

ORIGINAL

RESOLUTION NO. 2013-21

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF RICHLAND COUNTY, MONTANA, ADOPTING ZONING FOR WORKFORCE HOUSING.

WHEREAS, recent technological advances in oil and gas drilling have allowed certain petroleum deposits to become economical to develop; and

WHEREAS, initial oil and gas well development requires a large, temporary workforce that needs housing; and

WHEREAS, the rapid proliferation of workforce housing in the region requires measures to classify and regulate the location and conditions on such housing in order to provide a basic level of public health, safety and general welfare and to mitigate the impacts so as to not unduly burden the residents of Richland County; and

WHEREAS, Richland County's adopted growth policy encourages development that provides for adequate services and that does not add to the tax burden of existing landowners, promotes population growth to sustain new businesses and schools at a rate that can be supported with government services and infrastructure, and seeds to expand housing stock in good condition to meet local needs; and

WHEREAS, the proposed zoning secures safety from fire and other dangers by providing a review process that ensures housing units will be separated in order to allow access by fire protection services and with adequate emergency water supply; provides for law enforcement and emergency medical services, and requires development to be located outside of any 100-year floodplain; and

WHEREAS, the proposed zoning promotes the public health, public safety, and general welfare by providing for a review process and development standards that ensure availability of adequate water, wastewater, solid waste, and other public utilities for workforce housing; the provision of adequate emergency and other public services; adequate grading and drainage; legal and physical access to the housing facilities; landscaping and visual buffering of the site from adjacent uses; and provides for the appropriate location and construction standards of workforce housing to ensure the preservation of the values of the quality of life and property in the county while meeting the immediate demand for workforces housing; and

WHEREAS, the proposed zoning facilitates the adequate provision of transportation, water, sewerage by requiring review

and improvements as necessary to roads, water systems and sanitation facilities; and

WHEREAS, the proposed zoning facilitates the adequate provision of schools, parks and other public facilities by requiring Applicants to extend and/or create public facilities that will serve their workforce housing facilities; and

WHEREAS, in considering and adopting the proposed zoning, the County Commission considered the reasonable provision of adequate light and air by requiring proper spacing between structures and building setbacks from property boundaries; and

WHEREAS, in considering and adopting the proposed zoning, the County Commission considered the effect of motorized transportation by requiring construction of roads to a set standard, generally recognized as adequate, for the movement of vehicles as well as required parking spaces to ensure that roadways are not blocked or travel lands reduced by parked vehicles; and

WHEREAS, in considering and adopting the proposed zoning, the County Commission considered the effect on non-motorized transportation systems by encouraging workforce housing facilities to be located within or adjacent to existing communities where certain basic daily need may be met without motorized travel; and

WHEREAS, in considering and adopting the proposed zoning, the County Commission considered the compatibility of urban growth in the vicinity of the cities and towns and found workforce housing to be acceptable because of economical access to public facilities and services; and

WHEREAS, in considering and adopting the proposed zoning, the County Commission considered the character of Richland County and its peculiar suitability for workforce housing and found such facilities to be generally suitable for the area because the protective measures contained in the regulations are generally sufficient to mitigate potential land use conflicts; and

WHEREAS, in considering and adopting the proposed zoning, the County Commission considered conserving the value of building and whether the zoning encouraged the most appropriate use of land throughout the jurisdictional area and found that, to a reasonable extent, it does; and

WHEREAS, in considering and adopting the proposed zoning, the County Commission considered whether the zoning regulations were, as near, as possible, compatible with the zoning ordinances of nearby municipalities and found them to be compatible, as near as possible; and

WHEREAS, after publishing adequate notice as required by statute and applicable local regulations, pursuant to Section 76-2-204, MCA, the Richland County City/County Planning Board held a duly noticed public meeting on March 19, 2013, regarding the proposed zoning district boundaries and appropriate regulations; and

WHEREAS, during that duly noticed public meeting, the public had an opportunity to be heard regarding the proposed district boundaries and appropriate regulations, and, after considering such public comment, the planning board made a unanimous recommendation in favor of the proposed zoning boundaries and regulations; and

WHEREAS, pursuant to 76-2-205, MCA, the Richland County Commission posted and noticed a public hearing on the proposed zoning district boundaries and regulations, stating the boundaries of the proposed district, the general character of the regulations, the time and place of the hearing, and that the proposed regulations were on file for public inspection at the office of the County Clerk and Recorder; posted that notice not less than 45 days before the public hearing in at least 5 public places within the proposed district; and published that notice once a week for 2 weeks in a newspaper of general circulation with the County; and

WHEREAS, after publishing and posting such notice, the County Commission held that public hearing on May 20, 2013, where, after considering the recommendation of the planning board and the public comment, and making those amendments that it deemed proper, the Board of County Commissioners passed a resolution of intention to create a zoning district and to adopt zoning regulations of the district; and

WHEREAS, pursuant to Section 76-2-205, MCA, the Richland County Commission noticed passage of the resolution of intention, stating the boundaries of the proposed district, the general character of the regulations, and that the proposed regulations were on file for public inspection at the officer of the County Clerk and Recorder; and published that notice once a week for two weeks in a newspaper of general circulation within the County; and

WHEREAS, pursuant to Section 76-2-205, MCA, for 30 days after first publication of such notice, the County Commission received 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, the number of protest received during the protest period totaled none, and the number of protests needed were 40% of the real property owners within the district whose names appeared on the last-completed assessment roll, or owners representing 50%

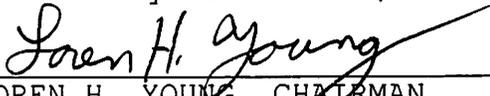
of the titled property ownership whose property is taxed for agricultural purposes or forest land, therefore the number of protests received was insufficient to halt the enactment of zoning.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF RICHLAND COUNTY, MONTANA, AS FOLLOWS.

Section 1. Richland County hereby adopts the zoning district, with boundaries as published and regulations as set forth in Exhibit A attached hereto and incorporated herein by this specific reference, under the authority provided by Section 76-2-201, MCA, et seq, for the purpose of regulating the location and impacts of workforce housing in Richland County.

Section 2. This resolution shall be effective immediately upon its passage and approval.

PASSED and ADOPTED this 8th day of October, 2013.



LOREN H. YOUNG, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
RICHLAND COUNTY, MONTANA

AYES 2
NOES _____
ABSTAINING _____
ABSENT 1

ATTEST:


STEPHANIE VERHASSELT
CLERK AND RECORDER
RICHLAND COUNTY, MONTANA

BY: _____
DEPUTY

Richland County Zoning for Workforce Housing Facilities

1. Definitions

- A. *Administrator*: The person appointed by the Governing Body who is responsible for carrying out the terms of these regulations.
- B. *Applicant*: Applicant is a generic term used in these regulations which means the owner, or designated representative, of land on which a housing facility is proposed, the person or firm who proposes the facility and intends to run it, and/or their representatives.
- C. *Board of Adjustment*: A board appointed by the Richland County Commissioners to hear and decide appeals, special exceptions and variances to the terms of these regulations, in harmony with its general purposes and intent. (Sections 76-2-221 through 228, MCA.)
- D. *Certificate of Compliance*: A permit applied for by the Applicant and granted by the Administrator upon completion of all improvements required under these regulations. This certificate signifies that all requirements of a conditional use permit have been met.
- E. *Conditional Use Permit*: A permit that may be granted by the Governing Body after determining that the proposed land use and application complies with the requirements of these regulations, will be adequately served by public facilities and services and, either on its own merits or with the addition of conditions, sufficiently mitigates expected impacts to neighboring landowners.
- F. *Governing Body*: The Board of Richland County Commissioners.
- G. *Land Development Activity*: Includes, but is not limited to, the clearing, grading, excavation, construction, re-construction, change of occupancy, change of use, or building activity.
- H. *Nonconforming*: The lawful use of land or buildings at the time of adoption or amendment of these regulations which does not comply with the requirements of these regulations.
- I. *Workforce Housing Facility*: One or more lodging unit providing housing for more than two workers who are not related to the landowner by blood, marriage, or adoption, and that are intended to be used for a limited period of time. A workforce housing facility may also be known/referred to as a man camp, crew camp, work camp, or crew housing facility. Workforce housing facilities may include the use of skid units, travel trailers, recreational vehicles, campers, mobile homes, park models, modular homes or any combination of these.

This definition is not meant to include the use of agricultural land to allow for the placement of recreational vehicle campers during harvest seasons or for the use of such campers for

family social events. This definition does not include camps set up for a specific, short term or seasonal project such as a school or highway construction project. It also does not include the placement of living units on oil and gas well sites during drilling operations or at gravel pits during gravel mining operations so long as the residents work at the site.

2. Workforce Housing Facilities Authorized

- A. Workforce housing facilities shall be permitted, upon review and approval of a conditional use permit application and after demonstrating compliance with these regulations, in the unincorporated areas of Richland County that fall under the jurisdiction of the Richland County Commissioners, specifically excluding the City of Sidney and the Town of Fairview.
- B. A conditional use permit must be granted prior to any land development activity related to a workforce housing facility.
- C. All workforce housing facility units shall be limited for use consistent with the conditional use permit as reviewed and approved, and shall not be converted to any other use without prior approval by the Governing Body.
- D. A workforce housing facility conditional use permit is valid for up to five (5) years. Upon expiration of the permit, the applicant shall dismantle the facility and reclaim the site to its original state in accordance with the approved site closure and restoration plan for the workforce housing facility unless otherwise approved by the Governing Body. At least 30 days prior to the expiration date, the applicant may apply for renewal of the permit subject to review under the rules in effect at that time.

3. Other Regulations

- A. In cases where the workforce housing facility is intended to create permanent sites for recreational camping vehicles or mobile homes, compliance with the Richland County Subdivision Regulations and the Montana Subdivision and Platting Act shall also be required.
- B. These regulations supersede regulations governing buildings for rent or lease.
- C. Water, wastewater, stormwater, and solid waste disposal facilities shall meet the requirements of the Montana Department of Environmental Quality (DEQ), the Richland County Sanitarian, and/or the Montana Department of Public Health and Human Services (DPHHS), as applicable.
- D. All site development shall comply with applicable floodplain requirements.
- E. State and Richland County building permits, as applicable, shall be obtained after a conditional use permit is granted pursuant to these regulations but prior to any land development activity.

- F. The applicant shall submit copies of all applicable permits to the Administrator prior to a certificate of compliance being issued.¹

4. Nonconforming Uses

- A. The lawful use of land or buildings at the time of adoption or amendment of these regulations may continue although such use does not conform with the provisions of these regulations.
- B. If a nonconforming use is discontinued for a period of 12 months, any future use of the buildings, structures or premises shall conform with the regulations in effect at that time.
- C. There shall be no limit on the maintenance and repair of a nonconforming use or buildings, provided that no such activity increases the degree of nonconformity. The degree of nonconformity is the measured extent to which an existing building or use fails to comply with the standards contained herein. For example, the degree of nonconformity of an existing workforce housing facility can be measured by, among other things, the number of beds. No increase in the number of beds shall be permitted except by demonstrating compliance with this resolution through the conditional use permit process.

5. Development Standards

A conditional use permit for a workforce housing facility shall not be approved by the Governing Body unless the applicant demonstrates the following minimum development standards have been or will be met:

- A. An accessible, adequate, safe, and potable supply of water for domestic purposes shall be provided to the workforce housing facility, installed in accordance with all applicable state and county health codes and requirements.
- B. The workforce housing facility shall be properly connected to a wastewater treatment system designed and installed in accordance with all applicable state and county health codes and requirements. When a public sewer connection with the capacity to serve the facility is available, a connection shall be made thereto and used exclusively. Site-specific wastewater treatment systems shall be used where connection to a public system is not available.
- C. Solid waste collection and disposal for the workforce housing facility shall be provided by the Applicant in locations that are screened from public view and are of sufficient capacity to accommodate the needs of the facility. Solid waste shall be collected weekly or more often and shall be disposed of in a manner approved by the Governing Body.

¹ Permits that may be applicable to a workforce housing facility include, but are not limited to: DEQ or DPHHS approval for water supply, wastewater treatment, solid waste, and stormwater runoff (or a municipal facilities exclusion); a DEQ stormwater pollution prevention plan permit (SWPPP); health approval from DPHHS or Richland County Sanitarian; state and local building permits; a street/road encroachment permit; and wetland and stream construction permits.

- D. Electrical utilities shall be provided to the workforce housing facility. At least one 'hard wired' (non-cellular) telephone line shall be installed at the site and be accessible to residents in case of emergency.
- E. The workforce housing facility shall have adequate emergency medical, fire protection, law enforcement and/or security services. The required level of services, including whether on-site services shall be provided, shall be determined by the Governing Body through consultation with local service providers. Prior to the issuance of a conditional use permit, the Applicant shall provide written confirmation from each local service provider of the availability and level of service able to be provided.
- F. A grading and drainage plan for the workforce housing facility shall be approved and implemented in accordance with MDEQ Circular No. 8 – "Montana Standards for Subdivision Storm Drainage."
- G. Legal and physical access shall be provided to the site, and direct physical access shall be provided to each structure on the property. All roads leading to the site and within the workforce housing facility must be designed by a licensed professional engineer and constructed to adopted Richland County standards for subdivisions.
- H. Common laundry facilities shall be provided for residents of the facilities. The number of washers and dryers provided shall be proportional to the number of residents anticipated.
- I. All water, sewer, electrical, and telephone utilities provided to the workforce housing facility shall be placed underground. No overhead utilities are permitted within the workforce housing facility site.
- J. The following site design standards shall apply:
 - i. The minimum distance between any workforce housing facility unit is 20 feet. This separation requirement includes but is not limited to attached awnings, slide-outs or other extensions of the units;
 - ii. The minimum distance between any workforce housing facility unit and any internal road, right-of-way or easement is 25 feet;
 - iii. The minimum distance between any workforce housing facility unit and any external property boundary or site boundary is 50 feet;
 - iv. The minimum distance between any workforce housing facility unit and an inhabited structure or any school, cemetery or church property boundary is 800 feet.
 - v. Off-street parking shall be provided at a rate of one parking space (9' x 20') per bed for residents plus one per each employee (caretaker or on-site manager, food service

personnel, etc.) on duty per shift. No on-street parking shall be permitted. One visitor parking space shall be provided for every 10 resident parking spaces.

- vi. A five (5) foot minimum landscaped area shall be required along the perimeter boundary of the workforce housing facility site to provide a visual buffer from adjacent properties. Landscaping shall consist of rocks, shrubs, trees, or grasses that are native to the area and that require minimal maintenance; berming may be utilized to enhance the landscaped buffer, as appropriate. Fencing may also be incorporated in the landscape buffer areas.
- vii. Internal roadways and walkways shall be lit using light sources directed away from adjacent off-site uses, downward-facing, and screened appropriately so as to illuminate travel surfaces and addresses for emergency service providers but without encroaching on adjacent off-site properties.
- viii. Each structure (and individual living unit, as applicable) shall have an address assigned by the Richland County Public Works Department, posted near an exterior entrance and large enough to be visible from the nearest roadway or access point to ensure emergency service personnel can locate a specific building or unit quickly and efficiently in the event of an emergency.

K. All workforce housing facility units shall be anchored to the ground.

L. No workforce housing facility unit shall be older than 20 years on the day of installation. However, manufactured homes meeting the U.S. Department of Housing and Urban Development's standards shall be permitted.

M. Enclosed porches, carports, awnings, room additions, and similar accessory structures are prohibited. Small, unenclosed entry decks are permitted, not to exceed 25 square feet in floor area; and shall be meet the separation requirement in (J)(i).

6. Site Restoration and Security Required

- A. Except as provided in (E.) below, upon expiration of the conditional use permit, or termination of use of the workforce housing facility, if earlier, the Applicant shall restore the site to pre-development condition or a more pristine state in accordance with an approved site closure and restoration plan. Restoration shall include removal of all infrastructure and facilities including sewer, water, electrical, telephone, roads and all site improvements, re-grading (as applicable), weed control, and planting and fertilization necessary to restore the site to pre-development or more pristine condition.
- B. Prior to obtaining a certificate of compliance, the Applicant shall submit to the Administrator a restoration security, in the form of an irrevocable letter of credit, surety bond or other financial instrument that is acceptable to the Governing Body and that will cover the cost of restoring the site to pre-development or more pristine condition.

- C. The amount of the security shall be determined at the Applicant's expense by an engineer licensed in the State of Montana who calculates the costs of implementing the site closure and restoration plan, including projected hours of labor for removal and restoration. The engineer shall submit for the Administrator's and Public Works Director's review all calculations and pricing based on projected costs using current cost figures plus 5% inflation per year for five years. The bond amount shall be in an amount of 150% of the engineer's total estimated costs plus inflation. Richland County reserves the right to reject the engineer's calculations if it determines the estimated costs do not represent an accurate projection of the required work, costs and labor.
- D. The amount of the security shall be reviewed and updated upon an application for renewal of the conditional use permit for the workforce housing facility.
- E. Prior to expiration of the conditional use permit, the Applicant may request the Governing Body's approval to prepare the site for an alternate use. Upon written approval of the Governing Body, and in compliance with all rules and regulations, the Applicant shall make all preparations for alternate use prior to the Governing Body releasing the financial security.

7. Administration

A. Application Submittal

The applicant shall submit the following to the Administrator:

- i. An application for a conditional use permit;
- ii. A nonrefundable permit review fee shall accompany the application as established by the Governing Body under a separate document;
- iii. An application for variance (and fee adopted by the Governing Body) from one or more required development standard, if applicable;
- iv. Pre-development photos of the site with labels that include descriptions, locations and directions of the photographs (e.g., Looking north from future site 11A toward the existing coulee);
- v. A workforce housing facility site plan (one or more sheets) drawn to scale showing and describing the location of:
 - a. property and site boundaries;
 - b. topographic contours and geographic features;
 - c. surface water;

- d. proposed on-site setbacks;
 - e. existing and proposed easements;
 - f. all utilities and connections, including existing and proposed water supply and wastewater facilities;
 - g. fire protection, solid waste, grading, drainage, and stormwater facilities;
 - h. legal and physical access to the site and each structure;
 - i. proposed and existing on-site and adjacent off-site streets and roads with applicable specifications;
 - j. required off-street parking;
 - k. landscaping, fences, lighting, and signage;
 - l. all on-site structures and improvements, including a description of each and the number of beds;
 - m. each proposed phase, if phasing of development is proposed;
 - n. recreational area.
- vi. A workforce housing facility site maintenance and management plan, including an evacuation plan for the site, current owner and onsite manager contact information, and provisions for the maintenance and management of:
- a. water supply;
 - b. sewage and solid waste disposal;
 - c. stormwater facilities;
 - d. on-site emergency medical, fire, security, and law enforcement, if any;
 - e. unit numbers for emergency responders;
 - f. laundry facilities;
 - g. road and parking areas, (including snow removal and storage);
 - h. landscaping, including irrigation and weed and dust control;

- i. operational rules of the facility;
 - j. exterior lighting; and
 - k. an updated occupancy and contact list, to remain on-site and be available at all times.
- vi. A landscaping and buffer plan, illustrating the location and type of all on-site vegetation, berms, and hardscaping elements.
- vii. A site closure and restoration plan, including a timeline and narrative describing how the workforce housing facility will be dismantled and restored to pre-development or more pristine condition. The plan shall include provisions for:
 - a. removal of all infrastructure and facilities, including sewer, water, electrical, telephone, roads, and all site improvements;
 - b. re-grading (as applicable);
 - c. weed control, planting, and fertilization; and
 - d. the applicant's proposal for restoration security, including the engineer's preliminary removal, restoration and labor calculations.
- ix. A phasing plan, if the entire project is not intended to be developed at once. The phasing plan shall include a site map showing the location of improvements and infrastructure that will be developed with each phase, and a timeline and narrative detailing the type and number of workforce housing facility units, infrastructure, and other improvements to be completed with each phase.
- x. A current map and list of all landowners with property adjoining the boundaries of the subject property, produced by Richland County (at the County's discretion) or a title company.
- xi. If 50 or more beds are proposed, a transportation impact analysis prepared by a professional engineer.
- xii. A will-serve letter from all utility companies proposed to serve the facility (e.g., Lower Yellowstone Rural Electric Association, Mid Rivers Telephone, etc.).

B. Application Completeness and Sufficiency

Upon receipt of an application for a workforce housing facility conditional use permit, the Administrator shall determine within 15 working days whether the application contains all of the items required for review, with enough clarity and detail to allow the Administrator to determine compliance with these regulations. The Administrator shall review the application

for evasion of these rules, shall notify the Applicant in writing of any deficiencies and allow the Applicant to supplement or revise the application materials.

If the Applicant corrects the deficiencies and resubmits the application the Administrator shall have 15 working days to notify the Applicant whether the resubmitted application contains all the materials required under section 7 "Application Submittal", as applicable.

C. Administrator Duties

- i. **Public Hearing, Notice.** The Administrator shall place a hearing of the proposed conditional use permit on the next agenda of the Planning Board for which public notice requirements can be met, and at which time will allow for its proper consideration. Notice of the hearing shall be provided as follows:
 - a. By certified mail, at least 15 days before the hearing, to the Applicant, each adjoining landowner, and each purchaser under contract for deed of property immediately adjoining the subject property; and
 - b. By newspaper publication, at least 15 days before the hearing, one legal notice in the official newspaper.
 - c. The Applicant shall post notices at conspicuous places on the site of the proposed workforce housing facility at least 10 days before the public hearing. Notices shall be at least 3 feet by 3 feet and be readable up to 50 feet from the edge of the existing road along the proposed site.
- ii. The Administrator shall prepare or contract for the preparation of a report that describes the proposed workforce housing facility, its size, context and its compliance or failure to comply with the applicable requirements of this resolution. The report shall include an assessment of potential significant impacts on the surrounding physical environment and human population in the area to be affected, including conditions, if any, that may be imposed on the proposal to avoid or minimize potential significant impacts identified. In preparation of the report, the Administrator may seek input from departments or agencies with jurisdiction over the services to be provided to the facility, including but not limited to law enforcement, fire, parks, sewer and water, roads, solid waste, and other departments, agencies, or service providers. In the report the Administrator shall offer findings, conclusions and recommendations for conditional approval or denial of the proposal for the Planning Board's consideration.
- iii. Within 15 days of the Planning Board's hearing and recommendation (D, below), the Administrator shall transmit the board's proposed findings, conclusions and recommendations to the Governing Body.

D. Planning Board Review and Recommendation

- i. The Planning Board shall conduct a public hearing on the proposed workforce housing facility. At the hearing the board shall review the particular facts and circumstances of the proposal and adopt findings and conclusions in support of its recommendation.
- ii. If the Planning Board finds the application complies with the evaluation criteria [see E.i. below] it shall recommend approval. If the board finds the application fails to comply and cannot be conditioned so as to sufficiently mitigate all anticipated impacts, it shall reject the application. Conditions may be attached to a recommendation in order to ensure compliance with these regulations and to sufficiently mitigate anticipated impacts.
- iii. Following the Planning Board's recommendation, the Administrator shall forward a copy of the findings and recommendation to the Applicant and the Governing Body.

E. Governing Body Decision

- i. Evaluation Criteria. At a regularly scheduled public meeting, the Governing Body may approve a conditional use permit for a workforce housing facility upon finding that all of the following evaluation criteria are met:
 - a. The application and supplementary materials, as submitted or conditioned, comply with the applicable development standards of these regulations and sufficiently mitigate the anticipated impacts on public health, safety, and general welfare;
 - b. Adequate facilities and services are available to serve the workforce housing facility;
 - c. The workforce housing facility is in substantial compliance with the County's Growth Policy;
 - d. The appearance of the workforce housing facility, in terms of the arrangement, height, scale, and design of the structures, location of parking areas, landscaping and other features, is compatible with the character of the area.
- ii. If the Governing Body finds the application, as submitted or conditioned, fails to comply with any one of evaluation criteria set forth herein, the conditional use permit shall be denied.
- iii. Within fifteen (15) days of the Governing Body's decision, written notice of the decision shall be mailed to the applicant at the address shown upon the application. The decision may be appealed in accordance with subsection (G) of this resolution.

F. Variance Process and Review Criteria

- i. Any variance requests submitted with an application for a workforce housing facility shall be decided by the Board of Adjustment prior to the Governing Body's decision on the conditional use permit.
- ii. The Board of Adjustment shall not approve a variance unless it finds that all of the following criteria have been met:
 - a. The hardship is due to the size, physical surroundings, shape, or topographical conditions of the property;
 - b. The hardship is peculiar to the property;
 - c. The hardship was not created by the applicant;
 - d. The hardship is not purely financial;
 - e. The variance requested is the minimum variance necessary to alleviate the hardship;
 - f. Granting the variance will not be detrimental to the public health, safety, or general welfare;
 - g. Granting the variance will not cause a substantial increase in public inconvenience or costs;
 - h. Granting the variance will not have the effect of nullifying the intent and purpose of these regulations;
 - i. Granting the variance will not adversely affect neighboring properties or the public; and
 - j. Granting the variance will not confer a special privilege that is denied other similar properties in the same district.
- iii. The applicant has the burden of proving that all of the criteria for obtaining a variance have been met.

G. Appeal

- i. Any person aggrieved or any officer, department, board, or bureau of the County affected by a decision of the Administrator on an application for a workforce housing facility conditional use permit, including development standards, security, or other conditions imposed, may appeal that decision to the Board of Adjustment within a reasonable period

of time or as provided by the rules of the Board, and in accordance with the procedures set forth in Section 76-2-226, MCA.

- ii. Any person aggrieved by a decision of the Board of Adjustment or the Board of County Commissioners, or any taxpayer, officer, department, board, or bureau of the County may petition the district court within 30 days of the Board's decision, in accordance with the procedures set forth in Section 76-2-227, MCA.

H. Certificate of Compliance

No workforce housing facility unit may be used or occupied until the Administrator has issued a Certificate of Compliance. The applicant may apply for and receive a Certificate of Compliance from the Administrator upon meeting the following conditions:

- i. A Certificate of Compliance fee is submitted as established by the Governing Body under a separate document;
- ii. all conditions of approval have been met;
- iii. all infrastructure has been appropriately installed and certified;
- iv. the required restoration security is in place;
- v. a professional engineer licensed in the State of Montana has signed a Certificate of Improvements, certifying that all required improvements have been installed to required specifications;
- vi. a final maintenance and management plan has been submitted to the Administrator and placed on-site as specified therein; and

8. Annual Inspection, Compliance Fee Required

- A. The Governing Body, Administrator or other appointed official shall inspect all workforce housing facilities at least once per year to assess compliance with these regulations and all conditions of approval.
- B. At a minimum, the inspector shall give the facility operator at least 24 hours notice by telephone.
- C. An Annual Inspection Compliance fee shall be required for all temporary workforce housing facilities is to be submitted as established by the Governing Body under a separate document.
- D. The compliance shall be paid to Richland County by January 15 of each calendar year.

9. Enforcement and Penalties

- A. Any building, structure, or land erected, constructed, reconstructed, altered, repaired, converted, maintained, or used contrary to the provisions of these regulations shall be, and the same is hereby declared to be, unlawful.
- B. Upon learning of any violation of a conditional use permit issued hereunder, the Administrator shall notify the on-site manager and applicant of the violation by certified mail and/or posting on the site.
 - i. The notice shall describe the violation, cite the section of these regulations being violated, and request the responsible party to voluntarily comply within 30 days.
 - ii. The notice may include a “stop work order” that requires all non-corrective development to cease, states the specific development to be stopped, the specific reasons for the ordered stoppage, and the conditions under which development may resume. While a “stop work order” is in effect or until a violation is corrected, no permits or development approvals shall be granted for the property.
- C. Any person who receives a notice of violation may, within the 30 days allowed, request inspection by the Administrator to show that compliance has been attained or appeal the Administrator’s notice of violation to the Governing Body.
- D. If, after the 30 days for voluntary compliance has lapsed, compliance has not been attained or an appeal has not been filed, the Administrator shall request the County Attorney begin legal action against the landowner and any responsible party.
- E. Upon request by the Administrator, the County Attorney may immediately commence actions and proceedings for the abatement, removal, and enjoinder thereof in the manner provided by law; and shall take such other steps and shall apply to any court as may have jurisdiction to grant such reliefs as will abate or remove such building, structure, or use and restrain and enjoin any person, firm or corporations from erecting or maintaining such building or structure or using any property contrary to the provisions of this title.
- F. This enforcement process may be accelerated where the Administrator finds that public health and safety are endangered by a violation hereof.
- G. Penalties
 - i. A violation of these regulations is a misdemeanor punishment by a fine not exceeding \$500, or imprisonment in jail not exceeding six months, or both.
 - ii. The violation of any one provision herein is considered a separate violation, and each day in violation thereof shall constitute a separate, additional violation.

- 7 6 1 9
- iii. In addition to the penalties set forth herein above, any person who violates these regulations may be required by court order to abate or remove any building, structure, or use in violation of these regulations or otherwise restore the property to its pre-existing condition.



RICHLAND COUNTY Montana

Discover the Richness

Temporary Workforce Housing Conditional Use Permit Application Form

Provide the following information:

1. Name of Property Owner: _____
Address: _____ Phone Number: _____
2. Name of Applicant: _____
Address: _____ Phone Number: _____
3. Name of Project or Site: _____
4. Legal Description of property: _____ Section: _____ Township: _____ Range: _____
5. Total number of units: _____ Total Acreage: _____
6. Property Physical Address: _____

7. Current land use: _____
8. Surrounding Land Use: _____
9. Variance request: _____ Fire Area/District: _____

The materials identified in Resolution No. _____ Exhibit A and review fee are submitted with this form.

I hereby certify that the above information is true and correct and that I am the Landowner _____, Owner's Agent _____, and/or Lessee _____ of the above described property. (Please check all that apply).

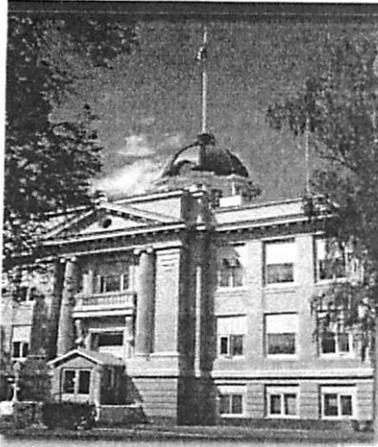
Signature of Applicant

For Office Use only

Dated Submitted: _____ Required Fee: \$ _____

Board of Adjustments: _____ Meeting/Hearing Date: _____

County Commissioners: _____ Meeting/Hearing Date: _____



RICHLAND COUNTY Montana

Discover the Richness

WORKFORCE HOUSING CONDITIONAL USE PERMIT

Date Issued: _____

This permit is GRANTED to:

Name of Site: _____

Permit issued to: _____

Site Address: _____

Grantee mailing address: _____

Grantee Telephone Number: _____

This permit is valid for up to five (5) years; 30 days prior of expiration of this permit the Grantee may reapply. This permit is issued only for this site, may not be transferred to another site, and must be kept on the site.

Administrator's signature: _____

To reapply contact: Richland County Planner Office, 123 W. Main ST, Suite 2, Sidney, MT 59270 (406) 433-6886