

RESOLUTION NO. 2023 – 165

**A RESOLUTION OF THE GALLATIN COUNTY COMMISSION TO ADOPT
THE GALLATIN VALLEY SENSITIVE LANDS PROTECTION PLAN AS A
REVISION TO THE GALLATIN COUNTY GROWTH POLICY**

This Resolution was introduced by the Gallatin County Planning Department, moved by Commissioner BOYER, and seconded by Commissioner MACFARLANE. The Resolution was adopted by a vote of 3 : 0.

WHEREAS, in September 2021, the Gallatin County Commission adopted the Gallatin County Growth Policy – Envision Gallatin, Tomorrow Together (Growth Policy), pursuant to §76-1-601, MCA, et seq. as a comprehensive plan to guide land use and development within the County’s jurisdictional area; and

WHEREAS, pursuant to §76-1-601 MCA, required components of a growth policy include but are not limited to community goals and objectives, maps and text describing an inventory of the existing characteristics and features of the jurisdictional area, including natural resources, and other characteristics and features proposed by the planning board and adopted by the governing bodies; and

WHEREAS, §76-1-601(5) MCA gives planning boards and governing bodies broad authority to adopt additional elements as part of their growth policy in order to fulfill the purpose of Title 76, Chapter 1, Part 6, MCA; and

WHEREAS, stakeholders from a variety of governmental and not-for-profit entities collaborated to develop the Gallatin Valley Sensitive Lands Protection Plan (Plan) which is organized around the themes of Wildlife and Biodiversity, Connectivity, Agricultural Heritage, and Water Quality and Quantity; and

WHEREAS, the goals of the Plan include: support the long-term ecological health of the region; create a regional model that connects clean water, abundant wildlife, productive agriculture, and cultural heritage; recommend how to protect the most sensitive resources during unprecedented growth; identify benefits and best practices in development in harmony with the natural environment; and facilitate dialogue between city, county, agencies, constituents, landowners, and developers; and

WHEREAS, the Plan relies on the best available authoritative resource data and not original data collection; was guided by a working group of technical experts with diverse interests; and

WHEREAS, the process to develop and refine the Plan provided a variety of opportunities for public input, including but not limited to statistically significant surveys, a website that provided opportunities to submit comments, and public meetings; and

WHEREAS, the 2021 Growth Policy includes a variety of text and maps relevant to the themes of Wildlife and Biodiversity, Connectivity, Agricultural Heritage, and Water Quality and Quantity, the Plan includes additional, well-documented data, transparent analysis methodologies,

and recommendations that could be useful in furthering some of the goals, policies and action items identified in Sections 7 and 8 of the Growth Policy, especially around the themes of Heritage and Open Space, including but not limited to:

- Policy AGR-1-5: *To preserve agricultural land, encourage the use of tools and incentives, such as density bonuses or transfers of development rights, and support partnerships aimed at acquiring agricultural conservation easements;*
- Policy AGR-1-10: *Implement development standards that protect agriculture activities from incompatible uses, such as development buffers between non-agricultural uses in agricultural areas;*
- Policy PR-1-3: *Work with property owners during the neighborhood planning process to protect lands valuable for farming and ranching and identify rural/agricultural areas that are likely to transition to other uses and would be suitable for future growth;*
- Policy HAB-1-2: *Utilize tools such as conservation easements, transferable development rights, and density bonuses to protect important habitat areas for fish, wildlife, and plants;*
- Policy HAB-1-4: *Preserve identified big game winter range and areas important for wildlife movement and migration;*
- Policy HAB-1-9: *Encourage voluntary cooperation between property owners, community organizations, and public agencies to restore or re-create habitat on their property through native planting and invasive species removal;*
- Policy HAB-2-1: *Work with FWP, municipalities, property owners, and other partners to develop and communicate principles for Living with Wildlife;*
- Policy HAB-2-4: *Encourage partnerships with FWP, MDT, and other agencies to incorporate information on wildlife movement and migration into transportation planning and documents;*
- Policy ENV-1-1: *Limit or restrict intense development adjacent to environmentally sensitive areas;*
- Policy ENV-1-3: *Utilize resources and information from regional agencies and organizations that focus on environmental stewardship to identify and inventory the location of important natural resources;*
- Policy ENV-2-4: *Minimize adverse impacts from development on rivers, streams, wetlands, and riparian areas;*
- Policy ENV-2-12: *Encourage development to connect to public water and wastewater treatment systems and discourage reliance of new development on individual wells and septic systems.*
- Policy ENV-2-13: *Consider development and implementation of more stringent standards on spacing and monitoring of septic systems.*
- Policy SCN-1-2: *Work with public and private landowners to preserve our most significant scenic resources.*
- Policy NAT-1-1: *Identify and map hazard-prone areas (e.g. wildfire, flood, channel migration, high groundwater, and geologic hazards);*
- Policy NAT-1-2: *Provide education and information regarding the dangers of developing in areas prone to natural or man-made hazards;*
- Policy LU-2-3: *Support land use patterns and density that are not consumptive of land and energy;*
- Policy ST-1-2: *Promote a high standard of water and energy conservation in new construction and redevelopment.*
- Policy ST-1-3: *Encourage the inclusion of landscaping standards into developments (e.g. water-wise and drought-tolerant planting and maintenance of native vegetation where applicable, green roofs, greenspace, parks, watercourse mitigation, edible landscapes, community gardens);*

- Policy CO-1-7: *Commit to cooperating with local governments on establishing and striving towards mutually-beneficial conservation and sustainability goals*
- Policy PS-1-4: *Utilize technology to provide the public and decisionmakers with real-time and high integrity data with which to make decisions; and*
- Implementation projects such as a Future Land Use Map, Agricultural Preservation Plan, and Primary Criteria Interactive Mapper; and

WHEREAS, the Plan includes extensive analysis of data, recommendations for new policy and programs, regulatory tools, funding sources, legislative initiatives, and partnerships, but does not obligate the County to any specific action and does not by itself result in any policy changes or new regulations; and

WHEREAS, Gallatin County citizens have diverse opinions on land use planning and what tools are best utilized to meet the County's needs. It is anticipated that certain groups may feel like the potential solutions presented in the Plan go too far, or conversely that they do not go far enough. Implementation of recommendations presented in the Plan will be the work of many agency, non-profit, and private entities. Any new policy, regulation, or regulatory amendments that the County wishes to pursue will need to be adopted through the relevant process, separate from adoption of the Plan as an amendment to the Growth Policy; and

WHEREAS, the adopted Growth Policy includes maps and other content related to natural resources and other characteristics; however, the data provided in the Plan is considerably more complete and benefits from the high level of documentation and analysis that went into preparation of the Plan, and could be useful in implementation of goals/policies and completing action items identified in the adopted Growth Policy; and

WHEREAS, §76-1-604 MCA requires amendments to an adopted Growth Policy to follow the same process as adoption of a Growth Policy, wherein a resolution of recommendation is considered by the Planning Board, followed by consideration of a resolution of intent by the County Commission, and finally, consideration of a resolution of adoption by the County Commission; and

WHEREAS, §76-1-602 requires publication of notice of public hearings at least 10 days prior to the date of such hearings. Public notice of public hearings on this matter was published in the *Bozeman Daily Chronicle* on October 28 & November 4, and November 11, 2023; and

WHEREAS, after providing notice, the Planning Board held a public hearing on November 14, 2023 and unanimously passed a resolution recommending approval of revising the Gallatin County Growth Policy to adopt the Sensitive Land Protection Plan; and

WHEREAS, after providing notice, the County Commission held a public hearing on November 28, 2023, to consider a resolution of intent to revise the Gallatin County Growth Policy to adopt the Plan, and after consider public comment, adopted County Commission Resolution No. 2023-162 unanimously; and

WHEREAS, after providing notice, the County Commission held a public hearing on December 12, 2023, to consider a resolution to adopt the Plan as a revision to the Gallatin County Growth Policy.

NOW THEREFORE BE IT RESOLVED: The Gallatin County Commission hereby approves a resolution to adopt the Gallatin Valley Sensitive Lands Protection Plan and finds as follows:

1. The Plan (attached hereto as Exhibit 1) is substantially consistent with the Growth Policy and provides meaningful information that will assist the County with implementation of the Growth Policy; and
2. In addition to opportunities for public engagement during development of the Plan, the County held a total of three public hearings to allow for public comment on the Plan, and considered public comment before acting to adopt the Plan; and
3. The County followed the procedural requirements of §76-1-602 through §76-1-604 MCA regarding adoption and revision of Growth Policies, and
4. The Plan does not compel any specific action on the part of the County, rather it provides a variety of data, analysis, and recommendations that could be useful in implementation of goals/policies and completing action items identified in the adopted Growth Policy, recognizing that any new policy, regulation, or regulatory amendments that the County wishes to pursue will need to be adopted through the relevant public process.

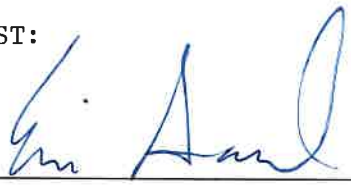
Dated this 12th day of December, 2023.

GALLATIN COUNTY COMMISSION



Zach Brown, Commission Chair

ATTEST:



ERIC SEMERAD, CLERK AND RECORDER