

CASCADE COUNTY
PLANNING BOARD

5/17/2022

9: 00 AM

Hybrid Online Format/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, Carey Ann Haight (Online), Phoebe Marcinek, Alisha Osborne and Charity Yonker.

PUBLIC ATTENDEES: David Bell.

1. **CALL TO ORDER:** Elliot Merja called the meeting to order at 09:01AM [00:00:58].

2. **ROLL CALL:**

BOARD MEMBERS PRESENT: Dexter Busby, Elliot Merja, Beth Schoenen (Online), Rob Skawinski (Online).

BOARD MEMBERS ABSENT: Richard Liebert, Bruce Moore, Sara Murphy.

3. **APPROVAL OF THE MINUTES :**

A. Draft Meeting Minutes for March 15, 2022. [00:02:01]

1. **Board Discussion & Decision**

Elliot Merja: Asks if there are any corrections or additions.

Dexter Busby: Motions to approve.

Elliot Merja: Asks if there is a second.

Beth Schoenen: Seconds the motion for approval.

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

All in Favor, motion carries 4 – 0.

4. **OLD BUSINESS:** None.

5. **NEW BUSINESS:**

A. Preliminary Plat Application for Glenwood 1 Minor Subdivision, to Consider the Removal of an Agricultural Covenant Through Subdivision Review. [00:02:59]

1. Kevin Angland presents the Staff Report.

Motions Presented for the Board’s Consideration:

A: I move that the Cascade County Planning Board recommend, after consideration of the Staff Report and Findings of Facts, denial of the Glenwood 1 Minor Subdivision Preliminary Plat;

Or

“I move that the Cascade County Planning Board recommend, after consideration of the Staff Report and Findings of Facts, adoption of said Staff Report and Findings of Facts, and approve Glenwood 1 Minor Subdivision Preliminary Plat subject to the following conditions:

1. Cause to be recorded in conjunction with the final plat, a statement of waiver placed on the final plat requiring property owners of each lot in the subdivision to take part in any Rural Special Improvement District (RSID) for the reconstruction, improvement or perpetual maintenance of any county road in the vicinity used to access the major subdivision, 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 waiver shall expire 20 years after the date the final plat is filed with Cascade County.
2. A statement shall be included on the Final Plat stating: “Lot owner(s) shall comply with the required Noxious Weed Management Plan, approved by the County Weed Supervisor;
3. Submit a written Weed Management Plan to the Cascade County Weed Board specifying the methods for weed management procedures with regards to this development and incorporate it into the HOA CCRs or file with the Clerk & Recorder’s Office along with the Final Plat.
4. All vegetation disturbed during construction shall be reestablished with vegetation types that have been recommended by the MSU Extension Office.
5. A copy of the MDEQ General Discharge Permit for Stormwater associated with construction activity in order to subdivide shall be submitted prior to final plat approval, if the disturbed area will exceed one (1) acre.
6. Inclusion in the HOA or on the Final Plat a covenant restricting structure height of no greater than one hundred and fifty (150) feet in height; and
7. Having the developer’s surveyor correct any errors or omissions on the preliminary plat.

2. Board Discussion [00:10:16]

Elliot Merja: Asks whether there are any questions for the Staff from the Board. Hearing none, he asks whether the area in question is in Sand Coulee or another location.

Kevin Angland: Says that this subdivision is not in the Regulated Flood Hazard Area.

Elliot Merja: Says there was something on the map that showed a chance of annual flooding in one location, and so wanted to get clarification. He asks if there are any other questions for the Staff.

3. Public Hearing opens at 09:11 AM, [00:11:26].

Public Proponents:

David Bell of 816 49th St. N: Says they have been out there farming since 1999 and he has never seen water there.

Elliot Merja: Says he is trying to understand why the map showed a chance a flooding.

Beth Schoenen: Says she thinks it is at the south end of the Foothills Ranch subdivision.

David Bell: Say that is correct.

Elliot Merja: Asks if the subdivision is for the Applicant only.

David Bell: Affirms.

Public Opponents: None.

Public Hearing closes at 09:12 AM.

4. Board Discussion & Action: [00:12:35]

Elliot Merja: Asks if there is anyone else on Staff that would like to ask any questions. Hearing none, he would entertain a motion.

Dexter Busby: Moves to adopt the Staff Report.

Elliot Merja: Says there is a motion on the floor and asks if there is a second.

Beth Schoenen: Seconds the motion.

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

All in Favor, motion carries 4 – 0.

B. Preliminary Plat Application for Erpelding Minor Subdivision, & Rezone of Lot 3 from SR-1 to OS District. [00:13:44]

1. Charity Yonker presents the Staff Report.

Motions Presented for the Board’s Consideration:

A: I move that the Cascade County Planning Board recommend, after consideration of the Staff Report and Findings of Facts, denial of the Erpelding Minor Subdivision Preliminary Plat and rezone of Lot 3 from the Suburban Residential 1 District to Open Space District

Or

B: “I move that the Cascade County Planning Board recommend, after consideration of the Staff Report and Findings of Facts, adoption of said Staff Report and Findings of Facts, and approve Erpelding Minor Subdivision Preliminary Plat and rezone of Lot 3 from the Suburban Residential 1 District to Open Space District, subject to the following conditions:

1. Provide a copy of the approved Approach Permits for Lots 1 & 2 from the Cascade County Public Works – Road & Bridge Division.
2. Provide a copy of the letter from the Great Falls Public School District demonstrating no adverse impact on educational services.
3. A statement shall be included on the Final Plat stating: “Lot owner(s) shall comply with the required Noxious Weed Management Plan, approved by the County Weed Supervisor.”
4. Submit a written Weed Management Plan to the Cascade County Weed Board specifying the methods for weed management procedures with regards to this development and incorporate it into the HOA CCRs or file with the Clerk & Recorder’s Office along with the Final Plat.
5. All vegetation disturbed during construction shall be reestablished with vegetation types that have been recommended by the MSU Extension Office.
6. A copy of the MDEQ General Discharge Permit for Stormwater associated with construction activity in order to subdivide shall be submitted prior to final plat approval, if the disturbed area will exceed one (1) acre.
7. No structure shall be located within the 100-year floodplain.

8. Inclusion in the HOA or on the Final Plat a covenant restricting structure height of no greater than five hundred (500) feet in height.
9. Structures shall not be permitted in high fire hazard areas, or on 25% slopes or at the apex of "fire chimneys."
10. The utility easements must be shown on the plat with dashed lines.
11. The final plat must contain the following statement: "The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, electric power, gas, cable television, wired broadband, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as 'Utility Easement' to have and to hold forever."
12. Correct any errors or omissions on the preliminary plat prior to final plat approval.
13. Cause to be filed with the final plat, a Declaration of Covenant declaring 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 and the covenant may be revoked for any or all parcels within the subdivision only by mutual consent of the owners of the parcels in question and the governing body of Cascade County.

2. Board Discussion [00:23:48]

Elliot Merja: Asks if there are any questions for the Staff from the Board.

Charity Yonker: Says we have Mark Leo online.

Dexter Busby: Says he has one question on item five (5) on page two. It says there are sanitary restrictions proposed on the lot as it is technically not been through minor subdivision and then on number ten it says it is a first-time minor subdivision. He asks where the septic restriction is located on this, as it serves no purpose.

Charity Yonker: Says if it did not have the sanitary restriction, it would be required to go through DEO review for sanitation. We are expecting a subsequent minor to come through for Lot 1, and at that time the sanitary restriction will be removed and that is when it will go through MDEQ for review.

Elliot Merja: Asks which lot they are looking to build on.

Charity Yonker: Says it would be Lot 2.

Elliot Merja: Says Lot 2 would be thirty acres.

Charity Yonker: Affirms.

Elliot Merja: Says okay and asks if Lot 3, with 1.03 acres, would be made into Open Space.

Charity Yonker: Affirms.

Elliot Merja: Says Lot 1 is just being sectioned off.

Charity Yonker: Affirms.

Elliot Merja: Says for no particular reason at this time.

Charity Yonker: Says it will be sold to another person who will then work on subdividing it again.

Dexter Busby: Says it is confusing because we are creating a minor subdivision by creating Lot 1, but then we say the restrictions will be removed. It is just not consistent language.

Charity Yonker: Says they will both be minor subdivisions; this is a first time minor and when they subdivide again, they are looking to do a three-lot minor, which then is considered a subsequent minor for Lot 1.

Elliot Merja: Says so there will be three lots on Lot 1.

Charity Yonker: Affirms.

Elliot Merja: Asks what is on the two acres, as he thought it was a two-acre minimum size.

Charity Yonker: Says that it is Suburban Residential – 1 (SR-1), so there is a one acre minimum.

Elliot Merja: Says okay, then it all fits. Then they would be subdividing the five acres.

Charity Yonker: Says yes, as a subsequent minor subdivision.

Dexter Busby: Says Lot 1 is to remain a five-acre lot, then this is confusing. Something in the language is not consistent.

Elliot Merja: Says that makes sense if they are coming back to divide that.

Dexter Busby: Says it makes sense if they are coming back to divide it, but then we are creating a lot and creating a subdivision to get a septic system and we have already done that, and it is just not consistent language. I am not saying it is not consistent law, it is just not consistent language.

Charity Yonker: Says that Lot 2 has a current resident, actually two, and with this proposed subdivision as a first time minor, there is no proposed residential building on Lot 1.

Dexter Busby: Says he understand that, but if you look at Condition #10, and you look at Condition #5, it is not consistent language. You are creating a subdivision and you say you are not if you are in 5.

Charity Yonker: Says it is the distinction between the first time minor and subsequent minor. They are treated differently.

Dexter Busby: Reiterates that the wording is inconsistent, and he understands what is being done.

Elliot Merja: Asks if there is any other discussion for Staff.

Dexter Busby: Says that he was just going to make a motion to approve this.

Elliot Merja: Asks if Mr. Mark wants to tell the Board anything, seeing as how he is on. He asks if Mark has something he would like to say. Hearing none, he would entertain a motion.

Dexter Busby: Motions to approve Erpelding Minor Subdivision Preliminary Plat and rezone of Lot 3 from the Suburban Residential 1 District to Open Space District, subject to Conditions 1 through 13.

Elliot Merja: Asks if there is a second.

Rob Skawinski: Seconds the motion.

Elliot Merja: Says it has been seconded and asks if there is any further discussion. Hearing none, he calls for a vote.

All in Favor, motion carries 4 – 0.

6. BOARD MATTERS [00:30:53]

A. MACo Board Land Use Training Friday, June 17, 2022, 10 am —4 pm

Elliot Merja: Asks where that is going to be held.

Charity Yonker: Says it will be held at the Planning Department Conference Room, unless there are a lot of people then it will be moved to either Tax Appeal or this room if it is available.

Elliot Merja: Asks if that will be on Zoom.

Charity Yonker: Says it will be in person.

Elliot Merja: Asks if the training people will be present.

Charity Yonker: Affirms.

Elliot Merja: Says it is in a month and asks if it will be four hours long.

Charity Yonker: Says it will be six hours, and you can choose whether you would like to stay the entire time. There is currently no set agenda, but there is a tentative one. In the morning it will be covering general Board procedures and laws. In the afternoon, subdivision review will be covered.

Phoebe Marcinek: Says that she, Carey Ann Haight and possibly Jennifer Quick will be present.

Charity Yonker: Says that we will be there, too.

Elliot Merja: Asks if Ms. Yonker is hoping to have an agenda that shows what will be covered.

Charity Yonker: Affirms.

Elliot Merja: Says he thinks he can make it to that training.

Charity Yonker: Says she was not initially going to arrange it for Zoom but if Mr. Merja cannot attend in person then it can be set up in Zoom.

Elliot Merja: Says he was not sure whether the presentation was going to be in person just to have them present in person.

Charity Yonker: Says she will be here.

Elliot Merja: Says he may have some questions that need answered.

Charity Yonker: Says she will go ahead and notice it up as there may be quorums present for the Boards.

Elliot Merja: Asks if there is any public that would like to comment, or anyone who is not public who wants to comment. Hearing none, he asks if there is anything from the Board. Hearing none, he asks if there is a motion to adjourn.

Dexter Busby: Asks how the Staff level is in the Planning Department.

Charity Yonker: Says we are right here *[indicating Kevin Angland]* plus the Code Compliance Officer, Gary.

Dexter Busby: Asks how many she should have.

Charity Yonker: Says we are down two Planners and another Planner is starting on the twenty-third and I am still looking for one more.

Elliot Merja: Asks where the Planner is coming from.

Charity Yonker: Says California.

Elliot Merja: Says okay. California is bleeding.

Charity Yonker: Says there are roots to the community.

Elliot Merja: Says it is out and advertised and everything, I assume.

Charity Yonker: Affirms.

Dexter Busby: Says he was going to ask if Ms. Yonker was having trouble finding applicants.

Charity Yonker: Says she believes the City is also looking for a Planner which makes it hard for us as they really need to fill their position, so if you are wondering why we do not have a few things for the Board, that is why. Kevin and I are doing double duty.

Kevin Angland: Says there is a lot going on.

Elliot Merja: Says okay, well good luck.

Charity Yonker: Says we are doing okay so far.

Elliot Merja: Says he does not have anything else.

7. Adjournment at 09:36 AM [00:35:56]

Dexter Busby: Motions to adjourn.

Elliot Merja: Asks if there is a second.

Beth Schoenen: Seconds the motion.

Elliot Merja: Calls for a vote.

All in Favor, motion carries 4 – 0.

DRAFT