

Memo

To: Yellowstone County Commissioners

From: Colter DeVries

Date: 5/03/2022

Re: Special Zoning District Story Road

As an Accredited Land Consultant (ALC) with the Realtor's Land Institute, and member of the American Society of Farm Managers and Rural Appraisers I would like to take this opportunity to remind our elected representatives and community members of what it means to have private property rights in a Constitutional Republic.

Implementing zoning ordinances and restrictive uses where there is already an established historical use is a "takings," not unlike that of eminent domain. With eminent domain, the casualty is due "just-compensation" at "fair market" rates. In this case, those who are opposing an impermanent gravel pit on the Limpp's land must be held accountable to making the Limpp's whole. By opposing the gravel pit project they are severing a land-use benefit, a private property right, that the Limpps have as protected individuals under the United States Constitution. Those in opposition to Limpp's impermanent gravel pit need to buy Limpp's permanent gravel rights for full market value +20% should SZD be approved.

The cost of housing is increasing, more supply of "affordable homes" (<\$400,000) is needed in the Billings market to have a balanced demographic of homeowners. This is vital to having a diversified and resilient economy over the long-run. Implementing codes, zoning, permitting, and further red-tape-restrictions only adds to the cost of housing. This creates significant generational problems, especially for that of the Millennial generation which is the dominant participant in the workforce today. We are all depending on members of the younger generation to meet our Social Security and +\$30T national debt obligations, so adding to their cost of housing is not in the public's best interest.

Restrictions, codes, zoning, and superfluous permitting processes are also driving up the cost of materials on new construction and government budgets. Illegal taking of Limpp's gravel rights would only compound the problem of affordable housing as the greater Billings area would be losing a cost-effective source of gravel to build our foundations and maintain our county-roads. This removes competition for a cheaper source of materials used in the county's budget.

While I can understand that the neighbors enjoy the view of a farm field, this SZD would only benefit those who enjoy that view, who have not paid for that view, and is thus bad for the remaining 99% of property tax payers in Yellowstone County.

Based on my extensive experience as a real estate professional, many (potentially most) of Montana's new residents are fleeing an area where there are too many restrictions, too much bureaucracy, too much red-tape, and the property/income taxes are too high for the quality of life they desire. They are fleeing an area where emotional mobs have power over the individual who has taken risks, invested, and worked hard to improve one's own life.

I am disturbed about the precedent this would set if a handful of free-loaders can gang-up to create an undue hardship on an individual who values their right to privacy and private property rights. I personally have higher expectations from Montana's citizens.

If the "views and vistas" are what is most concerning to these neighbors given gravel pits are temporary and remediable by nature, I would like to remind them all that the actual highest and best use of Lipp's property for which it would be appraised at is "For Development Purposes". This means that those neighboring residents are lucky it is only a temporary and remedial gravel pit rather than a commercial district or housing development which are further down the scale of permanence, though nothing is permanent and their hard feelings too shall pass.

This SZD sounds much like a forced-conservation easement; one for which the beneficiaries, the neighbors directly and not the other 99% of Yellowstone County residents, would benefit without having to pay just-compensation. This sounds like government enabled theft and sets an ugly precedent for anti-business, radical environmentalism, and emotional-mob-rule.

I would hope your vote can be one of free-market and capitalistic values. My belief in Montana's leaders starts at local-levels where we are most effected by local-decisions. Decisions that I hope are made in alignment with and integrity to private property rights and rights to privacy.

I would be proud to go to bat and advocate for any one of those neighbors should they ever be in a position where these rights of the individual that we hold dearly are being threatened.