

PETITION AGAINST COUNTY ZONE CHANGE
 ZONE CHANGE # 685
 GENERAL LOCATION: 1730 S. 48th St W

10/27/2017

WE, the undersigned are against the above proposed zone change:

NAME (PRINT) SIGNATURE PROPERTY OWNED (ADDRESS)

NAME (PRINT)	SIGNATURE	PROPERTY OWNED (ADDRESS)
CURT SAMUELSON	<i>Curt Samuelson</i>	4824 Amber Lane
Sharon Samuelson	<i>Sharon Samuelson</i>	4824 Amber Ln
Ronald Bach	<i>Ronald Bach</i>	4860 Amber Ln
Shirley Smith	<i>Shirley Smith</i>	4835 Amber Ln.
Barb Keil	<i>Barb Keil</i>	4852 Amber Ln.
BRUCE KEIL	<i>Bruce Keil</i>	4852 AMBER LN
Larry Armstrong	<i>Larry Armstrong</i>	1604 S. 48 th St. W.
Eunice Armstrong	<i>Eunice Armstrong</i>	1604 So 48 St. West
	Uncertain Ⓣ	
	Curt Samuelson	
	Since he spoke	
	in favor today	
	10/27/17 -Nicole	

Official Copy
10/27/2017

Some of what I am going to say has probably already been discussed but I think it bears repeating if only to reiterate what this will mean to us, my wife, my mom who lives with us and I.

First of all, my name is Larry Armstrong and am mentioned is the sheaf of papers sent to land owners who border Canyon Creek as one who is opposed to this intrusion. And I say intrusion because for us personally, it definitely will be.

Oh, and I might add that you timed your article in the Billings Gazette perfectly Staci. You make yourself look saintly, almost, in that article. I too was born and raised in Billings and I too would like to do something that I think would be nice and would benefit the people of Billings but not something like what you are proposing. Billings just doesn't need another drinking establishment. There are already too many places where a person can go to drink. And we sure as heck don't need one right between two residential subdivisions. Had your landscaping business been here already with a micro brewery and pub in place first before any houses were built here, then maybe you'd have a leg to stand on but you are the new comer her Staci. You should not be allowed to just waltz in here and decide to put a drinking establishment right between two established neighborhoods. Most of us don't want this and you should not be going against all of us who are the majority. Is your goal to make enemies of all of us? Because if this goes through, you will have accomplished just that. I personally don't care for micro brewed beer. I think all of it tastes awful and don't see what the fascination for micro brewed beer is all about. But that's just me. So I will never step foot in any micro brewery, but obviously there are people who like it, as demonstrated by the pub on Gabel road which is just a couple miles away from your nursery. Have any of you gone by or been to that pub on Gabel? I've driven by there some evenings and there are cars parked for several blocks on both sides of the street up and down Gable as the lot is so full no one else can even get in there. I can just see the dollar signs in Staci's eyes every time he drives by there. He says it's not about the money. I say hog wash. It's all about the money. He wouldn't be spending what could be potentially a half a million dollars to put this micro brewery in if it wasn't about the money. Evidently all the money he makes with his nursery and design business isn't enough for him.

Because we have more to lose than anyone else in either of the two subdivisions, my propensity to not want this establishment put in here is stronger than anyone's. The amount of traffic which it will eventually generate, having driven by the establishment on Gabel enough times to know what it will be like, is going to be unacceptable. The traffic on 48th street has more than quadrupled in the 28 years since we moved here. Back then, it was a quiet even peaceful place to live. Soon though, other houses started going up on both sides of A-1 landscaping. The subdivisions filled up fast. But Dale Hudibraugh, who owned A-1, did most of his business on the other side of his property, so even with the increase of traffic from all of those houses going in, the noise still wasn't bad. Enter Canyon Creek. Immediately, Staci started on a monstcracity of a building right next door to us. It's not even 200 feet from our front door. I couldn't protest as I didn't have anything to say about it. He just went ahead and did it. It took the better part of a year. So we had all that construction noise going on over there for some times 7 days a week and 12 hours a day. Then when it was all done, his guys spent another 2 or 3 months putting in a pond with a bunch of big boulders around it, all the time with his drinking establishment in mind. All of his noisy skid steers work just on the other side of the fence between our two properties.

It's like having non-stop construction going on practically every day. And now he wants to have even more noise for an even long period of time by putting in this brew pub. He has a gravel drive which goes into the area where he proposes to have parking for all of these patrons. The drive is between his monstrosity building and our property. If any of you have lived on a gravel road, you know what I am talking about when I say vehicles driving on gravel roads make a lot of noise. The crunching sound is very unnerving. It doesn't bother Staci as that sounds like dollars crunching out there. For us to be in our back yard in the evening, that crunching sound sounds like a car shredding operation going on. We will never have any peace and quiet in our back yard if this thing goes through.

Some of you may know and some of you may not be aware that our wonderful legislators over there in the beautiful town of Helena passed a bill to allow micro brew beer to go from 7% alcohol to 14% alcohol because the micro brewers said their 7% beer didn't have enough taste so the lobbyists lobbied our legislators and got this bill passed. Staci has said that only 48 ounces of beer can be sold to any one patron. If you figure this out, alcohol wise, 48 ounces of 14% beer would be like drinking 96 ounces of 7% beer. That's 8 twelve ounce cans or bottles of beer. There are some people who consume a lot of alcoholic drinks who can handle that many beers and not get fallen down drunk but for most of us who are sensible drinkers, if we were to drink 8 twelve ounce cans or bottles of beer, would not be able to even walk (at least walk a straight line) let alone get in a car and drive home which is the only way they would be able to get home unless they were to call a cab, though most don't. The intersection of Hesper and Shiloh has already been the subject of numerous accidents, without people drinking. They've just been caused by people not paying attention. So enter people who have had 8 beers. Do you think they can function as well as a person who hasn't consumed any alcohol but yet still get into accidents in that intersection? Should Canyon Creek Nursery be held responsible if accidents do start occurring there on a regular basis because of too much alcohol being consumed? I don't know how the laws work but shouldn't Mr Robinson and his business be held accountable if this establishment goes through?

I go bowling 2 nights a week around 5 to 5:30. I can just imagine how much of a problem I'm going to have trying to get out onto 48th street at that time if Staci is allowed to put this pub in here. With all the traffic at that time of the evening even now, it will be almost ridiculous trying to get out of our drive way if this pub is put in next door.

Then there is the subject of property values which someone at the meeting over at Canyon Creek brought up. Staci said, oh it won't affect your property values at all. He doesn't know that. I want to ask you. How many of you would want to buy a house which sits right next door to a drinking establishment? There will undoubtedly be people who will be out there drinking and talking loudly which would likely include yelling as that's what people who drink do. Then as I mentioned, there would be cars going in and out on that gravel driveway and going back and forth in front of the house for 4 or 5 hours while you're trying to eat dinner and relax in front of the television. It's already bad enough with all the knuckle heads riding noisy motorcycles and driving loud noisy diesel pickups and loud noisy small rice burner cars. Then add another 50 to 100 more vehicles some of which would undoubtedly be loud noisy pickups, cars and motorcycles and you can see why I don't want this drinking establishment to go in next door or anywhere near us. So I ask you, is this going to affect my property value? You can bet it

will and it will also affect the amount of potential buyers who might otherwise buy our house. There would undoubtedly be those who either wouldn't mind living next door to a pub or who might even like it but I'm going to go out on a limb here and guess that the majority of people would not want to live next door to a pub.

So if this goes through and Staci gets his wish, we would probably be forced to move. We have looked around on the west end of Billings, where we have lived for over 36 years, and have found most houses to be out of our price range. We live on 2 acres. Our house is paid for. We have a fairly good sized detached shop as well as pole barn on the first acre and the second acre is sitting empty. To find a house comparable to ours where it would be allowed to have two out buildings comparable to ours, we'd have to come up with at least \$500,000. We've been told our house is only worth \$350'000, so we'd have to finance \$150'000. I will soon be completely retired and my wife isn't too far away either. We have been planning our retirement for many years as most of you have. We wanted to have our house paid for by the time we retired and have accomplished that. Having been married for over 42 years, we thought we would be going into our twilight years without any payments. If Staci gets his way, we will have basically two choices. We either stay and put up with all the excess noise of way more people and vehicles or go into debt again, with an even larger house payment than the one we just got through paying off.

When Dale Hudibraugh was next door, he was a good neighbor. He planted a row of berry type bushes and trees just on our side of a fence he erected after planting them and trenched for an underground irrigation pipe from his well over to that row of trees and bushes. The row ran from the front of our property all the way back to the end of his property. The row of trees and bushes were in the back yards of at least 4 of my neighbors. No one that I know of asked him to do this. He just did it. But every neighbor that I have spoken with said this was the nicest thing any neighbor had ever done for them. So for 25 years, he watered all of those trees and bushes from the well on his property. Enter Canyon Creek. He immediately capped that water line which necessitated everyone affected, who had all those trees and bushes to run their own water lines to those trees and bushes. I had to personally trench to those trees and bushes a long way to get water to them. My well had been running for 3 to 4 hours every day during the hot days of summer. By having to water all those trees and bushes for the length of 2 acres made it necessary for me to have to run my well pump for an additional 3 to 4 more hours. While it's true that there are additional trees on that back acre which A-1 left (again, that's the kind of neighbor Dale was, he left probably 100 pine trees around that back acre as a border upon my request for having his pine trees planted on that back acre for 15 years) it would still take a lot of water to water all those trees and bushes in that row Dale planted. In fact Dale has given us close to 150 trees over the years and every tree on our property was given to us by him. He wouldn't take a dime from us. I would offer to pay him and he would just say, oh catch me the next time. But when the next time would roll around, he still wouldn't take any money. And I used to borrow equipment from him all the time. If I needed a skid steer or dump truck or excavator for a project, all I had to do was ask. He never said no. I asked a co- worker of Staci if I could borrow one of his trenchers and all I got was silence. So I just went and rented one. I've never asked Staci for anything since and never will. He's definitely not another Dale Hudibraugh but guys like him usually only come into a person's life one time. If we have to move,

who knows what kind of a neighbor we will end up with. I have two other neighbors who live close by who are also kind and giving. Both have helped me more than once when I've asked and have never asked for anything in return. This was a good place to live but not so much anymore. I will miss Curt and Randy if we have to move but sometimes you do what you have to do.

*Signed,
Larry Armstrong*

10/27/2017

NL

From: Nicki Larson nicki.lee.larson@gmail.com
Subject: Zone change request-Canyon Creek Nursery-1730 48th Street West
Date: October 27, 2017 at 1:21 AM
To: Cheryl Moseley cheryl@eyeoftheworld.us, jim@ranchmartin.com
Cc: Rick Larson rhlarsonbms@gmail.com

Cheryl and Jim, I tried to send this to Nicole as well, but I got an invalid email address message. Sorry!!

Dear Ms. Cromwell,

We are writing this letter to voice our opposition to the proposed zone change at Canyon Creek Nursery. We have lived in this neighborhood for 20 years. It is a quiet, family-friendly place where we raised our children and where our grandchildren often visit. We simply want to keep our home as a sanctuary for our family and friends!

As the area has grown, primarily with new residential developments, the traffic has naturally increased and so have the number of vehicle accidents. Adding a brewery and possibly an event center to the area will dramatically increase the traffic and undoubtedly the number of accidents. We're also concerned about parking. Canyon Creek Brewing on Gabel Road is always very busy. Their parking lot fills up quickly and the overflow parking lines both sides of Gabel Road. There is no room on 48th Street West for street parking and the intersection at Hesper and 48th is one of the more treacherous in the area. We often see people walking their dogs or jogging along 48th. More traffic will put them at risk.

We appreciate the improvements made to the old A1 Nursery as the new Canyon Creek Nursery has improved the ascetics of the area. The business at present is primarily an 8 to 5 business but with this change it will be open into the evening and possibly night hours. Obviously, there would be more noise as well. This is not something any neighborhood would want.

Thank you.

Frederick and Nicki Larson
1939 Stillmeadow Drive

ZONE CHANGE CANYON CREEK NURSERY 10/27/17

1. There are 119 allowed uses Neighborhood commercial zoning, including multifamily. This proposed change is in the middle of single family rural large lot neighborhood. If this zone change is successful all of the uses could at sometime in the future be allowed without further review.
2. BILLINGS CODE for allowable use prohibits drinking establishments in NC zones. I would ask the Zoning Coordinator to explain why the use form prohibits the drinking establishments, and yet she has included it in this zone change.
3. Mr. Robinson at the informal pre-application meeting talked of 48th Street as a major arterial when in fact it is a minor arterial street with 56th and Shiloh RD being the major streets. 48th Street is narrow with very steep shoulder. It is used every day by pedestrians for exercise and their dogs. Many times in the evening and mornings in very limited light if not total darkness. He also spoke of public water and sewer becoming available in a very short time and that the city would very soon be annexing the area. In addition he said that existing gravel pits either side of Hesper RD and east of 48th will become lakes to store water for the city of Billings. I would like the zoning coordinator to address these statements and predict the time table if in fact the statements are correct. I would also ask the zoning coordinator if there are any public microbreweries located outside of the city limits.
4. The county assessment records show 24 homes and 8 vacant lots with a value in excess \$15,000,000. In the event the zone change is granted and the property is developed for the proposed use and any of the other 119 uses allowed under neighborhood commercial zone, what is the anticipated decline in the value of the properties in the area.
5. I have lived in the area since 1981, I have been a licensed realtor for 40 years and have developed several subdivisions in the immediate area. I purchased this 80 acre farm in 1983 and developed a minor plat subdivision on the north 20 acres and sold 20 acres to Dale Hudiburg for A1 Nursery. He sold it to Mr. Robinson, who improved the buildings. The existing Ag

Zoning allows the nursery business and office for that business. Mr. Robinson has stated that the remodel of the green houses was not successful because of heat a couple of months in the summer. Therefore, he is trying to change the use to the proposed zone. Mr. Robinson purchased the Toole Nursery several years ago, which is located about a 1/4 mile south of his present location. That property is about 10 acres in size. However, Canyon Creek with old stand cottonwood and willow trees create a great buffer to his proposed use.

6. My home was in the parade of homes in 1993 and three other homes were in the parade in subsequent years. I want to be on record that I am opposed to this proposed zone change and would implore the planning department members to visit the area and put themselves in the position of the area home owners when considering this matter.

James Espy

1940 Whispering Meadows Dr

Billings, MT 59106

406 661 3122

jim@ranchmartinc.com

Cromwell, Nicole

From: Trent Smith <trent@hiballtrucking.com>
Sent: Thursday, October 26, 2017 1:18 PM
To: Cromwell, Nicole
Subject: County Zone change 684-Hesper Road and 48th street west

Follow Up Flag: Follow up
Flag Status: Flagged

I am unavailable to attend the meeting scheduled for 10-27-17 as I will be out of town on business. Please accept this email as my opposition to the above mentioned zoning change. I feel that this change represents a conflict with my enjoyment of my home and property based on the zoning rules in place when I purchased the property. I am also opposing this change as it will represent a significant safety risk, 48th street and Hesper has already experienced accidents and cannot handle the dramatic increase in traffic. The address I represent is 4920 Whispering Grove Lane, Billings MT 59106, my spouse is Stephanie Smith. Please let me know if this is not an acceptable method to oppose.
Thank You
Trent Smith

TRENT SMITH

Hi-Ball Trucking Inc.
P.O. Box 80325 Billings, MT 59108
Billings, MT Office: (800) 423-6253
Belgrade, MT Office: (800) 621-7831
www.hiballtrucking.com



Cromwell, Nicole

From: Connie Paulson <randycon1984@gmail.com>
Sent: Thursday, October 26, 2017 4:48 PM
To: Cromwell, Nicole
Subject: County Zone Changes 685-1730

Follow Up Flag: Follow up
Flag Status: Flagged

Ms Cromwell,

We are unable to attend the preliminary Review Meeting on October 27, 2017 for the county zone change 685-1730 48th Street West- Canyon Creek Nursery Planned Development. We are writing this email to voice our concerns about the following issues.

- a) Increased traffic at the intersection of 48th St West and Hesper Rd
- b) Inadequate parking for the proposed brewery
 - 1) no sidewalks on 48th St
 - 2) narrow street with no shoulders
- c) This is a residential neighborhood. We do not want a business where there is consumption of alcohol.

Thank you for your time and consideration,

Randy & Connie Paulson
4805 Amber Lane

October 22, 2017

***RE: PRELIMINARY REVIEW MEETING FOR NEW CANYON CREEK NURSERY
PLANNED DEVELOPMENT ZONE***

Dear Ms. Cromwell and County Development Review Committee,

Our family's home borders the Canyon Creek Nursery and we are adamantly opposed to any change in zoning and the proposed development.

We received a letter informing us that Mr. Robinson sought to change the zoning and add a "possible" future microbrewery. We were unable to attend the small gathering of neighbors adjacent to the nursery. We mistakenly assumed all fourteen homes in our neighborhood received that letter. Upon our return home, we received our notice of hearing. Unfortunately, both my husband and I will be out of town and unable to attend the Oct. 27 hearing. We would appreciate you sharing our opposition with the group at that time. Here are our objections:

Total Change in Land Use in our Area

The area where Canyon Creek Nursery is located is, and has always has been, residential. There is no zoned commercial property within a number of miles. For the past 30 years we have owned our property, A-1 Nursery operated a landscape and nursery business to the north of our property. There were very few vehicles coming and going on 48th St. W. The limited months of A-1's operation fit well in to the residential neighborhood. The proposed change would allow commercial development in an area that has never had commercial development and certainly not the type of traffic brought by a microbrewery or event space.

Bordering the Nursery are strictly well and septic system neighborhoods. Again, this is ill fitted for additional pressure from a microbrewery operation, event operations and additional commercial operations. The water table and sewage capacities are already being stretched too far. In addition, the microbrewery and event location would increase noise and traffic levels to an unacceptable. The crowd at the Canyon Creek microbrewery on Gabel Road is unbelievably large, every day and early evening. That location is appropriately entirely commercial. There are no neighbors for the microbrewery to affect. Here, the opposite is true.

This is not a zoning change that would affect only Mr. Robinson's plans. Should this zoning change go in to effect, any future sale of the property would allow future commercial development adverse to the residential neighborhood.

Public Safety Concerns

Both Hesper and 48th St. W. have speed limits in excess of 50 miles per hour. Vehicles are more likely to be traveling 60 m.p.h. plus, especially on Hesper, which is just north of the proposed commercial zone, microbrewery and rental event space. There is no turn lane on either 48th St. W. nor Hesper. There are numerous, serious

accidents at these west end intersections. Adding alcohol consumption would only increase the risk we take on these roads. The roads also have no shoulders or lights. The school buses are dropping off kids on these roads at 4 p.m. and later when the microbrewery would be open. No other microbrewery is in a residential neighborhood with school children hopping on and off the school bus, for good reason.

The Yellowstone County Sheriff currently oversees whatever criminal activities that have occurred in our neighborhood. We would need assurances that they are equipped to oversee a microbrewery, drinking and driving violations and any other criminal complaints that may arise from this commercial activity.

There has been no posting of this request for a zoning change at the current Canyon Creek Nursery location. The majority of our neighbors have no idea that a microbrewery is planned or any commercial zone change application has been made. **At what point does the Nursery have to post this requested change so neighbors are aware of what is being done?**

We have made a substantial investment in our home and our property, which is south of the nursery. In our small neighborhood, we pay substantial taxes, have pets, children and grandchildren. We are good neighbors. We do not complain when the trucks start up shortly after 6 a.m. spring and summer. We built knowing we lived next to a nursery and this was the time of year they needed to work hard to make their living. Mr. Robinson bought A-1 Nursery and developed it knowing what it was zoned. Please do not allow him to now change that zoning, making our surrounding roads even more dangerous and negatively affecting our rural residential way of life. Changing to a commercial zone just makes no sense.

Please feel free to contact us if you have any questions.

Sincerely,

Michael and Ramona Stevens
1810 Stillmeadow Dr.
Billings, MT 59106
#406-860-3435

4852 Amber Ln
Billings, MT 59106
November 14, 2017

To: Nicole Cromwell
Zoning Coordinator
Planning & Community Services

Re: Canyon Creek Nursery PD, Zone Change 685

I am writing in opposition to this proposed zone change. My property adjoins the property of the zone change. The zone change is proposed so that the owner can establish a brewery and a taproom on the property. I believe that this is not a desirable addition or change to our neighborhood.

I feel certain that a bar (taproom, brew pub, whatever you want to call it) will make this area a less desirable place to live. Traffic and noise will increase dramatically. 48th street is not designed as a commercial street and it will become much more congested. Many people in the area walk and exercise their dogs along this street and the increase in traffic will jeopardize their safety.

The increase in traffic and noise will likely not be limited to the hours of operation of the brew pub. Brewing operations will mean an increase in truck traffic, hauling water and raw materials in and hauling product out. I would think that people operating the brewery will be on the premises at any time, including the nighttime hours. Cars and trucks in and out of the property at any time and loading and unloading operations will affect my property.

The Zoning Boards and Commissions are required to consider whether a zoning change meets certain criteria before making a recommendation. I think it is clear that this proposed zone change does not meet many of the criteria:

Whether the new zoning was designed to lessen congestion in the streets.

It is obvious that if the zone change is approved congestion in the streets will increase.

Whether the new zoning will prevent overcrowding of land.

It is not apparent from the plans submitted that adequate parking will be available for patrons of the proposed bar. Vehicles will in all probability be parked on the street and likely will be parked along Amber Lane and could impact access to private driveways and ingress and egress from homes along Amber Lane.

Whether the new zoning will facilitate the adequate provision of transportation, water, sewage, schools, parks, fire, police and other public requirements.

An establishment selling alcohol will, without a doubt, impact the County Sheriffs Department. There will probably be waste products from a brewing process that will affect water quality in our neighborhood if they are disposed of in a septic system on the property. Holding "events" there will increase the load on existing or new septic systems at Canyon Creek Nursery.

Whether the new zoning gives reasonable consideration to the character of the district.

This area is almost exclusively residential in nature. There is only one business that I know of along 48th Street between Hesper and Neibauer other than the Canyon Creek Nursery and that is Soft Touch Designs. I don't think that their location is zoned for commercial operations. There is a self-storage and U-Haul business at the corner of 48th and Hesper, but that operation is entirely different in nature from the proposed development next door. I don't think there are any other businesses for more than a mile in any direction. I am certain that this change in the character of the district is detrimental.

Whether the new zoning was adopted with a view to conserving the value of buildings.

Commercial development in a residential area will always lower the value of homes in the neighborhood.

Whether the new zoning will encourage the most appropriate use of land throughout the City of Billings and Yellowstone County.

I think that a lot more thought needs to be given to where bars and brewpubs and other establishments that sell alcohol are allowed to be located. Approving this zoning change for the expressed purpose of opening a microbrewery and taproom may lead to a precedent that will allow such establishment in entirely inappropriate places. I am not totally opposed to microbreweries. I just think that they should be located in planned commercial locations.

Bruce Keil

From: larry armstrong [mailto:mixertrucker1@gmail.com]
Sent: Tuesday, November 7, 2017 9:27 AM
To: Cromwell, Nicole <CromwellN@ci.billings.mt.us>
Subject: Re: FW: Thank you for your participation

Well another accident happened yesterday over here close by at the intersection of 48th St and Hesper. The intersection was/is slick and a young girl slid through the stop sign and was T-boned on the drivers side. I think she will be ok but is going to be hurting for some time. I would imagine she has suffered massive brain concussion.

She was lucky though complications could arise from the concussion. I don't know how fast the pickup who hit her was going but the speed limit on Hesper is 60 mph but from the damage to the young girls small SUV didn't look like the pickup was going 60. I would guess more like 35 or 40. Had he been doing 60 mph or even faster as I've seen them barrel down Hesper rd at 70+ mph she most likely would not have survived. Now enter a driver who has had the equivalent of 5 (12) ounce beers, probably on an empty stomach, and you have a recipe for many many more accidents at that intersection. He or she may not be impaired enough to actually operate the vehicle but drivers who have had that much to drink have impaired driving abilities. That intersection needs to be a 4 way stop. How many accidents does it take for the county to make that a 4 way stop? Does it take someone getting killed there for that to happen? At certain times of the day, that intersection gets really busy. Vehicles pulling out from 48th onto Hesper have to accelerate really hard even if the vehicle coming down Hesper is only a quarter of a mile away in order for the vehicle coming down Hesper not end up running into the back end of the vehicle pulling out. I've seen a lot of close calls. So you take a driver who is operating a vehicle coming up to the stop sign who has just left Canyon Creek with close to a six pack of beer in him or her and because of their impaired vision and recognition as to how fast a vehicle is traveling coming down Hesper and you can see how many more accidents there will be. Both of the drivers involved in the wreck yesterday were sober. But put half drunken drivers in the mix and you have a recipe for disaster.

I read in the Billings Gazette yesterday that two bar owners in Helena are being sued by the family of a driver who was killed by a drunken driver who had patroned these 2 bars and video tapes show the man was very intoxicated when he hit the other vehicle head on on the highway between East Helena and Townsend. So I'm guessing Staci is just going to take his chances in knowing that that could be him in that law suit. He needs to ask himself if he's feeling lucky enough to avoid a law suit if a vehicle driver is involved in a wreck which would result in the death of another person because the drunken driver had had too much to drink at Staci's brew pub. Plenty of people would be and can be inebriated enough with almost a 6 pack of beer to use poor judgement and be involved in an accident. So I would again like to exercise my rights as a citizen of Yellowstone county to let my county commissioner know that by putting a brew pub in a place of business out here in the county where speed limits are 60 mph (even people coming down 48th street from the south are traveling at 50 mph and with Canyon Creek Nursery's entrance onto 48th st being only a couple blocks away from the big dip from Canyon Creek itself will make pulling out onto 48th very risky especially for an impaired driver) is not a good idea at all. So again, I want to go on record to say I am very opposed to this brew pub. In fact for reasons already stated in previous emails, I am opposed to any zone changes Staci is proposing.
No zone change period.

From: larry armstrong [mailto:mixertrucker1@gmail.com]
Sent: Monday, October 30, 2017 2:21 PM
To: Cromwell, Nicole <CromwellN@ci.billings.mt.us>
Subject: Re: FW: Zone Change 685 - Applicants and Interested Parties LA 3rd email

Actually, I wasn't asking you to alter it, just to take a look at it and to ask you if you were to look at it and then if you didn't know what the original looked like, to ask yourself if you would know which address belonged to which person because the email addresses aren't on the same line as the name of the person. When I looked at it at first, I noticed someone else's email address on the same line as my name. Then noticed my email address was on the next line along with someone else's name. So I'm not asking you to alter it just to put it in the correct format so the person's name is on the same line as their email address. I guess if you don't want to do this then you don't have to but it would help in identifying what name goes with what email address.

On a different note. I mentioned in one email that my mom of 90 years lives here with us. I also mentioned that because of what is going on with Canyon Creek and all Staci wants to do over there that we would just like to move to get away from all that. Even if we win this time around, he is just going to keep at it until he gets what he wants so we will have to go through going to all these meetings every year. Who wants to go through all that every year for the rest of their lives? Our problem is, my elderly mom, who still drives. We talked about moving clear out to a subdivision past 80th and Neibauer or to an area north of Grand Avenue on 88th st w. The reason for moving out to either of those two places, is we would have to build a post frame building big enough to take the place of the shop and post frame building we now have. It would be pretty big, like around 55' by 75'. Not very many subdivisions will allow that big of a building.

We could build 2 buildings like we have now but that would cost a lot more than one building. I have put literally thousands and thousands of hours into finishing our basement, landscaping our yard, putting underground sprinklers in, building the 36 by 43 foot shop, building the 42 by 50 post frame building and other things too numerous to mention. Unlike Staci who had the buildings and pond built for him, I built everything with my own two hands. I just want to know what gives him the right to come in here and turn our lives upside down with his ideas so he can make more money? Should he be allowed to do that? And why do we call this progress? Does progress always have to mean people will end up hating other people? Hate is a pretty strong word to use in this case but when someone is wanting to do what he is wanting to do, a word like hate comes to mind. Strong dislike just doesn't seem strong enough. Now maybe everyone who is going to be affected by what he's wanting to do won't hate him, but because we are practically on his front door step, our reason for having a very strong dislike for him would seem normal and reasonable. If I lived four houses away or on the other side of Canyon Creek nursery, I might and most likely wouldn't feel as strongly about this as I do. But that's not the case. Or if my mom was't living here with us, I might not feel as strongly about this as I do, but she does. I don't know how many more years she will be able to drive or will live, for that matter, though people are living longer these days, especially women but until either of those happen, should we be forced to have to move way out of town? There isn't any land within 5 miles of here for sale which would allow a big pole barn like what I want to build. So moving farther out of town would mean she (as well as us) would have to drive farther to get into town. Also, because we live on a street like 48th, in the winter snow plows come through on a regular basis whereas, if we moved way out there, I doubt snow plows would come by very often if at all. We would probably have to build a house and pole barn and with the amount we'd get out of this house, to build a house with even 4 bedrooms and have as much square footage as this house plus the pole barn, I doubt we'd have enough money to do that if we were to just hire to have those built by a contractor. So I would more than likely have to hire a carpenter and work with him to build everything so we wouldn't end up with another house payment.

Are these hardships things we have to endure just so Staci can make more money? Dale Hudebraugh was content with the income from his tree farm and landscaping business and seemed to do just fine. Why can't Staci be content with that? If I had known that Staci was going to do all that he has done so far and to want to do even more to make our lives miserable, I would have figured out a way to buy that property myself.

If only I'd had a crystal ball which would've told the future.

Here's another reason, expounding on what I said before about loud music being played at events.

What if my wife or I or both of us want to go to bed early/ Should we be forced to listen to music which would keep us awake after we go to bed for hours on end? Would any of you want that? I vote emphatically no zone change, period, ever.

Staci can just figure out some other way to please the fine people of Billings without destroying the lives of people in this neighborhood and especially those who live in this household. I am sure other things I discussed with my mom will come to mind in the coming days as seems to be all I think about any more. Every time my mind becomes idle, these thoughts like those above keep agitating my mind and I can't get them out. How I wished we'd never moved here. Why are there people like Staci Robinson who are hellbent on making other peoples lives miserable? Why, why, why?

From: larry armstrong [mailto:mixertrucker1@gmail.com]

Sent: Friday, October 27, 2017 10:13 PM

To: Cromwell, Nicole <CromwellN@ci.billings.mt.us>

Subject: Re: FW: Thank you for your participation

I'm thinking about getting a hold of the Billings Gazette to see if they will hear our side of this equation as they have done for Staci and his business and business proposals. I'd like people to know what it's going to be like for us if this micro brewery and zone change goes through.

I was taking with my mom who lives here with us and in discussing things, about what took place at the meeting and some of the things which were brought up there. One thing I hadn't thought about was the music they will undoubtedly be playing over there. People like loud music, well not everyone but enough of them that I am sure there would be loud music (if this thing goes through, of course) and I am wondering how we would be able to take this. The picture running through my head is this. After a long day of work, I come home to relax and watch a little TV. All of a sudden I hear this music playing. It's loud but not so loud that if I were to call the Sheriff, they would do anything about it. But yet there it is, the base part of it penetrating the walls of our home, pulsating like music does, with just enough volume to make it super annoying but yet as mentioned not loud enough to where calling the sheriff out here would do any good. Then it continues, hour after hour, night after night, week after week, never ending. Is this what we have to look forward to?

Should Staci be allowed to come in here and disrupt our lives like this?

I asked the question of the guy who said he had gone to Canyon Creek and toured the facility (this is where I blew up and would have continued had someone not cut me off) if he would buy our house if it had a brewery and pub next door. Some of the younger people said that they would. But if I were to give them a truth serum, if there is such a thing, I doubt any of them really would want to live here if they were subjected to everything that is sure to take place over there if the zone change is ok'd. I kind of think those who said that were invited by Staci or someone else who has something to gain by being for this. And that brings up something from my earlier email.

I thought of something and am wondering if it would be permissible at the next meeting to ask for a show of hands of the people who would be there, who will be directly affected by this if this brewery/pub is ok'd. Then I would say to everyone with their hands raised, for the people who are

against this to go ahead and put their hands down which would leave those who are for it left. Then I would like for those people if they are a couple for one of them to put their hands down so only one of them would be speaking for that couple. Then I'd like to ask them why they want this brewery/pub to be put in. I want to find out if they have an ulterior motive or if they are just good friends of Staci or someone who works there. Then I want to ask them if they have any sympathy for us living so close to this establishment if it is ok'd.

Another thing I thought of was that since this is going to affect my wife, mom and me the most of anyone, I think I should be allowed to have as much time to speak, without interruption, as Staci gets. If he gets 15 minutes like he did today then I think I should be allowed to have 15 minutes. If he gets 20 minutes, I should get 20 minutes.

I don't know who is in charge of the protocol for this net meeting but if it's not you, can you talk with who ever is in charge to find out if this is ok? I would like to read the letter I gave you out loud with some of the things I will be talking about in this email and others, as well. I would try not to lose my cool like I did today and I think if I was given as much time to speak as Staci gets, he wouldn't think he should be allowed to dominate the meeting. I'm not much of a public speaker but I think I can muddle my way through reading something I have prepared in advance. I do well at reading out loud so if I have a prepared letter in front of me, I would probably do ok.

I went out after getting home today and stepped off the distance from our front door over to the closest patio proposed area. It's right at 220'. Staci talked about putting a high berm of dirt right on the other side of the fence with trees planted on it. He already has that berm there and it's maybe 6' high. So even if he plants pine trees on top of it, how much noise do you think that is going to stop? It will stop us from seeing over there but it's not going to stop any noise or at least very little. Noise penetrates right through trees. We have trees and bushes in our front yard and can hear all the traffic going by on 48th street just like they weren't there. When the leaves are gone in the fall and winter, the noise isn't any different than it is in the summer when all the leaves are on them. And pine trees (if that's what he's going to plant on top of the berm, doesn't stop noise any better than bushes with leaves on them do. Even if he planted 2 rows of trees or even three rows, the sound will still go right through them. If you've driven up Shiloh, above Grand Avenue, on the east side of the sidewalk along the east side of the street, you would see what it took to block out the sound of the traffic on that street.

It's a foot thick concrete wall 10+ feet high. I think Staci should be required (if this is put into residential commercial) a concrete wall at least 6' high, the full length of his proposed zone change on top of a 6' high dirt berm. At least that would do a better job of stopping the noise than a few trees would. And that would also hide some of his monstrosity of a building, which others think looks nice but in my opinion, looks out of place and with it's rusting roof, and looks ugly. With two stories and sticking way up there, I feel like they're looking down on me and scrutinizing my every move. The only thing that looks nice over there, in my opinion, is their pond.

Another thing I mentioned in my earlier email is about the zone change in general. If they get the zone change, the one thing which was mentioned that I definitely wouldn't want have happening over there is all the events which was mentioned. If they were quiet events, that might not be so bad but that is not what it sounded like was going to happen if he gets his zone change. He'd have loud music going over there just like over at Zoo Montana. When they have those concerts going over there, we can hear their music clear over here and it's a mile away from us! He's talking about doing this next door! There probably wouldn't be a thing we could do about it either. So no zone change either. He can just be content with the business's he's got going on over there now. I don't know why he thinks he needs to make even more money off that place. Dale Hudebraugh did just fine over there for 31 years. I sure wish he hadn't sold that place to Staci.

I thought we were going to retire in this house but it's looking more and more like we're going to have to move because even if Staci loses this battle, he will just keep on trying. So every year, we will have to

go through this all over again. Once is too much, let alone every year until he gets his way. And I may not be working right now but there are others who do work and this whole thing is inconveniencing them every time they have to take time off of work to go to one of these meetings. Sure they may not have to be there but their presence and anything they say is very important if we are to win this. So far we've done pretty well but I would have liked to have had my wife with me today but she couldn't get the time off. I know she would have had something to say.

Something I'm going to check on next week is how much alcohol does it take to affect a persons driving to the point where they couldn't pass a blood test. I know there are those people who are used to drinking a lot and wouldn't be affected by drinking 2 (24) oz mugs of 9% beer.

But I think those people are in a minority. I know for myself, and I'm not a small man either, I would be very intoxicated if I was to drink that much beer, especially on an empty stomach. I think it would affect my driving quite a lot. So what I said in my letter about Staci being responsible if they get into an accident from drinking that much beer in his establishment should definitely be implemented. Are bars responsible now if a person gets into an accident after drinking at their bar and is drunk?

There are other things my mom and I talked about but they slip my mind right now. So as I remember them, I will email them to you. If the Gazette does grant me a rebuttal, I hope they wait until 6 days before our next meeting so it will be fresh on everyone's mind like Sundays story was this time. So until my next email, I hope you have a nice weekend.

From: larry armstrong [mailto:mixertrucker1@gmail.com]

Sent: Friday, October 27, 2017 2:31 PM

To: Cromwell, Nicole <CromwellN@ci.billings.mt.us>

Subject: Re: FW: Thank you for your participation

I don't know if you noticed the list of peoples names and their email addresses or not but everyones email is on the next line instead of on the same line as their name. I don't have time before this evening to write up an email to you with some points which occurred to me along with some questions I have as to protocol but plan to send you an email either this evening or within the next 3 or 4 days. Sorry about my outburst at the meeting but as you can tell, because we have so much to lose if this thing gets put through and am so passionate about this, it's hard for me to contain my anger and it shows up in the volume and tone of my voice. But I think Staci is starting to get the idea that I really (there's no word I can think of which is strong enough to express my sentiment here) really really don't want a brewery put in a stones throw from my front door. And I do not want his land to be zoned any differently than it is now. But I will elaborate on that point as well as others in the forth coming email.

From: larry armstrong [mailto:mixertrucker1@gmail.com]
Sent: Thursday, October 12, 2017 10:48 PM
To: John Ostlund
Subject: opening a brew pub in a residential neighborhood

I'm not sure I am writing to the right person but thought I needed to start somewhere. I've never written to any of our county commissioners as I have never had an issue which required it. But one has presented itself now and if ok'd by the commissioners, will cause a great hardship for my family. If he hasn't already done so, Stacy (not sure of his last name but I think it is Robinson) who is the new owner of what used to be A-1 landscaping but is now called Canyon Creek nursery, is submitting paperwork for a zone change here on 48th St W. As you are probably aware, he is planning on opening a brew pub with a brewery in his building. My wife and I along with my elderly mother live right next door to Canyon Creek Nursery. Our house is the only house which sits on 48th st. All the rest of the houses which border Canyon Creek Nursery are on streets off of 48th st. If Stacy is able to open this brew pub, my family would be mostly affected by this intrusion. He has had his employees build a pond with stone work around it and it looks nice but those who would visit his establishment (the brew pub) would undoubtedly be gathering around this pond drinking beer out there. It's only about a hundred feet from our front door. A business like this in my opinion does not belong between two residential neighborhoods where children are present. And the extra traffic this will create between the hours of 4PM and 8PM is going to create even more of a nuisance. If this thing gets as well known as Canyon Creek brew pub over on Gabel, there could be as many as a hundred or more cars coming and going right in front of our house. We have lived here since 1989. Back then, when it was > A-1 nursery, this was a quiet place to live. A-1 had most of their business several hundred yards away from our house and we hardly knew they were there. Since it has become Canyon Creek, the noise has increased 10 fold. They do a good portion of their business just on the other side of the fence which runs between their property and ours. They have one machine in particular which has a very noisy exhaust. And where as A-1 would only use their skid steers mainly Monday through Friday, Canyon Creek runs theirs 7 days a week from > 7:00 AM till sometimes 6:00 PM. There isn't much we can do about that though I wish there was. I wish Dale would never have sold the business to Stacy but again, there's not much we can do about that other than move. We have always liked the west end of Billings and are in a good location, though the traffic going by in front of our house with all the noisy diesel pickups, noisy motorcycles and small 4 cylinder cars, sometimes gets ridiculously loud when they are accelerating away from Hesper. Most wouldn't pass a decibel test when they are really accelerating which a good many of them do. But that's a separate issue altogether. What Stacy is planning on doing would exacerbate the noise problem to a new level. People who drink, tend to throw caution to the wind in doing many things, and one of them would be in driving their vehicles. Because there isn't any room to park along 48th street, he would have to pull a whole bunch of his trees out of the area just to the west of the big building he built over the last year and a half. We have had to put up with that noise also for the better part of the year and a half which it has taken them to put up that monstrosity of a building. Again, there was nothing we could do about that. He put a gravel driveway into this building which runs by the pond and that adds even more noise as vehicles driving over gravel make a great deal of noise, unlike pavement. So all of the people who would be visiting this brew pub would be coming and going in and out of a gravel parking area using this gravel drive way. That noise all by itself is going to be very intrusive. We wouldn't be able to sit out in our backyard with all that noise plus all the people who would undoubtedly be sitting around his pond drinking beer, laughing loudly, as people who drink do along with talking and yelling as people who drink do. I hate to sound like a party poop but I am, as is my wife and mother, the type of people who like the quiet living being outside the city limits offers, or used to. We don't have as much

traffic as say King or Grand or Central, but it's getting worse all the time. Other than moving, there's not much we can do about that though I wish I could do something about all the excessively loud vehicles which drive by. But getting back to this brew pub. Do you think an establishment of this sort belongs between two residential neighborhoods where most of the people do not want this sort of business going in? At the meeting several weeks ago, one could tell most of us there did not want this going in here. One of the neighbors said to Stacy, if most of the people in this room don't want this, are you going to go ahead with it any way? His answer, without hesitation, was yes. I told him I would fight against this every step of the way. As I mentioned, earlier, we have the most to lose if he gets his way. We would undoubtedly have to move. So he would end up the winner and we would lose the home I have worked so hard to make it what it is today. We have looked around out here on the west end through a realtor, just in case this brew pub goes in and are finding the housing way too expensive for what we can get out of our house. So we would have to move to a different part of the county if we are to stay outside the city limits which we prefer to do. We haven't always lived outside the city limits, but since we moved back in 1989, we kind of like it out here.

> But if the commissioners ok this establishment, we don't know where we will have to move to. The three of us as well as at least 25 of my neighbors are hoping all of you will vote no when the time comes to vote on this. Please don't let this brew pub come into our neighborhood. Thank you for taking the time to read this lengthy email. I hope you take this matter as seriously as we are.

Respectfully,
Larry Armstrong

RE: Zone Change 685

I am writing to let the zoning commission know that I am very opposed to changing the zoning of Canyon Creek Nursery from agricultural to neighborhood commercial. Canyon Creek wants to put in a brew pub and hold special events at their location on 48th Street.

- 1) Noise – Our neighborhood is quiet but with a brew pub bordering our property, there will be constant noise every day from 5 pm to 9 or 10 pm or later. Even during the day and possibly at night there will be noise from trucks bringing in supplies to make the beer. Summertime will be even noisier since they plan to have outside patio seating. A berm and a few trees will not eliminate the noise.
- 2) Traffic – 48th Street is very narrow. It cannot handle the increase in traffic that a brew pub or special events operation will bring. Just check out the brew pub on Gabel Road. Cars are parked everywhere, even along both sides of the road. 48th Street has no place to park on the road. There is only about one foot of shoulder.
- 3) Property value – Our property values will drop because no one wants to live next door to a bar. The neighborhood will be ruined.
- 4) Parking – Canyon Creek owner seems to think he'll have enough parking. From looking at the plans that does not seem to be true. I'm sure the overflow will come into our neighborhood on Amber Lane. We owners will be calling tow trucks to haul vehicles off our property.
- 5) Water and sewer – What is all this brewing of beer going to do to our water supply? What will they do about water contamination from a large increase in sewage and waste water? What kind of odors will be generated by the brewing process?

A brew pub does not belong in the middle of our homes. Canyon Creek should consider putting a brew pub where there are other businesses. The owner of Canyon Creek seems to think that sprucing up the property with a pond and new buildings makes it an upscale operation. I say, "A bar is a bar".

Please don't allow Canyon Creek to be rezoned to a neighborhood commercial zone. It will create so many problems for us home owners as well as the police department. I am worried that our safe neighborhood will have more break-ins/crimes due to the brew pub and special events.

Barb Keil

4852 Amber Lane