

FORMATION AND AMENDMENT OF A PART ONE (“CITIZEN-INITIATED”) PLANNING AND ZONING DISTRICT IN MISSOULA COUNTY

Part One Zoning is unique because:

- It starts with the residents of an area who want zoning. You choose the boundaries and you propose the regulations.
- The Board of County Commissioners (BCC) can not create the district unless you petition with signatures of 60% of the freeholders of an area.
- Once the submittal packet and \$6000.00 fee is submitted the proposal goes before the Planning and Zoning Commission.
- A Planning and Zoning Commission made up of the BCC, the county surveyor, two citizens from two different planning and zoning districts, and a county official appointed by the BCC, "governs" a district.
- The process and fee for amending an existing Part One zoning district is that same as that for creating a new Part One Zoning District.

If you follow these twelve steps, you can voluntarily establish a district to regulate the land uses around you. These steps do not always follow in the order set here but this is a framework of what you can expect in requesting a Part One Planning and Zoning District.

1. **First Step:** Meet with your neighbors and area residents to gather support for creating a district. You need an area of at least forty contiguous acres. Discuss with other landowners the types of uses and restrictions that interest you. Gather information about your area and owners within the district. Use maps to draw boundaries and to note topography, surface water, roadways and other existing features that will guide choice of uses and types of development.
2. **Pre-application Meeting:** Contact Community and Planning Services (CAPS) as soon as you are ready to start discussing your ideas. Schedule a pre-application meeting. CAPS staff will meet with you and a small group of area residents. You will learn the legal steps for creating a zoning district. Bring a vicinity map or parcel map of the area you want to zone, your ideas and reasons for establishing a district, your goals for regulating use of the land, and your questions.
3. **Prepare a Map of the District and a Petition:** Preparing a map is a legal requirement for the zoning petition – you need to show the area you want to zone. As you consider the boundaries, discuss the map with the property owners included in the zone. You will likely make revisions to the mapped area before you begin circulating petitions. If the map boundary changes after you begin circulating petitions, you will need to start over. Attach the map to a petition.

Commentary: Legally, you could now circulate petitions to create the district. However, any action taken on the petition will simply create the district and begin a 30 day protest period. Approval of a development pattern by the Planning and Zoning Commission is an action separate from creation of the district, although these can proceed together at the same public meeting. The actual regulations are not subject to protest. We recommend that you draft regulations before you circulate petitions. Your neighbors are more likely to sign a petition if they know what regulations might be adopted. The following steps are for one hearing for both creation of the district and approval of the regulations.

4. **Draft Regulations:** The regulations should reflect the ideas you have been discussing with your neighbors. Samples of other regulations adopted in Planning and Zoning Districts are available at CAPS and the Clerk and Records office. CAPS and the County Attorney's office will review early drafts and suggest ways to accomplish your goals.

5. **Pre-submittal for Review by CAPS:** When you have a complete set of proposed regulations, submit a copy to CAPS for an initial review. With the County Attorney's Office, we will review the regulations to make sure they:
 - a. clearly state what is allowed or prohibited;
 - b. identify enforceable permitted and prohibited uses; and
 - c. set standards that do not violate the legal rights of any property owners.
6. **Develop a List of Property Owners:** Create a list of "affected" freeholders within the district who are eligible to sign a zoning petition. The Mapping/GIS Division of the Missoula County Public Works Department may be able to assist in creation of the list using information from the Department of Revenue tax records, however properties may have transferred ownership so the list will need to be verified to ensure that it contains existing current property owners.
7. **Signature Collection:** You are responsible to collect signatures supporting the zoning petition. The petition requires:
 - a. the printed name of the owner;
 - b. the actual signature of the owner;
 - c. a description of the property, and
 - d. the property identification code, available from the Clerk and Recorder.Signatures on the petition should be identical to the name of the record owner. A petition could have preprinted all of the required information, including how individual names appear on the assessment roll. All that is needed is the signature of the owner next to the information. A sample petition is attached.
8. **Signature Validation:** When you have gathered all of the signatures you are able to obtain, submit the petition to the Clerk and Recorder. Validation of the signatures will confirm whether 60% of the freeholders have signed the petition. The Clerk and Recorder will count every freeholder within the district and compare that to the number of signatures obtained. No matter how many lots or parcels you own, each freeholder may only sign once. If one parcel has multiple owners, each owner is counted as a freeholder and is entitled to sign the petition. If you have reached 60%, the Clerk and Recorder certifies the petition to the BCC.
9. **Submittal for Review:** Once validation of signatures on your petition is complete, submit the application, fee, petition, signature validation, map and regulations to the case planner at CAPS in order to schedule the public hearing.
10. **Public Hearing:** In Missoula County, the Planning and Zoning Commission already exists. Before the BCC creates the district a hearing is held before the entire Planning and Zoning Commission. It votes to recommend approval or denial of the request to create the district. The Planning and Zoning Commission also conducts a hearing on the proposed regulations. It votes on whether to recommend approval of the regulations to the BCC. At the same meeting, the BCC will act upon the recommendations of the Planning and Zoning Commission on whether to create the district and adopt the proposed regulations.
11. **Required Notification:** The County is required to post notice not less than 15 days prior to the public hearing.
12. **Protest Period:** Creation of the district may be protested by landowners representing 50% of the "titled property ownership" in the district within 30 days of the vote of the BCC to create it. If your district has 40 acres and 25 of those are owned by one owner, that owner, representing more than 50% of the titled property ownership, could successfully protest creation of the district. A successful protest means that the Board of County Commissioners may not create the district and cannot consider another petition for land in the same district for one year.

SAMPLE CITIZEN INITIATED ZONING DISTRICT PETITION FORM

The undersigned petition the Board of County Commissioners of Missoula County to create a Part One Planning and Zoning district, pursuant to Montana Code Annotated 76-2-101 et. seq., for the property or properties shown in the attached map or legal description, known as Zoning District No. ____.

Property ID#	Legal Description	Owners' names	Signatures
1234567	Tract 1 of COS 100	Joe Co-Owner	
		Jane Co-Owner	
8912345	Tract 2 of COS 200	Mary Freeholder	
		John Freeholder	