

Appendix 11: MU-20/MU-40 Rezone FAQ

1. Why did staff propose so many revisions to the zoning regulations?

Planning staff use the Cascade County Zoning Regulations on a daily basis as it serves as one of the primary regulatory tools for implementing land use management in the county. Hundreds of substantial and non-substantial changes were made based upon the user experience of planning staff. Many of the changes in terms and definitions, procedures, use callouts, and other similar changes were made because staff came upon an issue at some point in the conduct of their practice. When a carpenter breaks his hammer, he repairs or replaces it. In the same way, planners must repair, replace, and sharpen their tools when they stand out as broken or otherwise in need of maintenance. As an example, consider the fact that the current zoning regulations do not require an expiration for submitted special use permit applications. Staff have identified this as a problem for planning practice because it allows applicants to submit “placeholder” applications that must be considered under the legal regulation under enforcement at the time of application. This is a broken piece of the special use permit process and staff have proposed some structure to repair that issue. The extent of revisions reflects staff attunement to issues with their tools.

2. Why did staff propose rezoning the Agricultural District?

The proposal to rezone the Agricultural District to Mixed Use – 20 and Mixed Use – 40 has several documents associated with it which explain, in detail, the reasons and means behind the rezone (Appendices 2-4 and Maps 1-3). These reasons will not be covered here. Instead, two simple reasons why planning staff proposed the changes can be stated as follows:

1. **Approaching an actual agricultural district:** The current “Agricultural District” is agricultural *in name only*. The allowed and special uses under the “Agricultural District” are diverse and span residential, commercial, and industrial uses. As a point of comparison, refer to the allowed and special uses in Missoula County’s agricultural districts C-A1, C-A2, and C-A3 or Flathead County’s agricultural districts AG-20, AG-40, and AG-80. Proper agricultural districts would not allow a shopping center at all within the district. A shopping center is a staple land use of commercial zoning districts and are, in counties that are growing, a threat to agricultural lands along with residential subdivision developments. Actual land use within the current agricultural district is agricultural in character, however, the characterization of the “Agricultural (A) District” is not. Staff proposed the rezone in an attempt to move the MU-40 District in the direction of a proper agricultural district while moving the MU-20 District in the direction of a typical Mixed Use District.
2. **Conformity:** The current “Agricultural District” has a minimum lot size of 20 acres and 36% of its 10,811 lots are non-conforming (less than 20 acres). Staff saw that this was due to areas within the Agricultural District that had been heavily subdivided and developed for residential uses. Here, again, staff sought to move the MU-40 District towards a proper agricultural district by increasing the minimum lot size while also improving conformity in the district. With the minimum lot size of 40 acres, the MU-40 District has 6,103 lots with only 28% non-conforming. For the Mixed Use – 20 District, non-conformity is rampant with 60% of the lots in the district being under 20 acres.

3. Why “mixed use”?

The current "Agricultural District" is effectively a mixed use district. The decision to split the district and rename its constituent parts to "mixed use" is based on choosing the right term for the meaning. Staff believe that the Agricultural District has the character of a mixed use district out of practical necessity. The boundaries of the district are too big and the land uses are too diverse for a proper agricultural district to accommodate. Staff chose to maintain the mixed use character of the current Agricultural District because this is what the county has adopted in the past. The split of the district provided a way to create two districts that diverge in character but which are both essentially mixed use. Alternatively, staff could have proposed a proper agricultural district that parallels standard planning practice, however, staff considered this to be a radical deviation from planning practice in this county.

4. Do the proposed zoning regulation revisions affect the 2019 Big Sky Cheese special use permit application or 2017 Madison Food Park special use permit application?

No, these applications are subject to the zoning regulations that were in effect when the application was received.