Third Addendum to the Consolidated City and County Planning Board Packet Regarding Regulations and Map for the Helena Valley Planning Area.

This Addendum includes the following:

- Emails and comment forms received by the County Community Development and Planning Department after the June 16, 2020 Planning Board meeting had started and until Noon on Thursday, June 25, 2020, and
- An updated telephone log, which includes telephone calls received by Greg McNally, Planner between June 1, 2020 and noon on Thursday, June 25, 2020.
Leonard and Jo Pickett,

Thank you for your comments. Please note that we will provide them to the Planning Board at their June 25th public meeting at the Helena Civic Center at 6:00 p.m.

Best,
Greg

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gmcnally@lccountymt.gov

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Leonard Pickett, Jo Pickett
3455 Rimini Rd.
Helena, MT  59601
406-544-4689
lrpickett@outlook.com

Thank you for providing a means of communication to express our concerns of the zoning initiative. My wife Jo and I have owned a house in Rimini for many years. Rimini is a historic small community with very little growth unlike the Valley that is growing in leaps a bounds. Rapid growth usually benefits from regulator guidance. Rimini is not without government involvement/regulation oversight. EPA Emergency response, EPA Remediation, DEQ, LC County Sanitation, etc. Rimini residence have been responsible by forming a Sewer Water District and are in the process of forming a dust control district with LC County Public Works.

Thank you,
Leonard Pickett, Jo Pickett
3455 Rimini Rd.
Helena, MT  59601
406-544-4689
lrpickett@outlook.com
Sent from Mail for Windows 10
Mr. Erickson,
Thank you for your comments. Please note that we will provide them to the Planning Board at their June 25th public meeting at the Helena Civic Center at 6:00 p.m.

Best,
Greg

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See attached comments. I will be unable to attend in person due to health issues that require me to limit my possible exposure to Covid 19.
COUNTY-INITIATED ZONING IN THE HELENA VALLEY

COMMENT FORM

Do you reside in... (Circle One)

City of Helena  City of East Helena  Outside City Limits

How do you think additional zoning could positively or negatively affect the current and future residents of the Helena Valley?

see attached

What should additional zoning in the Helena Valley include?

see attached

What should additional zoning in the Helena Valley NOT include?

see attached

Let us know your thoughts, concerns, and ideas about additional zoning in the Helena Valley Planning Area:

see attached
County-Initiated Zoning in the Helena Valley

Comments

Resident Outside City Limits

How do you think additional zoning could positively or negatively affect the current and future residents of the Helena Valley?

➢ Negatively
  ○ Reduce affordable housing in Helena.
  ○ Create conflict and mistrust due to limited public input.
  ○ Reduce tax base not allowing for adequate funds to develop and operate future infrastructure.
  ○ Creates a time consuming and expensive regulatory framework with high levels of uncertainty that discourages investment in much needed development.

What should additional zoning in the Helena Valley include?

➢ It should be combined with a proper plan that provides a balanced approach including public investment, density controls and public education. Example: The plan provides for the creation of a tremendous amount of open space but no mechanism to fund development or operation of this open space. These will end up being fields of weeds with no public use.

➢ Existing subdivisions which are currently governed by subdivision regulations, HOA, etc should be exempt. Land has traded hands and values have been established based upon existing regulations and laws.

➢ Definitions need to be added, expanded and clarified.

➢ Area should be broken into smaller blocks. One size does not fit all. The area defined is too large and made up of 5 distinct CDPs (areas) with their own characteristics and issues.

➢ Buffer areas around existing reservoirs that are heavily developed should be classed type IV or eliminated particularly for existing lots and subdivisions. These are not critical habitat and do not meet the criteria of noise, smoke or visual impact. I can understand protecting areas along river and stream corridors that have not undergone extensive development to date.

What should additional zoning in the Helena Valley NOT include?

➢ This is a zoning proposal and not the Growth Policy as anticipated in the previous recommendations in the 2015 Growth Policy Amendment.

➢ Should not include references to vague and undefined ideologies including “health, safety, morals, and general welfare” which belong in policy documents.

Let us know your thoughts, concerns, and ideas about additional zoning in the Helena Valley Planning Area.

➢ This hearing should not be held at this time or this plan be implemented during this period of Covid-19 due to the inability for those with health issues that are unable to attend the hearing to represent our feelings in person.

➢ The Growth Plan should include a balanced approach of public investment, density controls and public education that address the five key areas of concern including water, fire, transportation, waste water and flooding. This plan which only limits development does not solve the issues
associated with the current way of handling development which is why it was proposed in the first place. These issues include addressing cumulative impacts, little public involvement, no public investment to accommodate and facilitate future growth efficiently and effectively and does not address the constraints on the Helena Valley. This is no plan at all and appears to be an attempt to push limited growth regulations through during a period in which the public is distracted with a very serious pandemic that is consuming most people's time and attention. This is a plan that is destined to fail due to limited public input and its failure to address the key issues. It will result in higher home costs, reduced tax revenue, reduced development and fewer job opportunities.
Mr. Ross,
Thank you for your comments. Please note that we will provide them to the Planning Board at their June 25th public meeting at the Helena Civic Center at 6:00 p.m.

Best,
Greg

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I would like to register my opposition to the proposed Helena Valley Zoning Regulations that are being considered. I own property on Beaver Creek above Rimini that will be included in the new zoning area. I have studied the information on your website and find the proposed regulations to be completely unacceptable for the following reasons:

The zoning regulations are very restrictive and this one set of rules for all is ill advised. The huge area this proposal covers and disparate uses is just nonsensical to be covered by a single set of rules for everything. The areas and communities covered have vastly disparate uses, needs and expectations and these all the same rules will severely constrain the uses and futures of every property owner with restraints and rules that are not appropriate, needed or wanted for many different areas.

It is crazy to include Rimini in the Helena Valley for zoning rules. It is a totally different place from anything in the Helena Valley. People own and live there because they want and expect something completely different than the Helena Valley. The water course setback rules alone will condemn Rimini to being an eventual ghost town. There is hardly a home or structure in the entire community that would meet the setback rules and the steep hillsides prevent almost any property from meeting the setback rules. No one will ever be able to build or improve the community because there is very little accessible property there that is even close to meeting the water course setback rules. These rules will quite literally condemn and destroy Rimini and the value of anyone owning property there. These rules are a death sentence for Rimini!

I am absolutely opposed to applying this single set of zoning rules to such a vast area and most especially to applying Helena Valley rules to Rimini and surrounding area. I will eagerly support and participate in any opposition to these proposals.
Sincerely,

Douglas Ross
435-649-4198
ddrross50@outlook.com
Mrs. Clearman,

Please note that the photos referenced in your email did not come through in the email. We will provide your letter to the Planning Board and will add the referenced photos if you can resend them.

Best,
Greg

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June 10, 2020

To: Lewis and Clark Community Development & Planning Department
From: Residents of Three Mile/Turk Road, Birdseye, Lewis & Clark County

This letter is in response to the proposed changes to zoning rules in the Helena Valley. Residents have come together to discuss and voice our concerns and the following document outlines some of our strong reservations to this plan.

1. **Title covenants of 20-acre tracts**: Lands purchased by long-term residents include covenants in titles that limit the tracts to 20-acre lots in our area. This is the primary reason many people purchased their land to provide a buffer between properties that allows for peaceful habitation in a quiet setting, room to have horses and other livestock, and a lifestyle that affords living in a remote wilderness setting. We are concerned covenants in our titles are being ignored and building permits issued to development companies and speculators in spite of established rules. Recently one of these companies “Granite Development” moved several camp trailers and portable outhouses onto a tract of land and started a building project off of Three Mile Road. Within a month three structures were erected within close proximity to each other. The company then erected a sign advertising they are a development company. This operation has several development projects across the state of Montana. (see attached photos).

2. **Limited water.** There have been no transparent or geological studies conducted to evaluate the impact urban sprawl has on the water tables in the area where we live. Pressure on the water table due to
uncontrolled development puts the wells of those who already live here at risk. This lessens the value of already existing properties and increases the likelihood of expensive drilling in the future. This issue has been seen by residents having to re-dig their wells in surrounding areas where urban housing subdivision projects have gone unchecked.

3. **Septic Contamination Risk.** The risk of contamination of septic systems leeching into well water is much higher when properties are developed in close proximity and on sloping grades. This problem has already been seen in areas around Silver City and Green Meadow where development has not been done in a responsible manner. This has resulted in health risks to those living there.

4. **Increased Risk of Fire Danger.** Much of the area in question was greatly impacted by the beetle infestation and many trees were lost. It has taken several years for the forest to stabilize and regrowth to begin. Clearing dead trees and fire mitigation has primarily been done by those who already live on this land. The fire risk in the area remains extremely high during peak fire seasons and increased development in the area will exacerbate this problem. There are no large water sources near-by that provide fire fighters the ability to control the spread of fire that may start as the result of campfires, slash burning, woodstoves, or other sources of combustion or accidental sparks that increase with higher numbers of residences in the area. This makes it difficult to acquire affordable homeowners’ insurance and is a greater risk to the lives and property of those already living in the area.

5. **Limited Ability to Control Fires.** Birdseye fire department is a very small district with volunteer firefighters. The equipment is also limited, and it requires increased support from outside agencies to battle large blazes. The use of helicopters in remote areas is necessary and expensive and is generally paid by increased future taxes. Many of the roads are narrow and there is no ability to turn vehicles around without traveling distances to access driveways or wide-spots. This is especially true during the winter when snow makes access impossible.

6. **Access and Maintenance:** Many of the roads in the area are private gravel access and are maintained by residents. Increased unauthorized use of these roads is likely since frequently non-residents drive up and down looking at scenery, land speculating, or recreating. The access to these roads is already in court litigation and has resulted in legal expenses for those who live here. Unauthorized access has been a longstanding problem and recent increased traffic has already resulted in rutting and erosion that must be dealt with by those whose land is crossed. While the country generally controls Three Mile road, other roads are private and plowing, grating, and gravel have been maintained by resident landowners.

7. **Wildlife Range and Migration Interference.** There are several mule-deer, elk, white-tail deer herds and other wildlife in the area that utilize the land for grazing, birthing young, and for migration routes between national forest and public lands set against private lands. There are few small streams that provide water for these animals and this is one of the primary reason animals have used these routes for many years. Building more homes is going to further interfere with the environment and disrupt the patterns these animals have established and depend on for survival.

8. **Tree Cutting and Erosion.** Over the past several years as development has occurred without consulting the covenants of the area or obtaining opinions of those living in the area, many trees and grassland areas have been excavated to put up buildings. Makeshift roads have been constructed on hillsides with steep
grades that have resulted in excessive mud and runoff problems flowing onto the main county roads, causing problems for residents who travel to work, transport their children to school, and require access for emergency services such as ambulances, police, garbage collection, and fire crews. The tree cutting has also increased the noise levels in the area and decreased the quality of life for those who already live here. There is also increased devastation of natural scenic beauty we appreciate in Montana.

9. **Tax Increases.** As new expensive modern homes are erected in the area the need for increased road maintenance, levies for expanded fire departments and school buses are imposed. Frequently these properties are purchased by people who live outside the state and sit vacant during most of the year. While the price of homes is driven up, it is frustrating to many people who did not purchase their land as an investment property or vacation property and are not planning to flip to make money. The increased prices of expensive speculation homes not only drive up the tax rates of those living nearby but also impedes the ability of local people to afford rent or purchase homes because wages rates are so low in the state.

10. **Quality of life vs. investment property.** Most of the people who live in the area of Three Mile Road purchased their property with the intent of living there and maintaining fulltime residency for many years to come. In short, the purpose of the purchase was not as an investment or development project as seems to be the reason this discussion to change the size of lots is taking place. Residents own their land and homes because this is where they intend to live out their lives. Under the common law, persons in possession of real property are entitled to the quiet peaceful enjoyment of their land. The proposal to ignore the covenants of the landowners and support the construction projects meant for the benefit of development companies or those seeking to use the area as investment projects is out of line with this rule of law. This proposal is an interference of the right of landowners to enjoy their lands and homes.

11. **Transparency:** It seems there is a lack of transparency as proposals and decisions are being made without full disclosure through detailed correspondence that is sent to all stakeholders especially all who own land. The discrete postcard was not sent to everyone, nor did it outline full details of the meetings that are being held. There is also a lack of transparency on the county zoning website that are greatly lacking in detailed maps, discussion about the proposed changes, or ability for the public to participate fully in these discussions and decisions. The fact these discussions are happening during a pandemic is also suspect. The web site is difficult to navigate, and the language is not written in a way the general public can understand. This ultimately results in the need to hire attorneys for legal representation and instills a lack of trust between landowners and the county elected officials and appointed representatives. It would also bring into question motives since these actions do not appear to be in the best interest of those already living here.

12. **Protections for Landowners:** Finally, it is believed the zoning commission and title companies were established to proactively ensure protections established in laws and ordinances concerning landownership for residence of the Helena Valley. And yet it seems land-owners are forced to reactively hire attorneys and pursue legal litigation in court to ensure their rights and lands are protected. It is evident these life-changing decisions should be made by ballot and not by a few individuals on a board or through a survey. Title searches are required in closing on land sale agreements, and yet building permits are being issued that violate already established covenants and ordinances. This would seem to be a more pressing issue than the commission pursuing plans to exasperate the problem residents are already facing with the increase of uncontrolled urban development.
These issues have been discussed of several persons who are currently landowners in the Birdseye fire district on Three mile/Turk Road who are against the proposal to reduce land tract sizes in the area. Further we feel this matter should be presented in a safe public forum and be included on the next county election ballot so residence of the Lewis & Clark County can decide the issue by vote since it impacts so many of us.

Sincerely,

Theresa Clearman
406-422-9448
tessclearman@gmail.com
Mr. Harbour,
Thank you for your comments. Please note that we will provide them to the Planning Board at their June 25th public meeting at the Helena Civic Center at 6:00 p.m.
Best,
Greg

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gmcnally@lccountymt.gov

-----Original Message-----
From: Harbour <tkharbour11@gmail.com>
Sent: Wednesday, June 17, 2020 7:25 AM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Subject: Zoning

As a resident and registered voter of Lewis and Clark County, if you represent my interests, truly work for, and make responsible decisions for me and the citizens of this county, vote NO to zoning in Lewis and Clark County. Because you represent me, vote NO to zoning in Lewis and Clark County.

Respectfully,

Keith Harbour
675 Copperhead Rd.
Helena, MT 59602
Mr. Herrin,

As we discussed on Tuesday afternoon, these comments will be provided to the Planning Board at their June 25th public meeting at the Helena Civic Center at 6:00 p.m.

Best,

Greg

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Community Development and Planning Department
316 N. Park, Rm 230
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(406) 447-8343 (Direct)
(406) 447-8374 (Front Office)
gmcnally@lccountymt.gov

From: John W. Herrin <2freedomrings@gmail.com>
Sent: Thursday, June 18, 2020 7:11 AM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>; Mike Fasbender <mj.fasbender@bresnan.net>; Jerry Hamlin <jerry1@hamlinconstruction.com>; Steve Kuntz <invitations@linkedin.com>; Steven R Burch <steveburch@missouririvercontractors.com>
Subject: Additional Questions based on June 16, 2020 Planning Board Hearing

L & C County Planning Department.

Please these Additional questions and comments as supplement to my oral testimony given at Tuesday’s planning Board hearing plus I have attached the complete text of my May 14 2020 email which contained 15 specific questions one of which Mr. Italiano has answered relating to my request for all emails, text and supporting documentation for the Zoning proposal which he indicated would cost around $1700 to produce but otherwise he did not respond to any of these key questions. Given the county has finally committed to answering questions surrounding the Planning Board hearing please incorporate this final questions into the Comment record being transmitted to the Planning Board and therefore to addressed with appropriate responses by staff.

1. Attached please see the Zoning Rule page 7-6 which shows a few examples of lot size layouts wherein the average lot size is 10-acres.

Please explain why the examples shows lot sizes down to 1-acre, but then big tract sizes to reach the average lot size density of 10-acres – and why the 1-acre or mid-range lot size density could not continue instead of the conforming to the 10-acre or greater average lot size minimum? Please
specifically incorporate My 15-page technical review and counter argument paper discussion wherein I believe I have proven the lot size of 10-acres is not technically valid for any of the 5 key factors of public safety and environmental concern that is mentioned but not supported by real facts in the County’s 2015 Updated Growth Policy.

2. As requested in several comment emails with attached Impact Assessment Report supporting documents – the County must prove an Emergency exists and Concrete Proof that Future Rural Growth would severely impact the natural and human environment that warrant the taking of rural property value for current and future generations.

Additionally, the County must provide proof to the citizens and the Planning Board that existing subdivision and county permitting regulations are insufficient to address cumulative impacts on the 5 key natural environmental and public systems. Please clearly define the areal extent of the HVPA impacted and clearly show the need for Lot Size density restrictions of 10-acre is warranted over the entire 100,000 plus acres of undeveloped rural private property being targeted relative to each 5 Key concerns. Additionally please define legal and technical benchmark criteria used to define threshold limits and define where we are now and in the year 2035 (Source 2015 GP) relative to these thresholds.

More Specifically, the county must document -- to the proposed regulated rural landowner and for the matter all county citizen & voters -- why only rural property land in the HVPA must never more be allowed to average less than 10-acre/lot in order to protect public/environment health and safety for each of the 5 key concerns future detailed in each subsection topic further detailed below:

1) **Water Quality.** Please prove that the entire HVPA area is exceeding or close to exceeding a water quality standard or public health concern level that justifies the 10-acre lot size restriction? Please address the cumulative impacts relative to the entire HVPA rural areas that the county has identified that are not adequately addressed by existing County and Subdivision regulatory reviews and approval processes.

   Please document where supporting engineering and consultant developed groundwater supply investigations developed for recent subdivision application do not adequately address cumulative impacts and identify areas within the HVPA are experiencing cumulative water supply issues that the County or State of Montana reviewers did not adequately assess the cumulative water supply impacts that justify the 10-acre lot size restrictions.


2) **Water Supply** -- Please specifically identify the cumulative impacts that are not addressed by County & State of Montana Subdivision and DNRC water Rights application permitting requirements. Please provide any solid technical reports, data analyzes, or expert testimony proving that the Entire HVPA has inadequate water supply that would justify limiting lot size densities greater than 10-acres over.
In addition, please provide specific examples of approved or pending subdivisions in the HVPA that have not adequately addressed cumulative groundwater supply and define the excessive ground depletion limited areas that justify the 10-acre average lot size restrictions are necessary and the only valid solution to address the wide spread and proven groundwater supply limits would be reached if approximately 850 new homes were built in the rural planning area over the next 15 years.

For added clarification please address all issues raises in my February 22, 2020 “2020 Proposed Zoning – Technical Basis Failures to Disclose Report”, page 1 Summary and Pages 4-10.

3) Roads -- produce documentation that shows the entire HVPA rural area is deficient or largely deficient of adequate road systems and incorporate specific County or Consultant generated reports that not only identify deficiencies but provide proof of what corrections have been made and what corrections are needed to safely handle continued growth in the rural areas of the county in order to need measurable and enforceable safety standards.

Please note, it is not acceptable for the county to say rural property road networks don’t meet current Subdivision regulations design standards given the fact only a small portions of county roads and private actually meet county Subdivision Design Standards.

Stated another way – the fact that the county has done a horrible job in planning for growth for the past 30 years relative to improving county roads – the county can not then turn around and blame growth as justification for the county not adequately planning and implementation of needed Transportation improvements to meet growth demands as every other town and city in Montana and the nation all face and manage growth without ever resorting to large scale growth restrictions using density limits such as L & C County has proposed. Please produce many examples of other Montana or national communities that have implemented 10+-acre lot size restrictions to control rural growth and please provide some basis to support this approach from technical standpoint and then relate it back to our specific valley area geographic or financial etc. constraints.

It is important for the County to address the fact that the only option the County has selected to deal with future growth in rural areas is to limit growth through costly subdivision regulations (e.g. two entrance requirements, costly and illegal fire water storage requirements etc) and now proposing Zoning Lot Size Density Restrictions to slow rural growth, because the county refuses to address emergency or safety problems with the other listed options in the Growth Policy -- educations, infrastructure improvements, and performance standards.

The County all ready has enacted very costly and targeted performance standards which has severely retarded rural growth in all corners of the county, but the Zoning plan only focuses on density control as the only answer – so please justify why the only solution the county can support for rural area future roads is to severely limit future growth with large lot size
density controls..

Please address why the county has at least 3 road design and maintenance standards in the county (Note: the different County accepted Standards appears to violate constitutional protections of equal treatment under the US and Montana Constitutions and taking clauses). The county must address the following issues in order to remove the cloud of suspicion that County managers collectively over the years ignored implementing real ground network improvements in order to discourage rural growth:

a) the County Road design Standard that only new subdivisions developments must meet not only apply to contraction standard for internal roads but they also apply to the requirement that major subdivision assess and pay for the proportional share contributions to future traffic by giving the county money to make some improvements on off-site roads. It should be noted here that for the most part the only party improving off-site roads is the new land developers, and the county can chose to spend the money on the road anyway they want to even though that road after the improvements still does not meet county standards and no one else has to contribute a dime. That to me is somewhat suspect legally?

b) the road design standard for the county is whatever the maintenance and design staff can accomplish with very limited and insufficient road budgets. Examples I can cite include the following:

i) Lake Helena drive does not come close to meeting county Subdivision Road Design standard for ditches (many places no ditches) and was constructed with recycled asphalt which is not allowed for new subdivisions.

ii) Roads like Birdseye Road and Flowery Lane plus most of the 500 plus miles of County owned roads (Non-MDT assistance roads) are way out of County compliance with County Subdivision Road Design Standards and most will never be brought into compliance under current budget allotments and under existing department management practices. One of the only real funds for improvements beyond crisis maintenance – is MDT funds and those provided by new Subdivision for off-site improvements.

iii) Most of the existing private roads in the HVPA and the county as a whole do not come close to meeting county road design standards and the county allows all the private RIDs and property owners to have very low cost road maintenance and almost never upgrades and as one of the only real sources of road improvement funds is County enforced new major subdivision regulatory mandated assessments. Otherwise these private rural roads never meet county standard and still only one class of landowner is paying more than their fair share – the new person on the block.

iv) Fact is even this year the County and Forest Service have teamed up to improve the Snowdrift Roads of the NE valley large tract residential area leading to FS public lands. But instead of meeting County road design standard of 9 inches of road mix gravel, the County and FS are cheating and
only putting down 6 inches. The County does that all over the county – bending their own rules wherever they want to in order to save dollars and stretch the $ for additional mileage.

So Please Document why the County can justify limiting only Rural Property for 10-acre lot size restrictions given the very limited obvious inequity briefly outlined above and why new subdivisions are not good for the county because all roads inside subdivision are built to the highest standards the county has and the only way deficient county and private roads every will get major upgrades (beyond minimal maintenance) is with new rural property regulatory forced assessments.

Please also prove to everyone, why well built county standard roads are a major air pollutions source for the valley which is the reason the county forces all new subdivision to pave roads if the number of houses exceed 40 – when in fact there are countless miles of private and county roads that exceed 400 ADVT and the county is not forcing these road to be paved – and it should be noted a lot of private roads in the county do not have crushed gravel surfacing as such they are major sources of dust especially in areas where native soils are rich in clay and silt.

A side point comment that the county staff do not have to reply but is entered herein for the record -- the county has never proven the actual daily traffic count per household in L & C County is 10 vehicle trips per day which local data I’ve seen the actual ADVT is much lower so the county is again targeting new subdivisions to over design roads to exact as much money as possible from new development because their objective is to slow rural growth.

According to second hand information-- Eric Griffith stated at a public meeting, the County’s maintenance budget is upside down in the fact that 60% of the total budget is consumed by none-structural overhead and non-road transport structural improvements costs, while only 40% actually goes into real road maintenance and upgrades (note: this maybe a misquote, so please detail the actual 2019-2020 department budget figures addressing the way taxpayer’s money is being spend with emphasis on the HVPA factual county expenditures to make valley roads better (please include overhead and other county budget expenditures relative to actual on the ground improvements).

Also explain why and how other major communities in Montana are able to address growth outside the city limits and not resort to the Lot Density 10-acre approach detailed in the 2020 Zoning proposal? Please explain in detail many examples where other cities like Missoula, Kalispell. Butte, Great Falls Livingston, Billings, Bozeman-Belgrade where they have impose similar large tract size density controls to deal with rural growth.

The County must provide detailed citations from their own 2004 & 2014 etc. transportation plans and more recent assessments etc. that provide justifications for the only solutions to future growth is restriction rural property to a minimum 10-acre lot size average.

4) Flooding. As I state in my 13-page Technical Basis Failures to Disclose Report, flooding within and pass-through are regulatory requirements of State Subdivision Regulations that require a certified engineer or qualified expert to design the flood routing and storage systems for each new subdivision – something existing older homes and subdivisions are not required to address.

SO again please carefully and completely defined why the rural property owners solely are required to give up valuable property development rights for the “Greater Good” for mitigating cumulative flooding impacts not adequately addressed under existing State and County subdivision regulations.

5) Wildland Fires – Please see page 13 of the February 22, 2020 Technical Basis Failures to Disclose Report for issues the county must address relative to the need to restrict all rural property to 10-acre limits in order to protect the real safety of only new rural property owners that are not adequately addressed by State and County subdivision regulations and local fire district approvals. Specifically, what cumulative issues of wildland fire safety are not being address by the entire 100,000 plus undeveloped rural land that warrant the 10-acre lot size restrictions.

Please also address the major points raised in my 17-page April 12, 2020 Letter to the County Planning Staff as part of the response to comments that the county. In that document I requested the county respond in writing at least 2 weeks in advance of the June 16 2020 Planning board hearing the following responses:

1. Page 9. The county must provide proof of the positive and negative Social and Economic costs/benefit of the proposed Rural Property 10-acre property taking aspects of the Zoning proposal in order to meet the citizens right to know and full regulatory transparency. Please address all issues and provide Social economic cost benefit analysis equal quality or better than I submitted back in February.

I developed the 8 page SE Impact assessment report in part because the County has never provided any paperwork documentation that adequately supports the Rural property 10-acre lot size restrictions. However even more specifically Mr. Italiano stated at several December January Listening Sessions “the county had not received any comments or requests that they provide an SE impact assessment of the rural property Zoning Proposal.”

Given the huge area and number of potentially impacted rural property owners (Number of properties like exceed 10,000 residents) then the County has an obligations to provide SE impact assessment details proving the large tract size
restrictions would not adversely impact landowner current and future property values and also assess the cost to our economy, business and affordable housing/employment and overall social structure & economy of the Tri-county communities.

2. Pages 9-10. County Track Record of all past lawsuits must be addressed by staff and also the fact that the county has repeatedly and consistently added costly aspects into the county’s administrative decision making review process relative to New Major Subdivision developments, that has unduly driven up the cost of developing rural property -- unnecessarily increasing average lot development cost by $5000 to $15000 per lot – increased cost that significantly slow rural growth and drive up the cost of all housing in the HVPA and surrounding bedroom communities, with no real justifiable underlying reasons.

County subdivision regulations that since the mid 2000’s that appear largely added by this county to slow rural growth include:

a) 2 county standard road entrances,
b) costly on-site fire supply system infrastructure only for new subdivisions,
c) past illegal administrative takings damage claims relative to off-site road requirements that totaled nearly $8M in County/MACO costs, and
d) 2006-2007 Interim and Emergency Zoning regulations where in the county staff fabricated WQ conclusions that painted an unrealistic and grossly inflated assessment that HVPA groundwater was severely polluted by inadequate septic systems and as such the Zoning mandated costly Level II systems that cost at least 34 county residents about 3-4 times the cost of normal septic system to install and maintain.

e) One development right per parcel which the county implemented to control property precluding rental and business buildings on the same tract of land as a home (Note: a very regressive requirement); a position the legislature and the governor agreed was unreasonable – but now with this zoning proposal would become law for all HVPA rural property.

The Very questionable aspect of this is again it flies directly in the face of legislative corrections intended to free rural property from the unruly overlords. It also screams of personal bias against rural property, which can not be allowed to stay in this document – and could easily be another reason to challenge this 2020 Zoning proposal in court. No other County is reversing the legislation and contending they County manager know what’s best for it’s citizens and expecting them to meekly comply and not put up a fuss.

3. Page 10-11 –The total Lack of any real factual supporting documentation support the Zoning plan which absolutely must be produced prior to the Planning Board
decision on this Zoning plan and to date the county has not bothered to produce any factual rational justifying the 5 key issues or any other real justification for the taking of rural property rights for the “Greater Good”. Zero facts and ZERO supporting technical, SE or Legal responses to date after 6 months of public hearings and negative feedback, the county staff has totally ignored to 60 plus pages of documents I’ve written and the 20 pages of additional supporting negative historical case history and legal court ruling fact sheets -- is not acceptable and likely will be challenged in court.

Please note that county BoCC and staff can not all say they are working for the citizen and are protecting our interests if they abide by this taking actions without proper justification – as stated repeatedly -- to date has been totally lacking.

The County planning staff has been asked to produce real factual reports and expert witness or reports supporting the large lot size restrictions, since the first meeting in December 2019. And still not one ounce of effort to respond to any questions or adverse challenges. The staff is negligence in their duty to their real employer and bosses -- the citizens of this great county. ZERO responses to date is absolutely not acceptable and only will assure the county losses in any legal challenges.

We should have been crafting a workable plan from the ground up and not the top down as so may citizens have complained. Yet here we are after 6 months of public negative feedback the County has only managed to remove the most obvious and easily challenged aspects of the Rural Zoning proposal and that is the obviously outlandish and easily challengeable aspect – then 160 and 20-acre lot size restriction that remained in place through 4 public listening sessions and 2 county commissioners hearings only to be dropped on the way to the planning board.

Why did it take so long for the county staff and BoCC to realize the huge overreach and back off?? It was only when real ranchers stood up and pleaded their collective hardship cases, did the BoCC and Staff finally backoff and compromise on 10-acre lots size restrictions which are still way too costly and impacting, but not quite as outlandish as the first 4 months of public fears the county inflicted on all rural landowners that were in the know.

And the County can not hide behind the smoke and mirrors claiming the were not challenged from the very first meeting in December at the Montana Wild when I stood up and challenged the scientific, ethical and legal quicksand the county was standing on hoping not to sink in over their heads. Blindly the Planning Staff repeatedly chanted the mantra “Zoning will add predictability, increase property values and the proposal protects everyone’s future.” Zoning will protect us all from going off a cliff with future uncontrolled rural growth.

But in reality this hole rationale for the Rural Property Zoning Restrictions is all about the a select few County Staff members and BoCC collectively believing they need to
do whatever they can to slow or stop future rural growth because if has gone unbridled for decades and now is the time to reign it in.

However, besides the fact that they choose to ignore the obvious fact that this was a huge and grand taking of private property rights without compensations and all that entails legally and PR wise with the citizens, the county has made no effort to really justify the ends justify the means. Without real scientific and legally justifiable proof, I have no clues on how the county staff and BoCC could have envisioned this every working without a legal challenge.

Does the planning staff and BoCC really think we landowners that are being targeted are just going lay down and accept their edicts especially when there is absolutely no rational justification other than they are trying to avoid conflict and make their job easier at the expense of many many peoples livelihood and life savings – cutting in half their investment in their land and homes.

The County managers have mistakenly assumed that given they were able to pull this taking of rural property around Fort Harrison as a signal the citizen will just accept their power play without a fight. Well they found out on Tuesday (June 16) evenings PB hearing just how wrong their assumptions were. And the momentums - just like the Black Lives matters movement has grown and spread across the world - so will the message spread about this proposed land grab without compensation plan must be challenged by those with a horse in the race.

Despite the Planning Board assurances that the county original plan was merely a concept, the basic plan was hatched back at least as far back as 2015 and the plan all along since has been to slip this plan in as soon and without fanfare as possible – and don’t let the impacted people know what is going one.

(Note: the County Staff came to the first 3 public listening sessions with ZERO maps and absolutely would not give me one even though PI had one in his hand as he was speaking. SO it is very apparent that the County has made every effort to pretend to open and wanting citizen inputs but in reality they are purposefully attempting to limit information with not electronic comment forms available, hidden Zoning plans in the obscure Website placements, very limited advertising despite their claims of going way over boar – but the worst example is the fact that they purposefully came to 3 public listening sessions without having one map to give anyone, when in fact real transparency and a real effort the County would have handed each and every person a copy of the map and a real summary of the plan (never happened WHY?) for landowners to take home and show others.

It is so obvious they way Peter I would not let me have a copy of the map and even when I asked the Planning support staff and I even made it a point to talk directly with Greg McNally after the second listening session to please bring 100 copies of
the map to the 3rd listening session I received horrible push back that I was not their boss and I could not tell them what to do and the cost was too high etc. WOW was that a bunch of negative garbage and unwarranted because I was very polite and merely requesting that they do this for the people to know what is really being proposed.

Guess what happened. The County staff came to the 3rd listening sessions again with ZERO maps to hand out and the only reason they brought maps to the 4th and final public hearing is I called Rodger Blatz at 3 on the day of the meeting and left a message that the Staff has to bring maps to this meetings or it is a very bad deal for everyone.

I am convinced that just like in 2005-2008 I witnessed the heavy handed back door maneuvering going on with County Staff and Planners during breaks in subdivision reviews and the same plotting has been happening at every phase of this Zoning process. I am also 100% convinced that the county would never have sent out the early June flyer had I not insisted in writing on several submittals and several other comments had made it a point to the county had an obligation to the citizens to inform them and yet they resisted to the last second and they only a come to meeting announcement with the time and place to be determined??

That again is very suspect behavior.

So the plan all along has been – keep the plan details secret and don’t come out with the actual rules until right before the planning board hearing and sneak just a few quick small newspaper announcements out their and lets pretend we’re being overlying sharing the news, The plan was -- don’t let the people have the maps because then they will be able to talk to other people and get the message out.

Commissioner Good Giese laid out a rapid fire plan to have this through the Planning Board by April 16 and back to the County Commissioners for adoption by early Summer. Then the pandemic happened to slow the greased cogs of progress. The strategy of down playing impacts, not really answering questions and concerns, taking a couple notes, not recording the listening sessions, none of the 3 County Commissioners attending any of the 4 listening sessions is also very suspect and the lame excuse was exparte communication which absolutely does not apply for rule making processes for the county commissions.

The rush and plan was originally to have no hand out and no rules or technical documentation – just present the trust me I work for the government and we are here to protect you – they assumed would worked again as it did at Fort Harrison 2 years ago. With the planning staff assurances “we are here to listen and nothing is cut in stone.” With the added inference Everything is fixable – but not really.

Sorry to have digressed into the procedure failings of the County to date, but I
believe it is a pattern I have witnessed over the 1 years of attempting to work with the county at all levels and realizing the staff and BoCC are in lock step with one another working hard to appear to follow the procedural process but knowing there best advantages is game the system to their advantage and in large part the County by far has the upper hand in make things happen as they see fit as longs as they don’t go to far over the legal challenge limits.

But just one last thought here – the county staff and BoCC must be very careful not in the least way use there advantages in ways that can be used against them in the court of public opinion, peer interactions and most importantly in the actual legal court filing that could result from this Zoning proposal just as they did back 10-15 years ago.

4. See item 3 in the April 12 2020 – request for the county to adequately inform all impacted rural landowners of the proposed taking actions – still has not been done by the county. Merely sending on a very basic mailer notifying some of the rural landowners (note: County Staff said 13,000 mailers were sent out but half the people including me – did not receive the postcard PB meeting announcement. Really this mailer is so bad it had absolutely no real information, a map or even the time and location of the hearing. I wanted to see the county actual send out maps and a good solid summary and I encouraged them to do so. But again to no avail.

The county planning staff repeatedly said when asked if they would inform the rural property owners said it would be to costly even though in my mind the Montana constitution requires all government agencies to adequately inform and allow public interacts at all levels of public rule making policy.

And really the county has hidden this proposal ad every step of the process. Countering the unreasonable high cost to produce a real information flyer argument I would say too things. Informing the public could prevent much costlier legal challenges down the road and 2) look at 2015 costs to produce the Growth Plan where 10,000 detailed survey questionnaires were mailed out plus the cost of bring in Consultants and all the staff hours required in meetings and cost to actually produce the 2015 Updated Growth Policy. This Zoning proposal is extremely important for the county to act in the best interest of all citizens, no matter the their social status, political belief or other issues – we all deserve to know what is being proposed and how it will affect me, my family and future generations.

5. Please address items 4-12 contained in the April 12 document so I don’t have to repeat this requests for more information.

Also please address all the requests for more information contained in my May 14, 2020 Email with 15 questions which Mr. Italiano only responded to item #15 (text emails and supporting document requests relating to 2020 Zoning which Mr. Italiano estimated would cost around $1700 to produce
Subject: Re: Voice Mail message from John Herrin

May 14, 2020

Peter Italiano, Rodger Blatz, and BoCc

Primary questions I, and many others have expressed in various forums our collective concerns and real fundamental problems with the adverse impacts the 2020 County Zoning proposal would have on depressing Rural property values and agricultural business plus most likely significantly increasing land development cost and overall property values in the mixed use landuse transition and urban areas -- adversely impacting the supply of affordable housing and adversely impacting businesses labor pool employment problems.

This email is a follow up to my second email request to produce a formal written response to my April email and this point by point request for the county to respond to the most important concerns and problems evident in the county's Zoning proposal -- primarily the density lot size restrictions only on rural property which historically accommodate about 1/3 of the new residential home built in the HVPA (850 new homes over the next 15 years).

Please produce written responses to this email and the April email plus the supporting technical and social/economic impact assessment reports submitted to the county.

Please respond at least 10 days before the June 16 hearing and copy the HBIA, HAR, the local Livestock board, and other major commenting association. In addition please also send a copy to attorney Abigale St.Lawrence given the rather tight time frames involved.

Please address in as much detail as possible all the following concerns:

1. When is the Planning Board hearings on the proposal? Wasn't the Planning Board to hear public and Administrative hearing on April 21? I have asked but no one has posted notices nor informed never others people who testified at the Listening sessions or BoCC hearings. No notices in the newspaper or other information sites.

I understand from the voice message left me today, that the Planning Board hearings are now scheduled for June 16. And this date is posted on the county website.

Please consider posting all future important actions by the county on the social media websites like Facebook as that is the new community and national information platform of choice of a large segment of State and country.

I know with Covid and county shutdown schedules changed. Plus the rules took time to write up.
However, the county has made no effort to inform anyone of the scheduling delay and that should be a primary objective of planning staff -- to get the message out to everyone especially those that have taken the time out of their busy lives to testify and comment.

2. In Greg McNally in a voice mail message today, in response to my asking if the county would be notifying all landowners of this new Zoning regulations, he indicated that the county was considering mailing out notices to the citizens.

In my voice mail with Rodger Blatz and on County Planning department I indicated that the Peter Italiano in public listening sessions that the county would not mail out mailers to all landowners. But when pressed he used the excuse it would be to costly.

To which I stated in my voice mail, this excuse did not hold water given the fact that in 2014 the county spent a lot more money designing the Growth Policy survey, and then mailing it out and then analyzing data and then writing the entire GP two volume document.

So a simple map and overview documents mailer should be very low cost and address the obvious problem to date of a lack of details, documentation, transparency, and necessary public outreach. Especially given the fact that the map has changed for the third time and the regulations were just released and much of the public listening sessions and BoCc did not have any of the final documents.

For future reference this is not the way to implement public policy nor consensus building in the community. It screams of top down management with a predetermined agenda.

If the county chooses not send out mailers, then the county must in writing explain in detail why the citizens do not have a right to know and a right to be informed by the county on matters so earth shattering and impactful.

I will strongly advise the county to make a very concerted effort do a great job from this point forward given the fact that only 150 at most have participated and been informed of a total population of nearly 60,000. So the county to date can not argue their efforts have been adequate in allowing citizens to actively participate in self governance.

3. Will the county staff address in writing why landowners would not be allowed to vote on the Rural land Zoning proposal given the potential harsh and negative impacts on thier land values? Why is a 60% vote required to approve Part 1 zoning, but no vote allowed with the Part II proposal. I understand the state regulations, but that does not protect the county and taxpayer from legal challenges afforded under the the US, State of Montana constitution against taking of property.

The county legal staff and administrative staff have never provided clear legal arguments in writing how the 10-acre tract zoning is not targeting one segment of the population and
rewarding another. More to come in following points.

4. Formal request for county to complete a detailed economic and social impact assessment which I sent you specific documents developed by me that you in public listening sessions said no one had submitted challenging the county false statements that property values generally go up under zoning which is absolutely not a factual statement the county can support relative to the 2020 zoning proposal.

This request falls under two aspects of the Montana constitution: 1. Right to know regarding proposed county administrative actions, and 2. Right to protect property rights and associated business and property value. The taking issue must be clearly defined and defended by the County.

5. Again I have yet to see any factual basis justification for the 10-acre lot size density proposal beyond the 5-6 year old Growth plan. That plan is severely biased in the way the authors incorrectly added anti-rural to summary and recommended course of actions based on biased survey results.

As requested in last month’s written challenge email and supporting documents- I formally again request the county respond to that email and address all point directly and completely along with responding to this email to justify the County’s proposed 2020 Rural property 10-acre lot size restrictions.

6. The county is required to produce scientific and legally valid justification for the 10-acre lot size restrictions.

As outlined in 15 page technical analysis of the Zoning proposal and the last months email, the county must produce current reports by county technical staff or consultants addressing the crisis for each of the 5 environmental and safety issues the County is leaning on to justify the 10-acre lot size restrictions.

These reports must be technically sound impact assessments that clearly support the need for the proposed large lot size restrictions. As a comparison, Simple logging proposals by the Forest Service are often legally challenged and the county’s proposal is much more controversial than a logging project.

I will remind the county staff and administrators that in 2006 K Paul Stalh threatened Kathy Moore’s job (he told her the department would be reorganized and she would be out of a job) if she did not write a fabricated water quality report pointing to on-site wastewater treatment systems adversely impacting groundwater quality.

Mike Fasbender, the late and great Attorney and PSC Commissioner Bill Gallagher and I challenged the county in three District and Supreme Court battles over Interim and Emergency Zoning which Judge Sherlock reluctantly allowed the County to implement Emergency Zoning based on Ms. MOORE’S false conclusion report.
Unfortunately as stated before, the county hired a very honest and competent
hydrogeologist James Swierc who reviewed all the county data and could not support the
County's earlier findings that only septic systems were adversely and critically impacting
groundwater quality.

And the county never reversed the costly level II treatment systems requirements which
force 34 unwilling and targeted rural property owners to install $20,000 advanced treatment
systems when in fact the county environmental staff ever since has largely required normal
$4,000 to $5,000 standard on-site wastewater systems before and after this biased and
illegal administrative Zoning regulations.

So the county has a very serious legal and technical set of Mountains to climb to prove that
their is a crisis in each of the 5 areas of concern promoted by the 2015 Growth Policy and
now the 2020 Zoning proposal.

7. The County must also address those rural land owners and those opposed in writing -- the
reason the only valid solution is Lot-size Restrictions to address each specific Crisis (all 5)
environmental and safety issue the technical reports identified.

One of the major issues I have against the county using the 5-6 year old Growth Policy is that
it merely suggests that lot size density might address issues but it provides no real specific
facts that are true (the GP) cherry picked facts from reports which did not accurately support
the conclusion that rural property must be limited to 10-acre sizes and additionally that no
other options were thoughtfully and fairly considered in this 2020 Zoning proposal.

What about education, public outreach, public transportation, infrastructure improvements
(eg roads) etc. as the growth plan defined for growth management for non rural growth.
Why is only rural property targeted for large tract size restrictions and the 10% of available
undeveloped land in the urban mixed use and urban areas has no lot size restrictions?

It is apparent in both the 2015 Growth Policy and the even more harsh and biased 2020
Zoning plan, the select few county managers have a very negative view of rural growth and
the only real reason for the lot size restrictions is to severely limit future growth by forcing
10-acre average lot size restrictions on 90% of the undeveloped land in the Helena Valley
planning area.

The county planning managers and 3 county commissioners can not inject personal bias into
regulations, and absolutely can not interject bias over science and facts.

Facts are facts. Truths are truth. Science must not be compromised nor ignored. And the
county can not claim the right to take and in essence condemn private property without
overwhelming justification and even then the claimed "Greater Good" rational may not
stand up in court.
Example Roads. The county must evaluate in detail and writing the history of transportation planning in the HVPA and why the County has not been able to improve and implement the County's own 2004 and 2015? Transportation plan recommendations.

It is not appropriate for the county to make rural property growth infrastructure needs and the lack of adequate county Road funding the justification for limiting all future rural property lot sizes. The blame for inadequate County Road and network improvement funding lies squarely on the backs of the county managers and the taxpayers. See prior submittal for more details.

For instance, as stated previously, the need for the county to address future growth in a meaningful and well planned way was clearly defined in 2004 County Transportation Plan. But much of the non-State funded work was never done by the county. Specifically the 2004 TP recommended N-S E-W connecting corridors like the County Contracted transportation engineers (Morrison Maierle Inc?) recommended to address future growth.

The County manager, BoCC, and planning staff must accept a large part of the blame very little meaningful growth infrastructure improvements for the past 16 years. And yet the county now wants the rural landowners to give up future land development rights and value because the county has not aggressively and methodically address transportation deficiencies like all other small-medium size communities must do all across the country.

One only has to look how much Growth Missoula, Billings and Bozeman-Belgrade managers have managed growth without lot size restrictions and facilitated road networks over these past 16 years, and here we sit with only MtDept Highway funded projects that largely only fix the big issues once every 10 years (e.g. South Hills and Custer Avenue interchanges with Lincoln Road west next in 10 year intervals).

So please address very specific alternatives that the county has investigated for each of the 5 concern issues presented in 2015 GP and how those alternatives have changed over the past 6 years since the GP background research. Then assess each key concern point by point and address all reasonable alternatives and finally a well factually support decision matrix documentation report.

I am very familiar with alternative administrative choice impact assessment reports given I authored the groundwater quality and supply, reclamation plans, and mine alternative Impact Assessments for over 10 major coal and hardrock mine proposal for 6 years as a member of the State Lands EIS TEAM. So do the necessary background work to prove your case as I have attempted to do challenging this taking proposal.

8. The county can not move forward with this taking of private property value without significant investments in documentation proving adequate justification. Otherwise the county and taxpayers will be very vulnerable legal challenges. Plus the public opinions will likely be quite hostile against the county managers if they subject the taxpayers and residents to millions more in defending and paying out for settlements the county does not
do their homework and concretely prove their actions are legal, factually based and administratively compliant.

The county absolutely must produce a large collection of technical and impact assessment reports or the county should walk away from this proposed rural property density requirement.

Please address this overriding and very specific charge to arms request as is real underlying issue that needs to be addressed at every level. The county legally must justify the proposed action with written documentation. The US and Montana constitution require the county justify a takings of private property.

9. Please also address the legal issue of justification of the proposed property takings and address the legal issues with specific court case documentation.

That includes addressing court cases like the Louisianna Frog State overreach case I submitted to you last month. The court ruled against the State because there were no threatened Frog using the land they were attempting to take from private property owners. Sound familiar?

Commissioners Good Giese stated the county has a very solid legal footing and has won a lot of the more recent legal battles. But fact is the county has a horrible record of attempting to limit rural growth through inappropriate administrative actions resulting in 10 years of legal battles and having to pay out close to $8,000,000 in legal costs.

I formally request the county document in writing detailed facts to Mrs. Good Giese contentions that the county has a good track record on legal battles over land use issues starting back in 2004 to the present.

Specially please summarize each district and Montana and U.S Supreme court cases the county believe both support and do not support the County's position.

Also please completely and specifically detail all district court cases the county has been involved in from 2004 to present relating to land use and subdivisions, detailing direct legal defense costs, settlement and court mandate costs, indirect costs (eg staff time with associated salary plus benefits for county defense), summary of technical and legal issues, and summary of reasons why the county was sued and rationale for outcome and what the county has learned.

If the county does adopt the proposed Rural land 10-acre and the county is challenged in District Court, the county will be forced to produce this same information during discovery, request for production and interrogatories.

So the county may ask why would they produce such information now. Because it is the right of impacted landowners, and all county tax--payers have the right to know the counties legal
positions and the county's legal history to be adequately informed and understand the potential consequences of the proposed action.

In other words the public should be informed as to the legal risk analysis and the legal liabilities this Zoning plan will commit the citizens to should the county proceed as planned rural property 10-acre lot size restrictions.

10. Please address the fact that this Zoning proposal is not complete by the standards defined under the Counties own subdivision regulations or the April version of the proposed Zoning regulations section 107.03 determination of complete Application, 108 Public NOTICING, 706 minimum lot sizes and Cluster lot size design and application, and all the specific development restrictions spelled out in great detail.

11. But in the end the cluster development still results in an average lot size density no greater than 10 acres per lot. So the end result is not future land sales will average less than 10-acres per parcel.

12. In the April Zoning regulations section 701 -- it is clear the county views historic growth patterns of the defined rural property slated for only tract sizes Greater than 10-acres -- to require lower densities and promote opportunities for agricultural activities. Citing the reason again was the 5 key areas of concern presented in the 2015 Growth Policy.

However, as stated 5 key area of concerns did not clearly support the County's Rural property Zoning proposal. No current documents or updates beyond the biased 2015 Growth Policy.

Please address why variance to average lot densities less than 10acres can not be approved under a variance process as long as DEQ regulations are met.

13. But public testimony by local ranchers and farmers refute the 10-acre lot size restrictions as protecting or promoting thier businesses and in fact may harm their ability to keep and secure operational loans due to decreased property values for conservation easement type restrictions.

Please address the social and economic impacts on all rural land owners and the impacts of the "Sweet zone land preferred by the county for future growth resulting in increased property values and reduced opportunities for fixed and lower income residents due to the Zoning proposal.

As requested in my April email the county must complete a detailed social and economic analysis of all alternatives.

14. Please explain why the county staff has not completed the review of the L & C County Subdivision regulations relating to the requirements for on-site fire water suppression
requirements for all major subdivisions. I submitted a detailed 80 plus page assessment of the problems with this costly requirement especially given the fact that these systems were turned over to local Fire Districts who for the most part do not want to assume the costs of maintenance and operations of these systems and fear contamination of district fire equipment.

At the BoCc public hearing in May 2019, I submitted an additional 15 pages of details requesting the BoCc remove this costly requirement from subdivision regulations. I also provided verbal testimony at the May BoCc hearing which covered minor changes to the current subdivision regulations.

I was told that the County would not consider this request which they had sat on for 5 months -- given the excuse that these changes were not minor changes to the subdivision regulations.

But I would not let the BoCc or planning staff ignore the horrible waste of money, -- that only purpose was to drive the cost of rural property up and as a result slow the growth of rural property development.

So I pressed the BoCc not to kick this issue down the road. And despite resistance from all BoCc, I formally requested the commission not ignore this problem and pass a resolution to address the problem. And reluctantly the BoCc agreed to request the planning staff to assess the problems I and many engineers and subdivision applicants had come to underscore as a major problem.

In the end the BoCc directed the Planning staff to investigate the on-site fire protection requirements and bring forward a solution by fall 2019.

Peter Italiano did very little to resolve this potentially illegal and unethical and 15 year long costly regulations that served no real useful purpose and as I detailed only targeted new developments for costly on-site fire storage while ignoring existing homes and neighborhoods-- a potentially illegal exaction and takings class action lawsuit in the making.

So I asked Mr. Italliano in February why these regulations are still in the subdivision regulations and where was he at in submitting findings to the BoCc?

His reply was-- we are too busy drafting the Zoning plan (note at that time the County had only produced one version of the map and held a couple hearings). So I do not recognize he or the County has fulfilled their legal obligations to stop forcing new subdivisions to comply with requirements and the county should have removed this requirement by now.

In fact, the on-site fire water supply/storage requirements should have never been put in the subdivision regulations. Instead assessment fees like the parkland dedication in lieu payment system could have been used to assess new lots fees to allow construction of new regional water supply fill stations strategically placed around the county.
Instead the county has added another anti-rural costly extraction to the long list of subdivision regulations and Zoning restrictions. Add that to the costly and unwarranted entrance to county standard subdivision requirements and the illegal off-site road improvements administrative miss-steps, the pattern is clear.

LEWIS and CLARK County planning and County commission have attempted to slow rural growth through illegal administrative regulations that have collectively added $10,000 or more to the average cost of a lot in the County and prevented many landowners from ever subdividing land. Then end result is less affordable housing and more costly housing for those lucky enough to buy it build a home.

I only wish each of the the responsible parties were forced to pay back each and every person adversely impacted by their anti-rural property actions just as the Catholic Church and Boy Scouts of America etc. have finally been forced to atone for past abuses.

So again please provide all legal and technical facts including all emails from BoCc, planning staff, fire districts, subdivision applicants and consultants pertaining to on-site fire protection storage.

Also please address why the county did not fix this issue back at least as far back as December 2018 and will the county agree to repay all Engineering and on the ground costs for all subdivision applicants.

And I respectfully request the county formally refine all new and pending subdivision applications to inform them they no longer are required to comply with part of the subdivision regulations or inform applicants in writing why they must comply.

15. Please produce all county correspondence, emails, internal documents relating to this 2020 Zoning proposal going back to 2017 and covering the period for the Fort Harrison 10-acre model Part II zoning plan.

Respectfully submitted,

John Herrin
2855 Sundown Road
Helena, Montana 59602
406 202-0528
Figure 1 – Alternative layouts for clustered development (for illustrative purposes only, as many other scenarios are possible.)
Mr. Tapper,
Thank you for your comments. Please note that we will provide them to the Planning Board at their June 25th public meeting at the Helena Civic Center at 6:00 p.m.
Best,
Greg

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Douglas Tapper
Commissioners:
As residents of Lewis and Clark County, my wife and I joined the public meeting on zoning Tuesday night via Zoom. To say it was disappointing that the Commission has attempted to do this by a simple vote of the Board is an understatement. I found out about this activity quite by accident only a few days ago. The chairman of the Planning group indicated that there had been a significant "outreach" program (IIRC he indicated that they sent 13,000+ postcards);
however, according to those who spoke both in person at the meeting and via Zoom, many, many residents were not informed of this attempted action, including us.

Mr. Tom Rolfe led off the commentary with the clarion call "Did you hear us!" voicing his opposition and referring to the recent election results. He was followed shortly by Mr. Hamlin of Hamlin Construction who made some very salient points in also voicing his opposition to this action. Among those that resonated with me referred to government intrusion, i.e. paraphrasing "this kind of action should flow from the people to the government and not the other way around." In other words, if the property owners overwhelmingly petition the County Commissioners asking for this zoning, then a detailed study can begin. *(The Commission may remember its last serious encounter with Mr. Hamlin, which cost the taxpayers of Lewis and Clark County $2+ million.)*

I was in attendance for the entire 4 hours of the meeting and not a single person spoke in favor of this action. Let me repeat this: no one in the audience (either at the venue or via Zoom) thought this was a good idea. I wonder why? In my view, one of the primary responsibilities of the commissioners of this county is to protect the property owners and preserve their rights. This attempted action was the exact opposite of your charge in this area, in my opinion. It is clearly a solution looking for a problem.

Several independent studies were cited by opponents relative to water quality and water availability for future growth. These studies were done by hydrologists and water quality professionals. Their conclusions indicated there is neither a water quality or shortage issue in the county now or for future growth. As I said earlier, a solution looking for a problem.

While your proposed action is not an attempted land grab it is surely an attempt at "land control." You want to control property owners' land in the county and tell us what we can and cannot do with our property. This is the very reason many of us made the decision to go to the extra expense of buying land in the county rather than in the city of Helena. It was also extremely disappointing that you chose to have this Planning Committee be comprised of at least half (according to estimates of another who spoke on Tuesday night) of people who don't even live in the county - what were you thinking? Do you think they have the best interest of the property owners of the county in mind?

At least two of you were elected to the Commission as Republicans, before Ms. Geise spearheaded the effort to remove the political designations from all county candidates *(and I am certainly aware that she has since left the party.)* The Republican Party has staunchly stood for two things (among others) for many, many years now: 1) No new taxes as well as tax reduction, and 2) Less government regulation and intrusion. You both knew this when you ran under the R banner. This action violates both of those tenets.

We've lived in this county for 14+ years now and have seen our property taxes skyrocket during that period. It seems there is a school levy vote every year which also seems to be held during the summer months when many residents of the county aren't focusing on ballot issues and are instead on vacation with their families or involved in other summer activities. These levies pass by a marginal number of votes, and of course the Board of Education marshals all the teachers and the rest of the educational bureaucracy to get out the vote. This is in addition to levies for the new law enforcement building, the fairgrounds, etc. etc.

Many of us who own land in the county are either on fixed incomes or soon will be. Fixed
income means that we will no longer be working and will have to rely on the retirement funds we've established over time, i.e. no more checks from jobs and no more raises. This seems to get lost in the shuffle by all those involved in an effort such as this. Obviously with more regulation, comes the infrastructure to manage it. Which obviously means more taxes to pay for the increased intrusion and regulations.

This matter is so significant and will have such a negative impact on the property owners that I feel it must be taken to the voters of Lewis and Clark County rather than decided by a panel of three. If your plan is such a good one, it should easily garner the support of the property owners (and BTW only "property owners" should be allowed to vote IMO.) If not then maybe you should move on to the other more significant problems of this county; it's obvious there are plenty to choose from.

I implore you to disband this Planning Commission on zoning. It is clear that the overwhelming majority in the county do not want it. The only question that remains is: Will you do the right thing or choose to go against the will of the people you were elected to serve?

Respectfully,

Douglas Tapper
Helena, Montana
Mr. Donohoe,
Thank you for your comments. Please note that we will provide them to the Planning Board at their June 25th public meeting at the Helena Civic Center at 6:00 p.m.
Best,
Greg

---

Joe Donohoe,

My name's Joe Donohoe. My family and I had lived in York for the last four years, and now we live within Helena city limits, 902 Hauser Blvd. I read the article in the Independent Record about the Planning meeting on the 16th. The IR stated that there was no support for the draft zoning regulations.

I wanted to comment that my family does indeed support the regulations, and I am quite confident that many other residents of Lewis and Clark county also support the regulations, especially those who are conservation-minded and those who support local, sustainable agriculture. The regulations, to my reading, place the appropriate rural and agricultural focus on the Helena valley. It’s only natural that some individual property owners, land developers, and large constructions companies would oppose the regulations—they might not make as much money as they otherwise would have. I understand and can certainly relate to that concern. But that’s why we need a strong planning process guided by a team with long-term vision for the land, the watershed, and its human inhabitants. Narrow economic self-interest rarely works out well.

Two years ago, a neighbor and I pulled up to meet the owner of XX Bar Farm and Ranch on Sierra Rd., loaded a pig in our horse trailer, and took it home and butchered it ourselves. Every week there are small farmers from the Helena Valley selling produce to CSA and farmer’s market customers. In an era of climate change, destructive industrial agriculture, and loss of
rural land, how can we not embrace zoning that encourages local agriculture and open land? I imagine many feel the draft regulations don’t go far enough.

Thanks for your consideration.

Joe Donohoe
Mr. Hopper,
Thank you for your comments. Please note that we will provide them to the Planning Board at their June 25th public meeting at the Helena Civic Center at 6:00 p.m.
Best,
Greg

Greg McNally, Planner III
Lewis and Clark County
Community Development and Planning Department
316 N. Park, Rm 230
Helena, MT 59623
(406) 447-8343 (Direct)
(406) 447-8374 (Front Office)
gmcnally@lccountymt.gov
COUNTY-INITIATED ZONING IN THE HELENA VALLEY

COMMENT FORM

Do you reside in... (Circle One)

City of Helena  City of East Helena  Outside City Limits

How do you think additional zoning could positively or negatively affect the current and future residents of the Helena Valley?

1. I believe zoning process must limit housing/population expansion to avoid deterioration of quality of services.

2. Insure access for fire fighting and limit growth in areas without at least two means of emergency escape.

What should additional zoning in the Helena Valley include?

1. Careful site plan with road requirements on site. Water supply.

2. Insure access for fire fighting and limit growth in areas without at least two means of emergency escape.

What should additional zoning in the Helena Valley NOT include?

- No approval of large subdivisions with lots smaller than 10-15 acres

- No approval of subdivisions without municipal water and waste water service

Let us know your thoughts, concerns, and ideas about additional zoning in the Helena Valley Planning Area:

- Zoning is critically necessary process to ensure that all growth is within the capability of municipal services of all kinds. Zoning should not be a tool to either promote or restrict growth.
Thanks,
Peter A. Italiano, Director
Community Development & Planning
Lewis and Clark County, Montana
316 North Park Ave. – Suite 222
Helena, MT 59623
Office: (406) 447-8374
pitaliano@lccountymt.gov

ALERT –This E-Mail account may become subject to the “Right to Know” provisions of the Montana Constitution and can be considered a public record pursuant to MT law. As such, e-mail sent or received, its sender and receiver(s), and the e-mail contents, may be subject to public disclosure.

From: Gustav Byrom III <gbyromiii@gmail.com>
Sent: Monday, June 22, 2020 3:25 PM
To: Peter Italiano <PITALIANO@lccountymt.gov>
Subject: County Zoning

Peter-

Just to give you an update, I sent in a letter to the IR Newspaper proposing the creation of interconnected green areas throughout the Valley, similar to the Grand Rounds in Minneapolis and St. Paul and expressing support for zoned residential and commercial areas in-between the green areas. I believe this is compatible with our Growth Policy.

Just my two cents!

Keep going!
Gus Byrom
Dick,

The Planning Board will continue to receive public comment. The Board is holding a work session on Thursday, June 25th to work through the questions they currently have. We have been keeping this site up to date with information on the project: https://www.lccountymt.gov/cdp/zoning.html

If you have some written comment you may send it to me and we will get it to the Board.

Thanks,
Greg

---

Lindsay, Greg, and Peter,

When is the next opportunity to comment on the zoning proposal? I was asleep at the switch for the recent hearing before the PB.

-Dick
Mr. Paulson,

I’ve replied to each of your questions below in italics.

Best,

Greg

Greg McNally, Planner III
Lewis and Clark County
Community Development and Planning Department
316 N. Park, Rm 230
Helena, MT 59623
(406) 447-8343 (Direct)
(406) 447-8374 (Front Office)
gmcnally@lccountymt.gov

I would appreciate answers to the following questions so I can better understand the Zoning process and the June 25th meeting of the Consolidated City-County Planning Board.

What is the Consolidated City-County Planning Board?

*The Consolidated City-County Planning Board (Board) serves in an advisory capacity to the City of Helena Commission and the Lewis and Clark County Board of County Commissioners to promote the orderly development of the City and the County and its environs.*

Who is on it and what are their credentials?

*A list of the current members can be found here:* [https://www.lccountymt.gov/bocc/boards/city-county-consolidated-planning-and-zoning-commission.html](https://www.lccountymt.gov/bocc/boards/city-county-consolidated-planning-and-zoning-commission.html)


*In addition, the City and the County have Webpages regarding their board appointments:* [https://www.helenamt.gov/government/departments/city-commission/city-boards-committees](https://www.helenamt.gov/government/departments/city-commission/city-boards-committees) [https://www.lccountymt.gov/bocc/boards.html](https://www.lccountymt.gov/bocc/boards.html)

How do members get on the board?

*The City and the County Commissions’ regularly solicit applications for their various volunteer boards. Four members are appointed by the City Commission. Four members are appointed by the County Commission. One member is selected jointly by the City and County Commissions’. The City*
and County Websites linked in the previous response provide the general public with an application form to complete for those who wish to serve.

How can I get in touch with the members?

You can communicate with Board members at their meetings. They have an item at the end of their meetings in which they take public comment on items not previously on their agenda. You may also provide comment to City and/or County Planning Staff who in turn will share that comment with the Board.

How are written comments taken?

City and/or County Planning Staff collect written comment and distribute it to the Board members.

Is there a deadline for written comments to insure they are considered by the board?

There is not a deadline per se in that in the case of the zoning draft, the Board will continue to take public comment while they consider making a recommendation to the Board of County Commissioners. That being said, Planning Staff has to prepare the collection of comments received prior to any meeting so that they can be distributed to the Board. As such, it is advised that you provide comments at least a day prior to the meeting or you may bring them to the meeting to submit directly to the Board.

What authority does the board have over county zoning?

The role of the Board is to make a recommendation on boundaries and regulations for the zoning as required by the Board of County Commissioners. The recommendation is advisory only.

What actions can they take on zoning? Approve? / Disapprove? / Change?

The Board may recommend to the Board of County Commissioners approval, disapproval, or approval with changes.

For example, what are the ramifications of disapproval?

The Board acts in an advisory capacity to the Board of County Commissioners. Any recommendation made will be provided to the Board of County Commissioners for further consideration.

Thank you.
All,
Thank you for your comments. Please note that we will provide them to the Planning Board at their June 25th public meeting at the Helena Civic Center at 6:00 p.m.
Best,
Greg

---

Denny Haywood
2485 Three Bars Drive
East Helena, MT 59635
Consolidated Helena & Lewis And Clark County Planning Board
316 N. Park Ave. Room 230
Helena, MT 59623

June 24, 2020

Board Members:

This letter communicates concerns of several residents of the Spokane Creek Neighborhood centering near the intersection of Spokane Creek Road and Three Bars Road regarding the proposed Helena Valley Zoning Regulations. We wish to make three observations and one request of the Board.

Observations:

- Water withdrawal from certain aquifers within the Helena Valley Planning Area currently exceeds recharge, and as such, certain aquifer water supplies are already not sustainable. (Supporting information follows below).

- Aquifer boundaries and recharge characteristics within the Helena Valley Planning Area are highly variable and not well understood. While the general approach of limiting Rural Residential Mixed Use (RRMU) density to a minimum parcel size of 10 acres (assuming 1 well per 10 acres) is an approximation based on past research, the clustering concept described in Section 7 may not result in sustainable aquifer water supply for that cluster, and also may deprive adjacent clusters of water.

- Section 7, RRMU, paragraph 706.01.3 describes how rural 10 acre lots may be subdivided into clusters over a larger area in order to “reduce the potential for groundwater depletion”. This is a very mechanistic approach and does not take into consideration research and data on actual aquifer boundaries and ground water recharge rates through hydrogeologic analysis of sustainable groundwater withdrawal. Completion of a hydrogeologic analysis and extensiveness of that analysis is key. Further, an analysis of just the footprint of a subdivision cluster is not an analysis of the entire impact area, which is defined by the aquifer perhaps covering a large area.

Our concern is simply that aquifer water withdrawal is not less than aquifer recharge. The amount of aquifer recharge is quite variable within RRMU areas, and the subdivision scenarios described in Section 7 Figure 1 cannot guarantee water withdrawal will be sustainable without scientific analysis.

Request:

- The Helena Valley Zoning Regulations should mandate that a comprehensive hydrogeologic sustainability analysis be conducted before RRMU subdivision or cluster decisions are made, or, financial and engineering provisions must be provided to detail how water will be provided from other sources (e.g. river or reservoir) should aquifers prove to be unsustainable.

To restate our request more simply, we ask that at a minimum, subdivision density be based on scientific measurement and analysis of water sustainability. Hydrogeologic studies must precede development.

Sincerely,

Spokane Creek Neighbors
Spokane Creek Neighbors Include the Following:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nancy &amp; Dale Paulson</td>
<td>2610 Three Bars Drive</td>
<td>9710</td>
</tr>
<tr>
<td>Joyce &amp; Drake Tummel</td>
<td>2601 Three Bars Drive</td>
<td></td>
</tr>
<tr>
<td>Toni &amp; Martin Van Slyke</td>
<td>5924 North Three Bars Road</td>
<td>9424</td>
</tr>
<tr>
<td>Marie and Denny Haywood</td>
<td>2485 Three Bars Drive</td>
<td>9709</td>
</tr>
</tbody>
</table>

Indications of Declining Aquifer Water Levels Within the Helena Valley Planning Area

1.) Montana Ground Water Information Center Data: Prairie Nest & Lone Prairie Well

![Groundwater Information Center Well Hydrograph](chart)

This chart shows declining well levels from 2002 (110 feet) through 2017 (120 feet) near East Helena. This is just one example of long-term declining aquifer water levels within the Helena Valley Planning Area. Similar results can be observed for other wells.

2.) Two studies indicate that 1 well per 10 acres was sustainable there, while 1 well per acre was not.

3.) Emerald Ridge Subdivision Aquifer Depletion

4.) Personal Observations of Spokane Creek Surface Flow:
   Residents living here over 30 years note very infrequent flow in Spokane Creek, which used to run continually. Trees along the creek are stressed and a small wetland adjacent to the creek has dried. These observations did not correlate with annual rainfall, but were coincident with a large housing development nearby.
COUNTY-INITIATED ZONING IN THE HELENA VALLEY

Do you reside in... (Circle One)

City of Helena
City of East Helena
Outside City Limits

Also own Properties IN Town

How do you think additional zoning could positively or negatively affect the current and future residents of the Helena Valley?

Zoning Should Not Include Anything in Rimini Area.
You Do Not Allow Different Zones - Similar to Town
My properties are Commercial.

What should additional zoning in the Helena Valley include?

Sewer, Water, Streets, Parking, Don't Zone it.
You don't offer the services of the City. Need Sewer, Water Treatment, Road Maintenance, Traffic Flow.

What should additional zoning in the Helena Valley NOT include?

PLEASE REMOVE THE RIMINI AREA FROM THESE PROPOSED HELENA VALLEY ZONING REGULATIONS!
Rimini is a unique community and should not be subject to these highly restrictive zoning proposals.
Similar communities in the county (Marysville, Canyon Creek, York, Silver City, Wolf Creek) are not subject to these restrictions. Rimini deserves the same treatment and should be left to decide on their own if they wish to initiate any type of citizen initiated zoning. PLEASE DON'T FORCE THESE REGULATIONS ON OUR COMMUNITY!

Let us know your thoughts, concerns, and ideas about additional zoning in the Helena Valley Planning Area:
<table>
<thead>
<tr>
<th>Caller</th>
<th>Number</th>
<th>Address, if given</th>
<th>Date Called</th>
<th>Answered</th>
<th>Date 1st Return</th>
<th>Date 2nd Return</th>
<th>Date 3rd Return</th>
<th>NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tom Erdy</td>
<td>459-5145</td>
<td></td>
<td>6/1/2020</td>
<td>6/1/2020</td>
<td></td>
<td></td>
<td></td>
<td>What time will the Board meet on the 16th?</td>
</tr>
<tr>
<td>Hillary Troyer</td>
<td>431-6428</td>
<td>412 W Custer</td>
<td>6/1/2020</td>
<td>6/1/2020</td>
<td>6/1/2020</td>
<td></td>
<td></td>
<td>Misunderstood. Thought this had to do with improvements to Custer Avenue. Also concerned about being annexed.</td>
</tr>
<tr>
<td>Vernard Miller</td>
<td>227-5936</td>
<td>3794 Canyon Ferry Road</td>
<td>6/1/2020</td>
<td>6/1/2020</td>
<td></td>
<td></td>
<td></td>
<td>Does not want more rules. Vaguely described issues with neighbors and impacts on his property. Offered multiple times for him to come speak in more detail about his concerns about violations occuring on his property from others.</td>
</tr>
<tr>
<td>Jan Hemingway</td>
<td>431-7367</td>
<td>Birdseye area</td>
<td>6/1/2020</td>
<td>6/1/2020</td>
<td>6/2/2020</td>
<td></td>
<td></td>
<td>Card came to correct address, wrong person. Referred her to Dept. of Revenue at 444-6900</td>
</tr>
<tr>
<td>Debbie Walton</td>
<td></td>
<td></td>
<td>6/1/2020 x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Supports Zoning</td>
</tr>
<tr>
<td>Ray Linder</td>
<td>3370 Wylie Drive</td>
<td></td>
<td>6/1/2020 x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Asked what part of the District he was in.</td>
</tr>
<tr>
<td>Arlene Boulei</td>
<td>443-3120</td>
<td></td>
<td>6/2/2020</td>
<td>6/2/2020</td>
<td></td>
<td></td>
<td></td>
<td>Card went to her address but wrong person</td>
</tr>
<tr>
<td>Rob Beach</td>
<td>227-0440</td>
<td>3220 Howard Road</td>
<td>6/2/2020</td>
<td>6/2/2020</td>
<td></td>
<td></td>
<td></td>
<td>No Computer. Asked to have Regs mailed to him. Explained the cost and he indicated he would seek another way to access regs.</td>
</tr>
<tr>
<td>Rick Van Der Sheuct</td>
<td>227-4072</td>
<td>Bucksnort</td>
<td>6/2/2020</td>
<td>6/2/2020</td>
<td></td>
<td></td>
<td></td>
<td>Questions about this attempt to re-zone and a money grab of his tax money.</td>
</tr>
<tr>
<td>Angie</td>
<td>458-5795</td>
<td></td>
<td>6/2/2020</td>
<td>6/2/2020</td>
<td></td>
<td></td>
<td></td>
<td>Asked generally what the zoning is.</td>
</tr>
<tr>
<td>Mary Gobbins</td>
<td>266-5740</td>
<td>2305 Blaine St</td>
<td>6/2/2020</td>
<td>6/2/2020</td>
<td></td>
<td></td>
<td></td>
<td>General Questions asked to have Fort Harrison Regs sent to her via email.</td>
</tr>
<tr>
<td>Clint Pullman</td>
<td>439-8338</td>
<td>Rimini</td>
<td>6/2/2020</td>
<td>6/2/2020</td>
<td></td>
<td></td>
<td></td>
<td>Zero Sense that Rimini properties are included. Will disrupt his efforts to protect his property and what he has worked for.</td>
</tr>
<tr>
<td>Bob McCoy</td>
<td>540-749-2629</td>
<td></td>
<td>6/3/2020 x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Couldn’t find his property on Interactive Map - we found it - He is located in Fort Harrison Zoning.</td>
</tr>
<tr>
<td>Ken</td>
<td>431-5730</td>
<td></td>
<td>6/1/2020</td>
<td>6/3/2020</td>
<td></td>
<td></td>
<td></td>
<td>Concerned about taxes going up, city annexation, someone taking his water rights, and flooding. Will provide comment.</td>
</tr>
<tr>
<td>Clint Pullman</td>
<td>439-8338</td>
<td></td>
<td>6/3/2020</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Where will the meeting be? Talked a lot more about a variance procedure. Does not want to see zoning take place in Rimini. Is planning to use his annual leave to inform and engage neighbors.</td>
</tr>
<tr>
<td>Mike Dodge</td>
<td>438-7282</td>
<td></td>
<td>6/3/2020</td>
<td>6/3/2020</td>
<td></td>
<td></td>
<td></td>
<td>Questions about the 10 acre minimum</td>
</tr>
<tr>
<td>Kate Cirullo</td>
<td>415-815-8289</td>
<td>Timberworks Estates</td>
<td>6/3/2020</td>
<td>6/3/2020</td>
<td></td>
<td></td>
<td></td>
<td>How will this affect us? In an existing Part I. What about the gravel pit?</td>
</tr>
<tr>
<td>Al Griffiths</td>
<td>459-8499</td>
<td>1730 Broadwater Avenue</td>
<td>6/3/2020</td>
<td>6/3/2020</td>
<td></td>
<td></td>
<td></td>
<td>What area does the zoning apply too?</td>
</tr>
<tr>
<td>Jan Sutton</td>
<td>909-559-5806</td>
<td></td>
<td>6/3/2020</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Looking to buy property at Bishop Ct. What will the future hold for zoning in this area?</td>
</tr>
<tr>
<td>Lois Freeman</td>
<td>461-4465</td>
<td></td>
<td>6/4/2020</td>
<td>6/5/2020</td>
<td></td>
<td></td>
<td></td>
<td>Wanted a copy mailed to her although $35 was too high.</td>
</tr>
<tr>
<td>Melody Ritchie</td>
<td>439-9019</td>
<td>Eastview Road and Shar Ct</td>
<td>6/5/2020</td>
<td>6/5/2020</td>
<td></td>
<td></td>
<td></td>
<td>How will this apply to my existing uses on Shar Ct and Eastview Road? Nonconforming if currently in compliance with existing laws and regulations once regulations are adopted for property in this district.</td>
</tr>
<tr>
<td>Name</td>
<td>Phone Number</td>
<td>Address</td>
<td>Date</td>
<td>Comments</td>
<td></td>
<td></td>
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<tr>
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</tr>
<tr>
<td>Deena</td>
<td>945-1022</td>
<td>Dana Point Area</td>
<td>6/8/2020</td>
<td>Asked about the regulations and how they might apply to her. She has 10</td>
<td></td>
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<td></td>
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<td></td>
<td></td>
<td></td>
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<td>acres - what if I want to build a shop? Would have to comply with setbacks</td>
<td></td>
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</tr>
<tr>
<td>Dan Melick</td>
<td>538-8358</td>
<td>Rimini Area</td>
<td>6/8/2020</td>
<td>Asked about the regulations and how they might apply. Provided</td>
<td></td>
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<td>instruction on looking at the interactive map and scrolling through the</td>
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<tr>
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<td>regs and directed him to Section 7.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Teresa Claman</td>
<td>422-9448</td>
<td>Birdseye area/ Turk Road</td>
<td>6/8/2020</td>
<td>Called back to see if the agenda and location was set. Left a message</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>6/8/2020</td>
<td>that it was and provided that information as well as where it can be found</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>6/9/2020</td>
<td>online.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clint Pullman</td>
<td>439-8338</td>
<td></td>
<td>6/8/2020</td>
<td>Unable to reach after repeated attempts.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Leroy Breuer</td>
<td>458-9407</td>
<td>Sierra and Green Meadow</td>
<td>6/9/2020</td>
<td>Asked to about the regulations in general and is supportive.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sonny Stiger</td>
<td>442-1361</td>
<td>Juniper Road</td>
<td>6/9/2020</td>
<td>Asked about owners listed on his property (they are beneficiary). Also</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>asked about the adjoining conservation easement and if the zoning would</td>
<td></td>
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<td>change that - it would not.</td>
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<tr>
<td>Darla Cook</td>
<td>422-0717</td>
<td>Bridge Creek</td>
<td>6/9/2020</td>
<td>Can't read the map would like a bigger map. Concerned about annexation.</td>
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<td>6/10/2020</td>
<td>Ok with zoning.</td>
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<tr>
<td>Sharon Linstead</td>
<td>859-250-437 or 458</td>
<td>Woodland Hills</td>
<td>6/10/2020</td>
<td>Treasure of Woodland Hills HOA. Would like to have all of Woodland Hills</td>
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<td>included in the zoning however, it is bisected by the HVPA boundary.</td>
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<tr>
<td>Mary Blake</td>
<td>677 Prairie Road</td>
<td></td>
<td>6/12/2020</td>
<td>Asked questions about minimum lot size of 10 acres. Talked about re-</td>
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<td>zoning her property.</td>
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<tr>
<td>Douglas Ross</td>
<td>435-649-4198</td>
<td>Rimini</td>
<td>6/11/2020</td>
<td>Why is Rimini included? What type of setback would there be for Beaver</td>
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<td>6/12/2020</td>
<td>Creek (Type 3)?</td>
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<tr>
<td>Stan Melick</td>
<td>406-538-8358</td>
<td>Rimini</td>
<td>6/11/2020</td>
<td>Does not think he should have to pay to have the regulations mailed to</td>
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<td>6/12/2020</td>
<td>him. Offered they were available online; he could come in to the office</td>
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<td>to review.</td>
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<tr>
<td>Dwayne Westerborough</td>
<td>431-0805</td>
<td></td>
<td>6/16/2020</td>
<td>City needs to stay out of it. Its an overreach. Opposed to the zoning.</td>
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<tr>
<td>Chris Norris</td>
<td>925-584-0895</td>
<td></td>
<td>6/17/2020</td>
<td>Question about whether or not a meeting would be scheduled on the 18th</td>
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<td>6/18/2020</td>
<td>like he heard at the June 16th meeting. Wants an audio copy of the</td>
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<td>meeting. Informed him that there is but that it was canceled as there was</td>
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<td>not a quorum of Planning Board members. Informed him that we are trying</td>
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<td>to post the audio/video online but are having difficulty due to the file</td>
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<td>size, he could come in to the office to listen in the meantime.</td>
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<td>Chris Ries</td>
<td>6/18/2020</td>
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<td>Commented that he objects to the proposal</td>
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<td>Terry McCartney</td>
<td>439-3894</td>
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<td>6/18/2020</td>
<td>Wondering if there would be a meeting on the 18th. Informed her that</td>
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<td>there is but that it was canceled as there was not a quorum of Planning</td>
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<td>Board members. Hse had also provided comments on the 16th. She had</td>
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<td>expressed concerns that the zoning would displace her mobile home park</td>
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<td>renters. I informed her that land use that is currently legally operating</td>
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<td>will be able to continue operating as a nonconforming use.</td>
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<td>Name</td>
<td>Phone</td>
<td>Date</td>
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<td>Comment</td>
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<td>Eric Schenberg</td>
<td>459-5189</td>
<td>6/22/2020</td>
<td>6/23/2020</td>
<td></td>
<td>Clarified that his property is located in the Transitional Growth Area and that while a zoning district is proposed for this area, there are currently no regulations proposed for this area.</td>
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