

# CASCADE COUNTY PLANNING BOARD

April 16, 2019

9:00 AM

Court House Annex

325 2<sup>nd</sup> Ave North

Board Members: Mark Carlson, Richard Liebert, Elliott Merja, Rob Skawinski, Ken Thornton, Dan Johnstone, Dexter Busby

**NOTICE:** PURSUANT TO MCA 2-3-212(1), THE OFFICIAL RECORD OF THE MINUTES OF THE MEETING IS IN AUDIO FORM, LOCATED AT CASCADECOUNTYMT.GOV AND THE PLANNING OFFICE. THIS IS A WRITTEN RECORD OF THIS MEETING TO REFLECT ALL THE PROCEEDINGS OF THE BOARD. MCA 7-4-2611 (2) (B). TIMESTAMPS ARE INDICATED IN RED, WITHIN EACH AGENDA ITEM BELOW, AND WILL DIRECT YOU TO THE PRECISE LOCATION SHOULD YOU WISH TO REVIEW THE AUDIO SEGMENT.

THESE MINUTES ARE PARAPHRASED TO REFLECT THE PROCEEDINGS OF THE CASCADE COUNTY PLANNING BOARD AND ARE CONSIDERED A DRAFT UNTIL FORMALLY APPROVED BY THE PLANNING BOARD.

**Staff Present:** Carey Haight, Charity N. Yonker, Ian Payton, Destiny Gough, Michael Stone, and Sandor Hopkins.

**Attendees:** Fred Burrows, Gloria Burrows, John Casseli, Leanna Coulter, Glen Coulter, Carolyn Craven, Margaret Eakman, Paxton Ellis, Mary Beth Ewen, Jaybe Floyd, Mark Hawn, Tammy Kantorowicz, Mark Leo, Ron Scott, Michelle Taylor, Erin Tropila, Ron Vihinen, Dale Yatsko, and Janelle Yatsko.

**1. Call to order: Chairman Elliott Merja called the meeting to order at 09:01 AM**

**2. Roll call:**

**Board Members Present:** Dexter Busby, Elliott Merja, Mark Carlson, Richard Liebert, Ken Thornton, and Rob Skawinski.

**Board Members Absent:** Dan Johnstone

**3. Approval of Minutes:** March 26, 2019

**Richard Liebert (00:01:04)** says, "On page eight (8), says Richard Liebert speaks 'off topic' to Conn McKelvey. I request that term off-topic be [struck] and just leave it as speak to Conn McKelvey—I was on topic relating to zoning and planning. Mr. McKelvey was a previous planner. I was trying to provide context for the audience and also the Planning Board members [of] his experience of when it came to previous work, on what the city and county [had] done for Planning. His own experience and skill set when it came to planning experience. That's the first one. The second one, page eleven (11) and before I get into this I would like to ask our legal staff is the [...] audio recording or the written minutes that will be approved today the legal recording of the hearing or both?"

**Carey Haight (00:02:20)** says, "Both, the board has been placing the verbatim audio recording into the

record, but the summary of the minutes from the meeting are also approved and validated by the board.”

**Richard Liebert (00:02:39)** says, “That’s why I want to set the record straight all it says is that I spoke off topic. Well, at that time I checked the recording it said we concluded all the section readings and I asked [the president of the board] if I could make some concluding remarks. [...] My remarks were [about] the growth policy, work sessions, and some other things that citizens had done in the past. [...] I also dispute the ‘desire for the old ways and procedures’– this is not a novel. What I was addressing of my previous work on working groups in 2012 and [2013]. [...] I also think that it should address the fact– and this is pretty substantial that the Planning Board– I read right out of the previous growth policy. We have responsibility under the Montana Code Annotated 76.1.601. I wanted to conduct the policy review every five (5) years that is substantial thing that should be recorded in the minutes I submit [Mr. President]. I do not like the way [that] I am portrayed [with] the desire for the old ways. Yeah, I’m old– over sixty, but that doesn’t mean we don’t rely upon prior and previous protocol, methods and procedures.”

**Dexter Busby motion to approve with corrections**

**Mark Carlson seconded the motion**

**All in favor; motion carries 6-0**

**4. New Business:**

**A. Taylor Minor Subdivision**

**1. Staff Report: Michael Stone**

**Motions:**

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

- A. Alternative 1: Approve** the proposed subdivision.
- B. Alternative 2:** Recommend to the County Commission that the Plat of Taylor Addition Minor Subdivision **be approved, subject to the following conditions:**
  - 1. Having the developer’s surveyor correct any errors or omissions on the preliminary plat;
  - 2. Causing to be prepared certificates of title of the land in the subdivision to be recorded in conjunction with the final plat;
  - 3. Design, construction, inspection, and certification, by a licensed professional engineer, of all roads used for physical and legal access as well as the proposed cul-de-sac to Cascade County Subdivision Road Specifications, as well as the purchase and installation of all required street signs and stop signs. All of the above is to be completed prior to the approval of the final plat.
  - 4. Submitting with the plat a certificate of a title abstracter showing the names of the owners of record of the land and the names of lien holders or claimants of record against the land (MCA 76-3-612) (2017);
  - 5. Pursuant to 7-22-2152 M.C.A. (2017), submitting a written plan to the Cascade County Weed Board specifying the methods for weed management procedures with regards to this development;
  - 6. Causing to be recorded on the plat a statement concerning limited public services;

7. Causing to be recorded an Agricultural Notification Statement.
  8. Obtain approval for the proposed water and sewage disposal systems from state and/or local health departments;
  9. Dune Ridge Lane improvements shall be installed prior to final plat approval, or their installation after final plat approval will be guaranteed as provided by Section 3-8 of the Cascade County Subdivision Regulations.
  10. Causing to be recorded in conjunction with the final plat, an agreement requiring property owners of each subdivision tract to take part in any Rural Special Improvement District (RSID) for the reconstruction, improvement or perpetual maintenance of any road that can be used to access these lots as determined by Cascade County, provided that all other property owners served by said road share equitably in such an RSID.
- C. **Alternative 3:** Table the proposed subdivision for further study.
- OR
- D. **Alternative 4:** Deny the proposed subdivision.

## 2. Board Discussion & Action

**Richard Liebert (00:10:34)** asks if there is an RSID there currently.

**Sandor Hopkins (00:10:40)** replies by saying that there are number of different ones nearby, but not on this property.

**Richard Liebert (00:10:42)** asks if new owners would fall under that particular RSID and have to pay in to that RSID.

**Sandor Hopkins (00:10:47)** says yes and how it is paid is assessed by the Department of Revenue on a yearly basis. He finds that as the number of lots goes up, the amount that each individual pays goes down.

**Richard Liebert (00:11:05)** says so the number of property owners increases and what they pay goes down.

***Sandor Hopkins agrees.***

**Carey Haight (00:11:10)** corrects Mr. Liebert and Sandor Hopkins by saying that is 'the number of property lots' not 'the number of property owners.'

***Sandor Hopkins agrees with Carey Haight's distinction.***

**Elliot Merja (00:11:20)** asks for staff comment. There is none. Then, he asks if the developer would like to speak.

**Mark Leo at 1324 13th Ave SW, Great Falls, MT 59404 (00:11:20)** says that the staff report covered everything. However, he is still here if there are any other types of technical questions.

**Richard Liebert (00:12:10)** asks if construction will occur soon.

**Mark Leo (00:12:21)** says fairly soon.

Public Hearing opened at 09:14 AM

Elliot Merja asks for proponents: none

Elliot Merja asks for opponents: none

*Gloria Burrows at 111 Fife Rd, Great Falls, MT 59405 asks where it is going to be located. Michael Stone points and explains where on the wall mounted map.*

Public Hearing closed at 09:15 AM

### Board Discussion and Decision

Dexter Busby (00:14:46) says that he lives less than a half mile from this proposed location. He finds no reason this should not be developed.

Richard Liebert (00:14:58) asks for a three-dimensional (3D) rendering of the project.

Dexter Busby (00:15:41) moves that the Plat of Taylor Addition Minor Subdivision **be approved and subjected to the following conditions:**

1. Having the developer's surveyor correct any errors or omissions on the preliminary plat;
2. Causing to be prepared certificates of title of the land in the subdivision to be recorded in conjunction with the final plat;
3. Design, construction, inspection, and certification, by a licensed professional engineer, of all roads used for physical and legal access as well as the proposed cul-de-sac to Cascade County Subdivision Road Specifications, as well as the purchase and installation of all required street signs and stop signs. All of the above is to be completed prior to the approval of the final plat.
4. Submitting with the plat a certificate of a title abstracter showing the names of the owners of record of the land and the names of lien holders or claimants of record against the land (MCA 76-3-612) (2017);
5. Pursuant to 7-22-2152 M.C.A. (2017), submitting a written plan to the Cascade County Weed Board specifying the methods for weed management procedures with regards to this development;
6. Causing to be recorded on the plat a statement concerning limited public services;
7. Causing to be recorded an Agricultural Notification Statement.
8. Obtain approval for the proposed water and sewage disposal systems from state and/or local health departments;
9. Dune Ridge Lane improvements shall be installed prior to final plat approval, or their installation after final plat approval will be guaranteed as provided by Section 3-8 of the Cascade County Subdivision Regulations.
10. Causing to be recorded in conjunction with the final plat, an agreement requiring property owners of each subdivision tract to take part in any Rural Special Improvement District (RSID) for the reconstruction, improvement or perpetual maintenance of any road that can be used to access these lots as determined by Cascade County, provided that all other property owners served by said road share equitably in such an RSID.

Mark Carlson seconds the motion for approval.

All in favor, motion carries 6-0.

**B. Ranches at Belt Creek Rezone**

**1. Staff Report: Sandor Hopkins**

**Motions:**

The following motions are provided for the board's consideration:

- A. Alternative 1:** move to recommend to the County Commission, after consideration of the staff report, that the zone change request of Trophy Property Developers to rezone parcels #0005606400 and #0005217600 located in Sections 18 & 19, T. 18N., R. 7E., P.M.M., Cascade County, MT. from "A" Agricultural to "RR-5" Rural Residential 5, **be denied.**

**OR**

- B. Alternative 2:** move to recommend to the County Commission, after consideration of the staff report, that the zone change request of Trophy Property Developers to rezone parcels #0005606400 and #0005217600 located in Sections 18 & 19, T. 18N., R. 7E., P.M.M., Cascade County, MT. from "A" Agricultural to "RR-5" Rural Residential 5, **be approved.**

**2. Board Discussion & Action**

**Richard Liebert (00:37:24)** asks for larger printed images as well as how were the neighboring properties contacted.

**Sandor Hopkins (00:38:02)** says that the neighboring properties were notified by first-class mail delivery.

**Richard Liebert (00:38:13)** asks when phase I and phase II was approved in the past.

**Sandor Hopkins (00:38:20)** says that the COSA approval was the year 2008. He infers that phase I was filed in the year 2009 and phase II was the year 2011.

**Mark Hawn at 5890 Us Highway 89, Belt, MT 59412 (0:38:48)** finds that they covered everything.

**Richard Liebert (00:39:25)** asks what the status of the development is currently for phase I and phase II.

**Mark Hawn (00:39:30)** says that there are thirty-five (35) properties sold of the forty (40) plus properties, there are ten (10) homes that have been established, there is one (1) home under construction, and there is one (1) home that they just started constructing for phase I and phase II.

**Richard Liebert (00:40:50)** asks what the property is currently being used for.

**Mark Hawn (00:40:54)** says the land is currently being used as grazing/pasture land for their horses. They also have it currently approved as a pheasant preserve for private hunting.

**Ken Thornton (00:41:16)** asks if there are restrictions on the aquafers that homeowners can use.

Mark Hawn (00:41:25) says that they recommend that everyone goes down to the Madison and makes sure that everyone has sufficient water available.

Public Hearing opened at 09:42 AM

Elliot Merja asks for proponents: none

Elliot Merja asks for opponents: none

Public Hearing closed at 09:44 AM

### Board Discussion and Decision

Richard Liebert (00:43:04) moves to recommend to the County Commission, after consideration of the staff report, that the zone change request of Trophy Property Developers to rezone parcels #0005606400 and #0005217600 located in Sections 18 & 19, T. 18N., R. 7E., P.M.M., Cascade County, MT. from "A" Agricultural to "RR-5" Rural Residential 5, be **approved**.

Mark Carlson seconds the motion for approval.

All in favor, motion carries 6-0.

## C. Growth Policy

### 1. Board Discussion & Action

Elliot Merja (00:44:14) says, "Moving on to [the] growth policy. The board wants to have a discussion on the growth policy on what we should do with it. It was brought to me by a number of different places that we should be looking at it. [...] So, we put it on the agenda to discuss when we will be looking at [it], and [...] what needs to be done with it. Does the staff [have] any ideas?"

Sandor Hopkins (00:44:47) says, "This was put on the agenda at your request"

Elliot Merja (00:44:50) says, "[...] Well, we have gotten a number of different public [concerns], and at the meetings it was brought up that this growth policy needs to be looked at. [...] It appears as though [...] it has a May 19th [...] or a May of 2019 date is when it is due to be updated. [...] I was wondering if the staff has had any opportunity to look at it. [...] This is something that I am not sure about."

Michael Stone (00:45:20) says the MCA's is fundamentally set at the local jurisdiction, it provides the criteria on whether or not a review of the growth policy is required that can be within a five (5) year period. In other words, the MCA's requires every five (5) years that a review takes place, and then the local jurisdiction decides whether or not it requires revisions. The Planning Board is the first step in that process and provides recommendations to the Commission for an update, as the Planning Board decides if the growth policy warrants an update.

Richard Liebert (00:46:46) says, "I'm glad that the staff recognizes what I read right out of the last growth policy. In fact, the last growth policy was over hundred pages (100). Now, I'm not saying that it must be that substantial— that in depth. It says a review. A review could be ten (10) pages. It could be an update. The process still has to be executed. [...] The underpinning of everything that we [have been] talking about today, [and] everything [about] zoning changes is embedded with [the] growth policy. [...] We [have] heard it, this morning, about [whether] this growth policy

meet[s] [these] criteria. We have heard it in all the subdivisions, the rezoning... We have heard it already.[...] If I make a motion Mr. [President]– I would like to.”

***Elliot Merja agrees to allow Richard Liebert to make a motion.***

**Richard Liebert (00:47:32)** says, “I vote that the Cascade County Planning Board direct [the] Planning Division administrator and staff to complete a growth policy review required by state law 76-1-601 MCA prior to consideration [of] any substantial zoning regulation changes recommended.”

**Elliot Merja (00:48:08)** says, “So, there is a motion on the table that there will be a review by the Planning Department of the growth policy, so that prior to any zoning changes being done. Is there a second to that?”

**Ken Thornton seconds the motion for approval.**

***Conversation ensues.***

**Richard Liebert (00:48:51)** says, “A lot of process went into the last one, and it required consultants. Susan Connell was the last administrator who conducted it five (5) years ago. I, myself, was in some of the working groups in 2012, 2013 that contributed to that; and also, some members of the board were also on the board, were also on the last set of the last growth policy. [I] think with the number of changes that have happened in the five (5) years– things have changed. Economies have changed. Issues like [...] medical marijuana today– for third reading for Senate Bill 265 by Tom Jacobson from Great Falls is going forward where that will collect four percent (4%) tax to manage the oversight and administration of medical marijuana, which is a healthcare product. Those were some of the changes out there as well; in addition to maybe subdivisions. Maybe there are other laws regarding the subdivisions out there as well that should be looked at after the legislature completes its business shortly. We should– I would say we– the old saying ‘measure twice and cut once’ before we move on to some of these issues.[...] I just think it’s important that we as the Planning Board, [because] it says Montana Code, the state law says the Planning Board– doesn’t say the Planning staff or county Commissions. It specifically says the Planning Board. As a member of the Planning Board, it is a matter of my integrity that I am in compliance with the law as well. It’s all of us.”

**Ken Thornton (00:50:22)** says, “As that we did of this approval of the Belt Creek rezone, it bothered me when we approved the second (2<sup>nd</sup>) phase. We had opponents come who ranted down below this plateau, and they were concerned about their aquifers that were being depleted by this growth on the plateau. [...] I know on my own– the aquifer that I draw out of was six (6) gallons a minute, when I filled my house twenty-five (25) years ago. [...] [With] the growth around it, the aquifer is [now] down to three (3) gallons per minute. Now, if we were all drawing out of a big lake, and we saw this coming down, we would do some planning. We would do some adjusting, but we are not watching these aquifers, and we [...] don’t have jurisdiction over [it][...]. I think we should look at that. I mean, I think there’s problems coming that we are not addressing. Perhaps, we need to review, to see if we can have a say in it or maybe state. I think it’s something that we haven’t looked at. There was nothing in any of this [rezone materials] that looked at the aquifers. I think it’s a problem with development that we are not looking at that [and] maybe we should. Maybe this is a process that we could put together the criteria to look at this problem.”

***Dexter Busby comments that there was a good write up of the aquifers in the Taylor Minor Subdivision application, as they identified the aquifers and determined where the best water is for the minor subdivision. Ken Thornton responds by saying that they were drawing out of the shallow***



*aquifers as well. The Taylor Minor Subdivision is following the recommendation. Ken Thornton suggests that maybe they should do more than the recommendation. Dexter Busby agrees. Then, there is the question of whether the board needs to follow up these motions with public comments.*

**Richard Liebert (00:52:36)** interjects to follow up on Ken Thornton’s statement, “We look at developments; and look at what the word literally says, ‘growth policy’. Do we want more growth? Do we want controlled growth? Managed growth? Supervised growth? [...] like I was alluding to the working groups. Do we need a working group of agriculture saying we have issues with aquifers? You know? You have to get input from DNRC, or maybe contractors [...], developers [...], and people in the health care business. There might be four (4) or five (5) subsets of working groups that provide information. [...] If you can do it through working groups and committees then that takes longer. [...] [Alternatively,] you could do it at a longer public hearing process. We are sort of indirectly getting information by that method. [However,] we have to have a process [or] a construct, and how are you going to do a review. It doesn’t have to be a full-blown review with consultants. It is going to take a half a year. [...] The process still by law—the way I read it—has to be done.[...] Then the governing body, the Commissioners, they obviously [concur] with it too, just like they did five (5) years ago. I would like to hear what the public [thinks].”

#### **Public Comment**

**Carolyn Craven at 101 14<sup>th</sup> Ave S, Great Falls, MT 59405 (00:53:55)** thanks the board. She begins by discussing Montana Code Annotated 76-1-602, which requires the local government to review the growth policy at least once every five (5) years and revise the policy, as necessary. She goes on to say in Montana Code Annotated 76-1-602, during this review the community should determine if the existing goals and objectives are still appropriate or in need of an update. Later, she mentions that the 2014 Cascade County Growth Policy says, “More extensive updates to the Growth Policy may require a rewrite with additional public participation in the future”. She says that she would like many prior public input work sessions with a variety of public venues, for the upcoming growth policy review.

***Jaybe Floyd at 12 Homestake Ln, Great Falls, MT 59405 speaks in agreement with the current motion and with Carolyn Craven’s comments.***

**Carolyn Craven (00:59:17)** restates her desire for public participation with quotes from the Montana Growth Policy Resource Book, 2009, and from Ten (10) Land Use and Planning Principles. She would like to have a ‘community visioning process’ as mentioned in an Environmental Quality Control(EQC) report, titled Planning for Growth in Montana. She says the report says that an advantage of this process is “it results in a positive statement and emphasizes areas of agreement. Moreover, she says that the EQC report says that more emphasis should be placed on planning and implementation measures, rather than relying on subdivision review to address growth.

***Tammy Kantorowicz at 746 Highwood Rd, Great Falls, MT 59405 speaks in agreement with the current motion and with Carolyn Craven’s comments. Then, John Casseli at 11 Red Coulee Rd, Belt, MT 59412 says that he agrees with the motion. Carolyn Craven asks about the written minutes for the Planning Board. Elliot Merja and Sandor Hopkins answer her questions regarding the written minutes. Richard Liebert says that he would like the unofficial draft of the minutes on the web before they are officially approved by the Planning Board. He also makes mention that the minutes take time to transcribe; and he thanks the staff for their work as he now knows all of the regulations in the current Cascade County Zoning Regulations.***



**Richard Liebert (01:06:38)** reiterates his desire for public working groups for the Growth Policy. He also mentions the Planning staff will need to weigh-in, pertaining to their finances, time, resources, and personnel. He finds that the Planning staff will need to brief the Planning Board in the future of their plans regarding the Growth Policy.

**Elliot Merja (01:08:39)** notions with the growth policy opened up, they could go out and take the growth policy straight to the public and have the public give them the first direction. They also could look at it themselves; and then, wait for some public comment before changing anything. In this case, they could decipher what needs to be changed whether small or large. Then, they would wait for the public to react to those proposed changes. If everyone is in agreeance, the process will be simple. If not, the process will be long and difficult.

**Richard Liebert (01:09:24)** discusses how the past growth policy reviews took place with and without consultants. He agrees with Mr. Merja that there should be some type of constructive process.

**Elliot Merja (01:09:59)** says that the first growth policy review was done as it was mandated, and they all were starting from nothing. Now, they have something that may or may not need to have major changes. They can do major changes, but they need to have public input as to whether the policy still follows reasonably close or if there are minor details. He anticipates that there are more smaller changes than larger changes, as they had numerous amounts of people working together to formulate the last growth policy. If they just have the people review the growth policy, it would be more advantageous than having the Planning staff spend hundreds of hours meticulously working on something that may or may not be productive for the county.

***Richard Liebert agrees with Elliot Merja's comment.***

**Elliot Merja (01:11:50)** explains that they have a motion. They have a second and public comment. He then asks if everyone is comfortable with this motion or if it needs to be changed.

***Elliot Merja asks the Planning administrative assistant, Destiny Gough, to read back the motion made for the growth policy. However, she apologizes as she is unable to do so. A readback of the audio recording would stop the audio recording for their meeting. She is also unable to do so as the minutes for the meetings are written in full after the meetings take place. Short typed notes are taken however during the meetings to aide in the future for writing the minutes. Additionally, typed notes are typically kept to a minimum during the meeting to prevent distraction and excessive audio noise disturbance from typing.***

**Richard Liebert (01:12:44)** reads the motion, "I rule that the Cascade County Planning Board direct the Planning Division administrator and staff to complete a growth policy review required by state law [76-1-601] [...] MCA prior to consideration of substantial zoning regulation changes recommended."

**Elliot Merja (01:13:06)** asks if the board has any other comments.

**Dexter Busby (01:13:14)** asks, "Do we want to direct them to do it, per se? Or should the board and staff undertake, so we can..."

**Richard Liebert (01:13:27)** interjects saying, "Do you want to make it an amendment?"

**Dexter Busby (01:13:28)** responds by saying, "Well, no. This is a question [...] because of the way the motion is made. We might as well try here [and] do it all."

**Richard Liebert (01:13:37)** says, “Well, I think that’s pretty academic, because whatever the work staff works on has to come back to the Planning Board. We are the policy body. We are not the governing body, like the commission. We are the policy body. It is our duty to [...] gather feedback from the public ourselves, and we provide policies for the staff to execute. Does that sound correct, Mr. [President]?”

**Dexter Busby (01:14:01)** responds by saying that his was just a question.

**Elliot Merja (01:14:05)** asks Mr. Busby if it is an addition to the motion.

**Dexter Busby (01:14:07)** responds no.

**Richard Liebert (01:14:09)** thinks it’s academic anyway and that they all are involved.

**Elliot Merja (01:14:17)** asks that what they want them to do is to just read the growth policy. He finds that there are some issues that the board needs to address. They would bring it back to us.

**Richard Liebert (01:14:30)** interjects to yes and that the Planning “staff needs to complete a growth policy review. It doesn’t mean we have to hire a consultant, take six (6) months, have a checklist, working groups— I mean— a review is just what the law says ‘a review’ that could be ten (10) hours. It could be twenty (20) hours. It could be ten (10) pages. It could fifty (50) pages. Montana Code Annotated doesn’t say. [...] Its kind of the way you described. It depends on our needs or where we are, and what are we trying to accomplish.”

**Elliot Merja (01:14:59)** responds by saying if the Planning staff reads the growth policy and finds any complications/problems, they should bring it forth to the Planning Board.

**Carey Haight (01:15:19)** asks for clarification on the motion. She asks, “My understanding is for the motion is that you are requesting the [Planning] staff to make a review of the growth policy before any substantial changes to the zoning regulations are proposed? So, does this board have a meeting of the minds with regard to what the substantial changes are? Are you saying no changes? Are you saying minor changes that the board can consider reviewing? [...] I think [the Planning] staff needs better understanding in terms of what they are being asked to do or not do in relation to the growth policy and the zoning changes [...].”

**Elliot Merja (01:15:59)** responds, “My personal opinion is that the staff should at least go through and look at the growth policy, because the public [has] come to us and said we don’t know whether the growth policy is really what we— is [it] going to allow for the changes in the zoning.[...] I think we need a small review of the [...] growth policy [to] verify that we are still on track, before we change any zoning.”

**Carey Haight (01:16:38)** says, “I guess the point of where I wanted to get [clarification] on is that I think Mr. Liebert is saying substantial changes, and I hear the board saying no changes. [...] Just so that we are clear in terms of what it is the board is asking [the Planning] staff. Do we want them to not pursue any zone changes; and if so I think we need a clarifying motion that reflects that as opposed to no substantial changes.”

**Elliot Merja agrees with Carey Haight.**

**Richard Liebert (01:17:06)** says that he could use the word “substantive” versus the word “substantial” for the motion. He wonders if it carries the same legal definition.

**Carey Haight (01:17:15)** says yes but she is unaware of what he considers a “substantial change”.

**The board decides to bring clarification to this situation in the motion by amending it.**

**Richard Liebert (01:17:48)** amends the motion by changing it from “consideration of substantial zoning regulation changes recommended,” to say, “consideration of any substantive zoning regulation changes recommended, other than administrative [...] updates.”

**Elliot Merja (01:18:25)** says the staff has done different changes that were just allotted to be clarified, such as punctuation changes, grammatical changes... Those changes do not necessarily have to be held out. It is just the major changes, such as the Multi-Use changes and Agricultural changes that are considerably more significant.

**Michael Stone (01:18:57)** says the board does not have to put a hold on the zoning regulation revisions. The board could just motion to review the growth policy, as the board is in charge of what revisions should or should not be recommended to Cascade County Commissioners.

**Richard Liebert (01:19:35)** says that he amends his initial motion. He says, “I will require second of course on that. I will just [...] remove the language prior to consideration basis on the zoning [regulations] recommended, [because] that will make it problematic anyway. Correct?”

**Michael Stone (01:19:50)** says yes for it is unclear to the Planning staff. The Planning staff must know definitely what needs to change from the board and Commission. They also must have clear instructions from the board and Commission for the Planning staff is not in charge of making decisions. The Planning staff’s job is to do the research, the analysis, the reports, and provide support for the boards.

**Richard Liebert (01:22:13)** says yes. He would like to leave sections 2,3,4,7, and 8 of the zoning regulations alone. He plans to re-amend the motion as well.

**Charity Yonker (01:23:03)** suggests that they have two (2) separate motions. One motion should be about the growth policy. The other motion should be about the zoning regulations.

**Richard Liebert (01:23:26)** says, “I move that the Cascade County Planning Board direct the Planning administrator and staff to complete a growth policy review required by state law [76-1-601] Montana Code Annotated.”

*Dexter Busby seconds the motion.*

*Conversation pursues.*

## Public Comment

**Jaybe Floyd (01:24:22)** asks if the Planning staff is required to have public advertising for public comment for the growth policy. She believes the current motion states that the Planning staff are just to go back and review the growth policy without public comment.

**Carolyn Craven (01:25:14)** says that section 76-1-601 of Montana Code Annotated identifies several elements that must be addressed in the beginning process of the growth policy. She states two (2) of the required elements, which are community goals and objectives. She would like the words “public participation” be somehow added to the motion.

## Board Discussion

**Dexter Busby (01:27:35)** says that they need to put a timeline for the review but does not per se have to be stated on the motion.

**Michael Stone (01:27:53)** says that the timeline depends on what is on the growth policy and how it plays into the zoning regulations. He comprehends that they need to find out what needs to be thoroughly looked at before deciding a timeline.

**Ken Thornton (01:30:02)** finds that this process will be all driven by public participation. He mentions Helena's idea of using a storefront to ask for public comments. He says they could also obtain comments online. Overall, they need to first have public review of the growth policy. Then, they can move from there.

**Elliot Merja (01:30:53)** says that they can look at the public comments that they received about the growth policy and start from there.

**Michael Stone (01:31:23)** says they can constitute the review by taking our current growth policy and turning into a public review. It could also be a staff review along with public comment or it can be taken directly to the public through focus group sessions. He says the board can take many different approaches. It just needs to be communicated clearly to the Planning staff and clearly communicated as to what is to be expected from the Planning staff.

*Richard Liebert asks if this for a second the motion or is it after discussion of the initial motion.*

**Dexter Busby (01:34:29)** says that there are two (2) steps involved. They need to review policy as it is. Then, they need to have a revision process.

*Richard Liebert mentions that they are going back to the first motion. Elliot Merja decides to have a board vote on the first motion.*

All in favor, motion carries 6-0.

## Board Discussion

**Richard Liebert (01:35:01)** says we have the growth policy online already along with several public comments. He is curious if they are to take these public comments so far and the current growth policy. Then, if they are to create new goals and objectives from this information.

**Michael Stone (01:35:24)** says, "One thing the zoning regulation revisions have brought out— I would say— a group of people in the community. I would not want that to be the only narrative. So, we need to have general meetings, but that has been the impetus [...] to satisfy a review [criteria] based on our own regulations, the growth policy in this case, and what constitutes a review or what initiates a need for a review. So, that is kind of where we are. [...] With this motion, we are putting all on the record that we are going to go through this process."

**Richard Liebert (01:35:59)** asks if they should have a public forum for the growth policy.

**Elliot Merja (01:36:58)** says, "Okay, so given [...] that basis, my thought pattern is that we take what we gotten in now— now it's an inflamed group that's the best way that I can describe it. They have particular motives that they don't like certain items. [...] They are the ones that have spoken, and we can look at those parts in the growth policy that those relate to. [...] We can put that out for public comment and see whether there is a side on the other side of that, which says no [...]. [ The other group might say], 'my perspective is that I pay for my land. I pay taxes on my land and I can't do [...] [anything] with it.' 'If somebody else decides that I have two cows on there and it smells. I am in trouble.' [...] So, I understand that bigger industry creates bigger problems— I understand that. I understand. When I plowed my field next to this one neighbor, he would call all the time, because there was dust. [...] I owned the field for thirty-five (35) years prior to him

moving in. So, we're going to get people that are inflamed about things that are going to say, 'I want to see a change in the growth policy.' Well, let's take all those things that we have gotten already, and look at that part of the growth policy. [...] Then, [let us] ask [...] the public, the rest of the public, if they think that this thing needs to be changed. [...] I don't think that the whole growth policy has to have [a] huge review, because a lot of what Ms. Craven was talking about was the initial building of a growth policy. [...] Now, what we have to do is we have to tweak the growth policy to fit where we want to be— that's my opinion."

**Richard Liebert (01:38:59)** says, "We are not building the titanic [...]. We are trying to steer off the iceberg."

**Elliot Merja (01:39:02)** agrees and asks for a second motion that would create a manageable process.

**Richard Liebert (01:39:16)** says, "I [...] move that the Cascade County Planning Board provide guidance— to provide us courses of action for the next Planning Board meeting.[...] The Planning Board would recommend that the [Cascade County Planning Division] staff [...] prepare to brief the Planning Board at the next Planning Board meeting, [and] propose courses of action to conduct a growth policy review."

**Rob Skawinski (01:40:02)** asks if Mr. Stone could provide the board with that information and course of action now. He says what we are hearing from the public is that we need to have public input on issues that they have concerns with the growth policy currently, before the board moves any further. He says that they just need a method of getting that public input in a timely fashion as well as getting a review of that input. He says that it maybe does not need to wait until the next board meeting.

*A few board members interpose with their opinions of a timeline nearly all at once.*

**Rob Skawinski (01:40:33)** says that he wants to expedite this process.

**Richard Liebert (01:40:37)** asks if he wants to amend the time element of the motion.

**Rob Skawinski (01:40:40)** says "time is of the essence usually." Then, he asks Mr. Stone for an estimated timeline or course of action.

**Michael Stone (01:40:51)** says, "So, this is supposed to be a little bit more instructive as far as what is supposed to happen in a review. Currently as it is, it does not provide much guidance. [...] Based upon the process that I understand, we have a series of issues that have instigated this situation where we need to go through a growth policy review, as a result of [the] proposed zoning regulations revisions. [...] There are particular items that have led to that. Those are the items which have kind of brought about this need for change. So, I would say that the initial feedback that we got from the public through the zoning revisions has kicked this process in, which is a growth policy process. Based upon that, we can have [...] an initial period of public comment on the growth policy update that is going to be relatively cheap and cost effective [...]. It is going to be online comments [and] written comments submitted. [...] Then we can have a public meeting. [...] Then based upon what comes out of that process, we can go to specific areas. I'd say at least the county have three (3) public meetings. [We] kind of try another area and maybe the Sun River, Fort Shaw area [...], Cascade area, Neihart area, and then maybe a main one in the city of Great Falls, which could be just be the Planning Board and Commission meetings. So as to accommodate our large geography. [...] I would say that the first step then would just be to open up to public comment, because then you allow just the flood of information to come in that's about a general subject, which is the growth policy update. [...] Maybe out of that process

of what in particular is bothering the public could come out. [...] It also at least hopefully provides an opportunity for those that might have been silent during the [zoning] revision process. People do tend to focus on negative things. If [there is] something that you don't like they will say something; but if [they are] either [...] indifferent or [if they] agree, they will not say anything at all typically. So, we need to get some input [...] for growth policy update. We need to try our best as possible to get a wide variety of interesting opinions from the public. Depending on how this first round of comments [will] go, I would devise ways of doing that. One [of the ways is to have] a focus group. [We could have] evening meetings in remote geographic locations within the county to make it so that people don't have to leave work at five (5) [and] drive an hour to Great Falls to attend a meeting. Then go back home and get home at ten (10) or whatever. [...] It's difficult.[...] If we can just create— I think this one thing that staff can propose— a criteria that allows us to get an idea about how much input we are getting and whether or not it is [...] substantial amount of input or getting enough of the county to ensure that the growth policy is not driven by a particularly active group of people, which I think is an important concern to have being a public entity that negotiates public interest.”

**Dexter Busby (01:44:22)** says that the Planning staff should have their own review of the growth policy as well as their own ideas of proposed revisions.

**Michael Stone (01:44:47)** asks if he would like just solely a staff review.

**Dexter Busby (01:44:53)** agrees and says that public portion would be just for actual substantial/substantive changes.

**Richard Liebert (01:45:07)** agrees with Mr. Skawinski and Mr. Stone. He thinks that we should act now as they have a timeline to follow.

**Ron Vihinen at 8375 Us Highway 89, Great Falls, MT 59405 (01:46:32)** says that agrees with the conversation and motions so far. He wonders how we will spread awareness of these issues and of the growth policy review in the county. He finds that few people are aware of these situations or of the proposed slaughterhouse.

**Sandor Hopkins (01:48:17)** says with regards to the proposed zoning regulation revisions, there were several press releases sent to all the news agencies in town. Unfortunately, they cannot make news agencies to write articles about it.

**Ron Vihinen (01:48:33)** says that he would like more than one press release. He also does not like the idea of posting information online or on their website as he does not use the internet as often.

**Michael Stone (01:49:30)** says that our zoning regulations provide us with local guidance, in addition to state requirements. The Planning staff is required to give public notice. The state requires the staff to give public notice through a generally circulated newspaper and notify adjacent landowners. Staff sends notification to independent news journalists, posts it on their website and in places where public notices are required to be. It would not be practical to send mail to every citizen in the county. He says if anyone has any other ideas of means to spread awareness to please state them.

**Jon Casseli (01:51:05)** suggests that the Planning staff post flyers in the local post offices, community centers, the Neihart store... He also suggest that the Planning staff have an initial review looking at things that have substantially changed in the county, which they have the power to research more effectively than the public.



**Michael Stone (01:53:41)** says that Jon Casseli's comment was very constructive and noticeably clear. He mentions the idea of having a public newsletter for the growth policy and zoning regulations. He urges Jon Casseli to write a public comment in regard to his current and future ideas of spreading awareness.

**Richard Liebert (01:55:00)** agrees with Mr. Stone and Mr. Casseli. He suggests having a law where one has to put public notices in the most current social media platform.

**Jaybe Floyd (01:56:12)** finds it wrong for the Planning staff to form recommendations in regard to the previous public comments. She suggest having a public survey.

**Elliot Merja (01:58:02)** clarifies that if they have growth policy public comments already, then they can look at what it relates to in the growth policy. After, they can focus on taking that information and seeing what other ideas or different opinions appear about those specific areas of the growth policy. He says he does not want the Planning staff to revise the growth policy solely based upon one-sided public comments. He would like a fair balance of opinions.

**Michael Stone (01:58:42)** clarifies that the zoning revision public comments are only to start the need for revising the growth policy. It is not driving the growth policy. In other words, the public comments are not the basis of a review. They are initiating the review.

**Jaybe Floyd (01:59:05)** says that state law calls for them to review the growth policy every five (5) years.

**Elliot Merja (01:59:19)** says that review could be as much as a looking over it and calling it good. The board would like to have a more in-depth review, in which the public has found it to be of importance.

**Dale Yatsko at 674 Stockett Rd, Stockett, MT 59480 (01:59:34)** suggest spreading awareness through the school systems could be useful. They could create a notice to be sent out along with the schools' newsletters. They also could spread awareness by posting information in the senior centers. He also would like to see different committees for distinct groups or concerns such as for medical marijuana, who are well-trained or knowledgeable about those issues. He finds that having some working groups/committees for the growth policy review could help take some of the work load off of the Planning staff and board.

*Dale Yatsko also says that he would like to make it clear that medical marijuana is for medical purposes not recreational purposes. Moreover, he thinks that the growth policy should look at incorporating/ allowing more medical marijuana uses. He finds that the industry and earnings will help promote growth in Cascade County. He goes on to say people in the medical marijuana side are an inflamed group. He says that they are inflamed because they have tried different methods to work with different boards but were rejected.*

**Elliot Merja (02:06:36)** says that they are currently working on the growth policy and will take his ideas into consideration. He says that he was uncertain of the extra meetings but will work on that possibility.

**Erin Tropila at 811 5th Ave N, Great Falls, MT 59401 (02:06:55)** says the problem with the proposed zoning regulations was that it went before the growth policy review. She says the revisions for the zoning regulations would have been clear whether the Planning staff's arduous work fit into the growth policy or not. She think that the growth policy review should have a non-biased consultant as she is concerned about how the project is done.

**Elliot Merja (02:09:19)** says that there is a provision to provide for review of the growth policy that



is driven by public input. They should go out and gain more public input. He finds it best to first look at the sections that have already been brought up as a concern by, and have received input on from, the public. They will take these areas of concern in the growth policy and note them to the public in order to receive input from the rest of the county. They will not be putting out for display the public comments themselves as a means to be critiqued by the public, but the sections that these current public comments have concern for. If the public would like to view public comments associated with these concerns, they can come view them if they want to, for they are public record. Overall, he would like to see what other different opinions and perspectives they can gather on these areas of concern that have already been noted. He suggests that they put it out on the Internet, school newsletters, newspapers, and post it in different community gathering places. He says it would utilize the staff's time in a more appropriate fashion. We would at least be focusing more on things that have already been brought to us. He concludes by saying, "My personal opinion is that there is always a change needed in this policy, one way or another."

*Jaybe Floyd shakes her head no and tries to interject in the conversation. Rob Skawinski states that if she would like to suggest a manner of approach she may come to the podium and state her thoughts, submit a comment or submit her version of a growth policy.*

**Jaybe Floyd (02:11:43)** says, "We [...] actually would love to do that. [...] This should be separate from the zoning. This should not be taken..."

**Elliot Merja (02:12:02)** interjects to say that they are not discussing the zoning regulations. They are discussing the growth policy.

**Jaybe Floyd (02:12:05)** says that they are talking about taking comments on zoning issues and utilizing it for the growth policy. She says that those comments are about two (2) different items. She says that they have not heard about the growth policy as all the comments were in reference to the need to revise the growth policy before the zoning regulations. She says that they were not about the policy. She says that the board members have not heard about the growth policy but only about the zoning regulations.

**Carey Haight (02:12:55)** says that they need to put a motion on the table and find a direction as it is becoming an open forum.

**Elliot Merja (02:13:05)** says that his hope for the open forum was to help find a direction and motion.

**Richard Liebert (02:13:14)** says that they should spread awareness of the growth policy review by letting other groups know. He says that it is also our citizen duty to also spread awareness and not just leave it all up to the Planning staff.

**Elliot Merja (02:14:10)** asks for a direction to give staff.

**Rob Skawinski (02:14:27)** says that they should have a thirty (30) day public comment period on the direction of the growth policy.

**Elliot Merja (02:14:43)** says that should not put any criteria for comments on these issues. Instead, simply putting that they are looking for any comment about the growth policy and will use a variety of methods to notify the public.

**Rob Skawinski (02:15:07)** says that a notification process is cumbersome as is, and that there is already required areas of gathering and required press agencies where notifications must be placed. He says that we are attempting to put an increase of requirements on staff and users that

will make the process super cumbersome to all.

*Elliot Merja agrees and jokingly comments that there is no growth to the policy, with regards to the idea of not being able to have a growth policy review due to everyone becoming consumed with the need to spread awareness of the growth policy review. Rob Skawinski agrees with Elliot Merja on his comment and echoes parts of his statement once more.*

Jaybe Floyd (02:17:09) reiterates how the zoning regulations requirements to notify the public are different from the growth policy notifications.

Elliot Merja (02:17:17) states that it is not two different ideas as both are about public notice. He states that Mr. Skawinski is trying to make a point. They are discussing public notices, not zoning versus growth policy.

*Someone states that they agree with Elliot Merja's comments.*

Jaybe Floyd (02:17:43) disagrees as she finds that they are still two (2) different type of notices.

*Conversation ensues.*

Richard Liebert (02:18:34) asks if they are to have a main public forum and preceded by smaller public forums.

Michael Stone (02:18:45) says that if they would like a substantial amount of public input then they should use various methods to do so. However, they do not have to gain a substantial amount of people. The decision is up to the board. With this in mind, he says that Montana is a vast area with a low population density and has a general population that is not tech savvy, making it significantly harder to notify. He states that public comment can slow down the process of revision, when it's overburdensome. It requires a large amount of staff time and expenses. He says that they need to find a balance. They need to negotiate a timeline and decide an acceptable amount of public input. They need to decide what is crucial about this update and work effectively. They also need to identify what interest groups are involved with this policy and receive their comment. Lastly, they need to realize that not everyone will be happy, and that this process could go on indefinitely.

*Rob Skawinski agrees with Mr. Stone's comments.*

Mark Carlson (02:18:34) suggests they have public announcements as well as public meetings and/or public meetings for specific concerns and topics of discussion, in specific areas around the county. Then, the Planning staff could take the data from the meetings to form various categories for revision.

Michael Stone (02:23:11) agrees with Mr. Carlson. He says even then the public would still have an opportunity to submit their comments to the Planning Board.

Elliot Merja (02:24:05) asks if it would be reasonable to send notifications through the outlying school newsletters as well as post public notices in community centers/gathering places to start with asking for public comment and notifying them of where to view the growth policy. Then, the Planning staff can streamline that public input to determine how much time the board needs to decide how much revisions need to be made and to determine what the board's next plan of action is.

Richard Liebert (02:26:32) says with the interest in the proposed zoning regulations revisions, they should have better attraction of gaining media attention. They could also talk to the farmers union and Cascade County Conservation District to get the message out to a variety of people in

the county. He agrees that they should get some more information in. He thinks that at a later date, they can decide on what to recommend for the Planning staff.

*Elliot Merja agrees.*

**Michael Stone (02:27:34)** states that there are specific items that must be in the growth policy. He suggest that they do not give specific structure to the public comments form for the growth policy, like writing specific questions on the forms to be answered. Furthermore, he states that he has no problem with questions that are broad.

*Carolyn Craven agrees with Mr. Stone.*

**Elliot Merja (02:29:58)** responds by stating that the Planning staff still needs some sort of direction. He says that we have to have a motion that states the beginning process of gaining public input and having public notices. He says, "I make a motion that we ask the staff to put this out to the public through the different medias [...] that we want comment on the growth policy."

**Michael Stone (02:30:49)** asks if the next planning board meeting will have a public hearing on the growth policy review. He suggests commentary on the growth policy. He also suggest the board decide if they would like the next board meeting on the growth policy to just be an update on the growth policy or just a review of the growth policy before, the Planning staff begins the data collecting process.

**Elliot Merja (02:31:24)** says that would have to be on the initial stage of the data collecting process. Thus, the public could give commentary prior to the board's decision of whether to just review to the growth policy or to update the review policy. The board is just currently directing the Planning staff to send out public notices using a variety of different medias. The board would take that public input and have a review. Then, they will format that public input into something that the public could agree or disagree with. Last, the board would pass their findings to the Cascade County Commissioners to make judgement.

**Richard Liebert seconds the motion.**

*Conversation ensues, and Richard Liebert restates the board's desire to receive public information and spread public awareness.*

#### Public Comment

**Ron Scott at 93 Hastings Rd, Great Falls, MT 59405 (02:30:49)** suggests they could spread awareness of the growth policy review by having TV advertisements and putting the meetings on community events calendars.

#### Board Discussion

**Elliot Merja (02:34:22)** asks for a board vote for the motion.

All in favor, motion carries 6-0.

5. Old Business: none

6. Board Matters: none

7. Public Comments Regarding Matters Within the Board's Jurisdiction: none

8. Adjournment: 11:38 AM

Richard Liebert made a motion to adjourn

Rob Skawinski seconds the motion

All in Favor, Motion passes 6-0

DRAFT