

CASCADE COUNTY PLANNING BOARD

SERVING CASCADE COUNTY, MONTANA

Hybrid Meeting Format:

Courthouse Annex Room 105

325 2nd Ave. N.

Great Falls, MT 59401

Online Zoom Meeting ID: 865 4284 2540

Go to <https://us02web.zoom.us/j/86542842540> to join

Toll-Free: 888-788-0099 or 877-853-5247

Board Members: Dexter Busby, Dan Johnstone, Richard Liebert, Elliot Merja, Sara Murphy, and Rob Skawinski.

AGENDA

3/15/2022

9:00 AM

1. Call To Order

2. Roll Call

3. Meeting Minutes

3.I. Draft Meeting Minutes For February 15, 2022

Documents:

[PB MINUTES DRAFT 2-15-22.PDF](#)

4. Old Business

4.I. None

5. New Business

5.I. FEMA NFIP Presentation By Harry Katz

5.II. DNRC Floodplain Management Presentation By Traci Sears

5.III. 310 Permit Presentation By Cascade County Conservation District

5.IV. 124 Permit Presentation By MT Fish, Wildlife & Park By Jason Mullen

6. Board Matters

7. Public Comments Regarding Matters That Are Not Addressed On This Agenda Within The Zoning Board Of Adjustment's Jurisdiction

8. Adjournment

121 4th St. N, STE 2H/I, Great Falls, MT 59401

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<http://www.cascadecountymt.gov>

CASCADE COUNTY
PLANNING BOARD

2/15/2022

9:00 AM

Zoom Online Video Meeting

Board Members: Dexter Busby, Richard Liebert, Elliot Merja, Bruce Moore, Sara Murphy, Beth Schoenen, and Rob Skawinski.

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

STAFF ATTENDEES: Kevin Angland, Kareece Dafoe Amber Hobbs, Phoebe Marcinek, Alisha Osborne, Charity Yonker.

PUBLIC ATTENDEES: Mary Embleton, Jenn Rowell, Ronda Wiggers.

1. CALL TO ORDER: Elliot Merja called the meeting to order at 09:00 AM **[00:13:56]**.

2. ROLL CALL:

BOARD MEMBERS PRESENT: Dexter Busby, Richard Liebert, Elliot Merja, Bruce Moore, Sarah Murphy (online), Beth Schoenen.

BOARD MEMBERS ABSENT: Rob Skawinski.

3. APPROVAL OF THE MINUTES :

A. Draft Meeting Minutes for December 21, 2021 **[00:15:23]**

1. Board Discussion & Decision

Elliot Merja: Asks if they just have to sign the ones for December, or re-do them because they did not get them signed.

Charity Yonker: Says legal expressed that they did not feel there was a quorum present since there were only three (3) members.

Elliot Merja: Says okay, and that there wasn't anyone opposed to it. He asks if a quorum was the number of people on the Board at the time, as he has run into that issue on other boards.

Charity Yonker: Says in this Planning Board's Bylaws it does not specify, in the zoning it is clear, it must be three or more, so out of caution we will ratify the previous December 21st minutes.

Elliot Merja: Says okay, and asks if there is a motion to ratify the December 21st 2021 minutes.

Richard Liebert: Moves to approve the minutes and asks everyone to please mute their phones.

Elliot Merja: Asks if there is a second.

Bruce Moore: Seconds the motion.

Elliot Merja: Asks if there is further discussion and hears none.

All in Favor, motion carries [6– 0].

B. Draft Meeting Minutes for January 18, 2022 [00:15:23]

1. Board Discussion & Decision

Elliot Merja: Asks if everyone has had a chance to read through them and if there are any corrections or anything anyone would like to add.

Richard Liebert: Says there is not much to do then.

Elliot Merja: Says if not, he would entertain a motion to approve.

Beth Schoenen: Says, “So moved”.

Richard Liebert: Seconds the motion.

Elliot Merja: Asks if there is any further discussion. Hearing none, he calls for a vote.

All in Favor, motion carries [6 – 0].

Elliot Merja: Continues on to Old Business.

Richard Liebert: Asks if they can do brief introductions before they move on, for the benefit of the Board and the public.

Elliot Merja: Says go ahead.

Richard Liebert: Says he has served on the Planning Board since 2016, cattle rancher and retired Army.

Elliot Merja: Says he farms out west of town and he has been on the Planning Board for a number of years.

Bruce Moore: Says he is a retired iron worker.

Dexter Busby: Says he lives south of town and this is my third term, and he is an old refinery worker.

Richard Liebert: Says Mr. Busby is too modest.

Beth Schoenen: Says she is a real estate broker at Re/Max and has decided to get involved.

Kareece Dafoe: Says she is s Planner.

Kevin Angland: Says he is a Planner in the Planning Department.

Amber Hobbs: Says she is another Planner.

Alisha Osborne: Says she is the Administrative Assistant.

Charity Yonker: Says she is the Planning Director.

Phoebe Marcinek: Says she is the Deputy County Attorney.

Charity Yonker: Says we have Sara Murphy online.

Sara Murphy: Says she is a trainer for the Office of Public Assistance and says that she has been on the Planning Board for about a year.

Elliot Merja: Notes the Board did not do election of officers last time due to everyone not being present.

4. OLD BUSINESS:

A. Board Election of Officers [00:20:22]

1. Board Discussion & Action

Elliot Merja: Says he would entertain nominations. He invites nominations for Chair.

Richard Liebert: Moves to nominate Elliot Merja for Chair of the Cascade County Planning Board.

Dexter Busby: Says he will second that, and comments that he thinks Mr. Merja did a great job last term.

Elliot Merja: Says thanks and asks if there is anyone else that would like the job. He says if there are no other nominations, we will close the nominations and calls for a vote.

All in Favor, motion carries [5– 1].

Beth Schoenen: Jokes that Mr. Merja is outvoted.

Elliot Merja: Calls for nominations for “Vice Chair”.

Dexter Busby: Nominates Mr. Liebert and comments that he did a fine job last term.

Bruce Moore: Seconds the motion.

Elliot Merja: Asks for any other nominations for Vice Chair.

Richard Liebert: Says we will need a second though.

Elliot Merja: Says it was seconded.

Richard Liebert: Says okay, never mind.

Elliot Merja: Calls for a vote.

All in Favor, motion carries [6– 0].

Elliot Merja: Says thank you to Mr. Liebert and asks whether they have to find a Secretary.

Charity Yonker: Says no, the secretary is the Planning Department.

B. Annual Report [00:22:16]

1. Board Discussion

Charity Yonker: Says she will provide a summary.

Elliot Merja: Says that would be fine with the Board if there are no objections.

Charity Yonker: Says the main points: This year we are coming out of Covid and lots of people were eager to do construction work, therefore there were record number of permits this year, and still continue to see record number of permit applications being submitted and issued. As far as the budget is concerned, we are halfway through the fiscal year and we are up 79 percent on revenue for just permitting. Over the year we have seen many Special Use Permits come through. There have been over thirty (30) Special Use Permits, and at some point, it felt like that is all the office did was process SUPs. Ms. Yonker summarizes the Planning Department positions and says the Department is fully staffed and has very competent and well-educated individuals working and will continue to grow as a team. There is never a time where we are not busy.

She discusses the enforcement of regulations. She says there is a struggle between private property rights and the public good. Without enforcement, there is gaps in administration of regulations, and so deem enforcement an important aspect of this job in the department. We may have conversations starting with the town of Belt, which is also looking for contracted enforcement. She states that Belt has recently adopted floodplain and zoning regulations, so they are getting into administration and enforcement.

She says she will happy to answer any questions.

Richard Liebert: Says he has a question.

Elliot Merja: Says yes.

Richard Liebert: Says he has a couple questions, the first of which is whether the staff has identified any particular trends.

Charity Yonker: Responds with townhomes.

Richard Liebert: Asks what that is.

Charity Yonker: Says we have had a lot of townhome SUPs in the last year, and there was recently an appeal with Foothills. She says the growing trend is to build townhomes in subdivisions traditionally thought of as single-family home subdivisions. She states that developers are finding it is smart and profitable to introduce townhomes into those subdivisions and also helps with the housing demand. The demand for housing is strong in the area.

Richard Liebert: Says he thinks it is consumer demand. We have all heard every day about affordable housing and how we define that. The other observation is on the floodplain permits. As members of the Board appointed by the County Commissioners to advised and gather information, being in contact with a landowner farmer out in Manchester, John Entz, you might know him, he lives in the floodplain and is trying to get a Location/Conformance Permit. He asks whether Floodplain is tedious.

Charity Yonker: Says yes.

Richard Liebert: Says he has advised Mr. Entz to work with the staff to get that done, and he is not being singled out, but that is used as an example and that there are additional requirements for a floodplain. He asks if requirements can be shared with the public for what they need to do, because he has to get an engineer. Mr. Liebert asks if this is correct.

Kevin England: Says that is correct.

Richard Liebert: Asks if engineers are hard to find now.

Charity Yonker: Says yes.

Richard Liebert: Says he is sure we can all attest to that, and the workloads they have.

Charity Yonker: Says in some situations, surveyors are also appropriate, so they can seek out a surveyor instead of an engineer. As a general rundown, we regulate what is called Zone A and Zone AE, which are FEMA insurance designated zones. We have a set of maps that were last done by FEMA in 2013, which sets out regulatory boundaries and designations, whether someone is in the floodway versus flood fringe, or an area where we do not have a detailed study where there is no designation of floodway of flood fringe.

She says that requirements are based upon location and discusses Zone A and Zone AE differences.

Ms. Yonker says that the county does not have engineers on staff. Part of our requiring certification saying that there is no effect to the base flood elevation, there is no effect on velocity and flood flows is because we do not have anybody on staff capable of doing that at the engineering level. That burden then falls on the property owner. Generally, anyone in those zones will need to get a floodplain permit and submit their application. That application is \$ 250, but the permit is a little more flexible than the zoning permit in that it can cover multiple properties and projects.

Ms. Yonker says the revision process is coming up for the floodplain regulations.

Richard Liebert: Says he has one more question.

Elliot Merja: Says yes.

Richard Liebert: Asks if the area around Manchester being in Zone.

Charity Yonker: Says Kevin has been working that Floodplain Permit Application.

Richard Liebert: Says he is just trying to put up a pole barn, as he is a rancher and trying to get things done, and this is what frustrates people about government, but he understands about floodplain as it is about checklists. He says he tried to explain to the neighbor what he needs to do to without the neighbor being frustrated and giving up.

Beth Schoenen: Says she thought if it was three-sided it did not need to be out of the floodplain.

Charity Yonker: Says people in the county use “pole barn” and “shop” interchangeably sometimes and what we think of a pole barn as a one-sided hay shed is not what people come to our office and mean.

Richard Liebert: Says we do not want it in the floodplain where it will wash away and damage something down river and that is why these things about floodplains come up. It is complex, but people do not want to be able to work with government through staff without having to spend twenty (20) thousand dollars for a hay shed.

Charity Yonker: Says for agricultural buildings, non-residential, located in areas where there are either flood fringe or Zone A there is a separate set of requirements; 9.4 Requirements of the regulations and they are given a choice currently under these regulations to either elevate two feet above base flood elevation, or build at ground level and flood proof. In that situation there is two options, but either way they will need someone to do an Elevation Certificate. If they choose flood proofing, they will have to do a Flood Proofing Certificate. It requires time, money and someone who is competent to do the work.

Richard Liebert: Says that’s all.

Dexter Busby: Discusses multi-home development where subdivisions have been reviewed and approved assuming they would be single family lots but then after approval the developer gets a Special Use Permit. He believes they are circumventing part of the process. He says it is concerning to him as it seems an incorrect procedure to give a Special Use Permit if they have been approved for single family dwelling, and he is not sure what needs to change during the application process by requiring the multi-home development.

Charity Yonker: Says some developers know they are going to put townhomes in subdivisions and the Department has seen it on the plat, or in their submittal to DEQ they indicate that it is multi-family. Ms. Yonker agrees that if it was on the plat and part of the approval process of the Board it would be much clearer, but statutory-wise in Title 76 Chapter 3, there is provision for townhomes and condominiums, and it says they don’t have to go through subdivision review if either it was reviewed and put on the actual subdivision approval, on the plat when that subdivision goes through approval or, if zoning allows for it. Therefore, they do not have to go through subdivision review, per statute, for a townhome because zoning allows for it with an SUP in a residential district.

Phoebe Marcinek: Says when this came up in the Foothills discussion, the Commissioners made it clear this is not just a rubber stamp just because someone applies for a SUP. It is a townhome and let us say others are built in the neighborhood, that does not mean someone gets a rubber stamp. The Commissioners are very aware of that.

Dexter Busby: Says he is sure they are, but his concern is the practical side of things, when it comes to individual wells, septic systems, and road access and usage, access to public roads, these are all factors. He says there needs to be advanced conversation about this instead of going into the Zoning Board and asking them for a SUP, because it is circumventing the whole process. When the statute was written, it is not known whether that was even considered. Rural condominiums were not in vogue.

Beth Schoenen: Says in terms of housing that is a kind of newer development, and she agrees and asks whether there is engineering required for septic and is part of the SUP process.

Charity Yonker: Says if they decide to do townhomes, if they are going to get their certificate of subdivision approval from DEQ based on what is submitted to them, so if they submit all single-family homes in that subdivision and then turn around and put a townhome that will trigger a re-write

process through DEQ. When they decide to do that, it is time and money on their end as they have to go back to DEQ and get it reviewed again.

Beth Schoenen: Says so it is not a short process.

Phoebe Marcinek: Says that a lot of these subdivisions are being built with the understanding that there are townhomes in them.

Dexter Busby: Says understanding is different than a review.

Phoebe Marcinek: Says even in their covenants *[inaudible]*.

Dexter Busby: Says *[inaudible]* process is what he is saying and is not sure what to do about it. He says he doesn't know that there is anything, but it is a question that needs to be asked up front of the developer by the Planning Department, when they are planning where it is going.

Charity Yonker: Says we can, and she is in agreement with Mr. Busby if they know they will be doing it, says it would be great if they actually put it on their plat to begin with.

Dexter Busby: Says it would simplify their process down the road a lot.

Charity Yonker: Agrees.

Dexter Busby: Says it would simplify the county process.

Elliot Merja: Says so much of that depends on zoning and not on what we do. It is all reliant on whether they can fit into that zone.

Charity Yonker: Says right now the zoning allows for second dwelling units in all of the residential districts, so SR-1, SR-2, RR-5, all allow for second dwelling units, including townhomes. If that is something the Board feels does not fit within the community, or how not all within Rural Residential 5, but should be constricted to Suburban Residential 1, then that is something that is something they can deal with through a zoning revision.

Dexter Busby: Says he just doesn't like circumventing the process, and that a lot of developers that are not above doing that if it is cheaper to do it on this end rather than that end. He says it gives them a lot more options. Mr. Busby says he is not negative towards the entire thing, it is just the process, but thinks the process needs review. He says we may not change it, but it is a question Planning needs to ask when a developer brings it up. Having been around DEQ for forty years, they do not ask those questions. When they bring a septic system in when the developer wants to do septic, they do not ask if there is one or two on the lot, they just ask if there is going to be septic.

Mr. Busby says the multi-family was originally started mother-in-law apartments not necessarily full residence, or grandma's apartments, however you want to put it.

Charity Yonker: Says it is seen out in the county where they are on a chunk of acreage and they have their family move in a manufactured home or construct a second house on the property, it could be mother-in-law, grandma or anyone. It doesn't matter, there are two homes on the property. There are a variety of ways it can happen, so it could be a duplex, a townhome, multi-level, a mother-in-law suite where there is a garage and living quarters above it on a detached garage, or a manufactured home for an additional family member.

Dexter Busby: Says he thinks it is going to get more popular as they see a housing need, and it will cause more challenges.

Charity Yonker: Says based on what she is hearing, there is need to dig into the subdivision regulations and those requirements and speaking to some other jurisdictions and see how they are handling the situation first, and if it can be addressed in the subdivision regulations.

Dexter Busby: Says that is probably where it belongs in the process.

Beth Schoenen: Says the market shifted and it gives them a little flexibility, so it is a new subdivision.

Dexter Busby: Says we cannot go backwards, it is going forwards.

Charity Yonker: Says she does think with Foothills it was demand, as for Foothills I it wasn't contemplated, but by Phase III they had adopted a townhome HOA, so at that point they knew what they were doing. That is where they made that change; it came after they went through the subdivision process, but we are still seeing phases for Foothills come through.

Elliot Merja: Says lot sizes on Foothills II are larger lots.

Charity Yonker: Asks, "Two?"

Amber Hobbs: Affirms.

Elliot Merja: Says so it is feasible to put something on a little larger lot. He asks if a farmer wants to sell a lot less than 160 acres, say 120 acres instead, if that would have to go through subdivision review.

Charity Yonker: Asks if they are creating additional parcels.

Elliot Merja: Says they were talking about selling off a portion of land they have so they can make payments on the rest of the land. They want to sell it to another farmer, just 120 acres but he is not sure if that is supposed to be a subdivision as the other person would be using it for the same purpose.

Charity Yonker: Says it meets the definition of a subdivision and is subject to review. There are subdivision exemptions and surveying exemptions. There is an exemption where they can put an agricultural covenant on it, and they don't have to go through subdivision review, but they must do a survey.

Elliot Merja: Says if it was 160 acres or more it wouldn't have to be.

Charity Yonker: Says right, then it doesn't meet the definition of a subdivision.

Elliot Merja: Says okay.

Dexter Busby: Says that it would eliminate the subdivision with an agricultural exemption on the lot.

Charity Yonker: Says right, so when using a subdivision exemption, sometimes what it is doing especially with the agricultural covenant exemption, is it is pushing subdivision review down the line. It is an agricultural covenant that runs with the land, and restricts water, waste water, stormwater facilities, so the only thing that can be done with the land is agricultural. If someone sells the parcel after the agricultural covenant is on it, and they want to put a house on it, now they must go through subdivision to get that agricultural covenant removed.

Elliot Merja: Says but it is possible to do that.

Charity Yonker: Says yes.

Elliot Merja: Says but anything under 160 acres requires a survey.

Charity Yonker: Says if a subdivision and there may be subdivision exemptions that could apply, so it doesn't have to go through a subdivision review, but it goes through survey review. The other one we see in the county a lot is the family conveyance exemption use, so if you have an immediate family member which meets the definition of immediate family, then that exemption can be utilized to divide property without having to go through subdivision review. That one is highly utilized in the county. The grantor can only use it one time in the county, it is a one-time shot, but you can have multiple immediate family members. They have to meet zoning requirements and only the Mixed Use 20 and the agricultural district allow individuals to go below the zoning minimum lot size when utilizing the family conveyance exemption.

Elliot Merja: Says okay, does anybody else have any questions. Mr. Merja asks if there needs to be a motion to approve the policy or anything.

Charity Yonker: Says no.

Elliot Merja: Says there is no new business.

Richard Liebert: Says we have Item C Old Business. That is the growth policy.

Elliot Merja: Says thank you.

C. Growth Policy [00:51:08]

1. Board Discussion

Elliot Merja: Says alright, Growth Policy Review and asks what they have.

Charity Yonker: Says alright, she is not recommending the Growth Policy review at this time, as census shows about a 3,000 individual population growth within the last ten years, 1900 of the approximately 3,000 individuals reside in the City of Great Falls. It has been very stable, and therefore based on the census do not recommend a growth policy review.

She states the Planning Department met with Malmstrom Air Force Base Planner and Engineer and discussed the JLUS, which is about as old as the Growth Policy. We are trying to run those in conjunction, and their budget process takes longer than our, so for an update to the JLUS it would take around two years to get it in the budget cycle, which is perfect as it puts us at our five-year growth policy review. They have indicated that they would like Cascade County to request that the JLUS be updated and that is part of what they will submit with their budgeting request, and through that process it is hoped we can collaborate and cost share with a Growth Policy and JLUS updates.

Beth Schoenen: Asks what JLUS is.

Charity Yonker: Says Joint Land Use Study.

Beth Schoenen: Asks if it is between civilian and military.

Charity Yonker: Says yes, and much of the Growth Policy is rooted in preserving the military presence and working closely with the Air Force base and it is critical to align those two processes together and do them at the same time, that would be beneficial to everyone.

Elliot Merja: Asks if anyone else has any questions.

Richard Liebert: Says he understands waiting on JLUS, and comments that is what the Board did in 2013, it has been controversial to developers to adapt. He asks if we really need a runway, can we revive that mission, and is it still relevant when we don't see any wings or squadrons coming in when people are saying they want to develop. He says he can see the merits of it and waiting for the federal government as that is another two more fiscal years, and he doesn't think we will get radical growth based on the annual report with over 3,000 people. Mr. Liebert says he remembers the 2014 process and doesn't think it needs to be done again. Some portions in the growth policy need examined, such as subdivisions, townhomes, and some parts that should be addressed as needed, nothing elaborate with focus groups. He asks whether the subdivision policy was coming up for review.

Charity Yonker: Says floodplain regulations are first, followed by subdivision regulations.

Richard Liebert: Says he does not think we want to encourage growth in the area if we do not have the ability to manage it. It is prudent to address areas of the Growth Policy that need more attention versus full blown Growth Policy review and implementation. He says he can see the merits of that, but doesn't like waiting for Uncle Sam. The last time we went through the process in 2019, we waited for the census, then the JLUS, and can't keep waiting for Uncle Sam. We need to examine portions of the Growth Policy as needed. Mr. Liebert says he is not sure what the Planning Department would recommend.

Elliot Merja: Says thank you for that, and it is probably based upon what we come up with when somebody applies for something and we find an error or something that does not look correct, and find issues such as with the townhouse comments, or staff finds a trend and think changes may need to be made. Not more government, necessarily, but proper government. Mr. Merja asks if anyone else has a thought or comment.

Dexter Busby: Says he thinks the townhome issues need to be addressed based on public pushback.

Richard Liebert: Asks whether it is also a question of resources and time and effort.

Charity Yonker: Says yes. Definitely.

Richard Liebert: Says there is a full staff now, and asks whether the staff has the ability and funding to implement a Growth Policy review. He says he knows there was funding in 2014, and wonders if it is part of the analysis here.

Charity Yonker: Says definitely. The Growth Policy is going to take a lot of time, and to do it correctly it is very much a public outreach initiative and grass roots push to get people engaged and talking. Realistically, in other counties that have done growth policies the public outreach portion has been contracted to an outside consultant, because it takes a little bit of heat off of us, as sometimes we are not well received due to being a permitting authority. Having some distance between us as a regulator and hiring a consultant who has done this several times and knows how to engage the public to get useful responses and input that can be used, will take time. Public outreach will probably be a six-month process. Ideally that will be done by a consultant.

Richard Liebert: Says it must be budgeted and forecasted and asks if we have that on paper now.

Charity Yonker: Says no, we do not.

Richard Liebert: Says he suspected that, to be able to do it deliberately and properly. He says we went through a long process in 2019 with several public hearings and reviewed the Growth Policy which is required by statute and did our job, the city did it similarly. Mr. Liebert says he doesn't know if the city went through the pro forma review of MCA or not. He asks whether anyone knows if they did.

Charity Yonker: Says she does not know but thinks the city has started a Growth Policy review. She says she is not sure if they just started the legwork on it, and feasibility of it last year.

Richard Liebert: Asks if we have a growth policy and says Great Falls and Cascade County aren't mutually exclusive, and he doesn't know if they have a full staff and resources to budget a growth policy review, but is sure they are dealing with the same changes. Mr. Liebert says that they can adjust to the changes and have done that already with the zoning changes. He asks whether the federal government and JLUS is two years. He asks if they will have money appropriated for that, and if we can combine our resources to plan ahead for that.

Charity Yonker: Says yes.

Richard Liebert: Says that will require a budget decision with Commissioners to see if we want to invest in this, instead of working staff twice as hard, as that will not serve anybody well. He states that in 2019, he was an advocate to do it, but the Board voted not to, and that is fair. In a year from now, you may change your mind based on how it is progressing or not progressing. He says we will have our hands full with floodplain and other things, but he prefers to avoid kicking the can because Uncle Sam says we are going to do something in a couple more years.

Phoebe Marcinek: Says she does not feel it would be wise to piecemeal it, and quite frankly is not sure it is *[inaudible]*.

Charity Yonker: Says once you open it up you do not know how it will evolve.

Phoebe Marcinek: Says right, and you have to deal with public comments.

Richard Liebert: Says you may have to piecemeal it. We have different public hearing where we are going to have to change it. He says we have hearings all the time where we have to re-zone something from Suburban Residential to something else. That may be part of the discussion on multiple dwellings and townhomes.

Charity Yonker: Says regarding Growth Policy, one of type feedback that we get routinely is about the Staff Reports and how long it takes to get through them. Gallatin County recently re-did their Growth Policy and it is an extremely streamlined document. She says she thinks they have five (5) total objectives, but we have five primary and then many more, and then the five primary objectives have multiple considerations. Those objectives and considerations are what we have to address every time we do a SUP, a subdivision and run through those criteria and do an analysis. Part of having a Growth Policy with multiple objectives creates a lot of extra time for us, also the burden of time and attention for the board and the public and us having to present that analysis for every single SUP and subdivision. That is one thing we experience, and we live it every day.

Elliot Merja: Says yes.

Richard Liebert: Asks whether policy is not regulation.

Charity Yonker: Says right, the Growth Policy is guidance.

Richard Liebert: Says it is recommendations, you can not just say the Growth Policy says that and go to a lawyer, because it's a guideline, and guidelines set the tone of how we do the zoning regulations and permits. He reiterates that with subordinate goals and many of us have heard many of the staff reports *ad nauseum*, and I would encourage us to avoid it. I know you have to meet the pro forma legal requirements.

Beth Schoenen: Asks if they can get a copy of the Gallatin County policy.

Richard Liebert: Says that's a good idea.

Dexter Busby: Says [*inaudible*].

Richard Liebert: Says there is no shame in copying somebody else, if they do it better. It makes it better for the public and the staff.

Charity Yonker: Says they presented it at our MAP conference, so they would be happy to share it.

Richard Liebert: Says he is sure that all the Planners, when they meet together, they have their issues and try to do things better.

Charity Yonker: Agrees.

Elliot Merja: Asks if there is anything else on the Growth Policy.

5. NEW BUSINESS: None.

A. None [01:06:28]

6. BOARD MATTERS [09:53 AM] [01:06:38]

A. March 15, 2022, Planning Board Meeting on Upcoming Agenda Item(s)

Elliot Merja: Asks if there is anything in the works.

Charity Yonker: Says yes, the next meeting we are going to start into the Floodplain regulation revision process. For the first meeting, we have set up FEMA and DNRC to start the topic and do basic overview for the Board, covering what the floodplain is, the insurance program-for ultimately, this is a FEMA flood insurance program, the NFIP, that we administer, and a lot of these requirements come from FEMA. As we go through the revision process, we have to meet FEMA minimum requirements. We are also a CRS community, that stands for Community Rating System. It is an insurance program and the county Planning Department is administering an insurance program.

Ms. Yonker says that rating determines flood insurance premiums for the entire community. We are currently at an eight (8), I just finished the audit for this year, and we are expected to go down to a seven (7). At an eight (8), we provided a ten percent discount to all of our residents who have flood insurance, and if we go down to a seven, we will be providing a fifteen percent discount on flood insurance.

Ms. Yonker says she has asked the Conservation District to give a brief overview on their permit, and reached out to their Army Corp of Engineers, Fish, Wildlife, and Park to also give a presentation about their specific permit. Those permits do not have anything to do with our floodplain permit, but it is good to know where these other entities are coming from, and the interplay, and if through the revision process, we can incorporate some of that. The floodplain regulations are online, if you have time look at those and get familiar. DNRC has a model regulation, which is what we are working from. She states the draft revision must be submitted to DNRC and FEMA for approval first. Once approved, we can go to the Planning Board. If there are any changes, they then must go back to FEMA and DNRC to get that version approved and then we move it to the Commission.

Dexter Busby: Asks how long the process takes.

Charity Yonker: Says DNRC gave us six (6) months to revise and we could ask for an extension on it.

Dexter Busby: Says during this calendar year, right.

Charity Yonker: Says yes.

Phoebe Marcinek: Asks if they will be coming to the next meeting.

Charity Yonker: Says no, they will be attending by Zoom.

Phoebe Marcinek: Says she meant would they be attending the next meeting.

Charity Yonker: Clarifies there will be a presentation.

Elliot Merja: Asks if they had any new FEMA maps.

Charity Yonker: Says no.

Elliot Merja: Says so they are based upon the maps that are already in existence.

Charity Yonker: Says at our community assistant visit with DNRC, we have requested that our maps be re-done and have more detail study done in certain areas. She states that the Sun River has been put as highest priority, and there are certain areas of the Missouri that need to be done, the Sand Coulee area. She states the DNRC estimates it will take four (4) or five (5) years, so this is not a fast process.

Ms. Yonker says DNRC is conducting a detailed study in Teton County, so part will have a detailed study either this year or 2023, with a small segment coming into Cascade County covered in that study for the Sun River.

Elliot Merja: Says yes.

Richard Liebert: Says it seems like Ms. Yonker named the usual suspects-Fish, Wildlife and Parks, Corps of Engineers, FEMA, Conservation District. He says he thinks it is great to bring some of that in so we have a better understanding of it so if someone calls and complains about the staff we can say "Here is what they've done". That leads me to another question; do we have a list of surveyors or engineers that we can provide to citizens.

Charity Yonker: Says we do, and that there is a list on the county website and it is available in our office of all the county's surveyors and engineers.

Richard Liebert: Says right, so they should all be qualified to talk to a client and let them know what they can do for them.

Charity Yonker: Clarifies the Planning Department cannot make recommendations.

Richard Liebert: Says right, of course, we know that is ethics and all that. He says he can see with the tasks ahead with DNRC and all the other things the Growth Policy review and it is not funded and not feasible at this time.

Charity Yonker: Says we literally received a DNRC formal letter giving us six (6) months to do a revision for a floodplain following the community assistance visit, so now we have a set deadline.

Richard Liebert: Says that must be done, and he is not sure what it is like to sell property in a floodplain.

Beth Schoenen: Says it is not fun.

Richard Liebert: Says he is serious about the additional requirements for everybody, when they are asking what they can build and what a property is zoned. He says that is an interesting dynamic to get that resolved, but then you know what you are doing with it next year when you are trying to get the Growth Policy integrated later.

Beth Schoenen: Says when clients ask whether they can build something, and you must tell them you do not know. A hundred acres is expensive to have issues with.

Richard Liebert: Says Sun River is the priority, then.

Charity Yonker: Says that is top of the list.

Richard Liebert: Says he can agree with that.

Charity Yonker: Says she doesn't know if DNRC *[inaudible]*.

Richard Liebert: Says he doesn't live in the valley, but he can agree with it.

Elliot Merja: Says some of the things is that the Missouri, with all the dams, does not have the potential for flooding like the Sun River does. He says even Smith Creek has flooding similar to Sun River. He states we have to look at what's going on, and who regulates the rivers. He asks if there are any further questions.

7. PUBLIC COMMENTS REGARDING MATTERS WITHIN THE BOARD 'S JURISDICTION [01:15:28]

Ronda Wiggers of 474 US Hwy 89, Vaughn: Says she is present of behalf of the Great Falls Homeowners Association. She says she would like to speak about a couple things. She state that the people at this table get to determine how much housing costs, and decide how much it costs to divide land, how wide roads get to be, and what kind of infrastructure gets to be put in. Every decision made in this room is the foundation of what costs of housing becomes. She states that you don't have control over regulators, and that when housing is non-existent, labor is non-existent. She states that the decisions made in this room affect the cost of housing for every person in Cascade County.

Ms. Wiggers says she had intended to ask the Board not to look into the Growth Policy until we could work on JLUS, having served on both of those committees for the Home Builders Association and the Realtors in the past. I know that the JLUS and Growth Policy interact so much that doing one without the other would just cause you to chase your tail. She says that is a waste of tax payer money from both directions. She states we have talked about townhomes and floodplain, and zoning. This Growth Policy, which she has highlighted, reflect factual data changes.

Ms. Wiggers says the idea of following Gallatin County scares her, as that is the most expensive housing in the state and that makes it almost impossible to build affordable housing in that county. She cautions the Board to look at them for ideas, but not copy their rules. She states she is going to come next week and ask Ms. Yonker for permission to build a three-sided place for my cows for shelter from the wind and will address how that affects the flying mission at Malmstrom, how that

affects agricultural economy in the county, how it adds value and address twenty questions to which the answer is “not applicable”.

She says do not make this more difficult for the Staff to read the Staff Reports. Think about that when you do our Growth Policy because it is lengthy, and we read a lot and it is required by law.

Ms. Wiggers says it is not just reading Staff Reports but people have called and asked how to fill out the application in tears, because we were all taught that when you are given twenty questions, you answer twenty questions, and that “not applicable” isn’t the answer.

Ms. Wiggers says to Mr. Busby that is not how it works, for per the DEQ 2016 water ruling, you used to always have to tell how many bedrooms and bathrooms. She explains that now, you must tell the square footage of every bedroom, bathroom, what the shower sizes are, but she states you must account for all the water you are using, because you only get ten acre-feet for every forty (40) acres. There is a complicated formula that tells you exactly what every ounce of water is being used for, and DEQ will only permit once you have gone through that very expensive, complicated formula. She states there is no developer that would go through it first for single family homes and then try to trick DEQ just to do it again for townhomes. She states it is an expensive, lengthy process and you would have to start all over again on your water permit. It is one of the hardest permits now to get for your development.

Ms. Wiggers says that townhomes are the result of a change in economy because we ran out of people who can afford 450,000-dollar houses but found a huge market for people can afford 300,000-dollar townhouses. She says she takes exception to the idea developers are trying to get around the law, because DEQ is not a simple process, and DEQ makes you guys look easy.

Ms. Wiggers says speaking of making this department look easy, I want to take a second to recognize that most of the people are brand new and have not gotten to go through one of my permits yet, but this staff is easy to work with and will explain the process. They do not make it difficult in Cascade County. She states it does take some paperwork and some patience. She says I have not worked with the staff very long because they are all so new, but I have worked with Ms. Yonker and this staff makes it way easier than a lot of other places.

Ms. Wiggers says some of the cost varies if you do it privately, but other things can be done that are not as expensive and there are cheaper ways to get it done than dealing with an expensive route. I would like to give a little shout out to how good your staff is to work with.

Elliot Merja: Asks if there are more public comments.

Richard Liebert: Says he would like to address some of Ms. Wiggers’ points. Mr. Liebert says he agrees about the staff being new and learning the ropes. He comments that when working with JLUS years ago, there were complications seen with that also. In trying to get homes out there, responsibility should not be deferred. Revising will take a lot of input and making recommendations to county Commissioners, and The Zoning Board can make decisions too, and those decisions can be appealed. There are other ways to streamline the process without going on for forty (40) or fifty (50) minutes, and he says he understands the legal requirements. He states we are not going to adopt Gallatin’s policies, but just like the process and how they present information.

Mr. Liebert says we have been through many hours of tedious reading. This is how we have to get through it. If N/A applies, it makes sense and I understand. We must go through the process. He says those are good comments and reiterates that he wanted to add additional commentary on what we do and how we do have a role to play in how development goes and the price of housing and so

forth, but that decision is ultimately made by the people in these rooms [*points to Commissioners' offices*].

Beth Schoenen: Says she does not know if it will be helpful but the GFDA has a housing production event about the shortage of houses that is happening right now, it is up on their websites. She states with all that is going on it might be pertinent.

Elliot Merja: Asks if there is anyone else and says he would look for a motion to adjourn.

Richard Liebert: Motions to adjourn.

Bruce Moore: Seconds the motion.

Elliot Merja: Calls for a vote.

All in Favor, motion carries [6 – 0].

8. Adjournment at 10:13 AM [01:26:55]

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