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GENERAL PROCEDURE FOR THE ADOPTION OF A CITIZEN INITIATED ZONING DISTRICT RAVALLI COUNTY, MONTANA

FORMATION OF A CITIZEN INITIATED ZONING DISTRICT

1. *Suggested Initial Steps. (highly recommended)* Area residents should meet with interested landowners in the area to determine interest and the reasons why a zoning district might be appropriate for the area. Collect input from other landowners as to types of land restrictions that might be proposed in the regulations for the district. Methods to collect input might include informal discussions, neighborhood meetings, phone surveys, written questionnaires, a combination of strategies or many other alternatives.

2. *Pre-application Meeting. (highly recommended)* Representatives of area residents should meet with the Planning Department to discuss the process for creating a Citizen Initiated zoning district. Items to bring to this meeting might include a vicinity map, parcel map of the area in question, information on the purpose or reason for establishing a district and property owners' goals for it, questions from preliminary meetings and contacts with property owners.

3. *Prepare Map of District and Draft Regulations. (highly recommended)* Based on the input received, area residents need to prepare a map of the district and a draft of the regulations. Make revisions to both the map and the district standards as needed based on input from property owners in the area as gathered during neighborhood meetings. Staff recommends providing property owners with multiple opportunities to review the proposals.

4. *Initial Submittal. (highly recommended)* Once area residents feel comfortable that the proposed regulations reflect the majority view, submit a copy to the County Planning Department for an initial review. Staff from the Planning Department and the County Attorney's Office will review them to ensure that the regulations are enforceable, clear, and legal. (See Application Requirements below.)

5. *Develop List of Property Owners for Petition.* When the applicant(s) provides a perimeter description and map of the area to be zoned to the Clerk and Recorder's Office, they will provide a list of certified names of the landowners within the proposed district who are eligible to sign the petition. The list of property owners will include legal descriptions from the tax notices. A fee of $4.00 per name will be assessed at the time the list of certified names is provided by the Clerk and Recorder's Office.

6. *Signature Collection.* The petitioners collect the necessary signatures. Be sure that the

signatures on the petition are signed exactly the way the documents of title ownership indicate. (For example, if ownership records indicate that Joseph Smith owns the parcel, he could not sign the petition as Joe Smith.) In addition, the current mailing address must be listed along with each individual legal description of the freeholder's parcel of land. A sample petition form developed by the Planning Department and Clerk and Recorder's Office is attached.

7. *Ownership Validation.* After the signatures are gathered, submit the petition to the Clerk and Recorder, who will verify the ownership list and confirm that the district is contiguous. If 60 percent of the landowners have signed, the Clerk and Recorder will certify the petition to the County Commissioners. If the petition has less than the required number of signatures, the petition will be returned to the petitioners.

8. *Application Submittal to Planning Department.* Submit the certified petition to the Planning Department with a fee of $450 payable to the County Planning Department for processing the application.

9. *Action on Petition by Board of County Commissioners.* Upon receipt of a petition signed by at least 60% of the landowners within a proposed Citizen Initiated zoning district, the Board of County Commissioners, at its discretion, may adopt a resolution that states their intention to create the district and appoints the Planning and Zoning Commission (PZC). The public meeting at which the creation of a Citizen Initiated zoning district is considered will be noticed in a newspaper of general circulation at least 48 hours in advance. To adopt a resolution, the BCC must determine that the creation of the district is in the public interest.

10. *Notification of BCC Action.* The Planning Department will provide an informational notice to district landowners of the Commissioners' action on the petition and remind owners of the next step in the process.

11. *Protest Period.* For 30 days following the creation of the district, the Commissioners will receive written protests. If landowners representing 50% of the titled property ownership in the district protest the establishment of the district within 30 days of its creation, the BCC may not create the district.

ESTABLISHMENT OF CITIZEN INITIATED ZONING DISTRICT REGULATIONS

12. *Submittal of Proposed Regulations to Planning and Zoning Commission. (optional)* If development standards are proposed by citizens within the Citizen Initiated zoning district, they can submit them to the Planning Department, which will forward them to the PZC for their consideration.

13. *Notice of Public Hearing.* The Planning Department will provide public notice of the upcoming public hearing with the PZC at a minimum of 15 days before the hearing. The costs of publishing and sending out legal notice are included in the application fee.

14. *Staff Recommendation.* If development standards are proposed by petitioners, they are reviewed by staff and a staff report is issued with recommendations to the PZC and Board of County Commissioners. A copy of the staff report will be provided to the representatives of the district.

15. *Planning & Zoning Commission Recommendation*. The PZC holds a public hearing to consider the following for the Citizen Initiated zoning district: the development pattern and development standards and/or regulations for the district. The PZC forwards their recommendations for the Citizen Initiated zoning district to the Board of County Commissioners for their consideration. If the PZC is unable to adopt a development pattern and standards for the district, the BCC may void the district.

16. *Board of County Commissioner Action*. In a public meeting advertised in a newspaper of general circulation at least 48 hours in advance, the Board of County Commissioners takes action on the recommendations from the PZC and adopts, modifies or denies district regulations, based on the information presented, the staff report, and public hearing testimony provided before the PZC.

17. *Appeal*. Any actions challenging the development pattern and district standards must be in the form of an appeal to District Court no later than 6 months after the date of the order to create the district by the BCC.

OTHER RELEVANT INFORMATION

Recommended Components of the Application

- Legal description of the district (required)
- Map of area and vicinity map (required)
- District standards (not technically required by state law, but inclusion of the standards is strongly recommended by staff)
- Petition signed by 60% of affected landowners that has been validated by the Clerk and Recorder's Office (required)
- Application fee of $450 paid to the Ravalli County Planning Department (required)
- Costs of legal notice are to be paid by the applicant and will be charged at the time of legal notice (required)

Planning and Zoning Commission (PZC)– 7 members

- Board of County Commissioners
    - Carlotta Grandstaff
    - Alan Thompson
    - James Rokosch

- County Surveyor - for Ravalli County this is also the Treasurer
    - Joanne Johnson

- County Official appointed by Board of County Commissioners
    - Karen Hughes, Planning Director

- Two citizen members, each of whom resides in a different Citizen Initiated zoning district, appointed by the Board of County Commissioners
    - Sue Major
    - Paul Snyder

Criteria for Evaluation of District Standards/Development Pattern

- The district furthers public health, safety and welfare
- The district standards establish a development pattern for the physical and economic development of the district
- The district substantially complies with the Growth Policy, if one has been adopted
- The district does not prohibit or restrict agricultural activities such as grazing, horticulture, farming or growing of timber

SAMPLE CITIZEN INITIATED ZONING DISTRICT PETITION FORM

This is a petition to the Board of County Commissioners for Ravalli County to create a Citizen Initiated zoning district, pursuant to Montana Code Annotated 76-2-101 et. seq., for the property or properties shown in the attached map and perimeter description.

Freeholder's Name (typed or printed):_____

Signature (as shown on the deed):_____

Description of Property Owned:

Mailing Address_____

On this ___ day of _____, 20____, before me the undersigned Notary for the State of _____, personally appeared_____ known to me (or proved to me on the oath of _____) to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that __he__ executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal the day and year first written._____

Notary for the State of_____

Residing at_____

My Commission Expires_____