

FINDINGS OF FACT

I.

A hearing was scheduled before the Board on November 24, 2009 to consider the proposed Amsterdam/Churchill Community Plan and Future Land Use Map and to prepare recommendations. Notice of this hearing was mailed to all landowners on November 2, 2009, and published in Bozeman Daily Chronicle on November 22, 2009. Additionally, a display ad was run in the Belgrade News on November 20, 2009. Copies of the Amsterdam/Churchill Community Plan were made available for public review throughout the community, the Gallatin County Planning Department, the website of the Gallatin County Planning Department, and the website of the Amsterdam/Churchill Community Planning Group.

II.

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 $\frac{1}{4}$; S $\frac{1}{2}$ of the NE $\frac{1}{4}$; NE $\frac{1}{4}$ of the NE $\frac{1}{4}$;

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 $\frac{1}{2}$;

Section 28 = SW $\frac{1}{4}$;

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.

III.

The Board heard a staff report from Warren Vaughan, Gallatin County Planning (Staff) and a presentation by members of the Amsterdam/Churchill community Planning Group (the citizens advisory committee facilitating the process). Walt Sales, chair of the group, gave a brief history of the Amsterdam/Churchill area and discussed the reasons behind the planning process. Mr. Sales stated that, while there were many reasons why the community originally got together, preservation of Dutch history and the agricultural heritage of the area were the primary reasons. Mr. Sales also discussed the Amsterdam/Churchill Planning Group, the non-profit organization that had been formed to facilitate the planning process, and the various committees that had been formed. Mr. Sales described the variety of outreach that had been made to the community. Jim Potts, a community member and a professional engineer working with the Churchill Sewer

District, gave a history of the process from the initial education meetings through the last community event to present the draft plan. Mr. Potts also discussed the Guiding Principles that had arisen through these events and which guided the policies in the Community Plan. Tim Van Dam first explained the map and boundary, specifically the Town Core boundary and the out Planning Area boundary. Mr. Van Dam also discussed Chapter 3, the Amsterdam/Churchill Town Core. Specifically, Mr. Van Dam discussed the seven land use categories within the Town Core (Policy 3.2); the policies regarding expansion of the Town Core into Phase II (Policy 3.2); road and trail/sidewalk connections the group would like to see made (Policy 3.5); and policies regarding water and sewer (Policies 3.7 and 3.8). Leroy Logterman discussed Chapter 4, Rural Amsterdam/Churchill. Specifically, Mr. Logterman discussed the emphasis on agriculture in the area (Policy 4.2 and 4.3); density of future residential development and exceptions to this density (Policy 4.4); and policies regarding uses in the area (Policy 4.5). Mr. Sales then discussed the implementation steps of the plan, including zoning and discussions about community water.

After the presentation by members of the Planning Group, Staff discussed compliance with the Growth Policy and referenced Staff Findings #4 and #5 of the Staff Report. Staff also entered comments from the following individuals and organizations into the record:

- Stan Droge;
- Amsterdam Rural Fire District (signed by Del Vandenberg, Chairman, and Dave Hoekeman, Fire Chief);
- Sylvia Ypma (Business Manager for Manhattan Christian School);
- Darrel and Debbie Flikkema;
- Brendon Beyers;
- George Alberda;
- Brent Sinnema;

- Amsterdam School (signed by John Fowler, Chairman);
- Darlene Dyk;
- Keith Moss;
- Donna Dyk Eakman and Dwight Dyk.

The Board received public testimony from five individuals. Robert Urich stated he supported the plan but was concerned about gravel pits and the expiration of Countywide interim zoning in May of 2010. Gail Weidenaar testified on behalf of her family, stating they did not believe the plan was perfect but that they supported it because it headed in the right direction. Jack Vandermolen testified in favor of the plan, stating he appreciated the cooperation between the committee and the school, fire, and sewer boards. Amy Waring testified in support of the plan, stating she was both a resident and the Gallatin County Compliance Officer and would be glad to help in the drafting of the zoning. Loren Blanksma stated that he supported the overall goals of the plan but was uncomfortable with the method the plan intended to use (zoning) to get there. Mr. Blanksma stated he was not formally requesting to be out of the plan as he needed to visit more with his family but that he wanted to put on record his concern.

After the Staff presentation and public comment, several Board members made comments. Board Member Amsdem made several suggestions to amend the text of the document:

- Policy 3.3.5: suggested changing “playground equipment” to “developed to suit the needs of surrounding neighborhoods”;
- Policy 3.4.5: trails should be mentioned;
- Policy 3.5.4: could mention “equestrian”;
- Policy 4.4.1 and 4.4.2: should clarify “lot”.

Board Member McKenna stated that, under the Growth Policy, there needs to be a balance between present and future. Mr. McKenna stated that the entire area was

approximately 51,000 acres and that the general density set was not allow for much growth. Mr. McKenna stated that the boundary may be too big and that the southeast portion of the proposed Planning Area was better defined as Four Corners than as Churchill. Mr. McKenna stated that planning and zoning could last for up to 2,000 years and that he did not know whether or not it could be changed, so the Board needed to be careful. Mr. McKenna also suggested Policy 3.5.2 could be amended to reference a trail as well as a sidewalk. Staff responded to Mr. McKenna's comments by stating that, while the entire planning area certainly was large, the Town Core showed the existing community expanding by as much as five times. Staff stated that plans and zoning regulations could be amended and explained the process. Staff also stated that the last policy of the plan committed the community to revisiting the plan every five years to evaluate whether or not it was working and make any necessary changes to either the Plan or any zoning regulation. Board Member Davis stated she was impressed with the community for wanting to preserve agriculture as much as they do.

Board President White asked about the sewer and water situation of the Planning Area. Staff responded that the Sewer Board was under order from DEQ to fix the leak in the lagoons and that they had hired HKM to be the engineers for the process. Staff also stated that the community did not know how much water was in the area but that the plan committed the community to investigating the option of a public water system. Staff stated that if public water did not materialize, then development would likely proceed the way it always had with individual developments putting in their own water systems, but that the community plan identified the need for public water and had stated the intent to discuss the option. Jim Potts also responded to Mr. White's questions by explaining his work for the

sewer district and how the district infrastructure basically worked. Mr. Potts also explained that public wells had to meet certain standards set by the EPA and that, with new rules, many of the public wells in the area couldn't meet the new standards.

Walt Sales responded to public comment and Board comment. Specifically, Mr. Sales stated that Mr. McKenna's comments illustrated why the community had begun the planning process. Mr. Sales stated that the community was committed to planning for its future rather than letting others dictate how the area grew. Mr. Sales stated that the landowners in the Amsterdam/Churchill have a vision and this plan implements it. Mr. Sales stated that agriculture and the rural character of the area was the most important characteristic that had been consistently identified by the community and that the plan was written to preserve it, while also directing growth into the Town Core and providing for necessary infrastructure. Mr. Sales stated that nobody knew how much water was in the area but that they were trying to find out. Mr. Sales referenced a study being conducted by the Bureau of Mines which would investigate water quantity in the Manhattan and Four Corners area which would be helpful. Mr. Sales said that the community was very willing to allow growth as long as it was in the right place. Mr. Sales said that, if the plan needed to change, it would.

Board Member Seifert asked about interim zoning and whether or not the community would have finished with the zoning prior to the interim's expiration. Staff responded that it was possible but would take a lot of work.

IV.

During Board discussion, Board Member Amsden stated she supported the plan and moved to approve the resolution recommending the Commission adopt the plan as an

amendment to the Growth Policy (Seifert second). Ms. Amsden found that the proposed Amsterdam/Churchill Community Plan complied with the goals and policies of the Growth Policy; that the proposed Plan complied with Section 9.2 of the Growth Policy regarding amendments to the Growth Policy; and that the statutory processes laid out in MCA were met. Ms. Amsden adopted the Staff Findings to support her findings. Ms. Amsden also found that public comment had been generally favorable with the exception of Mr. Blanksma, whom she urged to learn about the plan and decide quickly. Ms. Amsden stated the Planning Group had gone above and beyond in letting the community know what was happening and how to participate.

Board Member Morice stated he supported the idea behind the proposed Plan but had some concerns. Primarily, Mr. Morice stated that, because of the size of the proposed area, he wasn't sure if there was widespread support. Mr. Morice stated that some of the policies in the rural portion of the planning area could result in a decrease in value for landowners and he would like more concrete numbers showing support.

Board Member Anderson stated that he commended all who were involved. Mr. Anderson stated he had lived in the Gallatin Valley since he was five years old and had always had deep respect for the agricultural people in the Amsterdam/Churchill area. Mr. Anderson stated he had nothing but admiration for the landowners in the area because they were living out their values. Mr. Anderson stated he had always had heartburn over the rural zoning proposed by the County Commission over the past several years and that he'd never thought he would support a similar proposal, but that he had no qualms whatsoever about supporting this proposed Plan. Mr. Anderson stated that, if the neighbors were not in favor of the work, they'd be at the hearing, and that Mr. Blanksma

has time to make a decision. Mr. Anderson stated that the Board had always received periodic updates and that he commended Staff for the work. Mr. Anderson stated that this type of grassroots process was the model that should be followed, rather than a top-down approach.

Board Member Seifert stated that “not to decide is to decide”, and that had the landowners not spent two years on this process they would have opened themselves up to anything. Mr. Seifert stated that, as a group, the community had decided what they want and that he agrees with Mr. Anderson. Mr. Seifert stated it was a great effort and a great plan. Board Member Seifert found that the proposed Plan substantially complies with the goals and policies of Growth Policy; with Section 9.2 regarding changes to the Growth Policy; and with the procedural requirements of MCA.

Board Member Riggs stated that this was the ideal planning example: a compact town center surrounded by working agricultural lands. Ms. Riggs stated that she had seen presentations around the West where people held Churchill up as an ideal community for how a place should develop, and that the community should be proud of the effort and the plan. Ms. Riggs stated that, as the development standards were developed, the group should consider boulevards between the sidewalk and the road, as well as traffic calming measures such as curb bulbouts and asphalt paintings.

Board President White stated that he would support the plan but that he was concerned with the size; specifically, Mr. White stated that the southeast corner of the plan was really Four Corners. Mr. White stated that if landowners wanted either in or out they should do it before adoption of the Plan rather than wait until afterward or during the zoning process.

V.

The Board voted (6:0, Morice abstaining; Amsdem leaving prior to the vote) to approve a resolution recommending amendment of the Growth Policy through adoption of the Amsterdam/Churchill Community Plan and Future Land Use Map.

DATED this 25st day of November 2009.

GALLATIN COUNTY PLANNING BOARD:

Kerry White, President

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