

Agenda Action Report

prepared for the

Cascade County Commission

ITEM: Cascade County Zoning Regulation Section 2 Definitions and Section 7.2.4 Uses Permitted upon Issuance of a Special Use Permit in Agricultural District

INITIATED BY: Staff

ACTION REQUESTED: Approval of Final Zoning Resolution: Resolution 17-58

PRESENTED BY: Alex Dachs, Senior Planner, Cascade County Planning Division

Synopsis:

To consider the request of the Cascade County Planning Division for updating the existing Cascade County Zoning Regulations, specifically Section 2 (Definitions), and Section 7.2.4 (Uses Permitted Upon Issuance of a Special Use Permit in Agricultural District).

The definition was added "Medical Marijuana Dispensary" due to changes in Montana State Law that will take effect after June 30, 2017. Currently all "providers" are allowed in I-2 Districts, this new term defines dispensary. Previously only Medical Marijuana Provider was defined.

Definitions were also added based on the Special Uses Permitted in an Agricultural District. These include definitions such as meat market, slaughterhouse, rendering plant, wholesale feedlot and distillery. These definitions were added to further define the Special Uses added to the Ag District such as "Commercial propagation, boarding, grazing or butchering of animals and fowl, which also included operating as a wholesale feedlot, meat packing plant, slaughterhouse, rendering plant and the like." Value Added Agricultural Commodity Processing Facility was also added along with Distillery to the allowed uses with a Special Use Permit. Some uses were added due to potential incoming development that would be compatible in agricultural districts as there may not be enough property zoned Heavy Industrial which would allow these types of uses. The use of a Distillery was added based on other uses around the state. A distillery could be contained on a farm property where a crop/farm product is grown and chemically transformed to alcohol on site.

The Planning Board held a public hearing on the zone amendment change request on March 21, 2017. During the hearing the Board heard from planning staff. There were no proponents or opponents.

At the conclusion of the hearing, the Planning Board voted 5-0 to pass a motion recommending approval of the zone amendment change.

Procedural History and Legal Notices:

- Staff discussed changes and updates to zoning regulation based on changes in law and surrounding areas. Drafted language.
- Proposed adding uses permitted with Special Use Permit in an Agricultural District that would impact all the Agricultural Districts.
- Legal notice of the Cascade County Planning Board hearing was published in the Great Falls Tribune on Sunday, March 12, 2017 and Sunday, March 19, 2017.
- The Planning Board held a public hearing during their March 21st meeting.
- Legal notice of the May 9, 2017 Cascade County Commission hearing was published in the Great Falls Tribune on Friday, March 24, 2017, Sunday, March 26, 2017 and April 2, 2017.
- First publishing of legal notice begins the 45-day period requirement between the Planning Board and the Commissioner's meeting as required by MCA 76-2-205. The 45 day period was met on May 8, 2017.
- On May 9, 2017, the Cascade County Commission approved the Resolution of Intention to Amend Section 2 and Section 7 of the Cascade County Zoning Regulations, Resolution #17-39 with a vote of 3-0.
- Legal notice of Resolution 17-39 was published in the *Great Falls Tribune* on May 12, 2017, May 14, 2017 and May 21, 2017.
- A 30 day comment period began at first publishing of this notice; this comment period ended on June 11, 2017.
- Under MCA Section 76-2-205, the County Commissioners are authorized to adopt the final resolution approving the rezoning application since there were no written objections received.

A 30-day protest period as required by MCA 76-2-205 (5)(d) was implemented beginning after the first publication of legal notice published on May 12, 2017. No written protests were received from persons owning real property within the district. Therefore the Board of County Commissioners may in its discretion adopt the resolution amending the zoning regulations within 30 days after the expiration of the protest period pursuant to MCA 76-2-205 (6).

Recommendation:

Pass Resolution 17-58, a final resolution amending Section 2 and Section 7.2.4 of the Cascade County Zoning Regulations.

Motion after publication of Notice and expiration of 30 day protest period:

"I move the Cascade County Commission approve Resolution 17-58, the final to amend the Cascade County Zoning Regulations, Section 2 and Section 7.2.4.

Attachments: Resolution 17-58: Final Resolution

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
CASCADE COUNTY, MONTANA**

RESOLUTION 17-58

**FINAL RESOLUTION AMENDING SECTION 2 AND
SECTION 7 OF THE CASCADE COUNTY ZONING REGULATIONS**

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

WHEREAS, a Zoning District and Regulations therefore was amended by Resolution passed by the Board of County Commissioners on December 13, 2016, as documented on Resolution #16-120 (R# 0332488) on file in the Office of the Clerk and Recorder of Cascade County; and

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

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

WHEREAS, legal notice of the Public Hearing regarding the amended Section 2 and 7.2.4 was published in the Great Falls Tribune on Sunday, March 12, 2017, and March 19, 2017.

WHEREAS, the Cascade County Planning Board on March 21, 2017 held a Public Hearing to allow any interested party to speak for or against the proposed revisions; and

WHEREAS, the Cascade County Planning Board during a Public Hearing held on March 21, 2017 discussed the above mentioned amended Section and passed a motion recommending the County Commissioners approve the amended Section; and

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

WHEREAS, the Cascade County Commissioners held a Public Hearing on May 9, 2017, after legally noticing the public hearings in the Great Falls Tribune on March 24, 2017, March 26, 2017 and April 2, 2017, and passed *Resolution 17-39, R0339199*), a resolution of intent to amend the Cascade County Zoning Regulations; and

WHEREAS, on May 12, 2017, May 14, 2017 and May 21, 2017, the Board of County Commissioners did cause to be published in the Great Falls Tribune a "Public Notice of Passage of Resolution of Intention to Amend the County Zoning Regulations"; and

WHEREAS, the Public Notice established and provided for a thirty (30) day protest period for receipt of written protest by the Board of County Commissioners; and

WHEREAS, there has not been sufficient protest to prevent the amending of the County Zoning Regulations and the County District Zoning Map as herein described,

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

There is hereby passed this final resolution to amend Section 2 and Section 7.2.4 of the Cascade County Zoning Regulations as set forth in Exhibit A attached hereto and by this reference incorporated herein.

This resolution shall take and be in full force and effect as of the date set forth herein below.

Passed by the Board of County Commissioners of Cascade County, Montana, this ____ day of _____, 2017.

BOARD OF COUNTY COMMISSIONERS
OF CASCADE COUNTY

James L. Larson, Chairman

Jane Weber, Commissioner

Joe Briggs, Commissioner

Attest:

Rina Fontana Moore, Clerk and Recorder