

STAFF REPORT FOR
2019 ZONING REGULATIONS REVISION
PLANNING BOARD HEARING
MARCH 26, 2019

ITEM: Revisions to Cascade County Zoning Regulations, Adopted April 26, 2005 (Resolution 05-018) Revised June 26, 2018 (Resolution 18-54)

INITIATED BY: Cascade County Planning Division Staff

REGARDING: Public hearing scheduled for March 26, 2019

ACTION REQUESTED: Planning board consideration of revised zoning boundaries and regulations for recommendation with or without revisions to the Board of County Commissioners.

PRESENTED BY: Cascade County Planning Division Staff

GENERAL INFORMATION:

Purpose: Cascade County Planning Division staff, in an effort to improve planning and zoning services, have chosen to propose substantial revisions to the Cascade County Zoning Regulations (CCZR) pursuant to the Part 2 zoning process. This report will provide information on the revisions to the current zoning district boundaries and regulations as proposed in the staff initiated draft. The proposed draft is a working document, initially created by the Planning Division Staff, that has been designed to encourage public comment and participation in the revision process as it is being presented to the Cascade County Planning Board prior to making a recommendation to the Board of County Commissioners to adopt some or all revisions.

Rationale, explanation, and analysis for the proposed changes have been included as appendices to this staff report and supplemented with a presentation at the hearing.

Jurisdiction boundary: The entirety of Cascade County, exclusive of the incorporated towns and cities of Great Falls, Belt, Cascade, and Neihart, referred to as the "Zoning Jurisdictional Area" pursuant to Revised Cascade County Zoning Regulations (Resolution 18-54, revised June 26, 2018).

Public Notice: Notice of this public hearing was published in the Great Falls Tribune on Sunday, February 24 and Sunday, March 3 of 2019.

Procedural History: On Sunday, February 3rd and Sunday, February 10th, of 2019 notice of the February 19th public hearing before the Cascade County Planning Board was published in the Great Falls Tribune. On Tuesday, February 19th, 2019 the Cascade County Planning Board held a public hearing to provide a public forum on the proposed zoning boundaries and regulation revisions. No other action was requested at that meeting.

DISCUSSION

Multiple non-substantive changes have been made throughout the proposed zoning regulation document. Such changes consist of citations of other regulations, formatting, spelling, grammar, numbering conventions, and other such modifications. This portion of the staff report provides details about substantial changes that include but are not limited to the interpretation of terms, the character of districts, zoning map changes, changes in policy and other changes. The purpose of this document is to provide the Planning Board and the public with a concise guide to the revisions in the proposed zoning regulations. Additionally, where relevant, the report provides the following: (1) an explanation about why a change was made, (2) background information on sources of changes, (3) practical implications of the proposed change, and (4) connections with the Cascade County Growth Policy. The general structure for this report corresponds with the structure of the Cascade County Zoning Regulations. Section citations in this document refer to the proposed zoning regulation document unless otherwise specified.

TITLE PAGE

Minor revisions to the adoption statement on the title page. Metalanguage convention used to clarify meaning.

SECTION 1. PURPOSE

SECTION 1.3 Permissive Code

This section was added to indicate the type of zoning code and provide clarity for document users.

SECTION 2. DEFINITIONS

SECTION 2.1 General Remarks on Definitions

A new structure was added through the addition of two subsections for clarity (§2.1 and §2.2). Language was added instructing that the specific takes precedence over the general when specific terms are also captured by more general ones. The purpose of this is to ensure that specifically called out uses are the applicable item considered when planners work with applicants to determine application requirements.

SECTION 2.2 Definitions

There are five primary reasons why a term was redefined, added, or removed in the proposed zoning revisions. To expedite understanding the reasons for the changes made in this section, five primary reasons will be described in the list below with general commentary. These reasons will then be indicated for each term in the table provided in Appendix 1 – Definition Changes and Sources. In some cases, there are multiple reasons for a term revision, however, only one primary reason will be indicated.

1. The first primary reason concerns the interrelations of terms, their definitions and their respective use call out in districts. This first reason will be referred to as *referential clarity* throughout Appendix 1. Some of the following proposed terms and definitions are a part of a larger building project that amounts to what can be metaphorically deemed a *web of meaning*. An exemplar of this would be the revisions made to “agricultural commodity,” “agricultural use,” “value-added agricultural product,” “value-added agricultural processing facility,” and all the other compositional terms involved in the definitions of those terms (e.g. apiculture, facility, etc.). The goal in these changes is to clarify when a term applies to a proposed project.
 - a. This reason is further explained in Appendix 5.

2. A second primary reason can be referred to as *terminological redundancy*. Some terms that were previously needed would no longer be needed due to proposed revisions. Appendix 5 provides an example.
3. A third primary reason concerns terms that were added because they previously did not exist or were not defined. These cases will be referred to as *referential support* because the addition supports zoning district use call outs, other defined terms, or provides some other kind of structural support for the coherence of meaning in the zoning regulations. In some cases, a new term was added to capture a use that is currently not allowed. An example of this would be the addition of “concession stand” as an accessory use. In other cases, terms have been added to support the definitions of other terms. An example of this would be “apiculture” which supports the revised definition of “agricultural use.”
4. A fourth primary reason concerns terms that had their existing definitions supplemented with content that filled a gap in the description of the term or adapted the term in such a way that improved its alignment with state or federal regulatory terminology. This reason is referred to as *terminological supplement*.
5. A fifth primary reason concerns grammatical revisions and these are referred to as *grammatical*.

SECTION 3. ESTABLISHMENT OF DISTRICTS

District names and page numbers updated to reflect proposed zoning regulation changes.

SECTION 4. ZONING MAP

The three maps have been updated to reflect proposed rezoning in the Black Eagle area and the split of the Agricultural District into the Mixed Use – 20 (MU-20) and Mixed Use – 40 (MU-40) Districts. Existing maps have been replaced by three updated maps and one new map showing an close-up view of Black Eagle. The Black Eagle map is included to better portray the area’s lots and roads. The updated replacement maps reflect the addition of new Mixed Use zoning in Black Eagle and the split from Agricultural to Mixed Use-20 and Mixed Use-40 zoning. Further information about the Black Eagle rezone and accordance with the Growth Policy can be found in Appendix 6. Further information about the Agricultural rezone and accordance with the Growth Policy can be found in Appendix 2.

SECTION 5. INTERPRETATION OF DISTRICT BOUNDARIES

No substantive changes were made.

SECTION 6. APPLICATION OF REGULATIONS

No substantive changes were made.

SECTION 7. DISTRICT REGULATIONS

SECTION 7.1.1.1. Residential District General Requirements - Minimum Lot Areas

Added a minimum lot requirement of 6400 ft² for the Mixed Use (MU) district because it did not have a minimum lot area requirement in §7.8.1 of the current zoning regulations. This was added to ensure that a mixed use lot would not be subdivided to an inappropriately sized lot under a market regime that incentivizes very small lots (e.g. tiny homes).

- Growth Policy
 - Discourages poorly designed land subdivisions and commercial development in accordance with Goal 2, Objective C.

SECTION 7.1.1.3. Lot Width and Minimum Lot Area for Building Site

The minimum lot width and minimum lot size were reduced from 60 feet to 50 feet and 6400 ft², respectively. This was done to reduce difficulties encountered by existing nonconforming lots created under old subdivision conventions.

- Growth Policy
 - Supports cluster development and the preservation of open space by allowing residents to build houses on existing high-density residential lots while reducing the need for aggregation and, thus, reduces the financial barrier associated with the cost of surveyor services for aggregation to bring the property into conformance under current lot requirements. This is in accordance with Goal 11, Objective A.

SECTION 7.1.3.2. Front Yard

The front yard setback for the Urban Residential (UR) District is reduced from thirty (30) feet to twenty (20) feet. This is to allow for residential developments in closer proximity to public rights-of-way which facilitates public interaction and community building in denser residential developments characteristic of old subdivision plats. The proposed change reduces barriers to developing housing and accessory structures on existing lots by reducing non-conformity for existing lots created prior to modern residential development conventions and county-wide zoning.

- Growth Policy
 - Works towards maintaining an adequate land supply for diversity of all housing opportunities throughout the county in support of Goal 12, Objective A.

SECTION 7.2.4 (7) Rural Residential - 5 (RR-5) Uses Permitted Upon Issuance of a Special Use Permit

Added “community residential facility with nine occupants or more” as a special use.

- Growth Policy
 - Encourages the continued development of health services for county residents in accordance with Goal 5, Objective D. Encourages distribution and proximity to daily services of group homes, foster care facilities, and facilities for other special populations in support of Goal 12, Objective F.

SECTION 7.5.9 Mixed Use (MU) Permitted Principal Uses

The following uses were added: (f) Butcher Shop, (i) Convenience Sales, (s) Alcohol Distillery, and (7) Wild Game Processing. The following uses were moved from Permitted Principal Use to Special Use: (33) Vehicle Repair and (28) Casino.

- Growth Policy
 - Stimulates the retention and expansion of existing businesses, new businesses, etc. in accordance with Goal 1, Objective A.

SECTION 7.5.10 Mixed Use (MU) District Permitted Accessory Uses Located on the Same Lot with the Permitted Principal Use

Added (7) "Concession stand, where a legally permitted principal land use of any of the following exists: Outdoor Sports and Recreation / Outdoor Entertainment, Indoor Sports and Recreation / Indoor Entertainment, Event Center."

- Growth Policy
 - Stimulates the retention and expansion of existing businesses, new businesses, etc. in accordance with Goal 1, Objective A.

SECTION 7.5.11 Mixed Use (MU) Uses Permitted upon Issuance of a Special Use Permit

The following uses were added: (19) Garage, Private; (29) Federal Firearms Retailers, Dealers, Repairers; (30) Multi-family Dwelling; (31) Event Center; and, (32) Contractor Yard, Large.

- Growth Policy
 - Stimulates the retention and expansion of existing businesses, new businesses, etc. in accordance with Goal 1, Objective A. Considers the locational needs of various types of housing with regard to proximity of employment, and access to transportation and services in accordance with Goal 12, Objective B.

SECTION 7.6 and SECTION 7.7 Mixed Use – 20 (MU-20) and Mixed Use – 40 (MU-40) Districts

These sections cover the Mixed Use – 20 and Mixed Use – 40 Districts, respectively. The character of both districts is adapted from the current Agricultural District of §7.2 (current regulations). The differences for the two districts split out of the current Agricultural District are as indicated below:

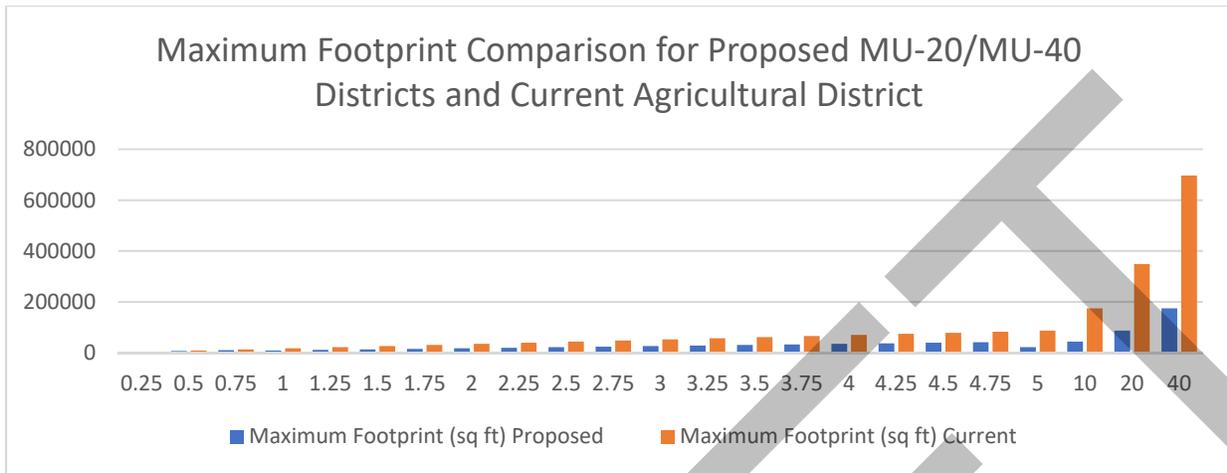
- Name (§7.6 and §7.7)
 - The proposed zoning regulation and map revisions splits the current Agricultural District into two districts: MU-20 and MU-40. Between the two districts the majority of uses currently allowed in the Agricultural District are retained. The change in name is driven by the character of the districts. The current Agricultural District does not correspond with agricultural districts in standard planning practice in that the district allows for a mix of uses which are not typical of or complementary to agricultural uses. The current Agricultural District allows for mixed uses characteristic of commercial districts, industrial districts, residential districts, and agricultural districts. For that reason, a change in name was deemed appropriate as well as a division of uses. The rationale for the division of uses is provided in Appendix 2.
- Intent Statements (§7.6.1 and §7.7.1)
 - An intent statement was added to §7.6 (MU-20) and §7.7 (MU-40) as §7.6.1 and §7.7.1, respectively, to provide a brief intent characterization of the district through the general uses allowed within the district. This section currently does not exist for any of the districts.
- Minimum lot area (§7.6.2 and §7.7.2)
 - The MU-20 District has the same minimum lot size as the current Agricultural District. The MU-40 District doubles the current minimum lot size (40 acres).
 - The minimum lot requirement exception in the current regulations as §7.2.1 (6) is removed for both the MU-20 and MU-40 Districts.

- Growth Policy:
 - The minimum lot size in MU-20 of 20 acres and the increase in the MU-40 District of 40 acres, over the current minimum lot size of 20 acres for the Agricultural District, is supportive of: protecting the most productive soil types in accordance with Goal 3, Objective A; preserving the county’s open space setting by encouraging cluster development in accordance with Goal 11, Objective A; encouraging subdivision designs that do not restrict wildlife movement and preserve important wildlife habitat and corridors in accordance with Goal 10, Objective B.
- Lot Coverage (§7.6.6 and §7.7.6)
 - The current lot coverage for the Agricultural District is up to forty percent (40%) for all building footprints regardless of lot size. This is potentially problematic for several reasons. For example, a property owner with 640 acres of land would be allowed to cover 256 acres with impermeable surface assuming all other requirements for a such a development were met. The MU-20 and MU-40 Districts have a table providing different lot coverage requirements based on the actual lot size. The table provides a way to provide suitable lot coverages for differing lot sizes. The table for both districts is provided below:

Lot Size	Lot Coverage
Greater than or equal to 5 acres	10%
Greater than or equal to 1 acre but less than 5	20%
Less than 1 acre	30%

- Figure 1, below, shows the practical implications of this change.
 - For perspective, the largest footprint in the Agricultural District, currently, is 245,222 ft² which is located on a 320 acre lot. That’s less than a 2% lot coverage.
- Growth Policy
 - Supports protecting the most productive soil types in accordance with Goal 3, Objective A. Fosters the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands, and forests. In accordance with Goal 2, Objective A.

Figure 1. Maximum Footprint Comparison for Proposed MU-20/MU-40 Districts and Current Agricultural District



- Signs (§7.6.6 and §7.7.6)
 - Requirements are the same, however, the sign requirements have been placed in a table format.
- Permitted Principal Uses, Accessory Uses, and Special Uses
 - Refer to Appendix 3: Agricultural District/MU-20/MU-40 Allowed Uses Comparison Table for a concise display of changes and how the Agricultural District was split along its currently allowed uses. Refer to Appendix 2 for accordances with the Growth Policy.

SECTION 7.6.10 Mixed Use – 20 (MU-20) District Permitted Accessory Uses Located on the Same Lot with the Permitted Principal Use

Added (4) “Concession stand, where a legally permitted principal land use of any of the following exists: Outdoor Sports and Recreation / Outdoor Entertainment, Indoor Sports and Recreation / Indoor Entertainment, Event Center.”

- Growth Policy
 - Stimulates the retention and expansion of existing businesses, new businesses, etc. in accordance with Goal 1, Objective A.

SECTION 7.7.10 Mixed Use – 40 (MU-40) District Permitted Accessory Uses Located on the Same Lot with the Permitted Principal Use

Added (4) “Concession stand, where a legally permitted principal land use of any of the following exists: Outdoor Sports and Recreation / Outdoor Entertainment, Indoor Sports and Recreation / Indoor Entertainment, Event Center.”

- Growth Policy
 - Stimulates the retention and expansion of existing businesses, new businesses, etc. in accordance with Goal 1, Objective A.

SECTION 7.8.11 (Current Regulations) Uses Not Permitted

This section was removed due to redundancy with the requirements of permissive zoning regulations.

SECTION 7.10.6 Commercial (C) District Off-Street Parking

Reference to §8.18.2.5 added for instructional clarity concerning application of the requirement. This section contains requirements for paved and unpaved parking areas.

SECTION 7.10.9 Commercial (C) District Permitted Principal Uses

The following uses were added: (20) Hotel and Motel, (40) Alcohol Distillery, (41) Butcher Shop, (57) Event Center, and (58) Wild Game Processing.

- Growth Policy
 - Stimulates the retention and expansion of existing businesses, new businesses, etc. in accordance with Goal 1, Objective A.

SECTION 7.10.10 Commercial (C) District Permitted Accessory Uses Located on the Same Lot with the Permitted Principal Use

Added (5) “Concession stand, where a legally permitted principal land use of any of the following exists: Outdoor Sports and Recreation / Outdoor Entertainment, Indoor Sports and Recreation / Indoor Entertainment, Event Center.”

- Growth Policy
 - Stimulates the retention and expansion of existing businesses, new businesses, etc. in accordance with Goal 1, Objective A.

SECTION 7.10.11 Commercial (C) District Uses Permitted Upon Issuance of a Special Use Permit

Existing use term “Agricultural Facility” replaced with “Agricultural Commodity Storage Facility” due to the lack of a definition for the former and given the coverage of the “Agricultural building” use call out. The following uses were added: (16) Federal Firearms Retailers, Dealers, Repairers and (18) Contractor Yard, Large.

- Growth Policy
 - Stimulates the retention and expansion of existing businesses, new businesses, etc. in accordance with Goal 1, Objective A.

SECTION 7.3.11 (Current Regulations) Uses Not Permitted

This section was removed due to redundancy with the requirements of permissive zoning regulations.

SECTION 7.12.2 (2) Light Industrial (I-1) District Permitted Principal Uses – Industrial Uses

Structural changes were made by moving §7.4.1.9(2)(a-h) of the current regulations to §8.20 of the proposed regulations. The definition of “Industrial Use” was revised to provide a descriptive definition compared to the definition on page 20 of the current regulations.

Added “(4) Value-Added Agricultural Commodity Processing Facility” to allow that use in that district.

- Growth Policy
 - Stimulates the retention and expansion of existing businesses, new businesses, etc. in accordance with Goal 1, Objective A.

SECTION 7.13.2 (2 & 3) Heavy Industrial (I-2) District Permitted Principal Uses

“Medical marijuana registered premise” and “medical marijuana testing facility” added along with the 1000 foot setback requirement currently in §8.19 of the zoning regulations. This revision was made in accordance with current practice in permitting medical marijuana operations. The revision simply makes clear where medical marijuana associated uses are permitted. Under the current regulations, medical marijuana operations are permitted in I-2 by default given that the district is for “all non-residential uses not otherwise prohibited by law...” pursuant to §7.4.2.1 of the current regulations. This change simply makes the allowance of the use explicit in that district.

SECTION 8. SUPPLEMENTARY REGULATIONS

SECTION 8.1.1 General Sign Regulations by District

Sign requirements were transferred from text narrative to a table format. Some sign quantities were added to fill in gaps in sign limitations. These quantities were borrowed from comparable zoning districts.

SECTION 8.1.3.2 Political Signs

The political sign section of §8.1.3.2 (current regulations) has §8.1.3.2.2 “Directional Signs” under the general “Political Signs” header. The “Directional Signs” section has been removed from under the “Political Signs” header and given its own subsection. Political signs remain one category, with directional signs separated into a distinct section (§8.1.3.3). Additionally, Proposed reduction in time to remove political signs post-election to mirror state law in §18.6.246, ARM. Language was added to §8.1.3.2 (c) authorizing the Public Works Department to remove illegal signs.

SECTION 8.1.5 Natural Production Use

The language of “I-2 Heavy Industrial District” is proposed to change to “I-1 Light Industrial District” to follow the Special Use Permit requirements. The Heavy Industrial Zoning District does not contain any uses requiring a Special Use Permit.

SECTION 8.1.6 Dwellings on Small Lots

Term replacement of “Agricultural District” with “MU-20, MU-40” in accordance with proposed zoning map revision.

SECTION 8.2.5 Fences

The proposed revisions to this section restructure the original language on fencing requirements for §8.2.5, §8.2.5.1, §8.2.5.3 which are derived from §8.2.5. of the current regulations. New sections were added which modified fencing requirements on electric fencing (§8.2.5.2) and added requirements for wildlife friendly fencing (§8.2.5.4). The current language on razor wire was moved to its own section (§8.2.5.3). A restriction on woven fencing was added because allowing woven fencing as range fencing negates the intent of §8.2.5.4, which is to encourage wildlife-friendly fencing designs, while allowing woven fencing for smaller areas that would not hinder wild animal migrations or corridor mobility. The definition of “legal fence” in Montana Code Annotated (MCA) §81-4-101 allows an exception for woven fencing. Since §8.2.5.4 depends upon MCA §81-4-101, the restriction of woven fencing was necessary to preserve the intent of §8.2.5.4.

SECTION 8.2.5.2 Electric Fencing

The current regulations do not allow for electric fencing in any residential districts. Given that many properties within the SR-1, SR-2, and RR-5 residential districts have either agricultural uses or limited agricultural uses which are facilitated by the use of electrical fencing for livestock containment, staff decided to propose language allowing such uses of electrical fencing. Staff researched the topic and derived from that research tailored language that specifically allows for electrical fencing suitable for livestock but not hazardous to humans. Staff relied upon guidance documents from electrical fencing manufacturers such as Stafix and Agrisellex as well as informational documents from the University of Wisconsin Extension and Tarleton State University.

- Growth Policy
 - Fosters the continuance of agriculture in recognition of its economic contribution and the intrinsic natural beauty of grazing areas and farmlands in accordance with Goal 2, Objective A.

SECTION 8.2.5.4 Wildlife-Friendly Fencing

This section was added to implement legal fence requirements defined in MCA §81-4-101 with the addition of a requirement for a minimum 16 inch gap from the ground to the bottom wire. Language encouraging wildlife-friendly fencing designs were added as well with reference to the Montana Department of Transportation (MDT) brochure titled “Wildlife Friendly Fencing.”

- Growth Policy
 - Supports the development of natural resources in accordance with Goal 2, Objective E. Directs homeowners to educational resources that provide strategies to avoid homeowner wildlife conflict in accordance with Goal 10, Objective C.

SECTION 8.5 Site Plan Review Criteria

The first sentence has been modified to reflect the site plan requirement for Location/Conformance Permit applications stated in §9.2 in the current regulations and continued in §9.2.2 of the proposed regulations. Sub-section (j) was added to require compliance with Circular DEQ 8 for storm water where applicable to proposed projects.

- Growth Policy
 - Supports the development of natural resources in accordance with Goal 2, Objective E. Directs homeowners to educational resources that provide strategies to avoid homeowner wildlife conflict in accordance with Goal 10, Objective C.

SECTION 8.15.1 Contractor Yard, Small

Removed language stating that “generally, these standards do not apply to contractor yards in Industrial zoning districts” due to ambiguity. The requirements of this section apply to small contractor yards for any district in which the use is allowed. Previously, the

SECTION 8.15.1 Contractor Yard, Large

Removed language stating that “generally, these standards do not apply to contractor yards in Industrial zoning districts” due to ambiguity. The requirements of this section apply to contractor yards for any district in which the use is allowed.

SECTION 8.16 Home Occupations

Removed the adjective “urban” from before “residential setting” since this could be construed to imply that home occupations are restricted to the “Urban Residential” zoning district, which is not the case. Item 8.16 (4)(d) was shortened and reworded for clarity.

SECTION 8.18.1 Landscaping Requirements

Language throughout this section has been rewritten to clarify the intent of the regulations. Item (2) was specifically rewritten to broaden the scope of the buffer’s relation to noxious or invasive plant species, and that part of its purpose is to slow the spread of these species, rather than simply to be composed of plants that have non-invasive growth habits.

- Growth Policy
 - This supports noxious weed control consistent with Goal 9, Objective E. Ensure development plans provide protection from the introduction and spread of noxious weeds.

The language referring to a list of recommended plants available at the Planning Division was removed since no such document exists in the Planning office and plant choices should be determined on a case-by-case basis with input from the Montana State University Extension Service.

SECTION 8.18.2.1 Street Frontage Landscaping

Quantifiable requirements have been restated for clarity. Abbreviations and shorthand have been replaced by concrete numbers and measurement units. Option 3 now includes “in addition to berm” to remove any question that all points must be fulfilled to meet the requirements of this option. These landscaping requirements remain fundamentally unchanged.

SECTION 8.18.2.3 Buffer Yard Classification Requirements

Quantifiable requirements have been restated for clarity. Abbreviations and shorthand have been replaced by concrete numbers and measurement units and grammatical changes have been made to improve readability. These landscaping requirements remain fundamentally unchanged.

SECTION 8.18.2.5 Other Requirements

The requirement that any parking lot providing 10 or more spaces be paved has been removed in favor of guidelines specific to whether a lot is paved or unpaved. The standard that previously applied only to lots with more than 10 spaces will now apply to all paved lots regardless of capacity while the standard that previously applied to lots with 10 or fewer spaces will now apply to all unpaved lots regardless of capacity.

- Growth Policy
 - This supports Goal 3 Objective B by protecting soils against erosion. This also supports Goal 6 by promoting a transportation system that provides safety and efficiency.

SECTION 8.19 Sexually Oriented Business

This section number in the current regulations is associated with the medical marijuana setback. This requirement was moved from §8.19 to §7.13.2(2) and §7.13.2(3) which are callouts in the I-2 District.

SECTION 8.20 Light Industrial (I-1) Zoning District Standards

This section was created through the transfer of §7.4.1.9(2)(a-h) of the current regulations to §8.20 of the proposed regulations.

SECTION 8.21 Per Head Animal Unit Values

This section was added to support the “large livestock” and “small livestock” definitions.

SECTION 9. PERMIT REQUIREMENTS

SECTION 9.2 Location/Conformance Permit

This entire section has been restructured and revised to clarify when a permit is needed, when an exemption applies, options pertaining to approved permits, specific instructions on applications, information on extensions, and information on permit and application expirations, and permit amendments. The Location/Conformance Permit is authorized pursuant to §76-2-207 Montana Code Annotated.

SECTION 9.3 Fees

Language specifically quantifying fees in the regulations has been replaced in favor of a reference to a Fee Schedule document. This will allow the Planning Division and Commission to adjust fees and fines without going through the full Zoning Amendment process.

SECTION 9.5 Variances

Language referring to specific fees have been removed, and all instances of “director” have been replaced with “Administrator.”

SECTION 10. STANDARDS FOR SPECIAL USE PERMITS

SECTION 10.1 General Provisions

Extraneous self-referential language has been removed for brevity. A reference to a specific fee has been replaced by a reference to the fee schedule.

SECTION 10.2 Required Plan

A reference to the Use Statement Form, an existing requirement for Special Use Permits, has been added to the first paragraph. A requirement to the materials necessary to process a Special Use Permit has been added “H. Compliance with Circular DEQ 8 (Issued by the Montana Department of Environmental Quality) to mitigate and detain storm water discharge.” This is to ensure that projects will be compatible with storm water regulations and will not create issues for adjacent property owners.

SECTION 10.4 Expiration

A paragraph has been added to the beginning of this section to ensure that Special Use Permit applications are processed in a timely manner. The time-frame for this has been set to match lengths used elsewhere, such as those set for variances in the Zoning Regulations. Special Use Permits are commonly related to more intensive uses than what would be seen in other applications, so additional stipulations regarding timelines and the provision of materials has been added to support this section. This will ensure that an application cannot be submitted and put on hold for an indefinite period of time.

SECTION 11. NON-CONFORMING USES AND STRUCTURES

No changes.

SECTION 12. ZONING BOARD OF ADJUSTMENT

SECTION 12.3.1 Appeal Fee

Language specifically quantifying fees in the regulations has been replaced in favor of a reference to a Fee Schedule document.

SECTION 12.3.5.2 Writ of Certiorari

“Realtor’s” has been replaced with “party’s” to more accurately reflect who may appeal a decision of the Zoning Board of Adjustment.

SECTION 13. ENFORCEMENT

This entire section has been restructured and revised to address gaps in the current regulations for §13 titled “Violations and Penalties.” The revisions were adapted from the Four Corners, MT Zoning Regulations §2.10 Complaints & Enforcement. The enforcement of zoning provisions is authorized pursuant to §76-2-210 Montana Code Annotated.

SECTION 13.1 Zoning Violation

This section was added to indicate what constitutes a zoning violation.

SECTION 13.2 Complaints

This section was added to codify the complaint process. Current zoning regulations are silent on the complaint procedure.

SECTION 13.3 Investigation

This section was added to codify the investigation process. Current zoning regulations are silent on the investigation procedure.

SECTION 13.4 Administrative Remedies

This section clarifies the steps involved in the remediation process when a violation has been found to exist. This section provides clear guidance and protocols for addressing zoning violations and guidance on escalation.

SECTION 13.4.1 Enforcement Actions

This section codifies different enforcement action options when compliance was not achieved through remedial action.

SECTION 13.4.2 Liable Parties

This section was added to clarify liable parties in the case of a verified violation. Current zoning regulations are silent on the investigation procedure.

SECTION 13.4.3 Right to Action Reserved

This section has been added to reserve the county’s right to take enforcement action against liable parties.

SECTION 13.5 Administrative Fine

This section codifies violation fines.

SECTION 14. Procedures for Amendment

SECTION 14.1.1 (7) Application Requirements

A reference to a specific fee has been removed in favor of a reference to the fee schedule.

SECTION 15. AIRPORT AREAS GREAT FALLS INTERNATIONAL AIRPORT

Only minor grammatical changes were made.

SECTION 16. HEIGHT MILITARY OVERLAY DISTRICT (MOD)

No substantial changes were made.

SECTION 17. FLOOD ROAD OVERLAY DISTRICT (FOD)

No substantial changes were made.

SECTION 18. UNCLASSIFIED USE PERMITS

A reference to a specific fee has been removed in favor of a reference to the fee schedule.

A substitution of §18.1(4), in the current regulations, was made in error resulting in §18.1(4) and §18.1(5). This mistake was made while replacing the definitions of §7.2.4(6) and §7.2.4(25) which have been eliminated from the proposed regulations and replaced with other terms. The erroneous substitution resulted from using the “find” tool to locate all occurrences of the “commercial propagation, boarding, grazing” language and replacing it with the terms that have replaced that broader language (refer to Appendix 3). This substitution was made in error and staff do not support this change.

Attachments: Appendix 1: Definition Changes and Source; Appendix 2: Agricultural District Zoning Change Justification; Appendix 3: Agricultural/MU-20/MU-40 Comparison Table; Appendix 4: Agricultural Term Revisions; Appendix 5: Agricultural Scenario; Appendix 6: Black Eagle Rezone Justification

Appendix 1 - Definition Changes and Sources

This appendix to the Cascade County Planning Division Staff Report provides details about the terminological changes involved in the proposed Cascade County Zoning Regulation revisions. Where relevant, source information has been provided to indicate where the language for the definition change originated. A detailed description of the changes types is provided in Section 2.2 Definition of the Staff Report.

Term	Change Type	Description	Source
Agricultural Commodity	Referential Clarity	This definition has been added to clarify what counts as an agricultural commodity, since the term is used extensively throughout the Zoning Regulations. The proposed definition is dependent upon another revised term "agricultural use." The deferral to agricultural use ties up the commodity with its respective production process so that what counts as an agricultural commodity are those commodities produced from an agricultural use.	Adapted from the 2017 North American Industry Classification System (NAICS)
Agricultural Use	Referential Clarity	This definition has been revised to delineate between agricultural commodities and value-added agricultural products. The previous definition for "agricultural use" created some ambiguity between what kinds of activity would constitute the production of value-added agricultural products as opposed to a raw agricultural commodity. The revision of this definition, in conjunction with the revision of other relevant definitions, aimed at clearing up the scope of the terms in an effort to provide clarity and improve planning practice in the issuance of permits. The revised definition, like "agricultural commodity" is dependent upon other terms	Adapted from the 2017 North American Industry Classification System (NAICS)
Alcohol Distillery	Referential Clarity	This definition has been added to clarify the difference between a distillery intended for consumption and sales as opposed to an industrial distillery which does not capture the type of use a local distillery/tasting room would entail.	Adapted from the micro-brewery definition but concerning liquor spirits and distillation rather than brewing.
Animal, Domestic	Terminological Redundancy	Removed and replaced by the term Domestic Non-livestock Animal.	Not Applicable
Animal Feeding Operation (AFO)	Referential Clarity	This definition has been added to support the CAFO and Commercial Feedlot definitions. Not all feedlots will qualify as CAFOs under state and federal requirements.	Adapted from §75-5-801 Montana Code Annotated (MCA) and §40 CFR 122 (Code of Federal Regulations)
Animal Production	Referential Clarity	This definition has been added to support the revised definition for "Agricultural Use."	Adapted from the 2017 North American Industry Classification System (NAICS)
Apiculture	Referential Clarity	This definition has been added to support the definition for "Agricultural Use" and "Animal Production."	Adapted from the 2017 North American Industry Classification System (NAICS)
Aquaculture	Referential Clarity	This definition has been added to support the revised definition for "Agricultural Use."	Adapted from the 2017 North American Industry Classification System (NAICS)
Artisan Shop	Terminological Supplement	Taxidermy has been added to this definition to expand the possible locations for this type of business.	Adapted from current definition.
Bed and Breakfast	Terminological Supplement	MCA citation modified to correct format.	Not Applicable
Butcher Shop	Referential Support	This definition has been added to define the scope of this use in the Zoning Regulations.	Adapted from "slaughterhouse" definition and <i>A Planners Dictionary</i> (2004), ed. Michael Davidson and Fay Dolnick.
Crop Production	Referential Clarity	This definition has been added to support the revised definition of "Agricultural Use."	Adapted from the 2017 North American Industry Classification System (NAICS)
Commercial Feedlot	Referential Clarity	This definition has been revised in a way that distinguishes open pasture feeding and raising operations (Agricultural Use) from dense feed lot operations that qualify as AFOs but not CAFOs.	Adapted from AFO definition and current definition.
Concession Stand	Referential Support	This definition has been added for a use that is commonplace at arenas and other similar venues but which has not been captured by zoning regulations to date.	Adapted from Wikipedia article on "concession stand."
Concentrated Animal Feeding Operation (CAFO)	Referential Clarity	This definition has been added to replace "wholesale feedlot" and to distinguish between smaller scale operations deemed to be AFOs and operations that qualify as CAFOs.	Adapted from §40 CFR 122 (Code of Federal Regulations)
Domestic Non-livestock	Referential Clarity	This definition has been adapted from Domestic Animal and modified to support the Veterinary Clinic, Small Animal and Small Domestic Non-livestock Animal definitions.	Adapted from current definitions.

Entoculture	Referential Clarity	This definition has been added to support the revised definition of “Agricultural Use” and the definition for “Animal Production.”	Adapted from the 2017 North American Industry Classification System (NAICS)
Equine Production	Referential Clarity	This definition has been added to support the revised definition of “Agricultural Use.”	Adapted from the 2017 North American Industry Classification System (NAICS)
Establishment	Referential Clarity	This definition has been added to clarify the multiple uses of “establishment” throughout the regulations.	Adapted from the Oxford English Dictionary
Event Center	Referential Support	This definition has been added to support the use call out in the respective districts.	Devised by staff based on the character of such a venue
Facility	Referential Clarity	This definition has been added to clarify the multiple uses of “facility” throughout the regulations.	Adapted from the Oxford English Dictionary
Forestry	Referential Clarity	This definition has been added to support the revised definition of “Agricultural Use” and define this use as relevant to other sections of the Zoning Regulations.	Adapted from the 2017 North American Industry Classification System (NAICS)
Game Animal	Referential Clarity	This definition has been added to support Wild Game Processing Facility and addresses the special regulations around these animals.	Adapted from §87-6-101 Montana Code Annotated (MCA)
Game Fish	Referential Clarity	This definition has been added to support Wild Game Processing Facility and addresses the special regulations around these animals.	Adapted from §87-6-101 Montana Code Annotated (MCA)
Garage, Private	Referential Clarity	This definition has been revised for grammar and to clarify scope of ownership and the character of use.	Adapted from current definition
Guest Ranch	Terminological Supplement	This definition has been adjusted to more closely match the definition provided in 50-51-102, MCA.	Adapted from §50-51-102 Montana Code Annotated (MCA)
Home Occupation	Referential Clarity	“Urban” was removed from this definition as it is superfluous and suggests that this type of permit is only obtainable in the Urban Residential District, which is inaccurate.	Not Applicable
Industrial, Light	Referential Clarity	This definition was altered for clarity and to remove unnecessary language and open-ended statements that could be used to validate a use that would otherwise run contrary to permissible uses laid out in these regulations.	Adapted from the current definition.
Industrial Uses	Referential Clarity	This definition was re-worked to be more descriptive and capture the nature of what an industrial use is, rather than simply referring back to the regulatory document.	Adapted from the 2017 North American Industry Classification System (NAICS)
Indoor Sports and Recreation	Terminological Supplement	Language added to allow for spectators.	Adapted from the current definition.
Livestock	Grammatical	This definition was adjusted for grammar.	Not Applicable
Livestock, Large	Referential Clarity	This definition was modified to remove the “and the like” language while retaining a capacity to capture unconventional livestock choices by using an industry standard metric Animal Unit (AU) that relates animal weights and their consumption habits to the land.	Adapted from University of Maryland Extension's Animal Unit Equivalents
Livestock, Small	Referential Clarity	This definition was modified to remove the “and the like” language while retaining a capacity to capture unconventional livestock choices by using an industry standard metric Animal Unit (AU) that relates animal weights and their consumption habits to the land.	Adapted from University of Maryland Extension's Animal Unit Equivalents
Medical Marijuana Registered Premises	Referential Clarity	This definition has been added to mirror Montana Code Annotated and remove any confusion regarding Medical Marijuana facilities of all types.	Adapted from §50-46-302 Montana Code Annotated (MCA)
Meat Packing Plant	Terminological Redundancy	This definition has been removed as the use is defined elsewhere in more detail.	Not Applicable
Medical Marijuana Testing Facility	Referential Clarity	This definition has been added to define a potential use associated with the Montana Medical Marijuana Act that matches Montana Code Annotated.	Adapted from §50-46-302 Montana Code Annotated (MCA)
Medical Marijuana Dispensary	Terminological Redundancy	This definition has been removed because it is outdated and does not appropriately reflect the current laws regarding medical marijuana in the state of Montana.	Not Applicable
Medical Marijuana Provider	Terminological Redundancy	This definition has been removed because it is outdated and does not appropriately reflect the current laws regarding medical marijuana in the state of Montana.	Not Applicable
Micro-brewery	Terminological Supplement	This definition has been adjusted to capture all aspects of the micro-brewery industry in the state and clarify what constitutes said business.	Adapted from the current definition.
Migratory Game Bird	Referential Clarity	This definition has been added to support Wild Game Processing Facility and addresses the special regulations around these animals.	Adapted from §87-6-101 Montana Code Annotated (MCA)

Motor Vehicle Wrecking Facility	Grammatical	Minor grammatical and semantic changes were made.	Not Applicable
On-Premise Sign	Referential Support	This definition was added to delineate the inverse of "Off-Premise Sign."	Defined contra to off-premis sign.
Planning Board	Referential Support	Definition was given more detail.	Adapted from §76-1-106 Montana Code Annotated (MCA)
Sexually-oriented Business	Grammatical	A grammatical change was made to the first sentence to clarify the meaning.	Not Applicable
Slaughterhouse	Referential Clarity	This definition was reworked for clarity and to remove the language addressing the confinement of live animals on site. This revised definition was meant to replace the following call outs: "commerical propagation, boarding, grazing or butchering of small animals and fowl provided that the animals may not be stabled or processed within two hundred (200) feet from any property line and the operation is not considered a wholesale feed lot or meat packing use" and "commerical propagation, boarding, grazing or butchering of animals and fowl provided that the animals may not be stabled or processed within one (1) mile from any adjacent residences. The residences must be residences that are present prior to the date of receiving the application for this use. The operation can be used as a wholesale feed lot, meat packing plant, slaughterhouse, rendering plant, and the like."	Adapted from the current definition of "slaughterhouse" which was adopted from <i>A Planners Dictionary</i> (2004), ed. Michael Davidson and Fay Dolnick.
Small Domestic Non-livestock Animal	Referential Clarity	Modified to support Veterinary Clinic definitions.	Defined in relation to livestock and other animal terms defined in the proposed regulations with the weight threshold being guided by research on largest dog breeds.
Storm Water	Terminological Supplement	Revised to match ARM 17.30.1102(27).	Adapted from ARM ARM 17.30.1102
Storm Water Runoff	Terminological Redundancy	Deleted due to redundancy with "Storm Water."	Not Applicable
Value-Added Agricultural Commodity Processing Facility	Referential Support	This definition was added to address a use specifically called out in the regulations.	Adapted from the USDA definition provided at: https://www.agmrc.org/business-development/getting-prepared/valueadded-agriculture/articles/usda-value-added-ag-definition
Value-Added Agricultural Product	Referential Clarity	This definition was bolstered for clarity and to support the definition for "Value-Added Agricultural Commodity Processing Facility."	Adapted from the USDA definition provided at: https://www.agmrc.org/business-development/getting-prepared/valueadded-agriculture/articles/usda-value-added-ag-definition
Wild Animal	Referential Clarity	Added to replace Exotic Animal definition and support Livestock and Domestic Non-livestock animal definitions.	Defined in relation to livestock and other animal terms defined in the proposed regulations.
Wild Game Processing Facility	Referential Support	This definition has been added to address a use that has been included in this proposed draft of the zoning regulations.	Adapted from §87-6-101 Montana Code Annotated (MCA)
Zoning Administrator	Referential Clarity	This definition has been added to clarify who is capable of administering the regulations and engaging in enforcement actions with regards to the regulations.	Not Applicable

Appendix 2: Agricultural District Rezone Justification

The areas currently zoned as Agricultural (A) consist of a wide variety of land use and development patterns. However, there is a clear difference between areas largely utilized for residential purposes and areas that remain primarily utilized for productive purposes¹. The proposed split of the Agricultural District into two new districts—Mixed Use - 20 (MU-20) and Mixed Use - 40 (MU-40)—was driven by the observation that there are distinct areas throughout the county that tend towards one or the other use and that these areas could be logically determined through development patterns. Whereas the productive land use areas tend towards larger contiguous parcels with low dwelling and road density, the residential lands tend towards clusters of smaller parcels and higher dwelling and road densities. The geographic division of the two new districts reveals these areas and was produced by a geospatial statistical analysis (with some minor edits) to back up what intuition suggests.

The boundaries for the proposed MU-20 and MU-40 district were determined by using a geospatial statistical tool for determining spatial autocorrelation based on feature locations (parcels in the Agricultural District) and attribute values (parcel size). Spatial autocorrelation is a tool for looking at how well spatial objects correlate with other nearby objects over an area. In this case, planning staff wanted to identify areas within the Agricultural District which were characterized by higher concentrations of small parcels on the assumption that these areas suggested residential land use. The results of this geospatial analysis can be viewed in Map 1. The results of the analysis provided the basis for the boundaries of the proposed MU-20 and MU-40 Districts by assigning the two districts to a combination cluster or outlier group.² To further verify land use for the resulting statistical areas, staff imported the county's issued permits database into a geographic information system and compared the permits database with the land use patterns suggested by the spatial autocorrelation analysis. This comparison can be viewed in Map 2. Some manual editing of the boundaries was made but by-and-large the proposed districts follow the original outcome of the analysis.

Given the geographic division of the MU-20 and MU-40 districts, it became possible to produce zoning regulations for those districts that cater to their predominant land use characteristics while working towards established Growth Policy goals and objectives (refer to Appendix 3 for a comparative table). Since the areas proposed to be zoned MU-20 are largely

¹ Productive land use, as used in this document, refers to the predominance of production-oriented land uses and can be contrasted with residential land use where the predominant land use is habitation. The productive use will vary in essential character. Generally, Cascade County productive land use can be broken down into three main categories: crop production, animal production, and manufacturing. Crop production is the prevailing productive land use in the northern and north-central parts of Cascade County while animal production is the prevailing productive land use in the southern half of the county (this is clearly demonstrated by the USDA CropScape map for the county). Manufacturing operations tend to be located along major transportation routes such as railways and arterial roadways. The use of the term “productive use” or a variation of it identifies a generalized land use pattern that assists in explaining why the current Agricultural District is proposed to be split into the MU-20 and MU-40 Districts and why these districts are characterized by different allowed uses (refer to Appendix 3).

² The MU-20 District was formed out of the Low-Low Cluster and High-Low Outlier areas. The MU-40 District was formed out of the High-High Clusters, Low-High Outliers, and the statistically insignificant areas. Refer to Map 1.

residential and located along major transportation corridors and amenity areas (eg. rivers, mountains, and forests), the MU-20 district diverged from the current Agricultural district by allowing conventional mixed uses that are currently not allowed. For example, the MU-20 district allows restaurants, micro-breweries, and other commercial uses that provide services to seasonal and year-round tourists as well as the increasing exurban residences whether seasonal or permanent. Additionally, the allowance of these uses under an approved Special Use Permit (SUP) provides an opportunity for the public and adjacent property owners to be heard.

The MU-40 district diverges from the Agricultural district through the removal of uses that are more appropriate for MU-20 along with an increase in permitted principal uses for agricultural uses which were previously allowed only through an approved SUP. For example, tourist homes and bed and breakfast operations are not allowed in MU-40, however, they remain an allowance in MU-20. This preserves the ability for desired amenity areas to cater to temporary tourist occupancy while keeping those operations in closer proximity to service centers and transportation corridors. Additionally, this protects productive land use areas from types of development driven by demand for amenity destinations which have infringed upon ranching and farming areas throughout the county and the state. Some productive land uses allowed through an approved SUP in the Agricultural district are proposed to be permitted principal uses in the MU-40 districts. For example, value-added agricultural commodity processing facilities, wild-game processing facilities, agricultural commodity storage facilities, and other uses are allowed as permitted principal uses. With the Agricultural district divided between the MU-20 and MU-40 geographies there is less of a need for the use of the SUP process since there are fewer potentially impacted residences and those around are likely to be involved in a productive land use.

Staff finds that the following goals are served by the proposed split of the Agricultural district into MU-20 and MU-40: Goal 1, Objective A; Goal 5, Objective A; Goal 9, Objective F; and, Goal 11, Objective A. The MU-20 district opens commercial uses in strategic areas thus promoting the retention of existing businesses and promoting new business opportunities in the county while the protection of MU-40 areas leaves those areas open to larger-scale productive land uses (Goal 1, Objective A). The commercial allowances in MU-20 and reduction of SUP processes for conventional agricultural uses reduces local government intervention (Goal 5, Objective A). The creation of the MU-20 district out of the current Agricultural district produces an open buffer (minimum 20 acre lot) between many rural community Mixed Use districts and other primarily residential districts and surrounding agricultural lands (Goal 9, Objective F). Finally, the MU-20 and MU-40 division of the Agricultural district—in conjunction with the changes in allowed uses and the increased minimum lot size of 40 acres—promotes cluster development in denser developed areas characterized by the MU-20 geographies while protecting the open spaces of the MU-40 geographies (Goal 11, Objective A).

Relevant Growth Policy Goals and Objectives

- Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.
 - Objective A: Stimulate the retention and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/ processing and forest products.
- Goal 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.
 - Objective A: Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.
- Goal 9: Foster the heritage of the area in agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands, and forests.
 - Objective F: Encourage open buffers between rural residences and adjoining agricultural lands.
- Goal 11: Protect and maintain Cascade County's rural character, encourage efficient use of land.
 - Objective A: Preserve the county's open space setting by encouraging cluster development.

Appendix 3 - Agricultural District/MU-20/MU-40 Allowed Uses Comparison Table

The table below provides a comparative view of the uses allowed in the current Agricultural (A) District and the proposed Mixed Use - 20 (MU-20) and Mixed Use - 40 (MU-40) Districts. The key to the symbols used is as follows: (S) indicates a Special Use, (A) indicates an Accessory Use, and (P) indicates a Principal Use. Where there is a blank, this indicates that the use is not listed in that district and, under permissive zoning regulations, means that the use would not be allowed in that district.

Uses	A	MU-20	MU-40	Change?	Notes
Agricultural Commodity Storage Facility	S	S	P	Yes	
Commercial propagation, boarding, grazing or butchering of animals and fowl provided that the animals may not be stabled or processed within one (1) mile from any adjacent residences. The adjacent residences must be residences that are present prior to the date of receiving the application for this use. The operation can be used as a wholesale feed lot, meat packing plant, slaughterhouse, rendering plant, and the like.	S			Yes	Replaced by "slaughterhouse" and "Commercial Feedlot" or "CAFO" terms to distinguish unique characteristics of uses.
Commercial propagation, boarding, grazing or butchering of small animals and fowl provided that the animals may not be stabled or processed within two hundred (200) feet from any property line and the operation is not considered a wholesale feed lot or meat packing use.	S			Yes	Replaced by "slaughterhouse" and "Commercial Feedlot" or "CAFO" terms to distinguish unique characteristics of uses.
Commercially operated feedlots or concentrated animal feeding facilities if located on a tract of land 40 acres minimum in size and no adjacent residences are within one (1) mile at the time of application.	S			Yes	Compositional terms modified to distinguish between Commercial Feedlot (AFO) and CAFO in accordance with state and federal regulations. This call out was modified to reflect changes in terms.
Distillery	S		S	Yes	
Federal firearm retailers, dealers, repairers.	S	S		Yes	
General sales, including agricultural sales, auction sales, convenience sales, shopping center, specialty sales.	S	S		Yes	
Guest ranch, provided parcel size is 20 acres or greater.	S	S	P	Yes	
Junk yard/salvage yard, provided parcel is twenty (20) acres or greater.	S		S	Yes	
Large equipment rental/sales/repair	S			Yes	
Manufactured housing sales.	S	S		Yes	
Nursing home, retirement home.	S	S		Yes	
Oil and gas exploration, drilling, and production subject to the requirements of Section 8.13 of these regulations.	S		S	Yes	
Outdoor sports and recreation/Outdoor entertainment, including commercial rodeo grounds, commercial stables, riding academy, and animal therapeutic facilities.	S	S	P	Yes	
Outfitter/guide facility	S	S		Yes	
Parking structure/garage	S	S		Yes	
Power plant	S		S	Yes	
Storage of building material and equipment and temporary building(s) utilized in conjunction with the construction of a development project. Such storage or building(s) shall not exceed the duration of such construction or a time as may be stipulated by the Zoning Board of Adjustment.	S	S	P	Yes	
Tourist cabins	S	S		Yes	
Value added agricultural commodity processing facility. This may include processing, manufacturing, storage, and the like.	S	S	P	Yes	
Veterinary clinic provided that the structure and use are not less than two hundred (200) feet from any residential district.	S		P	Yes	
Warehouse	S	S		Yes	
Bed and breakfast	P	P		Yes	
Campground, recreational vehicle park	P	S		Yes	

Community center	P	P	S	Yes	
Golf driving range if located on a tract of five (5) acres or greater.	P	P	S	Yes	
Power plant, commercial wind farms (not to exceed 1 megawatt) subject to the requirements of Section 8.10 of zoning regulations.	P	S	P	Yes	
Public building	P	P	S	Yes	
Tourist home	P	P		Yes	
Alcohol Distillery		S	S	Yes	New addition
Animal Therapeutic Facility		P	P	Yes	New addition
Composting facility			S	Yes	New addition
Federal Ammunition Manufacturer		S		Yes	New addition
Manufacturing			S	Yes	New: pre-existing term, replaced "Light manufacturing & assembly" which is not defined in current regulations.
Microbrewery		S	S	Yes	New addition
Restaurant		S		Yes	New addition
Retail		S		Yes	New addition
Specialty sales		S		Yes	New addition
Tavern		S		Yes	New addition
Veterinary clinic, large animal		S		Yes	New addition
Veterinary clinic, small animal		S		Yes	New addition
Wild-game Processing Facility		S	P	Yes	New addition
Concession stand, where a legally permitted principal land use of any of the following exists: Motorized Sports Entertainment, Outdoor Sports and Recreation/Outdoor Entertainment, Indoor Sports and Recreation/Indoor Entertainment, Event Center.		A	A	Yes	New addition
Private Power Plant (up to 50kW)		A	A	Yes	New addition
Event Center		S	S	Yes	New addition
Private Power Plant (greater than 50kW)		S	S	Yes	New addition
Commercial Feedlot or Concentrated Animal Feeding Operation (CAFO) if located on a tract of 40 acres minimum in size and no adjacent residences are within one (1) mile at the time of application.			S	Yes	Revision of "commercially operated feedlots or concentrated animal feeding facilities " use call out in §7.2.4(7) of the current regulations.
Slaughterhouse			S	Yes	Revision of "Commercial propagation, boarding, grazing or butchering of animals and fowl " use call out in §7.2.4(6) of the current regulations.
Rendering Plant			S	Yes	New addition
Accessory building/structure which is customarily used in conjunction with and incidental to a permitted principal use or structure	A	A	A	No	
Artisan shop	S	S	S	No	
Bus transit terminal, freight terminal, and railroad yards, provided parcel size is twenty (20) acres or greater.	S	S	S	No	
Cemetery, including masoleum and crematorium provided that any mausoleum or crematorium shall be a distance of at least two-hundred (200) feet from any adjacent property or street and shall contain an area of twenty (20) acres or more.	S	S	S	No	
Contractor yard, small (8.15.1)	S	S	S	No	
Day care center, Group day care home, family day care home, community residential facility	S	S	S	No	
Educational facility	S	S	S	No	

Golf course or country club, including directly associated incidental and accessory facilities including a pro shop, lounge and restaurant catering only to users of the golf course; but not including commercially operated pitch and putt course or miniature golf course. Also includes swimming pool, soccer, baseball, softball fields and the like.	S	S	S	No	
Hospital, health care centers and facilities, provided parcel size is twenty (20) acres or greater.	S	S	S	No	
Indoor sports and recreation/Indoor entertainment including commercial rodeo grounds, commercial stables, riding academy, and animal therapeutic facilities.	S	S	S	No	
Membership Club	S	S	S	No	
Mobile home park/Mobile home court	S	S	S	No	
Motorized Sport Entertainment provided that no residences are located within 1 mile of the proposed use, at the time of application.	S	S	S	No	
Public or privately owned airport, landing area, or helipad. Site must be a minimum of 20 acres and 1000 feet from school.	S	S	S	No	
Quarry (including cutting, breaking, shaping, and finishing of quarried rock), sand and gravel pit, top soil stripping, providing that any building housing power or power producing machines shall be a distance of at least two hundred feet from all adjacent property or street and highway lines. Operational hours shall be limited from 7:00 to 19:00.	S	S	S	No	
Second dwelling unit on parcel less than 20 acres.	S	S	S	No	
Small and large equipment rental/sales/repair and general repair.	S	S	S	No	
Solid Waste Disposal Site, Solid Waste Transfer Station, Recycling Center, and Composting Facilities, provided parcel size is twenty (20) acres or greater.	S	S	S	No	
Storage facility, self-service where indoor storage space is provided for rent or lease and subject to the identified conditions	S	S	S	No	
Temporary workforce housing (temporary labor camp).	S	S	S	No	
Utilities both minor and major.	S	S	S	No	
Workforce housing (Permanent labor camp)	S	S	S	No	
Worship facility	S	S	S	No	
A one or two family dwelling(s) on a parcel of 20 acres or greater. If a parcel is less than 20 acres, a second dwelling is allowed with an approved Special Use Permit.	P	P	P	No	This is separated into two line items in the proposed regulations. 7.6.9 (2) allows for a SFD and 7.6.9 (3) allows for a two family dwelling or second SFD.
Agricultural uses of land and usual agricultural buildings and structures	P	P	P	No	
Commercial building for raising, breeding and boarding small domestic animals provided that such building, including dog runs, shall be at least one hundred (100) feet from all property lines and shall comply with the standards listed in Section 8.7 of zoning regulations.	P	P	P	No	
Commercial dairy if on a parcel 20 acres or greater	P	P	P	No	
Community garden	P	P	P	No	
On-site construction office	P	P	P	No	
Park	P	P	P	No	
Public and private forest and wildlife preserve and similar conservation areas	P	P	P	No	
Public safety facility	P	P	P	No	
Riding and roping arena, excluding commercial rodeo grounds, commercial stables, animal therapeutic facilities, providing such use shall be at least two hundred (200) feet from any lot in any other district. Participants must number less than twenty-five (25) total for all events or a special use permit is required. Parcel must be 20 acres or greater.	P	P	P	No	

Tower and studio facilities related to radio, television broadcasting stations, telecommunications, amateur radio station and/or antenna meteorological towers, residential wind turbines not to exceed 50 kW, Amateur Radio operations, subject to the requirements in Section 8.8 of zoning regulations.	P	P	P	No	
On tracts of land 160 acres or larger, a dwelling or dwellings of owner or lessee of the land. These may be occupied by employees of the owner or lessee of the land. They may be occupied by any person or persons the owner or lessee of the land desires so long as the dwellings or dwellings are not rented, leased, or used for any commercial or industrial uses.	A	A	A	No	
Roadside stands offering for sale only local agricultural products or other products produced on the premises.	A	A	A	No	

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Appendix 4: Agricultural Term Revisions

The purpose of this appendix is to provide a comparative table displaying the interrelations of proposed terminological revisions and associated changes to use callouts from the current regulations to the proposed regulations. This appendix is designed to be used with Appendix 5, titled "Agricultural Scenario," where a scenario is described to provide an elucidation by example of terminological changes performed for referential clarity. Additionally, the scenario is provided to show how proposed projects would be considered under the proposed changes as compared to the current regulations. This provides a complete picture of the interrelation of terminological changes and how they impact planning practice in the county.

Term	Current		Proposed	
	Definition	Use Callouts	Definition	Callouts
Agricultural use	The use of land for periodic livestock sales and the like, tree farming or growing or producing field crops, livestock, and livestock products for the production of income, excluding feedlots. Field crops include, among others, barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers. Livestock includes, among others, dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, and other animals including deer, rabbits, and mink. Livestock products include, among others, milk, butter, cheese, eggs, meat, fur, and honey.	<p>§7.1.1.1 (4) [RR-5]</p> <p>§7.1.2.1 (10) [SR-1 & SR-2]</p> <p>§7.1.3.1 (11) [UR]</p> <p>§7.2.2 (1) [A]</p> <p>§7.4.1.10 (2) [I-1]</p> <p>§7.4.2.2 (2) [I-2]</p>	The use of land for crop production, animal production, aquaculture, apiculture, entoculture, or forestry.	<p>§7.2.1 (4) [RR-5]</p> <p>§7.3.2 (13) [SR-1 & SR-2]</p> <p>§7.4.2 (13) [UR]</p> <p>§7.6.9 (1) [MU-20]</p> <p>§7.7.9 (1) [MU-40]</p> <p>§7.12.4 (2) [I-1]</p> <p>§7.13.3 (2) [I-2]</p>
Value-added (agricultural commodities)	The process of taking a raw agricultural commodity and changing its form to produce a higher quality end product.(Call out adds "this may include processing, manufacturing, storage, and the like.)	§7.2.4(27) [A]	An agricultural commodity that has undergone any one or more of the following processes: (1) a change in the physical state or form of the commodity (such as milling wheat into flour, curdling milk in the production of cheese, melting honeycombs to make beeswax); (2) a production process of a manner that enhances its value, as demonstrated through a business plan (such as organically produced products); (3) the physical segregation of an agricultural product in a manner that results in the enhancement of the value of that commodity or product (such as an identity preserved marketing system utilized, for example, in non-GMO products).	Only used to support other definitions
Commercial Feedlot	Establishments engaged in the fattening, raising, or breeding of animals typically for the commercial production of food, where the animals are fed primarily in pens, lots, or buildings (partially or wholly enclosed). Uses include but are not limited to hog ranches, poultry / egg farms, and cattle feed lots. The term does not include 4-H, FFA and other youth experiential learning programs, staging of livestock for immediate transport, or slaughterhouses. Pastures shall not be considered animal feedlots.	<p>§7.2.4(7) [A]</p> <p>§17.4(6) [FR]</p>	An animal feeding operation (AFO) engaged in the raising or fattening of livestock animals for commercial purposes where the animals are confined at a high density relative to open range pasture raising and feeding operations with rotational grazing and stocking rates designed to sustain grazing pastures. Commercial feedlots are distinct from transportation stockyards where livestock are temporarily stabled or boarded as part of a process of transportation. The term does not include 4-H, FFA and other youth experiential learning programs.	<p>§7.7.11(4) [MU-40]</p> <p>§17.4(6) [FR]</p>
Concentrated Animal Feeding Operation (CAFO)	Concentrated animal feeding operation means an animal feeding operation that is defined as a large concentrated animal feeding operation or as a medium concentrated animal feeding operation or that is designated as a concentrated animal feeding operation in accordance with 40 CFR, part 122. Two or more animal feeding operations under common ownership are considered to be a single animal feeding operation for the purposes of determining the number of animals at an operation if they adjoin each other or if they use a common area or system for the disposal of wastes. (MCA)75-5-801(2).	§7.2.4(7) [A]	An animal feeding operation (AFO) that is defined as a large concentrated animal feeding operation or as a medium concentrated animal feeding operation or that is designated as a concentrated animal feeding operation in accordance with 40 CFR §122. Two or more animal feeding operations under common ownership are considered to be a single animal feeding operation for the purposes of determining the number of animals at an operation if they adjoin each other or if they use a common area or system for the disposal of wastes (See §75-5-801(2), MCA).	<p>§7.7.11(4) [MU-40]</p> <p>§18.1(4) [UUP]</p>
Meat Packing Plant	A place or building which handles the slaughtering, processing, packaging and distribution of animals including but not limited to chickens, cattle, pigs, sheep and other livestock or fowl.	§7.2.4(25) [A]	Deleted	Deleted
Slaughterhouse	A building, structure, or facility where livestock and/or fowl is slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals to include packing, treating, storage or sale of the product on the premises.	<p>§7.2.4(25) [A]</p> <p>§17.4(6) [FR]</p>	A place, building, or structure where small or large livestock are temporarily stabled prior to slaughter and slaughtered. Additional processing may include butchering, preparing, or packing for off-site distribution or temporary storage for on-site sales.	<p>§7.7.11(27) [MU-40]</p> <p>§18.1(4) [UUP]</p>

Wholesale Feedlot (Feedlot)	A lot, structure, building or confined area used intensively for raising or keeping of livestock belonging to others for a fee for the purpose of feeding, breeding, conditioning, or holding the same for marketing or slaughter in which animal waste may accumulate.		Deleted	Deleted
Rendering Plant	A building used for storage and conversion of animal wastes and livestock carcasses into industrial fats and oils, various other products (fertilizer), or to be used for heating and energy production.	§7.2.4(25) [A] §17.4(6) [FR]	A building used for storage and conversion of animal wastes and livestock carcasses into industrial fats and oils, various other products (fertilizer), or to be used for heating and energy production.	§7.7.11(28) [MU-40] §17.4(6) [FR]
Agricultural Commodity	Not Defined	§7.2.4(27) [A]	Any commodity produced from an agricultural use. This includes, but is not limited to, livestock, raw milk, grains, soybeans, hay, corn, timber, honey, fish, fruits, vegetables, crickets, or oil seeds.	Only used to support other definitions
Value-Added Agricultural Commodity Processing Facility	Not Defined	§7.2.4(27) [A]	Any facility in which one or more agricultural commodities are physically processed in such a way that results in a value-added agricultural product and is not otherwise defined in these regulations.	§7.6.11(39) [MU-20] §7.7.9(18) [MU-40] §7.12.2(4) [I-1]
Animal Feeding Operation (AFO)	Not Defined	N/A	A lot or building where the following conditions are met: (1) small or large livestock animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 30 days or more in any twelve (12) month period; (2) crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or building.	Only used to support other definitions

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Appendix 5: Agricultural Scenario

Introduction

The purpose of this appendix is to provide an example of: (1) referential clarity¹ and (2) how the proposed terminological changes and their interrelations with use call outs impact planning practice. The examples will be based on a series of land use scenarios provided below. Each scenario will then be comparatively described by the way the proposed land use would be handled under the current zoning regulations for the Agricultural (A) Districts and under the proposed regulations for the the Mixed Use – 20 (MU-20) and the Mixed Use – 40 (MU-40) Districts. The scenarios provided in the table below assume that all other relevant requirements for the use in the scenario are met. For example, set back requirements, minimum lot size, etc. Furthermore, each land use will take place on a single lot. Following the table below a discussion will be provided on the results of the table.

No.	Land Use Scenario	Agricultural	Mixed Use - 20	Mixed Use - 40
1	Livestock feedlot with no more than 299 beef cattle that will be stabled or maintained for a total of 45 days or more in any 12-month period. (an AFO as defined in 40 CFR 122.23 (b)(1) and §75-5-801(1), MCA)	SUP under §7.2.4(7) “Commercially operated feedlots or concentrated animal feeding facilities...”	Not an allowed use	SUP under §7.7.11(4) “Commercial Feedlot or Concentrated Animal Feeding Operation (CAFO)...”
2	Livestock feedlot with between 300 and 999 beef cattle that will be stabled or maintained for a total of 45 days or more in any 12-month period. (a medium CAFO as defined in 40 CFR 122.23 (b)(6) and §75-5-801(4), MCA)	SUP under §7.2.4(7) “Commercially operated feedlots or concentrated animal feeding facilities...”	Not an allowed use	SUP under §7.7.11(4) “Commercial Feedlot or Concentrated Animal Feeding Operation (CAFO)...”
3	Livestock feedlot with 1000 or more beef cattle that will be stabled or maintained for a total of 45 days or more in any 12-month period. (a large CAFO as defined in 40 CFR 122.23 (b)(4) and §75-5-801(3), MCA)	SUP under §7.2.4(7) “Commercially operated feedlots or concentrated animal feeding facilities...”	Not an allowed use	SUP under §7.7.11(4) “Commercial Feedlot or Concentrated Animal Feeding Operation (CAFO)...”
4	A beef cattle slaughterhouse facility with a beef cattle AFO	SUP under §7.2.4(25) “Commercial propagation, boarding, grazing, or butchering of animals and fowl... the operation can be used as a wholesale feedlot, meat packing plant, slaughterhouse, rendering plant, and the like.”	Not an allowed use	Two SUPs: one under §7.7.11(4) “Commercial Feedlot or Concentrated Animal Feeding Operation (CAFO)...” and another under §7.7.11(27) “Slaughterhouse”

¹ Referential clarity is one of the primary reasons for making terminological changes. These changes are described in the staff report in SECTION 2.2 and assigned to particular changes in Appendix 1.

5	A beef cattle slaughterhouse facility with a beef cattle CAFO	SUP under §7.2.4(25) “Commercial propagation, boarding, grazing, or butchering of animals and fowl... the operation can be used as a wholesale feedlot, meat packing plant, slaughterhouse, rendering plant, and the like.”	Not an allowed use	Two SUPs: one under §7.7.11(4) “Commercial Feedlot or Concentrated Animal Feeding Operation (CAFO)...” and another under §7.7.11(27) “Slaughterhouse...”
6	A beef cattle slaughterhouse facility with a beef cattle CAFO and rendering plant	SUP under §7.2.4(25) “Commercial propagation, boarding, grazing, or butchering of animals and fowl... the operation can be used as a wholesale feedlot, meat packing plant, slaughterhouse, rendering plant, and the like.”	Not an allowed use	Three SUPs: one under §7.7.11(4) “Commercial Feedlot or Concentrated Animal Feeding Operation (CAFO)...”; the second under §7.7.11(27) “Slaughterhouse...”; the third under §7.7.11(28) “Rendering Plant”
7	Dairy products manufacturing plant	L/C Permit under §7.2.2 (1) “Agricultural uses of land” or SUP under §7.2.4(27) “Value-added Agricultural Commodity Processing Facility”	SUP under §7.6.11(39) “Value-added agricultural commodity processing facility”	L/C Permit under §7.7.9(18) “Value-added Agricultural Commodity Processing Facility”
8	A chicken slaughterhouse facility with a chicken AFO.	SUP under §7.2.4(25) “Commercial propagation, boarding, grazing, or butchering of animals and fowl... the operation can be used as a wholesale feedlot, meat packing plant, slaughterhouse, rendering plant, and the like.”	Not an allowed use	Two SUPs: one under §7.7.11(4) “Commercial Feedlot or Concentrated Animal Feeding Operation (CAFO)...” and another under §7.7.11(27) “Slaughterhouse...”
9	A chicken slaughterhouse facility with a chicken CAFO.	SUP under §7.2.4(25) “Commercial propagation, boarding, grazing, or butchering of animals and fowl... the operation can be used as a wholesale feedlot, meat packing plant, slaughterhouse, rendering plant, and the like.”	Not an allowed use	Two SUPs: one under §7.7.11(4) “Commercial Feedlot or Concentrated Animal Feeding Operation (CAFO)...” and another under §7.7.11(27) “Slaughterhouse...”
10	A chicken slaughterhouse facility with a chicken CAFO and a rendering plant.	SUP under §7.2.4(25) “Commercial propagation, boarding, grazing, or butchering of animals and fowl... the operation can be used as a wholesale feedlot, meat packing plant, slaughterhouse, rendering plant, and the like.”	Not an allowed use	Three SUPs: one under §7.7.11(4) “Commercial Feedlot or Concentrated Animal Feeding Operation (CAFO)...”; the second under §7.7.11(27) “Slaughterhouse...”; the third under §7.7.11(28) “Rendering Plant”

Discussion

Scenarios 1 through 3

Scenarios 1 through 3 show that feedlot operations, regardless of size, have the same call out and fall under the same special use permit (SUP) process. The terms “commercial feedlot” and “concentrated animal feeding operation (CAFO)” have been revised to clarify the relationship between different sizes of operations and their relation to state and federal regulations (refer to Appendix 4). This is why the term “animal feeding operation (AFO)” was added and utilized in the definition of “commercial feedlot.” In this case, however, this distinction doesn’t have an impact on the way the use would be permitted. In any case, a feedlot must go through the special use permit process. Additionally, the table shows that the proposed regulations reduce where these kinds of use may operate since the use is not allowed in the MU-20 district. This translates to a total of over 187,000 acres of land in the county where this use would no longer be allowed under the proposed regulations. As described in Appendix 2, the MU-20 district is characterized by higher densities of residential use and clusters of smaller parcels. The intent here is to protect these statistically determined areas from this type of development. Additionally, this would protect over 54,000 acres of prime farmland from AFO and CAFO developments.

Scenarios 4 through 6 and 8 through 10

Scenarios 4 through 6 and 8 through 10, show that the proposed regulations change the way a combination slaughterhouse and qualifying AFO or CAFO would be handled. Under the current regulations, a slaughter house facility where animals will be stabled on-site in such a way as to qualify as an AFO or CAFO would only need one SUP. Additionally, the same operation could have a rendering plant as well and not need an additional permit. Under the proposed regulations, each of these uses would have to be permitted separately under two or three special use permits. This change is in accordance with the general provisions for special use permits, pursuant to §10.1 of the current and proposed regulations, that “each specific use shall be considered as an individual case.” Planning staff view the call out in §7.2.4(25) of the current regulations to be too broad and against the spirit of the general provision for special use permits of §10.1. As was the case above for scenarios 1 through 3, the table shows that the proposed regulations reduce where these kinds of uses may operate since the use is not allowed in the MU-20 district.

Referential clarity is further exemplified by comparing scenarios 8 through 10 to §7.2.4(6) of the current regulations. This callout has been made redundant by the overly broad call out of §7.2.4(25). The former is for “small animals and fowl” but does not allow a “wholesale feedlot” or “meat packing” use. However, under any circumstance in which a chicken CAFO and slaughter facility is the proposed use, such an operation would be able to go in under §7.2.4(25).

The allowance of §7.2.4(6) appears to consist of AFO or CAFO and butchering but it does not allow for “wholesale feedlot” or “meat packing” use. Those definitions can be found in Appendix 4 and a review of those definitions presents difficulty in interpreting what would be allowed under this use callout. Since “propagation,” “boarding,” and “grazing” are not currently defined in the regulations, they have the meaning they have in common usage, pursuant to “General” under §2 of the current regulations. An authority on common usage is a dictionary and planning staff use the Oxford English Dictionary (OED). According to the OED, in this context the terms are defined as the following:

- Propagation: “the action of causing a plant, animal, etc., to produce offspring or multiply by natural processes.”
 - “propagation, n.” *OED Online*, Oxford University Press, March 2019, www.oed.com/view/Entry/152614. Accessed 5 March 2019.
- Boarding: “to put up and feed (an animal).”
 - “board, v.” *OED Online*, Oxford University Press, March 2019, www.oed.com/view/Entry/20732. Accessed 5 March 2019.
- Grazing: “to feed on growing grass and other herbage.”
 - “graze, v.1.” *OED Online*, Oxford University Press, March 2019, www.oed.com/view/Entry/81081. Accessed 5 March 2019.

Given the serial disjunction used in §7.2.4(6), any and/or all of “commercial propagation, boarding, grazing, or butchering of small animals and fowl” could be applicable in a proposed use “provided that the animals may not be

stabled or processed within two hundred (200) feet from any property line and the operation is not considered a wholesale feed lot or meat packing use.” To be considered a “wholesale feedlot” requires boarding animals, prior to marketing or slaughter, owned by another party for a fee. This means that it would be possible for a chicken feedlot and slaughter facility to go in under §7.2.4(6) as long as the animals were owned by the operator or the boarding of the animals did not involve a fee ,however, no packaging of the meat could occur since that would qualify as “meat packing use.” A review of all these definitions reveals a significant amount of overlap and this leads to confusion and it makes it difficult for planners to carry out their practice. For the sake of referential clarity, staff have proposed to delete §7.2.4(6), §7.2.4(25), and definitions for “wholesale feedlot,” and “meat packing plant.” Instead, “slaughterhouse,” “commercial feedlot,” and “concentrated animal feeding operation (CAFO)” have been revised and utilized in such a way that separates the uses and results in the practical impact of each use requiring review through the special use permit application process. Furthermore, §2.1 of the proposed regulations states that “where terms are specifically defined and called out in these Regulations and also interpreted as a component of another general term, the specific shall take precedence over the general” and this prevents the allowance for temporary stabling under the “slaughterhouse” term to escape consideration as a commercial feedlot or CAFO. It also prevents a slaughter facility from going in as a “value-added agricultural commodity processing facility.”

Scenario 7

Scenario 7 shows another example of an interpretive problem rooted in terminological issues which can lead to different planning practice outputs. Refer to Appendix 4 for the definition of “Agricultural Use” which informs §7.2.2(1) of the current regulations. Under that definition, a proposal for a facility that turns dairy milk into butter and cheese products could go in as a permitted principal use pursuant to §7.2.2(1).It could also go in as a special use as a “value-added agricultural commodity processing facility” pursuant to §7.2.4(27). This ambiguity is resolved under the proposed regulations through revisions to the relevant terms and the interpretive requirements of §2.1 mentioned in the paragraph above.

Appendix 6: Black Eagle Rezone Justification

The proposed rezoning of the Black Eagle area from Urban Residential (UR) to Mixed Use (MU) is intended to: (1) reduce the number of existing non-conforming uses; (2) Match historical and perpetual land use patterns in the area; and, (3) allow flexibility in uses that are currently not allowed in Urban Residential zoning. Several properties in the Black Eagle area are currently used and have been historically used for commercial operations. These local businesses provide services for community members and, in some cases, are integral to local history. Under the zoning these operations are at risk of becoming impermissible in the case they lose protection as an existing non-conforming use, pursuant to §11 of the Cascade County Zoning Regulations (CCZR). Furthermore, business expansion can be hindered by the requirements of §11.1 CCZR. Since the Mixed Use district allows residential uses and limited commercial uses, the proposed rezone would eliminate this burden for Black Eagle businesses and the residents that depend on those businesses.

Many lots within Black Eagle do not conform with modern lot size requirements and this consequence of historical development often leads to limitations for building sizes due to setback requirements. The proposed rezone to Mixed Use would ease set back requirements for front yards (a reduction from 30 feet to 15 feet). This provides owners of non-conforming lots more space to build houses, additions, or businesses.

The proposed rezoning of Black Eagle areas from UR to MU is in accordance with the following Growth Policy goals and objectives

- Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.
 - Objective A: Stimulate the retention and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/ processing and forest products.
 - Objective G: Improve local trade capture for Cascade County businesses. Promote local shopping as well as planned businesses.
- Goal 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.
 - Objective A: Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.