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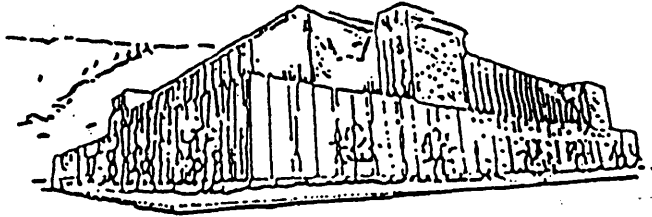
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COMPREHENSIVE PLANNING IN MISSOULA COUNTY, MONTANA

How It Can Help Local Communities

By

Ronald J. Ewart

B.A., Geography, The University of Montana, 1984

Presented in partial fulfillment  
of the requirements for the degree of  
Master of Science

Rural, Town, and Regional Planning

The University of Montana

1997

Approved by:

  
Chairman, Board of Examiners

  
Dean, Graduate School

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## PREFACE

I wanted to write a professional paper addressing one of Missoula County's most pervasive planning problems. Today, much emphasis is placed on comprehensive planning in the urban areas while rural areas of the county are given relatively little consideration. Comprehensive planning efforts in small towns and rural communities need to be initiated and followed through by the people who live there, although some assistance may (and should) be available from the county government.

It is intended that this paper will serve as an educational primer to help people who are not familiar with state and local land use regulations to conceptualize the need for and the meaning of a comprehensive plan, and the process by which one may be created. I encourage the use of this paper by all those interested in planning the future of their communities.

## ACKNOWLEDGEMENTS

I am grateful for the assistance willingly provided to this project and critical review of the manuscript by my committee members, Dr. John Donahue, Dr. Evan Denny, and Dr. Paul Miller. I wish to extend special gratitude to my primary advisor, Dr. John Donahue, for his assistance and patience during this lengthy project; he truly went the extra mile for me.

I would like to thank the many people who provided me with information and resources to include those of the Missoula Office of Planning and Grants, the Montana Department of Commerce Technical Assistance Program, and various citizens from around Missoula County who related to me their experiences in comprehensive planning. I am very grateful to the good people of the Ninemile Valley who warmly allowed me to participate in their comprehensive planning process.

I wish to thank my wife, Marjie, who patiently waited while I studied and who once proclaimed to me that "The day you finish your paper will be the happiest day of my life."

Finally, I would like to express my gratitude to my dad, who passed away in June, 1995. He was my inspiration for this and other accomplishments throughout my lifetime.

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## CHAPTER I

### A BACKGROUND ON COMPREHENSIVE PLANNING

#### PART I: INTRODUCTION

##### Subject and Purpose of Paper

The purpose of this paper is to provide information for citizens of small towns and rural areas of Missoula County, Montana, to assist them in developing a comprehensive plan for their communities to be submitted to the Missoula Board of County Commissioners for review and approval. A case study of the Ninemile Valley comprehensive planning process is provided to exemplify the procedure. A general guideline is furnished that provides common components and development processes of the comprehensive plan. This information may be of benefit for other communities to follow in creating their own plan.

The development of a comprehensive plan requires of all persons involved a high level of awareness, understanding, and communication about land use matters. Information regarding comprehensive plans, land use regulations, and the land use planning and development process in Missoula County, in light of state statutory provisions, is presented in this paper. Objectives of comprehensive planning are to insure that plans are legal in all respects and that the process accommodates consensus-based planning and plan development through community-wide involvement and participation.

## The Need for Community-Based Comprehensive Planning

Many rural areas of Missoula County lack a contemporary plan for helping people decide where growth and development should or should not occur. There is no current set of rules or guidelines to help direct future planning for these areas. Comprehensive plans in place around the county are commonly antiquated or overly general in nature and fail to provide clear direction for the future.

Existing plans recommend development or high housing densities in some areas often unsuited to carry such numbers and, conversely, plans often recommend development densities far below actual carrying levels. Plans need to be informative, up-to-date, and must embody the values of the area residents. Citizens need information about planning their community: what land use regulations are in effect for Missoula County, what a comprehensive plan means, how reviews of land use proposals are conducted in light of a plan, and how a new plan can better serve the community.

In unzoned areas of Missoula County, which comprise over 90% of the land outside the urban area (see Appendix, Figure 1), the only official land use planning guide is the comprehensive plan. At this time, most of the land in Missoula County, or that outside the Missoula urban area and the Seeley-Swan area, is still covered by the 1975 Missoula County Comprehensive Plan (see Appendix, Figure 2).

Although the 1975 County Plan may have been well-intentioned when written and adopted, today it is outdated and lacks critical current information. It is very general and quite vague about many land use issues, having been written with little public involvement relative to the population and large size of Missoula County. When a plan is written by and for a small community, however, it has more site-specific information and it more accurately identifies the values and goals of area residents. The more detailed, community-supported, and comprehensive a plan is, the more effectively the plan will serve the community.

## PART II: WHAT IS A COMPREHENSIVE PLAN?

### Definitions of the Comprehensive Plan

A comprehensive plan is also termed an area plan, master plan, or general plan. "Comprehensive" means inclusive and all-encompassing; a community's comprehensive plan, then, takes in all aspects of the community. The term comprehensive plan is preferred for this paper as it is more commonly used in Missoula County. The planning chapter of the state statutes refers to this kind of plan as a master plan, while the open space chapter of the statutes defines it as a comprehensive plan. In Missoula County, the term master plan typically refers to the long-range use goals of a particular parcel of land while a comprehensive plan refers to a plan for a larger area, such as a community's region or even the entire county.

The comprehensive plan is an official planning document stating the community's values and its vision for the future. The plan is complete with objectives and action strategies to achieve identified goals. It describes social, economic, and physical components of the cultural and physical environment. This type of information can be illustrated through the use of maps, charts, or other graphic references. The stated goals and concepts represent, as best possible, the will of the majority of area residents because the plan is written primarily through cooperative citizen involvement.

A comprehensive plan is not a regulation. It is a document containing an informative study of the area with flexible policy guidelines that provide a community with references for how development and other kinds of change can best be accommodated now and in the future. Much of the information can be derived from scholarly studies written specifically about the area and from published sources that provide general but sound planning techniques. Census data can also be a valuable resource in gathering information about the area's people.

The comprehensive plan provides landowners as well as advisory and elected officials with a rational basis for making informed land use decisions. It is a guide rather than a law, and it should always be viewed in that context. Zoning and building permit regulations may then follow and implement ideals embodied within the plan, if such measures are desired.

There are various published definitions of a comprehensive plan, some of which are reprinted verbatim in Appendix, Reference 1. They indicate that not a single definition can adequately describe what a comprehensive plan means for every kind of place. Residents of urban areas, for example, certainly have different goals and visions for the future of their neighborhoods than do residents of rural environments. The components of the plan, therefore, depend upon the type of area and the goals of the area residents.

### Components of the Comprehensive Plan

#### Contents and Objectives

The content of a comprehensive plan is both descriptive and visionary by nature. It is accompanied by reference materials, maps, and graphics. Beyond identification of the goals, values, and vision of a community, the plan should include an inventory of physical resources as well as information about the area's social and economic fabric. In order to plan for the future, the community's past and present need to be understood through historical records and the exposition of current conditions.

The comprehensive plan should identify area resources and assets, as well as acknowledge problems and present potential solutions. The aim is to chart a course for the future by involving as many community members as possible and mobilizing their talents and skills. Features and characteristics which

make a place special to residents are preserved through this kind of community-based comprehensive planning while the quality of life and the natural environment are protected.

The plan should address the future in long-range terms, but look to solve immediate problems and reach short-term objectives as well. Comprehensive planning needs to look into the future some ten to twenty years, but plans should be continually reviewed and updated at least once every five years.<sup>1</sup> When an existing plan is revised, the result may be termed an amendment or an update to the existing plan, but in practice it is a new plan.

Section 76-1-606, MCA, (Montana Code Annotated, our state statues) suggests potential topics to be covered in a plan, but these are not requirements. Further, the list of topics fails to include elements unique to the needs of a particular area. Besides addressing common topics, a community should confront special issues in light of its own values and goals.

#### Commonly Included Topics and Elements

Keeping in mind that plans will differ from one community to another, common topics and elements normally included are 1) an introductory section, 2) an area study about the human and physical environment, 3) design guidelines, 4) growth management themes, 5) the recommended land use designation

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<sup>1</sup>Daniels, Thomas L., The Small Town Planning Handbook, 2d ed. (Chicago, IL: Planners Press, 1993), 11-12.

map, and 6) goals, objectives, and strategies. The order, organization, and format of the plan and its topics can vary. Following is a basic outline that can be used in developing a comprehensive plan:<sup>2</sup>

**1) INTRODUCTION**

Provide a history of the plan, prior plans or planning efforts; need for the plan; the planning process; broad community goals.

**2) AREA STUDY**

**A) THE HUMAN ENVIRONMENT**

**History-** What information is known about the early settlement of the planning area, events, and economic activity? What historical phenomenon are present today? What makes this area historically unique?

**Population, culture, settlement patterns, and demographics-** Who lives, works, or owns land in the planning area and why are they there? What cultural facilities are present? How are people dispersed? What is the social strata of the populace?

**Housing-** What is the housing stock of the planning area, i.e. numbers of single family site-built homes, mobile homes, multifamily homes, and general conditions? Where are homes located and in what densities?

**Economy-** What economic activities take place in the planning area; what is produced, exported, and consumed? Where do the people work? Where are commercial or industrial facilities located? Are home-based occupations an important sector of the economy? (In rural areas, resource-based economic factors such as agriculture, timber, mining, and recreation may be of significance.)

**Community services, facilities, and infrastructure-** What is the status of the area transportation system, i.e. the location, condition, and maintenance of paved and graveled, public and private roadways? Where are schools, churches, and medical, fire, and law enforcement facilities located? Where are applicable district boundaries located? Which homes and businesses are on

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<sup>2</sup>Based upon an informal circular by the Missoula Office of Planning and Grants.

wells and septic, and which are on municipal or multi-family water and sewer systems? Where are utilities located and who are the service providers? Where are parks and trails located and who owns and maintains them?

**Land use-** What is the existing pattern of how the land is used today? What is the ownership pattern of the land (private, public, corporate), and in what acreages?

## B) THE NATURAL ENVIRONMENT

**Geology-** According to published scholarly sources, how did the area develop over geologic time and what were the major geologic events? What does the bedrock and other earthen layers consist of? Are there fault lines, igneous activity, or other areas of geologic concern?

**Physiography and landforms-** What is the general physiography of the area and what kinds of landforms are located where? What geologic events caused them? What is the topography like, i.e. degree of slope and solar aspect? What and where are landscape types or biogeographic zones, i.e. mountain slopes, foothills, lacustrine and alluvial terraces, and floodplains?

**Soils-** What types of soils are found where? What is the USDA soils classification of the area and what are the limitations of the soils as presented in the classification? What is the soil substrata?

**Water resources-** What, generally, is the quantity, quality, and location of surface and ground water resources? What is the watershed pattern? Where are riparian and floodplain areas? Where are known aquifers located? What information is available from existing wells, i.e. depth to groundwater, pumping rates, and chemical levels?

**Vegetation-** What types of vegetation are generally present in the planning area and where are they typically located? Are there any species of special concern?

**Wildlife and fish-** What kinds of wildlife are known to frequent or live in the planning area and where can they be expected to be found? What are their movement patterns during certain times of the year? Which areas are known critical habitat or movement corridors? Which lakes or streams contain fish and other aquatic life? Are there any species of special concern?

Note: Maps and diagrams depicting the above information should be included in the plan.



It is important that the information is gathered and presented in an objective manner. The use of scientific publications or solicited studies from specialized professionals is helpful in this regard. The knowledge of area residents provides readily usable information. Partly through an analysis of this information, the plan's objectives, strategies, and recommendations are later determined.

### **3) DESIGN GUIDELINES**

The Missoula Office of Planning and Grants (OPG) is currently developing design guidelines for rural and urban comprehensive plans. For rural areas, some of the most important considerations involve the preservation of rural qualities, wildlife habitats, and natural environments.

Strategies to preserve ruralness in the face of increasing growth pressures include proper building site selection to minimize visual impacts and topographic disturbance. Site clustering helps provide aggregate open space that may be of agricultural or scenic value. Areas of important wildlife habitat and wildlife travel corridors can be set aside to lessen potential adverse effects. Development should proceed only with thoughtful consideration of the natural topography, vegetation, riparian areas, hillsides, and other fragile or sensitive environments.

There are many publications and studies available today that provide examples and direction for responsible land development and conservation. Some of these sources are listed

in the bibliography. Many of their concepts and guidelines can be included in the comprehensive plan for educational purposes.

#### **4) GROWTH MANAGEMENT THEMES**

The Missoula City/County Growth Management Task Force consists of the three County Commissioners, three of the twelve City Council members, the Mayor of Missoula, a Planning Board member, a Chamber of Commerce representative, and a Neighborhood Network representative. This group, with assistance from the planning staff, a review committee, stakeholders (citizen representatives), and others, have been working diligently for the past few years on important planning issues of Missoula and Missoula County. One of its current tasks is to amend the 1990 Missoula Urban Comprehensive Plan. The Planning for Growth in Missoula County Themes Document, adopted by the task force in September, 1994 and revised in February, 1996, is a 13-page statement of planning policy. Its themes will be incorporated into the Missoula Urban Comprehensive Plan Amendment.

The document contains the guiding principles of planning for Missoula County. Its broad goals are the protection and enhancement of natural and human resources throughout the county. It identifies objectives by which to achieve these goals and provides ten "theme elements and priority planning tools", one of which is "comprehensive regional community, or neighborhood plans". The task force recognizes that community

comprehensive planning is a vehicle for reaching planning goals. The document recommends these themes be incorporated into all community comprehensive plans.<sup>3</sup>

#### **5) THE RECOMMENDED LAND USE DESIGNATION MAP**

An important element of the plan should be an "official" map showing recommended or desired land use type designations for specific areas. These designations are to be supported by data and information gathered during the inventory compilation and analysis stage. They should also be supported by at least a majority of the landowners within an area recommended to carry a certain land use type or development density. Community-wide goals, in conjunction with a land capability analysis based on the area study, provide guidance in identifying where land use types are appropriate and at what intensity.

The land use designation map will help people make informed decisions about proposals involving matters such as land use, subdivision activity, and infrastructure placement. Not all comprehensive plans include land use maps, although such maps help to implement land use goals and summarize plan contents.

The land use map can be difficult to develop because it takes much time and discussion; this may well become the most

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<sup>3</sup>Missoula, Montana City-County Growth Management Task Force, Planning for Growth in Missoula County: A Working Document, (Missoula, MT: Missoula Office of Planning and Grants, 1995), Themes Document.

controversial portion of the plan. Area residents are often sensitive to what designation certain lands may receive, although the designation is, theoretically, only a guideline. In practice, though, people may interpret the recommended land use map designations as absolute when making decisions.

Delineations on maps of different land use categories in the comprehensive plan are supposed to serve only as graphic locational references or general guides for development of a community. For example, the following is the purpose statement on the land use designation map of the 1990 Missoula Urban Comprehensive Plan:

"This Land Use Map is a visual representation of the goals included in the text of the Missoula Urban Comprehensive Plan. While the map and the goals that it represents are intended to be the foundation for land use regulatory action, it is not a zoning map. The designation boundaries on the map are approximate; any policy decisions based on the designations should consider site-specific conditions and other pertinent documents."

In contrast, all parcels of land shown on a zoning map must strictly adhere to the zoning provisions unless a variance is granted by a Board of Adjustment. However, once a land use designation is adopted as part of a comprehensive plan, it is unknown as to how closely land use decision-makers will consider the designation when evaluating future land use proposals. Practice has shown that there is no tangible consistency as to whether land use projects are required to strictly conform to the map designations, although it is usually a major consideration.

The land use designation map is an important component of a comprehensive plan because it depicts a community's intentions for the future with a clear, graphic definition of how growth should be guided.<sup>4</sup> As stated, creation of the land use designation map can be politically divisive and time-consuming. In the event this map appears to be a major obstacle to the timely development of a much-needed comprehensive plan, it can be left out for the time being and perhaps generated with the next plan update.

#### **6) GOALS, OBJECTIVES, AND STRATEGIES**

The formats of comprehensive plans can vary, but a uniform system of terminology should prevail. Common practice categorizes the community's aims into three basic levels: 1) goals, 2) objectives, and 3) strategies (also called action/implementation strategies, policies, or recommendations.) Definitions of these terms are as follow:<sup>5</sup>

·A goal is a general statement of a future condition which is considered desirable for the community; it is an end toward which actions are aimed.

·An objective is a statement of a measurable activity to be accomplished in pursuit of a goal; it refers to some specific aspiration which is reasonably attainable.

·A strategy is a specific proposal to do something that relates directly to accomplishing the objective; it identifies the how, where, and amount to be done.

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<sup>4</sup> Ford, Kristina et al, Planning Small Town America, p. 15.

<sup>5</sup>Chandler, Michael, "Developing the Comprehensive Plan", Planning Commissioner's Journal, No.10, May/June 1993, p. 16. Burlington, VT: Champlain Planning Press.

General goals can be established based on community attitudes and surveys at the start of the comprehensive planning process. This helps to generate interest and to provide a direction for the process. Objectives and strategies should be tied not only to these goals but also to the current, unbiased information obtained in the area study process.

### PART III: THE PROCESS OF COMPREHENSIVE PLAN DEVELOPMENT

#### Citizen Participation in Comprehensive Planning

Development of a comprehensive plan is an enduring process. Broad-based citizen support of the plan is necessary from its inception through its formulation and during its review and approval. After adoption by the governing body, a continued high level of community support is needed as the plan is implemented. This support must remain firm because the plan is to be constantly reevaluated and periodically updated.

When creating a community comprehensive plan for rural areas of the county, it should be recognized that the bulk of the work and support may have to come from the local populace. A "core group" of volunteers, whether they comprise a community council, citizen advisory committee, homeowner or neighborhood association, or just concerned citizens must take the lead in creating the plan.

The first step is to ask the County<sup>6</sup> for information and assistance and to define the boundaries of the area covering the community plan. County personnel must be involved because they have expertise to lend in the proper development of a legal, useful comprehensive plan. They are able to organize and mediate public planning discussions and explain the planning process. Montana state law makes clear that local units of government must work to improve the health, safety, and welfare of their citizens and to plan for the future development of their communities.<sup>7</sup>

Community-wide notification of the planning process and the participation of as many people as possible are of key importance. Attempts should be made to inform, include, and involve everyone. Methods to organize people and provide information include use of mailings to all households and landowners, use of a community newsletter, signs along the road, flyers placed on bulletin boards or in other conspicuous places, use of a "phone tree", and door-to-door notification.

A working group has to provide the leadership, interest, and momentum to keep the process going well. As many citizens as possible should meet regularly (once a week or so) in a

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<sup>6</sup>For purposes of this paper, when "County" is used in this context, the meaning denotes County personnel of 1) the Office of Planning and Grants, 2) the Missoula Consolidated Planning Board and 3) the Missoula Board of County Commissioners. These entities work together and with communities in the development of comprehensive plans.

<sup>7</sup>Montana Code Annotated, 76-1-102(1).

public, "neutral" gathering place considered to be a community focus such as a community hall, school, fire station, or the banquet room in a local restaurant. The group should have, at least, a president, secretary, and treasurer. Each meeting should have a specified agenda that starts and ends on time; minutes of each meeting should be taken and made available. Rules of order are observed to minimize conflict, although open discussion is encouraged. Tasks are allocated to subcommittees or individuals to be accomplished as part of the combined effort. Developmental progress of the plan is continually checked.

The County may assign a planner to provide assistance and advice so that the plan develops more or less on track. When the plan is to be submitted for formal review to the County, the objective is to present at least a clear, workable draft. County funds may be available to help cover costs of producing the plan; if so, only a small amount may be appropriated, especially for rural areas with low population. Dedicated volunteers working cooperatively are necessary to create a community comprehensive plan; nonetheless, money is needed to cover costs such as paper, printing, postage, and utilities.

#### Review and Adoption of a Comprehensive Plan

The draft plan is written, reviewed, and approved by the community through a series of meetings and forums. Open houses, surveys, and planning discussion sessions help to



shape the goals, content, and recommendations of the plan. When community members and staff personnel feel the plan has reached its highest level of acceptance and is ready for presentation to the County, it is officially submitted for very thorough planning and public hearing review process. The Missoula Office of Planning and Grants and the Missoula Consolidated Planning Board work with the community and its proposal to bring the best possible plan to the governing body. (The governing body within the city limits is the Missoula City Council, and the governing body outside the city limits is the Missoula Board of County Commissioners.)

Public hearings on the plan are held before the Planning Board and before the governing body prior to its final adoption. Sections 76-1-603 through 605, MCA, provide requirements for public hearings, for review and recommendation by the Planning Board, and for adoption, revision, or rejection of the plan by the governing body.

#### PART IV: COMMUNITY ORGANIZATION

##### Community Councils in Missoula County

Community residents may wish to create a representative group, normally called a community council, that will be formally recognized by the governing body. The council, with help from as many area citizens as possible, will organize the monumental task of creating the plan. The council serves as a liaison between area residents and the county government.

To understand the need and effectiveness of community councils, first consider the governmental structure of Missoula and Missoula County. The City of Missoula is currently the only officially incorporated, independent and self-governing township in Missoula County. All other towns are governed by and receive services from Missoula County. To become an independent township requires local citizens to create and vote on a town charter. The town would need to be totally self-sufficient and have its own tax base to provide all services including a governing body, police, sewer, water, street maintenance, etc. The practicality of such an idea would depend upon a population dense enough to adequately fund its own services and infrastructure.

An effective intermediate measure is to create an advisory liaison between the county government and the community through establishment of a community council. At this time there are three such community councils in Missoula County; the Seeley Lake Community Council, formed in April, 1988, the Lolo Community Council, formed in April, 1994, and the Ninemile Community Council, formed in April, 1996. Members of these councils number around eight, and terms are usually for three years.

The Ninemile Valley Community Council was chosen by residents and landowners of the area through an election held at their community center. Elections to the councils of the Seeley Lake and Lolo areas are held in conjunction with school

elections. Regardless of the method of election, all three councils are similarly recognized by the Board of County Commissioners. Each council is now heading up a comprehensive plan amendment process, and they all provide advice and information to the Commissioners about issues concerning their respective areas.

The Condon area does not have an official council at this time, but the Swan Valley Community Club Comprehensive Plan Committee guided the Swan Valley-Condon Comprehensive Plan Amendment through the formulation and review process. That plan was adopted by the County Commissioners in November, 1996. The Swan Valley committee also provides representation and information to the County Commissioners.

If popular support and potential benefits are clear enough, the Commissioners encourage small towns and rural communities to create their own community councils. The process followed in the Lolo area was that concerned citizens petitioned the Commissioners to place the question of establishing a community council on a ballot. On February 17, 1994, the Commissioners appointed an interim Lolo Community Council from a pool of applicants. The Commissioners and the interim members adopted the council's by-laws, then the Commissioners passed a resolution calling for an election on the question.

The interim council had expressed interest in covering a larger area that included lands outside the Lolo and Woodman

school districts, especially areas south towards Carlton. A problem facing the people of Lolo is that elections can be rather costly, so they drew their council area boundaries in congruence with school district boundaries in order to share election expenses with school elections. Because it was cost-effective, the timing of the ballot then coincided with school board elections for the Lolo and Woodman school districts. The ballot, the resolution, and the by-laws all contained the following statement of purpose for the Lolo Community Council:<sup>8</sup>

The Lolo Community Council shall strive to promote the interests and concerns of its citizens in Missoula County, Montana. In order to accomplish this goal, the Lolo Community Council shall act as a liaison between the Missoula County Commissioners and the citizens of Lolo; to provide useful and beneficial information which will aid the County Commissioners in making decisions regarding the Lolo community; to inform the citizens of the Lolo community of issues and problems before the County Commissioners which will impact citizens of the Lolo community; to provide leadership and support to the community's effort to secure orderly growth and development of the Lolo community; and to serve as a channel of communication with local, county, state, and federal government officials and agencies regarding matters of concern to the citizens of the Lolo community.

Under the section Implication of Vote, the resolution stated that if a community council is established, the members will be chosen by election. It also stated that the council shall act in an advisory capacity only and have no power to tax or to exercise other governmental functions.

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<sup>8</sup>Resolution No. 94-021, Missoula Board of County Commissioners, and By-Laws of the Lolo Community Council, Article 2. p.1.

In April, 1994, the measure passed by the voters of the Lolo and Woodman school districts. In July, the interim council and the Commissioners created a memorandum of mutual agreement. A portion of the agreement required the County to provide a maximum of \$1000 per year for eligible expenses. Later that fall during a special school mill levy election, the Lolo Community Council was officially elected.

The creation of a community council can be very beneficial so long as it can be done inexpensively. A community council is not to be regarded as another layer of authority or bureaucracy, but rather it should be regarded as an advisory liaison between the citizens of the community and the County Commissioners. This function is well-defined in the statement of purpose of the Lolo Community Council.

Whether the members of a community council are elected through an official ballot process i.e. in conjunction with school board elections, whether the election is held by landowner and resident mailings, or whether the group is not a council but simply concerned folks with ambition, the County will most likely encourage and assist them in creating their own community comprehensive plan. The initiative required to get started is incumbent upon the people of the community, but the opportunity to succeed is genuine.

## Neighborhood and Community Councils in the City of Missoula

The focus of this paper is toward planning in rural communities; however, a discussion of planning in the Missoula urban area may help increase an understanding of citizen involvement in the process. The new planning system being implemented in the city may also be applicable, with modifications, to areas beyond the city limits.

Residents of the City of Missoula voted to approve a charter in June, 1996 that gives the city self-governing powers, or all authority not specifically prohibited by the state legislature. The charter also created a neighborhood council and community council system designed to foster better relations between citizens and their city government, to provide citizens increased access to and participation in their city government, and to advise city officials on subjects of neighborhood interest.<sup>9</sup>

The city is divided into sixteen neighborhood council districts. The neighborhood councils are to provide a forum for citizen involvement in planning and other matters concerning their neighborhood. The city's community council is to be comprised of representatives from each neighborhood council. This community council will then serve as an arena for the sharing of information and discussion of city-wide issues.

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<sup>9</sup>Missoula Local Government Study Commission, "A Charter for Missoula", Missoula, MT: 1996.

The community council of Missoula will ultimately advise the City Council; however, the new system will not hinder individual access to, or participation with, the City Council or city departments.<sup>10</sup> According to one citizen member of the committee which helped to write the ordinance for the neighborhood planning process, the community council will provide a more grass-roots democratic process with a community focus and will encourage more broadly-based public participation in planning.<sup>11</sup> Another member, speaking before the City Council, spoke this way of the benefits:<sup>12</sup>

"The reason I wanted to be involved in this endeavor was because of my previous experience of happening to be one of those citizens reacting to a crisis. Last summer my neighborhood was suddenly in the path of an interstate interchange. This was a very stressful experience. A number of us had to drop just about everything going on in our personal lives to devote energy to that issue, the interchange. I thought there could be a better way for citizens to be involved and informed...In our neighborhoods some of the benefits of citizens coming together have been a strong interest in our neighborhood and neighbors, citizens sharing ideas with each other and finding people to work with, a heightened interest in making our neighborhood attractive to walk around in and bike in, and we want to work on improving the bus service. We also have ideas for a pocket park and we've discussed a neighborhood effort to improve the playground. We are doing a comprehensive plan to help us envision and plan what our adjoining neighborhoods will be like in the future. We want them to be vital, lively places that we enjoy living in, places with a diverse mix of people, places with quiet tree-lined streets and a mix of attractive houses and businesses. Our neighborhood meetings have been

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<sup>10</sup>ibid.,

<sup>11</sup>Interview with John Torma, Missoula Neighborhood Council Planning Committee member.

<sup>12</sup>Statement of Marga Lincoln, Missoula Neighborhood Council Planning Committee, as transcribed in the Missoula City Council minutes of May 5, 1997.

very enjoyable. People are energized about going forward with their ideas. They like working in cooperation with our City Council and City staff. We have a lot to offer our neighborhood and our city."

This type of organization and community involvement is important in promoting comprehensive planning for both urban and rural areas. For rural areas of Missoula County, there is no specific plan or structure for organizing councils or encouraging development of comprehensive plans.

The organizational process of community councils in the city could be modified and applied to the county. Such a structure could also help to encourage comprehensive plan development and to outline the necessary procedure. Other approaches that may offer similar benefits could stem from a brief examination of how some states organize and review local and regional comprehensive planning at the state level.

#### Comprehensive Planning in Growth Management States

A type of organization and process on a larger scale involves the role which comprehensive planning takes in meeting the objectives of state-level growth management programs. Most states, including Montana, require that comprehensive plans be written and adopted at local levels. In Montana, there is no review higher than the local level, i.e. the City Council or Board of County Commissioners. The City and County of Missoula are working together on growth management strategies to be addressed in all future plans.



Eight states- Oregon, Florida, New Jersey, Maine, Vermont, Rhode Island, Georgia, and Washington- have developed programs and enacted laws requiring or encouraging local governments to prepare comprehensive plans consistent with state-level growth management principles and criteria. This represents more or less a "top-down approach" by which the state government guides and oversees comprehensive plan development by regional, county, and municipal entities. The eight state-sponsored programs have many differences but they share the following characteristics, which are that they:<sup>13</sup>

- are provided for under state legislative enactment;
- mandate or encourage creation of local comprehensive plans by local governmental bodies and, in some states, they mandate county or regional plans;
- mandate or encourage plan submittal to state and/or substate body for review and comment, approval, or negotiation;
- maintain a system of incentives and/or disincentives to encourage compliance or cooperation;
- mandate or encourage limits on the number and/or character of plan amendments;
- mandate or encourage periodic plan updating.

Growth management is a conscious government program intended to appropriately guide future development. Essentially, growth management planning can be described as planning to discourage urban sprawl by encouraging growth only within areas where human services and infrastructures already exist or which can be efficiently extended without undue economic and environmental consequences. Development of

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<sup>13</sup>Gale, Dennis E., "Eight State-Sponsored Growth Management Programs: A comparative Analysis", Journal of the American Planning Association, Vol. 58, No. 4, Autumn 1992. p. 425-426. Chicago, IL: American Planning Association.

comprehensive plans that contain good, base information with specified goals and implementation tools is the basis for attaining overall growth management objectives.

Comprehensive plans in state-sponsored growth management programs must meet certain requirements. For example, the state of Florida requires the "three C's" in comprehensive and development planning: consistency, compatibility, and concurrency. The Department of Community Affairs in Tallahassee has ample power to review all local and regional plans to ensure that they are consistent with state goals. Plans at various levels must also be compatible with plans of proximate jurisdictions so they do not conflict, because the effects of actions in one planning area could extend into another. Concurrency means that no plan or development order can be approved unless the locality shows that adequate services and infrastructures exist or will be provided to offset the impacts of development. Florida also requires that all comprehensive plans be reconsidered at least once every five years and revised as needed to remain in compliance with state policies and objectives.

The apparent reasoning for the shift of growth management political authority from local to state government has been that "many decisions relating to new development cannot be successfully carried out by local governments working alone"<sup>14</sup>

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<sup>14</sup>ibid.,

and because of "the unwillingness or inability of local government to deal adequately with growth issues that transcend municipal boundaries".<sup>15</sup>

These statements may be true for more densely populated states than Montana. Some states limit the powers of local government and set planning policy at the state level for regional and local authorities to follow. Montanans are extremely fortunate that their state gives virtually self-controlling powers to local governments. Local governments in Montana may do that which is not specifically prohibited by the state legislature. Because the local governing body is the highest level of authority for planning review in Montana, counties and municipalities are able to set up their own organizational structures to initiate, facilitate, and direct the processes of community-based comprehensive planning.

Potential for Organization of Rural Councils to Promote Comprehensive Planning in Missoula County

The basic concept of state-sponsored growth management programs could be applied in a simplified manner in Missoula County, coupled with the City of Missoula neighborhood and community council program. The county could be divided into rural community council areas similar to the neighborhood

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<sup>15</sup>Bollens, Scott A., "State Growth Management: Intergovernmental Frameworks and Policy Objectives", Journal of the American Planning Association, Vol. 58, No. 4, Autumn 1992, p. 455. Chicago, IL: American Planning Association.

council areas in the city. The people of each area could form a community council and create their own comprehensive plan. (Appendix, Figure 3 shows how council areas could be delineated within areas of the county that are currently without a council or an updated comprehensive plan.)

A "rural county council" could then represent the rural community councils much like the urban community council of the city which represents neighborhood councils, or in the case of growth management states, regional councils which represent local municipalities and counties. The Missoula City/ County Growth Management Task Force could promote development of comprehensive plans for each rural community area and ensure that they meet planning objectives while encouraging creativity, flexibility, and participation.

This kind of organization could provide the impetus for creation of community councils and comprehensive plans in areas without community-based representation or an updated community-based comprehensive plan. It could provide informational channels to advise citizens of what needs to be done and why. It would not be prudent to require or mandate these processes, although if undertaken, standards must be clarified. All persons should be notified of any such plans, and those interested should be allowed to participate as they so desire.

The County must assume the responsibility of establishing step-by-step procedures for communities to follow. County-wide

planning area boundaries need first be delineated so that all areas coalesce and none are excluded. An updated county-wide policy plan could be developed to tie together the various community comprehensive plans, similar to the manner in which the Missoula Urban Area Plan ties together the various plans within the urban area.

The method of creating a community council must be standardized and outlined by the County so that citizens may follow the steps to efficiently form a legal, representative council. If a county council is then established, its functions and responsibilities also would be clarified. (As is the case in the city, the intent must not be to hinder any individual's access to county government.) Finally, the basic form, content, and legal aspects of a comprehensive plan must be provided to citizens to give them adequate direction in creating their own plan. Continual assistance in the form of staff personnel and funding is also important for success.

## CHAPTER II

### THE LAND USE REGULATORY FRAMEWORK

#### PART I: STATUTORY ISSUES OF COMPREHENSIVE PLANS

##### Comprehensive Planning at the Local Level

The Montana Annexation and Planning Statutes, written by the state legislature, give much power to localities in determining their own destinies. As noted, some states require state-level approval of all local land use plan adoptions or amendments and for certain land use actions if they involve, for example, a zoning change. In Montana, however, state law shifts control towards the local level. Citizens of Missoula County, working with their neighbors and local electorate, should take advantage of this high degree of self-determinism. According to a state publication,<sup>16</sup>

Local officials in Montana have almost complete discretion to draft and adopt land use regulations that fit their community. Legal constraints on the substance of local land use regulations are minimal...except for these statutory and judicial requirements, a governing body is free to develop a comprehensive plan and conforming zoning and development regulations that the community feels best meet its land use concerns and needs.

##### The Legality of Comprehensive Plans

An important concept involves the legal use of the comprehensive plan. As stated in Montana law and reaffirmed by the Montana Supreme Court, the plan is not a regulation but

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<sup>16</sup>Montana Department of Commerce, Handbook on Local Land Use Regulation, (Helena, MT: Community Technical Assistance Program, 1994), 24.

a flexible guide to which all land use regulations should comply and to which land use decisions should "substantially" comply. Substantial compliance is a determination based on whether a proposal generally fulfills the majority of goals and objectives of the comprehensive plan. The Board of County Commissioners' resolution to adopt the 1996 Butler Creek Area Comprehensive Plan exemplifies this notion by stating:<sup>17</sup>

(This plan) is a policy document intended to provide the County and other agencies and districts with a coordinated guide for change over a long period of time. When making decisions based on the Plan, not all of the goals and implementation proposals can be met to the same degree in every instance. Use of the Plan requires a balancing of its various components on a case-by-case basis, as well as a selection of those goals and implementation proposals most pertinent to the issue at hand.

Probably the most important Montana State Supreme Court case in regard to determining the level of compliance required of a comprehensive plan by a governing body is Little v. Board of County Commissioners of Flathead County, where the justices considered the question of how closely a comprehensive plan must be followed. (In that case, a shopping center was proposed on land designated by the comprehensive plan for residential uses.) The court stated:<sup>18</sup>

To require strict adherence to the master plan would result in a master plan so unworkable that it would have to be constantly changed to comply with the realities. The master plan is, after all, a plan. Why have a plan if the local government units are free to ignore it at any time? The statutes are clear enough to send the message that in reaching

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<sup>17</sup>Resolution No. 97-019, Missoula Board of County Commissioners.

<sup>18</sup>Case 193 Mont. 334, 631 P.2d 1282 (1981).

zoning decisions, the local government units should at least substantially comply with the comprehensive plan (or master plan.) This standard is flexible enough so that the master plan would have to not be undergoing constant change. Yet, this standard is sufficiently definite so that those charged with adhering to it will know when there is an acceptable deviation from the master plan... We are aware that changes in the master plan may well be dictated by changed circumstances occurring after adoption of the plan. If this is so, the correct procedure is to amend the master plan rather than erode the master plan by simply refusing to adhere to its guidelines.

The opinion affirmed that land use decisions must "substantially" adhere to an adopted comprehensive plan instead of "strictly" adhering to a plan. Although substantial compliance of a land use proposal to the plan is often a subjective determination in many situations, the comprehensive plan is a legal document.

In addition, the justices indicated that comprehensive plans are guidelines that should be flexible and updated to reflect changed circumstances. The Little case also provided authority to require that building permits on unzoned land conform to a comprehensive plan, if there is a building permit jurisdictional area. Additionally, the case reaffirmed Section 76-2-203, MCA, that zoning regulations must be in conformance with a comprehensive plan.<sup>19</sup>

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<sup>19</sup>Montana Department of Commerce, Montana Zoning Digest, (Helena, MT: Community Technical Assistance Program, 1989), 1, 7.



PART II: LEGAL CONSTRAINTS  
OF LAND USE REGULATIONS

Appellate and Variance Procedures

The legal constraints placed on the content of land use regulations are minimal. First, there must be an appeals process in place if the "letter of the law" creates undue constraints or injustices. Both the City of Missoula and Missoula County have Zoning Boards of Adjustment, which are composed of citizens appointed by the governing bodies. These boards review and approve (or deny) zoning variance requests in light of a staff investigation and public hearing.

As part of a subdivision proposal, variances to subdivision regulations may also be requested. These requests are reviewed by staff for recommendation on whether to approve or deny the variance. However, the governing body ultimately decides whether to grant subdivision variance requests. There is no appeals process within local government to determine whether a proposal complies with the comprehensive plan, although an aggrieved party on either side may appeal to district court.

Constitutional Validity of Regulations

A second legal constraint on land use regulations is that they be constitutionally valid. "Tests", derived from the 14th Amendment to the United States Constitution, are constraints on police powers given to states by the federal government in

providing for the health, safety, and welfare of state residents. The four tests are as follow<sup>20</sup>:

1. Substantive Due Process: The regulations must:
  - a. be reasonable-go no further than is required to achieve a legitimate government objective, and
  - b. substantially relate to, and further, the public health, safety, and general welfare.
2. Procedural Due Process: The regulations must comply with the procedural requirements of the applicable enabling statute, and as a minimum:
  - a. conform to an adopted comprehensive plan;
  - b. provide appropriate notice of hearing;
  - c. provide a full and open hearing with opportunities for all parties to be heard;
  - d. ensure maintenance of an adequate record;
  - e. ensure a decision in writing with a finding of fact.
3. Equal Protection: The regulations and their enforcement must not:
  - a. be arbitrary or capricious in the treatment of individual persons and property or discriminate between similar properties (spot zoning or non-compliance with the comprehensive plan are examples of denial of equal protection).
  - b. be exclusionary - have the effect of excluding racial, minority, or economic groups from the jurisdiction.
4. Taking: The regulation must not constitute any kind of unconstitutional "taking" of property. The most commonly applied "taking" test is whether the regulation denies a property owner all economically viable use of his or her property.

The comprehensive plan is, by law, a guideline only. Regulations (i.e. zoning and building permit regulations) must conform to the comprehensive plan and land use decisions (i.e. those involving subdivision proposals) must substantially conform to the plan.

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<sup>20</sup> Montana Department of Commerce, A Handbook on Local Land Use Regulation, (Helena, MT: Community Technical Assistance Program, 1994), 18-19.

Whether the comprehensive plan is regarded as a regulatory-type document or as a flexible guide only, these constitutional tests must be met. The plan and all its elements must be reasonable and for the public good; the development of the plan and opportunities for comment and participation must be provided to as many persons as possible; the contents of the plan must be fair towards all persons and not exclude any individual or group while recognizing the legitimate needs or desires of private property owners.

One of the most fundamental goals in creating land use regulations and policies or in reviewing land use proposals is to achieve a balance between individual property rights and the community good. The 14th Amendment requires that regulations be substantially related to an important government objective through a balancing test of private interest versus public interest. A comprehensive plan must meet these tests if challenged in court. The plan will more effectively serve the community if it contains a wide range of substantive information about the planning area and if there has been ample opportunity for citizen participation and comment during the development of the plan.

PART III: LAND USE DEVELOPMENT  
REGULATIONS IN MISSOULA COUNTY

Overview of Existing Regulations

There are basically five types of land use regulations in Missoula County: 1) zoning regulations, 2) building permit regulations, 3) subdivision regulations, 4) riparian (floodplain, 310 stream permit, and lakeshore) regulations, and 5) regulations for construction height and land uses within the Missoula County Airport Influence Zone. The comprehensive plan is not a regulation, although sound planning practice and state law requires that all land use regulations implement and promote the ideals of the comprehensive plan.

The terms "zoning" and "comprehensive planning" are often used interchangeably, but they are actually quite distinct. A zoning ordinance (city) or a zoning resolution (county) are regulatory, while a comprehensive plan is a non-binding document that identifies land use issues and provides direction for dealing with those issues. There are, however, instances where a comprehensive plan designation on unzoned land carries about as much weight in the opinion of local planning officials as does zoning on zoned land; therefore, plan recommendations should not be taken lightly. All land use proposals in Missoula County that involve a subdivision or zoning action are reviewed for comprehensive plan compliance.

Zoning regulations are required by statute to follow or conform to an adopted comprehensive plan.<sup>21</sup> Zoning regulations apply only to zoned areas, and less than 10 per cent of the land in Missoula County outside the urban area is zoned. Building permit regulations apply just within the building permit jurisdiction; this is an area configured roughly 4-1/2 miles outside of and around the Missoula city limits.

Subdivision regulations cover the entire county and establish the process of dividing and platting land into lots and the provision of services to those lots. Subdivision proposals must strictly conform to zoning requirements, if property is zoned. If property is unzoned, the subdivision proposal is reviewed for compliance (or, at least, "substantial compliance") with the current comprehensive plan.

Riparian regulations for areas of floodplains and lakeshores are provided for at the state level and enacted at the county level. Streamside regulations are enacted at the state level. Finally, airport influence regulations apply within a specified zone around the Missoula County Airport.

It is very important that all of the land use regulatory tools combine together to complement one another. Citizens need to be knowledgeable about land development review processes, regulations, and the notification/ participation

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<sup>21</sup>Montana Code Annotated, Section 76-2-203 states "The zoning regulations shall be made in accordance with a comprehensive development plan..." The Montana Supreme Court Case "Little v. Flathead" reaffirmed this requirement.

procedures in effect. To understand these regulations and the important relationship between regulations and comprehensive plans, a discussion of each type of regulation follows.

### Zoning Regulations

Chapter 2 of the State Planning Statutes outlines the requirements and allowances of zoning in Montana. Regulations in effect in Missoula are the City Zoning Ordinance and the Missoula County Zoning Resolution. Zoning is the legal means by which local governments separate incompatible, or at least different, land uses to prevent undesirable or potential adverse effects on one another. Zoning specifies requirements such as land use, lot size, lot density, building-to-property line setbacks, etc. Zoning is the most commonly used legal device to implement the comprehensive plan of a community.<sup>22</sup>

The authority for municipal and county governments to create and administer zoning districts is considered a constitutional delegation of the state's police power to local governments. An official, updated, zoning atlas for all zoning districts is kept at the Office of Planning and Grants which delineates the boundaries of each zoning district. The zoning text specifies criteria for each zone.

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<sup>22</sup>King County, Washington Department of Development and Environmental Services, 1993 Zoning Code: Overview and Summary, (Bellevue, WA: Department of Development and Environmental Services, 1993.)

Zoning should be implemented only after a well-conceived comprehensive plan is in effect. The zoning designations of land use and density for parcels of land should also match those of the comprehensive plan. State law backs this sound planning principle in Section 76-2-203 which states: "The zoning regulations shall be made in accordance with a comprehensive development plan..." A comprehensive plan is general and takes in all possible considerations of the planning area, while zoning is specific to individual parcels.

The creation of zoning districts in rural areas may not be practical or popular in many cases. A good comprehensive plan can serve the planning needs of rural communities without application of strict zoning regulations. Zoning is a strong land use control technique and before it is considered there must be an updated, adopted, community-supported comprehensive plan in place.

#### Creation of Zoning Districts

Zoning districts are created mainly via the Municipal Zoning Enabling Act (covered in 76-2-301 through 76-2-328, MCA) and the County Zoning Enabling Act (76-2-201 through 76-2-228, MCA). Zoning districts are created by the governing body of the jurisdiction (the City Council inside the city limits or the Board of County Commissioners outside the city) through a planning and public hearing process. After a thorough planning staff review, the zoning proposal is

reviewed by the Planning Board at a scheduled and announced public hearing where citizen testimony is taken. The recommendation of the Planning Board is sent to the governing body along with minutes of the Planning Board hearing. The City Council or County Commission will then hold another hearing before a final decision is made.

A third mechanism for creating zoning districts is through County Planning and Zoning Commission provisions, described in Section 76-2-101 of the statutes. Commonly known as "citizen-initiated zoning districts", this approach is allowed only outside incorporated areas. The district must be at least 40 acres in size, and the proposed zoning must be petitioned by at least 60% of the landowners within the district. After thorough review and public hearing(s), the district creation and its regulations must be approved by the Planning and Zoning Commission. This board consists of the three County Commissioners, the County Surveyor, and one other county official appointed by the Commissioners.

There are over twenty different citizen-initiated zones in existence around the County, and this type of zoning is the most common for rural areas that are zoned. For the most part, they have relatively few regulatory requirements and typically aim to preclude uses other than single family or agricultural. Citizen-initiated zoning districts are not required by statute to comply with the comprehensive plan. There is no requirement that the Planning Board review these proposals and make



recommendations to the governing body. Section 76-2-108, MCA, does, however, authorize for citizen-initiated zones the requirement of building permit issuance and collection of building permit application fees.

A fourth approach to zoning property in Missoula County is through the creation of special districts. Special districts are not covered in state law but are provided for in City of Missoula and Missoula County zoning regulations. Planned Unit Developments, mobile home parks, and shopping centers may be zoned as special districts in conformance with specific proposals.

The public notification requirements for zoning proposals are, generally, that the affected property be posted with signs containing information on the proposal, that property owners within 300 feet be notified by certified mail of the zoning proposal, and that two notices (one week apart) be published in a newspaper of general circulation (the Missoulian). The first newspaper notice must be published at least 15 days prior to the first public hearing.

#### Zoning District Protest Provisions

When a zoning district is proposed under the County or the Municipal Zoning chapter, its creation may be protested by area property owners. In the county, if 40% of the freeholders in the intended zoning district protest the establishment of a new district and/ or its regulations within

30 days of the Commissioner's resolution of intent to adopt, the resolution shall be voided and no further zoning resolutions can be proposed for the district for one year.<sup>23</sup>

In the city, if a protest is signed by owners of 20% or more of the area included in the proposed change or of the area within 150 feet from the proposed area, then the zoning action requires a supermajority approval of three-fourths of the City Council votes instead of a normal simple majority vote.<sup>24</sup> For the citizen-initiated zoning district, there is no protest provision, although an aggrieved party may appeal to the district court in the county within 30 days of the decision by the Planning Commission or County Commissioners.<sup>25</sup>

#### Building Permit Regulations

A building permit is required for new construction within the building jurisdiction area. This area is contained within a boundary drawn at more or less 4-1/2 miles around the Missoula city limits and roughly coincides with the Missoula Urban Comprehensive Plan boundary. The building permit application is reviewed by the Office of Planning and Grants and the City Building Department. The application and plans are checked to insure that the use of the property and the

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<sup>23</sup>Montana Code Annotated, Section 76-2-205(6).

<sup>24</sup>Montana Code Annotated, Section 76-2-305(2).

<sup>25</sup>Montana Code Annotated, Section 76-2-110.

building specifications meet zoning provisions (if the land is zoned), any subdivision review conditions that may apply, and requirements of the Uniform Building Code. Buildings are inspected during construction and a Certificate of Occupancy is issued when the project is completed.

For unzoned property within a building jurisdiction area, the building project and its use must conform to the land use and density designation of the comprehensive plan. The authority for this requirement is cited under the State Supreme Court decision of Little v. Flathead.

In unzoned areas outside the building permit jurisdiction and riparian areas, the only regulatory mechanism over land use is subdivision control as stipulated in an approval agreement between the applicant and governing body. If the building permit jurisdiction were county wide, then land uses throughout the county would be required to conform to the comprehensive plan by issuance of building permits.

#### Subdivision Regulations

Montana Code Annotated Title 76, Chapter 3, Local Regulation of Subdivisions, presents minimum subdivision requirements for local governments to follow. MCA Section 76-3-501 requires all local governing bodies in Montana to have subdivision regulations. Section 76-3-511, MCA, states that local subdivision regulations shall not be more stringent than comparable state regulations or guidelines that address

the same circumstances. Both the City and County of Missoula subdivision regulations are very similar and contain many requirements additional to state law.

The importance of subdivision review in land use planning and regulation cannot be overstated. When land is subdivided into new lots, it signifies a virtually permanent commitment of resources, services, and land uses. Therefore, compliance of subdivision proposals to an adopted, well-conceived, and current comprehensive plan is paramount.

#### The Subdivision Review Process

A subdivision proposal application is reviewed by the Office of Planning and Grants before making recommendations on the proposal to the Planning Board and/ or the governing body. After being certified by the Office as complete, copies of the preliminary plat and application are mailed out to a couple dozen government agencies or other entities to undergo a three-week review. Recipients include the community council or neighborhood association of the area, if one exists, but does not include area landowners. Once this three week review period is over and the comments are assimilated by the applicant, the "official" proposal is turned into the Office of Planning and Grants with the review fee.

If subdivision is into six lots or more, it is termed a "major subdivision" and must be reviewed by the Planning Board before being sent to the governing body with a recommendation.

Subdivision proposals of five lots or fewer are called "minor subdivisions" or "summary subdivisions". These do not go through the Planning Board unless the proposal amounts to a second division of a parcel within a minor subdivision.

Notification requirements for major subdivisions (and second summary subdivisions) call for certified mailings to adjacent property owners, legal notice in the newspaper, and posting of the property. (These tasks are undertaken by the Office of Planning and Grants.) For first minor subdivisions there are no notification requirements, although the property is usually posted with a sign.

As required by Section 76-3-608, MCA, subdivision proposals in Montana are evaluated or "weighed" under five general criteria: effects on agriculture, local services, natural environment, wildlife and wildlife habitat, and public health and safety. The Office of Planning and Grants, the Planning Board (in the case of major subdivisions and second summary subdivisions), and governing bodies check for compliance with survey requirements, state and local subdivision regulations, and proper utility and access easements. The proposal must meet zoning requirements if the land is zoned. If any type of variance or exception is requested from the zoning regulations, that portion of the proposal must first be approved by the City or County Board of Adjustment.

Subdivisions in Missoula County are reviewed for compliance with the comprehensive plan, although neither state law nor local subdivision regulations specifically require that subdivisions comply with the plan. Section 76-1-606, MCA allows the City Council to require by ordinance, or the County Commissioners by resolution, that subdivision plats conform to the provisions of the comprehensive plan. This option, however, has not been exercised by either governing body.

Determination of a subdivision proposal for compliance with zoning requirements is objective; either it meets the criteria spelled out in the zoning regulations or it does not. Compliance with the comprehensive plan, in contrast, is subjective. The proposal is evaluated against various elements of the plan, such as plan goals and objectives, availability of infrastructure and community services, surrounding area lot sizes, and the land use designation map.

The current approach used by the planning staff, Planning Board, and governing bodies to determine whether a proposed subdivision complies with the comprehensive plan is neither systematic nor consistent. If the plan is current and well-written, then a more informed and, perhaps, objective determination of compliance with the comprehensive plan can be made. Additionally, community members familiar with the comprehensive plan may assist in the collection and analysis of information regarding the proposal and in making recommendations as to plan compliance.

Approval of the preliminary plat commonly comes with a number of conditions to be met before the plat is filed. For example, a property owner applying for a subdivision may be required to improve a road or build a sidewalk. In contrast to zoning actions, there is no formal means to protest subdivision approval decisions, although an aggrieved party may appeal to district court. Upon preliminary plat approval the applicant is granted a plat-filing deadline of one year, although extensions may be requested. Once the surveying monumentation and platting requirements are complete and the conditions of approval are met, the plat may be filed with the County Clerk and Recorder Office. At this point, saleable lots are created.

#### Subdivisions for Lease or Rent

In the county, where more than one separate dwelling unit is to be constructed on a parcel, a proposal is reviewed as a "subdivision for lease or rent". The review procedures are substantially the same as they are for regular subdivisions except that, because no new lots are being created, there are no survey or platting requirements. In the city limits, these projects do not go through the subdivision review process but are evaluated through site plan review by the Office of Planning and Grants and City Engineering.

## Land Divisions Exempted from Subdivision Review

Some land partitions are not reviewed as subdivisions but are created by Certificate of Survey. Section 76-3-201 through 76-3-209, MCA, lists the types of divisions exempted from subdivision review. Most are subject to the state survey requirements of platting, boundary monumentation, and sanitation approval. Unlike subdivisions, these "exemptions" do not undergo review by the Office of Planning and Grants for planning considerations such as zoning or comprehensive plan compliance, access and utility easements, and other criteria.

The most commonly used exemption is the "gift or sale to a member of the immediate family" whereby a landowner may create a new tract of land from an existing parcel. A person is allowed only one use of this exemption per eligible family member. Other kinds of exemptions include those for agricultural purposes, boundary relocations, and construction mortgage securities.

## Review of Land Divisions for Sanitation Requirements

Whether a lot is created by subdivision review or by an exemption process, there must be approval given by the local and state health authorities, if sewage and/ or water systems are to be used. Both the Missoula City/County Health Department and the Montana Department of Environmental Quality (DEQ) review plans for sewage disposal and water supply. The Montana Sanitations in Subdivision Act, Section 76-4-101



through 76-4-131, MCA, and the Montana Department of Environmental Quality Administrative Rules for the Montana Sanitation in Subdivision Act, ARM 16.16.101 through 16.16.805, spell out the requirements for adequate sewage disposal, water quality, and water supply. Even though the governing body gives preliminary approval to a subdivision, Certificate of Survey, or a subdivision for lease or rent, final filing may still be contingent upon state DEQ and local health department approval.

#### Significant Changes to State Subdivision Statutes

The 1993 state legislature, through House Bill 408, made some very significant and responsible changes to the Montana Subdivision and Platting Act of 1974. Prior to enactment of the bill, the definition of a subdivision had included land parcels of less than 20 acres in size. Over the past several years, many large properties in Montana had been divided into tracts of just over 20 acres, each without review. The 1993 legislature changed the definition to 160 acres, thereby greatly reducing the rate of development of new lots escaping subdivision review.

Another significant change is that the "occasional sale" exemption was eliminated. Before enactment of the 1993 changes, a landowner could break off a tract from a parent parcel once each year without notification or review of legal access, utility easements, availability of public services,

effects on the natural environment, and compliance with zoning regulations or comprehensive plan recommendations.

#### Lack of Review for Exemptions

New tracts of record created through an exemption to the subdivision review process are not reviewed for any consideration, even for zoning and comprehensive plan compliance. This is most unfortunate, because a new tract created by the exemption process will have similar impacts as one created by the subdivision review process. It is possible that an applicant may gain approval for a new division of land but may not be able to build upon it as planned. For example, once the County Commissioners approve a request for a gift or sale to family member, the Missoula City/ County Health Department will issue a septic permit only with a zoning compliance permit from the Office of Planning and Grants.

If the property is zoned, the new lot size must meet the zoning requirements. If unzoned, the property must meet the comprehensive plan designation for lot size or density, if it is located within the 4-1/2 mile building permit jurisdiction. If this criterion is not met, neither a building permit nor a septic permit will be issued even though the Commissioners had earlier approved the request.

On unzoned property outside the 4-1/2 mile building permit jurisdiction, the exemption does not have to meet the comprehensive plan designation for use or lot size. However,

a septic permit issued by the Missoula City/ County Health Department may be required.

Unfortunately, even though the 1993 legislature restricted the numbers of lots that can be created without review, the remaining exemptions are not reviewed in light of the comprehensive plan as are subdivision proposals. There is no avenue for analysis or comment by planning officials or by citizens of the area. Further, the creation of a new tract of land through exemption is first approved by the County Commissioners but such approval may be misleading should construction or other improvements on the property be precluded by denial of a building permit or septic permit. The approval letter from the Commissioners does, however, inform the applicant that the exemption was not reviewed for zoning, access, etc. and that other approvals may be necessary.

#### Riparian Regulations

#### Floodplain Regulations

The Missoula County floodplain regulations were adopted in order to comply with the Montana Floodplain and Floodway Management Act (Title 76, Chapter 5, MCA). The regulations apply to all 100-year floodplains in Missoula County. These areas are identified based on the Federal Emergency Management Agency's Flood Insurance Study for Missoula County, dated August 16, 1988. The regulations require permits for (or prohibit) certain activities and uses within the designated

floodplain. The county's floodplain administration is conducted within the Office of Planning and Grants.

### Shoreline Regulations

In 1975, the Montana legislature authorized counties to enact regulations pertaining to shores of lakes that are 20 acres in size or larger. On November 22, 1997, Missoula County adopted shoreline regulations that apply to some two dozen lakes in the county. The rules control what can happen within a 20-foot zone surrounding each lake's high water mark. Among other considerations, they require permits to build docks and other structures, restrict wells and boathouses, and prohibit use of chemicals along the shore.

### 310 Permit Streamside Regulations

These state-level regulations implement Montana's Natural Streambed and Land Preservation Act, requiring anyone planning to work in or near a stream to obtain a 310 permit from the local conservation district. Responsible agencies are the Department of Natural Resources and Conservation, the Soil Conservation Service, and the Department of Fish, Wildlife, and Parks. The purpose of the 310 program is to minimize soil erosion and sedimentation, maintain water quality and stream channel integrity, and prevent property damage to adjacent landowners.

In addition to the above regulations aimed at protecting riparian areas, the Missoula City and County subdivision regulations require an "area of riparian resource management plan" to be approved for any properties proposed for subdivision that contain riparian resource areas.

#### Airport Influence Zone Regulations

These land use regulations apply to the Airport Influence Zone. The zone is an area which surrounds the Missoula County Airport and is located within the building permit jurisdiction. The regulations establish criteria and guidelines for building height and land uses. The objective is to restrict height and uses that may conflict with safe operation of the airport and the quality of life for area residents. For more information, the Missoula County Airport Authority should be consulted.

## CHAPTER III

### COMPREHENSIVE PLANNING IN MISSOULA COUNTY

#### Statutory Requirements

Montana law authorizes that a planning board may be created by the governing body or bodies of any city, town, or county, acting alone or in combination (Section 76-1-101, MCA). In Missoula County the two governing bodies, the Missoula City Council and the Board of County Commissioners, appoint the nine-member volunteer Missoula Consolidated Planning Board having jurisdiction over Missoula County.

Section 76-1-601, MCA requires that each planning board prepare and propose a master plan, or comprehensive plan, for the jurisdictional area. Section 76-2-303, MCA requires that zoning regulations conform to this plan. These requirements essentially derive from Section 3 of the model State Standard Zoning Enabling Act of 1922, enacted at the federal level. In 1928, the U.S. Department of Commerce published the Standard City Planning Enabling Act which promoted city planning in accordance with a comprehensive plan. State and local governments, throughout the years, have adopted similar measures. Recently there has been an even greater national emphasis placed on the role of the comprehensive plan in zoning regulation and implementation processes.<sup>26</sup>

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<sup>26</sup> Mandelker, Daniel R. and Netter, Edith *Comprehensive Plans and the Law*, Land Use Law & Zoning Digest, Washington, DC: American Planning Association, 1980.

Section 76-1-106, MCA also states that the planning board shall prepare a comprehensive plan and that it shall serve in an advisory capacity to the local governing bodies establishing the planning board. Chapter 1 of the Planning Statutes, which includes Section 76-1-101 to 76-1-606, MCA, is devoted to topics relating to the planning board and the master plan. The purpose section of the chapter states that the goal is to encourage local government to plan for the development of communities.

Section 76-1-605, MCA, describing use of adopted master plans, states that the governing body "...shall be guided by and give consideration to the general policy and pattern of development set out in the master plan..." It should be evident then, that the comprehensive plan is a guide. However, the next section, 76-1-606, MCA, states that "...the City Council may by ordinance or the Board of County Commissioners may by resolution require subdivision plats to conform to the provisions of the master plan." As mentioned earlier, neither the City nor the County of Missoula have adopted such ordinance or resolution. In practice, however, comprehensive plan compliance is considered when evaluating subdivision proposals. Compliance is not a criteria provided by state law or local regulations as this resolution has not been adopted.

Montana law clearly states that all planning boards shall create a comprehensive plan covering their jurisdictions. It is unclear, though, how the plan is to be implemented and the

degree of regulatory powers the plan should have. However, it does appear that the aim of the state is to grant local jurisdictions much liberty in developing and using their own comprehensive plans.

### Existing Comprehensive Plans

All of Missoula County is covered by one comprehensive plan or another. Whenever a new plan is written and adopted, it is called an amendment to the prior, underlying plan. The amendment covers a defined area and totally supplants the preceding plan.<sup>27</sup> The following is a list of plans that have been adopted or are in the development process at the time of this writing. (See also Appendix, Figure 2.)

- Missoula Urban Comprehensive Plan Update, adopted in 1990 (update in progress)

These plans cover areas within the Missoula Urban Area:

- Lolo Land Use Plan, adopted in 1978 (update in process)
- Wye/ O'Keefe Creek Area Plan, adopted in 1979
- Grant Creek Area Plan, adopted in 1980
- Reserve Street Area Plan, adopted in 1980 (update in process)
- South Hills Comprehensive Plan Amendment, adopted in 1987
- Rattlesnake Valley Comprehensive Plan Amendment, adopted in 1995
- Butler Creek Area Comprehensive Plan Amendment, adopted in 1996
- Miller Creek Area Comprehensive Plan Amendment, adopted in 1997
- Section 18, Township 12 North, Range 19 West Comprehensive Plan Amendment, adopted in 1985.

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<sup>27</sup>According to interpretation and policy of the Missoula Office of Planning and Grants, the prior plan is officially void and no longer applies to the area covered by the amendment.



- Wye/ Mullan West Area Comprehensive Plan (draft in process)
- Fort Missoula Plan, adopted in 1973 (1994 update is prepared but presently tabled)
- Community Action Plan for the Bonner Area Communities (completed by the Bonner Development Group in 1996, but not adopted by the Missoula Board of County Commissioners)

These plans cover areas outside the Missoula Urban Area:

- Seeley Lake Area Comprehensive Plan Amendment, adopted in 1989 (update in process)
- Swan Valley-Condon Comprehensive Plan Amendment, adopted in 1996
- Ninemile Valley Comprehensive Plan Amendment (not yet adopted- draft now in process)
- Missoula County Comprehensive Plan, adopted in 1975 (Covers all areas not covered by either of the above adopted plans)

These adopted plans are available for review at the Office of Planning and Grants. Examination shows that they are characterized by different levels of quality and consistency. Most of them have not been updated in the past five years, although some are currently in review.

#### Use and Interpretation of the 1975 Missoula County Comprehensive Plan

In 1975, the Missoula County Comprehensive Plan was adopted and covered the entire county. The Missoula Urban Comprehensive Plan Update was adopted in 1990, covering the City of Missoula and surrounding settled areas such as the Wye, Grant Creek, Rattlesnake, Bonner, and Lolo. Outside the Missoula Urban Comprehensive Plan boundary are only three planning areas that have their own plan or are working on their own plan; these include the Swan Valley-Condon area, the

Seeley Lake area, and the Ninemile Valley.

The areas of Missoula County not covered by their own comprehensive plans are still covered by the 1975 Missoula County Comprehensive Plan. This plan may have been well-intentioned but is very general and obsolete by current long-range planning standards.

The 1975 county-wide plan was intended to be a starting point, but much has happened during the twenty-two years since its adoption. When the plan was being written, the planners divided the county into geographic areas represented by citizen's advisory groups. However, the amount of information needed and the necessary level of community member involvement requires community-wide comprehensive planning efforts for each community area. Today, areas lacking their own community-based plan are poorly prepared for potential land use changes.

Problems often arise from application of the 1975 Plan. When this plan is used to evaluate land use proposals, there are frequent inconsistencies in how the plan is interpreted and whether a recommended land use designation of the plan should strictly apply to the property in question. The plan text is so general that it fails to treat specific areas adequately. However, its land use designation map is quite specific. The plan recommends various land use types and residential use densities, along with a few so-called "commercial nodes" and "activity circles".

Most of the land in the county still covered by the 1975 plan is shown at a recommended density of one residential unit/ 40 acres. The remainder carries a designated density between 1 dwelling unit/ 10 acres and 2 units/ acre. In some 1 unit/ 40 acre areas, there are many parcels of land much smaller than 40 acres. Development of smaller parcels in some areas may be appropriate and even desirable, given the capability of the land for housing in certain areas. In contrast, development density should be much lower in some areas designated as 2 units/ acre. Equally problematic has been interpretation of the "activity circles" drawn around small towns, community centers, and I-90 interchanges.

#### Areas in Need of Updated Comprehensive Planning

The communities in Missoula County still covered by the antiquated 1975 Comprehensive Plan should create their own plans as soon as possible. As earlier noted, few land use rules apply to unzoned areas outside the 4-1/2 mile building permit jurisdiction area. Regulations outside this area only apply when land is being subdivided or if development within a riparian area is proposed. Although a comprehensive plan is not regulatory, it does provide a foundation for sound planning and may be all that rural areas have for guidance.

The comprehensive planning area boundaries may be based on various criteria, i.e. school or fire district boundaries or regional drainage areas. The boundaries should relate to

a county-wide comprehensive boundary plan and encompass not only population clusters but also surroundings that include Forest Service, State, Bureau of Land Management, and Plum Creek lands.

The entire county should be covered by coinciding planning area boundaries so that portions of land areas are not left out. Private citizens as well as large landholding organizations should be involved in plan development and boundary delineation processes. A cursory review of the areas still covered by the 1975 Plan suggests the following general areas might organize to create their own updated comprehensive plan: (See Appendix, Figure 3.)

- 1) West Clark Fork River Valley- Six-Mile, Huson, Frenchtown
- 2) East Clark Fork Valley- Turah, Clinton, Rock Creek, Beavertail Hill
- 3) Bitterroot South- McCintosh Orchards, Carlton, Leo Hansen Road
- 4) Southwest Valleys- Petty Creek, Graves Creek, Lolo Creek
- 5) Blackfoot River Valley- Potomac, Greenough, Clearwater Crossing
- 6) Flathead Indian Reservation (although may be outside the planning jurisdiction of Missoula County)

#### Importance of Updated Comprehensive Planning

Each potential land use action should be weighed in the context of how it complies with a recently developed or amended community-based comprehensive plan that has the blessing of the governing body. Unfortunately, people often become involved with community issues only after an unpopular

land use proposal is made that spurs their opposition. There are cases where development proposals on unzoned land have been approved, despite vocal community objections, where the proposal was determined to be in compliance with an existing but outdated comprehensive plan. There is little the community can do to amend a plan before a proposal is approved. State law provides that proposals conform to the rules in place at the time of submittal. Section 76-3-501 of the planning statutes reads:

"Review and approval or disapproval of a subdivision under this chapter may occur only under those regulations in effect at the time an application...is submitted to the governing body."

Therefore, it is too late to start writing a plan once a project proposal is submitted for review to the County.

As an example, the Missoulian, commenting on a proposed Miller Creek Area Comprehensive Plan Amendment in light of a large subdivision proposal in the Miller Creek Area, summed it up in this part of a commentary entitled "Miller Creek Lesson: Plan Ahead."<sup>28</sup>

If the Commissioners were to adopt the Miller Creek Plan before the developers formally submitted their massive project for approval, the developers would be required to comply with that plan's requirements. Adoption of the plan as written would effectively open the door for Montana's largest subdivision.

But if the developers file their plans before the Commissioners adopt a new plan, then their development would be regulated under a less-stringent 1990 comprehensive plan. It's a good bet this is what the developers will do if the new plan takes what they perceive to be an ugly turn...

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<sup>28</sup>Missoulian editorial, May 4, 1997.

The shame, here, is that there wasn't an appropriate plan for Miller Creek in place before the developers arrived.

Land use planning throughout Montana tends to be too reactive. We wind up fighting over and ultimately adopting plans to govern growth and development that's already under way. Better late than never, of course. To work best, planning needs to be proactive. It needs to be focused on the future, less so the present.

The Commissioners and county residents have no choice but to muddle through the Miller Creek business. Public comments gathered during the upcoming hearings will undoubtedly provide some guidance. But until good, up-to-date land use plans supported by citizens are in place throughout western Montana, and local governments adopt sound, workable ways of managing growth (instead of just talking about it), our communities are going to remain too busy keeping up with developers and their proposals to successfully plan (for the future of) our communities...

The time to review a community's comprehensive plan is now. The comprehensive plan should be in the best interest of the community it serves; otherwise, the plan may actually work against the community. If a plan is outdated and has not been recently evaluated, future problems await.

Allowances in zoning districts should be investigated by area residents to insure they are in the community's interest as well. Zoning should always follow the comprehensive plan as required by planning principles and state law, although there are many zoned areas in both the county and city having land use designations different than those shown for the same areas on the comprehensive plan. Further, there are areas zoned inappropriately given the capacity of the land to sustain increased levels of development. When zoning and comprehensive plan land use designations conflict, the zoning designation has precedence.

## CHAPTER IV

### THE NINEMILE COMPREHENSIVE PLANNING PROCESS

#### PART I: INTRODUCTION

##### Reasons for Creating a Comprehensive Plan

At this writing, community members of the Ninemile Valley are working on their own comprehensive plan. The plan is to be an amendment to the 1975 County plan, although it will be totally new in all respects. The aim of the Ninemile Valley citizens is to have the plan adopted by the Missoula Board of County Commissioners in 1998.

The Ninemile Comprehensive Plan (in draft form at this time) is well-written and informative. The citizens have been working diligently for over a year and a half on its creation. Their reason for creating the plan is contained within the first paragraph of the plan:<sup>29</sup>

The residents and landowners in the Ninemile Valley recognize that current and projected increases in population in Montana and in Missoula County will ultimately impact this valley. Their concerns center around impacts on the land, natural resources, and lifestyle that unplanned development could create. The 1975 Missoula County Comprehensive Plan included the Ninemile Valley. However, the citizens believed that the 1975 plan required an amendment to provide greater detail about the area and to address the particular regional issues of the valley.

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<sup>29</sup>Ninemile Valley Comprehensive Plan Amendment, Ninemile Community Council, Box 357, Huson, MT 59846.

## Purpose Statement of the Comprehensive Plan

The following introduction of the plan serves as the statement of purpose by the Ninemile community; what the plan means, what it is designed to achieve, and how it will serve its purpose:<sup>30</sup>

It is readily apparent in the statement of goals set forth by the residents and landowners of Ninemile that they treasure the rural character and natural resources of the valley. It is their desire to preserve and protect them while simultaneously improving human resources and protecting the rights and respecting the concerns of the individual landowners.

This plan, prepared by a committee of Ninemile residents, is designed to achieve the goals established by the community. It presents a vision for the future, identifies current and potential land uses, and provides relevant information about the Ninemile Valley planning area. The recommendations, actions and implementing strategies contained in this plan set forth opportunities and actions to preserve and protect both natural and human resources and to maintain the diversity, integrity, and unique values of this community in concert with the goals of Missoula County.

This plan serves as guidance and direction to be used by the community, the Ninemile Community Council, the Missoula Office of Planning and Grants, various state and county regulating agencies and the Board of County Commissioners in considering growth issues and making decision which affect the Ninemile Valley.

## PART II: HISTORY OF NINEMILE COMPREHENSIVE PLANNING EFFORTS

### Background of the Plan's Development

#### Inception of the Plan

The people of the Ninemile regard their valley and rural lifestyle with special meaning. The area is quite beautiful with a cool back-country flavor that is rich in history and

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<sup>30</sup>ibid.



culture. Knowing that change is inevitable, concerned citizens decided to work on a comprehensive plan amendment to help guide future change for the valley.

The Stark Schoolhouse, built in 1916 about halfway up the valley, was given to area residents in 1949 as a community center. The building was placed on the National Registry of Historic Places in October, 1995. It is still used today as a recreational meeting place, and a community center board oversees the building and plans community activities. The old schoolhouse is also a focal point for gatherings and discussions about important issues.

Concerns among the people have grown for some time about increased development, traffic, and a potential loss of some of the area's rural, agricultural character. During 1995, several Ninemile residents began discussing the benefits of having an organization to represent the interests of the people and their concerns for the natural environment and the landscape. They realized that there was no planning or direction for the future of their area.

The 1975 County plan is basically silent about the Ninemile but for a short list of objectives for both Frenchtown and Ninemile. The land use designation map of the 1975 Plan was viewed as unrealistic and lacking, and those familiar with this plan gave it very little credence. The map shows an "activity circle" around the Stark Schoolhouse community center. The area surrounding the community center

is of special importance to the people and development is not desirable there. However, the activity circles drawn around various locations on the 1975 map had often been interpreted by developers and county personnel as places where development should occur.

Knowing that change and future development would take place in the valley, the residents wanted to insure that change would be appropriate. The extent of developable, more level land in the valley is limited. The Ninemile ecosystem needed protection for its creeks, bottomlands, hillsides, mountains, forests, and wildlife. The residents wanted to learn all they could about the history and the natural environment of the valley and to provide this information to others. They wanted to collectively guide their own destiny rather than leaving the future to happenstance. In 1995, the formation of a community council and development of a comprehensive plan for the valley began.

The proposed routing of the Yellowstone Pipeline Company's underground petroleum line through the valley was, and still is, a major issue opposed by virtually all residents and landowners. An Environmental Impact Study prepared in 1995 for the U.S. Forest Service declared the valley "too environmentally sensitive" for a pipeline route. Now that lease renewal negotiations on the pipeline route through the Flathead reservation have broken down, Yellowstone Pipeline is again considering a route through the Ninemile Valley.

The Valleys Preservation Council, consisting of citizens from the Ninemile, Sixmile, and Frenchtown areas, is currently working to prevent the possible future pipeline route through the valley. This group also worked to successfully oppose the Northern Tier Pipeline and Bonneville Power overhead line proposals in 1979 and 1987. Because a comprehensive plan contains much documented information about the natural environment, citizens of the Ninemile felt that a plan would help to educate people about the environmental risks of the proposed line through the valley.

#### Consultation with County Officials

In the fall of 1995, a group of residents approached the Office of Planning and Grants and the Board of County Commissioners to discuss their ideas. They were met with support and were briefed on what a comprehensive plan and a community council should be and the processes to follow in creating them. The group was encouraged to proceed. The Commissioners assigned the head of the Office of Planning and Grants comprehensive plan division to work with the residents. The people were informed that public involvement, support, and approval were necessary for success.

#### Drawing the Plan Boundaries

The boundaries of the plan were drawn so that the entire Ninemile Valley would be included. Because the valley extends

into the northwest limb of Missoula County, it was logical to draw the boundaries along county lines adjoining Sanders and Mineral Counties. The eastern boundary was defined ad hoc, and was drawn along north-south section lines which included the Ninemile forest ranger station but not the Sixmile-Frenchtown area. The residents felt that the Ninemile is an ecosystem distinct from other areas.

#### Getting Started: Community Notification and Surveys

In October 1995 the group, known then as "Friends of the Ninemile", sent a letter to residents and landowners of the Ninemile Valley area to find out whether there was sufficient interest in forming a group or council to represent the needs and concerns of the citizens. The letter also asked for input on whether to create a comprehensive plan for the Ninemile and about various preferences of the community. The survey contained a statement reading:

A comprehensive plan sets forth guidelines that help shape the growth of a community and are used by county planning offices and the County Commissioners in making recommendations and decisions regarding development patterns. They are not regulatory. They can be updated and changed as time, circumstance, and the will of the people require. The plan is primarily a list of the goals and desires of the community. It also includes studies to determine and map the physical and ecological resources of the land for use in comparing the desires of the community. It also includes studies to determine and map the physical limitations of the land. What are your desires/ goals of the Ninemile Valley?

About 25% of the two hundred or so recipients responded. According to the Office of Planning and Grants, this was a

better-than-average level of response. Of those responding, 98% indicated they were in favor of forming an organization and 94% were in favor of preparing a comprehensive plan. Based on this high percentage of respondents in favor, the working group decided to make the effort.

### Formation of the Community Council and Planning Goals

#### Questionnaires and Election

During the next few months the results of the preference surveys were analyzed to help formulate the community's goals. Additional correspondence was sent and received, and public meetings were held. The group put together for the community council a proposed charter and set of by-laws that were based on those of the Seeley Lake and Lolo community councils. These by-laws were reviewed and edited by a committee of six residents and were then reviewed by an Oversight Review Group.

On April 9, 1996, information packets from the Friends of Ninemile were mailed to Ninemile residents and landowners. They contained the council by-laws and biographies of the nine council nominee volunteers. The packets also contained a ballot for an election to be held on April 28th at the Stark School community center prior to the meeting of the Ninemile Community Center Board. Those unable to attend were asked to send in absentee ballots; those interested in being a candidate were asked to notify the group so that their names could be placed on the ballot.

The balloting was administered by the Oversight Review Group on April 28th. Over 60 Ninemile residents and landowners voted; six members and three alternates were elected to the Ninemile Community Council.

The new council went to work in dealing with several community issues at hand, one of which was gathering information for the comprehensive plan. A comprehensive plan committee of twelve people was formed from council members and other interested persons. The committee was further divided into subcommittees. Each subcommittee was responsible for a different portion of information collection, i.e. natural environment, wildlife, settlement patterns, vegetation, etc. The council and the committee began regular meetings. During meetings, the council would normally go through its agenda items. The comprehensive plan committee would hold a workshop on the plan. Progress on the plan was continually checked.

#### Council Meetings and Plan Workshops

Meetings were held at the Stark Schoolhouse community center about once a week. Community members and all interested persons were encouraged to attend meetings and to work on the plan. The main objective was not only to get work accomplished but to do so in an enjoyable, friendly way. People brought home-cooked food, coffee, and lemonade. Meetings were candid but orderly; each person could contribute freely. A start and end time and a firm agenda were set for the next meeting.

Community-wide notification of the planning process was paramount to the committee. On a regular basis, mailings were sent and phone calls made to inform as many people as possible of upcoming meetings and the status of the plan. Information was placed on bulletin boards at the post office and post cards and letters were mailed to residents and landowners. In the fall of 1996 the council began the quarterly "Ninemile Newsletter", containing information about community issues, activities, and the developing comprehensive plan. On September 14, 1996 the council sponsored a "Rural Living Expo" which featured speakers from the Office of Planning and Grants, the Missoula and Frenchtown Rural Fire Districts, the U.S. Forest Service, and others. The turnout was good and the expo interesting. This also provided more opportunity to learn about the plan.

On January 5, 1997, the president of the Planning Board spoke to the citizens at a comprehensive plan working session. On May 4, a County Commissioner and Planning Board member held an open discussion with people at the community center. The dialogues were at times trying during these and other meetings but momentum and progress continued.

#### Philosophies and Objectives for the Plan

The working group learned firsthand to be sensitive to the objections and feelings of area residents. They were careful to avoid appearing to tell people what they could or

could not do with their land. Rather, the goal was to provide people with information about their land and the community in which they lived and to get them involved in the planning process. There were always struggles with wording of the plan document, between using words that were too "strong" and words that were too "soft", i.e "shall" versus "may", or "require" versus "encourage". The right balance between specificity and generality was a challenge.

From the onset, the aim was to produce a document that was not only informative but easy to understand and enjoyable to read. The working group realized that the plan could have implications for years to come; that it should provide direction and have foresight yet remain flexible and responsive. Once complete, the plan would be a basis for further studies and compilation of community preferences. This would be the first amendment to the 1975 plan, with other updates to follow periodically throughout the coming years.

#### Available Resources in Collecting Information

Fortunately, there were many resources available to the comprehensive plan working group. The talents, skills, and vision of various individuals blended well to benefit the plan. Many members of the community were knowledgeable about specific subjects being studied. Their experience and professional expertise proved valuable. The U.S. Forest Service, which manages 81% of the land in the valley,



participated in the process and was a wealthy source of information. Many professional experts were consulted, several from the University of Montana. Numerous published studies on various aspects of the valley were used and referenced.

At the time when a section of the plan (i.e. vegetation, wildlife, geology, hydrology, etc.) was drafted by the subcommittee using the various resources, the section went to a selected professional in that field for an "expert review." This allowed the expert to edit for clarity and correctness.

#### Format of the Plan

During the initial stages of the plan development, the working group analyzed responses of Ninemile residents to questionnaires and identified eight community goals. These goals, as follow, would help to form recommendations contained within the plan:

- (a) preserve rural character;
- (b) preserve spirit and sense of community;
- (c) protect wildlife habitats;
- (d) preserve scenic views;
- (e) preserve historic culture;
- (f) preserve/ protect natural resources;
- (g) preserve hunting heritage;
- (h) enhance recreational opportunities appropriate to the natural landscape of the Ninemile.

The first order of business was to describe the meaning of these goals as best possible and to determine how they could best be implemented. After each section of informational text describing the current state of a plan topic (see

Appendix, Reference 2, Contents of the Ninemile Valley Comprehensive Plan), land use planning considerations were defined. The recommendations were based on the community goals and included objectives and action/ implementation strategies that have been successful in other Rocky Mountain communities. The Missoula City/ County Growth Management Themes were placed within the text where suitable, and a copy of the Themes Document was placed within the plan appendix.

#### Resource Mapping

The plan committee felt that maps would be important in providing clear, visual representation of spatial topics and should be used wherever feasible. The challenge was to find a map scale appropriate for the document. The committee observed that a map placed on standard letter-size paper conveniently fits with the text pages. A map placed on a sheet 11"x17" bound on one side and folded once also fits conveniently with the rest of the document. Larger maps must be folded and inserted into a cover pocket. This allows the use of larger scales and better resolutions but increases the cost and workload of document assembly. Finally, although colored maps were thought to work best, they were too expensive to copy.

The Office of Planning and Grants generously provided some mapping services. One map created for the committee was a large-scale Federal Emergency Management Agency (FEMA)

floodplain map. During the spring floods in May, 1997, Montana Aerial Photo flew the Ninemile Valley and produced aerial photographs at 1:12,000 scale. These photos were used to map the boundaries of standing water along Ninemile Creek. It was discovered that water stood within and outside the 100-year floodplain boundaries throughout the area. However, the flood was not officially declared a 100-year flood by FEMA.

### Review of the Plan

#### Initial Plan Review by Committees and Council

Review of the plan was done in steps. The comprehensive plan committee delegated sections to subcommittees. After a subcommittee drafted its section, the section underwent an "expert review", and then a "line-by-line review" before the committee. Neighborhood committees around the Ninemile also reviewed each draft. Once the entire draft document was acceptable to the committee, it was approved by the committee and the community council. On September 26, 1997, the first bound draft was completed.

During the process of drafting the plan, the committee was very careful to remind members of the community that each working draft was just an outline lacking formal review and approval by the committee and council. Statements or contents in the working draft might be changed or removed before its approval by the committee and council. However, community members were welcome to review working drafts during the

process. The outline draft, also called "working papers" or the "drafty draft" by committee members, contained the following statement on the front cover:

This document is a working composite of ideas formulated through the efforts of the Ninemile Comprehensive Planning Committee. It is not a complete draft and is undergoing many changes. Upon consensus of the Ninemile Community Council, it will become a draft plan. At that time it will be made available to all residents and landowners of the Ninemile Valley for their review, comment, change, etc. Your participation, ideas and involvement in creating the Ninemile Comprehensive Plan is encouraged. Upon review and comment by the residents and landowners of Ninemile and appropriate changes are made, the draft plan will be submitted to the residents/ landowners for a vote.

The Ninemile Valley Comprehensive Plan is currently in the review process. The following discussion relates subsequent stages in eventually securing approval of the plan.

Plan Review by the Ninemile Community,  
Committee, and Council

Once a draft plan is finally accepted by the comprehensive planning committee and neighborhood review committees, the new draft is then reviewed and approved by the community council. At that point, the plan may be discussed at an open house where the entire community will be encouraged to attend.

Community members will be given more time to review the draft document; at the end of the specified time period, another public meeting will be held at the community center to gather comments. The plan committee will take time to review the comments, make changes, and again the council will

review and approve the new draft. This process will take place as many times as needed before the plan gains its highest level of community-wide acceptance. At this point the draft will be made available again and a vote is to be held at the community center on whether to approve the "official draft" of the plan and send it on to the County for review.

Please note that a community-wide vote on the plan is not a requirement and has not been done before in Missoula County. If practical, however, this helps determine the level of acceptance or whether the plan is ready for presentation to the County. Broad support is necessary, but total agreement on most points will rarely be possible.

#### Plan Review By County Officials

After the official draft of the plan is approved by the planning committee, community council, and community members, it will be submitted to the Office of Planning and Grants. The planning staff will then take 30 to 60 days to review the plan draft and send its comments and recommendations in the form of a staff report to the Missoula Consolidated Planning Board. The community council may conduct the public hearing at the community center, as was done with the Seeley Lake Plan. (This helps bring county government to the community, and more community members are likely to attend.) All notification requirements will have been met, as required by state law.

At the Planning Board meeting, the board members (who will have already read the staff report) will hear a presentation by the Office of Planning and Grants staff. Ninemile community council members may also give a presentation. The Planning Board will then hear testimony from community members and other interested persons. When everyone who wishes to speak has spoken, the public hearing will be closed and the Planning Board will discuss the plan and pertinent issues. The Board will then vote on whether to recommend approval, approval with changes, or denial to the Board of County Commissioners. (This may all take place at one meeting, or it is possible that the Planning Board may wish to continue the hearing at another date).

Approximately three weeks after the Planning Board approval, the draft comprehensive plan will go to the County Commissioners along with recommendations of the Planning Board and verbatim minutes of the public hearing. The Commissioners will conduct a similar meeting, although the meeting will probably take place in the Missoula County courthouse. Once the fine-tuning is complete, the plan is voted on by the Commissioners. If the vote in favor comprises the majority of the three Commissioners, the plan is officially adopted.

## CHAPTER V

### SUMMARY AND CONCLUSIONS

#### Importance of Local Planning in Rural Areas

The majority of rural Missoula County is unzoned and is covered by an outdated comprehensive plan offering little guidance. There are few regulatory measures in place to insure that certain kinds of land uses do not degrade the environment or quality of life.

An effective way to provide useful guidance in land use planning is through a comprehensive plan. The plan is best formulated by the efforts of local citizens residing in the area for which the plan is prepared. The state of Montana and the Missoula County encourage the creation of local community comprehensive plans. The endeavor takes time, work, and patience, but the effort is well worthwhile.

#### The Ninemile Experience

The experience of working with the Ninemile people was most valuable in the writing of this paper. It is hoped that their efforts continue and that their plan is adopted in 1998. The following are some general observations about the experience that may help others in creating a plan.

The Ninemile Valley is a rather unique area, partly because it is somewhat secluded from the remaining portion of Missoula County. It is obvious that the people there love their land and community and wish to preserve the environment

and their quality of life. Many seem to want no outside interference in their affairs, have little confidence in regulations and bureaucrats, and certainly do not want to be told what to do with their land. Several people voiced concerns about feeling left out of the planning process, even though earnest efforts were made to notify as many people as possible. Some even felt that they did not need a plan or that the council was not legal. Unfortunately, the planning process created divisions among some of the people.

Important lessons here are that any planning efforts must be made with great sympathy towards people's feelings. The plan should be informative about the environment but sensitive about making recommendations. The language needs to be suggestive and not definitive. County personnel need to be involved with creation of the plan because they will ultimately review and approve the plan. They must also insure the council is created through a legal, outlined process.

Probably the most important lesson is that continual notification of the process is a must, so that people do not feel left out. Mentioned earlier were various tactics of letting people know about meetings and about the progress of the plan. These kinds of extra efforts have to be made to involve as many people as absolutely possible. Citizens must also be informed about the need to participate in their own plan. Although some in the Ninemile stated they did not want a plan, in effect, they already had one: the 1975 County plan.



Creation of a plan must be done in a cordial atmosphere, where people listen to each other and consider different points of view. In short, the process should not be scary or hostile, but a fun way of getting together and discussing ideas. The plan itself should be written in meaningful, understandable text that is enjoyable to read.

#### Basic Procedures to Follow

It is the objective of this work to provide information to people interested in creating their own community plan or amending their existing plan. Summarily, the following are a few general, important steps or approaches to keep in mind:

- First, meet with various members of your community and discuss concerns and ideas.
- Contact the Office of Planning and Grants, 435 Ryman, Missoula, about your concerns and ideas.
- Become organized through a representative council or other kind of group and encourage others to become involved.
- Develop a mailing list to inform everyone in the planning area about these ideas; go the extra distance and use also other notification methods; document notification.
- Find a spacious, neutral meeting place and hold regular, open, documented, and orderly meetings with an agenda.
- Listen and communicate well, write down ideas, appreciate other people's points of view; it is fine to agree to disagree; do not belabor fine points and keep moving on.
- Keep everyone in the planning area updated and informed, even those who are not actively participating.
- Work hard, follow the advice of the County, keep the writings informative and enjoyable to read.
- Have fun and remember, this is your plan for your community.

The process takes much time and work, and it should be accomplished in a logical, open fashion. The creation of a community-based comprehensive plan is a real opportunity, one provided by our state legislature and county policies. The comprehensive plan is not a regulation and there are no specific requirements as to the content of the plan or the exact degree to which land use proposals must comply.

This may, however, be the beauty of the comprehensive plan- it allows for analysis and judgement in each unique situation by considering the goals and objective information contained within the plan without having to abide by concrete regulatory requirements. It encourages planning at the community level and communication between citizens, county planners, and elected officials. In all, comprehensive planning empowers the people who offer their skills and ideas to make their community a better place.

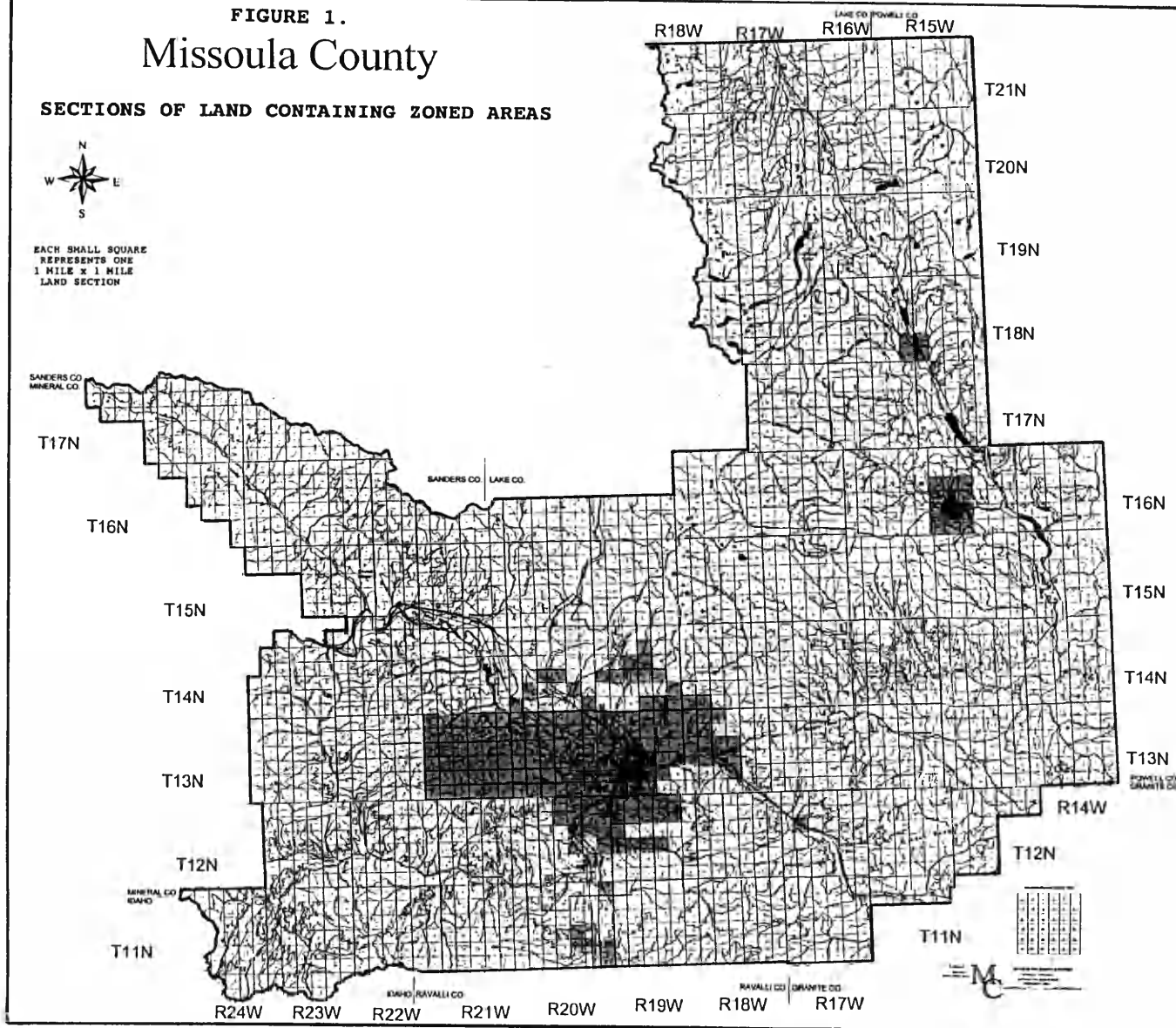
APPENDIX

**FIGURE 1.**  
**Missoula County**

**SECTIONS OF LAND CONTAINING ZONED AREAS**



EACH SMALL SQUARE  
 REPRESENTS ONE  
 1 MILE x 1 MILE  
 LAND SECTION



**FIGURE 2.**  
**Missoula County**

**COMPREHENSIVE PLANNING AREAS**



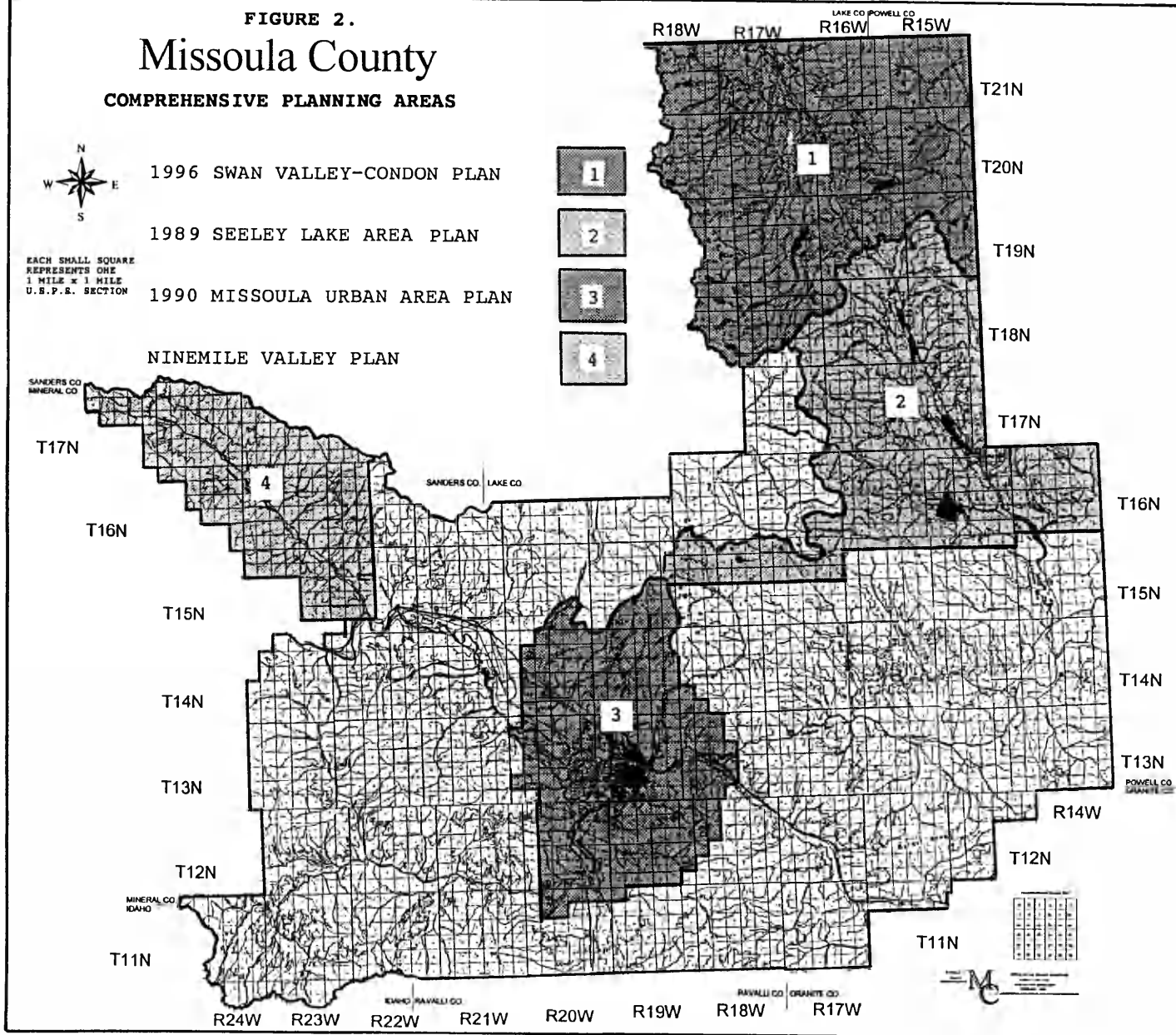
1996 SWAN VALLEY-CONDON PLAN

1989 SEELEY LAKE AREA PLAN

1990 MISSOULA URBAN AREA PLAN

NINEMILE VALLEY PLAN

EACH SMALL SQUARE  
 REPRESENTS ONE  
 1 MILE x 1 MILE  
 U.S.P.S. SECTION



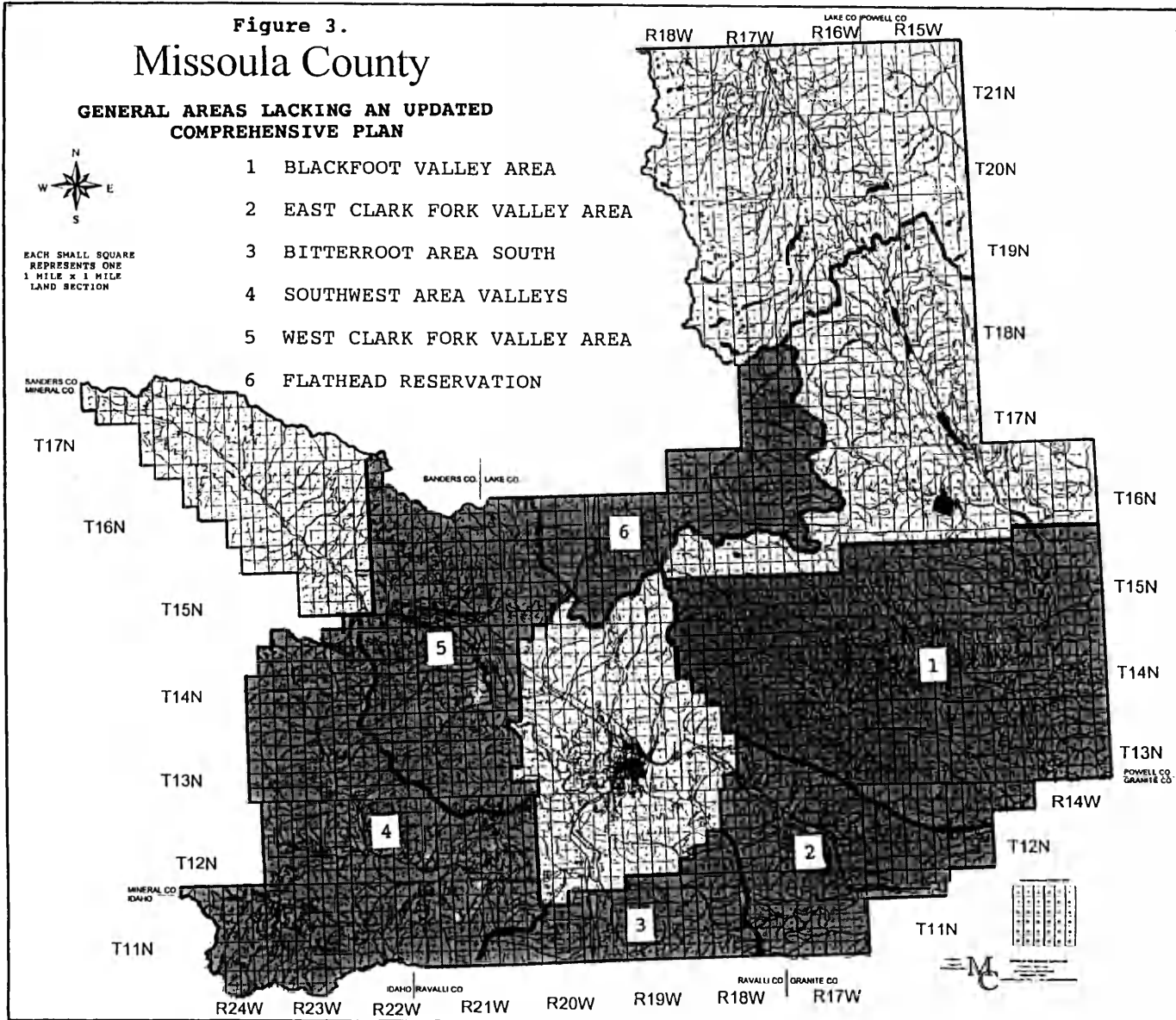
# Figure 3. Missoula County

## GENERAL AREAS LACKING AN UPDATED COMPREHENSIVE PLAN



EACH SMALL SQUARE  
REPRESENTS ONE  
1 MILE X 1 MILE  
LAND SECTION

- 1 BLACKFOOT VALLEY AREA
- 2 EAST CLARK FORK VALLEY AREA
- 3 BITTERROOT AREA SOUTH
- 4 SOUTHWEST AREA VALLEYS
- 5 WEST CLARK FORK VALLEY AREA
- 6 FLATHEAD RESERVATION



## REFERENCE 1.

### Definitions of Comprehensive Plans

Note: These are definitions taken verbatim from various published sources and reprinted here in order to give readers different, scholarly explanations of a comprehensive plan.

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A. Source: Circular by the Missoula Office of Planning and Grants in conjunction with the Missoula City/ County Growth Management Task Force, 1996.

Comprehensive plans are documents that identify land use issues and provide direction to the governing bodies and community regarding the issues identified through the planning process. A comprehensive plan compiles specific relevant information for an area and presents a vision of the future of the planning area.

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B. Source: Daniels, Thomas L. et. al., The Small Town Planning Handbook, 2nd ed., Chicago, IL: American Planning Association, 1995, p. 11-12.

The major plan, commonly known as the comprehensive plan, master plan, or general plan, presents long-range goals and objectives for all activities that affect growth and development in the community. The time range for the comprehensive plan varies from 10 to 20 years with suggested updating at 3- to 5- year intervals...The comprehensive plan states community goals and offers recommendations for action for economic development, housing, land use, community facilities, the environment, and transportation. Thus, the comprehensive plan serves as a guide for public rulings on public and private development proposals and for the budgeting of public money. The comprehensive plan allows the community to compare how a town appears now and what it should look like in the future.

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C: Source: Stokes, Samuel N. et. al., Saving America's Countryside, Baltimore, MD: The Johns Hopkins University Press, 1989, p. 130.

A comprehensive plan is the community's blueprint for the future, specifying what actions should make the community a good place in which to live, work, and visit. In other words, the plan outlines what needs to be done, and how and when to do it in an organized fashion.

D: Source: Fife, Keith B., Open Space Acquisition Techniques and Management Options for Rural Communities, Professional Paper, University of Montana, Missoula, MT: 1988, p. 42.

A community's master plan or comprehensive development plan should include policies which direct growth in a manner which preserves identified open space. The master plan should address open space in a variety of policy issues such as land use, transportation, housing, and recreation. Included in most master plans is an "official map" showing desirable land uses, including open space. An official map, unlike a zoning map, does not lock parcels into a particular use. Instead, the map is a graphic reference for developers and decision-makers to consult as a guide to community development. The courts have upheld a community's right to enforce its master plan if the adopted policies have been applied consistently in the decision making process. Ideally, public and private sector development should be consistent with the adopted plan.

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E. Source: Ford, Kristina et al., Planning Small Town America, Chicago, IL: American Planning Association, 1990, p. 14-15.

A community's comprehensive plan- also called its master plan- is the foundation for guiding how land should be used. The plan joins facts and opinions about a community with projections and aspirations for the future. The pertinent facts describe inhabitants of a town and their environment, and form an inventory of current conditions...a plan expresses and details townspeople's wishes for the future...its most familiar representation (is) a map which depicts a community's intentions for the future by designating how undeveloped land will be used.

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F: Source: National Association of Home Builders, Building Better Communities Through Regulatory Reform, Washington, DC: National Association of Home Builders, 1985, p. 28.

A comprehensive plan is normally the result of considerable study and analysis of existing physical, economic, and social conditions in the community, as well as projections of future conditions. The plan is considered to be comprehensive because it takes into account all aspects of the community, such as housing, transportation, schools, health care, and public facilities, when assessing current conditions and projecting future community needs and development goals. When adopted by a governing body, the comprehensive plan may serve as a guide for governmental decision-making, especially in regard to changes in land use, capital improvements, and enactment of



zoning or similar laws. Most state enabling legislation requires that zoning be in accordance with a comprehensive plan.

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G. Source: Kent, T.J., The Urban General Plan, San Francisco, CA: Chandler Publishing Co., 1964, p. 18.

The general plan is the official statement of a municipal legislative body which sets forth its major policies concerning desirable future physical development; the published general-plan document must include a single, unified general physical design for the community, and it must attempt to clarify the relationships between the physical-development policies and social and economic goals.

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H. Source: Montana Department of Commerce, A Primer on Land Use Planning and Regulation for Local Governments, Helena, MT: Community Technical Assistance Program, 1994, p. 14-15.

The most common approach to local planning is to prepare some version of a "comprehensive" plan. Montana's local enabling statute authorizes the preparation and adoption of a comprehensive plan, and sets out the required procedures. A comprehensive plan can be any document that is developed with thought and deliberation to assist a community on its own particular issues. Montana law (76-1-601, MCA) offers guidelines for the content of a local plan... Comprehensive plans can, and should, vary in content and format from one community to another. The great variations in land use issues, population densities, and types and magnitudes of development pressures, require that local officials and citizens draft a plan to best suit the particular community's situation... The plan should be used as a valuable reference by the planning board members and elected officials. When a planning board or governing body is faced with a development issue and decision, they should consult their comprehensive plan, and refer to its recommendations and policies for guidance. They should use their plan in their day-to-day decision-making, such as reviewing a subdivision plat or considering a proposed amendment to the zoning regulations. Plans can be flexible, which usually means they are more general. Plans can be more specific, which usually means they provide better guidance or direction. Flexible plans do not become out-of-date as quickly as specific plans. Local officials should try to strike a balance between flexibility and specific language that provides meaningful guidance.

I. Source: Montana Department of Commerce, A Handbook on Local Land Use Regulation, Helena, MT: Community Technical Assistance Program, 1994, p. 12-13.

The comprehensive plan is a non-binding document that is developed through a public process that identifies land use issues and gives direction for dealing with those issues. Regulations, (i.e. zoning, building permit, and subdivision regulations) carry out the direction and policy of the plan by articulating in specific language requirements that govern the use of the land... Effectively linking and coordinating the various land use tools requires a comprehensive planning process that (1) clearly identifies community objectives, and (2) determines exactly how each of the available tools can be used in coordination with one another to achieve those community objectives.

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J. Source: Missoula Urban Comprehensive Plan, 1990 Update, Missoula, MT: Office of Planning and Grants, 1990, p. v.

Comprehensive plans provide a framework for the development of a community. Based upon consensus of the public and elected officials, comprehensive plans reflect the community's aspirations for design and function of the area. They recognize the desires of the private landowners, the needs of the community, and the capabilities of the local infrastructure. Indeed, they encourage a comprehensive approach which can guide community growth within the context of both public and private development. However, primary responsibility for quality development lies with the landowner who predominantly controls a development's benefits to and impacts on the community. Citizens can help attain and protect the community's goals by participating in the planning process and in the drafting of comprehensive plans.

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K. Source: The Practice of Local Government Planning, Washington, DC: American Planning Association, 1979, p. 287.

The comprehensive plan is a general guide to the future character and development of a community. It identifies significant areas to be preserved or changed for the achievement of social, economic, or environmental goals.

REFERENCE 2.

Contents and Components of the Ninemile Comprehensive Plan

SUMMARY

Vision, Summary of findings, conclusions, issues, goals.

COMMUNITY PLANNING PROCESS & GOALS

CHAPTER 1. History, Settlement, and Population

(Note: At the end of each chapter are planning considerations and recommendations with goals, objectives, and action/ implementation strategies that have been successful in other Rocky Mountain communities.)

CHAPTER 2. Community Aesthetics & Character

Overall Description  
Settlement Patterns  
Heritage Areas

CHAPTER 3. Housing

Housing Stock  
Development Densities

CHAPTER 4. Economy

Existing Conditions

CHAPTER 5. Natural Environment

Geology  
    The Ninemile Fault  
    Slopes & soils  
Watershed  
Groundwater  
Surface water  
    The Ninemile Creek  
    Riparian Areas/ Corridors  
    Floodplain  
Airshed  
Vegetation  
Fish  
Wildlife

CHAPTER 6. Infrastructure, Community Services, and Facilities

Infrastructure (utilities, roads)  
Community Services  
    Schools  
    Wildland Fire Protection  
Law Enforcement & Emergency Medical Service  
Parks & Trails

CHAPTER 7. Commercial and Industrial Land Use  
Existing Conditions

CHAPTER 8. Public and Private Lands Interface  
Existing Conditions

CHAPTER 9. Major Planning Issues  
Proposed Petroleum Pipeline

CHAPTER 10. Community Development Concepts  
Community Design Concepts & Land Use Designations  
Ninemile Valley Good Neighbor Site Planning and Building  
Guide  
Summary of Objectives and Actions to Achieve Goals

APPENDIX A. Planning for Growth in Missoula County Themes  
Document

APPENDIX B. Land Use and Resource Maps

- B-1 Land ownership mapping
- B-2 Current land use mapping
- B-3 Infrastructure mapping
- B-4 Wildlife corridors and habitat
- B-5 Vegetation
- B-6 Geology
  - B-6-a General Geology
  - B-6-b Fault system
- B-7 Flood Hazards
- B-8 Soils & slopes
- B-9 Land Use Designation map

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