

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 January 17th, 2019 two copies of the revised zoning regulation revisions were posted to the Cascade County Planning Division website. One copy provided tracked changes and the other provided a clean draft version. 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. Twelve oral comments were received during the meeting. No other action was requested at that meeting. Written public comments on the proposed revisions have been accepted on a rolling basis since January

17th. As of the finalization of this staff report on March 19, 2019, the Planning Division has received 90 written comments on the proposed revisions and provided them to the Planning Board for consideration prior to this 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. This report, appendices, and examples provided have been made in consideration of public comments received leading up to and after the February 19th public hearing. 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) substantial compliance 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*.

[Public Comment on Title Page, Section 1, and Section 2]

[Planning Board consideration of public comments]

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 a 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.

[Public Comment on Sections 3 through 6]

[Planning Board consideration of public comments]

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

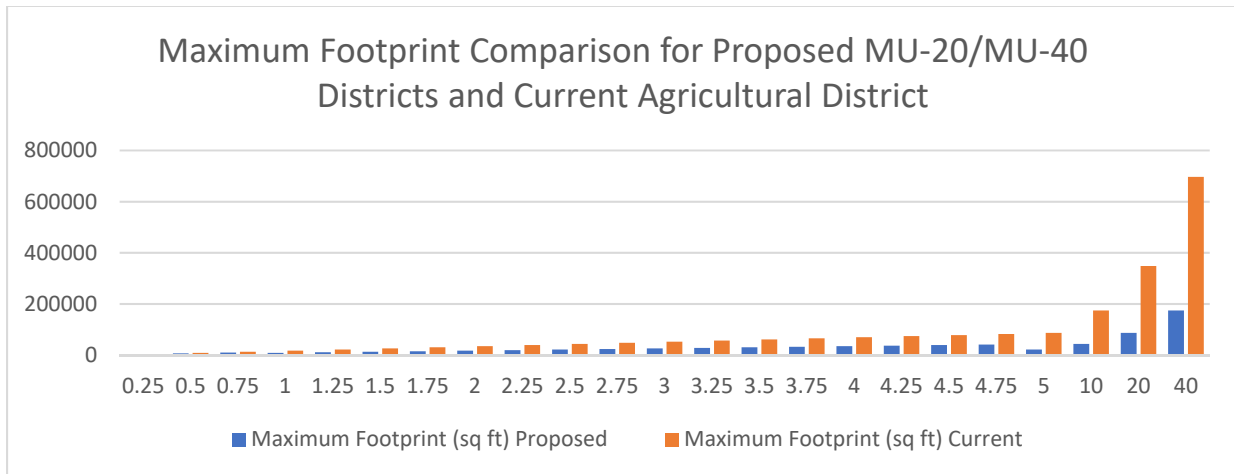
change in name was deemed appropriate as well as a division of uses. The rationale for the division of uses is provided in Appendix 2.

- 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 accordance 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.

[Public Comment on Section 7]

[Planning Board consideration of public comments]

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.

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.

[Public Comment on Section 8]

[Planning Board consideration of public comments]

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.

[Public Comment on Sections 9 through 11]

[Planning Board consideration of public comments]

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 indicated 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 reserves 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.

[Public Comment on Sections 12 through 18]

[Planning Board consideration of public comments]

MOTIONS

The following motions are provided for the Board’s consideration:

1. “After considering the Staff Report and public comments, I move to recommend the Cascade County Commission **DENY** all of the proposed revisions to the Cascade County Zoning Regulations and zoning boundaries.

or

2. “After considering the Staff Report and public comments, I move to recommend the Cascade County Commission **ADOPT** all proposed revisions to the Cascade County Zoning Regulations and zoning boundaries finding that all the revisions are in accordance with the Cascade County Growth Policy and MCA § 76-2-203.

or

3. "After considering the Staff Report and public comments, I move to recommend the Cascade County Commission **ADOPT IN PART** the proposed revisions to the Cascade County Zoning Regulations and zoning boundaries, and **DENY IN PART** as follows:
 - a. ADOPT the following revisions to the Cascade County Zoning Regulations and zoning boundaries finding they are in accordance with the Cascade County Growth Policy and MCA § 76-2-203:
 - b. DENY the remaining proposed revisions.

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