

# CASCADE COUNTY PLANNING BOARD

August 18, 2020

9:00 AM

Online Zoom Video Conference Meeting

*Board Members: Dexter Busby, Dan Johnstone, Richard Liebert, Elliot Merja, Bruce Moore, Rob Skawinski, and Ken Thornton.*

**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:** Anna Ehnes, Destiny Gough, Carey Ann Haight, Amber Hobbs, Mercedes Kemp, and Charity Yonker.

**PUBLIC ATTENDEES:** Mark Leo, Tom Mital, and Ronda Wiggers.

1. **CALL TO ORDER:** President Elliot Merja called the meeting to order at 09:02 AM, **Audio Part 1 [00:00:20]<sup>1</sup>**  
*Some of the Planning Board members and the Planning Department experience some technical difficulties for several minutes. The Planning staff during this time work on trying to resolve the issues.*
2. **ROLL CALL: Audio Part 1 [00:04:33]**  
**BOARD MEMBERS PRESENT:** Dexter Busby, Richard Liebert, Elliot Merja, Bruce Moore, Rob Skawinski, and Ken Thornton.  
**BOARD MEMBERS ABSENT:** Dan Johnstone  
*The Planning staff conducts a roll call for the public attendees as well as the county staff attendees.*
3. **APPROVAL OF THE MINUTES:**
  - A. **Draft Meeting Minutes for May 27, 2020: Audio Part 1 [00:04:37]**
    1. **Board Discussion & Decision**

**Elliot Merja:** asks whether or not everyone has had an opportunity to look at the minutes.

**Ken Thornton:** says yes.

**Dexter Busby:** says yes.

**Bruce Moore:** says yes.

---

<sup>1</sup> Due to upload size restrictions on the county website, the audio published on the web has been broken up into three (3) segments. In order to align with the current audio published on the web, the meetings minutes timestamps correspond to a specific audio segment stated near the timestamp. To hear the official audio record please visit <http://www.cascadecountymt.gov/departments/public-works/planning/planning-board/2020>.

**Elliot Merja:** asks whether or not there are any additions, subtractions, or corrections to the minutes. Hearing none, he calls for a motion to approve the minutes.

**Richard Liebert:** moves to approve the minutes

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

**Ken Thornton:** seconds the motion for approval.

**Elliot Merja:** asks whether or not there is any further discussion on these minutes. Hearing none, he calls for a vote.

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

**B. Draft Meeting Minutes for June 30, 2020: [Audio Part 1 \[00:05:24\]](#)**

**1. Board Discussion & Decision**

**Elliot Merja:** asks whether or not there are any additions, subtractions, or corrections to the minutes. Hearing none, he calls for a motion to approve the minutes.

**Kent Thornton:** moves to approve the minutes

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

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

**Elliot Merja:** asks whether or not there is any further discussion on these minutes. Hearing none, he calls for a vote.

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

**C. Draft Meeting Minutes for July 30, 2020: [Audio Part 1 \[00:06:40\]](#)**

**1. Board Discussion & Decision**

**Elliot Merja:** asks whether or not there are any additions, subtractions, or corrections to the minutes. Hearing none, he calls for a motion to approve the minutes.

**Dexter Busby:** moves to approve the minutes

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

**Bruce Moore:** seconds the motion for approval.

**Elliot Merja:** asks whether or not there is any further discussion on these minutes. Hearing none, he calls for a vote.

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

4. OLD BUSINESS: None.

5. NEW BUSINESS:

**A. Missouri River Big Bend II, Part II, Major Subdivision**

1. Amber Hobbs: presents the Staff Report. [Audio Part 1 \[00:11:08\]](#) & [Audio Part 2 \[00:00:00\]](#)

2. Motions:

a. Subdivision Motion:

**Alternative 1:** “I move to recommend to the Cascade County Board of County Commissioners to **deny** the Preliminary Plat Application for Missouri River Big Bend II, Part II Major Subdivision;”

Or

**Alternative 2:** “I move to recommend to the Cascade County Board of County Commissioners to **approve** the Preliminary Plat Application for Missouri River Big Bend II, Part II Major Subdivision with 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 final 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 in accordance with MCA § 76-3-612 (2019).
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 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. 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.
7. Causing to be recorded on the final plat a statement concerning limited public services.
8. Pursuant to § 7-22-2152 MCA (2019), submitting a written plan to the Cascade County Weed Board specifying the methods for weed management procedures with regards to this development.
9. Causing to be recorded on the final plat an Agriculture Notification statement.
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 Fox Farm Road, Dune Drive, or 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. 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 are 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. The inclusion in the covenants of the Outer Horizontal Surface Military Overlay District-E (“MOD-E”) height restrictions limiting structures within the subdivision to no greater than 50 feet in height, unless a variance is approved by the Zoning Board of Adjustment.
15. Montana Department of Environmental Quality (MDEQ) Certificate of Subdivision Approval (COSA) shall be submitted with the final plat.
16. Submit a signed letter from the Gore Hill Volunteer Fire Department confirming that the on-site cisterns have been properly maintained and are always equipped with the proper appurtenances for the Gore Hill Volunteer Fire Department to use for firefighting.
17. Provide documentation on how the homeowners’ association will maintain an accessible approach to access the cisterns.
18. The homeowners’ association shall be responsible for the continual maintenance of the equipment subject to adequate inspections by the Fire Chief of the Gore Hill Volunteer Fire Department to ensure the equipment is being properly maintained.
19. 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.
20. A copy of the MDEQ General Discharge Permit for Stormwater associated with construction activity shall be submitted prior to final plat approval, if applicable.
21. Unless Variance 1 is approved, the developer shall install a second ingress/egress road that complies with Cascade County Subdivision Regulations for a major subdivision prior to final plat approval.
22. The developer provides physical access to the proposed Lot 36, that complies with the Cascade County Subdivision Regulations prior to final plat approval.
23. Rimrock Lane is already installed and subsequently divides both Lots 34 & 35 by a public right-of-way. The final plat must reflect Lot configuration that does not result in individual Lots being divided by any public right-of-way to comply with CCSR§ 10-3(D)(2).
24. A Lot dedicated to parkland and the homeowners’ association, no smaller than 0.619 acres must be shown on the final plat.
25. A correction plat of Missouri River Big Bend Phase III showing the accurate acreage for Lot 7 must be filed prior to final plat approval.”

**b. Variance 1 Motions:**

**Alternative 1:** “I move **Variance 1 be approved** with the following conditions:

*ii. Obtain a signed letter from the Gore Hill Volunteer Fire Department stating that one access road is sufficient to provide adequate fire protection and emergency services to the entire subdivision in the event Rimrock Road becomes congested or impassible.*

*Or*

*iii. A covenant shall be filed with the final plat stating: “The Missouri River Bend II, Part II, Major Subdivision property owners shall maintain the internal access road and road approach, and shall keep the entire width of the road clear of all vehicles, campers, boats, trailers, materials, or any other item in order to aid emergency vehicle response capabilities.”*

*iv. Prior to final plat approval the subdivider shall install no parking signs along the internal access road which notifies all landowners of the requirement to keep the road right-of-way clear of all encroachments.”*

Or

**Alternative 2:** "I move **Variance 1 be denied** on grounds that the Applicant has not provided sufficient evidence to support a positive finding that (1) the conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not generally applicable to other properties; and (2) the granting of the variance will be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties, and, therefore, the developer shall install a second ingress/egress road that complies with Cascade County Subdivision Regulations § 10-15(F)(1) for a major subdivision prior to final plat approval as conditioned below."

c. **Variance 2 Motions:**

**Alternative 1:** "I move **Variance 2 be denied** on the grounds that the Applicant has not provided sufficient evidence to support a positive finding that (1) the conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not generally applicable to other properties; (2) that the physical conditions, such as the parcels shape or topography, prevent the Applicant from meeting the strict letter of these Regulations; and (3) the granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties."

Or

**Alternative 2:** "The Board must set forth findings of fact to support a positive finding that the variance criteria of CCSR § 11-3 are satisfied in order to **approve** the variance."

3. **Board Discussion on Variance 1 & Variance 2: Audio Part 2 [00:10:03]**

**Elliot Merja:** asks whether or not they should discuss the variance first or questions on the rest of the application.

**Charity Yonker:** says that they should discuss the variances first.

**Elliot Merja:** says that his audio did not come through well.

**Charity Yonker:** says Variance 1 first. Then, the Board should have a discussion. [*inaudible*]

**Destiny Gough:** calls for Ms. Yonker.

**Charity Yonker:** responds yes.

**Destiny Gough:** says that they are getting internal feedback.

**Dexter Busby:** agrees and says it is from her office.

**Destiny Gough:** says her voice sounds outlandish coming through their speakers.

**Charity Yonker:** [*inaudible*]

**Bruce Moore:** [*inaudible*] and [*laughs*]

**Destiny Gough:** says that they cannot hear what she just stated.

**Charity Yonker:** [*inaudible*].

**Bruce Moore:** says a joke.

**Destiny Gough:** repeats his joke.

**Charity Yonker:** says that she suggest for them to start by discussing Variance 1 and have a Board discussion on [*inaudible*].

**Elliot Merja:** says that he cannot hear what she has just stated and asks whether or not the Board has any questions about Variance 1. He says that he has a question as to if the road is wider than standard roads or if it shall be the same width, but with a variance.

**Dexter Busby:** finds that Variance 1 is only one (1) access, egress and ingress, route for the entire subdivision (Phase I, Phase II, & Phase III). He finds that the fire department is stating that there need to be two (2) access roads in case of an emergency.

**Elliot Merja:** understands but he wonders whether or not the Applicant is asking for a variance, will the Applicant be willing to then make the road wider. He asks whether or not there were topographic issues with the road that prevented the Applicant from having more of a decent road.

**Dexter Busby:** says that the original road was nicely placed in. Even so, whether or not this road is blocked; there will be no access to or out of this subdivision. He is presently unaware of the full extent of the issues that would prevent the Applicant from creating a second road, other than being expensive.

**Elliot Merja:** asks whether or not the County staff would like to give their input on the variance, such as what could be added to make Variance 1 feasible or not.

**Charity Yonker:** asks whether or not the Board can hear her.

**Dexter Busby:** replies no.

**Elliot Merja:** replies sort of.

**Dexter Busby:** *[laughs]*

**Destiny Gough:** says okay, apologies, and says something inaudible.

**Elliot Merja:** says that he finds that the engineer for this project is online. He asks whether or not Mr. Leo, the engineer, could explain as to what their thoughts were on the variances.

**Charity Yonker:** states that the Planners and herself have moved to the other conference room to fix the audio issues that were occurring within the other room.

**Elliot Merja:** understands.

**Charity Yonker:** says that the County staff have concluded that Variance 1 does not meet all of the criteria as it presently stands. However, a letter of conditional approval could be entertained. With this in mind, the staff has prepared three (3) conditions of approval, such as obtaining a letter from the fire department chief. The fire chief may ask to include mitigating conditions that are deemed appropriate.

**Elliot Merja:** asks whether or not that was the cul-de-sac and the T-intersection road.

**Charity Yonker:** asks whether or not this question is in regard to Variance 1.

**Elliot Merja:** says that he believes it to be so.

**Charity Yonker:** reads Variance 1's conditions of approval.

**Elliot Merja:** asks whether or not the Board has any other questions for the county staff.

**Richard Liebert:** asks what the status is presently for Rimrock.

**Dexter Busby:** *[inaudible]*

**Charity Yonker:** says that the developer's engineer is here presently and that she is under the impression that the road is just a gravel road.

**Mark Leo from Big Sky Civil & Environmental, Inc. at 1324 13<sup>th</sup> Ave. SW, Great Falls, MT 59403:** says that it is gravel and that it is built to the past county subdivision standards. He says that the road is well maintained and is twenty-four (24) feet with gravel.

**Richard Liebert:** asks whether or not it connects with Crossover Lane.

**Mark Leo:** *[inaudible]*

**Roy Volk at 301 Big Bend Ln. Great Falls, MT 59404:** says yes.

**Mark Leo:** says yes and that they all connect to Missouri River Big Bend Lane. He says that when this subdivision was developed the regulations were different in the past, such as what is meant by what is and is not an *ingress* and an *egress*. He says that the past subdivision regulation definitions of *ingress* and *egress* evolved into “accessing” the subdivision. He says that this is the reason they are in this situation.

**Richard Liebert:** asks whether or not an emergency vehicle can enter and exit the subdivision's roads by taking the intersection of Rimrock Lane, Crossover Lane, and then go to Big Bend Lane.

**Mark Leo:** says yes.

**Richard Liebert:** asks whether or not that is a way in and out of the subdivision.

**Mark Leo:** says yes and that is how it was interpreted in the past.

**Dexter Busby:** says that the subdivision is only accessible from Big Bend Lane. It is the only and official way in and out of the subdivision. He asks whether Mr. Leo disagrees or agrees.

**Mark Leo:** agrees and says that the property is bounded. He says that building another road for this subdivision would be impractical. [*inaudible*] He says that there is the river and the other only way out of the subdivision is going through an adjacent landowner's property. He says that this landowner is unwilling to give up his easement as he is a competing land developer to Mr. Volk, the Applicant. He moves on to discuss how things have changed over time, such as the topography, the regulations and he says on top of this there is an unwilling landowner who will not give up his easement on his land.

**Dexter Busby:** says the problem is [*inaudible*]. He says if he understands Mr. Leo correctly, he is stating that it is unfeasible to have two (2) access roads for the entire development.

**Mark Leo:** agrees.

**Elliot Merja:** asks whether or not the Board has any further questions for the developer and the engineer.

**Richard Liebert:** says that he has a question for staff.

**Elliot Merja:** agrees to let him ask.

**Richard Liebert:** asks whether or not the staff could elaborate more on the Alternative 2 of Variance 2's motion.

**Charity Yonker:** states that this condition is for Variance 2, but it could also be used for Variance 1. She says that the Board will need to make findings whether or not they wish to approve Variance 1. Nevertheless for it to be approved all of the criteria must be satisfied. She reads the criteria from the Staff Report. She says that the Board may impose any conditions to satisfy these criteria.

**Elliot Merja:** asks whether or not any of the Board members have any questions.

**Richard Liebert:** asks a question in regard to the Findings of a Fact, Lot 1A stating that there needs to be a turnaround spot that would allow emergency vehicles to turn around. He asks whether or not the county staff or the Applicant's engineer could comment on this.

**Charity Yonker:** says that is correct and that anytime there is a dead-end, the Subdivision Regulation requires a forty-five (45) foot in diameter cul-de-sac or the T-intersection road.

**Elliot Merja:** says “Done.”

**Mark Leo:** says that it is not to the Subdivision Regulations, which is why they have to propose a variance [*inaudible*].

**Elliot Merja:** asks if it is an exceptionally large Lot.

**Mark Leo:** says that it is sixteen (16) acres.

**Elliot Merja:** says “So, having...”

**Mark Leo:** says that it currently has it. He says that it currently does not have a Certificate of Subdivision Approval through the Department of Environmental Quality (DEQ). He says that he assumes when this subdivision is approved and filed someone could purchase a home [*inaudible*].

**Dexter Busby:** asks what the nature of this sanitary restriction.

**Mark Leo:** asks if he could repeat his question.

**Dexter Busby:** repeats his question and asks what the language is for that restriction.

**Mark Leo:** replies that there are two (2) reviews for a subdivision. He says one review is for the Planning Department and the other is for the City-County Health Department. He says, "Way back when we did the Missouri River Big Bend II, Part I was brought in. It was a master plan to, for a preliminary plat for including everything you see there. There was more Lots that were proposed. I believe thirty-four (34) at the time. So each one of those Lots went through a review of the Department of Environmental Quality and they have an approval on them. They are preapproved, these theoretical Lots are preapproved for water or sewer, solid waste, stormwater, and the preliminary plat since expired in the eyes of the Planning Department but the certificate of subdivision approval. They have a longer shelf life. So anything that wasn't included in that, which would be that Lot 36 South has. If it is smaller than twenty (20) acres it has a sanitary restriction on it. So, you have to get a Certificate of Subdivision Approval through the DEQ to build a home with one (1) Lot or two (2) and alike."

**Dexter Busby:** says that it is then a size restriction.

**Mark Leo:** agrees.

**Audio Part 3 [00:00:00]**

**Elliot Merja:** asks whether or not there are any further questions or concerns. He says that they are still on Variance 1. Hearing none he opens the hearing to public comments.

#### 4. Public Hearing opens at 10:06 AM for Variance 1 & Variance 2, **Audio Part 3 [00:33:24]**

**Proponents:**

**Roy Volk:** introduces his wife and himself as the developers. He says that they had a master plan and have been building developing this master plan in phases. He says in their second phase they were given water restriction to all of the subdivisions within the master plan. They have complied with this restriction. They have updated the master plan, but they were unaware of the time restrictions. He says that he was unaware of the time restriction. He moves on to say that they have the City-County Health Department's approval for all of the Lots. He says that they did a petition to create a Rural Special Improvement District (RSID) and it was approved. He says that they do an excellent job of maintaining their roads. He says that the Board should talk to their neighbors for he says that they will attest that they do an excellent job maintaining the property. He says that he finds that they do an excellent job in regard to doing everything within their subdivisions. He says that his other subdivisions are approved and already have buildings built within themselves. He says that he has met with the adjacent owner to the West of the subdivision about accessing the subdivision through their property. He says that they have had meetings for their Homeowner Association. He says that they are proud of the work that his wife and he have done. He says that he wishes to build on these Lots in this subdivision to give to their grandchildren. He says that he grew up in Great Falls. He says, "we have done everything that we can to support and do the right thing and this is the right thing. The issue with the secondary access opposes a little restriction on us but you know. I think our access in and out. We maintain it. I mean what can I say? It is the best that we can do with what we have, and I don't know...It's too bad that the restriction came in later, but it's kinda what we have to deal with now and I am hoping that we get your support." He says if anyone has any questions, he will answer it and says, "I am not opposed to extending the road way South in front of that residence and build another cul-de-sac and make it a standard. A cul-de-sac does exist as an eighty (80) foot radius of a hundred and sixty (160) foot round." He says that it is graded with grave with weeds growing inside of it. He says that there is another road on the Crossover Ln. through the property. He ends by thanking everyone.



Opponents: none

Public Hearing closes at 10:13 AM

5. Board Discussion & Action for Variance 1 & Variance 2: **Audio Part 3 [00:07:42]**

**Elliot Merja:** asks whether or not there are any other Board questions. Hearing none, he asks for a motion for Variance 1.

**Dexter Busby:** “[...] Move[s] **Variance 1 be approved** with the following conditions:

- i. *Obtain a signed letter from the Gore Hill Volunteer Fire Department stating that one access road is sufficient to provide adequate fire protection and emergency services to the entire subdivision in the event Rimrock Road becomes congested or impassible.*

Or

- ii. *A covenant shall be filed with the final plat stating: “The Missouri River Bend II, Part II, Major Subdivision property owners shall maintain the internal access road and road approach, and shall keep the entire width of the road clear of all vehicles, campers, boats, trailers, materials, or any other item in order to aid emergency vehicle response capabilities.”*
- iii. *Prior to final plat approval the subdivider shall install no parking signs along the internal access road which notifies all landowners of the requirement to keep the road right-of-way clear of all encroachments.”*

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

**Richard Liebert:** seconds the motion.

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

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

**Elliot Merja:** asks whether or not there are any other Board questions.

**Richard Liebert:** asks whether or not he can ask the county staff a question.

**Elliot Merja:** agrees.

**Richard Liebert:** asks whether or not the final plat application relies on Variance 2’s approval.

**Charity Yonker:** says that the condition of approval number twenty-two (22) for the subdivision may rely on it.

**Dexter Busby:** asks if this condition implies the existing road be upgraded to current road standards in the Subdivision Regulations.

**Charity Yonker:** says yes.

**Dexter Busby:** understands.

**Charity Yonker:** agrees.

**Dexter Busby:** “[...] Move[s] **Variance 2 be denied** on the grounds that the Applicant has not provided sufficient evidence to support a positive finding that (1) the conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not generally applicable to other properties; (2) that the physical conditions, such as the parcels shape or topography, prevent the Applicant from meeting the strict letter of these Regulations; and (3) the granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.”

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

**Richard Liebert:** seconds the motion.

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

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

6. Board Discussion on the Subdivision: [Audio Part 3 \[00:12:42\]](#)

**Elliot Merja:** moves the Board to discuss the subdivision as a whole.

**Charity Yonker:** agrees.

**Elliot Merja:** asks whether there are or not any questions regarding the subdivision as a whole.

**Richard Liebert:** says that he would like to ask a question.

**Elliot Merja:** agrees.

**Richard Liebert:** asks regarding the condition of approval number twenty-two (22). He asks if the road is fully developed down to the Lot 36 presently.

**Charity Yonker:** says no that the road goes down to Lot 21 where there is a cul-de-sac. She says that the condition of approval number twenty-two (22) would extend the roadway past Lot 12 to Lot 36, where the proposed cul-de-sac would be relocated to. She says if she is wrong, the developer may correct her.

**Mark Leo:** says, " that it is not necessarily a dead end. There is a road that actually extends through there. It is not sufficient width. That's why we request a variance. It does exist but it is not sufficient width and it was intended for an emergency exit to kinda pull that loop together. But the time the Planning staff didn't require it be built to the Subdivision [Regulation] standards."

**Elliot Merja:** asks if Mr. Volk suggested that it could be built up to the present standards.

**Mark Leo:** says yes.

**Elliot Merja:** asks whether or not the Board has any other questions.

**Ken Thornton:** asks if the current road could be an emergency egress through the other landowner's property.

**Mark Leo:** says yes, but the adjacent landowner will not give up his land. Despite this fact, he says in an event of an extreme emergency, "fences can be cut, and emergency vehicles can go in and out of that, but that is an extreme situation."

**Ken Thornton:** understands.

**Elliot Merja:** asks whether or not there are any further questions.

**Richard Liebert:** asks whether any homeowners are already paying into the RSID. He wonders if this is active and how much the homeowners are paying into this RSID.

**Mark Leo:** says the homeowners are paying for the RSID. He says with the addition of five (5) more Lots there should will be five (5) more tax assessments. He explains his reasoning behind it.

**Richard Liebert:** says that will share the load.

**Elliot Merja:** agrees and opens the meeting for public comment.

7. Public Hearing opens at 10:23 AM for the Subdivision as a whole, [Audio Part 3 \[00:33:24\]](#)

**Proponents:** none

**Opponents:** none

Public Hearing closes at 10:23 AM

8. Board Discussion & Action on the Subdivision: **Audio Part 3 [00:17:35]**

**Elliot Merja:** asks whether or not there are any further questions.

**Richard Liebert:** says that there are many conditions of approval for this subdivision.

**Elliot Merja:** agrees and asks for a motion.

**Richard Liebert:** “[...] Move[s] to recommend to the Cascade County Board of County Commissioners to **approve** the Preliminary Plat Application for Missouri River Big Bend II, Part II Major Subdivision with 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 final 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 in accordance with MCA § 76-3-612 (2019).
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 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. 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.
7. Causing to be recorded on the final plat a statement concerning limited public services.
8. Pursuant to § 7-22-2152 MCA (2019), submitting a written plan to the Cascade County Weed Board specifying the methods for weed management procedures with regards to this development.
9. Causing to be recorded on the final plat an Agriculture Notification statement.
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 Fox Farm Road, Dune Drive, or 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. 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 are 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. The inclusion in the covenants of the Outer Horizontal Surface Military Overlay District-E ("MOD-E") height restrictions limiting structures within the subdivision to no greater than 50 feet in height, unless a variance is approved by the Zoning Board of Adjustment.
15. Montana Department of Environmental Quality (MDEQ) Certificate of Subdivision Approval (COSA) shall be submitted with the final plat.
16. Submit a signed letter from the Gore Hill Volunteer Fire Department confirming that the on-site cisterns have been properly maintained and are always equipped with the proper appurtenances for the Gore Hill Volunteer Fire Department to use for firefighting.
17. Provide documentation on how the homeowners' association will maintain an accessible approach to access the cisterns.
18. The homeowners' association shall be responsible for the continual maintenance of the equipment subject to adequate inspections by the Fire Chief of the Gore Hill Volunteer Fire Department to ensure the equipment is being properly maintained.
19. 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.
20. A copy of the MDEQ General Discharge Permit for Stormwater associated with construction activity shall be submitted prior to final plat approval, if applicable.
21. Unless Variance 1 is approved, the developer shall install a second ingress/egress road that complies with Cascade County Subdivision Regulations for a major subdivision prior to final plat approval.
22. The developer provides physical access to the proposed Lot 36, that complies with the Cascade County Subdivision Regulations prior to final plat approval.
23. Rimrock Lane is already installed and subsequently divides both Lots 34 & 35 by a public right-of-way. The final plat must reflect Lot configuration that does not result in individual Lots being divided by any public right-of-way to comply with CCSR§ 10-3(D)(2).
24. A Lot dedicated to parkland and the homeowners' association, no smaller than 0.619 acres must be shown on the final plat.
25. A correction plat of Missouri River Big Bend Phase III showing the accurate acreage for Lot 7 must be filed prior to final plat approval."

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

**Dexter Busby:** seconds the motion.

**Elliot Merja:** asks whether there are any further discussion or questions to be made.

**Rob Skawinski:** asks if there are any conditions of approval that the developer finds unreasonable or too restrictive.

**Mark Leo:** says, "Not necessarily, the conditions we have there it seems like there are a lot of them and daunting, but it's almost like it is written like it was a brand-new subdivision. But its—everything is pretty much in place." He says the subdivision has all of the covenants, a Home Owners' Association, and the public infrastructures are already constructed. He says that he finds it problematic trying to obtain a letter of approval from the fire

department's chief as he says the fire chief "is unwilling to provide that letter." He says, "the whole thing is hinging on one (1) guy's opinion."

**Rob Skawinski:** understands.

**Charity Yonker:** clarifies that Variance 1 states they must either obtain a letter of approval from Gore Hill Fire Department or they must meet the other two (2) conditions. She says if they are unable to get the letter from the fire department, then the Applicant must meet those two other conditions.

**Elliot Merja:** understands.

**Rob Skawinski:** understands.

**Elliot Merja:** asks if there are any further questions or discussions to be made. Hearing none he calls for a vote.

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

6. PUBLIC COMMENTS REGARDING MATTERS WITHIN THE BOARD'S JURISDICTION. **Audio Part 3 [00:21:56]**

**Elliot Merja:** ask if there is any public comment or if there are any public citizens online.

**Charity Yonker:** says that Ronda Wiggers is there.

**Elliot Merja:** asks if Ms. Wiggers would like to speak.

**Ronda Wiggers at 4774 US Hwy 89, Vaughn, MT 594487:** says that she is here today on behalf of the Great Falls Realtors' Association. She wanted to know if the developer needed anything or assistance for today's meeting. However, the meeting went well. So, she says that she just sat back and watched the meeting instead.

**Elliot Merja:** thanks her and moves to Board Matters.

7. BOARD MATTERS: None. **Audio Part 3 [00:22:51]**

**Charity Yonker:** says that the next meeting is September 15, 2020, at 9:00 AM and there should be a major subdivision for River Bend Estates. She says that the elemental has been completed on this subdivision. So, the Planning Department is just working on their sufficiency. She says there is a possibility that it will not be ready in time. If that is the case, the Department will notify the Board that it is canceled as this meeting is not mandatory.

**Elliot Merja:** understands and thanks the staff and then calls for a motion to adjourn.

8. Adjournment: 01:03 PM, **Audio Part 3 [00:23:37]**

**Richard Liebert:** moves to adjourn.

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

**Bruce Moore:** seconds the motion to adjourn.

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

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