

Year	Net Income	Net Income per Farm	Gov't Payments
1987	\$4,195,000	\$6,992	\$9,060,000
1992	\$8,850,000	\$16,825	\$7,732,000
1997	\$8,653,000	\$14,894	\$7,818,000
2002	\$15,754,000	\$25,006	\$7,533,000
2007	\$43,196,000	\$71,754	\$8,646,000

Maps Trends
 Capital Subdivision Housing
 Roads Infrastructure
 Land Use Economy
 Growth Policy
 Gravel Annexation
 Future CIP Projects

De-Fogging

The Planning Tools for Managing Growth

DECEMBER 13, 2012
 GLASGOW MONTANA

Montana Community Technical Assistance Program

Planning Tools for Managing Growth

Agenda

- Growth Policies
- Impact Fees
- Capital Improvements Planning
- Lunch
- 5-Minute Case Studies
- Zoning
- Subdivision
- Annexation
- Wrap Up



Growth Policy “101”

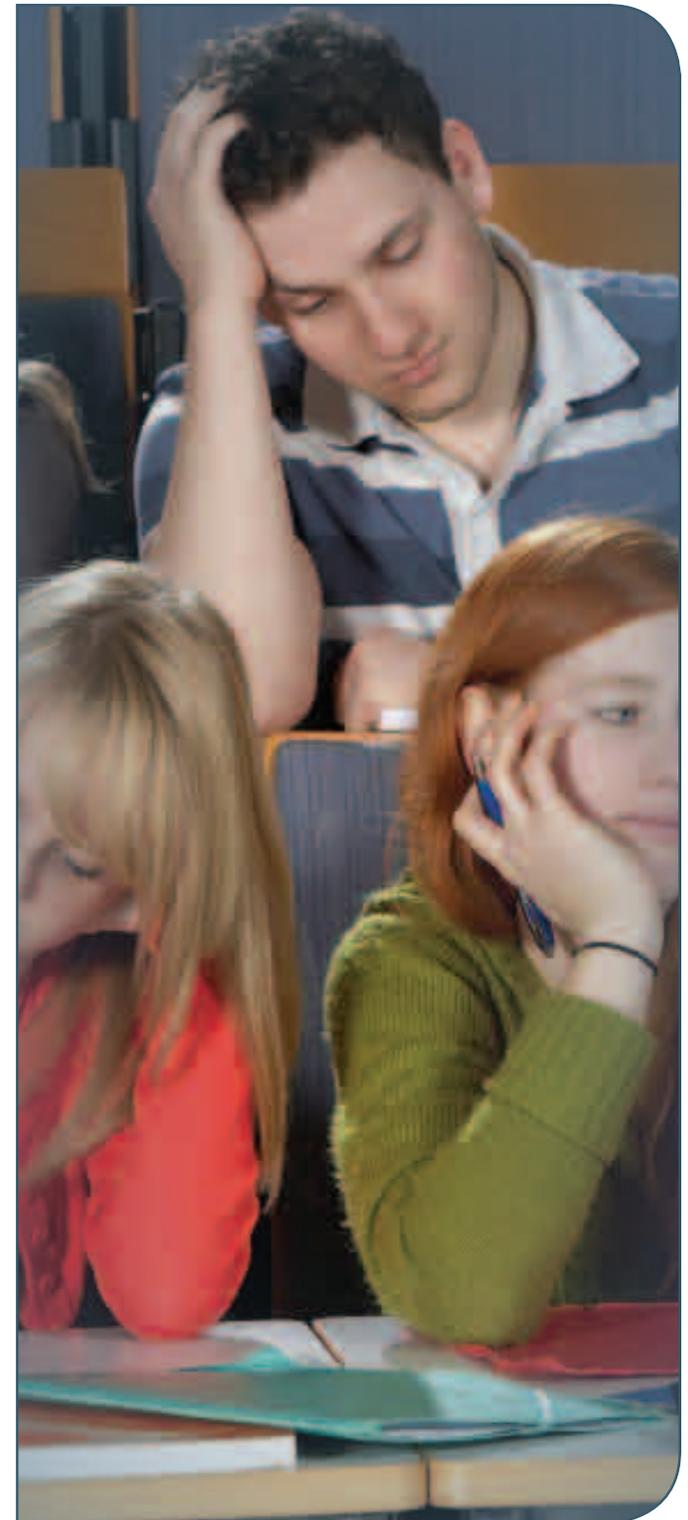
The *SUPER* Short Course

- What is a Growth Policy?

- » AKA Master Plan, Comprehensive Plan

- » “An official public document adopted and used by local governments as a guide for decisions regarding the physical development of a community.” —CTAP

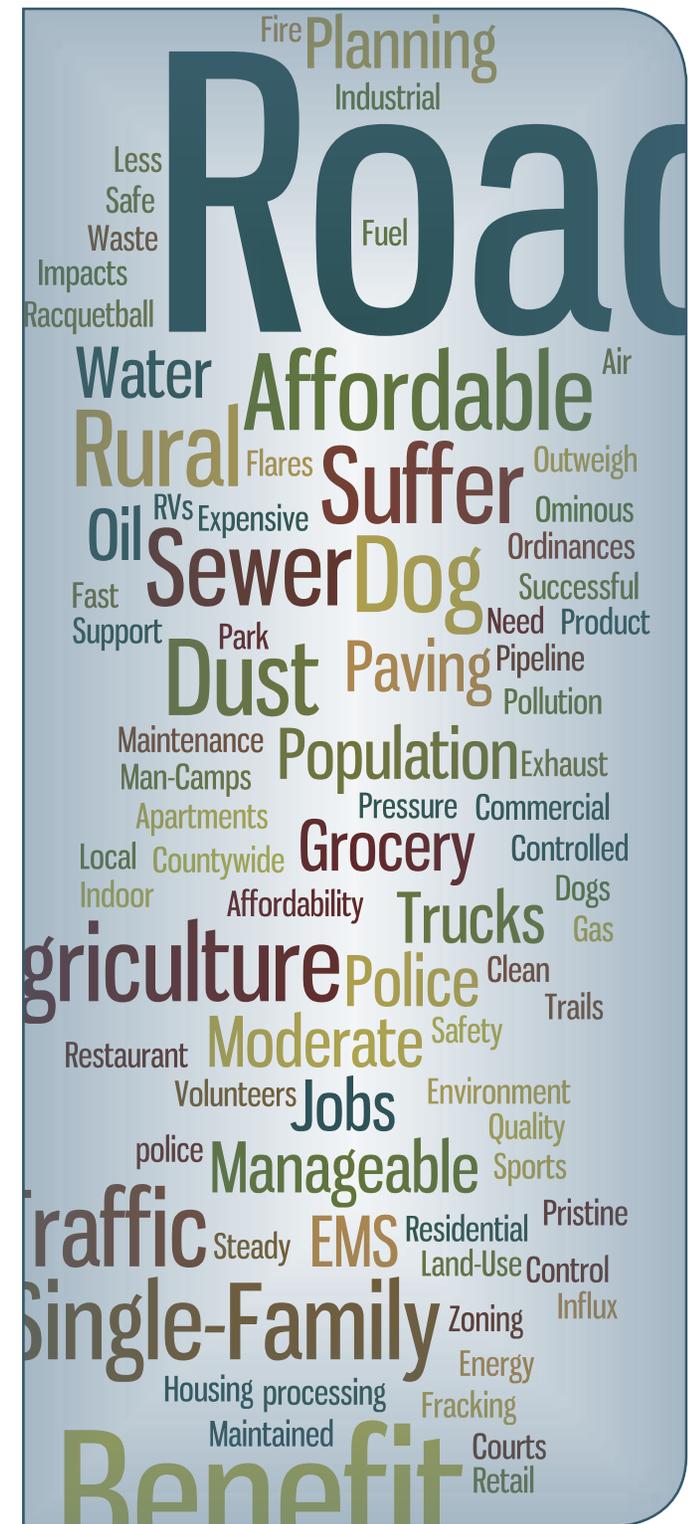
- » “The preeminent planning tool is the comprehensive jurisdiction-wide development plan, which is today known as the growth policy. A growth policy essentially surveys land use as it exists and makes recommendations for future planning.” —Citizen Advocates v. City Council, 2006 MT 47, ¶ 20, 331 Mont. 269, ¶ 20, 13 P.3d 1259, ¶20



Growth Policy “101”

What are the Contents?

- Inventory of Existing Characteristics - Text and Maps
 - » Land Uses
 - » Population
 - » Housing
 - » Economic Conditions
 - » Local Services
 - » Public Facilities Natural Resources
 - » Sand and Gravel
 - » Other
- Projected Trends
- Goals/Objectives and Implementation Measures
- Other: revisions/updates; inter-jurisdictional coordination, subdivision-specific direction



Growth Policy “101”

Goals and Objectives



- **Vision:** statement(s) that determines where you want to go in the planning time frame
- **Goals:** Broad things you want to achieve
- **Objectives:** General things you can do to achieve your goals
- **Actions:** Specific motions carried out to implement the growth policy

Growth Policy “101”

Importance of Public Participation



- This is a plan for the community!

Growth Policy “101”

SUMMARY

- Growth Policy is a community vision and plan for the future
 - » What do we want our places to be, really?
 - » How to make it happen
- It is the “preeminent planning tool”
- SHORT-COURSE EXAM...



Realities of Planning in Montana

Small towns and rural counties, often with a part-time planner if any at all...

- Planning in the “down” times



- Issues:

- » Lack of perceived need: “Why Bother?”
- » Insufficient and/or reduced resources
- » Difficulty addressing change

Realities of Planning in Montana

Small towns and rural counties, often with a part-time planner if any at all...

- Planning in the “Boom”



- Issues:

- » Emergency Response Mode (Shell Shock): no time for planning
- » Insufficient and overstretched resources at local government level
- » Increased potential for *ad hoc* decision-making
- » New plans and updated plans: we needed them yesterday!

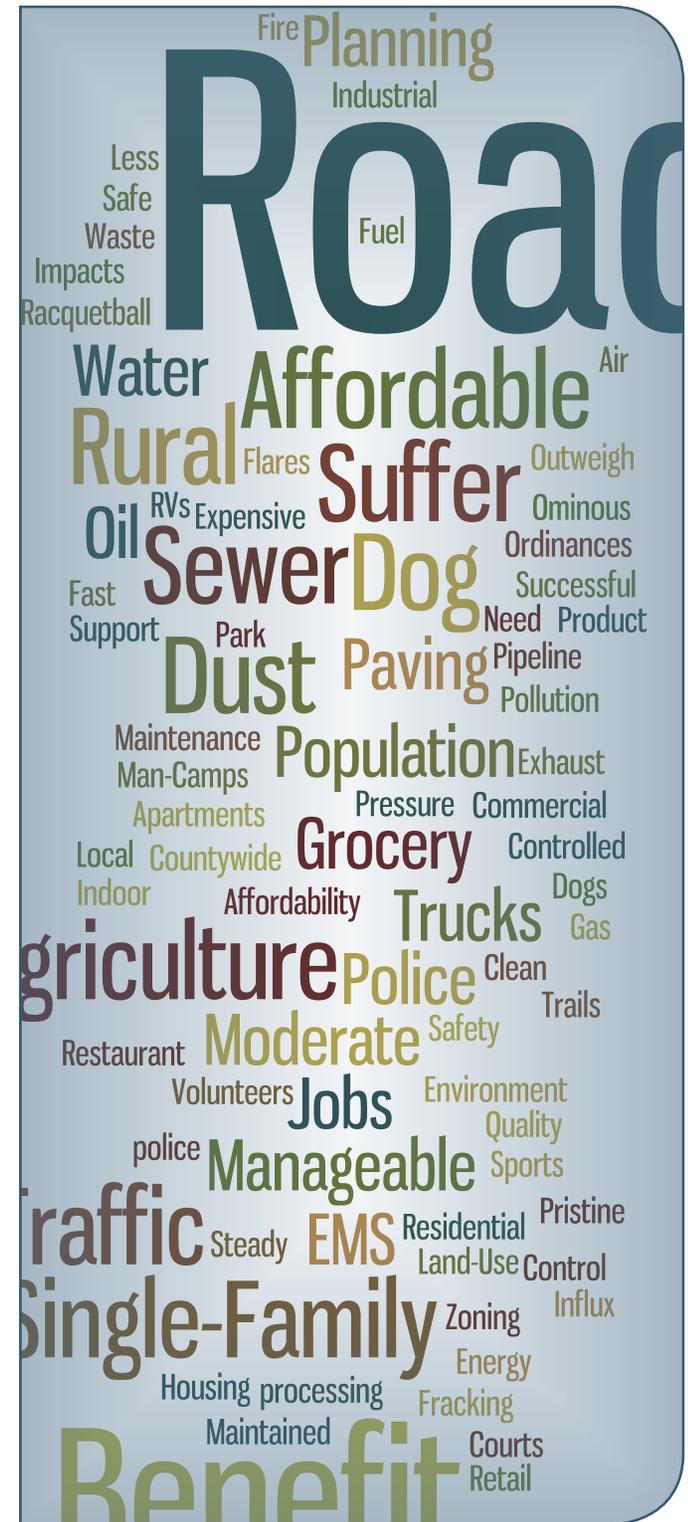
Growth Policy Considerations

For Areas Facing a Boom (or a Possible Boom)

- Do we have a growth policy? Does it address the potential for a boom? Do we need to update our growth policy?

1. What are the potential impacts from an oil/gas related boom? (Projected Trends)

- How do we know?
- **Consider:** Range of scenarios from no change to most significant change

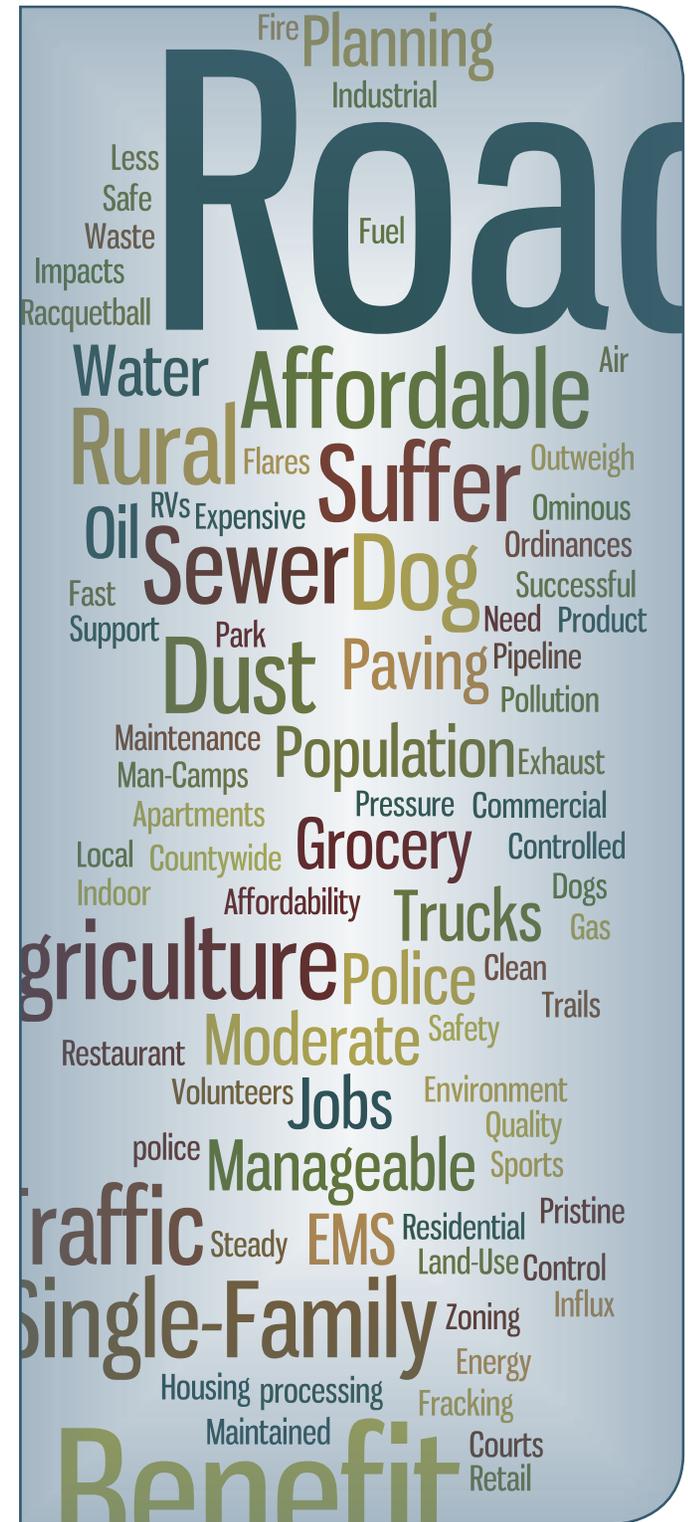


Growth Policy Considerations

For Areas Facing a Boom (or a Possible Boom)

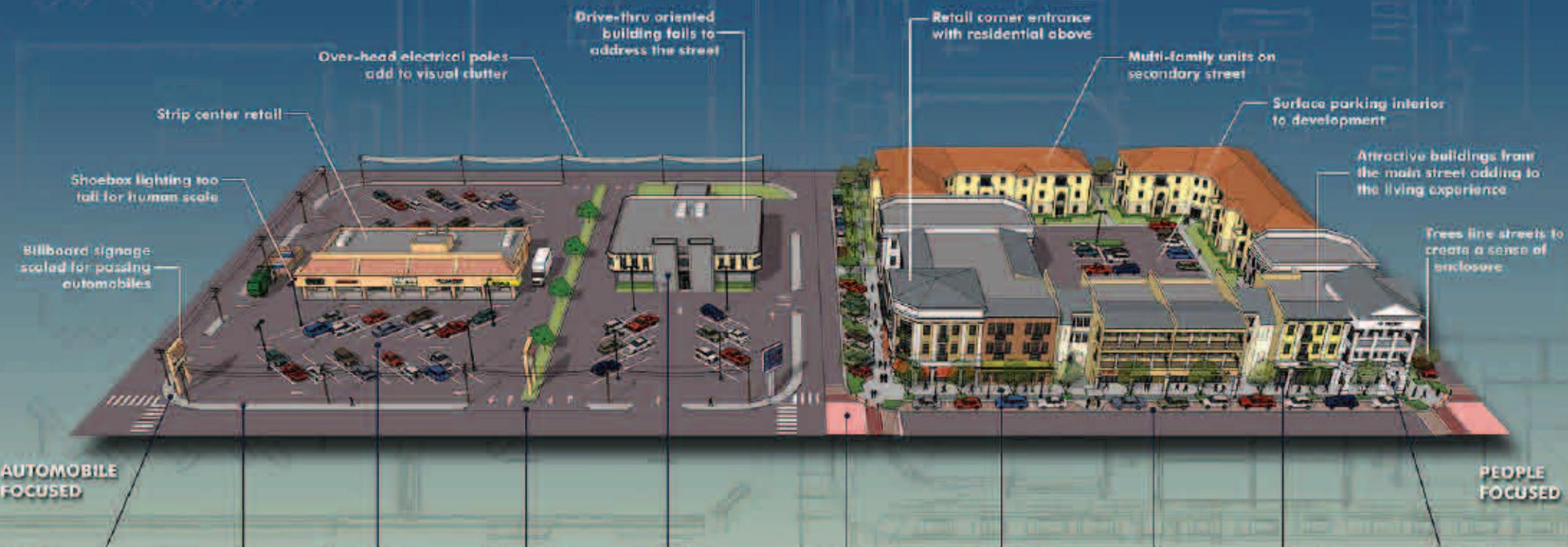
3. How can we manage the growth and change? (Vision-Goals-Objectives-Policy-Future Land Use Map)

- Vision for what the community will be in the long-run
- How to make it happen— Goals-Objectives-Policy-Future Land Use Map
 - » How to pay for it all and keep it cost effective:
 - + Considerations for Annexation, Zoning, Subdivision, Other
 - » Future Land Use Map



TOWN MAKER'S GUIDE: Healthy Building Placement

Walkable and Livable
Communities Institute



EDGES SIDEWALKS PARKING BUILDINGS CHARACTER EDGES SIDEWALKS PARKING BUILDINGS CHARACTER

<p>Strip center buildings are a recognizable way to identify a place and provide a sense of place. However, they are often built with a focus on the automobile and not on the pedestrian. They are often built with a focus on the automobile and not on the pedestrian. They are often built with a focus on the automobile and not on the pedestrian.</p>	<p>Strip center buildings are a recognizable way to identify a place and provide a sense of place. However, they are often built with a focus on the automobile and not on the pedestrian. They are often built with a focus on the automobile and not on the pedestrian.</p>	<p>Strip center buildings are a recognizable way to identify a place and provide a sense of place. However, they are often built with a focus on the automobile and not on the pedestrian. They are often built with a focus on the automobile and not on the pedestrian.</p>	<p>Strip center buildings are a recognizable way to identify a place and provide a sense of place. However, they are often built with a focus on the automobile and not on the pedestrian. They are often built with a focus on the automobile and not on the pedestrian.</p>	<p>Strip center buildings are a recognizable way to identify a place and provide a sense of place. However, they are often built with a focus on the automobile and not on the pedestrian. They are often built with a focus on the automobile and not on the pedestrian.</p>	<p>Quality edges provide a sense of place and a sense of direction. They are often built with a focus on the automobile and not on the pedestrian. They are often built with a focus on the automobile and not on the pedestrian.</p>	<p>Quality edges provide a sense of place and a sense of direction. They are often built with a focus on the automobile and not on the pedestrian. They are often built with a focus on the automobile and not on the pedestrian.</p>	<p>Quality edges provide a sense of place and a sense of direction. They are often built with a focus on the automobile and not on the pedestrian. They are often built with a focus on the automobile and not on the pedestrian.</p>	<p>Quality edges provide a sense of place and a sense of direction. They are often built with a focus on the automobile and not on the pedestrian. They are often built with a focus on the automobile and not on the pedestrian.</p>	<p>Quality edges provide a sense of place and a sense of direction. They are often built with a focus on the automobile and not on the pedestrian. They are often built with a focus on the automobile and not on the pedestrian.</p>

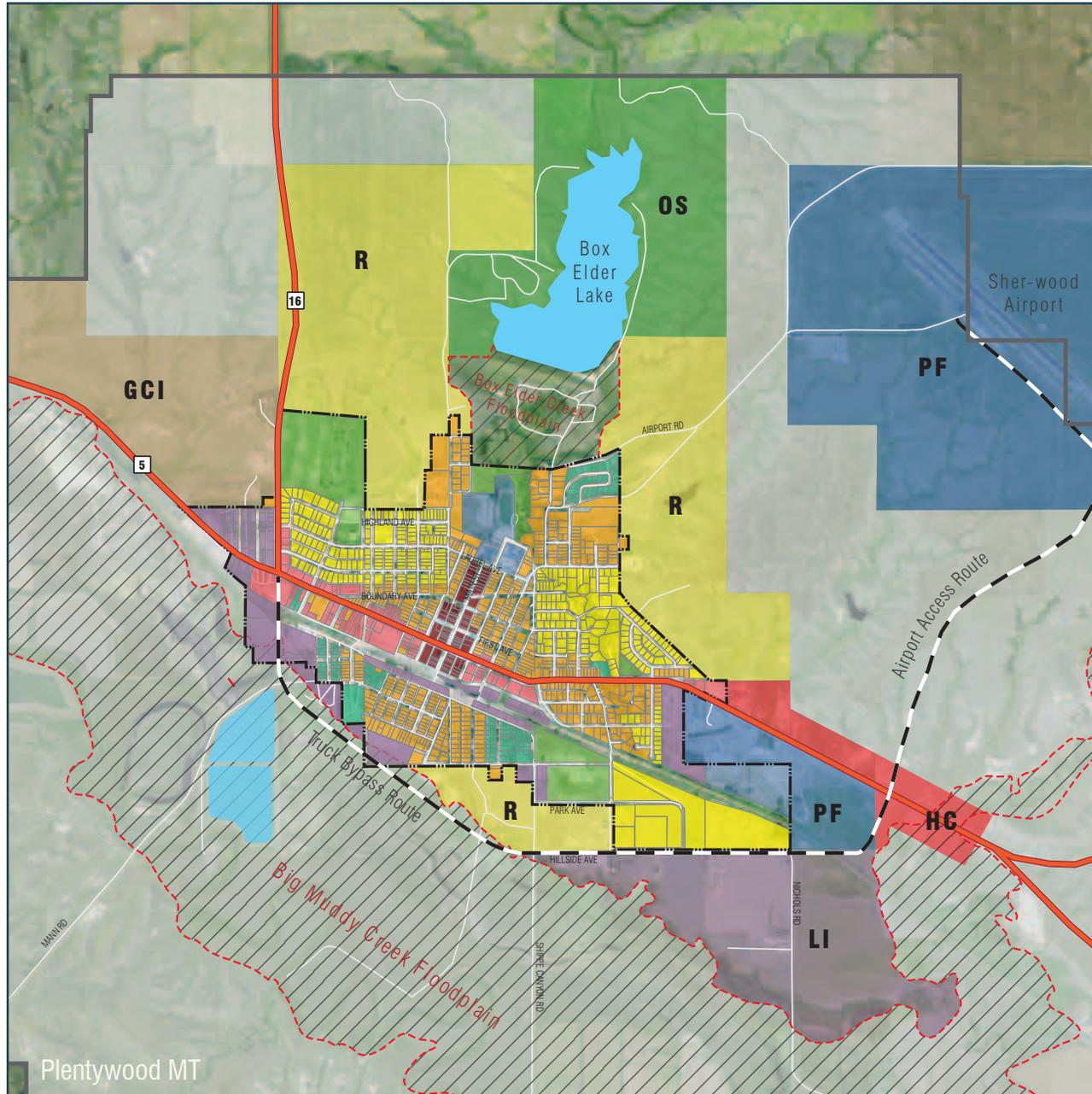
Future Land Use Map

If/When We Grow, Where and How?



Future Land Use Map

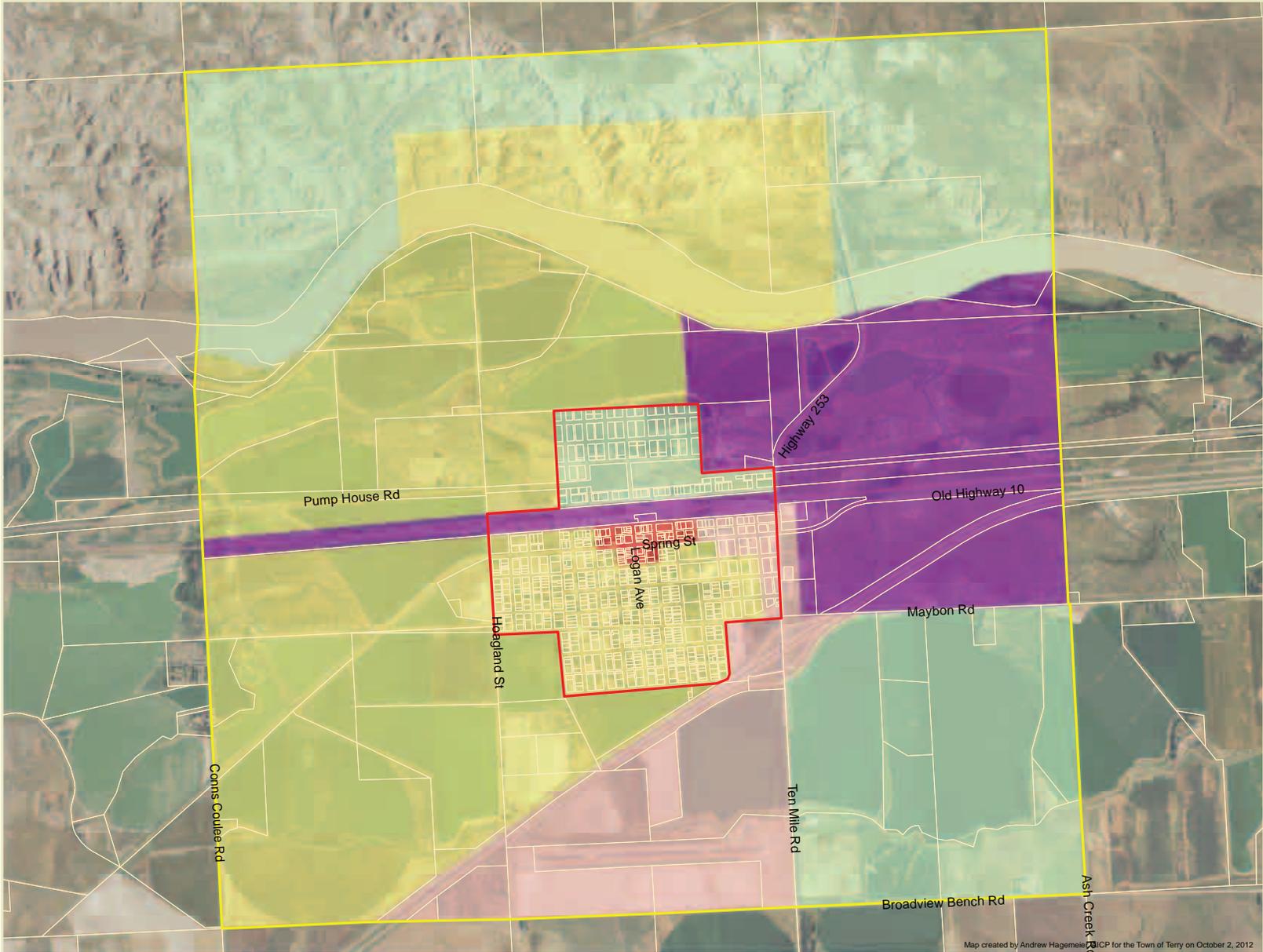
If/When We Grow, Where and How?



- The “on-the-ground” implementation element
- A visual representation of the Growth Policy’s vision and goals
- Non-regulatory, not zoning
- A guide to where and what kind of development matches the community’s long-term goals

Future Land Use Map

• Terry MT



Town of Terry DRAFT Future Land Use Map

October 11, 2012



0 2,500 Feet

1 inch = 1,750 feet

Legend

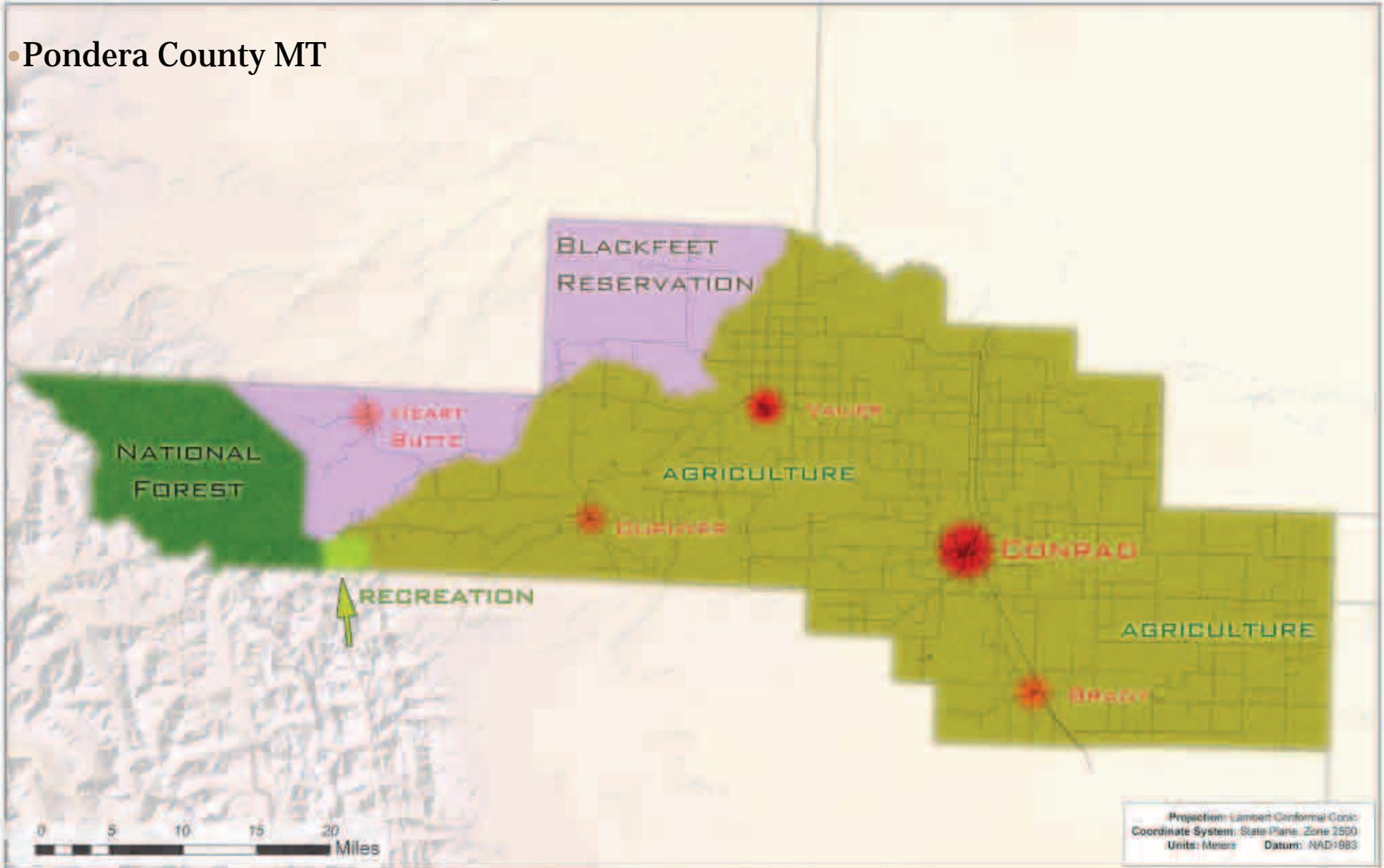
- City Limits
- Planning Area Boundary
- Property Boundaries
- Residential
- Agriculture
- Central Business
- Highway Commercial
- General Industrial



Map created by Andrew Hageman, GISCP for the Town of Terry on October 2, 2012

Future Land Use Map

- Pondera County MT



Pondera County, Montana

The Future Land Use Map is the County's vision guide to future planning. The map is a geographic expression of the Growth Policy's goals and strategies. The Future Land Use Map represents an ideal land use pattern for the future. The Future Land Use Map establishes five basic planning areas within the county.

Each planning area has a set of Plan Directives that should be viewed as guidelines for public policy consideration and future land use decisions.

This map was prepared March 2011 by consultant Parsons, LLC as part of the Pondera County Growth Policy Project. Spatial data (base maps) were obtained from the Montana Geographic Information Clearinghouse - Montana Natural Resources Information System (MRIS).

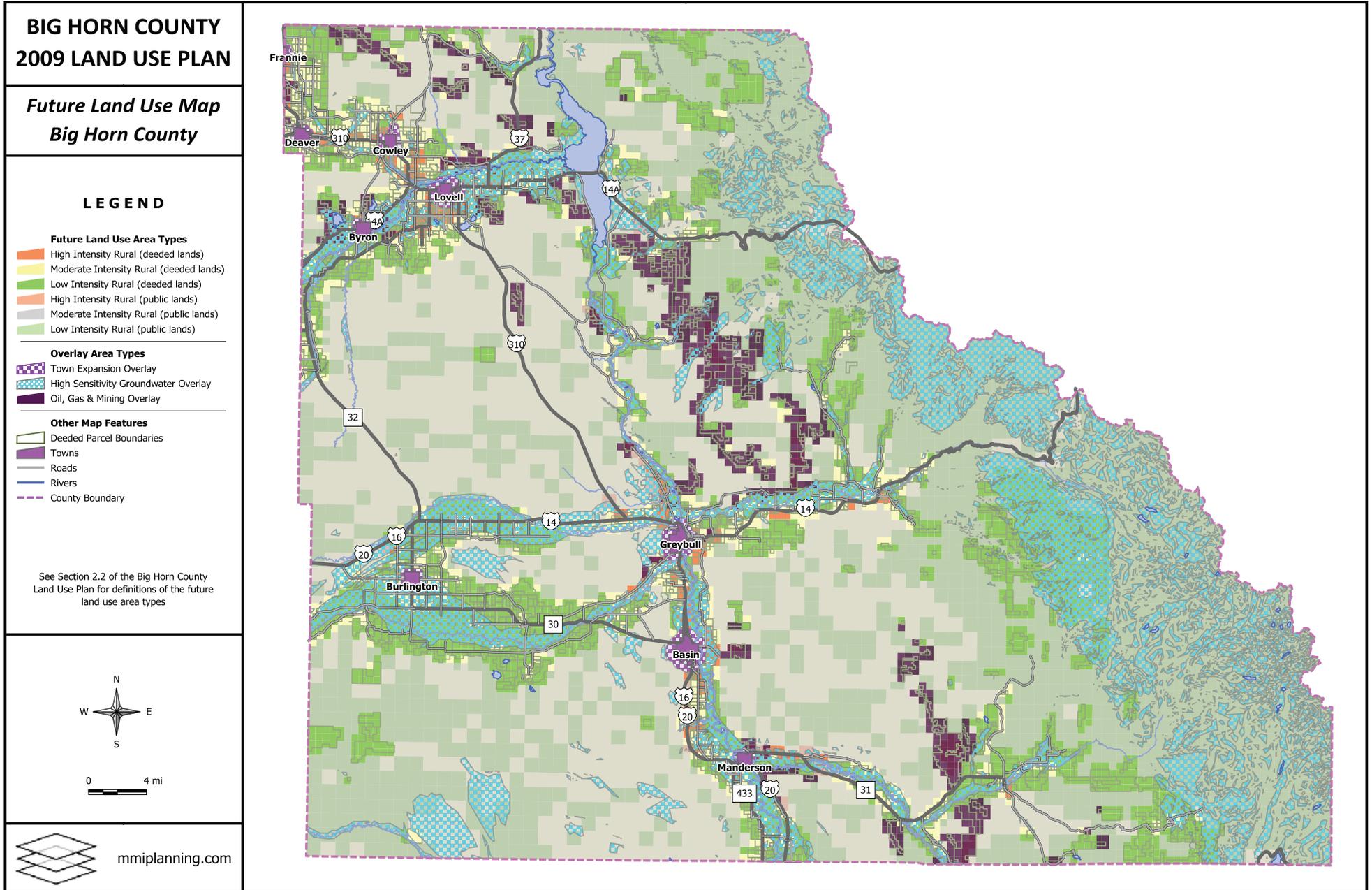
PONDERA COUNTY FUTURE LAND USE MAP

Map 22



Future Land Use Map

• Big Horn County MT

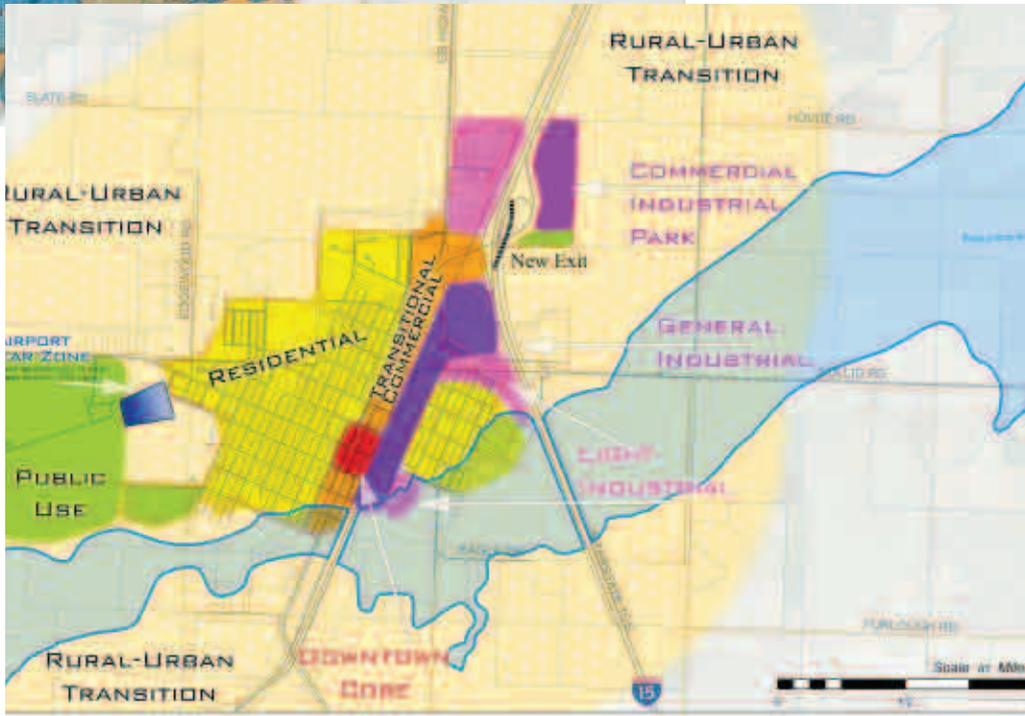


Growth Policy's Relevance to Key Tools for Managing and Financing Growth

- MT Supreme Court has ruled local land use regulations must “substantially comply” with the growth policy. (Little v. Flathead County (1981) 193 Mont. 334, and North 93 Neighbors v. Flathead County, 2006 MT 132.)
- “A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted ...” 76-1-605(2)(b), MCA
- If you want “compliance with the growth policy” to be a deciding factor, incorporate the components into land use regulations

Growth Policy's Relevance to Key Tools for Managing and Financing Growth

Annexation



- When should municipalities annex?
- Identifying areas for potential annexation and guide for future zoning
- Legal connection to Growth Policy

Growth Policy's Relevance to Key Tools for Managing and Financing Growth

Zoning

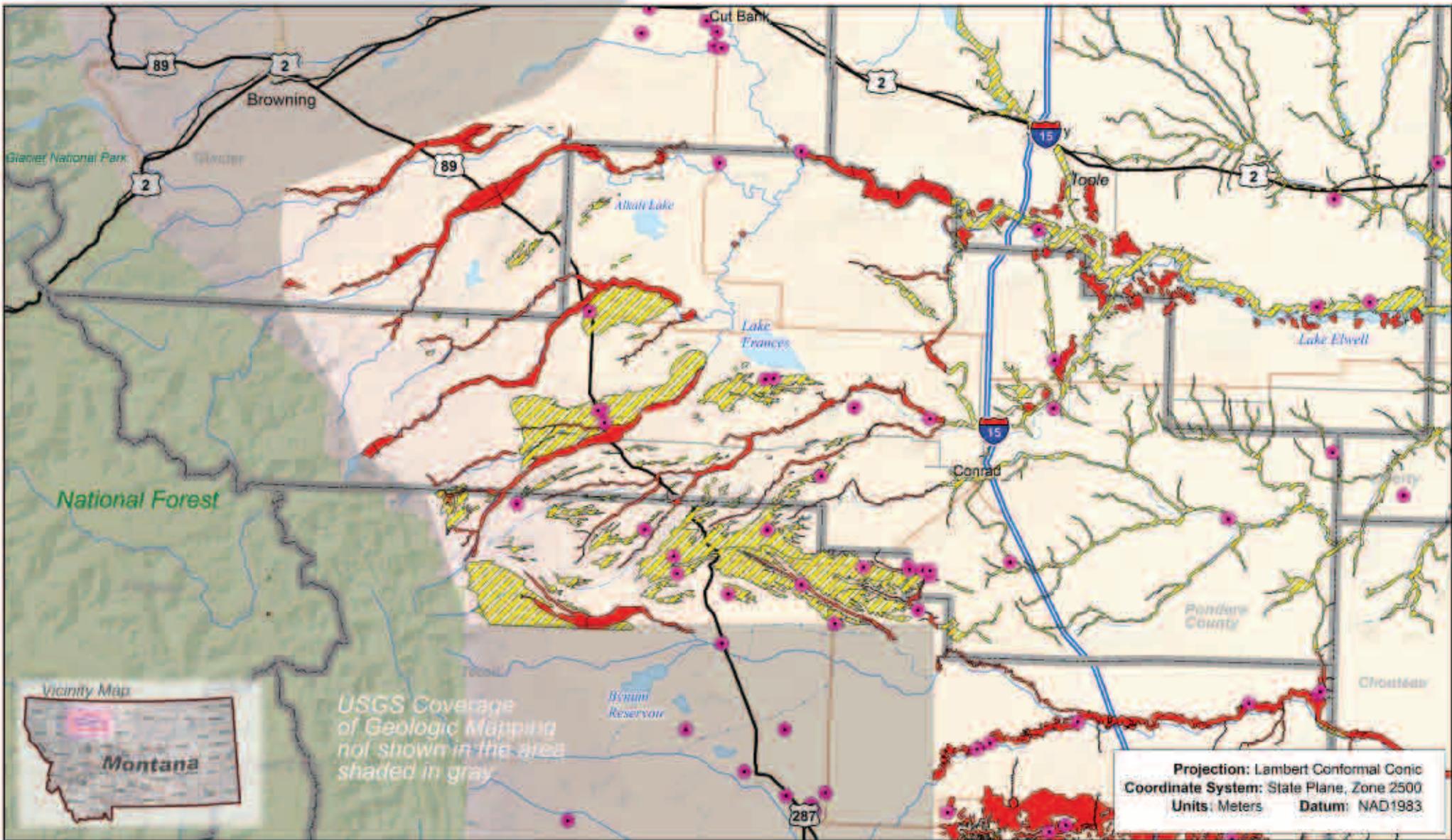
- Planning ahead for zoning changes
 - » What issues are we now facing with our zoning?
 - » How would we want zoning to be different?



Growth Policy's Relevance to Key Tools for Managing and Financing Growth

Zoning

- Legal connection to growth policy (Title 76, Chapter 2)
 - » Municipal zoning “Part 3”
 - + requires a growth policy
 - + must be “in accordance with growth policy”
 - » County zoning “Part 2”
 - + requires a growth policy
 - + must be in “accordance with growth policy”
 - » Citizen initiated zoning under “Part 1” DOES NOT require a growth policy



Potential Gravel-Bearing Areas and Permitted Gravel Pits

Map 6

MAP LEGEND

Geologic Map and associated data Montana Bureau of Mines and Geology (Gravel Pit Locations from Montana Department of Environmental Quality. Spatial data (base maps) were obtained from the Montana Geographic Information Clearinghouse - Montana Natural Resource Information System (NRIS).

This map was prepared September 2010 by Global Positions, LLC as part of the Pondera County Growth Policy Project.

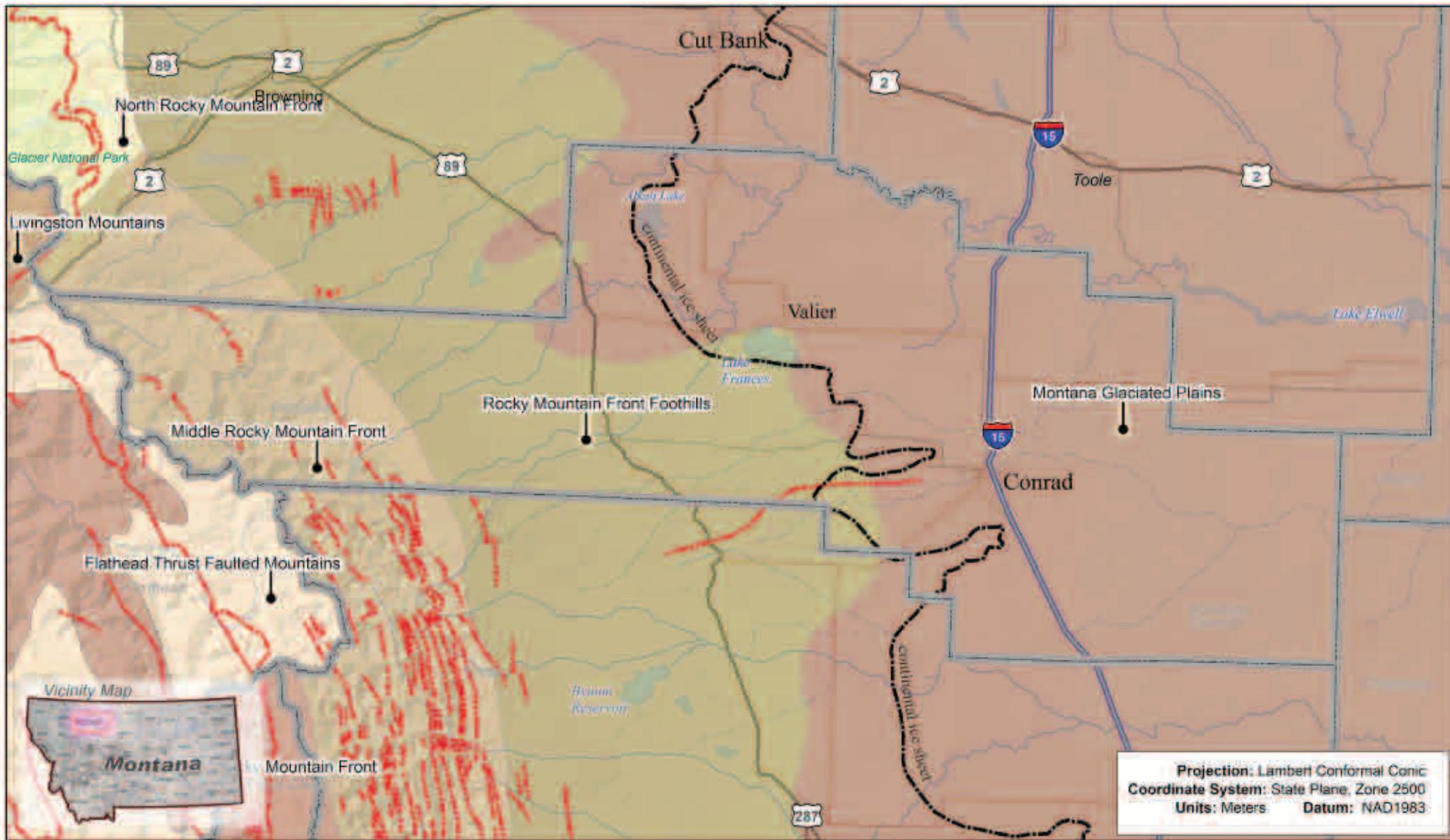
Gravel Bearing Areas

- Priority 1
- Priority 2
- National Forest

Permitted Gravel Pit Status

- Active
- Pending
- Inactive





Ecological Subsections and Faults

Map 5

Subsections are regions with similar surficial geology, lithology, geomorphic process, soil groups, subregional climate, and potential natural communities. Fault lines represent geologically significant linear features.

Spatial data (base maps) were obtained from the Montana Geographic Information Clearinghouse - Montana Natural Resource Information System (NRIS).

This map was prepared September 2010 by Global Positions, LLC as part of the Pondera County Growth Policy Project.

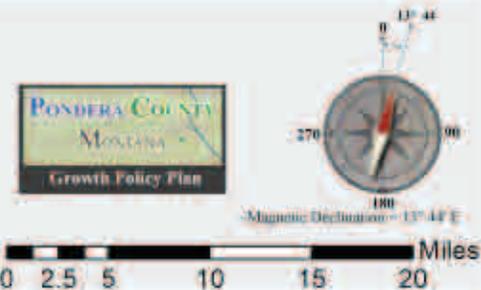


MAP LEGEND

Faults and Ecological Subsections

-  Fault Lines
-  Rocky Mountain Front Foothills
-  Montana Glaciated Plains
-  Flathead Thrust Faulted Mountains
-  Middle Rocky Mountain Front
-  Livingston Mountains

Projection: Lambert Conformal Conic
 Coordinate System: State Plane, Zone 2500
 Units: Meters Datum: NAD1983



BIG HORN COUNTY 2009 LAND USE PLAN

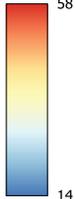
Groundwater Sensitivity Big Horn County

LEGEND

Groundwater Sensitivity

Heights

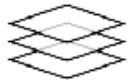
58



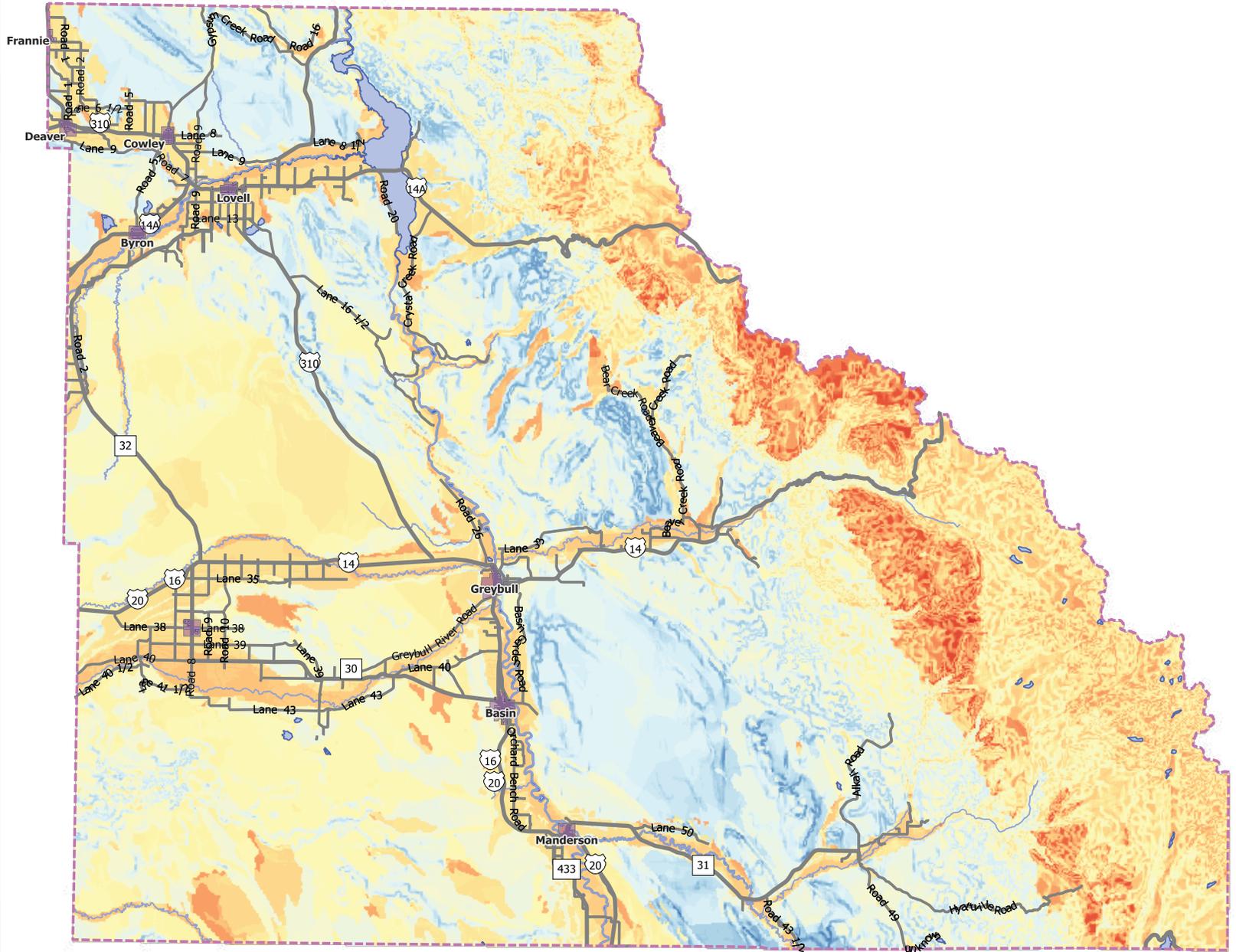
14

Higher number (red) means greater sensitivity to surface pollution sources and lower number (blue) means less sensitivity

- Towns
- Water Bodies
- Rivers
- Roads
- County Boundary



mmiplanning.com



Growth Policy's Relevance to Key Tools for Managing and Financing Growth

Subdivision

- Legal connection to growth policy:
 - » All incorporated municipalities and counties must have subdivision regulations (regardless of whether they have a growth policy) 76-3-501, MCA
 - » Growth policy must address: (76-1-601, MCA)
 - + How the governing bodies will define the criteria in 76-3-608(3)(a), MCA (impacts to agriculture, agricultural water user facilities, local services, natural environment, wildlife, wildlife habitat and public health and safety)
 - + How public hearings regarding proposed subdivision will be conducted
 - » Exemptions from some subdivision review requirements for subdivisions that meet the criteria of 76-3-616, MCA
 - + Subdivisions in a zoned area within or adjacent to an incorporated municipality with a growth policy that includes the provisions of 76-601(4)(c), MCA – (an infrastructure plan) exempt from :
 - ◇ Public hearing
 - ◇ Preparation of an EA
 - ◇ Review for impacts on 608(3)(a) criteria

Growth Policy's Relevance to Key Tools for Managing and Financing Growth

Capital Improvements Plan



- Purpose: Prioritizing and budgeting for infrastructure
- Planning-related considerations:
 - » Condition of existing infrastructure and capacity to handle current needs
 - » Where/how will infrastructure be expanded or extended?
 - + Road upgrades/extensions
 - + Water- Sewer Distribution and Collection Systems—upgrades needed? Extensions and man-made or natural barriers: grade (lift stations), bedrock, water bodies, etc.
 - + Water-Sewer treatment facilities- expansion areas
 - + Policy on extension of services
- Legal connection to growth policy:
 - » Must be guided by the growth policy in the:
 - » “authorization, construction, alteration, or abandonment of public ways, public places, public structures, or public utilities”
 - » “authorization, acceptance, or construction of water mains, sewers, connections, facilities, or utilities”

Growth Policy's Relevance to Key Tools for Managing and Financing Growth

Impact Fees

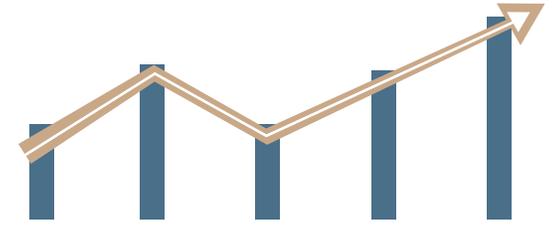
- **Purpose:** to fund the additional service capacity required by the development
- **Planning-related considerations:**
 - » Consider Capital Improvements Plan
 - » Must differentiate between existing needs and the incremental demand/change from new development
 - » Need to know where infrastructure will be extended....
 - » Considerations for services – law enforcement, emergency
- **Legal connection to growth policy:**
 - » None specific to Impact Fees

Connection Fees

- **Purpose:** recoup cost of connecting a property to a public utility system
- **Planning-related considerations:**
 - » None
- **Legal connection to growth policy:**
 - » None specific to Connection Fees

Growth Policy's Relevance to Key Tools for Managing Growth

Economic Development and Tax Increment Finance Districts (TIFD)



- **TIFD Purpose:** to stimulate local development by directing property tax dollars that accrue from new development, within a specifically designated district, to community and economic development activities.
- **Planning-related considerations:**
 - » Growth Policy is comprehensive and should consider economic development in terms of existing conditions and projected trends
- **Legal connection to growth policy:**
 - » Planning board reviews TIFD proposals to determine if they are in compliance with the growth policy (7-15-4213, MCA)
 - » ARM 42.19.1403: Municipality submits information package to the MT Dept of Revenue for certification of tax value. The municipality's growth policy is included in the packet. DOR reviews to make sure that the proposed use is not a specifically excluded or incompatible use in the future land use/zoning portion of the growth policy

Growth Policy Questions and Answers



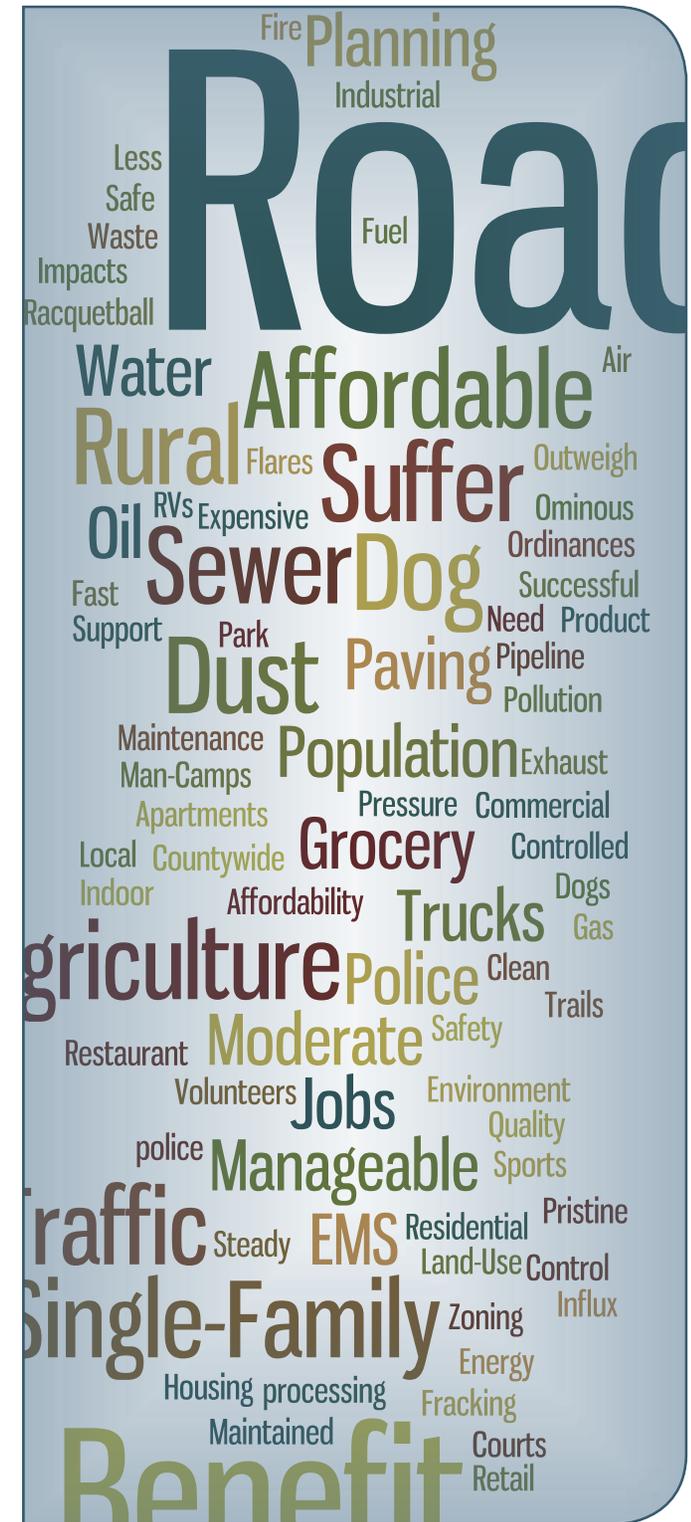
Growth Policy Summary

A Growth Policy is the community's overall strategic plan for the future

Key to:

- Annexation
- Zoning
- Capital improvements planning and budgeting
- Subdivision regulations
- Impact Fees

Do we need to update our growth policy to address oil/gas-related changes?



Capital Improvements Planning

Approach

- What is it
- What are the Benefits of a CIP?
- What should be the time period for a CIP and when should it be updated?
- Process of Developing a CIP
- Examples
- Developing a Funding Strategy
- CIPS and Other Planning Tools



Capital Improvements Planning

CIP: *What is It?*

Capital Improvements Planning

What is it?

- “Capital improvements planning” is a process used to identify capital (public facility) needs, establish priorities, and schedule and fund projects to improve existing, or construct new facilities
- Capture trends and forecast growth
- Not required by state law



Capital Improvements Planning

What are the Benefits?

- It helps local governments create a long-term financial plan to meet public facility needs, thus ensuring financial stability.
- Mitigates challenges of annual operational budgeting process.
- Promotes savings to accomplish larger projects.
- Communicates needs beyond local government to private interests and state and federal partners.
- Helps to formulate long-term financial strategies.
- Helps to define future land use patterns.



Capital Improvements Planning

Process

Assess Needs

- **Assess Needs:** defining your community's current and long-term needs is the first step in the capital improvements planning process. It provides local governing bodies with a defensible basis upon which to make decisions.

Prioritize Needs

- **Prioritize Needs:** priorities are initially determined through the needs assessment, however, needs should then be evaluated with respect to a variety of considerations.

Evaluate Funding Options

- **Evaluate Funding Options:** local gov't should take a comprehensive look at its capacity to pay for the desired improvements. Funding may have to come from local sources, but gov't should also identify specific programs offering outside funding.

Adopt and Implement

- **Adopt and Implement:** the formal adoption of the CIP provides the mechanism for local officials to implement the projects identified.

Capital Improvements Planning

Typical Process Milestones

- Kick-Off: Informational meetings with city staff and public
- Needs Assessment: Ask departments to assess their future capital needs
- Historical Analysis: look back a few years to get a clear picture of historical finances from every city fund
- Future Projections: Look forward to determine how much financial capacity city has to support projects
- Draft CIP
- Public Meetings: Present draft at regular work session of City Commission Meeting
- Final CIP Submitted



Capital Improvements Planning

Livingston MT

- Provides a blueprint of city's capital spending over next 5 years
- Analyzed historic spending to create financial projections
- Proactive instead of reactive to spending projects
- Included every department of city that had needs
- Public and media had opportunity to review

CAPITAL IMPROVEMENT PLAN							
Fiscal Years 2012 - 2016							
	Year 1 FY 2013	Year 2 FY 2014	Year 3 FY 2015	Year 4 FY 2016	Year 5 FY 2017	Total	Not Scheduled
General Fund	\$ 239,996	\$ 185,656	\$ 153,097	\$ 106,300	\$ 134,817	\$ 819,866	\$ 7,620,909
Special Revenue Funds:							
Communications & Dispatch	-	175,000	74,740	10,000	-	259,740	200,000
County Administered State 9-1-1 Funds	64,707	254,244	-	128,208	43,208	490,366	200,000
Urban Renewal	350,000	100,000	100,000	100,000	100,000	750,000	-
Light Maintenance	90,000	90,000	40,000	120,000	20,000	360,000	-
Street Maintenance	670,000	550,000	520,000	600,000	475,000	2,815,000	440,000
Total Special Revenue Funds	\$ 1,174,707	\$ 1,169,244	\$ 734,740	\$ 958,208	\$ 638,208	\$ 4,675,107	\$ 840,000
Capital Improvement Funds							
Capital Improvement Fund	25,000	475,000	-	-	-	500,000	-
Railroad Crossing Levy	-	8,615,000	-	-	-	8,615,000	-
Total Capital Improvement Funds	\$ 25,000	\$ 9,090,000	\$ -	\$ -	\$ -	\$ 9,115,000	\$ -
Enterprise Funds							
Water Fund	316,000	596,000	553,000	373,000	573,000	2,411,000	-
Water Impact Fees	-	-	-	30,000	-	30,000	-
Sewer Fund	359,000	740,475	597,475	527,475	313,475	2,537,900	160,000
Sewer Impact Fees	-	350,000	-	-	-	350,000	-
Solid Waste Fund	220,000	70,000	10,000	10,000	-	310,000	210,000
Ambulance Fund	157,500	-	15,000	15,500	150,000	338,000	-
Total Enterprise Funds	\$ 1,052,500	\$ 1,756,475	\$ 1,175,475	\$ 955,975	\$ 1,036,475	\$ 5,976,900	\$ 370,000
Total All Funds	\$ 2,492,203	\$ 12,201,375	\$ 2,063,312	\$ 2,020,483	\$ 1,809,500	\$ 20,586,873	\$ 8,830,909



Project Name: Vehicle Replacement

Department: Police

Current Year Cost: \$57,222

Source of Funding: General Fund

Project Description and Justification:
To provide adequate police services, it is critical to provide officers with reliable, comfortable and well equipped patrol vehicles. A patrol vehicle is essentially an officer's mobile office. They spend a considerable amount of time on patrol, and rely on having equipment readily available when needed. Police vehicles are subject to hard use and abuse, reducing their reliable service life to around 4 years or 80,000 – 100,000 miles. They are driven by multiple officers, 24 hours a day, in all weather and road conditions. As vehicles age, we incur maintenance costs, equipment malfunction and downtime from being out of service. The suspension systems become loose, reducing handling ability and creating a safety concern during pursuit driving.




Project Name: Lawn Mowers

Department: Cemetery

Current Year Cost: \$6,400

Source of Funding: General Fund

Project Description and Justification:
We currently have 7 Lawn Mowers in the public works division. We would recommend replacing one mower per year with the costs be allocated between the Park's Department (40%), the Cemetery Department (40%), and the Water (10%) and Sewer Departments (10%).

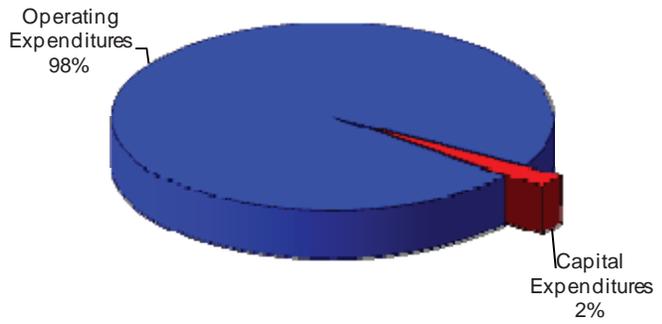


Capital Improvements Planning

Livingston MT

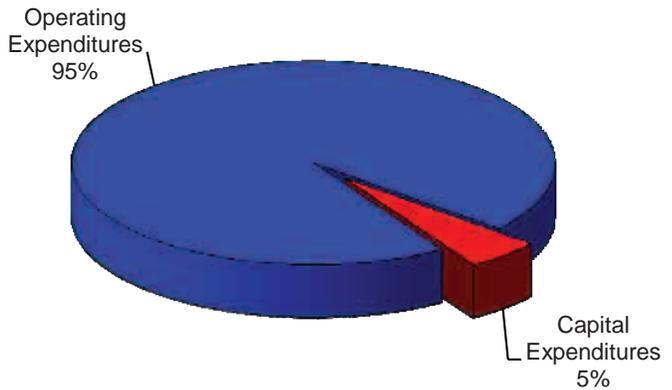
GENERAL FUND - OPERATING & CAPITAL EXPENDITURES

Last five years (FY 08 – FY 12) _____



GENERAL FUND - OPERATING & CAPITAL EXPENDITURES

Next five years – C I P (FY 13 – FY 17) _____

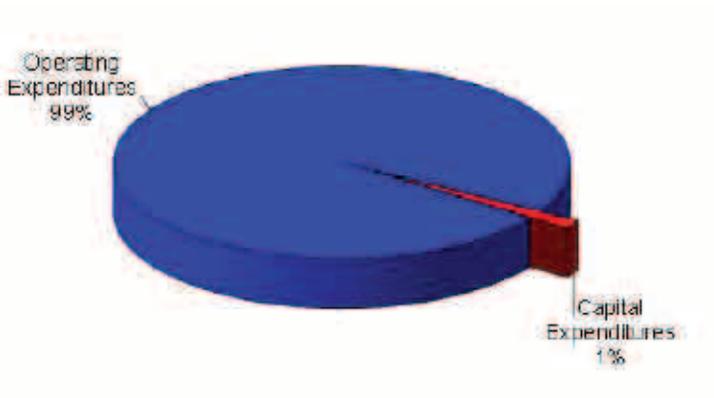


Capital Improvements Planning

Livingston MT

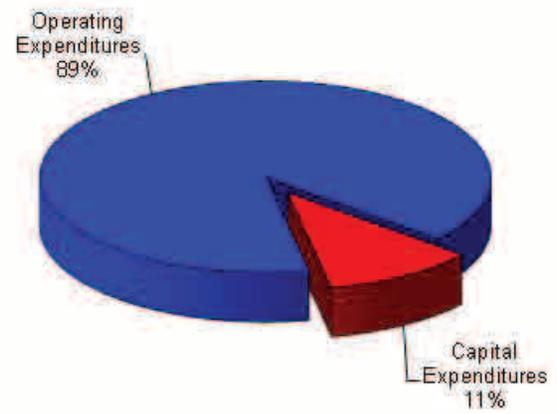
DISPATCH FUND - OPERATING & CAPITAL EXPENDITURES

Last five years (FY 08 – FY 12) _____



DISPATCH FUND - OPERATING & CAPITAL EXPENDITURES

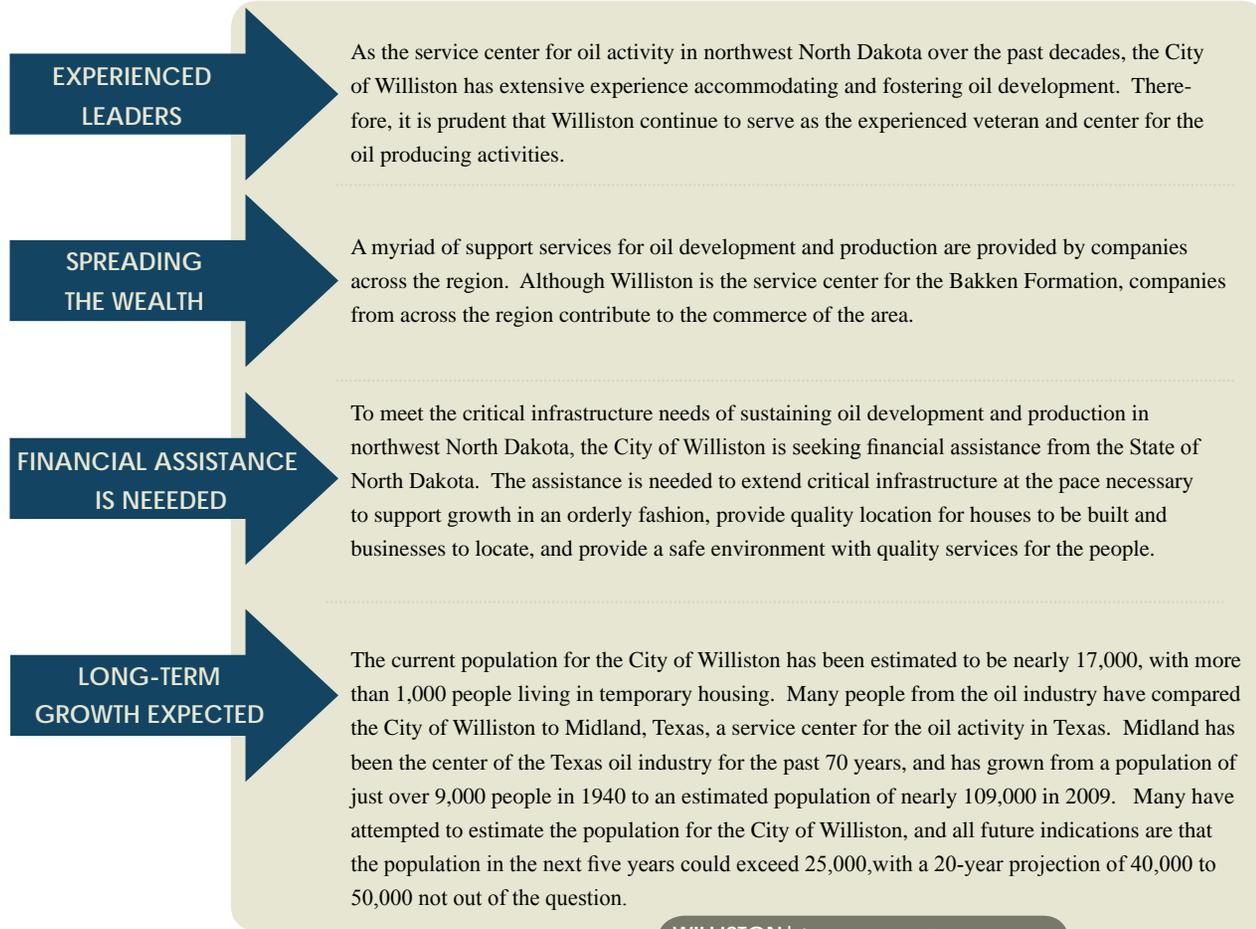
Next five years – C I P (FY 13 – FY 17) _____



Capital Improvements Planning

Williston ND

INVEST IN THE WEST | To Help Fund The Rest



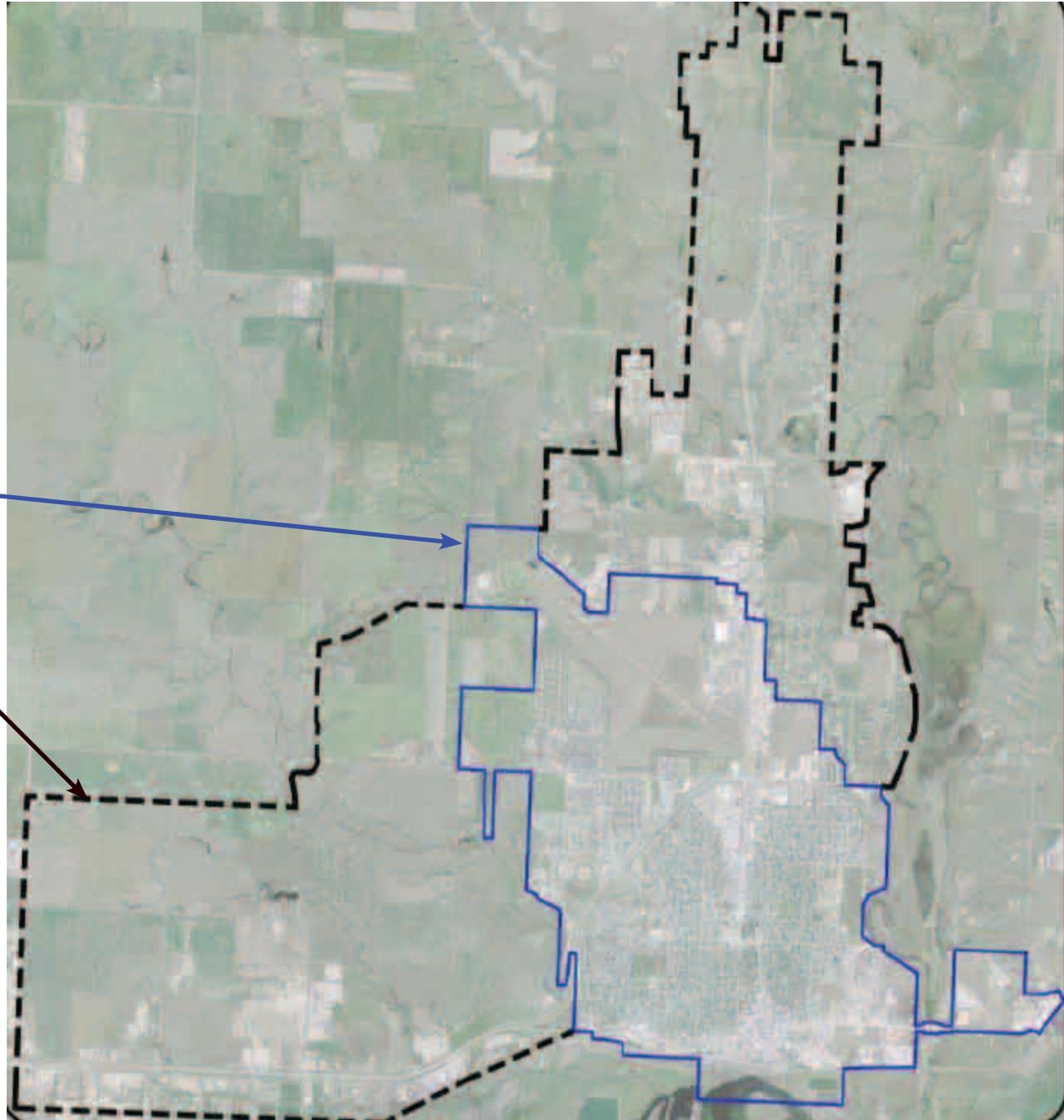
WILLISTON Improvements	
Project	Total Estimated Project Costs
Transportation	\$112,600,000
Wastewater	\$52,950,000
Stormwater	\$400,000
Water	\$550,000
Buildings	\$16,350,000
Solid Waste	\$2,400,000
SUBTOTAL	\$185,250,000

Capital Improvements Planning

Williston ND

Current City Limits

Potential Growth Area With These Investments



Capital Improvements Planning

Ray ND

- Assessed City needs and identified shortfalls in service and funding
- Coordinated with City Engineer to identify projects
- Generated cost estimates and timelines for major road, water, wastewater, solid waste, public facilities, and fire and police services projects
- Presented the planning document in an easy to understand visual format
- City Planning Board filled in the blanks by circulating draft CIP to city departments

City of Ray
Needs Assessment/Capital Improvements Plan
2012

DRAFT
REVISED 11/13/12




Wastewater System Projects	Cost Estimate
Sanitary Sewer Main Replacement	3,700,000
Phase 1 Wastewater Pond (S. of Golf Course)	1,587,000
Phase 2 Wastewater Pond (S. of Golf Course)	1,340,000
Phase 3 Wastewater Pond (Rehab existing pond)	1,681,000
TOTAL	\$8,308,000

Recreation Facilities Projects	Cost Estimate
Project A	XXXXXXXX
Project B	XXXXXXXX
Project C	XXXXXXXX
TOTAL	\$XXXXXXXX

Water System Projects	Cost Estimate
Water Main Replacement	4,931,000
Elevated Storage Tank (0.5 MG)	3,334,000
TOTAL	\$8,265,000

Transportation Projects	Cost Estimate
Road Reconstruction	\$2,000,000
Patching and Chip Seal	\$270,000
Patching and Overlay	\$4,730,000
TOTAL	\$7,000,000

Solid Waste System Projects	Cost Estimate
Inert Waste Landfill	
Gate House	\$70,000
Cell 1 Construction	\$400,000
Misc Facility Features	\$35,000
Fencing	\$90,000
Access Road	\$135,000
Stormwater Pond and Turf	\$60,000
Real Estate Acquisition	\$300,000
TOTAL	\$1,090,000

Law Enforcement Projects	Cost Estimate
Establish City Police Dept	XXXXXXXX
Expand County Sheriff Support	XXXXXXXX
Project A	XXXXXXXX
TOTAL	\$XXXXXXXX

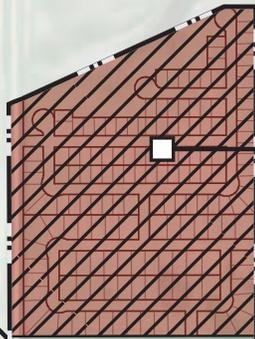
Public Buildings Projects	Cost Estimate
City Hall Project	XXXXXX
Maintenance Facility	
Street Sweeper	XXXXXX
Dump Truck	XXXXXX
Sander	XXXXXX
HWY 2 Shop	XXXXXX
TOTAL	\$XXXXXXXX

Fire/EMS Projects	Cost Estimate
Ladder Truck	XXXXXXXX
Ambulance	XXXXXXXX
New Staff	XXXXXX
Project A	XXXXXXXX
TOTAL	\$XXXXXXXX

City of Ray

Capital Projects Map

Street Improvement Projects - Area 1



98 mobile homes,
58 single family homes

Elevated Water Storage Tank
50,000 Gal

66-unit motel,
two 12-plexes,
restaurant/bar



Street Improvement Projects - Area 2

Truck stop, 5,000SF restaurant,
8,000SF restaurant,
Two 85-unit hotels,
two light office warehouses

TRANSPORTATION PROJECTS

WATER SYSTEM REPLACEMENT

SEWER SYSTEM REPLACEMENT

SOLID WASTE SYSTEM FACILITIES

PROPOSED DEVELOPMENTS

RECENT ANNEXATIONS



1000 FT



Wastewater Pond Phases 1 and 2:
New Pond Construction

Wastewater Pond Phase 3:
Repair Existing Pond

Inert Waste Landfill Construction Project
(80 Acres, Not Annexed)

Capital Improvements Planning

Richland County MT

											CIP \$		REMAINING			
											FY07 to FY15		FY 12 TO FY15			
Fiscal Year 2012			FY07	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15	PROJECT TOTAL	Element Sub-Total	REMAINING TOTAL		
** Account **																
4016 4020																
BUILDINGS																
Justice Center	Architect / Engineering		208,677	695,395	202,894	166,080	36,266					1,309,312	-			
	Land Purchase		85,775									85,775	-			
	Street Improvements	60,000			286,615	223,982	114,809	60,000				685,406	60,000			
	Landscaping					82,470	57,859					140,329	-			
	Data & Phones					613,801	40,234					654,035	-			
	Utilities (w & s)			158,850	123,171	21,317						303,338	-			
	Demolition _ LEC									200,000		200,000	200,000			
	Building Construction		128,025	588,154	8,818,542	6,879,433	491,101				200,000	16,905,255	-	260,000		
			1,442,399	9,431,222	7,987,083	740,268	60,000	200,000	-	-	-	20,283,449				
Court House	Architect / Engineering	125,000	15,000		18,845	259,113	125,000	35,000				452,958	160,000			
	Remodel	4,815,000			466,732	4,815,000	1,203,000					6,484,732	6,018,000			
	Shop & other facilities	90,000				90,000	10,000					100,000	100,000			
	Landscape & Sidewalk	12,000				12,000	150,000	100,000				262,000	262,000			
	Data & Phones	25,000				25,000						25,000	25,000			
	Parking, etc	200,000				200,000						200,000	200,000	6,765,000		
						725,845	5,267,000	1,398,000	100,000	-	-	7,524,690				
CSB	Architect		140,800	93,625	10,600							245,025	-			
	Land Purchase		42,250									42,250	-			
	Parking Lot												-			
	Street Improvements				72,630	6,516	31,850					110,996	-			
	Landscaping				23,345	79,342						102,687	-			
	Data & Phones											-	-			
	Utilities (w & s)			78,230	62,781							141,011	-			
	Building Construction		65,722	3,983,602	467,122	7,620	11,341					4,535,407	-	-		
			248,772	4,155,457	636,478	93,478	43,191	-	-	-	-	5,177,376				
CSB...Old Demolition	DemoDesign (Terracon)	18,710			11,150	19,415	18,710					49,275	18,710			
	Asbestos Remove (Safetech)	158,245					158,245					158,245	158,245			
	Demolition (Brisco)	205,285					205,285					205,285	205,285	382,240		
					11,150	-	19,415	382,240	-	-	-	412,805				
Fair Arena	Architect / Engineering		71,500	115,570						150,000	80,500	417,570	230,500			
	Building "A" Constr						1,925,000	11,000,000				12,925,000	12,925,000			
	Grounds / Utilities							55,000	75,000			130,000	130,000			
	Livestock Shelters							100,000				100,000	100,000			
	Demolition									65,000		65,000	65,000	13,450,500		
			71,500	115,570	-	-	-	100,000	2,130,000	11,220,500	-	13,637,570				
Fair Event Center	Architect / Engineering				162,210	61,250	8,750					232,210	-			
	Data & Phones					7,225	933					8,158	-			
	Fence & Paving	200,000						200,000				200,000	200,000			
	Building Construction	45,000				3,322,486	600,217	45,000				3,967,703	45,000	45,000		
					162,210	3,390,961	609,900	245,000	-	-	-	4,408,071				
Fair Paving	Storm Drain	80,000					80,000					80,000	80,000			
	Mall area paving	180,000					180,000					180,000	180,000			
	Entrance & Parking Lot	200,000					200,000					200,000	200,000	460,000		
							460,000	-	-	-	-	460,000				
Fair -Parking Lot East	Land Purchase		35,000	35,000								70,000	-			
	Bridge & Street Improvmt			69,370	62,928							132,298	-			
	Fence/Camping				65,459							65,459	-			
			35,000	104,370	128,387	-	-	-	-	-	-	267,757				
PubWks Maint Bldg	Architect & Engr Construction		47,000	12,000								59,000	-			
	Other Facilities & Structures		302,085	792,674								1,094,759	-			
	Grounds & Utilities		166,667	45,525								212,192	-			
			10,000									10,000	-			
			525,752	850,199	-	-	-	-	-	-	-	1,375,951				
Extension Office	Architect / Engineering				50,000							50,000	-			
	Access & Parking	150,000					150,000					150,000	150,000			
	Building Construction				700,000	59,232						759,232	-	150,000		
					750,000	59,232	150,000	-	-	-	-	959,232				
Fire Hall	Architect / Engineering	75,000			5,000		75,000					80,000	75,000			
	Building Construction	50,000					50,000	3,500,000				3,550,000	3,550,000	3,625,000		
					5,000	-	125,000	3,500,000	-	-	-	3,630,000				
Library Expansion	Architect / Engineering	75,000	3,350				75,000	200,000	45,000			323,350	320,000			
	Land Purchase							180,000				180,000	180,000			
	Building Construction							2,600,000	1,400,000			4,000,000	4,000,000			
	Grounds / Parking								35,000			35,000	35,000	4,535,000		
			3,350	-	-	-	75,000	2,980,000	1,480,000	-	-	4,538,350				
Subtotal			-	6,764,240	2,202,875	13,335,990	20,738,894	24,471,889	4,395,700	13,453,480	13,376,000	5,940,000	22,441,000	62,675,250		
BUILDINGS Fiscal Total	=			6,764,240											BUILDINGS =	29,672,740

Capital Improvements Planning

Red Lodge MT

Red Lodge CIP
Project Ranking Matrix
Administration Department

DRAFT

		Project		
		New Phone System	City Hall Remodel	
Project Description		Replace existing outdated system w/ new phone system, includes new wiring.	Accessibility upgrades, additional office space.	
Estimated Cost		\$26,000	\$25,000	
Does project fulfill a requirement for compliance with government regulations?		No	No	
Funding Availability/Sources		General Fund	General Fund	
Criteria	Criteria Weight	Project Ranking		
1. PUBLIC HEALTH AND SAFETY	5			
Project Score				
Weighted Score		0	0	0
2. COMPLIANCE WITH GOVERNMENT REGULATIONS	4			
Project Score				
Weighted Score		0	0	0
3. INCREASED EFFICIENCY OF CITY OPERATIONS	3			
Project Score				
Weighted Score		0	0	0
4. FUNDING AVAILABILITY	2			
Project Score				
Weighted Score		0	0	0
5. PROTECTS ASSET VALUE	1			
Project Score				
Weighted Score		0	0	0
WEIGHTED SCORE TOTAL		0	0	0

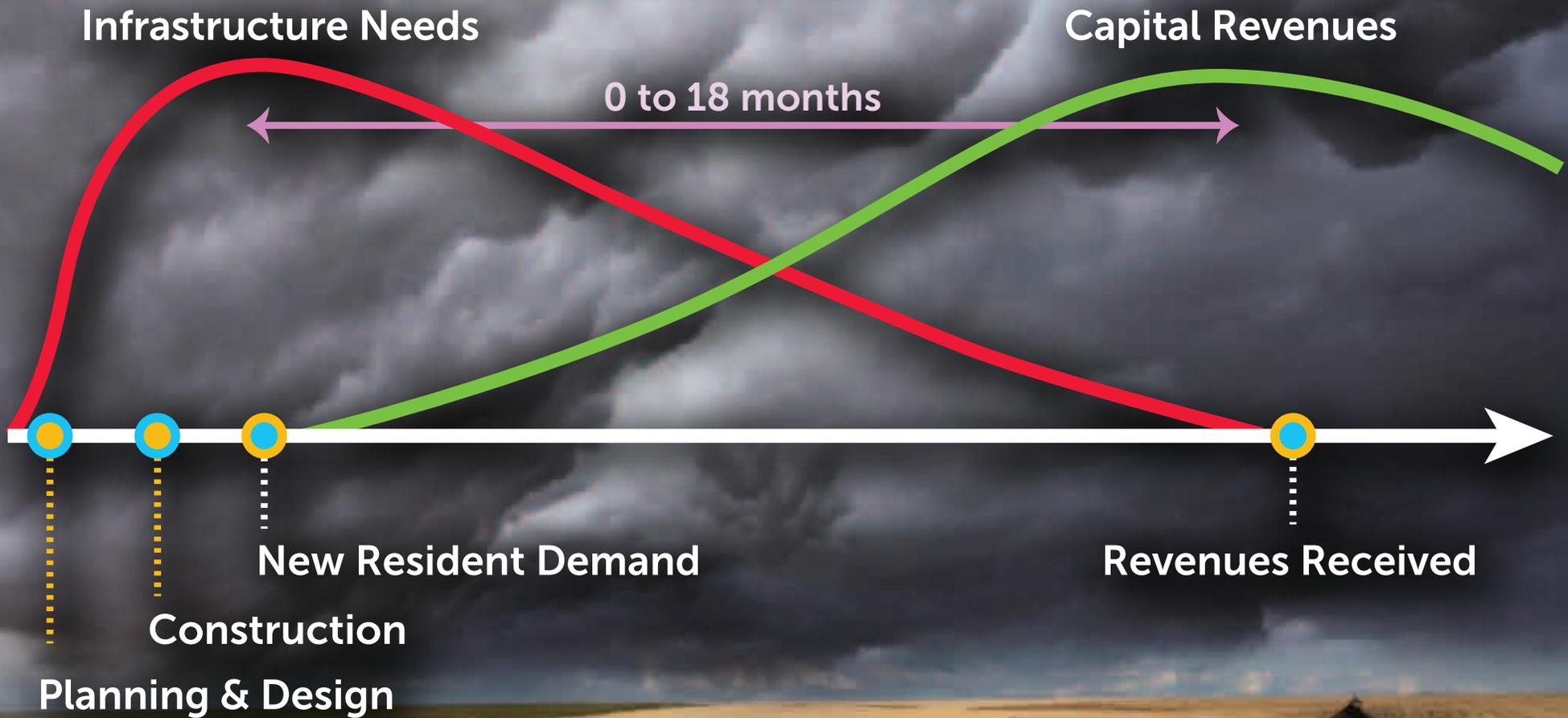
Kampfe	23	22
Priest	21	18
Kennicott	23	27
Average	22	22

Reviewer Notes/Comments:			
--------------------------	--	--	--

Instructions:
Score each project based on the five selected criteria on a scale of 1 to 3 with 1 = low, 2 = medium, and 3 = high in the yellow highlighted cells.
Weighted Score and Weighted Score Total will automatically calculate in the spreadsheet.
Any project comments or notes may be entered in Row 31.

Fiscal Challenges

PUBLIC INVESTMENT TIMING ISSUE



Capital Improvements Planning

Determine Your Local Government's Fiscal Condition

- First and foremost, a budgeting and financial tool
- Matching priorities to available funding, and identifying shortfalls
- Good fiscal planning can enhance a local government's ability to adequately address overall community needs, and a thorough analysis of local funding options is the first step.
- The following types of questions should be included in this analysis:
 - » Is the local government levying the maximum number of mills allowed under local and state statutes?
 - » Can the local government borrow funds or issue bonds to pay for projects?
 - » What economic and community development trends will affect the overall tax base?
 - » What are the general economic and demographic conditions in the local government's jurisdiction that might affect the ability of property tax payers to carry the burden of additional levies or assessments?



Capital Improvements Planning

Evaluating Funding Options

- Revenue Bonds

- » Issued for facilities that generate revenues through user fees (water, wastewater)
- » Fees pay off the principal and interest
- » Do not affect jurisdiction's indebtedness
- » Best used to finance revenue-producing utilities

- General Obligation Bonds

- » Repaid through property tax revenues
- » Do affect indebtedness
- » Requires bond election
- » Should be used for facilities that benefit whole jurisdiction (e.g. for fire stations, arterial streets)
- » Not for projects that benefit a specific area (see below)



Capital Improvements Planning

Evaluating Funding Options

- Special Improvement District Bonds
 - » Formed to provide facilities for specific areas within a jurisdiction (or Rural Improvement Districts for unincorporated areas)
 - » Pay for streets, gutters, sidewalks, water/wastewater
 - » Assessments are levied against district properties by linear foot or proportional area
- County Water/Sewer District Bonds
 - » Formed by petition to construct water/wastewater systems in rural areas
 - » Can assess user fees to pay off bond, or levy a tax if fees aren't enough



Capital Improvements Planning

Evaluating Funding Options

- Capital Improvement Fund (Reserve Funds)
 - » For improvement projects over \$5,000 and a lifespan over 5 years
 - » Formally adopted by governing body
- Grants and Loans
 - » A variety of state and federal programs provide grants and loans
- Fees
 - » User Fees are most common: should be set to cover all costs of operation and debt retirement
 - » ***Utility systems should be self-supporting, not subsidized by other gov't fund accounts***
 - » Tap Fees: covers actual cost to physically connect to line
 - » Impact Fee: to help amortize debt, particularly including facility construction



Capital Improvements Planning

Additional Funding Options

- **Interlocal Agreements**
 - » Jointly finance projects to share costs
- **Lease and Lease-Purchase Agreements**
 - » Lease public works projects to private companies, or lease for a period than gov't acquires title
- **Privatization**
 - » Where private investor or company obtains interest in public sector facility
 - » Used often for solid waste facilities or water/wastewater
 - » Common for communities to purchase and convert private systems to publicly-owned and maintained
- **Fundraising**
 - » “Adopt a Pothole” and similar programs



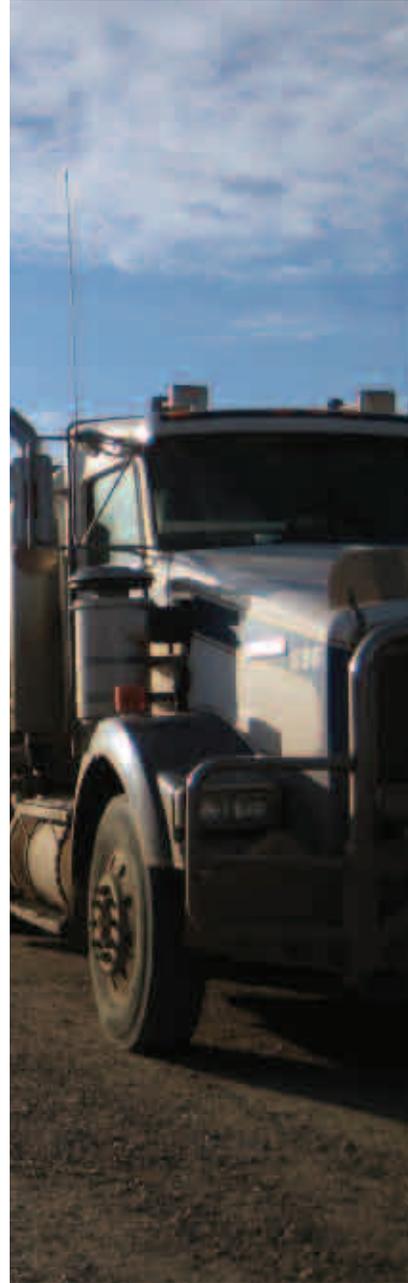
Capital Improvements Planning

CIPs and Other Planning Tools

How are CIPs used with Other Planning Tools?

Five-Minute Case Studies

Quick Narratives on the Big Issues



Case Study

Red Lodge Transportation and Land Use Brent

Downtown Red Lodge Development-related Milestones

Since 1983, when the Core area of Downtown Red Lodge was designated as an Historic District, there have been several key milestones in its development, and some key milestones are yet to come:

1983: Historic District designated (boundaries amended 1984 and 1986)

1986: Revitalization Master Plan completed

1995: Growth Policy adopted (amended 2001)

1997: New Development Code (zoning ordinance) adopted

2004: Comprehensive Economic Development Strategy (CEDS) adopted

2005: Zoning ordinance proposed that the Planning Board serve as the Design Review Board

2005: Beartooth Highway closed, creating significant negative impact on Red Lodge economy

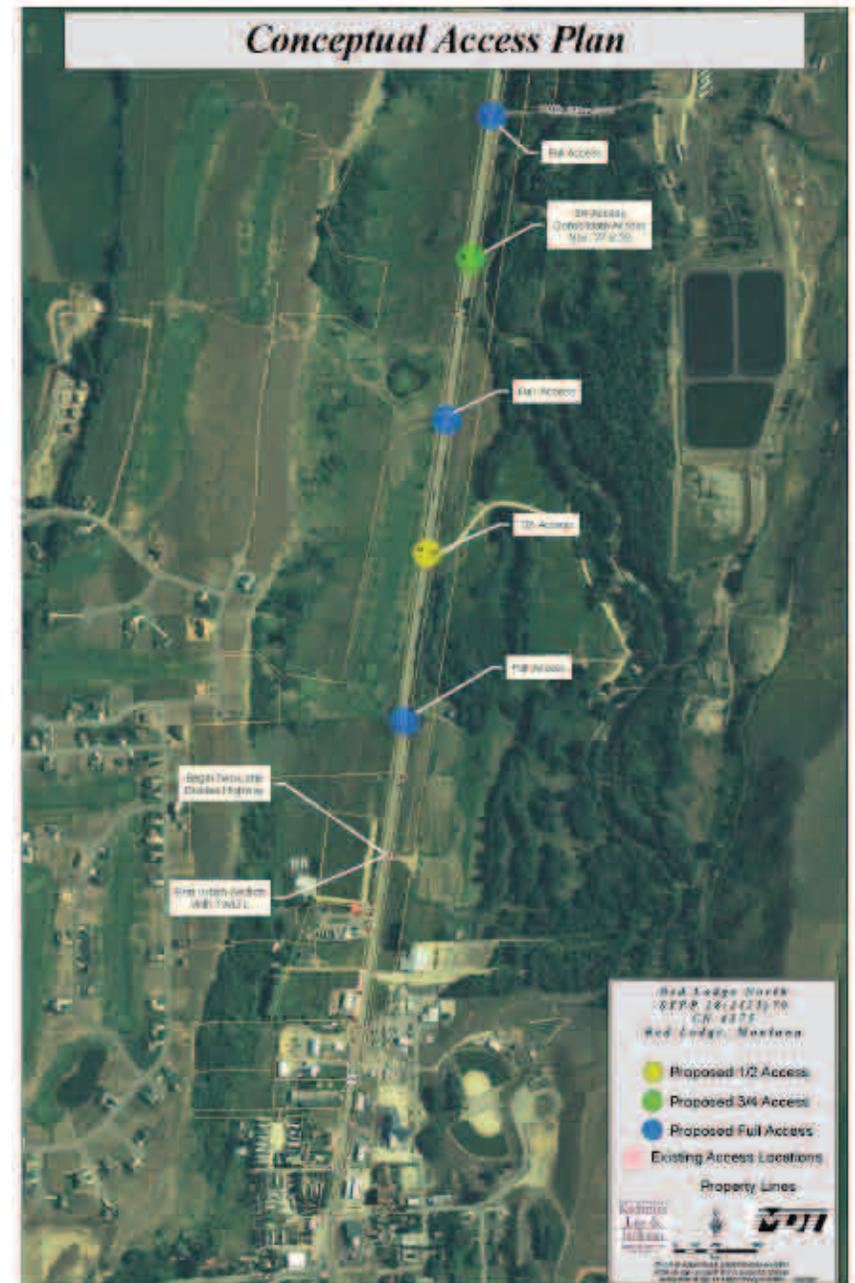
2006: Downtown Assessment & Action Plan completed; Red Lodge selected for Montana Main Street

2010: Highway 78 project scheduled by Montana Dept. of Transportation (MDT)

Beyond 2010: MDT reconstruction of Highway 212 planned

Case Study

Red Lodge Transportation and Land Use





Case Study

Red Lodge Transportation and Land Use



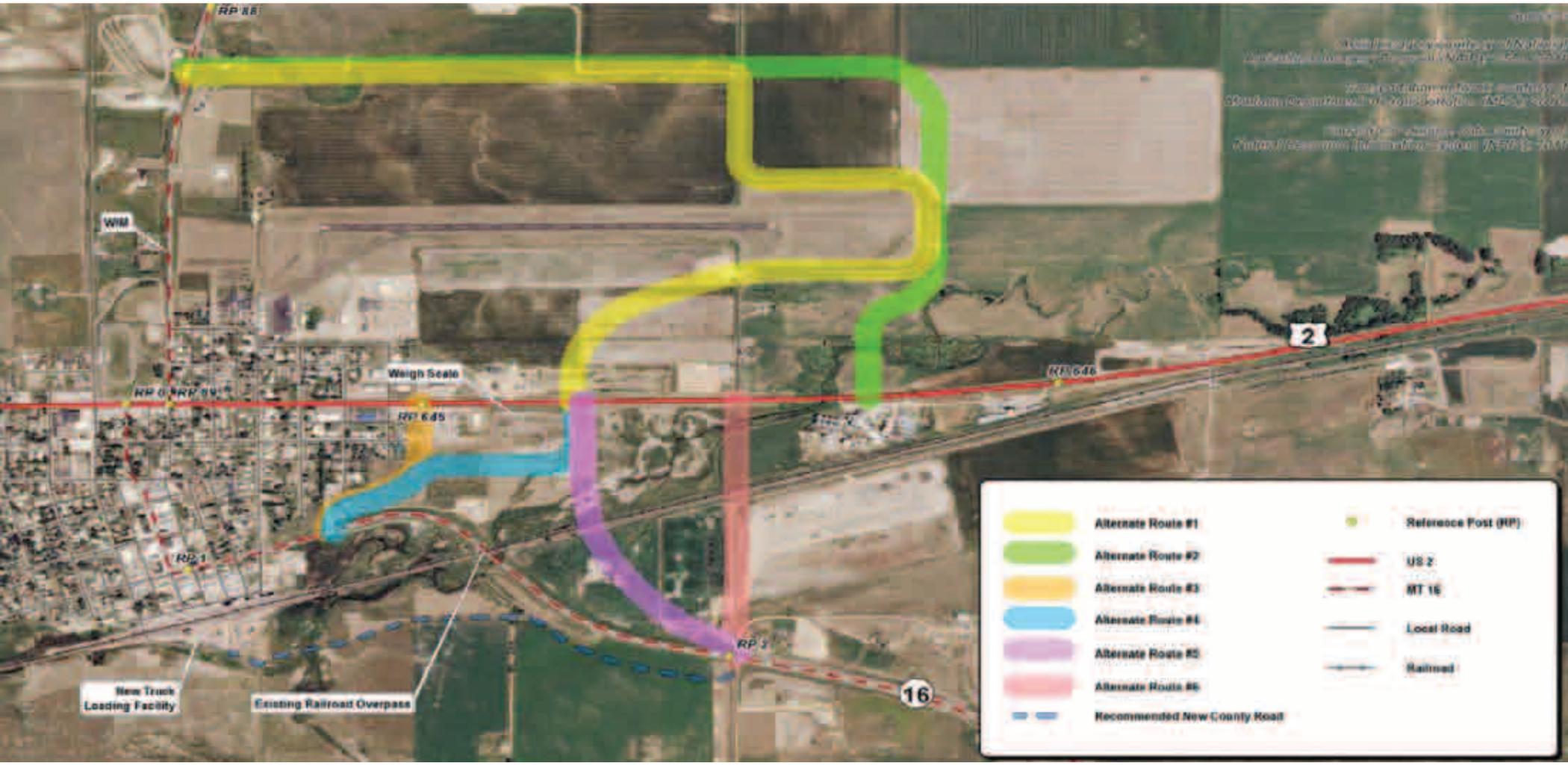
**“Before” and “After”
U.S. 395 Roundabout, Colville, Washington**
(Courtesy Welch Comer Engineers)



**Proposed Roundabout
Twin Falls, Idaho**

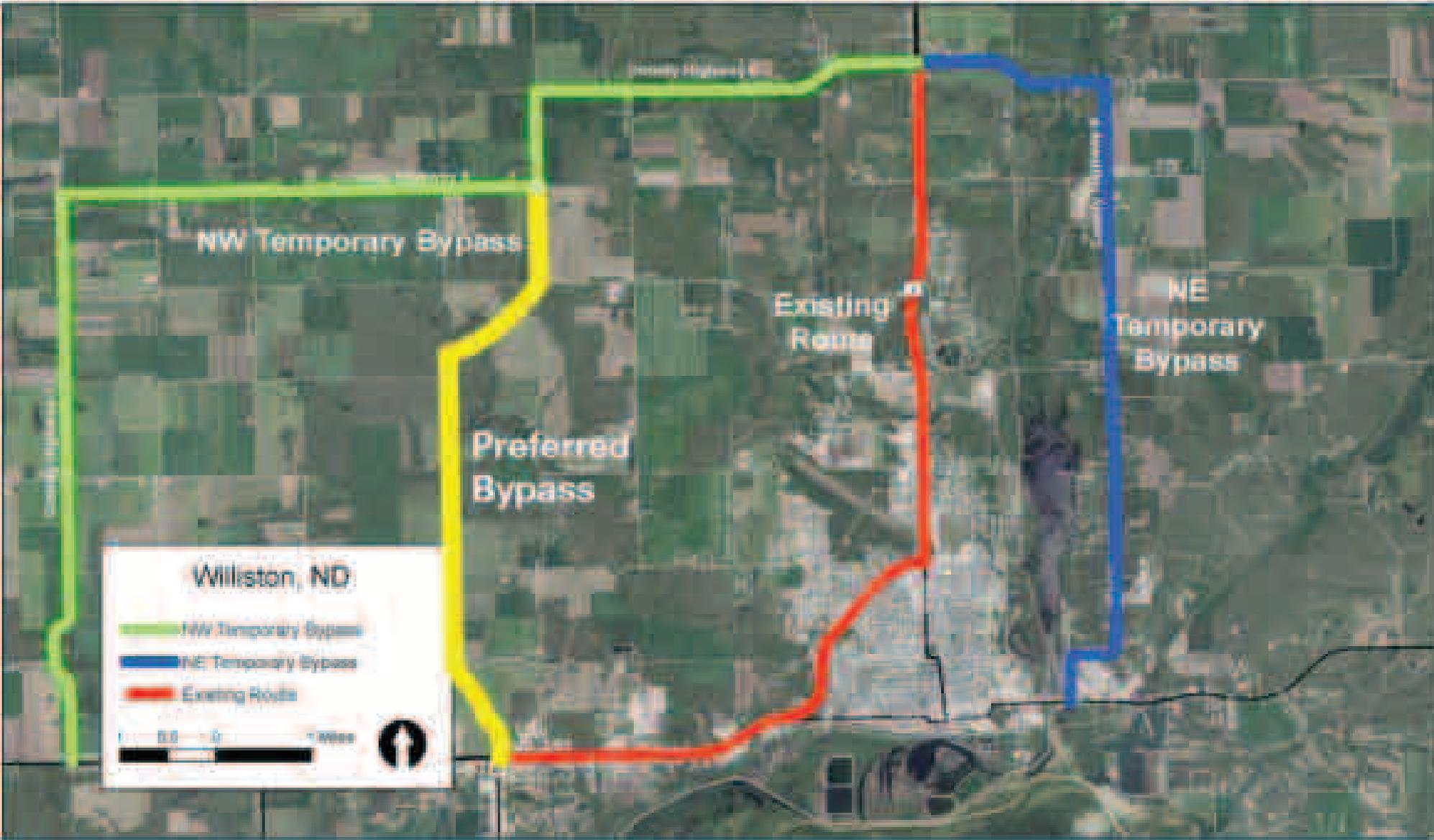
Case Study

Transportation Corridor Plans - Culbertson MT



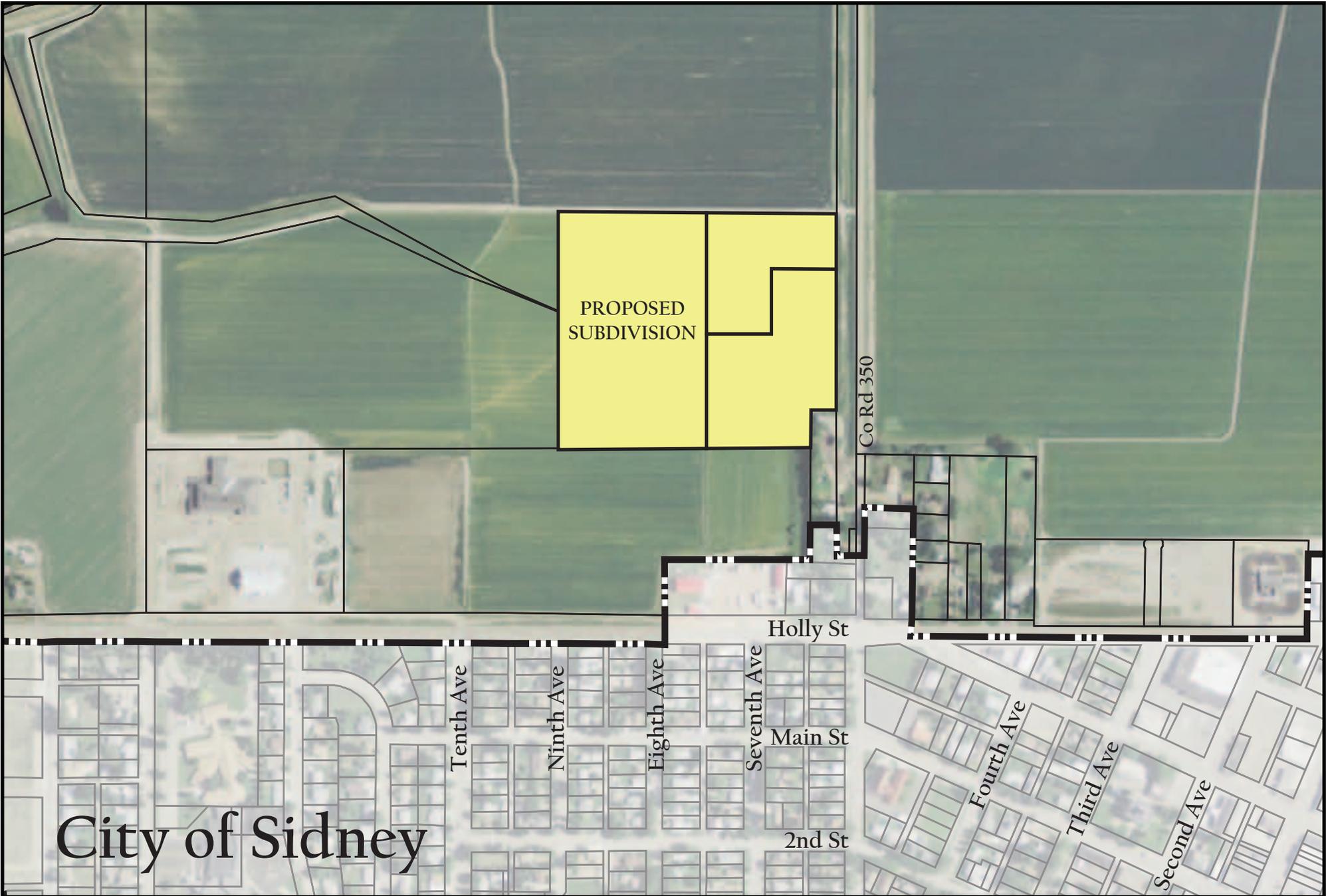
Case Study

Transportation Corridor Plans - Williston ND



Case Study

Annexation Anne



Case Study

Regional Planning Allison

- Transportation routes are an important component of local, regional and statewide infrastructure, and should be considered as part of any comprehensive planning effort.
 - » Safety & accessibility
 - » Provision of services/service delivery
 - » Multi-modal: bicycle, pedestrian, rail, air, sea
 - » Impacts
- Montana Dept. of Transportation
 - » Corridor studies
 - + Regional Economic Development Study for US2/MT16
 - » Regional Studies: Impacts to Montana State Highways due to Bakken Oil Development
 - + Prepared by the Upper Great Plains Transportation Institute - release date early 2013
 - + Three eastern MT counties
 - + Purpose of study, analysis & outcomes



Case Study

Regional Planning - Vision West ND Brent



VISION WEST ND

TOPICS

TOPICS	CURRENT	ARCHIVED
Living in Western North Dakota OCT 26 - APR 02 2012 IDEA SUBMISSION	1 IDEA	JOIN NOW
Challenge: Your Beautiful Western North Dakota County OCT 26 - APR 02 2012 PHOTO SHARE	5 PHOTOS	JOIN NOW
Tourism: Getting the Most Out of Western North Dakota OCT 26 - APR 02 2012 IDEA SUBMISSION	1 IDEA	JOIN NOW
Making Your Neighborhood Better OCT 26 - APR 02 2012 IDEA SUBMISSION	1 IDEA	JOIN NOW

Case Study

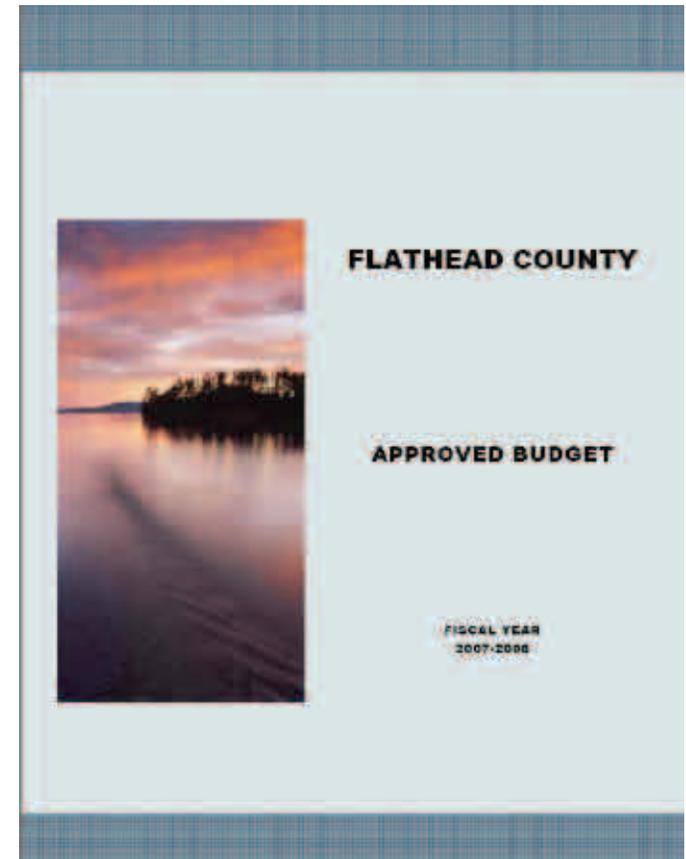
Impact Fees - Sidney Dave

- **Developing impact fees requires a lot of detailed work** as required in Montana law. This takes time and patience. City staff was feeling overwhelmed with growth and development pressure and wanted it done yesterday.
- **Impact fees cannot succeed without a team effort.** The city's attorney (Jerry Navratil), engineer (Pat Murtagh) and public works director (Jeff Hintz) provided critical information. Working with the city's administrative staff is also critical—they are on the front lines when dealing with the public and will have to manage the accounts.
- **Impact fees are not a cure-all.** They are only part of the funding package and existing residents must usually also pay for a portion of the improvements through user rates.
- **Save for a rainy day.** Over the years the city had kept monthly user rates so low they did not have money saved for improvements. Now they need major upgrades (over \$20 million) and will rely on the legislature, grants and loans (user fees) to pay most of the costs.
- **Politics will come into play.** The city could have adopted sewer and water impact fees of about \$8,000 per equivalent dwelling unit. They chose to adopt impact fees of \$2,500 and also raise sewer and water rates to help fund improvements due primarily to pressure from the development community.

Case Study

Capital Improvements Plans Allison

- Flathead County, MT Operating and Capital Budget
 - » Relationship to Flathead County Growth Policy
 - + Well it **says** the right things...
 - » Parties responsible for preparation
 - + Lack of involvement by Planning Office, public, other departments in development and update
 - » Focus: capital and operating expenses ***internal*** to Flathead County



Case Study

Citizen Participation Anne

- Greeley Neighborhood Plan Survey

Case Study

Public Meetings - the Good, the Bad, and the Ugly Allison

[Somers Neighborhood Plan Meeting Video](#)



Somers Planning Meeting Turns Unruly

Neighborhood Plan Opponents Attack County Involvement

By Keriann Lynch, 08-20-09

Flathead County Sheriff's deputies responded to a public meeting in Somers last week, after a gathering meant to provide information on a potential neighborhood plan dissolved into a shouting match.

The Somers community is in the earliest stages of considering the possibility of a neighborhood plan. Such plans act within the broader framework of the county's growth policy to offer more detailed guidelines for growth and planning in a specific region of the county.



File Photo by Lido Vizzutti/Flathead Beacon

- Somers Neighborhood Plan
 - » June 2009: Community Workshop, Somers School
 - + 3rd Public Workshop in Series

So.... What do you do if this happens? And how do you keep it from happening in the first place?

Case Study

Public Meetings - the Good, the Bad, and the Ugly

- Utilize Robert's Rules of Order
 - » Know the rules and procedures
 - » Make sure your Boards & Committees know the rules and procedures
 - » Keep copies on hand during meetings
- Alternative presentation styles
 - » Large group vs. small group format
 - + Personalize discussions
 - + Break up troublemakers
 - » Focus groups for question & answers
 - » Charette-style workshops
 - + Hands on, involve the public
 - » Eliminate opportunities for 'grand-standing'
- Meeting location
 - » Public, municipal or county building
 - » Benefits (and drawbacks) to having a law enforcement presence



Case Study

Design Guidelines - Ray ND Dave Dixon



Commercial Building

- Visual diversity in architectural detail
- Neutral, non-reflective color tones
- Windows and glazing exceed 15% of facade

"Building facades shall blend local historic and cultural tradition with modern design. Windows or glazed area shall cover at least 15% of the front facade" employing "visual diversity on all building facades by varying materials, texture and color."

CBD Zone Signs



Projecting sign
8' max from wall

Awning sign

Projecting sign
6" max above parapet

- Visually referenced design standards from Zoning Code
- Pointed out examples of architecture the city would like to see
- Provided standards for building facades, signs, parking, landscaping



Freestanding Sign

- Design relates to building
- Earthtones
- Natural materials
- Landscaping around base

"Signs shall be architecturally related to the design of the building(s). Freestanding signs shall have landscaping at their base" using "subtle, neutral or earth tones with low reflectivity."

Case Study

Design Standards - Lake County Dave

- Subdivision design standards typically address:
 - » Lot and block sizes
 - » Street and sidewalk construction specifications
 - » Access and utility easements
 - » Drainage facilities
 - » Fire protection facilities
 - » Irrigation in subdivisions
 - » Solid waste disposal requirements
 - » Natural resource protection
 - » Lands unsuitable for subdivision
 - » Noxious weed management, etc.
- The CTAP 2006 Model Subdivision Regulations include 14 pages of design standards language.
- The Lake County Subdivision Regulations (adopted in 2010) include 52 pages of subdivision design standards language, including 19 pages dedicated to roads and access!

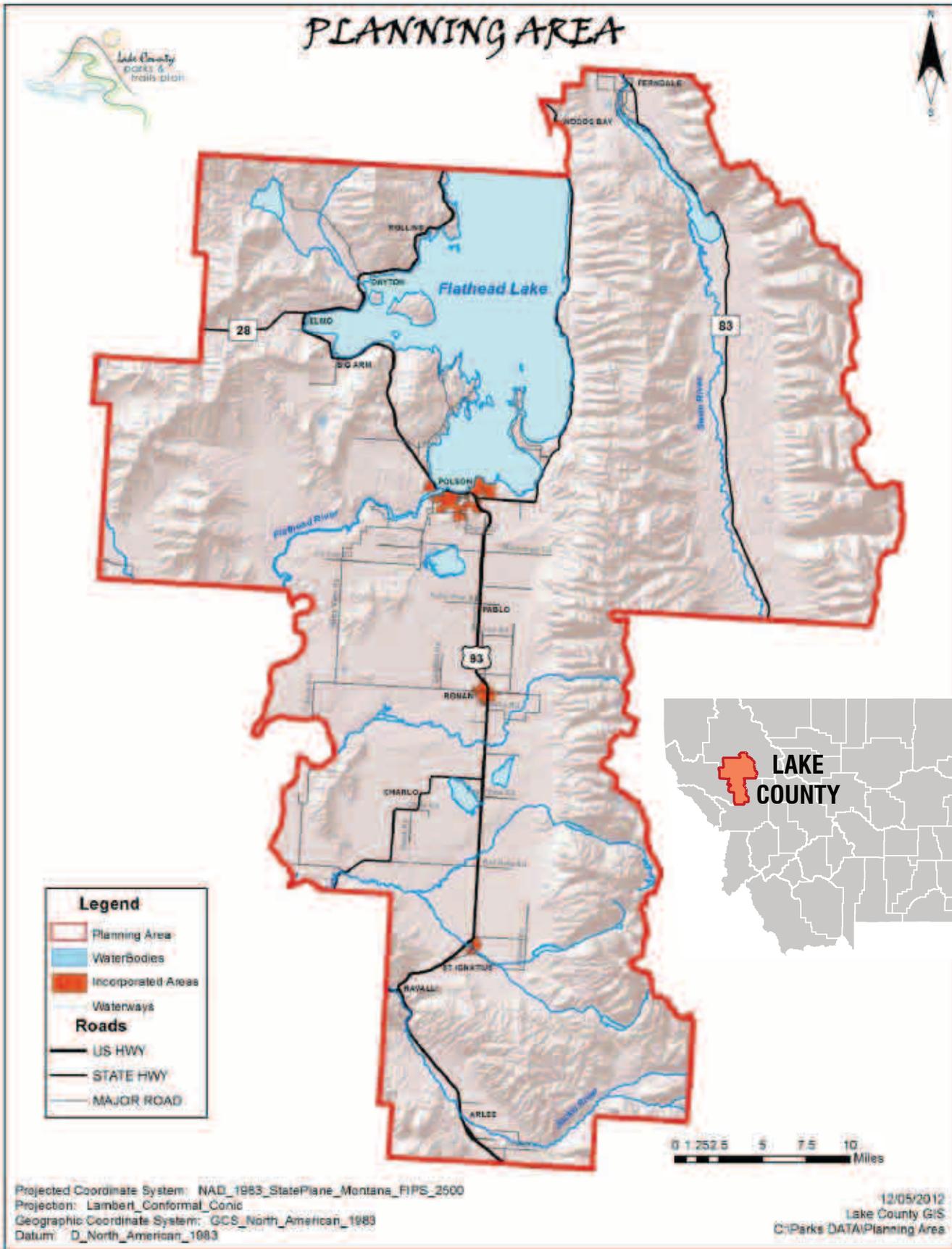


Figure 1 Lake County Parks and Trails Plan Planning Area



Case Study

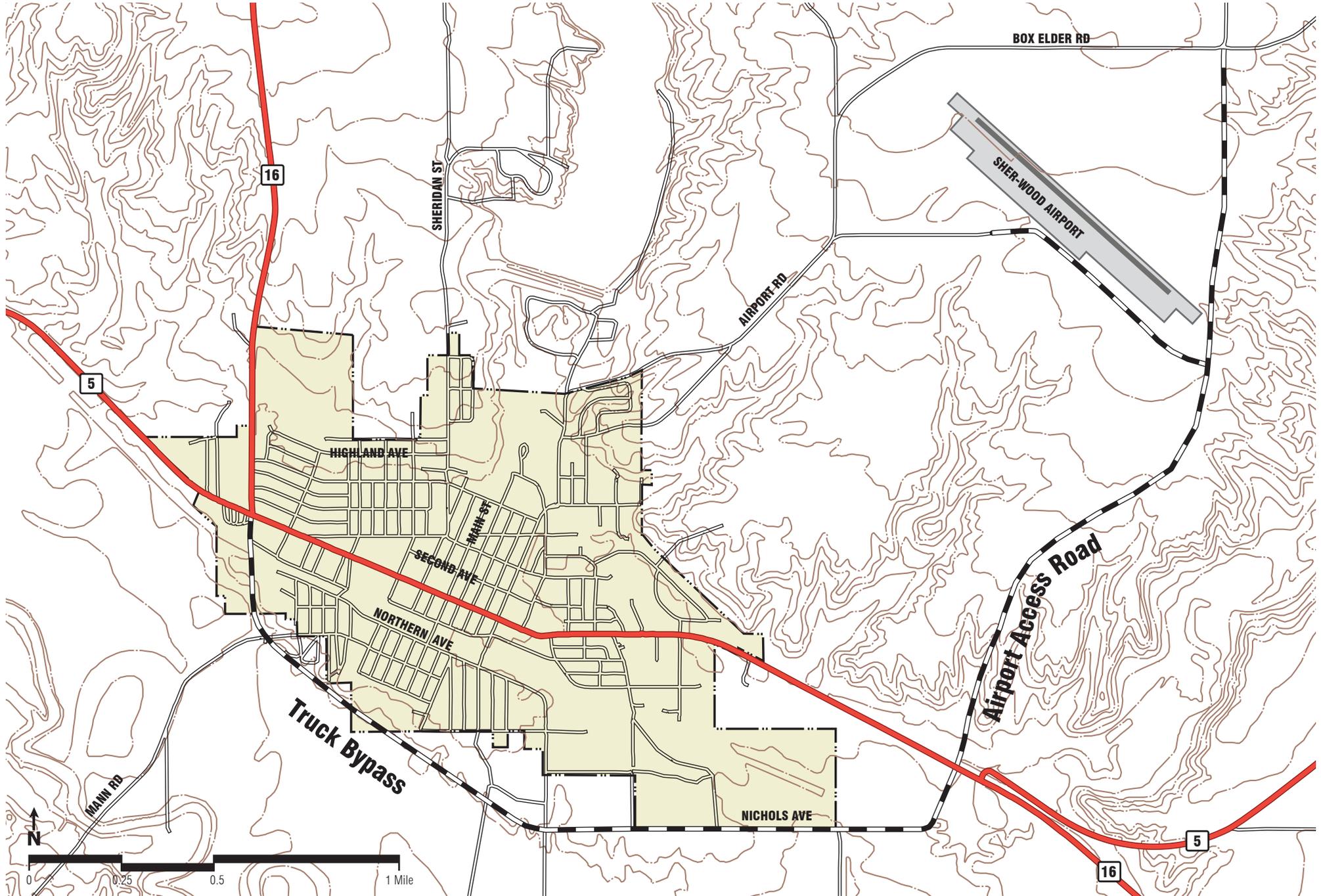
Design Standards - Lake County

Is this level of detail necessary? Is it a good idea?

- It is important to provide enough specificity to allow developers and reviewers to understand exactly what is required.
- For example, exactly what are the city's standards for road materials, compaction, pavement, drainage, sidewalks, etc.? For a developer this information is necessary to understand costs and to limit surprises.
- However, rules cannot be written for every circumstance and there needs to be some flexibility and ability to exercise judgment.
- The tighter the rules are written and the less judgment allowed, the more variances and delays, resulting in a higher the level of bureaucracy and frustration.

Case Study

Truck Bypass - Plentywood MT Brent



Case Study

Extraterritorial Zoning Dave



- Extra-territorial zoning means extending a city or town's zoning regulations into the county.
- The assumptions behind extra-territorial zoning are:
 - » A city will grow and the development in its growth area should be meet city standards because retrofitting (acquiring easements, re-building streets and sidewalks) is difficult and expensive; and
 - » The development around a city sets a tone --- entryways are important for the look, feel and function of a community.

Case Study

Extraterritorial Zoning

- There are different models for doing this

1) The Polson – Lake County Model

- » Both Polson and Lake County have adopted the same set of rules (zoning districts, design standards) for both the city and county areas.
- » When development occurs in the county area, the county planner provides the staff review, takes it to the city-county planning board, and the county commissioners make the final decision.
- » If development is within the city, the city planner provides the staff review, takes it to the city-county planning board, and the city council make a decision.

This model works pretty well because there is one set of rules. It requires good communication between the city and county planners. It probably worked better when one planner administered both jurisdictions.

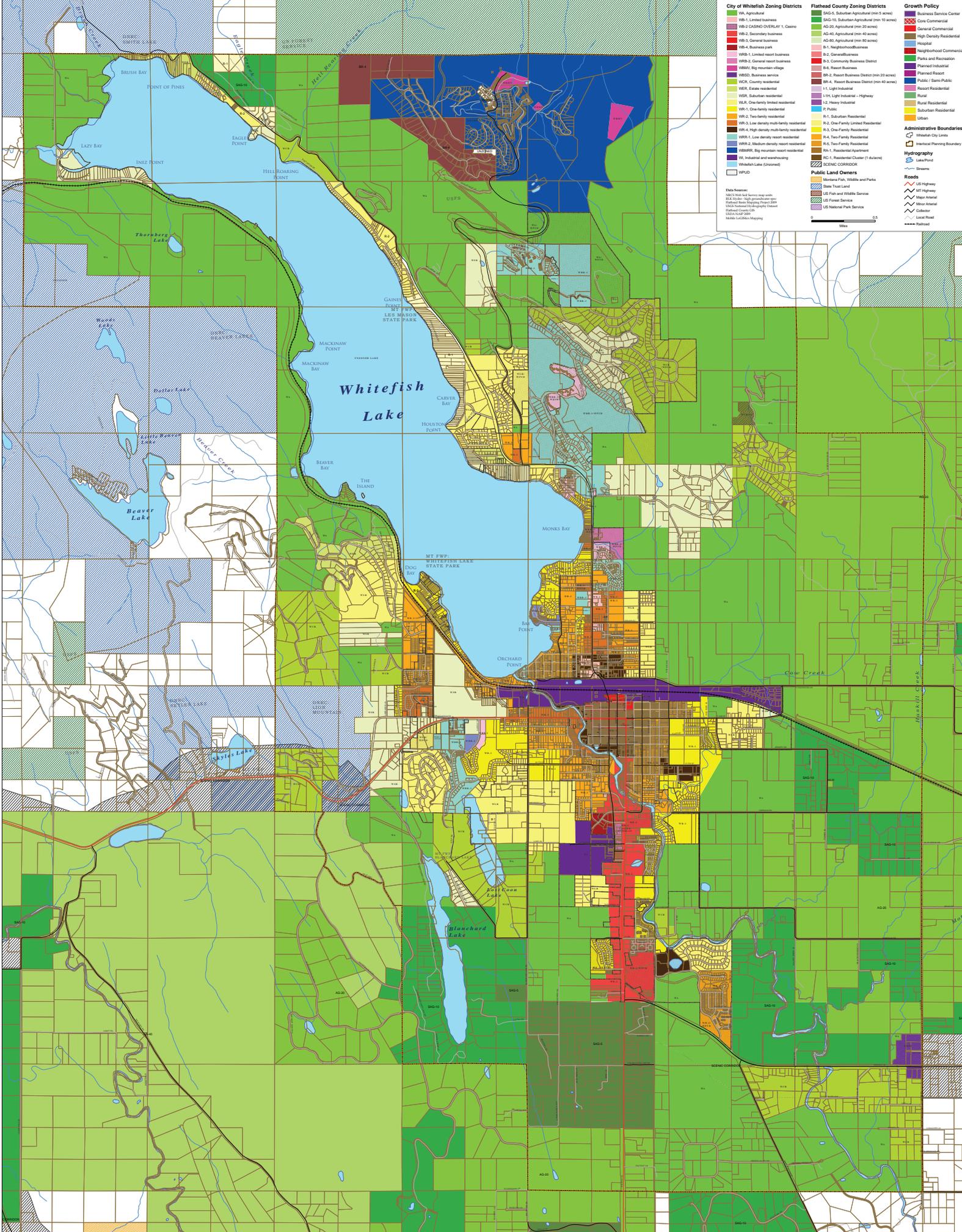
Zoning Use Designations

City of Whitefish Zoning Districts WA-Agriculture WB-1 Limited business WB-2 Secondary business WB-3 General business WB-4 Business park WB-5 Business center WB-6 County residential WB-7 Estate residential WB-8 Suburban residential WB-9 One-family residential WB-10 One-family residential WB-11 Low density multi-family residential WB-12 Medium density multi-family residential WB-13 High density multi-family residential WB-14 Low density resort residential WB-15 Medium density resort residential WB-16 High density resort residential WB-17 Industrial and warehousing WL-Whitefish Lake (chronic) WPD	Flathead County Zoning Districts SAC-5 Suburban Agricultural (min 5 acres) SAC-10 Suburban Agricultural (min 10 acres) AD-20 Agricultural (min 20 acres) AD-40 Agricultural (min 40 acres) B-1 Neighborhood Business B-2 Community Business District B-3 Resort Business District (min 20 acres) B-4 Resort Business District (min 40 acres) I-1 Light Industrial I-2 Heavy Industrial R-1 Suburban Residential R-2 One-Family Limited Residential R-3 One-Family Residential R-4 Two-Family Residential R-5 Three-Family Residential RA-1 Residential Apartment RC-1 Residential Cluster (1 duplex) SC-SEMIC CORRIDOR Public Land Owners Montana Fish, Wildlife and Parks State Trust Land US Fish and Wildlife Service US Forest Service US National Park Service	Growth Policy Business Service Center Core Commercial High Density Residential Hospital Neighborhood Commercial Parks and Recreation Planned Industrial Planned Resort Public / Semi-Public Resort Residential Rural Rural Residential Suburban Residential Urban
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Administrative Boundaries
 Whitefish City Limits
 Planning Boundary

Hydrology
 Stream
 Sewer
 Sluiceway
 Road
 US Highway
 US Fish and Wildlife Service
 US Forest Service
 US National Park Service

Data Sources:
 2023 City of Whitefish Zoning Map
 2023 Flathead County Zoning Map
 2023 Montana Fish, Wildlife and Parks
 2023 US National Park Service
 2023 US Forest Service
 2023 US National Park Service
 2023 US National Park Service
 2023 US National Park Service



Case Study

Extraterritorial Zoning

2) The Whitefish - Flathead County Model

- » The city has jurisdiction, developed by interlocal agreement. This is the subject of a lengthy lawsuit that will probably end up at the MT Supreme Court.
- » Many landowners in the “doughnut” area feel that because they cannot vote for the city officials who they are subject to, this is like taxation without representation.
- » The city council feels it should have jurisdiction because it’s entryway is critical to the city’s image (a resort town), and they don’t trust the county.

Common Theme: Developed with the best of intentions, these agreements rely on good communication and trust, which is hard to maintain over time.

Case Study

Environmental Assessments Anne

- 1. Is information adequate to determine if the subdivision will have a potentially significant adverse effect on:**
 - » Agriculture
 - » Agricultural water user facilities
 - » Local Services
 - » Natural Environment
 - » Wildlife
 - » Wildlife Habitat
 - » Public Health and Safety

- 2. Does proposed mitigation lessen the impact to acceptable levels?**

Case Study

Working With DEQ and Sanitarians Allison

- Who needs to be involved & when?
 - » Know your local sanitarian!
 - + Involve them in review of subdivision applications & exemptions
 - ◇ Can provide helpful guidance on requirements under 622
 - + Importance of input on zoning & other land use applications
 - ◇ Request agency review of applications for projects that may have an impact on local water, wastewater and stormwater infrastructure
 - » Know your point of contact at DEQ
 - + <http://www.deq.mt.gov/about/deqlocations.mcp>
- DPHHS, DEQ and your local health departments are also a partner in the review of public accommodations licenses, restaurants and reviews for RV's and manufactured home parks

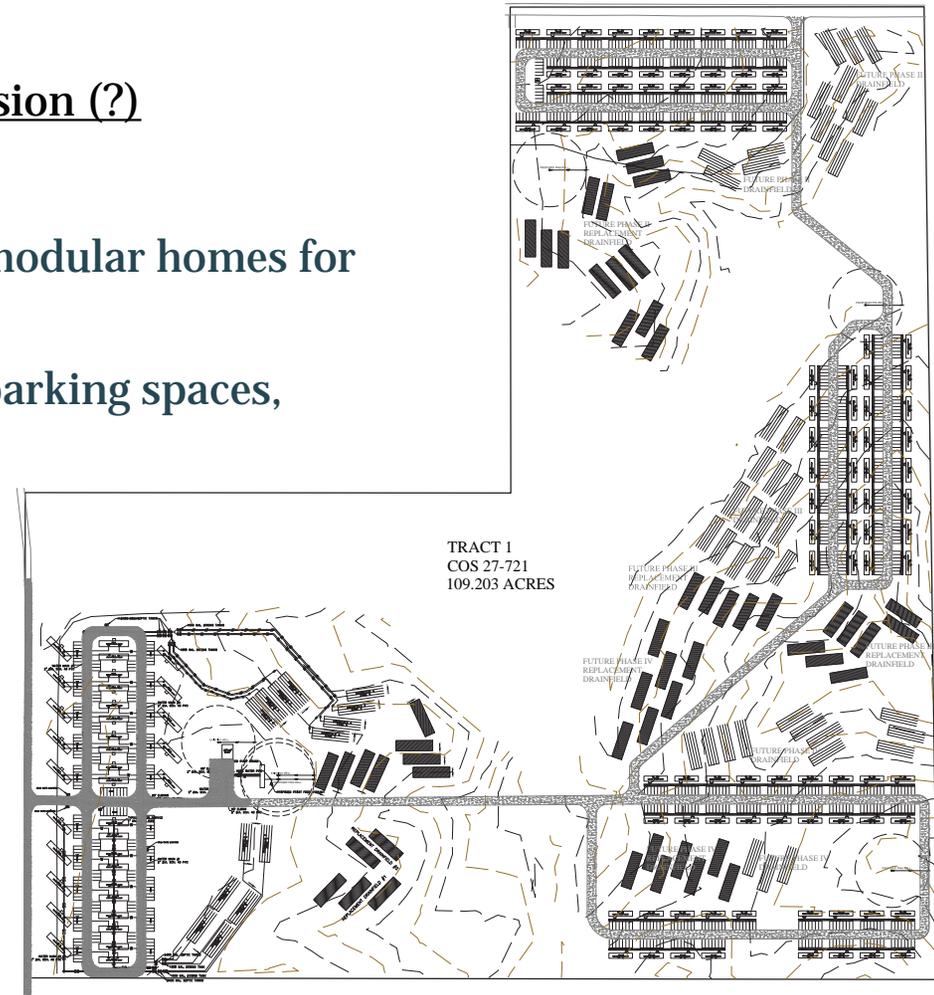


Case Study

Man Camps, Rvs and Mobile Homes Dave

Observations:

- There's a major need for temporary and permanent housing in Richland County. It takes time to build permanent housing so temporary housing sites (especially RV parks) have popped up all over the countryside.
- RV and mobile home are typically subdivisions-by-rent-or lease and are required to undergo subdivision review. Very few have due to the hot market and the time it takes to go through review.
- Moral: It is better to ask for forgiveness than permission (?)
- I have reviewed two after-the-fact projects:
 - » Redwood Park – 134 dormitory style mobile and modular homes for 816 residents in 4 phases
 - » 350 RV and Truck Park – 70 RV spaces, 15 truck parking spaces, showers, laundry



Case Study

Man Camps, Rvs and Mobile Homes

- Concerns include:
 - » Garbage disposal
 - » Safe water supply
 - » Wastewater disposal
 - » RVs, propane tanks, port-o-potties and dumpsters in the Yellowstone River floodplain
 - » Traffic safety
 - » Crime / law enforcement
 - » Fire safety



Case Study

Man Camps, Rvs and Mobile Homes

» Richland County recently hired a registered sanitarian as an enforcement officer to help bring the unpermitted projects into compliance.

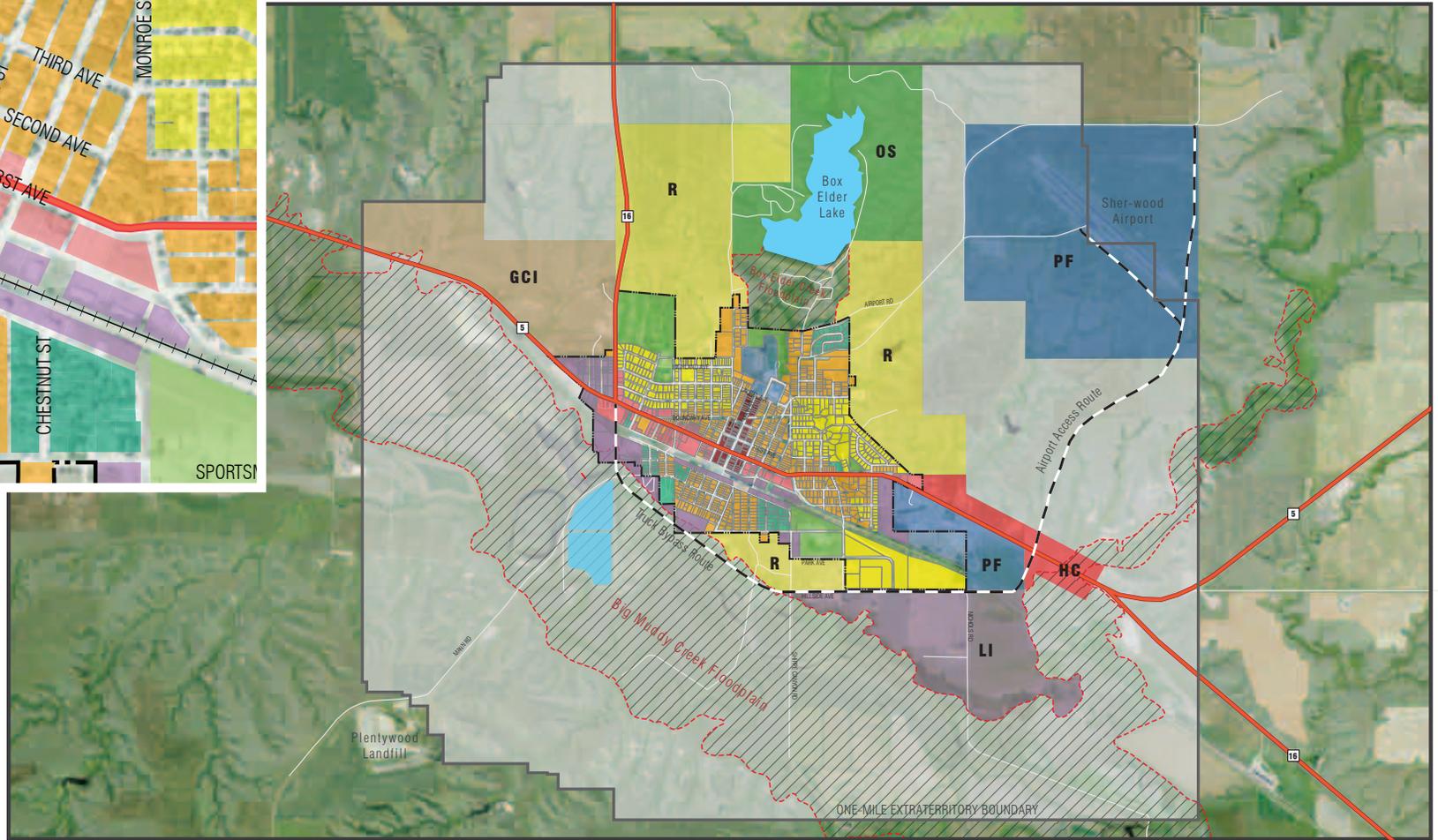
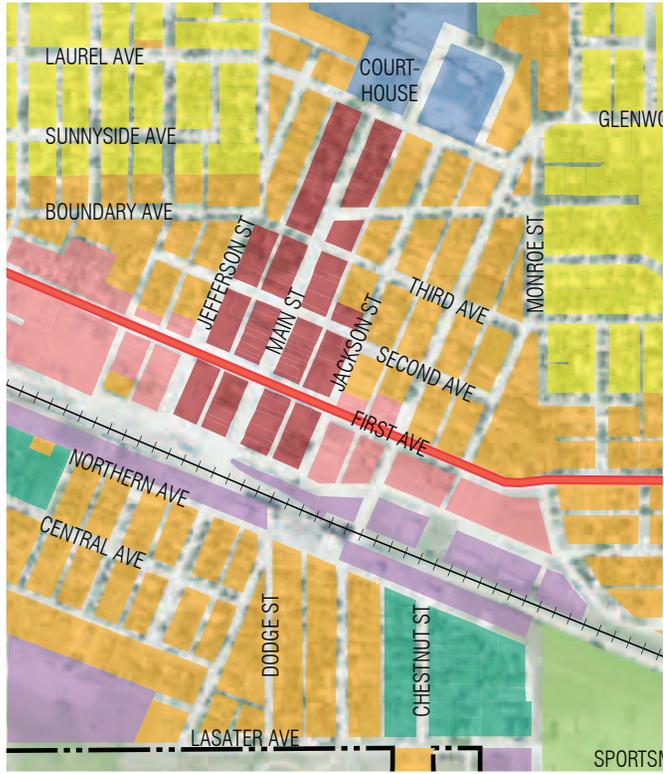
• Conclusions:

- » • There is still a major need for housing, showers, laundry services, etc. Construction has not caught up to the demand.
- » • Temporary housing serves a purpose: Not all of the workers will stay here after the boom phase is over. It will probably be better to have these sites that can be reclaimed than rows of empty apartment buildings or homes.
- » • The quality of the project depends on whether the owner is just trying to make a quick buck or in it for the long haul.



Case Study

Future Land Use Maps - Plentywood MT Dave Dixon



↑ Plentywood
N Future Land Use

0 0.25 0.5 1 Mile

- State Highways
- Corporate Boundary
- Long-Term (1 Mile) Growth Area
- Proposed Alternative Routes

County Land Use

- LI Light Industrial
- HC Highway Commercial
- OS Open Space
- PF Public Facilities
- GCI General Commercial/Industrial
- R Residential
- Floodplain
- No Change in Use

City Land Use

- Low Residential
- Medium Residential
- Mobile Homes
- Public Facilities
- Commercial
- Central Business District
- Light Industrial

Case Study

Infill Development Anne

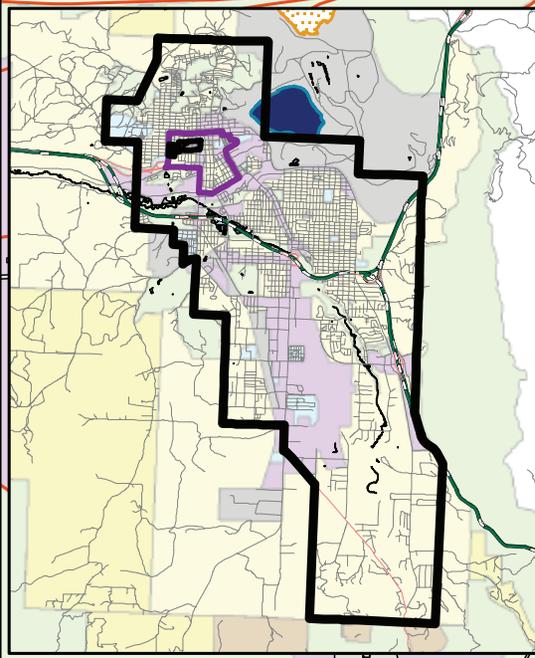
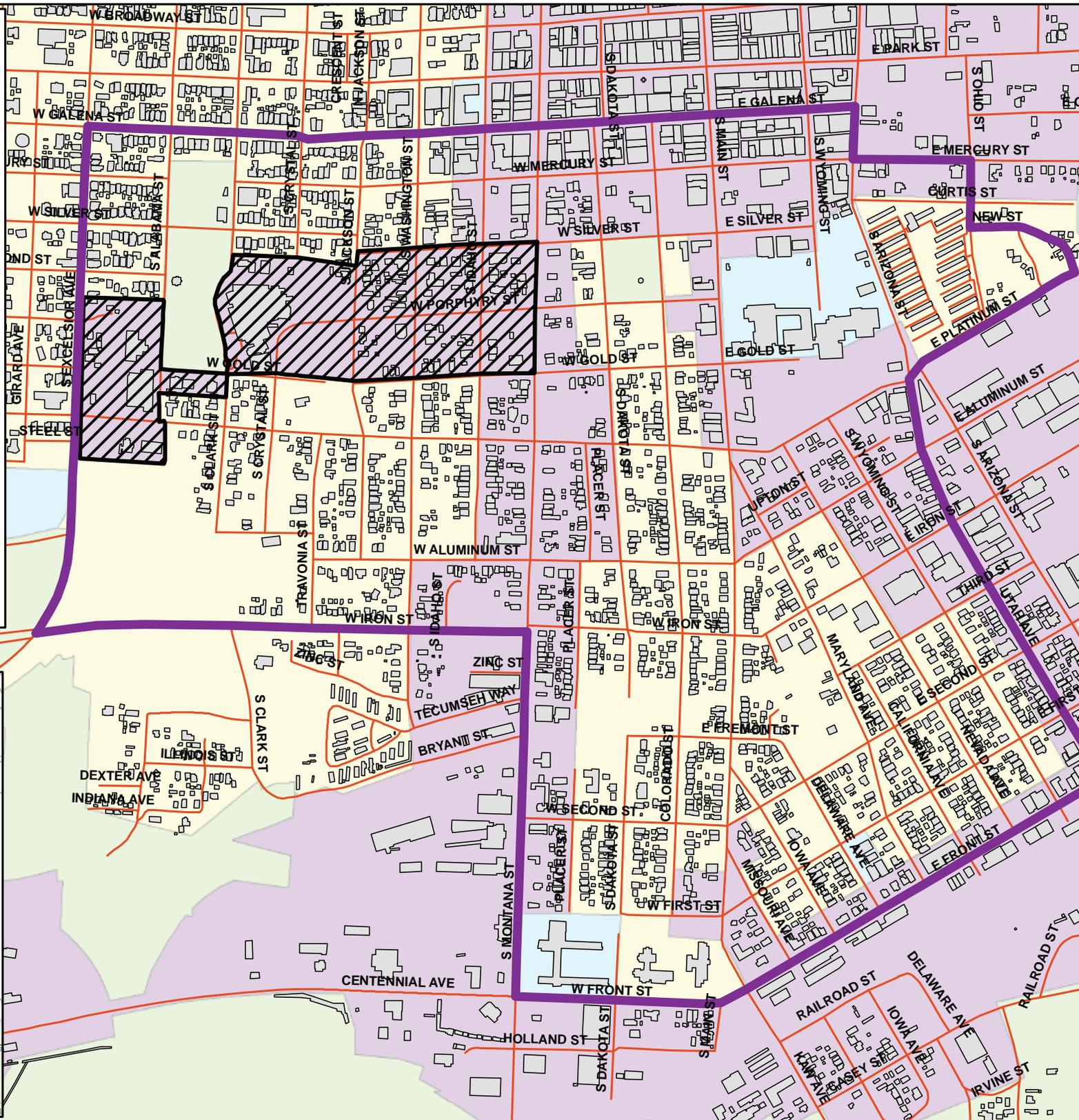


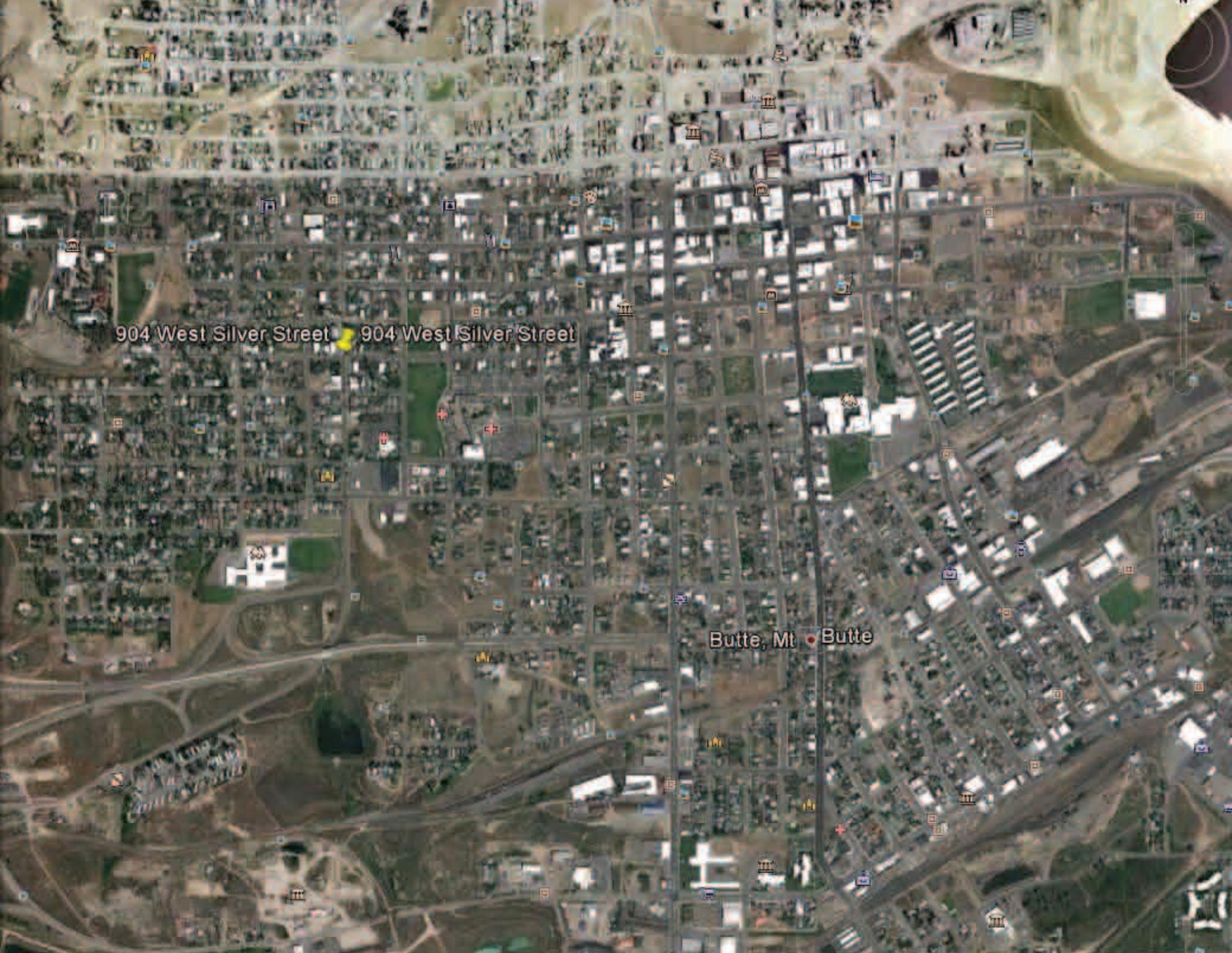
Central Butte Medical Overlay Zone

-  Central Butte Project Area
-  Medical Overlay
-  Urban Limit Boundary
-  Building or Structure
-  Road or Street

Growth Policy Land Uses

-  COMMERCIAL
-  INDUSTRIAL
-  INSTITUTION
-  PUBLIC/OPEN SPACE
-  RC
-  RD10
-  RD3
-  RD40
-  RESIDENTIAL





904 West Silver Street 904 West Silver Street

Butte, Mt Butte









DICK'S AUTO
Complete Automot





PROPOSED LAND USE MAP
Central Butte Neighborhood



Legend	
	Central Butte Neighborhood
	Open Space
	School
	Medical



Case Study

Bonding and Letters of Credit Dave

- After a typical subdivision is given preliminary approval, the subdivider is responsible for building roads, installing water, sewer and drainage systems, sidewalks and other improvements.
- Improvements are usually installed prior to final plat approval. After final plat approval, the developer can sell lots.
- However, 76-3-507, MCA allows a developer to provide a bond or other means of financial security to the governing body before the infrastructure is in place. This allows the developer to sell lots and (theoretically) use that money to finish the improvements.
- If the developer does not finish the improvements, the governing body can use the bond to install the improvements.
- Most local governments are not set up to carry out construction projects so this is a losing proposition. Some local governments do not even require financial security. Bad idea.
- Typically an engineer's cost estimate or 3 bids are necessary to determine the costs.
- The bond is set at 125% of the engineer's estimate or highest bid.
- The governing body can require a certain percentage (at least 50% recommended) of the improvements related to health and safety (water system, roads) before allowing final platting.

Case Study

Floodplain Management - Red Lodge Brent



Case Study

Floodplain Management - Red Lodge



**After-the-Fact
Permit**



**Development in the
Floodplain**

Case Study

Historic Preservation Anne



MAI WAH, NOODLES & CHOP SUEY,

WAH CHONG TAI CO.





PROPOSED LAND USE MAP
Central Butte Neighborhood



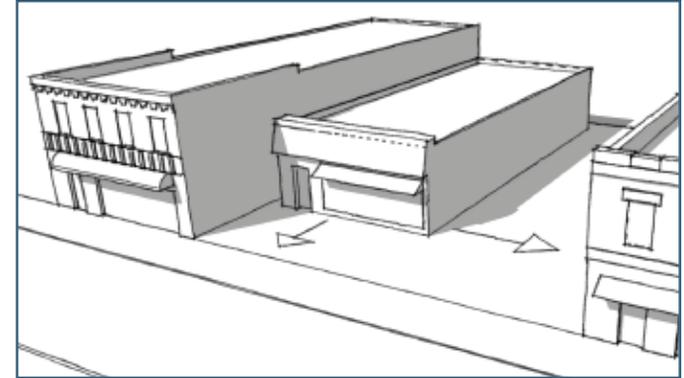
Legend	
	Proposed Land Use
	Street
	Water



Case Study

Historic Preservation

- Form Standards
 - » Building Placement
 - + Build to Line/Setbacks
 - » Building Form
 - + Height/Width/Depth
 - » Parking
 - » Allowed Land Uses
- Architectural Standards
 - » Roofs
 - » Facades
 - » Windows and Doors
 - » Porches, balconies
 - » Materials—Wood, Stucco, brick



Case Study

Affordable Housing Policy, Accessory Dwelling Units Dave

- When writing a growth policy, everyone agrees affordable housing is important.
- But when a developer proposes a mobile home park in a neighborhood or low income apartments are proposed, the public is often not so benevolent.
 - » NIMBY Not in my backyard
 - » NIMFYE Not in my front yard either
 - » NIML Not in my lifetime
 - » NOPE Not on this planet
 - » BANANA Build absolutely nothing anywhere near anything
- And when garages and workshops are turned into housing, the neighbors usually don't like it and complain to their elected officials.



- People are concerned about changes to their neighborhood and property values.
- Building affordable housing requires leadership and commitment.

Impact Fees: What, Why, When and How?

What are Impact Fees?

Key Concepts

- Impact fees are one-time payments to help finance new or expanded infrastructure.
- Impact fees fund the additional service capacity required by the development from which it is collected.
- Impact fees charge for the proportional impact of new development.
- Impact fees are a charge imposed on development as part of the development approval process.
- Impact fees are authorized under 7-6-1601 – 7-6-1604, MCA.



Impact Fees

What Can Impact Fees be Used For?

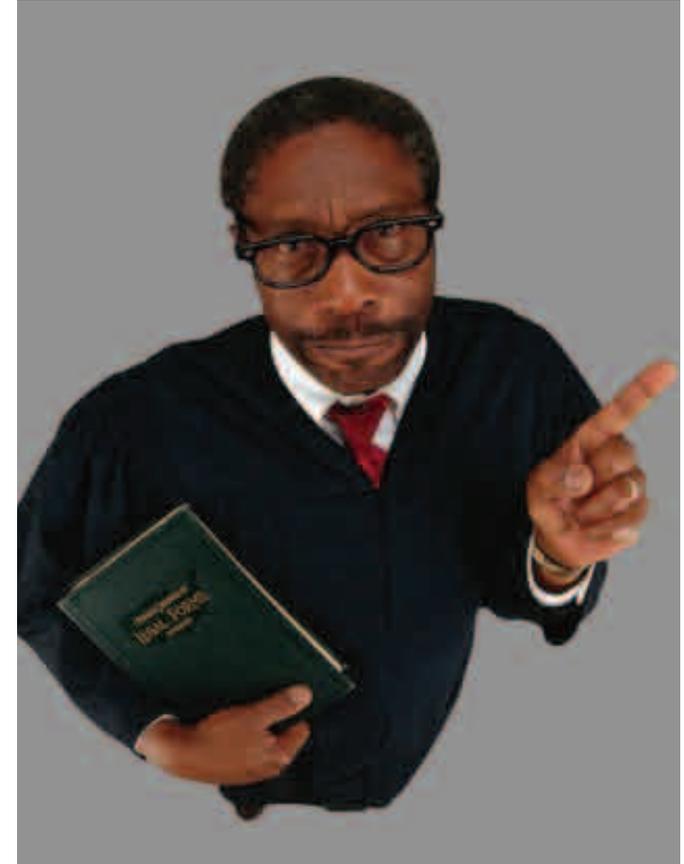


- **Land or capital improvements**
 - » Examples: water tower, sewer lagoon, bridge
- **Buildings or equipment with a life of 10 years or more**
 - » Examples: A fire hall, an excavator, a park
- **Capital improvements designed to benefit the community (system improvements) — but the improvements must be made necessary by new growth**
- **Planning, easements, design and construction**

Impact Fees

What *Can't* Impact Fees be Used For?

- Improvements designed principally to benefit a development project (project improvements)
 - » Example: A water line that must be enlarged to serve a subdivision. This is the developer's responsibility.
- Personnel
- Operation and Maintenance
- Equipment with a life of less than 10 years
- Examples: Police car, supplies
- To cure existing deficiencies
 - » Example: A leaky sewer lagoon. The sewer lagoon must be brought up to standard by the existing users, but can be expanded using impact fees.



Impact Fees

Why Adopt Impact Fees?

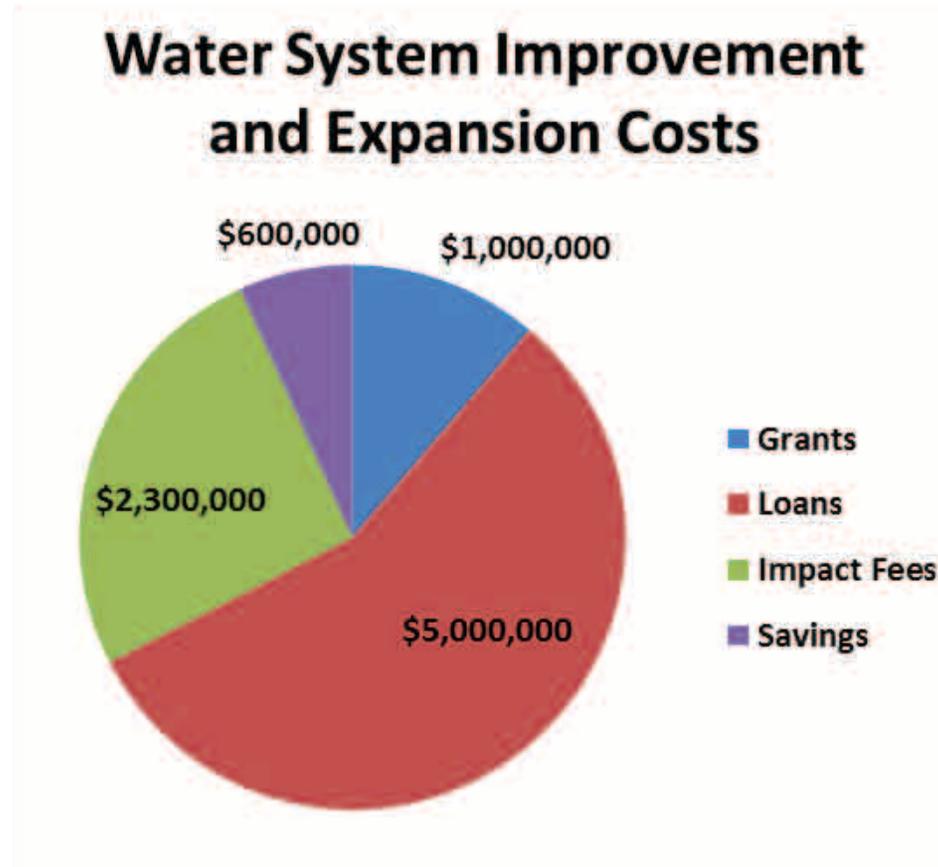
- Impact fees can help pay for the costs of new growth.
- Impact fees are up-front payments of the costs of new or expanded capacity.
- Example: If a community needs a \$3 million water system expansion to pay for fire flows made necessary by new development, impact fees can be used to reduce the amount of debt the community will have to take on, which will reduce interest payments for rate payers.



Impact Fees

Impact Fees Are Not a Cure-All

- Many communities in Eastern MT already need water or sewer upgrades (among other things) to serve their existing populations.
- This portion of the improvement costs must be paid for by grants, loans and savings. But system expansions to serve new or anticipated growth can be paid for using impact fees.



Impact Fees

When are Impact Fees Paid?

- **Concept:** Impact fees are a fee for service (as opposed to a tax). The fees are not due until the demand actually occurs.
- Impact fees are collected when a building permit or a certificate of occupancy is issued.

How are Impact Fees Determined?

A **Service Area Report** must be written for each type of impact fee (e.g., water, sewer, fire, streets...)

Service Area Report:

- Describes existing conditions, including deficiencies
- Establishes level-of-service standards
- Examples of LOS: X acres of parkland per 1,000 residents; A water system that meets MDEQ requirements
- Forecasts needs for service in the future
- Identifies capital improvements needed to meet future demands at the desired LOS

Impact Fees

How are Impact Fees Determined?

- An advisory committee is appointed to evaluate and monitor the process of calculating, assessing and spending impact fees.
- The committee must have:
 - » At least one representative of the development community
 - » At least one CPA.
- The committee makes a recommendation to the governing body.
- The governing body adopts the fees by resolution or ordinance.

Impact Fees

How are Impact Fees Administered?

- Impact fees must be kept in a separate budget account
- They must be spent on the land, easements, design or construction of the facilities for which they were collected
- A 5% fee can be charged for administration of the impact fee program



Impact Fees

How are Impact Fees Administered?

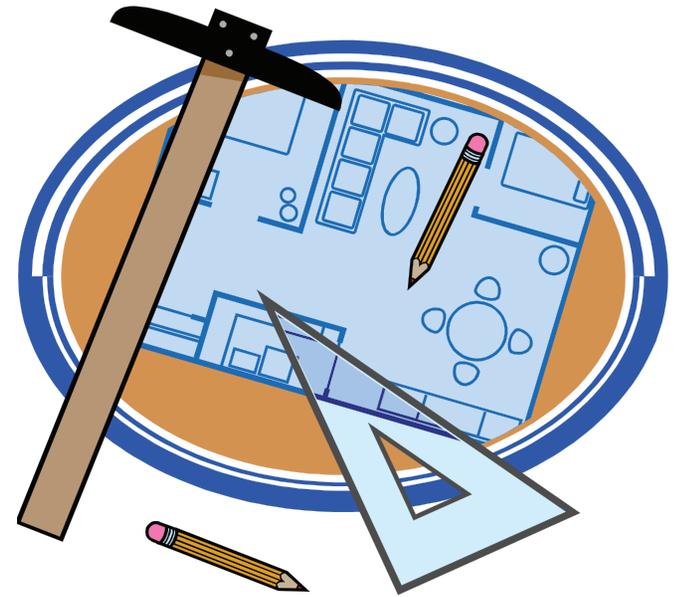
- There must be an appeal process if someone thinks the fees were not calculated correctly
- Impact fees must be reviewed and updated every two years to ensure:
 - » The demand and cost assumptions are still valid
 - » The fees do not exceed the actual cost of constructing improvements
 - » The money collected in each impact fee fund has been or is expected to be spent for improvements for which they were paid
 - » The improvements will benefit those developments for which fees were paid
 - » The money collected is not being used to correct deficiencies or for general operation and maintenance



Zoning

The Basics

- Zoning is the division of a city or county into districts, or zones, which permit certain land uses and prohibit others.
- Zoning can limit the height and bulk of buildings, the size of lots and the intensity of development. The concept is to preserve property values for existing landowners and to promote “compatible” and “well planned” future development.
- Zoning can separate incompatible land uses.
 - » Examples: A tall building in the path of an airport runway, or heavy industry next to a school



Zoning

The Basics

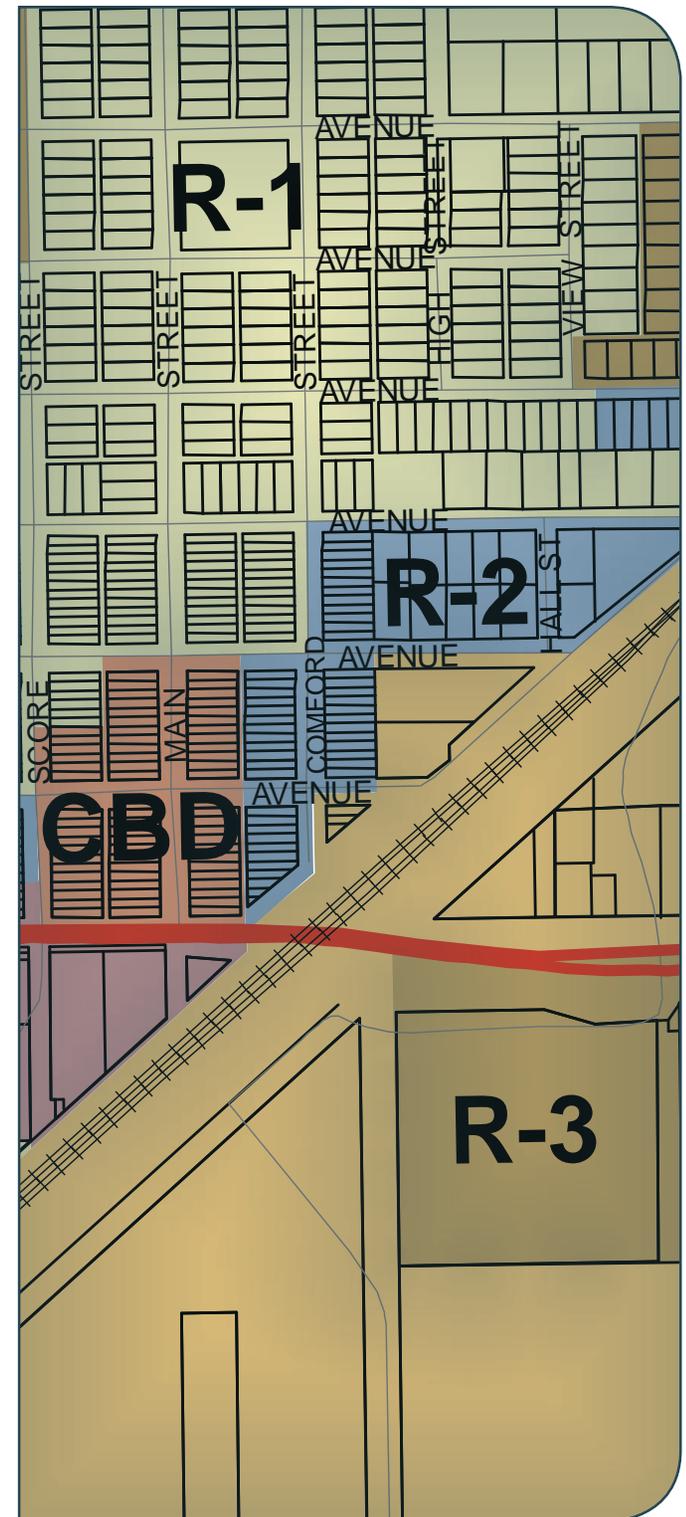
- Zoning can regulate signs, parking and loading, building design and even landscaping.
- Zoning can address a single issue (man camps, municipal wellhead protection, airports) or many.
- Zoning can be very complex and also relatively simple.
- Zoning should help to minimize the impacts of development on existing landowners and lay the groundwork for desirable types of development in specific areas.



Zoning

The Basics

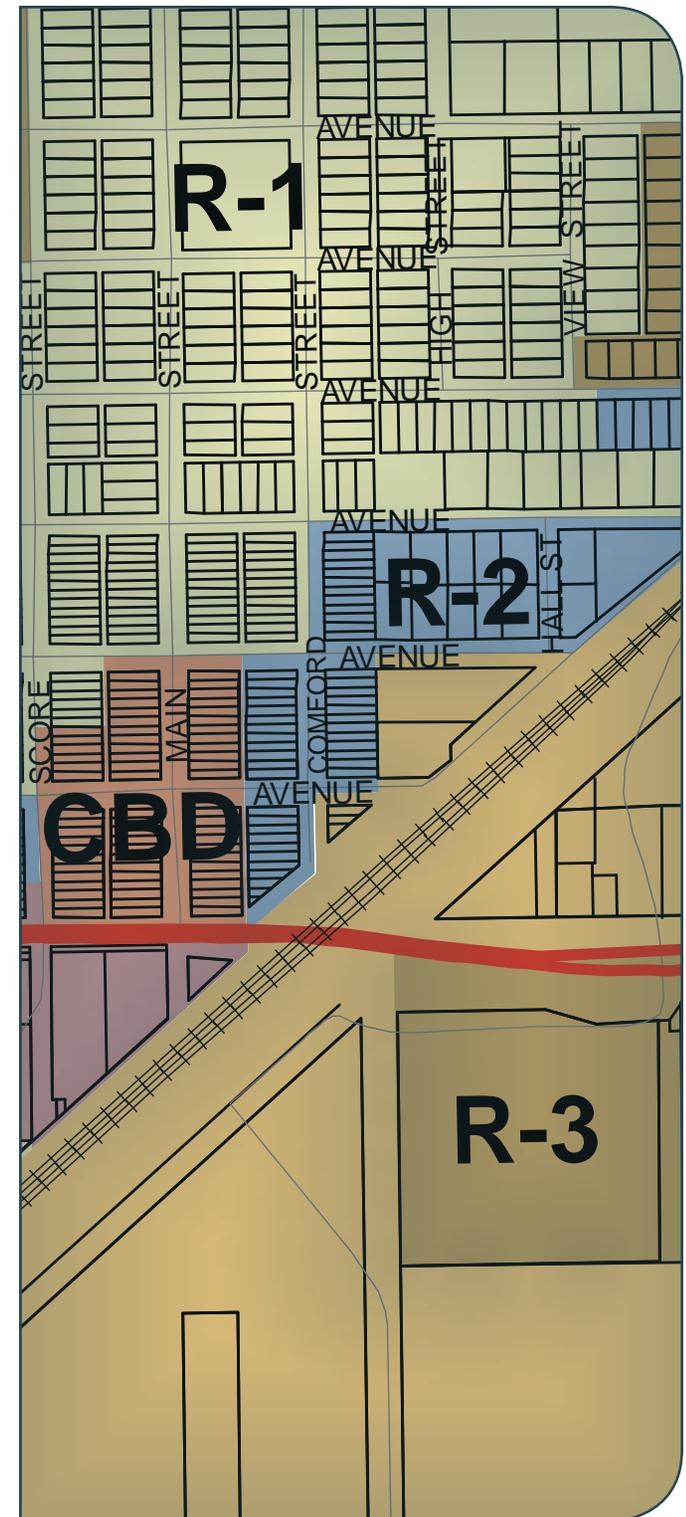
- County zoning is authorized under MCA 76-2-101 -76-2-117 (Part 1) and MCA 76-2-201 – 76-2-228 (Part 2).
- Municipal zoning is authorized under MCA 76-2-301 – 76-2-328.
- Zoning is based on the premise that local governments have “police power,” i.e., the authority to regulate the use of private property to protect public health, safety, morals and general welfare.
- This reduces the freedom of the individual for the benefit of the community. Where the line is drawn between individual good vs. public good is a continual evolution in the courts.



Zoning

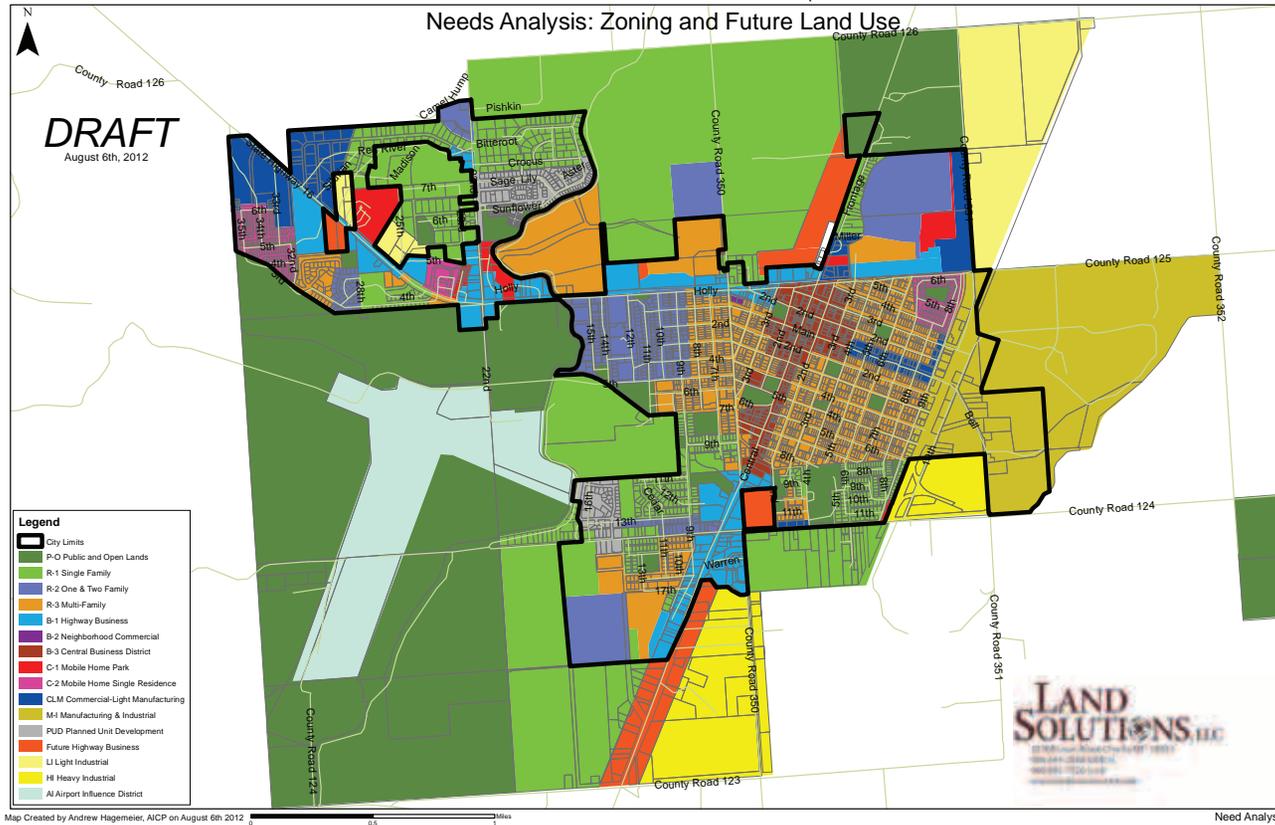
The Basics - Interim Zoning

- Counties and cities are authorized to adopt interim (or emergency) zoning if:
 - » The purpose is to classify and regulate those uses that constitute the emergency, and
 - » The local government is, or plans to, conduct studies within a reasonable period of time to address the issue that is considered an emergency.
- Interim zoning is temporary—not more than 1 year with a possible 1-year extension (counties), and 6 months with a 1-year extension (municipalities).
- The adoption process for interim zoning is expedited.



Zoning

The Basics



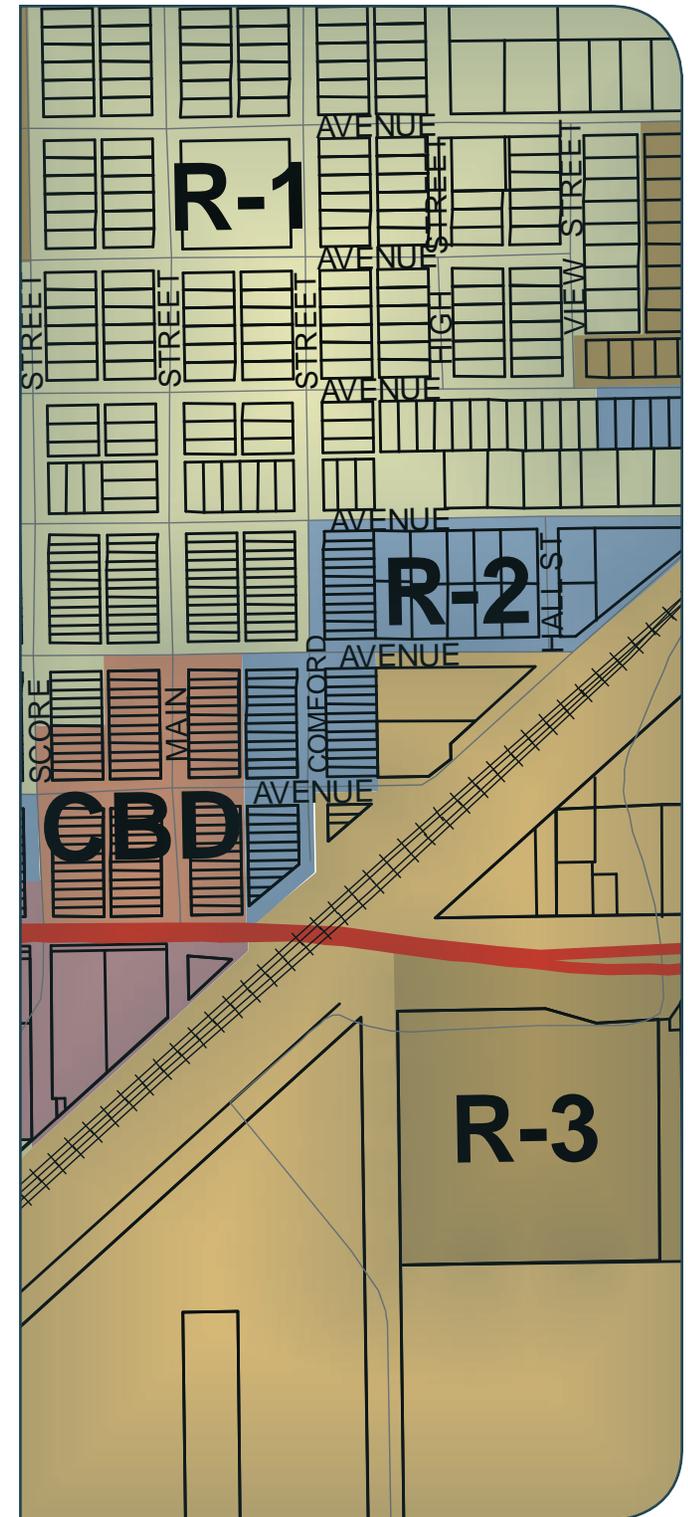
- Zoning includes an official map and text.
- Zoning must be “made in accordance with the growth policy,” or ideally, based on the pattern of development planned out on a future land use map.
- Zoning is a tool: It will be most effective if designed to meet the specific needs of your community.
- Zoning should be as simple as possible and location-specific.

Zoning

The Basics

Limitation on Ability to Regulate Natural Resource Use

- 76-2-209, MCA (county) Zoning, “may not prevent the complete use, development, or recovery of any mineral, forest, or agricultural resource by the owner...,” however there can be limitations on sand and gravel and concrete and asphalt plants.



Zoning

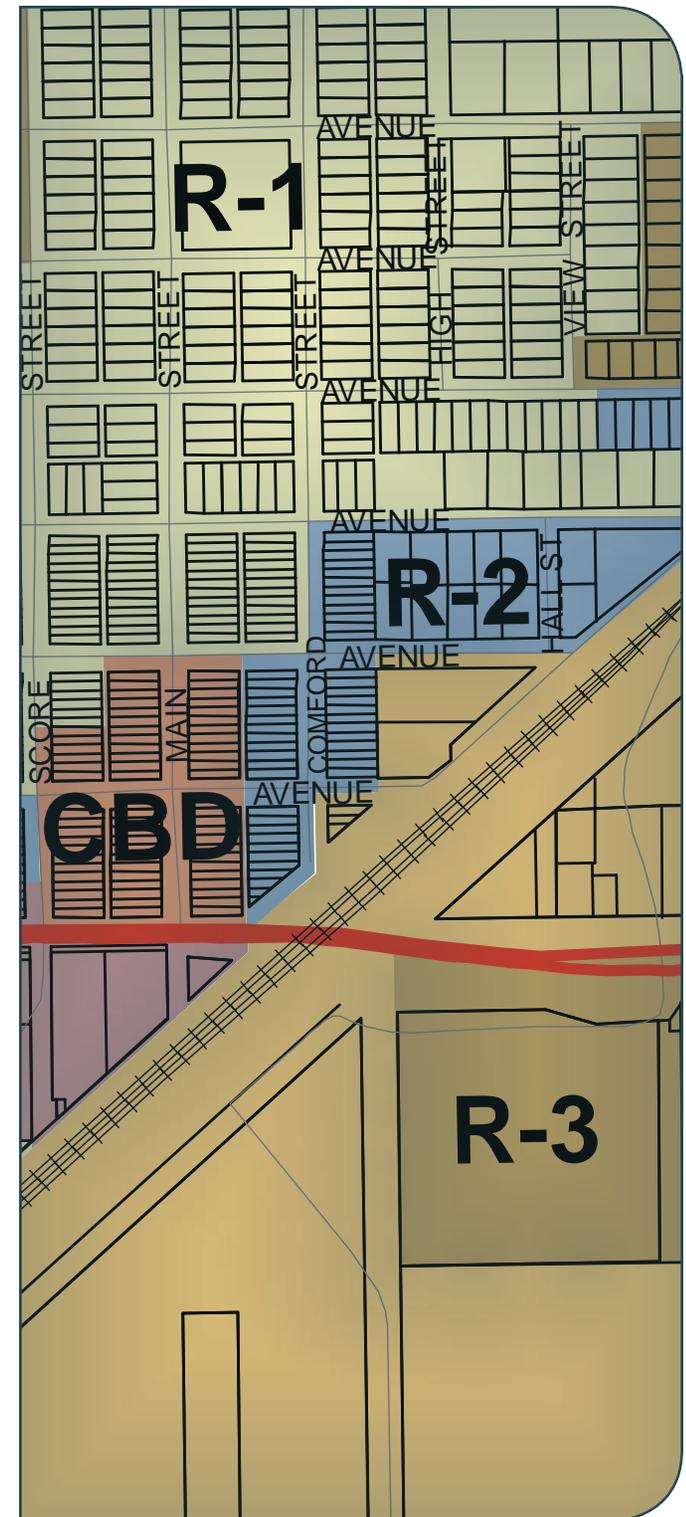
Built-In Flexibility



Zoning

Nonconforming Uses and Variances

- Nonconforming uses (those land uses that don't comply with the zoning rules) are allowed to continue, although limits can be placed on expansion.
- A variance is granted by a board of adjustment after a public hearing where it is determined:
 - » The variance will not be contrary to the public interest;
 - » The variance is necessary due to circumstances unique to the property (topography, lot size);
 - » A literal enforcement of the zoning would result in unnecessary hardship (not strictly financial); so that
 - » The spirit of the zoning is observed and substantial justice done.

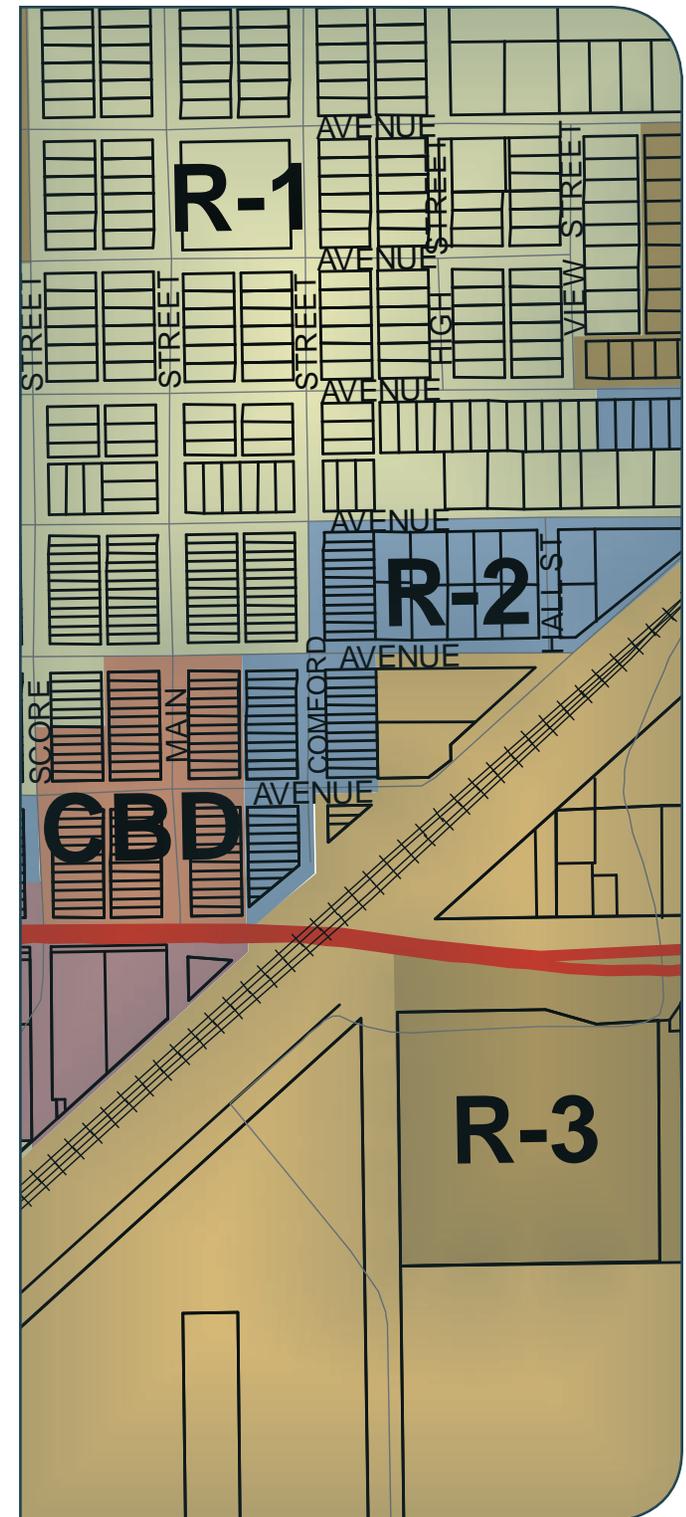


Zoning

Built-In Flexibility:

Appeals, Special Exceptions and Amendments

- Decisions of the zoning administrator (the person who carries out the zoning) can be appealed to a board of adjustment (can be the city council).
- Decisions of the board of adjustment can be appealed to district court.
- The board of adjustment can grant special exceptions.
- Amendments can (and should) be made to the map or text as conditions change.



Zoning

Why Adopt Zoning?

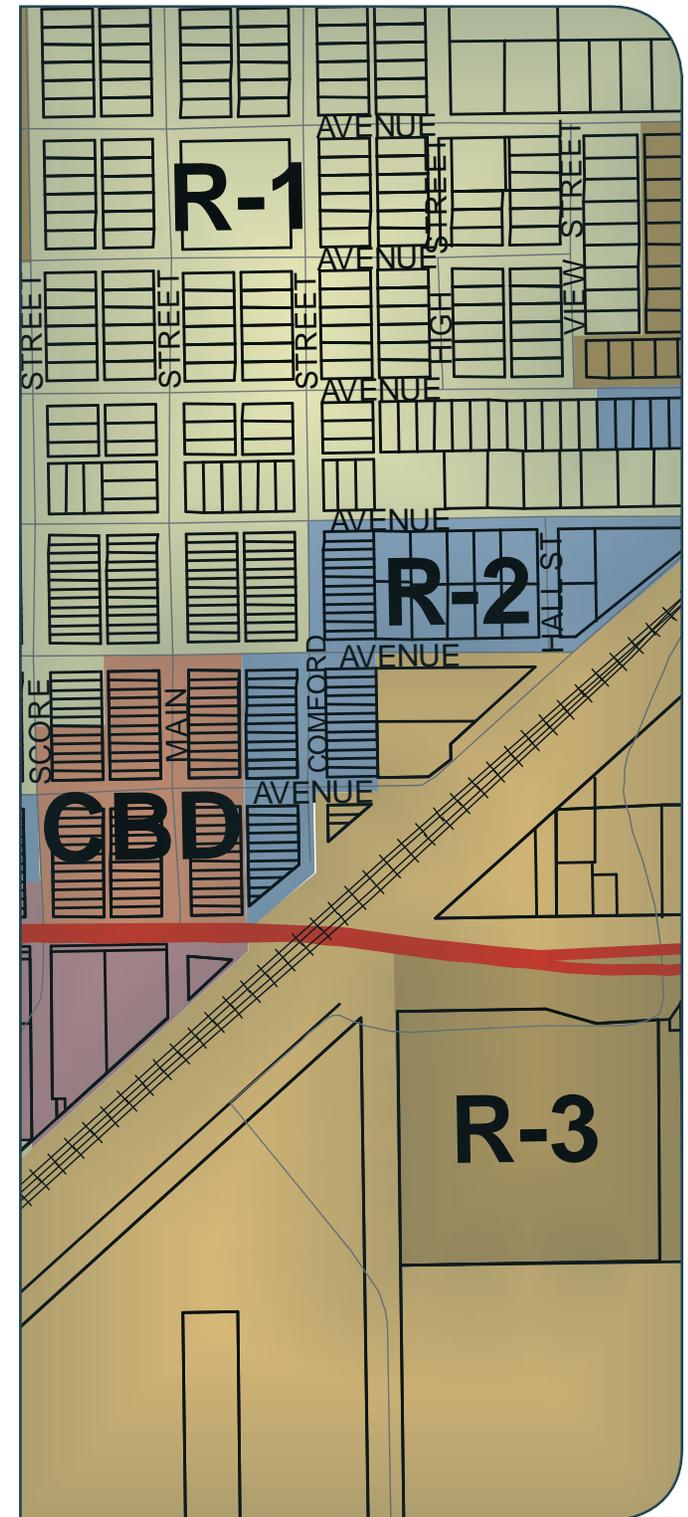


- Many communities adopt zoning because there is a perceived threat that will change the character of an area or will result in adverse impacts.
- Some communities simply want to plan their growth and development.
- Other communities want to protect certain areas (e.g., downtown, historic districts)

Zoning

Legal Requirements for Zoning Regulations (Findings Needed for Adoption)

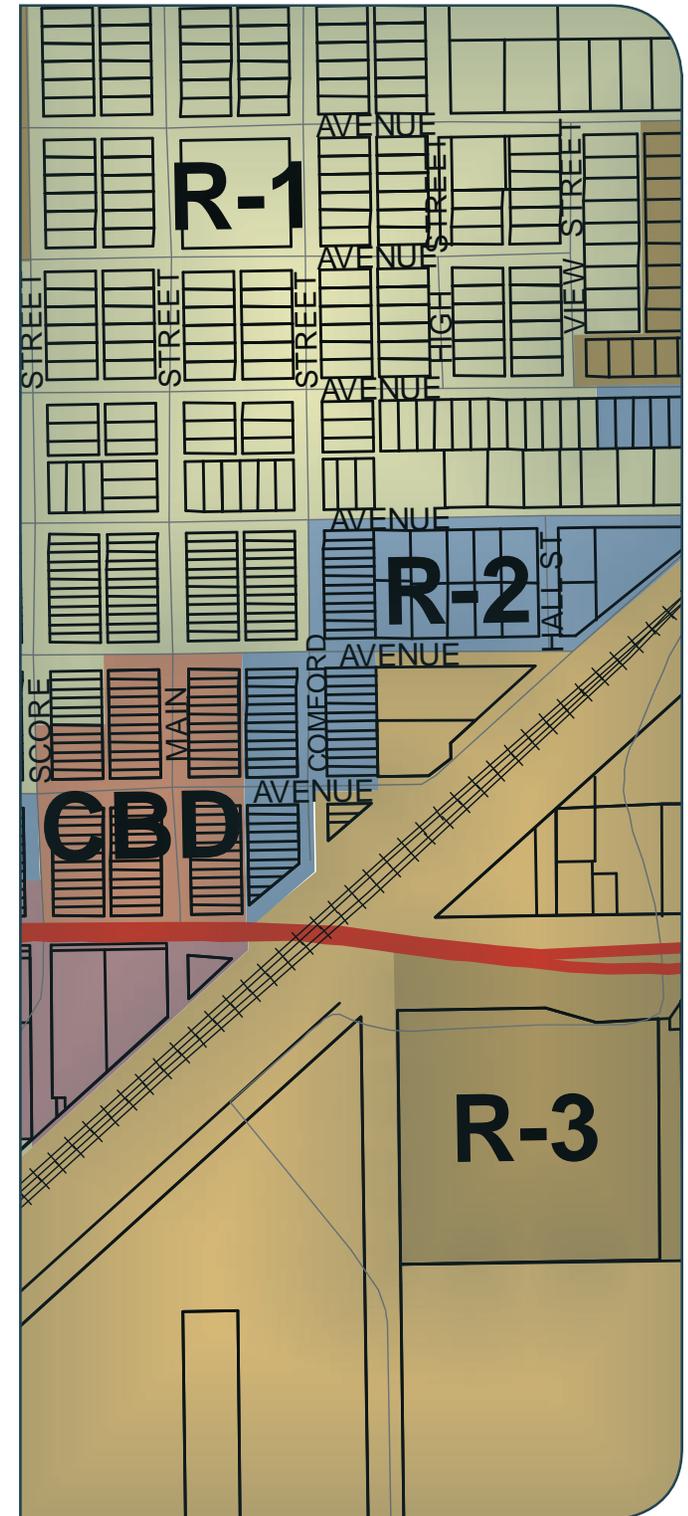
- Zoning Regulations must be made in accordance with the growth policy and designed to:
 - » Secure safety from fire and other dangers;
 - » Promote public health, public safety and general welfare; and
 - » Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.



Zoning

Legal Requirements for Zoning Regulations (Findings Needed for Adoption)

- When adopting zoning regulations, the governing body must consider:
 - » The provision of light and air;
 - » The effect on motorized and non-motorized transportation systems;
 - » Compatible urban growth in the vicinity of cities and towns;
 - » The character of the district;
 - » Conserving the value of buildings and encouraging the most suitable use of the land.





Zoning

How to Adopt or Amend Zoning

- Start with several models or templates from similar communities and refine to address local circumstances.
- Walk or drive around to see what is on the land and get the boundaries right.
- Expect several revisions.
- Must be political acceptance.
- Zoning must be recommended for approval by a planning board (counties) or planning and zoning commission (municipalities).
- Public notice, public hearings, written findings, resolution of intent, public protest period, resolution of adoption.
- For counties the adoption process is more lengthy than cities.



Zoning

How to Apply Zoning (General)

- **Legality**—there must be basis in law for each zoning rule (this is where the initial findings are important).
- **Reasonableness**—the rules have to make sense and must be able to be applied to most (if not all) properties in the district.
- **Consistency**—zoning must be consistently applied. If exceptions (variances) are made, the applicants must go through the proper channels and the decision must be based on written findings.
- **If the code is not working, fix it.** Zoning requires maintenance.

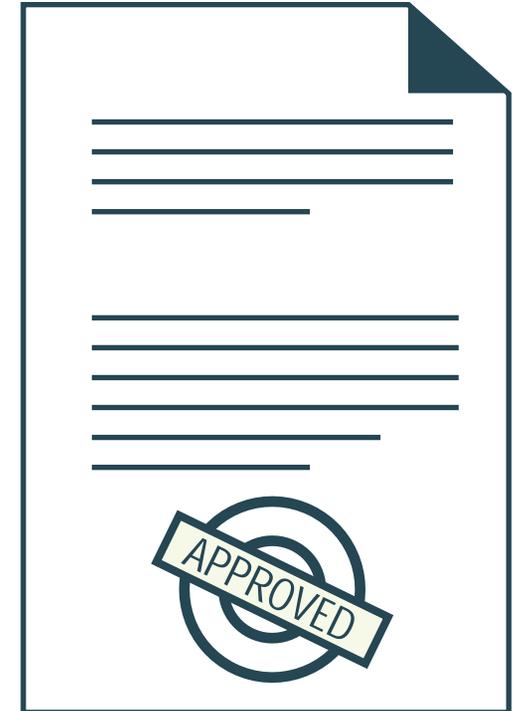


Zoning

How to Apply Zoning (Specific)

Permits

- A zoning conformance permit is granted administratively by the administrator for permitted uses. This should be a fairly quick and easy process.
- A conditional (or special) use permit is granted after a public hearing by either the governing body, the planning and zoning commission or the board of adjustment.
 - » A conditional use is a use that could fit in with other development in the district so long as the impacts are sufficiently mitigated.
 - » These land uses require special review and conditions may be attached to their approval.
- A certificate of occupancy is issued after any conditions have been met to make sure the development was built as permitted.



Zoning

Zoning Enforcement

- Enforcement is usually complaint-driven.
- The administrator notifies the occupant and landowner of the alleged violation, issues a stop-work order, and seeks voluntary compliance within 30 days.
- If compliance is not attained, city or county attorney can begin legal action.



Zoning

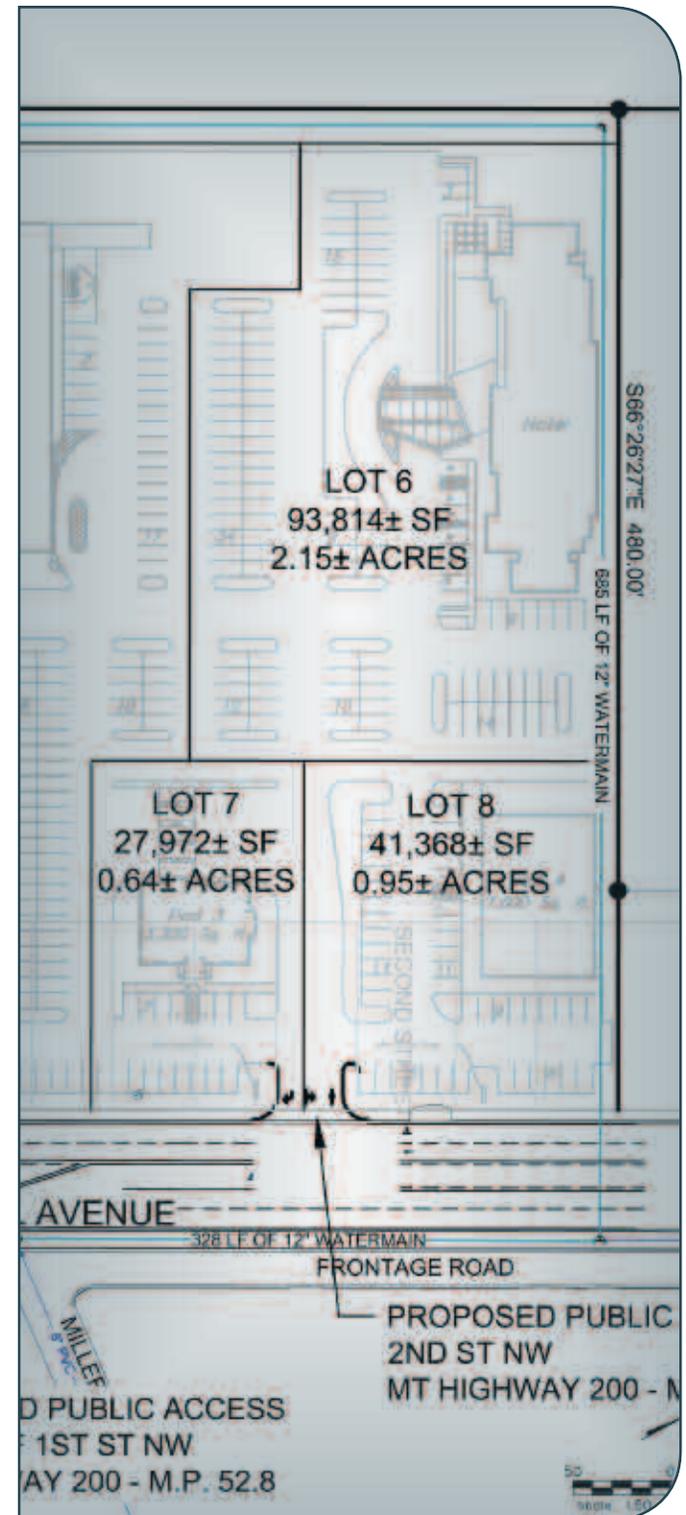
Questions

- Are there land uses (existing or potential) in your communities that might be perceived as a threat?
- Are there citizens or community groups who are asking about zoning to protect their interests?
- What type of zoning—single issue or more comprehensive—could be appropriate for your community?

Subdivision

Overview

- Applies **ONLY** to Divisions of land--- Does **NOT** address all new development
- Basics (generally): to assure adequate services and infrastructure, legal description (for purposes of transfer), legal and physical access
- Montana Subdivision and Platting Act: Title 76, Chapter 3, MCA
 - » All counties and municipalities must have subdivision regulations
 - » Subdivision definition: a division of land or land that creates one or more parcels containing less than 160 acres (or a quarter section) in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed and includes any resubdivision, condominium, or any area that provides for multiple recreational camping vehicles or mobile homes.
 - » Local flexibility for design standards and other features within the subdivision regulations

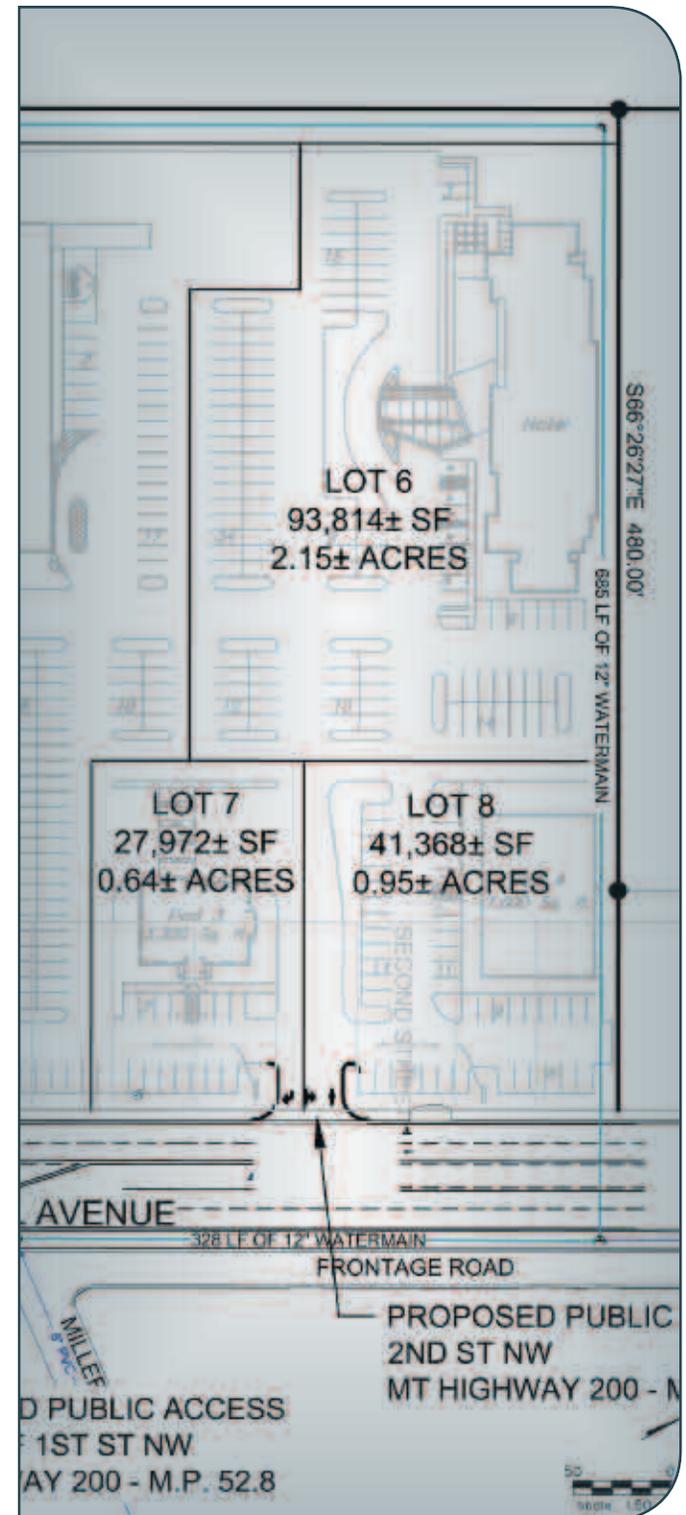


Subdivision

Is Subdivision Review a Growth Management Tool?

Subdivision Considerations

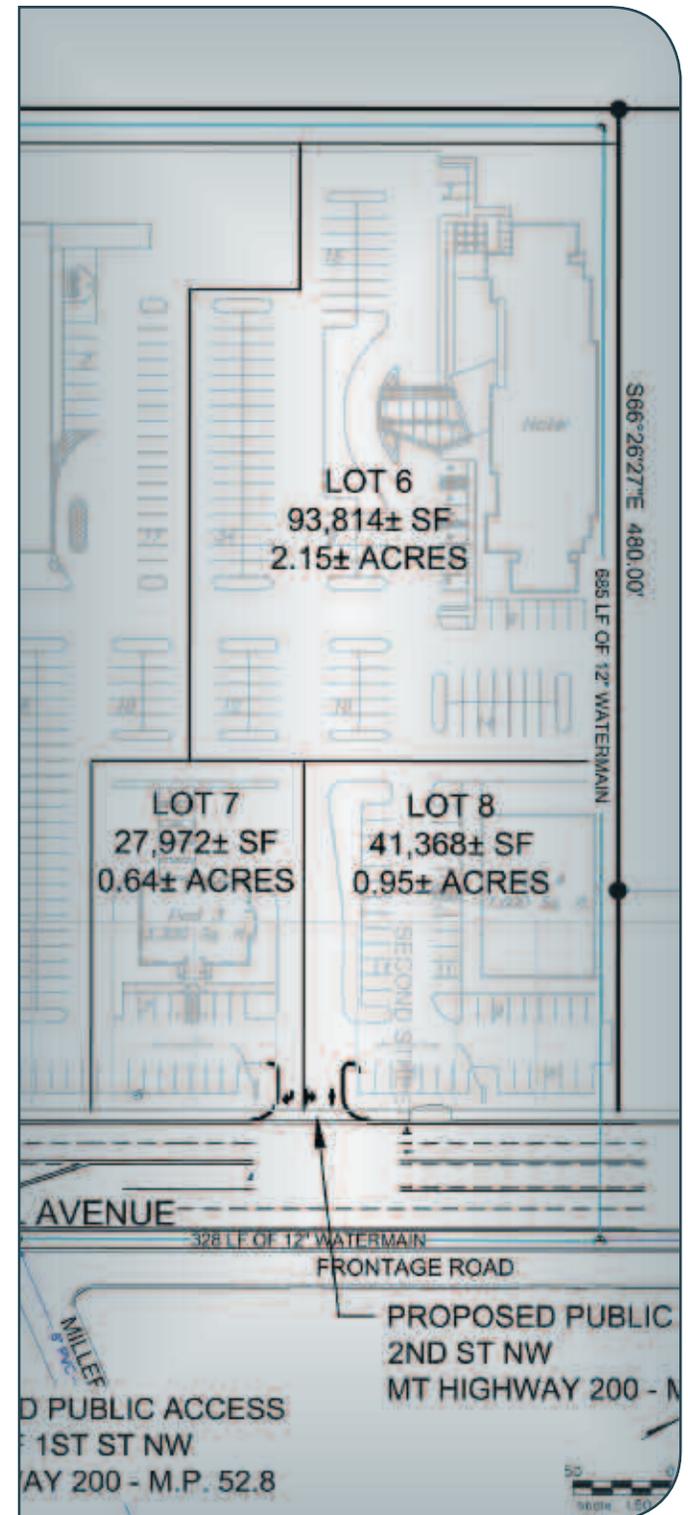
- Public Benefits/Costs:
 - » Will increases in property taxes cover the public costs for the new development?
- Assessing Impacts and Options to require mitigation
 - » 76-3-608(3)(a), MCA: review the subdivision for its impacts on agriculture, agricultural water user facilities, local services, natural environment, wildlife, wildlife habitat, and public health and safety
 - » 76-3-608(4), MCA: “the governing body may require the subdivider to design the proposed subdivision to reasonably minimize potentially significant adverse impacts.”
 - » 76-3-608(5), MCA: “the unmitigated impacts of a proposed development may be unacceptable and will preclude approval of the subdivision.” (also refer to: Hansen v. Granite County”)



Subdivision

Considerations

- Design Standards – Generally: Are they clear and understandable?
- Design Standards – Park Dedication
 - » 76-3-621(3), MCA: first minors generally exempted from park dedication
 - » 76-3-621(8), MCA: a Park dedication may be required for first minors if condominiums or multifamily housing are proposed; zoning regulations permit condominiums or multi-family housing; or any lots are located within the boundaries of the municipality



Subdivision Considerations

- Fish & Wildlife Recommendations for Subdivision Development: A Working Document (April 2012)

<http://fwp.mt.gov/fishAndWildlife/livingWithWildlife/buildingWithWildlife/subdivisionRecommendations/>

OR go to:

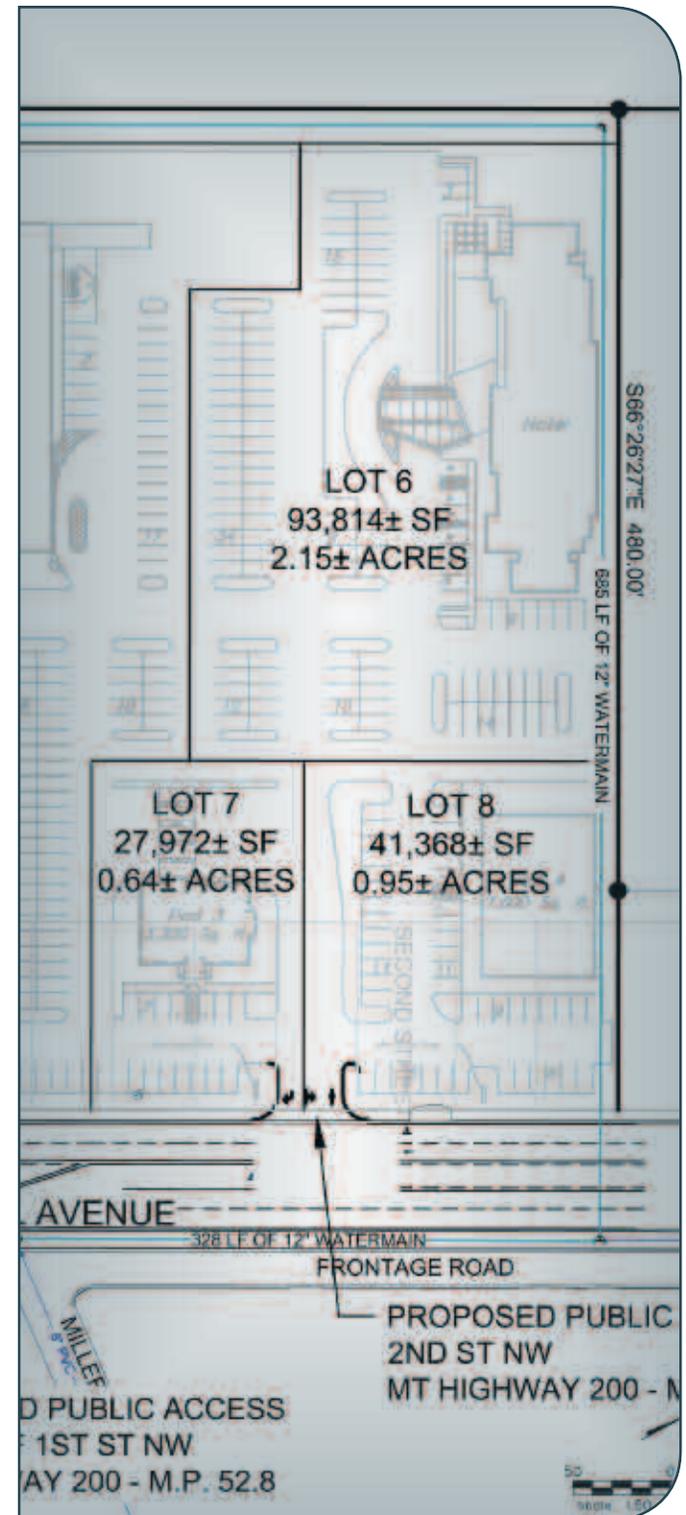
FWP website; click on “Fish and Wildlife” then “Living with Wildlife” then “Building with Wildlife” then “Fish & Wildlife Recommendations for Subdivision Development: A Working Document”

- Additional map resource: “Crucial Areas Planning System” - CAPS

<http://fwp.mt.gov/fishAndWildlife/conservationInAction/crucialAreas.html>

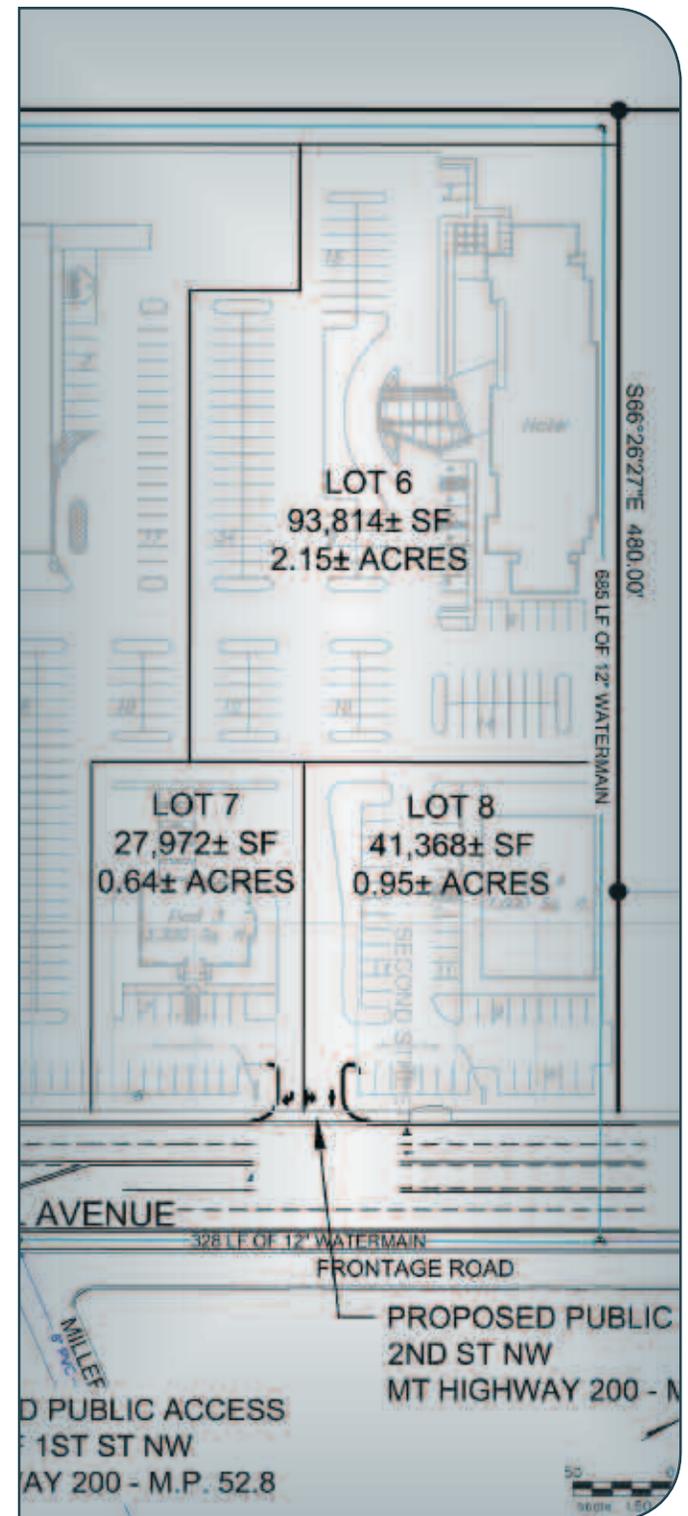
OR go to:

FWP website; click on “Fish and Wildlife” then “Conservation in Action” then “Crucial Areas Assessment”



Subdivision Questions?

- Questions?
- Observations on Subdivision Review?
- Issues?



Annexation

Purpose

- The purpose of Montana's annexation statutes are to provide expanding communities with:
 - » A united and effective single form of government;
 - » Orderly growth through uniform regulations such as building codes, planning, and zoning standards; and
 - » An equal sharing of community resources and financial responsibility by people living in an area united by social, political, and economic interests.



Annexation

What is it?

- A process whereby a municipality incorporates additional territory into its corporate boundaries
- Dictated by MCA 7-2-42 through 7-2-48
- Generally initiated by a written petition to City



Annexation

How does Annexation Work with Planning Tools?

- General Mitigation of Impacts
- Growth Policy
- Zoning
- Subdivision



Annexation

How does Annexation Work with Planning Tools?

- Impact Fees
- Capital Improvements Plan
- Wastewater Facility Plan
- Water Facility Plan



Annexation

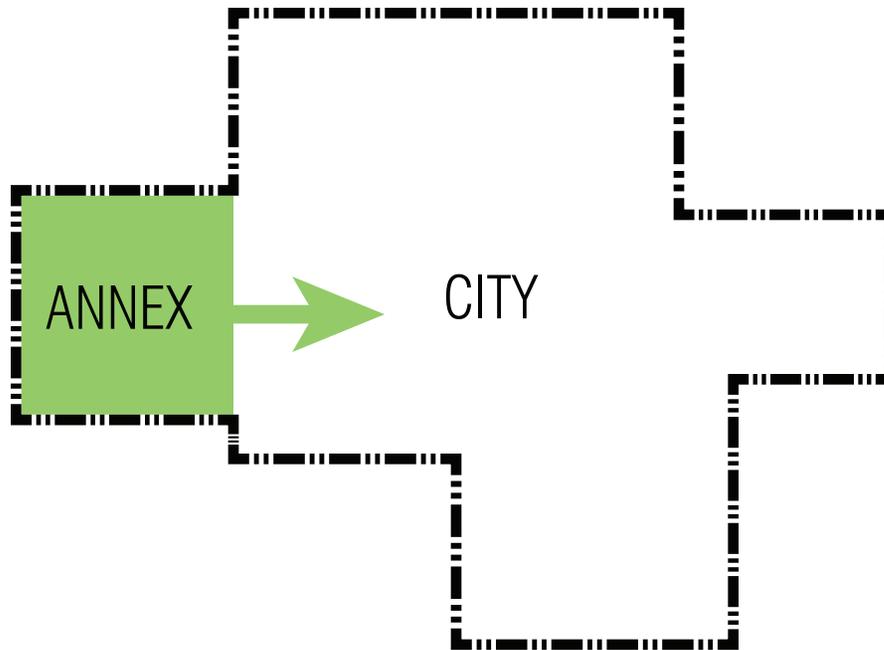
Types of Annexation

- Addition to Municipalities, MCA 7-2-42
- Annexation of Contiguous Land, MCA 7-2-43
- Annexation of Contiguous Government Land, MCA 7-2-44
- Annexation of Wholly Surrounded Land, MCA 7-2-45
- Annexation by Petition, MCA 7-2-46 (most utilized)
- Annexation with the Provision of Services, MCA 7-2-47
- Exclusion of Land from Municipalities, MCA 7-2-48

Annexation

Annexation by Petition

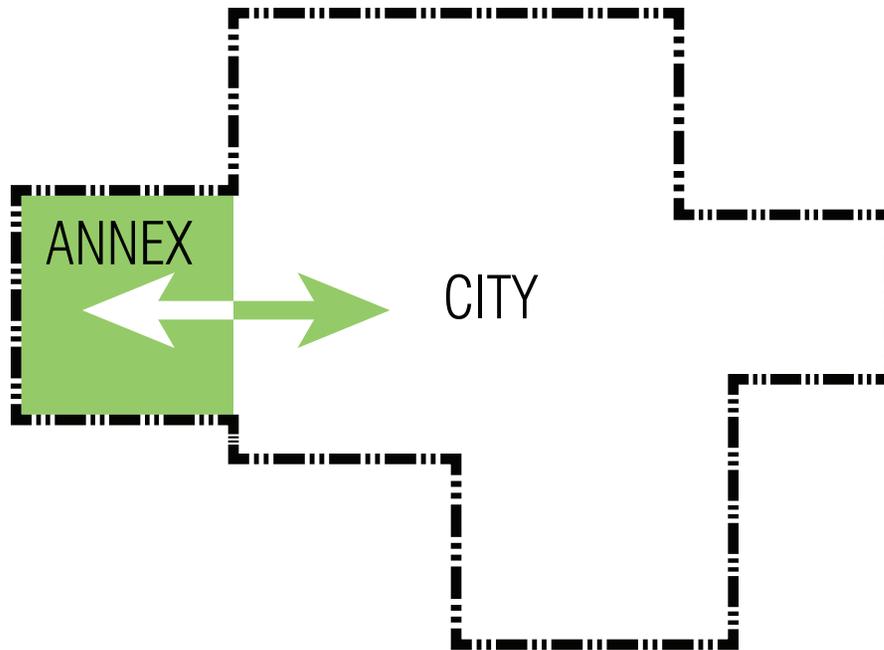
“The boundaries of any incorporated city or town may be altered... upon receiving a written petition for annexation containing a description of the area to be annexed and signed by not less than 33 1/3% of the registered electors of the area proposed to be annexed...”



Annexation

Annexation with Provision of Services 7-2-47

“The governing body of any municipality may extend the corporate limits of the municipality under the procedure set forth in this part upon the initiation of the procedure by the governing body itself... [or]...Whenever the owners of real property situated outside the corporate boundaries of any municipality, but contiguous to the municipality, desire to have real estate annexed to the municipality, they shall file...a petition...”



Annexation Timeline

Annexation by Petition, 7-2-46

Governing Body adopts
Resolution for Extension of
Services Plan per
MCA 7-2-4732



**Preapplication
Conference**

Petition must have
signatures of at least 1/3
of residents in annex per
MCA 7-2-4601



**Petition
Received
at City**

Review Criteria:
Compliance with
Extension of
Services Plan
Initial Zoning
Review
**Recommend
Approval or
Denial**

**Preliminary
Plat or Site Plan
Review**

**No
Proceedings
for One Year**

NO

**> 50% Owners
Vote in Favor?**

YES

**Notice an
Election
of Residents**

NO

**> 50% Owner
Signatures?**

YES

**Pass
Resolution**

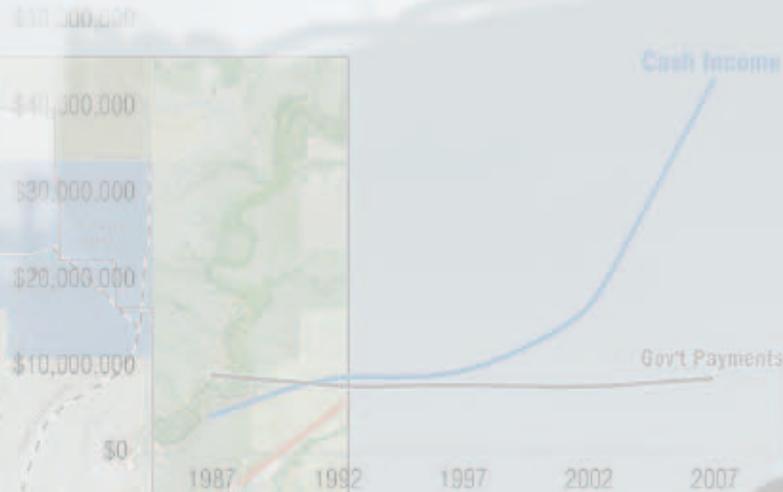
**File Resolution
with Clerk and
Recorder**

Annexation

Report on Extension of Services

- 1.** Must provide long-range plan for extension of services
- 2.** Plan must:
 - » Provide for extending police, fire, garbage, streets and street maintenance services
 - » Provide for future extension of services so that when they become necessary, owners are able to secure them
 - » Set a proposed timeline
- 3.** Set forth a method to finance improvements
- 4.** Provide specific steps for transfer of these services

Wrap Up



Year	Net Income	Net Income per Farm	Gov't Payments
1987	\$4,195,000	\$6,992	\$9,060,000
1992	\$8,650,000	\$14,894	\$7,533,000
1997	\$8,653,000	\$14,894	\$7,533,000
2002	\$15,754,000	\$25,006	\$7,533,000
2007	\$43,196,000	\$71,754	\$8,646,000

Thank You for Coming!

Maps Trends
Capital Subdivision Housing
Roads Projections Infrastructure
Land Use Economy
Growth Policy
Annexation
Future CIP Projects

