

BIG HORN COUNTY GROWTH POLICY

Table of Contents

| | Page |
|--------------------------------------------------------------------------|-----------|
| I. INTRODUCTION..... | 1 |
| Need for a Growth Policy | 1 |
| Purpose of the Growth Policy | 1 |
| Jurisdiction..... | 1 |
| Guiding Principles | 2 |
| Approach to Implementing the Growth Policy..... | 2 |
| Planning Process | 3 |
| Changes between January 2002 Draft and March 2002 Document..... | 6 |
| Growth Policy Format: How to Use this Document..... | 6 |
| II. GOALS, OBJECTIVES, AND IMPLEMENTATION MEASURES | 7 |
| Vision for the Future..... | 7 |
| Goals, Objectives, and Implementation Measures..... | 7 |
| Issue: Land Use and Development | 8 |
| Issue: Water Resources and Development Along Rivers and Streams..... | 12 |
| Issue: Local Services..... | 15 |
| Issue: Economy..... | 19 |
| Issue: Cultural Resources..... | 20 |
| III. COORDINATION WITH OTHER JURISDICTIONS | 22 |
| IV. INFRASTRUCTURE STRATEGY | 23 |
| V. IMPLEMENTATION AND REVISION OF THE GROWTH POLICY | 24 |
| Implementation Timetable..... | 24 |
| Periodic Review of Growth Policy | 24 |
| Conditions for Revising the Growth Policy..... | 25 |
| Process for Revising the Growth Policy | 25 |
| Action Plan..... | 26 |
| VI. SUBDIVISION REVIEW POLICIES | 30 |
| Criteria Definition..... | 30 |
| Evaluation | 31 |
| Public Hearing Procedures..... | 33 |
| VII. NEIGHBORHOOD PLANS | 34 |
| North Valley..... | 34 |
| Hardin Area..... | 35 |

| | |
|------------------------------------------------------------------------------------------------|-----------|
| Decker | 35 |
| Sarpy/Spring Creek | 37 |
| Crow Agency | 37 |
| Wyola/Lodge Grass | 38 |
| Fort Smith/St.Xavier | 38 |
| Pryor..... | 39 |
| Busby | 40 |
| | |
| VIII. EXISTING CHARACTERISTICS SUMMARY AND PROJECTED TRENDS | 41 |
| Land Uses..... | 41 |
| Population | 43 |
| Housing..... | 43 |
| Economic Conditions..... | 44 |
| Services..... | 44 |
| Public Facilities..... | 45 |
| Natural Resources..... | 46 |
| | |
| MAPS | |
| Map of County | 42 |
| | |
| APPENDICES | |
| A. Glossary | |
| B. Authority to Develop Growth Policies and Requirements for Growth Policies under Montana Law | |
| C. List of Preparers | |
| D. List of Persons Attending Local Meetings | |

I. INTRODUCTION

Need for a Growth Policy

Big Horn County is rich with a variety of natural resources, productive farm and ranchlands, minerals, recreational resources, scenic beauty, historical sites of national significance, and native cultural traditions and languages. Local residents choose to stay in Big Horn County because of these resources, despite decades of high unemployment and low average income. Newcomers are attracted to the area because of these resources, but because of the depressed local economy, few are locally employed, and many live somewhere else most of the year and build some seasonal homes in recreational areas of the county.

Big Horn County currently has few mechanisms to help retain unique resources or to develop them with an eye toward the long-term. Although the County adopted a comprehensive plan in 1974, it did not provide a useful guide for development decisions and is now outdated. Over the past few decades, the County's only planning tool has been the review of proposals to subdivide land for sale or rent, review that is required by state law. This approach does not adequately address the cumulative effects of development and is based primarily upon reaction to development proposals.

The County Planning Board and the Board of County Commissioners, the boards that review subdivisions, recognized a growing need to take a broader approach to issues being raised by residents at subdivision hearings, issues that could not be addressed through the subdivision review process. That led to the County's decision to prepare this Growth Policy.

Purpose of the Growth Policy

The Growth Policy is being prepared to guide decisions about development and land use in Big Horn County. Under state law, "The planning board shall prepare and propose a growth policy." State law defines "Growth Policy" as synonymous with comprehensive or master plans.

Jurisdiction

By law, the Growth Policy must address the entire jurisdictional area of the Planning Board. This jurisdictional area excludes the two incorporated towns of Hardin and Lodge Grass, and the City-County Planning Board jurisdictional area around the town of Hardin. These separate jurisdictions are authorized under state law to develop their own Growth Policies.

Portions of the Crow and the Northern Cheyenne reservations are within the boundaries of Big Horn County.

Guiding Principles

Within the overall purpose to provide a framework for decisions on future development, the intent of this Growth Policy is to:

- Identify county residents' visions for the future of the area, and
- Share those visions with all jurisdictions with a goal of creating coordinated policies.

Also as provided in Montana planning statutes, the guiding principles are to promote and plan for:

- Public health, safety, convenience and welfare;
- New community centers that grow with adequate, highway, utility, health, educational, and recreational facilities;
- Needs of agriculture, industry, and business in future growth;
- Residential areas that provide healthy surroundings for family life; and
- Community growth commensurate with the efficient and economical use of public funds.

Approach to Implementing the Growth Policy

This Growth Policy is a first step toward policies and strategies to guide the future of Big Horn County. Big Horn County, like most other rural counties in Montana, has limited staff and financial resources. To ensure that this Growth Policy is a useful, practical guide, it includes implementation measures that were carefully considered and determined to be within the realistic capabilities of Big Horn County. The Growth Policy is meant to be straight-forward and understandable to all county residents and landowners.

Consequently, strategies to accomplish this plan are designed to be:

- Focused on key issues
- Implemented within five years (most within a much shorter time frame), and
- Reviewed for effectiveness annually, and adjusted and revised as necessary (as described in Chapter V).

The review and evaluation component is essential to the successful implementation of the Growth Policy. This Growth Policy is designed specifically to meet the unique needs of Big Horn County. The preparers of this Growth Policy researched similar plans from other areas to create informed recommendations about what might work in Big Horn County, but the simple fact is that there are no standardized, "tried-and-true" approaches to accomplish what this Growth Policy sets out to do. Consequently, the County and its citizens need to test the implementation measures, see how they work for Big Horn County, and make adjustments accordingly.

Planning Process

Requirements under State Law

Under Montana law, it is the Planning Board's responsibility to create a Growth Policy. State law requires the Planning Board to:

- Prepare the Growth Policy,
- Hold a public hearing, and
- Make a recommendation to the County Commission to adopt the Growth Policy.

The County Commission may, but is not required to, adopt the Growth Policy.

Public Involvement

Work on this Growth Policy began in 1999. From the start, the Big Horn County Planning Board determined the plan should be developed from the people who live and own land here. Although many counties and towns select advisory groups or steering committees to develop the Growth Policy, the Big Horn County Planning Board wanted to be as inclusive as possible, to include any person who wanted to participate.

To that end, the Planning Board held 33 meetings between February 2001 and February 2002 in 11 different locations throughout the County to encourage discussion among residents. Persons who attended these meetings identified local issues, what they wanted to see stay the same in their area, or neighborhood, of the county and what they wanted to change, and they considered and refined various approaches and strategies to help achieve the desired future. The Planning Board took the results from the neighborhood meetings to build this Growth Policy.

Meeting Locations:

- Busby
- Crow Agency
- Decker
- Fort Smith
- Hardin
- Wyola
- Lodge Grass
- North Valley
- Pryor
- Sarpy/Spring Creek
- St. Xavier

In addition, the Planning Board worked diligently to coordinate with the town and tribal jurisdictions in the county. Planning Board members, County Commissioners, staff, and consultants met with officials from Hardin, Lodge Grass, and both tribes many times over the course of developing this Growth Policy.

The Planning Board began work on the Growth Policy in 1999 and initiated contact with the Crow and Northern Cheyenne early on to work toward a coordinated approach among jurisdictions. The Inventory of Existing Characteristics was completed in January 2000. Between January 2000 and February 2001 the Planning Board focused all of its Growth Policy efforts on developing working relationships with the tribes before proceeding with subsequent work on the Growth Policy. Over the course of the year, both the Northern Cheyenne and Crow tribes went through changes in administration, with new tribal leaders. Consequently, the Planning Board worked first with one administration (at each tribe) and then needed to work again to build new relationships with new administrations. In February 2001, the Planning Board began to hold public meetings around the county, keeping Crow and Northern Cheyenne tribal leaders informed along the way, and inviting tribal involvement.

The Planning Board worked to inform residents about the Growth Policy throughout the process. The Planning Board developed articles on project status and notice of upcoming meetings, which were printed in the *Big Horn County News* and *The Briefs*. Planning Board members and consulting staff made presentations and held discussion meetings with a variety of local groups including Big Horn County Conservation District, Crow Tribal Landowners Association, Hardin Chamber of Commerce, Little Horn State Bank, and local realtors, title companies, and surveyors.

The Planning Board developed the Draft Growth Policy document during the summer and fall of 2001, using information from the community meetings and other public comment. The Draft Growth Policy was released for public review in January 2002 and a notice of its availability was sent on a postcard to every postal patron in the county. During the month of January, the Planning Board hosted informal meetings in Busby, Crow Agency, Decker, Fort Smith, Hardin, Lodge Grass, North Valley, Pryor, and Sarpy/Spring Creek to review the draft and receive comments.

The Planning Board held the public hearing on the draft on March 12, 2002. The Planning Board then conducted its final review of the document, recommending specific changes to respond to substantive public comment and for clarification and accuracy as needed. On March 19, 2002, the Planning Board passed a resolution recommending the Board of County Commissioners adopt the Growth Policy.

Methodology

The Planning Board used the following methodology to develop the Growth Policy:

1. Inventory
2. Issues

3. Analysis
4. Goals and Objectives
5. Evaluation of Alternatives
6. Action Plan

An **Inventory** of existing conditions and trends is a critical first step—you have to know where you are before you can figure out where you want to go or how to get there. The Big Horn County Planning Board developed a detailed inventory of existing conditions for land uses, population, housing needs, economic conditions, local services, public facilities, and natural resources. See Section VIII of this Growth Policy for a summary of the inventory of existing conditions and trends.

Issues must be identified to determine what the Growth Policy should address. Issues are identified from a variety of sources—the experiences and concerns of the Planning Board, analysis of the existing conditions and projected trends, and of course, the concerns of county residents. Consultants conducted one-on-one surveys in person and over the phone with 40 county residents and landowners in the Fall of 1999 to develop a preliminary list of issues. These issues were refined throughout the process through meeting discussion, comments, and analysis. A narrative discussion of the key issues is included in the Section II (Goals, Objectives, and Implementation Measures) of this document.

Analysis includes the work needed to clarify the issues, and to identify opportunities for the county's role in addressing the issues. County residents, through their participation at local meetings, and the planning board, with technical assistance from consultants, discussed, reviewed, and analyzed what would work best for Big Horn County.

Goals and Objectives are the broad statements for what the community hopes to achieve for the future. Goals and objectives in this Growth Policy are designed to relate directly to the **Issues**. These were developed directly from comment at the community meetings, and from the Planning Board's experience in reviewing subdivisions, and from reviewing the plans from other Montana counties to identify what measures are being used to address similar issues in other places. See Section II of this document for Goals and Objectives.

There are usually a number of ways in which a community can achieve its goals and objectives. Persons attending the local meetings and the Planning Board conducted an **Evaluation of Alternatives**, considering what would be most effective and workable in Big Horn County. The County Planning Board also conducted a similar review. The result is the recommended alternative strategies and implementation measures in Section II of this Draft Growth Policy. The Planning Board wanted to ensure citizens had an opportunity to review a full range of alternative strategies. Consequently, in the draft released January 2002, the Planning Board included a variety of strategies for each goal, including the option of doing nothing or "No Action."

The **Action Plan** is the set of instructions for implementing policies and strategies. Action plans specify the task, the parties responsible for performing the task, and a time frame for accomplishing the task. County residents attending the local meetings often made suggestions about how a specific task might be accomplished, who might need to be involved, or what process might be necessary. The Planning Board incorporated this information into the Action Plan, in Section V of this document.

Changes between January 2002 Draft and March 2002 Document

This document is different from the January 2002 version in the following ways.

1. It reflects specific changes made in response to public comment as noted in the “Responses to Comments on Draft Big Horn County Growth Policy,” dated February 27, 2002. This document is on file in the Planning Board Office. These are the only changes (other than grammatical) that were made to goal statements and objective statements in Chapter II.
2. Additional text was added and changes made to Chapter 1, “Planning Process,” to describe more fully the work to coordinate and involve the Crow and Northern Cheyenne Tribes, and the actions between the January 2002 Draft and the document sent to the Board of County Commissioners for their approval.
3. Chapter II, “Goals, Objectives, and Implementation Measures,” was revised to clarify which items were being forwarded to the Board of County Commissioners and which items were eliminated.
4. Changes were made as necessary for greater clarification and accuracy to the general body of the text.

Growth Policy Format: How to Use this Document

This Draft is organized in the following manner:

- The “heart” of the Growth Policy is the part that identifies what Big Horn County will do to address the issues. This is covered in Section II, “Goals, Objectives, and Implementation Measures.”
- Sections III through VI provide more specifics about intergovernmental coordination (Section III), county strategy for infrastructure , e.g., roads, bridges, fire protection facilities, etc. (Section IV), how the Growth Policy will be implemented, revised, and amended (Section V), subdivision review criteria and process (Section VI).
- Section VII includes information for specific areas of the county, the issues and goals that came out of the various community meetings
- Section VIII provides the inventory information on existing characteristics and projected trends.
- Appendices provide considerable additional detail and information on a variety of topics related to the Growth Policy, including the requirements for a Growth Policy mandated by state law.

II. GOALS, OBJECTIVES, AND IMPLEMENTATION MEASURES

Vision for the Future

The Growth Policy is a statement about the future, a vision of what residents would like Big Horn County to be. During the public meetings, participants were asked to come up with the things they valued most about living in Big Horn County. The Growth Policy, by guiding land use decisions, is one way of moving towards the vision residents have of the future.

The following statements describe the desired future of the residents of Big Horn County.

Farming and ranching remain an important component of Big Horn County's way of life and predominate landscape, punctuated by communities with "small town" characteristics of friendly residents, commercial and retail businesses that serve local residents and visitors, and safe, clean neighborhoods.

The economy is diversified, building upon the agricultural base where possible, providing a living wage, and economic enterprises are scaled appropriately to be consistent with residents' quality of life expectations.

County, town, and tribal governments in Big Horn County work together on issues that overlap jurisdictional boundaries.

Land use change and development occurs in such a way so as not to jeopardize water quality or availability.

Big Horn County remains a good place to live and visit as evidenced by low crime rates, clean air and water, quality outdoor recreation experiences with abundant wildlife, open space and scenic vistas, and historic sites and cultural places that are retained, understood, and respected by residents and visitors alike.

The goals, objectives, and implementation measures contained in the Growth Policy originated with the issues and visions identified by county residents. Draft goals and objectives and alternative strategies also originated with county residents at the many meetings held around the county. Each of the major issues that the county is authorized to address is embodied in one or more of the following goals and objectives.

Goals, Objectives, and Implementation Measures

The following section presents the major issues that arose through the initial planning process and through public meetings. For each issue, there is a summary of the key aspects specific to Big Horn County, an overall goal statement related to the issue, and specific actions or policies for the County to take.

The Draft Growth Policy released for public review in January 2000 included a range of alternatives including the alternative of doing nothing, or “No Action.” The January 2002 Draft indicated the Planning Board’s recommendation for each alternative. This document now indicates which alternatives were eliminated from consideration, identified below with “bullets” and italicized print. The Planning Board is recommending only those alternatives identified with numbers and/or letters.

Issue: Land Use and Development

Land use in Big Horn County has been predominantly agricultural over the past several decades. Pressure to convert agricultural land to other uses continues to increase for a number of reasons:

- Low agricultural commodity prices and growing land values make it harder for young farmers and ranchers to acquire land and for existing operators to stay in business. Pressure to sell land is likely to continue to rise. Agriculture has remained a basic economic component of the county, and losing land to other uses reduces the long-term prospects for continued agricultural operations.
- Areas close to Billings, which is the employment and population center of Montana, are attracting new residents and homeowners. This includes many areas in Big Horn County, including Pryor, Hardin, and north and west of Hardin.
- Demand for uncrowded, scenic areas, such as those in Big Horn County, are likely to increase. The number of seasonal homes in Big Horn County increased from 198 to 296 between 1990 and 2000.

Growth and development will occur in Big Horn County. The question is how will such growth occur, and how will it affect the historical character of the County. Based on the numerous meetings held around the county, it is clear that residents want to retain the rural character, or the “wide open spaces,” as one resident put it.

Residents expressed concern not only about new residential development, but the potential effects of industrial or commercial development on existing residential or agricultural areas. Citizens support new industry and other business that can provide new jobs that pay a living wage, but prefer that such endeavors do not negatively affect residential areas, productive agricultural land, or the environment. Residents’ concerns included, but were not limited to, potential impacts related to odor, noise, public health and safety, visual/scenic qualities, urban/agricultural “interface” (e.g., potential conflict between agricultural and urban/residential neighbors) from new residential development, industrial/commercial development, and coalbed methane and other energy/mineral development.

Currently there is almost no action that can be taken by the county regarding citizens’ concerns about how a proposed development could affect them because the subdivision review process, the county’s primary development review tool, does not address

compatibility of use. Therefore, your neighbor could possibly develop something that could increase his property value, but decrease yours, without any public review or comment as not all commercial, industrial, or other development projects require an environmental assessment or public hearing.

Because it is essentially unlawful to determine these things on a case-by-case basis without some comprehensive policies to guide decisions, state law provides for counties (and other municipalities) to develop guidelines through planning, policies, and other implementation strategies.

GOAL ONE: LAND USE AND DEVELOPMENT

Ensure orderly development on suitable lands, encourage compatibility with surrounding uses, and ensure that development proposals are considered and acted upon by the county in a consistent manner.

Objective 1: Encourage the retention of agricultural land in production.

- a. Support voluntary conservation easements to protect agricultural land, wildlife habitat, and other lands as existing or proposed open space land. Adopt a policy to review proposed conservation easements expeditiously, and to support proposed easements unless they are in clear conflict with the Growth Policy.

Discussion: The Planning Board is required by law to review conservation easements. Conservation easements are voluntary programs.

The Planning Board eliminated the following alternatives for Objective 1 from further consideration:

- *Control density of development with specific density limitations. In some areas of Montana and other parts of the country, restrictions are set for minimum lot sizes, for example, one residence per 40 acres or larger.*

Discussion: Developing density limitations county-wide is not recommended by the planning board at the current time. Instead, citizens are encouraged to look at their local issues and determine need for and density limitations, which could then be developed through the citizen-initiated zoning process. Big Horn County can provide information on this zoning process to citizens.

- *No Action.*

Objective 2: Promote orderly development and encourage compatibility with adjacent use.

- a. Establish measures to address compatibility of new development with existing nearby uses and environment.

Discussion: Comment at numerous meetings made it clear that residents are concerned about new uses that could negatively affect their land. Specific concerns included the potential for industrial uses next to residential areas and agricultural areas and potential impacts on odor, noise, visual/scenic quality, safety etc. Residents mentioned large scale feedlots, cell towers, casinos, mineral and energy development, and other development types as issues of concern.

- b. Provide information for citizens wishing to exercise their right to develop local zoning districts (citizen-petitioned zoning) when the purpose of the proposed district conforms with the Growth Policy.

Discussion: Big Horn County includes many different communities. Not every issue in every part of the county can or should be addressed by a county-wide plan. State law allows for local citizens to develop their own zoning districts.

- c. Track statistics related to development in Big Horn County. Annually update the number of acres of land approved for subdivision, specifying the amount (acres) of prime agricultural land (as defined by USDA), the number of lots created, and the number of parcels that were exempted from subdivision review (other than boundary relocations). Annually update information on the number of land patents issued by the BIA, including number of patents and size.

Discussion: Big Horn County does not currently keep this kind of information, which is useful for tracking change in the county.

- d. As authorized under SB 479, passed by the 2001 legislature, adopt subdivision regulations that promote cluster development and preservation of open space.

The Planning Board eliminated the following alternative for Objective 2 from further consideration:

- *No Action.*

Objective 3: Ensure that development does not negatively affect agricultural irrigation systems.

- a. Continue to notify ditch or canal companies of preliminary plat applications that could potentially affect ditch operations.

- b. Require subdividers to clarify how any irrigation water rights will be allocated within the subdivision.

Discussion: Effects of residential subdivision in irrigated areas has proven negative for downstream irrigation users in other parts of Montana. Landowners in the subdivided area may cumulatively use more water than allocated because individual water allocations or an overall system, such as water managed by a homeowners' association, were never established. HB340, passed into law by the 2001 legislature, spells out requirements for distributing water rights for subdivisions with lots averaging less than five acres.

The Planning Board eliminated the following alternative for Objective 3 from further consideration:

- *No Action.*

Objective 4: Control the existing infestation of weeds with the goal of eradication and prevent the infestation of new weeds.

- a. Continue to implement the county's Integrated Noxious Weed Management Plan and Guidelines
- b. Ensure that new subdivision and new development does not increase the spread of noxious weeds.
- c. Continue to coordinate with the Crow and Northern Cheyenne Tribes, Bureau of Indian Affairs, National Park Service, Bureau of Reclamation, Bureau of Land Management, and state highway department to map weed infestations, treat weeds, and provide information to landowners.

Discussion: Due to the patchwork nature of land ownership on the Crow Indian reservation, the need to coordinate is critical to the ultimate control and management of weed infestations.

The Planning Board eliminated the following alternative for Objective 4 from further consideration:

- *No Action.*

Objective 5: Ensure that residential development that occurs adjacent to agricultural land has a minimal effect on the agricultural operations.

- a. Develop and distribute "Way of the West" brochure for new residents that explains what to expect when you live next to agricultural operations and that includes reference to state laws protecting the right to farm.

Discussion: The “Way of the West” brochure provides information about different aspects of living in rural Montana. Modeled after similar materials used by other counties in Montana and the Rocky Mountain West, it is written for newcomers who may expect city-type services, such as paved roads, immediate response to emergency calls, etc., in rural areas where these services simply are not feasible.

The Planning Board eliminated the following alternative for Objective 5 from further consideration:

- *No Action.*

Objective 6: Ensure county comment on state and federal proposals with potential to cause large-scale implications to land use in the county.

- a. Continue to request from the state and/or federal agency information, local briefings, and identification of short- and long-term effects of proposed state or federal development on agriculture, other existing land uses, and the related economic effects, including cost of local services and infrastructure and change in local tax revenues. Actively respond to requests for comment by state and federal agencies proposing projects, such as land exchanges, highway realignments, and large scale mineral or recreation development in the county.
- b. The County should work as an advocate for local residents, working to balance impacts from energy-related development with the long-term land use and related needs of residents.

The Planning Board eliminated the following alternative for Objective 6 from further consideration:

- *No Action.*

Issue: Water Resources and Development Along Rivers and Streams

Historical patterns of development show the greatest number of structures along waterways and roads. In Big Horn County, the greatest current development pressure is along the Big Horn River, but new homes and subdivision activity are also occurring in the Pryor Creek area, and along other waterways in the county.

In several communities on the Crow Indian Reservation, residents raised concerns about the adequacy of community water and/or wastewater systems. In some cases, water quality has not met drinking water standards. There is also concern about potential for groundwater contamination from individual septic systems on the reservation that are not required to meet local or state standards.

The Big Horn River south of Hardin is an internationally acclaimed trout fishery. A significant guiding industry is established and is a local source of employment and income. Attracting new recreationists and repeat visitors depends on a quality experience, which is affected not only by the number and size of fish caught, but also on the scenic beauty and undeveloped nature of the river. The area is experiencing new home development right along the river banks. At community meetings in the Fort Smith area, participants agreed that some sort of setback requirements are needed. Several participants at community meetings on the Growth Policy also raised concerns about lack of restrooms along the river and associated issues such as litter.

The portion of the Big Horn River that receives the heaviest recreational fishing lies within the Crow Reservation. The Crow Tribe is concerned about how the river is used and adopted a resolution in the Fall of 2000 to study the types of development that would maintain and enhance the values of the Big Horn River. The resolution also placed a moratorium on any development within 500 feet of the River until the study was completed.

Houses built on the banks of the rivers must meet certain requirements set by state law for the location of their septic systems, but as banks are cut away over time, the structures risk falling into the watercourse. Residents may request permission from the Conservation District to protect or stabilize the bank. Over time, the cumulative effect of bank stabilization can be to channel the river, which in turn makes floods more disastrous because there are fewer meandering channels to “absorb” the floodwater.

GOAL TWO: WATER RESOURCES AND DEVELOPMENT ALONG RIVERS AND STREAMS

Maintain, preserve, and enhance public health and safety and the environment along rivers and streams in Big Horn County, supporting a balance among various uses of the rivers.

Objective 1: Create safeguards against potential flood hazards and promote healthy streams, surface water, and groundwater by keeping development out of floodplains, riparian areas, and wetlands.

- a. Keep development out of floodplains, wetlands, and riparian areas.
- b. Develop “Setback” guidelines for new structures along historically perennial waterways in Big Horn County.
- c. Work with the Crow and Northern Cheyenne Tribes to develop floodplain maps for all areas on the reservations.

The Planning Board eliminated the following alternative for Objective 1 from further consideration:

- *No Action.*

Objective 2: Maintain and improve a high quality, international fishing experience along the Big Horn River south of Hardin, supporting a balance among various uses, including agriculture.

- a. Retain the viewshed from the Big Horn River south of Hardin.
 1. Develop viewshed setbacks.
 2. Design standards for new construction so construction blends into existing landscape.
- b. Work with the State to educate fishermen, guides, and outfitters regarding their roles related to water quality and support efforts to establish restrooms at various points along the river.

The Planning Board eliminated the following alternative for Objective 2 from further consideration:

- *No Action*

Objective 3: Assist communities in delivery of water and sewer services.

- a. Work with state and tribal officials to improve the education of residents about water quality and to increase the enforcement of existing laws.
- b. Work with existing public water supply and sewage districts to identify options for system reliability and adequacy for the future, and assist in providing resources for capital planning and improvements through the Montana Association of Counties, the Local Government Center, and the Montana Department of Commerce.
- c. Identify technical training needs county-wide and coordinate resources to offer training. Apply for grant funds to assist in covering costs for training water and sewer facility operators.

The Planning Board eliminated the following alternative for Objective 3 from further consideration:

- *No Action*

Objective 4: Protect groundwater and surface water supplies.

- a. Require developers to identify and disclose potential impacts to groundwater and surface water resources from their developments, or to disclose when the effects are unknown.
- b. Be supportive of efforts by other entities to collect existing information, develop information, and/or to conduct baseline studies on water quality.

The Planning Board eliminated the following alternative for Objective 4 from further consideration:

- *No Action*

Issue: Local Services

Throughout the process of developing the Growth Policy, from the initial “issues survey” to the community meetings held around the county in 2001, citizens were concerned about county law enforcement, other emergency services, solid waste, and the potential for structures to be built that are unsafe and may ultimately cause harm to occupants, and neighbors.

Citizens often complained that they did not seem to get adequate law enforcement. It can take an hour or more for law enforcement to arrive once called, depending upon where the officers are in Big Horn County. There is virtually no coordination among the various jurisdictions regarding law enforcement, according to local residents, and tribal and non-tribal residents find law enforcement on the reservation especially confusing and frustrating. Statistics on law enforcement issues are difficult if not impossible to attain for areas on the reservations, although such statistics may be necessary to apply for grant funding or priority status for such things as state road improvements.

Although it would seem that new residential development would help offset costs of providing services, in fact the opposite is true based on studies throughout Montana and the United States. Montana studies indicate that for every dollar paid in taxes by residential development, residences receive \$1.50 or more in services. In other words, residential development is a net cost to local government. Taxes from commercial and agricultural operations help offset these costs because these operations pay more in taxes than they receive in services. For example, a recent study in Carbon County showed that agricultural operations receive about \$.34 in services for every \$1.00 they pay in local taxes.

Cost of providing residential development increases as residences become more scattered in rural areas. Demand for improved services grows in areas that may be far from fire departments or other emergency service providers. New residents may expect big city-type services and response times. Demand for maintaining and improving county roads grow as they begin to service more homes, rather than just agricultural operations. Conversely, building new roads or substantially improving existing roads can result in more rural residential development because it becomes easier or faster to reach these areas.

Participants at community meetings expressed concern about the need to respond to emergencies that may result because structures did not meet safety standards. Structure fires resulting from faulty wiring were cited as a specific concern. Citizens wanted to make sure new buildings are safe and have some provision for fire prevention or fire

facilities (such as a water supply for firefighting). Although the fire fighting crews can mobilize quite quickly, there is in fact only a very short window of time in which they can arrive in time to save a structure.

GOAL THREE: LOCAL SERVICES

Provide adequate services for public health, safety, and welfare for county residents, while ensuring that new development is “commensurate with and promotive of the efficient and economical use of public funds” as indicated in state planning law.

Objective 1: Locate development in areas that are easily accessed by public services.

- a. Encourage new development to locate in areas with existing public services.
- b. Support community infrastructure improvements needed to entice new development to locate close to existing towns and services.

The Planning Board eliminated the following alternative for Objective 1 from further consideration:

- *No Action*

Objective 2: Improve fire prevention and fire fighting capabilities in the county.

- a. Work with local fire departments to establish fire facility requirements for new development.
- b. Work with the NRCS and other state and federal agencies to provide education to homeowners about wildland fire issues and fire precaution methods, such as removing brush from around structures, etc.
- c. Inventory the existing firefighting equipment and capability in the county, and develop a five-year capital improvement and maintenance plan, including criteria for priority projects, and location for additional equipment.

The Planning Board eliminated the following alternative for Objective 2 from further consideration:

- *No Action*

Objective 3: Improve law enforcement response and coordination among jurisdictions regarding law enforcement.

- a. Explore better coordination among law enforcement jurisdictions. Encourage law enforcement and social service agencies to work together to identify and document existing crime, including drugs and juvenile problems, and to

coordinate strategies. Apply for funding to sponsor an initial workshop with presentations on what is being done in other areas where tribal, state, and county law enforcement overlaps.

- b. Work with the Department of Commerce, law enforcement agencies to develop and provide information to residents about how laws apply on Indian reservations and who is responsible for enforcing laws (and who to contact in an emergency, etc.)
- c. Develop better record keeping on law enforcement statistics, such as traffic accidents, etc.
- d. Provide for law enforcement in areas that are currently underserved.

The Planning Board eliminated the following alternative for Objective 3 from further consideration:

- *No Action*

Objective 4: Maintain existing county roads, bridges, and other infrastructure efficiently, economically, and based on standard criteria.

- a. Prepare an inventory of the county's capital assets. Complete a conditions assessment for each county-owned building and develop a life cycle plan that identifies the project annual expenditures for operation and maintenance.
- b. Continue to maintain an inventory of the roads and bridges for which the county is responsible. Develop a five-year road and bridge management and maintenance plan, including criteria for priority projects.
- c. Adopt a written policy clarifying the county's existing practice of not accepting any private roads into the county system.
- d. Improve and maintain county road signs on existing roads. Place road signs at all county road intersections.
- e. Continue to implement the county's rural addressing system. Provide information and education to the public about this program and their role in obtaining addresses.
- f. Develop a policy on the frequency and distribution of new accesses onto highways and county roads.

The Planning Board eliminated the following alternative for Objective 4 from further consideration:

- *No Action*

Objective 5: Ensure solid waste disposal is adequate for citizen needs.

- a. Inventory need for adjusting the current solid waste collection system throughout the county, considering distance to existing sites for residents throughout the county.
- b. Continue to identify and implement methods to keep collection sites clean, avoid over-filling, and discourage people from putting materials at the container sites that should be disposed of at the landfill.
- c. Require developers to estimate impacts on solid waste collection sites.

The Planning Board eliminated the following alternative for Objective 5 from further consideration:

- *No Action*

Objective 6: Reduce the potential for new development to increase taxes or reduce services for all other taxpayers.

- a. Develop and distribute “Way of the West” brochure to inform potential land buyers about service provision in Big Horn County so that newcomers do not expect city-type services and response times.
- b. Determine the financial impacts of new development on the cost of providing services in Big Horn County. Assess need to develop impact fees to cover additional costs caused by new development.
- c. Annually review, and as necessary, update processing fees for subdivisions, sanitation permits, etc. to ensure that the county’s costs of reviewing these applications is covered by the applicant.

The Planning Board eliminated the following alternative for Objective 6 from further consideration:

- *No Action*

Objective 7: Ensure that new structures are safe.

- a. Study feasibility of adopting model building code standards adopted by the State of Montana.

Discussion: A request for a system to ensure safe structures “built to code” came from the public meetings. A specific concern was that uninspected electrical systems can create potential fire hazards.

The Planning Board eliminated the following alternative for Objective 7 from further consideration:

- *No Action*

Issue: Economy

The local economy is a major issue for many residents. At the community meetings, residents raised concerns about low wages, few job opportunities, and low net earnings for agriculture. In the Decker area, residents were concerned about the effects of coal and coal bed methane operations, expected to last about 20 years, on the longer term prospects of agricultural production. At several other meetings, residents wanted to find methods to help build local agriculture, through special niche marketing or other methods.

GOAL FOUR: ECONOMY

Strengthen the economy of the region, building on the existing agricultural economy as well as other local businesses.

Objective 1: Update and implement the Big Horn County Economic Development Master Plan. Examine alternatives for staffing, process, and criteria for selecting projects.

Discussion: Big Horn County prepared an economic development plan in 1989. Many of the long-term strategic goals, such as assisting with the “development of ‘valued added’ and ‘product diversification’ for local industries” are still applicable and have yet to be implemented.

The Planning Board eliminated the following alternative for Objective 1 from further consideration:

- *No Action*

Objective 2: Explore how revenues from coal and coal bed methane and other energy related sources could be used to develop other economic operations that can provide jobs and income for the long-term.

- a. Develop a task force with representatives from throughout the county to make recommendations.

The Planning Board eliminated the following alternative for Objective 2 from further consideration:

- *No Action*

Objective 3: Examine comprehensive transportation, including rail and airport facilities as part of an overall approach to improving the economy.

- a. Work with Hardin in examining potential locations for a new airport.
- b. Support efforts to bring passenger rail on existing rail lines through Big Horn County.

The Planning Board eliminated the following alternative for Objective 3 from further consideration:

- *No Action*

Issue: Cultural Resources

Cultural resources include sites of prehistoric, historic, cultural, or spiritual importance. Big Horn County is especially rich in cultural resources, but many important sites are not documented. When sites are not documented, the potential for them to be destroyed increases. Landowners who may otherwise be willing to take steps to protect a site are unable to do so if they don't know it exists in the first place. The challenge is to protect important resources without creating public awareness about their exact location because this increases the potential for sites to be vandalized or abused. Many sites have important religious significance for Crow and Northern Cheyenne who are concerned about the use or visitation of these sites by persons who are not tribal members. Currently the county does not have any written policy regarding protecting important sites, or regarding development on or near these sites.

GOAL FIVE: CULTURAL RESOURCES

Protect cultural resources.

Objective 1: Establish criteria for reviewing the effect of proposed development on cultural resources.

- a. Work with the Local Historic Preservation Officer to develop criteria for determining effects of development on cultural resources and recommend acceptable mitigation measures or mitigation process. Incorporate criteria into the applicable county regulations, such as subdivision regulations.

- b. Adopt a written policy for the County to submit subdivision applications to the Crow and Northern Cheyenne tribes and the Local Historic Preservation Officer for their explicit review related to cultural sites.

The Planning Board eliminated the following alternative for Objective 1 from further consideration:

- *No Action*

Objective 2: Encourage efforts to document and preserve sites.

- a. Apply for and use grant funds for the Local Historic Preservation Officer to develop a strategic approach for improved awareness of the need to record sites among all landowners, including Crow and Northern Cheyenne.
- b. Work with the Local Historic Preservation Officer and Crow and Northern Cheyenne to identify methods and incentives to retain the integrity of historic sites such as
 - Bozeman Trail
 - Little Big Horn Battlefield
 - Rosebud Battlefield
 - Ft. Custer
 - Far West Landing

The Planning Board eliminated the following alternative for Objective 1 from further consideration:

- *No Action*

III. COORDINATION WITH OTHER JURISDICTIONS

In Big Horn County, there are two incorporated communities, Hardin and Lodge Grass. In addition, there are the jurisdictions of the Crow and Northern Cheyenne Tribes. Both the Northern Cheyenne and Crow Reservations include lands in Big Horn County and in surrounding counties as well. The following outlines how Big Horn County proposes to coordinate with other jurisdictions on matters relating to the Growth Policy in Big Horn County.

All jurisdictions:

- a. Big Horn County will host an annual session for all communities to identify issues and receive training on land use planning.
- b. Sponsor a discussion on infrastructure needs with communities by hosting an annual meeting of public works directors, and rural water and sewer providers.
- c. Obtain expert facilitation and technical support to address law enforcement and other issues of jurisdictional overlap that result in confusion and delayed or inadequate service for residents.
- d. Met regularly with tribal, state, and federal land managers to discuss respective land use plans, management strategies, and specific projects and project proposals.

Hardin-City-County Planning Board:

- a. Host a workshop on city-county planning board functions, with outside technical presentations to improve the city's and county's understanding of their respective and shared roles in the City-County Planning Board.
- b. Review work and responsibilities of the City-County Planning Board, assess need for staff for the City-County Planning Board to be jointly sponsored by Hardin and Big Horn County

Crow and Northern Cheyenne

- a. Work with the tribes to identify how best to contact adjoining landowners for comment on proposed subdivisions when such lands are in multiple, joint ownership.
- b. Continue to share information on land use planning, and subdivision and sanitation review with the tribes with a goal of working on similar, shared strategies where possible.
- c. Work with the Northern Cheyenne to identify how development proposals on Northern Cheyenne lands near the Tongue River Reservoir could affect or be affected by County services (provision of emergency services, law enforcement, etc.)

IV. INFRASTRUCTURE STRATEGY

Infrastructure can be a powerful tool in managing or guiding growth. Development is more likely to occur where infrastructure, such as roads, and water and sewer facilities are already in place.

The Growth Policy by law must 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.

The infrastructure strategy for the county's solid waste system, fire protection facilities, roads and bridges is included in **Goal Three: Local Services** in Section II of this document.

Big Horn County does not operate any municipal water or sewer systems at the current time, nor does it anticipate that it will build any. As outlined in the Section II Goals, Objectives, it is proposed that the County would provide some assistance to unincorporated communities on water and sewer issues in conjunction with state and federal health agencies and assistance from other entities such as the Rural Water and Wastewater Development Council.

V. IMPLEMENTATION AND REVISION OF THE GROWTH POLICY

This section describes how the Growth Policy will be implemented, timetable for its periodic review, and other conditions that will trigger its revision prior to scheduled periodic review.

Implementation Timetable

Detailed information about how each strategy would be implemented is included in the **Action Plan** in this section. The Action Plan specifies for each strategy:

1. Who (what department or entity) is responsible for carrying out the action
2. Resources needed (funding, staffing, etc.)
3. Timing (when the action is expected to be completed)
4. Whether the action requires additional public process before it can be completed

Periodic Review of Growth Policy

The Planning Board will review the Growth Policy annually and issue a status report to the County Commissioners. The status report will include:

- Status of goals, objectives, and specific action strategies outlined in the Growth Policy,
- Assessment of work to be completed in the following year, and
- Evaluation of need to revise Growth Policy.

Conditions for Revising the Growth Policy

The Big Horn County Growth Policy provides a plan for the future based on existing conditions and projected trends. It cannot cover all potential future scenarios and thus needs to be flexible to deal with new issues as they arise.

Under the following conditions, the Planning Board will review the Growth Policy and determine if changes are needed:

- Implementation of major proposed actions outside of County authority, such as development of the proposed Tongue River Railroad, with potential to significantly affect implementation of the stated goals, policies, and strategies in this Growth Policy
- Actions with potential to significantly alter the health, safety, and welfare of citizens that were inadequately addressed in the Growth Policy
- Changes in state law regarding growth policies
- Court cases and/or litigation that sets legal precedent in Montana for growth policies

- Individual neighborhood plans developed in accordance with state law (76-1-601) are to be included as amendments to the current Growth Policy
- Planning Board evaluation of implementation measures and progress, and determination that modifications would enhance the effectiveness of the Growth Policy

Process for Revising the Growth Policy

If the Planning Board determines that a revision to the Growth Policy is necessary, the Board will provide a written notice to the County Commissioners prior to commencing work on the revision.

The Planning Board will follow the process outlined in state law for adopting a growth policy (76-1-602 through 76-1-603) for any subsequent revisions. Once revisions are drafted, the Board will conduct a public hearing on proposed revisions and then by resolution make its recommendation to the County Commission. The County Commission will then make its decision to adopt, revise, or reject the changes as outlined in state law (76-1-604).

Action Plan

Note: Under the column, “Timing,” terms have the following meanings:

Immediate: Action occurs or begins immediately following plan adoption

Year X: Action begins within Year One, Two, etc. after plan adoption.

| Strategy | Responsibility | Resources | Timing | Additional Public Review |
|----------------------------------------------------------------------------------------------------------------|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------------------------------------------------------------|
| Goal 1: Land Use and Development | | | | |
| 1a. Support Voluntary Conservation Easements | Planning Board | No extra resources needed | Immediate, ongoing | None required |
| 2a. Compatibility of use measures | Planning Board | Will need to develop measures with public participation | Year One | Public hearing prior to adoption |
| 2b. Information to citizens wishing to conduct neighborhood planning and/or citizen-initiated zoning districts | Planning Board/County Commissioners | Staff time to prepare and distribute information, take calls, and make referrals to appropriate state information sources | Immediate, ongoing | Citizen-initiated zoning districts are created by petition of the landowners |
| 2c. Track statistics | County Clerk and Recorder | Staff time to aggregate data on a monthly or quarterly basis | Immediate, ongoing | None required |
| 2d. Cluster Development | Planning Board | Staff time to revise subdivision regulations | Year One | Public hearing on revisions to subdivision regulations |
| 3a. Continue to notify ditch/canal companies | Subdivision Review Administrator | Staff time | Immediate, ongoing | None required |
| 3b. Subdividers to clarify irrigation water rights | Planning Board | Staff time to revise subdivision regulations | Year One | Public hearing on revisions to subdivision regulations |
| 4a. Continue to implement county weed plan | County Weed Supervisor | Staff time | Immediate, ongoing | None required |
| 4b. Ensure new subdivision and new development does not increase weed spread | Planning Board, County Weed Board | Staff time to review/revise Noxious Weed Management Plan | Immediate, ongoing | Public hearing would be required if there were any changes to subdivision regulations |

| Strategy | Responsibility | Resources | Timing | Additional Public Review |
|--------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------|--------------------|-----------------------------------------------------------|
| 4c. Coordinate with other governments on mapping weeds, etc. | County Weed Supervisor | Staff time | Immediate, ongoing | None required |
| 5a. "Way of the West" Publication | County Planning Board | Staff time | Immediate | None required |
| 6a. County comment on state and federal proposals | County Commissioners | Staff time | Immediate, ongoing | None required |
| 6b. County to advocate balance between energy development and long-term land use | County Commissioners | Staff time | Immediate, ongoing | None required |
| Goal 2: Water Resources and Development Along Rivers and Streams | | | | |
| 1a. Keep development out of floodplain, wetlands, and riparian areas | Planning Board | Staff time to revise subdivision and other applicable regulations | Year One | Public hearing required on subdivision regulation changes |
| 1b. Riverbank setback guidelines | Planning Board (working with Conservation District and others) | Staff time to develop guidelines | Year One | Public hearing required |
| 1c. Work with Crow and Northern Cheyenne on floodplain maps | Local/State/Fed Floodplain Administrators County Commissioners | Staff time | Year One | None required |
| 2a1. Viewshed setbacks for Big Horn River south of Hardin | Planning Board | Staff time to develop guidelines | Year One | Public hearing required |
| 2a2. Design guidelines for new construction | Planning Board | Staff time to develop guidelines | Year One | Public hearing required |
| 2b. Work with state on river water quality education | County Commissioners | Time | Year One | None required |
| 3a. Work with state on public education regarding water quality and enforcement of existing laws | County Commissioners | Time | Immediate, Ongoing | None required |

| Strategy | Responsibility | Resources | Timing | Additional Public Review |
|------------------------------------------------------------------------------|--------------------------------------------------------------|----------------------------------------------------|--------------------|--------------------------------------------------------------|
| 3b. Work with public water and sewage districts | County Commissioners | support in grant information, assistance | Year One | None required |
| 3c. Support training for water and sewer operators | County Commissioners | provide lead, grant information support | Year Two | None required |
| 4a. Subdividers provide information on groundwater and surface water impacts | Planning Board | review/revise subdivision regulations as necessary | Year One | Public hearing required for subdivision regulation revisions |
| 4b. Be supportive of studies on water quality | County Commissioners | time, no funding authorized for this effort | Ongoing | None required |
| Goal 3: Local Services | | | | |
| 1a. Encourage development in areas easily accessed by public services | Planning Board | review/revise subdivision regulations as necessary | Year One | Public hearing required for subdivision regulation revisions |
| 1b. Support community infrastructure improvements | County Commissioners | Time | Immediate, ongoing | None required |
| 2a-c. Improve fire prevention and fire fighting capabilities | County Commissioners, County Road Supervisor, Planning Board | Time | Year Two | None required |
| 3a-d. Improve law enforcement response and coordination | County Commissioners, County Sheriff | Time | Year Two | None required |
| 4a. Inventory of county's capital assets | County Commissioners | Time | Year Two | None required |
| 4b. Continue road and bridge inventory | County Commissioners | Time | Year Two | None required |
| 4c. Road development policy | County Commissioners | Time | Year Two | None required |
| 4d. Improve and maintain road signs | County Commissioners | Time | Year Two | None required |
| 4e. Rural addressing | County Commissioners | staff time, costs of producing public information | Immediate, ongoing | None required |
| 4f. Policy on frequency and distribution of new road accesses | Planning Board | review/revise subdivision regulations as necessary | Year One | Public hearing required for subdivision regulation revisions |

| Strategy | Responsibility | Resources | Timing | Additional Public Review |
|--------------------------------------------------------------------------|-----------------------------------------------------|----------------------------------------------------------------------------|------------------------|--------------------------------------------------------------|
| 5a-b. Solid waste collection system review | County Commissioners | Time | Year Two | None required |
| 5c. Developers to estimate impacts | Planning Board | review/revise subdivision regulations as necessary | Year One | Public hearing required for subdivision regulation revisions |
| 6a. Same as for Goal 1, Strategy 5a. | | | | |
| 6b. Determine financial impacts of new development | Planning Board | Time | Year Two-Four | None required |
| 6c. Annual review of subdivision fees | Planning Board | Time | Immediate, ongoing | Would hold public hearing |
| 7a. Study feasibility of model building code standards | Planning Board | Time | low priority, Year 3-5 | Public hearings would be held |
| Goal 4: Economy | | | | |
| 1. Update and implement Big Horn county Economic Development Master Plan | County Commissioners | Time and Funding | Year One-Two | None required |
| 2a. Economic Task Force | County Commissioners | Time | Year One | None required, public meetings would be held |
| 3a-b. Air and rail transportation | County Commissioners | Time and resources for additional studies | low priority, Year 2-5 | Public meetings would be held |
| Goal 5: Cultural Resources | | | | |
| Objectives 1 and 2: Cultural resources action items | Planning Board, Local Historic Preservation Officer | Time and resources; review and revise subdivision regulations as necessary | Begin Year One | Public hearings required on subdivision regulation revisions |
| Coordination with Other Jurisdictions... | | | | |
| Coordination with other jurisdictions | County Commissioners | Time and Funding | Year One-Two | None required |

VI. SUBDIVISION REVIEW POLICIES

This section provides information on how the county will review subdivisions. It explains:

1. how the county defines the state's review criteria,
2. how those criteria will be used to evaluate and make decisions on subdivisions, and
3. how public hearings 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. The **Action Plan** in Section V of this report outlines how the subdivision regulations will be revised to conform with the Growth Policy and clarifies that a public hearing is required prior to their adoption.

Criteria Definition

State law requires that subdivisions be reviewed against their effects on six criteria: agriculture, agricultural water user facilities, natural environment, wildlife and wildlife habitat, local services and public health and safety. This section clarifies how the county defines those criteria.

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. (See Glossary)

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, head gates, sprinkler systems, tanks, reservoir, ponds, or developed springs.

Local services: Any and all services or facilities local government is authorized to provide, such as water supply, sewage disposal, law enforcement, fire protection, transportation system, 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, prehistoric, cultural, 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, and/or winter feeding and forage; and/or essential to the conservation of listed endangered and threatened species under the Endangered Species Act.

Public health and safety: A condition of optimal well being, 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.

Evaluation

The evaluation of the effect of the proposed subdivision on these six criteria determines if there are significant unmitigated adverse impacts. Unmitigated adverse impacts are potential grounds for denial of a proposed subdivision. Below are examples of items considered in evaluating the impact of a proposed subdivision on the six criteria. These examples do not reflect all potential items, but they do include a preponderance of the items under consideration. Depending on the proposed subdivision, some of these items included may not apply. In addition, some proposals may require evaluation of other topics not included in these examples to weigh the subdivision's effect on these criteria. It is the subdivider's responsibility to document proposed mitigation of any adverse impacts on these six criteria.

Effect on agriculture.

- Number of acres that would be removed from the production of crops or livestock.
- Acres of prime farmland (as defined by the USDA) that would be removed
- Effect on use of remainder and adjoining properties as farm or ranch land
- Potential conflicts between the proposed subdivision and adjacent agricultural operations including:
 - Interference with movement of livestock or farm machinery
 - Maintenance of fences
 - Weed proliferation
 - Vandalism or theft
 - Harassment of livestock by pets or humans
- Other items to be considered include:
 - Effect on market value of surrounding land
 - Net effect on taxes resulting from additional services

Effect on agricultural water user facilities.

- Location and proximity to agricultural water user facilities
- Potential conflicts between facility users and subdivision residents including:
 - Seeps, flooding, washouts,

- Obstructions and interference
- Unintended uses (recreation or landscaping)
- Water rights
- Vehicular access to facility

Effect on local services.

- Increased demand on services and need to expand services
- Ability to provide services to subdivision
 - Response times
 - Conditions of roads, bridges, and railroad crossings
 - Physical Barriers.
- Provision of adequate local services and public facilities simultaneous or prior to onset of impact.
- Any special or rural improvement districts that would obligate local government involvement fiscally or administratively

Effect on natural environment.

- 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.
- Impacts on historic, pre-historic, and cultural resources
- Noxious weeds.
- Wetlands not covered under nationwide permits.
- Cumulative impacts of multiple subdivisions on natural environment.

Effect on wildlife and wildlife habitat.

- Loss of significant, important and critical habitat, as defined.
- Impacts on significant, important and critical habitat including potential effects of
 - roads and traffic
 - closure of existing operations and/or potential to provide new access to public lands
 - effects of humans and pets on wildlife

Effect on public health and safety.

- Creation of potential man-made hazards (e.g. unsafe road intersection, development in wildland residential interface fire areas).
- 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 response time.

- Cumulative impacts on groundwater from individual sewage disposal systems and/or individual wells.
- Any other item that endangers public health and safety.

Public Hearing Procedures

A fundamental component of the subdivision review process is the opportunity for members of the public and interested groups to offer comments on the proposal. The opportunity to make comments in public is provided by the public hearing process. The Planning Board will also accept written comment received outside of the public hearing, but may set deadlines for the receipt of such comment. Under state law, the requirement to hold a public hearing does not apply to the first minor subdivision from a tract of record. A minor subdivision is defined as containing five or fewer lots.

The general steps for the public hearing, which is conducted by the Planning Board in Big Horn County, are as follows:

1. Introduce public hearing
2. Explain subdivision review procedure and decision criteria
3. Planning Department staff report.
4. Applicant presentation.
5. Public testimony.
6. Close public hearing.

Recent court decisions have held that public meetings that extend late into the night are not really accessible to the general public. The meeting should be conducted so that those who want to speak for or against, or who seek additional information, will have an opportunity to do so while still providing a reasonable adjournment time.

The Planning Board Chair, who presides over the meeting, is responsible for setting the guidelines or methods for public comment. The Chair will review general guidelines prior to public comment, reminding the public of the criteria upon which the final decision must be made. Because each meeting is somewhat different, a standardized set of guidelines may not work in every case. Options to manage public discussion can include, but are not limited, to the following:

- Asking those who wish to speak to sign in, and use the list to determine speaker sequence
- Limiting the amount of time each person can speak
- Allowing each person to speak only once until all have had an opportunity
- Requesting individuals to address new issues only and not repeat what has already been addressed

VII. NEIGHBORHOOD PLANS

Meetings were held in 11 different communities to develop this Growth Policy and provide an opportunity for residents to consider local area planning for their “neighborhoods,” or their part of the county. The following summarizes the main issues and visions identified by the different areas in the meetings held prior to release of the Draft Growth Policy in January 2002. The comments are those of the participants and do not reflect the opinion of the county planning board, nor have they been checked for factual accuracy.

The following are not “Neighborhood Plans.” Local area residents can develop specific neighborhood plans, which can be added later to the Growth Policy. Big Horn County will provide information to local residents who choose to pursue more specific plans for their area.

North Valley

Three meetings were held at the North Valley School. People who these meetings shared the following thoughts about what they want for the future of their area of the county:

- Remain predominantly rural and agricultural but with a more diverse and robust economy
- The community school still operating for area children; which means that more young families will need to move into the area
- More rural fire protection—faster response time
- Groundwater quality assured –not identified as a major current problem, but as something to keep on top of for the future
- Solid waste collection site kept clean
- Retain irrigation for farmers
- Manage new development in the area (Note: There was no consensus on this issue at some of the meetings. Some individuals clearly indicated they want no regulations or controls.)
 - Establish a meander corridor for the river—keep development away from the river and out of the floodplain
 - Use buffer zones to separate new development from farming
 - Control billboards—signage allowed for local on-site businesses, but limit size of signs
 - Retain land for agriculture and limit scattered small parcels with density restrictions or minimum lot sizes at one residence per 40 acres with option to cluster development. Consider larger parcel requirements (one per 640 acres) outside of the valley area. Landowners could have smaller lot sizes by using transfer of development rights options. (See glossary for definitions of clustered development and transfer of development rights)
 - Cell tower restrictions

- Retain the area as agricultural, but provide criteria or mechanism for approving industrial or commercial uses
- No new public roads or bridges; also limit new accesses along the highway
- Weeds controlled

Hardin Area

Three meetings were held in the Hardin area.

The following are the visions for the city-county planning area surrounding Hardin:

- Retain small town atmosphere and feel
- More, new industries and businesses
- Regional water system/water across freeway
- An industrial park
- New airport
- Affordable housing
- Develop north and west of Hardin
- Agricultural base to regional economy

The following was the vision for the area northwest of the city-county planning area. (Note that no one from the area northwest of the city-county planning area attended the meetings and the persons making these suggestion were careful to indicate that any planning for that area would require participation from area residents.)

- Retain agriculture as the predominate land use
- Plan for a potential airport location (close-in to Hardin, but west of the city-county planning area)

Decker

Three meetings were held at the Decker School house.

Issues identified in the three meetings included:

- Concern about effects of methane gas and energy development:
 - Effects on water
 - Noise of compressors
 - Placement of infrastructure right up next to property boundaries
 - Likelihood of greater spread of weeds
 - General effect on agriculture/ranching
- Effects of development on Northern Cheyenne land by the reservoir
- Effect of potential development of the Tongue River Railroad

- Effect of increasing residential development in the area, and residents would like the area to remain more or less rural like it is now
- Road around the reservoir

The persons who attended the meetings identified the following future goals and potential methods to address them.

- Preserve the agricultural basis of this region.
Alternative goals/strategies include:
 - Address the urban/rural interface issues related to development as newcomers move into the area who do not make their living from the land. (This includes things like dogs, expectations of services that meet urban standards, disregard for gates/fences, etc.)
 - Limit subdivision and rural residential development.
 - Enforce existing standards for public health and safety.
 - Do nothing.
- Strengthen the local economy with a focus on long-term sustainability beyond the bust-boom cycle of energy-related development.
- County should coordinate with the Northern Cheyenne regarding potential development of Northern Cheyenne lands near the Tongue River Reservoir.
- Recognize that there are several potential actions that are outside of the authority of the County that could severely affect local residents. These include the potential development of the Tongue River Reservoir Railroad, unforeseen developments related to coal bed methane, and the potential development of a casino on tribal lands.
- Ensure that any “neighborhood” or county plan provides flexibility to deal with these issues. Any county policies that result from the Growth Policy should be reviewed regularly to ensure they continue to make sense and serve a logical purpose in light of potential changes outside of the county’s authority.
- The County should work as an advocate for local residents in the Decker area, working to balance impacts from energy-related development with the long-term needs of residents.

Sarpy/Spring Creek

Two meetings were held at Spring Creek. The following are the visions identified at the first meeting.

- Water rights go with the land
- No methane gas development in our valley
- 640 acres per homesite and proper access, water, sewer
- All weeds controlled
- New community meeting house (this one fixed up to include indoor plumbing)
- coal bed methane will not deplete wells and aquifers
- setbacks/factory farming from drainages and residences
- preserve existing conditions—the way it is now (Question: how would this affect landowners' rights?)
- Accountability for what people do on their land
- No dumpsters or landfills, but please let us continue burning our garbage—absolutely no general-type landfills (agreed), but perhaps a localized landfill (not all agreed)

Crow Agency

Two meetings were held in Crow Agency. Issues raised at the meeting in Crow Agency often included the entire reservation, not just the area around Crow Agency.

- Section-Corner posts. BIA used to check on the section survey markers—this is no longer done and many markers are missing.
- Need for setbacks. An example was given of someone who fenced their property line and essentially cut off their neighbor's front entrance as a result. People should be better informed about where the property boundaries are before they build.
- Water Quality. Water quality problems were cited, based on HKM Consulting studies. Examples included houses flushing wastewater directly to Rotten Grass Creek; lagoons pumping pollutants, and major water quality problems in Pryor.
- Prairie Dogs. There are 8,000-10,000 acres of prairie dog villages to the west of Crow Agency. The Crow should apply for federal funds that are available to address prairie dog issues.
- Trash Canisters. These overflow and there is concern that non-locals use the containers.
- Inadequate water supply and homes built without water. Trailer homes are going in without adequate water and sewer.
- Accommodating growth in Crow Agency. Need to look at how to expand around the town of Crow Agency.

- Phase in changes and regulations related to land use. It may be wise to phase in changes over time.

Wyola/Lodge Grass

One meeting was held in Wyola, and subsequently the Lodge Grass and Wyola meetings were combined. Three meetings were held in Lodge Grass. Participants identified the following issues and visions.

- Retain traditional agricultural uses and wide open spaces feel. Keep it rural.
- Feedlots. Participants discussed controls on feedlots, indicating that industrial operations should be encouraged, but can be designed and sited so that they create less impact on neighbors.
- Preferred locations for new residences. Avoid problems of abandoned housing—try to keep housing used and maintained. Fill in the vacant lots in town (build there before building out of town).
- Limit subdivisions; consider minimum lot sizes of 40 acres with options to cluster and create smaller lots through transfer of development rights
- River and riparian area protection—no new development in these areas
- Add value to locally produced agricultural products and obtain better access to markets.
- Economic development in this part of the county—more businesses and industries in Lodge Grass area

Fort Smith/St. Xavier

One meeting was held in St. Xavier, four meetings were held in Fort Smith. Issues and visions for this area include the following.

- Highway 313 should be safer—the road is narrow, with many 90 degree angle turns
- Limit development in the river area—establish setbacks from the riverbanks for new development, limit development in riparian areas; consider design guidelines for new development
- River Management—a number of issues were raised regarding river management, including sedimentation, sewage from development along the river, and disincentives to address issues with improvements on land that is leased, rather than owned—participants
- Concerns with the high groundwater table and potential for septic problems
- Water supply and quality in St. Xavier area were cited as problems by some residents
- Lack of adequate law enforcement and need for better coordination among law enforcement jurisdictions
- Sewage and water supply south of Fort Smith

Pryor

Two meetings were held in Pryor. Issues in the Pryor area include:

- Retain rural agricultural tradition. No commercial/industrial feedlots or hog farms or at least require that they be set back from residences. Keep the area primitive and pristine.
- Odor Control (“Smell” Pollution). Develop controls for odors (specific reference was to neighbor who had too many dogs).
- Water pollution/water supply. This is a serious problem in the Pryor area that should be addressed.
 - Water supply tank is in need of complete repair—not just a patch job
 - Water commission wants to upgrade with safety/health devices on existing system
 - Sewer system needs to be addressed
 - Concern about the effect of drought on water supply
 - Concern about effect of cattle on springs
 - Use of herbicides/pesticides and potential to affect water
- Fire protection.
- Extend water system to Chief Plenty Coups State Park or develop dry hydrant system for fire protection.
- Need a shed for fire trucks so they don’t freeze up in the winter.
- Road Numbering/Rural Addressing. This needs to be implemented. The County has developed the system but each community needs to put their own road signs and house numbers.
- Housing shortage. As many as two, three, or four families living in one house.
- “Uncontrolled Growth.”
- Concern about how to manage residential development growth.
- Newcomers don’t always “fit in” –they don’t even try to know their neighbors—they just come here, build a house, work in Billings, or whatever.
- Juvenile Treatment Center. County needs such a center with satellites in each
- Beaver Dams. Cause water to be impounded and run over roads, causing road damage.
- Law enforcement. This is *very complicated* and gets very frustrating when you call for help and the first thing you get are questions about who you are, whether you are a tribal member, etc.
- Historical/Sacred sites. Want to protect them, but don’t want to draw attention to them.
- Prairie Dogs. The large colonies of prairie dogs east of Pryor are an issue.
- Pryor needs a grocery store.
- Air quality. Would like a Class I airshed designation like the Northern Cheyenne.
- BIA road to Billings—this road must be improved—the work has been ongoing for more than a year and is a safety hazard for residents.

Busby

One meeting was held in Busby. Issues and future visions included:

- Renovate the “teepee,” a traditional landmark for Busby
- Develop an assisted living facility in Busby. Currently there is no senior citizen center in Busby and essentially no senior services, such as meals-on-wheels
- Gas station. There is no gas station in the area. People have to travel 20 or more miles in either direction to get gas.
- Build other businesses in Busby.

VIII. EXISTING CHARACTERISTICS AND PROJECTED TRENDS

The following provides a summary of key findings from the *Inventory of Existing Characteristics*, prepared in January of 2000 for the Big Horn County Growth Policy, and information from the 2000 census, which became available in 2001. There is concern on a nationwide level that census data, which includes information on population, housing, household income, and race, may under-represent Native Americans. Native Americans comprise nearly 60% of all Big Horn County residents. Despite potential shortcomings, census data provide the most recent, standardized information available.

Land Uses

Existing Characteristics and Features

Big Horn County was created in 1913 from Rosebud and Yellowstone Counties. With 3.2 million acres, it is the fifth largest county in Montana.

The county includes portions of two Indian reservations; approximately 64% of the county lies within the Crow Reservation, and approximately 6% in the Northern Cheyenne Reservation. The boundaries of both reservations extend beyond Big Horn County into surrounding counties. The federal government owns approximately 2% of the land in the county, primarily at the Little Bighorn Battlefield National Monument and Big Horn Canyon National Recreation Area. The county has only two incorporated municipalities, Lodge Grass and Hardin. Hardin was incorporated in 1911 and Lodge Grass was incorporated in 1927. There is a several square mile “city-county” planning area around Hardin.

Land uses are an important part of Big Horn County’s economy. Agriculture is a predominate land use and the county ranks third in the state in sugar beet production, 15th in wheat production, and 17th in production of corn for gain and silage. There are several agricultural ditch companies in the county. The county is rich in coal reserves and mines are operating north and east of Hardin and in the southeast portion of the county. Coalbed methane is being explored in the county.

Projected Trends

Future land uses will continue to be influenced by demand for minerals, oil and gas, agricultural products, and recreational opportunities. Although Big Horn County has not yet experienced a serious loss of prime agricultural land and open space to residential development, growing population pressures and an influx of recreationists are certain to affect specific areas of the County. These areas include areas along the Big Horn River, Crow Agency, Hardin, and Pryor, areas that have seen increased residential or vacation home growth in the past decade.

INSERT MAP OF COUNTY HERE

Population

Existing Characteristics and Features

Population in Big Horn County has increased every decade since 1950. Between 1990 and 2000, the population grew from 11,337 to 12,761. In 2000, American Indians comprised 59.7% of total population in Big Horn County.

The major component of population growth in Big Horn County since 1980 is a high birth rate. Approximately 36% of all persons in Big Horn County were less than 18 years of age in 2000. In 2000, Big Horn County had a median age of 29.8, compared to the statewide median age of 37.5.

Projected Trends

Population is expected to increase by approximately 1,100 by the year 2010 (estimated at 13,770). The increase will create more demand for housing. High rates of natural growth in Big Horn County's population will provide challenges not encountered by most other counties in the state. Dealing with a youthful population may require additional youth programs and educational facilities. As young people get older and need to find work, there will be increased challenges to find local employment opportunities.

Housing

Existing Characteristics and Features

In 2000, there were 4,665 housing units in Big Horn County, an increase of 361 from 1990. Seasonal homes accounted for 98 of these new units. Between 1990 and 2000, the number of seasonal homes increased from 198 to 296.

Subtracting the 98 new seasonal units, there were 263 new housing units constructed between 1990 and 2000, an increase of 5.6%, compared to a population growth of 11.8% during the same decade. The average household size in Big Horn County in 2000 was 3.17, compared to 2.45 statewide. Average household size for American Indians in Big Horn County in 2000 was 4.01. In 1997, nearly 900 families needed housing on the Crow Reservation and more than 400 families needed housing on the Northern Cheyenne Reservation.

Projected Trends

The need for housing in Big Horn County, particularly on the reservations to meet the needs of growing populations, is clearly an existing need that will continue to grow in the future. Based on population projections of 1,100 persons in the next ten years and average countywide household size of 3.17, an additional 347 housing units will be needed in the next ten years. It is anticipated that most of these homes will be needed on the reservations and developed through the tribal and BIA housing programs.

The number of seasonal homes built each decade continues to grow and this trend is expected to continue. Based on the past two decades, the county could expect another 80-100 seasonal homes to be built over the next decade.

Economic Conditions

Existing Characteristics and Features

Big Horn County is among the poorest of the counties in Montana, which creates challenges for long-term economic development. In 1995, 33% of all persons in the county were living in poverty, compared to 16% statewide.

It has abundant natural resources, including coal reserves and rich agricultural land. These two sectors have historically been the foundation of the County's economy. Decker, Spring Creek and Westmoreland mines in Big Horn County produced 48%-67% of all annual coal production in Montana between 1990 and 1998. The amount of land in farm production increased from 2.7 million acres in 1982 to 3.0 million acres in 1992, but the number of farm proprietors decreased from 490 in 1987 to 449 in 1997.

Development of coalbed methane gas in the county could have similar effects to coal mining.

Big Horn County has an economic development plan, which identifies a number of goals, including the need to diversify the county's economic base.

Projected Trends

Demand for energy resources, such as coal and coalbed methane gas, can be volatile, but in the Fall of 2001, there appears to be an increasing rise in demand. If coalbed methane development occurs in the county, it could produce significant revenues and could last up to 20 years. The questions of long-term effects to groundwater and surface water are still unresolved, but there is a potential for coalbed methane development to have serious effects on water and subsequent effects to the agricultural operations in the county.

The need to diversify the economy, develop good jobs in the county, and reduce the county's poverty, will continue as important issues for the county's future.

Services

Existing Characteristics and Features

Provision of services to Big Horn County residents is complicated by the number of responsible agencies and jurisdictions. Law enforcement is a particular case in point, where residents are often confused by which agency to contact—BIA or county sheriff—each of which is limited by jurisdictional issues. Because of distances in the county and limited staffing, response times for any emergency service (ambulance, fire, law enforcement) can take up to an hour or more. The county has no official fire department or rural fire districts; the County Road Department provides fire protection services to

county residents with a countywide fire program budget of \$20,000 in 1999. The county crew responds to 200-300 structural fires per year.

The county is responsible for 1,500 miles of roads and bridges in the county, which does not include a number of roads operated and maintained by the BIA.

School buildings appear to have adequate capacity for students, but some buildings, which date to the 1930s, are beginning to age.

Projected Trends

As the population continues to increase, more demands will be placed on county services. Based on cost-of-services studies in other parts of Montana, new residential development costs county government more in public services than it pays in property taxes. Consequently, new development built far from service provision locations will stress county services even further in the future. Services to all county residents are likely to suffer as a result unless revenues can be raised to offset new demands and associated costs.

Public Facilities

Existing Characteristics and Features

The ability of the Lodge Grass and Crow Agency municipal sewage treatment plants to handle even current demand, much less the high population growth rate, is a problem. Concerns are twofold, the ability to serve residents, and the potential adverse effects to the receiving waters of the Little Big Horn River.

The lack of compliance of the Hardin airport with Federal Aviation Administration (FAA) standards remains an issue for the community and the County.

The road network in the county provides access routes to each community, but is not accurately described as a system. Roads are of varying standards, signing, and levels of maintenance. The county maintains approximately 1500 miles of roads and bridges. The Bureau of Indian Affairs maintains the road between Pryor and St. Xavier, the road between Lodge Grass and St. Xavier, much of the network of roads on the Crow Reservation south and west of Lodge Grass, and the Muddy Creek Road on the Northern Cheyenne Reservation. Routes are frequently circuitous owing to the rivers and mountain ranges and complicate the provision of all types of services to residents. Many County residents make difficult, daily commutes because they reside in one area of the County and work in another. Traffic fatalities are common in Big Horn County despite the relatively small population.

Projected Trends

Water supply and water sewage system issues in communities on the Crow Reservation are likely to increase with increased population in the future. Airport safety, liability, and funding concerns will continue to grow until a specific course of action is selected. Increased population will place increased demand on roads in the county.

Natural Resources

Existing Characteristics and Features

Big Horn County is very rich in mineral resources. These resources have formed the basis for much of the economy across the County generating both jobs, revenue and royalties to operate the County and Crow Tribal governments. The mineral estate is in some cases owned by the surface landowner and in other cases, split from the surface ownership.

Approximately 1,500 water rights have been filed with the Water Resources Division of the DNRC for wells and springs. The majority of the wells in the County yield between 5 and 30 gallons per minute. Relative to the number of wells in the County, very few are high yield wells.

In 1981, the Federal Emergency Management Agency (FEMA) completed mapping of the 100-year floodplain within the Town of Lodge Grass and for Big Horn County areas outside of the Crow and Northern Cheyenne Indian Reservations. The Floodplain Administrator reports that pressure to build in undelineated floodplain areas, including the floodplain along the Big Horn River, is increasing.

The Big Horn River boasts a brown and rainbow trout fishery that is world-renowned and attracts a large number of nonresident fly fishermen.

Water is a life-sustaining resource in the County. Currently, none of the drinking water sources in the County have protection plans which identify and mitigate risks. Both water quality and water quantity are affected by current and proposed activities. Water quantity is currently affected by the operation of Yellowtail and the Tongue River Dams, and by agricultural practices, and may be affected by the proposed methane gas development in the southeast area of the County. Water quality is or may be affected by inappropriate development in floodplains, improperly designed or functioning septic or municipal solid waste systems, irrigation return, and agricultural chemicals. The lack of specific floodplain delineations is a problem which contributes to continued poorly-located development.

The County is rich in historic and prehistoric resources. While many of these sites have been recorded, undoubtedly the locations of many additional sites are not yet known. Important or significant sites on state and federal lands are protected by statute. Sites located on private lands receive no such protection and some of these sites in Big Horn County are being impacted by development. The County and Tribes are currently without any mechanism to consider impacts to, and protect cultural properties, other than offering to purchase a property.

Projected Trends

Projected coalbed methane development could seriously affect natural resources in Big Horn County. An Environmental Impact Statement is being developed by state and federal agencies to identify potential impacts and is projected to be released as a draft for public review in late 2001.

Projected increases in seasonal vacation homes are likely to continue to be built in the county's most scenic areas, including the Big Horn River, and could affect wildlife, riparian areas, and other natural resources.

As more housing is built, the potential also rises for more potential damage to historic and cultural sites.

APPENDIX A: GLOSSARY

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. (Source: Montana Department of Environmental Quality www.deq.state.mt.us.)

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.

CERTIFICATE OF SURVEY (COS). A drawing of a field survey prepared by a registered land surveyor for the purpose of disclosing parcel features and boundary locations. COSs are often filed as a legal document to describe land divisions that are exempt from the subdivision review process.

CLUSTER. A development design technique that concentrates buildings and other man-made infrastructure on a small portion of the site while reserving the preponderance of the land in common functional open space to be used for agriculture, recreation and/or preservation of environmentally sensitive features. Clustering reduces the overall need and costs for infrastructure, reduces potential air pollution with lower vehicle miles traveled and reduces sprawl through the preservation of permanent functional open space.
An adopted **Neighborhood Plan** may define cluster more specifically.

CONSERVATION EASEMENT. A voluntary restriction of land use, particularly with respect to residential development. A landowner may sell or donate a conservation easement to a public or private land trust.

DENSITY. The number of buildings or housing units on a particular area of land.

DEVELOPMENT. The act, process or result of improving land for human use, subdivide 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.

EMERGENCY SERVICES. Community services such as fire protection, law enforcement, ambulance service, quick response, search and rescue, flood and disaster relief. Emergency services are generally provided by local governments or private, non-profit organizations.

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.

MUNICIPALITY. An incorporated city or town.

OPEN SPACE. Defined by Montana state statutes as “...any land which is provided or preserved for: (1) park or recreational purposes; (b) conservation of land or other natural resources; (c) historic or scenic purposes; or (d) assisting in the shaping of the character, direction, and timing of community development.”

PRIME FARMLAND. As defined by the USDA Soil Conservation Service, Montana Technical Guide, Section II, Cropland Interpretations Statewide, prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses (the land could be cropland, pastureland, rangeland, forest land, or other land, but not urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods.

In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.

Prime farmland areas were mapped by USDA in the 1970s.

REMAINDER. A tract created by the segregation of other parcels, through subdivision review or certificate of survey, from a larger original tract that is not part of the subdivision plat or certificate of survey and is not subject to surveying requirements regardless of its size. The segregation of the other parcels from the tract is for the purpose of transferring ownership of the surveyed parcels. The remainder tract must not have been created for the purpose of transfer and must be retained by the owner. Remainder tracts of less than 160 acres that cannot be

described as a one-quarter aliquot part of a section must be deed restricted to prevent the remainder tract from being conveyed by sale or lease until reviewed in accordance with the County Subdivision Regulations.

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. Defined by the University of Montana’s Riparian and Wetland Research Program as the “green zone” which lies between channels of flowing water and uplands and which serves several functions, including water storage and aquifer recharge, filtering of chemical and organic wastes, sediment trapping, bank building and maintenance, flow energy dissipation, and primary biotic production.

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

SPRAWL (LAND USE). A land use pattern generally characterized by a combination of:

1. Lower-density, segregated land uses (lacking concentration of employment, clustering of housing, local services, public facilities or centralized local government).
2. Poor accessibility to basic activities (neighbors, schools, shopping, employment) forcing reliance on individual automobile transportation to satisfy needs.
 - High ratio of road surface to land uses served.
 - High average trip length.
 - High average travel time.
3. Lack of permanent functional public open space.
4. Fragmentation of powers and fiscal disparities (school districts, fire protection, land use) making efficient provision of services difficult.
5. Unlimited outward extension with lack of control over land uses.

SUBDIVIDED LAND. The division of land under review of the Big Horn 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.

SUBDIVISION. As defined by Montana state statutes, “a division of land or land so divided that it creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed and includes any resubdivision and further includes a condominium or area, regardless of its size , that provides or will provide multiple spaces for recreational camping vehicles or mobile homes.”

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

VIEWSHED. The landscape visible from a particular viewing point.

APPENDIX B:

Authority to Develop Growth Policies and Requirements for Growth Policies under Montana Law

76-1-601. Growth policy – contents. (1) The planning board shall prepare and propose a growth policy for the entire jurisdictional area. The plan may propose ordinances or resolutions for possible adoption by the appropriate governing body.

(2) A Growth Policy must include:

- a. Community goals and objectives
- b. Maps and text describing an inventory of the existing characteristics and features of the jurisdictional area, including (i) land uses, (ii) population, (iii) housing needs, (iv) economic conditions, (v) local services, (vi) public facilities, (vii) natural resources; and (viii) other elements proposed by the planning board and adopted by the governing bodies;
- c. Projected trends for the life of the Growth Policy for each of the following elements: i) land use, (ii) population, (iii) housing needs, (iv) economic conditions, (v) local services, (vi) natural resources, (vii), and other elements proposed by the planning board and adopted by the governing bodies;
- d. A description of policies, regulations, and other measures to be implemented in order to achieve the goals and objectives established pursuant to section (2)(a);
- e. 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;
- f. An implementation strategy that includes; (i) a timetable for implementing the growth policy, (ii) a list of conditions that will lead to a revision of the growth policy; and (iii) a timetable for reviewing the growth policy at least once every 5 years and revising the policy if necessary;
- g. A statement of how the governing bodies will coordinate and cooperate with other jurisdictions that explains: (i) if a governing body is a city or town, how the governing body will coordinate with cities and towns located within the county's boundaries on matters related to the growth policy; (ii) if a governing body is a county, how the governing body will coordinate and cooperate with cities and towns located within the County's boundaries on matters related to the Growth Policy.
- h. A statement explaining how the governing bodies will: (i) define the criteria in 76-3-608(3)(a); and (ii) evaluate and make decisions regarding proposed subdivisions with respect to the criteria in 76-3-608(3)(a); and
- i. a statement explaining how public hearings regarding proposed subdivisions will be conducted.

APPENDIX C: List of Preparers

Big Horn County Planning Board

Becky Alvarado
John Doyle
Roy Neal
Rusty Rokita
Richard Stern
Lila Taylor
Jon Wells

Big Horn County Subdivision and Floodplain Administrator

Craig Taft

Big Horn County Clerk and Recorder

Cyndy Maxwell

Planning Consultants

Phase I: Inventory of Existing Characteristics, Issues Summary:

Beck Consulting, Red Lodge, Montana

and

Cossitt Consulting, Inc., Park City, Montana

Phase II: Growth Policy Document:

Cossitt Consulting, Inc., Park City, Montana

APPENDIX D:

List of Persons Attending Local Meetings

| | | |
|----------------------|-------------------------|------------------------|
| Maurice Bausquet | Dennis R. Fox | Frederick Left Hand |
| Mary Bear Cloud | Donald Fox | Ella June Lance |
| Ron Benzel | Elvin Fritzier | Francine Kay Lind |
| Ruth Benzel | Charles F. Fuller | Dean Kreitzberg |
| Cecelia Big Lake | Matt Gaines | Julie A. Kreitzberg |
| Christy Bird Hat | William R Gay | Venita Kreitzberg |
| Norma Bixby | Lora K. Gay | John Little |
| Randy Bonogofsky | Elias Goes Ahead | Dan Lowe |
| Sheila Bonogofsky | Sylvester Goes Ahead | Joe Luther |
| Charles Brown | Vincent Goes Ahead, Sr. | Joseph T. Luther |
| Iris Buffalo | Phil Gonzalez | Kandi Luther |
| Betty J. Caufield | Joyce Goodluck | Lavon Mason |
| Gerry Clark | Paul Green | Michael Mastrangelo |
| Pam Clark | Doug Greenwalt | Cyndy Maxwell |
| G. M. Cole | Linda Greenwalt | Walt McNaney |
| Carla Colstad | Jim Hamilton | John Lee Mehling |
| Oliver E. Costa | Mary R. Hammett | Craig Mehling |
| Shantel Costellion | Dorothy Hardy | Weston Mehling |
| Colleen Couture | W. Hardy | Gloria Menke |
| Cindy Crooked Arm | Eric Halverson | Ralph Menke |
| Bob Crowe | Gil Harris | Cathy Miller |
| Ron Crum | Paul Harris | Magdalene Moccasin |
| Harvey Dalton | Nell Harris | Herman Moore |
| Cheryl Darnes | Kathy Helvey | Ellis Murdock |
| Brenda Davisson | Gladys Herman | Judy Murdock |
| Dale Davisson | Doran Hewitt | Bill Musgrave |
| Marvin Dawes | Steve Hilbers | Roy Neal |
| Sid DeCrane | Agnes Hill | Clara Nomee |
| Kathleen Don't Mix | Pearl Hogan | Ethel Not Afraid |
| John Doyle | Ramona Howe | Billie Noyes |
| Al Eastman | Georgia Not Afraid Howe | Cecil Noyes |
| Jim Edwards | Brian Huso | Anita Old Coyote |
| Tom Edwards | Reiny Jabs | Walter E. Old Elk, Sr. |
| Maii Eggers | Clement Janis | Sarge Old Horn |
| Chad Fenner | Hale C. Jeffers | Dave Opie |
| Dennis Fischer | Alfretta Jefferson | Zoe Opie |
| Melveen Paula Fisher | Kathy Jones | Charles Parker, Jr. |
| Mary FlatLip | Anita Knapp | Rodney Parr |
| India Fly | Charles Knapp | Alan Pierce |
| Tom Fly | Mary Koyama | Given Plain Bull |
| Nick Forrester | Jim Laughery | Larry Plain Bull, Sr. |

John Pretty-on-Top
Beatrice Rasmussen
Phil Rasmussen
David Redding
Jackie Redding
Sam Redding
Shirley Redding
Susan Redding
Kaneeta Red Star
George Reed
Leona Rides Horse
William Rides Horse, Sr
Rusty Rokita
E. Scott Romine
Gordon Rose
Cecelia Roubideaux
Ray Roubideaux
Judalon Round Face
Julie Round Face

Angela Russell
Joanne Ryan
Ken Scalzone
Diana Scheidt
Steve Scheidt
LeRoy Schenneman
Mark Schoen
Blain Small
Chris Small
Sharon Small
Bernadette Smith
Burton Smith
Shirley Snively
Paul Spotted Horse, Sr
Richard Stern
Scott Steinfeldt
Bernadette Stewart
Donald A. Stewart
Paul Stieber

Craig Taft
Lila Taylor
Emory Three Irons
Eric Turns Plenty
Roger Turns Plenty
Bill Uffelman
Darrell Webber
Pam Webster
Candy Wells
Jon Wells
Thomas A. Weinberg
John Wenzel
David Yarlott, Jr.
Florence Young
John Young
Ron Zelenka
Peggy Zelka
Raymond Zelka