



The Gallatin County Growth Policy Implementation Program

An Overview

**Prepared by: Gallatin County Planning Department
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This document provides Gallatin County residents with an overview of interrelated planning efforts underway to implement the *Gallatin County Growth Policy*. These programs are being developed under the guidance of the Gallatin County Commissioners with the assistance of the Gallatin County Planning Board and several other County boards.

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Introduction

“The landscape is changing.” These words open the *Gallatin County Growth Policy*, adopted in 2003, and indeed, only five years later, the accumulation of change in the Gallatin Valley is obvious. The appearance of our landscape, the time it takes moving about it and costs borne by taxpayers all are being affected by new development, a considerable percentage of it widely scattered.

It’s no wonder we’re growing so fast – we live in a great place. Spectacular scenery surrounds us. Outdoor recreation is at our doorsteps. Morning and afternoon commutes generally remain short drives that most Americans would envy and throughout the Gallatin Valley, our communities offer safe and attractive neighborhoods.

We’ve seen these qualities and amenities draw new residents and businesses to the Gallatin Valley. With a highway system, regional airport, and modern telecommunications making the Valley easily accessible, our local economy has become increasingly dependent on our physical setting and high quality of life. These attributes have become significant competitive advantages that give us a leg up compared with hundreds of counties across the country in building economic prosperity that can last.

With growth, however, comes change, and Gallatin County has seen a pattern of new development placing strains on the very attributes that appear to be attracting new residents. From a sheer numbers point of view, the county grew from 1990 to 2000 by 17,368 persons, an annual rate of 3.00%. New census data shows that we have grown even faster since 2000, adding another 19,528 people, an annual rate of 3.7%. If Gallatin County continues to grow at this rate for the next 20 years, we will add almost 100,000 more people, and over 25,000 new homes.

But our rate of growth only tells part of the story. It’s the *pattern* of development that brings even greater impact. Compared with more traditional growth patterns, in which most growth occurred in towns, the majority of growth in recent decades has come in the form of dispersed subdivisions well away from our cities. As a result, while Gallatin County’s population has grown 139% since 1970, the acreage of developed land has grown 271%. Over 100,000 acres of agricultural land has been taken out of production in the past 10 years.

This dispersal of Gallatin County’s population and development drives additional impacts. Traffic on Huffine Lane, for example, has more than doubled in seven years – from 9,600 trips per day in 2001 to 19,400 daily trips in 2008 – as more residents commute to and from Big Sky and more development occurs outside city limits. The combined miles driven by all Gallatin County residents have increased 72% in the past 12 years. In another revealing measurement, the County’s diesel bill has soared, in real dollars – from \$87,000 in fiscal year 2002 to \$391,000 in fiscal year 2008 – as sheriff’s cars, road graders, and snowplows, in part, travel ever-greater distances to maintain roads and provide services.

Increasing impacts and costs, not from growth itself, but associated with sprawl, have made it increasingly necessary for the County Commission to deny far-flung subdivisions that place an outsized burden on the taxpayer and the landscape. This has led to a loss of predictability for rural landowners – both in terms of what options they have for their property and for what happens on the property next to them. The *Growth Policy Implementation Program* is intended to restore predictability for the rural landowner, keep costs for taxpayers under control, and ensure that the Gallatin Valley’s most appreciated qualities are not lost to unplanned sprawl.

A Brief History of Planning in Gallatin County

Since 1971, when residents of Bridger Canyon completed a development plan and zoning district, Gallatin County has seen public demand for more proactive and effective measures to guide growth and change. County residents have formed 20 zoning districts addressing a variety of land use issues in their own neighborhoods. While each of these zoning districts brought desired predictability to the citizens involved, the cumulative effect for all County residents has been the gradual creation of a patchwork of predictable and unpredictable land use. Unzoned areas increasingly are likely to see development that citizens in zoning districts decided they did not want in their neighborhoods. This occurs whether or not the particular type or density of development makes sense for the unzoned area.

Over the last several years, Gallatin County has begun taking steps to plan for growth and change at a more comprehensive level to address resources and concerns that can no longer be effectively resolved in piecemeal fashion given the size of Gallatin County’s population and continuing additional pressures created by growth. These include water, traffic, emergency services, agricultural land and costs to taxpayers as the County expands infrastructure to service new development. While there are several long-term approaches to addressing these issues (discussed below), the most immediate action the County Commission is taking is to ensure new development occurs in and around areas with existing services.

From Growth Policy to Implementation

The last several years have seen increasing public support for a thoughtful, integrated approach to guide growth and change in the Gallatin Valley.

In 2003, the County Commission adopted the *Gallatin County Growth Policy*. Shaped by five years of intensive public involvement, the *Growth Policy* committed the County to adopting and implementing incentives and regulations that will ensure growth occurs in a coordinated and cost-effective manner, minimizing unplanned, expensive sprawl.

In 2005, County residents responded to a citizen survey conducted for the County and registered strong concern that, despite adoption of the *Growth Policy*, the Commission was not taking positive action to manage growth. In fact, citizens gave Commissioners a failing grade for growth management. The survey responses highlighted that proactive strategies to steer growth, adopted in the *Growth Policy*, had not been carried out.

In 2006, citing the strongly critical public feedback it had received, the Commission held a new round of meetings throughout the County focusing on implementation of the *Growth Policy*, gathering input from rural and urban residents, agricultural interests, local elected officials and planners, members of the Gallatin County Planning Board and many other experts and stakeholders.

On May 30, 2006, Commissioners adopted Resolution 2006-60 calling for development of tools to implement the *Growth Policy* including expanded County support for citizens undertaking neighborhood planning, a density regulation in the unzoned portions of the County, creation of a rural clustering option for rural landowners, a program to establish value for transferable development rights, and other incentive programs.

Ensuring Landowner Options and Predictability

Through its investigation of numerous implementation alternatives, the Commission made a key determination. It concluded that the goals of the *Growth Policy* could be achieved only through coordination of citizen efforts at the neighborhood level, coordination with the planning efforts of the County's cities, and a countywide framework that provides predictability to property owners and a pattern of development that sustains values identified by County residents. These values include protecting the option of agricultural landowners to continue viable farming and ranching operations, maintaining safe, adequate water supplies, protecting amenities that contribute to our quality of life and economic health and keeping the tax burden associated with growth as low as possible.

To meet these goals successfully, the Commission determined that in areas of the County that have already invested in the necessary infrastructure and services, growth and development should be encouraged and facilitated, while in other more remote locations, development activities should be minimized. This overarching approach best protects core values identified by County residents in the *Growth Policy* by equitably balancing the benefits and responsibilities of growth.

Rural landowners provide important agricultural production and, along with it, open space, wildlife habitat and a rural beauty and cultural heritage that all County residents enjoy. We all benefit from their stewardship. Recognizing and appreciating this, the *Growth Policy Implementation Program* provides options for rural landowners to subdivide using a rural cluster provision and to realize value from land not subdivided through sale of transferable development credits and transferable development rights. The Commission believes rural landowners must have these and other options for development.

These options are balanced in the *Implementation Program* with a density regulation for unzoned areas that will keep the County's rural areas largely rural while steering growth to our existing communities and their edges where it makes the most sense and is most affordable for growth to occur.

Landowners in these growth areas are already facing adjustments to significant changes in their neighborhoods and quality of life. At the same time, these growth area landowners, particularly those with large tracts, benefit when public infrastructure is extended closer to their land to accommodate growth. Property values increase as a result of the availability of public water and sewer and roads that creates the ability to subdivide at greater densities than previously available.

These growth area landowners can be expected to benefit by 1) a County commitment to focus scarce public infrastructure dollars in these communities; 2) a commitment to address potential land use conflicts through appropriate development standards and requirements; and 3) a commitment to make sure as we grow, we build communities, not just subdivisions. These commitments are imbedded in the *Growth Policy Implementation Program*.

Another important value underlies the *Implementation Program*: the County has a basic duty to make the most efficient use possible of the public's tax dollars. Keeping government limited and efficient is vital to Gallatin County's economic prosperity. By wisely planning for change and not building costly, diffuse infrastructure that is used by very few residents we can keep our taxes as low as possible.

An Integrated Rather Than Piecemeal Approach

The implementation strategies described in greater detail in the remainder of this document reflect these concepts. To put the broad policies of the *Growth Policy* into action, the strategies include, foremost, governmental support to localized neighborhood planning and zoning efforts. Other primary strategies include adoption of the Greater Bozeman Area Transportation Plan, coordinated planning with cities throughout the Gallatin Valley, making Open Space Bond money available to rural landowners in exchange for permanent conservation easements, implementation of rural zoning requirements and development options (including rural cluster development standards and transferable development opportunities) and strategic infrastructure planning and financing for the growth areas.

In essence, the Commission has determined after extensive study that a blend of incentives and regulations and an integrated rather than piecemeal approach are essential for Gallatin County to achieve the overarching goals of its citizen-shaped *Growth Policy*. To do less in the face of growth pressures that continue to place Gallatin County among the nation's 100 fastest growing counties would risk allowing the County's attractiveness to erode.

The Commission has taken the view that this erosion would jeopardize not only the quality of life enjoyed by County residents, but also attributes that are attracting new residents and

businesses, which in turn would weaken the County’s economic health at a time—particularly in light of the declining national economy—when it is vital to protect and nurture Gallatin County’s competitive economic advantages.

The Commission thus believes it has an affirmative duty to manage growth and protect the values and resources that County residents have said they want protected while balancing the rights of landowners. The *Growth Policy Implementation Program* is the Commission’s blueprint for ensuring that new development occurs in a pattern that makes efficient use of infrastructure, minimizing the burden placed on taxpayers, and sustains qualities that make Gallatin County an attractive and prosperous place to live and work.

The Commission’s Resolution to Adopt the *Implementation Program*

Montana law requires that land use regulations closely conform to a County’s growth policy. Accordingly, when the Commission adopted the *Gallatin County Growth Policy* in 2003, it included a “a general description of policies, regulations, and other measures for implementation to achieve the intent, goals, strategies and all other elements of the *Growth Policy*.”

In 2006, responding to citizen feedback strongly critical of the County’s failure to manage growth effectively, the Commission redoubled County efforts to follow through and implement the *Growth Policy* and its publicly-shaped vision for protecting the current and long-term interests of Gallatin County residents.

In public meetings at the Courthouse and various locations around the County, the Commission gathered feedback on a range of implementation alternatives and on May 30, 2006, it adopted Resolution 2006-60, formalizing its intention to implement the *Growth Policy*. The resolution noted:

- Gallatin County remains Montana’s fastest-growing county. Its 86,844 residents on July 1, 2007 reflected a 28.8% increase from 2000;
- Currently, Gallatin County is unable to keep up with provision of essential public safety services, especially road maintenance and Sheriff’s Department coverage and response times. Without a comprehensive growth management program, Gallatin County can expect provision of essential public services to decline;
- Unmanaged growth threatens the viability of agricultural operations, the rural way of life enjoyed by many County residents, amenities that make Gallatin County a desirable place to live and work, and our economic competitive advantage;
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- The County’s future growth must be encouraged in and near our towns and communities with corresponding incentives to help protect prime agricultural land, riparian and wetland resources, and critical wildlife habitat;
- Specific design standards are needed to ensure new growth is compatible with existing neighborhoods and that new growth provides adequate infrastructure to support desired densities while minimizing impacts to existing neighborhoods;
- Additional ‘exclusionary’ zoning districts do not consider greater County interests, threaten agricultural land values, and potentially push less-desirable land uses to inappropriate areas;
- Without a comprehensive long-range planning program, potential opportunities for compensating landowners for not developing and protecting sensitive landscapes may be diminished;
- Incentive programs to provide additional development opportunity for rural landowners who cluster new development, value for transferable development rights, rural development assistance, etc. will not happen unless the County Commission takes the initiative; and
- Gallatin County residents in rural and urban areas of the County alike have encouraged the County Commission to take positive action to manage growth.

Primary Components of the Implementation Program

The remainder of this *Overview* provides Gallatin County citizens with additional information about the major elements of the *Growth Policy Implementation Program*. The remainder of this document discusses these components in detail. Gallatin County residents who have additional questions about any aspect of the *Implementation Program* are encouraged to contact the Planning Department at 582-3130.

Neighborhood Planning

In the spring of 2007, at the request of local citizens, the Gallatin County Planning Department began providing technical and logistical support at unprecedented levels to three of the County’s “community centers” – Gallatin Gateway, Amsterdam Churchill and Four Corners. The County enthusiastically supports the desire of landowners in these areas

to forge their own specific community vision and implement and refine the intent, goals and policies of the *Gallatin County Growth Policy* in a customized way suited to their geographic area. Indeed, the *Growth Policy* anticipated that these and other “community centers” would desire such assistance, stating: “The County encourages the use of zoning and neighborhood plans, which comply with the *Growth Policy*; to help further clarify the direction future growth should occur.” (*Growth Policy*, Chapter 10, page 59)

The *Growth Policy Land Use Diagram* shows several “unincorporated communities,” which are categorized as “Areas that have expressed an interest in managing growth in their neighborhoods or have neighborhood or small town-like concentrations of population. More specific planning in these areas, such as zoning or neighborhood plans, is encouraged to help further defined outward expansion of these urban centers.” (*Growth Policy*, Chapter 10, page 60) Thus, the *Growth Policy* calls for increased emphasis on neighborhood planning.

Residents of these communities have become increasingly engaged in addressing community change proactively rather than reactively. In each example discussed below, these communities are addressing neighborhood planning in a manner that looks beyond merely a way to keep their neighborhood from changing too dramatically and too quickly. Instead, these communities are pursuing a process that asks fundamental questions: What do we value and enjoy most about our community? What would we like to see change? What would we like to stay the same?

Gallatin County’s longstanding support for neighborhood planning efforts is now a primary focus in implementing the *Growth Policy*.

Gallatin Gateway: The planning process for the Gallatin Gateway area formally began in February of 2007. The process has been coordinated by the Gateway Community Planners, a steering committee of volunteers who have partnered with the County to guide the process. The steering committee hosted eight community events to present information and gather feedback from Gateway residents, and has solicited information, feedback and professional expertise from several agencies and private firms, including the Montana Department of Transportation, Montana Department of Fish, Wildlife & Parks, the Gallatin Gateway School Board, the Gallatin Gateway Fire Department, the Gallatin City/County Environmental Health Department, and several consulting engineers. The draft *Gallatin Gateway Community Plan* is a result of this conversation, and will be forwarded to the County Commission for approval and inclusion in the *Growth Policy* by the end of 2008/early 2009.

Several tools have been identified to help implement the proposed *Gallatin Gateway Community Plan*. First, a group of volunteers has begun the process to form a water and/or sewer district, and an election will be held to adopt district boundaries and elect board members in January of 2009. Second, the County Commission will appoint an advisory committee to help draft a zoning regulation for the Gallatin Gateway area based on specific policies stated in the draft Community Plan. Lastly, the Gallatin Gateway School Board has completed an initial facilities inventory of the school, and is beginning to work on a

facilities master plan to prepare for future growth. For the proposed *Gallatin Gateway Community Plan* boundary, please contact the County Planning Department or visit the Community Planners' website at www.gatewaycommunityplan.com.

Amsterdam/Churchill: The planning process for the Amsterdam/Churchill area formally began in April 2007. After several educational meetings throughout the summer and fall, the Amsterdam/Churchill Community Planning Steering Committee formed in November 2007 to develop and guide the process. While the plan is still a work in progress, the community intends the plan to be implemented in several ways. First, the plan will be adopted by the Gallatin County Commission as part of the *Growth Policy*. Second, a zoning regulation will be adopted. Third, the community intends to initiate several projects involving significant energy and time investment from residents. Examples include new sidewalks, a possible rails-to-trails project along the old Camp Creek railroad, and investigation into formation of a water district. For the proposed boundaries of this neighborhood planning area, please contact the County Planning Department or visit www.gallatin.mt.gov and click on the Planning Department's website' and the "What's New" tab.

Proposed Four Corners Zoning: Since the adoption of the *Four Corners Community Plan* in April of 2006, a diverse group of Four Corner area residents representing agricultural, development, commercial, and residential interests has been hard at work developing a zoning regulation to implement the 2006 plan. The proposed zoning regulation will go before the Planning Board and County Commission for adoption in early 2009. For more information please contact the County Planning Department or visit www.gallatin.mt.gov and click on the Planning Department's website' and the "What's New" tab.

Other Potential Neighborhood Planning Opportunities: Because neighborhood planning is the main focus of the *Growth Policy Implementation Program*, the County Commission is eager to provide technical and logistical support for other unincorporated communities and neighborhoods wishing to pursue comprehensive neighborhood planning and to pursue adoption of zoning regulations to implement their neighborhood plans. These unincorporated communities and neighborhoods could include Willow Creek, Logan and any other neighborhood the Commission determines meets the minimal thresholds for neighborhood planning outlined in Section 4.3 of the *Growth Policy*.

Rural Zoning

During 2006 and 2007, the Commission and Planning Staff explored alternative methods to ensure that the rural areas of Gallatin County remain rural while providing landowners realistic opportunities for development. The Commission investigated how alternatives for planning for rural growth would work in concert with neighborhood planning efforts. Out of this analysis came the Commission's preliminary decision to increase direct County support for neighborhood planning. At the same time, the Commission decided to move forward with developing density and minimal use requirements so as to protect against

sprawl overwhelming and contradicting local planning efforts and to keep from overstressing the County's ability to pay for scattered infrastructure. The Commission's preliminary assessment was that the County could establish predictable density in the rural areas of Gallatin County most effectively through subdivision authority.

During the late fall of 2007 and spring of 2008, the Commission held a series of public meetings to assess additional information and make policy decisions for the proposed rural land use regulation. The Commission determined during this process that the use of zoning, rather than subdivision authority, would create more predictability in implementing the *Growth Policy* and greater synergy between citizen efforts at the neighborhood planning level and the County's effort to turn a trend toward sprawl into a more consolidated pattern of development. In making its determination, the Commission cited the *Growth Policy's* specific call for a comprehensive countywide approach using zoning to addressing growth and change:

“Extensive citizen input recommended the establishment of countywide zoning to maintain valued attributes with long-term impact on the quality of life in Gallatin County. Countywide zoning is the most predictable mechanism for managing growth. Innovative zoning standards can protect existing property rights while providing greater land use flexibility and possibly incentives for increased density. In addition, zoning could help maintain the agricultural and range land while promoting the protection of environmentally sensitive, important habitats, prime agricultural lands, and significant open space areas.”—Growth Policy, Section 6.2, page 44

In March of 2008, the Commission directed the County Planning Department to development draft regulations for the purpose of implementing the *Growth Policy* including, among others, the following features:

- A density restriction for rural, unzoned areas of the County of one residential dwelling unit per 160 acres with the ability to increase density through the use of a rural cluster development option, to a maximum of one dwelling unit per 40 acres;
- Additional exemptions to the density requirement for family transfers and certain agriculturally related circumstances;
- The rural zoning would only minimally address uses;
- No limits on commercial density;
- Use of a Transferable Development Rights and/or Credits program to give additional options to rural landowners.

A more-detailed discussion of these features follows:

The AG-160 Rural Zoning District: As a primary means to encourage development where it will result in less erosion of qualities that Gallatin County residents have said they want maintained, to provide predictability to rural landowners, and to keep taxes from rising to pay for remote and less efficient infrastructure, the Commission gave initial policy direction to draft a proposed zoning regulation for the rural, unzoned areas of Gallatin

County. The proposed regulation would include areas outside of existing neighborhood planned areas and existing zoning districts. The Commission's direction included development of a density restriction of one residential dwelling unit for every 160 acres, with exceptions that would allow a landowner to exceed this density limitation under various circumstances. These exceptions include: family transfers meeting established criteria; accessory residential dwelling units; and no density requirements for commercial operations. This zoning district is to be known as the "AG-160" district.

The AG-160 district encompasses all of Gallatin County *outside* of the following: all four municipalities, all 20 existing County zoning districts, the proposed Four Corners zoning district, and the planning jurisdictions for Belgrade and Manhattan. In addition, depending upon the timing of adoption of neighborhood plans for Gallatin Gateway and Amsterdam/Churchill, the boundary for the AG-160 district may also include Gallatin Gateway and Amsterdam/Churchill until those plans are adopted.

Rural Cluster Development: A significant exception to the proposed requirement of one residential dwelling unit per 160 acres is the ability for a landowner to pursue a Rural Cluster Development. Meeting certain development standards, the cluster option allows landowners to develop at an average density of one residential dwelling unit for every 40 acres. The rural cluster option balances the County's need to discourage sprawl to protect the interests of all citizens with the need to provide a viable and available development option for rural landowners.

Accessory Residential Dwelling Units: A second exception to the density requirement is the option for landowners to construct "Accessory Residential Dwelling Units." This option provides all landowners within the AG-160 district the ability, as a matter of right, to construct a second residential dwelling unit per parcel without being subject to the density requirements. In addition, landowners who require more than one accessory residential dwelling unit for hired help on the farm or ranch may apply, using the conditional use process, for an unlimited number of units on a parcel if the additional residential units are "necessary to the direct functionality of an active agricultural operation." This provision recognizes that rural property owners have important needs including: on-site help on the farm or ranch, caretakers when the property owner is absent for a length of time, or readily-available care and assistance for elderly landowners.

Commercial Density: A third exception to the density requirement is for commercial uses. The Commission believes it has a basic duty to support Gallatin County's economic vitality. Thus, rural landowners interested in creating exclusively commercial subdivisions in the proposed AG-160 district are exempt from the density requirement as long as those new parcels continue to be used solely for commercial purposes. Mixed-use residential and commercial subdivision must comply with the density requirements. This program balances the needs of rural landowners to have commercial options available to them with the goals and policies of the *Growth Policy*, which call for "Prevent[ing] the encroachment of industrial uses into residential areas" and County programs that "Promote opportunities

for small neighborhood-related commercial services...” See *Growth Policy*, Section 3.8, Policies 1 and 4, page 25.

Family Transfers: The proposed AG-160 district exempts new tracts of record created via family transfers from the 1:160 density requirement. Montana law provides an exemption for creation of a new parcel to be sold or gifted to a family member so long as the creation of the new parcel complies with local zoning. Because of this, the Commission, after hearing from rural landowners, determined that it is important to continue allowing these types of transfers to assist in estate planning and opportunities for families to pass down a farm or ranch to their children without being subject to the density limitation. This means that a landowner in the AG-160 district may create a new parcel using the family transfer exemption *without any limitation on density*. Thus, for example, a landowner with a parcel of 100 acres may create a new 10-acre parcel and sell or gift the new parcel to a family member. The creation of this new parcel, as well as the creation of any subsequent parcels using the family transfer exemption would, by the terms of the exception from the density requirements, comply with the zoning regulation.

Because the district’s density requirement is designed to steer most new development to growth areas while limiting sprawl, it is proposed the family transfer exception should apply only to transfers made for the purposes recognized by Montana law. Therefore, provisions are proposed that require the recipient to hold onto the property for a period of 10 years. If hardship forces the recipient to sell the property prior to the end of 10 years, the zoning regulation allows for a process whereby the Commission, after considering any applicable circumstances, may authorize the transfer to a non-family member. Again, this process is designed to allow for flexibility while maintaining the integrity of the underlying density restriction.

Land uses: Montana law requires a county to establish the uses allowed in a zoning district. The Commission believes it should not impose blanket restrictions on land use in the AG-160 district. To this end, the DRAFT AG-160 document states: “**All uses of land are permitted uses in this district.**” For the benefit and protection of residents in the AG-160 district, some uses that carry obvious and inherent potential to affect immediate neighbors are *conditional* uses, meaning those uses are permitted upon approval of a Conditional Use Permit (CUP). These conditional uses include:

- Commercial operations that add greater than 500 trips per day to the public road system (a standard designed to protect major impacts to public transportation infrastructure);
- Structures that do not comply with required minimal setback requirements of five feet or the height limitation of 50 feet (this is included as a CUP to provide an alternative to a traditional zoning variance which requires demonstration of hardship);
- Operations that mine sand and gravel, mix concrete or batch asphalt (this is included as a CUP to comport with the Gallatin County Interim Zoning Regulation for Gravel Pits);

- Commercial uses involving overnight accommodations (this is included as a CUP to ensure commercial facilities for overnight accommodations do not convert to permanent residential facilities);
- Accessory residential units beyond the one granted as a matter of right; and
- A Rural Cluster Development (RCD) subdivision.

As is the case already for all Gallatin County landowners, whether they are in zoned or unzoned areas of the County, property owners in the proposed AG-160 district must obtain any federal, state or local permit required for a particular use. To this end, the draft AG-160 regulations states:

“Permitted uses are limited only by the ability of the owner or user to obtain all required federal, state, and local permit approvals including but not limited to approval for sanitation and water supply facilities, demonstration of adequate water rights, access or system impact permits from Gallatin County and/or the Montana Department of Transportation.”

In short, this limitation does not impose any new requirement on landowners.

For more information on the above components of the proposed rural zoning, please refer to DRAFT Article III (AG-160) of the proposed “Gallatin County Part 2 Zoning Regulations and Maps” available from the County Planning Department and online at www.gallatin.mt.gov. Just follow the Growth Policy Implementation Program link.

Transfer of Development Rights and Transferable Development Credits

There has been considerable interest and research throughout the development of the *Gallatin County Growth Policy* and the *Growth Policy Implementation Program* in the potential benefits of including a Transfer of Development Rights program in order to give rural landowners options for obtaining value and greater flexibility in how they manage their lands.

Before the basics of the TDR and TDC programs are explained, it is important to underscore to all landowners the programs are strictly *optional* and absolutely *voluntary*. **There is absolutely no requirement that a landowner participate.**

Both the TDR and TDC programs are mechanisms to provide options for rural landowners desiring to keep their land undeveloped and still obtain value for their property through the sale of development rights (i.e. zoning entitlements) or credits to landowners in the County’s growth areas. The purchase of these rights and/or credits will provide developers with added density and potential financial incentives related to required public infrastructure.¹

¹ For a more thorough discussion of the proposed incentive programs please see below and Appendix H.

As the *Growth Policy*, states, a Transfer of Development Right is:

“The removal of the right to develop or build from land in a ‘sending area’ to land in a ‘receiving area’ where such transfer is permitted. Transfer of development rights permits an owner of real property to sell or exchange the development rights associated with the property to another property owner in return for compensation.”—Growth Policy, page 67

Together with the County Planning Board, the County Commission has invested considerable energy in researching and assessing whether and how best to implement a countywide TDR or TDC program. After considering the recommendations of a County-appointed Transfer of Development Rights Feasibility Committee², which recommended continued pursuit of a TDR program, the County consulted with Rick Preutz, the author of *Beyond Takings and Givings*³, as well as with Solimar, Inc, a national leader in analyzing the economic viability of TDR programs. Solimar analyzed the County’s original draft proposal for a countywide TDR program and produced a report, entitled “Using a Voluntary, Market-Based Mechanism to Manage Growth in Gallatin County, Montana - an evaluation of TDR options.”⁴

The “*Solimar Report*” commented on the market viability of the County’s initial draft TDR proposal and provided specific recommendations to create a TDR program. Underlying this investigation into a possible countywide TDR program is the *Growth Policy* itself, which states:

“Zoned areas may voluntarily establish a transfer of development rights program that concentrates development in certain areas while preserving specific open space. Developers can buy development rights from private landowners in areas targeted for preservation of open space and transfer the additional development rights to an appropriate development area.”—Growth Policy, Section 6.2, page 45.

The *Solimar Report* found there could be sufficient demand and supply to support a Transfer of Development Rights/Credits market in Gallatin County (*Solimar Report*, page 8). This report also suggested the Commission use a “credit” system as opposed to a traditional Transfer of Development Rights system in order to provide landowners with the option of selling credits but still developing a portion of their property. Finally, Solimar

² The TDR Feasibility Committee was created by the County Commission to “assist the County in determining and helping research effective land use policy through potential implementation of a transfer of development rights (TDR) program.” To receive a copy of the final report, please contact the Gallatin County Planning Department.

³ Preutz, Rick, *Beyond Takings and Givings: Saving Natural Areas, Farmlands and Historic Landmarks with Transfer of Development Rights and Density Transfer Charges*. Arje Press, Marina Del Ray, CA. 2003.

⁴ The report is available by following the link to the “TDR Report” on the County’s website at http://www.gallatin.mt.gov/Public_Documents/index.

recommended the County pursue intergovernmental agreements with the cities that would participate as receiving areas.

The County has integrated these recommendations in two programs to provide landowners options and flexibility in managing their lands: A transferable development *rights* program requiring perpetual restriction if a landowner decides to transfer the zoning entitlements to another property; and a transferable development *credits* program wherein landowners can obtain credits based on a potential reduction in value of their property if they agree to have a 40-year term zoning restriction placed on their property.

For more information on the proposed rural zoning program, contact the County Planning Department or visit www.gallatin.mt.gov and click on the Planning Department's website' and the "What's New" tab. You can also check out Articles III and XXII of the proposed "Gallatin County Part 2 Zoning Regulations and Maps."

Intergovernmental Cooperation

Gallatin County's cities have a major role to play in implementing the *Growth Policy*. From coordination on major public projects, such as joint law enforcement and court facilities, to cooperation with infrastructure planning, government works most efficiently when it works together.

Chapter 7 of the *Growth Policy* provides "a description of how Gallatin County will coordinate and cooperate with Bozeman, Belgrade, Manhattan, Three Forks, and West Yellowstone on matters related to the *Growth Policy*" and includes "both informal and formal strategies." In addition to these strategies, Resource Document 6 of the *Growth Policy* provides an adopted "Statement of Coordination and Cooperation between Gallatin County and Bozeman City Planning Boards." Listed in this document are several "Coordinating Policies" such as "promoting urban and suburban, non-agricultural development on city services or central services appropriate for later connection to city services." Moreover, these "Coordinating Policies" call for both entities to "consider/evaluate the feasibility of TDRs and other collaborative programs."

Gallatin County, Bozeman and Belgrade have all passed resolutions to cooperate on infrastructure planning in areas of jurisdictional overlap. Fulfillment of these resolutions is ongoing and includes planning for timely expansion of vital public infrastructure in the "triangle" growth areas. This joint planning process will not only include a discussion of where specific public infrastructure such as roads and water and wastewater treatment will be needed, at what time and on what scale, but also formulation of a specific strategy to fund and finance needed public infrastructure over time.

As implementation of the *Growth Policy* continues, Gallatin County remains committed and eager to coordinate closely with the County's cities. Through the adoption of Intergovernmental Agreements, these efforts include uniform standards for public infrastructure in all joint infrastructure planning programs, and the fulfillment of all "Coordinating Policies" called for in the *Gallatin County Growth Policy*.

Infrastructure Development, Planning, and Financing

As Gallatin County has grown over the past decade, we all recognize the impacts. We see roads deteriorating under too much traffic, inadequate alternative transportation, issues with protecting public drinking water supplies, increasing concern over fire protection and too few park facilities for an expanding population. These are just a few of the infrastructure challenges we are currently facing. And we are not alone. Nationally and throughout Montana, local communities are struggling to keep up with aging infrastructure and infrastructure inadequate to handle today's demands, let alone tomorrow's. To help guide Gallatin County through these challenges, Chapter 8 of the *Growth Policy* includes a "strategy for development, maintenance, and replacement of public infrastructure..." These strategies are gradually being implemented through various cooperative planning efforts, including the following:

Greater Bozeman Area Transportation Plan (2007 Update): The majority of the land considered to be "growth" areas in Gallatin County lies within the boundary of the Greater Bozeman Area Transportation Plan, adopted by both the City of Bozeman and Gallatin County in cooperation with the Montana Department of Transportation. In 2007, these three entities began a process to update the plan with a greater emphasis on bikeways, sidewalks, and pedestrian-oriented transportation.

With several public meetings already having taken place, the draft of the 2007 Update has been completed and was released on October 30, 2008. The draft is available for public comment until December 5, 2008. Formal adoption by the City of Bozeman and the County could occur sometime during the winter of 2008 – 2009. For more information please contact Chris Scott at the County Planning Department (406-582-3130) or to see a copy of the draft please visit: <http://www.rpa-hln.com/bozeman/bozemantransplan.htm>.

Water Quality Planning: Currently, there are many efforts underway to implement the policies in Chapter 3 of the *Growth Policy* related to water quality and quantity. These policies include, foremost, "encouraging multi-user, public water and wastewater treatment systems" (Chapter 3.1, Policy 4, page 20; Chapter 3.13, Policy 2, page 27). In essence, a common theme runs throughout the *Growth Policy*: as we grow and change we need to protect water quality and quantity, as they are undeniably our lifeblood and our lifeline to a secure, prosperous future.

Several efforts are underway to examine how we protect our water quality and ensure adequate water quantity for all users, particularly those with senior water rights:

- The Gallatin County Planning Board is continuing its investigation into the efficacy of establishing public water and wastewater systems through the growth areas, primarily the "triangle" between Belgrade, Bozeman and Four Corners;

- The Gallatin City-County Board of Health is investigating several issues related to public water and wastewater treatment systems including, chiefly, the mechanisms for oversight and management of these systems; and
- The Gallatin Local Water Quality District, in addition to its primary tasks of water quality monitoring, education, and research, is currently involved in a major project addressing water quality. In cooperation with several partners, including Montana State University, the federal Environmental Protection Agency, U.S. Department of Agriculture and the Montana Bureau of Mines and Geology, the District is in the process of assessing the occurrence of pharmaceuticals and personal care products (PPCPs) in the waters of Gallatin County, the efficiency of various wastewater treatment approaches, and recommendations for reducing PPCP loadings to State waters.

For more information on these efforts please contact the Gallatin County Planning Department at 406-582-3130, the Gallatin City-County Environmental Health Services at 406-582-3120, or the Gallatin Local Water Quality District at 406-582-3168.

Parks and Trails Planning: One of the most important components of the high quality of life in Gallatin County is the presence of parks, open space, and trail corridors. All residents of Gallatin County use these resources, which keep us connected to each other through interactions with neighbors, help us stay fit, and provide alternative transportation routes. The *Growth Policy* seeks to “encourage development to comply with plans for parks, recreation, open space and trails.” (Chapter 3.13, Goal 1, Policy 5, page 27; Chapter 3.6, Goal 1, Policy 3, page 23).

Acting on these policies, the Gallatin County Board of Park Commissioners and the Gallatin County Planning Board have cooperatively created “*Gallatin County Project Interconnect.*” This effort seeks to create a first-ever master plan for parks as the County grows. It will also incorporate an update to the 2002 *Trails Plan*. The mission behind this cooperative effort is to “build a system of interconnected parks and trails for the use and enjoyment of the people of Gallatin County for future generations.”

For more information on this project please contact Gallatin County Conservation and Parks Coordinator at 406-582-3178 or the Gallatin County Planning Department at 406-582-3130.

Subdivision Design Standards: Gallatin County is a county of neighborhoods, not a county of subdivisions. These neighborhoods help create a collective identity. Whether we live in River Rock, Elk Grove, Gateway, Willow Creek or Bozeman’s historic neighborhood, we think of the location of our home as a neighborhood rather than a subdivision. With this in mind, the *Growth Policy* establishes numerous goals and objectives for both residential and commercial development.

To this end, the Gallatin County Commission has closely examined how the design standards in the Gallatin County Subdivision Regulations foster this sense of neighborhood. From standards to protect our precious drinking water and irrigation

systems, to street design standards and first-ever requirements for sidewalks in suburban neighborhoods, to more effective storm water management practices, the Subdivision Regulations have an integral role in achieving the intent and goals of the *Growth Policy*.

For more information on recent and current efforts to integrate these principles into subdivision review please contact the Gallatin County Planning Department at 406-582-3130.

Open Lands Bond

In 2000, and again in 2004, Gallatin County voters approved the sale of \$10 million dollars of County general obligation bonds to be used exclusively for the protection of irreplaceable agricultural land and wildlife habitat. This program has been enormously successful in implementing many major policies outlined in Chapter 3 of the *Growth Policy* including protecting water quality, assuring sustained water quantity, conserving important habitat, protecting air quality, minimizing soil erosion, conserving open space, protecting historic and pre-historic features, conserving scenic resources and views, preserving productive farm and ranch lands and protecting the right to farm and ranch. Not often can one program help fulfill so many important shared community values. For more information on the Gallatin County Open Space Program visit www.gallatin.mt.gov.

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