

Chapter __: Rural Amsterdam/Churchill Sub-District

- A. **Purpose.** This chapter establishes the Rural Amsterdam/Churchill (RAC) Subdistrict and the performance standards applicable to land development and building activity in the subdistrict.
- B. **Uses.** There are no designated principle uses in the RAC subdistrict. Uses listed as a conditional use in Section __B.a must receive an approved conditional use permit; prohibited uses are list in Section __B.b. All uses not listed as a conditional use or as a prohibited use must obtain an administrative land use permit from the Planning Department prior to construction to demonstrate compliance with all performance standards. All uses and construction associated with agriculture (see definition) shall be exempt from this Regulation, except as noted in Section __ below.
- a. *Conditional Uses.* Conditional uses permitted in the RAC Sub-District are listed below. A conditional use will require a conditional use permit (CUP) prior to establishment. A CUP will require a public hearing and may require conditions to mitigate potential impact to surrounding properties. If a conditional use is approved, any new construction associated with that conditional use will require a land use permit.

Use	Comments
asphalt mixing plants	
Communications Towers	
Essential Services, Type II	As defined in this Regulation
Sand and Gravel Mining Operations	
Commercial, industrial, or mixed-use structures, or a series of adjacent or related commercial, industrial, or mixed-use structures, that will contain more than 5,000 square feet of commercial or industrial space	Does not include agricultural structures, except as detailed in Section __ below.
Any use generating more than 500 trips per day	Refer to the most recent manual of the International Traffic Engineers Code

- b. *Prohibited Uses.* The following uses are prohibited in the RAC Sub-District.

Use	Comments
Alcohol and Gambling Establishments	

Sexually-oriented businesses	
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C. **Specification Standards for Residential Dwellings.**

Yard	Setback (in feet)
Front Yard, County Roads	50 Feet
Front Yard, all other roads	30 Feet
Rear Yard	
Side Yard	20 Feet

D. **Density.** New subdivision shall be limited to one lot per 160 acres (average). The number of acres is divided by the average density to calculate the number of development rights permitted. There shall be no minimum lot area or width. The number of development rights may be increased if the standards detailed in Section ___ are met.

E. **Cluster Development.** Development density may be increased to a maximum of one lot per 40 acres if the following standards are met:

- a. 75% of the development must be preserved as open space. *NEED MECHANISM FOR IDENTIFYING AND HOLDING THE OPEN SPACE;*
- b. The open space shall contain the following lands:
 - i. *Watercourse buffers.* The protected open space must include all lands within the watercourse buffers established in Section ___;
 - ii. *Wetlands.* All wetlands on the property shall be included;
 - iii. *Important farmlands.* The open space must include all
- c. New lots are in close proximity to public roads and existing dwellings;
- d. Building sites are located on the least fertile soils for agricultural uses, and in a manner which maximizes the useable area remaining for such use;
- e. Building sites are located with the least disturbances to the natural topography, landscape, vegetation, and agriculture

F. **Transfer of Development Credits.** *INSERT TDC INFO FROM COUNTYWIDE DOC.*

G. **Performance Standards for the Protection of Agriculture.**

- a. Agricultural Water Conveyance Facilities (Canals and Ditches).
 - i. **Identification of irrigation systems.** Any proposed use requiring a land use permit shall identify all agricultural water conveyance facilities located on the property or which might be affected by the construction (including primary and secondary, or lateral ditches, canals, and pipelines) on the submitted site plan.
 - ii. **Stormwater or snowmelt runoff.** No development or use shall channel stormwater or snowmelt runoff into any irrigation system without written consent of the responsible irrigation company or downstream user. Any new development shall be designed so that there is no interference in the transmission of water.
 - iii. **Acknowledgment of contact with irrigation entity.** Any proposed use requiring a land use permit within 50 feet of the centerline of irrigation canal or ditch shall submit with their application acknowledgment of contact with the applicable irrigation company. If a company is nonexistent, the applicant shall contact downstream users of the canal or ditch. Those contacted shall have 30 days to respond. A model acknowledgment form is included in Appendix _____. If a subdivision has already addressed impacts to an irrigation canal or ditch, the applicant may submit that evidence with a land use permit rather than an acknowledgement form.
 - iv. **Interference or obstruction of water transmission.** No proposed use shall undertake any activity that would result in the interference or obstruction in the transmission of water in any water conveyance facility without written consent from the responsible irrigation entity. Before any maintenance, improvements, or modifications are performed on any water conveyance facility, the water users or water conveyance facilities authorized representatives must give written permission for the work to be done.
- b. Buffers. New residential development shall provide an open space buffer of XX feet between residential lots and the property lines of existing agricultural operations.
 - i. Buffers for land adjoining cropland...
 - ii. Buffers for land adjoining grazing land...
- c. Protecting Agricultural Operations. Development of other uses in the RAC shall not interfere with existing agriculture operations, including the normal operation of dairies, feedlots, potato cellars, and other agricultural activities that may, at times, be perceived as a nuisance by inhabitants of nearby residences. No land use permit for a residence in a farming area shall be issued until a "resource management easement" has been recorded by the owner. A model resource management easement is included in Appendix _____.

- d. Agricultural Industries. While the protection of existing agricultural operations is an important goal of this regulation, and of the Amsterdam/Churchill Community Plan, it is also recognized that new agribusiness developments in certain areas could have an adverse impact on existing non-agricultural uses. For that reason, new dairies and feedlots with a capacity of more than 100 head, the expansion of any existing dairy or feedlot to more than 100 head capacity, and new agricultural processing and wholesaling operations are classified as industrial, rather than agricultural uses, and shall be required to comply with the performance standards adopted in this Regulation.
- e. Fencing. All new subdivision shall be fenced to prevent conflict with any agricultural operations on neighboring properties. Providing legally adequate fencing shall be the responsibility of the developer, and the continuing maintenance of all such fencing shall be the responsibility of the owner or property owners' association.

H. Performance Standards for Maintaining Natural Assets.

- a. Watercourses.
 - i. **Construction setbacks to Watercourses.** A 150-foot setback shall be provided from the ordinary high water mark of all other watercourses for all residential, commercial, and industrial construction, excluding structures used for agricultural purposes or for the maintenance of livestock. This setback does not include canals or ditches.
 - ii. **Retention of existing vegetation.** Riparian areas and existing vegetation shall be maintained to the maximum extent possible.
- b. Wetlands.
 - i. **Definition.** Wetlands are transitional lands between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For the purposes of this classification, wetlands must have one or more of the following three attributes:
 1. At least periodically, the land supports predominantly hydrophytes;
 2. The substrate is predominantly undrained hydric soil; or
 3. The substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of the year.
 - ii. **Wetlands Delineation.** A wetlands delineation prepared by a professional wetlands scientist in accordance with the current guidelines of the Army Corps of Engineers must accompany either of the following applications:
 1. The subdivision of land in compliance with MCA 76-3;

2. Construction which requires clearing, grading, or excavation that disturbs one-half or more acres of land (excluding agricultural practices, excepting those identified in Section ___ above).
- iii. **Wetland Protection Standards.** The following standards shall apply to all wetlands meeting the definition of 6.3.3.A:
 1. Location in Open Space. New subdivision shall designate all wetlands meeting the definition of Section 6.3.3.A as permanent open space;
 2. Setback. A 35-foot setback shall be provided between all wetlands meeting the definition of 6.3.3.A and any new construction, excluding structures used for agricultural purposes or for the maintenance of livestock.
 - iv. **Exemptions.** Wetlands may be modified for necessary utility lines, roads, and trails, provided that all state and federal permits are obtained.
- c. Runoff and Erosion Control. A professionally-prepared runoff and erosion control plan shall be implemented by developments where more than 20,000 square feet of contiguous impervious surfaces will be created. that plan shall:
 - i. Identify runoff and erosion hazard areas on the site;
 - ii. Identify areas and facilities, both on and downslope from the site, that are vulnerable to damage from accelerated runoff or erosion;
 - iii. Show how the retention of existing vegetation will be maximized and land disturbance minimized;
 - iv. Show how existing trees that are to be retained will be protected from damage during construction;
 - v. Show how the area disturbed by construction at any one time will be minimized and how disturbed areas will be stabilized during the construction period;
 - vi. Show how the disturbed areas will be promptly and permanently stabilized by revegetation or structural techniques;
 - vii. Show how any additional runoff generated will be retained on-site and absorbed, evaporated, or released from the site at a rate not exceeding the pre-development rate of release;
 - viii. Show how sediment resulting from accelerated soil erosion will be retained on-site;

- ix. Show how water quality in adjoining or nearby streams and wetlands will be protected by retention of existing vegetation, installation of vegetative filter strips, and other means.

I. Performance Standards for Land Use Compatibility.

- a. Functional Connections. All uses shall be designed, where possible, to share functional connections with adjoining uses to facilitate an even flow of traffic, to allow for functional pedestrian connections, and to provide appropriate and efficient access for emergency vehicles.
 - i. **Traffic Routing.** Residential development generating more than XX Average Daily Trips (ADT) shall be sited and designed to route traffic directly to collector or arterial roads, rather than through neighboring areas of single-family homes.
- b. *INSERT SYSTEMS IMPACT STUFF FOR MITIGATION TO COUNTY/PUBLIC ROADS*
- c. Solid Waste. Industrial or commercial solid waste handling and storage areas shall be effectively screened from the public view by enclosure in a building, location on the site, or the construction of a fence or wall. This includes expansion of existing solid waste handling and storage area.