

PART FOUR: IMPLEMENTING THE PLAN

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

TIMETABLE AND IMPLEMENTATION PRIORITIES

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

Timetable for Implementation

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

Implementation Priorities

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

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

The first year includes work on the following action items:

1. **Record the town's municipal boundary with the county clerk and recorder.**
2. **Update zoning to conform to the growth policy.**
3. **Begin work to facilitate more numbers of quality rental housing.**
4. **Initiate annual review and annual work plan to implement the growth policy.**

1. Record the town's municipal boundary with the county clerk and recorder.

The town council and town attorney would work together to record the municipal boundary. State law specifies a map or plat should be filed with the clerk and recorder. This could be done within the first year of the growth policy.

2. Update zoning to conform to the growth policy.

The future land use plan sets out the framework for future zoning but is not as specific as a zoning ordinance. The town's zoning ordinance would be updated to address the future land use plan and specific strategies in the goals and objectives such as:

- Promoting infill development (using existing vacant lots and open space in town for new development)
- Retaining greenway areas around Lake Frances, and potential for trail systems
- Updating standards to improve the appearance of the town

The Valier Zoning Commission would be the lead for updating the zoning regulations and districts. The Town Council has authority in state law to appoint such a commission if one does not already exist. The planning board members who reside in the municipality often function as the Zoning Commission, if so designated by the City Council. Typically, the regulations would be drafted by specialized consultants with small town zoning code experience. The Zoning Commission would manage the project. Funding will need to be arranged through the Town Council's budgetary process. Potential outside funding sources may include Montana Department of Natural Resources renewable resources grants, Community Development Block Grant funds, and USDA Rural Development program funds.¹ It could take a year or more to update the zoning, accounting for the time it will take to go through the consultant hiring process and to allow time for public input and review. Ultimately, the Zoning Commission submits the final report to the Town Council who then make the decision on adoption.

3. Begin work to facilitate more numbers of quality rental housing.

The intent of this work would be to attract more year-round residents to Valier, particularly those with families. Currently the number of good rentals is quite limited but demand for housing in Valier appears to be relatively strong from persons with jobs in Cut Bank and Shelby. The mayor would be the lead for this action, coordinating with other agencies, such as Neighborworks (<http://www.nwmt.org/>),

¹ For more information on potential funding sources for updating zoning:

http://www.dnrc.mt.gov/cardd/ResDevBureau/project_planning_grants.asp

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

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

Pondera Port Authority, and others with experience with public and public-private enterprises to address housing. Approval of any related budgetary items, contracts, etc. would require Town Council involvement and approval.

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

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

EVALUATION TIMELINE

Annual Review

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

Five-Year Review

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

Criteria for Revising the Growth Policy

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

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

Revision Process

If the planning board determines that a revision is needed as a result of their annual review, or if the town council decides to revise the growth policy, the process to be followed is that in state law (76-1-604, MCA). At the time this growth policy was prepared, the law required a public hearing before the planning Board is required to do what. The degree of public involvement will depend on the scope of the proposed revisions. After the public hearing, the planning board will make recommendations to the governing bodies regarding the revisions. The town council then acts to adopt revisions or amendments.

IMPLEMENTATION TOOLS

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

Regulatory Tools

Subdivision Regulations

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

Zoning

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

Design Standards

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

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

Architectural or Development Design Standards: Typically applied through zoning, architectural design standards address such things as foundation type, roof forms, construction material, etc. In the context of this growth policy, they are suggested as a means to provide a more cohesive appearance to the community. They should not exclude manufactured housing, but instead ensure that manufactured housing and site-built housing are compatible within the same neighborhoods and zoning districts.

Building Code

Cities, counties, and towns in Montana are authorized to establish building codes.

Airport Influence Area

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

Policy Tools

Annexation Policy

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

Infrastructure Extension Policy

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

Financial Tools

Capital Improvements Program

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

Budget/Workplan

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

INTER-JURISDICTIONAL COORDINATION

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

Town-County Coordination

State law requires that the growth policy address how town or city will coordinate with the county on matters related to the growth policy. Valier and Pondera County have a history of coordination as indicated by the inter-local agreement on law enforcement (county sheriff serves the municipality), with provision of the rural fire department, and library.

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

The Town and Pondera County will continue to coordinate on matters of mutual interest related to this growth policy.

Of particular interest are the following:

- 1) Subdivision Review within one mile of Valier. State law requires subdivisions in the county within one mile of a city with a population between 1,000 and 5,000 to be submitted to the City for review and comment. Although Valier does not have 1,000 persons, Pondera County is willing to submit subdivisions within a mile of Valier for review.
- 2) Airport. As proposed in this growth policy, the town would like to relocate the county-owned airport at some time in the future when demand for residential development exceeds available lots in town. Valier will work closely with Pondera County and the Pondera County airport board to identify needs of the airport, siting criteria, and funding sources for relocation.

Coordination with Other Jurisdictions

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

INFRASTRUCTURE STRATEGY

Montana law (76-1-601, MCA) requires that each growth policy include a “strategy for development, maintenance, and replacement of public infrastructure, including drinking water systems, wastewater treatment facilities, sewer systems, solid waste facilities, fire protection facilities, roads, and bridges.”

Valier has an adopted Capital Improvements Program that is the strategy for infrastructure with the exception of fire protection facilities. The fire protection facilities are addressed in the Community Wildfire Protection Plan that has been adopted by the town of Valier.

In addition, this growth policy recommends that Valier adopt an infrastructure extension policy to establish criteria for if/when extensions outside municipal boundaries would be approved.

SUBDIVISIONS

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

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

Since 1974, every county, city, and town has been required by state law to “adopt and provide for the enforcement and administration of subdivision regulations.” The governing bodies have also had the authority to review subdivisions for their compliance with the growth policy. House Bill 543, passed by the 2001 state legislature and signed into law by the governor, now requires that subdivision regulations be revised to conform to a growth policy within one year after a growth policy is adopted.

Review Criteria Definitions and Evaluation

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

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

Public Hearings

The planning board holds hearings on subdivisions. In addition, it is possible that the governing body may also hold a hearing, as long as review deadlines are met. The subdivision regulations should address the following items for public hearings: 1) noticing requirements, and 2) method of conducting the meeting. Noticing requirements in the regulations should refer to requirements of law for noticing (76-3-605, MCA).

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

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

EVALUATION OF FIRE AND WILDLAND FIRE POTENTIAL

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

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

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

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

The CWPP recommended identifying and mapping existing fire-suppression water supplies and identifying where new or additional sources are needed.

The CWPP includes recommendations for regulations, specifically:

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

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

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

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

Implement the CWPP, specifically:

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