

# CASCADE COUNTY PLANNING BOARD

May 21, 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:** Tenlee Atchison, Priscilla Azure, Sharon Balderstone, Bernadette Bankhead, Shawn Brass, Nicholas Berger, Bonnie Beuning, Kathy Buckles, John Casselli, Glen Coulter, Leanna Coulter, Carolyn Craven, Brad Davey, Brad Devey, Aart Dolman, Mary Beth Ewen, Jim Gamell, Martha Garhiques, Gretchen L. Grubidge, Paavo Hall, Katie Hanning, Mark Hawn, John Haydug, Mike Henning, Curke Honey, Buster J. Hyndman, Eileen M. Hyndman, Cindy James, JC Kantorwicz, Tammy Kantorwicz, Laura M Kirby Wilson, Quenby Klippenes, Nate Kluz, Kevin LeBrun, Mark Leo, Travis Manus, Stephanie Martino, Sharron Mashburn, Tim McInerney, John Mieyr, Kathey Mieyr, Renae Mungun, Joe Murphy, Maureen Nardinger, Myrl Nardinger, Edward Olson, Ken Palisn, Shyla Patera, Cheryl Reichart, Paula Roof, Richard Roof, Lita Sharone, Cynthia Sikes, Terry Thompson, Erin Tropila, Ron Vihioev, Jo Walden, La Lonnie Ward, Ronda Wiggers, Carolyn Lippert Wood, George Wood, 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, Dan Johnstone, and Rob Skawinski.

**Board Members Absent:** none.

**3. Approval of Minutes:** April 16, 2019.

Richard Liebert (00:00:44) thanks the Planning staff for posting the draft minutes online.

Dexter Busby motions to approve

*Conversation ensues as the Planning Board members were about to pass the minutes, when some of the public attendees begin to interpose.*

Dale Yatsko at 674 Stockett Rd. Stockett, MT 59480 (00:01:48) says that he opposes the minutes; and he notes that the audio is not working well for himself on the website. He states that he opposes the minutes as he finds that he is not satisfied with the way he is portrayed in the minutes nor is he satisfied by the length of the summary of his statement. He finds that the writer of the minutes misreported his statement and should not summarize his statements. He states, "All of that was misinterpreted to the whole thing [sic]. I just want it [to be] correct[ed] [...]. I think something [that is] this sensitive that's going on in these two (2) issues [sic], I think that it should be put in word for word what this recording says that the people are bringing up. [Seeing as,] you can't write in what my interpretation of what I am saying is; and that's what you guys did." He goes on to say that he finds it extremely wrong and would like all public comments made in the hearings to be written verbatim.

*Some of the public goes against standard meeting decorum by applauding. Carey Haight reminds Elliot Merja not to allow the public to break standard meeting decorum to prevent disruption within the meeting.*

Elliot Merja (00:04:05) says that he realizes that there is an issue with the minutes. He considers if they should make the minutes completely verbatim. However, he mentions that most boards that he is on, they paraphrase for the minutes as it tends to be concise and prevents having excessive amounts of paper reading material. Nonetheless, he asks if writing verbatim minutes is what needs to be done to prevent issues, would the board consider making a motion to change the minutes.

Dexter Busby (00:04:56) says that they should check to see if the audio works online properly. He finds that they should have written verbatim minutes available online. He also notes that people will not wish to read more than a few pages.

Carey Haight (00:05:09) says that the law does not require written verbatim minutes as they have a verbatim audio recording of the minutes. She says that we will check the audio to ensure it works properly. She then says the minutes that the board are looking to approve are meant to be a summary. They are not meant to be verbatim.

Richard Liebert (00:06:16) says that he finds that they should just correct the minutes, instead of writing minutes verbatim. He says that they do not need to hire a court recorder. They just need to pay closer attention to detail, and have multiple people review the draft of the minutes.

Elliot Merja (00:07:03) opens the floor to anyone else who would like to correct what they said that was paraphrased improperly in the draft of the minutes.

Paula Roof at 165 Gerber Rd. Great Falls, MT 59405 (00:07:20) asks if a verbatim record of the minutes could be posted online.

Richard Liebert motions to approve with corrections.

Dexter Busby agrees to the motion.

Dan Johnstone seconds the motion.

*Conversation ensues.*

Dexter Busby (00:08:44) asks if the written meeting minutes that are posted online are the same as the written meeting minutes that the board receives.

**Sandor Hopkins (00:08:56)** says that the Planning Board members’ written meeting minutes are the same written meeting minutes that are posted online. He says that he was not aware of any audio issues as the staff tries to check the audio on the website. He says that they checked the online audio file at the office but did not find any issues. They will go back once more to ensure that it plays properly. He goes on to say that the audio recording of the minutes is the verbatim copy of meeting minutes.

**Dexter Busby (00:09:14)** says if it is not covered up, and it is available verbatim, he finds it acceptable. He says if a person finds an error in the minutes, they should contact the Planning office.

**Destiny Gough (00:09:34)** says that there is a notice in the written minutes on the first page, which describes what the written minutes are as well as where one can find a verbatim audio record of the minutes online.

**Nate Kluz at 597 Armington Rd. Belt, MT 59412 (00:10:07)** says that he is having a challenging time getting the audio to play as well. He suggests posting the meetings on to YouTube.

All in favor; motion carries 7-0.

**4. New Business:**

**A. Ranches at Belt Creek 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 The Ranches at Belt Creek Phase 3 and associated variance request from Cascade County Subdivision Access, Ingress, Egress & Evacuation regulations (10-15(F))”.

**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 The Ranches at Belt Creek and associated variance from Cascade County Subdivision Access, Ingress, Egress & Evacuation regulations (10-15(F)), 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 Ranches at Belt Creek Homeowner’s Association covenants that pertain to the development and 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 share with the other members of The Ranches at Belt Creek Homeowner's Association the maintenance of the public rights of way created by and indicated on the subdivision plat;

5. Pursuant to 7-22-2152 MCA, submitting a written plan to the Cascade County Weed and Mosquito Board 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 of 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. Obtaining approval for the proposed water and sewage disposal systems from state and/or local health departments;
13. 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;
14. The homeowners' association shall be responsible for the continual maintenance of the public improvements including fire suppression equipment as well as all public parkland and open space area as outline in the covenants and homeowner's documents and on the plat and accompanying submittal;
15. 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 all interior roads, 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 statement of waiver shall be placed on the final plat;
16. Causing to be recorded on the plat a statement concerning the near proximity of two Montana Fish Wildlife and Parks Block Management Areas that would allow public hunting;

17. Inspection and certification, by a licensed professional engineer, of all fire suppression and storage facilities, to be also approved by the Fire Chief of the Belt Rural Volunteer Fire District. All of the above items to be at the developer's expense and to be completed prior to the approval of the final plat;
18. The homeowners' association shall be responsible for the continual maintenance of the equipment subject to adequate inspections by the Fire Chief of the Belt Rural Volunteer Fire District to insure the equipment is being properly maintained;
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

**Richard Liebert (00:28:16)** asks the Planning Staff on the primary entrance roadway there is an easement that goes through Old Armington Road to the property boundary. He also asks if so how long it has been enforced, and if it is maintained.

**Sandor Hopkins (00:28:36)** replies that he is correct. The easement has been there since the commencement of that subdivision in 2008; and it is maintained.

**Richard Liebert (00:28:46)** asks if the regulations require a roadway in and out of the property.

**Sandor Hopkins (00:28:53)** replies yes, the current regulations do require it.

**Richard Liebert (00:28:55)** asks if that road is available and accessible for use, particularly by the fire department.

*Dexter Busby converses with Richard Liebert.*

**Sandor Hopkins (00:29:11)** says yes, the road is available for use by the fire department.

**Dexter Busby (00:29:39)** says that he shares similar concerns and questions as Mr. Liebert. He is also concerned as he finds that the applicant brushed over the egress. If there was a fire or some other sort of disaster, it could be problematic to have just one emergency road. This scenario was very problematic in California during the summer wildfire outbreak of 2018, as the fire fighters had problems getting enough of their equipment in while getting civilians out of danger through a single roadway access point.

**Mark Hawn at 5890 US HWY 89 Belt, MT 59412 (00:30:43)** says that he is the developer for the Ranches at Belt Creek Subdivision and he is the owner of Trophy Property Developers. He is here to answer any questions the board has.

**Richard Liebert (00:30:55)** asks what is the quantity of properties that are currently developed in Phase I through Phase III.

**Mark Hawn (00:031:03)** replies that there are around forty (40) properties currently involved. He says that this Preliminary Plat of the Ranches at Belt Creek Phase III would bring in another nineteen (19) properties.

**Richard Liebert (00:31:11)** says he appreciates that they identified the tax revenue for the county and that the cash gain goes towards full development. He also appreciates that they spent time figuring out the net gain.

**Mark Hawn (00:31:41)** says they have spent a couple hundred dollars on property taxes on development. He says on average people bringing in homes spend ten thousand dollars (\$10,000.00)

or more a year on property taxes. Nineteen extra properties would bring in around hundred and ninety thousand dollars (\$190,000.00) or more a year of tax revenue.

**Richard Liebert (00:32:07)** asks what the status of the HOA is. Does everyone pay for the road maintenance? How many people are in the HOA now.

**Mark Hawn (00:32:16)** replies yes, and that there are around thirty to thirty-two people in the HOA. He says that they just laid the roads between May to October. The roads were surveyed and checked last year (2018). The roads that were checked were said to be in excellent condition.

**Richard Liebert (00:32:40)** asks if there is an easement to go to Old Armington Road.

**Mark Hawn (00:32:47)** replies that the one off to the right is a recreational road. If there is heavy rain and it freezes overnight, they would temporarily close the road due to safety issues. However, there is only a handful of days throughout the year where they have told people not to use the road.

**Dexter Busby (00:33:24)** asks if they can get a water truck up the recreational road.

**Mark Hawn (00:33:27)** answers yes. He says that this situation was a concern when the Armington Road was originally shut down. They wondered how they were to access these points. They decided that this recreational road would be used in such cases. Since that incident, they bought Armington Road and reopened the roadway to allow more access.

**Dexter Busby (00:34:02)** asks if total access would in essence be on one road. This situation does raise the specter of two directional traffic when you are fully developed. If you have sixty (60) lots developed it could become a serious bottleneck. He also asks about road visibility.

**Mark Hawn (00:34:27)** answers yes. Presently, the main entrance that they have the easement for is easily passible for two cars going side by side. As for visibility that is an issue for all roads. There is also no issue with the recreational road as well. He says that they have been developers for ten (10) years without issue.

**Ken Thornton (00:35:16)** says on the east side of the property where the roadway comes out and connects to Phase II, there is an old dirt road on one (1) of the maps. He asks if there is a connection to that road. He also says that he is concerned about egresses in case of a giant wildfire.

**Mark Hawn (00:35:55)** says that road is their neighbor's property, Dave Anderson. Their neighbor has a road that leads from Old Armington to there. In case of an emergency, someone could utilize the road. He says the property overall has low prairie grass and is a low fire hazard area. Nonetheless, they still have a forty-five-gallon fire suppression system.

**Public Hearing opened at 09:37 AM.**

**Elliot Merja asks for proponents: one (1)**

**Kate Hanning at 327 2nd Ave SW. Great Falls, MT 59404 (00:37:08)** says that she is from the Home Builder's Association of Great Falls. She says the association is in favor of this development. She says her association and herself have hosted events in that subdivision with over three thousand attendees (3,000). She says that she found no bottlenecks and had no issues with the road coming in and out. Overall, she found no problems and finds that they have nothing to worry about out there.

**Elliot Merja asks for opponents: none.**

**Public Hearing closed at 09:39 AM.**

## Board Discussion and Decision

**Richard Liebert (00:38:49)** makes a motion. He 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 The Ranches at Belt Creek and associated variance from Cascade County Subdivision Access, Ingress, Egress & Evacuation regulations (10-15(F)), subject to the following conditions:

1. Having the developer’s surveyor correct any errors or omissions on the preliminary plat;
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5. Pursuant to 7-22-2152 MCA, submitting a written plan to the Cascade County Weed and Mosquito Board 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.
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10. The inclusion on the major plat of 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. Obtaining approval for the proposed water and sewage disposal systems from state and/or local health departments;
13. 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;

14. The homeowners' association shall be responsible for the continual maintenance of the public improvements including fire suppression equipment as well as all public parkland and open space area as outline in the covenants and homeowner's documents and on the plat and accompanying submittal;
15. 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 all interior roads, 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 statement of waiver shall be placed on the final plat;
16. Causing to be recorded on the plat a statement concerning the near proximity of two Montana Fish Wildlife and Parks Block Management Areas that would allow public hunting;
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18. The homeowners' association shall be responsible for the continual maintenance of the equipment subject to adequate inspections by the Fire Chief of the Belt Rural Volunteer Fire District to insure the equipment is being properly maintained;
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.**

**All in favor, motion carries 7-0.**

**B. Growth Policy**

**1. Staff Report: Ian Payton**

**Motions:**

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

- A. Alternative 1:** "After considering the Staff Report and public comments, I move the Cascade County Planning Board determine that the Cascade County Growth Policy **DOES NOT** need to be revised."
- B. Alternative 2:** "After considering the Staff Report and public comments, I move to the Cascade County Planning Board determine that the Cascade County Growth Policy **DOES** need revisions and that a Growth Policy committee should be formed by the President within 90 days to produce a report providing specific and identifiable amendments to the Cascade County Growth Policy."



OR

- C. **Alternative 3:** “After considering the Staff Report and public comments, I move the Cascade County Planning Board determine that the Cascade County Growth Policy **DOES** need to be revised and that a Growth Policy committee should be formed by the President within 90 days to oversee a general revision process.”

2. **Board Discussion & Action**

**Richard Liebert (01:12:12)** asks if the staff could elaborate more on Appendix I later as he approves of it, but wish it was more elaborate. He mentions that many things have changed over the years and they have a lot to review here. Overall, he would like to hold his questions as he does not wish to speak long. He would like to hear from the public first.

*Richard Liebert restates his desire to open another public hearing now.*

**Mark Carlson (01:13:25)** asks how the Planning staff produced Finding #5. He says that the staff stated earlier that housing is going up and so forth... He says that they stated that there is a decrease in household income as well. However in Finding #5, they state, “Decreasing housing affordability and attainability in Cascade County is an ongoing trend. As such, housing does not present any significant changes in trends or conditions,” (2019 Growth Policy Review Staff Report, 5). He wonders if the Planning staff means that they are not going to investigate that, and/or if they are to review that information. He says that it sounds to him that it does not present significant changes. He however thinks that it sounds like a major condition that is being changed.

**Ian Payton (01:14:45)** replies that the existing growth policy list housing attainability and affordability as a concern. In this staff report, we are noting that those same trends are still present today as they were five (5) years ago. The prices are increasing but the attainability is decreasing.

**Michael Stone (01:15:10)** says the assessment criteria is what is stating whether there has been changes in those described trends. It is simply stating that there is no change as it is continuing in the same pattern.

**Mark Carlson (01:15:25)** apologizes and says that he just misinterpreted the material at hand.

**Public Hearing opened at 10:17 AM.**

**Brad Davey at 64 Serenity Ln. Great Falls, MT 59404 (01:16:15)** thanks the board members. He says that he used to be a land developer. He says that he was on the Planning Board and the Zoning Board of Adjustment in the past. He says that the county and the board cannot be biased or disrespectful. All must be put on county record. They also must try their best to follow the law to promote good business and development. He finds that when he was on the boards they did well. He says that an economic expert came by one time who said that a community can grow healthy or destroy itself one bit at a time. He then said that every local business is good for our local economy. He says that medical marijuana was made legal in Montana. He says that he has a friend who is a veteran with five (5) purple hearts who was on opioids but still felt terrible. His friend switched to medical marijuana and feels better now. He also met some ranchers who had a comparable situation. He says that medical marijuana has been used to stop seizures as well. Then, he discusses how his son had massive seizures as a child and how he wished that he had medical

marijuana to give to his child to help with his child's seizures. He says that he finds that the county does not want people involved with medical marijuana here. He says that he finds that the county is zigzagging county laws to get rid of all the providers in the county. He says that the McLaughlin Research Institute and the hospital is recommending these medical providers. He says that he notices something happening in this county. He says that the county is utilizing the laws to put people out of business. He says that he has heard firsthand from a man named Erven who owned Trade Market. He says that he worked with this man to set up his food market business. He says that the county shut this man's business down. He goes on to say that Sam's Club and some other businesses came to visit Erven. Then, the county shut Evren's business down. He says the man put all his savings into this business and was devastated.

**Elliot Merja (01:24:53)** replies that he appreciates the information and sympathizes with Mr. Davey. Then, he asks him, what can he say that the board can do to the growth policy to prevent this from occurring again.

**Brad Davey (01:25:16)** says that they need to be more pro-business.

**Elliot Merja (01:25:35)** asks if he can be more specific as what they are trying to do is make the growth policy more productive. He says that his opinion is that there are two (2) factions. One faction desires more business and growth. The other faction does not want more businesses and desires the county to be a retirement community.

*Some of the public attendees protest his statement about the other faction not desiring growth and desiring to be a retirement community.*

**Elliot Merja (01:26:05)** says that what they need as a board is more specifics. He says that he understands both sides of these factions. However, in order to do anything, they need to know where to look at in the growth policy and where to make these changes. They need to know what will make us more pro-business, pro-tourism, more environmentally friendly, and so forth... They need more direction as thought pattern to reshape the growth policy.

**Brad Davey (01:26:56)** says that these larger businesses that come into the county are nice, but they also need to have these smaller businesses. He says that they are the foundation. He says if the county and the city are attacking these businesses with their rules and regulations, there needs to be some leniency. He again mentions Erven whose business was shut down. He says that they need to "make the rules not more important than the people and the business." He says that they cannot overburden people with rules or give so much negativity. They need to have a good team that works together with each business as having complex rules do not work well.

**Richard Liebert (01:29:13)** says that he can help Mr. Davey as the original growth policy never address commercial and industrial development. They could address that in the growth policy. They could also address healthcare in the growth policy. He says the original growth policy was never a complete product.

**Kevin LeBrun at 8 Fairway Ln. Vaughn, MT 59487 (01:30:20)** says that he is the branch manager of Minot Building Supply for Great Falls and for the state. He gives a brief history of Minot Building Supply in Great Falls as well as the number of people who are employed with the business. He says that their business has purposely chosen to buy property in the county versus inside city limits. He says that the current growth policy has allowed their business to grow and expand again. He says that they should leave the growth policy alone for now and reevaluate the policy later when more information is available. He says changing the growth policy now will lead to instability and will cause businesses, like his own, to hesitate or entirely stop their expansion in the county.

**Rob Skawinski (01:32:02)** asks why their business purposefully chose to build in the county instead of the city.

**Kevin LeBrun (01:32:07)** says that in their experience they have had difficulty working with the city. Moreover, due to the lack of growth in the city, they have decided to move over to the county for all their expansion.

**Rob Skawinski (01:32:30)** asks if they are seeking out to develop in the county as it is easier than developing in the city.

**Kevin LeBrun (01:32:33)** replies yes. He says that their entire expansion of their business in Great Falls is seeking to expand in the county rather than within the city limits.

**Carolyn Craven at 101 14<sup>th</sup> Ave S, Great Falls, MT 59405 (01:32:52)** thanks the Planning Board and Planning staff. She then responds to Kevin LeBrun by stating that the Montana Code Annotated requires a review of the growth policy and revisions if revisions are necessary. Next, she responds to the last gentlemen who spoke about medical marijuana by stating that they could have a community health goal that would allow for more usage of medical marijuana. Lastly, she notes that the current growth policy does not address climate change.

**Rob Skawinski (01:36:03)** asks what she would like to see or recommend for the growth policy about climate change.

**Carolyn Craven (01:36:08)** says that she would like to discuss climate change.

**Rob Skawinski (01:36:22)** asks what is one specific example that they can add to the growth policy to combat climate change.

**Carolyn Craven (01:36:27)** says she would like the growth policy to promote green building materials, to eliminate oil and gas usage as energy, eliminate coal production, find more alternative methods of transportation, promote recycling, and other green alternatives. She would also like us to look at climate change and land use through a science perspective; and she would like the county to collaborate with others regionally and with the city.

**Richard Liebert (01:38:11)** says that climate change may dovetail into the floodplain regulations. These regulations can be addressed in the zoning regulations. He goes on to say that the current growth policy does support renewable uses of energy. Nonetheless, they can encourage it more so. They can also use greener building materials such as hemp.

**Dale Yatsko (01:38:40)** says to Kevin LeBrun that is great for his business. However, he says that one the other hand, medical marijuana businesses, such as his own, are not growing. He passes some documents around to the board members. The documents include: several Montana medical marijuana registry spreadsheets, Montana medical marijuana registry spreadsheets of cardholders and providers by county, Montana medical marijuana registry spreadsheets of distribution, a copy of minutes from April 16, 2019, Montana medical marijuana registry spreadsheet of cardholders ages, spreadsheets of information about the Montana Medical Marijuana Program (MMP), a copy of the US Patent 6630507, a note on Medical Marijuana, and a copy of the enrolled Senate Bill No. 265. He says that these documents are the reports of the state. He says that the county has taken away thirty (30) jobs away from the county with their regulations on medical marijuana. He says that he would like to see the growth policy and the county encourage small businesses. He says that they are taking away local providers in Cascade County. He goes on to say that he has letters from the county attorneys stating that they were following the law but are no longer in compliance. He says that they are knowingly putting medical marijuana providers and growers into

heavy industrial areas that will be grandfathered into the county's new regulations. He says that none of the providers and growers reach the requirement of one thousand feet (1,000 ft.). He says that this puts the providers and growers out of reach for cardholders. Moreover, he says that the county is over-regulating medical marijuana. He begins to discuss Senate Bill No. 265 and how he appreciates T. Jacobson on his work on the bill.

**Elliot Merja (01:41:02)** asks if Senate Bill No. 265 allows any place within city limits to be able to do anything related to medical marijuana.

**Dale Yatsko (01:41:15)** replies no.

**Elliot Merja (01:41:24)** asks if the only place that they can have a medical marijuana provider is I-2 (heavy industrial).

**Dale Yatsko (01:41:32)** replies yes, but then no. He says that they have been in farm agriculture and was said to follow the county's laws since 2004. He says that the county is grandfathering businesses that have only been around for a year. However, he says that the county is penalizing them by not grandfathering them in as well.

**Elliot Merja (01:42:42)** asks if they are penalizing them by not grandfathering their business in.

**Dale Yatsko (01:42:49)** says that they are grandfathering in businesses from other counties into Cascade County for they comply with the state law.

**Elliot Merja (01:43:11)** asks if he means that they should look at how the zoning and growth policy works and make it closer to state law.

**Dale Yatsko (01:43:21)** says he would like it to follow the state law as the county already has enough work to do.

**Elliot Merja (01:43:27)** says when the growth policy and zoning regulations were done it was before state law had these different provisions for medical marijuana. He asks if he would like to mirror state law and modify accordingly the growth policy and zoning regulations.

**Dale Yatsko (01:44:00)** says yes for other counties are doing so.

**Elliot Merja (01:44:08)** says that he understands there is a need to change things. He says that he just wants to know if that would be the most logical solution by mirroring the state law.

**Dale Yatsko (01:44:34)** says yes and grandfathering all existing businesses that have met the current existing requirements.

**Elliot Merja (01:44:41)** says that is where he was confused earlier with Mr. Yatsko's statement. Since Mr. Yatsko said that they were grandfathering these medical marijuana businesses in, but the county is penalizing his business. Although that would not penalize Mr. Yatsko business if they allowed everyone in.

**Dale Yatsko (01:44:50)** says yes instead of selecting who to grandfather in. He passes around a copy of the US Patent 6630507. He explains some of what the patent states, such as that the patent states some of the benefits and where the rest of the government is at with medical marijuana. He says that they are an actual professional business. He says they have had five (5) state inspections within seven (7) months that the state started doing inspections. He says that there is not even another business in Montana that has had that many inspections. He says that they work with professional businesses as a part of healthcare organizations such as Benefis and the Sletten Cancer Institute. He says that there is a process in order for a cardholder to be able to take medical marijuana. They must take a doctor's note to another doctor who gives a recommendation to

DPHHS. DPHHS disapproves or approves the cardholder for having medical marijuana. He says that there are two thousand, two hundred and five (2,205) Cascade County cardholders. He says that cardholders are complaining about the location of their providers. He says that the location that the providers are in is dangerous as it takes a while for the police to reach medical marijuana provider's locations of business. He says that all he wants is for medical marijuana to be treated as medical. He is also unsure if just allowing medical marijuana into I-2 (heavy industrial) would solve any of the issues.

**Richard Liebert (01:48:10)** says that the staff has identified some things in Appendix I, such as access. He says it is possible that these are things that we can address in the growth policy. He then says that things have changed over the past few years. He says that many people have issues with narcotics or substance abuse. He says maybe medical marijuana will help, and they could find better alternatives.

**Dale Yatsko (01:49:00)** says that the medical marijuana healthcare field offers people higher income jobs.

**Ronda Wiggers at 474 US Highway 89 Vaughn, MT 59487 (01:42:42)** says that she is here on behalf of the Home Realtor's Association of Great Falls. She hands over some letters by some public attendees who could not attend the meeting and missed the deadline for public comments. She says that she helped work on the growth policy in the past. She says that they are required to address the growth policy every five (5) years. However, the board does not have to revise the growth policy as it is not required, only a review is required. She says that if they do decide to go forward with revising the growth policy, Alternative 2 is not fair to the citizens of Cascade County. She says Alternative 2 says that Planning staff would look at what needs to be addressed and move forward. She says that if they are going to open the growth policy then it needs to be done by an outside party, needs a fully comprehensive process, and start this prolonged process from the beginning again. She says that she finds that the county does not have it in their budget currently to do so. She also says that the statistics have changed. She finds it best to wait until after the 2020 Census report where the numbers and statistics will be more accurate. Likewise, it will be when the other major state departments review their growth plans, which all work with our growth plan. More so, she says that there were a lot of public comments since January that were concerns about agriculture and the environment. She says that she argues that this was not put up for public comment in January but put up for public comment in the last meeting. She says the comments that they received since January were site specific projects. She does not believe that they have heard yet from agricultural producers and the people working in the natural resource industries. She then moves to discussing Goal 3 in the current growth policy. She says that people are saying that this goal needs to be changed, yet this goal is about supporting the development of Value-Added Agricultural industries and utilizing the products from the area. She says for everyone to think if this is what they really want to change. She says is this one project that you are stopping from having a growth policy process? She goes on to say that you do not revisit growth policies and revise a growth policy over any specific project. She says the growth policy is an overarching document that sets the tone of how our county grows. She says that we use our zoning regulations to fix and address our county's specific problems, not the growth policy. She then says that she does not find that we want to exclude large business, such as Pasta Montana, the malt barley plant, and even breweries. She says that state law trumps our growth policy anyhow. She says that we can use zoning to address medical marijuana issues, not the growth policy. She says the growth policy does not set setbacks or fence regulations in the growth policy. The growth policy is about green grass, sunshine, and what we want to see Cascade County grow into. She then says

regarding the timetable to implement a growth policy is a lovely notion. Yet, there is the possibility that no one wants to open it up. She says part of the reason people like to build in the county is that the county does not try to be a part owner in their business. She says, "the county's job [is not] to implement the growth policy. The county's job is to provide a policy that says we will stay out of your way while the community grows that was the intent of this growth policy." She says that she understands that people have a tough time telling whether the county has implemented the growth policy, but the county has already provided the resources and has stayed out of the way to allow people to grow and expand. Thus, the reason many people are choosing to build in the county versus the city. She says people argue that there are no specifics in the growth policy. She argues contrary to that belief that there are specifics under the military section of the growth policy. She says the county has implemented that goal by setting up a website that allows the public to know where they can and cannot build near military missile sites. She says that people even argue that the growth policy mentions nothing about business. She says that, "Goal 1 on page 2.2 says 'sustain and strengthen the economic well-being of Cascade County's citizens.' It talks about retail. It talks about industry. It talks about wholesales businesses. There is a whole list of things in there that are addressed in this growth policy. They are already addressed there." She says overall her point is that a growth policy is meant to be a long-term document. It is about the county's dream and aspirations. She argues that if they were to open the growth policy right now, they would be wasting money and time as the five (5) main goals would remain the same. She says the developers who have looked at the minutes realized the people who want to open and change the growth policy are just trying to change the zoning regulations. These people who want to change the growth policy want to keep businesses out. She says that these businesses and developers will not invest money into Cascade County currently if the county opens and changes the growth policy. She says opening the growth policy in this manner would bring instability to the economic growth that they are already not seeing. To conclude, she asks if the board not to go through revising the growth policy but instead to ask the commissioners to put this on their agenda after the 2020 Census is completed.

**Richard Liebert (02:00:05)** asks if the board were to have a process if the Home Realtor's Association of Great Falls would like to be a stakeholder similarly as in the past. He says that does not find that there will be extreme changes made to the growth policy, but they would have minor changes made to the growth policy. He says that he appreciates how she noted that the zoning regulations are the implementing tool not the growth policy.

**Ronda Wiggers (02:00:42)** replies yes.

**Dexter Busby (02:00:48)** asks when she believes the 2020 Census will be available.

**Ronda Wiggers (02:00:55)** says she believes it will take two to three years (2-3yrs.) until they have enough data to start with. She says by then the board members would be near the next five (5) year renewal by the time it went through the Planning process.

**Michael Stone (02:01:29)** says he can confirm Ms. Wiggers' estimate. He says that it will be two to two to three years (2-3yrs.) from now and the another two to three years (2-3yrs.) for the Planning revision process.

*Several of the board members converse amongst themselves. Richard Liebert comments that everyone would be gone by then. Ken Thornton says that by then it would time to do a second growth policy assessment. Elliot Merja agrees.*

**Terry Thompson at 317 34th Ave NE. Great Falls, MT 59404 (01:44:00)** says she is speaking on behalf of Great Falls Association of Realtors and says that her association sent everyone a letter regarding

their position. She says that their mission to protect private property rights of citizens. She would like Great Falls Association of Realtors to also have a seat at the table as well. She says that she would like to address overregulation. She says that the city is unfriendly towards development. She said that her organization would like to provide numbers and statistics of housing affordability in the county.

**Richard Liebert (02:04:36)** says, “You represent the realtors, right? We got a letter from them and I appreciate that. [...] There is one point I think [everyone] can agree on [...] the county and the city of Great Falls work in development for a decent outline. I don’t know if the city has done their five (5) year review; but I think it’s certainly a lot of value that we, the city and the county, does share [...] coordinating the task and so forth... I think that’s [...] a critical task no matter where we stand on these issues. So, I don’t know what the city has done with their review or if they had one (1), but I remember as a county resident participating in the city growth policy in 2013. [...] I brought stuff about the military and some of the staff didn’t realize that we have other reserve units, not just the Air Force and the airport. So, I think that’s where the citizens but its I...”

**Terry Thompson (02:05:22)** says yes. She says that they have had a lot of affordable housing built in the county that is now being annexed into the city. She says that people are going to continue to see that pattern occurring. She points to one of the maps in the room and states that there are still some areas left in the on the outskirts of the city and are in county authority that have nothing built on it yet. She says that sometime in the future those areas will most likely be built on and then annexed into the city.

*Dale Yatsko passes some more papers around to the board.<sup>1</sup> Then, Paula Roof discusses the slaughterhouse and zoning regulations she would like to have regarding the slaughterhouse.*

**Paula Roof (02:08:21)** says, “The only thing that I can think about the growth policy is kinda like it will [and]... a lot of people don’t it till it’s too late [sic].”

**Lita Sharone at 1200 32nd St. S Apt 78, Great Falls, MT 59405 (02:08:50)** says she agrees with Ronda Wiggers that they should leave the growth policy broad and that they should hire a professional consultant. She is concerned about water in Montana. She would like for us all to start with our local growth policy and address the concerns of water then move into regional growth. She moves on to says that the future of agriculture is local and organic farming. She says people do not want to have large industrial farms. She asks what our broad vision is for promoting family farms that are sustainable and energy efficient. She also would like the county to use greener energy and avoid energy sources such as coal. Moreover, she says that if they saw themselves as an agricultural research center, they would see more job opportunities in the county. Since as a research center, they would promote research into technology and agriculture, which in turn provides more job opportunities for young professionals. She says that they need to be about the future.

**Myrl Nardinger at 812 13th St N. Great Falls, MT 59401 (02:13:12)** says the Great Falls Tribune had a growth policy article written in the paper. He asks Elliot Merja if he thought the article was correct.

**Elliot Merja (02:13:37)** says that he has no read the entirety of the article yet.

**Myrl Nardinger (02:13:43)** says if it is correct the growth policy needs to be explained a bit more. He says overall, he finds that it is fine for right now. He thinks that there are some areas where they could become a little bit more detailed and would like everyone working on the growth policy to keep the individual in mind. He also says, “if there is a development and that sort of thing, I

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<sup>1</sup> The list of all what documents were received by Mr. Yatsko can be found on page eleven (pg. 11) of the minutes.

don't think it can affect the surrounding people in a negative economic manner.”

Carolyn Craven (02:15:03) says that everyone needs to be stakeholders in the public revision process.

*Ms. Wiggers says that Ms. Craven has already spoken. She asks Mr. Merja if the board would allow someone else to go before Ms. Craven to allow those who have not spoken yet and/or on a tight time schedule to have an opportunity to speak. Mr. Merja agrees. Some of the public attendees converse amongst themselves. Ms. Craven apologizes and sits back down. Some of the public attendees and board members converse amongst themselves.*

Travis Manus at 2205 6th N Ave. Great Falls, MT 59401 (02:16:33) says that he is a realtor in Great Falls. He says that he finds that the growth policy needs to move away from the city's growth policy. He says everyone wants affordable housing, but no one wants manufactured homes or mobile homes. He says economic growth will allow more housing to be built. He agrees with Ronda Wiggers that everyone should wait until after the 2020 Census.

Curke Honey at 500 Montana Ave NW. Great Falls, MT 59404 (02:17:46) says that he would like to see an expansion in job opportunities. He would also like them to look at the agriculture industries when they look at the growth policy.

*Paavo Hall at 2910 5B St. NE Great Falls, MT 59404 says that he has lived in Great Falls for twelve (12) years. He says that there are a lot of casinos in Great Falls. He says the issue is not the casinos, but it is our attitudes. He says that our attitude about marijuana is negative. He asks the people in the room if they have been to any type of marijuana dispensary. He says that he would rather go to a marijuana dispensary than a casino. He says allowing medical marijuana would provide some higher income job opportunities and it would be good for the environment. He goes on to say that he thinks that everyone reasons in the room that the bottom line of this meeting and the growth policy is money. He says the slaughterhouse is like a giant casino as it helps the owners, but it will not help our local economy or our environment. He says that he believes that the realtors deem that they have some sort of privilege to be here discussing the growth policy. He also believes that the realtors think other people should just sit back and follow the rules and regulations. He asks about the status of slaughterhouse. Elliot Merja states that the slaughterhouse is not even in front of the Planning Board and the slaughterhouse goes in front of the Zoning Board of Adjustment, not the Planning Board. The Madison Food Park currently has withdrawn their application. Elliot Merja says the company is not looking to do it right now as well. Some of the public attendees start to converse. A public attendee mentions the cheese factory. Elliot Merja says that the cheese factory application does not go in front of the Planning Board either. Both special use permits, the cheese factory, and the slaughterhouse, go in front of the Zoning Board of Adjustment, not the Planning Board. Mr. Merja reiterates that the slaughterhouse is off the table as the county is not involved at all currently for the Madison Food Park for the slaughterhouse. Ken Palisn at 1200 36th St S. Great Falls, MT 59405, says that he heard was agriculture and the environment. He says solar energy is expensive. He says they should use Great Falls city's empty lots for placement of solar panels. He says that business like green communities, therefore we should make Great Falls city a greener community.*

Eileen Hyndman at 983 McIver Rd. Great Falls, MT. 59404 (02:26:36) says that they need to follow the growth policy and that they do not need to revise the growth policy. She says that the growth policy does not infringe her rights as a property owner. Nonetheless, they should look at the various needs of housing and businesses in proximity to each other. She also would like there to be a noise ordinance and an air quality control policy.

Stephanie Martino at 3355 Curtis Ln. Manhattan, MT 59741 (02:29:53) says she has been a medical



marijuana provider for nine (9) years. She says that she is, “actively asking for access into Great Falls county.” She asks for just the state to regulate medical marijuana and not the county.

**Jaybe Floyd at 12 Homestake Ln. Great Falls, MT 59405 (02:30:34)** says that they should not wait for 2020 Census to update the growth policy. They should look for other censuses to use in the meantime and update the growth policy now. She says that we need to add some implemental strategies to the growth policy about the environment. She says from the growth policy they could then move on to working with the zoning regulations as well as people’s concerns with medical marijuana, business development and so forth...

**Elliot Merja (02:33:32)** asks if she has a specific point in the policy that they find that they need to change.

**Jaybe Floyd (02:33:37)** says that the growth policy does not address drought and water. She says that water is a huge issue. She says that they could also address fires, fire hazards and so forth... She says that she will not touch on Agriculture District and industrial agricultural. She says that she only has a problem with the scale of the Agriculture District.

**Mike Henning at 1117 Chateau Ave. Great Falls, MT 59404 (02:34:53)** says that he hears that people are developing in the county, which is strongly agricultural. He would like to see agricultural land be used as commercial.

*Shawn Brass at PO BOX 15151 says that the early meetings are an inconvenience to himself and others. He believes that the room is filled with senior citizens and middle age citizens. He believes that there is no one in the room that is under the age of forty (40). He says that they are not including half of the community by having these meetings in the Commissions Chambers at 9:00am. He questions if he must attend early meetings for now on. Elliot Merja says that the Planning Board meetings and Planning Board public hearings for the growth policy and the zoning regulations are two (2) different meetings. Historically, he says that most of the regular meetings are small meetings about subdivisions (such as the Ranches at Belt Creek Subdivision) and so forth... These meetings have always taken place in the morning in this room. He says if the board deems that they need to have meetings to change policy/zoning and have a large public hearing then they will have meetings at a later time of day. Mr. Merja goes on to say that everyone on this panel including himself are being taken away from their business and job. They are also trying to save the county money by hosting these meetings during their time. Shawn Brass continues to declare that everyone in the room is over the age of forty (40). He goes on to say his medical marijuana home business was noted as being not in compliance with the county law and that the county needs to be more upfront with their rules and regulations. He then declares that the Planning Board will not even talk to people about medical marijuana. Elliot Merja says that he is not sure if that statement is true. Shawn Brass argues Mr. Merja’s statement. Mr. Merja says that they can discuss more about medical marijuana in the zoning regulations. Shawn Brass later says that nothing is true unless it is in writing and again repeats his claims about this meeting and its attendees. Carolyn Craven attempts to speak again. The board tells Ms. Craven that they must move on and that she can submit a written comment. Ms. Craven continues.*

**Carolyn Craven (02:39:49)** says that there is not enough material about the environment in the current growth policy. She says that Missouri River Corridor is not discussed in the current growth policy. She would like the growth policy to discuss bodies of water whether it be above surface or below as well as address rivers, streams, and Missouri River Corridor. She would like the growth policy to address water quality more so.

**Elliot Merja (02:40:40)** says that matters are taken care of by the Montana Department of

Environmental Quality, which is why it is not in the Cascade County growth policy. It is already mandated and stated by the state. Therefore, it does not have to be mandated by the local counties. He says if they were to add all these different requirements to our growth policy. They would find themselves in a situation where no one would be allowed to grow, develop, and build. He goes on to say that it would be redundant to have several different agencies all requiring the same information repeatedly.

**Carolyn Craven (02:41:11)** says that there are other county growth policies that are addressing these issues. She goes on to say that the growth policy revision process must include wide spread public participation throughout the county.

**Elliot Merja (02:41:28)** explains that the board and himself are trying to determine if there is a need for revisions or not. He says his hope for these meetings is to obtain information on where there specifically needs changes to make the policy more productive towards growth. He apologizes as he has mostly heard things that are based on the zoning regulations, rather than the growth policy. He has also heard people say that there is nothing truly in the growth policy that needs to be change. However, they are hearing that there are things in the zoning regulations that could change, which would help promote growth in the county. Later, he states that he does not understand by what she means by 'industrial agriculture' as that is what he does for a living. He says anyone that has ten thousand to fifteen thousand (10,000 -15,000) acres of land is probably considered industrial agriculture. He says that one cannot say anything about it that is different I that regard. He restates that he is not hearing that it is the growth policy that needs changing, but it is the zoning regulations that need to change.

**Carolyn Craven (02:43:43)** says that the environmental matters are important to have as a base for making decisions about growth. She says that Great Falls was listed as a lovely place to live out of a hundred (100) cities, and number eleven (11) on another list involving small business development. She says that we have a mandate to align county and city polices together. She says that this mandate is another starting point and that many other people sent public comments on specific growth policy recommendations. She finds that the reason there is not as many public comments regarding what specifically needs to be change due to a lack of understanding the importance of the growth policy. She says the growth policy is the foundation for the Planning staff to create the zoning regulations. She says the zoning regulations must reflect on to the growth policy. She says that several people see deficiencies in the growth policy's goals, which is not widely representing everything that is seen in the county.

**Elliot Merja (02:45:00)** asks if there are deficiencies in the goals, does it entail that the goal must be change or that the community must change to on how to work with that goal.

**Carolyn Craven (02:45:10)** finds that we have an option and a legal right to look at that. She says that there are enough benchmarks found by the Planning staff that merit revisions in their staff report. She says that she is unaware of how many items that they found.

**Elliot Merja (02:45:43)** says that three (3) out of nine (9) items found qualify for revision.

**Carolyn Craven (02:45:52)** says that there is justification for those items and that there may be a bit more. She says that we need to find out what exactly are the goals reflecting from the community perspective.

*A few board members reply that is what the board is doing currently.*

**Carolyn Craven (02:46:18)** says that she means in a community wide process. She says that 9:00am meetings do not provide enough participation. She says that there is not enough information

explain what is occurring within the growth policy versus zoning to the public. She says the Planning Board needs to use media outputs to help explain and spread awareness about the growth policy. She hopes the board votes for a revision process.

**Public Hearing closed at 11:50 AM.**

### **Board Discussion and Decision**

**Richard Liebert (02:48:40)** says he does not think the five (5) overarching goals need changes. He says that there are just some minor changes needed here and there. He does agree that there are changes that need to occur in the zoning regulations. Furthermore, he says that he finds morning meetings in this location problematic for the community to attend; and he says that he appreciates everyone who wants to be a stakeholder in this process. He says that everyone wants growth and it all needs to be discussed. He then reads a few of the findings from the staff report. He says that it is problematic to wait for the 2020 Census as they would all be gone. He says that he looked at the city of Great Falls growth policy. He found the city's to be deeper and more comprehensive. He said that they also had more consultants when going through their process of revision. He goes on to say that the county also does not have a Planning Administrator and has a fresh set of staff members. Anyhow, he says the city calls their growth policy goals a 'to do list'. He apologizes as he says the board and himself have never addressed the growth policy. He says the growth policy does not address commercial, industrial, agriculture, Missouri River Corridor, rivers, and healthcare.

**Elliot Merja (02:54:38)** asks what the boards concluding findings are for the growth policy, regarding the motions made. He also asks for a motion to be carried.

**Richard Liebert (02:55:04)** asks the staff what their recommendation is. Then, he proceeds to ask what the pros and cons are for each alternative motion besides money, people, and time.

**Michael Stone (02:55:19)** says that it is everything that has been put in front of the board. He says that they have reviewed the growth policy and the zoning regulations and have received different opinions on the matters at hand. He goes on to say that there appears to him that there are some issues that have been brought up to the board's attention. However, it appears that these issues are zoning regulation issues not growth policy issues as the growth policy is not a regulatory document. In other words, the growth policy has no force of law. It can only provide guidance for developing projects, regulatory documents (zoning regulations, subdivision regulations...), subdivision reviews, and so on... He says that there are issues, in his opinion, of the growth policy meeting state statute and have been pointed out in the staff report. He says that these are things that could be fixed or removed in the growth policy. He says the growth policy is not created based on statistics, but on a revisioning process. He says the statistics given to the public are given to help the public see where the community, as a whole, stands on several different matters. The governing body decides at what extend these matters are addressed. Even so, he says if the opinion is that there is an issue that needs to be addressed but is more appropriately addressed in the zoning regulations. He then says why should we waste our time on revising the growth policy. Moreover, he says that they did not see a lot of diverse public input suggesting changing the growth policy. He finds that we did see a strategy, thought to be effective, from the some of the public. The strategy was thought to prevent the proposed zoning regulation revisions from being considered any further. Despite this opposition, we have found that there is a need for change in our zoning regulations even more so, as the zoning regulations share a relationship with the growth policy.

**Richard Liebert (02:59:16)** asks how the planning staff defines a revision process. He asks if the process is decided by the elected governing body.

**Michael Stone (02:59:46)** says that the Commissioners are the decision-making authority as the Planning Board is only an advisory board. The Planning Board would provide Cascade County Commission a recommendation. Cascade County Commission will make the final verdict. It is up to this board to decide what they want to recommend and how to propose that recommendation to the County Commissioners.

**Richard Liebert (03:00:11)** reads paragraph three (3) on page eight (8) of the staff report for the growth policy for this meeting. He says that this policy does require a revision.

**Elliot Merja (03:00:43)** asks if the major growth policy goals are in need of revision.

**Richard Liebert (03:00:49)** says that he does not find that the five (5) main goals need to be revised but finds that some of the subordinate objectives that lead to the five (5) goals need to be revised.

**Elliot Merja (03:01:04)** asks if the subordinate objectives are looked at in zoning will these revisions fix the growth policy.

**Rob Skawinski (03:01:21)** says that everything that they had heard today and at past meetings are about two (2) topics, medical marijuana and the Madison Food Park (slaughterhouse). He says people are also using the growth policy revision process to keep one or more of these ways from happening or to allow it to happen. He says that is not what this growth policy is about nor, does he find that it should be used in such a manner for that. He says the growth policy was created in 2014, it took at least a year, and they hired a consultant. He asks what the cost was for the consultant.

**Michael Stone (03:02:19)** says the process was long as it piggybacks on the JLUS study. He says the total of both processes for the consultant was a hundred and seventy-five thousand dollars (\$175,000.00).

**Rob Skawinski (03:02:20)** says now he does not find that there are enough changes that have been made the community to change the growth policy. He says that we have heard from business owners and others today that they are looking specifically outside of the city of Great Falls. Since, there is less regulations and obstacles to deal with. He has had this experience himself. He says that he finds that it tells at least something about how the county does its business; and that the growth policy is currently adequate. He says that they do not have the census data yet. They have reviewed the growth policy in depth. Overall, he does not consider a need to revise the growth policy. He says the changes that some of the public want are zoning regulation changes not growth policy revisions. The growth policy is a more of a vision. He says that he would make a motion to that the board recommends that no major revisions be made to the growth policy at this time.

**Ken Thornton (03:04:01)** says there is a community of people that he is a part of that are genuinely concerned about the environment. He says that there have been a couple of reports including one from the IPCC, that states that there is a significant deterioration of the environment happening now. He says that there have been numerous ranchers who have stated that they are losing springs that they have been using to water their cattle with for a hundred years. He says the state addresses the environment and water a bit, but the county may just have to add a bit more to it. He says that they should add a sixth (6) goal to the growth policy about the environment. He says there is a community will push for this goal, if they open the growth policy for revision.

**Dexter Busby seconds the motion to recommend Alternative 1.**

**Richard Liebert (03:05:47)** says that the staff has identified many issues. He asks if they are stating that what the staff has identified will be integrated into the zoning regulation revision process.

**Michael Stone (03:06:01)** says that it cannot, because the specific amendments were made for the growth policy not the zoning regulations. The zoning regulations is a separate process.

**Richard Liebert (03:06:13)** asks if they added another objective to the growth policy about alternative healthcare under local economy. He says that there are several issues that have been expressed here.

**Elliot Merja (03:06:35)** says that they are trying to add industry in the policy. Industry is an organized economic activity that maybe concerned with manufacturing, extracting, and processing of raw materials, or construction. It can range from building machinery, welding shops, agricultural activities occurring with the malt plant to medical industries. Industry is already added to the growth policy. He says if they want to make a difference, they need to have a broad spectrum, not a narrow one. They then need to work on how to integrate them into the county through our zoning regulations. He says that we need to look at zoning to make it more amenable for growth that has been asked for in the growth policy. He says that he has read the growth policy and it almost reads that they want more people and business to come into the county. The problem is that people say that they do not want certain things to be developed or situated next to their houses. He goes on to say that he is fine with a lot of different things, since he does a lot of different things himself. He is self-employed worker who works night and day. He has had neighbors upset with him for being loud, while fixing a combine at three in the morning (3:00am) in the past. Yet if he did not work on it, it would be in the middle of the road still. He says the point is that there are people no matter where you are that will be against what you are doing as well as people that will be for what you are doing. He says our growth policy in his mind says let us go out there and be productive. He says if we keep adding to it and narrowing it down, it takes away from what we are trying to do in zoning and with industry. Overall, he would rather see the county develop more industry and work together to be productive than to limit itself. He says that our lack of productivity in this county has led to higher crime rates, as people cannot find something to do and are not working. He says the motion on the table is to leave the growth policy as is. Let us leave it as is and move on to work on the other items at hand, to make the county better for everyone living in it.

**Richard Liebert (03:09:33)** reiterates that there are issues that the public has identified. He wants to ensure that the board does not forget that as we investigate those issues and implement changes. He says the Zoning Board of Adjustments turned down two (2) projects related to solar energy two (2) years ago. He asks, "the [Zoning Board of Adjustments] is also another safeguard, is it not? Supervised extra oversight?"

**Michael Stone (03:09:19)** says that growth policy plays its most significant role within the Zoning Board of Adjustment, at least as far as zoning is concerned. Since, the Zoning Board of Adjustment uses the growth policy is used as guide to help determine a decision made by the Zoning Board of Adjustment. It also helps determine their reasoning for their decisions. They cannot use the growth policy however to single handedly deny a permit, but it can be used to help state a case of why something was denied.

**Richard Liebert (03:10:37)** interjects to say that the growth policy is important to everyone. He does not want to see all the public comments and information gathered to be tossed away.

**Dexter Busby (03:11:12)** says he is a proponent of stability. Instability is a significant issue with development. If the developers and businesses cannot trust the governing regulatory body to be

consistent and stable, then there are problems. There will be little county businesses and growth. The growth policy has not been around for long. Individuals who have started businesses in the county four (4) years ago are only now reaping benefits from their businesses. He would hate to start a new process that solve some problems but would inadvertently complicate the problems further or cause some more problems. He goes on to say that they have whole state agencies whose jobs is to deal with water and environmental issues.

**Ken Thornton (03:12:20)** asks but if they are not.

**Elliot Merja (03:12:23)** says that is a zoning issue not a policy issue then.

*Dexter Busby agrees*

**Ken Thornton (03:12:28)** says if they put it on the growth policy then it must be looked at, when we do anything else.

**Dexter Busby (03:12:35)** says that it is state policy to look at those matters. We can only look at those issues through zoning.

All in favor, motion carries 4-2.<sup>2</sup>

## 5. Old Business:

### A. Zoning Regulation Revisions

1. Staff Update by Michael Stone
2. Board Discussion & Action

**Elliot Merja (03:13:49)** explains that this business is only about where the board stands and what their plan of action is for this matter.

*A few of the board state that they agree.*

**Richard Liebert (03:14:12)** says there has been a numerous public input. If they plan on not revising the growth policy, then they must put extra care and consideration into revising the zoning regulations. He does not know if staff has made any further revisions as the Planning staff has put the zoning regulations on hold to work on the growth policy. He asks the president of the board what the Planning staff will accomplish.

**Elliot Merja (03:15:12)** says that he thought that they gave recommendations a while back. He asks if anything has changed due to the feedback that they have received from the public. He says that it seemed that many of the issues were related to the proposed MU-20 and MU-40 Districts.

**Richard Liebert (03:15:40)** says that he questions Section 2, 3, 4, 7, and 8 of the Cascade County zoning regulations. He says that the grammar, punctuation, formatting, and spelling errors could be fixed and are practical. He says that they need to go deeper into Section 2, 3, 4, 7, and 8, such as the definitions. He says that he thinks that they need to postpone the zoning regulations to a later date.

**Rob Skawinski (03:16:24)** says that he agrees with that as he must go back to work, and this meeting has already carried on for far too long.

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<sup>2</sup> Mark Carlson left the board meeting early, making the total number of board members present six (6), instead of seven (7). Therefore, the vote was 4-2 instead of otherwise.

**Richard Liebert (03:16:29)** suggest not only should they postpone the zoning regulations but to see what the staff can produce in the meantime. He says that they should discuss the meeting on the fourth (4<sup>th</sup>) of June. Then, do a deep dive into the zoning regulations.

**Michael Stone (03:16:56)** asks what he means by an update. He says what the staff has is the same information that has already been discussed and made public several times. He says that they technically have not even started the process. He says the process starts when the Planning Board offers a recommendation to Commission as well as all the legal requirements. If the board would like to make decision from what has been proposed already, then the board should make decision at the next meeting dealing with the zoning regulations. However, if they would like the staff to revise the proposal then the board needs to state what specifically needs to change and addressed. The Planning staff is still waiting to receive guidance about the zoning regulation proposal as well as definite verdicts to be made.

**Richard Liebert (03:18:14)** asks if the Planning staff has done analysis since the March 26, 2019 meeting. He goes on to say that the staff has no analyses to give to the board based upon the public feedback that was given. He says that the staff has not given the board any recommendations for a motion as well for the zoning regulations.

**Carey Haight (03:18:30)** says the Planning staff has not created any recommendations for a motion yet.

**Richard Liebert (03:18:34)** says that the Planning staff should create recommendations to give to the Planning Board as their next step. He would like to see what exactly these recommendations will solve and what is the risk of each recommendation. He goes on to say that he does not find that taking time to work on the zoning regulations would create any harm.

*A few of the board members say that they agree with Mr. Liebert's statement.*

**Elliot Merja (03:19:12)** asks the staff if they have more of a direction now.

**Michael Stone (03:19:17)** asks if they want the staff to go through all the public comments related to the zoning regulations. He then asks if they are supposed to revise their proposal recommendations based on their interpretation of the public input that they received through the public comments.

**Richard Liebert (03:19:29)** says yes for they did well with creating a staff report.

**Michael Stone (03:19:41)** says that they are to revise the proposal and reintroduce the proposal.

**Carey Haight (03:19:45)** says that she is unsure if the staff is being asked to revise the proposal. She says that the board is trying to ask for an analysis based on the public's comments.

**Michael Stone (03:19:57)** says the analysis is already include in the current analysis. He says that he is not going to list specific detail what the public has already stated. Then, he says paraphrasing people is...

**Richard Liebert (03:20:08)** interjects to say that he does not want the staff to reinvent all of it as the staff already has enough to do. He says for the staff to take what they have and to lean from this information and to create specifics revisions using the public comments.

**Michael Stone (03:20:28)** says that he is still confused as they have already analyzed every single public comment. He says the analysis is in front of the board as it is Appendix 1.

*Richard Liebert and Dexter Busby say that the Appendix 1 is related to the growth policy, not the zoning regulations.*

**Michael Stone (03:20:47)** says that the zoning regulations are incorporated into the Appendix 1 analysis.

**Richard Liebert (03:20:51)** says the staff will have to separate that information. He asks president Merja if he just needs the staff to analysis at that checkpoint where they stopped.

*Elliot Merja agrees*

**Michael Stone (03:21:03)** asks if they just want to revise the section before.

*Richard Liebert agrees.*

**Rob Skawinski (03:21:12)** asks to get the medical marijuana situation figured out, what will the board need to do. He asks is it considered a zoning issue.

**Carey Haight (03:21:24)** says yes that it is zoning issue.

**Michael Stone (03:21:24)** says that the board would have to recommend a text amendment for the zoning regulations to Commission.

**Rob Skawinski (03:21:32)** says that currently medical marijuana falls into I-2 District. He says that the board would need to relax the amendment, so the industry could be allowed into some other districts, such as I-1 District or the Commercial District.

**Michael Stone (03:21:41)** says the board could propose that registered medical marijuana dispensaries to be allowed into whatever type of district the board decides on.

**Elliot Merja (03:21:47)** says or whatever the state law decrees.

**Michael Stone (03:21:50)** says that the state law will still be in there as a setback requirement.

*Several board members and public attendees converse all at once.*

**Rob Skawinski (03:21:59)** asks what the medical marijuana industry wants.

**Dale Yatsko (03:22:01)** says that just commercial would work for the industry. He says that they would like to leave their medical marijuana grows in farm Agriculture District and have their store fronts in the Commercial District.

**Michael Stone (03:22:18)** says that this one case could be presented to the Commission by the board. He explains that the process would be for the board to ask for a text amendment to allow register medical marijuana premises into the Commercial District. Then, the board would present the case to Commission. The item would be put on the Commission agenda at one of their public hearings.

*A couple of the board members discuss among themselves.*

**Elliot Merja (03:22:52)** states that it will be one item that they could put into these recommendations.

*Michael Stone agrees.*

**Elliot Merja (03:23:03)** asks if the state law would give guidance as to where the medical marijuana industry could be in those districts.

**Michael Stone (03:23:11)** says that the state checks the local zoning as the state does not wish to step on local authority. He goes on to say that the current setback requirements create an additional problem, which is complicated. He imagines a scenario of what could happen if people do not follow the setbacks and do not obtain the necessary permits. He imagines what could happen if someone authorizes a permit that is in violation of the zoning regulations, because there is a medical marijuana dispensary near a residence planning staff wasn't aware of.



**Rob Skawinski (03:24:43)** says that should be simple to prevent in document at that time, once the permit is issued. The current setback is one thousand feet (1,000 ft.) from a residential residence. He says that if someone moves into a property without a permit it is their personal issue, not the staff's personal issue.

**Dale Yatsko (03:24:57)** says if the board choose to recommend to Commissioners to follow state law for medical marijuana, the setback would be five hundred feet (500 ft.) from a subdivision. He says the state law no longer requires it to be away from a single-family residence.

**Rob Skawinski (03:25:10)** says that they could just follow state law.

*Several board members and public attendees converse all at once.*

**Michael Stone (03:25:12)** says the county has more of a strict and yet vague set of requirements for medical marijuana than the state of Montana requires. For instance, the county does not specify where medical marijuana facilities are supposed to measure from for their setbacks.

**Dale Yatsko (03:25:32)** says the states measures from the two main entrances of a medical marijuana facility.

**Michael Stone (03:25:10)** says that the board could recommend allowing medical marijuana into the commercial district and whether to modify the setback requirements to Commission.

**Elliot Merja (03:25:53)** says that another option is that the county follow state regulations.

**Michael Stone (03:25:57)** says in that case the board would recommend removing those local zoning regulations regarding medical marijuana. So, the state would be the only set of rules and regulations that the medical marijuana industry would need to follow. He goes on to say that the state does not care about what zoning district in that statute. He says that it cares about the use.

**Elliot Merja (03:26:15)** asks the rest of the board what they are deciding to do about the matter.

**Richard Liebert (03:26:16)** replies that they need to fix it and to move forward.

*Several board members converse.*

**Richard Liebert (03:26:37)** says that it should be left up to the state to regulate the industry.

**Michael Stone (03:26:46)** says that we are getting rid of the setback requirements for medical marijuana and allowing medical marijuana into the Commercial and I-2 Districts.

**Richard Liebert (03:27:01)** adds that they will allow it into I-1 District as well.

*Several board members and public attendees converse.*

**Michael Stone (03:27:15)** says that they will have to change the language in the zoning regulations regarding medical marijuana as the state refers to medical marijuana grow operations, dispensaries, and chemical manufacturing factory plant for CBD/THC-Isolate extracts as a registered premise. He says that he thinks that he understands what the board would like to propose to the commissioners.

**Richard Liebert (03:28:03)** asks if they need a motion for this matter.

**Elliot Merja (03:28:05)** replies not that he is aware of it.

**Michael Stone (03:28:09)** asks Carey Ann Haight for her opinion.

**Carey Haight (03:28:10)** replies that she does not think so as the board is just having a discussion.

**Richard Liebert (03:28:13)** ask about whether it is needed for the final process.

**Elliot Merja (03:28:15)** replies yes, it is needed for the final process. Nonetheless, they are in Old Business board discussion. It is not specific item on the agenda yet. He goes on to ask the staff if they need some different agenda items to put on future agendas other than medical marijuana. He says that the staff are also directed to break up the analysis a little bit more to reflect the zoning regulation rather than the growth policy.

**Michael Stone (03:28:56)** states he will just cut out the numbers related to the growth policy in the analysis.

**Elliot Merja (03:29:00)** replies yes, so there is no confusion over the two (2).

## 6. Board Matters:

**Richard Liebert (03:29:25)** asks if they have found a Cascade County Planning Administrator yet.

**Rob Skawinski (03:29:44)** replies that is already being filled in temporarily by Ian Payton.

*Some of the board members state that they agree with Mr. Skawinski statement.*

**Richard Liebert (03:29:47)** says that Ian Payton is the 'acting' planning administrator. He is not the actual planning administrator. He says that they could advertise outside of the state. He mentions that the city hired an outside party from Indiana for their planning director.

**Elliot Merja (03:30:04)** jokingly says, "Yeah, see how screwed up they are?"

*Several people in the room laugh at his joke. Richard Liebert says you said it, not me.*

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

**Nate Kluz (03:30:21)** says that the state should raise the pay for the planning administrator position as it is an essential position for the Planning Division. He says that the implications of changing the zoning regulations are even more impactful, a tool, and are introducing a new level of instability into this community more so than the growth policy for this county regarding moving forward. He says that the revisions should be insignificant changes, not substantial changes. He goes on to say that the Planning staff has yet to submit an application regarding the zoning regulation revisions to the Planning staff regulation 14.1.1. He says the County Attorney's office says that these changes are exempt from Part 2 Zoning Montana Code Annotated. He says that rule applies to the Cascade County Commissioners not the Planning staff. He says the Planning staff must submit an application to themselves for them to move any further with the zoning regulations. He says that there is a conflict of interest having the Cascade County attorney attending the meetings. He thinks that the Cascade County Attorney cannot represent both the Cascade County Planning staff and the Cascade County Planning Board.

**Elliot Merja (03:32:48)** says that he does not find any issues with having a legal presence at the meetings on the panel.

**Nate Kluz (03:32:51)** says that the attorney is a petitioner going before the board.

**Elliot Merja (03:33:08)** says that the board was picked by the county to be a part of this board.

**Nate Kluz (03:33:15)** says that they are not county employees.

**Elliot Merja (03:33:19)** says that they should stop as they have already had this conversation several times through emails. He states that he is on several other boards that have asked the county

attorneys to be a part of. He says that he is part of the Water Irrigation Board even has had county attorneys sit in their board meetings, despite not being a county board.

**Nate Kluz (03:33:49)** repeats his statements about the attorneys. He then goes on to say that he agrees with Shawn Brass's statement about these meetings and that the meetings need to be at a later time and a different location.

*Ken Palisn discusses the slaughterhouse.*

**Ken Palisn (03:35:26)** says that every community wants stability. He says the community does not want change. He says that we should keep business as usual. He says that there is a positive side to growth, but there is a dark side to growth. He says that this dark side can cause unintended consequences, affect the environment, and create instability. He says that we cannot fear growth but must give our blessings to it. He says that we need to take responsibility for the consequences. He questions who looks at stability and the unintended consequences. He discusses how he used to work at an electrical plant and how the plant polluted the river.

**Elliot Merja (03:37:43)** says that this problem is one of the reasons why they have zoning regulations, growth policy, and such...

**Ken Palisn (03:37:47)** says that the growth plan provides the vision. He says if they do not have a vision then people perish.

**Richard Liebert (03:38:11)** asks if the next meeting will occur on June 4, 2019.

**Sandor Hopkins (03:38:12)** replies yes. He says the meeting will be about two (2) major subdivisions.

#### 8. Adjournment: 12:39 PM

Richard Liebert made a motion to adjourn

Ken Thornton seconds the motion

All in Favor, Motion passes 6-0.<sup>3</sup>

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<sup>3</sup> Mark Carlson left the board meeting early, making the total number of board members present six (6), instead of seven (7). Therefore, the vote was 6-0 instead of otherwise.