

# PART FOUR: IMPLEMENTING THE PLAN

This part identifies how the growth policy will be implemented and how it will be monitored, evaluated and revised. It also addresses how jurisdictions will coordinate with each other on matters related to the growth policy. Further it provides information on three other topics related to implementation and also required by state law to be in a growth policy: 1) an infrastructure strategy, 2) matters related to subdivision review, and 3) fire and wildland fire potential.

## TIMETABLE AND IMPLEMENTATION PRIORITIES

Planning is a continuous process. It involves implementation (the action steps to get things done), monitoring (regular review of progress), and evaluation (how are we doing, what is working and what is not, and how can we better achieve goals), and then as needed, revisions to update goals and objectives.

### Timetable for Implementation

This Growth Policy is a long-range plan and covers a time span of approximately 20 years.

### Implementation Priorities

The Priority Action Plan is the list of the highest priority action items to start working on in the first year after plan adoption. Some of the items on the list are simple tasks and can easily be completed in a year or less. Other action items are more complex and may take years to reach the intended objective. For those items, the Priority Action Plan identifies the first tasks to get the ball rolling in the first year.

Each action item lists what agency will take the lead and primary responsibility for action. Partner agencies or organizations are listed as well. It also includes an approximate timetable for completing the projects that will extend beyond a year, and identifies if an action requires ongoing activity.

The first year includes work on the following action items:

- 1. Update the county subdivision regulations.**
- 2. Work to have the Montana Department of Natural Resources and Conservation (DNRC) help study and correct previously identified flood-prone area maps for Pondera Creek.**
- 3. Update the Pre-Disaster Mitigation Plan and Community Wildfire Protection Plan.**
- 4. Initiate annual review and annual work plan to implement the growth policy.**

## 1. Update the county subdivision regulations.

The county's subdivision regulations need to be updated to:

- Be current with state law
- Ensure new development is served by adequate infrastructure such as roads, water and sewer and that new development pays its share of extensions and improvements.
- Identify changes that would encourage development around Valier and Conrad that conforms to the growth policies for those municipalities

The planning board would lead the effort to update the regulations. Typically this is done by contracting with a planner who can provide technical expertise on subdivision regulations. To conform to this growth policy (see subdivision discussion below in this chapter), the process should include the review of model regulations such as those produced by the Department of Commerce's Community Technical Assistance Program, as well as a review of other Montana counties, and consideration of public comment and local issues. Once the planning board has finalized a draft, they will need to forward their recommendation to the County Commissioners who are responsible for adopting the subdivision regulations. Funding will need to be arranged through the county's budgetary process. Potential outside funding sources may include Montana Department of Natural Resources renewable resources grants, Community Development Block Grant funds, and U.S. Department of Agriculture (USDA) Rural Development program funds.<sup>1</sup> Updating the subdivision regulations could be done within the first year of the growth policy.

## 2. Work to have DNRC help study and correct previously identified flood-prone area maps for Pondera Creek.

There are known errors in the existing flood-prone area map for Pondera Creek. Correcting those errors will require technical expertise and costs that the county has already identified as beyond the scope of county budgetary resources. The County Floodplain Administrator shall be the lead on coordinating with DNRC to identify resources to make the corrections. Work would begin in first year of the growth policy, but the project may be ongoing for several years.

## 3. Update the County Pre-Disaster Mitigation Plan and Community Wildfire Protection Plan.

The existing plans are due for update, which will provide valuable information and implementation steps to address issues, such as flooding and wildfire. The County DES

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<sup>1</sup> For more information on potential funding sources for updating zoning:

[http://www.dnrc.mt.gov/cardd/ResDevBureau/project\\_planning\\_grants.asp](http://www.dnrc.mt.gov/cardd/ResDevBureau/project_planning_grants.asp)

<http://comdev.mt.gov/CDBG/cdbgplanninggrants.mcp.x>

<http://www.rurdev.usda.gov/mt/empower.htm>

Coordinator would be the lead on managing the update. Typically, a coordinating committee is appointed to work on the draft with a consultant contracted to provide technical expertise. Public involvement is part of the plan development. Once the committee makes their recommendation, the plan is forwarded for adoption by the County Commissioners. The update could be completed within the first year of the growth policy.

#### 4. **Initiate annual review and annual work plan to implement the growth policy.**

The County Planning Board would be the lead agency to annually prepare a written summary of progress on growth policy actions and a growth policy workplan and budget for the upcoming year. Planning Board should consult with county staff in this endeavor. The annual review and workplan would be submitted to the County Commissioners as part of the annual budget cycle.

## EVALUATION TIMELINE

### Annual Review

The most important ongoing activity for any plan is monitoring progress. If no one is watching the pot, the stew will almost certainly fail. For this reason, the planning board and County staff should meet together to annually review accomplishments, celebrate successes, and set a work plan for the following year.

### Five-Year Review

Communities are required by state law to review their growth policies every five years. The purpose of the review is to determine what changes need to be made to the document to keep it current, and to make sure it continues to reflect community goals and objectives. However, the growth policy can be amended at any time in the five-year period if needed.

### Criteria for Revising the Growth Policy

Any revision to the growth policy should be directed by criteria for review. The following criteria for review will be used to warrant and guide revisions:

- Major changes in existing conditions or projected trends
- Modifications in the legal requirements a growth policy must meet
- Successful completion of a strategy meeting goals and objectives
- Citizens desire for changes to the growth policy
- Changes in community direction and goals
- Adoption of a plan inconsistent with the growth policy or proposed as an amendment to the growth policy

## Revision Process

If the planning board determines that a revision is needed as a result of their annual review, or if the County Commission decides to revise the growth policy, the process to be followed is that in state law (76-1-604, MCA). At the time this growth policy was prepared, the law required a public hearing before the planning board. After the public hearing, the planning board will make recommendations to the County Commission regarding the revisions. The County Commission then acts to adopt revisions or amendments.

## IMPLEMENTATION TOOLS

This section provides general information on a range of planning tools that are applicable to this growth policy. It includes brief definitions or descriptions for each tool.

### Regulatory Tools

#### Subdivision Regulations

Counties and incorporated municipalities must adopt subdivision regulations that comply with the Montana Subdivision and Platting Act (76-3-101 et seq., MCA). Subdivision regulations control the creation of new parcels. Regulating the division or aggregation of parcels of land ensures that development can be adequately served without adversely impacting public services and natural resources.

#### Zoning

*The county does not have zoning and none is proposed under this growth policy. The following information is provided because the municipalities in the county have zoning.*

The historical rationale for zoning was to separate incompatible land uses. Zoning ordinances generally address type of use, intensity of use, and space and bulk requirements. Development and design standards for such things as signage, parking, landscaping, noise, lighting, buildings, and site layout can also be addressed through zoning regulations. A zoning map and the descriptive text of districts are the two critical components of zoning regulations.

#### Design Standards

Design standards are different for subdivision of land and for standards applied to structures.

Subdivision Design Standards: Montana law (76-3-504, MCA) specifies the kinds of design standards that apply to subdivisions, but details of the standards are primarily left to the local government to decide.

*The county does not have architectural or design standards and none are proposed under this growth policy. The following information is provided because the municipalities in the county have zoning.*

Architectural or Development Design Standards: Typically applied through zoning, architectural design standards address such things as foundation type, roof forms, construction material, etc. They are a means to provide a more cohesive appearance to the community.

## **Building Code**

Cities, counties, and towns in Montana are authorized to establish building codes. *(No building codes are proposed for the county).*

## **Airport Influence Area**

Airports that are part of the National Plan of Integrated Airport Systems (NPIAS) are required under state law to identify an airport influence area and regulations for the area.

## **Policy Tools**

### **Annexation Policy**

Annexation is the process by which a municipality expands its territorial limits and jurisdictional powers. Annexation agreements and policies are generally used to help municipalities plan for expansion and provision of municipal services. In order to help plan for growth, municipalities often set annexation policy that states the conditions under which annexation will occur.

### **Infrastructure Extension Policy**

An infrastructure policy sets the conditions and criteria for approving extensions of municipal water, sewer, or storm-water systems outside municipal boundaries. Local special districts (such as districts established outside municipal areas for water or sewer) can also establish criteria for expanding the district or providing out-of-district service (if allowed). The policies provide for the logical expansion of services within the context of the growth policy.

## **Financial Tools**

### **Capital Improvements Program**

A Capital Improvements Program (CIP) is administered by a city or county government, which schedules permanent improvements, usually for a minimum of 5 years in the future, to fit the projected fiscal capability of the local jurisdiction. The program is generally reviewed annually. Typically the first year of the CIP is a budgeting process and the remaining years are considered the actual program. The importance of a CIP for land use planning is the critical connection between where and when infrastructure is provided and what the desired land use pattern is for a community or neighborhood.

### **Budget/Workplan**

There are a number of budget and workplan models. They generally differ by the level of review (program by program versus overall budget of a department) and how budget and workplan priorities are set (for example focusing on outputs, community goals, or program objectives). Annual budget processes allocate limited government resources to daily operations. The development and approval of departmental workplans and corresponding budgets effectively prioritize community development services, such as planning, by allocating resources to staffing, operations and capital purchases that support direct services to the public. The political process of crafting an annual budget and workplan, coupled with fluctuations in funding for local government services can make it difficult for jurisdictions to stay focused on long-term community development goals and objectives.

## INTER-JURISDICTIONAL COORDINATION

Implementing the Pondera County Growth Policy will involve coordinating with other jurisdictions. This section describes how the Pondera County will coordinate with Conrad, Valier, and other regional, state, and federal agencies.

### Town-County Coordination

State law requires that the growth policy address how county will coordinate with incorporated towns and cities on matters related to the growth policy.

Pondera County has a history of coordination with Conrad and Valier on a variety of matter such as law enforcement, fire protection, and libraries.

Pondera County and Valier and Conrad have separate planning jurisdictions, however the Pondera County and municipalities have jointly worked on planning efforts, such as the Pre-Disaster Mitigation Plan, Community Wildfire Protection Plan, and this growth policy.

Pondera County and the municipalities will continue to coordinate on matters of mutual interest related to this growth policy. This includes subdivision review within one mile of Conrad and Valier. State law requires subdivisions in the county within one mile of a “town or city of the third-class” to be submitted to the City for review and comment. The “third-class” designation is based on municipal population. Municipalities with population between 500 and 1,000 are “third-class” communities. Although Valier does not strictly fall into this category, the county will submit subdivision applications within one mile of Valier to the town for review.

The county will also coordinate with Conrad and Valier on development in areas close to Conrad and Valier but still in the County. Development in those areas should take place in accordance with the adopted growth policy of the community provided the community growth policy is consistent with the county growth policy.

### Coordination with Other Jurisdictions

Conrad, Valier, and Pondera County have the opportunity to coordinate economic development efforts through the Pondera Port Authority, located in Conrad. Conrad, Valier, and Pondera County can also coordinate with other communities in a several county region through the Sweetgrass Development Corporation, and the Northcentral Montana RC&D.

Pondera County should establish a cooperative subdivision review process with the Blackfoot Tribe to incorporate Tribal concerns when reviewing any subdivision within Reservation boundaries. This would involve forwarding subdivision applications to the Tribe for comment. The County should try to resolve all Tribal concerns prior to granting subdivision approval.

Proposed state and federal actions and plans that may impact Pondera County should be coordinated with the County.

## INFRASTRUCTURE STRATEGY

Montana law (76-1-601, MCA) requires that each growth policy include a “strategy for development, maintenance, and replacement of public infrastructure, including drinking water

systems, wastewater treatment facilities, sewer systems, solid waste facilities, fire protection facilities, roads, and bridges.”

This growth policy recommends that Pondera County develop a Comprehensive Improvements Program. Other actions related to infrastructure are included in the goals and strategies in Part Three of this growth policy. Specific actions for fire protection are discussed below.

## SUBDIVISIONS

This section provides information on how the county will review subdivisions. State law requires growth policies to include a statement explaining how the governing body of the jurisdiction will:

1. define the subdivision review criteria in 76-3-608(3)(a), MCA
2. evaluate and make decisions regarding proposed subdivisions with respect to those criteria, and
3. determine how public hearings regarding proposed subdivisions will be conducted.

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 their compliance with the Growth Policy. House Bill 543, passed by the 2001 state legislature and signed into law by the governor, now requires that subdivision regulations be revised to conform to a Growth Policy within one year after a Growth Policy is adopted.

Pondera County has subdivision regulations but they do not conform to current state law.

### Review Criteria Definitions and Evaluation

The criteria in 76-3-608(3)(a), MCA are agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety. Subdivisions are evaluated for their material effect on the six criteria. The evaluation of the effect of the proposed subdivision on these criteria determines if there are significant unmitigated adverse impacts. Unmitigated adverse impacts are potential grounds for denial of a proposed subdivision.

Pondera County will define these criteria and establish how subdivisions will be evaluated for their impacts on the criteria by reviewing the following: 1) “model” subdivision regulations as issued by the Montana Department of Commerce’s Community Technical Assistance Program or by other entities such as the Montana Association of Counties (both of these have model prototypes), 2) subdivision regulations from other communities in Montana. The planning board, which is typically responsible for recommending changes to subdivision regulations, would also consider local conditions, local issues, and public comment in developing the review criteria definitions.

### Public Hearings

The planning board holds hearings on subdivisions. In addition, it is possible that the governing body may also hold a hearing, as long as review deadlines are met. The subdivision regulations should address the following items for public hearings: 1) noticing

requirements, and 2) method of conducting the meeting. Noticing requirements in the regulations should refer to requirements of law for noticing (76-3-605, MCA).

If the municipality has public hearing requirements codified or established in written policy, these should be followed.

If there are no such local guidelines for public hearings, the following is recommended. A process and deadline for accepting written comments should be included in the notice of the public hearing. The planning board chair or chair of the county commission (depending on whether the planning board or County Commission is holding the public hearing) will chair the public hearing. The hearing should begin with introductions and a brief review of how the meeting will be conducted, and directions for how to make public comments at the hearing. The following is suggested as format for a public hearing: 1) Brief summary of process for subdivision review from application to final plat, 2) Review of the subdivision proposal, 3) comments from the subdivider, and 4) comments from the public. Persons making comments should be asked to speak one-at-a-time, and other guidelines for comment can be established at the discretion of the chair. It can be helpful to request that individuals avoid repeating what has already been stated, and to set time limits.

## EVALUATION OF FIRE AND WILDLAND FIRE POTENTIAL

Montana law requires growth policies to include an evaluation of the potential for fire and wildland fire, including whether there is a need to:

- delineate the wildland-urban interface, and
- adopt regulations requiring defensible space around structures; adequate ingress and egress to facilitate fire suppression activities, and adequate water supply for fire protection.

A Community Wildfire Protection Plan (CWPP) was prepared for Pondera County, and the municipalities of Conrad and Valier in 2008. The CWPP evaluates the potential for fire and wildland fire in the county. The plan mapped Wildland Urban Interface (WUI) areas, using mathematical formulae based on a number of factors including concentrations of structures, high risk landscapes, limiting infrastructure, and other points of concern. The CWPP also includes a number of action items to reduce fire/wildland fire potential and to improve fire suppression activities.

The CWPP addressed the fire-evaluation items needed for a growth policy, indicating need for creating defensible space around structures (e.g., reducing fire fuels around buildings), for ensuring that roads and bridges are adequate for fire-fighting vehicles and equipment, and for more fire-suppression water supplies around the county. Actions to address these needs include both voluntary and regulatory actions. Fundamentally, the county and municipalities do not need local regulations to ensure county and city roads and streets provide adequate ingress and egress, or that local government controlled water supplies (e.g., city fire hydrants) are available and in good working order, and to make sure that local government buildings and facilities have defensible space. Other non-regulatory actions that can be best accomplished with local government initiation, included assessing condition of streets, roads, and bridges to accommodate fire suppression equipment and setting priorities for addressing



those needs. The CWPP also recommended a number of assistance and education programs for individual landowners to improve and maintain defensible space. The CWPP listed specific equipment, training, and volunteer-recruitment needs for the local fire departments. The CWPP recommended identifying and mapping existing fire-suppression water supplies and identifying where new or additional sources are needed.

The CWPP includes recommendations for regulations, specifically:

- Regulations to ensure fire-safe development of rural subdivisions (county)
- Local adoption of the International Fire Code, as adopted by the State of Montana (Conrad, Valier, County)

The CWPP also recommends adopting a “policy concerning building materials used in high-risk WUI areas on existing structures and new construction.” If the policy were to be adopted, it would require a building permit system to implement.

Pondera County’s subdivision regulations do not currently require defensible space around structures; or specify standardized measures for ingress and egress to facilitate fire suppression activities, or standardized requirements for water supply for fire protection. Fire provisions design standards in the County Subdivision Regulations are very general and indicate “specific fire protection requirements for subdivisions will depend on the location of the subdivision and the capability of the local fire district or fire department.”

Considering the many actions proposed in the CWPP for defensible space, need for adequate access for fire-fighting equipment, and more fire-suppression water supplies, the following are recommended as part of this growth policy:

Implement the CWPP, specifically:

- 1) Develop specific requirements in the subdivision regulations for fire-suppression related water supplies, road and bridge capabilities, ingress/egress (at least two points of ingress/egress for emergency access for large subdivisions), and defensible space
- 2) Adopt the international Fire Code
- 3) Adopt building material standards for new construction in high-risk WUI areas