

CASCADE COUNTY  
**PLANNING BOARD**

04/20/2021

09:00 AM

Zoom Online Video Meeting

*Board Members: Dexter Busby, Dam Johnstone, Richard Liebert, Elliot Merja, Bruce Moore, Sara Murphy, 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 THE PLANNING BOARD AND ARE CONSIDERED A DRAFT UNTIL FORMALLY APPROVED BY THE PLANNING BOARD.

**STAFF ATTENDEES:** Joseph Cik, Destiny Gough, Carey Ann Haight, Sandor Hopkins, Kevin Nurre, and Charity Yonker

**PUBLIC ATTENDEES:** Ronda Wiggers.

1. **CALL TO ORDER:** President Elliot Merja called the meeting to order at 09:30 AM [00:00:01].

2. **ROLL CALL:**

**BOARD MEMBERS PRESENT:** Dexter Busby, Richard Liebert, Elliot Merja, Bruce Moore, Rob Skawinski

**BOARD MEMBERS ABSENT:** Dan Johnstone, Sara Murphy

3. **APPROVAL OF THE MINUTES:**

A. Draft Meeting Minutes for February 16, 2021, [00:01:15].

1. **Board Discussion & Decision**

**Elliot Merja:** says the first order of business is the Draft Meeting Minutes for February 16, 2021, and asks if any of the Board has any additions or corrections.

**Richard Liebert:** moves to approve the minutes for February 16, 2021.

**Bruce Moore:** seconds the motion.

**Elliot Merja:** asks if there is any further discussion and hearing no discussion calls for the vote.

*All in Favor, motion carries 4 – 0.*

4. **OLD BUSINESS:** None.

5. **NEW BUSINESS:** None.

6. PUBLIC COMMENTS REGARDING MATTERS WITHIN THE BOARD'S JURISDICTION [00:02:18]

7. BOARD MATTERS [00:02:22]

**Richard Liebert:** says item number 6 should be "Board Matters" and he has some questions for the Planning staff and some comments.

**Elliot Merja:** says that would be perfect.

**Richard Liebert:** commends Mr. Merja for his article in the Conservation Newsletter about growth and value-added agriculture as referenced in the Cascade County Growth Policy and goals and fits well within the Growth Policy mission and vision. He says that the second topic he would like to ask is of the Planning Director as to what effect the new legislation will have and whether there will be any tweaks or rewrites of Cascade County Zoning Regulations with some of the law changes.

**Charity Yonker:** responds to Mr. Liebert and provides a legislative update on several land use bills. She says that a couple are moving forward. SB 174 is going to the governor for signatures most likely in May and we had guidance issued by MACo. She states that this Bill changes some of the criteria for subdivisions under MCA § 76-3-608 and makes it extremely important to make a clear record before applying a mitigating condition for subdivision approval, which will be addressed through the Staff Report. The Bill also will make enforcement issues more difficult and be reflective of past precedent. She says that we also have SB 294, which had a third reading in the House on April 13, 2021, and provides for minimum lot sizes and minimum zoning. A property owner would not be able to go below five (5) acres in a residential district. This Bill will require a Growth Policy review within six (6) months once it comes into effect to add a density map. For this Bill, the applicability date was added back to be January 1, 2021, and applies to any zoning districts created afterward. Our Zoning Regulations would be affected since it was finalized in February 2021, if that applicability date remains in the Bill. She states that that Bill would have a profound effect on Cascade County given the amount of time put into the revision process.

**Elliot Merja:** asks Ms. Yonker about the five (5) acre minimum compared to our standard.

**Charity Yonker:** says we have SR-1 (Suburban Residential-1) with minimum lot size one (1) acre, SR-2 (Suburban Residential-2) with minimum lot size (2) acres, RR-5 (Rural Residential-5) with a minimum lot size of five (5) acres that are all residential districts. The Bill says that the local government may not adopt zoning regulations that require minimum lot size in areas zoned for residential use unless the zoning regulation requires minimum lot sizes in areas within three (3) mile limit of an incorporated municipality or the county has adopted a land-use map in its growth policy that sets forth projected population densities and recommended minimum lot sizes. She says in order to keep our current residential lot sizes, we would need to amend the Growth Policy to incorporate the zoning density map, and we would have six (6) months to do that.

**Elliot Merja:** says okay and asks if this bill has already passed.

**Charity Yonker:** responds the bill has not yet.

**Elliot Merja:** says okay.

**Charity Yonker:** says that we also have SB 231, which pertains to family transfers and division of land. She says that in some counties they have a holding period for transferring property after the family transfer exemption is used, but in Cascade County there are no holding periods. She states what this bill does is put a two (2) year holding period for transferring property that has utilized a family transfer exemption. She says the Bill also provided that you cannot divide property using the exemption to parcels less than five (5) acres. She says in Cascade County, we allow the exemption to divide property below the minimum lot size in the Mixed Use-20 and the Agricultural Districts.

**Elliot Merja:** says okay.

**Charity Yonker:** says we have HB 450 is a court order division that is not subject to subdivision review so long as no more than four (4) parcels are created. She says SB 260, which is likely dead, pertains to takings. This Bill would open the local government up for regulatory takings.

**Elliot Merja:** asks if it would be for road and utility easements or municipal-type activities.

**Charity Yonker:** says it could since this Bill would go into Title 70 of the MCA (Montana Code Annotated) for property, so its applicability could be very broad. She says then we have SB 211, which does not allow us to consider agricultural soil loss in the subdivision 608 criteria. This Bill looks like it will pass. It went to the Governor on April 13, 2021. SB 135 went to the Governor on April 13, 2021, for signatures and it revises the appeal process of a Zoning Board of Adjustment (ZBOA) decision to a *de novo* standard. She explains the Commissioners get a do-over if an appeal of a ZBOA decision is made to them. The last one is SB 161 that was passed and signed on April 11, 2021, for the expedited review for certain subdivisions that are connected to a public water/sewer system and have their materials prepared to move forward.

**Elliot Merja:** asks if the Board has any questions.

**Rob Skawinski:** responds nope.

**Elliot Merja:** appreciates Ms. Yonker bringing that to the Board's attention and asks again if the Board has questions.

**Richard Liebert:** responds no.

**Elliot Merja:** says okay and asks if there are any public attendees who would like to comment.

**Carey Ann Haight:** introduces and welcomes new Civil Deputy County Attorney, Joe Cik.

**Joe Cik:** provides introductory remarks and says he is excited to be part of the team.

**Elliot Merja:** says thank you and asks who is on the phone.

**Dexter Busby:** says this is Dexter and he just got on the meeting, because he was caught in traffic in downtown Gatlinburg, Tennessee.

**Elliot Merja:** asks if he has any comments for the good of the order.

**Dexter Busby:** says, "I do not."

**Elliot Merja:** says, "I hope you enjoy your trip."

**Richard Liebert:** addresses the Chair and says he has a question for Ms. Haight. He asks Ms. Haight if the new Deputy County Attorney will assist in zoning enforcement and asks about his duties.

**Carey Ann Haight:** responds that is correct that he has been hired on to do civil work with the County Attorney's Office and his role would be customarily what the Board is used to seeing her do.

**Richard Liebert:** says, "Thank you."

**Carey Ann Haight:** says, "You bet."

**Elliot Merja:** asks for any other comments from the Board or the public. Hearing none, he asks for a motion to adjourn.

8. **Adjournment at 09:20 AM, [00:16:48].**

**Richard Liebert:** says, "So moved."

**Rob Skawinski:** seconds the motion to adjourn.

*All in Favor, motion carries 5 – 0.*

DRAFT