

MAR 28 2019

CASCADE COUNTY PLANNING BOARD

February 19, 2019

9:00 AM

Court House Annex

325 2nd 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 Clerk and Records 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, Destiny Gough, Michael Stone, and Sandor Hopkins.

Attendees: Alyssa Fairedough, Amy Olson, Anna Ehnes, B. Pondre, Barb Walden, Betty Rowton, Bodie Grundel, Bonnie Jorgensen, Bonnie Warren, Brenda Rubino, Brian Neilsen, C. Reeves, Carla Smith, Carol Robinson, Carolyn Craven, Carolyn Smith, Christine Warc, Claudi Rowe, Cynthia Outten, David Johnson, Deborah Jenkins, Eileen Hyndman, Erin Tropila, Gary Peppenser, Gloria Burrows, Greg Burrows, Heather Lucero, Hugh Dundee, Ian Payton, James Reed, James Reagon, Jaybe Floyd, Jeff Winter, Jenna Coulter, Jenn Rowell, Jesse Mitchell, Jim M. Uden, Jiu Oljo, Jo Walden, John Casselli, John Paul, Julie Knight, Judson Fredrick Burrows, Karen Carlson, Kevin May, Kim Palisn, Laura Hodges, Lauran Ewerson, Linda Short, Lito Sharone, Mangael Haliengan, Margaret Eakman, Margaret Halvorson, Mary Beth Ewen, Michael Onstan, Nancy Zadick, Nate Kluz, Renae Munson, Richard Hopkins, Ronald Dale Scott, Ron Udall, Rusty Walden, Sara Buley, Sarah Bailey, Sharon Klundt, Sivan Colwin, Tammy Kantorowicz, Tammy Lynne Smith, Tony Pauper, Travis Johnson, Virginia Gosney, Wille Veltkamp, and William Shont.

1. Call to order: Chairman Elliott Merja called the meeting to order at 9:01 AM

Elliott Merja (00:00:03) thanks the public for attending the meeting as well as for their concerns over these Zoning Regulation changes. He explains that Cascade County and the Planning Board have been trying to develop the best way to tackle this challenging process. This meeting is only a listening session for the proposed changes of the current zoning regulations. The reason Cascade county is looking at revising the current zoning regulations is due to the law changing over time, incorrect wording in the current zoning regulations, issues that have occurred from recent meetings with the current zoning regulations, etc. We hope and aim to give everyone a chance to speak, as well as follow our current protocols for Planning Board meetings. Please respectfully give the board time to follow the state law's procedural process first before we begin discussing the proposed Zoning Regulation changes.



2. Roll call:

Board Members Present: Dexter Busby, Dan Johnstone, Elliott Merja, Mark Carlson, Ken Thornton, and Rob Skawinski.

Board Members Absent: Richard Liebert

3. New Business:

A. Board Appointment of Officers for 2019

1. Board Discussion and Decision

Ken Thornton (00:02:00) moves to elect Elliot Merja as President of the Planning Board.

Dan Johnstone (00:02:11) seconds the motion to elect Elliot Merja as President of the Planning Board.

All in favor, motion carries 5-0

Rob Skawinski (00:02:39) moves to elect Mark Carlson as Vice-President of the Planning Board.

Ken Thornton (00:02:42) seconds the motion to elect Mark Carlson as Vice-President of the Planning Board.

All in favor, motion carries 5-0

B. Approval of Minutes: January 15, 2019

Elliott Merja asked, if everyone read the minutes, any comments?

All in favor, motion passes 6-0

C. 2019 Zoning Regulation Revisions

1. Staff Report by Michael Stone
2. Board Discussion & Public Comments

First Public Comment opens at 9:07 AM

Elliott Merja (00:05:39) asks the public whether they have read the proposed Zoning Regulation changes or not. A few people raise their hands. He then asks the public and the board if they would like to go through each section in a methodical manner, while stating what the proposed changes are in each section. After each reading of a section, there will be a public hearing for that section. In short, each section will have its own public hearing.

All in favor.

Michael Stone (00:09:27) starts the section reading Appendix A and Title page, along with their proposed changes.

Public Comment: none

Michael Stone (00:09:27) reads part of Section 1, the Table of Contents, and the designated spot for resolutions, along with their proposed changes.

Public Comment:

Deborah Jenkins at 298 Hastings Rd, Sand Coulee, MT 59472 (00:10:58) says that she does not agree with the process of the proposal.

Some of the public agrees and Jaybe Floyd at 12 Homestake Ln, Great Falls, MT 59405, and James Reagon at 1901 1st Ave S, Great Falls, MT 59401 spoke up in agreement.

Nate Kluz at 597 Armington Rd. Belt, MT 59412 (00:19:31) says that he believes that the Planning Division staff is required by Zoning Regulation 14.1.1 to send an application for the proposed changes. He says that the Planning staff has not sent any application so far.

Elliott Merja (00:20:30) says that this Planning Board meeting is merely the first step of this lengthy process. We are here today to hear what the proposed changes are, not to make hasty decisions. As citizens of Cascade County, it may benefit us all to listen first to what is being proposed by Cascade County Planning staff, so we can have exceptionally productive upcoming meetings with insightful discussions.

Michael Stone (00:24:00) finishes reading Section 1 along with its proposed changes.

Public Comment: none

Michael Stone (0:24:24) reads Section 2 along with its proposed changes.

Public Comment:

James Reagon at 1901 1st Ave S, Great Falls, MT 59401 (00:31:43) would like to vote and table this meeting

Carey Haight (00:32:15) states the Planning Board oversees the meeting. They are called here today to address issues regarding the changes. There is no reason to call a vote currently.

Some of the public members protest amongst themselves and at the board members.

Elliott Merja (00:32:35) reiterates what this meeting entails. He also asks the public to be respectful and to listen again. He asks the board if they have any desire to change the process.

Rob Skawinski (00:33:47) tells the public that every board member, like the public attendees, have already taken the time to attend today's meeting. We are wasting time by continuing to dispute over tabling it today. This public hearing is the first step of this multistep process—no one is deciding anything today. Let us listen to what is being proposed, instead of wasting more precious time.

Jaybe Floyd at 12 Homestake Ln, Great Falls, MT 59405 (00:34:47) would like broader and more precise definitions. She says the term "productive use" is undefined. The term is particularly relevant within the staff report's discussion of the Mixed-Use MU-40 district.

Dexter Busby (00:36:39) thanks Jaybe Floyd for having a well taken comment about the section that was just read.

Tammy Lynne Smith at 397 Highwood Rd, Great Falls, MT 59405 (00:37:42) says that she has read the proposed changes as well as the associated documents and maps. She said that there are many new phrases and definitions that are being considered to be added. The new phrases and definitions do not have an indication of where they are coming from in the staff report. She asks if the Planning staff can add those indications into the staff report.

Some of the board members thank Tammy Smith, and then end the public hearing for Section 2.

Michael Stone (00:38:54) reads Section 3 along with its proposed changes.

Public Comment: none

Michael Stone (00:38:54) reads Section 4 and Appendix B along with its proposed changes.

Public Comment:

Ron Udall at 50 Green Ridge Ln, Great Falls, MT 59405 (00:54:15) asks who implemented all the changes and where do the changes come from. He also asks if the people who implemented the changes are from Cascade County.

Michael Stone (00:45:30) says the Planning Division staff implemented the changes.

Elliott Merja (00:45:39) describe who the Planning staff are and what the Planning staff do for Cascade County. He finishes by saying that all the Planning staff members are local.

Brian Neilson at 13 Homestake Ln, Great Falls, MT 59405 (00:46:10) says that after hearing about MU-20 district as well as hearing about how tourism and recreational homes must go through a SUP (Special Use Permit) to be occupied, but this large-scale agriculture can go through "by right".

Tammy Lynne Smith (00:47:02) says with regards to Section 4 of the Zoning maps, it is her understanding that Section 14.1.1 subsection 3 requires "a legal description of the boundaries of the proposed district" (Proposed Regulations [Clean Version], 158). She asks if the legal descriptions have been prepared for the MU-40 district, and if so when will they be available to the public. She then addresses her concerns regarding Appendix B with switching Agricultural Zoning district to MU-40 district. She says that it states that this switch is listed as satisfying the Growth Policy's goals & objectives: 1, 5, 9, and 11. She is concerned that it does not satisfy or address the Growth Policy's goals: 2, 3, and 8. She asks if there could be written evidence in the Zoning Regulation changes speaking to the Growth Policy's goals: 2, 3, and 8.

Jaybe Floyd (00:48:55) reiterates that the term "productive use" needs to be defined. She says that in Appendix B, it says that some productive land uses such as "value-added agricultural commodity processing facilities" will now be permitted "by right" in MU-40 district. She says that the term "productive use" is comparable to the term "agriculture use." As such, a processing facility does not meet the definition. She says that having the value-added agricultural commodity processing facilities added to the MU-40 district is invalid. Furthermore, she says that the rationale for eliminating Bed and Breakfast inns from the MU-40 district is incoherent because it is a small-scale use item with minimal impact. She says to have a large-scale use item that has a substantial impact be permitted in "by right" without public review but require small scale use item is an extremely disproportional standard of review. Large-scale use items should be held to the same performance standards regardless of the district in which they are located.

Board Discussion:

Elliott Merja (00:53:40) asks if the MU-20 or MU-40 district is the Black Eagle area.

Michael Stone (00:53:49) says the Black Eagle area proposal is just a regular Mixed-Use district. It was already an established zoning district. The MU-20 district has a minimum of 20-acre lot size. The MU-40 district has the minimal of 40-acre lot size.

Elliott Merja (00:54:16) asks if that is county wide or just the Black Eagle area that we are discussing.

Sandor Hopkins (00:54:19) says that is the existing Agricultural district. It is being proposed to be split into MU-20 and MU-40 districts.

Mark Carlson (00:54:30) asks where the wording "by right" came from or where was it found.

Michael Stone (00:54:38) says the term is a short hand term for principal uses, which is a Location/Conformance Permit.

Mark Carlson (00:54:46) asks if the Planning staff thinks that the term "by right" can be dangerous and lead to an irreversible chain of events as the term could be applied in the future to more than what is being indicated here.

Michael Stone (00:55:12) says the term is in scare quotes. In the public release final document, we will use terminology that is currently being used in the finished current zoning regulations and our other finished published documents.

Some of the public members protest amongst themselves.

Elliot Merja (00:55:45) says the term just needs to be more specific. Then, he motions to move to the next section.

Michael Stone (00:56:12) says Section 5 has no changes. Section 6 has just formatting changes.

Public Comment: none

Michael Stone (00:56:33) reads Section 7 along with its proposed changes.

Public Comment:

Eileen Hyndman at 983 McIver Rd, Great Falls, MT. 59404 (01:02:13) says it seems that the proposed Zoning Regulation changes are getting rid of SUP. She says that there needs to be penalties or fines that are explicit to SUPs. She further adds by saying that there is no noise ordinance in place.

Julie Knight at 1110 2nd Ave N, Great Falls, MT 59401 (01:10:20) says she is concerned with the medical marijuana, and her understanding that it should remain in a heavy industrial area. She would like to know the research that has been done to come to that conclusion. She would also like to have medical marijuana allowed more in Cascade County and within city limits. She later adds that she has a stack of public comments concerning medical marijuana remaining in heavy industrial district.

Eileen Hyndman discusses her issue with a medical marijuana dispensary near her house.

Tammy Lynne Smith (01:10:52) says it is not clear how the zoning district definitions relate to the county growth policy. The definitions also do not demonstrate regulations importance to the growth policy. She says when there is conflict between the zoning district definitions and the growth policy it results in inconsistent land use decisions, which could be challenged legally. She would like the definitions

(specifically the definitions of MU-20 and MU-40 district) to show how they were derived, as well as show the justification of how the definitions are linked to the growth policy, in the zoning regulations.

Michael Stone (01:12:06) reads Section 8 along with its proposed changes.

Public Comment:

Elliot Merja (01:15:40) comments on Section 8.2.5 on woven fencing. He questions why that section is out and its usages. He also questions Section 8.2.5. [2] on electric fencing. He says that electric fencing for livestock on top of hardwire fence is found in numerous amounts of places, because it prevents horses from tearing down a barbwire fence by using a hot wire on top of the fence. The hot wire is a stock charger that cannot electrify someone who went across it. He also would like to know where this section comes from.

Michael Stone (01:16:42) says the woven fence is an MCA (Montana Code Annotated), and it constitutes as a legal fence.

Judson Fredrick Burrows at 111 Fife Rd, Great Falls, MT 59405 asks for a copy of the papers that the board members currently have on view. The Planning staff and Elliot Merja tell him as well as the public that all papers can be found online on the planning website. They also say that if he gives his contact information to a staff member, they can send him a hard copy.

Michael Stone (01:18:14) reads Section 9 along with its proposed changes.

Public Comment: none

Michael Stone (01:19:10) reads Section 10 along with its proposed changes.

Public Comment: none

Michael Stone (01:20:05) says Section 11 has no changes.

Public Comment: none

Michael Stone (01:20:15) reads Section 12 along with its proposed changes.

Public Comment: none

Michael Stone (01:20:45) reads Section 13 along with its proposed changes.

Public Comment: none

Michael Stone (01:21:14) reads Section 14 along with its proposed changes.

Public Comment: none

Michael Stone (01:21:30) reads Section 15 along with its proposed changes.

Public Comment: none

Michael Stone (01:21:49) says Section 16 has no changes.

Public Comment: none

Michael Stone (01:21:58) reads Section 17 along with its proposed changes.

Public Comment: none

Michael Stone (01:22:18) reads Section 18 along with its proposed changes.

Public Comment: none

Elliot Merja (01:22:45) restates that these adjustments are just what the Cascade County Planning staff has proposed to change. Nothing is finalized yet, as the public must weigh in on these subjects. We appreciate the fact that people have stepped out, studied, and worked on these proposed changes and subject matters. We will strive to do a better job of getting it out to the public in the future. Moreover, the changes that have been suggested here today as well as the concerns will be addressed.

Public Comment:

Lito Sharone 1200 32nd St S, Great Falls, MT 59405 (01:24:00) says that the proposed Zoning Regulation changes do not mention about subjects related to water, such as regulations on water usage, where the water comes from, where drainage should occur... She would like the new zoning regulations to mention such things as well as subject matters concerning pollution and waste disposal.

Last Public Comment closes at 10:27 AM

4. Old Business: none

5. Board Matters

Rob Skawinski (01:25:43) asks how these documents currently on view have been made available to the public?

Sandor Hopkins (01:25:53) says that the Planning staff has put it on the website as it seemed the most accessible and expedient method of getting the information out to the public. We can provide physical copies at the office as soon as we get back to the office. There is a fee of 25¢ per page and it will take some time to print the pages.

Destiny Gough the administrative assistant for the Planning Staff interrupts to say that the "Proposed Regulations (Clean Version)" is only a total of \$7.90. Then, the public protest amongst themselves.

Carey Haight and Sandor Hopkins say that the files and papers are available online for free and copies can be viewed online at the library. Tammy Smith says that the papers, public comments made today, and the staff report that are being discussed today can be viewed under the Planning Board tab in the February 2019 meeting. She asks if it is possible to include the documents under the Planning Board meetings inside of the 2019 Zoning Regulation Revisions tab.

6. Public Comments Regarding Matters within the Board's Jurisdiction: none

7. Adjournment:

Elliot Merja makes a motion to adjourn.

An unidentified public member asks about when the next Planning Board meeting will occur. The board members say that it will be in March and the day has not been decided yet.

Ronald Dale Scott at 93 Hastings Rd, Great Falls, MT 59405 (01:29:35) asks for the time and location for the meetings be changed to accommodate more people.

Richard Hopkins at 80 Hawk Dr, Great Falls, MT 59404 (01:31:15) says, "I went through the computer and read the all of these changes and regulations and...you know... quite frankly, I think maybe the chairman of the board or a staff member ought to be able to open a public meeting like this and explain why changes are necessary, instead of going through each section... piece by piece... I think that you need to tie it all together. So that, people can understand it; and explain what the different sections mean, the purpose of it, why changes are needed. Because, trying to go through ain't-8.3 or whatever you read you-it makes no sense. There ought be some way to summarize it. I guess I challenge the staff or the board if you cannot do that, if you cannot understand your own regulations-somebody needs to explain the entire thing! I tell you what? I've done this. I worked for the federal government for thirty-eight years and I wrote a lot of regulations and we could not ever present regulations like this in a public meeting, because people would not understand it. It's the duty of the public servants to be able to understand the regulations themselves. Now the purpose of the change, why the changes is being done. Some of the definitions-so that everyone can understand it-and if you can't do that, you haven't done your job. It can be done! I would challenge the board and the staff, if you can't do that then you better scrap it, cause you don't even understand it."

Some of the public applaud Richard Hopkins.

Elliot Merja makes another motion to adjourn.

Dexter Busby seconds the motion to adjourn.

All in favor, meeting adjourned at 10:35 AM

Elliot Mejia
Chairman or Vice Chairman
(Print)

Elliot Mejia
Signature

3/26/2019
Date

Anna Ehrus
Planning Staff (Print)

Anna Ehrus
Signature

3/26/2019
Date