

Big Hole Watershed Land Use Plan

Section 1. Big Hole Watershed Land Use Plan

The Big Hole Watershed Land Use Plan has been developed specifically for the lands within the Big Hole Watershed. The Big Hole Watershed Land Use Plan includes recommendations for action to the Board of County Commissioners and Planning Boards of, Beaverhead, Madison, Anaconda – Deer Lodge and Butte – Silver Bow Counties, Montana. The Plan is offered as a proposed amendment or addendum to the Comprehensive Plan/Growth Policy of each of these counties. Actual standards or regulations implementing the plan, or portions of, may be adopted as a subsequent action, by ordinance, by each county for implementation. The plan is proposed with the recommendation that implementation and adoption will be coordinated between the counties.

The Plan supports the community values identified through public meetings and a resident survey conducted by the Big Hole River Planning Group (1999-2002). The mission of the Big Hole River Planning Group is: to coordinate land use planning, to conserve the agricultural, recreational and natural resource values and to respect private property and water rights, while recognizing the social and economic impacts of land use changes in the Big Hole basin.

The goals and guiding principles of the Big Hole Watershed Land Use Plan come directly from the residents of the Big Hole. Big Hole basin residents identified what they value most about the Big Hole. These community values are the basis for the quality of life in the Big Hole and what makes the watershed a special place. The following guiding principles reflect the values of Big Hole residents:

RANCHING

1. Support family based agriculture and ranching operations.
2. Conserve prime agriculture and ranch land.
3. Respect and maintain private property rights and water rights.

COMMUNITY

4. Maintain small town character and rural atmosphere.
5. Enhance rural community vitality.
6. Promote a blended economy with new and old industries.

FUTURE DEVELOPMENT

7. Target future development around existing communities with good services.
8. Target future development along existing travel corridors and county road systems.
9. Target future development away from high-risk areas: forests, floodplain.

ENVIRONMENT

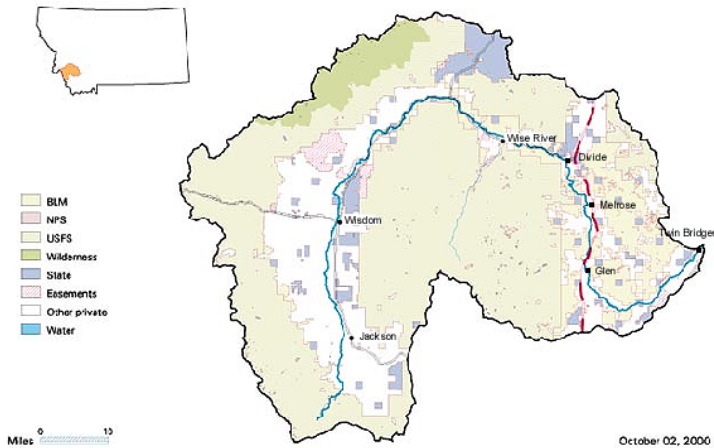
10. Maintain the existing character of the Big Hole River and valley. The character of the Big Hole is exemplified by: an undisturbed river corridor, open spaces and view sheds, large ranches, healthy functioning ecosystem, high quality fish and wildlife habitat and clean air and water.
11. Protect critical fish and wildlife habitat and winter range.
12. Maintain the quality of recreation experience with limited development on the banks of the river.

Section 2. Boundaries

The boundary of this plan is the Big Hole Watershed, shown on map 1. A watershed is defined as the area of land drained by a river system, defined by high ridges / mountains which divide landscapes and basins. The Big Hole Watershed Land Use Plan is proposed as a single plan for the watershed. The Plan can be adopted by all associated counties and implemented by each county within the confines of the Big Hole Watershed boundary.

Map 1

Big Hole River Watershed (1,800,000 acres)



Section 3. Recommendations

3A. Recommendation: Adopt The Big Hole Watershed Right To Farm Ordinance

The purpose of such an ordinance is to protect farmers from nuisance suits by non-farm neighbors who might object to odors, dust, noise, or other aspects of farming they may find objectionable. The Big Hole Watershed Right To Farm Ordinance seeks to promote the rural character of the Big Hole Watershed and protect agricultural operations within the boundaries of this ordinance. It is recommended that each county planning board and planning staff coordinate the process of ordinance review and adoption, [see appendix A](#).

3B. Recommendation: Encourage Growth Policies To Target Future Development Effectively

The public planning process in the Big Hole has identified priority areas for future development. Residents support targeting future development:

- around existing communities with good services
- along existing travel corridors and county road systems
- away from high-risk areas such as forests and floodplains

It is recognized that not only should development priority be given to these areas but existing communities should encourage infrastructure development and enhancement in order to attract and support businesses and residents. The Big Hole Planning Group will support these infrastructure development efforts through networking, grant and loan programs and technical expertise. Community development and infrastructure support may include but is not limited to the following activities:

- Sewer systems and municipal water supply.
- Communications service.
- Low rate business development loans.
- Loans and grant for small family / community businesses.
- Value added programs for agriculture commodities.
- School resource support (computers etc.).

3C. Recommendation: Institute A Program To Facilitate The Purchase Of Conservation Easements

Traditional, donated conservation easements do not offer most family farms and ranches a viable planning tool. Most family farms and ranches need cash for their development right to make a conservation easement work for their operation. To maintain family farms and values, the agricultural heritage of the basin and open space, the residents of the Big Hole Watershed support a program that will facilitate purchasing development rights from willing landowners interested in pursuing a conservation easement. The program will offer cash to landowners who wish to place their property or a portion thereof, in a conservation easement. The program will be completely voluntary with willing landowners.

Conservation Easement Partners

Conservation easements may be donated or purchased. All easements hold value, which can be used, in a variety of ways depending on the goals of the landowner. Whether an easement is purchased or donated depends on the goals of the landowner and the organization holding the easement. Landowner goals may include: reducing income tax burdens, estate planning and inheritance planning, reducing debt, maintaining ranching operations or establishing a life income.

The Big Hole Land Use Planning process has identified that local landowners feel most comfortable working with land trust organizations (i.e. Montana Land Reliance, The Nature Conservancy, Rocky Mountain Elk Foundation) rather than government entities. The program will help local landowners coordinate with land trust organizations. The landowner will choose the conservation easement holder and the terms of the easement will be developed between the landowner and the conservation easement holder. Payment for the easement will be determined by the terms of the easement, assessed value of the land and other associated conditions particular to the property and/or funding source.

Support Fundraising

Funding for purchasing easements from willing sellers will be sought from a variety of sources including congressional appropriations, state programs, federal funding sources, private foundations, land trusts, nonprofit organizations and others. These funds will be garnered and administered by the land trust organizations and other entities holding Big Hole conservation easements. The Big Hole River Planning Group will support fundraising efforts for Big Hole conservation easements.

Big Hole River Planning Group's role in providing assistance for landowners.

- The program will assist landowners in getting information on all of the consequences of conservation easements. The group will act as a clearinghouse for technical guidance.
- The group will promote the program and engage in public outreach efforts.
- The group may work as liaison between land trust organizations and landowners.
- The group will facilitate landowner participation with other land conservation programs including but not limited to: Farm Bill initiatives, time limited easements, conservation reserve program and grasslands reserve program.

3D. Recommendation: Establish Big Hole River Conservation Development Standards

The Big Hole River and creek frontage property in the watershed is among the most desirable for new development. Also, it is recognized that river frontage is of major ecological importance for fish and wildlife habitat, protecting water quality, floodplain functions and other natural resource values. In order to protect water quality, preserve an undisturbed river corridor and maintain natural resource functions and conditions, river conservation standards will be established. The purposes of river conservation standards are to:

- Protect water quality and quantity, floodplain and riparian resources of the Big Hole watershed.
- Provide for the health and safety of residents and visitors of the Big Hole watershed.

In an effort to create fair and useful standards, the recommended Big Hole River Conservation Development Standards will establish **consistent guidelines for all counties** on future development. These recommended development standards compliment existing state, county and municipal standards for septic and water quality concerns. The recommended river conservation standards were developed through the Big Hole Watershed Land Use Planning process, which incorporated public participation and landowner guidance between 1999-2002. The recommended standards are within the range of existing subdivision setback regulations (2002) for Beaverhead, Madison, Anaconda – Deer Lodge and Butte – Silver Bow Counties, Montana. The recommended standards were developed to be associated with riparian habitat zones, floodplain interactions and riparian soil types.

It is recommended that each county planning board and planning staff develop an appropriate process for reviewing, permitting and implementing the river conservation development standards. It is recognized that each county may need to develop a new ordinance or amend an existing ordinance to address the river conservation standards on all existing legal tracts of record.

Application of River Conservation Standards

- The river conservation standards do not include ranch infrastructure such as sheds or calving barns. The river conservation standards do not include structures existing prior to (date the plan is adopted).
- The river conservation standards apply to both subdivided properties and all legal tracts of record.
- Development proposals must be submitted to the appropriate county planning office if construction is within 500 feet of the mean high water mark*.

**Mean high water mark: average stage of surface water during height of flow in a water year.*

River Conservation Standards and Review Process

Development proposals must be submitted for review to the appropriate county planning office if construction is within 500 feet of the mean high watermark.

The Big Hole river conservation standards establish a 150-foot setback from the mean high water mark of the main stem of the Big Hole River and secondary Big Hole River channels with established floodplains. The setback may be increased or decreased subject to review based on the following recommended river conservation standards. Reviews will be made by county planning department staff based on the following criteria.

River Conservation Standards for Setback and Variance Reviews:

- 1) The development proposal meets state and local sanitation and water quality requirements.
 - a. The development proposal does not threaten legal water quality standards.
 - b. The development proposal protects natural riverbank stability.
- 2) The development proposal maintains floodplain and floodway functions.
 - a. Property owners can secure flood insurance.
 - b. The development proposal is outside of the currently adopted, FEMA recognized 100-year floodplain.
 - c. The development proposal does not constrict the floodplain or floodway, and does not pose a threat to downstream property owners.
- 3) The development maintains a riparian vegetative community.

The county planning staff will review the development proposal based on the established river conservation standards and 1) recommend approval of the proposal and move forward through the planning process as prescribed by County Growth Management Plans 2) recommend modifications based on the river conservation development standards and then proceed through the planning process with recommended modifications/amendments incorporated into the proposal.

If a development proposal does not meet the river conservation standards as per planning staff recommendations or modifications the applicant may choose to apply for a variance.

Variance Procedure

In addition to the established processes found in County Growth Management Plans for reviewing variances, it is recommended that the Boards of County Commissioners and Planning Boards of Beaverhead, Madison, Anaconda – Deer Lodge and Butte – Silver Bow Counties, Montana develop a Memorandum of Agreement (MOA) supporting a Big Hole River Conservation Standards Review Board. The review board will be a citizen advisory board without elected officials. It is recommended that this board be composed of 7 representatives with 1 resident agricultural landowner from Madison County, 1 resident agricultural landowner from Beaverhead County, 1 resident agricultural landowner from Butte-Silver Bow County, 1 resident agricultural landowner from Anaconda-Deer Lodge County and 3 additional stakeholder representatives to be determined by the counties.

The citizen Big Hole River Conservation Standards Review Board will review the development proposal based on the River Conservation Standards and make a recommendation to the Board of County Commissioners on whether a variance should or should not be permitted.

It is acknowledged that only a small proportion of development proposals will warrant this additional level of review. Any mitigation measures proposed by the developer shall be taken into account when considering the request for a variance.

Addendum

"During November 2002 meetings public comment identified the need for up-to-date floodplain mapping for the entire river. Local residents and landowners requested that the 100-year floodplain be delineated for the length of the Big Hole River. Residents stated that if the 100-year floodplain was identified it would reduce confusion and give landowners important information for management decisions. County planning staff from the four affected counties agreed that defining the 100-year floodplain throughout the basin is a priority.

It is recommended that the counties jointly proceed planning for a Big Hole River 100-year floodplain mapping project. It is recommended that the counties seek funding jointly through grants and other natural resource programs. The Big Hole River Planning Group is in support of the floodplain mapping project and will assist as needed including preparing grant applications and seeking funding."