EXHIBIT 19
DATE 2.16.05
HB 591

County Zoning Regulation Comparison
12/15/04

County zoning regulations were reviewed for seven major counties in the state (Cascade, Flathead, Gallatin, Lake, Missoula, Silver Bow and Yellowstone).

These counties require a conditional use, special exemption or special review permit for sand and gravel mining in the following zoning designations. **There are 46 zoning designations that require stipulations on sand and gravel mining.** Some zoning designations prohibit mining by default and one specifically prohibits mining. See the attachment for details

County	Zoning district that requires a conditional use, special or special review permit
Cascade	A Agricultural I-1 Light Industrial prohibits mining by default I-2 Heavy Industrial
Flathead	AG-80 Agricultural AG-40 Agricultural AG-20 Agricultural SAG-10 Suburban Agricultural SAG-5 Suburban Agricultural R-1 Suburban Residential I-2 Heavy Industrial WV West Valley LL Labrant/Lindsey Lane NF North Fork
Gallatin	AE Agriculture Exclusive RF Recreation and Forestry District B-4 Base Area Recreation and Forestry R-1 Residential R-5,5S Residential C-I Commercial and Industrial Mixed Use PL Public Lands RD Resource Development RR-10 Rural Residential AR Agriculture and Rural Residential RF Recreation and Forestry District CC Canyon Commercial PL Public Lands CR Canyon Residential AR Agricultural and Rural Residential PL Public Lands R-20 Agricultural Residential
Lake	Lower Bug Creek prohibits mining by default Lake Mary Ronan prohibits mining by default Swan Sites specifically prohibits mining

	Protective Lands Well Head Protection Overlay
Missoula	C-A1 Open and Resource Lands
Silver Bow	M-2 Heavy Industrial
Yellowstone	RP Residential Professional NC Neighborhood Commercial CC Community Commercial HC Highway Commercial CBD Central Business District CI Controlled Industrial HI Heavy Industrial P Public South 27th Street Corridor

County Zoning Regulation Comparison

County	Major Town	Information Gathered From	Zoning	Reference to State Zoning Statutes in Question 76-2-209 (or 76-1-113)
Cascade	Great Falls	On line zoning regulations www.co.cascade.mt.us 454-6905	**A Agricultural District** – Allows quarry, sand and gravel pit with a special permit (p 26). **I-1 Light Industrial District** – Does not allow mining, extracting, filling or soil stripping operations (p 34). **I-2 Heavy Industrial District** – Excavation of materials require a special exemption (p 45). Section 9.1.4 Natural Production Uses contains extra requirements on the gravel and sand industry (p 45).	
Flathead	Kalispell	On line zoning regulations www.co.flathead.mt.us 751-8200	All of the following zoning districts require a conditional use permit for extractive industries **AG-80 Agricultural (p 20)** **AG-40 Agricultural (p 22)** **AG-20 Agricultural (p 24)** **SAG-10 Suburban Agricultural (p 26)** **SAG-5 Suburban Agricultural (p 28)** **R-1 Suburban Residential (p 31)** **I-2 Heavy Industrial (p 82)** **WV West Valley (p 102)** **LL Labrant/Lindsey Lane (p 124)** **NF North Fork (p 129)** Section 4.10 contains conditional use standards for extractive industries. (p 145)	Flathead regulations last amended in 2003, created in 1993 Section 1.01.010 states "These regulations and the accompanying map(s) shall be known as, and shall be referred to as, the "Flathead County Zoning Regulations" in accordance with and exercising the authority the authority of Section 76-2-201, M.C.A." (p 1) 76-2-201. County zoning authorized. (1) For the purpose of promoting the public health, safety, morals, and general welfare, a board of county commissioners that has adopted a growth policy pursuant to chapter 1 is authorized to adopt zoning regulations for all or parts of the jurisdictional area in accordance with the provisions of this part. Section 2.08.060 states "The creation of new zoning districts shall be done in accordance with Sections 76-2-201 to 76-2-211, inclusive, M.C.A." (p 16)

Gallatin	Bozeman	Sean O'Callaghan Planner 582-3130 socallaghan@co.gallatin.mt.us On line zoning regulations http://gallatincomt.virtualtownhall.net/public_documents/GallatinCoMT_PlanDept/GallatinCoMT_ZoneDist/	Per Mr. O'Callaghan, generally, extractive industries within zoned areas of Gallatin County require conditional use permits. Bridger Canyon regulations **AE Agriculture Exclusive District** – Quarries, quarrying operations and mining require a conditional use permit (p 13). **RF Recreation and Forestry District** – Development and processing of natural resources and mines and mining structures require a conditional use permit (p 14). **B-4 Base Area Recreation and Forestry District** – Development and processing of natural resources and mines and mining structures require a conditional use permit (p 24).	Bridger Canyon regulations last amended in 1999, created in 1971 Section 1.2 states "Pursuant to Section 76-2-201 et. seq. of the Revised Codes of Montana there is hereby adopted a development pattern. Said development pattern shall consist of the Bridger Canyon General Plan and the Bridger Canyon Zoning Regulation." (p 4)
			Bear Canyon regulations **R-1 Residential District** – Quarries and quarrying operations require a conditional use permit (p 16). **R-5,5S Residential District** - Quarries and quarrying operations require a conditional use permit (p 19).	Bear Canyon regulations last amended in 1993, created in 1987 Section 1.2 states "Pursuant to Sections 76-2-101 et.seq. and 76-1-101 through 76-6-606, M.C.A., there is hereby adopted a development pattern consisting of the Bear Canyon Development Plan and the Bear Canyon Zoning Ordinance." (p 3)
			Gallatin Canyon/Big Sky regulations **C-I Commercial and Industrial Mixed Use District** – Gravel quarries and quarry operations require a conditional use permit (p 48). **PL Public Lands District** – Development of natural resources, including gravel pits, mines and oil and gas wells require a conditional use permit (p 79).	
			Hebken Lake regulations	

			RD Resource Development District – Gravel pits, mines and batch plants require a conditional use permit (p 28).	
			Hyalite regulations **RR-10 Rural Residential District** – Development of natural resources, including commercial gravel pits, mines, oil and gas wells require a conditional use permit (p 18).	
			Middle Cottonwood regulations **AR Agriculture and Rural Residential District** – Quarries and quarrying require a conditional use permit (p 10).	Middle Cottonwood regulations last amended in 2001, created in 1996 Section 1.2 states "This regulation is adopted pursuant to 76-2-201 – 76-2-228." (p 1)
			South Gallatin regulations **RF Recreation and Forestry District** – Mines, oil and gas wells and gravel pits require a conditional use permit (p 18). **CC Canyon Commercial District** – Development of natural resources, including but not limited to gravel pits, mines and oil and gas wells require a conditional use permit (p 29). **PL Public Lands District** – Development of natural resources, including gravel pits, mines and oil and gas wells require a conditional use permit (p 33). **CR Canyon Residential District** - Development of natural resources, including gravel pits, mines and oil and gas wells require a conditional use permit (p 34).	
			Springhill regulations **AR Agricultural and Rural Residential District** – Quarries and quarrying operations require a conditional use permit (p 17). **PL Public Lands District** – Development and processing of	

			natural resources, including lumber mills, logging camps, mines and mining structures require a conditional use permit (p 20).	
			Trail Creek regulations **R-20 Agricultural Residential District** – Development of natural resources, including gravel pits, mines, oil and gas wells require a conditional use permit (p 11).	
Lake County	Polson	On line zoning regulations www.lakecounty-mt.org/planning_zoning.html 883-7235	**Lower Bug Creek District** – All uses not specifically allowed as a permitted use or may be allowed as a conditional use are expressly prohibited. Sand and gravel extraction are not listed as a permitted or conditional use (p 3).	Bug Creek zoning created in 1997 Page 2 states "The Bug Creek Zoning District and Regulations are hereby adopted by action taken by the Board of Commissioners on February 19, 1997 pursuant to Section 76-2-201 through 76-2-228, Montana Code Annotated."
			Lake Mary Ronan District - All uses not specifically allowed as a permitted use or may be allowed as a conditional use are expressly prohibited. Sand and gravel extraction are not listed as a permitted or conditional use (p 2).	76-2-209 is referenced in the Industrial Use definition on page 8.
			Swan Sites District – Gravel mining is a prohibited use (p 2).	
			Polson Zoning Regulations – Lake County administers the zoning regulations outside of the Polson city limits. **Productive Lands Zoning District** – This district is intended to encourage continuing agricultural and mineral production. New mining operations require a special permit. Note that replacement of existing homes and home occupations are two of the permitted uses (p 18). **Well Head Protection Overlay District** – There are additional performance standards for gravel mines in protection zone II and a special use permit is required (p 38).	Polson zoning last amended in 2002, created in 1993 Chapter II Part E states "Natural Resource Development. As provided by 76-1-113(1), MCA, these regulations do not prevent "the complete use, development, or recovery of any mineral, forest, or agricultural resources by the owner thereof", except as provided by 76-1-113(2), MCA which authorizes exclusion of sand and gravel mining and associated processing (including concrete mixing and asphalt plants) from residential zoning districts. In order to establish reasonable conditions upon their operation, these regulations do require a permit for new mines. Note also that the processing of mineral, forest, or agricultural commodities is an industrial land use, subject to all applicable requirements of these regulations." (p 8)

Lewis and Clark	Helena	Michael McHugh Associate Planner 447-8374 mmchugh@co.lewis-clark.mt.us Zoning regulations not on line	Per Mr. McHugh, none of the Lewis and Clark special zoning districts addresses mining or extractive industries. The industry does not operate in zoned areas.	
Missoula	Missoula	On line zoning regulations www.co.missoula.mt.us 258-4657	**C-A1 Open and Resource Lands District** – This district was set up for continuing use of land for natural resource protection. Mining, sand and gravel extraction require a special exception permit (p 17).	
Ravalli	Hamilton	375-6229 Zoning regulations not on line		
Silver Bow	Butte	Russ Connole Assistant Planning Director 497-6250 rconnole@silverbow.mt.us Zoning regulations not on line	Per Mr. Connole, **M-2 Heavy Industrial** – Allows sand and gravel pits with a conditional use permit.	
Yellowstone	Billings	Aura Lindstrand Planner II 657-8246 lindstrand@ci.bill	The following zoning designations require a special review permit for sand and gravel mining. **RP Residential Professional**	

		ings.mt.us Zoning regulations not on line	**NC Neighborhood Commercial** **CC Community Commercial** **HC Highway Commercial** **CBD Central Business District** **CI Controlled Industrial** **HI Heavy Industrial** **P Public** **South 27th Street Corridor**	