

Park County Planning Board  
Public Comment Form Draft 2016 Park County Growth Policy Update  
November 17th, 2016

Name:

Max Hjaltberg

Address:

231 S. D St. Livingston

Comments:

I would like to express thanks to the planning board for working to create an inclusive and open Growth Policy document. I fully support these efforts and the eventual implementation of a Growth Policy.

People often tell me that Park County reminds them of where they grew up in the west 30 years ago. I often respond you should have seen Park Co. 30 years ago. We can't close the gate, but we also can't afford to ignore it altogether. We as residents of Park Co. and our democratically elected representatives need to possess the tools to shape how Park Co. will be 30 years from now, and a Growth Policy is a step in the right direction.

11-17-16

Esther Mannhardt  
309 So. L St.

1) Broadband concerns...

It does not seem right that the county should be involved in Broadband ~~issues~~.

Lost Bson Partners own 4 residences in my block - At one point in 2009, Alexandria Rome attempted to have the alley abandoned. She got letters to have <sup>the</sup> utilities abandoned.

Alexandria Rome has a CA p.o. box.

Since July 2015, there has been a utility abandoned pole, with our phone hard line services on it. We also use juno dialup.

Calling the phone company ~~many~~ frequently hasn't resolved this issue.

I don't want to be forced to broadband - due to health issues -

Get ~~the~~ broadband - and also let individual choice, available -  
continue to be

2) short term rentals -

have you lived next to them? If they

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Name: MARK REHDER

Address: 315 SOUTH 8TH ST / 228 TANA ~~BLVD~~ <sup>LANE</sup>

Comments:

I READ THE DRAFT AND WAS VERY SATISFIED WITH THE PRODUCT, THUS FAR. IT DID A GOOD JOB OF SUMMARIZING THE ISSUES AND SYNTHESIZING THE PUBLIC CONCERNS. THE OUTLINE AT THE END OF THE DRAFT WAS A GOOD WAY TO PRIORITIZE THE WORK THAT NEEDS TO OCCUR AND IT PROVIDES A TIMELINE TO GET IT DONE. OVERALL... NICE WORK! ITS GOOD TO SEE THE COUNTY ~~BEING~~ TAKING THIS PROACTIVE STEP.

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Name: Kelly Niles

Address: 12 Horse Thief Trail

Comments:

I would like to see this growth policy passed. I believe it to be comprehensive plan for the issues that face Park County today and will face in the future.

The country will grow and planning is essential. We all want to live in a thriving town and area that is safe and beautiful. We all want to have clean water, clean air and wild places to play. We need our roads safe and infrastructure sound. We need tools to make hard decisions about how to ~~expand~~ <sup>keep the</sup> ~~good~~ economy to create jobs for our residents. I would like to see things in place to protect our lands from extractive industries which may not serve the community in the future.

~~Thank you for your time and consideration.~~

Please pass this growth policy.

~~to~~ further I would love to see investment towards local food systems.

Win/Win for increasing jobs, protecting agriculture & green space.

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Name: Bryan Wells

Address: P.O. 35 Pray MT 59065

Comments: To me, county wide zoning is as big of a threat to our quality of life as industrial gold mining. We can have the best of both worlds. People that want to live under the regulations of zoning can get with their ~~own~~ friends and do citizens initiated zoning for the areas they live in. There are also gated communities with strict regulations that people can choose to live in. But please some of us like the Montana we grew up in without zoning. This seems fair to me.

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Name: Edward Johnson

Address: 80 Mal Herson Rd. Gardiner 59030

Comments: 6 miles north of the town at Gardiner.

I am opposed to the zoning of rural areas in Park County. If towns, cities, and communities with covenants want to form associations and place limits on uses in their areas, then it should proceed at local levels. The county ~~should~~ (controlled by Livingston) should not impose zoning on the Shields Valley + Paradise residents.

The restrictions now imposed in the Gardiner Basin Buffer Zone appear to be creeping out of Yellowstone Park and down the river into the Paradise Valley. Federal <sup>regulation</sup> overreach into Park County need to be addressed.

November 17, 2016

Peter Fox  
Chairman  
Park County Planning and Development Board  
414 E. Callendar St.  
Livingston, MT 59047

Re: *Park County Draft Growth Policy 2016*

Dear Chairman Fox and Park County Planning and Development Board,

We appreciate your time and consideration on this important matter. First, we would like to thank the entire Board for your volunteer service to our community. You have an important mission: "To promote public health, safety, morals, convenience, and order for the general welfare and for the sake of efficiency and economy in the process of community development." Thank you for committing your time and energy to promoting the wellbeing and safety of our community.

The following comments are submitted on behalf of Park County Environmental Council (PCEC), a community-based conservation group with over 500 members in Park County. PCEC members and others in the community appreciate that the yearlong process to update our growth policy has been inclusive and transparent. The County provided multiple opportunities for citizens to participate in the planning process in community centers across the county, as well as through open comment periods. We appreciate that you took sufficient time, and ample energy to invite a diverse contribution to the Draft Growth Policy Update from the community.

As a community-based conservation group that focuses on issues impacting Park County, PCEC has been working to protect and preserve our county's vast natural resources and community health since 1990. We have one simple mission: People working together to preserve and protect Park County's rivers, lands and communities. With over 500 members, PCEC works through advocacy, outreach and education to encourage conservation of the county's world-class rivers, diverse wildlife, landscapes, outstanding natural beauty, people and way of life.

Initially formed by a small group of community members concerned about resource extraction on public lands, and subsequently advocating for their protection, PCEC has grown to cover numerous issues related to the Yellowstone River and its tributaries, public and private land management, environmental health, and community engagement and values. Our three program areas are Healthy Rivers, Wild Backyard and Sustainable Communities.

The message we heard from our members over the past year was clear: community members have been surprised to learn that the Park County Commission has very little authority to respond to citizen concerns about industrial development in Paradise Valley, especially when that development threatens our jobs and our local economy. Creating a shared vision for Park County makes sense.

Our members live throughout Park County, from Wilsall down to Cooke City. When surveyed, our members stress the importance of having better tools and more local control over land-use decisions. This too is a concern for many Park County residents outside of our membership. In Park County we have a thriving outdoor economy that depends on clean water, access to public lands and rivers, hunting fishing and the red carpet entrance to Yellowstone National Park.

## **I. PARK COUNTY ECONOMY**

Park County boasts 2,814 square miles of dramatic mountains and scenic valleys, the highest point in Montana, the original gateway to Yellowstone, and a thriving outdoor economy. Park County provides the one and only year-round entrance to Yellowstone National Park. According to a summary of Park County provided in a report from the Yellowstone Gateway Business Coalition, Park County earned \$196 million in non-resident spending in 2014, representing 2700 jobs in our community. (Attached as Exhibit A). Park County Park County also has a strong agricultural industry that contributes to both our local economy and our way of life. The farm and ranch sector, a steady contributor to Park County's economy, has seen growth in recent years. *See Exhibit A, Park County's Growing Economy.* The full report is also attached as Exhibit B, *Key Trends, Dependencies, Strengths and Vulnerabilities in Park County, Montana, and its Area Economy*, Swanson, Larry, Swanson, O'Connor Center for the Rocky Mountain West at the University of Montana (April, 2016). By virtually every measure, the Park County area economy is growing. We hope that the growth policy can provide a shared vision that improves, rather than degrades our way of life and our local economy.

## **II. LEGAL BACKGROUND**

The purpose of a growth policy is to "encourage local units of government to improve the present health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities." Section 76-1-102(1), MCA. The growth policy should consider the needs of agriculture, industry, and business in future growth and help ensure that that residential areas provide healthy surroundings for family life. *Id.* An adopted growth policy is not a regulatory document. Section 76-1-605(2)(a), MCA.

## **III. PROCESS**



Conversations about Park County's future should include a seat at the table for everyone with a stake in the community. This is a basic fairness in American democracy. Development decisions should be open and transparent and not the result of closed door meetings. We believe that the process to update Park County's growth policy was just that. Updates to the Growth Policy were done in an open and transparent process. Meetings were conducted in communities across the county with multiple ways for community members to engage. Park County went to great lengths to ensure that everyone with a stake in our community had a seat at the table. From those meetings and from the online survey it was clear that Park County residents want to see the Park County Commission take more of a proactive role in land-use decisions. Updating Park County's Growth Policy is an important first step.

#### **IV. THE GROWTH POLICY**

##### **A. CHAPTER 2: VISION**

The Park County Vision Statement provides important guidance and sets forth a strong vision. The Planning Board should consider adding a sentence in the Guiding Principles that further addresses private property rights. The document sets forth that "Property rights are inclusive to everyone in Park County." This principle could be strengthened with a second sentence: "An essential element of the right of private property is the right to use or dispose of it in any lawful way which does not infringe the rights of others." *In re Hunter's Estate*, 236 P. 2d 94 (Mont. 1951).

##### **B. CHAPTER 3: INTERGOVERNMENTAL COORDINATION**

We agree: Coordination with other government agencies and non-governmental partners is critical to providing efficient and effective services to residents and visitors in Park County.

**Goal 1: Plan for and encourage development in the area around Livingston.**

**Objective 1.3 Complete an infrastructure plan and adopt development standards that under state law provide incentives for planned development in the unincorporated area around Livingston.**

The Park County Growth Policy should include a paragraph in this section about the value of Park County viewsheds. Planned development should happen in a manner that protects our shared viewsheds. Development should also improve and protect access to our public places including the Yellowstone River and National Forests.

**Goal 2: Partner with state and federal agencies to reduce human-wildlife conflicts.**

**Objective 2.1: Develop and implement a shared strategy with wildlife management agencies and community organizations to educate the public on living with wildlife.**

We agree that wildlife share an important place in Park County. We also understand that wildlife management is handled by State and Federal agencies and that Park County needs to coordinate with those agencies to reduce human-wildlife conflicts, which will only increase if the population continues to grow and additional development occurs to meet that need. New residents and even many longstanding residents may not be aware of wildlife issues in their backyard, or conversely these residents may provide valuable insight to area wildlife through daily interaction that could be of benefit to wildlife management decisions. Education and outreach is essential in this respect.

Private property provides valuable refuge for wildlife, but that refuge can come at cost for the property owner through damage to his or her property. Finding a balance between the two is important to any wildlife management strategy.

**Objective 2.1: Develop and implement a shared strategy with wildlife management agencies and community organizations to educate the public on living with wildlife.**

Please consider including aquatic species.

**Objective 2.2: Identify critical wildlife corridors for development, infrastructure and conservation planning.**

Understanding and mapping known or little known wildlife corridors and migrations routes is essential in development and decision making, and we fully support collecting that data and incorporating it into a GIS map will provide not only a beneficial analysis tool, but also illustrate those corridors, via the Park County Atlas, for residents to gain valuable understanding of their location and importance.

We would also like to stress the importance of wildlife habitat areas outside of public lands on private property. The potential for wildlife habitat loss and fragmentation that could result from increased development pressure is real. Park County is home to a diverse array of North American wildlife species. Many residents depend on hunting and fishing as a means of subsistence, and not just sport. Protecting wildlife habitat and migration corridors, on both public and private lands, is essential to preserving many values residents and visitors in great regard.

**C. CHAPTER 4: WATER AVAILABILITY AND WATER QUALITY**

The growth policy makes a strong case for the need to protect and conserve the water resources in Park County in Goal 6. In the arid high mountain climate in which we live water's importance cannot be understated.

We agree with Objective 6.1 about the need to establish baseline water quantity and quality data, and to conduct thorough studies of Park County's groundwater and surface water. These studies will provide crucial data sets that will guide the decision making process and reveal areas of critical importance that need additional attention and study. It goes without saying that illustrating the high quality of the county's water resources will only strengthen the importance of its conservation and protection.

The water resources within the county allow for a thriving agricultural industry to exist and that cannot be overlooked. While other users are addressed in Objective 6.2, we believe that more clarity needs to be directed to the importance of surface water on the livelihood of other stakeholders that rely on the Yellowstone River and tributaries for his or her livelihood. While the plan mentions assistance in securing water for "housing, commercial, industrial uses and will assist irrigators," it leaves out many other stakeholders and important beneficial uses. Water is essential to the basic function of the ecosystem and the riverine and riparian areas of the county and most fundamentally fish and wildlife. We cannot consider only human needs or we risk neglecting the importance of a healthy environment. The health of the community is tied to the health of the ecosystem.

A healthy aquatic environment supports a vibrant angling and recreational economy, which in turn supports a vibrant hospitality and tourism industry. The fragility of the Yellowstone river ecosystem was plainly evident when, in the summer of 2016, the state shut down the entire length of the Yellowstone River in Park County and beyond after the unprecedented outbreak of PKD and the subsequent fish die off. In the relatively short time of the closure local businesses lost an estimated \$500,000 in revenue. This example serves to illustrate not necessarily the need for the county to manage the local fishery, but the need for the county to recognize first and foremost the importance of a healthy functioning riverine ecosystem, and additionally the diverse set of stakeholders that value and rely upon the resource.

Not only do we need a Water Management Plan, as put forth in Action 6.2.2, managed by the local Conservation District, but also a Drought Management Plan. The summer of 2016 effectively proved this to the county and the rest of the nation. The county needs to prepare for likely persistent drought like conditions exacerbated by climate change trends that anticipate continued warmer, drier springtime weather, earlier runoff and less snowpack, the very scenario we witnessed in 2016. As these drier conditions increasingly become the norm they carry greater impacts to all stakeholder in the community who rely on the area water resources.

Park County is at the headwaters of the Yellowstone River, there are no users upstream which provides clean cold water to Park County. Yet, demands of downstream users will increase and we will need to manage our needs appropriately to ensure downstream pressures don't begin to dictate our use of the resource.

There are practical measures that can ensure our irrigations systems are more efficient. We need to anticipate changing regulation on recreational uses and practices. Increased development will add increased stress on the water resources of the county and the community will need to have access to the necessary tools to cope and respond to those pressures.

#### **D. CHAPTER 5: INFRASTRUCTURE**

PCEC applauds the County's efforts to expand the scope of transportation infrastructure to include walking and biking trails and will support and advocate for a strong and interconnected trail network in Park County. The partnerships already developed through the Active Transportation Committee are an excellent example of how collaborative efforts can increase efficiency by avoiding duplication of efforts and competition of funds between the County and other partners.

The advantages of trails are plentiful, from easing traffic congestion, to improving public health, to improving our quality of life and economic opportunities. When choosing where to locate good employers with competitive high-paying jobs are attracted to communities with amenities such as trails and access to public land. As the population in Park County ages, it is also critical that senior citizens have safe routes to travel in our downtown communities. Safe streets and better connectivity to trails also helps Park County attract young families and a stable workforce, which will contribute to Park County's growing tax base. Bicycle travel is becoming increasingly popular, especially in locations where trails (not just bike lanes) are prevalent. There are numerous examples of rural areas that have added a trail and created a tourist destination that didn't exist before. Having Yellowstone National Park and a world-class trail network would further diversify Park County's tourist economy. However, simply constructing trails is not enough. As with all improvements in infrastructure, the County must identify stable, long-term funding for trail maintenance. PCEC is a willing partner in fundraising efforts.

Also in of note in Chapter 5, Action 8.1.4 is to "Identify, monitor and protect public access to public lands". PCEC members are increasingly concerned about public land access. Park County has vast public lands, but access to these lands is increasingly at risk by landowners that erect fences, gates, no trespassing signs etc. These landowners are not only controlling land that is not theirs, but in many cases profiting off of our public resources by offering exclusive access. We would like the County to take a more active role in protecting public resources, partnering with the Forest Service ensure public right-of-ways are open and accessible by the public.

As stated in Objective 11.3, PCEC applauds the County's commitment to providing community recycling services. When recycling is easy and convenient, residents will recycle and lessen the burden on solid waste services. Having only one recycling center in Park County is a challenge, especially with the limited hours of operation. PCEC would welcome an expansion of service, and is a willing partner in that effort.

**E. CHAPTER 6: HOUSING**

The Growth Policy should encourage new housing in urban areas to reduce costs of infrastructure development on the County. Development should pay for itself and should mitigate any negative impacts on the environment and communities.

**F. CHAPTER 7: GROWTH AND DEVELOPMENT**

Although we agree with the strong private property protections of Objective 13.1, this provision should acknowledge that “an essential element of the right of private property is the right to use or dispose of it in any lawful way which does not infringe the rights of others.” *In re Hunter's Estate*, 236 P. 2d 94 (Mont. 1951). The rights of one property owner should not supersede or deny another property owner’s rights. Neighbors should not have to turn to state agencies and the courts to protect their property rights and values.

Land use conflicts are a reality in Park County, but in addition to “neighbor vs. neighbor” (as stated in Objective 14.2) PCEC has observed increasing conflicts over land use by outside interests. Commercial and industrial interests from out of state or even out of county often do not share the same vision with local residents. The proposals for industrial development, mines, gravel pits, asphalt plants and tire dumps are some recent examples. Often, the majority of the community does not want this type of development, but there are limited local mechanisms to challenge industrial development in our residential areas.

Protecting agricultural land and the rural character of Park County is a shared value. PCEC applauds the intent of Objective 14.5 to support agricultural production. However, this paragraph seems to refer to large scale farms and ranches. To the extent that the County can support the ability of larger agricultural landowners to continue operations, they should also help and support smaller, diversified vegetable and fruit farms. The food produced by the small, more local growers tends to stay in Park County and is a vitally important component of our local food system.

In Chapter 7, under the Employment section we would like see the importance of agriculture for the communities of Paradise Valley added to those of the Shields Valley. Not that this is an obvious omission, the importance of agriculture in Paradise Valley outlined elsewhere in the document, but much of Paradise Valley relies on agriculture for its livelihood, and to some extent in the Gardiner Basin too.

We would like to also to see an acknowledgement of the history of employment in Park County and its influence and impacts. The county has traditionally relied on extractive industries such as logging and mining, as well as tourism (Livingston being the original entrance to Yellowstone National Park). The railroad played probably the largest role for employment in the

county, and still does to a small extent. What is important to note is the legacy this employment left – the superfund site that BNSF and its predecessors left behind as well as countless remediation projects, many still ongoing, that resulted from many years of gold mining, especially around Cooke City and Jardine.

Based on this toxic legacy that mining and the railroad left the citizens of Park County we would like to see serious consideration placed on the type of employment we value for the future of the county. The Growth Policy should discourage adding more destructive industrial scale activity in the county. We are currently working to stop two such proposals with Lucky Minerals and Crevice Mining Group, with the support of not only a diverse and bipartisan coalition of citizens, but also with the unanimous support of our County Commissioners. We don't want to encourage employment and job creation at the expense of the existing, long-term jobs and the health and well-being of our community and environment.

That Growth Policy should encourage diverse and sustainable employment that brings revenue and jobs to the county and keeps our dollars here. The County should encourage employment opportunities that reinforce our communities' value for a healthy environment, much of which is outlined and defined in Goal 15 and its supporting Actions. Together with our partners the Yellowstone Gateway Business Coalition a thorough economic study "Park County's Growing Economy" was recently completed in response to the threats of industrial scale mining in the county. (Exhibit A). It is important to note that the study, backed by the U.S. Department of Agriculture's Economic Research Service, highlighted three strengths in Park County's current economy that are keys to its long term success as well:

1. A high proportion of persons employed in creative occupations;
2. Highly ranked area amenities and recreational resources;
3. A strong setting for entrepreneurial initiative.

This does not exclude farming and ranching, which has seen economic growth recently as well. We think Park County is on the right track and would like to the Growth Policy encourage continued economic success in this direction.

## **G. CHAPTER 8: PLANNING APPROACH**

Goal 2: Consider a policy statement: "Encourage development that promotes healthy and diverse wildlife."

Goal 3: Consider a policy statement: "Discourage development in parts of the county that are costly and hard to access and/or protect from wildfire."

Goal 9: Consider a policy statement: "Encourage the County to assess and enforce access to public lands."

## V. CONCLUSION

PCEC would like to thank the Park County Planning and Development Board for the opportunity to participate in the process guiding the Draft Park County Growth Policy Update into being through the open comment period. We think this non-regulatory document will provide the residents of Park County and their elected officials with the tools and the means necessary to ensure a healthy and predictable place for us all to live.

Growth Policy 2016 Nov.

Page 4

Will adopt growth policy?

ONLINE questionnaire in grows did not have a majority of taxpayers giving responses due to misinformation by newspaper

Page 12. No reference to joint City-County

Planning Board  
#2 goal is not wild idea (chicken coops + gardens)

Page 13 Park County is responsible for fire in unprojected areas

Lack of coordination of grants for districts

Page 16+17

Goal 6 ~~WATERWAYS~~ HAS conducted

these studies + DURK. looks

TAKE ~~AT THE~~ ~~MAINTENANCE~~ ~~APPROX~~ ~~SOIL~~ ~~GROUND~~  
change 1500 ~~WATER~~ ~~CONSERVATION~~ ~~REQUIREMENTS~~ (Duplicate)  
pg 20 ~~GOAL~~ ~~8~~ ~~WATER~~ ~~TRAIL~~ ~~PREPARED~~ (FFC) (FFC)

Above goal 9 Roads? Are you sure?  
Goal 9 should have the first paragraph of goal 8.

STATE legal rulings say making a developer do offsite improvements is illegal (Blahren subdivision)

pg 27 Goal 12?

Provide + encourage Affordable housing

A. Tax breaks

B. Expedited Review in zoned areas

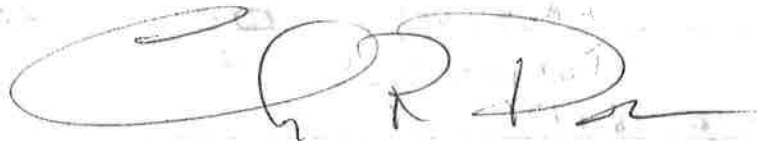
pg 34 Goal 14, should be goal 2

pg 36 Goal 15. Action plan is to worry about poverty, not stability of security  
Missed Manufacturing entirely



GOAL PRIORITIES I BELIEVE DO NOT  
REFLECT PARK A MAJORITY OF  
PARK COUNTY TAXPAYERS' OPINIONS  
AND DO NOT TAKE INTO ACCOUNT  
HOW TO PAY FOR PROJECTS

DOWNTOWN ZONING IS ~~NECESSARY~~ NEEDED  
BUT



CHRIS MEIGS 2010

P.S. ONE MORE THING I AM PISSED THAT  
WILDLIFE TAKE PRECEDENT OVER ROADS  
LIKE GUTHRIE THAT LEADS TO SCHOOLS