

February 24, 2026

TO:

Members of the Laurel City Council
Office of the Mayor, City of Laurel, Montana
Yellowstone County Board of Commissioners

FROM:

Elizabeth Gilg, on behalf of Laurel C.A.R.E.D.
Community Advocates for Responsible Economic Development
laurelcared.com

RE:

Formal Request for Immediate, Coordinated Action -- City of Laurel Emergency Ordinance (MCA 76-2-306) and Yellowstone County Interim Zoning Regulation (MCA 76-2-206) -- One-Mile Separation Requirement Between Correctional and Secure Detention Facilities and Schools, Parks, Residential Zones, Churches, and Licensed Daycares -- In the Interest of the Residents of Laurel and Yellowstone County

I. Introduction and Request

Laurel C.A.R.E.D. -- Community Advocates for Responsible Economic Development -- respectfully and urgently requests that the Laurel City Council and the Yellowstone County Board of Commissioners act immediately, collaboratively, and in parallel to establish protective zoning measures that safeguard the community of Laurel and the surrounding residents of Yellowstone County from the placement of a secure correctional facility within one mile of schools, parks, residential neighborhoods, churches, and licensed daycares.

Specifically, Laurel C.A.R.E.D. requests that the City Council adopt the attached School Protection Buffer Emergency Ordinance under MCA 76-2-306, effective immediately upon passage -- and that the Yellowstone County Board of Commissioners adopt a companion interim zoning regulation under MCA 76-2-206, effective by resolution following a properly noticed public hearing. These are distinct legal instruments under distinct statutory authorities, but they pursue the same protective purpose and should be pursued simultaneously, without

delay, and in coordination through the Laurel-Yellowstone City-County Planning Board -- the joint planning structure that already exists precisely for this kind of shared jurisdictional action.

These are interim measures, not permanent ones -- and that distinction matters. Under MCA 76-2-306, the City ordinance takes effect immediately upon passage and remains valid for up to six months, with extensions of up to one additional year available to allow time for the permanent zoning amendment process to be completed properly. Under MCA 76-2-206, the County regulation takes effect by resolution and remains valid for one year, with one possible one-year extension. Neither instrument forecloses future deliberation. Both simply preserve the community's options while that deliberation takes place through the proper public process -- which is exactly what interim zoning was designed to do. The Council and the Commission are not being asked to make a permanent land use decision tonight. They are being asked to ensure that no permanent decision is made for them, without them, before they have had the opportunity to act.

The need for immediate, coordinated action is real and urgent. The Montana Department of Public Health and Human Services (DPHHS) has announced Laurel as its selected 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 neighborhoods. The facility requires City Council approval of annexation to proceed. That vote may occur at any time. Once a site is approved, annexed, and construction begins, relocation becomes impracticable. The window to act is now, and it will not remain open indefinitely.

We bring this request on behalf of the parents, students, teachers, and first responders of Laurel -- and equally on behalf of the Yellowstone County residents who live in the surrounding area and who are equally affected by this siting decision but who have no vote before the City Council. Both the City and the County have a responsibility to these constituents. Both have the legal authority to act. We are asking both to use it -- together, and without delay.

II. Background: The Proposed Facility and the Community's Concern

In November 2025, DPHHS announced that Laurel had been selected as the site for a state-funded forensic mental health corrections facility. Key facts:

- Funded by \$26.5 million appropriated under HB 5 (2025 Montana Legislature)
- 32 beds; 90-100 staff; 24/7/365 operations
- Serves criminal defendants requiring secure psychiatric treatment under court authority

- Security features include sally port doors, double-layer fencing, and 24/7 video monitoring
- Located on a 114-acre parcel on Old Highway 10, approximately 459 yards (1,377 feet) from West Elementary School
- Surrounded by residential properties on multiple sides
- Requires Laurel City Council annexation approval to proceed

Laurel C.A.R.E.D. does not oppose mental health services. We do not oppose this facility's existence. We oppose its placement 459 yards from an elementary school, in a residential area, without the community having been meaningfully consulted before the site was selected. The community learned of the selection via press release. City Council was not informed until nearly three months after the Mayor's office privately pitched the site to state officials.

The ordinance requested here does not target this facility by name. It establishes a general, location-based rule -- applicable to all such facilities, now and in the future -- that reflects a basic principle: secure detention facilities and the places where children gather should not be placed within close proximity of one another. This principle is well-established in Montana law and nationally. We are asking Laurel's government to codify it before a decision is made that eliminates the choice.

The State Has Already Promised to Comply.

One additional fact bears directly on the legal effect of the requested ordinance -- and on the state's ability to claim exemption from it. At the December 9, 2025 Laurel City Council meeting, BOI Executive Director Dan Villa addressed the Council directly in public comment and stated on camera:

"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."

-- Dan Villa, BOI Executive Director, Laurel City Council Meeting, December 9, 2025 (on-camera public comment, city council meeting video on record)

This statement is not a courtesy. It is a public, on-camera commitment made directly to this City Council by the executive director of the state agency driving this project. It has three immediate legal and practical consequences for the matter before you tonight:

- It eliminates the state's strongest legal defense. The primary argument the state could use to override the proposed buffer ordinance is sovereign preemption -- the claim that

as a state agency acting in its sovereign capacity, it need not comply with local zoning. Dan Villa's statement on December 9 directly forecloses that argument. The state cannot simultaneously claim sovereign exemption from local zoning and have previously promised on camera to follow every existing city ordinance and process governing land use in Laurel. That contradiction would not survive legal scrutiny -- and it should not survive political scrutiny either.

- It transforms the ordinance into an instrument of compliance, not confrontation. The City Council is not being asked tonight to fight the state. It is being asked to give the state something to comply with -- exactly as Dan Villa promised it would. Adopting the buffer ordinance creates the local zoning standard that BOI has already committed to honor. Failing to adopt it leaves that commitment without a legal framework to enforce it.
- It creates a reliance interest. The community of Laurel and its elected representatives heard this commitment and reasonably relied upon it in their subsequent deliberations. If the state now attempts to proceed without complying with local zoning, it is not merely overriding a local ordinance -- it is breaking a public promise made directly to this Council. That matters in any legal proceeding and in every public forum that follows.

The City Council should enter the record tonight acknowledging Dan Villa's December 9 statement. It is the foundation on which compliance with the proposed ordinance rests -- and the standard against which the state's subsequent conduct will be measured.

III. Legal Authority for Adoption

The City of Laurel and Yellowstone County have clear, well-established legal authority to adopt this ordinance. The following statutes, Laurel Municipal Code provisions, and constitutional authorities form the legal foundation:

A. City of Laurel Interim Zoning Authority -- MCA 76-2-306

This is the most direct and immediately applicable authority for the City Council. MCA 76-2-306 expressly authorizes the Laurel City Council to adopt an interim zoning ordinance on an emergency basis -- without following the standard zoning amendment process -- when necessary to protect public safety, health, and welfare:

"[T]he city or town council or other legislative body of the municipality, to protect the public safety, health, and welfare and without following the procedures otherwise required prior to the adoption of a zoning ordinance, may adopt as an urgency measure an interim zoning ordinance prohibiting any uses that may be in conflict with a contemplated zoning proposal that the legislative body is considering or studying or intends to study within a reasonable time."

MCA 76-2-306(2) further provides that such an ordinance:

- Takes effect immediately upon passage
- Applies within city limits and up to one mile beyond the corporate boundaries -- directly reaching the Old Highway 10 site
- Requires only that a properly noticed public hearing be held beforehand
- May remain in effect for up to six months, with extensions of up to one year each

The City Council's own contemplation of permanent zoning regulations in this area -- which this letter itself represents -- satisfies the statutory requirement that the governing body be "considering or studying" a permanent zoning proposal.

B. Yellowstone County Interim Zoning Authority -- MCA 76-2-206

The County equivalent of MCA 76-2-306 is MCA 76-2-206, which expressly authorizes the Yellowstone County Board of Commissioners to establish an interim zoning district or interim regulation to address an emergency involving public health, safety, morals, or general welfare. This authority is directly applicable to the unincorporated areas surrounding Laurel, which fall within the Laurel-Yellowstone County Planning Board's joint zoning jurisdictional area. Under MCA 76-2-206:

- The Board of Commissioners may adopt an interim zoning regulation by resolution following a properly noticed public hearing
- Within 30 working days of adoption, the County must initiate a study to verify the emergency and identify options -- a modest and easily satisfied requirement
- The regulation may remain in effect for one year with one possible extension
- The County's zoning jurisdictional area extends approximately one mile beyond Laurel's city limits -- encompassing the Old Highway 10 parcel

Adoption of a County interim regulation alongside the City ordinance would establish a seamless protective buffer that cannot be circumvented by locating the facility just outside city limits.

C. Municipal Zoning Authority -- MCA 76-2-301 et seq. and LMC Title 17

Montana's municipal zoning statutes grant the City Council broad authority to regulate land use for the protection of public health, safety, morals, and general welfare. MCA 76-2-301 authorizes municipalities to regulate and restrict the use of land for the purpose of promoting health, safety, morals, or the general welfare of the community. MCA 76-2-304 expressly requires that zoning regulations consider the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements -- a standard that the proposed facility site fails to meet given Laurel's documented inability to extend services without degrading existing coverage.

Critically, Laurel's own Municipal Code (Title 17 Zoning, as adopted and maintained in coordination with Yellowstone County) independently supports the ordinance on two additional grounds:

- Laurel Municipal Code Section 17.08.761 already prohibits medical marijuana dispensaries within 1,000 feet of any school, childcare center, place of worship, park, or correctional facility. Laurel's code thus already recognizes correctional facilities as sensitive uses requiring buffer protection -- and already protects schools and parks from uses deemed incompatible. The proposed ordinance extends that same logic in the other direction, protecting schools from the operational hazards of correctional facilities.
- Laurel Municipal Code Table 17.20.010 lists "Jails and penal institutes" as a permitted use only in the Heavy Industrial (HI) zoning district. The Old Highway 10 site is not currently zoned HI. Under LMC Section 17.12.220(F), all land annexed to the City automatically becomes R-7500 Residential by default. A forensic corrections facility is not a permitted or special review use in any residential district under Laurel's code. Annexation of this site would therefore require a subsequent rezoning -- a separate, full public process -- before the facility could lawfully operate within city limits.

D. State Agency Obligation -- MCA 76-2-402

This is among the most significant statutes applicable to this situation. MCA 76-2-402 provides that whenever a state agency proposes to use public land contrary to local zoning regulations, a public hearing must be held and the agency must attend that hearing. The local governing body must hold the hearing within 30 days of notice from the agency. This statute applies directly to DPHHS and its proposed use of the Old Highway 10 site.

The implications are clear: if the City adopts the proposed buffer ordinance, DPHHS would be proposing to use land contrary to that ordinance. Under MCA 76-2-402, the agency cannot simply proceed -- it must come before the City Council at a properly noticed public hearing and participate. The state does not have unilateral authority to override local zoning for this type of facility. This statute is a direct and powerful procedural protection for the community.

E. Annexation Requirements -- MCA 7-2-4312 and MCA 7-2-4731

Even setting aside the buffer ordinance, the proposed annexation faces significant independent legal requirements under Montana law that the Council must satisfy before any vote can validly proceed:

- MCA 7-2-4312 requires the City Council to make a formal finding that annexation is in the best interest of the city and the inhabitants of the area to be annexed. This is a substantive standard. Given the documented infrastructure deficits, the proximity to West

Elementary School, and the overwhelming community opposition, the Council cannot make a good-faith best-interest finding in support of this annexation.

- MCA 7-2-4731 and 7-2-4732 require the City to prepare and approve a detailed plan for extension of municipal services to any annexed area -- including police, fire, water, sewer, and streets -- before annexation can be completed. The City has publicly documented that it cannot extend these services to the Old Highway 10 site without degrading existing coverage. A legally sufficient services plan cannot honestly be prepared for this site under current city capacity.

These annexation requirements are independent of the buffer ordinance. They provide an additional legal basis for the Council to decline annexation approval without adopting any new ordinance at all. The buffer ordinance strengthens and formalizes that position, but the annexation requirements alone are a substantial obstacle to lawful approval.

F. Preemptive Argument: MCA 76-2-412 Does Not Apply to This Facility

The state may attempt to argue that MCA 76-2-412, which requires community residential facilities serving eight or fewer persons to be treated as permitted uses in residential zones, preempts local zoning restrictions on this facility. That argument fails for a clear and dispositive reason: the proposed forensic corrections facility is not a "community residential facility" within the meaning of MCA 76-2-412 or Laurel's Municipal Code Section 17.08.291.

Under both the statute and Laurel's code, community residential facilities are defined as licensed residential care homes, foster homes, group homes, and halfway houses serving small numbers of persons with developmental or mental disabilities in a family-oriented setting. The proposed facility is a 32-bed forensic psychiatric corrections facility serving persons detained under criminal court authority, surrounded by double-layer fencing with sally port access control. It is categorically a correctional or penal institution -- the exact category Laurel's own zoning code places exclusively in the Heavy Industrial district, and which Laurel's code already treats as a sensitive use requiring buffer separation from schools, parks, and places of worship. MCA 76-2-412 provides no shelter for this facility type.

G. Montana Constitution, Article XI -- Local Government Powers

Article XI, Section 4 of the 1972 Montana Constitution provides that municipalities have the powers of a municipal corporation and other powers provided or implied by law, which are to be "liberally construed." Article XI, Section 6 grants self-governing municipalities the power to exercise any authority not expressly prohibited. Laurel's own City Charter mirrors this language, providing that the City shall have all powers not prohibited by the Constitution or laws of Montana, and that those powers shall be liberally construed with every reasonable doubt resolved in favor of the City.

H. Federal Constitutional Foundation -- Police Power and Rational Basis

The U.S. Supreme Court established in Village of Euclid v. Ambler Realty Co., 272 U.S. 365 (1926) that zoning ordinances are constitutionally valid exercises of municipal police power so long as they bear some rational relationship to public health, safety, morals, or general welfare. The proposed ordinance easily satisfies this standard. It regulates location, not occupants. It advances the legitimate governmental interest of protecting children from the emergency response conflicts and security risks inherent in placing secure detention facilities near schools. It applies uniformly to all facilities of the defined type.

I. Montana's Existing Buffer Zone Precedent

Montana law already establishes the principle that sensitive uses -- especially schools, parks, churches, and childcare facilities -- deserve buffer protection from incompatible land uses. This ordinance extends and codifies that same principle:

<p>LMC Sec. 17.08.761 (Laurel Municipal Code)</p>	<p>Laurel already prohibits marijuana dispensaries within 1,000 feet of schools, childcare, parks, places of worship, AND correctional facilities. This ordinance applies the same protective logic in the other direction -- keeping correctional facilities away from schools.</p>
<p>MCA 16-12-207(3)(a)(iii)</p>	<p>Montana's Cannabis Control Act mandates a 500-foot school buffer for marijuana businesses statewide. Local governments may require greater distance. This ordinance does so for a facility category posing materially greater public safety concerns.</p>
<p>LMC Sec. 17.20.010, Table 17.20.010</p>	<p>Laurel's own zoning code permits jails and penal institutions only in the Heavy Industrial (HI) district -- not in residential zones, not in commercial zones, and not on land that would be annexed as R-7500 by default.</p>
<p>LMC Sec. 17.12.220(F)</p>	<p>All land annexed to Laurel automatically becomes R-7500 Residential -- a district in which jails, penal institutions, and forensic corrections facilities are not permitted uses under current code.</p>
<p>MCA 76-2-310</p>	<p>Municipal zoning authority extends up to one mile beyond city limits -- directly reaching the Old Highway 10 parcel.</p>
<p>HB 680 (2023 MT Legislature)</p>	<p>The Montana Legislature established a 2-mile / 250-yard drone exclusion zone around correctional facilities, expressly recognizing that such facilities require safety perimeters. The same logic supports a protective buffer between correctional facilities and schools.</p>
<p>State ex rel. Diehl Co. v. Helena, 181 Mont. 306 (1979)</p>	<p>Montana Supreme Court upheld interim urgency zoning under the predecessor to MCA 76-2-306, confirming that municipalities may act on an emergency basis to protect the status quo pending permanent regulation.</p>

IV. Why the Legislative Findings Support Immediate Adoption

The proposed ordinance includes detailed legislative findings -- reproduced in Appendix A -- that document the factual and legal basis for the buffer requirement. We summarize the most critical findings here:

Child Welfare:

Schools concentrate minors who lack the capacity to independently respond to emergencies. Children have limited situational awareness and rely on organized evacuation protocols. The City has a heightened duty to protect areas where children gather for extended daily periods. This is not a speculative concern -- it is the basic premise of every school emergency drill Laurel's children have ever participated in.

Emergency Response Conflict:

Correctional facilities and schools require fundamentally incompatible emergency protocols. A prison escape or perimeter breach requires immediate containment, law enforcement tactical deployment, and lockdown of surrounding areas. A school emergency requires lockdown, shelter-in-place, and parent-coordinated evacuation. These protocols cannot operate simultaneously within the same geographic radius without mutual interference. A one-mile separation allows each type of emergency perimeter to operate independently. At 459 yards, they cannot.

Infrastructure and Service Capacity:

The City of Laurel has already documented -- in publicly available materials -- that it cannot extend police, fire, water, and ambulance services to the proposed facility site without degrading existing coverage for current residents. This is not just a fiscal concern. It is a safety finding: if Laurel's emergency resources are stretched to serve a 90-100 person secure corrections facility, the response capacity available to West Elementary School and its students is reduced.

Irreversibility:

Once a facility of this type is approved, annexed, constructed, and operating, relocation is impracticable as a matter of practical and legal reality. The ordinance's emergency clause is necessary precisely because the normal zoning amendment timeline does not move as fast as a state annexation vote. The Council must act to preserve its own options.

V. Legal Effect of the Ordinance -- What It Does and What It Does Not Do

Before setting out our specific requests, Laurel C.A.R.E.D. believes it is important that the Council and the Commission understand precisely what legal effect the proposed ordinance would have -- and where its limits lie. This section addresses that question directly.

What the Ordinance Does:

If adopted, the ordinance would immediately make the proposed facility's location a violation of local zoning law. That has three concrete and significant consequences:

- It triggers the mandatory public hearing process under MCA 76-2-402. That statute requires that whenever a state agency proposes to use land contrary to local zoning regulations, the agency must attend a public hearing and the local governing body must hold that hearing within 30 days. The state cannot simply proceed -- it must come before this body, on the record, in a public forum, and participate in that process. The ordinance transforms what has so far been a unilateral state action into a process that requires local engagement.
- It makes a yes vote on annexation legally and politically untenable. A City Council that adopts a buffer ordinance prohibiting correctional facilities within one mile of schools -- and then votes to annex land for exactly that purpose -- has created a serious legal inconsistency that would be extraordinarily difficult to defend in any subsequent legal challenge. The ordinance does not eliminate the Council's ability to vote on annexation. It makes a yes vote nearly impossible to justify.
- It establishes a documented public record of the community's position. If the state ultimately seeks to override local zoning through legislative or executive action, the existence of a formally adopted local ordinance -- supported by detailed legislative findings -- is evidence that the community acted deliberately, on legal authority, and in good faith to protect its residents. That record matters in any subsequent legal or political proceeding.

What the Ordinance Does Not Do:

Laurel C.A.R.E.D. believes in being transparent about the limits of this instrument. The ordinance is a powerful tool -- but it is not an absolute guarantee, and the Council and Commission should understand that clearly:

- It does not automatically halt state action -- though the state's own public commitments significantly constrain its ability to resist. Montana courts have recognized that when the state acts in its sovereign capacity, local zoning may not be fully enforceable against it without explicit legislative authorization. The state may attempt to argue exemption. However, as documented in Section II of this letter, BOI Executive Director Dan Villa

stated on camera at the December 9, 2025 City Council meeting that BOI will follow every existing city ordinance and process governing land use in Laurel and does not intend to circumvent city governance. That public commitment directly forecloses the sovereign preemption argument. A state agency cannot credibly claim exemption from the very local zoning process it publicly promised to follow.

- It does not replace the annexation vote. The annexation vote remains the single most direct and definitive action available to this Council. A no vote on annexation stops the facility at this location regardless of any other legal proceeding. The ordinance is the legal architecture that supports and reinforces that vote -- making yes nearly impossible to defend and no legally coherent. The two work together; neither alone is sufficient.
- It does not permanently resolve the land use question. As described earlier in this letter, both the City ordinance and the County regulation are interim measures. They preserve the community's options for up to two years while the permanent zoning process plays out. They are the bridge -- not the destination.

Understanding both what the ordinance does and what it does not do is essential to evaluating the request before you. Laurel C.A.R.E.D. is not asking this Council or this Commission to believe that one instrument solves everything. We are asking you to use every available legal tool -- the ordinance, the annexation vote, the services plan requirement, the best-interest finding -- in combination, as a coherent legal strategy, in defense of the community you were elected to serve.

VII. Specific Request

Laurel C.A.R.E.D. respectfully requests the following specific actions from the City Council and the Board of Commissioners, acting collaboratively and in parallel in the interest of the residents of Laurel and Yellowstone County:

- **1.** That the Laurel City Council place the attached School Protection Buffer Emergency Ordinance on the agenda for the March 3, 2026 City Council meeting for immediate discussion and adoption under MCA 76-2-306, effective upon passage. The City Council has clear statutory authority to act tonight. We ask that it do so.
- **2.** That the Yellowstone County Board of Commissioners adopt a companion interim zoning regulation under MCA 76-2-206 -- by resolution, following a properly noticed public hearing -- establishing an equivalent one-mile buffer standard in the unincorporated areas within the Laurel-Yellowstone joint zoning jurisdictional area. This protects county residents who are equally affected by this siting decision but who have no vote before the City Council.
- **3.** That the City and County act in coordination through the Laurel-Yellowstone City-County Planning Board -- the joint planning structure already established under

Montana law for exactly this kind of shared jurisdictional action -- to ensure that the City ordinance and the County interim regulation are aligned, mutually reinforcing, and cover the full geographic area at risk.

- **4.** That the City Council direct the City Attorney to review the attached ordinance and advise on any modifications necessary to ensure enforceability -- and that the County Attorney be similarly directed -- with that review completed and reported back to both bodies at the earliest possible date.
- **5.** That if immediate adoption at the March 3 meeting is not possible, the City Council adopt a resolution of intent to adopt the ordinance and schedule a properly noticed emergency public hearing within the next seven days. Time is the critical variable. Every day without protective zoning in place is a day the annexation vote can proceed without it.
- **6.** That both bodies formally acknowledge, on the record, that the urgency of this matter is genuine -- that the siting decision affecting the permanent character of Laurel's westside residential neighborhoods and the surrounding county is being made now -- and that the community's ability to shape that decision depends entirely on government acting before it becomes final and irreversible.

VIII. Closing Statement

Laurel C.A.R.E.D. was founded on January 26, 2026 by community members who believe that the people of Laurel -- and the county residents who surround it -- deserve to be full participants in decisions that shape their community's future. Not recipients of press releases after those decisions have already been made. Not bystanders while government acts without them. Participants.

The School Protection Buffer Ordinance is not about opposition. It is about responsibility. It is about a city government and a county government doing what they exist to do: protecting the people they serve -- especially the children -- from foreseeable harm, and doing so proactively, before the window to act closes permanently.

The school board in Laurel has told the state this facility is in the wrong place. Every parent who has packed a City Council meeting has said the same. The residents of the surrounding county have the same concern and the same stake. The City Council and the Board of Commissioners now have a concrete, legally grounded, and coordinated action available to them -- one that does not require taking a position on the facility itself, only on where facilities of this type may be located near the places where Laurel's children learn and Yellowstone County's families live.

We ask you to act together. We ask you to act now. The community is watching, and the clock is running.

Respectfully submitted,

Elizabeth Gilg

On behalf of Laurel C.A.R.E.D.

Community Advocates for Responsible Economic Development

Laurel, Montana | laurelcared.com

February 24, 2026

APPENDIX A -- Legislative Findings and Declaration of Necessity

APPENDIX B -- School Protection Buffer Emergency Ordinance (Full Text)

Note: The full text of both the Legislative Findings (Appendix A) and the proposed Emergency Ordinance (Appendix B) are attached. Laurel C.A.R.E.D. recommends that the City Attorney review the ordinance and the County Attorney review the companion interim zoning regulation prior to adoption, and that each advise on any modifications necessary to ensure compliance with applicable Montana law, the Laurel Municipal Code, and Yellowstone County zoning regulations. The City and County are encouraged to coordinate that review through the Laurel-Yellowstone City-County Planning Board.

Legal Citations Reference

The following statutes, municipal code provisions, constitutional authorities, and cases are cited in this letter and support adoption of the proposed ordinance:

MONTANA CODE ANNOTATED

MCA 76-2-206	Yellowstone County Board of Commissioners -- interim zoning district or regulation -- emergency authority -- effective upon resolution following noticed public hearing -- one year duration with one extension
MCA 76-2-301	Municipal zoning authority -- regulation of land use for public health, safety, morals, and general welfare
MCA 76-2-304	Zoning regulations must consider adequate provision of transportation, water, sewerage, schools, parks, and other public requirements

MCA 76-2-306	City Council interim urgency zoning -- effective immediately upon passage following noticed hearing -- applies up to one mile beyond city limits -- six months with extensions
MCA 76-2-308	Enforcement of municipal zoning ordinances -- injunctive relief, permit denial, civil action
MCA 76-2-309	Zoning regulations control over conflicting uses
MCA 76-2-310	Municipal zoning authority extends up to one mile beyond city limits
MCA 76-2-402	State agency must attend public hearing when proposing to use land contrary to local zoning -- local governing body must hold hearing within 30 days -- DIRECTLY APPLICABLE to DPHHS and the Old Highway 10 site
MCA 76-2-412	Community residential facilities (8 or fewer persons) treated as permitted uses in residential zones -- does NOT apply to forensic corrections facilities, which are categorically penal/correctional institutions under Montana law and Laurel's own zoning code
MCA 7-2-4312	Annexation requires City Council finding that annexation is in the best interest of the city and inhabitants of the area -- substantive standard, not a rubber stamp
MCA 7-2-4731 and 7-2-4732	Annexation requires a detailed plan for extension of municipal services -- police, fire, water, sewer, streets -- approved before annexation can be completed. Laurel has documented it cannot extend these services without degrading existing coverage.
MCA 7-5-4101 et seq.	General powers of municipal council
MCA 16-12-207(3)(a)(iii)	Montana Cannabis Control Act -- 500-foot school buffer for marijuana businesses -- local governments may require greater distance

LAUREL MUNICIPAL CODE (Title 17 -- Zoning)

LMC Sec. 17.04.020	Zoning regulations adopted to promote health, safety, and general welfare -- to facilitate adequate transportation, water, sewer, schools, parks, and public requirements
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LMC Sec. 17.08.291	Definition of community residential facilities -- adult foster care, group homes, halfway houses -- does NOT include forensic corrections or penal institutions
LMC Sec. 17.08.580	Definition of mental hospital -- licensed institutions for care and treatment of mental and nervous disorders -- distinct from forensic corrections facilities under court authority
LMC Sec. 17.08.761	Medical marijuana dispensary prohibition within 1,000 feet of schools, childcare, parks, places of worship, AND correctional facilities -- Laurel already recognizes correctional facilities as sensitive uses requiring buffer protection
LMC Table 17.20.010	Jails and penal institutes permitted only in Heavy Industrial (HI) zoning district -- not permitted in residential, commercial, or public zones
LMC Sec. 17.12.220(F)	All land annexed to Laurel automatically becomes R-7500 Residential by default -- forensic corrections facilities are not permitted uses in any residential district
LMC Sec. 17.04.010 / 17.21.010	Laurel's zoning jurisdiction extends one mile beyond city limits -- joint jurisdiction with Yellowstone County through Laurel-Yellowstone City-County Planning Board

CONSTITUTIONAL AUTHORITY

Montana Constitution, Art. XI, Sec. 4	Municipal powers liberally construed -- includes all powers of a municipal corporation and those implied by law
Montana Constitution, Art. XI, Sec. 6	Self-governing municipal powers -- any authority not expressly prohibited
Laurel City Charter	City shall have all powers not prohibited by the Constitution or laws of Montana -- to be liberally construed with every reasonable doubt resolved in favor of the City

CASE LAW

Village of Euclid v. Ambler Realty Co., 272 U.S. 365 (1926)	U.S. Supreme Court -- foundational authority for municipal zoning as valid police power -- rational basis standard -- location-based zoning upheld
Berman v. Parker, 348 U.S. 26 (1954)	U.S. Supreme Court -- broad scope of public welfare in zoning -- community health, safety, and aesthetic values

Freeman v. Board of Adjustment, 97 Mont. 342 (1934)	Montana Supreme Court -- municipal police power in land use regulation broadly construed
State ex rel. Diehl Co. v. Helena, 181 Mont. 306 (1979)	Montana Supreme Court -- interim urgency zoning upheld -- status quo preservation pending permanent regulation
Gregg v. Whitefish City Council, 2004 MT 262 (2004)	Montana Supreme Court -- self-governing municipalities must follow statutory frameworks; discretionary matters require substantial compliance

LEGISLATIVE HISTORY

HB 680 (2023 MT Legislature)	Montana Legislature established 2-mile / 250-yard drone exclusion zone around correctional facilities -- legislative recognition of safety perimeters around such facilities
HB 5 (2025 MT Legislature)	\$26.5 million appropriated for eastern Montana forensic facility -- the specific facility that triggered this request

ON-THE-RECORD PUBLIC COMMITMENTS

Dan Villa, BOI Executive Director -- Laurel City Council Meeting, December 9, 2025 (on-camera 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." -- Source: City Council meeting video on record. This statement forecloses the state's sovereign preemption defense and constitutes a public commitment to comply with the proposed ordinance if adopted.
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