

Countywide Zoning in Gallatin County: Key Points to Consider

After three years of work crafting a countywide zoning plan to manage growth and reduce the negative impacts of sprawl, the Gallatin County Commissioners have shelved the proposal. The plan would direct growth to our towns and cities that already have infrastructure and services, using a combination of incentives and regulations. When new subdivisions do occur in rural areas, it would provide incentives to design them in a way that minimizes their impacts on the land.

The Commissioners have stated that they are putting countywide rural zoning on the backburner because of the current economy. At first glance, this may sound reasonable. But, for the following reasons, now is precisely the time for the Commissioners to adopt their proposal.

- According to the latest Census Bureau estimates, Gallatin County is in the top 100 fastest growing counties in the country. More importantly, our growth is consuming much more agricultural land, rural open space, and wildlife habitat than is necessary or sensible. For example, while our population has grown by 133% between 1970 and 2004, the number of acres of land developed for homes grew by 271%.
- The plan is not about slowing growth; it's about directing growth to those places that already have infrastructure and services, saving tax dollars and the future of agriculture in the Valley.
- There is no effective alternative for managing growth wisely other than countywide zoning. It is the only tool that can direct growth to developed areas and provide predictable land use and predictable land values for rural landowners. This is a smart proposal that will be fair to landowners and effective at managing growth.
- The two Commissioners who first proposed countywide zoning, Bill Murdock and Joe Skinner, have stated that they are no less convinced than before that their proposal is the right thing to do. This is not about the merit of the rural zoning proposal – they've dotted all the I's and crossed all the T's through 3 years of staff work and consultant studies and hundreds of meetings with landowners. In fact, they felt they were making great progress in reaching out to landowners – they sincerely think that this is good for landowners because of the predictability it offers.
- The right time to plan for a flood is the dry season, when you have the time and the pressure is off – not when the floodwaters are upon you. And now is precisely the right time to enact a thoughtful plan to manage growth – when the Commissioners don't have subdivisions proposals taking all their time and the growth pressures are lessened.
- Regarding the concern of economic harm in this economy: while we are convinced that this proposal will actually be beneficial for the county economy and for businesses, it's even more certain that this proposal could in no way cause economic harm now – we have over 5,000 empty lots available for development right now.

- State law gives landowners the right to stop a zoning process if the owners of 50% of the land in the district protest it (for example, in Missoula County, Plum Creek Timber owns 51% of the rural land, giving them veto power over any county zoning). Our Commissioners have said that even if the owners of only 40% of the land in the district protested, they would not enact rural zoning. This would leave a super-majority of owners of 60% of the land out of luck. If this were an election, a 60-40 outcome would be considered a landslide.
- The number of landowners who signed an unofficial “protest letter” (which is sometimes brought up to show opposition to the proposal) equals about .1% of the landowners in the proposed district.
- In 2005, the Gallatin County commissioned a professional survey regarding growth management. Sixteen percent of those surveyed said the county had an effective plan to deal with growth; 84 percent of county residents surveyed disagreed. **Almost 70 percent of those surveyed said countywide zoning was needed in Gallatin County to manage growth.**
- The county stripped down this rural zoning proposal, eliminating any language regarding permits or conditional uses, and some still say even a stripped-down version is unacceptable.
- What this proposal does for landowners:
 - Predictability – if you’re a farmer or rancher, it allows you to plan your operation for the future; if you’re a home site buyer, you know what to expect and will pay more for that predictability.
 - Entitlement – it gives more development entitlement than exists now through clustering and TDRs. For example, in the absence of zoning appraisers currently assume a development right of 1 home per 160 acres; this proposal would grant as many as 4 homes per 160 acres.
- What this proposal does for the public:
 - We recently completed a fiscal impact analysis that shows that adopting this zoning now would save taxpayers over \$53m between 2010 and 2015 (\$3.6m/yr). Joe and Bill stated that they essentially agree with the study – Bill said that even if it’s only half right, it’s still \$1.8m/yr, or even if it’s only a third right, it’s still \$1.2 m/yr.
 - It’s vital for our regional economic competitive advantage: it’s our university, our infrastructure (such as the airport), and yes, our wide-open rural landscape, that ensures our economic advantage.
- Summing up:
 - This is the right plan – it will be beneficial for the landowners, taxpayers, and future rural landscape of Gallatin County.
 - There are significant costs associated with not adopting it.
 - Now is precisely the time to do adopt the proposal – to enact a plan before the flood inevitably returns.
 - **If not now, when???**