CHAPTER 2: LAND USES

Introduction

One of the single largest impacts of growth in any community is change to land uses. Many land uses are converted as access, infrastructure, visibility and other factors make certain uses more or less desirable. Changes in land use are an inevitable result of growth and can fuel multiple segments of an economy. However, without careful planning, some land uses can have unintended deleterious impacts to the surrounding area. This is especially true in communities with increasing populations and decreasing space or "buffers" between uses. The Flathead County Growth Policy seeks to allow the market to benefit naturally from the desirable impacts of growth and land use changes while protecting the community from the accompanying undesirable impacts to public health, safety, morals, convenience, order, or general welfare (76-1-106, M.C.A.).

Goal

G.1 Maintain communication and coordination on issues of land use planning with Federal, State and Tribal leaders for the benefit of all jurisdictions.

Policies

P.1.1 Attempt to develop cooperative agreements with Flathead National Forest and Glacier National Park on issues including, but not limited to, local economies, adjacent land development, road status changes, access to public lands, land use planning documents, public hearings, and noxious weed alleviation and control.

P.1.2 Attempt to develop an intergovernmental agreement to codify jurisdiction issues with the Confederated Salish and Kootenai Tribes on their land.

P.1.3 Attempt to develop cooperative agreements with the Montana Department of Natural Resources and Conservation and Department of Fish, Wildlife and Parks on issues including, but not limited to, land use conversion, adjacent land development, land use planning documents, public hearings, trust land uses, public access for recreation, land acquisition and state exchanges of trust land with private and federal entities.

P.1.4 Attempt to develop strategies for the County to provide meaningful advice on land use issues to the appropriate Federal, State and Tribal agencies so the County can influence decisions, which are of vital interest to County residents on the ~~82.5%~~ 78.6% of land in the County controlled by those agencies.

P.1.5 Communication and coordination between MT DNRC Trust Lands staff and the county will allow for local and regional planning that respects the

revenue generating needs and realizes the best use, be it development or recognized conservation opportunities.

Goal

G.2 Preserve the rights of property owners to the use, enjoyment and value of their property and protect the same rights for all property owners.

Policies

P.2.1 Flathead County should create land use regulations that are directly linked to the vision outlined in the Growth Policy.

P.2.2 Regulatory and fiscal implementation of the Growth Policy should protect the public health, safety, morals, convenience, order, or general welfare in the process of community development (76-1-106, M.C.A.).

P.2.3 Recognize the potential for imprecisely surveyed parcels throughout Flathead County as a result of the original surveying methods used by the General Land Office. As a result, respect private property rights by allowing minimum lot sizes that enforce the spirit of density guidelines without punishing those who own slightly less than standard acreage units.

Goal

G.3 Preserve the cultural integrity of private and public agriculture and timber lands in Flathead County by protecting the right to active use and management and allowing a flexibility of private land use that is economically and environmentally viable to both the landowner and Flathead County.

Policies

P.3.1 Develop an educational brochure that explains active use and management of timber lands and the impacts adjacent landowners can expect. Promote the document by distributing it to home buyers in Flathead County.

P.3.2 Evaluate land uses and trends in agricultural and timber lands, and present ideas through research and discuss tools that could be used to encourage suitable development.

P.3.3 Maintain flexibility of land use options to forest and agriculture land owners by focusing on mitigating the negative impacts of development.

P.3.4 Develop equitable and predictable impact-mitigation for converting rural timber and agriculture lands to residential real estate.

P.3.5 Identify reasonable densities for remote, rural development that do not strain the provision of services or create a public health or safety hazard.

P.3.6 Identify and maintain benefits of private forest lands, including harvesting natural resources, water quality protection, wildlife habitat and traditional recreational values and ensure that conversion of private forest lands preserves as many of these benefits as is possible.

P.3.7 Adopt techniques that mitigate the threat to public health and safety created by various developments near the Wildland Urban Interface (WUI)

P.3.8 Encourage federal and state agencies to actively manage timber lands to reduce fire hazard and increase positive local economic impacts of timber harvesting.

Goal

G.4 Preserve and protect the right to farm and harvest as well as the custom, culture, environmental benefits and character of agriculture and forestry in Flathead County while allowing existing landowners flexibility of land uses.

Policies

P.4.1 Develop an educational brochure that explains agriculture and agricultural practices and the impacts adjacent landowners can expect. Promote the document by distributing it to home buyers in Flathead County.

P.4.2 Identify lands most suited to agriculture (appropriate soils, access to water, shape and size of parcels, etc.).

P.4.3 Identify a desirable gross density for rural residential development that retains land values, preserves the agricultural character of the community and allows for efficient provision of government services (law enforcement, fire protection, transportation, etc.)

P.4.4 Identify and encourage subdivision layouts that retain the value of land without negatively impacting the rural character and agricultural activities.

P.4.5 Develop equitable and predictable impact-mitigation for converting agricultural lands to residential uses.

P.4.6 Develop proposals for community-based incentives for farmers and forest landowners to maintain farms/forest in order to share the cost of

preserving the custom, culture, and character of agriculture in Flathead County

P.4.7 Create an agricultural/private timber lands board, with significant representation from the agricultural/timber community and the Flathead County Planning Board, to propose plans for conserving working farms and ranches, clean water and key wildlife habitat.

P.4.8 If allowable, develop and adopt a Right to Farm/Harvest Ordinance and other policies as needed to support the viability of the agriculture/forestry industry in Flathead County.

Goal

G.5 Adequate industrial land in areas that are close enough to goods and services to be efficient but far enough from other uses to offset objectionable impacts to the human and natural environment.

Policies

P.5.1 Match requirements of industrial land uses (such as human resources, adequate water supply, suitable road networks) and areas of Flathead County where those requirements can best be met.

P.5.2 Promote industrial parks and centers that take advantage of infrastructure and minimize impacts to the environment or adjacent land uses.

P.5.3 Identify trends in industrial land uses and determine the amount of land needed in the future at a variety of growth rates. Utilize these figures when determining land use regulations.

P.5.4 Identify "objectionable impacts" of industrial uses and determine desirable distance thresholds and buffers from other land uses.

P.5.5 Restrict industrial uses that cannot be mitigated near incompatible uses such as residential, schools and environmentally sensitive areas such as wetlands, floodplains, riparian areas, areas of shallow groundwater, etc.

Goal

G.6 Adequate commercial land that is safely accessible and efficiently serviceable.

Policies

P.6.1 Require internal, interconnected roads for commercial development and frontage roads where appropriate.

P.6.2 Restrict commercial development in unsafe, inaccessible, remote rural areas.

P.6.3 Provide ample commercial land designation to promote affordability.

P.6.4 Require traffic impact analysis for all major commercial projects on major highways and arterials.

P.6.5 Conserve resources and minimize transportation demand by encouraging redevelopment and infill of existing commercial areas in the county.

Goal

G.7 Consider existing community character in commercial land development.

Policies

P.7.1 Determine commercial development features that support the seven elements of the Flathead County Vision detailed in Chapter 1: The Character of Flathead County.

P.7.2 Develop regulations that promote P.7.1 and mitigate the negative impacts of commercial development.

P.7.3 Encourage small-scale, impact-mitigated and compatible commercial developments in accessible, developing rural areas with good access and away from urban areas.

P.7.4 Identify existing areas that are suitable for impact-mitigated commercial uses.

P.7.5 Encourage commercial development that is visually and functionally desirable.

P.7.6 Encourage mixed use developments that share infrastructure requirements such as parking, pedestrian facilities, etc. and reduce traffic by promoting live/work situations where appropriate in Flathead County.

Goal

G.8 Safe, healthy residential land use densities that preserve the character of Flathead County, protect the rights of landowners to develop land, protect the health, safety, and general welfare of neighbors and efficiently provide local services.

Policies

P.8.1 Create reasonable, flexible and predictable development guidelines based on accurate, fair and reasonable criteria.

P.8.2 Identify required criteria for various densities that support the seven elements of the public's vision outlined in Chapter 1.

P.8.3 Create maps that spatially represent the criteria identified in P.8.2.

P.8.4 Set clear standards for amending development guidelines.

Goal

G.9 Define, identify and list desirable characteristics of open space preservation.

Policies

P.9.1 Identify open spaces that serve a critical role in public and environmental health, safety and general welfare.

P.9.2 Create regulatory incentives for the preservation and protection of open spaces during the development process.

P.9.3 Consider and develop specifications for various buffers to protect open spaces.

Goal

G.10 Restrict development on lands that pose an unreasonable risk to the public health, safety and general welfare of all Flathead County residents.

Policies

P.10.1 Discourage high density development within the 500-year floodplain.

P.10.2 Discourage development within the 100-year floodplain that displaces floodwaters to neighboring properties.

P.10.3 Encourage impact-mitigated development in areas of shallow groundwater. Use test holes or bore holes and best available data to determine areas of shallow groundwater.

P.10.4 Restrict development directly on lands with steep slopes.

P.10.5 Protect wetlands and riparian areas. See Goal 38 and Policies 38.1 through 38.4.

P.10.6 Develop reasonable and fair criteria for identifying and preserving structures, artifacts and areas with cultural and historical significance to the residents of Flathead County. Such criteria shall not be used to prohibit development, but rather to encourage development that incorporates and protects these areas for future generations.

P.10.7 On lands that contain areas both suitable and unsuitable for development, encourage open space development design techniques to cluster dwellings away from hazardous and/or unsafe areas.

Goal

G.11 Protection of scenic resources available to both residents and visitors.

Policy

P.11.1 Identify critical gateway areas that provide lasting impressions of Flathead County to both residents and visitors.

P.11.2 Identify development impacts that threaten gateway areas and develop land use guidelines that mitigate these impacts without prohibiting development.

P.11.3 Determine road and recreational waterway corridors with scenic resources that are valued by both residents and visitors.

P.11.4 Create incentives for developments that consider the scenic settings, incorporate design and construction standards that harmonize and complement the local views, and where possible, provide incentives for excellent architectural design.

P.11.5 Develop guidelines to ensure that lighting should not destroy the reasonable enjoyment by all residents of the night skies.

Goal

G.12 Mineral resource extraction that is safe, carefully planned, environmentally sound and appropriately segregated from incompatible land uses.

Policies

P.12.1 Identify areas of known sand and gravel resources.

P.12.2 Identify areas of significant mineral resource deposits and develop accurate maps reflecting these areas.

P.12.3 Create land use policies that segregate existing and future gravel extraction operations from incompatible land uses.

P.12.4 Develop policies to mitigate the impacts of mineral resource extraction. These may include road maintenance, dust abatement or vegetative buffers.

P.12.5 Designate areas where mineral resource extraction is most appropriate and will have the least impact on other resources and land uses.

P.12.6 Restrict sand and gravel operations in areas that pose a threat to water quality.

P.12.7 Encourage progressive reclamation of mineral extraction operations.

P.12.8 Require compliance with existing local, state and federal laws regarding oil, gas, and mineral exploration or production.

Goal

G.13 An efficient, safe and accessible airport system to serve the dynamic needs of a rapidly growing economy.

Policy

P.13.1 Utilize future expansion plans of Glacier International Airport to create a land use designation that protects both the economic significance of the airport and the safety of neighbors and passengers.

P.13.2 Provide development predictability to landowners neighboring the airport by designating growth areas.

P.13.3 Abide by all applicable FAA guidelines for safety around airfields.

P.13.4 Encourage the development of an airport-appropriate industrial/business center to provide convenient access to Glacier International Airport and serve a growing economy.

P.13.5 Coordinate and cooperate with GPI on the Glacier Park International Airport Master Plan.

Goal

G.14 Solid waste collection facility operation and landfill expansion free from land use conflicts with adjacent property owners.

Policies

P.14.1 A 1,320 foot buffer surrounding the landfill should be identified, and the buffer should be designated for only those land uses compatible with current and future landfill activities. Compatible use types such as industrial should be encouraged in this buffer.

P.14.2 Identify all suitable solid waste disposal options available to the County and implement a strategy to assure capacity is secured to meet future demands.

P.14.3 Satellite refuse collection sites (green boxes) and licensed junk vehicle collection sites should be aesthetically screened to reduce the spread of litter and mitigate objectionable views.

P.14.4 Visually screened, wildlife resistant, centralized collection sites or contract hauling should be encouraged in new subdivisions.

P.14.5 Consider existing, adjacent or nearby private or public solid waste collection facilities during the development process.

PART 1: Federal, State and Tribal Lands (see Goal 1)

Flathead County is the third largest county in Montana encompassing approximately 3,262,720 acres or 5,098 sq. miles[1] . The land in Flathead County is managed by federal, state, local and tribal governments, as well as private property owners (See Map 2.1).

Comment [a1]: Update Map 2.1

The federal government manages approximately ~~78.6~~ 71.7% of the total land in Flathead County. The USDA Forest Service is responsible for management of National Forests. Flathead County contains portions of four National Forests and two ~~Wilderness~~ wilderness ~~Areas~~ areas. Flathead National Forest, including portions of the Great Bear and Bob Marshall Wilderness Areas, has approximately 1,875,545[2] acres within Flathead County that comprise nearly ~~55~~57% of the total county acreage. Other National Forests that have lands within Flathead County are Kootenai, Lewis and Clark and Lolo (totaling approximately 115,390[3] acres). Combined, the National Forests and Wilderness Areas comprise approximately 59% of the total acreage of Flathead County.

National Forests are not the only land in Flathead County managed by the federal government. Totaling approximately 1,008,306[4] acres, Glacier National Park is split between Flathead County and Glacier County. Approximately ~~635,214~~ 635,156[5] ~~-~~acres of Glacier National Park comprise 19% of the total land mass of Flathead County. Other federally managed lands in Flathead County include the Lost Trail National Wildlife Refuge (7,885 acres[6]), Swan River National Wildlife Refuge (1,568 acres[7]), and the Flathead, Batavia, McGregor Meadows, Smith Lake and Blasdel Waterfowl Production Areas (totaling 5,189 acres[8]). Combined, Wildlife Refuges and Waterfowl Production Areas comprise an additional 14,642 acres of land in Flathead County.

The State of Montana manages a substantial acreage within Flathead County. Lands managed by the DNRC Trust Lands Management System account for approximately 130,953 acres of Flathead County. The Federal Government granted these lands to the state under the Enabling Act at the time of Montana statehood in 1889. The lands were granted for the sole purpose of generating income for support of the common schools and other public institutions. The Enabling Act mandated that the lands, along with their proceeds and income, would be held in trust for the beneficiaries. As a means of generating revenue, a stipulation in the Enabling Act prohibited the state from disposing of an interest in these lands unless full market value is received. "Disposal of an interest" is considered to be the sale or exchange of the lands, or the granting of any use of them through issuance of a lease, license or easement, if such use is deemed to have a

[1] U.S. Census Bureau State & County QuickFacts; ~~this~~ Natural Resource Information System (NRIS) – Montana State Library. Please note, this calculation includes only includes land area, exempting approximately 101,120 acres of water area in Flathead Lake.
[2] Montana Natural Resource Information System
[3] Montana Natural Resource Information System
[4] National Park Service, Glacier National Park
[5] ~~-~~ Montana Natural Resource Information System, February 2011
[6] http://www.fws.gov/bisonrange/losttrail/
[7] http://www.fws.gov/bisonrange/swan/
[8] http://www.fws.gov/bisonrange/wmd/

compensable value. Recreational use has been deemed to have a compensable value. The Land Board, whose members are the Governor, Secretary of State, State Auditor, Attorney General and the Superintendent of Public Instruction, oversees use of these lands and its responsibility is to assure that the mandate is met. Fish, Wildlife and Parks manages another approximately 3,235 ~~3,208~~ acres[9] in Flathead County (See Chapter 4, Part 3).

The Flathead Indian Reservation comprises approximately ~~29,864~~28,296 acres[10] of Flathead County. Approximately 24,315 acres of this total are owned by the Confederated Salish and Kootenai Tribes and are not under the jurisdiction of the Flathead County Growth Policy. An~~other approximately~~ estimated 3,024 acres of the Flathead Indian Reservation within Flathead County are non tribal owned private fee lands.[11] Any non tribal owned fee lands not owned by members of any Indian tribe would be under the jurisdiction of the Flathead County Growth Policy. An additional 2,520 acres of Flathead County within the Flathead Reservation are state owned lands.

Of the total ~~3,361,230~~ 3,262,720 acres (or 5,098 sq. miles)[12] that make up Flathead County, approximately ~~2,772,918~~ 2,564,498 acres (~~82.5%~~ 78.6%) are managed by federal, state or tribal interests and are not subject to the goals and policies of the Flathead County Growth Policy. The remaining 698,222 ~~approximately 587,431~~ acres (approximately 21.4%) are managed by private landowners.[13]

PART 2: Private Property Rights (see Goal 2)

During the scoping meetings of November 2005 through January of 2006, a number of Flathead County residents referenced protection of private property rights as a goal (see Appendix B: Public Involvement Summary). Lands held by private owners are subject to the goals and policies of the Flathead County Growth Policy. It is appropriate to establish a goal of protecting the rights of private property owners. All private property ownership comes bundled with certain rights and responsibilities.

The majority of comments addressing property rights indicated that landowners should be able to do what they want on their property as long as it doesn't negatively impact neighbors, the environment, or the safety of the public. Conversely, some residents identified the desire to protect their property rights from the impacts of incompatible adjacent land uses. Some growth can and does negatively impact neighbor's property rights, the environment and/or public safety. The Growth Policy can be used to address these negative impacts, thereby preserving the use, enjoyment and value of all property well into the future. A discussion of property rights and what can be expected by the

[9] Natural Resource Information System, February 2011; Fish, Wildlife and Parks land ownership
[10] Natural Resource Information System, February 2011; Tribal and BIA land ownership
[11] Some of these lands could be owned by individual Tribal members.
[12] U.S. Census Bureau State & County QuickFacts; this calculation includes only includes land area, exempting approximately 101,120 acres of water area in Flathead Lake.
[13] Natural Resource Information System, February 2011: private land ownership percentage

residents of Flathead County has been added to the Growth Policy as part of the 2011/2012 update process, and can be found in Part 5 of the Preface.

PART 3: Forest Land Uses (see Goal 3 and 4)

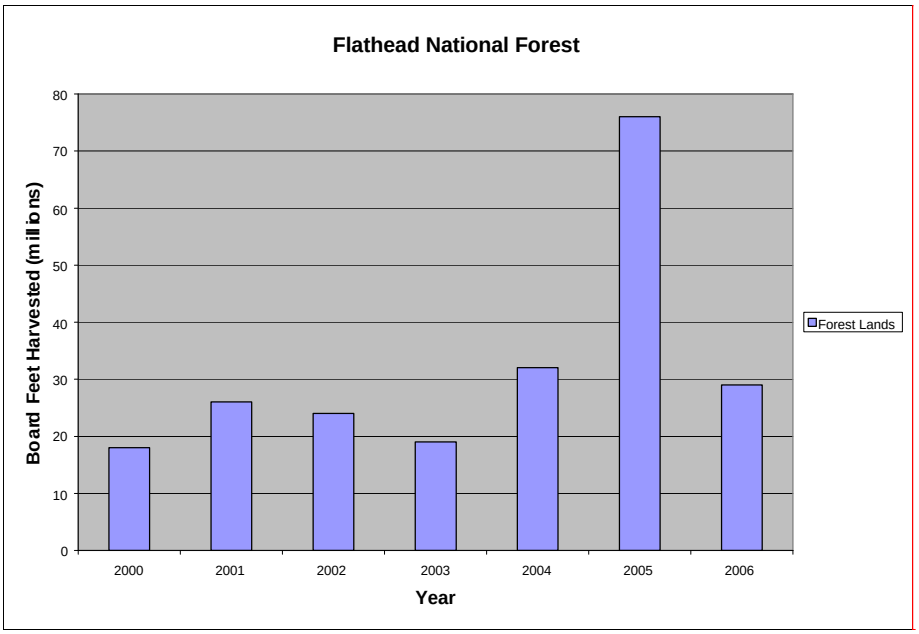
Proactive forest management creates healthy forest ecosystems through practices including planting, thinning, and harvesting of forest vegetation. Proper management of forests protects the cultural integrity of Flathead County and promotes the health and safety of residents by reducing the risk of wildfires and contributing to the local economy. Forest land uses in Flathead County are divided into two types- public and private. "Forest land" means privately owned land being held and used primarily for the continuous purpose of growing and harvesting trees of a marketable species.

Public forest lands include federal and state lands on which contract harvesting takes place. The USDA Forest Service will auction portions of the Flathead National Forest to timber interests for harvests. In 2006, 29 million[14] board feet were auctioned to private timber companies. Add calcs from 2009 or 2010, if possible… Talk to USDA Forest Service. Since 2000, 226 million[15] board feet have been harvested from lands owned by the USDA Forest Service (see Figure 2.1). The State of Montana also manages forests lands within Flathead County. Lands managed by the DNRC Trust Lands Management System account for approximately 130,953 acres of Flathead County.

Comment [b2]: Contact USFS to get current data; update Figure 2.1

Figure 2.1
Flathead National Forest Board Feet Harvested by Year

[14] USDA Forest Service/Flathead County Planning intergovernmental meeting 2/17/06 notes from this meeting? Check for contact information
[15] USDA Forest Service/Flathead County Planning intergovernmental meeting 2/17/06



Source: USDA Forest Service

A substantial portion of the private property in Flathead County is used for timber production. The three largest timber landowners, F.H. Stoltze Land and Lumber, Plum Creek and Montana Forest Products together account for approximately 9.2% (310,000 acres) of the total land area in Flathead County (see Map 2.2). Land owned by these three corporations represents approximately 52.7% of the *private* land in Flathead County. Many smaller operations also exist ~~as well~~ throughout Flathead County, contributing additional acreage to the private timberlands category. Although many of the private timber land owners generously allow public access to their land, these lands remain private. Private timberlands provide multiple positive benefits for Flathead County. In addition to the economic aspects of timber production and material products, these timber lands provide watershed protection, wildlife habitat, recreational opportunities and other values. Private forest lands are also valuable reservoirs of mineral resources that are a necessary component of any growing community.

Many growth issues arise from private timber lands. Some residents perceive corporate timber lands to be "open space" and forget that the lands are being used to grow a sustainable product, similar to agriculture fields. Timber land owners utilize various silvicultural techniques and technologies to harvest timber materials using the machinery and procedures of the trade. Active forest management is essential to timber lands.

From a land use perspective, another issue arises from the conversion of timberlands to residential uses. Converting timberlands to residential real estate can be more profitable than harvesting timber. Excessive regulations and/or additional costs of owning land can

Comment [a4]: Update chart through 2010 if deemed necessary (in other words, is a chart re: board ft. harvested relavent?)

Comment [a5]: Update Map 2.2

Comment [a6]: Need to check with Stoltze, Plum Creek and Montana Forest Products regarding current acreages; Flathead County only recognizes Plum Creek in GIS database.

Comment [a7]: Confirm calculations

hasten the conversion of timberlands to residential real estate as timberland managers look to maximize profits. However, the conversion of remote, rural lands to residential real estate impacts the community in a variety of ways. Public safety can be threatened as more people move into the wildland-urban interface. The wildland-urban interface (WUI) is commonly described as the zone where structures and other human development meet and intermingle with undeveloped wildland or forests.[16] This WUI zone is comprised of private and public lands and can pose risks to life, property, and infrastructure in associated communities if not mitigated. These risks to health and safety in the WUI can include inescapable wildfires and natural disasters or human contact with species such as bears, mountain lions, and wolves. Forest management practices which reduce the health and safety risks are essential in areas where public and private forest land border private properties. Risk reduction strategies can consist of commercial thinning projects and homeowner education, realizing that these practices are not a guarantee of home safety.

As is clear in the vision statement, the residents of Flathead County are interested in preserving the rural character of the county. Depending on the manner in which it is executed, residential development in rural areas can impact the character of a community, the health and safety of residents, the cost of providing public services (see *Chapter 7: Public Facilities and Services*) and the natural environment.

A balance can be achieved between providing flexible land use for corporate timber land owners and preserving the community vision by mitigating impacts to the rural character, cost of services and natural environment. As experienced stewards of the land, corporate timberland owners recognize the need to preserve the cultural integrity of rural Flathead County but must be allowed the economic flexibility to do so. Any effort to mitigate impacts of rural residential development must be reasonable, equitable and predictable.

PART 4: Agricultural Land Uses (see Goals 3 and 4)

Flathead County has a long tradition of agricultural land uses. Since the first settlers came to the valley, residents have sought to make a living by growing crops and raising cattle. In the 21st century, a substantial portion of the land in Flathead County is still used for agriculture (see Map 2.3). ~~In~~ Back in 2002, approximately 40% of the private land (234,861 acres) in Flathead County was being farmed. By contrast, in 2007 roughly 251,597 acres or 36% of privately held land in Flathead County was used for agricultural purposes.[17] According to the most recent Census of Agriculture conducted in 2007, t~~T~~here were approximately ~~1,075~~ 1,094 individual farms operating in the County, with the majority of these farms (~~78%~~81%) being under 179 acres in size. Over half the farms in Flathead County had annual sales of less than $2,500.00. These numbers indicate that a large portion of the farms in Flathead County are small hobby farms and not the primary source of income for the residents. ~~In~~ Similar to the agricultural census data for 2002, in 2007 there were ~~approximately 98~~ only 77 farms ~~that were~~ over 500 acres in size and

Comment [a8]: Update Map 2.3

[16] Flathead County Community Wildfire Fuels Reduction / Mitigation Plan

[17] USDA 2002 and 2007 Census of Agriculture; the next update is scheduled for 2012 ~~– Update reference~~

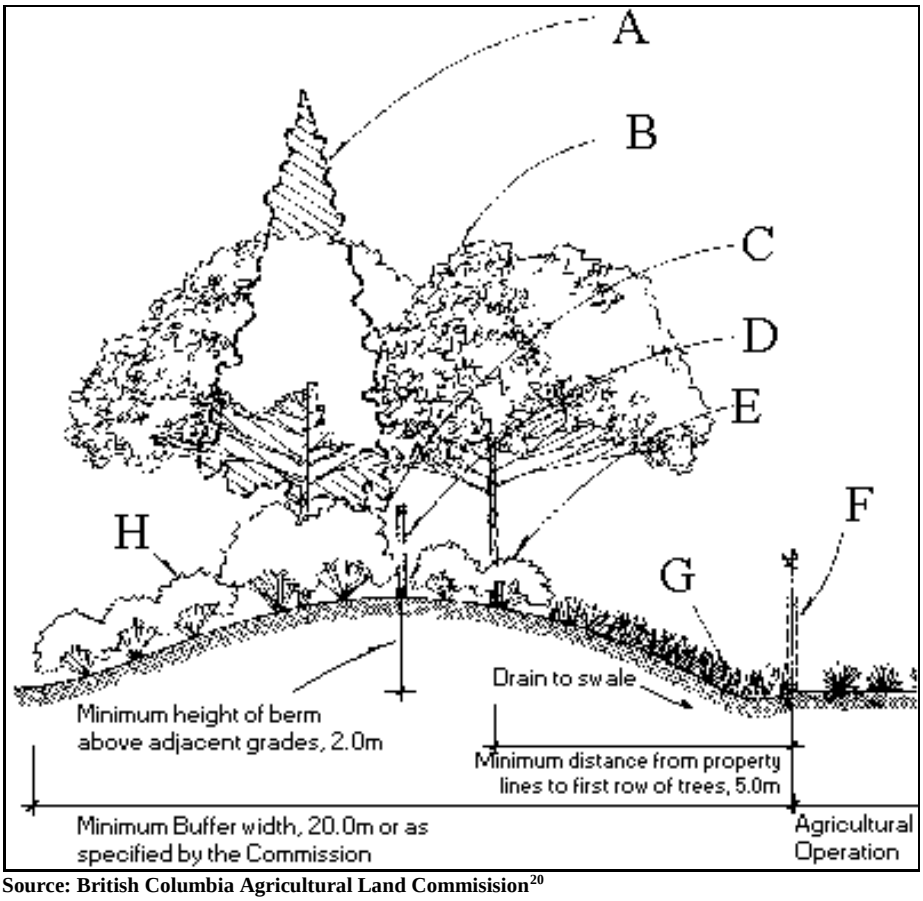
~~approximately 115~~ 112 farms ~~that had~~with annual sales of over $50,000. These farms are more likely to be primary occupations of the landowners and represent a substantial portion of the agricultural acreage in Flathead County.[18]

Many flat areas of the Flathead Valley have very productive soils. Areas of deep, well structured and well drained soils are capable of producing a variety of crops. For more on soils, see *Chapter 8: Natural Resources*. Some of the major crops produced by Flathead County farmers include wheat, barley, flax, alfalfa, grain hays, silage, and livestock pasture. Specialty crops such as seed potatoes, mint, lawn sod, canola, mustard, raspberries, strawberries, grapes and vegetable crops are also important products.[19]

It is clear that agriculture plays a vital role in both the economy and culture of Flathead County. The custom and culture of agriculture in Flathead County is one of the features that is contributing to rapid growth and development. Lands that have traditionally been used for agriculture are being converted increasingly to residential uses as residents seek rural living. Issues can result from mixing residential and agricultural culture when new rural residents are unpleasantly surprised by the sights, sounds and smells associated with farming. Rural living requires adjustments from urban living, and it is unreasonable to expect that farming techniques could or would change when an adjacent field is converted to a residential subdivision. Vegetative buffers on the edges of new developments which abut existing agricultural operations can aid in lessening the cross contamination of weeds, chemicals, noise and odors. An example of such a buffer is seen in Figure 2.2 below.

Figure 2.2
Agricultural Land Use Buffer. - EXAMPLE ONLY

[18] USDA 2007 Census of Agriculture
[19] Flathead County Natural Resource Use Policy



Source: British Columbia Agricultural Land Commisision[20]

A- Yearly coniferous screen
B- Summer deciduous screen.
C- Shrubs to block wind-blown weed seeds.
D- Optional wood fence (invisible due to shrubs).
E- Trespass inhibiting shrubs.
F- Landowner fence
G- Drainage swale.
H- Additional trespass inhibiting shrubs.

There are no accurate data for the number of acres converted from agricultural to residential uses in Flathead County each year, but that conversion is a primary concern of many residents of Flathead County. There are a variety of factors contributing to this conversion. Current landowners are interested in farming as long as it is economically viable, but the increasing costs of farming (land, machinery, fuel, labor, etc.) combined with stagnant crop revenue impacts that viability. Farmers in Flathead County are aging

[20] http://www.alc.gov.bc.ca/

and, although there is great interest in agricultural practices among the younger population, none can afford to buy land when competing with residential developers. Extraction of minerals is also a viable use of many formerly agricultural lands as landowners seek more value from their property. The custom and culture of agriculture in Flathead County is at risk, not from a lack of interest or land capable of producing, but from land values that cannot justify agricultural uses and the currently poor economic climate for farming in Flathead County.

PART 5: Industrial Land Uses (see Goal 5)

Industrial applications commonly have a greater impact on the surrounding community than other land uses. It is difficult to mitigate the impacts of industrial land uses due to their inherent nature. However, no economy can function without the important goods and services provided by industry. It is important for a growth policy to identify the existing and anticipated land use needs of a growing economy and plan for areas where industry can function efficiently with minimal impact on the natural and human environment.

Identifying appropriate land for industrial uses presents special issues for any community. Given the possibility that industrial uses will have a deleterious impact on the rights of adjacent property owners, it would seem desirable to segregate them. Certain industrial uses, such as those that have toxic byproducts, must be sufficiently separated from residential areas, schools, playgrounds, environmentally sensitive areas, etc. However, industry needs to be near a base of services in order to be efficient. The further industry is located from goods, services and people, the further all three must be transported. Industrial parks and centers provide a regional service by serving a growing economy with needed industrial space and co-locating potentially hazardous land uses in areas that have been designated as being minimally impacted by odors, heavy truck traffic, noise, etc.

Flathead County currently has approximately 333,136 acres that are zoned[21]. Many of these lands are located around or between the business centers of Flathead County[22]. Of the ~~-~~333,136 acres of land with regulated land uses, only 1,497 acres are zoned for uses commonly defined as industrial. A limited quantity of land makes prices higher and creates difficulties for businesses seeking efficient locations. This situation leads industrial business owners to acquire property further from services than they might desire, typically in unzoned areas of the County. Industry located far from services creates problems for water, sewer, transportation, safety and human resources.

Comment [a9]: Confirm calcs; this is significant departure

Comment [a10]: Need to confirm –this is significant departure

With growth comes a demand for an increase in the number of businesses serving the population. It is important to locate industrial uses close enough to services to increase efficiency but far enough from established residential uses to avoid objectionable impacts.

[21] This includes some Federal and State land ~~that is~~ included in select zoning districts (North Fork, Ashley Lake, CALURS, etc.) ~~the North Fork Zoning District~~

[22] Primarily Bigfork, Kalispell, Evergreen, Whitefish and Columbia Falls

PART 6: Commercial Land Uses (see Goals 6 and 7)

One of the most important engines of the Flathead economy is the variety of small and large businesses. These businesses are important employers, taxpayers and service providers. In 2001 there were 3,279 private, non farm businesses in Flathead County employing approximately 29,075 people.[23] Only two years later (2003), there were 3,594 private non farm establishments employing approximately 29,906 people.[24] By 2009 a total of 4,250 private, non-farm businesses were established in Flathead County, employing an average 32,492 people a year.[25] By efficiently locating businesses so as to mitigate the negative impacts on views, traffic, and the identity of the local community, a diverse economy with a positive impact on the local community by providing goods and services where they are needed can be promoted. Inefficiently located businesses can be a high-impact burden to both the human and natural environment, and the cumulative costs to the community can outweigh the benefits.

Commercial land uses can be characterized by location and impact. If left to the business owner, location would be a function of the cheapest land with the best visibility and accessibility. Large signs, brightly colored aluminum buildings, pavement from lot line to lot line and direct highway access has been the trend along state highways. The downside to such commercial development is the impact on the surroundings. Large, bright signs are not only potentially out of character with the surrounding community but are also a potential safety risk as motorists are distracted from driving. Voluminous buildings lining a road can quickly change a pleasant rural commute into a journey through a commercial canyon. Large parking areas with no landscaped islands can prevent rain water from soaking into the ground, creating an environmental problem as well as a safety problem when waters collect and flood roads and buildings. Dozens of adjacent businesses with direct road access can create a safety issue as motorists are forced to contend with numerous merging and braking cars in high speed areas. Commercial development does not have to create this series of problems.

Commercial land uses are unique for their ability to adapt and blend with other land uses. Mixing uses is especially appropriate when mutually negative impacts are mitigated. When land is visible, accessible and relatively affordable, there are limitless possibilities for commercial uses to match the local community character. Unlike industrial uses, commercial uses can more easily mitigate negative impacts to the surrounding neighborhoods, typically with minimal effort or expense. Visual impacts can easily be softened by simply building a few feet further back from the road and planting a few trees. Safety hazards can be corrected with frontage roads, turning lanes, sign controls, etc. However, it should be recognized that impact mitigation might preclude short-term profitability for some businesses and they will choose to locate elsewhere.

[23] http://quickfacts.census.gov/qfd/states/30/30029.html
[24] http://censtats.census.gov/cgi-bin/cbpnaic/cbpsect.pl
[25] Montana Department of Labor & Industry, Quarterly Census of Employment & Wages Program

It is important to note that many commercial uses can have a positive impact by efficiently providing localized goods and services and an improved sense of community and place. Locating small scale commercial developments in the middle of developing rural areas can create places for neighbors to meet. Successful integration of such commercial uses requires careful planning to create a development within the character of the existing neighborhood and provides' the developer marketable amenities. Such rural commercial can help to lessen traffic as nearby residents no longer need to drive into town to shop or conduct business.

Flathead County currently has a mix of commercial land uses. Some are fixtures in a local community, built and operated to integrate seamlessly into the community. Others are buildings built to provide maximum function to the business owner. Combining the need for commercial land uses with the vision of residents is both a function of where they are located, and the impact on the local community. All but one of the seven elements of the public's vision for the future of the county outlined in Chapter 1 are directly impacted by the manner in which commercial land is developed. County residents regularly comment on the need to prevent "strip development" from dominating the rural landscape between business centers. Strip development is a pattern of commercial development located along one or both sides of a street which is generally one lot in depth and is characterized by multiple and relatively closely spaced driveways, visually dominant parking schemes, low landscaping ratios and high floor area ratios within the development. It is not a common remark that no development should take place, just that a certain type of development should be avoided. Again, the *impact* of the development is just as important as the location of the development.

Current land use regulations allow commercial uses in a variety of designated areas. It is difficult to account for exact acreages of existing commercial designations because of the varying definitions of commercial uses between zoning districts. There are approximately 973 acres of "Business" zoning. An additional approximately 460 acres are designated "Business Resort". There are an additional 368,023 acres of private property in the County which are unzoned.

Comment [a11]: Confirm acreage

PART 7: Residential Land Uses (see Goal 8)

Residential lots are the single most rapidly growing land use in Flathead County, but economic conditions in the past five years have influenced the rate at which development is occurring. In 2005, 535 new residential lots hit the market in rural Flathead County. Although the number of lots created in 2005 is less than that of 2004, it still represents 1,928 new acres of residential land (see Table 2.1). It should be noted that these figures do not include lots and acreage totals from activities exempt from subdivision review such as family transfer or court ordered split. The change in land uses from agriculture and timberlands to residential and the accompanying impacts of that change, create some of the greatest growth challenges to the county.

Comment [a12]: Revamp to address economic downturn..

Table 2.1
2000-2010 Lots Created and Acreage Converted by Year.

Year	Lots Created[26]	Total Acreage Subdivided[27]
2000	260	3,030
2001	326	1,659
2002	517	3,386
2003	592	2,081
2004	894	2,644
2005	535	1,928
2006	420	2,371
2007	705	2,292
2008	430	1,349
2009	203	1,024
2010	38	74
Total	**4920**	**21,838**
Average per year	**390**	**1,985**

Source: Flathead County Planning and Zoning Subdivision Database

The density of residential developments is an issue raised throughout the public involvement process (see Appendix B: Public Involvement Summary). Residential development, including the subdivision of land, is not inherently problematic. However, residential development at a density that is not compatible with existing local services and neighborhood character is likely to be contentious.

Inappropriate residential density causes a variety of challenges. Road capacity determines efficiency of traffic movement. Capacity is based on the size and quality of the road, and once the capacity is exceeded, public safety suffers. Low density residential land uses on low capacity roads are a match, but medium or high density land uses on low capacity roads create problems. Emergency services such as fire, ambulance and law enforcement have a level of service that is dictated by response times. The further a development is located from services being provided, the longer the response times and likelihood of tragedy. High density development with delayed response times for emergency services is not a match. Low density land uses in areas with delayed response times are more appropriate for the welfare of the landowner and the public as a whole.

Appropriate densities can be dictated by the land itself. Areas with shallow groundwater or limited access to groundwater are more suited to low density residential land uses (see Map 2.4). High density residential land uses should be avoided in areas of steep slopes due to the risk of rockslides, mudslides, severe erosion, earthquakes, and avalanches (see Map 2.5). Although it is easy for a community to gradually forget about the devastating impacts of floods, floodplains with less than a 1% chance of flooding each year (areas between the 100 and 500-year floodplain) are still sure to flood again (see Map 2.6). The

Comment [a13]: Update map 2.4

Comment [a14]: Update map 2.5

[26] Number of lots does not include lots created using an exemption from subdivision review such as family transfer or court ordered split.
[27] Acreages do not include land divided using an exemption from subdivision review such as family transfer or court ordered split.

community should be vigilant about avoiding high density residential development in flood prone areas. History shows that taxpayers bear the burden of flood recovery, so it is prudent to minimize that expense through reasonable planning. Denying all development would be unreasonable. Allowing high density development in an area known to be at risk of flooding is unwarranted and irresponsible because it knowingly allows a future catastrophe to both those that live in the floodplain and the community that will be burdened with the cost of recovery.

Access to recreation is a factor that can limit density if a healthy community is to be promoted. Flathead County is surrounded by millions of acres of public lands on which residents can recreate (see Map 2.1). The downside is that many of these lands are "destination" recreation areas requiring full day excursions. Quick, convenient access to recreation such as pedestrian and walking trails and ball fields promotes a healthy community in which citizens will utilize recreation because it is convenient to their daily lives. High density residential land uses can be appropriate in areas with convenient places for children and adults to recreate (see Chapter 4: Parks and Recreation). The County has acknowledged the importance of these resources by creating and adopting a Parks & Recreation Master Plan as well as a Trails Plan, to be incorporated and recognized as part of the 2012 Growth Policy update.

Comment [a15]: Update map 2.1

Many residents of Flathead County have expressed frustration with favorite hunting grounds being converted to subdivisions. Others have expressed concern over new subdivisions negatively impacting "backyard wildlife" encounters. The density of residential land use has a significant impact on wildlife and wildlife habitat if not adequately mitigated. When proper development techniques are combined with a low overall density, humans and wildlife can successfully co-exist. It is unreasonable to stop all development in wildlife habitat, but it is also unreasonable to allow high density development in areas that are critical to the healthy management of wildlife populations.

Local access to commercial goods and services can partially mitigate impacts of medium density development in rural areas. Residents of the county frequently mention traffic and traffic-related issues as a source of frustration. Some of the traffic is attributable to rural residents making frequent trips into urbanized areas of the county to shop and do business. Local access to libraries, coffee shops, hair salons, movie rentals, cafés, etc., can not only reduce some traffic on arterial roads and highways, but also act as neighborhood focal points.

One of the most important goals identified by residents of Flathead County is preservation of the character and identity of rural areas. Traditionally, the character of an area is a combination of features that make an area unique. Many features already discussed contribute to the character of rural areas of Flathead County. Country roads, wildlife, rural cafes and low density residential land uses are just a few examples of rural character. Another feature of rural character is the "feel" of wide open spaces and low population density. This "feel" is the product of large lots, mountain views, quiet neighborhoods, dark night skies and many other less obvious features. The "wide open

spaces" so commonly associated with Montana are a critical component of rural character.

It is important to note that open space and residential development are not mutually exclusive. Many successful and marketable subdivisions in Flathead County have utilized open space development design. Preserving open space during creation of residential subdivisions in rural and suburban areas has a positive impact on all criteria previously discussed. Developers should be encouraged to preserve open space through density bonus incentives.

PART 8: Open Space Land Uses (see Goal 9)

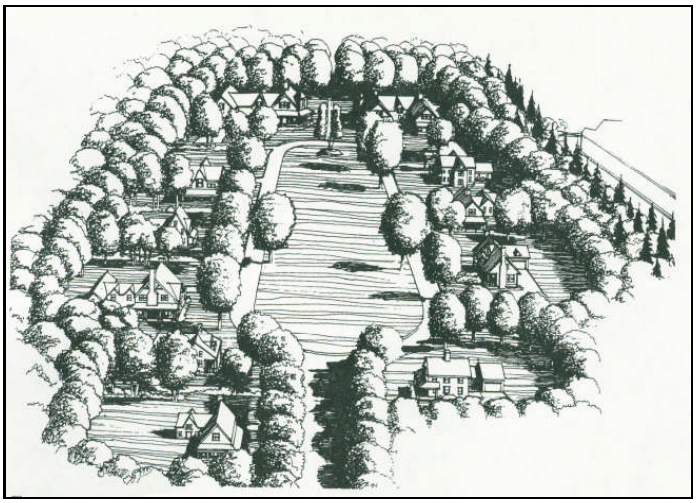
Flathead County residents value the wide open spaces associated with living in "big sky country." The character of a community is not the only thing open spaces preserve. Agriculture, timber, tourism, construction, recreation, and other important economic engines rely on a balance of undeveloped and developed lands. Open spaces also preserve lands critical to the proper functioning of the natural environment, such as riparian areas, wildlife habitats, wetlands, floodplains, etc. In fact, many of the items identified as critical to the future well being of Flathead County by residents of the county (see Appendix B: Public Involvement Summary) depend on careful mixing of development with open space preservation.

Open space can take many forms. During the development process, agricultural lands can be set aside in a portion of a subdivision. Those lands can then be leased to farmers for a minimal charge. The farmer can farm the land, while those living in the development can pay the taxes on the land from which they derive the scenic benefits. Conservation easements can be used to lower taxes paid on land by a landowner, while benefiting both the natural and human environment. For more information on existing conservation easements in Flathead County, see Appendix A; Baseline Analysis. Common areas, greens and ball fields can improve the character of a development and increase financial benefits to developers while increasing the overall health of the future residents (See Figure 2.3). Even areas of grass, shrubs and trees between roads and commercial or residential land uses can function as critical open space, softening the impact of both land uses and increasing property values (see Figure 2.4).

Comment [a16]: Need to make sure Appendix A is current.

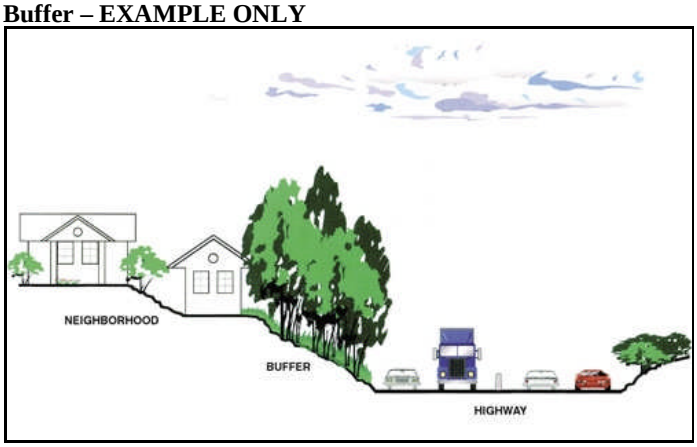
Open space preservation should consider the benefits of regional coordination. Recreation, the natural environment, and the economy all benefit when open spaces link up and allow a natural flow of humans and wildlife; these linkages have been contemplated in both the Flathead County Parks and Recreation Master Plan as well as the Trails Plan to be adopted as elements of this Growth Policy. Riparian areas and bicycle path easements are perfect examples of the benefits of contiguous open space preservation.

Figure 2.3
Functional Open Space in a Subdivision



Source: Rural by Design

Figure 2.4
Buffer – EXAMPLE ONLY



Source: U.S. Department of Transportation, Federal Highway Administration[28]

Compliance with the elements of the public vision set forth in Chapter 1 demands fair and predictable methods of defining and preserving open space. All lands on which developments do not currently exist are not automatically considered critical open spaces. Private property rights may not be violated with open space policies that unfairly force a few landowners to bear the financial burden of creating scenery for the public. Conversely, all lands in Flathead County are not to be developed to the maximum possible density and intensity of land use at the expense of the public health, safety, morals, convenience, order or general welfare of residents.

[28] http://www.fhwa.dot.gov/index.html

A reasonable middle ground is development incentives for voluntary dedication of open spaces for the enjoyment of future generations. If open spaces are preserved only until the next developer can adequately profit, bonuses are granted but no preservation for the sake of public health, safety, morals, convenience, order or general welfare of *future generations* has occurred. Flathead County must plan for a desirable future economy and character.

Currently there are thousands of acres of "open space" with which Flathead County residents are fortunate to interact every day. New developments may either permanently preserve the integrity and character of "big sky country" or erase it. At the rate Flathead County is developing, once a property is fully developed, the opportunity to preserve even small areas of open space for the health of residents is lost. Many fully developed communities nationwide have determined that open spaces are important enough to spend large sums of public money to buy back developed properties. Flathead County is currently in a position to plan ahead and prevent tax dollars from being spent in the future by offering incentives for developers to preserve open spaces now.

PART 9: Lands Unsuitable for Development (see Goal 10)

There are lands in Flathead County on which development would pose such a substantial threat to the health, safety and general welfare of the entire community that it is reasonable to guide all growth away from these areas. It must be said that such areas comprise a relatively small percentage of Flathead County. However, it is important that an effort to protect the welfare of the community by identifying lands unsuitable for development should only delineate the minimum area to accomplish the goal. Prohibiting development in additional areas such as buffers is unreasonable and those areas should be considered areas of low density development.

100-year floodplains are areas where there is a 1% chance of flooding in any given year based on the historical flood of record (see Map 2.6). The federal government requires minimum standards be observed in these areas, but local communities can regulate beyond the minimums to protect taxpayers and residents from future flood events. Fill in the floodplain raises the ground level above the base flood elevation, but this simply displaces flood waters to other areas of the community and is both extremely unfair to other landowners on the flood fringe and hazardous due to unpredictable flood processes.

Comment [a17]: Update map 2.6

Areas prone to high groundwater pose a special risk to both the public and the landowner. Previous generations have been familiar with the risks of living in areas subject to flooding from rising groundwater or pooling rain and have avoided development in these areas. Homes constructed in areas of shallow groundwater are far more likely to experience flooding, mold and unstable foundations. During drought years, it is easy to forget the impacts of shallow groundwater to the health and safety of Flathead County residents. Some health issues created by mold-infested living areas are a burden to all county taxpayers and are sometimes avoidable in new subdivisions. Areas subject to shallow groundwater should be identified, and regulating development in these areas is a

responsible action that should be taken for the health and safety of current and future residents.

Steep slopes can be extremely unsafe (see Map 2.5). Dynamic processes occur in these areas that are not compatible with public health and safety. Rock slides, flash floods, tree falls, avalanches, and unstable soils are among the more serious hazards in steep terrain. Flathead County is also an area of known seismic activity, making development in areas of steep slopes additionally hazardous (see Map 2.7). The vast majority of lands in Flathead County that exceed slopes of 30% are in National Forest and State lands. However, there is private property on which a steep slope designation would apply and those lands should be restricted from development directly upon the steep slopes.

Comment [a18]: Update map 2.5

Comment [a19]: Update map2.7

Wetlands serve a variety of important functions in the natural environment. From retaining flood waters during rain events to filtering natural and man-made pollutants from water, wetlands are a critical resource that can be threatened by unrestricted development. Degrading the function of wetlands negatively impacts the entire community when rain and flood waters take on a more "flashy" character or when water quality in lakes, rivers and groundwater begins to degrade. It is reasonable to prohibit development in wetlands as long as the areas are delineated using scientific methods. The U.S. Fish and Wildlife service has inventoried wetlands throughout the United States, but the accuracy of some wetland inventory maps is questioned by many experts (see Map 2.8). An accurate, unbiased and scientifically-based method should be utilized for identifying wetlands on individual properties to ensure the development rights of landowners are not impacted by inaccurate designations.

Comment [a20]: Update map 2.8

Northwest Montana and Flathead County contain a variety of areas with historical and cultural significance. Original homestead structures, Native American hieroglyphs, and historic trails and railroad beds are some of the cultural phenomenon that should be preserved for the education and enjoyment of future generations. Some development can destroy these important links to the custom and culture of Flathead County, and once they are gone, they cannot be retrieved. It is worth noting that these land uses are frequently very small. Prohibiting development on a property just because a historic farmstead is there would be unreasonable. Allowing the destruction of a historic farmstead structure to make way for new town homes would also be unreasonable. In keeping with the vision principals outlined by the residents of Flathead County, development should seek to incorporate and highlight the cultural significance of historic places and artifacts. Due to the subjective nature of determining cultural and historical significance, reasonable minimum criteria for such a determination should be established.

PART 10: Special Need Areas (see Goals 11 through 14)

When planning for growth in Flathead County, it is important to identify special need areas critical to the vision of the residents. Some land uses do not fit neatly under the criteria above but play a vital role in the future of Flathead County. Land uses that have a

potential to impact any of the attributes that drive the Flathead economy are areas of special needs. One of the single greatest economic attributes of Flathead County is tourism. Tourists flock to northwest Montana to visit Glacier National Park, recreate in the national forests, and shop at local businesses. Numerous shops and services cater to the tourist seeking the "Montana experience" of open spaces, friendly people and beautiful scenery.

Scenic resources are so critical to both the character of Flathead County and the diversity of the Flathead economy that it is the number one most mentioned aspect of Flathead County to protect (see Appendix B: Public Involvement Summary). If the growth policy is a document that serves the desires of the public, then preserving the scenery is of the utmost importance. Scenic resources are not just views of mountains, but views of forests and open spaces as well. Scenic resources might be defined as views that are unique to Flathead County. However, it is impractical and unreasonable for the growth policy to protect every view from every vantage point in Flathead County. It is reasonable to focus on areas of *public scenic resources*.

Most of the scenery viewed from public spaces in Flathead County is from roads and recreational waterways. It is of utmost importance to protect these scenic resources. It is extremely important to recognize that preserving scenic resources does NOT mean prohibiting development. Scenic resources are not threatened by development that "blends in" and follows a minimal number of simple guidelines. Any land use guidance applied to scenic resources should address the negative impacts of development to scenic resources and suggest ways development can enhance such resources.

Gateway areas of Flathead County are areas where local residents and tourists are treated to some of the most beautiful views in the world. Unrestricted development can negatively impact important scenic resources and make Flathead County feel like anywhere else. It is important to develop minimal land use guidance that ensures the preservation of these resources. Gateway areas differ from scenic corridors in that views are more expansive and can be negatively affected by a larger number of development impacts.

There are special need areas that have little to do with scenery and more to do with safety, economic diversity, and public health. There are currently 245 gravel pits identified in Flathead County as active, inactive, reclaimed or unknown; according to the Montana Department of Environmental Quality there are currently 142 open cut mining operations permitted in Flathead Valley.[29] Existing gravel deposits are a needed resource for growth in Flathead County. However, the extraction, processing and transportation of gravel can create negative impacts to the community. Some argue that gravel operations should not be located near schools, homes and businesses, while others argue that schools, homes and businesses should not be located in areas of known gravel deposits. Future growth will have the perplexing affect of creating more schools, homes, businesses AND gravel extraction sites. Since the gravel extraction industry has little

[29] Flathead County Geographic Information System; Montana Department of Environmental Quality Open Cut Mining Permitting Section

choice of where to locate, it is desirable to identify areas of gravel deposits that will serve the need of growth in Flathead County and restrict these areas to low density development and prohibit high impact public facilities such as schools. Given the potential impact of such a land use policy, it is also reasonable to limit the area from which gravel can be extracted. The transportation of gravel should be restricted to roads capable of accommodating gravel trucks without posing an undue threat to public safety. Gravel located in environmentally sensitive areas such as wetlands and areas of high groundwater should not be extracted due to the potential impact to the health of all residents. Gravel extraction should be located in areas where the impacts can be adequately mitigated. Sand and gravel resources in Flathead County are addressed further in Chapter 9 of the Growth Policy document, in conformance with changes to the M.C.A. requirements for growth policies adopted in 2009.

Transportation in general has special land use needs. Areas like Glacier International Airport that serve the economy of Flathead County have special needs that are not met by standard land use considerations. Tourism, business, and emergency services in Flathead County depend on Glacier International Airport to provide efficient transportation services to and from Flathead County. In order to serve a growing county, the airport will need to expand and modify its existing site. Any airport has an impact on neighbors due to the volume and frequency of aircraft. A buffer area around Glacier International Airport that provides reasonable land use designations to protect both the future of the airport and the welfare of the neighboring land owners is both reasonable and desirable.

Buffering is a technique that can work in other special need areas. The Flathead County Landfill is well served by a buffer with adjacent land uses. The existing 275-acre landfill site has a projected life expectancy of approximately 29 to 57 years, depending upon the rate of growth.[30]. Given the importance of refuse disposal to any growing area, it is reasonable to protect the ability of the Flathead County Landfill to continue providing service. Protecting this ability, as well as protecting the health, safety and welfare of adjacent land owners calls for a special need area to be designated around the landfill. This buffer ~~will act~~ serves to mitigate the impacts of the landfill to adjacent property owners as well as protect the ability of the landfill to expand and serve the future of Flathead County.

[30] Flathead County Solid Waste District