

RESOLUTION NO. 26-20

**A RESOLUTION BY THE PRAIRIE COUNTY COMMISSION  
CREATING THE LAST BEST PLACE CITIZEN INITIATED ZONING DISTRICT**

WHEREAS, on December 30, 2025, a petition was filed with the Prairie County Clerk and Recorder by the affected real property owners of the property within the area described in the petition and attached maps to create a planning and zoning district pursuant to Title 76, Chapter 2, Part 1 of the Montana Code Annotated (MCA);

WHEREAS, the Prairie County Clerk and Recorder certified on JANUARY 20, 2026, that pursuant to MCA Section 76-2-101(1), 100% percent of the affected real property owners within the proposed district had signed petitions requesting the creation of Citizen Initiated Zoning District that consists of more than 40 acres;

WHEREAS, on MARCH 2, 2026, the Prairie County Commission held a public hearing to consider the creation of the Citizen Initiated Zoning District;

WHEREAS, notice of the public hearing was provided in accordance with state law, stating the written comments could be provided to the Prairie County Commission and that oral comments would be taken at said public hearing;

WHEREAS, at the public hearing several citizens of Prairie County and residents of the proposed Citizen Initiated Zoning District spoke in favor of and in opposition to creating the district and why creating the district was or was not in the public interest or convenience;

WHEREAS, the Prairie County Commission, after reading the submitted written comments and considering the oral comments provided at the public hearing, make the following findings of fact:

- Creating the district and adopting appropriate regulations will protect the public health and safety and general welfare of the people who reside within the district;
- Creating the district and adopting appropriate regulations will protect the property values of the surrounding non-participating landowners of the district;
- Creating the district and adopting appropriate regulations will allow for protection of large agricultural producers within the district who grow crops and raise livestock for human consumption;
- Creating the district and adopting appropriate regulations will preserve and maintain the character of the area and promote growth commensurate with the character of the property and uses existing within the district;
- Creating the district and adopting appropriate regulations will promote development which is compatible with the present character of the area within the district;
- The County Commissioners considered the public comments made both in support and in opposition to the creation of the District, with discussion on both sides generally revolving around the protection of private property rights, with opponents focusing on the impact that development on adjacent property would impact the free use and enjoyment of their own property;
- The State of Montana has enacted wind turbine regulations in statute establishing minimum standards for setbacks and de-icing as set forth in in House Bill 939 (2025) although enforcement provisions appear to be lacking;
- Prairie County is a member of the Eastern Plains Economic Development Corporation (EPEDC) which has a stated “goal” to: “advocate and assist in the evaluation, creation, and implementation of responsible natural resource development with regard to agriculture, oil and gas exploration, energy (coal, wind, ethanol, geothermal) development, and power generation”;
- The Natural Resources Conservation Service (NRCS) has adopted a Long-Range Strategic Plan for Prairie County which includes general plans for the decommissioning and removal of windmills used for the pumping of water for

agricultural and domestic uses, and replacement of the same with solar pumping units;

- The Commissioners find that the 2016 Prairie County Growth Policy states that: “the protection of private property rights should also be paramount, when decisions are made, with regards to land use;”
- The Commissioners find that the Montana Constitution Article II, Section 3, entitled "Inalienable Rights," guarantees that all people are born free and have certain inalienable rights, including the right to a clean and healthful environment, to pursue life's necessities, and to defend their lives and liberties. It also includes the rights to acquire property and to seek safety, health, and happiness in all lawful ways, while acknowledging that these rights come with corresponding responsibilities;
- Additional Findings: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Public comment considered by the County Commissioners included concerns regarding the following:

- sounds, visual, light pollution, flicker, shadow, vibration, wake, electromagnetic, electrical & radio frequency interference, and noise;
- turbine heights and fire suppression;
- view shed, to preserve the viewshed and its value;
- the cost of decommissioning that may be the responsibility of the county;
- truck traffic during construction on our roads, who would be responsible for maintenance, upkeep, and concerns about speed limits, safety and dust control;
- sufficient setbacks from turbines for residential and non-participating landowners, as well as shallow water wells and county roads;
- concerns about using adjacent landowners wind rights;
- the ability to control predators, control by aerial hunting and the cost of alternative

predator control, and other aerial pest control;

- the negative effects to sharp tail grouse leks;
- that wind farms would bring in money for maintaining infrastructure, providing new jobs, and increase the tax revenue for the county;
- protecting viewshed becomes complicated as the county has no jurisdiction over State and Federal lands with checkerboard ownership;
- the County's inability to reduce taxes and still provide services in the future without an increased tax base;
- projected impact fees are estimated to be \$15 million to the county (based on .05% of estimated cost of project for each year for 3 years), and can be used for any governmental purpose;
- the administrative and enforcement costs of the proposed district and regulations;
- regarding tax abatement vs no tax abatement, which benefits the county most?
- Additional Comment: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Legal issues raised by the public and considered by the County Commissioners included:

- determination as to when a pre-existing non-confirming use is vested;
- that the zoning proposal is targeting one specific industry;
- that the proposed zoning district if established "as is" would purport to prevent the wind farm from being constructed;
- that State and Federal lands within the proposed district are exempt from complying with zoning regulations;
- concerns regarding decommissioning bonding, which is under the jurisdiction of the State of Montana;
- the School Trust Lands requirement to bring in maximum tax revenue to support schools;

- that Prairie County would be liable for the enactment or enforcement of any unlawful regulations, should the county adopt the zoning regulations as written and presented by Petitioners.
- Additional Legal Issues: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

WHEREAS, Real property owners in a zoning district may petition the board of county commissioners to submit a referendum to the registered electors residing in the zoning district to terminate the zoning district. The petition must be in writing and contain the signatures and addresses of 20% or more of the real property owners in the zoning district. The petition requesting a referendum for the termination of a zoning district must be delivered to the county clerk and recorder, who shall endorse on it the date when the petition was received and validate the signatures within 60 days of receipt of the petition. If the petition contains valid signatures of at least 20% of the real property owners within the zoning district, the county clerk and recorder shall notify the county commissioners.

NOW THEREFORE, BE IT RESOLVED that the Prairie County Commission does hereby accept the Clerk and Recorder’s certification of 100% of the affected property owners having signed the petition, adopts the foregoing findings of fact, and based on said findings of fact, determine that creating the district will allow for reasonable and lawful regulation of adjacent land uses so as to protect adjoining land owners, that the issues raised by the proponents of the creation of the district dictate that the creation of the district is in the public interest and convenience, **and does hereby create the Last Best Place Citizen Initiated Zoning District which is depicted in**

**the map attached hereto as Exhibit “A,” and incorporated by this reference.**


BE IT FURTHER RESOLVED THAT a definitive legal description may be developed and included in any subsequently adopted zoning regulations applicable to the district; and

The County Commissioners, by separate action, shall solicit letters of interest from citizens residing within the District who are interested in serving on the zoning commission for the said District, and shall empanel a zoning commission in accordance with MCA 76-2-102.

DATED AND PASSED this 2 day of MARCH, 2026.

PRAIRIE COUNTY COMMISSION

  
\_\_\_\_\_  
Todd Devlin

  
\_\_\_\_\_  
Dennis Teske

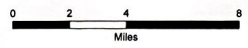
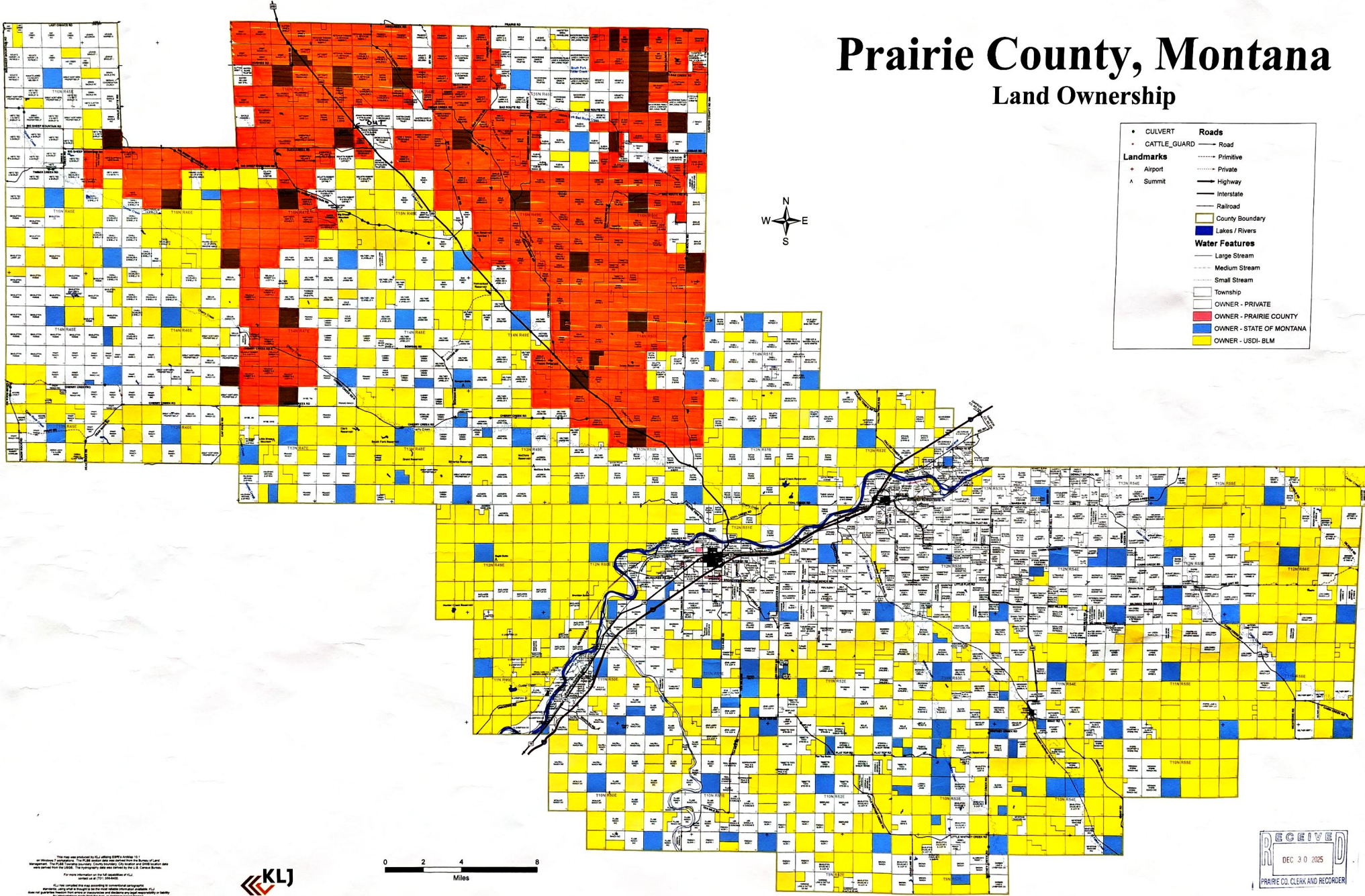
  
\_\_\_\_\_  
Christine Keltner

Attest:   
\_\_\_\_\_  
Shari Robertson, Clerk and Recorder

# Prairie County, Montana

## Land Ownership

• CULVERT	— Road
• CATTLE_GUARD	— Primitive
<b>Landmarks</b>	— Private
• Airport	— Highway
▲ Summit	— Interstate
	— Railroad
	— County Boundary
	— Lakes / Rivers
<b>Water Features</b>	— Large Stream
	— Medium Stream
	— Small Stream
	— Township
	— OWNER - PRIVATE
	— OWNER - PRAIRIE COUNTY
	— OWNER - STATE OF MONTANA
	— OWNER - USDI - BLM



NAD 1983 UTM Zone 13N Projection



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