

From: Dave Nielsen
Sent: Wednesday, January 16, 2013 4:36 PM
To: Patricia Cadwell; Michael Haynes; Wendy Thomas
Cc: Jennifer Reichelt
Subject: RE: Council of Councils

Determination of an appropriate zoning district, whether initial or rezoning, never looks at the property owner's specific intended use of the property. It is not relevant. If any Council person has additional questions, I would be willing to meet with them and explain how zoning works. Zoning regulations and designations must be in accordance with 76-2-304, MCA. Using the particular use intended by the property owner is not a responsible basis for determining the appropriate zoning designation because the property owner, and subsequent owners, are not limited to that specific use and may use the property for any zoning use allowed by the regulation. That type of myopic review would result in the zoning designation being selected without consideration of all the possible types of uses allowed by that zoning designation. Also, zoning decisions cannot be based upon the community standing and personality of the property owner.

Dave