

Notice of Additional Public Comment Period -
Lower Yaak Zoning District

At a regularly scheduled public meeting on March 20th following a duly noticed public hearing on March 13th, the Board of County Commissioners adopted a Resolution of Intent (2024-14) to adopt the Lower Yaak Zoning District. Following the first public comment period, the Board of County Commissioners reviewed the text and map of the proposed district and made several changes to the proposed regulations during their regularly scheduled meetings on April 24th, May 8th, May 15th, and May 22nd. At their May 22, 2024 meeting, the changes were adopted and the board voted to open another public comment period. Per section 76-2-205(5)(d) MCA, the board of county commissioners will receive written comments from persons owning real property within the proposed district for a 30-day period beginning from the date of first publication of this notice on May 24th, 2024. A decision will be made on June 26th at 1:30 pm in the Lincoln County Courthouse. This proposed Zoning District would apply to approximately 483 acres of private land across 16 parcels located between the 1.3mi and 2.3mi markers of the Yaak River Road (MT HWY 508). The legal description of the proposed district is as follows:

The SW 1/4 NW Sec. 25, Twp. 33N., R. 34W. P.M.M. Book 375 Page 521, Parcel A C.O.S. 2105 Sec. 26, Twp. 33N., R. 34W., P.M.M. Book 356 Page 321, Sec. 26, Twp. 33N., R. 34W., P.M.M. Book 52 Page 846, Sec. 26, Twp. 33N., R. 34W., P.M.M. Book 290 Page 638, Sec. 25, Twp. 33N., R. 34W., P.M.M. Book 387 Page 534, Sec. 26, Twp.33N., R. 34W., P.M.M. Book 387 Page 534, Tract 2 C.O.S. 3917RB Sec. 24, Twp. 33N., R. 34W., P.M.M. Book 387 Page 534, Parcel D C.O.S. 4259FC Sec. 24, Twp. 33N., R. 34 W., P.M.M. Book 351 Page 247, Parcel B-2 C.O.S. 4259FC Parcel C C.O.S. 3886RB Sec. 24, Twp. 33N., R. 34W., P.M.M. Book 356 Page 97, Parcel A-1 C.O.S.3886RB Sec. 24, Twp. 33N., R. 34W., P.M.M. Book 385 Page 650, and C.O.S. 693 Sec. 24, Twp. 33N., R. 34W.,P.M.M. Book 377 Page 492, SW 1/4 NW 1/4 Tract 2B1, Sec. 24, Twp. 33N. R. 34W., P.M.M. Book 271 Page 412 of Lincoln County, Montana.

The general purpose of the district is to preserve the rural residential character of the area.

A copy of the proposal is on file for public inspection at the office of the County Clerk & Recorder and can be viewed on the Planning Department website at <http://www.lincolncountymt.us/planning-home>.

Comments can be submitted to the Lincoln County Planning Department at 512 California Ave., Libby, Montana, 59923 or via email to lcplanning@libby.org.

Dated this 24th Day of May 2024

LOWER YAAK ZONING DISTRICT

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SECTION I – APPLICABILITY

This Zoning District applies to the following property:

The SW ¼ NW Sec. 25. Twp. 33 N., R. 34 W. P.M.M. Book 375 Page 521, Parcel A C.O.S. 2105 Sec. 26, Twp. 33 N., R. 34 W., P.M.M. Book 356 Page 321, Sec. 26, Twp. 33 N., R. 34 W., P.M.M. Book 52 Page 846, Sec. 26, Twp. 33 N., R. 34 W., P.M.M. Book 290 Page 638, Sec. 25, Twp. 33 N., R. 34 W., P.M.M. Book 387 Page 534, Sec. 26, Twp. 33 N., R. 34 W., P.M.M. Book 387 Page 534, Tract 2 C.O.S. 3917RB Sec. 24, Twp. 33 N., R. 34 W., P.M.M. Book 387 Page 534, Parcel D C.O.S. 4259FC Sec. 24, Twp. 33 N., R. 34 W., P.M.M. Book 351 Page 247, Parcel B-2 C.O.S. 4259FC Parcel C C.O.S. 3886RB Sec. 24, Twp. 33 N., R. 34 W., P.M.M. Book 356 Page 97, Parcel A-1 C.O.S. 3886RB Sec. 24, Twp. 33 N., R. 34 W., P.M.M. Book 385 Page 650, and C.O.S. 693 Sec. 24, Twp. 33 N., R. 34 W., P.M.M. Book 377 Page 492, SW ¼ NW ¼ Tract 2B1, Sec. 24, Twp. 33N. R. 34 W., P.M.M. Book 271 Page 412 of Lincoln County, Montana

SECTION II – USES

Prohibited uses

1. Any commercial uses;
2. Any industrial uses;

SECTION III – SPACE AND BULK REQUIREMENTS

1. Placement of Structures (Setbacks):
 - a. Structures must be set back at least 20 feet from side, front and rear adjacent properties and Highway 508 right-of-way.

SECTION IV – DEVELOPMENT STANDARDS AND GENERAL REGULATIONS

1. **Definitions.** Applicable definitions of terms contained below shall apply to this Zoning District, unless otherwise defined herein.
 - a. Accessory Building – A detached building, excluding a second dwelling unit, the use of which is customarily incidental to that of the main building, or to the main use of the premises, and located on the same lot with the main building or use.

- b. **Agricultural** - All aspects of farming or ranching including the cultivation or tilling of soil; dairying; the production, cultivation, growing, harvesting of agricultural or horticultural commodities; raising of livestock, bees, fur-bearing animals or poultry; and any practices including, forestry or lumbering operations, including preparation for market or delivery to storage, to market, or to carriers for transportation to market.
- c. **Commercial** – means use of land for the primary purpose of buying, selling or trading of retail or wholesale merchandise or services that specifically attracts vehicular traffic to the property, including institutional or recreational. Does not include home occupations.
- d. **Industrial** - means the use of land primarily for the purpose of manufacturing, production, fabrication or assembly processes and ancillary services that require the regular use of heavy equipment or semi-trailers; and that produces offensive odor or noise that prevents neighboring property owners from enjoying their own property.
- e. **Single Family Dwelling**- A building designed to be occupied exclusively by one single family.
- f. **Accessory Dwelling Unit** - A dwelling unit which is incidental and accessory to the primary residence. The accessory dwelling unit (hereinafter “ADU”) must conform to the following standards: 1) have a gross square footage no greater than 1,000 square feet.
- g. **Non-Conforming Use** – The lawful use of land or structures that existed prior to adoption of this Zoning District.

SECTION V – NONCONFORMING LOTS, USES AND STRUCTURES

1. Nonconforming Lots of Record – Buildings in conformance with this Zoning District may be constructed on a lot that does not meet the minimum lot size requirement, if the lot was legally created prior to the adoption of this Zoning District.
2. Nonconforming Structures – A lawful structure that existed prior to the adoption of this Zoning District which could not be built under this district due to restrictions on lot size, dwelling size, setbacks or other such restrictions, may continue to exist and may be replaced if destroyed by fire or other natural disaster. Nothing in these regulations are intended to prohibit the expansion or replacement of structures existing at the adoption date of this Zoning District.
3. Nonconforming Uses- A legal non-conforming use is an existing use of the land at the time these regulations were adopted, the use of which does not conform to these regulations. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of this district. If a nonconforming use of land ceases for any reason for a period of one hundred eighty (180) days, subsequent use of the land shall conform to these regulations.

SECTION VI – VIOLATIONS

If a violation of these regulations occurs, or is alleged to have occurred, any person may file a written complaint to the County Zoning Office/Planning Board stating the causes and basis of the alleged violation. The Zoning Officer shall record and investigate the complaint. If it is determined that any of the provisions are being violated, the zoning officer shall submit a written report to the Office of the County Attorney for appropriate legal action.

SECTION VIII – SEVERABILITY CLAUSE

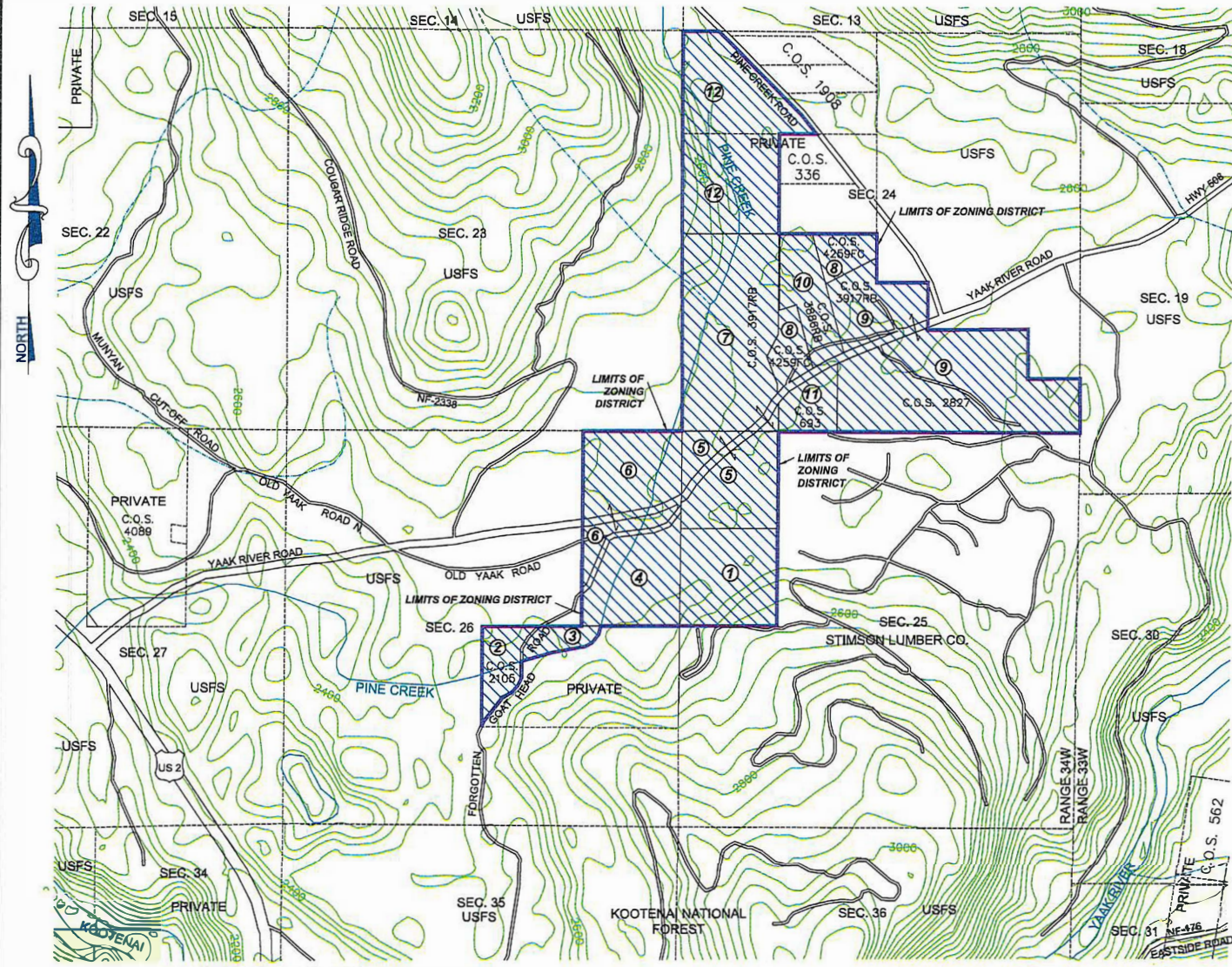
In the event any section, part, term clause or provision contained in the Zoning District regulation is held by any court to be invalid, illegal, unconstitutional or otherwise unenforceable, then, nevertheless, all other and remaining sections, parts terms, clauses and provisions thereof and hereof shall continue and remain in force and effect.

LOWER YAAK ZONING DISTRICT

In Sections 24, 25, & 26 of Twp. 33 N., R. 34 W., P.M.M.

For: Pine Creek Community for Sensible Growth

Date: February 2023



PROPERTIES SUBJECT TO ZONE DISTRICT		
PARCEL NO.	OWNERSHIP	LEGAL DESCRIPTION
①	LEON D. BROWN REVOCABLE TRUST	SW 1/4 NW 1/4 Sec. 25, Twp. 33 N., R. 34 W., P.M.M. Book 375 Page 521
②	PAUL D. JOHNSON REVOCABLE TRUST	Parcel A C.O.S. 2105 Sec. 26, Twp. 33 N., R. 34 W., P.M.M. Book 356 Page 321
③	EDWARD T. PEDERSEN	Sec. 26, Twp. 33 N., R. 34 W., P.M.M. Book 52 Page 646
④	JAMES E. & NANCY K. HIGHT	Sec. 26, Twp. 33 N., R. 34 W., P.M.M. Book 290 Page 638
⑤	INVESTMENT FOUNDATION LLC.	Sec. 25, Twp. 33 N., R. 34 W., P.M.M. Book 387 Page 534
⑥	INVESTMENT FOUNDATION LLC.	Sec. 28, Twp. 33 N., R. 34 W., P.M.M. Book 387 Page 534
⑦	INVESTMENT FOUNDATION LLC.	Tract 2 C.O.S. 3917RB Sec. 24, Twp. 33 N., R. 34 W., P.M.M. Book 387 Page 534
⑧	MATT C. & TONI M. FRANKE	Parcel D C.O.S. 4259FC Sec. 24, Twp. 33 N., R. 34 W., P.M.M. Book 351 Page 247
⑨	MATT C. & TONI M. FRANKE	Parcel B-2 C.O.S. 4259FC Parcel C C.O.S. 3886RB Sec. 24, Twp. 33 N., R. 34 W., P.M.M. Book 356 Page 97
⑩	ROBERT BITTNER	Parcel A-1 C.O.S. 3886RB Sec. 24, Twp. 33 N., R. 34 W., P.M.M. Book 385 Page 650
⑪	BRIAN & SHANNON MCLAUGHLIN	C.O.S. 693 Sec. 24, Twp. 33 N., R. 34 W., P.M.M. Book 377 Page 492
⑫	JONAN FARMS, LLC	SW 1/4 NW 1/4 & Tract 2B1, Sec. 24, Twp. 33 N., R. 34 W., P.M.M. Book 271 Page 412

LEGEND

- LIMITS OF ZONING DISTRICT
- DENOTES OWNERSHIP TIE

Graphic Scale:



(1 inch = 1000 ft.)