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# Growth Policy

## IMPLEMENTATION

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Perhaps the most important part of a growth policy is the implementation chapter, which states how and when the stated goals and objectives will be achieved. This chapter is divided into three parts. The first part describes the specific tools that Lake County anticipates using and the specific tasks to be undertaken in order to achieve the goals and objectives of the previous chapters. The second part focuses on the primary review criteria and public hearing procedure for subdivision review, and the third part describes how and when the Lake County Growth Policy will be reviewed and revised.

### I. Implementation Tools

The tools Lake County plans to use to achieve the goals and objectives of the Lake County Growth Policy are:

- Subdivision review
- A density map
- Capital facilities planning
- Intergovernmental coordination
- Citizen participation
- U.S. Highway 93 corridor planning
- Recreation planning
- Public education
- Zoning
- Wireless communication facility planning
- Impact fees
- Lakeshore construction permitting
- Airport influence zone planning
- Floodplain permitting
- Public-private partnerships, and
- Special projects

Some of the implementation tools described may not be realized due to staffing, financial and time constraints, shifting priorities or other unforeseen circumstances. Other implementation tools may emerge that are better suited to the times and environment. Nonetheless, for the foreseeable future, the tools described in this chapter are the ones Lake County anticipates using to achieve the goals and objectives of the Lake County Growth Policy. Fol-

lowing the implementation tool descriptions is a table that shows the primary implementation tools, specific task to be undertaken, projected timelines and potential partners for the various projects. Aside from the ongoing tasks, Table 7-1 presents a prioritized list and schedule for achieving the goals and objectives of this document.

#### *Subdivision Review*

One of the roles of a local government in Montana is to review the subdivision of land into parcels. The general purposes of subdivision review are to promote and protect public health, safety, and general welfare; to lessen congestion in the streets and highways; to avoid excessive expenditure of public funds for the supply of public services; to provide for adequate light, air, water supply and sewage disposal; to provide parks, recreation areas, ingress and egress and other public requirements; to require development in harmony with the natural environment; to protect the rights of property owners and to require uniform documentation of land divisions.

The Lake County government has a successful history of reviewing land divisions and reviewed approximately 800 divisions of all types (including exempt divisions such as family transfers) from 1993 through 2002. Throughout this history the County Commissioners,

Planning Board and staff realize that there are areas where the subdivision process can be made more efficient and effective. Additionally, 76-1-606 of Montana Code Annotated states that local subdivision regulations must be made in accordance with a growth policy. Therefore, Lake County staff, with assistance from the University of Montana's School of Law, will update the subdivision regulations as a means of providing improved public service and to implement some of the goals and objectives of this growth policy.

Among other things, the updated regulations will focus on the following specific subjects: defining the proper use of exemptions from the Subdivision and Platting Act; reflecting the differences between low-density rural subdivisions and high-density urban ones; modifying review fees and providing other incentives for some types of subdivisions that are deemed to be in the public interest (e.g., affordable housing and cluster development); encouraging the connectivity of transportation corridors; defining standards for wildland-urban interface development, as well as other specific objectives detailed in the growth policy. According to state statute, all updates to the subdivision regulations must go through a public review process.

Note: Please see the discussion in sub-section II of this chapter for an analysis of how Lake County defines and uses the primary review criteria for subdivisions. The discussion also includes conditions that may be attached to a subdivision approval in order to limit the subdivision's impacts, as well as a description of how the Lake County Planning Board conducts public hearings on subdivisions.

### ***Density Map***

The purpose of a density map is to encourage more intensive development close to cities and towns and more rural development farther from population centers. The density map will

function to direct growth where public services such as fire and police protection, school bus transportation and road maintenance can be provided in a cost effective manner, thereby reducing public expenditures. At the same time, the density map will be designed to help maintain the rural character of agricultural areas and protect important wildlife habitat of Lake County.

The density map will codify a policy that has been in effect since 1994 in order to give a greater level of predictability to the subdivision and development process. It will also provide for a level of flexibility by not necessarily prescribing minimum lots sizes and giving developers options and incentive for clustering homes in certain areas of a property and thereby reducing road building and utility extension costs.

### ***Capital Improvements Planning***

Capital improvements planning and implementation is Lake County's primary strategy for developing, maintaining and expanding public infrastructure. In April of 2002 Lake County adopted its first Capital Improvements Plan



***The Rollins Fire Hall***

(CIP). The CIP focuses on solid waste, public water supply and wastewater treatment systems. It provides a means of evaluation and a statement of needs and priorities for proposed infrastructure projects. The CIP is scheduled to be

updated on an annual basis to reflect current and projected needs. At present it does not include timing schedules or engineering designs but is likely to be expanded in the coming years as development pressure continues and long-range infrastructure planning becomes both more necessary and accepted.

The Lake County Solid Waste District (LCSWD) currently operates the Lake County Landfill, a Class II municipal waste site, a Class III inert waste landfill (wood products, concrete, etc.) and has seven rural collection sites. The Class II landfill has been in operation at its current location since 1979 and has a short life expectancy, perhaps as little as until 2004.

Expansion plans for the landfill proved problematic due to a Level IV seismic zone designation, its close proximity to the Flathead River and near-surface groundwater. Given the short time frame in which to act, the LCSWD chose to close the landfill and construct a central transfer station so that waste could be efficiently transported to a regional landfill. Such transfer station and mega-landfill combinations provide economies of scale that allow for state-of-the-art waste disposal, encourage recycling and protect the environment. Because local residents and businesses need to develop a safe, cost-effective and environmentally sound way to dispose of solid waste in short period of time, construction of the transfer station is one of Lake County's highest infrastructure priorities.

Lake County currently encourages the development and expansion of public water and sewer districts by writing letters of support to funding agencies, providing guidance to early-stage districts and occasionally administering grants. Because the availability of water and sewer service, in addition to high quality roads and other infrastructure, greatly influences the development of building projects, Lake County will continue to play an active role in the expansion of public facilities in the future. Two of the additional steps Lake County may take are to provide minimal staffing to early-stage districts and to provide seed money to water and sewer districts to help fund the production of

preliminary engineering reports.

Additionally, the CIP will be expanded to include planning for future fire district needs and transportation projects. The transportation planning will include evaluating roadway improvement projects based on preferred growth areas, the ability of roadways to link communities, and other factors.

Human activity upgradient from municipal and other public drinking water sources has the potential to impact the quality of the water and may, in some cases, pose a health or safety threat to well users. At present, only Polson has a Source Water Protection Plan in place and is seeking to revise it to protect its current municipal wells. Lake County hereby commits to work with the municipalities, public water and sewer districts, private subdivision associations and other interested parties to help protect large-scale drinking water sources as appropriate.

### ***Intergovernmental Coordination***

Decision makers within the Lake County government routinely address issues that impact the facilities of local, state and federal agencies and tribal governments, and vice versa. The public water and sewer districts, the Montana Department of Transportation, the municipalities of St. Ignatius, Ronan and Polson, as well as the Confederated Salish & Kootenai Tribes, will all influence how the area develops in the coming years. These agencies and governments have the opportunity to coordinate, cooperate and plan together for the benefit of local citizens. Our ability to work together will determine whether or not we can maintain the unique qualities of the area in the face of steady growth.

In particular, the Lake County government commits to work with the public sewer and water districts, the Tribes and the incorporated towns to develop future service and growth areas where relatively high-density and mixed-use development will be encouraged. Lake County and the City of Polson have a successful city-county planning board and an established growth area. This model could be used for the develop-

ment of future growth and service areas for St. Ignatius and Ronan, as well the unincorporated communities of Lake County. In the meantime, the Lake County Planning Department will forward copies of all subdivision proposals within two miles of St. Ignatius and Ronan to the municipal governments for review and comment.

Lake County will continue to forward copies of all subdivision proposals on the Flathead Indian Reservation to the Tribes for comment. The Lake County Planning Board and County Commissioners will respect and consider Tribal comments when making decisions on the development proposals. Lake County will maintain open dialogue and a spirit of cooperation with the Tribes regarding the numerous issues of common importance. In the end it is hoped that the Lake County government and the Tribal government will develop and implement parallel land use and development policies that effect tribal and non-tribal people and lands.

The Lake County government also intends to work with public water and sewer districts to help develop infrastructure so that it becomes cost-effective for developers to undertake projects in the growth areas. Imperative to this process will be to communicate regularly and productively in order to understand future plans as well as differences of perspective.

Many areas exist where coordination can help serve the needs of the public. These include identifying and taking advantage of economic development opportunities, identifying and acting to meet housing and social service needs, developing cooperative land use policies, planning for the development of the U.S. Highway 93 corridor, and reviewing projects and policies with the help of fire district personnel and natural resource experts. We intend to explore all of these areas over the coming years and will prosper as a result of open lines of communication, mutual respect and good will.

### ***Citizen Participation***

Local citizens aid in the land use planning process in a number of ways. Primarily, citi-

zens help to form long-range planning policies by attending public meetings and letting decision makers know the things they value about their area and the kinds of growth related problems they want to avoid. Local citizens also bring forth important information regarding individual development proposals that influence the decision making process. They often understand the physical conditions and constraints of nearby properties and have a stake in how their immediate area develops.

Because of the value citizens bring to the planning process, Lake County maintains policies that seek to inform citizens when growth-related policies are being formed and when development projects are proposed for their immediate area. The public notice policies attempt to strike a balance between informing the public of growth and planning related issues and not wasting public monies on excess publication and postage fees and staff time.

In the past some concerned citizens have stated that they did not receive notice of a development proposal or did not have ample time to respond before public hearings were held and decisions were made. In order to invite all interested parties to have real participation in the public processes surrounding growth and development, the Lake County Planning Department will compile its current public notification procedures and propose new ones where greater impact is warranted. The policies will be reviewed, debated and adopted by the public, the Planning Board and County Commissioners.

### ***U.S. Highway 93 Corridor Planning***

The majority of the development and land division over the past decade have taken place along the U.S. Highway 93 corridor. The Highway 93 corridor links Missoula to Kalispell, as well as most of Lake County's communities. The corridor is developing quickly and its evolution is likely to influence the future character of Lake County more than the development of any other area or resource.



Almost all of Highway 93 that passes through Lake County is also on the Flathead Indian Reservation. The Confederated Salish & Kootenai Tribes and Bureau of Indian Affairs generally exert land use controls over all tribal, Indian owned and Indian allotment lands. Lake County generally exerts land use controls over non-tribal and non-Indian owned lands. If one entity attempts to implement corridor land use controls without the acceptance and participation of the other, the long-term result is likely to be failure.

The U.S. Highway 93 Evaro to Polson Memorandum of Agreement (MOA) between the Tribes, the Montana Department of Transportation and the Federal Highway Administration states that already planned highway improvements will “induce population growth, parcel subdivision, development and construction in the U.S. Highway 93 corridor. These activities will cause habitat fragmentation, environmental impact, and significant change to the Reservation landscape.” The MOA goes on to state that the concerned entities will attempt to guide growth and development in coordination with Lake County.

At this time it appears that planning for the corridor should include the following actions:

- (1) Preparing background information including corridor conditions and trends, what could happen if no action is taken at full build-out and what form reasonable land use controls could take;
- (2) Holding public meetings with stakeholders and elected officials to solicit feedback and guidance; and
- (3) Writing a plan, holding hearings, making revisions and adopting and implementing an acceptable plan.

Because the cost of such a cooperative plan will be substantial, the entities will seek financial support from grant funding agencies and

technical support from the University of Montana’s school of law and affiliated departments.

### ***Recreation Planning***

Tremendous outdoor recreational opportunities can be found in Lake County including hunting, fishing, boating, swimming, golfing, hiking, biking, walking, horse riding or simply having a picnic and taking in the spectacular views. These opportunities bring visitors to the area and are the reasons that many of Lake County’s residents chose to live here in the first place. They bring outside wealth in the form of tourist dollars and provide a high quality of life that businesses are seeking in order to attract employees.

A number of management agencies are responsible for the resources and recreational facilities and no comprehensive management plan or program exists. One of the greatest recreational issues at hand is public access to the area lakes and streams. A comprehensive plan is needed to assess current conditions, identify opportunities and limitations, and pursue solutions that give the public greater access opportunities.

Another area that should be included in a recreation plan is a non-motorized transportation facility plan for linking businesses, schools, neighborhoods and recreational resources.

### ***Public Education***

Because citizens seek guidance from the Lake County Planning and Environmental Health Departments on many issues, we are in a unique position to provide growth and development related information to the public. Local citizens, realtors and Planning Board members have asked for the development and distribution of best management practices relating to rural development in the urban/wildland interface, living in bear country, proper maintenance of individual sewage disposal systems and how to develop property while protecting water quality. Other information frequently requested includes what to expect from living in agricultural

and rural areas for new residents and the advantages and disadvantages of conservation easements. Information on all of these subjects is close at hand and can be assembled and distributed cost-effectively and in a non-regulatory manner.

## **Zoning**

Zoning is about tradeoffs. In exchange for accepting limitations on the types of development allowed on a person's property, the owner gains predictability about the types of development that can occur *around* his or her property. Zoning curtails the rights of a person to develop land any way he chooses, but protects his property value from being negatively impacted by a neighbor's development. Many different types of zoning exist and range from highly specific and strict to very general.

In many places in Lake County, particularly the rural areas, zoning is not wanted or needed. But as an area's population expands and more people have invested in their homes and communities, residents may call for regulation of land use to protect their investments. In these cases, Lake County Planning Department staff will aid in the formation of local zoning districts by facilitating meetings and providing technical advisory services.

The Lake County Planning Department currently has the management and enforcement responsibility for nine zoning districts. The existing zoning district regulations are scheduled to be reviewed in 2004 and 2005 and will be amended to comply with this growth policy and to reflect the wishes of landowners within the zoning districts.



*Land use planning meeting  
at the Masumola Club*

## **Wireless Communication Facility Planning**

With the advent and widespread use of cellular telephones and other wireless communication systems, towers supporting communication antennas are sprouting up throughout Lake County, the region and the nation. Wireless communication is important to the local economy and public safety, and all local governments are required to allow wireless service providers to serve the area. At the same time, many residents have voiced concern over tower appearance, the location of towers in residential areas and the corresponding effect on property values, as well as safety issues and other concerns.

There are a number of steps a local government can take to make wireless communication systems more compatible with local development including setting design, height and location standards. Lake County intends to address this issue and develop standards that will allow communication companies to provide an important service to area visitors and residents while minimizing the negative impacts.

## **Impact fees**

As residents move to Lake County, they require numerous public services including police and fire protection, roads and bridges and sewer and water services. Impact fees are a way for local governments and public service providers to recover the costs of providing new or expanded services to the new residents. An impact fee program consists of the following:

- (1) A predetermined amount of money;
- (2) Assessed as a condition of plat or permit approval;
- (3) Adopted pursuant to the express or implied authority of a local government;
- (4) Levied to fund off-site public facilities and services necessary to serve new development; and
- (5) The costs reflect the amount needed to fund the additional public facilities.<sup>1</sup>

In a memorandum entitled *Determining Lake County's Authority to Develop an Impact Fee Program*, the University of Montana's Land Use Clinic found that a local government may impose impact fees under some circumstances. The authors of the memorandum cited 76-3-510, Montana Code Annotated, which authorizes local governments to require developers to pay for the extension of capital facilities. Although impact fees do not typically contribute to the maintenance of existing facilities (e.g., road grading or snow plowing), they do constitute available resources for improving and constructing capital facilities in order to serve new development (e.g., a sidewalk linking a subdivision to a town).

### ***Lakeshore Construction Permitting***

As authorized under the Aquatic Ecosystems Protections Act (75-7-201 through 75-7-217, MCA) Lake County has adopted regulations and issues permits for lakeshore construction projects. On the Flathead Indian Reservation, Lake County permits projects within the Lakeshore Protection Zone, which extends from the high water mark of Flathead Lake to 20 horizontal feet landward. (The Tribes have permitting authority on the lakebed and banks.) Off of the Reservation, Lake County issues permits both within the Lakeshore Protection Zone and on the bed and banks of Lake Mary Ronan and Swan Lake. Lake County attempts to provide seamless review of projects in coordination with the Tribes and the Lake County Conservation District and the Montana Department of Fish, Wildlife and Parks.

The purpose of the permitting process is to conserve and protect the lakes due to their high scenic and resource values to residents and visitors, the high property values they inspire, and because of the value and importance of a clean and healthy environment. In general, the regulations are designed to allow landowners to develop their properties while minimizing erosion,

protecting water quality, protecting the visual environment, and protecting the physical, chemical and biological integrity of the lakes. As new techniques for achieving the goals of the regulations become available and new ways to achieve greater efficiency become apparent, Lake County will amend the regulations in cooperation with the above entities and the public.

### ***Airport Influence Planning***

The Polson, Ronan and St. Ignatius airports have undergone recent expansion and are seeing increasing traffic volume and hangar development. Businesses and seasonal residents require regular and reliable air transportation. High quality air service is seen nationally as a necessary component of economic development programs. At some point in the near future it may be necessary for the local airport boards to pursue planning for future expansion and public safety as our communities grow and residential and commercial development around the facilities continues.

### ***Floodplain Permitting***

Lake County adopted floodplain development regulations in 1991 that established a permitting system for the development of non-tribal



***The Jocko River.***

areas within the 100-year floodplains of local streams. The regulations are based on a 1978 study by the Federal

Emergency Management Agency (FEMA) that delineated the 100-year floodplains. The regulations provide guidance for development in flood-prone areas by restricting uses that are

<sup>1</sup> Brian W. Blaesser & Christine M. Kentopp, *Impact Fees: The "Second Generation,"* 38 Wash. U. J. Urb. & Contemp. L. 55, 64 (1990).

dangerous to public health, safety and property. The purposes are to minimize the need for rescue or relief efforts, maximize the natural capacity of streams to flood and their floodplains to absorb the water, and to ensure that those people who occupy the 100-year floodplains assume fiscal responsibility for their actions.

Periodically FEMA updates its study areas and we anticipate updating Lake County's regulations to reflect new technical and policy information within the next five years. When this takes place, Lake County will strive to ensure that the regulations are clear, concise, legally sound, technically advanced, protect water quality and wildlife habitat and are flexible.

### ***Public-Private Partnerships***

Public-private partnerships are efforts that government agencies and private entities can make to achieve their individual goals by working together. These partnerships typically require public and private investment capital and resources and result in a project or facility that enhances the overall common good, while meeting the needs of individuals or companies.

For example, it is of public benefit to maintain high water quality in Flathead Lake. There may be numerous individual septic systems around the lake that were installed prior to or outside of permitting requirements and are of questionable integrity. The property owners only use the septic systems during the summer months and because the systems are not visibly failing, the owners are not required to replace or upgrade them. This situation is ripe for a three-way public-private partnership: Lake County could provide incentive for septic system replacement by way of free septic system designs and permits; a septic system installation contractor could be selected who would install the systems at a reduced rate in exchange for a guaranteed volume; and, the property owners would replace the aging systems at a reduced cost. Using a public-private partnership, Lake County helps to achieve a public good (high

water quality) while local contractors benefit economically and individual property owners increase their property value and receive septic systems at reduced-cost.

Other examples of public-private partnerships include expanding public sewer, water and road infrastructure in an area in an effort to achieve certain goals like attracting affordable housing, business attraction or expansion, or infill development. The Lake County government does not foresee initiating such projects on a regular basis, yet reserves the right to do so in certain locations and under circumstances that could directly result in high quality jobs, a clean environment or some other public good.

### ***Special projects***

For years there has been public discussion about building a sewer system around Flathead Lake in order to limit the impacts of inadequate individual sewage disposal systems on water quality. The theory is, fewer septic systems would result in lower nutrient concentrations entering the lake and therefore clearer, cleaner water. The counter argument to this theory is in order to pay for a public sewer system, the development density around the lake would have to substantially increase. This would inevitably result in more fertilized lawns, more nutrient-carrying stormwater runoff, more herbicides, pesticides and automobile chemicals entering the lake, which would actually deteriorate water quality.

At this point, it is unknown whether either argument is correct. The only thing that is known is that the clear and clean water of the area's lakes is an invaluable resource that we ought to protect. In order to answer the question, Lake County hopes to team up with the Flathead Basin Commission, Flathead County, local resource groups, the Tribes and other interested parties to investigate the relationship between public sewer systems along waterways and water quality.



## II. Subdivision Review

### *Primary Review Criteria*

The Montana Subdivision and Platting Act (76-3-101 through 76-3-625, Montana Code Annotated) requires that a subdivision proposal be evaluated for compliance with six primary review criteria, in addition to state and local law. The primary review criteria are a subdivision's anticipated:

- Effect on agriculture
- Effect on agricultural water user facilities
- Effect on the natural environment
- Effect on wildlife and wildlife habitat
- Effect on local services, and
- Effect on public health and safety

The criteria are general and a subdivision's potential impact on each of them is open to individual interpretation. Nowhere in state law are they defined: it is up to local officials to define and use the review criteria to the best of their ability. The purpose of this section of the Lake County Growth Policy is to define the primary review criteria in order to provide guidance to developers, the public and public officials so that the subdivision process is more predictable and efficient.

No two subdivision proposals are the same and the process requires a degree of flexibility in order for decision makers to exercise sound judgement. While most of the impacts of subdivisions may be mitigated, in some instances the probable impacts of a subdivision may be deemed too great for the project to be approved. As always, the decision makers will attempt to balance the rights of the developer with the good of the community when reviewing subdivision proposals.

The following paragraphs list the primary review criteria and define how staff, the Lake County Planning Board and the Board of County Commissioners will use them to evaluate subdivision proposals. Also included are potential mitigation measures that may be attached to sub-

division proposals as conditions of preliminary approval.

#### **1. Effect on agriculture**

The economy and culture of Lake County are intimately tied to agricultural use of the land. A subdivision proposal may have an unacceptable effect on agriculture if, at a minimum, it fails to control noxious weeds on and emanating from the property, fails to minimize road dust, fails to take steps to preserve good and prime irrigable soils, fails to keep livestock from entering or exiting the subdivision boundaries, fails to buffer residential development from surrounding agricultural operations and fails to take steps to keep pets from harassing livestock on surrounding properties. These are only some of the possible mitigation measures, and it is incumbent upon the developer to propose ways to reduce a development's anticipated impacts on community resources.

If a subdivision proposal complies with all of the other applicable requirements and includes substantial measures to minimize the impact on agricultural operations and resources, it is likely to be found to have no significant impact on agriculture. Such measures include treating noxious weeds on the property and entering into a weed management agreement with Lake County, chip-sealing, paving or dust coating roadways on and potentially leading to the property, taking steps to preserve agricultural soils such as clustering homes and development on non-irrigated land or poorer soils, purchasing the development rights or restricting future development on nearby agricultural property, adequately fencing the perimeter boundaries in livestock areas, and adopting covenants that require pets to be restrained and requiring adequate building setbacks and vegetated buffers.

#### **2. Effect on agricultural water user facilities**

One of the primary reasons the agricultural land of Lake County is productive is the presence of irrigation facilities. A subdivision proposal may have an unacceptable effect on agri-

cultural water user facilities if it does not comply with the irrigation provisions of the Lake County Subdivision Regulations and, at a minimum, it fails to set up a reasonable mechanism for delivering irrigation water to the lots, does not include sufficient easements for ditch and system maintenance, or is likely to result in the disruption of service to downstream users. If the proposal complies with the subdivision regulations, includes measures to limit the impacts to downstream users and meets the requirements of representatives of the Flathead Irrigation Project, the proposal is likely to be viewed as having no significant impact on agricultural water user facilities. All proposals for subdivision of land under the Flathead Irrigation Project must include a letter of review from that agency.

### **3. Effect on the natural environment**

The term natural environment encompasses a number of things, including, but not limited to, ground water, surface water, wetlands, scenic views, noise and air quality. A subdivision proposal may have an unacceptable effect on the natural environment if, after qualitative and quantitative review, it is found likely to jeopardize the existing environmental quality in an area. In cases where unanswered questions exist regarding potential impacts to water or air quality, the developer may be required to pay for a third party assessment of the impacts.

Proposals that are found to have significant potential to impact environmental quality will be required to mitigate the impacts. In some cases, the potential impacts will be too great for mitigation. All proposals are required to comply with the applicable federal, state, local and tribal regulations. In those cases where no mitigation measures are required, and in those cases where mitigation measures are required and then properly implemented, the proposal is likely to have no significant impact on the natural environment.

Mitigation measures may include, but are not limited to, advanced-treatment individual septic systems or approved public/municipal sewer hookups where extension of services is possible, developing multi-party water systems instead of numer-

ous individual wells, providing for native vegetative buffers and building setbacks along waterways and riparian corridors, reducing the amount of impervious surface area, locating development outside of floodplains and off of steep slopes, leaving view corridors open for off-site property owners, including downward-shielded outdoor lighting to prevent off-site glare, buffering the view of new development from surrounding landowners, including measures to prevent toxic chemicals from entering the aquifer, managing stormwater runoff in light of surface and groundwater conditions, having chip-sealed or paved roads and preventing air emissions that violate established standards.

### **4. Effect on wildlife and wildlife habitat**

There are a number of areas of Lake County that are designated as important habitat for bears, waterfowl, upland game birds and other animals. A subdivision proposal may have an unacceptable effect on wildlife and wildlife habitat if it is to develop land that wildlife inhabits and does not include measures to prevent human-wildlife conflict or ensure wildlife will continue to inhabit the area. In cases where unanswered questions exist regarding potential impacts to wildlife and wildlife habitat, the developer may be required to pay for a third party assessment of the anticipated impacts.

If the proposal includes measures to limit the potential impacts and complies with all applicable federal, state, local and tribal requirements, the proposal is likely to be judged as having no significant impact to wildlife and wildlife habitat. Mitigation measures include, but are not limited to, preserving vegetative cover along riparian and migration corridors, requiring significant building setbacks from bodies of water, reducing development density in areas of important habitat, donating a monetary sum to an applicable wildlife or habitat preservation organization, and developing covenants that educate lot buyers and reduce the potential for human-wildlife conflict.

### **5. Effect on local services**

For the purposes of subdivision review, local services include, but are not limited to, sewer and water, roads, telecommunications, schools, elec-

tricity and solid waste disposal. A subdivision proposal may have an unacceptable effect on local services if it requires services that are not available in location, condition or capacity to serve the development. If a subdivider demonstrates that sewer and water facilities are available and includes acceptable provisions to pay for or share payment for the extension and service of public facilities as allowed under Montana law, the proposal is likely to be viewed as having an acceptable effect on local services.

## **6. Effect on public health and safety**

Protecting public health and safety is the primary purpose of government. A subdivision proposal may have an unacceptable effect on public health and safety if it is located in an area that cannot be effectively served by emergency responders or is located in an area that is prone to natural or man-made hazards. Some examples are development on steep slopes and in high fire hazard areas or areas not served by a fire district. If steps are taken to ensure that the residents of a subdivision can be adequately served by emergency responders, the dangers posed by natural or man-made hazards are mitigated, and the proposal complies with state and local regulations, a subdivision proposal is likely to be viewed as having little impact on public health and safety.

Some mitigation measures that may be required are engineered structural designs on steep slopes, building roads to and within the subdivision to county-standards, developing water facilities for volunteer fire departments, aiding public safety and emergency response organizations with paying for the costs of serving the new development, constructing emergency or secondary ingress and egress, implementing additional urban-wildland interface development guidelines and other measures.

### ***Public Hearings on Subdivision Proposals***

The following section describes how public hearings will be conducted for the review of subdivision proposals. When required under the Mon-

tana Subdivision and Platting Act and/or the Lake County Subdivision Regulations, subdivision proposals shall be advertised in a newspaper of general circulation in Lake County not less than 15 or more than 30 days prior to the date of the public hearing. Minutes shall be taken at all public hearings and made available to the public.

At the public hearing, the Chairman of the Planning Board shall introduce the proposal and ask for a staff report to be presented. A staff member shall review the proposal, evaluate it against state and local law and the public review criteria described above (when applicable), and make a recommendation to the Planning Board. Members of the Planning Board may then ask questions of staff.

The Chairman will then ask the developer or his/her designated agent(s) to respond to the staff presentation and to describe pertinent features of the proposal. The Board may ask questions of the developer at this time.

The Chairman will then ask for public comment on the proposal in a manner and of a duration to be determined by the Chairman and members of the Planning Board. All members of the public choosing to speak shall identify themselves prior to commenting on the proposal and shall direct comments to the Board and not members of the audience.

After public comment has been received, the Chairman may then close the floor to public comment. However, during the Board's deliberation, any Board member may ask further questions of the staff, developer and the public.

After deliberation, a member of the Board may then move to recommend approval, conditional approval, or denial of a proposal. The Board may also ask the developer for an extension of the preliminary review period if unanswered questions persist. After additional discussion, all Board members may vote on the motion or abstain from voting. The Planning Board will then forward its recommendation to the Board of County Commissioners for a final decision prior to the mandatory review deadline.

### III. Growth Policy

#### Review and Revision

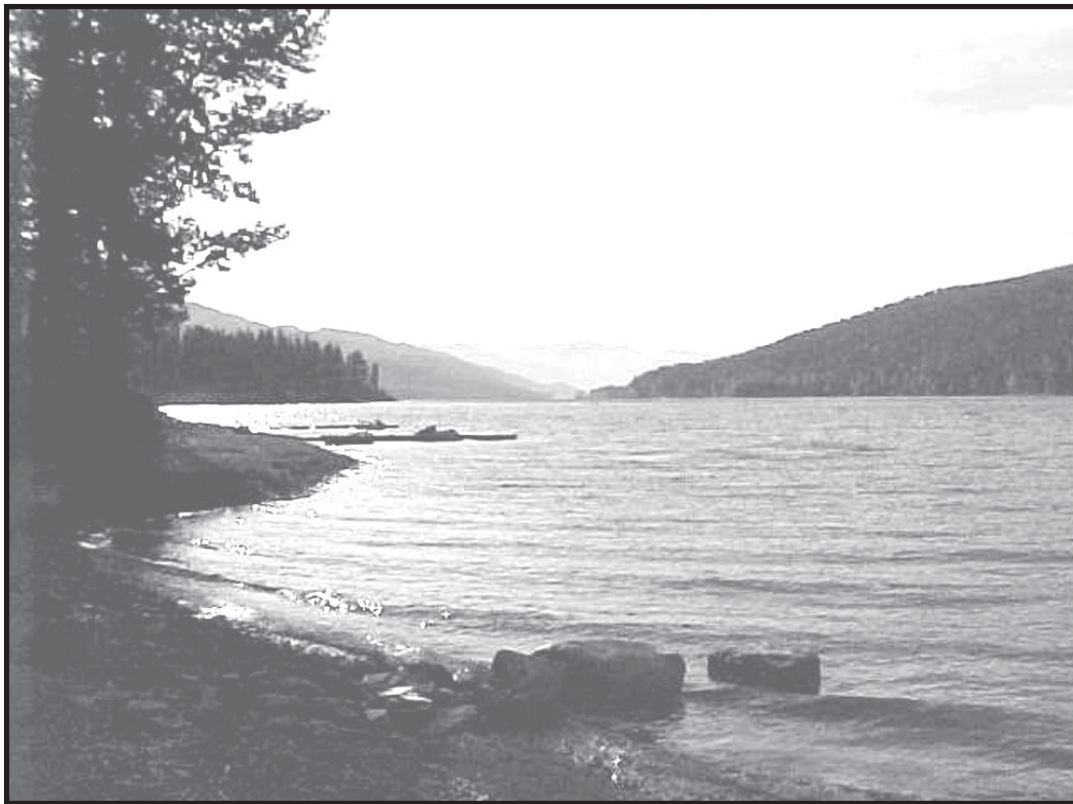
This Growth Policy is intended to be a general guide for the growth and development of Lake County from 2003 through 2013. It provides a community vision and sets out an implementation schedule listing actions Lake County staff, in cooperation with interested parties, will take to achieve that vision. It is based on recent conditions and trends and assumes that similar trends will continue. This Growth Policy cannot and does not describe every single issue and task Lake County will engage in to guide growth in the coming years because some of the issues yet to confront us are currently unknown and some priorities are sure to change.

As required by state law (76-1-601, Montana Code Annotated), after the Lake County Growth Policy has been in effect for five years, the Lake County Planning Board, staff, elected

officials and the public will review its relevance and accuracy. At that time the parties will address this document's deficiencies and also make any revisions then required by state law. At the minimum, the parties will update the implementation plan and schedule of tasks to reflect those that have been achieved and the new issues to be addressed.

In the meantime, if local conditions are such that a component of this growth policy is inaccurate or damaging, a court finds that a section is illegal, or other conditions arise that make this document either non-functional or otherwise inspire revision, the Lake County Planning Board and Board of County Commissioners, in coordination with interested parties and the public, will revise this document in accordance with state law.

In the event that a component of this document is found to be invalid, the remainder is deemed to be in full effect.



*Swan Lake in the summer.*