

CASCADE COUNTY  
**PLANNING BOARD**

02/16/2021

9:00 AM

Online Zoom Video Meeting

*Board Members: Dexter Busby, Dan 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 PLANNING BOARD AND ARE CONSIDERED A DRAFT UNTIL FORMALLY APPROVED BY PLANNING BOARD.

**STAFF ATTENDEES:** Destiny Gough, Sandor Hopkins, Kevin Nurre, Jake Wilkinson, and Charity Yonker.

**PUBLIC ATTENDEES:** Peter Fontana, Ivan Kauffman, Peter Schultz, and Darrell Swanson.

1. **CALL TO ORDER:** President Elliot Merja called the meeting to order at 9:04 AM, [00:00:00].

2. **ROLL CALL:**

**BOARD MEMBERS PRESENT:** Dexter Busby, Dan Johnstone, Richard Liebert, Elliot Merja, Bruce Moore, Sara Murphy, and Rob Skawinski.

**BOARD MEMBERS ABSENT:** None.

3. **APPROVAL OF THE MINUTES:**

A. Draft Meeting Minutes for January 19, 2021, [00:02:59]

1. **Board Discussion & Decision**

**Elliot Merja:** Asks if anyone has any corrections to add to the January Draft Meeting Minutes. Hearing none, He calls for a vote.

**Bruce Moore:** Asks what is happening presently.

**Destiny Gough:** says that the President of the Board is asking for a motion to approve or disapprove of the meeting minutes.

**Bruce Moore and Dan Johnstone:** Say that they will make a motion.

**Bruce Moore:** Says that he will make a motion to approve the pending meeting minutes.

**Elliot Merja:** Calls for a second on the motion.

**Dan Johnstone:** Seconds the motion for approval.

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

*All in Favor, motion carries 7-0.*

#### 4. OLD BUSINESS:

##### A. Board Election of Officers, [00:04:13]

###### 1. Board Discussion & Action

**Elliot Merja:** states that the need to elect board officers.

**Richard Liebert:** Asks if the Board may introduce themselves to the newest board member and if the newest board member, Ms. Murphy, may introduce herself to the rest of the Board.

**Elliot Merja:** Agrees and asks the Planning Director if Ms. Murphy is one of their new board members.

**Charity Yonker:** Says that Ms. Murphy is a new board member and that she appears to be muted presently.

**Sara Murphy:** Says her name is...*[inaudible]*

**Elliot Merja:** Says that we might have lost her audio feed.

*[Inaudible]*

**Elliot Merja:** Asks if Ms. Murphy is still present.

**Richard Liebert:** Says that she is muted.

*[Inaudible]*

**Elliot Merja:** Asks if the Planning Department has any information about Ms. Murphy.

**Sara Murphy:** Says hello.

**Elliot Merja:** Replies hello.

**Sara Murphy:** Explains that she is having some technical difficulties with her audio.

**Elliot Merja:** Says her name.

**Sara Murphy:** Replies yes.

**Elliot Merja:** Asks if she would like to introduce herself.

**Sara Murphy:** Says that she works for the Office of Public Assistance. She says that she is eager to learn, to work together, and overall be a Planning Board member.

**Rob Skawinski:** Welcomes her to the Planning Board.

**Elliot Merja:** Welcomes her to the Board and says that they are glad to have her on their Board.

**Sara Murphy:** Says thank you.

*[Inaudible]*

**Elliot Merja:** Asks if there are any other new Board members on the Planning Board.

**Destiny Gough:** Says that Ms. Yonker is on mute.

**Charity Yonker:** Says that Mr. Liebert and Mr. Skawinski were reappointed to the Board.

**Elliot Merja:** Moves to Board election of officers. He asks if there are any nominations for the President of the Board.

**Richard Liebert:** Moves to nominate Mr. Merja to be the President of the Board.

**Rob Skawinski:** Seconds the nomination.

**Elliot Merja:** Asks if there are any other nominations for the Board. Hearing none, he calls for a vote.

*All in Favor, motion carries 7-0.*

**Richard Liebert:** Says, "No good deed goes unpunished, Elliot."

**Elliot Merja:** Says that he understands and says that every day is a new learning experience. He moves on to ask if there are any nominations for Vice-President of the Planning Board. Hearing none, he nominates Mr. Liebert to be Vice-President.

**Rob Skawinski:** Seconds the nomination.

**Elliot Merja:** Asks if there are any other nominations for Vice-President. Hearing none, he calls for a vote.

*All in Favor, motion carries 7-0.*

**Elliot Merja:** Says thank you to Mr. Liebert for becoming the Vice-President of the Board.

## 5. NEW BUSINESS:

### A. Map Amendment Petition, Suburban Residential District 1 (SR-1 District) To Light Industrial District (I-1 District)-Darrell And Janice Swanson, [00:10:03]

#### 1. Sandor Hopkins presents the Staff Report.

#### 2. Motions:

**Alternative 1:** "I move that the Planning Board recommend to the County Commission, after consideration of the Staff Report, supporting materials, public testimony and written comments,

that the map amendment requested by Darrel Swanson and Janice Swanson to rezone the following properties from the Suburban Residential 1 District to the Light Industrial District:

Parcel No. 2439600	Geocode: 02-3015-21-1-02-10-0000
Parcel No. 2019003	Geocode: 02-3015-16-1-01-20-0000
Parcel No. 2019004	Geocode: 02-3015-21-1-02-14-0000
Parcel No. 2019005	Geocode: 02-3015-21-1-02-16-0000
Parcel No. 2019006	Geocode: 02-3015-21-1-02-18-0000

Located in Sections 16 & 21 Township 20 North, Range 3 East, P.M.M. Cascade County, MT, referenced as Tracts 3, 4, 8, 9, & 10 of Certificate of Survey 5142 **be denied."**

Or

**Alternative 2:** " I move that the Planning Board recommend to the County Commission, after consideration of the Staff Report, supporting materials, public testimony and written comments, that the map amendment requested by Darrel Swanson and Janice Swanson to rezone the following properties from the Suburban Residential 1 District to the Light Industrial District:

Parcel No. 2439600	Geocode: 02-3015-21-1-02-10-0000
Parcel No. 2019003	Geocode: 02-3015-16-1-01-20-0000
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Parcel No. 2019006	Geocode: 02-3015-21-1-02-18-0000

Located in Sections 16 & 21 Township 20 North, Range 3 East, P.M.M. Cascade County, MT, referenced as Tracts 3, 4, 8, 9, & 10 of Certificate of Survey 5142 **be approved."**

**3. Board Discussion [00:45:04]**

**Elliot Merja:** Asks if the Board members have any questions for County Staff.

**Richard Liebert:** Says that he would like to ask the County Staff two (2) questions.

**Elliot Merja:** Grants permission to the Vice-President to ask questions.

**Richard Liebert:** Asks if the County Staff could display on the screen a map of the subject area.

**Sandor Hopkins:** Says that the subject area map should have been included in the board packet materials.

**Richard Liebert:** Says that he did not receive that packet.

**Sandor Hopkins:** Says the materials that the Board should have received. He asks for the Board and public attendees to give the County Staff some time to share the subject area map.

**Richard Liebert:** Asks the general schematic of the parcels in the subject area and their relation to the airport property. He says the maps that are being displayed will work.

**Sandor Hopkins:** says, "Perfect."

**Richard Liebert:** Asks if they would view on screen the first vicinity map. He asks if the surrounding residences were notified of this proposal.

**Sandor Hopkins:** Asks if he could repeat his question.

**Richard Liebert:** Asks if the surrounding neighbors were contacted.

**Sandor Hopkins:** Says that the surrounding neighbors are not a part of this rezoning request. He says the surrounding properties northwest, northeast, east, and southwest of the subject property are owned by Darrell and Janice Swanson. Further past the surrounding properties, to the southeast, is a property that is owned by Mr. Fogt, who has submitted a public comment regarding the rezone proposal.

**Richard Liebert:** Asks if the houses adjacent to the airport are soundproof.

**Sandor Hopkins:** Asks if he would repeat his question.

**Richard Liebert:** Repeats his question.

**Sandor Hopkins:** Says that he is unaware whether the houses are soundproof near the airport.

**Richard Liebert:** Says that he is concerned that it is possible that not everyone was contacted or was aware of the proposal to rezone due to the pandemic. He moves on to asks how long the subjected parcels have been zoned Suburban Residential District 1 (SR-1).

**Sandor Hopkins:** Says that he is ignorant of how long they have been zoned SR-1. He lists off some of the previous uses on the subject properties before county-wide zoning went into effect in 2005. He refers this question to the Applicant.

**Richard Liebert:** Says that he will ask the Applicant later on. He tells the President of the Board that is all he has to discuss presently.

**Elliot Merja:** Thanks Mr. Liebert. He asks if any other board member has a question or a concern. Hearing none, he asks if the Applicant present themselves, so the Board may ask them a question.

**Darrell Swanson at 172 Nicholas Dr. Lancaster, MA 01523:** *[inaudible]* Asks if they can hear him on the phone.

**Elliot Merja:** Replies Yes.

**Darrell Swanson:** Says that one of the previous uses was a warehouse. The warehouse was moved from the airport by his belated father forty-five (45) years ago when the area was quite industrial and active area. He says his father operated a family-owned construction company out of the warehouse. He says that construction equipment was also stored on the property, and there were storage units on the property. He goes on to list some of the businesses that took place on that property other than his father's construction company and the storage units. He says at one point in time, his father even built a house for his family and himself to live on the property. He says fifty-five (55) years ago, his belated father started to assemble things on to the property purchased. The warehouse was a part of the purchase of the property and a right-of-way abandonment. He says Parcel #0002019004 and Parcel #0002019007 were obtained by road

abandonment. Unrelatedly, he says that he is incredibly grateful to Mr. Hopkins for doing a thorough job with presenting his project. He says that he does not find anything that Mr. Hopkins has stated that he disagrees with. He asks if the Board has any other questions.

**Elliot Merja:** Asks if the Board has any other questions for Mr. Swanson.

**Dexter Busby:** Says that there has been such a variety of different usages on the property. He finds it fascinating that it has been zoned for so many years as a residential district area.

**Darrell Swanson:** Says that on the contrary the land was zoned agricultural in the past before county-wide zoning took place. He says that he has been living out of state after graduating from college. As a result, he was not directly involved with his belated father's businesses, other than a few things. He was unaware of the zone being changed to a residential district use area, as the property's agricultural and commercial use were still in place.

**Dexter Busby:** Asks Mr. Hopkins, if there is a history of how the property became zoned residential district use.

**Sandor Hopkins:** says that he is unaware of how the land became zoned residential. He says looking at the previous zoning maps, the land was once zoned in the Agriculture District (A) and Suburban Residential District. He says that unfortunately, he has not found any history as to why the area was rezoned to a residential district.

**Darrell Swanson:** Asks if he could interject. He says that he is an architect and he was fine with it being zoned A-District. However, he says that he was unaware that the area was rezoned to a residential use district, for some of the nearby lands were still being used for commercial uses as well as the warehouse. After evaluating the allowed uses with the Planning Department, he finds it most logical to rezone to Light Industrial District (I-1) to better utilize the property.

**Dexter Busby:** Says that he understands the reason he would like to rezone. He thanks Mr. Swanson for his response.

**Darrell Swanson:** Says, "You're welcome."

**Elliot Merja:** Says that he heard long ago that when the county-wide zoning took place, the County may have broadly marked some of the zoning district areas. Over the time that he has been on the Planning Board, he has noticed some of these places that have contrasting uses to their designated zoning district, such as this one. He does not find this case out of the ordinary. He asks if there are any further comments or questions from the Board. Hearing none, he moves to the Public Hearing portion of the meeting.

#### 4. Public Hearing opens at 10:00 AM, [00:56:56].

**Proponents:** None

**Opponents:**

**Destiny Gough:** Says that Mr. Fontana would like to speak.

**Peter Schultz at 179 Russell Ranch Ln. Great Falls, MT 59405:** Says that he is in favor of surrounding uses that complement the airport nearby. He says that these parcels have attracted several investors/buyers interested in developing nearby, which will strengthen other surrounding businesses. He says this will help diversify and strengthen our local tax base and economy. He says that the present residential zoning does not seem to be compatible with the nearby uses in that area and is under used and falling apart. He goes on to say that he also does not find this to be any sort of barrier to the military if they were to expand.

**Peter Fontana at 706 8<sup>th</sup> Ave. S. Great Falls, MT 59405:** Says that he is a former member of the Great Falls City's Planning Board and he is presently a real estate appraiser. He also owns two (2) of the parcels to the north of these parcels. He says that these lots present zoning is incongruent in the surrounding area and is restricting the marketability of the area as well. Since people do not want to build a house right next to an airport. He says rezoning the parcels to I-1 District would be suitable. Furthermore, he says that he agrees with the President of the Board that these parcels were most likely overlooked and overlaid with a broad brush as there are two (2) residential dwellings nearby. Anyhow, he says from an appraiser standpoint, the two (2) residential dwellings nearby are considered to be an "area of changing use," for it is unforeseeable to have more residential structures nearby. He ends by thanking the Board for their time and asks for a due pass on the zoning change.

**Public Hearing closes at 10:06 AM.**

**5. Board Discussion & Action: [01:02:19]**

**Elliot Merja:** Asks if the Board has any further questions or comments.

**Richard Liebert:** Says that he has a question for Mr. Fontana.

**Elliot Merja:** Says yes Mr. Liebert may ask Mr. Fontana a question.

**Richard Liebert:** Asks Mr. Fontana, if this zoning change will enhance the tax base.

**Peter Fontana:** Says yes and that he also worked for the Department of Revenue and the County Tax Assessors Office for several years. He says if the zone change does not take place, the parcels will most likely sit dormant as people will be unwilling to buy parcels right next to the airport. He says changing the zone on the parcels will increase the tax base as they can be used to their highest and best use.

**Richard Liebert:** Asks if it would be a substantial change in the tax basis.

**Peter Fontana:** Says that it would be a substantial change in the tax basis.

**Richard Liebert:** Thanks Mr. Fontana for his input.

**Peter Fontana:** Thanks Mr. Liebert for asking his question.

**Elliot Merja:** Asks if there are any other questions from the Board. Hearing none, he calls for a motion to be made.

**Dexter Busby:** “[...] move[s] that the Planning Board recommend to the County Commission, after consideration of the Staff Report, supporting materials, public testimony and written comments, that the map amendment requested by Darrel Swanson and Janice Swanson to rezone the following properties from the Suburban Residential 1 District to the Light Industrial District:

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**Elliot Merja:** Calls for a second on the motion for approval.

**Rob Skawinski:** Seconds the motion for approval.

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

*All in Favor, motion carries 7-0.*

## 6. BOARD MATTERS [01:04:47]

**Elliot Merja:** Asks if there is any Board matter that the board members would like to discuss.

**Richard Liebert:** Says that he has something to discuss with the Planning Director.

**Elliot Merja:** Says okay.

**Richard Liebert:** Asks if there is any feedback on Senate Bill 211. He says that this Senate Bill impacts agricultural uses and the zoning districts. He says that he has various concerns regarding this bill.

**Charity Yonker:** Says if approved, it would change MCA 76-3-608 “Criteria for Local Government Review,” meaning it would not allow the County to consider purely the impacts to agricultural soils when the County is considering whether there is an impact on agriculture. She says the bill would erode some of our County goals to help preserve our soil. Nevertheless, the County's Growth Policy has an explicit goal to protect soils, giving the County some form of protection against the bill. Overall, she does agree that this bill is something that they need to keep track of. She says that there is supposed to be a hearing on the bill on February 17, 2021.

**Richard Liebert:** Says that his concern is with family farming, family ranching, and how it will impact the water. He says overall, he does not have a clear grasp of what the problem is that the senate sees that needs to be fixed. He is also unaware of the Conservation District has looked into this Senate Bill as well.



**Elliot Merja:** Says that the Conservation District is keeping track of this bill. The Conservation District has the Montana Association of Conservation District lobbying to protect our interests. He asks if there are any further questions from the Board. Hearing none, he moves to the next agenda item.

7. PUBLIC COMMENTS REGARDING MATTERS WITHIN THE BOARD'S JURISDICTION [01:08:00]

**Elliot Merja:** Asks if there are any public comments on matters that the Planning Board has jurisdiction over. Hearing none, he asks if the County Staff has anything that they would like to discuss.

**Charity Yonker:** Says no.

**Elliot Merja:** Hearing none, he moves to adjournment.

8. Adjournment at 10:13 AM, [01:08:25].

**Elliot Merja:** Asks if there is a motion to adjourn.

**Dexter Busby:** Asks if they make sure that he is added to the attendance list. He says that he experienced many technical difficulties in today's meeting.

**Richard Liebert:** makes a joke.

**Elliot Merja:** says thank you.

**Dexter Busby:** [laughs]

**Elliot Merja:** thanks him for still attending the meeting despite the technical difficulties he experienced.

**Dexter Busby:** Makes a motion to adjourn.

**Elliot Merja:** Calls for a second.

**Dan Johnstone:** Seconds the motion to adjourn.

*All in Favor, motion carries 7-0.*