



BUTTE-SILVER BOW
COMMUNITY DEVELOPMENT DEPARTMENT
155 WEST GRANITE STREET, COURTHOUSE
BUTTE, MONTANA 59701
(406) 497-6465

RECEIVED

MAR 27 2007

LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

March 26, 2007

TO: Montana Department of Commerce – Community Development Division
Montana Department of Fish, Wildlife and Parks – Resource Assessment Unit
Montana Department of Environmental Quality
Montana Department of Natural Resources and Conservation
Montana Environmental Quality Council
Montana State Historic Preservation Office - Preservation Officer
U.S. Environmental Protection Agency
U.S. Fish & Wildlife Service

CC: National Affordable Housing Network

**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT ON THE ENVIRONMENT &
NOTICE OF INTENT TO REQUEST A RELEASE OF FUNDS**

Dear Ladies and Gentlemen:

The enclosed draft Environmental Assessment (EA) has been prepared for the Central Butte Housing Development Project, a project of the National Affordable Housing Network (NAHN), a local non-profit housing developer and its project partners Habitat for Humanity of Southwest Montana and other community groups. The purpose of this environmental assessment is to evaluate the impact of the development of affordable infill, single-family residences within the Central Butte Project Area, Butte, Montana.

These financing sources for this low-income housing project include, but may not be limited to HUD's Self Help Opportunity Program, HOME Programs, Rural Development's 502 Mortgage funding and 523 Mutual Self Help Funding.

The City and County of Butte-Silver Bow (B-SB), in this EA, has determined that affordable infill, single-family residences within the Project Area as defined for this EA will not constitute an action significantly affecting the quality of the human environment. Accordingly, B-SB has decided not to prepare an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA, 42 USC 4321), as follows:

The reasons for the decision not to prepare such Statement are as follows:

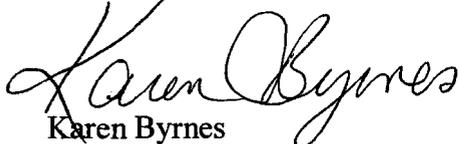
The affordable housing development project is not of sufficient size, scale or mass and does not exceed the threshold criteria established for the preparation of a statement nor will the project have a significant impact on the human environment under NEPA.

The City and County of Butte-Silver Bow respectfully request your agency's comment on the Environmental Assessment of the Central Butte Housing Development Project.

Written comments should be received at the Butte-Silver Bow Office of Community Development on or before April 30, 2007. All such comments so received shall be considered and B-SB will not request the release of Federal funds or take any administrative action on the property prior to this date specified in the preceding sentence.

Thank you for your attention to this matter.

Respectfully submitted,

A handwritten signature in black ink that reads "Karen Byrnes". The signature is written in a cursive style with a large initial "K".

Karen Byrnes
Environmental Certifying Officer

enclosure

Environmental Assessment

**Central Butte
Affordable Housing Development
Butte-Silver Bow, Montana**

Prepared by:

City and County of Butte-Silver Bow, Montana
Office of Community Development
155 W. Granite Street
Butte, MT 59701

DRAFT FOR REVIEW

March 26, 2007

Environmental Assessment

Responsible Entity (RE): City and County of Butte-Silver Bow, Montana
[24 CFR Part 58.2(a)(7)] 155 W. Granite Street
Butte, MT 59701

Certifying Officer: Karen Byrnes, Director of Community Development Department
[24 CFR Part 58.2(a)(2)]

Project Name: Central Butte Housing Development Project

Project Location: Butte-Silver Bow, Montana

Grant Recipient: National Affordable Housing Network
[24 CFR Part 58(a)(5)] P.O. Box 3706
Butte, MT 59702

Conditions for Approval:
[24 CFR Part 58.40(d), 40 CFR Part 1505.2(c)]

The single criterion that requires a specific action from the grantee is associated with Historic Preservation. Because the Project Area is wholly located within the Butte-Anaconda National Historic Landmark District, new construction must comply with the provisions of the National Historic Preservation Act, most particularly Section 106. On an individual or neighborhood basis, the developer will be required to provide supplemental information to the MT SHPO, for evaluation, comment and mitigation, if required.

For the most part, the environmental impacts of these residences will result in either "No Impact" or "Beneficial Impact". Particularly within the Project Area, this new energy efficient construction will positively impact the resident demographics in that it will provide affordable housing to low-income families, allowing families to leave substandard housing conditions and realize home ownership.

Short-term impacts from the construction of these residences will be associated with the construction phase of the project. Noise, dust and other nuisances created by construction activities can be mitigated with typical site management practices.

FINDING:
[24 CFR Part 58.40(g)]

Finding of No Significant Impact

Finding of Significant Impact

Preparer Signature: *Dori Skrukud* Date: 03/26/07
Dori Skrukud, B-SB Office of Community Development

RE Approving Official Signature: *Karen Byrnes* Date: 3/26/07
Karen Byrnes, Environmental Certifying Officer
Director of Community Development
City and County of Butte-Silver Bow, Montana

Statement of Purpose and Need for the Proposal:

[40 CFR Part 1508.9(b)]

The purpose of this environmental assessment is to evaluate the impact of the development of affordable infill, single-family residences within the Central Butte Project Area, Butte, Montana. This residential housing development program is a project of the National Affordable Housing Network, a local non-profit housing developer and its project partners Habitat for Humanity of Southwest Montana and other community groups, particularly those representing families with children, and disabled households.

Description of the Proposal:

NAHN has focused their housing development projects – affordable, infill single-family residence construction - within the Urban Corridor's older, declining neighborhoods that are statistically occupied by Butte's poorest citizens. The primary beneficiaries of NAHN's housing development programs are very low and low-income households within Butte-Silver Bow, Montana. Working with the local school district, areas around Butte's public high school and the drive zones up the hill to the high school have defined the Project Area for this new residential construction. The Central Butte Project Area (Project Area) is an 828-acre area located within Butte's Urban Corridor, as shown on EXHIBIT I (in sleeve).

Existing Conditions and Trends:

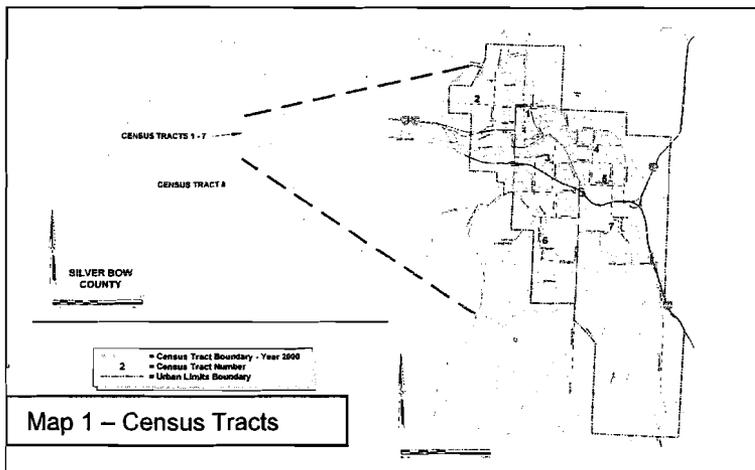
[24 CFR Part 58.40(a)]

Butte-Silver Bow County covers an area of 718.31 square miles and includes 48.2 people per square mile. Approximately 88% (30,509) of the county's population resides within the urban limits while approximately 12% (4,097) of the population resides in areas outside the urban boundaries (US Census Bureau; Census of Population and Housing, 2000).

From The Housing Landscape – Butte-Silver Bow Housing Plan 2015, a report by Community Culture and Heritage, 2007.

Butte, Montana was incorporated in 1879 as a center for mining gold, silver and ultimately copper, which became the community's economic mainstay throughout most of the 20th Century. The pattern of housing development in Butte over the past century was similar to industrial cities elsewhere in the United States. Growth was associated with industrial development and homes were constructed in close proximity to the work place, creating a high-density environment.

Nearly 33% (9,990 people) of the county's urban population is concentrated in Census Tracts 1 and 2, which are north and west of Front Street, the location of the Central Butte Project Area (Project Area). Thirty-seven percent (11,350 people) of the population within the urban limits is contained in Census Tracts 3, 4 and 5 - the area south of Front Street and bordered by Continental Drive to the east and Interstate 90 to the south and west. The remaining 30% (9,169 people) are concentrated in Tracts 6, 7 and 8 - the area south of Interstate 90 (See Map 1 – Census Tracts).



Unlike many of America's larger industrial cities, Butte was not significantly impacted by either massive urban renewal efforts following the Second World War or construction of the national highway system. Instead, flight of Butte residents to areas outside the urban corridor was a result of large-scale open-pit mining that literally swallowed neighborhoods adjacent to the mine. However, a significant representation of the original housing stock and residential character of Butte's urban core has remained relatively unchanged over time.

Socioeconomic trends in Butte-Silver Bow have historically been linked to the mining of metals, particularly copper and molybdenum. The Butte community was built upon mining and the industry retained a prominent role in the economy for over a century - from the mid 1880's to the mid 1980's. The mining life style was reflected in the types of housing constructed. The adjacent configuration of housing to mines was reflective of the needs of single miners living and working in a bitter climate before the advent of public transportation and automobiles. Because of a primary dependence upon one major industry, changes in the industry had significant impacts on socioeconomic conditions.

The mix of industries that comprise Butte-Silver Bow's economic base has changed dramatically over the past thirty years. Mining jobs that constituted 21% of total county jobs in 1970 now represent only 2% of the job base. Service and retail sectors have a more prominent role in the contemporary Butte-Silver Bow economy. Service sector jobs now comprise 36% of total jobs compared with 24% in 1970. Retail jobs went from 17% in 1970 to 23% in 2000.

While the county's income distribution has shifted toward the middle and upper income ranges, many families have not benefited from the shift. Forty-one percent of families (3,637) in Butte-Silver Bow are categorized as 'low-income' based upon income limits established by the U.S. Department of Housing and Urban Development for purposes of determining eligibility for Section 8 rental assistance. Of those families, 25% (893) are considered to be "very low-income" and 26% (943) are considered "extremely low-income".

The poverty rate in Butte-Silver Bow is higher than those for both the State of Montana and the nation. When the 2000 decennial Census count was taken, the poverty rate in Butte-Silver Bow was 14.9% as compared with 14.6% for Montana and 12.4% for the nation. According to a 2003 Census estimate, the local poverty rate has grown by one percentage point since 2000. At 15.9%, the rate remains higher than both the state (14.2%) and the nation (12.5%) for the percent of people living below poverty.

Within the county boundaries of Butte-Silver Bow, there are pockets of deep poverty. Forty percent of Butte-Silver Bow County's Census Block groups (17 out of 43) had poverty rates higher than the county rate in 2000 that ranged from 15% to 61%. Of the 17 high-poverty Block Groups, ten (or 59%) were located in the urban core within Census Tracts 1 and 2. These two tracts contain 52% (2,550 people) of the county's poor while only comprising 29% of the total population. Of particular note are Block Groups 4 and 5 in Tract 1 where poverty rates were 47% and 61% respectively in 2000.

According to 2000 Census data, the largest number of housing units (41% or 6,556 units) in Butte-Silver Bow County was constructed prior to 1939. The community experienced construction surges in the 1950's and again in the 1970's, but none to the extent that occurred prior to 1939; the 1950's saw construction of 2,094 units and 2,384 units were built during the 1970's. Nearly 60% of units built prior to 1939 are contained in the old town site in Census Tracts 1 and 2. While the newer areas of the community have experienced new construction and growth, the age and condition of housing stock in the older town site present a vital planning issue for Butte-Silver Bow. Decay of the housing stock in much of Census Tracts 1 and 2, which includes the Project Area, and the upper and lower west sides of the urban cluster, are contributing to a significant aesthetic crisis and have created an economic development barrier for the community. Retail activity in the central business district is inherently impacted by a loss of people, by vacant and blighted structures and by high poverty in these areas. The poor aesthetic quality created by decay creates a barrier to the attraction of new businesses and people.

There are an estimated 2,600 substandard housing units in Census Tracts 1 and 2. This is based upon a visual estimate of structures that have clear structural and maintenance issues. According to a February 2005 study prepared by the Center for Applied Economic Research for the Montana Department of Commerce, 28% (3,561 units) of Butte's overall housing stock is in 'unsound' to 'fair' condition. This is compared to 24% for Montana overall. Another 37% of Butte-Silver Bow units (approximately 4,743 units) are in only average condition. An approximate 73% of substandard units are contained within Census Tracts 1 and 2.

**ENVIRONMENTAL ASSESSMENT
PART 2**

STATUTORY CHECKLIST

24 CFR Part 58.5

Statutory Checklist

[24 CFR Part 58.5]

(For each listed statute, executive order (E.O.), or regulation, record the determination made. Summarize all reviews and consultations completed as well as any applicable permits or approvals obtained. Attach supporting evidence that all required actions have been accomplished. Summarize any conditions or mitigation measures required. Then state a determination of compliance or consistency.)

Factors

Summary of consultations, supporting documentation, determination, and mitigation measures

Historic Preservation

[36 CFR Part 800]

SHPO APPROVAL REQUIRED

The project area is wholly located within the Anaconda-Butte National Historic Landmark District (Butte NHL). All new construction within the Butte NHL that receives funding through federal programs is required to comply with National Preservation Act. The grantee will be responsible for providing site-specific design documents to the SHPO for review. It is the responsibility of the MT State Historic Preservation Office (MT SHPO) to ensure compliance with the provisions of Section 106 and to work with the grantees on mitigation if the project has the potential to have effects on historic properties.

Floodplain Management

[24 CFR Part 55, E.O. 11988]

NO IMPACT

The project does not involve acquisition, construction or improvements within a 100-year floodplain. The project area is wholly located in an area with a designated floodplain zone of "C" - Area of Minimal Flooding. The floodplain panel used for reference is Community Panel No. 300077 0179D, dated revised 02/23/82 (APPENDIX 2-B).

Wetlands Protection

[E.O. 11990]

NO IMPACT

The Project Area lies more than 1200 lineal feet from natural surface water (stream, river or lake) and the depth to groundwater in the Project Area is insufficient to support wetlands vegetation. No wetlands vegetation has been observed in the Project Area, confirming the lack of historic wetlands.

Coastal Zone Management Act

[Section 307 (c), (d)]

Not applicable in CO, MT, ND, SD, UT, and WY

NOT APPLICABLE

Not applicable in HUD Region VIII.

Sole Source Aquifers

[40CFR Part 149]

NOT APPLICABLE

A sole source or principle aquifer does not serve the Project Area or Butte-Silver Bow, MT. The Project Area was not designated as a sole or principle source aquifer prior to June 19, 1986, nor does the Project Area have an area-wide groundwater quality protection plan approved, under section 208 of the Clean Water Act, prior to that date. New infill, single-family residences constructed in the Project Area will be connected to the existing municipal water and sewer system.

Endangered Species Act

[50 CFR Part 402]

NO IMPACT

The Project Area is wholly located within the Urban Corridor of Butte-Silver Bow, MT and no impacts on endangered species, fish or wildlife will occur as a result of the construction of infill, single-family residences in the Project Area.

Wild and Scenic River Act

[Sections 7 (b), (c)]

NOT APPLICABLE

No Wild or Scenic Rivers exist on or adjacent to the Project Area. The closest flowing surface water to the Project Area is Silver Bow Creek, 12300 feet from the Project Area and it is not designated as a Wild and Scenic River. In Montana, only two river segments are designated Wild and Scenic; a portion of the Flathead River in northwest Montana, largely in Glacier National Park and a segment of the Missouri River in northeast Montana between Fort Benton and Robinson Bridge.

Air Quality

[Clean Air Act, Section 176 (c) and (d), and 40 CFR Part 6, 51, and 93]

NO IMPACT

No impacts on air quality are expected as a result of the construction of infill, single-family residences within the Project Area. Further, these single-family residences are constructed with super-insulated walls and ceilings, making them highly energy efficient. These units will be heated with electric heating systems and employ air-exchangers to capture heat. No measurable air emissions or particulates will result from these residences' heating systems.

Some fugitive dust emissions are possible during construction of the facility. Standard dust suppression methods (watering, etc.) will be utilized as appropriate during construction to mitigate potential adverse impacts.

Farmland Protection Policy Act

[7 CFR Part 658]

NO IMPACT (NOT APPLICABLE)

The Project Area is not located on prime or unique farmlands as defined by the Natural resource Conservation Service (NRCS), USDA. Vacant properties slated for construction of infill, single-family residences are completely surrounded by urban development within the Butte-Silver Bow Urban Corridor. Further, the Butte-Silver Bow Zoning Ordinance does not allow farming to occur in any of the zoning districts located within the Urban Corridor and infill, single-family residence construction is consistent with the City and County of Butte-Silver Bow's Growth Policy.

Environmental Justice

[E.O. 12898]

NO IMPACT / POTENTIAL BENEFICIAL IMPACT

The proposed project does not present any disproportionately high or adverse human health or environmental effects on minority or low-income populations. The objective of the construction of infill, single-family residences is to provide safe, affordable housing to assist low-income populations to achieve home ownership.

The housing developer, the National Affordable Housing Network (NAHN) has a longstanding presence in Butte and has been constructing residences in the Project Area for a number of years. NAHN has conducted significant public outreach to ensure that low-income families are aware of these opportunities of home ownership.

New construction of single-family residences will not likely change the consumptive habits of the target low-income populations, with the exception of the reduction of energy consumption. These single-family residences are constructed with super-insulated walls and ceilings, making them highly energy efficient. More energy savings will be achieved when comparing these energy-efficient residences with most housing available to low-income populations in the Project Area and Butte.

HUD Environmental Standards**Summary of consultations, supporting documentation, determination, and mitigation measures**

Noise Abatement and Control

[24 CFR Part 51B]

NO IMPACT

The infill construction of single-family residences within the Project Area will be located in existing residential neighborhoods and adjacent to commercial and service areas. Operations of these adjoining businesses present no major noise sources that will adversely affect the occupation of these residences. The locations of the construction of these residences, in existing residential zoning districts, provide a suitable separation between residential housing, light commercial uses and industrial uses within the project Area.

No long-term noise hazards will be generated by the construction of these homes. During the duration of the construction period, some noise from equipment and work taking place will be noticeable.

**Toxic Chemicals, and Gases,
Hazardous Materials, Contamination, and Radioactive Substances**

[24 CFR Part 58.5(i)(2)(i)]

NO IMPACT/POTENTIAL BENEFICIAL IMPACT

The Project Area is wholly located within the Butte Priority Soils Operable Unit (BPSOU) of the Silver Bow Creek, an NPL listed site. The BPSOU area encompasses historic industrial mining sites as well as densely developed areas within Butte's commercial and residential areas. Extensive cleanup of hazardous mining waste materials, heavy metals including copper, arsenic lead and zinc, has been conducted on this NPL site since its' listing. The Butte-Silver Bow Health Department has also conducted a Lead Intervention and Abatement Program, removing mining (and non-mining, i.e. lead-based paint and piping within existing structures) related sources of lead from residential properties where children live.

The project, the infill construction of single-family residences within the Project Area will be located in existing residential neighborhoods and adjacent to commercial and service areas on the Butte Hill. The individual construction sites available for infill development have not been identified as the location of hazardous materials, such as waste dumps or buried waste. However, in the event that excavation resulting from new construction reveals previously undiscovered materials that may be hazardous in nature, the City and County of Butte-Silver Bow maintains a repository for the handling of these materials, which is available for the appropriate disposition of these materials. The redevelopment of vacant properties within the Project Area may have a beneficial impact in that new construction and the subsequent installation of cover (capping) materials (i.e. buildings, landscaping, paving) will address access to hazardous materials. Further, an institution control program required by the Record of Decision (ROD) for the BPSOU will require measures and controls to ensure that capping control measures are maintained and that waste materials are not mishandled.

No chemicals, gases, or radioactive substances are known to be present within the Project Area.

Siting of HUD-Assisted Projects near Hazardous Operations

[24 CFR Part 51C]

NO IMPACT

No hazardous operations, as defined by 24 CFR Part 51, exist within or adjacent to the Project Area.

The single hazardous operation located within Butte's Urban Corridor is a propane distribution company located in excess of 3.0 miles south of the southernmost boundary of the Project Area.

Airport Clear Zones and Accident Potential Zones

[24 CFR Part 51D]

NO IMPACT

The Project Area is not located within the vicinity of the Bert Mooney Airport (the City and County of Butte-Silver Bow, Montana's civil airport), or its runway clear zone. The airport is located over 3.0 miles to the southeast of the Project Area.

**ENVIRONMENTAL ASSESSMENT
PART 2**

**STATUTORY CHECKLIST
APPENDIX**

Table of Contents

Appendix 2-A	FEMA Map of Project Area Floodplain Determination Form
--------------	---

FIRM
NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP
BUTTE-SILVER
BOW, BUTTE-SILVER
MONTANA
PANEL 179 OF 450
1988 MAP SHOWS FLOOD PANELS NOT PRINTED
COMMUNITY PANEL NUMBER 300077 0179 D
MAP REVISED:
FEBRUARY 23, 1982

KEY TO MAP

100 Year Flood Boundary
 Zone B
 Zone C

500 Year Flood Boundary
 Zone B
 Zone C

Best Flood Elevation in Feet
 100 Year Flood Elevation
 500 Year Flood Elevation

Best Flood Elevation in Feet
 100 Year Flood Elevation
 500 Year Flood Elevation

System Elevation Mark
 100 Year Flood Elevation
 500 Year Flood Elevation

Explained in the National Flood Insurance Manual of 1975

EXPLANATION OF ZONE DESIGNATIONS

ZONE B
 Areas of 100-year return period flood hazard which are not in Zone C. Areas of 500-year return period flood hazard which are not in Zone C.

ZONE C
 Areas of 100-year return period flood hazard which are not in Zone B. Areas of 500-year return period flood hazard which are not in Zone B.

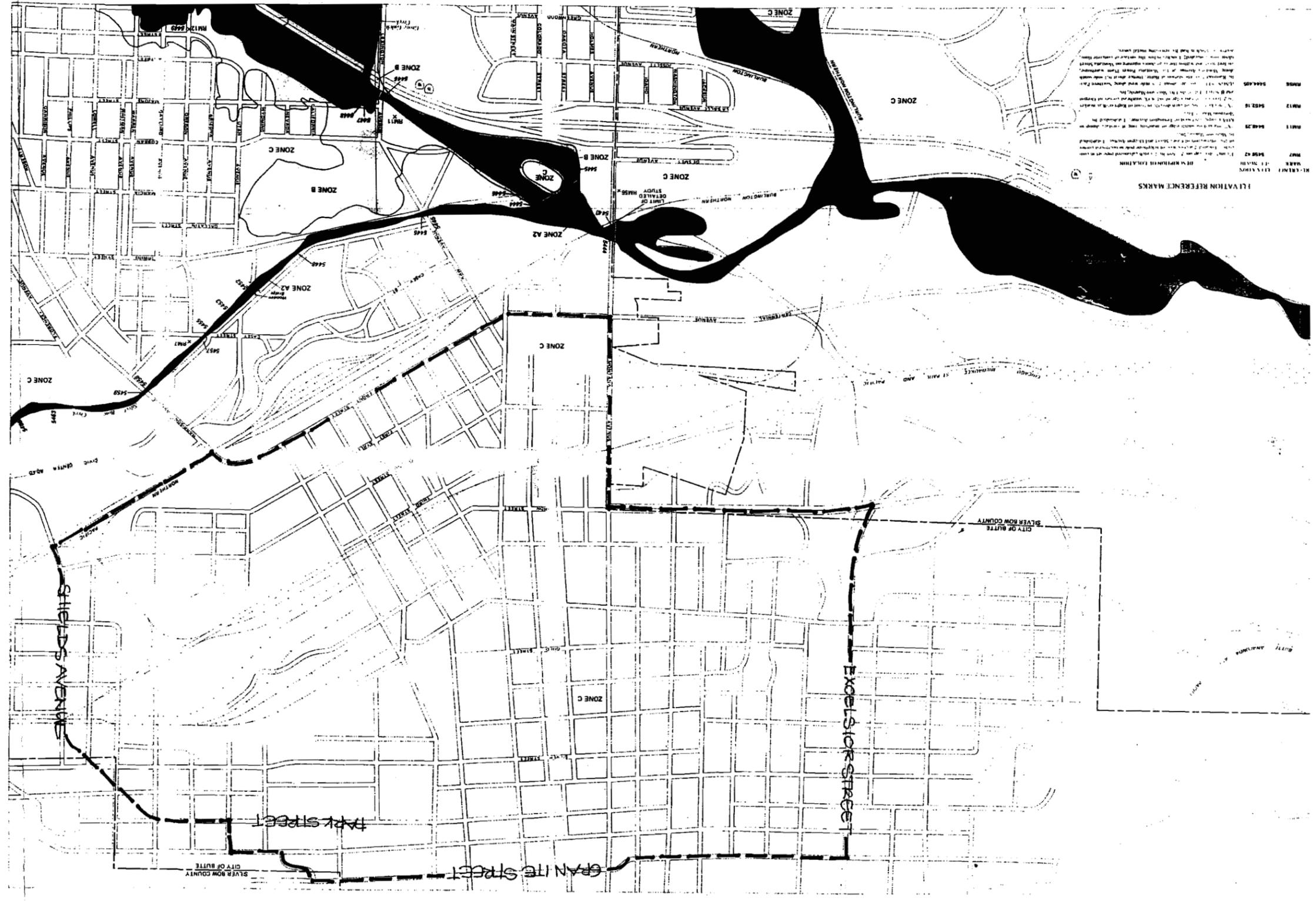
NOTES TO USER

This map is for informational purposes only. It does not constitute a contract. The actual flood insurance policy is the only document that governs the terms and conditions of coverage.

For additional information, contact your insurance agent or the National Flood Insurance Program at (800) 638-6262.

PROJECT AREA

APPROXIMATE SCALE
 1" = 500 FEET



447-0699



Butte-Silver Bow Montana

FLOODPLAIN DETERMINATION REQUEST

REQUEST

DATE RECEIVED: 12/15/0
REQUESTED BY: Doriskrukud
OFFICE: Community Development
PHONE: 497-6469

ADDRESS/LOCATION (As Described): various location in
Uptown Butte, bound by Excelsior Street

LEGAL DESCRIPTION: to west, Granite Street to north,
Iron/Front streets to south, Shields
Avenue to east.

PROPERTY GEOCODE: _____
PROPERTY PARCEL NO. multiple properties

FLOODPLAIN DESIGNATION

ZONE: 'C' - Area of Minimal Flooding

PANEL NO. Community Panel No. 300077 0 179 D - Dated rev. Feb. 23, 1982

NOTES: _____

NOTIFIED BY: VERBAL _____ LETTER this form only.
Steph Ditzel 12/20/06

FOR INFORMATION CONCERNING THIS FORM CALL THE BUTTE-SILVER BOW
PLANNING DEPARTMENT AT (406) 497-6250.

**ENVIRONMENTAL ASSESSMENT
PART 3**

ENVIRONMENTAL ASSESSMENT CHECKLIST

Environmental Review Guide HUD CPD 782
24 CFR Part 58.40
40 CFR Parts 1508.8 and 1508.27

Environmental Assessment Checklist

[Environmental Review Guide HUD CPD 782, 24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27]

(Evaluate the significance of the effects of the proposal on the character, features and resources of the project area. Enter relevant base data and verifiable source documentation to support the finding. Then enter the appropriate impact code from the following list to make a determination of impact.

Impact Codes: (1) - No impact anticipated; (2) - Potentially beneficial; (3) - Potentially adverse; (4) - Requires mitigation; (5) - Requires project modification. Note names, dates of contact, telephone numbers and page references. Attach additional material as appropriate. Note conditions or mitigation measures required.)

<u>LAND DEVELOPMENT</u>	Code	Summary of consultations, supporting Documentation, determination, and mitigation measures
--------------------------------	-------------	---

Conformance with Comprehensive Plans and Zoning

(1) No impacted anticipated.

The infill construction of new single-family residences within the Project Area is consistent with the City and County of Butte-Silver Bow's Growth Policy, that encourages accessing existing infrastructure, such as the public road system, municipal water, sewer and storm water systems, to achieve a balance between public facility and service costs and the public benefits derived from new development that may require the extension of public services. Police, fire and ambulance services, public transportation and other services important to single-family residences in an urban setting serve the Project Area. The Growth Policy also encourages the promotion of adequate housing for all persons of Butte-Silver Bow County regardless of income, age, sex, race, religion, family type or ethnic background which will provide greater opportunity and choice of housing location, type and tenure. Applicable sections of the Growth Policy are attached as supporting documentation. (APPENDIX 3-A)

Development of the Project Area is also required to meet the provisions and requirements of specific districts, as defined by Title 17 – Zoning, of the Butte-Silver Bow Municipal Code, that have been defined in Butte's Urban Corridor. The Project Area contains a mix of residential, commercial and industrial-zoning districts, as illustrated in the attached official Zoning Map (APPENDIX 3-B). Single-family residences are allowed in all residential zoning districts as defined in Title 17 within the Project Area. (Applicable chapters of the zoning ordinance are attached in APPENDIX 3-C – in sleeve).

Compatibility and Urban Impact

(4) Requires mitigation.

The infill development of single-family residences within the Project Area's residential zones in the Urban Corridor is compatible with the building patterns of the Project Area, with respect to lot size and density. The infill development is occurring in areas that served and supported high-density single- and multi-family residential development in the past, as infrastructure such as streets, alleys and utilities are presently in place. The Project Area supports accessibility to goods and services either through pedestrian routes, automobile or public transportation that serves the Project Area.

The location within the Butte-Anaconda National Historic Landmark District will require that the architectural style of the new residences are compatible within the historic the historic district. An architectural review and approval of new, infill residential development by the Montana State Historic Preservation Office (MT SHPO) is required to ensure compliance with the provisions of the National Historic Preservation Act, particularly section 106 and 110.

Slope

(1) No impact anticipated.

The Project Area consists of slopes that range from 1 to 30%. The Project Area has seen development within its boundaries for over 100 years – infill development of new, single family residences may require the installation of some type of slope retaining walls – this additional requirement for construction is not inconsistent within the Project Area. (BSB Community Development – 11/06)

Erosion

(1) No impact anticipated.

Infill construction and the subsequent improvements to vacant lands will likely have a positive impact on controlling erosion within the Project Area, as vacant lands will be improved with the construction of new homes and vegetated cover in residential yard areas that will control undesirable erosion.

Soil Suitability

(1) No impact anticipated.

The Project Area has seen development within its boundaries for over 100 years – the soils within the Project Area are suitable for infill construction of single-family residences as well as other building types. Soils within the Project Area are primarily composed of decomposed granite; highly porous materials that provides optimal subsurface drainage for construction. (BSB Planning Department – 12/06)

Hazards and Nuisances, including Site Safety

(1) No impact anticipated.

The Project Area, located within Butte's Urban Corridor, does not exhibit potential risks to the public or residents from man-made hazards. Land uses within the Project Area are governed by local codes and ordinances and health and building codes and local zoning ordinances are in place to prevent incompatible uses from impacting residential areas. The City and County of Butte-Silver Bow has an active Community Enrichment Program, administered through the Butte-Silver Bow Health Department that provides strong outreach to the community to address community concerns related to neighborhood and community-wide hazards and/or nuisances. (BSB Health Department 11/06)

Energy Consumption

(2) Potentially beneficial.

The residential housing units proposed to be constructed within the Project Area by the National Affordable Housing Network are designed with highly efficient heating, cooling and electrical systems. The single-family residences are constructed with super-insulated walls and ceilings, making them extremely energy efficient. Residences will be heated with electric heating systems and also employ air-exchangers to capture/recover as much heat as possible.

These single-family residences require much less energy to heat and cool than conventionally constructed homes. Even more energy savings will be achieved when comparing these energy-efficient residences with most substandard housing available to low income populations in the Project Area. These savings allow the low-income residents to apply their income to home ownership, rather than high utility costs, and maximizing efficiency and ease of maintenance for homeowners.

Noise - Contribution to Community Noise Levels

(1) No impacted anticipated.

The Project Area supports residentially-zoned areas where the infill development will occur, providing land use patterns that provide suitable separations between incompatible land uses, including light commercial and any industrial land uses.

Regarding the addition of infill single-family residences to the Project Area, noise impacts beyond typical noises associated with residential uses will not affect community noise levels.

Air Quality - Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels

(1) No impacted anticipated.

The project area is not located in the vicinity of pollution sources such as heavy industry, large parking facilities or a 6+-lane highway. No long-term adverse impacts on the community's air quality are expected from the occupation of single-family residences. These single-family residences are constructed with super-insulated walls and ceilings, making them highly energy efficient. These units will be heated with electric heating systems and employ air-exchangers to capture heat. No measurable air emissions or particulates will result from these residences' heating systems.

Fugitive dust emissions are possible during construction. Standard dust suppression methods (watering, etc.) will be utilized as appropriate during construction to mitigate potential adverse impacts during any construction period. (BSB Health Department – 11/06)

Environmental Design - Visual Quality - Coherence, Diversity, Compatible Use and Scale

(2) Potentially Beneficial.

The Project Area supports public streets and alleys developed in a grid pattern and these new infill single-family residences will be constructed within this existing pattern. New construction will duplicate the historic setbacks patterns within specific blocks to ensure compatibility (i.e. smaller front yard setbacks than currently legislated by the Butte-Silver Bow Zoning Ordinance). The Butte-Silver Bow Zoning Ordinance encourages construction patterns in concert with adjoining existing construction. These variances from legislated setbacks are administratively authorized; no formal variances are required for these modifications.

The Project Area is located within the Anaconda-Butte National Historic Landmark District and an architectural review and approval of new, infill residential development by the Montana State Historic Preservation Office (MT SHPO) is required to ensure compliance with the provisions of the National Historic Preservation Act, particularly section 106 and 110. New infill, single-family residence in the Project Area will be of equal or greater home quality to the surrounding neighborhoods and as new residences are constructed within existing neighborhoods the overall aesthetic of these neighborhoods will be improved.

SOCIOECONOMIC**Code****Summary of consultations, supporting documentation, determination, and mitigation measures**

Demographic Character Changes**(2) Potential Beneficial**

New infill, single-family residence in the Project Area will not change the demographics of Butte-Silver Bow, Montana. However, this new construction addresses the fierce demand for affordable housing in Butte. The demand for affordable housing is at a historic high and this infill construction will allow future residents to obtain home equity and home ownership. Further, affordable housing and infill development are top priorities in the Butte-Silver Bow Growth Policy.

Displacement**(1) No impact anticipated.**

Infill development of single-family residences that provide housing for very low and low income families within the Project Area project will not result in displacement, as construction will occur on lands that are currently vacant.

Employment and Income Patterns**(1) No impact anticipated.**

Infill development of single-family residences within the Project Area, will not affect employment or income patterns. No long-term employment creation opportunities are anticipated. (BSB Community Development – 11/06)

**COMMUNITY FACILITIES
AND SERVICES****Code****Summary of consultations, supporting
documentation, determination, and
mitigation measures**

Educational Facilities**(1) No impact anticipated.**

The project will provide affordable housing in the Project Area to current residents whose children are enrolled in local schools. Butte School District No. 1, the community's public school system, serves the Project Area. The public high school is located within the Project Area and elementary schools are located within the vicinity of the Project Area. The single, public middle school is centrally located outside the Project Area and the school district provides transportation services to and from these schools from within the Project Area. There are several private school options for Butte-Silver Bow residents; the Butte Central Catholic Middle and High School are located within the Project Area and Montana Tech of the University of Montana's main campus is located on the perimeter of the Project Area. (BSB Community Development – 11/06)

Educational Facilities**(1) No impact anticipated.**

The construction of these infill, single-family residences will provide affordable housing to current Butte residents, employed in the Butte area. Providing these affordable housing options will help employees stay and work in the community. Existing commercial business could potentially see their employees forced to leave the community, due to the disparity between local wages and affordable housing opportunities. The Project Area, encompassing Butte's Central Business District and other commercial facilities along major thoroughfares such as Montana Street and Front Street, provides efficient access to the multiple retail, service and office establishments, including local, state and Federal government and social services, which may also contribute to growth of these facilities. (BSB Community Development – 11/06)

Health Care**(1) No impact anticipated.**

No impacts to local health care are anticipated. St. James Healthcare, Butte-Silver Bow's major medical facility, is one of Montana's largest comprehensive hospitals, serving the health care needs of people in a seven-county region is located within the Project Area, along with many of the community's supporting healthcare facilities. St. James offers the people of Montana specialized services in neurosciences, cardiology, orthopedics, oncology, and women's services. (BSB Community Development – 11/06)

Social Services**(1) No impact anticipated.**

The Project Area, located near Butte's Central Business District, will provide residents with access to service and establishments, including local, state and Federal government and social services.

Solid Waste

(1) No impact anticipated.

No impacts on the existing solid waste system are anticipated. Local contractors provide residential disposal services. The municipality operates its own solid waste facility that currently serves the Project Area. The City and County of Butte-Silver Bow BSB recently purchased an additional 100 acres of property for future expansion of the community's landfill to support the solid waste management needs of the community. (BSB Community Development – 11/06)

Waste Water

(1) No impact anticipated.

The municipality operates its own wastewater treatment facility that currently serves the Project Area and has the capacity to serve infill development in the Project Area. (BSB Public Works – 11/06)

Storm Water

(1) No impact anticipated.

Infill construction and the subsequent improvements to vacant lands will likely have a positive impact on controlling erosion within the Project Area, as vacant lands will be improved with the construction of new homes and vegetated cover in residential yard areas that will control undesirable erosion and decrease sedimentation of storm water runoff. (BSB Public Works – 11/06)

Water Supply

(1) No impact anticipated.

The Project Area's drinking water is derived exclusively from surface water sources, including the Big Hole River/South Fork Reservoir, the Moulton Reservoir and the Basin Creek Reservoir system. The additional residences will not require the installation of water mains, as these exist within the public right-of-ways serving the Project Area. The water system is owned, operated and maintained by the municipality. (BSB Public Works – 11/06)

Public Safety - Police

(1) No impact anticipated.

The Project Area is located within Butte's Urban Corridor and is currently served by the Butte-Silver Bow Law Enforcement Agency. (BSB Community Development – 11/06)

Public Safety - Fire

(1) No impact anticipated.

The Project Area is located within Butte's Urban Corridor and is currently served by the Butte-Silver Bow Fire Department. (BSB Community Development – 11/06)

Public Safety – Emergency Services

(1) No impact anticipated.

The Project Area is located within Butte's Urban Corridor and is currently served by a regional health care center, St. James Community Hospital, and the Butte-Silver Bow Fire Department and a local, private ambulance service, providing 24-hour emergency services to the Urban Corridor. (BSB Community Development – 11/06)

Open Space and Recreation - Open Space

(1) No impact anticipated.

The Project Area is wholly located within Butte's Urban Corridor and the municipality's existing recreation system, which maintains both community and neighborhood park facilities, open space and an extensive public trail system will serve the project. The community has recently purchase approximately 300 acres of vacant land in the immediate vicinity of the Project Area to preserve for natural resource based recreation – hiking, bicycling, and wildlife and birdwatching. (BSB Community Development – 11/06)

Open Space and Recreation - Cultural Facilities

(1) No impact anticipated.

The community of Butte-Silver Bow has historically supported a variety of cultural facilities, cultural uniqueness and diversity. The location of the Project Area, within Butte's Urban Corridor may be potentially beneficial in that it facilitates convenient access to these cultural facilities by residents. The Project Area encompasses Butte's Central Business District, where the majority of the community's cultural facilities are located. Venues such as live performance theaters, art galleries, museums and exhibits are primarily located within the Project Area. (BSB Community Development – 11/06)

Transportation

(1) No impact anticipated.

Additional traffic generated as a result of infill, single-family residences will not have a significant impact on the existing street network in the Project Area. The Project Area is wholly located within the Urban Corridor and is served by the municipalities transportation system, including its public transit services. Several service routes of "The Bus", the City and County of Butte Silver Bow's transit service serve the Project Area. (BSB Public Works – 11/06)

Water Resources

(1) No impact anticipated.

The project area's drinking water is derived exclusively from surface water sources, including the Big Hole River/South Fork Reservoir, the Moulton Reservoir and the Basin Creek Reservoir system. These infill, single-family residences will not have a significant impact on the community's water supply – the capacity of this system is sufficient to serve these residences. (BSB Public Works – 11/06)

Surface Water

(1) No impact anticipated.

Surface water is not located within or adjacent to the Project Area.

Unique Natural Features and Agricultural Lands

(1) No impact anticipated.

The Project Area is wholly located within the Urban Corridor of Butte-Silver Bow, MT and no unique natural features or agricultural lands are located within the Project Area. (BSB Planning Department – 11/06)

Vegetation and Wildlife

(1) No impact anticipated.

The Project Area is wholly located within the Urban Corridor of Butte-Silver Bow, MT and no impacts on endangered species; fish or wildlife will result from the infill of single-family residences.

SUMMARY OF FINDINGS AND CONCLUSIONS

(Briefly summarize all important findings and conclusions, discussing direct impacts, indirect impacts, and cumulative impacts.)

In summary, no long-term impacts were identified for the proposed construction of affordable, infill, single-family residences within the Project Area. The single criterion that requires a specific action from the grantee is associated with Historic Preservation. Because the Project Area is wholly located within the Butte-Anaconda National Historic Landmark District, new construction must comply with the provisions of the National Historic Preservation Act, most particularly Section 106. On an individual or neighborhood basis, the developer will be required to provide supplemental information to the MT SHPO, for evaluation, comment and mitigation, if required.

For the most part, the environmental impacts of these residences will result in either "No Impact" or "Beneficial Impact". Particularly within the Project Area, this new energy efficient construction will positively impact the resident demographics in that it will provide affordable housing to low-income families, allowing families to leave substandard housing conditions and realize home ownership.

Short-term impacts from the construction of these residences will be associated with the construction phase of the project. Noise, dust and other nuisances created by construction activities can be mitigated with typical site management practices.

ALTERNATIVES TO THE PROPOSED ACTION

Alternatives and Project Modification Considered

[24 CFR Part 58.40(e), 40 CFR Part 1508.9]

The only alternative considered for the proposed project, new construction of infill, affordable single-family residences in the Project Area are the No-Action Alternative.

The Project Area was selected specifically for its location, demographics and current housing conditions in Butte-Silver Bow, Montana.

No Action Alternative

[24 CFR Part 58.40(e)]

If the No Action Alternative were selected, then no new construction of compatible affordable residences within the Butte-Anaconda National Historic Landmark District would occur and short-term impacts such as noise and dust would not occur. However, the long-term, negative impacts of the lack of affordable, energy efficient housing in the Project Area would not be addressed in the community.

Mitigation Measures Recommended

[24 CFR Part 58.40(d), 40 CFR part 1508.20]

Proposed mitigation measures include the design and construction of compatible, infill single-family residences within the Butte-Anaconda National Historic Landmark District. This will require that the grantee work with the MT SHPO to ensure that this new construction will not result in an adverse impact to historic properties within the vicinity of new construction. Further, standard construction practices will address the short-term impacts of noise, dust and other nuisances that will occur during the construction phase of the project.

List of Sources, Agencies and Persons Consulted

[40 CFR Part 1508.9(b)]

During the course of the preparation of this Environmental Assessment, the following agencies/persons were contacted.

- City and County of Butte-Silver Bow (B-SB), Community Development Director, Karen Byrnes
- B-SB Health Department Personnel
- B-SB Fire Chief Jeff Miller
- B-SB Acting Planning Director (and Local Floodplain Administrator) Stephen Hess
- B-SB Public Works Director, John VanDaveer (re: municipal water and sewer services)
- B-SB Reclamation Specialist Tom Malloy
- Tom Keck, PhD, Soil Scientist, Northern Rockies Soil and Water, Bozeman, MT

Other Sources (i.e. documents and website services)

- B-SB Growth Policy, 1995 Update
- B-SB Zoning Ordinance, Title 17 of the Butte-Silver Bow Municipal Code
- *The Housing Landscape – Butte-Silver Bow Housing Plan, 2015*, Community, Culture and Heritage, Inc, 2006
- USDA Natural Resource and Conservation Service website (soil survey information)

ENVIRONMENTAL ASSESSMENT PART 3

ENVIRONMENTAL ASSESSMENT CHECKLIST APPENDIX

Table of Contents

Appendix 3-A	Butte-Silver Bow Growth Policy – Chapter 2 Goals and Objectives
Appendix 3-B	Urban Corridor Zoning Map (in sleeve)
Appendix 3-C	Title 17 – Zoning, Butte-Silver Bow Municipal Code Chapter 17.10 One-Family Residence Zone Chapter 17.12 Two-Family Residence Zone Chapter 17.14 Multi-Family Residence Zone

Appendix 3-A
Butte-Silver Bow Growth Policy – Chapter 2

Goals and Objectives

CHAPTER II

GOALS AND OBJECTIVES

The **Goals and Objectives** of the Master Plan were originally formulated through participation of an advisory committee representative of a wide range of perspectives and interests present in Butte-Silver Bow. Since the adoption of the Master Plan in 1986, these goals and objectives have been reviewed and revised, as needed, to reflect changing conditions within the County and the expressed desires of the citizens of Butte-Silver Bow, with respect to land use.

Goals and objectives are the principal elements or directive in determining the type, location and quality of future development and land use patterns. To ensure that the overall intent and purpose of these goals and objectives are achieved, a more rigid or specific set of criteria is required and are expressed as "policies."

A **goal** is a broad, generalized expression of commonly held community values regarding future growth, development patterns and quality of life anticipated in the community. Goals, as used in the Master Plan, express the primary theme or general intent and direction of the Plan.

As used in the Master Plan, an **objective** is a more narrowly defined and concrete expression of community intent.

A goal may contain two or more objectives with each objective responsive to a particular aspect of a broadly stated goal. For example, a community goal may be "protection of natural resources." A related objective could

be "prevention of erosion which leads to loss of soils, degradation of water quality, and destruction of wildlife habitat." Other objectives related to this goal might address air quality, prime agricultural lands, nonrenewable energy resources, etc.

A **policy** is a fairly precise statement of how public regulatory powers and fiscal resources will be exercised and allocated over time to achieve a specific objective. Policies may be expressed in the text, maps, diagrams or combinations thereof. Since policies are tangible, they can be quantitatively measured. Examples of policies related to the goal "protection of natural resources" could include such statements as "construction practices shall provide for the impoundment of storm waters and removal of sediment prior to discharge into drainage facilities" or, "development shall not be permitted on highly erosive soils when slopes exceed 15%."

Policies contained in the Plan are typically expressed in terms of "shall" or "should." There is an important distinction between these two terms. As used in the Plan, "shall" indicates an unequivocal commitment, while "should" indicates a slightly less vigorous or compelling obligation.

The final link in the chain of the overall expression of the Master Plan is the physical realization as provided or directed through the implementation process. Although implementation is commonly spoken of in terms of programs implying a long-term effort by which the goals and objectives are achieved, implementation programs are the measures, which direct specific actions necessary to accomplish or carry out policies. Examples of implementation programs are often expressed in the form of zoning

ordinances or subdivision regulations, etc.

The adoption of goals and objectives in the Master Plan represents a commitment to use them to guide future land use in Butte-Silver Bow.

The goals and objectives of this Plan are grouped by major topic, as follows:

- Economic Development
- Transportation/Traffic/Circulation

- Natural Resources
- Public Facilities
- Community Design and Development

The Planning Goals and Objectives provide the foundation for the overall concept of the Master Plan. They also provide the basis for the policies and implementation programs. All of the goals and objectives are closely interrelated and these relationships require that they be applied comprehensively in making planning decisions.

BUTTE-SILVER BOW MASTER PLAN GOALS AND OBJECTIVES

GOAL NO. 1 – ECONOMIC DEVELOPMENT	
Provide a land use plan that will accommodate growth and encourage a stable and diversified economy for Butte-Silver Bow.	
Objectives	
A.	Provide a planning process and regulatory atmosphere which are conducive to maintaining existing employment and which fosters opportunities for new economic development for current and future residents of Butte-Silver Bow.
B.	Encourage development in a pattern that will respect the natural resource values and historic values of Butte-Silver Bow and their contribution to the economic base, including tourism.
C.	Designate and protect from utilization by incompatible land uses, locations which are especially well-suited for industrial development based on transportation access, availability of public services, proximity to compatible land uses and topography.
D.	Encourage development patterns that will establish an acceptable balance between public facility and service costs and the public benefits derived from the new development.
E.	Recognize that the major financial resources for achieving economic development come from the private sector rather than government, and that the Master Plan, as an expression of community values, must provide for both the responsibility of the government to regulate and the reasonable development plans of the private sector.
F.	Encourage the reuse of reclaimed lands for commercial, industrial, residential and public/semi-public land uses, to the extent that the uses are deemed compatible and public and environmental health are protected.
G.	Recognize the historic preservation land use plan developed in the RHPP for the Hill and other areas of the community, including the designated mining landscape, where historic preservation and tourism are a key reuse of the land.

NO. 2 -- TRANSPORTATION/TRAFFIC/CIRCULATION

Develop transportation and traffic circulation plans, which will support and accommodate existing and future land uses throughout Butte-Silver Bow.

Objectives

- A. Develop a land use plan which utilizes existing road and street capacity within Butte-Silver Bow to serve future development prior to constructing new streets and roads which are to be maintained by the local government, unless construction of new systems will direct development into areas better suited for such development.
- B. Develop land use patterns that will facilitate and maximize the potential of existing transportation facilities including the airport, rail system and interstate highways.
- C. Develop land use patterns which direct the expenditure of public and private resources for road and street maintenance and construction to an appropriate level consistent with public safety, adequate traffic circulation and efficient use of land resources.
- D. Develop design and improvement standards for roads and streets which apply throughout Butte-Silver Bow according to the type of area served (e.g., urban, suburban, rural).
- E. Encourage the development and use of mass transit facilities, for residents and visitors, to mitigate negative impacts of increased traffic and utilize existing road and street capacity, especially with regards to visitation to the Heritage Park.
- F. Encourage open space and reclamation plans through the vacation of streets and alleys that are no longer essential.
- G. Encourage the maintenance and or development of street patterns that reflect the historical character on the Hill.
- H. Encourage appropriate landscaping and beautification of the freeway interchanges, especially the Montana and Iron Street interchanges, to provide attractive gateways to the community.

GOAL NO. 3 -- NATURAL RESOURCES

Develop a land use plan which encourages the utilization, conservation and protection of agricultural, mineral, soil, timber, water and wildlife resources by promoting land use patterns which will provide an optimum, long-term economic benefit, while maintaining balance with the social and aesthetic needs of the citizens of Butte-Silver Bow.

Objectives

- A. Encourage continued use and protection of rural areas and timberlands capable of production of agricultural and forest products.
- B. Protect non-commercial timberlands in order to provide recreational areas, maintain forage, watersheds, water resources and enhance the scenic qualities of Butte-Silver Bow.
- C. Recognizing the non-renewable nature of mineral resources, encourage their development and use in a way which does not unnecessarily impair the long-term value of other resources.
- D. Encourage protection of wildlife and habitat resources, including a diversity of wildlife, with emphasis on those species whose value contributes to the economy of Butte-Silver Bow.
- E. Maintain the quality and quantity of surface and ground water resources for both consumptive and non-consumptive uses.
- F. Encourage land use patterns which recognize and promote the economic, health, and aesthetic values of the air quality of Butte-Silver Bow.
- G. Recognizing that a majority of many natural resources are managed by state and federal agencies, ensure to the maximum extent possible that all state and federal resource management plans and proposals are consistent with the Butte-Silver Bow Master Plan.
- H. Encourage reclamation strategies to utilize a variety of plant materials (including trees, shrubs and grasses) compatible to the area and consistent with the purpose for which their use is intended, recognizing that revegetation will improve the aesthetic appearance and the quality of life within Butte-Silver Bow.
- I. Encourage the retention of mature trees in locations where economically feasible and where the tree is aesthetically valuable.

GOAL NO. 4 -- PUBLIC FACILITIES

Encourage cost-effective public services and facilities for all existing land uses and ensure that these services will promote and serve orderly growth.

Objectives

- A. Encourage public services, facilities, and improvements that are commensurate with the different level of service required for urban, suburban and rural areas.
- B. Request those responsible for providing public utilities to develop a planning process programmed to meet projected growth, provide for system maintenance and to establish priorities for those developed or partially developed areas which are deficient or have inadequate services.
- C. In cooperation with appropriate State agencies, assure that adequate water, solid waste and waste water facilities are available and provided to serve all new developments at a level commensurate with the needs of the development.
- D. Recognize that limitations regarding public sewer and water presently exist throughout Butte-Silver Bow and encourage expansion of these systems where service districts can be created or expanded on a cost-effective basis.
- E. Recognizing the potential problems and limitations associated with private water and sewer facilities, encourage the use of centralized systems and allow new development only where those limitations and problems can be adequately mitigated.
- F. In cooperation with the school districts, develop a land use plan and policies for the optimum use of school facilities throughout Butte-Silver Bow, including recycling of under-used facilities.
- G. Continue to promote and develop a park system and recreational, cultural, and historic facilities to serve all segments of the population within Butte-Silver Bow.
- H. Emphasize the location of new development in areas already served by fire and police protection services so that existing services may be more fully utilized, thereby avoiding substantially higher costs of establishing new services.
- I. Establish land use patterns for future development that can be adequately served with existing libraries; public and private health facilities and other related governmental services in a cost-effective manner.

GOAL NO. 5 -- COMMUNITY DESIGN AND DEVELOPMENT

Establish design standards and land use patterns that accommodate growth, preserve the identity and character of communities and neighborhoods, and minimize conflicts between adjacent land uses.

Objectives

- A. Develop a land use plan which meets the residential, commercial, employment and recreational needs of all the citizens of Butte-Silver Bow.
- B. Recognizing that Butte serves as a regional market place providing commercial services, educational facilities, health services and employment opportunities for Butte-Silver Bow and portions of surrounding counties, develop a land use plan which promotes and enhances this function.
- C. Recognizing the historical and cultural significance of Butte-Silver Bow, especially the National Historic Landmark District and the economic benefits that can be derived, develop a land use plan and policies which maintain and promote this heritage.
- D. Recognize that the Central Business District (CBD) of Butte plays an important role as the historic center of governmental, cultural, financial and business activities and develop a land use plan which complements and reinforces this role.
- E. Recognize that the Butte Plaza area serves as a regional shopping area and develop a land use plan and regulations which promote this function by encouraging full utilization of these facilities to meet demand prior to creating new or additional commercial centers.
- F. Recognizing the location and physical design needs those special developments such as recreational, educational, health and industrial facilities require and develop a land use plan, which acknowledges and provides flexibility to accommodate their future needs.
- G. Establish standards for the general design and location of all development which will promote health, safety, and conservation of renewable and non-renewable resources.
- H. Foster and preserve the identity of the diverse urban neighborhoods, rural centers and suburban communities of Butte-Silver Bow.
- I. Recognize the value of many of the existing structures and develop land use policies and regulations that encourage use and reuse through maintenance, conservation and rehabilitation.
- J. Encourage infill of developing or partially developed areas rather than step-out leapfrogs or strip development.
- K. Promote adequate housing for all persons of Butte-Silver Bow regardless of income, age, sex, race, religion, family type or ethnic background through land use policies and regulations which will provide greater opportunity and choice of housing location, type and tenure.

Appendix 3-C
Title 17 – Zoning, Butte-Silver Bow Municipal Code

Chapter 17.10 One-Family Residence Zone

Chapter 17.12 Two-Family Residence Zone

Chapter 17.14 Multi-Family Residence Zone

Chapter 17.10

R-1 ONE-FAMILY RESIDENCE ZONE

Sections:

- 17.10.010 Primary intended use.
- 17.10.020 Permitted uses.
- 17.10.030 Conditional uses.
- 17.10.040 Building height limits.
- 17.10.050 Minimum lot area.
- 17.10.060 Minimum lot width.
- 17.10.070 Minimum front yard depth.
- 17.10.080 Minimum side yard width.
- 17.10.090 Minimum rear yard depth.
- 17.10.100 Maximum lot coverage.

17.10.010 Primary intended use.

The R-1 zone is intended primarily for the use and protection of one-family residences. To achieve this intent, the regulations in this chapter and the supplementary regulations in Chapter 17.38 shall apply in the R-1 zone. (Ord. 53 § 40, 1978)

17.10.020 Permitted uses.

Hereinafter in the R-1 zone, no building or structure shall be erected, altered, enlarged, or relocated therein which is designed or intended to be used for any other than the following unless otherwise provided in this title:

A. Dwellings:

1. Single-family;
2. Manufactured homes:
 - a. Class A,
 - b. Modular;

B. Rooms or room and board for not more than two adult persons may be provided by a resident proprietor;

C. Gardening, fruitgrowing, greenhouses of not more than one hundred and twenty square feet, not more than ten feet in height, and nurseries, excluding: the sale of products raised on the premises, retail stands, signs, and other commercial structures. Domestic pets, excluding livestock and bees, may be kept for noncommercial purposes; provided, that the maintenance of kennels and the keeping of rab-

bits or other similar small animals in excess of three of the same genus or sort shall be prohibited;

D. Accessory uses ordinarily appurtenant to permitted uses, including home occupations as defined herein, private swimming pools, and one detached private garage for each dwelling unit. Detached accessory structures, including private garages, shall not be located in the front yard not less than ten feet from any adjoining side street, except detached accessory structures located in the rear yard may extend to within three feet of the rear property line when abutting an alleyway or within five feet of the rear property line when an alley does not exist. Attached garages, carports, covered patios, and similar attached accessory buildings may occupy the rear yard to within ten feet of the rear property line and to within five feet of the inside property lines. In all cases there shall be a minimum off-street parking apron of twenty feet in length directly in front of all garage door entrances when accessing a street either to the front or side of a residence. Where garage doors access an alley, the off-street parking apron shall be at least ten feet; accessory structures shall not contain any habitable space or room;

E. Day care homes, family or group;

F. Personal noncommercial livestock in floodplain areas;

G. Other uses permitted under the supplementary use regulations in Chapter 17.38. (Ord. 00-9 § 1 (part), 2000; Ord. 437 § 9, 1992; Ord. 358 § 1 (part), 1989; Ord. 296 § 1 (part), 1987; Ord. 295 § 1 (part), 1987; Ord. 201 § 1(b), 1983; Ord. 155 § 1(a), (b), 1982; Ord. 122 § 1(3), 1980; Ord. 99 § 1 (part), 1980; Ord. 53 § 40-2, 1978)

17.10.030 Conditional uses.

Conditional uses shall be as follows:

A. Manufactured Homes Class B as to the provisions of Chapter 17.37.

B. Temporary uses, including business offices and signs, incidental to the development of the surrounding residential area may be allowed by a conditional use permit from the board of adjustment after examination of the location and upon due

proof to the satisfaction of the board that such use will not be unduly detrimental to surrounding properties. Such uses shall comply with the front and side yard regulations. No sign shall exceed one hundred fifty square feet in area. Permits for such uses shall be temporary, conditional, and revocable, and shall be issued for a period not exceeding two years. Continuation of such uses beyond the two-year limit shall require a new permit to be issued on its own merit and in the same manner as required in the case of a new application;

C. Home occupations;

D. Keeping of fowl and similar animals. (Ord. 00-9 § 1 (part), 2000; Ord. 534 § 1, 1996; Ord. 437 § 10, 1992; Ord. 135 § 1(a), 1981; Ord. 99 § 1 (part), 1980; Ord. 53 § 40-3, 1978)

17.10.040 Building height limits.

Building height limits shall be two and one-half stories, but not exceeding thirty-five feet in height, and no accessory structure shall exceed one story or the following height limits:

Hip or gable roof	16 feet maximum
Gambrel roof	14 feet maximum
Flat roof	13 feet maximum

(Ord. 122 § 1(4), 1980; Ord. 53 § 40-4, 1978)

17.10.050 Minimum lot area.

Minimum lot area for single-family dwellings shall be six thousand square feet, and as applicable under Chapter 17.38. (Ord. 296 § 1 (part), 1987; Ord. 295 § 1 (part), 1987; Ord. 53 § 40-5, 1978)

17.10.060 Minimum lot width.

Minimum lot width for single-family dwellings shall be sixty feet. (Ord. 296 § 1 (part), 1987; Ord. 295 § 1 (part), 1987; Ord. 53 § 40-6, 1978)

17.10.070 Minimum front yard depth.

Minimum front yard depth shall be twenty feet. When fronting on the right-of-way of a major thoroughfare shown on the official major street system and committed improvements plan, the front yard shall be measured from the proposed right-of-way

line. (Ord. 296 § 1 (part), 1987; Ord. 295 § 1 (part), 1987; Ord. 53 § 40-7, 1978)

17.10.080 Minimum side yard width.

One-story dwellings shall have a minimum of a five-foot side yard; a two-story dwelling shall have a minimum of an eight-foot side yard; and each additional story over two shall have an additional four feet, for each story, added to the required side yard.

However, any side yard abutting a street shall have a minimum setback of ten feet including accessory structures. (Ord. 296 § 1 (part), 1987; Ord. 295 § 1 (part), 1987; Ord. 53 § 40-8, 1978)

17.10.090 Minimum rear yard depth.

Minimum rear yard depth for single-family dwellings shall be ten feet, and thirty-five feet for other principal buildings. There shall be a minimum fifteen-foot rear yard setback for two or more stories on dwellings. (Ord. 296 § 1 (part), 1987; Ord. 295 § 1 (part), 1987; Ord. 53 § 40-9, 1978)

17.10.100 Maximum lot coverage.

The maximum structure coverage of the lot shall not exceed thirty-five percent. (Ord. 53 § 40-10, 1978)

Chapter 17.12

R-2 TWO-FAMILY RESIDENCE ZONE

Sections:

- 17.12.010 Primary intended use.
- 17.12.020 Permitted uses.
- 17.12.030 Conditional uses.
- 17.12.040 Building height limits.
- 17.12.050 Minimum lot area.
- 17.12.060 Minimum lot width.
- 17.12.070 Minimum front yard depth.
- 17.12.080 Minimum side yard width.
- 17.12.090 Minimum rear yard depth.
- 17.12.100 Maximum lot coverage.

17.12.010 Primary intended use.

The R-2 zone is intended primarily to accommodate two-family residences in specified low-density residential areas. It is also intended that the R-2 zone should be used to further encourage improvements in the areas of Butte-Silver Bow, state of Montana, which manifest a building trend toward two-family residences and/or unduly slow and sparse development of one-family residences. To achieve this intent, the regulations in this chapter and the supplementary regulations in Chapter 17.38 shall apply in the R-2 zone. (Ord. 53 § 50-1, 1978)

17.12.020 Permitted uses.

Hereafter in the R-2 zone, no building or structure shall be erected, altered, enlarged, or relocated therein which is designed or intended to be used for any use other than the following unless otherwise provided in this title:

- A. Dwellings:
 1. Single-family;
 2. Two family;
 3. Manufactured homes:
 - a. Class A,
 - b. Modular;
- B. Conversions as permitted under Section 17.38.110;
- C. Accessory uses ordinarily appurtenant to permitted uses, including one detached private garage

for each dwelling unit. Detached accessory structures, including private garages, shall not be located in the front yard nor less than ten feet from any adjoining side street, except detached accessory structures located in the rear yard may extend to within three feet of the rear property line when abutting an alleyway or within five feet of an inside property line when an alley does not exist. Private garages attached to or within the residence shall adhere to the setback requirement of the residence. In all cases, there shall be a minimum off-street parking apron of twenty feet in length directly in front of all garage door entrances when accessing a street either to the front or side of a residence. Where garage doors access an alley, the off-street parking apron shall be at least ten feet; accessory structures shall not contain any habitable space or room;

D. Day care homes, family or group;

E. Other uses permitted under the supplementary use regulations in Section 17.38.170 through 17.38.240. (Ord. 00-9 § 1 (part), 2000; Ord. 437 § 11, 1992; Ord. 296 § 1 (part), 1987; Ord. 295 § 1 (part), 1987; Ord. 155 § 1(d), 1982; Ord. 53 § 50-2, 1978)

17.12.030 Conditional uses.

Conditional uses shall be as follows:

- A. Manufactured Homes Class B as to the provisions of Chapter 17.37;
- B. Home occupations. (Ord. 00-9 § 1 (part), 2000; Ord. 437 § 12, 1992; Ord. 53 § 50-3, 1978)

17.12.040 Building height limits.

Building height limits shall be the same as permitted in the R-1 zone, Section 17.10.040. (Ord. 53 § 50-4, 1978)

17.12.050 Minimum lot area.

Minimum lot area shall be as follows:

- A. Single-family dwellings, six thousand square feet; and as applicable under Chapter 17.38;
- B. Two-family dwellings, seven thousand five hundred square feet; and as applicable under Chap-

ter 17.38. (Ord. 296 § 1 (part), 1987; Ord. 295 § 1 (part), 1987; Ord. 53 § 50-5, 1978)

17.12.060 Minimum lot width.

Minimum lot width shall be as follows:

- A. Single-family dwelling, sixty feet;
- B. Two-family dwelling, seventy-five feet. (Ord. 296 § 1 (part), 1987; Ord. 295 § 1 (part), 1987; Ord. 53 § 50-6, 1978)

17.12.070 Minimum front yard depth.

Minimum front yard depth shall be twenty feet. When fronting on the right-of-way of a major thoroughfare shown on the official major street system and committed improvements plan, the front yard shall be measured from the proposed right-of-way. (Ord. 296 § 1 (part), 1987; Ord. 295 § 1 (part), 1987; Ord. 53 § 50-7, 1978)

17.12.080 Minimum side yard width.

One-story dwellings shall have a minimum of a five foot side yard; a two-story dwelling shall have a minimum of an eight-foot side yard; and each additional story over two shall have an additional four feet, for each story, added to the required side yard.

However, any side yard abutting a street shall have a minimum setback of ten feet including accessory structures. (Ord. 296 § 1 (part), 1987; Ord. 295 § 1 (part), 1987; Ord. 53 § 50-8, 1978)

17.12.090 Minimum rear yard depth.

Minimum rear yard depth for one-family and two-family dwellings shall be ten feet, and thirty-five feet for other principal buildings. There shall be a minimum fifteen-foot rear yard setback for two or more stories on dwellings. (Ord. 296 § 1 (part), 1987; Ord. 295 § 1 (part), 1987; Ord. 53 § 50-9, 1978)

17.12.100 Maximum lot coverage.

The maximum structure coverage of the lot shall not exceed thirty-five percent. (Ord. 53 § 50-10, 1978)

Chapter 17.14

R-3 MULTI-FAMILY RESIDENCE ZONE

Sections:

- 17.14.010 Primary intended use.**
- 17.14.020 Permitted uses.**
- 17.14.030 Conditional uses.**
- 17.14.040 Building height limits.**
- 17.14.050 Minimum lot area.**
- 17.14.060 Minimum lot width.**
- 17.14.070 Minimum front yard depth.**
- 17.14.080 Minimum side yard width.**
- 17.14.090 Minimum rear yard depth.**

17.14.010 Primary intended use.

The R-3 zone is intended primarily to accommodate multi-family residences. The zone may be used to provide for apartment developments in residential areas, to encourage developments of lots on which single-family residences would be impractical because of terrain, rock, or similar condition, to permit a greater number of persons to reside near secondary focal points of Butte-Silver Bow, state of Montana, such as outlying business or industrial employment centers, or to establish a buffer between the one-family residence areas and the less restrictive non-residential zones. To achieve this intent, the regulations in this chapter and the supplementary regulations in Chapter 17.38 shall apply in the R-3 zone. (Ord. 53 § 60-1, 1978)

17.14.020 Permitted uses.

Hereafter in the R-3 zone, no building or structure shall be erected, altered, enlarged, or relocated therein which is designed or intended to be used for any use other than the following unless otherwise provided in this title:

- A. Dwellings:
 - 1. Single-family;
 - 2. Two family;
 - 3. Multi-family;
 - 4. Manufactured homes.
 - a. Class A,
 - b. Modular.

B. Any nonresidential use permitted in the R-1 and R-2 zones;

C. Room or room and board and boarding homes for not more than eight persons provided by a resident proprietor;

D. Accessory uses ordinarily appurtenant to permitted uses. Accessory structures, including detached private garages, shall not be located within the front yard, nor less than ten feet from any adjoining side street. Accessory structures may extend to within three feet of the rear and inside property lines when an alleyway exists along the rear of the property or to within five feet of the rear and inside property lines when an alley does not exist. Private garages attached to or within the residence shall adhere to the setback requirement of the residence. In all cases, there shall be a minimum off-street parking apron of twenty feet in length directly in front of all garage door entrances when accessing a street either to the front or side of a residence. Where garage doors access an alley, the off-street parking apron shall be at least ten feet, except, that private garages accessory to multifamily residences shall be designed and constructed in harmony with the general appearance of the main building and shall not be operated as a public repair garage except that services may be rendered for tenants when limited to car washing, polishing, lubrication, refueling, tire repairing, and minor adjustments when performed entirely within an enclosed garage building. All garages two or more stories in height shall be enclosed structures;

E. Day care homes, family or group;

F. Other uses permitted under the supplementary use regulations in Sections 17.38.170 through 17.38.240. (Ord. 00-9 § 1 (part), 2000; Ord. 437 § 13, 1992; Ord. 296 § 1 (part), 1987; Ord. 295 § 1 (part), 1987; Ord. 155 § 1(f), 1982; Ord. 53 § 60-2, 1978)

17.14.030 Conditional uses.

Conditional uses shall be as follows:

A. Manufactured Homes Class B as to the provisions of Chapter 17.37;

B. Medical, dental offices and clinics, and offices for the practice of healing sciences licensed by the state of Montana may be allowed by a conditional use permit from the board of adjustment after public hearing and a finding that such use will not be unduly detrimental to surrounding properties; and, provided, that no more than nine persons shall practice or be employed therein, or which no more than three may be doctors (including dentists);

C. Hotels, motels, private clubs and lodges may be allowed by a conditional use permit from the board of adjustment after public hearing and examination of the plans and location thereof, and after a finding that such use and proposed development will not be unduly detrimental to surrounding properties or to the zone in which it may be located. Accessory business uses such as barber, newsstand, garment repair and pressing, or gift shop may be allowed therewith for the purpose of serving the tenants or members thereof; provided, that no display of merchandise, signs, or other advertising matter shall be visible from outside the building, and all customer entrances to such businesses shall be from within the lobby, hallway, or other interior portion of the building;

D. Home occupations. (Ord. 00-9 § 1 (part), 2000; Ord. 437 § 14, 1992; Ord. 135 § 1(b), (c), 1981; Ord. 53 § 60-3, 1978)

17.14.040 Building height limits.

Building height limits shall be as follows:

A. For any building containing multi-dwelling units, seven stories but not exceeding eighty feet;

B. For all other buildings, same as R-1 zone. (Ord. 53 § 60-4, 1978)

17.14.050 Minimum lot area.

Minimum lot area shall be as follows:

A. Single-family dwellings, six thousand square feet; and as applicable under Chapter 17.38;

B. Two-family dwellings, seven thousand five hundred square feet; and as applicable under Chapter 17.38;

C. Multifamily dwellings, lot area requirements per dwelling unit shall be as follows, and as applicable under Chapter 17.38:

Dwelling Unit	Square Feet per Dwelling Unit
2-8	1500
9 plus	400 additional sq. ft./unit

There shall be six thousand square feet of land in addition to the above formula. (Ord. 296 § 1 (part), 1987; Ord. 295 § 1 (part), 1987; Ord. 53 § 60-5, 1978)

17.14.060 Minimum lot width.

Minimum lot width shall be as follows:

- A. Single-family dwellings, sixty feet;
- B. Two-family dwellings, seventy-five feet;
- C. Multifamily dwelling, eighty feet. (Ord. 296 § 1 (part), 1987; Ord. 295 § 1 (part), 1987; Ord. 53 § 60-6, 1978)

17.14.070 Minimum front yard depth.

Minimum front yard depth shall be as follows:

- A. Single-family dwelling, twenty feet;
- B. Two-family dwelling, twenty feet;
- C. Multifamily dwelling, twenty-five feet.

When fronting on the right-of-way of a major thoroughfare shown on the official major street system and committed improvements plan, the front yard shall be measured from the proposed right-of-way line. (Ord. 296 § 1 (part), 1987; Ord. 295 § 1 (part), 1987; Ord. 53 § 60-7, 1978)

17.14.080 Minimum side yard width.

Minimum side yard width shall be as follows:

- A. One-story dwellings shall have a minimum of a five foot side yard; a two-story dwelling shall have a minimum of an eight foot side yard; and each additional story over two shall have an additional four feet, for each story, added to the required side yard.

However, any side yard abutting a street shall have a minimum setback of ten feet including accessory structures;

B. Two-family dwellings, ten feet on each side;

C. Multifamily dwellings, ten feet on each side; and

D. For the purpose only of locating a building exceeding two stories in height on a lot, the required minimum width of each side yard shall be increased by four feet for each additional story over two. (Ord. 296 § 1 (part), 1987; Ord. 295 § 1 (part), 1987; Ord. 155 § 1(g), 1982; Ord. 53 § 60-8, 1978)

17.14.090 Minimum rear yard depth.

Minimum rear yard depth shall be ten feet for one and two-family dwellings and fifteen feet for apartment buildings; other principal buildings shall have a rear yard setback of thirty-five feet. Also, for the purpose of locating a building two stories or more in height on a lot, the required minimum depth of the rear yard shall be increased by four feet per story. (Ord. 296 § 1 (part), 1987; Ord. 295 § 1 (part), 1987; Ord. 53 § 60-9, 1978)