

June 22, 2016

RECEIVED JUN 24 2016

Zoning Board of Adjustment
Room 105 Courthouse Annex
Great Falls, MT 59401

RE: Cascade County Unclassified Use Permit Application – Portage Solar, LLC/Ayshire Dairy Farm

Dear Board Members:

I am the owner of property addressed as 701 33rd Avenue South and I also am the owner of 2 ½ undeveloped acres located on the corner of 9th Street South and 33rd Avenue South, both of which are adjacent to the subject property.

For the following reasons, I protest the approval of the application submitted by Portage Solar, LLC/Ayshire Dairy Farm:

Cascade County Zoning Regulations

18.5 Standards Applicable to all Unclassified Uses

1. The proposed development will not materially endanger the public health or safety.

Fire response to any event would come from Sand Coulee.

2. The proposed development is a public necessity, or will not substantially impact the value of adjoining property.

The applicant responds by focusing that the project site abuts open land used for limited farming while minimizing the residential homes located to the north. My home is a substantial investment not only in the dwelling, but also the landscaping. The applicant has not proven that this project will not substantially impact the value of my home. The definition of “substantial” is subjective.

The Planning staff report also focuses that the area is generally rural or agricultural in nature and does not acknowledge the residential properties and how the values would be adversely affected.

Neither the application nor the staff report establishes that the Solar Power Plant is a “public necessity.” Most likely power generated from the Plant will be sent elsewhere, and, therefore, does not establish that “the proposed development is so necessary to the public health, safety, and general welfare of the community or County as a whole as to justify it regardless of its impact on the value of adjoining property.”

3. The proposed development will be in harmony with the area in which it is located.

There is no harmony with a solar farm, the deer, birds and other wildlife or our residence.

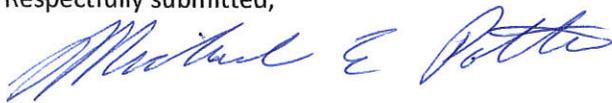
The Staff report believes that the conditions of approval will create this harmony. The conditions of approval appear to mainly address rules and regulations regarding permits. The conditions also state to comply with guidelines in Section 8.12 which talk about noise and landscaping but those items are not clear at this time to determine if they will create any harmony.

4. The proposed development will be consistent with the Cascade County Growth Policy.

Staff report refers to Goal 1 of Section 2.1 of the Cascade County Growth Policy stating “sustain and strengthen the economic well-being of Cascade County’s citizens.” The applicant states in their application that the construction of the solar facility **may provide some local construction related jobs**. I see no other reference where the solar farm will sustain and strengthen our well being.

I appreciate you taking time to review these comments and request you deny the applicant’s request.

Respectfully submitted,



Michael E. Potter

701 33rd Avenue South

Pomeroy, Deen

From: Kelly Parks,MS <kelly@greatfallsrealty.com>
Sent: Friday, July 15, 2016 2:21 PM
To: Clifton, Brian
Cc: Conell, Susan; Haight, Carey; Pomeroy, Deen; Larson, James; Briggs, Joe; Weber, Jane
Subject: RE: solar panels

Brian,

I understand that your office did not compile the map I am disputing. It was in the developer package, and I am stating that it is inaccurate and doesn't reflect the actual location of the solar panel farm because the map is skewed. Please accept my apology if you thought I thought it was something your office produced. I do, however dispute the accuracy of the map and thus I am bringing it to your attention and it should be removed and ineligible for admission, as it is inaccurate representation of location.

I have also been told that the solar panel company is using funds to buy people off, including some neighbors. I am in the process of verifying that and I have to be prudent in asking all parties involved. There is never ever anything wrong with transparency, and as we discussed in an earlier conversation, that has been an issue in prior administrations. I will not apologize for asking questions and I appreciate your candor.

I also firmly believe that the newspaper is an out of date method to use to notify the public. I do believe that the county should have all items posted on a website and also an area where any member of the public can sign up to receive notification. I do believe that it is quite easy to prove that circulation and readership of the newspaper is so reduce that is is no longer a valid method of public notification.

I do, as do the majority of the population subscribe to various feeds to get instant access to news and reports. I would like to make the suggestion that perhaps there is a method that the County could adopt to allow the public instant notification. I do not think this has to be an elaborate and expensive method, just a way for the public to gain access to notices etc... promptly.

Thank you for your prompt response.

Kelly Parks MS

direct cell phone: 406-788-6826
email: kelly@greatfallsrealty.com

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal. This e-mail and any files transmitted with it are the sole property of Kelly Parks.

-- bclifton@casadecountymt.gov wrote:

From: "Clifton, Brian" <bclifton@casadecountymt.gov>

To: "kelly@greatfallsrealty.com" <kelly@greatfallsrealty.com>
CC: "Conell, Susan" <sconell@cascadecountymt.gov>, "Haight, Carey" <chaight@cascadecountymt.gov>, "Pomeroy, Deen" <dpomeroy@cascadecountymt.gov>, "Larson, James" <jlarson@cascadecountymt.gov>, "Briggs, Joe" <jbriggs@cascadecountymt.gov>, "Weber, Jane" <jweber@cascadecountymt.gov>
Subject: RE: solar panels
Date: Fri, 15 Jul 2016 16:23:25 +0000

Kelly,

The map that you were emailed is a display provided as additional information by Cypress Creek. The planning staff did not create this map nor have they altered it. Staff is currently working on obtaining the CADD data from the developer in order to overlay it onto our parcel coverage prior to the meeting next week. We believe that this would allow for a more accurate representation of actual lot lines and parcel information. There are no deliberate attempts on behalf of my staff to skew any of the information, all we did was forward the information that we received from the developer as required for public review and comment.

In regards to any notes and contact with the solar companies by me personally, I have had none. I was not present at the pre-application meeting nor have I met with the owner(s) of the properties, their representatives or agents, or the developers.

I have re-contacted the county attorney and she indicated that she will have all of the notes, emails, etc, vetted and available by the end of the day.

With regards to the zoning regulation changes that have occurred, they have not been quickly changed in order to approve any projects. The Zoning Board of Adjustment hears all proposals that are required to be submitted to them, and then they make the decision as to approve, deny, or conditionally approve any of those applications. The zoning regulations are regularly updated as legislation changes occur as well as other needs to modify or update language may present itself. Modifications to the current regulations were being drafted as early as 2014 which was approximately one year after the implementation of the former regulations. We are constantly monitoring the interactions of developments with existing regulations and then tracking draft language for consideration when we begin proposing new regulations. In January of 2016 we begin to create the draft language to formally initiate the process of updating what has become adopted as our current regulations. The Planning board reviewed the draft language, accepted comments, and held a public hearing in March of this year followed by an additional comment period of forty-five days prior to the Board of County Commissioners holding a public hearing, receiving comments, publishing a notice of intent of passage of the resolution which was then followed by an additional thirty day protest period. This then allowed for the adoption of the final version of the regulations in June of 2016. So the entire formal process lasted six months with multiple public hearings and various venues to receive comment from the public as outlined in Montana Codes Annotated.

The processing of these applications, as well as any other applications, have been in accordance with the requirements of MCA's and our locally adopted zoning regulations. None of my staff has had any meetings, social contacts, or any

other improper contact with the owners, developer, or their agents. We believe that our handling of this application has been as transparent as possible.

Hopefully, this addresses the concerns and questions you have expressed in your email. Please feel free to contact me if you should have any other questions.

Brian K. Clifton, M.S., R.S.

Public Works Director

Cascade County Public Works Department

279 Vaughn South Frontage Road

Great Falls, MT 59404

Ph: (406) 454-6905

Ph: (406) 454-6920

mail: bclifton@cascadecountymt.gov

From: Kelly Parks,MS [mailto:kelly@greatfallsrealty.com]

Sent: Thursday, July 14, 2016 10:54 PM

To: Pomeroy, Deen <dpomeroy@cascadecountymt.gov>; Weber, Jane <jweber@cascadecountymt.gov>; Larson, James <jl Larson@cascadecountymt.gov>; Briggs, Joe <jbriggs@cascadecountymt.gov>

Cc: Clifton, Brian <bclifton@cascadecountymt.gov>; Steve Bullock <governor@mt.gov>

Subject: Re: solar panels

Hi Dean

The map you have emailed me does not accurately represent the location of my property or Maureen Newman's property. This project is much closer to our properties than is outlined in black on this map. My driveway and trees appear on Newman's property and thus I am requesting that this map

be noted and removed from this application and I am requesting that you use a surveyor map. I find this inaccuracy a deliberate attempt to skew the impact on our properties.

Also after receiving additional information I would like to request all notes and contact with the solar companies from Brian Clifton, as I am entitled to regarding transparency.

Brian Clifton indicated that all my requests for notes and meetings/contact with the solar company/Harry Mitchell have to be vetted by the deputy County attorney, however she seems to be pretty slow or uncooperative.

It is had come to my attention that there are funds being used to promote the quick change of zoning and approval of these solar projects. I am starting to think we are having a replay of the coal plant shenanigans. I certainly hope that the findings do not indicate that there has been any under the table misbehavior by any county employees, commissioners, board members etc.... and or any one associated with any government employee as a middle person.

I appreciate your prompt response.

Kelly Parks MS
direct cell phone: 406-788-6826
email: kelly@greatfallsrealty.com

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal. This e-mail and any files transmitted with it are the sole property of Kelly Parks.

--- dpomeroy@cascadecountymt.gov wrote:

From: "Pomeroy, Deen" <dpomeroy@cascadecountymt.gov>
To: "Kelly Parks,MS" <kelly@greatfallsrealty.com>
Subject: solar panels
Date: Tue, 12 Jul 2016 15:41:54 +0000

Kelly

Thank you for your response regarding the solar power plant. Your comments are part of the public record.

I am attaching four documents to this response. The documents are about the next public hearing, proposed layouts and the new proposed layout for the Fox solar project.

Deen

Deen L. Pomeroy

Cascade County Planner

121 4th St N, Suite 2 H/I

Great Falls, MT 59401

Phone: 406-454-6905

Fax: 406-454-6919

Dean, Susan and Cascade County Commissioners, Governor Bullock,

I have asked for copies of the application for "unclassified use permit" the solar panels, I have also asked for the notes/emails/correspondence and physical site visits and dates. I have not received anything. I have asked for the engineering determination that runoff will not affect the neighbors, as well as the industrial solar panel site not affecting the values of neighboring properties. I have asked for documentation from an appraiser or whatever measure the Zoning staff made to determine that property values will not be affected. I have received nothing. How many times do I have to ask?

I would also like to specifically see Don Sims notes and any paperwork he has produced relating to this site, his opinions/findings and any contact with Portage Solar and or Harry Mitchell. I find his comments of record in the meeting minutes of interest.

I would also like to know the address of Portage Solar, as there are two Portage Solar companies and because you have refused to provide me with a copy of the application and related documents I do not know where this company is registered or its history. I have a right to know.

I do not believe that the Zoning Staff did proper due diligence concerning this specific site. I believe that there is something else going on in this situation, because I have not received any information that I have requested, and I am not the only one. I do believe that the Zoning Staff is paid by the tax payers of Cascade County and I do believe that they cannot side with one property owner to push a request for an "Unclassified Use" through.

I do believe that in the information you have supplied me today, you are essentially indicating that I must file suit in order to prove the Zoning Staff failed to properly prepare the "Staff Report". You are also stating that there is nothing that direct neighbors impacted by your Zoning Staff Report can do to when the Zoning Board staff determines erroneously that there is "no effect" of the industrial use of solar panels for the "unclassified use permit". There is a process for staff to determine that every section of the staff report "no adverse effects" and "compatible with the surrounding area". I want to know how you determined this. Do I have to get a court order because it is my understanding that you are required to be transparent and provide me with the documentation I have reasonable requested. Transparency is essential in government operations.

Today you are essentially notifying me with excuses that the Zoning staff do not care if the public

receives the proper documentation that they request. Interesting.

Busy or not it is your job to provide the information requested from a taxpayer, either electronically or by photo copy for which I am willing to pay the copy fee. I did try to contact you on several occasions by phone prior to my first email and I was told that you had left early for the day after your meetings with Fish Wildlife and Parks.

Again, I do not believe that I was adequately notified of this hearing. You have not produced reference to any "code" to dispute my concern. Susan Conell indicated that there is no statute regarding the number of days in advance of a public hearing the neighbors need to be notified, so long as they have a return receipt for the certified letter they mailed when they felt like it.

I am starting to think that the Cascade County Zoning staff employees have no responsibility to be transparent to the public. Are the Cascade County Commissioners aware of this? Do we have a problem that needs to be addressed? Are you hiding something?

Please provide me with the documents I have requested. Time is of the essence.

Kelly Parks

Kelly Parks MS
direct cell phone: 406-788-6826
email: kelly@greatfallsrealty.com

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal. This e-mail and any files transmitted with it are the sole property of Kelly Parks.

--- dpomeroy@cascadecountymt.gov wrote:

From: "Pomeroy, Deen" <dpomeroy@cascadecountymt.gov>
To: "kelly@greatfallsrealty.com" <kelly@greatfallsrealty.com>
CC: "Conell, Susan" <sconell@cascadecountymt.gov>
Subject: appeal
Date: Wed, 15 Jun 2016 17:52:54 +0000

Hi Kelly

I am attaching the "Cascade County Zoning Regulations, Section 12.3.5."

1. This is not like a zoning application where "x" percent of a class of citizens can overturn a decision of the Zoning Board of Adjustment.

There is a process to appeal any decision made by the Zoning Board of Adjustment. There is an appeal process to go before the County Commissioners to review and make a decision if the ZBOA made an error in their decision. They would have to show how the ZBOA's decision was "illegal in whole or in part, and specifying the grounds of illegality. The petition must be presented to the

Commissioners within 30 days after the filing of the decision of the ZBOA's and the final decision must be made within 60 days of the receipt of the petition." Cascade County Zoning Regulations, Section 12.3.5.

A copy of the section has been attached for your convenience.

As you can imagine, we have had a lot of activity/requests for more information. We are sorry if we missed a request. If you know them personally, I hope you can let them know they can come to our office like you did and we will be glad to provide and discuss any concerns they may have.

Deen

Deen L. Pomeroy

Cascade County Planner

121 4th St N, Suite 2 H/I

Great Falls, MT 59401

Phone: 406-454-6905

Fax: 406-454-6919

Pomeroy, Deen

From: Clifton, Brian
Sent: Friday, July 15, 2016 10:23 AM
To: kelly@greatfallsrealty.com
Cc: Conell, Susan; Haight, Carey; Pomeroy, Deen; Larson, James; Briggs, Joe; Weber, Jane
Subject: RE: solar panels

Kelly,

The map that you were emailed is a display provided as additional information by Cypress Creek. The planning staff did not create this map nor have they altered it. Staff is currently working on obtaining the CADD data from the developer in order to overlay it onto our parcel coverage prior to the meeting next week. We believe that this would allow for a more accurate representation of actual lot lines and parcel information. There are no deliberate attempts on behalf of my staff to skew any of the information, all we did was forward the information that we received from the developer as required for public review and comment.

In regards to any notes and contact with the solar companies by me personally, I have had none. I was not present at the pre-application meeting nor have I met with the owner(s) of the properties, their representatives or agents, or the developers.

I have re-contacted the county attorney and she indicated that she will have all of the notes, emails, etc, vetted and available by the end of the day.

With regards to the zoning regulation changes that have occurred, they have not been quickly changed in order to approve any projects. The Zoning Board of Adjustment hears all proposals that are required to be submitted to them, and then they make the decision as to approve, deny, or conditionally approve any of those applications. The zoning regulations are regularly updated as legislation changes occur as well as other needs to modify or update language may present itself. Modifications to the current regulations were being drafted as early as 2014 which was approximately one year after the implementation of the former regulations. We are constantly monitoring the interactions of developments with existing regulations and then tracking draft language for consideration when we begin proposing new regulations. In January of 2016 we begin to create the draft language to formally initiate the process of updating what has become adopted as our current regulations. The Planning board reviewed the draft language, accepted comments, and held a public hearing in March of this year followed by an additional comment period of forty-five days prior to the Board of County Commissioners holding a public hearing, receiving comments, publishing a notice of intent of passage of the resolution which was then followed by an additional thirty day protest period. This then allowed for the adoption of the final version of the regulations in June of 2016. So the entire formal process lasted six months with multiple public hearings and various venues to receive comment from the public as outlined in Montana Codes Annotated.

The processing of these applications, as well as any other applications, have been in accordance with the requirements of MCA's and our locally adopted zoning regulations. None of my staff has had any meetings, social contacts, or any other improper contact with the owners, developer, or their agents. We believe that our handling of this application has been as transparent as possible.

Hopefully, this addresses the concerns and questions you have expressed in your email. Please feel free to contact me if you should have any other questions.

Brian K. Clifton, M.S., R.S.

Public Works Director
Cascade County Public Works Department
279 Vaughn South Frontage Road
Great Falls, MT 59404
Ph: (406) 454-6905
Ph: (406) 454-6920
Email: bcclifton@cascadecountymt.gov

From: Kelly Parks,MS [mailto:kelly@greatfallsrealty.com]
Sent: Thursday, July 14, 2016 10:54 PM
To: Pomeroy, Deen <dpomeroy@cascadecountymt.gov>; Weber, Jane <jweber@cascadecountymt.gov>; Larson, James <jl Larson@cascadecountymt.gov>; Briggs, Joe <jbriggs@cascadecountymt.gov>
Cc: Clifton, Brian <bcclifton@cascadecountymt.gov>; Steve Bullock <governor@mt.gov>
Subject: Re: solar panels

Hi Dean

The map you have emailed me does not accurately represent the location of my property or Maureen Newman's property. This project is much closer to our properties than is outlined in black on this map. My driveway and trees appear on Newman's property and thus I am requesting that this map be noted and removed from this application and I am requesting that you use a surveyor map. I find this inaccuracy a deliberate attempt to skew the impact on our properties.

Also after receiving additional information I would like to request all notes and contact with the solar companies from Brian Clifton, as I am entitled to regarding transparency.

Brian Clifton indicated that all my requests for notes and meetings/contact with the solar company/Harry Mitchell have to be vetted by the deputy County attorney, however she seems to be pretty slow or uncooperative.

It has come to my attention that there are funds being used to promote the quick change of zoning and approval of these solar projects. I am starting to think we are having a replay of the coal plant shenanigans. I certainly hope that the findings do not indicate that there has been any under the table misbehavior by any county employees, commissioners, board members etc.... and or any one associated with any government employee as a middle person.

I appreciate your prompt response.

Kelly Parks MS
direct cell phone: 406-788-6826
email: kelly@greatfallsrealty.com

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal. This e-mail and any files transmitted with it are the sole property of Kelly Parks.

--- dpomeroy@cascadecountymt.gov wrote:

From: "Pomeroy, Deen" <dpomeroy@cascadecountymt.gov>

To: "Kelly Parks,MS" <kelly@greatfallsrealty.com>

Subject: solar panels

Date: Tue, 12 Jul 2016 15:41:54 +0000

Kelly

Thank you for your response regarding the solar power plant. Your comments are part of the public record.

I am attaching four documents to this response. The documents are about the next public hearing, proposed layouts and the new proposed layout for the Fox solar project.

Deen

Deen L. Pomeroy

Cascade County Planner

121 4th St N, Suite 2 H/I

Great Falls, MT 59401

Phone: 406-454-6905

Fax: 406-454-6919

Dean, Susan and Cascade County Commissioners, Governor Bullock,

I have asked for copies of the application for "unclassified use permit" the solar panels, I have also asked for the notes/emails/correspondence and physical site visits and dates. I have not received anything. I have asked for the engineering determination that runoff will not affect the neighbors, as well as the industrial solar panel site not affecting the values of neighboring properties. I have asked for documentation from an appraiser or whatever measure the Zoning staff made to determine that property values will not be affected. I have received nothing. How many times do I have to ask?

I would also like to specifically see Don Sims notes and any paperwork he has produced relating to this site, his opinions/findings and any contact with Portage Solar and or Harry Mitchell. I find his comments of record in the meeting minutes of interest.

I would also like to know the address of Portage Solar, as there are two Portage Solar companies and because you have refused to provide me with a copy of the application and related documents I do not know where this company is registered or its history. I have a right to know.

I do not believe that the Zoning Staff did proper due diligence concerning this specific site. I believe that there is something else going on in this situation, because I have not received any information that I have requested, and I am not the only one. I do believe that the Zoning Staff is paid by the tax payers of Cascade County and I do believe that they cannot side with one property owner to push a request for an "Unclassified Use" through.

I do believe that in the information you have supplied me today, you are essentially indicating that I must file suit in order to prove the Zoning Staff failed to properly prepare the "Staff Report". You are also stating that there is nothing that direct neighbors impacted by your Zoning Staff Report can do to when the Zoning Board staff determines erroneously that there is "no effect" of the industrial use of solar panels for the "unclassified use permit". There is a process for staff to determine that every section of the staff report "no adverse effects" and "compatible with the surrounding area". I want to know how you determined this. Do I have to get a court order because it is my understanding that you are required to be transparent and provide me with the documentation I have reasonable requested. Transparency is essential in government operations.

Today you are essentially notifying me with excuses that the Zoning staff do not care if the public receives the proper documentation that they request. Interesting.

Busy or not it is your job to provide the information requested from a taxpayer, either electronically or by photo copy for which I am willing to pay the copy fee. I did try to contact you on several occasions by phone prior to my first email and I was told that you had left early for the day after your meetings with Fish Wildlife and Parks.

Again, I do not believe that I was adequately notified of this hearing. You have not produced reference to any "code" to dispute my concern. Susan Conell indicated that there is no statute regarding the number of days in advance of a public hearing the neighbors need to be notified, so long as they have a return receipt for the certified letter they mailed when they felt like it.

I am starting to think that the Cascade County Zoning staff employees have no responsibility to be transparent to the public. Are the Cascade County Commissioners aware of this? Do we have a problem that needs to be addressed? Are you hiding something?

Please provide me with the documents I have requested. Time is of the essence.

Kelly Parks

Kelly Parks MS
direct cell phone: 406-788-6826
email: kelly@greatfallsrealty.com

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal. This e-mail and any files transmitted with it are the sole property of Kelly Parks.

--- dpomeroy@cascadecountymt.gov wrote:

From: "Pomeroy, Deen" <dpomeroy@cascadecountymt.gov>
To: "kelly@greatfallsrealty.com" <kelly@greatfallsrealty.com>
CC: "Conell, Susan" <sconell@cascadecountymt.gov>
Subject: appeal
Date: Wed, 15 Jun 2016 17:52:54 +0000

Hi Kelly

I am attaching the "Cascade County Zoning Regulations, Section 12.3.5."

1. This is not like a zoning application where "x" percent of a class of citizens can overturn a decision of the Zoning Board of Adjustment.

There is a process to appeal any decision made by the Zoning Board of Adjustment. There is an appeal process to go before the County Commissioners to review and make a decision if the ZBOA made an error in their decision. They would have to show how the ZBOA's decision was "illegal in whole or in part, and specifying the grounds of illegality. The petition must be presented to the Commissioners within 30 days after the filing of the decision of the ZBOA's and the final decision must be made within 60 days of the receipt of the petition." Cascade County Zoning Regulations, Section 12.3.5.

A copy of the section has been attached for your convenience.

As you can imagine, we have had a lot of activity/requests for more information. We are sorry if we missed a request. If you know them personally, I hope you can let them know they can come to our office like you did and we will be glad to provide and discuss any concerns they may have.

Deen

Deen L. Pomeroy

Cascade County Planner

121 4th St N, Suite 2 H/I

Great Falls, MT 59401

Phone: 406-454-6905

Fax: 406-454-6919

Pomeroy, Deen

From: Kelly Parks,MS <kelly@greatfallsrealty.com>
Sent: Thursday, July 14, 2016 10:54 PM
To: Pomeroy, Deen; Weber, Jane; Larson, James; Briggs, Joe
Cc: Clifton, Brian; Steve Bullock
Subject: Re: solar panels

Hi Dean

The map you have emailed me does not accurately represent the location of my property or Maureen Newman's property. This project is much closer to our properties than is outlined in black on this map. My driveway and trees appear on Newman's property and thus I am requesting that this map be noted and removed from this application and I am requesting that you use a surveyor map. I find this inaccuracy a deliberate attempt to skew the impact on our properties.

Also after receiving additional information I would like to request all notes and contact with the solar companies from Brian Clifton, as I am entitled to regarding transparency.

Brian Clifton indicated that all my requests for notes and meetings/contact with the solar company/Harry Mitchell have to be vetted by the deputy County attorney, however she seems to be pretty slow or uncooperative.

It has come to my attention that there are funds being used to promote the quick change of zoning and approval of these solar projects. I am starting to think we are having a replay of the coal plant shenanigans. I certainly hope that the findings do not indicate that there has been any under the table misbehavior by any county employees, commissioners, board members etc.... and or any one associated with any government employee as a middle person.

I appreciate your prompt response.

Kelly Parks MS
direct cell phone: 406-788-6826
email: kelly@greatfallsrealty.com

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal. This e-mail and any files transmitted with it are the sole property of Kelly Parks.

--- dpomeroy@cascadecountymt.gov wrote:

From: "Pomeroy, Deen" <dpomeroy@cascadecountymt.gov>
To: "Kelly Parks,MS" <kelly@greatfallsrealty.com>
Subject: solar panels
Date: Tue, 12 Jul 2016 15:41:54 +0000

Kelly

Thank you for your response regarding the solar power plant. Your comments are part of the public record.

I am attaching four documents to this response. The documents are about the next public hearing, proposed layouts and the new proposed layout for the Fox solar project.

Deen

Deen L. Pomeroy

Cascade County Planner

121 4th St N, Suite 2 H/I

Great Falls, MT 59401

Phone: 406-454-6905

Fax: 406-454-6919

Dean, Susan and Cascade County Commissioners, Governor Bullock,

I have asked for copies of the application for "unclassified use permit" the solar panels, I have also asked for the notes/emails/correspondence and physical site visits and dates. I have not received anything. I have asked for the engineering determination that runoff will not affect the neighbors, as well as the industrial solar panel site not affecting the values of neighboring properties. I have asked for documentation from an appraiser or whatever measure the Zoning staff made to determine that property values will not be affected. I have received nothing. How many times do I have to ask?

I would also like to specifically see Don Sims notes and any paperwork he has produced relating to this site, his opinions/findings and any contact with Portage Solar and or Harry Mitchell. I find his comments of record in the meeting minutes of interest.

I would also like to know the address of Portage Solar, as there are two Portage Solar companies and because you have refused to provide me with a copy of the application and related documents I do not know where this company is registered or its history. I have a right to know.

I do not believe that the Zoning Staff did proper due diligence concerning this specific site. I believe that there is something else going on in this situation, because I have not received any information that I have requested, and I am not the only one. I do believe that the Zoning Staff is paid by the tax payers of Cascade County and I do believe that they cannot side with one property owner to push a

request for an "Unclassified Use" through.

I do believe that in the information you have supplied me today, you are essentially indicating that I must file suit in order to prove the Zoning Staff failed to properly prepare the "Staff Report". You are also stating that there is nothing that direct neighbors impacted by your Zoning Staff Report can do to when the Zoning Board staff determines erroneously that there is "no effect" of the industrial use of solar panels for the "unclassified use permit". There is a process for staff to determine that every section of the staff report "no adverse effects" and "compatible with the surrounding area". I want to know how you determined this. Do I have to get a court order because it is my understanding that you are required to be transparent and provide me with the documentation I have reasonable requested. Transparency is essential in government operations.

Today you are essentially notifying me with excuses that the Zoning staff do not care if the public receives the proper documentation that they request. Interesting.

Busy or not it is your job to provide the information requested from a taxpayer, either electronically or by photo copy for which I am willing to pay the copy fee. I did try to contact you on several occasions by phone prior to my first email and I was told that you had left early for the day after your meetings with Fish Wildlife and Parks.

Again, I do not believe that I was adequately notified of this hearing. You have not produced reference to any "code" to dispute my concern. Susan Conell indicated that there is no statute regarding the number of days in advance of a public hearing the neighbors need to be notified, so long as they have a return receipt for the certified letter they mailed when they felt like it.

I am starting to think that the Cascade County Zoning staff employees have no responsibility to be transparent to the public. Are the Cascade County Commissioners aware of this? Do we have a problem that needs to be addressed? Are you hiding something?

Please provide me with the documents I have requested. Time is of the essence.

Kelly Parks

Kelly Parks MS

direct cell phone: 406-788-6826

email: kelly@greatfallsrealty.com

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal. This e-mail and any files transmitted with it are the sole property of Kelly Parks.

--- dpomeroy@cascadecountymt.gov wrote:

From: "Pomeroy, Deen" <dpomeroy@cascadecountymt.gov>

To: "kelly@greatfallsrealty.com" <kelly@greatfallsrealty.com>

CC: "Conell, Susan" <sconell@cascadecountymt.gov>

Subject: appeal

Date: Wed, 15 Jun 2016 17:52:54 +0000

Hi Kelly

I am attaching the "Cascade County Zoning Regulations, Section 12.3.5."

1. This is not like a zoning application where "x" percent of a class of citizens can overturn a decision of the Zoning Board of Adjustment.

There is a process to appeal any decision made by the Zoning Board of Adjustment. There is an appeal process to go before the County Commissioners to review and make a decision if the ZBOA made an error in their decision. They would have to show how the ZBOA's decision was "illegal in whole or in part, and specifying the grounds of illegality. The petition must be presented to the Commissioners within 30 days after the filing of the decision of the ZBOA's and the final decision must be made within 60 days of the receipt of the petition." Cascade County Zoning Regulations, Section 12.3.5.

A copy of the section has been attached for your convenience.

As you can imagine, we have had a lot of activity/requests for more information. We are sorry if we missed a request. If you know them personally, I hope you can let them know they can come to our office like you did and we will be glad to provide and discuss any concerns they may have.

Deen

Deen L. Pomeroy

Cascade County Planner

121 4th St N, Suite 2 H/I

Great Falls, MT 59401

Phone: 406-454-6905

Fax: 406-454-6919

Pomeroy, Deen

From: Pomeroy, Deen
Sent: Tuesday, July 12, 2016 9:42 AM
To: 'Kelly Parks,MS'
Subject: solar panels
Attachments: ORIGINAL PROPOSED LAYOUT FOX SOLAR LEGAL.docx; 3rd Notice of Public Hearing - UUP 1-6_Portage and Fox combined 07-05-16.docx; Fox Solar REVISED Site Plan 6-27-16.pdf; Portage_Zoning Site Plan_05-11-16.pdf

Kelly

Thank you for your response regarding the solar power plant. Your comments are part of the public record. I am attaching four documents to this response. The documents are about the next public hearing, proposed layouts and the new proposed layout for the Fox solar project.

Deen

Deen L. Pomeroy

Cascade County Planner
121 4th St N, Suite 2 H/I
Great Falls, MT 59401
Phone: 406-454-6905
Fax: 406-454-6919

Dean, Susan and Cascade County Commissioners, Governor Bullock,

I have asked for copies of the application for "unclassified use permit" the solar panels, I have also asked for the notes/emails/correspondence and physical site visits and dates. I have not received anything. I have asked for the engineering determination that runoff will not affect the neighbors, as well as the industrial solar panel site not affecting the values of neighboring properties. I have asked for documentation from an appraiser or whatever measure the Zoning staff made to determine that property values will not be affected. I have received nothing. How many times do I have to ask?

I would also like to specifically see Don Sims notes and any paperwork he has produced relating to this site, his opinions/findings and any contact with Portage Solar and or Harry Mitchell. I find his comments of record in the meeting minutes of interest.

I would also like to know the address of Portage Solar, as there are two Portage Solar companies and because you have refused to provide me with a copy of the application and related documents I do not know where this company is registered or its history. I have a right to know.

I do not believe that the Zoning Staff did proper due diligence concerning this specific site. I believe that there is something else going on in this situation, because I have not received any information that I have requested, and I am not the only one. I do believe that the Zoning Staff is paid by the taxpayers of Cascade County and I do believe that they cannot side with one property owner to push a request for an "Unclassified Use" through.

I do believe that in the information you have supplied me today, you are essentially indicating that I must file suit in order to prove the Zoning Staff failed to properly prepare the "Staff Report". You are also stating that there is nothing that direct neighbors impacted by your Zoning Staff Report can do to when the Zoning Board staff determines erroneously that there is "no effect" of the industrial use of solar panels for the "unclassified use permit". There is a process for staff to determine that every section of the staff report "no adverse effects" and "compatible with the surrounding area". I want to know how you determined this. Do I have to get a court order because it is my understanding that you are required to be transparent and provide me with the documentation I have reasonable requested. Transparency is essential in government operations.

Today you are essentially notifying me with excuses that the Zoning staff do not care if the public receives the proper documentation that they request. Interesting.

Busy or not it is your job to provide the information requested from a taxpayer, either electronically or by photo copy for which I am willing to pay the copy fee. I did try to contact you on several occasions by phone prior to my first email and I was told that you had left early for the day after your meetings with Fish Wildlife and Parks.

Again, I do not believe that I was adequately notified of this hearing. You have not produced reference to any "code" to dispute my concern. Susan Conell indicated that there is no statute regarding the number of days in advance of a public hearing the neighbors need to be notified, so long as they have a return receipt for the certified letter they mailed when they felt like it.

I am starting to think that the Cascade County Zoning staff employees have no responsibility to be transparent to the public. Are the Cascade County Commissioners aware of this? Do we have a problem that needs to be addressed? Are you hiding something?

Please provide me with the documents I have requested. Time is of the essence.

Kelly Parks

Kelly Parks MS
direct cell phone: 406-788-6826
email: kelly@greatfallsrealty.com

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal. This e-mail and any files transmitted with it are the sole property of Kelly Parks.

--- dpomeroy@cascadecountymt.gov wrote:

From: "Pomeroy, Deen" <dpomeroy@cascadecountymt.gov>
To: "kelly@greatfallsrealty.com" <kelly@greatfallsrealty.com>
CC: "Conell, Susan" <sconell@cascadecountymt.gov>
Subject: appeal
Date: Wed, 15 Jun 2016 17:52:54 +0000

Hi Kelly

I am attaching the "Cascade County Zoning Regulations, Section 12.3.5."

1. This is not like a zoning application where "x" percent of a class of citizens can overturn a decision of the Zoning Board of Adjustment.

There is a process to appeal any decision made by the Zoning Board of Adjustment. There is an appeal process to go before the County Commissioners to review and make a decision if the ZBOA made an error in their decision. They would have to show how the ZBOA's decision was "illegal in whole or in part, and specifying the grounds of illegality. The petition must be presented to the Commissioners within 30 days after the filing of the decision of the ZBOA's and the final decision must be made within 60 days of the receipt of the petition." Cascade County Zoning Regulations, Section 12.3.5.

A copy of the section has been attached for your convenience.

As you can imagine, we have had a lot of activity/requests for more information. We are sorry if we missed a request. If you know them personally, I hope you can let them know they can come to our office like you did and we will be glad to provide and discuss any concerns they may have.

Deen

Deen L. Pomeroy

Cascade County Planner

121 4th St N, Suite 2 H/I

Great Falls, MT 59401

Phone: 406-454-6905

Fax: 406-454-6919

Pomeroy, Deen

From: Pomeroy, Deen
Sent: Wednesday, June 15, 2016 9:55 AM
To: 'kelly@greatfallsrealty.com'
Cc: Conell, Susan; Clifton, Brian
Subject: RE: staff report and other info regarding Ayrshire Solar

Kelly
On June 9, 2016 I sent you an email with 4 attachments. One of the attachments is titled Portage Package UUP. It is the application and all of the information on the solar power plant. If you did not receive the email with the attachments I will gladly send it again.
Deen

From: Kelly Parks, MS [mailto:kelly@greatfallsrealty.com]
Sent: Wednesday, June 15, 2016 9:37 AM
To: Pomeroy, Deen <dpomeroy@cascadecountymt.gov>
Cc: governor@mt.gov; Weber, Jane <jweber@cascadecountymt.gov>; Larson, James <jlarson@cascadecountymt.gov>; Briggs, Joe <jbriggs@cascadecountymt.gov>
Subject: Re: staff report and other info regarding Ayrshire Solar

Hi Dean,
I have not yet received a copy of the application for the solar panels on the Ayrshire Dairy/Harry Mitchell property? I have requested that and now I am wondering why that has not been forthcoming, is the hearing is tomorrow? I have also not received any other materials that I have requested.

I would like to know where in the zoning code - public hearings it indicates the number of signatures of direct neighbors required on a petition to stop an "unconditional use permit". Mr Gene Thayer suggested that I obtain that information, as it is pertinent, as we are opposed to this.

Again, I do not believe that I, as a bordering property owner, have had adequate notice regarding this hearing.

I also understand that property owner(s) on 33rd have requested a copy of your staff report last week and you have failed to supply it to him/her/them.

Please provide the documentation promptly,
Kelly Parks

Kelly Parks MS
direct cell phone: 406-788-6826
email: kelly@greatfallsrealty.com

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal. This e-mail and any files transmitted with it are the sole property of Kelly Parks.

--- kelly@greatfallsrealty.com wrote:

From: "Kelly Parks,MS" <kelly@greatfallsrealty.com>

To: "Pomeroy, Deen" <dpomeroy@cascadecountymt.gov>, "Steve Bullock" <governor@mt.gov>

Cc: "Jane Weber" <jweber@cascadecountymt.gov>, "Jim Larson" <jl Larson@cascadecountymt.gov>, "Joe Briggs" <jbriggs@cascadecountymt.gov>

Subject: Re: staff report and other info regarding Ayrshire Solar

Date: Fri, 10 Jun 2016 06:17:32 -0700

Hi Dean,

I would also like the dates and time and staff names of those who physically examined the site prior to making the determination that 40 acres of glass solar panels which are an impervious surface would have "no effect" regarding surface water and drainage as is stated in the Findings of Fact Staff Report and the reason for allowing a public hearing for the conditional use permit.

May I refer you to the City of Great Falls engineer Dave Dobbs and city Manager Gregg Doyon, Commissioner Bob Jones, Jim Young and former Mayor Michael Winters regarding the effect of runoff from this particular site. The city has completed their part in reducing run off from Castle Pines subdivision, however the County employee who was on site during the flooding merely blamed the City for the run off which flooded my property and Harry Mitchell just laughed and basically said too bad, not his problem.

I would also like to know who on staff made the determination of #3 of the Staff Report. I would like to know how they decided that a 40 acre solar panel farm will not injure the value of adjoining property. Please send me all documents and appraisals of the appraiser or real estate expert documents supporting this staff recommendation. Please send me all staff qualifications who made this determination I have copied below.

"3. The proposed development will not substantially injure the value of adjoining property, or is a public necessity"

"The area surrounding this proposed Solar Power Plant business is generally rural or agricultural in nature. Staff believe that, with the conditions of approval, the use will be compatible with the use and character of the surrounding uses and developments. "

In addition I would like all the names of those who are responsible for this Staff Report, including the all correspondence, phone messages, and any out of office discussions/contact including but not limited to lunch/dinner/coffee with Harry Mitchell and or Portage Solar I am legally entitled to.

I hope this information will be forthcoming immediately, as you have allowed me little notice to prepare for this public hearing which is a result of your staff report.

Thank you
Kelly Parks

Kelly Parks MS
Owner - The Pizza Baron
Broker/Owner - Great Falls Realty

direct cell phone: 406-788-6826
email: kelly@greatfallsrealty.com

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal. This e-mail and any files transmitted with it are the sole property of Kelly Parks.

--- dpomeroy@cascadecountymt.gov wrote:

From: "Pomeroy, Deen" <dpomeroy@cascadecountymt.gov>
To: "kelly@greatfallsrealty.com" <kelly@greatfallsrealty.com>
CC: "Conell, Susan" <sconell@cascadecountymt.gov>
Subject: staff report and other info regarding Ayrshire Solar
Date: Thu, 9 Jun 2016 17:00:06 +0000

Kelly

I am attaching several of the materials that you have requested. I will send another email with other pieces of information later.

Deen

Deen L. Pomeroy

Cascade County Planner

121 4th St N, Suite 2 H/I

Great Falls, MT 59401

Phone: 406-454-6905

Fax: 406-454-6919

Pomeroy, Deen

From: Kelly Parks,MS <kelly@greatfallsrealty.com>
Sent: Wednesday, June 15, 2016 5:52 PM
To: Pomeroy, Deen; Ellen Sievert; Steve Bullock; Clifton, Brian
Cc: Conell, Susan; Weber, Jane; Larson, James; Briggs, Joe
Subject: Re: appeal

Hi Dean,

Thank you for finally forwarding the application. I appreciate that.

I am unclear as to why Susan, who typically contacts Ellen Seivert regarding historic properties, failed to contact Ellen Seivert regarding this property. Why has there been an exception for the Great Falls Portage National Landmark (since 1965) and the Lewis and Clark National Heritage Trail, which is a division of the National Park Service. Why is the Park Service not listed or mentioned in the Staff report?

I find that this omission by Susan (who represented that she is the head of Staff to me on the phone) appears to be an illegal and deliberate omission. Susan has been on the County Staff for a very long time and generally always contacts Ellen Seivert. There was no contact regarding this property staff report.

Why do you think the southern arterial was stopped from crossing the Portage Route National Historic Landmark? Perhaps I should suggest that the Lewis & Clark Interpretive Center no longer hold the archives and library and perhaps it should go back to Missouri, as no one here seems to really care about Lewis and Clark.

There is no reason that an industrial solar panel farm should be allowed on the Portage Route National Historic Landmark. Shame on you Susan.

Brian Clifton, I appreciate your call today and transparency regarding my questions. You are really to be commended for being so forthright. After numerous other phone calls to other agencies and organizations today, I am not buying the theory that the "staff just forgot about the National Historic Landmark". I do thank you for the information that the Coal Plant had to post a bond for clean up, as it was a big failure, it was Spot Zoning, and didn't create the long term jobs it promised. Any industrial use that is not in an industrial area should be required to post a bond for clean up. Suing the property owner to clean up and then taking their land to compensate for clean up only costs the County more money and time. The bond was a good idea for the coal plant and we should be thoughtful of that with any utility in the future. Ironically the Coal Plant was in the Portage Route area too. Will it be necessary to have a second failure?

Kelly Parks

Kelly Parks MS
Direct cell phone: 406-788-6826
email: kelly@greatfallsrealty.com

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal. This e-mail and any files transmitted with it are the sole property of Kelly Parks.

--- dpomeroy@cascadecountymt.gov wrote:

From: "Pomeroy, Deen" <dpomeroy@cascadecountymt.gov>
To: "kelly@greatfallsrealty.com" <kelly@greatfallsrealty.com>
CC: "Conell, Susan" <sconell@cascadecountymt.gov>
Subject: appeal
Date: Wed, 15 Jun 2016 17:52:54 +0000

Hi Kelly

I am attaching the "Cascade County Zoning Regulations, Section 12.3.5."

1. This is not like a zoning application where "x" percent of a class of citizens can overturn a decision of the Zoning Board of Adjustment.

There is a process to appeal any decision made by the Zoning Board of Adjustment. There is an appeal process to go before the County Commissioners to review and make a decision if the ZBOA made an error in their decision. They would have to show how the ZBOA's decision was "illegal in whole or in part, and specifying the grounds of illegality. The petition must be presented to the Commissioners within 30 days after the filing of the decision of the ZBOA's and the final decision must be made within 60 days of the receipt of the petition." Cascade County Zoning Regulations, Section 12.3.5.

A copy of the section has been attached for your convenience.

As you can imagine, we have had a lot of activity/requests for more information. We are sorry if we missed a request. If you know them personally, I hope you can let them know they can come to our office like you did and we will be glad to provide and discuss any concerns they may have.

Deen

Deen L. Pomeroy

Cascade County Planner

121 4th St N, Suite 2 H/I

Great Falls, MT 59401

Phone: 406-454-6905

Fax: 406-454-6919

Conell, Susan

From: Pomeroy, Deen
Sent: Wednesday, June 15, 2016 9:55 AM
To: kelly@greatfallsrealty.com
Cc: Conell, Susan; Clifton, Brian
Subject: RE: staff report and other info regarding Ayrshire Solar

Kelly
On June 9,2016 I sent you an email with 4 attachments. One of the attachments is titled Portage Package UUP. It is the application and all of the information on the solar power plant. If you did not receive the email with the attachments I will gladly send it again.
Deen

From: Kelly Parks,MS [mailto:kelly@greatfallsrealty.com]
Sent: Wednesday, June 15, 2016 9:37 AM
To: Pomeroy, Deen <dpomeroy@cascadecountymt.gov>
Cc: governor@mt.gov; Weber, Jane <jweber@cascadecountymt.gov>; Larson, James <jlarson@cascadecountymt.gov>; Briggs, Joe <jbriggs@cascadecountymt.gov>
Subject: Re: staff report and other info regarding Ayrshire Solar

Hi Dean,
I have not yet received a copy of the application for the solar panels on the Ayrshire Dairy/Harry Mitchell property? I have requested that and now I am wondering why that has not been forthcoming, is the hearing is tomorrow? I have also not received any other materials that I have requested.

I would like to know where in the zoning code - public hearings it indicates the number of signatures of direct neighbors required on a petition to stop an "unconditional use permit". Mr Gene Thayer suggested that I obtain that information, as it is pertinent, as we are opposed to this.

Again, I do not believe that I, as a bordering property owner, have had adequate notice regarding this hearing.

I also understand that property owner(s) on 33rd have requested a copy of your staff report last week and you have failed to supply it to him/her/them.

Please provide the documentation promptly,
Kelly Parks

Kelly Parks MS
direct cell phone: 406-788-6826
email: kelly@greatfallsrealty.com

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal. This e-mail and any files transmitted with it are the sole property of Kelly Parks.

--- kelly@greatfallsrealty.com wrote:

From: "Kelly Parks,MS" <kelly@greatfallsrealty.com>
To: "Pomeroy, Deen" <dpomeroy@cascadecountymt.gov>, "Steve Bullock" <governor@mt.gov>
Cc: "Jane Weber" <jweber@cascadecountymt.gov>, "Jim Larson" <jl Larson@cascadecountymt.gov>, "Joe Briggs" <jbriggs@cascadecountymt.gov>
Subject: Re: staff report and other info regarding Ayrshire Solar
Date: Fri, 10 Jun 2016 06:17:32 -0700

Hi Dean,

I would also like the dates and time and staff names of those who physically examined the site prior to making the determination that 40 acres of glass solar panels which are an impervious surface would have "no effect" regarding surface water and drainage as is stated in the Findings of Fact Staff Report and the reason for allowing a public hearing for the conditional use permit.

May I refer you to the City of Great Falls engineer Dave Dobbs and city Manager Gregg Doyon, Commissioner Bob Jones, Jim Young and former Mayor Michael Winters regarding the effect of runoff from this particular site. The city has completed their part in reducing run off from Castle Pines subdivision, however the County employee who was on site during the flooding merely blamed the City for the run off which flooded my property and Harry Mitchell just laughed and basically said too bad, not his problem.

I would also like to know who on staff made the determination of #3 of the Staff Report. I would like to know how they decided that a 40 acre solar panel farm will not injure the value of adjoining property. Please send me all documents and appraisals of the appraiser or real estate expert documents supporting this staff recommendation. Please send me all staff qualifications who made this determination I have copied below.

"3. The proposed development will not substantially injure the value of adjoining property, or is a public necessity"

"The area surrounding this proposed Solar Power Plant business is generally rural or agricultural in nature. Staff believe that, with the conditions of approval, the use will be compatible with the use and character of the surrounding uses and developments. "

In addition I would like all the names of those who are responsible for this Staff Report, including the all correspondence, phone messages, and any out of office discussions/contact including but not limited to lunch/dinner/coffee with Harry Mitchell and or Portage Solar I am legally entitled to.

I hope this information will be forthcoming immediately, as you have allowed me little notice to prepare for this public hearing which is a result of your staff report.

Thank you
Kelly Parks

Kelly Parks MS
Owner - The Pizza Baron
Broker/Owner - Great Falls Realty

direct cell phone: 406-788-6826
email: kelly@greatfallsrealty.com

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal. This e-mail and any files transmitted with it are the sole property of Kelly Parks.

--- dpomeroy@cascadecountymt.gov wrote:

From: "Pomeroy, Deen" <dpomeroy@cascadecountymt.gov>
To: "kelly@greatfallsrealty.com" <kelly@greatfallsrealty.com>
CC: "Conell, Susan" <sconell@cascadecountymt.gov>
Subject: staff report and other info regarding Ayrshire Solar
Date: Thu, 9 Jun 2016 17:00:06 +0000

Kelly

I am attaching several of the materials that you have requested. I will send another email with other pieces of information later.

Deen

Deen L. Pomeroy

Cascade County Planner

121 4th St N, Suite 2 H/I

Great Falls, MT 59401

Phone: 406-454-6905

Fax: 406-454-6919

Conell, Susan

From: Kelly Parks,MS <kelly@greatfallsrealty.com>
Sent: Wednesday, June 15, 2016 1:32 PM
To: Pomeroy, Deen
Cc: Conell, Susan; Weber, Jane; Larson, James; Briggs, Joe; Steve Bullock
Subject: Re: appeal

Dean, Susan and Cascade County Commissioners, Governor Bullock,

I have asked for copies of the application for "unclassified use permit" the solar panels, I have also asked for the notes/emails/correspondence and physical site visits and dates. I have not received anything. I have asked for the engineering determination that runoff will not affect the neighbors, as well as the industrial solar panel site not affecting the values of neighboring properties. I have asked for documentation from an appraiser or whatever measure the Zoning staff made to determine that property values will not be affected. I have received nothing. How many times do I have to ask?

I would also like to specifically see Don Sims notes and any paperwork he has produced relating to this site, his opinions/findings and any contact with Portage Solar and or Harry Mitchell. I find his comments of record in the meeting minutes of interest.

I would also like to know the address of Portage Solar, as there are two Portage Solar companies and because you have refused to provide me with a copy of the application and related documents I do not know where this company is registered or its history. I have a right to know.

I do not believe that the Zoning Staff did proper due diligence concerning this specific site. I believe that there is something else going on in this situation, because I have not received any information that I have requested, and I am not the only one. I do believe that the Zoning Staff is paid by the tax payers of Cascade County and I do believe that they cannot side with one property owner to push a request for an "Unclassified Use" through.

I do believe that in the information you have supplied me today, you are essentially indicating that I must file suit in order to prove the Zoning Staff failed to properly prepare the "Staff Report". You are also stating that there is nothing that direct neighbors impacted by your Zoning Staff Report can do to when the Zoning Board staff determines erroneously that there is "no effect" of the industrial use of solar panels for the "unclassified use permit". There is a process for staff to determine that every section of the staff report "no adverse effects" and "compatible with the surrounding area". I want to know how you determined this. Do I have to get a court order because it is my understanding that you are required to be transparent and provide me with the documentation I have reasonable requested. Transparency is essential in government operations.

Today you are essentially notifying me with excuses that the Zoning staff do not care if the public receives the proper documentation that they request. Interesting.

Busy or not it is your job to provide the information requested from a taxpayer, either electronically or by photo copy for which I am willing to pay the copy fee. I did try to contact you on several occasions by phone prior to my first email and I was told that you had left early for the day after your meetings with Fish Wildlife and Parks.

Again, I do not believe that I was adequately notified of this hearing. You have not produced reference to any "code" to dispute my concern. Susan Conell indicated that there is no statute regarding the number of days in advance of a public hearing the neighbors need to be notified, so long as they have a return receipt for the certified letter they mailed when they felt like it.

I am starting to think that the Cascade County Zoning staff employees have no responsibility to be transparent to the public. Are the Cascade County Commissioners aware of this? Do we have a problem that needs to be addressed? Are you hiding something?

Please provide me with the documents I have requested. Time is of the essence.

Kelly Parks

Kelly Parks MS
direct cell phone: 406-788-6826
email: kelly@greatfallsrealty.com

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal. This e-mail and any files transmitted with it are the sole property of Kelly Parks.

--- dpomeroy@cascadecountymt.gov wrote:

From: "Pomeroy, Deen" <dpomeroy@cascadecountymt.gov>
To: "kelly@greatfallsrealty.com" <kelly@greatfallsrealty.com>
CC: "Conell, Susan" <sconell@cascadecountymt.gov>
Subject: appeal
Date: Wed, 15 Jun 2016 17:52:54 +0000

Hi Kelly

I am attaching the "Cascade County Zoning Regulations, Section 12.3.5."

1. This is not like a zoning application where "x" percent of a class of citizens can overturn a decision of the Zoning Board of Adjustment.

There is a process to appeal any decision made by the Zoning Board of Adjustment. There is an appeal process to go before the County Commissioners to review and make a decision if the ZBOA made an error in their decision. They would have to show how the ZBOA's decision was "illegal in whole or in part, and specifying the grounds of illegality. The petition must be presented to the Commissioners within 30 days after the filing of the decision of the ZBOA's and the final decision must be made within 60 days of the receipt of the petition." Cascade County Zoning Regulations, Section 12.3.5.

A copy of the section has been attached for your convenience.

As you can imagine, we have had a lot of activity/requests for more information. We are sorry if we missed a request. If you know them personally, I hope you can let them know they can come to our office like you did and we will be glad to provide and discuss any concerns they may have.

Deen

Deen L. Pomeroy

Cascade County Planner

121 4th St N, Suite 2 H/I

Great Falls, MT 59401

Phone: 406-454-6905

Fax: 406-454-6919

Briggs, Joe

From: Kelly Parks,MS <kelly@greatfallsrealty.com>
ent: Tuesday, June 14, 2016 9:12 AM
To: Weber, Jane; Larson, James; Briggs, Joe
Subject: Zoning updated voted on today

Dear Cascade County Commissioners,

After reviewing the new Zoning changes, as they will pertain to a zoning public hearing coming up this Thursday, please accept this email that your planning staff has failed to address public safety and public use of funds pertaining to revising the "unclassified special use permit" with respects to clean up in the event one of these permits is granted to an industrial type use in a residential suburban zone or agricultural area.

I will site the coal plant, which is essentially defunct, which was determined spot zoning at the Supreme Court, which will remain an eyesore when it is abandoned. I will also site the contamination of County property directly north of my property, which the County cannot afford to clean up. The county doesn't have enough funds to repair the Courthouse, and certainly doesn't have enough funds to clean up an abandoned special use permit issue.

Thus I conclude that the zoning amendments be DISAPPROVED until the time that the County can address adequate funds or a contractor bond for future clean up.

I find that the Planning and Zoning staff have not adequately address public safety and public spending of failed projects that they intend to grant public hearings for. Everything is rosy at the beginning, however we the taxpayers end up picking up the bill in the end.

Kelly Parks MS

direct cell phone: 406-788-6826
email: kelly@greatfallsrealty.com

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal. This e-mail and any files transmitted with it are the sole property of Kelly Parks.

Pomeroy, Deen

From: Kelly Parks,MS <kelly@greatfallsrealty.com>
Sent: Friday, June 10, 2016 7:18 AM
To: Pomeroy, Deen; Steve Bullock
Cc: Weber, Jane; Larson, James; Briggs, Joe
Subject: Re: staff report and other info regarding Ayrshire Solar

Hi Dean,

I would also like the dates and time and staff names of those who physically examined the site prior to making the determination that 40 acres of glass solar panels which are an impervious surface would have "no effect" regarding surface water and drainage as is stated in the Findings of Fact Staff Report and the reason for allowing a public hearing for the conditional use permit.

May I refer you to the City of Great Falls engineer Dave Dobbs and city Manager Gregg Doyon, Commissioner Bob Jones, Jim Young and former Mayor Michael Winters regarding the effect of runoff from this particular site. The city has completed their part in reducing run off from Castle Pines subdivision, however the County employee who was on site during the flooding merely blamed the City for the run off which flooded my property and Harry Mitchell just laughed and basically said too bad, not his problem.

I would also like to know who on staff made the determination of #3 of the Staff Report. I would like to know how they decided that a 40 acre solar panel farm will not injure the value of adjoining property. Please send me all documents and appraisals of the appraiser or real estate expert documents supporting this staff recommendation. Please send me all staff qualifications who made this determination I have copied below.

"3. The proposed development will not substantially injure the value of adjoining property, or is a public necessity"

"The area surrounding this proposed Solar Power Plant business is generally rural or agricultural in nature. Staff believe that, with the conditions of approval, the use will be compatible with the use and character of the surrounding uses and developments. "

In addition I would like all the names of those who are responsible for this Staff Report, including the all correspondence, phone messages, and any out of office discussions/contact including but not limited to lunch/dinner/coffee with Harry Mitchell and or Portage Solar I am legally entitled to.

I hope this information will be forthcoming immediately, as you have allowed me little notice to prepare for this public hearing which is a result of your staff report.

Thank you
Kelly Parks

Kelly Parks MS
Owner - The Pizza Baron

Broker/Owner - Great Falls Realty
direct cell phone: 406-788-6826
email: kelly@greatfallsrealty.com

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal. This e-mail and any files transmitted with it are the sole property of Kelly Parks.

--- dpomeroy@cascadecountymt.gov wrote:

From: "Pomeroy, Deen" <dpomeroy@cascadecountymt.gov>
To: "kelly@greatfallsrealty.com" <kelly@greatfallsrealty.com>
CC: "Conell, Susan" <sconell@cascadecountymt.gov>
Subject: staff report and other info regarding Ayrshire Solar
Date: Thu, 9 Jun 2016 17:00:06 +0000

Kelly

I am attaching several of the materials that you have requested. I will send another email with other pieces of information later.

Deen

Deen L. Pomeroy

Cascade County Planner

121 4th St N, Suite 2 H/I

Great Falls, MT 59401

Phone: 406-454-6905

Fax: 406-454-6919

Pomeroy, Deen

From: Kelly Parks,MS <kelly@greatfallsrealty.com>
Sent: Thursday, June 09, 2016 2:39 PM
To: Pomeroy, Deen; Steve Bullock
Cc: Weber, Jane; Joe Briggs; Larson, James
Subject: Re: staff report and other info regarding Ayrshire Solar

Hi Dean

Who on your staff determined the following? from your Staff Report that you emailed me dated Thursday June 16, 2016 - UUP #05-2016

c. Soil erosion and sedimentation.

Since the applicant does not plan on building further structures, staff feel this project will not adversely impact soil erosion and sedimentation.

d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.

Staff feels that the protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater are addressed in the proposal and there will be no adverse effects.

I would like all the staff notes, emails, correspondence and engineering reports and environmental quality reports that prove that items c. and d. in the staff report are true? I would also like a log of phone messages and all and ever piece of information I am legally entitled to as a resident of Cascade County. In the event that any messages or email correspondence is not available from a server I would like to be immediately notified.

I am also formally requesting your engineering notes regarding c. and d. in your staff report and who determined that c. and d. were of no effect.

I also do not see any information on your staff report acknowledging that the "contractor/property owner" could become insolvent and abandon the solar panels and I do not see any remedy or bond indicated for subsequent clean up. Please release all your notes regarding the negative effect of abandonment/bankruptcy/insolvency etc.. regarding the solar panels and how the county plans to clean up the waste/environmental issues. Please provide comments from your staff notes regarding the cost of clean up and how the county will pay for it and or where the county stipulates a bond by the contractor for future clean up. We already have one county dump to the north of my property that the county cannot afford to clean up.

I disagree with the lack of time of service prior to the public hearing. I am researching that to determine my rights at the State level.

I look forward to you prompt response.

Thank you
Kelly Parks.

Kelly Parks MS

direct cell phone: 406-788-6826
email: kelly@greatfallsrealty.com

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal. This e-mail and any files transmitted with it are the sole property of Kelly Parks.

--- dpomeroy@cascadecountymt.gov wrote:

From: "Pomeroy, Deen" <dpomeroy@cascadecountymt.gov>
To: "kelly@greatfallsrealty.com" <kelly@greatfallsrealty.com>
CC: "Conell, Susan" <sconell@cascadecountymt.gov>
Subject: staff report and other info regarding Ayrshire Solar
Date: Thu, 9 Jun 2016 17:00:06 +0000

Kelly

I am attaching several of the materials that you have requested. I will send another email with other pieces of information later.

Deen

Deen L. Pomeroy

Cascade County Planner

121 4th St N, Suite 2 H/I

Great Falls, MT 59401

Phone: 406-454-6905

Fax: 406-454-6919

Pomeroy, Deen

From: Dustin Thompson <DThompson@loenbro.com>
Sent: Tuesday, July 12, 2016 12:08 PM
To: Pomeroy, Deen
Subject: Re: appeal

Thank you Deen. I appreciate your response.

Dustin

Sent from my iPhone

On Jul 12, 2016, at 9:23 AM, Pomeroy, Deen <dpomeroy@cascadecountymt.gov> wrote:

Dustin

Thank you for your response regarding the solar power plant. Your comments are part of the public record.

I am attaching four documents to this response. The documents are about the next public hearing, proposed layouts and the new proposed layout for the Fox solar project.

Deen

From: Dustin Thompson [<mailto:DThompson@loenbro.com>]
Sent: Wednesday, June 15, 2016 8:26 PM
To: kelly@greatfallsrealty.com
Cc: Pomeroy, Deen <dpomeroy@cascadecountymt.gov>; Ellen Sievert <esievert@greatfallsmt.net>; Steve Bullock <governor@mt.gov>; Clifton, Brian <bclifton@cascadecountymt.gov>; Conell, Susan <sconell@cascadecountymt.gov>; Weber, Jane <jweber@cascadecountymt.gov>; Larson, James <jl Larson@cascadecountymt.gov>; Briggs, Joe <jbriggs@cascadecountymt.gov>
Subject: Re: appeal

All,

This is Dustin Thompson. I am a resident on 33rd Avenue South. It appears to me that there has been a massive failure from the planning/zoning board concerning this matter. I will be unable to attend the public hearing tomorrow due to a work commitment but I want everyone to know my stance on this issue.

I personally feel that the planning/zoning board has not taken the time or put in the effort to fully understand the effects of the proposed solar power plant. I also feel that the extremely short notice is not fair to the taxpayers in any way, shape or form. We should be given adequate time to respond and research the proposal. The manner in which this situation has been handled makes many of the residents here feel as if you are trying to ram this down our throats without giving us an opportunity to research the potential ramifications of this proposal.

I am FOR economic development when it is done utilizing a fair procedure that gives all affected parties a chance to research and complete due diligence. I am specifically concerned about the potential radiation issues that either haven't been researched or released to the public, as this will directly effect my family.

Also, solar power is not economically viable without government (TAXPAYER) subsidies so I echo Mrs Parks concerns regarding us taxpayers potentially being footed a bill for cleanup when this venture fails.

Joe, Jane and Jim - I have really enjoyed working with you and I know that you will ensure all stakeholders have a chance to voice their opinion and that the best decision will be made for our community. I apologize that I cannot make the hearing tomorrow but I urge you all to please make sure all proper due diligence has taken place before making a decision on this zoning issue. Keep up the great work - I appreciate all you do for our local community and economy. You all are truly an asset to Great Falls!

Sincerely,

Dustin Thompson

Sent from my iPhone

On Jun 15, 2016, at 5:52 PM, Kelly Parks,MS <kelly@greatfallsrealty.com> wrote:

Hi Dean,

Thank you for finally forwarding the application. I appreciate that.

I am unclear as to why Susan, who typically contacts Ellen Seivert regarding historic properties, failed to contact Ellen Seivert regarding this property. Why has there been an exception for the Great Falls Portage National Landmark (since 1965) and the Lewis and Clark National Heritage Trail, which is a division of the National Park Service. Why is the Park Service not listed or mentioned in the Staff report?

I find that this omission by Susan (who represented that she is the head of Staff to me on the phone) appears to be an illegal and deliberate omission. Susan has been on the County Staff for a very long time and generally always contacts Ellen Seivert. There was no contact regarding this property staff report.

Why do you think the southern arterial was stopped from crossing the Portage Route National Historic Landmark? Perhaps I should suggest that the Lewis & Clark Interpretive Center no longer hold the archives and library and perhaps it should go back to Missouri, as no one here seems to really care about Lewis and Clark.

There is no reason that an industrial solar panel farm should be allowed on the Portage Route National Historic Landmark. Shame on you Susan.

Brian Clifton, I appreciate your call today and transparency regarding my

questions. You are really to be commended for being so forthright. After numerous other phone calls to other agencies and organizations today, I am not buying the theory that the "staff just forgot about the National Historic Landmark". I do thank you for the information that the Coal Plant had to post a bond for clean up, as it was a big failure, it was Spot Zoning, and didn't create the long term jobs it promised.

Any industrial use that is not in an industrial area should be required to post a bond for clean up. Suing the property owner to clean up and then taking their land to compensate for clean up only costs the County more money and time. The bond was a good idea for the coal plant and we should be thoughtful of that with any utility in the future. Ironically the Coal Plant was in the Portage Route area too. Will it be necessary to have a second failure?

Kelly Parks

Kelly Parks MS

direct cell phone: 406-788-6826

email: kelly@greatfallsrealty.com

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal. This e-mail and any files transmitted with it are the sole property of Kelly Parks.

--- dpomeroy@cascadecountymt.gov wrote:

From: "Pomeroy, Deen" <dpomeroy@cascadecountymt.gov>

To: "kelly@greatfallsrealty.com" <kelly@greatfallsrealty.com>

CC: "Conell, Susan" <sconell@cascadecountymt.gov>

Subject: appeal

Date: Wed, 15 Jun 2016 17:52:54 +0000

Hi Kelly

I am attaching the "Cascade County Zoning Regulations, Section 12.3.5."

1. This is not like a zoning application where "x" percent of a class of citizens can overturn a decision of the Zoning Board of Adjustment.

There is a process to appeal any decision made by the Zoning Board of Adjustment. There is an appeal process to go before the County Commissioners to review and make a decision if the ZBOA made an error in their decision. They would have to show how the ZBOA's decision was "illegal in whole or in part, and specifying the grounds of illegality. The petition must be presented to the Commissioners within 30 days after the

filing of the decision of the ZBOA's and the final decision must be made within 60 days of the receipt of the petition." Cascade County Zoning Regulations, Section 12.3.5.

A copy of the section has been attached for your convenience.

As you can imagine, we have had a lot of activity/requests for more information. We are sorry if we missed a request. If you know them personally, I hope you can let them know they can come to our office like you did and we will be glad to provide and discuss any concerns they may have.

Deen

Deen L. Pomeroy

Cascade County Planner

121 4th St N, Suite 2 H/I

Great Falls, MT 59401

Phone: 406-454-6905

Fax: 406-454-6919

Statement of Confidentiality

The contents of this e-mail message and any digital media included are confidential and are intended solely for the addressee('s). The information may also be legally privileged. This transmission is sent in trust, for the sole purpose of delivery to the intended recipient('s). If you have received this transmission in error, or through illegal means, any use, reproduction or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, immediately notify the sender by reply e-mail or phone and delete this message and all included files, if any.

<ORIGINAL PROPOSED LAYOUT FOX SOLAR LEGAL.docx>

<3rd Notice of Public Hearing - UUP 1-6_Portage and Fox combined 07-05-16.docx>

<Fox Solar REVISED Site Plan 6-27-16.pdf>

<Portage_Zoning Site Plan_05-11-16.pdf>

Statement of Confidentiality

The contents of this e-mail message and any digital media included are confidential and are intended solely for the addressee('s). The information may also be legally privileged. This transmission is sent in trust, for the sole

purpose of delivery to the intended recipient(s). If you have received this transmission in error, or through illegal means, any use, reproduction or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, immediately notify the sender by reply e-mail or phone and delete this message and all included files, if any.

Pomeroy, Deen

From: Pomeroy, Deen
Sent: Tuesday, July 12, 2016 9:22 AM
To: 'Dustin Thompson'
Subject: RE: appeal
Attachments: ORIGINAL PROPOSED LAYOUT FOX SOLAR LEGAL.docx; 3rd Notice of Public Hearing - UUP 1-6_Portage and Fox combined 07-05-16.docx; Fox Solar REVISED Site Plan 6-27-16.pdf; Portage_Zoning Site Plan_05-11-16.pdf

Dustin

Thank you for your response regarding the solar power plant. Your comments are part of the public record. I am attaching four documents to this response. The documents are about the next public hearing, proposed layouts and the new proposed layout for the Fox solar project.

Deen

From: Dustin Thompson [mailto:DThompson@loenbro.com]
Sent: Wednesday, June 15, 2016 8:26 PM
To: kelly@greatfallsrealty.com
Cc: Pomeroy, Deen <dpomeroy@cascadecountymt.gov>; Ellen Sievert <esievert@greatfallsmt.net>; Steve Bullock <governor@mt.gov>; Clifton, Brian <bclifton@cascadecountymt.gov>; Conell, Susan <sconell@cascadecountymt.gov>; Weber, Jane <jweber@cascadecountymt.gov>; Larson, James <jlarson@cascadecountymt.gov>; Briggs, Joe <jbriggs@cascadecountymt.gov>
Subject: Re: appeal

All,

This is Dustin Thompson. I am a resident on 33rd Avenue South. It appears to me that there has been a massive failure from the planning/zoning board concerning this matter. I will be unable to attend the public hearing tomorrow due to a work commitment but I want everyone to know my stance on this issue.

I personally feel that the planning/zoning board has not taken the time or put in the effort to fully understand the effects of the proposed solar power plant. I also feel that the extremely short notice is not fair to the taxpayers in any way, shape or form. We should be given adequate time to respond and research the proposal. The manner in which this situation has been handled makes many of the residents here feel as if you are trying to ram this down our throats without giving us an opportunity to research the potential ramifications of this proposal.

I am FOR economic development when it is done utilizing a fair procedure that gives all affected parties a chance to research and complete due diligence. I am specifically concerned about the potential radiation issues that either haven't been researched or released to the public, as this will directly effect my family.

Also, solar power is not economically viable without government (TAXPAYER) subsidies so I echo Mrs Parks concerns regarding us taxpayers potentially being footed a bill for cleanup when this venture fails.

Joe, Jane and Jim - I have really enjoyed working with you and I know that you will ensure all stakeholders have a chance to voice their opinion and that the best decision will be made for our community. I apologize that

I cannot make the hearing tomorrow but I urge you all to please make sure all proper due diligence has taken place before making a decision on this zoning issue. Keep up the great work - I appreciate all you do for our local community and economy. You all are truly an asset to Great Falls!

Sincerely,

Dustin Thompson

Sent from my iPhone

On Jun 15, 2016, at 5:52 PM, Kelly Parks,MS <kelly@greatfallsrealty.com> wrote:

Hi Dean,

Thank you for finally forwarding the application. I appreciate that.

I am unclear as to why Susan, who typically contacts Ellen Seivert regarding historic properties, failed to contact Ellen Seivert regarding this property. Why has there been an exception for the Great Falls Portage National Landmark (since 1965) and the Lewis and Clark National Heritage Trail, which is a division of the National Park Service. Why is the Park Service not listed or mentioned in the Staff report?

I find that this omission by Susan (who represented that she is the head of Staff to me on the phone) appears to be an illegal and deliberate omission. Susan has been on the County Staff for a very long time and generally always contacts Ellen Seivert. There was no contact regarding this property staff report.

Why do you think the southern arterial was stopped from crossing the Portage Route National Historic Landmark? Perhaps I should suggest that the Lewis & Clark Interpretive Center no longer hold the archives and library and perhaps it should go back to Missouri, as no one here seems to really care about Lewis and Clark.

There is no reason that an industrial solar panel farm should be allowed on the Portage Route National Historic Landmark. Shame on you Susan.

Brian Clifton, I appreciate your call today and transparency regarding my questions. You are really to be commended for being so forthright. After numerous other phone calls to other agencies and organizations today, I am not buying the theory that the "staff just forgot about the National Historic Landmark". I do thank you for the information that the Coal Plant had to post a bond for clean up, as it was a big failure, it was Spot Zoning, and didn't create the long term jobs it promised. Any industrial use that is not in an industrial area should be required to post a bond for clean up. Suing the property owner to clean up and then taking their land to compensate for clean up only costs the County more money and time. The bond was a good idea for the coal plant and we should be thoughtful of that with any utility in the future. Ironically the Coal Plant was in the Portage Route area too. Will it be necessary to have a second failure?

Kelly Parks

Kelly Parks MS
direct cell phone: 406-788-6826
email: kelly@greatfallsrealty.com

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal. This e-mail and any files transmitted with it are the sole property of Kelly Parks.

--- dpomeroy@cascadecountymt.gov wrote:

From: "Pomeroy, Deen" <dpomeroy@cascadecountymt.gov>
To: "kelly@greatfallsrealty.com" <kelly@greatfallsrealty.com>
CC: "Conell, Susan" <sconell@cascadecountymt.gov>
Subject: appeal
Date: Wed, 15 Jun 2016 17:52:54 +0000

Hi Kelly

I am attaching the "Cascade County Zoning Regulations, Section 12.3.5."

1. This is not like a zoning application where "x" percent of a class of citizens can overturn a decision of the Zoning Board of Adjustment.

There is a process to appeal any decision made by the Zoning Board of Adjustment. There is an appeal process to go before the County Commissioners to review and make a decision if the ZBOA made an error in their decision. They would have to show how the ZBOA's decision was "illegal in whole or in part, and specifying the grounds of illegality. The petition must be presented to the Commissioners within 30 days after the filing of the decision of the ZBOA's and the final decision must be made within 60 days of the receipt of the petition." Cascade County Zoning Regulations, Section 12.3.5.

A copy of the section has been attached for your convenience.

As you can imagine, we have had a lot of activity/requests for more information. We are sorry if we missed a request. If you know them personally, I hope you can let them know they can come to our office like you did and we will be glad to provide and discuss any concerns they may have.

Deen

Deen L. Pomeroy

Cascade County Planner

121 4th St N, Suite 2 H/I

Great Falls, MT 59401

Phone: 406-454-6905

Fax: 406-454-6919

Statement of Confidentiality

The contents of this e-mail message and any digital media included are confidential and are intended solely for the addressee('s). The information may also be legally privileged. This transmission is sent in trust, for the sole purpose of delivery to the intended recipient('s). If you have received this transmission in error, or through illegal means, any use, reproduction or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, immediately notify the sender by reply e-mail or phone and delete this message and all included files, if any.

Conell, Susan

From: Dustin Thompson <DThompson@loenbro.com>
Sent: Wednesday, June 15, 2016 8:26 PM
To: kelly@greatfallsrealty.com
Cc: Pomeroy, Deen; Ellen Sievert; Steve Bullock; Clifton, Brian; Conell, Susan; Weber, Jane; Larson, James; Briggs, Joe
Subject: Re: appeal

All,

This is Dustin Thompson. I am a resident on 33rd Avenue South. It appears to me that there has been a massive failure from the planning/zoning board concerning this matter. I will be unable to attend the public hearing tomorrow due to a work commitment but I want everyone to know my stance on this issue.

I personally feel that the planning/zoning board has not taken the time or put in the effort to fully understand the effects of the proposed solar power plant. I also feel that the extremely short notice is not fair to the taxpayers in any way, shape or form. We should be given adequate time to respond and research the proposal. The manner in which this situation has been handled makes many of the residents here feel as if you are trying to ram this down our throats without giving us an opportunity to research the potential ramifications of this proposal.

I am FOR economic development when it is done utilizing a fair procedure that gives all affected parties a chance to research and complete due diligence. I am specifically concerned about the potential radiation issues that either haven't been researched or released to the public, as this will directly effect my family.

Also, solar power is not economically viable without government (TAXPAYER) subsidies so I echo Mrs Parks concerns regarding us taxpayers potentially being footed a bill for cleanup when this venture fails.

Joe, Jane and Jim - I have really enjoyed working with you and I know that you will ensure all stakeholders have a chance to voice their opinion and that the best decision will be made for our community. I apologize that I cannot make the hearing tomorrow but I urge you all to please make sure all proper due diligence has taken place before making a decision on this zoning issue. Keep up the great work - I appreciate all you do for our local community and economy. You all are truly an asset to Great Falls!

Sincerely,

Dustin Thompson

Sent from my iPhone

On Jun 15, 2016, at 5:52 PM, Kelly Parks,MS <kelly@greatfallsrealty.com> wrote:

Hi Dean,

Thank you for finally forwarding the application. I appreciate that.

I am unclear as to why Susan, who typically contacts Ellen Seivert regarding historic properties, failed to contact Ellen Seivert regarding this property. Why has there been an exception for the Great Falls Portage National Landmark (since 1965) and the Lewis

and Clark National Heritage Trail, which is a division of the National Park Service. Why is the Park Service not listed or mentioned in the Staff report?

I find that this omission by Susan (who represented that she is the head of Staff to me on the phone) appears to be an illegal and deliberate omission. Susan has been on the County Staff for a very long time and generally always contacts Ellen Seivert. There was no contact regarding this property staff report.

Why do you think the southern arterial was stopped from crossing the Portage Route National Historic Landmark? Perhaps I should suggest that the Lewis & Clark Interpretive Center no longer hold the archives and library and perhaps it should go back to Missouri, as no one here seems to really care about Lewis and Clark.

There is no reason that an industrial solar panel farm should be allowed on the Portage Route National Historic Landmark. Shame on you Susan.

Brian Clifton, I appreciate your call today and transparency regarding my questions. You are really to be commended for being so forthright. After numerous other phone calls to other agencies and organizations today, I am not buying the theory that the "staff just forgot about the National Historic Landmark". I do thank you for the information that the Coal Plant had to post a bond for clean up, as it was a big failure, it was Spot Zoning, and didn't create the long term jobs it promised. Any industrial use that is not in an industrial area should be required to post a bond for clean up. Suing the property owner to clean up and then taking their land to compensate for clean up only costs the County more money and time. The bond was a good idea for the coal plant and we should be thoughtful of that with any utility in the future. Ironically the Coal Plant was in the Portage Route area too. Will it be necessary to have a second failure?

Kelly Parks

Kelly Parks MS
direct cell phone: 406-788-6826
email: kelly@greatfallsrealty.com

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal. This e-mail and any files transmitted with it are the sole property of Kelly Parks.

--- dpomeroy@cascadecountymt.gov wrote:

From: "Pomeroy, Deen" <dpomeroy@cascadecountymt.gov>
To: "kelly@greatfallsrealty.com" <kelly@greatfallsrealty.com>
CC: "Conell, Susan" <sconell@cascadecountymt.gov>
Subject: appeal
Date: Wed, 15 Jun 2016 17:52:54 +0000

Hi Kelly

I am attaching the "Cascade County Zoning Regulations, Section 12.3.5."

1. This is not like a zoning application where "x" percent of a class of citizens can overturn a decision of the Zoning Board of Adjustment.

There is a process to appeal any decision made by the Zoning Board of Adjustment. There is an appeal process to go before the County Commissioners to review and make a decision if the ZBOA made an error in their decision. They would have to show how the ZBOA's decision was "illegal in whole or in part, and specifying the grounds of illegality. The petition must be presented to the Commissioners within 30 days after the filing of the decision of the ZBOA's and the final decision must be made within 60 days of the receipt of the petition." Cascade County Zoning Regulations, Section 12.3.5.

A copy of the section has been attached for your convenience.

As you can imagine, we have had a lot of activity/requests for more information. We are sorry if we missed a request. If you know them personally, I hope you can let them know they can come to our office like you did and we will be glad to provide and discuss any concerns they may have.

Deen

Deen L. Pomeroy

Cascade County Planner

121 4th St N, Suite 2 H/I

Great Falls, MT 59401

Phone: 406-454-6905

Fax: 406-454-6919

Statement of Confidentiality

The contents of this e-mail message and any digital media included are confidential and are intended solely for the addressee('s). The information may also be legally privileged. This transmission is sent in trust, for the sole purpose of delivery to the intended recipient('s). If you have received this transmission in error, or through illegal means, any use, reproduction or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, immediately notify the sender by reply e-mail or phone and delete this message and all included files, if any.