

CHRONOLOGY OF DISTRICT

2019

- In January 2019, the Board of County Commissioners approved a Special Review zoning request to mine gravel on a property zoned Agriculture Open-Space (A-1) within the County's 4.5 mile Part 2 zoning jurisdiction. The land is owned by the Limpp Family, LLC and the gravel pit applicant is FirstMark Materials. The proposed mine area is about 116 total acres, but only 20 acres is within the County's current jurisdictional zoning area. A 30-day appeal period expired on March 1, 2019 without an appeal of the special review approval.
- In April 2019, Carolyn Rukstad of 8627 Lauzon Lane (outside the County's 4.5 mile jurisdictional (Part 2) zoning boundary) requested assistance from the Planning Division to create a new Special Zoning District (SZD) under the Part 1 zoning provisions of state law. A map of the proposed boundary and a 2-page draft of regulations for the new district were submitted to the Planning staff. The 2-page conceptual draft regulation proposed to restrict the following uses:
 - No commercial sand and/or gravel open pit mines, no concrete asphalt plants
 - No mobile home/manufactured home parks to trailer parks
 - No feedlot operations
 - No junkyards
 - No commercial businesses and restricted home occupations
 - No sewage/waste treatment facilities, landfills, reclamation sanitary dumpsites or sanitary incinerators.
- In April, 2019, Planning staff prepared a property owner mailing list and petition form for each parcel within the proposed 381-acre special zoning district. The petitions were mailed in May and had to be returned on or before June 3, 2019. Unreturned petitions would not be considered either in favor or opposed to the creation of a new special zoning district. Returned petitions were reviewed by Planning staff to validate signatures and determine whether the minimum percentage of petitions in favor had been achieved. Thirty-six petitions in favor of creating the special zoning district were received, representing 64.157 acres within the proposed 381-acre district. Seven petitions in opposition were received representing 287.398 acres within the district. There were 16 un-returned petitions representing 29.527 acres within the proposed district.

- In September 2019, the Board of County Commissioners instructed Planning staff to prepare and schedule a public hearing on the proposed creation of the special zoning district. The public hearing is intended to allow property owners and interested parties the opportunity to support or not support the creation of the district.
- On September 27, 2019, the BOCC held a public hearing to consider the petition to create a Special Zoning District. The Board voted unanimously to create the district subject to a 30-day protest period.
- On November 12, 2019, the BOCC rescinded its vote creating the district based on approximately 75% of land in the district protesting.
- In December 2019, a lawsuit was filed challenging the constitutionality of 76-2-101(5) MCA, the protest provision for citizen-initiated special zoning districts created by Montana Code Title 76, Chapter 2, Part 1.

2021

- On June 8, 2021, Judge Moses made a determination the protest provisions of the state law were unconstitutional and signed an order confirming the Special Zoning District was created on September 27, 2019. No regulations have been adopted for the district.

2022

- On June 23, 2022, Planning Division staff held a neighborhood meeting at Canyon Creek School to discuss with residents options in regulating the district. According to the sign in sheet 34 people were in attendance. Not all attendees were residents of the district. Staff fielded several questions and also provided information on ways to regulate the area, specifically the creation of Part I regulations or the expansion of the Part 2 Jurisdictional Zoning. Staff provided an overview of the process and administration of both types of zoning. The discussion from the members of the public indicated that the area was concerned about the longevity of the school and environmental concerns for the area. These environmental concerns were related to groundwater, irrigation ditches, flooding hazards and the Yellowstone River. Residents believe it's important to regulate the area so that uses that would create adverse impacts to the area could be avoided. Significant truck traffic related to unwanted business is also a safety concern for residents. Large landowners in the area have voiced concern for their property rights to continue farming and diversifying opportunities on their land. At the end of the meeting, the audience was asked by a show of hands which

method they preferred. By a narrow majority, the audience were in favor of pursuing Part 1 zoning regulations.

- On June 30, 2022, Planning Division staff provided an overview of the meeting to the BOCC at a discussion meeting but no further discussion with the Board occurred.
- On October 5, 2022, Planning Division staff provided additional information to the BOCC at its discussion meeting. The Board also listened to public comment during this meeting. Opponents and proponents spoke. It was determined that in order for the BOCC to take action, an item needed to be placed on the regular agenda. It was determined a Resolution to initiate expansion of the Jurisdictional Zoning Boundary (Part 2) would be considered. Favorable action would initiate getting the property zoned by Part 2 and unfavorable action would give staff direction to proceed with drafting a set of unique Part 1 regulations.
- On November 1, 2022, the BOCC failed to approve the expansion of Part 2 zoning to the district, therefore, initiating staff support for the drafting of district regulations. These regulations will be reviewed by the Planning and Zoning Commission prior to consideration by the Board of County Commissioners.