

Education

Background:

Approximately 36% of Big Horn County's population is less than 20 years of age. The county has one of the highest school drop-out rates in Montana. Lack of employment and underemployment are linked to education and poverty.

Goal 3: Big Horn County's youth are educated.

Goal 3: Objectives:

- a. Reduce school drop-out rate for students in grades 6-12 in Big Horn County.
- b. More young adults residing in Big Horn County are employed.

Goal 3: Implementation Strategies:	Timetable
a. County Commissioners take an active role in promoting education and encouraging students to stay in school.	Within 1 year; then ongoing
b. Provide grant-writing assistance where possible.	Ongoing
c. County Commission to assist schools in identifying and prioritizing what infrastructure improvements or changes may be needed for schools.	Within 3 years

Housing

Background:

Housing condition has been an issue in Big Horn County for decades. More than half of the county's housing stock is in rough shape, some barely habitable.

Goal 4: Big Horn County's housing condition is improved.

Goal 4: Objectives:

- a. Repair and renovate existing housing where possible.
- b. Demolition and rebuild housing that is beyond repair.
- c. New housing stock is affordable for the workforce and built to last.
- d. More affordable housing options for seniors in Big Horn County.

Goal 4: Implementation Strategies:	Timetable
a. County Commissioners take an active role in promoting housing improvements and senior housing, and initiate steps for a county-wide housing needs assessment and planning for improvements.	Within 1 year; then ongoing
b. Provide grant-writing assistance where possible.	Ongoing
c. Provide links on county web-site to housing information and assistance.	Within 2 years

Land Use

Background:

Big Horn County’s subdivision regulations need updating to comply with provisions of state law, as changes have been made to the law since 2006. The sanitation regulations also need an update, and local provisions for the review of parcels 20-160 acres, which are exempted from DEQ review but are required to be reviewed locally. The floodplain regulations also need an update, but this is a lesser priority because the county follows provisions of state law when reviewing development in the floodplain. When updating the floodplain regulations, the county should consider impacts of new development in flood-prone areas, as described in this growth policy and the 2013 Pre-Disaster Mitigation Plan.

Gravel operations, wind farms, and cell towers came up several times in the course of planning board discussion as they prepared this growth policy. Work camps might be needed for housing workers on major construction projects, such as coal mine expansion or the water distribution system (per the Crow Tribe Water Rights Settlement and Compact). The need to provide mechanisms to reduce conflicts between gravel operations, wind farms, cell towers, work camps and other existing uses is a future possibility.

Issues of gravel pits for nearby residents include noise, light pollution (if working at night), dust, heavy truck traffic, etc. that reduce property values and increase risk to health and safety. Wind farms can also affect nearby residential property values by affecting surrounding scenic quality and noise. They also affect wildlife populations, particularly birds. Cell towers create visual issues. Gravel operations, wind farms, and cell towers have all been the subject of conflict and litigation between developers and nearby landowners in Montana and other parts of the country. Work camps increase traffic on the roads, noise and light for nearby neighbors. The

ability to regulate these uses is limited by a number of state and/or federal laws that protect the rights of the developer. Local regulations must comply with state and federal laws. Local regulations cannot generally ban the development of gravel operations, wind farms, and cell towers in a jurisdiction, but they can establish guidelines for how they may be developed. Local regulations can also be developed to manage the effects of work camps. In order to establish guidelines under local regulations, however, state law requires that the growth policy set the framework. Including a strategy in the growth policy for this purpose does not create defacto regulation (the growth policy is entirely non-regulatory, a requirement of state law). Nor does including a strategy in the growth policy require the county to establish new regulations. If regulations were adopted, the authority would be that under 76-3-201, MCA, et.seq,. It is suggested that the regulations could be county-wide as conditional use permits, setting parameters for how development is to occur. An example is the ordinance passed by Richland County to address work-camps. The ordinance was developed as a template by the Montana Department of Commerce – Community Technical Assistance Program.

**GOAL 5:
Big Horn County has the means to provide for compatibility of land uses with consideration of public health and safety, provision of adequate infrastructure, and character of surrounding area.**

Goal 5: Objectives:

- a. Big Horn County has the regulations that are required by state law (e.g., subdivision, sanitation, and floodplain) and these regulations conform to law.
- b. If the need arises, Big Horn County has the ability to adopt regulations for gravel operations, windfarms, cell towers and work-camps.
- c. Any new regulation will include public review prior to adoption.

Goal 5: Implementation Strategies:	Timetable
a. Update Big Horn County subdivision, sanitation, and floodplain regulations, beginning with subdivision regulations.	Initiate within 1 year
b. Incorporate the provisions of this growth policy regarding subdivisions (as included below) into the subdivision regulations.	Within 1 year
c. As need arises, Big Horn County to consider new regulations for gravel operations, wind farms, cell towers, and work-camps. Process for adopting the regulations would include public review per requirements of state law under 76-3-201, MCA, et. seq.	As needed
d. Any new regulation will include public review prior to adoption.	Ongoing policy

4.4 SUBDIVISION REGULATIONS

Subdivision Review Criteria

Criteria Definition

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

Agriculture: The use of the land for grazing and cropping to produce food, feed, and fiber commodities. Examples may include: cultivation and tillage of the soil; dairying; growing and harvesting of agricultural or horticultural commodities; and the raising of livestock, bees, fur-bearing animals, or poultry.

Agricultural water user facilities: Facilities that provide water or drainage for the production of agricultural products on agricultural land including, but not limited to ditches, canals, pipes, head gates,



Photo: Library of Congress, Roundup in Big Horn County circa 1940,

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

Local services: Any and all services or facilities local government is authorized to provide, such as water supply, sewage disposal, law enforcement, fire protection, ambulance services, transportation system, and educational system.

Natural environment:

Existing physical conditions relating to land, water, air, plant and animal life of an area and the interrelationship of those elements, such as soils, geology, topography, vegetation, surface water,

ground water, aquifers, drainage patterns, recharge areas, climate, floodplains, noise, scenic resources, and objects of historic, prehistoric, cultural, or aesthetic significance.

Wildlife: Animals (e.g. mammals, birds, reptiles, fish), that are neither human nor domesticated, existing in their natural environment.

Wildlife habitat: Geographic areas containing physical or biological features essential to wildlife for breeding, rearing, nesting, and/or winter feeding and forage; and/or essential to the conservation of listed endangered and threatened species under the Endangered Species Act.

Public health and safety: A condition of well-being, reasonably free from danger, risk, or injury for a community at large, or for all people, not merely for the welfare of a specific individual or a small class of persons.

Review Criteria

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

Effect on agriculture

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

Effect on agricultural water user facilities

- Location and proximity to agricultural water user facilities