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October 15, 2026

Cascade County Planning & GIS Department
Mykenzie Eliason, Planner
121 4th St. No, STE 2H/1
Great Falls, MT 59401

Commission Office
Courthouse Annex
325 2nd Avenue North, Room 111
Great Falls, Montana 59404

RE: Healing the Circle Lodge / Elk Ridge Recovery Special Use Permit Remand Hearing — Neighbor Analysis

Dear Mykenzie Eliason:

Please find enclosed VERIFIED PETITION FOR APPEAL TO THE BOARD OF COUNTY COMMISSIONERS Regarding the Zoning Board of Adjustment's consideration on remand of Special Use Permit Application #007-2026, submitted on behalf of Sara and Douglas Sexe, and other neighboring property owners to the subject property.

Sincerely yours,
RHOADES & ERICKSON PLLC

Quentin M. Rhoades

QMR/sh
Enclosure as noted
C: Client

VERIFIED PETITION FOR APPEAL TO THE BOARD OF COUNTY COMMISSIONERS

(CCZR § 12.3.5.1; § 76-2-227, MCA)

Petitioners Douglas Sexe and Sara Sexe, together with the additional neighboring property owners identified in Paragraph 1 below, respectfully petition the Cascade County Board of County Commissioners (Board) to review the decision of the Cascade County Zoning Board of Adjustment (ZBOA) described below, and set forth that the decision is illegal, in whole or in part, on the grounds specified. Petitioners request the properly noticed de novo public hearing required by § 76-2-227(1)(d), MCA.

In support, Petitioners state:

Parties and Standing

1. Petitioners are the following owners of real property in the vicinity of 2601 Jasper Road, Great Falls, Montana, each of whom is a person aggrieved by the decision described in this petition and each of whom joins in and adopts the grounds set forth below:

   a. Douglas Sexe and Sara Sexe, 3105 Kingwood Court, Great Falls, Montana 59404, who appeared and participated in the proceedings below, including through a written position statement and counsel.

   b. Chris Jernigan and Mary Jernigan, 2700 Jasper Road, Great Falls, Montana, whose property lies immediately opposite or adjoining the Property; Chris Jernigan appeared and provided public comment at the April 16, 2026 ZBOA hearing.

   c. Sherrie Carlstrom, 2705 Ivy Drive, Great Falls, Montana 59404.

   d. Daniel Thomases and Lindsay Carlile, 2701 Huckleberry Dr., Great Falls, Montana 59404.

   e. Meghan Sutton, 3100 Kingwood Court, Great Falls, Montana 59404.

   f. Brian Hopkins, 3204 Jasper Road, Great Falls, MT 59404.

   g. Valerie and Brad Scheevel, 2717 Jasper Road, Great Falls, MT 59404

2. The applicant, Elk Ridge Recovery, LLC, formerly Healing the Circle Lodge, LLC and doing business as True North Recovery (the "Applicant"), is the applicant for Special Use Permit Application #007-2026 concerning the community residential facility at 2601 Jasper Road (the "Property"). The record owner of the Property is Nancy Landa.

Jurisdiction and Timeliness

3. This petition is presented to the Board of County Commissioners under Cascade County Zoning Regulations (CCZR) § 12.3.5.1 and § 76-2-227(1), MCA. Section 76-2-227(1)(a), MCA, authorizes the County to establish by zoning regulation a process for appeal of a decision of the ZBOA to the Board, and CCZR §§ 10.10 and 12 establish that process, under which any person aggrieved by a ZBOA decision may present a verified petition specifying the grounds on which the decision is alleged to be illegal. Under § 76-2-227(1)(d), MCA, the Board must properly give notice and hold a public hearing de novo.

4. The ZBOA voted to grant SUP #007-2026 on September 17, 2026. Under CCZR § 12.3.5.1, a vote of the ZBOA constitutes a final decision that is deemed filed at the adjournment of the meeting. This verified petition is presented within thirty (30) days of that filing, and a final decision on this petition is required within sixty (60) days of its receipt, consistent with § 76-2-227(1)(c), MCA.

Background

5. The Property is zoned Suburban Residential 1 (SR-1) and has been permitted by the County to operate as a community residential facility for up to eight residents. Section 76-2-412, MCA, treats a qualifying facility serving eight or fewer as a residential use, subject to the statute's terms, including subsection (4), which preserves the County's authority to require a permit. Consistent with that statute, the Cascade County Zoning Regulations make a community residential facility of eight or fewer occupants a permitted principal use in the SR-1 zone, while a facility of nine or more is allowed only upon issuance of a special use permit (CCZR §§ 7.3.2, 7.3.4, 7.2.4). The proposed sixteen-transitory short-term resident facility therefore falls outside the by-right residential category and may be approved only if the Applicant independently satisfies every conclusion CCZR § 10.6 requires.

6. SUP #007-2026 seeks to double the authorized occupancy of the Property from eight residents to sixteen transitory residents.

7. On April 16, 2026, the ZBOA denied the application by a vote of 3–2, finding, under CCZR § 10.6, that the impacts of a sixteen-resident facility could not be mitigated as to adjoining property values and neighborhood harmony; that the facility would substantially injure adjoining property values, with no public necessity for this density at this location; that the density was not in harmony with the surrounding residential neighborhood; and that the facility was not consistent with County and adjacent municipal residential use and zoning.

8. The Applicant appealed to this Board. On June 24, 2026, the Board remanded the matter to the ZBOA for further factual development on (i) the water source and feasibility of connecting

to public water; (ii) the timeline and plan for fire-suppression sprinkler-system issues; (iii) emergency access and water-truck delivery concerns; and (iv) the twelve conditions advanced by the neighborhood through public comment.

9. On remand, following a public hearing on September 17, 2026, the ZBOA voted to grant the application subject to eight conditions, thereby reversing its prior denial. The adopted motion refers to findings in the staff report and findings to be put on the hearing record. Condition 7 requires use of the well, rather than cisterns, within six months after approval; condition 8 requires filing Exhibit C, the Declaration of Covenants/Restrictions. Because this Board reviews the application de novo, the matter comes to it for an independent determination on the evidence, not for deference to the September findings.

Governing Standard

10. The Cascade County Zoning Regulations place the burden on the Applicant and require the Board to reach every applicable conclusion before approval. CCZR § 10.6 provides that, before the Board may approve any special use permit, "it must first reach each of the following conclusions." CCZR § 10.9 confirms that "the Board may approve a petition only if it reaches all of the required conclusions," that "the petitioner bears the burden of presenting sufficient factual evidence to support findings of fact that allow the Board to reasonably reach each of the required conclusions," and that those findings must rest on "competent, substantial, and material factual evidence." Montana law is in accord: the applicant bears the burden of presenting sufficient evidence to support the required conclusions, and a special use permit is discretionary—satisfaction of the required findings does not compel issuance. *Plains Grains LP v. Board of County Commissioners of Cascade County*, 2010 MT 155, ¶¶ 53–57, 357 Mont. 61, 238 P.3d 332. Because approval requires every conclusion, the failure of any single § 10.6 conclusion defeats the permit. Section 10.6 permits conditions that, if implemented, mitigate potential conflicts. Its property-value/public-necessity criterion (§ 10.6(3))[1] is disjunctive: the proposed development must not substantially injure adjoining property values *or* must be a public necessity. Petitioners do not contend that all conditional approvals are unlawful.

11. On de novo review, the Board must itself find each applicable § 10.6 conclusion supported by the evidence before it may grant the permit. The Applicant bears the burden of producing that evidence now, for the expanded operation as approved—including its six-month interim water arrangements—and any mitigation essential to a required conclusion must rest on

[1]The Zoning Regulations enumerate the § 10.6 conclusions numerically, (1) through (5). The Department's Findings of Fact & Conclusions label the same conclusions with letters: Standard A corresponds to § 10.6(2) (public health and safety, with considerations (a)–(d)); Standard B to § 10.6(3) (property value or public necessity); Standard C to § 10.6(4) (harmony); and Standard D to § 10.6(5) (Growth Policy). Citations in this petition use the Regulations' numbering; references to the Findings use the Department's lettering.

enforceable, objectively verifiable standards supported by competent, substantial, and material evidence, as CCZR § 10.9 demands. For the reasons below, the Applicant has not met that burden, and the increase to sixteen residents should be denied.

GROUNDS OF ILLEGALITY

Ground One

The Applicant Has Not Established a Lawful, Adequate Water Supply or Addressed Interim-Delivery Impacts

12. The Applicant has not shown a presently lawful and adequate water supply for sixteen residents. There is no current municipal connection; City correspondence describes annexation and utility extension as discretionary and uncertain, not as an unequivocal denial, and the applicant reports that the Gore Hill Water District denied connectivity because the Property lies outside the District's boundaries. The DNRC Notice of Intent to Appropriate Groundwater, authorized July 31, 2026, states on its face that it is "not a water right" and requires a Notice of Completion before an active Groundwater Certificate can issue. The only yield evidence is a 2014 well log reporting an 18-gallon-per-minute, two-hour air test that expressly cautions it may not represent sustainable yield. Neither the authorization nor that historical test shows the well is connected and able to serve the expanded use on a sustained basis. Critically, the staff's own Findings of Fact and Conclusions make no affirmative finding of adequate water supply; they state that "[a]ny adequacy of any water supply would be determined by the [City-County Health Department]" and that CCHD approval "would be required prior to a Location/Conformance (L/C) Permit or Special Use Permit (SUP) being issued"—deferring the determination rather than making it. The staff's water analysis addressed the upgraded septic system and groundwater protection under § 10.6(2)(d), not the adequacy of the potable supply that the expanded use requires under § 10.6(2)(b).

13. The Applicant's own estimate is that water-truck deliveries will rise from about once weekly at eight residents to twice weekly at sixteen until well service begins. Condition 7 allows a six-month interval after approval before well use is required, but fixes no interim delivery route, no vehicle or winter-operation standard, no verified well-capacity benchmark, and no consequence if the well cannot be used by the deadline. Condition 7's own stated purpose—to reduce "the number of delivery trucks and water on icy steep roads in this neighborhood"—concedes the interim hazard while deferring the remedy for six months. Petitioners do not dispute wastewater capacity: the September 4 City-County Health Department sanitarian email states the septic system is sized for the increase and raises no concern.

14. On this record the Board cannot find, as § 10.6(2) and (4) require, that the expanded use will not materially endanger public health or safety—with services and utilities including water a listed consideration under § 10.6(2)(b)—or that it is in harmony with the area. Those conclusions depend on evidence of reliable water service and of the route, frequency, and emergency-access consequences of interim cistern deliveries for sixteen residents—evidence the Applicant has not supplied—and condition 7 supplies no objectively verifiable transition to lawful, adequate well service.

Ground Two

The Applicant Has Not Shown Completed Life-Safety Work or Adequate Emergency Access

15. The Applicant has not shown that the building is presently fit for sixteen residents. The State Building Codes Section Manager advised that a fire-suppression sprinkler system is not required, and Petitioners do not seek to impose one. But the same correspondence identifies interior-stair handrails, an exterior staircase, sleeping-room emergency escape openings, emergency lighting, and an NFPA 72-compliant fire-alarm system as items requiring permitting, installation, and inspection. The applicant reported some items complete and stated that handrails and the exterior staircase would follow approval; the materials do not establish final agency inspection of all required items for the expanded occupancy, and the record contains no confirming response from the Deputy State Fire Marshal or the fire department—only the Applicant's own representations. Condition 1 requires permits and general compliance but does not bar an increase to sixteen residents until the required work is completed and inspected.

16. The record likewise contains no assessment of emergency access. The Board's June 24 remand expressly directed the ZBOA to address "emergency access and water truck delivery concerns," yet the remand materials supply no access, staging, or turnaround evaluation responsive to that directive. The written Findings the Board adopted do not fill the gap: on their face they predate the remand—reciting an "April 6th, 2026" writing date and that "no public comment has been received"—and contain no emergency-access or water-truck-delivery analysis. Conditions 3 and 5 address parking and future right-of-way modifications; neither reflects any evaluation of emergency-vehicle access, staging, or turnaround, or any protocol for deliveries and winter access. Petitioners do not contend such access is impossible—only that the Applicant has offered no competent evidence that it is adequate for sixteen residents and the attendant deliveries.

17. The Board therefore lacks the evidence to find the public-health-and-safety conclusion satisfied for the occupancy and interim-delivery operations the permit authorizes.

Ground Three

The Mitigation on Which Approval Depends Is Not Yet Binding

18. Approval rests on mitigation that is not yet enforceable. Exhibit C is labeled "PROPOSED DRAFT—NOT FINAL UNLESS AND UNTIL EXECUTED BY ALL PARTIES AND RECORDED." Its paragraph 10 requires recording before the SUP becomes effective, and condition 8 requires filing Exhibit C and complying with its restrictions. Petitioners acknowledge both provisions, but the Board cannot presently rely on the covenant to find impacts mitigated when no party has executed or recorded it, no mechanism verifies execution before expanded occupancy, and the consequence of non-execution is unstated. The decision should identify which restrictions are enforceable as permit conditions independent of the instrument and which depend on it. Moreover, the covenant runs with the land and must be executed by the Property's record owner, Nancy Landa; Condition 8 directs only "the Applicant"—the operating entity—to file it, leaving unresolved whether the party who controls the land will be bound before expanded occupancy begins.

19. The operative terms are also internally inconsistent in ways that bear on any mitigation finding: condition 3 says residents "should" not have vehicles while Exhibit C states a mandatory prohibition, and condition 4 requires "at least two to three" on-site staff without a definite minimum. Mitigation essential to a required conclusion must rest on a definite, enforceable standard, and these do not.

Ground Four

The Record Does Not Satisfy Either Prong of the Property-Value / Public-Necessity Criterion

20. The § 10.6(3) criterion is disjunctive—the use must not substantially injure adjoining property values or must be a public necessity—so the Board must affirmatively find one prong satisfied on the de novo record, on competent, substantial, and material evidence. It cannot on this record. The staff's own Findings rest the criterion solely on the public-necessity prong while conceding that "[t]here may be minor impacts on adjacent property value," and they ground necessity in "a substantial need for inpatient level 3.5 treatment in Cascade County and Montana." That is generalized, county- and state-wide evidence of demand; it does not establish a public necessity for sixteen-resident density at this particular site, and the Applicant offers no site-specific analysis of impact on adjoining values sufficient to support a finding of no substantial injury. Petitioners do not rely on residents' disabilities or treatment status as evidence of diminished value, and the Board should rest neither prong on that basis; the deficiency is the absence of competent, site-specific evidence, not the nature of the use.

Ground Five

The Applicant Has Not Shown the Expanded Intensity Is in Harmony with the Area

21. Doubling authorized occupancy increases the intensity of the use, and the Applicant bears the burden of showing that the result is in harmony with a single-family residential neighborhood. The staff's own Findings acknowledge that the expansion "is a higher density than the surrounding area, which would not be in harmony," and then rely on a single condition barring on-street parking (Condition 3) to resolve that conflict—a parking restriction that bears no relationship to the density incompatibility the staff identified. The surrounding land is largely within the City of Great Falls and zoned R-2 single-family, and the City submitted no response to the hearing notice, leaving the density-and-harmony conflict unresolved by any competent evidence. The conditions on parking, staffing, occupancy, well use, and Exhibit C address some impacts, but no evidence explains how they resolve the specific delivery, access, and operational conflicts a sixteen-resident clinically managed commercial for-profit facility generates at this site. Petitioners need not equate the facility with a sixteen-unit apartment development to make the point; the burden is on the Applicant, and a bare assertion of compatibility does not meet it.

Ground Six

The September 17 Approval Rests on Pre-Remand Findings and on Impermissibly Deferred Compliance

A. The adopted Findings do not address the remanded issues or supply an independent determination.

22. The written Findings the ZBOA adopted neither address the matters the Board remanded nor supply the independent determination de novo review requires. The adopted motion rested on "findings of fact and conclusions of law in the staff report and to be put on the record at the public hearing." But the written Findings of Fact & Conclusions for SUP #007-2026 are, on their face, the Department's pre-remand analysis: they recite an "April 6th, 2026" writing date, state that "no public comment has been received," and contain no analysis of the four issues the Board remanded on June 24—the water source and the feasibility of a public-water connection, the fire-suppression and life-safety timeline, emergency access and water-truck delivery, and the twelve neighborhood conditions. On adequacy of water those Findings state only that "[a]ny adequacy of any water supply would be determined by the [CCHD]," and they treat the public-health-and-safety conclusion as "addressed and mitigated by Condition #1." The separate September 17 Staff Report for Remand recites the Applicant's submissions on the remanded points, but a staff report summarizing the Applicant's own materials is not a finding of the Board and does not itself supply the competent, substantial, and material evidence, or the Board's own reasoned conclusions, that CCZR §§ 10.6 and 10.9 require. To the extent the approval rests on the written Findings, it rests on analysis that predates and does not address the remanded record; to the extent it rests instead on oral "findings … to be put on the record" not reduced to writing when the motion passed, it does not reflect the reasoned, evidence-supported determination CCZR §§ 10.6 and 10.9 require. On de novo review the Board must make that determination itself, on the present record.

10.9 require. On de novo review the Board must make that determination itself, on the present record.

B. The approval defers essential compliance past the point of expanded occupancy.

23. The approval also rests on conditions that defer essential compliance beyond the moment the expanded use begins. A conditional SUP is permissible, but a condition cannot substitute for a required finding when it postpones the very compliance on which the finding depends. Here the six-month well deadline permits expanded occupancy during a period of continued cistern deliveries; the life-safety items may remain uninspected; and the covenant may remain unexecuted—yet each is essential to a § 10.6 conclusion. On de novo review the Board should deny the increase or, at a minimum, modify the approval so that lawful and adequate water service, agency inspection of required life-safety work, and execution and recording of Exhibit C are completed and verified before occupancy exceeds eight residents.

Ground Seven

Reserved Procedural Issue Subject to Verification of the Hearing Record

24. The record reflects that notice of the September 17 hearing was sent to interested agencies and adjacent property owners on September 4, 2026, and published on September 6 and September 13, 2026; Petitioners therefore do not presently assert a notice defect. Petitioners note, however, that the reverse-and-grant motion rested on "findings of fact and conclusions of law in the staff report and to be put on the record at the public hearing"—that is, findings not yet reduced to writing when the motion passed—which underscores the need for the independent, reasoned de novo determination this petition seeks. Petitioners request preservation and production of the September 17 audio, minutes, and any written findings, and reserve any procedural objection those materials support, including any showing that interested persons lacked the reasonable predecision opportunity to submit views required by § 2-3-111, MCA. In all events, the de novo hearing this petition requests will itself afford that opportunity.

Ground Eight

Procedural Issue Precluding Decision of ZBOA

25. As set forth in Brian Hopkins' July 14, 2026 letter to the Board, which is referenced as if fully set forth herein, at the June 24, 2026 hearing, the Board's regulatory responsibility was to remand, reverse, modify or affirm the ZBOA decision. As noted above, the only authority for the Commission to remand was to address the "special exceptions" asserted by Applicant's counsel, and the Commission did not do that. There was no authority for the Commission to remand to the ZBOA to allow an applicant to retroactively "clean up" its SUP application. Cisterns, water supplies, sewage disposal and fire suppression systems were not part of the

Applicant's appeal and should not have been discussed at this stage. Thus, the ZBOA hearing and decision were invalid and should carry no effect.

Relief Requested

26. Petitioners respectfully request that the Board of County Commissioners properly notice and conduct a de novo public hearing under § 76-2-227(1)(d), MCA, and then:

    a. Reverse the ZBOA's September 17, 2026, grant of SUP #007-2026 and deny the proposed increase to sixteen residents, because the evidence does not support each conclusion CCZR § 10.6 requires;

    b. In the alternative, remand for further findings or modify the approval to state enforceable, objectively verifiable conditions appropriate to the evidence, including a lawful and adequate interim water source and delivery plan; documented adequate well capacity and authorization before cistern deliveries cease; a defined consequence if the six-month well deadline is not met; agency verification of required life-safety work before expanded occupancy; a specific emergency-access and winter-delivery plan; execution and recording of a final Exhibit C before the expanded use becomes effective; and definite parking, staffing, occupancy, compliance-reporting, and enforcement terms. Any condition should be tailored to the demonstrated impacts and applicable law;

    c. Require the decision to identify the evidence and reasoning supporting each applicable CCZR § 10.6 conclusion and the conditions on which that conclusion depends; and

    d. Grant such other and further relief as is just and consistent with CCZR § 12.3.5.1 and § 76-2-227, MCA.

Verification

Each of the undersigned Petitioners declares under penalty of perjury under the laws of the State of Montana that he or she owns (or co-owns) the property identified for that Petitioner in Paragraph 1 of this petition, has read the foregoing Verified Petition for Appeal, and believes the factual statements in it to be true and correct to the best of his or her knowledge, information, and belief. The arguments and characterizations of law are made by counsel.

Paragraph 1(a) — Douglas and Sara Sexe

Douglas Sexe
Douglas Sexe (Oct 15, 2026 09:27:27 MDT) Date: 10/15/2026

Douglas Sexe — 3105 Kingwood Court, Great Falls, MT 59404

Sara Sexe
Sara Sexe (Oct 15, 2026 09:28:17 MDT) Date: 10/15/2026

Sara Sexe — 3105 Kingwood Court, Great Falls, MT 59404

Paragraph 1(b) — Chris and Mary Jernigan

Chris Jernigan (Oct 14, 2026 09:13:56 PDT) Date: 10/14/2026

Chris Jernigan — 2700 Jasper Road, Great Falls, MT

Mary Jernigan (Oct 14, 2026 09:21:26 PDT) Date: 10/14/2026

Mary Jernigan — 2700 Jasper Road, Great Falls, MT

Paragraph 1(c) — Sherrie Carlstrom

Sherrie Carlstrom
Sherrie Carlstrom (Oct 14, 2026 09:34:47 MDT) Date: 10/14/2026

Sherrie Carlstrom — 2705 Ivy Drive, Great Falls, MT 59404

Paragraph 1(d) — Daniel Thomases and Lindsay Carlile

_____ Date: _____

Daniel Thomases — 2701 Huckleberry Dr., Great Falls, MT 59404

Lindsay Carlile (Oct 14, 2026 11:16:20 MDT) Date: 10/14/2026

Lindsay Carlile — 2701 Huckleberry Dr., Great Falls, MT 59404

Paragraph 1(e) — Meghan Sutton and Ben Myers

_____ Date: _____

Meghan Sutton — 3100 Kingwood Court, Great Falls, MT 59404

Paragraph 1(f) — Brian Hopkins

Brian Hopkins
Brian Hopkins (Oct 14, 2026 12:03:09 MDT) Date: 10/14/2026

Brian Hopkins—3204 Jasper Road, Great Falls, MT 59404

Paragraph 1(g) — Valerie and Brad Scheevel

_____ Date: _____

Valerie Scheevel, 2717 Jasper Road, Great Falls, MT 59404

_____ Date: _____

Brad Scheevel, 2717 Jasper Road, Great Falls, MT 59404

_____ Date: 10/14/2026

Quentin M. Rhoades
Rhoades & Erickson, PLLC
Counsel for Petitioners

Paragraph 1(b) — Chris and Mary Jernigan

_____ Date: _____
Chris Jernigan — 2700 Jasper Road, Great Falls, MT

_____ Date: _____
Mary Jernigan — 2700 Jasper Road, Great Falls, MT

Paragraph 1(c) — Sherrie Carlstrom

_____ Date: _____
Sherrie Carlstrom — 2705 Ivy Drive, Great Falls, MT 59404

Paragraph 1(d) — Daniel Thomases and Lindsay Carlile

_____ Date: _____
Daniel Thomases — 2701 Huckleberry Dr., Great Falls, MT 59404

_____ Date: _____
Lindsay Carlile — 2701 Huckleberry Dr., Great Falls, MT 59404

Paragraph 1(e) — Meghan Sutton and Ben Myers

_____ Date: 10/15/24
Meghan Sutton — 3100 Kingwood Court, Great Falls, MT 59404

Paragraph 1(f) — Brian Hopkins

_____ Date: _____
Brian Hopkins—3204 Jasper Road, Great Falls, MT 59404

Paragraph 1(g) — Valerie and Brad Scheevel

_____ Date: _____
Valerie Scheevel, 2717 Jasper Road, Great Falls, MT 59404

_____ Date: _____
Brad Scheevel, 2717 Jasper Road, Great Falls, MT 59404

_____ Date: _____
Quentin M. Rhoades
Rhoades & Erickson, PLLC
Counsel for Petitioners