

## Chapter 1: Introduction

# Gallatin County Growth Policy

*Adopted April 15, 2003*

*“There are few millionaires in Gallatin County, and fewer paupers,  
and that disorderly element that is so conspicuous a feature  
of some Western communities is lacking here.”*

**The Gallatin Valley, Montana 1908**

The Montana landscape is changing. And not surprisingly, the changes from Montana community to community are not the same. In Gallatin County, the one constant over the past few decades has been growth – *high* growth as more and more folks seek a view of the mountains, a taste of rural living, and an escape from urban chaos. From 1990 to 2000, Gallatin County’s population increased by 34.4 percent, ranking Gallatin County the fifth largest Montana county, second to Ravalli County as the fastest growing county. From 1970 to 2000, the Gallatin County population increased by over 35,000 individuals. The current population stands at about 70,000 individuals. And the people keep coming.

As authorized under Montana state statute, the Gallatin County Growth Policy replaces the Gallatin County Plan, as the document intended to help guide future growth and land development. With input from County residents, this document supports the following:

- Protect public health and safety
- Respect private property rights
- Development is guided to suitable areas
- Efficient delivery of services
- Keep pace with the demand for new housing
- Conserve agricultural resources
- Conserve hydrological resources
- Protect the natural environment, including critical wildlife resources
- Encourage use of incentive mechanisms

## **1.1 Scope and Purpose**

Gallatin County is not alone in preparing and adopting a Growth Policy. In 1999, the Montana Legislature passed a bill generally revising laws related to local planning. The revision specified the replacement of existing master plans and comprehensive plans throughout the state with a “growth policy,” calling for specific fulfillments within these documents.

Similar to the former Gallatin County Plan, the Growth Policy’s principal purpose is to provide general direction for decisions relating to land use, such as zoning and subdivisions. The current Policy addresses certain goals and policies (Chapter 3) that reflect community desires with respect to local land use decisions. The County is committed to supporting development that appropriately reflects the present and long-term needs of its citizens. The County is responsible for ensuring that growth occur in a manner which supports as many goals and policies as possible.

It is the community’s hope, and the County’s commitment, that growth occurs in a coordinated, logical, and cost-effective manner that minimizes unplanned, costly sprawl. This document will be used to guide those land use decisions, and also decisions relative to the provision of public facilities and services as well as the conservation and protection of environmentally sensitive lands.

As change continues in Gallatin County, the goals and policies within this document will need to be reviewed and revised. The Gallatin County Commissioners have made a public commitment to re-review the Growth Policy six months following the April 15, 2003 adoption.

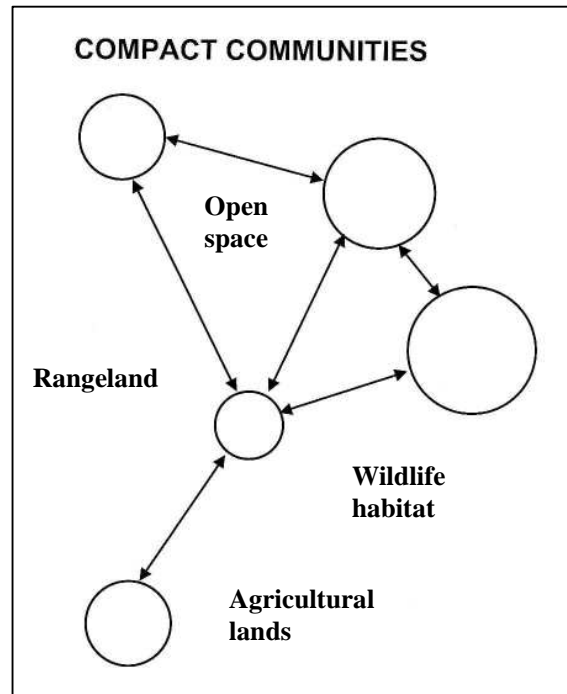
## **1.2 Gallatin County Planning Board and County Commission**

The Gallatin County Planning Board (Planning Board) plays an important role in helping maintain compatibility between the Growth Policy and community goals. This 11-member citizen advisory group makes recommendations on proposed development to the three-member, elected Board of County Commissioners (Commissioners), using the Growth Policy as a guiding tool in their decision-making process.

Together, the Planning Board and the Commissioners remain committed to improving the health, safety, convenience, and welfare of present and future citizens, and in striving for:

- A coherent pattern of land use will be established and will not sprawl across the countryside or along major transportation corridors.

- Compact development is encouraged as a way to achieve an efficient use of land and infrastructure, reducing sprawl, preserving open space and creating a separation between communities.
- Existing communities and neighborhoods will encourage and reward infill and contiguous development.
- Transportation systems consistent with the overall growth management vision will be carefully planned.
- Community centers will grow only with adequate highway, utility, health, educational and recreational facilities.
- The needs of agriculture, industry and business will be recognized in future growth.
- Residential areas will provide healthy surroundings for family life.
- Agricultural, wildlife and hydrological resources will be identified and steps taken to help conserve these resources.
- The demand for new housing units will be adequately and timely met, and excessive regulation that adversely impacts housing affordability will be avoided.
- A variety of incentive mechanisms will be developed to help promote voluntary implementation of all aspects of the Growth Policy, and reduce the need for regulatory restrictions.
- The growth of the community will be commensurate with and promote the efficient and economical use of public funds.



### 1.3 Philosophy

This document includes the following essential underlying themes:

- **Consistency**
- **Concurrency**
- **Compatibility**
- **Cooperation**
- **Commitment**

Many plans and corresponding regulations become ineffective because of inconsistent application. Therefore, it is important that this Growth Policy be applied with **consistency**.

In addition, state statutes require most plans and regulations to be **consistent**, or made in accordance, with the Growth Policy.

As Gallatin County continues to grow, the identification, evaluation, and mitigation of impacts resulting from new development before or **concurrent** with development becomes increasingly important. Potential adverse impacts from development must be effectively mitigated before or concurrent with that development to avoid reactionary and more costly solutions later. The Growth Policy includes numerous policy statements and implementation measures to accomplish this goal.

New development pressures within the County will continue to compete with the protection and preservation of existing developed areas as well as environmentally sensitive areas. The development review process must address the issue of land use **compatibility**.

One of the challenges of creating a broad vision for the future of Gallatin County comes from the diversity of the physical characteristics of the County and the individual communities within. Therefore, the Growth Policy reflects a shared vision of the future of the various neighborhoods, towns, cities and the County. In order to achieve any long-term goals, a meaningful level of **cooperation** between the County and communities must be established and sustained. Specific recommendations have been included.

Lastly, and perhaps of most importance, the citizens of Gallatin County must be heard and be part of the planning process. As stated previously, the Growth Policy should reflect the current goals and values of its community. A number of techniques have been included to help further community goals. Those techniques include such things as neighborhood plans, subdivision regulations, impact fees, intergovernmental coordination systems, capital improvement plans, and other land use management tools. Throughout the implementation process, citizen participation will be critical to the ultimate **commitment** of the people of Gallatin County and their elected officials.

## 1.4 Growth Policy Format

Gallatin County's Growth Policy has been written in compliance with Montana statutes, and is arranged as follows:

- Projected trends in Gallatin County\* (Chapter 2)
- Community goals and objectives\* (Chapter 3)
- Implementation strategy and a description of policies and implementation measures available to achieve the goals and objectives\* (Chapter 4)
- Subdivision review criteria\* (Chapter 5)
- Intergovernmental coordination and cooperation (Chapter 7)
- Provision of public services strategy\* (Chapter 8)
- Land use diagram

\* Required by 76-1 PART 6, MONTANA CODE ANNOTATED (MCA)—GROWTH POLICY.

Additionally, the Growth Policy includes resource documents providing information on existing characteristics and conditions within the County. Important information on conditions and trends, as well as future projections have been included.

## **1.5 Planning Process**

As previously noted, this document represents over four years of public outreach, discussion and planning efforts by Gallatin County citizens, the Planning Board, the County Commission, and the Planning Department. The work began in 1998 with formation of a technical group that reviewed statutory requirements, available information, and possible methodologies to approach the process. Several citizen focus groups were formed, including a group that explored the best methods for obtaining effective citizen participation. Focus group input led to a series of twelve meetings held in a variety of locations during the summer months of 1999.

Three other focus groups (representing agriculture, development, and conservation) developed models of alternative growth scenarios. Following that process, a public meeting with over 500 Gallatin County residents in attendance was held in February 2000, at the Museum of the Rockies, to present the alternative growth scenarios.

In March 2001, the Gallatin County Planning Board held public open houses at the Valley Ice Garden at Four Corners, a church in Belgrade and at the Three Forks High School to present their draft Growth Policy and solicit comment. The Board made revisions and recommended the draft for approval by the County Commission.

The County Commission made additional revisions and presented a draft before the public in January 2002, December 2002, and February and March 2003. Based on public comment, the Commission agreed to table the proposed Growth-Conservation Areas Program (or GCAP), agreeing to other revisions since incorporated into the final draft. On April 15, 2003, the Commissioners voted unanimously to adopt the Gallatin County Growth Policy.

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## **Chapter 2: Trends in Gallatin County**

# **Gallatin County Growth Policy**

*Adopted April 15, 2003*

All Montana Growth Policies are required to include a description of existing characteristics and features of an area, as well as projected trends. As one of the fastest growing Montana communities, it is essential that we understand such trends and establish appropriate goals and policies for the future.

This chapter addresses projected trends in the following areas:

- Population and housing
- Land use
- Economic conditions
- Public services
- Natural resources\*

The Growth Policy includes resource documents which include more specific information such as maps and text describing the existing characteristics and features of population, housing needs, economic conditions, local services, public facilities, natural resources, and land uses.\* Lastly, this chapter discusses how implementation of the Growth Policy changes projected trends.

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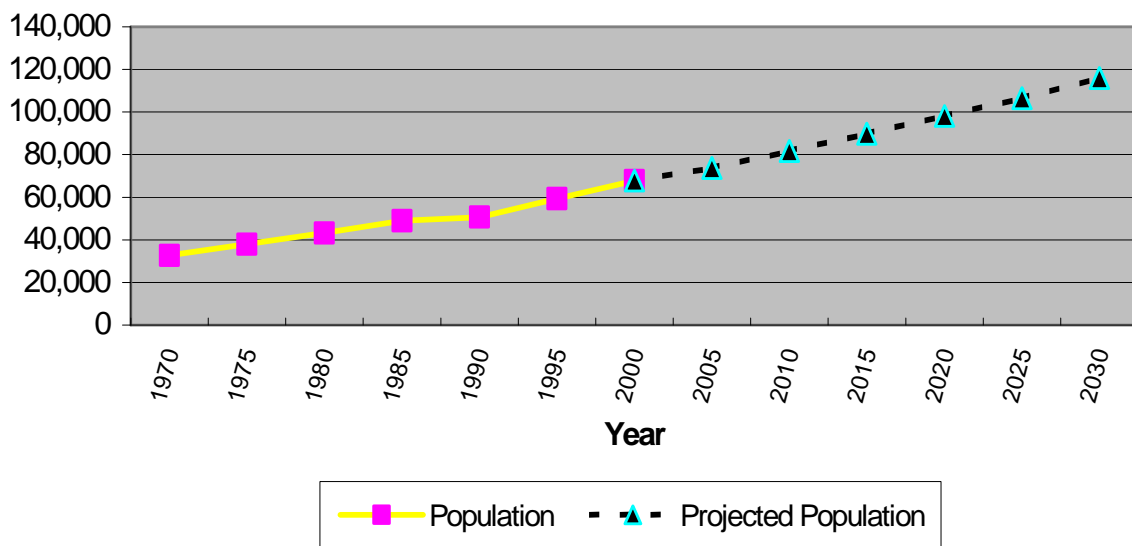
\* Required by 76-1 PART 6, MONTANA CODE ANNOTATED (MCA)—GROWTH POLICY.

## 2.1 Projected Trends

### Population and Housing

**Population.** The 2000 Census reported Gallatin County's population to be 67,831—representing an increase of over 17,000 since 1990. Projections show a similar increase over the next 10 years, with an additional 16,000 people calling this county home for a total of 82,000. By the year 2030, the Gallatin County population is expected to be 116,000, representing a 30-year increase of nearly 50,000 people. Gallatin County is growing at a rate of approximately three percent a year.

GALLATIN COUNTY POPULATION



**Population Projection 2000-2030.** Growth over the last ten years pushed Gallatin County into second place, as the second fastest growing Montana County. Overall state growth is more conservative. The state as a whole grew 12.9 percent from 1990 to 2000, with over 20 Montana counties (mostly eastern Montana) losing population. As a comparison, the U.S. population grew slightly over 13 percent over the same period.

Current household size in Gallatin County is approximately 2.5 persons. If this trend continues, we will need an *additional* 6,400 housing units, or 640 new homes per year during the first decade of this millennium. As would be expected of a university town, homeownership in Gallatin County falls below the state, although not surprisingly the median value of housing units is greater. The rate of homeownership in Gallatin County is



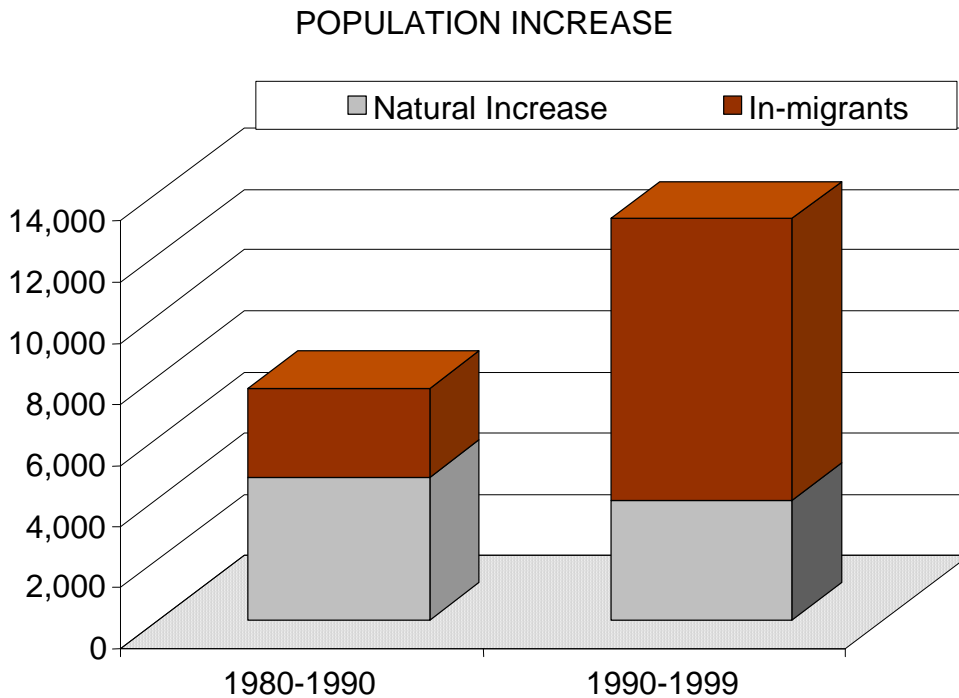
62.4 percent, compared with 69.1 percent for the state. The median home value in Gallatin County in 2000 was \$143,000, compared with \$99,500 for the state.

Gallatin County has a relatively young median age (32) compared to the national median (35.6) and the Montana median (37), which is typical of a university community. However, the County population is aging significantly. This growing number of older residents is particularly significant when compared to overall economic trends in Gallatin County.

Currently, over one-third of the population resides outside of incorporated cities, and on average each rural dwelling unit utilizes *three* acres of land. Based on those figures, new rural dwelling units will utilize over 13 square miles (8,320 acres) of land. Even more land may be converted to residential use since the proportion of people living in rural areas has been increasing over the years.

Although more people live within Gallatin County's cities and towns (Belgrade, Bozeman, Manhattan, Three Forks, West Yellowstone), rural living has been outpacing city living. The proportion of people living in incorporated areas peaked in 1970 at 70 percent, dropping to 58 percent by 1990. It is often difficult, however, to accurately predict rural population.

Continued population growth in centralized urban areas may more effectively and efficiently accommodate projected population increases while reducing the cost of public services and preserving the character of rural areas.



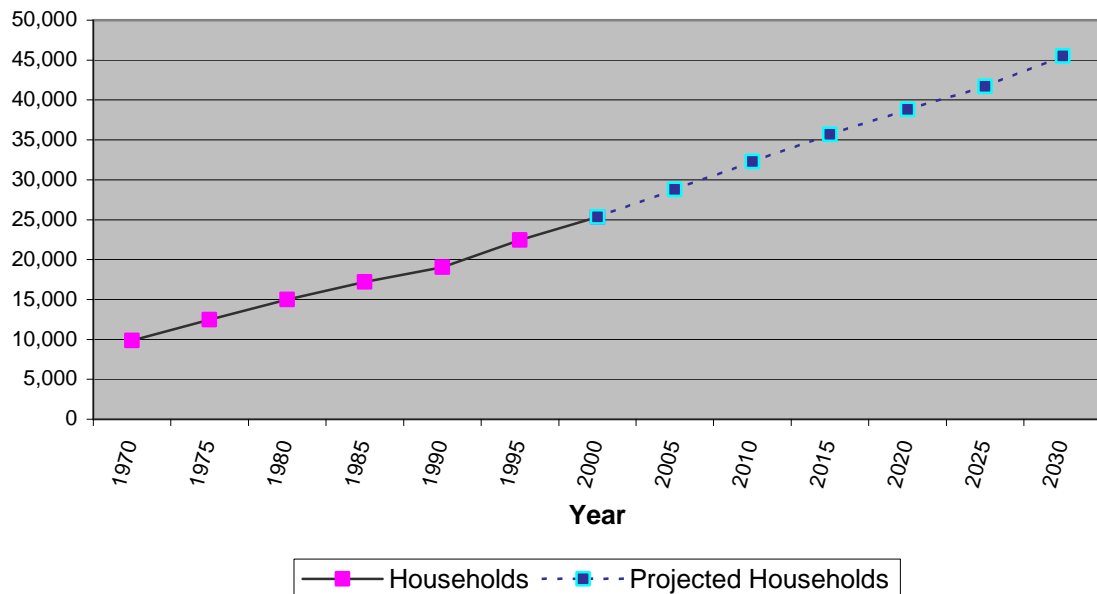
Source: Montana Department of Commerce

There are other factors attributing to an overall change in Gallatin County. For instance, the rate of people moving here is outpacing the local birth rate. During the '80s, Gallatin County experienced a natural population (ratio of births to deaths) increase of 4,700 individuals, and a net increase of approximately 2,900 moving to the community. Things have since changed. During the '90s, migration outpaced the natural increase by nearly 5,000 individuals.

**Housing.** Housing development in Gallatin County has been keeping pace with the growing population. This fact is evident in a number of trends, including increases in number of proposed subdivisions and lots created, septic permits issued, and rising construction rates. The total number of households increased by nearly 30 percent over the '90s, with a total of 29,489 housing units calculated in 2000. In addition, the average value of owner-occupied housing units more than doubled over the same decade in the Bozeman area, from \$70,114 to \$143,000. By comparison, the median home value statewide is \$99,500. Gallatin County has a homeowner rate of 62 percent, seven percent lower than the statewide ownership rate of 69 percent.

**Current Situation:** In 1999, there were approximately 24,650 occupied housing units in Gallatin County. The average number of persons per household since 1970 has decreased from 2.92 to 2.45. By 2030, projections predict the addition of over 20,000 new households, which will decrease the average number of persons per household to 2.41, while keeping pace with projected population increases.<sup>1</sup>

### HOUSEHOLDS IN GALLATIN COUNTY



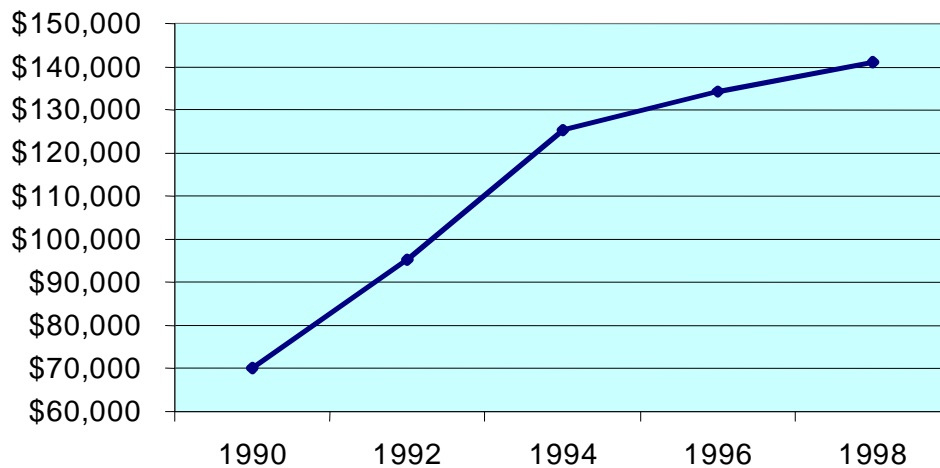
<sup>1</sup> Woods and Poole Economics.

## Average Cost of Housing in Gallatin County and Bozeman

**Current Situation:** Despite the high rate of construction and housing accommodation in Gallatin County, housing costs are rising dramatically. In January 2000, the average price for a home in the county on less than one-acre was estimated at \$157,040, while prices in Bozeman increased by just over 100% between 1990 and 1998.<sup>2</sup>

Compared to personal per capita income, housing affordability for the average county resident is very low. This is perhaps one of the most important issues facing Gallatin County. If real estate continues to rise at current rates, it will not be able to support average wage grade employment, especially in the retail trade industry, and livability will decrease throughout the county.

### AVERAGE HOUSING COST IN BOZEMAN



Source: Gallatin Association of Realtors

## Land Use Permits

**Current Situation:** *Land use* permits are required for construction within the County's 16 zoning districts, but are not required within the unzoned portions of the County. Because large areas in the county are not zoned, the number of land use permits measures a combination of zoning and permitting services required for new construction in certain areas, but does not reflect development occurring Countywide.

The number of land use permits processed by the Planning Department has been increasing steadily over the past two decades, increasing dramatically in the past five years. The

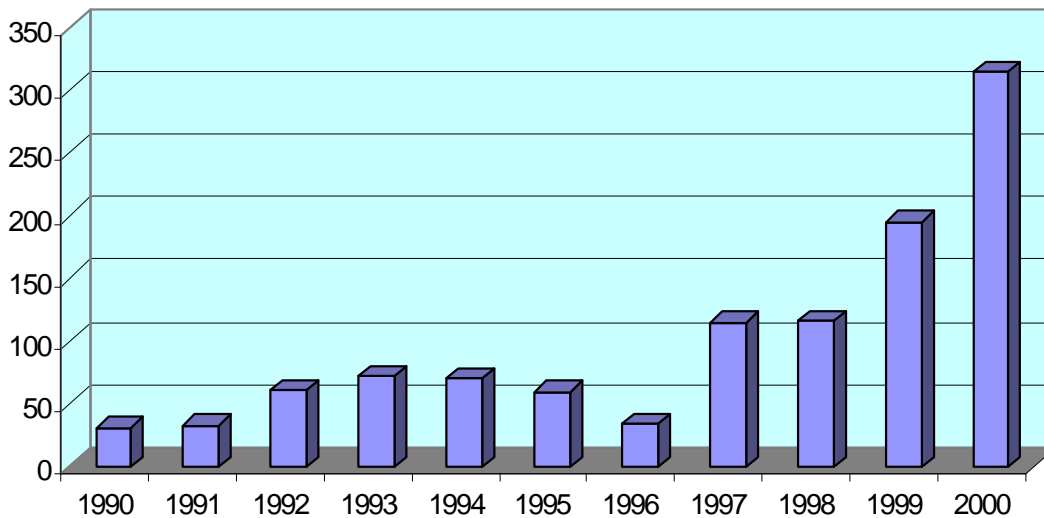
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<sup>2</sup> Gallatin Association of Realtors

number land use permits increased by 61 percent between 1999 and 2000, and by 423 percent between 1995 and 2000.<sup>3</sup>

These significant increases in 1999 and 2000 were the result of 196 land use permits issued in the River Rock Zoning District after the development was reinitialized in early 1999, and the 179 land use permits in the Gallatin County/Bozeman Area Zoning District after the zoning district was transferred into Gallatin County's jurisdiction in mid-1999.

### LAND USE PERMITS 1990-2000



Source: Gallatin County Planning Dept.

The Planning Department has additional information available to the public on population and housing projections in *RDI: Gallatin County Profile*.

*The Growth Policy furthers significant changes to current trends with the aims of increasing urban populations and reducing rural land consumption through the promotion of urban and suburban density development in and around city and town cores, cluster development with minimal land removed from agricultural or forestry production, and the compatible infill of vacant land.*

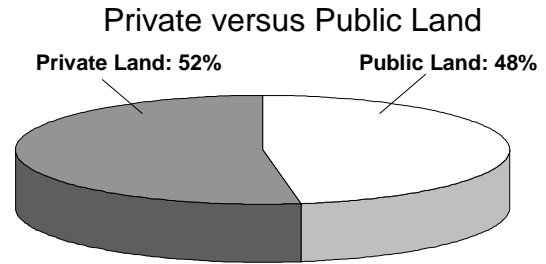
## 2.2 Land Use

Gallatin County is over twice the size of the State of Rhode Island. Encompassing about 2,600 square miles, or approximately 1,682,048 acres, slightly half of the County (about

<sup>3</sup> Gallatin County Planning Department.

882,000 acres) is in private ownership. The rest is publicly owned and managed by either the Bureau of Land Management, U.S. Forest Service, National Park Service, Montana Fish Wildlife and Parks, Montana Department of Transportation, Department of Natural Resources and Conservation and various local governments. Although 48 percent of land in the County remains in public ownership, rapid growth is causing many changes in land use trends in the private sector.

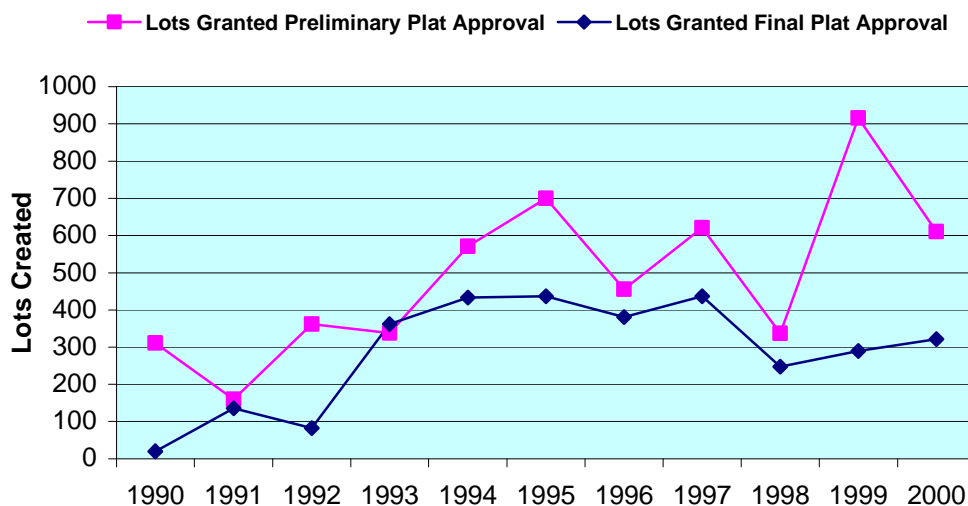
Agriculture was the driving force behind the settlement of the Gallatin Valley. Created in February of 1865, Gallatin County became a central agricultural force in the state by the turn of the century. Flourmills, grain elevators, canneries and dairies were all part of the local landscape.



Although agriculture still dominates parts of the Gallatin Valley landscape, its contribution to the overall local economy is slipping. Total net income from farming and ranching dropped from \$31.1 million in 1970, to \$2.4 million in 1985, and to \$7.1 million in 2000. Such reduction has impacted local land use. In many cases, it has become more profitable to subdivide the land for housing rather than farm or ranch. This trend has contributed to an outward expansion of development, challenging the community to further define appropriate growth and prompting much debate over terms like leapfrog development and sprawl.

Residential land use has been rapidly increasing in Gallatin County. From 1990 to 2000, the Gallatin County Commission gave final approval to 323 minor and major subdivisions, for a total of 31,144 lots. In addition to the final lots created, 611 new lots received preliminary plat approval in 2000. As population growth continues in Gallatin County, residents can expect to see continued development and subdivision activity, increasing levels of residential use.

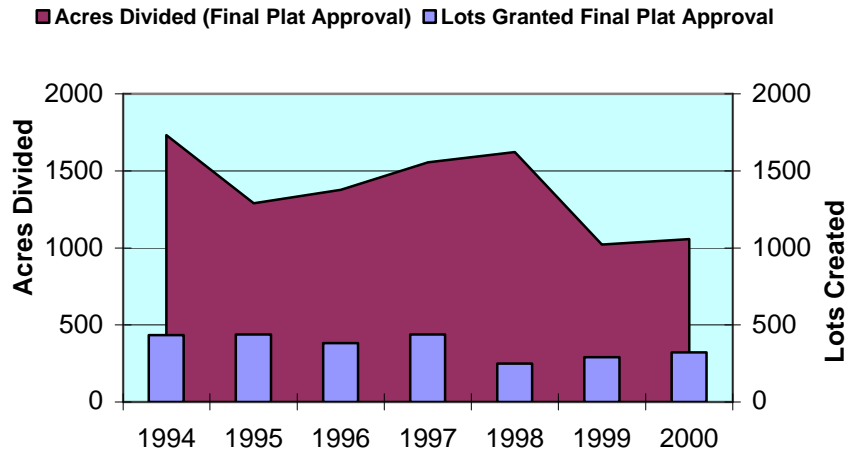
### SUBDIVISION LOTS CREATED (1990-2000)



Source: Gallatin County Planning Dept

**Land Area Divided Through Subdivision.** From 1994 through 2000, more than 9,660 acres were subdivided, resulting in an average lot size of about 3.8 acres. In the County’s jurisdictional area (i.e., outside municipal and the city-county planning jurisdictions), where over 44 percent of this subdivided land was located, the average lot size was over 4.9 acres.<sup>4</sup>

### LAND DIVIDED THROUGH SUBDIVISION REVIEW (1994-2000)



Source: Gallatin County Planning Dept.

Outside the jurisdictional boundaries of Belgrade, Bozeman, Manhattan, Three Forks, and West Yellowstone, there are presently sixteen separate zoning districts in Gallatin County (listed below). These districts have adopted individual plans for guiding growth, and to date have been a popular method for regulating land use within a specified region. The remainder of the County is not zoned, and development within has often been controversial. Since 1998, the County Commissioners have denied approval of over ten subdivisions in unzoned portions of the County, citing conflicts with overall goals and policies of the Gallatin County Plan.

### Zoned Areas

The Montana Annexation and Planning Statutes allow for the creation of two types of rural zoning: Part 1, or 101 and Part 2, or 201 zoning districts. As of adoption of this document, there were fourteen 101-zoning districts and two 201-zoning districts in Gallatin County, with a number of additional districts in the works.

#### **101 Planning and Zoning Districts**

- Bear Canyon – adopted May 28, 1987
- Bridger Canyon – adopted October 26, 1971
- Gallatin Canyon/Big Sky – adopted July 30, 1996

<sup>4</sup> Gallatin County Planning Department.

- Hebgen Lake – adopted November 1977
- Hyalite – adopted March 1988
- River Rock (formerly Royal Village)– adopted October 4, 1978
- Springhill – adopted July 20, 1992
- South Gallatin – adopted February 10, 1994
- Sypes Canyon 1 – adopted April 13, 1979
- Sypes Canyon 2 – adopted May 24, 1979
- Trail Creek – adopted July 24, 1991
- Wheatland Hills – adopted March 1979
- Zoning District 1 – adopted June 22, 1970
- Zoning District 6 – adopted June 13, 1979

### **201 Zoning Districts**

- Gallatin County/Bozeman Area (the “Donut”) – adopted July 27, 1999
- Middle Cottonwood – adopted February 1, 1996

The Gallatin County Planning Board’s jurisdiction presently extends into the unzoned areas of the County, outside the jurisdictional areas of Belgrade, Bozeman, Manhattan, Three Forks, and West Yellowstone, and inside the 201 zoning districts. In the past, the County Commissioners have expressed a preference for 201 zoning to maintain review by the citizen-led Planning Board, and to prompt review under the Gallatin County Plan or Growth Policy. Review under the Growth Policy is intended to provide continuity with Countywide planning efforts, and to avoid effects of exclusionary zoning. This preference for 201 zoning is currently under debate, due to statutory limitations of Part 2 zoning in regulating oil and gas development. Regardless of the outcome, the County recognizes the importance of reviewing proposed zoning districts in a comprehensive fashion, taking into account the effect of such districts on the larger community, and specifically compliance under the Growth Policy.

## **2.3 Economic Conditions**

Gallatin County’s local economy is also experiencing change. A County once entirely dependent on agriculture is shifting fast as services and professional, and non-labor sources become the fastest growing components of the local economy. In 1970, services and professional made up 48 percent of overall jobs, increasing to 62 percent by 2000. Meanwhile, farm and agricultural services dipped slightly from 9.8 percent in 1970, to 4 percent of total employment in 2000.

Gallatin County continues to be one of the most economically stable counties in the State of Montana. The basis for the stability is in part due to Montana State University and United States Department of Agricultural being based in Bozeman, but also due to continued presence of tourists. With the help from Yellowstone National Park, two destination ski

areas, and rivers full of trout, the tourists have played a significant role in helping maintain local stability by coming here, and in some cases, staying here.

Employment in Gallatin County grew by 57 percent between 1990 and 1999—outpacing the County’s 34.4 percent population gain in the last decade, and outpacing job growth within the state and nationally. State and national projections indicate that job growth should continue, if at a somewhat slower pace. Although Montana State University continues to be the area’s single largest employer, and Gallatin County still leads the state in dairy production, the local economy is diversifying away from government and agriculture with new activity in manufacturing, tourism, and services. Electronics manufacturing, furniture manufacturing, and air travel sectors show notable strength compared to the state at large. Given the livability and amenities of the community, Gallatin County’s economy seems to be diverging from non-metropolitan Montana and becoming more like other similar areas of the Western United States. For additional information on economic conditions, see *Population, Employment, Earnings and Personal Income Trends – Gallatin County, MT* (Sonoran Institute, 2003; [www.sonoran.org](http://www.sonoran.org)) and *R1: Gallatin County Profile*.

*The Growth Policy encourages and supports economic growth and development. Future development should minimize impacts on the agricultural industry, provide adequate locations for commercial and industrial development in appropriate areas, and protect the unique natural and scenic resources of the county.*

## **2.4 Public Services**

Public services provided by Gallatin County include law enforcement, community health, environmental health, and planning. Many public services available to the citizens of Gallatin County are not provided by the County but are provided by other public, quasi-public or private entities. Major public services provided by entities other than Gallatin County include education and fire protection, which are funded through property taxes.

Road maintenance is a public service that is provided not only by Gallatin County but by other entities as well. The Montana Department of Transportation is responsible for maintenance of federal highways, and state primary and secondary highways. Gallatin County maintains major county roads—a road system historically accepted by the County for maintenance. The responsibility for maintaining internal subdivision roads lies with the private landowners within the subdivision, usually a property owners association.

The majority of public services provided by Gallatin County are available on a fee for service basis. Increasing demands for services from continued population growth is pressuring those public services not funded on a fee for service basis, such as law enforcement. *Goals and policies of the Growth Policy strive to ensure that all new developments provide adequate service and contribute their appropriate share of the cost of impacts on public services.*



The fiscal impact of different land uses on county government and the school districts in Gallatin County was the objective of a report completed in 1996.<sup>5</sup> This study shows that in FY1994 for every dollar raised in revenue from residential property, the county government and school districts had to spend \$1.45 to provide services to residential property. At the same time, only \$0.25 had to be spent to provide county and education services to agriculture and open land, \$0.18 to commercial property and \$0.07 to industrial property for every dollar raised from those land uses. *While these costs are dated and the study has limitations, it continues to have validity until a new cost of services study is completed.* There are numerous ways to mitigate the costs of impacts, including privatization of service, required payment of impact fees, and voluntary offers to pay for services.

The type or scope of public services provided by Gallatin County will probably remain the same within the initial span of the Growth Policy. For additional information on public services, see *RD 2: Public Infrastructure and Services*. See Chapter 8 for a discussion on public infrastructure that includes a strategy for development, maintenance, and replacement of public infrastructure in Gallatin County.

## 2.5 Natural Resources

For many Gallatin County residents, the natural resources are the reason they live here. Visible from the City of Bozeman are four different mountain ranges: the Bridger, the Madison, the Tobacco Root, and the Gallatin. Three major river systems intersect the Gallatin Valley: the Gallatin River, the Madison River, and the Jefferson River. There is wildlife of every variety, and there are outdoor recreation opportunities of every variety.

While the federal government is the largest single natural resource manager in Gallatin County, the majority of natural resource managers are farmers and ranchers. These private landowners can play a significant role in shaping the future of the Gallatin Valley.

Over the past years, portions of Gallatin County have been included in two substantial federal-public land exchanges to consolidate checkerboard ownership patterns and protect wildlife habitat. There are no substantial federal land exchanges proposed in Gallatin County at this time.

Private landowners have placed 105 square miles (approximately 67,000 acres) of land within Gallatin County in conservation easements, and about two square miles (1,200 acres) of additional conservation easements committed during the last quarter of 2000. In the fall of 2000, voters passed the Gallatin County Open Space Bond, establishing ten million in bond money to be used for the purpose of preserving open space in Gallatin County by purchasing land and conservation easements from willing landowners. *The Growth Policy recognizes*

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<sup>5</sup> Costs of County and Education Services in Gallatin County, Montana; Mark Haggerty. Local Government Center, Montana State University, January 1996.

*that conservation easements are an important tool to protect the natural resources in Gallatin County and reduce rural land consumption.*

To achieve that aim, the Growth Policy includes research on the basic natural resource attributes that combine to make Gallatin County unique. Hydrologic features, prime agricultural attributes and important wildlife habitats are significantly intermingled in specific areas of Gallatin County. These resulting areas have been mapped and described as “conservation land use areas” to help private landowners take into account the combined uniqueness of these attributes when considering long-range tenure and resource management of their property.

## **Chapter 3: County-Wide Goals and Policies**

# **Gallatin County Growth Policy**

*Adopted April 15, 2003  
(Amended December 16, 2003)  
(Amended October 4, 2005)*

*Definition: A “growth policy” means and is synonymous with, a comprehensive development plan, master plan, or comprehensive plan.*

**76-1-103(4) MCA**

The purpose of a master plan, comprehensive plan, general plan, or growth policy is to provide comprehensive, long-range guidance relative to the growth and development of a community. The 2003 Gallatin County Growth Policy replaces the former Gallatin County Plan, originally adopted in 1993, and revised in 1998. Both the old Plan and the new Growth Policy include lists of goals and policies, intended to help identify elements of community interest and provide general guidance to those contemplating community change.

State statute in fact *requires* that growth policies include community goals and objectives. The following goals and policies introduced in this chapter reflect countless hours of discussion and subsequent refinement. These goals and policies represent a balance between varied interests and community concerns, and are subject to revision as seen fit over time.

Chapter 3 is structured as follows:

- **GOALS** are statements of purpose that define a significant intent of the Growth Policy, reflecting the long-term desires of the county and citizens.
- **POLICIES** state strategies or techniques to achieve each goal, and ultimately towards achieving the intent of the Growth Policy.

## **3.1 Water Quality**

### **GOAL 1: Protect Water Quality.**

#### **Policies:**

1. Minimize adverse impacts of development on rivers, streams and riparian areas.
  - Encourage development to demonstrate adequacy of setbacks and buffers.
2. Require development to demonstrate compliance with local, State and Federal water quality regulations and standards.
3. Encourage development to mitigate adverse impacts to neighboring properties, rivers, streams and riparian areas due to runoff.
  - Support an erosion control plan for major subdivisions at the time of preliminary plat submittal.
  - Encourage developers of minor subdivisions to document compliance with an erosion control plan prior to final plat approval.
4. Encourage multi-user or public water and wastewater treatment systems.
5. Encourage development to mitigate adverse impacts on wetlands, and require compliance with local, state and federal wetland protection regulations and standards.
  - Confirm compliance for both major and minor subdivisions.
  - Confirm-concurrence with Army Corps of Engineers on delineation of wetlands and evidence of application for a 404 permit.
6. Limit development to appropriate uses in identified source water protection areas.
7. Encourage development to document efforts to protect water quality.
8. Encourage heavy industrial uses, including animal feeding operations, to document mitigation of adverse impacts on surface and ground waters.

## **3.2 Water Quantity**

### **GOAL 1: Assure Sustained Water Quantity.**

#### **Policies:**

1. Encourage development to assess both the immediate and the long-term, cumulative impacts on water quantity.
2. Encourage development to document adequate water quantity.
  - Encourage development to show how water rights belonging to the property will be disposed of and demonstrate a rational plan to maintain and protect flows for existing water rights of others.

## **3.3 Fish, Wildlife and Plant Habitat**

### **GOAL 1: Conserve Important Habitat.**

#### **Policies:**

1. Use available incentives to conserve important habitat.
  - Neighborhood plans and citizen-petitioned 201 zoning districts should address conservation of important habitat.
  - Adopt criteria for protecting the most important habitat areas for fish, wildlife and plants and granting density bonuses based on the conservation value of the development.
2. Encourage development to conserve important habitat.
  - Promote open space corridors for identified wildlife migration corridors.
  - Encourage livestock operations to minimize adverse impacts on important habitat areas.
  - Encourage development to buffer important habitat areas.
  - Promote the use of covenants addressing:
    - a) Control of domestic animals.
    - b) No artificial feeding of bears, elk, deer, moose and big horn sheep.
    - c) Wildlife-friendly fencing.
    - d) Animal-proof refuse containers.
    - e) Attractant reduction (prohibiting outdoor food storage, elevated bird feeders, etc).
    - f) Wildlife access to streams.

### **3.4 Air Quality**

#### **GOAL 1: Protect Air Quality.**

##### **Policies:**

1. Use available incentives to protect air quality.
  - Neighborhood Plans and citizen-petitioned 201 zoning districts should address protection of air quality.
2. Require development to demonstrate compliance with local, State and Federal air quality regulations or standards.
3. Encourage development to protect air quality and reduce particulate matter.
  - Support dust control plans for unpaved roads, subject to review and approval of Road Department.
  - Encourage development to minimize vehicle miles traveled.

### **3.5 Soils**

#### **GOAL 1: Minimize Soil Erosion.**

##### **Policies:**

1. Ensure development demonstrates compliance with local, State and Federal regulations and standards relating to soil erosion.
  - Support erosion and sediment control measures-during road construction.
  - Support the use of covenants that prevent soil erosion.
2. Encourage development to comply with re-vegetation and weed control plans as prescribed by the Gallatin County Weed Department through proper weed management plans and memorandums of understanding.

### **3.6 Open Space**

#### **GOAL 1: Conserve Open Space.**

##### **Policies:**

1. Use available incentives to conserve open space.

- Neighborhood plans and citizen-petitioned 201 zoning districts should address open space conservation.
2. Encourage use of open space bond funds to support the Growth Policy.
    - Support open space bond fund applications that demonstrate compliance with Growth Policy.
  3. Encourage development to conserve and preserve open space.
    - Encourage development to comply with plans for parks, recreation, open space and trails.
    - Support the dedication of parks, recreation, open space and trails that are adjacent to or continuations of existing or planned parks, recreation, open space, trails, public lands and riparian areas.
  4. Encourage private ownership (such as homeowners' associations) and private maintenance of areas conserved or dedicated as parks, recreation, open space and trail area(s).

### **3.7 Residential**

#### **GOAL 1: Encourage Residential Development in Areas Planned or Zoned for Residential Use.**

##### **Policies:**

1. Use available incentives to locate residential development in and around areas designated for urban growth.
  - Encourage the use of neighborhood plans and citizen-petitioned 201 zoning districts for planning appropriate residential areas.
2. Development should document:
  - Consistency with the Growth Policy and applicable regulations.
  - Mitigation of adverse impacts.
  - Provision of adequate local services and public facilities.
  - Compatibility with existing uses and natural environment.
  - Compatibility with the logical expansion of local services and public facilities.
3. Discourage sprawl.
  - “Sprawl” is defined as development that expands in unlimited and noncontiguous ways outward from the core of the existing services and infrastructure. Sprawl may result from residential, commercial or a mixture of residential and commercial proposed subdivisions or developments.

- To prevent sprawl, developers and property owners should be encouraged to create commercial and mixed development adjacent to existing developed land. To prevent sprawl, developers and property owners should be encouraged to develop and infill established neighborhoods within and around existing municipalities.

*Section 3.7 amended October 4, 2005 (Resolution 2005-141 )*

4. Promote residential development-adjacent to existing developed land, and that does not foster sprawl development.
  - Support infill development of established neighborhoods, and within Urban and Community designated areas.
  - Support development within or adjacent to existing developed areas.
  - Discourage new development beyond existing urban and suburban development (leapfrog).
  - Support urban and suburban density land use patterns that are not energy and land consumptive, and do not require a high ratio of road surface to development served.
5. Promote residential development that is clustered and compatible with existing developed land.
  - Support the use of cluster development techniques.
  - Encourage development to use higher density and diverse uses capable of working in harmony with existing development.
6. Use available incentives to promote low-income and moderate-income housing.
  - Ensure that low-income and moderate-income housing has sufficient controls to remain affordable for a period of time.
  - Ensure that low-income and moderate-income housing is proximate to work and multi-modal transportation opportunities.
  - Ensure that low-income and moderate-income housing units are dispersed among other housing units.
  - Develop Neighborhood Plans and citizen-petitioned 201 zoning districts.



### **3.8 Commercial and Industrial – Light**

#### **GOAL 1: Locate Commercial and Light Industrial Development in Areas Planned or Zoned for that Usage.**

##### **Policies:**

1. Encourage development to document and provide adequate infrastructure (transportation, power, sewer and water facilities, etc.) for new commercial and light industrial development.
2. Neighborhood plans should address commercial and light industrial land uses.
3. Prevent the encroachment of industrial uses into residential areas.
4. Promote opportunities for small neighborhood-related commercial services and multi-story development in planned or zoned neighborhoods.
5. Encourage development to document:
  - Consistency with this document and appropriate regulations.
  - Mitigation of adverse impacts.
  - Availability of adequate local services and public facilities.
  - Compatibility with existing uses and natural environment.
  - Compatibility with logical expansion of local services and public facilities.

### **3.9 Commercial and Industrial – Heavy**

#### **GOAL 1: Manage Heavy Industrial Development.**

##### **Policies:**

1. Locate heavy industrial development in areas that have minimal adverse impact on other uses, and in areas planned or zoned for heavy industrial development.
2. Encourage heavy industrial development to document
  - Consistency with the Growth Policy and applicable regulations.
  - Mitigation of adverse impacts.
  - Availability of adequate local services and public facilities.
  - Compatibility with existing uses and natural environment.
  - Compatibility with logical expansion of local services and public facilities.

3. Ensure development demonstrates compliance with local, State and Federal regulations and standards for: soil, water and air contamination.

### **3.10 Historic Features**

#### **GOAL 1: Protect Historic and Pre-Historic Features.**

##### **Policies:**

1. Encourage developers to document efforts to protect historic features.

### **3.11 Scenic Resources**

#### **GOAL 1: Conserve Scenic Resources and Views.**

##### **Policies:**

1. Use available incentives to conserve scenic resources and views.
  - Develop Neighborhood Plans and *citizen*-petitioned 201 zoning districts that conserve scenic resources and views.
2. Encourage development to document efforts to conserve scenic resources and views; considering ridge tops and hillsides, signage, off-premise advertising, telecommunication towers, light pollution and landscaped buffers.
3. Encourage development to minimize light pollution.

### **3.12 Mobility and Circulation**

#### **GOAL 1: Provide a Safe and Efficient Transportation System.**

##### **Policies:**

1. Promote multi-modal transportation opportunities.
  - Encourage development to be consistent with countywide trails plan.

2. Encourage development to provide coordinated circulation patterns.
  - Encourage development to document proposed access and road systems, and their relationship to existing and future arterial locations, and proposed trail plans.
  - Encourage development to coordinate proposed new roads with both existing and planned roads, taking into consideration current, proposed and future circulation and development patterns.
  - Encourage development to provide and develop access to land not previously reviewed under the Subdivision Regulations when reasonable access to that land is through the proposed development and the circulation pattern is enhanced with multiple access points.
3. Encourage development to document mitigation of erosion, noxious weed infestation and visual impacts associated with the construction of new roads.
4. Encourage development to document mitigation of dust, noise, and general safety related to speed, intersections, and pedestrian crossings.

### **3.13 Local Services**

#### **GOAL 1: Provide For Local Services and Public Facilities.**

##### **Policies:**

1. Encourage development to document and provide fire protection and medical emergency services.
  - Encourage development to document an emergency response time.
  - Encourage use of covenants that address the maintenance of required fire protection measures (fire sprinkler systems, fire fill pond, etc.).
2. Encourage multi-user, public water and wastewater treatment systems.
3. Encourage development to use multi-user public water and wastewater treatment systems.
  - Support the expansion of existing municipal and private urban service systems.
  - Support the development of new private urban service systems.
  - Encourage “county sewer and water districts” for all new multi-user and public water or wastewater treatment systems.
4. Encourage development to document and provide solid waste disposal.
5. Encourage development to comply with plans for parks, recreation, open space, and trails.

6. Encourage development to document and provide law enforcement.

## **GOAL 2: Provide Cost Effective Extension of Public Facilities and Local Services.**

### **Policies:**

1. Encourage development to contribute its appropriate share of the costs of impacts on public facilities and local services.
  - Encourage development to provide rights-of-way to support future growth.

## **3.14 Health and Safety**

### **GOAL 1: Protect Human Life and Property From Natural Hazards.**

### **Policies:**

1. Encourage development in natural hazard areas to mitigate the potential hazard(s).
2. Encourage development on steep slopes to mitigate potential hazards.
  - Prohibit development and road building on slopes greater than 25 percent.
  - Support the use of covenants that provide appropriate engineering to mitigate safety concerns of development in areas with potential and demonstrated unstable slopes and soils.
  - Encourage development to address emergency services access and driveway standards.
3. Restrict development in flood hazard areas to protect property and life from flooding. Encourage compliance with the Floodplain Regulations and the standards developed by the Department of Health.
  - Encourage development to protect neighboring properties and communities from potential flood hazards associated with new development.
4. Discourage development in areas prone to wildland fire to protect property and life from fires.
  - Encourage mitigation of fire hazards, including creation of defensible space for each structure, prior to final plat.

- Encourage reduction of fire fuel loads.
5. Encourage development to demonstrate geologically or seismically unstable areas to mitigate potential hazards.

### **3.15 Agriculture**

#### **GOAL 1: Preserve Productive Farm and Ranch Lands.**

##### **Policies:**

1. Use available incentives to encourage continuation of local farming and ranching.
  - Encourage the agricultural community to adopt a rural land use review program (or model(s)) that identifies productive and potentially productive farm and ranch land and establish methods and criteria for protecting such lands.
  - Encourage the agricultural community to establish approaches for protection of farm and ranch lands.
  - Promote agricultural land preservation programs, and programs that seek to preserve or maintain soil conditions or improve soil productivity.
  - Develop neighborhood plans and citizen-petitioned 201 zoning districts that support agriculture.
2. Support development standards that protect agricultural activities from incompatible land uses.
  - Encourage development to buffer between non-agricultural uses in agricultural areas.
3. Retain agricultural operations that are adjacent to other agricultural operations or permanent open space.
  - Encourage development to mitigate the external effects of development on agricultural production.
  - Promote infill and cluster developments in areas away from valuable agricultural lands.
  - Promote development adjacent to or within cities, unincorporated communities, and other areas planned for such development where public facilities and infrastructure are available, and away from areas used exclusively for agricultural.

## **GOAL 2: Protect the Right to Farm and Ranch.**

### **Policies:**

1. In adopting new regulations and managing existing regulations, the County will support the right to farm and ranch.
2. Encourage protection of surface water and groundwater resources critical to agriculture.
3. Encourage development standards that address the following:
  - a) Potential agricultural activities including: spraying chemicals, burning fields, and use of machinery at any hour.
  - b) Control of domestic animals.
  - c) Maintenance of agricultural fencing.
  - d) Protection of agricultural water user facilities, ditches, and water rights.
4. Ensure that services and infrastructure that support agriculture are maintained.

*Chapter 3 as amended December 16, 2003 (Resolution No. 2003-36B)*

*Chapter 3 as amended October 4, 2005 (Resolution No. 2005-141 )*

## Chapter 4: Implementation Of the Growth Policy

# Gallatin County Growth Policy

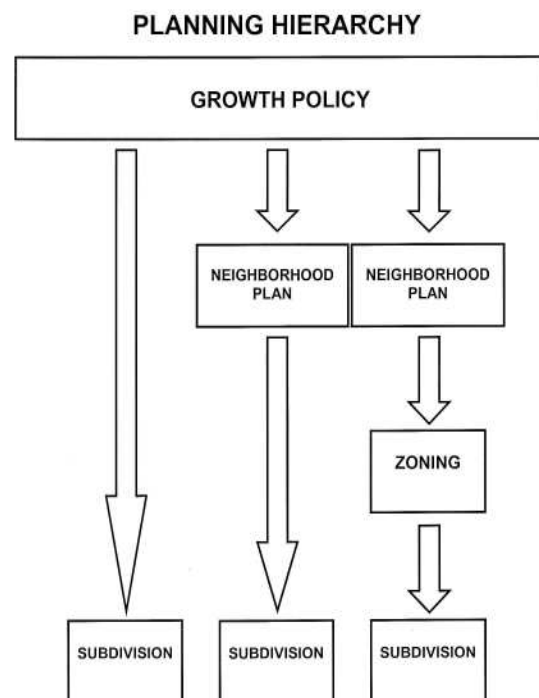
*Adopted April 15, 2003  
(Amended October 4, 2005)*

Chapter 4 includes 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. \* Guidelines pertaining to the following items are included:

- 4.1 Amendments to Growth Policy\*
- 4.2 Land Use\*
- 4.3 Neighborhood Plans\*
- 4.4 Zoning District or Zoning Regulations Adoption or Amendment\*
- 4.5 Subdivision Regulations and Review\*
- 4.6 Intergovernmental Coordination\*

According to state law, the County Commission, Planning Board and any other governing body must be guided by and give consideration to the general policy and pattern of development set out in the Growth Policy in the:

- Authorization, construction, alteration, or abandonment of public ways, public places, public structures, or public utilities.
- Authorization, acceptance, or construction of water mains, sewers, connections, facilities, or utilities.
- Adoption of zoning ordinances or resolutions.\*



\* Required by 76-1 PART 6, MONTANA CODE ANNOTATED (MCA)—GROWTH POLICY.

After adoption of the Gallatin County Growth Policy, the Gallatin County Subdivision Regulations must be amended accordingly. The Gallatin County Planning Board, with assistance from the County Planning Department, expects to work on amendments immediately following Growth Policy adoption, with a recommendation to the County Commission anticipated by Fall 2003.

## 4.1 Amendments to Growth Policy

The Growth Policy constitutes a land use policy statement that was created based upon vision, prevailing desires and needs, the existing development pattern, population trends, underlying zoning, considerations of both man-made and natural constraints, opportunities for development, and accepted planning practices.

Over a period of time, any of these variables are subject to change. Consequently, the Growth Policy must periodically be reviewed and occasionally amended to remain effective. **The County Commission has made a commitment to re-review the Growth Policy six months following initial adoption.** (Refer to Chapter 9 for the specific information on amendments to the Growth Policy.)

In addition, the Growth Policy consists of many interrelated elements found throughout every chapter from the introduction to the glossary of the document. Consideration of all portions of the Growth Policy is necessary to determine conformance. A proposal to change any portion of the Growth Policy has to be evaluated for conformance with and impact on the entire Growth Policy.

## 4.2 Land Use

The Growth Policy includes a land use diagram which is further explained in Chapter 10. The diagram is intended to reflect existing land uses in a general fashion. Neighborhood plans and zoning districts are intended to provide more specific guidance relative to land use designations. The Commission encourages the creation of neighborhood plans and zoning districts that comply with the Growth Policy to help further define future land uses.

## 4.3 Neighborhood Plans

A *neighborhood plan* is intended to be the “growth policy” for a specific neighborhood or geographic area. Although a neighborhood plan is not a zoning district, it is intended to



provide greater specificity for development within a certain defined area. A neighborhood plan adopted pursuant to 76-1 PART 6, MCA, and in conformance with the Growth Policy, may take advantage of the simplified development review process. Amendments to existing adopted neighborhood plans are not held to the following described criteria and may be area-specific or topic-specific.

A “neighborhood” can be defined in a variety of ways with a variety of purposes. It is expected that neighborhood plans would include the desires of landowners focused on a common theme or identity.

Proposed neighborhood plan boundaries and plans are evaluated by the County Commission to determine compliance with the Growth Policy and any applicable regulations.

Requests for support and assistance will be based on:

- Neighborhood commitment to planning process.
- Commitment and appropriateness of an area to accommodate compatible land uses.
- Evidence that the neighborhood plan would further the intent, goals, policies and all other elements of the Growth Policy, including but not limited to sprawl, leapfrog, cluster and compact development.
- Evidence that the neighborhood plan would be compatible with the future land uses and densities or intensities contained in the Growth Policy.
- Evidence that the neighborhood plan would carry out, as applicable, any specific goals and policies for community facilities or public infrastructure, including such things as transportation facilities or central sewer and water systems that are contained in the Growth Policy.

Neighborhood Planning Process:

1. Neighborhood-initiated meeting to determine neighborhood commitment to planning process and proposed boundaries.
2. Submittal of neighborhood request for support and assistance to Planning Department. Include names, addresses and phone numbers of committed neighbors.
3. Submittal of request for establishment of neighborhood planning boundaries to Planning Department. Request will be presented to County Commission after public notice. The governing body reserves the right to accept, deny, amend, or alter the proposed boundaries based on staff input and interpretation of the extent of the shared common identity and unique characteristics that distinguish the area.
4. Information gathering—development of Geographic Information System (GIS) information for neighborhood.

5. Public planning process to draft neighborhood plan.
  - Issue/problem identification
  - Analysis of issue/problem
  - Development of goals and objectives
  - Identification of alternative solutions
  - Selection of solution/plan of action
  - Development of future land use map
6. Public meeting to determine neighborhood commitment to the draft plan.
7. Presentations of draft plan to Planning Board and ask for initiation of public hearing process.
8. Public hearing process as an amendment to the Growth Policy in accordance with Chapter 9 and state statutes.

Minimum criteria defining the jurisdictional area for an initial neighborhood plan:

- Encourages a minimum of 640 contiguous acres (one square mile), except for existing zoning districts. Areas of less than 640 acres may be considered under unique circumstances.
- Is defined by a legal description that does not split parcels.
- Multiple landowners and residents are involved/affected.
- Conforms with Growth Policy.

Minimum criteria of a neighborhood plan:

- Map and text describing existing characteristics and features of land uses, population, housing needs, economic conditions, local services, public facilities and natural resources.
- Map and text describing projected future trends of land uses, population, housing needs, economic conditions, local services, public facilities and natural resources.
- Description of implementation tools.

To further the use of the simplified development review process, a neighborhood plan may:

- Evaluate the effect of subdivision on the criteria in 76-3-608(3)(A) MCA—CRITERIA FOR LOCAL GOVERNMENT REVIEW (Primary Criteria).
- Describe zoning regulations implemented to address the criteria in 76-3-608(3)(A) MCA—CRITERIA FOR LOCAL GOVERNMENT REVIEW (Primary Criteria).

## **4.4 Zoning Districts and Zoning Regulations**

To the extent possible under existing Montana State law, County (201) and citizen-petitioned (101) zoning should be formulated in a manner consistent with the stated goals and policies of this Growth Policy and the Gallatin County Subdivision Regulations.

*Section 4.4 amended October 4, 2005 (Resolution 2005-141 )*

## **4.5 Subdivision Regulations and Review**

SECTION 76-1 PART 6, MCA—GROWTH POLICY requires that when a growth policy has been adopted, subdivision regulations must be made in accordance with the Growth Policy. This is an opportunity to more fully clarify the goals, strategies and all other elements of the Growth Policy.

In addition, 76-1 PART 1, MCA—GENERAL PROVISIONS, requires the County Commission to seek the advice of the Planning Board on subdivisions involving land within the jurisdictional area of the Gallatin County Planning Board, and the Planning Board may provide advice and propose policies for subdivisions, transportation systems, public facilities and local services.

Refer to Chapter 5 for more information on subdivision review criteria. Chapter 5 includes a discussion on how Gallatin County defines the criteria in 76-3-608(3)(A) MCA—CRITERIA FOR LOCAL GOVERNMENT REVIEW (PRIMARY CRITERIA) and evaluation of proposed subdivisions with respect to that criteria. In addition, Chapter 5 includes a description of the subdivision public hearing process.

## **4.6 Intergovernmental Coordination**

The Growth Policy consists of many interrelated elements. Intergovernmental coordination provides an opportunity to ensure that policies developed for the Growth Policy are coordinated between Gallatin County and Bozeman, Belgrade, Manhattan, Three Forks and West Yellowstone. Coordination and cooperation between governments include both informal and formal strategies. Refer to Chapter 7 for more information on intergovernmental coordination.

## Chapter 5: Subdivision Review and the Growth Policy

# Gallatin County Growth Policy

*Adopted April 15, 2003*

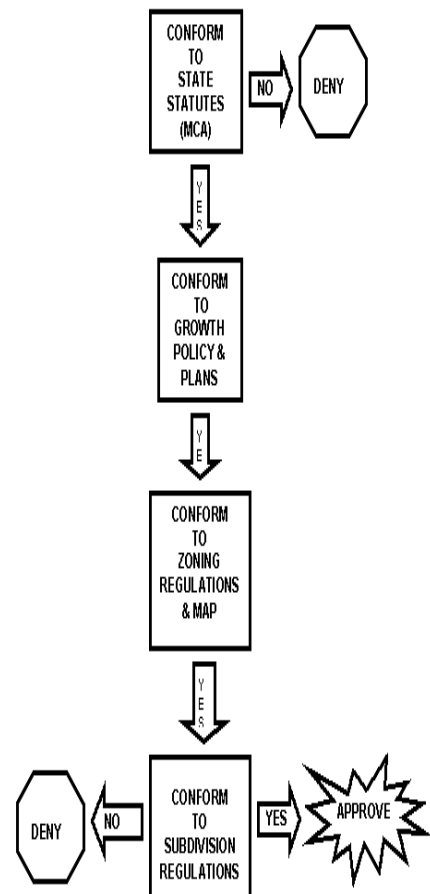
Chapter 5 focuses on the role of the Growth Policy in the review of subdivisions.

### SUBDIVISION APPROVAL PROCESS

Subdivisions in Gallatin County must conform with state and local requirements, specifically the Gallatin County Subdivision Regulations, and the Criteria for Local Government Review, found in 76-3-608 MCA of the Montana Subdivision and Platting Act.

This chapter includes more specific detail on the following:

- 5.1 Criteria Definition (76-3-608(3)(A)  
*MONTANA CODE ANNOTATED (MCA)—  
CRITERIA FOR LOCAL GOVERNMENT REVIEW\**)
- 5.2 Evaluation of Subdivisions (76-3-608(3)(A)  
*MCA—CRITERIA FOR LOCAL GOVERNMENT  
REVIEW\**
- 5.3 Public Hearing Process\*
- 5.4 Concept Review of Alternative Pre-Submittal Plans



\* Required by 76-1 PART 6, MONTANA CODE ANNOTATED (MCA)—GROWTH POLICY.

## 5.1 Criteria Definition

Subdivisions are reviewed for conformance with the Gallatin County Growth Policy, the criteria listed in 76-3-608(3)(A) MCA—*CRITERIA FOR LOCAL GOVERNMENT REVIEW*. Subdivisions in Gallatin County adhere to the following criteria definitions:

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

**Agricultural water user facilities:** Facilities that provide water for the production of agricultural products on agricultural land including, but not limited to ditches, canals, pipes, and head gates.

**Local services:** Any and all services or facilities local government entities are authorized to provide, including such things as water supply, sewage disposal, law enforcement, fire protection, transportation system, and educational system.

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

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

**Wildlife habitat:** Geographic areas containing physical or biological features essential to wildlife for breeding, rearing, nesting, or winter-feeding and forage; and essential to the conservation of listed endangered and threatened species under the Endangered Species Act. Important and critical wildlife habitat includes but is not limited to elk winter range, mule deer winter range, moose winter range, deciduous vegetation (cottonwood, aspen, willow) areas, riparian areas, and migration corridors, such as the Bozeman Pass.

**Public health and safety:** A condition free from danger, risk, or injury for a community at large, or for all people, not merely for the welfare of a specific individual or a small class of persons.

## 5.2 Evaluation of Subdivisions

As required by 76-3-608(3)(A) MCA—*CRITERIA FOR LOCAL GOVERNMENT REVIEW*, and as the primary criteria, all proposed subdivisions are evaluated for their effect on agriculture, agricultural water user facilities, local services, natural environment, wildlife and wildlife habitat, and public health and safety, along with all other elements of the Growth Policy. The purpose of this review is to determine if there are significant, unmitigated, adverse impacts. The governing body can deny a subdivision if adverse impacts associated with the development are not appropriately mitigated.

The following six criteria are examples of items considered in evaluating the overall impact of a proposed subdivision. These examples do not reflect all potential items, but they do include a preponderance of the items under consideration, and some items may not apply to all subdivisions. In addition, some proposals may require evaluation of the effects of other items not included in these examples on these criteria. It is the subdivider's responsibility to document proposed mitigation of any adverse impacts in these critical areas.

Effect on agriculture, including but not limited to:

- Historic and current agricultural productivity and profitability.
- Impact on productivity of adjacent farm operations (e.g., access for agricultural machinery, water available for irrigation or livestock).
- Prime agricultural land (soils as defined by the Natural Resources Conservation Services, NRCS).
- Prime rangeland (soils as defined by NRCS).

Effect on agricultural water user facilities, including but not limited to:

- Water availability to agricultural water users.
- Access for maintenance of facilities.
- Reasonable and prudent precautions to prevent injury to children who may be attracted to play in the area of the agricultural water user facility.
- Liability resulting from proximity to agricultural water user facilities (e.g., blowouts, flooding, artificially elevated high groundwater).
- Impact on owners of the agricultural water user facility.

Effect on local services, including but not limited to:

- Logical expansion of local services and public facilities.
- Level of service to meet demand.
- Provision of adequate local services and public facilities simultaneous or prior to onset of impact.
- Location and provision of multi-modal transportation facilities; including pedestrian and bicycle safety measures, and interconnectivity.
- Fiscal impact relating to cost of local services and public facilities, for all stages of development including projected future subdivision.

Effect on natural environment, including but not limited to:

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

Effect on wildlife and wildlife habitat, including but not limited to:

- Loss of significant, important and critical habitat, as defined.
- Impacts on significant, important and critical habitat.

Effect on public health and safety, including but not limited to:

- Creation of potential man-made hazards (e.g. unsafe road intersection, development in wildland residential interface fire areas).
- Demonstration of freedom from natural hazards (e.g. wildfire, flooding, steep slopes).
- Existing potential man-made hazards (e.g. high pressure gas lines, lack of fire protection, cumulative impacts).
- Traffic safety.
- Emergency vehicle access.
- Emergency medical and law enforcement response time.
- Cumulative impacts on groundwater from individual sewage disposal systems or individual wells.
- Any other item that endangers public health and safety.

### **5.3 Public Hearing Process**

Public hearings follow a general process that allows an opportunity for public input. The general steps are as follows:

- 1) Introduce public hearing.
- 2) Planning Department staff report.
- 3) Applicant presentation.
- 4) Public testimony.
- 5) Applicant rebuttal.
- 6) Close public testimony.
- 7) Board discussion.
- 8) Recommendation or decision.

Additional public comment may not be submitted after the close of public testimony, unless additional information is submitted by the applicant that substantially changes the application and the governing body specifically requests additional public comment.



Board determination of conformance with the Growth Policy is based on all other elements of the Growth Policy, including the evaluation of the criteria listed in *76-3-608(3)(A) MCA—CRITERIA FOR LOCAL GOVERNMENT REVIEW*. Public hearings are not required for all proposed subdivisions, and the statutory review time varies. A description of the general review process for each type of subdivision follows.

### **First Minor Subdivisions**

First minor subdivisions of five or fewer lots from a previously unsubdivided tract of record (not including a remainder from a subdivision), with no variances from access and road standards, and that have no dedication of land for parks or playgrounds have no requirement for a public hearing. In accordance with state law, the County Commission is required to issue a decision on the application within the statutory timeframe.

The following expedited review process will be considered:

- The Planning Department staff will review, determine conformance with the Growth Policy, and present at a meeting of the County Commission for final decision in accordance with *76-3-609 MCA—REVIEW PROCEDURE FOR MINOR SUBDIVISIONS*.

### **Subsequent Minor Subdivisions**

Subsequent minor subdivisions of five or fewer lots from a tract of record, with no variances from access and road standards, and no dedication of land for parks or playgrounds, and no other variance from subdivision regulations, with prior approval from MDEQ or other appropriate authority, must be approved through a public hearing. The County Commission will issue a decision on the application consistent with the timeframe set forth by state law (unless the applicant signs a waiver from the statutory review period).

The following expedited review process will be considered:

- The Planning Department staff will review, determine conformance with the Growth Policy, and present at a meeting of the County Commission for final decision in accordance with *76-3-505 MCA—PROVISION FOR SUMMARY REVIEW OF MINOR SUBDIVISIONS*.

### **All Other Minor Subdivisions**

All subdivisions of five or fewer lots that do not meet one of the above two descriptions have the requirement for a public hearing and the decision must be made pursuant to state law (unless the applicant signs a waiver from the statutory review period).

The following expedited review process will be considered:

- The Planning Department staff will review, determine conformance with the Growth Policy, and presentation at a meeting of the County Commission for final decision in accordance with 76-3-605 MCA—*HEARING ON PRELIMINARY PLAT*. Staff determines instances requiring presentation of minor subdivisions to Planning Board.

### **Major Subdivisions**

All subdivisions with six or more lots require a public hearing and a recommendation by Planning Board. As required by state law, the County Commission must issue a decision within the prescribed timeframes (unless the applicant signs a waiver from the statutory review period).

The following expedited review process will be considered:

- The process for all major subdivisions is presentation at a meeting of the Planning Board for discussion, determination of the compliance or noncompliance of a proposed subdivision with the Growth Policy, and recommendation to the County Commission, and presentation at meeting of the County Commission for final decision in accordance with 76-3-605 MCA—*HEARING ON PRELIMINARY PLAT*.

The Gallatin County Planning Board may delegate to staff its responsibility to report on the compliance or noncompliance of a proposed subdivision with the Growth Policy. The current policy of the Gallatin County Planning Board is to delegate its responsibility on all minor subdivisions to staff, while reserving the right to change this policy later. Presentation to Planning Board of any minor subdivisions determined by staff to not conform to the Growth Policy is required. However, staff has the discretion to require the presentation of any other minor subdivisions to Planning Board.

## **5.4 Concept Review of Alternative Pre-Submittal Plans**

The County Commission will consider *concept* review of preliminary plans. Applicants may submit preliminary information on a project, without specific engineering information, for preliminary determination and feedback from the Commission. No decisions, determinations or promises will be made during this review, and all comments and feedback are subject to change during review of formal application. The known information should include adopted plans and regulations, existing and adjoining land uses, existing infrastructure, topography, and water courses. The submittal of engineered plans will be viewed as contrary to the intent of this process.

## Chapter 6: Incentive Programs

# Gallatin County Growth Policy

Adopted April 15, 2003  
(Amended December 16, 2003)  
(Amended October 4, 2005)

Chapter 6 describes voluntary mechanisms that are intended to support and promote the goals and policies of the Growth Policy, and to support appropriate development in the urban areas of Gallatin County. Some incentive programs described in this chapter focus on preserving rural areas while promoting the protection of environmentally sensitive, important habitats, prime agricultural lands, and significant open space areas.

SAMPLE USE OF POTENTIAL INCENTIVE PROGRAMS		
Land Use Designation	Pattern of Development	Potential Programs and Incentives
All	Any	<b>Growth Policy</b> Neighborhood Plan <b>Zoning</b> Citizen-Petitioned Zoning Density Bonus Transfer of Development Rights <b>Expedited Review of Subdivisions</b> <b>Technical Education/Assistance Program</b>
Urban	Compact	<b>County Participation Incentive Program</b> Infrastructure cost sharing Waiver of certain impact fees Waiver of certain regulations County support on grant/loan application <b>Incentive Fees</b> <b>Simplified Development Review</b> Primary Criteria Environmental Assessment
Community	Compact	Same as Urban Compact above
Rural	Cluster	<b>Incentives for Cluster Subdivision</b> Noxious weed control on interior roads Maintenance of interior roads <b>Open Space Bond Funds</b>
Conservation	Cluster	Same as Rural Cluster above <b>Rural Land Use Review Program</b>

## **6.1 Growth Policy**

State statutes require the governing body of jurisdictions with an adopted growth policy be guided by and give consideration to the general policy and pattern of development in the:

1. Authorization, construction, alteration, or abandonment of public ways, public places, public structures, or public utilities.
2. Authorization, acceptance, or construction of water mains, sewers, connections, facilities, or utilities.
3. Adoption of zoning ordinances or resolutions. In addition, when a growth policy has been approved, adopted subdivision regulations must be made in accordance with the growth policy.

Therefore, in exchange for a commitment to planning and the planning process, with an adopted growth policy, citizens of Gallatin County get increased predictability in the subdivision and zoning process, as well as public infrastructure expenditures. Planning provides predictability, a transparent review process, insures cost-effective and efficient development and capital improvements decisions, and is the foundation for all other development incentives.

### **Neighborhood Plan**

Particular neighborhoods may provide more specificity and guidelines for the development and use of property in a neighborhood plan than required by the Growth Policy for Gallatin County. The fundamental purpose of neighborhood plans is to implement and refine the intent, goals, policies and all other elements of the Growth Policy for a specific geographic area within the County. A neighborhood plan adopted pursuant to 76-1 PART 6, MCA, and in conformance with the Growth Policy, may take advantage of simplified development review.

## **6.2 Zoning**

Extensive citizen input recommended the establishment of county-wide zoning to maintain valued attributes with long-term impact on the quality of life in Gallatin County. County-wide 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.

## **County Zoning**

The County Commission supports the creation of districts with regulations and boundaries that are consistent with the existing goals and policies of the Gallatin County Subdivision Regulations and the Growth Policy. The Commission prefers County or 201 zoning because of the following advantages:

1. Compliance with the Growth Policy.
2. Maintain the jurisdiction of the citizen-advisory Planning Board.
3. Avoid the question of double taxation.
4. Protest of district is available under 76-2-205(6) MCA.

To help facilitate creation of new districts, the County is in the processing of devising a 'model zoning regulation' containing standard administrative language, and options for sub-districts and development standards.

*Section 6.2 amended December 16, 2003 (Resolution 2003-36B)*

*Section 6.2 amended October 4, 2005: (Resolution 2005-141)*

## **Density Bonus**

Zoned areas may voluntarily establish density bonuses for additional square feet or dwelling units beyond the maximum for which the parcel is zoned, usually in exchange for the provision or preservation of an amenity at the same site or at another location (such as increased public open space, landscaping, or affordable housing).

## **Transfer of Development Rights**

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.

### **6.3 Open Space Bond Funds**

The Open Space Bond fund was established for the purpose of preserving open space in Gallatin County by purchasing land and conservation easement from willing landowners for the following purposes: managing growth, preserving ranches and farms, protecting wildlife habitat and water quality of streams and rivers, and providing parks and recreation areas.

The Gallatin County Open Lands Board established a process for distribution of the funds. The expenditure of the Open Space Bond funds should be consistent with the Growth Policy. Therefore, the Gallatin County Open Lands Board considers areas with agricultural, environmental and wildlife attributes when recommending the use of Open Space Bond funds.

### **6.4 County Participation Incentive Programs**

Applicants for subdivisions that propose urban density subdivisions, preservation of open space and extended neighborhood infrastructure may apply for the County Participation Incentives Program. The County Participation Incentive Program includes such things as infrastructure cost sharing, waiving certain impact fees, waiving certain regulations, and county support on grant or loan application.

After determining compliance with the Growth Policy, an order of preference will be established to rank developments in zoned areas, neighborhood planned areas, and multi-user or public water and wastewater treatment systems, with the highest preference going to urban density developments inside or adjacent to existing urban areas and served by multi-user or public water and wastewater treatment systems. In addition, conserved land used to fulfill program requirement may not be used to fulfill any other dedication or incentive program.

#### **Open Space**

In exchange for preservation in perpetuity of significant land, or public access to open space, or land designated as open space in excess of subdivision, zoning and mitigation requirements, the County Participation Incentive Program provides an opportunity for infrastructure cost sharing, waiving certain impact fees, waiving certain regulations, and county support on grant or loan applications.

#### **Urban Density/Affordable Housing**

In exchange for developing at a gross density of four dwelling units per acre and higher in appropriate zoned or planned areas for affordable housing, the County Participation Incentive Program provides an opportunity for infrastructure cost sharing, waiving certain regulations, and county support on grant or loan applications.

## **Extended Neighborhood Infrastructure**

In exchange for development of extended neighborhood infrastructure (central water and sewer, road development, park development, economic development) in excess of subdivision, zoning or mitigation requirements, the County Participation Incentive Program provides an opportunity for infrastructure cost sharing, and county support on grant or loan applications.

### **6.5 Incentives for Cluster Subdivision**

A development design technique that concentrates buildings and other man-made infrastructure on a small portion of the site while reserving the land in common functional open space to be used for agriculture, recreation or preservation of environmentally sensitive features. The cluster development design technique is most appropriate when the site is beyond areas designated for and is not within existing or planned development areas.

Cluster subdivisions take less land out of agricultural production, preserve open space to protect the existing landscape and reduce impacts on adjoining properties, reduce infrastructure costs, reduce the costs for the provision of services, reduce potential air pollution with lower vehicle miles traveled and reduce sprawl through the preservation of permanent functional open space.

Increased predictability in subdivision review can be achieved through the use of cluster development in the rural and conservation areas that do not have neighborhood plans and are not zoned. Cluster developments are encouraged.

### **6.6 Incentive Fees**

In exchange for affordable housing, compact or cluster development in locations that comply with the Growth Policy, may qualify for a fee reduction.

### **6.7 Technical Education / Assistance Program**

A Technical Education/Assistance Program provides an opportunity to offer landowners access to information on techniques available to landowners to protect open space, keep land in agriculture, and achieve economic and family objectives. While this program would be available to all residents of Gallatin County.

A Technical Education/Assistance publication would be published referencing technical experts who offer landowners a free or limited-cost initial consultation. In addition, the publication would include referrals to landowners who have used these techniques. The advantage of this tool is that it is a public/private collaboration, which does not create a new government program, and it provides guidance directly from the experts.

**Examples of Technical Experts:**

Zoning: *Gallatin County Planning Department*

Conservation Easements: *Gallatin Valley Land Trust*  
*Montana Land Reliance*  
*Nature Conservancy*

Cluster Land Use: *Gallatin County Planning Department*

Wetland Reserve Program: *Natural Resources Conservation Service*



## **Chapter 7: Intergovernmental Cooperation**

### **Gallatin County Growth Policy**

*Adopted April 15, 2003*

Chapter 7 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. This coordination and cooperation will include both informal and formal strategies. The strategies described in this chapter do not list all possible means of cooperation. This chapter illustrates several strategies currently in use. Gallatin County and the Planning Board will continue to pursue additional opportunities for cooperation.

In relation to the Growth Policy, Gallatin County will provide city and town officials and staff opportunity to review and comment on any proposed amendments, including proposed implementation tools that have been identified as having a material impact on the land use of the applicable jurisdiction.

#### **7.1 Planning Board Roundtables**

The Planning Board Roundtable is an informal arrangement with an open invitation to all of the planners and planning boards in Gallatin County to meet to discuss coordination and planning. One or two representatives of each planning board usually attend these occasional quarterly meetings, with the Gallatin County Planning Board hosting a meeting open to all Roundtable participants.

The Gallatin County Planning Board will continue to work with all members of the Roundtable to develop and maintain individual statements of coordination and cooperation.

#### **Gallatin County Planning Board and Bozeman City Planning Board Coordinating Committee**

The Gallatin County Planning Board, in conjunction with the Bozeman City Planning Board, formed a coordinating committee to discuss matters of mutual importance. This committee,

which meets regularly, presented draft statements of coordination and cooperation to each respective board.

For the Planning Board's statement, refer to *RD6: Intergovernmental Agreements*. The fundamentals of this statement of coordination and cooperation played an integral part in development of many of the interrelated elements found in the Growth Policy. In addition, this statement provides opportunities for public input from the Bozeman City Planning Board and the process for review of amendments and revisions to the Growth Policy includes these opportunities for input on coordinating policies that are beneficial to all county residents.

## **7.2 Intergovernmental Agreements**

Continued growth and development in Gallatin County suggests that increased coordination and cooperation between the County and the incorporated communities can and will result in better growth management practices. The Interlocal Cooperation Act, outlined under Montana statutes, allows local governmental units to make the most efficient use of their powers by enabling them to cooperate with other local government units. Gallatin County recognizes the importance of this authority in working with the communities to better provide services and facilities that fit best with the specific geographic, economic, population, and other factors influencing the needs and development of the local communities.

Gallatin County is committed to developing and maintaining working interlocal agreements with the local communities within the County. The contents of interlocal agreements may address such matters as annexation, urban growth areas, public facility service areas, joint review processes, and general coordination on all matters related to adopted growth policies, subdivision review, zoning administration, neighborhood plans, and any other pertinent planning issues.

### **Transportation Coordinating Committee**

The Memorandum of Agreement for Continuing Transportation Planning in the Bozeman Urban Area was originally signed April 3, 1996, and most recently amended April 20, 2000. This agreement establishes a Transportation Coordinating Committee (TCC). Through the mechanism of the TCC, Gallatin County, the City of Bozeman, and the Montana Department of Transportation strive to plan for the adequate provision of transportation services using a coordinated approach that provides for consistent rights-of-way, street section standards, and other items of common interest.

## Chapter 8: Infrastructure Strategies

# Gallatin County Growth Policy

*Adopted April 15, 2003*

This chapter provides a strategy for development, maintenance, and replacement of public infrastructure, such as solid waste facilities, and roads and bridges. In addition, there is a discussion of the public policies addressing non-public infrastructure, including drinking water systems, wastewater treatment facilities or sewer systems, fire protection facilities, and roads and bridges. Background information on public and non-public infrastructure can be found in *RD2: Public Infrastructure and Services*.

According to state law, the County Commission, Planning Board and any other governing body must be guided by and give consideration to the general policy and pattern of development set out in the Growth Policy in the:

- Authorization, construction, alteration, or abandonment of public ways, public places, public structures, or public utilities.
- Authorization, acceptance, or construction of water mains, sewers, connections, facilities, or utilities.

### 8.1 Drinking Water and Wastewater Treatment Systems

Currently, Gallatin County does not provide infrastructure for drinking water or wastewater treatment systems. Gallatin County supports the expansion and development of existing city and private urban service areas and new private urban service areas. It is a policy of the Growth Policy to “*encourage multi-user or public water and wastewater treatment systems*” and to “*require development which is unable to demonstrate adequate mitigation of adverse cumulative impacts to use multi-user or public water and wastewater treatment systems.*” In order to facilitate the provision of adequate drinking water or wastewater treatment systems, private urban service areas may establish themselves as *sewer and water* districts to develop and maintain infrastructure. The requirement for all new multi-user or public wastewater systems and water systems to establish *sewer and water* districts will be incorporated into the Subdivision Regulations.

## **8.2 Transportation Systems**

Public roads and bridges throughout Gallatin County are split into different categories for development and maintenance. Interstate, primary and secondary highways are maintained by the State of Montana. County roads are maintained by Gallatin County, and private property owner associations maintain subdivision roads.

It is a goal of the Growth Policy to “*provide a safe and efficient transportation system.*” This can be achieved most effectively through the development of a comprehensive county transportation plan. A county transportation plan would ensure compatibility with other area transportation plans and transportation planning entities. Upon completion, the Growth Policy could be amended to adopt recommendations of the county transportation plan and area transportation plans. Plans for public expenditures should be reviewed in accordance with adopted transportation plan recommendations.

New subdivisions are currently required to pay a per-lot impact fee for county roads. The Road Department has developed a priority system to help establish an order for improving county roads. Road impact fees are based on the *County Road and Fire Impact Fee Study* prepared by James Duncan and Associates dated September 1995. (The Gallatin County Road Department has begun the process of updating the 1995 study.)

## **8.3 Fire Protection**

Gallatin County does not develop or maintain infrastructure for fire protection. Those areas of Gallatin County served by an organized fire protection entity, an individual fire district or fire service area develops and maintains the infrastructure. Generally, that infrastructure includes fire stations and fire fighting equipment. Water supplies for fire fighting purposes may be provided by subdivisions.

New subdivisions are currently required to pay a per-lot impact fee for fire protection. This fee is based on the *County Road and Fire Impact Fee Study* prepared by James Duncan and Associates dated September 1995. In addition to collection and expenditure of fire impact fees, fire protection is also provided through subdivision covenants, construction requirements, and installation of improvements.

## **8.4 Solid Waste Facilities**

Gallatin County maintains and operates a solid waste facility at Logan. In addition, the City of Bozeman maintains and operates a solid waste facility in Bozeman. There is also a transfer station north of West Yellowstone. There is a multi-jurisdictional recycling program

in use in Gallatin County. For the past several years, there has been ongoing research into composting to extend the life of the existing solid waste facilities. Gallatin County, in conjunction with Yellowstone National Park and the town of West Yellowstone, has applied for grant monies to further the establishment of a pilot composting facility north of West Yellowstone.

It would be appropriate for the Gallatin County Commission to initiate the development of a comprehensive county solid waste disposal plan, including an analysis of reduction and recycling programs. Upon completion, the Growth Policy could be amended to adopt recommendations addressing development, maintenance, and replacement of the public infrastructure portions of the solid waste disposal plan.

## **8.5 County Facilities**

In addition to the above described public facilities and infrastructure, Gallatin County maintains the courthouse, the county rest home, the fairgrounds, the law and justice center, the detention facility, the county museum, and the road maintenance facility. The development and maintenance of these county facilities is covered under Gallatin County's capital improvements planning program.

## **8.6 Parks, Recreation, Open Space and Trails**

Gallatin County does not develop or maintain parks, recreation, open space or trails for public use. The current policy is to require private organizations to develop or maintain parks, recreation, open space and trails for public use. Those private organizations are eligible to apply for a share of park fund monies (received as cash-in-lieu of park land dedication) to help support the development or maintenance of their facility.

It is a goal of the Growth Policy to *“provide adequate local services and public facilities”* and a policy to *“require development to comply with plans for parks, recreation, open space and trails.”* To help accomplish this goal and policy, the Gallatin County Planning Board appointed a volunteer advisory committee to develop a comprehensive county trails plan. *The Gallatin County Trails Report and Plan* was adopted by the Commission as a part of the Growth Policy on January 3, 2002 by Resolution 2002-04. Further, Gallatin County intends to develop a comprehensive county park, recreation and open space plan, and upon completion, to amend the Growth Policy to adopt recommendations of the plan.

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## **Chapter 9: Amendments to the Growth Policy**

# **Gallatin County Growth Policy**

*Adopted April 15, 2003*

It is the Planning Board's responsibility to prepare and propose recommendations on the Growth Policy. Therefore, any amendment to the Growth Policy will be brought to a public hearing before the Planning Board. After consideration of recommendations and suggestions elicited at a public hearing, the Planning Board, by resolution, makes a recommendation on the Growth Policy and any proposed ordinances and resolutions for its implementation to the County Commission.

### **9.1 Planning Board Review**

The Planning Board makes recommendations on the status of planning to the County Commission. To fulfill this responsibility, the Planning Board will develop an annual work program based on projected completion of actions and tasks to help implement the Growth Policy. The annual budget request presented to the County Commission will be based on the projected annual work program. Planning Board will attach their required report on the status of planning to the budget request. The required report will review the status of projects on the previous fiscal year's work program and the anticipated status of projects on the current fiscal year's work program, and discuss the effects on the projected work program for the next fiscal year. In addition, the annual report should include quantitative information to help evaluate how successful the Growth Policy and implementation measures have been at meeting the goals. The report should include information such as the following, if available:

- All development for the previous year in terms of acres and numbers of lots developed, and land use designation.
- Number of affordable housing units developed.
- Acres of conservation areas protected.
- Acres of conservation easements established, and land use designations.
- Acres and number of new parcels created by exemption.
- Fiscal impact of development by land use designation, and cumulative impact of development on services and taxes.

Planning Board will review the Growth Policy at least once every five years. The review will determine if conditions have changed such to render the Growth Policy ineffective, making a revision of the Growth Policy necessary. The review will consider the following criteria:

- Significant deviation from anticipated trend projections
- Significant accomplishment of goals, strategies and actions
- Public input received during privately initiated amendments
- Significant deviation from established targets

If it is determined a revision of the Growth Policy is necessary, the Planning Board will determine the process, timing and budget necessary to draft an amendment that will eliminate the ineffectiveness. An amendment proposed by the Planning Board will be reviewed pursuant to this chapter and all other applicable elements of the Growth Policy.

## **9.2 Amending the Growth Policy**

Amending the Growth Policy may occur with careful review, findings of the fact in support of the revision and public hearings. The statutory requirements which guided the adoption of the Growth Policy will be followed for all amendments as they pertain to public hearings and otherwise. The term “amendments” will apply to both text and map revisions for both the Growth Policy and any other plans adopted as a portion of the Growth Policy, such as neighborhood area plans. The following criteria will be weighed in consideration of proposed amendments:

1. Whether the development pattern contained in the Growth Policy inadequately provides appropriate optional sites for the uses proposed in the amendment.
2. Whether the amendment constitutes an overall improvement to the Growth Policy or would be solely for the good or benefit of a particular landowner or owners at a particular point in time.
3. Whether the amendment will adversely impact the community as a whole or a portion of the community by:
  - Significantly altering acceptable existing land use patterns; or
  - Requiring larger and more expensive improvements to roads, sewer or water systems that are needed to support the prevailing land uses and which, therefore, may impact development of other lands; or
  - Adversely impacting existing uses because of increased traffic on existing systems; or
  - Affecting the livability of the area or the health and safety of the residents.



4. Whether the amendment is compatible with the future land uses and intensities contained in the Growth Policy.
5. Whether the amendment is consistent with the overall intent, goals, and strategies of the Growth Policy.
6. Whether the amendment furthers the goals and strategies in the Growth Policy.
7. Whether the amendment carries out, as applicable, any specific strategy, action or task for community facilities or public infrastructure, including such things as transportation facilities or public sewer and water systems that are contained in the Growth Policy.

Amendments to the Growth Policy may be initiated by the County in accordance with the procedures set forth by state statutes, or may be requested by private individuals or agencies. It is the burden of the party requesting the amendment to prove that the change constitutes an improvement to the Growth Policy.

### **9.3 Review Process**

The review process for amendments to the Growth Policy will abide by the legal requirements for public notice, public hearings, and legal documentation pursuant to state statutes.

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## Chapter 10: Land Use Diagram

# Gallatin County Growth Policy

*Adopted April 15, 2003*

The Gallatin County Growth Policy is accompanied by a Land Use Diagram that shows current land uses, with an eye focused on the future. This diagram is not a zoning map. Instead, it is a visual representation of trends to date, how the County has grown and how we might expect it to keep growing.

Land use designations within the Diagram are purposefully shown in a general manner and are not intended to define specific boundaries. Therefore, the Diagram shows fuzzy boundaries, with very little detail in land outside of our cities, towns and existing unincorporated communities. Detailed boundaries and specific land use designations are typically found in zoning districts. 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.

The Land Use Diagram is likely to change over time. The Diagram inherently references existing plans and zoning districts. For instance, the Diagram shows the communities of Bozeman, Belgrade and Manhattan, all zoned areas, with rough boundaries to accommodate future expansion of the *planned* areas of these communities, which may or may not include urban development.

The Diagram includes the following land use categories:

**URBAN:** Urban development around existing cities and towns.

**Unincorporated Communities:** Existing unincorporated areas.

**RURAL:** Gallatin County's agricultural and forest areas.

**ZONED:** Current Gallatin County zoning districts.

## **10.1 Land Use Categories**

The four designated categories are referred to in the Diagram’s legend, and drawn in various colors. The categories are further defined as follows:

### **Urban**

Areas that focus development in and around city and town cores. Some of these jurisdictions are currently zoned, such as the Gallatin County/Bozeman Area Zoning District (or “Donut”). These areas are not necessarily intended to complete fill in with urban-type densities, but should reflect areas where future planning (such as zoning or neighborhood plan) is needed to accommodate outward expansion.

### **Unincorporated Communities**

Areas that have expressed an interest in managing growth in their neighborhood 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 define outward expansion of these urban centers.

### **Rural**

Areas that are designated as such due to their rural nature. This designation includes Gallatin County’s farm and ranch lands, and portions of the County that are currently without zoning or a neighborhood plan.

### **Zoned**

Areas that are established zoning districts with adopted plans and regulations to guide future growth. See Chapter 2 for more information on the County’s 16 zoning districts.

## Chapter 11: Glossary

# Gallatin County Growth Policy

*Adopted April 15, 2003*

### GLOSSARY OF PLANNING TERMS

**ACCESS, PROPER.** Access provided to all lots in compliance with the Gallatin County Subdivision Regulations and any other applicable regulations, concurrent with development, and a variance from those requirements is not necessary nor has one been requested.

**ADJACENT.** Adjacent means a parcel that shares all or part (including a point) of a common property line with another, and shall include all parcels across public roads, streets, alleys, watercourses and other public ways, and shall include Montana Department of Transportation if adjacent to a state highway.

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

**AGRICULTURAL LAND, PRIME (see also PRIME FARMLAND).** Land used actively in the production of food, fiber, or livestock; and listed as Prime Farmland Soils in the Natural Resources Conservation Service soil survey.

**AGRICULTURAL WATER USER FACILITIES.** Facilities that provide water for agricultural land or that provide water for the production of agricultural products including, but not limited to ditches, canals, pipes, and head gates.

**AIR QUALITY.** The current character of the air in Gallatin County as a geographic area in which levels of all criteria air pollutants meet the health-based primary standard (national ambient air quality standard as defined by EPA) for the pollutant.

**ANIMAL FEEDING OPERATIONS.** Animal feeding operations (AFOs) are agricultural enterprises where animals are kept and raised in confined situations creating industrial level impacts, such as traffic, odor, and waste. AFOs congregate animals, feed, manure and urine, dead animals, and production operations on a small land area. Feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures, fields, or on rangeland. A lot or facility where animals have been, are, or will be stabled or confined and fed or maintained for 45 days or more in any 12 month period; and where crops, vegetation, forage growth, or post-harvest residues are not sustained over any portion of the lot facility in the normal growing season. A lot or facility with less than the equivalent of 300 animal units is not considered an animal feeding operation.

**ANIMAL UNIT.** Animal unit means a unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine, weighing 55 pounds or more, multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0. (300 animal units equal 300 slaughter / feeder cattle or 214 dairy cattle or 750 swine or 3,000 sheep or 150 horses.)

**BUFFER (BUFFER STRIP).** Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

**CLUSTER.** A development design technique that concentrates buildings and other man-made infrastructure on a small portion of the site in order to reduce the overall need and costs for infrastructure while allowing the larger portion of the land to be used for agriculture, recreation, open space, and preservation of environmentally sensitive features.

**CLUSTER SUBDIVISION.** A development design technique that means a subdivision with lots clustered in a group of five (5) or more lots that is designed to concentrate building sites on smaller lots in order to reduce capital and maintenance costs for infrastructure through the use of concentrated public services and utilities, while allowing other lands to remain undeveloped.

Cluster developments must conform to regulations that establish a maximum size for each parcel in a cluster development; establish a maximum number of parcels in a cluster development; and establish requirements, including a minimum size for the area to be preserved, for preservation of open space as a condition of approval of a cluster development subdivision under regulations adopted pursuant to this section. The regulations must require that open space be preserved through an irrevocable conservation easement, granted in perpetuity, prohibiting further division of the parcel.

**COMPACT DEVELOPMENT.** A pattern of development generally characterized by a combination of:

1. Clustering of housing.
2. Concentration of employment opportunities.
3. Mixing of land uses.
4. Good accessibility to basic activities (neighbors, schools, activity centers) allowing use of alternative transportation forms (walking, bike) to satisfy needs.
5. Permanent functional public open space (parks, neighborhood linkages, flood control, groundwater recharge) between areas of development.
6. Planned outward expansion based fiscal costs of government service, environmental cost, costs relating to the character of the community, and external effects of development on agricultural production.

**COMPATIBLE.** Development of higher density, dissimilar design and diverse uses that has demonstrated the capability of locating without conflict or ill effects adjacent to existing development.

**CONSERVE (CONSERVATION).** Management to help prevent waste, destruction or degradation and to help keep in a safe or sound state.

**DEVELOPMENT.** The act, process or result of improving land for human use, subdividing land for human use, or building on land for human use.

**DEVELOPMENT RIGHTS.** The right to develop property. These rights may be sold, dedicated, or transferred. After development rights have been sold, dedicated, or transferred, the property owner keeps title to the property and may continue to use the land for agricultural purposes.

**FLOOR AREA RATIO (FAR).** The gross floor area of all buildings or structures on a lot or parcel divided by the total lot or parcel area. Gross floor area.

**GROWTH POLICY (COMPREHENSIVE PLAN, MASTER PLAN).** A comprehensive, long-range plan intended to guide the growth and development of a community adopted pursuant to 76-1 PART 6, MONTANA CODE ANNOTATED (MCA)—GROWTH POLICY. The *Gallatin County Growth Policy* (Growth Policy). The Gallatin County Commission passed Resolution 1993-14 to adopt the *Gallatin County Plan* on June 1, 1993. A revision to the *Gallatin County Plan* was adopted on October 20, 1998, through Resolution 1998-74.

**GROWTH MANAGEMENT.** The combination of policies and implementation measures used by a community to determine the amount, type, and rate of development desired by the community and to guide that growth into designated areas. Growth management policies can be implemented through subdivision, zoning, standards for level of service, capital improvements programs, growth rates, public facilities ordinances, urban limit lines, and other programs.

**HISTORIC (PREHISTORIC).** Section 22-3-421 "Definitions" of the Montana State Antiquities Act defines a "Heritage Property" as any district, site, building, structure, or object, that is significant in American history, architecture, archeology, or culture. Significant heritage properties have economic, educational, scientific, social, recreational, cultural, historic, or practical value to living persons. Said properties have usually achieved significance prior to the last fifty years and possess integrity of location, design, setting, materials, workmanship, feeling and association. Typically, significant heritage properties:

- are associated with events that have made a significant contribution to the broad patterns of Montana's or the nation's history;
- are associated with the lives of persons or groups of persons significant in our past;
- embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a recognized master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or,
- have yielded or are likely to yield information important in prehistory or history.

**HOUSING (LOW-INCOME, MODERATE-INCOME).** Affordable housing for low-or moderate-income families that cannot afford to pay the prevailing rents or make monthly payments necessary to obtain housing in the community.

**INDUSTRY, HEAVY.** A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive material, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. Including animal feeding operations. Heavy industry is also defined in terms of intensity and impact. Performance and bulk standards would be less restrictive than for light industry.

**INDUSTRY, LIGHT.** A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing. Light industry is also characterized in terms of low intensity and impact, with performance standards such as noise, air pollution, emissions, odors, vibration, dust, dirt, glare, heat, fire hazards, wastes, traffic impacts, and visual impacts of a use.

**INFILL.** Development of land that has been bypassed, remained vacant, and is underused as a result of the continuing urban / suburban development process. Specifically, any parcel adjacent on three sides to existing development at a density greater than 1 per 10 acres.



**LEAPFROG DEVELOPMENT.** New development separated from existing urban land use areas or other development by vacant land that are not permanent functional public open space or planned to be developed in the near future.

**MITIGATION.** Measures taken to eliminate or minimize impacts of development activities. Mitigation may include: avoiding the action creating the impact; minimizing the impact by limiting the magnitude of the action; rectifying the impact after the action; reduce or eliminate the impact over the life of the action; or compensating for the impact by replacing or providing substitute resources or environments.

**NEIGHBORHOOD AREA PLAN ('601' NEIGHBORHOOD AREA PLAN).** An area plan, adopted as part of (and in conformance with) the Growth Policy pursuant to 76-1 PART 6, MCA—GROWTH POLICY.

**OPEN LANDS BOARD (OLB).** A volunteer board appointed by the Gallatin County Commission with a stated mission “to work with County Commissioners and the citizens of Gallatin County to preserve natural lands and encourage the economic viability of agriculturally productive lands. This is accomplished through voluntary programs which ensure the protection of open-space lands, either in perpetuity or for a term of years; and through the identification or establishment of funding sources, tax measures and other incentives.” To assist the OLB with their mission, the Gallatin County Planning Board is responsible for identification of areas for future growth and areas where agriculture and open space should be preserved.

**OPEN SPACE.** Any land or area, the preservation of which would achieve one or more of the following:

- Conserve and enhance natural or scenic resources.
- Protect streams or water supply.
- Promote conservation of soils, wetlands or agricultural uses.
- Enhance the value to the public of abutting or neighboring parks, trails, forests, wildlife habitats, or conservation areas.
- Enhance recreation opportunities.

**POLLUTANTS (AIR POLLUTION).** Any solid, liquid, or gaseous matter in the atmosphere which, when in sufficient quantities, is capable of injuring human, plant, or animal life, or depriving the enjoyment thereof. These contaminants contain any of the six EPA Criteria Air Pollutants (carbon monoxide, nitrogen dioxide, ozone, lead, particulates, and sulfur dioxide) and may include smoke, soot, fly ash, dust, cinder, dirt, acids, fumes, oxides, gases, vapors, odors, toxic or radioactive substances, waste particulates, and volatile organic compounds.

**PRESERVE (PRESERVATION).** Management to keep safe from injury, harm or destruction and to keep alive, intact or free from decay.

**PRIMARY CRITERIA.** The criteria listed in 76-3-608(3)(A) *MONTANA CODE ANNOTATED (MCA)*—*CRITERIA FOR LOCAL GOVERNMENT REVIEW*.\*

**PRIME FARMLAND (SOILS).** Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses. It has the combination of soil properties, growing season, and moisture supply needed to produce sustainable high yields of crops in an economic manner if it is treated and managed according to acceptable farming methods. (Source: NRCS.)

**PROS (PARKS, RECREATION, OPEN SPACE).** An acronym used to describe a comprehensive county parks, recreation, and open space report designed to plan for a range of recreational opportunities to meet the present and future needs of County residents. An amendment of the Growth Policy will adopt any appropriate recommendations of the PROS plan.

**RIPARIAN (RIPARIAN LAND).** Land that is traversed or bounded by a natural water course (river, stream, lake), and includes the vegetative areas and wildlife habitat adjacent to the watercourse.

**SETBACK.** The horizontal distance between the property line or other feature (such as a high water line), and any structure.

**SPRAWL.** A pattern of development generally characterized by a combination of:

1. Low-density land uses (lacking concentration of employment, clustering of housing, and mixing of land uses).
2. Leapfrog development (skipping vacant areas that are not permanent functional public open space or planned to be developed in the near future).
3. Fragmentation of powers and fiscal disparities (school districts, fire protection, land use).
4. Poor accessibility to basic activities (neighbors, schools, shopping, employment) forcing reliance on individual automobile transportation to satisfy needs.
  - High ratio of road surface to development served.
  - High average trip length.
  - High average travel time.
5. Lack of control over land uses or segregation of land uses.
6. Unlimited outward extension.

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\* Required by 76-1 PART 6, *MONTANA CODE ANNOTATED (MCA)*—*GROWTH POLICY*.

**SUBDIVISION.** The division of land under review of the Gallatin County Subdivision Regulations into defined lots, either improved or unimproved, which can be separately conveyed by sale or lease, and which can be altered or developed.

**TRANSFER OF DEVELOPMENT RIGHTS (TDR).** 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.

**UNSUBDIVIDED.** Land that has not been divided under review of the Gallatin County Subdivision Regulations. Land divided through the use of exemptions, certificates of survey or aliquot parts are unsubdivided lands.

**URBAN.** An area with combination of characteristics such as transportation corridors, public transportation, fire service, municipal or public water and wastewater treatment systems, schools, recreation, utilities (gas and cable television), public services and community facilities, and areas of significant proximity to existing developed urban areas or infrastructure that have been designated for conversion or intensification of land use through subdivision and development.

**URBAN SERVICE AREA.** A defined region, not always coincidental with a municipality’s corporate boundary, that defines the geographic limit of municipal and public facilities and services, including public water or wastewater treatment systems.

**WATER QUALITY.** The current character of the water in Gallatin County as a geographic area in which levels of all pollutants are less than the maximum contaminant level as defined by EPA for the pollutant.

**WILDLAND RESIDENTIAL INTERFACE (WRI).** The introduction of residential, recreational and commercial uses into areas of wildland vegetation through subdivision and development. A WRI fire situation exists anywhere that structures are located close to natural vegetation. A fire can spread from the vegetation to structures or vice-versa. A WRI can vary from a large housing development adjacent to natural vegetation to a structure(s) surrounded by natural vegetation. Natural vegetation includes everything from grasses to trees.

**WILDLIFE HABITAT.** Geographic areas containing physical or biological features essential to wildlife for breeding, rearing, nesting, or winter feeding and forage; or essential to the conservation of listed endangered and threatened species under the Endangered Species Act. Important and critical wildlife habitat includes but is not limited to elk winter range, mule deer winter range, moose winter range, deciduous vegetation (cottonwood, aspen, willow) areas, riparian areas, and migration corridors (Bozeman Pass). See *RD5: Growth-Conservation Areas Program* for additional information.

**ZONING DISTRICT (101 ZONING DISTRICT).** A zoning district adopted pursuant to 76-2 PART 1, MCA—COUNTY PLANNING AND ZONING COMMISSION. Fourteen of the sixteen zoning districts in Gallatin County were established under this statute. These zoning districts are not currently a part of the jurisdictional area of the Gallatin County Planning Board, and therefore, not subject to the Growth Policy.

**ZONING DISTRICT (201 ZONING DISTRICT).** A zoning district adopted pursuant to 76-2 PART 2, MCA—COUNTY ZONING. The Gallatin County/Bozeman Area Zoning District and Middle Cottonwood Zoning District are the two Gallatin County zoning districts established under this statute. Zoning in these districts is subject to the Growth Policy.

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