



GALLATIN COUNTY

To: Amsterdam/Churchill Community Planning Group
From: Warren Vaughan, County Planning
Date: 1/11/10
RE: **Thoughts on Process**

Welcome back to the planning process for the Amsterdam/Churchill communities! I've put together a roadmap of what we'll be covering during the term of this group; this is the basic outline of the zoning regulation we'll be creating over the next few months.

Remember: The essence of planning is to use knowledge as the basis for community action. The Amsterdam/Churchill planning process took two years of community dialogue and is a great example of community conversation. While a compelling vision and policies may influence decisions, consistent implementation takes tools. Zoning is one of the primary implementation tools available in the planning process. "Zoning" is not necessarily the most effective word for what we're doing; "land use regulations" or "development standards" is a much better description. As we move forward in this work, always remember that we're not creating policy, we're applying the policy that has already been approved in the Amsterdam/Churchill Plan. The Plan is the foundation for everything we do from now on.

The Big-Picture Question

- Should the Amsterdam/Churchill Zoning District be adopted as a stand-alone district or as an article in the "Central Valley Zoning District".
 - I will explain this later, but this is the big one.

Questions for the Town Core

- Within the Town Core, how many sub-districts should we have? Not every area within the Town Core should have identical development standards, and we need to think about how to logically split it up.
 - The Plan gives guidance in Policy 3.1 (*Land Use Map*). The general question is whether or not the 7 sub-categories described (A-G) are distinct enough to stand alone when we write standards for zoning sub-districts, or if some of them can be combined into single sub-districts.
- How should we think about uses within the Town Core?

- The Plan gives guidance in Policy 3.1 (*Land Use Map*), Policy 3.3 (*Residential Neighborhoods*), and Policy 3.4 (*Commercial Areas*). Generally, Policy 3.1 will give the greatest guidance, but we will need to distill the general policy direction of the Plan into specific categories of uses in the Regulation.
- How should we think about densities within the Town Core?
 - The Plan gives guidance in Policy 3.1 (*Land Use Map*). Same comment as above – general policy direction distilled to specific standards.
- What other Development Standards should be included in the Town Core Section?
 - Policies 3.3, 3.4, 3.5, 3.9, and 3.10 give guidance on standards for both residential and commercial neighborhoods, including landscaping, parking, height and setback, lighting, site design, mitigation of heavy traffic, road connections, and agricultural canals and ditches.

Questions for Rural Amsterdam/Churchill

Its important to realize that the Rural Sub-Committee has already put together most of the rural chapter(s) of the Regulation; to show how that piece fits with the larger picture, I've included the following questions:

- How many sub-districts are appropriate for Rural AC?
 - The Plan generally treats all of Rural AC as a single entity, with the exception of the far SE corner by River Road (Policy 4.4.3). We need to decide whether or not to make that area a geographically separate sub-district or whether we can just write specific standards in the Regulation which would allow higher density only in very specific situations per the policy.
- What density is appropriate for the sub-districts?
 - Policy 4.4 provides guidance. Specifically, Policy 4.4.1 states that the base density is 1:160; Policy 4.4.2 states that higher density will be allowed if certain standards are met (i.e., clustering); Policy 4.4.3 states that the SE corner of the Plan Area is unique and should have “some higher” density.
 - There are also exceptions to the density standards for commercial development (Policy 4.4.4) and for subdivision exemptions such as family transfers and for agricultural employee housing (Policy 4.4.5).
 - The Plan also states that development rights may be traded between properties to obtain higher densities (4.4.6).
- What uses are appropriate for the sub-districts?
 - Policy 4.5 (*Flexibility of Uses*) provides guidance. The Plan states that, in Rural AC, the Regulation will not describe a general list of uses, but will instead require specific uses to hold a public hearing (gravel pits, high-intensity uses), prohibit specific uses (strip clubs, casinos), and allow all other uses as long as the development standards are met.
- What other standards might be appropriate?

- Policies 4.2 and 4.3 call for standards protecting the right to farm and agricultural canals and ditches.
- Policy 4.7 calls for setbacks to watercourses and wetlands.
- Policy 5.3 calls for including the County's Community Decay Ordinance, adapted specifically to the AC area, into the Regulation.

Final Thoughts

- *Drafting.* There are a lot of ways we can write this regulation. Most of the zoning districts in Gallatin County have been very standard: a list of uses describing what can and cannot be done in the sub-district; height and setback requirements detailing site design; and future densities showing what future subdivision can do. *We can be as standard or as creative as we want.* There are a host of techniques out there (euclidean, performance-based, form-based, etc.) and the Amsterdam/Churchill Zoning Regulation should use as many of them as are needed to ensure that the community vision, and this unique place, is furthered.
- *Permits.* Permits are the way that everyone (community and County) ensures that the standards in the plan and the regulation are followed. They will be a part of the regulation. While we can't be flexible on whether or not permits are allowed, we certainly can be when it comes to what requires a permit.
- *Administrative Provisions.* The County has boilerplate administrative language we can use. Keep in mind that there will be, in addition to the two sections on Town Core and Rural, two sections on administrative provisions which detail how permits are processed, how to appeal, how to apply for variances, etc. There will also be a chapter on definitions (remember, this is a legal document and we have to be specific).
 - *Variances.* Keep in mind that this regulation cannot prevent someone from using their land. It's understood that, anytime a regulation is written, there will be some properties that simply cannot meet some standard because of the shape, size, or other physical constraint of the property. Consequently, every zoning regulation in the country is required by law to include a variance procedure that allows property owners to ask for relief from the standard. For example, if we write a standard saying new development in Rural AC must be set back 150 feet from Godfrey Creek River, and a lot is small enough that we have completely taken the right to build on that property, the owner can utilize the variance process. Its important to realize that the variance procedure is NOT in place to allow people relief from the standards simply b/c they don't like it.
 - *Amendments.* Also keep in mind that all zoning can be changed. There are two routes to change zoning: amending the text, and amending the map. Its important to understand that any zoning changes must comply with the adopted plan. If someone wants to amend the zoning, either the

proposed rezoning must comply with the plan or the plan has to be amended first (which likely will take some doing).

- Please feel free to contact me anytime you need. My info:
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