

# Friends of Park County

P.O. Box 23, Pray, Montana 59065

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

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

Meeting of February 18, 2021

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

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

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

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

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

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

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

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

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

## SECTION 2.09 C-RR1 RESIDENTIAL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

It presented this vision for our future:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Page 2 of the 2017 Growth Policy states:

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

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