

YELLOWSTONE COUNTY, MONTANA
BOARD OF COUNTY COMMISSIONERS

INTERIM ZONING RESOLUTION NO. _____

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
YELLOWSTONE COUNTY, MONTANA, ADOPTING AN INTERIM ZONING
REGULATION PURSUANT TO MCA 76-2-206, ESTABLISHING A ONE-MILE
SCHOOL PROTECTION BUFFER PROHIBITING THE LOCATION OR
OPERATION OF ANY CORRECTIONAL, DETENTION, OR SECURE FORENSIC
FACILITY WITHIN ONE (1) MILE OF ANY SCHOOL, PUBLIC PARK,
RESIDENTIAL ZONE, CHURCH, OR LICENSED DAYCARE FACILITY IN THE
LAUREL-YELLOWSTONE JOINT ZONING JURISDICTIONAL AREA;
PROVIDING LEGISLATIVE FINDINGS, DEFINITIONS, STUDY DIRECTIVE,
ENFORCEMENT, SEVERABILITY, AND AN EFFECTIVE DATE PURSUANT
TO MCA 76-2-206.**

AUTHORITY AND RECITALS

WHEREAS, the Board of County Commissioners of Yellowstone County, Montana (the "Board") is the governing body of Yellowstone County and is authorized under MCA 76-2-201 et seq. to adopt and administer county zoning regulations; and

WHEREAS, MCA 76-2-206 authorizes the Board to adopt, by resolution following a properly noticed public hearing, an interim zoning district or interim zoning regulation to address an emergency involving the public health, safety, morals, or general welfare; and

WHEREAS, the Laurel-Yellowstone City-County Planning Board administers joint zoning jurisdiction over the unincorporated area within approximately one mile of the City of Laurel, and

the Board of County Commissioners and the Laurel City Council coordinate land use regulation within that joint jurisdictional area; and

WHEREAS, on November 28, 2025, the Montana Department of Public Health and Human Services (DPHHS) announced that Laurel had been selected as the site for a 32-bed forensic mental health corrections facility on a 114-acre parcel on Old Highway 10, located approximately 459 yards (1,377 feet) from West Elementary School and surrounded by residential properties; and

WHEREAS, the proposed facility site is located within the Laurel-Yellowstone joint zoning jurisdictional area and any development of the site will directly affect the health, safety, and welfare of both City of Laurel residents and Yellowstone County residents living in the surrounding unincorporated area; and

WHEREAS, County residents in the unincorporated area surrounding Laurel have no vote before the Laurel City Council on annexation matters but are equally affected by the placement of a secure correctional facility in their immediate community; and

WHEREAS, at the December 9, 2025 Laurel City Council meeting, BOI Executive Director Dan Villa stated on camera in public comment: "BOI will follow every existing city resolution, ordinance, and process that governs land use in Laurel. If annexation is required, and it likely will be, we will file an annexation request through the proper channels. BOI does not intend to circumvent city governance. We intend to work within it."; and

WHEREAS, the City of Laurel has adopted Emergency Ordinance No. _____ establishing a one-mile School Protection Buffer, and the Board adopts this companion resolution to ensure that the same protective standard applies in the unincorporated areas within the joint zoning jurisdictional area; and

WHEREAS, the Board finds that an emergency exists affecting the public health, safety, and welfare of Yellowstone County residents in the Laurel area, and that immediate action is necessary to preserve the status quo while permanent zoning regulations are studied and adopted; and

WHEREAS, the Board has conducted a duly noticed public hearing on this resolution prior to adoption;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Yellowstone County, Montana, as follows:

SECTION 1 -- TITLE

This resolution shall be known and may be cited as the "Yellowstone County School Protection Buffer Interim Zoning Resolution."

SECTION 2 -- LEGISLATIVE FINDINGS AND DECLARATION OF EMERGENCY

The Board adopts the following findings as the factual and legal basis for this resolution:

A. Child Welfare and Public Safety Findings

1. Schools concentrate minors who lack the capacity to independently respond to emergencies or security incidents, and require enhanced protective zoning to reduce foreseeable risks.
2. Correctional facilities require emergency protocols -- including escape response, perimeter containment, and tactical law enforcement deployment -- that are fundamentally incompatible with school emergency protocols and cannot safely operate simultaneously within the same response radius.
3. A one-mile separation buffer allows independent emergency perimeters for correctional facilities and schools to be established and operated without interference.
4. The presence of a 32-bed secure forensic corrections facility housing persons detained under criminal court authority, 459 yards from West Elementary School and surrounded by residential properties, creates an emergency affecting the health, safety, and welfare of residents in the area.

B. Jurisdictional and Community Interest Findings

1. Yellowstone County residents in the unincorporated area surrounding Laurel are equally affected by the proposed facility siting but have no vote before the Laurel City Council on annexation matters.
2. The Laurel-Yellowstone City-County Planning Board administers joint zoning jurisdiction over the unincorporated Laurel area, and coordinated action by both the City and County through that joint structure is the appropriate and legally established mechanism for shared land use decisions of this nature.

3. Adoption of this resolution as a companion to the City of Laurel's Emergency Ordinance ensures that the protective buffer cannot be circumvented by locating a facility just outside city limits in unincorporated county land.

C. State Agency Compliance Finding

1. BOI Executive Director Dan Villa stated on camera at the December 9, 2025 Laurel City Council meeting that BOI will follow every existing city resolution, ordinance, and process governing land use in Laurel and does not intend to circumvent city governance. This public commitment by the state agency directing the proposed facility constitutes an express representation that the state will comply with local land use regulations, including this resolution.
2. MCA 76-2-402 independently requires that whenever a state agency proposes to use land contrary to local zoning, a public hearing must be held and the agency must attend, providing additional procedural protection for the County's interests.

D. Declaration of Emergency and Necessity

1. Siting and approval decisions for the proposed facility may occur before completion of a full county zoning amendment cycle under standard procedures.
2. Once a facility of this type is approved, constructed, and operating, relocation is impracticable as a matter of practical and legal reality.
3. Immediate enactment of this interim zoning regulation is necessary to preserve the status quo and protect county residents' options pending permanent regulation.
4. This resolution constitutes a valid exercise of the County's land use authority under MCA 76-2-201 et seq. and MCA 76-2-206, is rationally related to legitimate public safety interests, and regulates location rather than occupants or status.

SECTION 3 -- DEFINITIONS

As used in this resolution, the following terms have the following meanings:

A. "Correctional Facility" means any facility, whether publicly or privately owned or operated, used for the incarceration, detention, custody, confinement, supervision, secure treatment, or housing of persons who are: (i) accused or convicted of criminal offenses; (ii) detained pending criminal proceedings; or (iii) civilly committed for public safety purposes. The term includes, without limitation, jails, prisons, detention centers, forensic psychiatric hospitals, secure forensic treatment facilities, and any facility in which persons are held under court order in a secure setting regardless of the primary stated purpose of the facility.

B. "School" means any public or private educational institution primarily serving minors in prekindergarten through grade twelve, including any elementary school, intermediate school, middle school, junior high school, or high school, whether operated by a public school district, charter, or private entity.

C. "Sensitive Use" means any of the following: (i) a School as defined herein; (ii) a public park, playground, or recreational facility open to minors; (iii) any area designated as a residential zone in the applicable zoning regulations, including unincorporated areas with residential use designations in the Yellowstone County Zoning Regulations; (iv) a church, synagogue, mosque, or other place of religious worship or assembly; or (v) a licensed daycare center, family day care home, group day care home, or preschool.

D. "Locate" or "Location" means any act of constructing, placing, siting, expanding, licensing, approving, operating, or establishing a Correctional Facility at a given location, including without limitation any application for a county permit, conditional use permit, building permit, or other approval required under local, state, or federal law.

E. "Buffer Distance" means the minimum separation of one (1) mile, measured property line to property line by straight-line measurement, required between any Correctional Facility and the nearest property boundary of any Sensitive Use.

F. "Joint Jurisdictional Area" means the unincorporated area within the Laurel-Yellowstone City-County Planning Board's joint zoning jurisdiction, including the unincorporated area within and surrounding the one-mile extraterritorial zoning area adjacent to the City of Laurel.

SECTION 4 -- INTERIM ZONING REGULATION -- PROHIBITED LOCATION

Pursuant to MCA 76-2-206, the Board hereby adopts the following interim zoning regulation applicable within the Joint Jurisdictional Area:

No Correctional Facility shall be Located within the Buffer Distance of any Sensitive Use within the Joint Jurisdictional Area. The Buffer Distance is one (1) mile, measured property line to property line by straight-line horizontal measurement from the nearest point of the property boundary of the proposed or existing Correctional Facility to the nearest point of the property boundary of the nearest Sensitive Use.

SECTION 5 -- COORDINATION WITH CITY OF LAUREL

This resolution is adopted as a companion to City of Laurel Emergency Ordinance No. _____ and shall be interpreted and applied in coordination with that ordinance through the Laurel-Yellowstone City-County Planning Board. The Board directs the Yellowstone County Planning Department to coordinate enforcement and administration of this resolution with the City of Laurel Planning Department to ensure consistent application of the Buffer Distance requirement across both jurisdictions. In the event of any conflict between this resolution and the City ordinance as applied to a specific parcel or situation, the more protective standard shall control.

SECTION 6 -- STUDY DIRECTIVE -- MCA 76-2-206 REQUIREMENT

Pursuant to MCA 76-2-206, the Board hereby directs the Yellowstone County Planning Department, in coordination with the Laurel-Yellowstone City-County Planning Board, to initiate a study of the emergency identified in Section 2 of this resolution and to identify permanent zoning options to address the placement of Correctional Facilities relative to Sensitive Uses in the Joint Jurisdictional Area. The study shall be initiated within thirty (30) working days of the adoption of this resolution and shall include:

- A.** A review of the existing Yellowstone County Zoning Regulations and their application to Correctional Facilities;
- B.** An analysis of the emergency response, land use compatibility, and infrastructure capacity issues identified in Section 2 of this resolution;
- C.** A review of comparable buffer standards adopted in other Montana counties and municipalities;
- D.** Recommendations for permanent zoning amendment language to protect Sensitive Uses from incompatible Correctional Facility siting; and
- E.** A report to the Board of County Commissioners not later than ninety (90) days after the adoption of this resolution.

SECTION 7 -- STATE AGENCY COMPLIANCE -- MCA 76-2-402

Pursuant to MCA 76-2-402, whenever a state agency proposes to use public land within the Joint Jurisdictional Area contrary to this resolution, the Board shall hold a public hearing within thirty (30) days of receiving notice of the agency's intent, and the agency shall attend that hearing. No county approval, permit, or other authorization shall be granted to a state agency for a Correctional Facility that would violate this resolution unless and until the public hearing

process required by MCA 76-2-402 has been completed and the Board has made an affirmative finding addressing compliance with this resolution.

SECTION 8 -- ENFORCEMENT

This resolution shall be enforced by Yellowstone County through any one or more of the following mechanisms:

- A.** Denial of any county permit, approval, or authorization that would allow a Correctional Facility to be Located in violation of this resolution;
- B.** Revocation of any permit or approval issued in violation of this resolution;
- C.** Referral to the County Attorney for injunctive relief or civil action in a court of competent jurisdiction; and
- D.** Such other remedies as may be available under Montana law.

SECTION 9 -- INTERIM NATURE AND DURATION

This resolution is adopted as an interim zoning regulation pursuant to MCA 76-2-206. It shall remain in effect for one (1) year from the effective date. The Board may extend this resolution for one (1) additional year by action taken prior to expiration, provided that a properly noticed public hearing is held. The Board shall use the study period required by Section 6 of this resolution to develop permanent zoning regulations that will replace this interim regulation prior to its expiration.

SECTION 10 -- NONCONFORMING USES

Any Correctional Facility lawfully operating within the Joint Jurisdictional Area as of the effective date of this resolution that does not conform to the Buffer Distance requirement shall be considered a lawful nonconforming use and may continue to operate, subject to the same restrictions on expansion and reconstruction as apply under Section 9 of City of Laurel Emergency Ordinance No. _____.

SECTION 11 -- SEVERABILITY

If any provision of this resolution or its application to any person, entity, or circumstance is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or

applications which can be given effect without the invalid provision or application, and to that end the provisions of this resolution are severable.

SECTION 12 -- EFFECTIVE DATE

This resolution shall take effect upon passage and adoption by the Board of County Commissioners following a duly noticed public hearing as required by MCA 76-2-206. The County Clerk and Recorder is directed to cause this resolution to be filed and published as required by law and to provide a certified copy to the Laurel-Yellowstone City-County Planning Board and the City of Laurel City Clerk.

PASSED AND ADOPTED by the Board of County Commissioners of Yellowstone County, Montana at a duly noticed public meeting held on the _____ day of _____, 2026.

ROLL CALL VOTE:

Ayes: _____

Nays: _____

Absent/Abstaining: _____

BOARD OF COUNTY COMMISSIONERS

YELLOWSTONE COUNTY, MONTANA

Commissioner, District _____

Printed Name: _____

Commissioner, District _____

Printed Name: _____

Commissioner, District _____

Printed Name: _____

ATTEST:

Clerk and Recorder, Yellowstone County

Printed Name: _____

APPROVED AS TO FORM:

Yellowstone County Attorney

Printed Name: _____

Date of Attorney Review: _____

DRAFT PREPARED BY: Laurel C.A.R.E.D. -- Community Advocates for Responsible Economic Development | laurelcared.com

This draft is provided for attorney review and is not a final legal instrument. The County Attorney should review and modify as necessary prior to adoption.