

STAFF REPORT

To: Gallatin County Commission
From: Warren Vaughan, County Planner
Re: Request to Amend the Gallatin County Growth Policy Through Adoption of the Amsterdam/Churchill Community Plan and Future Land Use Map

Hearing
Date: December 8, 2009; 9:00 AM
Location: Courthouse Community Room, 311 West Main, Bozeman, MT

INTRODUCTION:

Community members in the Amsterdam/Churchill area, in partnership with the Gallatin County Planning Department, now request the County Commission consider a resolution of intent to amend the Gallatin County Growth Policy through adoption of the Amsterdam/Churchill Community Plan and Future Land Use Map.

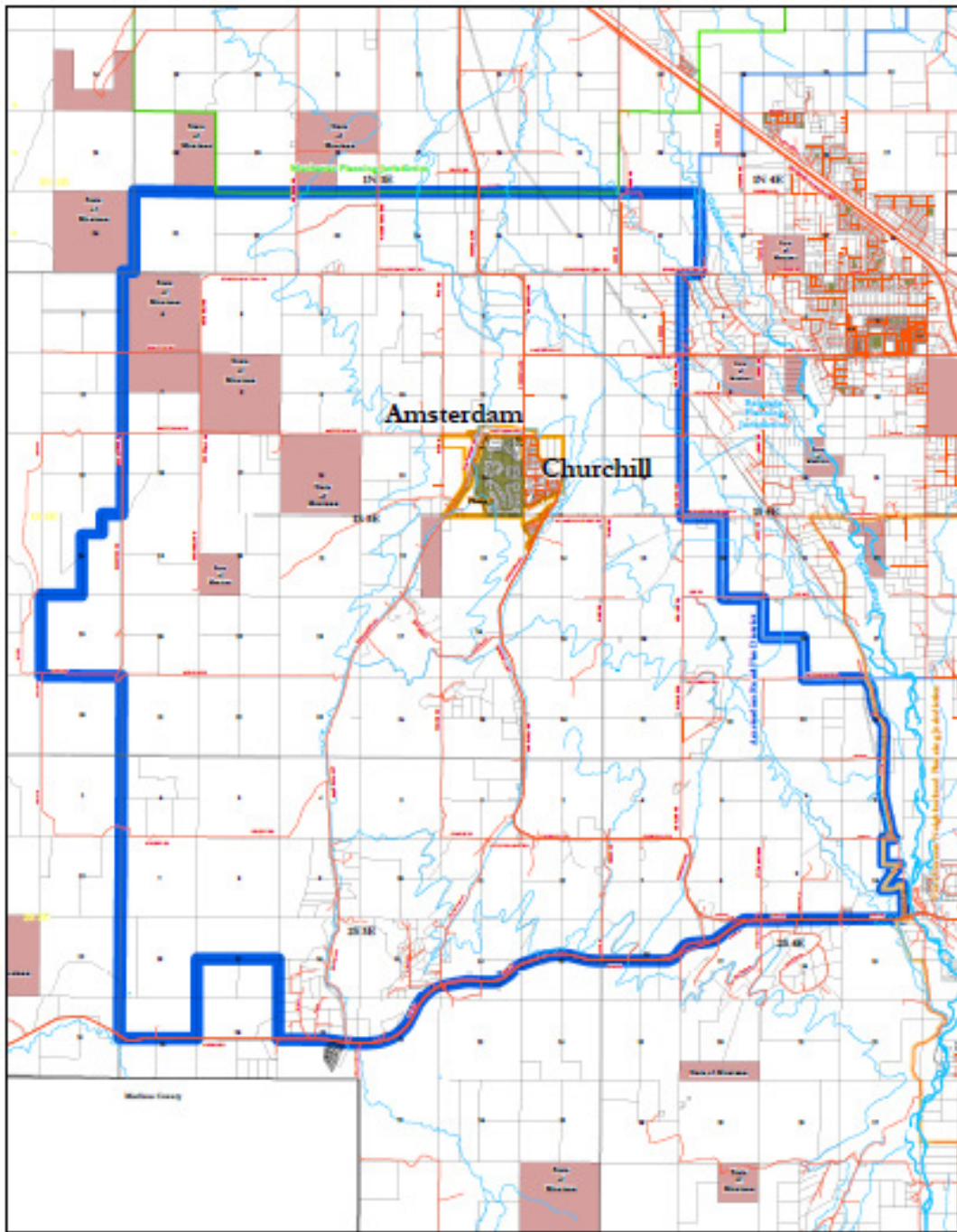
Property included in the Amsterdam/Churchill Community Plan consists of approximately 51,200 acres (approximately 80 square miles) generally located in the greater Amsterdam/Churchill vicinity. The northern boundary lies approximately three miles north of the Amsterdam/Churchill communities and meets the planning jurisdiction boundary for the Town of Manhattan; the southern boundary is generally Norris Road; the western boundary is generally four miles west of the Amsterdam/Churchill communities; the eastern boundary meets the Belgrade Donut Boundary and the Four Corners Zoning District Boundary and follows River Road south to Norris Road.

Approximately 650 separate landowners own property within the boundary of the Planning Area.

Proposed Amsterdam-Churchill Neighborhood Planning Area

Gallatin County, MT

DRAFT
11/16/2009



NOTE: This map is a draft representation only and does not constitute an offer. The boundary is subject to change at the discretion of the planning area.

Proposed Amsterdam-Churchill Neighborhood Planning Boundary	Madison Jurisdiction Boundary
Draft Amsterdam-Churchill town line	Paradise Planning Jurisdiction
Madison Jurisdiction Boundary	Wet Lands
	Wetland with Potential Open Space and Parks

DEVELOPED BY
GALLATIN COUNTY, MT
PLANNING DEPARTMENT
11/16/2009
11/16/2009_11/16/2009_11/16/2009

Figure 1: Amsterdam/Churchill Planning Area and Future Land Use Map

DESCRIPTION/LOCATION:

The jurisdiction of the proposed Amsterdam/Churchill Community Plan is legally defined as the following:

Township 1 North Range 3 East

Sections 31 - 36 = All

Township 1 North Range 4 East

Section 31 = All

Township 1 South Range 2 East

Section 24 = SE ¼; S ½ of the NE ¼; NE ¼ of the NE ¼;

Section 25 = All

Township 1 South Range 3 East

Sections 1-36 = All

Township 1 South Range 4 East

Sections 6-7 = All;

Sections 18 – 19 = All;

Section 20 = W ½;

Section 28 = SW ¼;

Sections 29 – 33 = All;

Section 34 = All west of the centerline of River Road

Township 2 South Range 3 East

Sections 1-12 = All;

Section 13 = All north of the centerline of Norris Road;

Section 14 = All north of the centerline of Norris Road;

Section 15 = All north of the centerline of Norris Road;

Section 16 = All;

Section 17 = N ½;

Section 18 = All;

Section 19 = All north of the centerline of the Norris Road;

Section 21 = All north of the centerline of Norris Road;

Section 22 = All north of the centerline of Norris Road

Township 2 South Range 4 East

Section 3 = All west of the centerline of River Road;

Sections 4 – 9 = All;

Section 10 = All land west of the centerline of Norris Road with the exception of a parcel described in the Clerk and Recorder's Office at Tract C-1 of Certificate of Survey 2513A;

Section 17 = All north of the centerline of Norris Road;

Section 18 = All north of the centerline of Norris Road.

STAFF FINDINGS:

- 1. Neighborhood Plans.** Section 4.3 of the Growth Policy discusses neighborhood plans as a tool to implement goals and policies of the Growth Policy. Specifically, a neighborhood plan “is intended to provide greater specificity for development within a certain defined area”. A more detailed discussion on compliance with the Growth Policy appears in Staff Finding #5 below.

Additionally, MCA 76-1, Part 6 provides guidance on the contents, adoption, and use of a Growth Policy, and §76-1-601(4)(a) authorizes neighborhood planning as a tool for implementation of a Growth Policy. As the Amsterdam/Churchill Community Plan is being adopted as a revision to the existing Gallatin County Growth Policy, these statutes have been followed.

Finally, Section 10.1 of the Growth Policy, and the Growth Policy Future Land Use Map, identifies Amsterdam/Churchill as an “unincorporated community” where “more specific planning in these areas, such as zoning or neighborhood plans, is encouraged to help further define outward expansion of these urban centers”.

- 2. Community Process - Overview.** The Amsterdam/Churchill community planning effort began in the summer of 2007 with four educational events (discussions of roads, schools, sewer/water, and emergency services). In November of 2007, a working group formed after the initial education meetings hosted a community planning kickoff event formally initiating the process.

Working group meetings with the Planning Department have continued since December 2007. Meetings were held the second and fourth Monday of the month at 7 pm at the Churchill Bank. Shortly after forming, the group became an incorporated non-profit with the name “Amsterdam/Churchill Community Planning Group” and created a website advertising all group activities (www.amsterdamchurchillcommunityplanninggroup.com).

The Planning Group’s primary activity has been to collect information from the community to guide development of the plan and to draft policies based on community feedback. The Planning Group held the following events to develop the Community Plan:

November 16, 2007: Initial kickoff and visioning event

The initial visioning event was used to ask basic questions of the community and facilitate a discussion around the responses. The four questions asked of participants were: 1) What makes Amsterdam/Churchill a great place to live? 2) What issues are you concerned about? 3) What should change in the future for Amsterdam/Churchill? And 4) What should stay the same? The results of this meeting were distilled into the Guiding Principles which make up Chapter 2 of the Community Plan.

January 22, 2008: From Dialogue to Action

The *From Dialogue to Action* event was a discussion of how the community wanted to take action on the Guiding Principles identified at the November Kickoff Event. Community members heard a brief presentation on the types of tools communities can use to guide growth and change, and then answered specific questions designed to guide the Working Group in specific policy discussions. This meeting became the basis for many of the policies throughout the Community Plan.

March 17, 2008: Initial Recommendations

The *Initial Recommendations* event was used to present the first draft of recommendations to all community members and gather feedback. This feedback was used to guide further policy work for the Planning Group.

June 22, 2009: Initial presentation of the draft Community Plan

This was the initial presentation of the draft Community Plan. The Planning Group presented highlights of the plan and asked for both oral and written feedback.

November 10, 2009: Final presentation of the community plan

Prior to the November 10th, 2009 meeting, a letter announcing the meeting and detailing locations for the Community Plan was mailed to all 650 landowners in the proposed Planning Area. The meeting itself was a presentation of the final draft of the Community Plan. As with the previous meeting, oral and written comment were taken.

The Planning Group also hosted three formal large landowner events in the Spring of 2008 and one in October of 2009 to directly discuss suggested policies in the rural chapter.

The planning group has made every attempt to engage the community in the planning process. The group has done this through the following methods:

- Mailing postcards to all landowners who live in the jurisdiction advertising each community event;
- Advertising each event on the Fire Department Sign Board;
- Meeting multiple times with both the Amsterdam School Board and the Amsterdam Rural Fire Department;
- Having informational booths at the Amsterdam Fire Department Pig Roasts;
- Engaging the Churchill Sewer District Board in drafting the plan;
- Meeting with area property owners' associations to discuss the plan;
- Creating a website advertising committee meetings and community events and making that website known via the newspaper, flyers, postcards mailed to every landowner in the district, phone calls, meetings before the School Board and Fire Board, etc;
- Advertising all meetings and events on the County Planning Department webpage;
- Clearly articulating meeting times and the website at all community events and in follow-up documents that have been sent out;
- Having newspaper articles written about the process in the Bozeman Daily Chronicle and the Belgrade News.
- Holding multiple meetings with large landowners throughout the planning area;
- Countless conversations with small groups and individuals.

Over the course of 24 months, given the outreach program, over 200 individuals in the Amsterdam/Churchill area have been involved in the process. This includes people who have come to events, attended steering committee meetings, or submitted comments.

- 3. Amsterdam/Churchill Plan Elements.** The Amsterdam/Churchill Community Plan identifies two separate areas as being worthy of specific goals and policies. See map on page 2.

- *The Amsterdam/Churchill Town Core*
- *Rural Amsterdam/Churchill*

Each area has a corresponding chapter with goals and policies intended to provide direction to the governing bodies as the area grows and changes.

The Amsterdam/Churchill Community Plan consists of the following 6 Sections:

- Chapter 1: Introduction
- Chapter 2: Amsterdam/Churchill's Guiding Principles
- Chapter 3: The Amsterdam/Churchill Town Core
- Chapter 4: Rural Amsterdam/Churchill
- Chapter 5: District-Wide Policies
- Chapter 6: Continuing the Conversation and Implementing the Plan

- 4. Criteria.** Because the Amsterdam/Churchill Community Plan is proposed as a revision to the Growth Policy, the request must be governed by the procedure for adoption of and amendments to the Growth Policy as described by §76-1-602 through §76-1-604, MCA. Specifically, state law requires, first, a resolution recommending adoption of the community plan and revision of the Growth Policy passed by the County Planning Board; second, a resolution of intent to be passed by the County Commissioners, followed by a Resolution of the Commission adopting the revision.

Additionally, Section 9.2 of the Growth Policy establishes the following criteria to be weighed in consideration of proposed amendments:

Amending the Growth Policy may occur with careful review, findings of fact in support of the revision, and public hearings. The statutory requirements which guided the adoption of the Growth Policy will be followed for all amendments as they pertain to public hearings and otherwise. The term “amendments” will apply to both text and map revisions for both the Growth Policy and any other plans adopted as a portion of the Growth Policy, such as neighborhood area plans. The following criteria will be weighed in consideration of proposed amendments:

- 1) Whether the development pattern contained in the Growth Policy inadequately provides appropriate optional sites for the uses proposed in the amendment;*

Staff Response: The proposed Community Plan provides a wide range of uses that may be proposed throughout the plan area. Uses are allowed with maximum flexibility; appropriate optional sites throughout Gallatin County allow the few uses which are discouraged by the Community Plan and which will be prohibited by future zoning.

- 2) Whether the amendment constitutes an overall improvement to the Growth Policy or would be solely for the good or benefit of a particular landowner or owners at a particular point in time.*

Staff Response: The proposed Community Plan constitutes an overall improvement to the Growth Policy by providing refined goals and policies for a specific area (representing several hundred landowners owning several thousand acres) in compliance with Section 4.3 and 10.1 of the Growth Policy. Additionally, the Community Plan meets, and provides more refinement to, the goals and policies of Chapter 3 of the Growth Policy. See Staff Finding #5 for more detailed findings on specific goals of the Growth Policy.

- 3) Whether the amendment will adversely impact the community as a whole or a portion of the community by:*

- *Significantly altering acceptable existing land use patterns;*
- *Requiring larger and more expensive improvements to roads, sewer or water systems that are needed to support the prevailing land uses and which, therefore, may impact development of other lands;*
- *Adversely impacting existing uses because of increased traffic on existing systems; or*
- *Affecting the livability of the area or health and safety of the residents.*

Staff Response: The proposed Community Plan identifies goals, policies, and implementation strategies positively addressing each of the issues identified in this criteria:

- *Significantly altering existing land use patterns:* The Community Plan creates land use categories reflecting existing land use patterns. Both primary land use categories (The Town Core and Rural Amsterdam/Churchill) recognize each area has different characteristics and should have correspondingly different policies. Additionally, the Town Core Chapter recognizes that this area has different internal characteristics and is divided into different sub-districts within the larger land use category.
- *Requiring larger and more expensive improvements to roads, sewer or water systems that are needed to support the prevailing land uses and which, therefore, may impact development of other lands:* As stated above, the Community Plan identifies two primary land use categories (the Town Core and Rural Amsterdam/Churchill) reflecting existing land use patterns. The goals and policies of each category direct the majority of future development into the Town Core and call for infrastructure improvements servicing development. This ensures the most efficient use of infrastructure development by focusing growth in areas where the structure of the town already exists and where many services (school, fire department, and primary roads) already exist.
- *Adversely impacting existing uses because of increased traffic on existing systems:* Again, the primary objective of the Community Plan focuses future development in areas where existing infrastructure, including roads, already exist. Additionally, the Community Plan calls for specific improved infrastructure within the Town Core as the area grows and changes.
- *Affecting the livability of the area or health and safety of the residents:* The Community Plan identifies necessary infrastructure improvements, such as community water and sewer, and health and safety requirements, such as policies regarding road improvements

and those regarding the Fire District, to positively address these issues.

- 4) *Whether the amendment is compatible with the future land uses and intensities contained in the Growth Policy.*

Staff Response: Section 10.1 of the Growth Policy, and the Growth Policy Future Land Use Map, identifies Amsterdam/Churchill as an “unincorporated community” where “more specific planning in these areas, such as zoning or neighborhood plans, is encouraged to help further define outward expansion of these urban centers”. The proposed Community Plan is compatible with the future land uses and intensities of the Growth Policy by focusing future growth into the Town Core and by providing standards for clustering and open space development in Rural Amsterdam/Churchill.

- 5) *Whether the amendment is consistent with the overall intent, goals, and strategies of the Growth Policy.*

Staff Response: The proposed Community Plan is consistent with the overall intent, goals, and strategies of the Growth Policy. Staff Finding # 5 provides a full discussion of this topic.

- 6) *Whether the amendment furthers the goals and strategies in the Growth Policy.*

Staff Response: The proposed Community Plan furthers the goals and policies of the Growth Policy. See Staff Finding #5 below.

- 7) *Whether the amendment carries out, as applicable, any specific strategy, action or task for community facilities or public infrastructure, including such things as transportation facilities or public sewer and water systems that are contained in the Growth Policy.*

Staff Response: The Community Plan specifically identifies several actions to address community facilities and public infrastructure, including the Amsterdam School, the Amsterdam Rural Fire District, the Churchill Sewer District, and discussions about central water in the Town Core. See chapters 3, 4, and 5 of the Community Plan.

- 5. Growth Policy Compliance.** As the proposed Amsterdam/Churchill Community Plan is proposed as a revision to the Growth Policy, the Board and Commission need to make specific findings as to how the proposed Community Plan complies with and furthers specific goals and policies of the Growth Policy.

<i>Growth Policy Section 1.2: The Planning Board and the</i>
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Commissioners remain committed to improving the health, safety, convenience, and welfare of present and future citizens, and in striving for:

- *A coherent pattern of land use will be established and will not sprawl across the countryside or along major transportation corridors;*

Staff Response: The proposed Community Plan identifies an area around the existing communities of Amsterdam and Churchill and calls for development to be directed into this Town Core. The Community Plan also identifies density and clustering standards for Rural Amsterdam/Churchill designed to protect and preserve the agricultural landscape of the planning area.

- *Compact development is encouraged as a way to achieve an efficient use of land and infrastructure, reducing sprawl, preserving open space, and creating separation between communities.*

Staff Response: The proposed Community Plan identifies the Town Core as the primary area for future growth, as well as identifying clustered design standards for Rural Amsterdam/Churchill.

- *Existing communities and neighborhoods will encourage and reward infill and contiguous development.*

Staff Response: As stated above, the proposed Community Plan calls for the majority of new growth in the Amsterdam/Churchill area to occur in the identified Town Core.

- *Transportation Systems consistent with the overall growth management vision will be carefully planned.*

Staff Response: Planning policies throughout the community plan identify transportation connections for both the Town Core and Rural Amsterdam/Churchill.

- *Community Centers will grow only with adequate highway, utility, health, educational, and recreational facilities.*

Staff Response: The proposed Community Plan directly addresses transportation facilities in Chapters 3 and 4, utility facilities (sewer and water) in Chapter 3, and educational facilities in Chapter 5.

- *The needs of agriculture, industry, and business will be recognized in future growth.*

Staff Response: Needs of agriculture are directly addressed in Chapter 4 by calling for zoning standards to be adopted protecting canals and ditches. Additionally, the needs of agriculture are addressed by calling for new growth to primarily occur in non-agriculture areas in the Town Core, while allowing for a degree of development to happen in the rural portions of the jurisdiction to allow agricultural users to realize development potential from their land. The needs of industry and business are recognized by calling for water and sewer infrastructure in the Town Core (which will significantly help new businesses) and by providing for business and industrial uses in both sub-areas.

- *Agricultural, wildlife, and hydrological resources will be identified and steps taken to help conserve these resources.*

Staff Response: Agricultural, wildlife, and hydrological resources are all addressed throughout the proposed Community Plan by calling for protections for canals and ditches, directing the bulk of growth into Town Core, and calling for standards protecting streams and wetlands in the area.

- *The demand for new housing units will be adequately and timely met, and excessive regulation that adversely impacts housing affordability will be avoided.*

Staff Response: The proposed Community Plan calls for town-style growth to occur in the Town Core, and the policies in the draft plan and the standards called for will provide predictability for landowners and developers which should make the development process less costly.

Growth Policy Goal 3.1.1: Protect Water Quality

Staff Response: The proposed Community Plan protects water quality by calling for upgrades to the Churchill Sewer District, as well as encouraging discussions about central water. Given the recent information about leakage of the Churchill Sewer District lagoons, as well as issues with arsenic in area water, this would make great strides in protecting the water quality of the area.

Growth Policy Goal 3.6.1: Conserve Open Space

Staff Response: This Growth Policy goal is met by directing the majority of growth into the Town Core, and by calling for an open-space development pattern in Rural Amsterdam/Churchill.

Growth Policy Goal 3.7.1: Encourage Residential Development in areas planned or zoned for residential use.

Staff Response: Adoption of this Community Plan establishes policies guiding the drafting of a zoning regulation and help both the Planning Board and County Commission with land use decisions as the area grows and changes.

Goal 3.8.1: Locate Commercial and Light industrial in areas planned or zoned for that usage.

Staff Response: The Community Plan provides policy guidance to implement this goal by identifying land use categories in the Town Core and establishing policy guidelines for the drafting of zoning standards addressing commercial and industrial development.

Goal 3.9.1: Manage heavy industrial development

Staff Response: The Community Plan provides policy guidance to implement this goal in regards to gravel pit mining.

Goal 3.11.1: Conserve Scenic Resources and Views

Staff Response: Preservation of the wide-open views in the larger community is one of the Guiding Principles of the Community Plan. Scenic resources and views are preserved by directing the majority of growth into the Town Core and preserving the agricultural lands in the rural area.

Growth Policy Goal 3.12.1: Provide a safe and efficient transportation system

Staff Response: The Community Plan identifies numerous connections throughout both the Town Core and Rural Amsterdam/Churchill to be constructed as the area builds out.

Growth Policy Goal 3.13.1: Provide for local services and public facilities

Staff Response: The Community Plan discusses provision of local services and public facilities in numerous places: Chapter 3 discusses issues with the Churchill Sewer District and promotes a discussion about community water; Chapter 3 also

describes several road connections necessary for adequate provisions of emergency services; and Chapter 5 addresses policies for both the Amsterdam/Churchill School and the Amsterdam/Churchill Fire Department.

Growth Policy Goal 3.13.2: Provide cost effective extension of public facilities and local services

Staff Response: The Community Plan calls for directing the majority of growth into the Town Core where existing services can be extended at an efficient rate and cost.

Goal 3.15.1: Preserve productive farm and ranch lands

Goal 3.15.2: Protect the right to farm and ranch.

Staff Response: The Community Plan addresses both of these goals by establishing policies directing the majority of growth into the Town Core and protecting the agricultural base of Rural Amsterdam/Churchill; by detailing standards which will be adopted requiring residential development in Rural Amsterdam/Churchill to cluster development in a historical development pattern; by calling for zoning standards to protect canals and ditches and buffering of agricultural operations; by exempting family transfers from any future zoning standards; and by formally recognizing the right to farm and ranch in the Amsterdam/Churchill area.

6. **Public Comment.** Staff received written comment from 14 individuals (13 in support of the proposed Plan, 1 requesting to be removed from the jurisdiction) (Exhibit A). Additionally, Staff notes the Amsterdam/Churchill Community Plan has been built on public comment received by the Amsterdam/Churchill Community Planning Group over the past two years. The majority of comments were directly about plan policy and have been incorporated into the Community Plan itself.
7. **Planning Board.** The Planning Board reviewed the proposed Amsterdam/Churchill Community Plan and Future Land Use Map at their regular hearing on November 24, 2009. The Planning Board approved (6:0; Morice abstains; Amsden absent from vote) a resolution recommending the Commission approve the Plan and Map as a revision to the Gallatin County Growth Policy. Findings from the Planning Board hearing are included as Exhibit B, as well as the Resolution recommending adoption of the Plan (Exhibit C).
8. **Notice.** Notice of the Planning Board and County Commission hearings were mailed to all landowners in the Planning Area on November 2, 2009, and copies of the Community Plan, with notice of the hearing, were placed throughout the Amsterdam/Churchill community the same week. Public notice of this adoption

hearing was published in the Bozeman Daily Chronicle on November 22 and 29, 2009, and in the Belgrade News on November 20, 2009. Copies of the Amsterdam/Churchill Community Plan were made available for public review at the Gallatin County Clerk & Recorder's Office, the Gallatin County Planning Department, the Amsterdam/Churchill Community Planning Group website, various locations around the proposed Planning Jurisdiction, and the Gallatin County Planning Department website.

STAFF SUGGESTED ACTION:

The County Commission needs to make the following determinations:

- 1. A determination as to whether the proposed Amsterdam/Churchill Community Plan substantially complies with the goals and policies of the Gallatin County Growth Policy;**
- 2. A determination as to whether the proposed Amsterdam/Churchill Community Plan substantially complies with Section 9.2 of the Gallatin County Growth Policy regarding amendments and revisions;**
- 3. A determination as to whether the proposed Amsterdam/Churchill Community Plan meets the procedural requirements of §76-1-602 through §76-1-604 MCA regarding adoption and revision of Growth Policies.**

If the Commission, after considering the Staff Report, the proposed Community Plan, and all public testimony, determines that the Amsterdam/Churchill Community Plan and Future Land Use Map revision to the Gallatin County Growth Policy meets the criteria above, the Commission shall adopt a resolution of intent to adopt the amendment. Notice of the Resolution of Intention shall be published once a week for two weeks. The Resolution to adopt the amendment will be heard 30 days after passage of the public notice.

Exhibits:

A: Public Comment

B: Planning Board Findings of Fact and Recommendation

C: Planning Board Resolution

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