

RESOLUTION NO. 2006- 062

A RESOLUTION OF THE
GALLATIN COUNTY COMMISSION
TO ADOPT THE PROPOSED EAST GALLATIN ZONING REGULATION AND
ZONING MAP

This resolution was introduced by the Gallatin County Planning Department. Moved by Commissioner Murdock, and seconded by Commissioner Skinner. The resolution was adopted unanimously.

WHEREAS, the County received petitions in January 2004 from a majority of affected freeholders for the consideration of zoning for the purpose of regulating development in the proposed East Gallatin Zoning District; and

WHEREAS, the general character of the subject area is generally rural residential and agricultural, with some areas designed for commercial. The area is generally located east of Belgrade, north of Interstate 90, south of Cactus Road, and west of Springhill Road. Zoning district boundaries excludes land currently located in City of Belgrade (generally located in sections 32 & 33, T1N, R5E). Legal description:

Beginning at the southeast corner of Section 10, T1S, R5E, MPM, thence north along the east line of Section 10 to the east quarter corner of Section 10, which point lies within the right-of-way of Springhill Road, then proceeding north on Springhill Road to the northeast corner of Section 3, T1S, R5E, which point lies on the Baseline of the Montana Principal Meridian, MPM;

Thence west along the Baseline to the southeast corner of Section 33, T1N, R5E, thence north along the east line of Section 33 to the northeast corner of Section 33 (excluding land located within Belgrade City Limits), thence north along the east line of Section 28, T1N, R5E, approximately one quarter mile to the one sixteenth corner, which point lies in the right-of-way of Penwell Bridge Road, a County road;

Thence west along Penwell Bridge Road to its intersection with the east line of Section 29, T1N, R5E, thence north along the east of Section 29, to the northeast corner of Section 29, thence north along the east line of Section 20, T1N, R5E, to the east quarter corner of Section 20, which point lies within the right-of-way of Hamilton Road, a County road;

Thence west along Hamilton Road to the east quarter corner of Section 19, T1N, R5E, thence north along the east line of Section 19 to the northeast corner of Section 19, thence west along north line of Section 19 to the Northwest corner of Section 19, which point lies in the right-of-way of Dry Creek Road, a County road;

Thence south and west along Dry Creek Road, passing through Sections 24 and 25, T1N, R4E, to Dry Creek Road's intersection with Penwell Bridge Road, a County road, said intersection being on the south line of Section 25, thence east on Penwell Bridge Road, which runs along the south line of Section 25, to its intersection with Lagoon Road, a County road, said intersection being at the southeast corner of Section 25, thence south on Lagoon Road, which runs along the west line of Section 31, T1N, R5E, to its intersection with Baseline Road, a County road, said intersection being at the southwest corner of Section 31, thence east on Baseline Road, which runs along the south line of Section 31, to its intersection with Tubb Road, a County road, said intersection being in the northwest corner of Section 5, T1S, R5E, thence south on Tubb Road, which runs along the west line of Section 5, to where Tubb Road angles to the southeast through the Southwest One Quarter of Section 5 and then intersects with the south line of Section 5, thence east along the south line of Section 5 to the intersection with Airport Road, a County road;

Thence east on Airport Road, which runs along the south line off Sections 5 and 4, T1N, R5E, to its intersection with Nelson Road, a County road, which point represents the north quarter corner of Section 9, T1S, R5E, thence south on Nelson Road to the south quarter corner of Section 9, thence east along the south line of Sections 9 and 10 to the southeast corner of Section 10, the point of beginning;

Excepting therefrom any lands owned by the Gallatin Airport Authority which lands are located in Section 31, T1N, R5E, and Section 5, T1S, R5E. As well as lands located within the City Limits of Belgrade which are generally located in Sections 31 and 32, T1N, R5E. And excepting Tract 2 (10 acres) of Certificate of Survey 2406. (See draft map for boundaries.)

WHEREAS, on March 28, 2005, and after notice, the Belgrade City-County Planning Board ("Planning Board") held a public meeting to consider the request to form the proposed East Gallatin Zoning Regulation and Zoning Map pursuant to Section 76-2-201, MCA; and

WHEREAS, the Planning Board in their role pursuant to Section 76-2-204, MCA, and after considering all testimony and finding that the proposed zoning boundary (map) and zoning regulations appropriate, and finding that the application met the requirements of the Belgrade Master Plan, voted unanimously (5:0 vote) to forward to the Gallatin County Commission a recommendation for approval of the proposed East Gallatin Zoning Regulation and Zoning Map; and

WHEREAS, on March 21, 2006, following three public work sessions before the Commission (held 3/8/6, 2/1/6 and 12/13/5), the Commission, held a public hearing to consider a Resolution of Intention to create the proposed East Gallatin Zoning District, to listen to testimony. Notice of the hearing was published in the *Bozeman Daily Chronicle* March 5 and 12, 2006; and

WHEREAS, on March 21, 2006, the Commission considered the proposed Regulation and Map, and took public testimony. At the hearing, the Commission agreed that the boundaries of the proposed district should remain as presented despite requests by some landowners to be excluded. The Commission also agreed that a commercial sub-district should be added to the District, and directed staff to prepare boundaries of such sub-district with accompanying regulations. The Commission agreed to consider a Resolution of Intention to Adopt the District on April 18, 2006 with suggested changes; and

WHEREAS, on April 18, 2006, the Commission, held another public hearing to consider a Resolution of Intention to create the proposed East Gallatin Zoning District (with Regulation and Map), to listen to testimony. Notice of the hearing was published in the *Bozeman Daily Chronicle* March 26 and April 2, 2006. At the April 18th hearing, the Commission passed Resolution 2006-026 (2:1 vote, Skinner opposed); and

WHEREAS, the Commission pursuant to 76-2-205, MCA, provided notice of a 30-day protest period (commencing after first publication of notice) to receive written protests to the creation of the zoning district or to the zoning regulations from persons owning real property within the district whose names appear on the last-completed assessment roll of the county; and


WHEREAS, at the June 20, 2006 public hearing, the Gallatin County Clerk and Recorder gave notice that the protest of the proposed East Gallatin Zoning District did not receive the sufficient amount of protest to render the District unsuccessful; and

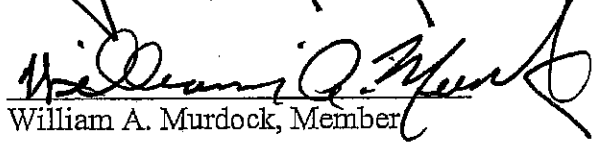
NOW THEREFORE BE IT RESOLVED:

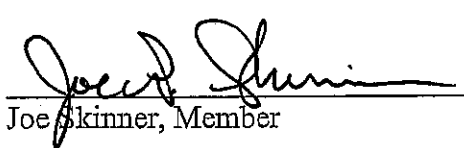
The Gallatin County Commission passes a Resolution to Adopt the proposed East Gallatin Zoning Regulation and Zoning Map pursuant to Section 76-2-201, MCA.

Dated this 20th day of June 2006.

GALLATIN COUNTY COMMISSION


John Vincent, Chair


William A. Murdock, Member


Joe Skinner, Member

ATTEST:


Shelley Vance, Clerk and Recorder

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