

<p>County Commissioners Phone 377-3562 Dennis Zander, Chairman Joe Sharbono, Member Brad Mitchell, Member</p>	<p>County of Dawson 207 W. Bell Glendive, MT 59330 www.dawsoncountymontana.org</p>	<p>Clerk and Recorder Phone 377-3058 Shirley Kreiman County Treasurer Phone 377-3026 Lacie Bennett</p>
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January 13, ~~2025~~ 2026

Ric Holden
101 RD 253
Glendive, MT 59330

RE: Petition for Type 1 Zoning

Mr. Holden,

Your petition for Type 1 Zoning has been denied. As a result, a hearing on the matter will not be scheduled.

Basic statutory interpretation requires that once Type 2 Zoning is passed, there is no nonzoned land upon which Type 1 Zoning could be imposed. Type 2 Zoning under Resolution 2025-29 was passed on January 6, 2025. The law does not allow for Type 1 Zoning to be overlaid upon Type 2 Zoning. Thus, the adoption of Type 2 Zoning prohibits the Type 1 Zoning from being enacted. The Type 2 Zoning as passed encompasses the entire previously un-zoned area of the county and regulates the same structures as the Type 1 Zoning that was submitted by petition. Thus, the currently petitioned Type 1 Zoning cannot be implemented as height and setback restrictions are already in place county-wide.

To put it simply, allowing the proposed district to be imposed concurrently with the passed resolution that already accounts for height and setback requirements would result in what is known as "spot zoning", a presumptively prohibited act. After an analysis of Montana's three-part test to determine whether impermissible spot zoning occurred, it's been determined that the proposed Type 1 Zoning District would result in impermissible spot zoning in the larger zone already covered by the passage of the resolution under Type 2 Zoning.

The process for seeking and obtaining amendments to the enacted Type 2 Zoning can be found in the Montana Code Annotated.

Please reach out if you have any further questions,

Sincerely;

Dennis Zander, Chairman of the Dawson County Commissioners

76-2-101. The newly created resolution 2025-16, required that land deeds, tax records, corporate ownership records, notarized signatures, legal metes and bounds mapping, all be submitted along with a newly created \$500 filing fee. The Southwest Dawson County Zoning District complied with the requirements. See attached Resolution 2025-16.

3. On October 20, 2025, the petitioners filed the petition and notarized signatures with the Dawson County Clerk and Recorder. On November 14, 2025, the Clerk and Recorder certified the petition as having met the resolution 2025-16 requirements with 70.96% of the landowners' support. Far surpassing the 60% requirement. See attached certification letter.

4. The commissioner's newly passed resolution 2025-16, which clearly states on page 3, part 4, that once the certification process has been completed, then the "Commissioners Appoints a Planning and Zoning Commission" or assigns the petition to an already existing zoning commission. At this point, on page 4, the planning commission makes and adopts a development pattern with appropriate public hearings to determine a recommendation to refer back to the commissioners. Page 4, part 6. A-B. Require the commissioners to hold public meetings and determine whether the creation of the District is in the best interest of the people in the proposed District. Page 4, part 6.B. state that the "County Commissioners shall take action on the Planning and Zoning District". The petitioner, Todd Tibbetts, contends that the commissioners did nothing to refer this legally certified petition to a zoning commission for public hearings. The county commissioners abandoned their responsibility to advance the measure through the proper channels.

5. On January 17, 2026 a letter appeared in Mr. Ric Holden's rural mailbox summarily denying the Southwest Dawson County Zoning District petition. The letter stated, "a hearing on the matter will not be scheduled." No vote was taken, no public hearing was scheduled, and

the issue was never placed on the commissioner meeting agenda. The decision had been made behind closed doors in the commissioner's office, with no transparency. The commissioners attempted to wash their hands of the issue by passing Type 2 zoning regulations a few days before they drafted the denial letter. See attached denial letter.

THEREFORE, the Petitioner respectfully asks this court to :

1. Require the Dawson County Commissioners to refer the citizen-initiated certified Southwest Dawson County Zoning District to the appropriate county zoning board for public hearings according to the rules outlined in Resolution 2025-16.
2. Consider the reimbursement of the petitioner's legal costs from Dawson County.
3. Consider punitive damages against the county commission for "Abuse of Discretion" against the 70.94% of the landowners that supported the creation of the district as recorded in the Dawson County Clerk and Recorder's office.

(Your signature)

(Print your name)

(Date)

State of Montana)
) : ss
 County of _____)

_____, being first duly sworn, upon oath, deposes and says as follows:
 I am the Petitioner in the foregoing Petition. I have read the foregoing Petition and the facts of the matter contained herein are true, correct, and complete to the best of my knowledge and belief.

Petitioner

Signed and sworn to (or affirmed) before me this _____ day of _____, 20_____.

(Signature of notary)

(Printed name of notary public)

Notary public for the state of _____

Residing at: _____

My commission expires: _____

Subject: Fw: Zoning Petition

From: todd tibbetts <toddtibbetts@hotmail.com>

Date: 10/20/2025, 9:09 AM

To: Ric Holden <rich@midrivers.com>

From: Brett Irigoin <birigoin@dcatty.net>

Sent: Tuesday, June 10, 2025 2:01 PM

To: todd tibbetts <toddtibbetts@hotmail.com>

Subject: Zoning Petition

Todd,

I am in receipt of your proposed zoning petition and map that you provided to me on June 5, 2025. I have had the opportunity to review the proposed zoning district map that you provided to me. The map itself appears to be legally sufficient and the proposed district is contiguous as required by law. The petition also appears to comply with the requirements of the MCA for form, minus the land use regulations that must be submitted with the final petition.

Thank you,

Brett J. Irigoin

Dawson County Attorney

Phone: (406) 377-2532

Fax: (406) 377-2531

121 S. Douglas Ave.

Glendive, MT 59330

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Phone: (406) 377-3562
Brad Mitchell, Chairman
Dennis Zanderl, Member
Joe Sharbono, Member
Office of Clerk & Recorder:
Phone: (406) 377-3058
Shirley Kreiman
Office of County Treasurer:
Phone: (406) 377-3026
Lacie Bennett

November 14, 2025

Southwest Dawson County Part 1 Zoning Petition
Certification

The Dawson County Clerk & Recorders office received a petition for Part 1 Zoning from Ric Holden on October 20, 2025.

The process to review the petition:

- Step 1. A map of the area as provided by petitioner was transferred onto a land ownership map.
- Step 2. The deeds of each landowner of the petitioned area were researched and listed on a spreadsheet.
- Step 3. The signed petitioners were matched to the spreadsheet to determine which signatures matched the deed or were signed by an authorized party.


The final count on the Southwest Dawson County Part 1 Zoning Petition is as follows:


Total Landowners	117
Total Valid Signatures	83
Total Percentage required	60%

Percentage of accepted signatures for affected real property owners is 70.94%

Therefore, the Dawson County Clerk & Recorder has determined the petition to be certified, as it has met the required threshold, pursuant to MCA §76-2-101.

Sincerely,


Shirley A Kreiman,
Dawson County Clerk & Recorder


Denise Alberts,
Deputy Clerk & Recorder

Attached is the spreadsheet with count.

