



Planning Board Citizen Contact Form

Name: Gina Knight
Address: 302 Water St.
Contact Info (phone / email): the406lodge@hotmail.com
Date: 9/10/21

Issues Discussed:

Comments:

Just would like to see more ~~more~~ meetings in Gardiner.
Please advertise meetings in Gardiner News Letter.
Would have had more people if had known about
this meeting. We work so make meetings
at a time that works for us working people.

Suggestions / Need for Follow Up:

Board Member or Staff Member: _____



Planning Board Citizen Contact Form

Name: Edwin Johnson

Address: 500 Malheur, Bandon 59820

Contact Info (phone / email): 543-7265 edwin@montanaguide.com

Date 9/8/2021

Issues Discussed: Zoning

Comments:

I am opposed to the current
Park County wide zoning proposal.

Suggestions / Need for Follow Up:

Have meetings in evenings when working
people can attend. Zoom meetings have not
given the public an opportunity to participate.

Board Member or Staff Member: _____



Planning Board Citizen Contact Form

Name: Frank Rafter

Address: 1134 Hwy 89 So Boulder

Contact Info (phone / email): 253-7648

Date: 9/9/21

Issues Discussed:

Zoning

Comments:

I am against this
Park County Zoning proposal.

Suggestions / Need for Follow Up:

Board Member or Staff Member:

Frank Rafter

Please return to Planning Office



Planning Board Citizen Contact Form

Name: Joe Sproul

Address: 16 Mauden Basin Rd.

Contact Info (phone / email): 406 223-2215

Date 9/9/21

Issues Discussed:

Zoning

Comments:

I am apposed to zoning



Suggestions / Need for Follow Up:

Board Member or Staff Member: _____



Planning Board Citizen Contact Form

Name: Cecil A. Benjamin

Address: 7 Morgan Trail Livingston, MT 59047

Contact Info (phone / email): 406-333-4149

Date: Sept. 14, 2021

Issues Discussed:

ZONING ISSUES - TWO PLANNING BOARD MEMBERS, NO COMMISSIONERS

Comments:

NEED DIRECT CONTACT WITH COMMISSIONERS TO VOICE CONCERNS. TOTALLY ~~AMBIGUOUS~~ AMBIGUOUS PROCESS. NO DATA. JUST A COPY OF SOMEONE ELSE'S ZONING PLAN.

[AGAINST ZONING]

Suggestions / Need for Follow Up:

RECEIVED
9-20-21
RM

Board Member or Staff Member: _____



Planning Board Citizen Contact Form

Name: Angela Bennin
Address: 7 Morgan Trail 59047
Contact Info (phone / email): 321-231-3780
Date: 9-14-21

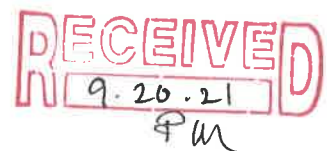
Issues Discussed:

Zoning - Opposed

Comments:

Please wait until we can have in person meetings before any decisions are made. This issue is too important!

Suggestions / Need for Follow Up:



Board Member or Staff Member: _____

Please return to Planning Office



Planning Board Citizen Contact Form

Name: Angela Bennin
Address: 7 Morgan Tr. 59047
Contact Info (phone / email): 321-231-3780
Date 9-14-21

Issues Discussed:

Zoning - Opposed

Comments:

I am not totally against zoning. I am against 3 county commissioners making a life changing decision for Park County citizens. Please put it as a referendum on the ballot at the next election and let us decide.

Suggestions / Need for Follow Up:

RECEIVED
9.20.21
ZM

Board Member or Staff Member: _____

Please return to Planning Office

Lawson Moorman

From: Michael Inman
Sent: Thursday, September 30, 2021 9:22 AM
To: Lawson Moorman
Subject: FW: Draft Conflict Mitigation Zoning District Regulations sent on behalf of Frank Schroeder
Attachments: Friends of Park County Planning Board Testimony on Conflict Mitigation November 18, 2020.pdf



WM. MICHAEL INMAN *CFM, Director*

PARK COUNTY PLANNING DEPARTMENT

o: 406.222.4102 c: 406.579.1869

e: wminman@parkcounty.org

www.parkcounty.org

From: Anne Donahoe [<mailto:anne@annedonahoe.com>]
Sent: Wednesday, November 18, 2020 4:16 PM
To: jheidke@gmail.com; Michael Inman <wminman@parkcounty.org>
Cc: Steve Caldwell <SCaldwell@parkcounty.org>; Bill Berg <BBerg@parkcounty.org>; Clint Tinsley <CTinsley@parkcounty.org>; Jean Keffeler <jkeffeler@lmcranch.com>; Kenneth Cochrane <kcc@thetoned.com>; Dennis Glick <dennis@future-west.org>; Robert Liberty <robert@cascadia-partners.com>; Randy Carpenter <randy@future-west.org>
Subject: Draft Conflict Mitigation Zoning District Regulations sent on behalf of Frank Schroeder

John and Mike,

Attached is our (Friends of Park County) testimony regarding the Draft Conflict Mitigation Zoning District Regulations. In addition to this submission, Jean Keffeler, Ken Cochrane and I will be testifying at tomorrow's virtual meeting and will have our advisors, Dennis Glick and Robert Liberty, available for detailed explanations of any point needing clarifications.

I would respectfully please request that this document be circulated to the members of the Planning and Development Board, ideally prior to the meeting.

In speaking with John this morning, he was uncertain if we would be making our comments during the first or second time allocated for public comments.

With thanks and kind regards,

Frank

Frank C. Schroeder
Campus2Career Transition Services

81 East Van Buren Street

Chicago, Illinois 60605

Tel 312.280.6210

Cell 312.343.5593

Fax 312.276.8112

fschroeder@campus2career.org

www.campus2career.org

campus2career[®]
transition services



Virus-free. www.avg.com

Park County zoning threatens our property rights.

July 15, 2021

Dear Friends and neighbors,

The county planning department and planning board push forward with their "Conflict Mitigating Zoning Regulation" for county-wide zoning from behind their zooming computers.

The PUBLIC has been thrown out of the public process. No open meetings in Wilsall, Clyde Park, Livingston, Emigrant or Gardner to let us know what they are doing---much less get your feedback. There is a two-line statement at the bottom of the county website soliciting your comments, if you can find it.

What is it? Why worry? This regulation is not the traditional zoning you may be familiar with which designates homes here, businesses there, and manufacturing beyond.

The so called "Conflict Mitigation Zoning Regulation" would zone the entire county residential and agricultural. Sounds tame until you look at the details. While exempted residential classification includes local, state and federal facilities as in jails and powerplants, home occupations aren't allowed customers. Doesn't make sense.

No other land use is allowed. Everything from businesses to bigger patios are "exceptions". All exceptions need permission from the zoning administrator. All exceptions need permits granted by 5 un-elected people. All permits, requiring a three month wait, must be paid for. (How much, how often is not mentioned.)

With Conflict Mitigation zoning you have to ask the county zoning administrator (an employee) for permission to use your own property---and then pay for the privilege. Anything you do on your property that causes dust, excess light or noise is not allowed. And, none of these are either defined or quantified.

Contrary to the Growth Policy, the planners and the board are treating the entire county the same---despite the individual character and needs of different areas.

The county planning board schedule says they will receive comment through July before adjusting the final zoning regulation for presentation to the county commissioners in September.

Once the commissioners receive the zoning regulation there will be a noticed public meeting. We can only hope public means in-person not zoom. Then, a 30-day comment-to-commissioners' period before signing into law.

Once signed, your property rights will be gone forever. Once the county officially institutes Part 2, county-wide zoning, no matter what name they call it the regulation will just grow bigger and more restrictive.

Take a look at the Highway 89 - East River Road - Old Yellowstone Trail zoning district that was enacted by the commissioners against area residents' voices in 2018. It was sold as a sign

zoning regulation but finished up with slippery language “to create a tool that will allow the county to respond to and address evolving land use issues...”

The planning dept has actually measured and photographed every sign on 89 south so they can punish sign owners who modify their signs. Your tax dollars at work.

Is this what we all have to fear if county-wide Conflict Mitigation Zoning is enacted? The regulation says if you modify your grandfathered land-use the zoning administrator can take away that grandfathered status. Does “Modify” mean paint the shutters or put on a 2000 sq ft addition? It doesn’t say. The regulation is built on vague requirements that only the lawyers will figure out once you get to court.

What can you do? Speak up please. Read the zoning document for yourself. (Found at the bottom of the county home page.) Believe what the regulation words say to you, not the planning board’s rosy sales pitch or my own statements. The regulation words will be the law; no one else’s hypothesis counts. Make up your own mind and then act.

Fill in the comment form on the bottom of the Park County website. Write, email or call your county commissioners and the planning board Chairman. Go to planning board meetings the 3rd Thursday each month at 4:00 PM. (County website will show agenda.)

Tell your friends and like-minded neighbors so we can all stand against this theft of our property rights.

Commissioner Caldwell, Phone: o.406-222-4118 c. 406-222-4687 h. 406-222-4687
scaldwell@parkcounty.org

Commissioner Berg, Phone: o. 406-222-4105 c. 406-223-2565
bberg@parkcounty.org

Commissioner Tinsley, Phone: o. 406-222-4107 c. 406-224-3376 h. 406-222-0771
ctinsley@parkcounty.org

Park County planning board chair: Mr. Heidke, 406-333-4520, jheidke@gmail.com

Thank you for taking the time to read this. I would appreciate any thoughts and ideas you may have on how we can rein in this runaway buckboard. If you would like updates on this county zoning action, please email me or call. Ann@hallowellco.com, 406-223-6009. I will be happy to send you a heads up.

Thanks again for listening. We must not let them take over our land.

Sincerely,



Ann Hallowell

Lawson Moorman

From: William Inman <wminman@yahoo.com>
Sent: Wednesday, October 13, 2021 7:09 PM
To: Lawson Moorman
Subject: Fwd: Enterprise article commission meeting

Oh boy, here we go again...

Begin forwarded message:

From: Michelle Uberuaga <michelle@pcecmt.org>
Date: October 13, 2021 at 6:47:57 PM MDT
To: Mike Inman <wminman@yahoo.com>
Subject: Fwd: Enterprise article commission meeting

----- Forwarded message -----

From: Sarah Stands <sarah.stands@gmail.com>
Date: Wed, Oct 13, 2021 at 5:39 PM
Subject: Fwd: Enterprise article commission meeting
To: Michelle Uberuaga <michelle@pcecmt.org>, Wendy Riley <wriley406@yahoo.com>, Karrie Kahle <karrie@pcecmt.org>, Johnathan Hettinger <johnathan@pcecmt.org>, Jennifer Madgic <jmadgic@gmail.com>

FYI

----- Forwarded message -----

From: Ann Hallowell <ann@hallowellco.com>
Date: 13 Oct 2021, 17:11 -0600
To: ann@hallowellco.com
Subject: Enterprise article commission meeting

Dear Friends,

You may have heard about an article in the Enterprise covering Tuesdays (Oct 12) commission meeting. Titled: County Discusses Shelving Conflict Mitigation Zoning District, yes, they discuss but unfortunately, they do not shelve unfortunately.

Here is a link to the meeting:

https://parkcounty.granicus.com/MediaPlayer.php?view_id=1&clip_id=941

You get this on the county website through: meetings—minutes—archived commission meetings.

I will give a brief translation / summary but very much appreciate you pointing out anything I have missed or misunderstood. The audio is very muddy on my computer.

The discussion is the very last of the agenda: daily correspondence. It starts at 50:52 minutes on the video.

50:52 Commissioner Tinsley: Draft is too big needs tightening up. Lots of questions he can not answer. Asks board to hold off until we can meet face to face and work this out down the road.

52:51 Commissioner Berg: Stressful year and a half for everyone, family, business political. Zoning is a word you can now speak in Park County which you could not do long ago. Lots of comments and passion. Fresh census data coming on economic and demographic. Appropriate to take time & stock and make plan to preview document as well as furthering outreach when dust settles.

55:59 Commissioner Caldwell: Doesn't disagree with colleagues. High levels of stress. Grateful for thoughtful critical minded comments. A lot of folks' state support or against but not why which is not as helpful in terms of developing the text. He wonders if the planning board might give thought to that and relative merits to letting it settle for a while so we can have a fresh approach when the time is right.

They have become quite the politicians haven't they. First commissioner Caldwell is full of baloney in his musing about the planning boards next steps. The planning board works at his pleasure. They are advisory only. The planning board had to ask permission of the commissioners to start zoning which they were given. The commissioners have only to say stop for the board to stop. Which tells us the commissioners at this point do not want to stop zoning.

It shortens to Tinsley: work this out down the road. Berg: make plan to preview document....when dust settles. Caldwell: developing the text...fresh approach when time is right.

Sounds like circling the wagons. They do not want to get off this train, just pause in the station. We are left to guess at this time how long and in what form this will be. The next planning board meeting Thursday Oct 21 will hopefully give some clues.

Other outside influences to keep in mind: The planner wrote the document so he has a vested interested and an ego involved. Many on the planning board

similarly inclined. I think a handful of board members will bend toward the public but are not a majority and I have no knowledge of numbers for and against in public comments. Park County Environment Council has invested 2 years attending the meetings, giving input and putting on outreach meetings for the planning department/board. So, they have a vested interest and are a long-time backer of the planning department. Their involvement is a fund-raising opportunity for them so to speak.

We need to show them we have staying power. Our property rights and businesses are not to be diminished by their planning escapades. We need to keep sending in comments to the commissioners and editors. Conflict Mitigation Zoning is based on no factual information and has no clear rules. We will not have our families ruled by the opinions of a zoning czar.

It is not a matter of fixing conflict mitigation. We must scrap countywide ZONING. If individual contiguous neighbors wish to band together for a special situation and create citizen imitated zoning, that is their business and they are welcome to do so. But no top-down, life changing edicts from our commissioners.

I have attached the Enterprise article and letters to the editor many of you across the county have written that were in the last weeks' papers to share with you all.

If you hear any rumblings, please let me know so I can pass on the news.

Thank you for sending letters to commissioners and editors and don't forget the Montana Pioneer. (Your letter lasts a month!)

Sincerely, Ann October 13,2021

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We're updating our email addresses. My new email is [\[michelle@pcecmt.org\]](mailto:michelle@pcecmt.org). Please update my contact information in your address book and direct your messages to my new email address.



Michelle Uberuaga
Executive Director
Park County Environmental Council
She/her

 [406-222-0723](tel:406-222-0723) | [406-223-4714](tel:406-223-4714)
 michelle@pcecmt.org
 www.pcecmt.org
 215 E. Lewis St #306, Livingston, MT 59047

County discusses shelving Conflict Mitigation Zoning District

By Jason Bacaj
Enterprise Staff Writer

At the tail end of Tuesday morning's Park County Commission meeting, the three commissioners batted around the idea that it might be best to press pause on the Conflict Mitigation Zoning District that's been developing over the past year.

The topic came up after Chairman Steve Caldwell opened the floor for the commissioners to discuss their weekly correspondence and public comments they've received. Commissioner Clint Tinsley said he had several meetings over the past three weeks about the draft Conflict Mitigation Zoning District. Tinsley said that the draft is too vague, noting that questions about the zoning district were posed to him that he was unable to answer.

"I would recommend the Commission ask the Planning Board to hold off on this until we can meet face to face and work this out down the road. I think it's a really, really bad time to talk about zoning in Park County at this moment," Tinsley said.

Commissioner Bill Berg agreed that it's "appropriate to take a time out and take stock," but said that he's glad the community is having the difficult conversations around zoning.

"I don't think it's necessarily a bad idea to put this on the shelf for a while," Caldwell said. "I wonder if the Planning Board might give some thought to that and discuss the relative merits of taking a break for a while and letting things settle."

Tuesday, October 12, 2021 • Livingston, Montana • Vol. 115 No. 209

THE LIVINGSTON
ENTERPRISE

THE LIVINGSTON
ENTERPRISE

Monday, October 4, 2021 • Livingston, Montana • Vol. 115 No. 203

Commissioners overstepping elected duties with zoning

Editor:

No zoning is a protection of the property rights of Park County citizens. Issues should be handled on an individual basis as they come up.

Park County Commissioners overreach their elected duties as they appear to be moving forward to pass what might be called an unlawful edict. The County Commissioners have hired two people who function as a burgeoning bureaucracy in Park County. Commissioners, do what you were elected to do. Do not hand off your job under the smoke screen of "experts" in this matter. Do not vote to plunder our private property rights under the regulations in a document named below.

Two unelected persons' latest interference with the peace and good life of living in Montana/Park County is a poorly written document called "Conflict Mitigation Zoning District Regulations" (CMZDR). Vaguely written regulations are numerous with lots of unhappy surprises awaiting private citizens when it comes time for enforcement to "mitigate conflict" through zoning regulations. (The enforcer is another bureaucrat soon to be hired.) Fees and fines are on the way if County Commissioners have their way and pass CMZDR. Can you think of a more offensive nuisance? Ranchers, homeowners, businesses, and other taxpayers in Park County have been fully capable of deciding for themselves all these years how to handle their lives. Let us continue to do so.

Thank you, Kent Hanawalt, for reminding us in your excellent letter to the Commissioners dated July 21 that they could better serve by *planning not zoning*. Gentlemen, plan for improved infrastructure as Park County grows.

Issues should be handled on an individual basis. No zoning.

*Helen Longshore
Livingston*

THE LIVINGSTON
ENTERPRISE

Wednesday, October 6, 2021 • Livingston, Montana • Vol. 115 No. 205

IN THE MAIL

Zoning district regulations will impact every future use in county

Editor:

Why is Park County considering a county-wide zoning district? The answer to that question from the county's website is "The Planning Board is considering County-Wide Zoning as a way to mitigate conflicts resulting from certain land uses in the County" (emphasis added).

That statement couldn't be further from the truth. The Draft Park County Conflict Mitigation Zoning District Regulations (the Regulations) will affect every future use, and any current use making a change except those uses meeting the definition of agricultural and residential.

The county would have us believe, through public comments and responses to frequently asked questions, that "No land uses are outright prohibited."

I beg to differ.

The only permitted uses are agricultural and limited residential uses. All other proposed uses need a conditional use permit (CUP) and are otherwise not allowed until and unless a CUP is approved. By definition, if something is not permitted it is prohibited.

The conditional use permit process is a discretionary review meaning the CUP could be approved, conditionally approved, or denied. The process requires the submittal of an application, a review by the zoning administrator, a public hearing and a determination by the Board of Adjustments. The CUP review criteria include eight different categories containing a total of 42 individual criterion. There are no definitions for any of the terms used to evaluate the proposed use such as "impede," "excessive," "dangerous," "negatively impact," "create injury," etc. Nor are there any thresholds, metrics, or objective standards identified. This leaves the review and determina-

tion up to the whim of the zoning administrator and Board of Adjustments, lending itself to an arbitrary and capricious process.

If that were not enough, all existing uses not otherwise defined as permitted uses become nonconforming land uses. Further, the regulations require a CUP for an existing and now nonconforming land use that is "increased" or "modified."

As these two terms are not defined, this determination is again left up to the vagaries of the zoning administrator. Another burden during an already challenging time for a business that was otherwise legally operating and generating tax dollars for the county that is now limited to its current operation by the proverbial stroke of the pen unless it obtains a CUP.

One of the stated purposes of the regulations is to "promote economic development." There is nothing in these onerous regulations that promote economic development. To the contrary, the adoption of this zoning district will have a chilling affect on any new or the expansion of any existing business.

The process is time consuming, expensive and oppressive.

If the goal is to only allow agricultural and limited residential development as defined in the regulations and prevent the expansion of existing businesses and/or the development of new businesses, the county will have succeeded. It seems to me the regulations ought to be titled "Park County's No Growth Zoning District Regulations."

*Timothy A. Miller
Emigrant*

THE LIVINGSTON
ENTERPRISE

Friday, October 8, 2021 • Livingston, Montana • Vol. 115 No. 207

IN THE MAIL

**County leadership must
regain our trust through actions**

Editor:

Park County is working on zoning. Specifically, on Land Use Goals and Issues (as part of the Growth Policy Goal 16: <https://www.parkcounty.org/Government-Departments/Planning/>). And they are surprised that there is pushback and misinformation.

We all have to admit that politicians and governing bodies have failed us, the people. If the county can change the way we vote, tell businesses how to operate, what kind of medicinal product to inject into our bodies, all in the name of COVID-19, how are we to trust them to regulate us?

We have to stop using COVID-19 as an excuse and hide behind it to control people and push agendas. Corona viruses have been around for years, we have to learn to live with the viruses and not let them control us.

I heard about Conflict Mitigation Zoning District and Regulations couple of weeks ago. How were these meetings noticed? Simply listing them on the website is not enough. There is no trust in news and social media. These meetings should be noticed by mail. There has to be more transparency, as well as, an acknowledgement that the government does not have the people's best interests in mind. The next Planning Board meeting will be at 4 p.m. Oct. 21 via Zoom.

The Planning Board will consider making a recommendation to the Park County Commission during its regular meeting in November or December of 2021.

We can't trust their words; they have to prove themselves with their actions. The county leadership proved to us that they make decisions without public input, now they have to re-gain our trust through their actions and not expect us to blindly believe them.

*Sabina Strauss
Gardiner*

Public comment Planning Board meeting May 20, 2021 items not on agenda.

Dear Planning Board,

Your Process for Review and Consideration document for conflict mitigation regulations and your Abstract Document both refer to Phase One, focusing on district boundaries. This phase officially ended in April.

What happened to the discussion on district boundaries? You never had it in your public meetings? Why not?

Growth Policy goal 16.3 points out that Park County is diverse and with vast differences between areas. And the “Policy” is to “Support planning approach that recognizes some issues are local and others are county wide.”

Then, 16.3.1: says “Use neighborhood and area planning...”

To provide a little history for the new board members, the conflict project started as a proposed solution to unquantified complaints from people in the Emigrant area of Park County. No actual numbers or subjects of complaints exist. No tally is kept. The proposed gravel pit, tire recycling and gold mine were the only issues mentioned...those being noticeably in a very concentrated physical area.

In a 2019 planning board meeting with the commissioners, the commissioners stated that they had no complaints from people in the Shields Valley. Folks in the Shields talked across the fence and solved their own problems. Gardner apparently has occasional summer complains from tourists.

Do we really need a county-wide zoning regulation of one size fits all? Please discuss this in your public meetings so we can hear your opinions and thought processes. The growth policy recognizes our differences--but the planning board thus far apparently not?

It should be noted that a large number of planning board members themselves live in the central Paradise Valley/Emigrant area. Perhaps this has something to do with the thrust of this regulatory effort? Coincidentally the majority of public comments made by PCEC, Friends of Park County and private citizens at planning meetings all give their addresses as Emigrant, Mill Creek, Pray and other central Paradise Valley corridor locations.

The interest in zoning appears to be from individuals living in central Paradise Valley / Emigrant. If this is the geographic area where the interest is why wouldn't you take your zoning experiment to these people who actually want it and tailor it to their specific needs?

Emigrant is fast becoming a town in its own right. Would a neighborhood plan be more appropriate for the Emigrant area? Are the people in Emigrant even aware that a citizen zoning district exists nearby that they could join?

There are a lot of conversations that the planning board needs to be having before they go down the one size fits all road. Forcing zoning countywide is a solution looking for a problem. There is no county wide conflict problem. Most are happy to solve their own problems across fences as they always have without county interference.

Park County citizens need to hear a full public discussion by the planning board on the subject of districts.

Thank you,

Ann Hallowell

Fleshman Creek, Park County 222-4770

Lawson Moorman

From: anthony eaton <tony.tallpony@gmail.com>
Sent: Saturday, September 18, 2021 10:01 AM
To: Planning
Cc: Steve Caldwell; Bill Berg; Clint Tinsley; jheidke@gmail.com
Subject: Support for zoning

Dear Mike Inman;

I am writing to add my support and the support of my wife; Lauren Harris Eaton to your conflict mitigation zoning initiative.

I think this effort is long overdue and we look forward to more zoning efforts in the future.

Anthony Eaton
Lauren Harris Eaton

PO Box 28
Pray, Mt
59065

310-995-4386 c
tony.tallpony@gmail.com



Lawson Moorman

From: baylor carter <baylorcarter@gmail.com>
Sent: Monday, October 4, 2021 2:13 PM
To: Lawson Moorman
Subject: RE our zoning convo from yesterday.

Good day sir Lawson of the municipal courthouse realm of boomer-sitting.

The problem with dangerous Dave is that he is rarely flatout wrong. Let me preface this by saying, he brought it up, not me ha. But, he had some good points.

On the setback thing, somewhere along the way he was under the impression that there was a required 25 ft setback to build in the county from the street, and a 5 ft on the sides/back of the property. I remember this distinctly because his workshop sits right on the property line (grandfathered in of course) and he was saying that he would be unable to add onto it since he would then have to abide by the setback. He says you tell him there is no such setback now which is strange. This is by no means a personal attack on you, to be sure. Just giving you 60+ years of park county specific back story by a builder as well as a native.

Then, back just a few short years ago to May 11th, 2011. A high snowpack year and some nice spring rain that really sped up the spring thaw sent the water rushing down billman creek. That water slams into an improperly built county bridge (Miller lane) which acts as a dam backing water up and flooding several neighbors. Our basement had over 5 ft of water in it. Some commissioner came out semi promptly and removed the improperly built bridge to never replace it- because 'they just don't have the money'. This of course gives us the rub because now we are proposing adding another mouth to feed (Conflict Mitigator) because the commissioners don't want to do their job.

The five acre tracts are a hotbed for county and city oversight, and it is hard to not feel like the little guy always gets screwed. Dave was forced to jump through a crap ton of hoops to get his subdivision through and ultimately had to utilize a family conveyance. Meanwhile the eagles landing condo's (which were going to be a scattered bunch of 2 and 3 story buildings) get sold off to a bzn developer who decides to go with all 3 story buildings. Back to dave's, the county was insisting that he give the 4 lots at the end of a cul de sac a 60 ft easement, robbing ground from each of the 4 lots. Yet the big wig developer who is creating (and profiting from) 50 ish residences, gets to stick to the old Willow Dr easement, which, if you have been out there you will see that once a car parks on each side of the street, it becomes a 1 lane real quick.

Lastly to dave's view against zoning, you have all of these newcomers with money (and time) to fight to keep their viewshed etc, and whereas right now, they have to dig down deep to realize their selfish ambitions, his fear is that, armed with the county checkbook and this Conflict Mitigator, they will prove even more a problem because they will just be able to roll into your office and bitch (like they do now) but instead with the added sense of entitlement that the Conflict Mitigator should be out there doing their bidding.

I think there is some serious validity to Dave's logic here. The more I learn about politics, the less I trust politicians. As much as I hate finding myself aligning with coal-rolling dbags or Patricia Grabow, something has to get us off of the train that we find ourselves on currently. And I promise you this, it won't be another government salary and a free truck to drive.

Hope you are well and having a good Monday!

P.S. I wrote this down because I am not as smart as you and I get emotional and off topic when trying to talk about this stuff in person. So please don't take offense by this medium.

P.P.S. Dave wrote a pretty good letter to the editor in Friday's paper if you haven't seen it.

Cheers Law-dog!

June 25, 2021

Park County Planning Department and Planning Board
% William Michael Inman and Lawson Moorman
414 East Callender St.
Livingston, MT 59047

Park County Planning Department and Planning Board,

Hello, I am Nathan Varley, Chair of the Bear Creek Council (BCC) located in Gardiner, Montana. I am writing to express our membership's full support of Park County's proposed Conflict Mitigation Zoning District and Regulations.

As the southern-most residents of Park County, BCC members are uniquely invested in how county-wide zoning can be used as a tool to resolve issues that have recently cropped up from certain land uses in an area that shares a backyard with Yellowstone National Park. BCC members see the mitigation process as a vital step in ensuring the integrity of our beautiful vistas and unrivaled landscapes. We welcome Park County's common-sense approach to a complicated issue and we stand ready to help wherever we can. Thank you for your time and attention.

Sincerely,

Nathan Varley
Chair, Bear Creek Council

About Bear Creek Council

Bear Creek Council is based in Gardiner, Montana on the edge of Yellowstone National Park. We work closely with park rangers and local citizens to conserve and protect the integrity of our environment and community. Local citizens started Bear Creek Council in 1983 when hard-rock mining was revived on the boundary of Yellowstone National Park, in Jardine on the banks of Bear Creek. Since that time, Bear Creek Council has worked to minimize the mine's impact on the area, including monitoring its reclamation. Today, our projects include other resource issues affecting the Gardiner Basin including wildlife tourism, clean energy efforts, and educational opportunities. Bear Creek Council is an affiliate member of Northern Plains Resource Council, a grassroots conservation and family agriculture group that organizes Montanans to protect our water quality, family farms and ranches, and unique quality of life. Since 1972, Northern Plains has been helping Montana citizens organize to protect their communities.

Julie Kennedy
1428 Kennedy Lane
Livingston, MT 59047
406-223-7753

September 30, 2021

To Mr Heidke, Park County Planning board Chairman

RE: Draft Conflict Mitigation Document comments.

I am OPPOSED to this Zoning in Park county, especially as outlined in this draft document, and I would like to go on record as such.

I don't know if a brief intro is helpful-I have lived in the county for 35 years, I sell real estate in this and other counties in the State and see and hear what the grass roots are saying. I am not a letter writer, nor typical objector but feel that we are missing the mark on this document. My family and I ranch on over 180 acres we own and others that we lease all within the 2 miles zone around Livingston, on lands that have been ranched since the 1880's. I intend to pass this to my grandson/heirs so that they may also use these lands as they choose, ideally ag production.

This draft document does not appear to be any sort of a GUIDELINE nor plan as expected. It appears to be an administrative directive enforced by too few in an understaffed office, or volunteer board in a time when it is extremely difficult to find and keep employees let alone competent volunteers.

The Conflict Mitigation Document is far reaching, vague, burdensome, covered by other agencies already, and a taking of property rights. There is no factual basis for why we need zoning.

The citizens in this county have done a tremendous job with growth over the years without zoning. Most all types of invasive activities or business have strong regulations in place via state agencies. The DEQ, the DNRC and FWP protect our health, air and land, (this includes septic system and subdivision requirements-) water, and animals. Which pretty much covers that of which the draft document states is its goal.

protect our health, air and land, (this includes septic system and subdivision requirements-) water, and animals. Which pretty much covers that of which the draft document states is its goal.

#1 Can we whoa up during Covid?

I am asking that this process be put on hold until a time when public meetings can take place in person once again which have been suspended due to the Covid restrictions. The people of our county are exhausted from current world events and the pandemic and are feeling especially frustrated and overwhelmed, not able to take on nor focus on this important matter. This is giving them the sensation that this process is being ram rodded. Whether true or not it is a real perception that is out there and it should be your primary concern to make sure the process is put forth in good faith. More can get done with people working together and if a postponement is a start to giving the community the opportunity to work together, rather than put on the boxing gloves then it's a win-win. Can this process be delayed?

#2 Ag Definition red flag-

In the document the definition of agriculture use is tied in to how the lands are TAXED with the State of Montana. If taxed as Ag land, then it will qualify with the County as the same. For that classification with the Dept of Revenue one of the criteria is that the land must comprise 20 acres or more. There are many producers working off of much smaller acreage in the county. Montana has a RIGHT TO FARM law and that should be the standard by which this document uses, not the tax category. I can see this opening the county up to a law suits backed by big ag production groups. Please look into this if you have not already. Either way, using the tax category should not define what is considered agriculture. Please reconsider this with the Right To Farm law in mind.

#3 Taking of property rights-

I have lived in this county for 35 years. My family and I **own 180 acres within 2 miles of city limits.** We ranch on lands that have been ranched on since the 1800's. I have worked my adult life to pull these lands and livestock together so that my grandson can use them however he desires, hopefully that will be ranching. Zoning will change that protectory. Tell me that is not a taking of my property rights?

I strongly oppose having to go to the county to add a new farm building, shed, cabin for a family member or any other type of structure wherein my covenants, or the absences of covenants allow this.

Tell me this is not a taking of my property right?

#4 Unequitable and lack of open minded decision makers-

I sat in on a ZOOM meeting open to public comment and was alarmed that an outside firm from Washington state (where the man presenting admitted he had only been to Livingston once!) had been hired by a group of upper income county residents to prepare a report supporting zoning in OUR county. To have that report have more weight than my concerns because he can talk the talk is not a well ran process. It was evident at that meeting that the board chair were not being partial and open minded. It was a great disappointment to me. It is evident that the Planning dept favors this concept. They needed to remain impartial, that has not happened.

#5 Cost to taxpayers-

This is burdensome on the residence to fund new positions, offices, processes and systems. It is reinventing the wheel where there is already systems in place with State agencies to regulate the health, safety and welfare.

#6 Grandfathering-lack of Flexibility that ag producers need to stay alive- Grandfathering is not a solution and is only a band-aid for the rancher, or other ag producers. It does not allow any FLEXIBILTIIY which a rancher/ag producers must have to grow and prosper in a trying business where so many of the setbacks are already out of the producers control. Flexibility is vital. Zoning and Grandfathering do not allow that.

#7 Zoning and the Jackson Hole syndrome

Zoning will allow those 'that have' to keep or drive those that 'don't have' out of the area, and will over time give our community a homogenous 'Jackson Hole' feel. This is not what makes strong communities. I can appreciate the desire for open spaces, view sheds and keeping things from running wild. But this is an ideal and will never be obtained without locking out all growth in our economy and community.

#8 This document encourages conflict among neighbors where there is none-

There is no county wide conflict, there really isn't. I am out in this county from one end to the other end talking to property owners with my real estate job almost daily. I deal with the grass roots of this county more than the most, indeed. I hear of no conflicts that Zoning would cure. Perhaps several smaller zoning areas would be the best way to go rather than a county wide regulation.

#9 Enforcement

The enforcement is drafted that too few people have too much control. This is not a healthy proposal, and lines itself up for failure, and for politics to have too much influence.

We are all painfully aware that volunteer boards are one of the most volatile positions and truly unreliable especially in these current times.

#10 Are all voices being heard equally? I made a comment to oppose the zoning at one of the earlier Zoom meetings. I have been told that my comments nor concerns were not documented. How do I know that the commissioners and board read my letter (sent online and delivered by hand to their office)?

Commissioners- Is there any avenue to put this to a vote of the people, or has that door been closed? If not, comments from folks like me get set aside, and the professionals who can talk the talk get the notice. I'd like assurance that all voices are being given equal consideration.

#11 Let the people vote-

This really should be put to the people to vote and the commissioners should assist as much as possible to make that a reality.

Its a big thing for this county, each person in the county should have a vote on they want to include county wide zoning on their property.

This thing is just wrong, it is over-reaching, the counties concerns are already covered by many state agencies, administered by a few (think about that!) and opens the county up to added employee expenses, costs and potential legal battles.

This is not a guiding document as intended by the state's mandate to the county, it appears to be a directive.

Julie Kennedy
1428 Kennedy Lane
Livingston MT 59047

Julie@eralivingston.com
406-223-7753

RE: Draft Conflict Mitigation Document comments.

Sept 30 2021

Comments on the Draft Conflict Mitigation Document

Bill Kennedy
1428 Kennedy Lane
Livingston MT 59047
4096-222-6988

To Whom it may concern - MR. Heidke -

I have some concerns over this document that I would like you to consider.

Montana has a Right to Farm law in place and your document seems to be more restrictive and override that law. Look into that as it applies to your definition of Agriculture producers please.

This is a tax burden on the people.

I consider this a taking of my Private property rights.
I own ranch lands and cattle outside of Livingston and this document does not allow me the flexibility I need to grow, improve or change my operation without burdensome govt approval overseen by a few people.
Ranchers need flexibility to change with the times and this is not allowed for.

Many of the goals of this document, health, safety, etc concerns are already the responsibility of other state agencies.

The people should be able to vote on something this impactful to all.

This thing could morph into a monster being controlled by politics.
There are too few players proposed to be the enforcers.

I am not in favor of this zoning document, let alone any county wide zoning and would like to go on the record as such.

Bill Kennedy

A handwritten signature in cursive script that reads "Bill Kennedy". The signature is written in dark ink and is positioned below the typed name.

Lawson Moorman

From: Bill Berg
Sent: Friday, September 17, 2021 11:43 AM
To: Commissioners; Planning
Subject: FW: Zoning

Correspondence:

From: bparkermt@aol.com [mailto:bparkermt@aol.com]
Sent: Friday, September 17, 2021 10:56 AM
To: Bill Berg <BBerg@parkcounty.org>
Subject: Fw: Zoning

----- Forwarded Message -----

From: Robert Parker <bparkermt@aol.com>
To: "jheidke@gmail.com" <jheidke@gmail.com>
Sent: Friday, September 17, 2021, 10:50:35 AM MDT
Subject: Zoning

To whom it may concern:

My name is Bob Parker, and I own a small ranch in Paradise Valley which I purchased in 2004. My daughter and son in law own the bakery and Barbeque in Emigrant.

I'm writing to weigh in on the debate currently going on in Park County regarding zoning.

It is my understanding that there has never been any significant zoning in the county, and a lot of old time residents want to keep it that way. I believe these people have a right to their opinion just as the people who oppose them have a right to theirs.

When it comes to issues like this I always try to find solutions that result in a win/win situation.....where each party may not get everything they want but can walk away feeling that they did get some significant benefit from the process. I believe what is being proposed does offer the potential for such a result.

It is my understanding that what is being proposed will not affect agriculture at all but is more concerned about heavy industrial operations or large scale commercial operations that might be deemed inappropriate based on goals and character of the community at large. Any proposed project would be submitted to a five person panel to determine if it was considered viable based on the county's objectives. There would NOT be an arbitrary declination of any proposed project but rather a process to evaluate and determine the viability of the proposal.

I grew up in Kansas City and still have a home there, but I've always felt a strong connection to Montana, as my mother's family goes back six generations in the state. I view Paradise Valley as a special place in the world and have wondered if a lot of people who grew up here or have spent most of their lives here really understand and appreciate what a truly special place it is. To allow unfettered development is to potentially diminish the value not only to people who live here but to the millions of people who visit here every year.

I'm sure anyone who has been here for a few years is familiar with the mess that Bill Moser created on East River Road. Over the years I've had several visitors who have seen Moser's creation and commented that they couldn't believe he could be allowed to do something like that in such a beautiful place. Fortunately, when Moser died, someone purchased the property and cleaned it up. But in many cases, once the Genie is out of the bottle it can never be put back in.

A few years ago I initiated the opposition to a gravel pit and asphalt plant that was being proposed on the west side of highway 89 about 4 miles south of Emigrant. I felt that this had the potential to create significant air, water and noise pollution, create heavy truck traffic on a highway that already had more traffic than it was likely designed to handle, destroy a valuable archaeological site, create an everlasting eyesore and absolutely decimate property values in the immediate vicinity. Fortunately, due to the efforts and financial contribution of scores of people, we got it stopped.

I recently had a conversation with a person who is against zoning who stated that the next time an issue like this comes up, we should simply rally community support, much like we did with the asphalt plant, and fight it. I would hate to go through something like that again. It was very time consuming, stressful and expensive, and I feel there has got to be a better way to resolve these issues.

Maybe if each side is willing to give a little we can come up with a better way

Sent from my iPhone

Lawson Moorman

From: Steve Caldwell
Sent: Monday, September 20, 2021 10:34 AM
To: Bill Berg; Clint Tinsley; Michael Inman; Lawson Moorman
Cc: Rosemary Madero
Subject: Fw: conflict mitigation

Correspondence -

From: Melissa Nootz <mnootz@livingstonmontana.org>
Sent: Saturday, September 18, 2021 11:27 AM
To: Carol Reed
Cc: Steve Caldwell
Subject: Re: conflict mitigation

Hi Carol,
It appears you have submitting your comment to the Livingston City Commission instead of the County Commissioners. I am cc'ing County Commission Chair Steve Caldwell here so he has your message.
Thanks for reaching out,
Melissa

Melissa Nootz
Livingston City Commissioner
[email](#) / [city website](#) / [watch meetings online](#)

On Sep 17, 2021, at 4:04 PM, Carol Reed <paradisegatewaybb@gmail.com> wrote:

To all County Commissioners of Park County: A written response is to represent several people.

We have lived in the Valley for 30 years and have run a successful tourism business (according to hospitality regulations by our great State of Mt for 29 years.)

It is because of regulations and rules to follow we have been successful as we strive for nothing less than a Five Star.

PLEASE LISTEN TO PEOPLE WHO REPRESENT RESIDENCE AND BUSINESS CENTERS WITH PRIDE AND JOY. WE ARE FULLY IN FAVOR OF ZONING. WE LOOK FORWARD TO YOUR ACTIONS TO REPRESENT US.

THANK YOU FOR SERVING US.

CAROL AND ROBERT 'PETE' REED
2644 Us Highway 89 South
Emigrant, MT 59027
ph 406.333.4063

Lawson Moorman

From: cacoyle2@netzero.net
Sent: Sunday, September 26, 2021 6:22 PM
To: Planning
Subject: Conflict Mitigation proposal
Attachments: Conflict Mitigation proposals for zoning regs - 2021.pdf

I've read the proposed conflict mitigation regs. a couple times. I actually think it's pretty good. It actually provides protections for (Paradise Valley) landowners from encroaching commercialization. Thank you.

I'm attaching (sorry for the black & white) a pdf of the conflict mitigation regs. which I read from a secretary's point of view and have done a little editing so it doesn't look so piecemeal.

Geez, this experience was an eye-opener. I am surprised at the lying that went on about these regs. I was at the general meeting at Wild Flowers in Emigrant, wow, your people are much more patient than I will ever be at the b.s. that was directed their way. Very few were on-track comments about the regs.

Good luck.
Cathie Coyle

Lawson Moorman

From: Bill Berg
Sent: Wednesday, September 29, 2021 11:08 AM
To: Commissioners; Planning
Subject: FW: Conflict Mitigation Zoning Regulation

Correspondence:

From: Bill Berg
Sent: Wednesday, September 29, 2021 11:07 AM
To: 'Christine Wagner' <wagnercabins@hotmail.com>
Subject: RE: Conflict Mitigation Zoning Regulation

Hi, Chris and Warren,

Thanks so much for your thoughtful suggestions and comments. They are much appreciated.

Best,

Bill



BILL BERG, *Commissioner*

PARK COUNTY COMMISSION
o: 406.222.4105 c: 406.223.2565
e: bberg@parkcounty.org
www.parkcounty.org

From: Christine Wagner [<mailto:wagnercabins@hotmail.com>]
Sent: Wednesday, September 29, 2021 9:49 AM
To: Bill Berg <BBerg@parkcounty.org>
Subject: Conflict Mitigation Zoning Regulation

Good morning, Bill. It is nice to know a Commissioner personally. Thank you for serving in this capacity.

We attended a meeting on Monday, Sept. 13 in Livingston on the Conflict Mitigation Zoning Regulation draft. We did not hear about the one held in Gardiner the week before so did not attend. But the planning board members told of a very contentious encounter with some Gardiner residents. I was sorry to hear that as I too have been an elected official and been in that situation. I tried to assure him that not all of the Gardiner residents behave badly and I was disappointed that he repeated his experience a number of times to the gathering of people who I am sure have a very negative impression of Gardiner folks. I am not sure how those meetings are advertised but I do believe that could be improved on through the email system we are signed up for through the nixie.com system.

As I am sure you are aware, zoning is a very hot issue and has been in Montana for a very long time (I am a second generation Montana native). We are strongly against the draft as it stands now. I do think there is a place for zoning but not at the expense of property owners rights. This is a serious threat to property owners rights. It uses the same regulation policy for the entire county. This county is very diverse and what works in the north part would not work up here. It gives an inordinate amount of power to unelected appointed people to restrict and make use regulations for tax paying property owners property. As property owners in Park County for almost 50 years, we value our property and our right to be good stewards of the land and the privilege we have to live here. We live here, run a guest cabin business and Warren ran his construction business out of here while it was in operation. We have had horses, chickens and goats in the past. We have in every way improved this piece of land and the river bank that it encompasses through rip rapping an eroding river bank, planting trees, shrubs and grass and aggressive weed control. We host, as I am sure you do, a herd of elk and numerous deer nightly as well as an occasional bear in the fall. Unless you live here, you cannot understand our peaceful coexistence with wildlife, the seasonal nature of our businesses, our ability to serve a growing number of visitors and our appreciation of this special part of God's creation.

I am sure the concern of well meaning people or groups with agendas have put a lot of pressure on county officials to regulate, regulate, regulate what happens to Park County so the "regular residents" don't ruin it for the wildlife, fishermen and "friends of Park County". But please, follow the money. That always tells the full story of motives. We property owners are not the enemy. We are the answer. Please, do not pass this zoning proposal.

Thank you for your time.

Sincerely,
Chris and Warren Wagner
1047 US Hwy 89 South
Gardiner, MT. 59030
406-599-0527

Lawson Moorman

From: Bill Berg
Sent: Tuesday, September 28, 2021 1:11 PM
To: Commissioners; Planning
Subject: Fwd: Please consider

Correspondence:

Begin forwarded message:

From: chris freidline <cfreidline@hotmail.com>
Date: September 28, 2021 at 1:00:32 PM MDT
To: Bill Berg <BBerg@parkcounty.org>
Subject: Please consider

From a macro level I think it is safe to say our country is being ruined by unelected bureaucrats and special interest money, both of which are behind this micro push for “CONFLICT MITIGATION ZONING”.

I will not waste time on Innman or Kardoes, as they are agreed, quintessential bureaucrats. For the sake of time I will examine one person of interest on the advisory board, Lara Birkes. A quick trip to Birkes’ LinkedIn page will impress the most accomplished Marxist organizer. At the Emigrant meeting, Birkes introduced herself as just a girl from Iowa. However, she is anything but. Lara Birkes according to her own LinkedIn page spent a number of years working for the World Economic Forum, among many other institutions curtailing freedoms around the world. For those of you not familiar with the World Economic Forum’s stated goals, their slogan for the “Great Reset” is: “You’ll Own Nothing and be Happy”. Funny how Davos Switzerland found its way to rural Montana. The motives of her and her ilk, often couched in the buzzword of “sustainability”, must be critically examined.

I am against any zoning outside of the city limits. I am an Independent voter and landowner, who along with my wife own a small business. We believe strongly in private property. The great Austrian economist, Murray Rothbard, succinctly states, “There are no human rights that are separable from property rights”. Rothbard explains, “The human right of every man to his own life implies the right to find and transform resources: to produce that which sustains and advances his life. That product is a man’s property. That is why property rights are foremost among human rights and why any loss of one endangers the others.”

The market forces and better judgement of the landowners in this county have and will continue to develop Park County as it should be: free from the tyranny of those who are driven to impose their will upon our human rights, to dictate according to their moral authority how we, as tax payers and responsible landowners, should meet the needs of our families and our communities.

I ask you kindly to consider this position, it is not a minority position. Thank you for your time and service to our community.

CHRIS FREIDLINE,
RRR PROJECT MANAGER
406-570-8825

Commissioner Steve Caldwell

Commissioner Bill Berg

Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Aleida Feldtman
407 Arbor Drive
Livingston, MT 59047

~~MAAT~~ FELDTMAN
407 ARBOR DRIVE
LIVINGSTON, MT 59047
224 8929

Commissioner Steve Caldwell

Commissioner Bill Berg

Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

*Ted and Rose Maloney
Succ Creek Rd
Livingston MT 59047*

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Other comments:

Letter to follow

Signature

Gwen O'Hair

Name (print please)

Gwen O'Hair

Address

P.O. Box 955 Liv 59047

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Other comments:

Signature Allen R. Carter
Name (print please) Allen R. Carter
Address 61 Luccock PK Road,

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley


City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Other comments:

Signature 
Name (print please) Ed Schilling
Address 1451 Hwy 89 North

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley


City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Other comments:

Signature 
Name (print please) Guy Jones
Address 148 Miller Drive

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Other comments:

Signature

Charles D Cassano

Name (print please)

Charles D Cassano

Address

91 Mountain View Rd Livingston

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Other comments:

Signature Bill Wagner
Name (print please) Bill Wagner
Address 108 Wineglass Loop North

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Other comments: Stop Just Stop.

Signature

Tammy L Lewis

Name (print please)

TAMMY L LEWIS

Address

PO Box 422 Livingston MT 59047

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Other comments:

Zoom is not acceptable for hidden proposals

Signature



Name (print please)

Don Hilton

Address

*4970 Old Yellowstone Trl N.
Livingston MT 59047*

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Other comments:

Please have open meetings!
Not everyone has Zoom - all
Voices have a Right to be heard

Signature

Helli Jones

Name (print please)

Helli Jones

Address

87 mtw View Livingston, mt 59047

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Other comments:

This is too important of an issue
to not be ~~not~~ a ballot issue.

Signature Angela Bennin

Name (print please) Angela Bennin

Address 7 Morgan Trail, Livingston, MT 59047

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley


City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Other comments:

Signature 
Name (print please) CECIL A. BENJAMIN
Address 7 MORGAN TRAIL LIVINGSTON, MT 59047

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Other comments:

Signature



Name (print please)

Chris Freydlina

Address

1 Callendar Rd. Livingston, MT 59047

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Other comments:

Signature Erica L. Becker
Name (print please) Erica L. Becker
Address 1 Caledonia Rd. Livingston, MT 59047

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Other comments:

Signature MK Jenson

Name (print please) Makenzie Jenson

Address 1066 HWY 10 W, Livingston, MT 59047

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Other comments:

Signature

Jon D. Swanson

Name (print please)

Jon D. Swanson

Address

362 Meigs Rd.

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Other comments:

Signature Jeff Mamt
Name (print please) Jeff Mamt
Address 10 COLEMAN SPUR RD -

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

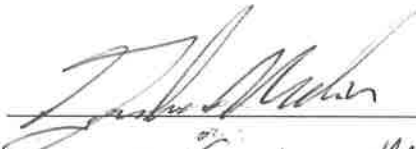
September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Other comments:

Signature



Name (print please)

Graham Melin

Address

249. Mill Creek Road

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Other comments:

Do not try to tell me what I may or may not do on my own land.

NO ZONING

Signature *Morris Hallowell*

Name (print please) FLESHMAN CREEK ROAD, LIVINGSTON

Address MORRIS HALLOWELL TV

Commissioner Steve Caldwell

Commissioner Bill Berg

Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.



Chuck Donouan

187 ME-195

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Other comments:

Signature Chan Libbey
Name (print please) Chan Libbey III
Address 3502 U.S. Hwy 89 S. Livingston, MT 59047

Commissioner Steve Caldwell

Commissioner Bill Berg

Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Dan Skattum
2148 East River Road
Livingston, MT 59047

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Other comments:

Signature



Name (print please)

Robert M. Demb

Address

98 Willow Creek Rd. Livingston, MT, 59047

Commissioner Steve Caldwell

Commissioner Bill Berg

Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Peter McKenzie
P.O. Box 1809 641 Myers Lane
Livingston, MT 59047

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Other comments:

We own Rural Property and dont
need to be told what we can do
on our own property !!

Signature



Name (print please)

SANDRA GORDON

Address

45 meigs Road Livingston

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Other comments:

Signature _____ 

Name (print please) _____ Sara Mount _____

Address _____ 27A Cokedale Rd _____

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley


City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Other comments:

Signature 
Name (print please) Mike Gordon
Address 415 Meigs Rd Livingston

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley


City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Other comments: YOU DO NOT ENFORCE WHAT YOU HAVE NOW. - WHY DO YOU WANT MORE!

Signature 
Name (print please) Jon J. Hochmouist
Address PO 751 58 MOUNTAIN VIEW

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley


City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Other comments:

Signature  Morgan Nault
Name (print please) _____
Address 232 Cokedale Rd.

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley


City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Other comments:

Signature 
Name (print please) Luke Jesson
Address 1064 Hwy 10 W97

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Respectfully!

Other comments:

Let's visit

Signature _____

Name (print please) _____

Address _____

Bruce Lay
Bruce Lay
57 Cuthroat Lane

Commissioner Steve Caldwell

Commissioner Bill Berg

Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Helen Langsford
10 Winglass Drive
59047

Commissioner Steve Caldwell

Commissioner Bill Berg

Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Stacey Sasser
1066 Hwy 10W
Liv. 59047

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.



Other comments:

We want open honest government,
that has our (we the people) interest
first & foremost!

Signature

Name (print please)

Address



JOE BRENNAN

85 Tumbleweed Trail
59047

Commissioner Steve Caldwell

Commissioner Bill Berg

Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

*Wanted an open process - I am against
the length of mitigation zoning regulation.*

Ann Howell

*Ann Howell
PO Box 1945
Livingston, MT 59044*

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Other comments:

Signature Gerald J. Ryszka
Name (print please) Gerald J. Ryszka
Address 409 Cokedale Rd
Livingston, MT 59047

Commissioner Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley

City County Complex
414 East Callendar Street
Livingston, MT 59047

September 16, 2021

Please stop work on your zoning proposal until you re-open in-person, public meetings to discuss it with the Park County landowners and residents whose lives, businesses and work will be seriously effected by it.

Thank you.

Other comments:

"Without property rights
we have no freedom"

What about your
"Oaths of Office"

Signature Davina M. Ryszka
Name (print please) Davina M. Ryszka
Address 409 Colkedale Rd
Livingston

Planning Board Citizen Contact Form

September 16, 2021

Comment from:

Helen Longshore

Livingston, MT 59047

This comment is to support the NO ZONING position.

NO ZONING is a protection of the property rights of Park County citizens.

Issues should be handled on an individual basis as they come up.

The County Commissioners overreach their elected duties to pass what might be called an unlawful edict. The County Commissioners have hired two persons who function as a burgeoning bureaucracy in Park County.

Commissioners do what YOU were elected to do. Do not hand off your job under the smoke screen of "experts". Do not vote to plunder our private property rights under the regulations in a document written by unelected person(s).

These two unelected persons' latest interference with the peace and good life of living in Montana/Park County is a poorly written document called "Conflict Mitigation Zoning District Regulations". Vaguely written regulations are numerous with lots of unhappy surprises awaiting private citizens when it comes time for enforcement. (The enforcer is another bureaucrat soon to be hired.) Can you think of a more offensive nuisance to ranchers, homeowners, businesses, and other taxpayers in Park County? Is it known the price tag to "mitigate conflict" through Zoning District Regulations?

Thank you, Kent Hanawalt for reminding us in your excellent letter to the Commissioners dated July 21, 2021, that they could better serve by PLANNING not ZONING. Gentlemen, plan for the future growth and improved infrastructure of Park County.

ISSUES SHOULD BE HANDLED ON AN INDIVIDUAL BASIS.

NO ZONING



Planning Board Citizen Contact Form

Name: Craig Harris

Address: P.O. Box 1065 Livingston, MT

Contact Info (phone / email): 406-223-8101 mharrismt@gmail.com

Date 09-28-2021

Issues Discussed:

Comments: This comment is for the record. I am against the Park County Mitigation Zoning District. More public comment meetings are needed. Covid had the country shut down and most people did not attend Zoom meetings. This is unfairly being pushed through. Meetings need to be at times when the working man can attend them in person. Please let the land owners vote on this.
(Park County)

If not, this will be a rouge zoning district.
Thank you, 

Suggestions / Need for Follow Up:

Board Member or Staff Member: _____

Lawson Moorman

From: John Heidke <jheidke@gmail.com>
Sent: Wednesday, September 29, 2021 9:33 AM
To: Lawson Moorman
Subject: FW: Conflict Mitigation Zoning Regulation

Public Comment

John

John Heidke, PhD., President
Double H Consulting
124 Morgan Trail
Livingston, MT 59047
T 406-333-4520
M 313-600-3676
<http://double-h-consulting.com>

Executive Coaching

Organization Change

Executive Assessment

Leader Development

From: Maggie Harris <mharrismt@gmail.com>
Sent: Wednesday, September 29, 2021 8:18 AM
To: jheidke@gmail.com
Subject: Conflict Mitigation Zoning Regulation

This comment is for the record. I am against the Park County Mitigation Zoning Regulation. More public comment meetings are needed. Covid had the country shut down and most people did not even attend the zoom meetings. This is unfairly being passed through. Land owners in Park county should be thoroughly informed and able to vote on this.

Craig Harris
PO Box 1065
Livingston, MT 59047

Lawson Moorman

From: Steve Caldwell <caldwellmt.sc@gmail.com>
Sent: Monday, September 27, 2021 10:52 AM
To: Commissioners; Michael Inman; Lawson Moorman; John Heidke
Subject: Fwd: Conflict Mitigation Zoning Regulation

Correspondence -

----- Forwarded message -----

From: Maggie Harris <mharrismt@gmail.com>
Date: Mon, Sep 27, 2021 at 10:42 AM
Subject: Conflict Mitigation Zoning Regulation
To: <scaldwell@parkcounty.org>

This comment is for the record. I am against the Park County Mitigation Zoning Regulation. More public comment meetings are needed. Covid had the country shut down and most people did not even attend the zoom meetings. This is unfairly being passed through. Land owners in Park county should be thoroughly informed and able to vote on this.

Craig Harris
PO Box 1065
Livingston, MT 59047

Lawson Moorman

From: Bill Berg
Sent: Wednesday, September 29, 2021 10:52 AM
To: Planning
Subject: FW: Conflict Mitigation Zoning

FYI

From: Dale Wood [mailto:daleawood@yahoo.com]
Sent: Wednesday, September 29, 2021 10:20 AM
To: Steve Caldwell <SCaldwell@parkcounty.org>; Bill Berg <BBerg@parkcounty.org>; Clint Tinsley <CTinsley@parkcounty.org>; jheidke@gmail.com
Subject: Conflict Mitigation Zoning

I understand that the 30th is the deadline for comments on the Conflict Mitigation Zoning. I question whether this is even legal, considering that the informational meeting for my area (Livingston & East) was cancelled. Yes you have had your meetings on Zoom. Many rural areas don't have good enough internet to watch these. This whole thing has been a underhanded back door deal pushed through by a minority of special interest people. These meetings have been held without the knowledge of a majority of the voters of Park County using 'Covid' as the excuse. The recent informational meeting for the Livingston area was canceled, citing 'Covid' restrictions. This is political BS. Our Governor has released the restrictions for meetings. If this is a big problem for the members of the Commissioners and the planning board, then lets have the meetings at the Fair Grounds, where there is plenty of room for people to spread out and a PA system. This whole thing has been a gutless backdoor approach at pushing something through without public input.

FOR THE COMMISSIONERS; You say you don't have any control over how this is being done. Did you not appoint the Zoning board and they the Conflict Mitigation Zoning board? YOU ARE RESPONSIBLE.

Any zoning of Park County should be broken up into different areas. Each area in the county has different needs and wants.

Any zoning should be brought to a vote of the people, not a decision of the local dictatorship.

I keep hearing that this has been mandated by the state under 76-2-201 MCA. This is not true! 76-2-201 MCA states the counties MAY do this, NOT have to.

This is still a rural agricultural county. If Livingston, Emigrant and Chico want zoning, do it there, not the whole county.

Apparently the Commissioners think this is a done deal. They have already opened applications for a new position--- COMPLIANCE OFFICER. There is no need for a Compliance Officer if there isn't zoning regulations.

Dale Wood
682 Frontage Road East

Lawson Moorman

From: Steve Caldwell <caldwellmt.sc@gmail.com>
Sent: Thursday, October 14, 2021 1:02 PM
To: Commissioners; Michael Inman; Lawson Moorman; John Heidke
Subject: Fwd: NO ZONING

Correspondence -

----- Forwarded message -----

From: <danachristian252@aol.com>
Date: Thu, Oct 14, 2021 at 11:02 AM
Subject: NO ZONING
To: caldwellmt.sc@gmail.com <caldwellmt.sc@gmail.com>, ctinsley@parkcounty.org <ctinsley@parkcounty.org>, bberg@parkcounty.org <bberg@parkcounty.org>

Mr. Berg, Tinsley, Caldwell.

County Commissioners and Planners I DEMAND that the Commissioners REJECT the Conflict Mitigation Zoning Proposal. Maybe you have out of state "green" NGO's behind these proposals, but little to none of us that live in the county, who actually vote here, approve this boondoggle. There are more of us than them --- more than the "watermelon" NGO people (green only on the outside, but red communist through and through on the inside). Commissioners: please include all my comments into the public record.

mailing address:
Dana Christian, Esq.
421 South Yellowstone Street
occasional residence @ 252 Trail Creek Rd.
Livingston, MT, 59047

Lawson Moorman

From: John Heidke <jheidke@gmail.com>
Sent: Thursday, September 30, 2021 2:57 PM
To: Lawson Moorman
Cc: Michael Inman
Subject: FW: No Zoning

I've been promoted to Commissioner

John

John Heidke, PhD., President
Double H Consulting
124 Morgan Trail
Livingston, MT 59047
T 406-333-4520
M 313-600-3676
<http://double-h-consulting.com>

Executive Coaching

Organization Change

Executive Assessment

Leader Development

From: Linda Taranto <ddwestgreenhouses@aol.com>
Sent: Thursday, September 30, 2021 2:54 PM
To: jheidke@gmail.com
Subject: No Zoning

Dear Commissioner Heidke;

We are opposed to the zoning proposal for the following reasons.

The way we read the proposal is that all businesses that are open to the public would need permission from the development board to open, make any changes, and remodeling decisions to their facility before doing so.

This sounds very Marxist to us, this would include agriculture businesses too. This shows the writer of the proposal does not have a clue about modern agriculture. Many ag producers use hunting, fish ponds, guide services, Airbnb's to make a living. If the board is intend on damaging agriculture, keep passing insane proposals such as this.

Purpose F: This proposal would allow the Commission to determine winners and losers if they hear from a few citizens about a barking dog, parking, or noise from music. Commissioner Berg specifically mentioned concerts at Emigrant or Pine Creek as a nuisance that should be regulated. This zoning proposal would allow the commission board discretion to determine which activities are appropriate to the

County. No concerts at Arch Park, no rodeo near apartments. What is the next marxist idea???

We are sending our comments to you since the Planning Department has decided they do not wish to receive emails and these comments have no way of guaranteeing that they receive them.

You are receiving this message since the Planning Department has determined that they should not list their email address.

Regards,

Daniel & Linda Taranto
D & D West Greenhouses
25 Wilson Road
Livingston, MT 59047



Planning Board Citizen Contact Form

Name: DAVE CARTER

Address: 37 BILLMAN LANE

Contact Info (phone / email): (406) 223-3231 cbs.dave@paho.com

Date Sept 29, 2021

Issues Discussed: Zoning

Comments: "NO Zoning"
we have everything needed regarding agencies, laws, regulations, subdivisions review, engineering, D.E.Q. etc. we need leadership from elected officials. What we absolutely DO NOT NEED is a non-elected special interest committee with a county check book! PLEASE ask me for additional comments!! WASTE of tax money you don't have.

Suggestions / Need for Follow Up: The worst mistakes that we are still paying for are sponsored by City & County government, disregarding your own regulations.
GIVE us roads we can travel on and bridges in the donut

Board Member or Staff Member: _____

Lawson Moorman

From: Steve Caldwell <caldwellmt.sc@gmail.com>
Sent: Friday, October 1, 2021 6:01 AM
To: Commissioners; Michael Inman; Lawson Moorman; John Heidke
Subject: Fwd: Park Co. Conflict Mitigation Zoning Dist. Regs, draft

One more -

----- Forwarded message -----

From: David Swanson <swanson@wispwest.net>
Date: Thu, Sep 30, 2021 at 10:53 PM
Subject: Park Co. Conflict Mitigation Zoning Dist. Regs, draft
To: <scaldwell@parkcounty.org>

Commissioner Caldwell,
(Cc. Park Co. Planning Board):

This Draft of the regulations is worded in a dangerously loose, catch-all way in several places, but is egregiously so in the II. Purpose A. The "to promote the public health...and general welfare" are the linguistic culprits. Under the powers given over to the Board of Health, for example, during the pandemic to enforce mask mandates, lockdowns and school closures, too much power is now, by precedent, vested in local county administrative "authorities". Such autonomous power, combined with the potential for conveniently unconstitutional interpretation of the term "general welfare" to mean the community-over-individuals' unalienable (God given) rights (e.g. property rights as per "the pursuit of happiness"), would jeopardize and could subjugate any and all citizens to a redefined "justice", which is nothing short of tyranny. So this document is way too loose; its verbiage needs to be more strenuously crafted before it would be ready for approval by our public servants. Thanks for your work on this so far, but you should go back to drawing board with this. While like many, I feel that it is inevitable that some form of efficient and equitable review process is or will immanently be appropriate, given the nature of your constituency, tender precision of wording and honest integrity of motive must be visible for any new binding regulations to gain the confidence and support of the people. Please review and revise this draft in such a spirit with such motives and values in mind, and we can take another look at it.

Respectfully,
C. David Swanson

Lawson Moorman

From: Park County Website <website@parkcounty.org>
Sent: Thursday, September 30, 2021 10:51 PM
To: Planning
Subject: Conflict Mitigation Zoning District Regs draft

David Swanson has submitted in inquiry via the website for Park County, Montana.

Source: Website Contact Form for planning@parkcounty.org

Park Co. Planning Board:

This Draft of the regulations is worded in a dangerously loose, catch-all way in several places, but is egregiously so in the II. Purpose A. The "to promote the public health...and general welfare" are the linguistic culprits. Under the powers given over to the Board of Health, for example, during the pandemic to enforce mask mandates, lockdowns and school closures, too much power is now, by precedent, vested in local county administrative "authorities". Such autonomous power, combined with the potential for conveniently unconstitutional interpretation of the term "general welfare" to mean the community-over-individuals' unalienable (God given) rights (e.g. property rights as per "the pursuit of happiness"), would jeopardize and could subjugate any and all citizens to a redefined "justice", which is nothing short of tyranny. So this document is way too loose; its verbiage needs to be more strenuously crafted before it would be ready for approval by our pubic servants. Thanks for your work on this so far, but you should go back to drawing board with this. While like many, I feel that it is inevitable that some form of efficient and equitable review process is or will immanently be appropriate, given the nature of your constituency, tender precision of wording and honest integrity of motive must be visible for any new binding regulations to gain the confidence and support of the people. Please review and revise this draft in such a spirit with such motives and values in mind, and we can take another look at it.

Respectfully,

C. David Swanson

Name: David Swanson
Phone: 406-222-3409
Email Address: swansoni@wispwest.net

This message has originated from a link to your email or department at
https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fparkcounty.org%2fGovernment-Departments%2fPlanning%2f&c=E,1,UhXVwrAarsBkCl-oteCFrMMVP2Tnb9blpEFVIFtszeA7CRMYzGn6SrNwVshrL-Qtd74dG_eACbh_JjiE6vVfOr2YxvFgifGss9BUE9FwkGDX-Aft0JJFYjs,&typo=1
If you feel you have received this message in err, please contact it@parkcounty.org.

Lawson Moorman

From: John Heidke <jheidke@gmail.com>
Sent: Friday, October 1, 2021 5:42 AM
To: Lawson Moorman
Cc: Michael Inman
Subject: FW: Park Co. Conflict Mitigation Zoning District Regs., draft

John

John Heidke, PhD., President Double H Consulting
124 Morgan Trail
Livingston, MT 59047
T 406-333-4520
M 313-600-3676
<http://double-h-consulting.com>

Executive Coaching Organization Change Executive Assessment Leader Development

-----Original Message-----

From: David Swanson <swanson@wispwest.net>
Sent: Thursday, September 30, 2021 11:01 PM
To: jheidke@gmail.com
Subject: Park Co. Conflict Mitigation Zoning District Regs., draft

Planning Board Chair Heidke,
(Cc: Park Co. Planning Board and Commissioners):

This Draft of the regulations is worded in a dangerously loose, catch-all way in several places, but is egregiously so in the II. Purpose A. The "to promote the public health...and general welfare" are the linguistic culprits. Under the powers given over to the Board of Health, for example, during the pandemic to enforce mask mandates, lockdowns and school closures, too much power is now, by precedent, vested in local county administrative "authorities". Such autonomous power, combined with the potential for conveniently unconstitutional interpretation of the term "general welfare" to mean the community-over-individuals' unalienable (God given) rights (e.g. property rights as per "the pursuit of happiness"), would jeopardize and could subjugate any and all citizens to a redefined "justice", which is nothing short of tyranny. So this document is way too loose; its verbiage needs to be more strenuously crafted before it would be ready for approval by our public servants. Thanks for your work on this so far, but you should go back to drawing board with this. While like many, I feel that it is inevitable that some form of efficient and equitable review process is or will immanently be appropriate, given the nature of your constituency, tender precision of wording and honest integrity of motive must be visible for any new binding regulations to gain the confidence and support of the people. Please review and revise this draft in such a spirit with such motives and values in mind, and we can take another look at it.

Respectfully,
C. David Swanson

Lawson Moorman

From: John Heidke <jheidke@gmail.com>
Sent: Thursday, September 30, 2021 5:47 AM
To: Lawson Moorman
Cc: Michael Inman
Subject: FW: ZONING

John

John Heidke, PhD., President
Double H Consulting
124 Morgan Trail
Livingston, MT 59047
T 406-333-4520
M 313-600-3676
<http://double-h-consulting.com>

Executive Coaching

Organization Change

Executive Assessment

Leader Development

From: Davina Ryszka <nightsky25@msn.com>
Sent: Thursday, September 30, 2021 12:35 AM
To: jheidke@gmail.com; ctinsley@parkcounty.org; bberg@parkcounty.org; scaldwell@parkcounty.org
Subject: ZONING

County Commissioners of Park County:

FOR THE RECORD:

We have a ranch in Park County and my parents have owned and farmed and ranched for 45 + years in both Gallatin and Park Counties. We are very concerned that this new effort to Zone our county is a terrible idea. When reading the rough plans I just see the potential for so much trouble in the future if this is adopted. It is like asking for trouble when trouble doesn't exist. Property rights are so important and always have been in Montana. With so many important matters to be concerned with in our county why is it that our elected officials have nothing better to do than think up ways to hurt people, by taking something more away from them. This will take rights away and start a ball rolling that may never stop. Have your read the Constitution? Have your read the Bill of Rights? Have you read your oaths of office?

I plead with you to do so. Please listen to the people. We need you to be on our side, by serving and protecting. Property rights are so fundamental to Freedom.

Please re-think this idea of Zoning and leave the people of the great county alone. There are already many restrictions in place, not to mention taxes.

Thank you for your consideration in this matter,

Sincerely,

Davina M. Ryszka

409 Cokedale Rd

Livingston

Lawson Moorman

From: Steve Caldwell <caldwellmt.sc@gmail.com>
Sent: Saturday, September 25, 2021 1:32 PM
To: Commissioners; Michael Inman; Lawson Moorman; John Heidke
Subject: Fwd: Regarding ZONING Regulation, Land Use, Property Rights, etc.

Correspondence -

----- Forwarded message -----

From: Davina Ryszka <nightsky25@msn.com>
Date: Sat, Sep 25, 2021 at 11:06 AM
Subject: Regarding ZONING Regulation, Land Use, Property Rights, etc.
To: scaldwell@parkcounty.org <scaldwell@parkcounty.org>, bberg@parkcounty.org <bberg@parkcounty.org>, ctinsley@parkcounty.org <ctinsley@parkcounty.org>

Hello Commissioners:

My Husband and I live out Cokedale and we wish to share some thoughts with you. We are very concerned about the Zoning efforts that are underway.

We believe property rights are fundamental to our freedom. Once those rights go away we have no freedom. We ask you to please stop all

endeavors underway to restrict, hinder, regulate or steal our property rights. Please re-read your oaths of office. Your jobs are to protect our rights,

and serve the people, but now days it is the other way around, we the people have to get permits and are taxed and taxed for virtually everything!.

The Declaration of Independence and the Bill Of Rights are what all public servants should be paying attention to. Allowing unelected persons to plan and make agendas to take away our freedoms and property right is not what we elected you to do. Please re-read your oaths of office and read the documents mentioned above. Please consider our concerns.

Sincerely,

Davina Ryszka

Gerald Ryszka

409 Cokedale Rd

Livingston, Montna

Lawson Moorman

From: John Heidke <jheidke@gmail.com>
Sent: Thursday, September 30, 2021 9:56 AM
To: Lawson Moorman
Cc: Michael Inman
Subject: FW: No Zoning - Conflict Mitigation

John

John Heidke, PhD., President
Double H Consulting
124 Morgan Trail
Livingston, MT 59047
T 406-333-4520
M 313-600-3676
<http://double-h-consulting.com>

Executive Coaching

Organization Change

Executive Assessment

Leader Development

From: Donald Hilton <donandkendra@gmail.com>
Sent: Thursday, September 30, 2021 9:06 AM
To: jheidke@gmail.com
Subject: No Zoning - Conflict Mitigation

Dear Mr. John Heidke,

We live in Park County, Mt. for almost 10 years. We have a small ranch with (3) Pivots., agriculture. We moved here to experience four seasons and enjoy the great outdoors. I've attended couple events (Thank goodness for friends against No Zoning, otherwise we never would have known this was even taking place), one in Emigrant at the Café, nothing recorded, extremely hard to hear anyone talk and the absurd statement Mike Inman stated "people want more government control" I am against County wide zoning plan and this is being shoved right down our throats, I have never been solicited for comment from Park County. As an elected official, be best you earn the trust of citizens, have open meeting inviting the public by USPS, sending us a notice, like DNRC whom notifies you by mail. If you cannot hold public in-person meeting then this should be tabled until you can, zoom meetings don't work for all citizens, including ourselves. Why this is coming from the top down, implementing regulations on the people, telling us what we can and can't do on our property, county has no right to do that. HOA's are all over Paradise Valley, they were designed to handle people's wish's and it works fine with subdivision regulations without any government control. This obviously is another tax being thrown our way, more revenue for the County. Advertising in the local paper for code enforcement officer, tells it all, not even gone to vote by commissioners but already in process of hiring position.

No Zoning! is our position

Sincerely,

Don and Kendra Hilton
4970 Old Yellowstone Trl N.
Livingston, MT 59047

Lawson Moorman

From: Steve Caldwell <caldwellmt.sc@gmail.com>
Sent: Monday, August 23, 2021 4:11 PM
To: Commissioners; Michael Inman; Lawson Moorman; John Heidke
Subject: Fwd: FW: Draft Park Co. Conflict Mit. Zoning

Correspondence -

----- Forwarded message -----

From: <largefoot1946@gmail.com>
Date: Mon, Aug 23, 2021 at 1:15 PM
Subject: FW: Draft Park Co. Conflict Mit. Zoning
To: Berg (bberg@parkcounty.org <bberg@parkcounty.cor>), Caldwell <scaldwell@parkcounty.org>, Clint <ctinsley@parkcounty.org>

From: largefoot1946@gmail.com [mailto:largefoot1946@gmail.com]
Sent: Monday, August 23, 2021 1:13 PM
To: Berg (bberg@parkcounty.org <bberg@parkcounty.cor>; ctinsley@parkcounty.org
Cc: Ann Hallowell <ann@hallowellco.com>
Subject: Draft Park Co. Conflict Mit. Zoning

Dear Commissioner's:

I have read and re-read this draft proposal. Here is what I think: Yawl should sit down and listen to Senator Rand Paul's speech a couple days ago on freedom. Then read and or listen to it over and over and over till you understand. I am soon to be 76 and I sure as hell did not move out in the country on our acreage to be told by anybody how, why, when, where or what to do. I realize there are certain parameters we all must follow but enough is enough.

I really like Section F. #2. Under Review Criteria: Hell you guys can't maintain the current roads we have now. Why would you want to have a 5 person unelected group to further complicate things?

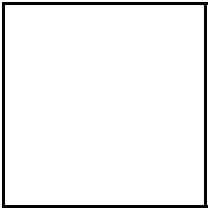
If you look at our country today every fringe and weirdo group thinks it's time to get their agenda passed. Especially give the buffoon we have in the White House who is Vacant at best. Why do you want to join these types of folks and make fools of yourselves?

Why don't you relax, fish more, golf more, garden more and hunt more, this County seems to run along very well. Don't create problems for all of us and yourselves.

“NO Zoning

Respectfully

Doug Brearey- 1768A 89N



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Lawson Moorman

From: Steve Caldwell <caldwellmt.sc@gmail.com>
Sent: Thursday, September 30, 2021 10:07 AM
To: Commissioners; Michael Inman; Lawson Moorman; John Heidke
Subject: Fwd: Planning board

Another cut/paste -

----- Forwarded message -----

From: Elizabeth Melin <elizabethmelin57@gmail.com>
Date: Thu, Sep 30, 2021 at 7:15 AM
Subject: Planning board
To: <scaldwell@parkcounty.org>

- > You are receiving this message since the Planning Department has determined that they should not list their email address.
- >
- > I am opposed the zoning proposal for the following reason
- >
- > The way I read the proposal is that all businesses that are open to the public would need permission from the development board to open, make any changes, remodel their facility etc.
- >
- > Sounds very marxist to me. This would include agriculture. The writer of the proposal does not have a clue about modern agriculture. Many ag producers use fee hunting, fish ponds, guide services , Air BB to make a living. If the board is intend on damaging agriculture, keep passing insane proposals such as this.
- >
- > I am sending my comments to you since Planning has decided they do not wish to receive emails and the comment document has no way of guaranteeing receipt.
- >
- > I am opposed to the zoning proposal for the following reasons.
- >
- > Purpose F: This proposal would allow the Commission to determine winners and losers if they hear from a few citizens about a barking dog, parking, or noise from the music. Commissioner Berg specifically mentioned concerts at Emigrant or Pine Creek as a nuisance that should be regulated. This zoning proposal would allow the Commission broad discretion to determine which activities are appropriate to the County. No concerts at Arch Park, no rodeo near an apartment. What is the next marxist idea.?
- >
- > You are receiving this message since the Planning Department has determined that they should not list their email address.
- >
- > I am opposed the zoning proposal for the following reason
- >
- > The way I read the proposal is that all businesses that are open to the public would need permission from the development board to open, make any changes, remodel their facility etc.
- >
- > Sounds very marxist to me. This would include agriculture. The writer of the proposal does not have a clue

about modern agriculture. Many ag producers use fee hunting, fish ponds, guide services , Air BB to make a living. If the board is intend on damaging agriculture, keep passing insane proposals such as this.

Elizabeth D. Melin
305 Mill Creek Road
Livingston, MT 59047

Sent from my iPhone

Lawson Moorman

From: Erin Denton <ejodenton@gmail.com>
Sent: Thursday, October 7, 2021 12:05 PM
To: Planning

Dear Planning Board,

My name is Erin Denton, and I have owned a home and property up on the Wineglass since 2004. I recently attended via Zoom a conflict mitigation information meeting and I wanted to let you know I completely support moving forward with the conflict mitigation zoning.

The misinformation in our little town is staggering. I'm hoping that if/when people cool down and actually listen with their ears and their hearts, they too will realize that something must be done to ensure our way and quality of life here in Livingston.

Thank you for all you do,

Erin Denton
53 Broken Wheel Road
Livingston

Lawson Moorman

From: Frank Schroeder <fschroeder@friendsofparkcounty.org>
Sent: Friday, September 3, 2021 3:10 PM
To: 'John Heidke'; rbaergmt@gmail.com; haugfarms@gmail.com; 'Bryan Wells'; tcromley@gmail.com; Lbirkes@gmail.com; deannelson4@gmail.com; Michael Inman; Lawson Moorman; Commissioners
Cc: 'Jean Keffeler'; 'Kenneth Cochrane'
Subject: CMDR

Taya, Lara and Gentlemen,

Thank you for the opportunity to meet with members of the Park County Planning Board and staff on August 16, 2021. We appreciated the conversation and found the meeting productive and constructive. We look forward to future meetings.

As we mentioned during our meeting, Friends of Park County would like to be an enthusiastic supporter of the CMR. The level of our enthusiasm will naturally depend on how many of the prioritized suggestions for improvements are incorporated into the final version. And of course, the sooner the Planning Board decides those items, the sooner we can hopefully get on board.

We certainly are not considering opposing the adoption of the CMR at this point; instead, we hope that as the process continues to unfold the improvements suggested by FPC and other organizations will be considered promptly and adopted.

Kind regards,

Frank

Frank C. Schroeder
Friends of Park County

P.O. Box 23
Pray, Montana 59065
312.343.5593 (cell)
fschroeder@friendsofparkcounty.org
friendsofparkcounty.org

Friends of Park County

P.O. Box 23, Pray, Montana 59065

Promoting thoughtfully planned growth in order to protect and enhance Park County's vibrant communities, sustainable working lands, and healthy natural resources.

Mr. Mike Inman
Park County Planning Director
414 East Callender Street
Livingston, MT 59047

July 1, 2021

Dear Mike,

This letter addresses five short items.

First, during the last Planning Board meeting, we heard you mention that you reached out to Friends of Park County to schedule a meeting to discuss the draft Conflict Mitigation Regulations (CMR) but that you had not heard back from us.

Yes, we would welcome a meeting with you and Planning Board members to discuss the CMR, sometime between mid-July and early August. Would you like us to suggest some dates and locations?

Second, you have said that our statements about the residential development near the Arrowhead School show that Friends of Park County is confusing zoning with subdivision regulations.

Our understanding is that zoning regulations, like those in the Part 1 zoning districts in Park County and in other counties, supplement the subdivision requirements in the Montana statutes. They also address the development of homes on individual lots, a subject not covered by the subdivision regulations. Is that incorrect? Please let us know about any statutes or court decisions you know that would help educate us.

Third, one of our consultants, Robert Liberty, will be making another visit to Park County this summer. He will be touring different parts of the County to update and expand his knowledge of how development is occurring. He would welcome your suggestion of places he should to visit and would be glad to meet with you if that would be helpful.

Fourth, at the last planning board meeting, you provided the members with an excel spreadsheet with information like our requests. Could you forward that spreadsheet to me?

On this same topic, we contacted the sanitation department by email and phone requesting information about septic permits, (applications, approvals, associated uses.) We have received no response from them. We had hoped information we requested could be provided to us and other residents voluntarily in response to these informal requests.

That has not worked to date, so we are letting you know that we have decided that in the future we will file public information requests for the information we (and others) need in order to participate effectively and constructively.

Fifth, I want to make sure you saw our questions about the CMR comment and review process in the letter we have sent to Chair Heidke that contains our top ten improvements to the CMR.

Regards,

A handwritten signature in cursive script that reads "Frank C. Schroeder". The signature is written in black ink and is positioned to the left of the typed name.

Frank Schroeder
Chairman, Friends of Park County

Copy: Planning Board

Friends of Park County

P.O. Box 23, Pray, Montana 59065

Promoting thoughtfully planned growth in order to protect and enhance Park County's vibrant communities, sustainable working lands, and healthy natural resources.

Recommendations and Comments to the Park County Planning Board On the Subject of Rural Residential Sprawl

Meeting of February 18, 2021

The big issue before Park County is the number and impacts of new rural houses. Regulations of the height, roof pitch, set-backs, choice of siding and other design issues for new houses are irrelevant to this issue and a distraction.

The message from Mike Inman to the Planning Board members contains many examples of definitions of, and regulations for, rural residential development.

These examples include regulations of roof pitch, side-yard setbacks, the appearance of the siding of the homes, the height of homes, and many other subjects that are irrelevant to the total number of homes and their cumulative impact.

Neither Friends of Park County nor any other group or person (as far as we can recall) has expressed any interest in regulating the appearance, set-backs, prohibitions on barbed wire fencing, etc. for new rural residential development.

Focusing on those issues is confusing and distracting from the real issue, rural residential sprawl.

The examples of rural residential zoning provided to the Planning Board before your January meeting would allow ½ and 1 acre residential development that would be disastrous for Park County.

Recently, we received a copy of the email sent to Planning Board members in early January before your last meeting. We were unaware of that email before the meeting. We now understand how that email shaped some of the discussion at your last meeting and we are responding now. (We hope, it is better late than never.)

The examples provided include rural residential zoning for the communities of Cooke City and Silver Gate. The zoning can be appropriate for an unincorporated rural town like Cooke City and Silver Gate but they are definitely not appropriate to be applied across the farm, range and forestlands of Park County.

Another example of rural residential provided by staff came from Missoula County:

SECTION 2.09 C-RR1 RESIDENTIAL

A. Intent This district recognizes the existence of rural areas that will come under pressure for residential development. This zone provides for a transitional low density residential district between urbanized areas and agricultural uses, as well as provides a zone that may be used to meet residential needs while limiting density to recognize environmental concerns.

Maximum residential density One (1) dwelling unit per one (1) acre

1-acre residential lot development is low-density suburban zoning, not a “transition” to anything but more development next door. It is not zoning that “recognizes environmental concerns” but is the source of them.

½ and 1-acre residential zoning would be a disaster for Park County, exactly the opposite of what it needs.

If the Planning Board is interested in agriculture zoning that might be appropriate for Park County it should consider the Milligan Canyon - Boulder Valley Agriculture Zoning district in Jefferson County, Montana or the Part 1 Zoning district for Mission and Boulder Creeks in Park County, that was endorsed by landowners and residents but failed because of a legal technicality.

The Conflict Mitigation Zoning District Regulations could be useful for addressing proposed high impact land uses, but classic zoning would be better. In any event, the CMZD regulations do not and cannot effectively address rural residential sprawl.

We appreciate the willingness of Planning Board members to explore whether and what kinds of rural residential development might be included within the scope of the Conflict Mitigation Zoning District Regulations and subject to some level of review.

But that is like trying to use a screwdriver to tighten a hex nut – it won’t work because it is the wrong tool for the job.

The CMZDR are a permit review and approval process, a completely different approach and philosophy than classic zoning. It relies on a case-by-case review of individual applications, considered in isolation. The CMZD regulations do not consider the application in the context of the cumulative total of future decisions. Everything is analyzed piecemeal and it does not address the big picture over the long term.

Consider this hypothetical. There are 100 jackalopes in Park County (*Antilopeus Americana Schroederi*) a small, but stable population of a rare and much celebrated species.

Each new home in the jackalope range area will cause the death, through pet dog predation or being struck by the new residents' cars, of one jackalope.

The application for the first new home is approved because 99% of the jackalope population is unaffected and thereby "conserved". The first home is built, and causes the death of one jackalope, but it is just 1% of that population.

After 50 new homes are approved and half the jackalopes are dead and only 50 are still alive, the application for the 51st home is approved because 98% of the remaining jackalope population will be unaffected and will be "conserved."

Then suddenly after house number 67, which was approved because 97% of the remaining 33 jackalopes would not experience "negative impacts" and would be "conserved", the herd's genetic pool is too small for successful reproduction and it enters into a terminal decline.

Antilopeus Americana Schroederi are now extinct in Park County but at every single application review the County could approve the application concluding, truthfully, that between 97% and 99% of all the jackalopes would still be "conserved."

That is the difference between case-by-case reviewing and zoning based on a planning process that considers the whole range of potential development over time and makes the big decisions at the outset, through a planning process. Classic zoning is based on a consideration of cumulative impacts, whether those are impacts on the land base needed to support the agricultural economy, or the capacity of the land to absorb and treat human sewage or the effect of an increase of home on the risk of forest and range fires.

Zoning may be more time consuming to establish but it can save a lot of time later because the big decisions have already been made.

Instead of spending 84 hours of staff time reviewing an application for a tire dump against the 42 separate potential negative impacts listed in the CMZDR, plus hearing and responding to the public comment on all of those topics, a zoning ordinance could have simply prohibited them in the County. Classic zoning would have required 0 hours of staff time.

This year the County needs to begin to carry out the goals, objectives and action steps it promised in the 2017 Growth Policy that could stop rural residential sprawl.

In 2017, after a lengthy, difficult but successful process, Park County adopted its updated Growth Policy.

It presented this vision for our future:

Park County is a place where the natural environment is a source of economic diversity and jobs, and provides tranquility, beautiful scenery and a unique way of life that attracts people here to call Park County home.

Park County is comprised of small communities and rural areas, each distinct, yet connected to each other.

Park County's Growth Policy contains goals, objectives and action steps that could be very helpful in preventing rural residential sprawl. Here are some of the more important ones:

Goal 16: Take an active role in the land use and development process.

Objective 16.1: Recognize the relationship between enhanced revenues generated by new growth and the long-term liabilities for maintaining infrastructure and providing services.

Action 16.3.1: Use neighborhood planning and area plans to provide specific policy direction to specific areas that have unique issues.

Action 16.3.3: Develop a future land use map for Park County and adopt it as an amendment to this growth policy.

Objective 16.5: Identify areas of critical agricultural importance and implement mechanisms in these areas that support the ability of agricultural landowners to continue operations.

Action 16.5.1: Create a map of agricultural lands of importance by prime soil types identified by the USDA, large parcel sizes taxed as agricultural, and other considerations. Review the map with Agricultural landowners for their input.

Objective 16.7: Protect air quality, important soils and water quality during and after development.

Goal 4: Protect the health and safety of residents and visitors.

Objective 4.2: Discourage development in parts of the county that are costly and hard to access and/or protect from wildfire and other hazards.

Action 4.2.1: Assess development projects for potential impacts to public health and safety from wildfire and other hazards and disapprove the projects where the safety impacts are deemed to be too great.

Goal 8: Be prepared to make decisions on how to manage water resources.

Objective 8.1: Build on recent efforts to establish baseline water quantity and quality information for the major watersheds in Park County.

Objective 8.2: Conduct water resource studies that analyze sources, long term availability, potential conflicts and drought, and include recommendations for management.

Friends of Park County understands that there are limits on what a small staff can do, which is why it submitted a letter to the County Commission making the case for adding another staff planner.

In the absence of additional staff support, Friends of Park County understands the planning staff and Planning Board have made comments committing themselves to continuing and concluding its examination of the CMZDR this year.

But that does not preclude the Planning Board from making another commitment to begin tackling this issue as soon as possible, as a priority for discussion and action.

Page 2 of the 2017 Growth Policy states:

Although a growth policy is a non-regulatory document used to identify the priorities of a community, that doesn't mean it shouldn't have weight when making decisions about those priorities. In fact, that is the intended purpose.

Friends of Park County urges you to give rural residential development the weight it deserves in setting priorities for the balance of this year and the next, including carrying out some of the action steps promised four years ago.

Friends of Park County

P.O. Box 23, Pray, Montana 59065

Promoting thoughtfully planned growth in order to protect and enhance Park County's vibrant communities, sustainable working lands, and healthy natural resources.

Testimony Presented to the Park County Planning Board Clarifying Rural Land Uses and Developments of Concern to Friends of Park County

March 15, 2021

In the course of your discussions about the nature and significance of land development trends in Park County, you have heard from staff about the increasing significance of recreational developments of different types, including recreational cabins, tents and glamping facilities and resorts.

We have focused and will continue to give top priority to addressing rural residential development as the biggest threat to the lands and resources of Park County. That threat is starkly evident from what is happening less than 20 miles away in Gallatin County and in other counties in the region that share our amenities and development pressures, including Teton County, Idaho and Teton County, Wyoming.

Are we concerned about recreational development of cabins, tents, glamping facilities and resorts? Of course we are. We are concerned about all of these different forms of residential and recreational development.

We are also concerned about the high impact low frequency land uses and developments, like gold mines, gravel pits and tire dumps, that inspired the work on the Conflict Mitigation Zoning District Regulations.

We believe the only effective way of understanding these various uses' cumulative impacts and determining the extent to which they should be allowed, where they should be allowed and according to what standards - is through traditional zoning.

Finally, we have been asked by your staff to define what we mean by "rural residential" development. Our definition is this: Building new houses outside the city limits of Livingston, the town limits of Clyde Park and outside Gardiner, Silver Gate, Cooke City, Jardine, Wilsall and the other settlements in Park County that have the character and form of a small town or village.

We hope these clarifications are helpful.

Friends of Park County

P.O. Box 23, Pray, Montana 59065

Promoting thoughtfully planned growth in order to protect and enhance Park County's vibrant communities, sustainable working lands, and healthy natural resources.

Mr. John Heidke, Chair
Park County Planning Board
414 East Callender Street
Livingston, MT 59047

July 1, 2021

Re: Suggested Improvements to the Conflict Mitigation Regulations

Dear John,

Friends of Park County greatly appreciates the efforts of the Planning Board to consider the adoption of regulations to manage growth and development in Park County.

We are firm advocates for traditional zoning and will continue vigorously to advocate for managing rural residential growth in Park County by zoning as a better approach.

However, now that the Planning Board has embarked on the official public review process for the draft Conflict Mitigation Zoning District Regulations (CMR) we wish to assist the board in its efforts to improve so that it can be as effective as possible if it is adopted:

This is our list of top ten improvements to the CMR. Given the draft CMR's length and the potential complexity of the procedures, we may suggest other revisions to the CMR later.

The improvements listed in this letter are consistent with the suggestions we have already made in our written and oral testimony at Planning Board meetings since November 2020.

We respectfully request that this letter and the testimony we submitted to you during your monthly meetings starting in November be made a part of the official CMR public review record and entered into the log of comments described by Director Inman.

1. Exempt just one primary residence per tract of record from CMR review; not three homes or vacation rentals.

The current draft allows three homes for full-time or part-time residency or vacation rentals on every legal tract with no permit review under the CMR.

We know some members of the County Commission and the Planning Board oppose limiting other peoples' ability to build their home on "their piece of paradise." But that sentiment does not justify allowing three homes or vacation rentals on each tract of record without any review and mitigation of their potential negative impacts.

Why should a triplex in Gardiner or a 6-unit motel be required to undergo CMR permit review but not three vacation rentals?

Exemption of one home per tract of record from review would be consistent with the Part 1 zoning in the Paradise Valley, O'Rea Creek, East Yellowstone and Cokedale Zoning Districts. The attachment contains excerpts from and links to those zoning districts.

(As noted below, we do think any homes built in hazard areas should be subject to review and regulation to protect lives and property.)

People who want to build vacation rentals will go through the CMR application and review process, just like applicants for other commercial recreational uses, like a RV park.

2. Review the Draft CMR for consistency with the County's 2016 Growth Policy and/or reference the Growth Policy in the CMR.

The 2016 Park County Growth Policy describes itself this way:

At its core, a growth policy includes big-picture goals, measurable objectives, and sets policies that will assist the County Commissioners in making decisions about how to manage county resources. It is designed to be results-oriented ... page 2.

The draft CMR should be reviewed against the many goals, policies and action steps in the County's Growth Policy.

At a minimum that review would be useful in identifying the various policies, objectives and action steps the CMR will implement. But the review may identify gaps or inconsistencies in the CMR relative to the Growth Policy that the Planning Board might wish to correct.

A broader and simpler approach would be for the Planning Board to revise the CMR to incorporate the Growth Policy policies and objectives as factors to consider in reviewing permit applications.

3. Update the draft CMR to assist Livingston with the implementation of its new Growth Policy.

When the first draft of the CMR was prepared, Livingston had not even begun the update of its Growth Policy. Now that it has been approved by the City, the County can assist with and accelerate the implementation of the Livingston Growth Policy by revising the draft CMR to substitute the policies and land use designations from the newly adopted Livingston Growth Policy in the extraterritorial jurisdiction for the provisions of the CMR.

The most important provisions that should be supported by the CMR are the implementation of the Pastoral/Open Space land use designation, the controls on subdivisions and limits on road construction.

4. Help achieve the CMRs' purposes, increase fairness and consistency for applicants, neighbors and decision makers by adding criteria to govern the choice between approval with mitigating conditions and denial of an application.

The draft CMRs lack criteria to help the County, the applicants or concerned residents decide whether to deny a permit for a development that would have negative impacts or to approve it with mitigating conditions.

The draft CMR also doesn't require any particular level of mitigation.

Without criteria to be used in evaluating the negative impacts and a target level of mitigation there is a high risk of unpredictable, inconsistent and therefore unfair treatment of applicants and neighbors.

This unpredictability could lead to litigation based on the claim the County's administration of the CMR is arbitrary and capricious, a contention that may be hard to avoid in the absence of guiding criteria. Avoiding litigation is one of the major goals of the CMR.

The best approach would be to draft or cross reference measurable numerical performance or impact standards for the list of negative impacts to be considered.

Even in the absence of measurable performance standards, the CMR could be improved if it required "substantial" mitigation of all "major" negative impacts, and if that mitigation were not possible the application would have to be denied.

We realize that the words "substantial" and "major" are not precise and easily applied criteria. They would have to be defined in practice. But they are far superior to no criteria at all.

(Using words like "substantial" and "major" as criteria is not ideal but the lack of precision and certainty is an inherent problem with a conditional permitting system that can be largely avoided using traditional zoning.)

5. To protect water, wildlife, agriculture and taxpayers, consider cumulative impacts.

The draft CMR's purposes (Part II) include protecting wildlife and wildlife habitat, protecting agriculture, and mitigating impacts on county infrastructure and services. The review factors also require consideration of the proposed land use impacts on water quantity and water quality.

We have seen in Park County and other places in the region where case-by-case approvals of septic systems, each one of which was apparently justified, led to the potential or actual pollution of streams and drinking water. That lack of consideration of cumulative impacts is why Livingston felt obliged to annex the Green Acres subdivision approved by Park County.

And what about the depletion of water supplies? What happens to groundwater or surface water supplies if every new home and business can have a new well regardless of water supplies. Water supplies are going to be under increasing pressure from climate change, as snowpack shrinks and spring runoff occurs earlier.

The same thing can happen with wildlife. Just a few more houses may close off needed winter grazing or cut the last remaining opening in a wildlife migration corridor. Future West's webinar on this subject this past spring made this point.

Conflicts between rural residential development and agriculture also cumulate over time, until finally conflicts over farm practices or competition for land finally drives farms out of business.

It also applies to taxpayer impacts. A few additional residences may be the tipping point requiring a new fire truck, an upgraded road or new school buses.

For these reasons, the draft CMR would be improved by considering cumulative impacts.

That analysis would need to be applied both retroactively (what is the combined and cumulative impact on taxpayers and resources of this land use, combined with other land uses already in the area) and prospectively (what will be the combined and cumulative impacts on taxpayers and resources if other land uses are approved in the area in the future based on the same reasoning and subject to the conditions applicable to this proposed use.)

6. Clarify or confirm that the CMR will apply to subdivision proposals.

We assume the CMR will be applied to the review of subdivisions along with the statutory consideration but excluding provisions inconsistent with recently passed limitations on the subdivision review standards.

7. Add provisions to keep people and property safe from fires and floods, risks that are become far more severe as the climate becomes hotter and more extreme.

The 2016 Park County Growth Policy states at page 61:

Wildland fires are a fact of life in Park County, and fires are burning faster, hotter and scorching more acreage than in the recent past. At the same time, more homes are being built in the hills and forests across the county. As a result, the costs of fighting fires is increasing, as well as the risk to people and property.

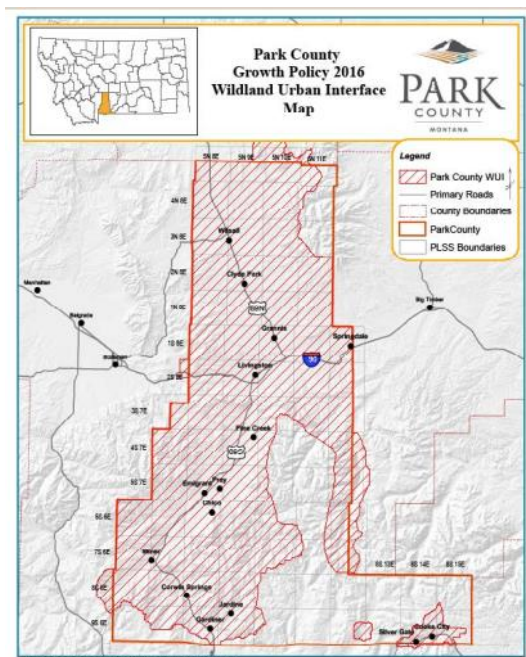


Figure 13: Wildland Urban Interface in Park County

The recent record-breaking heat which is related to climate change now underway underscores the urgency for being more pro-active in considering wildfire risks.

Consider this comment in a recent Livingston Enterprise article: *First-ever ecosystem-level report shows dire threats to regional ecology, economy*: “A recent example of the dangers of drier conditions at higher elevations is the Robertson Draw Fire south of Red Lodge. The fire, which ignited June 13, sits around 5,600 feet. In the first two days, the human-caused fire grew from 200 acres to 21,000 acres, according to information from the U.S. Forest Service.”

On page 62, the Growth Policy includes Figure 13, a map of the wildland urban interface where the risk of fires is greatest, shown at left. The Growth Policy

notes that the County has already adopted special fire protection plan regulations for subdivisions built in the wildland urban interface.

The CMR needs to be supplemented with factors governing whether and under what conditions homes (including the first home on a tract of record) and other structures proposed to be built in areas with high risk of fire.

Parallel provisions should be adopted for areas at risk of flooding and landslides.

8. Exempt needed types of housing in Gardiner and other rural communities from review under the CMR.

There is a housing affordability crisis in Park County. Apartments, duplexes, three-plexes, four plexes, manufactured home parks in established rural communities (Gardiner, Cooke City/Silvergate, Wilsall) are needed to increase the supply of market-affordable housing. These types of housing in established rural communities should be exempted from review under the CMR.

9. Add an ethics standard.

Nothing will erode public confidence in the fairness of planning procedures than the reality, or the perception, that decision makers are letting family, financial or political considerations – and not the regulations themselves – influence decisions.

The CMR needs an ethics standard based on a determination of whether business and family relationships and political campaign contributions would create the appearance of impropriety in the minds of reasonable people.

10. Require a CMR Implementation Performance Review.

If the CMR is adopted, it should be reviewed after it has been used to process, after its application to 50 applications, or two years, whichever comes first.

The three purposes of that review would be to determine whether the CMR is:

- (a) fulfilling its stated purposes;
- (b) being administered fairly, efficiently and effectively; and
- (c) helping to implement the County Growth Policy in addressing the challenges of development.

Our questions about the CMR review and revision schedule and process.

If the Planning Board expresses interest in any of these ten improvements, we can offer draft language for its consideration.

When that might be is unclear.

The February 19 schedule for review of the CMR states that public review and comment will occur during Phase II “April through June/July.” That will be followed by review and revisions by the Planning Board in Phase III July through September during which the Board will “further refine the draft District and Regulations based upon public comment, if necessary....”

Does this mean that all proposed revisions must be provided to the Planning Board by July 31, 2021 after which the record will be closed to further comments to the public? Would the Planning Board receive any testimony on potential changes during Phase III?

Mr. Inman reported at the June 2021 Planning Board meeting that staff is maintaining and continually updating a log of the public comments made during the Phase I process. We request that the log be available and easily accessible to the public on an ongoing basis so that the public is able to comment on suggestions and concerns made by the public as well as the draft CMR itself.

We appreciate the continued opportunity to participate in these discussions and welcome your questions and responses

Sincerely,

A handwritten signature in black ink that reads "Frank C. Schroeder". The signature is written in a cursive style with a large initial 'F'.

Frank Schroeder, Chair and Co-Founder
Friends of Park County

Copies: Jean Keffeler, Co-Founder, Friends of Park County
 Ken Cochrane, Co-Founder, Friends of Park County
 Park County Planning Board Members
 County Commissioners
 Mr. Mike Inman
 Livingston Planning Board Members
 Other interested persons

Attachment

Excerpts from Park County's Part 1 Zoning Districts Authorizing A Single Dwelling

Paradise Valley District: "Single-family residential dwellings with attached or detached garage" page 10 <https://www.parkcounty.org/uploads/files/pages/26/Paradise-Valley-Zoning-District-Regulations-Signed-6.1.04.pdf>

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Friends of Park County

P.O. Box 23, Pray, Montana 59065

Promoting thoughtfully planned growth in order to protect and enhance Park County's vibrant communities, sustainable working lands, and healthy natural resources.

Mr. John Heidke, Chair
Park County Planning Board
414 East Callender Street
Livingston, MT 59047

July 1, 2021

Re: Suggested Improvements to the Conflict Mitigation Regulations

Dear John,

Friends of Park County greatly appreciates the efforts of the Planning Board to consider the adoption of regulations to manage growth and development in Park County.

We are firm advocates for traditional zoning and will continue vigorously to advocate for managing rural residential growth in Park County by zoning as a better approach.

However, now that the Planning Board has embarked on the official public review process for the draft Conflict Mitigation Zoning District Regulations (CMR) we wish to assist the board in its efforts to improve so that it can be as effective as possible if it is adopted-

This is our list of top ten improvements to the CMR. Given the draft CMR's length and the potential complexity of the procedures, we may suggest other revisions to the CMR later.

The improvements listed in this letter are consistent with the suggestions we have already made in our written and oral testimony at Planning Board meetings since November 2020.

We respectfully request that this letter and the testimony we submitted to you during your monthly meetings starting in November be made a part of the official CMR public review record and entered into the log of comments described by Director Inman.

1. Exempt just one primary residence per tract of record from CMR review; not three homes or vacation rentals.

The current draft allows three homes for full-time or part-time residency or vacation rentals on every legal tract with no permit review under the CMR.

We know some members of the County Commission and the Planning Board oppose limiting other peoples' ability to build their home on "their piece of paradise." But that sentiment does not justify allowing three homes or vacation rentals on each tract of record without any review and mitigation of their potential negative impacts.

Why should a triplex in Gardiner or a 6-unit motel be required to undergo CMR permit review but not three vacation rentals?

Exemption of one home per tract of record from review would be consistent with the Part 1 zoning in the Paradise Valley, O'Rea Creek, East Yellowstone and Cokedale Zoning Districts. The attachment contains excerpts from and links to those zoning districts.

(As noted below, we do think any homes built in hazard areas should be subject to review and regulation to protect lives and property.)

People who want to build vacation rentals will go through the CMR application and review process, just like applicants for other commercial recreational uses, like a RV park.

2. Review the Draft CMR for consistency with the County's 2016 Growth Policy and/or reference the Growth Policy in the CMR.

The 2016 Park County Growth Policy describes itself this way:

At its core, a growth policy includes big-picture goals, measurable objectives, and sets policies that will assist the County Commissioners in making decisions about how to manage county resources. It is designed to be results-oriented ... page 2.

The draft CMR should be reviewed against the many goals, policies and action steps in the County's Growth Policy.

At a minimum that review would be useful in identifying the various policies, objectives and action steps the CMR will implement. But the review may identify gaps or inconsistencies in the CMR relative to the Growth Policy that the Planning Board might wish to correct.

A broader and simpler approach would be for the Planning Board to revise the CMR to incorporate the Growth Policy policies and objectives as factors to consider in reviewing permit applications.

3. Update the draft CMR to assist Livingston with the implementation of its new Growth Policy.

When the first draft of the CMR was prepared, Livingston had not even begun the update of its Growth Policy. Now that it has been approved by the City, the County can assist with and accelerate the implementation of the Livingston Growth Policy by revising the draft CMR to substitute the policies and land use designations from the newly adopted Livingston Growth Policy in the extraterritorial jurisdiction for the provisions of the CMR.

The most important provisions that should be supported by the CMR are the implementation of the Pastoral/Open Space land use designation, the controls on subdivisions and limits on road construction.

4. Help achieve the CMRs' purposes, increase fairness and consistency for applicants, neighbors and decision makers by adding criteria to govern the choice between approval with mitigating conditions and denial of an application.

The draft CMRs lack criteria to help the County, the applicants or concerned residents decide whether to deny a permit for a development that would have negative impacts or to approve it with mitigating conditions.

The draft CMR also doesn't require any particular level of mitigation.

Without criteria to be used in evaluating the negative impacts and a target level of mitigation there is a high risk of unpredictable, inconsistent and therefore unfair treatment of applicants and neighbors.

This unpredictability could lead to litigation based on the claim the County's administration of the CMR is arbitrary and capricious, a contention that may be hard to avoid in the absence of guiding criteria. Avoiding litigation is one of the major goals of the CMR.

The best approach would be to draft or cross reference measurable numerical performance or impact standards for the list of negative impacts to be considered.

Even in the absence of measurable performance standards, the CMR could be improved if it required "substantial" mitigation of all "major" negative impacts, and if that mitigation were not possible the application would have to be denied.

We realize that the words "substantial" and "major" are not precise and easily applied criteria. They would have to be defined in practice. But they are far superior to no criteria at all.

(Using words like "substantial" and "major" as criteria is not ideal but the lack of precision and certainty is an inherent problem with a conditional permitting system that can be largely avoided using traditional zoning.)

5. To protect water, wildlife, agriculture and taxpayers, consider cumulative impacts.

The draft CMR's purposes (Part II) include protecting wildlife and wildlife habitat, protecting agriculture, and mitigating impacts on county infrastructure and services. The review factors also require consideration of the proposed land use impacts on water quantity and water quality.

We have seen in Park County and other places in the region where case-by-case approvals of septic systems, each one of which was apparently justified, led to the potential or actual pollution of streams and drinking water. That lack of consideration of cumulative impacts is why Livingston felt obliged to annex the Green Acres subdivision approved by Park County.

And what about the depletion of water supplies? What happens to groundwater or surface water supplies if every new home and business can have a new well regardless of water supplies. Water supplies are going to be under increasing pressure from climate change, as snowpack shrinks and spring runoff occurs earlier.

The same thing can happen with wildlife. Just a few more houses may close off needed winter grazing or cut the last remaining opening in a wildlife migration corridor. Future West's webinar on this subject this past spring made this point.

Conflicts between rural residential development and agriculture also cumulate over time, until finally conflicts over farm practices or competition for land finally drives farms out of business.

It also applies to taxpayer impacts. A few additional residences may be the tipping point requiring a new fire truck, an upgraded road or new school buses.

For these reasons, the draft CMR would be improved by considering cumulative impacts.

That analysis would need to be applied both retroactively (what is the combined and cumulative impact on taxpayers and resources of this land use, combined with other land uses already in the area) and prospectively (what will be the combined and cumulative impacts on taxpayers and resources if other land uses are approved in the area in the future based on the same reasoning and subject to the conditions applicable to this proposed use.)

6. Clarify or confirm that the CMR will apply to subdivision proposals.

We assume the CMR will be applied to the review of subdivisions along with the statutory consideration but excluding provisions inconsistent with recently passed limitations on the subdivision review standards.

7. Add provisions to keep people and property safe from fires and floods, risks that are become far more severe as the climate becomes hotter and more extreme.

The 2016 Park County Growth Policy states at page 61:

Wildland fires are a fact of life in Park County, and fires are burning faster, hotter and scorching more acreage than in the recent past. At the same time, more homes are being built in the hills and forests across the county. As a result, the costs of fighting fires is increasing, as well as the risk to people and property.

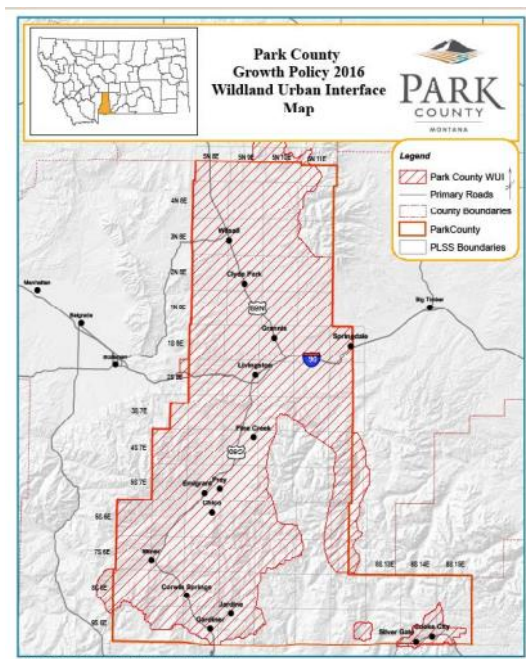


Figure 13: Wildland Urban Interface in Park County

The recent record-breaking heat which is related to climate change now underway underscores the urgency for being more pro-active in considering wildfire risks.

Consider this comment in a recent Livingston Enterprise article: *First-ever ecosystem-level report shows dire threats to regional ecology, economy*: “A recent example of the dangers of drier conditions at higher elevations is the Robertson Draw Fire south of Red Lodge. The fire, which ignited June 13, sits around 5,600 feet. In the first two days, the human-caused fire grew from 200 acres to 21,000 acres, according to information from the U.S. Forest Service.”

On page 62, the Growth Policy includes Figure 13, a map of the wildland urban interface where the risk of fires is greatest, shown at left. The Growth Policy

notes that the County has already adopted special fire protection plan regulations for subdivisions built in the wildland urban interface.

The CMR needs to be supplemented with factors governing whether and under what conditions homes (including the first home on a tract of record) and other structures proposed to be built in areas with high risk of fire.

Parallel provisions should be adopted for areas at risk of flooding and landslides.

8. Exempt needed types of housing in Gardiner and other rural communities from review under the CMR.

There is a housing affordability crisis in Park County. Apartments, duplexes, three-plexes, four plexes, manufactured home parks in established rural communities (Gardiner, Cooke City/Silvergate, Wilsall) are needed to increase the supply of market-affordable housing. These types of housing in established rural communities should be exempted from review under the CMR.

9. Add an ethics standard.

Nothing will erode public confidence in the fairness of planning procedures than the reality, or the perception, that decision makers are letting family, financial or political considerations – and not the regulations themselves – influence decisions.

The CMR needs an ethics standard based on a determination of whether business and family relationships and political campaign contributions would create the appearance of impropriety in the minds of reasonable people.

10. Require a CMR Implementation Performance Review.

If the CMR is adopted, it should be reviewed after it has been used to process, after its application to 50 applications, or two years, whichever comes first.

The three purposes of that review would be to determine whether the CMR is:

- (a) fulfilling its stated purposes;
- (b) being administered fairly, efficiently and effectively; and
- (c) helping to implement the County Growth Policy in addressing the challenges of development.

Our questions about the CMR review and revision schedule and process.

If the Planning Board expresses interest in any of these ten improvements, we can offer draft language for its consideration.

When that might be is unclear.

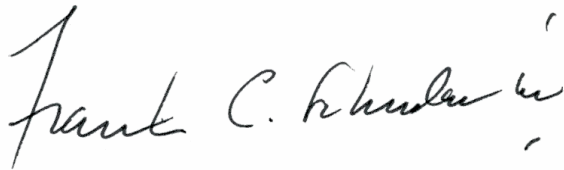
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Frank Schroeder, Chair and Co-Founder
Friends of Park County

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Lawson Moorman

From: Glee Greenwood <gleemt@outlook.com>
Sent: Monday, July 5, 2021 8:51 AM
To: Planning
Subject: CMR changes

Good Morning!

I support the ten suggested changes to the Draft CMR recommended by Friends of Park County. The planning board needs to act on these suggested changes now or we will lose the wonderful place that Park County is now. Changes are happening too fast. Act now!

Sincerely,

Glee Greenwood
Deep Creek Road
Paradise Valley

Lawson Moorman

From: gordon brittan <gbrittan17@gmail.com>
Sent: Tuesday, July 6, 2021 9:42 AM
To: Planning
Subject: Top Ten Suggestions of Friends of Park County

Our family has lived/worked on our ranch along Mission Creek for almost 60 years. During that time we have tried to help formulate and implement rational guides to County development. These efforts culminated in the creation of a Voluntary Citizen-Initiated Zoning District for the Mission Creek - West Boulder area. It was supported by a clear majority of residents/landowners in the area, in particular by longtime residents and ranch owners, and approved by the County Commissioners, only to be overturned on the basis of a technicality in a local court. We understood then and continue to believe that the best way to protect asset values is by way of carefully constructed zoning plans.

We therefore fully support the Top Ten Suggestions made in this connection by the Friends of Park County.

The lesson has been confirmed again and again. Those counties across the country which took their futures into their own hands by planning for it and adopting zoning rules that protect our economic and cultural values, and hand on to our children and grandchildren a matchless landscape and way of life, have prospered. Those that have not now regret not doing so. Given the demographic shifts in this country, and the threat of a spillover of the uncontrolled growth in Gallatin County, currently taking place, the time to act is now. Our descendents will praise us for it.

With best wishes and high hopes,

Gordon "Corky" Brittan
215 Mission Creek Road
Livingston, MT 59047
222-3656
gbrittan17@gmail.com

Lawson Moorman

From: Harry Miller <hairbear4884@yahoo.com>
Sent: Wednesday, September 29, 2021 1:41 PM
To: Planning
Cc: jheidke@gmail.com; Steve Caldwell; Bill Berg; Clint Tinsley
Subject: COMMENTS ON ZONING REGULATIONS

COMMENTS FOR THE RECORD **AGAINST** THE DRAFT CONFLICT MITIGATION ZONING REGULATIONS FOR PARK COUNTY

I have read the draft zoning proposal and discussed it with my neighbors. I am against it, especially for the Gardiner Basin. The community of Gardiner could use some zoning, but I have owned my property near Corwin Springs since 1972. The rules and regulations of the past 50 years have done us no good. (Like the septic system situation where we now need to have an engineer involved and the DEQ handles it from Helena).

This draft proposal is too vague – potentially allowing for definitions and interpretations to be an open door for much more stringent rules or regulations after it's been passed.

I enjoy working on and sometimes restoring old cars. If the draft regulations go into effect, those related to non-operational vehicles would deny me of a hobby I've had my whole life and restrict what I can do on my own property.

My neighbors and I have fought the Knapweed, Dalmatian Toadflax, and Wolley Mullen for years, but it's been a losing battle mostly because the bigger land holders can't (or won't) stop it on their land. Some places like Livingston or the Forest service, don't even worry about it anymore. The cost of mitigation with chemicals on my property is very high. I understand there is assistance if your property borders Forest Service property, but mine does not.

I believe these zoning regulations are far too critical to be decided by this small bureaucratic group and that property owners should all receive mailed notifications of what's being proposed, presented with the facts, and allowed the opportunity to VOTE on the plan. These changes are far too drastic and long-reaching into landowners lives and rights to be decided by a handful of unelected "officials".

Submitted by:

Harry D. Miller
10 Rigler Bluffs Road
Gardiner, MT 59030
406-848-7514

Lawson Moorman

From: Steve Caldwell <caldwellmt.sc@gmail.com>
Sent: Thursday, September 16, 2021 2:38 PM
To: Commissioners; Michael Inman; Lawson Moorman; John Heidke
Subject: Fwd: Zoning Park County

Correspondence -

----- Forwarded message -----

From: Helen Longshore <jarshore@outlook.com>
Date: Thu, Sep 16, 2021 at 2:32 PM
Subject: Zoning Park County
To: Steve Caldwell <scaldwell@parkcounty.org>, Bill Berg <bberg@parkcounty.org>, Clint Tinsley <ctinsley@parkcounty.org>

Planning Board Citizen Contact Form

September 16, 2021

Comment from:

Helen Longshore

10 Wineglass Drive, Livingston, MT 59047

406-222-6192

jarshore@outlook.com

This comment is to support the NO ZONING position.

NO ZONING is a protection of the property rights of Park County citizens.

Issues should be handled on an individual basis as they come up.

The County Commissioners overreach their elected duties to pass what might be called an unlawful edict. The County Commissioners have hired two persons who function as a burgeoning bureaucracy in Park County.

Commissioners do what YOU were elected to do. Do not hand off your job under the smoke screen of "experts". Do not vote to plunder our private property rights under the regulations in a document written by unelected person(s).

These two unelected persons' latest interference with the peace and good life of living in Montana/Park County is a poorly written document called "Conflict Mitigation Zoning District Regulations". Vaguely written regulations are numerous with lots of unhappy surprises awaiting private citizens when it comes time for enforcement. (The enforcer is another bureaucrat soon to be hired.) Can you think of a more offensive nuisance to ranchers, homeowners, businesses, and other taxpayers in Park County? Is it known the price tag to "mitigate conflict" through Zoning District Regulations?

Thank you, Kent Hanawalt for reminding us in your excellent letter to the Commissioners dated July 21, 2021, that they could better serve by PLANNING not ZONING. Gentlemen, plan for the future growth and improved infrastructure of Park County.

ISSUES SHOULD BE HANDLED ON AN INDIVIDUAL BASIS.

NO ZONING

Lawson Moorman

From: Michael Inman
Sent: Tuesday, October 12, 2021 1:59 PM
To: Lawson Moorman
Subject: FW: Conflict Mitigation Zoning

FYI



WM. MICHAEL INMAN *CFM, Director*
PARK COUNTY PLANNING DEPARTMENT
o: 406.222.4102 c: 406.579.1869
e: wminman@parkcounty.org
www.parkcounty.org

From: Jared Pattengale [<mailto:jpattengale@hotmail.com>]
Sent: Tuesday, October 12, 2021 11:17 AM
To: Steve Caldwell <SCaldwell@parkcounty.org>; Bill Berg <BBerg@parkcounty.org>; Clint Tinsley <CTinsley@parkcounty.org>; jheidke@gmail.com; Michael Inman <wminman@parkcounty.org>
Subject: Conflict Mitigation Zoning

Dear Members of the planning board and County Commission,

I would like to thank you for the time and effort you put into preserving and protecting the future of Park County.

I have been reading through the Park County Conflict Mitigation Zoning District Regulations (Draft). I also attended the Brisbin Hall meeting on Oct 7, 2021.

Although I can appreciate the protection and service that a Zoning district provides, I cannot accept that the draft set forth properly represents the intent or the spirit of a zoning district. This reads much more like a blanket law suffocating the freedom of choice on an individual level. I feel the draft I have read lacks representation for the rights of the individual landowner as well as giving all power of the zoning definition/enforcement to a select few.

Although I do not wish to see any property overrun and abused by a corporation or an overzealous group/individual, I even less like the thought of the Conflict Zoning Draft set forth. There must be another way of protecting the counties freedoms/natural resources. This option is too nuclear, I trust you and the resources you have can provide a less offensive approach to the needs of the community.

Thank you for your time,

Jared Pattengale
118 West Grannis

May 17, 2021

Dear John and Mike,

I am sending this communication as a resident of Park County and a former member of the Planning and Development Board. My purposes are threefold:

1. To represent my own views about Conflict Mitigation and rural residential sprawl,
2. To refute public statements that have been made in Planning Board meetings about my views and actions as a Planning Board member, and
3. To attempt to drive home an understanding that the current capacity of the Planning Department is clearly insufficient to meet their responsibilities to the Commission and the Planning Board and the public.

Beginning with my hopes for the future, none of which are new to you because all of them were articulated during my service on the Board;

- Let's get effective regulatory prohibitions, to the extent the law will allow, against mineral extraction, tire dumps and similarly egregious developments adopted by the Planning Board and the Commission. The sooner the better. I don't think the CMZDR as it is presently drafted will get us there.
- Let's get effective regulatory prohibitions against rural sprawl adopted by the Commission. The sooner the better. This is every bit as critical and should be at least as high a priority as prohibiting mineral extraction and tire dumps.
- Let's jump start the City-County Committee and get working on the ETJ. The sooner the better.
- If I understood Lara Birkes correctly, I subscribe to the approach she set forth in the April meeting. Comprehensive land use planning could and should take place concurrently with the public review process for Conflict Mitigation.
- With all this, "the sooner the better", combined with the significant ongoing responsibilities of the Department, two employees (or two and a half) just won't get the job done.
- Let's undertake a land use planning process to finally address the goals and actions of the Growth Policy. The sooner the better. It will require a significant one-time investment, with specialized third party resources hired to produce scheduled deliverables, and then move on. That's the way the County Growth Policy was done, it's the way the City Growth Policy was done, it's the way significant initiatives have been undertaken by many Montana counties. It's what the Planning Board should commission for Park County.
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Regarding references to the past, it was stated at the April Planning Board meeting that “The founders of Friends of Park County used to be on our Board and they were part of the main reason that we moved forward with Conflict Mitigation... even the very people that initially started it are against it.” The statement is demonstrably untrue as are the statements made at several recent Board meetings to the effect that rural residential growth “has only recently been raised as an issue”.

It is true that Frank Schroeder and I were indeed tenacious in pushing the Board and staff to get moving on Goal 16. What we (and the Subcommittee appointed in 2019) had in mind was zoning. Conflict Mitigation was a surprise to most members. Frank and I both attempted to raise concerns about Conflict Mitigation from its introduction at the November, 2019 meeting until moments later in the same meeting when planning board members were told we couldn’t ask questions or raise concerns about the content of the Draft until after the Board adopted a process for its formal review.

The “process only” restriction, subsequent meeting cancellations, Covid restrictions, and a direction from the Commission that no zoning matters of any kind could be discussed until after customary public gatherings could be resumed all combined to prohibit any Planning Board discussion of Conflict Mitigation until November, 2020.

Regarding residential sprawl; audio and video records, letters and emails are replete with concerns I and other board members raised throughout 2019 and 2020. However, we need not review the record of the service of any past or present Board member, to refute the notion that residential growth has “only recently been raised as an issue”. The 2017 Park County Growth Policy is replete with references to unmanaged residential growth, together with numerous policies, goals and actions, most of which to date are largely unaddressed.

In closing, I believe we share a commitment to achieve the vision of the Growth Policy. As a resident of Park County, I request you move forward with the job of land use planning. As a former Planning Board member, I request you set straight inaccurate public characterizations of past board proceedings.

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cc. Members, Park County Planning Board

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cc. Members, Park County Planning Board

Lawson Moorman

From: Jeff Reed <Jeff@reedfly.com>
Sent: Saturday, July 10, 2021 3:21 PM
To: Planning; Commissioners
Subject: CMR

I will not be able to attend the upcoming county planning meeting, but I support Friends of Park County's top ten suggestions for improving the draft Conflict Mitigation Regulations.



Dr Jeff Reed

1.425.246.0025

jeff@reedfly.com

www.reedfly.com

Book Jeff's Calendar

Lawson Moorman

From: Jennifer McMillion <jenmcmillion@hotmail.com>
Sent: Tuesday, July 6, 2021 4:35 PM
To: Planning
Subject: CMR

I would like it to be on record that I, Jennifer McMillion, a Livingston resident, support the 10 improvements for the Conflict Mitigation Zoning District Regulations as outlined in the Friends of Park County letter dated July 1, 2021.

Thank you,
Jennifer McMillion
530 North 6th St.
Livingston, MT 59047

Lawson Moorman

From: John Heidke <jheidke@gmail.com>
Sent: Thursday, September 30, 2021 10:12 AM
To: Lawson Moorman
Cc: Michael Inman
Subject: FW: Zoning

Sending as I received it.

John

John Heidke, PhD., President
Double H Consulting
124 Morgan Trail
Livingston, MT 59047
T 406-333-4520
M 313-600-3676
<http://double-h-consulting.com>

Executive Coaching

Organization Change

Executive Assessment

Leader Development

From: Jennifer Scytkowski <jennls728@yahoo.com>
Sent: Thursday, September 30, 2021 10:04 AM
To: jheidke@gmail.com
Subject: Zoning

I am opposed to zoning , Purpose F !

Jennifer Walker

[Sent from Yahoo Mail for iPhone](#)

TO: Park County Planning Board, Park County Planners

FROM: Jerry and Gwen O’Hair

SUBJECT: Conflict Mitigation Zoning District

WE ARE OPPOSED to the Conflict Mitigation Zoning District. The proposed zoning document in its present form is poorly written, poorly executed and shows absolutely NO respect for the current rural county residents who will be adversely affected! The CMZD at best should be scrapped and if citizens desire zoning districts they should initiate. The CMZD at worst should be tabled and the citizens have the opportunity to address you in person, as scheduled and expect the courtesy of receiving facts to support the need for this action.

Although your intentions may be honorable in your estimation, to many of us that will be impacted in the immediate as well as long-term, your actions have been a “top-down” vs “bottom up” dictatorial action. It is going to affect our livelihood, devalue our land(s), take our freedom to preserve our property and pass it to future generations, create further animosity within the community and appears to utilize bits and pieces of other Planning Board’s zoning to implement a one size fits all zoning/taking of private property in Park County.

Six of Many Objections:

1. Why was CMZ initiated and at whose request?
2. What is need and what are facts supporting need?
3. Why is ambiguous language used throughout as it creates subjective criteria rather than objective criteria and opens the door for legal action to clarify?
4. What other counties plans were used to draft this CMZ? Why?
5. Fluid criteria, i.e., residential and potentially ag, per November 2019 vs. March 2021 has created confusion and distrust. How many other items have been changed in interim? How would items be changed going forward? Changes made by whom?
6. What landowners, if any, were contacted for input prior to writing this sweeping, proposed zoning document?

We are aware that our time spent and efforts made to attend meetings, voice our opinion, write this letter, speak with Commissioners, research documents, visit with neighbors and fellow landowners are all for naught as you are determined to vote this through to the commissioners and they will vote to enact.

You were either hired or appointed to act responsibly and fairly. The CMZ is neither!

WE DO REQUEST WRITTEN ANSWERS TO THE ABOVE QUESTIONS PRIOR TO OCTOBER 21, 2021!



Planning Board Citizen Contact Form

Name: Joe Magalsky (property owner / Business owner)
Address: 6 Queen Lane, Livingston MT. 59047
Contact Info (phone / email): 406-220-4482
Date: 9-19-21

- Conflict Mitigation Zoning Regulation -

Issues Discussed:

Commissioner originated of private property ZONING

Comments:

"I AM AGAINST (This) ZONING"

The present ZONING proposals are too unclear and far too vague as written. Also the present ZONING proposals are said "plans" appear much more invasive and controlling as related to private property rights

- They are necessary - The big problems cited in the ZONING document have been solved by the local community working together to solve their own problems

Suggestions / Need for Follow Up:

We, local citizens, do not need you of the plan board reaching this deeply into our affairs. Please, Back Away from your current approach and if a need arises, we will benefit from "CITIZEN initiated planning" ZONING

Board Member or Staff Member:

Handwritten signature and initials

* Concerns of a simple county zoning plan ballooning into overwhelming regulations.

o Concern about compliance officer and his un-restrained and unaccounted-for powers and over-reach.

* County bureaucrats have no right to tell us what to do on our own property.

o If zoning is commercial-only, as planning staff say, why does it mention regulation of other aspects of county?

? o We already have subdivision regulation.

* Concern for Grandfathered businesses requiring permit if they expand.

o Where did planner get template for zoning?

? o What will all this cost as the county planning dept grows to service the zoning regulation. Our taxes will grow as well.

o Board of adjustments political.

* Property rights most important.

o Commissioners have not earned trust of people. ✓ *Huge*

o Hiring compliance officer before zoning is passed is not good faith to people. ✓

o County bureaucrats must not talk down to public.

* Zoning can be put to county-wide vote if the commissioner want to.

Cost o Questions on dust, employee housing need, cost of review process and cost of additional county employees.

o It is not so much what is in document as what is not in it. Legal questions. ?

o People are working and can't go to meetings. ✓

* No standards in regulation.

? o Problem not defined. This is solution with no problem.

111

This list includes
a few of our
FAMILY'S CONCERNS
regarding the
ZONING you
are proposing.
Hopefully NOT
IMPOSING. *John*

Lawson Moorman

From: John Heidke <jheidke@gmail.com>
Sent: Thursday, September 30, 2021 8:18 AM
To: Lawson Moorman
Subject: FW: Planning board

John

John Heidke, PhD., President Double H Consulting
124 Morgan Trail
Livingston, MT 59047
T 406-333-4520
M 313-600-3676
<http://double-h-consulting.com>

Executive Coaching Organization Change Executive Assessment Leader Development

-----Original Message-----

From: Elizabeth Melin <elizabethmelin57@gmail.com>
Sent: Thursday, September 30, 2021 7:50 AM
To: jheidke@gmail.com
Subject: Planning board

> You are receiving this message since the Planning Department has determined that they should not list their email address.

>

> I am opposed the zoning proposal for the following reason

>

> The way I read the proposal is that all businesses that are open to

> the

public would need permission from the development board to open, make any changes, remodel their facility etc.

>

> Sounds very marxist to me. This would include agriculture. The

> writer of

the proposal does not have a clue about modern agriculture. Many ag producers use fee hunting, fish ponds, guide services, Air BB to make a living. If the board is intend on damaging agriculture, keep passing insane proposals such as this.

>

> I am sending my comments to you since Planning has decided they do not wish to receive emails and the comment document has no way of guaranteeing receipt.

>

> I am opposed to the zoning proposal for the following reasons.

>

> Purpose F: This proposal would allow the Commission to determine

> winners

and losers if they hear from a few citizens about a barking dog, parking, or noise from the music. Commissioner Berg specifically mentioned concerts at Emigrant or Pine Creek as a nuisance that should be regulated. This zoning proposal would allow the Commission broad discretion to determine which activities are appropriate to the County. No concerts at Arch Park, no rodeo near an apartment. What is the next marxist idea.?

>

> You are receiving this message since the Planning Department has determined that they should not list their email address.

>

> I am opposed the zoning proposal for the following reason

>

> The way I read the proposal is that all businesses that are open to

> the

public would need permission from the development board to open, make any changes, remodel their facility etc.

>

Sounds very marxist to me. This would include agriculture. The writer of the proposal does not have a clue about modern agriculture. Many ag producers use fee hunting, fish ponds, guide services , Air BB to make a living. If the board is intend on damaging agriculture, keep passing insane proposals such as this. Sent from my iPhone

John Melin

253 Mill Creek Road

Livingston, MT 59047

Lawson Moorman

From: Joseph Dorn <jwdorn@icloud.com>
Sent: Sunday, September 26, 2021 8:30 AM
To: Planning
Subject: Draft Conflict Mitigation Regulations

Dear Planning Board,

I am property owner with a residence on East River Road in Pray, Montana. I offer the following comments on the March 18, 2021 Draft of the Park County Conflict Mitigation Zoning District Regulations:

To begin within, I applaud the Planning Board for engaging in this important project. Given recent and ongoing growth in the County, it is imperative to place reasonable limits and use conditions on commercial, industrial, and residential development projects that have negative impacts on the health and safety of our residents and tourists; that threaten our world class hunting and fishing resources and the many small businesses that rely on those resources; and that diminish the beauty of and enjoyment of our natural environment. I realize that many of our residents have a cultural bias against "zoning," but I view conflict mitigation as the lightest form of land use regulation that will help preserve the values of all property in the County and allow all property owners to enjoy their land without unwarranted negative impacts from neighboring land uses.

To improve the draft regulations, I offer the following suggestions:

V. Board of Adjustment

- The regulations should set forth an ethics standard applicable to members of the Board of Adjustment to ensure that business and family relationships do not create the appearance of impropriety with respect to their decisions.

VIII. B. Permitted Land Use

- Short-Term Rentals and Long-Term Rentals should be considered Commercial and not Residential and thus should require a Conditional Use Permit. These are business properties, not residences.

X.B.1. After-the-Fact Application

-If a landowner has been found in enforcement proceedings to have violated the regulations, the draft regulations would require an additional \$200 after-the-fact application fee. Given the time and expense incurred by the County to initiate and complete the enforcement proceedings, the after-the-fact application fee should be far higher.

XI. Review Criteria

- The regulations should provide that impacts be considered on a cumulative basis, both retroactively and prospectively. That is, the analysis should consider (1) the combined and cumulative impact on taxpayers and resources of the land use, combined with land uses already in the area, and (2) the combined and cumulative impacts on taxpayers and resources if other land uses are approved in the area in the future based on the same reasoning and subject to the conditions applicable to the proposed use.

- The regulations should require consideration of whether and under what conditions residences and other proposed structures are to be built in areas with high risk of fire, flooding, or landslides.

XX. ENFORCEMENT, PENALTIES

-The regulations should provide that the Zoning Administrator may investigate potential violations on its own initiative, without first receiving a complaint.

- The County needs to provide funding in its budget to ensure that the regulations can be enforced effectively and without delay.

Thank you for the opportunity to provide these comments. Please confirm that they have been received into the record. Also, please let me know if you have any questions regarding any of my suggestions for improving the regulations.

Respectfully submitted,

Joseph W. Dorn
Pray, Montana

Julie Kennedy
1428 Kennedy Lane
Livingston, MT 59047
406-223-7753

September 30, 2021

To Clint Tinsley, Park County Montana Commissioner

RE: Draft Conflict Mitigation Document comments.

I am OPPOSED to this Zoning in Park county, especially as outlined in this draft document, and I would like to go on record as such.

I don't know if a brief intro is helpful-I have lived in the county for 35 years, I sell real estate in this and other counties in the State and see and hear what the grass roots are saying. I am not a letter writer, nor typical objector but feel that we are missing the mark on this document. My family and I ranch on over 180 acres we own and others that we lease all within the 2 miles zone around Livingston, on lands that have been ranched since the 1880's. I intend to pass this to my grandson/heirs so that they may also use these lands as they choose, ideally ag production.

This draft document does not appear to be any sort of a GUIDELINE nor plan as expected. It appears to be an administrative directive enforced by too few in an understaffed office, or volunteer board in a time when it is extremely difficult to find and keep employees let alone competent volunteers.

The Conflict Mitigation Document is far reaching, vague, burdensome, covered by other agencies already, and a taking of property rights. There is no factual basis for why we need zoning.

The citizens in this county have done a tremendous job with growth over the years without zoning. Most all types of invasive activities or business have strong regulations in place via state agencies. The DEQ, the DNRC and FWP protect our health, air and land, (this includes septic system and subdivision requirements-) water, and animals. Which pretty much covers that of which the draft document states is its goal.

#1 Can we whoa up during Covid?

I am asking that this process be put on hold until a time when public meetings can take place in person once again which have been suspended due to the Covid restrictions. The people of our county are exhausted from current world events and the pandemic and are feeling especially frustrated and overwhelmed, not able to take on nor focus on this important matter. This is giving them the sensation that this process is being ramrodded. Whether true or not it is a real perception that is out there and it should be your primary concern to make sure the process is put forth in good faith. More can get done with people working together and if a postponement is a start to giving the community the opportunity to work together, rather than put on the boxing gloves then it's a win-win. Can this process be delayed?

#2 Ag Definition red flag-

In the document the definition of agriculture use is tied in to how the lands are TAXED with the State of Montana. If taxed as Ag land, then it will qualify with the County as the same. For that classification with the Dept of Revenue one of the criteria is that the land must comprise 20 acres or more. There are many producers working off of much smaller acreage in the county. Montana has a RIGHT TO FARM law and that should be the standard by which this document uses, not the tax category. I can see this opening the county up to a law suits backed by big ag production groups. Please look into this if you have not already. Either way, using the tax category should not define what is considered agriculture. Please reconsider this with the Right To Farm law in mind.

#3 Taking of property rights-

I have lived in this county for 35 years. My family and I **own 180 acres within 2 miles of city limits**. We ranch on lands that have been ranched on since the 1800's. I have worked my adult life to pull these lands and livestock together so that my grandson can use them however he desires, hopefully that will be ranching. Zoning will change that protectory. Tell me that is not a taking of my property rights?

I strongly oppose having to go to the county to add a new farm building, shed, cabin for a family member or any other type of structure wherein my covenants, or the absences of covenants allow this.

Tell me this is not a taking of my property right?

#4 Unequitable and lack of open minded decision makers-

I sat in on a ZOOM meeting open to public comment and was alarmed that an outside firm from Washington state (where the man presenting admitted he had only been to Livingston once!) had been hired by a group of upper

income county residents to prepare a report supporting zoning in OUR county. To have that report have more weight than my concerns because he can talk the talk is not a well ran process. It was evident at that meeting that the board chair were not being partial and open minded. It was a great disappointment to me. It is evident that the Planning dept favors this concept. They needed to remain impartial, that has not happened.

#5 Cost to taxpayers-

This is burdensome on the residence to fund new positions, offices, processes and systems. It is reinventing the wheel where there is already systems in place with State agencies to regulate the health, safety and welfare.

#6 Grandfathering-lack of Flexibility that ag producers need to stay alive- Grandfathering is not a solution and is only a band-aid for the rancher, or other ag producers. It does not allow any FLEXIBILTiy which a rancher/ag producers must have to grow and prosper in a trying business where so many of the setbacks are already out of the producers control. Flexibility is vital. Zoning and Grandfathering do not allow that.

#7 Zoning and the Jackson Hole syndrome

Zoning will allow those 'that have' to keep or drive those that 'don't have' out of the area, and will over time give our community a homogenous 'Jackson Hole' feel. This is not what makes strong communities. I can appreciate the desire for open spaces, view sheds and keeping things from running wild. But this is an ideal and will never be obtained without locking out all growth in our economy and community.

#8 This document encourages conflict among neighbors where there is none-

There is no county wide conflict, there really isn't. I am out in this county from one end to the other end talking to property owners with my real estate job almost daily. I deal with the grass roots of this county more than the most, indeed. I hear of no conflicts that Zoning would cure. Perhaps several smaller zoning areas would be the best way to go rather than a county wide regulation.

#9 Enforcement

The enforcement is drafted that too few people have too much control. This is not a healthy proposal, and lines itself up for failure, and for politics to have too much influence.

We are all painfully aware that volunteer boards are one of the most volatile positions and truly unreliable especially in these current times.

#10 Are all voices being heard equally? I made a comment to oppose the zoning at one of the earlier Zoom meetings. I have been told that my comments nor concerns were not documented. How do I know that the commissioners and board read my letter (sent online and delivered by hand to their office)?

Commissioners- Is there any avenue to put this to a vote of the people, or has that door been closed? If not, comments from folks like me get set aside, and the professionals who can talk the talk get the notice. I'd like assurance that all voices are being given equal consideration.

#11 Let the people vote-

This really should be put to the people to vote and the commissioners should assist as much as possible to make that a reality.

Its a big thing for this county, each person in the county should have a vote on they want to include county wide zoning on their property.

This thing is just wrong, it is over-reaching, the counties concerns are already covered by many state agencies, administered by a few (think about that!) and opens the county up to added employee expenses, costs and potential legal battles.

This is not a guiding document as intended by the state's mandate to the county, it appears to be a directive.

Julie Kennedy
1428 Kennedy Lane
Livingston MT 59047

Julie@eralivingston.com
406-223-7753

RE: Draft Conflict Mitigation Document comments.

I am OPPOSED to this Zoning in Park county, especially as outlined in this draft document, and I would like to go on record as such.

I don't know if a brief intro in helpful-I have lived in the county for 35 years, I sell real estate in this and other counties in the State and see and hear what the grass roots are saying. I am not a letter writer, nor

Lawson Moorman

From: Steve Caldwell <caldwellmt.sc@gmail.com>
Sent: Thursday, September 30, 2021 12:08 PM
To: Commissioners; Lawson Moorman; John Heidke
Subject: Fwd:

Correspondence -

----- Forwarded message -----

From: Julie Wilcox <julie.wilcox2019@outlook.com>
Date: Thu, Sep 30, 2021, 11:39 AM
Subject:
To: scaldwell@parkcounty.org <scaldwell@parkcounty.org>, ctinsley@parkcounty.org <ctinsley@parkcounty.org>, bberg@parkcounty.org <bberg@parkcounty.org>, jheidke@gmail.com <jheidke@gmail.com>

O

Subject: Re: PARK COUNTY CONFLICT MITIGATION ZONING DISTRICT REGULATIONS

Before these regulations are submitted for approval to the Park County Commissioners, and due to the lack of adequate public meetings, and/or appropriate meeting times, I request that you review my concerns as stated below:

Under Purposes (of regulations), “F” states: To provide the local governing body the ability to address the concerns of county residents.

COMMENT: Since when do we need regulations and restrictions to provide the local governing body the ability to address the concerns of county residents? Shouldn't the governing body already possess that ability without further restricting the county residents? If the governing body does not already possess this ability OR willingness, should they not disband and acknowledge their incompetence? Is this not the very thing which troubles a community to no end regarding these appointed bodies, and that is to presume that we will only be granted an ear to our concerns if we permit the governing body to rule over us with more regulations and restrictions? This is merely an affront to our collective intelligence. You appear to be have been influenced and compromised by a nefarious agenda from outsiders whose purpose is not in keeping with the ideals of the “community at large”.

Under Definitions, “N” states (Public Health and Safety): A condition of optimal well-being, free from danger, risk, or injury for community at large, or for all people as well as for the welfare of a specific individual or small class of persons.

COMMENT: I am requesting that you elaborate further regarding your reference to “community at large” ..” “or for all people”. Please define precisely the difference between these two phrases in plain language eliminating the confusion. How are “community at large” and “all people” different?

Further, you go on to describe “as well as for the welfare of a specific individual or small class of persons”. If we are already referring to the well-being of the community AT LARGE, or for ALL PEOPLE, which is quite inclusive, why do you need to further make a distinction and reference the “welfare of a specific individual...” How might a “specific individual” be not included in the former reference of “all people”? This distinction leads one to believe that a specific individual might be given greater consideration at a future date dependent on many factors which you choose not to disclose at this point in time, perhaps of a monetary nature? Or possibly being in a class whose “welfare needs” or “other” needs would OUTWEIGH those of the common working class residents of this county? Perhaps even those needs would be without regard to the health or safety of the community at large, but would rather be politically expedient for some “greater cause”? Your reference to “small class of persons” also spells out this distinction has been made to exclude a certain people group from the more inclusive term “all people” or “community at large”, possibly to accommodate at a future date a need to allow this “small class of persons” to be given greater consideration as well. Or, could this be an attempt at designating a certain vulnerable group or person determined to be “at risk” to be given “greater” consideration for “protection from injury” (whereby at a future date, you would also regulate that definition of “protection from injury”) WITHOUT the consideration of the community at large, family members, or the consent of that person?

This definition of Public Health and Safety should be explained in plain language with zero open doors for future abuse. Your wording needs to be recrafted in a manner that leaves no doubt that you are indeed lending an ear to our concerns, particularly in the absence of in-person meetings that allows for “careful consideration”.

In closing, once you decide to truly acknowledge and hear this community’s concerns, you will be wholly aware that your progressive agenda with the intention of revocation of individual property rights, as well as language loopholes for future criminal manipulation as demonstrated

in your proposals, is repugnant. We do not accept this quite obvious effort to advance a globalization agenda in our community.

Sincerely,

Julie Wilcox

8 Shamrock Lane

Livingston, MT 59047

julie.wilcox2019@outlook.com

Sent from [Mail](#) for Windows

Lawson Moorman

From: Bill Berg
Sent: Thursday, September 30, 2021 10:30 AM
To: Commissioners; Planning; John Heidke
Subject: Fw: Zoning

Correspondence:

From: Keith Neal <keithneal1939@gmail.com>
Sent: Thursday, September 30, 2021 10:28 AM
To: Bill Berg
Subject: Zoning

Dear Sir;

I am opposed to zoning!

Keith Neal
47 Emigrant Meadows Road
Pray MT 59065

keithneal1939@gmail.com

Lawson Moorman

From: Michael Inman
Sent: Thursday, September 30, 2021 9:21 AM
To: Lawson Moorman
Subject: FW: Broken Link
Attachments: FPC Proposed Changes to the CMR July 1 2021 (003).pdf



WM. MICHAEL INMAN *CFM, Director*
PARK COUNTY PLANNING DEPARTMENT
o: 406.222.4102 c: 406.579.1869
e: wminman@parkcounty.org
www.parkcounty.org

From: Kenneth Cochrane [<mailto:kcc@thetoned.com>]
Sent: Monday, September 20, 2021 4:03 PM
To: Michael Inman <wminman@parkcounty.org>
Cc: Lawson Moorman <LMoorman@parkcounty.org>
Subject: Re: Broken Link

In our letter proposing 10 revisions to the CMZ [see attached]. Point 9 states:

9. Add an ethics standard.

Nothing will erode public confidence in the fairness of planning procedures than the reality, or the perception, that decision makers are letting family, financial or political considerations – and not the regulations themselves – influence decisions.

The CMR needs an ethics standard based on a determination of whether business and family relationships and political campaign contributions would create the appearance of impropriety in the minds of reasonable people.

I would think that the Planning Board, or the County generally, would have such a document setting forth similar standards of conduct – similar to, but more specific than, MCA 2-2-105 [Ethical requirements for public officers and public employees]. If such a document exists, i would like to review it.

Thanks, Ken

From: Mike Inman <wminman@parkcounty.org>
Date: Monday, September 20, 2021 at 3:38 PM
To: Kenneth Cochrane <kcc@thetonied.com>
Cc: Lawson Moorman <LMoorman@parkcounty.org>
Subject: Re: Broken Link

I don't know what you're talking about. Please clarify...

On Sep 20, 2021, at 2:59 PM, Kenneth Cochrane <kcc@thetonied.com> wrote:

Thanks. For clarification, I'm making this inquiry in regards to one of FPC proposed revisions to the CMZ draft – I think it is #9.

From: Lawson Moorman <LMoorman@parkcounty.org>
Date: Monday, September 20, 2021 at 2:56 PM
To: Kenneth Cochrane <kcc@thetonied.com>
Cc: Mike Inman <wminman@parkcounty.org>
Subject: RE: Broken Link

I cc'd Mike so he can address your question.

<image001.jpg>

From: Kenneth Cochrane [<mailto:kcc@thetonied.com>]
Sent: Monday, September 20, 2021 2:43 PM
To: Lawson Moorman <LMoorman@parkcounty.org>
Subject: Re: Broken Link

Thanks for fixing the link.

I can't find any Ethics and Conflict of Interest policies. Are these topics covered in some other County policies and do they bind PB members?

Ken

From: Lawson Moorman <LMoorman@parkcounty.org>
Date: Monday, September 20, 2021 at 2:28 PM
To: Kenneth Cochrane <kcc@thetonied.com>
Cc: Mike Inman <wminman@parkcounty.org>
Subject: RE: Broken Link

It's fixed. Thanks for letting me know.

<image002.jpg>

From: Kenneth Cochrane [<mailto:kcc@thetonied.com>]

Sent: Monday, September 20, 2021 2:13 PM

To: Michael Inman <wminman@parkcounty.org>; Lawson Moorman <LMoorman@parkcounty.org>

Subject: Broken Link

Mike & Lawson,

Your website link to the Planning Board's By-Laws is broken. Could you let me know when it is fixed?

Thanks, Ken

<https://www.parkcounty.org/Government-Departments/Planning/Agendas-Documents/>

<image003.png>

Friends of Park County

P.O. Box 23, Pray, Montana 59065

Promoting thoughtfully planned growth in order to protect and enhance Park County's vibrant communities, sustainable working lands, and healthy natural resources.

**Online Testimony CMZD of Ken Cochrane
Before the Park County Planning Board
On the Draft Conflict Mitigation Zoning District
December 17, 2020**

We, the public, have been waiting a year for substantive discussions on the Draft. Tonight was a great Discussion raising many legitimate concerns that need to be considered, quantified and enacted into regulations. I thank the board members for their questions and concerns, and I thank Mike for his wealth of information identifying the problems and optional path that can be taken.

As were suggested last month, FPC requests that a procedure be established so that we and other interest organizations and individuals can present more than a 4-minute sound bite explanation of these complex issues and have a dialogue with board members and staff of these alternatives to produce the best zoning ordinance we can for Park County. AND like Taya noted, the City PB last night, please lay out a calendar of what subject on the draft will be discussed at each meeting so the citizens along with the board members can reasonably prepare for each meeting. Prepare a searchable transcript of these meetings – everyone would benefit, and it would go a long way to negate the nay-sayers that there is no meaningful participation in this process.

As you know from our prior testimony as well as my prior comments this evening, Friends of Park County believes the #1 planning issue confronting Park County is scattered rural residential homesite development, an issue specifically excluded from the scope of the draft Conflict Mitigation Zoning District Regulation.

That said, we know that this Board and your staff have committed time to considering how the County might avoid the expensive, protracted fights over high impact uses, like gold mines, tire dumps and asphalt & gravel plants, windfarms and the other economic and environmental horrors we have fought off in the last 15 years.

We believe the best way to do avoid those kinds of fights is to adopt a traditional zoning ordinance and *simply prohibit those uses in places where they don't belong*. That approach not only avoids the public battles it also avoids spending taxpayers' money, and the time and money of permit applicants and concern neighbors arguing over permit applications before the County and in the courts. We all know much better uses for those hundreds of thousands of dollars of litigation costs.

Prohibiting high impact uses in the places where they don't belong is a cheaper, simpler, and fairer zoning solution to the problem. It is a solution that most other local governments use. Why shouldn't Park County consider it?

Nonetheless, if you choose not to consider the better alternative, we will continue to be constructive participants in your deliberations by offering

alternative language for your consideration to address the weaknesses in the current draft.

The most significant of those weaknesses is the absence of any *standards* or *criteria* to apply to the 42 (or more) different factual determinations about potential negative impacts [individual & Cumulative] that the draft will require you to make. You need criteria or standards to know whether you are supposed to approve the application, approve it with mitigating conditions or deny it. And you need standards to decide what level of mitigation you should require.

The lack of criteria means there is no clarity for decision makers, or the applications of concerned citizens. It means that decisions may be inconsistent, varying widely in outcome from application to application. In legal jargon, the process, as currently drafted, is ARBITRARY AND CAPRICIOUS and will result in costly legal challenges by whichever side loses in the Zoning Board of Adjustments. Most importantly, it means the ordinance may fail to achieve the purposes stated in Section II.

The last thing FPC and other concerned citizens want to see enacted is a case-by-case permit approval pathway for inappropriate development – which is the core of the current draft.

Prior to your last meeting FPC submitted draft standards to correct many of these deficiencies which we hope you will consider.

In addition, I have testified many times during 2020 on the subject of conflict mitigation, prior to the foundation of Friends of Park County. I would be glad to submit that testimony to you if you would find it helpful.

Thank you for your service and your time this evening. Happy Holidays

NOTE: In Mike Inman's Dec 10 Abstract about the CMZDR submitted to the Planning Board for this evening's meeting is this scrap of information about rural residential development:

Currently [sic] for calendar year 2019, 128 septic permits have been approved by the Park County Health Department. The majority (roughly 90%) were for residential septic systems, which under the current draft District Regulations, would not require a permit or review by the Planning Department.

In other words about 115 new septic permits were approved in 2019 without any review by the Planning Department If 90 percent of those 115 permits were associated with new houses (as opposed to replacement systems,) **that would be about 100 new houses in process of being built from 2019 alone. Assuming 2.5 people per house, times one decade is 2,500 new residents in the County outside of Livingston in ten years, in other words equal to one-third of the population of Livingston.**

Inman does not say where these houses are being built which is important -obviously there is a big difference between a house built in Gardiner or Chico and one built in the middle of grazing land in Paradise Valley.

But it is baffling to say there is no evidence of a problem with RR development when they don't examine the evidence they have. And how many permits were issued in 2020?

From: kdcochran74@gmail.com
Sent: Thursday, September 30, 2021 12:19 PM
To: Steve Caldwell; Bill Berg; Clint Tinsley; Planning
Cc: Kent Cochran
Subject: Comments on Conflict Mitigation Regulations

To the Park County Planning Board

First let me say that we are deeply appreciative of the hard and tireless work you all are committed to doing toward planning for our County, as seen in the Conflict Mitigation Regulation. It is toward those efforts that we offer my suggestions on how to strengthen the Regulation and meet community needs.

We have lived in Park County for over 20 yrs. and have watched our gorgeous valley, within the ecosystem of Yellowstone Park expand, taking in new residents, fighting gold mining exploration, fighting gravel/asphalt industrial use and have become increasing aware of the need for greater predictability and local control for the protection of our 'world class assets'.

We have read the Conflict Mitigation Strategy and have some observations that we would like to share with the Planning Board. We would hope that many of us will make suggestions, follow your work and help support you and this process by adding suggestions and observations.

Our biggest concern is that there are a number of people in the Valley who don't think that their plans for 'potential development' will hurt the environment, or the river economy or the wildlife that we all enjoy. They only seem to care about capitalizing on Park County's riches. However, as a Planning Board, you are focused on creating regulation which will help all our community be both fair and protective of these 'assets'.

The following are our recommendations:

- 1. Strengthen the enforcement provision. Institute fines and set up a fining structure that increases as non-compliance continues over time. Also, enable the Zoning Administrator to initiate enforcement in addition to accepting complaints from the community.**
- 2. Exempt just one primary residence per tract from CMR review, but not additional homes or rental properties. To this end, I would like to have the Planning Board dedicate a full meeting to a discussion about this topic and to consider density, VRBO's and how to classify different types of housing.**
- 3. Add 'criteria to govern' which outlines requirements for how decisions will be made and how the criteria will be reviewed. This will increase fairness and consistency for applicants.**
- 4. Require consideration of combined and 'cumulative impact' on taxpayers and resources of the proposed land use, combined with other land uses already in the area.**
- 5. Add a provision to keep people and property safe from fires, floods and landslide risks and consideration of an 'Impact Fee' if proposed use will put more demand on County services.**
- 6. Establish a bi-annual assessment process to ensure the regulations are working as intended and identify improvements to the process.**

**Respectfully, Karen and Kent Cochran, 40 Cutthroat Lane, Jumping Rainbow Ranch, Livingston
615-351-3484**

Lawson Moorman

From: John Heidke <jheidke@gmail.com>
Sent: Wednesday, July 21, 2021 7:05 AM
To: Michael Inman; Lawson Moorman
Cc: 'Lara Birkes'; Taya Cromley; Dean Nelson; Dave Haug; 'Richard Baerg'; Bryan Wells
Subject: FW: Zoning

FYI

John

John Heidke, PhD., President
Double H Consulting
124 Morgan Trail
Livingston, MT 59047
T 406-333-4520
M 313-600-3676
<http://double-h-consulting.com>

Executive Coaching

Organization Change

Executive Assessment

Leader Development

From: Kent Hanawalt <klhanawalt@gmail.com>
Sent: Wednesday, July 21, 2021 6:59 AM
To: Steve Caldwell <SCaldwell@parkcounty.org>; bberg@parkcounty.org; Clint Tinsley <CTinsley@parkcounty.org>; jheidke@gmail.com
Subject: Zoning

I stand in opposition to the proposed Conflict Mitigation Zoning District and Regulations policy:

This document is the culmination of three years and \$hundreds of \$thousands of \$dollars in wages paid to our county planning department, yet the document doesn't even mention the word 'planning'. There is presented no plan for the needs of the county in regards to future growth - not for roads, bridges, schools, law enforcement, public health & safety, nor social, economic, cultural, recreation & community activities. Only "Conflict Mitigation".

And with whom are we mitigating conflict? Not with current Park County property owners I would suggest, but rather with *future* property owners who may not share our values?

This entire zoning process puts landowners at the mercy of the to-be-appointed 'Board of Adjustment' for permission to use their own land, with permits to accomplish and fees to be paid.

It is apparent that you and our planning department are working hard to accomplish ZONING - not PLANNING. No thank you.

--

Kent Hanawalt
Livingston, MT

Lawson Moorman

From: Steve Caldwell <caldwellmt.sc@gmail.com>
Sent: Tuesday, September 14, 2021 1:55 PM
To: Michael Inman; Lawson Moorman
Subject: Fwd: "Friends of Park County"

Correspondence -

----- Forwarded message -----

From: Kent Hanawalt <klhanawalt@gmail.com>
Date: Tue, Sep 14, 2021 at 1:47 PM
Subject: "Friends of Park County"
To: Park County Commissioners <commissioners@parkcounty.org>

I am opposed to your zoning process, and am particularly opposed to the "Conflict Mitigation" proposal.

It appears that this push for zoning is driven by Mike Inman and the "Friends of Park County". Note that none of these "friends" make a living in Park County. They are all relative newcomers who want to stop the clock on development on the day they arrived. They make a lot of noise, but represent only a very few of the voters in Park County.

--
Kent Hanawalt
McLeod, MT

Lawson Moorman

From: Steve Caldwell <caldwellmt.sc@gmail.com>
Sent: Wednesday, October 13, 2021 4:33 PM
To: Michael Inman; Lawson Moorman; John Heidke
Subject: Fwd: Brisbin meeting

Correspondence -

----- Forwarded message -----

From: Kent Hanawalt <klhanawalt@gmail.com>
Date: Wed, Oct 13, 2021 at 4:14 PM
Subject: Brisbin meeting
To: Ann Hallowell <ann@hallowellco.com>, Debra Lamm <damm@nellus.com>, Park County Commissioners <commissioners@parkcounty.org>, Stacy Jesson <Jessonrockranch@gmail.com>, Dan Skattum <skattums@gmail.com>, John Esp <jesp@mtintouch.net>, <gwen@legacylandsllc.com>

Thanks to Ann for her summary. I have written ANOTHER letter to Clint Tinsley in response to that meeting:

"It sounds like you received an earful at the Brisbin hall! Good!

It sounds like you responded there as a politician... Bad!

If you really don't know that your email address has been removed from the website, then you are not in control of your county.

And if you really want us to believe that the Compliance Officer has to do with sanitation, then I question your integrity.

I was surprised to learn from that meeting that Frank Schroeder has left the Planning Board. I had assumed that the "Friends of Park County" were behind this zoning movement.

If not the "Friends" - that leaves only one person driving the "Conflict Mitigation Zoning District"....

It is YOUR job to hold your employees accountable to the residents of Park County."

--

Kent Hanawalt
McLeod, MT

Lawson Moorman

From: Michael Inman
Sent: Tuesday, July 20, 2021 8:40 AM
To: Lawson Moorman
Subject: FW: Conflict Mitigation



WM. MICHAEL INMAN *CFM, Director*
PARK COUNTY PLANNING DEPARTMENT
o: 406.222.4102 c: 406.579.1869
e: wminman@parkcounty.org
www.parkcounty.org

From: Steve Caldwell [mailto:caldwellmt.sc@gmail.com]
Sent: Monday, July 19, 2021 4:45 PM
To: Michael Inman <wminman@parkcounty.org>
Subject: Fwd: Conflict Mitigation

Correspondence -

----- Forwarded message -----
From: <klhanawalt@gmail.com>
Date: Mon, Jul 19, 2021 at 4:33 PM
Subject: Conflict Mitigation
To: <commissioners@parkcounty.org>

kent hanawalt has submitted in inquiry via the website.

Department: Commissioners

You spent over \$200,000 in wages and benefits to the planning department, and received only a "Draft Conflict Mitigation Zoning Regulation".

There is presented no plan for the needs of the county in regards to future growth – not for roads, bridges, schools, law enforcement, public health & safety, nor social, economic, cultural, recreation & community activities. Only “Conflict Mitigation”.

And with whom are we mitigating conflict? Not with current Park County property owners I would suggest, but rather with future property owners who may not share our values?

It would appear that the goal of the Planning Department is to impede growth rather than plan for it.

I'll bet it would take me three days to download other county growth plans and modify them for Park

County. I'd be willing to do that for half the cost of our planning department.

Name: kent hanawalt

Phone: 4062223525

Email Address: klhanawalt@gmail.com

Lawson Moorman

From: Kimberly Burgess <kimbmd@gmail.com>
Sent: Wednesday, July 7, 2021 6:33 PM
To: Planning; Commissioners
Subject: Friends of Park County Recommendations

To Whom It May Concern;

I support and endorse the recommendations of the Friends of Park County. As the area continues to grow in population, a solid plan and control of that growth through zoning is necessary for the benefit of the county and its residents.

Kimberly Burgess
PO Box 1870
(21 Heather Lane)
Livingston, MT

LARRY RAFFETY
ARCHITECT

224½ SOUTH YELLOWSTONE ST.
LIVINGSTON, MONTANA 59047
406-224-1274

September 22, 2021

Park County Commissioners
Park County Planning Department
414 East Callender
Livingston MT 59047

Re: Our Future

To all the above:

Park County and Livingston are both facing an eminent threat to what we treasure in our landscape, to economic security for citizens, and to an ability to influence our future. Those with limitless wealth and self interest are here, or on their way, and will do whatever they desire. They will do so up to any parameters we may be able as a community to enact.

Various zoning tools exist to set those parameters. Many of the citizens of this area are quietly expecting all of you to use them constructively on our behalf. We do not make a lot of noise, or demand you ignore your civic position responsibilities. We often have considerable experience seeing what happens to a special area that ignores threats similar to those we face.

Thank you for your continued efforts on our behalf, and do not underestimate the quiet support of those efforts.

Sincerely,



Larry J. Raffety AIA
LR:lr

zon210922county

Lawson Moorman

From: LINDA MILLER <hmillerfam@yahoo.com>
Sent: Wednesday, September 29, 2021 1:25 PM
To: Planning
Cc: Steve Caldwell; Bill Berg; Clint Tinsley; jheidke@gmail.com
Subject: Comments on Draft Conflict Mitigation Zoning Regulations for Park County MT

COMMENTS FOR THE RECORD

AGAINST THE DRAFT CONFLICT MITIGATION ZONING REGULATIONS FOR PARK COUNTY

My husband and I own property in the Gardiner Basin and have only recently become aware of the proposed zoning regulations by alarmed and angry friends and neighbors.

After reading the draft regulations, some thoughts on items that concern and/or alarm me right off, include:

- Private landowners in Park County, many of whom are long-time owners, or from families who have been here for generations, are about to be stripped of many of their property rights with very little awareness or opportunity to challenge the over-reach of various County officials/appointees, etc.
- The notion that ALL of Park Country, including the Gardiner Basin, can be lumped into the same category for zoning purposes is totally ridiculous! There are a myriad of possible examples throughout Park County, but one that hits closest to home is that the need for employee housing in the Gardiner Basin is extreme – limiting the ability of even the school, and government agencies to hire employees because they have nowhere to live. We have been repeatedly contacted by the school, NPS, Xanterra, and others trying to find out if we could somehow accommodate the employees they desperately need. Restrictions in this plan could further limit, complicate, and tax local economic development and the ability of businesses and agencies to meet their staffing needs to serve both residents and visitors.
- There is great distrust among many landowners and a perception that some of the meetings (for Wilsall, Emigrant, and Gardiner) were located and conducted in questionable locations (small private businesses instead of larger public venues – some of which limited attendance and/or subjected attendees to personal proximities that could promote the spread of Covid). The Gardiner meeting location was also changed at the last minute.
- As I understand it, meetings of this type are normally recorded, but these were not – negating the ability of the commissioners, planners, etc., who were not present, to have a comprehensive understanding of what was being expressed by the property owners.
- Interpretation of various terminologies is not well-defined or measured – how much dust, noise, light is too much? Also, under item “N” on Page 3 of the Draft, it says, “Public Health and Safety: A condition of optimal well-being, free from danger, risk, or injury for community at large, or for all people, as well as *for the welfare of a specific individual or small class of persons.*” What does THAT mean??

I could go on if I had the time, but this gives you a general idea of how I feel about this potential theft of our rights as property owners and take-over by government agencies.

Regulatory changes of this magnitude should be required to be MAILED to property owners and VOTED on so that everyone is aware of what's happening and be provided with the same information on which to base their decision – not decided (with very little input) by a small number of county employees, commissioners and appointees. It's interesting how our property taxes never fail to be delivered in the mail, but regulations of this potentially life-altering denial of property rights are dependent upon us paying hundreds of dollars a year for a subscription to the newspaper and hope we don't miss the days with articles/announcements about these types of radical changes.

Thank you for considering my comments and opinions.

Linda J. Miller
10 Rigler Bluffs Road
Gardiner, MT 59030
406-848-7514

Lawson Moorman

From: Lucinda Reinold <lucindareinold@gmail.com>
Sent: Friday, September 24, 2021 3:15 PM
To: Planning
Subject: Conflict Mitigation

Dear Planning Board,

My comments regarding the proposed Conflict Mitigation regulation are below:

The proposed Conflict Mitigation regulation makes a lot of sense for Park County, especially now when the County is growing at such a fast pace. We need to protect our rural way of life for the future, and safeguard what makes this place special.

We need a process that allows local control of growth with a public review, through an advisory city board, of industrial and commercial proposals. The composition of that advisory board should be made clear as well as how it will function.

Numerous challenges in the past from industrial and commercial interests have been laborious, expensive and unnecessary. Proposed projects like gold mines, gravel pits and oil and gas development, always from outside entities who do not care about the effects those projects will have on the local community must be subjected to a more rigorous permitting process at the outset.

I think Conflict Mitigation will be a first step in protecting our farms and ranches, our water supplies, and our wildlife by assessing potential conflicts and putting a process in place so that those conflicts will be mitigated.

It would also be helpful to articulate clearly how CM will be enforced and paid for.

Thank you,
Lucinda Reinold

194 Bridger Hollow Rd.
Pray, MT 59065
(209) 202-9812
lucindareinold@yahoo.com

Lawson Moorman

From: Magalie Swanke <magalie@yarnheads.com>
Sent: Wednesday, August 25, 2021 9:21 AM
To: Planning
Subject: Public notice to residents about zoning meetings

Hello,

I am a Park County Resident at 57 Loch Lomond Road. I have not received any notifications by mail regarding upcoming zoning meetings, commission hearings or anything related to zoning matters that might affect my neighborhood in the future. Why doesn't our County notify residents by mail? I request that you give me notice of any hearings, drafts, advisory council meetings or anything related to possible zoning changes in my neighborhood and local public use areas. It's WRONG that the County doesn't give residents sufficient notice. We don't all use Facebook, we don't all go into town or subscribe to our local newspapers which purchase news from the Associated Press anyway. GIVE ME NOTICE BY MAIL PLEASE.

Sincerely,
Magalie Swanke
Resident, Park County Tax payer, Park County Registered Voter

Sent from my iPhone



Planning Board Citizen Contact Form

Name: Maggie Harris

Address: P.O. Box 1065

Contact Info (phone / email): 406-220-1153 mharrismt@gmail.com

Date 09-28-2021

Issues Discussed:

Comments: This comment is for the record. I am against the Park County Mitigation Zoning District. More public comment meetings are needed. This is unfairly being pushed through. Meetings need to be held when working people can attend in person. Please let the Park County land owners vote on this. If not, this will be a rouge zoning district.

Thank you,
Maggie Harris

Suggestions / Need for Follow Up:

Board Member or Staff Member: _____

Lawson Moorman

From: Maggie Harris <mharrismt@gmail.com>
Sent: Wednesday, September 29, 2021 8:19 AM
To: Planning
Subject: Conflict Mitigation Zoning Regulation

This comment is for the record. I am against the Park County Mitigation Zoning Regulation. More public comment meetings are needed. Covid had the country shut down and most people did not even attend the zoom meetings. This is unfairly being passed through. Land owners in Park county should be thoroughly informed and able to vote on this.

Craig Harris
PO Box 1065
Livingston, MT 59047

Lawson Moorman

From: John Heidke <jheidke@gmail.com>
Sent: Friday, October 1, 2021 5:44 AM
To: Lawson Moorman
Cc: Michael Inman
Subject: FW: Conflict Mitigation Zoning document

I am not sure if his is a comment or a threat. But.....

John

John Heidke, PhD., President
Double H Consulting
124 Morgan Trail
Livingston, MT 59047
T 406-333-4520
M 313-600-3676
<http://double-h-consulting.com>

Executive Coaching

Organization Change

Executive Assessment

Leader Development

From: Mark Stoneman <WJEEP66@msn.com>
Sent: Thursday, September 30, 2021 5:54 PM
To: jheidke@gmail.com
Subject: Conflict Mitigation Zoning document

Dear Sir,

Your existence is Pointless. Terminate it.

Sent from [Mail](#) for Windows

Lawson Moorman

From: Bill Berg <bill@coolworks.com>
Sent: Wednesday, September 29, 2021 2:30 PM
To: Commissioners; Planning
Subject: Fwd: New voicemail from Marty Malone

Correspondence

----- Forwarded message -----

From: Google Voice <voice-noreply@google.com>
Date: Wed, Sep 29, 2021 at 2:25 PM
Subject: New voicemail from Marty Malone
To: <bill@coolworks.com>



This is Marty Malone. Very disappointed in the planning department tempting to take comments. There's no deadline for comments on their comment sheet. There's no deadline for comments on the web paid. There is no definite number or date at the listening sessions. And now all of a sudden they are saying the end of September. Please refer into a July meeting. Absolutely intolerable.

PLAY MESSAGE

[YOUR ACCOUNT](#) [HELP CENTER](#) [HELP FORUM](#)

This email was sent to you because you indicated that you'd like to receive email notifications for voicemail. If you don't want to receive such emails in the future, please update your [email notification settings](#).

Google

Google LLC
[1600 Amphitheatre Pkwy](#)
[Mountain View CA 94043 USA](#)

Lawson Moorman

From: Bill Berg
Sent: Wednesday, September 29, 2021 8:10 PM
To: Commissioners; Planning
Subject: Fwd: Zoning Comment

Correspondence:

Begin forwarded message:

From: Marty Malone <dogrockranch@gmail.com>
Date: September 29, 2021 at 7:46:15 PM MDT
To: John Heidke <jheidke@gmail.com>, Bill Berg <BBerg@parkcounty.org>
Subject: Zoning Comment

Mr. Heidke

I am sending my comments to you since Planning has decided they do not wish to receive emails and the comment document has no way of guaranteeing receipt.

I am opposed to the zoning proposal for the following reasons.

Purpose G and H cannot be used under zoning. Impact fees have a separate method MCA 7-6-1602. The county needs separate. codes for impact fees.

Marty Malone
106 Pray Road
Livingston, MT. 59047

Lawson Moorman

From: Bill Berg
Sent: Wednesday, September 29, 2021 8:11 PM
To: Commissioners; Planning
Subject: Fwd: Zoning

Correspondence:

Begin forwarded message:

From: Marty Malone <dogrockranch@gmail.com>
Date: September 29, 2021 at 7:53:30 PM MDT
To: John Heidke <jheidke@gmail.com>, Bill Berg <BBerg@parkcounty.org>
Subject: **Zoning**

John

I am sending my comments to you since Planning has decided they do not wish to receive emails and the comment document has no way of guaranteeing receipt.

I am opposed to the zoning proposal for the following reasons.

Purpose F: This proposal would allow the Commission to determine winners and losers if they hear from a few citizens about a barking dog, parking, or noise from the music. Commissioner Berg specifically mentioned concerts at Emigrant or Pine Creek as a nuisance that should be regulated. This zoning proposal would allow the Commission broad discretion to determine which activities are appropriate to the County. No concerts at Arch Park, no rodeo near an apartment. What is the next marxist idea.?

Marty Malone
106 Pray Road
Livingston, MT 59047

Lawson Moorman

From: John Heidke <jheidke@gmail.com>
Sent: Thursday, September 30, 2021 5:48 AM
To: Lawson Moorman
Cc: Michael Inman
Subject: FW: Zoning

John

John Heidke, PhD., President
Double H Consulting
124 Morgan Trail
Livingston, MT 59047
T 406-333-4520
M 313-600-3676
<http://double-h-consulting.com>

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From: Marty Malone <dogrockranch@gmail.com>
Sent: Wednesday, September 29, 2021 8:08 PM
To: John Heidke <jheidke@gmail.com>; bberg@parkcounty.org
Subject: Zoning

You are receiving this message since the Planning Department has determined that they should not list their email address.

I am opposed the zoning proposal for the following reason

The way I read the proposal is that all businesses that are open to the public would need permission from the development board to open, make any changes, remodel their facility etc.

Sounds very marxist to me. This would include agriculture. The writer of the proposal does not have a clue about modern agriculture. Many ag producers use fee hunting, fish ponds, guide services , Air BB to make a living. If the board is intend on damaging agriculture, keep passing insane proposals such as this.

Marty Malone
106 Pray Road
Livingston, MT

Lawson Moorman

From: Lawson Moorman
Sent: Friday, October 1, 2021 9:44 AM
To: 'dogrockranch'
Cc: Bill Berg; Clint Tinsley; 'Steve Caldwell'; Clint Tinsley; Michael Inman
Subject: RE: Zoning

Very classy and civil response Marty to an employee who was pointing out a County policy and has no control over it.



LAWSON MOORMAN AICP, CFM
PARK COUNTY PLANNING DEPARTMENT
o: 406.222.4102
e: lmoorman@parkcounty.org
www.parkcounty.org

From: dogrockranch [mailto:dogrockranch@gmail.com]
Sent: Thursday, September 30, 2021 5:46 PM
To: Lawson Moorman <LMoorman@parkcounty.org>
Subject: RE: Zoning

Bull Shit. Create an address called zoningcomments@parkcounty.org.

All state employees have their emails listed on the web.

Be open to comments and be transparent. The comment deadline is nowhere.

Marty Malone

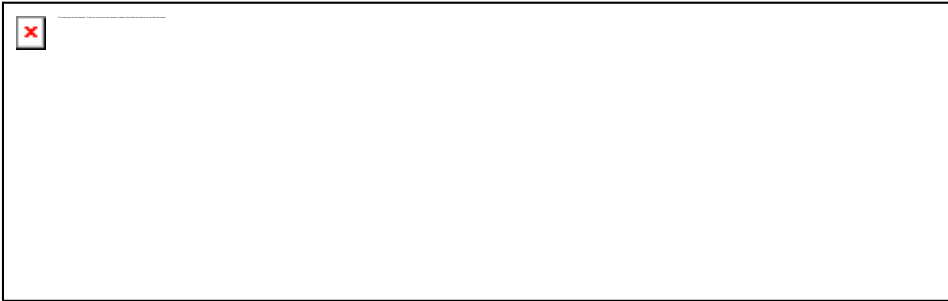
----- Original message -----

From: Lawson Moorman <LMoorman@parkcounty.org>
Date: 9/30/21 9:32 AM (GMT-07:00)
To: dogrockranch@gmail.com
Cc: Michael Inman <wminman@parkcounty.org>, John Heidke <jheidke@gmail.com>, Bill Berg <BBerg@parkcounty.org>, Clint Tinsley <CTinsley@parkcounty.org>, Steve Caldwell <caldwellmt.sc@gmail.com>
Subject: RE: Zoning

Marty,

The change in email policy requiring credentials was a County wide policy made in a public Commission meeting at the recommendation of our IT Director as a result of several Montana counties getting hacked last year by outside groups. While it might be slightly less convenient to have to prove you are not a robot to email

us, it is all emails at the County and a security precaution to avoid the County getting hacked and having to pay ransom or lose sensitive information belonging to our tax payers. While inconvenient, it is a far cry from “refusing to take emails” so please stop spreading this false narrative.



From: John Heidke [<mailto:jheidke@gmail.com>]
Sent: Thursday, September 30, 2021 5:48 AM
To: Lawson Moorman <LMoorman@parkcounty.org>
Cc: Michael Inman <wminman@parkcounty.org>
Subject: FW: Zoning

John

John Heidke, PhD., President

Double H Consulting

124 Morgan Trail

Livingston, MT 59047

T 406-333-4520

M 313-600-3676

<http://double-h-consulting.com>

From: Marty Malone <dogrockranch@gmail.com>

Sent: Wednesday, September 29, 2021 8:08 PM

To: John Heidke <jheidke@gmail.com>; bberg@parkcounty.org

Subject: Zoning

You are receiving this message since the Planning Department has determined that they should not list their email address.

I am opposed the zoning proposal for the following reason

The way I read the proposal is that all businesses that are open to the public would need permission from the development board to open, make any changes, remodel their facility etc.

Sounds very marxist to me. This would include agriculture. The writer of the proposal does not have a clue about modern agriculture. Many ag producers use fee hunting, fish ponds, guide services , Air BB to make a living. If the board is intend on damaging agriculture, keep passing insane proposals such as this.

Marty Malone
106 Pray Road
Livingston, MT

Lawson Moorman

From: John Heidke <jheidke@gmail.com>
Sent: Wednesday, September 29, 2021 11:21 AM
To: Lawson Moorman
Cc: Michael Inman
Subject: FW: Comment deadline

John

John Heidke, PhD., President
Double H Consulting
124 Morgan Trail
Livingston, MT 59047
T 406-333-4520
M 313-600-3676
<http://double-h-consulting.com>

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Leader Development

From: dogrockranch <dogrockranch@gmail.com>
Sent: Wednesday, September 29, 2021 10:15 AM
To: John Heidke <jheidke@gmail.com>
Subject: RE: Comment deadline

John

The lack of information on the web site is troubling. No mention of the deadline on the comment form or on the web. And the lack of specifics from the listening session.

Marty

----- Original message -----

From: John Heidke <jheidke@gmail.com>
Date: 9/29/21 9:21 AM (GMT-07:00)
To: 'dogrockranch' <dogrockranch@gmail.com>
Subject: RE: Comment deadline

Marty,

The Board determined to end the public comment period (for consideration by the Board) at the end of September 2021 as part of their overall process for considering the proposed District and Regulations. However, given the need to cancel several September meetings, the Board will discuss the process moving forward and consider whether to modify the

process, including the public comment period, during the October 21, 2021, regular meeting of the Board. Attached is the process approved by the Board from a few months ago.

John

John Heidke, PhD., President

Double H Consulting

124 Morgan Trail

Livingston, MT 59047

T 406-333-4520

M 313-600-3676

<http://double-h-consulting.com>

Executive Coaching

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Executive Assessment

Leader Development

From: dogrockranch <dogrockranch@gmail.com>

Sent: Tuesday, September 28, 2021 8:00 PM

To: jheidke@gmail.com

Subject: Comment deadline

John

When will the comment period End?

Marty Malone

Lawson Moorman

From: Melissa Atkinson <mjpa1212@gmail.com>
Sent: Monday, July 12, 2021 4:07 PM
To: Planning
Subject: Conflict Mitigation Zoning CMR

To the members of the Park County Planning Board:

I wholeheartedly support and endorse the Top Ten Suggestions , of Friends of Park County, to improve the effectiveness of the CMR currently under consideration by the Board.

Sincerely,

Melissa P. Atkinson

Clyde Park

Morris Longstreth Hallowell IV
PO Box 1445
Livingston, MT 59047
406 222-4770

September 24, 2021

Commissioner Steve Caldwell
City/County Complex
414 East Callender Street
Livingston, MT 59047

Dear Commissioner Caldwell,

I am against zoning.

Please do not force your Conflict Mitigation Zoning plan on the citizens of Park County. It is a solution looking for problem.

With both your restrictions on how citizens may use their own land, and with your process for requiring them to ask permission before they can do any sort of business from their homes---channeled through a discretionary, unelected bureaucrat without reference to any standard but his personal opinion---you will ensure the poverty of Park County for many years to come.

Please scrap your Conflict Mitigation Zoning proposal.

Thank you.

Sincerely,



Morris L. Hallowell IV



Planning Board Citizen Contact Form

Name: Patsy Carter
Address: 37 Billman Lane, Livingston
Contact Info (phone / email): pats.carter@yahoo.com
Date: Sept 30, 2021

Issues Discussed: No Zoning

Comments: No Zoning Please

Right now Park County doesn't seem to have enough money to replace much needed bridges and repair roads that have been in bad shape for years. How is it that we are discussing the hiring of a compliance officer to squeal on folks who are minding their own business on their own property? We already have capable people in the county planning office and DEQ at the state level.

The people who want this are only thinking of their own interests and want to burden the rest of us with more regulations. How can it be fair to allow a few wealthy landowners to dictate rules and regs to others?

Suggestions / Need for Follow Up:

Board Member or Staff Member: _____

Please return to Planning Office

Lawson Moorman

From: Steve Caldwell <caldwellmt.sc@gmail.com>
Sent: Thursday, September 30, 2021 12:58 PM
To: Commissioners; Michael Inman; Lawson Moorman; John Heidke
Subject: Fwd: Another one against Zoning

Correspondence -

----- Forwarded message -----

From: peter perkins <peteperkins119@gmail.com>
Date: Thu, Sep 30, 2021 at 12:52 PM
Subject: Another one against Zoning
To: <scaldwell@parkcounty.org>, <bberg@parkcounty.org>, <ctinsley@parkcounty.org>

- o Subcommittee, who, how elected?
- o Many spoke against 3-house-limit in residential definition.
- o Concerns of a simple county zoning plan ballooning into overwhelming regulations.
- o Concern about compliance officer and his un-restrained and unaccounted-for powers and over-reach.
- o County bureaucrats have no right to tell us what to do on our own property.
- o If zoning is commercial-only, as planning staff say, why does it mention regulation of other aspects of county?
- o We already have subdivision regulation.
- o Concern for Grandfathered businesses requiring permit if they expand.
- o Where did planner get template for zoning?
- o What will all this cost as the county planning dept grows to service the zoning regulation. Our taxes will grow as well.
- o Board of adjustments political.
- o Property rights most important.
- o Commissioners have not earned trust of people.
- o Hiring compliance officer before zoning is passed is not good faith to people.
- o County bureaucrats must not talk down to public.

- o Zoning can be put to county-wide vote if the commissioner want to.
- o Questions on dust, employee housing need, cost of review process and cost of additional county employees.
- o It is not so much what is in document as what is not in it. Legal questions.
- o People are working and can't go to meetings.
- o No standards in regulation.
- o Problem not defined. This is solution with no problem.

Thanks,
Pete Perkins

Lawson Moorman

From: Bernthals <bernthals@aol.com>
Sent: Thursday, September 30, 2021 11:32 AM
To: Planning
Subject: Conflict Mitigation

We are sending this note to encourage the adoption of Conflict Mitigation within Park County. By solving problems of development, land use, and those encountered in protecting our lands, waters and wildlife ahead of time, we can look forward to a continuing good life here within Park County.

Regards,

Peter and Janet Bernthal
124 Suce Creek Road, Livingston

To: Park County Planning Committee

Sept 14, 2021

On the need for land use mitigation beyond residential and Ag.

Preserving the heritage of a place begins with keeping the attributes of that place intact...and not just a memory.

Certainly, agriculture plays a major role in the heritage of the Paradise Valley and Park County in general.

The notion by some folks that Government is the problem is problematic in itself. Ronnie Reagan told us government was the problem and at the same time Reagan blew up the budget in the process. His trickledown economic theory never left the pockets of the wealthy.

If we added up the federal funds that flow to the benefit of Agriculture in Montana, it would amount to over \$1 billion dollars. It is interesting to note that tourism now brings in greater revenues to the state than the Ag sector does.

Agriculture should not be the sole arbiter in land use mitigation. There is a diverse group of stakeholders that need to be at the table.

Common ground can be found among the various voices to be heard in the process of creating meaningful and reasonable alternatives to the laissez faire attitudes that now exist and control the development in Park County.

As residential development continues to grow in Paradise, for example, there will be increasing needs for fire, police, medical, traffic, water and sewage infrastructure development. Where will those assets be located? Light manufacturing or retail will want a place to exist as well. I for one do not want a shopping center or meat processing plant next door any more than a tire pit or gravel pit.

Supporting a Park County-based plan for land use mitigation is not a taking by the government. It is a community response to the inevitable

development which is now occurring and will only continue to grow in the future. Land use mitigation provides Park County folks with a voice in how development occurs here.

The current theme seems to be to preserve the culture of the area by fostering a frontier ethic and harboring an aversion to outsiders who want to change the existing way of doing business. But interestingly, it seems to be the newcomers who want to create the processes needed to manage future development so that the culture of Park County and Paradise Valley in particular is preserved.

Garrett Hardin had it correct when he wrote about the Tragedy of the Commons: It is only after all the little individual incremental acts of development have occurred that we realize we have destroyed that which we most prized. We have a choice not to go there.

IT would be a shame to see a sign at the South End of Rock Canyon one day that reads: Where Nature Done Her Best! Let us all support the Land Use Mitigation effort.

Peter Murray,
Emigrant, MT

Lawson Moorman

From: Ryan Krueger <rkrueger@intrinsikarchitecture.com>
Sent: Friday, December 13, 2019 3:41 PM
To: Lawson Moorman
Subject: RE: Questions re: Draft Park County Conflict Mitigation Zoning District

Hi Lawson,

After reflecting on what I hoped to communicate, it seems my comments are more likely appropriate for Staff review and would not need to be included in a Board packet.

Thanks for your assistance, and I will look forward to learning Staff's perspective on the comments and questions included in this email as you are able to respond.

Have a great weekend yourself.

Ryan

Questions

1. The Residential land use definition does not include short term rentals, as was stated during the November Planning & Development Board Meeting. Does that also mean hotels, motels, etc. would be included in the Residential land use definition?
2. A Conditional Use Permit typically runs with the land. If a use permitted as a Conditional Use was discontinued, would it be advisable to include in the Zoning Regulations a time period after the discontinuation of the use for which the Conditional Use Permit would also lapse? Alternatively, the inclusion of language that specifies how a Conditional Use permit is to be modified or rescinded may also address this matter. Perhaps this is addressed in another section of applicable code (as I was unable to locate this information in the draft regulations)? If so, would it be beneficial to reference these standards in the proposed Zoning Regulations?
3. As a former Planning Director, the review criteria seem somewhat subjective rather than clear and objective. Have you discussed methods to increase specificity and clarity in order to aid applicants in demonstrating through their applications alignment with the proposed

review standards (which would also bolster Staff's ability to generate concise, legally defensible Findings of Fact)?

Ryan Krueger, AICP CFM
Senior Planner

intrinsik architecture, inc.

111 north tracy avenue
bozeman, montana 59715
t. 406.582.8988 x206
www.intrinsikarchitecture.com

From: Lawson Moorman <LMoorman@parkcounty.org>
Sent: Friday, December 13, 2019 2:35 PM
To: Ryan Krueger <rkrueger@intrinsikarchitecture.com>
Subject: RE: Questions re: Draft Park County Conflict Mitigation Zoning District

Here it is Ryan. Thanks for bringing that to my attention. The agenda is now posted. Enjoy the weekend.



LAWSON MOORMAN AICP, CFM

PARK COUNTY PLANNING DEPARTMENT
o: 406.222.4102
e: lmoorman@parkcounty.org
www.parkcounty.org

From: Ryan Krueger [<mailto:rkrueger@intrinsikarchitecture.com>]
Sent: Friday, December 13, 2019 2:06 PM
To: Lawson Moorman <LMoorman@parkcounty.org>
Cc: Michael Inman <wminman@parkcounty.org>
Subject: RE: Questions re: Draft Park County Conflict Mitigation Zoning District

Hi Lawson,

Thanks for your help. Please share the agenda with me via email.

Thanks,

Ryan Krueger, AICP CFM
Senior Planner

intrinsik architecture, inc.

111 north tracy avenue
bozeman, montana 59715
t. 406.582.8988 x206

From: Lawson Moorman <LMoorman@parkcounty.org>
Sent: Tuesday, November 26, 2019 1:14 PM
To: Ryan Krueger <rkrueger@intrinsikarchitecture.com>
Cc: Michael Inman <wminman@parkcounty.org>
Subject: RE: Questions re: Draft Park County Conflict Mitigation Zoning District

Ryan,

Thanks for reaching out. The draft minutes will be available via next month's agenda, one week before the December planning board meeting. Once approved, they will go on the website. We are not working with a firm, but are doing things in house. The best way to stay informed would be to keep checking the website. Thanks,



LAWSON MOORMAN AICP, CFM
PARK COUNTY PLANNING DEPARTMENT
o: 406.222.4102
e: lmoorman@parkcounty.org
www.parkcounty.org

From: Ryan Krueger [<mailto:rkrueger@intrinsikarchitecture.com>]
Sent: Tuesday, November 26, 2019 9:44 AM
To: Planning <Planning@parkcounty.org>
Subject: Questions re: Draft Park County Conflict Mitigation Zoning District

Good Morning,

I am reaching out today with a few questions and requests for additional information related to the Draft Park County Conflict Mitigation Zoning District regulations. I have reviewed the draft and the other files available online, what I did not see were details on the discussion from the November 21st Planning Board meeting (the minutes are not available online as of today) and information on next steps for review of this draft. I also wanted to inquire how I might stay informed on next steps in this review process? Finally, I was curious if you were working with a consultant in preparing these draft zoning regulations?

Thanks for your assistance and please let me know if you have any questions in follow up to my request.

Thanks,

Ryan Krueger, AICP CFM

Senior Planner

intrinsic architecture, inc.

111 north tracy avenue
bozeman, montana 59715

t. 406.582.8988 x206

www.intrinsicarchitecture.com



Planning Board Citizen Contact Form

Name: Sally Magalsky

Address: 6 Queen Lane, Livingston 59047

Contact Info (phone / email): 406-220-0798

Date 9/23/21

Issues Discussed:

Comments: This comment is for the record that it be known to oppose the "Conflict Mitigation Zoning Regulation" as set forth recently by the Park County Planning Board and County Planning Dept. On top of the Growth Policy already in place, this "mitigation" zoning is purportedly written up, and about to become, the new local power grab requiring permission from a "zoning administrator" to decide how a property owner and tax payer may or may not use his or her own property. This generates a "Conditional Use Permit", a fee, AND a waiting interval.

Suggestions / Need for Follow Up:

And, what does the word "mitigation" mean here? The very nature of this regulation appears to be precipitating a need for mitigation all right, between the planning pundits and the local property owners who cherish living free and working out problems among neighbors & friends.

Board Member or Staff Member

There are already numerous regulations, permits, and licenses required of property owners on the county and state levels to assure judicious land use; and, of course triggering applications, fees, and waits, etc. Do we really want yet another layer of regulation, cost, and infringement of our personal freedoms? No!

Our property rights are foundational to our freedom. This proposal represents much time and work by a few that may adversely affect many. It is NOT good for Park County. D

Sally Magalsky

Lawson Moorman

From: Park County Website <website@parkcounty.org>
Sent: Thursday, September 30, 2021 7:21 PM
To: Planning
Subject: Conflict Mitigation

Sandra Lambert has submitted in inquiry via the website for Park County, Montana.

Department: Planning

I've attended many of your Zoom meetings and, although I'm disappointed that zoning is premature here, I want to advocate for retaining the scenic vistas of Paradise Valley.

As some of you know, I lived in Jackson Hole for nearly thirty years.

In the early 1980s, Teton County was as averse to zoning as Park County is now. However, skillful county planners and years of public information, joined the preponderance of federal land and high property values to gradually bring reluctant citizens along, or — at great profit — those landowners sold out and moved on.

In reading current Teton County zoning proposals, I've noted that planners describe a vision for the county that emphasizes scenic vistas and open space.

I think I understand the limitations of Conflict Mitigation. It is not zoning. "Zone" is a four-letter word here. It's just that I drove down River Road this afternoon to fish a little and am saddened by what we have to lose.

As a crucial part of the Greater Yellowstone Ecosystem, Park County must keep open land for the survival of the animals that millions of visitors travel here to see. That is our legacy and should be our commitment. Tourism drives our economy.

If we are forced to be so compromising and so tentative that we lose that focus, we have not been the stewards that we should be. Furthermore, we're not even being smart.

I can see that the Conflict Mitigation draft proposes "To protect agricultural production throughout the district" but it is apparently unable to privilege maintaining the unique beauty of Paradise Valley.

To me, "proposed land use [will] create negative impacts to the natural environment" if benches and foothills are crisscrossed by roads and marred by residences or hotels.

The wording from Teton County's draft is:

"Buttes, ridge lines, and mountains are the most prominent aspects of our landscape. Development along butte tops and ridge lines will be avoided or mitigated so that key skyline view sheds retain a natural appearance, uninterrupted by built forms.

"Development on steep slopes decreases the stability of the slopes, which can lead to erosion and landslides. In addition, the level of disturbance required to develop on steep slopes has a disproportionate impact on natural resources. Slope development also poses difficulties for emergency access."

A few years ago, I asked a Boulder, CO planner why the foothills in the distance weren't dotted like Aspen's in a jumbled mess of mega mansions. He told me that in 1959 a citizen-initiated amendment to Boulder's charter restricted the extension of city water service above an elevation of 5,750 feet. It was later extended by ordinance to sewer service.

I asked, "But what about variances?" (Non-conforming usage stopped not one single Jackson Hole mansion. Penalties assessed were pocket change.) His answer, "Variances? There are none."

Now, that is far thinking. That is protection.

This is what I know:

People who can afford to build roads that creep up buttes and destabilize high places will do so. They will always believe that our landscape is improved by their homes or hotels or condo developments.

Most of us, residents and visitors alike, appreciate the extraordinary beauty of Paradise Valley. What price do we put on that? What can we do to insure that rampant growth destroys neither the beauty of our valley nor Yellowstone's ecosystem?

I've seen it all before and don't much like our odds.

With unease,
Sandra Lambert
82 Wineglass Road / Livingston, MT 59047-8985

Name: Sandra Lambert
Phone: 4018642994
Email Address: sandstormri@yahoo.com

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If you feel you have received this message in err, please contact it@parkcounty.org.



FOR THE RECORD

Planning Board Citizen Contact Form

Name: SHARON DUFFY

Address: P.O. Box 70, PRAY MT. 59065

Contact Info (phone / email): 406-333-4655

Date: 9/29/21

Issues Discussed: I believe in private property rights. It is wrong for a handful of people to make decisions for the surrounding areas.

Comments: I'm AGAINST ZONING!!

Suggestions / Need for Follow Up:

PUT THIS ON THE BALLOT FOR THE PEOPLE TO VOTE!!

Board Member or Staff Member: _____



mailed

Planning Board Citizen Contact Form

Name: Sharon Neal

Address: 47 Emigrant Meadows Road Pray, Mt 59046

Contact Info (phone / email): 333-4374

Date: September 27, 2021

Issues Discussed: Comments on Purpose II

A There are government entities in place now that respond to these problems. There is no need to duplicate

B Your attempt to mitigate conflicts should not be any ones job but the people involved.

Comments:

C I do not believe any one outside of agriculture can help ag production. Leave ranchers alone to do business.

D Protecting certqin residential land use is beyond vague and I would not support anyone being paid or even volunteering to doso.

E I have been to a couple meetings on this subject of zoning and I've yet to hear "thoughtful discussion". It appears to me that you have charted your course

F Is this local governing body elected or appointed?

G I thought we had a county government who would assess these issues?

H Again, where is county government. Are you trying to replace elected officials with the unelected? see page 2

Suggestions / Need for Follow Up:

Board Member or Staff Member: _____

P

Page 2

Sharon Neal

comments on Purpose II

- I Promoting development comes from having jobs and the freedom to start businesses not by requiring a permit to make sure innovative design is present
- J Where is Fish and Game? It seems your leaning toward duplicate services performed by new paid people.
- K These problems should be handled by the individuals, if they can't be then call Fish and Game
- L County government elected officials such as our County Commissioners are called upon to make the tough decisions. If the people don't like their decisions commissioners will hear about it.

Final Comments

This whole paper is wide and broad over reach.

Subjective opinions of overseers leads to privacy intrusion, financial loss and opportunities for employment gone.

It does not appear that your interests lay in having more jobs

It looks like taxes will go up

Why in the world would I support a plan that appears to be a Utopia for someone that does not need a job and wants to raise taxes for those who do.

I oppose all zoning!

Sharon Neal

September 29 2021



Planning Board Citizen Contact Form

Name: Dean Nelson _____

Address: 7 Wineglass Loop East, Livingston 59047 _____

Contact Info (phone / email): (406) 224-8257, deannelson4@gmail.com

Date: July 9, 2021 _____

Issues Discussed:

I attended the Shields Valley Watershed meeting on June 24th at the Wilsall Fire Station. I was not informed that the Planning Board participation had been cancelled, but I stayed to gather what information I could.

I spoke briefly about the intent of the Conflict Mitigation plan and how it was intended not to be full zoning, but a method to protect property owners from 'un-neighborly conduct' – like putting in a sugar beet processing plant, digging a hole to bury 300,000 tires or open a mine in an area dependent on tourism. When challenged by Ann Holloway on a number of issues, including how an unelected board was going to resolve issues, I noted that she was using a version dated November 2019, and asked that she download a more recent version and update her comments. I also asked that she come up with alternatives that met the goals of mitigating conflict without creating some basic definitions and a framework for evaluation.

General consensus was that in-person board meetings are required since many people would like to express their issues in person – and not everyone is comfortable (or has ready access) to the Internet and is fluent in virtual meetings.

I said that there would be opportunity to meet with the board in person before the final recommendations are provided to the Commissioners.

Other representatives from other agencies (Fish & Wildlife, Water board, people involved in noxious weed control, etc.) also spoke about the status of their projects. We have been asked to make a more formal presentation at a future meeting.

Comments: Frankly, I could have been better prepared – I was not expecting to be the only Board representative. I know this report is a bit late, but I've been quite busy...

Board Member or Staff Member: _____



Planning Board Citizen Contact Form

Suggestions / Need for Follow Up:

Board Member or Staff Member: _____

Please return to Planning Office

Lawson Moorman

From: Stacy Bragg <rapidtekk@yahoo.com>
Sent: Wednesday, September 29, 2021 9:30 PM
To: Planning
Subject: Park county conflict zoning district regulation comment

Attn Park County Commission and Planning Board
Park County conflict mitigation zoning district regulations comments

After reading through the draft of the proposed regulations I am disappointed by the lack of detail and clarity in this draft. This includes the lack of some uses under permitted uses that should of been added.

While it is legal MCA 76-2-201 is somewhat over-reaching, this adoption is a top down zoning proposal that allows the county to impose restrictions on private property whether you agree or not. Zoning would be better served by property owner petition under section 76-2-101.

I have always been opposed to top down zoning. I believe if the people want to be zoned they should petition the county to create the district. Zoning restricts your use of your property and there is no mechanism in state law to remove zoning once it is put in place. It is forever. I this goes through property values will diminish.

Reading the last page of the Zoning District Abstract. sub (6)

This zoning district proposal is to restrict what you can do with your property. Existing uses are allowed to continue unless they stop for a period of one year. Look at regulations page 4 Preexisting nonconforming land use A. Also look at the Review Criteria starting on page 6 of the regulations. Looks to me like they could deny anything and everything based on what the Zoning Administrator decides. Who will this be? Seems this person will have unlimited power, and will insert his or her political agenda, with no accountability.

In section II PURPOSE

I would omit

J. To protect wildlife and wildlife habitat;

K. To minimize wildlife and human conflicts;

Neither of these should concern the planning board, We have state and federal wildlife agencies laws and recommendations to cover wildlife issues.

Control of wildlife-habitat on private lands is already an over reach by the Endangered Species Act, and unethical actions by the EPA on the Clean Water Act that looks to control "All waters of the United States"

In section VIII.

1. Requirements of District section B Residential a. The term "including all accessory buildings and uses;" needs to be better defined , many shops could very easily be considered and nonconforming land use by a over zealous zoning administrator.

In section 2 Agriculture you are missing uses that occur in operating an ag operation. Timber harvesting, for profit, excessive fuels reduction to decrease fire danger, firewood, adding grassland acreage, removing diseased, burnt or unsafe timber. timber can be thinned to maintain or increase water flows in deeded water rights.

the ability to dig a pit, fill in lowlands, or remove excess soils, and material and or crushing gravel to be used on roads or other projects on private ag property. These would be considered nonconforming uses in the current draft.

IX Preexisting Nonconforming land use needs to be changed to all current landowners and further family aires will be grandfathered in perpetuity unless the property changes owners.

A similar effort was done in an area of Gallatin County several years ago and the ranchers and farmers got together and protested it out. This was done under the provision of MCA 76-2-205 (6). Landowners with property taxed under agriculture or forest land can stop this. It takes 50% of the land taxed as agriculture or forest land to protest the creation of the district.

While I may agree some protections mentioned in this document or good, and I believe that this draft has to many vague loopholes that can be used to abuse the rights of citizens in Park county. This needs to go back to the drawing board for revision that protections land owners rights and not trample them.

I adamantly oppose the passing of this draft document!!

Sincerely Stacy Bragg

p/o box 417

Livingston Mt

406-220-0803

Lawson Moorman

From: Stan Wisniewski <stanwisniewski7@gmail.com>
Sent: Thursday, September 9, 2021 12:53 PM
To: Planning
Subject: Comments from today's listening session

First, I want to thank you all for having these sessions. I would like to make a couple of points:

1. The bank/chicken plant issue from Clyde Park was brought up in the meeting but what was overlooked when the opposite situation occurs and the chicken plant/hog farm/rendering plant moves next to you? Or a junkyard? Or whatever use of that neighboring parcel that will devalue your or my property?
2. It was also brought up that the community "banded together" to fight the asphalt plant and the gold mine that were previously proposed in the county. Why do we have to "band together" to fight these proposals one at a time. Zoning will preclude these proposed industries from even considering Park county.
3. There were some valid criticisms of the proposal such as number of houses per tract on larger tracts, and the definition of "home based businesses" may need to be clarified (a business at home that has 20 customers coming to a house daily versus someone who does all their work on their computer remotely and barely leaves the house will obviously have different impacts on their neighbors and roads etc).
4. Proper zoning will protect property values which, for most of us, is the biggest investment we will ever make.

Thanks very much.

Stan Wisniewski
Pray, Montana

Lawson Moorman

From: Steve Caldwell <caldwellmt.sc@gmail.com>
Sent: Thursday, September 30, 2021 2:46 PM
To: Commissioners; Planning; John Heidke
Subject: Fwd: No zoning...

More -

----- Forwarded message -----

From: Steve and Laura Voss <vossfamilymt@hotmail.com>
Date: Thu, Sep 30, 2021 at 2:25 PM
Subject: No zoning...
To: scaldwell@parkcounty.org <scaldwell@parkcounty.org>, bberg@parkcounty.org <bberg@parkcounty.org>, ctinsley@parkcounty.org <ctinsley@parkcounty.org>, jheidke@gmail.com <jheidke@gmail.com>

You are receiving this message since the Planning Department has determined that they should not list their email address.

I am opposed the zoning proposal for the following reasons.

The way I read the proposal is that all businesses that are open to the public would need permission from the development board to open, make any changes, remodel their facility etc.

Sounds very marxist to me. This would include agriculture. The writer of the proposal does not have a clue about modern agriculture. Many ag producers use fee hunting, fish ponds, guide services , Air BB to make a living. If the board is intend on damaging agriculture, keep passing insane proposals such as this.

I am sending my comments to you since Planning has decided they do not wish to receive emails and the comment document has no way of guaranteeing receipt.

I am opposed to the zoning proposal for the following reasons.

Purpose F: This proposal would allow the Commission to determine winners and losers if they hear from a few citizens about a barking dog, parking, or noise from the music. Commissioner Berg specifically mentioned concerts at Emigrant or Pine Creek as a nuisance that should be regulated. This zoning proposal would allow the Commission broad discretion to determine which activities are appropriate to the County. No concerts at Arch Park, no rodeo near an apartment. What is the next marxist idea.?

Something this extensive should be put to a ballot vote, were the there can be pro and con arguments and all the Park County residents can make an informed decision on the issue. Not just the commissioners. This effects too many people's livelihoods and freedoms.

Sincerely,

Stephen and Laura Voss

Residents of Paradise Valley

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

Lawson Moorman

From: steve dober <srdgrdcrp@yahoo.com>
Sent: Wednesday, September 15, 2021 7:51 AM
To: Planning
Subject: Zoning

Hello!

Steve Dober here in Gardiner.

Just weighing in an opinion.

Conceptually, I'm in favor of zoning though I'd have to see the details.

Thanks for your efforts!

Sent from my iPhone

Lawson Moorman

From: Sue Reinold <smreinold@gmail.com>
Sent: Thursday, September 30, 2021 1:55 PM
To: Planning
Cc: Lucinda Reinold
Subject: Fwd: Conflict Mitigation comments

Dear Planning Board Members,

My sister and I own property in Paradise Valley and would like to thank you for your diligence and hard work in drafting the proposal for Conflict Mitigation in Park County.

We desperately need this kind of process to manage the escalating growth here through a reasonable permitting system for commercial and industrial projects. Conflict Mitigation is a good first step to counter the negative impacts these projects could have on our natural resources, small businesses, the enjoyment of our beautiful area, and our health. Despite unwarranted objections from an “anti-zoning” contingent, I am convinced that the majority of Park County residents will support Conflict Mitigation.

In Park County individual community members and non-profit groups have battled too many unwanted commercial and industrial proposals, e.g. mines, gravel pits, oil and gas drilling, which have proven time-consuming and expensive. Conflict mitigation will provide a process that allows public input before problems occur. We recognize that it is a standard and transparent planning tool that is used throughout the country.

We have just a couple of suggestions about the document. Please clarify and specify how residential properties will be affected. VRBOs, including “glamping” rentals, on private property should be included as they are commercial enterprises that impact traffic, sanitation, water usage, etc. Also, it should be clear how Conflict Mitigation will be monitored and funded.

In support,

Susan Reinold
196 Bridger Hollow Rd.
Pray, MT 59065
smreinold@gmail.com

Lawson Moorman

From: Steve Caldwell <caldwellmt.sc@gmail.com>
Sent: Thursday, September 23, 2021 2:52 PM
To: Commissioners; Michael Inman; Lawson Moorman; John Heidke
Subject: Fwd: Conflict Mitigation Zoning, yeah!!!

Correspondence -

----- Forwarded message -----

From: susan thomas <thomassus@hotmail.com>
Date: Thu, Sep 23, 2021 at 2:42 PM
Subject: Conflict Mitigation Zoning, yeah!!!
To: scaldwell@parkcounty.org <scaldwell@parkcounty.org>, ctinsley@parkcounty.org <ctinsley@parkcounty.org>, bberg@parkcounty.org <bberg@parkcounty.org>

Hello Steve, Bill and Clint,

I'm in full support of this Conflict Mitigation Zoning regulation!! I feel like we should all be tired of fighting against large industrial projects, like gold mines and tire dumps, in our beautiful backyards. I think this will help us going forward. I believe we would all like predictability in terms of what types of commercial projects are allowed in this county. For too long, we've been back on our heels fighting against stupid ideas like gold mining at the edge of our first National Park.

I personally would like to see more rules/regulations in place for commercial development, like stricter lighting standards that comply with the International Dark Sky program and more thoughts on types of buildings, height, design, etc.

I feel there is much misinformation out there as to what this regulation does and doesn't do. I'm not sure how to combat that but until a large scale industrial development tries to go in next to one's residential property it seems no one wants zoning. I believe this CMZ will help us all maintain a feeling of control of development in our county. Let's get this across the finish line and thereby help all residents of the county with a certain level of predictability.

Thanks for reading and again I'm in full support of this Conflict Mitigation Zoning!! Let's get it done and protect what we love about this place.

Susan Thomas
86 Falls Creek Rd.
Livingston, MT 59047

Sent from [Outlook](#)

Lawson Moorman

From: Michael Inman
Sent: Monday, August 23, 2021 1:54 PM
To: Lawson Moorman
Subject: FW: Park County zoning

FYI



WM. MICHAEL INMAN *CFM, Director*

PARK COUNTY PLANNING DEPARTMENT

o: 406.222.4102 c: 406.579.1869

e: wminman@parkcounty.org

www.parkcounty.org

From: Susan White [mailto:smjtpj@gmail.com]
Sent: Monday, August 23, 2021 1:35 PM
To: Michael Inman <wminman@parkcounty.org>
Subject: Park County zoning

No zoning for Park County. Do not turn Park County into residential.

Lawson Moorman

From: John Heidke <jheidke@gmail.com>
Sent: Thursday, September 30, 2021 5:49 AM
To: Lawson Moorman
Cc: Michael Inman
Subject: FW: Comments – Draft of Park County Conflict Mitigation Zoning District Regulations

John

John Heidke, PhD., President
Double H Consulting
124 Morgan Trail
Livingston, MT 59047
T 406-333-4520
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Executive Coaching

Organization Change

Executive Assessment

Leader Development

From: Susanne Villeneuve <svilleneuve33@gmail.com>
Sent: Wednesday, September 29, 2021 7:25 PM
To: jheidke@gmail.com
Subject: Comments – Draft of Park County Conflict Mitigation Zoning District Regulations

From: Susanne Villeneuve RN, MN, USAR Ret. Landowner 21 Venus Way, Emigrant, MT 59027

September 29, 2021

I have read the Draft of the Park County Conflict Mitigation Zoning District Regulations and I have serious concerns about it.

First of all, I I am strongly opposed to any zoning in the unincorporated areas of Park County. I view it as intrusive, unnecessary and another tax on my family. It is government overreach. There is simply no need for zoning. Our Founding fathers believed that government served the people and with the consent of governed. Zoning does not have my consent and I believe the majority of residents of Park County would not approve this process if they were asked. I strongly urge you to put this to a vote before putting it into effect. I know this is not required but I do believe something important needs to be subjected to the will of the people.

I believe we should be able to use our own land any way we see fit as long as others are not harmed by that use. There are already ample regulations to protect the water supply and other matters of public safety.

Regarding the draft document:

I read with concern the separation of residential use and agricultural use. The way it is written it could be interpreted to say that I, as a landowner and resident, could not grow my own food or sell the excess at a Farmers Market. That may not have been your intent, but overzealous unelected officials could interpret this draft that way. The draft does not spell out what are accessory buildings to a residence. I would say a greenhouse is a needed accessory building but that is not clear from the draft.

I object to the provision that anyone could attempt to shut down my use of my property by reporting me to the county government. A neighbor with an ax to grind might decide to file a complaint that would tie up a landowner in a costly fight just to use his or her land.

And I do not agree that my neighbors should be able to decide how I use my land as the permitting process is currently written.

I object to the provision that would prevent require professionals licensed in Montana to get a conditional use permit just to see clients in their own home. There is a long tradition in this county of people working out of their own homes for certain professions that allow it. I know a number of my neighbors who are doing just that. Why does the county have to be involved in their business?

I view the permitting process as another tax on my family – it is unneeded and would impose a three month delay, or more, on a project.

Remove limits on number of dwellings on a tract of land. There is a dire need for housing in this county and this provision does not address the reality that the size of a tract of land 1 acre vs 100 acres should be a determinant in how many residences are placed on a property.

Strike phrase “on lands as agricultural by the state of Montana” in Section VIII. We should encourage people to grow their own food, not limit it. If someone wants to put in greenhouses on their property and sell the produce that should require a permit.

Remove in Section VII under Home Occupations the phrase “does not result in the selling of goods and is not open to the public”. These people are providing a service to the public and should not be restricted in their ability to do so.

Thank you for your service to the county

Susanne Villeneuve

IF I ONLY HAD A MAP

Like the Scarecrow in the Wizard of Oz who needs a brain, the Planning Board is also missing a very important part, albeit in their planning process. In Frequently Asked Questions (FAQ), the County refers to Goal 16 of the Park County Growth Policy as the justification for drafting the proposed Conflict Mitigation Zoning Regulations (CMZR). What has been ignored is the most critical Action item in the Growth Policy. The Planning Board may have reviewed “current mechanisms” (Action 16.2.1) and evaluated “alternative approaches” (Action 16.2.2), but neither they nor the Commissioners have developed and adopted a “future land use map” (Action 16.3.3).

A land use map would identify the locations where the various types of development are permitted (residential, commercial, industrial, etc.) and not permitted (parks, open space, wildlife habitats/corridors, etc.) throughout the County. This map is the key first step since it serves as the foundation for the development of zoning regulations.

Zoning is a tool to implement a land use plan or map. Zoning districts are created for each land use category and identify the permitted and conditionally permitted uses as well as the development standards within each of these districts. Conditional use permits are only required for those uses that would be allowed in the district but may not be compatible at every location or under every circumstance. An example may be a bar or liquor store that would otherwise abut a school or park.

The CMZR require a conditional use permit for every use except agricultural and limited residential uses and are the only permitted uses listed. In my many years as a planner, I have never seen zoning regulations implemented in such a prohibitive way. As a result, these draft regulations cast a broad net with significant consequences. For example:

The County’s FAQ states that Home Occupations and remote work is “freely” permitted. Clearly not the case when a Home Occupation as defined excludes home based businesses that have a commercial business license, on premise sales or the public (customers) at the property. Salons, dog groomers, real estate professionals, contractors, commercial truck drivers, hunting and fishing guides, crafters, and bakers are among many others that would be prohibited from working from home without a conditional use permit.

The only permitted residential use is a maximum of three dwelling units on a single tract whether detached or attached. They could all be of one type or any combination of a home, mobile home and/or manufactured home. This would exclude any multifamily complex, guest lodge or employee housing of more than three units without first obtaining a conditional use permit.

An agricultural landowner who runs an outfitting business to supplement their income could not expand, or reopen after closing for a season, unless a conditional use permit was obtained.

If a landowner has a building that has been vacant for more than a year any preexisting grandfathered nonconforming use would have expired. A new business moving into the building would need a conditional use permit.

If there was a change in occupancy of an existing building, such as a retail store converting to a restaurant, a conditional use permit would be required.

It is also disingenuous to imply that the CMZR protect agricultural uses since they are listed as a permitted use when agricultural activities are already permitted and protected from zoning and nuisance ordinances (MCA 76-2-901 thru 903). However, if the agricultural definition remains it ought to at least be consistent with the State's definition since it does not include timber harvesting, farm markets and many other agricultural activities.

Unless the County Commissioners want to abdicate their authority and allow the Zoning Administrator and Board of Adjustments to control all growth and development in Park County, they need to stop this effort and direct the Planning Board to get back to the business of planning and not regulating. And only when there can be open, accessible, and timely public meetings recognizing, as the Guiding Principle states, "the people of Park County will drive planning efforts".

Timothy A. Miller, Emigrant

October 13, 2021

Commission Chair Caldwell
Commissioner Berg
Commissioner Tinsley

Honorable Chair and Commission members.

I am writing to make you aware of a situation in which you may want to intercede.

As you know, the public is afforded procedural due process rights under the 14th Amendment. These rights include notice and the opportunity to be heard. In my opinion these rights have been abridged by actions taken during the review of the Conflict Mitigation Zoning District Regulations (CMZDR).

County staff proclaimed that all written comments regarding the CMZDR needed to be submitted by September 30th if they were to be considered by the Planning Board at their October 21st meeting. Otherwise, they would be forwarded to the Commissioners. That is three weeks prior to the meeting. This seems to be an inordinate amount of time for the public comment period to be closed. Further, if the meeting is not in person and someone does not have access to "zoom" how else are they to provide comments? The premature closing of the comment period undoubtedly infringed on the fundamental right to be heard or to be a part of the official record during the Planning Board's deliberations.

More importantly, the County Commissioners on August 10, 2021, approved the BY-LAWS FOR THE PARK COUNTY PLANNING BOARD (Amended). The By-Laws state the following:

ARTICLE IV-MEETINGS, Section 4. Notice

"The agenda of all regular meetings will be closed seventy-two hours prior to the following meeting of the Board and no new information will be accepted by the Board after the agenda closes except during public comment or at a public hearing".

Clearly the Commissioners recognized that by establishing this timeframe they were creating every opportunity for public comment while still providing County staff adequate time to prepare for the meeting.

If the CMZDR efforts continue, the Commissioners can rectify this mistake by directing the Planning Board and County staff to reschedule the meeting for the CMZDR agenda item, reopen the public comment period and allow public comments, written or otherwise, up to the 72-hour agenda deadline as provided for in the By-Laws.

Sincerely,



Timothy A. Miller, Emigrant

PARK COUNTY

CONFLICT MITIGATION ZONING DISTRICT REGULATIONS COMMENTS – 3/18/21 Draft

These comments are submitted in opposition to the adoption of the proposed District regulations.

The regulations require a conditional use permit (CUP) for all uses not otherwise permitted as defined in Section VIII B and under Section IX B any existing use if they are “increased” or “modified”. In short, all new uses other than those otherwise permitted and all existing uses that make any change will be subject to obtaining a CUP.

By definition, a conditional use permits land uses that because of their special nature may be suitable only in certain locations or arranged or operated in a particular manner. In a traditional zoning ordinance, conditional use permits are expressly listed for each district. Unlike these regulations, CUPs are not required for every use. If the County wants to exercise more control over specific uses (which was the original intent of the District) the regulations should define permitted and conditional uses for each of the general categories of use, i.e. commercial, industrial, manufacturing, and etc. To require a CUP for any new use or a change in any existing use is a gross misuse of the CUP process and overreach of regulatory authority.

The Review Criteria in Section XI includes eight different categories and a total of forty-two individual criterion. There are no definitions for many of the terms such as “impede”, “excessive”, “dangerous”, “negatively impact”, “create injury”, etc. Nor are there any standards, metrics, or objective measures. This leaves the review and determination up to the whim of the Zoning Administrator and Board of Adjustment. The subjective nature of this process will likely result in litigation. Terms need to be defined and objective measurable standards need to be in place.

All existing uses not otherwise defined as permitted uses under Section VIII B, by default become Nonconforming Land Uses. As such this creates potential real estate disclosure and finance issues for businesses and landowners. According to the regulations, the nonconforming designation can be remedied by converting to a permitted use or obtaining a CUP. This is highly unlikely for the first alternative and costly and time consuming for the second. Further, the regulations require a CUP for an existing use that is “increased” or “modified”. As these terms are not defined, this determination is again left up to the whim of the Zoning Administrator.

One of the stated purposes of the regulations, Section II I, is to “promote economic development”. There is noting in these burdensome regulations that will promote economic development. To the contrary, the adoption of this zoning district will have a chilling affect on any new or the expansion of any existing business. The process is time consuming, expensive, and oppressive. If the goal is to protect agricultural and residential uses at the expense of existing and future businesses, and the County’s economic development, you will have succeeded.

Respectfully,

Timothy A. Miller, Emigrant

Lawson Moorman

From: McKenna <mckinmt@gmail.com>
Sent: Thursday, December 19, 2019 12:35 PM
To: Planning
Subject: Comments - Draft Park Co. Conflict Mitigation Zoning District Regulations

Dear Park County Planning Staff and Planning Board,

On November 21, 2019, in Livingston, I attended the first public meeting related to new proposed zoning regulations for Park County Montana. As a result please, accept the following comments for your consideration:

Item #1 - Conflicts With Tourist Accommodations - Discussions related to past land-use conflicts with short-term "for-profit" tourist homes and other vacation-home rental endeavors were rather vague. These types of land-use activities appeared to be currently classified as residential. It also seemed to be indicated that there has not been any documented past conflicts, however, no details were provided as to what types of conflicts or what other types of land-uses might be involved. As a resident who lives in a district of Park County where the tourist and environmental industries are heavily concentrated, there are definite situations where conflicts occur with non-commercial, private, single-family residential homes and their owners. While these types of conflicts may not be prevalent in isolated rural areas containing "for-profit" vacation homes blessed with direct private access to public roads and infrastructure, they do occur in densely populated towns, and in approved residential subdivisions, especially those with more stringent land-use covenants. Conflicts that occur include disproportionate common right-of-way road maintenance costs for surrounding neighbors, excessive speeding and safety concerns, excessive noise, security and trespassing problems, littering and cleanup problems, and the overall impairment of the privacy and expected lifestyle of a family-oriented residential community.

Item #2 - The Definition of Residential Land Use - Per Section VIII, Part B1 of the draft proposed zoning regulations, the definition of "Residential" is currently very broadly defined as all land uses that are "for the purposes of human habitation and associated with an approved residential wastewater management system." One can appreciate the effort to simplify "definitions" when it comes to trying to define which land uses do or do not require the proposed "Conditional Use Permit", however, the definition does not take into account all of the above-mentioned land-use conflicts in Item #1. Granted all "Vacation Homes" and similar for-profit rentals require a "State Permit" and do not currently require a "County Conditional Use Permit", but it seems very confusing to classify or mix non-commercial family-oriented residential housing with for-profit vacation home businesses. The two are very different endeavors or land uses. Also, it seems that the stated definition sets up a conflict with other definitions used by other Montana State or County definitions, such as "Establishments" and "Residential Single Family" facilities. My impression is that the current definition of "Residential" needs to be somehow narrowed, rearranged, or split-up to cover the expected land-use conflicts while still covering the subject of county "Conditional Use Permit" application.

Item #3 - Miscellaneous Comment - Does Park County actually know how many vacation rental homes exist within the County and whether they are actually permitted buy the State?

Thank you for your consideration.

Tom McKenna
Gardiner, Montana

However nobly intended the ultimate success of any private or public sector program in meeting its intended objects is dictated by how the program is implemented. Zoning effectively implemented can be an effective tool in helping to manage the development of a community. Poorly implemented zoning can be very detrimental and serve as a significant impediment to community development.

Programs formulated with a basis rooted in notions or opinions and then implemented under a set of subjective criteria are much more likely to fail than succeed in achieving the desired outcome(s).

After reading the draft Conflict Mitigation Zoning District regulations, I'm worried it sets us on a glide path more likely to end poorly than it is to help effectively manage development within the County. The Abstract lays out some of the rationale leading to creation of the draft zoning regulations, but other than noting Goal 16 of the Growth Policy, to develop tools to allowing the County to respond to evolving land use issues, there is no substantiation supporting why zoning is the best option. It would be interesting to learn what other tools were considered and why they were rejected in favor of zoning. This is an important issue and the community deserves some insight into the decision process. The need to deploy land use tools should be established as the result of some sort of analytical process. It should not be based on a "sense" or "feeling". If the need exists, there should be data out there to support it. Absent some sort of analytically based supporting rationale there's no good reason to believe we don't have anything more here than a "solution" looking for a problem. Further, it's impossible to solve a problem without a clear understanding of the "problem" and its root causes. My read of the Abstract indicates zoning as a solution was born and baked by the seven-member Planning Board and County Planning Office. I saw no discussion outlining the scope and nature of the problem or the sort of tangible issues that land us where we are now. Plenty of motherhood type statements like promoting the public health, safety and general welfare of the community, but there's nothing detailing instances where the public health, safety and general welfare of community is under threat or the nature and extent of the threat.

I recognize the wording has to allow for some flexibility, but the completely open-ended statements in the "Purpose" section are sure to lead to differences over meanings and what represents compliance.

The paragraph XI Review Criteria is completely void of objective measures. In fact, each draft question is posed as a "yes" or "no" question. How can criteria like this be applied consistently and equitably? To draw an analogy, it'd be like establishing a speeding zone that simply says "no speeding". Only after being pulled over for speeding would you learn you exceeded the unspecified speed limit.

The draft regulations seem to vest a significant amount of power in the County Zoning Administrator to determine compliance with the District Regulations. What goes into the decision process when determining if a given criteria is acceptable? Are there standards? If there are standards, who determines them and how are they set? A consistent, fair, repeatable process requires objective criteria free, to the greatest extent possible, of biases founded in personal opinion or preference.

Did the planning department leverage any lessons learned or research any zoning best practices from communities who have implemented effective zoning practices? Park County is not the first County to consider zoning so there must be a substantial volume of lessons learned out there to draw on.

As the Board considers the current draft proposal, I would suggest the review process include scenario-based reviews where you apply the mitigation process to several hypothetical commercial land use scenarios. The scenarios should consist of a broad range of possible land uses from the very benign to some that are very complex with far reaching implications. I.e. uses ranging from a stand selling honey to a tire pit. This sort of review enables a relative evaluation of the process to help to assess its effectiveness in the context of it's intended objectives. You don't want discover there are some major gaps in the process while implementing it for a real-world case for the first time.

Bottom line, if it's your intention is to generate public buy-in, you have to communicate a clearly defined set of needs and then demonstrate how your proposed solution provides the optimal path in meeting those needs. You really want to avoid a situation where it appears to the casual observer you are relying on a "because I said so" or "I know better" rationale to defend your decision-making process.

Lawson Moorman

From: Vanessa Brittan <vanessabrittan3@gmail.com>
Sent: Sunday, July 4, 2021 4:37 PM
To: Planning
Subject: County Planning

I strongly support the top ten suggestions of Friends of Park County.

Vanessa Brittan,
215 Mission Creek Road,
Livingston, MT

Sent from my iPad

Lawson Moorman

From: Bill Berg
Sent: Wednesday, September 29, 2021 7:34 AM
To: Planning
Subject: Fwd: Zoning

FYI

Begin forwarded message:

From: Warren Latvala <wplwpl227@gmail.com>
Date: September 28, 2021 at 8:26:39 PM MDT
To: jheidke@gmail.com
Cc: Steve Caldwell <SCaldwell@parkcounty.org>, Bill Berg <BBerg@parkcounty.org>, Clint Tinsley <CTinsley@parkcounty.org>
Subject: **Zoning**

Please drop the announced zoning plan. The public has opposed "top down" zoning twice in the past 20 years and will be required to pay considerable amount of money to :defend an action against the plan; reimburse the members of the public who challenge such a plan in court; hold recall elections for the public officials who support such a plan; and hold special elections to replace the officials recalled.

The public has spoken twice on the matter, isn't that enough? This is America, not Cuba, Russia, China or other "top down" nations.

America was founded and has prospered by honoring personal property rights! Let property owners whether or not they want zoning instead of kowtowing to the few new residents who want to look at my cows instead of another ugly house like theirs.

Warren Latvala
South of Clyde Park

Lawson Moorman

From: Yvonne Brutger <ybrutger@gmail.com>
Sent: Wednesday, September 29, 2021 8:19 PM
To: Planning
Subject: Conflict Mitigation

I would like to express my support for the proposed Conflict Mitigation Regulations that Park County is considering passing. I believe we need greater predictability and local control in protecting Park County's water and wildlife, local economy, and rural landscape. In recent years, there have been proposed developments such as industrial-scale gold mines, tire dumps that would ship in tires from surrounding states and a gravel pit in the heart of Paradise Valley. These projects and many others have threatened our water, our wildlife and way of life. I live in an area of Paradise Valley surrounded by undeveloped land. I am not concerned about agricultural or reasonable density residential development, but inappropriate commercial development would destroy my enjoyment of and the value of my property. Conflict Mitigation is a standard planning tool used throughout the country. It would establish a reasonable permitting system that gives the citizens of Park County an opportunity to provide input on a development proposal in a public forum. It is NOT zoning, and you should not let the misinformation campaign that is being waged to convince you to vote against it. Please support the proposed Conflict Mitigation Regulations.

Yvonne Brutger

16 Rocky Hollow Trail

Livingston, MT