

CASCADE COUNTY
PLANNING BOARD

7/19/2022

09:00 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, Carey Ann Haight, Kienna Owen-Quinata, Alisha Osborne, Charity Yonker.

PUBLIC ATTENDEES: Rhonda Wiggers.

1. **CALL TO ORDER:** Elliot Merja called the meeting to order at 09:00 AM [00:00:48].

2. **ROLL CALL:**

BOARD MEMBERS PRESENT: Dexter Busby, Richard Liebert, Elliot Merja, Bruce Moore, Rob Skawinski (Online).

BOARD MEMBERS ABSENT: Sarah Murphy, Beth Schoenen.

3. **APPROVAL OF THE MINUTES :**

A. Draft Meeting Minutes May 17, 2022 [00:01:41]

1. **Board Discussion & Decision**

Elliot Merja: Asks if there are any corrections or additions. Hearing none, he calls for a motion.

Richard Liebert: Says "so moved".

Dexter Busby: Seconds the motion.

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

All in Favor, motion carries 5 – 0.

4. **OLD BUSINESS:** None.

5. **NEW BUSINESS:** None.

Elliot Merja: Asks if this is still correct.

Charity Yonker: Affirms, and says she was expecting to have Big Bend Ranch No. 16 subdivision, which just became sufficient on July 13th and has two variances, so there was not enough time to finish the variance analyses. She says to expect it on the August Planning Board meeting.

Elliot Merja: Says okay.

6. **BOARD MATTERS [00:03:10]**

A. **Updated Cascade County Planning & GIS Department Fee Schedule**

Elliot Merja: Says he would have liked to have seen what it changed from. He asks what part of the budget the fee base is. He says he knows it varies but wants to know what part of the budget it is considered.

Charity Yonker: Says it is part of the revenue stream, although the Department is mostly funded through a Mill Levy. Over the past year, there was an average of about three percent increase in operating costs. Since we are primarily levy-funded, there was quite a deficit in the revenue stream to begin with. This helps to offset those costs.

Elliot Merja: Asks if she has a rough idea of how much revenue it brought in in past years.

Charity Yonker: Estimates between twenty-five thousand (\$25,000) to thirty-three thousand (\$33,000) thousand for permitting fees. For operating costs, the cost exceeds two hundred and fifty thousand (\$250,000) in just the Department expenses. She says she thinks it is now closer to three hundred thousand (\$300,000).

Elliot Merja: Asks how much of a change it was from the prior fees.

Charity Yonker: Says as a reference point, our basic zoning permit was fifty (\$50) dollars, it has been increased to seventy-five (\$75). We had an after the fact for the zoning permit, which was two hundred (\$200) and is now three hundred (\$300) dollars. No other application had an after the fact permit, and that has been implemented. There were many planning and land use services that were provided as a Department that were free of charge even though some of them can be very time-consuming and have close turn-around times.

Elliot Merja: Says okay and asks if any of the Board has questions regarding this.

Richard Liebert: Says he is curious who initiated the fee schedule and whether any are considered show-stoppers or whether any of them are new.

Charity Yonker: Says she initiated the fee schedule. She states that the fee schedule had not been adjusted for a very long time. Most of the fees were brought in as regulations when they were adopted, and then anytime they were revised, the fees might be revised. She reiterates that most of the fees had not been looked at in a very long time. Considering inflation when looking at a budget cycle, you can see how the last few years have been affected by operating costs. The numbers pulled from US statistics for the region, including Montana, saw something like eight-point six percent (8.6%) inflation from May 2021 to May 2022. This is felt across the board. One other point to make is with increasing fees, this will help in the next budget cycle to have a little more flexibility to restructure the Department with the possibility of the Planner positions being graduated with Planner I, Planner II and so forth so the Planners feel like they are being fairly compensated with room for upward mobility without them having to leave the county. She further discusses new fees that were imposed include Landscaping Administrative Relief Request and Administrative Waiver. The former is usually submitted by folks in zones I-1 and I-2, also Mixed Use, which involve commercial or industrial uses. They sometimes put up a fight because they do not want to put landscaping in, which might entail a couple of trees depending on the

linear feet of the frontage, or conflicting uses on the adjacent sides of them. We see a lot of people submitting these requests and there is a five-day turn-around time for the three criteria analysis that the Department has to do. It is one of the tightest turn-around times we have and that can be challenging.

Elliot Merja: Asks whether it puts them in violation if they have to put in a tree on their own instead of paying a fee.

Charity Yonker: Asks for clarification on whether Mr. Merja is asking if it is a penalty.

Elliot Merja: Says yes, he is asking if it is a penalty because they did it without coming in and getting the permit. That seems to be part of what is going on, is someone forgot to get a permit. If there is now a fee to do it, he asks whether it is not a penalty if they do not do it.

Charity Yonker: Clarifies that it is no different than what there already was. If they are not complying with the landscaping requirements, it would be treated the same as a zoning violation.

Elliot Merja: Asks if they skip the permit to put the tree in is there a violation.

Charity Yonker: Says no. Not all districts require landscaping, but the ones that do will be part of the Location/Conformance Permit process: If required they will submit to us a landscaping plan. The Landscaping Administrative Relief request is when they are telling us they are not able or willing to meet the requirement of landscaping. That is an option where we go through the criteria to determine whether there is something unique about their situation or property that warrants this or not. They are trying to get out of some kind of landscaping requirement and that is this process. Our fee for processing time. She states it is not a penalty. We have been doing it for free, but it can get very time sensitive and requires a detailed analysis and formal letter.

Elliot Merja: Says he understands.

Charity Yonker: Says there are some issues with Floodplain, so in the Floodplain Regulations there is a price set for a permit and a variance, but there is no fee set for floodplain appeals. As you all know, the appeal is a public hearing process, so you will see across the board here that anything that has a public hearing has been set at five hundred (500) dollars because we have to run notices in the paper twice, send out certified mailings to all adjacent property owners, and also there is the Staff's time and resources to get it to the Board and then staff time after a final decision is made. Another new one is Review for the Division of Land for MSPA Compliance, which is something the Board never really sees. This is done in house, but it is when we get a Certificate of Survey or Amended Plat and they are utilizing subdivision exemptions to not have to go through the Subdivision Review process. You only see the ones that go through Subdivision Review. We process the ones that have the exemption. By statute, we are allowed to charge up to two hundred (\$200) dollars for that service. Before, we charged nothing for this, while most counties do charge a fee. Statutorily it is capped at two hundred (\$200) dollars. We have one other one, a Determination Request, which is a minimal twenty-five (25) dollar processing fee. This does not include simple questions to the Department, such as what zoning district a property is located in or whether a property is in the floodplain. This would be for formal write-ups for determinations, e.g., nonconforming status determination, permitting history for a property, analysis of what is required for project proposals, etc.

Elliot Merja: Asks if that is the final one.

Charity Yonker: Says she believes so, she has hit most of them.

Elliot Merja: Asks if there are any other questions for Staff.

Richard Liebert: Says he assumes all the fees were approved by the County Commissioners and was curious whether there was any critical public comment.

Charity Yonker: Says they were approved by the County Commissioners, and there were absolutely no public comments. There was notice in the paper twice and there was a packed house as there was a different issue, regarding ARPA funds, and there was not a single comment for or against.

Elliot Merja: Says okay and asks if the Board is satisfied with that.

Richard Liebert: Says yes, and thanks the Staff.

Elliot Merja: Says thank you, we will move on to MACo paperwork and there have been a few changes since the last time training has been done. He says he is sorry to have missed that and asks if there is any comment from the Board about that.

Richard Liebert: Says he would like that thank the Staff and the MACo for supplying the training and the excellent handouts. He requests a copy of the County Code of Ethics, and says he is curious what Mr. Busby thinks as he was sitting right there.

Dexter Busby: Says he thought the training was quite good. He says he has been down the road training and *ex parte* a few times. It is good to be reminded of that even though you are aware of it, especially on the Zoning Board as it is quasi-judicial. It was probably the most impactful and very good training. It is not a waste of time.

Elliot Merja: Says good.

Richard Liebert: Agrees.

Elliot Merja: Asks if there is anything from Staff on that subject.

Charity Yonker: Says thank you to those who were able to attend, and to MACo for being able to make time for us to do the training for the County.

Elliot Merja: Says okay, we will move on to public comments, and asks if there is anybody that wants to make a comment.

Richard Liebert: Says he has one more comment.

Elliot Merja: Says go ahead.

Richard Liebert: Asks if Ms. Yonker could elaborate on current staffing level and introduce any new Staff please.

Charity Yonker: Says we are currently fully staffed and introduces the new Planner, Kienna Owen-Quinata.

Richard Liebert: Asks what she goes by.

Kienna Owen-Quinata: Says yes, that is her full name, the last name is hyphenated.

Richard Liebert: Says he means for short.

Kienna Owen-Quinata: Says she goes by Kienna.

Richard Liebert: *[Gives the pronunciation a try]*.

Kienna Owens-Quinata: Affirms.

Richard Liebert: Says he wanted to get the pronunciation right.

Charity Yonker: Says we also have Raina Leavens who joined us about two weeks ago. She was unable to make it today, but you will see her next time.

Richard Liebert: Says thank you.

Elliot Merja: Says okay.

7. PUBLIC COMMENTS REGARDING MATTERS WITHIN THE BOARD 'S JURISDICTION [00:20:07]

Ronda Wiggers of 474 US Hwy 89, Vaugh, MT: Says she guesses this is on her, but she read that public notice as an ARPA meeting.¹ She would like to know if she could get a copy of the Fee Schedule for her client, as they absolutely would have been at that meeting and would have gotten a comment. She explains that they missed the hearing and does not know how much she can do about it. She suggests it is easy to get things through when they forget to tell the public what is in it. She asks for an explanation of the increased Floodplain Permit Application cost and wants to know why the permit will cost ten percent of what the calving shed they are putting up will cost.

Charity Yonker: Explains that the Floodplain Permit is broken down into small project and large projects. If there is any kind of detailed analysis involving Elevation Certificates, Flood Proofing Certificates, or Encroachment Analysis, it is considered a large project. If it is something like a boat dock, where all that is looked at is anchoring and they are not requiring any of those encroachment analyses or other detailed technical analysis, it is a small project. Small projects are four hundred (\$400) dollars, large projects are seven hundred (\$700) dollars. If it is an after-the-fact permit, both of those fees increase, because now it is a violation. Most of those come to us through a violation process involving our Code Compliance Officer and requires additional site visits and formal letters.

Ronda Wiggers: Repeats that they would have gotten comments because that boat dock permit costs more than that boat dock. She insists that that was not published in the paper and she was going to talk to the County Commissioners about the matter.

Elliot Merja: Asks if there are anything further from public. Hearing none, he calls for a motion to adjourn.

8. Adjournment at 09:23 AM [00:23:28]

Richard Liebert: Says so moved.

Dexter Busby: Seconds the motion.

Elliot Merja: Calls for a vote.

All in Favor, motion carries [5– 0].

¹ Reference to the July 12, 2022 regularly scheduled Commission Meeting.