

Chris Taggart

From: Sandy Cromwell <sandyc@montana.com>
Sent: Friday, April 17, 2020 10:19 AM
To: Ravalli County Commissioners Office
Subject: Fw: Middle Bear Creek dispute against industrial disturbance

I sent this directly to Mr. Hoffman's email, which came back as "blocked". Hopefully this will get to him now. Thank you.

From: [Sandy Cromwell](#)
Sent: Friday, April 17, 2020 8:47 AM
To: cahoffman@rc.mt.gov
Subject: Middle Bear Creek dispute against industrial disturbance

My name is Sandy Cromwell, my husband (Brian) and I live at 1968 Middle Bear Creek Road in Victor...one property to the east from Intermountain Industrial, located at 1937 (I think) Middle Bear Creek Road. As we were saddling up our horses to ride yesterday, instead of listening to birds singing and Bear Creek water running, as we have all the years we've lived here, we had to endure the banging, screeching and beeping that since 2015 when Intermountain Industrial, a steel plant, has torn our neighborhood apart and angered everyone. After five years of listening to their bullshit noise I decided I needed to speak up, even tho I've been told by many people that you all just won't care about our plight because there is no zoning. This has NOTHING to do with zoning, they are in direct conflict with the Montana Noise Nuisance Statute AND NO ONE WILL DO ANYTHING ABOUT THAT!!!! My husband and I have a long history in this neighborhood as we purchased our property in 1997. We were part of the pathetic law suit against the Cooks and their intrusion of a business in our ability to enjoy being on our own properties. I have copies of the emails Mr. Cook submitted to the commissioners whining about how poor him and his business were being picked on by the neighbors, and the response whomever Julie is offering him a good outcome without even hearing our side of the story. The lies that man has told everyone to gain sympathy to justify his presence in what was once a pristinely quiet, rural agricultural/residential neighborhood is beyond pathetic. He lied to you all in his emails, he lied in court, he admitted lying while on the stand in court...and yet they won because our fate was left in the hands of a jury of our peers at the financial cost of nearly \$200,000....yes, that's the right amount of zeros!...that had to come out of our pockets, while they had insurance to pay their legal costs, or so we were told. I am beyond baffled that we as homeowners have to go bankrupt trying to protect our own homes, putting our future in the hands of other citizens, some of whom are business owners themselves and don't want to rock their own business boats. There are other home-based businesses in our neighborhood...operative word being home-based...that don't bother anyone EVER. The Cooks don't even live here!

When my husband and I purchased our property the entire neighborhood was tax classed as Residential/Agriculture. Dave King, who owned and started up Bear Creek Timberwrights, a milling business to make trusses for fancy log homes, did not change the tax status to Commercial until 2005. Hence, according to the Noise Nuisance Statute, means WE WERE HERE FIRST!!!! Mr. Cook and his conniving lawyers repeatedly tells everyone "it's been industrial all along"...not true!!! THEY are the ones that changed the tax code to Industrial when they purchased the property. I get there is no zoning, it's not about them being a business. It's about them being an INDUSTRIAL STEEL business and making all that steel screeching noise, which they doesn't stay on their own property! They also claim the decibels aren't high enough to be considered a nuisance. Have you ever listened to a faucet drip repeatedly? How long before you either fix it or rip it out of the sink because it's driving you crazy? That's what their incessant beepers are like to us. We never heard Mr. King's milling business except for a radio one morning at 6:00 am. I called Mr. King, reported the disturbance, he apologized, and we never heard the radio again. After more days than I can count, day after day, of listening to screeching steel, sand blasting noises,

consistent beeping, banging, etc., I called Mr. Cook. His answer to me was (and I quote) "Fuck you, if you don't like it move!". And the noise continued with no relief. The second time I called him he said (and I again quote) "Everyone would be better off if you moved back to fucking California". Then he argued with me when I told him we weren't from California, he insisted he knew better and continued to argue with me until I hung up on him, even tho we'd never met the man face to face. Then he told the court he didn't know who I was when I called...seriously?? My husband is a 5th generation Montanan, born in St. Pat's, raised up Lolo canyon, where his parents still live in their home of over 50 years, we're retired from the Marine Corp where our last duty station was Hawaii, yet Mr. Cook didn't tell us to go back to there! This is how we are treated by those people. Ironically, Mrs. Cook IS from California...I find that amusing! They keep comparing themselves to the previous timber business saying they were also industrial. Not according to the tax class they weren't...another lie they told in court. Rub two logs together and see how much noise they make, then compare that to rubbing two steel beams together. Pound a hammer on a log and compare that to pounding a hammer on a steel beam. Our neighbors across the street had a load of logs dropped off for firewood. We didn't even know it until we drove down our driveway, saw the logs and said "oh look, the neighbors got logs for firewood!". Every time that steel business loads a truck or has a delivery EVERYONE can hear them, and it's like super sized fingernails scraping down a supersized chalk board...seriously!!!!

Meryl Unruh was a witness in the court case and he admitted that when he inspected the property for listing he noticed what a quiet agricultural neighborhood it was. He also admitted that when he saw the shop HE decided to list it as "Commercial/**Industrial**" regardless that the tax class was NOT Industrial, all for the sake of a sale. How are realtors allowed to make those decisions for the sake of making money without any regard to how the rest of the neighborhood is classed???

My husband and I are retired, now living on a fixed income. We've spent over 22 years paying off what was supposed to be our permanent home, spending money and time upgrading, maintaining and personalizing it to fit our life style. I may be old but I don't sit around doing nothing all day. I am an outside person, I spend every day that I can out on my property gardening, working pastures, maintaining my yard, etc. Some days their noise is so bad I literally want to scream! Since Intermountain Industrial has decimated our ability to enjoy our property I've been looking for another home. There is literally nothing in Ravalli County for sale that we can either afford on a fixed income or that comes anywhere near being set up as we have set ours up, or that is in a location that is as secluded as our property is. On top of that, now that there is an industrial steel plant making all that freaking noise, we'll never get full value cause who wants to live next to an industrial steel plant???? We can't afford a mortgage at this stage in our lives and will never get enough money selling ours to buy another that's comparable given the outrageous cost of property here now.

Their disturbance of my and my husband's ability to enjoy our property isn't even the worse of it. They have literally spread out so much they've placed that plant right on top of the property lines of the two homes directly north and west of them (also parties in the lawsuit), with no regard to how invasive they are. That piece of property is way too small for that sized business and they should never have been allowed to be there, let alone be granted permission by DEQ to EXPAND! They think they have more right to be there than we do by lying about it being "industrial before anyone else moved in"....lie after lie after lie!!!! How is it okay for them to just swoop in and force the rest of us out of our own homes when we were all here first, while they get to go home every night to the peace and quiet of their own homes in Stevensville? Their business belongs down on the highway where the rest of the industrial businesses are...but they were too cheap to pay the price! They have motion sensor security cameras that record the movements on the private properties next to them that run 24 hours a day so they have taken away all sense of privacy for those homeowners. These cameras were even shown recording the property across the street from our home, which is down the road! My only saving grace in this disgusting fiasco is that there is a grove of trees on the property between them and us and I can't see them from our house or barn area, nor can they see our living area. Not true for the other homes right around them. Yet, I still have to see their junked up property every day when I walk down my driveway to get my mail, I have to listen to their industrial

noises when I'm out working in my pasture, or even just going out to get a horse to go riding. We can even hear their noises inside our house from that far away. It's even worse for those right next door to them. They never have any peace.

I would have liked to have a sit-down meeting with you to discuss this matter but given the coronavirus predicament I understand that's not currently possible and why I decided to try and write this email. Listening to yet another day of their disturbing noise while saddling our horses was just the last straw after such a disappointing trial outcome. No one asked my husband and I if we were okay with them stealing our rights to enjoy our property before they decided to put such an intrusive business into what was once a pristinely quiet neighborhood when they KNEW from all the complaints they received from their last work site neighbors how noisy they really are...another thing they lied about to everyone.

I hope you've read this email in it's entirety and didn't just hit the delete button when you got bored with reading it. I don't have much faith in government, whether it be local or federal, because we're not the ones with money and money talks. I am beyond disbelief that after all our years of hard work, finally retiring so we can stay home and enjoy our own property that that right has been so easily stolen from us and we have no legal recourse. I'm so frustrated at the loss we are suffering due to them that I feel like I'm babbling. I lost so much sleep and was so stressed over being in court for two weeks then losing at the whim of a panel of people sitting in judgment that I ended up sick with bronchitis for three weeks, was just recovering and am now having to be extra careful over the coronavirus because now my immune system is compromised. All because some industrial steel plant was allowed to locate inappropriately in an established residential/agriculture neighborhood with no restrictions over the amount of disturbing noise they create.

Thank you, and I hope to hear back from you. I really would like to know what OUR property rights are in all this.

Sandy Cromwell