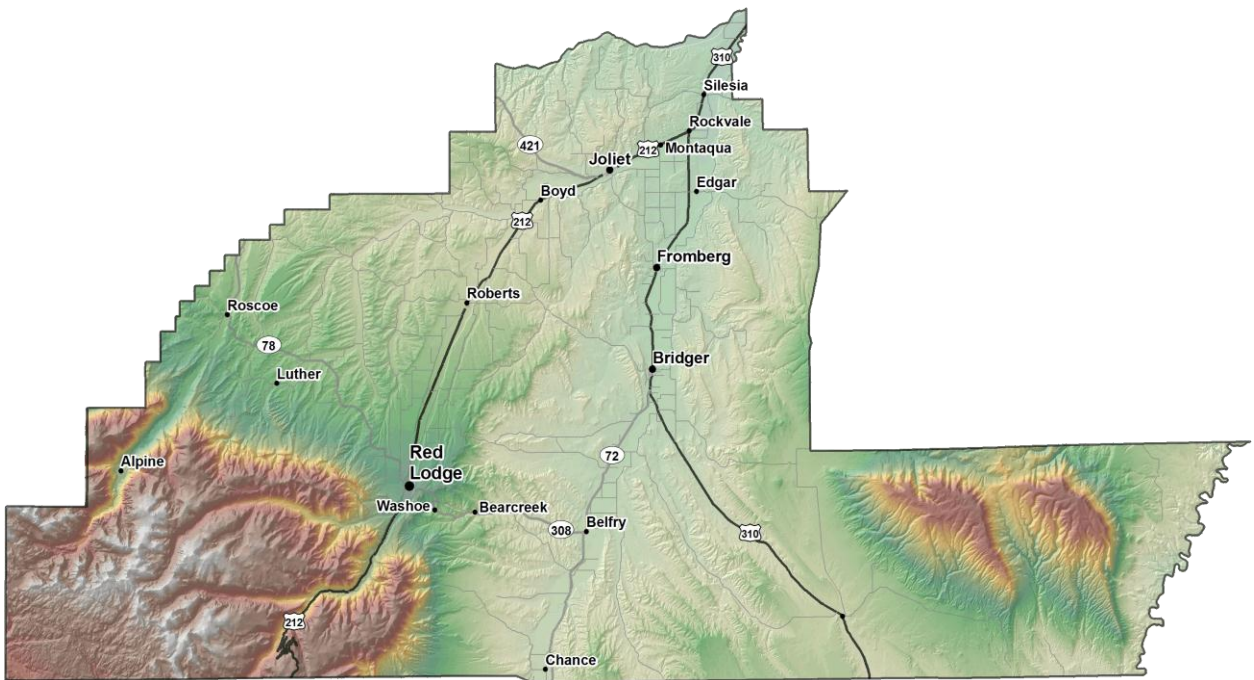


CARBON COUNTY, MONTANA GROWTH POLICY



October 2009
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CARBON COUNTY GROWTH POLICY

I. INTRODUCTION

a. The Need for a Growth Policy

Between 1990 and 2000, Carbon County experienced growth at the rate of 18%. During that same time period, the County received and processed a total of 270 minor and major subdivision applications. The existing approach to planning in the County has been to consider each subdivision application that is submitted individually. This approach does not provide for addressing the cumulative effects of growth and is based solely upon reaction to development proposals. The comprehensive plan was adopted in 1978. The original Growth Policy was adopted in 2003. The sustained growth that has been occurring combined with a desire to guide growth in a manner consistent with residents' desires led the County to prepare and now revise this Growth Policy.

The Growth Policy has been prepared in a manner mindful of two major issues raised within the County. The first of these is the recognition of the fact that there are significant differences between the landscapes and economies of the east and west halves of the County. These differences are reflected in the attitudes of the respective residents towards growth. The Planning Board and Board of Commissioners considered these differences when reviewing the regulatory documents. The intent of the Growth Policy is to allow adequate opportunity for the application of judgment by both the Planning Board and Board of Commissioners so that with input from potentially affected citizens the flexibility exists to approve one type of development in one location in the County, where it may be suitable and well-accepted, while denying it in another.

The second major issue raised by citizens was a concern for the protection of private property rights. It is the intention of the Board of Commissioners to recognize the value of all land uses in the County, and protect the rights to those uses so long as new uses proposed are compatible with existing surrounding uses, and with County, State, and Federal laws and regulations.

b. Purpose of the Growth Policy

This Growth Policy is a document developed following extensive public input, recommended by the County Planning Board, and adopted by the Board of County Commissioners to guide decisions about land use over the next five years.

This is a statement of public policy to guide growth. Although a statement of policy is not inherently regulatory, the intent of the legislature appears to have been that policies in an adopted Growth Policy be implemented. Regulations are one avenue for implementation of public policy. Carbon County has subdivision regulations which have been regularly updated through a public process.

The words “Growth Policy” are taken from Montana Statutes (76-1-601 through 606, MCA.) Although a Growth Policy is intended to set land use policy, the Commissioners recognize the fact that residents of Carbon County are also concerned with economic vitality. Several implementation measures under Goal Three, “County Financial Management,” have been developed to address the continuing need to encourage the economic vitality of the County.

c. Jurisdiction

By law, the Growth Policy must address the entire jurisdictional area of the County Planning Board. This includes most of the County, but excludes the City of Red Lodge. All incorporated communities are authorized to develop their own Growth Policies.

In 2008, the City of Red Lodge revised/adopted a new Growth Policy including an Urban Growth Map and an Annexation Policy. These policies will help guide development in the County adjacent to the City of Red Lodge especially in areas supplied by the City with services. Currently, the City reviews and comments on all subdivisions and changes in land use permit applications within one mile of the corporate limits.

d. State Requirements for a Growth Policy

In 1999, the Montana State Legislature passed a bill providing direction to local governments on planning. Under this new law, comprehensive or master plans are now referred to as Growth Policies and Planning Boards are required to prepare and propose them. The new requirements for Growth Policies are set forth in Section 76-1-601 of the Montana Code Annotated (MCA). Subsequent legislatures have added requirements to address the wildland urban interface (2007), and sand and gravel sources (2009.)

e. The Planning Process

In 2000, the Carbon County Board of County Commissioners and Planning Board recognized a need to update the existing County comprehensive plan and to develop a Growth Policy. The county obtained grant funds and retained a contractor. The 2003 Growth Policy was prepared with extensive public involvement including newspaper articles, listening posts utilizing a display, handouts, presentations to civic groups and town and city councils, and public meetings around the county.

In 2009, the Growth Policy was reviewed and revised through a series of public meetings around the county and public hearings with the Carbon County Planning Board and the County Board of Commissioners. Following public comment, the original goals were deemed to still be relevant and applicable.

The Growth Policy has been updated based on changed conditions and comments received. The Key Findings in each section of the Inventory of Existing Conditions have been updated. The Housing section was rewritten to incorporate new data. Other sections of the Inventory remain largely as they were in the original Growth Policy.

f. How this Growth Policy is organized

The Growth Policy consists of two documents. The Inventory of Existing Conditions, incorporated by reference to this Growth Policy, contains extensive background information about land uses, population, housing needs, economic conditions, local services, public facilities, and natural resources across the County.

The Growth Policy itself, this document, contains direction from the statute, an explanation of the process used to develop the Growth Policy, the desired future as expressed by those citizens involved in the planning process, and the goals, objectives, and implementation strategies to move the County towards that desired future.

There are four general goals in Section II of the Growth Policy. Each goal is followed by objectives and specific implementation measures. It is through these implementation measures that the County will take action to make the goals in the Growth Policy a reality. The objectives and implementation strategies under each goal are designated first by the number of the goal, then the objective number, and finally a letter which designates the implementation strategy. For example, 1.1.A. would designate the first implementation measure under the first objective of the first goal, 1.2.A. would indicate the first implementation measure under the second objective under the first goal, and so on.

Following the narrative description of the goals, objectives, and implementation measures is the Growth Policy Implementation Schedule. The schedule, in table format, displays the timeframes and estimated staff time for accomplishing each of the implementation measures.

II. GROWTH POLICY GOALS, OBJECTIVES AND IMPLEMENTATION MEASURES

a. Vision for the Future

During the public meetings, participants were asked to come up with the things they valued most about living in Carbon County. The Growth Policy, by guiding land use decisions, is one way of moving towards the vision residents have of the future. Admittedly some of the elements of the vision fall outside of the Growth Policy and/or the County's authority. Many, however, are within the County's ability to address.

The following statements describe the desired future of the residents of Carbon County.

- Agriculture remains an important component of the County's economy and way of life. Agricultural lands are largely retained in agricultural production.
- Land use change and development occurs in such a way so as not to jeopardize water quality or availability.
- Economic enterprises which offer a living wage, build upon the agricultural base where possible, are scaled appropriately to be consistent with residents' quality of life expectations, and do not cause significant degradation to water or air quality.
- Carbon County remains a good place to live as evidenced by good schools, high levels of community involvement, small family farms, low crime rates, clean air and water, open spaces and scenic vistas, abundant wildlife, and friendly people.
- Local governments in Carbon County are working in harmony with each other for the benefit of all County residents, especially in the areas of land use, services, and public infrastructure.

The goals, objectives and implementation measures contained in the Growth Policy originated with the issues and vision identified by County residents. Each of the major issues raised by citizens--that the County is authorized to address--is embodied in one or more of the following goals and objectives. The goals, objectives, and implementation measures are for a five-year planning period. The implementation measures require a variety of actions on the part of the County. Some of the implementation measures will be ongoing during this planning period, some will extend beyond the five years, some of the measures will guide the County in responding to development applications, and some will require County-initiated actions.

b. Goals, Objectives, Implementation Measures

1. GOAL ONE: LAND USE AND DEVELOPMENT

Encourage land uses that are appropriate on the lands for which they are proposed, consider and act upon new development proposals to the County in a consistent manner, and approve new development that is compatible with the retention, to the greatest extent possible, of lands currently in agricultural production.

(“Appropriate” in this case means that the land has the physical characteristics necessary to support the proposed use)

Objective 1.1: Ensure County subdivision and development permit regulations are in conformance with the Growth Policy and development occurs according to the conditions of County approval.

1.1.A. Revise subdivision regulations as needed to be in accordance with the Growth Policy.

1.1.B. Revise development regulations as needed to be in conformance with the Growth Policy.

1.1.C. Conduct an annual field monitoring review of three subdivisions or development permit projects with representatives of the County Planning Office, Planning Board, Commissioners, Fire District, and Weed District to assess if development is in accordance with final plat approval and/or final development permit requirements. Incorporate knowledge gained from these reviews into future regulation revisions.

1.1.D. Formalize (describe in writing) the process for assuring all conditions of approval have been met prior to final plat approval and develop a system to track this information. Include costs to County for this work in final plat approval fees.

Objective 1.2: Increase understanding of present land use change trends and consequences. Develop factual information upon which to base regulations that will guide growth in a manner consistent with residents’ vision for the future.

1.2.A. Complete a build out analysis to look at how development is presently occurring and will continue to occur without intervention.

1.2.B. Track the number of acres of agricultural land converted to residential development in the County. Report this number to the citizens of the County annually.

Objective 1.3. Assist farmers and ranchers who wish to continue using their lands for agricultural production.

1.3.A. When approached by County residents interested in voluntarily zoning their own land, make County staff resources available upon request to assist citizens in the development of local zoning districts (citizen-petition zoning.) (76-2-101 MCA)

1.3.B. Encourage the work of private organizations in providing producers with information on economically viable alternatives to subdivision by holding a County-sponsored forum.

1.3.C. Revise the subdivision regulations to require that all subdivision covenants contain a statement clarifying that agricultural operations are exempt from governmental zoning and nuisance ordinances according to the right-to-farm statute (76-2-901, MCA), that developers notify owners of any existing water delivery ditches, pipelines, and facilities in the subdivision to assure unobstructed use and maintenance consistent with historic and legal rights., and that the subdivision plat shows on its face, water course easements to access, use, maintain and repair water user facilities.

1.3.D. Continue to fund and support an active County weed control program which includes both education and regulation. Streamline the process to treat noxious weeds and recover costs when landowners do not treat their weeds. Continue to require weed inspections and bonding as necessary for any land use change and new development with fees to cover staff time for inspections.

1.3.E. Continue to make the Carbon County Code of the West (Resolution 05-20) available to realtors and new residents. (The code is posted on the county's website, www.co.carbon.mt.us.)

1.3.F. Provide basic referral information in response to requests about conservation easements. The County has no funding, nor is it proposing the use of public monies, to purchase agricultural or conservation easements.

Objective 1.4: Encourage development in areas that are not in agricultural production

1.4.A. As authorized by the state legislature in 2003, in 76-3-509 MCA, formulate and adopt regulations to encourage cluster development for those developments that meet the definitions.

Objective 1.5: Ensure direct County input into any proposal with the potential to cause large-scale impacts to land use, natural resources, or quality of life in the County.

1.5.A. Request information and briefings, and actively respond to requests for comment by state and federal agencies proposing projects such as land exchanges, and large scale mineral or recreation development in the County.

1.5.B. Request that the County Historic Preservation Commission develop procedures for:

- (a) providing comments to the Planning Board when significant archeological or historical properties may be directly or indirectly affected by a development or subdivision application, and
- (b) guidelines for assessing impacts to archeological and historical properties with recommendations for avoiding or mitigating impacts to these sites.

The word “significant” as used here means listed on the National Register of Historic Places (NRHP) or determined eligible for listing on the NRHP.

1.5.C. Request that the Montana Department of Transportation provide information on how alternatives under consideration for state highway projects will affect existing residences and agricultural land. As appropriate, develop a County position.

Objective 1.6 Encourage the voluntary preservation of open space and wildlife habitat in the County.

1.6.A. Encourage developers to dedicate to the property owners’ association open space, wildlife habitat, and/or riparian areas within or in close proximity to each major subdivision or development to comply with parkland requirements.

1.6.B. When revising the subdivision regulations, incorporate a voluntary request that developers coordinate with the local Fish, Wildlife and Parks Biologist early in the subdivision development process about subdivision design, mitigation of impacts to wildlife and wildlife habitat, and public safety related to wildlife.

Objective 1.7: Respond in a consistent manner to applications for the erection of telecommunications towers.

1.7.A. Prepare and adopt a policy which can be provided to developers ahead of time to guide the review of telecommunications towers applications and permits. The policy should encourage consideration of visual impacts and co-location to minimize the number of towers necessary.

1.7.B. Adopt a zoning ordinance to accomplish the policy in 1.7.A.

2. GOAL TWO: WATER RESOURCE PROTECTION

Ensure that proposed land uses consider and disclose known and/or potential impacts to ground and surface water quality and availability.

Objective 2.1: Increase knowledge about hydrological resources in the County.

2.1.A. Continue to work with Montana Bureau of Mines and Geology to study ground water quantity on the East and West Benches of Rock Creek.

2.1.B. Seek grant funds and technical assistance to develop a data base for septic systems and wells. Include a septic system layer in any Geographical Information System that is implemented by the County.

2.1.C. Encourage research on the effects of development on ground and surface water resources by contacting universities to request assistance.

Objective 2.2: Require the development of public water and/or wastewater systems when necessary to protect water quality.

2.2.A. Use the Montana Department of Environmental Quality's standards to determine the factors and thresholds to be considered when determining which developments will require a public water supply and/or public wastewater system. Incorporate these into the subdivision regulations.

Objective 2.3: Require developers to disclose potential effects of development on ground and surface water resources.

2.3.A. Revise the subdivision and development regulations to require developers to identify and disclose potential impacts to groundwater and surface water resources within a one-mile radius of the proposed development, or to disclose when the effects are unknown.

2.3.B. Review and revise as necessary, subdivision regulations to require developers to mitigate impacts of development on water resources to protect public health and safety.

Objective 2.4: Assist unincorporated communities in delivery of sewer and water services.

2.4.A. Encourage communities to use staff assistance and resources from the Beartooth Resource Conservation and Development Area (RC&D), the Local Government Center at MSU-Bozeman, and the Department of Commerce to assist in obtaining grant funds, and in capital planning and the development of rate structures.

2.4.B. Identify technical training needs County-wide and coordinate resources to offer training. Apply for grant funds to assist in covering costs for training water and sewer facility operators.

Objective 2.5: Assist in protecting public drinking water supplies due to growth causing increased pressure on scarce drinking water resources.

2.5.A. Invite the Montana Department of Environment Quality DEQ to make a presentation to the County, local government public works directors, and unincorporated community's water system operators on developing wellhead protection plans.

2.5.B. Apply for grants and request assistance from MSU, MSU-Billings, Montana Tech, and Rocky Mountain College, to accomplish the preparation wellhead protection plans. (MCA 75-6-120, Wellhead and source water protection programs)

Objective 2.6: Continue to administer the floodplain program for unincorporated areas of Carbon County.

2.6.A. Adhere to the Carbon County Floodplain Ordinance in effect at the time of application, when making decisions on development proposed within a floodplain.

2.6.B. Consider streamside setback on a case by case basis.

3. GOAL THREE: COUNTY FINANCIAL MANAGEMENT

Ensure that new development mitigates to a reasonable extent, increased costs and/or impacts to levels and/or quality of services, and conditions of public facilities already provided to existing residents and landowners.

Objective 3.1: Ensure that both on-site and off-site costs associated with development are identified and borne by the appropriate party.

3.1.A. Seek funding to conduct a study of the financial impacts of development to Carbon County. Encourage public involvement in the development and adoption of impact fees as necessary to meet this objective.

3.1.B. Meet when appropriate with industry representatives to discuss demands on infrastructure and services produced by company employees residing in the County and the means to assist the County in recovering associated costs. Work with industry representatives as appropriate to coordinate transportation arrangements to minimize traffic and impacts to roads and bridges.

3.1.C. Identify and adopt incentives for development that minimize costs to the County.

3.1.D. Review, and as necessary, update subdivision review and development permit fees to cover planning costs including Growth Policy revision and updates.

3.1.E. Review, and as necessary, revise fees collected for weed field review and bonding, and fire protection review.

Objective 3.2: Ensure that County expenditures for emergency services are planned appropriately to provide maximum benefit for the funds expended.

3.2.A. Complete implementation of the rural addressing and Enhanced 911 systems.

3.2.B. Update the County Emergency Operations Plan.

3.2.C. Compile and review statistics on emergency service requests and response times. From this information, develop standards for levels of service for fire protection, ambulance service, and law enforcement, throughout the County. Utilize the level of service standards to guide decisions on the investment of public funds in infrastructure, staffing, and equipment for the provision of emergency services.

Objective 3.3: Ensure that County expenditures for public facilities and services are planned appropriately to provide maximum benefit for the funds expended.

3.3.A. Review and revise as necessary the road policy on accepting private roads.

3.3.B. Prepare an inventory of the County's capital assets. Complete a condition assessment for each County-owned building and develop a life cycle plan which identifies the projected annual expenditures for operation and maintenance.

3.3.C. Complete an inventory of the known County roads. Develop a road management plan which identifies the number of road miles needing County maintenance and/or rehabilitation and the frequency, by road miles. Develop a method for prioritizing road maintenance.

3.3.D. Continue to make the map of County road maintenance and snowplowing priorities available.

3.3.E. Complete an inventory and condition assessment of the bridges for which the County is responsible. Continue to replace County bridges according to the schedule of priorities and availability of funds.

3.3.F. Assist sewer and water districts in capital improvement planning and structuring fees by providing resources and/or workshops available through MACo and the Department of Commerce.

Objective 3.4. Participate in economic development activities which benefit county residents and businesses.

3.4.A. Continue membership and active participation in the Beartooth RC&D. Utilize the RC&D staff to assist communities and businesses with locally-initiated projects.

3.4.B. Continue membership and active participation in the Beartooth Economic Development District to obtain access to loan funds for small businesses in the county.

3.4.C. Apply for grant funds from the State Department of Commerce and the Federal Economic Development Administration as opportunities become available, to construct and upgrade infrastructure in support of development consistent with the goals of this plan. Request and utilize technical assistance as the need arises to support economic development.

Objective 3.5. Involve County residents in economic development.

3.5.A. Convene a County-wide Economic Development Committee.

Objective 3.6. Explore the feasibility of a County-wide recycling program.

3.6.A. Invite recycling industry representatives to explore the logistical feasibility, economic feasibility, and level of interest for a County-wide recycling program.

4. GOAL FOUR: COOPERATION WITH OTHER GOVERNMENTS

Work cooperatively for the benefit of County residents with unincorporated communities, local governments in the County, and state and federal government agencies planning activities in the County that could affect Carbon County residents.

Objective 4.1: Provide for orderly development around existing communities.

4.1.A. Coordinate the review of subdivision and development permit applications within one mile of incorporated community boundaries, or in any cases where municipal services are being requested.

4.1.B. Organize an annual session for members of all planning boards in the County to identify issues of mutual concern, and receive training.

4.1.C. Sponsor a discussion on infrastructure needs with communities by hosting an annual meeting of all public works directors in the County.

Objective 4.2: Minimize unintentional consequences of local government policies with respect to development patterns.

4.2.A. Encourage infill to take advantage of existing services, facilities, and infrastructure by monitoring local government actions to ensure consistency between municipal and County policies where possible.

4.2.B. Maintain up-to-date subdivision and development permit regulations for use by the County and those communities without separate planning boards.

Objective 4.3: Provide the most cost-effective services to residents for road maintenance and construction with cooperating jurisdictions.

4.3.A. Meet annually with MDT, the Forest Service, the Bureau of Land Management, and adjacent counties to discuss road projects, coordinate schedules, and look for efficiencies through working cooperatively.

4.3.B.: Continue to work with MDT on the construction/reconstruction projects on Highways 212, 78, 72, and 310. Coordinate with MDT on residential development planning in the north end of the county for commuters to Billings that utilize Highway 212.

Objective 4.4: Provide for residents' safety through cooperation with the state and federal governments.

4.3.A. Continue to administer the Disaster Emergency Services program in the County. Utilize state funds and training to support County DES program.

4.3.B. Continue to work with the Forest Service to educate the public about dangers and challenges associated with the continued growth and building within the Wildland/Urban interface. Support rural departments applying for state and federal grant monies for staffing, training, and equipment. Update the Community Wildfire Protection Plan as necessary.

4.3.C. As appropriate, request the Montana Department of Transportation to conduct studies of traffic safety on highways in the County.

III. HOW CARBON COUNTY WILL COORDINATE AND COOPERATE WITH THE TOWNS AND THE CITY IN THE COUNTY ON MATTERS RELATED TO THE GROWTH POLICY

During the planning process, meetings were held with representatives of each local government in the County. The participants jointly identified areas in which coordination between the County and the community could produce better decisions, more efficient, or more effective delivery of services to constituents. The issue of intergovernmental coordination was important to County residents and as a result a specific goal, Goal Four, with objectives and implementation strategies was developed to address this issue.

From the land use planning perspective, the County will continue to provide planning staff support in the form of subdivision review to those communities, whether incorporated or not, that do not have their own planning boards. Because Red Lodge has an independent planning board, and planning staff, the role of the County will be more focused on cooperation and coordination when matters of concern to both jurisdictions arise.

IV. A STRATEGY FOR DEVELOPMENT, MAINTENANCE, AND REPLACEMENT OF PUBLIC INFRASTRUCTURE

Growth Policy Goal Three, County Financial Management, addresses this issue directly. Because the County currently has no inventory of capital improvements, an inventory is the first step in management of the public infrastructure. Although the County owns a number of buildings, the primary asset category of County infrastructure is the transportation network. Once an inventory has been completed, maintenance and replacement schedules can be developed.

V. IMPLEMENTATION AND AMENDMENT OF THE GROWTH POLICY

a. A timetable for implementing the Growth Policy

The Growth Policy shall be implemented according to the implementation measures listed under each goal and objective in Appendix A.

b. A list of conditions that will lead to revision of the Growth Policy

To remain a useful tool for guiding land use development in the County, this Growth Policy will need to be periodically updated. The following conditions will trigger a revision of the Growth Policy.

- The passage of five years from adoption;
- Legislative changes which mandate significant additions, corrections, or amendments to the Growth Policy;

- Changed conditions including but not limited to litigation in Carbon County or elsewhere in Montana which sets legal precedent clearly contrary to stated goals, objectives and strategies in the County's Growth Policy.

c. A timetable for reviewing the Growth Policy

The Carbon County Growth Policy shall be revised at a minimum every five years from the most recent date of adoption. Review may occur more frequently than five years if one or more of the conditions that lead to a revision of the Growth Policy listed above occur. The County Planning Board shall be responsible for reviewing the Growth Policy and making recommendations for changes to the goals, objectives, and implementation measures.

d. Amendment of the Growth Policy

Amendment of the Growth Policy may occur as recommended by the County Planning Board. Triggers which could cause the County Planning Board to recommend amendment could include, but are not necessarily limited to; a determination that an issue was not adequately addressed in the Growth Policy or an issue arising which was not contemplated in the Growth Policy.

The process by which the Growth Policy will be amended is as follows;

- 1) An issue or deficiency is identified to the Planning Board by a member of the Planning Board, the Board of County Commissioners, the County Planner, or a local government within the County.
- 2) The Planning Board has oversight responsibility for language proposed for any amendments of the Growth Policy.
- 3) Prior to the submission of the proposed amendment to the governing body, the board shall give notice and hold a public hearing on the Growth Policy. At least 10 days prior to the date set for hearing, the board shall publish in a newspaper of general circulation in the jurisdictional area a notice of the time and place of the hearing.
- 4) The Planning Board conducts a public hearing on the proposed amendment and votes on whether to recommend that the Board of County Commissioners adopt the amendment.
- 5) Within 60 days of the vote of the Planning Board and not less than 30 days, the Board of County Commissioners votes to accept or reject the amendment recommendation from the Planning Board.

VI. SUBDIVISION REVIEW POLICIES

Subdivision review is an important local government function and one which directly affects the ability of the local government to achieve the goals identified in the Growth Policy. Since 1974, every county, city, and town has been required by state law to “adopt and provide for the enforcement and administration of subdivision regulations.” The governing bodies have also had the authority to review subdivisions for the plat’s compliance with master planning documents. House Bill 543, passed by the 2001 state legislature and signed into law by the governor, now requires that subdivision regulations be revised to be in accordance with the Growth Policy within one year of its adoption.

State law requires that subdivisions be reviewed for six primary criteria including; effects on agriculture, effects on agriculture water user facilities, effects on the natural environment, effects on wildlife and wildlife habitat, effects on local services, and effects on public health and safety.

This section provides information on how the County will review subdivisions. It explains:

1. How the County defines the state’s review criteria,
2. How those criteria will be used to evaluate and make decisions on subdivisions, and
3. How public hearings will be conducted.

Criteria Definition

State law requires that subdivisions be reviewed for their effects on six primary criteria: agriculture, agricultural water user facilities, natural environment, wildlife and wildlife habitat, local services and public health and safety. This section clarifies how the County defines those criteria.

Agriculture: The use of the land for grazing and cropping to produce food, feed, and fiber commodities. Examples may include: cultivation and tillage of the soil; dairying; growing and harvesting of agricultural or horticultural commodities; and the raising of livestock, bees, fur-bearing animals, or poultry. This definition does not include concentrated animal feeding operations.

Agricultural water user facilities: Facilities that provide water for the production of agricultural products on agricultural land including, but not limited to ditches, canals, pipes, head gates, sprinkler systems, tanks, reservoir, ponds, or developed springs.

Local services: Any and all services or facilities local government is authorized to provide, such as water supply, sewage disposal, law enforcement, fire protection, transportation system, and educational system as well as services not provided by local government such as electricity, gas, telephone, and solid waste disposal.

Natural environment: Existing physical conditions relating to land, water, air, plant and animal life of an area and the interrelationship of those elements, such as soils, geology, topography, vegetation, surface water, ground water, aquifers, drainage patterns, recharge areas, climate, floodplains, noise, scenic resources, and objects of historic, prehistoric, cultural, or aesthetic significance.

Wildlife: Animals (e.g. mammals, birds, reptiles, fish), that are neither human nor domesticated, existing in their natural environment.

Wildlife habitat: Geographic areas containing physical or biological features essential to wildlife for breeding, rearing, nesting, and/or winter feeding and forage; and/or essential to the conservation of listed endangered and threatened species under the Endangered Species Act.

Public health and safety: A condition of optimal well being, free from danger, risk, or injury for a community at large, or for all people, as well as for the welfare of a specific individual or a small class of persons.

Evaluation

The evaluation of the effect of the proposed subdivision on these six criteria determines if there are significant unmitigated adverse impacts. Unmitigated adverse impacts are potential grounds for denial of a proposed subdivision. Below are examples of items considered in evaluating the impact of a proposed subdivision on the six primary criteria. These examples do not necessarily reflect all potential items. Depending on the proposed subdivision, some of these items may not apply. In addition, some proposals may require evaluation of other factors not included in these examples to weigh the subdivision's effect on these criteria. It is the subdivider's responsibility to document proposed mitigation of any adverse impacts on these six criteria.

Effect on agriculture.

- Number of acres that would be removed from the production of crops or livestock.
- Acres of prime farmland (as defined by the USDA) that would be removed
- Effect on use of remainder and adjoining properties as farm or ranch land
- Potential conflicts between the proposed subdivision and adjacent agricultural operations including:
 - Interference with movement of livestock or farm machinery
 - Maintenance of fences
 - Weed proliferation
 - Vandalism or theft
 - Harassment of livestock by pets or humans
- Other items to be considered include:
 - Effect on market value of surrounding land
 - Net effect on taxes resulting from additional services

Effect on agricultural water user facilities.

- Location and proximity to agricultural water user facilities
- Potential conflicts between facility users and subdivision residents including:
 - Seeps, flooding, washouts,
 - Obstructions and interference
 - Unintended uses (recreation or landscaping)
- Water rights
- Vehicular access to facility

Effect on local services.

- Increased demand on services and need to expand services
- Ability to provide services to subdivision
 - Response times
 - Conditions of roads, bridges, and railroad crossings
 - Physical Barriers.
- Provision of adequate local services and public facilities simultaneous or prior to onset of impact.
- Any special or rural improvement districts that would obligate local government involvement fiscally or administratively

Effect on natural environment.

- Runoff reaching surface waters (e.g., streams, rivers or riparian areas).
- Impacts on ground water quantity and quality.
- Impacts on air quality.
- Impacts on scenic resources.
- Impacts on historic, pre-historic, and cultural resources
- Noxious weeds.
- Wetlands not covered under nationwide permits.

Effect on wildlife and wildlife habitat.

- Loss of significant, important and critical habitat, as defined by Montana Fish, Wildlife and Parks or the U.S. Fish and Wildlife Service.
- Impacts on significant, important and critical habitat including potential effects of
 - roads and traffic
 - closure of existing operations and/or potential to provide new access to public lands
 - effects of humans and pets on wildlife.

Effect on public health and safety.

- Creation of potential man-made hazards (e.g. unsafe road intersection, development in wildland residential interface fire areas).
- Natural hazards (e.g. wildfire, flooding, steep slopes).
- Existing potential man-made hazards (e.g. high pressure gas lines, lack of fire protection, cumulative impacts).
- Traffic safety.

- Emergency vehicle access.
- Emergency medical response time.
- Condition of road leading to proposed subdivision.
- Condition of bridges on road leading to proposed subdivision.
- Any other item that endangers public health and safety.

Public Hearing Procedures

A fundamental component of the subdivision review process is the opportunity for members of the public and interested groups to offer comments on the proposal. The opportunity to make comments in public is provided by the public hearing process. The Planning Board will also accept written comment received outside of the public hearing, but may set deadlines for the receipt of such comment. Under state law, the requirement to hold a public hearing does not apply to the first minor subdivision from a tract of record. A minor subdivision is defined as containing five or fewer lots.

The general steps for the public hearing, which is conducted by the Planning Board in Carbon County, are as follows:

1. Introduce public hearing.
2. Explain subdivision review procedure and decision criteria.
3. Planning Department staff report.
4. Applicant presentation.
5. Public testimony.
6. Close public hearing.

Court decisions have held that public meetings that extend late into the night are not really accessible to the general public. The meeting should be conducted so that those who want to speak for or against, or who seek additional information, will have an opportunity to do so while still providing a reasonable adjournment time.

The Planning Board Chair, who presides over the meeting, is responsible for setting the guidelines or methods for public comment. The Chair will review general guidelines prior to public comment, reminding the public of the criteria upon which the final decision must be made. Because each meeting is somewhat different, a standardized set of guidelines may not work in every case. Options to manage public discussion can include, but are not limited, to the following:

- Asking those who wish to speak to sign in, and use the list to call on speakers.
- Limiting the amount of time each person can speak.
- Allowing each person to speak only once until all have had an opportunity.
- Requesting individuals to address new issues only and not repeat what has already been addressed.

The planning board will vote on the subdivision application after the public hearing is adjourned. Their decision will be forwarded to the Board of County Commissioners as a formal recommendation.

VII. EXISTING CHARACTERISTICS AND PROJECTED TRENDS

To inform the planning process, an Inventory of Existing Characteristics in the County related to land use, population, natural resources, economic conditions, public facilities, services, and housing was prepared. This information can be found in the companion document to this Growth Policy, Carbon County Growth Policy Inventory of Existing Characteristics. Trend information compiled from the condition inventory is summarized below.

a. Land Uses

Carbon County consists of 1,313,850 acres, 45% of which are publicly-owned and therefore, not developable. The lands in the County vary greatly in elevation, precipitation, soil type, aquifer, and vegetation. Many of the privately-held lands suitable for development are situated along the Rock Creek and Clarks Fork Valley bottoms. Much of this land is also suited for agricultural production. The river valley bottoms also contain valuable wildlife habitat in the riparian areas. Compounding the challenge of making a living through agriculture, land values have risen. Some rural landowners have found economic relief through subdividing all or a portion of their property.

Although some development has occurred around existing communities, other development has occurred somewhat randomly across the landscape and without regard to the costs of providing infrastructure and services. This has resulted in the steady conversion of land use from agricultural to residential.

b. Population

The historic high population of Carbon County was 15,279 persons in 1920. Population fell steadily between 1920 and 1970, but has generally been on the increase since 1970, and was estimated to be 9,543 in 1999. From 1990 and 1999, population in the County grew by 1,463 persons. Figures from the 2010 census were not available at the time of this revision, but by 2010, the population is projected to increase by 839-870 persons over that of 2000. The Census Bureau estimated the County's population in 2008 at 9,756. Although the population is projected to increase overall, the projections indicate a decline in the numbers of school-aged children, particularly of high school age.

Of the population in 2000, approximately 5,250, or 45%, lived within and 55% lived outside of the five incorporated towns. Based upon the trend of the past 20 years, the number of persons living outside of towns will continue to increase. Locations of these new residents will continue to create demands for County infrastructure and services.

c. Housing Needs

Current information indicates that slightly over half of new residential units constructed will probably be built outside of existing communities and therefore, fall under the jurisdiction and responsibility of the County.

Decent housing appears to be out of the cost range of most low income households in the County already and this may worsen over time. The population projections combined with historic trends for building vacation or seasonal homes indicated a continued demand for new construction in the County over the next decade.

The county retained CTA Architects to conduct a housing study. The study was completed in the fall of 2009. The study can be viewed at the Carbon County Planning and Sanitarian's office or any of the libraries in the county. Please see the Housing section in the Inventory of Existing Conditions for more information.

d. Economic Conditions

The number of people employed in farming and ranching has dropped significantly over time, while the percentage of workers in the subcategory of Services grew. County-wide, non-farm income has increased significantly, while farm income has decreased significantly. According to the most recent Census information available (2000) per capita income in Carbon County remained below both the national and Montana averages. Historic trends point to decreased labor earnings in the future unless there are new sources of employment. Trends indicate that the largest potential for employment growth is in small firms. Trends also show that the number of people living in Carbon County and working in either Stillwater or Yellowstone County will continue to grow. According to the Bureau of Labor Statistics, the County unemployment rate in September 2009 was 4.7%.

e. Local Services

The County has significant responsibilities in providing for public health and safety. As the population outside of existing communities has grown, the demand and costs to provide fire protection, ambulance service, and law enforcement services have increased. Rural fire districts report increasing difficulty in finding adequate numbers of volunteers to staff their departments. New residents frequently have expectations for higher levels of these County services than the County can afford to provide.

Availability of water for residential use may become an issue in the County in the future. This could happen if land without adequate suitable water is developed and residents are served by cisterns. A water source will need to be identified to fill the cisterns. This has already become an issue in neighboring Yellowstone County.

f. Public Facilities

In addition to the administrative structures, the primary public facilities provided by Carbon County are the roads and bridges. The County does not have an inventory and condition assessment for its roads and bridges which could show the trends in condition over time. Rural development, however, is causing an increase in the number of vehicle trips on County roads and corresponding increased maintenance needs. Rural

development is also resulting in an increase in the construction of roads which will be maintained by subdivision homeowners' associations.

Activities which have been initiated by the Montana Department of Transportation on Highways 212, 78, and 310 will impact Carbon County residents. Some will ultimately experience faster and safer travel, while others, those who own land along the new selected rights-of-ways will be directly and adversely affected.

The County assists a number of rural sewer and water districts located outside of incorporated communities. These districts are currently struggling to retain qualified technical expertise and capital planning to accommodate growth.

While enrollments in the public school system across the County as a whole have remained remarkably stable, enrollments for each school have changed over time. Growth patterns in the County have generally caused increases in enrollment on the west side of the County and decreases on the east side.

g. Natural Resources

Surface and groundwater are utilized in the County. Anecdotal evidence indicates that land use changes, specifically subdivisions which remove land from agricultural production, are affecting both the availability and quality of water. Increasing demands are being placed upon the water resources of the County by a growing population while precipitation has remained below average. Certain aquifers are more vulnerable than others to depletion and/or water pollution.

The mineral resources of Carbon County are diverse. The demand for domestic energy resources such as coal, oil, and gas, all of which are found in the County, will likely continue into the foreseeable future. The County has seen an increase in exploration activity related to these resources in recent years. Levels of production could increase over the life of this Growth Policy.

Sand and Gravel Resources-HB 486 was passed by the 2009 Legislature. HB 486 requires jurisdictions to provide an inventory of the sand and gravel resources within their jurisdiction. Existing geological and soils mapping would be the primary sources for identifying sand and gravel resources. The 2009 Legislature directed the Montana Bureau of Mines and Geology (MBMG) to identify gravel resources statewide. Please see the Natural Resources section of the Inventory of Existing Conditions for a discussion of sand and gravel resources and their locations in Carbon County.

Carbon County has serious weed infestations which include spotted knapweed in the Rock Creek Valley and leafy spurge in the Clarks Fork Valley. Population growth, land use change, and an increase in the number of absentee landowners who fail to treat their weeds will enhance the opportunity for the spread of noxious weeds.

The County has a rich fish and wildlife resource. Water shortages in the late summer and early fall, high water temperatures, nutrient loading, and movement of sediment continue to affect productivity of the fishery resource. More human-wildlife conflicts, particularly with deer, bear, and moose along the mountain front are expected as wildlife habitat is developed for residences.

Carbon County provides diverse and spectacular natural vistas on both private and public lands. The trend of small acreage residential development in rural areas of the County is causing a visual in-filling of open space. Air quality is believed to be excellent in the County. Additional residents will generate more particulate matter as a result of travel on gravel roads, wood burning stoves, and the burning of fossil fuels.

APPENDIX A

GROWTH POLICY IMPLEMENTATION SCHEDULE

<i>Goal. Objective. Implement- ation</i>	<i>Task Description Summary</i>	<i>Resources</i>	<i>Completion Timeframe</i>
GOAL ONE	LAND USE AND DEVELOPMENT		
1.1.A.	Revise subdivision regulations--Revisions as necessary to address strategies including (but not limited to) 1.1.D, 1.3.C, 1.4.A, 1.6.A, 1.6.B, 2.2.A, 2.3.A, 2.3.B, 2.6.B, 3.1.D, 3.1.E, 3.3.A, 4.1.A, 4.2.B	5 days staff time	1 year
1.1.B.	Revise development regulations	3 days staff time	1 year
1.1.C.	Annual monitoring review	2 days staff time/year	Annually
1.1.D.	Develop system for assuring conditions of approval met, Track approval conditions	2 days staff time	1 year
1.2.A.	Prepare build out analysis	Already dedicated	6 months
1.2.B.	Track acres converted	1 day staff time/year	Annually
1.3.A.	Assist citizens in local zoning efforts	As requested	Ongoing
1.3.B.	County-sponsored forum on preserving agricultural lands	2 days staff time	2 years
1.3.C.	Revise subdivision regulations	See 1.1.A	1 year
1.3.D.	Continue weed program		Ongoing
1.3.E.	Make Code of the West available	posted on web	Ongoing
1.3.F.	Provide referral information about Conservation Easements	As requested	Ongoing
1.4.A.	Develop streamlined regulations for cluster development	10 days staff time	1 year
1.5.A.	Comment on state and federal undertakings	As requested	Ongoing
1.5.B.	Develop recommendations on Historic Preservation	Historic Preservation Commission	2 years
1.5.C.	Coordination with MDT	3 days staff time	Ongoing
1.6.A.	Encourage open space and habitat dedications for parkland requirements	As appropriate	1 year
1.6.B.	Obtain input from Montana FWP	Developers	1 year
1.7.A.	Develop policy for telecommunication towers	2 days staff time	1 year
1.7.B.	Adopt zoning on towers	2 days staff time	1 year

Goal. Objective. Implement- ation	Task Description Summary	Resources	Completion Timeframe
GOAL TWO	WATER RESOURCE PROTECTION		
2.1.A.	Compile hydrological information	5 days staff time	Ongoing
2.1.B.	Seek grant funds for well and septic data base	2 days staff time	3 years
2.1.C.	Contact universities to invite research	1 day staff time	2 years
2.2.A.	Identify public water and wastewater thresholds	5 days staff time	1 year
2.3.A.	Revise subdivision regulations	See 1.1.A	Ongoing
2.3.B.	Review and revise subdivision regulations	See 1.1.A.	1 year
2.4.A.	Assist sewer and water districts in planning	1 day/year staff time	Ongoing
2.4.B.	Coordinate water and sewer training needs	1 day/year staff time	Ongoing
2.5.A.	Invite DEQ to talk about wellhead protection plans	1 day staff time	2 years
2.5.B.	Seek grants to prepare wellhead plans	5 days staff time	5 years
2.6.A.	Administer floodplain program	As needed	Ongoing
2.6.B.	Revise subdivision regulations for setbacks	See 1.1.A.	2 years
GOAL THREE	COUNTY FINANCIAL MANAGEMENT		
3.1.A.	Seek funds to study impacts and adopt impact fees	30 days staff time	5 years
3.1.B.	Meet with industry representatives	2 days staff time	Ongoing
3.1.C.	Adopt incentives that minimize costs to County	5 days staff time	5 years
3.1.D.	Review of subdivision fees	1 day staff time/year	1 year
3.1.E.	Review weed and fire fees	1 day staff time/year	1 year
3.2.A.	Implement E-911	40 days staff time	2 years
3.2.B.	Update EOP	Contract	1 year
3.2.C.	Review emergency response statistics, develop service standards	30 days staff time	4 years
3.3.A.	Review road policy	.5 days staff time	1 year
3.3.B.	Prepare capital asset inventory and condition assessment of buildings	40 days staff time	5 years
3.3.C.	Prepare inventory of roads	10 days staff time	4 years
3.3.D.	Make map of county road priorities available	.5 days staff time	Ongoing
3.3.E.	Prepare condition assessment of bridges, replace according to priority list	20 days staff time	4 years
3.3.F.	Assist water and sewer districts in planning	1 day staff time/year	Ongoing

Goal. Objective. Implement- ation	Task Description Summary	Resources	Completion Timeframe
3.4.A.	Participation in Beartooth RC&D	2 days County Commissioner time/year	Ongoing
3.4.B.	Participate in Beartooth Economic Development District	2 days County Commissioner time/year	Ongoing
3.4.C.	Seek grant funds for infrastructure development	2 days staff time/year	Ongoing
3.5.A.	Convene an Economic Development Committee	2 days staff time/year	1 year to convene, then ongoing
3.6.A.	Explore recycling feasibility	2 days staff time	3 years
GOAL FOUR	COOPERATION WITH OTHER GOVERNMENTS		
4.1.A.	Coordinate subdivision reviews	As needed	1 year
4.1.B.	Annual Planning Boards' session	2 days staff time/year	Ongoing
4.1.C.	Host public works directors' forum	2 days staff time/year	Ongoing
4.2.A.	Encourage infill and monitor local government policies for consistency	2 days staff time/year	Ongoing
4.2.B.	Maintain up-to-date subdivision regulations	See 1.1.A	1 year
4.3.A.	Hold annual meetings on road work coordination	4 days staff time/year	Ongoing
4.3.B.	Coordinate with MDT on state highway projects	2 days staff time/year	Ongoing
4.4.A.	Administer DES program	30 staff days/year	Ongoing
4.4.B.	Educate residents about urban interface fire	3 staff days/year	Ongoing
4.4.C.	Request safety studies on highways in County	.5 days staff time	1 year

Note: Staff time identified in the table can be met in a variety of ways depending on the task, including by planning office staff, other County staff, the Planning Board, County Commissioners, County Attorney, task forces, volunteers, and/or if special expertise is needed and funds are available, contractors.