

RESOLUTION NO. 2018-33

DAWSON COUNTY COMMISSION

A resolution of intent by the Dawson County Board of County Commissioners to dissolve the River Road Zoning District and Zoning Regulations and creation of a 30-day protest provision as provided by §76-2-205 M.C.A.

WHEREAS: The Dawson County Commission tasked KLJ Engineering with the reviewing the River Road Zoning District and Regulations along with the MACo Attorney opinion related to the River Road Zoning District and Regulations and recommend a solution to the Board of Commissioners, AND;

WHEREAS: The recommendation was that the Commission dissolve the existing District and Regulations and replace them with new District and District Zoning Regulations that comply fully with the requirements of either §76-2-101 et. seq. MCA or with §76-2-201 et. seq MCA as preferred by the residents of the District, AND;

WHEREAS: The Dawson County Board of County Commissioners tasked a group of landowners within the River Road Zoning District to poll the residents and report back to the Commissioners not later than October 16, 2018, as to the preferred replacement. AND;

WHEREAS: The landowners tasked with polling the residents requested an extension of time to November 8, 2018 to complete the process, which the Commission granted, AND;

WHEREAS: The landowner committee reported on November 8, 2018 that there are 78 parcels in the District and responses were received from 36 parcels (46.2%). The response breakdown was as follows:

- 17 – No Zoning. (21.7%)
- 10 – Create a new Part 1 District (12.8%)
- 9 – Create a new Part 2 District. (11.5%). AND:

WHEREAS: The §76-2-101 requires a petition of 60% of the property owners to create a Part 1 Zoning District, AND;

WHEREAS: The §76-2-205 provides that 40% of the property owners can protest the creation of a new Part 2 Zoning District, AND;

WHEREAS: The only clear guidance given to the Dawson County Commissioners is that any proposed replacement or amendment to the River Road Zoning District and District Regulations had a high probability of being protested out by the property owners.

NOW THEREFORE BE IT RESOLVED, by the Dawson County Board of County Commissioners to adopt Resolution of Intent Number 2018-330 to Dissolve the River Road Zoning District and the District Regulations.

BE IT FURTHER RESOLVED, by the Dawson County Board of County Commissioners that for a period of 30-calendar days following the first publication of this Resolution of Intent, that persons owning real property whose names appear on the last completed assessment role within the River Road Zoning District may protest the dissolution of the District and the District Regulations.

Qualified persons desirous of Protesting the Dissolution of the District and the District Regulations shall submit their Protest in written form to:

Dawson County Board of Commissioners
RIVER ROAD ZONING PROTEST
207 West Bell
Glendive MT 59330

BE IT FURTHER RESOLVED, by the Dawson County Board of County Commissioners, that following the closure of the protest period that the County Commission will consider any protests received and should the protest not be 40% or greater of the property owners, the Commission will by Resolution Dissolve the River Road Zoning District and the District Regulations at a time and date of their choosing.

Dated this 20th Day of November 2018
Dawson County Board of County Commissioners



Gary Kartevold, Chairperson



Dennis Zander, Member

Doug Buxbaum, Member