

August 30, 2023

The Lincoln County Board of Commissioners met for a regular session on August 30, 2023, in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Teske, Commissioner Letcher, Commissioner Hammons, Administrative Assistant Jennifer Brown and Clerk and Recorder Corrina Brown.

Meeting allows for teleconferencing and Zoom availability. Present online were Ray Stout Reporter-Kootenai Valley Record, Dustina Deans, Bree Adamson, Chanel Geer, Bruce Phillips, Rebecca Nelson Reporter-Tobacco Valley News, Alaena Woody, Jesse Haag, Michelle Byrd, Evan Comella, Danielle Faris, Deb Burrell and Laura Finley.

Commissioner Letcher opened the meeting with the **Pledge of Allegiance and Prayer**.

10:30 AM **Administrative Issues/Old Business: Approve Minutes. Board Appointments. Overdose Prevention Proclamation. SRS Payment Allocation. Resolution 2023-28 Intent to Amend Troy TV District Fee:** Present were Brian Berryman, Sarah Long, Kathleen Sheffield, Darren Short, Veronica Bovee-Anderson and Scott Shindledecker Reporter-Western News.

- Minutes for August 23, 2023, regular meeting was submitted for approval. **Motion** by Commissioner Teske to approve the August 23, 2023, minutes. Second by Commissioner Hammons. No public comments. Motion carried.
- Corrina Brown Clerk and Recorder presented the board vacancies and applicants to the Commissioners.
 - *Troy Area District Dispatch*, 3 open county resident positions, 5 applications, plus 1 application after the public noticed deadline to submit an application.Jim Hammons stated he received quite a few emails and calls regarding various applicants for the board. **Motion** by Commissioner Hammons to appoint John Righter, Heather McDougall, and Henry "Hank" LaSala. Second by Commissioner Teske. No public comments. Motion carried. Commissioner Teske confirmed this board if now full having received a letter from the Mayor of Troy advising of the appointment of Jamie Shupe as a City Member.
 - *Fisher River Valley Fire Service Area*, 1 open position, 2 applicants.Commissioner Letcher read FRV FSA Board recommendation letter for Stephen "Steve" Woolley due to his experience with Pierce County Fire District #27, extensive financial background in addition to 40 years work in Risk Management and Disaster Recovery. **Motion** by Commissioner Hammons to appoint Steven Woolley to the fill the vacancy on the Fisher River Valley FSA Board. Second by Commissioner Teske. No comments. Motion carried.
 - *Fortine/Trego Cemetery District*, 1 open position, 0 applicants.
 - *Tobacco Valley Industrial District*, 4 open positions, 0 applicants.
 - *McCormick Fire District*, 1 open position, 0 applicants.
 - *Lincoln County Weed Board*, 2 open positions, 1 applicant.**Motion** by Commissioner Teske to appoint Johnnie Beebe to the Lincoln County Weed Board. Second by Commissioner Hammons. No comments. Motion carried.
- Commissioner Teske introduced International Awareness Day August 31, 2023 and read the Overdose Prevention Proclamation. **Motion** by Commissioner Teske to approve the International Overdose Awareness Day Proclamation. Second by Commissioner Hammons. Kathleen Sheffield LC Victim/Witness Advocate advised Montana statistics for the 2021/22 were 143 reported overdose deaths and highlighted the seriousness of this issue. Commissioner Teske expressed concern of misinformation and emphasized the importance of raising awareness within the community regarding overdose prevention. Kathleen mentioned the schools usually educate students through Health Departments. Sarah Long Public Health informed attendees Public Health has free Narcan available for members of the community and Red Ribbon Week is October 30-November 3, 2023 in Libby Schools. Darren Short Sheriff advised the Sheriff's office has fentanyl posters available for distribution. Clyde Miller Bull Lake Fire Chief commended the county for the training they have received in dealing with overdose situations. Commissioner Teske stated they reach out to emergency services with training and Narcan. Motion carried.
- Montana SFY 2024 SRS County Allocation Election Form for Secure Rural Schools Act State Payments: Jennifer Brown Administrative Assistant provided last year's breakdown. Jennifer confirmed Title I funding goes towards roads and schools. Title II funding is directed to Resource Advisory Committee (RAC) and Title III funding is utilized for various purposes including forestry, firewise initiatives and protection plans. **Motion** by Commissioner Teske to approve the SRS allocation of Title I at 85%, Title II at 12%, Title III at 3%. Second by Commissioner Hammons. No comments. Motion carried.
- Commissioner Hammons read Resolution 2023-28 Resolution of Intent to Amend Troy TV District Schedule. **Motion** by Commissioner Hammons to approve this resolution of intent to amend the Troy TV District fee schedule. Second by Commissioner Teske. No comments. Motion carried. Commissioner Teske noted a public hearing will be held Wednesday October 4th, 2023 at 11 am in Room 108 of the Lincoln County Courthouse.
- Commissioner Letcher read Resolution 2023-30 to rescind Resolutions 2023-24/25 and 2023-26 stage I and II fire restrictions on August 31, 2023 at 0001 hours. **Motion** by Commissioner Teske to approve Resolution 2023-30. Second by Commissioner Hammons. No public comments. Motion carried.

10:45 AM Public Comment Time: Present were Brian Berryman, Sarah Long, Kathi Hooper, Darren Short, Veronica Bovee-Anderson, Jesse Haag, Clyde Miller, Scott Shindledecker Reporter-Western News .

There were no public comments.

11:00 AM Subdivision Discussion – Bull Lake Fire District: Present were Brian Berryman, Veronica Bovee-Anderson, Clyde Miller, Jesse Haag, Jennifer Nelson, Tom Lane, Scott Shindledecker Reporter-Western News

Clyde Miller Bull Lake Rural Fire Department Chief distributed a recent scene of a fire and expressed frustration regarding developers not addressing concerns from emergency services and ignoring subdivision regulation. Clyde hopes to work with Jesse Haag Director of Planning, together with input from other emergency services to create a standardization within subdivision requirements with commissioner support. Clyde recommends property owners work with HOA's to come up with their own plan to allow for better emergency services in subdivisions such as having emergency water supply, fire wise and protection programs as well as general cleanup of community decay within subdivisions. Clyde, on behalf of Bull Lake Rural Fire District, requests a letter from the Sheriff and the Commissioners to encourage AT&T, First Net, T-Mobile or others, to install cell towers in the Bull Lake District. Clyde advised the Sheriff's Department has stepped up to normalize operations following dispatch changes. Commissioner Teske noted subdivision regulation review were updated a few years ago with input from fire departments through the fire safe council is being updated once again. Commissioner Letcher commented that one of the benefits of the last review was going through fire wise and fuel reduction prior to the sale of subdivision lots. Jesse advised Planning Department is ensuring new subdivisions meet any required infrastructure for fire prior to approval.

11:30 AM Preliminary FY 24 Budget Hearing: Present were Alyssa Ramirez, Scott Shindledecker Reporter-Western News, Darren Short, Jennifer Nelson, Brian Berryman, Clyde Miller, Veronica Bovee-Anderson, Tom Lane, Wendy Drake, and Dallas Bowe.

Commissioner Letcher introduced the preliminary budget hearing having a preliminary budget in hand. Commissioner Letcher stated last year we were allowed to charge 99 mills worth \$42,146 each totaling \$4,177,090.06 and this year allows for 74.08 mills worth \$59,695.76 each totaling \$4,422,261.90. County tax revenue increased by \$245,171.84. Commissioner Letcher advised after review of the preliminary budget from all departments we are \$1,646,599.05 short. Wendy Drake Director of Finance confirmed approximately \$800,000 in leftover ARPA funds. Wendy advised of two ways to make up the deficit, cut or use LATCF funds. Commissioners discussed a dual approach. Wendy advised the majority of the general fund budget is wages and insurance (which had a 6.9% increase). Wendy stated the permissive did not cover all the insurance. Commissioner Letcher commented a lot of people got notices in the mail that their property assessments went up by 40% and as far as the county portion of the property tax by statute we are only allows an increase by a small percent, around half the rate of inflation, which resulted in a budget increase of \$245,171.84 this year. Alyssa commented that normally you are allowed to levy about 100 mills, who sets the 74 mills. Commissioner Letcher advised the state sets the mills. Alyssa stated the state sets the mill value but doesn't allow you to collect per mill. Commissioner Letcher confirmed that is how they balance the county to a small percentage of increase. Darren Short Sheriff requested a budget meeting agreeing to the afternoon of Tuesday September 5th along with the Library Board and a review of the general fund.

11:45 AM Break

01:30 PM Public Hearing Establishing Lower Yaak Zoning District Creation: Present were Kristin Smith, Jesse Haag, Scott Shindledecker Reporter-Western News, Owen Baisden, Carl Baisden, John Damon, Paul Johnson, Matt Franke, John Chott, Tim Rooney, Jennifer Nelson, Karen Wickersham, John Wickersham, Truman Langton, Veronica Langton, Glenda Orr, Marcine Holmes, Toni Franke, Chelsea Franke, Merle Chott, Mike Fantasia, Ed Pedersen, Donna Martin, Bob Bittner, Patrick Ruark and Deirdre Ruark.

Meeting allows for teleconferencing and Zoom availability. Present online were Ray Stout Reporter-Kootenai Valley Record, Chanel Geer, Bruce Phillips, Michelle Byrd, Wyatt Franke, Chris Bachman, Darren Short, Brian Zaiger and Shannon McLaughlin.

Commissioner Letcher opened the public hearing. Kristin Smith Planning Department advised the Commissioners have a petition to create a zoning district by property owners in Lower Yaak and it's one of two ways Montana state law allows counties to have zoning in their jurisdiction. This comes to the county as a citizen-initiated district which means they have done a lot of the leg work; they communicated as a neighborhood and met the petition threshold and the signatures are notarized. This requires 60% of property owners in the district in order to establish the district and they exceed that and it needs a minimum of forty acres which they exceed as well. Today's hearing sets in motion the creation of the district and it's not to actually talk about the specifics of the district. There are two ways zoning can be created and are referred to as Part 1 and Part 2, based on what they are called in Montana Code. It is a lot smoother and more consistent for counties to have their established Planning Board shepherd zoning districts. The Planning Board recommends pursuing the zoning via that route. Either option, the Planning Department supports creating zoning districts. In the first method of citizen initiated the composition of the zoning board is clearly spelled out and includes all three Commissioners and other members of the county in a forced appointment versus utilizing the volunteer Planning Board.

Commissioner Teske requested clarification, Part 1 is citizen initiated. Kristin confirmed Part 1 citizens initiate, bring to the county requesting a zone, the board consists of the County Surveyor or the Clerk, two citizens residing in the district, all three Commissioners and some other county official. Commissioner Teske requested clarification, Part 2 is regular county-initiated zoning. Kristin confirmed the county assists with the creation process. There are two avenues for the adoption process. Today's vote is either a green light to go ahead or a red light to stop here. We recommend a green light and one particular way, but the Commissioners have a choice. Jesse Haag Planning Director advised later would be discussions of what the district would look like and then come back to the Board of Commissioners for approval. Jesse stated with Part 1 the Commissioners would be involved in all zoning requests whereas Part 2 the Planning Board would handle it for all potential zoning districts. Commissioner Letcher clarified Part 2 is where they decide what is in or not in, what is legal or not legal. Kristin confirmed adding Part 1 board still has opportunity to address details of the district before final adoption. Jesse stated in Part 2 the Planning Board would make a recommendation of what this would look like, and the Commissioners could still change that. Commissioner Letcher advised he understands the process yet has concerns of zoning in general and restrictions resulting in a loss of private property rights. In a constitutional republic it's the constitution that saves us from the majority and looking at this I noticed there are some neighbors not in that majority and whether I agree or disagree with what they are doing it seems like some of the other neighbors have included some in but excluded others out and whether we choose Part 1 or Part 2 I feel uncomfortable with this process. I think we have enough restrictions in Lincoln County and I interact with a lot of people and none of them ever ask where is the zoning as we want to move there, however, they do ask where can we do what we want on the

property we bought because we came from places with such restrictions. Commissioner Letcher advised based on planning staff recommended motions I would entertain a motion to deny the petition to create Part 1 zoning district through MCA 76-2-101. Jesse advised when neighborly disputes arise they call my office with every sort of dispute imaginable; property lines, barking dog, septic in flood plain, six RV's on the property, etc. and people find loopholes allowing these things. People get frustrated with not having tools to address things like this in their communities. It's important for people to have tools as they often want the county to come in do something about it where often we don't have authority and even with covenants the county does not have jurisdiction to enforce them. Sometimes they won't have covenants or a functioning HOA and as we are growing we are dealing with a lot more disputes, legal issues than we have seen in the past. With the growth experienced a lot of the obvious good places to develop have been developed and now a lot of developments are happening in places that were old remainder trunks that may not be ideal places to develop and we will continue to see these issues arise and it's important to provide people tools to address issues they see. Commissioner Letcher agreed with Jesse on all of that except for on their own property, if they want to zone their own property fine but if the neighbor doesn't want to be a part of that zoning I don't think they should be forced into it. I understand if 60% of the neighbors get together they can force that guy to be zoned and I think that's unfair. Jesse advised at this point there is no proposal being brought to the Commissioners and everybody in that zone has the opportunity to shape it and maybe into something that would benefit everybody. Until those details are worked out there is nothing to say what could or couldn't be included or restricted. Commissioner Teske stated there is a basic guideline as described here of what the outline would look like as far as prohibiting and permitting uses from the petitioners. This is based on future development not current development where they can't go back and zone. Kristin agreed, this only affects going forward, acknowledging the grandfather clause. Jesse stated this zoning can't change a subdivision that already has preliminary plat approval. **Motion** by Commission Letcher to deny the petition to create part 1 zoning district per MCA 76-2-101. Second by commissioner Teske. Public comment:

Paul is in this zoning district, advised they already have two subdivisions with covenants within the zoning district that are comparable except for the size of the lot. I think this helps the county and it also helps the people wanting to buy there as they know what to expect just like with subdivision covenants. The zoning effort is against urbanization, population density and commercial stuff. I don't want to see people around the buyer forced to live in an urban area when they started out not and it's better for the county for planning purposes by planning services ahead of time, people buying property know what to expect when moving there and we can expect to keep the neighborhood a little bit quiet. Paul requested of Kristin, upon reading MCA it said *may* appoint a commission and it doesn't say you *have to* appoint a commission. Shouldn't the County Attorney be making that decision? You guys decide if you want one but you also make the decision if you don't want one. As far as I can see, you can still Plan 1 it and make the Planning Board be involved in it. I don't see where you have to have all the Commissioners and all these other people involved. Kristin advised their recommendation is that the Planning Board be involved. Paul stated you are making this recommendation because you think we need all these people involved in each zoning district and questioned if this is fact or standard practice. Commissioner Teske questioned where this is in the law. Paul advised 201 paragraph 1. Kristin advised counties typically get land use advice from MACO as County Attorney's typically don't have a lot of time for land use issues. Paul questioned if this is law and feels if it's not mandated by the state there are other options. Commissioner Teske advised the confusion is in the two parts and Part 1 does not say *may* it says you *have to* have organization...and breaks it down into the three county Commissioners and Part 2 county zoning that's different and it's the one that says...Paul, right. Commissioner Teske advised there are two basic zoning routes, the citizen initiated and then the county zoning. Commissioner Letcher asked for further public comment on Part 1 zoning.

Chelsea stated your current motion, there are two options for proceeding with the citizen initiated zoning districts. You are denying Part 1. The difference between Part 1 and Part 2 is just the establishment of the jurisdictional board, correct? Kristin stated it is the establishment of the route of adoption. This motion is not the end all to say no to the district, right? Kristin, correct currently that is the only motion on the floor. Thank you.

Marcine lives about a half a mile from the property in the zoning proposal and is concerned that 60% of the people involved feel this is a good idea as we live there and were never contacted. This is definitely a case where the people authoring this cherry picked the people, they got to sign this. All the people they asked agree with their thinking. We are about seven families right there we were totally avoided on this. We feel the authors of this made sure certain people were not asked and not included so they could move through what they wanted and the 60% is not all inclusive. They ganged up on us and they get what they want and we don't. If the grandfathering means all the rules don't apply to these old people but only the new people you have to ask yourself if the zoning proposal is a good idea why is it not a good idea for everyone? Why some of us were not included, not asked? Because they knew we would not agree with this. We have to ask, what is the agenda? Is it to promote your own agenda, to selfishly look and say we don't want this and we do want that? They are hyper focused on personal concerns and not what's good for the whole neighborhood. This zoning proposal is not well written leaving much of it up to private interpretation. Many thoughts are vague. For example, no one is to have unsightly, obnoxious or offensive business on their property. Who defines that? Now days many things offend others. Flying the American flag is offensive. Barking dogs are offensive. Clanking dump trucks might be offensive. Who defines what offends others and it seems poorly written. I'm also concerned about section six that talks about the zoning officer who is going to come and record any written complaints and come out and investigate. This just smacks of overt government control and big brother watching us and let's not forget that someone has to pay for these people to come and do this. More taxes, control, more government cost. You can say well I'm grandfathered out of that position and can still do what I want. Is that self-serving or selfish? Will that promote unity and friendship in our Pine Creek / Yaak area? Do we really care about who are our neighbors or are we just trying to micromanage and push through our own agenda? For example, telling us how many animals we can have on our property. We live in a very rural area. Where our houses should be located. Who can shoot guns? We already have gun laws in Montana, do we need more. Let's think through this, once you open the door on zoning you can't say let's stop and not do that anymore without getting enough people to vote for it. Often once you get a law in place you can't get rid of it. I am very surprised people in our area are so eager to impose zoning laws because if that's what you want perhaps you should consider living in a large suburban city where zoning laws or HOA are plentiful. In conclusion I'd like to remind us of the story of the camel who complained of being left out of the tent and came over asked to put his nose in a little bit but as time went on he found more and more reasons why he needed to get his entire body into that tent. The zoning proposal says please bring more government control into our area, please bring in the zoning officer who will monitor our neighbors. Soon very easily these restrictions could be applied to ourselves and we will have invited a very large camel into our tent pushing our freedoms out. Please consider the silent majority in your decision today. Thank you.

Matt part of district. I want to point out when we talk about the subdivision the County Commissioners and the Planning Board all agreed that commercial was not wanted in that area and the covenants suggest that saying the only commercial in the subdivision is a home-based business that doesn't create traffic and noise. A CIZD is a citizen's initiative not citizen, not one person. This is a group of individuals who live in a quiet respectable neighborhood who want to keep it that way. The people who reached out to us on this were for preserving that neighborhood. The other people not for this are not directly affected by it, they are a distance away. If Paul Johnson gets a bad neighbor they are not affected by it, they are all for it yet it's not a good thing for Paul Johnson. The CIDZ has been around since the 1950's, they are all across the state, implemented and work well. Ours is mirrored after one done in Missoula County and the interpretation comes from there. As far as businesses being grandfathered in I own a small excavating business, one man show with old equipment and I am going to go out of business if the zoning district goes through. That is my sacrifice to do this. Others in the zoning district have also made sacrifices as they have to abide by these rules to. If they want to sell, they have to sell them in a twenty acre piece. My son wanted to put rental cabins on the property yet under this he can't do it and he's ok with that as he'd rather protect it from commercialization and keep it a rural area. Like Paul said you want to bring in residents that's great, that's fine. Let's keep it to a minimum to try to keep the character of the neighborhood together. This is not new and now with the big movement of people coming in we need some form of control or it's going to overrun. Look at the dumpster site on Yaak River Road, a good example, overflowing almost every day. Today there are couches everywhere. The more people will only increase this. This area is not an area that should be commercial. You put it in the covenants of their subdivision. Why go against what you recommended on the subdivision?

Owen part of the zoning district. They didn't actually include commercial in the subdivision, we did. We met Mr. Franke a few years ago when we purchased the property on Pine Creek and told him the day that we met one of the interests that we had in the property was a potential expansion to our residential treatment facility. He has known that and that is what this petition is all about. This is actually about potentially having a location for Turning Winds kids. These are kids with disabilities. These are kids who need places to have treatment and we have provided treatment for kids successfully for over twenty years. We could have moms stand shoulder to shoulder, who would tell you guys we saved their family, around this courthouse, maybe the block since we've been doing this. The last meeting during the subdivision hearings with you guys there was a woman who stood up in the back and started talking about shooting kids who break into her cars. I'm not sure what all you guys have been told but I want to say with 100% confidence we have never had an issue with any of our neighbors where we are at right now. We have had over 2,000 kids coming through doors and not one issue with our neighbors. In fact, the way that our community has been impacted where we are in the Upper Yaak. Our kids bring meals to disabled people. They help people with fire wood. They help people with yard work. That is how we impact our neighborhood. We just had the Upper Yaak Fire Department come to our facility at Turning Winds and they showed up with three fire trucks and a bunch of little rigs. There were 18 of them that came and spent four hours going through all the different buildings and scenarios where they could respond to an incident. That is the community that we impact and live in. It's very positive. Our process with the kids we work with can be messy as they are struggling, they need help. Overall, we offer a very good service to our community, to our world as needed. Kids change their lives at Turning Winds. We haven't decided if the Lower Yaak is where we are going to be. I just wanted to set the record straight and that is what this is about. The only reason that this community zoning is in effect is because someone has scared a bunch of people that the kids are gonna burn their houses down, rape and pilfer the village. That is not true, it has not happened where we are at and it would not happen if we decided to move to

our property in Pine Creek it wouldn't happen there either. It's a good service, we employ over sixty people in Lincoln County and these are good jobs; doctors, nurse practitioners. We provide a needed service, it's not a mom and pop shop. We are probably one of the biggest per revenue businesses in Lincoln County. We do a lot of business with a lot of reputable hospitals and treatment centers across the nation and we have done it for a long time. This is about potentially having a location where we'd have a small home for kids who'd actually go to Troy High School. This was actually brought up by Jake Francom who was the Troy School Superintendent and had worked closely with us over the years and had wanted us to send some of our kids who were doing well at the end of their program to Troy High School. We are not sure if we are gonna do it but that is what this is about and unfortunately a lot of things have been thrown into this like property, lot sizes and guns. Owen displayed a map and advised to Marcine Holmes this is our property and these are the properties that have been left out, they would say no to all this and they know that and they would not have 60% if done right to include the entire community.

Chelsea lives in district and advised she contacted Owen in February and again in March to be part of the formation of our district to make sure everyone agreed on those. I was ignored on both accounts and reached out once by phone and never heard back. I did make sure to update him we added additional lots into the district and I sent him those as well. Unfortunately, because he's not part of the formation of our district he's wrong. It's not specifically the school we are concerned about, it's any commercial building. With the subdivision development that is now approved, we did not know his plans because we hadn't had a conversation with him, and we did not want any commercialization in that area for obvious reasons. There have been many mentions of freedoms being violated, gun rights, property rights, etc. Freedom is defined as the power or right to act, speak or think as one chooses without hinderance or restraint. My question is what better defines freedom from a heavy-handed government than a citizen initiated zoning district that allows a group of people living in the same location to decide using a democratic majority process how they want to protect their current inalienable rights. I respect what was said about it not being fair if one person is lumped into a district but if that one person puts in a commercial property you are unfair to everyone else who is a part of that district so it's a numbers game hence democracy. It is unfortunate the only opposing land owner in our proposed district did not go about his development of this area in a better way by talking with all us neighbors impacted by all of this for plans for commercial development and how that might affect our area. He could have worked with us in finding a path forward that may have worked for everyone but instead here we are left fighting to protect the area that is dear to us. Our past, present and future. Once we allow commercial development to take place it's not gonna stop and once everything is developed what's left. It might not happen overnight, might not happen in five years-time but the past few years has shown everyone how quickly it can happen and destroy an area. I would think you, as Montanans, would hold our beautiful scenery and wildlife as precious. You as Commissioners do have the power to pass this to the Planning Board for review where we could all work together to come to a more agreed upon document. Then you will still have the chance to deny the plan if don't like what you see. You don't have to say no today. You can let us try to navigate this path forward which may in turn may pave new paths for other citizens of Lincoln County to create their own citizen initiated zoning districts. Money does talk, other counties that have successfully implemented citizen initiated zoning districts charge an application fee per district of anywhere from seven to fifteen thousand dollars. Let us try this and show people that it can be successful, that government can work with us private citizens and it might be a new revenue stream for the county.

Matt advised the fire arms can be dropped off the plan as it basically mirrors the federally mandated restrictions. You are not supposed to shoot within one hundred and fifty yards of anyone's residence and we had a comment that we were trying to control public ground and they all adhere to that FWP, FS, Stimson. You can throw that part out; we are not trying to take people's guns away.

Commissioner Teske clarified this is not the end of the conversation or discussion, just the end of that possible avenue.

Glenda does not live in the district yet recently I was a property owner on Pine Creek. I don't have a particular interest in or opposition to a subdivision. I come as citizen who lives under the flag of freedom. I do have personal history in the area. I do live a few miles away and grew up a short distance away on Pine Creek. I can remember when from the junction of highway 2 to the end of Pine Creek we could count on one hand the homes in the area. I turned nine when the Franke family moved in to the extended neighborhood and went to school with Matt and his brother Jeff. I know their families as well. It's obvious since that time that many others have moved onto land purchased or divided off of pieces of property owned by others. Every person listed on the petition has moved into this area from somewhere else. I can guarantee the Franke family nor was anyone else who has moved in were never approached by their neighbors with a fist full of papers with a bunch of rules for how they can build their house, live their lives on their private properties. Nobody has ever told their neighbor what kind or how many animals, where the house had to sit in relation to the boundaries, how high a fence should be or if a shed could be built, how close or how far away they had to be or stay away and on and on and on. Harry Franke never stirred up concerns or ruffled any feathers in the neighborhood when he acquired an airplane and built a landing strip in his field. Do you know why? Because he did it on private property and it wasn't anybody else's business. Was that out of the ordinary for the neighborhood? It sure was but it was his right to do it and he did it. To my knowledge nobody then or since has complained about it. I say, good for Harry Franke, he lived free of someone else's rules. It appears now that some of you are now willing to band together to say in essence we are here, we don't want anyone else here but if you are allowed to be here and move next to us we are going to govern how you will live on your property by the rules we set up. We'll be watching you. We'll be reporting you if we don't like what you are doing. This should be a big red flag that spells trouble. This should grab the attention of everyone in this room. This is the very essence of fascism. You can have it but we will tell you how you can have it. If you don't think we are not already swallowed by enough government rules, regulations and overreach you are not paying attention. To you think that anyone believes they have a right to bring another level of control by superimposing their will on private citizens is wrong on absolutely every level. The government finds every way possible and in a rapid pace to encroach on our freedoms. Let's not give them another reason in Lincoln County on Yaak Road. One of the greatest, truly unique freedoms we have under the constitution is private property rights; yours, mine, his and hers. It's time to get back to the liberty part of life, liberty and the pursuit of happiness. Let's live and let live. Thank you.

Ed lives in district. I have lived there since the late 70's with no lock on my door or house. That is freedom of liberty to live in safety. If this project is excluding someone who thinks the project is so good, they should put it in their own yard.

Carl lives in district. The irony is stirring in me of the great opposition to the sub development. The opposition was slow down growth, slow down progression. Keep that out of our community. I just can't think of a worse way to speak of all the things that are wrong out there. Just because we have done something for seventy years doesn't mean it works, doesn't mean it's a good idea. This feels like the wrong kind of progress for Montana. I am often painted as an outsider even though I've been here the majority of my life and I've owned property up the Yaak for twenty plus years. I am not an outsider. I share the ideals of what makes Montana great and the freedoms we have to own property and operate privately how we want to. I'm thinking of the poor people who buy up those lots. They get moved in there and have a mafia overseeing them and telling them what they can and can't do. I'm all for people making personal sacrifice. I am not for forcing sacrifice on people.

Matt says everybody has property rights and you are basically forcing that on you. Montana is known for its wildness; its wild county, its nature, its beauty. You start allowing commercial in, no. You want a Walmart next to us, no. You get more and more commercial. Go to Flathead County. Their dumpsite is almost full already. The infrastructure can't handle it. If we want to live next to a gas station we move to town. We don't want commercial. We want to keep a quiet neighborhood. Times have changed, we have got a huge influx of people after COVID, unprecedented from years past. We are planning a different ballgame. Before we had one or two people move in every couple years, we are getting hundreds of people moving in. You guys as County Commissioners know exactly what I'm talking about. That is what we are trying to stop. We are not trying to pick on anybody. We are just trying to keep the neighborhood intact. The Yaak is to unique of a valley to screw up with commercial and anybody who has driven up there knows it. I am passionate about the Yaak and I understand freedoms are getting stepped on but on the other hand, do we want to ruin an entire area by allowing this to start happening. Zoning has been around forever and is not a Mafia tactic. It's designed to protect other people's property rights also not just theirs, but ours also. It's for everybody, we are not the Mafia. We are not Fascists.

Mike on Farm to Market Road and have resided in Lincoln County about forty two years. I was a planning minor in college and have interest in this. I don't know anything about the proposal at hand. I can say the lack of planning is exhibited all around us in this state and all over the county. A lack of planning leads to contention, problems and confrontation. I am saying to consider that we have got lots of people moving to Lincoln County, housing prices have gone through the roof. We don't want to be the Flathead, Missoula or Bozeman. We are here for a reason. I came back to Libby after working all over the world for thirty five years because of what it is. I see some of that being eroded because of the lack of planning. I am suggesting that if either one of the proposals are approved, planning will continue otherwise there will be no planning and there will be a lot more of these meetings where people are pissing and moaning at each other because they didn't know what to expect when they purchased a piece of property.

Karen a 50 year resident of Lincoln County. I knew the Franke family from the time they moved to the Yaak. The lack of planning creates the conflict. You are hearing the conflict right now. This is constitutional, the very basics of it. It is freedom, citizen's freedom to come together and determine how they want to live together. You think freedoms are being take away when we have stage II fire restrictions and we can't have open fires on our land. That's an agreement society makes to live together. The pinch and pull of development is happening. The Yaak when I knew Bonnie and Harry Franke, Matt's parents. My Dad was there when the turned the lights on in the Yaak. That is how deep these roots go. The Yaak is a special place. It brings people back to Lincoln County like Mike who had careers all over the world. We need to embrace what makes Lincoln County unique. That's the push and pull of society trying to live together. Nothing defines freedom any more than citizens coming together. They reached the bar of 60% and forty acres or more and that is Montana law and it follows the constitution. We already live in a society with basic agreements that take away all our freedoms. I wear a seatbelt. I stop at a red light. We make these agreements as a society. What is before you is how

to make the wise agreements when citizens come before you and have already got done the leg work and I encourage you to approve it for them but for all of Lincoln County. There are one hundred of them working really well throughout Montana working really well.

Veronica, for twenty years, surrounded by the zoning and received no invite to join. We never got a letter asking is we want to join or what the plan is going to be. Nobody called or came to our door asking. It has divided the community. Do they think this is better for everyone to have that? It's not fair at all and now they are going to put all kinds of rules and why? Why do new neighbors have to have rules? Nobody had rules when we bought our property. I come from a city with rules and it was neighbor right next to each other. Now I live I a place where I don't have close neighbors. I never see my neighbors and why so worried about keeping it quiet. Why not be more neighborly and get along together. We protect each other against wild animals. If I have an animal kill my chickens and I can't shoot it as they may take my child for the gun use. With zoning I am not gonna call warning my neighbors of animals. It's a sad situation dividing the community. People live way up by the river, they don't live in the close vicinity and if something happen to them they are on their own, half a mile up the road. These people are getting old and it is sad to see in our community. Maybe one day my son want to move close and buy a piece of property but if they are gonna have all these rules like twenty acres per parcel. It's selfish, how many in this room have twenty acres? Nobody can afford twenty acres. This is upsetting. I am sorry and disappointed for the community.

Jennifer, I do not live in the zoning area and direct my comment to the motion on the table. We are all entitled to our opinions but the citizen initiative that was granted to the people of Montana in 1953 predates the county zoning by ten years. It was the intention of our leaders in this state to give the people of this state a voice and that is exactly what this initiative is about. I understand the Planning Boards recommendation and how it eases things to have this come through the county process but my understanding is that this can be done as a citizens initiative and rolled into a county process. If the people who have started the process have followed the rules of the state of Montana in bringing this to you than I think you owe them the courtesy, you owe them their rights, to truly listen to this because as Mrs. Franke mentioned earlier these are the rights of the people to voice their concerns, voice their desires not at a higher level. Thank you.

Chris Bachman with the Yaak Valley Forest Council just north of the zoning district. To clarify the motion, there is a citizen initiative for a zoning proposal that the Planning Commission has recommended a green light on and there is a motion to deny both the citizen petition and the Planning Commission proposal. Commissioner Letcher advised that is incorrect and clarified the motion is to deny the petition to create a Part 1 zoning district. Chris advised the Yaak Valley Forest Council we do fully support our leaders, citizen initiated Lower Yaak Zoning District. Thank you.

Brian Zaiger, Attorney located in Bozeman and retained to observe and monitor whatever happens here and prepare any remedy should this be adopted. The remedies would be in opposition to the adoption of this zoning ordinance. I just want to introduce myself. I am going to be observing this and I only have one other small comment. It is in relation to what was said earlier about being grandfathered; somebody who is grandfathered can continue to use the property as it was being used when it was zoned, however, any change to that which could be in breadth, footprints, expansions, replacements may be subject to the new zoning ordinance. The future development of the property as it's being used, should it be expanded, may be impacted by that and properly denied if the zoning district goes through. The ideas discussed about grandfathering is a limited remedy and not overly viable. Thank you for taking my comments on zoom.

Wyatt Franke of Kalispell, I will inherit a section of property in that possible zoning district and spend most of my recreational time there. I really want good clarification from the board on reasons why this would be denied. The County Board members should make clear, adequate and definitive explanations on why the community ability to control his or her environment and the preservation of property values would not be considered. The proposal has a bearing on the welfare of the community. Mind you, there is factual statements on record that demonstrate these concerns did drive the effected parties into formulation of the regulations at issue. With that, the zoning regulation at issue here does have a substantial bearing on a person's condition or in regard to their physiological and emotional wellbeing, safety, morals and general welfare of the community. This includes scholarly, scientific proof that the natural environment plays a major role in our happiness. Considering proven evidence that the zoning area is included in a vital migratory clearing ground for big game, endangered species such as lynx and the grizzly bear and species of concern. Fish, Wildlife and Parks in Montana limited the mine zoning and the state of Montana defines such wildlife as a public natural resource. I request how we more determine that the preservation of wildlife, wildlife habitat and wildlife management cannot be effected or how the zoning goes against these rules and regulations under Montana code title 8 7 FWP and Montana constitution, environment and natural resources? Commissioner Teske stated this is a public comment hearing and we are not taking a question like that, if you want to send that question in writing we could research it but this is public comment. Wyatt stated I will put it as a comment, if you say no today then that bears the question as to the reasons why and so far I have not heard anything about that today. I also would like to remind the board that the property owner had ample time, prior to purchasing the land, to figure out exactly what would affect them if they did purchase that land per se. Now if you if you look at the original subdivision plat that we had previously this year you will note that they did not do a very good job at submitting the plat because they did not provide adequate evidence with some of their questionnaires. That's all.

Marcine reiterated the point this was not done correctly at 60% as many of us were not contacted.

Veronica worked for Turning Winds for eight years and the kids only hurt themselves. I see how much help they need from all of us working there. I have a lot of coworkers from Old Highway 2 and if you want to move this addition to Turning Winds down, it would be a good thing for a lot of us working there due to winter roads. There is nothing bad about the place and you should go there and see for yourself.

Matt advised the land owners involved were basically adjoining land owns. There is one other landowner, Kay Bough, has expressed interest as well, however, at the time we came up with this her husband had just died and we did not want to put anything else on her plate. It's a possibility that she'd like to join in the future. It was adjoining properties most effected. That's how this was set up. You can look at a map and see that

Paul advised it's not all about the school. The school is a commercial venture and that's what this is about is commercial. I am sure you guys do a fine job with the kids. We don't want commercial ventures. We don't want ten or five acre lots. We'd like to have in our district, twenty. People who are complaining of not being asked to get in well it would be ridiculous to ask people that aren't adjacent to us and that we know don't want in to get into it. Paul Johnson stated he owns twelve point five acres. Most of comments here today even against the zoning district give reasons to have the zoning district. They are all making the same case, wanting the same things. A peaceful neighborhood, where you can't see or hear your neighbors. That's the whole thing about it. If you make it smaller you will be in there with your neighbors.

Edward Peterson advised he owns approximately ten acres.

Commissioner Letcher, all those in favor of the **Motion** to deny the petition to create Part 1 zoning district signal with aye; Commissioners Teske and Letcher voted aye, and Commissioner Hammons voted nay. Motion carried with a vote of 2-1.

Commissioner Letcher advised the second recommendation from the Planning Department was to the Commissioner to direct the Planning Board to initiate a public process for the creation of the Lower Yaak Zoning District via Part 2. I'd like the motion to include it would only be willing land owners and all of them within that area as I don't understand the reasoning why some are neighboring and excluded as it would seem the island of private property within the Forest Service should be under the same management. Commissioner Teske ask to clarify if we are talking about including all these additional properties or excluding anyone who doesn't want to be a part of the zoning district. Commissioner Letcher stated to make sure all the properties have the option to join, some of them aren't marked on here that are touching. One lady wants to be in but never got asked.

Matt Franke stated she never got asked because her husband just died while we were putting this together and we didn't want to put that on her plate. We can take this thing clean up the Yaak Valley if you want. You are trying to pinpoint things wrong with it but we can keep going and make it bigger but we have already met the criteria the state requires. We have got the acreage and we got the people. I don't see what the problem is.

Commissioner Teske advised the issue is you met the criteria by excluding folks who'd be in opposition, skewing the percentage. If those folks aren't in opposition and want to be included then it brings you back to your 60+% and this avenue gives them the option.

Discussion ensued regarding defining the public process. Kristin advised the motion reads to initiate a public process for creation of a district. By directing it to the Planning Board they can take a bigger picture; include everyone wanting to be included, try to address some of the language and have a hash-it-out process. Commissioner Letcher expressed concern of people have conditions based on their property. Whether you like it or not it's theirs and I just like to protect that right. I would not like it done to me and would not do it to anybody else. Give the ability to the adjoining land owners to join and to exclude anyone that does not want to be in. Commissioner Teske advised these are things to be hashed out through the public process. Commissioner Teske inquired if Commissioner Letcher is willing to amend your motion back to the original recommendation for clarification and then we can work on those issues through the public process? Commissioner Letcher stated he would if he knew people were going to be protected in the public process from being forced into restrictions they don't have, then I'm all for that. Kristin advised the process is going to be the process and not everybody is going to win everything they want. It a negotiated process and the majority will rule. Commissioner Letcher advised that is where I think it's most fair, if you want restrictions on your property put them on your property and if you don't, don't but don't put them on somebody else's.

Bob, 2149 Yaak River Road, I've witnessed it over the course of twenty years. I have watched boards like this one here, very sleepy small historic area beach town on the coast. They put their hands up saying there is not much we can do about it. The laws were very open in that state and they worried about legal encounters. I bring unpopular news from the east, its coming. They put their hands up and said but the legal department, but the zoning department. All this stuff they threw out saying they couldn't do, but the people kept coming. You either grab ahold of this now with us or we will be back here again. The worst part is when you don't take

action or we don't take action, you will have the school board, if these students go to that school that means Troy School is going to have to find additional resources for special students with disabilities and you will have the Lincoln County School Board in front of you. The biggest personnel you will have in front of you begging for help is gonna be your Sheriff. When we don't take action with laws and that's not fun. There has been a lot of discussion about too much or not enough government. It's got to be reasonable government, something to give your deputy sheriff to hang his hat on. If there are no laws, no zoning, no regulations then nothing can be done until somebody is on the ground. No rules, no zoning is simply anarchy and all the deputy sheriff can do is put his hands up.

Commissioner Letcher respectfully disagree as Flathead County and Missoula County have zoning yet have far higher crime rates than we do. Bob stated that is because they have more population and when you have more laws you have more crime and people are moving there to do whatever they want. There is this Montana dream out there where I can move here and do whatever I want regardless of my neighbor. That's a dangerous thing as much as it is a wonderful thing and that's where a reasonable government. It's coming to you, it may be five years, may be ten years but you will be at this table as someone is going to need help, to need laws, need zoning, need assistance to keep the peace and safety in your community. You need to provide basic education, as you can't dump off so many special needs students in the Troy School and say good luck to you.

Commissioner Teske responded if this opens it up for this public process, this public input, as opposed to a small core group setting a standard, setting the rules. This allows everyone in the vicinity or area to have public participation and that is important to us as opposed to a small faction. This is specific to this private island here and if some island up the street wants to do the same thing then we are laying the groundwork and footprint for that action.

Mike advised he has nothing to gain or lose here but feel everybody should be asked, you don't draw the lines selectively. You ask everybody that is affected. It seems to be short sighted to stop this process now. We all plan our lives and a lack of planning is never a good thing. I implore you to allow the citizens' initiative, as tweaked and refined as it needs, to be allowed to go forward letting folks make a reasoned, impartial, informed decision.

Commissioner Letcher clarified the motion is to direct the Planning Board to initiate a public process for the creation of the Lower Yaak Zoning District via Part 2 and I would still like to include all the adjoining properties and exclude all those that don't want it. Commissioner Teske questioned if that is part of the process of this? Kristin advised you can certainly add that to the motion, but that would be the course of the process. Commissioner Teske inquired if the language sounds correct to include adjoining and exclude those that don't want to participate? Kristin stated she thinks that is appropriate planning, you look at the landscape and you plan for the landscape. You would take the citizens district and build on it, modify the language and get everybody to the table. Jesse stated it would then come back to the Commissioners with what it looks like at that time. Kristin stated the importance is the planning is at a neighborhood scale as we have repeatedly heard here today is protection of the neighborhood. Jesse advised Part 2 does have some different provisions of what can and can't be included in the zoning language that would affect the initial proposal, particularly the lot sizes. Commissioner Teske thinks there is a lot of discussion as it talks about prohibiting use of commercial yet later on talks of development standards, including commercial of those kind of things can be hashed out in a finite discussion.

Owen advised regarding the option to move forward, our stance is not gonna change, we were forced into this and it's not gonna actually change any process of whether or not people are included or excluded once this process gets started. At the end of the day this will come back to you to do it or not. I just want to point out we have a thirteen lot subdivision in process right now that will satisfy the requirements within the next year. If it does move through and you need fifty percent of the land owners in the area to say we don't want this anymore and we are going to own way over fifty percent of the legal lots in a year and we will do that once that happens. Kristin advised that provision went away in the legislative session.

Wyatt Franke, I understands property rights issues and with the zoning initiative there is a definitely argument toward the majority of the spaces, however, if we had considered to bypass that for property rights I would give you the example most people are gonna vote either republican or democrat but they don't get to pick after the end of the vote on who they want as president. You can't have two presidents, you can only have one so the importance of the majority vote does really count in this and why the zoning initiative is a law in Montana for this very reason. Thank you

Owen asked Kristin to clarify if we go with Part 2, the property owners cannot get back together and dissolve a zoning district. Owen stated if it can't be dissolved then I ask that the process is not cherry picked. Kristin advised it states an action challenging the creation of a district under Part 2 for adoption of a zoning regulations must be commenced within six months after the date the order by the Board of County Commissioners creating the district or adopting the regulations.

Commissioner Letcher commented Flathead County has zoned the farmland for housing and took away the ability of the farmer to retire and partition and sell to his farm.

Wyatt Franke stated the only reason this initiative is in place is for the preservation and proactive community work to provide what rural Montana stands for.

Karen stated this isn't about anybody's personality or business. This is about forecasting ten to twenty years ahead when a casino and strip club want to go in. Will folks with chickens or geese be for that? The heavy hand of government, the citizens' initiative zoning is the opposite of that. Its citizens coming together, making agreements, drawing a circle around at least forty acres with 60% making basic agreements on how they want to live together. That is the opposite of heavy handed government, its grass roots and citizens. Commissioner Letcher commented thirty five years ago there were multiple casinos and multiple strip clubs just up the road from this in the Yaak and there were 300 log trucks a day coming out of there. It was a thriving place with a lot of bars and lewd things going on. Karen advised the pressures are different now. Coming into Montana wise land management use and zoning is everything. This has been around since 1953, Lincoln County has none. Most of Western Montana has these in red and blue counties. You guys could be progressive here with foresight to the future with wise land management planning that has bubble up from a citizen's group. Commissioner Letcher asked why to people continue to flock here if these other places have these great management tools?

Bob Bittner encouraged control and responsible growth to keep freedom.

Discussion regarding include and exclude being in the proposed motion versus a part of the process to be hashed out in the Part 2 process. Commissioner Teske looked to redefine the motion stating the original motion recommended by the committee through future public process would negotiate and deal with these issues.

Motion by Commissioner Hammons to recommend to direct the Planning Board to issue a public process for the creation of the Lower Yaak Zoning District Plan Part 2 MCA 76-2-201. Commissioner Letcher asked for a second. Commissioner Teske inquired if Commissioner Letcher was rescinding his motion and Commissioner Letcher advised his wasn't a motion, he was asking for a motion. Second by Commissioner Teske. Commissioner Teske stated he is looking forward to this process as we are gonna be here again. It we set the groundwork for this process I think it's gonna be a lot easier and a lot less confrontational. Owen questioned the boundaries. Commissioner Teske advised that will be decided during this process. Paul asked if other counties could be gotten in touch with for information. Commissioner Teske advised of reaching out to other counties regarding other concerns. Kristin advised she has almost twenty years in the planning profession and has served on the State Professional Board, as the chair. I have a lot of connections throughout the state and a lot of contacts I utilize to formulate my professional opinions. Karen wondered if a timeline could be given to this room full of engaged citizens. Kristin advised this may be on the next planning board agenda, have everybody come and start having discussions. Kristin announced the Planning Board meets the third Tuesday of each month. Commissioner Letcher stated all in favor say aye, Commissioner Teske and Hammons voted aye. All those opposed, Commissioner Letcher voted nay. Motion carried with a vote of 2-1.

3:25 PM adjourned

LINCOLN COUNTY BOARD OF COMMISSIONERS

Josh Letcher, Chairman

ATTEST: _____

Corrina Brown, Clerk of the Board