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## IMPLEMENTATION MEASURES

### General

Implementation of this Plan is a process that is intended to extend well into the future and will involve a variety of methods that require a major commitment by the citizens and government agencies. The traditional implementation approach has been to adopt some form of regulation system to carry out the direction established by the Plan. Once the regulations have been drafted and adopted by the governing body, the Plan which established the foundation for regulations is sometimes forgotten. The importance of revisiting and updating the Plan periodically to ensure that changes and planning priorities within the community are properly addressed is reinforced through the current statutory requirement for review of the Growth Policy at least every five years. This is not intended to diminish the importance of a regulatory system. Rather it is to emphasize that the Plan and associated regulations must be viewed as living documents, and that a flexible approach is critical to Plan implementation.

Because the planning process addresses both the present and future, other implementation measures such as a Capital Improvement Plan (CIP) should be adopted. The CIP contains a schedule of proposed projects and their estimated costs. Since many of these projects can influence the direction, timing and location of growth, the CIP should reflect the goals and objectives of the Plan and can be considered a crucial link in the implementation process.

While not all circumstances or changes in technology can be anticipated, this Plan and implementing regulations should be flexible enough to accommodate new concepts in development, while maintaining the overall goals and objectives of the community.

One of the means to ensure effective implementation of the Growth Policy is to make every effort to see that the Plan stays in tune with the local economy and desires of the community. As stated in the following section, the Plan should be reviewed periodically. The review should involve public input in order to identify potential problems and to assess public opinion regarding whether or not the Plan is effective in achieving its goals and objectives.

Another means of ensuring implementation is the involvement and interaction between the local government and the State or Federal government in all phases of planning. Because decisions made at the State or Federal level can have significant impacts on local governments, it is imperative that there is communication between all levels of government and that the local planning process is commensurate with the general provisions of State or Federal regulations.

Other implementation tools include the use of special assessment districts, downtown renewal programs and similar strategies which provide funding sources to construct facilities that will promote the goals and objectives established in the Plan.

Private sector incentives can also be an important means of implementing the Plan. Many aspects of public action and local government decisions automatically encourage and provide incentives for the private sector. In some cases, it is appropriate to give special consideration to private developments which provide public benefits. At a minimum, the selection of implementation techniques should always consider the effect on the private sector's inclination to build and improve the community.

## **Regulatory Methods**

Several tools are available for use in applying the adopted goals and objectives of the Growth Policy to shape the future of Mineral County. The background conditions relating to population, land use, economics, public services and systems, and the natural environment were used in conjunction with policy statements to produce a land use plan for the County. The general idea of what the local people advocate for their community growth is therefore apparent; however, because the Growth Policy is a nonbinding document, we must look for a way of providing the most efficient and practical methods to provide regulatory guidance. Regulations must be drafted to carry out the direction of the Plan by articulating specific requirements that govern the use of the land.

Traditional enforcement tools used in Montana include subdivision regulations, zoning regulations or development regulations, floodplain regulations, and conservation easements. Building codes are also used to help improve the living environment consistent with adopted policies. Another type of enforcement tool, though less commonly used, is performance zoning based on a point system. For planning in municipal areas and the immediate vicinity, establishing annexation policies with clear and understandable procedures can be an effective tool for review and approval of new development that is consistent with the community goal of providing efficient public services. Annexation policies and providing for connection to public sewer and water systems are important issues for growth in the Alberton and Superior areas.

Because of the rural character of Mineral County, the widespread influence of the forest resource, the mountainous terrain, growth will be limited primarily to areas along the main transportation routes. As the population base increases, there is also an increasing interest in developing additional regulatory measures for proposed development. The expression of a preferred pattern for future development through the goals and objectives, community meetings, and land use plan indicates that revisions to the existing subdivision regulations would be a logical and workable approach to regulating land use in a manner consistent with the direction given in the Growth Policy. It is possible that development pressure in response to any proposed energy resource extraction or processing projects would necessitate future consideration of other methods of land use control such as county wide development regulations. This method of regulation and its relationship to the Growth Policy is summarized later in this report.

Mineral County and the Towns of Alberton and Superior currently use the 2006 version of the Mineral County subdivision regulations to review subdivision proposals. The county regulations have not been updated to reflect legislative changes since that time, and additional changes

may be needed to tailor the document to the provisions and policies of the Growth Policy. Subdivision design standards should be reviewed and revised as needed to reflect the official policy of the County regarding road design and maintenance as well as drainage improvements and other site design requirements. Adopted design standards should be consistent with the goals and objectives of the Growth Policy.

It is anticipated that changes to the Mineral County subdivision regulations will be required to address recent revisions mandated by the 2007 legislature and to ensure compatibility between the regulations and the new Plan for the County. Similarly, the subdivision regulations for the Towns of Alberton and Superior must be updated to reflect current statutes of the new subdivision law. All subdivision development proposals in the County and Towns' incorporated areas must be reviewed according to the procedures and standards established in the updated regulations. The application of carefully crafted development design standards and other subdivision requirements is an effective method of minimizing negative impacts and unidentified costs that can result from new subdivision activity.

The Town of Alberton development pattern has proven to be compatible with regulations restricting various uses to certain zones using traditional zoning regulations. Zoning may also be appropriate for the Superior and St. Regis areas depending on local support for this method of regulating land use. A comprehensive review of existing zoning regulations should be completed after the Growth Policy is adopted to ensure compatibility with the intent of the new Plan.

Building codes in the rural area of Mineral County are administered by the Montana Department of Labor and Industry, Building Codes Bureau, and provide a method of controlling the quality and safety of new construction in the area. The State Building Codes Bureau, through the Permit and Inspection Program, reviews all new public, commercial and industrial buildings and also regulates residential construction for buildings with five or more units. There is presently no building code review of residential buildings containing one to four units for the County.

### **Zoning Ordinance - Alberton**

A review and update of the existing zoning ordinance will ensure that these regulations are enforced in compliance with the Growth Policy. Designation of residential, commercial and industrial zones in the Town and adjacent subdivisions will create specific boundaries that are compatible with the recommendations of the Growth Policy and allow for the continued enactment of rules and standards to be applied in each zone. The existing development pattern and zoning regulations were highly influential in determination of the most appropriate type of development promoted through planning districts shown on the land use plan map for the Alberton Area. Consequently, although some revisions to the existing ordinances will be necessary, it is anticipated that the bulk of the regulations will remain the same. The primary purpose of the review is to recognize the intent of the Growth Policy by changing or adding zone descriptions where appropriate. There may also be a need for some changes to zone boundaries in the Town and, if desired, extension of zoning to include more of the Alberton Urban Area during the zoning ordinance reviews. Since the zoning map is a crucial part of the

ordinance and is closely tied to the land use plan map and the goals and objectives of the Growth Policy, it must also be updated to reflect any desired changes.

Changes to the existing ordinance, and adoption of new regulations for other areas must be made in accordance with the requirements of Montana planning statutes, including the holding of a public hearing.

The basic structure of the zoning ordinance is centered on a list of permitted and conditional uses developed by the jurisdiction as summarized in the following discussion from the Handbook on Local Land Use Regulation published by the Montana Department of Commerce, Local Government Assistance Division.

*Typically, traditional zoning ordinances specify uses that are permitted in each zoning district as a right. These permitted uses must comply with the requirements specified for the district (e.g., setbacks, minimum lot size, maximum building height, off-street parking). The zoning officer reviews the application and determines whether the proposed use will conform to the regulations and, if so, is authorized to issue the zoning permit. The requirements are drafted in very specific language, usually as quantified dimensional standards. Thus, the zoning officer, reviewing the proposal against clear, specific standards, has to exercise very little judgment in determining whether the proposed use will conform to the regulations.*

*In contrast, some uses are not permitted by right because they may or may not be appropriate in a particular district depending upon the characteristics of the specific use of the district. For example, the location and nature of the proposed use and its projected environmental effects and other impacts such as the capacities of streets and other facilities, and physical environmental features, need to be considered in relation to the character of the surrounding development. These uses, commonly referred to as “conditional uses” or “special exceptions,” generally require a more detailed review in order to assure that the uses are compatible with their locations and with surrounding land uses, and will further the intent of the zoning regulation and the objectives of the growth policy. In addition, these uses may involve controversial issues that cannot be quantified.*

*As a result, determining whether a proposed use will be compatible requires judgment. As a “special exception,” the decision, by statute, is vested with the board of adjustment and is made at a public hearing. As a “conditional use,” the decision can be vested with an administrative officer, or as is common throughout Montana, it is vested with a permitting board (e.g., zoning commission or planning board), the governing body, or a combination thereof. Because conditional uses often have a significant impact, procedures for review and approval usually include a public hearing.*

Municipalities are authorized to enact zoning regulations under the Municipal Zoning Enabling Act (Sections 76-2-301 through 76-2-328, MCA). State statute links the Growth Policy to zoning regulations by requiring that the local government have an adopted growth policy in place

before zoning. A 2002 Attorney General's Opinion held that zoning regulations may not be adopted or substantively revised unless a growth policy has been adopted. Subsequent to that decision, the 2005 legislature extended the time period for adopting a compliant growth policy to October, 2006. Therefore the existing comprehensive plan and zoning regulations may remain in effect until that time. Since the zoning regulations must comply with the adopted plan, they must be updated following adoption of the new growth policy. The Mineral County / Alberton and Superior Growth Policy will meet statutory requirements and will provide the necessary background for work on zoning regulations.

## **County Development Regulations**

The adoption of development regulations may be the most logical approach to establishing an enforcement mechanism to support a reliable and functional planning process in the rural area of Mineral County. Although it does not appear that development regulations in the rural area would be required at this time, serious consideration of this method may be appropriate in the future depending on the nature and scope of development trends. Any new regulations should conform to the intent of the Growth Policy (which may need to be updated to address new growth scenarios) and may include district descriptions and locations as well as character or quality requirements. A map of planning districts would then become a crucial part of the ordinance and would be closely tied to the land use plan map and the goals and objectives of the Growth Policy. The district map and regulations should be compiled so that they reflect the policies adopted in the most recent version of the official Plan for the jurisdictional area of the Planning Board.

Development Regulations can be adopted pursuant to Sections 76-2-201 through 76-2-228, MCA (The County Zoning Enabling Act); and Sections 76-1-101 through 76-6-606, MCA (The Local Planning Enabling Act). The basic structure of the development regulation process is similar to zoning in that standards are set to regulate density, minimize hazards and preserve areas unsuitable for development. The following discussion is an excerpt from the Handbook on Local Land Use Regulation indicating the general intent of development regulations.

*Development permit regulations usually focus primarily on the character or quality of new development, with less emphasis on regulating the location of development. Development permit regulations often eliminate use districts and set out requirements that apply to new development throughout the jurisdiction. A new use may be issued a permit to locate in most locations, provided it meets the standards and requirements. While the emphasis of development permit regulations typically is on the character and quality of development, the regulations can be drafted to regulate location of new uses, and to apply different requirements in different areas within a county.*

Development regulations follow the basic premise that development should be allowed based on the consideration of certain performance requirements regarding its relationship to land capability, access and impact on agricultural land. In addition, the permit system could be tied to a district map and associated descriptions for areas within the county.

## Subdivision Regulations

As stated above, Mineral County and Alberton and Superior are using the standards included in the 2006 version of the Mineral County subdivision regulations to review development proposals. The Mineral County Planning Board reviews all subdivision applications and makes recommendations to the Mineral County Commission and/or the Alberton or Superior Town Council for conditional approval or denial. The County and Towns have experienced an increase in subdivision activity within the last decade, a situation that is not expected to change significantly within the next five years. The subdivision of land should reflect the intent of planned growth as orchestrated in the policy plan. In fact, HB 543 of the 2001 Legislature requires that local subdivision regulations be in accordance with the Growth Policy when a Growth Policy has been adopted. Planning legislation enacted by the 2003 legislature removed the requirement that subdivision regulations be in compliance with the Growth Policy goals and objectives within one year of adoption of the Growth Policy. This did not change provisions in the existing law that require that: "subdivision regulations be made in accordance with a growth policy, if a growth policy has been approved (76-1-606 MCA)." Revisions to the Subdivision and Platting Act in 2005 made significant changes to requirements for the application process, submittal requirements, water and sanitation information, and public hearings time line. New model subdivision regulations are available to provide a guideline for preparation of local regulations in compliance with the recent legislative revisions.

Subdivision regulations serve a vital role in the planning process and should be tailored to fit the community by drafting specific submittal requirements and design standards to reflect current policies of the jurisdiction. It is recommended that the County and Towns closely review the local regulations and incorporate any desired changes to submittal and review procedures and especially to include revisions to the design and improvement standards so that they are in accordance with the Growth Policy and accurately depict the needs of the governing jurisdiction. It is possible, for instance, that road standards should be different or that requirements for fire protection should be changed.

The use of subdivision regulations to direct development is an integral part of obtaining the goals and objectives in the Growth Policy as illustrated in the following discussion prepared by the State Department of Commerce:

*Subdivision regulations regulate the process of platting land into lots and providing public facilities (e.g., roads, water, sewer, storm drainage) to the lots. The platting and creation of lots is not only the first phase in development, the action sets the permanent land use pattern for the community. Therefore, proper public review of proposed land division is vital to: (1) prevent or minimize impacts on public health and safety and the natural environment, (2) ensure desirable future land use patterns, and (3) allow cost-effective provision of public services, thereby reducing tax expenditures.*

*In Montana, local government subdivision regulations must evaluate a proposed subdivision's impact on a number of considerations such as the natural environment, wildlife, public health and safety, and local services. The Montana Subdivision and*

*Platting Act (MSPA) (76-3-101 et seq., MCA) requires all counties and municipalities to adopt and enforce subdivision regulations, and to review and decide on development proposals that would divide land into parcels of less than 160 acres, construct one or more condominiums, or provide multiple spaces for mobile homes or recreational camping vehicles.*

*A subdivision must be properly surveyed, comply with local design standards, and provide legal and physical access and utility easements. Also, to approve a subdivision, local officials must issue written findings of fact that consider the effect the development would have on agriculture, the natural environment, wildlife and wildlife habitat, local services, and the public health and safety.*

*The Montana Sanitation in Subdivisions Act (MSIS) (76-4-101 et seq., MCA) was enacted to ensure proper sewage and solid waste disposal, water supply, and drainage in subdivisions. Under the MSIS, the Department of Environmental Quality (DEQ) must approve the sanitation facilities proposed for any subdivision containing lots less than 20 acres in size. Thus, a subdivision with lots of less than 20 acres must generally receive two separate approvals – local approval under the MSPA, and state approval of sanitation facilities under the MSIS. Also, all subdivisions served by a public sewer or water system must be reviewed and approved by DEQ.*

## **Subdivision Regulations Evasion Criteria**

Local jurisdictions are required by 2005 changes in the Subdivision and Platting Act to develop evasion criteria for their subdivision regulations. This could be completed as part of the review and update following adoption of the Growth Policy by the governing bodies. Administration of the subdivision regulations is an important part of the planning process, and because the current law allows for certain exemptions, it is necessary to have a list of evasion criteria to ensure that parcels are not created illegally. The governing body must determine whether a claimed use of an exemption meets the statutory requirements of that exemption, and whether the exemption is being invoked for the "Purpose of Evading" the Montana Subdivision and Platting Act (MSPA).

The evasion criteria in the current subdivision regulations should be reviewed for content and revisions included in the future subdivision regulations.

## **Floodplain Regulations**

Floodplain regulations are enforced through the county floodplain administrator in Mineral County and Albertain and Superior. Subdivision design standards contained in the subdivision regulations address procedures and requirements for floodplain development review.

## **Conservation Easements**

An effective method of preserving land in environmentally sensitive areas and promoting appropriate land use consistent with the Growth Policy is through the establishment of conservation easements.

A conservation easement (76-6-101 et seq., MCA) is a voluntary legal agreement a landowner enters into to restrict the type and amount of development that may occur on his property. Such an easement ensures that the resource values of the land will be protected according to the terms of the contract. Easements may be granted either in perpetuity or for a minimum of 15 years with an option to renew. The use of conservation easements can be an important part of protecting land from urban-oriented development.

A landowner may grant an easement to a public agency or to a qualified private tax-exempt organization. If the conservation easement meets federal requirements, property owners may be entitled to reductions in income and estate taxes. Each easement is different, tailored to the specific needs of the landowner while ensuring that conservation objectives are met. Conservation easements may prevent subdivision development; construction of new residential, commercial and industrial structures; activities resulting in soil erosion or water pollution; mining; and degradation of fish and wildlife habitat. Local governments can work with tax-exempt organizations and property owners to promote and facilitate preservation of productive agricultural lands or other lands that contribute to the values and assets of the community. Under Montana law, the local planning authority is required to review conservation easements (76-6-206, MCA).

## **Capital Improvements Plan**

The goals, objectives and policy statements contained in this document make specific reference to the need for improvement and expansion of the public infrastructure system of Mineral County and Albertain and Superior to adequately serve the population during the planning period. These infrastructure improvements can be accomplished in an orderly and predictable manner through the development of a Capital Improvements Plan (CIP).

All municipalities and counties are faced with the need for capital improvements – repair or replacement of existing physical facilities, land acquisition and construction of new facilities such as community centers, parks and playgrounds, fire stations, and sewage treatment plants. Capital improvements planning is the preparation and updating of a proposed schedule of public works and related equipment to be built or purchased by a community during the foreseeable future. Capital improvements planning cannot guarantee that all of the proposed projects will be undertaken, but it can go a long way toward guaranteeing the most effective use of limited resources.

A Capital Improvements Plan provides a vital link between a community's growth policy and the implementation of that plan. The CIP works in conjunction with the jurisdiction's annual operating budget and its long-range fiscal policy and is one of the most effective management

tools available to the county. By preparing and following a CIP, local officials are in a better position to make objective and informed decisions as to how their community will provide for its citizens. Capital improvements planning can also be the basis for improving intergovernmental and regional relations, as a proposed project may involve several jurisdictions. These benefits, and others inherent in capital improvements planning, are not automatic but are dependent on the commitment of the community and the effectiveness of the local government administration.

The objective of the CIP is to match needed improvement projects with revenue and financing sources to ensure that public facilities will be repaired, expanded, or constructed as required by future growth, public health and safety, or other community needs. How, when, and where public facilities are provided greatly affects the pattern of future land development and the public cost of providing these facilities.

At a minimum, the CIP should contain:

1. A list of needed capital improvement projects for several or all of the public facilities managed by the local government;
2. Clear priorities for funding and constructing the improvement projects (the needs list is put in priority order);
3. Potential and recommended funding sources to pay for each project; and
4. A rough time schedule for each project.

Mineral County has not adopted a formal overall Capital Improvements Plan (CIP). The County should identify priorities and work toward funding and construction of needed capital improvements specifically for the county bridges and roads.

Improvement and maintenance of the roads is one of the county's major budget items and proper planning and use of available grant and loan sources would be a tremendous help in addressing the road system needs. The county could obtain financial assistance to aid in the process of completion of a CIP for the roads by applying for CDBG planning grant funding.

The Community Needs Assessment and input for the goals, objectives and policies of the Plan have identified county road and bridge maintenance, weed control, and recreational facilities improvements as important priorities in the county infrastructure. Specific projects addressing these items should be included in the list of improvements in the Capital Improvements Plan.

The projects listed in the improvement schedules of the Road and Bridge Capital Improvements Plan should be completed according to the priority schedules listed in each document using a combination of available public funding sources and local monies. Adjustments to the schedules should be made annually based on current conditions affecting the priorities and identification of any new funding opportunities. The funding sources should include participation in the CTEP, CDBG, DNRC and TSEP programs as well as available low interest loans available through a variety of other sources. The County should also work closely with the Montana Department of

Transportation (MDT) on improvements to the highway system to develop paving, drainage, signing, and vehicular access to local business along the routes.

An evaluation of other county projects should be completed to identify costs and possible funding sources. Possible items to be considered in a CIP for Mineral County are shown in the following list:

- Road and bridge improvements
- Weed control
- Miscellaneous
  - Pedestrian/bike path construction
  - Fire district facilities
  - Park improvements
  - County shop improvements

Note: The CIP should be updated annually in conjunction with the County's budgetary process.

Alberton and Superior should begin the process of completing a street survey that will be used to help develop a Capital Improvements Plan for water, wastewater and streets. The list of improvements shown in water system facility plans and wastewater plans are considered to be high priority items. The sewer and water system needs are generally discussed in Part One of this report. Funding methods and priorities for future water and sewer projects should be included in the overall capital improvements planning process.

Plans for storm drainage and street system improvements are also an extremely important part of infrastructure planning since the magnitude of the costs associated with new construction typically requires outside funding sources or creation of special improvements districts. The Towns of Alberton and Superior should support preparation of an evaluation that provides a brief analysis of existing storm drainage facilities, identifies drainage problems and deficiencies, and recommends reasonable alternatives for improvements in the towns. Scheduling and identification of funding possibilities should be accomplished by including the improvement projects in the Capital Improvements Plan.

A sidewalk improvements program schedule should also be part of capital improvements planning for the Towns. Funding can be obtained from the Community Transportation Enhancement Program (CTEP) for sidewalk and trail improvements. The funds are available for the sidewalk and urban trails program from the Montana Department of Transportation, and for the trail system through the Montana Department of Fish, Wildlife and Parks.

The Growth Policy recognizes that there is a continued demand for improvements, particularly with regard to the wastewater system, water system, street system, storm drainage and pedestrian/bicycle facilities. Opportunities for funding these facilities should be investigated and included in the capital improvements schedule.

The community needs assessment and goals and objectives have identified community beautification as a high priority, as well as revitalization of the downtown business district and parking improvements. Beautification projects could include demolition of dilapidated buildings and clearing vacant lots, and could also address the need for sidewalk and streetscape improvements. Priorities for business district revitalization and community beautification should be established following adoption of design standards that are embraced by the business and planning community. Specific beautification and downtown revitalization projects should then be added to the list of improvements in the Capital Improvements Plan.

The projects listed in the improvement schedules of the sewer and water plans should be completed according to the priority schedule using a combination of available public funding sources and local monies. The funding sources include participation in the CTEP, CDBG, DNRC and TSEP programs, as well as available low interest loans available through a variety of other sources. The Towns should also work closely with the Montana Department of Transportation (MDT) on improvements to develop paving, drainage, sidewalks, and vehicular access to local business along the route. Street lighting and signing improvements should also be scheduled.

### **Implementation Strategy**

As discussed in the previous sections, the Growth Policy is an advisory document only and essentially lays the foundation for adoption of implementation measures. Mineral County and Alberton and Superior are using local subdivision regulations that were adopted in 2006 to help guide new development in the County, but will need to update the documents to reflect legislative changes and tailor the design standards to specific local conditions in accordance with the adopted Towns and County standards. This update will streamline the subdivision review process and help to implement the Growth Policy. Effective use of zoning regulations is another important implementation tool available to the Towns for administration of the principles contained in the Growth Policy. The Planning Board will be revising the existing ordinance following adoption of the new Growth Policy. Other implementation measures related to community improvements and tied to the goals and objectives of the Growth Policy are included in the implementation action plan.

### **Implementation Schedule**

The following schedule provides guidance for the Planning Board and governing body to implement the objective identified for the Plan and to measure the progress and success of the Plan. The implementation schedule will be useful to the governing body during their annual budgeting process. Continued involvement by the citizens groups will also ensure that the plan is carried out.

## Implementation Action Plan

ACTION ITEM	LEAD RESPONSIBILITY	DESIRED COMPLETION DATE
1. Revise subdivision regulations to reflect legislative changes and support implementation of the Growth Policy	Planning Board	December 2008
2. Review and update existing Alberton zoning regulations and incorporate proposed changes	Planning Board/Town of Alberton	February 2009
3. Prepare a CIP for county bridges and county roads	County Road Department/Planning Staff	December 2008
4. Prepare a CIP for the Towns of Alberton and Superior infrastructure improvements	Towns of Alberton and Superior	January 2009
5. Update local floodplain regulations	Towns of Alberton and Superior and Mineral County	January 2009
6. Facilitate long term monitoring of flows on the Clark Fork River and initiate a flood warning system.	Towns of Alberton and Superior and Mineral County	2010
7. Sponsor public information meetings on floodplain issues	Towns and County Floodplain Administrator	Semi-Annual
8. Provide support for a community economic development plan update	Planning Board	January 2009
9. Develop a recreation facilities improvements plan	Towns and County Planning Staff	2009
10. Develop a downtown beautification plan for sidewalks, streetscape, and parking	Towns of Alberton and Superior / Planning Staff	July 2010
12. Support local staffing to administer planning services	County Commissioners and Town Councils	Ongoing
13. Develop GIS capacity for analysis of county and Town projects	County Commissioners and Town Councils	Ongoing
14. Review & revise Growth Policy as required	County Commissioners and Town Councils	2013

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## PLANNING COORDINATION

Development proposals in Mineral County and the Towns of Alberton and Superior are reviewed by the Mineral County Planning Board since it serves in the capacity of planning review for all jurisdictions. Planning issues that could conceivably affect the provision of public services in each area are then brought to the attention of the appropriate administrative agency including Town and County officials as well as school district personnel. The opportunity for the Towns to comment on proposed subdivisions within one mile of their corporate boundaries is promulgated by State statute in Section 76-3-601 of the Subdivision and Platting Act (since Alberton and Superior are classified as third class towns), and through advisory authority outside the Town, within the Planning Board jurisdictional area. It is anticipated that, following revision of the County subdivision regulations, submittal requirements for materials describing each subdivision proposal in Mineral County within one mile of either Town will be clarified to include a requirement for delivery of the appropriate number of copies to the affected Town of Alberton or Superior at the beginning of the subdivision review process. Affected agencies will then be informed of the nature and extent of the proposal and the time line for comment. Public agencies for the County to receive a notification include the County Floodplain Administrator, County Sanitarian, County Road Department, School Superintendent, Weed District Supervisor, and other interested public entities. The County also typically coordinates and cooperates with Alberton and Superior on other matters of common interest including the airport, floodplain planning, disaster and emergency services, fire protection and law enforcement.

Review of development proposals by both the Planning Board and the Towns of Alberton and Superior for subdivisions within one mile of the Towns promotes a mutual awareness and cooperation in planning efforts of the Towns and County jurisdictions. By including distribution of subdivision proposal documents to affected Towns and State agencies for review and comment, Mineral County is promoting a coordinated planning effort. Also, County and Town representatives on the Planning Board help to facilitate better local knowledge of planning issues and impacts that may be of special concern to the County Commission. Final decisions by the County Commission and Alberton and Superior Town Councils regarding subdivisions in Mineral County will tie in with policies in the Growth Policy and will be made with due consideration of concerns and comments of both the Town and County officials.

## SUBDIVISION REVIEW

The Subdivision and Platting Act requires that decisions regarding proposed subdivisions be made with respect to the criteria listed in 76-3-608 3(a). This section requires local governments to review a proposed subdivision's effect on "agriculture, agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat, and public health and safety." For the purpose of subdivision review in Mineral County, these terms are defined as follows:

- Agriculture: Montana Code Annotated contains definitions for the words "agriculture" and "agricultural" as follows:

- 41-2-103, MCA. Definitions. As used in this part, the following definitions apply: (1) "Agriculture" means: (a) all aspects of farming, including the cultivation and tillage of the soil; (b)(i) dairying; and (ii) the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, including commodities defined as agricultural commodities in the federal Agricultural Marketing Act (12 U.S.C. 1141j(g)); (c) the raising of livestock, bees, fur-bearing animals, or poultry; and (d) any practices, including forestry or lumbering operations, performed by a farmer or on a farm as an incident to or in conjunction with farming operations, including preparation for market or delivery to storage, to market, or to carriers for transportation to market.
  - 81-8-701, MCA. Definitions. Unless the context requires otherwise, in this part the following definitions apply: (1) "Agricultural and food product" includes a horticultural, viticultural, dairy, livestock, poultry, bee, other farm or garden product, fish or fishery product, and other foods.
- Agricultural Water User Facilities: Those facilities which provide water for agricultural land as defined in 15-7-202, MCA, or which provide water for the production of agricultural products as defined in 15-1-101, MCA including, but not limited to, ditches, pipes, and headgates.
  - Local Services: Any and all services or facilities that local government entities are authorized to provide.
  - Natural Environment: The physical conditions which exist within a given area, including land, air, water, minerals, flora, fauna, noise, and objects of historic or aesthetic significance.
  - Wildlife: Living things which are neither human nor domesticated.
  - Wildlife Habitat: Place or type of site where wildlife naturally lives and grows.
  - 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.

The decision on whether to conditionally approve or deny a proposed subdivision will be based on an evaluation of the foregoing criteria with emphasis on the following considerations:

- Agriculture: Type of agricultural operation including type of crop, 5-year average yield, irrigation method, acreage used for crops and livestock, and number of animal units. The impact on adjacent farm operations including spraying, fencing, and access will also be considered. Prime farmland and land necessary to sustain the farming operation will also be considered.

- **Agricultural Water User Facilities:** Ditch easements, pipeline easements, headgates and maintenance access.
- **Local Services:** Sewer system, water system, roads, electrical supply, telephone, natural gas, health services, ambulance availability, fire protection availability, solid waste disposal, schools, law enforcement and parks and recreation.
- **Natural Environment:** Soil suitability and limitations, slope in disturbed areas, geologic formations, fault lines, proximity to surface water, storm water, floodplain, groundwater, plant varieties and communities, weed proliferation, air quality, noise levels, and historical features.
- **Wildlife and Wildlife Habitat:** Major species of fish and wildlife using the area, important wildlife areas including big game range, waterfowl nesting areas, habitat for rare and endangered species and wetlands.
- **Public Health and Safety:** Water quality, wastewater treatment, air quality, emergency services access, and fire, earthquake and flood hazards.

## **REVIEW AND AMENDMENT**

### **Review**

This Plan reflects an approximate 10-year horizon date. Such a time period represents a workable time frame which allows for the systematic implementation of desired land uses and permits the use of completed census data work prior to the data becoming obsolete. To provide for flexibility and responsiveness to change, the Plan will be reviewed on an annual basis as part of the Planning Board's annual meeting.

Additionally, the Plan shall be intensively reviewed every five years by the Planning Board to evaluate trends in population, the economy, and development patterns.

### **Amendments**

The Plan shall be amended when any review has identified necessary changes or when, in the course of events, changes are deemed to be in the public interest by the Planning Board, Alberton or Superior Town Council, or Mineral County Commission.

A public hearing to consider a proposed amendment will be held by the Planning Board. The effect of the proposal will be reviewed in the context of the overall plan and current conditions. The proposed amendment, possibly modified by public comment, will be recommended to the Alberton and Superior Town Councils and Mineral County Commissioners for their approval.