

# POWELL COUNTY

## GROWTH POLICY



Prepared by:



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*Truly the last best place*

RESOLUTION 2006- 8-29-06 # 2  
OF THE  
POWELL COUNTY BOARD OF COUNTY COMMISSIONERS  
TO ADOPT THE  
AMENDED GROWTH POLICY FOR POWELL COUNTY

WHEREAS, Title 76-1-601 *et seq.*, MCA, provides for adoption of a Growth Policy and establishes certain standards for such Growth Policy, and

WHEREAS, each Powell County Commissioner has reviewed the attached Growth Policy and believes that the Growth Policy is consistent with the requirements of Title 76 of the MCA, and

WHEREAS, the Powell County Planning Board has held public meetings in the seven rural communities of Powell County concerning the Growth Policy and has held one public hearing in the City of Deer Lodge, duly noticed in the *Silver State Post* newspaper, and

WHEREAS, each Powell County Commissioner has reviewed the comments of the public expressed at those meetings and the hearing and has determined that, while there remains some opposition to any regulation of private land the majority of the people commenting favored reasonable planning and policies for conserving the open space and rural lifestyle of Powell County, and

WHEREAS, the Planning Department has submitted its report containing findings and its recommendation that the Growth Policy be adopted, and the Planning Board has submitted its resolution documenting compliance with Title 76 of the MCA and recommending adoption of the Growth Policy, both documents being incorporated and becoming a part of this resolution, and each County Commissioner has reviewed those documents, and

WHEREAS, Article II, Section 3 of the Montana Constitution provides that the people of Montana have a right to a clean and healthful environment, and that the people have both the right to protect property and that they recognize corresponding responsibilities, and

WHEREAS, this Growth Policy provides for the balancing of the rights of private landowners, the rights of neighboring landowners and residents, and the rights of the general public, and

WHEREAS, this Growth Policy provides planning to conserve open space and the rural lifestyle as well as to preclude such residential densities as would deplete the availability and quality of domestic water, and

WHEREAS, Board of County Commissioners, after considering the requirements of the law and comments of the county residents concerning this issue, is deciding for the whole county what the Growth Policy should contain,

NOW THEREFORE, BE IT RESOLVED, that the attached Growth Policy is adopted for Powell County. Development of implementing regulations, and other decisions of county government, shall be made with considerations of the guidance contained in the adopted Growth Policy. This Resolutions shall be incorporated in and become a part of the adopted Growth Policy.

Signed this 29<sup>th</sup> day of August, 2006

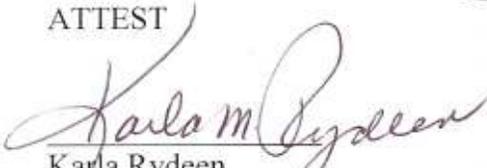
BOARD OF POWELL COUNTY COMMISSIONERS

  
Gail Jones, Chair

  
Dwight O'Hara, Member

  
Rem Mannix, Member

ATTEST

  
Karla Rydeen  
Clerk and Recorder

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**APPENDIX SUPPLEMENT**

Separate Document Available at the Powell County Planning Department

APPENDIX A.....Data Resource

2000 CENSUS PROFILE	POPULATION
Powell County	ECONOMICS
2000 CENSUS PROFILE	NATURAL RESOURCES
Deer Lodge	AND ENVIRONMENT
Avon CDP	WILDLIFE
Elliston CDP	
Garrison CDP	
Ovando CDP	

Adopted: November 2004

Revised: August 29, 2006



## **INTRODUCTION**

Powell County has adopted updates to its Comprehensive Plan. The current document includes a set of goals and objectives supported by a public input process conducted by the Planning Board. The goals, objectives and policies are listed in the current Comprehensive Plan & Growth Policy and are used to help develop a land use plan for Powell County for the area outside of the Deer Lodge City-Powell County Planning Board area. The county document included background data as well as a series of reference maps kept in the Planning Department. Since the adoption of the plan update, the county has been actively pursuing implementation by developing and enforcing local subdivision regulations and a set of county zoning and development regulations. The Powell County Zoning & Development Regulations and the Powell County Subdivision Regulations are under review at this time.

After the passage of the growth policy statute, 76-1-601, MCA, by the 1999 Legislature, Powell County amended its Comprehensive Plan and adopted it as the Powell County Comprehensive Plan & Growth Policy in November 2004. That Comprehensive Plan & Growth Policy met all of the requirements of state law.

In this 2006 version, the document is named simply, the “Powell County Growth Policy,” to be consistent with state law. It is the intent of the Powell County Planning Board that the document included herein be considered as the official update to the November 2004 Comprehensive Plan & Growth Policy. This 2006 Growth Policy contains all the elements of the 2004 Comprehensive Plan & Growth Policy. It contains the same information and continues to be a valuable reference for planning in the county. This Growth Policy is updated only for style to be consistent with the updated Powell County Zoning & Development Regulations and Subdivision Regulations.

The Powell County Growth Policy is intended to serve as a planning guide for local officials and citizens throughout the planning period from its adoption up to the year 2025. It is a long range statement of local public policy providing guidance for managing and accommodating development within the county. The plan is designed to be used by local government officials as they make decisions that have direct or indirect land use implications. Further, it is designed to

be used by officials of other government agencies (federal, state and adjacent local entities) as a framework for coordinating their land use planning efforts in and adjacent to the county. The document will be reviewed and, if necessary, updated at least every five years during the planning period.

The Growth Policy includes an analysis of existing conditions, trends and resources in Chapter I. Population and economic conditions as well as other demographic indicators are summarized in the front section of the document, and supporting data is included in the appendix, a separate document kept in the Powell County Planning Department. Population projections and trends in land use, housing, economic conditions, local services and natural resources are discussed in Chapter I.

Public input has been an ongoing process by the Powell County Planning Board in order to provide ample opportunity for all voices to be heard prior to the formulation of goals, objectives and policies that will provide guidance in the shaping of the Land Use Plan and implementation measures. The board solicited public opinion on a variety of issues through a series of community meetings at the “Rural Communities” of the county, and through information made available by the Planning Board and County Commission.

Chapter II of the report contains a listing of goals, objectives and policies adopted for use in implementing the Growth Policy. Chapter III includes a discussion of important county planning issues, development constraints and opportunities. Chapter IV includes a discussion of the intent of the plan and shows preferred development areas by selected classifications within the planning area. Chapter V contains the Implementation Strategy. Background information on population, housing, economics, natural resources, etc., is included in Appendix A. Appendix A is contained in a separately bound document. The Appendix Supplement to the Growth Policy is available for reference at the Planning Department.

The Comprehensive Plan Update that was prepared by the county in 1996 incorporated new ideas and attitudes of the people since the original Comprehensive Plan was adopted in 1978. In addition to a new set of goals and objectives, the plan provided general guidance on land use

location and density. The growth policy statute requires that the plan address a more specific list of descriptive information for the planning area as well as projected trends for the life of the plan. These items are included in this document along with sections addressing other required plan elements. The maps contained in this Growth Policy and in the appendix are based on a GIS system that is compatible with county road mapping and Montana State Library data that is currently available.

This Growth Policy is structured according to state law to provide the county with a technically sound method for dealing with future change, and to give local leaders a reference document establishing policies that will help guide them to the county's vision of the future. Realizing the importance of providing workable regulations and maintaining flexibility in the planning process, the law also requires that an implementation strategy be developed, which includes a timetable for reviewing the plan at least once every five years and revising it, if necessary.

The planning process is a systematic approach to problem solving at the local and regional level, and provides an opportunity to identify and promote policies that will allow the community to achieve the goals and objectives of a vision for the future. The process follows a logical path that begins with a review of existing conditions, and continues by attempting to forecast anticipated changes and the need for services and facilities. Understanding changes and their impacts allows the county to establish a framework that will result in development that is in the best interest of its citizens. The framework provided in the Growth Policy provides the necessary principles, criteria and policies to make logical, carefully considered decisions on matters that have a broad and lasting effect on the county.

The information contained in this report was developed using the latest available information prior to the date of publication. Maps include both public and private road sections and are current through the 2003 road inventory completed for the county addressing system. They do not reflect changes that may have occurred since that time and are not intended to represent county road jurisdiction. Other mapping data based on parcel ownership records is current through the May 2004 update published by the State of Montana, Department of Revenue.

Tables for demographic data shown in the report are derived from sources noted in each section of the document and must be updated periodically in conjunction with the review.

## **CHAPTER I – CONDITIONS AND TRENDS**

### **PLANNING AREA**

The jurisdictional planning area includes the area within the established Powell County boundary. The boundary is shown in Figure 1 and encompasses the entire unincorporated area including unincorporated towns but excluding Deer Lodge and the jurisdictional area of the Deer Lodge City-Powell County Planning Board. The Deer Lodge City-Powell County Planning Area boundary is also shown in Figure 1 and on official maps in the Planning Department.

Figure 3 is a key map showing the setting of Powell County and its relationship to surrounding counties and the State of Montana. The map also shows how the large scale county maps in the Growth Policy have been divided into three sections in order to more effectively display certain types of information used in developing the plan. Separate maps are also included in subsequent sections of the document to illustrate features and conditions in each of the small unincorporated communities for which county rural community boundaries have been established.



## **POPULATION**

The existing population of Powell County and the distribution and characteristics of rural communities are key indicators of the type and extent of services that are needed to serve the community today, and when compared to recent and past trends, land development demands of the future can be more accurately anticipated. An awareness of recent population trends provides a valuable guide for planning, budgeting and financing decisions.

Population forecasts are used to determine future needs for infrastructure improvements, land development, housing and community facilities. As changes in population occur, the impact of these changes must be evaluated and provisions made to accommodate the communities' needs.

The following discussion includes a reference to population data and trends for Powell County indicated by U.S. Census historical data. The data includes a reference to corresponding figures for Deer Lodge to facilitate a general comparison of trends in the rural vs. incorporated areas of the county. Population tables are also included in the Appendix showing more detailed data for Deer Lodge and Powell County.

Table 1-1 shows that Powell County and Deer Lodge have experienced an increase in population over the past decade, according to census data. From 1970 to 1980 Powell County population increased in the rural area while Deer Lodge lost nearly 300 people. During the 80s the county had a net loss in population as the trend in Deer Lodge continued downward. In the 90s the urban population leveled off, and the total number of people in the county climbed from the low of 6,620 in 1980 to 7,180 people at the time of the 2000 census. As shown in Figure 2, the overall trend for Powell County since 1970 has been for a slight increase while the City of Deer Lodge lost more than 880 people during the same period of time. It is also apparent that the number of inmates at the prison, which is a component of the total county population, has increased steadily over the last three decades. Although some of the recent population gain shown for the county can be attributed to the rising prison population, it is evident from current census data that the rural sector of the county is growing as well. According to the Census Bureau, the City of Deer Lodge added 43 people from 1990 to 2000 to a population of 3,421. This represents an increase

of only 1.3 percent while the rural sector of Powell County, excluding the prison, increased by 273, or 4.1 percent. The State of Montana grew by 13 percent during the last decade.

**TABLE 1-1  
POPULATION BY CENSUS YEAR**

	<b>1970</b>	<b>1980</b>	<b>1990</b>	<b>2000</b>
MONTANA	694,409	787,690	799,065	902,195
POWELL COUNTY	6,660	6,958	6,620	7,180
MONTANA STATE PRISON	300	698	1,159	1,403
DEER LODGE	4,306	4,023	3,378	3,421

Source: U.S. Census Bureau

Changes in population can occur in only three ways: (1) by birth, (2) by death and (3) by movement in or out of the area of study. The factors that influence birth or deaths have become more predicable as we achieve better living conditions and health care. However, the factors that influence migration have become more unpredictable as our population becomes more mobile. As population changes occur in Powell County and Deer Lodge, the nature of the population, both in size and structure, will be altered according to migration patterns.

Table 1-2 shows the population increase for Powell County from 1990 to 2000, which was primarily due to a net in-migration of 534 people, according to the Census Bureau and Montana Department of Public Health and Human Services data.

**TABLE 1-2  
BIRTHS, DEATHS AND ESTIMATED NET MIGRATION  
POWELL COUNTY  
1990-2000**

<b>POPULATION</b>					
<b>1990</b>	<b>2000</b>	<b>Births</b>	<b>Deaths</b>	<b>Natural Increase</b>	<b>Net Migration</b>
6,620	7,180	705	679	+26	+534

Source: Population Estimates Program, US Census Bureau; Montana Department of Public Health an Human Services

Table 1-3 shows the population distribution by age in Powell County and Deer Lodge in 2000. The under 5 age group includes 4.6 percent of the total population in the county and 5.9 percent for Deer Lodge. These numbers show that the youngest segment of the population is slightly below the state average. The school age groups from ages 5 through 19 account for approximately 22 percent of the population in Deer Lodge, which is at the same level as the state average while the county figure is 19 percent. The age groups comprising most of the available work force (ages 20 through 65) include more than 52 percent of the population in Deer Lodge and 62 percent for Powell County. The State of Montana average for the work force population was 58 percent for the year 2000. The population sector 65 and over for Deer Lodge was 19.3 percent. This is a relatively high number when compared to 14.0 percent for Powell County. The average for the 65 and over category for Montana was 13.4 percent in 2000.

**TABLE 1-3  
2000 POPULATION BY AGE GROUP**

	DEER LODGE		POWELL COUNTY	
TOTAL POPULATION	3,421	%	7,180	%
MALE	1,649	48.2	4,228	58.9
FEMALE	1,772	51.8	2,952	41.1
UNDER 5 YEARS	201	5.9	332	4.6
5 TO 14 YEARS	499	14.6	876	12.2
15 TO 19 YEARS	265	7.7	494	6.9
20 TO 24 YEARS	127	3.7	381	5.3
25 TO 44 YEARS	860	25.2	2,213	30.8
45 TO 54 YEARS	461	13.5	1,127	15.7
55 TO 59 YEARS	175	5.1	391	5.4
60 TO 64 YEARS	171	5.0	362	5.0
65 TO 74 YEARS	310	9.1	520	7.2
75 TO 84 YEARS	247	7.2	353	4.9
85 YEARS AND OVER	104	3.0	131	1.8
MEDIAN AGE	40.7		39.7	
UNDER 18 YEARS	864	25.3	1,525	21.2
65 YEARS AND OVER	661	19.3	1,004	14.0

Source: U.S. Census Bureau

Census estimates for Powell County and Deer Lodge are shown in Tables 1-4 and 1-5. The county estimates show that a steady increase was anticipated for the last decade, and a decline is forecast between 2000 and 2005 followed by increasing growth through 2025. It also shows that the prediction between census years was very close to the actual census number recorded for the year 2000 in the county, at 7,180 people. The trend during this period includes a population decrease for Deer Lodge (Figure 2) up to 2002.

**TABLE 1-4  
POWELL COUNTY POPULATION  
1990-2025**

	<b>CENSUS 1990</b>	<i>1996 (EST)</i>	<i>1999 (EST)</i>	<b>CENSUS 2000</b>	<b>(2005)</b>	<b>(2010)</b>	<b>(2015)</b>	<b>(2020)</b>	<b>(2025)</b>
<b>POWELL COUNTY</b>	<b>6620</b>	<i>(7,036)</i>	<i>(6,945)</i>	<b>7180</b>	(7150)	(7320)	(7570)	(7880)	(8240)

Source: U.S. Census Bureau, NPA Data Services Inc.  
Note: All estimates and projections are shown in parentheses.

Population data for the rural communities in Powell County from the 2000 Census is shown in Table 1-5 below. The census blocks used for the tabulation are for the approximate area covered by the county rural community boundaries adopted by the planning board.

**TABLE 1-5  
POWELL COUNTY RURAL COMMUNITY**

	<b>Population (2000 Census)</b>	
	<b>CDP</b>	<b>Rural Community Block Data*</b>
Avon	124	111
Elliston	225	200
Helmville	NA	58
Garrison	112	39
Gold Creek	NA	NA
Ovando	71	64
Racetrack	NA	NA
<b>Total</b>		

\* Census Block Numbers used for tabulation are listed as follows:  
Avon: 2118 – 2121, 2127, 2128, 2142, 2077; Elliston: 2153, 2154, 2158-2168, 2171, 2175;  
Helmville: 1231, 1236-1239; Garrison; Gold Creek: 4042, 4043, 4053, 4054; Ovando:  
1114, 1116-1120; Racetrack: 5223, 5224, 5225, 5227

The population projection for Powell County is shown in Table 1-4 and Figure 2. The table shows the census projection based on future economic indicators, which showed an overall growth of 1,060 people for the 25-year period. A slight decrease in county population is anticipated over the first five-year period since the census, followed by a gradual upward trend resulting in a 15.2 percent increase from 2005 to 2025. As shown in Figure 2, the rate of growth expected is less than the straight line projection of the trend during the last decade but higher than the trend from 1980 to 2000. A continuation of timber and mining development interests, stability from the government sector and increased awareness of recreational resources in the area is assumed throughout the planning period.

Business and economic conditions over the period from 1990 to 2000 resulted in an influx of population back into Powell County that was lost from 1980 to 1990. In addition to the growth that has occurred in the prison population as shown in Table 1-1 above, new growth has taken place in rural Powell County, primarily near existing rural communities as indicated by subdivision activity records for the county over the last 10 years. Figure 4 shows the population numbers, estimates and projections for the county. As previously mentioned, the trend shown assumes a continuation of growth for most of the planning area with an initial decline because of a population loss in the City of Deer Lodge. Conditions resulting in a more dramatic increase are possible within the planning period but are not included in this projection.

# POWELL COUNTY POPULATION

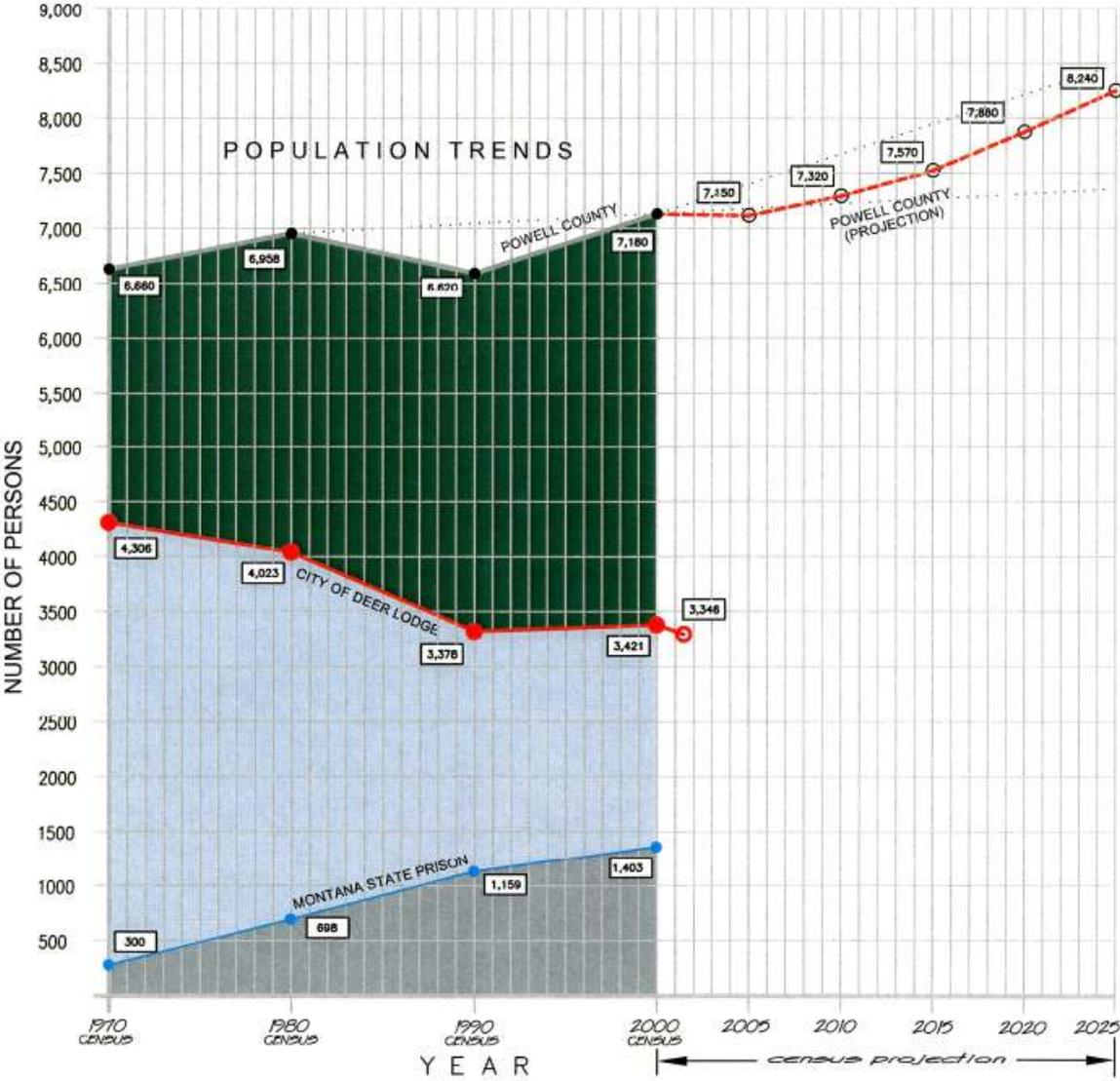


FIGURE 2

## ECONOMICS

### Employment

The economy of Powell County is dependent on government, manufacturing, retail trade and service industries, as the anchor for income. The basic industries of manufacturing, and state and federal government have increased overall since the mid 90s, and there also has been an upward trend in the construction and service industries for employment. Retail trade has actually declined in covered employment but maintains a prominent position in the local economy. Insurance covered employment for the county is shown in Table 1-6. The table is based on reports to the Montana Department of Labor and Industry under Montana's unemployment insurance laws and therefore does not include the total labor force. As shown in the table, there has been an increase in employees in most sectors of the economy, and government remains the largest employer.

**TABLE 1-6  
POWELL COUNTY EMPLOYMENT\*  
INDUSTRY AND OCCUPATIONS BY SELECTED CATEGORY**

<b>INDUSTRY ACTIVITY CATEGORY</b>	<b>1996</b>	<b>1999</b>	<b>2001</b>
<b>All Industries</b>	2075	2177	2154
<b>Agriculture, Forestry, Fisheries</b>	43	58	39
Production/ Livestock	32	43	28
<b>Mining</b>	D	D	D
<b>Construction</b>	13		26
General Building	4	9	13
Special Trade		6	12
<b>Manufacturing</b>	251	288	270
<b>Wholesale Trade</b>	18		
<b>Transportation, Communication, Utilities</b>	59	57	52
Trucking-Warehousing	23	18	21
<b>Retail Trade</b>	331	302	285
Food Stores	69	69	62
Auto Dealers-Service Stations	37	30	24
Eating & Drinking	175	158	156
Miscellaneous Retail	31	27	20
<b>Finance, Insurance, Real Estate</b>	48	51	47
Banking	33	33	
Real Estate	8	13	12
<b>Services</b>	302	327	319
Hotels & Lodging	30	31	36
Auto Repair Services	6	5	7
Amusement & Recreation	9	6	13
Health Services	169	189	185

INDUSTRY ACTIVITY CATEGORY	1996	1999	2001
Social Services	8	53	30
Membership Organizations	6	11	7
Engineering Services	42	6	
<b>Government</b>	961	1039	1097
State	609	680	709
Local	278	281	303
Federal	73	77	84

Source: Montana Department of Labor & Industry, Office of Research & Analysis

\* Insurance Covered Employment

**TABLE 1-7  
POWELL COUNTY TOTAL EMPLOYMENT  
BY INDUSTRY**

CODE	ITEM	1980	1990	2000
<i>Employment by place of work</i>				
010	Total full-time and part-time employment	2979	3144	3605
<b>By Type</b>				
020	Wage and salary employment	2267	2308	2433
040	Proprietors employment	712	836	1172
050	Farm proprietors employment	206	249	298
060	Non-farm proprietors employment	506	587	874
<b>By Industry</b>				
070	Farm employment	347	388	392
080	Non-farm employment	2632	2756	3213
090	Private employment	1726	1723	2056
100	Ag. Services, forestry, fishing and other	74	41	116
200	Mining	(D)	(D)	(D)
300	Construction	66	64	139
400	Manufacturing	183	312	393
500	Transportation and public utilities	(D)	(D)	(D)
610	Wholesale trade	22	10	(D)
620	Retail trade	432	426	460
700	Finance, insurance, and real estate	130	127	165
800	Services	545	514	640
900	Government and government enterprises	906	1033	1157
910	Federal, civilian	50	79	86
920	Military	41	51	37
930	State and local	815	903	1034
931	State government	501	644	(D)
932	Local government	314	259	(D)

Source: U.S. Department of Commerce, Bureau of Economic Analysis

Table 1-7 shows the total employment by industry for 1980, 1990 and 2000. The figures in this table are based on total employment rather than insurance covered employment data, resulting in a higher total for the number of workers shown. A "D" in the table indicates disclosure suppression for protection of privacy. The importance of government and government enterprises is evident as well as the dependence on retail trade and service occupations. Farm employment

consistently accounts for between 350 and 400 employees in the county (about 12 percent of the total). The trends shown in the Table illustrate the stable level in farm employment since 1980, and an overall increase in county employment because of increases across the board in both the government and the private sectors. In the private sector, manufacturing, construction and service industries experienced significant increases in employment since 1990. This trend is expected to continue.

A substantial part of county employment is centered in the only incorporated area in the county. Deer Lodge, as the county seat, is the government and education hub, as well as the primary provider of social and retail services. Although detailed economic data for the labor force and employment is not available at the city level for current years, the census provides employment estimates based on a sample survey. Table 1-8 shows the Deer Lodge labor force employment characteristics in 2000. Nearly 25 percent of the workers are employed in education, health and social services, and public administration accounts for 22 percent. The service industries support more than 14 percent of the workers.

**TABLE 1-8  
2000 DEER LODGE EMPLOYMENT**

<b>DEER LODGE LABOR FORCE</b>		
<b>Industry</b>	<b>Number of Workers</b>	<b>Percent of Workers</b>
Education, health and social services	373	24.9
Public administration	331	22.1
Other services	188	12.5
Manufacturing	178	11.9
Agriculture, forestry, fisheries, hunting and mining	138	9.2
Retail trade	104	6.9
Finance, insurance, real estate	46	3.1
Transportation warehousing and utilities	44	2.9
Construction	43	2.9
Professional and related services	33	2.2
Wholesale Trade	20	1.4
<b>Total</b>	<b>---</b>	<b>100</b>

Source: U.S. Census Bureau (Based on a sample)

Historically, the labor force experienced a slow and somewhat sporadic increase along with the change in population in Powell County. Employment of the labor force from 1970 through 2000

reached the highest level in 2000, and the unemployment rate fluctuated between a high level of 10.1 percent in 1982 to a low of 4.7 percent in the early 70s. Most recently, the low occurred in 1990 when 4.9 percent of the work force was unemployed. Recent unemployment rates are near 5 percent to 6 percent. The employment trend since 1970 is shown in Table 1-9.

**TABLE 1-9  
POWELL COUNTY  
ANNUAL AVERAGE LABOR FORCE**

<b>YEAR</b>	<b>CIVILIAN LABOR FORCE</b>	<b>EMPLOYMENT</b>	<b>UNEMPLOYMENT</b>	<b>UNEMPLOYMENT RATE %</b>
1970	2510	2390	120	4.8
1971	2582	2460	122	4.7
1972	2669	2534	135	5.1
1973	2690	2558	132	4.9
1974	2938	2800	138	4.7
1975	3229	3019	210	6.5
1976	3290	3035	255	7.8
1977	3839	3609	230	6.0
1978	3542	3308	234	6.6
1979	3370	3181	189	5.6
1980	3238	3037	201	6.2
1981	3294	3019	275	8.3
1982	3514	3159	355	10.1
1983	3671	3381	290	7.9
1984	3254	2970	284	8.7
1985	3303	3043	260	7.9
1986	3237	2998	239	7.4
1987	3194	2952	242	7.6
1988	3155	2992	163	5.2
1989	2962	2805	157	5.3
1990	2644	2515	129	4.9
1991	2669	2492	177	6.6
1992	2639	2451	188	7.1
1993	2552	2319	233	9.1
1994	2582	2389	193	7.5

YEAR	CIVILIAN LABOR FORCE	EMPLOYMENT	UNEMPLOYMENT	UNEMPLOYMENT RATE %
1995	2357	2170	187	7.9
1996	2420	2291	129	5.3
1997	2452	2316	136	5.5
1998	2530	2394	136	5.4
1999	2558	2430	128	5.0
2000	2570	2445	125	4.9
2001	2315	2200	115	5.0
2002	2460	2312	148	6.0

Source: Montana Department of Labor & Industry, Office of Research & Analysis

### Income

Typical of rural agricultural areas, per capita income for Powell County is less than the statewide average. For the period from 1996 through 2001, per capita income was consistently about \$4,000 higher for the state than for Powell County. This is a continuation of a long established trend and will probably not change in the foreseeable future since higher income jobs typically associated with urban and suburban lifestyles are not likely to increase in Powell County or Deer Lodge. The county and Deer Lodge have both increased in per capita income, but have not closed the gap significantly compared to the state average in recent years.

**TABLE 1-10  
PER CAPITA PERSONAL INCOME  
1996-2001**

	1996	1997	1998	1999	2000	2001
Montana	\$19,383	\$20,173	\$21,307	\$21,997	\$22,518	\$24,044
Powell County	\$15,307	\$16,649	\$17,332	\$17,391	\$18,435	\$19,119

Source: Regional Economic Information System, Bureau of Economic Analysis, May 2002

The impact of various industries on the local economy is evident in the employment and wage statistics shown in Table 1-11. Insurance covered employment and the average annual wage for each category has generally increased for the period from 1995 to 2001. All sectors have experienced some increase in annual wage and most have increased employment. A notable exception is the retail trade industry, which decreased by nine establishments and 46 employees

over the period. Manufacturing (primarily lumber) has increased substantially from 236 employees in 1995 to 270 in 2001. Government and construction employees have also increased. These three categories pay some of the highest annual average wages in the county. Average number of workers employed has decreased for retail trade, and has remained essentially unchanged in the transportation, communication and utilities sector.

**TABLE 1-11**  
**POWELL COUNTY**  
**COVERED EMPLOYMENT & WAGES 1995, 1999 & 2001 ANNUAL AVERAGE**

	ESTABLISHMENTS			EMPLOYMENT			WAGES PAID			AVERAGE WAGE		
	1995	1999	2001	1995	1999	2001	1995	1999	2001	1995	1999	2001
TOTAL ALL INDUSTRIES	193	192	199	1967	2177	2154	41,202,658	50,664,214	52,409,035	20,947	23,272	24,331
PRIVATE BUSINESS	158	161	165	1050	1138	1056	19,614,556	23,413,096	22,024,271	18,681	20,573	20,856
AGRI, FORESTRY, FISH	7	10	9	50	58	39	826,007	1,030,942	814,120	16,520	17,774	20,874
MINING	D	D	D	D	D	D	D	D	D	D	D	D
CONSTRUCTION	10	10	15	6	9	26	117,855	163,151	562,571	19,643	18,128	21,637
MANUFACTURING	12	12	12	236	288	270	6,487,016	9,791,222	9,221,105	27,487	33,997	34,152
TRANS. COMM. & PU	8	10	12	52	57	52	1,106,603	1,196,151	1,273,455	21,281	20,985	24,489
WHOLESALE TRADE	3	D	D	10	D	D	119,210	D	D	11,921	D	D
RETAIL TRADE	48	41	38	322	302	285	3,195,952	3,435,377	3,628,834	9,925	11,375	12,732
FIN., INS., RE	11	14	10	48	51	47	1,192,626	1,247,366	1,162,663	24,846	24,458	24,737
SERVICES	55	52	57	305	327	319	5,852,338	5,322,114	4,993,314	19,188	16,275	15,653
GOVERNMENT	34	31	33	917	1039	1097	21,588,102	27,571,118	30,384,764	23,542	26,228	27,698

## **HOUSING**

### **General**

Housing data is invaluable in considering programs for present and future community improvements. The information is important not only because it allows us to form a detailed picture of the physical aspects of the existing residential community, but because it permits us to arrive at conclusions regarding housing needs, trends and infrastructure demands for the future. Although it is true that personal living environments change periodically in response to dynamic social and economic forces, it is a fact that the basic need of man for protection from the environment remains constant. Therefore, the provision of housing facilities for increases or changes in population should be a daily concern for government officials and others working in the public sector. Changes in housing demand, which may occur with respect to housing type, cost and geographic distribution, should be analyzed on a periodic basis, so that housing programs and public utility services that cater to existing and future demand can be designed and effectively administered.

The following section includes a description of housing characteristics and trends in Powell County and Deer Lodge. Observations are made concerning the type, distribution, cost and quantity of housing units. Results indicative of present demand are also discussed.

### **Number of Housing Units**

The U.S. Census provides recent detailed housing data indicating the number and type of units within Powell County and the Deer Lodge City Limits for the year 2000. The data can be used to compare housing counts performed during the decennial census for previous census years, and can be a good indicator of community stability and economic health for the period. Census tables are included in the following discussion, and more detailed information is included in the appendix.

The year 2000 housing count for Powell County showed an upward trend in the number of housing units since the 1990 Census. The number of housing units increased from 2,835 in 1990 to 2,930 in 2000, which corresponds to a similar change in population. The total number of

housing units in Deer Lodge during the last decade remained at approximately the same level. Table 1-12 shows that the number of occupied housing units in the county was 2,234 in 1990 and 2,422 in 2000, an increase of 188 units. The number of vacant housing units actually decreased by 93 units over the decade and represented about 17 percent of the housing stock in 2000. The data shows that, although some of the additional population is probably housed through the use of previously vacant units, at least 95 new housing units were constructed. The homeowner and rental vacancy rates in 2000 were very diverse for Deer Lodge, ranging from 2.4 percent vacant homeowner units to 12.1 percent vacant rental units. These vacancy rates are near the same level as the overall average for Powell County, which is 2.6 percent for home owner units and 13.0 percent for rental units for the 2000 Census. Table 1-12 is a summary of the housing counts, occupancy status and tenure for Deer Lodge and Powell County in 1990 and 2000.

**TABLE 1-12  
DEER LODGE AND POWELL COUNTY  
HOUSING SUMMARY  
1990 AND 2000 CENSUS**

	<b>Powell County 1990</b>	<b>Powell County 2000</b>	<b>Deer Lodge 1990</b>	<b>Deer Lodge 2000</b>
TOTAL HOUSING UNITS	2,835	2,930	1,592	1,593
OCCUPIED	2,234	2,422	1,383	1,442
VACANT <sup>(1)</sup>	601	508	209	151
OWNER OCCUPIED	1,603 (71.8%)	1,727 (71.3%)	969 (70.1%)	971 (67.3%)
<b>HOUSEHOLD SIZE</b>	<b>2.54</b>	<b>2.44</b>	<b>2.53</b>	<b>2.41</b>
RENTER OCCUPIED	631	695	414	471
<b>HOUSEHOLD SIZE</b>	<b>2.19</b>	<b>2.25</b>	<b>2.05</b>	<b>2.14</b>

<sup>(1)</sup> Includes seasonal, recreational and occasional use.

A structure location survey for Powell County was completed in 2003 in conjunction with a road inventory and addressing system study. The mapping system that was developed shows several types of information, including an indication of housing distribution throughout the rural area. Although a tabulation of the approximate number of housing units and locations derived from this data was compiled, it was not considered useful for evaluating trends in the rural area because of the lack of previous comparable census data by geographic area. However, the 2000

Census does contain housing counts and characteristics for four census divisions outside of Deer Lodge that will continue to be used for data summaries called Census Designated Places (CDPs). The Avon, Elliston, Garrison and Ovando areas of Powell County are now listed separately for consideration of pertinent developing trends in future years. These areas do not follow the county "Rural Community Boundaries" and generally include a larger area. According to this information, the total number of housing units for the rural community areas was listed as follows: Avon CDP - 62 housing units, Elliston CDP - 104 housing units; Garrison CDP – 63 housing units, Ovando CDP – 44 housing units. The vacancy rate for these areas is generally higher than the rest of the county at over 20 percent except for Elliston, which showed about 14 percent, or slightly less than the county average. The pattern of residential development in these areas has been mapped for planning purposes using 2003 addressing system survey data and information from the Montana Cadastral Mapping Project. The residential parcels and other uses are shown on the existing land use maps.

Table 1-19 in the Land Use Section summarizes the number of residential structures in the unincorporated rural communities of Powell County. The data shows housing counts from the 2000 Census for the area of the official Census Designated Place (CDP) boundary as previously mentioned, and also includes Census Block information (the smallest unit area for census data) as well as structure counts for the adopted Rural Community Boundaries. The 2000 Census Block Data and 2003 Structure Counts from the Rural Addressing System Inventory are both shown for the area within the Rural Community Boundaries. Refer to Table 1-19 and the Existing Land Use Maps.

The census data for Powell County and Deer Lodge further divides the existing housing according to categories shown in the tables below. Housing is identified according to occupancy status, owner versus renter and by type of structure. By census definition, multi-family housing includes apartments, condominiums, townhouses or houses with more than one occupied unit (or if vacant and intended for occupancy) that is used for separate living quarters.

The number of owner occupied units in Deer Lodge increased by only 7 over the 10-year period to 229 for the 2000 census. Renter occupied units accounted for the greatest share of the additional housing, increasing by 25 units to 138 in the year 2000.

The figures shown in Table 1-13 and 1-14 illustrate a continued emphasis on single family housing to provide for the population of Powell County. These tables show census data from a 100 percent sample in 1990 and figures developed from a sample of the total population in 2000. The use of sample data has resulted in a slight discrepancy in the total number shown for the 2000 Census in Deer Lodge. The 100 percent sample shown in Table 1-12 has 1,593 total units compared to 1,604 in Table 1-14. The data is skewed for the year 2000 because of the sample size; however, it shows that the percentage of single family units, multiple family units and mobile homes has remained relatively constant. There has been a minor shift in housing toward more dependence on single family conventional construction. The information shown also indicates a trend for a continued dependence on all three types of housing to satisfy the needs of the housing market.

**TABLE 1-13  
POWELL COUNTY  
HOUSING TYPE DISTRIBUTION**

TYPE OF STRUCTURE	POWELL COUNTY	
	1990 CENSUS	2000 CENSUS <sup>(1)</sup>
SINGLE FAMILY	2,047 (72.2%)	2,195 (74.9%)
MULTI-FAMILY	240 (8.5%)	224 (7.61%)
MOBILE HOME	548 (19.3%)	511 (17.5%)
<b>TOTAL</b>	<b>2,835 (100%)</b>	<b>2,930 (100%)</b>

<sup>(1)</sup> Based on a sample

**TABLE 1-14  
CENSUS DESIGNATED PLACE (CDP)  
HOUSING TYPE DISTRIBUTION  
2000 CENSUS <sup>(1)</sup>**

<b>TYPE OF STRUCTURE</b>	<b>DEER LODGE</b>	<b>AVON CDP</b>	<b>ELLISTON CDP</b>	<b>GARRISON CDP</b>	<b>OVANDO CDP</b>
Single Family	1,147 (71.5%)	44 (74.6%)	83 (78.3%)	36 (61.0%)	36 (80%)
Multi-Family	207 (12.9%)	2 (3.4%)		1 (1.7%)	
Mobile Home	250 (15.6%)	13 (22.0%)	23 (21.7%)	22 (37.3%)	9 (20%)
<b>TOTAL</b>	<b>1604</b>	<b>59</b>	<b>106</b>	<b>59</b>	<b>45</b>

<sup>(1)</sup> Based on a sample

The analysis of housing distribution by type of dwelling indicates several facts that have also been found to be true in other communities in the state in recent surveys. First, it is obvious that single-family dwellings have remained a constant part of the overall market and are still by far the most important form of residential use since nearly 75 percent of the total falls into this classification. Second, the mobile home industry is still considered a viable housing alternative since it represents more than 17 percent of the market county wide and over 20 percent in the rural communities of Avon, Elliston, Garrison and Ovando. Although the prices for mobile homes have increased steadily along with inflation, they have not kept pace with the construction and labor price increases in the housing industry. Consequently, the price gap results in a tendency for serious consideration of mobile homes for affordable housing. Third, multi-family living may not appeal to all those in the market for housing and is not a typical solution to housing needs in rural areas, but it does, nevertheless, represent about 13 percent of the market in Deer Lodge. There is a high potential for increased demand for this type of housing in the urban environment in an effort to increase the supply of affordable housing units.

### **Vacancy Status**

Vacant housing units accounted for more than 21 percent of the housing stock in 1990, but actually dropped in number over the 10 year period to just over 17 percent for Powell County in 2000. According to census data, the homeowner vacancy rate was less than 3 percent and the rental vacancy rate was 13 percent for that year. Vacant housing includes units for seasonal, recreational or occasional use, as well as vacant year round units. The low homeowner rate may

be an indication of the probability that more construction for this type of housing could occur in the near future. The vacancy status according to census data is shown in Table 1-15.

**TABLE 1-15  
POWELL COUNTY  
OCCUPANCY/ VACANCY STATUS <sup>(1)</sup>**

YEAR ROUND HOUSING UNITS	1990 Census		2000 Census	
	NUMBER	% OF TOTAL	NUMBER	% OF TOTAL
OCCUPIED	2,234	78.8	2,422	82.7
VACANT <sup>(1)</sup>	601	21.2	508	17.3
<b>TOTAL</b>	<b>2,835</b>	<b>100</b>	<b>2,930</b>	<b>100</b>

<sup>(1)</sup> 100 percent sample data.

## **LAND USE**

### **Land Use Data**

Land use information provides insight into the character of the planning area in terms of predominant types of land use, distribution throughout the county and density. Evaluation of the relationship of different types of land use to the physical features of the county, both natural and man-made, is an important reference to be used by local planning officials when assessing possible impacts from new development proposals and when considering plans for preferred policies. The location and extent of existing public land, agricultural land, residential uses, and commercial, industrial, recreational or institutional areas has a profound effect on how future development will occur. Consideration of existing physical features, environmental constraints and marketing opportunities in conjunction with infrastructure demands helps to determine the suitability of a site for a particular type of development. The future community services and facilities must in some measure reflect the continuation and improvements of existing developments. The information presented in this section provides a general overview of the existing status of land development in Powell County as well as important ownerships that will continue to affect future land use decisions.

### **Powell County Land Use and Mapping**

Powell County encompasses approximately 2,335 square miles and includes extremes in topography ranging from the high peaks of the Flint Creek Mountains to the lowlands of the Clark Fork River valley. The rolling hills and benches of the lower valleys are developed for agricultural use throughout the central and southern parts of the county along the main highway routes, while the peripheral areas in the mountainous regions are vast and rugged forested lands, primarily managed by the U.S. Forest Service. The county also features an extensive sector of the Bob Marshall Wilderness and part of the Scapegoat Wilderness, which together cover most of the northern third of the county.

The developed area is centered at the south end of the planning area near Deer Lodge, which is the county seat, and the only incorporated place within the county. The Deer Lodge area is presently covered by a comprehensive plan within the jurisdictional boundary of the Deer Lodge

City-Powell County Planning Board (shown in Figure 6). However, as previously mentioned, there are seven unincorporated communities located in Powell County that are part of the county planning area. These areas are the focus of concerted planning efforts to assess current community needs and the desired level of growth. The communities of Avon, Elliston, Garrison and Gold Creek are located in the south sector of the county along U.S. Highway 12 and Interstate 90; Racetrack is at the southern edge of the county on the Interstate; and Helmville and Ovando are in the central section of the county on Montana Highway 141 and Montana Highway 200, respectively.

In order to effectively display land use and other information in this report, a series of maps showing three distinct sections of the county was developed. As shown in the key map (Figure 3), the north, central and south sections are displayed independently on larger scale maps suitable for showing land use information, important features and spatial data within the county. These maps are numbered Figures 4, 5 and 6 and are included with the map series at the end of the land use analysis. In addition to general mapping for the county area, more detailed larger scale maps have been compiled to show data in the rural communities outside of Deer Lodge. The communities of Avon, Elliston, Garrison, Helmville, Ovando and Racetrack are shown in sufficient detail for identification of natural physical features, streets and individual land parcels. A map of the Deer Lodge area is also included showing the city limits and City-County Planning Area boundary. Small scale county wide maps showing a variety of data were also developed, and are available for reference in the appendix document.

The mapping system used for the Powell County Growth Policy is based on GIS (Geographic Information System) maps prepared for the county in 2003 as part of the county addressing system. The format for the maps in this report is compatible with the county addressing system as well as the state GIS data base maintained by the Montana State Library for the Montana Natural Resource Information System (NRIS). Data for land use, ownership, agriculture and natural resources was prepared using the NRIS data base and other sources as noted.

## Public and Large Private Ownership

The largest public land owner in Powell County is the U.S. Forest Service. The Forest Service manages approximately 1,000 square miles throughout the county in the Beaverhead/Deerlodge, Flathead, Helena and Lolo national forests accounting for 43 percent of the county area. Other public land holders include the U.S. Bureau of Land Management, the State of Montana, the U.S. Fish and Wildlife Service and the National Park Service. The National Park Service land shown on the existing land use map is the Grant–Kohrs ranch north of Deer Lodge.

Most of the private land is scattered throughout the lower elevations of the planning area while the largest holdings are in higher forested areas controlled by Plum Creek Timber and The Nature Conservancy. This represents nearly 5 percent of Powell County. Some of the land in the private category in Table 1-16 is used for conservation purposes. Table 1-17 illustrates the total extent of conservation easement land in the county by selected categories, which accounts for over 105 square miles according to data updated by the Montana Natural Heritage Program in May 2003. Figures 4, 5 and 6 show the location of public land and large private owners in Powell County, and a small scale map of the entire county is also included in the appendix. Ownership is summarized in the following tables.

**TABLE 1-16  
POWELL COUNTY LAND OWNERSHIP**

Owner	Acres	Sq. Miles	% of Total
US Forest Service	639,549	999.30	42.97%
Private	583,471	911.67	39.20%
Bureau of Land Management	82,095	128.27	5.52%
Plum Creek Timber Lands	72,052	112.58	4.84%
State Trust Land	59,735	93.34	4.01%
Other State Land	45,543	71.16	3.06%
Fish and Wildlife Service	4,466	6.98	0.30%
National Park Service	1,594	2.49	0.11%
<b>Grand Total</b>	<b>1,488,504</b>	<b>2,325.79</b>	

**TABLE 1-17  
POWELL COUNTY CONSERVATION EASEMENTS**

<b>Conservation Easement</b>	<b>Acres</b>	<b>Sq. Miles</b>	<b>% of Total Easements</b>	<b>% of Total Area</b>
Private Conservation	35,695	55.77	52.83%	2.39%
Fish & Wildlife Service	26,964	42.13	39.91%	1.81%
Other State Land	4,902	7.66	7.26%	0.33%
<b>Grand Total</b>	<b>67,561</b>	<b>105.56</b>		

### **Agricultural Land**

Data for the Powell County planning area available from the Montana Cadastral Mapping Project and the State Department of Revenue for parcel ownership and use (CAMA files) contains information showing the location and size of parcels for several categories of agricultural land. The general distribution of privately owned agricultural land is shown on the Land Use Maps. Agriculture still maintains a prominent position in the economy of the county, and the identification of important farm and ranch land will aid in the development of future plans that recognize this fact. The agricultural uses illustrated on the existing land use map provide a general reference for agricultural land distribution. Grazing land represents over 50 percent of the agricultural land in Powell County as shown in Table 1-18. Only 6 percent of the private agricultural parcels have over half of the parcel in irrigation, and less than 1 percent are classified as predominantly crop land. Private timber land is also shown on the map and in the agricultural summary table. Plum Creek Timber and The Nature Conservancy owns more than 72,000 acres of the private timber land in the county. More detailed data for individual parcels is available through the Natural Resource Information System (NRIS) including information on average production, soils and land capability. This data can be referenced for background information on specific development proposals in the county as needed.

**TABLE 1-18  
POWELL COUNTY PREDOMINANT AGRICULTURAL LAND USE  
CLASSIFICATION ON PRIVATE LANDS**

<b>Agricultural Use Type</b>	<b>Acres</b>	<b>Percent of Total Area</b>
Grazing	361,340	54.6%
Timber	234,969	35.5%
Irrigated	39,949	6.0%
Non-Qual Ag	19,871	3.0%
Wild Hay	4,099	0.6%
Fallow Crop	903	0.1%
Cont Crop	429	<0.1%

### **Residential Development**

Residential land use in the rural area of Powell County is concentrated in the rural communities of Avon, Elliston, Garrison, Helmville, Ovando and Racetrack. Land use maps for these areas showing residential structure locations using data from the county addressing system and the 2003 state revenue data base are included with the set of county maps in this section (see Figures 7 through 11). Although these communities are unincorporated, rural community boundaries were established by the Planning Board following a public input process that has been on-going in recent years. These boundaries are shown on the maps, and will be used to develop planning goals and policies unique to each area.

Census data for the year 2000 is available showing the total housing unit counts for these communities at the census block level that generally corresponds to the residential areas shown on the existing land use maps, and allows for a comparison of residential spatial information at the next decennial census. Residential parcels are indicated on the community maps, and the total number of residential structures is summarized in Table 1-19. The table shows information compiled using the addressing system data base as well as totals from census block data for each rural community. Data in the table for the rural community boundaries shown on the maps was developed using structure locations from the 2003 addressing system study. The 2000 Census data is shown for census designated place (CDP) areas where such a designation has been made, and census block data corresponding to the approximate area of each rural community is also shown for future reference for each community. It is important to note that the census CDP

generally encompasses a much larger area than the rural community boundaries adopted by the Planning Board.

**TABLE 1-19  
POWELL COUNTY RESIDENTIAL STRUCTURES**

	Rural Community Boundary <sup>2</sup>		
	2000 Census CDP	2000 Census Block Data <sup>1</sup>	2003 Rural Addressing Data
Avon	62	53	54
Elliston	104	94	101
Helmville	NA	33	34
Garrison	63	23	27
Gold Creek	NA	NA	NA
Ovando	44	41	49
Racetrack	NA	NA	NA
<b>Total</b>			

\* Note: Census Block Boundaries do not correlate exactly to rural community boundaries

Outside of these rural communities, residential development is generally associated with farm and ranch operations and is scattered throughout the planning area in an open and rural environment. Some recreational and second home development can also be found, primarily in the scenic mountainous regions of the county. The general location of residential structures in the rural area is illustrated in Figures 5 and 6 indicating residential density throughout the county. Subdivision activity over the last 23 years within the county was consistently low prior to 1998 but has increased significantly since then, as shown in Table 1-20 below. Since 1980 there have been a total of only 35 subdivisions recorded. There were only 2 for the period from 1980 to 1991. Recorded subdivisions have been filed for 5 lots or less (minor subdivisions) in all cases except for two major subdivisions, one in 2000 and one in 2003. Since 2003, preliminary plats for three major subdivisions have been approved. Also shown in the table are Certificates of Survey for each three-year period up until 1995. The numbers show that most of the filing activity in the Clerk and Recorder’s office is concerned with transfers or amendments that are exempted from the Subdivision and Platting Act. The majority of the certificates are associated with family transfers, agricultural exemptions or boundary relocations.

**TABLE 1-20  
POWELL COUNTY – SUBDIVISION ACTIVITY**

Survey	3-Year Period							
	1980-82	1983-85	1986-88	1989-91	1992-94	1995-97	1998-2000	2001-03
Subdivision	1	1	0	0	3	4	15	11
Certificate	44	69	74	31	97	-	-	-

The long-term trend of relatively insignificant subdivision activity has apparently changed in the past six years , indicating that the physical attributes that create a very attractive rural atmosphere in many areas of Powell County are likely to create an increased demand for subdivisions. The desire for a rural setting in second home and even commuter based home markets could very well result in more residential subdivision activity near the existing rural communities and in areas near the primary and interstate highway system. Parcel access and effect on agricultural operations and production, and on open space, are important issues that must be carefully considered before approving future development proposals in the county. Ground water, floodplain and land use compatibility issues are also critical considerations for future subdivisions in the planning area.

### **Commercial Development Pattern**

Commercial development within the Powell County planning area is primarily located in the City of Deer Lodge. There are also some commercial establishments located within the rural communities of Avon, Elliston, Garrison, Helmville, Ovando and Racetrack that cater to the basic convenience needs of each community. Restaurants, bars, service stations, and small specialty and repair shops generally represent the extent of commercial development in the rural communities of the county. The trend for dependence on retail services available in Deer Lodge, Butte, Helena and Missoula is expected to continue.

### **Industrial Use**

Most industrial uses in the county are related to wood and mineral processing activities. The smaller facilities are scattered around the county. The major wood processor is located within the Deer Lodge City-Powell County Planning Area.

## **Public or Government Use**

This land use category includes government buildings and facilities, schools, churches, hospital, nursing home, library and fraternal or similar organizations.

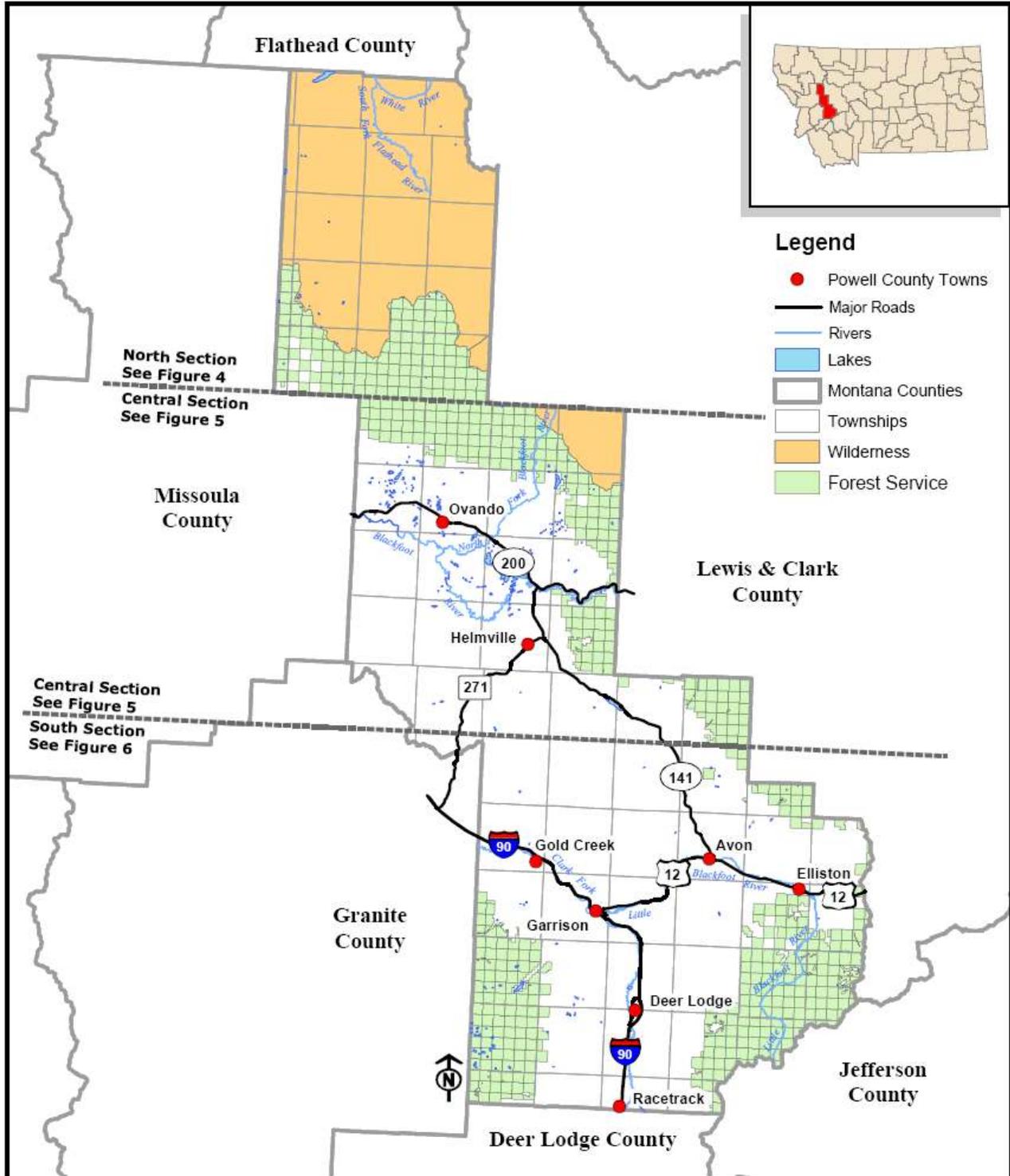
The primary county public and government uses are centered in Deer Lodge, while the rural communities support local public uses that serve the basic fire safety and child education needs. The communities of Avon, Elliston, Garrison, Helmville, Ovando and Racetrack provide facilities to house local volunteer fire fighting equipment. Fire protection for the Gold Creek area is provided by Valley Fire District, located in Drummond. A meeting space for community groups is either included in the local fire hall or the local school. The elementary level schools and churches are located on the existing land use maps.

Public facilities in Powell County that are located outside of the Deer Lodge City-Powell County Planning Area are primarily recreational uses managed by state and federal government agencies. Forest Service camp sites are available in each of the national forests in the county, and State Department of Fish, Wildlife & Parks provides designated fishing access sites for public use. Most of the sites are located along the Blackfoot River corridor; two sites have been designated on the Clark Fork River within the county. The fishing access sites are shown on the Recreation Site Map, Figure 12.

In the Deer Lodge vicinity, public land use is centered at the Montana State Prison development south and west of the city. The State of Montana owns most of the land in this area extending west to the Forest Service boundary.

# Powell County, Montana

## COMPREHENSIVE PLAN AND GROWTH POLICY



Map prepared by: **entranco**

**Key Map**

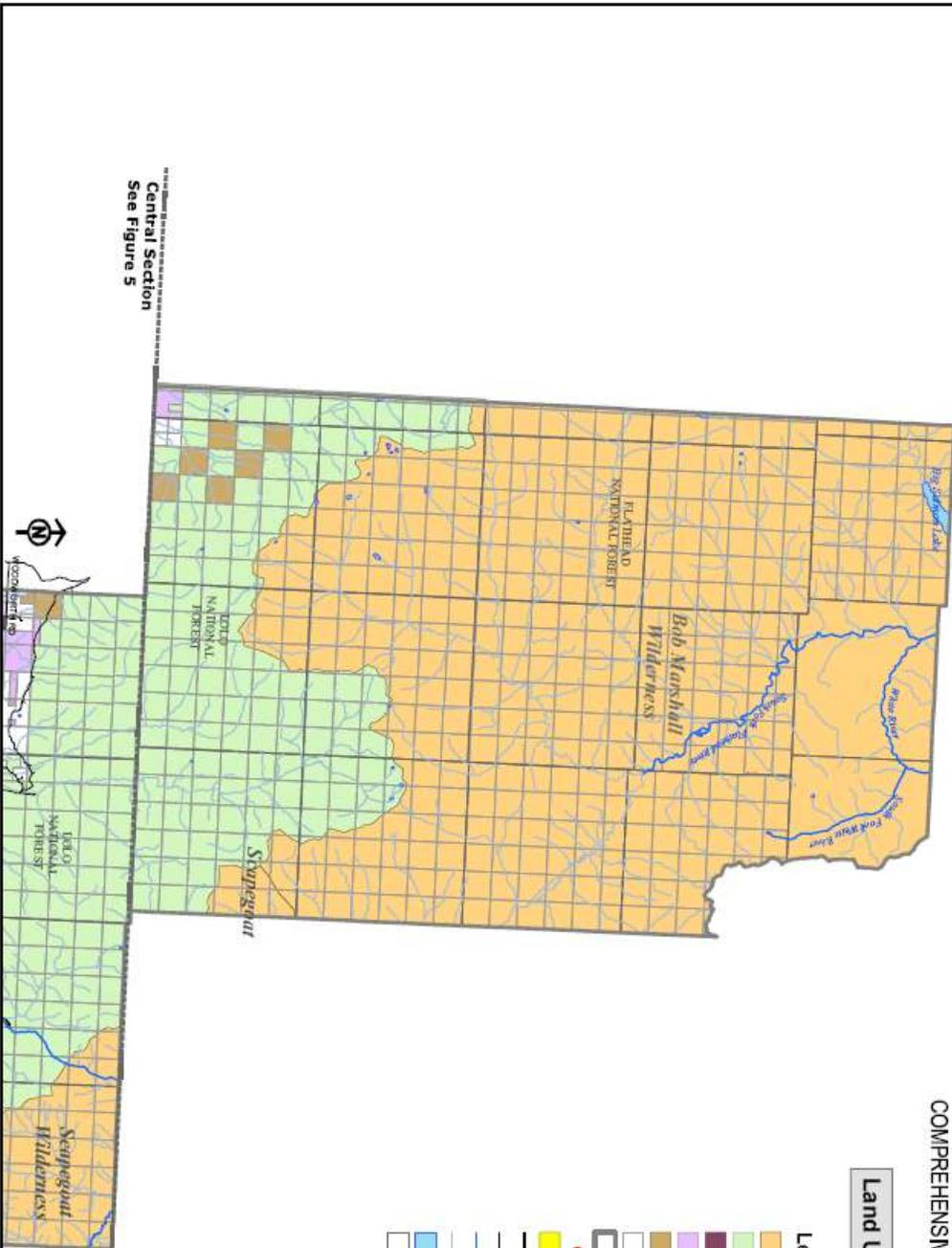
**Figure 3**

# Powell County, Montana

## Powell County, Montana COMPREHENSIVE PLAN AND GROWTH POLICY

### Land Use and Ownership

- Legend**
- Wilderness
  - Forest Service
  - Other Federal
  - State of Montana
  - Plum Creek Timber
  - Private
  - County Boundary
  - Powell County Towns
  - Rural Center
  - Major Roads
  - Minor Roads
  - Rivers
  - Streams
  - Lakes
  - Townships



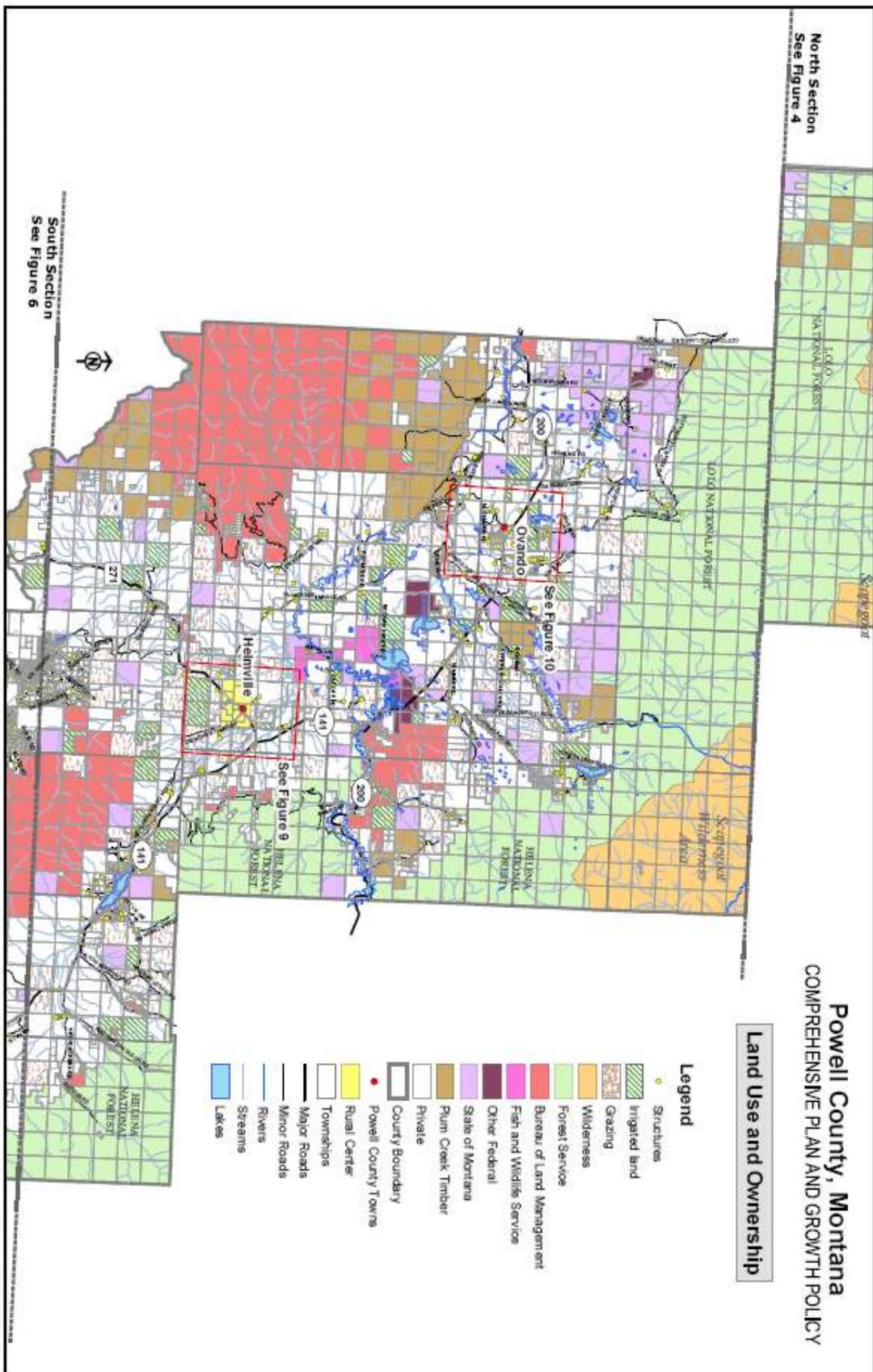
Central Section  
See Figure 5

Map Prepared by **Wilbur Smith**

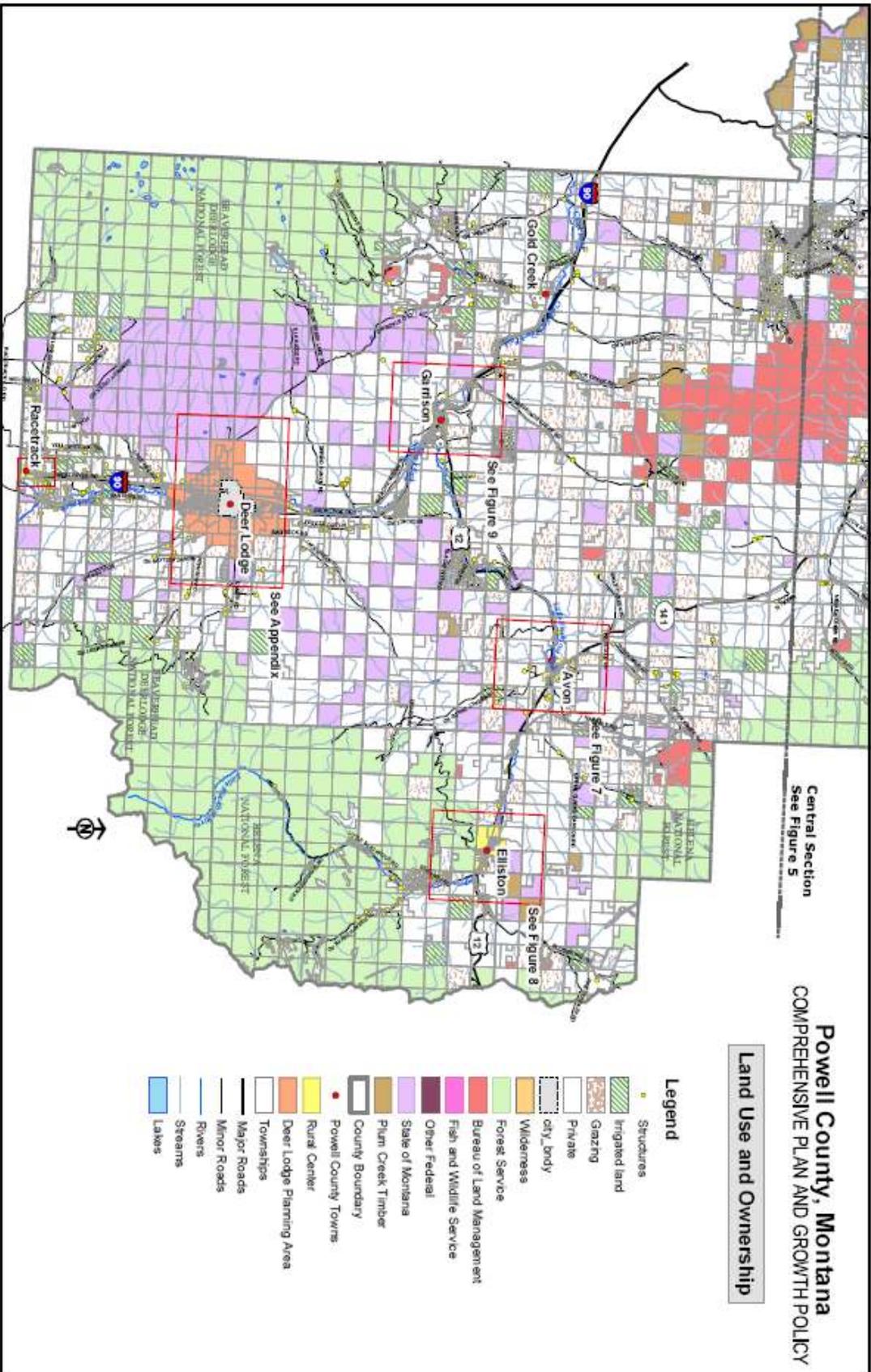
Scale 1:100,000

North Section  
Figure 4

# Powell County, Montana



# Powell County, Montana

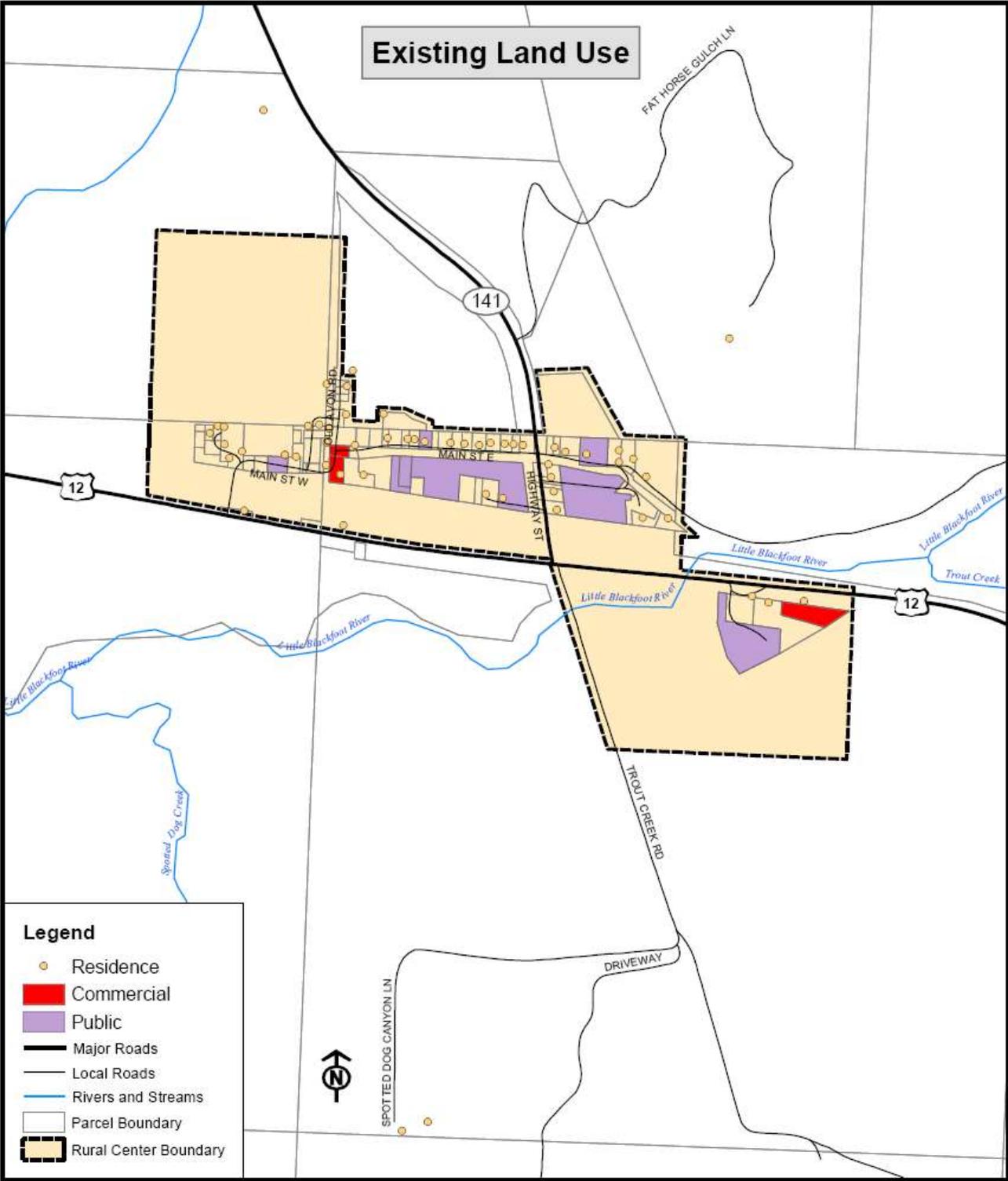


Map prepared by [unclear]

Figure 6

# Powell County, Montana

## COMPREHENSIVE PLAN AND GROWTH POLICY

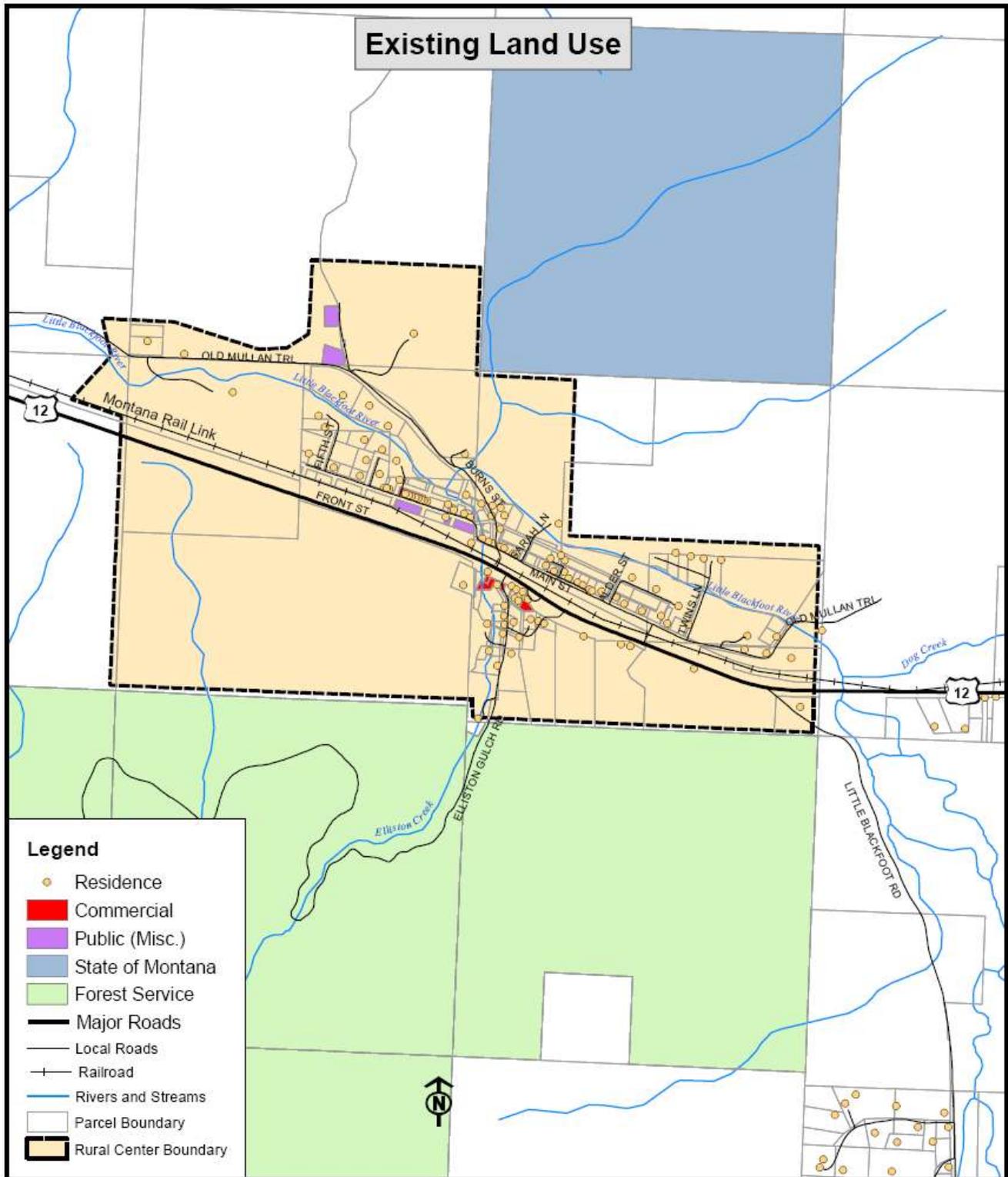


Map prepared by: **entrance**

0 250 500 1,000 Feet

**Avon**  
**Figure 7**

# Powell County, Montana COMPREHENSIVE PLAN AND GROWTH POLICY



Map prepared by: **entranc**

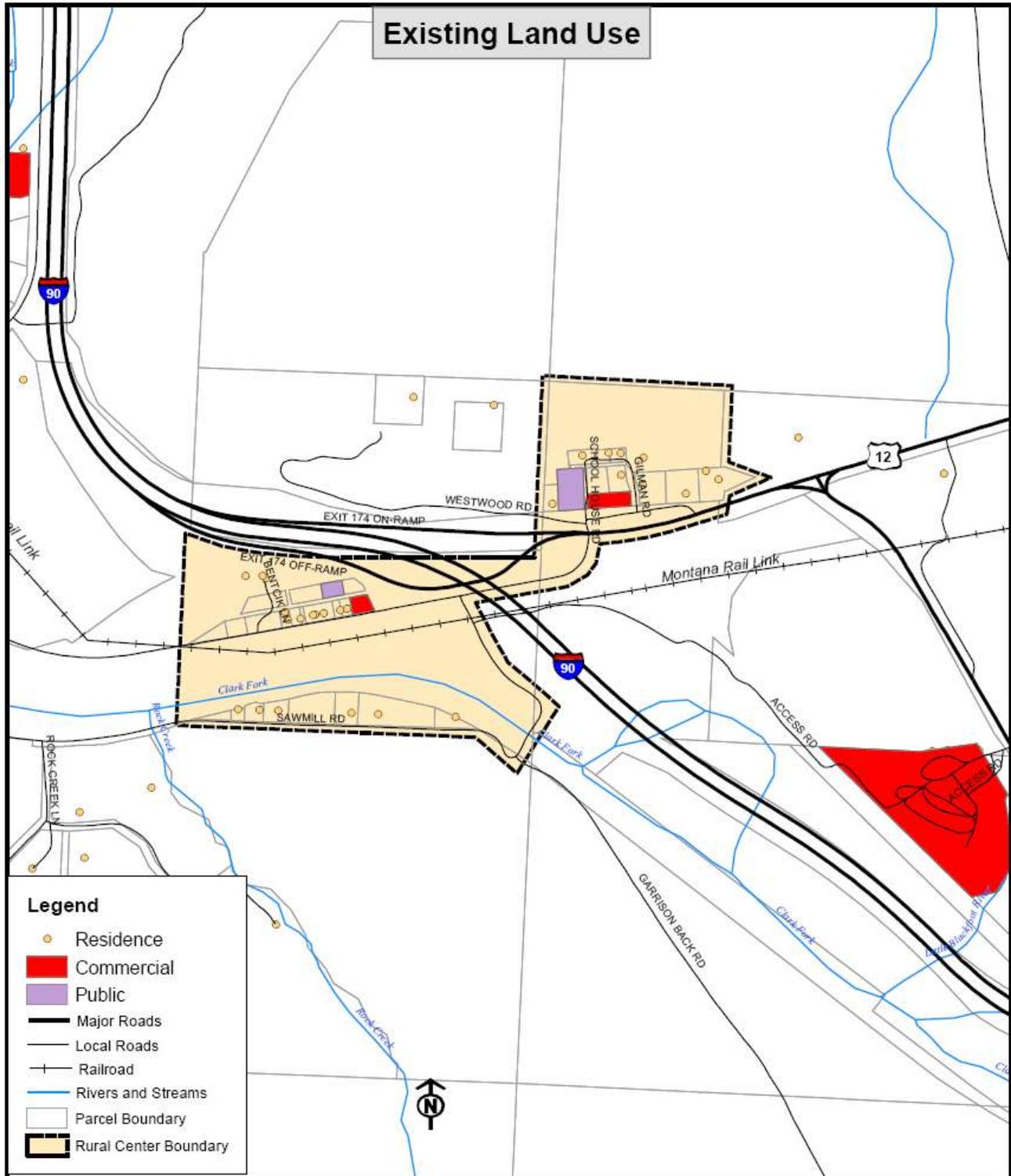
0 500 1,000 2,000  
Feet

**Elliston**

**Figure 8**

# Powell County, Montana

## COMPREHENSIVE PLAN AND GROWTH POLICY



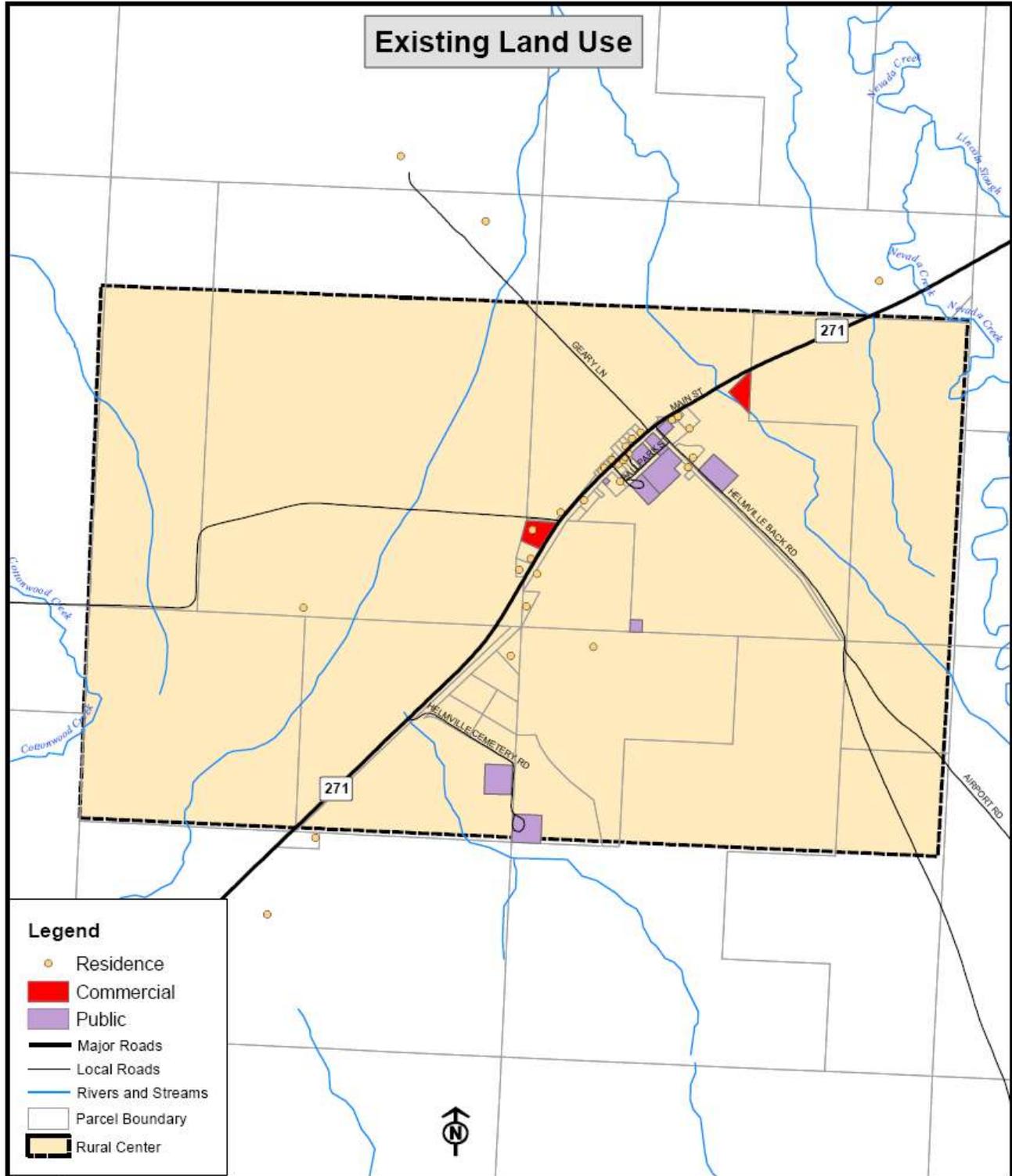
Map prepared by: **entranco**

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**Garrison**

Figure 9

# Powell County, Montana COMPREHENSIVE PLAN AND GROWTH POLICY



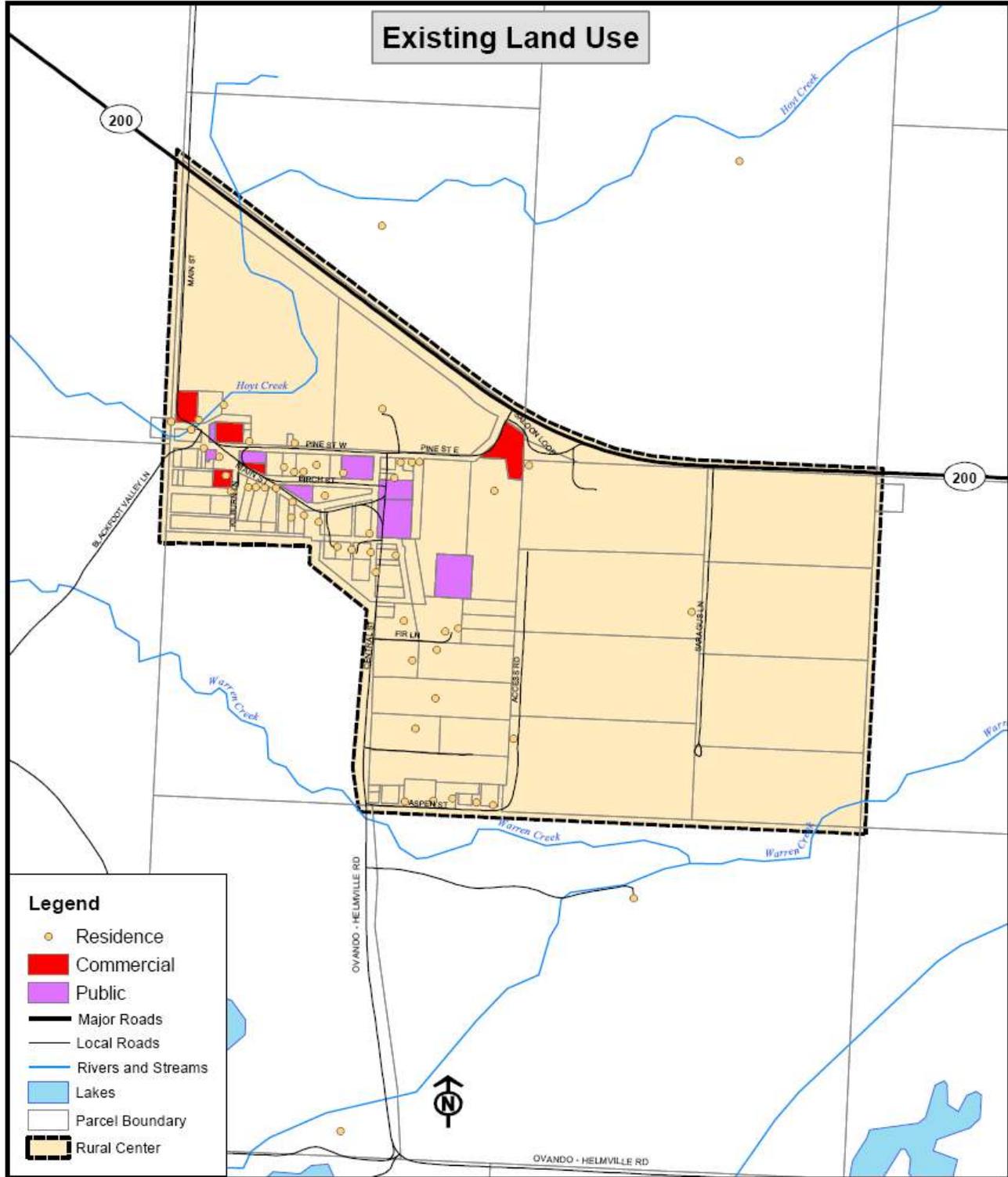
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**Helmville**

Figure 10

# Powell County, Montana COMPREHENSIVE PLAN AND GROWTH POLICY



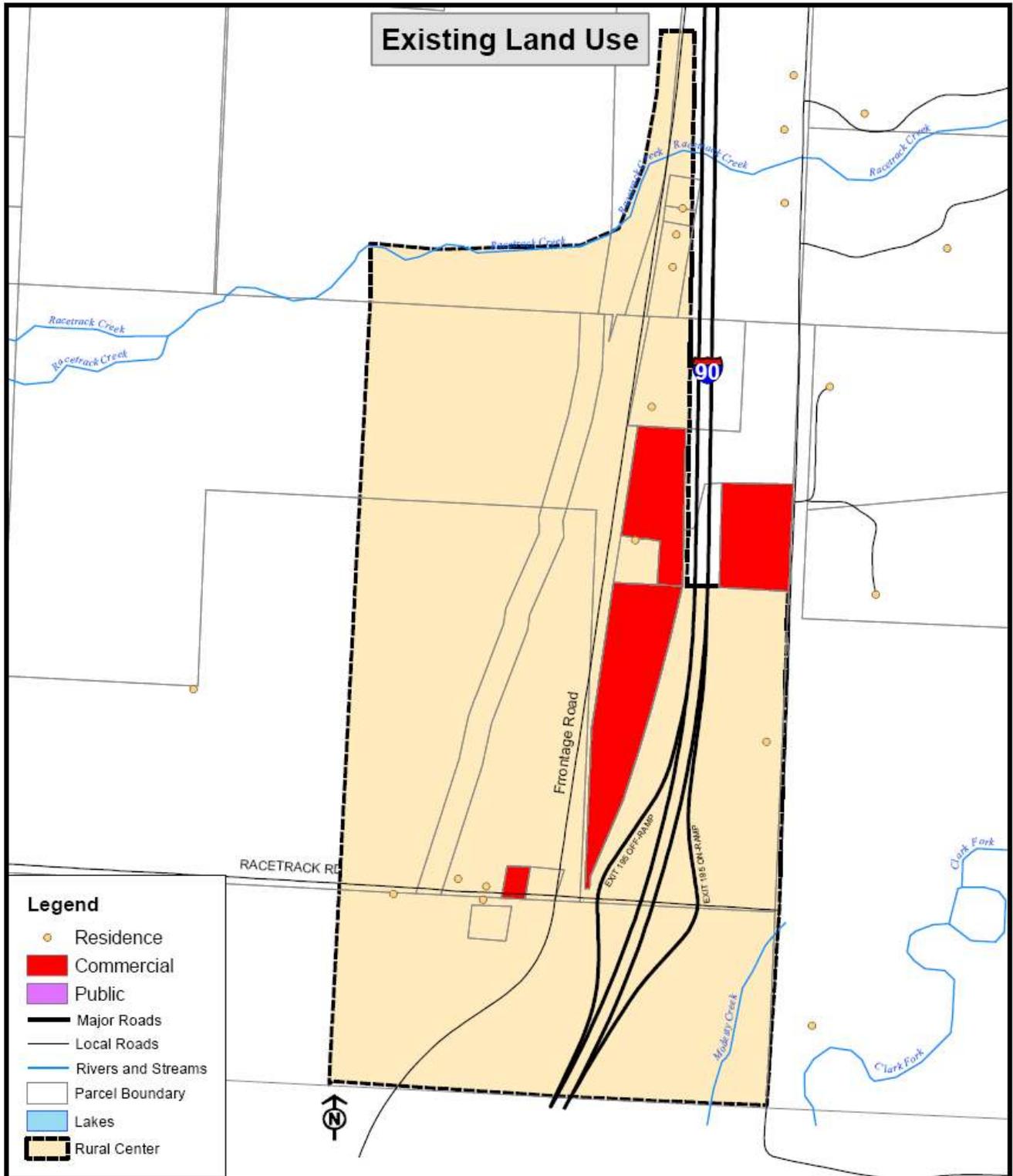
Map prepared by: **entranc**

0 250 500 1,000 Feet

**Ovando**

**Figure 11**

# Powell County, Montana COMPREHENSIVE PLAN AND GROWTH POLICY



Map prepared by: **entrance**

0 250 500 1,000  
Feet

**Racetrack**

Figure 12

## **PUBLIC FACILITIES**

### **Sewer and Water Systems**

Powell County has been developed in the rural area, primarily along the major highway system, resulting in a distribution of population clusters centered in relatively low density unincorporated communities. Wastewater treatment in each of the communities and in the surrounding areas of the county is by individual septic tanks and drain fields, and water supply is provided for by individual groundwater wells. The only public wastewater treatment systems and water systems in the county are those used by the City of Deer Lodge, which is outside the jurisdiction of the Powell County Planning Board.

Information on groundwater wells and septic tank density is available on the Internet for all counties in Montana. Specific data from well records generated from the Groundwater Information System shows data on well location and depth, as well as water quality information at selected sites. Septic system records are also available on-line, but are more general in nature, giving a rough idea of septic system density based on the number recorded per square mile. As shown in the information included in the appendix, both Avon and Elliston (selected examples) have areas that are in the high hazard septic system density classification of more than 300 systems per square mile. Helmville is also listed as a high hazard area. This data shows that septic system locations in proposed new developments must be carefully considered for impacts on adjacent land and on the groundwater resource in the rural communities of Powell County. Refer to the appendix for data regarding septic systems and wells.

The Montana Subdivision and Platting Act requires review of proposed sewer and water systems prior to county approval for all new parcels less than 160 acres. The new systems must meet or exceed minimum standards of the State Department of Environmental Quality (DEQ). DEQ is the administrator of the Montana Sanitation in Subdivisions Act (MSIS), which governs sewer and water system requirements. The long term trend for use of individual sewer and water systems will most likely remain as the predominant method of meeting sanitation system requirements in subdivisions. It is possible that a large development proposal will require the use of community water and/or sewer systems, but the timing and location of such a proposal is not

readily apparent. Additional development in the existing rural communities in the future may also warrant consideration of a community sanitation or water system to address environmental concerns, but the need will probably not arise within the planning period barring an unforeseen rapid growth scenario. The need for central systems should be assessed on a case-by-case basis during review of specific development proposals.

### **Solid Waste Collection and Disposal**

The Deer Lodge Solid Waste district is the only entity currently licensed to operate a solid waste landfill in Powell County. The site is located approximately 2 miles east of Deer Lodge on Boulder Road, which parallels Interstate 90. The site is a Class II Landfill licensed to receive Group II and Group III waste and encompasses approximately 60 acres. The site has been in use since 1995 and is projected to reach its capacity in 2020. Container collection sites are located at Ovando, Helmville, Elliston, Avon, Gold Creek and Garrison. Container site waste is hauled to the county landfill. Deer Lodge residents have a garbage pick up service available to them.

### **Recreation Sites and Facilities**

Powell County outdoor recreation opportunities are plentiful and widespread throughout the county. Numerous rivers, streams and mountain lakes comprise an outstanding surface water resource that is used for fishing and rafting during the spring, summer and fall months. The mountainous terrain at virtually all sides of the county creates an incredible view shed containing resources that are routinely used for some of the best hunting, camping and hiking in the state. Many areas within the national forests are also used for cross country skiing and snowmobiling in the winter months.

The county includes nearly 1,000 square miles of public land managed by the U.S. Forest Service in four national forests. The Forest Service Districts provide recreational resources through developed camp sites and a system of back country trails for public use. The southern portion of the Flathead National Forest that is within the county is entirely within the remote area and does not contain developed recreational sites. Improved sites in Powell County within the Beaverhead/Deerlodge, Helena and Lolo national forests offer camping units for vehicle use, day

picnic areas and some have domestic water available. The camping facilities are located on the Recreation Site map (Figure 13) and summarized in the following table:

**TABLE 1-21  
POWELL COUNTY – FOREST SERVICE RECREATION SITES**

<b>Campgrounds &amp; Picnic Areas</b>	<b>Camping Units</b>	<b>Picnic Area Day Use</b>	<b>Toilets</b>	<b>Water</b>	<b>National Forest</b>
Racetrack	13	No	Yes (HC)	Yes	Deer Lodge
Big Nelson	4	Yes	Yes	No	Lolo
Monture	5	Yes	Yes	No	Lolo
Kading	10	Yes	Yes	Yes	Helena

Public access to prime fishing streams is provided by the Montana Department of Fish, Wildlife and Parks at several locations on the Blackfoot River and at one site on the Clark Fork River. The fishing access sites include a variety of facilities ranging from boat launch only to full service sites with boat launch, camp sites, toilets and potable water. The fishing access sites are shown in Figure 14 and summarized in Table 1-22.

**TABLE 1-22  
POWELL COUNTY – FWP FISHING ACCESS SITES**

<b>Fishing Access Site</b>	<b>Stream</b>	<b>Boat Launch</b>	<b>Camping</b>	<b>Acres</b>	<b>Trailer Access</b>	<b>Toilets</b>	<b>Water</b>
Russell Gates Memorial	Blackfoot	Yes	Yes	41	Yes	Yes	Yes
River Junction	Blackfoot	Yes	Yes	179	Yes	Yes	No
Aunt Molly	Blackfoot	Yes	No	1,184	No	No	No
Kohrs Bend	Clark Fork	No	No	8	No	No	No

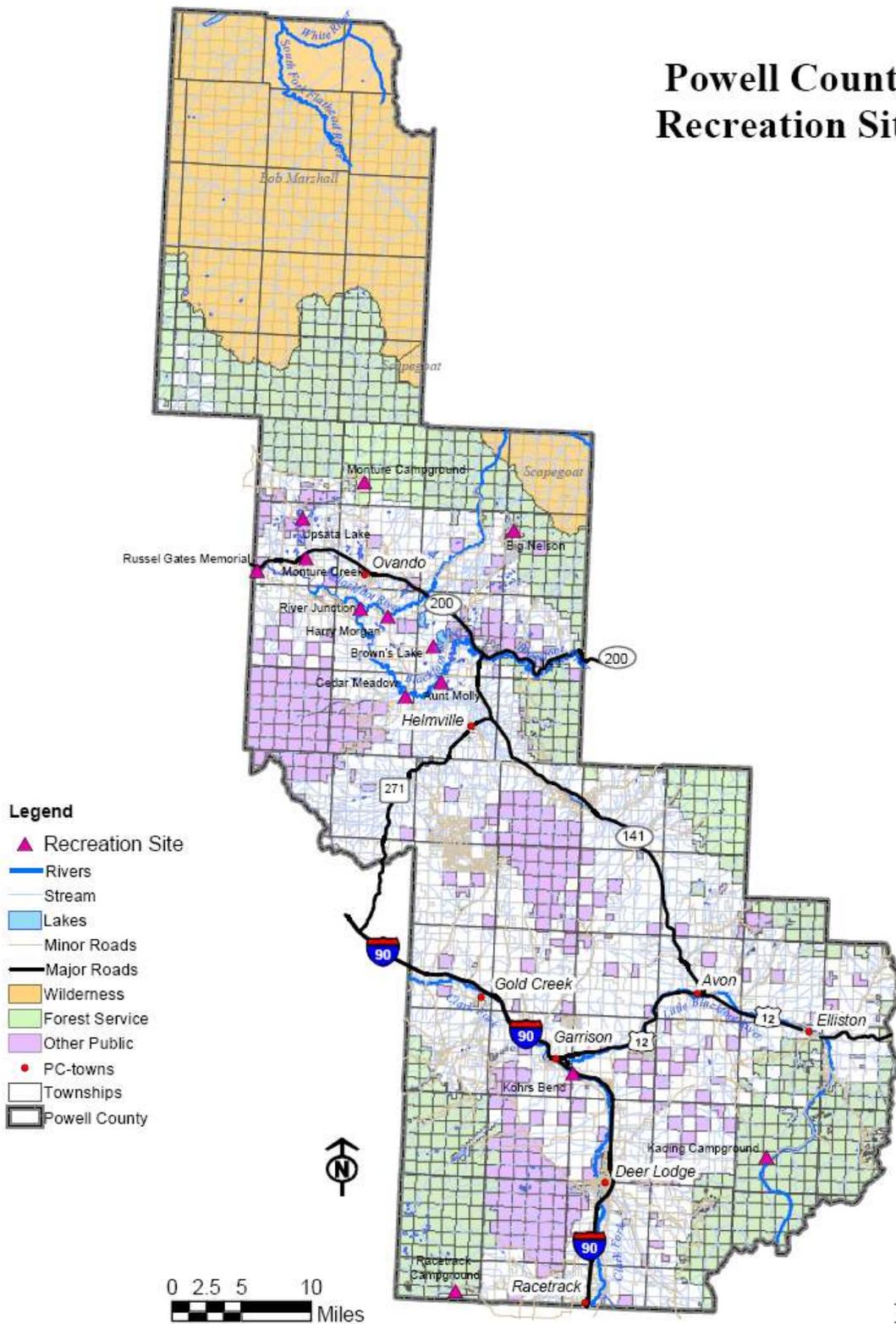
Unique recreational opportunities can be experienced through back country trips in the Flint Creek Range as well as on the Continental Divide in the southern part of the county, but the ultimate prospect for outdoor recreational adventure is also provided within the boundaries of Powell County. The Bob Marshall Wilderness covers most of the Swan Range in the north third of the county, and part of the Scapegoat Wilderness is also in the planning area. Both of these areas can be accessed by trail heads at the end of the county and forest service road systems. Together with the Great Bear Wilderness, north of the county, they form a vast wilderness complex of over 1.5 million acres along the Continental Divide almost to the boundary of

Glacier National Park. The wilderness area is noted for outstanding hunting, fishing and scenery, and provides critical habitat to the endangered grizzly bear and gray wolves.

# Powell County, Montana

## COMPREHENSIVE PLAN AND GROWTH POLICY

### Powell County Recreation Sites



**Figure 13**

Developed parkland in the rural communities is limited to playgrounds and recreational facilities provided on school property. There are no developed subdivision parks located in the county.

The trend for use of public outdoor recreational facilities in Powell County as the primary recreation resource will continue to be of great importance throughout the planning period. Improvements to existing public sites such as those described above will be provided for within the constraints of the federal budget and allocations within each forest district. With the increased interest in the use of outdoor resources, it is likely that improvements and additional opportunities will take place throughout the county in response to needs documented by current use and demand. Additional park land can be added in the rural communities and developing areas as needed through the application of park land dedication requirements for major subdivisions.

### **Schools**

The school system in Powell County is centered in Deer Lodge, which provides high school level education for students from all areas of the county. Powell County High School provides facilities for over 300 students in a typical year. The E. F. Duval Junior High School is also part of the Deer Lodge system along with a large elementary school, O. D. Speer. The remaining schools in the county are rural elementary schools located in the unincorporated towns of the county. Avon, Elliston, Garrison, Gold Creek, Helmville and Ovando all have elementary school facilities available locally. The majority of high school students from Helmville and Ovando attend high school in Drummond or Seeley Lake. Many Elliston students attend high school in Helena

Public School enrollment figures over the past five years indicate that total enrollment in the county elementary school system declined by 86 students. Most of the loss occurred in the City of Deer Lodge at O.D. Speer, where the total number of elementary students (Pre-K through 6) decreased by 41, and at the junior high school, which lost 32 students. The rural elementary schools declined by 13 overall with most of the loss occurring in Ovando. Elliston experienced a net gain of 7 students over the last five years and Helmville added 1 student. The elementary school total enrollment for Powell County remained the same at 691 for the last two years. The

total number of high school students declined over the past five years by 23 students, but lost only 4 students over the last year. Home school enrollment in the county totaled 21 students for the current school year, which is a drop of 16 students from the previous year. Public school enrollment in Powell County is summarized in the following table.

**TABLE 1-23  
POWELL COUNTY – SCHOOL ENROLLMENT**

	<b>99 – 00</b>	<b>00 – 01</b>	<b>01 – 02</b>	<b>02 – 03</b>	<b>03 -04</b>
E.F. Duvall 7-8	170	147	138	143	138
O.D. Speer	424	417	400	372	383
Ovando	30	28	19	22	16
Helmville	35	39	37	36	36
Garrison	16	16	17	14	14
Elliston	42	40	51	54	49
Avon	50	48	49	45	50
Gold Creek	10	4	7	5	5
<b>Total Powell County Elementary</b>	<b>777</b>	<b>739</b>	<b>718</b>	<b>691</b>	<b>691</b>
<b>Powell County High School</b>	<b>333</b>	<b>325</b>	<b>324</b>	<b>314</b>	<b>310</b>

Source: Montana Office of Public Instruction

The trend shows a general decline in the school enrollment of Powell County, primarily due to losses experienced in Deer Lodge. These figures are consistent with census population estimates that show a slight decline in county population from 2000 to 2005. As shown in the census estimate for the county (Figure 2), population is expected to begin to level off during the first five-year period since the census and then gradually increase through 2025. School enrollment can be expected to follow the same general pattern. The short term trend is supported by a stable elementary and high school enrollment over the last couple of years.

Additional information on school facilities in each of the communities is contained in the 1996 Comprehensive Plan.

## TRANSPORTATION

### Road System

The Powell County road system includes Interstate 90, which provides a convenient direct connection from the Deer Lodge area to Missoula and Butte, and to Helena by way of the Garrison junction with U.S. 12. This part of the major road network serves the southern part of the county and is shown in Figure 6. Montana Highway 200 is the main highway route across the north central part of the county and is used as the major arterial from Interstate 90 near Missoula to Interstate 15 at Great Falls. This route passes through the Town of Lincoln and is connected to U.S. 12 via Montana Highway 141 from Ovando south to Avon. Highway 200 is part of the primary highway system, and traffic is steady, but carries significantly less total traffic volume than the main east-west routes through the southern part of Powell County. Figure 5 illustrates the general location of the main highways in the central part of the county planning area, and an overview of the main road network is shown on the land use key map, Figure 3. The following table shows the total length of each major highway route in the county.

**TABLE 1-24  
POWELL COUNTY - HIGHWAYS**

<b>Highway Name</b>	<b>Miles</b>
MT 141	32.61
MT200	29.77
US12	27.56
I90	20.44
I90 US12	14.19

The roads in the county network are divided into jurisdictional categories for maintenance and funding based on their designation as Major or Minor Arterials, Major and Minor Collectors, and local roads. The Interstate, as a Major Arterial is a priority for funding improvements and maintenance programs and is on the National Highway System. U. S. Highway 12 and Montana 200 also are considered arterial highways and have been placed on the national system and assigned a national route number (e.g. Montana 200 is national route number N-24). Montana Highway 141, another arterial, is part of the Primary Highway System and is designated P-41 for funding program reference, according to the most recent Montana Department of Transportation (MDT) county maps. All of these major roads are maintained by MDT. There are also several

sections of secondary roads designated in the county, some of which are on a maintenance agreement with MDT. Secondary roads in and around Deer Lodge are short routes connecting the Main Street of Deer Lodge with the interstate and the airport. Secondary 271 (S-271) runs from the junction with Montana 141 to Drummond and contains a 4 mile paved section that runs through Helmville.

The county has an extensive network of local roads that are under the jurisdiction of the Powell County Road Department. Maintaining the roads is a formidable undertaking, and one that is of primary importance in the minds of farm and ranch residents who are isolated from essential public services. Maintenance is also provided by the county for roads within the unincorporated communities. The total mileage of county roads is more than 680 miles, creating the very difficult task of maintaining or improving the roads to desirable road standards given the budget constraints of a population of only 7,000 people. In addition to local roads that must be cared for by the county, there are also more than 230 miles of roads that are the responsibility of the Forest Service and Bureau of Land Management. These roads are accessed from the county system and are kept open on a seasonal basis. Routine maintenance of county roads is assigned to three county shops. One is located in Deer Lodge at the southern end of the county, one in Avon and the other is in Helmville to care for the needs of the north end of the local road system.

Some important information on the county roads in Powell County was obtained when the county conducted an inventory in late 2002 to establish a county-wide addressing system. The data base and GIS mapping system was initiated to provide an accurate tool for the Enhanced 9-1-1 Addressing System. The map of the road system was used as a base for development of information shown in this report for land use and other types of geographic data. The total length of roads inventoried, as well as basic data on type of surfacing and whether the roads are public or private jurisdiction was included in the study. Road names were listed for each segment recorded along with the corresponding length for all roads and highways in the county.

The data showed that most of the roads off the main highway system under the jurisdiction of Powell County are gravel surfaced. The Local Road Mileage Table will be included in the Road Capital Improvements Plan.

Bridges are also a very important part of the road system and maintenance program. Existing bridge locations were recorded during the county road inventory as part of the GIS data base for the addressing system, and a bridge study was recently completed to identify critical problem areas in the county as well as priorities and funding sources for improvements. The report is one of the critical elements of the capital improvements program discussed in Chapter V of this document.

Bridges in Powell County known as major structures (single clear spans greater than 20 feet in length) are inspected biennially by the Montana Department of Transportation. However, detailed inspections of minor structures (single clear spans less than 20 feet) traditionally are not conducted on a regular basis by MDT or county crews. Powell County is responsible for a total of 37 minor bridges and 28 major bridges. The primary focus of this bridge inventory was on minor structures although a few major structures of interest were also included. Forty-five bridges were inspected, evaluated and inventoried as part of this effort, 35 of which are minor and 10 of which are major. These bridges are located throughout the three Powell County Road Districts; Deer Lodge (No. 1) in the south, Ovando/Helmville (No. 2) in the northwest, and Avon/Elliston (No. 3) in the east. The overall purpose of this inventory is to catalogue and evaluate the condition of the county's bridges in order to provide guidance for ongoing maintenance as well as future bridge repair/replacement projects.

The tables in the bridge evaluation report include two categories listed as Minor Bridges and Major Bridges. The evaluation centers primarily on the bridges listed in the Minor category. The Major category, which includes a listing of the MDT inspected and rated bridges, was added for the purpose of establishing a record of all of the bridges under the responsibility of Powell County. The bridge inventory information is summarized in 3 tables in the report. Table 1 – Powell County Existing Bridge Data, Table 2 – Powell County Bridge Priority Ranking and Table 3 – Bridge Replacement/Repair Information. Refer to the “Bridge Evaluation and Capital Improvements Plan” prepared in February 2004 for more detailed information. It is located in the Planning Department.

## **Railroad**

The main line of Montana Rail Link (MRL) passes through the southern part of Powell County providing freight service with sidings at Elliston, Avon and Garrison. The track crosses over Mullan Pass at the east end of the county on the continental divide and continues along the U.S. 12 and Interstate 90 corridor toward Missoula and Spokane. A spur line branches off to the south at Garrison and goes through Deer Lodge and Racetrack to the south generally parallel to Interstate 90. There is no passenger rail service available in the county.

## **Airports**

The airport two miles west of Deer Lodge is operated by the city and county government and is located approximately 2 miles west of Deer Lodge. It is a paved and lighted basic utility airport that is open to the public. There is no scheduled commercial passenger service or air freight service, but the airport can accommodate most general aviation aircraft including larger twin engine planes and small corporate jets. The airport is also used for agricultural spray plane operations during the spring and summer months. There are eight single engine planes based at the Deer Lodge Airport. Reconstruction of the airport to provide a 6,000-foot runway is underway.

Airport operations average 71 per week with 41 percent transient general aviation, 38 percent local general aviation, 14 percent air taxi, and 8 percent military, according to 1999 statistics.

The airport at Seeley Lake is a gravel airstrip controlled by the State of Montana.

## **NATURAL ENVIRONMENT**

### **General**

Powell County lies in a mountainous region of the state and includes a diverse range of topography and climatic conditions. The climate of the area is semi-arid and is characterized by large variations in precipitation between the valley and mountain elevations. Precipitation averages slightly more than 10 inches annually in Deer Lodge and increases up to 50 or 60 inches annually (primarily snow pack) in the higher elevations of the Swan Range in the Bob Marshall Wilderness at the north end of the county. The variation in precipitation, and change in geology and landforms, has a dramatic effect on the vegetation, soils, water resources and wildlife indigenous to the area from the mountainous area to the valley.

The topography and climate of the area are favorable for a healthy rural lifestyle that has the potential to attract people to the area in the future. However, the lack of any new large scale basic industries has the effect of limiting the magnitude of growth and its impacts on the environment. Nevertheless, knowledge regarding proper management of the land and water resources in Powell County will be necessary in order to preserve the lifestyle to which the local population has become accustomed. Historically, the county has been concerned about the effects of forestry, mining and agriculture on both economic and environmental conditions. Natural resources in the county have been developed primarily for use of timber on lands managed by government agencies and also on large blocks of private land in the peripheral areas of the central part of the county. There has also been some investigation and development of mineral resources over history, primarily in the southern mountainous areas west of Deer Lodge and in the Blackfoot River Drainage, but activity in this area has subsided over time due to economic conditions and public land management practices. Agricultural resource development continues to be an important consideration in the management of soil and water resources, and will undoubtedly influence land use and water resource decisions in the future.

### **Soils**

The Soil Conservation Service (SCS) of the U.S. Department of Agriculture issued a report for the Powell County Soil Survey in 1989 that covers the planning area. “The soil survey is an

inventory and evaluation of the soils in the survey area and can be used to adjust land uses to the limitations and potentials of natural resources and the environment. Also it can help avoid soil-related failures in land uses.” The information is useful in planning for management of soils for crops, pasture and rangeland as well as sites for buildings, sanitary facilities, recreation and wildlife habitat.

The SCS report contains tables showing a list of soils classifications and a corresponding series of tables that give information about the suitability of the soil for specific uses including pastureland, irrigated and non-irrigated cropland, crop yields, land capability and woodlands. Soils are also rated for their potential to support building foundations, sanitary facilities, as a source of construction materials such as gravel for road building, and water feature embankments. A small scale soils map (11 x 17) is included in the Appendix along with the soils map unit descriptions for the Powell County area. The information shown on the map is available on the Internet at the Montana Natural Resource Information System (NRIS) site, and includes maps and detailed tables for the planning area. An example of the type of information available for one of the predominant soils in Powell County is also included in the Appendix for reference.

### **Surface Water**

The Powell County planning area includes the Clark Fork River drainage, one of the major tributaries of the Columbia River. Two of the primary upper basin feeders of the Clark Fork, the Blackfoot and Little Blackfoot rivers, also cross through the county forming the alluvial valleys, which are the predominant landforms supporting agricultural and urban oriented development. The watershed divides are located in the Flint Creek Range to the west, the Continental Divide to the east, and the Swan Range to the north. The Clark Fork runs for over 45 miles through the county, the Blackfoot is about 56 miles long, and the Little Blackfoot has about 57 miles of streamline within the county boundary. These major streams are shown on the planning area maps for reference, and most of the smaller drainage streams are shown as well. Although all of the streams are not labeled on the maps included in this report because of scale limitations, they are part of the county data base and can be displayed at a larger scale if desired. Refer to Figures 3 through 13 for larger stream identification.

Surface water quality is an issue in Powell County because of the influence of agricultural operations and because of runoff from previous hard rock mining activities located in upstream areas as well as inside the county boundary. Water quality in the Blackfoot River drainage has been impacted by acid mine drainage in the headwaters area of Lewis & Clark County.

Remediation of some of the sites in the drainage is proceeding as part of the state program for abandoned mine reclamation administered by the Department of Environmental Quality. Other remedial efforts have been initiated through the efforts of the Blackfoot Challenge conservation group and the Big Blackfoot Chapter of Trout Unlimited. Mine waste from operations in the Flint Creek Range and in the Continental Divide area has also damaged the surface water resource. Remediation has taken place at some of the sites. The Appendix contains additional information on mine sites in the county.

The Clark Fork River is in the process of recovering from mine wastes originating from the Berkeley Pit in Butte. Following decades of depositing mine waste in Silver Bow Creek, which is part of the headwaters of the Clark Fork River, the water quality of the Upper Clark Fork has been severely affected. As noted in other sections of the report, remediation and restoration efforts are continuing following the designation of the Upper Clark Fork as an EPA Superfund Site.

Water quality and also the riparian environment can be adversely affected as more seasonal and permanent residential use occurs near rivers and smaller streams. These impacts can not only lower water quality for human use but also can adversely affect fishery resources, near-stream wildlife habitat and recreational values. These impacts can often be prevented or limited by setback requirements for new construction.

The mountainous regions of the county contain numerous small lakes at the stream headwaters in glacial cirques; there are also a number of lakes in the lowland areas that are used for recreational and irrigation purposes. Brown's Lake, Cooper's Lake and Upsata Lake are all lowland lakes located in the north central area accessed from Highway 200. These lakes support good populations of native trout and experience moderate use during the spring, summer and fall. Nevada Lake, located south of Helmville, is man-made and is used primarily for irrigation

although it also supports some recreational use for fishing. Brown's Lake has the longest shoreline at 6.3 miles.

Recreational use of the surface water resources in the county is widespread and involves the use of most of the mountain lakes and streams for fishing. The Blackfoot River is a desirable stream for rafting. Most developed recreation sites are limited to Forest Service or Montana Department of Fish, Wildlife & Parks camping facilities at several of the larger low elevation lakes, including Cooper's Lake and Upsata Lake at the north end of the county and Racetrack Creek campground west of Deer Lodge. Access to the river resource is provided by Department of Fish, Wildlife & Parks fishing access sites on the Blackfoot River and Clark Fork River. There are four designated access sites on the Blackfoot and 2 designated access sites on the Clark Fork within the county, although the rivers may be accessed in several other places. These sites are used on a seasonal basis and have seen steady to increasing use in recent years. It is anticipated that the trend for recreational use of streams and lakes will gradually increase with the level of local and surrounding area population level.

### **Groundwater**

Powell County has numerous wells throughout the lower elevations and foothills that are used for domestic and stock water use. Well data indicates that the average well depth varies from relatively deep levels around 300 feet to shallow depths averaging less than 20 feet deep over some of the alluvial valleys adjacent to surface water. There does not appear to be a consistent pattern of shallow or deep wells in the records for the rural communities, but the information indicates that overall, the yields are good.

The Deer Lodge municipal water supply is the only community system in the county. It is tested regularly and has proven to be a reliable source of quality groundwater. The water is classified as moderately hard. Tests for synthetic organic chemicals (SOC), volatile organic compounds (VOC) and nitrate concentrations have consistently tested below allowable limits. Water supply for domestic use in each of the rural communities of Avon, Elliston, Garrison, Gold Creek, Helmville, Racetrack and Ovando is obtained from individual wells, and there are no community systems planned or in use at this time. Future development demands in these communities may

create conditions that require consideration of establishing a central water system for the area, but there is no immediate indication that it will be necessary in the near future. It appears that the trend for development of individual service wells will continue in all areas of the county outside of Deer Lodge.

Data is available on-line through NRIS showing well locations (color maps) and related water quality and depth. This information is summarized in the appendix in the natural resource section showing the type of mapping available and representative Groundwater Information Center (GWIC) well data for the rural communities in Powell County.

Concern has been expressed that in some areas ground water quantity may not be sufficient for broad-scale medium to high density residential development. To avoid problems that have been experienced in high-growth areas of the Helena and Gallatin valleys, consideration may be given to limiting overall residential density in some areas.

### **Environmental Restoration Sites**

The Upper Clark Fork River has been designated an EPA Superfund Site to remediate the effects of mine waste. The entire length of the river is the subject of environmental cleanup from its origin at Warm Springs Creek, south of Powell County to the Milltown Reservoir, east of Missoula. The Blackfoot River Watershed is also in the process of a restoration process headed up by “The Blackfoot Challenge,” a conservation group organized to coordinate management of the Blackfoot River, its tributaries and adjacent lands.

The Upper Clark Fork site has been in various stages of remedial action since its designation in 1983. The Superfund Program moves the restoration process through a series of stages over the course of the project. The steps include: Remedial Investigation; Feasibility Study; Proposed Plan; Record of Decision; Remedial Design; Remedial Action; and Monitoring and Maintenance. The proposed plan has been accepted, and the project has progressed to the Remedial Design Phase. A large data base has been prepared over the years since the mid 1980s, providing descriptive information and mapping that is used for statistical analysis and visualization of various attributes of the river and contributing resource area. The location of streamside tailings,

stream bank lateral cutting, 100 year floodplain and historic irrigation among other criteria were included in the data base for the study. The data is in a GIS system that is compatible with the mapping completed for this update of the county plan, and can be used in conjunction with the county and state data base to evaluate possible impacts to adjacent development proposals. The extent of the Upper Clark Fork site is shown in Chapter III, Figure 14 of this report.

The Big Blackfoot Chapter of Trout Unlimited was formed in 1990 in response to a proposed open pit gold mine west of Lincoln near the Blackfoot River and to concerns over declining fish populations in the Blackfoot River relating to a number of factors. Poor water quality, altered stream channels and contaminated sediments from mining, riparian degradation related to grazing and timber harvest practices, and exploitation of the fishery were determined to be the landscape level impacts that affected the fishery. BBCTU began a restoration and monitoring phase using a basin-wide approach and working with landowners to get landscape restoration projects completed. Since its formation in 1993, the Blackfoot Challenge has worked with BBCTU and other partners to restore more than 50 miles of streams, 2,100 acres of wetland and 2,300 acres of native grassland, and to protect more than 50,000 acres of private land with perpetual conservation easements.

Progress in the area of conservation and restoration is ongoing and has resulted in additional restoration projects and land exchanges. In 2003 the Blackfoot Challenge partnered with The Nature Conservancy to purchase up to 53,772 acres of land in Powell County from Plum Creek Timber Company and then resell it to a variety of public agencies and private individuals according to a community-based plan. This would be part of a larger 88,000-acre transaction that involved the entire Blackfoot Valley, from Greenough to Lincoln. The partners bought 26,764 acres in 2004 and another 2,319 acres in 2005. They plan to purchase an additional 13,970 acres in 2006 with the possibility of adding the remaining 10,719 acres in 2007. A map of the project area is shown in Chapter III, Figure 14, and representative data for several of the completed projects is included in the appendix for reference.

## **Vegetation**

Powell County supports a wide variety of types of vegetation due to the diversity of landforms, climate and soils in the area. Only a small percentage of total land area has been developed, and

the natural vegetation patterns in the remote mountainous areas remain essentially in its natural state. The coniferous forest is mostly douglas fir, lodgepole pine, spruce and ponderosa with some quaking aspen and juniper. The lower elevations and foothills include typical upland shrubs and deciduous varieties, including juniper and sage as well as some fruit bearing species including huckleberries and wild raspberries in the northern ranges of the county.

The grasslands that dominate the lowlands are interspersed with large tracts of private ranch land and some irrigated crop land. Riparian areas at the lower elevations near streams and rivers support natural grasses, shrubs and stands of poplar and aspen.

### **Wildlife**

The Powell County planning area provides habitat for a broad range of wildlife species. Whitetail and mule deer are found throughout the planning area, and elk are widely dispersed throughout the continental divide and Flint Creek Range. Mountain goats and bighorn sheep can be found along the rocky ridges of the northern ranges of the county as well as in the Flint Creek Range and parts of the southern divide bordering Lewis & Clark and Jefferson counties. Mountain lion, black bear, coyote and fox can also be found throughout the planning area with concentrations heaviest along the divide. The Bob Marshall and Scapegoat Wilderness areas are home to a diverse population of wildlife including the grizzly bear that is currently listed as threatened, and the gray wolf that is currently listed as endangered on the federal endangered species list. Large tracts of private lands also provide significant wildlife habitat including critical winter range within the county. Elk winter range areas have been mapped and included as a general reference through the state natural resource data base. The general distribution of elk winter range in Powell County is shown in the appendix. More specific information on critical wildlife areas is available at the Planning Department.

## **CHAPTER II – GOALS, OBJECTIVES AND POLICIES**

### **GOALS, OBJECTIVES AND POLICIES**

One of the most important elements in any county planning effort is the formulation of goals, objectives, and policies to address selected issues. The identification of goals, objectives, and policies provides insight into current land-use issues and typically indicates the direction the planning process must proceed. When adopted by the local government, these items serve as a guide for property owners, developers, county staff and elected officials in making decisions about development or redevelopment.

A goal is a broad, generalized expression of common community values regarding growth, development patterns and quality of life. Goals, as used in the Growth Policy, express the primary theme or general intent and direction of the Plan. An objective is a more narrowly defined and concrete expression of that intent. Each goal may contain two or more objectives with each objective being responsive to a particular aspect of the broader goal.

A policy is a fairly precise statement that serves as a guide for making decisions. Policies may be expressed in text, maps, diagrams or combinations of these forms. Some policies are tangible, and can be applied quantitatively. Others are more general in nature and must be used qualitatively. For this update, policies are county wide in nature. Some of these policies may need to be refined over time to acknowledge differences among school districts and communities.

Implementation of the Growth Policy is the next step in the process. Implementation will be accomplished through such regulations as Zoning & Development Regulations, Subdivision Regulations, Floodplain Regulations, etc., as discussed in Chapter V of this document.

The adoption of goals and objectives in the Growth Policy represents a commitment to use them and their subsequent policies to guide decisions in Powell County.

Goals, objectives and policy statements have been developed to respond to the selected issues. At the same time they have been categorized to reflect management focus at the county level. These categories are:

- Community Design and Development
- Economic Development
- Transportation and Traffic
- Natural Resources
- Public Facilities

The following pages contain the Growth Policy goals along with their companion Objectives and Policies.

## **Goal No. 1 – Community Design and Development**

Establish land use patterns that accommodate growth, preserve the identity and character of communities, and minimize conflicts to agriculture from adjacent land uses.

### Objectives

- A. Foster and preserve the identity of the rural agricultural areas and rural communities and the continuance of the small town and rural lifestyles of Powell County.
- B. Encourage round-out and fill-in of existing communities or partially developed subdivisions, rather than sprawl throughout rural areas.
- C. Establish a cooperative effort among industry, government and residents to enhance open spaces and generally improve the appearance of various communities.
- D. Recognize the heritage and economic value of many of the existing log structures, and encourage their use and reuse through maintenance, conservation and rehabilitation.
- E. Promote adequate housing for all people of Powell County regardless of income, age, sex, race, religion, family type or ethnic background by providing greater opportunity and choice of housing type and tenure.
- F. Investigate the establishment of funding mechanisms that mitigate the service costs of new developments.

### Policies

- 1. Discourage land developments on lands used for agricultural purposes, especially including traditionally irrigated hay land, or which potentially impact agricultural facilities such as irrigation structures, livestock structures, etc. or that will adversely affect adjacent land uses or that will be incompatible with existing local social structures and values.

2. Allow land developments to be located in areas that have natural or environmental restricting factors, only providing that such restricting factors can be overcome with special engineering designs.
3. Require land divisions to provide adequate transportation (including rights-of-ways), water, drainage and sanitary facilities so that necessary services and facilities can be provided without public expense.
4. Acknowledge the existing development patterns in the county through the establishment of the following Land Use Districts, and recommended residential densities for each District. These districts will be specifically defined in the Powell County Zoning & Development Regulations.

<b>District</b>	<b>Examples</b>	<b>Recommended Housing Density</b>
Semi-Urban	City-County Planning	See Chapter IV, page 3
Rural Communities	Ovando, Avon, etc.	moderately high
District No. 1	Beck Hill area; I-90	moderate
District No. 2	Dana Ranch area	moderately low
District No. 3	Blackfoot River Valley	very low
District No. 4	South portion of county and U.S. 12 Corridor	low

5. Encourage planned unit developments, townhouses, condominiums or other innovative residential development techniques that provide greater flexibility in design than conventional single lot development.
6. In the Rural Communities, encourage fill-in development by permitting a variety of land use activities including residential, commercial, industrial, recreational, institutional and public facilities.
7. Land divisions within all districts shall be considered as complying with the purpose and intent of the Growth Policy where one of the following criteria is met:

- The land division is for purposes of sale or trading of land between agricultural or timber operations where lands exchanged will remain in agricultural or timber use.
  - The land division is a transfer of mining interests.
  - The land division is of a size and for a use permitted in the District.
  - Where the land division does not result in additional tracts and any tract smaller than allowed by these regulations is aggregated into an adjacent tract, or there is a deed restriction or other mechanism deemed appropriate to assure consistency with the regulations.
8. Encourage new residential structures to be located outside a 100-year floodplain, and not within riparian habitats. Building sites near undesignated floodplains should be shown to be safely outside a 100-year floodplain. Such buildings may be allowed under the terms of a floodplain permit.
9. Encourage uses in the Superfund Remediation Area that are consistent with existing surrounding land uses.
10. It is an intent of these regulations to be consistent with the Right to Farm Act as contained in 76-2-901 through 76-2-903, MCA, and therefore not to prohibit or terminate any existing agricultural activities, and to recognize that various groups of people have lawful or assumed rights, including especially the rights of landowners to make beneficial use of their private lands, as well as the rights of neighboring landowners and residents and the general public to benefit from the existing character and ambience of their greater neighborhoods, and not to be adversely affected by other owners' changes of land use. Implementation of this document is to be with consideration of the above stated purposes and rights.

## **Goal No. 2 – Economic Development**

Accommodate growth and encourage a stable and diversified economy.

### Objectives

- A. Provide a planning process and regulatory atmosphere that are conducive to maintaining existing employment and that foster opportunities for new economic development.
- B. Encourage development in a pattern that will respect the natural resource and historic values and lifestyles of Powell County and their contribution to the county's economic base.
- C. Encourage development patterns that will establish an acceptable balance between public facility and service costs and the public benefits derived from the new development.
- D. Acknowledge the importance of home based businesses and cottage industries, and accommodate their establishment and growth.

### Policies

- 1. Encourage commercial developments such as small scale retail uses primarily serving the residents of the Rural Community District and immediate vicinity; professional and business offices; highway and/or tourist related facilities such as motels, hotels, restaurants, taverns and service stations; automotive repair facilities; and sale or repair of agricultural machinery providing said development meets the standards established by Powell County related to minimum lot sizes, access, storage, screening and other related features.
- 2. Consider favorably light industrial developments such as sand and gravel operations, warehousing, distributing, storage, (including equipment storage yards), manufacturing, processing or treatment of products that do not have a long term detrimental impact to surrounding properties due to odor, dust, smoke, gas, noise or similar elements, providing

said development meets any standards established by Powell County related to minimum lot sizes, access, storage, screening and other related features and further providing that all developments meet the standards prescribed by the State and Federal Statutes related to water, air and soil pollution.

### **Goal No. 3 – Transportation and Traffic**

Develop a transportation plan that will support and accommodate existing and future land uses and that is sensitive to the cost of maintenance.

#### Objectives

- A. Develop a plan that utilizes existing road capacities to serve future development prior to constructing new public roads.
- B. Develop land use patterns that direct the expenditure of public resources for road construction and maintenance to an appropriate level consistent with public safety, adequate traffic circulation and efficient use of land and resources.
- C. Develop design and improvement standards for roads that apply throughout the county, according to the population served and traffic levels.

#### Policies

1. The primary responsibility for development of new roads within all districts shall be those users or properties receiving direct benefit from and/or access to the new road. In cases where the new road system is designed to serve the public, development shall be the obligation of the agency or party initiating the road.
2. Roads constructed to Powell County standards may be offered to Powell County. If accepted and dedicated by Powell County, the county will assume maintenance responsibility for the road. See Powell County Road Standards policy as approved by the Powell County Commissioners.
3. Develop and operate from a Long Range Capital Improvements Plan for new road and bridge construction and major improvements to roads and bridges.

4. Participate with the Department of Transportation in approving State Highway approach permits that accommodate approved land uses and land development.

## **Goal No. 4 – Natural Resources**

Develop a plan that encourages the utilization, conservation, and protection of agricultural land and other natural resources by promoting land use patterns that provide an optimum, long-term economic benefit, while maintaining balance with the social and aesthetic needs of the citizens.

### Objectives

- A. Encourage continued use and protection of agricultural and timberlands capable of producing agricultural and forest products.
- B. Protect non-commercial timberlands in order to maintain forage production and watershed values to enhance the wildlife, scenic, and recreational qualities of Powell County.
- C. Recognize the non-renewable nature of mineral resources and work with mining developers to ensure that planned mining developments do not unduly impair the long-term value of other resources.
- D. Encourage and promote the reclamation and rehabilitation of past and current mining operations through stabilization, revegetation, screening and other appropriate reclamation methods that meet public health and safety requirements.
- E. Encourage protection of fish and wildlife, and its habitat with emphasis on those species that contribute to the economy of Powell County.
- F. Maintain the quality and quantity of surface and ground water for both consumptive and non-consumptive use.
- G. Recognizing that many natural resources are managed under state and federal resource management plans, encourage those proposals that are consistent with the Growth Policy.

## Policies

1. Work with federal and state agencies in developing long-term plans that promote the economic benefits derived from publicly owned lands, while protecting the resources on these lands.
2. Facilitate the establishment of conservation easements to keep privately owned land in an agricultural or other open space use and to keep such land on the county tax rolls provided that the conservation easements have a clear statement of the conservation values to be protected, that any restrictions or controls on land or resource use are limited to those necessary to be clearly supportive of the conservation values, and that the conservation easement is consistent with the goals and objectives of the Powell County Growth Policy. To obtain Planning Board support, the terms of a conservation easement on agricultural or timber land must be reasonably consistent with the agricultural and/or timber purposes of the retained land, and must not inhibit management of the retained interests with restrictions that are not feasible for a ranching or timber operation.
3. Restrict development of lands having severe physical limitations, due to steepness, instability, floodplains, etc., if such limitations cannot be overcome with special engineering designs.
4. Require weed control measures and prompt revegetation of land disturbances associated with land development and land development associated activities.
5. Encourage and support effective noxious weed control measures throughout the county.
6. Limit residential density in areas of unproven water table capacity, and restrict development adjacent to perennial streams and in riparian areas.

## **Goal No. 5 – Public Facilities**

Encourage cost-effective public services and facilities for all existing land uses and ensure that these services will promote and serve orderly growth.

### Objectives

- A. Cooperate with appropriate state agencies to assure that adequate water, solid waste and waste water facilities are available and provided to serve all new developments at a level commensurate with the needs of the development.
- B. Encourage public services, facilities and improvements that are corresponding to the different levels required for the Rural Communities and other districts.
- C. Encourage the location of new development in areas adequately served by fire and police protection services so that existing services may be more fully utilized, thereby avoiding substantially higher costs of establishing new services.
- D. Promote and develop a park system and recreational, cultural and historic facilities to serve all segments of the population within Powell County.

### Policies

- 1. Develop and operate from a long range Capital Improvements Plan that addresses new or expanded fire fighting and law enforcement facilities and other public services commensurate with growth patterns.
- 2. Review new and/or expanded health care facilities to ensure compatibility with surrounding uses.
- 3. Develop and promote a park system that includes recreational and cultural facilities to serve all segments of the county's population.

4. Promote and encourage the reclamation of mining sites for parks, recreational uses, as buffers between uses and as open spaces.
5. Encourage school and educational facility designs to include adequate land area to accommodate off-street parking; future expansions and the flexibility for social, cultural and recreational activities during off-hours.
6. Maintain and preserve facilities of historic interest in accordance with state guidelines for historic places.
7. Give special consideration to retention of public buildings with historic significance. Any remodeling or recycling of uses shall take into consideration the historic values and utilize similar architectural features.

## CHAPTER III – ISSUES, CONCERNS, OPPORTUNITIES AND CONSTRAINTS

### ISSUES AND CONCERNS

#### General

The analysis of data collected during the inventory phase and rural area public meetings highlighted recent trends and community attitudes, and provide insight into development issues and problems that should be addressed in the plan. To some extent, these issues are identified in the goals and objectives included in this report, but more specific needs are discussed in the following sections.

- Housing

Census data for population and housing in Powell County indicates there has been a slight increase from 1990 to 2000, a trend that is expected to continue through 2025, resulting in a population of just over 8,200 people for the county. The rural population is widely distributed throughout Powell County, but is primarily concentrated in the unincorporated rural communities. The preferred areas for future growth, as identified through the public input process, are in the immediate vicinity of these existing communities with provisions for some expansion in other designated areas (see Chapter IV – Land Use Plan). With a total anticipated population increase for the county of 1,060 persons over the 25 year period since the 2000 census, the rural area should account for approximately 50 percent of the growth based on previous numbers. This translates to an apparent need for about 220 housing units. Part of the housing needs for the population forecast during the planning period could conceivably be accommodated on the vacant platted land in the rural communities. It is likely, however that most of the growth will occur in new subdivisions in the fringe areas of these designated rural communities. Renovation of vacant housing units may also account for a small portion of the housing needed during the next 21 years, and there will be some limited development in the agricultural districts. Any unexpected growth in response to unforeseen economic factors or special development proposals may result in new residential subdivisions outside of the preferred areas and could require a review and update to the plan recommendations.

Subdivision proposals must be closely scrutinized for impacts on existing uses and public services that would be required. It is likely that any new development proposed through the subdivision process will be on land in the preferred development areas as discussed in the Land Use Plan chapter. Although it is not the intent of the plan to prohibit all development in other areas, it is preferable that the existing land use in open rural areas be continued, particularly where environmental conditions are unfavorable or a viable agricultural operation will be negatively affected by a change in use.

It could be assumed that the relative demand for single-family, multiple-family and mobile home units will be near the present and past levels shown in the housing section of this report. In that case, future residential use should include space for about 75 percent single-family, 20 percent mobile home and 5 percent multiple-family units.

According to information indicating recent trends, there is a desire for more senior citizen housing and middle income housing. The apparent need for affordable senior housing is supported by census population data showing a high percentage of senior citizens in Powell County, and lower than average per capita personal income. This trend in population composition may indicate the need to increase the multiple family housing share of the market by encouraging the use of housing assistance programs, including Board of Housing loan programs with low income assistance incentives. Programs for low and middle income housing should be promoted by local planning officials, and land use regulations should ensure that adequate area is available for multiple-family, mobile home, and modular housing. Habitat for Humanity housing may be a workable method of supplementing production of high-quality housing for fixed and low income households.

- **Business**

The commercial activities in Powell County are historically very static because of the influence of Helena, Butte and Missoula retail outlets on the local buyers. Consequently, the need for additional commercial services and land in the planning area is dictated in part by the ability of new enterprises to compete with the established neighboring

business community. The local population, particularly in the southern part of the county will continue to depend on improvements and expansion of the local business environment in Deer Lodge to maintain a solid core of local retail services in the area. It is desirable to provide for additional commercial activity within the planning area of the designated rural communities in the county, and to provide commercial opportunities for highway- and tourist-related facilities in other areas subject to standards established by Powell County.

The emphasis should be placed on support for the preservation and enhancement of the existing business district in Deer Lodge as well as improvement of commercial activities in the vicinity of established rural communities of Powell County. Development constraints for new commercial development in Avon, Elliston, Helmville, Garrison, Ovando, Gold Creek and Racetrack include consideration of impacts on agricultural land, sewer and water services, and highway access. These factors will weigh heavily in the ultimate determination of parcels suitable for commercial use.

- **Industry**

The goals, objectives and policies indicate that the future vision for Powell County should include allowances for light industrial development as well as improvement of retail trade opportunities. Because the agricultural and timber industries represent a large share of county income, there is a need to provide adequate land for a continuation of local services for these enterprises. Preference should be given to preserving the existing operations with good access and that do not produce negative long-term impacts. New or expanded industrial uses are envisioned to be resource-oriented uses with required support facilities. They should be ideally sited for connection of existing public services and future public utility extensions. The type of industrial activity allowed should be addressed in land use regulations adopted in accordance with the guidance established in the Growth Policy.

- **Public Services**

The streets and sewer and water systems are affected by expansion occurring within the service area of each system, and the impacts of development proposals on these systems must be considered before proposed development plans are approved. Since there are no community sewer and water systems outside of Deer Lodge, the county is primarily concerned with the process of addressing the needs relating to the road and bridge system and maintaining a high level of service for the population anticipated during the planning period.

The road system in Powell County, as in all Montana counties, is in constant need of maintenance to control the effects of winter weather and poor storm water drainage. Most roads within the county are gravel; there also are some paved sections on arterial routes that fall under the jurisdiction of the county road department. Both paved and gravel roads require constant attention, and many are in need of repair. Working within the limitations of the county budget, it is difficult, if not impossible to address all of these needs on an annual basis. The road and bridge capital improvements program, which is currently under way, is the most effective method of prioritizing these needs and anticipating funding levels that must be provided to maintain and upgrade the system. Because of the costs associated with these kinds of projects, it is likely they will be undertaken in phases, and grant monies will be required to get some of the projects completed. In an effort to minimize additional impacts on the county budget, and in order to ensure a reasonable level of service to county residents, all future subdivisions should be required to meet street surfacing and drainage standards adopted by Powell County. Public service needs and infrastructure planning are addressed in more detail in Chapter V, Implementation.

- **Community Facilities**

Community services providing fire protection, law enforcement, health care, public administration and schools should be considered in the development of the Land Use Plan since obvious shortages or inadequacies in existing facilities could result in the need for additional public land for future expansion. Typically, we must depend on detailed

facility plans developed by the affected public entity (through study committees) to identify facility needs. Although there may be a shortage of some resources required to provide these services in Powell County, there were no urgent needs identified within the limited scope of the growth plan.

Although it does not appear to be practical to initiate improvements at this time, plans for future improvements to the public facilities should be undertaken to identify needs and potential budgeting shortfalls. Capital improvements for the county's public buildings should be scheduled and budgeted within a priority system addressing all capital needs anticipated within the planning period. A detailed Capital Improvements Plan (CIP) would include priorities for funding and improving these facilities.

### **Community Issues and Concerns**

Throughout the course of the Growth Policy update, public meetings were held by the Powell County Planning Board in the rural communities to solicit public comment regarding local issues. Ideas for change presented for additional comment included the following items:

- Define the boundary between Agricultural District 3 and Agricultural District 4 along I-90;
- Potential changes to Agricultural District 4 on the west side of the Deer Lodge valley;
- Consider residential lot size changes in the Upper Gold Creek area.

Comments on land use issues have been primarily centered on changes relating to the need revisions to boundaries and density requirements of the existing Zoning & Development Regulations.

## **OPPORTUNITIES AND CONSTRAINTS**

### **General**

In addition to land ownership patterns, the physical features of the planning area are greatly responsible for determination of the use of the land. Slope, soils and hydrology are the primary factors (in addition to climate) that dictate an area's capability to support agricultural, urban-oriented or other types of land use. In Powell County the mountain landforms, surface water and groundwater characteristics have had a profound influence on the pattern of land use that has developed and will continue to limit the location of growth in the future. The use of the land for agriculture in the fertile valleys also has had a very significant influence in shaping the various communities throughout the county. Information showing the location of large agricultural parcels can be helpful in determination of suitable or likely areas for urban oriented expansion. Lands reserved for open space through the establishment of conservation easements also affect the direction of growth, and the limitations and opportunities created by the agreement can affect future plans for the area under consideration. The following discussion is concerned with limitations or opportunities that exist because of conditions found in general areas throughout Powell County. The information is suitable for planning purposes and should not be construed as a precise description as would be obtained through on-site evaluations for particular projects. It is possible that detailed information could be submitted that demonstrates suitable development conditions on isolated sites within the broad areas described below.

### **Groundwater**

The Powell County planning area covers more than 2,300 square miles and includes ground water conditions that range from water availability only at deep aquifer depth to shallow aquifer supplies in alluvial areas. Generally, the groundwater depth can present a constraint to urban use of the land because of increased costs associated with constructing septic systems to meet current environmental health standards, and also because of the difficulty in constructing stable foundations to support new structures. Groundwater quality is affected by septic tank density and by runoff from agricultural chemicals and mining activities. Data indicates that all of these groundwater conditions occur in various areas of Powell County, indicating that evaluation of groundwater data is a critical step in reviewing the effect of development proposals on the

environment. Some groundwater conditions must be considered through examination of seasonal data to determine the overall effect. Seasonal high groundwater conditions near irrigation ditches severely limit development down gradient from the ditch. The use of irrigation for local hay crops is common within the study area, and evidence points to irrigation losses as one of the major sources of recharge to the shallow aquifer. Since groundwater levels vary significantly throughout the county, site specific conditions should be identified prior to authorization of new development proposals. Groundwater Information Center well data provides valuable information that can be used as an indicator of local groundwater conditions, and more detailed information on water quality is available in established environmentally sensitive areas such as high priority wetlands or special study areas for priority abandoned mine sites. Groundwater data is included in the appendix for reference.

### **Floodplains**

General - Floodplains are particularly sensitive areas in planning for development. Floodplains impose limitations on land uses because of physical characteristics that may not be readily apparent because the frequency of the hazard may occur only once in a hundred years.

This condition often lulls the population into a false sense of security on land near flood-prone lakes and streams, and development may occur in these areas. When a design flood does occur, the damage is extensive and the health hazard and economic chaos is dramatic. The purpose of a floodplain analysis is to regulate the land uses in flood-prone areas and restrict the types of activity to minimize adverse effects when and if a design flood occurs.

Flood Hazard Requirements in Subdivision Regulations - The subdivision regulations, as drafted by the Powell County Planning Board in compliance with the Montana Subdivision and Platting Act, include a section governing floodway provisions. As stated in the document, any land located in the floodway of a flood of 100-year frequency, or land deemed subject to flooding as determined by the governing body, shall not be subdivided for building or residential purposes, or other uses that may increase or aggravate flood hazards to life, health, or welfare. A permit must be obtained for any development in the floodplain based on information demonstrating that flood hazards can be overcome or eliminated by approved construction techniques. If the

proposed subdivision is within a specified distance of a live stream and no official floodway delineation has been made, the subdivider may be required to furnish survey data, and the floodway will then be determined by the Montana Department of Natural Resources and Conservation (DNRC).

Controlling the subdivision of land in flood-prone areas is an effective method of regulating the land use to acceptable uses.

Existing Floodplain - The Powell County planning area is affected by flood incidents due to rapid snow melt in the drainage areas of the county's major streams. Federal Emergency Management Agency (FEMA) maps are available for many areas based on a flood insurance study of the county in 1981. Portions of the study were updated in 1994. A detailed study of the Little Blackfoot River floodplain was also completed by U.S.D.A Soil Conservation Service in 1991 covering the Elliston, Avon, Garrison and Telegraph Creek areas. The Flood Insurance Rate Maps (FIRM) and related information are available at the county floodplain administrator's office in the Powell County Courthouse.

### **Agricultural Land**

Considering the impact of the proportion of land area devoted to agriculture can be an important factor in assessing the potential for future growth, and the distribution by parcel size is a general indicator of an area's propensity to retain existing land use patterns. Although the opportunity for change in use through future subdivision is certainly a possibility, knowledge of the general details of the agricultural parcel helps to provide insight into the impacts of future land use decisions on the industry and community. In some situations environmental conditions and demographic factors such as slope, soils and road access may support the opportunity for maintaining viable agricultural operations. In others, the data may point toward a better use of the land for another purpose.

Agricultural use of the land in Powell County is the predominant form of development in the study area as shown in the land use maps in Chapter I (Figure 5 and Figure 6). The land is spread out in large blocks throughout the central and southern parts of the county. The checkerboard

pattern evident on the maps illustrates the influence of public land holdings and some sections of private timber land. The general location of both irrigated and grazing land illustrated on the maps shows the importance of agriculture in the vicinity of the rural communities, emphasizing the need to consider the effects of taking important farm land out of production in the future. As previously mentioned, parcel size or contiguous parcels under common ownership can be an important reference when considering future plans in an agricultural area. The parcels shown on the land use maps are an indication of the size of the operation as well as the distribution of irrigated and grazing lands. It is important to note that this is a general planning reference only, and additional data should be obtained to evaluate development proposals. This information is based on recent data (May 2004) included in the state CAMA data base available on the Natural Resource Information System (NRIS). Parcel summaries are available on-line through the NRIS site showing ownership, parcel size, agricultural production and other information for each of the parcels shown. This is a valuable tool that can be used for many planning applications in the future to help identify opportunities and constraints for a given proposal.

An additional resource to aid in the identification of farm land that should be preserved is provided by the Natural Resources Conservation Service through classification of prime and important farmland soils. The classification results in a listing of soil map units in the county that are considered prime for use as farm land or of statewide importance. There are 47 soils listed in Powell County, and they have been mapped to show the distribution across both public and private land. The Prime and Important Farmland Soils map with associated map unit names is included for reference in the appendix.

### **Conservation Easements**

A conservation easement is a method of preserving open space values, productive agricultural land, river corridors or similar uses from urban development and activities that would produce adverse environmental impacts. The easement is a non-regulatory means of influencing the location of new development, and has the net effect of protecting the land from encroachment by undesirable land use on a long term basis regardless of any future transfer of ownership.

The location of the easements is shown in the appendix that is kept at the Powell County Planning Department. As shown on the map, most of the easements are located in the north central part of the planning area in the vicinity of Helmville and Ovando. Conservation easements held by the U.S. Fish and Wildlife Service, Montana Land Reliance and The Nature Conservancy are consolidated in close proximity to these communities, as well as some to the north toward Cooper's Lake. There are also some Fish, Wildlife & Parks easements in the Helmville area east of Highway 141, and the Nature Conservancy and Montana Land Reliance in the Gold Creek and Avon areas. This information is based on data provided by the Montana Natural Heritage Program, which listed a total of more than 67,500 acres of conservation easements across the county in May 2003. Of this total, nearly 36,000 acres were controlled through private non-profit entities including the Nature Conservancy and Montana Land Reliance. The U.S. Fish and Wildlife Service listed almost 27,000 acres and State Land totaled almost 5,000 acres. These figures have changed since that time; however, current data is not available at the time of this report.

### **Public Land**

Public ownership of land in Powell County has been a very powerful influence on the pattern and characteristics of land use over history, and will continue to guide development and management decisions in the future. Federal and state agencies administer approximately 1,300 square miles of land in the county, which represents nearly 56 percent of the total land area. The distribution of public land is shown on the Land Ownership Summary map in the appendix and in Figures 4, 5 and 6 in Chapter I of this report. The largest private owner is Plum Creek Timber and The Nature Conservancy, which is also shown on the map. The total acreage in each category is summarized in Table 1-16.

### **Areas of Special Concern**

- Blackfoot River Drainage:

North central Powell County includes a substantial part of the watershed of the Blackfoot River. The river and its tributary area has been the subject of a comprehensive restoration effort since 1990 to improve water quality, damaged landscapes and wildlife habitat.

There are a total of 1.5 million acres in the watershed that extends from the top of the

Continental Divide westward for 132 miles. “The Blackfoot Challenge” organization was formed to “coordinate efforts that will enhance, conserve and protect the natural resources and rural lifestyle of the Blackfoot River Valley for present and future generations.” A diverse steering committee was formed to represent all the interests in the watershed.

According to information published on the U.S. Fish & Wildlife Web site, many restoration projects have already been completed, including restoring wetlands, streams, and riparian areas, developing grazing systems, and implementing other stewardship practices that improve water quality and complement landowners’ agricultural operations. A listing of projects by name of stream and some project description examples have been included in the appendix for reference. More detail and current updates are available through the U.S. Fish & Wildlife Web site.

A map of the Blackfoot Challenge project area is included in Figure 14 showing the location of the project area relative to Powell County. The location of conservation easements in the area is highlighted on the map showing the distribution by name of the easement holder. The map was current through December, 2003. Updates of this data will be made from time to time.

Recent activity involving land exchanges in the Blackfoot Valley was brokered by the Nature Conservancy and Rocky Mountain Elk Foundation for the purchase of 19,883 acres of commercial timber land. The land includes irreplaceable deer and elk winter range and heavily timbered grizzly bear habitat. This was the second of three purchases planned this year by the Blackfoot Challenge designed to protect 53,772 acres of Plum Creek Timber land from subdivision and development. Some of the property will go to state and federal land management agencies, ensuring public access, habitat protection and continued timber cutting. Other parcels will be sold to ranchers with adjoining land provided the buyers agree to keep the land largely undeveloped.

- The Upper Clark Fork Superfund Site:

As discussed in Chapter I of this report, the Clark Fork River cleanup has been a continuing process since its inception in 1983. The Environmental Protection Agency (EPA ) just recently released its final plan for cleaning up mining contamination along a 120 mile stretch of the Clark Fork River that includes all of its length through Powell County. The river is polluted with heavy metals from previous copper mining operations in Butte and Anaconda. Atlantic Richfield Co. will be responsible for completing the cleanup according to the plan.

The plan requires removal of polluted soils from 167 acres along the river, treatment of another 700 acres of soil in place and stabilizing 56 miles of stream bank against erosion to prevent more heavy metals from entering the river. It also establishes a 50-foot riparian area on each side of the river and re-planting streamside vegetation.

The Upper Clark Fork site is shown in Figure 14. Land use restrictions in this area must be consistent with the requirements for protection of the area affected by the cleanup as well as floodplain regulations adopted by the county.

- High Fire Risk Areas:

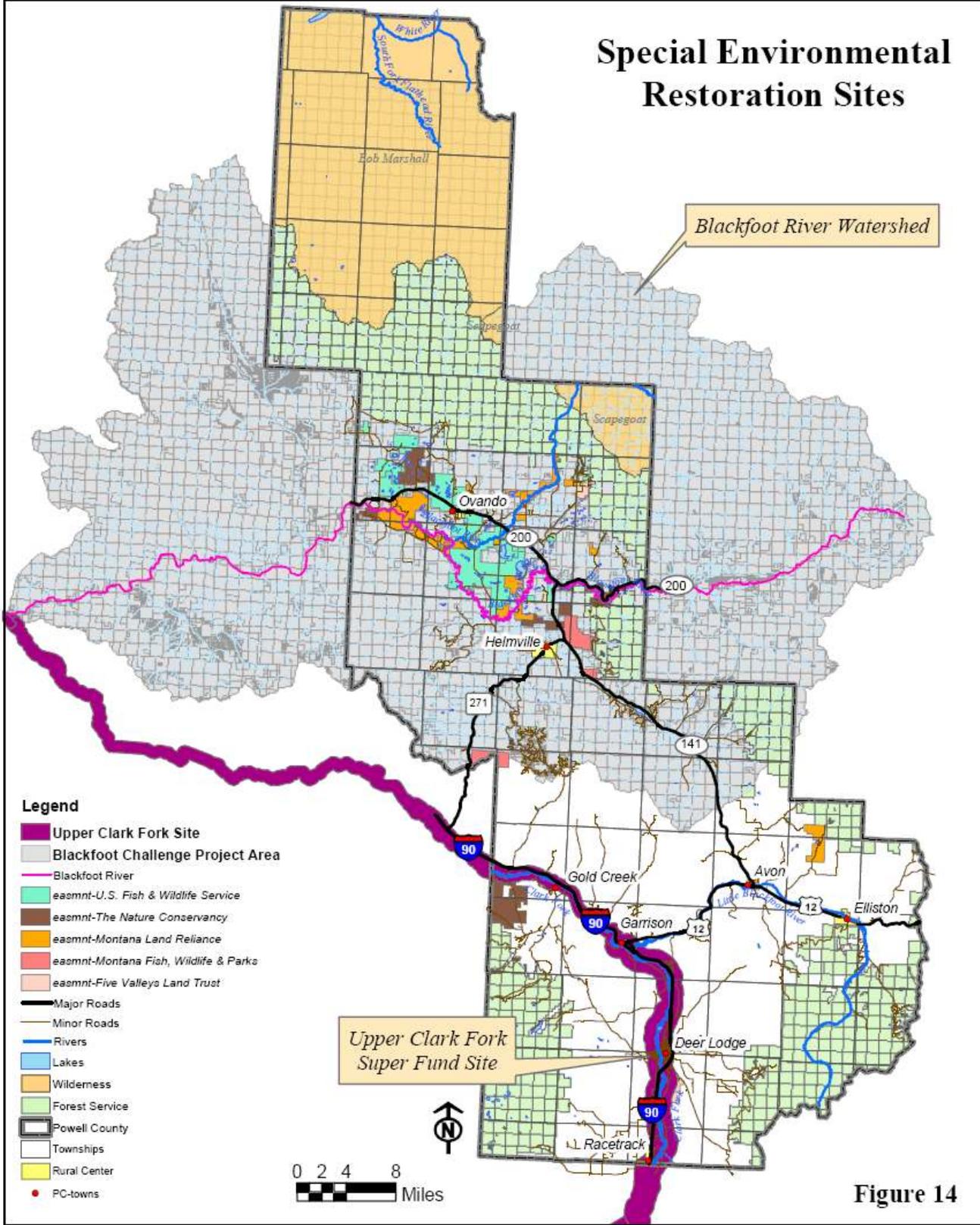
The threat of fire is a major concern in high risk wild land fire interface areas. Fire danger has become increasingly apparent in recent years as drought conditions across the county and state have persisted. Fires frequently occur on land in rural areas near development on existing forested land and on dry grasslands in agricultural areas of the county. The presence of these volatile fuels adjacent to human occupancy highlights the importance of implementing fire protection guidelines and controls to limit new development in high risk areas. Life safety and the cost of providing fire protection are among the primary issues to be addressed in evaluating future development proposals in Powell County. Methods of improving fire safety and reducing risk should include proper access for firefighting equipment with safe turnaround areas and provisions to ensure access to adequate water supplies for firefighting. Identification of high risk areas must be part of

the subdivision review process, and methods of mitigation should be incorporated in compliance with established policies adopted by the county.

Lands most susceptible to wild land fire are those where dry grassland and timberland occur near existing or proposed development. The location of existing private grazing land and timber land, as well as existing structure locations is shown in the appendix as a general indication of fire risk potential throughout Powell County. Structure locations were derived from 2003 addressing system data, and timber, grazing and ownership data is from 2004 CAMA files on NRIS.

# Powell County, Montana

## COMPREHENSIVE PLAN AND GROWTH POLICY



**Wetlands:**

Wetlands are fragile ecosystems sensitive to disruptions in the water table or fluctuations in surface water availability, which are found on the flanks of active waterways or bodies of standing water and are typically referred to as swamps, bogs, marshes or sloughs.

Wetlands are recognized for their role in supporting a wide range of animals, fish, insects and plants. Existing wetlands also are inherently valuable for their ability to treat and filter wastewater and runoff from agricultural operations and can help control detrimental effects from other development including mining and road construction. Many small communities and large livestock feeding operations have created artificial wetlands that function as natural biological sewage treatment areas.

The protection of wetlands in Powell County is a necessary part of implementing a plan that will help to perpetuate the agricultural and rural nature that has been identified as a desirable feature in many areas of the county. Wetlands exist throughout the riparian areas of the county, however only a small portion of them have been identified through special study efforts. Some of the high priority wetlands identified by the Department of Environmental Quality are located on lands conserved as part of the Blackfoot Challenge project in the Blackfoot River corridor and others are located in the southeast part of the county in the Telegraph Creek area. The high priority wetlands currently identified are shown in the following list by latitude and longitude location.

**TABLE 3-1  
POWELL COUNTY  
DEQ HIGH PRIORITY WETLANDS**

<b>Site Code</b>	<b>Site Name</b>	<b>Latitude</b>	<b>Longitude</b>
WET02	Bandy Reservoir	47.08389	-113.23278
WET09	Blackfoot Meadows	46.38333	-112.44722
WET10	Blackfoot WPA	46.96389	-112.97083
WET19	Evans Lake	47.00639	-113.07083
WET32	Kleinschmidt Lake WPA	46.97917	-113.04583
WET34	Lahrity Lake	47.02306	-113.18194
WET35	Lahrity Lake South Wetland	47.02222	-113.1875
WET58	Ontario Creek Headwaters	46.4375	-112.35139
WET59	Ontario Mine Wetland	46.42917	-112.33889
WET66	Telegraph Creek Headwaters	46.44028	-112.35139

## **CHAPTER IV – LAND USE PLAN**

### **THE PLANNING PROCESS**

The Land Use Plan included in this chapter has evolved over the past years following meetings to review data, reports and recommendations prepared by the Planning Board. The background data in Chapter I, and the goals and objectives developed by the county in Chapter II, have been incorporated into the final document along with input obtained at public hearings held by the Planning Board. The Planning Board is the advisory group responsible for recommending action for adoption of the Growth Policy to the Powell County Commission. Following review of the Growth Policy, the Planning Board held a public hearing and subsequently recommended adoption of the Growth Policy.

The plan should provide a framework for the Planning Board and elected officials to make decisions on land use proposals that reflect and coordinate the needs related to public facilities and infrastructure, transportation, housing, land capability and economic development. Powell County is experiencing changes in demand for essential services, and the community has recognized the need to plan carefully to maximize benefits of public expenditures and respond to preferences identified for preservation, growth and improvements. It is the intention of this plan to foster and encourage future development that will cause minimum impacts on the county, protect the major elements of the economy and preserve the rural quality of life enjoyed in Powell County today.

The Growth Policy is a non-binding document developed through a public process that identifies land use issues, and gives direction for dealing with those issues. Regulations, in contrast, carry out the direction and policy of the plan by articulating, in specific language, requirements that govern the use of land. Any land use regulations should conform to the adopted plan. The purpose of this concern is to ensure that land use regulations are drafted and enforced in the context of a broad, carefully considered, public purpose. The plan is the public's expression of a planning vision for the community. Regulations adopted in conformance with a plan are not likely to be arbitrary, as are those adopted in isolation.

## LAND USE PLAN

### General

The Growth Policy illustrates the vision of the future development pattern for Powell County. Based on the goals and policies expressed by the local population and government officials, the plan is an expression of desirable community attributes to be retained in future development proposals. It acknowledges the existing development pattern and infrastructure that have basically targeted or committed certain areas of the county for development, even though they may have some environmental or other constraints. The Growth Policy also reflects the community interest in preserving natural resource values, avoiding environmental degradation, preserving public investments in infrastructure and providing for efficient, cost effective growth in the county.

The following is a discussion of the selected land use classifications for the Powell County Planning Area.

### Vision

Powell County residents recognize that time and economic forces will bring changes. They also recognize that these changes will create great opportunities for some people. Their hope is that these changes will come at a rate that the people are somewhat comfortable with.

This plan has been prepared to guide the change that will come. The basic guiding principle is that Powell County continues to be known as “**a great place to earn a living and build a life.**”

The operative phrases in this vision statement are:

**Great Place** (a piece of geography that has unique character), and **Earn a living** (job opportunities and a healthy economy) and **Build a life** (a sense of community, local and county wide).

## **District Descriptions**

To fulfill that principle the Plan has created a series of Land Use Districts. Following is a description of the districts. Maps depicting the districts are in the Zoning & Development Regulations and in the Planning Department.

- **Semi-Urban District** - A land use district offering a living environment near a full range of urban services. It is now largely agricultural but encourages a wide spectrum of urban activities, including residential, commercial, industrial, recreational, institutional and public uses.

The area is currently defined as the City-County Planning Area. If the inter-local agreement is terminated by the City of Deer Lodge or Powell County, or both, the area shall be managed solely by Powell County. The county's Planning Department and Planning Board will propose amendments of the Powell County Zoning & Development Regulations to provide orderly development of this area consistent with the rights of landowners, neighbors, the general public and good planning principles.

- **Rural Community** - A series of existing land use districts offering a semi-rural living environment with a limited range of urban services. Encourages a restricted range of urban activities including moderately high density residential, commercial and light industrial uses commensurate with the ability to provide necessary services. Institutional, recreational, and light industrial uses are permitted, subject to review for impacts on adjacent properties. Site specific locations for different land uses are not designated.
- **District No. 1** - A land use district adjacent to major travel routes offering a semi-rural living environment with no urban services. Encourages residential development at a moderate density. Commercial activities are generally those defined as "cottage industries." Light industrial and recreational uses may be

permitted subject to review of site location, impacts on surrounding property and availability of services. Agriculture is recognized as an existing use.

- **District No. 2** - A land use district offering a rural living environment with no urban services. Encourages residential development in a rural setting at a moderately low density. Encourages limited agricultural-related uses and allows outdoor or seasonal recreational and related commercial and institutional uses on a case-by-case basis.

Planned unit developments and other innovative concepts should not be allowed. Agriculture is recognized as an existing use.

- **District No. 3** - A land use district that promotes agricultural and timber operations and other related activities. Emphasizes protection of open space, watersheds, grazing lands, wildlife resources, and the agricultural lifestyle and economy of the District's soil and water resources. Encourages outdoor recreational activities including ancillary commercial uses and on-site resource-oriented industrial uses including agricultural and timber operations.

Discourages residential development that is not consistent with agricultural or timber operations but allows rural residential development at a very low density that does not have negative consequences to agricultural and timber operations and other related activities. In order to provide flexibility and allow creativity in subdivision design, planned unit developments and other innovative concepts are encouraged when they are located in areas suitable for development.

- **District No. 4** - A land use district that promotes agricultural and timber operations and other related activities. Emphasizes protection of open spaces, watersheds, soil and water resources, grazing lands, wildlife resources, and the agricultural lifestyle and economy of the District. Encourages outdoor recreational

activities including ancillary commercial uses and on-site resource-oriented industrial uses including agricultural and timber operations.

Accommodates residential development consistent with agricultural or timber operations and permits rural residential development that does not have negative consequences to adjacent agricultural and timber operations and other related activities. Residential housing densities are low. In order to provide flexibility and allow creativity in subdivision design, planned unit developments and other innovative development concepts are encouraged when they are located in areas physically suitable for development.

## **CHAPTER V – IMPLEMENTATION**

### **IMPLEMENTATION MEASURES**

#### **General**

Implementation of this Growth Policy will require a major commitment by the citizens and the government.

The traditional implementation approach has been to adopt some form of regulation system to carry out the direction established by the Growth Policy. Often it has ended there and the Growth Policy (i.e. reasons a regulatory system exists) is forgotten. The above is not intended to diminish the importance of a regulatory system. Rather it is to emphasize that the Growth Policy must be viewed as a living document, and that other approaches are critical to Growth Policy implementation.

Because the planning process addressed both the present and future, other implementation measures such as a Capital Improvements 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 Growth Policy and can be considered a crucial link in the implementation process.

While not all circumstances or changes in technology can be anticipated, this Growth Policy 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 Growth Policy stays in tune with the local economy and desires of the community. As stated in the following chapter, the Growth Policy 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 Growth Policy is effective in achieving its goals and objectives.

Another means of ensuring implementation is the involvement and interaction between local government and 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.

Often negotiation is a valid implementation strategy. However, any negotiation process has to be based on the Goals, Objectives and Policies of the Growth Policy.

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

Private sector incentives are suggested as a means of implementing the Growth Policy. 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 that 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 Powell 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 non-binding document, we must look for a way to provide the

most efficient and practical methods of 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 and development regulations, floodplain regulations and conservation easements.

The rural character of Powell County and the simple yet structured existing development pattern has proven to be compatible with regulations requiring development permits based on the location of uses in different districts within the county. The expression of a continuation of this pattern for future development through the goals and objectives, community meetings and Land Use Plan indicates that revisions to the existing development regulations would be a logical and workable approach to regulating land use in a manner consistent with the direction given in the Growth Policy. This method of regulation and its relationship to the Growth Policy is summarized later in this report.

Powell County currently uses the 2000 version of the Powell County Subdivision Regulations to review subdivision proposals. The county subdivision regulations are being updated to reflect legislative changes, but 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 in accordance with the adopted Growth Policy. It is anticipated that minimal changes will be required to ensure compatibility between the regulations and Growth Policy. All subdivision development proposals in the county 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.

During this 2006 update of the Growth Policy, the Powell County Subdivision Regulations and the Zoning & Development Regulations are being updated. For the first time all three documents are being reviewed together to achieve better consistency and to strive to ensure that the regulatory documents are supported by the Growth Policy.

In implementing those and other regulations, County Commissioners, their appointed boards, agencies and employees shall consider this Growth Policy, public comments, information contained in applications and such other information that is available to them. In acting on applications for Conditional Use Permits or subdivisions, the Planning Board and the County Commissioners shall develop written findings and reasons for their decisions.

Building codes in Powell County are those administered by the Montana Department of Labor and Industry, Building Codes Bureau for controlling the quality and safety of public commercial and industrial buildings, and regulate construction for residential buildings with five or more units. There are no county building codes.

### **Zoning & Development Regulations**

Zoning & Development Regulations support and implement the Growth Policy. The county regulations that have been administered since 1997 designate different types of districts in the county using boundaries compatible with the recommendations of the 1996 Comprehensive Plan allowing for the enactment of different rules and standards to be applied in each district. The updated regulations should follow the same format and include few changes in district descriptions and locations or other changes identified during the county review process. The district map in the regulations is crucial to implementing the goals and objectives of the Growth Policy.

The Powell County Zoning & Development Regulations were adopted pursuant to Sections 76-2-201 through 76-2-228, MCA, and Sections 76-1-101 through 76-6-606, MCA. The basic structure of the regulations is essentially zoning in that standards are set to regulate density, minimize hazards and preserve areas unsuitable for development in various specified districts. The following discussion is an excerpt from the “Handbook on Local Land Use Regulation” indicating the general intent of development regulations. The handbook was published by the Montana Department of Commerce, Local Government Assistance Division.

*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.*

The Powell County Zoning & 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 and impact on neighboring property. The permit system is also tied to a district map and associated descriptions for areas within the county. Specific standards are also set for airport, floodplain and important fish and wildlife areas, planned unit developments and ground water recharge. The existing regulations designate four land use districts with a series of rural communities, each with different permitted uses and residential densities.

In Montana, counties are authorized to enact zoning and development regulations under the County Zoning Enabling Act. 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. The zoning regulations must conform to the policy plan. The 2003 Legislature effectively extended the requirement for meeting all the requirements listed for the growth policy in state statute by including previously adopted comprehensive plans in the definition until October 2006. The Powell County Growth Policy will meet these requirements.

### **Subdivision Regulations**

Powell County is revising the 2000 version of the Powell County Subdivision Regulations in accordance with the 2005 revision of state subdivision law, Title 76, Chapter 3, MCA. The

Planning Board reviews all subdivision applications and makes recommendations to the County Commission for approval, conditional approval or denial. The county has experienced limited subdivision activity within the last decade. There have been several major subdivisions in the vicinity of Deer Lodge and a number of minor subdivisions scattered throughout the county, primarily near the rural communities. Increasing development pressure in the county because of outdoor recreational interests and its appeal as a “bedroom community” for adjacent urban areas has heightened local awareness to the practical need for carefully drafted regulations. The subdivision of land should reflect the intent of planned growth as orchestrated in the Growth Policy.

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. The county will 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 county.

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 agricultural, 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**

Request for exemption from subdivision review will be considered by the Planning Board. The exemptions may not be used to evade subdivision review requirements. Evasion criteria will be in the Powell County Subdivision Regulations. The Planning Board will make this determination, and its decision may be appealed to the County Commissioners.

### **Floodplain Regulations**

Floodplain regulations are currently enforced in Powell County through the local floodplain administrator in the Planning Department. Subdivision design standards contained in the

subdivision regulations will address procedures and requirements for floodplain development review.

### **Pre-Disaster Mitigation Plan Coordination**

Powell County has a Pre-Disaster Mitigation Plan (PDM) in accordance with Federal Emergency Management Agency (FEMA) requirements. The plan will address many items of common concern that are also dealt with in the Growth Policy through the goals, objectives and policies, as well as in the Subdivision Regulations and Zoning & Development Regulations. The PDM covers flood, fire and earthquake hazards, among others. The plan contains an assessment of risks facing the county and possible mitigation measures that could be used.

### **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 has been an important part of protecting land from urban-oriented development in the Blackfoot River drainage near Helmville and Ovando.

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, institutional, industrial and public 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 Powell County to adequately serve the population. 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 programming 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 programming 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. It is an effective management tool. By preparing and following a CIP, local officials are able to make objective and informed decisions. Capital improvements programming 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 programming, 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 affect 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;
3. Potential and recommended funding sources to pay for each project; and
4. A rough time schedule for each project.

Powell County has adopted a CIP, has identified priorities, and is working toward funding and construction of a number of capital improvements. Many of the improvements shown in the bridge plan section of the CIP are considered to be high priority items, and some have already been funded.

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 is a tremendous help in addressing the road system needs. The county is currently in the process of preparing a CIP for the roads.

There is a continued demand for improvements, particularly with regard to the road system, storm drainage and pedestrian/bicycle facilities.

The community input for the goals, objectives and policies of the Growth Policy have identified county road and bridge maintenance, weed control, recreational facilities improvements, and preservation and enhancement of historic properties as important priorities in the county infrastructure. Specific projects addressing these items have been or will be added to the list of improvements in the CIP.

The projects listed in the improvement schedules of the bridge Evaluation and Capital Improvements Plan and the Powell County Road System Capital Improvements Plan (FY 2005) should be completed according to the priority schedules 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 will be completed to identify costs and possible funding sources. Items to be considered in a CIP for Powell County include:

- Historic Preservation
- Weed Control
- Miscellaneous
  - Pedestrian/bike path construction
  - Fire districts facilities
  - Park improvements
  - New county shop in north Powell County area

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

### **Implementation Strategy**

The Growth Policy is an advisory document only and essentially lays the foundation for adoption of implementation measures. Powell County uses subdivision regulations to help guide new development in the county in accordance with the adopted Growth Policy. Effective use of Zoning & Development Regulations is an implementation tool used by the county. 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, below.

## Implementation Schedule

The following schedule provides guidance for the Planning Board and County Commissioners to implement the objectives and to measure the progress and success of the Growth Policy. The implementation schedule will be useful to the commissioners 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. Develop and implement the CIPs for County Bridges and County Roads	Road Department Planning Department	Ongoing
2. Encourage long term water quality monitoring of ground and surface waters	County Commissioners	Ongoing
3. Sponsor public information meetings on Superfund activities	Planning Department	Ongoing
4. Amend Zoning & Development Regulations to support Implementation of the Growth Policy	Planning Board	October 2006
5. Amend existing Subdivision Regulations	Planning Board	October 2006
6. Develop GIS capacity for analysis of proposed projects	County Commissioners Planning Department	December 2006
7. Review Floodplain Regulations and possibly propose changes	Planning Board	March 2007
8. Develop solid waste regulations for Rural Communities	Health Board Planning Board	June 2007
9. Develop computer capability for monitoring and record keeping	Planning Department	June 2007
10. Update the Pre-Disaster Mitigation Plan	DES Coordinator Planning Department	December 2007
11. Investigate upgrading of Rural Fire Districts to a Class 9 level	DES Coordinator Planning Department	December 2007
12. Designate Important Fish and Wildlife Habitat	Planning Department State Agencies	December 2010

## **PLANNING COORDINATION**

Development proposals in Powell County and the City of Deer Lodge are reviewed by the county planner since he serves in the capacity of planning staff for both 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 city and county officials as well as school district personnel. The City of Deer Lodge must be allowed to comment on proposed subdivisions within 1 mile of its corporate boundary pursuant to Section 76-3-601, MCA, and through its advisory authority outside the city within the city-county planning board jurisdictional area. The city-county subdivision regulations may include a requirement for delivery of the appropriate number of copies to the City of Deer Lodge at the beginning of the subdivision review process. Affected agencies will then be informed of the nature and extent of the proposal and the timeline for comment. County agencies to receive a notification include the County Floodplain Administrator, County Sanitarian, County Road Department, School Superintendent and Weed District Supervisor. Other interested public entities will also be notified. The county also typically coordinates and cooperates with Deer Lodge on other matters of common interest, including the airport, disaster and emergency services, fire protection and law enforcement.

Review of development proposals by both the Deer Lodge City-Powell County Planning Board and the Powell County Planning Board and staff for subdivisions within 1 mile of the city would promote a mutual awareness and cooperation in planning efforts of the city and county jurisdictions. By including distribution of subdivision proposal documents to affected city and state agencies for review and comment, Powell County promotes a coordinated planning effort. Powell County representatives on the Deer Lodge City-Powell County 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 regarding subdivisions in this area of Powell County will tie in with policies in the Growth Policy and will be made with due consideration of concerns and comments of the city 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 Powell 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:
  - "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 that provide water for agricultural land as defined in 15-7-202, MCA, or that provide water for the production of agricultural products as defined in 15-1-101, MCA including, but not limited to, ditches, pipes and head gates.
- Local Services: Any and all services or facilities that local government entities are authorized to provide.

- **Natural Environment:** The physical conditions that exist within a given area, including land, air, water, mineral, flora, fauna, noise, and objects of historic or aesthetic significance.
- **Wildlife:** Living things that 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 people.

The decision on whether to approve, 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, five-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 farm land and land necessary to sustain the farming operation will also be considered.
- **Agricultural Water User Facilities:** Ditch easements, pipe line easements, head gates 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, fire, earthquake and flood hazards.

## **PUBLIC HEARING PROCEDURE**

Public hearings on proposed subdivisions are conducted by the Powell County Planning Board according to the following procedures:

1. Announce the subject and purpose of the hearing: "We are here to hold a public hearing on \_\_\_\_\_ . The purpose of this hearing is to receive public comment on the proposal."
2. Determine the proper notice of this hearing has been provided. "The hearing notice was published in the Silver State Post on \_\_\_\_\_."
3. Ask if any board member wishes to declare conflict of interest in this matter. If so, excuse that member, if not, announce that all board members will participate in the hearing.
4. Ask the Planning Department to present its report on this matter.
5. Ask if the board has questions for the purpose of clarifying the location and nature of the proposal.
6. Ask the proponent or their representative or agent ( \_\_\_\_\_ ) to give their statement. (Board members may ask questions following this statement. All questions and replies shall be directed through the presiding officer).
7. Announce that the public hearing is now open. Ask if there are any petitions or other data to be presented to the board. Next, open the floor and ask for statements from the public by saying: "Please state your name and address before making your statement. I assure you that everyone will have an opportunity to speak, so please do not interrupt those speaking." (Board members may ask questions of those making statements).
8. When all have had an opportunity to testify, ask if anyone would like to speak in rebuttal to any statement or to clarify their statement. New statements or the introduction of new evidence will not be permitted at this time. Questions from board members may follow each rebuttal or clarification.
9. Declare the public hearing closed. Call for a motion and discussion by the board. Discussion leads to action on the matter being considered.

## **REVIEW AND AMENDMENT**

### **Review**

This Growth Policy reflects an approximate 20-year horizon date. Such a time period represents a workable time frame that 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 Growth Policy will be reviewed on an annual basis as part of the Planning Board's annual meeting.

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

### **Amendment**

The Growth Policy 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 or 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 County Commissioners for their approval.