

BEFORE THE BOARD OF COUNTY COMMISSIONERS

**IN THE MATTER OF A RESOLUTION OF INTENTION
TO REVISE THE TEXT AND MAP OF THE
CASCADE COUNTY ZONING REGULATIONS**

Resolution 20-61

WHEREAS, under the provisions of Title 76, Chapter 2, Part 2, Montana Code Annotated, the Board of County Commissioners is authorized to adopt zoning regulations; and

WHEREAS, a Zoning District and Regulations therefore was created by Resolution passed by the Board of County Commissioners on April 26, 2005, as documented on Resolution 05-018 on file in the Office of the Clerk and Recorder of Cascade County; and

WHEREAS, Montana Code Annotated, Section 76-2-205 allows the Board of County Commissioners to amend zoning regulations; and

WHEREAS, in accordance with Section 76-2-204, Montana Code Annotated, and Section 14 of the Cascade County Zoning Regulations, the Board of County Commissioners shall require the County Planning Board to act as a zoning commission to recommend appropriate regulations for the various zoning districts; and

WHEREAS, the Cascade County Planning Board held a public hearing on February 19, 2019, for the purpose of gathering public comments regarding the proposed text and map revisions initiated by the Planning Department, and legal notice for this public hearing was published in the *Great Falls Tribune* on Sunday, February 3, 2019, and Sunday, February 10, 2019

WHEREAS, the Cascade County Planning Board held a public hearing on March 26, 2019, to consider the text and map revisions and legal notice of this public hearing was published in the *Great Falls Tribune* on Sunday, February 24, 2020, and Sunday, March 3, 2019;

WHEREAS, the Cascade County Planning Board held a public hearing on May 21, 2019 and directed the Planning Department to draft a revised policy for medical marijuana registered premises and propose expanding the use to the Commercial District;

WHEREAS, the Planning Board held a public hearing on June 12, 2019 whereby the matter was tabled, and legal notice of this public hearing was published in the *Great Falls Tribune* on Wednesday, May 29, 2019, and Wednesday, June 5, 2019.

WHEREAS, the Cascade County Planning Board held a public hearing on July 23, 2019 whereby the item was tabled, and legal notice of this public hearing was published in the *Great Falls Tribune* on Sunday, July 14, 2019, and Sunday, July 21, 2019;

WHEREAS, the Cascade County Planning Board held a public hearing on August 20, 2019 whereby the item was tabled with the intent of resuming consideration at the next public hearing in September, and legal notice of this public hearing was published in the *Great Falls Tribune* on Sunday, August 11, 2019, and Sunday, August 18, 2019;

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WHEREAS, legal notice of the public hearing to be held on September 10, 2019, regarding the revisions were published in the *Great Falls Tribune* on Sunday, September 1, 2019, and Sunday, September 10, 2019;

WHEREAS, the Cascade County Planning Board during the public hearing on September 10, 2019, discussed the text and map revisions to the Cascade County Zoning Regulations and passed a motion recommending 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;

WHEREAS, the Cascade County Planning Board during the public hearing held on September 10, 2019, discussed the text and map revisions to the Cascade County Zoning Regulations and passed a motion recommending 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.

WHEREAS, the Cascade County Planning Board during the public hearing held on September 10, 2019, discussed the text and map revisions to the Cascade County Zoning Regulations and passed a motion recommending: 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.

WHEREAS, the Cascade County Planning Board is performing in an advisory capacity to the Board of County Commissioners regarding zoning and has provided a written report to the County Commissioners regarding the above-mentioned amended sections;

WHEREAS, legal notice of the public hearing before the Board of County Commissioners regarding the revisions was published in the *Great Falls Tribune* on Sunday, September 27, 2020, and Sunday, October 4, 2020; and

WHEREAS, the Board of County Commissioners held a public hearing on November 12, 2020 regarding the Planning Board’s recommendations.

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Cascade County as follows:

The Cascade County Zoning Regulations are hereby revised as set forth in Exhibit A attached hereto and by this reference incorporated herein.

The proposed revised sections are on file for public inspection at the office of the Cascade County Clerk and Recorder, Cascade County, Montana.

DATED this 12th day of November, 2020.

**BOARD OF COUNTY COMMISSIONERS
CASCADE COUNTY, MT**

James L. Larson, Chairman

Jane Weber, Commissioner

Joe Briggs, Commissioner

Attest

On this _____ day of November, 2020, I hereby attest the above-written signatures of the Cascade County Board of Commissioners.

Rina Fontana Moore, Cascade County Clerk and Recorder

*** APPROVED AS TO FORM:**
Josh Racki, County Attorney

Deputy County Attorney

* The County Attorney has provided advice and approval of the foregoing document language on behalf of the Board of Cascade County Commissioners, and not on behalf of other parties or entities. Review and approval of this document by the County Attorney was conducted solely from a legal perspective and for the exclusive benefit of Cascade County. Other parties should not rely on this approval and should seek review and approval by their own respective counsel.