

# CASCADE COUNTY PLANNING BOARD

June 04, 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:** Destiny Gough, Carey Haight, Sandor Hopkins, Ian Payton, and Charity N. Yonker.

**Attendees:** Shawn Brass, Jason Crawford, Rick Higgins, Karsten Hovland, Sigurd Hovland, Stacey S. Hovland, Vicki Janetski, Ryan Jordan, Velma Jordan, Mark Leo, Dale Yatsko, and Janelle Yatsko.

1. **Call to order:** Vice Chairman Mark Carlson called the meeting to order at 09:01 AM.

2. **Roll call:**

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

**Board Members Absent:** Elliott Merja.

3. **Approval of Minutes: March 21, 2019.**

**Mark Carlson (00:00:29)** says to his understanding the draft of the minutes for March 21, 2019 are not completed yet.

**Sandor Hopkins (00:00:34)** replies that is correct.

*Mark Carlson moves the board to New Business.*

**Richard Liebert (00:00:46)** asks the Planning staff to post the draft of the minutes onto the website.

*Sandor Hopkins and Destiny Gough reply yes.*

#### 4. New Business:

##### A. River Bend Estates Phase 2 - Major Subdivision.

##### 1. Staff Report: Sandor Hopkins.

##### Motions:

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

- A. **Alternative 1:** "I move to recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact, **deny**, a major subdivision, a Preliminary Plat of River Bend Estates Phase 2 and associated rezone request;"

Or

- B. **Alternative 2:** "move to recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact, adopt said Staff Report and Findings of Fact and **approve**, a major subdivision, a Preliminary Plat of River Bend Estates Phase 2, and associated rezone request pursuant to Section 10-14(1) of the Cascade County Subdivision Regulations, 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. 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 (M.C.A. 76-3-612, 2017).
4. Causing to be recorded in conjunction with the final plat the covenants of the Major Plat that contain, at a minimum, a noxious weed control program, an erosion control program, a limit to livestock and pets, a provision prohibiting commercial or industrial uses, and that impose upon all landowners the exclusive responsibility to improve and maintain the public rights of way created by and indicated on the subdivision plat.
5. Causing to be recorded in conjunction with the final plat homeowners' association documents with sufficient authority and procedural mechanisms to administer, enforce, and fund the perpetual maintenance and discretionary improvement of the public rights of way created by and indicated on the subdivision plat.
6. Causing to be recorded on the plat a statement concerning limited public services.
7. 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.
8. Causing to be recorded on the plat an Agriculture Notification statement.
9. A lot dedicated to parkland and the homeowner's association, no smaller than 1.31 acres, or 1.425 acres as shown on the preliminary plat.
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 Flood Road, or any county road in the vicinity used to access the major subdivision, River Bend Estates, or

any other 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. This waiver shall expire 20 years after the date the final plat is filed with Cascade County. This statement of waiver shall be placed on the final plat.

11. Design, construction, inspection, and certification, by a licensed professional engineer, of all internal private roads and cul-de-sacs 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 items to be at the developer's expense and to be completed prior to the approval of the final plat.
12. The inclusion on the major plat a statement provided by Cascade County certifying the status of the internal subdivision roads.
13. The inclusion of setbacks in the covenants as required by the Cascade County Zoning Regulations.
14. Montana Department of Environmental Quality (MDEQ) Certificate of Subdivision Approval (COSA) shall be submitted with the final plat.
15. Cause to be filed with final plat a Declaration of Covenant that declares that all of the properties described shall be held, sold, and conveyed subject to the following covenant which shall run with the real property and be binding on all parties having any heirs, successors and assigns, and shall bind each owner thereof. The covenant may be revoked for any or all parcels within the subdivision by mutual consent of the owners of the parcels in question and the governing body of Cascade County.
16. A fire suppression cistern with a minimum capacity of 16,000 installed on-site, properly maintained and equipped with the proper appurtenances for the Gore Hill Volunteer Fire Department to use for firefighting at all times. Provide the developers install and the homeowners association maintain an accessible approach for access to the cistern at all times.
17. The homeowners association shall be responsible for the continual maintenance of the equipment subject to adequate inspections by the Fire Chief of the Gore Hill Volunteer Fire Department to insure the equipment is being properly maintained.
18. MDEQ approval for the proposed site grading and drainage and stormwater conveyance system shall be submitted prior to final plat approval. Additionally, final engineering plans, stamped by a professional engineer in the State of Montana, shall be submitted to the Cascade County Planning Division with the final plat submittal.
19. A copy of the MDEQ General Discharge Permit for Stormwater associated with construction activity shall be submitted prior to final plat approval, if applicable."

## 2. Board Discussion & Action

*The Planning Board converses with the Planning staff.*

**Richard Liebert (00:10:47)** asks if there is an existing HOA structure.

**Sandor Hopkins (00:11:10)** replies that currently there is not one. The previous Riverbend Estates Phase 1 has not been filed yet. Thus, that subdivision has not been created yet nor has that HOA been set in place yet.

**Richard Liebert (00:11:22)** asks if there is an estimated tax gain for this subdivision.

**Sandor Hopkins (00:11:27)** from his memory, he replies that he does not know. Nonetheless, he says that the estimate is stated on the papers for this subdivision. He says that it might be in the Community Impact Report. He later says that it is in Section 20 of the Community Impact Report, and that the applicant should be able to answer this question as well.

*Jason Crawford at 800 N Last Chance Gulch, Helena, MT 59601 agrees with Sandor Hopkins that it might be in the Community Impact Report.*

*Richard Liebert and Sandor Hopkins tries to find the estimated tax gain in the Community Impact Report.*

**Rob Skawinski (00:12:38)** asks if there is any signage required on Flood Road for those new approaches.

**Jason Crawford (00:12:54)** explains that he is the developer from Triple Tree Engineering and that he is here to represent Rick Higgins. He says that he does not have anything planned for Flood Road nor do they have any signs on Flood Road. He says that they did submit the approach permit application and it was approved by the county. They also do have all the signs required for inside the subdivision.

**Sandor Hopkins (00:13:58)** says that the estimated tax gain is in the Summary of the Probable Impacts on page four (4), which is the third (3<sup>rd</sup>) part of Section 20. He goes on to provide information related to the current market value and tax revenues for the property and the increase when the lots are reclassified and improved.

**Richard Liebert (00:15:26)** says that it is a net gain no matter the circumstances.

*Sandor Hopkins agrees with Richard Liebert.*

**Dexter Busby (00:15:33)** asks who is responsible to the applicant's noxious weed program.

**Sandor Hopkins (00:15:41)** replies that it is the Home Owner's Association. He goes on to say that the county verifies compliance with their noxious weed program.

*The Planning Board converses with the Planning staff. Mark Carlson asks if the applicant would like to speak.*

**Jason Crawford (00:16:11)** thanks the staff. He then goes on to say that they plan to rename the roads in accordance and in compliance with the comments that they received from the county's GIS coordinator. Triple Tree Engineering has been in contact with Gore Hill Rural Fire Chief Carl Thrasher. They have coordinated with him regarding the plan for the fire suppression cistern, emergency access to that cistern, and so forth....

**Mark Carlson (00:17:08)** asks if Mr. Thrasher had any questions regarding the width of the road and/or etc.

**Jason Crawford (00:17:16)** replies that he did not have any questions about the size, but Mr. Thrasher did request an emergency access road only for emergency services between the two (2) roads and adjacent to the location, which they plan on now constructing in compliance.

**Rob Skawinski (00:17:46)** asks if any line of sight was taken into consideration when they did the approach permit.

**Jason Crawford (00:18:10)** replies that they did consider line of sight, they surveyed the road, and they visually conduct some site distance scenario to ensure that they have met the proper requirements for the road.

**Dexter Busby (00:18:49)** asks if it is the access road that is coming from the Fox Farm Road that he has seen the sign near Riverbend. He wonders if it is a part of this project or is it possibly in consideration.

**Jason Crawford (00:19:06)** understands that they are now discussing an internal road that runs along between Fox Farm and Flood Road. He says that they might have a sign over on that road. It is currently not a part of these subdivision phases, but it is a future consideration.

**Mark Carlson asks if the owner would like to speak.**

**Rick Higgins at PO Box 322 Ulm, MT 59485 (00:19:57)** says that his wife and him have been working on this subdivision project for almost two (2) years. Phase 1 is near completion. Besides this, he would like to address and clarify a couple of things in the staff report. The first thing he would like to clarify is item number fourteen (14) located on page three (3) of the staff report, which is about the water storage facility. He says when they first started Phase 1, they were told that they must have cistern within a thousand feet (1,000 ft.) of the lots. The cistern must have a volume of ten thousand gallons (10,000 gal.), and five hundred gallons (500 gal.) for every additional lot. With the twelve (12) lot subdivision, the water storage system was to be sixteen thousand gallons (16,000 gal.) of water. He goes on to say that there was some interpretation. The volume of the water storage system was supposed to increase by five hundred gallons (500 gal.) per lot for Phase 2. However, they were informed that this is not a true 'subdivision', and that the Phases are not actually 'phases'. They are told that they must put in an additional sixteen thousand gallons (16,000 gal.) of cistern, and they are required to do a thirty-two thousand-gallon (32,000) cistern.

**Rick Higgins tells the board members to look at one of the maps for the proposed subdivision phase.**

**Rick Higgins (00:22:35)** says that there is a drainage that is near Dick Road, which drains into the Missouri River. He says that they are focusing on everything to the west of that drainage. He says Phase 3 in going to be next to road that is currently under construction. Phase 4 will be above. He says that there will be no need for further expansion on utilities and so on.... He is looking at the possibility of having the water system storage tank to hold more than just thirty-two thousand-gallon (32,000) water, for the forthcoming Phase 3 and Phase 4. He points to an area on the map and says that if he constructs a building there he could utilize the basement as a cistern. The cistern would be thirty-two feet by forty-two feet (32x42' ft.) and it would hold seventy thousand gallons of water (70,000m gal.). If this expansion occurs, there will be one tank centrally located within a developed area. This expansion would make more sense he says than having several spread-out cisterns. He asks the board for a pre-approval stating that they have met their requirements for future development.

**Ken Thornton (00:25:05)** asks if they can approve of this expansion. He also asks Mr. Higgins if it would be within a thousand feet (1,000 ft.) of every lot.

**Rick Higgins (00:25:12)** replies yes, it will be within a thousand feet (1,000 ft.) of every lot as he was told by Carl Thrasher that the rule applies by road. He says that he would just like to know if they could expand the cistern and have it grandfathered in.

**Mark Carlson (00:27:00)** says that the board needs to have the fire chief review the area, approve of the plan, and come afore the board... before the board makes that decision.

**Sandor Hopkins (00:27:17)** agrees with Mark Carlson. He says that there is no reason Mr. Higgins could not expand. However, it is a conversation that they need to have with Mr. Thrasher. Overall, he finds that this situation is beyond the Planning Board should be approving unilaterally.

**Rob Skawinski (00:27:49)** asks if they can approve it based on Mr. Thrasher's approval, to expedite the process.

**Sandor Hopkins (00:27:55)** replies that they can.

**Rob Skawinski (00:28:10)** says that it might save some time if they preapprove it based on Mr. Thrasher's approval.

*Rick Higgins agrees with Mr. Skawinski.*

**Ken Thornton (00:28:16)** agrees with Mr. Skawinski if the expansion counts as meeting the requirements from the fire department.

**Public Hearing opened at 09:30 AM.**

**Mark Carlson asks for proponents: 1**

**Karsten Hovland at 391 Airport Bench Rd. Great Falls, MT 59404 (00:28:34)** who is the Rural Fire Chief for Ulm says that he wishes that they currently would have one giant cistern as proposed by Mr. Higgins. He says that the current cisterns are impractical and waste time in a real emergency. He says by the time that it would take to attach a pump to a cistern to be used during a fire; the fire department would already be halfway completed with their mission of putting out that fire. He goes on to say that the most helpful cistern/reservoir near there area is the one in Woodland Estates as it already has a pump on it.

**Rob Skawinski (00:29:52)** asks Mr. Higgins if there will be a pump installed into the cistern.

**Rick Higgins (00:29:54)** replies no.

**Karsten Hovland (00:29:57)** says that it at least has enough water to make it last for a while.

**Richard Liebert (00:30:32)** says that he was viewing the condition 16 under the motion. It states, "A fire suppression cistern with a minimum capacity of 16,000 installed on-site." He says if Mr. Higgins plan is well beyond that proposed minimum.

*Sandor Hopkins agrees.*

**Rob Skawinski (00:30:49)** says they will have it for and will have to revisit it in the next three to four phases (3-4).

**Dexter Busby (00:30:53)** says that if there is an opportunity for Mr. Higgins to reference the volume in the future expansion. Then, he finds no issue.

*Sandor Hopkins agrees. Richard Liebert agrees if they meet the minimum.*

**Rick Higgins (00:31:17)** asks about one of the Planning Board's request to get the rural fire chief, Carl Thrasher to do a site inspection and look at the plans for the cistern, if he oversees setting up an appointment with Mr. Thrasher or if the Planning staff is in charge.

**Sandor Hopkins (00:31:34)** replies that the staff can reach out to Mr. Thrasher, as well as their developer, Mr. Crawford, can reach out to Mr. Thrasher to set an appointment. If Mr. Thrasher is okay with the plan. Then, the Planning staff is okay with the plan.

**Rob Skawinski (00:31:44)** asks if Carl Thrasher has been responsive through this project and in the past.

**Rick Higgins (00:31:47)** replies that Mr. Thrasher has been involved. He says that Mr. Crawford has spent a much time trying to contact Mr. Thrasher. However, Mr. Thrasher seems mostly unresponsive.

**Richard Liebert (00:32:04)** reminds the vice president of the board that this subdivision still needs to go through the Commissioners. He reminds him that this board is just an advisory board.

**Rick Higgins (00:32:13)** says that he has issues with Condition 10 on page four (4) of the staff report. He says that he is confused by the statement, "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 Flood Road, or any county road in the vicinity used to access the major subdivision, River Bend Estates, or any other road that can be used to access these lots as determined by Cascade County". He questions if he must obtain approval for every RSID in the county that they will have access to in their subdivision. He says that they decided in their first meeting that they will not be accessing the road to the Fox Farm. He says with the new RSID and road out there currently, they were not required to assess that road on their taxes.

**Sandor Hopkins (00:33:29)** replies that the RSIDs boundaries are decided by the Department of Revenue. He says that he personally would see no reason as to why Mr. Higgins would be included in the Fox Farm RSID. If there was a RSID for the Flood road, then this subdivision along with Woodland Estates, Spring Tree Ridge....

**Rick Higgins (00:33:55)** agrees with Sandor Hopkins. Nevertheless, he says that he still interprets the text to read in such a manner.

**Rob Skawinski (00:34:26)** says that the conditions are rather open.

*Rick Higgins agrees with Mr. Skawinski statement.*

**Dexter Busby (00:34:35)** replies that this situation was one of the reasons why he asked earlier about the road signage. As if it becomes a road in the future, they will have to be subjected to Fox Farms.

**Rick Higgins (00:34:50)** says he has put the sign currently up, due to utilities. He says that that road is not intended to be used, and they plan to place a gate the road to block the road from being used.

**Dexter Busby (00:35:21)** replies that nonetheless if it becomes a used road, Mr. Higgins could be subjected to the Fox Farm.

**Rick Higgins (00:35:28)** agrees with Dexter Busby. He says overall, he would like further clarification to be written in the motion on Condition 10.

**Sandor Hopkins (00:35:50)** replies that condition 10 of the motion to approve is a commonly used canned statement that is added to all subdivision conditions. He is not able to decide what other agencies would assess in the future. If the Planning Board has some suggestions on alternative language, he can take their suggestions to the Commissioners for their opinions and decision. In short, he is reluctant to deviate from the written text.

**Rick Higgins (00:36:36)** says that every subdivision is dealing with RSIDs and new roads within the same area. These subdivisions do not have a vested interest in the outcome of the situation. He would like to know if he is losing it or not. He says they were told that they first were not losing it.

**Sandor Hopkins (00:36:57)** agrees that currently they are not included in the Fox Farm RSID.



However, he cannot predict the future if things will change.

**Rick Higgins (00:37:18)** asks the Planning Board their opinion on the matter.

**Carey Haight (00:37:35)** says that she would not be comfortable with the Planning Board adjusting the standard language of the county conditions for subdivisions.

**Dexter Busby (00:37:43)** agrees with Carey Haight. He says that he does not find that they are able to speak on behalf of the Department of Revenue, who are the ones who set these boundaries.

**Mark Carlson (00:37:49)** says that the condition does state that it "...can be used to access these lots as determined by Cascade County." Thus, it is already specifying these lots, and not the other RSID roads. Nevertheless, this analysis is just his interpretation of the condition.

**Rob Skawinski (00:38:17)** understands Mr. Higgins problem. He says that the condition is fairly open to interpretation. He asks if his concern is mainly that he would be assessed for the current Fox Farm Road RISD.

**Rick Higgins (00:38:38)** replies yes.

**Rob Skawinski (00:38:40)** asks if there is a development on the west side of Fox Farm Road from Dick Road to Noon Drive, would Mr. Higgin's subdivision be assessed on that current RSID.

**Sandor Hopkins (00:38:58)** replies if they were using the Fox Farm Road, then the answer is yes. They would be included into that RSID.

**Rob Skawinski (00:39:03)** asks Mr. Higgins if his property would ever go to the Fox Farm Road.

**Rick Higgins (00:39:08)** replies that the property borders the Fox Farm Road. Nothing near the border is development. He says that it is all Agricultural crop. However, he anticipates growth and development into that area and would like to prepare for the future if they do end up responsible.

**Dexter Busby (00:39:26)** says that he does not find that they could alter the language of that condition for the motion. Since, he is not accessing Fox Farm Road presently.

**Ken Thornton (00:39:35)** asks if he plans to access Dick Road as well.

**Rick Higgins (00:39:38)** replies no as he no longer borders that road anymore.

**Ken Thornton (00:39:35)** says that he finds that it might be a question as well.

*Rick Higgins agrees with Ken Thornton.*

**Rob Skawinski (00:39:53)** asks about the property across from the Volk shop and if it is in there.

**Rick Higgins (00:39:54)** replies yes. He says that KIB Homes owns about thirty (30) acres there and putting a subdivision there currently.

**Ken Thornton (00:40:05)** says that will be the question on Dick Road that is between Flood Road and Fox Farm Road.

**Dexter Busby (00:40:13)** says that he does not find that they can change that.

**Sandor Hopkins (00:40:16)** says it is DOR's responsibility. They cannot deal with that situation.

**Rick Higgins (00:40:21)** says that is another point as he does not know what to do with the tax liability.

He does not want to be taxed a surplus amount on the new parcels because of a RSID.



**Dexter Busby (00:41:20)** says when additional lots are added, it lowers the tax fund for everyone for the next year.

**Rick Higgins (00:41:55)** says that is how it should be. However, he has been living on a RSID and is done paying it off. While they were paying it all off, there was never an adjustment towards their assessments.

**Dexter Busby (00:42:41)** says once it is all paid off there should be an adjustment.

*Rick Higgins still disagrees. A few of the board members converse with the Planning staff.*

**Dexter Busby (00:43:11)** says that this question is a related to Department of Revenue not the Planning Board.

**Rick Higgins (00:43:15)** says that he understands that he is not accountable to the Fox Farm RSID and that the board is not comfortable changing the language of the condition 10 of the motion to say that they are not responsible for all RSIDs in the Cascade County.

**Sandor Hopkins (00:43:36)** says that he would not say that is exactly what they are trying to say. He is only responsible for primary access roads that they are using. Nevertheless, he does not work for DOR, and cannot speak on their behalf.

**Dan Johnstone (00:44:01)** asks if he is going to fence these lots, and if so how is it going to be easily accessible for emergency vehicle.

**Rick Higgins (00:44:04)** replies that they are fencing these lots. He says that the fire station will supply the locks and have keys for the fences. He explains part of their plan for the location of the fences.

**Karsten Hovland (00:45:11)** says that plan to have the fire station put locks on the fences is a Gore Hill fire department plan. He says that his fire station does not follow such a plan. His fire station will cut your fence down in an emergency.

*Mark Carlson agrees.*

**Rob Skawinski (00:45:30)** asks if they could put some traffic signs up on Flood Road during their construction of their roads.

**Rick Higgins (00:45:43)** replies that he did when they first start, but they have not recently as there has not been much traffic lately. He will comply to put some traffic signs up again.

*Planning staff converse with a few of the Planning Board members.*

**Mark Carlson asks for opponents: none.**

**Public Hearing closed at 09:49 AM.**

### **Board Discussion and Decision**

**Richard Liebert (00:47:22)** Moves to “recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact, adopt said Staff Report and Findings of Fact and **approve**, a major subdivision, a Preliminary Plat of River Bend Estates Phase 2, and associated rezone request pursuant to Section 10-14(1) of the Cascade County Subdivision Regulations, 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. 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 (M.C.A. 76-3-612, 2017).
4. Causing to be recorded in conjunction with the final plat the covenants of the Major Plat that contain, at a minimum, a noxious weed control program, an erosion control program, a limit to livestock and pets, a provision prohibiting commercial or industrial uses, and that impose upon all landowners the exclusive responsibility to improve and maintain the public rights of way created by and indicated on the subdivision plat.
5. Causing to be recorded in conjunction with the final plat homeowners' association documents with sufficient authority and procedural mechanisms to administer, enforce, and fund the perpetual maintenance and discretionary improvement of the public rights of way created by and indicated on the subdivision plat.
6. Causing to be recorded on the plat a statement concerning limited public services.
7. 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.
8. Causing to be recorded on the plat an Agriculture Notification statement.
9. A lot dedicated to parkland and the homeowner's association, no smaller than 1.31 acres, or 1.425 acres as shown on the preliminary plat.
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 Flood Road, or any county road in the vicinity used to access the major subdivision, River Bend Estates, or any other 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. This waiver shall expire 20 years after the date the final plat is filed with Cascade County. This statement of waiver shall be placed on the final plat.
11. Design, construction, inspection, and certification, by a licensed professional engineer, of all internal private roads and cul-de-sacs 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 items to be at the developer's expense and to be completed prior to the approval of the final plat.
12. The inclusion on the major plat a statement provided by Cascade County certifying the status of the internal subdivision roads.
13. The inclusion of setbacks in the covenants as required by the Cascade County Zoning Regulations.
14. Montana Department of Environmental Quality (MDEQ) Certificate of Subdivision Approval (COSA) shall be submitted with the final plat.
15. Cause to be filed with final plat a Declaration of Covenant that declares that all of the properties described shall be held, sold, and conveyed subject to the following covenant

which shall run with the real property and be binding on all parties having any heirs, successors and assigns, and shall bind each owner thereof. The covenant may be revoked for any or all parcels within the subdivision by mutual consent of the owners of the parcels in question and the governing body of Cascade County.

16. A fire suppression cistern with a minimum capacity of 16,000 installed on-site, properly maintained and equipped with the proper appurtenances for the Gore Hill Volunteer Fire Department to use for firefighting at all times. Provide the developers install and the homeowners association maintain an accessible approach for access to the cistern at all times.
17. The homeowners association shall be responsible for the continual maintenance of the equipment subject to adequate inspections by the Fire Chief of the Gore Hill Volunteer Fire Department to insure the equipment is being properly maintained.
18. MDEQ approval for the proposed site grading and drainage and stormwater conveyance system shall be submitted prior to final plat approval. Additionally, final engineering plans, stamped by a professional engineer in the State of Montana, shall be submitted to the Cascade County Planning Division with the final plat submittal.
19. A copy of the MDEQ General Discharge Permit for Stormwater associated with construction activity shall be submitted prior to final plat approval, if applicable.”

**Dexter Busby seconds the motion for approval.**

**Rob Skawinski (00:48:00)** says that he will agree if they get approval of the Gore Hill fire station for uses on Phase 3 and Phase 4 of this subdivision, as well as alter the condition 16 of the approved motion to allow the larger cistern/fire suppression water tank.

**Sandor Hopkins (00:48:35)** agrees that it is a reasonable request. He asks Mr. Skawinski what he suggest writing specifically for this condition or if he would like Sandor Hopkins to handle the situation.

**Rob Skawinski (00:48:48)** says that he would like it to state it as a “fire suppression cistern” or just a “cistern” with a minimum capacity of sixty-four thousand gallons of water (64,000 gal.) to be installed onsite. It also needs to be properly maintained and equipped with the proper pertinences for the Gore Hill Fire station for use for firefighting at all times, for Phases 1-4. Provided that, it is approved by the Gore Hill Fire Chief. Moreover, Mr. Higgins is to offer up his fire suppression cistern for use for this subdivision as well as for surrounding subdivisions.

**Sandor Hopkins agrees.**

**Dexter Busby (00:49:43)** asks if they can address phases that have not been officially proposed yet.

**Sandor Hopkins (00:49:52)** replies that it is speculative as they do not know if the phase will or will not happen.

**Rob Skawinski (00:50:08)** says that Mr. Higgins needs sixteen thousand gallons of water (16,000 gal.) for each development. A larger capacity will cover Phases 1-4, and if the fire department approves of it then they will be set.

**Dexter Busby (00:50:23)** says that if it never occurs then there will be a cistern that is larger than the minimum.

*Rob Skawinski and Sandor Hopkins agree with that possibility.*

Rob Skawinski (00:50:35) explains that he just wants to expedite the process for the developer.

Sandor Hopkins (00:50:54) says that another issue is if there is more than twelve (12) lot phases/subdivisions in the future. He says that Planning staff will have to verify that in the future.

Richard Liebert (00:51:25) asks if they are to amend the main motion or not. If so they need to finalize the language.

*Carey Haight agrees.*

Sandor Hopkins (00:51:42) says that they need to make a motion for amendment, which he believes Mr. Skawinski has made.

**Dexter Busby seconds the amended motion.**

Sandor Hopkins (00:52:14) says that he has that they require, “a fire suppression cistern with a minimum capacity of sixty-four thousand gallons of water (64,000 gal.) installed onsite, properly maintained [and] equipped with proper pertinences for the Gore Hill Fire Department, for use for firefighting at all times for Phases 1 through 4 provided approval of the Gore Hill Fire Chief; and provide the developers install and the Home Owners Association maintain an accessible approach for access to the cistern at all times.” He asks if this statement sounds correct.

*Mr. Skawinski agrees. There is some board discussion as to whether Rob has another question. However, he does not have another question. Then, the Planning Board asks Mr. Higgins if the language sounds suitable to him. Mr. Higgins agrees with the amended motion.*

All in Favor, amended motion carries 6-0.

All in Favor, main motion carries 6-0.

**B. Mountain View Estates - North Major Subdivision.**

**1. Staff Report: Sandor Hopkins.**

**Motions:**

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

- A. **Alternative 1:** “I move to recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact, **deny**, a major subdivision, a Preliminary Plat of Mountain View Estates North;”

**Or**

- B. **Alternative 2:** “I move to recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact, adopt said Staff Report and Findings of Fact and **approve**, a major subdivision, a Preliminary Plat of Mountain View Estates North, 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. 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 (M.C.A. 76-3-612, 2017).
4. Causing to be recorded in conjunction with the final plat the covenants of the Major Plat that contain, at a minimum, a noxious weed control program, an erosion control program, a limit to livestock and pets, a provision prohibiting commercial or industrial uses, and that impose upon all landowners the exclusive responsibility to improve and maintain the public rights of way created by and indicated on the subdivision plat.
5. Pursuant to 7-22-2152 M.C.A. (2017), submitting a written plan to the Cascade County Weed and Mosquito Division specifying the methods for weed management procedures with regards to this development.
6. Causing to be recorded in conjunction with the final plat homeowners' association documents with sufficient authority and procedural mechanisms to administer, enforce, and fund the perpetual maintenance and discretionary improvement of the public rights of way created by and indicated on the subdivision plat.
7. Causing to be recorded on the plat a statement concerning limited public services.
8. Causing to be recorded on the plat an Agricultural Notification statement.
9. Design, construction, inspection, and certification, by a licensed professional engineer, of all internal private roads and cul-de-sacs 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 items to be at the developer's expense and to be completed prior to the approval of the final plat.
10. The inclusion on the major plat a statement provided by Cascade County certifying the status of the internal subdivision roads.
11. The inclusion of setbacks in the covenants as required by the Cascade County Zoning Regulations.
12. Montana Department of Environmental Quality (MDEQ) Certificate of Subdivision Approval (COSA) shall be submitted with the final plat.
13. 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 Airport Bench Road or any other 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 equitable in such an RSID. This waiver will expire 20 years after the date the final plat is filed Cascade County. This statement of waiver shall be placed on the final plat.
14. Cause to be filed with final plat a Declaration of Covenant that declares that all of the properties described shall be held, sold, and conveyed subject to the following covenant which shall run with the real property and be binding on all parties having any heirs, successors and assigns, and shall bind each owner thereof. The covenant may be revoked

for any or all parcels within the subdivision by mutual consent of the owners of the parcels in question and the governing body of Cascade County.

15. Installation of four (4) buried storage tank totaling a minimum of 48,000 gallons, installed on-site, properly maintained and equipped with the property appurtenances for the Gore Hill Volunteer Fire Department to use for firefighting at all times. Providing for an easement for the placement of the cisterns to be granted to Cascade County as well as the developers install and the homeowner's association maintain an accessible approach for access to the cisterns at all times. The installation of the cisterns totaling a minimum of 24,000 gallons to be installed at the commencement of each Phase of development. Cisterns must be located in an approved location by the Cascade County Planning Division and the Gore Hill Fire Chief.
16. The homeowner's association shall be responsible for the continual maintenance of the equipment subject to adequate inspections by the Fire Chief of the Gore Hill Volunteer Fire Department to ensure the equipment is being properly maintained.
17. Cause to be recorded a 100' buffer along the prime farmland on the eastern edge of the subdivision, and lots 70-73 and 46 & 47 in accordance with Section 102(A)(1) of the Cascade County Subdivision Regulations.
18. Cause to be recorded on the plat a statement of close proximity of a military and civilian airport.
19. MDEQ approval for the proposed site grading and drainage and stormwater conveyance system shall be submitted prior to final plat approval. Additionally, final engineering plans, stamped by a professional engineer in the State of Montana, shall be submitted to the Cascade County Planning Division with the final plat submittal.
20. A copy of the MDEQ General Discharge Permit for Stormwater associated with construction activity shall be submitted prior to final plat approval, if applicable."

## 2. Board Discussion & Action

**Richard Liebert (01:04:44)** asks if Gore Hill has a joint service agreement with Montana International Guard Fire Department.

**Sandor Hopkins (01:04:51)** replies that he is currently unaware.

**Karsten Hovland (01:04:53)** replies yes. It is county wide.

*Some of the Board members converse with Karsten Hovland.*

**Mark Carlson (01:05:03)** says that they are used often by Gore Hill, Black Eagle, Ulm and so on....

**Rob Skawinski (01:05:43)** asks a question to the applicant and the engineer. He asks if Airport Bench Road will be the primary access road for this subdivision.

**Mark Leo at 1324 13th Ave SW. Great Falls, MT 59404 (01:05:53)** who is from Big Sky Civil & Environmental engineering replies yes.

**Rob Skawinski (01:05:54)** says that he is unsure if this is a conflict of interest or not, but Airport Bench Road is currently partially paved at the request and the expense of United Materials with permission from the Cascade County. The road is to be maintained by United Materials. However if that road is to go away, the road will be turned back into a gravel road as it is written in the

agreement for that road.

**Mark Leo (01:06:55)** says he finds that the subdivision is surrounding those gravels and would be considered a county gravel road anyhow. If the developer wants to leave the road alone he finds it okay as well.

**Rob Skawinski (01:07:22)** replies that his only issue is that over time that gravel pit can be depleted and reclaimed. Likewise, people may no longer maintain the asphalt on that road. With the unmaintained asphalt, there will be upset homeowners.

**Mark Leo (01:07:46)** says that they could make a statement on the plat about the Rural Special Improvement District (RSID) or some type of language that buyers will be aware of when they purchase a lot that the partial paved road will be converted back to a gravel road sometime in the future.

**Dexter Busby (01:08:11)** asks if they are not proposing any large quantity of water to be brought in to this subdivision, such as city water for instance.

**Mark Leo (01:08:17)** replies no. However, there will be cisterns for the primary use of water and there will be drain fields.

**Dexter Busby (01:08:30)** asks how far the subdivision is from the nearest private well.

**Mark Leo (01:08:38)** replies that he assumes it to be about a half of a mile.

**Dexter Busby (01:08:46)** says that with a subdivision at this large of a scale the septic systems can be challenging.

**Rob Skawinski (01:08:53)** asks if the water is hard in that area. He says United Materials have a deep well near their gravel pit. The water is very hard-water in that area.

**Mark Leo (01:09:02)** says the conductivity sources is class 3 for their water.

**Ken Thornton (01:09:09)** says it is six hundred feet (600 ft.) deep.

*Rob Skawinski and Ken Thornton discuss with one another.*

**Richard Liebert (01:09:31)** asks if everything is well with the airport.

**Mark Leo (01:09:33)** replies yes, but they do have some issues where they may need to create some easement agreements with the neighboring properties.

**Dexter Busby (01:10:55)** asks if any regarding what the airport has stated be on the recommendations for their subdivision.

**Sandor Hopkins (01:11:03)** replies it is outside of what the airport has proposed speculatively, and he is unaware of how much authority they have to mandate those statements.

**Dexter Busby (01:11:39)** says that he highly recommends from the airports point of view that some type of language be included.

**Mark Leo (01:11:52)** says its common, but if they want to do those recommendations then that is fine.

Public Hearing opened at 10:14 AM.

Mark Carlson asks for proponents: none.



**Mark Carlson asks for opponents:**

**Karsten Hovland (01:04:53)** says that they have a problem with the two (2) acre lots as it is close together. They also have issues with the location as it is in a primarily flat land, which will have little to no drainage. The location often drains into his property as well. He says that there will probably be problems with flooding this subdivision as well. Furthermore, he says that there needs to be fill station nearby. He does have issue with the septic as well. Additionally, he finds it hard to believe that the land tested positive for the perc test. As for the road, he has heard that they are bringing gravel from Vaughn up to the pit and processing it in there. He says that it is at least an extension easement for ten (10) years to fifteen (15) years. Therefore, the road is not going away for at least right now. There are large potholes that do develop on that partially paved road. The road needs to be maintained and either full paved or gravel. He goes on to say everything needs to have a minimum of five (5) acres. He asks if the city plans to expand as well.

**Sandor Hopkins (01:19:51)** replies that it is up to the city to decide as they do not have any say on annexation.

**Karsten Hovland (01:19:59)** says the airport is considered a part of the city. Overall, he would like to not see the minimum of two (2) acre lots. Afterwards, he says that there are no park lands that area nor has he seen any park land properly maintained. Then, he asks if there is going to be any protection from United Materials' nuisances.

**Ryan Jordan at 17 Triview Ln. Great Falls, MT 59404 (01:22:26)** says that he is here to represent his elderly mother. He passes out a sheet of paper that contains a list of issues that they have with this proposed subdivision. He says that he is not positive that the two (2) road entrances on Airport Bench Road are enough for this subdivision. He finds that Airport Bench Road cannot deal with much more traffic as is. Moreover, he would like to see an agricultural committee for these covenants and has concerns with the parks. He goes on to say that he shares similar concerns with Karsten Hovland. Lastly, he invites anyone if they have any questions to please get a hold of him or his elderly mother.

**Richard Liebert (01:27:30)** asks if his property is on the west side of this development.

**Ryan Jordan (01:27:32)** replies yes.

**Sigurd Hovland at 389 Airport Bench Rd. Great Falls, MT 59404 (01:28:05)** says his son and him are not necessarily oppose to the subdivision as there is not much that they can overall do to stop it from developing. He agrees with his son that two and a half acres (2 ½ acres) is not enough land and shares similar concerns that his son has. He says that they farm on two (2) sides of this development for fifty years (50 yrs.). He finds that their proposal for water needed for the subdivision will not be enough.

**Public Hearing closed at 10:32AM.**

**Board Discussion and Decision**

**Richard Liebert (01:29:41)** says that he was looking at the paper that he received from Mr. Jordan. He asks if these dwellings in the subdivision will be stick built.

**Sandor Hopkins (01:29:52)** replies that the developer would be better able to answer this question.

**Richard Liebert (01:29:56)** asks if under the subdivision regulations if there is a minimum acreage per plot.

**Sandor Hopkins (01:30:01)** replies that this regulation is only under the zoning regulations. Currently

this proposed subdivision is not in conflict with the zoning regulations.

**Richard Liebert (01:30:21)** says that overall people decide where they want to live. People choose to decide to live next to an airport and so forth.... He says that sometimes money even drives who will be living out there and what the quality of life will be.

**Sandor Hopkins (01:30:37)** agrees with Mr. Liebert's notion, which is why they have the notice of agricultural activities, military base, airport, and limited public services for this subdivision.

**Richard Liebert (01:30:55)** says that he hopes that these plans and similar plans near the city limits are discussed with the city as well as the county periodically.

**Sandor Hopkins (01:31:17)** replies that they have in fact contacted the city. However, the county has not heard anything back yet from the city.

**Mark Carlson (01:31:22)** asks regarding the concerns and questions about the roads, if it includes the water shuttles as well.

**Sandor Hopkins (01:31:36)** replies that the applicant would be better able to answer this question.

**Mark Leo (01:31:41)** replies to Mark Carlson. He says that the number associated with the road traffic is a number from the American Transportation Institute. It is an average of ten (10) trips per day per lot. The numbers should cover water shuttling trips as well.

**Mark Carlson (01:32:13)** says that his concern is with the roads is the amount of wear and tear that can occur with heavy loaded traffic occurring frequently along with the regular traffic on the road.

**Mark Leo (01:32:37)** replies that commercial water haulers and heavy trucks in general will not help a road. It will probably turn the road to gravel a lot sooner than later. Nevertheless, he says the issue would be between United Materials and Cascade County.

**Ken Thornton (01:32:52)** asks if this road is about one (1) mile long.

**Mark Leo (01:33:02)** replies that it is a mile from the turn off on Frontage Road. Then, it is a half mile to a mile to west. After that, another mile from the two (2) approaches.

**Ken Thornton (01:33:14)** says that if they have enough people out in that subdivision and area. They may want to have an RSID.

**Mark Leo says the most efficient route is through Airport Bench Road.**

**Mark Leo (01:33:32)** goes on to say that they are in compliance with the zoning regulations and subdivision regulations. As for the DEQ, their minimum lot size is one (1) acre and that is just too small. He says that the stormwater problems have already been noted as well.

**Ken Thornton (01:36:08)** asks if the drain fields are standard.

**Mark Leo (01:36:11)** replies yes and that they are working with the DEQ currently. The drain field is being mitigated to ease overflow.

**Mark Carlson (01:38:27)** asks for a motion.

**Dan Johnstone (01:38:59)** asks if there have been any recent subdivisions that have been this ambitious.

**Sandor Hopkins (01:39:04)** replies not since he has been on staff.

**Dan Johnstone (01:39:08)** asks what about density.

**Sandor Hopkins (01:39:10)** replies that the proposed River Bend Estates is roughly the same density but has twelve (12) lots in addition to a twelve (12) lot subdivision. Rather than, this subdivision that has seventy-four (74) to seventy-six (76) lot residential subdivision, making it the largest subdivision that he has seen since being in the Planning Division.

**Dan Johnstone (01:39:31)** says that he likes the plan and finds it extremely ambitious.

**Dexter Busby (01:39:39)** agrees except for the water, sewer, and access. He asks other than that, what else is a concern for the future that the staff is aware of.

**Sandor Hopkins (01:39:51)** replies nothing, not to his knowledge.

**Mark Carlson (01:40:06)** asks for a motion again.

**Ken Thornton (01:40:11)** asks I move to recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact, adopt said Staff Report and Findings of Fact and **approve**, a major subdivision, a Preliminary Plat of Mountain View Estates North, 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. 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 (M.C.A. 76-3-612, 2017).
4. Causing to be recorded in conjunction with the final plat the covenants of the Major Plat that contain, at a minimum, a noxious weed control program, an erosion control program, a limit to livestock and pets, a provision prohibiting commercial or industrial uses, and that impose upon all landowners the exclusive responsibility to improve and maintain the public rights of way created by and indicated on the subdivision plat.
5. Pursuant to 7-22-2152 M.C.A. (2017), submitting a written plan to the Cascade County Weed and Mosquito Division specifying the methods for weed management procedures with regards to this development.
6. Causing to be recorded in conjunction with the final plat homeowners' association documents with sufficient authority and procedural mechanisms to administer, enforce, and fund the perpetual maintenance and discretionary improvement of the public rights of way created by and indicated on the subdivision plat.
7. Causing to be recorded on the plat a statement concerning limited public services.
8. Causing to be recorded on the plat an Agricultural Notification statement.
9. Design, construction, inspection, and certification, by a licensed professional engineer, of all internal private roads and cul-de-sacs 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 items to be at the developer's expense and to be completed prior to the approval of the final plat.
10. The inclusion on the major plat a statement provided by Cascade County certifying the status of the internal subdivision roads.

11. The inclusion of setbacks in the covenants as required by the Cascade County Zoning Regulations.
12. Montana Department of Environmental Quality (MDEQ) Certificate of Subdivision Approval (COSA) shall be submitted with the final plat.
13. 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 Airport Bench Road or any other 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 equitable in such an RSID. This waiver will expire 20 years after the date the final plat is filed Cascade County. This statement of waiver shall be placed on the final plat.
14. Cause to be filed with final plat a Declaration of Covenant that declares that all of the properties described shall be held, sold, and conveyed subject to the following covenant which shall run with the real property and be binding on all parties having any heirs, successors and assigns, and shall bind each owner thereof. The covenant may be revoked for any or all parcels within the subdivision by mutual consent of the owners of the parcels in question and the governing body of Cascade County.
15. Installation of four (4) buried storage tank totaling a minimum of 48,000 gallons, installed on-site, properly maintained and equipped with the property appurtenances for the Gore Hill Volunteer Fire Department to use for firefighting at all times. Providing for an easement for the placement of the cisterns to be granted to Cascade County as well as the developers install and the homeowner's association maintain an accessible approach for access to the cisterns at all times. The installation of the cisterns totaling a minimum of 24,000 gallons to be installed at the commencement of each Phase of development. Cisterns must be located in an approved location by the Cascade County Planning Division and the Gore Hill Fire Chief.
16. The homeowner's association shall be responsible for the continual maintenance of the equipment subject to adequate inspections by the Fire Chief of the Gore Hill Volunteer Fire Department to ensure the equipment is being properly maintained.
17. Cause to be recorded a 100' buffer along the prime farmland on the eastern edge of the subdivision, and lots 70-73 and 46 & 47 in accordance with Section 102(A)(1) of the Cascade County Subdivision Regulations.
18. Cause to be recorded on the plat a statement of close proximity of a military and civilian airport.
19. MDEQ approval for the proposed site grading and drainage and stormwater conveyance system shall be submitted prior to final plat approval. Additionally, final engineering plans, stamped by a professional engineer in the State of Montana, shall be submitted to the Cascade County Planning Division with the final plat submittal.

A copy of the MDEQ General Discharge Permit for Stormwater associated with construction activity shall be submitted prior to final plat approval, if applicable."

**Dan Johnstone seconds the motion for approval.**

Richard Liebert (01:40:56) says that there needs to be good oversight on this two (2) part subdivision, and that they should keep in mind all of what the public has stated today.

All in Favor, motion carries 6-0.

#### 5. Old Business:

Richard Liebert (01:42:05) asks what the status is of the growth policy decision that the Planning Board decide on the May 21, 2019 as it should be going to the Commissioners soon.

Sandor Hopkins (01:42:19) replies that is correct. The Planning staff plan to have a Commission meeting on June 25<sup>th</sup>, 2019 for the growth policy.

#### 6. Board Matters:

Sandor Hopkins (01:42:52) replies that they have a couple of subdivision applications coming to the board soon. They would also like to know what the Planning Board's availability is for the afternoon of June 25, 2019 in the Commission's Chamber, as they need to have a meeting for some minor subdivisions. This meeting will be an additional meeting in June as they already have a meeting on June 12, 2019 at 5:30pm at the Family Living Center at the Expo Park.

*Several of the board members state whether they are available to attend or not, as well as their opinions on having so many meetings in June.*

Richard Liebert (01:45:23) suggests (and he will send this information to the board and staff in an email) that they have a time limit on all participants and allow them to speak only one time, to allow for others to have an opportunity to speak as well. He also asks if the staff report not to be chopped up into section readings and to possibly give a summary at the end of their staff report. He goes on to ask if the multimedia presentations to be placed in a more easily viewed location and easier to see. He also asks for the staff to have handouts for the meeting and for us all to focus on why we want change. He then asks if they must read the entire staff report as it may be a legal requirement.

Carey Haight (01:46:38) replies it is standard practice to read the entire report.

Richard Liebert (01:46:45) suggest that they should just summarize the staff report as it is already posted online. Therefore, the public can read the report in their own time before attending the meetings.

Rob Skawinski (01:47:45) agrees with Mr. Liebert on his suggestions for public commenters having a set time limit as well as limiting each commenter on how many times they can come to the podium to comment. He says it should save time.

Richard Liebert (01:47:59) replies that it not only saves time, but it also helps the public focus and be more concise.

#### 7. Public Comments Regarding Matters Within the Board's Jurisdiction:

Shawn Brass at PO BOX 15151 (01:48:49) hands some papers out to the board members. He says that he has a letter and is irate by it. He says that he is fighting for his life and livelihood.

*Shawn Brass asks about when his public information request form will be approved. Carey Haight says it will be processed within a reasonable time. Mark Carlson politely asks Shawn Brass to maintain*

*decorum in this meeting. Rob Skawinski tells Shawn Brass that he is not helping is cause as well. Shawn Brass continues to argue with the board about his position. Mark Carlson says that people often listen better to people who speak more appropriately and civil, than a person who is crude. Shawn Brass maintains a hostile demeanor in response to the board's comments. Carey Haight says if he continues to speak out of order he will need to sit back down. Dexter Busby says that this is already out of order. The exchange persists for a few more moments. Richard Liebert speaks to Shawn Brass's concerns about the nature of this document/letter.*

Dale Yatsko at 674 Stockett Rd. Stockett, MT 59480 (01:52:33) address the same document. He says that he passed out this document, about his medical marijuana business, at the last meeting. He mentions that he noticed the Chief Civil Deputy Carey Haight responding to the document and stating that the document was misrepresented. He would like to know how he misrepresented the document as each meeting is recorded. He says that the letter was given to him by Josh, and he says that he never stated that Josh wrote the document. He says that he had a meeting with Josh, the Planning Board, and couple of the Cascade County Attorneys. He says that he has not misrepresented himself nor that document. He would just like to know what changed between the first document that was given to him to the second document that was given to him. He says that this document is just a reference. He says he hopes that this incident does not change how the board looks at him nor the issues that he is standing for. Overall, it is all particularly important to him as medical marijuana is his and his family's livelihood. Even so, he says if in some way something is misrepresented regarding the document or his medical marijuana business to please ask him and he will try to clarify.

Mark Carlson (01:55:25) states that he finds some of the public does not understand that this board (Planning Board) is just an advisory board. The board can look at the rules and regulations applied thus far. Then, they can state if something is abiding by the rules or not. However, the Board of Commission makes the decision and the call.

#### 8. Adjournment: 10:58 AM

Rob Skawinski made a motion to adjourn

Richard Liebert seconds the motion

All in Favor, Motion passes 6-0.