

CASCADE COUNTY PLANNING BOARD

July 23, 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:** Anna Ehnes, Destiny Gough, Carey Haight, Sandor Hopkins, Michael Stone, and Charity N. Yonker.

**Attendees:** Carolyn Craven, Shannon Guilfoyle, Tammie Lynne Smith, Dale Yatsko, and Janelle Yatsko.

1. **Call to order:** Planning Board President Elliot Merja called the meeting to order at 09:00 AM.

2. **Roll call:**

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

**Board Members Absent:** Rob Skawinski.

3. **Approval of Minutes:** June 04, 2019.

**Richard Liebert (00:00:58)** says that the public may have something to say regarding the minutes.

**Dale Yatsko at 674 Stockett Rd, Stockett, MT 59480 (00:01:16)** says that the minutes state the letter mentioned on page twenty (20) was a “cease and desist” letter. However, it was not a “cease and desist” letter.

**Richard Liebert made a motion to approve with corrections.**

**Dexter Busby seconds the motion**

**All in Favor, motion carries 6-0.**

4. Approval of Minutes: June 25, 2019.

**Dexter Busby (00:03:02)** asks if the Commissioners moved on those two (2) subdivision.

**Sandor Hopkins (00:03:13)** responds that Preliminary Plat of An Amended Plat of Lot 1B of The Amended Plat of The Amended Plat of Lot 1, Block 3, Riverwood Villas No.1 Subsequent Minor Subdivision has been approved. Agricultural Covenant Removal: Moore Minor Preliminary Plat has been approved. Likewise, Minor Subdivision Preliminary Plat of Hunter's Hideaway Estates. However, Mountain View Estates North - Major Subdivision was tabled and will be going to the Commissioners again on July 30, 2019.

**Dexter Busby (00:03:37)** asks what the reason to re-review the Mountain View Estates North - Major Subdivision on July 30, 2019 was.

**Sandor Hopkins (00:03:40)** responds that the Commissioners wanted to wait for all three (3) Commissioners to be present since it was such an involved subdivision.

**Dexter Busby made a motion to approve with corrections.**

**Ken Thornton seconds the motion**

All in Favor, motion carries 6-0.

5. Old Business: none.

A. Zoning Regulations Revisions

1. Board Discussion & Decision

**Elliot Merja (00:04:04)** says that the staff's recommendation is to table the item. He asks the board what they propose to do. He also asks if the staff has anything else that they would like to add.

**Sandor Hopkins (00:04:24)** replies no. They would like to use this time to allow for board discussion and have this item tabled until a later date.

**Richard Liebert (00:04:42)** says that he would like staff to establish medical marijuana as a part of healthcare in the proposed zoning regulations. He says that he is still a bit confused by MU-20 and Mu-40 Districts. He has some questions on the MU-20 and MU-40 Districts that he would like answered at a later date in time. He says that he does not approve of the proposed MU-40 District.

**Elliot Merja (00:06:52)** says that the board members received some emails on to whether it was more suitable for the board to postpone the meeting or to table the meeting. He would like to know the difference between the words 'postpone' and 'table.'

**Charity Yonker (00:07:12)** responds that she finds that the word 'postponement' implies that there will be a set date to postpone to. She says 'suspending' an item allows the item to be picked up at any time.

*Elliot Merja understands*

**Dexter Busby (00:07:41)** says that he is concerned with the language and definitions of the words 'tabling', 'postponing', and 'suspending'.

**Charity Yonker (00:08:02)** responds that Robert's Rules of Order states that 'suspending' is considered to be 'tabling'. It is a nondebatable and an unamendable action, which requires a second and a majority

vote by the board. 'Postponing' a consideration is a debatable and an amendable action, which requires a second and a majority vote by the board. 'Postponing' as an action requires a set date to return back to the item that was postponed, unlike tabling an item.

**Richard Liebert (00:08:49)** says that Robert's Rule of Order states that if at the next meeting the tabled item is not given a concluded set motion, it will die. He says that he is unaware of what course of action the president of the board should take. The president of the board could decide to postpone to a set date or indefinitely. He says that he is also unaware of when they will have access to a larger venue, such as having access to the Family Living Center, to have this next meeting at.

**Sandor Hopkin (00:09:13)** agrees that they do not have access currently to the Family Living Center, due to the county state fair.

**Dexter Busby (00:09:15)** says that the Family Living center will not be available until several weeks.

*Elliot Merja and Dale Yatsko joke about having it during the state county fair. Several board members laugh at their jokes.*

**Richard Liebert (00:09:38)** suggests that the president of the board should postpone the proposed zoning regulation revisions with a set date.

**Elliot Merja (00:10:01)** says that problem with postponing is trying to find a date that is agreeable for the board members. On the other hand, the board could table the item now and at the next meeting postpone the item to a set date.

**Richard Liebert (00:10:37)** asks when the next regularly scheduled meeting will be.

**Sandor Hopkins (00:10:41)** replies that it would be the August 20, 2019. However, he is currently unaware of the availability of this board for the month of August.

**Elliot Merja (00:11:18)** asks the board for their opinions on the matter.

**Richard Liebert (00:11:23)** states that he would like to postpone the item to a date in August depending upon the board's availability and when the state fair will be over.

**Elliot Merja (00:11:37)** responds that September would be more practical.

**Ken Thornton (00:11:49)** agrees. He asks if there needs to be a public notice for this meeting.

**Sandor Hopkins (00:11:18)** replies yes. He goes on to say that there are some subdivisions that need to be address in the future as well.

**Ken Thornton (00:12:13)** asks if they will be reviewing those subdivisions at the next meeting in August.

**Sandor Hopkins (00:12:14)** replies yes.

**Dexter Busby (00:12:16)** asks if they said tabling at the next meeting.

**Richard Liebert (00:12:21)** says that Robert's Rules of Order says that it dies if it is not taken off the table at the next regular meeting. He goes on to say that there was no obligation to table the item in the past meetings.

*Some of the board members converse amongst themselves.*

**Dexter Busby (00:12:57)** says that they do not have to make decision on August 20, 2019. However, they just have to table it at the next meeting. He motions that they table the proposed zoning regulations, until the next meeting when they can decide on a later date to make a final decision.

**Elliot Merja (00:13:15)** asks if the motion could be amended to state that the Planning staff need to try to find an adequate time and location for the final meeting with the Planning Board regarding the proposed zoning regulation revisions.

**Dexter Busby (00:13:25)** replies yes and that he can also amend the motion to give the staff time.

**Elliot Merja (00:13:32)** responds that having extra time for the Planning staff will allow them some time to set up the meetings in advance.

**Sandor Hopkins (00:13:45)** replies that they can start that process now and that having the extra time is desirable.

**Dexter Busby (00:13:51)** says that he will amend the motion to say that they will table it and take it up at the next meeting. In the meantime, the planning staff must find a venue and a time for the next meetings.

*Sandor Hopkins agrees.*

**Richard Liebert seconds the amended motion to table.**

All in Favor, motion carries 6-0.

## 6. New Business: none.

## 7. Board Matters:

**Richard Liebert (00:14:35)** asks about the reorganization of the Planning Department.

**Sandor Hopkins (00:14:51)** responds that the Planning Director position has been budgeted as well as the three (3) Planner positions. He says that he is currently acting as the Interim Planning Director. There are some plans to remodel the old Tribune building, which the Planning Department is located in. However, he is currently unaware of when that will occur, as the staff has not been given a timeframe.

**Richard Liebert (00:15:38)** suggests not having a long staff report by adopting military standards for briefing. He also suggests using multi-media for staff reports. He says that he would like to see where it legally states that they must read the entire report into the record.

**Charity Yonker (00:17:18)** responds that there is extensive legal precedent on this matter. She says that it is important for the county's liability that the whole staff report is read into the official audio record and that all of the county's legal requirements are met. She goes on to say that some of those requirements are not "official" requirements. Nevertheless, they protect the county from such things as land use litigation. She understands the desire to give a brief summary of the staff report. However, the whole staff report needs to be read into the official record, which is similar to a judicial proceeding. She says that the record has to be developed.

**Richard Liebert (00:18:17)** replies that he understands, but he would still like a brief summary of the staff report. He says that the Planning staff should prepare the public for a staff report reading and keep the public engaged in the reading of the staff report.

**Ken Thornton (00:19:04)** asks if they could go paperless with their board. He suggests that the county could issue a small laptop or a USB flash drive stick.

**Sandor Hopkins (00:20:01)** agrees. However, he is concerned that to an extent they have to have hard copies. Likewise, he does understand that some people like to have hard copies. Nonetheless, the Planning staff can look into using a more paperless route. He says that some of the Conservation meetings that he has been to the board uses tablets.

**Elliot Merja (00:20:32)** he says that tablet has its pros and its cons.

**Dexter Busby (00:20:50)** says that his web connection is poor making it difficult to download documents.

**Ken Thornton (00:20:52)** says that they could have it on a USB flash drive stick, which would eliminate the issue of trying to download from the internet.

*Elliot Merja understands.*

**Richard Liebert (00:21:02)** says that he agrees, yet he prefers to read physical hard copies. He says that they can try to find a balance.

**Sandor Hopkins (00:21:25)** points out that it is county taxpayer money that pays for prints.

**Dexter Busby (00:21:31)** says that he does not mind having to use a USB flash drive stick, especially on the larger documents. He says that he does not mind if smaller documents are sent to his email, but the it would be more beneficial if larger documents were on a USB flash drive stick.

*Several of the board members and Planning staff agree.*

**Destiny Gough (00:22:34)** suggests that the Planning staff could send the USB flash drive sticks through the mail. She goes on to say that overall going paperless and even sending USB flash drive sticks through the mail would cut down on mailing expenses as well as paper expenses.

**Dexter Busby (00:22:44)** says that he cannot download large information from emails.

**Elliot Merja (00:22:47)** responds that the Planning staff is discussing physically mailing the USB flash drive sticks to the board members. He says that it is cheaper for the Planning staff to mail the USB flash drive stick to him as it cost less, than it is for him to drive into Great Falls to the Planning staff's office.

**Dexter Busby (00:23:08)** understands.

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

**Dale Yatsko (00:23:31)** asks if under the definition of 'medical healthcare' they could incorporate 'medical marijuana' in the proposed zoning regulations. He says that it would prevent a lot of confusion between 'medical marijuana' and 'recreational marijuana'. He says that there is an opioid crisis in Montana as people are misusing opioids for pain, instead of being prescribed medical marijuana. He says that people are using medical marijuana to get opioid addicts to stop abusing opioids. He says that people have died from opioids and have had ill effects. However, he says that no one in Montana has died from medical marijuana or has had ill effects. He says that his business works directly with Benefis and some pain management clinics. His business goes through extremely strict medical reviews for his business. He says that he has heard different descriptions MU-20 and MU-40 Districts. He shares similar confusion to Mr. Liebert's confusion on the MU-20 and MU-40 Districts.

**Sandor Hopkins (00:27:20)** responds that MU-20 and MU-40 Districts are dependent upon the clusters of smaller and larger acreage. He says that zoning designation does not necessarily change specifically for one (1) parcel based on the size of that parcel. It is overall more of a distribution of the parcel coverage, rather than individual parcels.

**Dale Yatsko (00:28:28)** asks if his land would be in the proposed MU-20 District or in the MU-40 District.

**Sandor Hopkins (00:28:44)** replies that he is possibly in the MU-20 District. He says that he would have to examine the proposed map to be exact.

**Dale Yatsko (00:28:47)** apologizes as he does not intend to put Planning staff on the spot. He says that he was not sure if Mr. Hopkins knew off the top of his head.

**Sandor Hopkins (00:28:51)** suggest for Mr. Yatsko to see him after the meeting in the Planning Office. So, he can give him an exact answer. He goes on to ask if it answers Mr. Liebert's question as well.

**Richard Liebert (00:29:03)** responds that it helps. He says that the proposed MU-20 District has some merits, but he finds the proposed MU-40 District problematic. He tells a personal story about his aunt. She was in a car accident and was prescribed opioids. She says that his aunt became addicted to opioids and is now out of a rehabilitation center for it. He says that he would rather have had his aunt prescribed medical marijuana than to have had her prescribed to those opioids. He says that they need to remove the stigma towards medical marijuana.

#### 9. Adjournment: 09:30 AM

Dexter Busby made a motion to adjourn

Richard Liebert seconds the motion

All in Favor, Motion passes 6-0.