

November 12, 2020

AGENDA # 1

Agenda Action Report
Prepared for the
Cascade County Commission

ITEM: Planning Board's recommendations for text & map revisions to Cascade County Zoning Regulations ("CCZR") adopted April 26, 2005 (Resolution# 05-018) & last revised June 26, 2018 (Resolution# 18-54)

REGARDING: Public Hearing scheduled for November 12, 2020

ACTION REQUESTED: Consideration and action on proposed zoning map and text revisions to the CCZR

INITIATED & PRESENTED BY: Cascade County Planning Department

GENERAL INFORMATION

Purpose

The Cascade County Planning Department (“Department”), in an effort to improve planning and zoning services, proposed substantial revisions to the Cascade County Zoning Regulations (“CCZR”) pursuant to the Part 2 zoning of Title 76 of the Montana Code Annotated (“MCA”). This Report will provide information on the revisions to the current zoning district boundaries and regulation text as proposed in the staff-initiated draft, as well as recommendations made to the Commission by the Cascade County Planning Board (“Planning Board”). A fully annotated description of the proposed revisions is provided in Appendix 9. The proposed draft is a working document, initially created by the Department, designed to encourage public comment and participation in the revision process as it progresses through the Planning Board and the Cascade County Board of Commissioners (“Commissioners”).

Rationale, explanation, and analysis for the proposed changes have been included as appendices to this Report. The Mixed Use 40 District considerations and analysis has been retained despite the Planning Board’s recommendation to deny the creation of a Mixed Use 40 District.

Jurisdiction Boundary

The “Zoning Jurisdictional Area” includes the entirety of Cascade County, exclusive of the incorporated towns and cities of Great Falls, Belt, Cascade, and Neihart, as referred to in the last revised CCZR (Resolution# 18-54, dated June 26, 2018).

Vicinity Map

Refer to Appendix 7 containing the map titled “2020 Cascade County Proposed Zoning Map.”

Legal Description of Boundaries for Proposed Rezones

Refer to Appendix 8 for the legal descriptions of the Agricultural District rezone to Mixed Use 20 and Mixed Use 40, and the Black Eagle area rezone from Commercial and Urban Residential to Mixed Use.

Public Notice:

Notice of this public hearing was published in the Great Falls Tribune on Sunday September 27th and Sunday, October 4th of 2020.

Procedural History

- On January 17th, 2019, two copies of the revised CCZR were posted to the Department website for public review. One copy provided tracked changes and the other provided a clean draft version.
- On Tuesday, February 19th, 2019, the Planning Board held the first public hearing to provide a public forum on the proposed revisions to the zoning map boundaries and regulation. Notice of the meeting was published in the Great Falls Tribune on Sunday, February 3rd and Sunday, February 10th, of 2019.
- On Tuesday March 26th, 2019, the Planning Board held a second public hearing to provide a public forum on the proposed revisions to the zoning map boundaries and regulation. Notice of the meeting was published in the Great Falls Tribune on Sunday, February 24th and Sunday March 3rd, 2019.

- During the April 16th, 2019 Planning Board meeting, the Board discussed the Growth Policy in response to public comments provided in previous meetings and in written comments. The Board directed the Department to conduct the five-year review of the Growth Policy and report on the findings at the May 21st, 2019 meeting.
- On Tuesday May 21st, 2019, the Planning Board discussed the proposed zoning map and text revisions and directed the Department to draft a revised policy for medical marijuana registered premises and propose expanding the use to the Commercial District for the next meeting for the proposed revisions.
- The Department made two changes to the proposed draft of the zoning regulations. These changes are documented in Appendix 12. The first change is the proposed revision to medical marijuana registered premises and testing labs. The second change is the correction of an error identified in §18. Both changes are described in Appendix 9.
- On September 10, 2019, the Planning Board moved to recommend the following:
 - Unanimously recommended 1) the definition “Registered Premise” to be explicitly included in both CCZR §2 “Definitions” and in CCZR §7 for the respective Districts in the Regulations, and 2) to allow medical marijuana as a permitted principal use in the Agricultural District, the proposed Mixed Use 20 (MU-20) District, the Commercial District, the Industrial (I-1) District, and the Heavy Industrial (I-2) District.
 - Unanimously recommended 1) the definition “Medical Marijuana Testing Facility” to be added to CCZR §2 “Definitions” and §7 of the respective Districts in the Regulation, and 2) to allow medical marijuana testing facilities as a permitted principal use in the Agricultural District, MU-20 District, the Commercial District, I-1 District, and I-2 District.
 - On a vote of 4-3, the Planning Board recommended:
 - Denial of proposed Sub-Section 7.7 “Mixed Use 40 (MU-40)” District;
 - Retention of the current Agricultural District;
 - Adoption of the remaining revisions in §§ 1 through 18 of the CCZR; and
 - Adoption of the text revisions and zoning map boundaries for the MU-20 District upon a finding they are in accordance with the Cascade County Growth Policy and MCA § 76-2-203.
- Written public comments have been accepted on a rolling basis since January 17th, 2019. As of the finalization of this Report on October 2, 2020, the Department has received 187 written comments on the proposed revisions and provided them to the Commission for consideration prior to this meeting. Appendix 10 provides a brief thematic analysis of the comments received as of June 4th, 2019.
- Meeting Minutes regarding the proposed revisions are on file with the Office of the Clerk & Recorder and are referenced as follows:
 - February 19, 2019: R0368459
 - March 26, 2019: R0369490
 - April 16, 2019:
 - May 21, 2019: R0371731
 - June 12, 2019: R0374967
 - July 23, 2019: R0374969
 - August 20, 2019: R0380242
 - September 10, 2019: R0388489

EVALUATION OF THE PROPOSED ZONING REGULATIONS/MAP REVISIONS BASED ON STATUTORY CRITERIA

This section addresses the statutory criteria and guidelines for zoning regulations pursuant to §76-2-203 Montana Code Annotated.

Whether the proposed zoning regulation/map revisions are made in accordance with the Growth Policy

The proposed zoning regulations and map revisions fall within the jurisdiction of the Cascade County Growth Policy, adopted May 27, 2014 (Resolution# 14-45). The following goals and objectives of the Growth Policy have been identified throughout the appendices of this Report to establish substantial compliance for each relevant revision:

Goal 1: *Sustain and strengthen the economic well-being of Cascade County's citizens.*

Objective A: Stimulate the retention and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing, and forest products.

Goal 2: *Protect and maintain Cascade County's rural character and the community's historic relationship with natural resource development.*

Objective A: Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands, and forests.

Objective C: Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.

Objective E: Support the development of natural resources including but not limited to timber, mining, oil and gas production, and renewable energy production.

Goal 3: *Maintain agricultural economy.*

Objective A: Protect the most productive soil types.

Objective B: Continue to protect soils against erosion.

Goal 5: *Preserve and enhance the rural, friendly, and independent lifestyle currently enjoyed by Cascade County's citizens.*

Objective D: Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.

Goal 9: *Foster the heritage of the area in agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands, and forests.*

Objective E: Ensure development plans provide protection from the introduction and spread of noxious weeds.

Goal 10: *Minimize impact to wildlife and fisheries.*

Objective B: Encourage subdivision designs that do not restrict wildlife movement and preserve important wildlife habitat and corridors.

Objective C: Direct homeowners to educational resources that provide strategies to avoid homeowner wildlife conflict.

Goal 11: *Protect and maintain Cascade County's rural character, encourage efficient use of land.*

Objective A: Preserve the county's open space setting by encouraging cluster development.

Goal 12: *Support effort to ensure residents of Cascade County have an opportunity to obtain safe, sanitary, and affordable housing.*

Objective A: Work to maintain an adequate land supply for diversity of all housing opportunities.

Objective B: Consider the locational needs of various types of housing with regard to proximity of employment, and access to transportation and services.

Objective F: Encourage group homes, foster care facilities, and facilities for other special populations are equitably distributed throughout the county, yet near daily services.

Finding #1

The proposed zoning regulation and map revisions have been made in accordance with the Growth Policy and demonstrate substantial compliance.

Whether the proposed zoning regulation and map revisions are designed to:

a. Secure safety from fire and other dangers;

The majority of lots in the proposed Mixed Use – 20 (MU-20) District are located in the Wildland-Urban Interface (WUI) according to the 2008 Cascade County Community Wildfire Protection Plan. Low risk terrain/fuel hazard areas exist along the Missouri River and Interstate 15 corridor, the Smith River drainage, and along the Sun River to its confluence with the Missouri River. Moderate and high-risk terrain/fuel hazard areas exist in the Dearborn area and around the towns of Monarch and Neihart within the Little Belt Mountains. The minimum lot size of 20 acres ensures that any potential new development in the district would consist of low-density development unless located on a lot subdivided before County-wide zoning took effect in 2005, or created through a subdivision exemption. This reduces overall exposure to risk and the likelihood of any future encroachment into the WUI by residential and commercial developments thus reducing exposure to fire hazard.

The MU-20 District primarily follows major transportation corridors that connect the urban and rural residents of the county to the surrounding county communities and beyond. These corridors consist of U.S. Highway 89, Interstate 15, and Montana Highway 200 paired with an international airport and several railways. The proximity to transportation infrastructure facilitates quick response times and provides excellent access for emergency services. The MU-20 District is served by several rural fire departments throughout the county including Simms, Fort Shaw, Vaughn, Ulm, Dearborn, Cascade, Farmer Rancher, Sand Coulee, Belt Rural, Gore Hill, Neihart, and Monarch.

Most of the Mixed Use – 40 (MU-40) District is not located in the WUI. The exceptions are the areas south of Hardy in the foothills of the Big Belt Mountains, the Smith River drainage, and the foothills of the Little Belt Mountains. The historical land use in these areas is largely pastureland for livestock which is a crucial tool in reducing fuels throughout the county's grasslands. The minimum lot size of 40 acres ensures that any potential new development in the district would consist of low-density development unless located on a previously described lot. This reduces the overall exposure to risk and the likelihood of any future encroachment into the WUI by new developments thus reducing exposure to fire hazard. This district is served by several rural fire departments throughout the county including Simms, Fort Shaw, Vaughn, Ulm, Dearborn, Farmer Rancher, Sand Coulee, Belt Rural, Neihart, and Monarch.

The MU-20 District contains areas in Zone A and Zone AE along the Missouri River, Sun River, north of Belt in the Belt Creek drainage, and southeast of the City of Great Falls in the Sand Coulee drainage. The MU-40 District contains few flood hazard areas. Developments in these areas are subject to local floodplain regulations which are designed to protect residents from flood hazard.

Additionally, the MU-20 and MU-40 Districts require most allowed uses to go through a special use permit process. The special use permit process ensures that: (1) proposed developments are considered on a case-by-case basis; (2) subject to a public comment; (3) reviewed by interested agencies; (4) required to adhere to additional standards; and, (5) contingent upon Zoning Board of Adjustment approval. This is an important aspect of this district because it allows for a wide range of potential uses while protecting against any issues that might arise based on the unique characteristics of the chosen site and proposed development. This is a security against proposals that may have higher levels of risk within the large district.

The Black Eagle area rezone is not expected to create any additional dangers in the area. The Black Eagle area is served by the Black Eagle Volunteer Fire Department.

Finding #2

The proposed zoning map and regulation revisions are designed to secure safety from fire and other dangers for the following reasons: (1) the Districts are serviced by several volunteer fire departments; (2) the MU-20 District, with higher residential use, is located along major transportation corridors that provide quick access for emergency services; (3) large minimum lot sizes do not allow for dense development in the WUI; (4) extensive application of special use permit process provides security against unique hazards within the large Districts; and (5) local floodplain regulations protect residents in Special Flood Hazard Areas.

b. Promote public health, public safety, and general welfare; and

The proposed rezone of the Agricultural District to MU-20 and MU-40 is designed to promote suitable developments in areas located along three major transportation routes thus providing quick access for emergency services and mobility for residents in the case of an emergency. Limiting further dense development in the area through large minimum lot sizes minimizes risk to residents and emergency service providers while reducing the potential responsibility to protect life and property in remote areas with difficult access.

The Cascade County Sheriff's Department provides police services to the county. Emergency service providers can anticipate emergencies that are similar in character to existing uses in the Agricultural and Mixed Use Districts. Several volunteer fire departments (VFD) service the county.

Finding #3

The proposed zoning map and regulation revisions have been designed to promote public health, public safety, and general welfare by: (1) ensuring the Districts have sufficient access; (2) encouraging new developments in the Districts to occur along major transportation routes to ensure easy access for emergency services; (3) limiting new developments in the areas to low-density development; and, (4) retaining the same character of uses within the Districts.

c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

The proposed MU-20 District is mostly located along U.S. Highway 89, Interstate 15, and Montana Highway 200. These highways are co-located with railways and supplemented by air travel through Great Falls International Airport.

Transportation in much of the MU-40 District is limited to gravel and dirt roadways in variable conditions, or small aircraft. Many commercial uses currently allowed in the Agricultural District were removed from MU-40 in the split of the District to redirect such developments to other Districts with suitable transportation infrastructure.

Water and sewerage uses are permitted through the City-County Health Department, the Montana Department of Environmental Quality, and the Department of Natural Resources and Conservation. It is unlikely that this proposed zoning change will have an impact on water rights or the permitting processes of other agencies. However, the increase in minimum lot sizes in the MU-40 District will further restrict the density of development which could have a net positive impact on the provision of adequate water and sewerage.

Minimal impacts to schools servicing the MU-20 and MU-40 Districts are anticipated. Prevailing subdivision trends in the county suggest that the large minimum lot size of the two proposed Districts will greatly limit subdivisions for residential use while encouraging residential subdivision developments in large lot residential districts, e.g. the SR-1, SR-2, and RR-5 Districts. School enrollments are not expected to change in any significant way as a result.

Current parks and public lands are already in place and new ones are unlikely to be created since Montana Code Annotated § 76-3-621 (3)(a) states that "A park dedication may not be required for: ... land proposed for subdivision into parcels larger than 5 acres." New public lands would likely be created through either conservation easements from private entities or through acquisitions by other agencies.

Finding #4

The proposed zoning map and regulation revisions facilitate the adequate provision of transportation by locating land uses with higher traffic impacts along transportation corridors in the MU-20 District and by discouraging dense development.

Finding #5

The adequate provision of water and sewer are facilitated through a separate process that will not be affected by these proposed zoning changes.

Finding #6

The adequate provision of schools is facilitated by limiting dense development in the MU-20 and MU-40 Districts and redirects developments to more suitable residential districts.

Finding #7

The adequate provision of parks is not expected to be impacted under the proposed zoning map and regulation revisions.

In evaluating the proposed zoning regulation and map revisions, consideration shall be given to:

a. Reasonable provision of adequate light and air;

The MU-20 and MU-40 Districts have lot size, set back, and lot coverage requirements. The minimum lot size for these Districts are 20 acres and 40 acres, respectively. Both Districts have set back requirements as follows: 30 feet for the front yard, 6 for the side yards, and 10 for the rear yard. The Mixed Use rezone of the Black Eagle area also involves the proposed minimum lot size for the MU District and the following existing set back requirements: 15 feet for the front yard, 6 feet for the side yards, and 10 feet for the rear yard. These requirements have been established to provide for a reasonable provision of light and air.

Finding #8

The proposed zoning regulation and map revisions would provide adequate light and air to the areas included in the rezone proposals because future development would be required to meet the minimum lot size, set back, and lot coverage requirements.

b. The effect on motorized and non-motorized transportation systems;

The MU-20 District primarily follows arterial roadways and collectors throughout the county. Several highways are bounded by the District including Interstate 15, MT Highway 89, and MT Highway 200. The proposed rezone from Agricultural to MU-20 has the potential to increase traffic since the uses in this District consist of residential and commercial use. Most new developments in this District will require an approved Special Use Permit before operation may begin. The Special Use Permit application process involves outreach to relevant transportation agencies (Cascade County Road & Bridge and/or Montana Department of Transportation) depending on the access road(s) involved. This process serves as a check on the burden to roadways based upon the details of the proposed use.

The MU-40 District covers remote areas in Cascade County with limited access due to seasonal weather fluctuations, the difficulty of the terrain, and geomorphology. The rezone to MU-40 from Agricultural has the potential to decrease traffic in this district since many commercial service-based uses currently allowed in the Agricultural District will no longer be an allowed use. This will reduce the flow rate of traffic using and reduce the frequency and need for maintenance and repair of the transportation system.

The Black Eagle area proposed for rezone from Urban Residential to Mixed Use primarily consists of paved and maintained roads. The rezone is expected to have marginal impacts on traffic in the area since the existing uses in the area are both residential and commercial with many non-conforming uses.

There are no established non-motorized transportation systems in the proposed rezone areas.

Finding #9

Effects on motorized transportation systems is expected to be minimal because the transportation systems in the MU-20 District are largely paved, maintained, and capable of handling fluctuations in traffic.

Finding #10

Effects on motorized transportation systems are expected to be reduced in the MU-40 District as the result of removing commercial service-based uses currently allowed in the Agricultural District.

Finding #11

Effects on motorized transportation in the Black Eagle Mixed Use District are expected to maintain the current status quo given that the current nonconforming uses in that area will continue to operate but would become conforming uses of the Mixed Use District having no impact on the current transportation system.

Finding #12

No effects on non-motorized transportation systems are expected since there are no established non-motorized transportations systems in any of the proposed Districts.

c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;

It is unlikely that urban growth will be affected by this proposal. Small rural townsites in the county such as Simms, Cascade, and Ulm will continue to be surrounded by parcels with a minimum lot size of 20 acres and a mix of allowed uses stemming from the character of the current Agricultural District. The residential, commercial, and industrial zoning Districts in the vicinity of Great Falls will remain unchanged, and the proposed rezoning of Black Eagle from Urban Residential to Mixed Use is harmonious with the historical and current land uses in that area. The incorporated town of Belt will continue to be adjacent to the existing mixed-use zoning district and beyond that will largely be in proximity to the proposed MU-20 District. Neihart is almost entirely surrounded by public lands; however, the privately owned lands to the northeast will be zoned MU-20 with most uses allowed only with an approved Special Use Permit.

Finding #13

The proposed zoning map and regulation amendments are not expected to produce any compatibility issues with the towns in the county or the City of Great Falls. The character of land use in the proposed Districts parallels that of the existing Districts.

**d. The character of the district and its peculiar suitability for particular uses;
and**

The character of the Districts and their peculiar suitability for particular uses is best measured by implementing the “Little Test.” The Little Test is applied to determine whether spot zoning would occur during the rezoning process. Spot zoning can occur when one or more parcels within a larger zoning district change their zoning district to benefit those few parcels and the uses are not in common with the surrounding land uses, zoning district(s), as well as the communities Growth Policy. The test was established by legal precedent in the case of *Little v. Board of County Commissioners* (1981) and uses a three-prong test (*Little Test*). All three factors must be met to determine that spot zoning has or would occur during a zoning change. The following is an evaluation of the *Little Test* pertaining to the proposed zone changes in Cascade County.

The desired zoning allows uses that differ significantly from the prevailing uses in the area.

The areas being rezoned from Agricultural (A) to Mixed Use - 20 (MU-20) consists of a mix of residential, commercial, recreational, industrial, and agricultural uses. This is evidenced by Map 2 and Map 3 in the staff report materials. The proposed uses for the MU-20 District do not differ significantly from the prevailing uses in the area.

The area being rezoned from Agricultural (A) to Mixed Use - 40 (MU-40) consists of a mix of residential, commercial, recreational, industrial, and agricultural uses. This is evidenced by Map 2 and Map 3 in the staff report materials. The proposed uses for the MU-40 District do not differ significantly from the prevailing uses in the area.

The Black Eagle area rezone from Urban Residential (UR) and Commercial (C) to Mixed Use (MU) justification in Appendix 6 describes the reasoning behind the rezone proposal. The primary reason concerns existing and prevailing uses in the area and their non-conformity under their current zoning as UR. The proposed rezone is to accommodate prevailing uses in the area through the allowance of residential and limited commercial uses provided by the MU District. These proposed zoning changes will not allow uses that differ significantly from the prevailing uses in the area.

Whether the area proposed to be rezoned would be small in terms of the number of landowners that would benefit from the change.

The rezone from Agricultural (A) to Mixed Use - 20 (MU-20) and Mixed Use – 40 (MU-40) would affect approximately 1,253,701 acres of land in the county and approximately 4350 landowners. The Agricultural District is currently the largest zoning district in the county. Under the proposed rezone, MU-40 would be the largest district followed by MU-20. Given the large number of affected landowners, the rezone will benefit a large number of landowners.

The rezone from Urban Residential (UR) and Commercial (C) to Mixed Use (MU) would affect approximately 152 acres of land and approximately 434 landowners. Given the large number of affected landowners, it is evident that the rezone would not be a benefit to only a small number of landowners.

Whether the desired zoning would be in the nature of special legislation designed to benefit one or a few landowners at the expense of the surrounding landowners or the general public.

Appendices 2 and 6 provide justifications for the rezones and their accordance with the Growth Policy. The scope and scale of changes and affected landowners shows the proposed rezone does not constitute special legislation designed to benefit one or a few landowners. To the contrary, the proposed rezones are intended to benefit the general public.

In summary, all three criteria must be met for the application to potentially be considered spot zoning. The proposed zoning revisions do not appear to be at risk of spot zoning as it does not meet any of the three criteria.

Finding #14

The proposed zoning map changes appear suitable for the character of the Districts and do not appear to constitute spot zoning due to the large amount of acreage and landowners that would benefit from the changes. The zoning changes would not allow uses that differ significantly from the prevailing uses in the areas affected.

e. Conserving the values of buildings and encouraging the most appropriate uses of land throughout the jurisdictional area.

The existence of non-conforming uses and buildings in the proposed MU-20 and MU-40 districts will not be affected further than they would be under the current zoning regulations. No active uses or buildings will be required to be discontinued as part of this proposal. Additionally, by moving more intensive uses away from more densely developed residential areas, the potential negative impacts of these uses on the property values of existing development will be mitigated. The proposal to rezone Black Eagle will conserve the value of buildings and uses given that many non-conforming uses will be brought into conformance and will allow future growth compatible with existing and historic developments.

The consideration of appropriate land uses was one of the driving forces behind the split of the Agricultural District. The character of the proposed MU-20 District is to further residential development and uses that are low intensity in nature. The removal of currently permissible uses such as feedlots, junk/salvage yards, oil and gas exploration, and industrial distilleries from the proposed MU-20 District will help preserve the rural character of this District and restrict the development of intensive uses in proximity to otherwise low-intensity or residential uses. By allowing these types of uses to be continued in the MU-40 District through either the Special Use Permit process, or as permitted principal uses, will reduce barriers to farming and agricultural operations that exist in the low-population density areas of the county.

Finding #15

Building values are not expected to be negatively impacted by this proposal and may see positive benefits. Existing buildings and uses in the Agricultural District will continue unabated. Intensive uses currently allowed anywhere in the Agricultural District will be largely limited to the MU-40 District thus protecting the higher residential density areas of the MU-20 District.

Finding #16

The Black Eagle area is not expected to be negatively impacted by this proposal and may see positive benefit. Existing buildings and uses in the area will continue unabated while some land uses which are currently non-conforming will become conforming.

f. Must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities.

The incorporated townships in Cascade County include the cities of Great Falls, Belt, Neihart, and Cascade. The Mixed Use-20 (MU-20) District is proposed to be located along major transportation corridors in Cascade County that are surrounded by the current Agricultural (A) District. The proposed location of the Mixed Use-20 (MU-20) District is based on higher population density and smaller parcel size being more common in these areas. The proposed MU 20 District acts as a buffer between denser Mixed Use (MU) development and the less dense and intensive uses in the Mixed Use-40 (MU-40). This proposal aims to increase compatibility with municipalities within the County by providing a buffer from intensive uses and expansion areas for mixed uses on the borders of pre-existing urban areas. This incentivizes developments to locate in proximity to pre-existing developments.

The parcels within the unincorporated community of Black Eagle are currently zoned either Urban Residential (UR) or Commercial (C). It is proposed to rezone all the parcels to Mixed Use (MU). Black Eagle consists of high residential density along with small scale commercial operations throughout. Rezoning this area to MU will continue to allow residential development as well as limited commercial uses while bringing pre-existing nonconforming commercial uses into compliance.

Finding #17

The proposed zoning revisions will not negatively impact the compatibility of zoning ordinances of municipalities in Cascade County.

SUMMARY OF FINDINGS

Finding #1

The proposed zoning regulation and map revisions have been made in accordance with the Growth Policy and demonstrate substantial compliance.

Finding #2

The proposed zoning map and regulation revisions are designed to secure safety from fire and other dangers for the following reasons: (1) the Districts are serviced by several volunteer fire departments; (2) the MU-20 District, with higher residential use, is located along major transportation corridors that provide quick access for emergency services; (3) large minimum lot sizes do not allow for dense development in the WUI; (4) extensive application of special use permit process provides security against unique hazards within the large Districts; and (5) local floodplain regulations protect residents in Special Flood Hazard Areas.

Finding #3

The proposed zoning map and regulation revisions have been designed to promote public health, public safety, and general welfare by: (1) ensuring the Districts have sufficient access; (2) encouraging new developments in the districts to occur along major transportation routes to ensure easy access for

emergency services; (3) limiting new developments in the areas to low-density development; and, (4) retaining the same character of uses within the Districts.

Finding #4

The proposed zoning map and regulation revisions facilitate the adequate provision of transportation by locating land uses with higher traffic impacts along transportation corridors in the MU-20 District and by discouraging dense development.

Finding #5

The adequate provision of water and sewer are facilitated through a separate process that will not be affected by these proposed zoning changes.

Finding #6

The adequate provision of schools are facilitated by limiting dense development in the MU-20 and MU-40 Districts and redirects developments to suitable large lot residential districts.

Finding #7

The adequate provision of parks is not expected to be impacted under the proposed zoning map and regulation revisions.

Finding #8

The proposed zoning regulation and map revisions would provide adequate light and air to the areas included in the rezone proposals because future development would be required to meet the minimum lot size, set back, and lot coverage requirements.

Finding #9

Effects on motorized transportation systems is expected to be minimal because the transportation systems in the MU-20 District are largely paved, maintained, and capable of handling fluctuations in traffic.

Finding #10

Effects on motorized transportation systems are expected to be reduced in the MU-40 District as the result of removing commercial service-based uses currently allowed in the Agricultural District.

Finding #11

Effects on motorized transportation in the Black Eagle Mixed Use District are expected to maintain the current status quo given that the current nonconforming uses in that area will continue to operate but would become conforming uses of the Mixed Use District having no impact on the current transportation system.

Finding #12

No effects on non-motorized transportation systems are expected since there are no established non-motorized transportations systems in any of the proposed districts.

Finding #13

The proposed zoning map and regulation amendments are not expected to produce any compatibility issues with the towns in the county or the City of Great Falls. The character of land use in the proposed rezone districts parallels that of the existing Districts.

Finding #14

The proposed zoning map changes appear suitable for the character of the districts and do not appear to constitute spot zoning due to the large amount of acreage and landowners that would benefit from the changes. The zoning changes would not allow uses that differ significantly from the prevailing uses in the areas affected.

Finding #15

Building values are not expected to be negatively impacted by this proposal and may see positive benefits. Existing buildings and uses in the Agricultural District will continue unabated. Intensive uses currently allowed anywhere in the Agricultural District will be largely limited to the MU-40 area thus protecting the higher residential density areas of the MU-20 District.

Finding #16

The Black Eagle area is not expected to be negatively impacted by this proposal and may see positive benefit. Existing buildings and uses in the area will continue unabated while some land uses which are currently non-conforming will become conforming.

Finding #17

The proposed zoning revisions will not negatively impact the compatibility of zoning ordinances of municipalities in Cascade County

CONCLUSION

The Commission should use the criteria provided above to guide their recommendation to adopt all, or part of, the proposed revisions of the Cascade County Zoning Regulations. As guiding criteria, there is no requirement that all criteria must be satisfied, only that they be evaluated and used as a guide to the Board's decision to recommend adoption of the revisions.

MOTIONS

The following motions are provided for the Board's consideration:

1. "After considering public comment and the Staff Report, I move that the Board of Cascade County Commissioners **DENY** all proposed text and map revisions to the Cascade County Zoning Regulations.

or

2. "After considering public comment and the Staff Report, I move that the Board of Cascade County Commissioners **ADOPT** the Staff Report, and **ADOPT** all proposed text and map revisions to the Cascade County Zoning Regulations based upon the conclusion that all the revisions are in accordance with the Cascade County Growth Policy and MCA § 76-2-203.

or

3. "After considering the public comments and Staff Report, I move that the Board of Cascade County Commission **ADOPT** the Staff Report and all alternative findings made on the record, and **ADOPT IN PART** the proposed revisions to the Cascade County Zoning Regulations and zoning boundaries, and **DENY IN PART** as follows:
 - a. **ADOPT** the following revisions to the Cascade County Zoning Regulations and zoning boundaries finding they are in accordance with the Cascade County Growth Policy and MCA § 76-2-203: *[insert text and/or map revisions]*.
 - b. **DENY** the remaining proposed revisions.

Attachments:

- Appendix 1: Definition Changes and Sources;
- Appendix 2: Agricultural District Zoning Change Justification;
- Appendix 3: Agricultural/MU-20/MU-40 Comparison Table;
- Appendix 4: Agricultural Term Revisions;
- Appendix 5: Agricultural Scenario;
- Appendix 6: Black Eagle Rezone Justification;
- Appendix 7: Vicinity Map;
- Appendix 8: Legal Descriptions;
- Appendix 9: Annotated Changes and Growth Policy Compliance;
- Appendix 10: Summary of Written Public Comments;
- Appendix 11: MU-20/MU-40 Rezone FAQ;
- Appendix 12: What's New?, Map 1: Cluster and Outlier Map; Map 2: Issued Permits Overlay Map; Map 3: Splitting a Large Rural District Along Residential Lines
- Planning Board Draft Zoning Text and Map Revisions
- Planning Department Draft Zoning Text and Map Revisions
- Current Cascade County Zoning Regulations