

CASCADE COUNTY  
**PLANNING BOARD**  
October 20, 2020  
09:00 AM  
Online Zoom Meeting

**Board Members:** *Dexter Busby, Dan Johnstone, Richard Liebert, Elliot Merja, Bruce Moore, Ken Thornton, 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 AND PLANNING BOARD ARE CONSIDERED A DRAFT UNTIL FORMALLY APPROVED BY PLANNING BOARD.

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

**PUBLIC ATTENDEES:** Colter Anstaett, Jason Crawford, Eric "Doe," Judy Higgins, Rick Higgins, Karey Miller, Jeremy Miller, Thomas Mital, and Ronda Wiggers.

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

2. **ROLL CALL:**

**BOARD MEMBERS PRESENT:** Dexter Busby, Dan Johnstone, Richard Liebert, Elliot Merja, Bruce Moore, and Ken Thornton.

**BOARD MEMBERS ABSENT:** Rob Skawinski.

3. **APPROVAL OF THE MINUTES :**

**A. Draft Meeting Minutes for August 18, 2020** [00:02:08]

1. **Board Discussion & Decision**

**Elliot Merja:** moves the Board to the minutes and asks if there are any changes or comments on the minutes.

**Destiny Gough:** says there is an unidentified public attendee for the public record of the meeting attendees. She asks Dexter Busby to identify his number so she can identify the phone number belonging to the public attendees.

**Dexter Busby:** identifies his number.

**Destiny Gough:** reads aloud another phone number and asks the owner of that phone number to identify themselves.

**Jeremy Miller at 4414 5th Ave. S, Great Falls, MT 59405-3739:** states that phone number is his wife, Kari Miller.

**Destiny Gough:** thanks Mr. Miller.

**Elliot Merja:** moves the Board back on to the minutes and asks if there are any changes or comments on the minutes. Hearing none, he asks for a motion to be made.

**Dexter Busby:** moves to approve the August 18, 2020, Draft Meeting Minutes.

**Ken Thornton:** seconds the motion to be approved.

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

*All in Favor, motion carries 6-0.*

4. **OLD BUSINESS: None [00:04:20]**

**Elliot Merja:** asks if there is any Old Business.

**Charity Yonker:** agrees there is no Old Business.

**Elliot Merja:** moves the Board to New Business.

5. **NEW BUSINESS:**

A. **Major Subdivision—River Bend Estates 3 [00:04:25]**

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

2. **Motions:**

**Alternative 1:** “I move that the Cascade County Planning Board recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact, **deny**, a major subdivision, a Preliminary Plat of River Bend Estates III and associated zoning map amendment for Lot 26A”

**Or**

**Alternative 2:** “I move that the Cascade County Planning Board recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact, adopt said Staff Report and Findings of Fact and **approve**, a major subdivision, a Preliminary Plat of River Bend Estates III, and associated zoning map amendment for Lot 26A pursuant to Section 10-14(A) of the Cascade County Subdivision Regulations, subject to the following conditions:

1. Having the developer’s surveyor correct any errors or omissions on the preliminary plat;
2. Causing to be prepared certificates of title of the land in the subdivision to be recorded in conjunction with the final plat;
3. Submitting with the plat a certificate of a title abstracter showing the names of the owners of record of the land and the names of lien holders or claimants of record against the land (MCA § 76-3-612).
4. Causing to be recorded in conjunction with the final plat the covenants of the Major Plat that contain, at a minimum, a noxious weed control program, an erosion control program, a

limit to livestock and pets, a provision prohibiting commercial or industrial uses, and that impose upon all landowners the exclusive responsibility to improve and maintain the public rights of way and common areas created by and indicated on the subdivision plat.

5. Causing to be recorded in conjunction with the final plat homeowners' association documents with sufficient authority and procedural mechanisms to administer, enforce, and fund the perpetual maintenance and discretionary improvement of the public rights of way created by and indicated on the subdivision plat.
6. Causing to be recorded on the plat a statement concerning limited public services.
7. Pursuant to MCA § 7-22-2152, submitting a written plan to the Cascade County Weed Board specifying the methods for weed management procedures with regards to this development.
8. Causing to be recorded on the plat an Agricultural Notification statement.
9. A delineated numbered lot dedicated to parkland and the homeowners' association, no smaller than 1.284 acres, or 1.69 acres as shown on the preliminary plat.
10. Causing to be recorded in conjunction with the final plat, an agreement requiring property owners of each subdivision tract to take part in any Rural Special Improvement District (RSID) for the reconstruction, improvement or perpetual maintenance of Flood Road, or any county road in the vicinity used to access the major subdivision, River Bend Estates III, 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. This statement of waiver shall be placed on the final plat.
11. Design, construction, inspection, and certification, by a licensed professional engineer, of all internal private roads and cul-de-sacs to Cascade County Subdivision Road Specifications, as well as the purchase and installation of all required street signs and stop signs. All of the above items to be at the developer's expense and to be completed prior to the approval of the final plat.
12. The inclusion on the major plat a statement provided by Cascade County certifying the status of the internal subdivision roads.
13. The inclusion of setbacks in the covenants as required by the Cascade County Zoning Regulations.
14. Montana Department of Environmental Quality (MDEQ) Certificate of Subdivision Approval (COSA) shall be submitted with the final plat.
15. Cause to be filed with final plat a Declaration of Covenant that declares 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. The covenant may be revoked

for any or all parcels within the subdivision by mutual consent of the owners of the parcels in question and the governing body of Cascade County.

16. A fire suppression cistern with a capacity of 64,000 installed on-site, properly maintained and equipped with the proper appurtenances and approved for use by the Gore Hill Volunteer Fire Department.
  17. The Homeowners' Association shall be responsible for the continual maintenance of the equipment and approach to the fire suppression cistern, subject to adequate inspections by the Fire Chief of the Gore Hill Volunteer Fire Department to insure the equipment is being properly maintained.
  18. MDEQ approval for the proposed site grading and drainage and stormwater conveyance system shall be submitted prior to final plat approval. Additionally, final engineering plans, stamped by a professional engineer in the State of Montana, shall be submitted to the Cascade County Planning Department with the final plat submittal.
  19. A copy of the MDEQ General Discharge Permit for Stormwater associated with construction activity shall be submitted prior to final plat approval, if applicable.
  20. The inclusion in the covenants of the Outer Horizontal Surface Military Overlay District-F ("MOD-F") height restrictions limiting structures within the subdivision to no greater than 500 feet in height, unless a variance is approved by the Zoning Board of Adjustment.
  21. Lot 33A shall be no less than 2 acres as required by the Cascade County Zoning Regulations for the Suburban Residential 2 District (CCZR § 7.1.0.1(1); CCSR § 10-3), unless an approved variance is obtained, or Lot 33A is eliminated and absorbed into Lots 33 and/or 34 and utility easement is established that meets the requirements of CCSR § 10-9."
3. **Board Discussion [00:18:22]**

**Elliot Merja:** asks if there are any questions for the Planning Staff from the Planning Board.

**Richard Liebert:** says that he has two (2) questions.

**Elliot Merja:** says that he may ask.

**Richard Liebert:** asks what the purpose of the fire suppression utility lot. He asks if there will be a facility or equipment placed on this site.

**Sandor Hopkins:** says yes.

**Richard Liebert:** asks if this will be a fixed facility or a trailer.

**Sandor Hopkins:** says that it is a fixed facility.

**Richard Liebert:** asks where and how far the cistern is from this particular estate.

**Sandor Hopkins:** says looking at the preliminary plat, one can see that the cistern is in the Northeast corner and adjacent to the proposed subdivision.

**Richard Liebert:** asks how far in distance would the Planning Staff estimate it is from the proposed subdivision.

**Sandor Hopkins:** says that Lot 25 is about a thousand feet (1,00 ft.) away.

**Richard Liebert:** says those are all of his questions. He thanks Mr. Hopkins for answering his questions.

**Elliot Merja:** says that he is slightly confused with Condition of Approval 21 that is regarding the utility easement. He says that as long as the Lot is (2) acres; it shall be sufficient. He asks if he is understanding that correctly.

**Sandor Hopkins:** says that he is understanding that correctly. He says that fire suppression cisterns are typically located on easements instead of on lots. Since this cistern is located on a lot it does not fit within Cascade County Subdivision Regulations as proposed.

**Elliot Merja:** says that he understands better now.

**Sandor Hopkins:** says the two (2) acre minimum is the zoning designation. He says that they do not have a specific call out for utilities as they do for parkland and open space areas.

**Elliot Merja:** says that he understands what Mr. Hopkins is saying. He then, asks if any other Board member has any other questions as well for the Planning Staff. Hearing none, he asks if the Developers or the Applicant is online.

**Charity Yonker:** says that they do have the Applicants, Rick and Judy Higgins, online as well as the engineer, Jason Crawford.

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

**Dexter Busby:** asks if all of the lots are expected to have wells or cisterns.

**Jason Crawford from Triple Tree Engineering at 3102 Old Broadwater Lane, Helena, MT 59601:** introduces himself. He replies to Mr. Busby that every lot will have its own well and drain field, similar to what has been done in the other River Bend Estates. He goes on to say that they coordinated with the Department of Natural Resources and Conservation (DNRC) and have had discussions with the Department of Environmental Quality (DEQ) on utilizing individual wells and drain fields.

**Dexter Busby:** asks how deep they anticipate drilling the wells.

**Jason Crawford:** he says that they plan to make them around three hundred feet (300 ft.) into the big aquifer nearby.

**Elliot Merja:** asks if it is the Madison Aquifer.

**Ken Thornton:** agrees that it is the Madison Aquifer.

**Jason Crawford:** agrees with the gentlemen.

**Dexter Busby:** says that these were the only questions that he had for the Applicant.

**Elliot Merja:** asks if the Board members have any further discussions or questions for the developer.

**Richard Liebert:** says that he has a question for the developer that he would like to ask.

**Elliot Merja:** says that he may ask.

**Richard Liebert:** asks if the Home Owner Association (HOA) is separate from the other River Bend Estates HOAs or if they are all together.

**Jason Crawford:** says that the Applicant has his computer's microphone muted. He tries to explain to Mr. Higgins how to unmute his microphone. Then, he states that the Applicant will have to wait for his wife to return to help him unmute his microphone.

**[laughter]**

**Jason Crawford:** says that the covenants for this subdivision are identical to the other River Bend Estates subdivisions.

**Judy Higgins at PO Box 322 Ulm, MT 594485-0322:** says that answer is correct.

**Richard Liebert:** asks if the Home Owner Association (HOA) is separate from the other River Bend Estates HOAs or if they are all together.

**Judy Higgins:** says that HOA covers all of the River Bend Estates subdivisions.

**Richard Liebert:** asks if it is on HOA for three subdivisions (3).

**Judy Higgins:** says yes.

**Richard Liebert:** asks if there is a small team to maintain the equipment and the approach mentioned in the Condition of Approval 17.

**Judy Higgins:** says yes.

**Rick Higgins at PO Box 322 Ulm, MT 594485-0322:** says yes.

**Judy Higgins:** says yes.

**Richard Liebert:** says that is his only question.

**Elliot Merja:** asks if there are any other questions from the Board for the Applicants. Hearing none, he asks if the Applicants would like to make a statement.

**Rick Higgins:** says yes and asks if his engineer could address the Condition of Approval 21. If not, he says that he will address that condition.

**Jason Crawford:** says that they understand that there are two (2) acres minimum and the options that they have been given to help to meet that minimum. He says that they would like to pursue a variance, after reviewing the lot. He finishes by asking if Mr. Higgins would like to add to his statement.

**Rick Higgins:** says no.

**Elliot Merja:** says that it appears that the regulations require two (2) acres if the utility is on a lot. He wonders how it varies from a utility easement that runs through a lot. He asks why they would need a variance if they had an easement that allowed for a turnaround in that area.

**Sandor Hopkins:** says if there was an easement rather than an individual lot the acreage would not be an issue. He says that acreage is an issue because of the zoning district that the utilities are located in, Suburban Residential District 2 (SR-2). He says that there is no specific call out for a utility lot. He says if they were to extend the line between the two (2) lots that and add the easement on the lot, it would eliminate the nonconforming lot.

**Elliot Merja:** asks if that would be more advantageous to combine the two (2) lots rather than ask for a variance.

**Sandor Hopkins:** says that they have not discussed the option of a variance yet with the Applicant to a detailed extent. He says getting a variance is the quickest option but may not be the best option for the developer. Nevertheless, the choice is up to the Applicant to decide on how they are going to meet the two (2) acre minimum.

**Elliot Merja:** says that he has a question for the developer. He asks why they would like this lot to be a specific lot or was there another issue, such as having an easement on two (2) lots.

**Rick Higgins:** says that he does not have a position on this matter. He says that he is not opposed to combining the lots. However, he is unsure why they would want to combine the two (2) lots. He goes on to say presently the "firehouse" is located in a very conclusive area. He says that they have poured down gravel to support the emergency service vehicles nearby it. He says that the "firehouse" is a storage garage for the HOA with a cistern in the basement.

**Elliot Merja:** starts to ask a question.

**Jason Crawford:** tries to speak when the President of the Board is speaking.

**Elliot Merja:** says that he can speak.

**Jeremy Miller:** interrupts the Board discussion portion of the meeting to say that he thinks the issue is that if they to call the lot a "lot" someone could build a house on the lot, which may be a concern. He asks if there is something else that they can call this area.

**Rick Higgins:** says they can call it a "public land of the parks for the HOA."<sup>1</sup> He says, "So, there is no intention of building on it," and they want to keep the area clean.

**Elliot Merja:** asks if there are any more questions for the developers from the Board.

**Rick Higgins:** says that there are no more questions on their end.

**Elliot Merja:** Hearing none, opens the Public Hearing portion of the Meeting.

**4. Public Hearing opens at 09:35 AM [00:32:47]**

**Proponents:** None

**Opponents:** None

**Public Hearing closes at 09:36 AM**

**5. Board Discussion & Action: [00:33:32]**

**Elliot Merja:** Hearing none, he asks if there are any other additional comments from the Board. Hearing none again, he asks if a Board member would like to make a motion.

**Dexter Busby:** moves to approve the subdivision.

**Elliot Merja:** asks if within the motion of approval if he could address Condition of Approval 21.

**Dexter Busby:** agrees with the President of the Board. He says that he moves to approve the Subdivision along with the Conditions of Approval 1-20 and to make the Condition of Approval 21 to be agreed upon.

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

**Carey Ann Haight:** apologies for interrupting and asks if she could interject to say something.

**Elliot Merja:** says yes, the Chief Civil Attorney may speak.

**Carey Ann Haight:** says that it is important that they include into the motion the basis for the recommendation for which they are asking for approval of this project and the enumerated conditions of approval. She asks if the Board could amend the present motion to include such language that is in the written motion.

**Dexter Busby:** agrees to amend the motion to include that language. He says if the Attorneys like he can read it in if they would like.

**Carey Ann Haight:** says yes.

**Dexter Busby:** "[M]ove[s] that the Cascade County Planning Board recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact, adopt said Staff

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<sup>1</sup> Cascade County Zoning Regulations define a park as "[a] place and/or building, or portion thereof, that is used or is intended for recreational activities for use by the general public or by a homeowners' association; the term includes developed and undeveloped areas and neighborhood recreation centers[,]" (Cascade County Zoning Regulations, 30).

Report and Findings of Fact and **approve**, a major subdivision, a Preliminary Plat of River Bend Estates III, and associated zoning map amendment for Lot 26A pursuant to Section 10-14(A) of the Cascade County Subdivision Regulations, subject to the following conditions:

1. Having the developer's surveyor correct any errors or omissions on the preliminary plat;
2. Causing to be prepared certificates of title of the land in the subdivision to be recorded in conjunction with the final plat;
3. Submitting with the plat a certificate of a title abstracter showing the names of the owners of record of the land and the names of lien holders or claimants of record against the land (MCA § 76-3-612).
4. Causing to be recorded in conjunction with the final plat the covenants of the Major Plat that contain, at a minimum, a noxious weed control program, an erosion control program, a limit to livestock and pets, a provision prohibiting commercial or industrial uses, and that impose upon all landowners the exclusive responsibility to improve and maintain the public rights of way and common areas created by and indicated on the subdivision plat.
5. Causing to be recorded in conjunction with the final plat homeowners' association documents with sufficient authority and procedural mechanisms to administer, enforce, and fund the perpetual maintenance and discretionary improvement of the public rights of way created by and indicated on the subdivision plat.
6. Causing to be recorded on the plat a statement concerning limited public services.
7. Pursuant to MCA § 7-22-2152, submitting a written plan to the Cascade County Weed Board specifying the methods for weed management procedures with regards to this development.
8. Causing to be recorded on the plat an Agricultural Notification statement.
9. A delineated numbered lot dedicated to parkland and the homeowners' association, no smaller than 1.284 acres, or 1.69 acres as shown on the preliminary plat.
10. Causing to be recorded in conjunction with the final plat, an agreement requiring property owners of each subdivision tract to take part in any Rural Special Improvement District (RSID) for the reconstruction, improvement or perpetual maintenance of Flood Road, or any county road in the vicinity used to access the major subdivision, River Bend Estates III, 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. This statement of waiver shall be placed on the final plat.
11. Design, construction, inspection, and certification, by a licensed professional engineer, of all internal private roads and cul-de-sacs to Cascade County Subdivision Road Specifications, as well as the purchase and installation of all required street signs and stop signs. All of the above items to be at the developer's expense and to be completed prior to the approval of the final plat.

12. The inclusion on the major plat a statement provided by Cascade County certifying the status of the internal subdivision roads.
13. The inclusion of setbacks in the covenants as required by the Cascade County Zoning Regulations.
14. Montana Department of Environmental Quality (MDEQ) Certificate of Subdivision Approval (COSA) shall be submitted with the final plat.
15. Cause to be filed with final plat a Declaration of Covenant that declares 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. The covenant may be revoked for any or all parcels within the subdivision by mutual consent of the owners of the parcels in question and the governing body of Cascade County.
16. A fire suppression cistern with a capacity of 64,000 installed on-site, properly maintained and equipped with the proper appurtenances and approved for use by the Gore Hill Volunteer Fire Department.
17. The Homeowners' Association shall be responsible for the continual maintenance of the equipment and approach to the fire suppression cistern, subject to adequate inspections by the Fire Chief of the Gore Hill Volunteer Fire Department to insure the equipment is being properly maintained.
18. MDEQ approval for the proposed site grading and drainage and stormwater conveyance system shall be submitted prior to final plat approval. Additionally, final engineering plans, stamped by a professional engineer in the State of Montana, shall be submitted to the Cascade County Planning Department with the final plat submittal.
19. A copy of the MDEQ General Discharge Permit for Stormwater associated with construction activity shall be submitted prior to final plat approval, if applicable.
20. The inclusion in the covenants of the Outer Horizontal Surface Military Overlay District-F ("MOD-F") height restrictions limiting structures within the subdivision to no greater than 500 feet in height, unless a variance is approved by the Zoning Board of Adjustment."

And says that Condition of Approval #21 is to be agreed upon.

21. "Lot 33A shall be no less than 2 acres as required by the Cascade County Zoning Regulations for the Suburban Residential 2 District (CCZR § 7.1.0.1(1); CCSR § 10-3), unless an approved variance is obtained, or Lot 33A is eliminated and absorbed into Lots 33 and/or 34 and utility easement is established that meets the requirements of CCSR § 10-9."

**Elliot Merja:** asks if this satisfies the request.

**Carey Ann Haight:** says yes. However, she says that she does not understand why Condition of Approval #21 is to be agreed upon.

**Elliot Merja:** says that he is unsure as well, but it may be because there are three (3) separate ways that they can handle the lot. On the other hand, there does not have to be this exclusion.

**Carey Ann Haight:** agrees that it does not have to have that exclusion. She asks the Board if they are looking to do something different with the Condition of Approval #21.

**Elliot Merja:** says that they would like the Applicants to be able to fix the lots. Overall, he says that this concern is already addressed in this Condition of Approval. Therefore, they do not need to add that statement to be decided upon by the applicant for it is already present in the condition.

**Carey Ann Haight:** asks for clarification that they are not asking the Applicant to provide a different solution or something else.

**Elliot Merja:** says overall, they would just like the Applicants to agree upon it and that he missed that it stated that they are giving the Applicants three (3) options. He says that they no longer need to add the additional statement as it is already stated within the condition that it is to be agreed upon.

**Carey Ann Haight:** asks if that was Mr. Busby's intent.

**Dexter Busby:** says yes, but there is another option of making the lot parkland.<sup>2</sup> He says that he did not find that it was particularly clear on the pros and cons of each option. Therefore, he decided not to list the options specifically and wanted the Applicants to agree upon it.

**Elliot Merja:** asks if that creates a bit of turmoil.

**Carey Ann Haight:** says that it does create some issues. She asks the Planning Director if she is making motion too difficult.

**Charity Yonker:** says that it is her understanding that what has been submitted in the Preliminary Plat material is that the Applicant is creating Lot 33A. This lot does not presently meet the two (2) acre minimum that is obligatory and dictated by the County's Zoning Regulations and the lot's Zoning District. She says that the concern is not about how the fire cistern is set up. The concern is what will happen in the future when Lot 33A is conveyed and transferred and does not meet the zoning requirements. Classically, fire suppression cisterns are found on utility easements not a carved out and separate lot. If the Applicants wish to carve out a separate lot, then the lot is subjected to the two (2) acre minimum.

**Dexter Busby:** thinks that there is an exclusion for public land/parkland. He asks if that is correct.

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<sup>2</sup> See Footnote 1.

**Charity Yonker:** says they can do parkland dedication.<sup>0</sup>

**Elliot Merja:** says that option is not present in the Condition of Approval #21

**Dexter Busby:** agrees.

**Elliot Merja:** thinks if they were to conduct a parkland dedication then they would have an opportunity to leave it as it is presently. However, it would be a parkland dedication.

**Sandor Hopkins:** agrees with Mr. Merja's understanding of the situation. He says that they could do a parkland dedication. However, the lot cannot be standalone utility lot.

**Elliot Merja:** asks whether it would be problematic if it was dedicated as a park, but it was just a fire suppression cistern on the lot.

**Charity Yonker:** says that she is concerned as the County Subdivision Regulations has a specific call out for utilities to be on utility easements.<sup>4</sup>

**Richard Liebert:** asks for the President of the Board.

**Elliot Merja:** replies yes.

**Richard Liebert:** asks if they need to amend the Condition of Approval #21, based upon this discussion.

**Elliot Merja:** asks how the Vice President would like to amend the motion. He says that he finds that Mr. Busby was trying to find the best way to amend the motion that would allow the Applicants to work out the issue.

**Richard Liebert:** asks if it is implied or if he needs to specify what Mr. Busby started.

**Dexter Busby:** finds that they do not have to amend anything. The Board just needs to ensure that the developer and the Applicant is in full agreement with the choice that they make to comply with the Regulations as well as to agree with the Planning Department.

[inaudible speech]

**Elliot Merja:** asks if the Planning Director has any opinions on how they should address the motion.

**Charity Yonker:** says that she would prefer if they left Condition of Approval #21 as written for it provides then Applicants three (3) options that will allow them to be in compliance with the Regulations. She goes on to read Cascade County Subdivision Regulations §10-9 A.

**Dexter Busby:** asks if the Applicants could comply with this regulation as a parkland.

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<sup>0</sup> Park Dedication is defined by Cascade County Zoning Regulations as "[I]and set aside by the developer for park purposes [,]" (Cascade County Zoning Regulations, 30). Park land dedication requirements are can be found in Montana Code Annotated (MCA) §76-3-621 and Cascade County Subdivision Regulations §10-12.

<sup>4</sup> For more information on utilities please see Cascade County Subdivision Regulations §10-9.

**Charity Yonker:** says yes, however the Applicants would still need to establish the easement.

**Dexter Busby:** agrees.

**Jeremy Miller:** interrupts the Board Discussion to ask what a typical easement would be surrounding utilities.

**Charity Yonker:** says that it would be an access easement.

**Jeremy Miller:** asks if it would be ten (10) feet from a building and the rest would be parkland.

**Sandor Hopkins:** says that utility easements are typically fifteen (15) feet at least.

**Jeremy Miller:** say okay.

**Sandor Hopkins:** says having access for emergency vehicles would be a conversation that Mr. Miller would need to discuss with Gore Hill Fire Department.

**Jeremy Miller:** asks if 33A is called both parkland and a utility easement, would it satisfy the requirements.

**Sandor Hopkins:** says yes that his preliminary read of the circumstances and regulations is that it would be acceptable.

**Charity Yonker:** says as far as proposed language, the Planning Department could propose what is in alignment to Mr. Busby's request. She says Condition of Approval #21 could say, "The Applicants(s) and the Planning Department shall reach an agreement regarding Lot 33A that meets the Cascade County Zoning Regulations and the Cascade County Subdivision Regulations."

**Dexter Busby:** says that her proposal works for him.

**Elliot Merja:** asks for a second to the amended motion.

**Richard Liebert:** asks if they are in the amendment process currently.

**Elliot Merja:** says yes.

**Carey Ann Haight:** says yes that Mr. Busby has agreed to amend his motion to incorporate the language that Charity Yonker has recited.

**Richard Liebert:** seconds the amended motion for approval.

**Elliot Merja:** asks if there is any further discussion.

**Richard Liebert:** asks if they are amending the Condition of Approval #21 of the motion for approval.

**Dexter Busby:** says yes.

**Elliot Merja:** says yes and asks if there is any further discussion. Hearing none, he calls for a vote.

**All in Favor, motion carries 6-0.**

**Elliot Merja:** moves to Board Matters.

**Richard Liebert:** says that they need to go back to vote on the main motion.

**Elliot Merja:** understands and apologies. He calls for a vote on the main motion, on whether it should be approved or disapproved, overall.

**Richard Liebert:** seconds the motion for approval with the approved amended condition.

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

**All in Favor, motion carries 6-0.**

## 6. BOARD MATTERS [00:49:00]

**Elliot Merja:** thanks Mr. Liebert for his input, then he moves to Board Matters by asking if there is anything that needs to be discussed by the Board.

**Richard Liebert:** says that he would like to ask the Planning Director to update the staff on Zoning Regulation Revision process as well as what will be discussed by the Commissioners on the November 12, 2020, Commission Meeting.

**Charity Yonker:** says that the November 12, 2020, meeting will be at 05:30 PM by Zoom.<sup>5</sup> The County Commissioners will hear the recommendations from the Planning Board regarding the revisions, such as the text revisions and the map revisions. Nearly a year ago, the Planning Board voted on a variety of revisions to Cascade County Zoning Regulations. The several types of revisions can be broken down into several categories such as medical Marijuana changes, the potential split of the Agricultural District, violation and penalty provision changes, sign provisions changes, Black Eagle rezone, and so forth.... These revisions as well as many others will be voted upon by Cascade County Commissioners on November 12, 2020. Prior to the main meeting, there will be three (3) Commission Work Sessions discussing the larger revision categories in depth. They had one (1) of these sessions already take place on October 9, 2020 regarding the medical marijuana revisions and the new ballot measures that will be considered in November. On October 23, 2020, they will have a Work Session addressing the Agricultural District split. The last Work Session will occur on November 6, 2020 and it will include the last of the proposed revisions, such as the Black Eagle rezone.

**Richard Liebert:** asks if this meeting will address the propose Mixed Use (MU) 20 District.

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<sup>5</sup> Zoom is an online video meeting platform.

**Charity Yonker:** says yes. She says the Work Session on Friday, October 23, 2020 will address this proposed district. She says the Planning Board recommended that the Agricultural (A) District be split to have a MU-20 District and the remainder of the district remain as A-District. The Planning Department originally proposed for the A-District to be split into MU-20 District and a MU-40 District.

**Richard Liebert:** thanks her for her input.

**Charity Yonker:** says they will also be having another meeting October 21, 2020, at 10:30 AM, for the Northwestern Energy Rezone, which is a rezone to turn properties currently zoned Open Space (OS) District to A-District.

**Elliot Merja:** asks if this will be an in person meeting or if it will take place on Zoom.

**Charity Yonker:** says it is a public meeting that will take place over Zoom. She moves on to say that we have a new county website with a consolidated calendar of upcoming county events and meetings. Additionally, people can sign up for notifications on events, new postings, and more, on the new website.

**Richard Liebert:** says that is nice.

**Elliot Merja:** asks if there is any other Board Matter to be discussed.

**Charity Yonker:** asks to speak:

**Elliot Merja:** agrees.

**Charity Yonker:** asks if the Planning Department could introduce their new Code Compliance Officer for Cascade County Planning Department.

**Elliot Merja:** agrees.

**Charity Yonker:** says that Kevin Nurre is the new Code Compliance Officer for Cascade County Planning Department, who just started working for the Department two (2) weeks prior to this meeting and invited Mr. Nurre to introduce himself.

**Elliot Merja:** thanks her.

**Kevin Nurre:** introduces himself. He says that he is originally from Iowa but was stationed here in 2010 in the Air Force. In 2015, he retired from the Air Force after over twenty (20) years of service. Afterwards, he worked in the Sheriff's Department training people for five (5) years. He says that he is happy to now be a part of the Planning Department.

**Charity Yonker:** says that they are happy to have him join their team.

**Elliot Merja:** says, "Cool!"

**Richard Liebert:** says, "Welcome aboard!"

**Elliot Merja:** thanks Mr. Nurre.

**Charity Yonker:** says that she has one (1) more update from the Planning Department. She says there will be a Planning Board meeting as scheduled on November 17, 2020, at 09:00 AM. The Board may be considering a wayfinding plan for directional signage around the Great Falls area.

**Elliot Merja:** thanks Charity Yonker for her updates.

**Charity Yonker:** thanks the President for allowing her to speak.

**Elliot Merja:** says that he wanted to be stated that this Zoom meeting went extremely well, and he appreciates it. He tells the Staff that they are doing excellent work. He then, moves to the next agenda topic.

## 7. PUBLIC COMMENTS REGARDING MATTERS WITHIN THE BOARD 'S JURISDICTION [00:56:50]

**Rick Higgins:** discusses his RSID tax assessment regarding Fox Farm on the East end of his property. He says that he does not understand why he should be assessed for his large properties nor why he should be assessed for three hundred to one thousand and five hundred dollars (\$300-\$1,500.00). He says that he has not sat down one-on-one with people in the county about his issue, but he also says that he has sat down and talked one-on-one with some people in the county. He says that he would like issues to be resolved.

**Carey Ann Haight:** asks if she may interject. She says that she appreciates where Mr. Higgins is coming from however, this concern is not a matter for the Planning Board as they do not have the legal authority nor the jurisdiction to provide him with the answers that he seeks to decide or speak on tax assessments

**Elliot Merja:** asks who has the authority.

**Rick Higgins:** says, "go ahead."

**Carey Ann Haight:** says that Mr. Higgins has already received an explanation with regard from the Tax Assessment Office. Additionally, the County Attorney's office has investigated the case and have met with the Board of County Commissioners. They found that the assessments are valid under the law as they have been passed. She says there was no protest found when the RSID was established. Moreover, she says even if they had been protested there is no guarantee that the Commission would have said that these properties in this RSID shall not be included. It has been years since the time that this assessment could have been addressed. Therefore, there is not much that can be done now.

**Rick Higgins:** agrees but says that he was not the property owner when the RSID was established.

**Carey Ann Haight:** says that is correct. Nevertheless, she says that the owner at the time did not oppose the RSID.

**Rick Higgins:** tries to discuss the previous owner's choices.

**Carey Ann Haight:** says with the upmost respect that they are off topic from what this public comment section is designed to be. She says that this period of the meeting is reserved for matters that are within the Board's authority. She says that these matters that Mr. Higgins would like to discuss are not under this Board's authority. She says to the President of the Board that they really must move on to allow for other public citizens to discuss items that are not listed on the agenda but are within the Board's authority.

**Elliot Merja:** thanks her for her input and asks for any other public comment. Hearing none, he moves to adjournment.

**8. Adjournment at 10:00 AM [01:05:02]**

**Richard Liebert:** moves to adjourn.

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

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

***All in Favor, motion carries 6-0.***