



# Public Comment Form

Cascade County Public Works Department Planning Division  
121 4<sup>th</sup> St N, Suite 2H-2I  
Great Falls, MT 59401

Phone: 406-454-6905

Fax: 406-454-6919

## Instructions

This form is for providing public comment to the Cascade County Planning Division for review by any one or more of the following review and/or approval boards: Zoning Board of Adjustment (ZBOA), Planning Board, or Board of County Commissioners. Only complete submissions will be included for board review. Please provide the relevant information for each section below. A complete submission provides all of the following: commenter name and address, comment subject, and commentary on the subject issue(s). If additional space is needed for commentary, please attach additional sheets to this form. Completed forms may be submitted in person at the Planning Division office or by email at [planningcomments@casadecountymt.gov](mailto:planningcomments@casadecountymt.gov).

## Commenter Information

Name: JEFFREY PATTERSON

Complete Address: 2213 GRAPE CT, GREAT FALLS MT 59404

## Comment Subject (please check one)

- Special Use Permit Application
- Subdivision
- Zoning Text and/or Map Amendment
- Growth Policy
- Variance
- Floodplain Regulation Amendment
- Subdivision Regulation Amendment
- County Road Abandonment/ Discontinuation of County Street
- Other (describe): \_\_\_\_\_

## Comment

As a local business owner, attracting and maintaining talent for my technology firm is not easy. Great Falls does not have the technology professional population that Missoula, Bozeman, and Billings enjoy.

I have concerns with the proposed modifications from the county AG zones to MU40. MU20 seems appropriate (though I have concerns with some of the special permit uses). As I study the maps of the proposed MU40 regions, they cover much of the waterways that feed into the Cascade County basin and Great Falls water supply. Also, some of the proposed MU40 zones are very close to population centers.

I appreciate that the county has a "special permits" process for certain environmentally and socially impactful activities. However, even with these "special permit" requirements, I have sincere concerns that the possibility of these environmentally and socially impactful activities will have a negative impact on my ability to attract top talent.

I am concerned that these MU40 allowances will entice businesses to look to Cascade County as an epicenter for low-income job attractors via special-permitted principal business (such as a rendering plant, quarry, or another transient workforce attractor), or through an environmentally impactful principal business (such as a rendering plant, slaughterhouse, or solid waste disposal site).

Great Falls already suffers from one of the lowest median incomes in Montana's urban centers. By attracting businesses that expand on the demand for low skilled, low-income labor, Cascade County weakens our opportunity to attract businesses like mine: those interested in investing in the hope of growing a local high tech industry. Please consider protecting Cascade County's economic future by removing these high-impact allowances from MU40 or, better yet, striking MU40 from the Cascade County zoning allowance and only allowing AG and MU20.

### For Office Use Only

Date Received: <u>3-25-19</u>	Date Reviewed: <u>3-25-19</u>	Complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
-------------------------------	-------------------------------	---

**From:** pgorpur@mac.com <pgorpur@mac.com>  
**Sent:** Saturday, March 23, 2019 3:23 PM  
**To:** Planning Comments <planningcomments@casadecountymt.gov>  
**Subject:** Public Comment - Proposed Zoning Regulation Changes

**PUBLIC COMMENT FORM -**

3-23-19

**Commenter Information:**

WL Gorsuch  
41 Prospect Drive  
Great Falls, MT 59405

**Comment Subject:**

Proposed Zoning Changes

I have significant concerns about the zoning revision process and recommended substantial land use changes. These are listed as follows:

1. Conflicts with current Cascade County Growth Policy. I want Cascade County to grow — but this seems dangerous.
2. Mixed Use 20 and 40 - some of the uses seem too industrial - oppose these
3. Unclassified Use Permits - do not agree with the addition of Slaughterhouses and Concentrated Animal Feedlots to this use permit.

Please reconsider implementing these zoning changes.

Sincerely,

WL Gorsuch



Date Received: 3-25-19  
Date Reviewed: 3-25-19  
Complete:  Yes  No

From: Carol Bradley <carol.bradley@charter.net>  
Sent: Monday, March 25, 2019 10:23 AM  
To: Planning Comments <planningcomments@cascadecountymt.gov>  
Cc: Weber, Jane <jweber@cascadecountymt.gov>; Larson, James <jlarson@cascadecountymt.gov>;  
Briggs, Joe <jbriggs@cascadecountymt.gov>  
Subject: Public comment re: proposed revisions to Cascade County Zoning Regs

Dear Cascade County Planning Board members,

I'm writing to ask that you vote not to the proposed revisions to the Cascade County Zoning Regulations put forth by the Planning Department. I have several concerns about the proposed revisions, the biggest of which is that county residents, particularly landowners who would be most affected by the changes, have not been given enough of an explanation of the changes, or time to provide input.

For generations, Cascade County has enjoyed its status as a premier agricultural setting. To suddenly redefine millions of those acres from agricultural to mixed use opens the door for all kinds of questionable activities/businesses — entities that could overnight diminish the lives of local residents and sharply reduce the value of their land. To be honest, I'm incredulous that these proposed revisions are even on the table. Thankfully, they don't have to go any further. You have the power to stop these proposed revisions and make certain the landowners you represent aren't thrown under the bus in the name of possibly very controversial and adverse businesses. I hope and pray that's the decision you make.

Thank you for your time.

Carol Bradley  
1826 3rd Ave. N.  
Great Falls  
406-453-5761

Sent from my iPad

FOR OFFICE  
USE ONLY

Date Received: 3-25-19  
Date Reviewed: 3-25-19  
Complete:  Yes  No



# Public Comment Form

Cascade County Public Works Department Planning Division  
121 4<sup>th</sup> St N, Suite 2H-2I  
Great Falls, MT 59401  
Phone: 406-454-6905 Fax: 406-454-6919

## Instructions

This form is for providing public comment to the Cascade County Planning Division for review by any one or more of the following review and/or approval boards: Zoning Board of Adjustment (ZBOA), Planning Board, or Board of County Commissioners. Only complete submissions will be included for board review. Please provide the relevant information for each section below. A complete submission provides all of the following: commenter name and address, comment subject, and commentary on the subject issue(s). If additional space is needed for commentary, please attach additional sheets to this form.

## Commenter Information

Name: Robert Nehmke  
Complete Address: 8293 US Hwy 89 Great Falls, MT 59405

## Comment Subject (please check one)

- Special Use Permit Application
- Subdivision
- Zoning Text and/or Map Amendment
- Growth Policy
- Variance
- Floodplain Regulation Amendment
- Subdivision Regulation Amendment
- County Road Abandonment/ Discontinuation of County Street
- Other (describe): \_\_\_\_\_

## Comment

COMMENTS ON PROPOSED ZONING CHANGES

SEE ATTACHED

For Office Use Only			
Date Received:	<u>3-25-19</u>	Date Reviewed:	<u>3-28-19</u>
Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	



## Comments Pertaining to the Rezoning Proposal

I am a fourth generation farmer, rancher, and landowner in Cascade County. I lived and worked on the family ranch that my great grandparents started, until my marriage fifty years ago. I now live on my husband's family farm and ranch that his great, great grandparents started. With over 100 years of combined hard work, dedication, countless trials, and tribulations, I am concerned about how this tradition and lifestyle can be carried on by my sons and their families. I find myself asking, "Why do we do what we do"? The first thing that comes to mind is "it's a lifestyle", but it is also a "commitment" rarely seen in the world today. I feel, we, as a family farm and ranch, are dedicated to the land, to our community, and also to the basic rural lifestyle that makes us unique and distinct from vast portions of society. With that basic understanding, I believe the best way to preserve this lifestyle and the community that we all enjoy, in Cascade County, is to "not" fix that which is not broken.

I am very concerned that the proposed changes in rezoning agricultural land could alter permanently the exact things we all enjoy. We, who live here like our rural lands in Cascade County free of large industrial complexes, I expect and desire an environment that is free of pollution and odors that make life miserable. I have no desire to have massive amounts of traffic and all the social problems associated with large groups of poverty -stricken labor forces that these industrial complexes are known to attract. I worry about how this change will affect my sons and their families, who farm our land now and in the future. The life style that we live now has been a wonderful way to raise a family. My concern is for not only our children and grandchildren, but for the land that we love and the wide-open spaces that brought us here. I feel we already have what most of the rest of the world desires. I love the clean air, water and wide-open healthy spaces. I feel privileged to live in a community that many parts of the country wish they could replicate. It's for these reasons and countless others that I ask; "What are we all talking about"? I feel we have a pretty good community already. Why are we trying to fix that which is not broken? I would recommend leaving the care of the land in the hands of the people that have been doing it right all along. In my opinion, we don't need to change anything. We, who are living, in Cascade County, like it the way it is, in my opinion.

Rezoning the vast majority of the agricultural land in Cascade County to MU-20 and MU-40 designations essentially allows massive slaughterhouses, feedlots, confined animal feeding operations and other high impact industries to proceed without public hearings, public comment or the standard conditions required through a "special permit" process. It appears, to me, that while these changes are designed to make high impact and intensive operations less accountable to the public and easier to proceed, it also makes it more difficult for small businesses, like tourist based enterprises to start up, in essence making our community less attractive to friendly, low impact businesses. In addition, unfortunately, with the current and likely future health of agriculture, a lot of farms/ranches are looking at alternative sources of revenue like outfitting/guiding, beds and breakfasts, road side stands, family friendly business, etc. In my opinion, there is no reason a new mixed-use designation for agriculture land is needed, except to circumvent



public input and public opinion in favor of fast tracking questionable enterprises. I feel we already have a successful zoning designation in place. The proper format of public comment and decision is the cornerstone of protecting our rural agricultural lands and communities. In my opinion, it is wrong to embrace a format and system that stifles the current process of open discussion and transparency, in the name of encouraging a fast tract to a supposed business that could very well destroy everything we currently cherish. I feel, everyone in Cascade County deserves to have a strong and powerful voice in preserving and protecting the uniqueness of our agriculture lands in Cascade County.

Thank you for taking the time to read my concerns about the Rezoning Proposal.

Sincerely,

A handwritten signature in cursive script that reads "Robyn Mehmke". The letters are fluid and connected, with a prominent loop at the end of the last name.

Robyn Mehmke





# Public Comment Form

Cascade County Public Works Department Planning Division  
121 4<sup>th</sup> St N, Suite 2H-2I  
Great Falls, MT 59401  
Phone: 406-454-6905 Fax: 406-454-6919

## Instructions

This form is for providing public comment to the Cascade County Planning Division for review by any one or more of the following review and/or approval boards: Zoning Board of Adjustment (ZBOA), Planning Board, or Board of County Commissioners. Only complete submissions will be included for board review. Please provide the relevant information for each section below. A complete submission provides all of the following: commenter name and address, comment subject, and commentary on the subject issue(s). If additional space is needed for commentary, please attach additional sheets to this form.

## Commenter Information

Name: CARL R MEHMKE

Complete Address: 432 HIGHWOOD RD., GREAT FALLS, MT. 59405

## Comment Subject (please check one)

- Special Use Permit Application
- Subdivision
- Zoning Text and/or Map Amendment
- Growth Policy
- Variance
- Floodplain Regulation Amendment
- Subdivision Regulation Amendment
- County Road Abandonment/ Discontinuation of County Street
- Other (describe): \_\_\_\_\_

## Comment

PLANNING BOARD

COMMENTS ON PROPOSED ZONING CHANGES

\* SEE ATTACHED \*

### For Office Use Only

Date Received:	<u>3-25-14</u>	Date Reviewed:	<u>3-25-14</u>	Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
----------------	----------------	----------------	----------------	-----------	---	-----------------------------

Comments pertaining to rezoning proposal

I am a sixth generation farmer, rancher, and landowner in cascade county. I have lived and worked my entire life on the family farm that my great great great grandparents started. With over 130 years of combined hard work, dedication, countless trials, and tribulations later I sit here wondering how to carry on this tradition and lifestyle. I find myself reflecting and asking why do we do what we do? The first thing that comes to mind is "it's a lifestyle", it is also a "commitment" rarely seen in the world today. But first and foremost, I feel we as a family farm are dedicated to the land, to our community, and the basic rural lifestyle that makes us unique and distinct from vast portions of society. With that basic understanding, I believe the best way to preserve this lifestyle and the community that we all enjoy in Cascade County is to "not" fix that which is not broken.

These proposed changes in rezoning agricultural land can potentially and will likely alter the exact things we all enjoy. We like our rural lands in Cascade County free of large industrial complexes, we expect and desire an environment that is free of pollution and smells that make life miserable. We have no desire to have massive amounts of traffic and all the social problems associated with large groups of poverty stricken labor forces that these industrial complexes are known to attract. It seems fairly simple. We already have what most of the world is wanting. We have clean air and water. We have wide open healthy spaces. We have communities that many parts of the country wish they could replicate. It's for these reasons and countless others that I say "what are we all talking about". We have a pretty good community already. Why are we trying to fix that which is not broken? Just leave the care of the land in the hands of the people that have been doing it right all along. We don't need to change anything. We like it the way it is.

Rezoning the vast majority of the agricultural land in Cascade County to MU-20 and MU-40 designations essentially allows massive slaughterhouses, feedlots, confined animal feeding operations and other high impact industries to proceed without public hearings, public comment or the standard conditions required through a "special permit" process. It also appears that while these changes are designed to make high impact and intensive operations less accountable to the public and easier to proceed, it also makes it more difficult for small businesses like tourist based enterprises to start up, in essence making our community less attractive to friendly low impact businesses. Unfortunately with the current and likely future health of agriculture a lot of farms/ranches are looking at alternative sources of revenue like outfitting/guiding, beds and breakfasts, road side stands, family friendly business, etc. I see no reason this new mixed use designation for agriculture land is needed except to circumvent public input and public opinion in favor of fast tracking questionable enterprises. I strongly feel we currently have a successful zoning designation in place already. The proper format of public comment and decision is the cornerstone of protecting our rural agricultural lands and communities. We should never embrace a format and system that stifles the current process of open discussion and transparency in the name of encouraging a fast track to a supposed business that could very well destroy everything we currently cherish. Everyone in the county should always have a strong and powerful voice in preserving and protecting the uniqueness of our agriculture lands in Cascade County.

Sincerely: Carl R Mehmke

A handwritten signature in black ink that reads "Carl R Mehmke". The signature is written in a cursive, flowing style.

3/25/19

Cascade County Planning Dept.  
121 4th St N ste H-1  
GTF MT 59401

Dear Planning Board -

I am writing to you to voice my objection to your change in zoning for the proposed "Madison Food Plant".

The path this zoning change took, did not follow previous ones, and opens up a huge environment of mistrust between the public and the zoning board.

I am requesting you do your due diligence in completing the 5 year review (MCA 76-1-601(3)(F)) before proposing any changes to the zoning ordinance.

Your detailed analysis (sec 14.1.1(6)) should be part of your official staff report **PRIOR** to the public hearing + be publicly available for review long before the hearing.

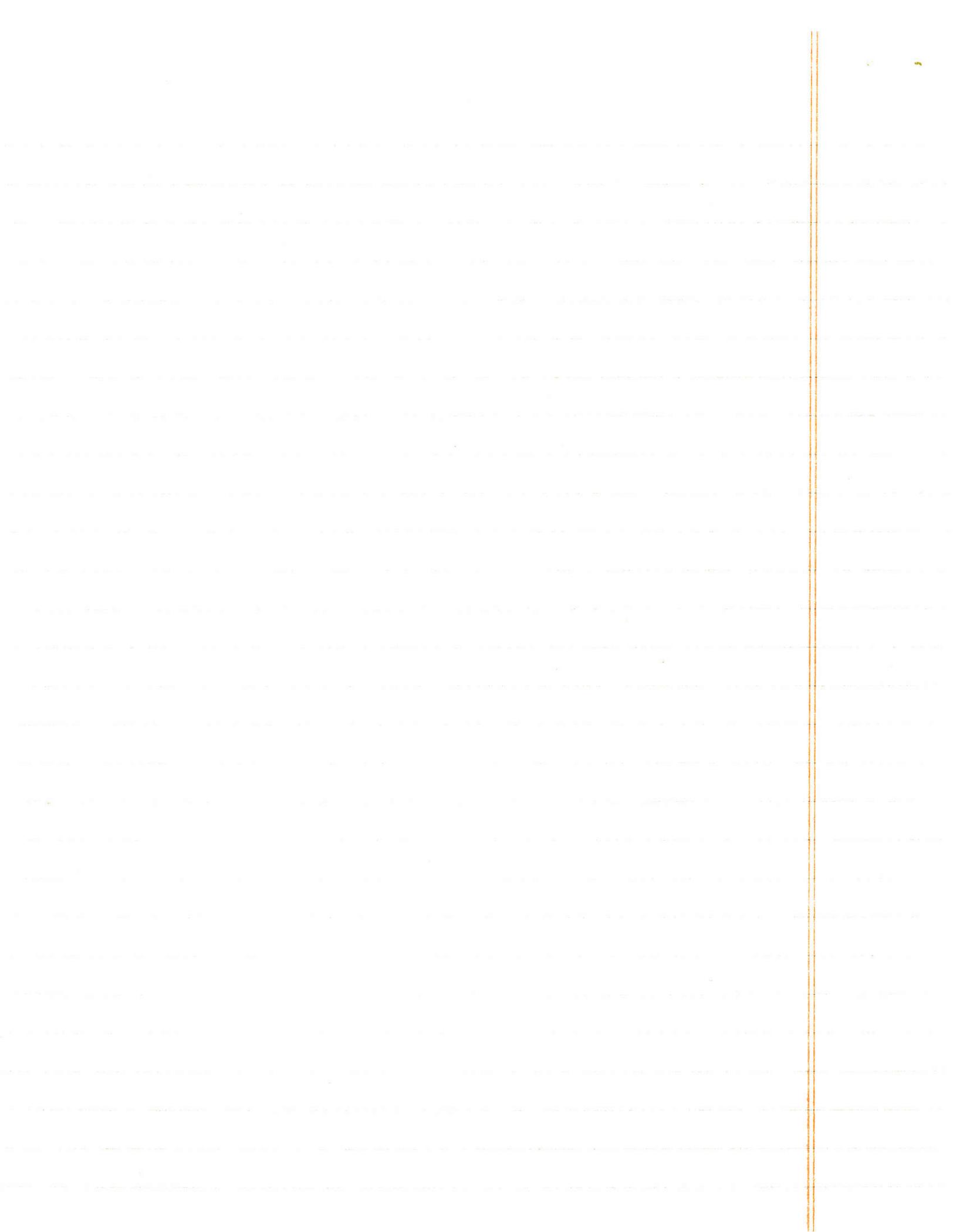


Date Received: 3/25/19

Date Reviewed: 3/25/19

Complete:  Yes  No

contin →



Your use of the terms "mixed use" and "unclassified use" opens up a Pandora's Box for future development.

Your decisions should be based on potential (worse case) impact, to protect the Citizens of Cascade County.

For example, your "workforce housing" definition has NO maximum density defined, based on human health & resources of water and wastewater.

I want to believe the zoning board is here to serve & protect our community.

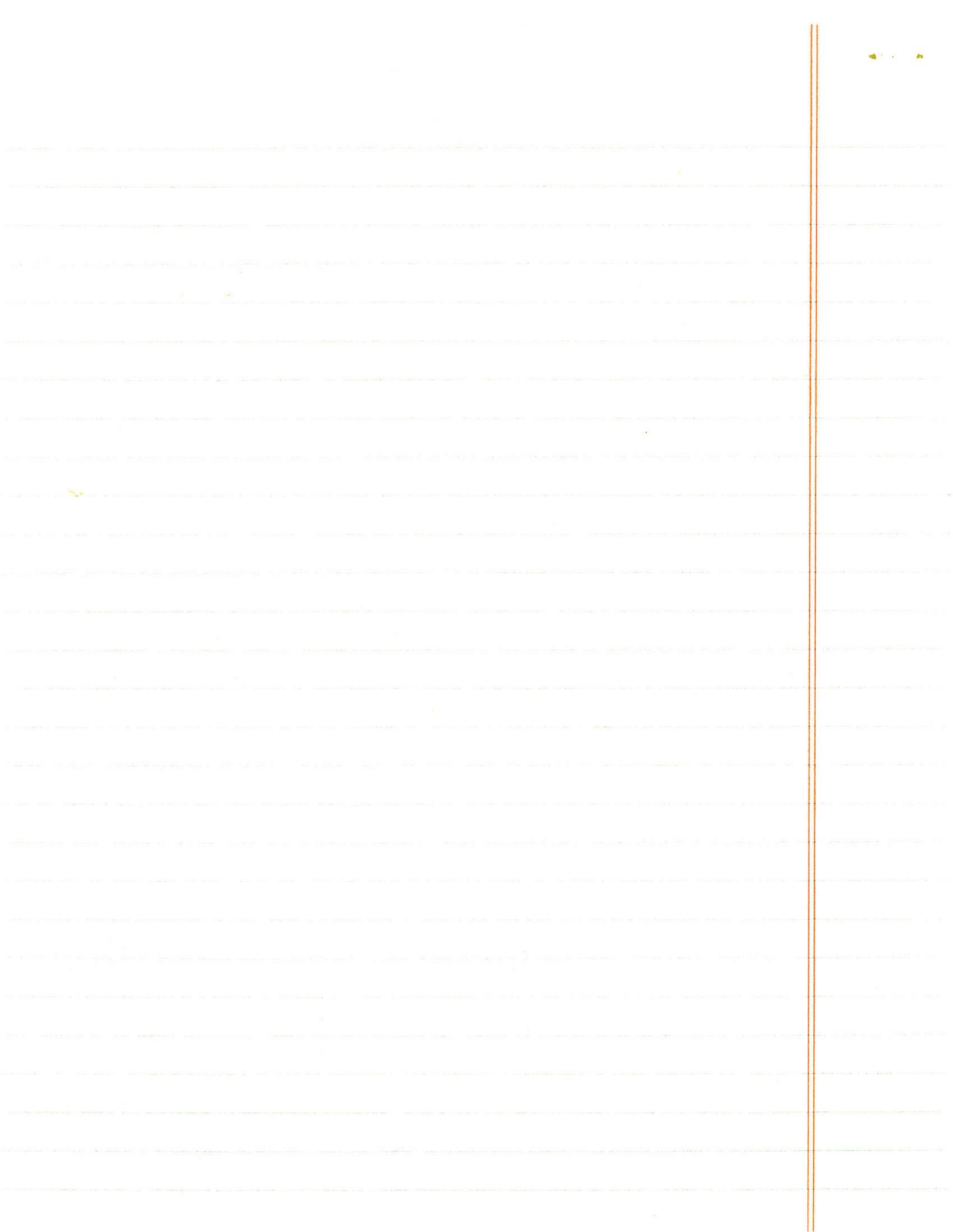
This is an ill-thought-out proposal on EVERY issue. Zoning laws should protect citizens, our environment & leave a legacy our kids can be proud of. Lets work to preserve our "last best place"

Allowing an enterprise to step in and trash our community is a horrifying proposition and I urge you to stop this.

Thank you

P. Shafer

(406)  
patty Shafer 750-3544  
172 Highland Rd  
GTF 59405





**DR. CHERYL REICHERT M.D., PH.D.**

Pathologist • 51 Prospect Drive

Great Falls, MT 59405

Home Phone (406) 727-1964

March 23, 2019

Cascade County Planning Dept.  
121 Fourth St. North, Suite H/I  
Great Falls, MT 59401

re: Proposed Cascade County Zoning Changes

Dear Cascade County Planners and Commissioners:

I am very concerned about the numerous proposed zoning changes in Cascade County that might result in conversion of agricultural and residential zones to mixed and industrial use. It doesn't take rocket scientists to understand what is at stake. Elementary school students can easily differentiate between industrialized sites vs. farms and suburban residential properties.

I also object to the utilization<sup>of</sup> "Special Use Permits" as developer tools to fundamentally alter the character of neighborhoods and communities. People build their homes with the expectation that unpleasant and unwelcome industrial intrusions will not alter their quality of life and adversely impact their most substantial financial investment.

During the recent Russell Art Week, I heard visiting Western scholar Dr. Larry Peterson describe Great Falls as "Paradise" to an audience of hundreds of art and history buffs. Why we would we sacrifice that growing reputation to the altar of poorly paying &/or dangerous jobs that will rob quality of life from the many to satisfy the ambitions of a few? I am also concerned about expensive health and social problems that often accompany heavy industrialization.

Our zoning laws should be fair, consistent, and long lasting. Thank you for considering my comments in your deliberations.

Respectfully yours,

Cheryl M. Reichert, MD, PhD

FOR OFFICE  
USE ONLY

Date Received: 3/25/19

Date Reviewed: 3/25/19

Complete:  Yes  No



**1. The stated intent for the Commercial zoning districts is not in accordance with the Cascade County Growth Policy because it allows commercial strip development along transportation corridors.**

**Proposed Zoning Language**

**7.10 COMMERCIAL (C) DISTRICT**

**7.10.1 INTENT** - The C District is intended to provide for commercial developments of differing scales along major transportation corridors to supplement commercial developments available in the City of Great Falls.

**7.6 MIXED USE - 20 (MU-20) DISTRICT**

**7.6.1 INTENT** - The MU-20 District is intended to provide for exurban residential development and mixed uses along major transportation and amenity corridors. The district serves as a buffer zone between denser MU development and less dense, more intensive use in the MU-40 district.

**Discussion:** Like the AG-District, the MU-20 district general sales, specialty sales, and convenience sales and manufacturing sales are special uses. The proposed regulations would add restaurants and taverns as special uses in the MU-20 District. The proposed zoning map indicates that the zoning district extends along major highways in a land use pattern that is indicative of strip development. As noted below, the Growth Policy expressly discourages this type of development.

**Relevant Cascade County Growth Policy Goals, Objectives and Policies**

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

Objectives:

- 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.

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.

Objectives:

- H. Encourage in-fill development of urban and transitional areas already committed to development where community facilities and services can be provided cost-effectively in order to reduce development pressure on agricultural lands.

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

Objectives:

- A. Preserve the county's open space setting by encouraging cluster development.
- B. Encourage cluster development to locate near existing towns and rural, more densely populated settlements and discourage poorly designed, unsafe land subdivisions and unsafe commercial development.

**CHAPTER 5 – ECONOMIC CONDITION : POLICIES**

- 4. Efforts should be made to discourage commercial strip development along major thoroughfares.



# Public Comment Form

Cascade County Public Works Department Planning Division  
121 4<sup>th</sup> St N, Suite 2H-21  
Great Falls, MT 59401

Phone: 406-454-6905

Fax: 406-454-6919

## Instructions

This form is for providing public comment to the Cascade County Planning Division for review by any one or more of the following review and/or approval boards: Zoning Board of Adjustment (ZBOA), Planning Board, or Board of County Commissioners. Only complete submissions will be included for board review. Please provide the relevant information for each section below. A complete submission provides all of the following: commenter name and address, comment subject, and commentary on the subject issue(s). If additional space is needed for commentary, please attach additional sheets to this form.

## Commenter Information

Name: MONTE + LISA THOMPSON

Complete Address: 8 BRICK YARD LANE GREAT FALLS, MT, 59405

## Comment Subject (please check one)

- Special Use Permit Application     Subdivision     Zoning Text and/or Map Amendment
- Growth Policy     Variance     Floodplain Regulation Amendment
- Subdivision Regulation Amendment     County Road Abandonment/ Discontinuation of County Street
- Other (describe): \_\_\_\_\_

## Comment

We are writing to let you know we are opposed to the vague description/uses of the MU-40 lots. MU-40 leaves land open in Cascade County for a wide variety of uses - some could be positive, but some could be negative, which we are opposed to and don't want.

Our main area of concern and where our opposition lies is in the MU-40 lots, in which there are no set standards for how this land could be used like there is with the MU-20 lots. Why is there no standards for the MU-40 lots? This needs to be and should be addressed as this is an unclassified use permit and it's not correct and should go through the proper zoning process, for an example, who would want a rendering plant or stockyard on a MU-40 lot with no road set back? Things like this need to be and should be considered. MU-40 leaves the land in Cascade County open for a high probability of the land to be used for a negative impact on Cascade County and the environment. There just needs to be more clarification on uses.

We believe that Cascade County in general wants to grow in many ways, but this isn't the growth we want.

Have you truly thought about why you're changing the 'Rules' from Ag to Mixed Use? Perhaps instead of making everything so wide open and vague, a more

### For Office Use Only

Date Received:	<u>3/25/14</u>	Date Reviewed:	<u>3/25/14</u>	Complete:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
----------------	----------------	----------------	----------------	-----------	---

Monte + Lisa Thompson  
8 Brick Yard Lane  
Great Falls, MT 59405  
Page 2  
Growth Policy

defined definition needs to be put in place and specific guidelines for the mixed use because the general public deserves to know and better understand the new zoning regulations.

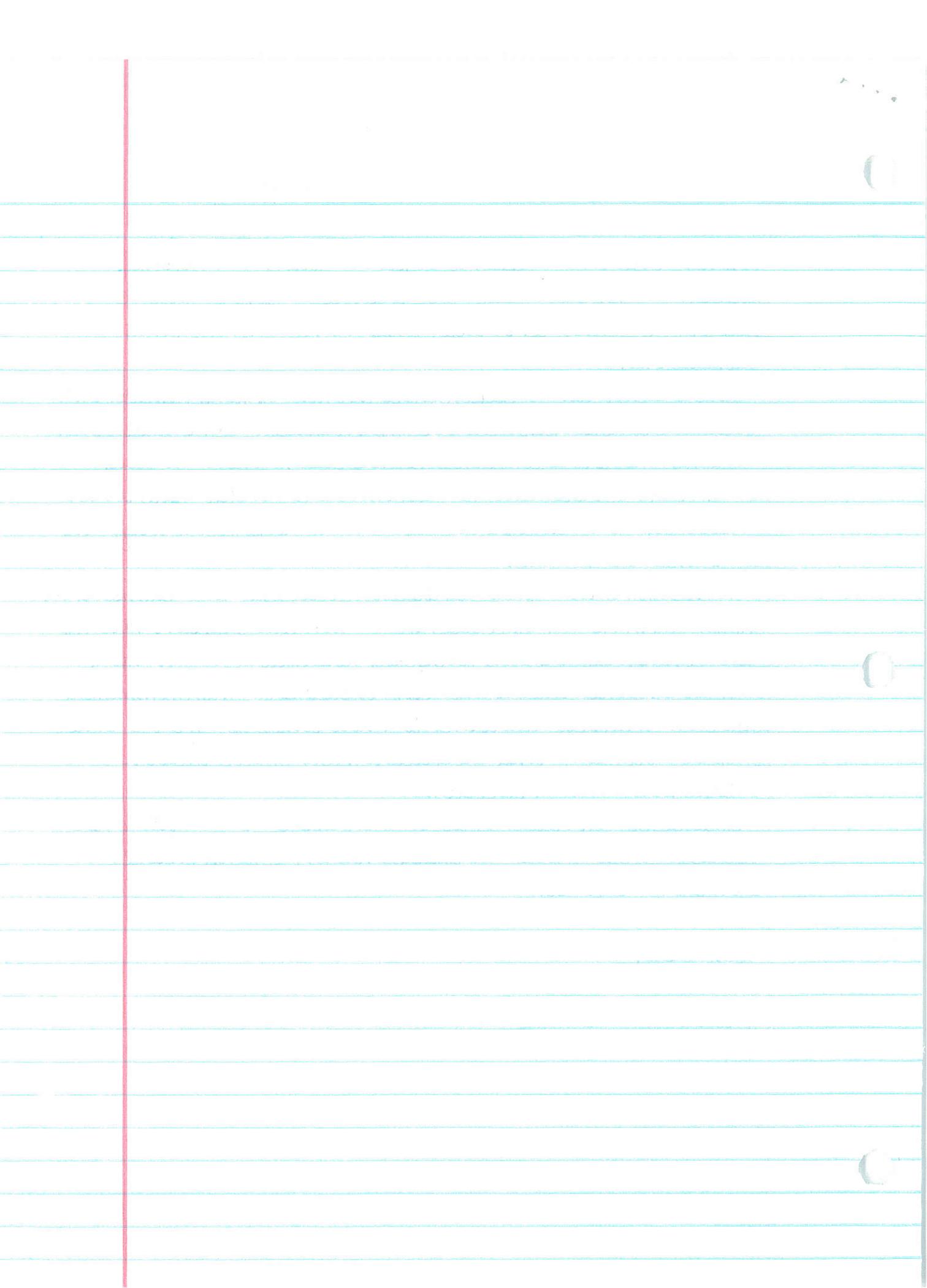
If the ZBOA can't explain how the new zoning requirements work, the general public will be more confused and not understand. My wife and I are concerned County Citizens and in a group (MFRLU) "Montanans for Responsible Land Use" who want to see the land in Cascade County used in a responsible way now and into the future.

In closing, have you truly thought about why you're changing the "Rules" from Ag to Mixed Use? If the ZBOA can't explain how the new zoning requirements work, the general public will be more confused and not understand. This should be a "team/community" effort in which we all want to know what's going on to better improve our lives and the future lives of our children and to take pride in our decisions.

Thank you for taking the time to read our thoughts and ideas on clarifying the guidelines on zoning usage for the MU-40 lots.

Sincerely

Monte + Lisa Thompson





**Payton, Ian**

---

**From:** Callie Alley <calliealley97@gmail.com>  
**Sent:** Thursday, March 21, 2019 5:36 PM  
**To:** Planning Comments  
**Subject:** 2017 Madison Food Park application

To the Cascade County Planning Board,

I am contacting you in regards to the 2017 Madison Food Park application. The Cascade County Zoning Regulations absolutely must be revised. I've lived in Great Falls my entire life. Now my best friend will be giving birth to a wonderful baby boy any day now. I myself will be having a child of my own. By allowing the Madison Food Park application to go through, you will effectively destroy Great Falls and Cascade County as a whole. Not only will you be driving out the wild life and taking away water supply, you will also be getting rid of every great thing about Great Falls. The smell alone is going to drive families away. Not to forget about the fact that you'll be exposing everyone near to cancer causing substances. You will be forcing hard working military members and their families to be subject to unhealthy conditions. You will be forcing cruel and unusual conditions on Cascade County. I for one will not stand for it. I can guarantee you that this will ruin Great Falls. Once everything is destroyed, once everyone is gone, the financial infrastructure of this town and county will be gone and no more. Yes you may be supplying horrible jobs to people in desperate need, but you'll be ruining every single life, big and small, near this place. Do not allow this application to go through. Do not allow such a detrimental place to come into the beautiful home we have. You will make it into nothing.

From Callie Smith

FOR OFFICE  
USE ONLY

Date Received: 3-21-19  
Date Reviewed: 3-22-19  
Complete:  Yes  No

**Payton, Ian**

---

**From:** Sandee <sandee@charter.net>  
**Sent:** Thursday, March 21, 2019 3:41 PM  
**To:** Planning Comments  
**Subject:** Zoning

I own ranchland and am very concerned about the way you are proposing to rezone cascade county. Agriculture land should be just that and not zoned for industrial use or agricultural with special permit use. Our natural resources need to be protected for the local rancher and not be subject to a large industrial company who will literally put the local rancher out of business. I want environmentally friendly growth and once you allow large industry companies to take over our agricultural lands it will ruin our county.

Alan Christensen  
406-454-5772

1312 41<sup>st</sup> St. S

Gt Falls, MT 59405

Sent from [Mail](#) for Windows 10

FOR OFFICE  
USE ONLY

Date Received: 3-21-19

Date Reviewed: 3-21-19

Complete:  Yes  No



Carolyn K. Craven  
101 14<sup>th</sup> Avenue South  
Great Falls, MT 59405

March 21, 2019

**PUBLIC COMMENTS ON CASCADE COUNTY PROPOSED ZONING CHANGES**

**PLANNING BOARD STAFF REPORT 03.26.19**

**PLANNING DEPT GROWTH PLAN GOALS REFERENCED IN STAFF REPORT 3.26.19**

Goal 1 Objective A (9)

Stimulate the retention and expansion of existing businesses, new businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing and forest products.

Goal 2 Objective A (1)

“Economic contribution and intrinsic natural beauty of grazing areas, farmlands, forests”

Objective C (1)

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

Goal 3 Objective A (2)

Protect the most productive soil types.

Objective B (1)

Protect soils against erosion

Goal 5 Objective A (1)

Maintain Cascade County’s citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.

Objective D (1)

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

Goal 9 Objective F (1)

Encourage open buffers between rural residences and adjoining agricultural lands.

Goal 10 Objective B (2)

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

Goal 11 Objective A (4)

Preserve the county’s open space setting by encouraging cluster development.

Goal 12 Objective A (1)

Work to maintain an adequate land supply for diversity of all housing opportunities,

Objective B (1)

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

Objective F (1)

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

C.K. Craven 03.21.19  
Homeowner, Great Falls

PD=Planning Department Staff Report in Draft Document 3.26.19

### **GOAL 1 SUSTAIN & STRENGTHEN THE ECONOMIC WELL-BEING OF CASCADE COUNTY CITIZENS (10 OBJECTIVES)**

- PD Changes 7.5.9 Mixed Use Permitted Principal Uses
  - Goal 1, Objective A “Stimulate retention & expansion of businesses...”
    - Added “Butcher Shop, Convenience Sales, Alcohol Distillery, Wild Game Processing”
    - 1 Moved “Vehicle Repair & Casino” from Permitted Principal Use to Special Use
- PD Changes 7.5.10 Mixed Use Accessory Uses On Same Lot w/Principal Use
  - Goal 1 Objective A “Stimulate retention & expansion of businesses...”
- PD Changes 7.5.11 Mixed Use Permitted Uses w/SUP
  - Added, “Garage, Private, Federal Firearms Retailers/Dealers, Event Center, Multi-Family Dwelling, Large Contractor Yard”
    - Goal 1, Objective A “Stimulate retention & expansion of businesses...”
    - Goal 12, Objective B “Location needs of housing & proximity of employment...”
- PD Changes 7.6.10 Mixed Use 20 Permitted Accessory Uses on Same Lot w/Principal Use
  - Goal 1, Objective A “Stimulate retention & expansion of businesses...”
- PD Changes 7.7.10 Mixed Use 40 Permitted Accessory Uses on Same Lot w/Principal Use
  - Goal 1, Objective A “Stimulate retention & expansion of businesses...”
- PD Changes 7.10.10 Commercial District Permitted Accessory Use on Same Lot w/PU
  - Goal 1, Objective A “Stimulate retention & /expansion of businesses...”
- PD Changes 7.10.11 Commercial District Permitted Uses Upon Issuance of SUP
  - Goal 1, Objective A “Stimulate retention & expansion of businesses...”
- PD Changes 7.12.2(2) Light Industrial (I-1) Permitted Principal Uses=Industrial
  - Goal 1, Objective A “Stimulate retention & expansion of businesses...”
    - Added “Value-Added Commodity Processing Facility” as allowed use
- **PD Agriculture District Rezone Justification**
  - Goal 1, Objective A “Stimulate retention & expansion of businesses...”

### **GOAL 2 PROTECT & MAINTAIN CASCADE COUNTY’S RURAL CHARACTER & THE COMMUNITY’S HISTORIC RELATIONSHIP WITH NATURAL RESOURCE DEVELOPMENT (6 OBJECTIVES)**

- PD Changes 7.11.1 Industrial Requirements/Area Requirements/Minimum Lot Areas For Each District (RR-SR1-SR2-UR-MU20/MU40)
  - Goal 2, Objective C “Preserve open space setting”
- PD Changes 8.2.5.2 Electric Fencing
  - Goal 2, Objective A “Intrinsic natural beauty of grazing areas, farmlands, forests”

### **GOAL 3 MAINTAIN AGRICULTURAL ECONOMY (4 OBJECTIVES)**

- PD Changes 7.6.2 Mixed Use 20 & 7.7.2 Mixed Use 40 Minimum Lot Size
  - Goal 3, Objective A “Protect the most productive soil types”
  - Goal 11, Objective A “Preserve the county’s open space setting...”
- PD Changes 7.6.6 & 7.7.6 Lot Coverage
  - Goal 3, Objective A “Protect the most productive soil types”
  - Goal 11, Objective A “Preserve the county’s open space setting...”

C.K. Craven 03.21.19  
Homeowner, Great Falls

- PD Changes 8.18.2.5 Parking Lot Paving
  - Goal 3, Objective B “Protect soils against erosion”

**GOAL 4 RETAIN THE PRESENCE OF THE US MILITARY IN CASCADE COUNTY (4 OBJECTIVES)}**

**GOAL 5 PRESERVE & ENHANCE THE RURAL, FRIENDLY & INDEPENDENT LIFESTYLE CURRENTLY ENJOYED BY CASCADE COUNTY CITIZENS (4 OBJECTIVES)**

- PD Changes 7.2.4 (7) Rural Residential/Uses Permitted w/SUP
  - Goal 5, Objective D “Encourage...health services for all county residents”
  - Goal 12, Objective F “Encourage group homes...”
- Added “community residential center with nine occupants or more” as a special use
- PD Agriculture District Rezone Justification
  - Goal 5, Objective A “Maintain Cascade County’s citizens independent lifestyle....”

**GOAL 6 PROMOTE & MAINTAIN A TRANSPORTATION SYSTEM THAT PROVIDES SAFETY, EFFICIENCY & IS COST EFFECTIVE (9 OBJECTIVES)**

NO REFERENCES BY PLANNING DEPARTMENT FOR THIS GOAL

**GOAL 7 MINIMIZE RISK OF FIRE BY MANAGEMENT & PLANNING & TO PERMIT THE EFFECTIVE & EFFICIENT SUPPRESSION OF FIRES IN ORDER TO PROTECT PERSONS, PROPERTY & FORESTED AREAS (8 OBJECTIVES)**

NO REFERENCES BY PLANNING DEPARTMENT FOR THIS GOAL

**GOAL 8 PROTECT SURFACE & GROUNDWATER QUALITY FROM POLLUTION (9 OBJECTIVES)-**

NO REFERENCES BY PLANNING DEPARTMENT FOR THIS GOAL

**GOAL 9 FOSTER THE HERITAGE OF THE AREA IN AGRICULTURE & FORESTRY IN RECOGNITION OF THEIR ECONOMIC CONTRIBUTION & THE INTRINSIC NATURAL BEAUTY OF GRAZING AREAS, FARMLANDS & FORESTS (8 OBJECTIVES)**

- PD Agriculture District Rezone Justification
  - Goal 9, Objective F “Encourage open buffers between rural...& agricultural”

**GOAL 10 MINIMIZE IMPACT TO WILDLIFE & FISHERIES (4 OBJECTIVES)**

- PD Changes 7.6.2 & 7.7.2 Mixed Use 20 & 7.7.2 Mixed Use 40 Minimum Lot Size
  - Goal 10, Objective B “Subdivision designs to...preserve wildlife habitats”
- PD Changes 7.6.6 & 7.7.6 Lot Coverage
  - Goal 10, Objective B “Subdivision designs to...preserve wildlife habitats”

**GOAL 11 PROTECT & MAINTAIN CASCADE COUNTY'S RURAL CHARACTER, ENCOURAGE EFFICIENT USE OF LAND (8 OBJECTIVES)**

*The reference below is about "Lot Width"*

- PD Changes 7.1.1.3 Residential District Requirements/Area Requirements/Lot Width...
  - Goal 11, Objective A "Preserve the county's open space..."
- **PD Agriculture District Rezone Justification**
  - Goal 11, Objective A "Preserve the county's open space..."

**GOAL 12 SUPPORT EFFORT TO ENSURE RESIDENTS OF CASCADE COUNTY HAVE AN OPPORTUNITY TO OBTAIN SAFE & AFFORDABLE HOUSING (10 OBJECTIVES)**

- PD Changes 7.1.3.2 Residential District Requirements/Area Requirements/Front Yard
  - Goal 12, Objective A "Maintain adequate land...for housing..."

**GOAL 13 PROTECT AREAS NEAR MISSILE SITES FROM ENCROACHMENT & INCOMPATIBLE DEVELOPMENT (12 OBJECTIVES)**

**APPENDIX 2: AGRICULTURAL DISTRICT REZONE JUSTIFICATION**

"Staff finds that the following goals are served by the proposed split of the Agricultural District into MU-20 and MU-40:"

**Goal 1, Objective A: Retention & expansion of business...**

**Goal 5, Objective A: Maintain independent lifestyle...**

**Goal 9, Objective F: Encourage open buffers...**

**Goal 11, Objective A: Preserve open space...**

**PLANNING DEPT STAFF REPORT**

03.26.19

***GROWTH POLICY GOALS USED***

USED 8 GOALS

USED 13 DIFFERENT OBJECTIVES

OUT OF 96 POSSIBLE OBJECTIVES

**SO USED ONLY 13% OF POSSIBLE OBJECTIVES**

USED #1/A 9x

USED #3/A 2x

USED #11/A 4x

USED #10/B 2x

USED #2/A, #2/C, #3/B, #5/A, #5/D, #9/F, #12/A, #12/B, #12/F – 1x Each

OF THE 13 DIFFERENT OBJECTIVES, USED 1 (9x), 1 (4x), 2 (2x), 9 (1x)

9 ARE FROM #1/A “SUSTAIN & STRENGTHEN ECONOMIC WELL-BEING”

4 ARE FROM #11/A “OPEN SPACE...ENCOURAGE CLUSTER DEVELOPMENT”

SO...

THESE 2 OBJECTIVES ACCOUNT FOR 13 REFERENCES OUT OF A  
TOTAL OF 26 REFERENCES TO OBJECTIVES IN THE PLANNING REPORT

**50% (13/26) OF PLANNING DEPT REFERENCES CAME FROM ONLY 2 OBJECTIVES 1/A & 11/A**

*(Some Objectives Used Multiple Times, Some One Time, as per above)*

The PD used 26 references from 13 different objectives.

So 13 different objectives used with 96 possible = 13.5% of possible objectives used.

65% (17/26) of references from only 4 different objectives = 4.2% of the 96 possible objectives.

50% of references from only 2 objectives = 2.1% of possible objectives

**100% OF PROPOSED ZONING CHANGES ARE BASED  
ON ONLY 13% (13/96) OF GROWTH POLICY OBJECTIVES**

THERE IS NO MENTION OF GOALS ABOUT TRANSPORTATION,  
WATER QUALITY, CLEAN AIR, ENVIRONMENTAL QUALITY,  
TOURISM, PRESERVING CASCADE COUNTY’S SCENIC BEAUTY...

ALSO, THERE IS NO RATIONALE FOR THE NEW ADDITONS OF “BUTCHER SHOP”, “ANIMAL FEEDING OPERATION (AFO)”, “VALUE-ADDED COMMODITY PRODUCT”, “VALUE-ADDED COMMODITY PROCESSING”, “WORKFORCE HOUSING”, AND NO RATIONALE FOR DEFINITION CHANGES IN “COMMERCIAL FEEDLOT” OR “INDUSTRIAL” USES.

THE PLANNING DEPARTMENT USED ONLY 4 OBJECTIVES (PRIMARILY BUSINESS/ECONOMIC (#1A, #5A, #9F, #11A) OUT OF THE 96 TOTAL OBJECTIVES (4.2%) OF THE POSSIBLE OBJECTIVES) IN THE 2014 GROWTH POLICY

TO JUSTIFY CHANGING  
CURRENTLY ZONED AGRICULTURAL LAND TO  
INDUSTRIAL MU-20 AND MU-40

THERE WERE NO REFERENCES TO TRANSPORTATION; PROTECTING SURFACE AND GROUNDWATER FROM POLLUTION; PROTECT AND PROMOTE CASCADE COUNTY'S RICH CULTURAL HERITAGE; PROMOTE THE DEVELOPMENT OF CULTURAL RESOURCES AND TOURISM TO BROADEN CASCADE COUNTY'S ECONOMIC BASE; PRESERVE CASCADE COUNTY'S SCENIC BEAUTY AND CONSERVE ITS FORESTS, RANGELANDS AND STREAMS, WITH THEIR ABUNDANT WILDLIFE AND GOOD FISHERIES; ASSURE CLEAN AIR, CLEAN WATER, A HEALTHFUL ENVIRONMENT, AND GOOD COMMUNITY APPEARANCE; AMONG OTHERS.

It appears the above references to the Growth Policy in the Planning Department Staff Report for 03.26.19 were "after the fact", as there were no references to the Growth Policy in the initial Proposed Zoning Changes. These references were in a document apparently created after initial public comments were received and in anticipation of the March 26 meeting, if I understood the response to my query correctly. They do not appear to reflect a thoughtful rationale based on all of the goals and objectives in the 2014 Cascade County Growth Policy.

If these references to the Growth Policy were part of the process for proposed zoning changes, please clarify why they were not included at the time of releasing that document. Thank you!

Thank you for your consideration of these comments and recommendations.

Respectfully submitted,



Carolyn K. Craven  
101 14<sup>th</sup> Avenue South  
Great Falls, MT 59405

C.K. Craven 03.21.19  
Homeowner, Great Falls

Sandee Christensen  
1312 41<sup>st</sup> St S  
Gt Falls, MT 59405

March 20, 2019

Cascade County Zoning Board,

I believe when an issue as big as rezoning Cascade County is being considered, you do it to do no harm and have the best interest of the people you represent in mind. A blanket rezoning of land will allow for industries that do not fit in with the agriculture around it. My husband and I are landowners outside of Belt and want to protect our agriculture status and not have an industrial site move in next to us. There should be impact studies done, input from citizens, and consideration of environmentally friendly facilities before rezoning.

Do not leave it open ended with VALUE ADDED AGRICULTURAL COMMODITY PROCESSING FACILITIES. We all know what that would allow for. We need to be selective in what we want in our county that would not impact our environment. I want to protect the land (my land) from an industry that could bring pollution, noise, and infrastructure concerns to Gt. Falls. I do not know of any city/county fighting to have this type of industry. They are however, fighting to eliminate and regulate them. We need to learn from them and not have that situation happen here.

The rules on zoning need to be very specific and protective of our land, water, air, and citizens in Cascade County. Countywide zoning like you are proposing would put our land in jeopardy and allow for industry that may not fit in and would impact the agriculture around it. Your decisions will be lasting and will change this county forever.



Sandee Christensen



Date Received: 3-21-19

Date Reviewed: 3-21-19

Complete:  Yes  No



# Public Comment Form

Cascade County Public Works Department Planning Division  
121 4<sup>th</sup> St N, Suite 2H-2I  
Great Falls, MT 59401  
Phone: 406-454-6905 Fax: 406-454-6919

## Instructions

This form is for providing public comment to the Cascade County Planning Division for review by any one or more of the following review and/or approval boards: Zoning Board of Adjustment (ZBOA), Planning Board, or Board of County Commissioners. Only complete submissions will be included for board review. Please provide the relevant information for each section below. A complete submission provides all of the following: commenter name and address, comment subject, and commentary on the subject issue(s). If additional space is needed for commentary, please attach additional sheets to this form. Completed forms may be submitted in person at the Planning Division office or by email at [planningcomments@cascadecountymt.gov](mailto:planningcomments@cascadecountymt.gov).

## Commenter Information

Name: Sherry Lynn Dow

Complete Address: 1433 Eden Road, Great Falls MT 59405

## Comment Subject (please check one)

- Special Use Permit Application
- Subdivision
- Zoning Text and/or Map Amendment
- Growth Policy
- Variance
- Floodplain Regulation Amendment
- Subdivision Regulation Amendment
- County Road Abandonment/ Discontinuation of County Street
- Other (describe): \_\_\_\_\_

## Comment

I am deeply concerned with the proposed zoning changes being considered by the County Planning Board on March 26th...both with the process to date for how these changes have been developed, as well as the changes themselves. I am concerned that County Planning Staff do not appear to have been following any precedent for these suggested changes. I am concerned that, to date, there has been very little opportunity for public input in this process...prior to it reaching the Planning Board for their approval. Changes of this magnitude to the zoning regulations in Cascade County should require input from landowners impacted by those changes, yet no survey of any kind was given to landowners. The Cascade County Growth Policy seems to have been developed to help guide these types of decisions to ensure a positive future for our county citizens, yet in this case that policy appears as though it is being completely disregarded and suggested changes are being made without consideration for Cascade County residents. As a person who was raised in agriculture in Cascade County and still lives in an agricultural community (really, who doesn't other than those residents living within the city limits of Great Falls), I find it very disheartening that support for these changes means a complete lack of support for agriculture in our community. The willingness to completely eliminate the agriculture category from our county zoning speaks volumes about the importance planning staff places on agriculture. Mixed-use definitions allowing slaughterhouses and CAFOs is not supporting family agriculture or the agriculture lifestyle deemed important by the county government when they implemented the current growth policy. Story after story can be found with a quick search of the Internet detailing the ills to the rural economy and agricultural families when industrial agriculture is allowed to flourish in an area. These proposed zoning changes give a free pass to industrial agriculture without any ability by the local citizens to have a voice. As members of this community, please do the right thing and show your support for our agricultural families by voting against these proposed changes, and by insisting that County Planning Staff follow all rules, laws and precedents in proposing future zoning changes in Cascade County.

### For Office Use Only

Date Received: <u>3-21-19</u>	Date Reviewed: <u>3-21-19</u>	Complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
-------------------------------	-------------------------------	---



# Public Comment Form

Cascade County Public Works Department Planning Division  
121 4<sup>th</sup> St N, Suite 2H-21  
Great Falls, MT 59401  
Phone: 406-454-6905 Fax: 406-454-6919

## Instructions

This form is for providing public comment to the Cascade County Planning Division for review by any one or more of the following review and/or approval boards: Zoning Board of Adjustment (ZBOA), Planning Board, or Board of County Commissioners. Only complete submissions will be included for board review. Please provide the relevant information for each section below. A complete submission provides all of the following: commenter name and address, comment subject, and commentary on the subject issue(s). If additional space is needed for commentary, please attach additional sheets to this form. Completed forms may be submitted in person at the Planning Division office or by email at [planningcomments@casadecountymt.gov](mailto:planningcomments@casadecountymt.gov).

## Commenter Information

Name: Mark L. Conway

Complete Address: 7685 US Highway 89, Belt, MT 59412

## Comment Subject (please check one)

- Special Use Permit Application       Subdivision       Zoning Text and/or Map Amendment
- Growth Policy       Variance       Floodplain Regulation Amendment
- Subdivision Regulation Amendment       County Road Abandonment/ Discontinuation of County Street
- Other (describe): \_\_\_\_\_

## Comment

Page 97, line 27. It is obvious to me that you are trying to sneak in a new provision for zoning so the Slaughter House can go through without any public comment. Money is not everything. If you believe that this will bring good quality jobs to Cascade County, please go visit a slaughter house in any other state. Those are not jobs for you kids, unless you want drug addicts, illegal aliens, and ex-cons in your neighborhood. Yes a few people will work there in the beginning but it is not a nice place to work. Most of the people that work there will not be from the local area. There is no reason to make these kinds of changes that make it easier for people to do what the majority do not want.

It is obvious that someone on this board has special interest in these changes.

### For Office Use Only

Date Received: <u>3-20-19</u>	Date Reviewed: <u>3-20-19</u>	Complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
-------------------------------	-------------------------------	---

**From:** BONNIE WARREN <bonniewarren4@hotmail.com>  
**Sent:** Monday, March 25, 2019 10:36 AM  
**To:** Planning Comments <planningcomments@casadecountymt.gov>  
**Subject:** Rezoning for 'slaughter house

Absolutely do NOT allow this !! It would pollute water air & ground . There is nothing positive about this meat processing project.

Get [Outlook for iOS](#)

FOR OFFICE  
USE ONLY

Date Received: 3-25-19  
Date Reviewed: 3-25-19

Complete:  Yes  No

**From:** Dorothy Filson <[djfilson@bresnan.net](mailto:djfilson@bresnan.net)>

**Sent:** Sunday, March 24, 2019 7:06 PM

**To:** Weber, Jane <[jweber@cascadecountymt.gov](mailto:jweber@cascadecountymt.gov)>

**Subject:** Proposed zoning changes eliminating all agricultural zoning and replacing with light and heavy industry (MU-20, MU-40)

Please make these comments part of the official public comments.

Thank you,

Dorothy Filson

PO Box 553

Bozeman MT 59771

FOR OFFICE  
USE ONLY

Date Received: 3-25-19

Date Reviewed: 3-25-19

Complete:  Yes  No

PO Box 553  
Bozeman MT 59771

March 24, 2019

To: Cascade County Planning Department  
Cascade County Commissioners

These comments are in response to the proposed zoning changes that are being considered that would accommodate the approval of the Madison Food Park, a massive slaughterhouse operation on the outskirts of Great Falls. Please make them a part of the official public comments.

The presence of such a business is concerning on a number of levels. The air, land and water pollution are significant and will impact anyone living in the vicinity. And, since water flows downhill, the runoff would have major impacts on connecting waterways as far as the Missouri.

Because of the horrifying work conditions of killing animals all day, every day in brutal ways, those who agree to take these jobs are often desperate for money and frequently have other aggressive or violent tendencies and/or Post Traumatic Stress Disorder. In other areas where such operations exist, there is a corresponding increase in crime by these workers which impacts all elements of the community where it is located. Quite often workers are brought in (some of them illegal). Their behavioral and criminal activities have a profound impact on the social fabric of the community. And, for those who can no longer tolerate the working conditions and don't have the money to leave, they become a burden on the services and taxpayers of Great Falls and Montana.

Due to the degradations of the environment, the social problems, air and water pollution, etc. you will see property values plummet. And, when that happens, it will be harder to recruit vital professionals to locate to Great Falls such as doctors, teachers and anyone who want to live in a safe, healthy environment with stable

property values. In short, it would greatly and negatively impact the reputation of Great Falls.

It has been consistently shown that animal agriculture is one of the leading causes of global warming. The methane emitted is worse for the atmosphere than carbon dioxide.

As water becomes increasingly scarce, it makes more sense to use what land and water resources we have to grow crops for people, not livestock. It takes more than 2,400 gallons of water to produce just 1 pound of meat. Only 25 gallons of water are required to grow 1 pound of wheat. You can save more water by not eating a pound of meat than you can by not showering for six months.

Responsible citizens and elected officials should be addressing these issues and considering the impacts of current decisions on future generations.

These are just the facts of the situation. And, as our climate grows increasingly warmer, it will be even harder to grow crops due to a lack of water and viable land.

I ask that you apply common sense and forward vision regarding the impacts these zoning changes would have in Cascade County and the rest of Montana. It behooves us all to be good stewards of the great land we have in Montana. Many others throughout the country and the world wish they were as fortunate.

Respectfully submitted,

Dorothy Filson



# Public Comment Form

Cascade County Public Works Department Planning Division  
121 4th St N, Suite 2H-2I  
Great Falls, MT 59401  
Phone: 406-454-6905 Fax: 406-454-6919

## Instructions

This form is for providing public comment to the Cascade County Planning Division for review by any one or more of the following review and/or approval boards: Zoning Board of Adjustment (ZBOA), Planning Board, or Board of County Commissioners. Only complete submissions will be included for board review. Please provide the relevant information for each section below. A complete submission provides all of the following: commenter name and address, comment subject, and commentary on the subject issue(s). If additional space is needed for commentary, please attach additional sheets to this form.

## Commenter Information

Name: Walter Mehnke - Walter Mehnke  
Complete Address: 8293 US Hwy 89, Great Falls, MT 59405

## Comment Subject (please check one)

- Special Use Permit Application
- Subdivision
- Zoning Text and/or Map Amendment
- Growth Policy
- Variance
- Floodplain Regulation Amendment
- Subdivision Regulation Amendment
- County Road Abandonment/ Discontinuation of County Street
- Other (describe): \_\_\_\_\_

## Comment

PLANNING BOARD

COMMENTS ON PROPOSED ZONING CHANGES

\* SEE ATTACHED \*

### For Office Use Only

Date Received:	<u>3-25-11</u>	Date Reviewed:	<u>3-25-11</u>	Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
----------------	----------------	----------------	----------------	-----------	---	-----------------------------



Comments pertaining to rezoning proposal

I am a 5th generation farmer, rancher and landowner in Cascade County. I have resided and worked on my farm for over 70 years. The farm and ranch has been my sole source of revenue my entire life. I understand the importance of caring for the land and my community in order to be successful and the community to be healthy. I have two sons that are currently farming and ranching on my property. They have young families and plans to not only keep the farm that I have lived on all my life, but to also to improve this farm.

I believe the proposed rezoning of agriculture land is not to be taken lightly. My understanding is that Cascade County should, at the very least, complete a 5-year review prior to any proposed rezoning changes. Furthermore, I feel and believe that the Cascade County government officials should be following their own policies that read, "protect and maintain Cascade County's rural character and the community's historic relationship with resource development". In order to do that, public comment and decision needs to be encouraged. We simply can not change the zoning of agricultural land in order to fast track large scale industries before all appropriate input is collected.

I understand that in order for our community to progress into the future, we must be open to change. Proposed change for Cascade County is something that can not be taken lightly, but with that change the community can not only look at the potential positive impacts we also need to look at the potential negative impacts. The negative impacts have to be given more weight than the positive impacts, for it is much harder to reverse a negative than to maintain a positive. I believe an old saying is very appropriate here, "The road the hell is sometimes paved with good intentions".

Sincerely,

A handwritten signature in cursive script that reads "Walter Mehmke".

Walter Mehmke

Cascade County Commissioners  
RECEIVED

MAR 25 2019

Sent to Planning

Charles Bocock

51 Prospect Drive, Great Falls MT 59405

March 24, 2019

Cascade County Planning Department  
121 4th St. N.  
Great Falls, MT 59401

Dear County Planners and Cascade County Commissioners:

I am somewhere on the steep learning curve of trying to figure out what mischief lurks behind the proposed 2019 zoning changes. I well remember the heated discussions regarding spot zoning and special use permits for the now defunct Highwood Generating fiasco, and I am concerned that while the current players have changed, the script is pretty much the same, "Developers trying to Sell us a Bill of Goods".

It is my understanding that zoning regulations are supposed to protect the people who chose to live and work in defined areas. These regulations should not be subjected to change for each "dog and pony show" that comes to town.

I chose to retire in Great Falls because I appreciate the clean air and the quality of life. I have family living north of Denver in residential neighborhoods that have been raped by operators of smelly feedlots for cattle and disrupted by underground fracking for natural gas. Why can't we learn from these irrevocable mistakes?

Joni Mitchell's lyrics tell us "you don't know what you've got until it's gone". Let's not lose those values we cherish most here in the middle of the *Last Best Place*. Just say no!

Sincerely yours,



Charles Bocock

FOR OFFICE  
USE ONLY

Date Received: 3/25/19

Date Reviewed: 3/25/19

Complete:  Yes  No

11. 11. 11.

11. 11. 11.



# Public Comment Form

Cascade County Public Works Department Planning Division  
121 4<sup>th</sup> St N, Suite 2H-21  
Great Falls, MT 59401  
Phone: 406-454-6905 Fax: 406-454-6919

## Instructions

This form is for providing public comment to the Cascade County Planning Division for review by any one or more of the following review and/or approval boards: Zoning Board of Adjustment (ZBOA), Planning Board, or Board of County Commissioners. Only complete submissions will be included for board review. Please provide the relevant information for each section below. A complete submission provides all of the following: commenter name and address, comment subject, and commentary on the subject issue(s). If additional space is needed for commentary, please attach additional sheets to this form. Completed forms may be submitted in person at the Planning Division office or by email at [planningcomments@casadecountymt.gov](mailto:planningcomments@casadecountymt.gov).

## Commenter Information

Name: Gloria Burrows

Complete Address: 111 Life Road, Great Falls, MT 59405

## Comment Subject (please check one)

- Special Use Permit Application
- Subdivision
- Zoning Text and/or Map Amendment
- Growth Policy
- Variance
- Floodplain Regulation Amendment
- Subdivision Regulation Amendment
- County Road Abandonment/ Discontinuation of County Street
- Other (describe): God Growth Imperative

## Comment

After having studied Casc. County's "Growth Policy Analysis," I see how much the citizens of Cascade County have been kept ignorant, esp. regarding MU20 & MU40. Emergency meetings must be held as soon as "Emergency Public Service Announcements" have been made by TV, Radio, newspapers, Social Media Online & word of mouth.

Obviously our Cascade County Commissioners have not been able to or willing to monitor all, if any, of the crucially necessary issues involved in our Agricultural zoning changes being proposed (MU20, MU40 and Unclassified Use Permits).

No zoning changes must be allowed until the **PUBLIC** has been totally informed. The disastrous impact of these "Mixed Use" zoning changes will destroy our county in every way: infrastructurally, environmentally, etc.

We need positive change, only. Thank you.

### For Office Use Only

Date Received:	<u>3-25-19</u>	Date Reviewed:	<u>3-25-19</u>	Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
----------------	----------------	----------------	----------------	-----------	---	-----------------------------



# Public Comment Form

Cascade County Public Works Department Planning Division  
121 4<sup>th</sup> St N, Suite 2H-2I  
Great Falls, MT 59401  
Phone: 406-454-6905 Fax: 406-454-6919

## Instructions

This form is for providing public comment to the Cascade County Planning Division for review by any one or more of the following review and/or approval boards: Zoning Board of Adjustment (ZBOA), Planning Board, or Board of County Commissioners. Only complete submissions will be included for board review. Please provide the relevant information for each section below. A complete submission provides all of the following: commenter name and address, comment subject, and commentary on the subject issue(s). If additional space is needed for commentary, please attach additional sheets to this form. Completed forms may be submitted in person at the Planning Division office or by email at [planningcomments@cascadecountymt.gov](mailto:planningcomments@cascadecountymt.gov).

## Commenter Information

Name: Judson F. Parrows.  
Complete Address: 111 Pipe Rd Great Falls Mont. 59405.

## Comment Subject (please check one)

- Special Use Permit Application
- Subdivision
- Zoning Text and/or Map Amendment
- Growth Policy
- Variance
- Floodplain Regulation Amendment
- Subdivision Regulation Amendment
- County Road Abandonment/ Discontinuation of County Street
- Other (describe): Growth Policy by Voting Public.

## Comment

Growth policy is fine to consider as long as the final judgement of these deliberations are approved by the voting public.

We have general voting every 2 years, so I see no need for a planning board to make county decisions.

I see the Planning Board more as a steering board instead of a takeover institution, not judge, jury & executioner!!!

### For Office Use Only

Date Received:	<u>3-25-19</u>	Date Reviewed:	<u>3-25-19</u>	Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
----------------	----------------	----------------	----------------	-----------	---	-----------------------------



# Public Comment Form

Cascade County Public Works Department Planning Division  
121 4<sup>th</sup> St N, Suite 2H-2I  
Great Falls, MT 59401  
Phone: 406-454-6905 Fax: 406-454-6919

## Instructions

This form is for providing public comment to the Cascade County Planning Division for review by any one or more of the following review and/or approval boards: Zoning Board of Adjustment (ZBOA), Planning Board, or Board of County Commissioners. Only complete submissions will be included for board review. Please provide the relevant information for each section below. A complete submission provides all of the following: commenter name and address, comment subject, and commentary on the subject issue(s). If additional space is needed for commentary, please attach additional sheets to this form. Completed forms may be submitted in person at the Planning Division office or by email at [planningcomments@casadecountymt.gov](mailto:planningcomments@casadecountymt.gov).

## Commenter Information

Name: Glen Coulter  
Complete Address: 99 Fife Road Great Falls MT, 59405

## Comment Subject (please check one)

- Special Use Permit Application       Subdivision       Zoning Text and/or Map Amendment
- Growth Policy       Variance       Floodplain Regulation Amendment
- Subdivision Regulation Amendment       County Road Abandonment/ Discontinuation of County Street
- Other (describe): \_\_\_\_\_

## Comment

It seems to me that people on a planning board need to be aware that there are various kinds of agriculture and some need more restrictions than others. A large grain growing farm is much less offensive in many ways than a CAFO would be to any neighbors. The pollution and erosion of our environment and great way of life in Cascade County is at risk.

For Office Use Only			
Date Received:	<u>3-22-19</u>	Date Reviewed:	<u>3-22-19</u>
Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	



# Public Comment Form

Cascade County Public Works Department Planning Division  
121 4<sup>th</sup> St N, Suite 2H-2I  
Great Falls, MT 59401

Phone: 406-454-6905

Fax: 406-454-6919

## Instructions

This form is for providing public comment to the Cascade County Planning Division for review by any one or more of the following review and/or approval boards: Zoning Board of Adjustment (ZBOA), Planning Board, or Board of County Commissioners. Only complete submissions will be included for board review. Please provide the relevant information for each section below. A complete submission provides all of the following: commenter name and address, comment subject, and commentary on the subject issue(s). If additional space is needed for commentary, please attach additional sheets to this form. Completed forms may be submitted in person at the Planning Division office or by email at [planningcomments@casadecountymt.gov](mailto:planningcomments@casadecountymt.gov).

## Commenter Information

Name: Janet Carter

Complete Address: 2005 3<sup>rd</sup> Ave. N Great Falls, MT 59401

## Comment Subject (please check one)

- Special Use Permit Application
- Subdivision
- Zoning Text and/or Map Amendment
- Growth Policy
- Variance
- Floodplain Regulation Amendment
- Subdivision Regulation Amendment
- County Road Abandonment/ Discontinuation of County Street
- Other (describe): \_\_\_\_\_

## Comment

Who/what entity is behind the proposed zoning regulations? The changes put forth appear to pave the way for high impact animal operations in our midst. Who worked on these proposed changes & why?

J. Carter

### For Office Use Only

Date Received:	<u>3-22-19</u>	Date Reviewed:	<u>3-22-19</u>	Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
----------------	----------------	----------------	----------------	-----------	---	-----------------------------



# Public Comment Form

Cascade County Public Works Department Planning Division

121 4<sup>th</sup> St N, Suite 2H-2I

Great Falls, MT 59401

Phone: 406-454-6905

Fax: 406-454-6919

## Instructions

This form is for providing public comment to the Cascade County Planning Division for review by any one or more of the following review and/or approval boards: Zoning Board of Adjustment (ZBOA), Planning Board, or Board of County Commissioners. Only complete submissions will be included for board review. Please provide the relevant information for each section below. A complete submission provides all of the following: commenter name and address, comment subject, and commentary on the subject issue(s). If additional space is needed for commentary, please attach additional sheets to this form. Completed forms may be submitted in person at the Planning Division office or by email at [planningcomments@casadecountymt.gov](mailto:planningcomments@casadecountymt.gov).

## Commenter Information

Name: Leanna Coulter

Complete Address: 99 Fife Road, Great Falls, MT 59405-8064

## Comment Subject (please check one)

- Special Use Permit Application
- Subdivision
- Zoning Text and/or Map Amendment
- Growth Policy
- Variance
- Floodplain Regulation Amendment
- Subdivision Regulation Amendment
- County Road Abandonment/ Discontinuation of County Street

Other (describe): the overall process of land use and zoning changes

## Comment

I am concerned about the land use and zoning changes being considered by Cascade County. The citizens of Cascade County need to be made aware of the proposed changes and the effect that they will have on every citizen and everyone should have an opportunity to vote on the proposed changes. I attended the February 19, 2019 meeting at the county office in an effort to find out what is going on. I left more confused than when I arrived. Changing land use from agricultural to mixed use is ambiguous and not defining boundaries of mixed use zones makes it even more unclear. I understand changes were proposed in October 2018 that were not made public. I believe since changes affect all citizens, all changes should be subject to public notification and public input. Also all proposed changes should be subject to impact studies. All information should be made public by more than on-line

### For Office Use Only

Date Received:	<u>3-22-19</u>	Date Reviewed:	<u>3-22-19</u>	Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
----------------	----------------	----------------	----------------	-----------	---	-----------------------------



# Public Comment Form

Cascade County Public Works Department Planning Division  
121 4<sup>th</sup> St N, Suite 2H-2I  
Great Falls, MT 59401  
Phone: 406-454-6905 Fax: 406-454-6919

## Instructions

This form is for providing public comment to the Cascade County Planning Division for review by any one or more of the following review and/or approval boards: Zoning Board of Adjustment (ZBOA), Planning Board, or Board of County Commissioners. Only complete submissions will be included for board review. Please provide the relevant information for each section below. A complete submission provides all of the following: commenter name and address, comment subject, and commentary on the subject issue(s). If additional space is needed for commentary, please attach additional sheets to this form. Completed forms may be submitted in person at the Planning Division office or by email at [planningcomments@cascadecountymt.gov](mailto:planningcomments@cascadecountymt.gov).

## Commenter Information

Name: Glen Coulter  
Complete Address: 99 Fife Road Great Falls Montana 59405

## Comment Subject (please check one)

- Special Use Permit Application
- Subdivision
- Zoning Text and/or Map Amendment
- Growth Policy
- Variance
- Floodplain Regulation Amendment
- Subdivision Regulation Amendment
- County Road Abandonment/ Discontinuation of County Street
- Other (describe): \_\_\_\_\_

## Comment

In reviewing the zoning changes proposed by the Cascade County planning board I am concerned by the fact that there was no opportunity for landowners of the county to have input into the policy. There appears to be no legal descriptions of properties but just classifies all ag land as mixed use either MU20 or MU40.

### For Office Use Only

Date Received:	<u>3-22-19</u>	Date Reviewed:	<u>3-22-19</u>	Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
----------------	----------------	----------------	----------------	-----------	---	-----------------------------



# Public Comment Form

Cascade County Public Works Department Planning Division  
121 4<sup>th</sup> St N, Suite 2H-2I  
Great Falls, MT 59401

Phone: 406-454-6905

Fax: 406-454-6919

## Instructions

This form is for providing public comment to the Cascade County Planning Division for review by any one or more of the following review and/or approval boards: Zoning Board of Adjustment (ZBOA), Planning Board, or Board of County Commissioners. Only complete submissions will be included for board review. Please provide the relevant information for each section below. A complete submission provides all of the following: commenter name and address, comment subject, and commentary on the subject issue(s). If additional space is needed for commentary, please attach additional sheets to this form. Completed forms may be submitted in person at the Planning Division office or by email at [planningcomments@casadecountymt.gov](mailto:planningcomments@casadecountymt.gov).

## Commenter Information

Name:

Glen Coulter

Complete Address:

99 Kife Road Great Falls, Mont. 59405

## Comment Subject (please check one)

- Special Use Permit Application
- Subdivision
- Zoning Text and/or Map Amendment
- Growth Policy
- Variance
- Floodplain Regulation Amendment
- Subdivision Regulation Amendment
- County Road Abandonment/ Discontinuation of County Street
- Other (describe): \_\_\_\_\_

## Comment

The proposed changes in the zoning of agricultural land in Cascade County will have a very adverse affect on the tourist industry that is so important to our county and state if CAFOs and pollution type industry is allowed to settle here.

### For Office Use Only

Date Received:	<u>3-22-19</u>	Date Reviewed:	<u>3-22-19</u>	Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
----------------	----------------	----------------	----------------	-----------	---	-----------------------------



March 21, 2019

Public Comment

Cascade County Planning Commission on proposed revision to zoning regulations

My comments concern the process by which the public has been made aware of the planned revisions to the zoning regulations. I attended the February Planning Committee meeting. County Planning staff was asked by the Planning Commission chair to present the proposed revisions. The staff simply read the revisions rather than provide rationale for the revisions and possible impact to cascade county landowners and residents from the revisions. I am not a planning professional, yet I am able to discern that the change from "agriculture" to "mixed use" can have profound impact on land owners and neighbors. I implore Chair Merja to provide or instruct the planning staff to provide the public with rationale and impact statements at the March meeting and then offer the public adequate time to study this information. Without this information I believe the planning commission and the cascade county commission can't possibly make informed decisions as to the merit of adopting the proposed revisions.

Sadly if this information is not forthcoming, then I believe such information is already know to staff, the planning commission and the county commissioners and hasn't been made available to the public. Where is the sunlight in that kind of government?

Nancy Zadick

1901 Whispering Ridge Drive

Great Falls, MT 59405



to whom it may concern, Janelle / Dale Yatsko are writing this variance and or hardship letter.

This letter is concerning our registered medical marijuana grow at 55 Gibson flats Road unit number four in district A..

We have been at this location for 4 years now.. Prior to this address, we were out by Centerville. We were told by Cascade County Planning board that we needed to be in Agricultural District with the grow.. We then at that time approached Dave and Sandy Dickman about property they had on Gibson Flats Road... They agreed to rent us a building that would meet the County requirements. In doing so, the Dickman's had to purchase additional property from a neighbor to be 20 plus acres so we would meet the Agricultural District that the cascade county said we had to be in with our grow.. At this time we entered into a long term lease agreement With Dave and Sandy Dickman. We were into the County planning Board on several occasions to try to purchase a location permit with no luck. We were told every time by the planning board that the location permit was not needed, because the county wasn't issuing any yet. As long as we were properly licensed with the state of Montana, And the planning board knew where we were, and the location was district A ( Farm Ag.) we would be allowed to operate.. we asked the County planning Board on several occasions to classify our industry. We also asked for the reasons our industry is heavy industrial since it is a medical program run by the state of Montana.

We went to a meeting in November of 2018 with the planning board and the County Attorney Josh Racki. In this meeting we were given the letter from the County Attorney stating that our Grow was in the Proper Zone. In the letter from the Cascade County attorney it specifically states that the grow is in the proper cascade county zoning of District A (Agricultural District). It was then told to us in Late December that we were not in compliance with the grow. We then confronted the planning board and they told us that the new zoning laws make us illegal in our A District, that the county has put us all in since 2004. Janelle then asked the planning board how the county attorney came up with the information that was on the letter they gave us in November 2018 that stated we were in the safe zone for our grow.. The planning board told us that the information the county attorney used, came from the planning board. The planning board also told us that they were directed by this administration and all the past administrations back to 2004 to put all medical marijuana grows in agricultural districts. We then applied for a Location Permit again in December 2018. It was denied because we were not in compliance with the new zoning laws that have not even been adopted yet..

Because of this decision by the County not to sell us our Location Permit, we are writing this letter to show that Cascade County's new zoning laws that they are trying to enforce is causing us severe financial hardship for our business.. Our landlords not only purchased more property to meet the counties requirements, they also built the building to our requirements to meet our grows needs.. This was a huge financial burden to our landlords. It is also a huge burden to us.. we entered into a long term lease agreement and have 11 years and 3 months left on that agreement. We are committed to paying \$2000 a month for the rest of the term of our agreement.. We also have about another \$80,000 in the building of our own..

Also the I-2 heavy industrial areas you are pushing us all to, have NO available property for

ent. So we would have to build from the ground up.. We have investigated and received verbal Quotes from contractors.. the lowest estimate we got to buy land, put in water sewer power gas, and build same size building we have right now, the costs start at \$850,000 Plus. Lets not forget the permits and the time it will take to complete this process.

Add our remaining lease to the \$850,000 to build new, we are looking at a minimum of 1.1 to 1.3 million dollars.. there are not very many businesses in Cascade County or the state of Montana that can absorb that kind of cost for a move that is unnecessary by Cascade County. If the county proceeds with this zoning and not grandfathering us in, in the locations that they had previously approved for several years, Cascade County Will be knowingly putting us out of business and forcing us into a bankruptcy. There also is no banks that will lend at this time to our industry.

In the counties new zoning regulations, it states that these new rules and regulations cannot impose any financial hardships on the businesses in the county. We feel these new zoning laws and regulations will indeed create financial hardship for us and will run us out of business and force us into a bankruptcy because of our lease agreement and the costs of relocating into the zoning areas that the county is trying to implement. We also feel the county never looked into these new areas as far as the feasibility for the grows and the storefronts in our industry. Because if they did, they would have realized there is nothing out there for us to rent or purchase. Unless we build from the ground up. The couple properties that were available are renting for More money then some of the highest retail property in the city of Great Falls. Since the county is forcing us into these areas, The people who had these couple properties are now charging ridiculous prices. This is called extortion. We looked at one property that was on the market for two years for \$375,000 and couldn't sell it. and now the owner of that same property said that since the county is forcing us all into the I-2 heavy industrial areas, there isn't any property out there he said so now he wants \$750,000 for the property that he could not sell at 375,000 for over 2 years. All the providers that are storefronts only are out of county owned and farmed. I believe there are only one or two providers that actually are located and grow in the O2 area. This is because us other five providers have been in the county/District A Where you bought us from the beginning. Again I have a letter from the county attorney from November 9, 2018 stating we were fine for our grow operation. Ultimately the patients will be the ones to suffer all over again. Their access to medicine will be harder and limit their freedom of choice. Their freedom of choice becomes monopolized and eventually more expensive. Forcing local grows or providers that have been longtime established and in compliance with the cascade county and the state into an I2 area is contrary To your Cascade County mission statement goal number one, sustain and strengthen the economic well-being of Cascade County citizens. What happened to your statement of Being able to leverage available local resources encourage the growth of the agricultural economy ,improve local trade capture for cascade county businesses?

The problem is there is so much information to go over and discuss. And we have tried to schedule several meetings with the cascade County commissioners to help inform them of the current status of the industry and the underlying status of the current industry. There is a ton of mathematics that are behind the store fronts that the commissioners and the general public needs to know. And being a local provider we have a very clear understanding of the numbers game that is driving the industry at this point. there are

Some very large players in this industry that want to be the top three and destroy the small businesses. This completely goes against the cascade county mission statement.

Sincerely and thank you.

Janelle and Dale Yatsko



# Public Comment Form

Cascade County Public Works Department Planning Division  
121 4<sup>th</sup> St N, Suite 2H-2I  
Great Falls, MT 59401  
Phone: 406-454-6905 Fax: 406-454-6919

## Instructions

This form is for providing public comment to the Cascade County Planning Division for review by any one or more of the following review and/or approval boards: Zoning Board of Adjustment (ZBOA), Planning Board, or Board of County Commissioners. Only complete submissions will be included for board review. Please provide the relevant information for each section below. A complete submission provides all of the following: commenter name and address, comment subject, and commentary on the subject issue(s). If additional space is needed for commentary, please attach additional sheets to this form. Completed forms may be submitted in person at the Planning Division office or by email at [planningcomments@casadecountymt.gov](mailto:planningcomments@casadecountymt.gov).

## Commenter Information

Name: DALE YATSKO  
Complete Address: 674 Stocker H Road Stocker H MT. 59480

## Comment Subject (please check one)

- Special Use Permit Application     Subdivision     Zoning Text and/or Map Amendment  
 Growth Policy     Variance     Floodplain Regulation Amendment  
 Subdivision Regulation Amendment     County Road Abandonment/ Discontinuation of County Street  
 Other (describe): MMJ Rezone

## Comment

See Attached

### For Office Use Only

Date Received:		Date Reviewed:		Complete:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
----------------	--	----------------	--	-----------	------------------------------	-----------------------------

To whom it may concern, Janelle / Dale Yatsko are writing this variance and or hardship letter.

This letter is concerning our registered medical marijuana grow at 55 Gibson flats Road unit number four in district A..

We have been at this location for 4 years now.. Prior to this address, we were out by Centerville. We were told by Cascade County Planning board that we needed to be in Agricultural District with the grow.. We then at that time approached Dave and Sandy Dickman about property they had on Gibson Flats Road... They agreed to rent us a building that would meet the County requirements. In doing so, the Dickman's had to purchase additional property from a neighbor to be 20 plus acres so we would meet the Agricultural District that the cascade county said we had to be in with our grow.. At this time we entered into a long term lease agreement With Dave and Sandy Dickman. We were into the County planning Board on several occasions to try to purchase a location permit with no luck. We were told every time by the planning board that the location permit was not needed, because the county wasn't issuing any yet. As long as we were properly licensed with the state of Montana, And the planning board knew where we were, and the location was district A ( Farm Ag.) we would be allowed to operate.. we asked the County planning Board on several occasions to classify our industry. We also asked for the reasons our industry is heavy industrial since it is a medical program run by the state of Montana.

We went to a meeting in November of 2018 with the planning board and the County Attorney Josh Racki. In this meeting we were given the letter from the County Attorney stating that our Grow was in the Proper Zone. In the letter from the Cascade County attorney it specifically states that the grow is in the proper cascade county zoning of District A (Agricultural District). It was then told to us in Late December that we were now not in compliance with the grow. We then confronted the planning board and they told us that the new zoning laws make us illegal in our A District, that the county has put us all in since 2004. Janelle then asked the planning board how the county attorney came up with the information that was on the letter they gave us in November 2018 that stated we were in the safe zone for our grow.. The planning board told us that the information the county attorney used, came from the planning board. The planning board also told us that they were directed by this administration and all the past administrations back to 2004 to put all medical marijuana grows in agricultural districts. We then applied for a Location Permit again in December 2018. It was denied because we were not in compliance with the new zoning laws that have not even been adopted yet..

Because of this decision by the County not to sell us our Location Permit, we are writing this letter to show that Cascade County's new zoning laws that they are trying to enforce is causing us severe financial hardship for our business.. Our landlords not only purchased more property to meet the counties requirements, they also built the building to our requirements to meet our grows needs.. This was a huge financial burden to our landlords. It is also a huge burden to us.. we entered into a long term lease agreement and have 11 years and 3 months left on that agreement. We are committed to paying \$2000 a month for the rest of the term of our agreement.. We also have about another \$80,000 in the building of our own..

Also the I-2 heavy industrial areas you are pushing us all to, have NO available property for

ent. So we would have to build from the ground up.. We have investigated and received verbal Quotes from contractors.. the lowest estimate we got to buy land, put in water sewer power gas, and build same size building we have right now, the costs start at \$850,000 Plus. Lets not forget the permits and the time it will take to complete this process.

Add our remaining lease to the \$850,000 to build new, we are looking at a minimum of 1.1 1.3 million dollars.. there are not very many businesses in Cascade County or the state of Montana that can absorb that kind of cost for a move that is unnecessary by Cascade County. If the county proceeds with this zoning and not grandfathering us in, in the locations that they had previously approved for several years, Cascade County Will be knowingly putting us out of business and forcing us into a bankruptcy. There also is no banks that will lend at this time to our industry.

In the counties new zoning regulations, it states that these new rules and regulations cannot impose any financial hardships on the businesses in the county. We feel these new zoning laws and regulations will indeed create financial hardship for us and will run us out of business and force us into a bankruptcy because of our lease agreement and the costs of relocating into the zoning areas that the county is trying to implement. We also feel the county never looked into these new areas as far as the feasibility for the grows and the storefronts in our industry. Because if they did, they would have realized there is nothing out there for us to rent or purchase. Unless we build from the ground up. The couple properties that were available are renting for More money then some of the highest retail property in the city of Great Falls. Since the county is forcing us into these areas, The people who had these couple properties are now charging ridiculous prices. This is called extortion. We looked at one property that was on the market for two years for \$375,000 and couldn't sell it. and now the owner of that same property said that since the county is forcing us all into the I-2 heavy industrial areas, there isn't any property out there he said So now he wants \$750,000 for the property that he could not sell at 375,000 for over 2 years. All the providers that are storefronts only are out of county owned and farmed. I believe there are only one or two providers that actually are located and grow in the O2 area. This is because us other five providers have been in the county/District A Where you put us from the beginning. Again I have a letter from the county attorney from November 9, 2018 stating we were fine for our grow operation. Ultimately the patients will be the ones to suffer all over again. Their access to medicine will be harder and limit their freedom of choice. Their freedom of choice becomes monopolized and eventually more expensive. Forcing local grows or providers that have been longtime established and in compliance with the cascade county and the state into an I2 area is contrary To your Cascade County mission statement goal number one, sustain and strengthen the economic well-being of Cascade County citizens. What happened to your statement of Being able to leverage available local resources encourage the growth of the agricultural economy ,improve local trade capture for cascade county businesses?

The problem is there is so much information to go over and discuss. And we have tried to schedule several meetings with the cascade County commissioners to help inform them of the current status of the industry and the underlying status of the current industry. There is a ton of mathematics that are behind the store fronts that the commissioners and the general public needs to know. And being a local provider we have a very clear understanding of the numbers game that is driving the industry at this point. there are

some very large players in this industry that want to be the top three and destroy the small businesses. This completely goes against the cascade county mission statement.

Sincerely and thank you.

Janelle and dale Yatsko



# Public Comment Form

Cascade County Public Works Department Planning Division  
121 4<sup>th</sup> St N, Suite 2H-2I  
Great Falls, MT 59401  
Phone: 406-454-6905 Fax: 406-454-6919

## Instructions

This form is for providing public comment to the Cascade County Planning Division for review by any one or more of the following review and/or approval boards: Zoning Board of Adjustment (ZBOA), Planning Board, or Board of County Commissioners. Only complete submissions will be included for board review. Please provide the relevant information for each section below. A complete submission provides all of the following: commenter name and address, comment subject, and commentary on the subject issue(s). If additional space is needed for commentary, please attach additional sheets to this form. Completed forms may be submitted in person at the Planning Division office or by email at [planningcomments@casadecountymt.gov](mailto:planningcomments@casadecountymt.gov).

## Commenter Information

Name: TAMMIE LYNNE SMITH

Complete Address: 397 HIGHWOOD ROAD, GREAT FALLS, MT 59405

## Comment Subject (please check one)

- Special Use Permit Application
- Subdivision
- Zoning Text and/or Map Amendment
- Growth Policy
- Variance
- Floodplain Regulation Amendment
- Subdivision Regulation Amendment
- County Road Abandonment/ Discontinuation of County Street
- Other (describe): \_\_\_\_\_

## Comment

TO: PLANNING STAFF, PLANNING BOARD, COUNTY ATTORNEY

Thank you for posting the draft Staff Report for the March 26, 2019 Planning Board Hearing on March 11, 2019 allowing more reasonable time for public review. I have also reviewed the Board member documents that were posted on March 19, 2019, one week prior to the March 26, 2019 Hearing, including the final Staff Report.

The Public Notice for the March 26, 2019 Hearing states "Public comment is welcome and, as a general rule, will be limited to five (5) minutes so as to allow all interested parties an opportunity to comment in a fair and timely manner."

However, the newly published Agenda does not include an item under 4.A. for public comments although the text of the Staff Report includes [Public Comment xxxx] and [Planning Board consideration of public comments] after each zoning section.

Please clarify how Public Oral Comments will be conducted at the March 26, 2019 Hearing.

1. Will participants be allowed five (5) minutes to comment on each section as is currently presented in the Staff Report?
2. Will participants be allowed only one (1) five (5) minute comment period at the end of any one section?

---

---

---

---

---

---

---

---

---

---

### For Office Use Only

Date Received: <u>3-20-19</u>	Date Reviewed: <u>3-20-19</u>	Complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
-------------------------------	-------------------------------	---



# Public Comment Form

Cascade County Public Works Department Planning Division  
121 4th St N, Suite 2H-2I  
Great Falls, MT 59401  
Phone: 406-454-6905 Fax: 406-454-6919

## Instructions

This form is for providing public comment to the Cascade County Planning Division for review by any one or more of the following review and/or approval boards: Zoning Board of Adjustment (ZBOA), Planning Board, or Board of County Commissioners. Only complete submissions will be included for board review. Please provide the relevant information for each section below. A complete submission provides all of the following: commenter name and address, comment subject, and commentary on the subject issue(s). If additional space is needed for commentary, please attach additional sheets to this form.

## Commenter Information

Name: DAVE ZADICK  
Complete Address: 1901 Whispering Ridge, Great Falls, CASCADE COUNTY, MT 59405

## Comment Subject (please check one)

- Special Use Permit Application
- Subdivision
- Zoning Text and/or Map Amendment
- Growth Policy
- Variance
- Floodplain Regulation Amendment
- Subdivision Regulation Amendment
- County Road Abandonment/ Discontinuation of County Street
- Other (describe): New Zoning Regulations

## Comment

1) The process intends to eliminate or insulate the Board of Commissioners. They are attempting to wash their hands of the biggest zoning redo in our history.

2) The process has the appearance of being arranged to smooth the way for the Madison Food Park.

3) Zoning everything outside the city effectively as multiple use is the same as abandoning zoning and permitting.

4) There has not been explanation for each change and no notice of meetings regarding all earlier versions of the proposed plan, in my opinion violating open meeting and public participation rights under our Constitution and statutes. You have not followed County Ordinance 14.1.1

### For Office Use Only

Date Received: <u>3-20-19</u>	Date Reviewed: <u>3-20-19</u>	Complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
-------------------------------	-------------------------------	---

P.2

Public Comment - by Gary in ZADICK

5> The proposed new zoning regulations do not adequately protect rural residents who would be affected by a large animal facility - smell, air, water issues are not confined to just ADJACENT properties. Setbacks need to be properly set.

6> The proposed new zoning regulations do not adequately provide for permitting and imposition of limitations for large facilities which would have an impact beyond its property boundary.

March 20, 2019

Gary in ZADICK



# Public Comment Form

Cascade County Public Works Department Planning Division

121 4<sup>th</sup> St N, Suite 2H-2I

Great Falls, MT 59401

Phone: 406-454-6905

Fax: 406-454-6919

## Instructions

This form is for providing public comment to the Cascade County Planning Division for review by any one or more of the following review and/or approval boards: Zoning Board of Adjustment (ZBOA), Planning Board, or Board of County Commissioners. Only complete submissions will be included for board review. Please provide the relevant information for each section below. A complete submission provides all of the following: commenter name and address, comment subject, and commentary on the subject issue(s). If additional space is needed for commentary, please attach additional sheets to this form.

## Commenter Information

Name: Helen Coleman

Complete Address: 11 Homestake Lane, Gt. Falls, MT 59405

## Comment Subject (please check one)

- Special Use Permit Application
- Subdivision
- Zoning Text and/or Map Amendment
- Growth Policy
- Variance
- Floodplain Regulation Amendment
- Subdivision Regulation Amendment
- County Road Abandonment/ Discontinuation of County Street
- Other (describe): Unclassified Use Permits

## Comment

Elected officials should be accountable to the public when "unclassified Use Permits are allowed in ANY zoning district"

Confused animal feeding operations, feedlots & paved plants are included.

Do require that community impacts should be addressed prior to approval.

These high impact operation require elected officials approval NOT appointed volunteers.

FOR OFFICE USE ONLY

Date Received: 3-20-19

Date Reviewed: 3-20-19

Complete:  Yes  No

FOR OFFICE  
USE ONLY

Date Received: 3-20-19

Date Reviewed: 3-20-19

Complete:  Yes  No



# Public Comment Form

Cascade County Public Works Department Planning Division  
121 4th St N, Suite 2H-2I  
Great Falls, MT 59401

Phone: 406-454-6905

Fax: 406-454-6919

## Instructions

This form is for providing public comment to the Cascade County Planning Division for review by any one or more of the following review and/or approval boards: Zoning Board of Adjustment (ZBOA), Planning Board, or Board of County Commissioners. Only complete submissions will be included for board review. Please provide the relevant information for each section below. A complete submission provides all of the following: commenter name and address, comment subject, and commentary on the subject issue(s). If additional space is needed for commentary, please attach additional sheets to this form.

## Commenter Information

Name: Helen Coleman

Complete Address: 11 Homestake Lane - Great Falls MT

59405

## Comment Subject (please check one)

- Special Use Permit Application
- Subdivision
- Zoning Text and/or Map Amendment
- Growth Policy
- Variance
- Floodplain Regulation Amendment
- Subdivision Regulation Amendment
- County Road Abandonment/ Discontinuation of County Street
- Other (describe): \_\_\_\_\_

## Comment

All of us writing these forms + those reading them agree - we are interested in Cascade agriculture area

Apparently the growth policy adopted in 2014 should be reviewed every 5 yrs.

The zoning ordinance of 10/11 provided an infinite process but this is not being followed. More important a public hearing should have been part of the staff here. This also did not happen.

The express results means the many people impacted by these proposed growth policies have NOT been solicited nor heard. My concern is WHY was this public NOT provided a forum to express their concerns with these proposed growth policy changes?



# Public Comment Form

Cascade County Public Works Department Planning Division  
121 4<sup>th</sup> St N, Suite 2H-2I  
Great Falls, MT 59401  
Phone: 406-454-6905 Fax: 406-454-6919

## Instructions

This form is for providing public comment to the Cascade County Planning Division for review by any one or more of the following review and/or approval boards: Zoning Board of Adjustment (ZBOA), Planning Board, or Board of County Commissioners. Only complete submissions will be included for board review. Please provide the relevant information for each section below. A complete submission provides all of the following: commenter name and address, comment subject, and commentary on the subject issue(s). If additional space is needed for commentary, please attach additional sheets to this form. Completed forms may be submitted in person at the Planning Division office or by email at [planningcomments@cascadecountymt.gov](mailto:planningcomments@cascadecountymt.gov).

## Commenter Information

Name: Logan Tinsen

Complete Address: 19 Stone Mill Lane, Great Falls, MT 59405

## Comment Subject (please check one)

- Special Use Permit Application       Subdivision       Zoning Text and/or Map Amendment
- Growth Policy       Variance       Floodplain Regulation Amendment
- Subdivision Regulation Amendment       County Road Abandonment/ Discontinuation of County Street
- Other (describe): \_\_\_\_\_

## Comment

Why change Agricultural to Mixed Use? A quick internet search will tell you this zoning strategy is mostly done in urban areas not rural areas. Where is the analysis and data to support such a change if it is not being done in other rural communities? Comprehensive planning using participatory stakeholder - people likely to be affected, those with differing points of view and citizen engagement process should be undertaken in such substantial proposed zoning changes. Justification should include fiscal impact analysis, cost of infrastructure studies, traffic modeling, water quality assessments, identification of prime agricultural lands, etc. The proposed zoning is focusing on short-term results, not on long-term implications and impacts of development in aggregate. The economic, social, and environmental impacts of development are often significant and are being overlooked. This is one of many reasons why I OPPOSE the Cascade County zoning amendments as written and I'm asking the Planning Board to not pass to the County Commissioners. Thank you for all your hard work and effort on a volunteer basis.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### For Office Use Only

Date Received:	<u>3-25-19</u>	Date Reviewed:	<u>3-25-19</u>	Complete:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
----------------	----------------	----------------	----------------	-----------	---

**From:** robert lassila <60buick@gmail.com>  
**Sent:** Monday, March 25, 2019 2:37 PM  
**To:** Planning Comments <planningcomments@cascadecountymt.gov>  
**Subject:** Zone changes

Robert Lassila 149 Bickford Rd Great Falls 59405

I am writing in opposition to the proposed zone changes.

The changes overlook many subjects and there has been very little in promoting research in locating projects.

The changes seem to severely limit public participation in considering large projects. These changes seem to pave the way for a misguided project, such as, locating a garbage landfill within sight of Giant Springs or, maybe Shaw Butte, west of Great Falls.

I demand to have a voice in whether my or my neighbor's property stays as Agricultural or is changed to Mixed use.

I believe the public should have a vote on important additions to our county taxbase.

Robert Lassila, landowner

FOR OFFICE  
USE ONLY

Date Received: 3-25-19  
Date Reviewed: 3-25-19  
Complete:  Yes  No

**From:** JOHN LEATHAM <johnleatham@cs.com>  
**Sent:** Monday, March 25, 2019 1:04 PM  
**To:** Planning Comments <planningcomments@cascaedcountymt.gov>  
**Subject:** Proposed revisions to Cascade County Zoning Regulations

To: Cascade County Planning Board

Dear Sirs;

I feel that the proposed revisions to the Cascade County Zoning Regulations to rezone "Agricultural" Districts to "Mixed-Use" Districts is an attempt to keep the people of Cascade County from having the ability to have an input into the planning, development, and use of large areas in the county. I am specifically thinking of the proposed meat packing plant, but my concerns are about plans for future development.

Therefore I am against the proposed revisions of rezoning large areas from Agricultural to Mixed-Use.

Thank you for consideration of my opinion and your service to our county.

Yours truly,

John Leatham  
500 North Main  
Box 88  
Neihart, Montana 59465

FOR OFFICE  
USE ONLY

Date Received: 3-25-19

Date Reviewed: 3-25-19

Complete:  Yes  No



To: Cascade County Planning Board  
From: Jeff Winter  
Re: Proposed revisions to Cascade County zoning regulations  
Date: March 25, 2019

The Cascade County Planning Division staff have proposed a major overhaul of the current zoning regulations, without any clear and convincing explanation of why such changes are necessary. I have spent a considerable amount of time reviewing the proposed changes, and am left puzzled by the rationale for many of them. Unfortunately, I am left to conclude that the reason for proposing so many changes at the same time is to deflect attention from a hugely significant change to the zoning regulations which is buried within the complexity of the proposed revisions.

The proposed revisions create a new "Mixed Use - 40 (MU-40)" district in which a "Value Added Agricultural Commodity Processing Facility" is a permitted use without need for a Special Use Permit. After cross-referencing a number of other definitions and provisions within the proposed revisions to the zoning regulations, it appears the proposed Madison Food Park project fits squarely within the definition of "Value Added Agricultural Commodity Processing Facility." This project would be located in an MU-40 district under the proposed regulations, thus allowing it to completely sidestep the Special Use Permit process.

It seems hardly coincidental that these proposed revisions to the county zoning regulations came about shortly after Madison Food Park withdrew its application for a Special Use Permit. Now it appears the Cascade County Planning Board (CCPB) is seeking to pave the way for Madison Food Park to move forward with its plans in a streamlined and unregulated manner, by changing the rules for all land and business owners in Cascade County. But what would motivate the CCPB to place the interests of Madison Food Park above those of its citizens and constituents? The citizens of Cascade County deserve an answer.

Unfortunately, there has been a lack of transparency between the CCPB and the public. I am aware of a group of citizens who have requested information as to how and why these proposed changes to the zoning regulations came about. To my knowledge, none of the requested information has been provided. If the CCPB is unwilling to shed some sunlight on this matter, then it only reinforces the perception that something is going on behind the scenes to benefit the proposed Madison Food Park project at the expense of the citizens of Cascade County.

This perception is further reinforced by the Staff Report for the March 26, 2019 CCPB hearing. Appendix 5 of the Staff Report shows how various land use scenarios, involving slaughterhouse and feedlot facilities, would play out under existing zoning regulations and the proposed revisions. By carefully describing the parameters of these land use scenarios, the Appendix shows that certain slaughterhouse and feedlot facilities would still be subject to Special Use Permit requirements under the proposed

revisions to the zoning regulations. But, with the exception of a "dairy products manufacturing plant," the Appendix conspicuously omits the land use scenario of a "Value Added Agricultural Commodity Processing Facility," which is a permitted use and not subject to the Special Use Permit requirements. This is misleading and only raises additional questions as to the underlying motivation for the proposed revisions.

I strongly encourage the CCPB to carefully consider the implications of the proposed revisions to the zoning regulations and to take the concerns of the citizens of Cascade County seriously. Transparency on the part of the CCPB would go a long way toward easing these concerns. If these proposed revisions are rubber-stamped by the CCPB despite these concerns, and without strict compliance with all required procedures, then litigation is virtually certain, in which case the actions of the CCPB and its staff, and their relationship with Madison Food Park, will be closely scrutinized.

Thank you for your consideration of these comments.

**From:** Gessaman <rkkgessaman@gmail.com>  
**Sent:** Monday, March 25, 2019 10:50 AM  
**To:** Planning Comments <planningcomments@casadecountymt.gov>  
**Subject:** Comments on new Zoning Regulations

**Dear Planning Board Members:**

Montanans For Responsible Land Use (MFRLU) has done an excellent job addressing many of the zoning regulations proposals. I agree with the positions that MFRLU takes as outlined in blue or rose shaded areas. It is critical that the County continues to protect property owners from expansion of industry into agricultural areas that affects the health of the public and the environment. We must protect our ground water/aquifers as these resources are critical to our existence. We don't want another white elephant like the benighted HGS Coal Plant located in Cascade County. Projects must be environmentally sound as well as economic - something the coal plant proposal never managed to achieve.

Sincerely,

Kathleen Gessaman  
1006 36th Ave NE  
Great Falls, MT 59404  
406-452-7106

## SECTION II: Procedural Issues

*Note: These issues are challenges with the methods the Cascade County (CC) Planning Staff used to propose their revisions. They need to be addressed in whole or part in the official public record for this proposal. Consider addressing those that concern you in your comments.*

### A. The Cascade County Planning Department's process is flawed for the following reasons:

1. Montana Code Annotated (MCA) 76-1-601 (3)(f) requires the Cascade County Planning Board to review the Cascade County Growth Policy at least once every five (5) years after adoption. The current Growth Policy was adopted in 2014 (linked below) it outlines the vision and goals which become the foundation of the Zoning and Subdivision ordinances adopted by the County Government.

[http://www.casadecountymt.gov/df/361/Adopted2014\\_GrowthPolicy.pdf](http://www.casadecountymt.gov/df/361/Adopted2014_GrowthPolicy.pdf)

MFRLU believes the Cascade County Government should complete their 5-year review of the Cascade County Growth Policy before proposing detailed changes to the Zoning and/or Subdivision ordinances.

FOR OFFICE  
USE ONLY

Date Received: 3-25-19

Date Reviewed: 3-25-19

Complete:  Yes  No

2. The Cascade County Zoning Ordinance Section 14.1.1 outlines a specific process for amending the Zoning Ordinance. The Cascade County Planning Department is not following their own legally adopted process.

**MFRLU believes that ALL amendments (even those proposed by the County Planning Staff) should follow the process from Section 14.1.1 of the Zoning Ordinance.**

3. The Cascade County Zoning Ordinance Section 14.1.1(6) requires a detailed analysis of each change IAW MCA 76-2-203. The detailed analysis should be part of the official staff report PRIOR to the public hearing and should be published with ample time for public review. These analyses have not been provided.

**MFRLU believes the Cascade County Planning Staff is required to prepare a detailed analysis for EACH proposed change. The public needs to be given a reasonable amount of time to review the analysis and background information used to develop the official proposal. This analysis also needs to be presented to the public at the next hearing.**

4. The Cascade County Planning Department has established a precedent in how they prepare and present staff reports – including the 2009 process for amending the Zoning ordinance. The 2009 effort included multiple work sessions as well as a survey of the landowners directly impacted by changes. The staff presentation and analysis on 19 February 2019 did not follow precedent for county-initiated amendments to their ordinances. No work sessions were held. Zero public input was solicited. Thousands of property owners in Cascade County will be impacted by these changes, but no survey was conducted to assess the impact.

**MFRLU believes the Cascade County Planning Staff should follow legal requirements AND historical precedent to give the public an appropriate opportunity to shape policy, analyze the results and respond to the Planning Department’s ultimate proposals.**

5. Section 14.1.1(3) requires a legal description for the boundaries of a proposed district change. The Cascade County Planning Staff has proposed redefining the zoning of millions of acres in Cascade County from Agricultural to Mixed Use (MU) zoning without preparing legal descriptions of the affected properties. They’ve only published a vicinity map IAW Section 14.1.1(2).

**MFRLU believes the Cascade County Planning Staff should compile the legal descriptions of all of the affected properties and legally notify the landowners of the pending zone change.**

6. The proposed regulations published on the Cascade County Website are dated October 2018 and labeled “update V4.1.” The process the Planning Staff used to develop and subsequently edit V1, V2, V3, V4.0 of the proposed regulations has not been made public.

**MFRLU believes regulatory changes of this magnitude should involve public input from the very beginning.**

**MFRLU believes the County Planning Staff should release all records of the versions of the proposed regulations dating back to the initiation of their process. The records need to include the individuals involved in drafting the proposal, their communications with each other, review and revision procedures, and the rationale behind the changes as the proposal was developed.**

### **SECTION III: Overarching Issues**

*Note: These issues are broad in nature, and represent a fundamental shift in the way our Cascade County Government is approaching zoning and land use. These should generate the most discussion and public comment.*

**A. The Cascade County Planning Department has proposed changing the legal definition of all “Agricultural” Districts to “Mixed-Use” Districts.** The staff will most likely describe the change as being administrative in nature to better capture our local economy. There are numerous concerns:

1. Under the proposed regulations the definition of the MU-40 District would, “provide for mixed land uses that may be more intensive in character and larger in scale while allowing residential site characteristic of traditional farming and ranching uses.”

**MFRLU believes that redefining the zoning regulations governing millions of acres as “Mixed-Use”, with the result of allowing more “intensive” and “larger in scale” uses, is more than an administrative change. The county is essentially proposing a new type of district, “Mixed Use”, and then proposing a legal zone change for every parcel currently zoned “Agricultural” to the newly defined “Mixed Use.”**

**\*Cascade County Landowners should have input into whether their land (and their neighbors) stay “Agricultural” or go through a legal zone change to “Mixed Use.” I think this is extremely important!**

**The proposal is a wholesale change directly conflicting with the following portions of the adopted Cascade County Growth Policy:**

a. Goal #2 of the Growth Policy states: *“Protect and maintain Cascade County’s rural character and the community’s historic relationship with natural resource development.”*

\* This includes objective C: *“preserving 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.”*

**MFRLU believes the proposed policy will sacrifice open space to industrialized and intensive uses with no further public input.**

b. Goal #3 of the Growth Policy states: *"Maintain the agricultural economy."*

\* This includes objective A: "Protect the most productive soil types" and

objective B: "Continue to protect soils against erosion"

\*\* Paragraph 8.3 also goes into detail on protecting prime soils

**MFRLU believes the proposed policy fails to protect our most productive soils from both development and erosion because more intense and larger uses will be allowed without a conditional permitting process or public input.**

c. Goal #5 of the Growth Policy states: *"Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens."*

**MFRLU believes the proposed policy fails to preserve and enhance our rural, friendly lifestyle because more intense and larger uses will be allowed without a conditional permitting process or public input.**

d. Chapter 5 – Economic Condition: Policies states:

*"1. Commercial and manufacturing uses should be encouraged, if such uses do not adversely affect agriculture and are located around and in existing rural communities.*

*2. Every effort should be made to protect and maintain farming units, because the family farm is important in the economy of Cascade County." And,*

*"10. Aggressively develop, protect, and enhance the agricultural economy of Cascade County.*

*11. Encourage future development to locate on non-productive or marginally productive agricultural Land."*

**MFRLU believes the proposed policy fails to adhere to these adopted economic policies.**

2. As currently defined in the proposal, the MU-40 district does not apply performance standards as it does in I-1 "Light Industrial" and other areas.

**MFRLU believes that performance standards need to be applied for each district based upon the impact that district will have on its neighbors and county as a whole.**

3. The goals in the Cascade County Growth Policy (linked again below) were originally adopted in 1982 and affirmed in 2006 and 2014. As stated by our County Leadership, *"These goals continue to provide the best overall direction for county planning."*

**MFRLU agrees 100% with the goals written in 1982 and believes the proposed changes are contrary to them.**

**\*MFRLU believes that each zoning district definition, and every future proposed change, should reference the goals, objectives and policies from the Cascade County Growth Policy which justify their inclusion in the ordinances.**

[http://www.cascadecountymt.gov/df/361/Adopted2014\\_GrowthPolicy.pdf](http://www.cascadecountymt.gov/df/361/Adopted2014_GrowthPolicy.pdf)

**B. The Cascade County Planning Department has proposed allowing “Value-Added Agricultural Commodity Processing Facilities” as a permitted use in the new MU-40 districts.** The definition of “Value-Added Agricultural Commodity Processing Facility” makes no distinction between animal-based commodities and plant-based commodities. It makes no distinction between locally-raised commodities and commodities imported from other states, regions, or countries.

1. A “permitted use” means they are allowed by right – without public hearing, public comment or the standard conditions required through a “special permit” process. Those standard conditions and the public hearing process would address traffic concerns, pollution, smells, soil erosion, etc.

**MFRLU believes that animal-based and plant-based “Value-Added Processing Facilities” should be defined and treated separately in our Zoning regulations.**

**\* A farmer-owned single-elevator seed cleaning operation should be treated differently than a 3000+ employee industrial park with 100-acre sewage lagoons.**

**\*\* A low-impact environmentally-friendly operation processing locally grown crops should be treated differently than an intensive high-impact operation processing imported animal units.**

**MFRLU believes all “intensive” uses, including “VALUE-ADDED AGRICULTURAL COMMODITY PROCESSING FACILITY – ANIMAL PRODUCTION BASED” should be required to go through at least a special permit process so the permits are conditional and public input is considered for each case.**

**MFRLU believes all Cascade County permitting requirements should be based on potential impact. “Permitted” uses allowed by right should be for low-impact operations in order to simplify the process for small businesses and family farms so they may develop and grow in the appropriate zones. “Larger in scale” and more “intensive” uses should be required to meet higher standards and therefore should be expected to go through a more intensive permitting process.**

**C. The Cascade County Planning Department has expanded the inclusion of “Unclassified Use Permits” in their proposed regulations.** The list of uses included in this section can be allowed in ANY zoning district if they go through the permitting process in the Zoning regulations and updated with this proposal. The uses allowed include slaughterhouses, confined animal feeding operations (CAFOs), feedlots and power plants. The permit process does not involved elected officials – only the Zoning Board of Adjustments (ZBOA)

**MFRLU believes the “Unclassified Use Permit” process is designed specifically for intensive, high-impact operations that would have a difficult time getting a Zone change approved. This attempt to make it easier for unpopular operations (slaughterhouses, CAFOs, power plants, etc.) is contrary to the point of having zoning in the first place.**

**MFRLU believes the approval process for intensive and high impact operations (slaughterhouses, CAFOs, power plants, etc.) should be the responsibility of ELECTED officials (Cascade County Board of Commissioners), not appointed volunteers (Zoning Board of Adjustments).**

**MFRLU believes the most appropriate process for intensive and high-impact operations would be the PLANNED UNIT DEVELOPMENT (PUD) process outlined in section 7.14. The PUD process could be modified to include the high impact uses proposed for the UNCLASSIFIED USE PERMIT process, ensuring all community impacts are addressed before the operation is approved.**

**\*If “Unclassified Use Permits” existed in 2004, the SME Highwood Coal-fired Generating Plant would not have needed to apply for a zone change (which ultimately was determined to be illegal), it could’ve gotten one of these permits. As a result, it would most likely be our neighbor today!**

**D. In general terms, it appears that the proposed zoning regulations are designed to make processes and permit approvals simpler for high impact and intensive operations (such as**

**CAFOs and slaughterhouses), yet more difficult for small businesses (like tourist-based business).**

**MFRLU believes that, without exception, the amount of scrutiny a business or operation faces for permitting and approval should be based on the impact to the neighborhood and community.**

## **SECTION IV: Definitions and Details**

*Note: These issues are changes to the details within the proposal by the Cascade County Planning Department. Minor changes to a definition or what a zone allows can drastically*

*impact what is allowed on your neighbor's land. Consider addressing the items which concern you most in your comments.*

**A. The proposed regulations changed the definition of "Slaughterhouse" to include "Temporary Stabling" but does not define "temporary".** This proposal would allow industrialized agriculture to combine feedlot operations with a slaughterhouse.

**MFRLU believes "Temporary Stabling" for slaughterhouses should have a defined limit and recommends 72 hours per live animal.**

**B. The proposed regulations define "AGRICULTURAL COMMODITY" as:** *"Any commodity produced from an agricultural use. This includes, but is not limited to, livestock, raw milk, grains, soybeans, hay, corn, timber, honey, fish, fruits, vegetables, crickets, or oil seeds."*

**MFRLU believes the "AGRICULTURAL COMMODITY" definition should be separated into two components (defined below) because the potential for impact is significantly greater for certain commodities.**

**AGRICULTURAL COMMODITY – ANIMAL PRODUCTION BASED:** *"Any commodity produced from an agricultural use involving livestock, poultry, fish and/or insects. This includes, but is not limited to, livestock, raw milk, honey, fish, or crickets."*

**AGRICULTURAL COMMODITY – CROP PRODUCTION BASED:** *"Any commodity produced from an agricultural use grown through traditional horticulture and farming. This includes, but is not limited to grains, soybeans, corn, timber, fruits, vegetables and oil seeds."*

**C. The proposed regulations define "VALUE-ADDED AGRICULTURAL COMMODITY PROCESSING FACILITY" as:** *"Any facility in which one or more agricultural commodities are physically processed in such a way that results in a value-added agricultural product and is not otherwise defined in these regulations."*

**MFRLU believes the "VALUE-ADDED AGRICULTURAL COMMODITY PROCESSING FACILITY" definition should be separated into two components (defined below) because the potential for impact is significantly greater for certain commodities.**

**VALUE-ADDED AGRICULTURAL COMMODITY PROCESSING FACILITY – ANIMAL PRODUCTION BASED:** *"Any facility in which one or more animal production based agricultural commodities are physically processed in such a way that results in a value-added agricultural product and is not otherwise defined in these regulations."*

**VALUE-ADDED AGRICULTURAL COMMODITY PROCESSING FACILITY – CROP PRODUCTION BASED:** *"Any facility in which one or more crop production based agricultural commodities are physically processed in such a way that results in a value-added agricultural product and is not otherwise defined in these regulations."*

**D. The proposed regulations define “VALUE-ADDED AGRICULTURAL PRODUCT” as:** *“An agricultural commodity that has undergone any one or more of the following processes: (1) a change in the physical state or form of the commodity (such as milling wheat into flour, curdling milk in the production of cheese, melting honeycombs to make beeswax); (2) a production process of a manner that enhances its value, as demonstrated through a business plan (such as organically produced products); (3) the physical segregation of an agricultural product in a manner that results in the enhancement of the value of that commodity or product (such as an identity preserved marketing system utilized, for example, in non-GMO products).”*

**MFRLU believes the “VALUE-ADDED AGRICULTURAL PRODUCT” definition should be separated into two components (defined below) because the potential for impact is significantly greater for certain commodities.**

**VALUE-ADDED AGRICULTURAL PRODUCT – ANIMAL BASED:** *“An animal-based agricultural commodity that has undergone any one or more of the following processes: (1) a change in the physical state or form of the commodity (such as curdling milk in the production of cheese, melting honeycombs to make beeswax); (2) a production process of a manner that enhances its value, as demonstrated through a business plan (such as organically produced products); (3) the physical segregation of an agricultural product in a manner that results in the enhancement of the value of that commodity or product (such as an identity preserved marketing system utilized, for example, in non-GMO products).”*

**VALUE-ADDED AGRICULTURAL PRODUCT – PLANT BASED:** *“A plant-based agricultural commodity that has undergone any one or more of the following processes: (1) a change in the physical state or form of the commodity (such as milling wheat into flour); (2) a production process of a manner that enhances its value, as demonstrated through a business plan (such as organically produced products); (3) the physical segregation of an agricultural product in a manner that results in the enhancement of*

*the value of that commodity or product (such as an identity preserved marketing system utilized, for example, in non-GMO products).”*

**E. MU-20 and MU-40 both allow for “TEMPORARY” and “PERMANENT WORKFORCE HOUSING” without defining density of the housing and limits on what is temporary.** Inclusion of these uses for MU districts may result in work-camp conditions similar to those found in the Bakken oilfield developments.

**MFRLU believes both “WORKFORCE HOUSING” definitions should include a maximum density based on human health, water supply, and waste-water standards. “TEMPORARY WORKFORCE HOUSING” should be limited to a specific timeframe. Further research and input on density and time limits should be conducted.**

**F. MU-40 district regulations refer to “ADJACENT” residences when applying set-backs.**

Impacts such as smell, noise, traffic and pollutants travel beyond “ADJACENT” properties.

**MFRLU believes “NEAREST” is more appropriate than “ADJACENT”**

**G. MU-40 district allows for a “RENDERING PLANT” without a set-back. “RENDERING PLANTS” are potentially among the most impactful operations in terms of odor, pollutions, noise and traffic.**

**MFRLU believes “RENDERING PLANTS” should have the furthest set-backs possible (at least 1 mile) from the nearest existing residences. Further research in the health concerns regarding rendering facilities needs to be conducted before determining an appropriate setback.**



Cascade County Planning Board,

I strongly oppose the proposed changes in the new Zoning Regulations for Cascade County. I grew up in Great Falls and moved back from Missoula eleven years ago to raise our family and run my outfitting business on the Missouri River. One month after refinancing our home in preparation for updates and remodeling, my wife and I learned of a potential Slaughterhouse spanning over 3000 acres just over a mile from our new home. The potential for declining well water, poor air quality, increased industrial traffic and polluted water downstream of Great Falls could devastate our family and our way of life.

I feel the proposed new Zoning Regulations skip right by the growth policy put forth by Cascade County in 2014. The new changes seem to give an open pass for industrial agriculture. The arrival of a slaughterhouse and the CAFO's that could coincide with the slaughterhouse will threaten our clean air, clean water, traffic, property values and a variety of other issues. As a Cascade County resident, I should have input into whether adjacent properties stay utilized as traditional agriculture or go through a legal change and become "mixed Use". Among numerous other statements for positive growth in Cascade County, the growth policy states "preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade citizens" and "aggressively develop, protect, and enhance the agricultural economy of Cascade County. These two statements alone do not coincide with the new proposed regulations. Please reconsider the new regulations in order to maintain and ensure the integrity, safety and clean environment of Cascade County and its neighboring counties.

Thank you in advance for your consideration,

Brian Neilsen

Owner/Outfitter

Missouri River Guides

406-240-3715

FOR OFFICE  
USE ONLY

Date Received: \_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Complete:  Yes  No



Dear Cascade County Planning Board,

Thank you for your volunteered time to serve our great county. I write to you today in OPPOSITION of the current changes to the county zoning brought forth to you by the county planning department. Here are the major issues (in no order of importance) I have with the new zoning and why I oppose the changes.

1) **No MU-20 district along highway 200 East to Belt.**

In the planning staff report Appendix 2 accompanied by Map 1 and 2. It is stated using a computer generated statistical tool aided in coming up with the MU-20 and MU-40 distinct boundaries. By looking at the county map it explains why this is. If you look to the West on I-15 toward Manchester and Vaughn those smaller towns exist quite close to Great Falls (less than 10 miles), which would explain why people cluster and the parcels are smaller. Not to mention the Sun River flows in that direction too. The same goes for I-15 toward Ulm (less than 10 miles) and Cascade. The Missouri river also runs along I-15 making for smaller parcels, places people cannot build, if they do, its in clusters. When going East on highway 200 toward Belt the first incorporated town is Belt (20 miles). If one looks at the Montana Cadastral the parcels (in acres) of land on I-15 between Ulm and Cascade that are designated for MU-20 that exclude the Missouri River portion are similar in size to the parcels of land on highway 200 from Great Falls to Belt. Yet, this was not re-zoned as MU-20? Why is highway 200 not considered a major highway corridor for the growth of Great Falls? I feel this analysis by the planning department is a flawed oversight that needs addressed immediately!

2) **Changing “Agricultural” to “Mixed Use” zoned land**

This is not simply an administrative definition change. This is a proposal that will change millions of acres in Cascade County to allow more “intensive” and “larger in scale” uses. This is essentially a new type of district, “Mixed Use”, and proposing a zone change for every parcel of land currently zoned agricultural to newly defined mixed use. Section 14.1.1(3) requires a legal description for the boundaries of a proposed district change. The planning department has failed to do this. I as a taxpayer and landowner in Cascade County should have input whether the land stay zoned as agricultural or go through a legal zoning change to mixed use. In 2009, the county set a precedent for amending zoning. The 2009 effort included multiple work sessions as well as a survey of the landowners directly impacted by changes. Thousands of landowners will be impacted by the proposed changes, but no survey was sent out. In 2019, zero work sessions were held, zero public input was solicited (until just before the February 19th meeting) the proposed regulations published on the Cascade County website are dated October 2018 and labeled “update V4.1.”. Where and whom had input on the previous three versions?

3) **Growth Policy**

The growth policy is up for review every five years, 2019 is that year. Per Montana Code Annotated (MCA) local governments must include as part of their growth policy, *“a list of conditions that will lead to a revision of the growth policy... and revising the policy if necessary.”* Section 10 of the Cascade County Growth Policy will include an assessment of the following issues (not all inclusive):

- Significant changes in existing trends and conditions or projected trends;
- Changes in community goals;
- Plausibility and ability of the county to achieve stated goals and policies;

- **Public input suggesting the need to make changes;** and
- Knowledge of specific and identifiable amendments that would improve the Cascade County's Growth Policy's usefulness, so that it better serves the public.

Several of the zoning re-writes **do not comply** with the current growth policy.

- Goal 1, Objective A; A large part of the proposed zoning (MU-20) excludes a major highway corridor in Highway 200. This has the potential to discourage business to build/expand in a direction well suited for expansion.
- Goal 5, Objective A; Commercial projects that would have required a special use permit (SUP) in in Agricultural district now will no longer require a SUP. What changed to where these same projects will now not need an SUP in MU-20 zoned land? Where is the data supporting this?
- Goal 11, Objective A, Goal 2, Objective C; MU-20 does not exist along Highway 200. What is promoting cluster development along this major transportation corridor ensuring protection of Cascade County's open space?
- Goal 3, Objective C; **Protect the floodplain from non-agricultural development.** A majority of the proposed MU-20 land would be in the floodplain according to Flood Insurance Study for Cascade County, flood insurance rate maps (FIRMS), and FEMA pursuant to 76-5-201, MCA. Many of the commercial uses proposed in the MU-20 district would not be allowed in the floodplain based on the Cascade County Floodplain regulations and MCA. Cascade County had flooding in these areas as recently as 2011 and 2018.

Section 12 of the growth policy states, "The Cascade County Planning Board will continue to work closely with the City of Great Falls and Belt, Cascade and Neihart to cooperate and coordinate the local planning and economic development efforts." To my knowledge, this was not done.

There are many other areas where the new proposed zoning regulations do not conform with the current growth policy. This needs to be addressed before moving forward with the substantial zoning changes.

#### 4) **Not following Cascade County zoning ordinance**

The Cascade County Zoning Ordinance Section 14.1.1(6) requires a detailed analysis of each change MCA 76-2-203. The detailed analysis should be part of the official staff report PRIOR to the public hearing and should be published with ample time for public review. The analyses that have been provided are not in-depth enough to make an educated informed decision. Very little to no background information has been provided nor in a timely fashion.

#### 5) **Agricultural commodity**

There is no delineation between an animal-based or a crop-based value added agricultural commodity or the facility in the proposed zoning regulations. Animal-based and crop-based "Value-Added Processing Facilities" should be defined and treated separately in our zoning regulations. This cannot be emphasized enough. These two distinctly different commodities have vastly different effects. These facilities can be developed without a special use permit in MU-40. This would greatly circumvent the public input process. "Permitted" uses allowed by right should be for low-impact operations in order to simplify the process for small businesses and family farms so they may develop and grow in the appropriate zones. "Larger in scale" and more

“intensive” uses should be required to meet higher standards and therefore should be expected to go through a more intensive permitting process.

#### 6) **Unclassified Use Permits**

The list of uses included in this section can be allowed in ANY zoning district if they go through the permitting process in the zoning regulations updated with this proposal. The uses allowed include slaughterhouses, confined animal feeding operations (CAFOs), feedlots and power plants. The permit process does not involved elected officials – only the Zoning Board of Adjustments (ZBOA). The approval/denial process should be the responsibility of ELECTED officials (Cascade County Commissioners), not appointed volunteers ZBOA. The ZBOA is not directly accountable to the residents of Cascade County. An unclassified permit is not the appropriate place for intensive and high-impact operations. The PLANNED UNIT DEVELOPMENT (PUD) process outlined in section 7.14 could be modified to include uses proposed for the UNCLASSIFIED USE PERMIT process, ensuring all community impacts are addressed before the operation is approved.

#### 7) **Zoning inconsistencies**

There is zoned land by the Foothills Ranch subdivision zoned for commercial use. Based on the zoning definitions this would allow for “land uses which are allowed by right or through the special review process in the C, MU, I-1 and I-2 zones, as listed in these regulations.” Nowhere else in the county does this exist unless it’s near industrial zoned land. This is discouraged in the growth policy Goal 8, Objective H.

All medical marijuana facilities are to be zoned I-2 but a slaughterhouse, rendering plant, etc. can be zoned in MU districts.

In conclusion, I recommend a **DO NOT APPROVE** as written to the county commissioners. There are too many substantial changes to the proposed zoning without data to backup the proposed changes. There as been insufficient time for educated/informed public input. There has been no input from the City of Great Falls, the town of Belt, Cascade, etc. as to how these substantial changes will affect their growth. This, as well as other inconstancies is in direct disregard to the Cascade County Growth Policy. There is a big discrepancy in not zoning Highway 200 East to Belt as MU-20. The parcel sizes are similar to that being proposed as MU-20. The proposed MU-20 zoned land is in the floodplain and has significant restrictions for use.

Thank you for taking time to read my letter and the reasons I strongly **OPPOSE** the zoning changes to Cascade County as currently written.

Best Wishes,

Logan Tinsen PHARM.D.



# Public Comment Form

Cascade County Public Works Department Planning Division

121 4<sup>th</sup> St N, Suite 2H-2I

Great Falls, MT 59401

Phone: 406-454-6905

Fax: 406-454-6919

## Instructions

This form is for providing public comment to the Cascade County Planning Division for review by any one or more of the following review and/or approval boards: Zoning Board of Adjustment (ZBOA), Planning Board, or Board of County Commissioners. Only complete submissions will be included for board review. Please provide the relevant information for each section below. A complete submission provides all of the following: commenter name and address, comment subject, and commentary on the subject issue(s). If additional space is needed for commentary, please attach additional sheets to this form. Completed forms may be submitted in person at the Planning Division office or by email at [planningcomments@casadecountymt.gov](mailto:planningcomments@casadecountymt.gov).

## Commenter Information

Name: Erin Tingey

Complete Address: 8359 US Hwy 89 Great Falls, Mt 59405

## Comment Subject (please check one)

- Special Use Permit Application       Subdivision       Zoning Text and/or Map Amendment
- Growth Policy       Variance       Floodplain Regulation Amendment
- Subdivision Regulation Amendment       County Road Abandonment/ Discontinuation of County Street
- Other (describe): Proposed New Zoning Regulations

## Comment

I live in Cascade County on 28 acres, surrounded by currently zoned Agricultural land. These proposed zoning changes will directly effect me and my family as they will allow many more intensive and large scale uses adjacent to our home. I would ask the Board to please consider my concerns over these proposed changes. First, these changes do not align with many of the goals stated in the Cascade County Growth Policy. The proposed changes do not protect the "rural character," "agricultural economy," or "preserve and enhance the rural friendly and independent lifestyle" as stated in the Growth Policy. The proposed changes are allowing more intensive, large scale industrialized uses. And not even with a conditional permitting process, public input, or even specific performance standards. The changes seem like a wide open door. Many new intensive, invasive uses will be permitted without any checks or balances. The proposed changes also do not address the impact these new uses will have on the land, soil, water, air, pollution, neighboring property and many more issues. The expansion of "Unclassified Use Permit" is especially worrisome. It makes it much easier for high impact, intensive operations to gain permit approval. These kinds of operations should go through careful, through publicly involved scrutiny. The whole reason for zoning is protect and plan for impact. The changes seem to disregard the purpose of zoning. I also am concerned that the "Unclassified Use Permit" will not need approval of elected officials. These are just a few of the many concerns I have with the proposed zoning regulations changes. Overall it feels like these are not clarifications or simple changes, but are truly a zone change under the guise of revisions.

If Cascade County Planning Department wants to be a more industrialized zoned county then please make sure these changes include conditions and performance standards to protect our land, air and water and neighboring properties. Thank you for reading my comments and concerns.

### For Office Use Only

Date Received:	<u>3-24-19</u>	Date Reviewed:	<u>3-25-19</u>	Complete:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
----------------	----------------	----------------	----------------	-----------	---



# Public Comment Form

Cascade County Public Works Department Planning Division  
121 4<sup>th</sup> St N, Suite 2H-2I  
Great Falls, MT 59401  
Phone: 406-454-6905 Fax: 406-454-6919

## Instructions

This form is for providing public comment to the Cascade County Planning Division for review by any one or more of the following review and/or approval boards: Zoning Board of Adjustment (ZBOA), Planning Board, or Board of County Commissioners. Only complete submissions will be included for board review. Please provide the relevant information for each section below. A complete submission provides all of the following: commenter name and address, comment subject, and commentary on the subject issue(s). If additional space is needed for commentary, please attach additional sheets to this form. Completed forms may be submitted in person at the Planning Division office or by email at [planningcomments@casadecountymt.gov](mailto:planningcomments@casadecountymt.gov).

## Commenter Information

Name: J. Casselli

Complete Address: 11 Red Coulee Belt, MT 59412

## Comment Subject (please check one)

- Special Use Permit Application       Subdivision       Zoning Text and/or Map Amendment
- Growth Policy       Variance       Floodplain Regulation Amendment
- Subdivision Regulation Amendment       County Road Abandonment/ Discontinuation of County Street
- Other (describe): proposed Agricultural zoning changes

## Comment

Not in support of the blanket change from Agricultural to MU-20/MU-40 (additional comments not fitting on this form have been sent in a separate correspondence)

Revisions to Agricultural terms Appendix 4 do have merit and would provide clarifications. It is recommended that that the following be included with the proposed definitions list:

- Include forage in the definition for Agricultural use
- Add value added marketing and concept to the definition list e.g. Farm to Table
- Add other grown or harvested fiber to the definition of Agricultural commodity

### For Office Use Only

Date Received:	<u>3-24-19</u>	Date Reviewed:	<u>3-25-19</u>	Complete:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
----------------	----------------	----------------	----------------	-----------	---

03-26-19

J.Casselli  
11 Red Coulee  
Belt, MT 59412

RE: Zoning Proposal

Please find comments not fitting on the public comment form for submission below:

- In review of the extensive proposed changes I do not feel moving completely away from the Agricultural Zoning District to the proposed mixed use zoning will meet the goals and objectives of the CC growth policy as it is being presented.
- I support sustainable forest and agricultural economic growth in the county, including goals (1,5,9,11) of the growth policy, however the proposed changes appear to be a way for county planning to reduce special use permitting to allow for more growth by right that may not be sustainable or smart and would reduce input from local affected landowners and other publics.
- With goals in the growth policy centering on rural, open and agricultural use it would be expected that an agricultural zoning district would remain, not be fully changed to mixed use!
- The MU-20 and MU-40 as outlined in your Appendix 2 information show as an example MU-20 allows tourist homes or B and B's but not for MU-40. Ranch tourism has economic value as well as other value added services. Small parcels as well as larger parcels should be allowed to take advantages of these types of smart sustainable endeavors that allow open and working lands to stay viable and thus better meeting county growth goals outlined into the future.
- The Proposed changes appear to look at favoring the larger industrial style Ag development on any MU-40 ground even though much of this is prime agricultural ground (once gone it is gone) without the infrastructure to support larger non-ag development (road systems, fire protection).
- A statement in Appendix 2 that use is one or the other is not totally true. Smaller parcels that may be residential can and do have niche agricultural use no different than larger farm operations having side markets or value added businesses. When considering uses such as organic production, farm to table operations, small forage growers and farmers market producers, forest products it does not matter (and should not) for parcel size and often times does occur at or on residential parcels regardless if it would be in your MU-20 or MU-40 there is still economic benefit of these ag activities. This would also relate to other small homebased or "hobby type" business that have economic benefit that could now change to needing a permit. These should not be subject to additional permits if already allowed under state or federal law or under current agricultural district to encourage entrepreneurial endeavors while also meeting the objective of minimizing local government intervention in goal 5 of the growth policy.
- A change in use or use outside of the current primary land use to a larger industrial operations that has major natural resource or other land use impacts should still be subject to review as currently required and not just be a principle use. Zoning must take into account the site specific conditions for soils, watershed, transportation and other social and environmental constraints.
- The county has already provided changes to zoning in creating larger focused development areas to support industrial and large scale development close to rail and transportation such as

North of GTF (malt plant/ADF) and the Agri-park park area. Rational for these areas was to encourage development in these areas and not everywhere as now being proposed in MU-40.

- Cluster development with larger open parcels surrounding in theory sounds sustainable however over time is usually just more sprawl that continually leads to annexed areas to larger urban towns and by default the goals for open space and rural character are no longer conserved or valued. To meet desired goals the county should be looking at existing or addressing subdivision rules in order to also meet the growth policy goals 5,9,11 as opposed to this blanket zoning change proposal.



# Public Comment Form

Cascade County Public Works Department Planning Division  
121 4<sup>th</sup> St N, Suite 2H-2I  
Great Falls, MT 59401  
Phone: 406-454-6905 Fax: 406-454-6919

## Instructions

This form is for providing public comment to the Cascade County Planning Division for review by any one or more of the following review and/or approval boards: Zoning Board of Adjustment (ZBOA), Planning Board, or Board of County Commissioners. Only complete submissions will be included for board review. Please provide the relevant information for each section below. A complete submission provides all of the following: commenter name and address, comment subject, and commentary on the subject issue(s). If additional space is needed for commentary, please attach additional sheets to this form. Completed forms may be submitted in person at the Planning Division office or by email at [planningcomments@cascaedcountymt.gov](mailto:planningcomments@cascaedcountymt.gov).

## Commenter Information

Name: John Tingey

Complete Address: 8359 US Highway 89 Great Falls MT 59405

## Comment Subject (please check one)

- Special Use Permit Application       Subdivision       Zoning Text and/or Map Amendment
- Growth Policy       Variance       Floodplain Regulation Amendment
- Subdivision Regulation Amendment       County Road Abandonment/ Discontinuation of County Street
- Other (describe): New Zoning regulation changes proposed March 2019

## Comment

I would like to express my concern and opposition to the proposed changes to th zoning regulations. I disagree that many of the proposed changes to the zoning regulations support the established growth policy adopted in 2014. The goals clearly state that Cascade County planning board wants to protect and maintain Cascade County's rural character, maintain the agricultural economy, and preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens. These proposed changes start off wrong by proposing a change in agricultural zoned properties to "mixed use" properties. This is a mistake. "Large scale and intensive uses" are not in harmony with Cascade County's rural character. In the proposed changes there is no protection to the adjacent landowners and their right to enjoy their rural and indepentent lifestyle. It had been proposed to change the zoning definition of thousands of parcels of land to "mixed use." Every owner of these parcels must be notified prior to the changes that their land and their neighbors land will be zoned "mixed use" instead of agriculture. It is imperative that the planning department notify each landowner. Cascade County landowners must have input in whether they want their land and neighbor's land changed to "mixed use." I am not an expert in zoning regulation changes but it does not appear that the impact of these proposed changes have been thoroughly evaluated. The impact to Cascade County by allowing "mixed uses" in agricultural land are enormous and there is no protection to the adjacent landowners in the current proposed changes. If this is the new direction for Cascade County then a lot more citizens need to be aware of the changes. I proposed that none of these changes be approved until the Cascade County growth policy had been completely rewritten.

### For Office Use Only

Date Received:	<u>3-24-19</u>	Date Reviewed:	<u>3-25-19</u>	Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
----------------	----------------	----------------	----------------	-----------	---	-----------------------------



## Cascade County Zoning Amendments Growth Policy Analysis for Proposed MU-40 District

### I. Growth Policy Analysis

This analysis was conducted for the proposed MU-40 District. According to the staff report, the existing Agricultural District was split into to districts to reflect current land development patterns. As noted in the staff report and on the maps, most of the development activity has occurred in the area that is now the MU-20 District. The regulations for this district are not significantly different from the existing regulations for the Agriculture district. As demonstrated by the following analysis, however, the proposed MU-40 District is predominantly agriculture in nature with very limited mixed-use. The statement of intent and the regulations for the district do not match the prevailing land use and rural character of the district.

**MU-40** - The MU-40 District is intended to provide for mixed land uses that may be more intensive in character and larger in scale while allowing residential sites characteristic of traditional farming and ranching uses.

It would be more appropriate to maintain the current Agriculture District zoning with the primary purpose of protecting prime farmland and maintaining the rural character.

**A Agricultural District** - The purpose of this district is to preserve, promote, maintain and enhance the use of such areas for agricultural purposes, small scale value-added agricultural uses and to protect such land from encroachment by non-agricultural uses, structures or activities. Regulations in this district are intended to protect the most productive soil types, by encouraging non-agricultural and large-scale development to locate on non-productive or marginally productive agricultural land and to minimize environmental concerns.

The following table list relevant policies, goals and objectives from the Growth Policy and references additional analysis and discussion to that demonstrate the proposed MU-40 District is not in substantial compliance with the Growth Policy.

**Table 1: Growth Policy Analysis for MU-40 District**

Goal, Objective or Policy	Substantially Complies	Comment
<u>Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.</u>	Partial	Inappropriate location of large scale intensive uses can have serious fiscal impact on county residents. <b>See Issues #1, 5 &amp; 6</b>
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.	Partial	Provides for businesses but should limit such uses to suitable locations. <b>See Issue #1</b>

B. Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.	No	Does not protect prime agricultural soils. <b>See Issue #4</b>
C. Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunications, and youth/social services.	Partial	Provides for businesses does not utilize available assets near communities with infrastructure and services. <b>See Issues #1, 5 &amp; 6</b>
<u>Goal 2: Protect and maintain Cascade County's rural character and the community's historic relationship with natural resource development.</u>	No	Large scale and intensive uses are not compatible with rural character. <b>See Issues #2, 3 &amp; 4</b>
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.	No	Large scale and intensive uses are not compatible with rural character. <b>See Issue #2, 3, 4, 5 &amp; 6</b>
<u>Goal 3: Maintain Agricultural Economy</u>	Partial	Increases average lot size in MU-40 district to 40 acres but has no provisions to protect farmland. <b>See issue #4</b>
A. Protect the most productive soil types.	No	No suitability analysis. No protection for productive soil. <b>Issues #1 &amp; 4</b>
D. Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.	Yes	Provides for value-added agriculture in MU-40 District.
<u>Goal 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens</u>	No	Large scale intensive uses are not compatible with rural lifestyle. Local government intervention and fiscal impact to county residents would increase to provide infrastructure and services to such uses in remote rural areas. <b>See Issues #2, 3, 5, 6</b>
A. Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extents possible, consistent with the requirements of a continually evolving economy and constantly changing population.		
<u>Goal 6: Promote and maintain a transportation system that provides safety, efficiency, and cost efficiency.</u>	No	Significant traffic safety hazards and cost to maintain rural roads. <b>See Issue #5</b>

<u>Goal 8: Protect surface and groundwater from pollution.</u>	No	No suitability analysis to identify soils that are inappropriate for on-site wastewater treatment systems that may result from large scale uses. <b>See Issue #1</b>
A. Discourage development with on-site wastewater treatment systems in areas having inappropriate soils or high groundwater, as indicated on the revised Cascade County soil maps, to help prevent the contamination of groundwater supplies.	No	
<u>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.</u>	Partial	Farmlands are permitted use but large scale intensive manufacturing uses will take farmland out of production and are not compatible in rural areas. <b>See Issues #2, 3, 4</b>
G. Encourage agricultural landowners considering land subdivision to develop the least agriculturally viable portion of their properties.	No	No provisions to protect prime farmland. <b>See issue #4</b>
H. Encourage in-fill development of urban and transitional areas already committed to development where community facilities and services can be provided cost-effectively in order to reduce development pressure on agricultural lands.	No	MU-40 District promotes large scale intensive development in areas that are costly to serve and are not near existing development. <b>See issue #2, 5, 6</b>
<u>Goal 11: Protect and maintain Cascade County's rural character, encourage efficient use of land.</u>	No	MU-40 District promotes large scale intensive development in areas that are not near existing development and can unsafely locate in areas lacking adequate emergency services.
A. Preserve the county's open space setting by encouraging cluster development.	No	
B. Encourage cluster development to locate near existing towns and rural, more densely populated settlements and discourage poorly designed, unsafe land subdivisions and unsafe commercial development.	No	<b>See issue #2 &amp; #6</b>
<b>CHAPTER 5 – ECONOMIC CONDITION : POLICIES</b>		
1. Commercial and manufacturing uses should be encouraged, if such uses do not adversely affect agriculture and are located around and in existing rural communities.	No	There is no protection of prime farmland. MU-40 District is not located around existing communities. <b>Issue #2 &amp; #4</b>

2. Every effort should be made to protect and maintain farming units, because the family farm is important in the economy of Cascade County.	Partial	MU-40 statements mentions family farms and increases minimum lot size but also encourages large scale uses that will take farmland out of production. <b>See Issue #4</b>
6. Environmental as well as economic perspectives should be considered in any future development.	No	There is not suitability analysis to determine environmentally sensitive areas. <b>See Issue #1</b>
8. Utilization of locally produced agricultural products and raw materials should be encouraged.	Yes	Farms and value added agriculture are permitted
10. Aggressively develop, protect, and enhance the agricultural economy of Cascade County.	No	Ag zoning is eliminated. there are no provisions to protect prime farmland. <b>Issue #4</b>
11. Encourage future development to locate on non-productive or marginally productive agricultural Land.	No	Eliminates ag zoning and no provisions to protect prime farmland. <b>See issue #4</b>
12. Minimize, to the greatest degree possible, the adverse social and environmental impacts of development and encourage beneficial effects of orderly growth.	No	Large scale intensive land uses can locate in areas that lack infrastructure, emergency services and expensive to serve. <b>See Issues #1, 3, 5, 6</b>
14. Encourage economic activities to locate in those areas most economically, socially and environmentally appropriate, as determined by the County Planning Board and other public agencies.	No	Large scale intensive land uses can locate in areas that lack infrastructure, services and in environmentally sensitive areas. <b>See Issues #1, 3, 5, 6</b>
<b>6. Local Services – Policies</b>		
6. Using the subdivision review process, discourage development in areas where it is not economical for the county to provide services such as road maintenance, school bus service, fire, police protection, or snowplowing. Persons purchasing land in these areas should be informed, in writing, to the fact that some services may not be provided by the county.	No	Large scale intensive land uses can locate in areas that lack infrastructure, emergency services and in environmentally sensitive areas. <b>See Issues #1, 3, 5, 6</b>
7. Facilitate the appropriate development and maintenance of roads, public utilities, and community facilities.	No	

<p><b>Chapter 7: Natural Resources</b>  <b>7.5 Land Unit: Landscape Unit Benches &amp; Dissected Benches</b></p> <p>1. Since the existing land use of the benches and dissected benches landscape unit is predominately agriculture, special consideration should be given to protect this use.</p> <p>2. Any development or change in the use of the land should be in a form suited to the natural lay of the land.</p> <p>3. Since a wide variability of limitations exists, extensive on-site evaluations should be made before any proposed action is taken.</p>	No	<p>Ag zoning is eliminated and there are no provisions to protect prime farmland. Large scale intensive land uses can locate in areas that with steep slopes and in environmentally sensitive areas.</p> <p>There is no suitability analysis to determine limitations for development.  <b>See Issues #1, 2, 3, 4</b></p>
<p><b>8.3: Prime Agricultural Soil Area</b></p> <p>The prime agriculture soils resource preservation areas are intended to contain those soil areas where it is necessary and desirable, (because of their high quality, availability of water, and/or highly productive agricultural and grazing capability), to preserve, promote, maintain and enhance the use of such areas for agricultural purposes and to protect such land from encroachment by non-agricultural uses, structures or activities. Therefore, the prime agricultural soil preservation areas of Cascade County are those areas where the soils have been classified by the Natural Resources Conservation Service (NRCS), according to the NRCS definition of prime farmland or farmland of statewide importance.</p>	No	<p>Ag Zoning is eliminated and replaced with a district that allows large scale intensive uses that take ag land out of production and does not protect prime farmland.</p> <p style="text-align: center;"><b>Issue #2,3,4</b></p>

## II. Discussion of Issues

### **Issue #1: Lack of suitability analysis to determine the most appropriate areas for industrial and business land uses**

The MU-40 District encompasses approximately million acres<sup>1</sup> and includes varied landscapes such as mountains, floodplains, canyons, cropland, pasture and open space. The Growth Policy describes potential hazardous features throughout the proposed MU-40 District such as flooding, erosion, landslide, soil creep and earthquake faults. The proposed zoning regulations would permit large scale intense manufacturing processes related to value added agriculture anywhere in this district without any review process that would consider the suitability of the proposed site for development or ensure that the use meets the basic considerations of public health, safety and welfare. Because the proposed MU-40 district is so vast such businesses may attempt to locate in areas with poor soils, steep slopes, high groundwater and other hazards that render the site unsuitable for development due to public health and safety concerns. Additionally, an industrial use could be located in remote areas that lack adequate emergency services, public facilities or transportation networks. This can all result in significant fiscal impact on county taxpayers to provide services to large scale intensive uses in remote locations. According to the Montana Code annotated (MCA) 76-2-304, zoning regulations must be:

- (b) Designed to:
  - (i) secure safety from fire and other dangers
  - (ii) promote public health, public safety and the general welfare
  - (iii) Facilitate the adequate provision of transportation water, sewerage, schools, parks and other public requirements

In order to meet these requirements, standard planning practice relies on an extensive analysis to determine areas that are most suitable for industrial and commercial development. Such analysis examines soils, slopes, wetlands, floodplains, prime farmland, environmental hazards, emergency response times, road capacity, land cover, existing land use and other similar factors. Such information is readily available from the Montana State Library- Natural Heritage Program, USDA Soil Maps, Montana Cadastral data and other sources. The background information that was posted on the County's web site only analyzed parcel sizes and permit data. Not even basic existing land use data was mapped to verify staff's "intuition" or what was "suggested" by the parcel analysis. The permit data is not complete and does not represent accurate land use patterns.

Lack of a such basic analysis results in haphazard development in areas that lack the infrastructure or local services to support such a use and, due to site features, can create serious public health and safety concerns. Specifically, large-scale intensive uses would be allowed to locate anywhere in an area of over a million acres that has varied landscapes, lacks services and a contains a multitude of potential hazards.

---

<sup>1</sup> The estimate is of the amount of acreage that is designated as MU-40 is based on a tabulation the number of townships that are completely mapped as MU-40 zoning, plus the number of townships that are at least 50% mapped as MU-40. Since there are 36 square miles per township, the resulting calculation indicated that there were at least 1,548 square miles designated as MU-40 or 990,720 acres. Since townships with less than 50% of the land area designated as MU-40 were not included in this tabulation, the amount of acreage is an undercount. For discussion purposes, this report rounds up the number to 1 million acres.

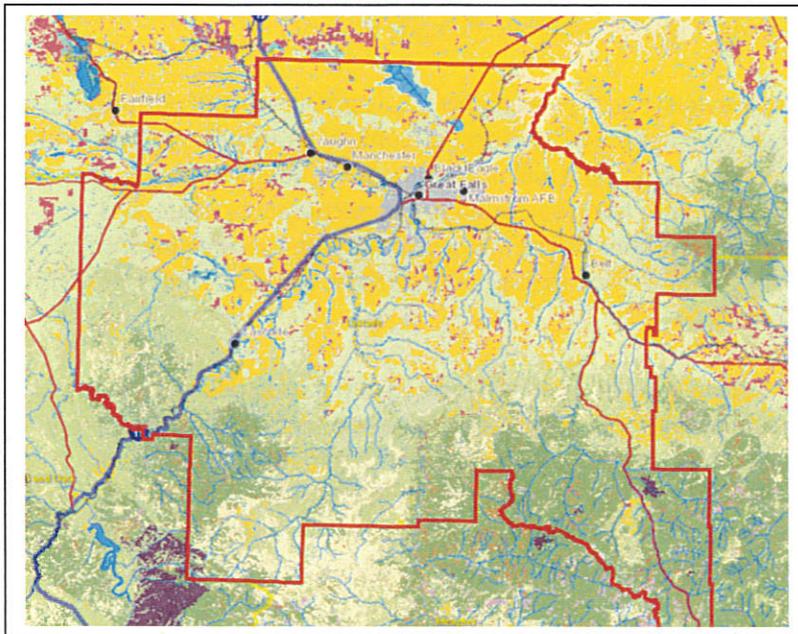
**Issue # 2. The proposed intent for the MU-40 District does not match the prevailing land use.**

The MCA 76-2-203 (2) states that the County shall consider,

“(d) The character of the district and its peculiar suitability for particular uses.”

The previous section discussed suitability. This section addresses the character. According to the Montana Natural Heritage Program, only 4% of the county is classified as “Developed Area”. As indicated below, most of the “Developed Area” is located in and around Great Falls with some developed land in outlying communities. The land area located in the proposed MU-40 district is classified as Cultivated Crops, Prairie/Grassland, Forest/Woodland, and Pasture/Hay.

Map 1: Land Cover Cascade County



Legend: Major Types of Land Cover

- Developed
- Agriculture
- Conifer-dominated forest and woodland
- Rocky Mountain Foothill Woodland-Steppe Transition
- Grassland Systems
- Deciduous Shrubland
- Wetland and Riparian Systems
- Introduced Vegetation

Source: <http://mntnhp.org/mapviewer/?t=1>

The March 26 staff report notes that the proposed zoning regulations are designed to, “... cater to their predominant land use characteristics...” In regards to prevailing land use, the staff report states that:

“Crop production is the prevailing productive land use in the northern and north-central parts of Cascade County while animal production is the prevailing productive land use in the southern half of the county (this is clearly demonstrated by the USDA CropScape map for the county.) Manufacturing operations tend to be located along major transportation routes such as railways and arterial roadways.”

The staff report also references a “Map 2” which indicates the types of zoning location conformance permits that have been issued throughout the county. An examination of the map indicates that in the proposed MU-40 District, only 16 permits were of a business or industrial nature.<sup>2</sup> Approximately 55 permits were issues for residential or ag related structures. Only the electric generating stations and the asphalt plant represent uses that would be considered “large scale” and “intensive” and the electric generating station has

<sup>2</sup> These permits were issued for quarries, wind turbine, country club, asphalt plant, ag sales, small engine sales/repair, paint ball, cell towers and an electric generating station.

since been dismantled. Clearly this does not represent a “mixed-use” land pattern with large scale intensive uses. The prevailing use is agriculture and grasslands and the statement of intent should reflect this.

The staff report concludes that the Mixed-Use District is appropriate because the Agricultural District already allows for a mix of uses characteristic of commercial districts, industrial districts and residential districts. It should be noted that the Montana Supreme Court stated uses allowed by current zoning are a consideration only **after** a thorough consideration of prevailing use.

“The County cites *North 93 Neighbors* for the proposition that a court applying the first prong of the *Little* test may look to the land uses allowed under current zoning rather than the prevailing uses in the area. We analyzed the land uses allowed by current zoning in *North 93 Neighbors* only *after* we thoroughly had considered the existing uses in the area. Our conclusion that the prevailing uses were not significantly different from the proposed use was based on our consideration of both the prevailing uses *and* the uses allowed by current zoning.” (Plains Grains vs. Cascade County.)

As demonstrated in the discussion above, the prevailing use is inarguably rural agriculture and not mixed use. The commercial and industrial uses are only allowed as special uses and can only be granted if the Board of Adjustment can make findings that the proposed development will not “materially endanger” the public health, safety, or welfare; that the development will not harm surrounding property values unless it is deemed to be a public necessity; and that the development will be “in harmony” with the area in which it is to be located. The fact that the Board must make these findings suggest that there are potential issues with compatibility of commercial and industrial uses.

In reality, most of the special use permits that have been granted are located in the area designated as MU-20. In the MU-40 District less than 20 non-residential/agricultural permits have been issued which hardly qualifies categorizing this district as mixed use. Since the prevailing use by far is agriculture, it is more appropriate to maintain the Agricultural District with the purpose of protecting prime farmland and eliminate some of the special use that are rarely, if ever uses. This would reflect the actual land use in the district, meet multiple objectives of the Growth Policy and meet the MCA requirement that zoning reflect the character of the district.

One proposed revision that is of particular concern in regards to compatible land use is changing the existing term from “light manufacturing and assembly” to “manufacturing. The rationale is that this term is not defined in the current regulations. There is, however, a term for “Industrial, light” that is more consistent with term “light manufacturing”. The proposed change to the term manufacturing would allow heavy industrial uses would differ significantly from the predominant land use and should not be allowed. Light industrial uses that are permitted as a special use as long as they meet the performance standards for such uses that are contained in the I-1 zoning district would be more appropriate.

**Issue 3: The definition of “productive” use is not compatible with rural areas and is inconsistent with the purpose of zoning regulations that are stated in the Cascade County zoning ordinance.**

The term “productive use” as defined by staff includes crop production, animal production and manufacturing. Grouping these dissimilar uses together is inconsistent with the following purpose of the Cascade County Zoning Ordinance.

**1.1.6** To protect residential, business, commercial, and industrial areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by inappropriate uses;

Agricultural uses and manufacturing uses have distinct features that require them to be treated as separate classes of uses. Agriculture uses are related to food production, are characterized by open undeveloped areas, do not require urban infrastructure such as roads, water and sewer and relies on a the work force that is typically limited in size with operators and laborers who often live on-site. Manufacturing uses, however, take land out of food production, requires urban infrastructure, primarily requires a large workforce that must commute to the job site and generates year-round truck at much higher volumes than farming or ranching operations. Manufacturing uses are incompatible with the rural residences that are part of the agricultural landscape.

Theses differences are uniformly recognized in zoning ordinance that have separate zoning districts and development standards for these different classes of uses. There is no precedent for grouping these uses together. There is no definition of “productive use” in the zoning ordinance, growth policy, or Montana Code Annotated that matches staff’s definition. The North American Industry Classification System and Planners Dictionary that were cited in Appendix 1 as the basis for the definitions included in the zoning ordinance do not include a term for “Productive Use” and clearly defines agriculture and manufacturing as different classes of uses. “Productive Use” as referenced in USDA soil surveys or by the Growth Policy, only refers to crop production. Grouping agricultural uses such as crop production and animal production with “manufacturing” is also at odds with other purpose statements included in the Cascade County zoning ordinance:

**1.1.4** To facilitate the provision of adequate transportation, and of other requirements and services such as water, sewerage, schools, open space, and parks;

**1.1.5** To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout Cascade County;

**1.1.7** To avoid the inappropriate development of lands and provide for reduction of flood damage;

**1.1.10** To foster a more rational pattern of relationship between residential, business, and industrial uses for the mutual benefit of all;

**1.1.11** To isolate or control the location of unavoidable nuisance producing uses;

For the reasons stated above, manufacturing uses must be evaluated separately from agriculture uses and must be subject to standards to address the impacts from industrial processes that characterize this use. As noted previously, performance standards apply in the “Light Industrial District” should apply to manufacturing processes in all districts.



As stated by the American Farmland Trust, “once farms are bulldozed and paved over, that land is gone forever.” The proposed regulations do not make any distinction between development on non-productive soils or development on prime farmland. In order to comply with the Growth Policy, the regulations should include provisions to protect this resource. In addition to the potential loss of valuable prime farmland, the United States Department of Agriculture, notes other concerns with development in agricultural areas:

“Land use and land-use changes have important economic and environmental implications for commodity production and trade, open space, soil and water conservation, air quality and atmospheric greenhouse gas concentrations, and other areas of policy relevance.”

<https://www.ers.usda.gov/amber-waves/2017/december/a-primer-on-land-use-in-the-united-states/>

The American Planning Association states the following regarding farmland protection:

“Farmland protection plans help local governments inventory important farmland, set goals for its protection, and identify strategies for implementation. Such strategies include agricultural zoning, agricultural buffers, right-to-farm ordinances, transfer or purchase of development rights programs, farmland mitigation requirements, and cluster or conservation development regulations.

Other important aspects of agricultural protection zoning include prohibitions of non-farm development on prime agricultural soils, establishing agricultural buffers between working farms and encroaching residential development to minimize land-use conflicts, and codifying right-to-farm provisions that protect farmers from nuisance complaints.”

<https://www.planning.org/knowledgebase/farmlandprotection/>

A review of county ordinances in Montana indicated that prohibiting industrial uses in agricultural districts is standard practice. Although food processing is allowed as an accessory use in some counties, these are small scale operations where the agricultural use is still the predominant use of land.

Flathead County	Dairy permitted in AG District. Slaughterhouse, distillery, food processing are only permitted in industrial districts
Missoula County	Food processing & slaughterhouse permitted as accessory use
Yellowstone County	Does not permit any commercial or industrial uses in Ag Districts
East Gallatin County	Only agriculture and residential uses are permitted
Gallatin County – Spring Hill	Packing, storing, and processing of products <b>grown or raised on premised</b> are permitted uses.

**Issue 5: There is not adequate transportation infrastructure to support large scale intensive mixed use in the proposed MU-40 District**

Transportation concerns are of paramount importance in drafting zoning regulations. The MCA 76-2-203 requires that the zoning regulations **must** be designed to:

“(b)(iii)Facilitate the adequate provision of transportation, water, sewerage, schools parks and other public requirements”

One reason for limiting manufacturing uses to Industrial zoned areas that are located near municipalities is that these districts are located near transportation networks that have the capacity to accommodate high volumes of traffic and heavy equipment loads. Many of the roads in the proposed MU-40 District, however, are either gravel roads or county maintained roads that are not designed for high volume traffic or heavy loads. According the Montana Department of Transportation:

“When snow, ice and frozen ground thaw in late winter and early spring, some road beds and base gravel become saturated and their ability to carry truck loads is reduced. The potential for severe highway distress during the freeze-thaw cycles is high. Older highways are more susceptible to frost action than highways constructed to today's standards.”

[https://www.mdt.mt.gov/travinfo/loadlimit\\_policy.shtml](https://www.mdt.mt.gov/travinfo/loadlimit_policy.shtml)

While agricultural machinery is transported on county roads, this equipment is only in operation on a seasonal basis and traffic volumes are low. A large-scale intensive manufacturing operation, however, typically generates year-round traffic, high volumes of truck traffic and continuous deliveries and transport of products throughout the day. Employees commuting to work can also generate high average daily trips. The proposed regulations would allow manufacturing operations associated with “value-added” agriculture anywhere in the MU-40 District with only the need to acquire a location conformance permit. This type of operation can locate on roads that do not have the capacity to carry the heavy loads or traffic volumes associated with a manufacturing use. There is the potential for significant fiscal impact to county residents to upgrade and maintain roads for large-scale intensive uses located in these rural areas. Traffic related to such uses can also increase the risk for serious health and safety concerns related to traffic accidents:

- Gravel roads with heavy high-speed traffic create dust resulting in air quality concerns and low visibility.
- Bridges in rural areas are not designed for heavy truck traffic. There has been no mapping to indicate where there are bridges that may have structural problems that should be addressed prior to allowing heavy traffic loads.
- At grade railroad crossings in rural areas without adequate warning signals or gates can result in fatal train – vehicle traffic
- Remote areas in the county have long response times for public safety and emergency vehicles to respond to accidents.

According to the Cascade County Multi-Hazard Mitigation Plan-2017,

“Privately-owned vehicles provide transportation for individuals in Cascade County using the federal interstate and state highway systems as well as county and private roads. Trucks and trailers carry interstate and intrastate cargo. Highway accidents caused by severe weather and high speeds occur frequently. Railroad related hazards such as derailments, toxic spill contamination, and vehicle collisions are a threat to Cascade County residents. According to the NTSB, more than 80 percent of

public railroad crossings do not have lights and gates, and 60 percent of all railroad accidents occur at these unprotected crossings.”

[http://www.cascadecountymt.gov/df/departments/disaster-and-emergency-services/Final\\_2017\\_PDM\\_Plan\\_Cascade.pdf](http://www.cascadecountymt.gov/df/departments/disaster-and-emergency-services/Final_2017_PDM_Plan_Cascade.pdf)

Under the current regulations, “value-added” agriculture is a special use and must go through a public review process to address such concerns. The proposed regulations, however, allows “value-added” agriculture and the accompanying manufacturing processes as a permitted use. By removing this special use requirement, there are no safeguards to address traffic concerns and potential traffic hazards. Given that the road networks do not have the capacity for large scale and intensive uses, the county should be discouraging the location of such uses in remote rural areas.

#### **Issue 6: There is not adequate emergency services to support large scale intensive manufacturing businesses in the MU-40 District**

The MCA 76-2-203 requires that the zoning regulations **must** be designed to:

“(b)(i) secure from fire and other dangers

Large-sale intensive development and manufacturing uses should only occur in areas with adequate emergency services to respond to potential accidents and hazards related to such types of developments. According to the Cascade County Multi-Hazard Mitigation Plan the primary concerns with manufacturing development in the remote rural areas are described below. (See Attachment).

- Hazardous Materials – The release of hazardous materials is rated as high. The regional hazardous-material response trailers are positioned in Great Falls where almost all of the current manufacturing/industrial facilities are located. A hazardous materials release that occurred in remote rural areas of the county may not be discovered immediately and once discovered, the response time in critical situations would be lengthy due to distances and, as noted previously, the poor condition of the some current rural roads that do not allow high speed travel.
- Wildfire – The risk of wildfire in Cascade county is rated as very high. Negative impacts of wildfire include loss of life, property and resource damage or destruction, severe emotional crisis, widespread economic impact, disrupted and fiscally impacted government services, and environmental degradation. According to the Cascade County CWPP, issues make the county particularly vulnerable to wildfire include: 1) the semi-arid landscape 2) the wind generated from the Rocky Mountain Front Range can turn an ignition into a large wildland fire in a very short period of time; 3) the size and scale of the county, scattered numbers of outlying fire stations, significant reduction in number of people willing to volunteer as fire fighters in the county, and 4) lands in CRP which can be easily ignited and could result in extreme fire behavior.

The Cascade County Subdivision Regulations require all subdivisions to be planned to minimize the risk of fire and to permit effective and efficient response. Design elements of the subdivision include the placement of structures so as to minimize the potential for flame spread and the provision of efficient access for firefighting equipment. Manufacturing development on large parcels, however, may not be required to go through subdivision review. A “value-added” agriculture manufacturing operation that does not require subdivision or special use review can develop in remote areas located in the service area of volunteer fire districts that have long response times and limited personnel. There would be no requirements such a development contain the design elements for fire protection.

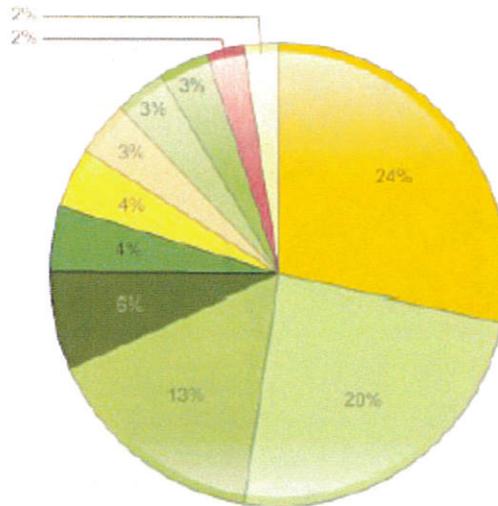
Under the current regulations, “value-added” agriculture is a special use and must go through a public review process to address such concerns. The proposed regulations, however, allows “value-added” agriculture and

the accompanying manufacturing processes as a permitted use. By removing this special use requirement, there are no safeguards to address concerns about emergency services, wildfire and potential hazards. Since locating manufacturing uses and large-scale intensive uses in remote rural areas will increase the risks of hazardous materials spills and property loss due to wildfires, the county should be discouraging the location of such uses in remote rural areas. In addition to public safety concerns, there is the potential for significant fiscal impact to county residents to provide emergency services for large-scale intensive uses that could locate in these remote rural areas.

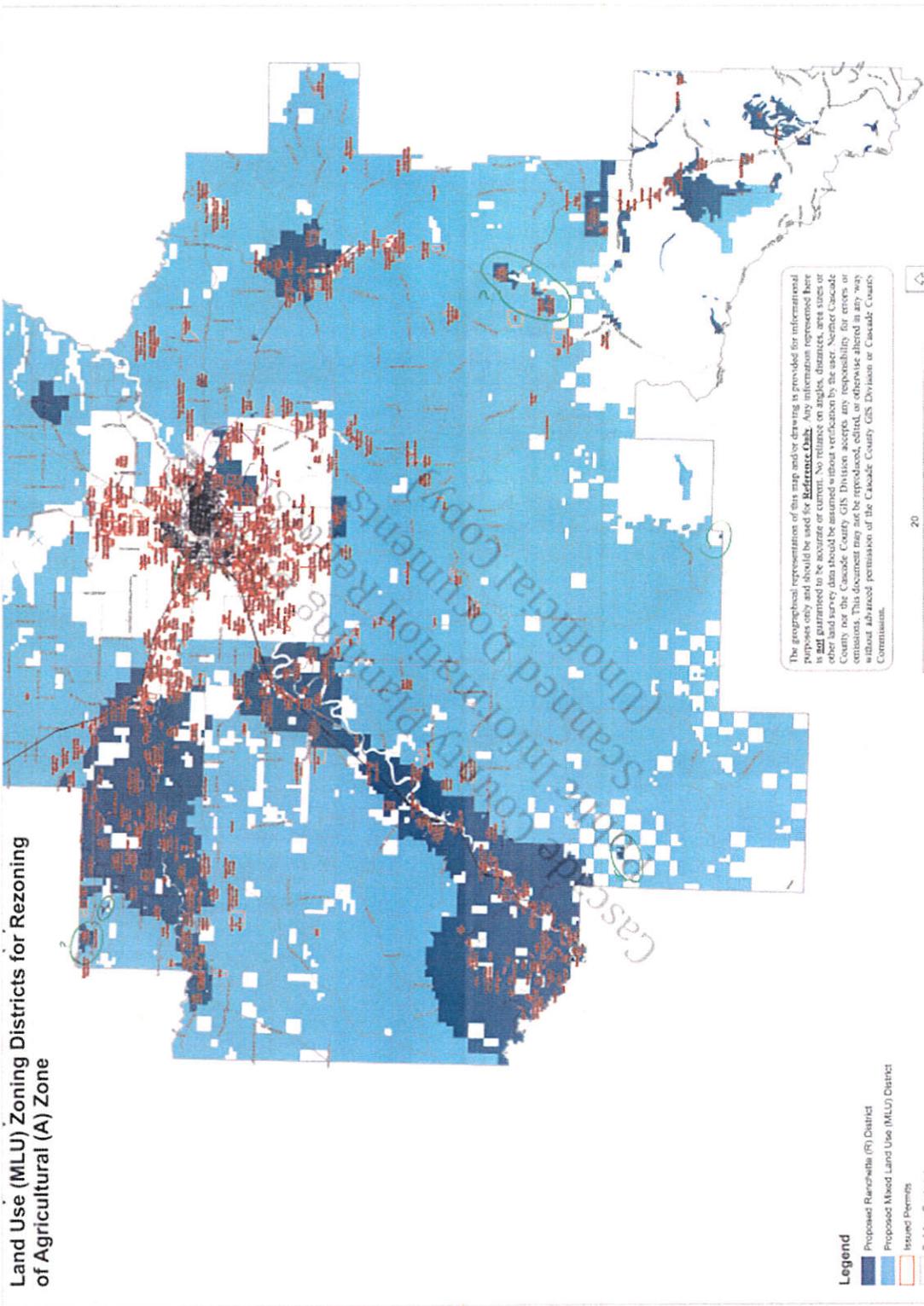
### Montana Ecological Systems - Land Cover Report

#### Cascade County

1,733,233 Acres (1.84% of Montana)



24%	Cultivated Crops	3%	Montane Sagebrush Steppe
20%	Great Plains Mktgrass Prairie	3%	Great Plains Shrubland
13%	Rocky Mountain Lower Montane, Foothill, and Valley Grassland	3%	Rocky Mountain Ponderosa Pine Woodland and Savanna
8%	Rocky Mountain Montane Douglas-fir Forest and Woodland	2%	Introduced Upland Vegetation - Annual and Biennial Forbland
4%	Rocky Mountain Ledgapete Pine Forest	2%	Big Sagebrush Steppe
4%	Pasture/Hay		



### **Attachment 3: Cascade County Multi-Hazard Plan – Excerpts**

[http://www.cascadecountymt.gov/df/departments/disaster-and-emergency-services/Final\\_2017\\_PDM\\_Plan\\_Cascade.pdf](http://www.cascadecountymt.gov/df/departments/disaster-and-emergency-services/Final_2017_PDM_Plan_Cascade.pdf)

## **1. Hazardous Materials**

A hazardous material release is the contamination of the environment (i.e. air, water, soil) by any material that because of its quantity, concentration, or physical or chemical characteristics threatens human health, the environment, or property. Hazardous materials, including petroleum products and industrial chemicals, are commonly stored and used in Cascade County and are regularly transported via the region's roadways, railroads, and pipelines. A release of hazardous materials from both fixed and transportation incidents pose possible threats involving emergency response. Hazards range from small spills on roadways to major transportation releases on railways or pipeline ruptures contaminating land and water.

Regional hazardous-material response trailers are positioned in Great Falls.

### Vulnerability & Risk

Cascade County has no land use regulations that restrict building around industrial facilities or along transportation routes or in the vicinity of facilities that store large quantities of hazardous materials or petroleum products.

The U.S. Department of Transportation regulates the ways in which non-radioactive hazardous materials can be transported. Currently, there are no designated HAZMAT routes in central Montana. So, these materials can be transported through Great Falls and Cascade County with few restrictions. (Great Falls Growth Policy, 2013).

There are no land use regulations that restrict building around industrial facilities, along transportation routes, or in the vicinity of facilities which store large quantities of hazardous materials/petroleum products.

Transportation of hazardous materials through Cascade County on highways, pipelines, and by the railroads could result in an accident or derailment that would have the potential to impact Cascade County residents. Although there is no history of significant incidents, the potential for a hazardous material accident in Cascade County is present.

The volume and type of hazardous materials that flow into, are stored, and flow through communities will determine exposure to a potential release of hazardous materials. An accidental or intentional release of materials could produce a health hazard to those in the immediate area, downwind, and/or downstream. Some hazardous materials occur in the gaseous phase and are denser than air; therefore, having the potential to collect in low places.

## **2. Wildfire**

A wildfire is an unplanned fire, a term which includes grass fires, forest fires and scrub fires, both man-caused and natural in origin. Severe wildfire conditions have historically represented a threat of potential destruction within the region. Negative impacts of wildfire include loss of life, property and resource damage or destruction, severe emotional crisis, widespread economic impact,

disrupted and fiscally impacted government services, and environmental degradation.

Wildfire risk is the potential for a wildfire to adversely affect things that residents value - lives, homes, or ecological functions and attributes. Wildfire risk in a particular area is a combination of the chance that a wildfire will start in or reach that area and the potential loss of human values if it does. Human activities, weather patterns, wildfire fuels, agricultural practices, values potentially threatened by fire, and the availability (or lack) of resources to suppress a fire all contribute to wildfire risk. The Conservation Reserve Program (CRP) land and with the change of agricultural practices, i.e. no-till farming, have created significant wildland fire risk in parts of Cascade County.

Fire season is the result of low rainfall, high temperatures, low humidity, and thunderstorms, high winds and lightning. Varied topography, semi-arid climate, and numerous human-related sources of ignition make this possible. Over 60 percent of fire starts in Cascade County are caused by lightning. Man-made fire starts account for the remainder including; debris burning, fireworks, campfire neglect, careless smokers, downed powerlines, or heated farm equipment in dry grass or crops. Only a fraction of fire starts are arson. BNSF representatives at the MHMP public meeting indicated that the railroad scrubs equipment to minimize sparks. There were only 1 or 2 fires started by the railroad in Cascade County in 2016.

Major wildfires can occur at any time of year. **Table 4.3-1** presents warning and advisory criteria for wildfire and a description of prohibitions that land management agencies can put into effect to reduce fire risk and prevent wildfires during periods of high to extreme danger.

*Table 4.3-1. Warning, Advisories and Restrictions for Wildfire*

Warning/Advisory/Restriction	Description
Fire Weather Watch	A fire weather watch is issued when Red Flag conditions (see Red Flag Warning) are expected in the next 24 to 72 hours.
Red Flag Warning	A red flag warning is issued when Red Flag criteria are expected within the next 12 to 24 hours. A Red Flag event is defined as weather conditions that could sustain extensive wildfire activity and meet one or more of the following criteria in conjunction with "Very High" or "Extreme" fire danger: <ul style="list-style-type: none"> <li>• Sustained surface winds, or frequent gusts, of 25 mph or higher;</li> <li>• Unusually hot, dry conditions (relative humidities less than 20%);</li> <li>• Dry thunderstorm activity forecast during an extremely dry period;</li> <li>• Anytime the forecaster foresees a change in weather that would result in a significant increase in fire danger. For example, very strong winds associated with a cold front even though the fire danger is below the "Very High" threshold.</li> </ul>
Fire Warning	A fire warning may be issued by local officials when a spreading wildfire or structure fire threatens a populated area. Information in the warning may include a call to evacuate areas in the fire's path as recommended by officials according to state law or local ordinance.
Dense Smoke Advisory	Dense smoke advisories are issued when the widespread visibilities are expected at a ¼ mile or less for a few hours or more due to smoke.

Table 4.3-1. Warning, Advisories and Restrictions for Wildfire

Warning/Advisory/ Restriction	Description
Stage 1 Fire Restriction	No building, maintaining, attending, or using a fire, campfire, or stove fire without a permit except in Forest Service developed camp or picnic grounds. No smoking unless in an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable material. No operation of welding, acetylene, or other torch with an open flame. No operation or using any internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order.
Stage 2 Fire Restriction	No building, maintaining, attending or using open fire campfires or stove fires. No smoking unless in an enclosed vehicle or building, a developed recreation site, or within a three foot diameter cleared to mineral soil. No operation of welding, acetylene, or other torch with an open flame. No operation or using any internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order.

Source: National Weather Service (NWS, 2016); National Interagency Fire Center, 2016  
[gacc.nifc.gov/.../r2ftc/documents/Fire\\_Restriction\\_Chart.pdf](http://gacc.nifc.gov/.../r2ftc/documents/Fire_Restriction_Chart.pdf)

Cascade County has large areas of private agricultural lands (81.7 percent). The federal government manages approximately 12.4 percent of the total land in the County including portions of the Lewis and Clark National Forest (178,412 acres) and BLM land (24,627 acres). The State of Montana manages a 5.2 percent of the acreage. This scattering of government and private ownership can present unique firefighting challenges.

Cascade County has witnessed a number of large wildfires that have destroyed property and affected wildlife habitat, scenic resources, and air quality. Between 1992 and 2012, a total of 70 fires burned 6,337 acres in the county. The majority of these fires occurred in the months of July and August and were caused by lightning and farm equipment. The wildfires were generally less than one acre in size and were extinguished within one day. **Table 4.3-2** presents wildfire listings from the Montana DNRC over 100 acres with statistics on structures lost and suppression cost where available.

Problems with wildfire also occur when combined with the human environment. People and structures near wildfires are threatened unless adequately protected through evacuation or mitigation. Should fires occur, structures within the wildland-urban interface (WUI) are very vulnerable. The WUI is the zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels. A WUI exists anywhere that structures are located close to natural vegetation and where a fire can spread from vegetation to structures, or vice versa. The most extreme situation with respect to fuel conditions and values at risk occurs in rural subdivisions where numerous high-value individual homes and subdivisions are located in the WUI in close proximity or within the wildland boundary. A significant loss of life could occur to residents, firefighters, and others who are in the wildfire area and do not evacuate. The CWPP identifies the following WUI areas in Cascade County: the Dearborn Area, including Cooper Ranch and Stickney Creek; Hardy - Missouri River Corridor; Logging Creek Area; the southwest side of the Highwood Mountains adjacent to the National Forest; and, the Missouri, Sun and Smith River corridors. The current and potential development of portions of Cascade County into residential lots of varying sizes will contribute to the WUI fire problem for the fire protection agencies in the county (Firelogistics, 2008).

According to the Cascade County CWPP, five primary issues make the county particularly vulnerable to wildfire. These include: 1) the semi-arid landscape and poor moisture regime that due to the lack of moisture during any of the four seasons can place the county into a fire season throughout a large share of the year; 2) the wind generated from the Rocky Mountain Front Range can turn an ignition into a large wildland fire in a very short period of time; 3) the size and scale of the county, scattered numbers of outlying fire stations, significant reduction in number of people willing to volunteer as fire fighters in the county, and ageing population in Neihart; 4) lands in CRP which can be easily ignited and could result in extreme fire behavior, especially under windy conditions, and provide for challenging wildland fire suppression efforts; and, 5) a very high risk subdivision with the high potential for suffering loss of life, property and resources from a wildland fire. Cascade County communities listed in the Federal Register as “Communities at Risk” from wildland fire include Monarch and Neihart (Firelogistics, 2008).

Often regional electric infrastructure passes through wildland and non-irrigated agricultural areas. In particular, the electric substations, transmission lines, fuel tanks, and radio transmission towers are not often equipped to withstand the heat from a wildfire. A wildfire could disrupt electricity or communications should this infrastructure be damaged.

Smoke from wildfires outside Cascade County have impacted local air quality. Most smoke comes from the southwest, west, and north. However, the consistent wind in area minimizes the public health hazard that wildfire smoke poses elsewhere in the state.

### **Probability and Magnitude**

Cascade County’s history with wildfire, dry and windy weather conditions, large acres of the county in CRP, and private access roads to rural subdivisions has prompted the MHMP Planning Team to identify wildfires as a significant hazard. Although the primary concern is to structures and the interface residents, most of the costs associated with fire, come from firefighting efforts. Wildfires can also have a significant impact on the regional economy with the loss of agricultural output, timber, natural resources, recreational opportunities, and tourism.

### **Future Development**

Wildfire disasters can be mitigated through comprehensive land use planning that includes housing development design, fuels management, and public education. Land use regulations can reduce the incidence of wildland fire by addressing defensible space and access for emergency vehicles. Cascade County addresses wildfire in their Growth Policy and Subdivision regulations.

The Cascade County Subdivision Regulations require all subdivisions to be planned, designed, constructed, and maintained to minimize the risk of fire and to permit effective and efficient response in order to protect persons, property, and natural resource areas. Design elements of the subdivision include the placement of structures in such a manner so as to minimize the potential for flame spread and to permit efficient access for firefighting equipment. Areas rated as extreme, high or medium WUI must comply with special design standards including:

- Access and Evacuation – Roadside vegetation must be maintain so roads will service as escape routes and fire breaks. There must be a minimum of two approach routes to ensure one than one escape route and access routes by emergency vehicles. Building Density Requirements - Densities in areas of steep slopes and/or dense forest growth shall be reduced through minimum lot standards.
- Vegetation Management - A vegetation management plan is required that will reduce fuel loading and hazard rating and provide continuous maintenance of the fuel load. The plan must include guidelines for defensible space, fuel breaks and greenbelts, and a plan for continuous maintenance.
- Water Supply – A fire-fighting water source and access to that source must exist and be maintained as defensible space. Requirements for water supply systems are stipulated and may include fire hydrants or storage tanks.
- Fire Protection Covenants are required stipulating that property owners must maintain fire protection water supplies and fire protection systems (defensible spaces, driveway routes, fuel breaks) in perpetuity.



Carolyn K. Craven  
101 14<sup>th</sup> Avenue South  
Great Falls, MT 59405

March 23, 2019

## PUBLIC COMMENTS ON CASCADE COUNTY PROPOSED ZONING CHANGES

### QUESTIONS & COMMENTS

- 1) Please provide definition of "natural resource development".
  - 2014 Growth Policy Goal #2:
    - *Protect & maintain Cascade County's rural character and the community's historic relationship with natural resource development"*
  - Cascade County Zoning 11.7 Natural Resources Protected:
    - *The provisions of these regulations shall not prevent the complete use, development or recovery of any mineral, forest or agricultural resources by the owner thereof.*

**I would assume that natural resources include land, water, soil, plants, trees, minerals. With unpredictable weather occurring due to climate change, including drought, I would suggest that careful consideration be given to the sustainability of our water supply. MT has been in drought conditions or trending towards drought conditions for the past several years, obviously with the exception of the extremely heavy snowfall this year.**

- 2) Please note in MT Code 76-2-203: Criteria and guidelines for zoning regulations:
 

**76-2-203. Criteria and guidelines for zoning regulations.**

  - (1) Zoning regulations must be:
    - (a) made in accordance with the growth policy  
(Note: The Growth Policy contains provisions to "protect our surface and groundwater" and to "assure clean air, clean water, a healthful environment and good community appearance".)
  - (2) In the adoption of zoning regulations, the board of county commissioners shall consider:
    - (a) reasonable provision of adequate light and air;
    - (b) the effect on motorized and nonmotorized transportation systems;
    - (c) compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;
    - (d) the character of the district and its peculiar suitability for particular uses;
    - (e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area

**THESE ZONING REQUIREMENTS WERE NOT ADDRESSED THOROUGHLY**

C.K. Craven 03.23.19  
Homeowner, Great Falls

- 3) I recommend the Growth Policy be revised to the required 2019 Growth Policy and that sufficient public comments be allowed to contribute meaningful and well-researched recommendations with enough time to accomplish that and with enough advance notice of the public hearings (more than one) to allow the public to accommodate their schedules in order to attend. After the required 2019 revised/updated Growth Policy, then proceed with zoning changes and public input.
- 4) Please divide all "Agricultural" definitions into "Agricultural-Crop" and "Agricultural-Animal" to **provide clarity and appropriate assessment of impact on zoning. There is a world of difference between grain production and commercial feedlots, slaughterhouses, rendering plants, etc.**
- "Value-Added Agricultural Product-Crops"
  - "Value-Added Agricultural Product-Animals"
  - "Value-Added Agricultural Commodity Processing Facility-Crops"
  - "Value-Added Agricultural Commodity Processing Facility-Animals"
  - "Agricultural Commodity-Crop Production"
  - "Agricultural Commodity-Animal Production"
- 5) Please provide rationale for adding the following items and reference your rationale to the Growth Policy Objectives.
- "Butcher Shop"
  - "Animal Feeding Operation (AFO)"
  - "Value-Added Commodity Product"
  - "Value-Added Commodity Processing"
  - "Workforce Housing, Permanent"
  - "Workforce Housing, Temporary"
- 6) Please provide definitions for the following:
- Please define "Temporary" in terms of specific time/days
  - Please define "Temporary Stabling" in terms of specific time/days and density of animals
  - Please define density of "Workforce Housing – Permanent & Temporary"
  - Please define "Cluster Development"
  - Please define "Productive Land Uses"
  - Please define "Conventional Agricultural Uses", specifically differentiating between crop production uses and animal production uses.
- 7) Please provide rationale for definition changes in "Commercial Feedlot" (especially the addition of "where the animals are **confined at a high density relative to open range pasture raising...**")
- **How many animals are allowed in a specific measurement of land?**

- 8) Please clarify in 7.12 Light Industrial District. 7.12.2 Permitted Principal Uses.
- (2) Industrial Uses (see Section 8.21)
    - Section 8.21 is “Per Head Animal Unit Values”

I am not seeing the connection between “Per Head Animal Unit Values” and “Industrial Uses”. Please explain and please also identify the “Industrial Uses” intended in 7.12.2 (2).

- 9) Please provide rationale for allowing “All Non-Residential uses otherwise not permitted by law” in Heavy Industrial to be permitted uses by right with no option for public comment.
- Recommend deleting ...”allowing All Non-Residential uses otherwise not prohibited by law” and replacing with **“All Non-Residential uses not specified above and not prohibited by law may be submitted for consideration through the Special Use Permit process.”** This would allow public comment.
- 10) Please provide rationale for including “Oil and gas exploration, drilling, production, and operations in 8.13 (which is the only industry that requires a Special Use Permit for location in MU-40).
- **Recommend deleting “Oil and gas exploration, drilling, production and operations” from any new zoning in Cascade County.**
- 11) It seems counterintuitive to designate Open Space as “intended to provide for open space recreation and environmental relief in residential areas, riparian zones, and amenity areas” and then include parking lots and on-site construction offices.
- **Recommend deleting the “parking lots” and “on-site construction offices” in order to fulfill the intention of providing space for recreation and environmental relief in residential areas, riparian zones and amenity areas”.**
    - Please add a parking lot for visitors who want to participate in the recreational opportunities. Please clarify that specific use and exclude parking lots for any business use.
- 12) In 8.20 there are “Light Industrial (I-1) Zoning District Standards and 10.6 has “Standards for Special Use Permits” plus 18.5 “Standards Applicable to All Unclassified Uses”.
- **Please explain rationale for not having “Zoning Standards” for “Heavy Industrial”, “Mixed Use 20” and “Mixed Use 40”.**
- 13) Please provide rationale for not using the terms “AFO, CAFO, Slaughterhouse, Rendering Plant, Commercial Feedlot” in any examples of references to Growth Plan Goals (relevant to a healthy environment; clean water, air and land; preserving open spaces, etc.) and instead used references like this one referenced to Goal #11 Objective A: “Preserve the county’s open space setting...”
- PD Changes 7.6.6 & 7.7.6 Lot Coverage

- 14) Please clarify rationale in Section 18 .Unclassified Use Permits that would potentially allow CAFOs, and slaughterhouses with an Unclassified Use Permit in any zoning district. This seems counterintuitive as CAFOs and slaughterhouses are already allowed in MU40 with a Special Use Permit.

**RECOMMEND DELETING CAFOs AND SLAUGHTERHOUSES FROM THE LIST OF “USES PERMITTED WITH AN UNCLASSIFIED USE PERMIT” IN 18.1**

- **There is already a path through Special Use Permits to accommodate applications for CAFOs and slaughterhouses in MU40 .**

- 15) Cultural Resources

- Goal 5 Objective B states “Preserve and promote Cascade County’s rich cultural heritage, rooted in natural development...”

**There is no mention of avoiding land associated with historic properties or landmarks.**

- 16) Transportation

- Please provide rationale for not addressing issues related to transportation and traffic flow in these proposed regulations
  - With the proposed heavy industries and heavy animal production CAFOs, feedlots, etc. transportation is a significant concern. There will like be major changes in number and types of vehicles using 10<sup>th</sup> Avenue South in Great Falls as well as the adjacent highway systems.
  - Additional transportation routes and/or increased numbers and weights of vehicles should be carefully considered. In addition to air pollution from heavier transportation there is also noise pollution.

- 17) Please provide rationale for not referencing any goals related to the following:

- Protecting surface and groundwater from pollution [Goal 8]
- Protect and promote Cascade County’s rich cultural heritage [Goal 5/B]
- Promote the development of cultural resources and tourism to broaden Cascade County’s economic base [Goal 1/D]
- Preserve Cascade County’s scenic beauty and conserve its forests, rangelands, and streams, with their abundant wildlife and good fisheries [Goal 2/B]
- Promote and maintain a transportation system that provides safety, efficiency, and is cost effective [Goal 6]
- Assure clean air, clean water a healthful environment and good community appearance [Goal 2/D]

18) Please provide rationale for deleting #1 in the current zoning regulations in Section 1. Purpose. 1.1

**THE CURRENT ZONING REGULATIONS INCLUDED 13 OBJECTIVES,  
ONE OF WHICH WAS OMITTED IN THE PROPOSED ZONING REGULATIONS:  
*"To provide for compatible urban growth in the vicinity of cities and towns that  
at a minimum must include the areas around municipalities;"***

- To ensure proper living and working conditions and to prevent the development of blight and slums;
- To establish adequate standards for the provision of light, air, and open spaces;
- To facilitate the provision of adequate transportation, and of other requirements and services such as water, sewerage, schools, open space, and parks;
- To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout Cascade County;
- To protect residential, business, commercial, and industrial areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by inappropriate uses;
- To avoid the inappropriate development of lands and provide for reduction of flood damage;
- To fix reasonable zoning standards to which buildings and structures shall conform;
- To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed herein;
- To foster a more rational pattern of relationship between residential, business, and industrial uses for the mutual benefit of all;
- To isolate or control the location of unavoidable nuisance producing uses;
- To define the powers and duties of the administrative and enforcement officers and bodies; and
- To prescribe penalties for any violation of the provisions of this ordinance, or of any amendment thereto.

**PLEASE PROVIDE RATIONALE FOR ELIMINATING THE  
ONE ITEM ABOVE FROM THE CURRENT OBJECTIVES**

Thank you for your consideration of these comments and recommendations.

Respectfully submitted,



Carolyn K. Craven  
101 14<sup>th</sup> Avenue South  
Great Falls, MT 59405

C.K. Craven 03.23.19  
Homeowner, Great Falls



# Public Comment Form

Cascade County Public Works Department Planning Division  
121 4<sup>th</sup> St N, Suite 2H-2I  
Great Falls, MT 59401  
Phone: 406-454-6905 Fax: 406-454-6919

## Instructions

This form is for providing public comment to the Cascade County Planning Division for review by any one or more of the following review and/or approval boards: Zoning Board of Adjustment (ZBOA), Planning Board, or Board of County Commissioners. Only complete submissions will be included for board review. Please provide the relevant information for each section below. A complete submission provides all of the following: commenter name and address, comment subject, and commentary on the subject issue(s). If additional space is needed for commentary, please attach additional sheets to this form.

## Commenter Information

Name: Mike + Deborah Jenkins

Complete Address: 298 Hastings Road, Sand Coulee, MT 59472

## Comment Subject (please check one)

- Special Use Permit Application     Subdivision     Zoning Text and/or Map Amendment  
 Growth Policy     Variance     Floodplain Regulation Amendment  
 Subdivision Regulation Amendment     County Road Abandonment/ Discontinuation of County Street  
 Other (describe): \_\_\_\_\_

## Comment

See Attached

### For Office Use Only

Date Received:	<u>3-24-19</u>	Date Reviewed:	<u>3-25-19</u>	Complete:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
----------------	----------------	----------------	----------------	-----------	---

Mike and Deborah Jenkins  
298 Hastings Road, Sand Coulee, MT 59472  
Public Comment, part 2

The Cascade County Planning Department's proposed changes to the Zoning Regulations are highly contrary to our vision of what a progressive and responsible county looks like. These proposed changes will have severe negative impact upon residents, businesses, and the culture of our towns as well as rural Cascade County. This could also be far-reaching to other counties in Montana. To address items of specific interest that have initially jumped out at us, per section as you requested:

## Section 1: Purpose

**1.1 Purpose of regulation adoption and 1.2 Interpretations, Conflicts, and Other Laws:** These are so mindfully written with thorough clarity. *We believe that any proposed changes should be referenced back to this written purpose and MCA 76-2-203 Criteria and guidelines for zoning regulations to assure compatibility and 'finding of facts' outlined.*

- **Cascade County Growth Policy (CCGP):** It is our understanding that the zoning and subdivision ordinances are required to comply with the Cascade County Growth Policy (CCGP). The Cascade County Zoning Regulations currently states in Section 1.2 Interpretations, Conflict, and other laws, "Whenever the Board of County Commissioners of Cascade County and the Cascade County Planning Board are called upon to consider the adoption of a new zoning district or the amendment to an existing zoning district, zoning district regulations, or zoning district map, the Commissioners and Planning Board shall be guided by the following statutory provision: Montana Code Annotated § 76-2-203 (20157). Criteria and guidelines for zoning regulations. (1) Zoning regulations must be: (a) made in accordance with the growth policy. Many of the proposed changes are not compliant with the CCGP as it currently reads. The following are examples:
  - **'Agricultural' to 'Mixed-Use' Districts:** Changing the legal definition opens a plethora of problems. First, the proposed definition for MU-40 indicates that the uses would be "...more intensive in character and larger in scale while allowing 'residential' site characteristic of traditional farming and ranching uses". Doesn't the current definition of "agricultural" allow for 'traditional' farming and ranching uses on acreage over 40 acres already? The 'more intensive' and 'larger in scale' is what scares us. *We would not want to see a large-scale and intensive operation on our neighbor's 40, 41, 45, 50-acre lot. That just doesn't make sense for responsible land use nor neighborly relations.*
  - **CCGP Goal #2:** The proposal contradicts the goal to "protect and maintain Cascade County's rural character and the community's historical relationship with natural resource development" which includes objective A,B, D and C "preserving 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." *We believe that Cascade County landowners should have a say in what defines appropriate use of their own land as well as their neighbors and that the 'agricultural' definition supports that process. We would like to maintain our rural character by preserving valuable farmland and open spaces while providing opportunity to responsible small, and large, scale farmers and ranchers. Industry belongs near town developments as appropriately designed to specifically accommodate. All Cascade County permitting requirements should be based on potential impact. 'Permitted' uses 'allowed by right' should still be reviewed but reserved for low-impact operations to help simplify the process for small businesses and family farms so they can develop and grow in the appropriate zones. "Larger in scale" and more "intensive" uses should be required to meet higher standards and should be expected to go through a more intensive permitting process. We would like to see the research to support this proposal that we believe contradicts these goals and explanation of how this proposed change supports goal 2.*

- **CCGP Goal #3.** Land protections: The CCGP states in Goal #3 to “maintain the agricultural economy” and includes in the objectives A to “protect the most productive soil types” and B to “continue to protect soil against erosion.” We believe that it is our responsibility as land stewards to assure the health of our highly valuable soils where we live, in Cascade County. We need to have forethought about future generations and not a short-sighted view toward making a quick buck that might pillage these valuable lands/soils. Maintaining and improving the productivity of our soil is essential and can only be done with soil recovery in mind. Over-use, mis-use, and subjection to erosion are real threats that could damage our lands, economy, and community character and it would take years to recover. We view this proposal of zoning changes as a real threat to a healthy environment. *We would like to see language that assures compliance with goal 2 and makes sure that public input is sought and considered for drastic deviations from what has already been determined as appropriate use per the zoning district.*
- **CCGP Goal #5:** Economic Condition and Lifestyle: Goal #5 states to “preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County citizens.” Policies listed in the Economic Conditions Report, Section 5.10 state “1. Commercial and manufacturing uses should be encouraged, if such uses do not adversely affect agriculture and are located around and in existing rural communities. 2. Every effort should be made to protect and maintain farming units, because the family farm is important in the economy of Cascade County. 10. Aggressively develop, protect, and enhance the agricultural economy of Cascade County. 11. Encourage future development to locate on non-productive or marginally productive agricultural Land.” It seems clear that changing the zoning to mixed use with less public input and less restrictions would defeat this goal. The proposal does not apply performance standards in MU-40 districts as it does in I-1 “light industry” and other areas. It is highly likely that changing the zonings to MU20 and MU40 would result in a huge and negative impact to all county citizens. Without proper consideration including broad reaching input, ‘more intense’ and ‘larger in scale’ operations would likely increase traffic, adversely affect wildlife, and increase pollution, including water, soil, air, noise, garbage, sight, and smell. New industry, in the properly zoned area, may create an increase in our population that would require time to plan accordingly to accommodate the needs for housing and public services. Zoning regulations that open up a free for all type atmosphere will be contra to this goal and *we think having guidelines that are in agreement with this goal and generally accepted by the citizens is critical to maintain a respectful, friendly, and responsible environment. We would like to maintain and even improve our environment that is clean, friendly, functional, and has viable economic opportunity for any citizen that is inclined.*
- **CCGP Goal #7.** “F. Promote adequate water supply systems. I. Encourage wetland protection to preserve waterfowl and other wildlife habitat.” *We believe that changing these changes would place wetlands into MU districts and place them at risk. We would like to see justification as to how this change proposal supports this goal and objections.*
- **CCGP Goal #8.** “H. ... greater setbacks for commercial, industrial...” *It is unclear how this proposal is accomplishing this goal and we would like explanation as to how it is being accomplished.*
- **CCGP Goal #9.** “F. Encourage open buffers between rural residences and adjoining agriculture land”. “G. Encourage...to develop the least agriculturally viable portion...” *We would like to see how this proposal accomplishes this goal.*
- **CCGP Goal #11.** “A. Preserve the county’s open space setting by encouraging cluster development. B... near existing towns and rural, more densely populated settlements and discourage poorly designed, unsafe land subdivisions and unsafe commercial development.” *We would like to see how this proposal encourages this goal.*
- **CCGP Goal # 12.** Objection H. states “encourage compatible mixed-use development.” *If this this the objective of the proposal, we would like to be shown a better explanation of how this proposal accomplishes this.*

- **Economic Condition Report Section 5.1 - Agricultural Employment:** “The importance of agriculture to the economy of Great Falls cannot be over emphasized.... Findings...near ideal environment for prairie grasslands and ... small grains.” *We think the zoning change proposal should take special note that this mentions “agriculture” and not “industry”.*
- **Economic Conditions Report Section - 5.10 Economic Activity and Constraints: Manufacturing. Policies. 1.** “Commercial and manufacturing uses should be encouraged, if such uses do not adversely affect agriculture and are located around and in existing rural communities. 2. Every effort should be made to protect and maintain farming units, because the family farm is important in the economy of Cascade County...4. Efforts should be made to discourage commercial strip development along major thoroughfares...6. Environmental as well as economic perspectives should be considered in any future development. 7. Efforts should be made to attract non-transportation sensitive industry to Cascade County. 8. Utilization of locally produced agricultural products and raw materials should be encouraged...11. Encourage future development to locate on non-productive or marginally productive agricultural land. 12. Minimalize...the adverse social and environmental impact of development and encourage beneficial effects of orderly growth...14.... most economically, socially, and environmentally appropriate, as determined by the County Planning Board and other public agencies...” *We believe these specific policies should be reviewed, and reviewed again, and the proposal should be reflective of each of them, giving justification, and including public input.*
- **Natural Resources Report Section 7.2 – Rivers, Streams, Lakes and Reservoirs: Wildlife:** “...Portions of the Missouri River and the Smith River are considered “high value”, or “critical” for use by whitetail...” *We request the proposal include documentation of how this proposal supports wildlife.*
- **Natural Resources Report Section 7.5 Soils: Policies.** “1. Land use... predominately agriculture, special consideration should be given to protect this use. 2. Any development or change in the use of the land should be in a form suited to the natural lay of the land. 3. ...extensive on-site evaluations should be made before any proposed action is taken.” *It is unclear that this policy has been given consideration and we would request justification as to how the proposed changes compliment the policy.*
- **7.7 Uplands: Policies:** 2. If any development takes place, extensive on-site evaluations should be made. Criteria withheld should be: soil limitation, ground and surface water, geologic hazards, slope, adverse effect on wildlife habitat, visual impact, effects on recreational uses and access. 3. Land use controls should be based on the aforementioned criteria and agricultural use should be given top priority.” *We would like to see how this proposal has accomplished these policies and given agricultural use top priority.*
- **7.9 Buttes: Policies.** “2. The Buttes should remain undeveloped to protect the natural beauty of this landscape unit.” *We would request that the proposal maps identify the Buttes and assure the zoning supports this policy.*
- **8.1 Method of Implementation:** “...It takes into account the concerns expressed by the rural citizens of Cascade County by controlling the impacts of the more intense developments that may occur and protecting certain resource.” This clearly states that citizen input was considered for the CCGP. We believe this document is a good representation of citizens and should considered with all relevant decisions. *We would like assurance that this has happened and justification of how any proposals comply.*
- **8.2 Resource Protection Areas designed and establishes:** “...prime agricultural soils and forest cover...protect such land from encroachment by non-agricultural uses, structures, or activities...” *We request justification that the proposal support this, of the detailed mapping these areas.*
- **8.6 Subdivision Development Requirements:** “...Subdivision developments must receive... approval from the ...County Commissioners...If a parcel larger than 40 acres is proposed to be subdivided and that parcel is determined to have 25% or more area coverage of ...Prime Agricultural Soils or Forest Cover Areas...approval shall only be granted...if all of the following criterion are complied with...If the

parcel... is determined to have any portion of the Flood Hazard Evaluation or Butte Conditional Development Areas, that portion shall not be subdivided for any non-agricultural or non-open space uses, structures, or activities.” The proposal seems to strongly be promoting only economic development and it is unclear whether this has been taken into consideration. *We would like to see justification as to how it has.*

- **8. Policy and Goal Implementation:** “... A timetable for reviewing the growth policy at least once every 5 years and revising the policy, if necessary. The CCGP will be reviewed by the Cascade County Planning Board at their annual meeting each year...(as required by 76-1-601 (3)(f) MCA)...must issue “findings of fact” that weigh the effect...” We don’t see that this has occurred, and it now has reached the five years since it was adopted in 2014. *We believe that reviewing the CCGP should be the starting point to assure it is a true reflection of what is best for our county. Zoning changes should then be made after this obligation is completed and any changes should be referenced to explain how they are in accordance to the CCGP.*
- **11.1 Definitions:** These definitions, such as agriculture, do not match the proposed definitions. *We would like to see these definitions reviewed, updated accordingly, and changes to the zoning regulations matching them.*
- *We believe these are still valid goals for our county and we would like to preserve the family farm and protect our productive agricultural land. We believe that changes should fully reflect this mission and performance standards need to be applied to each district based upon the impact the it would have its neighbors and the county as a whole.*

## Section 2: Definitions

1. **Agricultural commodity:** The proposal combines animal-based and plant-based commodities into the same category. *We would like to see these separately defined. Animal-based should include clarification if it would include livestock, poultry, fish, and/or insects. This would include, but is not limited to, livestock, raw milk, honey, fish, crickets, and/or wild game and birds. Plant or crop -based should clarify if it would include grains, soybeans, corn, fruit, vegetables, oils, seeds, and/or timber, but not limited to.*
2. **Agricultural Commodity Storage Facility:** The definition currently references plant-based commodities, referencing “store bulk food stuffs...including grain elevators...”, and the term title should reflect that. *We think there should be a separate definition for animal-based versus plant-based commodity storage facilities.*
3. **Agricultural Use:** We notice the original definition specifically “excluded feedlots” and the change does not reflect that. *We would like reasoning for this change in particular. This term also should be split if it’s reference dictates.*
4. **Animal Shelter:** *The definition should define ‘temporary’ for the time allowed to house each animal as well as the total animals per area allowed.*
5. **Butcher Shop:** *The definition should define ‘temporary’ for the time allowed for on-site storage.*
6. **Campground:** *The definition should define ‘temporary’ for the time allowed to occupy.*
7. **Commercial Feed Operation:** *The definitions should set a maximum for “high density” number of animals.*
8. **Community Center:** *Why would this be changed to “day use” only? This would affect events such as wedding receptions held in the evening. It is unclear the need to differentiate from an Event Center. We would like an explanation for day use only, and for the definition to clarify what “short-term” means.*
9. **Concentrated Animal Feeding Operation (CAFO):** *The definitions should clarify what “large concentrated” means in terms of animal heads.*
10. **Equine Production:** *Add “aka horses” to help confirm understanding.*
11. **Glare:** *We would like to know who/what determines the result of annoyance, etc. and have that clearly stated.*
12. **Freight Terminal:** *The definition should clarify what “temporary” storage means.*

13. **Guest Ranch:** *The definitions should clarify what “temporary” rental accommodations means.*
14. **Site Preparation:** *The current definition states that it does not require a Location/Conformation Permit. The activities listed such as leveling terrain, establishing internal roads, etc. could be extreme changes to the landscape and should be approved beforehand. *We would like to see this exclusion for a permit requirement reviewed and explained.**
15. **Slaughterhouse:** *The proposal adds ‘temporary’ stabling to slaughter house operations, but it fails to clarify what is meant by ‘temporary’. Is that 8 hours, 8 days, 8 months? It seems this could cause slaughterhouse operations to also serve as feedlots. *We would like to see this clearly defined, with no more than 72 hours per live animal. Another confusion point is the mention of “on-site sales”. If this is not the intent of a slaughterhouse, it should be removed.**
16. **Special Use Permit:** *The definitions should include mention of a requirement to notify the public and opportunity to comment prior to its issuance.*
17. **Unclassified Use Permit:** *The definition states that the approval is made from the ZBOA. It is unclear why the elected Commissioners wouldn’t be the final deciding authority on these requests. *We believe this process should be reviewed and should establish a requirement to inform the public and allow for comment before making a determination.**
18. **Value-added agricultural commodity processing facility:** *The proposal does not differentiate between animal-based and plant-based for processing facilities and these should be looked at separately because of the potential impact differences. As an example, there is a huge difference between a slaughterhouse operation and a grape vineyard, especially on property that is only 40-50 acres. It further doesn’t address a distinction between locally-raised commodities versus those imported into the county, particularly from other states or countries. *We would like to see the regulations separately define for plant-based and animal-based commodities, add clarity that this includes one or more animal or plant production, and write language into the policy that supports locally-grown or raised. The reference to “Value-added” is very vague, broad in scope and each instance should be evaluated to weigh the potential impact or benefit to The County.**
19. **Value-added agricultural product:** *The proposal does not differentiate between animal-based and plant-based product and these should be looked at separately because of the potential impact differences. *We would like to see these separately defined. Examples to list for animal-based product should not only include packaged meats but also include curdling milk, cheese production, and melting of honeycombs to make beeswax, which is not all inclusive. The plant-based definition should include the example of milling wheat into flour, etc. Again, the reference to “Value-added” is very vague, broad in scope and each instance should be evaluated to weigh the potential impact or benefit to The County.**
20. **Workforce Housing, Permanent (Labor Camp):** *The definition fails to address a maximum number of housed employees per defined area, nor any structural requirements. Because Permanent Workforce Housing is allowed for MU20 and MU40 as written in this proposal, this leaves an opening for misuse. As an example, any industry on even a 21-acre property could construct dense housing of trailers or shacks to house an unlimited number of workers, and potentially families, for an unlimited amount of time. This would not only be an unpleasant experience for those living in the crowded environment but also to neighboring properties with traffic, noise, potential conflicts due to poor living conditions, garbage, smells, etc. *We believe that this definition should establish a maximum number of people per a defined area and clarify the infrastructure requirements. Consideration should be made based on human health, water supply, waste-water standards, and community impact. We believe that thorough research should be done and provided to the public before determining what would be the best solution.**
21. **Workforce Housing, Temporary (Labor Camp):** *The definition needs to clarify what is meant by “temporary or seasonal” housing.*

1. **Exhibit A-1 Cascade County Zoning Maps:** This proposal does not seem logical and appears to blanket much of the previous 'Ag' land to MU40. As an example, our land of 21 acres and the map shows that we would be zoned MU40 along with our neighbors and many others that have 5, 10, 15, 20, 25 acres. Further, it is our understanding that MCA Section 14.1.1(3) requires any proposed changes include legal descriptions of the affected properties. The vicinity map the staff published in IAW Section 14.1.1(2) does not comply with this requirement *We think further consideration needs to be made with regard to how these MU20 and MU40 zones are proposed. We would also like to see legal descriptions on this map as well as property boundaries so that a clearer picture is given. This should be provided before any decision is formally made and we request that this proposal does not get closed before this is provided in advance of a final comment period and landowners that are directly affected should be legally notified.*

## **Section 7: District Regulations**

**7.1.1.1 Minimum Lot Areas:** The proposal eliminates Agricultural (A) Districts. Mixed Use is listed as 6400 square feet, yet most of the current larger A Districts are being proposed to be changed to MU, and Residentials have a larger 'minimum lot area' requirement. This makes no sense. The intent of MU doesn't seem to match the map as it is applied. *We would like this reviewed and explained. We would like to see Ag zoning left alone and MU should be utilized in other areas that would better match the intent.*

**7.1.1.2 Previously Described Lots:** The proposed change gives all permit authorization to the Zoning Administrator (which is the Planner in absence of one), prior to adoption of "this Zoning Resolution". First, authorization can't be given prior to the approval and adoption of these changes. Second, giving one person sole discretion for a determination like this defeats the purpose of transparency and public participation. *We think this section should be removed.*

**7.1.1.3 Lot width and minimum lot area for building site:** It is clear that this area is decreased to 6400 square feet to meet the objective of MU designation. Decreasing creates higher concentration of buildings. *We disagree with the direction of this intent and would like the area left at 7200 square feet, and increase the minimum lot size for MU to 7200 square feet if MU districts are added.*

**7.2.2(7) (RR-5), 7.3.2(14) (SR-1, SR-2), and 7.4.3(15) (UR), 7.5.9(1) (MU) a. and b. Permitted Principal Uses: Limited Agricultural uses:** The proposal restricts the ratio of large livestock to two animals per acre, and small animals are allowed at a ratio of four per acre. It is our opinion that this should be set at one large animal per five acres and one small animal per one acre. *We would like to know where the data came from to determine this ratio and we request that justification is given to these standards.*

**7.2.3(4) (RR-5), 7.3.3(4) (SR-1, SR-2) and 7.4.3(4) (UR), 7.5.10(4) (MU) Permitted Accessory uses located on the same lot with the principal use - (4) Towers, etc.:** These are defined as at least 10 feet high but does not set a maximum height. *We would like to see further restrictions to the height of structures and believe this section should also be subject to a special use permit and should be placed in that section 7.2.4.*

**7.2.4 Uses Permitted upon issuance of a special use permit:** *We would like the distance requirement for feedlot or concentrated animal feeding facilities to remain but changed from 1 mile of an adjacent residence to 4 miles from the border of an adjacent property owner. (10) Motorized Sports Entertainment should also be adjusted similarly. This section further establishes 1 mile from any adjacent residences for animal stabling or processing and we would like this to be changed to the same at 4 miles from the border of any adjacent property owner. A residential home may be a distance from the property boundaries, and this should not be the factor to allow the operations to be placed closer.*

**7.5 Mixed Use (MU) District. 7.5.1 Intent:** If the intent is to provide for "higher-density residential development", it is mis-guided as it attempts to replace 'ag' districts with MU. *We believe MU should be reserved for areas that are closer to developed towns, not in A Districts, if this is the intent.*

**7.5.2 Minimum Lot Area and 7.53 Building Height:** “No minimum” and “No Restrictions”. It is confusing why there is a separate general MU along with MU-20 and MU-40. Lack of minimal lot area requirement is contractor to the MU-20 and MU-40. *We would like to see this reviewed and clarification made.*

**7.5.8 Site Plan:** The review and approval are solely at the discretion of the Zoning Administrator (the Planner in absence of one). *We believe this should go through the same criteria for approval as all other plans, including public notice and input, with the elected commissioners as the final authority agent.*

**7.5.9(2) jj Permitted Principal Uses:** Agricultural Commodity Storage Facility. With this defined to include animal-based commodity and no restrictions to size or duration, and no MU minimum lot area (7.5.2), all indications point to the possibility of unlimited animal storage on a minimal sized lot for an unlimited amount of time. As an example, what would prevent by this language the storage of 500 cows on a 1-acre lot? *We believe that this section should specify plant-based vs animal-based commodities, and the quantity per acre. (4) Mobile Home Park, (6) Gravel Pit, and (7) Wild Game Processing also should have minimal lot size requirements.*

**7.5.10 Permitted Accessory uses located on the same lot with the permitted principal use:** (3) exterior spot lights: *We would request further review of indirect spot light effects on neighboring residential areas as well as public roadways and this section should be rewritten to support the best restrictions.* (4) Towers and Residential Wind Turbines; *We believe there needs to be height restrictions as well as clarifying the location distance from neighboring property lines.*

**7.6.2 MU-20 Minimum Lot Area:** This does not address a maximum lot size so it is confusing if a lot that is 40+ acres could also be assigned to this district. *If we understand this section correctly, we think that a range should be used, such as 20-39 acres, to eliminate any confusion. Or, Does Minimum Lot Area refer to designated lots/tracts within the district? For example, could an MU-20 district be 320 acres of total area with a maximum of 16 lots? And, for consideration as an MU-40 district, does this then restrict **ALL** lots/tracts within that district to at least 40 acres? Is there a limit for the **Maximum** area of MU-20 and MU-40 districts? We think that elaborating with more clear definitions and descriptions with intentions outlined, of both MU-20 and MU-40, can clear up confusion and misunderstandings and we would like to see these provided to the public.*

**7.6.9(9) (MU-20) and 7.7.9(9) (MU-40); permitted principal use:** (9),(7) Commercial dairy. The language is vague and further adds confusion by stating “20 acres or greater”. *We believe this should be more specific as to how many dairy animals are allowed on a MU20, as well as distance from the property line.* (11) Golf driving ranges; *We believe this also should be noted as to the distance from the property line and clarified if this refers to commercial vs private.* (14),(10) towers, etc; *Again, this should be clarified to the height maximum and the reiterate the distance requirements from the property line.*

**7.6.10 (MU-20) and 7.7.10 (MU-40) permitted accessory uses located on the same lot with the permitted principal use:** (5) Private Power Plant; *We would like to see restrictions specified to height, distance from the property line, and noise level pollution and this further should be issued only with a special use permit and the requirements associated.*

**7.6.11 (MU-20) and (MU-40) uses permitted upon issuance of a special use permit:** (2) quarry. *We would like to see the impact of noise and traffic considered and reviewed more, and reduce the operational hours to no great than 8:00 am to 5:00 pm.*(39) Value added agricultural commodity processing facility and (51) Agricultural commodity storage facility; *Again, this should be separated between animal-based and crop/plant-based because of the drastic difference of impact to neighboring property owners.* (49) Permanent workforce housing should not be a consideration for a MU20. (53),(46) power plant, commercial wind farms should not be allowed on MU20.

**7.7 MU-40. 7.7.11 Uses permitted upon issuance of a special use permit:** (4) “Commercial Feedlot or Concentrated animal Feeding Operation (CAFO) if located on a tract of land 40 acres minimum and no adjacent residences are within 1 mile at the time of application”. We think it this is contrary to the intent of the CCGP and would produce damaging results. *We believe CAFO’s should be only considered on larger acreage, 120 acres minimum, and located at a greater distance from not only any residence but also from property boundaries. The minimum should be set at 4 miles from the*

nearest property boundary. A residence may not yet be built on a property but that doesn't mean the owner should be adversely deterred from building a home on their choice spot because a CAFO has been built close to their intended residential site. (22) Solid waste disposal sites; We disagree that these should be even a consideration for property of 40 acres and should be re-examined for a larger size requirement and extensive distance from other property boundaries. (27) Slaughterhouse and (28) Rendering plants; We believe this should not be allowed on 40 acre properties and the minimum distance requirement should be at least 4 miles from any adjacent property line and no more than 2 miles from a nearest residence. (31) We believe Power Plants should be subject to a greater degree of regulations for SUP consideration. (41) Permanent Workforce Housing should not be a consideration for MU40 districts, with 40 acres as the minimum size. This would contradict the residential restrictions per district. A larger acreage area should be required for consideration and should go through an SUP review with public input.

**7.12.2 Light Industrial (I-1) District Permitted Principal uses:** (3) Agricultural commodity storage facility and (4) Value added ag. Commodity processing facility. We think both should be restricted to plant-based commodities for light industrial, as well as restricting (28) Power plants and commercial wind farms, (30) gravel pit, and (32) power plants, solar from I-1.

**7.13.2 Permitted principal uses for I-2 District:** (1) We think that "unless modified or waived by the Zoning Administrator" should be removed. One person should not be placed in the position to make these determinations alone and without guidelines. (2) Medical marijuana registered premises shall only be permitted in I-2 Districts. We would like to know the reasoning behind this requirement for this plant-based commodity operation as singled out from others.

## Section 8      Supplementary Regulations

**8.2.5.2 Electric Fencing:** The proposal prevents use of electric fence on MU districts, but doesn't that include 20 – 40+ acre properties, many of which have livestock that require electric fencing. We think this section should remove the restrictions to MU districts. Further, (4) prevents use of electric fence in conjunction with barbed wire fencing. We think this restriction should be eliminated because there are many instances that this common practice is required to secure the safety of the animals and any property nearby.

**8.8 Towers and Facilities:** (8) We agree that there should be turbine noise limitation hours (8:00 pm to 8:00 am) but we would like to see the noise free time extended to 5:00 pm until 8:00 am, and the acceptable dB(A) should be reconsidered for stricter noise reductions.

**8.20 Light Industrial (I-1) Zoning District Standards:** These are all great and wonder why they are not listed as applicable for other zones, including Heavy Industry. We would like to see the inclusion of other zone districts included as well as adjusting the hour for operations conducted between 7:00 am to 7:00 pm. We believe it would be more socially respectful to change that to 8:00 am to 5:00 pm.

## Section 9      Permit Requirements

**9.2.4 Location/Conformance Permit. Expiration:** We agree with having this clearly included.

## Section 10      Standards for Special Use Permits

**10.1 General Provisions:** "...the ZBOA can approve, deny, or approve with conditions...". We think that the final decision should be made from the elected Cascade County Commissioners.

## Section 14. Procedures for amendments

**14.2 Hearing before the planning board:** *No mention of notice requirements is made and we would like to see it added, the same as for a Commissioners hearing.*

**14.3.1 Hearings before the board of county commissioners. 14.3.1 notice of a public hearing:** *(a format error needs correction) "...45 days before...five public places...once a week for 2 weeks in the newspaper..." From experience, we believe this is not enough time nor format for clear and evident notices to be seen and communicated. We would like to see the 'five public places' identified and at least a few consistent so that the public can regularly review these areas. We also would like to see the postings in the newspaper written with more clarity, in larger font, and in a manner that is eye-catching to the reader. We also would like the direct notification of property owners that are directly affected, either by mail, hand delivered, or email.*

### **Additional Comments:**

**Detailed Analysis:** The Cascade County Zoning Ordinance Section 14.1.1(6) requires a detailed analysis of each change IAW MCA 76-2-203 to be published as part of the official staff report prior to the public hearing. We have not seen these yet and would like to review to help form a better understand and educated opinion. We believe these should also include justification as to how the changes would comply with the CCGP, specific to the relevant goal, objective, and policy.

**Public Input:** In the past, it appears that the process for amending Zoning ordinances demonstrated more public outreach to inform the public, solicit opinions, and consider input. Survey's of landowners that would be directly impacted by proposed changes as well as many more work sessions were afforded. That set a precedence that is not being followed now. We have not seen or heard of any survey efforts to obtain landowner input, nor evidence of multiple working sessions. January 18<sup>th</sup> was the first time that we heard about this proposal, despite the numerous meetings, emails, and phone calls that our neighbors and us have had with the planning staff. We specifically asked, even up into January, if they are working on changes, what they are considering, when they started, and when they expected to be ready to submit any proposals. We were given vague responses that indicated they were only in the thinking and verbal discussion phase and they didn't know when it would produce a formal request for changes. It is also confusing to have an indication that this proposed draft was a 4<sup>th</sup> version, if we understood that correctly. The proposed regulations published on the county website dated October 2018 are laved V4.1. If that means 'version 4.1, where are the original and previous versions? If that is so, where are all the notes and transparency for any previous working sessions? *We would like to express our opposition to the manner that this proposal has been conducted and presented due to the lack of timely transparency and forthright communications. Moving forward, we would like to see the planning staff follow all legal requirements and precedence setting processes when working on any policy changes. Citizens need complete information in order to have educated opinions, and appropriate time to analyze pros and cons of the proposal so that we can give thorough responses. This would hopefully eliminate the notion of automatic "permitted use", or use by right, as it has been referred to.*

*Thank you for reading this to the end and considering our concerns, questions, suggestions, and requests. We respect the position you are in, the magnitude of this project, and the complexity of the process.*

*Respectfully,*

*Mike and Deborah Jenkins*



## Public Comment Form

Cascade County Public Works Department Planning Division  
121 4<sup>th</sup> St N, Suite 2H-21  
Great Falls, MT 59401  
Phone: 406-454-6905 Fax: 406-454-6919

### Instructions

This form is for providing public comment to the Cascade County Planning Division for review by any one or more of the following review and/or approval boards: Zoning Board of Adjustment (ZBOA), Planning Board, or Board of County Commissioners. Only complete submissions will be included for board review. Please provide the relevant information for each section below. A complete submission provides all of the following: commenter name and address, comment subject, and commentary on the subject issue(s). If additional space is needed for commentary, please attach additional sheets to this form.

### Commenter Information

Name: Mike + Deborah Jenkins

Complete Address: 298 Hastings Road, Sand Coulee, MT 59472

### Comment Subject (please check one)

- Special Use Permit Application     Subdivision     Zoning Text and/or Map Amendment  
 Growth Policy     Variance     Floodplain Regulation Amendment  
 Subdivision Regulation Amendment     County Road Abandonment/ Discontinuation of County Street  
 Other (describe): \_\_\_\_\_

### Comment

See Attached

#### For Office Use Only

Date Received:	<u>3-24-14</u>	Date Reviewed:	<u>3-25-14</u>	Complete:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
----------------	----------------	----------------	----------------	-----------	---

## Cascade County Zoning Amendments Growth Policy Analysis for Proposed MU-40 District

### I. Growth Policy Analysis

This analysis was conducted for the proposed MU-40 District. According to the staff report, the existing Agricultural District was split into to districts to reflect current land development patterns. As noted in the staff report and on the maps, most of the development activity has occurred in the area that is now the MU-20 District. The regulations for this district are not significantly different from the existing regulations for the Agriculture district. As demonstrated by the following analysis, however, the proposed MU-40 District is predominantly agriculture in nature with very limited mixed-use. The statement of intent and the regulations for the district do not match the prevailing land use and rural character of the district.

**MU-40** - The MU-40 District is intended to provide for mixed land uses that may be more intensive in character and larger in scale while allowing residential sites characteristic of traditional farming and ranching uses.

It would be more appropriate to maintain the current Agriculture District zoning with the primary purpose of protecting prime farmland and maintaining the rural character.

**A Agricultural District** - The purpose of this district is to preserve, promote, maintain and enhance the use of such areas for agricultural purposes, small scale value-added agricultural uses and to protect such land from encroachment by non-agricultural uses, structures or activities. Regulations in this district are intended to protect the most productive soil types, by encouraging non-agricultural and large-scale development to locate on non-productive or marginally productive agricultural land and to minimize environmental concerns.

The following table list relevant policies, goals and objectives from the Growth Policy and references additional analysis and discussion to that demonstrate the proposed MU-40 District is not in substantial compliance with the Growth Policy.

**Table 1: Growth Policy Analysis for MU-40 District**

Goal, Objective or Policy	Substantially Compiles	Comment
<u>Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.</u>	Partial	Inappropriate location of large scale intensive uses can have serious fiscal impact on county residents. <b>See Issues #1, 5 &amp; 6</b>
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.	Partial	Provides for businesses but should limit such uses to suitable locations. <b>See Issue #1</b>

B. Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.	No	Does not protect prime agricultural soils. <b>See Issue #4</b>
C. Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunications, and youth/social services.	Partial	Provides for businesses does not utilize available assets near communities with infrastructure and services. <b>See Issues #1, 5 &amp; 6</b>
<u>Goal 2: Protect and maintain Cascade County's rural character and the community's historic relationship with natural resource development.</u>	No	Large scale and intensive uses are not compatible with rural character. <b>See Issues #2, 3 &amp; 4</b>
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.	No	Large scale and intensive uses are not compatible with rural character. <b>See Issue #2, 3, 4, 5 &amp; 6</b>
<u>Goal 3: Maintain Agricultural Economy</u>	Partial	Increases average lot size in MU-40 district to 40 acres but has no provisions to protect farmland. <b>See issue #4</b>
A. Protect the most productive soil types.	No	No suitability analysis. No protection for productive soil. <b>Issues #1 &amp; 4</b>
D. Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.	Yes	Provides for value-added agriculture in MU-40 District.
<u>Goal 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens</u>	No	Large scale intensive uses are not compatible with rural lifestyle. Local government intervention and fiscal impact to county residents would increase to provide infrastructure and services to such uses in remote rural areas. <b>See Issues #2, 3, 5, 6</b>
A. Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extents possible, consistent with the requirements of a continually evolving economy and constantly changing population.		
<u>Goal 6: Promote and maintain a transportation system that provides safety, efficiency, and cost efficiency.</u>	No	Significant traffic safety hazards and cost to maintain rural roads. <b>See Issue #5</b>

<u>Goal 8: Protect surface and groundwater from pollution.</u>	No	No suitability analysis to identify soils that are inappropriate for on-site wastewater treatment systems that may result from large scale uses. <b>See Issue #1</b>
A. Discourage development with on-site wastewater treatment systems in areas having inappropriate soils or high groundwater, as indicated on the revised Cascade County soil maps, to help prevent the contamination of groundwater supplies.	No	
<u>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.</u>	Partial	Farmlands are permitted use but large scale intensive manufacturing uses will take farmland out of production and are not compatible in rural areas. <b>See Issues #2, 3, 4</b>
G. Encourage agricultural landowners considering land subdivision to develop the least agriculturally viable portion of their properties.	No	No provisions to protect prime farmland. <b>See issue #4</b>
H. Encourage in-fill development of urban and transitional areas already committed to development where community facilities and services can be provided cost-effectively in order to reduce development pressure on agricultural lands.	No	MU-40 District promotes large scale intensive development in areas that are costly to serve and are not near existing development. <b>See issue #2, 5, 6</b>
<u>Goal 11: Protect and maintain Cascade County's rural character, encourage efficient use of land.</u>	No	MU-40 District promotes large scale intensive development in areas that are not near existing development and can unsafely locate in areas lacking adequate emergency services. <b>See issue #2 &amp; #6</b>
A. Preserve the county's open space setting by encouraging cluster development.	No	
B. Encourage cluster development to locate near existing towns and rural, more densely populated settlements and discourage poorly designed, unsafe land subdivisions and unsafe commercial development.	No	
<b>CHAPTER 5 – ECONOMIC CONDITION : POLICIES</b>		
1. Commercial and manufacturing uses should be encouraged, if such uses do not adversely affect agriculture and are located around and in existing rural communities.	No	There is no protection of prime farmland. MU-40 District is not located around existing communities. <b>Issue #2 &amp; #4</b>

2. Every effort should be made to protect and maintain farming units, because the family farm is important in the economy of Cascade County.	Partial	MU-40 statements mentions family farms and increases minimum lot size but also encourages large scale uses that will take farmland out of production. <b>See Issue #4</b>
6. Environmental as well as economic perspectives should be considered in any future development.	No	There is not suitability analysis to determine environmentally sensitive areas. <b>See Issue #1</b>
8. Utilization of locally produced agricultural products and raw materials should be encouraged.	Yes	Farms and value added agriculture are permitted
10. Aggressively develop, protect, and enhance the agricultural economy of Cascade County.	No	Ag zoning is eliminated. there are no provisions to protect prime farmland. <b>Issue #4</b>
11. Encourage future development to locate on non-productive or marginally productive agricultural Land.	No	Eliminates ag zoning and no provisions to protect prime farmland. <b>See issue #4</b>
12. Minimize, to the greatest degree possible, the adverse social and environmental impacts of development and encourage beneficial effects of orderly growth.	No	Large scale intensive land uses can locate in areas that lack infrastructure, emergency services and expensive to serve. <b>See Issues #1, 3, 5, 6</b>
14. Encourage economic activities to locate in those areas most economically, socially and environmentally appropriate, as determined by the County Planning Board and other public agencies.	No	Large scale intensive land uses can locate in areas that lack infrastructure, services and in environmentally sensitive areas. <b>See Issues #1, 3, 5, 6</b>
<b>6. Local Services – Policies</b>		
6. Using the subdivision review process, discourage development in areas where it is not economical for the county to provide services such as road maintenance, school bus service, fire, police protection, or snowplowing. Persons purchasing land in these areas should be informed, in writing, to the fact that some services may not be provided by the county.	No	Large scale intensive land uses can locate in areas that lack infrastructure, emergency services and in environmentally sensitive areas. <b>See Issues #1, 3, 5, 6</b>
7. Facilitate the appropriate development and maintenance of roads, public utilities, and community facilities.	No	

<p><b>Chapter 7: Natural Resources</b></p> <p><b>7.5 Land Unit: Landscape Unit Benches &amp; Dissected Benches</b></p> <p>1. Since the existing land use of the benches and dissected benches landscape unit is predominately agriculture, special consideration should be given to protect this use.</p> <p>2. Any development or change in the use of the land should be in a form suited to the natural lay of the land.</p> <p>3. Since a wide variability of limitations exists, extensive on-site evaluations should be made before any proposed action is taken.</p>	<p>No</p>	<p>Ag zoning is eliminated and there are no provisions to protect prime farmland. Large scale intensive land uses can locate in areas that with steep slopes and in environmentally sensitive areas.</p> <p>There is no suitability analysis to determine limitations for development.</p> <p><b>See Issues #1, 2, 3, 4</b></p>
<p><b>8.3: Prime Agricultural Soil Area</b></p> <p>The prime agriculture soils resource preservation areas are intended to contain those soil areas where it is necessary and desirable, (because of their high quality, availability of water, and/or highly productive agricultural and grazing capability), to preserve, promote, maintain and enhance the use of such areas for agricultural purposes and to protect such land from encroachment by non-agricultural uses, structures or activities. Therefore, the prime agricultural soil preservation areas of Cascade County are those areas where the soils have been classified by the Natural Resources Conservation Service (NRCS), according to the NRCS definition of prime farmland or farmland of statewide importance.</p>	<p>No</p>	<p>Ag Zoning is eliminated and replaced with a district that allows large scale intensive uses that take ag land out of production and does not protect prime farmland.</p> <p><b>Issue #2,3,4</b></p>

## II. Discussion of Issues

### **Issue #1: Lack of suitability analysis to determine the most appropriate areas for industrial and business land uses**

The MU-40 District encompasses approximately million acres<sup>1</sup> and includes varied landscapes such as mountains, floodplains, canyons, cropland, pasture and open space. The Growth Policy describes potential hazardous features throughout the proposed MU-40 District such as flooding, erosion, landslide, soil creep and earthquake faults. The proposed zoning regulations would permit large scale intense manufacturing processes related to value added agriculture anywhere in this district without any review process that would consider the suitability of the proposed site for development or ensure that the use meets the basic considerations of public health, safety and welfare. Because the proposed MU-40 district is so vast such businesses may attempt to locate in areas with poor soils, steep slopes, high groundwater and other hazards that render the site unsuitable for development due to public health and safety concerns. Additionally, an industrial use could be located in remote areas that lack adequate emergency services, public facilities or transportation networks. This can all result in significant fiscal impact on county taxpayers to provide services to large scale intensive uses in remote locations. According to the Montana Code annotated (MCA) 76-2-304, zoning regulations must be:

- (b) Designed to:
  - (i) secure safety from fire and other dangers
  - (ii) promote public health, public safety and the general welfare
  - (iii) Facilitate the adequate provision of transportation water, sewerage, schools, parks and other public requirements

In order to meet these requirements, standard planning practice relies on an extensive analysis to determine areas that are most suitable for industrial and commercial development. Such analysis examines soils, slopes, wetlands, floodplains, prime farmland, environmental hazards, emergency response times, road capacity, land cover, existing land use and other similar factors. Such information is readily available from the Montana State Library- Natural Heritage Program, USDA Soil Maps, Montana Cadastral data and other sources. The background information that was posted on the County's web site only analyzed parcel sizes and permit data. Not even basic existing land use data was mapped to verify staff's "intuition" or what was "suggested" by the parcel analysis. The permit data is not complete and does not represent accurate land use patterns.

Lack of a such basic analysis results in haphazard development in areas that lack the infrastructure or local services to support such a use and, due to site features, can create serious public health and safety concerns. Specifically, large-scale intensive uses would be allowed to locate anywhere in an area of over a million acres that has varied landscapes, lacks services and a contains a multitude of potential hazards.

---

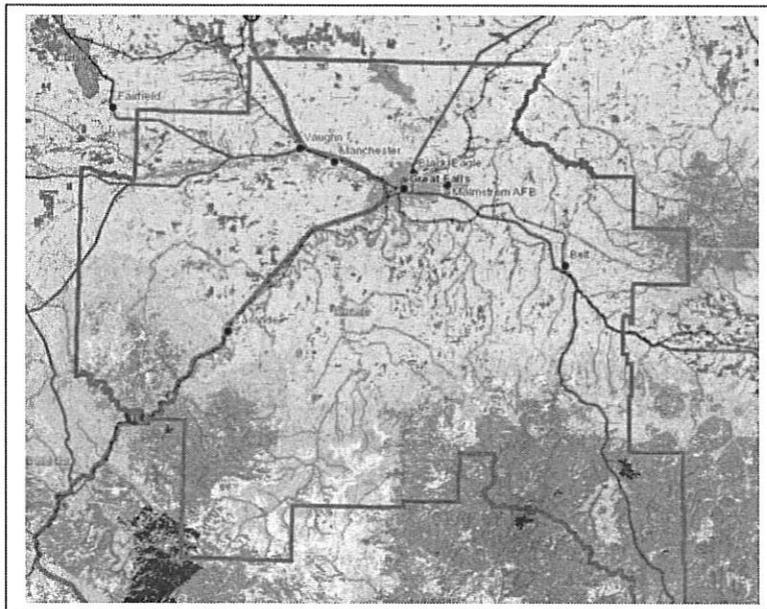
<sup>1</sup> The estimate is of the amount of acreage that is designated as MU-40 is based on a tabulation the number of townships that are completely mapped as MU-40 zoning, plus the number of townships that are at least 50% mapped as MU-40. Since there are 36 square miles per township, the resulting calculation indicated that there were at least 1,548 square miles designated as MU-40 or 990,720 acres. Since townships with less than 50% of the land area designated as MU-40 were not included in this tabulation, the amount of acreage is an undercount. For discussion purposes, this report rounds up the number to 1 million acres.

**Issue # 2. The proposed intent for the MU-40 District does not match the prevailing land use.**

The MCA 76-2-203 (2) states that the County shall consider,  
“(d) The character of the district and its peculiar suitability for particular uses.”

The previous section discussed suitability. This section addresses the character. According to the Montana Natural Heritage Program, only 4% of the county is classified as “Developed Area”. As indicated below, most of the “Developed Area” is located in and around Great Falls with some developed land in outlying communities. The land area located in the proposed MU-40 district is classified as Cultivated Crops, Prairie/Grassland, Forest/Woodland, and Pasture/Hay.

Map 1: Land Cover Cascade County



Legend: Major Types of Land Cover

- Developed
- Agriculture
- Conifer-dominated forest and woodland,
- Rocky Mountain Foothill Woodland-Steppe Transition
- Grassland Systems
- Deciduous Shrubland
- Wetland and Riparian Systems
- Introduced Vegetation

Source: <http://mtnhp.org/mapviewer/?t=1>

The March 26 staff report notes that the proposed zoning regulations are designed to, “... cater to their predominant land use characteristics...” In regards to prevailing land use, the staff report states that:

“Crop production is the prevailing productive land use in the northern and north-central parts of Cascade County while animal production is the prevailing productive land use in the southern half of the county (this is clearly demonstrated by the USDA CropScape map for the county.) Manufacturing operations tend to be located along major transportation routes such as railways and arterial roadways.”

The staff report also references a “Map 2” which indicates the types of zoning location conformance permits that have been issued throughout the county. An examination of the map indicates that in the proposed MU-40 District, only 16 permits were of a business or industrial nature.<sup>2</sup> Approximately 55 permits were issued for residential or ag related structures. Only the electric generating stations and the asphalt plant represent uses that would be considered “large scale” and “intensive” and the electric generating station has

<sup>2</sup> These permits were issued for quarries, wind turbine, country club, asphalt plant, ag sales, small engine sales/repair, paint ball, cell towers and an electric generating station.

since been dismantled. Clearly this does not represent a “mixed-use” land pattern with large scale intensive uses. The prevailing use is agriculture and grasslands and the statement of intent should reflect this.

The staff report concludes that the Mixed-Use District is appropriate because the Agricultural District already allows for a mix of uses characteristic of commercial districts, industrial districts and residential districts. It should be noted that the Montana Supreme Court stated uses allowed by current zoning are a consideration only **after** a thorough consideration of prevailing use.

“The County cites *North 93 Neighbors* for the proposition that a court applying the first prong of the *Little* test may look to the land uses allowed under current zoning rather than the prevailing uses in the area. We analyzed the land uses allowed by current zoning in *North 93 Neighbors* only *after* we thoroughly had considered the existing uses in the area. Our conclusion that the prevailing uses were not significantly different from the proposed use was based on our consideration of both the prevailing uses *and* the uses allowed by current zoning.” (Plains Grains vs. Cascade County.)

As demonstrated in the discussion above, the prevailing use is inarguably rural agriculture and not mixed use. The commercial and industrial uses are only allowed as special uses and can only be granted if the Board of Adjustment can make findings that the proposed development will not “materially endanger” the public health, safety, or welfare; that the development will not harm surrounding property values unless it is deemed to be a public necessity; and that the development will be “in harmony” with the area in which it is to be located. The fact that the Board must make these findings suggest that there are potential issues with compatibility of commercial and industrial uses.

In reality, most of the special use permits that have been granted are located in the area designated as MU-20. In the MU-40 District less than 20 non-residential/agricultural permits have been issued which hardly qualifies categorizing this district as mixed use. Since the prevailing use by far is agriculture, it is more appropriate to maintain the Agricultural District with the purpose of protecting prime farmland and eliminate some of the special use that are rarely, if ever uses. This would reflect the actual land use in the district, meet multiple objectives of the Growth Policy and meet the MCA requirement that zoning reflect the character of the district.

One proposed revision that is of particular concern in regards to compatible land use is changing the existing term from “light manufacturing and assembly” to “manufacturing. The rationale is that this term is not defined in the current regulations. There is, however, a term for “Industrial, light” that is more consistent with term “light manufacturing”. The proposed change to the term manufacturing would allow heavy industrial uses would differ significantly from the predominant land use and should not be allowed. Light industrial uses that are permitted as a special use as long as they meet the performance standards for such uses that are contained in the I-1 zoning district would be more appropriate.

**Issue 3: The definition of “productive” use is not compatible with rural areas and is inconsistent with the purpose of zoning regulations that are stated in the Cascade County zoning ordinance.**

The term “productive use” as defined by staff includes crop production, animal production and manufacturing. Grouping these dissimilar uses together is inconsistent with the following purpose of the Cascade County Zoning Ordinance.

**1.1.6** To protect residential, business, commercial, and industrial areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by inappropriate uses;

Agricultural uses and manufacturing uses have distinct features that require them to be treated as separate classes of uses. Agriculture uses are related to food production, are characterized by open undeveloped areas, do not require urban infrastructure such as roads, water and sewer and relies on a the work force that is typically limited in size with operators and laborers who often live on-site. Manufacturing uses, however, take land out of food production, requires urban infrastructure, primarily requires a large workforce that must commute to the job site and generates year-round truck at much higher volumes than farming or ranching operations. Manufacturing uses are incompatible with the rural residences that are part of the agricultural landscape.

Theses differences are uniformly recognized in zoning ordinance that have separate zoning districts and development standards for these different classes of uses. There is no precedent for grouping these uses together. There is no definition of “productive use” in the zoning ordinance, growth policy, or Montana Code Annotated that matches staff’s definition. The North American Industry Classification System and Planners Dictionary that were cited in Appendix 1 as the basis for the definitions included in the zoning ordinance do not include a term for “Productive Use” and clearly defines agriculture and manufacturing as different classes of uses. “Productive Use” as referenced in USDA soil surveys or by the Growth Policy, only refers to crop production. Grouping agricultural uses such as crop production and animal production with “manufacturing” is also at odds with other purpose statements included in the Cascade County zoning ordinance:

**1.1.4** To facilitate the provision of adequate transportation, and of other requirements and services such as water, sewerage, schools, open space, and parks;

**1.1.5** To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout Cascade County;

**1.1.7** To avoid the inappropriate development of lands and provide for reduction of flood damage;

**1.1.10** To foster a more rational pattern of relationship between residential, business, and industrial uses for the mutual benefit of all;

**1.1.11** To isolate or control the location of unavoidable nuisance producing uses;

For the reasons stated above, manufacturing uses must be evaluated separately from agriculture uses and must be subject to standards to address the impacts from industrial processes that characterize this use. As noted previously, performance standards apply in the “Light Industrial District” should apply to manufacturing processes in all districts.



As stated by the American Farmland Trust, “once farms are bulldozed and paved over, that land is gone forever.” The proposed regulations do not make any distinction between development on non-productive soils or development on prime farmland. In order to comply with the Growth Policy, the regulations should include provisions to protect this resource. In addition to the potential loss of valuable prime farmland, the United States Department of Agriculture, notes other concerns with development in agricultural areas:

“Land use and land-use changes have important economic and environmental implications for commodity production and trade, open space, soil and water conservation, air quality and atmospheric greenhouse gas concentrations, and other areas of policy relevance.”

<https://www.ers.usda.gov/amber-waves/2017/december/a-primer-on-land-use-in-the-united-states/>

The American Planning Association states the following regarding farmland protection:

“Farmland protection plans help local governments inventory important farmland, set goals for its protection, and identify strategies for implementation. Such strategies include agricultural zoning, agricultural buffers, right-to-farm ordinances, transfer or purchase of development rights programs, farmland mitigation requirements, and cluster or conservation development regulations.

Other important aspects of agricultural protection zoning include prohibitions of non-farm development on prime agricultural soils, establishing agricultural buffers between working farms and encroaching residential development to minimize land-use conflicts, and codifying right-to-farm provisions that protect farmers from nuisance complaints.”

<https://www.planning.org/knowledgebase/farmlandprotection/>

A review of county ordinances in Montana indicated that prohibiting industrial uses in agricultural districts is standard practice. Although food processing is allowed as an accessory use in some counties, these are small scale operations where the agricultural use is still the predominant use of land.

Flathead County	Dairy permitted in AG District. Slaughterhouse, distillery, food processing are only permitted in industrial districts
Missoula County	Food processing & slaughterhouse permitted as accessory use
Yellowstone County	Does not permit any commercial or industrial uses in Ag Districts
East Gallatin County	Only agriculture and residential uses are permitted
Gallatin County – Spring Hill	Packing, storing, and processing of products <b>grown or raised on premised</b> are permitted uses.

**Issue 5: There is not adequate transportation infrastructure to support large scale intensive mixed use in the proposed MU-40 District**

Transportation concerns are of paramount importance in drafting zoning regulations. The MCA 76-2-203 requires that the zoning regulations **must** be designed to:

“(b)(iii)Facilitate the adequate provision of transportation, water, sewerage, schools parks and other public requirements”

One reason for limiting manufacturing uses to Industrial zoned areas that are located near municipalities is that these districts are located near transportation networks that have the capacity to accommodate high volumes of traffic and heavy equipment loads. Many of the roads in the proposed MU-40 District, however, are either gravel roads or county maintained roads that are not designed for high volume traffic or heavy loads. According the Montana Department of Transportation:

“When snow, ice and frozen ground thaw in late winter and early spring, some road beds and base gravel become saturated and their ability to carry truck loads is reduced. The potential for severe highway distress during the freeze-thaw cycles is high. Older highways are more susceptible to frost action than highways constructed to today's standards.”

[https://www.mdt.mt.gov/travinfo/loadlimit\\_policy.shtml](https://www.mdt.mt.gov/travinfo/loadlimit_policy.shtml)

While agricultural machinery is transported on county roads, this equipment is only in operation on a seasonal basis and traffic volumes are low. A large-scale intensive manufacturing operation, however, typically generates year-round traffic, high volumes of truck traffic and continuous deliveries and transport of products throughout the day. Employees commuting to work can also generate high average daily trips. The proposed regulations would allow manufacturing operations associated with “value-added” agriculture anywhere in the MU-40 District with only the need to acquire a location conformance permit. This type of operation can locate on roads that do not have the capacity to carry the heavy loads or traffic volumes associated with a manufacturing use. There is the potential for significant fiscal impact to county residents to upgrade and maintain roads for large-scale intensive uses located in these rural areas. Traffic related to such uses can also increase the risk for serious health and safety concerns related to traffic accidents:

- Gravel roads with heavy high-speed traffic create dust resulting in air quality concerns and low visibility.
- Bridges in rural areas are not designed for heavy truck traffic. There has been no mapping to indicate where there are bridges that may have structural problems that should be addressed prior to allowing heavy traffic loads.
- At grade railroad crossings in rural areas without adequate warning signals or gates can result in fatal train – vehicle traffic
- Remote areas in the county have long response times for public safety and emergency vehicles to respond to accidents.

According to the Cascade County Multi-Hazard Mitigation Plan-2017,

“Privately-owned vehicles provide transportation for individuals in Cascade County using the federal interstate and state highway systems as well as county and private roads. Trucks and trailers carry interstate and intrastate cargo. Highway accidents caused by severe weather and high speeds occur frequently. Railroad related hazards such as derailments, toxic spill contamination, and vehicle collisions are a threat to Cascade County residents. According to the NTSB, more than 80 percent of

public railroad crossings do not have lights and gates, and 60 percent of all railroad accidents occur at these unprotected crossings.”

[http://www.cascadecountymt.gov/df/departments/disaster-and-emergency-services/Final\\_2017\\_PDM\\_Plan\\_Cascade.pdf](http://www.cascadecountymt.gov/df/departments/disaster-and-emergency-services/Final_2017_PDM_Plan_Cascade.pdf)

Under the current regulations, “value-added” agriculture is a special use and must go through a public review process to address such concerns. The proposed regulations, however, allows “value-added” agriculture and the accompanying manufacturing processes as a permitted use. By removing this special use requirement, there are no safeguards to address traffic concerns and potential traffic hazards. Given that the road networks do not have the capacity for large scale and intensive uses, the county should be discouraging the location of such uses in remote rural areas.

#### **Issue 6: There is not adequate emergency services to support large scale intensive manufacturing businesses in the MU-40 District**

The MCA 76-2-203 requires that the zoning regulations **must** be designed to:

“(b)(i) secure from fire and other dangers

Large-sale intensive development and manufacturing uses should only occur in areas with adequate emergency services to respond to potential accidents and hazards related to such types of developments. According to the Cascade County Multi-Hazard Mitigation Plan the primary concerns with manufacturing development in the remote rural areas are described below. (See Attachment).

- Hazardous Materials – The release of hazardous materials is rated as high. The regional hazardous-material response trailers are positioned in Great Falls where almost all of the current manufacturing/industrial facilities are located. A hazardous materials release that occurred in remote rural areas of the county may not be discovered immediately and once discovered, the response time in critical situations would be lengthy due to distances and, as noted previously, the poor condition of the some current rural roads that do not allow high speed travel.
- Wildfire – The risk of wildfire in Cascade county is rated as very high. Negative impacts of wildfire include loss of life, property and resource damage or destruction, severe emotional crisis, widespread economic impact, disrupted and fiscally impacted government services, and environmental degradation. According to the Cascade County CWPP, issues make the county particularly vulnerable to wildfire include: 1) the semi-arid landscape 2) the wind generated from the Rocky Mountain Front Range can turn an ignition into a large wildland fire in a very short period of time; 3) the size and scale of the county, scattered numbers of outlying fire stations, significant reduction in number of people willing to volunteer as fire fighters in the county, and 4) lands in CRP which can be easily ignited and could result in extreme fire behavior.

The Cascade County Subdivision Regulations require all subdivisions to be planned to minimize the risk of fire and to permit effective and efficient response. Design elements of the subdivision include the placement of structures so as to minimize the potential for flame spread and the provision of efficient access for firefighting equipment. Manufacturing development on large parcels, however, may not be required to go through subdivision review. A “value-added” agriculture manufacturing operation that does not require subdivision or special use review can develop in remote areas located in the service area of volunteer fire districts that have long response times and limited personnel. There would be no requirements such a development contain the design elements for fire protection.

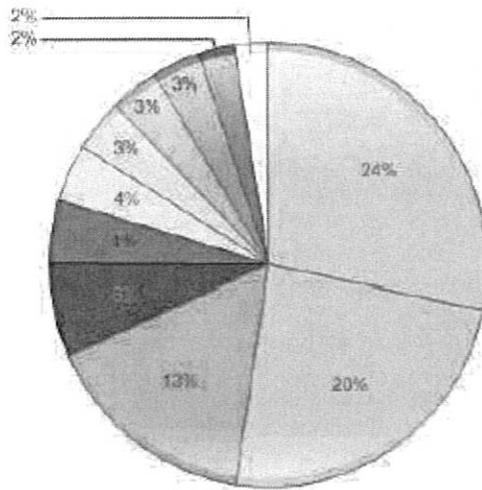
Under the current regulations, “value-added” agriculture is a special use and must go through a public review process to address such concerns. The proposed regulations, however, allows “value-added” agriculture and

the accompanying manufacturing processes as a permitted use. By removing this special use requirement, there are no safeguards to address concerns about emergency services, wildfire and potential hazards. Since locating manufacturing uses and large-scale intensive uses in remote rural areas will increase the risks of hazardous materials spills and property loss due to wildfires, the county should be discouraging the location of such uses in remote rural areas. In addition to public safety concerns, there is the potential for significant fiscal impact to county residents to provide emergency services for large-scale intensive uses that could locate in these remote rural areas.

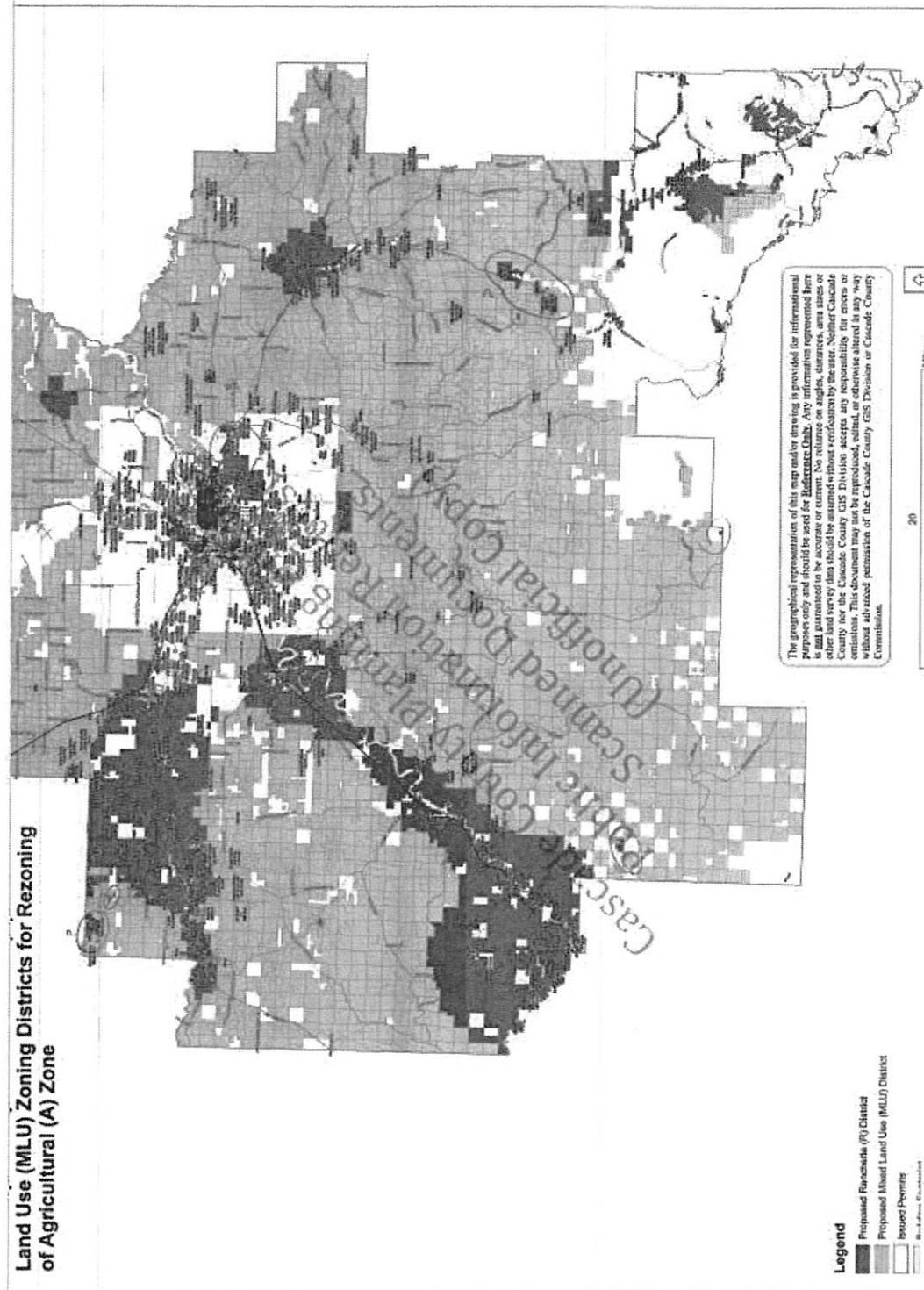
### Montana Ecological Systems - Land Cover Report

#### Cascade County

1,733,233 Acres (1.84% of Montana)



24%	Cultivated Crops	3%	Montane Sagebrush Steppe
20%	Great Plains Mixedgrass Prairie	3%	Great Plains Shrubland
13%	Rocky Mountain Lower Montane, Foothill, and Valley Grassland	3%	Rocky Mountain Ponderosa Pine Woodland and Savanna
11%	Rocky Mountain Montane Douglas-fir Forest and Woodland	2%	Introduced Upland Vegetation - Annual and Biennial Forbland
8%	Rocky Mountain Lodgepole Pine Forest	2%	Big Sagebrush Steppe
4%	Pasture/Hay		



### **Attachment 3: Cascade County Multi-Hazard Plan – Excerpts**

[http://www.cascadecountymt.gov/df/departments/disaster-and-emergency-services/Final 2017 PDM Plan Cascade.pdf](http://www.cascadecountymt.gov/df/departments/disaster-and-emergency-services/Final%202017%20PDM%20Plan%20Cascade.pdf)

## **1. Hazardous Materials**

A hazardous material release is the contamination of the environment (i.e. air, water, soil) by any material that because of its quantity, concentration, or physical or chemical characteristics threatens human health, the environment, or property. Hazardous materials, including petroleum products and industrial chemicals, are commonly stored and used in Cascade County and are regularly transported via the region's roadways, railroads, and pipelines. A release of hazardous materials from both fixed and transportation incidents pose possible threats involving emergency response. Hazards range from small spills on roadways to major transportation releases on railways or pipeline ruptures contaminating land and water.

Regional hazardous-material response trailers are positioned in Great Falls.

### Vulnerability & Risk

Cascade County has no land use regulations that restrict building around industrial facilities or along transportation routes or in the vicinity of facilities that store large quantities of hazardous materials or petroleum products.

The U.S. Department of Transportation regulates the ways in which non-radioactive hazardous materials can be transported. Currently, there are no designated HAZMAT routes in central Montana. So, these materials can be transported through Great Falls and Cascade County with few restrictions. (Great Falls Growth Policy, 2013).

There are no land use regulations that restrict building around industrial facilities, along transportation routes, or in the vicinity of facilities which store large quantities of hazardous materials/petroleum products.

Transportation of hazardous materials through Cascade County on highways, pipelines, and by the railroads could result in an accident or derailment that would have the potential to impact Cascade County residents. Although there is no history of significant incidents, the potential for a hazardous material accident in Cascade County is present.

The volume and type of hazardous materials that flow into, are stored, and flow through communities will determine exposure to a potential release of hazardous materials. An accidental or intentional release of materials could produce a health hazard to those in the immediate area, downwind, and/or downstream. Some hazardous materials occur in the gaseous phase and are denser than air; therefore, having the potential to collect in low places.

## **2. Wildfire**

A wildfire is an unplanned fire, a term which includes grass fires, forest fires and scrub fires, both man-caused and natural in origin. Severe wildfire conditions have historically represented a threat of potential destruction within the region. Negative impacts of wildfire include loss of life, property and resource damage or destruction, severe emotional crisis, widespread economic impact,

disrupted and fiscally impacted government services, and environmental degradation.

Wildfire risk is the potential for a wildfire to adversely affect things that residents value - lives, homes, or ecological functions and attributes. Wildfire risk in a particular area is a combination of the chance that a wildfire will start in or reach that area and the potential loss of human values if it does. Human activities, weather patterns, wildfire fuels, agricultural practices, values potentially threatened by fire, and the availability (or lack) of resources to suppress a fire all contribute to wildfire risk. The Conservation Reserve Program (CRP) land and with the change of agricultural practices, i.e. no-till farming, have created significant wildland fire risk in parts of Cascade County.

Fire season is the result of low rainfall, high temperatures, low humidity, and thunderstorms, high winds and lightning. Varied topography, semi-arid climate, and numerous human-related sources of ignition make this possible. Over 60 percent of fire starts in Cascade County are caused by lightning. Man-made fire starts account for the remainder including; debris burning, fireworks, campfire neglect, careless smokers, downed powerlines, or heated farm equipment in dry grass or crops. Only a fraction of fire starts are arson. BNSF representatives at the MHMP public meeting indicated that the railroad scrubs equipment to minimize sparks. There were only 1 or 2 fires started by the railroad in Cascade County in 2016.

Major wildfires can occur at any time of year. **Table 4.3-1** presents warning and advisory criteria for wildfire and a description of prohibitions that land management agencies can put into effect to reduce fire risk and prevent wildfires during periods of high to extreme danger.

Table 4.3-1. Warning, Advisories and Restrictions for Wildfire

Warning/Advisory/Restriction	Description
Fire Weather Watch	A fire weather watch is issued when Red Flag conditions (see Red Flag Warning) are expected in the next 24 to 72 hours.
Red Flag Warning	A red flag warning is issued when Red Flag criteria are expected within the next 12 to 24 hours. A Red Flag event is defined as weather conditions that could sustain extensive wildfire activity and meet one or more of the following criteria in conjunction with "Very High" or "Extreme" fire danger: <ul style="list-style-type: none"> <li>• Sustained surface winds, or frequent gusts, of 25 mph or higher;</li> <li>• Unusually hot, dry conditions (relative humidities less than 20%);</li> <li>• Dry thunderstorm activity forecast during an extremely dry period;</li> <li>• Anytime the forecaster foresees a change in weather that would result in a significant increase in fire danger. For example, very strong winds associated with a cold front even though the fire danger is below the "Very High" threshold.</li> </ul>
Fire Warning	A fire warning may be issued by local officials when a spreading wildfire or structure fire threatens a populated area. Information in the warning may include a call to evacuate areas in the fire's path as recommended by officials according to state law or local ordinance.
Dense Smoke Advisory	Dense smoke advisories are issued when the widespread visibilities are expected at a ¼ mile or less for a few hours or more due to smoke.

Table 4.3-1. Warning, Advisories and Restrictions for Wildfire

Warning/Advisory/Restriction	Description
Stage 1 Fire Restriction	No building, maintaining, attending, or using a fire, campfire, or stove fire without a permit except in Forest Service developed camp or picnic grounds. No smoking unless in an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable material. No operation of welding, acetylene, or other torch with an open flame. No operation or using any internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order.
Stage 2 Fire Restriction	No building, maintaining, attending or using open fire campfires or stove fires. No smoking unless in an enclosed vehicle or building, a developed recreation site, or within a three foot diameter cleared to mineral soil. No operation of welding, acetylene, or other torch with an open flame. No operation or using any internal or external combustion engine without a spark arresting devise properly installed, maintained and in effective working order.

Source: National Weather Service (NWS, 2016); National Interagency Fire Center, 2016 ([gacc.nifc.gov/.../r2ftc/documents/Fire\\_Restriction\\_Chart.pdf](http://gacc.nifc.gov/.../r2ftc/documents/Fire_Restriction_Chart.pdf))

Cascade County has large areas of private agricultural lands (81.7 percent). The federal government manages approximately 12.4 percent of the total land in the County including portions of the Lewis and Clark National Forest (178,412 acres) and BLM land (24,627 acres). The State of Montana manages a 5.2 percent of the acreage. This scattering of government and private ownership can present unique firefighting challenges.

Cascade County has witnessed a number of large wildfires that have destroyed property and affected wildlife habitat, scenic resources, and air quality. Between 1992 and 2012, a total of 70 fires burned 6,337 acres in the county. The majority of these fires occurred in the months of July and August and were caused by lightning and farm equipment. The wildfires were generally less than one acre in size and were extinguished within one day. **Table 4.3-2** presents wildfire listings from the Montana DNRC over 100 acres with statistics on structures lost and suppression cost where available.

Problems with wildfire also occur when combined with the human environment. People and structures near wildfires are threatened unless adequately protected through evacuation or mitigation. Should fires occur, structures within the wildland-urban interface (WUI) are very vulnerable. The WUI is the zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels. A WUI exists anywhere that structures are located close to natural vegetation and where a fire can spread from vegetation to structures, or vice versa. The most extreme situation with respect to fuel conditions and values at risk occurs in rural subdivisions where numerous high-value individual homes and subdivisions are location in the WUI in close proximity or within the wildland boundary. A significant loss of life could occur to residents, firefighters, and others who are in the wildfire area and do not evacuate. The CWPP identifies the following WUI areas in Cascade County: the Dearborn Area, including Cooper Ranch and Stickney Creek; Hardy - Missouri River Corridor; Logging Creek Area; the southwest side of the Highwood Mountains adjacent to the National Forest; and, the Missouri, Sun and Smith River corridors. The current and potential development of portions of Cascade County into residential lots of varying sizes will contribute to the WUI fire problem for the fire protection agencies in the county (Firelogistics, 2008).

According to the Cascade County CWPP, five primary issues make the county particularly vulnerable to wildfire. These include: 1) the semi-arid landscape and poor moisture regime that due to the lack of moisture during any of the four seasons can place the county into a fire season throughout a large share of the year; 2) the wind generated from the Rocky Mountain Front Range can turn an ignition into a large wildland fire in a very short period of time; 3) the size and scale of the county, scattered numbers of outlying fire stations, significant reduction in number of people willing to volunteer as fire fighters in the county, and ageing population in Neihart; 4) lands in CRP which can be easily ignited and could result in extreme fire behavior, especially under windy conditions, and provide for challenging wildland fire suppression efforts; and, 5) a very high risk subdivision with the high potential for suffering loss of life, property and resources from a wildland fire. Cascade County communities listed in the Federal Register as “Communities at Risk” from wildland fire include Monarch and Neihart (Firelogistics, 2008).

Often regional electric infrastructure passes through wildland and non-irrigated agricultural areas. In particular, the electric substations, transmission lines, fuel tanks, and radio transmission towers are not often equipped to withstand the heat from a wildfire. A wildfire could disrupt electricity or communications should this infrastructure be damaged.

Smoke from wildfires outside Cascade County have impacted local air quality. Most smoke comes from the southwest, west, and north. However, the consistent wind in area minimizes the public health hazard that wildfire smoke poses elsewhere in the state.

#### **Probability and Magnitude**

---

Cascade County's history with wildfire, dry and windy weather conditions, large acres of the county in CRP, and private access roads to rural subdivisions has prompted the MHMP Planning Team to identify wildfires as a significant hazard. Although the primary concern is to structures and the interface residents, most of the costs associated with fire, come from firefighting efforts. Wildfires can also have a significant impact on the regional economy with the loss of agricultural output, timber, natural resources, recreational opportunities, and tourism.

#### **Future Development**

---

Wildfire disasters can be mitigated through comprehensive land use planning that includes housing development design, fuels management, and public education. Land use regulations can reduce the incidence of wildland fire by addressing defensible space and access for emergency vehicles. Cascade County addresses wildfire in their Growth Policy and Subdivision regulations.

The Cascade County Subdivision Regulations require all subdivisions to be planned, designed, constructed, and maintained to minimize the risk of fire and to permit effective and efficient response in order to protect persons, property, and natural resource areas. Design elements of the subdivision include the placement of structures in such a manner so as to minimize the potential for flame spread and to permit efficient access for firefighting equipment. Areas rated as extreme, high or medium WUI must comply with special design standards including:

- Access and Evacuation – Roadside vegetation must be maintained so roads will service as escape routes and fire breaks. There must be a minimum of two approach routes to ensure one than one escape route and access routes by emergency vehicles. Building Density Requirements - Densities in areas of steep slopes and/or dense forest growth shall be reduced through minimum lot standards.
- Vegetation Management - A vegetation management plan is required that will reduce fuel loading and hazard rating and provide continuous maintenance of the fuel load. The plan must include guidelines for defensible space, fuel breaks and greenbelts, and a plan for continuous maintenance.
- Water Supply – A fire-fighting water source and access to that source must exist and be maintained as defensible space. Requirements for water supply systems are stipulated and may include fire hydrants or storage tanks.
- Fire Protection Covenants are required stipulating that property owners must maintain fire protection water supplies and fire protection systems (defensible spaces, driveway routes, fuel breaks) in perpetuity.



Tanya and Victor Murphy  
33 Enger Cutoff Road, Belt, MT 59412

As a native-born Montanan (born in Great Falls, Montana – Cascade County) and landowner in Cascade County for the last 15 years, I would like to submit the following comments and remarks to the Cascade County Planning Division, Zoning Board of Adjustment, Planning Board, and County Commissioners pertaining to the proposed Zoning Regulation Revision.

The proposed revisions to the Cascade County Zoning Regulations are listed as version 4.1. I would like to know when and how the County was going to legally and officially notify residents of proposed land use changes in and adjacent to private property. I have resided in Cascade County for almost 15 years on land zoned for agriculture and would have my land designation changed to MU-20 non-conforming under the proposed regulations. Adjacent landowners would be zoned as MU-40. I believe that I have a right to be notified of and to comment on proposed changes to land uses that immediately impact me. The County should place a halt on the planning process until they have done their due diligence with county residents who would be impacted by proposed changes. The County should follow their legal requirements and historical precedence to give the public an opportunity to know about and shape county policy. Cascade County Zoning Ordinance Section 14.1.1(3) requires a legal description for the boundaries of a proposed district change, and Section 14.1.1(6) requires a detailed analysis of each change. The proposed planning regulations would re-zone millions of acres in Cascade County from Agricultural to Mixed Use without preparing legal descriptions of the affected properties or providing the analysis to the public. The only document indicating proposed changes is the vicinity map.

The County Commissioners (Section 1.2 (2)(b)) are required to consider the effect of motorized transportation systems. In addition, Cascade County's Growth Policy (Goal 6) states "Promote and maintain a transportation system that provides safety, efficiency, and cost efficiency." I agree with this statement, but do not see how it is compatible with the proposed MU-40 District. The recent re-route of portions of Highway 89 between Belt and Great Falls, especially between mile post 78 and 80 was poorly engineered. Rather than providing for safety, the road was designed so that traffic moving from the Enger Cutoff road south-bound onto Highway 89 have no way to see on-coming traffic. Although the center lane is available to quickly merge into, this lane is often not maintained in the winter so traffic from Enger Cutoff has to drive blindly into potential on-coming traffic. I would like to know how the County is going to ensure that an actually safe transportation system can be designed to accommodate mixed uses in the County with increased transportation needs. How is the County going to address the already hazardous driving conditions around Enger Cutoff if it allows increased traffic on Highway 89? I am opposed to the potential of additional traffic, predominantly large vehicles, on Highway 89 resulting from the proposed MU-40 District.

The potential for industry under MU-40 and associated special use permits to move into the County also creates a potential for increased traffic on dirt/gravel rural county roads. Semis hauling dirt and gravel from the pit on Enger Cutoff road to recent highway projects had no restrictions as to their speed. As a resident living immediately adjacent to this road, my family and I were subjected to large quantities of large, heavy vehicles moving at excessive speeds throughout the week and weekend. Rural roads are not designed to safely accommodate passing vehicles at high speeds. I am opposed to additional, unrestricted traffic causing safety hazards to local residents and increases in noise pollution and dust as a result of changing land designation from Agriculture to Mixed Uses (MU-40). I am opposed to MU-40

being allowed with no provision for impacts to County residents – transportation system, increased noise and dust pollution, safety hazards to people and animals, etc.

The Zoning Administration or their designee in the Cascade County Planning Division has authority to approve land uses specified in special use permits or unclassified use permits under MU-20 and MU-40. Cascade County Commissioners and other officials were elected to make decisions for the county after research, analysis, discussion, public notification, community input, and careful consideration of the facts. They cannot and should not abdicate their role in making decisions that affect all members of Cascade County. I am opposed to non-elected, volunteer positions making decision to permit large scale, intensive land uses that impact my family's and my health, well-being, and economic status under the Uses Permitted Upon Issuance of a Special Use Permit section (Section 7.7.11) in the proposed MU-40 District. This provision is a quick way to allow a large scale, intense, and impactful activity without proper analysis, public notification, and planning.

Unclassified Use Permits should not be allowed under the proposed planning regulations. Land uses that do not currently conform to specified zoning districts must be required to go through an open planning process, whereby, planning regulations would be amended. County Commissioners would have to approve the zoning district change and use after analysis and planning. As it is currently written, planning regulations would allow the non-elected, volunteer board to approve a large scale, intensive activity without proper public notification, planning, analysis, or full disclosure of impacts to surrounding landowners, resources, and uses. Unclassified Use Permits should be abolished from the planning regulations.

Revised planning regulations propose allowing "Value-Added Agricultural Commodity Processing Facilities" as a permitted use in the MU-40 districts. A "permitted use" means they are allowed by right – without public hearing, public comment or the standard conditions required through a "special permit" process. Those standard conditions and the public hearing process would address traffic concerns, pollution, smells, soil erosion, etc. I am opposed to allowing value-added commodity processing facilities to be "permitted." These land uses should be specifically addressed within the zoning regulations and approved by the County Commissioners.

Exhibit A-1 provides a map of the proposed zoning districts. MU-20 appears to be appropriate along the Highway 200 and I-15 corridor, but is strangely absent along Highway 87 and 89 corridors. **I propose that the MU-20 District be added to the Highway 87 and 89 corridors to add consistency to the planning and zoning process.** MU-40 should not be applied to these corridors. This change would also remove bias to allow certain industrial applications to move unimpeded through the process along these highway corridors. Zoning districts should be consistent in how they are applied. Zoning the highway corridor to MU-20 would allow the goal of retaining the rural characteristic to be achieved, especially for local residents and tourists traveling the highways. What is different between the Highway 200 and I-15 corridor and the Highway 87 and 89 corridors? Why is MU-40 not placed on the southeast side of Great Falls where it is more appropriate given the industrial zoning allowed in and around town? Why is this area listed as MU-20 when the Highway 87 and 89 corridors are not?

I am opposed to the proposed MU-40 district that would allow commercial feedlots (high density of livestock raising and feeding), concentrated animal feeding operations, composting facilities, industrial uses, commercial kennels, junk yards, power plants, rendering plants, slaughterhouses, solid waste disposal sites, unclassified uses, and workforce housing. These uses have the potential to disrupt my

family's rural lifestyle that is surrounded by agriculture, clean air, beautiful views, and limited noise. Increased traffic, chemical use, and influx of labor could place my family in unsafe, unhealthy situations. Rendering plants and slaughter houses, in conjunction with their associated odor, soil and water pollution, noise, traffic, workforce housing, and impacts to wildlife should not be allowed within Cascade County since they are an economic benefit to a limited number of individuals but have long-term negative impacts and consequences to current residents of the county.

Define the time period for "temporary stabling." Although I am highly opposed to having large scale, intensive use industries within the rural community and on lands currently zoned for agricultural use, I insist that there be a definition/defined time period to 'temporary.' I recommend that temporary be no more than 24 hours. Residents that may be located next to temporary stabling facilities do not need to be impacted by the smells emitted from livestock that are stabled.

The proposed MU-40 District does not protect and maintain Cascade County's rural character.

The proposed MU-40 District does not protect prime farmland and would allow large scale intensive land uses to be located in areas that are unsuitable for development, such as on steep slopes and in environmentally sensitive areas. There is no provision to complete a suitability analysis to determine limitations for development.

The proposed intent for the MU-40 District does not match the prevailing land use. According to the Montana Natural Heritage Program, only 4 percent of the County is classified as Developed Area. The Developed Areas is located in and around Great Falls with some developed land in outlying communities. The area proposed MU-40 is currently classified as and used for agriculture, grassland, woodland, and riparian habitat.

I agree with and incorporate by reference the Cascade County Zoning Amendments Growth Policy Analysis for Proposed MU-40 District comments provided by Montanans for Responsible Land Use (attached).

Thank you for your consideration of these comments.

*/s/ Tanya and Victor Murphy*

## Cascade County Zoning Amendments Growth Policy Analysis for Proposed MU-40 District

### I. Growth Policy Analysis

This analysis was conducted for the proposed MU-40 District. According to the staff report, the existing Agricultural District was split into to districts to reflect current land development patterns. As noted in the staff report and on the maps, most of the development activity has occurred in the area that is now the MU-20 District. The regulations for this district are not significantly different from the existing regulations for the Agriculture district. As demonstrated by the following analysis, however, the proposed MU-40 District is predominantly agriculture in nature with very limited mixed-use. The statement of intent and the regulations for the district do not match the prevailing land use and rural character of the district.

**MU-40** - The MU-40 District is intended to provide for mixed land uses that may be more intensive in character and larger in scale while allowing residential sites characteristic of traditional farming and ranching uses.

It would be more appropriate to maintain the current Agriculture District zoning with the primary purpose of protecting prime farmland and maintaining the rural character.

**A Agricultural District** - The purpose of this district is to preserve, promote, maintain and enhance the use of such areas for agricultural purposes, small scale value-added agricultural uses and to protect such land from encroachment by non-agricultural uses, structures or activities. Regulations in this district are intended to protect the most productive soil types, by encouraging non-agricultural and large-scale development to locate on non-productive or marginally productive agricultural land and to minimize environmental concerns.

The following table list relevant policies, goals and objectives from the Growth Policy and references additional analysis and discussion to that demonstrate the proposed MU-40 District is not in substantial compliance with the Growth Policy.

**Table 1: Growth Policy Analysis for MU-40 District**

Goal, Objective or Policy	Substantially Compiles	Comment
<u>Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.</u>	Partial	Inappropriate location of large scale intensive uses can have serious fiscal impact on county residents. <b>See Issues #1, 5 &amp; 6</b>
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.	Partial	Provides for businesses but should limit such uses to suitable locations. <b>See Issue #1</b>

B. Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.	No	Does not protect prime agricultural soils. <b>See Issue #4</b>
C. Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunications, and youth/social services.	Partial	Provides for businesses does not utilize available assets near communities with infrastructure and services. <b>See Issues #1, 5 &amp; 6</b>
<u>Goal 2: Protect and maintain Cascade County's rural character and the community's historic relationship with natural resource development.</u>	No	Large scale and intensive uses are not compatible with rural character. <b>See Issues #2, 3 &amp; 4</b>
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.	No	Large scale and intensive uses are not compatible with rural character. <b>See Issue #2, 3, 4, 5 &amp; 6</b>
<u>Goal 3: Maintain Agricultural Economy</u>	Partial	Increases average lot size in MU-40 district to 40 acres but has no provisions to protect farmland. <b>See issue #4</b>
A. Protect the most productive soil types.	No	No suitability analysis. No protection for productive soil. <b>Issues #1 &amp; 4</b>
D. Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.	Yes	Provides for value-added agriculture in MU-40 District.
<u>Goal 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens</u>	No	Large scale intensive uses are not compatible with rural lifestyle. Local government intervention and fiscal impact to county residents would increase to provide infrastructure and services to such uses in remote rural areas. <b>See Issues #2, 3, 5, 6</b>
A. Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extents possible, consistent with the requirements of a continually evolving economy and constantly changing population.		
<u>Goal 6: Promote and maintain a transportation system that provides safety, efficiency, and cost efficiency.</u>	No	Significant traffic safety hazards and cost to maintain rural roads. <b>See Issue #5</b>

<u>Goal 8: Protect surface and groundwater from pollution.</u>	No	No suitability analysis to identify soils that are inappropriate for on-site wastewater treatment systems that may result from large scale uses. <b>See Issue #1</b>
A. Discourage development with on-site wastewater treatment systems in areas having inappropriate soils or high groundwater, as indicated on the revised Cascade County soil maps, to help prevent the contamination of groundwater supplies.	No	
<u>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.</u>	Partial	Farmlands are permitted use but large scale intensive manufacturing uses will take farmland out of production and are not compatible in rural areas. <b>See Issues #2, 3, 4</b>
G. Encourage agricultural landowners considering land subdivision to develop the least agriculturally viable portion of their properties.	No	No provisions to protect prime farmland. <b>See issue #4</b>
H. Encourage in-fill development of urban and transitional areas already committed to development where community facilities and services can be provided cost-effectively in order to reduce development pressure on agricultural lands.	No	MU-40 District promotes large scale intensive development in areas that are costly to serve and are not near existing development. <b>See issue #2, 5, 6</b>
<u>Goal 11: Protect and maintain Cascade County’s rural character, encourage efficient use of land.</u>	No	MU-40 District promotes large scale intensive development in areas that are not near existing development and can unsafely locate in areas lacking adequate emergency services.  <b>See issue #2 &amp; #6</b>
A. Preserve the county’s open space setting by encouraging cluster development.	No	
B. Encourage cluster development to locate near existing towns and rural, more densely populated settlements and discourage poorly designed, unsafe land subdivisions and unsafe commercial development.	No	
<b>CHAPTER 5 – ECONOMIC CONDITION : POLICIES</b>		
1. Commercial and manufacturing uses should be encouraged, if such uses do not adversely affect agriculture and are located around and in existing rural communities.	No	There is no protection of prime farmland. MU-40 District is not located around existing communities. <b>Issue #2 &amp; #4</b>

2. Every effort should be made to protect and maintain farming units, because the family farm is important in the economy of Cascade County.	Partial	MU-40 statements mentions family farms and increases minimum lot size but also encourages large scale uses that will take farmland out of production. <b>See Issue #4</b>
6. Environmental as well as economic perspectives should be considered in any future development.	No	There is not suitability analysis to determine environmentally sensitive areas. <b>See Issue #1</b>
8. Utilization of locally produced agricultural products and raw materials should be encouraged.	Yes	Farms and value added agriculture are permitted
10. Aggressively develop, protect, and enhance the agricultural economy of Cascade County.	No	Ag zoning is eliminated. there are no provisions to protect prime farmland. <b>Issue #4</b>
11. Encourage future development to locate on non-productive or marginally productive agricultural Land.	No	Eliminates ag zoning and no provisions to protect prime farmland. <b>See issue #4</b>
12. Minimize, to the greatest degree possible, the adverse social and environmental impacts of development and encourage beneficial effects of orderly growth.	No	Large scale intensive land uses can locate in areas that lack infrastructure, emergency services and expensive to serve. <b>See Issues #1, 3, 5, 6</b>
14. Encourage economic activities to locate in those areas most economically, socially and environmentally appropriate, as determined by the County Planning Board and other public agencies.	No	Large scale intensive land uses can locate in areas that lack infrastructure, services and in environmentally sensitive areas. <b>See Issues #1, 3, 5, 6</b>
<b>6. Local Services – Policies</b>		
6. Using the subdivision review process, discourage development in areas where it is not economical for the county to provide services such as road maintenance, school bus service, fire, police protection, or snowplowing. Persons purchasing land in these areas should be informed, in writing, to the fact that some services may not be provided by the county.	No	Large scale intensive land uses can locate in areas that lack infrastructure, emergency services and in environmentally sensitive areas. <b>See Issues #1, 3, 5, 6</b>
7. Facilitate the appropriate development and maintenance of roads, public utilities, and community facilities.	No	<b>See Issues #1, 3, 5, 6</b>

<p><b>Chapter 7: Natural Resources</b>  <b>7.5 Land Unit: Landscape Unit Benches &amp; Dissected Benches</b></p> <p>1. Since the existing land use of the benches and dissected benches landscape unit is predominately agriculture, special consideration should be given to protect this use.</p> <p>2. Any development or change in the use of the land should be in a form suited to the natural lay of the land.</p> <p>3. Since a wide variability of limitations exists, extensive on-site evaluations should be made before any proposed action is taken.</p>	<p>No</p>	<p>Ag zoning is eliminated and there are no provisions to protect prime farmland. Large scale intensive land uses can locate in areas that with steep slopes and in environmentally sensitive areas.</p> <p>There is no suitability analysis to determine limitations for development.  <b>See Issues #1, 2, 3, 4</b></p>
<p><b>8.3: Prime Agricultural Soil Area</b></p> <p>The prime agriculture soils resource preservation areas are intended to contain those soil areas where it is necessary and desirable, (because of their high quality, availability of water, and/or highly productive agricultural and grazing capability), to preserve, promote, maintain and enhance the use of such areas for agricultural purposes and to protect such land from encroachment by non-agricultural uses, structures or activities. Therefore, the prime agricultural soil preservation areas of Cascade County are those areas where the soils have been classified by the Natural Resources Conservation Service (NRCS), according to the NRCS definition of prime farmland or farmland of statewide importance.</p>	<p>No</p>	<p>Ag Zoning is eliminated and replaced with a district that allows large scale intensive uses that take ag land out of production and does not protect prime farmland.</p> <p style="text-align: center;"><b>Issue #2,3,4</b></p>

## II. Discussion of Issues

### **Issue #1: Lack of suitability analysis to determine the most appropriate areas for industrial and business land uses**

The MU-40 District encompasses approximately million acres<sup>1</sup> and includes varied landscapes such as mountains, floodplains, canyons, cropland, pasture and open space. The Growth Policy describes potential hazardous features throughout the proposed MU-40 District such as flooding, erosion, landslide, soil creep and earthquake faults. The proposed zoning regulations would permit large scale intense manufacturing processes related to value added agriculture anywhere in this district without any review process that would consider the suitability of the proposed site for development or ensure that the use meets the basic considerations of public health, safety and welfare. Because the proposed MU-40 district is so vast such businesses may attempt to locate in areas with poor soils, steep slopes, high groundwater and other hazards that render the site unsuitable for development due to public health and safety concerns. Additionally, an industrial use could be located in remote areas that lack adequate emergency services, public facilities or transportation networks. This can all result in significant fiscal impact on county taxpayers to provide services to large scale intensive uses in remote locations. According to the Montana Code annotated (MCA) 76-2-304, zoning regulations must be:

- (b) Designed to:
  - (i) secure safety from fire and other dangers
  - (ii) promote public health, public safety and the general welfare
  - (iii) Facilitate the adequate provision of transportation water, sewerage, schools, parks and other public requirements

In order to meet these requirements, standard planning practice relies on an extensive analysis to determine areas that are most suitable for industrial and commercial development. Such analysis examines soils, slopes, wetlands, floodplains, prime farmland, environmental hazards, emergency response times, road capacity, land cover, existing land use and other similar factors. Such information is readily available from the Montana State Library- Natural Heritage Program, USDA Soil Maps, Montana Cadastral data and other sources. The background information that was posted on the County's web site only analyzed parcel sizes and permit data. Not even basic existing land use data was mapped to verify staff's "intuition" or what was "suggested" by the parcel analysis. The permit data is not complete and does not represent accurate land use patterns.

Lack of a such basic analysis results in haphazard development in areas that lack the infrastructure or local services to support such a use and, due to site features, can create serious public health and safety concerns. Specifically, large-scale intensive uses would be allowed to locate anywhere in an area of over a million acres that has varied landscapes, lacks services and a contains a multitude of potential hazards.

---

<sup>1</sup> The estimate is of the amount of acreage that is designated as MU-40 is based on a tabulation the number of townships that are completely mapped as MU-40 zoning, plus the number of townships that are at least 50% mapped as MU-40. Since there are 36 square miles per township, the resulting calculation indicated that there were at least 1,548 square miles designated as MU-40 or 990,720 acres. Since townships with less than 50% of the land area designated as MU-40 were not included in this tabulation, the amount of acreage is an undercount. For discussion purposes, this report rounds up the number to 1 million acres.

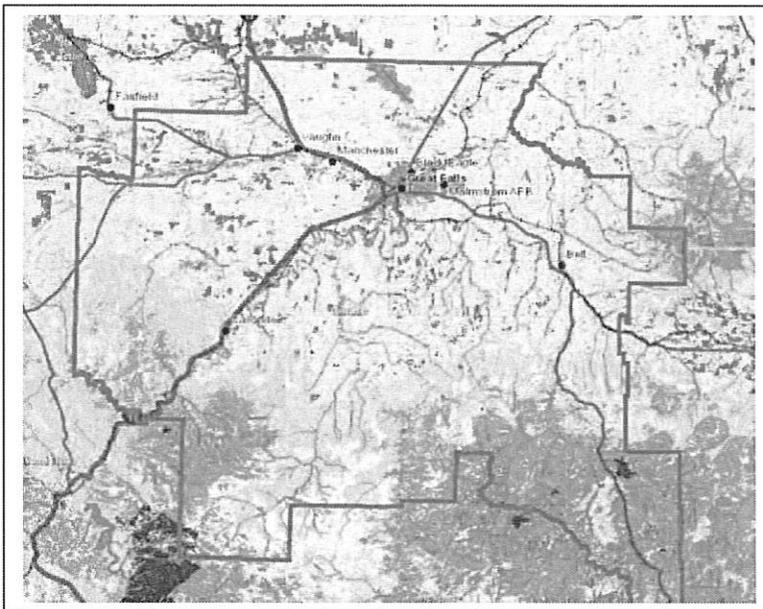
**Issue # 2. The proposed intent for the MU-40 District does not match the prevailing land use.**

The MCA 76-2-203 (2) states that the County shall consider,

“(d) The character of the district and its peculiar suitability for particular uses.”

The previous section discussed suitability. This section addresses the character. According to the Montana Natural Heritage Program, only 4% of the county is classified as “Developed Area”. As indicated below, most of the “Developed Area” is located in and around Great Falls with some developed land in outlying communities. The land area located in the proposed MU-40 district is classified as Cultivated Crops, Prairie/Grassland, Forest/Woodland, and Pasture/Hay.

*Map 1: Land Cover Cascade County*



Legend: Major Types of Land Cover

- Developed
- Agriculture
- Conifer-dominated forest and woodland
- Rocky Mountain Foothill Woodland-Steppe Transition
- Grassland Systems
- Deciduous Shrubland
- Wetland and Riparian Systems
- Introduced Vegetation

Source: <http://mtnhp.org/mapviewer/?t=1>

The March 26 staff report notes that the proposed zoning regulations are designed to, “... cater to their predominant land use characteristics...” In regards to prevailing land use, the staff report states that:

“Crop production is the prevailing productive land use in the northern and north-central parts of Cascade County while animal production is the prevailing productive land use in the southern half of the county (this is clearly demonstrated by the USDA CropScape map for the county.) Manufacturing operations tend to be located along major transportation routes such as railways and arterial roadways.”

The staff report also references a “Map 2” which indicates the types of zoning location conformance permits that have been issued throughout the county. An examination of the map indicates that in the proposed MU-40 District, only 16 permits were of a business or industrial nature.<sup>2</sup> Approximately 55 permits were issued for residential or ag related structures. Only the electric generating stations and the asphalt plant represent uses that would be considered “large scale” and “intensive” and the electric generating station has

<sup>2</sup> These permits were issued for quarries, wind turbine, country club, asphalt plant, ag sales, small engine sales/repair, paint ball, cell towers and an electric generating station.

since been dismantled. Clearly this does not represent a “mixed-use” land pattern with large scale intensive uses. The prevailing use is agriculture and grasslands and the statement of intent should reflect this.

The staff report concludes that the Mixed-Use District is appropriate because the Agricultural District already allows for a mix of uses characteristic of commercial districts, industrial districts and residential districts. It should be noted that the Montana Supreme Court stated uses allowed by current zoning are a consideration only **after** a thorough consideration of prevailing use.

“The County cites *North 93 Neighbors* for the proposition that a court applying the first prong of the *Little* test may look to the land uses allowed under current zoning rather than the prevailing uses in the area. We analyzed the land uses allowed by current zoning in *North 93 Neighbors* only *after* we thoroughly had considered the existing uses in the area. Our conclusion that the prevailing uses were not significantly different from the proposed use was based on our consideration of both the prevailing uses *and* the uses allowed by current zoning.” (Plains Grains vs. Cascade County.)

As demonstrated in the discussion above, the prevailing use is inarguably rural agriculture and not mixed use. The commercial and industrial uses are only allowed as special uses and can only be granted if the Board of Adjustment can make findings that the proposed development will not “materially endanger” the public health, safety, or welfare; that the development will not harm surrounding property values unless it is deemed to be a public necessity; and that the development will be “in harmony” with the area in which it is to be located. The fact that the Board must make these findings suggest that there are potential issues with compatibility of commercial and industrial uses.

In reality, most of the special use permits that have been granted are located in the area designated as MU-20. In the MU-40 District less than 20 non-residential/agricultural permits have been issued which hardly qualifies categorizing this district as mixed use. Since the prevailing use by far is agriculture, it is more appropriate to maintain the Agricultural District with the purpose of protecting prime farmland and eliminate some of the special use that are rarely, if ever uses. This would reflect the actual land use in the district, meet multiple objectives of the Growth Policy and meet the MCA requirement that zoning reflect the character of the district.

One proposed revision that is of particular concern in regards to compatible land use is changing the existing term from “light manufacturing and assembly” to “manufacturing. The rationale is that this term is not defined in the current regulations. There is, however, a term for “Industrial, light” that is more consistent with term “light manufacturing”. The proposed change to the term manufacturing would allow heavy industrial uses would differ significantly from the predominant land use and should not be allowed. Light industrial uses that are permitted as a special use as long as they meet the performance standards for such uses that are contained in the I-1 zoning district would be more appropriate.

**Issue 3: The definition of “productive” use is not compatible with rural areas and is inconsistent with the purpose of zoning regulations that are stated in the Cascade County zoning ordinance.**

The term “productive use” as defined by staff includes crop production, animal production and manufacturing. Grouping these dissimilar uses together is inconsistent with the following purpose of the Cascade County Zoning Ordinance.

**1.1.6** To protect residential, business, commercial, and industrial areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by inappropriate uses;

Agricultural uses and manufacturing uses have distinct features that require them to be treated as separate classes of uses. Agriculture uses are related to food production, are characterized by open undeveloped areas, do not require urban infrastructure such as roads, water and sewer and relies on a the work force that is typically limited in size with operators and laborers who often live on-site. Manufacturing uses, however, take land out of food production, requires urban infrastructure, primarily requires a large workforce that must commute to the job site and generates year-round truck at much higher volumes than farming or ranching operations. Manufacturing uses are incompatible with the rural residences that are part of the agricultural landscape.

Theses differences are uniformly recognized in zoning ordinance that have separate zoning districts and development standards for these different classes of uses. There is no precedent for grouping these uses together. There is no definition of “productive use” in the zoning ordinance, growth policy, or Montana Code Annotated that matches staff’s definition. The North American Industry Classification System and Planners Dictionary that were cited in Appendix 1 as the basis for the definitions included in the zoning ordinance do not include a term for “Productive Use” and clearly defines agriculture and manufacturing as different classes of uses. “Productive Use” as referenced in USDA soil surveys or by the Growth Policy, only refers to crop production. Grouping agricultural uses such as crop production and animal production with “manufacturing” is also at odds with other purpose statements included in the Cascade County zoning ordinance:

**1.1.4** To facilitate the provision of adequate transportation, and of other requirements and services such as water, sewerage, schools, open space, and parks;

**1.1.5** To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout Cascade County;

**1.1.7** To avoid the inappropriate development of lands and provide for reduction of flood damage;

**1.1.10** To foster a more rational pattern of relationship between residential, business, and industrial uses for the mutual benefit of all;

**1.1.11** To isolate or control the location of unavoidable nuisance producing uses;

For the reasons stated above, manufacturing uses must be evaluated separately from agriculture uses and must be subject to standards to address the impacts from industrial processes that characterize this use. As noted previously, performance standards apply in the “Light Industrial District” should apply to manufacturing processes in all districts.



As stated by the American Farmland Trust, “once farms are bulldozed and paved over, that land is gone forever.” The proposed regulations do not make any distinction between development on non-productive soils or development on prime farmland. In order to comply with the Growth Policy, the regulations should include provisions to protect this resource. In addition to the potential loss of valuable prime farmland, the United States Department of Agriculture, notes other concerns with development in agricultural areas:

“Land use and land-use changes have important economic and environmental implications for commodity production and trade, open space, soil and water conservation, air quality and atmospheric greenhouse gas concentrations, and other areas of policy relevance.”

<https://www.ers.usda.gov/amber-waves/2017/december/a-primer-on-land-use-in-the-united-states/>

The American Planning Association states the following regarding farmland protection:

“Farmland protection plans help local governments inventory important farmland, set goals for its protection, and identify strategies for implementation. Such strategies include agricultural zoning, agricultural buffers, right-to-farm ordinances, transfer or purchase of development rights programs, farmland mitigation requirements, and cluster or conservation development regulations.

Other important aspects of agricultural protection zoning include prohibitions of non-farm development on prime agricultural soils, establishing agricultural buffers between working farms and encroaching residential development to minimize land-use conflicts, and codifying right-to-farm provisions that protect farmers from nuisance complaints.”

<https://www.planning.org/knowledgebase/farmlandprotection/>

A review of county ordinances in Montana indicated that prohibiting industrial uses in agricultural districts is standard practice. Although food processing is allowed as an accessory use in some counties, these are small scale operations where the agricultural use is still the predominant use of land.

Flathead County	Dairy permitted in AG District. Slaughterhouse, distillery, food processing are only permitted in industrial districts
Missoula County	Food processing & slaughterhouse permitted as accessory use
Yellowstone County	Does not permit any commercial or industrial uses in Ag Districts
East Gallatin County	Only agriculture and residential uses are permitted
Gallatin County – Spring Hill	Packing, storing, and processing of products <b>grown or raised on premised</b> are permitted uses.

**Issue 5: There is not adequate transportation infrastructure to support large scale intensive mixed use in the proposed MU-40 District**

Transportation concerns are of paramount importance in drafting zoning regulations. The MCA 76-2-203 requires that the zoning regulations **must** be designed to:

“(b)(iii)Facilitate the adequate provision of transportation, water, sewerage, schools parks and other public requirements”

One reason for limiting manufacturing uses to Industrial zoned areas that are located near municipalities is that these districts are located near transportation networks that have the capacity to accommodate high volumes of traffic and heavy equipment loads. Many of the roads in the proposed MU-40 District, however, are either gravel roads or county maintained roads that are not designed for high volume traffic or heavy loads. According the Montana Department of Transportation:

“When snow, ice and frozen ground thaw in late winter and early spring, some road beds and base gravel become saturated and their ability to carry truck loads is reduced. The potential for severe highway distress during the freeze-thaw cycles is high. Older highways are more susceptible to frost action than highways constructed to today's standards.”

[https://www.mdt.mt.gov/travinfo/loadlimit\\_policy.shtml](https://www.mdt.mt.gov/travinfo/loadlimit_policy.shtml)

While agricultural machinery is transported on county roads, this equipment is only in operation on a seasonal basis and traffic volumes are low. A large-scale intensive manufacturing operation, however, typically generates year-round traffic, high volumes of truck traffic and continuous deliveries and transport of products throughout the day. Employees commuting to work can also generate high average daily trips. The proposed regulations would allow manufacturing operations associated with “value-added” agriculture anywhere in the MU-40 District with only the need to acquire a location conformance permit. This type of operation can locate on roads that do not have the capacity to carry the heavy loads or traffic volumes associated with a manufacturing use. There is the potential for significant fiscal impact to county residents to upgrade and maintain roads for large-scale intensive uses located in these rural areas. Traffic related to such uses can also increase the risk for serious health and safety concerns related to traffic accidents:

- Gravel roads with heavy high-speed traffic create dust resulting in air quality concerns and low visibility.
- Bridges in rural areas are not designed for heavy truck traffic. There has been no mapping to indicate where there are bridges that may have structural problems that should be addressed prior to allowing heavy traffic loads.
- At grade railroad crossings in rural areas without adequate warning signals or gates can result in fatal train – vehicle traffic
- Remote areas in the county have long response times for public safety and emergency vehicles to respond to accidents.

According to the Cascade County Multi-Hazard Mitigation Plan-2017,

“Privately-owned vehicles provide transportation for individuals in Cascade County using the federal interstate and state highway systems as well as county and private roads. Trucks and trailers carry interstate and intrastate cargo. Highway accidents caused by severe weather and high speeds occur frequently. Railroad related hazards such as derailments, toxic spill contamination, and vehicle collisions are a threat to Cascade County residents. According to the NTSB, more than 80 percent of

public railroad crossings do not have lights and gates, and 60 percent of all railroad accidents occur at these unprotected crossings.”

[http://www.cascadecountymt.gov/df/departments/disaster-and-emergency-services/Final\\_2017\\_PDM\\_Plan\\_Cascade.pdf](http://www.cascadecountymt.gov/df/departments/disaster-and-emergency-services/Final_2017_PDM_Plan_Cascade.pdf)

Under the current regulations, “value-added” agriculture is a special use and must go through a public review process to address such concerns. The proposed regulations, however, allows “value-added” agriculture and the accompanying manufacturing processes as a permitted use. By removing this special use requirement, there are no safeguards to address traffic concerns and potential traffic hazards. Given that the road networks do not have the capacity for large scale and intensive uses, the county should be discouraging the location of such uses in remote rural areas.

**Issue 6: There is not adequate emergency services to support large scale intensive manufacturing businesses in the MU-40 District**

The MCA 76-2-203 requires that the zoning regulations **must** be designed to:

“(b)(i) secure from fire and other dangers

Large-sale intensive development and manufacturing uses should only occur in areas with adequate emergency services to respond to potential accidents and hazards related to such types of developments. According to the Cascade County Multi-Hazard Mitigation Plan the primary concerns with manufacturing development in the remote rural areas are described below. (See Attachment).

- Hazardous Materials – The release of hazardous materials is rated as high. The regional hazardous-material response trailers are positioned in Great Falls where almost all of the current manufacturing/industrial facilities are located. A hazardous materials release that occurred in remote rural areas of the county may not be discovered immediately and once discovered, the response time in critical situations would be lengthy due to distances and, as noted previously, the poor condition of the some current rural roads that do not allow high speed travel.
- Wildfire – The risk of wildfire in Cascade county is rated as very high. Negative impacts of wildfire include loss of life, property and resource damage or destruction, severe emotional crisis, widespread economic impact, disrupted and fiscally impacted government services, and environmental degradation. According to the Cascade County CWPP, issues make the county particularly vulnerable to wildfire include: 1) the semi-arid landscape 2) the wind generated from the Rocky Mountain Front Range can turn an ignition into a large wildland fire in a very short period of time; 3) the size and scale of the county, scattered numbers of outlying fire stations, significant reduction in number of people willing to volunteer as fire fighters in the county, and 4) lands in CRP which can be easily ignited and could result in extreme fire behavior.

The Cascade County Subdivision Regulations require all subdivisions to be planned to minimize the risk of fire and to permit effective and efficient response. Design elements of the subdivision include the placement of structures so as to minimize the potential for flame spread and the provision of efficient access for firefighting equipment. Manufacturing development on large parcels, however, may not be required to go through subdivision review. A “value-added” agriculture manufacturing operation that does not require subdivision or special use review can develop in remote areas located in the service area of volunteer fire districts that have long response times and limited personnel. There would be no requirements such a development contain the design elements for fire protection.

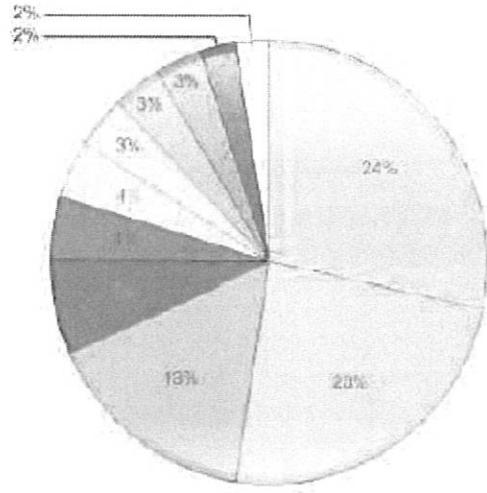
Under the current regulations, “value-added” agriculture is a special use and must go through a public review process to address such concerns. The proposed regulations, however, allows “value-added” agriculture and

the accompanying manufacturing processes as a permitted use. By removing this special use requirement, there are no safeguards to address concerns about emergency services, wildfire and potential hazards. Since locating manufacturing uses and large-scale intensive uses in remote rural areas will increase the risks of hazardous materials spills and property loss due to wildfires, the county should be discouraging the location of such uses in remote rural areas. In addition to public safety concerns, there is the potential for significant fiscal impact to county residents to provide emergency services for large-scale intensive uses that could locate in these remote rural areas.

### Montana Ecological Systems - Land Cover Report

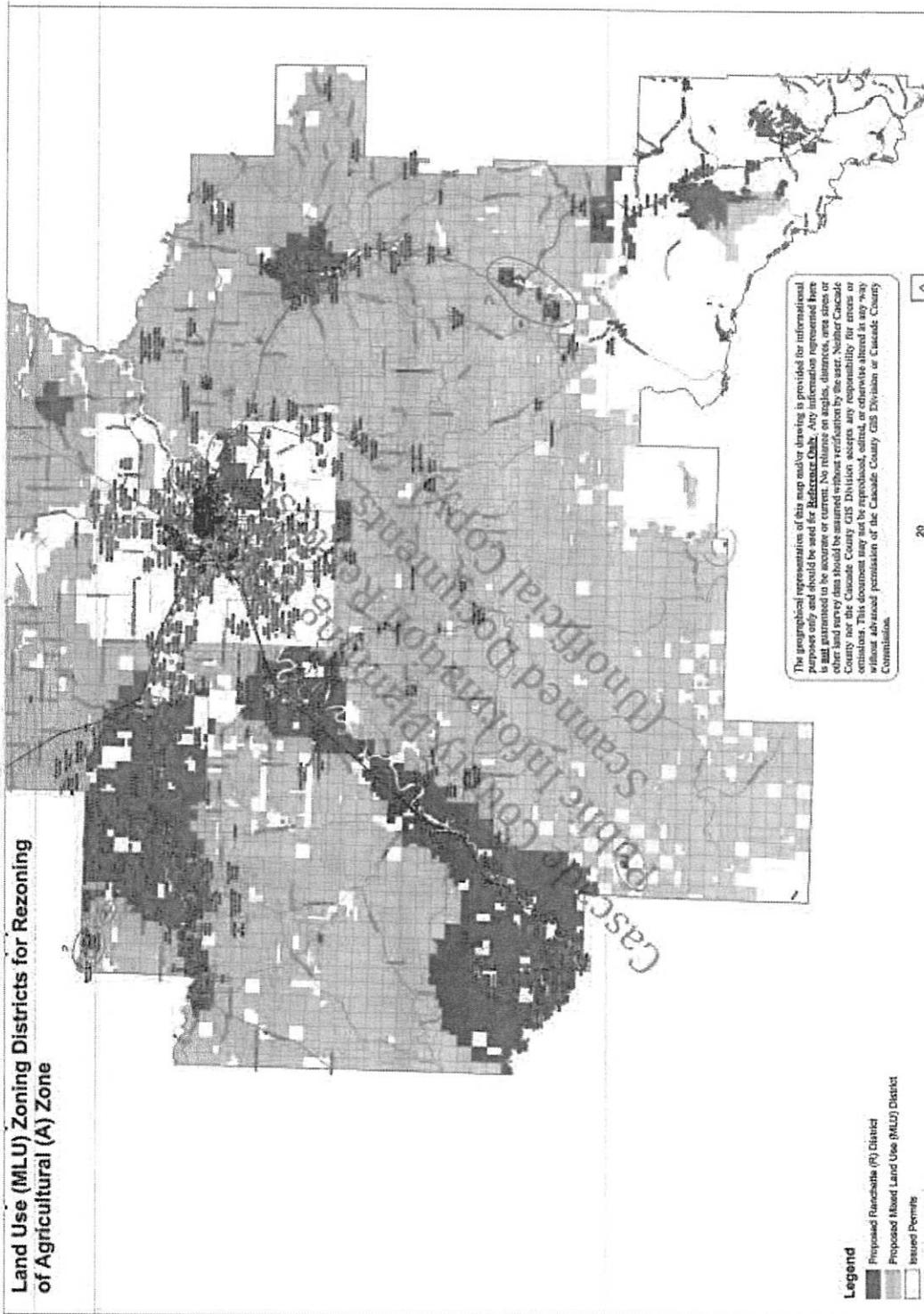
#### Cascade County

1,733,233 Acres (1.84% of Montana)



24%	Cultivated Crops	3%	Montana Sagebrush Steppe
20%	Great Plains Mixedgrass Prairie	3%	Great Plains Shrubland
13%	Rocky Mountain Lower Montane, Poothill, and Valley Grassland	3%	Rocky Mountain Ponderosa Pine Woodland and Savanna
8%	Rocky Mountain Montane Douglas-Fir Forest and Woodland	2%	Introduced Upland Vegetation - Annual and Biennial Forbland
4%	Rocky Mountain Lodgepole Pine Forest	2%	Big Sagebrush Steppe
4%	Pasture/Hay		

Attachment 2: Map 2 – Cascade County Zoning Permit Overlay



**Attachment 3: Cascade County Multi-Hazard Plan – Excerpts**

[http://www.cascadecountymt.gov/df/departments/disaster-and-emergency-services/Final 2017 PDM Plan Cascade.pdf](http://www.cascadecountymt.gov/df/departments/disaster-and-emergency-services/Final%202017%20PDM%20Plan%20Cascade.pdf)

**1. Hazardous Materials**

A hazardous material release is the contamination of the environment (i.e. air, water, soil) by any material that because of its quantity, concentration, or physical or chemical characteristics threatens human health, the environment, or property. Hazardous materials, including petroleum products and industrial chemicals, are commonly stored and used in Cascade County and are regularly transported via the region’s roadways, railroads, and pipelines. A release of hazardous materials from both fixed and transportation incidents pose possible threats involving emergency response. Hazards range from small spills on roadways to major transportation releases on railways or pipeline ruptures contaminating land and water.

Regional hazardous-material response trailers are positioned in Great Falls.

Vulnerability & Risk

Cascade County has no land use regulations that restrict building around industrial facilities or along transportation routes or in the vicinity of facilities that store large quantities of hazardous materials or petroleum products.

The U.S. Department of Transportation regulates the ways in which non-radioactive hazardous materials can be transported. Currently, there are no designated HAZMAT routes in central Montana. So, these materials can be transported through Great Falls and Cascade County with few restrictions. (Great Falls Growth Policy, 2013).

There are no land use regulations that restrict building around industrial facilities, along transportation routes, or in the vicinity of facilities which store large quantities of hazardous materials/petroleum products.

Transportation of hazardous materials through Cascade County on highways, pipelines, and by the railroads could result in an accident or derailment that would have the potential to impact Cascade County residents. Although there is no history of significant incidents, the potential for a hazardous material accident in Cascade County is present.

The volume and type of hazardous materials that flow into, are stored, and flow through communities will determine exposure to a potential release of hazardous materials. An accidental or intentional release of materials could produce a health hazard to those in the immediate area, downwind, and/or downstream. Some hazardous materials occur in the gaseous phase and are denser than air; therefore, having the potential to collect in low places.

**2. Wildfire**

A wildfire is an unplanned fire, a term which includes grass fires, forest fires and scrub fires, both man-caused and natural in origin. Severe wildfire conditions have historically represented a threat of potential destruction within the region. Negative impacts of wildfire include loss of life, property and resource damage or destruction, severe emotional crisis, widespread economic impact,

disrupted and fiscally impacted government services, and environmental degradation.

Wildfire risk is the potential for a wildfire to adversely affect things that residents value - lives, homes, or ecological functions and attributes. Wildfire risk in a particular area is a combination of the chance that a wildfire will start in or reach that area and the potential loss of human values if it does. Human activities, weather patterns, wildfire fuels, agricultural practices, values potentially threatened by fire, and the availability (or lack) of resources to suppress a fire all contribute to wildfire risk. The Conservation Reserve Program (CRP) land and with the change of agricultural practices, i.e. no-till farming, have created significant wildland fire risk in parts of Cascade County.

Fire season is the result of low rainfall, high temperatures, low humidity, and thunderstorms, high winds and lightning. Varied topography, semi-arid climate, and numerous human-related sources of ignition make this possible. Over 60 percent of fire starts in Cascade County are caused by lightning. Man-made fire starts account for the remainder including; debris burning, fireworks, campfire neglect, careless smokers, downed powerlines, or heated farm equipment in dry grass or crops. Only a fraction of fire starts are arson. BNSF representatives at the MHMP public meeting indicated that the railroad scrubs equipment to minimize sparks. There were only 1 or 2 fires started by the railroad in Cascade County in 2016.

Major wildfires can occur at any time of year. **Table 4.3-1** presents warning and advisory criteria for wildfire and a description of prohibitions that land management agencies can put into effect to reduce fire risk and prevent wildfires during periods of high to extreme danger.

Table 4.3-1. Warning, Advisories and Restrictions for Wildfire

Warning/Advisory/Restriction	Description
Fire Weather Watch	A fire weather watch is issued when Red Flag conditions (see Red Flag Warning) are expected in the next 24 to 72 hours.
Red Flag Warning	A red flag warning is issued when Red Flag criteria are expected within the next 12 to 24 hours. A Red Flag event is defined as weather conditions that could sustain extensive wildfire activity and meet one or more of the following criteria in conjunction with "Very High" or "Extreme" fire danger: <ul style="list-style-type: none"> <li>• Sustained surface winds, or frequent gusts, of 25 mph or higher;</li> <li>• Unusually hot, dry conditions (relative humidities less than 20%);</li> <li>• Dry thunderstorm activity forecast during an extremely dry period;</li> <li>• Anytime the forecaster foresees a change in weather that would result in a significant increase in fire danger. For example, very strong winds associated with a cold front even though the fire danger is below the "Very High" threshold.</li> </ul>
Fire Warning	A fire warning may be issued by local officials when a spreading wildfire or structure fire threatens a populated area. Information in the warning may include a call to evacuate areas in the fire's path as recommended by officials according to state law or local ordinance.
Dense Smoke Advisory	Dense smoke advisories are issued when the widespread visibilities are expected at a ¼ mile or less for a few hours or more due to smoke.

Table 4.3-1. Warning, Advisories and Restrictions for Wildfire

Warning/Advisory/Restriction	Description
Stage 1 Fire Restriction	No building, maintaining, attending, or using a fire, campfire, or stove fire without a permit except in Forest Service developed camp or picnic grounds. No smoking unless in an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable material. No operation of welding, acetylene, or other torch with an open flame. No operation or using any internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order.
Stage 2 Fire Restriction	No building, maintaining, attending or using open fire campfires or stove fires. No smoking unless in an enclosed vehicle or building, a developed recreation site, or within a three foot diameter cleared to mineral soil. No operation of welding, acetylene, or other torch with an open flame. No operation or using any internal or external combustion engine without a spark arresting devise properly installed, maintained and in effective working order.

Source: National Weather Service (NWS, 2016); National Interagency Fire Center, 2016 ([gacc.nifc.gov/.../r2ftc/documents/Fire\\_Restriction\\_Chart.pdf](http://gacc.nifc.gov/.../r2ftc/documents/Fire_Restriction_Chart.pdf))

Cascade County has large areas of private agricultural lands (81.7 percent). The federal government manages approximately 12.4 percent of the total land in the County including portions of the Lewis and Clark National Forest (178,412 acres) and BLM land (24,627 acres). The State of Montana manages a 5.2 percent of the acreage. This scattering of government and private ownership can present unique firefighting challenges.

Cascade County has witnessed a number of large wildfires that have destroyed property and affected wildlife habitat, scenic resources, and air quality. Between 1992 and 2012, a total of 70 fires burned 6,337 acres in the county. The majority of these fires occurred in the months of July and August and were caused by lightning and farm equipment. The wildfires were generally less than one acre in size and were extinguished within one day. **Table 4.3-2** presents wildfire listings from the Montana DNRC over 100 acres with statistics on structures lost and suppression cost where available.

Problems with wildfire also occur when combined with the human environment. People and structures near wildfires are threatened unless adequately protected through evacuation or mitigation. Should fires occur, structures within the wildland-urban interface (WUI) are very vulnerable. The WUI is the zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels. A WUI exists anywhere that structures are located close to natural vegetation and where a fire can spread from vegetation to structures, or vice versa. The most extreme situation with respect to fuel conditions and values at risk occurs in rural subdivisions where numerous high-value individual homes and subdivisions are location in the WUI in close proximity or within the wildland boundary. A significant loss of life could occur to residents, firefighters, and others who are in the wildfire area and do not evacuate. The CWPP identifies the following WUI areas in Cascade County: the Dearborn Area, including Cooper Ranch and Stickney Creek; Hardy - Missouri River Corridor; Logging Creek Area; the southwest side of the Highwood Mountains adjacent to the National Forest; and, the Missouri, Sun and Smith River corridors. The current and potential development of portions of Cascade County into residential lots of varying sizes will contribute to the WUI fire problem for the fire protection agencies in the county (Firelogistics, 2008).

According to the Cascade County CWPP, five primary issues make the county particularly vulnerable to wildfire. These include: 1) the semi-arid landscape and poor moisture regime that due to the lack of moisture during any of the four seasons can place the county into a fire season throughout a large share of the year; 2) the wind generated from the Rocky Mountain Front Range can turn an ignition into a large wildland fire in a very short period of time; 3) the size and scale of the county, scattered numbers of outlying fire stations, significant reduction in number of people willing to volunteer as fire fighters in the county, and ageing population in Neihart; 4) lands in CRP which can be easily ignited and could result in extreme fire behavior, especially under windy conditions, and provide for challenging wildland fire suppression efforts; and, 5) a very high risk subdivision with the high potential for suffering loss of life, property and resources from a wildland fire. Cascade County communities listed in the Federal Register as “Communities at Risk” from wildland fire include Monarch and Neihart (Firelogistics, 2008).

Often regional electric infrastructure passes through wildland and non-irrigated agricultural areas. In particular, the electric substations, transmission lines, fuel tanks, and radio transmission towers are not often equipped to withstand the heat from a wildfire. A wildfire could disrupt electricity or communications should this infrastructure be damaged.

Smoke from wildfires outside Cascade County have impacted local air quality. Most smoke comes from the southwest, west, and north. However, the consistent wind in area minimizes the public health hazard that wildfire smoke poses elsewhere in the state.

#### **Probability and Magnitude**

---

Cascade County’s history with wildfire, dry and windy weather conditions, large acres of the county in CRP, and private access roads to rural subdivisions has prompted the MHMP Planning Team to identify wildfires as a significant hazard. Although the primary concern is to structures and the interface residents, most of the costs associated with fire, come from firefighting efforts. Wildfires can also have a significant impact on the regional economy with the loss of agricultural output, timber, natural resources, recreational opportunities, and tourism.

#### **Future Development**

---

Wildfire disasters can be mitigated through comprehensive land use planning that includes housing development design, fuels management, and public education. Land use regulations can reduce the incidence of wildland fire by addressing defensible space and access for emergency vehicles. Cascade County addresses wildfire in their Growth Policy and Subdivision regulations.

The Cascade County Subdivision Regulations require all subdivisions to be planned, designed, constructed, and maintained to minimize the risk of fire and to permit effective and efficient response in order to protect persons, property, and natural resource areas. Design elements of the subdivision include the placement of structures in such a manner so as to minimize the potential for flame spread and to permit efficient access for firefighting equipment. Areas rated as extreme, high or medium WUI must comply with special design standards including:

- Access and Evacuation – Roadside vegetation must be maintained so roads will serve as escape routes and fire breaks. There must be a minimum of two approach routes to ensure one than one escape route and access routes by emergency vehicles. Building Density Requirements - Densities in areas of steep slopes and/or dense forest growth shall be reduced through minimum lot standards.
- Vegetation Management - A vegetation management plan is required that will reduce fuel loading and hazard rating and provide continuous maintenance of the fuel load. The plan must include guidelines for defensible space, fuel breaks and greenbelts, and a plan for continuous maintenance.
- Water Supply – A fire-fighting water source and access to that source must exist and be maintained as defensible space. Requirements for water supply systems are stipulated and may include fire hydrants or storage tanks.
- Fire Protection Covenants are required stipulating that property owners must maintain fire protection water supplies and fire protection systems (defensible spaces, driveway routes, fuel breaks) in perpetuity.