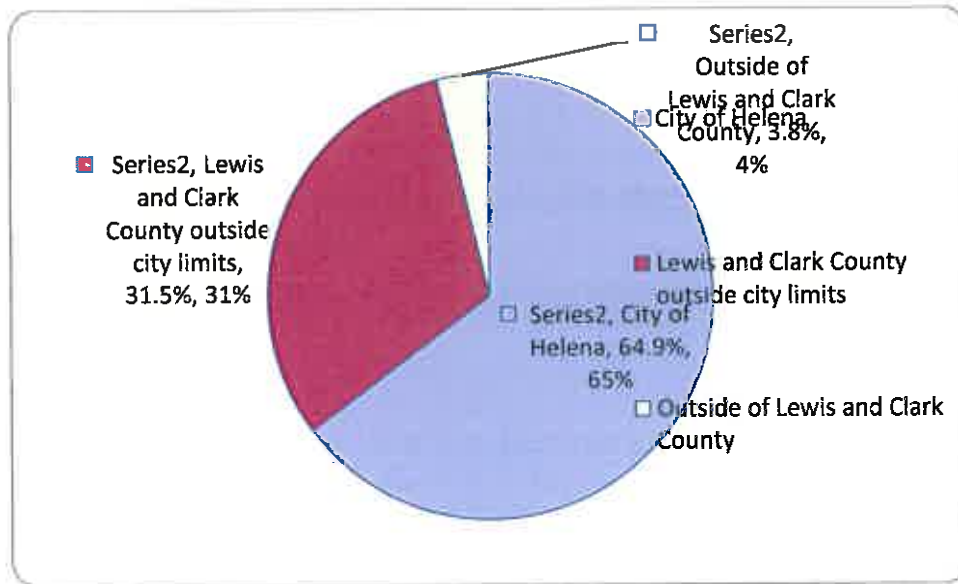
Occasionally, a dedicated parcel of park land may be for sale by the county as surplus. This may happen with small parcels that are not feasible for development or when a neighboring property owner is interested in purchasing the land. The county administrative staff follows MCA and the county policies for selling surplus property.

Chapter 3 – Citizen Survey

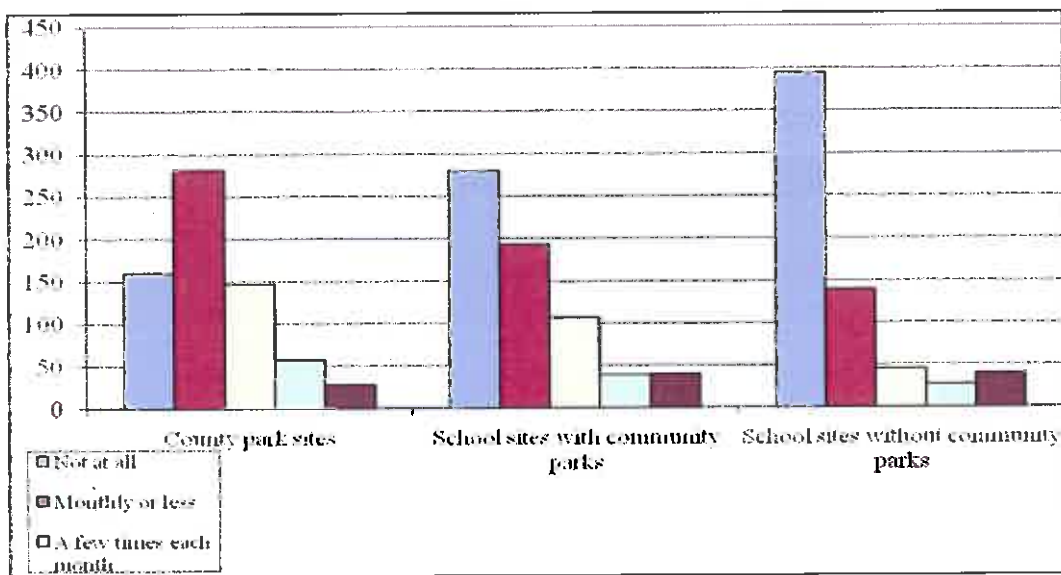
This survey was originally conducted in 2009. There were 800 responses.

Instructions: Please fill out the survey as completely as possible.

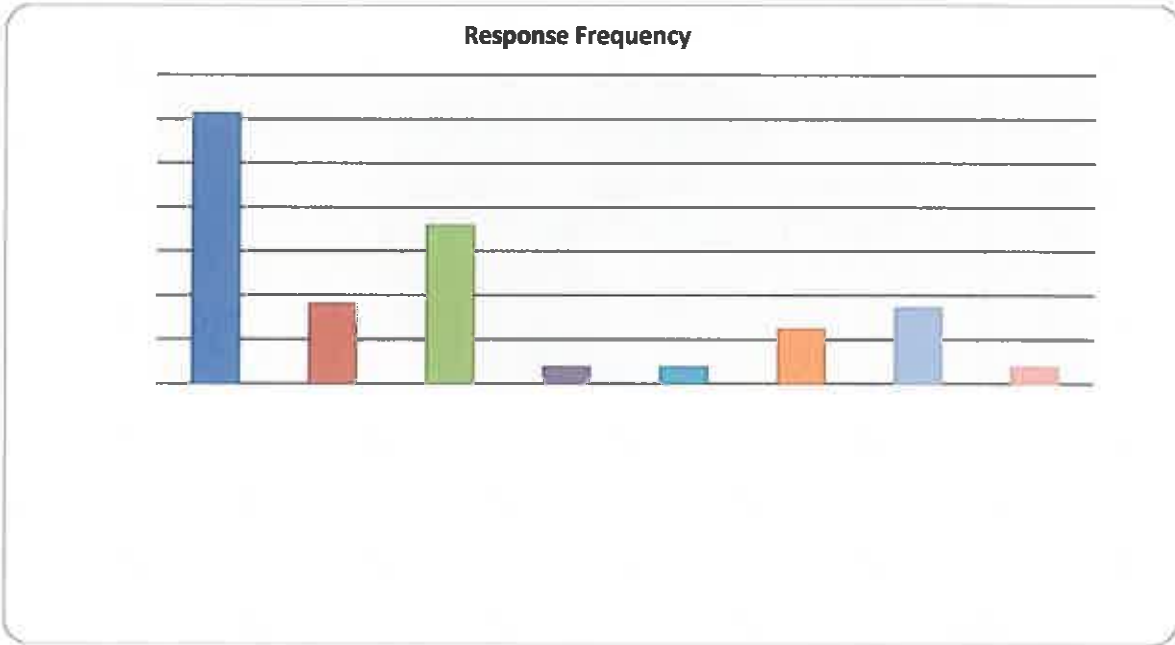
1. Do you reside in the Helena city limits? ___ Yes ___ No



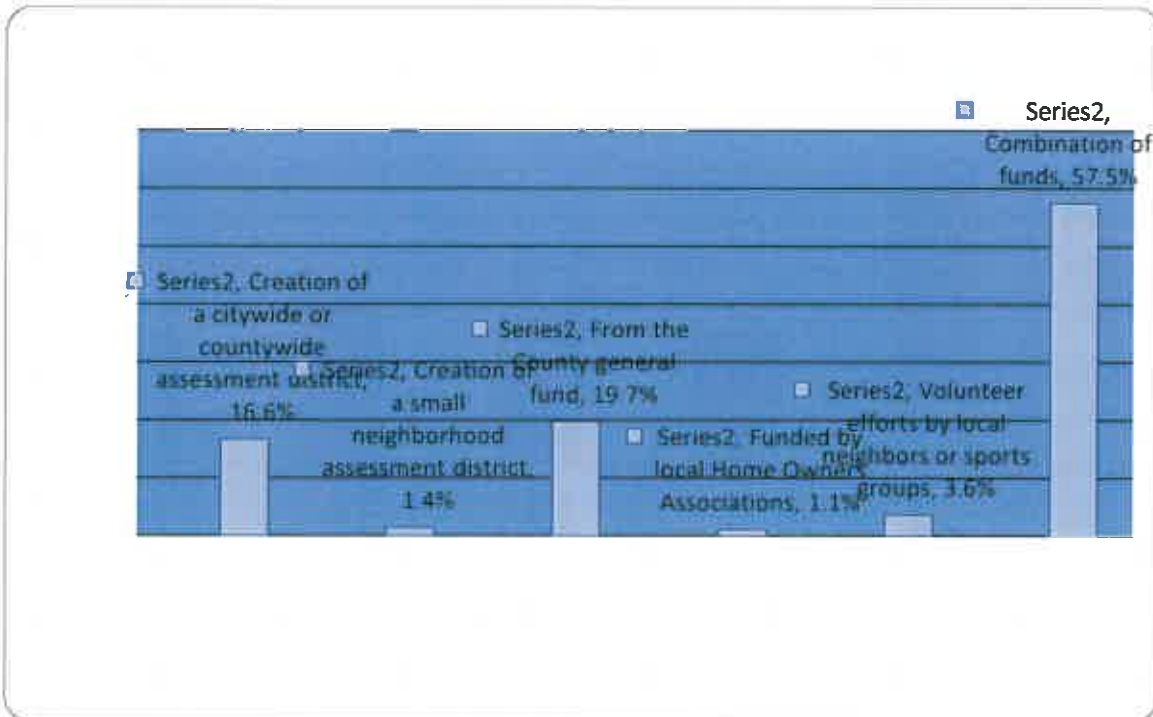
2. How often have you visited the following recreation sites or facilities in Lewis and Clark County during the last 12 months?



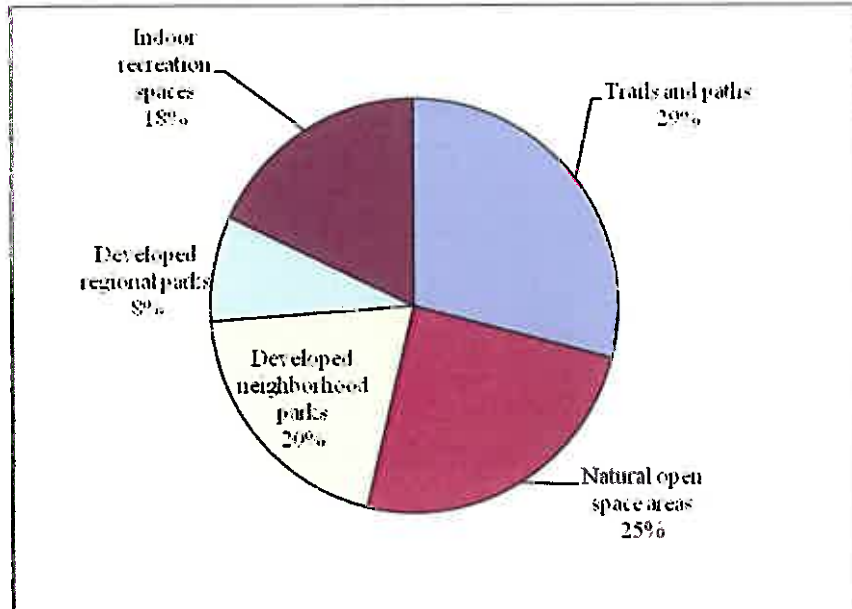
3. If you seldom or do not use the parks in your area, what are your reasons? (You may check more than one answer)



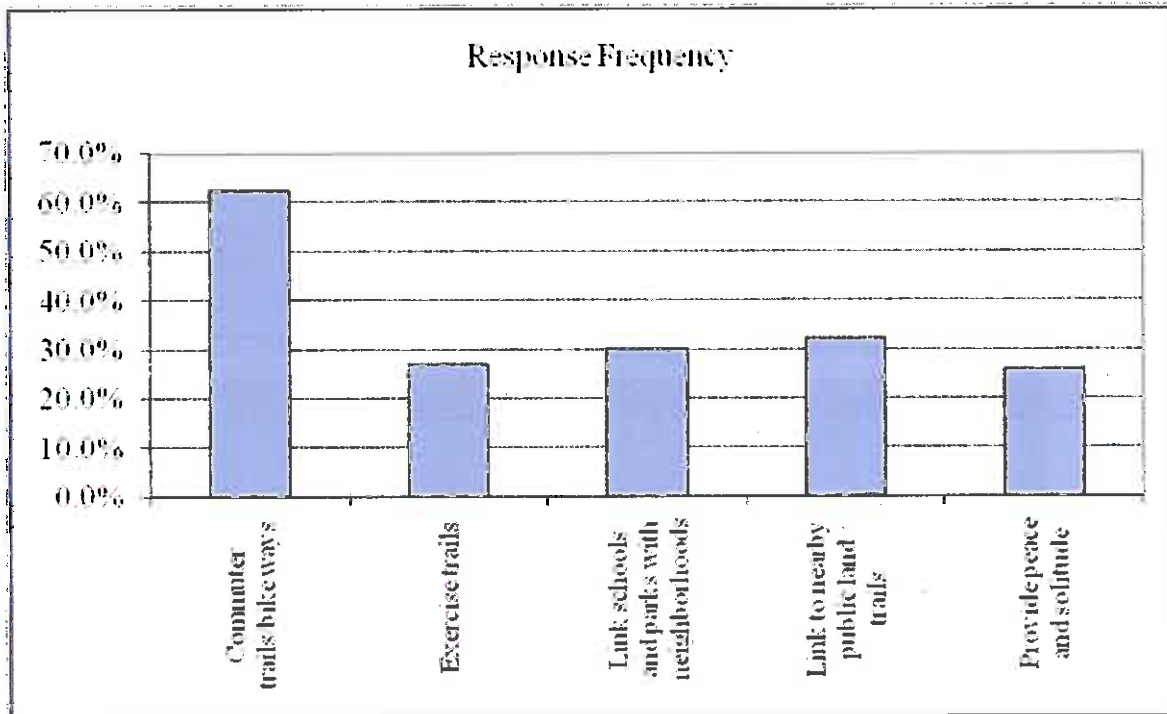
4. What would be your preferred method to pay for the maintenance of parks in your area?



5. What park facilities are most needed in your area?



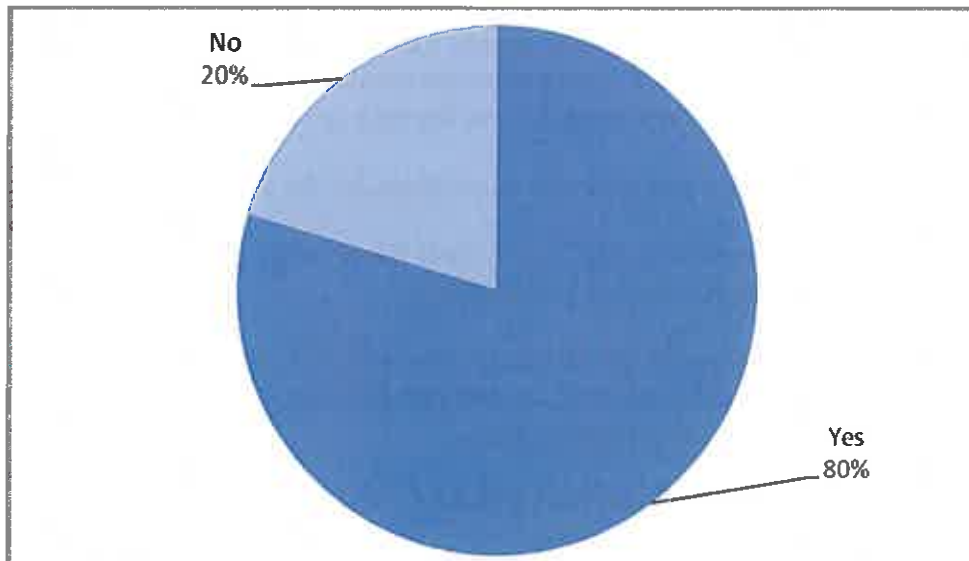
6. What type of pathway/trail do you feel is most needed in your area? (Please select your top two choices)



Please review the table below for Question #7.

2011 County mill levy assessment for parks			
Appraised Value of Property	\$80,000	\$100,000	\$200,000
Mill levy cost for parks on individual property	\$ 0.21	\$0.27	\$ 0.54

7. Would you support raising the County mill levy assessment to pay for park development and maintenance? ___ Yes ___ No



Chapter 4 – Goals and Policies

Goal 1. The locations of county park lands are available to the public.

- Policy 1.01 Information is available on the County website:
www.co.lewis-clark.mt.us
- Policy 1.02 Create maps or other public education materials concerning locations.

Goal 2. Maintain and/or increase the level of service for park facilities and recreation areas in Lewis and Clark County relative to public expectations based on public survey.

- Policy 2.01 Coordinate for management of parks, fields and facilities.
- Policy 2.02 Examine possibilities for additional maintenance funding.

Goal 3. Develop parks in each of the five planning areas of the county where and when justified.

- Policy 3.01 Utilize cash-in-lieu of parkland dedication area monies from the Subdivision and Platting Act for park development.
- Policy 3.02 Recommend approval to the County Commission Board of usable neighborhood parks during the subdivision process. If recommended by the BOCC, a maintenance district shall be formed for that land dedication at such time as the park is developed.
- Policy 3.03 Ensure that park size is adequate for the population it will serve.
- Policy 3.04 Determine future parks needs based on levels of service, established park proximities and/or density.
- Policy 3.05 Incorporate development standards that preserve environmental features, including but not limited to rock outcroppings, tree stands, wetlands or riparian areas.
- Policy 3.06 Continue to utilize Parkland Evaluation criteria in the determination of parkland dedication.
- Policy 3.07 Utilize Special Districts for park development and maintenance as allowed by the Montana Code Annotated (MCA).
- Policy 3.08 Neighborhood parks are acceptable as parkland as determined by the Parkland Evaluation worksheet and other criteria provided in this plan.
- Policy 3.09 Parkland is usable and must have adequate area and shape for development of amenities.

Goal 4. Lewis and Clark County will only accept parklands that can be developed, maintained and accessed.

- Policy 4.01 The Consolidated Parks Board will no longer recommend approval for parklands from the subdivision process that do not have funding mechanisms for development and maintenance.
- Policy 4.02 Alternative parkland, such as critical wildlife habitat, cultural, historical, or natural resources, agricultural interests, may be accepted where the significance can be documented and the approval provides long-term protection.
- Policy 4.03 Cash in lieu of parkland dedication is acceptable as determined by the Parkland Evaluation sheet.
- Policy 4.04 Cash in lieu of parkland shall be utilized ~~within the planning area~~ for development and maintenance of neighborhood or regional parks following the guidelines of this plan.
- Policy 4.05 Where appropriate, encourage subdividers to propose cash payment or a combination of land donation and cash payment to fund new parks or recreational areas that become improved, instead of allowing dedication of vacant parkland that may not be improved for years and become an unused maintenance burden.

Goal 5. Integrate and coordinate non-motorized needs into planning activities to improve pedestrian and bicycle access within Lewis and Clark County.

- Policy 5.01 A minimum ten foot trail easements shall be required along non-local roads that are adjacent to the subdivision. The easement will be considered as part of the transportation plan and not as parkland dedication when reviewing subdivision applications.
- Policy 5.02 Prioritize the development of non-motorized trails and bike lanes in each of the five planning areas of the county.

Goal 6. Secure trail easements along Prickly Pear Creek and Ten Mile Creek.

- Policy 6.01 Accept riparian corridors with trail easement as parkland if it is in the vicinity of the newly created subdivision.
- Policy 6.02 Utilize park development funds within the park planning area to secure easements along Prickly Pear Creek and Ten Mile Creek.
- Policy 6.03 Create funding mechanism for park development.
- Policy 6.04 Create funding mechanism for park maintenance.

Goal 7. Develop recreational trails for the enjoyment and health of the community.

- Policy 7.01 Recommend approval to the County Commission Board of usable neighborhood trails as parkland, during the subdivision process. If recommended by the BOCC, a maintenance district shall be formed for that land dedication at such time as the trail is developed.
- Policy 7.02 Continue to work with the City of Helena to coordinate non-motorized trail efforts.
- Policy 7.03 Support education concerning the safe use of non-motorized trails and cycling safety with local schools, service organizations and the public.

Goal 8. Develop lands that connect to other public lands.

- Policy 8.01 Recommend approval to the County Commission Board for lands that provides access to public areas as parkland when reviewing subdivision applications. If recommended, a maintenance district shall be formed for that land.
- Policy 8.02 Recommend acceptance of riparian areas and greenways as subdivision parklands to the County Commission Board if the riparian area or greenway meets the definition of the Open Space Bond of 2008. (See page 4.) If recommended, a maintenance district shall be formed for that land.

Goal 9. Develop and/or maintain sports fields in Lewis and Clark County.

- Policy 9.01 Maintain and/or develop needed sports fields on existing park lands or school properties in the Helena Valley.
- Policy 9.02 Do not acquire additional land for sports fields in the Helena Valley.
- Policy 9.03 Consider acquiring new lands for sports fields in the Augusta, Canyon Creek – Marysville, Canyon Ferry-York, Lincoln and Wolf Creek-Craig planning areas where and when needed.

Goal 10. Coordinate with other groups to facilitate communication concerning park lands.

- Policy 10.01 Meet quarterly with the Department of Public Works, County Weed Board and other agencies to ensure consultation and cooperation between agencies to keep parks well maintained.
- Policy 10.02 Annually meet and consult with the weed district board and/or representative to ensure consultation and cooperation to manage invasive species on the state and county noxious weed lists.

- Policy 10.03 Maintain contact with the Sierra Parks Board, Babe Ruth Baseball for the Ryan Exchange fields, the Warren School Parks Advisory Board and other citizen groups as necessary.
- Policy 10.04 Ensure communication concerning new facilities.
- Policy 10.05 Work with Open Space Citizens Advisory Committee to coordinate goals.
- Policy 10.06 Consider preservation of historic buildings and historic features when recommending approval to the County Commission Board for acquiring open space.

Goal 11. Surplus unused and/or unusable park lands.

- Policy 11.01 Inventory and identify surplus park lands.
- Policy 11.02 With approval from the City-County Parks Board and Board of County Commissioners, auction/sell surplus park land.
- Policy 11.03 Use funds from the sale of surplus park properties ~~in the planning area~~ for viable park lands.

Goal 12. Set fee policy as outlined below:

- Policy 12.01 Hooper Park Campground rates will be at the same rate as the Lewis and Clark County Fairground campground rates.

Goal 13. Provide safe parks:

- Policy 13.01 Noise may not travel outside of the park grounds. The Lewis and Clark Sheriff's Department may be called for violations of this policy.
- Policy 13.02 Owners must pick up after their pets.
- Policy 13.03 Parking is allowed in designated areas only.

Chapter 5 – Planning Guidelines

A. Non-motorized trails

Use of trails and the need for additional trails was the most consistently repeated theme in the Parks Plan public survey.

Trail easements may be requested or required during the subdivision process. However, there are many areas of the county that will not be subject to that procedure. Therefore, expanding the trail system throughout the county, where necessary, is a public priority that must be addressed by a different method than subdivision process.

Chapter 6 of the 2004 Greater Helena Area Transportation Plan addresses non-motorized needs in the Helena Valley. By this reference the related Greater Helena Area Transportation Plan is incorporated into and made a part of this document. Unless defined elsewhere in these regulations, the terms used in these standards will have the meanings assigned to them by the Greater Helena Area Transportation Plan.

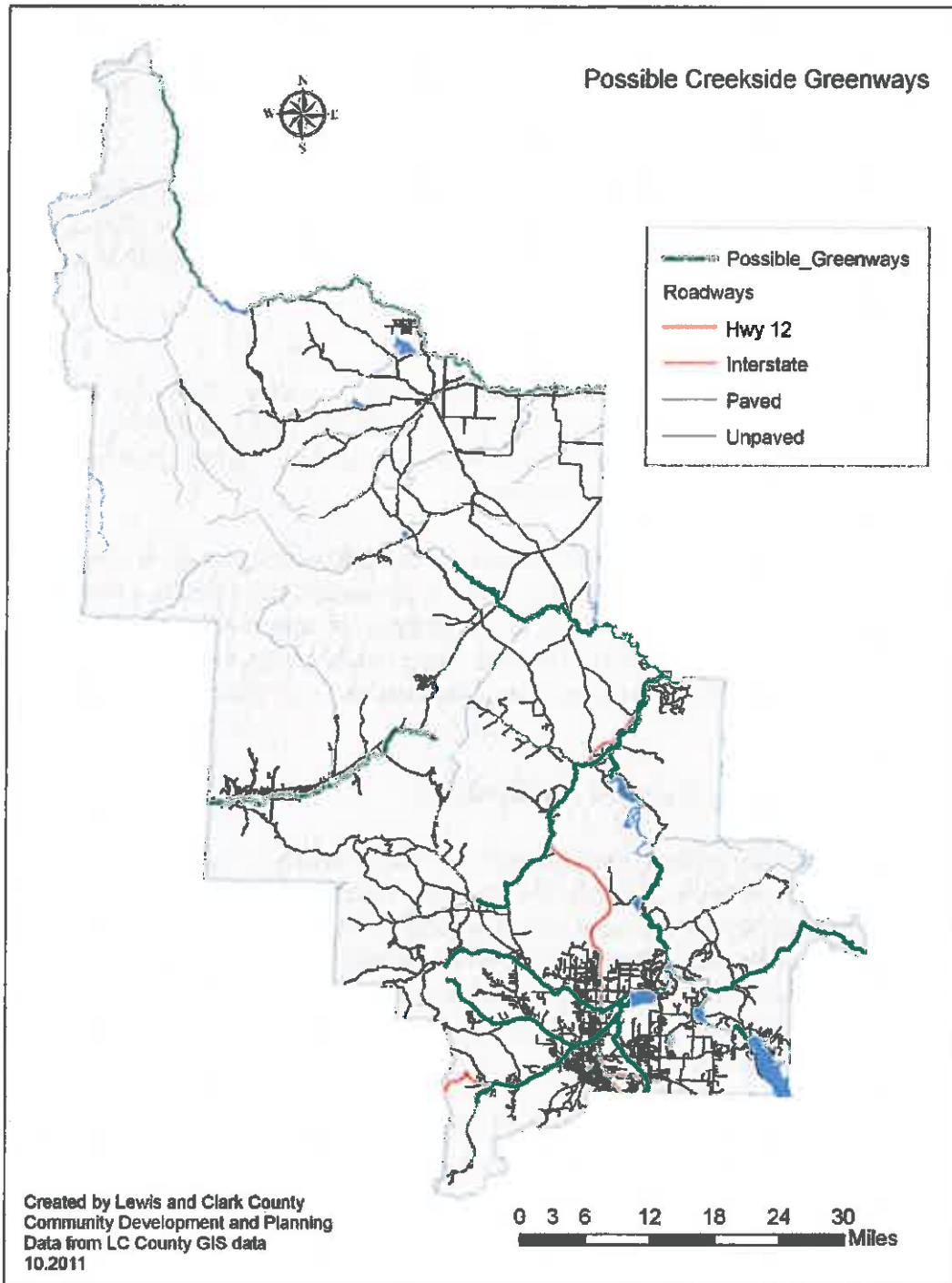
In addition, the Montana State Department of Transportation produces a bike map for the state highway system. Although the MDT map does not address separated paths sufficient for bikes and pedestrians, it is a helpful tool for road cyclists.

The Safe Routes to Schools reimbursement program deals with providing separated trails and sidewalks adjacent to elementary and junior high schools. Consequently, this segment of need has a viable solution. To date, two Safe Routes to School projects have been completed in the County, outside of the City of Helena. The Warren School path is anticipated to be built in 2012.

The Community Transportation Enhancement Program (CTEP) is also a reimbursement program. Funded by the federal transportation acts, the money is generally used to develop non-highway transportation corridors such as rail trails, separated bike paths, and multi-user trails. CTEP may be used to build infrastructure throughout the County as needed. Local match is a requirement.

Citizen groups typically distinguish a need for a separated non-motorized trail. A county-wide map identifying likely non-motorized travel corridors will provide a good foundation for future planning. This may alleviate short, un-connectable corridors being built.

Recreational trails or Greenways along creeks and in open areas may also be beneficial to current and future county residents. Prioritizing trails may help acquisition if or when suitable property becomes available.



B. Future parks

Question 8 of the survey in Chapter 3 asked respondents to consider raising the current county parks mill levy. The results showed overwhelming support. Also, many comments throughout the survey suggested that the county not take on more park land. However, there remains strong support for trail corridors, especially along water courses.

Residents felt that user groups should pay for park maintenance and/or that funding come from the County General Fund. Therefore, consideration of long term park plan goals should be weighed before recommendation of acceptance to the County Commission Board is given.

C. Open Space

The Lewis and Clark County Open Space bond passed in November 2008. Survey results suggest that open spaces that connect to other public lands are preferred (44%). Access to river and creek corridors was another frequent response (16.3%). Three percent of respondents classify open space as not important.

The Citizen's Advisory Committee was formed in June 2009 after passage of the Open Space bond. Program development took almost a year. A consultant was hired to assist with the development process. The documents for the program were approved by the Board of County Commissioners in May 2010. The first Open Lands application was submitted in July 2010. Since that time, 7,400 acres of land has been secured under conservation easements.

D. Administration, Management and Maintenance

County park land administration, management and maintenance are conducted by the Lewis and Clark County Department of Public Works. Any field scheduling that is needed is currently being conducted by the local volunteer boards or community organizations. For example, at the Ryan Exchange Fields, Babe Ruth Baseball league has a contract with the county to operate the fields. The County contributes via the county parks fund. At Sierra Park, the volunteer board performs that task. Hooper Park in Lincoln has an active board that operates the park and campground there.

Lewis and Clark County does not have a parks department. Therefore, the county will probably not be taking on administrative park tasks in the foreseeable future.

E. Determination of whether parkland, cash in-lieu, or a combination shall be required

As provided in 76-3-621, MCA and unless otherwise exempted, subdividers are required to dedicate parkland, cash in-lieu of parkland, or a combination of land and cash as an element of the subdivision. As part of the preliminary plat application process, subdividers submit a proposal to meet the parkland dedication requirements. The final dedication must be made prior to or concurrent with filing of the final subdivision plat as described in the Lewis and Clark County Subdivision Regulations.

The Parks Board and Board of County Commissioners may determine suitable locations for parks and playgrounds and, giving due weight and consideration to the expressed preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. When a combination of land donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation. The method of determining the value of the parkland dedication is described in the Lewis and Clark County Subdivision Regulations.

Although there are occasions when the most appropriate use of the parkland dedication will be acquisition of parks or recreational areas to serve a subdivision, typically the dedication will provide funds for development of existing parkland or already planned pathways and trails. Additionally, under the parkland dedication requirement for subdivisions, land must provide for the recreational use of lot owners. Alternative parkland such as critical wildlife habitat, cultural, historical or natural resources, agricultural land and open space is generally not appropriate for subdivision parkland dedication because the County has the Open Lands program for those purposes. These types of lands and resources will only be accepted for the purposes of parkland under Section 76-3-6121(6)(b), MCA where the significance can be documented and the approval provides long-term protection (Policy 4.02).

This section is intended to provide guidance to the Parks Board and the Board of County Commissioners regarding whether land and/or trails will be accepted.

1. Criteria for Determination of Parkland, Cash, or Combination

The Parks Board and Board of County Commissioners will use the following criteria when considering whether to accept a subdivider's proposal for parkland or trails, or whether cash in-lieu or a combination of land and cash would better meet the recreational needs of the future subdivision residents.

- a. Would the parkland or recreational area benefit school aged children, seniors, or others by requiring recreational resources?
- b. Do the subdivision lots contain sufficient area for outdoor recreation activities similar to what the proposed park and recreation area would provide? In other words, would the park or recreational area be redundant?
- c. Is the land physically suitable and usable for recreational activities in terms of terrain, area, shape and other factors?
- d. Is the land accessible to the subdivision residents?
- e. Would the land meet specific recreational needs of the subdivision residents?
- f. Do other park or recreational areas that have sufficient capacity and are located in reasonably close proximity (defined below) already exist that provide the same benefits?
- g. Is the parkland within the planning area of the subdivision? If not, is it in reasonably close proximity to the subdivision?

- h. What specific goals or policies of the Parks Plan would be met by the parkland or recreational area?
- i. Would the dedication of cash in-lieu or a combination of cash and parkland better provide for the recreational needs of the subdivision residents?

2. Reasonably Close Proximity

The county is charged with ensuring parkland dedications and cash in-lieu are used within a “reasonably close proximity” to the subdivision that generates the funds. There are many criteria that can play into determining whether the park or recreational area is reasonably close to the subdivision. It would be simple to provide a mandatory geographic distance. However, that approach is not sufficient in rural areas of Lewis and Clark County. Similarly, although parkland funds are typically spent within the same Growth Policy planning area/park fee area in which the funds were dedicated, relying solely on the planning and fee areas could inappropriately exclude a park or recreational area that could provide for the recreational needs of the subdivision residents and that is within a short distance from a subdivision but is across a planning area or parkland funding boundary.

Although not a hard and fast rule, a park or recreational area should typically be within a 15-minute, or 2-mile radius bike ride from the subdivision from which the funds were generated, or will provide for new or improved non-motorized access links to a nearby park or recreational area in order to be considered in close proximity. For park fund expenditures, the park or recreational improvements should generally be within the same Growth Policy planning area or the same park fee area as the subdivision from which the funds were generated, but at a minimum the expenditures must be determined to provide for the recreational needs of the subdivision residents.

To determine adequate proximity between a subdivision and a park or recreational area, the following criteria will be considered by the Park Board and/or the Board of County Commissioners as appropriate:

3. Criteria for Determining Close Proximity

- a. Is the park or recreational area within a 15-minute, or 2-mile radius bike ride from the subdivision from which the funds were generated, or will it provide for new or improved non-motorized access links to a nearby park or recreational area?
- b. Is the park or recreational area physically accessible and free of impediments to the subdivision residents by walking or bicycling?
- c. Is the park or recreational area on the way to a common destination of residents of the subdivision, such as employment centers, schools, or regional recreational areas, such as state parks or other public lands?
- d. Does the park or recreational area provide a link to an established or planned park, recreation area or trail?

- e. Is the park or recreational area within the same Growth Policy planning area and/or park fee area?
- f. Will the parkland or funds result in improvements that will provide for the recreational needs of the residents of the subdivision from which funds were collected?

F. Use of Park Funds

When it is determined cash-in-lieu of parkland is appropriate, funds must be dedicated and, at some point, allocated for park acquisition, development or maintenance. The Parks Board and/or Board of County Commissioners may make decisions regarding use of the funds during preliminary plat review or after. In some cases, the Parks Board considers requests by homeowners associations, local parks groups, and others to use the funds for maintenance or development of parklands previously dedicated, sometimes dedicated decades ago. This section is intended to address use of the park funds with consideration of these various situations.

Under state statutes, park funds must be used to benefit the recreational needs of the residents of the subdivision from which they were collected. The funds must be spent on parkland development, acquisition or maintenance projects within a reasonably close proximity to the subdivision (defined in Section E above). Additionally, no more than 50% of the funds from a subdivision's parkland dedication may be used for park maintenance. As stated in Policy 3.01, parkland dedication monies are generally intended for park development, as opposed to acquisition or maintenance, but exceptions may be made based on the criteria below. The following questions are to be considered when addressing a request to expend funds.

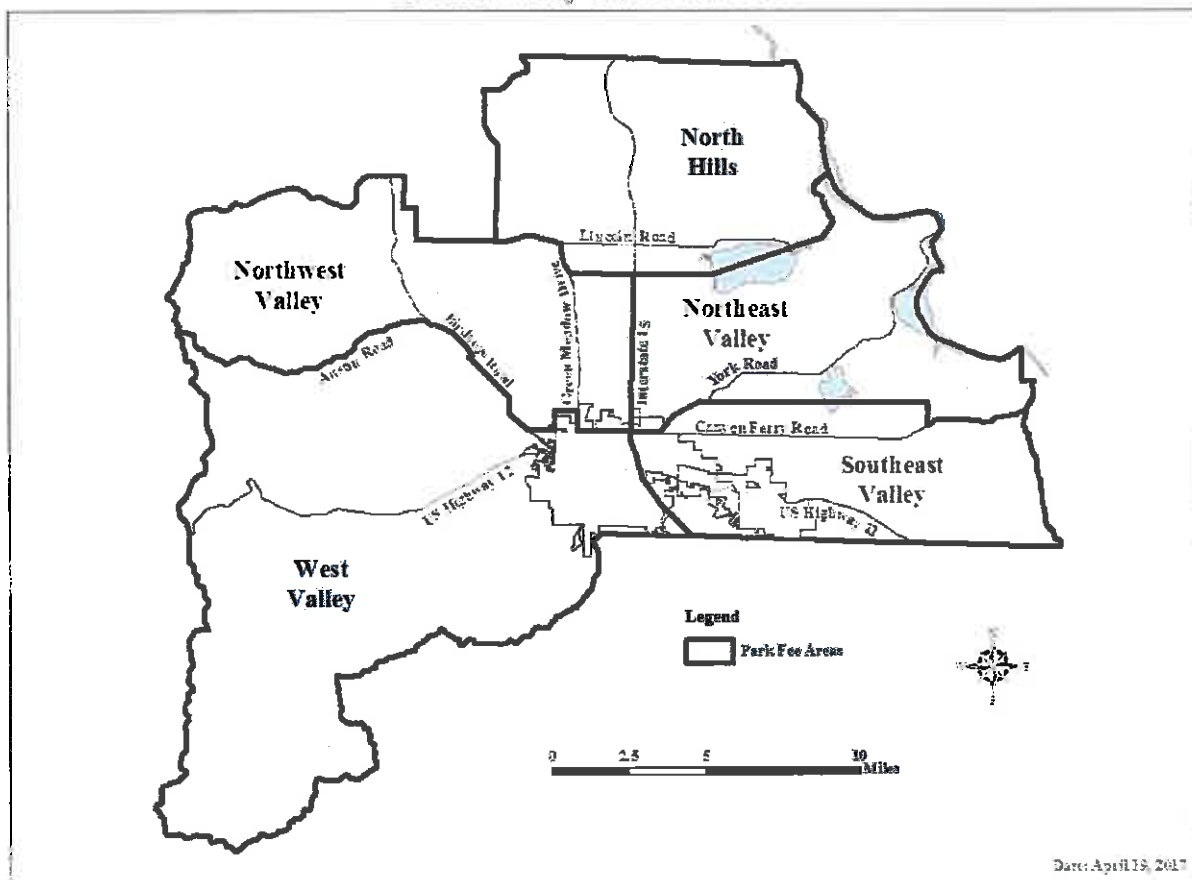
1. Criteria for Use of Park Funds

The Parks Board and/or Board of County Commissioners will use the following criteria when considering whether and how to expend park funds.

- a. Would the proposed expenditure benefit school aged children, seniors, or others?
- b. Would the proposed improvements be accessible and suitable for recreation?
- c. Would the funds be used in the same planning area or fee area in which they were generated?
- d. Would the funds provide for the recreational needs of the residents of the subdivision from which funds were collected, including whether the improvements would be in reasonably close proximity to the subdivision?
- e. Is a mechanism for maintenance in place so that after development, the park or recreation area will be adequately maintained?
- f. In the event of a request for dispersal of county parkland funds that were dedicated as part of a subdivision process, are the funds being requested directly the result of the cash dedication for the subdivision?

- 1) If yes, is the request in accordance with the parks proposal that was approved during subdivision review?
- 2) If not, does the request meet or exceed the provision of needs identified in the parks proposal that was considered during subdivision review?
- g. What specific goals or policies of the Parks Plan would be met by the expenditure?
- h. Is this parkland a regional park within the same fee collection area that provides opportunity for organized team sports that would not otherwise be available to subdivision residents?
- i. Has this parkland received prior funding from the Parks Board?

Helena Valley Park Fee Areas



G. Procedures for Parkland Determinations and Funding Requests

The following procedures apply to subdivision parkland dedications, both during county review of new subdivisions that a re subject to parkland requirements, and when park funds are dispersed.

1. New subdivisions

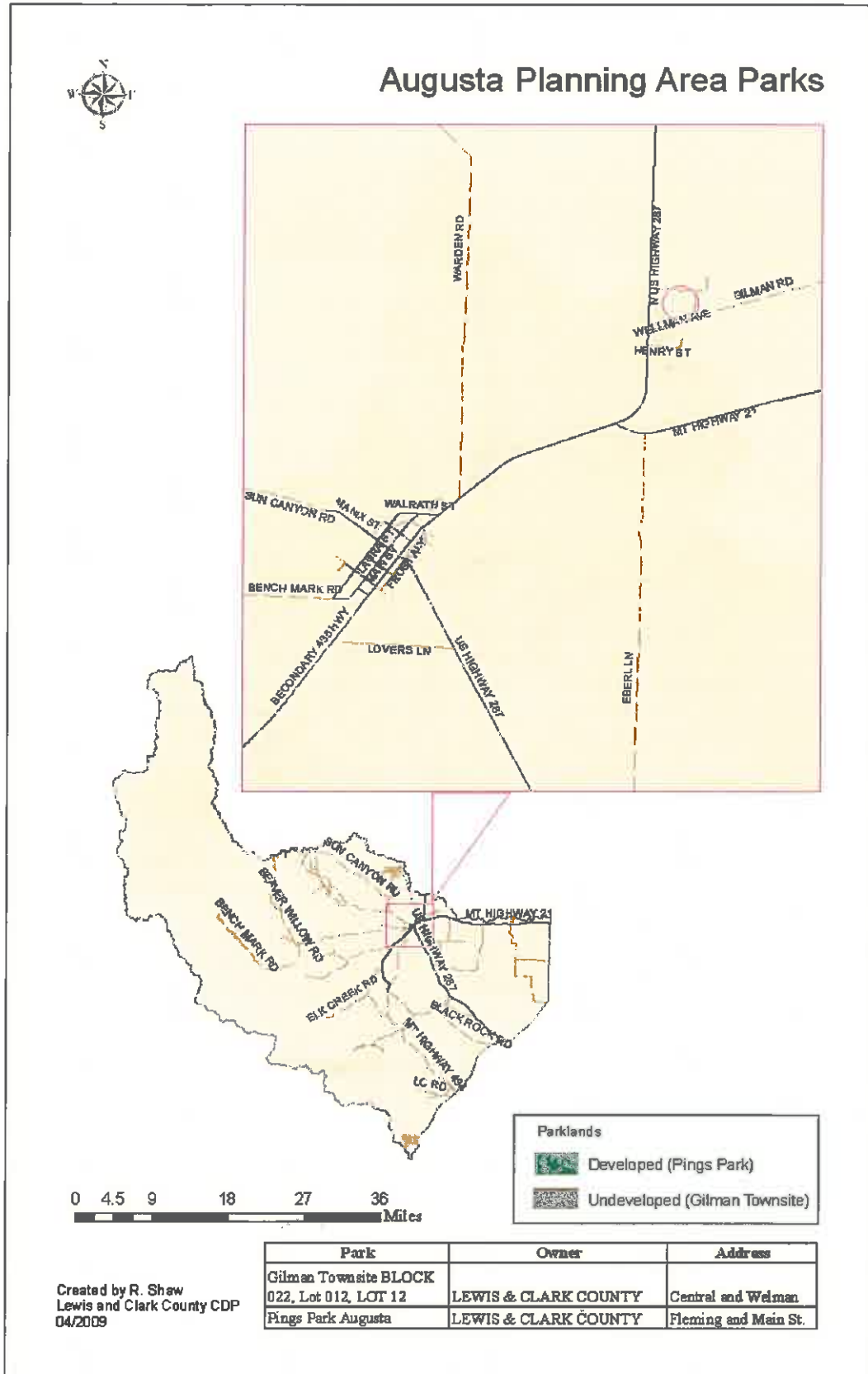
- a. At the pre-application meeting, the subdivider is encouraged to consult with Planning staff to gain preliminary feedback regarding the potential parkland proposal for the subdivision. Staff will give preliminary feedback using the Parkland Evaluation worksheet and the analysis in Section E) above.
- b. The subdivider submits a proposal to meet the parkland or cash-in-lieu of land dedication requirements with the preliminary plat application according to the Lewis and Clark County Subdivision Regulations.
- c. After the preliminary plat application is determined sufficient for review and prior to review by the City-County Planning Board (Planning Board), Community Development and Planning staff submits the parkland proposal to the Parks Board with an evaluation and recommendation based on the subdivision regulations, state law, the Parkland Evaluation worksheet and the analysis in Section E) above.
- d. The Parks Board reviews the parkland proposal and makes a recommendation to the Planning Board and Board of County Commissioners.
- e. For major subdivisions, the Planning Board makes a recommendation on the proposed subdivision, including the subdivider's parkland dedication proposal and recommendation of the Parks Board.
- f. The Board of County Commissioners make a decision on the preliminary plat application, including the subdivider's parkland dedication proposal.
- g. After preliminary plat approval, the subdivider typically meets the applicable conditions of approval regarding parkland or cash-in-lieu. Land dedication requirements are met on the final plat or prior to final plat approval in accordance with the subdivision regulations. Cash dedication requirements are met prior to final plat approval.
- h. Any cash dedications are deposited into the park planning area or fee area funds for the region in which the subdivision is situated.
- i. Funds dedicated to the county are dispersed by the Parks Board in accordance with Subsection 2) below.

2. Funds dispersal

- a. Requests for dispersal of county parkland funds that were dedicated as part of a subdivision approval are submitted to the Office of Community Development and Planning.
- b. The Community Development and Planning staff submits the request for dispersal to the Parks Board with an evaluation and recommendation based on the analysis in Section F) above.

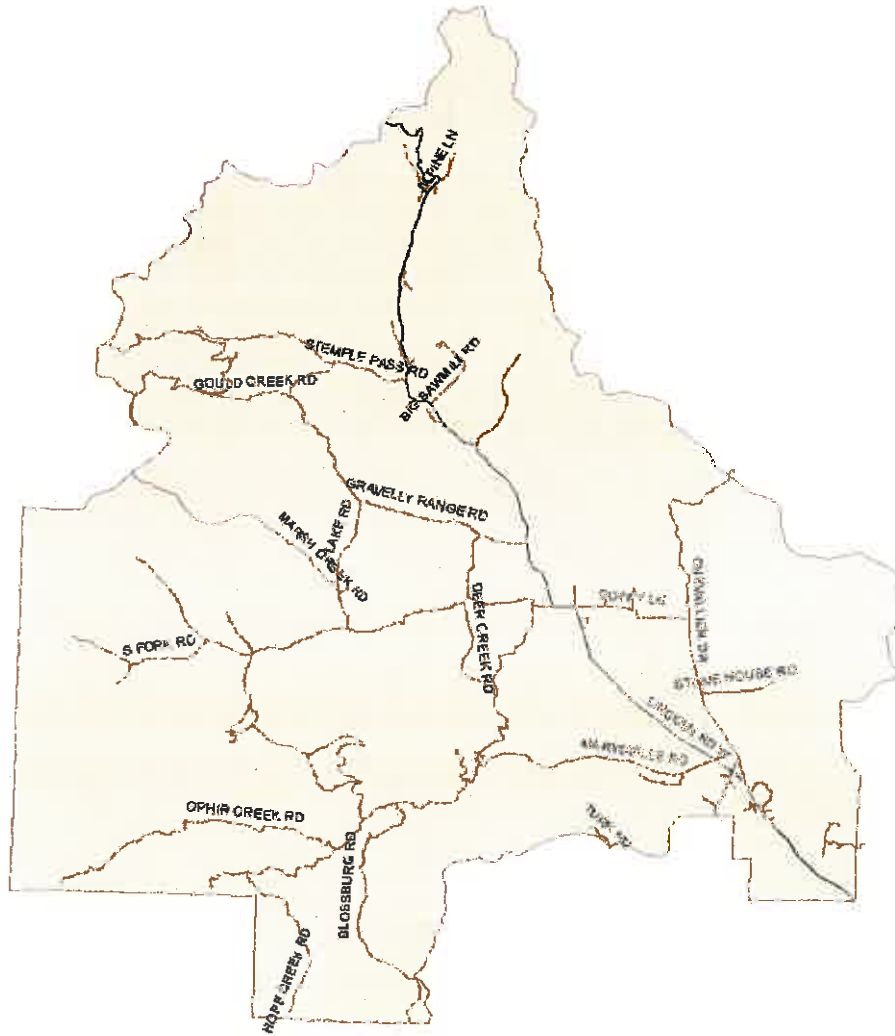
- c. The Parks Board evaluates the request for dispersal of funds and approves or denies all or a portion of the requested funds, or requests additional information prior to taking action.

Maps





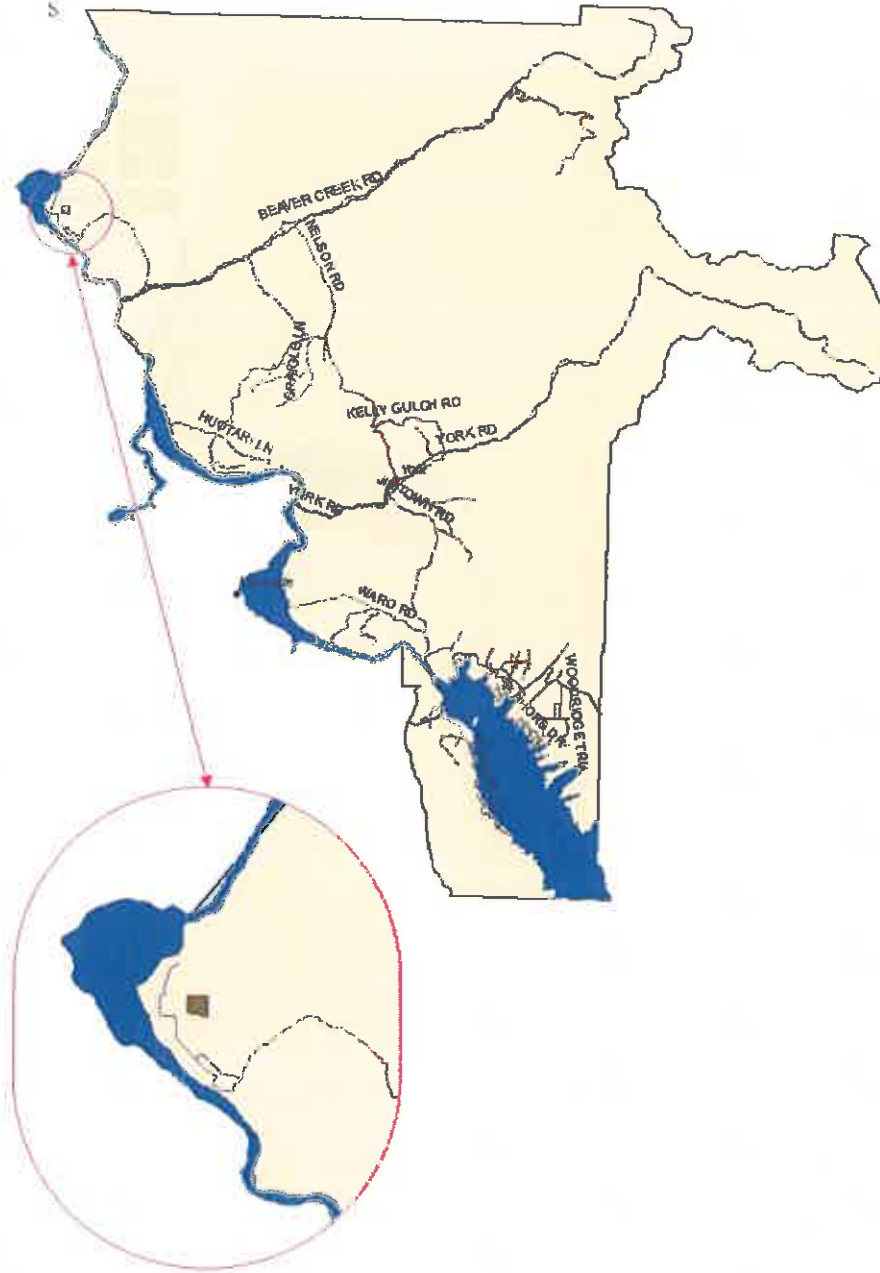
Canyon Creek - Marysville Planning Area



There is no county park land at this time.

Created by R. Shaw
Lewis and Clark County CDP
04/2009

Canyon Ferry - York Planning Area

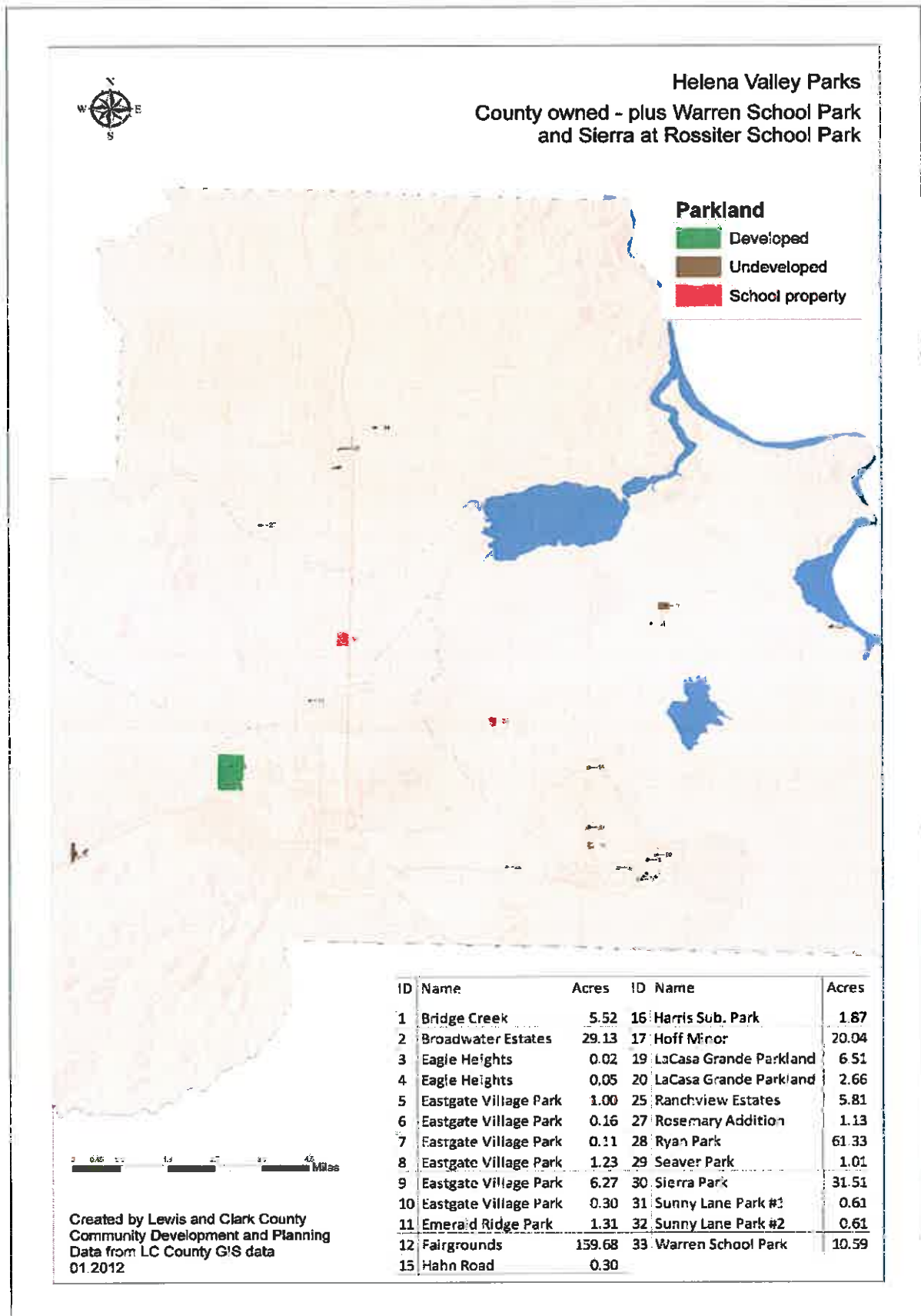


 Gates of the Mountains
Dedicated Parkland (Undeveloped)

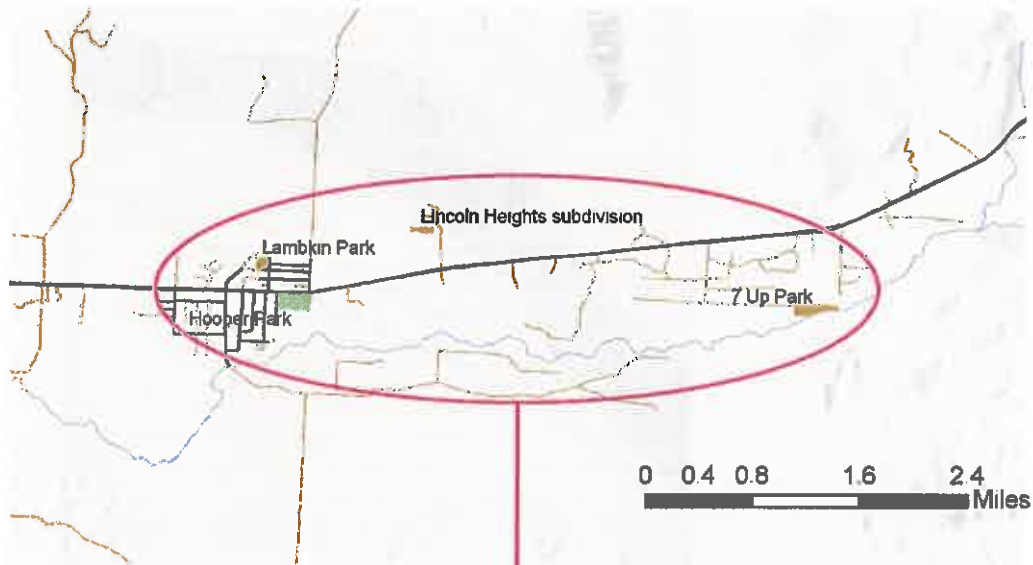


Created by R. Shaw
Lewis and Clark County CDP
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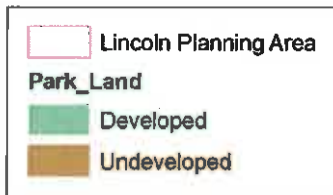
Park	Owner	Address
GATES OF THE MOUNTAINS	LEWIS & CLARK COUNTY	891 AMERICAN BLVD RD



Lincoln Park Lands

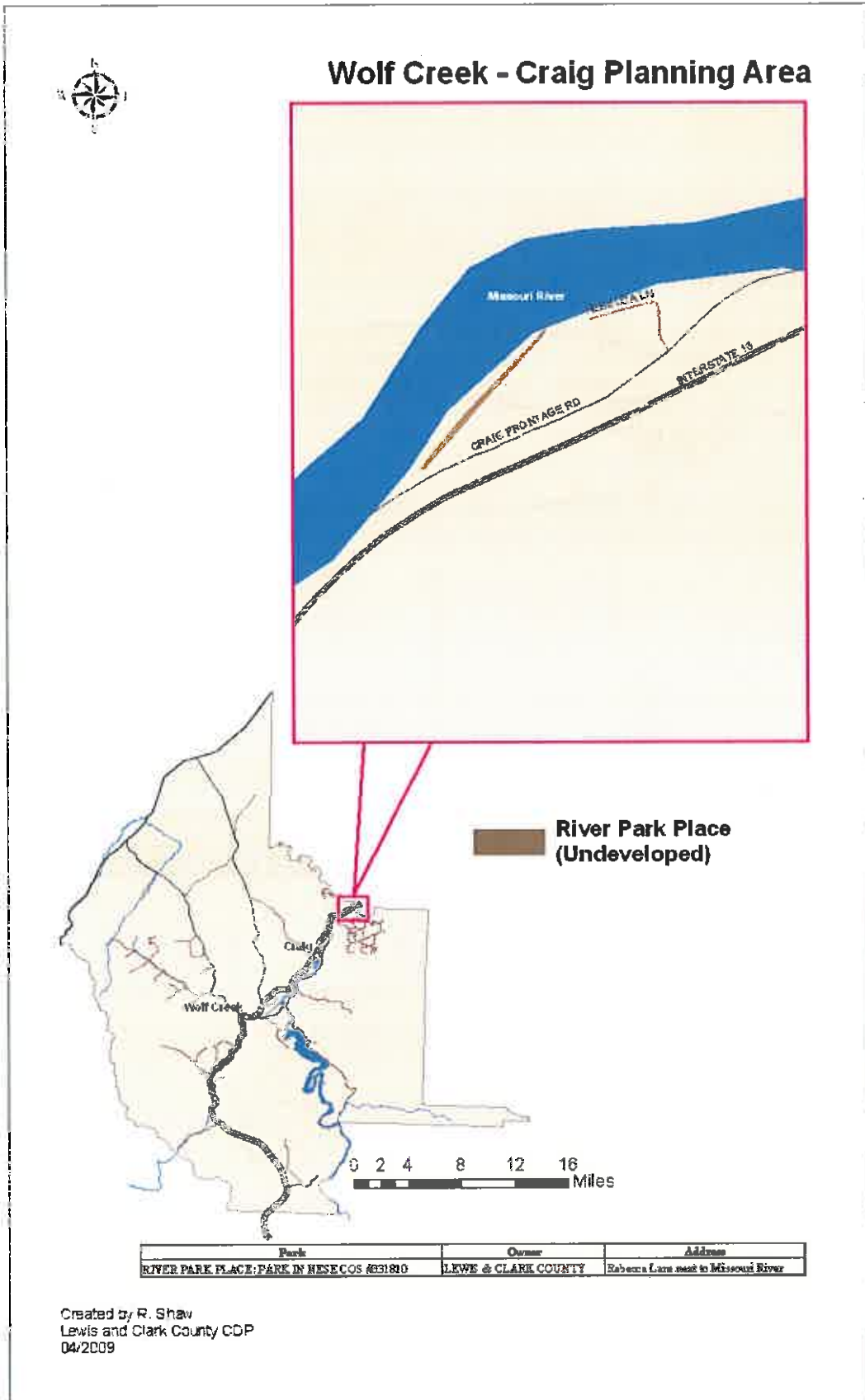


TOTAL_ACRE	Description
8.70	7 Up Park
17.23	Hooper Park
6.61	Lambkin Park
4.06	Lincoln Heights subdivision



Created by Lewis and Clark County
Community Development and Planning
Data from LC County GIS data
10.2011





APPENDIX A FEES

Using similar amenities from parks around the state, the following fees are being implemented to better reflect the market.

Hooper Park: \$10 per campsite.
\$20 for electrical hook-up.

