

Growth Policy

CUSTER COUNTY



Prepared for:
Custer County Board of Commissioners

October 2023



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Prepared by:



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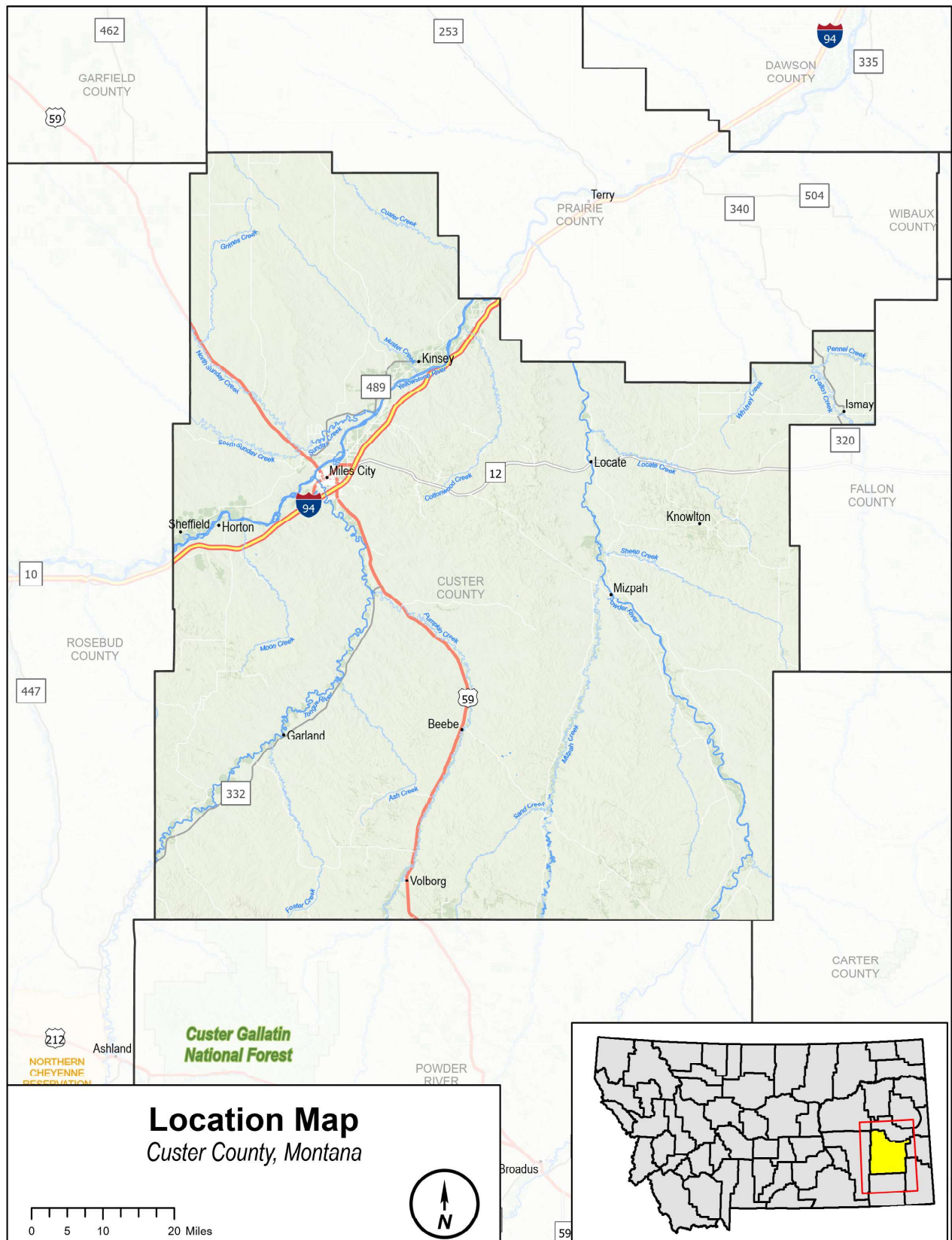
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INTRODUCTION

▼ Map 1 - Location of Custer County



INTRODUCTION



WHAT IS A GROWTH POLICY?

A growth policy is a guiding document adopted by a city, town or county that outlines the community’s vision for its future. Similar to what other states call master plans, a growth policy is used by local governments to guide decision making about the community’s land use and development. A growth policy is not a regulatory document and does not require regulations to be adopted and utilized. But other adopted regulations must be consistent with and supported by the growth policy, for the purposes of consistency and clarity.

A growth policy is a community’s plan for the future. It allows a community to identify its strengths and weaknesses and outline plans for improvement. The Board of County Commissioners and Planning Board can then implement those plans through thoughtful consideration and referencing the growth policy when making decisions or taking regulatory actions. A growth policy can also prepare a community for competitive grant funding opportunities, as it demonstrates commitment to an intentional and planned future.

SNAPSHOT OF CUSTER COUNTY

Custer County, Montana, was one of the nine original counties of the Territory of Montana and in 1877 was named in honor of Lieutenant Colonel George Armstrong Custer, the US Army officer and cavalry commander of the American Civil War who led the famous “Custer’s Last Stand” at the nearby Little Bighorn River. Custer County is currently the eleventh largest county in Montana by square miles.

Custer County hosts a variety of recreational opportunities including the Yellowstone River, Waterworks Art Museum, Pirogue Island State Park, Range Riders Museum, Tongue River Winery, the World Famous Miles City Bucking Horse Sale and incredible hunting and fishing.

Miles City is the County seat for Custer County. The County includes the incorporated community of Ismay and unincorporated communities of Kinsey and Volborg.

PLANNING AREA

The Custer County planning area includes all land and community areas within the boundaries of the Custer County line, excluding the incorporated limits of Miles City and Town of Ismay. Many discussions may include collaboration and consistency.

INTRODUCTION

PLANNING EFFORTS

For many years Custer County has been proactively working to improve the quality of life for its residents through thoughtful planning. These planning efforts include:

- 2016 Zoning Regulations
- 2015 Growth Policy
- 2016 Subdivision Regulations
- 2018 Custer County Transit
- 2020 NRCS Long-Range Plan
- 2021 Lower Yellowstone Project
- 2021 Custer County Event Center
- 2022 Rerouting of the Truck Route with City of Miles City
- 2022: Tusler Bridge Re-Decking with MDT
- TBD: Deadman Bridge Replacement
- TBD: Fairgrounds Walking Path Preservation with MDT

This Growth Policy is the County's comprehensive effort to tie many different planning projects into one document and to look five years into the future. The document contains nine sections all of which provide the basis for achieving the goals developed by the County Planning Board. These sections include:

Goals and Objectives

- This section provides a succinct list of the County's goals and objectives, collated from public outreach and work sessions.

Population Characteristics and Economy

- An analysis of the County's population characteristics and local economy, including demographics, employment, income, and poverty.

Housing

- The status of the County's current housing stock, including availability and affordability.

Land Use

- This section includes a discussion about current land use.
- Local Services: A description of the services the County provides, including local government, law enforcement, fire protection, health care, transportation, libraries and museums, and schools.

Public Facilities and Infrastructure

- A description of the County's public facilities and the infrastructure it maintains, including the status of water, wastewater, stormwater, solid waste, parks, fairgrounds, and utilities.

Natural and Cultural Resources

- Discussion of present natural and cultural resources within the County, including climate, water resources, floodplains, wildlife, hazard areas, sand and gravel resources, wildfire risk (WUI), and cultural resources.

INTRODUCTION

Action Plan

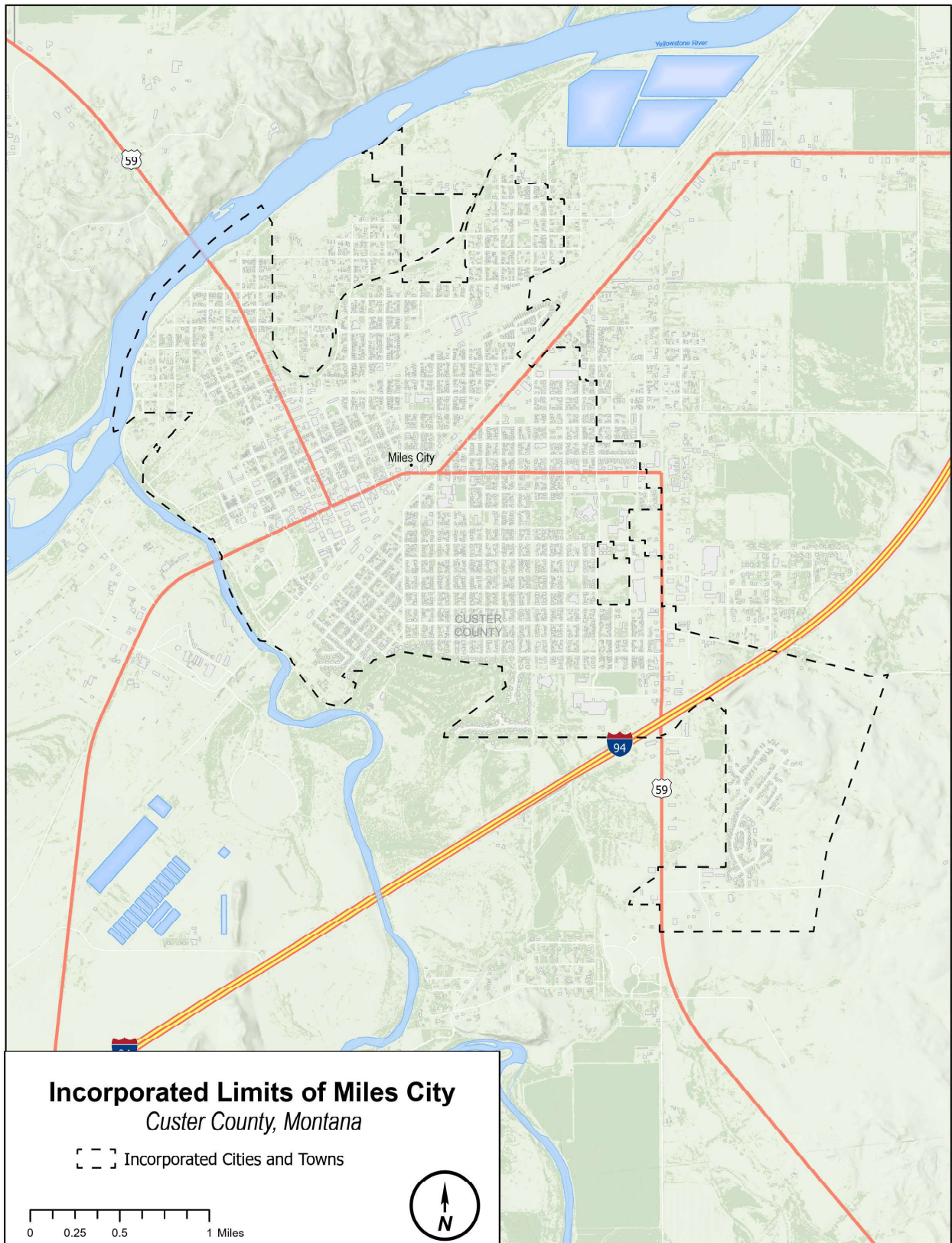
- The steps the County may take to achieve the goals identified in this document.

Implementation

- Discussion on resident outreach, adoption and implementation of this document, timing for review and revision, inter-jurisdictional coordination, and the subdivision review criteria.

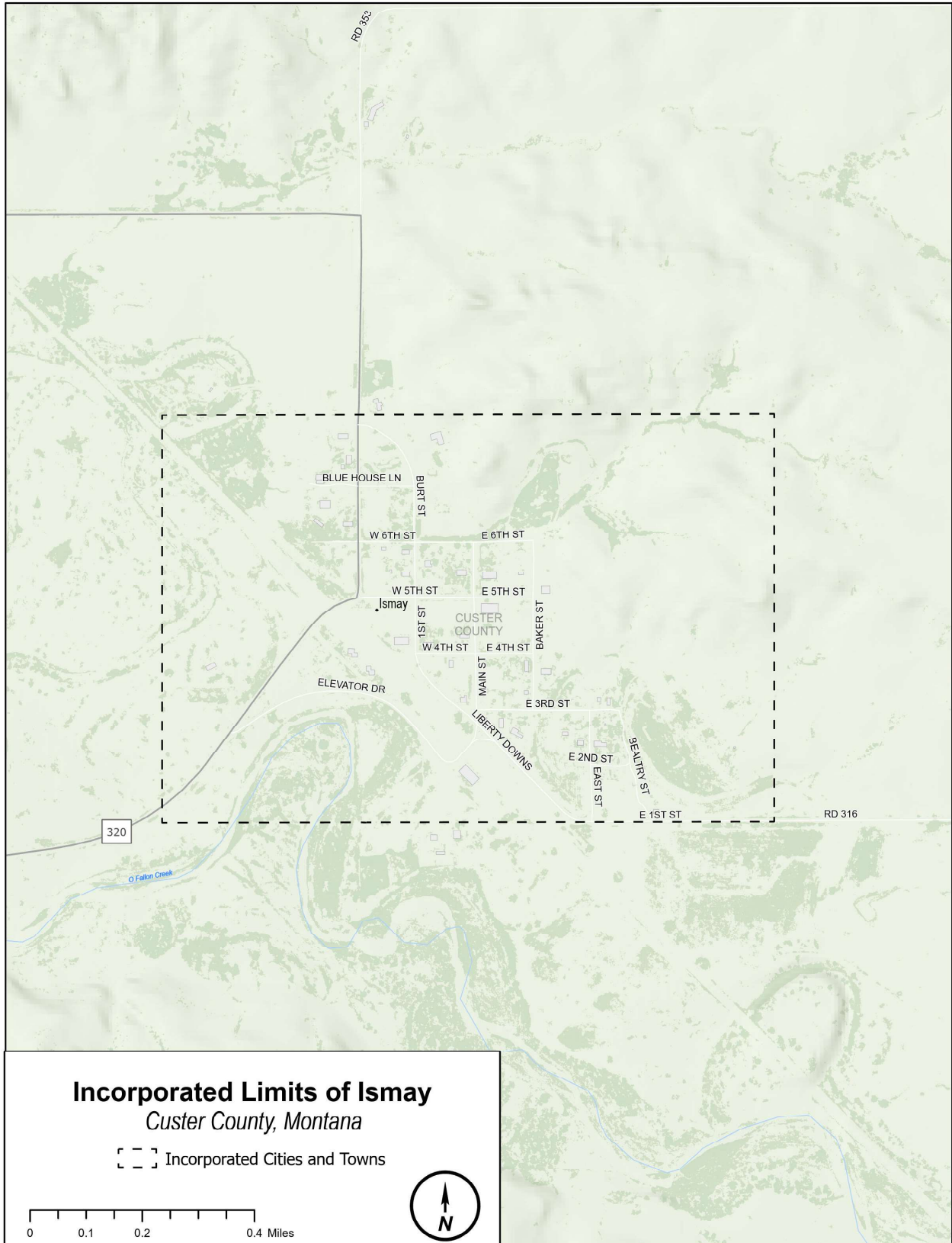
GOALS AND OBJECTIVES

▼ Map 2 - Incorporated Limits of Miles City



GOALS AND OBJECTIVES

▼ Map 3 - Town of Ismay



GOALS AND OBJECTIVES

The following are the goals and objectives that were developed to address the opportunities and needs identified during the update of this plan. The specific actions that the County will take to achieve these goals, responsibility for those actions and timeframes are detailed in the Action Plan section of this document on, beginning on page 33.

ECONOMY

Goals	Objectives	Action
<ul style="list-style-type: none"> E-1: Encourage the development and/or expansion of energy generation and transmission projects in the County. 	<ul style="list-style-type: none"> Help minimize regulatory and legislative barriers. Promote such projects while maintaining County infrastructure. 	<ul style="list-style-type: none"> Lobby the state legislature and congressional delegation to promote such projects. Work with energy companies to ensure County roads and bridges remain functional and safe for residents.
<ul style="list-style-type: none"> E-2: Protect the long-term sustainability of agricultural operations in the County. 	<ul style="list-style-type: none"> Ensure the continued operation of irrigation infrastructure in the County. Ensure legal access to agricultural operations through state and federal lands. 	<ul style="list-style-type: none"> Provide financial and political support for the maintenance and upgrade of irrigation infrastructure. Provide research assistance to agricultural property owners in order to establish legal access to their properties.
<ul style="list-style-type: none"> E-3: Encourage the expansion of tourism and recreation in the County. 	<ul style="list-style-type: none"> Support the Lower Yellowstone Recreation and Access Project (LYRAP). 	<ul style="list-style-type: none"> Provide support to MT FWP, MT DNRC, and the Bureau of Reclamation to implement the final recommendations of the LYRAP.

LAND USE

Goals	Objectives	Action
<ul style="list-style-type: none"> L-1: Ensure that the County Zoning Regulations meet state statute, protect public health and safety and property rights while ensuring they are efficient and fair. 	<ul style="list-style-type: none"> Identify sections in the zoning regulations that should be amended. 	<ul style="list-style-type: none"> Amend the County Zoning Regulations.
<ul style="list-style-type: none"> L-2: Ensure the creation of new lots for residential housing and commercial development is done in an efficient and fair manner for both developers and the public. 	<ul style="list-style-type: none"> In compliance with state statute, streamline the County's subdivision review process to minimize unnecessary requirements. 	<ul style="list-style-type: none"> Amend the County Subdivision Regulations.
<ul style="list-style-type: none"> L-3: Protect the integrity of platted road right of ways and public road access easements for future roads. 	<ul style="list-style-type: none"> Ensure that platted road right of ways and easements remain available for the construction of roads and provide access. 	<ul style="list-style-type: none"> Inventory existing subdivision plats to identify road right of ways and public access easements that need to be protected from inappropriate development.

GOALS AND OBJECTIVES

Goals	Objectives	Action
<ul style="list-style-type: none"> L-4: Encourage the development of vacant subdivision lots outside of Miles City. 	<ul style="list-style-type: none"> Extend water and sewer services to subdivision lots where appropriate and cost effective. 	<ul style="list-style-type: none"> Work with the Custer County Water & Sewer District to find the money and resources to extend water and sewer services to areas not currently served by the District.
<ul style="list-style-type: none"> L-5: Reduce the size of the mapped floodplain that affects Miles City. 	<ul style="list-style-type: none"> Work with the Corp of Engineers (COE) and FEMA on a mutually acceptable solution to the issues related to the flood levee. 	<ul style="list-style-type: none"> Obtain certification for the flood levee from COE and FEMA.

LOCAL SERVICES

Goals	Objectives	Action
<ul style="list-style-type: none"> LS-1: Ensure that the County’s seniors have services to allow them to live independently and continue to contribute to the community. 	<ul style="list-style-type: none"> Provide reliable transportation services. Create a “one stop shop” senior center that can provide a full range of services. Encourage additional “in-home” health and domestic services. 	<ul style="list-style-type: none"> Expand County Transit service i.e. more vehicles and drivers. Develop a Preliminary Architectural Report (PAR) for a new senior center and needed services. (completed in 2023)
<ul style="list-style-type: none"> LS-2: Improve communications with County residents. 	<ul style="list-style-type: none"> Provide update to date information to residents. 	<ul style="list-style-type: none"> Update the County website to be an “easy to use” and full-service site for residents. (completed in 2023)

INFRASTRUCTURE

Goals	Objectives	Action
<ul style="list-style-type: none"> I-1: Provide County residents with safe and cost-effective infrastructure i.e. bridges, roads and buildings. 	<ul style="list-style-type: none"> Prioritize revenue expenditures on the most critical County facilities. 	<ul style="list-style-type: none"> Update the County Capital Improvements Plan (CIP).
<ul style="list-style-type: none"> I-2: Ensure that elementary, middle school and high school students have access to modern educational facilities. 	<ul style="list-style-type: none"> Replace aging school facilities with modern buildings. 	<ul style="list-style-type: none"> Support funding for the construction of new educational facilities.
<ul style="list-style-type: none"> I-3: Ensure the long-term viability of County water and sewer infrastructure. 	<ul style="list-style-type: none"> Maintain and upgrade the water and sewer infrastructure. 	<ul style="list-style-type: none"> Research grant and loan applications, as appropriate.

GOALS AND OBJECTIVES

HOUSING

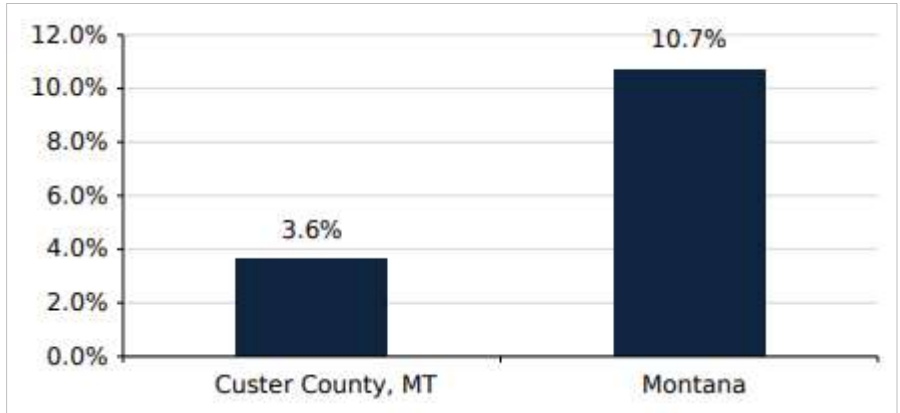
Goals	Objectives	Action
<ul style="list-style-type: none">▪ H-1: Encourage a variety of safe, housing options to meet the needs, preferences, and incomes for County residents.	<ul style="list-style-type: none">▪ Facilitate a range of housing options for all County residents.▪ Ensure adequate infrastructure such as water and sewer to support new housing options.	<ul style="list-style-type: none">▪ Develop a County Housing Needs Assessment and Plan.

POPULATION CHARACTERISTICS AND ECONOMY

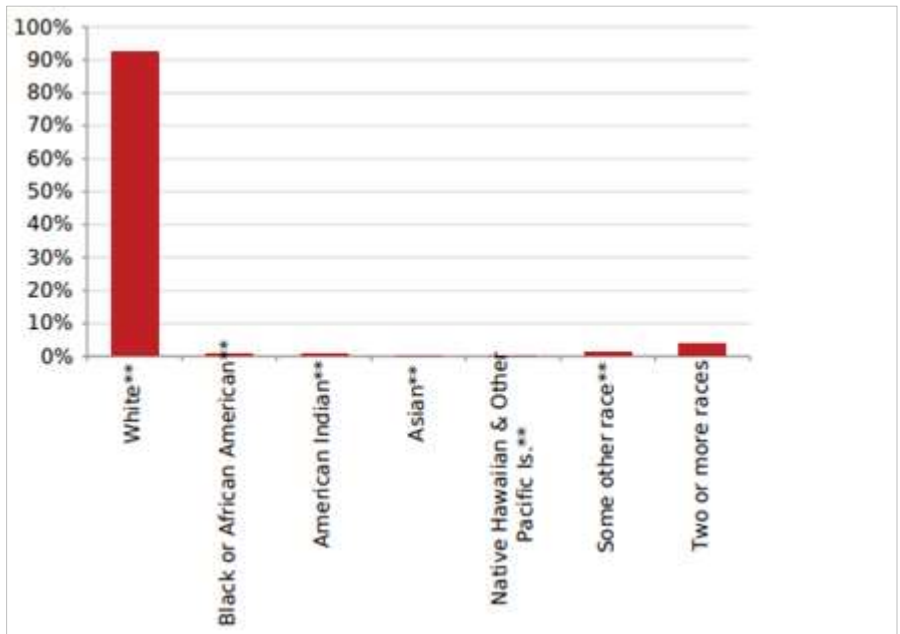
Population growth in a community is typically considered an indication of a healthy economy. In 2021, Custer County’s population was reported at 11,968 which was a 3.6% population increase from the 2010 figure of 11,548.

In 2021, the racial category with the highest estimated percent of the population in Custer County, according to the the US Census Bureau, was white at 92.4% and the racial category with the lowest estimated percent of the population was asian at 0.3%. Additionally, 3.6% of the County’s population was reported as hispanic and 0.8% was reported as Native American, compared to 3.6% and 6.1% statewide in Montana, respectively.

Demographically, Custer County finds itself in a situation familiar to many other eastern Montana counties, as the median age of its residents has slightly increased. Economic Profile System (EPS) data from the Census Bureau showed that in 2010, the median age for Custer County was an estimated 41.8 years of age. By 2021 it had increased to 43 years of age, an approximately 2.9% increase.



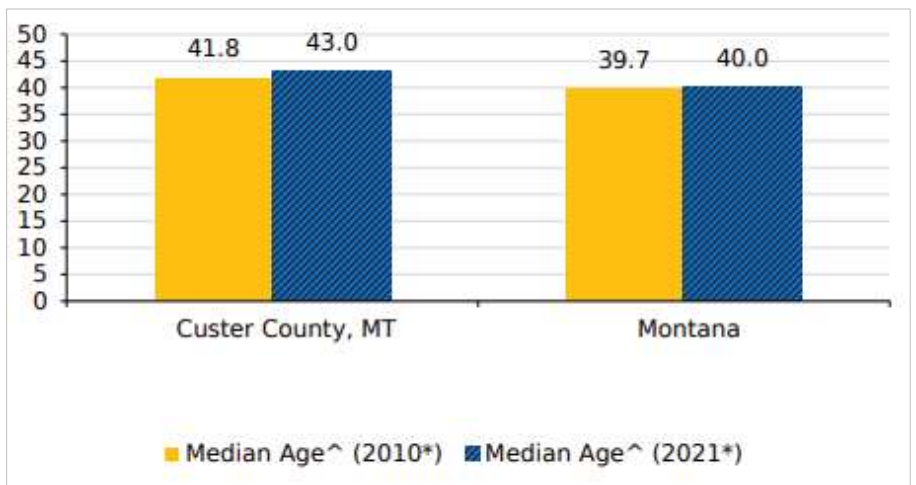
▲ Figure 1 – Percentage Change in Population, 2010-2021
 Census Bureau, American Community Survey, 2022, Washington, D.C., as reported in Headwaters Economics Economic Profile System



▲ Figure 2 -Custer County Population by Race, 2021
 Census Bureau, American Community Survey, 2022, Washington, D.C., as reported in Headwaters Economics Economic Profile System

Figure 3 - Median Age, 2010-2021 ▶

Census Bureau, American Community Survey, 2022, Washington, D.C., as reported in Headwaters Economics Economic Profile System



POPULATION CHARACTERISTICS AND ECONOMY

This increase in the median age is partly driven by the increase in the number of residents aged 65 and over. In 2010, the Census estimated this number at 2,038 persons in the County and by 2021 it was estimated to be 2,421 persons, or approximately 20.2% of the County’s total population. This age group also saw the greatest increase in population overall, with a 2.6% increase. This age group generally represents retired and aging individuals; therefore, the County should consider the issues facing aging residents such as affordable housing, healthcare, and transportation/accessibility.

There are several factors that may be leading to an aging population in the County. Some of these include:

- People of retirement age are finding Custer County an attractive place to retire due to the quality of life and rural, quieter lifestyle; and
- Younger people are finding it economically difficult to stay.

Income and Employment

The median per capita income for Custer County was \$31,910 in 2021 and median household income was \$55,426. Between 2017-2021, the most common income category was \$100,000-149,999; with 18.3% of households earning this income. The least common income category was \$200,000+; with only 2.9% of households earning this income.

Education is an important indicator for the economic success of a community. The unfortunate reality is that studies show that communities with a highly educated population see a faster growing workforce, higher incomes, and decreased suffering during economic downturns. Higher education rates have also been linked to lower unemployment and higher wages.

	Custer County, MT	Montana
Total Population 25 yrs or older, 2021*	8,557	746,462
No high school degree	507	42,160
High school graduate	8,050	704,302
Associates degree	1,043	71,110
Bachelor's degree or higher	2,393	251,226
Graduate or professional	809	84,401
Percent of Total		
No high school degree	5.9%	5.6%
High school graduate	94.1%	94.4%
Associates degree	12.2%	9.5%
Bachelor's degree or higher	28.0%	33.7%
Graduate or professional	9.5%	11.3%

▲ **Figure 4 - Education Level, 2021**

U.S. Department of Commerce, 2022. Census Bureau, American Community Survey Office, Washington, D.C., reported by Headwaters Economics Economic Profile System

School enrollment can also be an indicator of a community’s potential for growth, economically and demographically. Knowing the percent of population enrolled in school helps to identify services and facilities needed, and can support funding opportunities for community investment

POPULATION CHARACTERISTICS AND ECONOMY

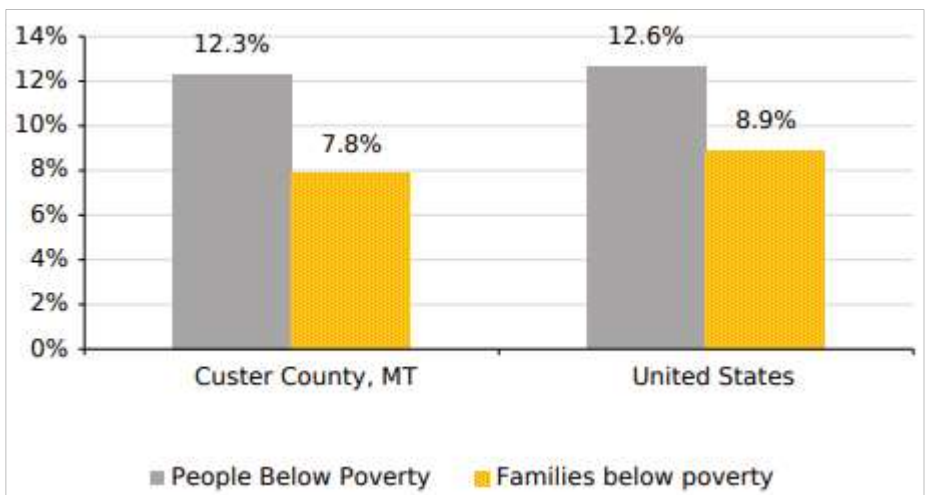
	Custer County, MT	Montana
Total Population over 3 years old, 2021*	11,630	1,044,103
Enrolled in school:	2,620	242,642
Enrolled in nursery school, preschool	173	14,551
Enrolled in kindergarten	103	13,620
Enrolled in grade 1 to grade 4	577	51,654
Enrolled in grade 5 to grade 8	555	51,857
Enrolled in grade 9 to grade 12	599	49,918
Enrolled in college	613	61,042
Not enrolled in school	9,010	801,461
Percent of Total		
Enrolled in school:	22.5%	23.2%
Enrolled in nursery school, preschool	1.5%	1.4%
Enrolled in kindergarten	0.9%	1.3%
Enrolled in grade 1 to grade 4	5.0%	4.9%
Enrolled in grade 5 to grade 8	4.8%	5.0%
Enrolled in grade 9 to grade 12	5.2%	4.8%
Enrolled in college	5.3%	5.8%
Not enrolled in school	77.5%	76.8%

▲ **Figure 5 - School Enrollment, 2021**

U.S. Department of Commerce, 2022. Census Bureau, American Community Survey Office, Washington, D.C., reported by Headwaters Economics Economic Profile System

Poverty, although not an optimistic discussion topic for any community, is an important indicator of economic well-being. Poverty is an important community indicator because residents with limited income have different needs and values. For the purposes of this document, “poverty” has been established by the US Census Bureau and the poverty rate by age and family type is calculated by dividing the number of people by demographic in poverty by the total population of that demographic.

In 2021, Custer County’s poverty prevalence was reported at 12.3% for individuals and 7.8% for families, which is comparable to national figures. These percentages translate to approximately 1,427 individuals and 234 families living below the poverty line in Custer County. Of individuals reporting poverty, the majority are age 65 and older. And of families reporting poverty, the majority are single mothers with children under the age of 18.

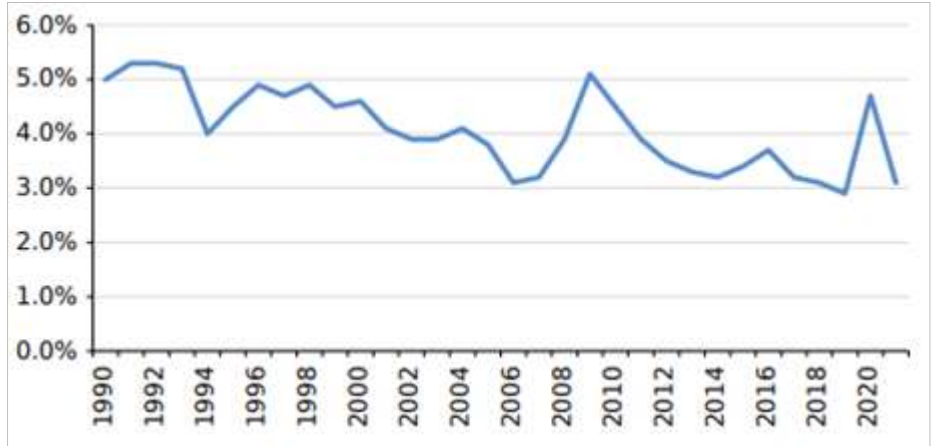


▲ **Figure 6 - Poverty Prevalence, 2021**

U.S. Department of Commerce, 2022. Bureau of Economic Analysis, Regional Economic Accounts, Washington, D.C., reported by Headwaters Economics’ Economic Profile System (headwaterseconomics.org/eps).

POPULATION CHARACTERISTICS AND ECONOMY

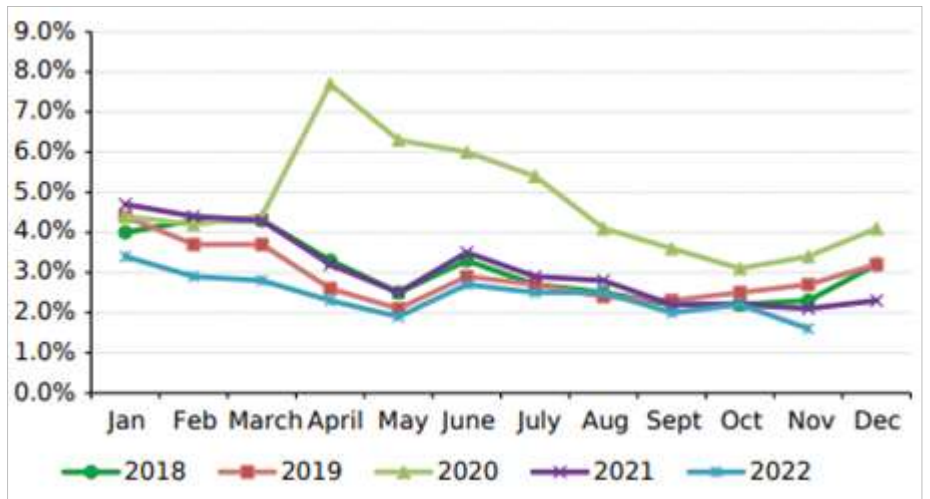
Custer County’s unemployment rate was reported at 3.1% in 2021, well below the national average of 5.3% and down 1.4% from the 2010 numbers. Unemployment rates rise in the winter months, common in an agricultural community.



▲ **Figure 7 - Average Annual Unemployment Rate, Custer County MT**

U.S. Department of Labor, 2022. Bureau of Labor Statistics, Local Area Unemployment Statistics, Washington, D.C., reported by Headwaters Economics Economic Profile System

In 2021, the top three employment sectors in Custer County were government (1,123 jobs), health care and social assistance (1,074 jobs), and retail trade (1,052 jobs). From 2001 to 2021, the top three industry sectors that added new jobs were real estate and rental and leasing (194 new jobs), administrative and waste services (138 new jobs), and finance and insurance (135 new jobs).



▲ **Figure 8 - Monthly Unemployment Rate, Custer County MT**

U.S. Department of Labor, 2022. Bureau of Labor Statistics, Local Area Unemployment Statistics, Washington, D.C., reported by Headwaters Economics Economic Profile System

POPULATION CHARACTERISTICS AND ECONOMY

FINANCIAL OUTLOOK

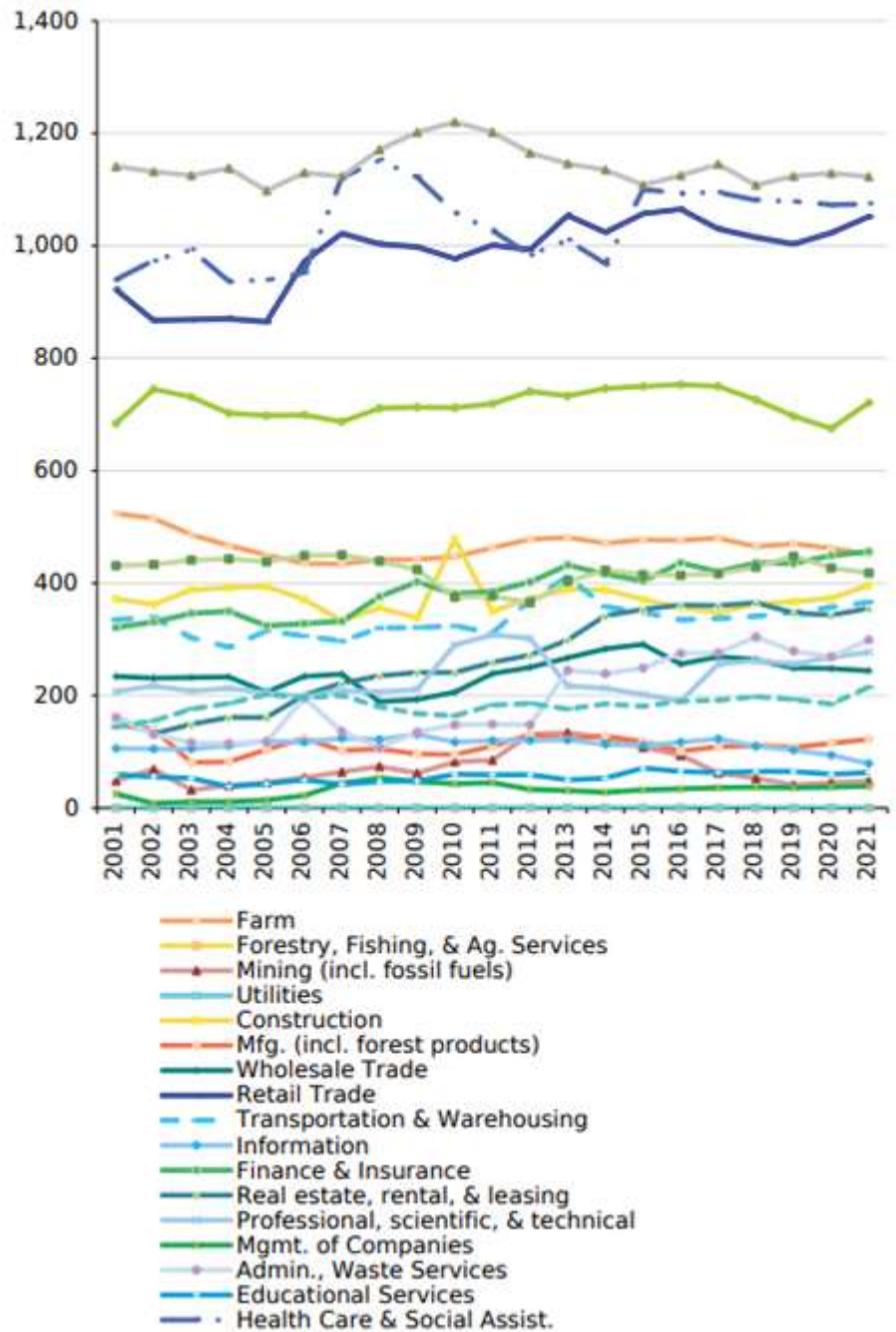
In fiscal year 2022, the County’s total net position increased by \$33,028 as a result of the year’s operations. Governmental activities net position decreased by \$12,479 and business-type activities net position increased by \$45,507, which was attributed to the landfill accepting asbestos. Payments in Lieu of Taxes (PILT), American Rescue Plan (ARPA), and Coronavirus Aid, Relief, and Economic Security (CARES) act funds were all utilized in the fiscal year 2022 budget, in addition to other funding sources and strategies.

It is worth noting that in January 2020, Custer County held a special election to borrow \$3.85 million for the construction of an event center at the Fairgrounds. Voters approved the ballot issue with 1975 in favor and 876 opposed. The Custer County Event Center was completed in May 2021.

Concerns noted in the 2022 Custer County Audit report included an uncertainty of PILT monies, lack of funds combined with road and bridge problems, high energy and fuel costs for County departments and facilities, ongoing infrastructure projects, and negative impacts from coal and oil production job reductions in the area.

PROJECTED TRENDS AND STRATEGIES FOR ADDRESSING POPULATION CHANGES AND THE ECONOMY

Like many other Montana communities, an aging population, and a continued decrease in the number of younger people is something the County needs to continue to watch closely. This trend could affect the ability to provide or facilitate services such as senior services, healthcare, housing, and a stable workforce, as all of these require a workforce population. Custer County’s general population is likely to continue a gradual increase over the next five years, also, as Montana’s population increases. Consistently evaluating the needs of a growing residential population, including age and income demographics, will be an important factor in determining the County’s economical success.



▲ **Figure 9 - Employment by Industry in Custer County, 2001-2021**

U.S. Department of Commerce 2022. Bureau of Economic Analysis, Regional Economic Accounts, Washington, D.C., reported by Headwaters Economics Economic Profile System

HOUSING

Based on figures from the Montana Department of Revenue and US Census, Custer County experienced a 11.7% increase in the number of householders (owner/renter) since 2019, compared to a 27.9% increase in householders across Montana.

Approximately 33% of County residents rent their homes and median rent in the County was reported at \$863 per month. The majority of homes are valued between \$200,000-\$299,000. 2021 Census data shows that there are 5,776 housing units in Custer County with approximately 750 of those units vacant.

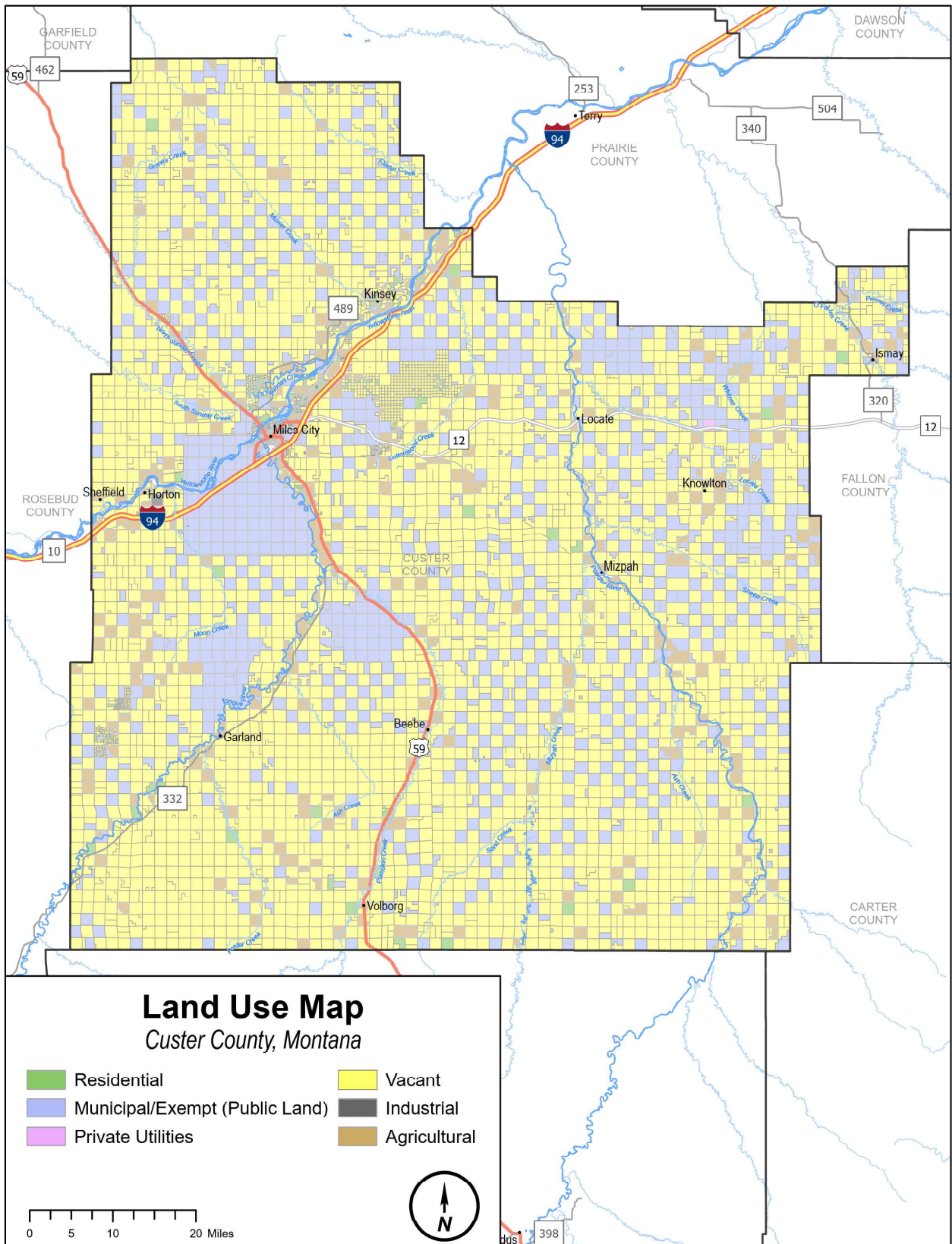
Outside of Miles City, Custer County is primarily agricultural in land use. Therefore, many homes are aging farm and ranch residences or newer ranch housing. Housing within and adjacent to Miles City is a mix of single-family and multi-family dwellings, with age and condition varying. As more residents have moved into Custer County, more new homes have been added to the landscape.

PROJECTED TRENDS AND STRATEGIES FOR ADDRESSING HOUSING CONCERNS

There is an expressed need for additional housing options in Custer County. Both logically and statistically, this need will only continue throughout the next five years. In order to better understand all of the housing issues and opportunities, the County should consider working with the City of Miles City and Montana Department of Commerce CDBG Program to fund the development of a detailed housing assessment and plan. Such an analysis could identify the types of housing residents need, potential partnerships, resources, goals, and objectives to address housing availability and affordability.

LAND USE

▼ Map 4 - Custer County Land Use



LAND USE

EXISTING LAND USE

Land use and ownership in Custer County outside of the City of Miles City is generally private agricultural land or public land. Within the city limits of Miles City, land is primarily zoned Residential with Business, Commercial, Industrial and Open Space designations. Similar to other rural counties in Montana, residential development has steadily increased since 2000. The newest residential development in the County is located adjacent to the Miles City limits, with the majority of development focused north and east of Haynes Avenue.

LAND USE ADMINISTRATION

Custer County contracts a Sanitarian, Planner, Zoning Administrator, and Floodplain Administrator who evaluates and ensures that all proposed land development adheres to regulations and environmental standards. The County administers all land use within the jurisdictional boundaries of Custer County and works closely with officials from Miles City to evaluate land development within the two-mile extraterritorial areas surrounding City limits.

Custer County has an appointed 5-member Planning Board, in accordance with Montana Code Annotated 76-1-211, that reviews land use and other issues and makes recommendations to the Custer County Board of Commissioners, as requested, or required. The Planning Board also reviews planning documents and revises or updates those documents.

SUBDIVISION REGULATIONS

The County has Subdivision Regulations in place, as does the City of Miles City. Custer County's Subdivision Regulations are discussed in further detail later in this document.

ZONING REGULATIONS

Custer County currently has Zoning Regulations in place for a portion of the County that govern land use and development. These regulations are applied through a Site/Zoning Permit Application process and are applicable to all new development and remodeling or structural improvement within designated zoned areas. The County's permit applications are reviewed by the Environmental Health Director, County Planning Board, and Board of Commissioners.

BUILDINGS FOR LEASE OR RENT REGULATIONS (BLR)

Because the County has a zoning code that governs land use, it does not need to develop and adopt regulations for the leasing or renting of buildings. This is also applicable to the City of Miles City.

ANNEXATION

While some new development will occur via the construction of homes and businesses on existing vacant land, the annexation of new land from the County to Miles City may become a desirable option. It will be important for new annexations to be reviewed to ensure that they become an asset to both County and City residents and to determine what their effect will be on the ability to provide services including fire protection, water, sewer, stormwater drainage, and street maintenance. The City of Miles City adopted a Growth Policy in 2015, which included a Future



LAND USE

Land Use Plan map. The City also adopted an Annexation Plan in 2015 that describes, in detail, areas of potential annexation zones. The County and City should continue to work together on all new developments and potential annexations.

CONSERVATION EASEMENTS

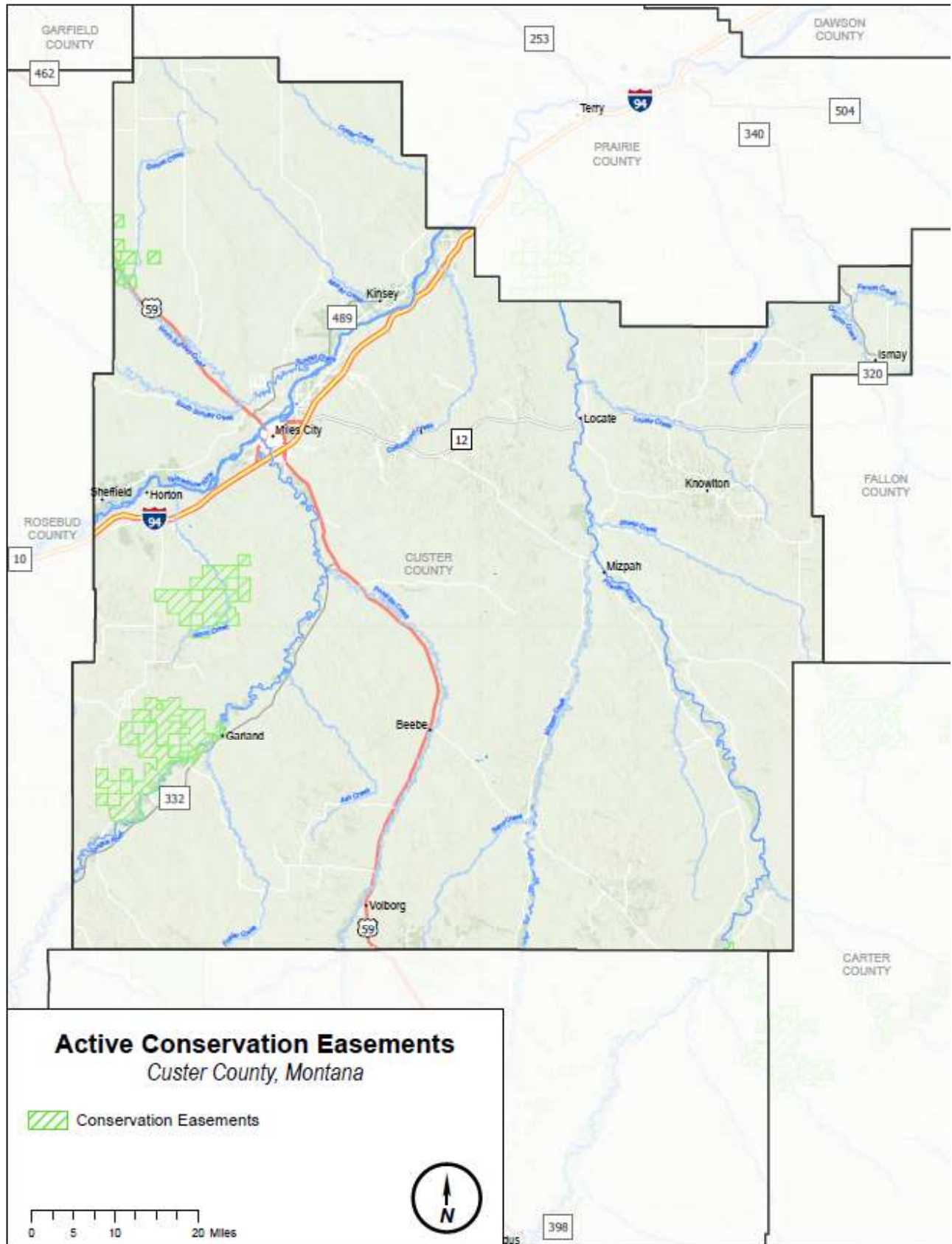
Conservation easements are widely used as a tool for voluntary land conservation and the preservation of natural resources. These legal agreements, typically between a private landowner and a government agency or conservation group, permanently limit the use of the land to protect its conservation values by allowing the landowner to maintain control but under a restrictive nature. This often translates to land remaining in open space, recreation, or agricultural uses, as opposed to development. Approximately 80,000 acres of land in Custer County are in conservation easements. This is important to understand because those conservation easements limit land use development in these areas.

PROJECTED TRENDS, LAND USE CONSTRAINTS, AND STRATEGIES FOR ADDRESSING LAND USE CHALLENGES

As the population continues to increase and Montana generally becomes more populated, Custer County can expect to continue the slow, steady increase in both population and development in the next five years. Many land use constraints are present in Custer County, including complex topography, adverse soil conditions, groundwater presence, and floodplains. Like much of Montana, agricultural lands are transitioning to development and irrigation utilities are becoming a prevalent issue. This directly links to water quality, quantity, and availability, which can determine the County's growth potential and limitations. Implementing the Growth Policy's Action Plan, and more specifically, updating land use regulations and exploring community needs assessments, should be the groundwork for addressing any land use-related issues that are identified within the next five years.

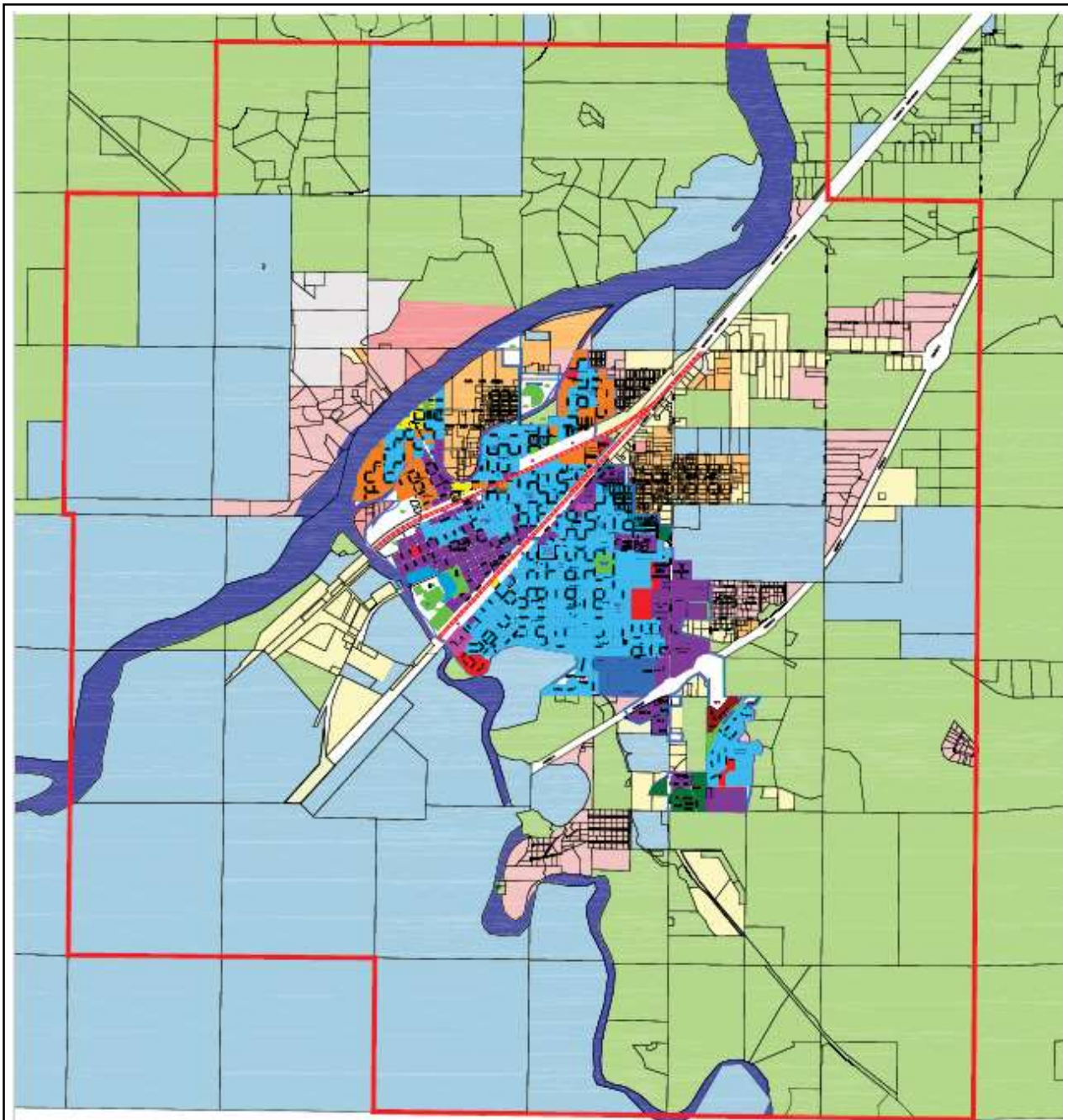
LOCAL SERVICES

▼ Map 5 - Conservation Easements in Custer County



LOCAL SERVICES

▼ Map 6 - Custer County Zoning (full zoning regulations and map descriptions can be found at <http://custercountymt.gov>)



County Zoning Map
Custer County, Montana

- | | |
|------|---------------|
| AG-1 | R-2 |
| C-1 | R-3 |
| I-1 | WATER |
| P-1 | CITY LIMITS |
| R-1 | ZONING LIMITS |

LOCAL SERVICES

LOCAL GOVERNMENT

Custer County elects three Commissioners to represent the best interests of residents. The Commissioners and other County employees provide services out of the Custer County Courthouse and Annex, located in Miles City.

Miles City elects a Mayor and City Council, who provide services out of City Hall.

LAW ENFORCEMENT

The Custer County Sheriff's Department provides police protection, emergency response, and correctional and court security. The department is staffed by the Sheriff, an Undersheriff, six Deputies (one of which serves as an agent for the Eastern Montana Drug Task Force), one Administrative Assistant, nine full-time Detention officers, and 20 Reserve Deputies.

The Miles City Police Department employs 17 officers and provides law enforcement services to the residents of Miles City and beyond, through mutual aid agreement with the County. The Miles City Police Department also operates the Custer/Garfield 911 Dispatch Center, as well as Animal Control Services.

The Custer County Sheriff's Department and Miles City Police Department coordinate on a variety of efforts, including educational opportunities via a School Resource Officer.

FIRE PROTECTION

Fire protection is provided by the Custer County Fire Department and Miles City Fire & Rescue. The Custer County fire station is located at 200 North Haynes in Miles City. The department maintains a fleet of fire trucks and command vehicles consisting of two structure pumpers, four water tenders, seven wildland fast response engines, and two Hazmat response vehicles. The County fire department employs one staff member and utilizes 24 volunteers. Further discussion on fire response across the large planning area is found in the Wildland Urban Interface section of this document.



The Miles City Fire Department (MCFD) station is located at 2800 Main Street and provides fire protection, emergency medical service, and community service to the City of Miles City. MCFD employs 15 full-time and 20 part-time staff, who respond to over 1,600 calls per year. An interlocal agreement is in place between Custer County and Miles City for services outside of City limits.

MEDICAL

Healthcare services are provided by Holy Rosary Healthcare hospital in Miles City, along with a variety of healthcare clinics, both general and specialized. The VA Community Living Center is also located in Miles City.

SENIOR SERVICES

In the interest of serving the needs and interests of the County's senior citizens (over age 60), the Custer County Council on Aging advises the Commissioners on all needs, interests, and programs for this resident population. Senior services provided are Home Delivered Meals, congregate meals, senior commodities, transportation assistance, health promotion programs, and home visits by nurses, personal care assistants, and homemakers.

LOCAL SERVICES

CUSTER COUNTY TRANSIT

Custer County Transit (CCT) provides public transportation through scheduled service for senior resident non-emergencies. CCT operates within a 2-mile bubble of Miles City limits and offers service to Billings and surrounding communities.



CEMETERIES

Custer County operates three cemeteries: Custer County, Calvary, and Old Calvary, all located south of Miles City. The cemeteries are governed by a board appointed by the Commissioners.

LIBRARY AND MUSEUMS

The Miles City Public Library was the first Carnegie Library in Montana, opening in 1903. Since then, the library has continued to provide free access to information, educational and recreational materials, and lifelong learning opportunities. In addition to a large collection of fiction and nonfiction books, the library offers DVDs, audio books, e-books, magazines, newspapers, and large print books, as well as free public WiFi, computers, printing and faxing, genealogy assistance, hotspot loans, and a mobile catalog app. The library hosts author visits, a youth summer reading program, and various activities for all ages. The Historic Montana Room houses a unique and rare collection of local and state books, Montana authors, maps, photographs, ledgers, family history, and data. As a member of the Montana Shared Catalog Partners Sharing Group, the Miles City Public Library has the ability to share books between each of the partner libraries in the state, meaning if they don't have a book, they can get it! The Miles City Public Library is a member of the Montana State Library network as well as the Montana Library Association.

The Range Riders Museum, located in Miles City, offers a variety of exhibits on local area history and areas of interest, including dinosaurs and General Custer. The operation of the museum is governed by a Board of Directors.

The Custer County Art and Heritage Center and Waterworks Art Museum, located west of Miles City on the banks of the Yellowstone River, offers art exhibits, workshops, classes, and humanities programs. This non-profit center is governed by the Custer County Art Center Foundation.



SCHOOLS

There are 17 public schools in Custer County and the school system is ranked 26th of 56 counties in public schools per capita. Custer County does not manage or operate the school districts. One high school, Custer County District High, and 13 other schools are located within Miles City. Kinsey, Ismay, and Volborg also have one school each.

The Miles City Unified School District faces the challenge of aging school facilities. Three of the schools in the District are over 100 years old. These include Custer High School, Washington School, and Lincoln School. Structures of this age are expensive to operate and maintain and are generally inefficient from an energy perspective. They can be uncomfortable working and attend classes in and they also typically do not have the modern teaching technology. In order

LOCAL SERVICES

to address such issues, County residents and the School District should undertake detailed capital planning to identify the District facilities needs and to create a project priority list and funding options.

PROJECTED TRENDS AND STRATEGIES FOR MAINTAINING AND DEVELOPING LOCAL SERVICES

A projected increase in population, specifically an older population, in Custer County over the next five years will directly impact the use of a variety of services. More residents result in increased use of law enforcement, fire services, medical facilities and services, senior services, and others. Should the County see an increase in young families among it's population, schools, libraries, and other services will see an equal amount of increased use. By maintaining updated Capital Improvements Plan and Growth Policy, along with implementing the Growth Policy's Action Plan, the County will likely be able to maintain or develop local services in accordance with the demand placed upon them by a growing and changing demographic.



PUBLIC FACILITIES AND INFRASTRUCTURE

WATER

The majority of water service to County residences is provided through individual wells with the exception of residences located adjacent to Miles City and within the service area of the Custer County Water & Sewer District (CCWSD). The CCWSD is managed by a board of directors and currently services 275 water connections. Expansion opportunities are available but typically occur at the request of development.

WASTEWATER

Similar to water, the majority of wastewater service is through private septic systems. The CCWSD serves approximately 400 residents and there is a Rural Improvement District (RID #1) which serves approximately 80 of those residents.

CCWSD has water mains, sewer mains, and three sewer lift stations. Expansion is based on a base by case basis and at the developer's cost.

RID #1 was formed in 1953 by the Custer County Commissioners and collects a tax assessment through the County Assessor's office for the debt on a USDA loan, of which the County makes the required loan payments. CCWSD manages and operates this system via interlocal agreement with Custer County. This system was updated in 2015 and is planned to be in operation as long as the interlocal agreement is in place.

STORMWATER

The County does not operate or maintain any formal stormwater system, including inlets, conveyance pipes/ditches, or retention/detention ponds.

SOLID WASTE

Custer County has one Class II solid waste landfill that is managed by the Board of the Miles City Area Solid Waste District. Residents within the district boundary, consisting of voting precincts 1, 3, and 63, are assessed solid waste fees on their property taxes, allowing use of the landfill at no additional charge. Residents outside of the district may use the landfill for a fee. The County does not provide refuse collection services. Residents must contract through a private service provider. The Board contracts the management of the landfill through Dispose All, LLC.

ROADS



The Custer County Road Department is responsible for maintaining almost 800 miles of road, 686 miles are gravel surfaced and just over 6 miles are paved with asphalt or chip sealed.

PUBLIC FACILITIES AND INFRASTRUCTURE

The Road Department's main shop is located approximately two miles east of Miles City just off Valley Drive East. The department has a crew of 12 employees and operates six graders, ten pickups, one spray pickup, 13 trucks, one excavator, one car, nine trailers, two dozers, one tanker, two loaders, and one crusher, backhoe, forklift, conveyor, and tractor.



BRIDGES

The Custer County Road Department is also responsible for maintaining 43 bridges, 13 minor bridges (<20' span) and 30 major bridges (>20' span). Additionally, the County maintains numerous stream crossings consisting of large diameter culverts.

In mid-2013, the County first utilized TSEP matching funds to update its bridge inventory and Bridge Capital Improvement Plan. The Bridge Inventory and Bridge Capital Improvement Plan was updated in 2017 and 2020 and provides the County with a quantitative way of making decisions regarding the allocation of financial resources and assists with scheduling repairs and replacement of these major capital projects. The County also explores available grant funding opportunities to help fund bridge replacement projects in an effort to extend tax dollars. Recent grant funding utilized includes FEMA, Treasure State Endowment Program (TSEP), Montana Coal Endowment Program (MCEP, which replaced TSEP), and Economic Development Administration (EDA).



AIRPORTS

Custer County hosts one public and two private aviation centers. These facilities include:

- Holy Rosary, Heliport, Private
- Frank Wiley Field, Airport, Public
- Sunday Creek Airpark, Airport, Private

In terms of airports and aviation, the County is advised by the Custer County Airport Commission, which is a seven-member board consisting of one County official, one City official, and five citizen members.

Frank Wiley Field, known as the Miles City Airport, is owned by Miles City. Located two miles northwest of Miles City, the Miles City Airport offers services such as aviation fuel, hangar space, and ground transportation.

PUBLIC FACILITIES AND INFRASTRUCTURE

PARKS, TRAILS AND RECREATION

Woodruff Park is located approximately 15 miles east of Miles City along US Highway 12 and is operated via an agreement with the Bureau of Land Management (BLM).

The Lower Yellowstone River Corridor project is focused on improving public access, habitat conservation, and sustainable economic development along the river corridor in eastern Montana. A 12-member Lower Yellowstone River Corridor Advisory Committee (Committee) supported by MT FWP and the Bureau of Land Management is focused on protecting and enhancing the agricultural, recreational, conservation, and economic values of the region. The County is a strong supporter of this initiative.

FAIRGROUNDS

The Eastern Montana Fairgrounds, home to the Custer County Event Center, is located within Custer County and hosts many local activities including rodeos, horse racing, demolition derbies, carnivals, and expos. It is also home to the Miles City Youth Hockey Association “Generals” and the World Famous Bucking Horse Sale.

To ensure residents have access to the best possible facilities at the Fairgrounds, the County has included discussions on the maintenance and potential expansion of the Fairgrounds in the Capital Improvements Plan (CIP).

UTILITIES

Gas, electric, and communication utilities are provided by private utility providers throughout the County. These utility providers include:

- Montana-Dakota Utilities – gas and electric
- Tongue River Electric – electric
- Mid Rivers Communication – telephone/internet
- Range Telephone Cooperative – telephone/internet

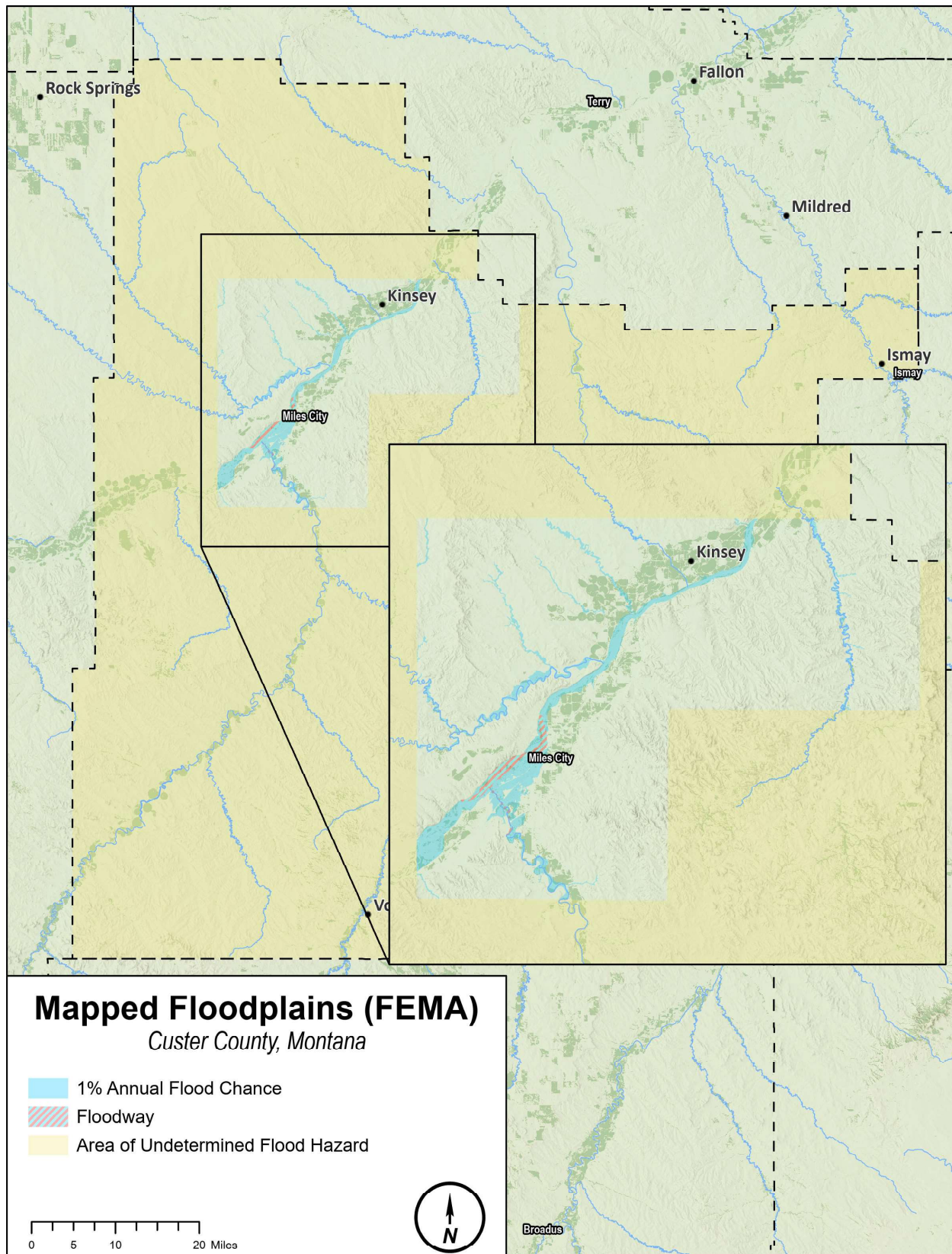
Custer County is not directly responsible for the maintenance and expansion of these utilities but supports developing these utilities to provide better service to its residents.

STRATEGIES FOR THE MAINTENANCE OF COUNTY INFRASTRUCTURE

The County’s 2017 Capital Improvements Plan (CIP) serves as the County’s strategy for maintaining infrastructure per the requirements of the State Growth Policy statute 76-1-601, MCA. Maintaining an updated CIP and implementing this plan consistently will allow the County to prioritize the community’s infrastructure needs.

NATURAL AND CULTURAL RESOURCES

▼ Map 7 - Custer County Floodplains



NATURAL AND CULTURAL RESOURCES

Custer County is located in Eastern Montana, approximately 138 miles east of the City of Billings and 110 highway miles west of the North Dakota state line. According to the United States Census Bureau, Custer County's estimated population in 2021 was 11,968 people. Miles City serves as the County seat.

Custer County is the eleventh largest Montana county by land area, spanning 2,427,520 acres. Located in central Eastern Montana, Custer County is bordered by Prairie County to the north, Powder River County to the south, Fallon and Carter counties to the east, and Rosebud County to the west. Elevation ranges from 2,200 feet along the Yellowstone River to 3,782 feet in the southern portion of the County.

CLIMATE

The County's climate is characterized by generally warm summers and cold winters. The warmest month of the year is July with an average high temperature of 91 degrees Fahrenheit, while the coldest month is January with an average low temperature of 6 degrees Fahrenheit. The average annual precipitation is 14.5 inches, with the highest precipitation rates in May and June. The average annual snowfall is 30 inches. December through March generally receives the highest amounts of snowfall at ~5 inches per month.

FLOODING AND FLOODPLAIN

According to the Federal Emergency Management Agency (FEMA), a portion of Custer County, centering around Miles City and Kinsey, is recognized as being located within a mapped floodplain or floodway. Montana Disaster and Emergency Services also recognizes Custer County as having the highest population located in the floodplain in the Eastern region of the state. The County currently participates in the National Flood Insurance Program (NFIP) and has adopted floodplain development regulations. The City of Miles City also participates in the NFIP and has adopted floodplain development regulations.

Floodplain development regulations are important in areas of known flood risk, as they protect people and property to reduce flood losses. This is especially important in Custer County, as Montana Disaster and Emergency Services estimates flood loss values at potentially \$131 million. Properties within a mapped floodplain are required to obtain a Floodplain Development Permit for any development, including structure construction, dirt work, land reclamation, etc.

According to the Custer County Miles City Regional Flood Protection website, approximately 80% of residences and businesses in Miles City are located within the natural floodplain or floodway at the confluence of the Yellowstone and Tongue Rivers. The flood levees that currently exist and that are meant to protect the City from flooding are not "certified" as meeting the necessary standards required by the Army Corp of Engineers. There is an ongoing effort to identify mechanisms to get the levees certified in order to reduce the special flood hazard area covering the City. The County is an active partner in this effort.



NATURAL AND CULTURAL RESOURCES

WETLANDS AND RIPARIAN AREAS

Wetlands are distinct ecosystems in areas that are flooded or saturated by water. Similarly, riparian areas are the saturated land between land and rivers and streams, typically recognized as streambanks, floodplains, and wetlands. Unique vegetation and aquatic species thrive in both wetlands and riparian areas. And both have many benefits to people, including water purification, bank stabilization, flood control, and groundwater replenishment.

Wetlands or riparian areas occupy nearly 80,000 acres within Custer County. This directly impacts both development and agriculture, as these areas are not always suitable for either due to the prolonged presence of water. But these areas do provide opportunities for conservation efforts.

FISH AND WILDLIFE

Custer County hosts a healthy fisheries and wildlife habitat that includes a variety of fish species, pollinators, many species of grassland and upland game birds, and big game such as mule deer, white-tailed deer, pronghorn, and elk. Hunting and fishing are popular recreation activities amongst residents. A handful of threatened or endangered species of fish and wildlife have been identified in Custer County, including Pallid sturgeon, and others. If development, by means of subdivision, moves into more rural areas, the County could benefit from working with State and Federal agencies to identify habitat and migration corridors, as a means to reduce conflict and maintain healthy wildlife habitat.

HAZARD AREAS

According to Montana Department of Natural Resources, no State-owned high-hazard dams have been developed in Custer County. But Montana Disaster and Emergency Services has identified high hazard dams upstream pose a threat to Custer County, noting that the county has the second highest total value of exposed property within mapped inundation zones, mostly within Miles City.

No seismic fault lines are present in the county, therefore the US Geological Service rates the County as a low seismic hazard area. Other potential known hazards include hazardous materials storage and abandoned mine sites.

SAND AND GRAVEL RESOURCES

Access to sand and gravel is important for the construction and maintenance of streets and roads as well as the construction of new homes and businesses. According to the Montana Department of Environmental Quality Open Cut Mining Program, multiple permitted gravel pits are located within Custer County. Map 5 of this document shows all permitted gravel pit locations.

WILDFIRE AND THE WILDLAND-URBAN INTERFACE

The Wildland-Urban Interface (WUI) is the zone of transition between unoccupied land and human development or, in other words, the area where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels. Montana ranks as one of the top eight states for number of houses in the WUI relative to total houses in the state.

According to the USDA and USFS, Custer County, overall, has a relatively low risk of wildfire damage to homes but portions of the County, including areas around Miles City, are within the WUI with a moderate to high risk of wildfire. The County may consider updating its subdivision and zoning regulations to address new residential development within the WUI. This update should include standards for ingress-egress, defensible space, and fire protection water supplies.

NATURAL AND CULTURAL RESOURCES

In the case of a wildfire, Custer County Fire Department is well prepared. The department has seven county-owned wildland fast response engines that are strategically placed around the County for a fast response from local cooperative partners. These trucks help to quickly initiate response to a wildland fire, while fire personnel from stations in Miles City respond. This program has proven to work in keeping wildland fires to an initial attack phase only.

In areas outside the jurisdiction of the Custer County Fire Department, the Montana Department of Natural Resources (DNRC) handles wildland fire protection via a cooperative agreement between the Custer County Board of Commissioners and the State. By formally partnering with all 56 Counties in Montana, DNRC ensures wildland fire protection on over 55 million acres of state and private land via an arrangement known as State/County Cooperative Fire Protection or “County Co-op.”

CULTURAL RESOURCES

Custer County contains 17 sites on the National Register of Historic Places, including many of Statewide significance. Significant sites include:

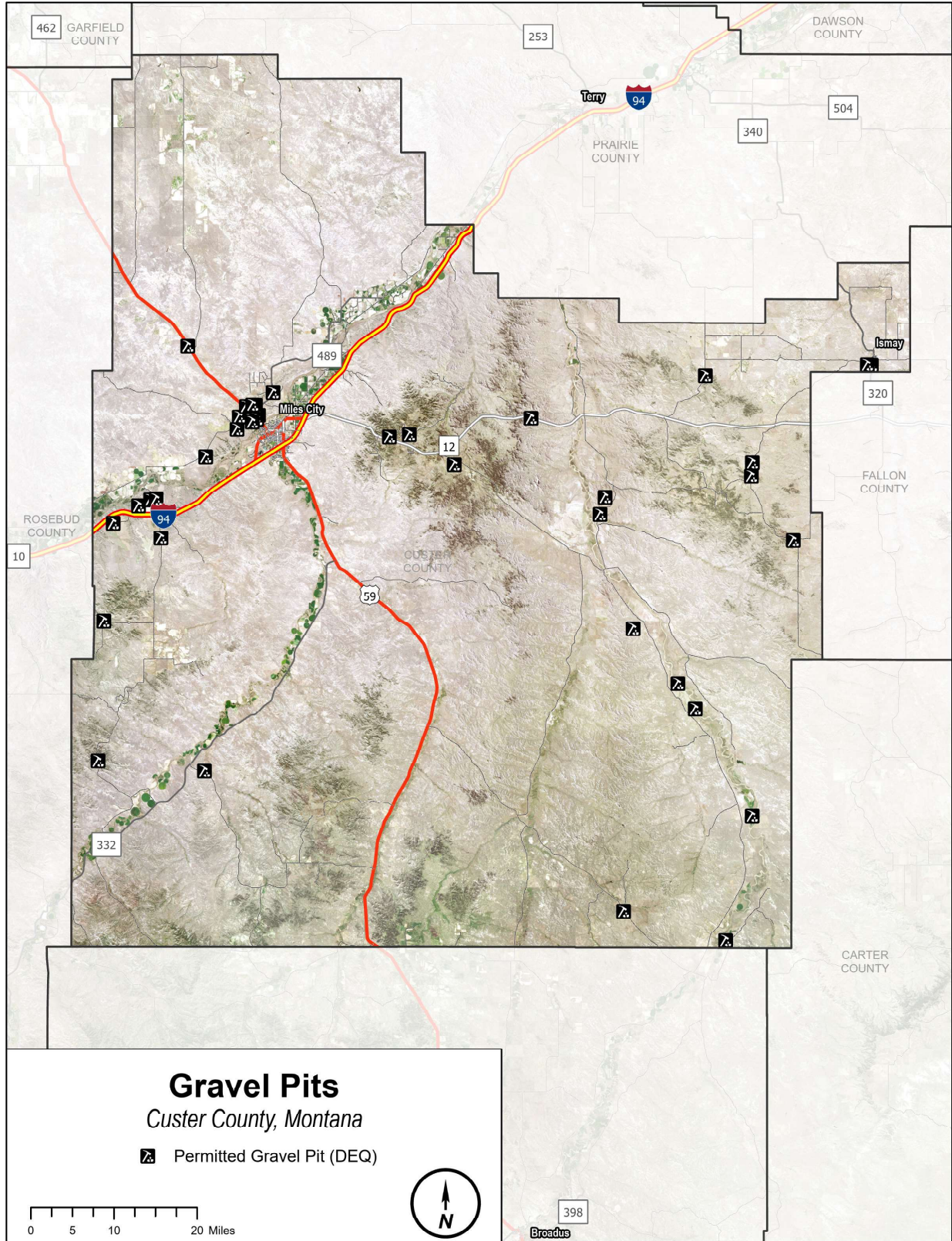
- Fort Keogh
- Ismay Jail
- Miles City Waterworks Building and Pumping Plant Park
- Mountain States Telephone and Telegraph Company
- US Post Office – Miles City Main

Projected Trends and Strategies for Utilizing and Preserving Natural Resources

Custer County is rich in natural resources, and these are likely to be stressed in correlation with an anticipated increase in population and development within the next five years. Identifying which of these natural resources are priorities for preservation and then implementing an action plan through planning documents and regulations would be beneficial. Engaging in communications and planning with local conservation and emergency mitigations will ensure natural resource preservation stays at the forefront of development.

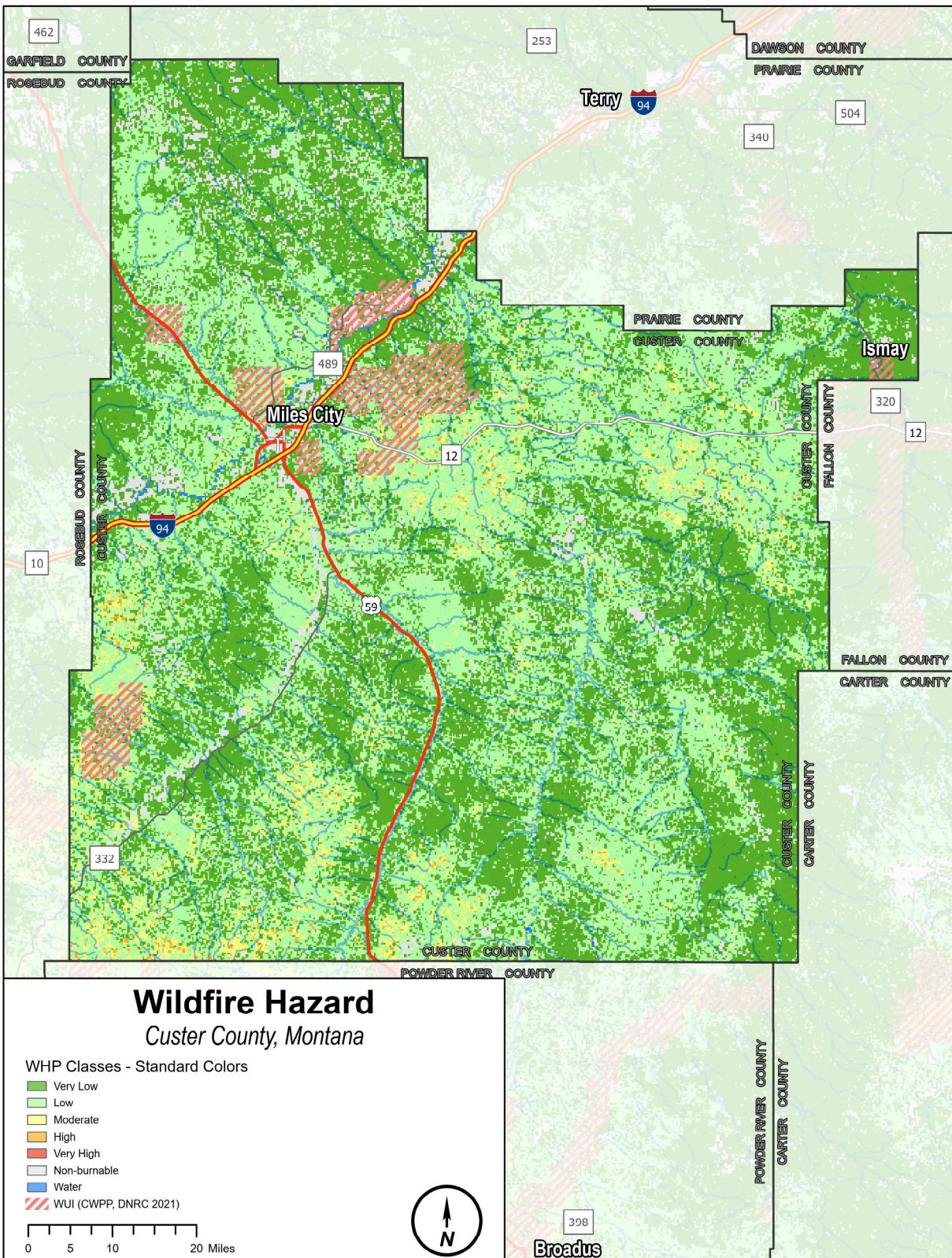
NATURAL AND CULTURAL RESOURCES

▼ Map 8 - Sand and Gravel Operations



NATURAL AND CULTURAL RESOURCES

▼ Map 9 - Wildfire Hazard Potential (WUI)



ACTION PLAN

Implementation of goals identified in this Growth Policy will take time and resources. Most important, it will require a commitment by County residents and the Board of Commissioners to follow through on the guidance provided by the document. The projects and policies to be pursued by the County are identified below by the general category they fall under.

Economy			
Goal-Objective	Action	Responsibility	Schedule
E-1.a E-1.b	<ul style="list-style-type: none"> Lobby the state legislature and congressional delegation to promote such projects. 	Commissioners	On-going
E-1.a E-1.b	<ul style="list-style-type: none"> Work with energy companies to ensure County roads and bridges remain functional and safe for residents. 	Commissioners & Road Department	As-needed (development Driven)
E-2.a	<ul style="list-style-type: none"> Provide financial and political support for the maintenance and upgrade of irrigation infrastructure. 	Commissioners	On-going
E-2.b	<ul style="list-style-type: none"> Provide research assistance to agricultural property owners in order to establish legal access to their properties. 	Commissioners	Planning stages begin in 2023
E-3.a	<ul style="list-style-type: none"> Woodruff Park improvements 	Commissioners	2025
E-3.b	<ul style="list-style-type: none"> Develop a Fairgrounds Strategic Development Plan 	Commissioners	2025

Land Use			
Goal-Objective	Action	Responsibility	Schedule
L-1.a	<ul style="list-style-type: none"> Review and amend the County Zoning Regulations. 	Planning Board	As required
L-2.a	<ul style="list-style-type: none"> Review and amend the County Subdivision Regulations. 	Planning Board	June 2024
L-3.a	<ul style="list-style-type: none"> Inventory existing subdivision plats to identify road right of ways and public access easements that need to be protected from inappropriate development. 	Planner & GIS	June 2024
L-4.a	<ul style="list-style-type: none"> Continue discussions with the Custer County Water & Sewer District to find the money and resources to extend water and sewer services to areas not currently served by the District. 	Commissioners	On-going
L-5.a	<ul style="list-style-type: none"> Pursue certification, replacement and regulatory options for the flood levee through collaboration with the City. 	Commissioners & Floodplain Administrator	On-going

ACTION PLAN

Local Services			
Goal-Objective	Action	Responsibility	Schedule
LS-1.a	<ul style="list-style-type: none"> Expand County Transit service i.e. more vehicles and drivers. 	Commissioners	On-going
LS-1.b	<ul style="list-style-type: none"> Develop a preliminary architectural report (PAR) for a new senior center and needed services. 	Commissioners	2023
LS-1.c	<ul style="list-style-type: none"> Research options for a new Senior Center and improved services 	Commissioners	2025
LS-2.a	<ul style="list-style-type: none"> Update the County website to be an “easy to use” and full service site for residents. 	Commissioners	2023

Infrastructure			
Goal-Objective	Action	Responsibility	Schedule
I-1.a	<ul style="list-style-type: none"> Update the County Capital Improvements Plan (CIP). 	Commissioners	2025
I-2.a	<ul style="list-style-type: none"> Support funding for the construction of new educational facilities. 	Commissioners via School Districts	On-going support
I-3.a	<ul style="list-style-type: none"> Support the County Water and Sewer District with grant and loan applications as appropriate. 	Commissioners & Water and Sewer District	On-going support
I.3.b	<ul style="list-style-type: none"> Explore grant funding opportunities for culvert replacement in irrigation canals. 	Commissioners	2026

Housing			
Goal-Objective	Action	Responsibility	Schedule
H-1.a	<ul style="list-style-type: none"> Discuss the potential of developing a County Housing Needs Assessment and Plan 	Planning Board	2024
H-1.b	<ul style="list-style-type: none"> Support the County Water and Sewer District services with grant and loan applications as appropriate. 	Commissioners & Water and Sewer District	On-going support

IMPLEMENTATION OF THE GROWTH POLICY

RESIDENT OUTREACH

Gathering the ideas and advice of County residents was a critical step in creating the Growth Policy. The creation, objectives, and action plan has been based upon the advice and guidance of County residents in the months prior to the adoption of the document.

The County created a community survey to assist in gathering advice and guidance from residents about what opportunities and issues were priorities, what they like/dislike about living in Custer County, and what the future should look like for the County. The survey was available to residents in a hardcopy format and online. 541 people participated in the survey. Some of the more notable results of the survey showed the following:

- Respondents like the rural lifestyle, safety, close-knit community, and quality of life in Custer County.
- The top three most important issues that respondents thought should be improved include:
 - Recreation/leisure opportunities
 - Housing options
 - Broadband internet
- Given the choice, most respondents felt that the County should focus on economic development (jobs/business growth) over any other issue.

In addition to the community survey, the Planning Board held a work session to focus on the outreach feedback received and establish an action plan. The work session was open to the public and noticed accordingly.

GROWTH POLICY ADOPTION

The Planning Board held a public hearing on August 15, 2023, to gather resident input on the Growth Policy document and recommend adoption to the County Commission. The Commission held a public meeting on September 19, 2023, to consider the Planning Board's recommendation and gather additional community input.' And change the third sentence to read 'The Commission voted on October 12, 2023, to formally adopt the Custer County Growth Policy via resolution.

CONDITIONS AND TIMING FOR REVIEW AND REVISION

This document will be reviewed every five years from the date of its adoption. The Planning Board will be responsible for reviewing the Growth Policy and making any recommendations regarding revisions or changes to the County Commission. Future reviews will include an evaluation of every section. It is anticipated that a full update of the Growth Policy will be necessary within ten years of its original adoption. Additionally, wherever possible in keeping with State statute, the development and revision of future planning documents should adhere to the goals and objective of the Growth Policy.

The Growth Policy may also be revised when a situation or issue has been identified by the public that necessitates changes or when changes are deemed to be in the public interest by either the Planning Board or the County Commission. It is also possible that Legislative changes to policy statutes may require significant amendments or changes. Finally, amendments to the Growth Policy may also be necessary when litigation elsewhere in Montana sets a legal precedent that is contrary to the stated goals, objectives, or implementation strategies that have been detailed.

SUBDIVISION REGULATIONS AND REVIEW

The Montana Code Annotated requires that the County Commission provide a statement in this plan explaining how they will:

- Define the review criteria found in 76-3-608 (3)(a) M.C.A. i.e., impacts upon agriculture, local services, public health, and safety etc.; and
- Evaluate and make decisions regarding proposed subdivisions with respect to the criteria in 76-3-608 (3)(a) M.C.A.

DEFINITION OF 76-3-608 CRITERIA

Custer County uses the following definitions as found in the current Custer County Subdivision Regulations for each of the review criteria listed below.

- **Agriculture:** All aspects of farming or ranching including the cultivation or tilling of soil; dairying; the production, cultivation, growing, harvesting of agricultural or horticultural commodities; raising of livestock, bees, fur-bearing animals, or poultry; and any practices including, forestry or lumbering operations, including preparation for market or delivery to storage, to market, or to carriers for transportation to market.
- **Agricultural Water User Facilities:** Those facilities that provide water for irrigation or stock watering to agricultural lands to produce agricultural products. These facilities include but are not limited to ditches, headgates, pipes, and other water conveying facilities.
- **Local Services:** Local services are defined as all services that local governments, public or private utilities are authorized to provide for the benefit of their citizens.
- **Natural Environment:** The physical conditions which exist within a given area, including land, air, water, minerals, flora, fauna, sound, light, and objects of historic or aesthetic significance.
- **Public Health and Safety:** The prevailing healthful, sanitary condition of the community at large. Conditions that relate to public health and safety include but are not limited to disease control and prevention; emergency services; environmental health; flooding, fire, or wildfire hazards, rockfalls or landslides, unstable soils, steep slopes, and other natural hazards; high voltage lines or high-pressure gas lines; and air or vehicular traffic safety hazards.
- **Wildlife:** Those animals that are not domesticated or tamed, or as may be defined in the County Growth Policy.
- **Wildlife Habitat:** The place or area where wildlife naturally lives or travels through.

EVALUATION OF SUBDIVISIONS BASED UPON 76-3-608 REVIEW CRITERIA

The review of subdivision applications by Custer County includes documentation and an analysis as to whether or not the proposed subdivision will impact agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety.

The County will evaluate each subdivision with regard to the expected impacts upon each of the criteria and the degree to which the subdivision applicant proposes to mitigate any adverse impacts. This evaluation will be based on the subdivision application, staff review, reports, and the information gathered from public hearings and other sources of information as deemed appropriate.

Upon the County's completion of its review, evaluation, and recommendation, the County Commission will render a decision on the proposed subdivision with respect to the requirements of the Custer County Subdivision Regulations, the Custer County Growth Policy, and the Montana Subdivision and Platting Act.

SUBDIVISION REGULATIONS AND REVIEW

PREREQUISITES TO APPROVAL

The governing body may not approve or conditionally approve a subdivision application and preliminary plat unless the proposed subdivision:

- provides easements for the location and installation of any planned utilities;
- provides legal and physical access to each parcel within the subdivision and the notation of that access on the applicable plat and any instrument transferring the parcel;
- assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section II-B-4 of these regulations;
- assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Section VI-O have been considered and will be accomplished before the final plat is submitted;
- assures that the requirements of 76-3-504(1)(k) regarding watercourse and irrigation easements as set forth in Section VI-N have been considered and will be accomplished before the final plat is submitted; and
- provides for the appropriate park dedication or cash-in-lieu.

EVALUATION CRITERIA FOR EFFECTS ON AGRICULTURE

- Is the proposed subdivision or associated improvements located on or near prime farmland or farmland of statewide importance as defined by the Natural Resource Conservation Service? If so, identify each area on a copy of the preliminary plat.
- Describe whether the subdivision would remove from production any agricultural or timber land.
- Describe possible conflicts with nearby agricultural operations (e.g., residential development creating problems for moving livestock, operating farm machinery, maintaining water supplies, controlling weeds, or applying pesticides; agricultural operations suffering from vandalism, uncontrolled pets or damaged fences).
- Describe possible nuisance problems which may arise from locating a subdivision near agricultural or timber lands.
- Describe the effects the subdivision would have on the value of nearby agricultural lands.
- Proposed subdivisions that are within a designated urban growth area are considered to have a minimal effect on agriculture.
- Proposed subdivisions or associated improvements that are located on or adjacent to prime farmland or farmland of statewide importance as defined by the Natural Resource Conservation Service are considered to have an adverse impact on agriculture.
- Proposed subdivisions or associated improvements that border land defined as agricultural or timberland by the Montana Department of Revenue or state trust lands are considered to have an adverse impact on agriculture.

EVALUATION CRITERIA FOR EFFECTS ON AGRICULTURAL WATER USER FACILITIES

- Describe conflicts the subdivision would create with agricultural water user facilities (e.g. residential development creating problems for operating and maintaining irrigation systems) and whether agricultural water user facilities would be more subject to vandalism or damage because of the subdivision.
- Describe possible nuisance problems which the subdivision would generate with regard to agricultural water user facilities (e.g. safety hazards to residents or water problems from irrigation ditches, head gates, siphons, sprinkler systems, or other agricultural water user facilities).
- Proposed subdivisions located on land with agricultural water user facilities or adjoining an agricultural water use facility are considered to have an adverse impact on agricultural water user facilities.

SUBDIVISION REGULATIONS AND REVIEW

- Proposed subdivisions that involve the abandonment or transfer of water rights from the property being subdivided, or that involve the abandonment or removal of agricultural water user facilities are considered to have an adverse impact on agricultural water user facilities.
- Proposed subdivisions or associated improvements that will alter access for maintenance of agricultural water user facilities are considered to have an adverse impact on agricultural water user facilities.
- Proposed subdivisions or associated improvements that will alter the movement or availability of water are considered to have an adverse impact on agricultural water user facilities.

EVALUATION CRITERIA FOR EFFECTS UPON LOCAL SERVICES

- Describe the additional or expanded public services and facilities that would be demanded of local government or special districts to serve the subdivision.
- Describe additional costs which would result for services such as roads, bridges, law enforcement, parks and recreation, fire protection, water, sewer and solid waste systems, schools or busing, (including additional personnel, construction, and maintenance costs).
- Who would bear these costs (e.g. all taxpayers within the jurisdiction, people within special taxing districts, or users of a service)?
- Can the service providers meet the additional costs given legal or other constraints (e.g. statutory ceilings on mill levies or bonded indebtedness)?
- Describe off-site costs or costs to other jurisdictions may be incurred (e.g. development of water sources or construction of a sewage treatment plant; costs borne by a nearby municipality).
- Describe how the subdivision allows existing services, through expanded use, to operate more efficiently, or makes the installation or improvement of services feasible (e.g. allow installation of a central water system or upgrading a country road).
- What are the present tax revenues received from the unsubdivided land?
- Provide the approximate revenues received by each above taxing authority if the lots are reclassified, and when the lots are all improved and built upon. Describe any other taxes that would be paid by the subdivision and into what funds (e.g. personal property taxes on mobile/manufactured homes are paid into the County general fund).
- Would new taxes generated from the subdivision cover additional public costs?
- How many special improvement districts would be created which would obligate local government fiscally or administratively? Are any bonding plans proposed which would affect the local government's bonded indebtedness?
- Proposed subdivisions that are contiguous to unincorporated town sites or within a designated urban growth area, will use existing utilities, will have safe and adequate access to existing road networks pursuant to Model Subdivision Design Standards under VI-A- 20(c)(v), and will meet applicable city zoning and building standards are considered to have a minimal impact on local services except as otherwise provided in subsection (F)(2)(f) .
- Proposed subdivisions that will require the extension of city or public sewer or water are considered to have an adverse impact on local services.
- Proposed subdivisions that are not contiguous to unincorporated town sites or within a designated urban growth area will be considered to have an adverse impact on services including but not limited to police, fire, and emergency services, school busing, and roads.

EVALUATION CRITERIA FOR EFFECT ON HISTORIC OR NATURAL ENVIRONMENT

- Describe and locate on a plat overlay or sketch map known or possible historic, paleontological, archaeological or cultural sites, structures, or objects which may be affected by the proposed subdivision. How would the subdivision

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affect surface and groundwater, soils, slopes, vegetation, historical or archaeological features within the subdivision or on adjacent land? Describe plans to protect these sites.

- Would any streambanks or lake shorelines be altered, streams rechanneled or any surface water contaminated from sewage treatment systems, run-off carrying sedimentation, or concentration of pesticides or fertilizers?
- Could groundwater supplies be contaminated or depleted as a result of the subdivision?
- Would construction of roads or building sites require cuts and fills on steep slopes or cause erosion on unstable, erodible soils? Would soils be contaminated by sewage treatment systems?
- Describe the impacts that the removal of vegetation would have on soil erosion, bank, or shoreline instability.
- Would the value of significant historical, visual, or open space features be reduced or eliminated?
- Describe possible natural hazards the subdivision could be subject to (e.g., natural hazards such as flooding, rock, snow or landslides, high winds, severe wildfires, or difficulties such as shallow bedrock, high water table, unstable or expansive soils, or excessive slopes).
- How would the subdivision affect visual features within the subdivision or on adjacent land? Describe efforts to visually blend the proposed development with the existing environment (e.g. use of appropriate building materials, colors, road design, underground utilities, and revegetation of earthworks).
- Proposed subdivisions that are within a designated urban growth area and will use existing utilities are considered to have a minimal impact on the natural environment except as otherwise provided in subsections (b) and (e) below.
- Proposed subdivisions or associated improvements that are proposed in locations with riparian areas, rivers streams, lakes, wetlands, or other natural surface waters are considered to have an adverse impact on the natural environment which may be mitigated by meeting or exceeding standards pursuant to Model Subdivision Design Standards VI-A-20(d).
- Proposed subdivisions or associated improvements that are proposed on land with a high water table (less than 4 feet from the surface) or designated groundwater recharge areas are considered to have an adverse impact on the natural environment.
- Proposed subdivisions or associated improvements that are proposed in locations with evidence of soils with building or site development limitations as defined by the soil survey, or are proposed on slopes greater than 25 percent, are considered to have an adverse impact on the natural environment.
- Proposed subdivisions or associated improvements that are proposed on land with historical, cultural, archeological, or paleontological features are considered to have an adverse impact on the natural environment.

EVALUATION CRITERIA FOR EFFECT ON PUBLIC HEALTH AND SAFETY

- Describe any health or safety hazards on or near the subdivision, such as: natural hazards, lack of water, drainage problems, heavy traffic, dilapidated structures, high-pressure gas lines, high voltage power lines, or irrigation ditches. These conditions proposed or existing should be accurately described with their origin and location identified on a copy of the preliminary plat.
- Describe how the subdivision would be subject to hazardous conditions due to high voltage lines, airports, highways, railroads, dilapidated structures, high-pressure gas lines, irrigation ditches, and adjacent industrial or mining uses.
- Describe land uses adjacent to the subdivision and how the subdivision will affect the adjacent land uses. Identify existing uses such as feed lots, processing plants, airports or industrial firms which could be subject to lawsuits or complaints from residents of the subdivision.
- Describe public health or safety hazards, such as dangerous traffic, fire conditions, or contamination of water supplies which would be created by the subdivision.
- Proposed subdivisions that are within a designated urban growth area where existing police, fire, and emergency services can respond within 5 minutes for 90% of all emergencies and that meet or exceed the standards pursuant

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to Model Subdivision Design Standard Chapter VI-A-20(f) are likely to have a minimal impact on public health and safety.

- Proposed subdivisions or associated improvements that are located in an area identified as a medium to severe fire hazard area by a fire district are considered to have an adverse impact on public health and safety. If the level of fire hazard has not been determined for the site then the developer shall receive a determination from either the appropriate local volunteer fire department or from the DNRC before submitting a subdivision application.
- Proposed subdivisions or associated improvements that are proposed on land with high pressure gas lines or high voltage lines are considered to have an adverse impact on public health and safety.
- Proposed subdivisions or associated improvements that are proposed on land or adjacent to Superfund or hazardous waste sites are considered to have an adverse impact on public health and safety.
- Proposed subdivisions or associated improvements that are proposed on or adjacent to abandoned landfills, mines, wells, waste sites, or sewage treatment plants are considered to have an adverse impact on public health and safety.
- Proposed major or subsequent minor subdivisions located outside of areas where police, fire, and emergency services can respond within 5 minutes for 90% of all emergencies are considered to have an adverse impact on public health and safety.
- Proposed subdivisions or associated improvements that are located in an area identified as a high seismic hazard area are considered to have an adverse impact on public health and safety.
- Any other adverse impacts on health or safety that may result from the proposed subdivisions or associated improvements.

EVALUATION CRITERIA FOR EFFECT ON WILDLIFE AND WILDLIFE HABITAT

- Describe what impacts the subdivision or associated improvements would have on wildlife areas such as big game wintering range, migration routes, nesting areas, wetlands, or important habitat for rare or endangered species.
- Describe the effect that pets or human activity would have on wildlife.
- Describe what impacts the subdivision or associated improvements would have on wildlife areas such as big game wintering range, migration routes, nesting areas, wetlands, or important habitat for rare or endangered species.
- Describe the effect that pets or human activity would have on wildlife habitat.
- Proposed subdivisions that are within a designated urban growth area are considered to have a minimal impact on wildlife except as otherwise provided in subsections (c) and (e) below.
- Proposed subdivisions or associated improvements that are proposed in locations with riparian areas, wetlands, rivers, streams, lakes, or other natural surface waters are considered to have an adverse impact on wildlife.
- Proposed subdivisions or associated improvements that are proposed in an area with rare, threatened, or endangered species, as identified by state or federal agencies, are considered to have an adverse impact on wildlife.
- Proposed subdivisions or associated improvements that are proposed on or adjacent to land identified by state or federal agencies as critical habitat are considered to have an adverse impact on wildlife.
- Proposed subdivisions or associated improvements are proposed in locations that would interfere with known important or critical wildlife corridors are considered to have an adverse impact on wildlife.

COMMUNITY IMPACT

Provide estimates and describe impacts to the following, as a result of the subdivision:

- Education and Busing
- Roads and Maintenance
- Water, Sewage, and Solid Waste Facilities

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- Fire and Police Protection
- Payment for Extension of Capital Facilities

PUBLIC HEARING PROCEDURE-SUBDIVISIONS

The Custer County Planning Board and County Commission both conduct their meetings open to the public following the public notice requirements as prescribed by state code. Major subdivisions and those minor subdivisions treated as major subdivisions are subject to public hearings by both the Board and Commission.

The Custer County Planning Board shall provide public notice of proposed subdivisions following the notice requirements as prescribed by statute. Public hearings are required for major subdivisions and subsequent minor subdivisions. Hearings are not permitted for first minor subdivisions.

Public hearings held by the Planning Board shall use the following format:

1. The Planning Board President opens the hearing. The planning staff will present a report that provides background information and describes the key technical points of the application and the proposal's relationship to any land use regulations and the Growth Policy, and the draft Findings of Fact.
2. The subdivider or representative may present information and testimony relating to the proposed subdivision. Planning Board members are permitted to direct any relevant questions to staff or the applicant.
3. Any written comments submitted prior to the hearing will be noted and made available to the public upon request. The President may read correspondence aloud. If the President deems that the written comments are numerous or voluminous, he may request that the written comments be summarized.
4. Members of the audience will be given an opportunity to comment on the application or proposal. Comments should be factual and relevant to the proposal. Each person speaking must give his or her name, address, and nature of interest in the matter.
5. After public comment is complete, the subdivider or representative may respond briefly.
6. Planning Board members may voice other considerations and may pose any relevant questions through the President.
7. The President closes the hearing on the subdivision proposal.
8. The Planning Board will then deliberate the Findings of Fact and Conditions outlined in staff's report, the subdivision application and preliminary plat, the environmental assessment, the summary of probable impacts and proposed mitigation, the adopted Growth Policy, information provided at the public hearing(s), and any additional information authorized by law, then vote to make a recommendation to the County Commission for approval as proposed, approval with conditions, or denial.
9. The County Commission will hold a second public hearing to review the Custer County Planning Board's recommendation, in addition to water, sanitation and all other relevant information, and render a decision for approval, conditional approval, or denial of the proposed subdivision.

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INTERJURISDICTIONAL COORDINATION

Cooperation and communication among county, state, federal, and municipal officials regarding land planning is a critical factor for a successful community. Custer County encompasses a variety of values, needs, and landscapes. While the Growth Policy can serve as a guide for future growth and planning, other specific planning documents can function as tools for implementation. Miles City has both a Growth Policy and an Annexation Plan, which should be consulted in matters where interjurisdictional interests are at stake. The Action Plan outlined in this document aims to maintain and build relationships with other agencies and officials.

SOURCES

Introduction

1. Custer County
2. City of Miles City
3. National Weather Service
4. United State Census Bureau

Population Characteristics and Economy

1. Custer County
2. Headwaters Economics, Economic Profiling System, 2022
3. United States Census Bureau
4. Montana Department of Revenue
5. Custer County Audit Report 2022

Housing

1. Bureau American Community Survey, Census
2. Montana Department of Revenue

Land Use

1. Custer County
2. City of Miles City
3. Montana Department of Natural Resources and Conservation
4. United States Department of Agriculture/Natural Resources Conservation Service
5. United States Forest Service

Local Services

1. Headwaters Economics, Economic Profiling System, 2022
2. Miles City Chamber of Commerce
3. Custer County

Public Facilities and Infrastructure

1. American Community Survey, Census Bureau
2. Custer County
3. City of Miles City
4. Preliminary Engineering Report
5. Capital Improvements Plan

Natural and Cultural Resources

1. Custer County
2. Montana Department of Environmental Quality
3. Montana Fish, Wildlife and Parks
4. Montana Department of Natural Resources and Conservation
5. United States Department of Agriculture/Natural Resources Conservation Service
6. Custer County Miles City Regional Flood Protection
7. Montana Disaster and Emergency Services

