

2. PONDERA COUNTY LAND USE

2.1 Executive Summary – Key Findings

This section discusses land use in Pondera County and the municipalities of Conrad and Valier. This discussion includes characterizations of the current landownership patterns, existing land use, development trends, and local development regulations.

Key findings include the following:

- Pondera County land use is dominated by privately-owned agricultural land without much non-resident landownership.
- County land development indicators point to low levels of development pressure and very modest rates of land subdivision.
- About 15.5 percent of Pondera County is in the Blackfeet Reservation. Most of this is tribal land which is not subject to this Growth Policy.
- The municipalities of Conrad and Valier similarly are experiencing low pressure for land development and have not had significant growth in the past decade.
- Both Conrad and Valier each have a basic zoning ordinance that divides the municipality into residential, commercial, and industrial zones.
- The County and Conrad have regulations governing the subdivision of land but Valier does not.

2.2 Key Issues/Perspectives/Preferences

Within the last few years, there have been numerous outreach efforts with regard to planning in the County and the municipalities. These efforts include surveys and meetings of growth policy committees held in 2009. These efforts have produced expressions of the issues, perspectives, and preferences of county citizens regarding many topics including land use.

In 2009 a Pondera County survey was conducted. About 120 households in the county participated. Most of the survey respondents reported living "in town." Among the survey results, the following are noted: There is strong interest for continuing historic agricultural land use, with almost all survey respondents saying this is important to some degree. However, most respondents felt that subdivision of agricultural land is not a problem in the county. The survey also included many questions about the character of future development and possible regulations that are interesting and potentially useful but not relevant to this discussion of current land use (future land use will be discussed in a subsequent section). Similarly, recent surveys in Conrad and Valier also did not include questions specifically on current land use.

2.3 Existing Conditions

Pondera County is 1,638.6 square miles in land area or 1,048,704 acres. (MNRIS, 2010a) Pondera County is 44th in size among Montana's 56 counties. (NACO, 2010) In terms of land use, the county is predominantly agricultural, with 90.8% of the land area in farms and ranches. (USDA, 2009) For a rural, Western county, Pondera County has a relatively small proportion of federal land in the county. The county includes the City of Conrad and the Town of Valier as well as several small, unincorporated places.

2.3.1 Land Ownership

Land in Pondera County is predominantly privately owned, with over 72% of the land in private ownership. Tribal ownership associated with the Blackfeet Reservation in the northwestern part of the county is the next largest ownership type at 10.4% of the county. The U.S. Forest Service and State of Montana own 9.9% and 6.0% of the land, respectively.

TABLE 1: PARCEL OWNERSHIP SUMMARY		
Owner Type	Acres	Percent of County
Private	783,078	72.1
Tribal	113,460	10.4
USDA Forest Service	107,336	9.9
State Government	64,982	6.0
Water	10,707	1.0
Other Miscellaneous Types	6,346	< 1.0

Source: MNRIS, 2010b

Of the private land, 73% is owned by county residents as indicated by having an in-county ZIP Code associated with their property tax assessment records. Another 14% of the land is owned by nearby landowners (those having the ZIP Code of their mailing address beginning with 594, the three-digit ZIP code prefix of the Great Falls postal region) (MITSD, 2010) This is a high proportion of local ownership and indicates little of the non-resident ownership that is often associated with vacation or resort areas and with land speculation.

A large portion of Pondera County, that part north of Birch Creek excluding the National Forest, is within the boundaries of the Blackfeet Reservation. The Reservation includes 254 square miles of Pondera County or 15.5 percent of the county. Within the Reservation, there are tribal lands and private lands as well as the unincorporated settlement of Heart Butte (population 698 in year 2000). Privately owned deeded lands constitute 31 percent of the Reservation in Pondera County. These private lands are subject to this Growth Policy and the Pondera County Subdivision Regulations while the tribal lands are not.

2.3.2 Existing Land Use

Land use in Pondera County can be characterized using data from the county office of the state Revenue Department. The Revenue Department assigns a "property type" to every parcel of taxable land in the county. The property type indicates the current use of the land. Using these data, the land uses for each of the jurisdictions in the county are discussed below.

1. Pondera County (Unincorporated Area)

Agriculture is the overwhelmingly predominant use of private land in the unincorporated areas of Pondera County. Revenue Department data indicate that agricultural land and related farmsteads account for 99% of the private land in unincorporated Pondera County.

TABLE 2: RURAL LAND USE SUMMARY		
LAND USE	ACRES	PERCENT OF AREA
Agriculture	656,190	86%
Farmsteads	100,990	13%
Tax Exempt	4,246	<1%
Residential	1,390	<1%
Vacant	832	<1%
Commercial	115	<1%
Industrial	63	<1%
TOTAL	763,826	100%

Source: MITSD, 2010.

2. City of Conrad

The City of Conrad encompasses 807 acres (1.3 square miles). In the city, the largest land use categories are rights-of-way (of streets, alleys, and highways) and residential lands. The third largest category, tax exempt lands, includes public properties such as schools, hospitals, public offices, parks, etc. Part of the tax exempt lands in Conrad is a 35-acre site that is a retirement community owned by town. The housing on the site was originally constructed by the US Air Force and was subsequently turned over to the City, who now leases it to a private property management firm.

TABLE 3: CITY OF CONRAD LAND USE SUMMARY		
LAND USE	ACRES	PERCENT OF AREA
Rights-of-way	237	30%
Residential	236	30%
Tax Exempt	140	17%
Commercial	108	14%
Vacant	59	7%
Industrial	11	1%
TOTAL	791	100%

Source: MITSD, 2010

(Note: Original data adjusted to account for city-owned residential properties)

3. Town of Valier

The Town of Valier is 525 acres (0.8 square miles). In Valier, rights-of-way and tax exempt properties are the two largest land use categories. The rights-of-way category includes highway, street, alley, and railroad rights-of-way. The majority of the tax exempt land is county-owned land, much of which is used as the Valier Airport while a recreation area occupies another part of the land. Vacant lots are nearly as common as lots used for residential purposes. There is a small amount of industrial and commercial land in the town.

TABLE 4: TOWN OF VALIER LAND USE SUMMARY		
LAND USE	ACRES	PERCENT OF AREA
Rights-of-way	214	41%
Tax Exempt	120	23%
Residential	96	18%
Vacant	65	12%
Commercial	21	4%
Industrial	7	1%
TOTAL	523	100%

Source: MITSD, 2010

2.3.3 Wilderness

A portion of the Bob Marshall Wilderness Area is located within Pondera County, in the far southwestern corner of the county in the Lewis and Clark National Forest west of Swift Reservoir. The Bob Marshall Wilderness is part of the 109 million-acre National Wilderness Preservation System. Motorized equipment and equipment used for mechanical transport is generally prohibited on all federal lands designated as wilderness. (UMWI, 2010)

2.3.4 Conservation

Land conservation in Pondera County includes substantial amounts of land under conservation easements. A conservation easement is a restriction placed on a piece of property to protect its associated resources. The easement is either voluntarily donated or sold by the landowner and constitutes a legally binding agreement that limits certain types of uses or prevents development from taking place on the land in perpetuity while the land remains in private hands. (The Nature Conservancy, 2010). Land under conservation easement accounts for only about 1.5% of the land area of the county but are concentrated locally, particularly in the southwest part of the county.

TABLE 5: CONSERVATION EASEMENTS IN PONDERA COUNTY	
Easement Holder	Acres
US Fish and Wildlife Service	7,796
The Nature Conservancy	4,659
US Department of Agriculture	2,270
Montana Land Reliance	1,966
Rocky Mountain Elk Foundation	471
TOTAL	17,161

Source: MNRIS, 2010c

The Conservation Reserve Program (CRP) is another important aspect of land conservation in Pondera County. The program encourages farmers to convert highly erodible cropland or other environmentally sensitive acreage to vegetative cover, such as tame or native grasses, wildlife plantings, trees, filter strips, or riparian buffers. Farmers receive an annual rental payment for the term of the multi-year contract. Cost sharing is provided to establish the vegetative cover practices. (NRCS, 2009)

As of June 2010, there were 71,526 acres under the CRP program in Pondera County. (FSA, 2010). This amounts to 6.8% of the entire county.

2.3.5 Zoning

Only the City of Conrad and the Town of Valier have zoning and the unincorporated area of Pondera County is not zoned. The zoning of Conrad and Valier are discussed below.

1. City of Conrad

The City of Conrad Zoning Ordinance divides the city into three residential zones, one commercial zone, and two industrial zones. Generalized information on allowed uses, dimensional requirements, and special zoning provisions are presented in the table, Conrad Zoning Districts Summary.

Conrad's zoning contains a conditional use procedure whereby any proposed use that is not ordinarily allowed at a given location may be permitted by the City Council following review by the Zoning Commission and a public hearing. This is unusual as zoning ordinances usually specify allowable

conditional uses instead potentially allowing any use. The conditional use process allows the Council to attach conditions or limitations on the proposed use to mitigate problems that might otherwise occur.

Conrad's zoning establishes minimum housing unit width requirement of 20 feet which applies to any housing unit type including one and two-family houses, multi-family buildings, and mobile homes. Mobile homes are allowed in only one of the two residential zoning districts. In the B zone, mobile homes are allowed provided they are placed on a permanent foundation. A special "B-2 Sub-zone" has been created for nine blocks in the Jones additions on the east side of Conrad. In this sub-zone, mobile home restrictions are relaxed; there is no minimum width for units, the size of units may be as small as 300 square feet (down from 750), and permanent foundations are not required.

As the following table indicates, the B residential zone is the most widely applied zoning in Conrad, followed by the C commercial zone. Un-zoned land primarily consists of the City-owned industrial tract east of I-15 and the ball field complex on the west side of the city.

TABLE 6: GENERALIZED ZONING SUMMARY, CITY OF CONRAD		
Zoning District	Acres	Percent of Area
B Residential		26%
C Commercial		24%
A Residential		17%
Un-zoned		16%
D Industrial		13%
B-2 Residential		4%
TOTAL		100%

(* Total does not include 228 acres of street rights-of-way in the city.)

Source: Folgert, 2010.

2. Town of Valier

Valier has a simple zoning ordinance that divides the town into commercial, industrial, and several residential zones. Much of the zoning ordinance dates back to 1965.

To build a home on an existing lot in the A residential zone, the lot must be at least 7,500 square feet despite the fact that many original town lots are slightly smaller at around 7,000 square feet. New lots must be at least 10,000 square feet. Overall, the A zone requirements will create spacious neighborhoods but at the cost of reduced efficiency in land use and land development. See the table, Valier Zoning Districts Summary for details.

The Residence B zone differs from the A zone in that two-family dwellings are allowed and minimum lot sizes and building setbacks are smaller. One family dwellings may be constructed on lots as small as 5,000 square feet.

The Valier zoning includes a C residential zone but no land in the town is zoned Residence C. The zone allows "multiple-dwellings" and "row-dwellings". Similarly, the "T trailer" zone is another zone that is not applied to any land in town. The zone sets up specifications for "trailers" and "trailer courts".

A wide variety of public and quasi-public uses are allowed in all zones by conditional use permit. The zoning ordinance also includes specifications for parking areas, signs, and non-conforming uses.

According to the Town's zoning map, there is a substantial area in town that is not zoned. This area consists mostly of the county-owned land along the south side of town.

TABLE: GENERALIZED ZONING SUMMARY, TOWN OF VALIER		
Zoning District	Acres	Percent of Area
Un-zoned	102	33%
B residential	82	26%
A residential	77	25%
D commercial	46	15%
E industrial	4	1%
TOTAL	310*	100%

(*Total does not include 214 acres of street rights-of-way in the town.)

Source: Folgert, 2010

2.3.6 Other Land Use Regulations

Local land use regulations other than zoning typically include regulations on subdivision development, flood plain management, and airport protection. Montana counties also typically have regulations governing waste-water system installations. Counties and municipalities may also have regulations on "wildland-urban interface" issues which typically address wildfire hazards that may exist at the edges of urban development areas.

The Town of Valier has none of these land use regulations. (Sheble, 2010) The City of Conrad has subdivision and flood plain management regulations but none of the other regulations mentioned here. (Fowler, 2010) Pondera County also has subdivision regulations and flood plain regulations. In addition, the County had adopted the minimum state requirements for its sewage disposal system regulations. (Pondera County, 2010) (Additional information needed on existence of airport regulations and wildland-urban interface regulations at county level.)

2.3.7 Municipal Growth/Annexation

Municipal growth and annexation are important considerations in a growth policy. The amount of land that a city or town annexes is generally related to amount of development pressure in the greater area. Residential construction trends are usually indicative of growth and development dynamics within a community.

In the case of Pondera County, Conrad, and Valier, all have had very little new housing development since 1999. With regard to residential construction levels, the state Department of Revenue data provide year-built for each dwelling in the database. According to that data, there have been only 56 new home constructed in the past decade. In contrast, there are currently about twelve homes under construction in the unincorporated area of the county. (Bandow, 2010)

TABLE 7: NUMBER OF DWELLINGS BY YEAR BUILT, 1999-2008	
Jurisdiction	New Dwellings
City of Conrad	10
Town of Valier	14
Pondera County - unincorporated	32
TOTAL	56

Source: MITSD, 2010

Consistent with this low amount of development activity, Conrad and Valier have not annexed any significant areas for 20 years or more, except that Conrad annexed a 49-acre parcel east of I-15 as a future industrial park. However, there is some demand for new annexations, particularly at Conrad. Under Montana law, the ability of a municipality to annex is limited unless the municipality has a new Growth Policy. The annexation powers of Conrad and Valier are limited because of the lack of a recent Growth Policy.

2.3.8 Development Patterns in Un-Zoned Areas

1. Subdivisions

In the unincorporated areas of Pondera County (which are not zoned) there has not been much subdivision activity in the past decade. Since the beginning of 1999, there have been 31 new subdivisions that created a total of 47 new lots with the largest subdivision containing three lots. (Pondera County Clerk and Recorder, 2010) This equates to an average of four to five new subdivision lots per year. By almost any comparison, this is a very small amount of subdivision activity. Visual examination of the land parcel map (cadastral map) indicates a lack of any large rural subdivision in the unincorporated area other than town sites such as Brady and Dupuyer.

Many rural counties across the U.S. are burdened by so-called premature subdivisions that are platted decades before there is market demand for the lots. Such subdivisions are invariably developed under inadequate regulatory standards. Typically, lots are too small for adequate waste water treatment and basic improvements such as roads and water systems are often missing or severely inadequate. Pondera County is fortunate to not have to deal with such a legacy.

2. Development near Municipalities

There is little in terms of significant development in areas close to the municipalities of Conrad and Valier. The Town of Valier has received inquiries about providing water service to a potential

development west of town. However, the Town presently does not provide water or sewer service outside the town limits. (Malinak, 2010)

Conrad does provide water service outside the city limits to 76 rural water customers. (Conrad Clerk's Office, 2010) As a condition to providing service, the City requires these rural water customers to agree not to contest future annexation. (Fowler, 2010) The City does not provide sewer service outside the city limits. (Anderson, 2010)

2.4 Projected Trends for Future Land Use

Pondera County's land use pattern is very strongly influenced by agriculture. Any significant and widespread reduction in the viability of agriculture could result in major land use changes.

Population growth dynamics also drive land use change. Unless there is a change from the past trends of minimal development pressure, land use patterns are not likely to change much in the near future.

New rural land uses, such as wind farms, may entail relatively unprecedented economic and land use dynamics leading to changes in the landscape that cannot be predicted based on past trends. It is important to keep abreast of such land uses so that potential impacts can be properly managed.

Small amounts of additional growth at the unincorporated rural settlements of Brady and Dupuyer should be anticipated.

Future annexation at Conrad will lead to changes in land use at the outskirts of the city. Annexation should be anticipated not only for the City-owned industrial park site but also for general growth of the city.

There should be little need for future annexation at Valier because of the large supply of vacant land in the town.

Sources

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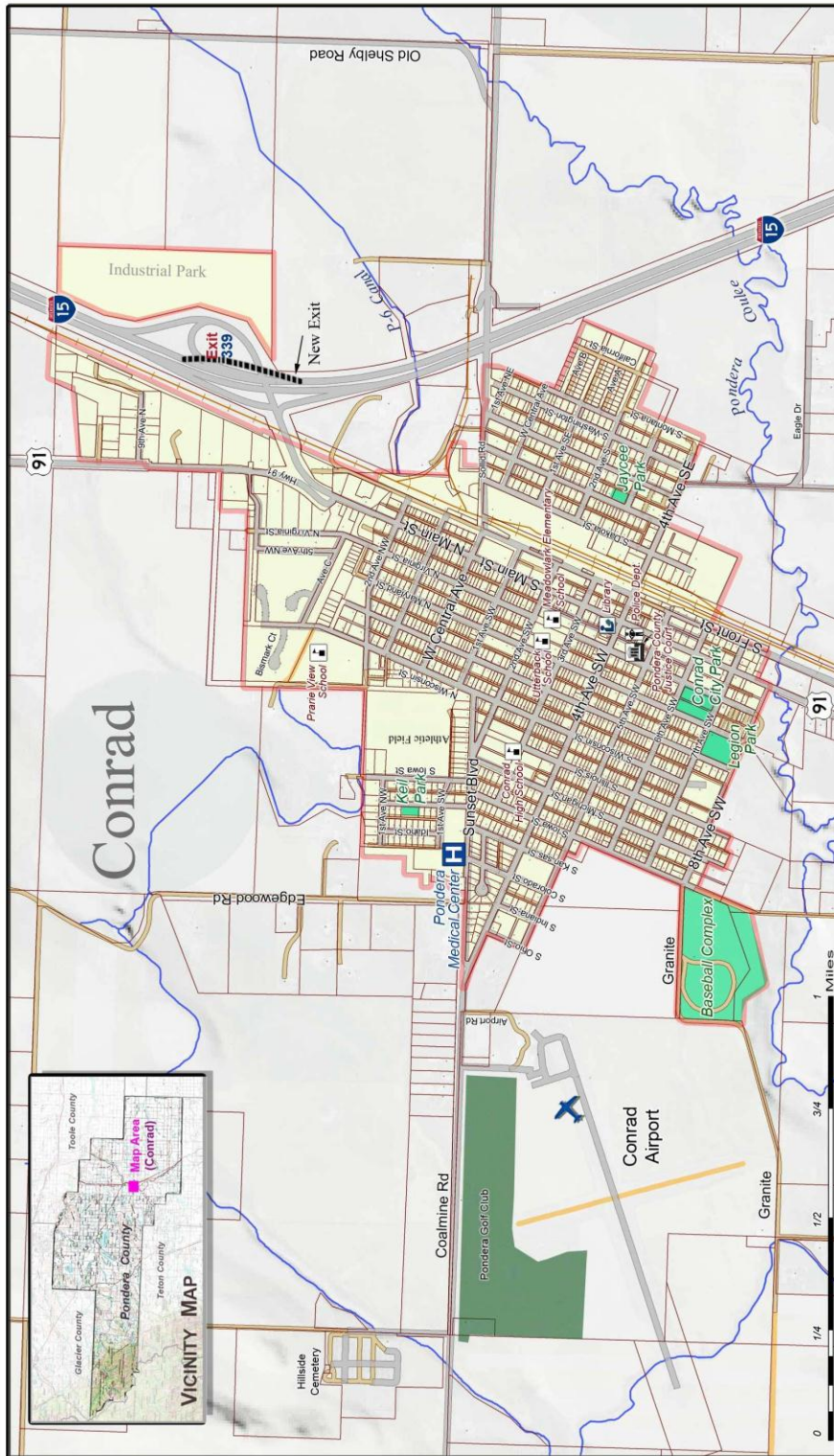
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Conrad, Montana

Conrad is a city in and the county seat of Pondera County, Montana. According to the United States Census Bureau, the city has a total area of 1.2 square miles (3.1 km²), all of it land. Conrad is located at: 48°10'22"N, 111°56'50"W.

Road information including surface type and names along with the municipal boundary, parks and locations of buildings provided by Pondera County E/911 Dept., and the City of Conrad.

MAP LEGEND

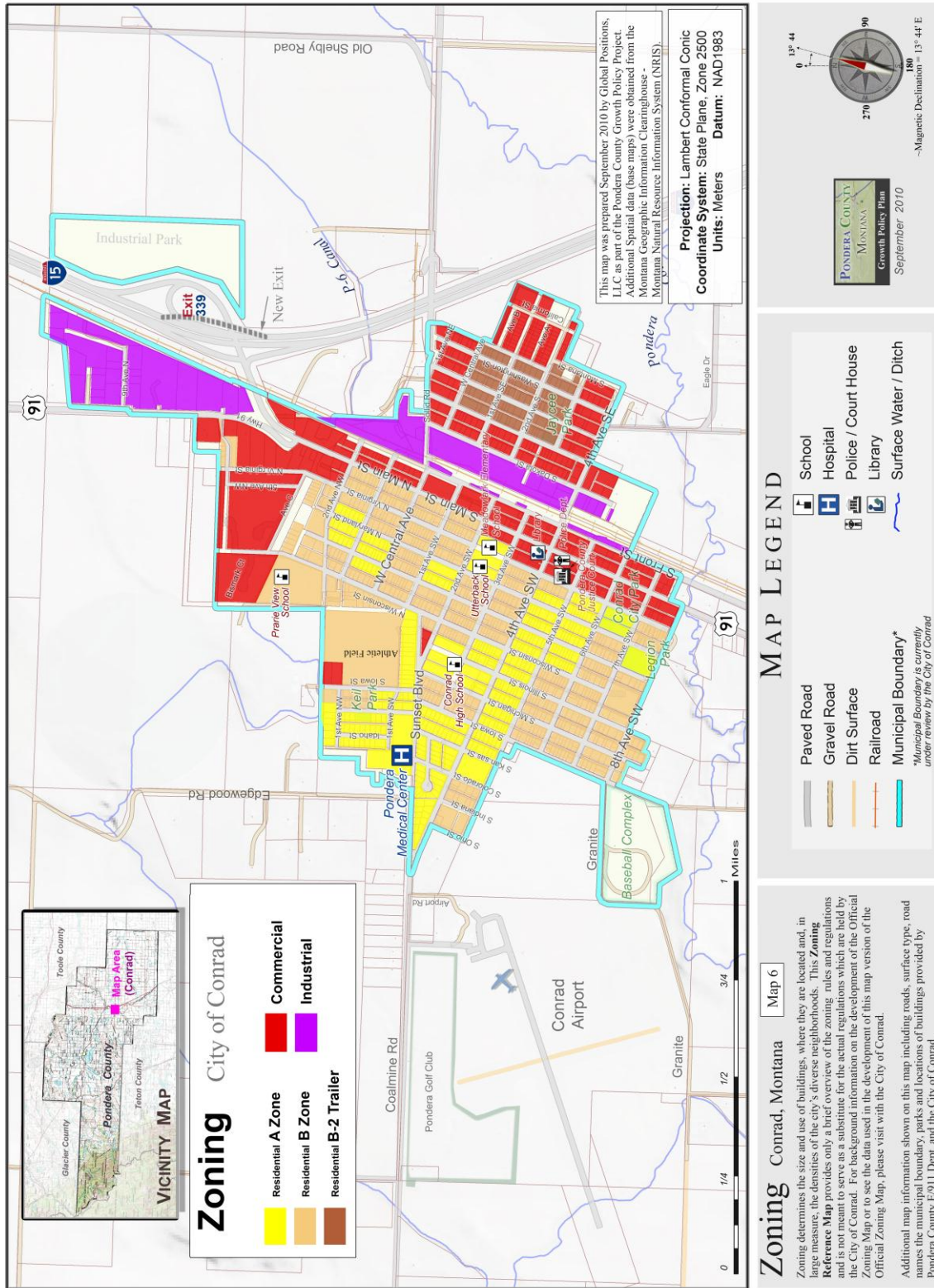
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	Gravel Road		Hospital
	Dirt Surface		Police / Court House
	Railroad		Library
	Municipal Boundary		Park
	Municipal Area		Surface Water / Ditch

0 1/4 1/2 3/4 1 Miles

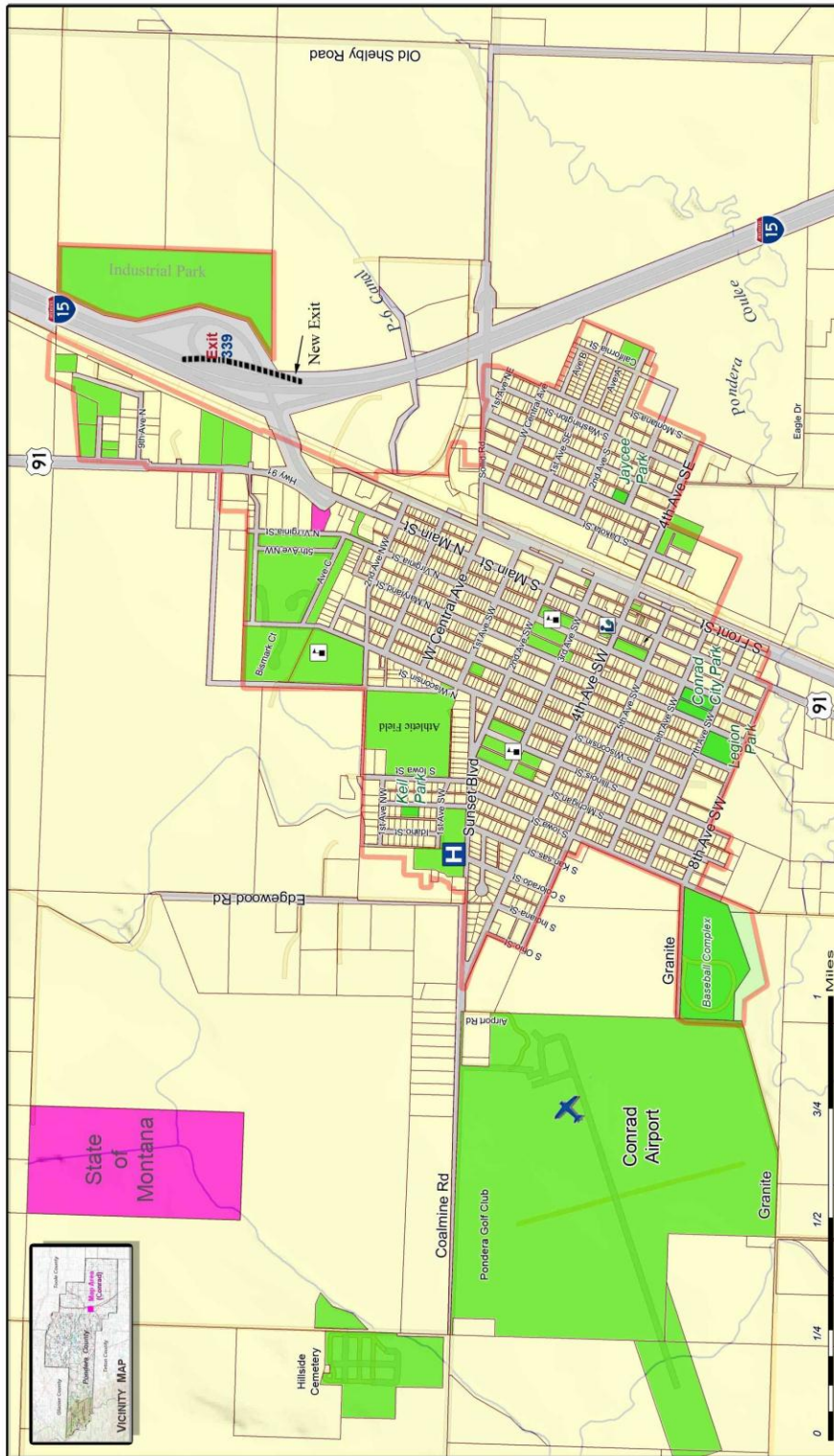
13° 44' 270 90

~Magnetic Declination~ 13° 41' E

DRAFT MAP : July 2010



CONRAD ZONING DISTRICTS SUMMARY							
Zone	Type	Permitted Uses	Minimum Lot Area	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Building Height Limits Special Provisions
A	Residential	One-family dwellings; parks; minor public facilities.	5,000 s.f.	20 to 40 ft.	6 ft.	20 ft.	40 ft. No minimum lot width; Mobile homes not allowed.
B	Residential	Same as A zone plus: churches, public schools, hospitals, hotels, libraries, boarding houses, multiple-family dwellings, nurseries nursing homes, two-family dwellings, funeral homes.	5,000 s.f.	10 to 40 ft.	6 ft.	20 ft.	40 ft. Mobile home parks allowed at density of 11 units per acre; B-2 sub-zone allows smaller mobile homes (300 s.f.) on individual lots and allows mobile homes without permanent foundation; B-2 sub-zone applies to nine blocks in Jones additions.
C	Commercial	Same as B zone plus: A wide variety of commercial uses including offices, retail stores, restaurants, wholesale businesses, automobile services, feed stores, machine shops, motels, limited light manufacturing and excluding hazardous or obnoxious uses.	None	None	None	None	No limit For residential buildings, B zone yard requirements apply and minimum lot area is 250 s.f per family.
D	Industrial	Same as C zone plus: a wide variety of heavy manufacturing uses ranging from candle making to ore smelting but excluding uses that a court has declared obnoxious or offensive.	None	None	None	None	No limit
E	Industrial	Same as D zone plus: more offensive or hazardous uses such as rendering plants and explosives manufacturing.	None	None	None	None	No limit No land in Conrad is zoned E.



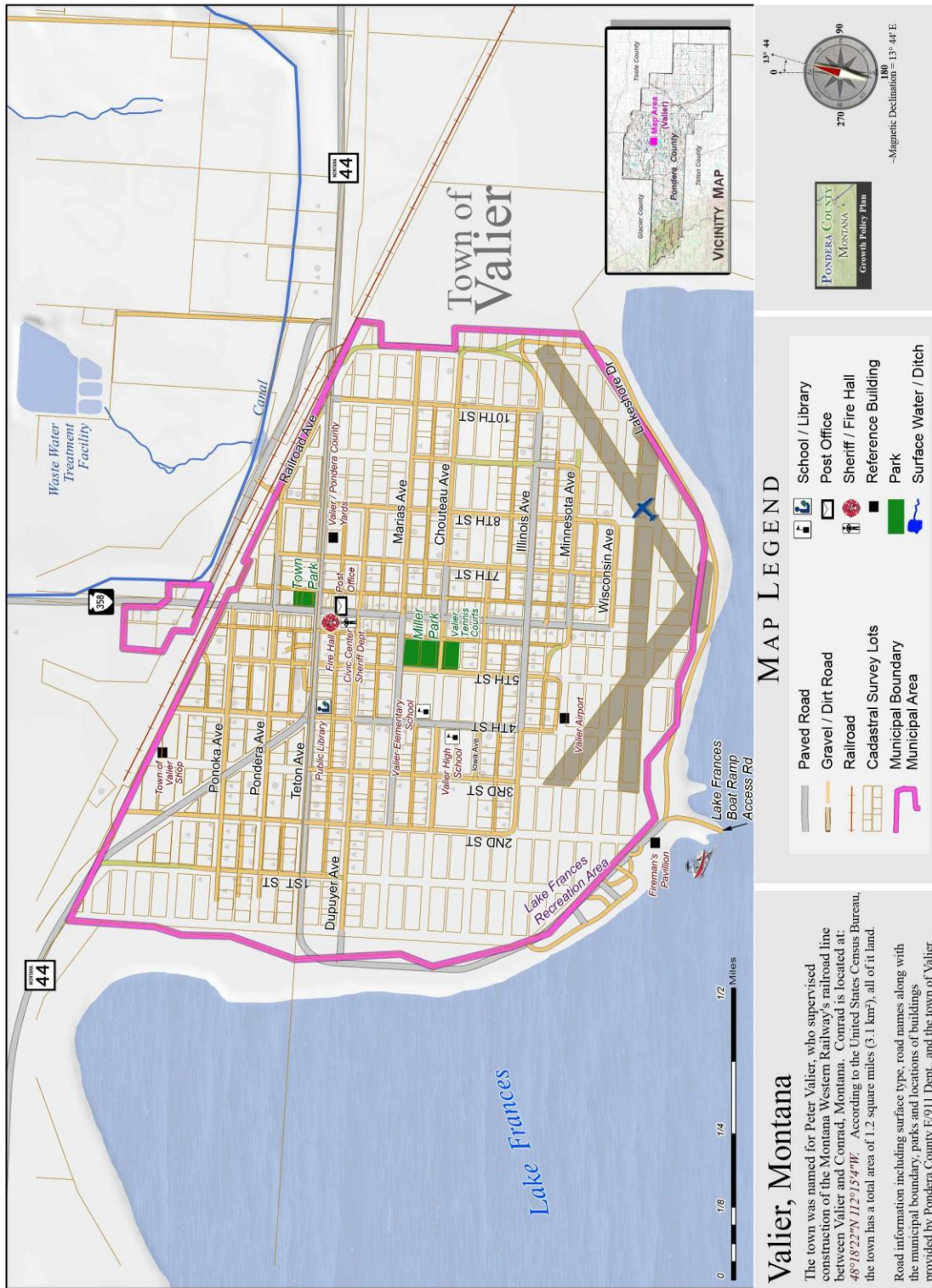
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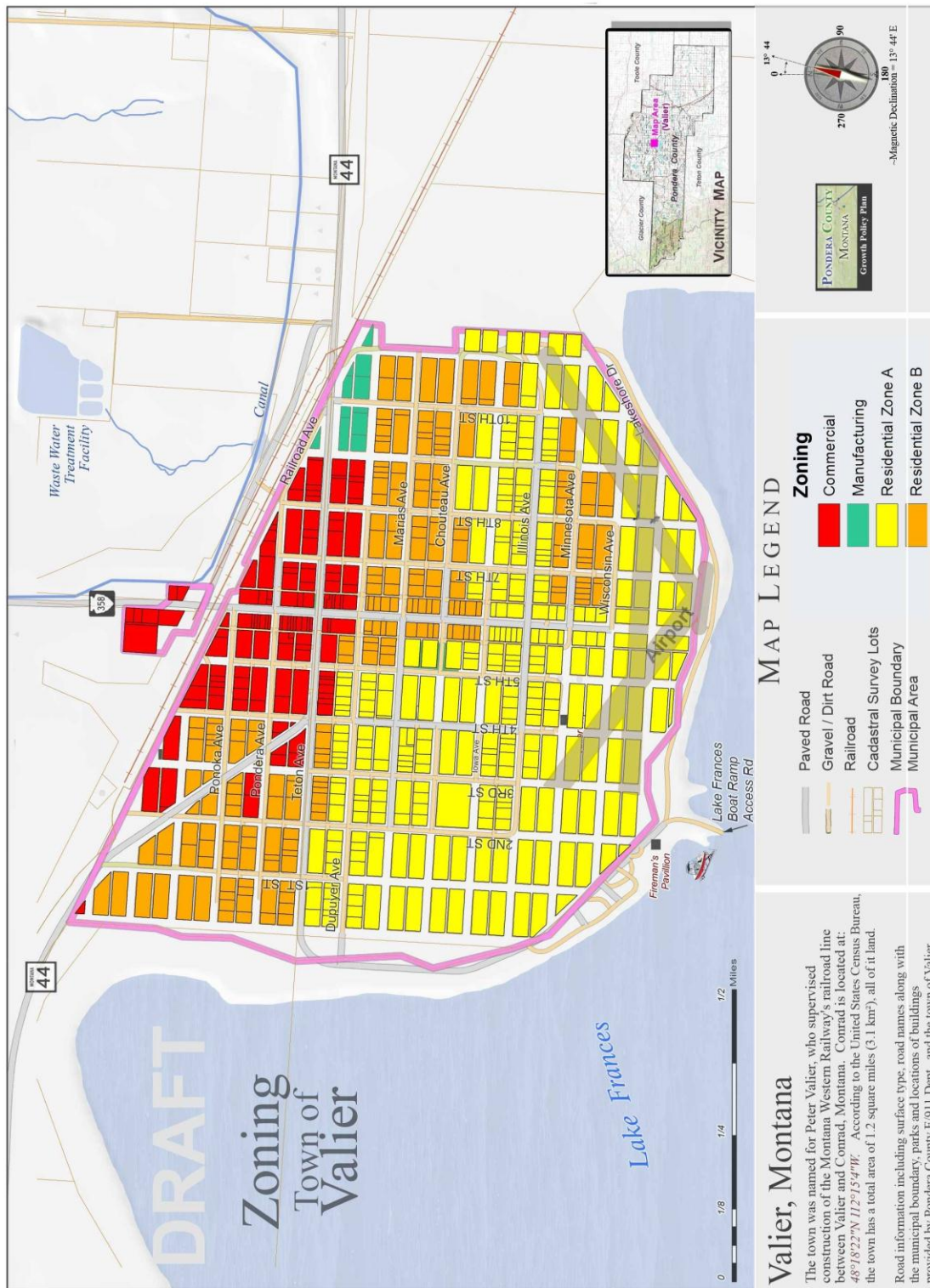
	Paved Road		School
	Gravel Road		Hospital
	Dirt Surface		Police / Court House
	Railroad		Library
	Municipal Boundary		Surface Water / Ditch
			Tax Classification Local Government Private State Government Right-of Way

Conrad, Montana

Conrad is a city in and the county seat of Pondera County, Montana. According to the United States Census Bureau, the city has a total area of 1.2 square miles (3.1 km²), all of it land. Conrad is located at *48°10'22"N, 117°36'30"W*.

Tax Classification from Montana Department of Revenue (DOR) Cadastral Survey Data. Road information including surface type and names along with the municipal boundary, provided by Pondera County E/911 Dept., and the City of Conrad.





VALIER ZONING DISTRICTS SUMMARY									
Zone	Type	Permitted Uses	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Building Height Limits	Special Provisions
A	Residential	One-family dwellings and related uses and golf courses.	10,000 s.f.	75 ft.	35 to 50 ft.	10 ft. with sum of sides 25 ft.	50 ft.	35 ft.	Minimum house size is 1,200 s.f. or 1,680 if two-story; Maximum lot coverage is 35%.
B	Residential	A zone uses plus two-family dwellings.	5,000 s.f.	50 ft.	25 ft.	8 to 20 ft.	25 ft.	35 ft.	Minimum lot area and width are 7,500 s.f and 60 ft. for lots containing a two-family dwelling; Minimum house size is 650 for two family units and 850 for any two-story dwelling; 40 % maximum lot coverage.
C	Residential	A and B zone uses plus: boarding houses, clubs, apartments, nursing homes, row houses, and two-family dwellings.	1,500 s.f. per housing unit for buildings with more than 2 units and 6,000 s.f. minimum; 4,000 s.f. for one-family units.	40 ft.	20 ft.	5 ft. with sum of sides 15 ft.	20 ft.	35 ft.	45% maximum lot coverage; 300 s.f. minimum unit size for multiple-family dwellings; No land is Valier is zoned C.
D	Commercial	A variety of commercial uses including retail stores, offices, motels, restaurants, taverns, and wholesale businesses; apartments are also allowed.	None	None	None	None	15 to 20 ft.	45 ft.	Automobile and trailer sales are allowed as a conditional use; Front and side yards required when abutting residential districts;
E	Industrial	Machine shops, maintenance shops, manufacturing, processing, storage, and wholesale uses.	None	None	50 ft.	5 ft. with sum of sides 15 ft. with exceptions.	25 ft.	45 ft. with exceptions	Maximum lot coverage is 75%;
T	Trailer	Trailers and trailer courts.	None	None	None	None	None	None	No land in Valier is zoned T; This is the only zone where trailers are allowed; Trailer is defined vehicle without motive power designed for habitation; T zone includes design specifications for trailer courts.

