

Carolyn K. Craven
101 14th Avenue South
Great Falls, MT 59405

June 20, 2019

PUBLIC COMMENTS

CASCADE COUNTY PROPOSED ZONING REGULATIONS COMMERCIAL DAIRY ZONING

- The 2019 CCPZR allow Commercial Dairy in MU-20 as a Permitted Principal Use for 20 acres+
- The 2019 CCPZR allow Commercial Dairy in MU-40 as a Permitted Principal Use for 40 acres+
- The 2019 CCPZR allow Commercial Dairy in Heavy Industry as “any non-residential use no otherwise prohibited by law” with no permits required

A 2017 scholarly study in *Food Technol Biotechnol 55 (1) 14–28 (2017)* states “dairy processing is usually considered the largest industrial food wastewater source. Moreover, in around 50 % of the world’s whey production, especially concerning acid whey, it is untreated prior to disposal.” And from *The New Food Economy 2016*, “whey disposal has proved to be a major obstacle for the business.”

There are numerous concerns to address on the cheese processing plant. The zoning concern is to require a Special Use Permit for all dairy, cheese, and value-added animal agricultural commodity processing.

RECOMMEND ALL LOCATIONS FOR COMMERCIAL DAIRY REQUIRE A SPECIAL USE

Respectfully submitted,



Carolyn K. Craven
101 14th Avenue South
Great Falls, MT 59405



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
Email: planningcomments@casadecountymt.gov

Instructions

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Commenter Information

Name: Melissa Dearth

Complete Address: 1034 Grant Dr. 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

all marijuana store fronts in IZ zones
to protect our children.

For Office Use Only

Date Received: <u>6-19-19</u>	Date Reviewed: <u>6/19/19</u>	Complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Commenter Information

Name: Laurie Engert

Complete Address: 516 Riverview Blvd. Gt. 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

Enforce the 1000 foot rule from all residential areas
and have marijuana stores in I-2 heavy industrial
zones

For Office Use Only			
Date Received:	<u>6-19-19</u>	Date Reviewed:	<u>6-19-19</u>
Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	



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Commenter Information

Name: Charles J Zovatten
Complete Address: 1301 1ST AVE ~~W~~ NW 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

Enforce 1000 foot rule + have marijuana stores
in I-2.

For Office Use Only

Date Received:	<u>8-19-19</u>	Date Reviewed:	<u>8-19-19</u>	Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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Commenter Information

Name: Rod Grindelund
Complete Address: 1008 4th Ave. N.W. Great Falls

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 protect our communities values enforce the 1000 foot rule and have all marijuana stores in I-2 heavy industrial zones -

For Office Use Only

Date Received: <u>6.19.19</u>	Date Reviewed: <u>6.19.19</u>	Complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Commenter Information

Name: Mike He
Complete Address: 2611 Upper River Rd. #14 Great Falls MT

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

ENFORCE THE 1000 FOOT RULE FROM ALL RESIDENTIAL AREAS
TO PROTECT OUR COMMUNITIES VALUES. PUT ALL MARIJUANA
STORES IN I-2 HEAVY INDUSTRIAL ZONES

For Office Use Only			
Date Received:	<u>6-19-19</u>	Date Reviewed:	<u>6-19-19</u>
Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	



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Commenter Information

Name: Thickie H
Complete Address: 2611 Upper River Rd #14 Great Falls MT

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

Put all Marijuana stores in I-7 heavy industrial and enforce the 1000 foot rule from any residential areas to protect our communities values.

For Office Use Only			
Date Received:	<u>6-19-19</u>	Date Reviewed:	<u>6-19-19</u>
Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	



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Commenter Information

Name: Cassie Hemmy
Complete Address: 2611 Upper River Road #14, 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

Put all Marijuana stores in I-2 heavy industrial zones.
Enforce the 1000 ft rule from any residents to protect our
Communities values.

For Office Use Only

Date Received: <u>6-19-19</u>	Date Reviewed: <u>6-19-19</u>	Complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Public Comment Form

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

Cascade County Commissioners
RECEIVED

JUN 19 2019

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: Mary Beth Ewen
Complete Address: PO Box 2672 Great Falls, MT 59403

Comment Subject (please check one)

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

Comment

Our ranch was homesteaded in the 1800's by my grandparents. It is still run by the family and is a working ranch. I am concerned by the changes being proposed by the planning board. I am not in favor of the MU-40 Mixed District revision. I feel it should be deleted and the existing agricultural district remain as it is. It looks to me like the MU-40 lands should be zoned agricultural. I also believe since no more land is being created, we should take care of, and protect the land we have. I feel that's our duty!!

Dan + Mary Beth Ewen

For Office Use Only			
Date Received:	<u>6-14-19</u>	Date Reviewed:	<u>6-19-19</u>
Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

TO: PLANNING STAFF, PLANNING BOARD, COUNTY ATTORNEY
FROM: Shannon Guilfoyle, 13 Homestake Ln, Great Falls, MT 59405

My name is Shannon Guilfoyle and I am on the leadership team for Montanans for Responsible Land Use. I am submitting this public comment in response to the following comments made by Chairman Merja at the Planning Board Hearings regarding the Draft Zoning Regulations and Growth Policy Review:

April 16, 2019 – “Now it’s an inflamed group, that’s the best way I can explain it.”

May 21, 2019 – “There seems to be 2 factions one that says yes, we need industry and one that says no, we want this to be a retirement community.”

June 12, 2019 – “But I see that there’s a smaller portion of people after they read more that show up because it’s not the hot topic today.”

Chairman Merja is incorrect in his perception of the citizen base in Cascade County that currently oppose the Draft Zoning Regulations, the Planning Board’s denial of the need to revise and update the Growth Policy, and lastly, the extensive proposed development collectively referred to as the Madison Food Park.

Montanans for Responsible Land Use (MfRLU) is a grassroots organization consisting of 170 (confirmed) Cascade County citizens. This count does not include multiple members in a single household. Formed in January 2018, MfRLU’s mission is to support responsible land use and development in Cascade County. The leadership team consists of seven members. The team conducts regular group meetings and provides reliable updates to members concerning the issues, public comment periods, scheduled hearings, instruction for public comments, and navigating the Planning website.

MfRLU has a contractual agreement with Montana Environmental Information Center as its Fiduciary Trustee for donations/fund development. MfRLU receives financial support from its members through MEIC and a number of non-profit supporters. The team is also tasked with hiring land use experts, consultants, and attorneys. Kate McMahon was hired by MfRLU in 2018.

The 170 members include:

- a. agricultural, residential, commercial, and industrial landowners.
- b. large and small scale AG producers, medical, financial, education, government, and manufacturing professionals, as well as industrial, manufacturing, and related hourly workers.
- c. currently employed and retired individuals.
- d. range in age from mid-20’s to 80’s.
- e. individuals and families committed to their community and a collective objective to ensure responsible economic growth and stability for Cascade County.

Many of our 170 members have entrusted the team to provide public comment and participate in public hearings on their behalf. Like any corporation or business, for profit



Date Received: 6-11-19

Date Reviewed: 6-20-19

Complete: Yes No

or non-profit, the few speak for the many. The assumption by Mr. Merja, and planning staff in their public comment analysis, that there are many public comments but few original commenters is misleading and short sighted. The county's insistence that oral and public comments must include a local address is off-putting to many. The leadership team has been cautious in this regard and comments have been presented by individuals using their personal address. Obviously, this has led to the dismissive and disparaging comments about the "inflamed" few.

In conclusion, the report and presentation by Kate McMahon at the June 12, 2019 Planning Board hearing on the Draft Zoning Regulations, and its recommendations specifically concerning the proposed MU-20 and MU-40 zoning districts, accurately reflect the views and opinions of all 170 members. We support responsible land development and economic growth. Summarily rezoning 1.2M acres of highly productive agricultural land to Mixed Use 40 and eliminating the Special Use Permitting process for several Heavy Industrial industries under the misnomer that agriculture is an industrial use is reckless and will not correct 25 years of poor planning practices and the slow response to creating economic stability.

To: Cascade County Planning Board

From: Kathleen McMahon, AICP
Montanans for Responsible Land Use (MFRLU)

Date: 6-20-19

Re: Cascade County Zoning Revisions

This written comment is being submitted to respond to the audio record of the 6-12-19 public hearing for the proposed revisions to the Cascade County Zoning Ordinance. *(See Attachment 1 for audio excerpts with time stamps.)*

1. MU-20 District

a. Intent of the MU-20 District

According to the draft regulations, the intent of this district is, “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.”

Since MRFLU recommends that the MU-40 District be eliminated and replaced with the existing Agricultural District (modified as per section 8 in this memo), this would necessitate that the intent statement for MU-20 be revised to reference the Agricultural District instead of the MU-40 District.

b. Response to Specific Comments

Following are comments on specific statements that staff made at the 6-12-19 public hearing, regarding the MU-20 District.

Staff Comment	Response
The other thing, you know is clearly separating areas that are clearly residential and intense with residential use. (1:41:34)	Agree with this creating MU-20 district to provide for areas with intense residential use.
We wanted to have some kind of statistically driven method to do that. (1:141:34)	Agree with the analysis that was used to establish the boundaries for the MU-20 District.
The point was to separate those areas and get rid of some of the more intensive uses, such as the slaughterhouse, and not allow the commercial uses currently in the Ag District to remain there and then remove those from the MU-40. (1:41:34)	Agree with not allowing intensive uses such as slaughterhouses in the MU-20 District. Agree keeping commercial uses in the MU-20 district and removing them from the current AG District.
These pre-existing properties would now allow those various commercial uses in them, but they would tend to be clustered. (1:43:10)	Agree with clustering commercial uses in the MU-20 District.

<p>Clearly, residential areas in the MU-20 District, which is now kind of fallen in favor</p> <p>... It seems that from what I am hearing, the people would like to see the MU-20 District remain and the MU-40 District would to go to AG.</p> <p>So I think some people are getting what was attempted in that split.</p> <p>(1:44:49)</p>	<p>Agree with keeping the proposed MU-20 District.</p> <p>Statement is correct that MRFLU prefers the MU-40 District should be replaced with the Agricultural District.</p> <p>A review of public comment from February thru June 10, indicates that over 60 individuals clearly understood the split between MU-20 and MU-40 and specifically expressed concern only with the MU-40 District. There has been little objection to the MU-20 district.</p>
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Note: See Attachment 1 for time stamp references.

2. MU-40 District

a. Intent of MU-40 District

According to the draft regulations, the intent of the district is, "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."

As noted in an analysis of the MU-40 District submitted on 3-26-19 by Ms. Tammie Lynn Smith and others, as well as additional analysis submitted by this consultant on 6-12-19, MRFLU is strongly opposed to the MU-40 intent statement regarding "intensive" and "larger in scale" land uses. Among the reasons stated in the detailed analysis submitted to the planning board, is lack of adequate fire fighting services, lack of water to fight fires, lack of suitable transportation infrastructure, lands that are unsuitable for development due to steep slopes and other hazards, potential for extreme wildfire behavior in this district and the prevailing land use being agriculture.

Additionally, there is no guidance from the Growth Policy to promote "large-scale" or "intensive" uses in the agricultural areas of the counties. The only mention of the term "mixed-use" is under Goal 12 regarding affordable housing. A review of written public comment from February to June 10, indicates that **over 60 individuals have expressed opposition to the eliminating the Agriculture District** and replacing it with the MU-40 District that promotes large-scale, intensive uses. Only one person at the public hearing spoke in favor of this change.

The report that was submitted by this consultant on 6-12-19, notes numerous Growth Policy statements regarding promoting agriculture and protecting prime farmland. Therefore, MRFLU recommends keeping the Agriculture District with the following intent statement based on goals/objectives/policies in the Growth Policy.

"Intent: The purpose of this district is to preserve, promote, maintain and enhance the use of such areas for agricultural purposes and related small-scale agricultural businesses while limiting 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 near towns in areas most economically and environmentally appropriate for such uses."

(Note: Above statement is based on the following statements in the Growth Policy: Goal 3, Obj. A, B and D; Chapter 5 – Policy 2, 6, 10, 11 and 12; Section 7.5, Policy 1, Section 8.3)

b. Permitted Uses vs. Special Uses

The staff contends that the MU-40 District is not substantially different from the Agricultural District. (See audio excerpts 1:40:25) This contention, however, does not distinguish between uses permitted by right, and special uses. Section 10.1 indicates that special uses “possess characteristics of such unique and special forms” that they must be treated differently than uses allowed by right.

With special use permit, there is a public hearing, ZBOA must make findings that include 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 petitioner bears the burden of presenting sufficient evidence to allow the board to make each of the required findings. Nothing in the CCZR compels the Board to issue a special use permit. These requirements suggests that the granting of a special use permit is a discretionary act and such uses are substantially different from a permitted use.

Therefore, it is a substantial change to eliminate certain uses from the special use category, particularly when it involves large scale, intensive uses. As detailed in the report that was submitted on 6-12-19, without a special use review, such uses can have significant impacts and would be allowed to develop in areas that are not suitable for development. For these reasons, MRFLU strongly opposes following uses being changed from a “Special Use” to a “Permitted Use”.

- *Value added agricultural commodity processing facility. This may include processing, manufacturing, storage, and the like.*
- *Outdoor sports and recreation/Outdoor entertainment, including commercial rodeo grounds, commercial stables, riding academy, and animal therapeutic facilities.*
- *Agricultural Commodity Storage Facility*

c. Responses to Specific Comments

Following are comments on specific statements that staff made at the 6-12-19 public hearing, regarding the MU-40 District.

Staff Comment	Response
“It seemed to us, it would be appropriate to rezone those to something else so we could increase the minimum lot size of the MU-40 district which is more large contiguous tracts of land that you see characterized by agricultural lands use.” (1:43:10)	MRFLU agrees with the increasing the minimum lot size of the area designated as MU-40 to better represent the large contiguous parcels. MRFLU agrees that the AG District is characterized by agricultural land and therefore contend that keeping the Agricultural zoning in place is more appropriate for the MU-40 district.
“I mean for use, it is more of a mix use district as it is and that is why we use the term that is “Ag in name only.” (1:46:50)	MRFLU disagrees that the area proposed for MU-40 is already mixed use. Staff report and staff comments repeatedly contradict this assessment by describing the area proposed as MU-40 as characterized by agricultural land use. Additionally, the K. McMahon report submitted

	on 6-12-19 included maps and statistics that demonstrate the current Ag District is 96% undeveloped.
“Because I can tell you, that if we keep it ag right now, you can still get a slaughterhouse facility, you can still get oil and gas development, you can still get a permanent labor camp temporary labor camp, commercial strip development.” (1;46:50)	The uses enumerated in this statement are only allowed by special use and would need to meet specific review criteria and be subject to conditions of approval. Retaining the current AG District would keep those special use requirements in place. MRFLU agrees with removing the commercial uses from the MU-40 District and limiting them to the MU-20 District.
Immediately following the 6-12-19 public hearing, a Planning Board member commented to this consultant that the information in the Multi-Hazard Plan regarding Haz-Mat resources was outdated.	This consultant did not have time to verify the haz-mat response capability of every fire department in the county. Such information would, however, be checked during a special use review which is why it is important that such review be conducted for all large-scale intensive uses.

3. Industrial Agriculture

At the 6-12-19 meeting, staff made the following comment,

M. Stone, “And the other thing is my perspective, and I think from the general perspective on Ag, Ag is an intensive use. Fallow crop, pesticide use, fertilizers is harsh on the land. You have to manage the land because of the intensity of the use. So, the use of intensity in that it also addresses industrial agriculture. And I can certainly provide to the public reading sources on academic scholars who have argued that contemporary agriculture is industrial agriculture and has been since the beginning of this century or the past century. So, I mean, our perspective and the public perspective is often I think disjointed.” (1:45:31)

This statement seems to imply that there is little difference between the impacts from industrial agriculture and industrial uses, such as the “Value Added Agriculture which may include manufacturing”. The above statement does not account for the following substantial differences between industrial agriculture and industrial manufacturing uses.

- 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. Dirt and gravel roads are not designed to handle this large, continuous volume of traffic.
- Agricultural operations have a small labor force and a declining employment base due to improvements in technology. Ag operators often live on site. Manufacturing plants can have

large labor force with hundreds of employees who must commute to work and will generate high traffic volumes on a daily, year-round basis. Dirt and gravel roads are not designed to handle this large volume of traffic.

- Large scale and intensive industrial manufacturing uses takes lands out of agriculture production. As stated by the American Farmland Trust, “once farms are bulldozed and paved over, that land is gone forever.”
- Agricultural operations are characterized by open spaces. Industrial operations are characterized by large structures, expanses of paved areas, and other infrastructure associated with urban uses.

It is because of these distinctions that the current Agricultural District treats large scale intensive uses as “unique and special forms” in the district. It is clear from section 10.1 of the special use section that such industrial manufacturing uses are not characteristic of agriculture and that is why they are a special use and should remain so.

Additionally, staff noted with “previously defined districts, none of which currently have any intent statements, we are also operating under the guidance of the growth policy.” (M. Stone, 1:44:49) As noted in section 2 of this memo, the Growth Policy has multiple goals, objectives, and policies that promote agricultural use and preserve prime farmland. Industrial manufacturing uses permanently takes land out of agricultural production. Agriculture operations, even if one were to classify it as “industrial agricultural”, still preserves prime farmland for agricultural use and this is consistent with the growth policy. For this reason, the MU-40 district with a primary purpose of “large scale” and “intensive use” does not comply with the growth policy.

4. Growth vs. No Growth

Planning Board Chair, Mr. Merja, made the following statements about the public objecting to growth.

- E. Merja – “But if we don’t start working on doing something so there is a productive growth, in the county, then we will wither, because we have not grown. We haven’t in years. But if that is what everyone wants, well that’s what they’re getting.” (2:09:27)
- E. Merja – “I believe you are correct in that regard and I am still doing my best not to be biased one way or the other. But I am still trying to understand how you can have growth in a place if nobody wants growth.” (2:12:58)

The public record does not support Mr. Merja’s conclusion that members of the public object to growth. A review of the minutes from the public hearings on 2-19-19 and 3-26-19 yielded no public comments objecting to growth. Appendix 10, which contained a staff analysis of written public comments, does not contain any reference to growth issues. At the 6-12-19 public hearing, however, several speakers noted specifically that they were NOT anti-growth.

- Jaybe Floyd – “We are here for the zoning regulations. That (growth) is a different subject” (2:13:14)
- Laura Reevis – “My concern is we need growth. But there is good growth and bad growth.”, “Yes we need growth, but that is not ideal growth.”, “It’s the quality of growth, not the amount.” (2:13:26)

- Lonnie Ward – “And I don’t want you to think we are anti-growth. There are places in the county that are appropriate for growth.”

In order for the Planning Board to objectively consider public comment, it is important that such comments not be mischaracterized and dismissed by the Chair or any other Planning Board member. MRFLU members and this consultant have submitted extensive analysis regarding compliance with the growth policy and MCA criteria. The Planning Board has the responsibility to review that analysis without bias.

5. Correct information in Appendix 5

Appendix 5, row 6 incorrectly states that under the existing zoning regulations, a land use scenario whereby an application was submitted for a “beef slaughterhouse facility with a beef cattle CAFO and rendering plant” would be reviewed as a single special use. Appendix 5, Row six also indicates that under the MU-40 District three individual special uses would be required for this scenario.

Correction: Section 10.1 of the existing zoning regulations state, “All such uses are hereby said to possess characteristics of such unique and special forms that **each specific use shall be considered as an individual case.**” Accordingly, the land use scenario #6 in Appendix 5 should be corrected to indicate that there is no difference between the existing zoning and proposed regulations in how a special use would be processed for the three uses in this scenario.

Discussion:

This is a significant factual error. According to staff comments, the primary reason for supporting the MU-40 District and eliminating the Agricultural District was based on the false premise that under existing zoning, one application could be made for all three uses. (See excerpts from the audio below):

- M. Stone – “I was extremely bothered by the fact that one application could come in and get all those uses” (1:38:57)
- M. Stone – “So a part of the beginning of this district was looking at the uses that were allowed in it and asking ourselves, is that good planning. We came to the conclusion that these should be separated.” (1:40:25)
- M. Stone – “In fact, I would say it is an improvement because if we keep the ag district as it is, you can come in with this operation, and get one special use permit and have a rendering facilitythey can also have a meat packing plant. They can also have a large CAFO because that is the way that call out is currently written. So that is one of the big things that is intended to be tackled.”

Although Section 10.1 of the current zoning ordinance clearly requires separate special use permits for each individual use, the staff report AND Appendix 5 fail to reference this requirement. If the big thing to be tackled by the MU-40 District was to treat each individual use as a separate SUP, the existing ordinance already requires this. The erroneous information in Appendix 5 calls into question, why the MU-40 District is necessary to begin with. The staff report should be revised to correct this error.

This error is especially egregious because the Planning Board Chair repeatedly referred to this incorrect information in his comments. (See audio excerpts below.)

- E. Merja – “On Appendix 5, if you read Appendix 5, line 6, it talks about the agricultural and MU-40 differences and the MU-20 differences. I do still believe that there are people who are confused as to how much you can do under strictly Ag.” (2:08:00)
- E. Merja – “But I would just abhor you to read Appendix 5, line six before you tell us that we are doing this for some other reason.” (2:11:49)
- E. Merja – “I really think you should read Appendix 5, line 6 and tell me how the AG area, having it agricultural like it was or currently is, is so much better than MU-40 would do.”

To be clear, this consultant had read Appendix 5, line 6 multiple times prior to the public hearing and was not “confused”. The information in Appendix 5 is incorrect. The staff report and Appendix 5 neglected to consider or reference Section 10.1 of the current zoning ordinance which already requires individual special uses for each separate use.

Not only did the Planning Board Chair rely on this erroneous information, but members of the public were also provided the same incorrect information about the zoning revisions that are under consideration. Based on the erroneous information in Appendix 5, members of the public are likely to have misunderstood the nature of the proposed zoning revisions. The public should be provided with correct information and given an opportunity to review and comment on this critical piece of information.

6. Correct Appendix 11 - Frequently Asked Questions

Appendix 11 states the following, “4. Do the proposed zoning regulation revisions affect the 2019 Big Sky Cheese special use permit application or 2017 Madison Food Park special use permit application? *No, these applications are subject to the zoning regulations that were in effect when the application was received.*”

Correction: According to Appendix 5, Row 7, a “Dairy products manufacturing plant” is an SUP under the current Agricultural District but would be allowed with only a location conformance permit under 7.7.9(18) “Value-Added Agricultural Commodity Processing Facility” in the MU-40 District. If the zoning regulations are approved, the current SUP requirements no longer apply to the proposed cheese plant. The applicant can withdraw the SUP application, or let it expire, and need only submit a new site plan with the application for a new Location Conformance Permit. The conditions of approval for the SUP would no longer apply to a new application/site plan.

Discussion: There is significant interest from the public in the proposed Big Sky Cheese plant. Members of the public that are relying on information in Appendix 11 would be unaware that a special use permit would no longer be required for the cheese plant if the zoning regulations are amended as proposed. Lack of this information likely affected the public testimony regarding this issue.

This error was further compounded because an article in the Great Falls Tribune quoted directly from Appendix 11. Members of the public relying on information in the newspaper may be alarmed to learn that the Big Sky Cheese plant will no longer be required to comply with the special use permit requirements if the zoning revisions are approved.

7. Revise the staff report to cite all relevant documents and materials that were relied upon to draft the new zoning regulations.

Issue: In the audio recording, staff mentioned that they relied upon materials, laws, and other resource to draft the zoning regulations.

- M. Stone – I mean there are other things that are operating too, the Department of Revenue and its greenbelt legislation. There’s instances of government operating at various levels that we are also aware of that we don’t have the time to make all that stuff evident to the public. (1:44:05)
- M. Stone - “I can certainly provide to the public reading sources on academic scholars who have argued that contemporary agriculture is industrial agriculture.” (1:45:31)
- M. Stone – “We also don’t have the resources to provide the public with the insight into the inner workings of the federal, state and local laws and how they interact with the various things that we do such as floodplain regulations and there is also several plans that we have to use.” (1:46:30)

Discussion:

As stated in the Montana Constitution, Part II, “**Section 9. Right to know.** No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.”

In order for the public to provide meaningful comments, it is necessary to have access to relevant documents and materials that were relied upon to draft the proposed zoning regulations. “Appendix 1 – Definitions” that is part of the staff report does an excellent job of cross-referencing sources that were the basis of the new definitions. In response to a specific question about the basis of the MU-40 District, however, staff acknowledged that there were other materials that were relied upon in developing the district and that these materials were not evident to the public and were not included in the staff report. The public has a right to examine these materials and to provide comments based on this review. Therefore, MRFLU requests that the staff report be revised to include the appropriate references or citations to the following materials that were mentioned by staff at the 6-12-19 public hearing.

- The Department of Revenue greenbelt legislation
- Reading sources from academic scholars who have argued that contemporary agriculture is industrial agriculture
- Federal, state and local laws that interact with the proposed regulations
- Plans that provided the basis or guidance for the proposed regulations

8. Recommendations

A. Correct Public Record AND Extend Public Comment Period

Zoning decisions must be based on findings of fact. As such, Planning Board members should be able to rely on complete and accurate information being provided to them for their deliberations.

Furthermore, such complete and accurate information should be available to the public in order to “to afford such reasonable opportunity for citizen participation” as guaranteed in Part II, Section 8 of the

Montana Constitution. As described below, the staff report from 6-12-19 contained two significant factual errors that were called attention to the Planning Board at the 6-12-19 public hearings.

MRFLU request that the Planning Board direct staff to correct the public record and issue a press release explaining the corrections and alerting the public that new information is available. Extend the public comment period to allow the public the opportunity to review and comment on correct factual information as well as materials referenced by staff at the 6-12-19 meeting. Another option would be to take a vote at the next Planning Board meeting to reopen the public hearing to allow for additional public comment on these issues.

B. Conduct a Planning Board works session to consider changes to the MU-40 District

At the 6-12-19 public hearing, the county attorney stated that the Planning Board has the option of conducting a work session to consider the public comments. (2:44:35) Such a work session would allow the Board to address citizen concerns regarding the proposed MU-40 District and provide direction to staff for specific modifications to the zoning ordinance that would address these concerns.

MRFLU requests that at the Planning Board conduct such a works session to consider the proposed changes summarized in the table below.

Modification for MU-40	Rationale
Rename the MU-40 district as "Agricultural"	Reflects the prevailing land use in the district. As noted in the Growth Policy analysis, the proposed MU-40 District does not substantially comply with the Growth Policy.
Adopt the intent Statement for the Agricultural District as proposed in section 2 of this memo.	Statement is derived directly from the Growth Policy. By focusing on protecting prime farm land, the intent will substantially comply with the Growth Policy.
Adopt minimum lot size in the AG District of 40 acres as well as lot coverage standards in the MU-20 District	Reflects large contiguous parcels that characterized this district
Remove commercial uses from the Agricultural district and place in MU-20	This is consistent with staff recommendation to locate such uses near major transportation corridors.
Retain the special use permit classification for "Value Added Agriculture", "Outdoor sports/recreation/entertainment ..." And "Agricultural Commodity Storage Facility"	This will allow for review to mitigate land use impacts and to make sure developments do not locate in areas unsuitable for development.
Conduct word search on ordinance to remove references to MU-40 and replace with appropriate references to the Agricultural District.	Provide consistency throughout the document.

Please note that Attachment 2 includes findings from the analysis that was submitted by this consultant at the 6-12-19 Planning Board meeting. Those findings do not support the proposed MU-40 District. If the above changes are made to eliminate the MU-40 and replace it with a slightly modified Agricultural district that focuses on protecting prime farmland, it will allow the Planning Board to make new findings that support of the proposed zoning.

C. Recommendation to the County Commission

Although MRFLU prefers the above option of conducting a works session to discuss public input and provide direction to staff for changes to the proposed regulations, if the Planning Board elects to make a recommendation to the Board of County Commissioners based the existing staff report and public testimony, MRFLU strongly urges the Board to make the following motion:

“After considering the Staff Report and public comments, I move to recommend that the Board of County Commissioners **DENY** all of the proposed revisions to the Cascade County Zoning Regulations and zoning map boundaries.”

This motion is based on the following:

- Findings of Fact that are included in Attachment 2 do not support the MU-40 District
- The analysis in the staff report is based on factual errors in Appendix 5 and Appendix 11
- Public comment overwhelmingly opposes eliminating the Agricultural District and replacing it with the MU-40 District
- The public did not have an opportunity to examine all relevant materials that formed the basis of the new zoning regulations

**Attachment 1: Excerpts from Cascade County Planning Board –
Public Hearing 6-12-19**

Michael Stone

1:37:56 – Why the split of the Ag District was proposed.

1:38:10 - The call outs that the 2017 slaughterhouse application and the cheese plant application are going in as, are previously adopted uses. When these proposals were made, those were already brought into the zoning regulations. The ag district was already in full composition with all of its use call-outs. It was a district with all of its uses already in it. We looked at those uses and one of the main ones that was problematic was just that special use call out that was added, I think in June 2017, which had in my view contradicted the whole point of the special use permit which is that you have special and unique uses that are to be considered per tract of land.

1:38:10- I'll read that to you because I tried to make that clear by having the table format. Appendix 3, at the very top there is currently in our regulations, "Commercial propagation, boarding, grazing or butchering of animals and fowl provided that the animals may not be stabled or processed within one(10 mile from any adjacent residences. The adjacent residences must be residences that are present prior to the date of receiving the application for this use. The operation can be used as a wholesale feed lot, meat packing plant, slaughterhouse, rendering plant and the like."

1:38:57 - So there are in our regs, definitions for meat packing plant, slaughterhouse, wholesale feedlot, rendering plant. These are distinct ... well a wholesale feedlot is an agricultural use. A meat packing plant is an industrial manufacturing facility. A slaughterhouse is an industrial manufacturing facility. A rendering plant is an industrial manufacturing facility. I was extremely bothered by the fact that one application could come in and get all those uses. And so, the other thing is, I would rather it be called out for what it is.

1:39:39 - So if it is a CAFO, there are a higher level of regulations that it falls under, and it actually falls in the category of it being a CAFO. Those are set by the code of federal regulations and those regulations are essentially adopted at the state level. And there are numbers and animals that designate whether or not you are a large, medium CAFO or you're just an AFO. So, that was called out separately. Now, we have just the CAFO, we created a definition for the AFO, which is an "animal feeding operation", that would be a concentrated, confined space where animals are being raised, bred, reproduced but do not qualify as a CAFO because they do not reach the scope and scale that the state has provided.

1:40:25 - So a part, of the beginning of this district was looking at the uses that were allowed in it and asking ourselves, is that good planning. We came to the conclusion that these should be separated. But because there was prior adoption, by the Commission, of those uses that they should remain because they are currently in there. So to us, the MU-40 District is not substantially different from the agricultural district. In fact, I would say it is an improvement because if we keep the ag district as it is, you can come in with this operation and get one special use permit and have a rendering facility, that produces dog chew toys, chewing bones, whatever, dog food, all that stuff, that separate, and they can

also have a meat packing plant, they can also have a large CAFO because that is the way that call out is currently written. So that is one of the big things that is intended to be tackled.

1:41:34 - The other thing, you know, is separating the areas that are clearly residential and intense with residential use. Now there are, areas throughout the MU-40 District that have residential uses, however, they are not characterized by highly residential concentrations in like say the Dearborn area or the along the Missouri River corridor, up in Sun River in that area and that is why the statistical analysis pointed out those areas. Because the goal there was that if we are going to create a district, we didn't want to just draw more or less arbitrary lines. We wanted to have some kind of empirical and statistically driven method to do that so nobody can say that we are just drawing lines arbitrarily. So that analysis went through and there have been several things written about that, in which it became very clear where there are intense areas of residential development or historical residential use. Those places are also various scales of agricultural production depending on the part of the county. But the point there was to separate those areas and get rid of some of the more intensive uses, such as the slaughterhouse, and not allow the commercial uses currently in the AG District to remain there and then remove those from MU-40.

1:43:10 - So, it is about taking a large area and trying to split it more along the lines of its use, which on the other hand, doing something about conformity, and in this case the ag district is, so you can be conforming with uses or not conforming with uses so you can also be that with the lots. So because the agricultural district has a long history before zoning ever existed of subdivision, so of those subdivisions before MSPA, which is the Montana Subdivision and Platting Act, came about. Those pre-existing properties, would now allow those various commercial uses in them, but they also tend to be clustered. It seemed to us, it would be appropriate to rezone those to something else so we could increase the minimum lot size of the MU-40 District which is more large contiguous tracts of land that you see characterized by agricultural land use. By increasing that minimum lot size, you prevent any further subdivision into subdivisions of smaller lots.

1:44:05 - This is also, I mean there are other things that are operating too, the Department of Revenue and its greenbelt legislation. There's instances of government operating at various levels that we are also aware of that we don't have the time to make all that stuff evident to the public. Come into talk to us that is a lot easier, but for us to write this stuff out, every time is extremely, it is already this big of a document. There is also a new appendix where that is touched on. It wasn't really labeled as an executive summary but was titled as an FAQ but it does mention the non-conforming being a primary driver, it also is the residential area.

1:44:49 - Clearly residential areas in MU-20 District, which has now kind of fallen in favor whereas the MU-40 District is... It seems that from what I am hearing, the people would like to see the MU-20 District remain and the MU-40 District would go to AG. So I think some people are getting what was attempted in that split, and I mean that is what is was. Because we are operating in a historical context, of previously approved uses and previously defined districts none of which have current intent statements and we are also operating under guidance of the growth policy.

1:45:31 - And the other thing is my perspective, and I think from the general perspective on Ag, Ag is an intensive use. Fallow crop, pesticide use, fertilizers is harsh on the land. You have to manage the land because of the intensity of the use. So the use of intensity in that it also addresses industrial agriculture. And I can certainly provide to the public reading sources on academic scholars who have argued that

contemporary agriculture is industrial agriculture and has been since the beginning of this century or The past century. So I mean, our perspective and the public perspective is often I think disjointed. We are happy to explain to people. We are happy to explain to people are perspective. We don't often get that opportunity because we don't have the ability with our staff and our resources to do extensive outreach to the public when we are trying to resolve issues.

1:46:30 - We also don't have the resources to provide the public with the insight into the inner workings of the federal, state and local laws and how they interact with the various things that we do such as floodplain regulations, and there is also several plans that we have to use and there is also an understanding of how we have to go about everything.

1:46:50 - But the moral of the story is that it is about trying to protect residential areas that have a historical land use that is residence, protect ag areas. I mean for us, it is more of a mix use district as it is and that is why we use the term that is "Ag in name only". Because I can tell you, that if we keep it ag right now, you can still get a slaughterhouse facility, you can still get oil and gas development, you can still get a permanent labor camp, temporary labor camp, commercial strip development. All of that stuff is in there currently. So if you want to go back to that, take a look for yourselves. Look at the uses, a look at the definitions, and you will see that what we tried to do is what is described in here as far as trying to split that district up and split it by its uses, accommodate residential areas and protect them from higher intensity uses like a slaughterhouse type of activity, and that is what we tried to do. That was the objective.

Elliot Merja

2:08:00-"I am taking the time for a public comment. On Appendix 5, if you read Appendix 5, line 6 it talks about the agricultural and MU-40 differences and the MU-20 differences. I do still believe that there are people who are confused as to how much you can do under strictly Ag. I come from a very large Ag background. I got an Ag Engineering degree. I got an Ag degree and I also got 50 some years of actual farming and such. Just so you have a good point of this, there are , yes there is one point some million acres that are ag in the county. But I too, would consider myself and industrial ag person. Because I do some processing of the grain that we handle. I do some processing of animals that we handle because it is a necessity because you can't find a butcher shop even that can do a kill on their floor.

2:09:27 - I understand that big industry scares people and it scares me at times. But what county do you want it in is my question. If we can't, if I can't take that 250 acres of really poor quality ground that I have, that would be really good, which I tried to talk them into putting a prison on it back in the day when they did it up in Shelby. And I got shot down really big time on that. Because we don't want a prison near Great Falls. It's 30 miles out of Great Falls. It's on a piece of ground that doesn't raise much of anything. My problem is, is that if we don't look at the zoning, and do, I appreciate, I didn't get your evaluation of it until tonight. But if we don't start working on doing something so there is a productive growth, in the county, then we will wither, because we have not grown. We haven't in years. But if that is what everyone wants, well that's what they're getting.

2:10:57 - But I see that there's a smaller portion of people after they read more that show up, because it's not the hot topic today. And whether you, I put my personal thoughts in some of this and I have to listen to everything else and I try my best to develop a good understanding of where everyone is coming

from. As do all the board members and I believe the staff has taken a lot of time to try to develop something that is workable for the community. Now we are going to take these recommendations, and still try to filter through them.

2:11:49 - But I would just abhor you to read Appendix 5, line six before you tell us that we are doing this for some other reason. That is mine public opinion. Thank you.

Jaybe Floyd

2:12:11 - I don't understand Mr. Merja when you say that we are doing this for some other reason. It is the Board that is proposing this. It is not you that are doing it. You are listening. So I'm not really sure. Are you really listening here? This is the third meeting I've been to that you've talked about your personal business and I'm really at the point of wondering if you need to recuse yourself from this whole deal. I don't mean to be insulting about that but I'm really getting the feeling that you're sitting there from your point of view filtering these things through your own business. And again, that statement "we". It is not you. It is them (staff) that is presenting this and you are supposed to be independent. That is my understanding. Please correct me if I'm wrong.

Elliot Merja

2:12:58 - I believe you are correct in that regard and I am doing my best not to be biased one way or the other. But I am still trying to understand how you can have growth in a place if nobody wants growth.

Jaybe Floyd

2:13:14 - That's not what we are here for. We are here for the zoning regulations. That (growth) is a different subject.

Laura Reevis

2:13:36 - My concern is, yes we need growth. But there is good growth and there is bad growth. Everything I'm seeing is the scale, of what is being talked about there and I know this is not the subject, is not good for our county. Our schools can't handle it. Our roads can't handle it. It will bring in ... eventually, it will end up a slaughterhouse town. And those kind of businesses bring in an increase in asthma, increase in cancer. Look at asthma. I don't want to have to leave Great Falls if I can't breathe. Yes, so we need growth. But I don't think that is the kind of growth we need. It doesn't take much to Google to see what these things do and all over our country, there are counties trying to get rid of theirs because they allowed them in and now they realize that was a mistake. So, yes we need growth but that is not ideal growth because of what it would bring in. That's all. It's the quality of growth, not the amount.

Lonnie Ward

2:15:12 - My self along with my family, we have a small family grain operation east of Great Falls and I am in the position, unlike the 30 acres that you spoke of, I've got Lawther Clay soil, I have Lawther Silty Clay soil. We have Gerber Lawther Silty Clays, along with Gerber Silty Clay Loam. All of which are highly productive. I also have some Lothair Silty Clay Loam, that is in our coulee. We use that just primarily for grazing. However, it also provides habitat for mule deer, whitetail deer and various gameland, upland game birds. .. I just wanted to say, those soils there, give our farmland classification of "Farmland of

Statewide Importance". So it is very important to me and, I would say my neighbors, because my neighbors also have those types of soils, that our agricultural district be preserved.

2:16:40 - And I don't want you to think that we are anti-growth. There are places in the county that are appropriate for growth. I think it makes sense to have an MU-20. It seems like a step that would be logical for that. But when we have prime type soils, those deserve protection from our county and it is somewhat scary when the entire ag district is going to be rezoned to something different. And it's for something that's been there since Woodrow Wilson homestead, allowed, or signed that property for homesteading and now that it is not going to be Ag. It is going to be a Mixed-Use 40 district, I just have concerns with that and I think we need to look at the different properties currently in the Ag zone and there are probably places that are like the MU-20 as proposed. But we need also to focus on protecting those areas that really are productive to feeding our people in the State of Montana and the country and even the stuff that is exported. Anyway, I just thank you all for listening and thank the staff for their time today.

Elliot Merja

2:19:14 - The consensus of the Board is that there won't be a vote tonight on this and that things that have been presented will be brought, investigated into the staff's report. I probably came off wrong with what I said but by the same token, I really think you should read Appendix 5, line 6 and tell me how the AG area, having it agricultural like it was or is currently, is so much better than MU-40 would do.

Kathleen McMahon

2:20:12 - And I have read Appendix 5, multiple times. Agricultural zoning would be better because value-added manufacturing district, which is now a special use under the Ag District would be a permitted use under the MU-40. The value added agriculture use, that is now a special use, can include manufacturing processes and can include high volumes of traffic. There is a lot of waste concerns and how that is going to be disposed of. It can locate anywhere in the county on dirt and gravel roads where there is no water. Currently, a special use would be required and the county zoning board of adjustment would be able to say, that is not an appropriate location because it doesn't have adequate fire service there. If it goes to MU-40, they (ZBOA) can't do that. It is just a permitted use by right.

2:21:18 - The other big difference, is that the definition of the MU-40 District specifically says that this district is intended for "large scale" "intensive" uses. If you keep the Ag District and then adopt an intent statement that is in conformance with the Growth Policy, and if you read my report I have a suggested an intent statement that was taken directly from the Growth Policy, almost verbatim. So, if you take that verbatim statement from the Growth Policy, and use that as your agricultural intent, than any special use that comes in would be measured, "Does it meet the intent the intent of this district." If it comes in as MU-40 and the intent is "large scale, intensive uses", that becomes your standard or criteria for evaluating it, rather than preserving prime farm land. So one of the big differences of preserving the Ag District for agriculture is that isn't that we would necessarily change the uses. As Michael said, value added agriculture is already a special use. But it would be evaluated - is it going to be on prime farm land. Is it going to be where there are fire services, where there is water to fight large structure fires. In the proposed MU District, that would not occur. You could have large scale intensive

districts anywhere on prime farmland. If you keep the Ag District as is, and adopt the intent statement that matches the growth policy, your standard of review is that you are protecting prime farm land.

2:22:58 - Not that you can't have growth anywhere. The MU-20 District is fine. That is where the roads are. They have done an analysis that demonstrates the MU-20 District is fine. What we are saying is that in the MU-40 district, not the entire district is suitable for large scale intensive uses. If you look at the Growth Policy, this is varied terrain. You have steep slopes, that might be subject to landslides, that might not be accessible for fire (fighting). You have earthquake faults. You have soils that have high groundwater. If you have a special use process you can look at all of those things. But the MU-40 District takes that special use process away and then has a standard criteria of large scale uses rather than promoting prime agricultural land.

2:23:52- The other thing I want to correct, or have questions on, staff has said that under the proposed regulations, this (MU-40) would be preferable because different uses would have to come in for individual special uses. As I read the current regulations, Section 10.1 it says, "All such uses are hereby said to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case." So that tells me that right now, that in the Ag District, that each individual use is already considered as an individual case. So the MU-40 District wouldn't change that at all. That is the way it already is. So like I said, I have read Appendix 5, and those are the big differences.

Carey Ann Haight

2:36:31 - If the Board is going to be taking this under advisement, I'd like a motion to that affect and I think there needs to be clarity for the public as well as staff and the Board in terms of whether we're now closing the public hearing portion of this process so that you have a complete set of information upon which to work with. Otherwise, they are going to continue, the potential for more information for more information to come in will exist that the need would need to consider. If the Board is of the opinion that they got enough information before them and they need to now evaluate it and assess it and they need to regroup to assess that to reach a decision, then I think the Board needs to specifically state that. If you are looking for more information to continue to come in then I think the Board needs to make that clear as well.

Michael Stone

2:39:56 - I would like to respond. I don't want what I said to be taken out of context. I have pointed out in the staff report for example, in response, I believe it is somewhere on the MU-20 analysis that you can look at what kind of uses are allowed in that district and it might seem, well, that is a floodplain area, all along the Sun River, all along the Missouri River. And I have mentioned there that floodplain regulations already control for that so there is one example. And the other thing is, I can't make every citizen a planner. And that's all I was saying in that we can't explain everything that we are supposed to know to do our job to every single individual citizen that comes to our office asking questions. I mean we can try to help people but we can't explain the whole contextual picture. I mean that's all that was. That is never going to be in a staff report. We have our requirements of what we need to address in a staff report and it needs to be kind of limited. It has to be limited somehow.

Kathleen McMahon

2:41:03 - One specific comment that was made by staff and by the Chairman tonight, that never appeared in any staff report, and I would like to have an opportunity to respond to, is that industrial agriculture is really the same, has the same impacts as industrial uses. I believe there are a lot of differences. Industrial agriculture is seasonal as far as the traffic and the heavy equipment that is in use. Whereas an agricultural manufacturing operations be operating year-round, on a daily basis making multiple trips with heavy equipment. Current ag operations have the employment base, employment has been decreasing because of the technology involved and I think everyone knows this. Whereas a manufacturing plant can employ hundreds, or even thousands, and not have to go through any specific review. So there is a big difference between industrial agriculture and manufacturing that would be allowed. And that is a statement that was brought up tonight that had not appeared in any report. So I would like to be able to submit a response to that and listen to the audio. That is what I wrote in my notes but there might be other things that like this that were never in the staff report. I don't want to take them out of context. I want to be able to review the audio and make sure that I am understanding correctly.

Carey Ann Haight

2:42:41 - I will say that at some point there has to be an end. There will continue to be point and counterpoint and point and counterpoint. It is really up to the Board in terms of whether they have enough information or do they want to continue to take information in.

2:44:45 - If you conclude the public hearing tonight, the next step would be for this Board to meet at some date in the future and engage in deliberations. And it might be just a work session type meeting or it might be one where you are all prepared to make a recommendation to the Board. That would be the next step. There would not be public comment coming in. There would only be Board discussion. The public would be invited, obviously, to attend and observe and see. But there would be no more incoming comments from the public at that point it would only be Board deliberation.

Elliot Merja

2:46:25 - This motion is to get public comment down to a point where we are done with that and then we can make a decision whether this can get forwarded to the county commission or if it needs more review within the board.

Attachment 2: Findings of Fact

Based on the analysis in this memo and supporting documents, the findings below demonstrate that the proposed MU-40 District does not meet the mandatory criteria stated in MCA 76-2-203 (1)

Summary of Findings Per MCA Mandatory Criteria -76-2-203(1)

1. The proposed regulations for the MU-40 District do not substantially comply with 25 of the relevant goals/objectives/policies of the Growth Policy. (See Appendix A in K.McMahon report submitted on 6-12-19)
2. The proposed MU-40 District is not designed to secure safety from fire because large-scale intensive uses may locate in areas that lack adequate water supplies for fighting fires. (See Cascade County CWPP)
3. The proposed MU-40 District is not designed to secure safety from fire because large-scale intensive uses may locate in remote areas with poor roads that would result in long response times that are not sufficient to fight a structure fire. (See Cascade County CWPP)
4. The proposed MU-40 District is not designed to secure safety from fire and other dangers because large-scale intensive uses with a higher risks of hazardous material spills can locate in remote rural areas and the only regional trailer to respond to hazardous spills is located in Great Falls. (See Cascade County Multi-Hazard Plan)
5. The proposed MU-40 District is not designed to secure safety from fire and other hazards because the large scale and intensive uses that previously required special use review in the "Agricultural District" will be permitted "by right" in the MU-40 and may be established without any public review or conditions of approval to protect against any issues that may be related to fire and other hazards.
5. The proposed MU-40 District is not designed to secure safety from fire and other dangers because it would allow large scale intensive uses in areas with areas that are subject to "extreme fire behavior, especially under windy conditions, and provide for challenging wildland fire suppression efforts" (Section 5.10 and 5.5 of the Cascade County CWPP)
6. The proposed MU-40 district is not designed to promote public health, public safety and general welfare because the regulations should discourage "large scale" and "intensive" uses in areas served by dirt and gravel roads that hinder the response times from emergency services. (See Staff report dated 6-12-19)
7. The proposed MU-40 District is not designed to promote public health, public safety and general welfare because the large scale and intensive uses that previously required special use review in the "Agriculture District" will be permitted "by right" in the MU-40 and may be established without any public review or conditions of approval to address issues related to provision of emergency services.
8. The proposed MU-40 district does not facilitate the adequate provision of transportation because the MU-40 district, "is limited to gravel and dirt roadways in variable conditions" which is not "suitable

transportation infrastructure” for commercial or other “large-scale” and “intensive” uses. (See Staff Report 6-12-19)

9. The proposed MU-40 district does not facilitate the adequate provision of transportation because the high volumes of traffic generated by “large scale” and “Intensive” uses may require costly transportation infrastructure improvements that would create significant fiscal impact for taxpayers in the county.
10. The proposed MU-40 district does not facilitate the adequate provision of transportation because the high volumes of traffic that is associated with “large scale” and “intensive” uses increases the risks of traffic accidents in areas that lack “suitable transportation infrastructure” and can result in serious health and safety concerns. (See Cascade County Multi-Hazard Plan)

Based on the analysis in this memo and supporting documents, the findings below demonstrate that the proposed regulations for the MU-40 District do not meet the guidelines stated in MCA 76-2-203(2)

Summary of Findings per MCA Guidelines -76-2-203(2)

11. The propose MU-40 District is not suitable for “large-scale” and “Intensive uses” development because the proposed MU-40 District boundaries encompasses an area that has potential hazardous features such as flooding, erosion, landslide, soil creep, and earthquake faults and there has been no mapping or suitability analysis to determine the location of such hazards. (See Cascade County Growth Policy)
12. The proposed MU-40 District is not suitable for “large-scale” and “intensive uses” because the MU-40 District boundaries encompasses landscapes with steep slopes, high groundwater and other poor soils for development and there has been no mapping or suitability analysis to determine the prevalence of such soil types in the proposed district. (See Cascade County Growth Policy)
13. The proposed MU-40 District is not compatible with the predominant character because “large scale” and “intensive” development in the district would take prime farmland out of production. (See Prime Farmland map from Cascade County Growth Policy & USDA Soil Surveys)
14. The proposed MU-40 District is not compatible with the predominant character of the district because the prevailing land use is 96% undeveloped agricultural and open space lands and “large scale” and “intensive” uses would change the rural character of the district. (See Montana National Heritage Program, “Land Cover Cascade County)
15. The proposed permitted uses in the MU-40 District include “large-scale” and “intensive” uses that are not characteristic of the low intensity “permitted uses” in the existing “Agriculture District”. (See Montana National Heritage Program, USDA Cropscape map)
16. The proposed MU-40 District is not compatible with the character of the existing agricultural land uses and open spaces in the district because “large scale” and “intensive uses” such as value added agriculture with manufacturing processes would be permitted by right and would not be subject to the special use regulations that would protect the “unique characteristics” of the site.

Carolyn K. Craven
101 14th Avenue South
Great Falls, MT 59405

June 19, 2019

PUBLIC COMMENTS

CASCADE COUNTY PROPOSED ZONING REGULATIONS NEW & REVISED DEFINITONS

New

AGRICULTURAL DISTRICT *In 6-12-19 Report by Kate McMahon, Consultant*

Intent: The purpose of this district is to preserve, promote, maintain and enhance the use of such areas for agricultural purposes and related small-scale agricultural businesses while limiting 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 near towns in areas most economically and environmentally appropriate for such uses.

Above statement is based on the following statements in the Growth Policy:

Goal 3, Obj. A, B and D; Chapter 5 – Policy 2, 6, 10, 11 and 12; Section 7.5, Policy 1, Section 8.3

New

AGRICULTURAL CROP PRODUCTION

The use of land for growing, raising, or marketing of plants to produce food, feed, or fiber commodities. Examples include, but are not limited to, cultivation and tillage of the soil; and the growing and harvesting of fruits, vegetables, and sod, ornamental, nursery, and horticultural crops that are raised, grown, or produced for commercial purposes.

New

AGRICULTURAL ANIMAL PRODUCTION

The use of land for growing, raising, or marketing of animals to produce food. Examples include, but are not limited to, dairying; the raising of livestock, poultry, bees, fur-bearing animals, or biological control insects.

New

GROWTH POLICY

A comprehensive development plan, master plan, or comprehensive plan as defined in Montana Code Annotated 76-1-103 and 76-1-601. According to Montana Code Annotated 76-2-203, criteria and guidelines for zoning regulations must be made in accordance with the growth policy.

C.K. Craven
Homeowner

*Revision***OPEN SPACE DISTRICT**

A zoning classification that limits the allowable uses to agriculture, recreation, parks, reservoirs, and water supply lands. Open Space Districts are most commonly used for publicly owned lands, historic or scenic purposes, conservation of land and natural resources, but are also used in areas subject to flooding (floodplain zones) and other natural hazards.

*New***SOLAR PANELS**

Devices containing photovoltaic cells that convert sunlight into direct current electricity or that use thermal energy from sunlight to heat water.

*New***TECHNOLOGY BUSINESS**

Businesses engaged in operations that apply current science to commerce and industry to create various technologies (i.e. infrastructure, manufacturing, etc.) and apply resources to solve problems.

*Clarification***7.10 COMMERCIAL (C) DISTRICT****7.10.11 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT**

(4) Gravel Pit (open-cut mining operation). *Quarry commonly refers to gravel.*

- It seems relevant to distinguish between the common usage of “open-cut mining” and “quarry”. According to the dictionary a quarry is a type of open-pit mine and commonly refers to gravel.
 - “A quarry is a type of open-pit mine in which dimension stone, rock, construction aggregate, riprap, sand, gravel, or slate is excavated from the ground. The most common purpose of quarries is to extract stone for building materials”.
- “Open-cut mining is one method used to extract minerals from the earth. Open-cut mining is used when the minerals are found over a large area and relatively close to the surface. The open cut mine is dug downwards in benches or steps which slope towards the center of the pit. *A quarry is an open-cut mine also, but for gravel.*”

MCA 82.4.303 (16): "Mineral" means any ore, rock, or substance, other than oil, gas, bentonite, clay, coal, sand, gravel, peat, soil materials, or uranium, that is taken from below the surface or from the surface of the earth for the purpose of milling, concentration, refinement, smelting, manufacturing, or other subsequent use or processing or for stockpiling for future use, refinement, or smelting.

MCA 82.4.303(29): "Rock products" means decorative rock, building stone, riprap, mineral aggregates, and other minerals produced by **typical quarrying activities** or collected from or just below the ground surface.

RECOMMEND DELETING THE “OPEN-CUT MINING” DEFINITION AND USE IN THE 2019 CCPZR. THIS TERM ENTERED THE COUNTY ZONING VERBIAGE AFTER 2009. IT IS COMMONLY USED FOR MINERAL EXTRACTION. MONTANA ALREADY HAS TOO MANY SUPERFUND SITES DUE TO MINERAL EXTRACTION AND SUBSEQUENT POLLUTION.

RECOMMEND RETAINING THE CURRENT DEFINITION FOR “QUARRY”. IT IS COMMONLY USED FOR GRAVEL EXTRACTION, WHICH IS NEEDED IN CASCADE COUNTY.

From 2019 CCPZR

OPENCUT MINING OPERATION

Includes the following activities, if they are conducted for the primary purpose of sale or utilization of materials: 1) removing the overburden and mining directly from the exposed natural deposits or mining directly from natural deposits of materials; 2) mine site preparation, including access; 3) processing of materials within the area that is to be mined or contiguous to the area that is to be mined or the access road; 4) processing materials within the area that is to be mined through crushing, screening, asphalt, wash, and concrete plants, and utilizing other equipment used in processing open-cut materials; 5) transportation of materials on areas referred to in subsections 1 - 3; 6) storing or stockpiling of materials on areas referred to in subsections 1 - 3; 7) reclamation of affected land; and 8) any other associated surface or subsurface activity conducted on areas referred to in subsections 1 – 3. *Source should be cited so subsections can be accessed.*

From 2019 CCPZR

QUARRY, SAND PIT, GRAVEL PIT, TOP SOIL STRIPPING

A lot or land or part thereof used for the purpose of extracting stone (including grinding, cutting, breaking, forming, and finishing of quarried rock), sand, gravel or topsoil for sale as an industrial operation and exclusive of the process of grading the lot preparatory to the construction of a building for which application for a zoning permit has been made.

It appears we are not required to include “open-cut mining”, “oil & gas exploration” and other uses in our Cascade County Zoning Regulations.

- Missoula County - no oil & gas or coal, no mineral mining, has gravel mining
- Flathead County - no oil & gas or coal, has open-cut mineral mining, also gravel
- Yellowstone County - has oil pipeline distribution, but no coal or open-cut mining
- Gallatin County – no oil & gas or coal, no mineral mining
- Lewis & Clark County – no oil & gas or coal, no current mining

RECOMMEND NO OPENCUT MINERAL MINING IN CASCADE COUNTY

New

HUMANE ANIMAL CONDITIONS

Provide for specific amounts of daily time outdoors on land (not concrete) and appropriate space indoors and outdoors per animal to allow movement and walking (i.e. sq yds per animal minimum, four hours minimum outdoors, with freedom to move and walk, etc.). *On the outside chance you might consider this I will be happy to research those conditions.*

THE MT LOCAL GOVERNMENT BOARD HANDBOOK STATES "THERE IS NO VIOLATION IN THE LAW FOR GIVING MORE NOTICE OR OPPORTUNITY TO BE HEARD THAN IS REQUIRED".

**IN THAT SAME SPIRIT, I SUBMIT THAT
"THERE IS NO VIOLATION IN THE LAW FOR PROVIDING
HUMANE ANIMAL CONDITIONS
THAT ARE NOT REQUIRED BY LAW".**

Someone has to set a precedent and why not Cascade County?

I am opposed to the massive CAFOs, feedlots and "factory farms" as proposed in these zoning regulations. Each county likely benefits from having a local slaughterhouse, but not at the scale of these proposed industries.

The environmental concerns are also real, based on precedent in the research, and we are currently living with the uncertainties of climate change.

Previous comments on *Definitions* were submitted by this author on March 15, May 31, and June 6, 2019.

Respectfully submitted,



Carolyn K. Craven
101 14th Avenue South

C.K. Craven
Homeowner

Carolyn K. Craven
101 14th Avenue South
Great Falls, MT 59405

June 20, 2019

PUBLIC COMMENTS

CASCADE COUNTY PROPOSED ZONING REGULATIONS SPECIAL USE PERMIT REQUIREMENT

- In the 2019 CCPZR there is no opportunity for public comment on Commercial Dairy, 20 acres+ or 40 acres+. According to the research, there are numerous possible adverse environmental effects that should be addressed with the extra review and public comments that a Special Use Permit requires.
 - **RECOMMEND CHANGING COMMERCIAL DAIRY IN MU-20 AND MU-40 FROM A PERMITTED PRINCIPLE USE TO “PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT”**

- In the 2019 CCPZR there is no opportunity for public comment on Value-Added Agricultural Commodity Processing Facility in MU-40. There is substantial concern about this use and it does require a Special Use Permit in MU-20. There needs to be the same requirement for using a Special Use Permit in MU-40. The potential impact from this use is perhaps even greater in the larger district.
 - **RECOMMEND CHANGING VALUE-ADDED AGRICULTURAL COMMODITY PROCESSING FACILITY FROM A PERMITTED PRINCIPLE USE TO “PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT”**

- Heavy Industrial allows “ALL NON-RESIDENTIAL USES not otherwise prohibited by law” without any Special Use Permits or Unclassified Use Permits. Staff confirmed that if an applicant wanting to build a CAFO/Slaughterhouse/Rendering Plant/Coal-Fired Power Plant and chose not to go to MU-40, those uses would be allowed in Heavy Industry without additional review and without any opportunity for public comment.
 - **RECOMMEND REQUIRING “PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT” FOR AT LEAST THE EXAMPLES NAMED ABOVE.**

Respectfully submitted,



Carolyn K. Craven
101 14th Avenue South
Great Falls, MT 59405



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
Email: planningcomments@casadecountymt.gov

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Commenter Information

Name: Patricia L Perez

Complete Address: 14 7th N.W. Co. Falls mt

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 Been smoking for
40 yrs. for store fronts in I-2 P.P.

For Office Use Only			
Date Received:	<u>6-19-19</u>	Date Reviewed:	<u>6-19-19</u>
Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	



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Commenter Information

Name: Norm Lot 2

Complete Address: 1412 28th Ave. So. 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 marijuana storefronts in I2 zones
Grandfather existing marijuana grows in
agricultural zone.

For Office Use Only			
Date Received:	<u>6/19/19</u>	Date Reviewed:	<u>6/19/19</u>
Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	



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Commenter Information

Name: Corinne Allen

Complete Address: 2611 upper river rd # 13 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 store fronts (marajina) should be in T2 zone. Grandfather the ~~exist~~ existing marajina grow? located in agricultural areas.

For Office Use Only			
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Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	



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Commenter Information

Name: Dan Michel

Complete Address: 2616 Warren River Rd #103 Great Falls 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

Put all marijuana store fronts should be put in I2 zones with
The 1000 foot rule from residents. Grandfather all existing ~~can~~ marijuana
grows in Agricultural zones.

For Office Use Only

Date Received:	<u>6.19.19</u>	Date Reviewed:	<u>6.19.19</u>	Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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Commenter Information

Name: Marion Bender

Complete Address: 161 Sun Prairie Rd, Great Falls

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

Leave the marijuana grows in agricultural areas that are in existence now. The stores should be in the I-2 areas. All new business in the I-2 areas.

For Office Use Only

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Commenter Information

Name: Colton Hilgich
Complete Address: 716 4th AVE SW

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 Marijuana
All storefront should be in I-2 zones. Grandfather all inexisting marijuana grows that are in agriculture zones and make all future grows in I-2 industrial zone.
Colton Hilgich

For Office Use Only			
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Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	



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Commenter Information

Name: Sharon K. Lundt

Complete Address: 161 Sun Prairie Rd, 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

currently in agricultural zones
The existing medical marijuana grows should be grand-fathered in, with all new grows to be in I-2 heavy industrial zoning. In addition, the store fronts should remain in the I-2 heavy industrial zones. ~~the zoning~~

These requirements should remain until the issues can be thoroughly reviewed until such time as we know exactly where the industry is going.

In addition, the proposed changes unduly punish the providers and growers that have jumped thru all the hoops to be in compliance with the existing regulations as they were understood.

For Office Use Only			
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Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	



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Commenter Information

Name: Steven G Buckalew
Complete Address: 1513 4th Ave N 59401 Great Falls MT

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

Allow Medical Marijuana Store front,
and future grows. I2 zones also. keep
the growers in business in Agracultural zones
they are already in.

St Buckalew

For Office Use Only

Date Received: <u>6/19/19</u>	Date Reviewed: <u>6/19/19</u>	Complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Commenter Information

Name: Julia Volk

Complete Address: 269 Wash. Blvd. 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

Grandfather all existing marijuana growers
in agricultural zones and place all store
fronts in T-2 zones and please enforce the
one thousand feet from existing residents -
Residential areas present and future on all
store fronts to protect our community.

For Office Use Only

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Commenter Information

Name: Killiean Rutledge
Complete Address: 268 Washington Blvd. Great Falls MT

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

Allow all growers to stay where they are at. Also allow all store front ~~to~~ in I2 to remain in place.

For Office Use Only

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121 4th St N, Suite 2H-2I Great Falls, MT 59401
Phone: 406-454-6905 | Fax: 406-454-6919
Email: planningcomments@casadecountymt.gov

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.

Commenter Information

Name: John Braziceer

Complete Address: 1310 1st ave SW Great Falls MT

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

If a bussiness has been in place for 10 years It should not have to move for new zoning laws. If anything they should be accepted and thought about in these proceedings as they are operating and have been legally operating in there respective locations and following the laws provided to them. By legally following the laws I find it oppsency to treat any bussiness would be treated as such.

For Office Use Only			
Date Received:	<u>6-19-19</u>	Date Reviewed:	<u>6-19-19</u>
Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	



Public Comment Form

Cascade County Public Works Department Planning Division
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Commenter Information

Name: Michael Ait

Complete Address: 1301 6th St NW Great Falls MT

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 state fronts in I-2 allow existing growers to keep their businesses bringing money into the community or allow them to be grandfathered in please.

For Office Use Only			
Date Received:	<u>6-19-19</u>	Date Reviewed:	<u>6-19-19</u>
Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	



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Commenter Information

Name: GARY ARNOT

Complete Address: 228 Sunloop Ln. 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

Grandfather all Marijuana grow and all store
fronts in IZ zone.

For Office Use Only			
Date Received:	<u>6-19-19</u>	Date Reviewed:	<u>6-19-19</u>
Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	



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Commenter Information

Name: Jack Sanders

Complete Address: 71 Sunloop lane Great Falls 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

All Marijuana Store Fronts should be in I-2 Heavy Industrial zone
Grand Father all Marijuana Grows that are existing in Agriculture
zones, make all future marijuana Business into IR and enforce
the 1000 foot rule from residents.

Jack Sanders

For Office Use Only			
Date Received:	<u>6-19-19</u>	Date Reviewed:	<u>6-19-19</u>
Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	



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Commenter Information

Name: Spencer Sanders
Complete Address: 71 Sun Loop Lane 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

All marijuana store fronts should be in a I-2 heavy industrial zone. Stand for all marijuana grows that are in agricultural zones make all marijuana business into I-2 and enforce within 1000-foot from residence.

For Office Use Only			
Date Received:	6-19-19	Date Reviewed:	6-19-19
Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	



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Commenter Information

Name: Kali Sanders

Complete Address: 71 Sun Loop Ln 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

All Marijuana Store fronts should be in a I-2 heavily industrial zone. Grandfather all marijuana growers that are agricultural zones. Make all marijuana business' into I-2 and enforce within 1000 feet of residence.

For Office Use Only			
Date Received:	<u>6-19-19</u>	Date Reviewed:	<u>6-19-19</u>
Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	



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Commenter Information

Name: Kenneth I. Volk
Complete Address: 269 Washington Blvd. Great Falls MT

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 store fronts in I-2
industrial zone
Grand Father all existing
marijuana grows

For Office Use Only

Date Received:	<u>6-19-19</u>	Date Reviewed:	<u>6-19-19</u>	Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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Commenter Information

Name: John Volk
Complete Address: 269 Wash. Blvd. 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

Grandfather all existing marijuana grows.
Put store fronts and future marijuana grows
in I-2 zone. Please enforce the one thousand
feet for store fronts.

For Office Use Only			
Date Received:	<u>6/19/19</u>	Date Reviewed:	<u>6/19/19</u>
Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	



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Commenter Information

Name: Felicia Beavers

Complete Address: 1513 4th Ave N. Greatfalls 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

Allow Marijuana Store fronts and future grows in IZ zones. keep the growers in the Agricultural zones they're already in.

Felicia Beavers

For Office Use Only

Date Received: <u>6-19-19</u>	Date Reviewed: <u>6-19-19</u>	Complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Commenter Information

Name: S Starr Sodergren

Complete Address: 269 Central Ave Maunabo mt 59487

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

Please place all marijuana store fronts & future grows in I-2 industrial zones while enforcing the 1000 foot rule from residences & residential areas for store fronts & allow the existing marijuana grows in agricultural zones

For Office Use Only

Date Received: <u>6-19-19</u>	Date Reviewed: <u>6-19-19</u>	Complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Commenter Information

Name: Don Schreder

Complete Address: Box 482

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

Marijuana store fronts in I-2 zones
and grandfather existing marijuana
growers, because they follow the laws
and help people medically.

For Office Use Only

Date Received: <u>6-19-19</u>	Date Reviewed: <u>6-19-19</u>	Complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Commenter Information

Name: Mike DeWitt
Complete Address: 92 Hawk Drive 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

Marijuana store fronts should be put in F2
grandfather existing grows

For Office Use Only			
Date Received:	<u>6-11-19</u>	Date Reviewed:	<u>6-11-19</u>
Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	



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Commenter Information

Name: Shelly M Jones

Complete Address: 36 Louise Avenue Tracy, 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

Please put all marijuana stores in an I 2 zone with a 1000' from all residence to protect our community. But allow existing marijuana grows in agricultural zones Cascade County has placed them in.
Thank you

For Office Use Only			
Date Received:	<u>6-19-19</u>	Date Reviewed:	<u>6-19-19</u>
Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	



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Commenter Information

Name: Wayne Jones

Complete Address: PO Box 13 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

All store fronts in I 2 allow existing growers to keep their businesses bringing money into community.

For Office Use Only			
Date Received:	<u>6-19-19</u>	Date Reviewed:	<u>6/19/19</u>
Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	



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Commenter Information

Name: Aranda Elliot

Complete Address: 505 6th 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

All marijuana stores front in I2 zone + grandfathered in existing marijuana grows in agricultural zones they were originally in.

For Office Use Only			
Date Received:	<u>6.19.19</u>	Date Reviewed:	<u>6.19.19</u>
Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	



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Commenter Information

Name: T RAVIS R BENDER

Complete Address: 3819 5TH AVE, 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): _____

Comment

PUT ALL I-2 HEAVY INDUSTRIAL STOREFRONTS
AND FUTURE GROW OPERATIONS BUT ALLOW
EXISTING GROW OPERATIONS TO REMAIN IN
PLACE IN THE ZONES THEY WERE PREVIOUSLY ALLOWED
IN.

T RAVIS R BENDER

For Office Use Only			
Date Received:	<u>06.19.19</u>	Date Reviewed:	<u>06.19.19</u>
Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	



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Commenter Information

Name: Jeremy Rutledge

Complete Address: 268 Washington Blvd, 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

All marijuana store front in I2
And allow existing marijuana grower
to stay in Agricultural zones

For Office Use Only			
Date Received:	<u>6-19-19</u>	Date Reviewed:	<u>6-19-19</u>
Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	



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Commenter Information

Name: Leroy Dearth Jay
Complete Address: 1034 Grant Dr 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

All marijuana store fronts in I2 zones
to protect our children

For Office Use Only

Date Received: <u>6-12-19</u>	Date Reviewed: <u>6/19/19</u>	Complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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RECEIVED
06/19/2019



Public Comment Form

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

Instructions

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Commenter Information

Name: Helen Coleman

Complete Address: 15 Homestake Ln Great Falls, MT

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 endorse all of MFRLU
revisions to proposed zoning
changes

FOR OFFICE
USE ONLY

Date Received: 6-19-19

Date Reviewed: 6-19-19

Complete: Yes No

Date Received: _____

see pg 2

I continue to oppose many of the MU-40 zoning proposals as trying to comply with the Growth Policy....

One personal incident, provides the opportunity to describe a grass fire that burned at least 100 acres about one football length behind our home in Homestake about 2-3 years ago.

This fire started when a tire rim from a truck came off a truck that was driving on a paved road and rolled onto wheat field. This ignited the field and spread rapidly.... fortunately for all our homes in Homestake Ranch area, one owner notified Malstrom Fire Department who arrived, within minutes along with other volunteer fire fighters. The reason for this example is that Malstrom is located within one mile, has these fire fighting abilities, a paved road.

Compare this experience to remote areas, poor roads and a long response time....

Another goal in the Growth Policy that I believe does not address in the proposed zone change is

8 To protect surface and groundwater from pollution.

A letter from John LaFave the Program manager, Ground water Assessment Program i.e. the Montana Bureau of Mines and Geology..... explanation of the Madison Aquifer

“ In Cascade County between 1995 and 2006, the number of wells completed in the Madison aquifer nearly doubled from about 400 wells to 800 wells and is presently more than 800 wells... During that time water was being removed faster than it could be replenished.

Noted that the Madison aquifer system is dynamic and is strongly impacted by short and long term climate variability.

Perception of proposed changes validate the concerns of many of Great Falls citizens... Because Gallatin County seems to endorse growth in areas that do not seem to cause negative discussion, I looked at their Growth Policy and one item I noted was the following.

“The citizens of Gallatin County must be heard and be part of the planning process. As stated previously the growth policy should reflect the current goals and values of its community.....and throughout the implementation process, citizen participation will be critical to the ultimate **commitment** of the people of Gallatin 'county and their elected officials”

To convince the planning board of Cascade County, we the citizens also must be heard, our concerns, our values of agriculture lands and our goals because it is we the citizens who live and build our homes and dreams in this land that will be divided into questionable value added acreage.



Public Comment Form

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



RECEIVED
06/19/2019

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: Leanna Coulter

Complete Address: 99 Fife 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): Zoning regulations

Comment

see attached

For Office Use Only

Date Received:	<u>6-19-19</u>	Date Reviewed:	<u>6-19-19</u>	Complete:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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I attended the June 12, 2019, Planning Board Hearing as well as several other Planning Board Meetings in recent months.

I would like to say that I totally agree with the statement and report made by Kate McManon and with her recommendations. I believe changing Agricultural Zoning to Mixed Use 40 would be a grave mistake. Allowing heavy industrial uses (including by companies from foreign countries) of prime grain growing farmland would not benefit anyone other than a greedy few that seek to benefit personally, but deplete everyone's water, air and land resources and then leave the majority nothing but pollution and decreased property values.

In observing the members of the Planning Board, I question the objectivity of some. Some appear totally bored with having to sit there and listen to comments they don't care to hear and some are on their phones or electronic devices holding them under the table (do they really think we don't see them?). Several appear to have their mind made up and don't care what anyone who would be directly affected by this industry has to say or by facts presented by experts in the area who have done research of other areas of the country that has experienced this type of heavy industry. One admitted to wanting to open up the county agricultural land to "anything goes" because his neighbors objected to his plan to locate a business in their area that they felt was undesirable.

Cascade County is beautiful and many people would love to work and live here. Instead of industry that destroys the beauty and quality of life in Cascade County, why not encourage high paying, clean industry to locate here. Technology and science are the fastest growing industries in the U.S. Why not encourage that kind of industry instead of dirty industry that will destroy our environment?



Public Comment Form



RECEIVED
06/19/2019

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

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Commenter Information

Name: Glen Coulter
Complete Address: 99 Kife 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): ZONING REGULATIONS

Comment

See Attached

For Office Use Only

Date Received: <u>6-19-19</u>	Date Reviewed: <u>6-19-19</u>	Complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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I agree with and support the comments and recommendations made by Kate McManon at the June 12, 2019 meeting of the Planning Board.

During that meeting it became very obvious that members of the board have made up their minds about what they think is good for all of the public. They were not interested in the public comments, but appeared simply going through the motions of having public comment time as required. Several of the board members made comments basically admitting their biases formed from previous incidents in past years. Mr. Merja should resign from the board for his remarks or at least recuse himself from voting regarding growth policy and zoning matters

In regard to the board members not concerned with what was going on in the meeting, I observed several members messing with their phone and others staring blankly into space. Their lack of interest in what the public was saying was so apparent.



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
Email: planningcomments@cascadecountymt.gov

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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): Blanket Zoning change proposal

Comment

Thank you for holding the June 12 ,2019 public meeting in an appropriate venue to accommodate attendees. Please accept the following comments:

-Do not support Agricultural change to MU 40, I would request that staff and board only consider portions of areas proposed for MU 20 of those truly suited for or adjacent to existing "other use" areas. Ag use is currently the dominant use as has been pointed out and noted the high current use is Ag on over 95% (1.3 million acres) with over 4300 landowners.

-Reconsider safety and fire protection: the public should of had presentation by the affected fire districts at one of the past public meetings.. and Sheriffs Dept. It was brought up that with lower standard roads (gravel), limited water sources , narrow bridges these rural ; currently Ag are not in a position to have larger scale develop from an infrastructure perspective and EMS response times.

-Wildland Urban Interface noted as associated with proposed MU20 lands but there are many areas of MU40 that exhibit WUI characteristics including steep coulees, timbered draws and excessive wind patterns were not adequately represented in staff notes

-Site and soil productivity of many of the prairie lands, flood-prone areas and forested lands are most suited for Agriculture, ranching,forest resources, recreations and conservation. Mix-use would not be a change in name only!

-One item not discussed was tax value. Please report out on how this zone change would impact tax rates. If you change the zoning how over time will rates be considered and change. Ag land tax rates are well known and understood across MT. How do these rates change when an adjacent use is now no longer under a SUP but essentially now just a mixed-use. Fully explain how the tax assessment process would work under this proposal and does it fully comply with the MT Dept. of Revenue MCA rules.

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Date Received:	<u>6-17-19</u>	Date Reviewed:	<u>6-18-19</u>	Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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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>6-17-19</u>	Date Reviewed:	<u>6-18-19</u>	Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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Date: 6/18/19
From: Deborah and Mike Jenkins, 298 Hastings Road
Re: Public Comments

Zoning Regulations: With the plethora of public comments that outline the specific problems of the zoning changes proposed by the county staff, it would be a shame if all of these opinions were dismissed. We have listened to others' comments and considered all of the proposals. Some seem to be good changes, however, we hold the opinion that one major issue would be changing AG to MU-40. We think that this would be a huge and long-lasting mistake. We agree with our land use expert, Kate McMahon's recommendation to:

1. Delete the MU-40 Mixed District
2. Replace the MU-40 District with the regulations for the existing Agricultural District
3. Increase minimum lot size in the Agriculture District to 40 acres
4. Adopt the same lot coverage standards for the Ag District as found in the MU-20 District
5. Amend the proposed zoning map to change all proposed MU-40 lands to "Agricultural" Zoning
6. Adopt the following statement of Intent (as attached in the full report) for the Agricultural District.
 - A-Agricultural: Intent: The purpose of this district is to preserve, promote, maintain and enhance the use of such areas for agricultural purposes and related small-scale agricultural businesses while limiting 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 near towns in areas most economically and environmentally appropriate for such uses.

Zoning Board: It is concerning that comments by some of the board members have included insinuation that 'we' all are irrational, heated up, and want to keep everything at status quo to maintain a 'retirement community'. We have not read nor heard anything from public comments that supports that concept, on the contrary. We have heard others express the same intent that we have, to promote smart and forward-thinking growth, and reject the type of growth that is harmful to the community as a whole, even if it does put a buck in a few pockets. These types of comments bear the question to be asked, did each of the board members read each of the comments, were they fully 'present' at the meetings to hear all of the words, and do they have the best interest of the community in mind? It is understandable that each board member is a county resident as well and has a right to their own opinions too, but the duty has to be placed on considering their opinion only as that of one citizen, not as an overriding opinion. We appreciate hearing their personal points of view and want assurance that that it is only weighed accordingly into the decision making. It is also noticed that this board is comprised of all males. Where is the overall diversity?

County Staff: We do appreciate the efforts of the staff to work on these documents and make suggested changes. We also appreciate the fact that they are led by an interim Administrator and are short staffed. It appears that these actions have not been completely self-directed, initiated by the staff themselves, and they likely have gotten directive to make certain changes. It also has not been made clear to the qualifications of these staff members. Some of the suggestions they have made have been clear indications that there is a lack of either experience, education, or community understanding on their behalf. One citizen had asked at a meeting about their background, including where they grew up

and reside and the only answer that was given was that they all now reside within the county. If we are relying on them to make recommendations that represent the county citizens, it isn't too much to ask for this type of information and it shouldn't be such a resistance to share.

County Commissioners and ZBOA: It would be inappropriate if the reasons for any of these staff proposed changes is to relieve the County Commissioners from the stressful duty of making decisions of relevance and placing this burden upon their appointed ZBOA. We elect the Commissioner to represent us and make these decisions, not to pass the buck to their handpicked ZBOA members. It is also noted that this board is also comprised of only males. Where is the overall diversity?

Public Participation and Notices: It is appreciated that the meetings have been adjusted to accommodate the public better, and that voting decision extensions have been made in order to fully consider extensive public comments. In an effort to have these meetings run smoother, promote public interest/attention, and encourage quality dialog, we would request that you discontinue the arduous word for word reading of the proposal and prepare a nuts and bolts breakdown so that that audience can more easily follow along and understand. A high-level overview summarizing the content, with visuals such as large font PowerPoint, would better serve the purpose. Public participation should be on the forefront of these activities and anything that presents a roadblock to this process should be eliminated. Also, if the true attempt is truly to notify the public, then there needs to be more effort and there is nothing that says you can't go beyond what the law required. It is not good enough to just post in the Great Falls Tribune and on the County website because:

1. Not everyone has computer access to constantly review the county website.
2. Not everyone subscribes to the Great Falls Tribune, and for those that do, the ads are too small and unclear that it is near impossible to read, understand, and keep up on.

We would like to see public notices additionally posted:

1. 8.5 x 11 flier with no less than 11 font postings in each post office in the county as well.
2. Radio announcements during morning, day, and night broadcasts.
3. TV station announcements, during the community announcements.

Without any changes to this process, we citizens continue to experience frustration and constant stress by fear of missing a crucial notice.

Growth Policy:

1. It is bewildering that the planning board voted to keep the GP as is, despite the massive public input that included specific points and solutions, as well as the staff's recommendation that updates need to be made. If this is to avoid a delay in the zoning changes, we would hope that this project of updating the GP is revisited in the near future, with great efforts to include the public in the process.
2. The current GP should reflect the recent action to include "Reviewed and re-adopted 5/2019".



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

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Commenter Information

Name: Tammy Kantorowicz

Complete Address: 746 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): **Proposed Zoning Regulations**

Comment:

Please see attached document.

For Office Use Only

Date Received:	6-11-19	Date Reviewed:	6-17-19	Complete:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Cascade County Planning Board
Public Hearing, June 12, 2019, 5:30 pm
Family Life Center, Expo Park
Great Falls, MT

Tammy Kantorowicz, property owner
746 Highwood Rd, Great Falls, MT

June 17, 2019

I appreciate your consideration of moving this meeting to the afternoon and the Expo Park to allow more people to attend the meeting. I feel the lower than expected turn out is due to two reasons.

1. Lack of knowledge by the public as to why this is an important meeting. Numerous residents within the county do not have access to internet, spotty access to internet, or internet speeds are so slow downloading and viewing documents is almost impossible.
2. Busy workload by those who *do* understand the importance of this meeting. As you are aware, this time of year is very busy for farmers and ranchers alike. Getting in the fields is a must to get the job completed prior to any more bad weather.

I oppose changing the Agriculture District to MU-40. My reasons are:

- I have not heard an identified reason for the justification of this rezoning. I have heard explanation of the process, but no reason as to why the process was even begun.
- I feel by definition the term Mixed Use does not preserve, promote, maintain and enhance the use of areas for agricultural purposes and related small-scale business especially in a zone that is currently 96% agricultural. It does not protect productive soil types or other agricultural land uses. Statements made by the planning staff indicating they do not have time to consider these items and feel using mapping tools are adequate are contrary to MCA 76-3-608(3) and MCA 76-2-203. This proposal is not compatible with the overall character of this district.
- The current proposal permits certain businesses to have a right to build with no public input. This is especially concerning to me. I feel I should have a right to express my concern about soil erosion, contamination of well water, depletion of ground water, air quality, noise/light pollution, etc. As an owner of productive farm land, these things have a negative impact on my property and well-being.
- As proposed, there appears to be no proper provision for transportation and fire protection for the proposed permitted use businesses.
- Stated analysis of rezoning does not consider all of the objectives and policies within the Cascade County Growth Policy.

I want to be clear in my desire to see Cascade County grown in a responsible manner that takes all factors into account with an eye on the future of the county. I feel comments such as “public just wants this to be a retirement community” or “are against growth” are insulting and do not consider the actual concerns expressed by the public.

Due to my busy work schedule, I have not had enough time to adequately review all of the zoning regulation changes and research them as it pertains by law or impact to the county. I am supportive of the proposal written by Kathleen McMahon, AICP and request the county consider her report.

A handwritten signature in black ink, appearing to read 'T. Kantorowicz', with a long horizontal flourish extending to the right.



Public Comment Form

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Commenter Information

Name: Carolyn K. Craven

Complete Address: 101 14th Avenue South, 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

- 05.21.19 Planning Board Hearing on Growth Policy Revisions
- 05.31.19 Zoning Definitions
- 06.01.19 Agricultural Zoning
- 06.06.19 Additional Definitions
- 06.07.19 Growth Policy Hearing
- 06.08.19 Zoning Districts & Permits
- 06.09.19 "Me Too" for comments submitted on 03.22.19 by Tammie Lynne Smith
- 06.11.19 Consultant Report by Kate McMahon
- 06.12.19 PB Hearing on ZR-CC
- 06.13.19 GP Support For ZR Goal #1

For Office Use Only

Date Received: <u>6-14-19</u>	Date Reviewed: <u>6-14-19</u>	Complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Carolyn K. Craven
101 14th Avenue South
Great Falls, MT 59405

June 13, 2019

PUBLIC COMMENTS

CASCADE COUNTY PROPOSED ZONING REGULATIONS FROM STAFF REPORT JUNE 12, 2019

GROWTH POLICY SUPPORT FOR PROPOSED ZONING CHANGES

The Staff Report lists 8 goals and 14 objectives in support of the proposed zoning changes. There are a total of 13 goals and 94 objectives in the 2014 CCGP. There are no environmental impact goals in the 2014 CCGP, which is one of the deficiencies needing to be revised.

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

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

7.5.9 Staff justification that the following uses were added to Mixed Use Principal Uses: (f) Butcher Shop, (i) Convenience Sales, (s) Alcohol Distillery, and (7) Wild Game Processing. The following uses were moved from Permitted Principal Use to Special Use: (33) Vehicle Repair and (28) Casino, which "Stimulates the retention and expansion of existing businesses, new businesses, etc. in accordance with Goal 1, Objective A."

7.5.10/7.6.10/7.10.10 Staff justification is that adding a concession stand in MU, MU-20, MU-40, Commercial where outdoor/indoor recreation, sports, events occur will "Stimulate the retention and expansion of existing businesses, new businesses, etc". in accordance with Goal 1, Objective A."

7.10.9 Staff Justification is adding (20) Hotel and Motel, (40) Alcohol Distillery, (41) Butcher Shop, (57) Event Center, and (58) Wild Game Processing "Stimulates the retention and expansion of existing businesses, new businesses, etc. in accordance with Goal 1, Objective A."

7.10.11 Staff Justification is that replacing "Agricultural Facility" with "Agricultural Commodity Storage Facility" due to the lack of a definition for the former and given the coverage of the "Agricultural building" use call out. The following uses were added: (16) Federal Firearms Retailers, Dealers, Repairers; (18) Contractor Yard, Large; and, (19) Medical Marijuana Registered Premise or Testing Facility. This will "Stimulate the retention and expansion of existing businesses, new businesses, etc. in accordance with Goal 1, Objective A."

7.12.2(2) Staff justification is that structural changes were made by moving 7.4.1.9(2)(a-h) of the current regulations to 8.20 of the proposed regulations. The definition of "Industrial Use" was revised to provide a descriptive definition compared to the definition on page 20 of the current regulations. Added "Value-Added Agricultural Commodity Processing Facility" to allow that use in that district, which "Stimulates the retention and expansion of existing businesses, new businesses, etc. in accordance with Goal 1, Objective A. "

C.K. Craven
Homeowner

Staff justification for the first four changes above are adding businesses as permitted uses or special uses, which does support Goal #1 Objective A.

The last item above was basically administrative as the verbiage in 7.4.1.9(2)(a-h) in the current zoning was in Industrial (I) District and moved (2)(a-h) verbatim to the proposed zoning regulations in 8.20, plus added 8.20 (9) "Operations conducted between 7 AM and 7 PM" .

This goal and objective do provide for business uses but should limit those uses to suitable locations. The proposed zoning changes include MU-40, which would permit opportunities for inappropriate location of large-scale intensive uses, manufacturing and residential uses. There is a lack of analysis in the proposed zoning changes to determine the most appropriate areas for industrial and business land uses. This results in haphazard development in areas that lack infrastructure or local services. The proposed zoning would permit large-scale intensive manufacturing processes without a review process to consider the suitability of the proposed site for development and the basic considerations of location in remote areas that lack emergency services, public facilities or transportation networks. This can result in significant fiscal impact to county taxpayers to provide services to large-scale uses in remote locations.

In addition, the potential evidence-based impacts from several of these industries and large-scale intensive uses have questionable economic benefit and widely documented adverse social and environmental impacts. The research also indicates that communities who attract some of the businesses and industries encouraged by these proposed zoning regulations may experience a decrease in property values, a decrease in average income, and an increase in crime. In addition, the heavy trucks and equipment involved in many of these businesses will add maintenance costs to our transportation corridors. Environmental effects do not arise immediately, but often cause irreparable damage. Mitigation of pollution that may occur is never adequately covered by the polluting entity.

Respectfully submitted,



Carolyn K. Craven
101 14th Avenue South
Great Falls, MT 59405

C.K. Craven
Homeowner



Public Comment Form

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Commenter Information

Name: Carolyn K. Craven

Complete Address: 101 14th Avenue South, Great Falls MT 59405

Comment Subject (please check one):

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- Growth Policy Variance Floodplain Regulation Amendment
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- Other (describe): _____

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- 06.08.19 Zoning Districts & Permits
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- 06.11.19 Consultant Report by Kate McMahan
- 06.12.19 PB Hearing on ZR-CC
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For Office Use Only			
Date Received: <u>6-14-19</u>	Date Reviewed: <u>6-14-19</u>	Complete: <input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

PUBLIC HEARING

CASCADE COUNTY PROPOSED ZONING REGULATIONS STAFF REPORT

GROWTH POLICY SUPPORT FOR PROPOSED ZONING CHANGES

Good Evening, Mr. Chairman and Members of the Planning Board. Thank you for the larger venue and evening time. We appreciate it!

- **The prevailing use in the current Agricultural District is rural agriculture and not mixed use. Changing the Agricultural District to Mixed Use 20 and Mixed Use 40 is not justified by current or historic land use in the Agricultural District. The land area located in the proposed MU-40 District is classified as “Cultivated Crops, Prairie/Grassland, Forest/Woodland and Pasture/Hay”. The March 26, 2019 Staff Report notes that the proposed zoning regulations are designed to “...cater to their predominant land use characteristics”. The report continues, “Crop production is the prevailing 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, as clearly demonstrated by the USDA Crop Scape map for Cascade County.**

- **Chapter 8.3 of the 2018 CCGP states: “Prime agricultural soils are hereby established as part of the CCGP...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”.**

Elimination of the Agricultural District and replacing with the MU-40 District that allows large-scale intensive uses will take the agricultural land out of production and does not protect prime farmland. There are no provisions to identify and protect prime farmland and to prevent soil erosion. The uses allowed in the MU-40 District, in addition to agricultural uses, are quite varied, including workforce housing camps, CAFOs, mobile home parks, slaughterhouses, rendering plants, commercial dairies, value-added commodity processing, residential, power plants (incl coal-fired), cemetery, quarry, equipment rental and sales, auctions, contractor yard, junk yard, oil and gas exploration, and others. This is not preserving the agricultural economy and

certainly is not protecting prime farmland and preventing soil erosion.
Agricultural use is also allowed in Heavy Industrial, which allows any “Non-residential uses not otherwise prohibited by law”. That would not be compatible or appropriate for agriculture.

**RECOMMEND ELIMINATING MU-40 AND RETAINING THE
CURRENT AGRICULTURAL DISTRICT WITH EXISTING REGULATIONS**

**ALSO RECOMMEND INCREASING THE MINIMUM LOT SIZE
TO 40 ACRES IN THE CURRENT AGRICULTURAL DISTRICT**

Unlike previous hearings when we were allowed to speak more than once, when I stood up to make a second statement later in the hearing Mr. Merja indicated we only had one comment time. I did not hear that stated in the meeting prior to the first person making a public comment. I had a few more comments I was planning on sharing in the public hearing but of course sat down. Others did not hear that we only had one opportunity to speak either. That should have been printed on the agenda and verbally stated prior to public comments beginning. I would have used my entire five minutes had I known that was the rule.

Respectfully submitted,



Carolyn K. Craven
101 14th Avenue South
Great Falls, MT 59405



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
Email: planningcomments@cascadecountymt.gov

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.

Commenter Information

Name: Nate Kluz

Complete Address: 597 Armington Road

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): 2019 Proposed Zoning Changes

Comment

I fully support the comments made by members of Montanan's for Responsible Land Use (MFRLU) and their consultant, Kate McMahon for the 6/12/19 meeting and in response to this meeting.

I appreciate that the Planning Division (PD) is considering maximum lot coverage area in zoning districts. The current rate of 40% maximum lot coverage area is totally inappropriate. The proposed 10% coverage area is also without merit. PD staff has not provided any rationale for the 10% coverage area. They have not shown any substantive research into this issue to justify the proposed coverage area. What would their peers do in a similar situation? Are there standard accepted practices for determining lot coverage areas in agricultural districts in the rural planning field? Staff has also been recalcitrant to consider public suggestions for issues to analyze. They will not provide a ranking of properties with the largest lot coverage areas in the county, the same analysis they used to determine Fairhaven Colony has the largest lot coverage area in Cascade County (3/26/19 staff report). They also refuse to analyze assemblages of parcels under common ownership to determine what properties have

The largest coverage areas. The absence of any rationale for the proposed lot coverage area makes this decision arbitrary and capricious. The PD needs to provide provide some sort of meaningful analysis that considers actual coverage areas as they are now and public sentiment towards increasing lot coverage areas beyond what they are now in actual use.

For Office Use Only

Date Received:	<u>6-19</u>	Date Reviewed:	<u>6-20-19</u>	Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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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
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Commenter Information

Name: Joy Stender
Complete Address: 4612 12th Avenue, 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 2019 changes to zoning regulations

Comment

In continued recognition of the importance of agriculture and open spaces to the communities of Cascade County, as acknowledged in the County's Growth Policy, I kindly request the Planning Board recommend revising the proposed changes to maintain the regulations of the current Ag District.

For Office Use Only

Date Received:	<u>6-18-19</u>	Date Reviewed:	<u>6-20-19</u>	Complete:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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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
Email: planningcomments@casadecountymt.gov

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.

Commenter Information

Name: LaLonnie Ward, Dennis Ward, Janny Kinion-May
Complete Address: 70 McKinior 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): Zoning Regulations - Proposed Changes

We are owners of a small grain operation located east of Great Falls in the County's Agricultural District. As previously indicated in public comment during the Planning Board meeting on 6/12/2019, our cropland and that of the farms in our region, because of their productive soils, are designated by the USDA/NRCS as "Farmland of Statewide Importance". Maintaining, rather than changing, the current regulations of our Agricultural District more adequately ensures the continued protection of the most productive soils, a specific objective of the County's Growth Policy. Cascade County has plentiful space for growth in areas that would not encroach on its most productive soils and it's agricultural economy.

For Office Use Only			
Date Received:	<u>6-20-19</u>	Date Reviewed:	<u>6-20-19</u> Complete: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No